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SENATE—*Wednesday, May 5, 2004*

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, our Father, high above all yet in all, the burdens of our world are great and our hands often seem so small. Keep us from becoming weary in doing well and use us as Your instruments in these challenging times. Forgive us when we have failed to reach out to the lost, the lonely, and the least.

Empower us to bring Your freedom to those shackled by the manacles of fear. Help us to lift some burden that is too heavy for our neighbors to carry. Renew our strength and enable us to bring light to the growing darkness. As we seek to lead by example, may others praise You because we have stood firm against evil.

We pray for the Members of our Senate. Lengthen their sight that they may see beyond today and make decisions that will have an impact for eternity. Prepare our hearts to respond to You and to live for Your glory. Help each of us to find the special purpose You have in mind for our life.

Sustain our military in the heat of its challenges.

We pray this in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK, a Senator from the State of Kansas, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 5, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of leader time under the standing order.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for 60 minutes with the first 30 minutes under the control of the Democratic leader or his designee, and the second 30 minutes under the control of the majority leader or his designee.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

RISING GASOLINE PRICES

Mr. DASCHLE. Mr. President, I intend to use my leader time this morning and comment, if I may, on gasoline prices. They continue to hit record highs.

According to the Department of Energy, the average retail price of a gallon of gasoline in America is more than $1.84, up 23 cents in the last two months, 33 cents in the last year, and 37 cents in the past 36 months.

In my State of South Dakota, the average price of gasoline is $1.80 per gallon, with many communities seeing much higher prices than that. Even more troubling, the Department of Energy expects prices to remain high through the summer. This is of particular concern for rural States such as South Dakota, where many people have no choice but to drive long distances daily to get to their jobs, to receive health care, or just to shop for essentials. Americans are increasingly frustrated with skyrocketing gas prices and want to know what the Federal Government is going to do about it. And they want action now.

In March, I sent a letter to the President recommending that he take several initiatives that could curb gasoline prices at home. First, I suggested that he use the prestige of his office and his relationships with foreign leaders to press the Organization of Petroleum Exporting Countries—OPEC—to increase production, thereby relieving some of the pressure on gas prices in the United States in the long term. This is not a radical idea. In fact, on more than one occasion in the fall of 2000, then-candidate Bush put the challenge directly to the President. His message was clear:

> What I think the President ought to do is he ought to get on the phone with the OPEC cartel and say, "We expect you to open the spigots."

If that was good advice then, it is certainly sound counsel now. Unfortunately, President Bush has not followed his own advice.

Secretary of Energy Abraham announced earlier this year that the Bush administration would not call on OPEC to roll back their scheduled production cuts. Secretary Abraham said, "The United States is not going to go around the world begging for oil." On April 1, OPEC went ahead with the production cuts.

In my March letter, I also asked the President to follow the Senate's advice and stop diverting oil from the marketplace to fill the Strategic Petroleum Reserve. On March 11, the Senate voted 52 to 43 for an amendment that would stop the diversions of oil. Simply put, it is illogical to be taking oil out of the marketplace when gasoline prices are

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

so high. If anything, we should be doing just the opposite. The President has ignored the Senate's advice, and gasoline prices continue to rise.

To add insult to injury, we now know that the large oil companies are reaping record profits as a result of the volatility in the gasoline market, while consumers are struggling with higher prices at the pump. Over the past year, the "Big Four" oil companies have seen an average increase in their U.S. profits of 157 percent. Chevron-Texaco has seen a 294 percent increase in its U.S. refining and marketing profits. BP has seen a 165 percent increase. ExxonMobil has seen a 125 percent increase. And Conoco-Phillips has seen a 44 percent increase.

Consumers have reason to be upset. While the big oil companies are raking in record profits, President Bush remains reluctant to take steps that could reduce the costs consumers face. It is time to reconsider this posture.

In the short term, I hope that President Bush will take another look at the value of encouraging OPEC to increase production now.

Senator WYDEN, who is on the floor this morning, has introduced a resolution calling on the President to do just that. I hope the Senate would ratify it and would encourage, on a bipartisan basis, the President to take this action with the passage of the resolution. This resolution contains the same language as the resolution the Senate passed unanimously in 2000, when then-Senators Ashcroft and Abraham joined others in offering it. I hope that the Senate will act on the Wyden resolution soon.

I also encourage the President to reconsider his decision to continue filling the Strategic Petroleum Reserve. But short-term fixes are not the answer to our longer-term energy supply problem. The Nation needs a balanced, national energy policy. This Congress has considered comprehensive energy legislation. I have voted for the conference version of this legislation twice—once in November when it contained the controversial MTBE liability relief provision, and again last week when Senator DOMENICI offered a slimmed down version with the MTBE rider as an amendment to the Internet tax bill. It was defeated both times by bipartisan votes.

It is no secret that I strongly support the renewable fuels standard provision of the comprehensive energy bill. That section would double the amount of ethanol produced in the United States over the next 10 years. In the process, it would boost rural income, improve air quality, and extend domestic gasoline supply.

The use of domestically produced, renewable ethanol has effectively lowered gasoline prices to motorists whenever it has been made available during its 25-year history. This is because high-octane, clean-burning renewable fuels, especially ethanol, increase available volume of finished gasoline by more than 10 percent today and give gasoline markets more supply options.

In addition, the reduced tax that is imposed on renewable fuel also saved consumers millions of dollars each year as ethanol blends are nearly always priced lower than conventional gasoline.

Reenactment of the renewable fuel standard would result in more than 500,000 barrels per day of high-octane, refined ethanol for blending with gasoline, saving the United States $4 billion in imported oil each year because we would double the use of renewable fuels.

Unlike the comprehensive Energy bill which remains stalled by bipartisan opposition to specific provisions, the renewable fuel standard enjoys strong bipartisan support. It has been reported out of the Environment and Public Works Committee twice and passed by the Senate twice, both times by more than a two-thirds vote. It is still pending in the Senate today. Last June, 68 Senators voted in favor of RFS when then-Majority Leader FRIST and I offered it as an amendment to the Energy bill. The renewable fuel standard will help blunt rising gasoline prices. If Congress is not able to pass the RFS as part of a comprehensive energy bill, it should pass it on its own. It is the right thing to do for consumers.

Beyond that, we have to recognize this country cannot sustain its current consumption of gasoline and of transportation fuels. We have to find ways in a comprehensive energy policy to deal with an issue that many on the other side are unwilling to deal with, and that is conservation. We have the capacity to improve conservation, to reduce per capita demand. We have a capacity now to use the technological innovation, the extraordinary research that has been offered in the last 20 years to bring down consumption in both comprehensive as well as in individual and specific ways. I have absolutely every confidence that if our Members would continue to work on comprehensive energy legislation with an understanding of the importance of conservation, of reduction of our insatiable appetite for more and more energy, we could do it. It must be a part of any long-term energy policy if, indeed, we are going to bring this country to a balanced and a pragmatic appreciation of the extraordinary implications of current energy policy and demand in this country today.

Again, I hope we all recognize the volatility and the extraordinary danger economically and financially we put our country and all Americans in if we are not prepared to address energy prices, gasoline prices, more effectively than we have so far at the Federal level.

Mr. REID. Will the Senator yield?

Mr. DASCHLE. I am happy to yield.

Mr. REID. We worked yesterday at great length on the FSC bill and were able to get the amendment we have been trying to get a vote on for several months dealing with overtime. The amendment, of course, passed. That is out of the way.

The Democrats are offering lots of amendments. We have amendments that are pending that have been offered by a number of Democratic Senators, amendments we have in the queue, and other Democrats have indicated they are willing to offer their amendments.

I say to my friend, the distinguished Democratic leader, on our side we feel this bill is doable and we can do it quite quickly. I want the record to be spread with a statement from the Democratic leader that we want the bill to pass. If it does not pass, it is not going to be anything that has been done by the minority. The FSC bill is important. We realize it has been important for some time and have done everything we can to get it passed.

Would the Democratic leader indicate his feelings about this most important piece of legislation.

Mr. DASCHLE. Mr. President, I respond to the distinguished assistant Democratic leader by first thanking him for again clarifying our circumstances with regard to the FSC bill. I said in the Senate yesterday, and I know he has reiterated our commitment, that we will pass the bill this week if we can get the cooperation of Senators on both sides.

Working with the distinguished assistant Democratic leader, we have winnowed down the number of amendments on our side to a handful. We are very confident we can finish the consideration of the pending Democratic amendments, certainly within the next couple of days. I have yet to hear from our Republican colleagues as to the status of the 55 amendments that were offered on their side. I have no information that would lead me to believe they have had similar success. I hope that is not the case. I hope they have been able to convince Republican Senators that 55 amendments, as prolific as that sounds, would make it impossible to finish the bill this week.

We are prepared to continue to work to see we bring our debate on this bill to closure. I am confident we can do that, at least on our side, and I appreciate very much the Senator from Nevada working so diligently with the managers of the bill to accommodate our optimism about our success in completing the bill this week.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

STRATEGIC PETROLEUM RESERVE

Mr. WYDEN. Mr. President, at a time when there are record gasoline prices for the American consumer and record oil company profits, the Bush administration is filling our Strategic Petroleum Reserve at 2½ times the average fill rate. Over the last 2 years, the average fill rate has been about 120,000 barrels a day. Recently, it has been hovering around 300,000 barrels a day. Using the figures provided by the administration's Energy Information Administration Office, these policies would raise the price of oil per barrel about $1.50.

I come to the Senate today to say I believe the Bush administration's policies with respect to the Strategic Petroleum Reserve are hitting the American people with a double whammy. For the American people, more of their tax dollars are now being spent for filling the Strategic Petroleum Reserve and more of their take-home dollars are being spent on gasoline at the pump.

I come today to say if the Bush administration is not willing to at least reduce the fill rate of the Strategic Petroleum Reserve, I ask the Bush administration to stop filling the Strategic Petroleum Reserve with a firehose. It is that simple.

Over the course of the year, the administration may say, we reach an average fill rate of 120,000 barrels a day. There is a great amount of oil in some months and no oil in other months.

To that, I say the months before the peak driving season, when gasoline is already at record prices, are not the months to go whole hog in filling the Strategic Petroleum Reserve. This is not the time to pour in the maximum amount of oil. One reason is because oil prices are already so high that American taxpayers are spending top dollar for the oil being put into the reserve. Anyone who has ever had to run their own family finances knows when prices are high, sometimes you wait until the price comes down to buy what you want.

There is another, more compelling reason to slow the rate of fill in the Strategic Petroleum Reserve. It is because this administration's policy is actually contributing to the high gas prices shellacking working Americans' pocketbooks every day from coast to coast.

I am of the view the American consumer is about to get hit by a perfect storm with respect to these gasoline prices. The combination of OPEC cutbacks, the fact the Federal Trade Commission—the agency that is supposed to protect our consumers—is sitting on its hands, the fact you actually get a tax break for closing a profitable oil refinery, these Strategic Petroleum Reserve policies, is going to create a perfect storm that is going to be devastating for American consumers across our country.

I know my colleagues are here and want to talk about this issue, as well, so I will abbreviate my statement.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from the great State of New Jersey.

Mr. CORZINE. Thank you, Mr. President.

Mr. REID. Mr. President, will the Senator yield in order for me to make a unanimous consent request.

Mr. CORZINE. Certainly.

ORDER OF PROCEDURE

Mr. REID. Mr. President, on the Democratic side, how much time do we have?

The ACTING PRESIDENT pro tempore. Twenty-five and a half minutes.

Mr. REID. Mr. President, we would, on this side, yield 7½ minutes to Senator CORZINE, 7½ minutes to Senator SCHUMER, and 7½ minutes to Senator BREAUX. I ask unanimous consent that be the order.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from New Jersey.

GAS PRICES

Mr. CORZINE. Mr. President, first of all, let me go back and compliment my colleague from Oregon, who I think has analyzed a problem that fits into a pattern of economic pressure that we see building on the middle class in America.

There is nothing more fundamental today in life than filling the car with gasoline and using it for commuting and taking the kids to school and doing all the normal tasks that we have going on. We see the same problem, by the way, with health care costs, tuition costs, and with property taxes across this country.

While there may be some good economic statistics out there, middle-class Americans are being hit unbelievably hard on the fundamentals that drive their basic budgets. Nothing—nothing—more clearly demonstrates this than these rising gasoline prices we have been experiencing this year. There has been a 23-cent increase in the price of gasoline. Nationally, the average price for gasoline is $1.84 a gallon. Many places in the country it is over $2 a gallon.

This comes from flawed simple economics 101, supply and demand. This administration is doing everything that you can imagine to hold back supply by filling the petroleum reserve at accelerated rates, when it is already about 95 percent full. It does not need to be in this position.

As we go into the summer season, the "perfect storm" the Senator from Oregon talks about is also being implemented with regard to other policies. It is counter to any basic economic analysis that you would want, to be taking supply off the market that would run down prices. I don't know what people are thinking when they implement policies that are going to restrict supply, and when they are unwilling to confront OPEC as they are cutting back supply. What we are getting is the natural result of rising prices, which is coming right out of the pocketbook of middle-class Americans. It is just absolutely wrong.

If you are cynical, you can also say, well, maybe it is because some people benefit from these higher prices. Being someone who worked in the private sector for 25 years of my life, I don't think profits are a bad thing. But when the American people are suffering from this erosion of their quality of life—because of the rise in property taxes; health care costs, tuition costs, and now gas prices—you wonder why it is so appropriate that Exxon-Mobil's profits were up 125 percent in the first quarter of this year; BP's profits were up 165 percent; and Chevron-Texaco's profits were up 294 percent. Is that economic fairness, in any context, particularly when you put it into the perspective that what the Bush administration is doing is restricting supply?

This is just wrong. It is out of the context of what is best for the American economy and for growth and the quality of life of Americans. It needs to be addressed. We are creating a windfall for American business at the expense of middle-class Americans. And it is happening day after day after day.

I do not begrudge profits, but I don't think it ought to be done on the backs of the American middle class because of the general macroeconomic policies of the President. And that is exactly what we have right now. It is wrong and needs to be pushed back, just as we need to confront Saudi Arabia with regard to its leadership in OPEC. If they are our ally, as they claim to be, then we ought to be speaking to them about increasing the production of oil out of OPEC as opposed to the restrictions we have seen.

From what we understand from all news reports and actually the Saudi Foreign Minister has said, there has not been one word of contact from this administration to the Saudis about OPEC production.

So now we have two of those very large ingredients into the supply and demand equation. That is why we are getting high prices. That is why gas is $1.84 a gallon, on average, in the country. And that is why it is $2 a gallon on the coast and most of the places where our larger population segments work.

It is really troubling we cannot put together a response to something that is eroding the quality of life in the aftertax base of middle-class Americans to actually operate in a sound way. So I hope we will all follow Senator WYDEN's lead. He has done a terrific job of bringing focus to it, as has the Senator from New York, talking about pushing back against OPEC on production cutbacks. We really need to take a stand for the American people, not for the oil companies and the profitability we are seeing brought forth.

At a time when we still have not recovered those 2.6 million private sector job losses, when 8.5 million Americans are unemployed, why we are putting more pressure on middle-class Americans and their quality of life is just hard to believe. It is time for a change. Supporting the proposition of the Senator from Oregon is one that I think we all ought to get out and get to work on.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Mr. President, of the time allocated to the Democrats, I would yield 4 minutes to the Senator from Illinois, Mr. DURBIN. Do we have the ability to do that, allocating the 4 minutes? If the Senator from New Jersey used all his time, we do not.

The ACTING PRESIDENT pro tempore. There are 4 minutes for you to be able to yield.

Mr. REID. I yield the 4 minutes to Senator DURBIN.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Nevada. And I thank my colleague from New York, who will follow me.

ABUSE OF IRAQI PRISONERS

Mr. DURBIN. Mr. President, there is not an American today who woke up and did not hear the lead news story, a story which has, frankly, brought us to a position of embarrassment with the abuses that have been sadly documented and have been spread across the world relating to the treatment of Iraqi prisoners.

The word is that the President of the United States is going to address the Arab nations through their own television network to talk about his disappointment, and I hope with an apology for what has occurred.

But we have a responsibility on Capitol Hill. We have a responsibility in the Senate. I believe we should move, and move decisively, No. 1, to entertain and pass a resolution on this floor that makes it clear that what happened in that Iraqi prison is not what America is all about, and that those responsible for it—from those whose photographs were taken, all the way up the chain of command—need to be held accountable for their actions. Nothing less than that should be tolerated.

Secondly, the Secretary of Defense, Don Rumsfeld, should be appearing before a committee on Capitol Hill, on a timely basis, as quickly as possible, to explain exactly what happened. It is absolutely incredible that the Secretary of Defense had no knowledge of this event, nor of the investigation that followed.

Finally, let me say this. Many of us believe what happened last week with the appearance of the Secretary of Defense on Capitol Hill was extremely troubling. Last Thursday, Secretary of Defense Don Rumsfeld appeared in a classified briefing on Capitol Hill, telling the Senate membership the state of affairs in Iraq. It was the same day that this story was to be aired on "60 Minutes II," the story relating to Iraqi prisoners.

The fact is, the Secretary testified without even indicating to the Members of the Senate that this story existed or was about to be disclosed to the American people. That is unacceptable.

The Secretary of Defense needs to return to Capitol Hill tomorrow to give another classified briefing to the Members of the Senate, to tell us exactly what transpired, why he did not disclose this to Members of the Senate, and why there is this veil of secrecy in this administration when it comes to one of the most troubling stories that has emerged since our invasion of Iraq.

I have spoken to our Democratic leader, Tom Daschle. He has been in conversation and dialogue with Senator FRIST, the Republican leader, and has an agreement that all three things that I have just outlined will occur: a resolution on the floor relative to the Iraqi prison scandal; secondly, an appearance by Secretary Rumsfeld in open hearing before a committee as soon as possible; and, third, a request that the Secretary come to Congress, on a classified basis, and meet with us tomorrow, before this week ends, before this Senate leaves, to explain to us what has happened in this terrible episode.

Those who are responsible for this need to be held accountable—whether they are the soldiers involved in it and right up the chain of command to the leadership that failed. If we do not do this, frankly, we are jeopardizing the security of this country and the safety of our men and women in uniform, who still continue to struggle in Iraq to find peace and stability in that country.

We need to move now. We need to move decisively. We need to show the leadership on Capitol Hill which has failed to this point. The way to do it is through these three approaches.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, through the Chair to my friend from Illinois, I appreciate very much his statement. I am hopeful and confident that agreement on those strategies will be reached today. I am terribly disappointed, and not only in what we did not hear from the Secretary of Defense.

Mr. SCHUMER. Mr. President, I think I have 6½ minutes. I yield a minute of my time to the Senator from Nevada.

Mr. REID. Mr. President, there was more brass in 407 last Thursday than would make up a band, four stars all over the place, including the Chairman of the Joint Chiefs of Staff. Not a single one of those people in the chain of command even breathed a word of the impending scandal that they knew about as they briefed us. It is a terrible situation when we meet in secret up in room 407 and something as scandalous as American troops killing—we now have confirmed two homicides—prisoners of war in addition to humiliating them through sexual pictures and doing other things that speak so poorly of our military that I am sickened to my stomach.

Mr. President, we will take 1 minute from Senator BREAUX.

Mr. DURBIN. I ask unanimous consent for 1 additional minute through Senator BREAUX's time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. I agree completely with the Senator from Nevada. I have a feeling of embarrassment and also sadness, sadness for the thousands of men and women in uniform risking their lives today, serving us so nobly in Iraq, who are going to be swept into this vortex. We have to make certain the soldiers who are responsible for this as well as their leaders in command are brought out and held accountable so that our fine men and women who are fighting in the military in Iraq do not have to bear this burden. They are our best and brightest. We owe them the greatest respect. But let us be honest; what happened here is not typical of America, certainly not typical of our military. Unless we are forthright and open in accountability, it is going to sweep all of them into this veil of blame. That would be unfortunate.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized for 6 minutes.

Mr. SCHUMER. I thank my colleagues from Nevada and Illinois for what they have said. The bottom line is, of course, very little could be more counterproductive to this war effort than what has happened. The best way to deal with it is to come clean and come clean quickly, to find out how often it happened, where it happened, how high up the chain of command, and exorcise it. Because to the overwhelming majority of our troops and our military leadership this is abhorrent. The sooner we can exorcise this cancer, the better off we will all be. Keeping this secret is not going to work. It is going to come out. It has come out. I join my colleagues. I hope we can get Secretary Rumsfeld to come back before us very quickly and give us a full and complete briefing on what has happened. That should happen this week, because last week he gave a briefing in room 407 and didn't even mention this, even though it was going to appear on TV that night.

All of us who care so much about our troops, who are risking their lives with bravery, hate to see any stain upon them. The quicker we deal with this, the better it will be for everybody. Don't hide it. Don't underplay it. Just get it out, exorcise it, and go forward. That is what we have to do. I hope Mr. Rumsfeld will come before us quickly.

OIL PRICES

Mr. SCHUMER. Mr. President, I rise to discuss oil prices, another problem vexing America. Everywhere I go in my State, people are just amazed that gasoline prices are through the roof. It is hurting everybody. There was a report last week that people were buying a little less food. You know you are getting down to the bare bones. Costs of everything could go up. Inflation, thankfully, has stayed low, but if energy prices stay this high for this long, they are going to get higher. What is so troubling is that we have the tools to bring the prices back down. The administration is fiddling while high-priced gasoline burns, if you will.

The No. 1 culprit is not the lack of refineries. Let me make clear: We do have a shortage of refineries. We have had a shortage for 15 years. The price has not been this high for 15 years. The price was a lot lower a year ago with the same number of refineries.

The problem is OPEC. OPEC has gotten together, led by the Saudis, and decided that the old ceiling of $28 a barrel is no longer the ceiling. It is approaching $40 a barrel. That is danger for our people, our economy. Senator CORZINE mentioned before, you see the great economic numbers and then you talk to average folks and they are having as much trouble paying the bills and making ends meet as they ever did before. My view of my role as Senator is to help those folks with their daily lives, not to just look at numbers in the newspaper and say, the numbers are good but, rather, to talk to average people and say: How are you doing? When I ask that, they say: Well, I would be doing a lot better if gasoline prices were lower.

We have a weapon. We have the Strategic Petroleum Reserve. The Strategic Petroleum Reserve's first and foremost purpose is to be there in an emergency. But we changed the law. I helped change it. It can be used when gasoline prices are too high as a temporary way of bringing them down. That is what we should be doing.

The bottom line is, instead of actually putting more oil on the market to lower the price, we are increasing the reserve as we speak, raising the price even further, even though the reserve is over 90 percent full.

I have a resolution I hope to introduce on some bill soon enough that asks the President to confront OPEC, not to play footsie with them, not to just tell the Saudis we understand.

I understand there has been a close relationship between many in this administration and the Saudis and the oil companies. It is sort of a Bermuda Triangle into which oil prices just go. But enough is enough. We should be putting a million barrels of oil out into the market for 30 or 60 days and watch, the price will come down.

I don't regard this as a partisan activity. I pushed President Clinton to do this for 8 months. He did it in October of 2002. The price went down and stayed down. Do you know why it stayed down? Not just the new oil on the market, although oil prices are decided at the margin, but because OPEC knew they couldn't play around with us. When Spence Abraham, the Secretary of Energy, says we are not using the SPR, it gives a green light to OPEC that says: Raise prices as high as you want.

Is that leadership? Is that what the average American needs? Again, the average American is not looking at the newspaper and saying: Gee, the economy is great. They are sitting down at the dinner table Friday night and tearing out their hair about how they are going to pay their bills. The high price of gasoline makes it much worse. We have a way to combat it, to tell the Saudis and OPEC, the heck with you. And we are sitting there. This administration just sits and twiddles its thumbs as the price goes up and up and up. In fact, we send them little signals that it is perfectly OK.

The resolution I will be drafting—and I know my colleagues from California and Oregon are interested because we have talked about this—asks that we immediately, for 30 days, and then with the option for another 30 days, put a million barrels of oil out there. The price will come down.

I ask my fellow New Yorkers and Americans, don't think there is nothing we can do about high oil prices. As my good colleague from Oregon who led this debate said and as my colleague from New Jersey said, if we would simply use the SPR to reduce prices instead of now having it raise prices, the price would come down.

Again, our job as Senator is not to just look at these macrostatistics—that is part of the job—it is to figure out what the average family needs. And they need lower prices.

We can do it. I urge the administration, I urge this body to stop ignoring this problem, to get working on this problem, and bring those prices down in a variety of ways. What I have been pushing is the SPR, release some oil from the SPR. Prices will come down. It happened when President Clinton did it.

I hope this body will act quickly. Just because there is big oil, because there are Saudis, does not mean we should have to roll over. The President should be standing up for the average American, not standing up for the oil companies and not patting the Saudis on the back.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The minority leader.

Mr. DASCHLE. Mr. President, how much time remains on the Democratic side?

The PRESIDING OFFICER. Four minutes 45 seconds.

Mr. DASCHLE. Mr. President, I will use part or all of that time. I know Senator BREAUX was planning to come to the floor but has now changed his plans.

RESPONSE TO PRISONER ABUSE

Mr. DASCHLE. Mr. President, I had hoped to come to the floor when Senator DURBIN spoke with regard to the need for a Senate response on the matter of prisoner abuse. Senator DURBIN related, as I understand it, some conversations I have had with the distinguished majority leader, and I confirm I have had some very good conversations with the majority leader about some of the actions Senator DURBIN outlined.

The majority leader shares my view, and I know he will want to speak to the matter himself, that the Senate needs to address this matter, asking Secretary Rumsfeld to come to room S-407 this week so we can ask questions directly and clarify why it was when they met with us last week we were not told of this information, and share with us as much as he and the Pentagon know about the degree of abuse, what other circumstances may be involved, and whatever has been learned so far through the investigation, and a full airing of the report.

He also indicated his view that the Secretary ought to come before the appropriate committees and testify with regard to these actions so the American people have a better understanding of what we know and what actions are being taken to address this circumstance so we can say without equivocation it will not happen again, and that we can reiterate to the world community this is not the practice, not the policy, and certainly not in keeping with the character of the American people.

Finally, Senator FRIST and I have talked extensively about the importance of passing a resolution this week denouncing this abuse and expressing our abhorrence on a bipartisan basis and sending as clear a message as we can to all the world community that this is unacceptable behavior, it is not in keeping with our practice, with our philosophy, with our character, and we want as much as possible to rectify what damage has been done and to assure those who would in some way make any effort to use this for their own purposes as an anti-American propaganda tool that that will not be tolerated.

This is not America. This is not the practice of our country. This is not the practice of 99.9 percent of the military serving so admirably in Iraq today. They deserve better than that. And to tarnish their reputation and the contributions they have made is abhorrent as well.

We need to make sure those points are made, but, first and foremost, we need to have a better understanding. We are shooting in the dark. We have no information other than what we have read in the newspaper, and that is not acceptable. Secretary Rumsfeld ought to be here, he ought to explain himself and the Pentagon, and we ought to say, after having acquired that information, as unequivocally and with whatever authority we have, this will not happen again.

I yield the floor.

Mr. WARNER. Mr. President, before the distinguished minority leader departs, I join, as does the majority leader, in his request. As he may know, yesterday the Armed Services Committee had a 2-hour briefing with the top military leaders from the Department of the Army. Senator LEVIN and I felt it important to proceed very quickly. Following that, we had a press conference in which both Senator LEVIN and I spoke of the need for the Secretary of Defense, Mr. Rumsfeld, to come up.

I have been working on that steadily, and I can assure the leader, having talked to my leader last night, Senator FRIST—presumably shortly after the two leaders had discussed it—that Senator FRIST has joined with Senator DASCHLE and others to get that done.

I anticipate, however—and I think it is probably wise—that the President of the United States is going to address this issue, and I think immediately following that, I will presume, say, Thursday morning, tomorrow morning, that we could hope to have the Secretary before the Armed Services Committee. And then subject to the leadership, perhaps he could work with other Senators in another forum later sometime tomorrow. That would be my advice.

I commend the leader, my good friend, for his incorporation in his remarks the need for every Senator as they address this issue to reflect on the, as he said, 99.99 percent of extraordinary professionalism and courage rendered by the men and women in the Armed Forces, not just in Iraq, not just in Afghanistan, but all over the world. No one should have their wonderful works and sacrifices and those of their families in any way tarnished by these serious allegations.

I thank my good friend and leader.

Mr. DASCHLE. Mr. President, if I can respond, I thank the distinguished chairman of the Armed Services Committee for his comments and for the work he has already undertaken to ensure many of these issues can be addressed. He has shown real leadership. I applaud that and look forward to working with him in the days ahead.

I yield the floor.

Mr. WARNER. Mr. President, I thank my good friend and colleague of many years.

I should now like to proceed, if the Chair will kindly advise this Senator the amount of time under the control of this side of the aisle.

The PRESIDING OFFICER. There are 30 minutes in morning business under the control of the majority leader or his designee.

Mr. WARNER. I should like to take approximately 10 minutes of that time.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

SUPPORT FOR OUR MEN AND WOMEN IN UNIFORM

Mr. WARNER. Mr. President, in my colloquy with the distinguished Democratic leader, I reviewed my great concern that as Senators—indeed, as people all over the United States and, indeed, the world—wish to address the extraordinary, tragic information flowing about alleged atrocities perpetrated by U.S. forces and perhaps others that they incorporate in every statement a reference to the courage, the sacrifice, of the men and women in the Armed Forces of our Nation, of the coalition forces who are fighting with us in Iraq, as well as Afghanistan and elsewhere around the world, and, indeed, the impact of this tragic series of revelations on their families back here at home, and to be ever mindful that in the United States and in the homes of the coalition forces in other nations are the wives, the children, mothers, fathers, and others who are in strong support of their loved one beyond the shores, and how ever so hard this story hits home with them.

I do hope my colleagues and others, as they address this issue, take the time to include reference to the valiant work being done by uniformed people of the armed forces of many nations and their families.

The allegations of mistreatment of the prisoners by some members of the Armed Forces, if proven, represent an appalling and totally unacceptable breach of military regulations and conduct that could—and I repeat—could undermine much of the greatest works and sacrifices of our forces in Iraq and around the world in the war on terror.

The vast majority of our men and women—as the Democratic leader said, 99.99 percent—fully understand their obligations to conduct themselves in accordance with military, national, and international standards, most particularly the standards of professional conduct that are taught each soldier, sailor, airman, and marine of our forces.

The mistreatment of prisoners, no matter what their reason for incarceration, is not what the uniform of the United States stands for. It is not what the United States stands for as a Nation. It is not the way for anyone who wears that uniform to conduct themselves.

The Armed Services Committee received a briefing from senior Army officials yesterday. We did receive a considerable amount of information that is not freely in the press today. I think in due course that information will be and should be shared publicly. Nevertheless, we have begun our probe of this particular case. I commend the committee for its actions so far. We had three-quarters of the members of the committee in attendance yesterday. There was a very vigorous questioning of the Army witness. While informative, the briefing revealed the need for more extensive public hearings from civilian and military officials. I made a request for such hearings immediately following our hearing yesterday. I was joined by Senator LEVIN, the ranking member.

We must always remember that under our Constitution, it is very clear in the long traditions of this country that civilians control the U.S. military. They have the ultimate responsibility of the actions of the men and women in uniform. They are the ones who promulgate the orders from the Commander in Chief, the President, to the unit commanders. Consequently, the civilians must accept that responsibility.

Secretary Rumsfeld, in a press conference yesterday, addressed the Nation. As I said, I have been in consultation with him and his office about an appearance, which I anticipate will take place very shortly following the public statements to be issued, I believe, today by the President of the United States.

I fully believe the most constructive course of action at this point is to fully understand the extent of this problem, no matter how much time it requires to gather all of the facts, no matter how difficult it is to get all of those facts, no matter how embarrassing those facts may be—get the facts out and the story, so that not only the Congress of the United States can reach its judgment but, indeed, the American public and others around the world, because this is an around-the-world story at this point in time.

Our great Nation has had a symbol of freedom and hope for its entire existence. The world looks to us as the standard bearer of how best to bring about freedom for others, how best to protect those values which we hold so dearly and for which men and women have gone forth for generations from these shores not to conquer or take land, but they have gone forth in the cause of freedom.

I believe in due course, once this story is fully understood, we will have the ability as a Nation to apologize to our Chief Executive, the President, through others, through this humble Senator, for the actions taken and, most importantly, give the assurances to the world that we will not ever again see a repeat.

I have had the privilege to have had association with the men and women of uniform for over 50 years. When I was a young sailor in the closing year of World War II, I began my career in the training commands of the U.S. Navy. I have had many opportunities in the ensuing years to work with the men and women of the U.S. military. During the war in Korea, I served as a marine. During the Vietnam war, I was privileged to serve over 5 years as the Navy Secretary. We had our problems during that conflict, but I doubt if any of those problems parallel the seriousness and consequences of this framework of allegations today.

Therefore, it is a duty upon us to leave no stone unturned, to reveal all of the facts, to give the assurance that it will not happen again, and to place into the military such authorities as they need. I doubt if there is anything under statute law that needs to be added, but the authorities need to uphold those laws and regulations, and training should follow so that this will never be repeated.

Again, as we proceed over the next days and weeks, we must be mindful of the millions of men and women in uniform, past and present, who have honorably, with great sacrifice, defended the laws, rules, traditions, and values enshrined in the U.S. Constitution and in the American way of life. The actions of a few must not be allowed to tarnish that image.

Of course, I am very mindful of the fact that Memorial Day is in a few weeks, and we will dedicate a magnificent set of structures on our Mall to the men and women who served during World War II—some 16 million. I had the privilege of going down the other day with Senator Dole, a former colleague, whose wisdom and energies have contributed greatly to this magnificent memorial. As we walked there together with other Senators from this Chamber—totaling 7, who served in World War II—Senator Dole said that, yes, the monument stands as a symbol for the sacrifices of those in uniform, some 16 million, but he said it also stands as a monument and testimony of the homefront. Those of us who have memories of that period remember how well this country was unified. We had rationing; we had war production; we worked around the clock not only to supply and equip our troops but to provide equipment for our Allied forces. It was a magnificent chapter in American history. That cannot be tarnished by the actions of a few here.

There is clearly room for a constructive debate on how best to proceed in Iraq, but we must not allow recent events to obscure the overall stakes for our Nation and the world in this region. We must be unified in overall purpose that success in Iraq is essential and that we, the Congress, stand squarely behind our men and women in uniform.

Our troops in Iraq deserve this. They deserve the best support we can give them. To appear divided while our sons and daughters are in harm's way runs counter to the traditions of this Chamber. There should be debate, but let it be reasoned and measured, and focused on the way forward in this war on terrorism.

The brave young men and women of the U.S. Armed Forces have answered their Nation's call to service. They deserve nothing less than our absolute, unwavering commitment to their success. Nothing less.

I yield the floor.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Virginia for helping to explain to the world how sad all of us are about the developments in Iraq with the prisoners. I appreciate the distinguished Senator, the chairman of the Armed Services Committee, moving forward and asking Secretary Rumsfeld to come and testify in public. It is our hope that Secretary Rumsfeld will also brief the entire Senate, along with the distinguished committee. I appreciate the leadership of the Senator from Virginia very much.

Mr. WARNER. Mr. President, I thank our colleague from Texas. Let me assure all that I have been in contact with Secretary Rumsfeld. There is no reluctance whatsoever on his part to come forward. He desires to do so, but I believe it should be following the Commander in Chief, the President, when he addresses indeed the Nation and the world in a short time.

Mrs. HUTCHISON. I thank the Senator from Virginia and also agree that would be proper. The President should have the ability to represent the American people and the world. I know that he is going to do that in a very effective way. Thank you, Mr. President.

Mr. President, I ask the Senator from Iowa to take the next 10 minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

MEDICARE DISCOUNT CARD

Mr. GRASSLEY. Mr. President, I am going to address issues about the Medicare discount card, and I particularly want to respond to criticism that we heard yesterday from the other side.

Listening yesterday, as I did, and then listening today to the criticism about the high price of gasoline, I have come to the conclusion that over the last several days members of the other party have a guilt complex about some of the votes they have cast in recent months. For instance, only 13 out of 49 Democrats voted to break the filibuster on the national energy policy. If we had a national energy policy, they would not have any worry about high gasoline prices.

Then, of course, all but about 12 of them voted against the drug discount card to give seniors reasonably priced prescription drugs. So they come in and trash the bill we passed in a bipartisan way. I hope they realize they made big mistakes on some of their votes last year and suck it up and move on.

In regard to what was said yesterday about Medicare, first, yesterday was a very historic day for Medicare beneficiaries in my home State of Iowa and all the other 49 States. Before then, many beneficiaries paid some of the highest prices for drugs. Now they can begin shopping for a Medicare-approved discount card that will help them pay less, a lot less.

With discounts taking effect June 1, this program will provide Medicare beneficiaries with immediate savings on their medicines until the comprehensive Medicare drug benefit begins in 2006. According to the Centers for Medicare and Medicaid Services, beneficiaries will save $4 billion to $5 billion over the next year and a half on drugs. That is not chickenfeed. That is saving a lot of money for our seniors.

Older Americans and individuals with disabilities can choose a card that gets them the lowest prices on drugs they need.

Finding the best card could not be simpler. Contrary to what one of the Senators told us yesterday about how complicated this process is, they are hoping the seniors, whom they consider their political property, will believe them that it is complicated and they will not bother to look at it because it is too complicated. Do the seniors of America need to have Democrats scare them more?

This is how simple it is: Call 1-800-MEDICARE any time, 24 hours a day. They can call their State Health Insurance Information Program, SHIP as it is called, and get counselors at the local level. Most of them are very well-trained volunteers to help seniors decide. They can go online themselves if they want to, or with a family member, to compare prices offered by different cards.

They can find low or no-cost cards that include their neighborhood pharmacies, all by making one telephone call any time in a 24-hour day to a 1-800-MEDICARE number.

Using their Medicare-approved drug discount card, beneficiaries will save at least 10 to 25 percent on the cost of their drugs.

Like the drug benefit itself, the Medicare-approved drug discount card targets assistance to those most in need. Beneficiaries with low incomes, that is less than $12,600 for an individual and $16,900 for a married couple, will qualify for a $600 credit this year, another new $600 credit next year. If there are two in the family, that is $1,200 this year and $1,200 next year. If they do not carry it all this year, it can carry over to next year. If they do not use it all up before the new insurance program for prescription drugs is put in place, they can carry it over into 2006 until it is used up.

Some people have said these cards will not offer good discounts. That is what we heard yesterday. So I did some checking. To give an example, let us take a woman enrolled in Medicare in the largest city close to my farm, in Iowa, with an income of $12,000 a year. Let us call her Helen, to be short. Helen needs to fill prescriptions for Celebrex, Norvasc, and Zocor. With no discounts, she would pay $7,297 at her local pharmacies for these drugs from June of this year until the end of 2005. Helen goes to this pharmacy because she knows and trusts this pharmacy. She does not want to order her drugs through the mail.

With a basic discount card offered by this legislation, she would save $1,213—that is 17 percent—off of her drugs. Now the $1,200 by itself is a pretty big savings, but that is like giving her the drugstore.com price at her local pharmacy.

Helen has a fixed income of $1,000 a month. This means she also qualifies for the transitional assistance and does not have to pay an enrollment fee. By applying for the card and qualifying for the $600 credit, she also learns she is eligible for other assistance programs, such as those offered by drug manufacturers. With the $600 on her card in both 2004 and 2005, combined with these additional discounts, she will save $6,894.

I will repeat that because that is very significant. She will be saving almost $6,900 off of her drug bill. That is a 95-percent savings for her.

I ask the people who were criticizing this program yesterday if they consider that chickenfeed. For someone living on a fixed income, what a relief that is going to be. About a third of her income will be freed up for other priorities.

Since enrollment began Monday, May 3, we have heard some Members come to this Chamber to criticize the drug discount card. That is a shame. The discount card program will mean real savings for beneficiaries, especially with low incomes. Seniors have been waiting a long time to get relief from high prescription drug costs. This legislation delivers that relief.

I know this is an election year, but this is not the time or the issue to play politics at their expense and to scare the seniors of America. More than 300 organizations—I wish these people on the other side of the aisle would put this in their pipe and smoke it—endorse this legislation. They will say this drug discount card is a first step toward making drugs more affordable for all Medicare beneficiaries.

The president of the National Council on Aging described the new Medicare law as the single most important opportunity to help low-income Medicare beneficiaries to have emerged in the past 35 years.

This is what the president, Robert Hayes, said:

> (Low-income) people should run—not walk to sign up.

This is especially true for the estimated 4.3 million low-income beneficiaries who will see immediate relief with a combined $1,200 this year and the next which they can use to buy their lifesaving prescription drugs.

What I find alarming is that some would try to score political points rather than help low-income beneficiaries get some much needed help with their drugs. So my colleagues voted against this bill last year. Suck it up and move on.

I was personally involved in the negotiations last year. I can tell my colleagues that during the Medicare conference, both Republicans and Democrats—that is bipartisan—strongly supported the creation of a drug discount card.

While some would like people to believe otherwise, this Medicare-approved drug discount card is a good deal. Since January of this year, I have held 39 town meetings throughout Iowa to tell my constituents about this drug discount card program and what it does. As Members of Congress, we should use this opportunity to educate beneficiaries and to tell them about the $600 credit. I am concerned about a political environment that confuses and misleads Medicare beneficiaries and that in the end causes more harm than good. They deserve better than that.

I want to address a couple of criticisms that people have been making. First, some have said that prices are going to change every week. Drug card sponsors can only increase the price if there is a change in the sponsor's cost. Card sponsors can lower prices at any time, which will have a positive impact.

I have been assured that CMS will aggressively monitor the prices charged by card sponsors to make sure that they treat beneficiaries fairly.

CMS will track any changes made in drug prices and complaints received by 1-800-MEDICARE and other sources. They also will "mystery shop" to make sure that sponsors are not falsely advertising.

If CMS finds that a card sponsor is taking advantage of seniors, they can freeze enrollment, impose fines or kick the sponsor out of the program entirely.

Lastly, some have been saying that prices on the Medicare Web site are inaccurate. CMS has assured me that the prices are the right ones. Prices on the Web site are the best prices that the cards can guarantee. So they cannot be higher, but they could be lower.

I said this last week and I will say it again: We should move on and not lose sight of what really matters. And that is helping beneficiaries like Helen from Waterloo and the millions like her get drugs at lower prices. The bottom line is that the discount card program is a really good deal for our Nation's Medicare beneficiaries.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. How much time do we have remaining?

The PRESIDING OFFICER. Seven minutes 40 seconds.

Mrs. HUTCHISON. Mr. President, I would like to be notified when I have used 2 minutes and 40 seconds, after which I am going to yield the final 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator has that right.

Mrs. HUTCHISON. I thank the Senator from Iowa for talking about the Medicare discount drug card. I think it is so important that seniors know they can easily compare prices; they can determine which is the best card for them. This is going to help anyone who does not have other coverage.

I hope our seniors know they can call 1-800-MEDICARE and get further information. If they call their local Medicare office, the Medicare people are going to be very accommodating. I am appreciative that the Senator from Iowa clarified that because all the rhetoric we are hearing could scare our seniors.

PASSING THE ENERGY BILL

Mrs. HUTCHISON. I want to address the energy issue. I heard Senators on the floor earlier today talking about the high price of gasoline, as if it is the President's fault. I would remind everyone we have an energy bill we are two votes short of having cloture to pass. We passed it in the Senate. We passed it in the House. We have 58 votes to move it forward and we can't get the 60 votes it takes to break a filibuster. I ask the Senators who are concerned about high energy prices if they would consider voting to get the energy conference report agreed to so the President can sign it because it is a bill that will provide incentives for exploring, incentives for creating new energy resources, incentives for bringing Alaska gas down—which will be a huge help toward self-sufficiency in our country. It has incentives for renewable fuel, for the kind of fuel that will be burning clean, such as nuclear powerplants, and to have clean coal-burning and other new technologies.

There is so much in the Energy bill that would bring our country into self-sufficiency and we can't get the Energy bill passed. I think Congress should take the responsibility to see this bill goes through. We have tried to pass an energy bill for 10 years and we need to do it. We need to take control ourselves. It is time for us to do this for the American people. The high price of gasoline is set at our feet, and we can do something about it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

PRISONERS IN IRAQ

Mr. COLEMAN. Mr. President, the world has witnessed something in the last few weeks about the treatment of prisoners in Iraq that does not represent what America is all about. It doesn't represent our cause. It doesn't represent our mission. It doesn't represent our hopes and dreams for the Iraqi people and for all of us—ultimately for democracy in Iraq.

I applaud the President of the United States for his speaking out, condemning without qualification what has occurred. He, as I understand it, went forth to speak to the Arab world, face to face, the leader of the free world speaking to the Arab world to let them know this is not what America is all about. I think that is important. We all, at every level, have to reject it. Those who are responsible at every level have to be held to account. I know the Commander in Chief will do that.

As we deal with this terrible situation, I hope we do not lose focus on our mission. Our men and women are in harm's way and our mission is freedom and security in Iraq. The critics of this war, do they want us to cut and run? Do they want to create a place of instability, a haven for terrorism? I can't believe that.

Someone once said a critic is someone who thinks he knows the way but doesn't know how to drive the car. It is not a time for critics. Let us deal with this terrible incident. Let us show America has standards and America is there for a reason. The reason is one of hope. The reason is one of freedom. What occurred is something that will never occur again. I am confident our President will make sure of that.

At the same time, we have to stand with our President, stand with our troops. Teddy Roosevelt once said it is not the critic who counts, but it is the person in the arena. It is a tough arena right now. But the cause is just. We have lost life and it is a sacrifice, but the cause is just. We have seen that with Qadhafi giving up his nuclear weapons programs, Iran understanding the serious consequences of their action.

Let us be true to the cause. Let us ferret out those who committed these reprehensible acts. Let us support the President going forth to the world, to the Arab community, to say this is wrong. Let us continue to stay true to the course, to understand that the lives that have been sacrificed have not been sacrificed in vain, that the world is safer today. It is safer with Saddam gone. It will be safer with peace and stability and democracy in the Middle East.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there any further morning business? If not, morning business is closed.

JUMPSTART OUR BUSINESS STRENGTH (JOBS) ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1637, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1637) to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization findings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

Pending:

Dorgan amendment No. 3110, to provide for the taxation of income of controlled foreign corporations attributable to imported property.

Graham (FL) amendment No. 3112, to strike the deduction relating to income attributable to United States production activities and the international tax provisions and allow a credit for manufacturing wages.

Cantwell/Voinovich amendment No. 3114, to extend the Temporary Extended Unemployment Compensation Act of 2002.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 3117

Mr. BREAUX. Mr. President, I call up an amendment that is at the desk, No. 3117, Breaux-Feinstein.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. BREAUX] proposes an amendment numbered 3117.

Mr. BREAUX. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the amount of deferred foreign income that can be repatriated at a lower rate)

On page 88, between lines 17 and 18, insert:

"(4) DOLLAR LIMITATION.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), the excess qualified foreign distribution amount shall not exceed the lesser of—

"(i) the amount shown on the applicable financial statement as earnings permanently reinvested outside the United States, or

"(ii) the excess (if any) of—

"(I) the estimated aggregate qualified expenditures of the corporation for taxable years ending in 2005, 2006, and 2007, over

"(II) the aggregate qualified expenditures of the corporation for taxable years ending in 2001, 2002, and 2003.

"(B) EARNINGS PERMANENTLY REINVESTED OUTSIDE THE UNITED STATES.—

"(i) IN GENERAL.—If an amount on an applicable financial statement is shown as 'Federal income taxes not required to be reserved by reason of the permanent reinvestment of earnings outside the United States, subparagraph (A)(i) shall be applied by reference to the earnings to which such taxes relate.

"(ii) NO STATEMENT OR STATED AMOUNT.—If there is no applicable financial statement or such a statement fails to show a specific amount described in subparagraph (A)(i) or clause (i), such amount shall be treated as being zero.

"(iii) APPLICABLE FINANCIAL STATEMENT.—For purposes of this paragraph, the term 'applicable financial statement' means the most recently audited financial statement (including notes and other documents which accompany such statement)—

"(I) which is certified on or before March 31, 2004, as being prepared in accordance with generally accepted accounting principles, and

"(II) which is used for the purposes of a statement or report to creditors, to shareholders, or for any other substantial nontax purpose.

In the case of a corporation required to file a financial statement with the Securities and Exchange Commission, such term means the most recent such statement filed on or before March 31, 2004.

"(C) QUALIFIED EXPENDITURES.—For purposes of this paragraph, the term 'qualified expenditures' means—

"(i) wages (as defined in section 3121(a)),

"(ii) additions to capital accounts for property located within the United States (including any amount which would be so added but for a provision of this title providing for the expensing of such amount),

"(iii) qualified research expenses (as defined in section 41(b)) and basic research payments (as defined in section 41(e)(2)), and

"(iv) irrevocable contributions to a qualified employer plan (as defined in section 72(p)(4)) but only if no deduction is allowed under this chapter with respect to such contributions.

"(D) RECAPTURE.—If the taxpayer's estimate of qualified expenditures under subparagraph (A)(ii)(I) is greater than the actual expenditures, then the tax imposed by this chapter for the taxpayer's last taxable year ending in 2007 shall be increased by the sum of—

"(i) the increase (if any) in tax which would have resulted in the taxable year for which the deduction under this section was allowed if the actual expenditures were used in lieu of the estimated expenditures, plus “(ii) interest at the underpayment rate, determined as if the increase in tax described in clause (i) were an underpayment for the taxable year of the deduction.

“(5) LIMITATION ON CONTROLLED FOREIGN CORPORATIONS IN POSSESSIONS.—In computing the excess qualified foreign distribution amount under paragraph (1) and the base dividend amount under paragraph (2), there shall not be taken into account dividends received from any controlled foreign corporation created or organized under the laws of any possession of the United States.

Mr. BREAUX. Mr. President, this is a jobs bill. That is the title of the bill. Presumably a jobs bill is intended to create jobs and hopefully is created to create jobs in America. That is the legislation that is before us. It is absolutely essential that this legislation be adopted.

But one of the provisions in the legislation gives me great concern. I offered an amendment in the Finance Committee. It was unanimously supported by every single Democrat in the Finance Committee and it lost by a partisan vote because our Republican colleagues at that time did not feel they could support the amendment I offered. It was unanimously supported by every single Democrat member of the Finance Committee.

The question deals with how we treat companies that have earnings they have stashed away in foreign countries. These amounts of money, many of them, are in fact earned overseas. Companies know if they bring those earnings back to the United States, the United States, on a worldwide tax basis, will tax those earnings with a deduction for the amount of tax they have paid in the country in which they earned those revenues. They pay the regular corporate rate minus the tax credit they get for having paid taxes on those earnings in the foreign country. However, there is no tax consequence to those companies if the money in fact stays in the foreign country. That is called deferral. We defer any U.S. tax on foreign earnings as long as the earnings stay in the foreign country in which they are earned.

The legislation before this body now says we are going to give a very special break to U.S. companies that have money overseas, in many cases in tax havens. We are going to let you bring that money back, not as other companies in the past have brought it back, paying U.S. tax minus what they paid overseas, but we are going to cut you a special sweetheart deal. We are going to give you a sweetheart deal of an 85-percent tax credit by reducing the amount of taxes you would pay if you bring it back to the United States—not to pay what every other corporation pays, 35 percent—we are going to ask you to pay 5 percent, 5.25 percent. That is an 85-percent tax reward to companies that have stashed money in tax havens, in many cases overseas, for the sole purpose of avoiding U.S. taxation.

The IRS has recently cited a number of companies that have these types of tax shelters and overseas tax havens, such as in The Netherlands, Barbados, the Cayman Islands and Bermuda—you name the tax havens. Companies that earn money in one country will bring it over to a tax haven and keep it there, avoiding U.S. taxes. But some now say that is such a great idea, we are going to give them a real tax break and ask them to please bring it back over to the United States. If you do so, we are only going to tax you at about a 5-percent rate.

That is what the legislation says. The legislation says bring it back, you get a huge tax reward for keeping money overseas and now bringing it back to the United States, unlike what other companies have had to do.

Every person we have talked to says we are going to bring it back to create jobs. I say, All right, if that is what you are going to do, bring it back to create jobs in the United States of America, we will let you do the 5-percent tax break. We will allow you to do it.

My amendment simply says two things are different from the bill before the Senate. No. 1, it says you can bring it back for job creation, for hiring more people. If you want to use it for that purpose, OK. If you want to use it for research and development—pharmaceutical industry or other electronic types of industry—OK, we will let you use it for that. If you want to use it for capital expending, you want to build another plant, OK, we will let you use it for that. If you want to use it for your underfunded pension funds, OK, we will let you use it for that.

But we will not let you use it for something as nebulous as financial stabilization of the company, which is in the bill but not defined. What does that mean? Buy another Gulfstream? Yes, that might financially stabilize the company. Stock buybacks? Yes, that might be a good idea for a few people, but it does not create a lot of jobs, if any.

Second, there has to be an enforcement mechanism, more than filing a plan; and there is no responsibility if you do not follow it.

My amendment says: All right, companies, if you bring it back for those purposes, we want proof you actually use it for those purposes. You can use the next 3 years to take these billions of dollars and use it for legitimate purposes, but we would like some proof. We know it by seeing you have actually spent more in the next 3 years in these areas than in the previous 3 years. That is very important.

Here is an interesting statistic from the Joint Committee on Tax. Where is the money like this coming from? From tax havens: Bermuda, Cayman Islands, Hong Kong, Ireland, Luxembourg, Switzerland. How much money are we going to let flow into the United States at a 5-percent rate when it should come in at the regular corporate rate minus what they pay in the foreign country?

Our legislation, the Breaux-Feinstein amendment, is about responsibility and accountability, about creating jobs in this country, not stock buybacks that enrich a few at the expense of jobs in this country.

There is a legitimate argument we ought to look at the whole tax system and see whether we should go to a territorial system or not, but that is not before the Senate at this time.

This legislation is absolutely essential if we are going to maintain any credibility on creating jobs instead of enforcing or creating tax havens. We have enough tax havens. We should not encourage more. This amendment helps stop that.

How much time remains?

The PRESIDING OFFICER. There are 23 minutes.

Mr. BREAUX. We have an hour equally divided?

The PRESIDING OFFICER. Exactly.

Mr. BREAUX. I yield 10 minutes to the distinguished Senator, the cosponsor of the amendment.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I will try and be brief. I thank the Senator from Louisiana for his leadership on this, particularly since this is the last year that he will be in the Senate. I have had the great privilege of working with him now for 12 years on the centrist coalition and in other endeavors. He has always strived to bring parties together and to work across the aisle. Frankly, it is something that I admire and I want him to know that.

The underlying bill, as I understand it, allows companies to bring foreign-earned profits back at a greatly reduced rate. The Senator from Louisiana spelled that out. That is a rate of 5.25 percent. Remember, the minimum income tax bracket for individuals in this country is 10 percent. So it is at a rate half of what the poorest Americans pay in Federal income taxes.

Under this amendment, companies could bring foreign-earned profits back to the U.S. at this reduced rate provided these repatriated profits promote job growth and benefit employees.

Our amendment is specific. It allows for spending on R&D, acquiring plants and equipment, deducting increases in wages or the cost of creating a new job—capped at the Social Security wage limit of $87,900—and fully funding employee retirement plans.

Why is it necessary to be so specific? It is necessary because J.P. Morgan, which has conducted a survey of companies that would repatriate money, determined that most corporations will reuse the repatriated profits for buying back debt, for increasing levels of liquid assets, or even retiring equity. This is what a study of the very companies that are involved have shown. None of these items necessarily produces new jobs.

One of the things the Senate, as well as Americans, should understand is that there are a large number of American companies that take advantage of loopholes in U.S. tax law and pay no taxes. I recently took a look at a GAO study entitled "Comparison of the Reported Tax Liabilities of Foreign and United States Controlled Corporations." It covers the period from 1996 to 2000. Let me give you an idea of what they find: 61 percent of U.S.-controlled corporations pay no taxes; 71 percent of foreign-owned corporations operating in the United States reported no tax liability from 1996 to 2000.

This is stunning. I had no idea. So I began to look a little bit at the history. Let me tell you a little bit about what it was like in 1945. In 1945, income taxes from corporations accounted for 35 percent of Federal receipts. In 1970, these income taxes accounted for only 17 percent of Federal revenue. So between 1945 and 1970 there was a dramatic decline. Today, corporate income taxes account for only 7.8 percent of Federal revenues.

We are giving companies that have sequestered profits abroad the ability to bring those profits back at one-half the tax rate the poorest American pays, and we have a specific study that shows that for the most part, these corporations will not use these moneys for areas that produce jobs.

What Senator BREAUX and I have tried to do is to narrow the language that describes what companies may spend repatriated profits on. We have narrowed the language to specific spending categories—categories which produce jobs. I don't think that is too much to ask.

How much will be repatriated? There are various estimates. J.P. Morgan estimates $300 billion be repatriated. The U.S. Treasury estimates it will be between $200 and $300 billion. The Homeland Investment Act Coalition, a coalition of major corporations, estimates $500 billion will come back to the United States.

Without this amendment, it is likely that corporations will take advantage of the reduced corporation tax rate and use the repatriated profits to shore up their finances. The items I have read from the J.P. Morgan study indicate just that. I will summarize the section of this J.P. Morgan study.

These were 28 firms in the study. They indicated that 46 percent of them would pay down outstanding debt with the money, 39 percent would finance capital spending, 39 percent would fund R&D venture capital or acquisition, 18 percent would buy back stock, 11 percent would use cash for working capital, 11 percent might pay dividends if double taxation ends, and 4 percent would fund underfunded pension funds.

I have been told many of these companies would like to use the money for mergers and acquisitions, which very clearly could result in a reduction in jobs. I would not like to see this Senate have egg on its face by giving some of the largest and most profitable corporations in America the ability to repatriate funds at one-half the tax rate the poorest Americans pay and have those funds used for mergers and acquisitions which would result in employees being fired for so-called efficiency reasons. I think without this language that narrows the use of this money, that is exactly what could happen.

So I thank the Senator from Louisiana for his leadership. I want to indicate my strong support for this amendment. I hope Members will vote for this amendment.

Mr. President, I yield back the remainder of my time to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I believe on our side we have 30 minutes; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. SMITH. Mr. President, I am going to speak for hopefully less than 5 minutes and then allow my colleague from California to speak. Senator ENSIGN and, I believe, Senator ALLEN may wish to speak to this as well.

Mr. President, this is ultimately about whether we want the dollars of these American multinational corporations to be brought back to America or left in places like this. We can either put these dollars to work here or we can leave them over there.

If you are interested in creating jobs, I think it is important to remind folks what we are talking about is a minimum of $400 billion coming back into this country within the 1-year window that is allowed by this legislation. It has been estimated, on a conservative basis, that it will create 660,000 jobs. It will reduce the Federal deficit, over the next 5 years, by $75 billion. If ever there were a win-win, this amendment on the JOBS bill is a win-win.

As I listen to my colleagues, both of whom I esteem as friends, I am astounded so much emphasis is put into the dislike of business and what they might do with this money. I, frankly, have to wonder what is wrong with companies bringing money back here and being allowed to shore up the strength of their business. What is wrong with that? That is exactly what we want them to do. I do not believe, as a former businessman myself, that it is in this country's interest to micromanage how they will reinvest it in this country.

Specifically excluded by this legislation is executive compensation. Executive compensation cannot be the target; but plant and equipment, shoring up pension plans, buying back stock, these kinds of things that improve the values of corporations and their competitiveness are exactly what we ought to be doing if we are actually interested in creating jobs.

I think it is also very important to point out that our American companies that compete overseas are competing against German and French and other companies in those countries that also have foreign earnings. In these countries—competitor countries—they allow their earnings abroad to have what they call a free walk back. We are not allowing them a free walk back. We are saying, for 1 year, the corporate tax rate will fall from 35 percent to 5.25 percent. The effect will be immediate. It will be beneficial. It will help our economy. It will create jobs. But, moreover, it will, for 1 year, create a level playing field for American corporations as against German or French or Japanese corporations whose countries have tax codes that allow them to take their foreign earnings back to their native lands to be put into their local economies, to strengthen them when they need the strength.

Right now, our economy could use $400 billion. If our deficit could be reduced by $75 billion, that would be wonderful. If we could create 600,000 jobs on a short-term basis—we hope that money then stays here—then we have done a tremendous thing for the American worker and the American economy, and we have done it in a way that does not try to micromanage every business decision made in the corporate boardrooms of America.

Mr. BREAUX. Will the Senator from Oregon yield for a question?

Mr. SMITH. I am happy to yield for a question.

Mr. BREAUX. Mr. President, would the Senator point out anything in the legislation before this body now that would take any action against any companies if they did not abide by what they said they were going to use it for? Do they lose their tax deduction? Is there anything in the legislation, without my amendment, that would say what would happen to companies if they use it for something totally different from what their plans say they are going to use it for?

Suppose they decided to use it for something totally unrelated to job creation. Is there anything, without my amendment, that says what would happen to those companies?

Mr. SMITH. The Senator, I guess, does not trust they will use it for what they say they will use it for.

Mr. BREAUX. Trust but verify.

Mr. SMITH. I believe when they establish a plan and get the approval for their plan they will follow through on that.

Mr. BREAUX. Suppose you have somebody who may not do that. Is there any provision in the bill that says what will happen to the company that does not abide by the plan? I believe in trust but verify. If you don't do what you say you are going to do, you should have consequences. Is there anything in the bill that says they would lose their deduction?

Mr. SMITH. I don't think there is a penalty, I say to the Senator. I am happy to admit that because, frankly, I believe what companies are trying to do is get their money back here on a basis that allows them to be competitive with other multinational companies from other countries. I think what they are interested in doing is a return on investment to their investors. When they give a return on investment to their investors, what they are also doing is creating jobs. They are investing in plant and equipment. And I, for one, do not think it is in the interest of this country to micromanage the Tax Code any more than we already do.

So, Mr. President, with that, I will turn the time to my colleague from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask the Senator, may I have 10 minutes?

Mr. SMITH. Yes, you may.

Mrs. BOXER. I thank the Senator.

Mr. President, first of all, let's get matters straight from the get-go. Senator BREAUX never liked this in the first place. And I have tremendous respect for him. We just do not agree on this tax provision. As a matter of fact, he voted to strip it out completely when actually we tried—Senator ENSIGN and I—to get this in before. We won this 75–25. Only 25 colleagues voted against us. Senator BREAUX was leading the charge.

Now he says he is just making a correction. Well, I have read his correction. It is a poison pill for many reasons, which I will go into. But I think we ought to get it straight. We are being offered an amendment and told it is enhancing our bill, but it is offered by Senator BREAUX, who never liked it in the first place. I think he would be the first one to admit it because he was quite open on the point before.

Now, I am proud to stand with my colleagues today to stop this amendment. I think it is very important. I am going to call on the 75 Senators from both sides of the aisle who supported us the last time. I particularly thank Senator SMITH because he took the Ensign-Boxer bill into the committee and he got it into this bill, which was most important for us. Now we are here to protect that work.

I will say this from the get-go. You could say all you want that we are building trust into this. Well, there is a little more than trust. We are not saying in this bill anywhere that I have seen that the IRS cannot prosecute someone who is not telling the truth. This is not some plan that is done in the dead of night at the accountant's office. There is a committee that has to put together the plan and they have to show how they plan to use the funds. If they lie in that, under an audit, as any of us might have, they have to show that in fact they deserve the deduction. If the IRS says, no, they did not follow the plan, then they will not get those deductions, just like all of us. There is nothing in our bill that absolves these corporations of the usual procedure when you pay your taxes. So I would like to get that out of the way.

I want to talk about jobs, because, God knows, in my State we have lost a lot. I want to put up what the various experts are saying, from liberal to conservative, about this Invest in the USA Act that I am so proud to coauthor with my friend, Senator ENSIGN.

What is the potential impact on the U.S. economy? J.P. Morgan says, as a result of enacting the Invest in the USA Act, U.S. companies will increase investment profits earned abroad in the United States by $300 billion. Bank of America forecasts the increase will be $400 billion. Dr. Allen Sinai of Decision Economics estimates that this additional investment in the U.S. economy will generate 660,000 jobs.

Finally, we are doing something. The highway bill is stalled. A lot of us are upset about that on both sides of the aisle. That will create 800,000 jobs.

Here we will create 660,000 jobs, and Allen Sinai says that is a conservative estimate of how many jobs would be created. And guess what. The Treasury is getting money because these profits are sitting abroad. They are not coming home. They are not being taxed. And we are going to tax them at a 5-percent rate, and that is going to bring funds into the Treasury. There are some estimates that we will receive as much as $4 billion into the Treasury because of this Invest in the USA Act.

So how could we take such a good idea and mess it up? That is what we would do if this amendment passes. We know those funds are not going to be brought back.

Under the Breaux amendment, let me read to you examples of spending that is not permitted, and you tell me if you agree with this.

You cannot use the money that you bring back for job training for workers. You cannot use it for many unemployment benefits. You cannot use it for worker health, dental and hospital expenses. You cannot use it for most employee childcare. You cannot use it to reimburse employees for injuries and accidents. You cannot use it for workers compensation and black lung benefits. You cannot use it for most employee meals and lodging. You cannot use it for worker relocation reimbursement. You cannot use it for employee tuition assistance. You cannot use it for an environmental cleanup and impact analysis. You cannot use it for employee travel reimbursement.

You can buy jets with it under the Breaux amendment, but you can't use it for employee travel reimbursements. You can buy limousines with it, but you can't reimburse for the rental of parking spaces for your employees.

Here we have an amendment that we have crafted that is actually a bill that is incorporated into the underlying bill, which gives the business community a chance for 1 year to bring these funds home that are parked outside our shores, funds that are sitting out there and not being brought back. We are going to see what happens. We are told by economists from the left to the right it is going to mean job creation. We want to make sure it is used for the things that these corporations need.

Instead, you have the Breaux amendment which is micromanaging this deal in such a way that it will affect things as important as job training for workers. Let's just say a business is changing its work product and they have a new way to deal with their workers. They have to teach them how to use new computers and new programming, machinery. They cannot use the money they bring back to job train.

Senator FEINSTEIN called this a perfecting amendment. It is not perfecting. It is a poison pill.

I am very proud to be part of this group in the Senate that has been pushing for this for all this time. Any statement that we are not going to go after cheaters is ridiculous because we have highlighted in our bill the fact that the company has to set up a committee. They have to print a plan. They have to say how they are spending their money. And if they undergo an audit, they are going to have to stand behind it.

The question is whether you want accumulated foreign earnings invested here or abroad. The answer that we get from our colleagues is going to be very important. We can send a wonderful message today if we stand with this underlying language that we are serious about job creation. We are serious about getting this capital back. I believe we are doing a very wise thing.

I yield the rest of my time to the Senator from Oregon, Mr. SMITH.

Mr. SMITH. Mr. President, I emphasize the point that Senator BOXER made in answering Senator BREAUX. We did not include special penalties in this bill, but the truth is, when you file your tax returns, you have to own up to what the plan is. You have to live up to that. If you don't, you lose the deduction.

Can the IRS impose other penalties? Of course it can. But it then has to make the case against the person. When people file their tax returns, they know they are shooting with real bullets on this stuff.

I have every confidence that people will be honest about this and utilize the revenues for the purposes intended in creating jobs.

Mr. President, how much time remains?

The PRESIDING OFFICER. Fourteen minutes 45 seconds.

Mr. SMITH. I would like to yield 9 minutes to Senator ENSIGN and 4 or 5 minutes to Senator ALLEN and, if I could, have 30 seconds to wrap up.

Mr. BREAUX. How much time do I have remaining?

The PRESIDING OFFICER. Fourteen minutes 44 seconds.

Mr. BREAUX. Are we going to rotate? Are we just going to hear one side?

Mr. SMITH. It would be fine with us to let the Senator speak.

Mr. BREAUX. Mr. President, I will take 2 minutes off the time.

I wonder if anybody in this body remembers Enron. Let's trust that they are going to do right. They are a U.S. corporation that created more tax shelters than the IRS could count. It took a group of Philadelphia lawyers 2 months to even add up the number of tax shelters they had around the world. They had so many the IRS couldn't even follow it.

If you are going to give people who have tax shelters and a stash in income in foreign tax havens a huge benefit to bring the money back into this country, we ought to make sure they are going to use it for job creation. Without my amendment, they have to file a plan that says this is what they are going to spend it on. Suppose they don't spend one nickel more than they did last year on job creation. Suppose they don't spend one nickel more on capital expenditures than they did last year. Suppose they don't spend one more nickel on pensions for the workers than they did last year, but they comply with what they said they were going to do in their little plan. They are fine. They don't have to spend one nickel more under the committee bill, with all this money they are going to bring back at a 5-percent tax rate, in terms of creating jobs than they did before.

The Breaux-Feinstein amendment says: If you want to bring it back for that purpose, you have to show us that is what you are using it for. That, in fact, you have spent more money in the next 3 years than you would have the previous year on job creation. That is not too much to ask.

When we are giving a multinational corporation an enormous tax gift of having to pay not 35 percent but only 5 percent, at least get a requirement that they are using it for something to do with job creation and that they spend at least something more than they did the year before. Without the Breaux-Feinstein amendment, there is no requirement that they spend one nickel more on job creation than they did previously after bringing this money back.

Guess what. You talk about an incentive to locate overseas. There will be a whole group of people saying: We did it for 1 year. Let's do it next year, a third year; let's continue this. How about making this 5 percent permanent so we can put all the jobs overseas, knowing Congress is going to take care of us every time there is a downturn in the economy and there is another amendment to extend the 5-percent tax break 1 more year. We will just move everything over to the Caymen Islands. We will move everything ever over to a Third World country. Because, guess what, Congress is going to let us bring it back at 5 percent because the pressure will be there, because the economy is not doing well, and all the jobs go overseas. The only thing the Breaux-Feinstein amendment says is, if you are going to bring it back for job creation, prove it, tell us you spent a little bit more than you would have ordinarily. Without Breaux-Feinstein, there is no requirement that they spend one nickel more than they did before. That is a big difference in what we are trying to accomplish.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ALLEN. Mr. President, I rise today to join with Senators SMITH, ENSIGN, and BOXER in opposition to the Breaux-Feinstein amendment. In the midst of this JOBS bill, we are trying to make sure manufacturers in this country can compete internationally. I am one who is always arguing, whether it is tax policy, regulatory policy, our laws in the United States ought to make America more desirable and conducive toward investment and job creation.

The underlying provision—the idea of repatriation or reinvesting in the United States helps make the United States more conducive and more attractive for investment and jobs. Let's use some common sense. If you are a company that does business overseas, and you have profits overseas, whatever country you are in you are going to have to pay taxes. If you bring that money back into this country, you are going to be paying 35 percent in taxes. You are going to pay one way or another, whether to that country or to the United States.

However, if you take those profits and keep investing them in China, in South Korea, in Malaysia, or in the Philippines, or wherever else it may be, you are going to continue investing them over there if you are going to be subjected to this 35-percent tax.

The idea is, for 1 year, reduce that tax burden to 5.25 percent, bring those profits back into this country, invest them in the United States in a variety of ways that actually helps your business; thus, it creates more jobs. This is a law that I certainly think ought to be passed, not diminished or micromanaged or pestered with this amendment.

Studies, for example, by the Joint Committee on Taxation have determined that the provision we are supporting in the bill would inject approximately $135 billion into our economy for jobs, capital, investment, and economic growth. The Joint Committee on Taxation also said it would bring in an additional $4 billion in tax revenues to the U.S. Treasury. Of course, the profits are coming back; therefore, they are going to be taxed. Whereas, if you do not change this law, that money will stay overseas.

J.P. Morgan economists talked about job creation—660,000 new jobs created, $75 billion in debt reduction, and an increase in capital spending of up to $78 billion, by bringing approximately $300 billion in foreign earnings back into this country.

The Breaux amendment has several problems. One, it is a poison pill—as was said by other speakers—limiting benefits in such a way that it makes it impracticable. Two, it requires that money be spent for narrow purposes only; third, it requires companies to spend it in 3 years; fourth, it excludes amounts brought back from Puerto Rico and other possessions. That last one would treat Puerto Rico and our possessions worse than investments made in the rest of the world.

Senator BOXER brought up examples of what would not be permitted with the Breaux amendment. In addition to the job training, they could not spend it on job training to upgrade the skills and capabilities and productivity of their workers in the United States. They could not fund startup businesses. Why would we not want them to fund startup businesses? Why would we want to prohibit the injection of new capital into cash-starved projects?

Mr. President, the point is that the amendment would limit the job creation incentive and, unfortunately, not have the full potential to make this country more desirable for jobs and investment. I respectfully urge my colleagues to defeat the Breaux amendment, support Senator SMITH in his efforts, and those of Senator ENSIGN and others, who have fought gallantly and wisely for more jobs and investment in the United States of America.

I yield the floor.

Mr. BREAUX. Mr. President, how much time remains?

The PRESIDING OFFICER. There are 11 minutes 47 seconds.

Mr. BREAUX. I thank the Chair. I will take 2 additional minutes.

Again, I don't have any basic argument with those who say we ought to let the money come back that has been sitting in tax savings into this country. I will even go along with saying you can bring it back at 5 percent, if you are going to use it for job creation or research and development, for capital expenditures. And If you are going to use it to rebuild your pension fund for workers, OK, let's do it for 1 year at 5 percent. But, by gosh, can't we at least have some standards to be able to enforce it?

Under the committee bill, without the Breaux-Feinstein amendment, there is no obligation that they spend one nickel more on job creation than they did last year or the year before. The only thing they have to do is say, if last year we spent $10 billion on capital expenditures, guess what. We will spend $10 billion this year. They don't have to spend one nickel, one penny more on capital expenditures or job creation or research and development in order to get this huge break. They can spend exactly what they spent last year—no requirement, zip, zero. Yet we are going to give them one of the biggest tax breaks.

We already passed tax cuts of $3 trillion for job creation. Are we much better off today after all of that, some of which I supported? That is a debatable issue. Let's not make the same mistake and say we are going to give them an 85-percent tax cut if they are doing business overseas and if they bring some of that money back and spend it on job creation. And by the way, there is no requirement that you do anything more than you did last year. What kind of nonsense is that, as far as trying to create more jobs in this country, instead of providing a huge incentive to locate overseas, bring workers overseas, and we are going to have Congress let us bring it all back at 5 percent? How unfair is that to the people who play by the rules, to other companies who do business and hire people in this country.

There is no requirement, without the Breaux-Feinstein amendment, that companies that bring this money back at a 5-percent rate spend one dime more than they have in the past on the creation of jobs. They can spend what they spent last year. In fact, they can spend less than they spent last year. The only thing they have to show is they have a plan—no enforcement, nothing.

The Senator from Nevada has a sign up that says 660,000 jobs. Suppose they decide not to create one more job than they did last year. They will still get the 5-percent tax break. There is no requirement that they create six jobs. If they created six last year, they can do that this year. They only have to show that the money is used for job creation. They can take all the money they spent on capital expenditures last year and not spend any of it next year. They can just use this overseas money and not do one thing more than they did the year before. There is no enforcement that they do what the plan says. There is no penalty if they don't. They don't lose their tax deduction. They still get it and they do not have to spend one nickel more in any category without the Breaux-Feinstein amendment.

We say: Look what you did in the last 3 years, and what you are going to do in the future 3 years, and see if you did more than you did in the past. If you did, you get the 5-percent break. But, by golly, if you don't, you don't get it. I think that is fair. I withhold the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I want to first talk about the underlying legislation and then talk about the Breaux-Feinstein amendment.

Allen Sinai is one of the most respected economists in the United States—not a Republican or a Democratic economist—a bipartisan economist. These 660,000 jobs he said this underlying bill will create is based on our language. He is not saying what Senator BREAUX just said, that they are not guaranteed to bring the jobs back. He is doing an independent analysis based on the money coming back into the United States and based on that determining how many jobs it will create, and this is a very conservative number.

What else will this underlying bill do? It will reduce the deficit, according to his study, also by $75 billion over 5 years because of the economic stimulus that will occur in the United States. The money that will come back—there have been studies—the first J.P. Morgan study was around $300 billion. They have updated their numbers. It is expected to be around $500 billion. Allen Sinai's numbers, once again, an independent economist, was based on the $300 billion figure. We heard $300 billion all the way up to $600 billion will come back to the United States. That is more money than all of the IPOs, initial public offerings, on the stock market from 1996 to 2002. That is a lot of economic activity.

We hear a lot today about outsourcing. Lou Dobbs talks about it almost every night—outsourcing, outsourcing, outsourcing. This bill is insourcing. This insources jobs to the United States. Mr. President, $500 billion will create a lot of jobs in the United States.

Here is the language, by the way, Senator BREAUX is talking about in our bill when he says there really is not any kind of enforcement mechanism:

> . . . described in domestic reinvestment plan approved by the taxpayers, president, CEO or comparable official before the payment of such dividends and subsequently approved by the taxpayers board of directors, management committee, executive committee, or similar body, which plan shall provide for the reinvestment of such dividends in the United States, including as a source of funding of worker hiring and training, infrastructure, research and development, capital investments or for the financial stabilization of the corporation for purposes of job retention or creation.

Why is that language important in our bill and how is that enforced today? We are in a post-Enron environment. The markets look at the governance of corporations. The IRS certainly looks at it. With Sarbanes-Oxley on the books, CEOs are very sensitive to complying with federal laws such as this. Companies are required to develop a plan, and they have to stick with the plan, otherwise the stock markets will punish their stocks if they are not doing this. That is one of the ways the markets actually enforce what is going on.

I want to point out some of the other items that other countries do on a comparative basis. These are just corporate tax rate comparisons. The United States has the highest of all of these countries, and these are countries with which we deal and compete. The United States has the highest corporate tax rate of any of the countries—Korea, Indonesia, Japan, EU, average, Ireland, 12.5 percent. That makes a little more sense in terms of why they are competing a little better than we are.

In fact, in Ireland, they call it the Celtic Tiger because their success has been so incredible as a result of lowering their tax rates to attract capital.

The money right stranded overseas now will not come back in the United States without our bill. That is the bottom line. People say it is not fair to allow the money to come back in at lower tax rates than American companies are paying today in the United States. The bottom line is, fine, if it is not fair, then do we just want to leave this money overseas? The money is not going to come back to the United States to create jobs without our bill.

How do other countries treat this money that comes back into their countries compared to what the United States does currently? The United States is up to a 35-percent tax. France, Germany, Canada, Australia, the United Kingdom—zero, and they have no restrictions on how the money can be spent. It just comes back and gets reinvested in their countries. That is why we are saying let's bring it back within that 1-year period of time, and we will charge you 5.25 percent, which is still higher than all of these countries. The companies want to bring that money back to invest in the United States.

By the way, paying down debt is not allowed under the Breaux-Feinstein amendment. If you are a company and you are burdened with debt and now you have to lay off people, doesn't it make sense to allow them to pay the debt down instead of laying off people? That just makes common sense to anybody who has ever been in business. If you are in tough financial times, having money from overseas come back and reducing your balance sheet debt for the companies located in the United

States makes sense. It makes them more financially solvent.

Mr. SMITH. Mr. President, will the Senator yield for a question?

Mr. ENSIGN. Yes, I will yield.

Mr. SMITH. Mr. President, we talk about 660,000 jobs for the whole country. Isn't it also true that California stands to gain 75,000 new jobs, and Louisiana stands to gain nearly 10,000 new jobs; Nevada, over 5,000 new jobs; Oregon, nearly 30,000 jobs; and Virginia, nearly 14,000 new jobs that can be created in a very short period of time. Doesn't it really go to our individual States to show just how dramatic a benefit this brings to America and our States?

Mr. ENSIGN. Mr. President, I say to the Senator, I think those are very conservative estimates at a time when we are talking about jobs. The rest of the economy is doing well, and the job numbers are picking up. This can be the extra boost the U.S. job market needs.

These are the items not allowed under the Breaux amendment when it comes back: debt reduction I just talked about, job training, and tuition reimbursement, better health care benefits for workers, childcare for employees getting back to work, and materials for new manufacturing.

There are a lot of items the money would not be allowed to be used for under the Breaux amendment. This really is a poison pill. The companies are telling us if the Breaux-Feinstein amendment is adopted, it basically kills their incentive to bring the money back.

Let's have some common sense here. If money is overseas and it is being invested over there because tax rates are too high to bring it back to the U.S., let's lower the tax rates so the capital comes back to the United States to create jobs. That is the bottom line; it will create jobs in the United States. It will make American business more competitive in this global marketplace.

If my colleagues are worried about outsourcing, defeat the Breaux amendment and keep the provision in the bill. The Invest in the USA Act is a great piece of legislation. That is why on the floor of the Senate last year it received 75 votes to 25 votes against it. With 75 votes, in a bipartisan manner, we adopted our bill last year. We need to keep this provision intact in the underlying bill.

I encourage all Senators who voted last year with us to stay with us on this point and defeat the poison pill of the Breaux-Feinstein amendment.

I reserve the remainder of our time.

Mr. BREAUX. Mr. President, how much time do we have?

The PRESIDING OFFICER. Eight minutes four seconds.

Mr. BREAUX. I yield myself 3 minutes.

It is interesting that they said Louisiana would gain 10,000 jobs if this passed. We probably lost 50,000 jobs with people moving overseas. So with this legislation, we are still 40,000 jobs short.

What we are doing in this legislation is rewarding companies that operate overseas. We say, if you operate overseas and you hire foreign workers in foreign countries and put your money in a tax haven, somehow that is good policy, and we are going to let you take those earnings and only pay 5-percent tax on that. What kind of logic is that? That is a huge incentive to continue to hire workers overseas knowing Congress is going to let you bring earnings back, not at 35 percent, which every other company that hires U.S. workers in my State or any other State has to pay. No, if you do it overseas, you are only going to have to pay 5 percent if you give us a plan that tells us you will use the money for the financial stabilization of the corporation, whatever the heck that means.

If we are going to create so many jobs and if we are going to reduce the deficit, when you look at this and score it impartially, why does the Joint Committee on Taxation say this is going to cost the Treasury $3.7 billion? If we are going to create so many more jobs and so many more people are going to pay taxes, why does this provision in the current bill cost the U.S. taxpayers $3.7 billion? That is the score from the Joint Committee on Taxation when they looked at this provision. It is not going to reduce the deficit. It is going to cost the taxpayers almost $4 billion.

When someone makes the point that the IRS will audit these companies, audits are down on corporate America by over 60 percent. They are doing 60 percent fewer corporate audits. One wonders why Enron got away with everything? Because the Treasury does not have the wherewithal to do the audits they need.

The principal argument I have with the Breaux-Feinstein amendment is simply this: If people say they are going to bring it back at a 5-percent rate and they are going to use it to create more jobs, I say, OK, let them do it, but let's have some mechanism to ensure they really do create more jobs than they created in the past. That is all the Breaux-Feinstein amendment really says. It says: Show us, Mr. Corporate America, that, in fact, you are creating more jobs than you did before. And if you did, fine, you are off the hook; you get a 5-percent tax rate, but if you do not create any more than you did in previous years or you create less, then something is wrong with this proposition, and we are not going to let you pay only 5-percent taxes.

It is an enforcement mechanism. I agree, use it for pensions, use it for research and development, use it for capital expenditures, use it for job creation, but please show us that it was used for that purpose.

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. BREAUX. I reserve the remainder of my time.

Mr. SMITH. The time remaining on our side is 1 minute 40 seconds?

The PRESIDING OFFICER. One minute forty-eight seconds.

Mr. SMITH. I yield 1 minute to the Senator from California, and I will use the remainder.

The PRESIDING OFFICER. The Senator from California is recognized for 1 minute.

Mrs. BOXER. As we wind down this debate, I thank Senators SMITH, ENSIGN, and ALLEN. I think we have had a good debate. I want to thank Senator BREAUX for his passion. My colleague, Senator FEINSTEIN, and I do not see this eye to eye.

Here is how I would sum it up: On May 15, 2003, the Senate voted 75 to 25 for the Ensign-Boxer-Smith Invest in the USA Act. It was a very clear statement that we want to see job creation. What we are proposing is a 1-year only chance for corporations that have parked their foreign earnings abroad, and that have no intention of bringing them back, to bring it back at a lower tax rate. It would infuse our Treasury with about $4 billion in revenue, and Allen Sinai, a respected economist, says it will create 660,000 jobs.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. I hope we will vote against the Breaux-Feinstein amendment and once and for all make this important bill the law of the land.

Mr. BREAUX. Parliamentary inquiry: What is the status on remaining time?

The PRESIDING OFFICER. Thirty-nine seconds for Senator SMITH and four minutes fifty-four seconds for Senator BREAUX.

Mr. BREAUX. I will close on my amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I close on this amendment with the following comments: In this legislation, we are giving U.S. companies that hire foreign workers in foreign countries and putting their money that they earned in tax savings the opportunity, the gift, to bring back to this country those earnings and not pay what every other U.S. corporation pays in taxes but to give them an 85-percent tax cut because they operated overseas and hired foreign workers and made products in foreign countries. We are going to give them an 85-percent tax cut over current law if they bring the money back over here.

The argument is that somehow that is going to create more jobs over here. But there is no requirement that a single additional job be created. They do not have to create one more job or spend one more dollar on research and development than they did last year under the current bill without the Breaux-Feinstein amendment.

The Breaux-Feinstein amendment seeks to install responsibility that says: All right, if corporations want to bring it back for those purposes, even though it is going to cost the taxpayer $3.7 billion—some people outside of Washington may think that is a lot of money; I think it is a lot of money—$3.7 billion is the cost of this legislation without the Breaux-Feinstein amendment. The bottom line is there is no guarantee that they will spend one dollar more on creating a job, capital expenditures, or research and development than they did last year. The Breaux-Feinstein amendment says, yes, corporations can do this and we will give them this huge tax break if they spend more on job creation and create more jobs than they did in the past. That is our only requirement, and that is not too much of a requirement.

They already say that is what they are going to do. The only thing our amendment says is, yes, they have to do that; and if they do not they are not going to get the break.

Without the Breaux-Feinstein amendment, they do not have to create one single additional job more than they did in previous years. We have an enforcement mechanism that says: Look, if they do not spend it for what they say they are going to spend it, then they are not going to get the tax break. They are going to have to give it back. They are going to have to be treated as any other company that does business in this country.

They call this a poison pill. I think it is more a vitamin pill to a deficient bill to try and help improve it to give it some strength, to give it some credibility, to say, yes, we agree, let's do it for this purpose, but please have a requirement that it is actually used for that purpose.

The legislation does not have that. The only thing they have to do is come up with a description, a domestic reinvestment plan that does not require it be spent. It certainly does not require that they spend more in the future than they did in the past. But if the corporations put what they are thinking about doing in a domestic investment plan, then they are OK, but there is no requirement that they spend a nickel more than they did in the past. That is the real principle that we are trying to address with the Breaux-Feinstein amendment. I think it makes sense.

It still allows money to come back, but it only requires that they, in fact, use those dollars for what they said they were going to use them. If they do that, if they create more jobs, do research and development, make capital expenditures, do things that they say they are going to do with it, let's please have some mechanism in the legislation that really requires them to do what they say they are going to do.

The history of this country with regard to recent scandals in corporate America show that we have to be vigilant and diligent, and we have to have some pretty clear parameters about what people can and cannot do. This legislation, without the Breaux-Feinstein amendment, falls short in that particular provision.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, if Senator BREAUX were offering a perfecting amendment, I would take it. But he is offering a poisonous amendment. What his amendment would effectively do is limit the ways that these dollars can be used in America to create American jobs.

The more it is limited, the more jobs will be limited. So if my colleagues vote for his amendment, they are voting against job creation in their State.

The Senator says he wants a guarantee. My mother used to say the only guarantees in life are death and taxes. What is in this bill are penalties to the Tax Code. If my colleagues want to make sure these things are spent the way they are described, then these companies have to follow the plan they lay out before the IRS. If they do not, they lose the deduction and the penalties attached in the Tax Code will attach to them as well.

I urge my colleagues to vote against the Breaux-Feinstein amendment. This bill is important to create American jobs.

Mr. BREAUX. How much time remains?

The PRESIDING OFFICER. Fifty seconds.

Mr. BREAUX. Mr. President, we are saying if corporate America wants to get this huge tax gift, OK, let's do it. But let's make sure they use it for the right purpose. Let's make sure they actually use it for job creation. Breaux-Feinstein simply says they have to show that they spend more in future years, the next year, and the next year than they did in the previous years in terms of job creation and doing what they said they were going to do.

Without the Breaux-Feinstein amendment, the only thing a company has to do is file a plan. If they do not follow the plan, well, too bad; they do not get audited, too bad. There is no requirement that more money is spent to create jobs, and we are talking about a jobs bill that creates jobs in this country, I thought, not in a foreign country.

I do not think we can go back home to our constituents and say we are going to give corporate America an 85-percent break for money they earned overseas. If they want to bring it back for job creation, OK, but let's make sure that is what it is used for.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired. The amendment is set aside.

The Senator from Nevada.

Mr. REID. I know the Senator from New Mexico wishes to speak as in morning business for 5 minutes, and certainly we would have no objection to that. I just want to lay out for Members what is going to transpire in the next few hours. The two managers are necessarily absent this morning but they have instructed us what should be done on this legislation. We have completed debate on the Breaux amendment. We are next going to move to the amendment that has been filed by the Senator from North Dakota, Mr. DORGAN.

Following that, unless the majority decides they want to offer an amendment, we are going to finish debate on the Graham amendment, which is also laid down.

We had an agreed-upon time on the Dorgan amendment, but as a result of the fact that we have been told a Senator may offer a second-degree amendment to his amendment, it would be difficult for us to agree to a limit on that. So debate will go forward on the Dorgan amendment, and those who are trying to determine whether they are going to offer an amendment can do so and at that time perhaps we can work out a time agreement. If they don't offer a second-degree amendment, that will be easier.

On the amendment of the Senator from Florida, Mr. GRAHAM, he needs a half hour himself on that amendment, which we understand. There may be a few others who wish to take some time. We could agree to 45 minutes, maybe, to an hour, on our side. I doubt if the full hour will be used.

So it is my understanding that the leadership, when debate is completed on those amendments, would set a time for voting on all three amendments or maybe even four would be pending.

That is where we are. I think it indicates we are moving on this bill fairly rapidly. As Senator DASCHLE and I indicated this morning, on our side we are winding down our amendments. We have a few others that will be offered, not many. We hope the majority will also make a decision in the near future as to whether they want to finish this bill. We want to finish this bill. We hope the majority does also.

Mr. SMITH. Point of clarification?

Mr. REID. Yes.

Mr. SMITH. It was my understanding that it was 70 minutes on the Dorgan amendment and my request is that that include the debate, equally divided, on the Republican substitute?

Mr. REID. It would include debate on the substitute?

Mr. SMITH. On what will be offered on this side.

Mr. REID. Mr. President, I, first, didn't ask unanimous consent that that would be the case. During the time Senator DOMENICI is speaking, we will take a look at that. I just wanted to notify Senators what we were trying to accomplish. Senator DORGAN is on the floor and we will make a decision.

Mr. SMITH. That is fine.

Mr. REID. I ask unanimous consent that Senator DOMENICI be recognized for 5 minutes as in morning business and sometime during the day the Democrats be allotted the same privilege, 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

ENERGY

Mr. DOMENICI. Mr. President, I wish I could have come to the floor earlier but sometimes you are surprised to hear arguments that you never expected. All Senators on that side of the aisle who have come down here to rail against President Bush about high gasoline prices need to take a look in the mirror and blame themselves. I have been down here for months trying to get a comprehensive energy bill passed that will promote a policy of greater energy security and independence. Some of these very Senators are blocking these efforts.

The Energy bill is not a silver bullet to lower prices for gasoline or for natural gas. No such thing exists. There is no silver bullet. It is disingenuous for Democrats to imply that one exists. They know better.

Our bill is long term, to deal with our supply and manage our demand. That is the only responsible strategy. We need more domestic oil and more natural gas production. The Energy bill provides the open door for that to occur. We need alternative fuel sources. The Energy bill promotes for sources such as wind and solar. It promotes clean coal technology, and, yes, eventually, nuclear power. We need this broader portfolio to reduce risks of overdependence on one source. The occupant of the chair knows that as well as anyone. One source of energy is disaster for this great country. Natural gas, as the sole energy to produce electricity, is a disaster.

Senator SCHUMER said: "Don't think there is nothing we can do about high oil prices."

He is right. He suggests remedies—stop filling the SPR. That is wrong. But I do agree we can do something about oil, natural gas, and gasoline prices. Changes to our Strategic Petroleum Reserve, the SPR, are short term, shortsighted, and bad policy.

The SPR is a national security asset. It is there to serve for an emergency, in an emergency situation, when there is a severe energy disruption. It is not a price control mechanism. If we alter the SPR practices, then we can assume that OPEC will alter their production output. This leads to more volatility in the market and a disastrous result.

President Clinton tried to use SPR to deal with high oil prices. He failed. Gasoline prices—believe this—dropped by one penny. That is all, a single penny. Risking our national security by depleting or playing around with the SPR got us a total impact of one penny.

I know we are all concerned about high gasoline prices. On average, gasoline demand in the United States is about 9 million barrels a day. That is roughly 378 million gallons of gasoline a day. Some parts of the country are experiencing $2-a-gallon price, and others have prices in the $1.70 range.

According to the Energy Information Administration, the national monthly average regular gasoline pump prices are expected to peak at about $1.87. One of the reported reasons that we hear for high gasoline prices is the high oil price demanded by OPEC. In 2003, we imported 42 percent of our total petroleum imports from OPEC countries. Supplies from OPEC provides about 26 percent of our domestic crude oil.

Senator WYDEN introduced a resolution about OPEC. I agree with some points of his resolution. The resolution says the President should communicate with members of OPEC and maintain strong relations. Of course, that is a given. We need to work together in a cohesive fashion in our relations with exporting countries and send a strong message that we want reliable supplies at fair prices.

Senator WYDEN's resolution also says that Congress should take short-term and long-term approaches to reducing and stabilizing oil prices. If we pass the Energy bill now, in the short term, then in the long term we will see the benefits of lower oil prices.

The last part of Senator WYDEN's resolution lists some things that can be done to lower oil prices. I particularly agree that we consider lifting regulations that interfere with the ability of the U.S. domestic oil and coal, hydroelectric, biomass, and other alternative fuels to supply a greater percentage of the energy needs of the United States. That is an excellent description of the Energy bill pending before the Senate. Isn't it interesting, instead of passing the bill, we recommend resolutions that do the same thing but the resolution will not accomplish the same thing. We all know that.

If Senator WYDEN is serious that he wants these things, he should be voting to pass the Energy bill that includes the very list contained in his resolution.

I thank the Senate for listening. I am ready at any time to come down and debate the Energy bill and its content, because it is time we quit talking and start doing. It is time those on the other side look in the mirror. In the mirror, they will see they are responsible for what is happening because they will not help us pass an energy bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, after consideration during the speech of Senator DOMENICI, we believe the action of the Senate will be as follows: Senator DORGAN will speak on behalf of his amendment. Senator MIKULSKI will speak on behalf of that amendment. It will take probably a half hour for them to do it, but that is not in the form of a unanimous consent request.

Following that debate, we will move off that amendment because the majority is finding what vehicle they are going to use for a second-degree amendment. When they finish, when Senators DORGAN and MIKULSKI finish, we will move immediately to the Graham amendment. At that time, we will lock in a 2-hour time agreement. It is probably likely that each side will not use its full hour.

Following that, it will be the desire of the majority to have a vote on the Breaux amendment and then on the amendment of the Senator from Florida. We will have two amendments and then go back to the amendment by the Senator from North Dakota.

I ask that we go to the Dorgan amendment. The Senator is on the floor. Following debate on that, I ask unanimous consent that we go to the Graham amendment.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. REID. And that there be 2 hours equally divided on the Graham amendment, with no second-degree amendments in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Madam President, tempted as I am to respond to the last comments just offered by the Senator from New Mexico, I will refrain and do that at a later time. Suffice it to say it provides little benefit to come to the Senate and say, they are responsible for us not having an energy bill. We all understand why we do not have an energy bill. I was one who signed the conference report, worked on the bill, voted for the bill in the Senate. We do not have an energy bill because it failed by two votes. It failed by two votes because the majority leader of the other body insisted on a retroactive waiver for liability of MTBE. He was told it would kill the bill, and it killed the bill.

I don't have much patience with Members who point to one side or the other and say they killed the Energy bill. The Energy bill should be in the Senate right now and should have been in the Senate last week. We ought to do an energy bill. I said I would refrain from commenting. I just commented.

There is no Republican or Democrat way to pay inflated gas prices. The way you pay inflated gas prices is stick the hose in the tank and you have to fork over a bunch of bills when you are done filling the tank. We ought to get a bill through here. My colleagues on both sides of the aisle believe that. In my judgment, it ought to be a priority.

AMENDMENT NO. 3110

Having said that, I have come to the Senate floor to speak to an amendment I offered yesterday on behalf of myself and Senator MIKULSKI. The amendment is supported and cosponsored by other Members of the Senate.

Senator MIKULSKI and I offer an amendment that deals with the issue of the embedded tax incentive in our Tax Code that actually incentivizes companies to shut down their U.S. operation, move jobs overseas, and then send the product from those jobs back into the United States. Let me describe the amendment and let me describe why I believe it is important. The amendment offered by myself and Senator MIKULSKI is also cosponsored by Senator HARKIN, Senator FEINGOLD, Senator KENNEDY, and Senator EDWARDS.

This amendment partially repeals a tax subsidy called deferral. This subsidy is only partially repealed because it is repealed for those U.S. companies that move their operation to a foreign subsidiary, produce the same product, and ship the product back into this country. They lose deferral on that kind of economic activity.

The amendment has several other provisions that require notification of communities, agencies, and workers when jobs are going to be lost and jobs are going to be offshored. It requires the Department of Labor to supply statistics on jobs sent overseas.

The key part is to shut down the perverse provision in tax law that incentivizes the movement of jobs overseas. If you look at this Tax Code, which itself is a Byzantine set of complexities, there is not a section that says: In this part of the Tax Code, this chapter is entitled "Incentive for Sending U.S. Jobs Overseas." There is no such part of the Tax Code. There is no chapter, title or provision that says this is the benefit you get from sending jobs overseas. But that benefit does exist in the Tax Code, and I intend to describe how and why it exists.

Mr. REID. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. REID. We now have agreement that we can have those two votes. I have already indicated that following the remarks of Senator DORGAN and Senator MIKULSKI, we would move to the Graham amendment No. 3112 and the time would be equally divided, 2 hours equally divided. Following the debate on that, I ask we move to vote in relation to the Graham amendment No. 3112. Prior to that, we vote on the Breaux amendment No. 3117. There will be 2 minutes equally divided prior to each of the votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Madam President, this is a picture of a little red wagon. On the side of this little red wagon it says "Radio Flyer." Most of us understand what this little red wagon is because we have actually had one of these red wagons. I had one. My guess is the person now occupying the Chair has had a little red wagon. Even in Nevada they have little red wagons. Senator REID, no doubt, has ridden in one of these. I didn't know until recently much about the red wagons, but that they were wonderful and fun, and if you turn the front wheels too sharp, sometimes they tip over.

This little red wagon is enjoyed by these two young children as it has been enjoyed for decades and decades. This wagon is called the Radio Flyer. It comes from a company created in 1917 by an Italian immigrant woodworker named Antonio Pasin. He had a one-room workshop in New York City where he made wooden wagons by hand. He called them Liberty Coasters, after the Statue of Liberty. He later renamed them "Radio Flyers" because he always had an admiration for airplanes. That is how Radio Flyers came on the side of little red wagons sold all over the country.

The company was inherited by Antonio's children and then inherited by his grandchildren located in Chicago, IL. For almost a century, they turned out these marvelous little red metal wagons made here in this country by working men and women who are proud to make them—that is, until earlier last month. They announced these little red wagons would now be made in China. These American Flyers, these red wagons, will now be sent to our country to be enjoyed by our children, but they will no longer be made in America; they will be made in the country of China. That is an American icon, moving to China.

Huffy bicycles. Huffy bicycles have 20 percent of the American marketplace. Everybody knows about Huffy bicycles. Buy them at Sears, Kmart, Wal-Mart. In fact, for many years, Huffy bicycles had a little decal between the handle bars and the front fender. That decal was of the American flag, made by proud men and women working in a manufacturing plant in Ohio. Those men and women made $11 an hour, but they don't work there anymore. They lost their jobs. They came to work one day to find out they were fired. Why? Because Huffy bicycles were moving to China. Why were they moving to China? Because $11 an hour was too much to pay an American worker when you could hire a worker in China for 33 cents an hour.

By the way, when you move the little red wagon to China and you move Huffy bicycles to China, you also get a tax break. By the way, if you just close your manufacturing plant in the United States and move it to China, you get a tax break.

Huffy bicycles are not here anymore. They are in China. They are made by people who make 33 cents an hour. They work 7 days a week, 12 to 14 hours a day. Both of these companies get a tax cut for going to China. How does that work? How do they get a tax cut for doing that? We have something in our Tax Code called deferral. It is a foreign language to most people unless you are an accountant who works in all these areas. Deferral. It says: Tell you what, if you have two bicycle manufacturers side by side in the same town competing for the same marketplace, they pay the same wage; they hire the same number of workers; they produce the same number of bicycles, one of them decides to move to China or just move overseas, the bicycle manufacturer that stays in your hometown in this country will pay higher taxes than the bicycle manufacturer that leaves because the bicycle manufacturer that leaves to go produce in China is not going to have to pay U.S. income taxes on its income until and unless it is repatriated into this country. That is called deferral. So it will earn income that is untaxed under something called deferral.

We are told from the latest estimates we received recently that this deferral benefit for companies that move overseas to produce the same product and ship it back into our marketplace in the U.S. is over $6 billion in 10 years.

Now I am not talking about an American company, for example, that is in the suburbs of Toledo, OH, and it decides: I am going to move a manufacturing operation to Sri Lanka or Indonesia so I can, less expensively, produce a product to market in Japan or South Korea. That is not what I am talking about. That is not what this amendment Senator MIKULSKI and I are offering is talking about. We are talking about an American company that decides it should be benefited with rewards from our tax system for producing a product overseas that is going to come back into our marketplace to be sold in this country.

It is unfair to U.S. domestic companies to compete against another company that decides to send its production overseas, get rid of its American workers, and then end up competing against its former competitors that stayed in this country, but compete in a way that provides this company that left this tremendous advantage because they now pay lower taxes. They got a tax incentive for leaving.

We are going to hear, I think, a lot of obfuscation about this issue and huffing and puffing and blue smoke in the air over all this. But I think there is a simple proposition to understand. If two companies that make bicycles exist in the same city, and one goes to China to make bicycles to ship back to the United States, the one that left gets a tax break. That is in current law. You can either vote to support current law and say, "I support continuing to give this insidious tax break to those who want to move offshore to ship back into this marketplace," or you can decide this is wrong.

Those companies that stay here, those companies that produce here, ought not to have to compete against others that now have a lower tax rate because they left. That is a simple proposition. There is a lot more we should do, but we don't do it in this bill. I will give you some examples.

Companies that want to run subsidiaries through tax havens, what we ought to do is decide if you don't have a business operation, you just want to run your business accounting through a tax-haven country, we are going to treat you as if you never left this country. That is what we ought to do.

And this last goofy provision that is in the underlying bill says to companies, Oh, by the way, you left, and you now have deferred income, for which you have never paid a tax; why don't you bring it back here and pay a 5-percent tax on it. What an incredibly goofy idea. You think there would be some embarrassment about putting that in the bill, but there is not. There is no embarrassment, apparently. But Tom Paxon, many years ago, wrote this song "I'm Changing My Name to Poland." That is when Poland got some sort of bailout loan from the United States. "I'm Changing My Name to Poland." Maybe the American people ought to get the same benefit that is being proposed in this bill of a 5-percent income tax rate. If it is good enough for people who have $10 billion in deferred income overseas, to repatriate it and pay a 5-percent rate, why shouldn't every single American working family pay the same 5-percent rate? Are they unworthy? Are they less worthy? Why not give them the same opportunity?

There are a dozen things we ought to do to this Tax Code to make it fair. With respect to this issue of international provisions in the Tax Code, we do one, narrow thing. It is very simple. In my judgment, no one here will be able to say I did not understand it. It is very simple. If you are an American corporation and you decide to produce overseas for the purpose of selling into our country, we are not going to give you a tax break any longer for continuing to do it. We are not going to give you a tax break.

Now let me just go through a couple of things that describe the circumstances that exist in this country. Imports from foreign affiliates of U.S. corporations have doubled since 1993. Is a lot of this happening? You bet. Is it happening in a much more accelerated way? Of course. And the perverse thing is, we have a Tax Code that incentivizes this to happen.

Here is employment in U.S. manufacturing. It has fallen by 2.7 million jobs since the year 2000. You see what is happening to the manufacturing sector in this country. No country is going to long remain a world economic power without a robust, healthy manufacturing sector.

I used Radio Flyer wagons—and Huffy bicycles. I could have used any number of products to describe what is happening to the manufacturing base of the country. And our Tax Code subsidizes it. It says: If you have a plant, shut it down and move. We will give you a tax cut.

Employment in foreign affiliates as a percent of U.S. manufacturing has gone from 23 percent to 34 percent. I do not need to make the case any more than this, except to say when we do this—and I often come to the floor to talk about trade issues—it relates to a whole myriad of issues. I mentioned Radio Flyers and Huffy bicycles going to China. I have not visited the plants where they are made.

I regret, and am enormously disappointed, after a century of making little red wagons in our country, the company that makes them has decided to make them elsewhere. I regret bicycles that were made here are made in China. But let me describe the circumstance of all of these issues. And I have talked about this before. This is a Washington Post article. It is about labor provisions in China. This gets to the issue of fair trade. But this is not just fair trade. It is also the perverse tax incentive that says: Oh, by the way, ship your jobs overseas.

It says:

> On the night she died, Li Chunmei must have been exhausted.
>
> Co-workers said she had been on her feet for nearly 16 hours, running back and forth inside the Banain Toy Factory, carrying toy parts from machine to machine.

This was the busy season, before Christmas. They worked 7 days a week. The exact cause of her death remains unknown. They found her after the lights went out:

> Her roommates had already fallen asleep when she started coughing up blood. They found her in the bathroom a few hours later, curled up on the floor, moaning softly in the dark, bleeding from her nose and mouth. Someone called an ambulance, but she died before it arrived.
>
> The exact cause of [her] death remains unknown. But what happened in this industrial town in southeastern Guangdong province is described by family, friends and co-workers as an example of what [Chinese] newspapers call "guolaosi." The phrase means "overwork death". . . .

They actually have a term for it in China.

So these people, who used to make Radio Flyers, the people who used to make Huffy bicycles are supposed to compete with that? We are supposed to believe this is the way competition works in the world? I do not think so.

But aside from that, aside from the perversity of setting up a competition in circumstances where kids are worked to death, and paid pennies, and live 12 to a room, work 7 days a week, 12 hours a day, aside from that, we, in this Tax Code, have an incentive that says: If you do this, you pay less in taxes. If you do this, move your jobs elsewhere, you actually get a tax break. My colleague Senator **MIKULSKI** and I think that is perverse, as I have said.

This proposal is very carefully targeted. It ends tax deferral only where U.S. multinationals produce goods abroad and ship those goods back into the U.S. marketplace. For others who might be surprised by this amendment, let me say to them, it is not new. President John F. Kennedy tried to shut down deferral—a much larger proposition than ours in this amendment. Richard Nixon supported shutting down deferral. The House of Representatives actually voted in the 1980s to shut this down. This is not new.

I might also say, the Senate has previously voted on an amendment very similar to this about 8 years ago. But if we are dealing with international taxation—and we certainly are with respect to the underlying bill brought to the floor by the Finance Committee; and we are doing it in some ways that are quite disappointing, some ways that are fine—if we are dealing with that subject, we cannot fail to deal with the subject of incentives that now exist for companies to eliminate U.S. jobs and shipping those U.S. jobs overseas.

I am not someone who believes our country ought to put up walls. We have a global economy; I understand that. I don't think the rules for globalization have nearly kept pace with globalization. That is why you can't hold discussions on trade anywhere where there is a population center these days, so they take them to Qatar, someplace where there are no hotel rooms.

The fact is, we are now increasingly a global economy. But as we globalize, the rules must keep pace. As we globalize this country, this world economic power needs to be concerned about its future, its job base, and its manufacturing base. Precious little attention is paid to it. We will have Members come to the floor this afternoon aggressively supporting the proposition that deferral is good for our country, good for our taxpayers, good for our job base. Nonsense. Sheer nonsense. It is not good under any set of circumstances for us to say if you have two companies, one that stays in

America, and one that leaves our country, both to produce products to sell in our marketplace, that we will advantage the company that left. We will give an advantage to the company that fired its workers and left to take its jobs to Sri Lanka or to Indonesia or Taiwan or China or Bangladesh. It makes no sense. It never has. And it makes no sense today to decide that we will provide significant financial incentives to those who make the decision to shut down American jobs, shut down manufacturing plants, move them overseas, and reward them for doing so.

This country ought to stand up for its economic interests, not to the detriment of others but for its economic interests. That is what this amendment does. It is about jobs. It is about economic strength. It is about a manufacturing base that needs to be strong and vibrant and growing. And it is about fairness. Finally and most importantly, it is about common sense.

I come to this Chamber from a very small town, 300 people in southwestern North Dakota, a sparsely populated State. One heavy dose of common sense here would be that we would pass this amendment and say that this defies logic. Go to the cafe in my hometown and ask folks: Do you think it makes sense for us to have an embedded provision in the American Tax Code that rewards a company that leaves and puts the company that stays at a competitive disadvantage? Try defending that. If you will defend that in any cafe, any city in this country, let me be there while you do it so I can tell the other side of this story.

There will come a point when this Congress—perhaps it is today when we start down this road—has to decide to stand up for the economic interests at home, take care of matters at home. This is a first step.

Let me end where I began, with bicycles and wagons, just as a symbol. Both have now decided that they will not produce in the United States. They will produce instead in China. Those jobs, these wheels, these pedals, those handlebars, and this red paint used to be applied by American workers. They are not any longer. I am not saying we ought to keep every job here. I am not saying it is not a global economy. But I am saying we can take the first commonsense step to say we will no longer have an embedded perverse incentive to reward companies to move their jobs overseas. If we can't take that step, this is going to be a mighty short journey for this country's economy.

At a time when we worry about jobs, people worry about security; they sit around the supper table at night and talk about their lives "What kind of job do I have? Do I have job security? Does it pay well?" At a time when we discuss these things and know we have lost 2.7 million manufacturing jobs in a few recent years, the question for this Congress is: Will you decide to end the perverse incentive in the Tax Code that actually ships jobs elsewhere? Yes or no. There is not "maybe" as a potential answer. It is yes or no. That is what we will vote on this afternoon.

My colleague, Senator MIKULSKI, comes from a wonderful State, a different State than mine. She comes from more of an industrial State, the State of Maryland. But she has worked with me tirelessly in creating this amendment. I know she has a lot to say as well on behalf of American workers. Let me yield the floor to my colleague from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I ask unanimous consent to print in the RECORD letters in support of the Dorgan-Mikulski amendment from the boilermakers and the shipbuilders, from the electrical workers, from the U.A.W., and from the AFL–CIO.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS, BLACKSMITHS, FORGERS & HELPERS,
Fairfax, VA, May 4, 2004.

DEAR SENATOR: Today, the Senate is expected to vote on the Dorgan-Mikulski amendments to S. 1637, which would end tax deferral for U.S. companies that outsource manufacturing facilities and jobs to foreign countries, only to ship foreign made goods back to the United States. On behalf of the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, I strongly urge you to support the Dorgan-Mikulski amendment and end the "Runaway Plant/U.S. Job Export" subsidy.

The Dorgan-Mikulski amendment will help stop the flow of good-paying manufacturing jobs out of the United States. In the last 3 years, 2.7 million jobs that could support the typical American family have disappeared. Part of this decline is due to tax incentives that encourage companies to shift their operations abroad. Under current law, a U.S. company that shifts a manufacturing operation to a foreign based subsidiary can indefinitely defer paying U.S. taxes on its profits until it sends those profits back to the U.S. as dividends.

U.S. taxpayers should not subsidize manufacturing expatriates. This unfair and arcane tax provision rewards U.S. companies that move American jobs offshore and puts taxpaying domestic companies at a severe disadvantage, while costing American taxpayers $6.5 billion over 10 years. Multinational companies should not be encouraged to move jobs abroad and avoid paying their fair share of taxes on income gained from the U.S. market.

Repealing the jobs exports tax subsidy will allow American manufacturers to compete fairly. This amendment not only repeals this ill-advised job export subsidy, but it uses those savings to accelerate the tax cuts provided in S. 1637 for domestic manufacturing.

Corporations will be held accountable to the communities they leave behind. Workers and their families deserve to know when their jobs are being sent abroad. This amendment will shed new light on corporate practices by requiring companies to disclose to workers and the public whenever they lay off more than 15 workers to send jobs overseas.

Once again, I urge you to remedy the unfair tax incentive that sends American jobs overseas by supporting the Dorgan-Mikulski amendment to S. 1637. Thank you for your attention to this important matter.

Sincerely,

BRIDGET P. MARTIN,
Assistant to the International President, Director of Government Affairs.

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS
Washington, DC, May 4, 2004.

Hon. DANIEL K. AKAKA,
U.S. Senate, Hart Office Building,
Washington, DC.

DEAR SENATOR AKAKA: Today, the Senate is expected to vote on the Dorgan-Mikulski amendment to S. 1637, which would end tax deferral for U.S. companies that outsource manufacturing facilities and jobs to foreign countries, only to ship foreign made goods back to the United States. On behalf of the 780,000 members of the International Brotherhood of Electrical Workers (IBEW), I strongly urge you to support the Dorgan-Mikulski amendment and end the "Runaway Plant/U.S. Job Export" subsidy.

The Dorgan-Mikulski amendment will help stop the flow of good-paying manufacturing jobs out of the United States. In the last 3 years, 2.7 million jobs that could support the typical American family have disappeared. Part of this decline is due to tax incentives that encourage companies to shift their operations abroad. Under currnet law, a U.S. company that shifts a manufacturing operation to a foreign based subsidiary can indefinitely defer paying U.S. taxes on its profits until it sends those profits back to the U.S. as dividends.

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Once again, I urge you to remedy the unfair tax incentives that sends American jobs overseas by supporting the Dorgan-Mikulski amendment to S. 1637. Thank you for your attention to this important matter.

Sincerely,

EDWIN D. HILL,
International President.

Washington, DC, May 4, 2004.

DEAR SENATOR. The AFL–CIO urges to support the Dorgan-Mikulski amendment to S. 1637. The amendment would eliminate foreign tax deferral for companies that export jobs.

Under current tax law, companies that manufacture in the United States must pay corporate taxes, but American companies that manufacture abroad can indefinitely defer their taxes on that income. The Dorgan-Mikulski amendment would eliminate deferral so companies are taxed the same whether they produce and invest in the United States, or invest abroad and export back to the United States. This change would save taxpayers nearly $7 billion and eliminate a major incentive in the tax code to ship jobs overseas.

The amendment comes at a critical time for American workers. More than 2.8 million manufacturing jobs have been destroyed since President Bush took office. According to a recent survey of American CEOs, 47 percent of them plan to ship more manufacturing jobs overseas this year. The US tax code should not encourage companies to export jobs, which is why the Senate should adopt the Dorgan-Mikulski amendment.

Thank you for considering our views on this important issue.

Sincerely,

WILLIAM SAMUEL,
Director, Department of Legislation.

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA-UAW
Washington, DC, May 4, 2004.

DEAR SENATOR: This week the Senate will be considering amendments to the FSC/ETI tax replacement legislation. The UAW wishes to share with you our views on this important measure.

The UAW strongly supports the Specter-Bayh manufacturer's tax equity amendment. As currently structured, the FSC/ETI bill provides a deduction that only certain U.S. manufacturers are able to utilize. Unfortunately, this deduction does not provide any benefit to many capital-intensive industries—including major auto and steel companies—because they do not have sufficient "manufacturing" income due to their extremely high "legacy" health care and pension costs. The net result is that domestic portion of the FSC/ETI bill fails to provide any assistance to a major portion of our manufacturing base that is crucial to maintaining thousands of good paying jobs.

To correct this deficiency, the Specter-Bayh amendment would allow manufacturers to elect either to take the deduction currently in the bill, or in lieu of that to receive a tax credit equal to 10 percent of their health care expenditures for active and retired workers aged 55–64. This election would effectively allow auto and steel companies to receive a tax benefit equivalent to that received by other domestic manufacturers. In addition, it would provide significant relief for their "legacy" costs, and enable them to increase investments and create additional jobs for American workers. The UAW urges you vote for the Specter-Bayh amendment and to insist that it be incorporated into the FSC/ETI bill.

The UAW also urges you to support amendments to reduce or eliminate tax breaks for the overseas operations of multinational corporations. This includes the Dorgan-Mikulski amendment on runaway shops, the Harkin amendment disallowing deductions for outsourcing, and the Hollings amendment striking the international provisions in the bill. These amendments would eliminate tax breaks that are exacerbating the loss of manufacturing jobs in this country. Instead of subsidizing companies that ship jobs overseas, the UAW believes Congress should target assistance to domestic manufacturers who create jobs for American workers.

Thank you for considering our views on these important issues.

Sincerely,

ALAN REUTHER,
Legislative Director.

Ms. MIKULSKI. Madam President, I want to thank the Senator from North Dakota for his passion and vigor in presenting this amendment. I also thank him for his story about the Red Ryder, a good old wagon. I had a Red Ryder wagon. Growing up in a blue-collar neighborhood in Baltimore during World War II, my father had a little neighborhood grocery store. And one of the ways the groceries got delivered was in this good old red wagon we had. I could use the wagon for a couple things.

Dad would sometimes say: Barb, take the wagon down to Mrs. Smith or Yankowski or Coalino. It was a very ethnic neighborhood. They called in and ordered late. Run down those oranges and take the wagon.

I loved that red wagon. I was also a Girl Scout during World War II. Dad would let me use the wagon to go around the neighborhood to collect newspapers because we were recycling a variety of things for the war effort. I felt like a little soldier on the move with my red wagon and my little Girl Scout uniform, along with other kids from the troop. I was the kid with the wagon. I loved that wagon. I loved that neighborhood so much because in that neighborhood there were men sent off to World War II, saving Western civilization, saving the world.

We were the neighborhood of factories. We made liberty ships. We turned out a liberty ship, one ship every 3 weeks. We put out turbo steel to make the tanks. Glenn L. Martin made the seaplanes that helped win the battle of the Pacific. We were in the manufacturing business. We were in the war effort business. And this little girl in her Girl Scout uniform with the little red wagon made in the USA felt she was doing her bit.

Guess what. Those jobs now are leaving. Our shipyard jobs have left. Our steel mills have shrunk to miniscule levels. We don't make ships. We don't make steel. We don't make clothing. We are really down. The blue-collar Baltimore of World War II and Korea and Vietnam just isn't what it used to be.

Where did those jobs go? Those jobs are on a slow boat to China. They are on a fast track to Mexico. And other jobs are in a dial 1–800 anywhere. And why did they go? They went because there were tax breaks that rewarded those corporations to move not only the red wagons but so much of this manufacturing overseas.

Today, as we know, if you are in business and in the good old United States of America, you get a tax break if you move those jobs overseas. I think it is wrong to give companies incentives to send millions of jobs to other countries when millions of Americans are losing their jobs. It is wrong to put companies who stay in America at a competitive disadvantage because they have their business and hire their workers at home, pay their share of taxes, and provide health care to their employees.

We should be rewarding these companies with good guy tax breaks for hiring and building their businesses right here in the United States. We should be giving good guy bonuses to American corporations who are providing health care to their workers and to their retirees. But, no, we give tax breaks to those people who want to take their jobs and evacuate to another country.

It is time we look at our Tax Code and call for a patriotic Tax Code. I want a patriotic Tax Code. We walk around the floor of the Senate, we go to rallies. We love to be in parades. We wear our flags because we want to stand up for our troops—and stand up for our troops we should—but we have to stand up for America.

We have to stand up for America by having a strong economy. That is why I want a patriotic Tax Code. This amendment we are proposing is about patriotism. It is about economic patriotism. We have to start putting our might and our muscle and our votes behind this in the Senate.

What does a patriotic Tax Code do? I think it would focus on bringing our jobs back home and bringing our money back home. That is what a patriotic Tax Code would do. The Dorgan-Mikulski amendment is step one. It ends these huge tax breaks for manufacturing companies that send jobs overseas, only to sell the products they make right here in the United States of America. The current Tax Code lets these companies move the jobs and not pay taxes on the profits, even though they earn the profits by their sales of those products in the United States.

Our amendment tells these companies if you want to export jobs out of America, you need to pay the taxes on your profits. Our amendment says the Tax Code can no longer be used to boost corporate rewards at the expense of American workers. I have watched those jobs I have talked about leave. A couple months ago, we were hard hit on the eastern shore. There is a company headquartered in Maryland called Black and Decker. It makes many of the wonderful tools you use in your home. It was started by a Maryland family. The jobs were in America. Now the headquarters is in America, but the jobs are not here. The eastern shore jobs at that major manufacturing facility have left. Over a thousand people were laid off; 1,000 people in a little community like Talbot County. That is a tremendous impact. The impact has been felt by the whole community. People lost their jobs, and people had to cut back in terms of their homes, the way they shop at their grocery store; and there is great shrinkage in the United Fund. I could go on about that. Those jobs left this country.

At the same time, there are other examples. Take Maytag. Oh, gosh, every woman in America loves Maytag and that friendly guy who comes to service them. Well, I hope he speaks a foreign language to try to read the manual, because those Maytags are made somewhere else. By the way, they used to be made in Illinois. So those 1,500 jobs left. They were washed out, if you will, in this country.

Then there is Levi Strauss, which closed six U.S. plants, cutting over 5,000 jobs. So the jeans that made America famous are now being made in other countries.

We could go on to furniture that used to be made in our Southern States, like Virginia and North Carolina. Many of you might have read in the paper over the weekend what is happening in Roanoke, VA, where many people have lost their jobs in manufacturing, in metal working, in furniture, and in other materials. Their divorce rate is so high that almost 50 percent of the people in Roanoke, VA, are now divorced. It is becoming the divorce capital, with the highest divorce rate in the Nation. Why did that happen? You can look at the divorce rate and chart it along with the decline in those manufacturing jobs. We have seen it in manufacturing. There is the exit of the service jobs now. A lot of people in manufacturing who lost their jobs busted their backs and their butts to send their kids to higher education, community college, or college. They said go to college, kids, learn technology; it is the new field. You are not going to be laid off like me. You are going to have a future. America will be the tech country of the world. Well, guess what happened. Now the tech jobs are going. In the next few years, the IT sector will move over 500,000 jobs overseas. People are saying train—you have to be kidding. Even our State governments are outsourcing jobs by hiring companies to do call centers overseas. I joined with Senator DODD to stop the outsourcing of Federal jobs overseas to call centers.

That is why I stand here today with my colleague from North Dakota to call on us to think about economic patriotism, think about a patriotic Tax Code that, first of all, gives rewards to American companies that keep jobs here, and also a tax code that gives good bonuses to those companies that provide health insurance to their workers and also look out for their retirees.

Then the other thing is to end the despicable process and breaks and rewarding those companies who move not only the little red wagons, but very big manufacturing items overseas. That is why I want to stand up today for what I believe is the right thing to do. I call upon my colleagues to think about where America is going in the 21st century. Where are we going to be? Are we going to create more opportunity? Are we going to create more jobs that pay living wages, that have a benefit structure you can reward? Or are we going to resemble the economy of a third world country?

I really want to have a tax code that brings our jobs back home, brings our money back home, stands up for America. So pass the Dorgan-Mikulski amendment and take your first step toward economic patriotism.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, thanks to the Senator from Maryland for her comments and her hard work on this amendment. I hope we will be able to pass this amendment. I expect we will vote on it later today. I wanted to make a couple of additional points.

First of all, on this broader issue of deferring tax, Presidents Kennedy, Nixon, and Carter all tried in vain to actually end deferral. In 1975, the Senate voted to end it. In 1987, the House voted to end it. But in each case, of course, it never got to the President's desk for signature. So we have this thing called deferral. That sounds less ominous than it really is.

With respect to the products manufactured abroad to be sold in our marketplace by U.S. corporations, this deferral is a title that says there is a tax break for U.S. companies to move jobs overseas in order to sell back into our marketplace. There is now $640 billion in foreign earnings that have not been repatriated. Many of them, of course, are parked in tax havens indefinitely—$640 billion.

My colleague also talked about some products. What is more American than Levis? Well, Levis are gone. Before, when you put on a pair of pants, you were putting on an American pair of pants. Not anymore. You are putting on Mexican or Chinese pants.

Then there is Fruit of the Loom. It is one thing to lose your shirt, but Fruit of the Loom is gone. They used to be manufactured here. They are manufacturing them in Mexico and, I believe, some in China. By the way, if you want to order up Mexican food, order Fig Newtons. We all grew up with them. Fig Newton cookies used to be American. Now this cookie is made in Mexico. Next time you order Mexican food, ask whether they will bring you some Fig Newtons.

The point is, we are not only shifting these jobs out of our country for the purpose of manufacturing to sell back into our country, our Tax Code says please do this and we will give you a $6.5 billion benefit over the coming 10 years.

If the Congress cannot take this baby step in addressing this perversion, then the Congress cannot find its way through public policy in a way that reflects any modicum of common sense.

I wanted to mention that while I think there is much to criticize in the underlying bill, there is a provision in the underlying bill that addresses so-called "inversion." I commend the committee, Senator GRASSLEY, and Senator BAUCUS for that position. The inversion is a circumstance where a U.S. corporation says I want to renounce my American citizenship for the purpose of saving tax money. Well, we have seen some of that. My colleague from Maryland asks, where is the economic patriotism? The committee, in my judgment, did the right thing with respect to this issue of inversions in the underlying bill. I congratulate them for that.

My hope is we will this afternoon have some additional debate on this amendment. I don't know what is going to be offered as a substitute, but, hopefully, we will have votes on both, and we will be able to continue and complete this debate this afternoon. I hope when the dust settles Congress will have done something that meets some basic commonsense test.

My understanding is Senator GRAHAM of Florida is going to be involved in the coming 2 hours. He is in the Chamber. Let me at this point yield the floor with the understanding I will continue this discussion this afternoon when we return to this amendment.

I yield the floor.

AMENDMENT NO. 3112

The PRESIDING OFFICER (Mr. HAGEL). Under the previous order, there will now be 2 hours of debate equally divided on the Graham amendment No. 3112.

The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, I first thank my colleagues, Senator DORGAN and Senator MIKULSKI, who have raised the issue of will it be American jobs the JOBS bill will create. That is a core question which is raised by the amendment I have brought to the Senate. We are about to spend $170 billion over the next 10 years with the stated objective being to create jobs for American men and women. The question is: How effective will this legislation be in achieving that goal? Is it worth $170 billion under these conditions to be spent or is there not a better way to allocate that same amount of money that will have a greater likelihood of actually creating jobs in the United States?

I would like to put this into some context. The context is where have we been in the recent past and where are we today in terms of jobs for American men and women.

The manufacturing sector of the American economy has lost 2.8 million jobs since January of 2001. It may well be this administration will end up as the first administration in 70 years, since the administration of President

Herbert Hoover, to preside over a net decline in private sector employment in the United States.

The unemployment rate has increased 36 percent since January of 2001. The number of long-term unemployed has increased 175 percent. There have been policies and expectations advanced to reverse that situation. The President said, for instance, in his 2003 Economic Report that based on the steps Congress had taken since his administration commenced, in the year 2003 there would be 1.9 million new jobs created in America. The actual increase in jobs in America was 100,000.

The administration has stated the weak employment situation is the result of a dramatic increase in productivity. They argue this increased productivity has raised our standard of living. There are a lot of Americans out there who have not seen this rising tide of standard of living.

Since this administration took office, real earnings growth has slowed dramatically, particularly for those at the lower income scale. Real earnings at the middle of the income distribution rose only two-tenths of 1 percent per year in 2000, 2001, 2002, and 2003.

To put this in comparison, this is a marked deterioration from the successes of the 1990s. Between 1996 and 2000, real earnings growth for those in the middle income was 1.7 percent per year.

We also find ourselves with another growing deficit, and that is a growing trade deficit. The U.S. trade deficit, the excess of goods and services we buy from others over the amount of goods and services we sell to others, has varied over the years, generally in tandem with the economy. For example, in 1981, we had a slight trade surplus. In 1986, the trade deficit had risen to a then record of 2.8 percent of gross domestic product. Remember that number, in 1986, a record historic trade deficit in the United States of 2.8 percent of gross domestic product.

In 1991, our trade deficit had fallen back to a mere two-tenths of 1 percent of our gross domestic product. We see in the last several years, as there has been deterioration in jobs within America, there has also been a deterioration in our international trade balance. For 2003, our trade deficit reached a new record of 5.5 percent of GDP. Compare that with the record of 1986 of 2.8 percent of gross domestic product.

I present this information as the context within which to consider the legislation which is before us and the amendment I have offered—the need for strategic, energetic, and efficient stimulation to our economy, particularly our manufacturing economy and particularly to that part of the manufacturing economy which has been so damaged by the deterioration of our international trade.

The current impasse on this JOBS bill which has caused several weeks delay may turn out to be a blessing in disguise. The delay has provided the Senate with an opportunity to reassess the fundamental merits of this legislation and then to consider what might be better alternatives for working men and women in this country.

I see this bill, the JOBS Act, as having five goals.

The first goal is to meet our obligation under the World Trade Organization by repealing the existing laws, rules, and regulations and, therefore, reverse the retaliatory sanctions which are being imposed by European countries on products of the United States, many of which have nothing to do with the underlying current international tax incentives for American manufacturers. That is goal No. 1.

Goal No. 2 is to avoid enacting a provision that makes it more advantageous than it is today for U.S. companies to move jobs abroad.

Goal No. 3 is to enact provisions that encourage job creation in the United States of America.

Goal No. 4 is to simplify the Tax Code.

Goal No. 5 is to minimize extraneous tax matters that detract from the purpose of this legislation—jobs in America.

Let me review the degree to which this legislation achieves these five very important goals.

Goal No. 1, comply with the adverse WTO ruling. The World Trade Organization, of which the United States is a charter member, has ruled the extraterritorial income tax incentive enacted in 2000 violates the WTO prohibition against export subsidies. The extraterritorial income tax incentive, acronymed ETI, was enacted to replace a similar export-related tax benefit, the foreign sales corporation regime, which also came under fire by the WTO.

Under the ETI regime, a taxpayer can exclude a portion of its income related to goods sold, leased, or rented for direct use or consumption or disposition outside the United States. The amount excluded under the ETI law is 15 percent of the net income derived from the transaction.

The WTO's ruling is unfortunate because it perpetuates an unfair advantage which the European businesses have in relation to the United States firms selling into that market.

Nevertheless, because we rely on the WTO to make sure other countries adhere to international trade rules, we must abide by its decision. It is the rule of trade law.

In addition to meeting our trade obligations, we need to enact this bill to rescue those companies and their employees from the punitive tariffs which are currently being imposed on U.S. exports into the European Union. Currently, those tariffs equal 7 percent of the price of a product being exported to Europe. That tariff will increase 1 percent per month for each month we delay in repealing these offending provisions.

What is most unfortunate is the companies that had benefited from the ETI provisions which have now been ruled illegal often do not make the products which are now the subject of European sanction and retaliation. Innocent businesses and their employees are caught in this crossfire. The JOBS Act meets this first goal by repealing the ETI provisions in our Tax Code. Repealing these provisions will increase Federal income tax receipts by $45 billion over the next 10 years.

Goal No. 2: Avoid exacerbating the current tax incentives for further outsourcing of jobs by U.S. corporations. The JOBS Act does a poor job in meeting this objective. The provisions in title II of the bill, by definition, are designed to lower the tax burden on U.S. companies' foreign operations. The effect of that: To make it even more attractive to move operations and jobs outside the United States to a foreign base of operation.

The total cost of the changes we are making in this underlying law, which will have the effect of increasing the incentives to leave the United States, is $37 billion over the next 10 years. As stunning as it is, we are about to spend $37 billion to give additional incentives for firms to move jobs out of the United States.

I will provide a couple of examples of how specific provisions will affect U.S. multinational investment decisions. First I will say to anyone who is listening that if they would like to take a nap, this would be a good time to do it because it gets real tough going at this point.

Example one, there is a provision in this bill that changes the tax treatment of payments between affiliated foreign companies. The law today is that the U.S. tax on income earned by a foreign subsidiary of a U.S. multinational is deferred until that income is paid to the U.S. parent in the form of a dividend. Dividends paid by one foreign subsidiary to another foreign subsidiary are treated as though they were paid to the U.S. parent and are therefore subject to U.S. tax.

The JOBS Act changes this treatment by continuing the deferral of U.S. tax on dividends paid by one foreign subsidiary to another located in a different country. The effect of this legislation will be to make it more attractive for a U.S. multinational to invest excess cash in a foreign subsidiary in any country except the United States of America. Payment to the U.S. parent would trigger the tax, but payment to an affiliated foreign subsidiary would remain tax deferred.

An example: If an American firm operating businesses in several foreign countries—let's say one of those was India and another was China—if the Indian subsidiary earned substantial profits and the company was making the decision will I use those profits to reinvest in India, will I use those profits by bringing them back to the United States in the form of a dividend to invest in the United States, or will I move those profits to China, today the last two choices have the same tax implications. U.S. tax will be paid if the money was brought back home or if the money was sent to China. Under this legislation, the only time the tax will be paid is when it comes back to the United States. If the exact same dollars go in the form of a dividend from India to China, there is no tax.

We are creating a very substantial new incentive for American companies to use their income earned outside the United States frequently, as Senators DORGAN and MIKULSKI have just said, to create a platform to export back into the United States. We are increasing the incentive to do so.

This bill includes a "temporary period" during which dividend payments from foreign affiliates to a U.S. parent receive a substantial reduction in their tax rate. The regular corporate tax rate is 35 percent. It would be reduced for an American corporation which has set up a subsidiary in a foreign country, has earned a profit in that foreign country, is going to send that profit back to the United States. Instead of being subject to the normal tax of 35 percent, they would only be subject to a tax of 5.75 percent.

This provision reduces Federal revenues by $3.8 billion over the next 10 years. What are American working men and women going to get for their $3.8 billion? The rationale for this proposal is that reducing the tax rate will encourage U.S. multinational companies to expatriate income held offshore in order to make investments in the United States that will create jobs.

Let me just point out one little practical fact. In order to take advantage of this; that is, for a U.S. firm operating outside the United States to be able to repatriate a substantial amount of funds during a narrow window of opportunity, it has to be a firm that has a substantial amount of cash on hand in order to be able to take advantage of that. If they have been investing the profits they have earned offshore to expand their offshore operations, they will have limited means by which to avail themselves of this opportunity.

My concern is that what we are really creating is a tax incentive for tax shelters because it is those tax shelters, as opposed to companies that are actively engaged in the production of goods and services, that are the most likely firms to take advantage of this window. They are the least likely firms to create jobs in the United States.

Another concern about this temporary window proposal is it will not be very temporary. How many times have we heard in the Senate, when a tax cut has been passed but might not go into effect for several years in the future, and then today someone says, let's reconsider: was that really a wise thing to do, to cut the tax rates beginning in the year 2009? Should we not reevaluate that in the context of our current deficit situation and the war and the other challenges America faces?

What is the response to that reasonable question? The response is, of course we should not consider it because if a tax is precluded that is already on the books from staying on the books or going into effect at a future date, do my colleagues know what has just happened? They have raised taxes, and that is the ultimate charge that can be made against an American politician.

Imagine what it is going to be like when this temporary window is ready to expire and the same argument is made; if one does not vote for extending this window, preferably if they do not vote for making this window permanent, as the President is urging that we do, taxes have been raised.

Now, this is not a fanciful suggestion. In fact, this very bill includes 21 tax provisions which when they were enacted were for a specific time period, which has long since passed. Every year, as we get close to these tax provisions that are about to expire, we pass legislation to extend them for yet a few more years.

For instance, in this bill we have a number of items that were intended to be for a specific duration that we are now going to extend substantially into the future. These include items such as the deduction for electric vehicles, deduction for teachers' school expenses—other items which may in and of themselves be worthy. But they are illustrative of the difficulty of ever saying that something which was supposed to be temporary is, in fact, temporary.

If extended, the effect of this repatriation proposal will be to create a permanent reduced tax rate for U.S. multinationals' foreign investment, a tax rate which is 85-percent less than the tax rate that same corporation would pay on income earned inside the United States. So we have a dismal failure on goal No. 2, which is to avoid giving any further incentives to U.S. multinationals outsourcing jobs.

Goal No. 3 is to encourage the creation of jobs in the United States. The primary provision for this encouragement is the creation of a U.S. job provision in the form of a manufacturers' deduction. As currently constituted, this manufacturers' deduction, which is in this legislation, will reduce Federal revenues by $65 billion over the next 10 years. What are we getting for our $65 billion? The deduction is computed as a percentage of the employer's income from production activities located within the United States.

The fact the deduction is based on income, however, creates the perverse effect of rewarding manufacturers that locate at least a portion of their operations in a low-cost jurisdiction outside the United States. When fully phased in, the deduction equals 9 percent of the profit earned from production activities conducted in the United States. To qualify for the deduction, the item must be produced, in whole or a significant part, within the United States. The deduction has some limitations. It is limited to an amount that equals 50 percent of the wages paid by the employer. To the extent that the taxpayer has manufacturing operations outside the United States, the deduction is further reduced by the fraction representing the ratio of the firm's U.S. activity to its worldwide activities. These limitations, which are frequently referred to as haircuts, are supposed to assure that the incentive is targeted at U.S. production.

However, they do not always work in that manner. Let me show a couple of charts as to how this provision, the 9-percent manufacturers' deduction, is likely to work in real life.

The first chart is a simple explanation of how the deduction is computed. In this example, the firm has all of its production operations located inside the United States. It earns $100 in sales for its products. It incurs costs totaling $70 to produce them. The costs, $70, are distributed as follows: materials cost $40, wages inside the United States cost $27, other wages, $3. That is a total of $70.

The company's profit is $30. Its manufacturers' deduction is computed as a percentage of that income. At the fully phased-in rate of 9 percent, the deduction would equal $2.70 to that firm.

Let's look at how the manufacturers' deduction is computed if the taxpayer outsources a share of its manufacturing in order to reduce labor costs. Chart No. 2 illustrates the effect of this change.

In this example, 80 percent of the firm's manufacturing occurs offshore, which results in a 90-percent reduction in its manufacturing wages. The firm still earns the $100 that it did in the first example; that is $100 on the sale of its product, but its costs are substantially lower than the $70 in the first example. In this case, the materials continue to cost $40, manufacturing wages in the United States have dropped to $5 since a substantial amount of the cost of production, not including materials, has now moved outside the United States to a low-wage area. Foreign manufacturing wages are $7. So what this firm used to pay $27 to get—the manufacturing labor to assemble its products—is now getting it for $12. The other wages in the United States continue at $3.

The firm's profit, therefore, is dramatically improved by moving its operation or a substantial portion of its operation outside the United States. It now earns a profit, instead of $30, of $45.

Under the general rule, the manufacturers' deduction would be 9 percent of $45, which would be $4.05. However, there is this separate limitation that you cannot have a deduction that is more than half your U.S. wages. In this instance, U.S. wages for manufacturing are $5, other wages paid in the United States are $3, for a total of $8; 50 percent of $8 is $4. So the firm would get a $4 tax deduction as a result of this procedure.

The result is this: As a result of moving significant parts of its operation outside the United States, this firm was able to qualify for a greater tax incentive under this bill than they would if they had kept their operation in the United States. They get a $2.70 deduction by keeping the operation in the United States; they get a $4 deduction by moving it offshore.

Some of the sponsors of this legislation may argue there is another haircut in these limitations and that is because a firm cannot qualify for the deduction unless the goods are produced "in whole or in significant part by the taxpayer within the United States." They will argue that a firm that utilizes foreign sources to provide 80 percent of the production activity will not meet that standard.

We cannot be assured of that because nowhere in this legislation is the term "in significant part" defined for most products. In fact, a firm doesn't have to move anything near 80 percent of its production offshore to get the benefit of this deduction. In my example, using the same numbers but modified to reflect one-quarter of production being moved offshore, this would still yield a greater tax incentive than keeping 100 percent of the production in the United States.

Let me repeat that. If a firm keeps 75 percent of its production in the United States, moves 25 percent abroad, under this calculation it will get a $3.15 deduction against its U.S. income tax versus if it keeps 100 percent in the United States it will get a $2.70 deduction.

Does that make common sense? It was certainly contemplated that some portion of the final product's production could occur outside the United States. Otherwise, the statute would have been drafted without the reference to "significant part." It would have required that all the production be in the United States in order to qualify. It would have been drafted so it applies only to goods solely produced in the United States.

My concern is the new deduction created by this legislation will provide U.S. employers with a positive incentive to move a larger amount of their production offshore. The sponsors will also argue the extent of offshore production activity is conducted by a subsidiary of the U.S. taxpayer. The deduction will be reduced proportionately as a result of the haircut. My example, however, does not assume an affiliate of the taxpayer is conducting the offshore activity. In fact, it assumes what is the predominant reality, that manufacturing businesses inside the United States contract with manufacturers outside the United States to provide component parts. So there is no affiliated relationship other than a contract between the U.S. manufacturer and the foreign producer of the products. The haircut—although it is widely cited as a means by which these kinds of abuses will be restrained—does nothing to protect the job of unaffiliated U.S. suppliers.

As I mentioned earlier, this new incentive will reduce the revenues of the Federal Government by $65 billion over the next 10 years and will have the perverse effect of actually creating yet another incentive to move jobs out of the United States.

As my examples indicate, I don't think this is a piece of legislation that can be defended as spending American taxpayers' dollars in the most efficient manner possible to create jobs in America. There is a better approach. To provide the most effective tax incentive for job creation, we should link the benefits more specifically to the title of this bill, JOBS. Our proposal is to exchange the bill's incentive based on profits with an incentive based on jobs. Our proposal would redirect the $60 billion raised by repealing the ETI and the $37 billion currently directed to the international tax changes and use those funds to create an income tax credit. That credit would be used to partially offset the payroll taxes paid by U.S. manufacturing employers.

One of the true disincentives imposed by the Federal Government on job maintenance and creation in the United States is the fact we impose a 7.6 percent tax on the employer for his employees which then becomes the payroll tax that then supports Social Security and Medicare. I am not proposing we do anything to the payments that are made into the Social Security and Medicare trust fund. Rather, what I am suggesting is we take the now almost $100 billion we will have over 10 years, and use it in the form of a credit whereby it incorporates for all of its employees the first $35,000 of earnings, and will be able to deduct a credit which would amount to approximately 20 percent of the payroll taxes paid by the employer, or a 1.66 percentage point against their corporate income tax.

The employers who qualify for this new incentive are the same ones who would have benefited under the manufacturers' deduction. The difference is our proposal bases the incentive on American jobs, not on profits. The difference is our proposal does not create the incentive. As this chart indicates, we are creating additional outsourcing of American jobs if we use the almost $100 billion in the manner the underlying legislation directs.

It seems to me to be a much better approach to link the benefit to jobs rather than to link the benefit to profits, and one which has a much greater likelihood of achieving the goal of creating jobs in the United States.

A fourth goal of this legislation, and one I have been very interested in, is the simplification of the Tax Code. Several years ago I suggested to the Finance Committee attempting to simplify the United States Tax Code, all 17,000 pages of it, at one time is a task no one has the life expectancy, nor do their children nor probably their grandchildren, to see through to accomplishment. Therefore, we ought to break down the Tax Code into its constituent parts and try to simplify each part at a time, in a rational, sequenced basis. I further suggested these international tax rules would be a good place to start.

I am pleased to say under the leadership of Chairman GRASSLEY and Ranking Member BAUCUS, we started on that path. The Finance Committee has established a working group to study our international tax rules with the goal of simplifying. This product is one of the results of that effort at simplification. However, I suggest this legislation misses the mark by a wide range in terms of simplifying the income tax law. In fact, it would add another 378 pages to the income tax law. We are starting with the goal of simplification and we are substantially increasing the quantity and the complexity of the income tax code.

Goal No. 5 is to minimize extraneous tax matters that detract from the purpose of this legislation. We are going to spend $170 billion over 10 years to create jobs in America. We ought to be concerned we are spending that $170 billion for that purpose and spending it as effectively as possible.

In an effort to conclude action on this legislation and secure the maximum number of votes, there has been an open encouragement to Senators to file amendments to this bill on smaller tax changes they would like to see adopted. I am confident many of these are worthy and could be supported on their merits. But we are never going to have a discussion of their merits because now they are buried in two so-called managers' amendments inside this legislation. Many of them have relatively little or zero relationship to creating jobs in the United States.

Let me mention a few of those. There is a tax break for Oldsmobile dealers. I am certain they are facing some distress as General Motors canceled that line of Oldsmobiles. Does it deserve to be in a JOBS bill and carry a cost of $189 million over 10 years?

There is capital gains relief for owners of horses. I assume that is good for the owners, and may be good for the horses. It costs $64 million over 10 years.

There is a tax break for the makers of distilled spirits. That might make some of our people happier, but whether it will get them a job is less certain. That costs us $484 million over 10 years.

There is a tax-exempt bond proposal for purchase of forest land. I happen to think purchase of forest land is probably a good idea, but is it the place to spend $252 million over 10 years to create jobs in America?

There are tax credits for costs incurred for railroad track maintenance. Again, it may be a good idea, but it is questionable as to whether $492 million we will spend over the next 10 years will create a requisite number of American jobs.

Then there are tax breaks for amounts received under the Student Loan Repayment Program for the National Health Service Corps. That is $54 million over 10 years.

In the spirit of full disclosure, the bill includes proposals which myself and my staff have worked with the Finance Committee to include in this legislation. One such proposal delays the implementation of regulations governing the exclusion of income from the international operation of ships and aircraft. That has an $8 million cost over 10 years.

Another provision is the extension of the credit for producing electricity from biomass. That lowers Federal tax revenues by $4.2 billion over 10 years.

These additional provisions have obviously expanded the cost of the bill and the purpose of the bill. So the amendment I have offered would do essentially the following:

One, it would repeal ETI. That is the issue that brought us here in the first place. Second, it would repeal the changes in international tax law, many of which will give further incentives to moving jobs offshore. Third, it will repeal most of the targeted tax cuts. It will then take the money that has been saved from the ETI, from not adopting the 9-percent corporate tax deduction, and from the individual items, and use it to finance a serious effort at reducing the payroll tax cost to the employer and, thereby, reducing a significant disincentive to maintaining and hiring people in jobs in America.

I close by describing the choices we are making in this legislation. We are going to spend $170 billion over 10 years, or rounded to $17 billion per year. What could we do with $17 billion if we did not use it in a targeted and effective means to create jobs for U.S. men and women?

Well, $17 billion would reduce this year's projected Federal deficit by about 4 percent, not an insignificant amount. The $17 billion would fully fund No Child Left Behind, plus it would fund veterans health care and the FIRE and SAFER grant programs that provide critical assistance to our Nation's first responders. All of those could be purchased for $17 billion.

Mr. President, $17 billion would be more than we spend annually on Pell grants, to assure access to higher education for our young people.

Now more than ever, we need to make sure the money we spend will achieve the results we seek. I have set forth the reasons why I do not believe the incentives in the underlying bill will protect or will promote U.S. jobs. The proposals in the underlying bill target profits in the hopes that profits will trickle down and create jobs.

The amendment Senator DAYTON and I have offered is a better approach because it specifically targets U.S. jobs. Firms will get a bigger tax break to the extent they employ more U.S. workers. Since U.S. jobs are the goal of this legislation—U.S. JOBS is the title of this legislation—our approach should be adopted. The working men and women of America will appreciate this action by the Senate.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, how much time is left under Senator GRAHAM's amendment on this side?

The PRESIDING OFFICER. On your side, 16 minutes 40 seconds.

Mr. REID. Mr. President, I will claim the 5 minutes we have under morning business. It is all part of the order of the Senate already. Then I will yield to my friend from Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

CHAIN OF COMMAND

Mr. REID. Mr. President, the Presiding Officer stands for many things, but, in my mind, one of the things you stand for is what is good about the United States military: A person who put himself in harm's way, with his brother, and has created a story that is intriguing and interesting and shows the bravery of the Presiding Officer in a time of crisis.

Mr. President, you are the role model for the troops we have in Iraq today. Our men and women there are fighting valiantly, and each day find themselves in harm's way, in many different avenues.

I came to the Senate floor this morning and talked about how I felt—this Senator—on last Thursday I had been misled and not treated fairly. We had a briefing up in 407, and we had the Secretary of Defense there. As I indicated this morning, we had enough brass to fill a brass band. We had four-star generals. We had the Chairman of the Joint Chiefs of Staff. I do not want all the blame focused on Secretary Rumsfeld. I feel those military officers should have told Democratic and Republican Senators last Thursday what was going to break on "60 Minutes" that night. I feel terribly misled and disappointed in their not doing that.

I say that because by their not telling us what was going to come out—certainly all or most of them knew something was going to come out; and if they did not know, they should have known—each Senator was blindsided.

Now, Mr. President, the reason I mentioned you as a role model for the troops in Iraq, Afghanistan, and around the rest of the world is virtually every man and woman serving in the military does the right thing. Obviously, from the photographs and information we have, some of them did not. But I do not want just the enlisted men, so to speak, to be the scapegoats for what has obviously transpired. There is a chain of command, and there is responsibility in that chain of command.

I am terribly disappointed what went on in 407 with the chain of command, and so I do not want my remarks at all to reflect adversely on the fighting men and women of this country—the Pat Tillmans of our country. There are lots of Pat Tillmans. We admire and respect him so much because he gave up a multimillion-dollar contract to go fight in the war. But lots of other people gave up lots of things to go fight in these wars, and there are lots of Pat Tillmans. I admire him and his family and his brother, who went in with him, as your brother went in with you.

So, Mr. President, I hope the chain of command understands their responsibility and does not try to pass the buck off on these people who needed, obviously, supervision and control.

I think also we have to take a look at what is going on in Iraq today with the so-called security guards who are being hired, because it is obvious some wrong took place there as a result of what they did.

I appreciate my friend from Minnesota allowing me to speak prior to him. The Senator now has 16 minutes under the order.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I certainly support the statement of the distinguished Senator from Nevada.

AMENDMENT NO. 3112

Mr. President, we are referring to the JOBS Act, and to Senator GRAHAM's excellent amendment. I am very proud to be a cosponsor and to have this opportunity to speak on behalf of the Graham-Dayton amendment. As Senator GRAHAM pointed out to our colleagues, this bill is called the JOBS Act. In fact, in the House, they call it the American JOBS Act because, as we all know, we are missing a lot of jobs in America today. Over 8 million Americans are out of work. Many have exhausted their unemployment benefits because they cannot find work anywhere.

This amendment offered by Senator GRAHAM would make the bill live up to its name. You could call it the "Put the Jobs Into the JOBS Act" amendment. It also would put the truth into that title. Because the truth now is most of this bill has nothing to do with providing jobs—at least not American jobs. It provides additional tax cuts to already profitable corporations, whether they provide jobs or not.

According to a recent Washington Post article on the bill, it is:

> One of the most complex, special-interest riddled corporate tax bills in years, lawmakers, Senate aides, and tax lobbyists say. The 930 page epic is packed with $170 billion in tax cuts aimed at cruise ship operators, foreign dog-race gamblers, NASCAR track owners, bow-and-arrow makers, and Oldsmobile dealers, to name a few.

Continuing on to quote the article:

> Even one of the tax lobbyists involved in drafting it conceded that the bill "has risen to a new level of sleaze."

I think that is quite instructive in its statement: "even one of the tax lobbyists involved in drafting it." I am not on the Senate Finance Committee. I am told that committee, as the Appropriations Committee, requires many years of seniority before someone can gain access to it, so I don't know what goes on in the drafting of legislation. But when the article says tax lobbyists were involved in drafting the bill that is before us or, as my colleague Senator GRAHAM said, drafting the additions to this bill that are not before us, that are in the so-called managers' amendments which are not disclosed to those of us voting, which are not disclosed to the American people, then there is something pretty putrid in that process.

In fact, the provisions the article mentions, questionable as they are, are not even the worst provisions in the legislation. This bill contains over $39 billion worth of tax advantages to American businesses and investors for their foreign operations. At a time when we say we are concerned about losing American jobs to foreign businesses,—and we should be concerned; we should be alarmed—this bill would make it more profitable and thus more appealing to expand foreign businesses instead of ones in the United States. Why in the world would we want to do that? Most of these provisions are rich man's tax avoidance games and gimmicks.

For example, U.S. businesses or individuals can claim a tax credit under U.S. taxes equal to any foreign taxes they have paid. A tax credit is a dollar-for-dollar reduction in the amount of the tax that is owed. So this arrangement means the U.S. Treasury gets paid last. If some company here owes the French Government $100 in taxes and the U.S. Government $150 in taxes, the company pays the French Government the $100 it owes and it only pays the U.S. Government $50. If foreign taxes were treated as a business expense, like any other cost of doing business, the loss to the U.S. Treasury would be far less severe. But this bill goes even further in the other direction. This would allow the company or business or the individual to be able to use those foreign tax credits for 20 years into the future in order to reduce their future U.S. taxes owed.

Most U.S. citizens can't do that. A farmer with additional revenues, profits in a good year, a salesman with high sales and, therefore, high commissions has to pay higher taxes on his or her income for that year. They can't finagle their incomes and expenses over the next 20 years to lower their tax liabilities. As I said, these are rich man's games and gimmicks.

The other foreign tax breaks are pretty much the same. They are just more ways to avoid paying U.S. taxes owed on U.S. profits or income, more special treatment for businesses in other countries, employing workers in those other countries, jobs, many of which used to be here in this country for American workers. We are going to reward those actions even more than we have already, at a cost of $39 billion to the U.S. Treasury over the next 10 years, at a time when the Federal Government is running annual deficits of over $500 billion.

This bill purports to be revenue neutral. In other words, the tax increases equal or offset the tax reductions. Well, yes and no. As usual around here, with all the smart Members and staffs, and I guess the tax lobbyists who write their special interest tax cuts into the bill, some curious revenue increases are cited. Some are actually good public policy—the elimination of tax shelters, offshore and domestic—some are questionable. Some of the so-called revenue gains are simply downright curious.

For example, over $17 billion of revenue gains is cited from extending customs user fees over the next 10 years. That is something we obviously should do and will do. There are existing fees now, and we will extend them over the life of the 10 years that this is scored for budget purposes. We haven't done it yet. But that is a continuation of the status quo; yet that is being counted as if it were new tax revenue for the purposes of this bill to offset some of these new tax breaks for foreign subsidiaries and operations.

We are adding vaccines for hepatitis A to the list of taxable vaccines, $87 million over 10 years. I don't myself understand the reason for that.

We are limiting charitable contributions of "patents or similar property" to their cost basis to the donor. "Similar property" is open to interpretation, but it requires some kind of fairly broad interpretation because the revenue gains expected over the decade are $4 billion. These are charitable contributions. So if an artist, for example, paints a painting, a well-known artist, the cost basis of that actual picture—the materials, the canvas and the paints and the like—the actual cost of it is quite low. The value of it might be worth tens of thousands, hundreds of thousands, even millions of dollars. The cost basis, if it is just the materials, is going to be a huge disincentive for people who are in that situation to donate their creations, patents to nonprofit charitable organizations. We are going to gain $4 billion from doing that.

Another of the revenue gains repeals the 10 percent rehabilitation credit for nonhistoric buildings. That is going to generate $1 billion in revenues. In Minnesota, there aren't many buildings old enough to be "historic," but rehabilitation of other buildings that are dilapidated is certainly a worthwhile public purpose. Yet we are incorporating these kinds of tax increases to offset tax breaks we are providing for foreign business operations. That doesn't make any sense to me at all.

Senator GRAHAM has discussed very well—and I won't repeat his comments—the advantages of this amendment over the existing bill for creating American jobs, jobs in the United States for American workers. That is what we need. That is what the bill purports to be. That is what we ought to be doing.

This bill, as it relates to domestic manufacturers, is a general tax reduction. It requires them to do nothing in return. That is a lot better than providing tax breaks to foreign operations and subsidiaries and the investors in them, but it is not good enough. American businesses reported record profits in the fourth quarter of last year, $76 billion in the quarter, above the previous record profits of $70 billion in the third quarter of last year. Overall corporate profits were up 20 percent last year from the year before. Now we are coming out of a recession.

That is great news for America. That is not uniform across the board, but that shows a very healthy profit picture for most American businesses and one that, unfortunately, has not translated into the job increases we would expect to see, given that kind of profitability and coming out of a recession and employment contraction. That is what this bill should be focused on.

That is what the Graham amendment does, which is why I am glad to be a cosponsor. It provides incentive and a reward for providing American jobs. If do you that, you get the benefit. If you don't do that, you don't get the benefit because you don't need it right now.

Between 1996 and 2000, 71 percent of the foreign companies doing business in the United States reported no U.S. tax liability at all. Sixty-one percent of U.S.-controlled corporations during that time, those 5 years from 1996 to 2000, also reported no U.S. tax liability.

In the year 2000, 82 percent of large U.S. corporations reported a U.S. tax liability of less than 5 percent of their income; 76 percent of large foreign-controlled companies reported U.S. tax liability of less than 5 percent of their income. These large corporations are not overtaxed. Some of them are not taxed at all. Now, with these foreign credits that extend forward for 20 years, not only will they not pay taxes, they will be owed rebates.

This has to be the theater of the absurd. We are giving away tax revenues for outyears—especially from 2008 to 2013, which is where this bill is backloaded—that we don't have, that we are going to be short of to do the things we have committed to do, that will add up and extend beyond that to a point in time that it will add to the crisis we are going to face in the following decade fiscally. We are doing all that for no reason whatsoever, except that someone said the tax lobbyists have had their field day and they got this riddled into the bill.

We are trying to get it out so it can be put to use for the American workers, and especially those who want to be American workers, who don't have jobs and have paid taxes on what they have earned, whatever amount that may be, and are looking for a job and will pay taxes on that. We should not be getting into more tax avoidance schemes to send jobs overseas. That is what the Graham amendment would prevent.

I yield the floor.

Mr. GRAHAM of Florida. How much time do I have remaining?

The PRESIDING OFFICER (Mr. COLEMAN). The Senator has 3 minutes 20 seconds.

Mr. GRAHAM of Florida. First, I want to clarify a statement I made at the conclusion of my remarks. The individual tax items I referred to are included in a managers' amendment. They are not part of the amendment that I have offered as a replacement essentially for the legislation. They are not dealt with.

Mr. President, we have a very serious issue. I see that we have been joined by the chairman of the Finance Committee, Senator GRASSLEY. I got to know a lot about highways last year. I visited on two or three occasions Ottumwa, IA, which is in the southeast corner of the State. Senator GRASSLEY knows the statistics a lot better than I do. If I misstate them, he can correct me.

By the end of World War II, Ottumwa had a population of more than 30,000 people, which was a combination of a strong agricultural economy and a growing number of industrial plants, many of which provided parts for other industries, such as a company that provides parts for Deere Tractor, another Iowa firm. In 2003, the population had slipped to below 25,000, and much of that job loss was due to the fact those plants of 150 to 500 people had picked up and left. Maybe they left for Mexico or for China, but they were not in Ottumwa, IA, anymore.

When you talked to people in that town, whether it was the clerk registering you into the motel or the person who was bringing you your dinner, you heard a lot about the pain that was coming from that loss of a job base, the loss of the future, and the loss of the children of Ottumwa, as they began to question whether they had a future there.

I don't believe it is the role of the Government to stand up and hold back the tide of normal economic flows. The fact is, capitalism is a very aggressive form of economy. Companies go out of business; companies come into business; companies make decisions as to where they can be the most successful. I don't believe we should socialize our economy in an attempt to avoid that. We are not talking about affirmative socialization. We are talking about, through the Tax Code, what I would call incentivized socialization. We are trying to affect the decision that company in Ottumwa makes by saying it will be more profitable for them to take these 250 jobs and move them out of the United States.

This legislation, I am sad to say, adds to those incentives. I don't think that is what we should do in a bill that has as its title "JOBS."

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, before I respond in a specific way to the amendment before us, everything Senator GRAHAM said about Ottumwa, IA, is accurate, I believe. Obviously, when anyone in America loses a job, it is a very personal hurt to that individual, particularly if they liked their job and if they had been in that job for a long period of time, and particularly if they were older people and not looking to retrain or even spend the time and investment in retraining.

So considering those personal hurts, and not without proper regard for the economic consequences of people hurt by being laid off, it is a simple matter, not only in the United States but all over the world, that there are less jobs in manufacturing than previously. It is mostly because of the enhanced productivity in manufacturing. When people can get machines to do work that individuals do, obviously, that enhances productivity and it is done for the sole purpose of being more accurate and cutting down on the number of jobs—also, not to denigrate productivity, because productivity being enhanced is the only way in America or anyplace else in the world you are going to increase the standard of living of Americans.

When you increase productivity, people become more productive, they earn more money, and their standard of living goes up. We want that for everybody. So enhancing productivity is very basic to the increasing of the standard of living.

Now, there are fewer jobs in manufacturing today than there have ever been. But manufacturing is still a very major component of our economy. It is still around 15, 16 percent of our economy, I believe. If you go back 40 or 50 years, it was probably 20 or 21 percent of the economy. But there was a period of time when we lost 2 million jobs in manufacturing during the 1980s, and we still had manufacturing as 20 percent of the economy. So manufacturing is very important, but it is maintaining its importance with less jobs doing the work that needs to be done to manufacture whatever we want in America.

Now, several times on this issue I have quoted former Secretary of Labor Reich from the Clinton administration. He is now a professor at Harvard, I believe. He wrote on December 26 of last year in the Wall Street Journal about the problems of manufacturing and declining employment in manufacturing. Secretary Reich pointed out that, yes, America has 10-percent fewer jobs in manufacturing now than they did in the previous benchmark. But he also pointed out during that same period of time, whereas the United States lost 10 percent of their manufacturing jobs, China had lost 15 percent of their jobs in manufacturing. So you see, even though we are legitimately concerned about outsourcing of manufacturing going to China, we are also seeing China finding ways to be more efficient in their manufacturing.

It is quite obvious, if you look at this historically, that this is progress: enhancing productivity to raise wages to raise the standard of living.

This is not the era of Luddites, when people are going to go into factories and smash machinery because they think it is taking jobs away from people. If the Luddite philosophy were legitimate, we would still be making the common pin by hand.

We are producing by machine so we can enhance productivity to enhance wages to enhance the standard of living. The American people would not be satisfied today with 96 percent of the American population being on farms, as it was in 1790 when this country was a brand new country. Today about 2 percent of the people in the United States are producing the food for the other 98 percent, and each farmer produces for 145 people. The United States exports about 40 percent of its food and farm products, because we cannot consume it domestically.

Whether it is in manufacturing or whether it is in farming, if 5 percent of the market is the American people, then we are not going to have a very high standard of living. The other 95 percent of the market are the people outside the United States of America. If we still had 96 percent of the people in America involved in farming, we would have a subsistence level of livelihood.

We have to accept the fact that every month in America, 7 million jobs go out of existence and 7 million new jobs come into existence. In that process, people are more productive, make higher wages, and have a higher standard of living, and not just for some of our people but for all of our people.

The only people in America who might not have a higher standard of living are those we have kept down, and this Congress is responsible for keeping welfare recipients down, keeping them out of mind, out of sight to the edge of society. But we established a principle of welfare reform in 1996 to move people from the edge of society in welfare to the world of work, to the mainstream of American society, because it is in the world of work where they have opportunities for enhanced productivity, for enhanced wages that will raise their standard of living. Except for welfare recipients, people in the world of work are producing more now than before to enhance their standard of living.

It seems to me that when we have 7 million jobs going out of existence 1 month and 7 million new jobs coming into existence in the same month, it says better than anything I can say about how rapidly our economy is changing, much more rapidly today than ever in the history of our country. It might even change more rapidly in the future.

For people who abhor the fact that we are losing manufacturing jobs, then you have to ask, what do we do to maintain those manufacturing jobs? The basic bill we are dealing with, the jobs and manufacturing bill, tries to do it two ways: one, to staunch the bleeding in jobs leaving manufacturing. It is enhanced now because we have a European tax on our exports to Europe so that our manufacturers cannot be competitive in Europe and, hence, people are being laid off.

That European tax on our exports is legal and started in March. We started debating this bill in March. We could have had this bill passed in March. We could have had the European tax behind us because once we pass this legislation, there is no legal basis for their putting the tax on our exports to their country.

In the same vein, the jobs a manufacturing bill will reduce the level of taxation on corporations from 35 percent down to 32 percent. One of the reasons we lose jobs in manufacturing to the global competition is that our cost to capital is very high in relationship to our global competition. So in reducing the corporate tax by 3 percent and doing it in a revenue-neutral way so it does not worsen the deficit, we have an opportunity to create jobs in manufacturing, make what jobs we have more secure, and continue to enhance the productivity of workers in America.

I hope we remember that we do have a rapidly changing society. Our people welcome an enhanced standard of living that comes from increased wages, which comes from increased productivity. And they want that to continue. That is why I am concerned about the amendment of the Senator from Florida that is before us. That is why I am going to ask my colleagues to consider my views on this amendment and, hopefully, disagree with Senator GRAHAM and defeat the amendment and move on and get this bill passed. That 5-percent tax put on in March, increased to 6 percent in April, and it is 7 percent now in May. It is going to be 12 percent by election time. Are we going to continue to have an environment where people can be laid off?

Senator GRAHAM may have an idea that is legitimate to discuss, but right now in the environment we are in, in which there is an increasing burden put on our exports to Europe, it seems to me we ought to forgo this discussion, which ought to come at another time when Senator GRAHAM's amendment could fit in. We need to get this legislation passed. This legislation is a bipartisan bill. Not often do we get this bipartisan cooperation in the Senate. We ought to take it and run with it.

His amendment proposes to enact a new wage tax credit and pay for it by striking the manufacturing rate cut—that cut from 35 percent down to 32 percent about which I just spoke—and he would also strike all of the international provisions that are in this bill, international provisions to which we try to bring a more rational approach to the taxation of American business in international trade.

Evidently, the Senator from Florida believes a payroll tax credit that reduces employer contributions to the Social Security trust fund will create more jobs than a manufacturing rate cut. Payroll tax credits have long been controversial. I always thought market demand and the ability to compete in that market is what created jobs. If an employer sees an opportunity and goes after that opportunity, then they will add employees to meet demand, but I do not see how a tax credit creates market opportunity.

I thought that tax relief, tax reductions, and the lower burden imposed by having the Government as a silent business partner is what enhances a company's competitiveness, which then in turn would lead to more opportunity.

This JOBS bill before us now contains a 3-point reduction in corporate tax for manufacturing, not across the board. The chart behind me shows the corporate tax rates on manufacturing income for the European Union and for the United States. I thought this chart would be interesting for comparison since the United States and the European Union are both highly developed wage and skilled countries.

This chart shows that on average the European Union tax rate on manufacturing is 21 percent, while that in the United States is 24 percent. That is averages. So do not get that confused with the 35 down to the 32 I am talking about.

It is necessary to pass this 3-point reduction in corporate tax rates which is in this JOBS bill to keep the United States even with these European countries. So being a believer that competitiveness breeds job growth, I fail to see how a wage credit in lieu of a tax cut can produce more jobs if U.S. manufacturers remain burdened with a significantly higher rate of tax than their main competitors.

After arriving on the Senate floor, I received a copy of a "dear colleague" letter from Senator GRAHAM of Florida and Senator DAYTON of Minnesota. That letter says production outsourced to a foreign country qualifies for manufacturing deduction.

That is not right. Our bill does not do that. The 3-point rate cut only applies to income from U.S.-based manufacturing. It does not apply to foreign manufacturing of any type. So the fundamental premise of the Graham amendment is in error.

Senator GRAHAM also implies contract manufacturing qualifies for the manufacturing deduction. This is not correct. We specifically rejected allowing a company to take a deduction for manufacturing that someone else does for them, regardless of whether the contract manufacturer is located in the United States or offshore.

If we allowed contract manufacturing to qualify, it would be a double dip. We were lobbied on this and we rejected that. So, again, a fundamental assumption of the amendment is in error.

The Senator from Florida also criticizes the wage limitation. This limit is there to ensure manufacturing jobs are created. If they do not grow jobs, then their manufacturing deduction is diminished. If their assembly lines are filled with robots instead of people, then the deduction is limited. So if one wants more hiring, this is the way to get it done. That is what the wage limit accomplishes.

All of the fundamentals underlying his amendment are in error. I think they are a mischaracterization of the underlying bill.

There is, however, an even more disturbing aspect of the amendment before us. Senators have heard me come to the floor many times to talk about the bipartisan development of the JOBS bill. Its construction began when Senator BAUCUS was chairman of the

Senate Finance Committee. Senator BAUCUS held hearings in July 2002 to address the FSC/ETI controversy within the World Trade Organization.

During this hearing, Senator GRAHAM of Florida, now on the Senate floor with us, and Senator HATCH as well, expressed concern about how our international tax laws were impairing the competitiveness of U.S. companies. After some discussion on forming a blue ribbon commission to study this problem, we all decided decisive action was more important than setting up a commission.

During that hearing, Chairman BAUCUS formed an international tax working group that was joined by Senator GRAHAM, Senator HATCH, and this Senator. This bipartisan Finance Committee working group formed the basis for the bill that is now before us.

There is not one provision in this JOBS bill that was not agreed to by both Republicans and Democrats, not one. But today a member of that bipartisan working group offers an amendment that would destroy this bipartisan consensus on the provisions of the JOBS bill.

Why? The JOBS bill includes the international tax simplification measures that were recommended in the Joint Committee on Taxation April 2001 report on tax simplification. There was no constituency for these simplifications. No governmental affairs representative came to our office to advocate for them.

No, the person who asked for them was the Senator from Florida. Senator GRAHAM emphasized the desire to include these simplification measures in the bill, and we did that. The Senator from Florida preferred simplification over restructuring and wanted the emphasis of our bill to be on foreign tax credit reforms. We honored his views because that is what our bill does in the bipartisan spirit of this legislation.

That Senator expressed concern about the 90-percent foreign tax credit limit on AMT, the alternative minimum tax, and he wanted the 10–50 basket problems solved. We did both of these things in this bill.

The Senator from Florida even sought reductions on a number of foreign tax credit baskets, but the working group decided that was too significant of an international change to be accepted by the full Senate. I hope when we vote on this amendment the Senator will back up our decision on that because this bill was reported out of committee on a bipartisan 19-to-2 vote. The Senator from Florida voted for this bill in the Finance Committee.

Today, these priorities are no longer important. To me, this is very confusing and it is quite a difficult development for me to understand.

As I have said before, we acted in the best of faith to produce a bill that protects American manufacturing jobs and ensures our companies remain the global competitors we want them to be. We did this in a fully bipartisan manner. That is what the American people expect us to do on such an important issue as manufacturing jobs and our national economic health.

As a practical matter, the only way to get a bill through this Senate is to do it in a bipartisan way. But these efforts are apparently not enough or we would not have this amendment before us.

I hope we can defeat this amendment and move on because Senator BAUCUS and I have a real sense of optimism that this week there is very definitely an optimistic point of view, particularly from the other side, that this legislation needs to be passed and that considering the fact we spent considerable time on it in March, and some time on it in April, and we have had these European taxes going on our exports, growing 1 percent a month. It is a bad situation.

We hope the optimism we sensed yesterday will be repeated today, and one way to help us along is to help us defeat this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). Who yields time? Does the Senator from Iowa yield time to the Senator from Montana?

Mr. GRASSLEY. I yield to the Senator from Montana whatever time he might consume. I have not asked other people on my side if they want time.

Mr. BAUCUS. I will not consume it all.

Mr. GRASSLEY. I yield whatever time the Senator may consume.

Mr. BAUCUS. I appreciate that.

Mr. President, I have a couple of points. I very much appreciate the efforts of the Senator from Florida in the amendment he has offered. He clearly is trying to address a problem that is very acute in this country, which is job loss. He is also attempting to address it in a way a good number of Senators and a good number of people think is a way to do it, and that is by making the cost of employment to an employer less expensive.

In our country, it is regrettable, but we have come to the point where very often payroll taxes are the greatest expense an employee has. They pay more in payroll taxes, because the employer's half is imputed to the employee, than income taxes.

We have to work hard to try to find ways so the cost of employment to employers is a little less expensive than at present. The Senator from Florida is trying to address that.

I might say, though, his amendment strikes over 60 percent of the bill. This is a large bill. We don't have many tax bills that come around.

I remember years ago we used to have a tax bill at the end of the year. Senator Long was then chairman of the Finance Committee. He would wait until the end of the year. There would be a lot of provisions and there would be a good tax bill. I don't think that is going to happen this year. This is becoming the major bill, and the reason for that is very clear.

There was no World Trade Organization back 20 years ago. Times have changed so much. But the World Trade Organization has ruled that our tax regime, which gives our American companies that export a bit of a break, is illegal. Other countries have their tax regimes which give their companies breaks for their exports, and they are legal. But we set up ours in a way that, regrettably, does not pass muster with the WTO.

There are a lot of reasons that is the case. Frankly, I think we Americans were a little naive. A number of years ago we agreed to a tax regime where companies in other countries could rebate their value-added tax for exports; whereas because we have a different tax system, because we did not have a value-added tax system and we tried to set up a different way to help our companies export, it turned out our way became illegal under the general rules of WTO. That happened a long time ago. We cannot recreate history. But basically that is why we are here today. Our tax regime which gives our companies a bit of a tax break has been declared illegal under WTO.

We have an obligation now. We can't wait until the end of the year. We have an obligation now to replace that illegal regime with something that is legal. We have an obligation now because, as has been stated, the European Union, pursuant to rules under the WTO, has begun to tax American exports to Europe. With each passing month that tax becomes greater and greater. It gets up to 17 percent and that gets pretty severe after a while. So that is why we are here.

The Finance Committee spent a lot of time trying to figure out what the basic replacement legislation should be—what is the best way to do this; what is the best way to help American companies produce jobs, make products, and also produce jobs in a way that is legal under the WTO regime.

We worked hard at it, as I said. We talked to lots of different people around the country. We had several meetings in the Finance Committee about this issue. We had a big, long, open markup. We came up with a way which we think, by and large, helps American companies quite well. What is it? It is very simple. It is a 9-percent deduction for production by U.S. companies—in the United States, that is. If they produce the product in the United States, they get a 9-percent cost of production benefit for that production. It not only applies to big corporations, standard C corporations, it applies to smaller corporations generally known as S corporations, partnerships, sole proprietorships, as well as to any organization that produces some product in the United States.

That is far better than the old regime we are going to displace because the old regime, which gave benefits for exports, was not available to a lot of farmers and ranchers and small businesspeople.

So it is a good idea. Effectively, it lowers the top corporate rate—if you are paying 35 percent—by 3 percentage points, down to about 32 percent as your income taxes, corporate income taxes. But if you are a partnership or if you are some other organization, your taxes are also lowered because of the 9-percent deduction for domestic manufacturing. So it does help provide jobs.

What else does it do? It gives the employer who gets the benefit of this a choice. What is the best way for that company to meet competition? What is the best way for that company to do well? Whether it is a big company or small company, what is the best way? Generally, most believe the management of that company should have the choice of what works best for them. That is why we said you don't have to use the money this way or have to use the money that way. But in order to comply with the World Trade Organization rules, the only restriction, basically, is it has to be produced in the United States, whether the product is sold in the United States or whether it is sold overseas. That was the one restriction we had to apply to stay within the WTO rules.

We also took the opportunity to address a growing concern that many American companies face, particularly the larger American companies, and that is international competition. Other countries do a pretty good job of taking care of their companies in the sense that they want to make sure their companies are competitive in the world. They do a pretty good job. So we have to ask ourselves: Americans, OK, what do we do so as not to handicap our American companies in international operations and also in a way that is fair to small business, is fair to the budget, is fair to lots of other interests in our country; that is, other considerations in addition to making sure our companies are as competitive as possible in the international arena.

I don't need to tell you how globalized our economy has become. It is incredible how, each passing year, we are so much more interconnected than we were in previous years.

Let me give one small example, the entrance of a good number of eastern countries into the European Union. Half of the world's population now is in a buying consumer market. That is a major change. That is a profound change. Companies worldwide, certainly American companies, are going to have to compete in that market, as well as the American market.

In addition, Mr. President, as you well know, various other countries—whether it is the European Union or even China—are entering into trade agreements with other countries which give a benefit to their companies and, by definition, to the detriment of American companies. It is an extremely competitive world and becoming even more so. It is more so because of the additional markets, as I mentioned, more so because of increased advances in technology, particularly communications technology. With so much information now digitized, so much information now able to be sent over a broadband communications system, that is bringing us so much closer together.

We in the committee believed that in addition to helping domestic manufacturers, as described, we should also simplify a lot of the international provisions, especially those where American companies are double taxed. The theory of our system, our worldwide system as opposed to—well, it is the same theory as other countries' territorial systems. But the theory of our system is basically avoid double taxation of American companies. If an American company does business overseas, clearly that other country—take Germany, for example—wants to tax the American company's production in Germany. But then that is an American company, so the American taxpayers have a right to think that company should pay income taxes to Uncle Sam, too. But we also want to avoid double taxation.

Basically, the idea in America is to give companies a tax credit on American taxes for the amount of the taxes they paid in the other country. That is basically what we do. It is a complicated system, but it is one that by and large works pretty well.

Then there are some other provisions in this bill. There are energy tax provisions; also, a minority tax credit. What is my main point? My main point is we have spent a lot of time in committee on this bill. It passed the committee 19 to 2. Frankly, the two dissenters were on the other side of the aisle. They had a different approach they thought made much more sense to them.

I suggest upfront, even though the amendment has some frailties, this was never debated in the committee. It was never brought up in committee. It was for very good reason, as the Senator from Florida was engaged in another endeavor. He probably still is engaged to some degree. I very much appreciate that. He was not available and it was not his fault this amendment was not brought up. He was unable to be present. It was not brought up in the Finance Committee. It was undebated in the Finance Committee.

His amendment is a huge change to the bill. It dramatically changes the bill. It changes the velocity of the bill. We have already addressed the issue generally but not all of the content of this amendment, which is drastically changing the bill. That is not an exaggeration. It is drastic.

For that reason, respectfully I say to my good friend from Florida, this is not the time for the Senate to proceed with this amendment. There is a time and place, in the committee, that we should address his approach. That is, helping reduce the company payroll tax or helping employers so they do not pay quite so much in wages. We want to help people get wages but we do not want to burden the employers. Now is not the time, nor the forum. He should bring that up at a later time.

The PRESIDING OFFICER. The Senator from Iowa controls time. Only the Senator from Iowa controls time.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask consent all pending amendments be set aside so the Senator from Colorado can be recognized for the purpose of offering an amendment, and I also ask consent that the amendment of the Senator from South Carolina, Mr. HOLLINGS, also be the next amendment to be in order.

Mr. REID. Mr. President, it is my understanding Senator HOLLINGS would propose that amendment immediately following the votes on the two pending amendments; is that right?

Mr. BAUCUS. I have no problem with that. That is my understanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

AMENDMENT NO. 3118

(Purpose: To provide for a brownfields demonstration program for qualified green building and sustainable design projects, and for other purposes)

Mr. ALLARD. I ask consent to send an amendment to the desk, which will take the slot reserved for the Miller-Schumer-Bond amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I ask consent that the pending amendment be temporarily laid aside, that I offer an amendment; following the reporting of my amendment, it be laid aside, and the Senate resume debate under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I ask that the clerk report amendment No. 3118.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself, Mr. SCHUMER, Mr. MILLER, Mrs.

CLINTON, and Mr. CHAMBLISS, proposes an amendment numbered 3118.

Mr. ALLARD. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendment.")

Mr. ALLARD. I yield the floor.

AMENDMENT NO. 3112

The PRESIDING OFFICER. Who yields time on the preceding amendment?

Mr. BAUCUS. Will the Senator yield me an additional 5 minutes?

Mr. GRASSLEY. I yield the Senator from Montana whatever time he might consume.

Mr. BAUCUS. Mr. President, I have a couple more points about the Graham amendment.

It is advisable the Senate not adopt the amendment. His amendment would do two things. Basically, it strikes the deduction for domestic manufacturing and also strikes most of the international tax reform provisions. These are very important changes that will help Americans compete internationally.

As I mentioned, the international provisions in the bill that would be stricken by the Senator's amendment are designed to reduce double taxation of American companies. We want to do as much as we can to reduce double taxation of American companies.

Let me give an example. Under current law, an American corporation would have to pay more to borrow money to build a factory than foreign corporations would have to pay, even if the factory is in the United States. This is because of the way we treat interest expenses and so-called interest allocation. Essentially, we are changing the interest allocation provision so that a U.S. company with assets overseas is not penalized, so long as the borrowing is proportionate to the assets in each of the countries, which is now not the case. That is, right now, American companies are penalized even if all their borrowing in the United States is proportionate to worldwide borrowing. That is just not fair. It is something other country's companies do not have to put up with. That is one example of how our Tax Code currently puts American companies at a disadvantage compared to other countries.

The JOBS bill fixes a lot of these problems so Americans can compete on a level playing field, and it brings the Tax Code in compliance for the intent to avoid double taxation.

I say to my good friend from Florida and to my colleagues in the Senate, this is not the time, in my judgment, for that amendment. It has not been explored, debated, or brought up in committee. It is a huge change to a very thought through bill. It should not be approved at this time.

I take a couple of minutes while we have the time to talk about some of the international provisions generally in the JOBS bill. Let me state again why I think these provisions are good policy and they help American companies.

I will mention again the interest allocation provision. It is perhaps the most significant provision in the international tax title, both in terms of cost and the number of companies it would help. The interest allocation provision is one of the many in the JOBS bill that deals with foreign tax credits. Our foreign tax credit system is designed to prevent taxpayers from paying tax twice on the same income. When an American company earns money in France, the French tax that income and the United States also taxes that income. That is two levels of tax on the same income. The total tax could be, say, 75 percent or more. Without adjustments such as the foreign tax credit which is in current U.S. law, these two levels of taxation would make U.S. companies completely uncompetitive abroad. There is no question about that.

Foreign tax credits, however, get the company back to a single level tax and make competition possible. Our foreign tax credit rules are not perfect and double taxation still sometimes occurs.

A prime example is the interest allocation provisions in the foreign tax credit rules.

Let me give you an example. Take an American company that pays $100 in foreign taxes and $100 in U.S. taxes on that same income. That American company would generally claim a $100 foreign tax credit to get back down to a single layer of tax. But if that American company happened to take out a loan in the United States to finance a project here in the United States, it might be limited to an $80 or $90 foreign tax credit—not because it paid any less in foreign taxes, but because we treat it as if it were able to deduct some of the interest on that U.S. loan to reduce its taxable foreign income, even though it could not do so. That is not right.

The rules are complicated, but the effect is plain. If an American company wants to borrow money and build a plant in the United States, it faces an uphill battle. It will pay higher interest expenses than a comparable foreign company. Our interest allocation rules in current law are making it easier for its foreign competitors to build that plant. But our bill fixes that, and it fixes other problems with our foreign tax credit rules.

For example, companies that pay the alternative minimum tax—the so-called AMT—currently face limits on the use of the AMT with respect to foreign tax credits. Unlike non-alternative minimum tax taxpayers, they are subjected to an artificial, completely arbitrary cap on the use of their foreign tax credits. It is 90. Arbitrarily limiting their foreign tax credits just makes these AMT taxpayers pay double. The current AMT provisions essentially, in many cases, result in double taxation. The JOBS bill fixes that, too.

The JOBS bill also makes it less likely that a company's foreign tax credits will expire unused. It is another problem: The foreign tax credits expire unused, and then the U.S. company could often be placed, in effect, in a position where it is subjected to double taxation.

Currently, unused foreign tax credits can be carried over for 5 years. The original purpose of this carry-forward rule was to prevent taxpayers from suffering double taxation because of timing differences between U.S. and foreign tax laws. That purpose is not being served by our current law. Any new tax laws in foreign countries have made the problem worse for American companies. The JOBS bill extends the carryforward to limit the double taxation that occurs upon the expiration of foreign tax credits; that is, we are making it less likely that a U.S. company will be subjected to double taxation.

Each of these provisions simply corrects features of our international tax laws that frustrate the original purpose of those laws. Again, the original purpose was to avoid double taxation. The JOBS bill puts us back on track with the original intent of our international tax system.

So, as we all know, the international provisions are a lot more complicated than I have even begun to allude to, but, very briefly, those are some of the provisions in the bill. They are corrections in the bill. They reduce double taxation, or eliminate it in many instances. It helps American companies compete with foreign companies. That means it is much more likely they will be able to keep jobs in the United States if they are able to compete more effectively.

Mr. President, for that reason, I urge we do not adopt this amendment.

I suggest the absence of a quorum, on behalf of the Senator from Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3117

Mr. GRASSLEY. Mr. President, I yield 3 minutes of my time to the Senator from Nevada and 2 minutes to the Senator from California, Mrs. BOXER.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, in a few minutes we are going to be voting on the Breaux-Feinstein amendment. In the underlying bill is an amendment that Senator BOXER and I worked on last year. It was voted on in the Senate and had 75 affirmative votes, 25 negative votes. Seventy-five Senators said, last year, it is a good idea for money that is sitting outside the country in bank accounts—in businesses' bank accounts outside the United States—to come back to the United States to create jobs and help the American economy.

Right now, if companies bring that money back, they will have to pay the difference between whatever that country charged and our 35-percent corporate tax rate. At the top rate, it is 35 percent they are paying. Therefore, those companies are leaving that money overseas.

Well, with our piece of legislation, it is estimated that somewhere between $400 billion and $600 billion will come back to the United States in the next 12 months. That is a huge amount of money and will be a huge boost to the American economy. Our economy is really starting to click on along, and we are really excited about that, but we can do more, and that is what we want to do. We can put more people to work with our bill.

Independent estimates by Allen Sinai, a well-respected economist, well respected by Democrats and Republicans, said this bill will create 660,000 jobs in the United States. Frankly, the amendment by Senator BREAUX and Senator FEINSTEIN will gut this amendment. It is a poison pill. So we are encouraging all of our Senators to vote against it.

There are some important uses of funds for job creation that Senator BREAUX's amendment would stop the money from being used for.

Those legitimate uses of funds include improving health insurance for employees and preventing investing in new small businesses. They could buy a new jet under the Breaux amendment, but they couldn't pay for employees' travel expenses. This amendment makes no sense, and that is why we should vote it down.

The Senator from Louisiana is against the underlying bill. He is against the approach we took last year. He voted against it. This is his effort to try to gut underlying legislation. That is why we are encouraging all Senators, the 75 who voted for our legislation last year, to vote against this amendment to make sure that $400 to $600 billion does come back to the United States and helps American workers get jobs.

Every night we hear on television about outsourcing. This underlying bill is about insourcing. We are bringing jobs back to the United States, and we should do that.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleague from Nevada. He worked so hard and long on this underlying part of the JOBS bill, called the Invest in USA Act, because it is going to create, as my colleague said, according to independent analysts, 660,000 new jobs. Why would we want to ruin a provision people from all parts of the economic spectrum have told us is going to work? We want to try this for 1 year. We want to bring back monies that are parked overseas and tax them at 5.25 percent, because right now we are not getting any revenues. It is going to mean $4 billion into the Treasury right away, something we desperately need. It is going to mean, as my colleague says, insourcing, creating jobs here.

Last year the Senate voted 75 to 25 for the Ensign-Boxer bill. At that time Senator BREAUX was very honest about it. He didn't like it then. He doesn't like it now. But instead of objecting to it flat out, he is offering an amendment that in essence kills the whole idea.

I urge my colleagues, if you care about job creation—and I know you all do—please support us and defeat the Breaux amendment. In my State alone we are looking at 75,000 jobs.

Senator BREAUX is a very effective debater. He says: You are creating another Enron scandal. What is going to happen to this money? They are going to say they are using it for jobs, but there is no penalty in place.

The same penalty is in place as in the IRS Code. The CEO is going to sign the plan. And if they don't do the plan, they are in for trouble. That is clear. This is not some plan that is going to be hatched in some accountant's office. It is right out there above the CEO's signature.

I hope we defeat this and move on. It is a good underlying bill. Let's keep it as it is.

The PRESIDING OFFICER. Who yields time?

The Senator from Louisiana.

Mr. BREAUX. I understand there is 1 minute for the proponents of the Breaux-Feinstein amendment.

The PRESIDING OFFICER. There is 1½ minutes of debate time on the Graham amendment. Under the previous order, at the conclusion of debate on the Graham amendment, a vote will occur on the Breaux amendment, preceded by 2 minutes of debate equally divided.

Mr. BREAUX. Regular order, Mr. President.

The PRESIDING OFFICER. Is there objection to yielding back the remaining balance of 1 minute on the Graham amendment?

Without objection, time is yielded back.

Under the previous order, a vote will now occur on the Breaux amendment, preceded by 2 minutes of debate equally divided. The Senator from Louisiana.

Mr. BREAUX. Mr. President, it is interesting that the authors, the Senators who oppose the amendment, say the bill is going to create 660,000 jobs. If it is going to create 660,000 jobs, there is no problem. The people would be able to bring the money back and pay 5 percent. The Breaux-Feinstein amendment simply says if companies are going to get a huge, enormous tax break by bringing money out of tax shelters in foreign countries and saying they want to use it for job creation, fine. Let's make sure that is what it is used for. Let's have a standard by which if more jobs are created, they get 5 percent. But if they don't create more jobs, if they don't spend it for that purpose, they are not going to get the 5-percent tax break. That is all it says.

It says, if you spend the money to create more jobs, you can bring it back at a 5-percent tax rate, and we will allow that to happen. But if you use it for something else, you will not get a 5-percent tax rate. You will pay the regular corporate rate like any other American corporation. Without my amendment, this costs $3.7 billion to the American taxpayer.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, this is a simple choice for our colleagues. It is either vote for jobs or vote to limit the number of jobs we have the potential to create. By independent studies, this inclusion, repatriation in the JOBS bill, will create 660,000 jobs. It will reduce the deficit by $75 billion over 5 years, and it will bring to each of our local economies new energy. The choice is to leave it offshore, doing little good for the American people, or to bring it here, to give companies for 1 year the chance that a walk-back with their capital will reemploy the American people and allow them to compete with other multinational companies from other nations, which nations allow them that kind of privilege. We are saying, let them do it for 1 year and we will create 660,000 jobs.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 3117.

Mr. BREAUX. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 68, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—31

Akaka
Bingaman
Breaux
Byrd
Carper
Clinton
Conrad
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Inouye
Johnson
Kennedy
Kohl
Landrieu
Leahy
Levin
Lieberman
Mikulski
Nelson (FL)
Nickles
Reed
Rockefeller
Sarbanes

NAYS—68

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Boxer
Brownback
Bunning
Burns
Campbell
Cantwell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Corzine
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchison
Inhofe
Jeffords
Kyl
Lautenberg
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Murray
Nelson (NE)
Pryor
Reid
Roberts
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—1

Kerry

The amendment (No. 3117) was rejected.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3112

The PRESIDING OFFICER. Under the previous order, there will now be a vote on the Graham amendment preceded by 2 minutes equally divided.

Mr. GRAHAM of Florida. I ask for a recorded vote.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, there are two basic issues addressed in this amendment.

First, there are substantial changes in the international tax provisions in this legislation. They are going to cost American taxpayers $37 billion, and the reason is because we are adding to the already significant incentive for American firms to take their jobs overseas.

Second, we are going to spend $65 billion to give a blank check to American manufacturing firms in the form of a tax deduction. The amendment would substitute and add $35 billion so we would have $100 billion to be given in the form of a credit against the payroll tax to reduce the form of tax, which is the greatest disincentive to the creation and maintenance of jobs in the United States.

This is an amendment which truly justifies the title of this bill, JOBS, and would add the phrase "in America."

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time in opposition? Is there objection to time being yielded back?

Without objection, it is so ordered. All time is yielded back. The yeas and nays have been ordered.

The question is on agreeing to amendment No. 3112.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 22; nays 77, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—22

Akaka
Byrd
Clinton
Dayton
Dodd
Durbin
Edwards
Feingold
Graham (FL)
Harkin
Hollings
Inouye
Kennedy
Landrieu
Lautenberg
Levin
Mikulski
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes

NAYS—77

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Jeffords
Johnson
Kohl
Kyl
Leahy
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Murray
Nelson (NE)
Nickles
Pryor
Roberts
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—1

Kerry

The amendment (No. 3112) was rejected.

Mr. REID. I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be an hour equally divided between the two managers or their designees; provided further that following the use or yielding back of time, the Senate proceed to vote in relation to the Dorgan amendment No. 3110, to be followed by a vote in relation to the Allard amendment No. 3118, with no amendments in order to either amendment prior to the votes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, and I will not object, I have spoken to the managers—well, not actually the managers of the bill—but I have spoken to the majority side. Prior to this kicking in, this unanimous consent agreement, I ask unanimous consent that the Senator from Vermont be recognized for 5 minutes as in morning business, and, of course, the same time accorded to the majority.

The PRESIDING OFFICER. Is there objection to that modification?

Without objection, the modified request is agreed to.

The Senator from Nevada.

Mr. REID. Mr. President, on the time we have, 20 minutes of that would go to Senator DORGAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, parliamentary inquiry: How much time was required on the last recorded vote?

The PRESIDING OFFICER. Approximately 30 minutes.

Under the previous order, the Senator from Vermont is recognized for 5 minutes.

Mr. LEAHY. Mr. President, I thank my friends, the Senator from Kentucky and the Senator from Nevada, for their courtesy.

ABUSE OF PRISONERS IN U.S. MILITARY CUSTODY

Mr. President, as an American, as a former prosecutor, as a U.S. Senator who has spoken out in defense of human rights wherever they are violated, and as the ranking member of the Foreign Operations Subcommittee that has appropriated hundreds of millions of dollars to promote respect for the rule of law in countries around the world, I was outraged and disgusted by the reports of abuse of Iraqi prisoners by United State military personnel and the civilian contractors working with them.

Not only has this caused serious harm, both physical and psychological, to the individuals who were subjected to this mistreatment, it has tarnished the reputation of all Americans and our Nation as a whole.

I have listened as top officials at the Department of Defense, the National Security Advisor, the Secretary of State, and other administration officials, have said they were "shocked" and "stunned" by these reports. And I have heard them, in a coordinated attempt at damage control, say that these were isolated incidents involving only a handful of individuals whose conduct, while reprehensible, should not be seen as indicative of a larger failure.

I have no doubt that the vast majority of American men and women who are risking their lives in Iraq, Afghanistan, and elsewhere are as disgusted by these abhorrent acts as the rest of us. But I could not disagree more with those who would characterize these incidents as aberrations.

While President Bush, Secretary Rumsfeld, General Myers, Secretary Powell and Condoleezza Rice, may have been shocked by the photographs that have been on the front page of every newspaper in the world, they should not have been surprised by the revelations themselves. These types of abuses have been going on at U.S. military detention facilities for a long time, and the administration has known about the incidents in Iraq for 5 months. This fact signals a failure of leadership at several levels.

The mistreatment of prisoners by the U.S. military in Iraq was not limited to the crimes that have come to light at the Abu Ghraib prison. Rather, there was, in the words of the U.S. Army's own inquiry, a "systemic and illegal abuse of detainees."

It is revealing, and particularly disturbing, that the U.S. personnel involved conducted themselves so openly, even posing with the victims of their sadistic acts.

They obviously felt they had no reason to believe that their superiors would be upset with their conduct.

The brazenness of these acts, the reported role of U.S. intelligence officers in encouraging such treatment to "soften up" detainees for interrogations, combined with earlier reports of similar abuses in Iraq and Afghanistan, suggests a much larger failure.

And let us be clear. We are not talking only about the individuals who engaged in these abusive acts.

We are talking about a failure of leadership by an administration that, well before this latest scandal, had already severely damaged this Nation's reputation and effectiveness in a war against terrorism that is increasingly perceived by Muslims around the world as a war against Islam itself.

The growing anger and hostility toward our troops has been exploited by Saddam loyalists and extremists who want to take the country backward. They have committed despicable acts of violence against Americans, including the desecration of corpses.

The acts described in the investigative report by MG Antonio Taguba, including beatings, repeated sexual abuse and humiliation, and threats and simulation of rape and of torture by electric shock, violate the Geneva Conventions.

They clearly contradict President Bush's pledge on June 26, 2003, that the United States will neither "torture" terrorist suspects, nor use "cruel and unusual" treatment to interrogate them. They also contradict the more detailed policy on interrogations outlined in a June 25, 2003, letter to me by Defense Department General Counsel William Haynes.

Frankly, I regret to say that I was not among those who were shocked by these revelations. Revolted, yes. Shocked, I was not. I have been concerned, as have others, about ongoing reports of physical and psychological abuse and the denial of rights of detainees in U.S. military custody since September 11, 2001, not only in Iraq but in Afghanistan and Guantanamo.

These abuses have been well documented by reputable human rights organizations, as well as by members of the press. Some of the cases involve allegations of torture or cruel, inhuman and degrading treatment by U.S. military and intelligence personnel.

Other cases involve allegations of the denial of due process, incommunicado detention without charge, and the refusal of access to attorneys.

So when I hear the National Security Advisor, or the Secretary of Defense, say they are determined to get to the bottom of this, I, frankly, have to wonder, especially as they have known about this for a long time.

I first wrote to National Security Advisor Rice a year ago about reports of cruel and degrading treatment of Afghan detainees.

I have written several times to the general counsel of the Department of Defense and to the Director of the CIA. I have sought answers to questions about policy, training, and accountability. Some of my questions have been answered; many have been ignored despite repeated requests.

Were Secretary Rumsfeld or Condoleezza Rice not aware of the press reports, the inquiries by Members of Congress, or the reports of human rights organizations?

Or was the abuse of nameless, non-White Muslims suspected of being terrorists, regardless of whether they were guilty or innocent, simply a low priority until it became a public relations and foreign policy disaster?

Let me cite just a few, of many, examples:

On December 25, 2002, the Washington Post reported:

> "If you don't violate someone's human rights some of the time, you probably aren't doing your job," said one official who has supervised the capture and transfer of accused terrorists. "I don't think we want to be promoting a view of zero tolerance on this."

Quote:

> Bush Administration officials said the CIA, in practice, is using a narrow definition of what counts as "knowing" that a suspect has been tortured. "If we're not there in the room, who is to say?" said one official conversant with recent reports . . . .

One can only wonder if anyone would have been punished, or if we would have even heard about it, if the photographs of the abuses at Abu Ghraib had not been published.

On March 4, 2003, the New York Times described the treatment of Afghan prisoners at the Bagram Air Base after two young prisoners died in U.S. military custody.

Their deaths were ruled homicides, but the investigations of those deaths have never been released. Other prisoners described being forced to stand naked in a cold room for 10 days without interruption, with their arms raised and chained to the ceiling and their swollen ankles shackled.

They also said they were denied sleep for days and forced to wear hoods that cut off the supply of oxygen.

That same day, the Wall Street Journal reported that a U.S. law enforcement official said:

> because the [Convention Against Torture] has no enforcement mechanism, as a practical matter, "you're only limited by your imagination."

On March 9, 2003, the New York Times reported:

> Intelligence officials . . . acknowledged that some suspects had been turned over to security services in countries known to employ torture.

On June 2, 2003, when allegations of possible breaches of the Convention Against Torture surfaced, I wrote to National Security Advisor Rice, asking for assurance that the United States is complying with its obligations under the convention. I received a response from General Counsel Haynes. His letter contained a welcome commitment by the administration that it is the policy of the United States to comply with all of its legal obligations under the convention.

Similarly, Senator SPECTER wrote to Dr. Rice asking for "clarification about numerous stories concerning alleged mistreatment of enemy combatants in U.S. custody," and to explain how the administration ensures that torture does not occur when it sends detainees to countries that are known to practice torture.

On September 9, 2003, I wrote to Mr. Haynes again for clarification on a number of points, such as how the administration reconciled his statement of policy with reports that detainees were sent to countries where torture is practiced, and the reported use of interrogation techniques rising to or near the level of torture.

After 2 months with no response, another letter, this one not from Mr. Haynes himself but from a subordinate, was delivered late at night on the eve of Mr. Haynes' November 19, 2003, confirmation hearing for a seat on the Fourth Circuit Court of Appeals. That letter was totally unresponsive to my questions.

I also raised concerns when the case surfaced of a Canadian-Syrian citizen, Maher Arar, who was sent by U.S. authorities to Syria, where Arar says he was physically tortured. Syria has a well-documented history of torture. In fact, President Bush stated, on November 7, 2003, that Syria has left "a legacy of torture, oppression, misery, and ruin" to its people.

I wrote to FBI Director Mueller on November 17, 2003, for more information on the case. Later that week, I wrote to Attorney General Ashcroft with additional questions. Neither of these letters from last year has been answered.

On January 6, 2004, Human Rights Watch wrote to Secretary Rumsfeld to express concern about the detention by U.S. forces in Iraq of innocent, close relatives of a wanted person in order to compel the person to surrender, which amounts to hostage-taking, classified as a war crime under the Geneva Conventions.

On January 13, 2004, the Asian Wall Street Journal reported that a suspect detained by U.S. forces in Iraq said that "he was ordered to stand upright until he collapsed after 13 hours," and that interrogators, "burned his arm with a cigarette."

On January 18, 2004, the Sunday Times of London reported that a detainee held by coalition forces in Iraq said that during his 3 months in detention he was, "beaten frequently, given shocks with an electric cattle prod and had one of his toenails [torn] off."

Throughout this period there were not only continuous press reports of abuses of Afghan, Iraqi, and other detainees in U.S. military custody. There were also repeated requests by human rights organizations, myself, and others, for clarification of the policies and procedures used in interrogations. What we got, it seems, were, at best, reassuring statements by officials in Washington that were repeatedly ignored in the field.

Several things bother me beyond the reports themselves. Not only is there a long pattern of abuse that has been documented. But with respect to the allegations at Abu Ghraib, Secretary Rumsfeld and General Myers knew of these incidents and for over a week they not only did not disclose them to the Congress or the American people, they urged CBS News not to broadcast the photographs.

Major General Taguba's report was written 3 months ago, and as of yesterday Secretary Rumsfeld said he still had not read it through.

There has been an appalling lack of appreciation or concern for the seriousness and frequency of these incidents.

None of us believes that prisoners of war, some of whom are suspected of having killed or attempted to kill Americans, should be rewarded with comforts. Harsh treatment may, at times, be justified. But we also know that many of the people who have been detained, who have been depicted as terrorists and whose rights have been violated, have turned out to be innocent of any crime.

The use of torture or the inhuman or degrading treatment of prisoners, whoever they are, is beneath this Nation. It is also illegal. That is the law whether U.S. military officers engage in such conduct themselves, or they turn over prisoners to the government agents of another country where torture is commonly used, in order to let others do the dirty work. It is also the law when contractors or subcontractors of the U.S. military are involved.

It undermines our reputation as a nation of laws, it hurts our credibility with other nations, and it invites others to use similar tactics against our troops and other Americans.

Torture is routinely used today in dozens of countries. In fact, some of those who have complained the loudest about the abuses at Abu Ghraib are among the world's worst violators of human rights. Their mistreatment of prisoners is flagrant, it is pervasive, and it is a matter of state policy.

So I am cognizant of the hypocrisy of some of those who have equated the U.S. military with Saddam Hussein's regime, which tortured and murdered hundreds of thousands of people. Nothing could be further from the truth. But that does not detract from the fact that the Bush administration's response to the pattern of reports of abuse of detainees has been woefully inadequate.

It has been negligent, and innocent people have suffered and some quite possibly have died as a result. This negligence is anything but benign in the damage it threatens to our national security and foreign policy interests, at a particularly dangerous time.

What should be done? Human rights groups have suggested a number of important actions which I believe are long overdue. The administration should undertake an investigation of the interrogation practices wherever detainees are held around the world, whether the facilities are run by the U.S. military or the Central Intelligence Agency, and make the results public.

The administration should prosecute any military or intelligence personnel found to have engaged in or encouraged any acts amounting to torture or inhuman treatment. Administrative penalties are inadequate. There needs to be a clear signal that these abuses will not be tolerated.

The administration should ensure that all interrogators working for the United States, whether employees of the military, intelligence agencies, or private contractors, understand and abide by specific guidelines consistent with the policy outlined by General Counsel Haynes last year, which prohibited interrogation methods abroad that would be barred in the United States by the U.S. Constitution as well as by the Geneva Conventions. These guidelines should be publicly available.

The administration should grant the International Committee of the Red Cross access to all detainees held by the United States in the campaign against terrorism throughout the world, whether held in facilities run by the U.S. military or intelligence services, or held by other governments at the behest of the United States. The United States should not be operating undisclosed detention facilities to which no independent monitors have access.

The administration should make public information about who is detained by occupation forces in Iraq and Afghanistan, and why, and enable families of detainees to visit their relatives. Even with internal safeguards, incommunicado detention is an invitation to abuse.

The administration should videotape all interrogations and other interaction with detainees so responsible personnel know there will be a record of any abuses. These videotapes should be regularly reviewed by supervisory personnel to ensure full compliance with interrogation and detention standards in U.S. and international law.

The administration should release the results of the investigation the Defense Department conducted into deaths in custody of two detainees held at Bagram Air Base in Afghanistan.

The administration should ensure that private contractors working for the United States in military or intelligence roles operate under clear, legal procedures so they can be held criminally responsible for complicity in illegal acts. Under the Military Extraterritorial Jurisdiction Act, which I worked with Senators SESSIONS and DEWINE to enact in the 106th Congress, a contractor or subcontractor of the military can be prosecuted in Federal court if the crime of which he is accused is a felony when committed in the United States.

The administration should take responsibility and be accountable for the breakdown of civilian control and loss of lawful authority.

Mr. President, 2½ years ago, shortly after 2,986 people of some 60 nationalities died in the attacks on the World Trade Center, on the Pentagon, and in a lonely field in Pennsylvania, there were expressions of sympathy and good will toward our country unlike any we had experienced since the end of the Second World War.

I remember how the cover of the French newspaper, Le Monde, proclaimed "Today, We Are All Americans." The National Anthem was played at Buckingham Palace.

Today, that sympathy and good will, which offered such promise, has long since dissipated. In fact, it has been squandered. Squandered by an administration blinded by arrogance, steeped in condescension, prone to distortions of the truth, motivated by simplistic notions of "good versus evil," and having only the most rudimentary understanding of the Iraqi people, their culture, their faith and traditions.

While we are continually treated with rosy assertions that things are getting better, the number of U.S. casualties soars.

What was conceived as a campaign against terrorism, focused on al-Qaida, is increasingly perceived by many of the world's 1.2 billion Muslims as a war of aggression against Islam by the United States and our predominantly Christian allies.

I have no doubt that most Iraqis are relieved to be rid of Saddam Hussein and the horrors of his regime. Most Iraqis abhor violence and want to rebuild their country.

Nor should there be any doubt about our concern for the safety of the overwhelming majority of American soldiers and civilians whose motives are honorable and who are bravely risking their lives.

But the individuals at Abu Ghraib prison, at Bagram Air Base, and elsewhere who have violated the rights of prisoners, were not acting in a vacuum. There was a culture that encouraged or allowed it. Discipline was lacking. Accountability was lacking. And just as those who committed these crimes should be prosecuted, the civilian and military officials who failed in their responsibility to ensure that the law was respected should also be held accountable.

Mr. President, I ask unanimous consent that a May 4, 2004, op-ed in the Washington Post by Leonard S. Rubenstein, executive director of Physicians for Human Rights, entitled, "Stopping the Abuse of Detainees," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 4, 2004]

STOPPING THE ABUSE OF DETAINEES

(By Leonard S. Rubenstein)

Photographs of American soldiers laughing over naked Iraqi prisoners of war piled atop one another are a revolting disgrace, all the more so because evidence of torture and ill treatment of individuals detained by U.S. forces in Afghanistan, Iraq and Guantanamo Bay, Cuba, is not new. The humiliating acts seen in photos may not have been predictable, but the abuse of detainees was, a product of the circumstances of detention and the administration's resistance to independent monitoring and accountability. Stopping it requires a great deal more than the prosecution of a handful of offenders.

The problem is that the main purpose of these military detentions is interrogation, a practice that always has potential for abuse. Preventing abuse requires compliance with rules for treatment of prisoners, as well as access for independent monitors and accountability for violators. But many detainees in Afghanistan and Iraq have been held virtually incommunicado, sometimes in undisclosed locations, under rules that have never been made public. As early as 2002, news reports of abuse or prisoners began to surface, and new allegations have continued to emerge.

The administration's response has been to stonewall. A year ago, in response to the first set of allegations of abuse of detainees, President Bush affirmed that the United States does not practice or condone torture or cruel, inhuman and degrading treatment, and that it investigates allegations of violations. But the actions needed to convert this from a statement to a commitment have been absent. For the past two years, human rights organizations have requested the guidelines used to govern interrogation, the results of investigations of alleged instances of torture or mistreatment, information on individuals transferred to third countries for interrogation, and—most important—access to the detainees and their medical records to ascertain whether they have been abused. The administration either denied or failed even to acknowledge many of these requests, including those concerning findings of the investigation of the case of two detainees who died in custody more than a year ago. As for combatants sent to third countries, among them countries with a record of torture, the administration claimed to have obtained assurances that the countries do not torture detained combatants.

An even deeper problem with the administration's approach has been its efforts to evade compliance with the Geneva Conventions, which protect detainees from torture, ill treatment and humiliation, as well as inhuman conditions of confinement. It has said that captured al Qaeda suspects in captivity at Guantanamo and Afghanistan are not subject to the conventions at all. And U.S. officials took a shockingly casual approach to the treatment of POWs by U.S. surrogates in Afghanistan, assuming no responsibility for the horrific conditions of imprisonment for thousands of Taliban fighters and washing U.S. hands of reports that allies killed possibly hundreds or thousands of detainees. Some of the holding centers are even off-limits to the International Committee of the Red Cross, which is internationally authorized to visit all security detainees.

The president, the director of the CIA and the secretary of defense must now do what should have been done 18 months ago. The message has to be clear that interrogators must be subject to rules, and if the rules are to be obeyed, the door to the interrogation room must never be shut. They should publicly pledge that the United States is bound by the Geneva Conventions and will be bound by them with respect to every single military detainee, whether or not it considers them official prisoners of war. They should immediately account for the whereabouts and condition of all in detention and offer the International Committee of the Red Cross, as well as independent human rights monitors and medical experts, full access to all prisoners and all medical records that can reveal abuse. The president should provide to the American public a full accounting of interrogation practices, including all records and documents relating to the most recent violations and past allegations of abuse in Afghanistan, Iraq, Guantanamo, the United States and other countries where individuals have been sent.

When some Americans insulted and humiliated their Iraqi captives, they shamed every American as well. Moreover, they jeopardized the lives and well-being of U.S. soldiers and people in custody throughout the world. President Bush recoiled at the horror of it, but unless revulsion leads to more concerted action, the abuses will continue.

AMENDMENT NO. 3110

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. My understanding is that we are now turning to the amendment I have offered along with my colleague, Senator MIKULSKI; is that correct?

The PRESIDING OFFICER. Under the previous order, there is a period of 1 hour of debate, 30 minutes allocated to the majority, 30 minutes allocated to the minority, of which 20 minutes is controlled by the Senator from North Dakota.

Mr. DORGAN. Mr. President, that 20 minutes begins at this point. Let me yield myself 2 minutes. Then I will yield 5 minutes to the Senator from Maryland.

Let me just say, this is the easiest amendment to consider of all of the issues that we have dealt with on this legislation. It deals with the question of whether we should shut down the loophole that exists in current tax law that says to a company, shut your American manufacturing plant down, fire your workers, move your manufacturing plant overseas, manufacture the product, ship it back into the U.S. marketplace and, by the way, we will give you a big tax break. If we can't begin a baby step in the right direction of saying, we will no longer subsidize in the Tax Code the movement of U.S. jobs overseas, then we don't have a ghost of a chance of fixing what is wrong with this Tax Code.

You have two companies side by side. Both make bicycles. One decides it will move its plant to China. The other continues to live in Baltimore and make its bicycles in Baltimore. The difference? The company that moved overseas gets a tax break. The company that stays in Baltimore doesn't. It is an insidious, perverse tax incentive that makes no sense. We ought to end it.

That is what my colleague and I do with our amendment. I will explain it further at some later moment. I want to offer 5 minutes to the Senator from Maryland who has to go to the Intelligence Committee.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Ms. MIKULSKI. Mr. President, I thank the Senator from North Dakota, the lead sponsor of this amendment, for yielding me such time. I also acknowledge his outstanding leadership on trade. Trade is such an abstract word, but it is another word for jobs. The big question is, how are we going to keep jobs in the United States?

This, then, takes us to tax policy. Tax policy is more than just simply collecting revenue; tax policy is a statement of our principles. The Tax Code in the United States has, since the New Deal, stood for certain principles: That it should be fair, No. 1, and that the more wealthy you are, you would bear a little heavier responsibility. Part of the principle of fairness and of paying taxes is what is called citizenship. It is called shared responsibility. It is called, how do you make sure the U.S. Government functions to provide national security and domestic opportunity and a safety net for seniors. That is really what it is all about.

The Tax Code is the fundamental principle of how you collect revenue, and it is tied with citizenship, both individual citizenship and corporate citizenship. The way we see it is: If you are a good corporate citizen, you ought to stay in this country and keep your jobs here. Right now we have a tax code that rewards just the opposite. We have a tax code that rewards corporations for shipping jobs overseas.

I believe what the Dorgan-Mikulski amendment does is say that, No. 1, our Tax Code should be patriotic. Our Tax Code should stand up for America. It should stand up for keeping jobs here. It should stand up for rewarding good-guy companies that keep jobs here and provide health benefits to their employees. It should also close the loophole where people not only take jobs overseas but hide their income in the Bermuda Triangle or the Cayman Islands.

This deals with one aspect. The amendment Senator DORGAN and I offer, the economic patriotism amendment, says that right now what we would do is close the loophole for sending jobs overseas. The Dorgan-Mikulski amendment ends those huge tax breaks to manufacturing companies that send jobs overseas, that only sell the products they make back here in the United States. Right now this Tax Code lets these companies move the jobs and not pay the taxes on the profits they earn by sales back home.

Our amendment tells these companies: If you want to export jobs out of America, you can go, but you can't import these products back in the United States and be able to shelter your profits. Our amendment says: The Tax Code can no longer be used to boost corporate earnings at the expense of American workers. It is actually an amendment that makes good sense. Why should we reward people who move their jobs overseas and penalize in the Tax Code the people who keep their jobs here in the United States and who also tend to provide their employees with health insurance?

People in my State really cannot believe what is happening. We have lost 21,000 manufacturing jobs since 2001. What a bloodless statistic. Behind every one of those numbers are 21,000 families, 21,000 families that built ships, made steel, made garments and apparel, even made the kind of technology we use in high tech. Where did those jobs go? They went on a slow boat to China. They went on a fast track to Mexico and a dial 1-800 anywhere. Why are they going? Because the Federal Tax Code says it is OK.

The Federal Tax Code says, in fact, it is not only OK, we are going to give you a huge subsidy. I think we need to subsidize the good-guy corporations. That is what I want to do. I believe that the Dorgan-Mikulski amendment is a patriotic amendment. It is part of an economic patriotism that we have to start focusing on in this country. I don't want my country, in a few years, to have the economic profile of a Third World country.

Vote for America, vote for patriotic economics, and vote for Dorgan-Mikulski.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I yield myself such time as may be necessary.

Again, this is not complicated. Levis used to be American. When you would slip on a pair of Levis in the morning, you were wearing a pair of American pants. Not any longer. The manufacturer of Levis has gone to Mexico and China.

Fig Newtons. If you want some Mexican food, you can get Fig Newtons from Mexico. That old all-American Fig Newton cookie has gone to Mexico.

Fruit of the Loom underwear has gone to Mexico.

I have mentioned previously Huffy bicycles. They have gone to China.

Do you know that little red wagon, the Radio Flyer? This one has gone to China.

The perversity of all of this is, whether it is Fig Newtons, Levis, Radio Flyers, Huffy bicycles, or Fruit of the Loom underwear, they were all rewarded for moving their jobs overseas because our Tax Code has embedded in it a special little deal: Move your jobs overseas and we will give you a special deal.

We want to change that. According to the Joint Tax Committee, U.S. taxpayers will pay $6.5 billion between 2004 and 2013 as tax incentives to U.S. companies that set up offshore subsidiaries to manufacture merchandise and ship it back into this country. We have lost about 2.7 million manufacturing jobs in this country, and we have a perverse provision in the Tax Code that says let's even enhance that by incentivizing those who would close their American factories and move the jobs overseas.

This is not a new idea. This is a rather narrow amendment, by the way. We don't end deferral; we just end deferral with respect to U.S. companies that are manufacturing abroad and selling back into this country. President Kennedy tried to end the entire deferral system. President Nixon tried to end it. President Carter tried to end it. The Senate voted to end it in 1975. The House of Representatives voted to end it in 1987. In each case, the big economic interests that get rewarded for shipping American jobs overseas have won. The question is, will they win today? We are losing jobs. We need to keep jobs in this country.

This amendment doesn't prevent a company that chooses to move Huffy bicycles or the little red wagons to China. It doesn't prevent a company from moving Fig Newton cookies, Fruit of the Loom, or Levis to Mexico. But it does say if you are going to move those jobs, at least we are not going to help pay for it with incentives in the Tax Code. That is a simple enough proposition. This Senate should adopt this amendment.

I reserve my time.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I want to speak against the Dorgan amendment. I yield myself such time as I might consume. Before I speak specifically to the amendment, since I heard the Senator from North Dakota express his concerns—and legitimate concerns—about jobs going overseas, I think there might be some suggestion in this amendment that this bill doesn't deal with moving jobs overseas.

This amendment is all about preserving manufacturing jobs in America and creating more manufacturing jobs in America, because the basis for this legislation is that there is no benefit in this bill from the reduction of the corporate tax from 35 percent down to 32 percent for any organization that doesn't manufacture in the United States. So it applies to domestic manufacturers that are manufacturing in the United States, not domestic manufacturers that manufacture overseas. It also applies to companies overseas—foreign companies—that would come to the United States and invest here, create jobs here, and hire people in America to manufacture here.

There is a lot of concern expressed about moving jobs overseas. I don't denigrate any of those concerns. But that is what the debate on this legislation has been all about for 1 whole week during the month of March, a few days during April, and now again this week. During that period of time of stalling, we have had a 5-percent European tax put on our exports to Europe—a percent again in April, and now a third movement of 1 more percent. That is going to go on every month. Even if we pass this bill this very minute, this bill probably won't be signed by the President for another month or so. We are going to continue to have this terrible European tax put on our exports there.

I emphasize for listeners who ask, how can they do that? Well, it is legal under international trade agreements. The reason it is legal is because we are trying to change our tax laws to conform with our international agreements—international agreements that this body has already adopted.

So we are dealing with these amendments—probably very legitimate ones—but we have had amendments put before this bill that have kept this bill long enough on the agenda so that we are already 77 percent less competitive than we used to be with our global competition doing business in Europe.

So why are we here? We are here with this underlying piece of legislation to preserve and create more jobs in America.

We have heard the Senator from North Dakota make a very impassioned case for American workers whose jobs have been lost when U.S. plants move overseas. We have all witnessed this heart-wrenching event. I know that my home State of Iowa has had plant closings or some parts of production move overseas. Unfortunately, this amendment will not do one doggone thing to bring those jobs back. In fact, it could very well cost even more U.S. jobs.

I will explain my concerns by first examining his amendment. This amendment repeals deferral for property imported into the U.S. by foreign subsidiaries of U.S. companies, even without regard to whether that property was ever previously produced, manufactured, or grown in the United States. This means the amendment doesn't focus on their primary complaint that U.S. companies are shutting their plants, moving production offshore, and selling back into the United States.

The bill does not focus on this scenario. Instead, it overshoots the mark by hitting all goods sold into the United States by U.S. companies, even if it is impossible for those goods to first be produced in the United States.

I will give an example. If a produce company sets up a banana farm in Costa Rica to import bananas into the United States and around the world, the income from sales to the United States are not eligible for deferral. I may be mistaken, but I am not aware of too many banana farmers in Texas or Florida. So I do not see how deferring taxes on a banana farm in Costa Rica is going to cost the United States jobs.

Similarly, if a U.S. company wanted to start a mining operation in some far away land to extract a new and exotic mineral that is not found here at home, they can sell that anywhere in the world, but they could not and cannot import that back into the United States without triggering this amendment.

How about coffee? The only place I know we grow coffee in the United States is in Hawaii, and that was 25 years ago. Maybe they do not even grow it there now. We have lots of coffee shops on our streets these days. If they set up their own coffee plantation in Brazil, they would get hit under this amendment that is before us. I do not know whether we raise coffee anywhere else in the United States, but we sure do not raise it in Iowa.

It appears the amendment of Senator DORGAN and Senator MIKULSKI would allow a U.S. company to sell foreign goods to anyone in the world except to America. That does not make sense to me.

I have described how the bill would operate, but I do not think that is the intent of this legislation. What I believe is intended is that deferrals should be denied if a company closes a U.S. plant, produces the goods offshore, and then imports the goods back into the United States. This does not actually happen very often. The latest Department of Commerce data on U.S. multinationals shows that only 7 percent of foreign subsidiary sales were into the United States.

Nevertheless, this amendment insists that the rule of deferral in our tax law is somehow a tax benefit that moves jobs offshore and allows a company to not pay taxes on foreign income.

Of course, this is not true. Deferral has nothing to do with moving jobs, and it never forgives taxes that are owed on foreign products of U.S. companies. The rule of deferral exists to keep U.S. companies competitive in the global marketplace. Let me repeat. The rule of deferral exists to keep U.S. companies competitive in the global marketplace, and it has been that way in our tax laws since 1918. For 85 years it has been the law.

We are going to hear a great deal about deferrals this week. We will hear wild accusations about how this rule, which has been in place since 1918, spells doom for American workers. None of this is true. In fact, just the opposite is true. By enhancing the international competitiveness of U.S. companies, deferral ensures an ever-growing base of opportunity for U.S. companies and their employees at home and abroad.

U.S. multinationals are a critical component of our economy. These companies operate in virtually every industry and have investments of more than $13 trillion in facilities located across our great country.

As employers, they provided 23 million jobs for Americans in 2001, nearly 18 percent of the payrolls in the country. With a payroll in excess of $1.1 trillion, U.S. multinationals create more than 53 percent of the manufacturing jobs in America and employ more than two U.S. employees for every foreign worker.

During the 10 years between 1991 and 2001, U.S. multinationals increased domestic employment at a faster rate than the overall economy. We have a recent study confirming that U.S. multinationals are significant job creators, and those jobs are not created through exporting jobs to foreign nations with low labor and low tax costs, as the amendment infers.

The Department of Commerce data shows that the bulk of U.S. investment abroad occurred in high-income, high-wage countries. In the year 2001, 79 percent of the foreign assets and 67 percent of foreign employment of U.S. multinationals were located in high-income, developed nations, such as Australia, Canada, Hong Kong, Japan, New Zealand, Singapore, South Africa, and the countries of the European Union.

We have to remind ourselves that corporations are comprised of people. People like good roads, safe water, reliable power grids, and stable societies. That is the only kind of environment where business can flourish. So it is only rational that if a U.S. corporation is going to make a foreign investment, it is going to make the safest investment possible. That means going to fully developed countries with thriving markets and highly paid workers.

We also have to remember a simple maxim for why companies go into foreign markets: You have to be there to sell there.

Today, fully 95 percent of the world's population and 80 percent of the purchasing power is located outside the United States. In other words, the United States is 5 percent of the world's population. But if we want to sell, we go where the people are. Ninety-five percent of the people are outside the United States. If you want to make sales, you go where the people are.

We have an instance in which foreign sales growth has outstriped domestic sales growth. So this increased growth requires increased foreign involvement. The good news is foreign growth also results in U.S. job growth.

A recent study confirmed that during the 10 years, 1991 through 2001, for every job U.S. multinationals created abroad, they created nearly two jobs in the United States in their parent corporation. That is why it is critical to our company that U.S. companies remain competitive in this international marketplace.

Let's review for a moment a more rational explanation for deferral and how it works to keep our U.S. companies competitive.

The United States taxes all of the worldwide income of its citizens and corporations. The U.S. income tax applies to all domestic and foreign earnings of U.S. companies. The United States fully taxes income earned overseas by foreign subsidiaries of U.S. companies. However, many foreign countries tax their companies on a territorial basis, meaning they only tax income earned within their country's borders and do not impose tax on the earnings of foreign subsidiaries.

Countries that use a territorial system, such as Australia, Belgium, Canada, Denmark, Finland, France, Germany, Luxembourgian, the Netherlands, Sweden, and Switzerland, among other countries, have a great advantage over a U.S. company.

We have to take that into consideration. The tax system is the cost of operation, and if we do not have a more level playing field for our companies, how do we expect to compete in this world marketplace?

I will give an example. A U.S. company with a Singapore subsidiary will pay U.S. tax and a Singapore tax on the subsidiary's income. A French company with a Singapore subsidiary will pay Singapore tax but not any tax in Paris. That means the U.S. company in Singapore has a higher tax burden than the French company in Singapore. Two basic tax rules answer this problem and seek to put U.S. companies on a level playing field with foreign competitors from territorial countries.

The first rule says when foreign income is brought home, the U.S. allows a reduction against U.S. tax for any foreign tax paid on that income. This foreign tax credit prevents the U.S. from double-taxing foreign earnings. Does anybody believe in double taxing?

In effect, that would make our companies noncompetitive in this international marketplace. Like deferral, this too has been on the tax laws of the United States since 1918. The foreign tax credit is limited. It may only offset up to 35 percent of the U.S. corporate tax. If the foreign tax rate is higher, the credit stops where we stop taxing corporations at 25 percent. If the credit is lower, say 10 percent, then an additional U.S. tax will be owed up to the full 35 percent. In this example, the additional 25 percent of taxes would be owed to the U.S., which is the difference between the 10 percent and our 35-percent top rate.

The second basic tax rule is U.S. companies are allowed to defer U.S. tax on income from the active business operation of a foreign subsidiary until that income is brought back to the United States, and that is usually brought back in the form of a dividend paid to the U.S. parent. This is referred to as the rule of deferral, meaning the U.S. tax is deferred until the earnings are brought back. This is the rule this amendment attacks.

It is important to note deferral is not a forgiveness of a tax. It simply means we impose full U.S. tax tomorrow instead of today. We do not forgive tax under deferral because we do not want to create incentives to move operations offshore. The reason we defer tax on active business operations is so U.S. companies can remain competitive with foreign companies, from those countries that have a territorial tax system.

We do not defer tax on passive activities such as setting up an offshore bank account. We tax passive activities yearly, and active operations are subject to competitive disadvantage. For example, if we impose U.S. tax today on the profits of a Singapore subsidiary, then a U.S. company will pay 35-percent U.S. taxes plus any Singapore taxes, but the French competitor located next door will only pay the Singapore tax and not the Paris tax.

If a Singapore tax rate is less than the 35-percent U.S. tax rate, then the French competitor will have a tax advantage. This is because the U.S. allows the foreign tax credit offset against U.S. income tax imposed on those foreign earnings but only up to a 35-percent top corporate rate.

If the foreign rate is less than the U.S. 35-percent rate, then residual U.S. taxes are owed on the difference between the U.S. and foreign rates.

In another example, if the Singapore tax is 15 percent and the U.S. tax 35 percent, then the U.S. will impose an additional 20-percent tax on those Singapore earnings. The French company, however, will only pay 15 percent Singapore tax, no tax in Paris.

If we did not allow deferral of that additional 20-percent tax, then the U.S. company today would have to pay 20-percent tax compared to the French company. The question on repealing deferral is whether we want to hand over the world markets to companies from France and Germany.

This amendment is being offered presumably to save jobs in America, but when we have a tax system like they want, there is going to be an incentive for moving those jobs. Repealing deferral means we export our high U.S. tax rates to U.S. operations around the globe.

The U.S. has one of the highest corporate tax rates in the world. There are very few countries with higher marginal corporate rates. This means without deferral, U.S. companies will be at a continual worldwide disadvantage compared to their foreign competitors. That is why we defer U.S. tax on active business operations, to allow U.S. companies to be competitive in the global marketplace.

Some Senators today propose repealing deferral or cutting back. These proposals would export the high U.S. tax rate to U.S. operations around the world. That would be fine if all companies around the world were paying the high U.S. tax rate, but they are not. Companies of foreign countries are not subject to our tax laws and are usually taxed at a lower rate.

That brings us back then to the implications of the amendment before the Senate. Our focus in considering this amendment must be on the ability of American companies to compete within the United States. The issue is not whether we tax foreign earnings currently but whether we cede the U.S. market to foreign competition: You compete or you die.

The Dorgan-Mikulski amendment will increase taxes on U.S. companies, but their foreign competitors in the United States will not face a similar tax increase. This can lead to a loss of domestic market share, or even if market share is maintained losses may be incurred on domestic sales because of pricing pressures and uncompetitive margins created by the additional tax burden.

The best measure of an economic impact of their tax increase is the very concerns Senators DORGAN and MIKULSKI cite in debating their amendment, whether U.S. employment levels of the U.S. companies will drop after this additional tax is imposed. This goes to the issue of whether salespeople, purchasing agents, line workers, or others could lose their jobs if the Dorgan-Mikulski tax increase is imposed on companies' imports.

Keep in mind their amendment would attack imports of bananas from Costa Rica and coffee from Brazil. That is going to cost U.S. jobs. The amendment will kill U.S. jobs and the amendment is defeating its own purpose and should not be supported in the Senate.

If the objective of Senators DORGAN and MIKULSKI is to ensure companies do not reduce U.S. employment by round-tripping production, then it is equally important to ensure their tax increase does not reduce U.S. employment.

Increasing taxes on U.S. companies will not bring those jobs back to America. A company will only pay taxes if the company is profitable, and they will only stay profitable if they remain competitive in their markets. But in the United States, taxes are a 35-percent cost to profit, and that is where a competitiveness disadvantage can occur when the U.S. company is competing against foreign companies that will not incur this tax increase.

Senator BAUCUS and I, in trying to develop this bipartisan bill that is before us, held hearings last July regarding the effects of international competition within the United States. So I think we have a right to believe we are very familiar with the domestic effects of these kinds of rate differentials.

I would like to close with a quote from Joseph Guttentag, International Tax Counsel for the Clinton administration. He gave this testimony before the Senate Finance Committee 9 years ago, July 21, 1995. He said this:

> Current U.S. tax policy generally strikes a reasonable balance between deferral and current taxation in order to ensure that our tax laws do not interfere with the ability of our companies to be competitive with their foreign-based counterparts.

I hope a statement from another administration, particularly from a recent Democratic administration, the

Clinton administration, will carry a lot of weight with both Republicans and Democrats in helping to defeat this amendment on which we will soon be voting.

I hope Senators will join me in voting against the job losses that will result from this amendment and this tax increase that comes on American business with this amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I was sitting here wondering how someone would actually support a tax provision that incentivizes the moving of U.S. jobs overseas. I thought: That is hard to support. I am going to call this defense the banana defense because my colleague talked a couple of times now about bananas from, I believe, Costa Rica. So we will call that the banana defense.

I have great respect for my colleague from Iowa. I enjoy his work and I think he is a good legislator. But in my judgment, some of the statements that have just been made are not accurate, and I would like to at least give a response to them so people understand.

First of all, this is not a tax increase. What a bunch of nonsense. This eliminates a tax break for those companies who want to move jobs overseas. This is very simple. If we are going to shut down loopholes that incentivize the moving of jobs overseas and have people call it a tax increase, I am sorry; it is not. That is not the purpose of it, that is not the intention of it, and not the effect of it.

My colleague talks about the 35-percent corporate tax rate. I am sorry, he knows that is a statutory rate. He also knows very few corporations pay a 35-percent tax rate.

Mr. President, 61 percent of the U.S. domestic corporations in this country pay zero—not 5 percent, 20 percent, 30 percent, or 35 percent; they pay zero. That is according to a recent GAO report. The rest that do pay do not pay the 35-percent statutory rate. They pay substantially less than that.

About 40 to 50 years ago, corporations paid 40 percent of the total taxes paid in this country. They now pay less than 9 percent, and the American people, individuals, pick up the rest.

My colleague says this defers taxes; it doesn't mean we forgive taxes. Of course, it does. This very bill brings to the floor of the Senate the most generous provision I have ever heard of. It says repatriate all your earnings from overseas that have never been taxed, and we will let you be taxed at 5.25 percent. You repatriate it and we will reduce your taxes to 5.25 percent. I say how about my constituents in North Dakota? Why don't we give all those constituents—regular people, family farmers—an opportunity to pay a 5-percent tax rate? Why just the folks who decided to invest overseas? Why not everybody? If 5 percent is good enough for those who have over $600 billion in unrepatriated income, and you say bring it back and we will cut your tax rate to 5 percent, let's do it for the folks from Iowa and North Dakota. Let me get their names and let's give them a 5-percent tax rate.

This notion we are not forgiving taxes is wrong. Of course we are forgiving taxes. This bill forgives taxes of those that are big enough to earn billions overseas, and says to them: If you want to repatriate it; we will give you a huge, big tax break.

Let me say with respect to the issue of a company that has never been located here with a manufacturing plant, deciding to manufacture in China versus here—my proposal, and the amendment we have introduced, deals only with sales back into this country. So the question that will be asked by someone who is building a manufacturing plant for the purpose of producing the little red wagon called the Radio Flyer, for a company to decide where to manufacture this, what the underlying provision in law does is to say: Make a decision. Either build it here or build it there. By the way, if you decide to build it there—in this case China—we will give you a tax break.

My colleague says this bill closes all these things—not true. In fact, it produces a very generous, juicy, big tax break at 5.25 percent, and in addition it leaves untouched this tax break.

I can quote a good number of economists who say there is embedded in this tax law a provision that says build it here or build it there. Make a decision to build it there. Take it offshore. Take it outside this country.

In my judgment, it ought not be a significant choice for this Congress to change this. This is a loophole that ought to be closed.

With respect to competition, my colleague talked about competitiveness. Let me ask this question. Let's assume that you are the corporation that stays in this country to build a bicycle. Your manufacturing plant is here. Now you are competing with the Huffy bicycle company that moved to China. The difference? They pay less in taxes than you do because you stayed here and they left. What about that competitiveness? What about the competitive issue of the company that stayed and now pays higher taxes than the company that left? Incidentally, this company did leave. They fired the workers. Why? Because it cost too much at $11 an hour to have them keep making bicycles in our country.

This cannot be obfuscated so much that we can't see what this question is before the Senate. Do you want to continue to have a Tax Code that incentivizes the movement of jobs overseas, or do you want to close the loophole? This is not an attack on all "deferral." This is a much narrower amendment. The Senate is going to vote on this, and it is not going to be able to waltz around and tap dance. This is not about having an American corporation with a foreign subsidiary in Bangladesh that is producing a product to ship to South Korea, and therefore it must be competitive with a company from France. That has nothing to do with this amendment. So in addition to the banana defense, we now have the French defense, I guess, or the U.S. corporation against French competition. I don't understand that. That is not what this amendment is about. We could debate that at some later point, but it is not what this amendment is about.

Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. DORGAN. I respect those who disagree with me. They have a right to disagree. My colleague ended with a quote from someone from the Clinton administration. Let me quote Will Rogers. He said:

> It's not what they know that bothers me. It's what they say they know for sure that just ain't so.

In this case, this narrow question with respect to deferral simply asks whether we want to continue to make it beneficial for someone to close a plant here and move it elsewhere, or to answer the question, if requested: Should I build it here or build it there, to answer the question by saying let's build it there because our Tax Code provides a benefit for me if I build it there. Move a job to China and our tax bill rewards you. Keep a job here and you actually face unfair competition because of the provision that is now in law, the one I want to get rid of. This is very simple. I reserve the remainder of my time.

Mr. KOHL. Mr. President, I rise in support of the amendment of the Senators from North Dakota and Maryland. I supported this amendment because it repeals an unfair provision that pulls jobs away from the American manufacturing sector. I supported this amendment because it gives a tax break to companies who ship jobs overseas and then compete with domestic manufacturers. And I supported this amendment because Wisconsin has seen a steady decline in manufacturing jobs, with many of these jobs being sent offshore because the U.S. Government would not tax their profits.

Under current law, a U.S. company that moves its manufacturing operations overseas may defer paying U.S. taxes on the profits it makes abroad until those profits are sent back to the U.S. This process, known as deferral, clearly serves as a reward for foreign investment and for shifting jobs off American soil. This reward comes at the cost of American taxpayers; as much as $2.2 billion over 7 years is lost for this misguided incentive. A tax policy that moves American jobs abroad at the expense of American taxpayers—clearly this is not something that Congress should continue to endorse.

In addition to providing an incentive to move overseas, current law puts domestic manufacturers who keep jobs in the U.S. at a competitive disadvantage. While foreign companies can reinvest profits abroad without paying any U.S. taxes, U.S.-based manufacturers investing in American jobs have their profits subject to U.S. taxes. Multinational companies should pay the same taxes that domestic companies pay, and companies keeping jobs in America should not be penalized for doing so.

This is especially true given the continuing job loss in the manufacturing sector. Wisconsin has been especially hard hit by the loss of manufacturing jobs to overseas competitors. My State is one where manufacturing jobs have historically made up the core of our economy. Due in part to tax incentives such as deferral, Wisconsin has lost one out of every seven manufacturing jobs since 2000. The State's economy has not been able to absorb this increase in unemployed workers, resulting in a stagnant unemployment rate.

The Dorgan-Mikulski amendment would repeal the tax incentive for American companies to move overseas. Our Tax Code should not endorse the continued loss of American jobs to companies investing overseas. The Dorgan-Mikulski amendment is the first part of a prolonged solution to the continuing loss of American manufacturing jobs. The amendment would partially repeal deferral, and targets the repeal to apply only to firms that move production overseas but continue to sell those products in the U.S. Thus, the amendment would repeal the competitive advantage that companies moving their production facilities offshore currently receive.

At a time when the country's manufacturers are struggling, we cannot continue to give a benefit for those companies who send American jobs abroad. We must bring equity to the tax code, and bring jobs back to America.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, I think I have about 3½ minutes. I am going to take 1½ minutes for myself, and then I hope Senator KYL will get over here. He asked me for 2 minutes. Then that would use up our time.

The first reaction to the response to my remarks that I have that I want to clear up is that the author of the amendment speaks to the point that it only hits imports coming into the United States if a company moved overseas. The fact is—it may be a flaw in the way it is written—this amendment hits all imports coming into the United States.

The second point is, it was stated that this was not a tax increase. This amendment raises $6.5 billion. In my judgment, when you change tax law and you bring revenue in, that is a tax increase.

The second issue regarding Huffy moving overseas, the response to that is, their competition is in China and Taiwan. Companies have to do what they can to meet the competition. Would they rather have a Huffy company that existed as a U.S. corporation competing with China and Taiwan manufacturers or would they rather have the whole company go out of business? If you do not meet your competition, you do not compete you die.

Then there was reference to the fact the GAO report says 61 percent of companies did not pay taxes. That could be true. But that also includes new companies and it includes companies that maybe are dormant; in fact, it does include all of those.

Here is the significant thing about this GAO report: It says 96 percent of all large corporations in America pay tax.

We are back to the issue of what this amendment does or does not do. It does not do enough.

I have to ask the Presiding Officer if Senator KYL does not arrive and I have 1 or 2 minutes remaining, what do I do? I want to save the time for him, if I can, under the rules of the Senate.

I yield the floor and save my time for Senator KYL.

Mr. DORGAN. Senator KYL is here.

Mr. GRASSLEY. Mr. President, I don't have much time remaining, 2 minutes.

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. GRASSLEY. Could the Senator be kind enough to give him an additional minute and a half for our side? That is infinitesimal. We will argue for a minute and a half over it.

Mr. DORGAN. I ask unanimous consent that a minute and a half be added to the Republican side and a minute and a half be added to our side.

Mr. GRASSLEY. I yield Senator KYL my remaining time.

Mr. KYL. I thank the Senator from Iowa and I thank the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, it seems to me the amendment of the Senator from North Dakota does both too little and too much. A lot of thought went into crafting the bill before the Senate by staff and members on the Finance Committee. It is hard to get this exactly right. We have done that. This is very complicated.

What I mean by doing too little and too much is this: The amendment only affects about 7 percent of the products according to the Commerce Department; 7 percent of the goods and services these multinational corporations produce are imported back into the United States. That is the only part of the new deferral rule that would be affected.

In that sense, it probably does not do much to accomplish the purposes of the authors of the amendment. But it does too much in the sense that anything that impedes the competitive advantage of the U.S. corporations and the quality of their products is going to hurt their ability to do business.

What we have tried to do with the deferral rules is to even the balance between the European corporations, for example, and the American corporations, so our companies are not taxed more than their competitors. This would, to the extent it changes these deferral rules, impose a higher tax on American businesses than their European counterparts are required to pay. In that sense, it changes this competitive balance. It is exactly what we are trying to get away from.

I urge my colleagues to reject the amendment of the Senator from North Dakota, acknowledge the work of the Finance Committee which, as I said, very carefully tried to get this balance right and ensure American companies would not be at a competitive disadvantage vis-a-vis their European competitors.

I urge my colleagues to defeat the amendment of the Senator from North Dakota and support the Finance Committee.

Mr. DORGAN. How much time remains?

The PRESIDING OFFICER. Fifteen minutes total on the minority side remains. The Senator from North Dakota has 2½ minutes.

Mr. DORGAN. Mr. President, let me consume the 2½ minutes. Does that include the 1½ minutes?

The PRESIDING OFFICER. It does not.

Mr. DORGAN. Mr. President, Senator BAUCUS has left the room. Let me consume 5 minutes, with Senator BAUCUS's consent, of the minority time after which I will yield back the time and I believe all time will have been yielded back on this issue. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Without objection, it is so ordered.

Mr. DORGAN. Let me make a couple of comments about the facts. First of all, the number of manufacturing jobs we have lost in this country. This chart shows the number of manufacturing jobs we have lost since the year 2000, a little over 2.7 million manufacturing jobs.

One cannot make the case this is not a problem. Of course, we are losing manufacturing jobs. The number of jobs in foreign manufacturing affiliates of U.S. firms has grown by a million in an 8-year period. So, of course, they are gaining jobs. We are losing manufacturing jobs and they are gaining jobs. It is hard to make the case there is not an issue here.

Now with respect to the issue of the corporations, 61 percent of whom pay no taxes according to the GAO, my colleague says, well, probably some of them are dormant. The U.S. corporations made $2.7 trillion in gross income on which they paid zero in taxes. If that is dormancy, it is an interesting state of affairs, in my judgment.

Second, the issue of Huffy bicycles. I have used the issue of Huffy bicycles and the Radio Flyer wagon to make the point. The point is jobs are migrating overseas. This Radio Flyer red wagon was made here for a century and now it is being made in China. This Huffy bicycle was made here for a long time. Now it is gone. It is made in China. We saw the little red wagons and Huffy bicycles leave America and move to China.

With respect to Huffy, the workers here made $11 a hour. The company said that is way too much; I will hire a Chinese worker at 33 cents an hour, 7 days a week, 12 hours a day.

As we did that, we said, We will give you a tax break. Move this plant to China and we will give you a tax break. That is what our amendment would shut down.

I was trying to think how would we construct a defense, or how will I hear a defense about this, and it started out with trade. The Europeans are hitting us with these trade sanctions. Yes, well, we are really weak-kneed on trade. This country has a beef problem with Europe, so we slap them around. Do you know what we do with the Europeans? We slap them around with sanctions on truffles, goose liver, and Roquefort cheese. My God, that will send fear into an adversary.

If Members want to talk trade, spend time talking about trade and wonder why we do not have a spine and backbone and strong knees to stand up for this country for a change.

But this is not about trade. This is about an insidious, perverse little provision in the Tax Code that says, Move your jobs, decide to build overseas rather than here, and we will give you a little tax break.

If we cannot take a baby step in doing this, if we cannot close this loophole, what on Earth can we do?

With respect to the fact it is alleged this is a tax increase, my guess is almost everything will be alleged to be a tax increase in the future. It does not matter what you talk about, they will say it is a tax increase. Is closing a loophole that is fundamentally unfair, that incentivizes the moving of American jobs overseas, is that really a tax increase, or is it closing a loophole? Do you want to keep doing this?

Should we take taxpayers' money, incentivize it to say, let's pay these guys to move bicycles and red wagons overseas? Or, let's pay them to move Fig Newton cookies to Mexico, or pay them to move tennis shoes to Indonesia. Is that what we want to do, pay them to do that? That is what exists in our Tax Code.

This is the simplest possible amendment. If Members want to support American jobs and want to at least have a neutral Tax Code and want to stop the perversity of saying let's actually help finance and keep jobs from moving overseas, then vote for this. If you want to talk about competition between Bangladesh and France and Costa Rica, and construct all kinds of interesting theories that have nothing to do with this amendment, then vote against it. There is nothing wrong with that. I have lost before. I hope I will not lose today.

This amendment will come up again and again because this country should not be subsidizing the loss of jobs to other countries. Those jobs are going in part because they can buy 33 cent an hour labor and put 12 people in a room and work them 7 days a week and say, if you try to organize as a group of workers, you are fired. If you complain about an unsafe work plant, you are fired. So that is the incentive to move jobs overseas.

On top of that, we actually, in public policy, say we will buy you a little cherry on top of the sundae. The cherry on top of the sundae is you actually get a tax break here. The company you are competing against, that you left back in the United States—tough luck for them. They are paying higher taxes than you are.

It seems to me if we cannot think our way through this short little maze, this Congress cannot think its way through anything. This is not organizing a two-car caravan. This is simple. This is easy. And the choice, when we cast this vote, is not going to be complicated at all. Either you believe this incentive should not be in the Tax Code or you believe we ought to continue to subsidize jobs that are moved overseas.

We have more to do. We have a debate on trade that has to come. I don't expect we will get to the debate on trade because of the Central American Free Trade Agreement. It should be brought to the floor and debated, but will not be before the election because, I am guessing, the President does not want to have that debate—I would love it. Let's get it here tomorrow, as far as I am concerned.

There is much more to discuss on this issue. With respect to this alone, the Senator from Maryland and I have offered an amendment that is painfully simple and I hope will be painless to vote for.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, will the Chair advise the Senate with regard to the time agreements at this point?

The PRESIDING OFFICER. Time has expired on the majority side.

Mr. WARNER. Mr. President, can the Senator from Virginia ask for a period of 5 minutes to discuss a matter of importance to all Senators?

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

NOTICE OF HEARING AND BRIEFING ON IRAQ

Mr. WARNER. Mr. President, this morning I had the privilege of engaging in a colloquy with the distinguished minority leader with regard to the desire of the Senate to have Secretary Rumsfeld come in open session and respond to questions from Senators with regard to the very serious situation of allegations about the mistreatment of prisoners in Iraq.

Senator DASCHLE, Senator FRIST, and I—Senator FRIST and I worked on it yesterday together; we worked on it again today—Senator MCCAIN, Senator LEVIN—I just left him—so there has been a group of us who have worked on this.

I just finished a conversation with Secretary Rumsfeld, and he has always been quite willing to come up. It is a question of the time and the ability to get together a team of witnesses to join him. That has now been concluded. So the distinguished majority leader and I have set the time for this to be 11:45 on Friday morning for a session of approximately 2 hours with the Senate Armed Services Committee. Following that, the respective leaders of the Senate will have the usual type of briefing in S–407, at which time other Senators not members of the Armed Services Committee will have the opportunity to engage the Secretary in questions with regard to their individual concerns on this and such other topics as they may have.

I thank my colleagues. Many of you have come to me and spoken about that, and spoken to Senator LEVIN, and to our leaders. There is always a willingness on behalf of the Secretary to come forward. He will be joined by the Chairman of the Joint Chiefs, the Chief of Staff of the Army, the Acting Secretary of the Army, and perhaps others, because I was very insistent and he was quite willing to provide a full array of witnesses such that the entire spectrum of facts now known and available can be shared openly with the Senate and the general public.

I thank the Chair. I hope all colleagues can arrange their schedules to attend these very important meetings. I yield the floor.

The PRESIDING OFFICER. The minority manager has 8½ minutes remaining.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield back whatever time I can yield back. I also suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time has expired.

Mr. GRASSLEY. Mr. President, before we move on this amendment, I ask unanimous consent that there be 4 minutes of debate equally divided prior to the vote in relation to the Allard amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 3110

The PRESIDING OFFICER. The question is on agreeing to the Dorgan amendment.

Mr. GRASSLEY. Mr. President, I move to table the Dorgan amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—60

Alexander
Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Jeffords
Kyl
Lieberman
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Murray
Nelson (NE)
Nickles
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—39

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—1

Kerry

The motion was agreed to.

AMENDMENT NO. 3118

The PRESIDING OFFICER. There are now 4 minutes of debate equally divided on the Allen amendment No. 3118.

The Senator from Colorado.

Mr. ALLARD. Madam President, I rise to speak in behalf of amendment No. 3118. This amendment is important to nearly all States in this time of energy shortages. It provides for and encourages the use of renewable energy.

I am pleased to have cosponsorship from Senators MILLER, CLINTON, SCHUMER, and CHAMBLISS.

Passage of the green bonds provision is relevant to the JOBS bill. It is anticipated to create over 100,000 construction and permanent jobs.

It also promotes the large-scale development and deployment of renewable energy generation. This will stimulate the market for renewable technologies, such as solar, helping to bring down the cost of technology.

I also believe it is important to note that our amendment contains a provision which pays for its costs.

In closing, I urge all of my colleagues to vote for this amendment. It is limited only by the amount of total bonding authority and the fact that each State is allowed only one project. I think every State can work to take advantage of the benefits that this amendment will provide.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I ask unanimous consent that this be a 10-minute vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I ask that we yield back time from both sides.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to amendment 3118. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 23, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—76

Akaka
Alexander
Allard
Allen
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Durbin
Edwards
Enzi
Feingold
Feinstein
Frist
Graham (FL)
Graham (SC)
Hatch
Hollings
Hutchison
Inouye
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Smith
Specter
Stabenow
Stevens
Talent
Voinovich
Warner
Wyden

NAYS—23

Bayh
Cantwell
Collins
Domenici
Dorgan
Ensign
Fitzgerald
Grassley
Gregg
Hagel
Harkin
Inhofe
Jeffords
Kyl
Lott
McCain
Nickles
Reed
Sessions
Shelby
Snowe
Sununu
Thomas

NOT VOTING—1

Kerry

The amendment (No. 3118) was agreed to.

Mr. GRASSLEY. I move to lay that motion on the table.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Madam President, I have spoken to the Democratic leader, I have spoken to our manager. On our side we have six amendments remaining. I mention them by name: Feingold, 5 minutes on his side; Lautenberg, 30 minutes; Corzine, 30 minutes; Cantwell, 30 minutes; Hollings, 40 minutes; Landrieu, 30 minutes. This bill can be completed in a relatively short time. I understand the Members would rather not vote on some of these amendments, but I want the record to reflect we would agree to these very short time limits. There are no surprises in any of the amendments. Everyone knows what they are. Certainly on Hollings and Landrieu, we have agreed with the majority these could be next in order.

The problem we have, everyone should understand, is Senator CANTWELL will not let us do the unanimous consent agreement unless we have some way of disposing of her amendment. I have also been contacted by Senator CORZINE, Senator LAUTENBERG, and Senator FEINGOLD. They will agree to no more unanimous consent agreements unless they are included in the order in some way.

I repeat: Each of these Senators wants this bill passed. None of them is trying to stall. They understand the importance of this legislation. But add up all the time on our side, and it is about 2 hours 45 minutes. That is all that is remaining on debate time on our side. I hope we recognize and can figure out some way to get through these amendments and get this bill passed. I see no reason we could not do it tomorrow easily.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, first of all, there has been a very good working relationship between the two sides on this bill. That is very encouraging. I recognize that upfront.

In regard to the list of amendments, the fact that it is very short, with time agreements, is very good news. However, in that list of amendments, there are some that are nongermane, some that are very controversial, some on our side of the aisle we do not think are appropriate to be brought up on this legislation; and also a reminder that we have only dealt with two Republican amendments at this point and we have dealt with a lot of amendments on the other side. Now, there is nothing wrong with dealing with more amendments on one side than on the other, and we have been very fair in how we have approached this.

I don't have a response to the Senator from Nevada, the distinguished Democratic assistant leader. We intend to work very closely with him to see if we can get this bill to finality. In the same way we have gotten this far this week—we have made a great deal of progress—it is because we have had a good working relationship with the Senator from Nevada and the Senator from Montana.

I cannot state an agreement at this point. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, parliamentary inquiry. Is the Cantwell amendment now the pending amendment?

The PRESIDING OFFICER. The Cantwell amendment is the pending amendment.

Mr. KENNEDY. I see the Senator from Washington on her feet and ready to address the Senate. As I understand, she would be willing to set a time for a vote on her amendment sometime in the morning. So we can give the Senate some idea what the program will be, I am just wondering now whether the floor managers would be willing to agree to a time limit on the amendment of the Senator from Washington, for a vote on it in the late morning tomorrow, with the time to be divided.

Mr. GRASSLEY. Madam President, to respond to the Senator from Massachusetts, first of all, not involving me but other people that are interested—I am interested—I have asked other members to see what could be negotiated. There are talks ongoing now that range from, hopefully, we can establish a couple other amendments for votes before that. Part of that discussion is seeing if we can reach an agreement on bringing up the amendment. However, I don't have anything to report to Senator KENNEDY at this point.

Mr. KENNEDY. Again, I don't want to interfere with the Senator from Washington, but I know the Senator has attempted to get this amendment up, at my last count, some 14 times over the period of the last 7 or 8 months. Now it is before the Senate. She is entitled to have it considered.

It is an amendment of enormous importance to working families in this country. We have 85,000 workers who, each week, lose their unemployment insurance. This represents an extremely important issue to hard-pressed middle-income families that are trying to make ends meet and facing serious issues in terms of the increase in health care costs, increases in tuition, increases in terms of their utilities, their mortgage payments. This is a lifeline to hundreds of thousands of American families. This is a matter of enormous importance. It is not just a minor amendment. For many of us, it is the most important or perhaps the second most important outside of the overtime amendment on this bill.

I thank the Senator for Washington for her perseverance on behalf of the working families of this country, commend her for her diligence in protecting their interests, and look forward to following her leadership, hopefully getting the opportunity to have a reasonable period of time and then have the Senate express its will. I certainly hope we would not have the blind opposition to this amendment we have faced in the past when Members have tried to basically handcuff the Senate from being able to give consideration to this amendment.

I commend the Senator from Washington for her diligence and perseverance. This is a matter of enormous importance and enormous consequence to the people of my State, I know to the people in her State, and for people all over this country. I commend her for developing the bipartisanship she has with the Senator from Ohio and other Senators. This has been a bipartisan effort she has led. That is the way it should be because, obviously, the workers who need this help are from all parts of the country and represent all kinds of different viewpoints.

I thank her for her leadership and look forward to following this issue.

Ms. SNOWE. Madam President, I would like to speak to one provision in the FSC/ETI tax legislation we are considering on the Senate floor which is very important—the broadband expensing provision. This provision would allow investments in broadband infrastructure, or high-speed Internet access, to be deducted for tax purposes in the year the investment was made rather than over several years. The simple point of this provision is to stimulate new technology investment.

We have worked on the bill since mid-2000, and it is time to see it enacted. I am particularly pleased to have worked with Senator ROCKEFELLER on this issue and to join him in sponsoring legislation to provide a broadband tax incentive. He and I go back quite a few years on technology matters. We worked side by side to ensure that all of our Nation's schools are wired for basic Internet service, and that has been a tremendous success. I also appreciate the effective work Senator BURNS has done to fight for broadband investment.

It is time to move beyond basic dial-up service. Dial-up is adequate for sending e-mail, and sharing short documents, and browsing the web slowly. But if you need to receive information quickly, or if you need something that is data-intensive like photographs or graphics or lengthy documents, then you need broadband.

Unfortunately, in rural States like mine, broadband deployment is not proceeding quickly enough. And that is what this provision is designated to address—the rural and low-income areas where broadband generally is not already or readily available. It is designed to help us move to the next generation of broadband that some countries are already rolling out. There are times when it makes sense to help the market deploy technology more quickly, and this is one of those times. Why? Because here we are taking about infrasturcture, and the Government can help ensure that all our citizens have access to basic infrastructure so all Americans regardless of their zip code will have the chance to participate in—and succeed under—the tremendous benefits of new technologies.

It is critical we act quickly in this area. A report by the Organization for Economic Cooperation and Development finds that the United States has dropped to sixth in the world in percentage of broadband penetration. We must not sit idly by and allow the United States to fall further behind in this crucial area.

In addition to accelerating the deployment of broadband, the provision will also infuse immediate stimulus for the economy by encouraging firms to invest in high-speed telecom equipment. Furthermore, these new capital expenditures will create jobs—equipment manufcturers will expand their production capabilities to meet increased demand, and broadband providers with hire additional employees to install this new infrastructure.

We must engage on this issue and we must do it now. I thank Senator ROCKEFELLER for his leadership and partnership on this issue, and the Chairman and Ranking Member of the Finance Committee for their support, and I look forward to passing this provision and seeing it enacted this year.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

Mr. BAUCUS. Madam President, will the Senator hold back for a second before making that request?

Mr. GRASSLEY. Yes, I will. Madam President, I withdraw my unanimous consent request.

Mr. BAUCUS. I thank the Senator.

The PRESIDING OFFICER. Does the Senator from Iowa yield the floor?

Mr. GRASSLEY. Madam President, I withdraw my unanimous consent request and yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, this is a good bill on which we have made a lot of progress. There are a lot of good amendments yet outstanding. It is amazing how much is in this bill that is so positive.

I say to my colleagues on both sides of the aisle, it is important for us to go the extra mile, to see if there is a way to compromise. I will say that again: both sides of the aisle.

Here we have the amendment offered by the Senator from Washington, and we are kind of at a little bump in the road. But this can be resolved. This is resolvable. I hope very much we are not in a situation where backs stiffen up and people dig their heels in the ground and pride becomes the overriding emotion. Rather, we are very close to resolving a very important issue. So I ask that cooler heads prevail over the evening, to sleep on it, and tomorrow morning—and/or tonight—find a way to resolve this issue; otherwise, people could see the Senate not at its best. There is an opportunity, a real opportunity, for Senators to show they can work together on both sides of the aisle on very important matters.

We know none of us can have everything. We also know for things that are important and worthwhile, generally it takes some give-and-take and compromise. We are almost there.

I thank the Senators for how far we have come thus far, and I urge us to work together to find a solution to these remaining amendments so we can get the bill passed very quickly.

I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, will the distinguished chairman of the committee allow a modification to his request, that the Senator from Washington be allowed to speak for 10 minutes prior to us going into morning business?

Mr. GRASSLEY. Limited to speaking, and no requests or anything like that?

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. GRASSLEY. My request would be so modified.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Reserving the right to object, I want to make sure the Senator from Washington be allowed to speak and there be no unanimous consent requests made pertaining to her amendment.

Mr. REID. Mr. President, if I could respond, the Senator from Washington is protected. Her amendment is the next amendment. I mean, it is an amendment that is now before the Senate, and she understands nothing is going to happen on this bill until there is an agreement in some regard to her vote. She is not going to ask at this period of time for a unanimous consent. She does not need to be protected.

Mr. NICKLES. If the Senator will yield further, the unanimous consent request only limits time; is that correct?

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized for 10 minutes.

Ms. CANTWELL. Mr. President, I remind my colleagues we are here talking about a JOBS bill. That is what we are talking about, how we keep jobs in America. So I think it is more than appropriate to be talking about one of the biggest problems in our country right now, the fact we have not created jobs. We have lost 2 million jobs since this administration began. It is more than appropriate to be discussing the unemployment benefits American workers need because they have lost jobs, through no fault of their own, since 9/11 and have been struggling to get recognition by this body and the other body on unemployment benefits.

We still have 1.5 million Americans who have exhausted State benefits and have not gotten assistance from this body, the Senate, which now wants to talk about a JOBS bill. Well, the most important jobs issue we are facing in America right now is that people who are trying to go back to work would love to be getting a paycheck instead of an unemployment check, and yet we are not giving them the option to have support in a program they have already paid into through their employer for unemployment benefits.

So what are people across the country saying? As the Senator from Massachusetts pointed out, we have had something like 15 different attempts to get unemployment benefits for workers who are trying to find jobs but are not finding jobs available. They are certainly people who would rather work.

The Dayton Daily News recently said:

> What's troubling . . . is how some Republican leaders are hoisting another "Mission Accomplished" banner, this one to hide the struggle for more than a million unemployed workers who have exhausted state benefits without finding another job.

That is not what this Senator is saying. That is what a newspaper in one of the hardest hit States is saying about this particular problem, the fact we cannot simply say on a certain day the economy is better and Americans are back to work, when, for the first part of this year, with last month's numbers, we only created somewhere between 300,000 and 400,000 new jobs. We have lost 2 million jobs since this administration has been in power.

We had an economic report by the administration that they were going to create all sorts of jobs in 2002. That did not come about. In 2003 there was another projection. That did not happen. Now we are in 2004. And even though the administration said they thought they were going to create, I think the number was 2.6 million jobs this year, the President's own economic advisers backed off of those numbers and said: We don't know how many jobs are going to be created.

Well, I can tell them, having been in the private sector, trying to determine whether a company is growing at a rate in which you can resume hiring is a tough question. So I get that this is a complicated issue, and we do not know how fast our economy is going to grow. But we know this: We are not going to find 2 million jobs in the next 6 months. We are not going to hire 2 million Americans who basically have lost their jobs, and in many cases through no fault of their own, and put them back to work in that short a period of time.

The question is whether we want to give the American worker who is unemployed an opportunity to receive the Federal benefit this program was created for, what they paid into through their employer so there could be assistance in tough economic times.

Well, if the last year and a half does not qualify for tough economic times, I don't know what would. Newspapers across the country are saying it is time we deal with this.

The Dayton Daily News again said early last month:

> Maybe there are brighter days ahead. But that's no comfort now to the unprecedented number of laid-off workers, who have scrambled without success to find a job and . . . lost the little bit of help given under state unemployment benefits programs.

It cannot be any more plain than that. The President is on a bus driving through a State that is basically saying, as crisply and clearly as they possibly can: We need additional help and support. The State program has expired. People are still unemployed, and they cannot find a job. These people would gladly go back to work, gladly go back to getting health benefits, gladly go back to getting the other benefits of being employed, but the jobs are not there. So the question is whether we are going to do the job we have said we were going to do.

In fact, you can take the economists who are also looking at this, because I think part of the other side of the aisle would like to say: Don't worry, it is all going to get better. But even if we double last month's numbers, even if in the next 2 months we created 500,000 or 600,000 jobs, it still isn't going to be enough jobs for the 2 million Americans who have lost their way. So why not put some stimulus into the economy.

That is why the Miami Herald said last month: Mixed messages, the White House gets a boost from strong job growth, but economists say unemployment will remain a problem.

That is because economists are looking at the numbers and they are saying: You are still going to have unemployment.

It is no surprise that Alan Greenspan came before a House committee and, when asked about whether we should expand Federal unemployment benefits, basically said: I think it is a good idea, largely due to the number of exhaustees that are out there in America. By that he means the number of people who have fallen off the State program and could qualify for Federal assistance.

I know some of my colleagues have said they want to cut this program off at some point in time: Why should we keep doing it; the economy is starting to pick up.

You do it because these exhaustees don't have a job. They can't pay mortgage payments, take care of health care. Their employer paid into this program for this very benefit. This is the best economic stimulus this country could get right now. Giving employees access to the assistance of the Federal program for the next 6 months would generate $11 billion in economic stimulus. That is for every dollar spent on unemployment benefits, it generates $2 of economic stimulus.

I think about the States that have been hard hit, such as Ohio, Pennsylvania, Missouri, Washington, Oregon, Alaska. Those are States that certainly could use the economic stimulus in their States to keep companies from not defaulting on mortgage payments, keep families in their home, and provide additional stimulus to those sagging economies.

People on the other side of the aisle say: At some point in time, the President's economic plan is going to kick in and work. But I don't think anybody can say it is going to kick in and work in the next 2 months to the degree necessary to take care of the number of unemployed. It is not going to take care of 1.5 million. It is not going to take care of 2 million people who have lost their jobs and 1.5 million who have already exhausted State benefits.

The question is whether this body is going to stand up and do the right thing and come up with a program to expand unemployment benefits for the next several months so unemployed workers in America can have some certainty they are going to have a future where they can stay in their home.

I am having a tough time convincing the other side of the aisle. Maybe they haven't heard from their constituents on this issue. I think there are one or two States that may not have lost any manufacturing jobs. Maybe their constituents don't feel the same pain that we do in the Northwest. In 2002 alone, we lost 72,000 jobs in our State, mostly as a result of the downturn after 9/11 and its impact on the aviation industry, but certainly other industries as well. So we have had a lot of people who have continued to look for jobs. We have heard from a lot of these individuals. We have a Web site anybody can access at cantwell.senate.gov that tells you the stories of these individuals in their own words.

What each person tells over and over is how much they would like to have a job, how many job interviews they have gone on, only to find people five and six times more qualified than they taking the minimal number of jobs that are actually being created. That is why one of the chief economists in the country, Alan Greenspan, has said the size of the exhaustees alone should drive us to expand unemployment benefits. It would, in and of itself, give us the stimulus that would help us return the economy.

We had a vote not that long ago. Fifty-eight Members in this body voted in support of unemployment benefits. There was a similar vote, not the exact same language, in the House of Representatives. They voted to basically give an extension of unemployment benefits through the Federal program. So basically majorities in both the House and the Senate have voted for unemployment benefits. Yet still we do not have a benefit package.

The administration was asked whether they thought we should do this. Secretary of the Treasury Snow basically said it was something the White House wasn't objecting to. We asked the White House in their communications shop. They said they thought it should get done.

Now the question remains, who wants to hold up this benefit package? The American workers have paid into this. They want the money they paid into the Federal program to give them economic support so we can give people an opportunity to go back to work when jobs are created and not penalize them for the economic situation they are in today.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, the Senate will now proceed to a period of morning business. The Senator may speak up to 10 minutes in morning business.

EXTENSION OF UNEMPLOYMENT BENEFITS

Ms. CANTWELL. Mr. President, there are several other points I would like to make. I know some people are thinking, why not do this for a shorter program. Why not expand the program for maybe another 60 days. The point is, where are we going to be in 60 days? Even if, say, we get a report on Friday that says there are 300,000 jobs being created and the next month there are 300,000 jobs being created, you still have at that point 1.4 million Americans looking for work; that is, people who have completely exhausted their State benefits.

My constituents are making all sorts of choices. They are putting up their homes for sale. They are moving in with relatives. They are selling family possessions to pay mortgage payments. They are trying to hold on so this economy recovers. And they are hoping the next several months will bring good economic news, as I hope it does. I hope the next several months brings good economic news. But even if we have good economic news, we are not going to have the return of 1.4 million people or 2 million people back to work in the next several months. The question is, do we want to meet our obligation under the Federal program and help them.

In the 1990s we had a very similar situation. We had an economic downturn and the first Bush administration basically had to come up with a program for unemployment benefits. They actually had already had the program in place for more than a year and had good economic news. I think more than 600,000 jobs had been created. The administration still supported another 9-month extension to unemployment benefits.

Actually, they supported that 9-month extension, even with a richer program than what we are suggesting today. We are suggesting that the program ought to go for 13 weeks of Federal program and 13 weeks for very high unemployment States. At that point, the program was 20 weeks. So in the 1990s, the Bush administration decided, even though it had seen more than a half million in job growth—I think they had several million in job loss—even though they had seen the economy pick up, they made the decision that so many people had been impacted, laid off, and could not find work, that it was important to give them access to the Federal program. So they expanded the program for another 9 months.

Now, I know this administration is now, as I said, through various members of its Cabinet, backing away from its economic numbers for the year, but it is also saying they would support an unemployment benefit package that would come out of the House and Senate. I say to the administration, obviously, we are not getting this bill done in the timely fashion that would benefit most Americans. Maybe they can come and help in this effort because the preceding Bush administration did a great job supporting the package, even though jobs were starting to be created, to stem the tide of job loss and negative impact on the economy, and still the economy started to pick up again. So we should do the same.

I think the administration should take some time, as it is riding around Ohio—and some of these middle America States have been hard hit with unemployment benefits—and listen to the people who have lost jobs. They will tell them this program is important to them, as I just outlined from several newspaper editorials that have been in the Dayton paper, specifically. I am sure there are editorials from other places throughout the Midwest as well. I know we had editorials from more than a dozen newspapers wondering why we were not moving forward on this legislation.

So the point is, we have a case study in the 1990s—and a good one—that this administration should follow. This administration should look at the success of that program, how jobs were being created, and still they expanded unemployment benefits because they knew it would take several months to put that many Americans back to work. That is what we are talking about today. We are talking about a jobs proposal that really is what we are going to do to incentivize or disincentivize corporations from moving overseas or doing business overseas. That is what the FCI/ETI bill is primarily about.

While we are debating what is good to massage the intention of corporations in America, we should be talking about what we are doing to support the American workers who lost their jobs through no fault of their own. Why try to mastermind and guess about corporate intentions and incentive in the tax policy but then leave American workers who have a program that is designed to help them out in the cold without an opportunity?

We have fought this battle a couple of times now. We fought it last year when the benefits expired and got it reinstated. We fought it when people actually lapsed off of benefits and we had to get them to understand that when we came back into session, the benefits were going to be restored. But now many Americans have lost hope. It has been since January 1 these people have been without benefits. Given that information, Americans have tried to make the best they can out of a tough situation. They have made those tough choices, and if you read the stories on my Web site, or talk to constituents, you will see very heartbreaking stories of people who have struggled to make ends meet and would rather work.

I think it is very important that Congress act to move forward on this legislation. I know my colleagues would like to get the FSC/ETI bill done. I know they would like to say they passed something that dealt with jobs. Let's be honest. There haven't been a lot of jobs created in the last 3 years. We are at a net negative jobs. We are at a net negative 2 million jobs lost in America. So let's not kid ourselves. Job creation will come back. It will come back slowly. It will start to pick up, but that pickup is not going to be at the pace to give people relief in America and relief that is due to them.

Mr. President, while I am not making a unanimous consent request, I hope that my colleagues understand how important this is, and that tomorrow we will find time to vote on this amendment. Not to vote on this amendment, again, is to say it is more important to deal with corporations and their tax incentives and tax breaks than it is to deal with the American workers who have lost their jobs. I don't want to send that message to these high-unemployment States, to those individuals who thought they supported this concept of a Federal program, and then tell them we have almost $15 billion in a Federal fund that was paid into by their employers, but now they are not going to be able to access any of it. I would rather tell them this body decided to do the right thing; that while we are waiting for the private sector to return to a strong economic engine, we are going to do the right thing and give people access to the Federal dollars from the program they have already paid into; that we are going to help the American workers in their time of greatest need; that our body, this institution, and the other side, the House of Representatives, believe the American workers deserve to have support.

I hope tomorrow we can work out a time agreement so this amendment can be voted on, so we can move forward on not only getting the underlying bill done but getting this legislation moved, since both bodies have supported it and a majority of Members have supported the legislation.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CINCO DE MAYO

Mr. FRIST. Mr. President, on the fifth of May, 1862, in Puebla, Mexico, a fighting force of 2,000 peasants confronted 6,000 well-equipped and expertly trained French troops. The French troops had come to conquer the small town. Instead, the peasant army prevailed, and their historic victory is celebrated each year as Cinco de Mayo.

Today, millions across the Americas will celebrate the spirit of Cinco de Mayo. They will cheer the shared goals of independence, liberation, and freedom. Today, the people of North America are united in good will.

Indeed, the relationship between the United States and Mexico is closer than it has ever been. We are neighbors and we are friends.

Mr. President, 33 million Latinos live in the United States. The large majority, 66 percent, are of Mexican origin.

In my home state of Tennessee, the Hispanic population has grown by nearly 1 million people since 1990.

Hispanics are strongly represented in our Armed Forces and can claim more Congressional Medals of Honor for valor than any other group.

The U.S. and Mexico are partners in NAFTA. Mexico is our second largest trading partner.

The United States accounts for 60 percent of all foreign direct investment in Mexico.

Mexicans living in the United States send about $9 billion a year home to their families.

And more than 500,000 American citizens live in Mexico.

So, today, I rise to recognize this historic day and join others in celebrating this day in this spirit. It teaches us a profound lesson: that freedom is a universal drive, and ultimately, freedom will out.

Mrs. CLINTON. Mr. President, I rise today in recognition of Cinco de Mayo, a holiday celebrated in Mexico and increasingly in the United States, that commemorates an important victory of the Mexican Army against the French at the Battle of Puebla. In my home State of New York and across the Nation, Hispanic communities—particularly the Mexican-American community—have embraced this holiday and transformed it into a day of recognition and celebration of the contributions Hispanics have made in the United States.

Among all cities across the Nation, New York ranks 11th in the size of its Mexican population, close to cities with long standing Mexican communities such as San Diego, Santa Ana, and San Jose, CA. The number of Mexican New Yorkers counted by the U.S. Census more than tripled in the 1990s, increasing from 61,772 in 1990 to 186,872 in 2000. Currently, Mexicans constitute the third largest Hispanic/Latino population in New York State after Puerto Ricans and Dominicans.

As the Nation's largest minority group, Hispanics are adding to our Nation's cultural richness and economic prosperity. Every day they are working and creating businesses in all sectors across the country. Today, one in nine workers in America is of Hispanic descent and there are currently 1.2 million Hispanic-owned businesses with annual revenues of $200 billion.

Even as we celebrate these important contributions, Hispanics across the Nation continue to face unique challenges, including high unemployment, stagnant or declining wages, high school dropout rates, poverty, and lack of access to health insurance. The Bush administration's 2005 budget proposal fails to make adequate investments to help improve the quality of life for Hispanics. In fact, his budget proposal cuts funding for small businesses, fails to adequately fund the No Child Left Behind Act, eliminates funding for dropout prevention, and underfunds minority health care programs.

The President's budget also provides tax breaks that benefit the wealthy at the expense of working families. That is why I have joined my fellow Democrats in Congress in supporting an agenda that increases investments in key economic, educational, and health-related programs to make America even stronger for future generations and will continue to fight for these key programs in the 108th Congress.

I hope that today's Cinco de Mayo celebrations serve as an important reminder of the contributions of Hispanics and the need to support additional investments in programs and services that help them build a better future for their families and for our Nation.

Mrs. FEINSTEIN. Mr. President, I rise today to recognize Cinco de Mayo, an important day in both Mexican and American history as well as a symbolic day to honor Mexican heritage.

Cinco de Mayo pays tribute to the courage and strength of the people of Mexico and to the profound contributions Mexican Americans have made to our country's history and culture.

The U.S. Census Bureau estimates that there are nearly 10 million people of Mexican descent living in my home State of California alone. Every day, Mexican Americans make huge contributions to our communities in every sector of the economy, in every level of government, and in every aspect of society.

Mexican-American leaders such as the late Cesar Chavez, founder of the United Farm Workers Union, have left indelible footprints in our national memory.

Organizations such as the League of United Latin American Citizens, the National Council of La Raza, and the Mexican American Legal Defense and Education Fund collaborate with government, civic, community, and other organizations to improve economic, educational, and civil rights for Latinos.

Truly, a comprehensive snapshot of California would be grossly incomplete without full representation of the Mexican-American community.

Many celebrations with traditional food, music, and parades take place across the country and throughout California on Cinco de Mayo. Hundreds of thousands will gather to embrace and celebrate Mexican heritage.

Cinco de Mayo celebrations can be large festivals drawing thousands of people, such as those in San Diego, Los Angeles, Sacramento, San Francisco, and San Jose as well as small, more intimate events among neighbors.

It is very much the same as the way we observe the Fourth of July—both in the variety of ways people choose to celebrate and in that a specific historic event inspired the holiday, which has come to symbolize a much broader spirit.

No one would want to limit the meaning of the Fourth of July to a narrow celebration of American independence from Great Britain, nor would you reduce Cinco de Mayo to a commemoration of the Mexican military victory in Puebla by itself.

However, it is important to recall the bravery of the Mexican Army when France, under the rule of Napoleon III, sought to establish a political and economic foothold in Latin America by installing their own ruler in Mexico.

Napoleon's troops, who had not been defeated in battle for almost 50 years, entered Mexico with considerable technological advantages over the Mexican Army. The French Army moved west to attack Mexico City, mindful that if the Mexican capital fell, a complete takeover of Mexico was imminent.

On May 5, 1862, the Mexican Army defeated the invading French forces in the city of Puebla under the command of General Zaragosa and Colonel Porfirio Diaz. If not for the great courage of the Mexican Army, the course of history would be undoubtedly altered.

In my mind, Cinco de Mayo epitomizes what it means for immigrant communities to flourish, making their own unique additions to American culture.

One San Francisco family, the Ramirezes, who immigrated to the United States from Jalisco, Mexico, in 1955, are truly an American success story.

Ramon Ramirez and his wife Guadalupe worked several jobs before acquiring a San Francisco deli in 1967. Soon the space proved too small to accommodate their customers and in 1982, they expanded and opened Don Ramon's restaurant.

I used to frequent Don Ramon's when I was the Mayor of San Francisco and I was always sincerely impressed with the Ramirez family. Ramon and Guadalupe still work every day at Don Ramon's, arriving before dawn. Their three daughters remain involved in running the restaurant, though their youngest daughter, Nati, has also pursued another career as director of the San Francisco district attorney's subpoena unit.

This is only one of many examples of how Mexican Americans have helped our country to flourish.

Finally, I am pleased to join every American and every Mexican in celebrating this important day in Mexican history. On Cinco de Mayo we pay tribute not only to the bravery shown at the Battle of Puebla, we also recognize the contributions of Mexican Americans to our country as well.

IRAQI PRISONERS

Mr. FRIST. Mr. President, over the past week we have become aware—indeed, the entire world has learned of the graphic evidence—of abuse against Iraqi prisoners at Abu Ghraib prison. We express shock; we express condemnation of these despicable acts. That has been expressed on the floor—indeed, throughout the Nation.

The persons who carried these acts out must face justice. The perpetrators have disgraced themselves and, in the process, have brought shame to all of us who cherish justice and decency and dignity.

Moreover, their behavior is deeply un-American. This country is founded on those universal principles of human rights and respect for each and every individual. Those disturbing pictures show men and women who have abandoned America's values and, in the process, jeopardized our efforts to bring democracy and the rule of law to Iraq.

Thousands of honorable men and women are working and sacrificing each and every day to bring peace and freedom to the Iraqi people. We cannot let these intolerable acts of a few undermine the noble work of the overwhelming majority of our troops.

The abusers of Abu Ghraib must face justice and they will face justice. In March, the Army charged 6 military police officers with physical and sexual abuse of 20 Iraqi prisoners. Three of the six cases have been referred to military trial. The criminal probe into allegations against four other soldiers is continuing. In total, our military has launched five separate investigations. An administrative review has resulted in notices of reprimand filed against seven officers and noncommissioned officers this week. The inspector general of the Army and the commander of the Army Reserve are also conducting their own investigations.

I commend President Bush for his efforts to reach out to the Arab world to address this matter. It is important that we address these reprehensible acts directly and fully and quickly and in a fully transparent manner.

Our men and women in uniform are respected around the world. They are respected for their professionalism and because they defend the highest of political ideals: individual rights, freedom, justice, and the rule of law. In Bosnia, Afghanistan, Kosovo, Iraq, and elsewhere, our troops are serving with honor, with courage, and with professionalism to advance democracy and to advance liberty.

As the Abu Ghraib investigations unfold, I do urge my colleagues and everyone watching and listening to keep that in mind. The vast majority of our men and women in uniform are serving ably and honorably, and through their heroic efforts, they are advancing our freedoms and values.

HONORING WOLFGANG PUCK

Mr. REID. Mr. President, the city of Las Vegas, in my native State of Nevada, is recognized as the entertainment capital of the world.

Our amazing resorts offer many options for fun, but one of their greatest attractions is world-class dining.

Over the last 12 years, many of our Nation's leading chefs have opened restaurants in Las Vegas, transforming our desert city into even more of a culinary oasis.

The man most responsible for this remarkable transformation is Wolfgang Puck.

Wolfgang Puck was born in Austria. He began his formal training at age 14, inspired by his mother, who was a hotel chef. By the time he came to this country at age 24, Wolfgang had prepared himself for success, but nobody could have predicted just how dramatic that success would be.

By combining classic French techniques with influences from Asia and California, and by using the finest ingredients from local purveyors, he has changed the way Americans think about food and the way chefs prepare it.

Along the way he has become American's most famous chef, and created an empire comprising a dozen fine dining restaurants and more than 50 casual and quick service establishments.

Four of his best restaurants are in Las Vegas: Spago and Chinois at the Forum Shops at Caesar's Palace; Trattoria Del Lupa at Mandalay Bay; and Postrio at the Venetian.

One thing all these places have in common is a remarkable attention to detail. Wolfgang Puck is a person who thinks about everything that could possibly affect the dining experience. Some would even call him a worrier. The story goes that before his first Spago restaurant opened, he couldn't sleep for two days because he was worried that nobody would show up. Well, people did show up, and they lined up to get in. So Wolfgang's reaction was to worry about how he would ever be able to feed such a crowd.

Wolfgang Puck has been influential because of his cooking techniques and his approach to food; almost every American chef has learned something from him. But you don't have to be a chef to learn from Wolfgang Puck. We can all learn from his willingness to take risks and try new ways of doing things. He has said that he learned more from his one restaurant that failed than he learned from the many that succeeded.

Wolfgang has a great partner in life and in business—his wife, Barbara Lazaroff. She is an acclaimed architectural designer who has created magnificent environments where diners can appreciate Wolfgang's food. I'm sure Wolfgang would be the first to acknowledge that he couldn't have accomplished what he has without Barbara by his side.

Wolfgang and Barbara and their two sons live in California, but we think of them as part of our Las Vegas community. They are very active in charitable activities in Nevada, as well as California. Their Puck-Lazaroff Charitable Foundation was established in 1982, and has raised more than $5 million for charity. It sponsors the annual American Food and Wine Festival, which raises money for Meals on Wheels.

Wolfgang and Barbara are also major supporters of the American Cancer Society, the American Heart Association, the Boys and Girls Clubs, Big Brothers and Big Sisters of California and Nevada, and the Alzheimer's Association.

In fact, on May 15, Wolfgang will be the honored guest at Keep Memory Alive, an annual dinner in Las Vegas that combats Alzheimer's by raising money and public awareness. This event began in 1996 as an intimate dinner party. It has been repeated each year since, thanks to Larry Ruvo and Bobby Baldwin. Last year, Keep Memory Alive had grown to a feast for 300 people at Postrio. Wolfgang and other chefs prepared a memorable dinner, and Muhammed Ali and other celebrities auctioned off some memorable items. The evening raised $2.6 million to fight Alzheimer's.

It is entirely fitting that this year's event at the Mirage will honor Wolfgang Puck for his work to combat this horrible disease. Please join me today in saluting Wolfgang and Barbara for all their contributions to the southern Nevada community, and the entire country.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I today speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On August 9, 2000, police charged four men in Daly City, CA, for allegedly assaulting two gay men in a fast food restaurant.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. By passing this legislation and changing current law, we can change hearts and minds as well.

HONORING OUR ARMED FORCES

PAT TILLMAN

Mrs. BOXER. Mr. President, I rise today to celebrate the life and mourn the death of Corporal Patrick D. Tillman, age 27, who was killed in action in Afghanistan on April 22, 2004. Pat Tillman was originally from San Jose, CA. He was a true hero.

Pat Tillman exuded greatness and humility throughout his short life. He was a shining star on and off the football field. In high school at Leland High in San Jose, CA, Pat was named the Central Coast Co-Player of the Year for 1993 and earned a scholarship to Arizona State University. At Arizona State, he led the team to the Pacific-10 Conference Title and then to the Rose Bowl. In 1997, while at Arizona State, Pat was named Pac-10 Defensive Player of the Year. Pat also knew the value of a good education. He earned a degree in marketing at Arizona State University, while also maintaining a 3.84 GPA. The Arizona Cardinals selected Pat in the 1998 NFL draft where he played hard for the Cardinals as a safety. In 2000, the St. Louis Rams offered him a substantial increase in compensation to play for them. However, out of loyalty, Pat turned it down to stay in Phoenix.

It was Pat's deep loyalty and character that led him to his next career move. After the horrific attacks of 9/11, Pat, who was just returning from his honeymoon, announced that he was leaving the NFL to join the Army Rangers. Pat left behind his new bride Marie and a substantial contract from the Arizona Cardinals.

Pat Tillman was not about money or fame. He was a remarkable young man who put his country and its ideals ahead of himself. Pat's physical strength and talents were only overshadowed by his personal integrity. The United States Army posthumously awarded Pat the Purple Heart, the Meritorious Service Medal, the Silver Star, the Good Conduct Medal and the Combat Infantryman's Badge.

Pat Tillman was a loving husband, son, and brother. My heart goes out to his wife Marie, his parents, Patrick, Sr. and Mary; his two brothers, Kevin and Richard and the countless others whose lives he touched. I want his family to know that people across California and throughout our country share their grief as we also salute the gift of his life and service.

Pat Tillman was a man of great strength, courage and patriotism. His example will continue to inspire countless Americans for years to come. It is most appropriate that we honor him for his outstanding courage and his selfless devotion to others and to his country. A hero is gone, but he will not be forgotten.

HONORING ALASKA CORRECTIONAL OFFICER DANIEL BATES

Ms. MURKOWSKI. Mr. President, law enforcement officers from around the Nation—troopers, police officers, sheriff's deputies, professional corrections officers, conservation officers and rangers and federal law enforcement officers—are traveling to our Nation's Capital for the annual observance of National Police Week which begins on May 9 and continues through May 15.

National Police Week is a solemn period, during which law enforcement officers recognize their brothers and sisters who died in the line of duty and provide support and comfort to the survivors.

Last year, during National Police Week, I had the sad duty of acknowledging the loss of Officer James C. Hesterberg, the first member of the Alaska Department of Corrections to lose his life in the line of duty. This year, I must sadly acknowledge the loss of Officer John Watson of the Kenai Police Department who was fatally shot while on duty on Christmas night 2003.

On May 11, as part of the National Police Week observance, Corrections U.S.A., an association of 90,000 publicly-employed professional corrections officers, will meet to honor their brothers and sisters who have performed acts above and beyond in the protection of public safety.

It gives me great pride to recognize Officer Daniel Bates, an employee of the Alaska Department of Corrections, presently assigned to the Hiland Mountain Correctional Center, who will receive the 2004 Silver Medal of Valor from Corrections U.S.A.

On December 31, 2000, Officer Bates, then assigned to the Ketchikan Correctional Center, reacted quickly and professionally to an incident involving an inmate who one month prior was convicted of twelve criminal counts stemming from the armed robbery of a liquor store and a convenience store. Two of those counts were for the crime of attempted murder. The prisoner in question was arrested after an all night manhunt during which he shot at police officers who tried to apprehend him at a motel.

The inmate was participating in outdoor recreation at the jail when he began to scale the first of two perimeter fences around the exercise area. He succeeded in scaling the inner fence, ignoring orders to stop, and failed to stop after being struck by a rubber projectile fired by Officer Bates. After the prisoner breached the outer fence, the final barrier, Officer Bates fired at him with live ammunition, bringing him down.

Given this inmate's history of violence toward law enforcement officers, it was critical to the public's safety that Officer Bates acted promptly and decisively to prevent the escape. His calm and professional actions may have been instrumental in keeping the names of one or more Alaska law enforcement officers off of the National Law Enforcement Officer's Memorial Wall in Judiciary Square. For this we are grateful.

Our Nation's professional correctional officers are said to walk the toughest beat in law enforcement. I am pleased to join with Corrections U.S.A. in recognizing one of America's finest officers, Daniel Bates, a veteran member of the Alaska Department of Corrections, whose actions personify the department's motto, "Vigilance Pride Dedication."

I thank the President and yield the floor.

ABUSE OF IRAQI PRISONERS

Mr. FEINGOLD. Mr. President, I share the sense of outrage and disgust that has been expressed by so many Americans since the allegations and horrifying pictures of deeply troubling abuses at the Abu Ghraib prison in Iraq have come to light.

I am particularly sickened by the damage that has been done to the brave men and women of the United States military. The depraved acts of a few risk tarnishing the reputation of hundreds of thousands of American servicemen and women who behave honorably every day, even in extraordinarily difficult circumstances. These acts also put our troops at risk, by casting them in the role of abusers, making it more difficult to gain the trust and cooperation of Iraqis. Anytime the Geneva Convention is violated, the framework of basic standards on which all military personnel and their families depend is weakened.

I am also troubled by the irreparable damage done to American power. Our power does not come only from military might or economic muscle. We also derive power from what we stand for. Our commitment to basic human rights, to human dignity, and to the rule of law gives us power to persuade and to lead and to inspire. When this commitment is called into question, American power is diminished, and this is a terrible loss.

Now that these appalling acts have been exposed and reported around the world, we must proceed to show the world something else—that our military, our political system, and our society do not condone this behavior, that we are capable of a full and transparent accounting for what has happened and how it has happened, that we will take action to correct the failures in the system, and that we are committed to addressing these abuses through the rule of law.

DISCLOSING GOVERNMENT WRONGDOING

Mr. AKAKA. Mr. President, today I rise to pay tribute to those public servants who step forward to disclose government waste, fraud, and abuse. Commonly called whistleblowers, these individuals alert Congress and the public to threats to health, waste of taxpayer money, and other information vital to running an effective and efficient government. While there are protections in place for Federal employees who disclose government wrongdoing, certain legal decisions prevent many from coming forward. To underscore the importance of whistleblowers, Time Magazine called 2002 the "Year of the Whistleblowers" because of the bravery of FBI Agent Colleen Rowley, who alerted Congress to serious institutional problems at the FBI, and Sherron Watkins and Cynthia Cooper, who blew the whistle on financial mismanagement at Enron and WorldCom, respectively. Today, as in 2002, it is important that during Public Service Recognition Week we acknowledge those who disclose information without assurances of protection and pledge to do what we can to provide full protection for those trusted public servants.

Congress has a duty to taxpayers to make informed decisions when carrying out its legislative, appropriation, and oversight functions. Such decisions require access to timely and accurate information, and when access is restricted, we are unable to provide oversight and fulfill our constitutional responsibilities. Only through a credible, functioning statute can we protect the rights of Federal workers who wish to communicate with Congress. Guaranteeing freedom from retaliation or abuse when disclosing critical information to Congress is the underpinning of the Whistleblower Protection Act, WPA.

Congress has worked hard, and continues to work, to provide real whistleblower protection to Federal employees. Unfortunately, through a series of decisions contrary to both statutory language and congressional intent, the Federal Circuit Court of Appeals, which has sole appellate review for the WPA, has denied full whistleblower protections to Federal workers and harmed Congress's ability to do its job. In fact, of the 85 retaliation cases decided on the merits since 1994, the Federal circuit has ruled for the whistleblower only once.

To ensure continued whistleblower protection, I introduced S. 1358, the

Federal Employee Protection of Disclosures Act, on June 26, 2003, with Senators GRASSLEY, LEVIN, LEAHY, and DURBIN. Since introduction, we have been joined by Senators Dayton, Pryor, and Johnson. Our bill would strengthen protections for Federal employees who report government waste, fraud, abuse, gross mismanagement, and substantial and specific dangers to public health and safety.

Congress has consistently supported the principle that Federal employees should not be subject to prior restraint from disclosing wrongdoing. For example, every year since 1988 Congress has included in every Transportation, Treasury, and General Government Appropriations bill an "anti-gag" provision which prohibits the use of Federal funds to implement nondisclosure policies that are inconsistent with several open government statutes, such as the WPA of 1989 as amended in 1994, the Military Whistleblower Protection Act of 1998, and the Lloyd Lafollette Act of 1912, which prohibits discrimination against government employees who communicate with Congress.

However, more must be done. Since we introduced our bill there have been several more public reports of Federal employees allegedly being fired or threatened with termination or other retaliation for communicating with Congress and disclosing government wrongdoing to the press. These reports include the controversy surrounding the U.S. Park Police and cost estimates for the newly enacted Medicare prescription drug program. In order to aid these and other employees and provide full protection to Federal whistleblowers, S. 1358 would codify the "anti-gag" provision and allow employees to bring cases seeking remedial action for retaliation before the Merit Systems Protection Board, MSPB, an independent, quasi-judicial agency that adjudicates Federal employee appeals.

In addition, our bill, the Federal Employee Protection of Disclosures Act, would overturn certain Federal Circuit decisions which have denied protection to employees who made disclosures in the course of their job duties or reported initially to the wrongdoer or a coworker. S. 1358 would also suspend the Federal Circuit's exclusive jurisdiction over WPA reprisal cases for 5 years, and overturn the wrongly established "irrefragable proof" standard imposed by the Federal circuit for whistleblowers to qualify for protection.

Although much press has been given to recent whistleblower cases, it is important to remember those who have reported allegations of aircraft maintenance violations, water safety regulations, and lapses in our national security. Protecting Federal employees who blow the whistle allows us to protect taxpayers and, in recent notable instances, national security as well. That is why the WPA is often referred to as the Taxpayer Protection Act.

During Public Service Recognition Week, I urge my colleagues to remember public servants who have come forward and honor them by supporting S. 1358 and strengthening protections for whistleblowers.

ADDITIONAL STATEMENTS

THE BLACK SHIPS FESTIVAL

• Mr. CHAFEE. Mr. President, this year marks the 150th anniversary of the signing of the Treaty of Kanagawa, which opened trade between Japan and the United States. Rhode Islanders take great pride in the historic role played by Commodore Matthew C. Perry, USN, who was integral in the formation of the treaty.

In 1853, Japan had been almost completely closed to foreigners for over 200 years, denying trade, refusing shipwrecked sailors, and, most importantly, refusing to serve as a coaling station for the growing numbers of steamships slogging the long haul across the Pacific. Commodore Perry was dispatched to Japan with full diplomatic powers by President Millard Fillmore for the purpose of opening that nation's doors to foreign trade.

On Friday, July 8, 1853, Commodore Perry steamed four huge ships into what is now Tokyo Bay. The hulks breathed thick dark smoke, and were instantly dubbed the "Black Ships" by the shocked citizens of Japan. Their arrival set the city of Edo, inhabited by more than one million people, into commotion. The Japanese had not fought a single war for 256 years, but now they feared an invasion.

But Perry had not come to invade. Instead, he planned to deliver a letter to the Emperor, signed by President Fillmore, proposing "that the United States and Japan should live in friendship and have commercial intercourse with each other." When his peaceful intentions became clear, tension around Edo Bay soon gave way to curiosity as each people sought to learn more about the strange new other.

Commodore Perry gave the presidential letter to local officials shortly after his arrival, explaining that he would return the following spring to receive the Japanese reply. He arrived in Edo Bay slightly ahead of schedule, on February 13, 1854, this time with nine ships anchored near the city of Kanagawa. The cultural exchanges continued. After a stunning parade on land, Perry arranged a 21-gun salute to honor the Emperor, and then flew the Shogun's flag from the masthead of one of his ships. He presented his hosts with an array of gifts, including books, maps of America, whiskey, wine, clocks, rifles, perfumes, a miniature steam engine with railroad, and telegraph equipment—all of which aroused much awe in the growing crowds. The Japanese presented the Commodore and his officers with gifts from the Emperor, including scrolls, porcelain tea sets, silks, jars of soy sauce, umbrellas, swords, and ornate lacquer ware. They even treated the sailors to a Sumo wrestling show. When one Japanese commissioner left an American-hosted banquet, he gave Perry a crushing hug and exclaimed, "Japan and America, all the same heart."

On March 31, after weeks of delicate and complex negotiations, a treaty declaring "peace and friendship between the United States of America and the Empire of Japan" was signed. The treaty of Kanagawa opened the seaports of Shimoda and Hokodate to American ships, and granted shipwrecked sailors protection in Japan. After the signing, the Japanese held a great feast for the Americans, and there was much celebration. As author Rhoda Blumberg writes, "It is remarkable that people in the land of the Shogun could be so gracious and hospitable to unwanted visitors from the Black Ships and that the Americans could overcome their prejudice against a 'different' people and enjoy their company."

Americans and Japanese were gracious, hospitable, and did enjoy each other's company at their first encounter. And that relationship continues today. The Japan-America Society and Black Ships festival of Rhode Island have helped maintain the bonds of friendship between our two nations. This month, representatives from Rhode Island will be participating in a ceremony in Newport, Rhode Island's sister city, Shimoda, Japan, commemorating the 65th anniversary of that city's Black Ships festival. I am proud to draw the Senate's attention to this historic occasion, and to express on behalf of my colleagues our deep congratulations to Mayor Naoki Ishii, members of the City Council, and the citizens of Shimoda, Japan as they host the celebration of the mutual friendship and shared values between our two nations, common bonds that will last for many years to come.•

TEACHER APPRECIATION DAY

• Mr. BURNS. Mr. President, I honor some of the greatest men and women in the Nation—Montana teachers. In my State we are blessed to have educators making a difference each day in the lives of our young people. This week is Teacher Appreciation Week and Montana educators should hold their heads high. Montana 8th graders have the second highest science scores in the world. Eighty-four percent of Montana public school teachers in core academic fields have full certification and a major in their field, ranking Montana as one of the top States—2nd out of 50—in teacher qualification. Montana is one of the top 11 States in the percentage of high school graduates going on to college.

Yes, our children are truly fortunate. Our highly qualified teachers not only work hard, but they care about each and every student that enters their classroom. I thank you, Montana teachers, for your sense of duty and compassion to our precious future generation.•

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

ANDREA SILBERT, CEO OF THE CENTER FOR WOMEN AND ENTERPRISE AND LEADER FOR WOMEN IN BUSINESS

• Mr. KERRY. Mr. President, I would like to take this opportunity to honor Andrea C. Silbert, founder of the Center for Women and Enterprise, CWE, for her dedicated and tireless work on behalf of women in business. On Friday, after 9 years of outstanding service, Andrea stepped down as chief executive officer for CWE. I am pleased to take this moment to reflect on Andrea's achievements and her contribution to the growing community of women entrepreneurs.

Andrea began her career working for Morgan Stanley in New York, but after only a few years, left the financial capital of the world to pursue her interest in community economic development. This led Andrea to spend several years helping the less fortunate in Costa Rica, Colombia and Brazil. While in Latin America, Andrea conducted research on nontraditional exports, taught seminars in financial planning of microloan programs for Women's World Banking, and in Brazil helped disadvantaged young girls with income-generating projects.

In 1994, with this invaluable experience and fresh perspective on economic development issues in the United States, Andrea returned to her hometown of Boston with the hope of starting a nonprofit for women entrepreneurs. Her idea was to create a launching pad for all women, regardless of background, to start a business. She was particularly concerned with helping disadvantaged women break the cycle of poverty and become financial self-sufficient. Her efforts led to the establishment of a community-based resource where aspiring women entrepreneurs learn from those who have the experience and knowledge to help others succeed. On October 23, 1995, with financial backing from the Small Business Administration, the Commonwealth of Massachusetts, the Bank of Boston, and the Ewing Marion Kauffman Foundation, Andrea started CWE.

Under Andrea's leadership and with a budget of $350,000, three employees, and donated space at Northeastern University, CWE developed into a $2.6 million nonprofit employing 25 full-time staff with centers in Boston, Worcester, MA, and Providence, RI assisting nearly 2,000 clients a year. Although CWE has quickly become the model for successful women's business centers, the importance of CWE to women entrepreneurs cannot be summed up with numbers.

As more women experience this dream of business ownership, there will continue to be a need for community leaders, like Andrea, who help facilitate the path from poverty to prosperity through enterpreneurship—leaders who can help these women start small businesses, lift themselves up, and give back to their communities.

As a past president of the Association of Women's Business Centers and former member of the National Women's Business Council, Andrea has been an advocate for women in business not only in Massachusetts, but across the country. Her testimony before the Senate Committee on Small Business and Entrepreneurship in February of 1997 helped develop the nationwide network of Women's Business Centers and helped build a record of support for continued and increased funding for women who want to start businesses.

When Andrea started CWE in 1995, there were only 28 centers in the Women's Business Center network. Today, with Andrea's support, assistance and outreach through the Association of Women's Business Centers, there are 88 centers in 47 States, the District of Columbia, American Samoa, and the Virgin Islands. Last year, these centers helped 106,000 clients, but without the devotion and vision of people like Andrea, many of the women entrepreneurs across the country would not have this invaluable resource.

Andrea Silbert has not only been a leader for women in business, but a resounding voice for social change. On behalf of myself and my colleagues on the Senate Committee on Small Business and Entrepreneurship, I want to express my sincere gratitude and appreciation for Andrea's commitment to women entrepreneurs and for her many years of creating new opportunities for women and their communities. Her work through the Center for Women and Enterprise will be greatly missed, but I am confident that her successor, Donna Good, is well suited to continue Andrea's legacy of accomplishment. I want to wish Andrea success and good luck in whatever the future holds.•

DR. NORA KIZER BELL

• Mr. ALLEN. Mr. President, today I would like to commemorate the life of Dr. Nora Kizer Bell, who passed away on January 24, 2004, after a heroic fight against cancer. Throughout her distinguished life, Dr. Bell was a great champion of the liberal arts and women's education.

Among Dr. Bell's career highlights was her term as President of Wesleyan College. As the first female president of the college, she implemented numerous projects, including a major renovation and construction plan, and a new campus technology plan. She also helped increase enrollment, improve academic quality, and increase the endowment at Wesleyan.

In July 2002, Dr. Bell took office as president of Hollins University in Roanoke. During her tenure, she worked hard to make the school a Tier One university and twice saw Hollins take the top rank in "Quality of Life," according to the Princeton Review.

Dr. Bell, a magna cum laude graduate of Randolph-Macon Women's College, was an articulate advocate of single-gender education. Over the years, she wrote on the issue in several prestigious publications, including: USA Today, the Washington Post and the Christian Science Monitor. For her work, she was the recipient of numerous awards, including the Order of the Palmetto, the highest civilian award presented by the Governor of South Carolina.

Dr. Bell was the loving spouse of Dr. David A. Bell, President of Macon State College, and the devoted mother of three children. She leaves behind a wonderful legacy as a mother, a friend and a leader in women's education.•

ANTHONY FILIPPIS, SR. AND THE MICHIGAN ATHLETES WITH DISABILITIES HALL OF FAME

• Ms. STABENOW. Mr. President, I rise to recognize a remarkable man and his organization—Mr. Tony Filippis, Sr. and the Athletes with Disabilities Hall of Fame.

Winston Churchill once remarked, "We shall draw from the heart of suffering itself the means of inspiration and survival."

And that is exactly what Mr. Filippis did.

When tragedy struck in 1929, Mr. Filippis found inspiration not only for himself, but also for the 1.7 million disabled persons living in my home State of Michigan. Seventy-five years ago, almost to the day, Mr. Filippis's legs were mangled in a train accident, forcing amputation.

Frustrated by the discrimination plaguing him in the years that followed, he sought change. And change he found.

Mr. Filippis accepted a position as the apprentice of Carl Wright, who worked for a company that made his prosthetic legs; 10 years later they founded their own company, Wright & Filippis.

Since its founding, Wright & Filippis has grown into one of the only companies in the United States that offers complete equipment services for the disabled, from state-of-the-art prosthetic limbs to public education about rehabilitation.

More remarkably, however, is what Mr. Filippis has done for the spirit of the disabled community in Michigan. In June 1999, he founded the Athletes with Disabilities Hall of Fame.

Annually, the Hall of Fame recognizes the top Male and Female Athletes of the Year, as well as identifying a Lifetime Achievement Award winner and other Hall of Fame inductees.

The Hall of Fame, however, does more than recognize the immense athletic achievement of Michiganians with disabilities. It also tells their stories so that other people with disabilities can draw strength and inspiration from them.

It tells stories of people like Cheryl Angelelli who, despite being confined to a wheelchair due to spinal cord damage, has proven herself a formidable opponent in a swimming pool.

Among other achievements, she claimed a national title with one gold and four silver medals at the 1999 U.S. National Disability Championships. Ranking 10th in the world and second in the U.S. in the 100-meter breast stroke and the 200-meter individual medley, she earned a spot on the paralympic swimming team for the 2000 Games in Sydney, Australia.

It tells stories of people who also give back to their community. Ms. Angelelli is a member of several advisory councils for people with disabilities and her expertise is sought by the management of concert halls and stadiums on how to make their venues more accessible to their disabled patrons.

In the manner that Churchill called for, Mr. Filippis took his painful experience of discrimination and used it as fuel to try to prevent those with disabilities today from feeling the same sense of alienation he had. Through his organization, others with disabilities can be honored for their achievement and be a source of motivation to others.

We appreciate his hard work and thank him.•

CARILION MEDICAL CENTER NURSES

• Mr. ALLEN. Mr. President, today I want to congratulate the wonderful nurses at Carilion Medical Center in Roanoke for recently achieving Magnet Recognition from the American Nurses Credentialing Center, ANCC, a division of the American Nurses Association.

The mission of the ANCC is to promote excellence in nursing and health care globally through credentialing programs and related services. Their designation of Magnet Recognition is the highest honor that can be bestowed upon hospital nurses. Currently, Carilion Medical Center is one of just 102 health care organizations in the U.S. to have received this recognition from the ANCC.

Last November, I had the opportunity to tour the Carilion Medical Center. During my visit, I got to see firsthand the outstanding dedication and commitment that the nurses provide their patients. I am pleased today to recognize the exceptional nurses at Carilion Health Center on their tremendous achievement and wish them continued success.•

HONORING D.L. EVANS BANK ON 100 YEARS OF SERVICE

• Mr. CRAPO. Mr. President, I today honor D.L. Evans Bank on reaching a tremendous milestone—100 years in business. D.L. Evans bank is a financial institution in the largest sense of that word. It is a significant, established organization with branches solely in my home State of Idaho, and widely recognized for quality, personalized banking services to the community. Today I honor the Evans family and their employees for their long, proud history of financial service to Idahoans and many others.

In 1904, D.L. Evans and a group of pioneer businessman met and organized Cassia County's first bank. Despite the floods, fires, droughts, and even grasshoppers that have wreaked havoc on its customers, the bank has survived many tough economic times. As other banks around the country were closing their doors, D.L. Evans Bank was expanding—moving from its one-story frame building to a two-story stone headquarters in the early 1900s. From that original Albion branch, the bank has opened locations in Boise, Burley, Meridian, Ketchum, Jerome, Rupert, and Twin Falls. It is now the second largest community bank head quartered in southern Idaho with $388 million in assets and $345 million in deposits.

The Evans family's participation in the Idaho State Government has been no less impressive. The bank's founder, D.L. Evans, served in the Idaho Senate from 1903–1904 and 1923–1924. The current President, John V. Evans Sr., has served in numerous government capacities including as Governor of Idaho, Mayor of Malad City, State Senator and Majority and Minority Leader of the Idaho Senate, and Lieutenant Governor. The Evans family and D.L. Evans Bank have made important contributions to both the private and public sector in Idaho.

Congratulations to the employees, friends, and family of D.L. Evans on the centennial anniversary. D.L. Evans is a bank with a proud history, impressive current achievements, and a promising future. I wish the bank and its employees the best as they continue to serve the communities and families of Idaho.•

PAGE COUNTY HIGH SCHOOL 2003 BOYS' CROSS COUNTRY AND CHEERLEADING TEAMS

• Mr. ALLEN. Mr. President, I am very pleased today to recognize the great achievements and dedication of the Page County High School Boys' Cross Country and Cheerleading teams. Both teams finished their outstanding 2003 seasons by winning State championship titles.

Throughout the season, the cross country and cheerleading teams showed the determination of a championship team. They worked continuously to develop needed skills, persevere as athletes and follow the leadership of their coaches.

This is the third State title in 4 years for the Panthers Boys' Cross Country Team. In addition, the Panthers have won the Shenandoah District regular season championship for six consecutive seasons and have now been crowned District Champions for 5 years in a row.

Congratulations to the members of the Page County High School Boys' Cross Country Team: Adam Atkins, Nathan Batman, Steve Beers, Wayne Beers, Zach Bouldin, Tommy Copeland, Jeff Frazier, Nathaniel Nelson, Ethan Price, Todd Somers, T.J. Stoneberger; and their Coach Stanley Price.

This is also the cheerleading team's third victory at the Virginia High School League Group A State cheerleading championship in 4 years. The Panthers have now won seven consecutive Shenandoah District Championships and five consecutive Region B cheerleading titles.

I would also like to congratulate the members of the Page County Cheerleading Team: Brittany Aldrige, Heather Alger, Casey Burke, Ashley Campbell, Caitlin Cave, Elizabeth Colopy, Tiffany Comer, Amanda Cubbage, Kara Greber, Stephanie Grimsley, Kendrick Harris, Preston Harris, Felicia Jenkins, Sara Maiden, Kayla McPherson, Clay Nevitt, Vanessa Prince, Tiara Rodgers, Holly Shifflett, Sean Stewart, Nicole Taylor, Kevin Tester, Aaron Williams, Whitney Williams, Megan Yager; and their Coaches, Barbara Hilliard, Brandy Strickler and Kevin Cubbage.

I am pleased to congratulate all of the athletes and the coaches on the Page County Boys' Cross Country and Cheerleading teams. They have made Page County and the Commonwealth of Virginia proud of their great achievements. Keep winning.•

DISTINGUISHED MONTANANS

• Mr. BAUCUS. Mr. President, I rise today with great pride to honor a group of distinguished Montanans. Alyson Mike and Thomas Andres, Montana's 2004 Milken Educator Award recipients deserve recognition for their outstanding work and service to our State and to the children they teach every day.

Public service is the most noble thing a person can do. Whether it is service to one's church, community or government, there is nothing more honorable. Alyson and Thomas are at the top of a lengthy list of quality teachers in Montana to stand among their fellow American teachers to receive this national award.

The Milken Educator Award provides public recognition and a $25,000 honorarium to teachers, principals and other educators who have a proven record of excellence in education. Alyson, a natural science teacher at East Valley Middle School, and Thomas, a science teacher at St. Labre Catholic Indian School, both have strong records of excellence. In fact, I was recently honored to recognize Alyson as Montana's 2004 Teacher of the Year.

In Montana, there is little difference between our schools and our communities. This award highlights the great quality of teachers we have in Montana and spotlights the good things happening in our schools.

Alyson and Thomas are two of Montana's high quality teachers that are helping to shape our State's future. They are creating an environment that encourages learning, instilling a curiosity and a desire to learn—all of which will produce a more educated workforce. A better educated work force will spur job creation and translate into a stronger economy with more good-paying jobs. The best way to ensure Montana's future is through a well-educated work force.

We in Montana are very fortunate to be able to claim teachers like Alyson Mike and Thomas Andres as our very own. They are playing a vital role in our State's future. I commend Alyson and Thomas for all they have done and I am confident they will continue to serve their students well.

I would also like to recognize Polson High School as Montana's 2004 winner of the 'We the People' Competition. By winning the State competition, nineteen of our State's brightest government students and their teacher qualified to represent Montana in the National Civics Competition on the United States Constitution.

The names of the 19 students who are receiving this honor are as follows: Charlie Cooper, Chance Dupuis, Sky Fredrickson, Ashley Gilchrist, Kasey Harwood, Rosanna Ho, Chad Hunsucker, Bonnie Klein, Brandon McCurdy, Kdee Meidinger, Zach Morrow, Candace Myers, Andrew Ofstad, Kiel Rafter, Chris Rossmith, Kai Smith, Kate Taylor, and Christine Woidtke.

Pat Danley is the teacher whose expertise, guidance, and encouragement that helped these students receive this honor. Pat Danley is a veteran government and political science teacher at Polson High School. I commend Pat on his ability to prepare these students for this competition.

These students have demonstrated a strong understanding of the U.S. Constitution and the Bill of Rights. Here in Congress, I think we can all recognize the value of fostering civic competence and responsibility. These students are Montana's future leaders, and I am proud to recognize their accomplishment.●

50TH ANNIVERSARY OF THE FLORENCE WOMAN'S CLUB

● Mr. BUNNING. Mr. President, I rise to congratulate the Florence Woman's Club of Florence, KY on the recent celebration of its 50th anniversary.

The Florence Woman's Club was founded on April 20, 1954. Its goal was simply to make the city of Florence a better place to live. The causes that the club has lent its time to are almost too numerous to mention. They have been involved in raising money to fight cancer, working at local veterans' hospitals, and helping with the preservation of historic buildings in the area, to name just a few.

The citizens of northern Kentucky are fortunate to have the services of the Florence Woman's Club. This organization's example of dedication, hard work and compassion should be an inspiration to all throughout the Commonwealth of Kentucky.

They have my most sincere appreciation for this work, and I look forward to their continued service to Kentucky. I have no doubt that they will be just as productive in their next 50 years as they have been in their first 50. Congratulations.●

UNIVERSITY OF VIRGINIA SWIM AND DIVE TEAMS

● Mr. ALLEN. Mr. President, I am pleased today to recognize the 2003–2004 University of Virginia Men's and Women's Swimming and Diving teams for their hard work in winning the 2004 ACC Championship.

These athletes, under the strong coaching of Mark Bernadino, devoted a tremendous amount of time and energy to studying, training and competing. It was through their endless drive and dedication that they were able to become ACC Champions this season.

As a former student-athlete at UVA, I understand the impact that athletics play in the development of an individual's character and life. Sports teach us important lessons of self-discipline, perseverance, teamwork and sportsmanship. The benefits of participating in athletics can prove valuable in the daily lives of student-athletes whether at school or at work in their communities. Each of these student-athletes is a leader and a winner, not just in the water but also in the classroom.

I congratulate Coach Bernadino and the University of Virginia Swim and Dive teams on their 2004 ACC Championship and wish them continued success in the future. Keep winning.●

SAMUEL HOPKINS SHRUM

● Mr. ALLEN. Mr. President, I am pleased today to recognize Mr. Samuel Hopkins Shrum, a native of Dayton, VA, who was honored this year for 55 years of perfect attendance by the Rotary Club of Harrisonburg, VA. Mr. Shrum's commitment to the Harrisonburg Rotary is just one example in a lifetime of dedication and hard work.

An architectural engineering graduate of the Virginia Polytechnic Institute, Mr. Shrum later attended Westminster Choir College in Princeton, NJ for post-graduate studies. He began his professional career with George E. Shrum & Son, eventually becoming a production engineer at Newport News Shipbuilding and Dry Dock Company. Hard work and dedication led him to become President of Nielson Construction Company in 1962 where he served until his retirement in 1976. The company grew from a small operation of seven employees to nearly 300 while Mr. Shrum served as executive vice-president, general manager, treasurer and director, before being named its president.

Today, I congratulate Mr. Shrum for his dedication and commitment to service in the Harrisonburg community and wish him continued success.●

H. ODELL "FUZZY" MINNIX

● Mr. ALLEN. Mr. President, I am pleased today to recognize Mr. H. Odell "Fuzzy" Minnix for his community service and leadership. Mr. Minnix recently retired after serving three terms on the Roanoke County Board of Supervisors, including several years as the board's chairman. During his 12 years on the Board of Supervisors, Roanoke County saw significant improvement in its quality of life; in recent years, the county was recognized as one of the best school systems in the Nation and the community's continued commitment to expansion and growth resulted in the creation of more jobs and opportunity in the region.

Throughout his life, Fuzzy Minnix has been a community leader and volunteer. He was the recipient of the Roanoke Valley Big Brother of the Year Award and has been an avid supporter of youth sports, having been Head Football Coach at Hidden Valley Junior High School. Mr. Minnix also served as Head Softball Coach, Assistant Varsity Football Coach and Assistant Varsity Track Coach at Cave Spring High School. Over the years, he has remained active as a Virginia High School League Football and Basketball official.

A Roanoke native, Mr. Minnix began his distinguished career serving 4 years in the U.S. Air Force. After his military service, he entered a career in the air traffic control industry. A graduate of the FAA Air Traffic Control Academy in Oklahoma City, Mr. Minnix has worked as an Air Traffic Controller at airports in Norfolk, Dulles, Roanoke and Lynchburg.

Among his professional recognitions, Fuzzy Minnix was the winner of the Roanoke Federal Employee of the Year award and the FAA Education Facilitator of the Year award for the Eastern Region.

Mr. Minnix and his wife, Janet, have two sons. They are active members of the Ghent Grace Brethren Church, where Fuzzy has served as a Moderator and Sunday School Superintendent.

The Roanoke region will surely miss the leadership and talents that Mr. Minnix displayed on the county's Board of Supervisors. I congratulate him on his community service and wish him well in his retirement.•

DAVIS COINER ROSEN

• Mr. ALLEN. Mr. President, today I would like to commemorate the life of a respected leader and a great friend to the Commonwealth of Virginia, Mr. D. Coiner Rosen of New Market, who passed away on March 13, 2004.

Mr. Rosen's contributions have left an indelible mark on the Commonwealth of Virginia. The Soldiers Confederate Cemetery, Shenandoah County Historical Society and the Mount Jackson Museum are just a few of the projects that benefited from his generosity, vision and leadership. Throughout his life, Coiner Rosen demonstrated great dedication to the preservation of the natural beauty and historical significance of the Shenandoah Valley. Because of his tireless efforts and unwavering dedication, generations of Virginians and Americans will be able to visit and gain a greater understanding of our heritage.

Today we remember the remarkable life of Mr. D. Coiner Rosen and commend the positive contributions he made to Virginia. The dedicated and selfless service he provided throughout his years to preserve the history of our Commonwealth and our Nation will benefit Americans for years to come.•

MESSAGE FROM THE HOUSE

At 5:04 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 380. Concurrent resolution recognizing the benefits and importance of school-based music education.

H. Con. Res. 408. Concurrent resolution congratulating the University of Denver men's hockey team for winning the 2004 NCAA men's hockey national championship, and for other purposes.

The message also announced that pursuant to 22 U.S.C. 3003 note, and the order of the House of December 8, 2003, the Speaker appoints the following Member of the House of Representatives to the Commission on Security and Cooperation in Europe: Mr. McINTYRE.

MEASURES REFERRED

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 380. Concurrent resolution recognizing the benefits and importance of school-based music education; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 408. Concurrent resolution congratulating the University of Denver men's hockey team for winning the 2004 NCAA men's hockey national championship, and for other purposes; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7325. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Airplanes Doc. No. 2002–NM–18" (RIN2120–AA64) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7326. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace: Lexington, TN" (RIN2120–AA66) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7327. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace: Kwigillingok, AK" (RIN2120–AA66) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7328. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace: Ruby, AK" (RIN2120–AA) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7329. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace: Jamestown, KY" (RIN2120–AA66) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7330. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace: Juneau, AK" (RIN2120–AA) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7331. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace: Hays, KS" (RIN2120–AA) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7332. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce Deutschland (RRD) TAY 611–8. TAY 620–15, TAY 650–15, and TAY 651–54 Turbofan Engines" (RIN2120–AA64) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7333. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–100, 200, 300, 400, and 500 Airplanes" (RIN2120–AA64) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7334. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class D Airspace Area: Chicago, IL" (RIN2120–AA66) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7335. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Sikorsky Aircraft Corporation Model S–76 A, B, and C Helicopters" (RIN2120–AA64) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7336. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Airplanes" (RIN2120–AA64) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7337. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328–100 Airplanes" (RIN2120–AA64) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7338. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL–600–2C10 (Regional Jet Series 700 & 701), and CL–600–2D24 (Regional Jet Series 900) Airplanes" (RIN2120–AA64) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7339. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasilera de Aeronautica S.A. (EMBRAER) Model EMB–120 Airplanes" (RIN2120–AA64) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7340. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC–8–401 and 402 Airplanes" (RIN2120–AA64) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7341. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330–301, 321, 322, 341, and 342 Airplanes Model A340–211, 212, 213–311, 312, and 313 Airplanes" (RIN2120–AA64) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7342. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–400F Airplanes" (RIN2120–AA64) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7343. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes" (RIN2120–AA64) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7344. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerospace Technologies of Australia Pty Ltd Airplanes" (RIN2120–AA64) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7345. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–9–14, 15, 15F, 31, 32, 32 (CD–9C), 32F (C–9A, C–9B), 33F, 34, and 34F Airplanes and Model DC–9–21, DC–9–41, and DC–9–51 Airplanes" (RIN2120–AA64) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7346. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–9–15 Airplanes" (RIN2120–AA64) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7347. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A310 and A320 Airplanes" (RIN2120–AA64) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7348. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Saab Model SAAB 2000 Airplanes" (RIN2120–AA64) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7349. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–9–10, 20, 30, 40, and 50 Airplanes" (RIN2120–AA64) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7350. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757–200 and 200CB Airplanes" (RIN2120–AA64) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7351. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: [Including 95 Regulations]" (RIN1625–AA00) received on May 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7352. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program: Changes to the Criteria for Being Classified as an Inpatient Rehabilitation Facility" (RIN0938–AM71) received on May 3, 2004; to the Committee on Finance.

EC–7353. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Prospective Payment System for Long-Term Care Hospitals: Annual Rate Updates and Policy Changes" (RIN0938–AM84) received on May 3 , 2004; to the Committee on Finance.

EC–7354. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of a D.C. Act 15–418, "Unemployment Compensation and Domestic Violence Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC–7355. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of a D.C. Act 15–417, "Disposal of District-Owned Surplus Real Property in Ward 8 Temporary Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC–7356. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of a D.C. Act 15–416, "Commission on Selection and Tenure of Administrative Law Judges Non-Liability Temporary Act of 2004"; to the Committee on Governmental Affairs.

EC–7357. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of a D.C. Act 15–415, "Freedom Way Designation Act of 2004"; to the Committee on Governmental Affairs.

EC–7358. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of a D.C. Act 15–414, "Language Access Act of 2004"; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

POM–413. A joint memorial adopted by the Legislature of the State of Washington relative to the federal temporary unemployment compensation program; to the Committee on Health, Education, Labor, and Pensions.

HOUSE JOINT MEMORIAL 4031

Whereas, over the past few years, the national economy has struggled unsuccessfully to rebound from the recession, and a strong and sustainable recovery remains elusive; and

Whereas, there are two million four hundred thousand fewer jobs today than when the recession began; and

Whereas, in November 2003, long-term joblessness reached a twenty-year high, and nearly one-fourth of the unemployed have been out of work for at least half a year; and

Whereas, in November 2003, the nation's unemployment rate remained at five and nine-tenths percent, and Washington's unemployment rate was among the highest in the country at six and eight-tenths percent; and

Whereas, Congress and the President originally approved temporary extended unemployment compensation to provide assistance to unemployed workers who were unable to find new jobs before exhausting their regular benefits, and to stimulate the economy by injecting dollars directly into local communities; and

Whereas, unemployed workers in most states could receive up to thirteen weeks of federal temporary extended unemployment compensation; and

Whereas, unemployed workers in states suffering from severe economic distress such as Washington could receive up to twenty-six weeks of federal temporary extended unemployment compensation; and

Whereas, Congress adjourned without providing for a further extension of unemployment compensation benefits after December of 2003; and

Whereas, across the nation, more than one million unemployed workers are expected to exhaust their regular benefits in the first quarter of 2004; and

Whereas, in Washington, more than twenty-five thousand unemployed workers are expected to exhaust their regular benefits in the first quarter of 2004; and

Whereas, these unemployed workers are left with few, if any, job prospects or other means of assistance; and

Whereas, Federal temporary extended unemployment compensation benefits helped these hard-working people and their families put food on the table and pay their bills while they looked for work; and

Whereas, Federal temporary extended unemployment compensation injected cash into troubled economies throughout the nation and in Washington; and

Whereas, the economic and labor market conditions that warranted federal temporary extended unemployment compensation still persist; and

Whereas, if federal temporary extended unemployment compensation benefits are not extended, workers and their families will suffer severe economic hardships and states such as Washington will be deprived of this crucial economic boost: Now, therefore,

Your Memorialists respectfully pray that Congress and the President extend and make retroactive the federal temporary unemployment compensation program. Be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the Secretary of the Department of Labor, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–414. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to treatment of chronic diseases; to the Committee on Health, Education, Labor, and Pensions.

House Resolution No. 170

Whereas, an estimated 125 million Americans suffer from at least one chronic illness, which includes such maladies as asthma, arthritis, diabetes, heart disease, mental illness, and many cancers. Approximately 60 million people are afflicted with more than one of these conditions; and

Whereas, chronic illnesses, which are responsible for 7 of every 10 deaths, are the leading cause of death in our country. More than 75 percent of state Medicaid spending goes toward the treatment of chronic illnesses, and more than half of Medicaid spending treats Medicaid enrollees who have more than one chronic disease; and

Whereas, the health care system of the United States could more accurately be called a "sick care" system, as most costs are incurred in the treatment of acute episodes of chronic illnesses that, in many cases, could be avoided or lessened by preventive measures. Many chronic diseases can be mitigated through improved diet, increased exercise, avoiding tobacco use, or other management steps. In spite of this, our country spends only a fraction of its health care money on prevention; and

Whereas, many studies have demonstrated widespread problems with the quality of care delivered to individuals with chronic illnesses. These studies often cite the absence of appropriate screening and follow-up care, inadequate coordination of treatment among health care providers, and many preventable and costly complications; and

Whereas, there are structural barriers to improved treatment of chronic illnesses. Specifically, Medicaid and Medicare do not encourage preventive steps or better coordination for the treatment of people with more than one disease. Clearly, with the financial pressures in health care and the aging of our population, we need to take stronger steps to deal with chronic conditions in a more effective manner: Now, therefore, be it

Resolved by the house of representatives, That we memorialize the Congress of the United States and the United States Department of Health and Human Services to make the treatment of chronic diseases a higher priority. We urge federal policy makers to transform the regulatory, financial, and clinical structures for dealing with chronic diseases, including more support for preventive measures, better coordination of care, and the removal of regulatory barriers within Medicaid and Medicare and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the United States Department of Health and Human Services.

POM–415. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to pregnancy care centers in Michigan; to the Committee on Health, Education, Labor, and Pensions.

House Resolution No. 167

Whereas, pregnancy care centers, which are also known as crisis pregnancy centers, are located in Michigan and across our country and provide vitally needed help to women and families at difficult times in their lives. These centers offer free, confidential, and compassionate services, which range from pregnancy testing and childbirth classes to help with housing, counseling, and medical referrals; and

Whereas, pregnancy care centers encourage women to make positive choices in life by providing them with accurate and complete information. This information covers such key topics as nutrition, prenatal care, adoption service, and parenting; and

Whereas, many pregnancy care centers across the country also offer classes in abstinence education, including programs carried out in schools; and

Whereas, the work of pregnancy care centers is largely conducted by volunteers, with contributions of time, talent, and financial support from people who seek the intrinsic value of helping women and families facing a variety of very personal difficulties. With the strong societal implications of the good work being done at pregnancy care centers across our state, these centers are performing a great volume of services that clearly are carried out for the public benefit: Now, therefore, be it

Resolved by the house of representatives, That we memorialize the Congress of the United States and the Michigan Department of Community Health to develop collaborative relationships with pregnancy care centers in Michigan. We urge that any assistance made available to help with medical and abstinence education programs be administered in a manner that does not compromise the values of the centers; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Michigan Department of Community Health.

POM–416. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative funding for DNA testing; to the Committee on the Judiciary.

House Resolution No. 193

Whereas, one of the most significant breakthroughs in the area of crime fighting is DNA testing. This scientific technology has had a dramatic impact in protecting innocent people accused of crimes and identifying murderers, rapists, and other violent criminals. Because of the effectiveness of this tool, there is enormous frustration among citizens and law enforcement professionals that there is a large backlog of cases awaiting laboratory testing, both here in Michigan and across the country; and

Whereas, in spite of state and federal efforts to date, there remains in Michigan a backlog of over 74,000 cases awaiting DNA testing. It is estimated that Michigan State Police labs can expect 50,000 new DNA samples per year. At the current level of funding available, it is expected that only 42,000 of these can be processed annually, adding to the backlog of cases; and

Whereas, this lag in testing represents a genuine threat to public safety. There have been well-publicized reports of new violent crimes being committed by people who were on the streets solely because tests were still pending. Police across the state are confident that, if the backlog of cases were to be eliminated, thousands of unsolved serious crimes, including murders and rapes, would be solved. The magnitude of removing so many violent criminals from society cannot be ignored; and

Whereas, the issue of finding ample resources to conduct DNA tests on a timely basis is a substantial security issue for our nation. The federal nature of this issue is further underscored by the fact that violent criminals often move around the country. Clearly, this issue is vital to the safety of our citizens: Now, therefore, be it

Resolved by the house of representatives, That we memorialize the Congress of the United States to increase the level of federal funds available to the states for DNA testing; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–417. A memorial adopted by the House of Representatives of the Legislature of the State of Florida relative to the protection of crime victim's rights; to the Committee on the Judiciary.

House Memorial No. 335

Whereas, the rights of a victim of violent crime, being capable of protection without denying the constitutional rights of those accused of victimizing him or her, should not be denied, and

Whereas, a victim of a violent crime should have the right to reasonable and timely notice of any public proceeding involving the crime and of any release or escape of the accused, and

Whereas, a victim has the right to be included in such public proceeding and to be reasonably heard at public release, plea, sentencing, reprieve, and pardon proceedings, and

Whereas, a victim has the right to adjudicative decisions that duly consider the victim's safety, interest in avoiding unreasonable delay, and just and timely claims to restitution from the offender, and

Whereas, these rights should not be restricted except when and to the degree dictated by a substantial interest in public safety or the administration of criminal justice or by compelling necessity: Now, therefore, be it

Resolved by the Legislature of the State of Florida, That the Congress of the United States is requested to enact a proposed amendment to the Constitution of the United States to protect the rights of crime victims. Be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM–418. A joint memorial adopted by the Legislature of the State of Washington relative to the Aganda family of Selah, Washington; to the Committee on the Judiciary.

House Joint Memorial 4041

Whereas, the plight of the Aganda family of Selah, Washington has touched the hearts of citizens all over the state; and

Whereas, Tomas Aganda, his wife Judy Aganda, and their daughter Jennylyn Aganda face concerted and repeated efforts by the United States Government to deport this family back to the Philippines; and

Whereas, the Aganda family, including sons Herbie and Khmson and daughter Stephanie, have been outstanding members of the Selah community for over a decade; and

Whereas, the Aganda family lawfully entered this country on October 22, 1990, and shortly thereafter purchased a small laundry business in the Selah community; and

Whereas, Judy Aganda's parents are United States citizens who live in Yakima; and

Whereas, the Aganda family first sought an investor's visa so that they could stay and contribute their energy and talents to this community and Country, but were denied because the business was considered too small to support the family; and

Whereas, the business is viable and has supported the family for over a decade; and

Whereas, Judy Aganda has a cancerous growth as the base of her skull that requires continued treatments that would not be available to her in the Philippines; and

Whereas, United States District Court Judge Fred Van Sickle, in granting a six-month stay of the deportation order, noted that the United States Government's insistence on deporting Judy Aganda, in the face of her life-threatening condition, was a "magnitude of constitutional violation that is what I regard as a manifest injustice"; and

Whereas, the protection of the six-month stay will end April 17, 2004, but the need for a compassionate and reasoned resolution of this crisis remains: Now, therefore,

Your Memorialists respectfully pray that the United States Government end its concerted efforts to deport the Aganda family and to instead provide them an opportunity to remain in this country, especially in light of the fact that their daughter Stephanie, who is a United States citizen, will be twenty-one years old in 2005 and will then be able to file an immigrant visa for her parents; and further,

That is the United States Bureau of Citizenship and Immigration Services, acting in concert with the Department of Homeland Security, is unwilling or unable to provide this compassionate relief, then we call upon the members of our state's congressional delegation to seek relief for the Aganda family through the passage of a private bill of relief. Be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, Tom Ridge, Secretary of the Department of Homeland Security, Eduardo Aguirre, Jr., Director of the U.S. Bureau of Citizenship and Immigration Services, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-419. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to granting a federal charter to the Korean War Veterans Association; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 24

Whereas, as our nation witnesses once again the sacrifices of our fellow citizens taking up arms to preserve liberties, we have reawakened our sensitivity to the importance of service to veterans from all of America's wars. Organizations that work to help and advocate on behalf of veterans help fulfill a promise between our country and its defenders; and

Whereas, the Korean War Veterans Association is the only veterans organization comprised exclusively of Korean War veterans. This group has established an excellent record of service to those who served and suffered in Korea and their families; and

Whereas, however, the Korean War Veterans Association is one of the few veterans groups of its size operating without a federal charter. Legislation is currently pending in Congress in both the House of Representatives (H.R. 1043) and the Senate (S. 478) to grant a federal charter; and

Whereas, the long overdue granting of a federal charter would enable the association to significantly enhance its efforts to help needy Korean War veterans and their families. With a charter, which would extend to it the same status as other veterans groups, the Korean War Veterans Association would be able to further its work and participate more fully with other groups. A federal charter also would permit the organization to assist in processing claims for benefits; and

Whereas, as our nation marks the fiftieth anniversary of the end of military hostilities on the Korean Peninsula, granting the federal charter would be most appropriate: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That we memorialize the Congress of the United States to enact legislation to grant a federal charter to the Korean War Veterans Association; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-420. A resolution adopted by the City Council of the City of Gulfport of the State of Mississippi relative to same sex marriages; to the Committee on the Judiciary.

RESOLUTION

Whereas, the Mayor and City Council recognize that marriage as an exclusive ceremonial relationship between a man and a woman is not only traditional, but is a principle upon which this country was founded, and is a union that has been held sacred in society and essential to the moral value system in the City of Gulfport, State of Mississippi, and throughout this land; and that state and local tax laws, criminal laws, marital benefits, rights and benefits arising from the spousal relationship and dependents' rights are structured in this country historically and presently to a man and woman (opposite sex) marital relationship; and

Whereas, it is recognized that same sex relationships are offensive to many citizens in this country for traditional, personal, and religious reasons, and that marriages of a man and woman have always been celebrated as proper, and always will be acknowledged as natural, proper and built and honored upon a foundation of values of the United States of America; and the recognition of same sex marriages on the other hand will have a devastating effect on the moral traditions and on the laws and legal system of the country, and shall ultimately mandate marriage unions to be ordained within religious denominations against serious religious beliefs of certain faiths thereby bringing about a dissolution of freedom of religion in this Country; and

Whereas, believing that States should have a right to protect its traditions and values, especially when confirmed by the will of the people, and for the purpose of protecting the family and its values, the Governing Authority of the City of Gulfport hereby desires to memorialize its support of the position addressed by President George W. Bush that an amendment to the United States Constitution should be placed by the legislative branch of the United States of America on the ballot to allow the electorate to decide whether or not laws prohibiting recognition of same sex marriages are legitimate and not to be overruled by the Courts: Now therefore, be it

Resolved by the Mayor and City Council of Gulfport, Mississippi, as follows:

Section 1. That the matters, facts, and things recited in the Preamble hereto are hereby adopted as the official findings of the Governing Authority.

Section 2. That United States President George W. Bush be, and he is hereby officially commended by the Mayor and City Council of the City of Gulfport, Mississippi, for his position statement and proposal that the legislative branch of the Government of the United States of America enact legislation to allow the electorate of the country to vote on an amendment to the United States Constitution that will clearly establish that laws prohibiting recognition by the States of same sex marriages are constitutionally valid; and the Governing Authority of the City of Gulfport, Mississippi hereby makes publicly known is support of this position by President Bush.

Section 3. That this Resolution shall take effect immediately upon its passage, and shall be spread upon the minutes of the Gulfport City Council, and copies shall be directed to the President of the United States of America, Honorable Dick Cheney, Vice President of the United States of America, to the Speaker of the U.S. House of Representatives, to the Majority Leader of the U.S. Senate, and to Honorable Trent Lott, U.S. Senator, Honorable Thad Cochran, U.S. Senator, and Honorable Gene Taylor, U.S. Representative to Congress, and the Governor and Lieutenant Governor of the State of Mississippi, the Speaker of the House of Representatives of the State of Mississippi, the President Pro Tem of the Mississippi State Senate, and the Harrison County delegation to the Mississippi Legislature, such other officials in government as the Mayor or City Council may direct to receive a copy thereof.

POM-421. A resolution adopted by the Senate of the General Assembly of the State of Tennessee relative to funding for the Juvenile Accountability Block Grant; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 110

Whereas, the Juvenile Accountability Block Grant (JABG) was enacted in the 2002 reauthorization of the Juvenile Justice and Delinquency Prevention Act; and

Whereas, this grant provides dollars for use by states and units of local government to promote greater accountability in the juvenile justice system; and

Whereas, between 1998 and 2002, the State of Tennessee received $20,757,000 in JABG funds for accountability-based juvenile justice system programs; and

Whereas, rural counties across the State have received funds to assist with juvenile court services and with decreasing the backlog of juvenile cases; and

Whereas, the types of programs in Tennessee currently being funded by the JABG include: (1) intensive probation services; (2) residential observation and assessment services; (3) intensive after-care services; (4) alternative school and summary adventure-based programs; (5) additional juvenile court officers and referees to handle cases; (6) improved data systems for tracking juvenile cases; and (7) new youth and drug courts for diversion from the regular juvenile justice system; and

Whereas, because of the JABG funds, juvenile courts in rural areas, which normally have minimal resources; now have a greater variety of services to meet more individualized needs; and

Whereas, because of the services enabled by the JABG funds, juvenile offense referrals in Tennessee for crimes such as homicide, robbery, aggravated assault, rape, larceny, and burglary have been reduced by 16 percent between 1997 and 2001; and

Whereas, the JABG funds are providing for seven staff positions and community-based services through OASIS Center, YCAP Positive Beginnings program, Save Our Children and Frank Reed Memorial Tutoring Program, all of which are community-based youth serving non-profit agencies in Nashville, Tennessee; and

Whereas, because of services provided by JABG funds, the Metropolitan Nashville/Davidson County juvenile court's central intake diversion unit was able to divert 1,700 youth out of the juvenile justice system; and

Whereas, JABG funds are being used in Davidson County to support an onsite mental health specialist in the juvenile court, who facilitates intervention with the mental health cooperative and provides the court with information on youth who are acting in ways that warrant evaluation; and

Whereas, it is necessary to maintain JABG funds to continue the success of reducing juvenile crime in Tennessee and providing more individualized, accountability-based interventions for youth involved with the juvenile courts: Now, therefore, be it

Resolved by the senate of the one hundred third general assembly of the state of Tennessee, That the continued success in the reduction of juvenile crime in Tennessee and the increase of vital services provided to children who are in the juvenile criminal system is dependent upon the renewal of Juvenile Accountability Block Grant funds by the federal government. Be it further

Resolved, That the Senate strongly urges the United States Congress and the President of the United States to restore funding for the Juvenile Accountability Block Grants because of the tremendous value these funds provide for local communities in Tennessee. Be it further

Resolved, That the Chief Clerk of the Senate is directed to transmit enrolled copies of this resolution to each member of the Tennessee Congressional Delegation, to the Honorable George W. Bush, President of the United States, to the Speaker and Clerk of the United States House of Representatives, and to the President and Secretary of the United States Senate.

POM–422. A resolution adopted by the Senate of the General Assembly of the State of Ohio relative to the Election Assistance Commission; to the Committee on Rules and Administration.

SENATE RESOLUTION NO. 1550

Whereas, the help America Vote Act of 2002, Public Law No. 107–252, establishes the Election Assistance Commission to serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of federal elections; and

Whereas, the Election Assistance Commission, among its other responsibilities, is charged with providing for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories, as well as the adoption of voluntary voting system guidelines; and

Whereas, states desiring to implement voter-verifiable paper ballots for electronic voting systems are dependent upon the Election Assistance Commission issuing its certifications and voluntary voting system guidelines in order to acquire secure voting machines; and

Whereas, the members of the Senate of the 125th General Assembly of Ohio are committed to seeing the provisions of the Help America Vote Act of 2002 implemented in such a manner as to make electronic voting as safe and secure as possible for Ohio citizens: Now therefore be it

Resolved, That we, the members of the Senate of the 125th General Assembly of Ohio, request the Congress of the United States to direct the Election Assistance Commission to develop standards and security accreditation guidelines for all electronic voting devices in accordance with the Help America Vote Act of 2002; and be it further

Resolved, That we, the members of the Senate of the 125th General Assembly of Ohio, request the Congress of the United States to direct the Election Assistance Commission to establish standards for the design and use of reasonably affordable voter-verifiable paper ballots for electronic voting systems for states that desire to implement the use of those ballots; and be it further

Resolved, That we, the members of the Senate of the 125th General Assembly of Ohio, further request the Congress of the United States to direct the Election Assistance Commission to expedite its efforts regarding the testing, certification, decertification, and recertification of voting system hardware and software and the adoption of voluntary voting system guidelines pursuant to the Help America Vote Act of 2002; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the members of the Ohio Congressional delegation, to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, and to the news media of Ohio.

POM–423. A joint memorial adopted by the Legislature of the State of Washington relative to the State's DVA health care system; to the Committee on Veterans' Affairs.

SENATE JOINT MEMORIAL 8040

Whereas, there are 670,000 veterans who have chosen to call the great State of Washington home; and

Whereas, these citizens are deserving of a world class health care system to deal with injuries and diseases resulting from their selfless service to our country; and

Whereas, Washington State has significantly fewer veterans being served by the United States Department of Veterans Affairs (U.S. DVA) than other states in the nation, and in 2002 was ranked second to the last in the number of veterans receiving health care through the U.S. DVA; and

Whereas, veterans in Washington State are being placed on waiting lists by the U.S. DVA in order to receive health care and pharmacy services; and

Whereas, the U.S. DVA national waiting list data from July 2002 through September 2003 indicates the Veterans' Integrated Service Network 20, which includes Washington State, has the largest number of veterans waiting for nonemergent clinic visits; and

Whereas, an increasing number of Washington State veterans who formerly relied on alternate health care providers are finding themselves without health care and are turning to the U.S. DVA for their health care for the first time; and

Whereas, the U.S. DVA Capital Asset Realignment for Enhanced Services (CARES) initiative has not fully considered the current and future need for veterans' health care services across the Veterans' Integrated Service Network; and

Whereas, it is imperative that Washington State receive adequate federal resources to care for the increasing number of veterans who will rely on the U.S. DVA for health care services: Now, therefore,

Your Memorialists respectfully pray that the President will ensure the U.S. DVA health care system in Washington State will be adequate to serve the current and future demands of our state's veterans. Your Memorialists further pray that Congress and the President affirm the debt owed these veterans and provide funding for those services deemed necessary. Be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the Secretary of the United States Department of Veterans Affairs, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–424. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to eligibility for prisoner of war benefits; to the Committee on Veterans' Affairs.

HOUSE RESOLUTION NO. 179

Whereas, under current federal law, a former Prisoner of War is eligible for special benefits when the imprisonment extends for a period of at least 30 days. These benefits include a variety of health services, including some that require a threshold of eligibility of 90 days of internment; and

Whereas, many people strongly feel that the length of time served as a POW necessary to receive special benefits is far too long. The sacrifice being made by members of our military who are incarcerated as prisoners and the conditions they face are such that the 30-day requirement is entirely inappropriate; and

Whereas, much stronger protections should be extended to the men and women who risk everything in defense of their country and their fellow citizens. Creating a minimum threshold for POW benefits eligibility would send an important message to our military that our country is making a true commitment to these heroes commensurate with their suffering and sacrifices: Now, therefore, be it

Resolved by the house of representatives, That we memorialize the Congress of the United States to enact legislation to reduce the threshold of eligibility for Prisoner of War benefits to one day of imprisonment; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERTS, from the Select Committee on Intelligence:

Report to accompany S. 2386, An original bill to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 108–258).

By Mr. ROBERTS, from the Select Committee on Intelligence, without amendment:

S. 2386. An original bill to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COLEMAN (for himself, Mr. LEVIN, Ms. COLLINS, and Mr. REED):

S. 2383. A bill to amend title 10, United States Code, to require the registration of contractors' taxpayer identification numbers in the Central Contractor Registry database of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. BOND (for himself, Ms. SNOWE, and Mr. KENNEDY):

S. 2384. A bill to amend the Small Business Act to permit business concerns that are owned by venture capital operating companies or pension plans to participate in the Small Business Innovation Research Program; to the Committee on Small Business and Entrepreneurship.

By Mr. BINGAMAN:

S. 2385. A bill to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. ROBERTS:

S. 2386. An original bill to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 2387. A bill to amend the Water Resources Development Act of 1999 to direct the Secretary of the Army to provide assistance to design and construct a project to provide a continued safe and reliable municipal water supply system for Devils Lake, North Dakota; to the Committee on Environment and Public Works.

By Mr. JOHNSON (for himself and Ms. LANDRIEU):

S. 2388. A bill to make technical corrections to the Mosquito Abatement for Safety and Health Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENSIGN (for himself, Mr. MILLER, Mr. SMITH, Mr. GRAHAM of South Carolina, Mr. SESSIONS, Mr. KYL, Mr. BROWNBACK, Mr. THOMAS, Mr. BURNS, Mr. LOTT, Mr. COLEMAN, Mr. SANTORUM, Mr. CORNYN, Mr. CRAIG, and Mr. ALLARD):

S. 2389. A bill to require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is cooperating in the investigation of the United Nations Oil-for-Food Program; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CAMPBELL (for himself, Mr. DODD, and Mr. BIDEN):

S. Res. 352. A resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 53

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 53, a bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for employee health insurance expenses paid or incurred by the employer.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 641

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 641, a bill to amend title 10, United States Code, to support the Federal Excess Personal Property program of the Forest Service by making it a priority of the Department of Defense to transfer to the Forest Service excess personal property of the Department of Defense that is suitable to be loaned to rural fire departments.

S. 955

At the request of Mr. ALLEN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 955, a bill to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations.

S. 976

At the request of Mr. WARNER, the names of the Senator from North Carolina (Mr. EDWARDS), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 1246

At the request of Mr. ROBERTS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1246, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1358

At the request of Mr. AKAKA, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1358, a bill to amend chapter 23 of title 5, United States Code , to clarify the disclosure of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

S. 1368

At the request of Mr. LEVIN, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Kansas (Mr. BROWNBACK), the Senator from Ohio (Mr. DEWINE), the Senator from Indiana (Mr. LUGAR) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King , Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1851

At the request of Ms. MURKOWSKI, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1851 , a bill to raise the minimum state allocation under section 217(b)(2) of the Cranston-Gonzalez National Affordable Housing Act.

S. 1909

At the request of Mr. COCHRAN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1909, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 2152

At the request of Mr. MILLER, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2152, a bill to amend title 10, United States Code, to provide eligibility for reduced non-regular service military retired pay before age 60, and for other purposes.

S. 2174

At the request of Mr. BUNNING, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2174, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 2179

At the request of Mr. BROWNBACK, the name of the Senator from Michigan

(Mr. LEVIN) was added as a cosponsor of S. 2179, a bill to posthumously award a Congressional Gold Medal to the Reverend Oliver L. Brown.

S. 2180

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2180, a bill to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado.

S. 2190

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2190, a bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person.

S. 2261

At the request of Mr. DEWINE, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2261, a bill to expand certain preferential trade treatment for Haiti.

S. 2268

At the request of Mr. BUNNING, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2268, a bill to provide for recruiting, training, and deputizing persons for the Federal flight deck officer program.

S. 2269

At the request of Mr. BOND, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2269, a bill to improve environmental enforcement and security.

S. 2292

At the request of Mr. VOINOVICH, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 2292, a bill to require a report on acts of anti-Semitism around the world.

S. 2301

At the request of Mr. INOUYE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2301, a bill to improve the management of Indian fish and wildlife and gathering resources, and for other purposes.

S. 2365

At the request of Mr. COLEMAN, the names of the Senator from Missouri (Mr. BOND) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2365, a bill to ensure that the total amount of funds awarded to a State under part A of title I of the Elementary and Secondary Act of 1965 for fiscal year 2004 is not less than the total amount of funds awarded to the State under such part for fiscal year 2003.

S. 2372

At the request of Mr. CORZINE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2372, a bill to amend the Trade Act of 1974 regarding identifying trade expansion priorities.

S. 2376

At the request of Mr. BUNNING, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2376, a bill to amend the Internal Revenue Code of 1986 to repeal the scheduled restrictions in the child tax credit, marriage penalty relief, and 10 percent rate bracket, and for other purposes.

S. 2382

At the request of Mr. INOUYE, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 2382, a bill to establish grant programs for the development of telecommunications capacities in Indian country.

S.J. RES. 33

At the request of Mr. BROWNBACK, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S.J. Res. 33, a joint resolution expressing support for freedom in Hong Kong.

S.J. RES. 36

At the request of Mrs. FEINSTEIN, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Nebraska (Mr. NELSON), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S.J. Res. 36, a joint resolution approving the renewal of import restrictions contained in Burmese Freedom and Democracy Act of 2003.

S. CON. RES. 90

At the request of Mr. LEVIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Con. Res. 90, a concurrent resolution expressing the Sense of the Congress regarding negotiating, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry.

S. CON. RES. 99

At the request of Mr. BROWNBACK, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Maine (Ms. COLLINS), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from North Dakota (Mr. DORGAN), the Senator from Ohio (Mr. DEWINE), the Senator from Wisconsin (Mr. KOHL), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Con. Res. 99, a concurrent resolution condemning the Government of the Republic of the Sudan for its participation and complicity in the attacks against innocent civilians in the impoverished Darfur region of western Sudan.

S. CON. RES. 102

At the request of Mr. BROWNBACK, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Con. Res. 102, a concurrent resolution to express the sense of the Congress regarding the 50th anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka.

S. RES. 202

At the request of Mr. CAMPBELL, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932–33.

S. RES. 221

At the request of Mr. SARBANES, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. Res. 221, a resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities.

S. RES. 313

At the request of Mr. FEINGOLD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. Res. 313, a resolution expressing the sense of the Senate encouraging the active engagement of Americans in world affairs and urging the Secretary of State to coordinate with implementing partners in creating an online database of international exchange programs and related opportunities.

S. RES. 322

At the request of Mr. HAGEL, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Rhode Island (Mr. REED) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 322, a resolution designating August 16, 2004, as "National Airborne Day."

S. RES. 332

At the request of Mr. FEINGOLD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 332, a resolution observing the tenth anniversary of the Rwandan Genocide of 1994.

S. RES. 348

At the request of Mr. BROWNBACK, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Missouri (Mr. TALENT), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Res. 348, a resolution to protect, promote, and celebrate motherhood.

S. RES. 349

At the request of Mr. KENNEDY, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. Res. 349, a resolution recognizing and honoring May 17, 2004, as the 50th anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COLEMAN (for himself, Mr. LEVIN, Ms. COLLINS, and Mr. REED):

S. 2383. A bill to amend title 10, United States Code, to require the registration of contractors' taxpayer identification numbers in the Central Contractor Registry database of the Department of Defense, and for other purposes; to the Committee on Armed Services.

Mr. COLEMAN. Mr. President, I rise today to introduce the Central Contractor Registry Act of 2004 whose purpose is to establish a centralized contractor database within the Department of Defense and to require federal contractors who register in that database to provide their taxpayer identification number and their consent to verifying that number with the Internal Revenue Service as a condition that must precede the awarding of a contract by the Department of Defense. This bill will close a $3 billion tax loophole and will help to recover over $100 million annually from federal contractors who have not filed federal tax returns or who have not paid the taxes they owe the government. I am joined by Senators CARL LEVIN, SUSAN COLLINS and JACK REED.

In a hearing before the Permanent Subcommittee on Investigations, the General Accounting Office testified that over 27,000 contractors at the Department of Defense owed over $3 billion in unpaid Federal taxes. Normally, these taxes could be collected through the Federal Payment Levy Program by levying fifteen percent of the contractors' payments. In fiscal year 2002, the Financial Management Service should have collected over $100 million from tax delinquent Department of Defense contractors. However, actual collections for the year were less than $500,000. Further, in 2001, the Department of Defense provided the Internal Revenue Service with over 26,000 information returns that could not be used to determine contractors' tax liability. One of the principal reasons for this anemic state of collections and the large volume of unusable information returns has been and remains the inability of the Department of Defense and the Internal Revenue Service to reach an accord on verifying the taxpayer identification numbers of the contractors who have registered in the Department of Defenses's Central Contractor Registration database.

Under current law, the Department of Defense's authority to verify contractors' taxpayer identification numbers is limited to those contractors who have contracts with the Department of Defense and for whom the department is required to report miscellaneous income to the Internal Revenue Service on a Form 1099 information return. However, there are contractors who have registered in the Central Contractor Registration for whom the Department of Defense lacks authority to verify their taxpayer identification numbers including individuals and companies who would like to contract with the federal government and contractors who have contracts with agencies and departments other than the Department of Defense. On the other hand, current law also allows a taxpayer to consent to the verification of their taxpayer identification number with the Internal Revenue Service and allows the Internal Revenue Service to provide a validated taxpayer identification number.

My bill will resolve the impasse between the Department of Defense and the Internal Revenue Service by requesting contractors' consent to the validation of their taxpayer identification number as part of the registration process. Contractors will not be required to provide their consent. But if they do not, they will not be awarded a contract by the Department of Defense.

Further, my bill requires the Department of Defense to warn contractors as part of the registration process that if they do not provide a valid taxpayer identification number they may be subject to backup withholding. This would apply to those contractors who list an invalid taxpayer identification number, have a contract with the Department of Defense, and will earn miscellaneous income that is required to be reported to the Internal Revenue Service.

I would like to briefly summarize the major provisions of my bill. It provides a statutory basis for the Central Contractor Registration and renames the database as the Central Contractor Registry. It requires that the registry contain contractor's taxpayer identification numbers, their consent to verifying their numbers with the Internal Revenue Service and for the Internal Revenue Service to provide a corrected number if possible. It requires that registrants furnish this information as a condition for registration, and requires the Department of Defense to warn contractors who fail to provide a valid taxpayer identification number that they may be subject to backup withholding and requires implementation of backup withholding in cases where it is required. It precludes awarding a contract to any registrant who has not provided a valid taxpayer identification number and excludes from coverage any registrant who is not required to have a taxpayer identification number.

It directs the Secretary of Defense to apply to the Internal Revenue Service for inclusion in the Taxpayer Identification Number Matching Program and directs the Commissioner of Internal Revenue to provide response to the Department of Defense. It directs the Secretary of Defense to provide any registrant who is determined to have an invalid taxpayer identification number with an opportunity to provide a valid number. It further requires that the Central Contractor Registry clearly indicate whether a registrant's taxpayer identification number is valid, under review, invalid, or not required. Finally, it requires that contractors taxpayer identification numbers be treated as confidential by federal contract officers who have access to the Central Contractor Registry.

My overall objective in introducing this bill is to ensure that tax cheats are not rewarded with federal contracts. If the Department of Defense and the Internal Revenue Service do not have accurate and reliable taxpayer identification numbers then we will not be able to stop this practice. My bill takes the necessary first step toward ensuring that the Department of Defense and the Internal Revenue Service have valid taxpayer identification numbers in the Central Contractor Registry database.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2383

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Central Contractor Registry Act of 2004”.

SEC. 2. CENTRAL CONTRACTOR REGISTRY DATABASE.

(a) AUTHORITY.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2302d the following new section:

“§ 2302e. Central contractor registry

“(a) ESTABLISHMENT.—The Secretary of Defense shall maintain a centralized, electronic database for the registration of sources of property and services who seek to participate in contracts and other procurements entered into by the various procurement officials of the United States. The database shall be known as the ‘Central Contractor Registry’.

“(b) TAXPAYER INFORMATION.—(1) The Central Contractor Registry shall include the following tax-related information for each source registered in that registry:

“(A) Each of that source's taxpayer identification numbers.

“(B) The source's authorization for the Secretary of Defense to obtain from the Commissioner of Internal Revenue—

“(i) verification of the validity of each of that source's taxpayer identification numbers; and

“(ii) in the case of any of such source's registered taxpayer identification numbers that is determined invalid, the correct taxpayer identification number (if any).

“(2)(A) The Secretary of Defense shall require each source, as a condition for registration in the Central Contractor Registry, to provide the Secretary with the information and authorization described in paragraph (1).

“(B) The Secretary shall—

“(i) warn each source seeking to register in the Central Contractor Registry that the source may be subject to backup for a failure to submit each such number to the Secretary; and

"(ii) take the actions necessary to initiate the backup withholding in the case of a registrant who fails to register each taxpayer identification number valid for the registrant and is subject to the backup withholding requirement.

"(3) A source registered in the Central Contractor Registry is not eligible for a contract entered into under this chapter or title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) if that source—

"(A) has failed to provide the authorization described in paragraph (1)(B);

"(B) has failed to register in that registry all valid taxpayer identification numbers for that source; or

"(C) has registered in that registry an invalid taxpayer identification number and fails to correct that registration.

"(4)(A) The Secretary of Defense shall make arrangements with the Commissioner of Internal Revenue for each head of an agency within the Department of Defense to participate in the taxpayer identification number matching program of the Internal Revenue Service.

"(B) The Commissioner of Internal Revenue shall cooperate with the Secretary of Defense to determine the validity of taxpayer identification numbers registered in the Central Contractor Registry. As part of the cooperation, the Commissioner shall promptly respond to a request of the Secretary of Defense or the head of an agency within the Department of Defense for electronic validation of a taxpayer identification number for a registrant by notifying the Secretary or head of an agency, respectively, of—

"(i) the validity of that number; and

"(ii) in the case of an invalid taxpayer identification number, any correct taxpayer identification number for such registrant that the Commissioner can promptly and reasonably determine.

"(C) The Secretary shall transmit to a registrant a notification of each of the registrant's taxpayer identification numbers, if any, that is determined invalid by the Commissioner of Internal Revenue and shall provide the registrant with an opportunity to substitute a valid taxpayer identification number.

"(5) The Secretary of Defense shall require that, at the place in the Central Contractor Registry where the taxpayer identification numbers of a registrant are to be displayed, the display bear (as applicable)—

"(A) for each taxpayer identification number of that registrant, an indicator of whether such number has been determined valid, is being reviewed for validity, or has been determined invalid; or

"(B) an indicator that no taxpayer identification number is required for the registrant.

"(6) This subsection applies to each source who registers any information regarding that source in the Central Contractor Registry after December 31, 2004, except that paragraphs (1), (2), and (3) do not apply to a source who establishes to the satisfaction of the Secretary of Defense that such source is not required to have a taxpayer identification number.

"(c) CONFIDENTIALITY OF INFORMATION.—The Secretary of Defense shall ensure that taxpayer identification numbers in the Central Contractor Registry are not made available to the public. The Secretary shall prescribe a requirement for procurement officials of the United States having access to such numbers in that registry to maintain the confidentiality of those numbers.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2302d the following new item:

"2302e. Central Contractor Registry.".

Mr. LEVIN. Mr. President, I rise today to join my colleagues, Senators NORM COLEMAN, SUSAN COLLINS and JACK REED, in introducing the Central Contractor Registry Act of 2004. The purpose of this bipartisan bill is to strengthen the ability of the Federal Government to stop tax cheats from obtaining Federal contracts or use a portion of their contract payments to repay their tax debts.

In February, the Permanent Subcommittee on Investigations, on which Senator COLEMAN and I sit, held a hearing on a report by the General Accounting Office which disclosed that over 27,000 contractors at the Department of Defense owe $3 billion in unpaid taxes, mostly from failing to transmit payroll taxes to the IRS. Think about that for a minute—27,000 DOD contractors—more than one in every ten DOD contractors—had outstanding tax debts at the same time they were holding out their hands for taxpayer dollars.

Allowing tax cheats to bid on federal contracts is a disservice to all of the honest taxpayers out there who manage to meet their tax obligations. It is a disservice to all of the military men and women who put their lives on the line for us every day. It is a disservice to all of the honest companies that compete for the same DOD contracts, since companies that do not pay their taxes have lower costs and a competitive advantage over the companies that do.

Under current law, DOD has an obligation to identify any DOD contractor with unpaid taxes, to withhold up to 15 percent of their contract payments, and to forward that money to the IRS to be applied to the contractor's tax debt. The official title of the DOD program to carry out this obligation is the Federal Payment Levy Program, also sometimes referred to as the DOD tax levy program.

The first step in the program is for DOD to identify tax delinquent DOD contractors who are scheduled to get a contract payment in the near future. To identify these contractors, DOD participates in a computer matching program administered by the Treasury Department that cross-checks DOD lists of upcoming contractor payments with IRS lists of delinquent taxpayers. If a match occurs, DOD is supposed to withhold money from the identified contractor's upcoming contract payments.

The problem is that the DOD–IRS computer matching program has so far produced relatively few matches. In 2003, for example, DOD collected only about $680,000 of back taxes through its tax levy program instead of the $100 million that GAO estimates should have been collected. That means DOD collected less than 1 percent of the back taxes it should have.

On major impediment to the computer matching program has been that it depends upon DOD's providing the correct taxpayer identification number or TIN for each of its contractors, when many DOD contractors have either failed to submit a TIN or supplied an incorrect number.

When a TIN is incorrect or missing, the computer matching program is unable to determine whether the relevant DOD contractor is on the IRS list of delinquent taxpayers. Data indicates that, in one year, DOD sent the IRS over 26,000 invalid TINs that could not be used.

To increase the efficiency of the computer matching program, DOD and the IRS have tried to improve the accuracy of the TINs in DOD's contractor data. The IRS has, for example, set up a computer-based TIN validation system that can electronically verify a TIN number in seconds. This electronic system is available for use by DOD and all other Federal agencies. Unfortunately, the IRS has also interpreted certain tax laws as prohibiting DOD from obtaining TIN validations for many types of contracts. In addition, in the case of TIN numbers with clerical errors, the IRS has interpreted current taxpayer confidentiality laws as prohibiting it from supplying DOD with a corrected number.

The bill we are introducing today would eliminate this bureaucratic red tape and significantly increase the effectiveness of the tax levy program by increasing the accuracy of the TINs used by DOD.

The bill would strengthen TIN accuracy by focusing primarily on the TINs in the Central Contractor Registry, a government-wide database of persons wishing to bid on federal contracts. This registry is currently administered by DOD, and current Federal regulations require potential bidders to self-register in the system by supplying specified information. As part of the process, registrants are currently supposed to supply a TIN, but many either do not or supply an incorrect number. The bill would, for the first time, impose a legal requirement on registrants to supply a valid TIN and would also bar contracts from being awarded to contractors who fail to supply a valid TIN.

In addition, the bill would require registrants to authorize DOD to validate their TINs with the IRS and obtain a corrected TIN from the IRS, if needed and possible. This requirement would apply to all registrants in the Central Contractor Registry, no matter what type of contract is involved and whether the contract is with DOD or another Federal agency. It would also allow the IRS to supply corrected TINs where it can promptly and reasonably do so.

If, by chance, a registrant managed to obtain a DOD contract without having supplied a valid TIN, the bill would direct DOD to withhold a portion of their contract payments to satisfy their tax debt as specified under existing law. Although this backup holding requirement has been on the books for years, DOD has not implemented it. The bill would require DOD to start doing so.

Finally, the bill would provide a number of protections. It would require DOD and other federal procurement officials not to make TIN numbers available to the public, so that this information is kept confidential within the procurement community using the Central Contractor Registry. It would explicitly exempt from the TIN requirements any contractor, such as a foreign business, not required by U.S. law to have a taxpayer identification number. The bill would also require DOD to show in the registry database whether a particular TIN has been validated, is awaiting validation, has been found invalid, or is not required, so that procurement officials using the database will know the status of a contractor's TIN. If the IRS were to determine that a particular TIN was invalid, the bill would require DOD to give the relevant contractor an opportunity to correct the number. DOD would also be required to warn all registrants in the Central Contractor Registry of the possibility of backup withholding in the event they fail to provide a valid TIN.

It is common business sense for the Federal Government to require contractors who want to be paid with Federal taxpayer dollars to allow the United States to determine whether they owe any taxes and, if so, to offset a portion of their contract payments to reduce their tax debts. To accomplish that objective, the Federal Government has to do a better job in identifying federal contractors with unpaid taxes. Our bill, by improving the accuracy of taxpayer identification numbers in the Central Contractor Registry, will strengthen DOD's ability to identify tax delinquent contractors and either deny them new contracts or reduce their tax debts.

I hope all my colleagues will join us in supporting this legislation's enactment during this Congress.

By Mr. BOND (for himself, Ms. SNOWE, and Mr. KENNEDY):

S. 2384. A bill to amend the Small Business Act to permit business concerns that are owned by venture capital operating companies or pension plans to participate in the Small Business Innovation Research Program; to the Committee on Small Business and Entrepreneurship.

Mr. BOND. Mr. President, the United States biotechnology industry is the world leader in innovation. This is due, in large part, to the Federal Government's partnership with the private sector to foster growth and commercialization in the hope that one day we will uncover a cure for unmet medical needs such as cystic fibrosis, heart disease, various cancers, multiple sclerosis, and AIDS.

However, the industry was dealt a major set-back when the Small Business Administration (SBA) determined that venture-backed biotechnology companies can no longer participate in the Small Business Innovation Research (SBIR) program. Until recently, the SBIR program was an example of a highly successful Federal initiative to encourage economic growth and innovation in the biotechnology industry by funding the critical start-up and development stages of a company.

Traditionally, to qualify for an SBIR grant a small-business applicant had to meet two requirements; one, that the company have less than 500 employees; and two, that the business be 51 percent owned by one or more individuals. Recently, however, the SBA determined that the term "individuals" only means natural persons, whereas for the past 20 years the term "individual" has included venture-capital companies. As a result, biotech companies backed by venture-capital funding in Missouri and throughout our Nation, who are on the cutting edge of science, can no longer participate in the program.

The biotech industry is like no other in the world because it takes such a long span of time and intense capital expenditures to bring a successful product to market. In fact, according to a recent study completed by the Tufts Center for the Study of Drug Development, it takes roughly 10–15 years and $800 million dollars for a company to bring just one product to market. As you can imagine, the industry's entrepreneurs are seeking financial assistance wherever they can find it.

For the past 20 years, the SBIR program has been a catalyst for developing our Nation's most successful biotechnology companies. In addition to these important government grants, venture-capital funding plays a vital role in the financial support of these same companies. The strength of our biotechnology industry is a direct result of government grants and venture-capital working together.

However, some have argued that a biotech firm with a majority of venture-capital backing is a large business. This is simply a bogus conclusion. Venture-capital firms solely invest in biotech start-ups for the possibility of a future innovation and financial return and generally do not seek to take control over the management functions or day-to-day operations of the company. Venture-capital firms that seek to invest in small biotech businesses do not, simply by their investment, turn a small business into a large business. These are legitimate, small, start-up businesses. Let's not punish them.

Instead, we must work together to avoid stifling innovation. Let me be clear. Our impact today will foster cures and medicines tomorrow that were once thought to be inconceivable. However, the industry cannot do it alone. We must nurture biotechnology and help the industry grow for the future of our economy and for our well-being.

This bill that I am introducing today will do just that. It will ensure that the biotechnology industry has access to SBIR grants, as it has had for 20 years. It will level the playing field to ensure that SBIR grants are given to small businesses based on fruitful science and nothing else. This is still a young and fragile industry, and we are on the cusp of great scientific advances. However, there will be profound consequences if biotechnology companies continue to be excluded from the SBIR program.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SBIR AWARDS TO BUSINESS CONCERNS OWNED BY VENTURE CAPITAL OPERATING COMPANIES OR EMPLOYEE BENEFIT OR PENSION PLANS.

(a) IN GENERAL.—Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended by adding at the end the following:

"(4) ELIGIBILITY.—A business concern shall not be prevented from participating in the Small Business Innovation Research Program solely because such business concern is owned in part by—

"(A) a venture capital operating company that is managed and controlled by 1 or more United States citizens or permanent resident aliens; or

"(B) an employee benefit or pension plan.".

(b) RULEMAKING AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue regulations to—

(1) carry out the amendment made by subsection (a);

(2) ensure that a Small Business Innovation Research award is not given to a business concern that is majority owned by—

(A) another business concern that is ineligible to participate in the Small Business Innovation Research Program; or

(B) a venture capital operating company or an employee benefit or pension plan that is the alter ego, instrumentality, or identity of another business concern that is ineligible to participate in the Small Business Innovation Research Program.

By Mr. BINGAMAN:

S. 2385. A bill to designate the United States courthouse at South Federal

Place in Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse"; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today with my colleague Senator DOMENICI to introduce a bill to designate the United States Courthouse in Santa Fe, NM as the "Honorable Santiago E. Campos United States Courthouse." Santiago Campos was appointed to the Federal Bench in 1978 by President Jimmy Carter and was the first Hispanic Federal judge in New Mexico. He held the title of Chief U.S. District Judge from February 5, 1987 to December 31, 1989 and took senior status in 1992.

Judge Campos was a dedicated and passionate public servant who spent most of his life committed to working for the people of New Mexico and our Nation. He served as a seaman first class in the United States Navy from 1944 to 1946, as the Assistant Attorney General and then First Assistant Attorney General of New Mexico from 1954 to 1957, and as a district court judge from 1971 to 1978 in the First Judicial District in the state of New Mexico. He was the prime mover in reestablishing Federal court judicial activity in Santa Fe and had his chambers in the courthouse there for over 22 years. For his dedication to the State, Judge Campos received distinguished achievement awards in 1993 from both the State Bar of New Mexico and the University of New Mexico.

Sadly, Judge Campos passed away January 20, 2001 after a long battle with cancer. Judge Campos was an extraordinary jurist and served as a role model and mentor to others in New Mexico. He was admired and respected by all that knew him. I believe that it would be an appropriate tribute to Judge Campos to have the courthouse in Santa Fe bear his name.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF SANTIAGO E. CAMPOS UNITED STATES COURTHOUSE.

The United States courthouse at South Federal Place in Santa Fe, New Mexico, shall be known and designated as the "Santiago E. Campos United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Santiago E. Campos United States Courthouse".

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 2387. A bill to amend the Water Resources Development Act of 1999 to direct the Secretary of the Army to provide assistance to design and construct a project to provide a continued safe and reliable municipal water supply system for Devils Lake, North Dakota; to the Committee on Environment and Public Works.

Mr. CONRAD. Mr. President, I rise today to introduce legislation to authorize the U.S. Army Corps of Engineers to construct a new municipal water supply system for the city of Devils Lake, ND. This project is very important to the reliability of the water supply for the residents of Devils Lake and is needed to mitigate long-term consequences from the rising flood waters of Devils Lake.

As many of my colleagues know, the Devils Lake region has been plagued by a flooding disaster since 1993. During that time, Devils Lake, a closed basin lake, has risen 25 feet, consuming land, destroying homes, and impacting vital infrastructure. As a result of this disaster, the city of Devils Lake faces a significant risk of losing its water supply. Currently, six miles or approximately one-third of the city's 40-year-old water transmission line is covered by the rising waters of Devils Lake. The submerged section of the water line includes numerous gate valves, air relief valves, and blow-off discharges.

All of the water for the city's residents and businesses must flow through this single transmission line. It is also the only link between the water source and the city's water distribution system. Since the transmission line is operated under relatively low pressures and is under considerable depths of water, a minor leak could cause significant problems. If a failure in the line were to occur, it would be almost impossible to identify the leak and make necessary repairs, and the city would be left without a water supply.

The city is in the process of accessing a new water source due both to the threat of a transmission line failure and the fact that its current water source exceeds the new arsenic standard that will take effect in 2006. The city has worked closely with the North Dakota State Water Commission in identifying a new water source that will not be affected by the rising flood waters and will provide the city with adequate water to meet its current and future needs.

The bill I am introducing today will authorize the Corps to construct a new water supply system for the city. I believe the Federal Government has a responsibility to assist communities mitigate the adverse consequences resulting from this ongoing flooding disaster. In my view, the Corps should be responsible for addressing the unintended consequences of this flood and mitigate its long-term consequences. This bill will help the Federal Government live up to its responsibility and ensure that the residents of Devils Lake have a safe and reliable water supply. I urge my colleagues to review this legislation quickly so we can pass it this year.

By Mr. ENSIGN (for himself, Mr. MILLER, Mr. SMITH, Mr. GRAHAM of South Carolina, Mr. SESSIONS, Mr. KYL, Mr. BROWNBACK, Mr. THOMAS, Mr. BURNS, Mr. LOTT, Mr. COLEMAN, Mr. SANTORUM, Mr. CORNYN, Mr. CRAIG, and Mr. ALLARD):

S. 2389. A bill to require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is cooperating in the investigation of the United Nations Oil-for-Food Program; to the Committee on Foreign Relations.

Mr. ENSIGN. Mr. President, I rise today to introduce legislation in the hopes that it will correct a grave injustice committed against the people of Iraq as well as the honest and law-abiding citizens of the world community.

We now believe that Saddam Hussein, corrupt U.N. officials, and corrupt well-connected countries were the real benefactors of the Oil-for-Food Program. Their benefits came from illegal oil shipments, financial transactions, kickbacks, and surcharges and allowed Saddam Hussein to build up his armed forces and live in the lap of luxury.

The evidence in this far-reaching scandal tells an unbelievable story. In January of this year, the Iraqi Governing Council (IGC) released a list of 270 former government officials, businessmen, political parties, and foreign cronies of Hussein from more than 46 countries suspected of profiting from illegal oil sales that were part of the U.N.'s Oil-for-Food Program.

Our own U.S. General Accounting Office estimates that Saddam Hussein siphoned off $4.4 billion through oil sale surcharges. Saddam Hussein also demanded kickbacks on the humanitarian relief side from suppliers which amounted to 10–20 percent on many contracts.

Saddam used this revenue to rebuild Iraq's military capabilities, to maintain lavish palaces, buy loyalty, oppress his people and financially support terrorism. And as Claude Hankes-Drielsma, an IGC consultant investigating the scandal testified, the secret payments "provided Saddam Hussein and his corrupt regime with a convenient vehicle through which he bought support internationally by bribing political parties, companies and journalists . . . This secured the cooperation and support of countries that included members of the Security Council of the United Nations."

The United Nations should be embarrassed.

What resulted from the goodwill gesture was international scandal, corruption at the highest levels, and suffering Iraqi citizens. Not exactly a model U.N. program.

Contrary to its protestations, the United Nations Secretariat had a critical role in the implementation and management of the program. It kept the contract records. It controlled the bank accounts and was the only entity allowed to release Saddam Hussein's oil earnings. And it arranged for the audits. As Secretary General Kofi Annan noted, "under the program, the [U.N.] Secretary General was required to supervise the sale of Iraqi oil, and to monitor the spending of the proceeds on specific goods and services for the benefit of the Iraqi people."

Well, he did a lousy job.

Tasked by the international community to deny Saddam Hussein the ability to rebuild his military apparatus while providing humanitarian needs, the United Nations allowed the corrupt to become richer and innocent Iraqis to be oppressed.

Today we have a chance to rectify that injustice. We must demand that the United Nations cooperate completely with efforts to extrapolate the truth from this scandal and punish the guilty. We know that the Volker panel does not have subpoena power.

And we've now learned that officials acting on behalf of Benon Sevan, the Executive Director of the Oil-for-Food Program, who is personally implicated in the scandal, are asking contractors not to release documents relating to the program to congressional investigators without getting U.N. authorization. An April 2, 2004, U.N. letter to a Swiss firm Cotecna reminded the firm that according to its contract all documents: "shall be property of the United Nations, shall be treated as confidential and shall be delivered only to United Nations authorized officials." Cotecna, was in charge of inspecting the humanitarian goods shipped to Iraq under Oil-for-Food. It had Kofi Annan's son Kojo on its payroll until the month it won its U.N. contract. And an April 14 letter reminded a Dutch company called Saybolt of its confidentiality agreements with the U.N., demanding "that Saybolt address any further requests for documentation or information concerning these matters to us." Saybolt was in charge of making sure oil invoices matched shipments.

The United Nations should be more interested in bringing the truth to light then trying to protect its tattered reputation and its corrupt officials.

The legislation I am introducing today will hold the United Nations' feet to the fire on this scandal. It calls for transparency and accountability. Under this bill, the United Nations must allow GAO and law enforcement agencies access to its Oil-for-Food records. U.N. officials must waive their immunity for any crimes committed on United States soil and repay their ill-gotten gains.

If not, 10 percent of our assessed U.N. regular budget contributions will be withheld the first year and 20 percent the second year. Granted, the withholding of $36 million in the first year is no where near the more than $1 billion that the United Nations skimmed off the top of Iraqi oil sales for administrative costs or the billions that were stolen from the Iraqi people through corruption and mismanagement. But the 10 percent withholding worked in the past when the 103rd Congress used it to compel the United Nations to create an inspector general. And I believe it can work again.

But we have to make an important choice first. We can do nothing and allow the word "humanitarianism" to be the new code word for corruption scandal from here on out. Or we can stand up and make the United Nations rightfully accountable for the corruption that harmed innocent Iraqis. The answer is clear. We must act.

The U.N. is broken. This scandal revealed that the U.N. Security Council is unable to do its job when some members are more interested in lining their pockets than preserving security. I contend that there was no way that the U.S. could get France and Russia to enforce Security Council resolutions on Iraq and go to war when so many of their politically connected individuals, companies, and institutions received Iraqi oil contracts. Victory brought their corruption to light. And I am deeply worried that the ability of the United Nations to convey "legitimacy" to the new Iraqi government and assist in postwar Iraq is hampered by its history of corruption and mismanagement in the Oil-for-Food program.

The U.N. needs to come clean and start over. The first step toward doing that is to accept the terms and conditions of the Oil-for-Food Accountability Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 352—URGING THE GOVERNMENT OF UKRAINE TO ENSURE A DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS FOR THE PRESIDENTIAL ELECTION ON OCTOBER 31, 2004

Mr. CAMPBELL (for himself, Mr. DODD, and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 352

Whereas the establishment of a democratic, transparent, and fair election process for the 2004 presidential election in Ukraine and of a genuinely democratic political system are prerequisites for that country's full integration into the Western community of nations as an equal member, including into organizations such as the North Atlantic Treaty Organization (NATO);

Whereas the Government of Ukraine has accepted numerous specific commitments governing the conduct of elections as a participating State of the Organization for Security and Cooperation in Europe (OSCE), including provisions of the Copenhagen Document;

Whereas the election on October 31, 2004, of Ukraine's next president will provide an unambiguous test of the extent of the Ukrainian authorities' commitment to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas this election takes place against the backdrop of previous elections that did not fully meet international standards and of disturbing trends in the current pre-election environment;

Whereas it is the duty of government and public authorities at all levels to act in a manner consistent with all laws and regulations governing election procedures and to ensure free and fair elections throughout the entire country, including preventing activities aimed at undermining the free exercise of political rights;

Whereas a genuinely free and fair election requires a period of political campaigning conducted in an environment in which neither administrative action nor violence, intimidation, or detention hinder the parties, political associations, and the candidates from presenting their views and qualifications to the citizenry, including organizing supporters, conducting public meetings and events throughout the country, and enjoying unimpeded access to television, radio, print, and Internet media on a non-discriminatory basis;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote and the right to seek and acquire information upon which to make an informed vote, free from intimidation, undue influence, attempts at vote buying, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas a genuinely free and fair election requires government and public authorities to ensure that candidates and political parties enjoy equal treatment before the law and that government resources are not employed to the advantage of individual candidates or political parties;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections, multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote-counting in all areas of the country;

Whereas increasing control and manipulation of the media by national and local officials and others acting at their behest raise grave concerns regarding the commitment of the Ukrainian authorities to free and fair elections;

Whereas efforts by the national authorities to limit access to international broadcasting, including Radio Liberty and the Voice of America, represent an unacceptable infringement on the right of the Ukrainian people to independent information;

Whereas efforts by national and local officials and others acting at their behest to impose obstacles to free assembly, free speech, and a free and fair political campaign have taken place in Donetsk, Sumy, and elsewhere in Ukraine without condemnation or remedial action by the Ukrainian Government;

Whereas numerous substantial irregularities have taken place in recent Ukrainian parliamentary by-elections in the Donetsk region and in mayoral elections in Mukacheve, Romny, and Krasniy Luch; and

Whereas the intimidation and violence during the April 18, 2004, mayoral election in Mukacheve, Ukraine, represent a deliberate attack on the democratic process: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges and welcomes the strong relationship formed between the United States and Ukraine since the restoration of Ukraine's independence in 1991;

(2) recognizes that a precondition for the full integration of Ukraine into the Western community of nations, including as an equal member in institutions such as the North Atlantic Treaty Organization (NATO), is its establishment of a genuinely democratic political system;

(3) expresses its strong and continuing support for the efforts of the Ukrainian people to establish a full democracy, the rule of law, and respect for human rights in Ukraine;

(4) urges the Government of Ukraine to guarantee freedom of association and assembly, including the right of candidates, members of political parties, and others to freely assemble, to organize and conduct public events, and to exercise these and other rights free from intimidation or harassment by local or national officials or others acting at their behest;

(5) urges the Government of Ukraine to meet its Organization for Security and Cooperation in Europe (OSCE) commitments on democratic elections and to address issues previously identified by the Office of Democratic Institutions and Human Rights (ODIHR) of the OSCE in its final reports on the 2002 parliamentary elections and the 1999 presidential elections, such as illegal interference by public authorities in the campaign and a high degree of bias in the media;

(6) urges the Ukrainian authorities to ensure—

(A) the full transparency of election procedures before, during, and after the 2004 presidential elections;

(B) free access for Ukrainian and international election observers;

(C) multiparty representation on all election commissions;

(D) unimpeded access by all parties and candidates to print, radio, television, and Internet media on a non-discriminatory basis;

(E) freedom of candidates, members of opposition parties, and independent media organizations from intimidation or harassment by government officials at all levels via selective tax audits and other regulatory procedures, and in the case of media, license revocations and libel suits, among other measures;

(F) a transparent process for complaint and appeals through electoral commissions and within the court system that provides timely and effective remedies; and

(G) vigorous prosecution of any individual or organization responsible for violations of election laws or regulations, including the application of appropriate administrative or criminal penalties;

(7) further calls upon the Government of Ukraine to guarantee election monitors from the ODIHR, other participating States of the OSCE, Ukrainian political parties, candidates' representatives, nongovernmental organizations, and other private institutions and organizations, both foreign and domestic, unobstructed access to all aspects of the election process, including unimpeded access to public campaign events, candidates, news media, voting, and post-election tabulation of results and processing of election challenges and complaints; and

(8) pledges its enduring support and assistance to the Ukrainian people's establishment of a fully free and open democratic system, their creation of a prosperous free market economy, their establishment of a secure independence and freedom from coercion, and their country's assumption of its rightful place as a full and equal member of the Western community of democracies.

Mr. CAMPBELL. Mr. President, as Co-Chairman of the Helsinki Commission, I submit today a resolution urging the Government of Ukraine to ensure a democratic, transparent and fair election process for the presidential elections scheduled to be held in late October. An identical resolution is being submitted by Chairman of the House International Relations Committee HENRY HYDE and my colleague and Chairman of the Helsinki Commission, Representative CHRIS SMITH. I am pleased to note that the Commission's Ranking Member, Mr. DODD, and the Ranking Member of the Committee on Foreign Relations, Mr. BIDEN, are original cosponsors of the resolution.

The Helsinki Commission, which has long monitored and encouraged human rights, rule of law and democracy in Ukraine, continues to be a stalwart supporter of Ukraine's development as an independent, democratic and market-oriented state. There is a genuine desire in the United States for Ukraine to succeed in this process and for the long-suffering Ukrainian people to fully realize their dreams and aspirations. This resolution, by encouraging fair, open and transparent elections, is a concrete expression of the commitment of the U.S. Congress to the Ukrainian people.

The resolution underscores that an election process and the establishment of a genuinely democratic political system consistent with Ukraine's freely-undertaken OSCE commitments is a prerequisite for Ukraine's full integration into the Western community of nations as an equal member, including into NATO. The October elections will be vital in determining Ukraine's course for years to come and they present the Ukrainian authorities with a real opportunity to demonstrate their commitment to OSCE principles and values.

Unfortunately, Ukraine's pre-election environment has already been decidedly problematic and of increasing concern to the United States and the international community. During the course of this year I have shared specific concerns with Senate colleagues, particularly in terms of the media. The resolution submitted today focuses squarely on key problem areas, including increasing control and manipulation of the media and attempts by national authorities to limit access to international broadcasting, including Radio Liberty and Voice of America. Among other concerns are the blatant obstacles to free assembly and a free and fair political campaign as well as substantial irregularities in several recent elections.

An egregious example of how not to conduct elections was the mayoral election held two weeks ago in the western Ukrainian city of Mukacheve. This election was marred by intimidation, violence, fraud and manipulation of the vote count, electoral disruptions and irregularities. Despite strong evidence indicating that a candidate from the democratic opposition "Our Ukraine" bloc had won, the territorial elections commission announced as winner the candidate of a party led by the head of Presidential Administration, Viktor Medvedchuk. That some of the abuses and violence took place in front of OSCE observers, and that some of the victims of violence were members of the Ukrainian parliament, only underscores the brazenness of these actions. The outlandish conduct of the Mukacheve elections not only casts doubt over their outcome, but when coupled with other recent problematic elections, including in Constituency No. 61 in Donetsk, could be a barometer for the October presidential elections.

The resolution I submit today outlines those measures the Ukrainian authorities need to take—consistent with their own laws and international agreements—for a free, fair, open and transparent election process. The Ukrainian authorities at all levels, including the executive, legislative and judicial branches, need to ensure an election process that enables all of the candidates to compete on a level playing field. This includes the various institutions and agencies involved directly or indirectly in the elections process, such as the Central Election Commission, the Ministry of Internal Affairs, Procuracy, the State Security Service (SBU), Tax Administration, as well as the Constitutional and Supreme Courts.

Ukraine's October presidential elections should be a watershed for the future direction of that country of great potential. It is abundantly clear that a small clique have a vested interest in perpetuating the outmoded status quo. Ukrainian authorities need to radically improve the election environment if there is to be hope for these elections to meet OSCE standards. The question is whether their perceived self-interest will trump the interest of the people of Ukraine. Having restored the independence of their proud land, the Ukrainian people deserve an opportunity to overcome the legacy of the past, and consolidate democracy, human rights and the rule of law.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3117. Mr. BREAUX (for himself and Mrs. FEINSTEIN) proposed an amendment to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

SA 3118. Mr. ALLARD (for himself, Mr. SCHUMER, Mr. MILLER, Mrs. CLINTON, Mr. CHAMBLISS, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill S. 1637, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3117. Mr. BREAUX (for himself and Mrs. FEINSTEIN) proposed an amendment to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; as follows:

On page 88, between lines 17 and 18, insert:

"(4) DOLLAR LIMITATION.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), the excess qualified foreign distribution amount shall not exceed the lesser of—

"(i) the amount shown on the applicable financial statement as earnings permanently reinvested outside the United States, or

"(ii) the excess (if any) of—

"(I) the estimated aggregate qualified expenditures of the corporation for taxable years ending in 2005, 2006, and 2007, over

"(II) the aggregate qualified expenditures of the corporation for taxable years ending in 2001, 2002, and 2003.

"(B) EARNINGS PERMANENTLY REINVESTED OUTSIDE THE UNITED STATES.—

"(i) IN GENERAL.—If an amount on an applicable financial statement is shown as Federal income taxes not required to be reserved by reason of the permanent reinvestment of earnings outside the United States, subparagraph (A)(i) shall be applied by reference to the earnings to which such taxes relate.

"(ii) NO STATEMENT OR STATED AMOUNT.—If there is no applicable financial statement or such a statement fails to show a specific amount described in subparagraph (A)(i) or clause (i), such amount shall be treated as being zero.

"(iii) APPLICABLE FINANCIAL STATEMENT.—For purposes of this paragraph, the term 'applicable financial statement' means the most recently audited financial statement (including notes and other documents which accompany such statement)—

"(I) which is certified on or before March 31, 2004, as being prepared in accordance with generally accepted accounting principles, and

"(II) which is used for the purposes of a statement or report to creditors, to shareholders, or for any other substantial nontax purpose.

In the case of a corporation required to file a financial statement with the Securities and Exchange Commission, such term means the most recent such statement filed on or before March 31, 2004.

"(C) QUALIFIED EXPENDITURES.—For purposes of this paragraph, the term 'qualified expenditures' means—

"(i) wages (as defined in section 3121(a)),

"(ii) additions to capital accounts for property located within the United States (including any amount which would be so added but for a provision of this title providing for the expensing of such amount),

"(iii) qualified research expenses (as defined in section 41(b)) and basic research payments (as defined in section 41(e)(2)), and

"(iv) irrevocable contributions to a qualified employer plan (as defined in section 72(p)(4)) but only if no deduction is allowed under this chapter with respect to such contributions.

"(D) RECAPTURE.—If the taxpayer's estimate of qualified expenditures under subparagraph (A)(ii)(I) is greater than the actual expenditures, then the tax imposed by this chapter for the taxpayer's last taxable year ending in 2007 shall be increased by the sum of—

"(i) the increase (if any) in tax which would have resulted in the taxable year for which the deduction under this section was allowed if the actual expenditures were used in lieu of the estimated expenditures, plus

"(ii) interest at the underpayment rate, determined as if the increase in tax described in clause (i) were an underpayment for the taxable year of the deduction.

"(5) LIMITATION ON CONTROLLED FOREIGN CORPORATIONS IN POSSESSIONS.—In computing the excess qualified foreign distribution amount under paragraph (1) and the base dividend amount under paragraph (2), there shall not be taken into account dividends received from any controlled foreign corporation created or organized under the laws of any possession of the United States.

SA 3118. Mr. ALLARD (for himself, Mr. SCHUMER, Mr. MILLER, Mrs. CLINTON, Mr. CHAMBLISS, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table, as follows:

On page 139, between lines 13 and 14, insert the following:

SEC. . BROWNFIELDS DEMONSTRATION PROGRAM FOR QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.

(a) TREATMENT AS EXEMPT FACILITY BOND.—Subsection (a) of section 142 (relating to the definition of exempt facility bond) is amended by striking "or" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting ", or", and by inserting at the end the following new paragraph:

"(14) qualified green building and sustainable design projects.".

(b) QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.—Section 142 (relating to exempt facility bonds) is amended by adding at the end thereof the following new subsection:

"(l) QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.—

"(1) IN GENERAL.—For purposes of subsection (a)(14), the term 'qualified green building and sustainable design project' means any project which is designated by the Secretary, after consultation with the Administrator of the Environmental Protection Agency, as a qualified green building and sustainable design project and which meets the requirements of clauses (i), (ii), (iii), and (iv) of paragraph (4)(A).

"(2) DESIGNATIONS.—

"(A) IN GENERAL.—Within 60 days after the end of the application period described in paragraph (3)(A), the Secretary, after consultation with the Administrator of the Environmental Protection Agency, shall designate qualified green building and sustainable design projects. At least one of the projects designated shall be located in, or within a 10-mile radius of, an empowerment zone as designated pursuant to section 1391, and at least one of the projects designated shall be located in a rural State. No more than one project shall be designated in a State. A project shall not be designated if such project includes a stadium or arena for professional sports exhibitions or games.

"(B) MINIMUM CONSERVATION AND TECHNOLOGY INNOVATION OBJECTIVES.—The Secretary, after consultation with the Administrator of the Environmental Protection Agency, shall ensure that, in the aggregate, the projects designated shall—

"(i) reduce electric consumption by more than 150 megawatts annually as compared to conventional generation,

"(ii) reduce daily sulfur dioxide emissions by at least 10 tons compared to coal generation power,

"(iii) expand by 75 percent the domestic solar photovoltaic market in the United States (measured in megawatts) as compared to the expansion of that market from 2001 to 2002, and

"(iv) use at least 25 megawatts of fuel cell energy generation.

"(3) LIMITED DESIGNATIONS.—A project may not be designated under this subsection unless—

"(A) the project is nominated by a State or local government within 180 days of the enactment of this subsection, and

"(B) such State or local government provides written assurances that the project will satisfy the eligibility criteria described in paragraph (4).

"(4) APPLICATION.—

"(A) IN GENERAL.—A project may not be designated under this subsection unless the application for such designation includes a project proposal which describes the energy efficiency, renewable energy, and sustainable design features of the project and demonstrates that the project satisfies the following eligibility criteria:

"(i) GREEN BUILDING AND SUSTAINABLE DESIGN.—At least 75 percent of the square footage of commercial buildings which are part of the project is registered for United States Green Building Council's LEED certification and is reasonably expected (at the time of the designation) to receive such certification.

"(ii) BROWNFIELD REDEVELOPMENT.—The project includes a brownfield site as defined by section 101(39) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601), including a site described in subparagraph (D)(ii)(II)(aa) thereof.

"(iii) State and local support.—The project receives specific State or local government resources which will support the project in an amount equal to at least $5,000,000. For purposes of the preceding sentence, the term 'resources' includes tax abatement benefits and contributions in kind.

"(iv) Size.—The project includes at least one of the following:

"(I) At least 1,000,000 square feet of building.

"(II) At least 20 acres.

"(v) Use of tax benefit.—The project proposal includes a description of the net benefit of the tax-exempt financing provided under this subsection which will be allocated for financing of one or more of the following:

"(I) The purchase, construction, integration, or other use of energy efficiency, renewable energy, and sustainable design features of the project.

"(II) Compliance with LEED certification standards.

"(III) The purchase, remediation, and foundation construction and preparation of the brownfields site.

"(vi) Prohibited facilities.—An issue shall not be treated as an issue described in subsection (a)(14) if any proceeds of such issue are used to provide any facility the principal business of which is the sale of food or alcoholic beverages for consumption on the premises.

"(vii) Employment.—The project is projected to provide permanent employment of at least 1,500 full time equivalents (150 full time equivalents in rural States) when completed and construction employment of at least 1,000 full time equivalents (100 full time equivalents in rural States).

The application shall include an independent analysis which describes the project's economic impact, including the amount of projected employment.

"(B) Project description.—Each application described in subparagraph (A) shall contain for each project a description of—

"(i) the amount of electric consumption reduced as compared to conventional construction,

"(ii) the amount of sulfur dioxide daily emissions reduced compared to coal generation,

"(iii) the amount of the gross installed capacity of the project's solar photovoltaic capacity measured in megawatts, and

"(iv) the amount, in megawatts, of the project's fuel cell energy generation.

"(5) Certification of use of tax benefit.—No later than 30 days after the completion of the project, each project must certify to the Secretary that the net benefit of the tax-exempt financing was used for the purposes described in paragraph (4).

"(6) Definitions.—For purposes of this subsection—

"(A) Rural state.—The term 'rural State' means any State which has—

"(i) a population of less than 4,500,000 according to the 2000 census,

"(ii) a population density of less than 150 people per square mile according to the 2000 census, and

"(iii) increased in population by less than half the rate of the national increase between the 1990 and 2000 censuses.

"(B) Local government.—The term 'local government' has the meaning given such term by section 1393(a)(5).

"(C) Net benefit of tax-exempt financing.—The term 'net benefit of tax-exempt financing' means the present value of the interest savings (determined by a calculation established by the Secretary) which result from the tax-exempt status of the bonds.

"(7) Aggregate face amount of tax-exempt financing.—

"(A) In general.—An issue shall not be treated as an issue described in subsection (a)(14) if the aggregate face amount of bonds issued by the State or local government pursuant thereto for a project (when added to the aggregate face amount of bonds previously so issued for such project) exceeds an amount designated by the Secretary as part of the designation.

"(B) Limitation on amount of bonds.—The Secretary may not allocate authority to issue qualified green building and sustainable design project bonds in an aggregate face amount exceeding $2,000,000,000.

"(8) Termination.—Subsection (a)(14) shall not apply with respect to any bond issued after September 30, 2009.

"(9) Treatment of current refunding bonds.—Paragraphs (7)(B) and (8) shall not apply to any bond (or series of bonds) issued to refund a bond issued under subsection (a)(14) before October 1, 2009, if—

"(A) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

"(B) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

"(C) the net proceeds of the refunding bond are used to redeem the refunded bond not later than 90 days after the date of the issuance of the refunding bond.

For purposes of subparagraph (A), average maturity shall be determined in accordance with section 147(b)(2)(A).".

(c) Exemption From General State Volume Caps.—Paragraph (3) of section 146(g) (relating to exception for certain bonds) is amended—

(1) by striking "or (13)" and inserting "(13), or (14)", and

(2) by striking "and qualified public educational facilities" and inserting "qualified public educational facilities, and qualified green building and sustainable design projects".

(d) Accountability.—Each issuer shall maintain, on behalf of each project, an interest bearing reserve account equal to 1 percent of the net proceeds of any bond issued under this section for such project. Not later than 5 years after the date of issuance, the Secretary of the Treasury, after consultation with the Administrator of the Environmental Protection Agency, shall determine whether the project financed with such bonds has substantially complied with the terms and conditions described in section 142(l)(4) of the Internal Revenue Code of 1986 (as added by this section). If the Secretary, after such consultation, certifies that the project has substantially complied with such terms and conditions and meets the commitments set forth in the application for such project described in section 142(l)(4) of such Code, amounts in the reserve account, including all interest, shall be released to the project. If the Secretary determines that the project has not substantially complied with such terms and conditions, amounts in the reserve account, including all interest, shall be paid to the United States Treasury.

(e) Effective Date.—The amendments made by this section shall apply to bonds issued after December 31, 2004.

On page 365, between lines 3 and 4, insert the following:

SEC. ___. SUBSTANTIAL PRESENCE TEST REQUIRED TO DETERMINE BONA FIDE RESIDENCE IN UNITED STATES POSSESSIONS.

(a) Substantial Presence Test.—

(1) In General.—Subpart D of part III of subchapter N of chapter 1 (relating to possessions of the United States) is amended by adding at the end the following new section:

"SEC. 937. BONA FIDE RESIDENT.

"For purposes of this subpart, section 865(g)(3), section 876, section 881(b), paragraphs (2) and (3) of section 901(b), section 957(c), section 3401(a)(8)(C), and section 7654(a), the term 'bona fide resident' means a person who satisfies a test, determined by the Secretary, similar to the substantial presence test under section 7701(b)(3) with respect to Guam, American Samoa, the Northern Mariana Islands, Puerto Rico, or the Virgin Islands, as the case may be.".

(2) Conforming amendments.—

(A) The following provisions are amended by striking "during the entire taxable year" and inserting "for the taxable year":

(i) Paragraph (3) of section 865(g).

(ii) Subsection (a) of section 876(a).

(iii) Paragraphs (2) and (3) of section 901(b).

(iv) Subsection (a) of section 931.

(v) Paragraphs (1) and (2) of section 933.

(B) Section 931(d) is amended by striking paragraph (3).

(C) Section 932 is amended by striking "at the close of the taxable year" and inserting "for the taxable year" each place it appears.

(3) Clerical amendment.—The table of sections of subpart D of part III of subchapter N of chapter 1 is amended by adding at the end the following new item:

"Sec. 937. Bona fide resident.".

(b) Reporting Requirements for Bona Fide Residents of the Virgin Islands.—Paragraph (2) of section 932(c) (relating to treatment of Virgin Islands residents) is amended to read as follows:

"(2) Filing requirements.—

"(A) In general.—Each individual to whom this subsection applies for the taxable year shall file an income tax return for the taxable year with the Virgin Islands.

"(B) Information returns for certain taxpayers.—

"(i) In general.—Each individual—

"(I) to whom this subsection applies for the taxable year or for any taxable year during the 5-taxable-year period ending before the date of the enactment of the Jumpstart Our Business Strength (JOBS) Act, and

"(II) to whom this subparagraph has not applied for the preceding 2 taxable years,

shall file an income tax return with the United States.

"(ii) Filing fee.—The Secretary shall charge a processing fee with respect to the return filed under this subparagraph of an amount appropriate to cover the administrative costs of the requirements of this subparagraph and the enforcement of the purposes of this subparagraph.".

(c) Penalties.—

(1) In general.—Part I of subchapter B of chapter 68 is amended by adding at the end the following new section:

"SEC. 6717. FAILURE OF VIRGIN ISLANDS RESIDENTS TO FILE RETURNS WITH THE UNITED STATES.

"(a) Penalty Authorized.—The Secretary may impose a civil money penalty on any person who violates, or causes any violation of, the requirements of section 932(c)(2)(B).

"(b) Amount of Penalty.—

"(1) In general.—Except as provided in subsection (c), the amount of any civil penalty imposed under subsection (a) shall not exceed $5,000.

"(2) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under subsection (a) with respect to any violation if such violation was due to reasonable cause.

"(c) WILLFUL VIOLATIONS.—In the case of any person willfully violating, or willfully causing any violation of, any requirement of section 932(c)(2)(B)—

"(1) the maximum penalty under subsection (b)(1) shall be increased to $25,000 and

"(2) subsection (b)(2) shall not apply.".

(2) CLERICAL AMENDMENT.—The table of sections for Part I of subchapter B of chapter 68 is amended by adding at the end the following new item:

"Sec. 6717. Failure of Virgin Islands residents to file returns with the United States.".

"(d) EFFECTIVE DATES.—The amendments made by subsection (a) shall apply to taxable years ending after the date of the enactment of this Act.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing will be held on Thursday, May 20, 2004 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 1672, to expand the Timucuan Ecological and Historic Preserve, Florida; S. 1789 and H.R. 1616, to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, GA, and for other purposes; S. 1808, to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities; S. 2167, to establish the Lewis and Clark National Historic Park in the States of Washington and Oregon, and for other purposes; and S. 2173, to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, pleased contact Tom Lillie at (202) 224–5161 or Sarah Creachbaum at (202) 224–6293.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 5, 2004, at 2:30 p.m., in closed session to mark up the Department of Defense Authorization Act for fiscal year 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 5, 2004, at 9:30 a.m., for a closed hearing on steroids.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, May 5, 2004, at 10 a.m., in the 215 Dirksen Senate Office Building, to hear testimony on "The Benefits of Healthy Marriage."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, May 5, 2004 at 10 a.m. on "Oversight Hearing: Aiding Terrorists—An Examination of the Material Support Statute" in the Dirksen Senate Office Building Room 226.

Witness List

Panel I: The Honorable Chris Wray, Assistant Attorney General, Criminal Division, United States Department of Justice, Washington, DC; The Honorable Daniel Bryant, Assistant Attorney General, Office of Legal Policy, United States Department of Justice, Washington, DC; and Mr. Cary Bald, Assistant Director, Counterterrorism Division, Federal Bureau of Investigation, United States Department of Justice, Washington, DC.

Panel II: Mr. David Cole, Professor of Law, Georgetown University Law Center, Georgetown University, Washington, DC; and Mr. Paul Rosenzweig, Senior Legal Research Fellow, The Heritage Foundation, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 5, 2004, at 2:30 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 5, at 2:30 p.m.

The purpose of the hearing is to receive testimony on the following bills: S. 155, to convey to the town of Frannie, WY, certain land withdrawn by the Commissioner of Reclamation; S. 2285, to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, UT; S. 1521, to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, NV, for the construction of a Post building and memorial park for use by the American Legion, other veterans' groups, and the local community; S. 1826, to direct the Secretary of the Interior to convey certain land in Washoe County, NV, to the Board of Regents of the University and Community College System of Nevada; S. 2085, to modify the requirements of the land conveyance to the University of Nevada at Las Vegas Research Foundation; and H.R. 1658, to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the Transcontinental Railway, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 5, 2004, at 9 a.m., in closed session to mark up the personnel programs and provisions contained in the Department of Defense Authorization Act for fiscal year 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 5, 2004, at 10 a.m., in closed session to mark up the readiness and management support programs and provisions contained in the Department of Defense Authorization Act for fiscal year 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space be authorized to meet on Wednesday, May 5, 2004, at 2:30 p.m., on

Space Shuttle and the Future of Space Launch Vehicles.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 5, 2004, at 11:30 a.m., in closed session to mark up the strategic forces programs and provisions contained in the Department of Defense Authorization Act for fiscal year 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent for Jill Gotts, a legislative fellow for the Finance Committee majority staff, be granted floor privileges between now and the end of the 108th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: PUBLIC FINANCIAL DISCLOSURE REPORTS

The filing date for 2004 Public Financial Disclosure reports is Monday, May 17, 2004. Senators, political fund designees and staff members whose salaries exceed 120 percent of the GS–15 pay scale must file reports.

Public Financial Disclosure reports should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records office will be open from 8 a.m. to 6. p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

APPOINTMENTS

The PRESIDING OFFICE. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the following Senator as a member of the Senate Delegation to the Mexico-U.S. Interparliamentary Group during the Second Session of the 108th Congress: The Senator from New Mexico, Mr. BINGAMAN.

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 108th Congress: Senator ERNEST F. HOLLINGS of South Carolina, Senator ZELL MILLER of Georgia.

NATIONAL WORLD WAR II MEMORIAL

Mr. FRIST. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S.J. Res. 34 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 34) designating May 29, 2004, on the occasion of the dedication of the National World War II Memorial, as Remembrance of World War II Veterans Day.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. FRIST. I further ask that the joint resolution be read three times and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements related to this matter be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 34) was read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 34

Whereas on May 29, 2004, thousands of veterans, their families, and friends will gather on the Mall in Washington, District of Columbia, to dedicate the National World War II Memorial;

Whereas on that day, Americans will pay tribute to the more than 16,112,000 veterans of all military services who served in World War II between the German invasion of Poland in 1939 and the surrender by Japan on V–J Day in 1945;

Whereas on that day, Americans will be reminded of the heroism and sacrifice of members of the Armed Forces who were on duty during some of the critical conflicts of World War II, including the attack on Pearl Harbor of December 7, 1941, the Battle of Midway of June 6, 1942, the invasion of Guadalcanal on August 7, 1942, the Allied campaign in North Africa in November 1942, Operation Overlord (D-Day) on June 6, 1944, the capture of Iwo Jima on February 23, 1945, and the Tokyo bombing raids of March 1945;

Whereas on that day, veterans and their families from North Dakota will honor the heroism and sacrifice of the approximately 69,000 North Dakota veterans who served in World War II, including 1,569 who made the ultimate sacrifice, and recognize the hardships and sacrifices of the 164th Regiment of the American Division, a unit of the North Dakota Army National Guard, who were the first unit of the United States Army to land on Guadalcanal on October 13, 1942, in the campaign to recapture that island;

Whereas on that day, America will acknowledge the supreme sacrifice of the more than 400,000 Army, Army Air Corps, Navy, Marine Corps, Coast Guard, and Merchant Marine personnel who were killed in action in World War II;

Whereas 12 distinguished Senators and Members of Congress serving in the 108th Congress, including Senator Daniel K. Akaka, Senator Ernest F. Hollings, Senator Daniel K. Inouye, Senator Frank R. Lautenberg, Senator Ted Stevens, Senator John W. Warner, Congressman Cass Ballenger, Congressman John D. Dingell, Congressman Ralph M. Hall, Congressman Amo Houghton, Congressman Henry J. Hyde, and Congressman Ralph Regula, served in World War II; and

Whereas World War II veterans, members of the generation known as "the Greatest Generation", through their sacrifice and hard work over more than 50 years, have enabled millions of Americans to enjoy unparalleled prosperity and the blessings of freedom: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 29, 2004, is hereby designated as Remembrance of World War II Veterans Day, and the President is urged to call upon the people of the United States to celebrate the day with appropriate ceremonies and activities.

ORDERS FOR THURSDAY, APRIL 6, 2004

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, May 6th. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and following the time of the two leaders, the Senate then begin a period of morning business for up to 90 minutes, with the first half of the time under the control of the majority leader or his designee, and the second half under the control of the Democratic leader or his designee; provided that following morning business, the Senate resume consideration of Calendar 381, S. 1637, the FSC/ETI JOBS bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow, following morning business, the Senate will resume consideration of the FSC/ETI JOBS bill. We made excellent progress on the bill today, disposing of four amendments. I hope we can continue that process and that progress tomorrow with respect to relevant amendments to the bill. Senators should expect rollcall votes on amendments throughout the afternoon. The Senate may also act on executive nominations during tomorrow's session; therefore, additional votes are possible.

In particular, I look forward and hope we would be able to act on one very important nominee, John D. Negroponte of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iraq. Many members have had the opportunity to get to know this particular nominee, to discuss his plans for the future, and it is critical we act as soon as we possibly can on this nominee who will be our ambassador to Iraq. It is critical we do that as soon as possible. It is my hope and expectation to do that tomorrow.

ORDER FOR ADJOURNMENT

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator DAYTON for up to 10 minutes and Senator MURRAY for up to 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

IRAQ PRISONER ATROCITIES

Mr. DAYTON. Mr. President, I was present for the concluding remarks of the majority leader regarding the atrocities committed in Iraq against the prisoners there. I certainly share his sentiments. A number of my colleagues have spoken today from both sides of the aisle expressing their horror, their outrage, and their deep regret. I join with them as well.

I also am deeply disturbed as a Senator and as a Member of the Senate Armed Services Committee at the lack of communication from the military and the civilian command to those Members of the Senate about these incidents—in fact, right up to the moment they were disclosed to the American people through, fortunately, a free and vigilant press.

According to the information I have been able to obtain, a copy of the most recently referenced classified internal military report, and other news reports about that and other information, many of these incidents that have been under investigation occurred last October, last November—in other words, over half a year ago. They are horrible events. The report said that Iraqi prisoners had been victims of sadistic, blatant, and wanton criminal abuses. They were beaten with broom handles and chairs and threatened with rape. One prisoner was sodomized with a chemical light stick or with a broomstick. Military dogs were also used to frighten and intimidate detainees. One graphic description in the New York Times today talks about the experience of a particular Iraqi male, the deep humiliation and shame he still feels, the utter degradation, the sadistic and disgusting abuse of him night after night by his American captors.

I agree with the remarks of the majority leader that these people carrying out these terrible deeds were few in number, but tragically their impact is enormous. They are going to make life a lot more difficult and a lot more dangerous for the 134,000 incredibly brave, patriotic Americans who are over there putting their lives on the line every day and night.

A story in the New York Times gives a sense of how this is affecting the way the United States is viewed in the Arab world, saying in the Arab world and beyond, the tormenting of Iraqi prisoners by their American guards shredded already thin support for Washington's invasion of Iraq and its vow to install democratic values and respect for human rights.

The outrage over the abuse shown in pictures flashed across front pages and television screens drew emotional comparisons, asking how the American occupation of the country could be distinguished from the way Saddam Hussein's government oppressed the ordinary Iraqis. This kind of outrage will lead to more attacks against our forces, greater intensity of attacks, more bombing and assassination attempts against our forces and other representatives, more casualties, more men and women from America dying, shedding blood as a result of this immoral and illegal misconduct.

The U.S. military, according to this report, first became aware of these incidents, or some of them, as early as January of this year; in fact, maybe even sooner than that. It was January 19 that LTG Ricardo Sanchez, the commander of the joint task force in Iraq, requested that these incidents of last October, November, and December be investigated. There was a preliminary report which indicated systemic problems within the prison brigade and suggested a lack of clear standards, proficiency, and leadership.

That investigation began then on January 24. It was carried out through interviews and other investigations of both Iraqi prisoners, former prisoners, and U.S. military personnel who had witnessed these incidents.

On February 29, the executive summary was presented to the military command; on March 19, the final written report. The outbrief to the appointing authority took place on March 3, 2004. That is 2 months ago, and actually the 2 months preceding that, various people in the chain of command were aware of these incidents.

They must have recognized the enormous impact they would have, the devastating effect they would have upon our situation in that country, militarily, diplomatically, and in our relations with other countries throughout the world. Yet as far as I have been told, not one word—not one word, literally, was communicated to anyone in the Senate, Democrat or Republican.

We had, in fact, a briefing last Thursday afternoon, a top-secret classified briefing, which was attended, as I recall, by about 40 to 45 Members of the Senate with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. That briefing occurred 2, 3 hours before the "60 Minutes II" report which disclosed these incidents and this report. Not one word—not one word—was mentioned to any of us.

I have been in briefings as a member of the Senate Armed Services Committee through the last weeks and months where we have asked, time after time: What is going on? What is the progress? What is the lack of progress? Where are the problems? What is occurring? Not a word about this. Not a word, until it occurred, of the eruption of violence, the intensification of violence, in key areas of Iraq over the last several weeks, which caused, in April, the highest level of casualties since the war began. We ask, again and again: What is going on? And we are told: Everything is fine. We are making great progress.

As early as last August, we were told 95 percent of the country is peacefully progressing. Everything is going well. And we find out, through news reports or through the reality of events, that is not the case.

There is no credibility. The American people are not being told the facts and the truth. The U.S. Congress is not being told the facts and the truth. We deserve the facts and the truth.

I do not know who knew what at what point in time up through this chain of command. But I believe we have the responsibility and the right to find out. We are going to have, I am told, the opportunity, in the Senate Armed Services Committee, to meet with Secretary of Defense Rumsfeld this Friday morning. I certainly—and I know others, too—will be asking for that sequence of events and asking why it is that we are not told relevant information, crucial information that affects the conditions over there, the progress or lack thereof, that then, in turn, affects the lives, the safety, the well-being of the men and women who are serving over there heroically, and whose families are waiting back in my State of Minnesota and across this country, frantically, anxiously, wondering what their future is going to be, wondering if they are going to return home alive safely.

We were elected in a democratic process by those men and women, their families, to be here to look out for them, to ask questions about what is going on, to be given the information about what is occurring, so we can participate in decisions that are going to affect U.S. policies that are going to determine the outcome of their lives—when they will be home, whether they will come home.

I think the people at various levels who participated in this investigation—I am not going to call it a coverup because there was an ongoing investigation, but, my goodness, for the last 2 months, when it was completed, and we were not informed, it was not being reported. If not covered up, it was being hidden from Congress.

I am going to ask those individuals to read or reread the United States Constitution and refresh their understanding of what it means to be in a constitutionally established democracy where the executive branch and the legislative branch have coequal responsibilities.

I certainly would like to work with Members of both sides of the aisle in regard to the authorization of military——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DAYTON. Mr. President, I ask unanimous consent for 1 minute to conclude my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. Mr. President, I would like to work with Members of both sides of the aisle to put in place language, in the military authorization and in any supplemental requests that are going to be made, that we be given full and necessary disclosure, the same way we require corporations that are making stock offerings to inform their investors, the same way we require corporations and those running them to inform their boards of directors of relevant, critically important information that has a material bearing on the information that is being presented so they can make informed decisions. We are getting far less than that. We are being asked to make informed decisions when we are not being given the information, we are not being told the truth. We are having vital, important information withheld. That has to stop. We need to disclose what has occurred in these incidents.

We need to make sure they never happen again. And we need to make sure that we in Congress are given the opportunity that we deserve, the right that we have, to look out on behalf of the American people to make sure they never occur again.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

THE AEROSPACE INDUSTRY

Mrs. MURRAY. Mr. President, will the last aerospace worker leaving America turn out the lights? I ask that question to sound an alarm for every American who cares about our economy and our security.

We are about to surrender our global aerospace leadership because we are sitting on our hands while Europe is doing everything it can to dismantle our aerospace industry.

Today, I am sounding the alarm. Unless we wake up to this threat, we are going to lose an industry that Americans created and that has brought innovation to every corner of our economy.

We Americans led the first century of flight, but we might not even have a role in the second century if we keep sleepwalking down this dangerous road.

I am here on the Senate floor tonight to say: Wake up. Wake up to this threat before we lose another American industry. Wake up to this threat before we lose more high-wage, high-skill American jobs. Wake up to this threat before it is too late.

Too many Americans, especially in our Government, are not aware of what Europe is doing to kill off our aerospace industry. I want to expose the unlimited assault that Europe and Airbus are leveling at America's aerospace workers.

As my colleagues know, I have been troubled by Europe's market-distorting actions in commercial aerospace for many years. I have raised my concern with Senators, with foreign leaders, and with administrations of both parties.

Tonight, I am detailing my concerns before the full Senate because EADS and Airbus have launched a deceptive PR and lobbying campaign to convince the U.S. Government that it is essentially an American company. The Airbus campaign of half-truths is on full display as the company works overtime in Washington, DC, to recreate a competition they already lost to build the next generation refueling tanker for the Air Force.

I have come to the Senate floor tonight to set the record straight and to show how Europe's broader plan to dominate aerospace threatens our future.

Tonight, I am going to focus on five issues.

First, I want to explain why this is so important for our country.

Secondly, I want to explain how the European view of aerospace as a social program to create jobs is helping Europe beat out our more traditional business perspective.

Third, I want to expose, in detail, the underhanded things that Airbus is doing to dismantle our aerospace industry, from providing subsidies for launch aid, research, facilities and suppliers, to selling planes below cost, guaranteeing the future value of aircraft, tying sales to landing rights, and linking plane sales to other trade issues.

Fourth, I want to expose the deceptive lobbying and PR campaign Airbus is using to reopen a competition it lost and the dangers that poses for American security. Finally, I want to talk about the steps we must take to retain our leadership of this critical industry.

Let me explain the title of my speech, "Will the Last Aerospace Worker Leaving America Turn Out the Lights?" I have the great honor of representing the State of Washington which is one of America's great aerospace centers. We are very proud of our long history and our leadership. On July 15, 1916, Bill Boeing started his airplane company in Seattle, WA. Since that day, Boeing and Washington State have shared the ups and downs of the commercial aerospace industry. We have experienced extended periods of nearly full employment, and we have endured marked downturns that left tens of thousands unemployed.

In the early 1970s, there was a particularly bad downturn. It seemed as if everyone was leaving Seattle. So two Seattle businessmen decided to post a billboard to put a lighthearted spin on all the layoffs. Here is the photo that ran in the Seattle Times in 1971. It shows a billboard with a light bulb and a string coming out of it. It says, "Will the last person leaving Seattle turn out the lights."

Anyone who lived through this difficult period in Washington State knows this sign. Eventually Seattle recovered, and since the 1970s we have experienced ups and downs. Today we are facing another severe downturn in the aerospace industry. But today it is not just Seattle or Washington State that is hurting. We are hemorrhaging aerospace jobs in Kansas, California, Texas, Florida, New York, Illinois, Georgia, Arizona, Pennsylvania, Ohio, Connecticut, Maryland, New Hampshire, Massachusetts, and Colorado. This is a national problem, and we are not too many years away from asking, will the last aerospace worker leaving America turn off the lights? We have to take action before it is too late. Sadly, we are approaching a point of no return.

Last week the top two executives of EADS revealed their plans to take over the global aerospace industry. According to a German newspaper on April 27, 2004, CEO Rainer Hertrich said:

> In ten years, we'll be number one, everywhere, worldwide.

His CEO Phillipe Camus said:

> We're now ready for our final step: globalization.

Some of my colleagues may wonder why I am speaking at some length tonight about the future of our aerospace industry. It is because this industry is critical for jobs, for our economy, for our security, and for our future.

The commercial aerospace industry employs more than 2 million Americans with an average salary of $47,000. But unfortunately, we are losing these good-paying jobs at a rapid rate. In the past 15 years, we have lost 700,000 American aerospace jobs. These are scientific and technical jobs; 700,000 high-skilled, high-wage jobs are gone. Unless we wake up, we are about to lose more.

We spend a lot of time in the Senate talking about how American jobs are being shipped overseas in search of cheaper labor. Aerospace is a little different than some of the other industries we have discussed. Aerospace jobs are not low-wage, low-skill jobs that move to where the labor is cheapest. These are high-wage, high-skilled jobs we need to keep in America. But we are being aggressively challenged by Europe for those jobs.

Aerospace is also important for our overall economy. Our leadership in commercial aerospace has helped American industries, from health care to automobiles, become safer, more efficient, and more productive.

According to John Douglas, president of the Aerospace Industries Association of America, the aerospace sector "generates economic activity equal to nearly 15 percent of the nation's gross domestic product and supports approximately 11 million American jobs." Mr. Douglas notes that aerospace also led the Nation in net exports with a $30 billion surplus in 2000.

The Commission on the Future of the U.S. Aerospace Industry found that in 2001:

> . . . more than 600 million passengers relied on U.S. commercial air transportation and over 150 million people were transported on general aviation aircraft. Over 40 percent of the value of U.S. freight is transported by air. Aerospace capabilities have enabled e-commerce to flourish with overnight and parcel delivery and just in time manufacturing.

Not only is this about jobs, it is also about security. It is irresponsible to let our country surrender our aerospace leadership. Once our plants shut down, once our skilled workers move to other fields, once the infrastructure is gone, you can't recreate that overnight. It took 100 years to build our aerospace leadership, and we could lose it all in the next 10 years.

Finally, commercial aerospace is important for our future. Europe is working hard to overtake our leadership of aerospace because they know it is the future, the future of the worldwide economy and the future of human exploration. Europe wants to lead the future. And if we stay on this track, they will.

This industry is worth saving because it is important for our jobs, our economy, our security, and our future. I should explain by way of background there are only two companies in the world that make large passenger airplanes. One is the Boeing Company. Its commercial air operation is headquartered in Renton, WA. The other is Airbus which is headquartered in Toulouse, France. Airbus is a division of the European Aeronautics Defense and Space Company also known as EADS. Throughout my remarks tonight, I will refer to Airbus and EADS interchangeably. So it is one European company and one American company competing for control of the commercial aerospace industry.

Next I want to talk about how the United States and Europe view commercial aerospace, because we have two very different visions. Unfortunately, their vision will allow them to overtake us unless we realize what they are doing.

Let me start at home. For us in America, commercial aerospace is seen as private business. Some companies will win; some companies will lose. We will let the marketplace decide. But for Europe, aerospace is a jobs program. The European governments will fund and support their domestic industry because creating aerospace jobs in and of itself is considered a priority. They don't care if Airbus loses money. They don't even require Airbus to pay back loans on failed products. They don't care as long as they are creating jobs for Europeans.

Europe views aerospace as a long-term investment. They are aggressively subsidizing the industry and pressuring and rewarding customers without regard to making a profit or following the business rules American workers must follow. Simply put: They are willing to pay any price to take over American leadership.

Don't take my word for it. Look at what EU leaders have said. Here is what British Prime Minister Tony Blair had to say last year:

> As a result of over 500,000 pounds in launch aid, Airbus is today in a position where it can take over the leadership of the large aircraft market from Boeing in the United States. That would be tremendous for British manufacturing and for European industry.

It is not just Tony Blair. Here is what a 2001 report to the European Commission, titled "European Aeronautics, a Vision for 2020" states:

> European aeronautics has grown and prospered with the support of public funds, and this support must continue if we are to achieve our objective of global leadership.

The same report goes on to say:

> Total funding required from all public and private sources over the next 20 years could go beyond 100 billion euros.

Simply put, Europe views aerospace jobs as a priority. According to the European Aerospace Industry Association, there are at least 407,000 direct jobs in Europe's aerospace sector, more than 1.2 million total jobs supported by aerospace in Europe, and there are more than 80,000 firms in the European aerospace supply chain.

Europe has maintained a $20 billion annual trade surplus in aerospace goods since 1996. Europe has an aggressive investigation for the future of aerospace. It wants to use significant public investment to create and sustain jobs, largely at the expense of U.S. competitors and workers.

Here is how the Commission on the Future of the U.S. Aerospace industry put it in 2002:

> Unfortunately, it appears that European officials intend to continue directly subsidizing EU companies. The recently unveiled EU aerospace policy strategy calls for an increase in subsidies to continue building market share, largely at the expense of U.S. companies.

So Europeans are willing to do anything to subsidize Airbus and distort the market so it can beat Boeing. But here in the United States, our Government is sitting on the sidelines. We are following a normal business model, and we are getting creamed by the Europeans, who are following a social welfare model, where it doesn't matter if they lose money if their products fail. As long as they are employing Europeans and taking over America's market share, they don't care. That is not competition; that is subsidized slaughter.

We have to wake up before it is too late for America's aerospace companies and workers. This is not a truly competitive market. Private U.S. companies, responsible to their shareholders, are confronting subsidized companies funded by governments who don't care if they make a profit as long as they create jobs. Understanding how the Europeans approach aerospace is the first step to helping American workers survive this onslaught. The next step is to understand how the Europeans are putting their vision into action, and that is what I want to focus on next.

Tonight, I want to explore the unprecedented means that Airbus and the Europeans are using to overtake American workers. Europe is taking over America's aerospace industry through aggressive, unfair market-distorting measures. Specifically, European governments are supporting Airbus on the development side, as Airbus creates new aircraft, and on the sales side, as Airbus pressures airlines and foreign governments to buy their aircraft.

Let's start with the development side, where we find massive market-distorting subsidies at every stage. Let's remember that Airbus was created by European governments in 1967 specifically to challenge Boeing and U.S. aerospace dominance in the manufacture of large civil aircraft. EADS gets subsidies at nearly every stage of aircraft development. They benefit from launch subsidies, research subsidies, facility subsidies, and supplier subsidies. These aggressive subsidies give Airbus virtually unlimited backing to overtake the American aerospace industry. It is like an American worker stepping into a boxing ring only to find out that, instead of one opponent, he is up against the full force and power of the entire European Union. It is not a fair fight.

Europe's abuses have been well documented by our own Government. Here is what the U.S. Trade Representative said about Airbus subsidies in its 2003 report on trade barriers:

> Since the inception of Airbus in 1967, the governments of France, Germany, Spain, and the UK have provided direct subsidies to their respective Airbus member companies to aid the development, production, and marketing of Airbus civil aircraft. Airbus member governments have borne a large portion of development costs for all Airbus aircraft modes and provided other forms of support, debt rollovers, and marketing assistance, including political and economic pressure on purchasing governments.

These subsidies create an uneven playing field and allow Airbus to do things that normal private companies cannot afford to do. Airbus has grown without assuming any of the financial risk and accountability that U.S. firms have to contend with every day. Here is how a top aviation analyst put it:

> Airbus cares a lot less about returning value to shareholders. Boeing is the classic American shareholder-driven corporation.

Europe's approach is working, too. Today, EADS is the second largest aerospace company in the world. In the last decade, Boeing has seen its market position globally erode significantly. At one time, Boeing sold 75 percent of the aircraft purchased worldwide. Airbus was in the teens. Today, Airbus claims to supply more than 50 percent of the industry.

Mr. President, I have made the case with statistics, data, trade reports, and official Government findings. Let me put it a little more simply: Airbus has a sugar daddy named Europe, who will keep forking over money until Airbus has demolished America's aerospace industry and put hundreds of thousands of skilled American workers on the unemployment lines.

We cannot sit back and continue to let that happen. But it is not just the support and development side in the form of subsidies for launching facilities, research, and suppliers. Europe's market distortions go much further on the sales side. Tonight I want to expose some of the ways that European governments are supporting Airbus sales.

Airbus uses a series of incentives and threats to steal customers away from Boeing—everything from bribes and landing rights, to discounts, value guarantees, and trade threats and rewards. Airbus has a history of graft and corruption. But don't take my word for it. Look at what the Economist magazine, on June 14, 2003, said in a special report, entitled "Airbus's Secret Past; Aircraft and Bribery":

> Up until 2000, Airbus and other French companies were allowed to take a tax deduction for bribes.

Imagine that—bribing someone to buy your airplane and then you take a tax deduction for the bribe you paid. The Economist article details Airbus sales campaigns in India, Syria, and Canada that involved corruption and bribes. The article notes that, in 2001, the Under Secretary for Commerce for International Trade testified before Congress on U.S. competitiveness in aircraft manufacturing. The Under Secretary warned that bribery remains a threat to U.S. competitiveness. He said:

> This is an industry where foreign corruption has a real impact. Bribery by foreign companies can have important consequences for U.S. competitiveness because of the critical role governments play in selecting aircraft suppliers; and because of the huge sums of money involved in aircraft purchases, this sector has been especially vulnerable to trade distortions involving bribery of foreign public officials.

His remarks were directed squarely at Airbus and the European nations that aggressively back Airbus sales campaigns throughout the world.

This article also notes that, according to a 2001 European Parliament report, the U.S. National Security Agency intercepted faxes and phone calls between Airbus, Saudi Arabian Airlines, and Saudi Government officials in early 1994. The NSA found that Airbus agents were offering bribes to a Saudi official to ensure that Airbus received a $6 billion order to modernize the Saudi Arabian airlines fleet. Bribes and corruption have long been a part of their standard operating procedure for getting other countries to buy their airplanes.

Those are just a few of the many techniques they have used to beat out American workers. Let me turn to another one. Airbus purchases have long been linked to landing rights at Europe's busiest airports; a very attractive incentive to offer them to buy their airplanes, but it is a very questionable practice.

I want to share four documented examples. In 2002, an airline named easyJet placed a big Airbus order and then received favorable landing spots at Orly Airport in France. In 2002, Malaysia Airlines received landing rights at Charles de Gaulle Airport in Paris 3 days after buying 6 Airbus A 380s. Emirates Airlines and Qatar Airways both received extra landing rights after buying Airbus airplanes.

A source close to Emirates Airlines said:

> It seems that Airbus leans on Air France, which has the slots at Paris Charles de Gaulle and the slots are given to the airline that has bought airbus. . . .This has been known for years. Airbus sells one of its planes to a customer and promises to do its best to get slots for that airline.

But landing rights are not the only trick Airbus uses to sell their planes. Airbus also aggressively discounts the purchase price of its planes, often at the last minute, and often below the cost of production.

Airbus regularly makes a late final offer to an airline after Boeing has made its best offer. Time and again, Boeing has lost a commercial sale because Airbus doesn't have the same commercial accountability. Airbus regularly sells aircraft below the price of production simply to gain market share and to take customers away from Boeing.

The 2000 easyJet deal I just mentioned a moment ago is a prime example of Airbus's willingness to discount airplanes to win sales campaigns.

Airbus does not reveal its discounts or the particulars of a given order. However, it was widely reported that Easy Jet got a 50-percent discount on its Airbus purchase. Boeing said the deal was below the cost of production. Airbus sold its planes below cost. Airbus got the order at Boeing's expense, and the Europeans got at least 10,000 direct jobs. It is a great deal for Europe; it is a horrible deal for American workers. It happened because of all the financial backing, subsidies, and special deals that Airbus gets from its European sponsors.

Let me share another way that Airbus distorts the marketplace. Buying new aircraft is a big expense for any airline. Airlines want to make sure the planes they buy will hold their value for years after their purchase. Normally, the market price decides the value of a used airplane, just like the marketplace decides the value of a used car. But Airbus uses its deep pockets to override the marketplace. When Airbus sells a plane to an airline, it often promises the airline that the plane will hold its value in the future, and if it does not, Airbus will pay the difference to the airline.

For example, Airbus will tell an airline that the plane it buys will be worth $60 million in 10 years. The market only pays $40 million. Airbus will pay the difference to the airline. It is a very attractive incentive for an airline, but it is also unfair because it allows one company to completely distort the marketplace. These Airbus guarantees allow the company to use their government subsidies to buy market share.

If this happened in another field such as cars, this Congress would be up in arms. Imagine going to a Toyota dealer and a salesman makes you a guarantee that in 10 years your car will be worth a certain amount of money far above its actual value. As a car buyer, you love that dealer. Airlines like Airbus's guarantee. But if a foreign carmaker did that, every representative from U.S. carmakers, suppliers, and dealers would be here in Congress demanding fairness.

The same abuse is taking place today in the aircraft market, but Congress is not responding. That is why I am exposing all of these techniques.

Let me share two specific cases where Airbus used these value guarantees to distort the market and take sales away from American workers.

In 2003, Boeing and Airbus competed to sell planes to Iberia Airlines of Spain. At the last minute, Airbus stepped in and undercut Boeing's price. It then offered Iberia a residual value guarantee on the future value of the aircraft. Airbus got the deal. An official with Iberia Airlines said Airbus got the deal because of the "extraordinary conditions" it offered at the last minute. Once again, because of its government support, Airbus was able to do things that a private for-profit company could not.

Airbus used that same market-distorting approach with easyJet, a low-cost carrier that had a fleet of all Boeing aircraft. In 2002, easyJet agreed to buy 120 planes from Airbus and take options on an additional 120 planes. Airbus offered a significant price discount and a residual-value guarantee to win that deal.

These are just a few examples of how Airbus, backed by European governments, is taking jobs away from American workers through market-distorting tactics. But it is not just the bribes, corruption, the landing slots, the discounts, and the value guarantees Airbus is using to undermine American aerospace. Airbus also steals sales by making threats and rewards on unrelated trade issues.

Airbus and European government officials regularly link Airbus sales to other trade issues. There is constant cooperation between Airbus and European leaders to pressure foreign airlines and governments to buy Airbus aircraft. Let me share a few documented examples that span the globe.

First, Europe gives special rewards to countries for buying Airbus planes. It happened with Russia 2 years ago. After the Russian airline Aeroflot bought Airbus planes, Russian exporters were given greater access in the European market, and Russia was given use of the EU space launchsite.

It happened in Thailand as well. Following a 2002 Thai Airlines Airbus purchase, Airbus lobbied the EU to lower trade barriers to Thai chicken and shrimp exports.

Time and again, Airbus links their plane purchases to other trade deals. But Airbus is not content to just use trade rewards. It also threatens to punish other countries unless they buy Airbus planes. Let me share a couple examples that first involves Pakistan.

In April 2003, Pakistan media reported that EU retaliated in textile negotiations against Pakistan following the Boeing 777 purchase. Airbus is not competing on the merits of its product. Instead, it uses threats of retaliation to pressure countries into going along.

Another example of these threats and pressure tactics involves Taiwan. During an aggressive 2002 competition between Boeing and Airbus for an important Taiwan sale, the Government of France threatened to terminate its satellite cooperation with Taiwan if Airbus was turned away.

Let me share a final example of these trade tactics, and it is one of which I have personal knowledge.

European governments have linked Airbus purchases to EU accession. I saw this myself on a trip to Central Europe that I took in 1998 when I visited Poland, Hungary, and the Czech Republic. One Central European airline told me pointblank that they are under pressure from the Europeans to buy Airbus because it would ultimately make EU accession easier.

This is just a sampling of the very aggressive competitor that my constituents and our aerospace workers confront every day in the global market. I note that this is just the tip of the iceberg. I have been briefed by some of our Government intelligence agencies, and the examples I shared are just a very small part of what is happening. I encourage all of my colleagues to be briefed by the appropriate agencies because it will shock you, just as it shocked me. Arrange a briefing and find out for yourself.

I now want to turn to my fourth point. Airbus and EADS are now engaged in a slick campaign to market themselves as an American company to policymakers and to the general public. They are running a campaign of misinformation and half-truths to secure more U.S. business for European workers. Their campaign is particularly evident in Washington, DC, where Airbus is seeking to influence both the administration and this Congress. They have their lobbyists working to unravel the Boeing tanker contract, and their PR shop is making false claims about Airbus's impact on our economy. Simply put, they are trying to get us to see them as an American company.

Airbus and EADS have hired a small army of lobbyists. At least 18 lobbyists at multiple lobbying firms are registered to represent Airbus and EADS in Washington, DC. Their lobbyists include the current chairman of the Republican National Committee, former Members of Congress, former staffers to a previous Senate majority leader, a previous House minority leader, and others heavily involved in congressional campaigns. Lobbyists with ties to the administration are also at work for Airbus, including former officials at the White House, Defense Department, Commerce Department, Transportation Department, Export-Import Bank, OPIC, and NASA.

Airbus and EADS have also hired prominent Americans to help them gain entry into the U.S. markets and to put an American face on this European operation.

Ralph Crosby is the CEO of EADS North America. Mr. Crosby was a longtime senior executive with the Northrup Grumman Corporation. EADS said Crosby's hiring was "to enhance the access of EADS to all elements of the U.S. defense and aerospace marketplace."

T. A. McArtor is the chairman of Airbus North America. He previously served as the administrator of the Federal Aviation Administration. David Oliver is the executive vice president and chief operating officer of EADS North America. Oliver was previously the principal Under Secretary of Defense for Acquisition, Technology, and Logistics. With this team of lobbyists and former U.S. Government officials in place, Airbus and EADS now want policymakers and the public to believe that Airbus is actually an American company.

Here is what Airbus and EADS say in Washington, DC, and all over the country in speeches, in paid advertisements, and in other official materials: They say Airbus has created and supports 120,000 jobs in our country. They say Airbus subcontracts with as many as 800 U.S. firms in the United States, and they say Airbus now does $6 billion in business annually in the United States.

For more than a year, I have called on Airbus to justify and document these assertions, and they have refused. Last year, I wrote to the Commerce Department and asked them to investigate these claims, and I want to share the results.

On jobs, Airbus used to claim they created 100,000 U.S. jobs. The U.S. Commerce Department could not find any justification for that claim. Commerce asked Airbus to document these claims. Airbus refused. Now Airbus is inflating its bogus figures, saying it is responsible for 120,000 American jobs.

Do my colleagues know what figure the Commerce Department came up with? Five hundred. Not 120,000, not 100,000, but 500 jobs is what the Commerce Department came up with.

The truth is, Airbus in large part is responsible for the economic shock, consolidation, and dislocation that has hurt American aerospace workers over the last decade. Thousands of small businesses have gone out of business. Consolidation in the industry has brought enormous change, and hundreds of thousands of jobs have been lost throughout the industry. Let us set the record straight. Airbus does not create American jobs; it kills them.

Airbus also makes false claims about the number of U.S. suppliers it uses. Airbus says it contracts with 800 U.S. firms. The Commerce Department, after looking into this request, can only come up with 250 firms, not 800. After that, Airbus did something kind of fishy. They revised their supplier figure down from 800 firms to 300 firms, but they increased the alleged value of its contracts from $5 billion up to $6 billion annually. We just cannot trust Airbus' funny numbers.

When it comes to suppliers, Airbus deserves no credit for using U.S. suppliers, and that is because commercial aerospace—the airlines, not the manufacturers—select many of the suppliers. Clearly Airbus does not deserve credit for the choices that its customers make. So again, Airbus does not help American firms; it hurts them.

Finally, Airbus claims it does $6 billion in business in the United States each year. They say that every chance they get, but here is something they do not say. EADS alone has a $6 billion trade surplus with the United States. I am not talking about another country; I am talking about one company running a $6 billion trade surplus with the United States.

Airbus and EADS are not helping America's aerospace industry. They are destroying it. Already, 700,000 American workers have lost their jobs while

Europe keeps adding new workers to the Airbus payroll. It is time for the Senate, for our Government, and for the American people to take a real close look at Airbus' real impact on the United States.

The truth is that Airbus is a horrible investment for our country. According to EADS' documents, North America provides EADS with 35 percent of its revenues, about 10 billion euros, but North American workers only make up 2 percent of the company's jobs—just 2,400 jobs out of 107,000 worldwide. We give them a third of their business. What do we get in return? Two percent of their jobs. That is a bad deal.

The truth is, Airbus and EADS are exporting U.S. jobs, suppliers, and dollars to Europe as fast as they can. It is clear to me that Airbus is making phony claims about its impact on the U.S. economy, hiring lobbyists and mounting a PR campaign so it can position itself to steal the tanker contract from American workers.

I will turn to that tanker contract and some disturbing developments. As all of my colleagues know, I have been involved in the tanker contract from the very beginning. I have been proud to work with many other Senators on it. There is no question our Air Force needs new air refueling tankers. There is also no question that Airbus is trying to reopen a competition it lost 2 years ago.

I want to make sure American policymakers understand how Europe is hurting American aerospace workers and what Airbus has been doing behind the scenes to undermine the Boeing tanker contract. If we allow Airbus to steal the tanker contract through its phony claims, we will be helping Europe dismantle our domestic aerospace industry and asking U.S. taxpayers to foot that bill.

No one doubts the need for new tankers. Airborne refueling tankers allow our country to project military force around the globe. Most of our tankers are more than 40 years old. One-third of the fleet is unfit to fly at any given time due to mechanical failure. Each plane requires a full year of maintenance for every 4 years spent on duty.

There is no question they must be replaced with new tankers. The only question is, who is going to build these tankers—American workers or French workers? If we give this contract to the French, we will be rewarding Europe's trade-distorting behavior, putting Americans out of work, and helping Europe dismantle our aerospace industry.

Congress and the administration have wrestled with a variety of issues having to do with the tanker replacement program adopted by Congress and signed into law by the President 2 years ago. We are still trying to sort through all of the issues. It has been a unique and, frankly, at times a very frustrating process.

We are all aware of the impropriety of a few Boeing employees surrounding this deal. There is no excuse for their behavior. I will not defend it. I will not excuse it. They are being investigated and I expect they will be held accountable to the fullest extent of the law. But the actions of a few do not lessen the merits of a tanker deal. The Air Force needs this equipment, and Boeing is the best company to provide it.

Let us remember that the Air Force looked at a proposal from Airbus in 2002 and rejected it on the merits. In fact, the Air Force gave very detailed reasons why the Airbus proposal was inferior. Let me quote from the Air Force statement on March 28, 2002:

> The EADS offering presents a higher risk technical approach and a less preferred financial arrangement. First, EADS lacks relevant tanker experience and needs to develop an air refueling boom and operator station, making their approach a significantly higher risk.
>
> Second, a comparison of the net present values of the aircraft recommended by Boeing and EADS establishes Boeing as the preferred financial option.
>
> Third, the size difference of the EADS' proposed KC–330 results in an 81 percent larger ground footprint compared to the KC–135E it would replace, whereas the Boeing 767 is only 29 percent larger.
>
> The KC–330 increase in size does not bring with it a commensurate increase in available air refueling offload.
>
> Finally, the EADS aircraft would demand a greater infrastructure investment and dramatically limits the aircraft's ability to operate effectively in the worldwide deployment.

Those are the detailed technical reasons why Airbus lost the tanker contract. The Air Force essentially said that EADS and Airbus did not have a real tanker or tanker technology; their proposed aircraft was so large it required a larger footprint on the ground and a significant infrastructure investment.

Their proposal was "significantly higher risk," for the Air Force, and, their proposed aircraft couldn't operate worldwide—limiting our ability to project force.

Finally, the Air Force said that Boeing was the "preferred financial option," meaning the Boeing proposal was the cheaper alternative for taxpayers.

So in March 2002, Airbus lost. For most people, it would be over, but not for a company like Airbus. Airbus continued its campaign to delay and if possible, kill the KC–767 tanker deal. Airbus lobbyists have continued to work on and off of Capitol Hill with tanker opponents.

Airbus lobbyists worked to convince Members of Congress that Airbus should be recognized as an American Company. Airbus even used the United States Chamber of Commerce to sponsor trips to Paris and Toulouse, France for Congressional staffers.

Airbus tried to derail the lease of four 737 aircraft to the Air Force for executive transport at the General Accounting Office. Airbus didn't care about the four 737's. They were testing the system to see if they could use a bid protest at the GAO to block the tanker lease. The GAO dismissed the Airbus bid protest.

As the tanker deal was scrutinized, criticized and delayed, Airbus was regularly available to offer its tanker again to U.S. taxpayers and the Air Force. During the delay, Airbus spent $90 million to develop a real tanker. Now they are working as hard as they can to reopen the competition they lost.

For Airbus, the tanker competition is not over. We see that in Airbus materials—that are riddled with references to the tanker program. Again and again, EADS and Airbus say they are prepared to bid for the tankers. EADS even went to Wall Street earlier this year to pitch the company to U.S. financial interests.

As part of their pitch to U.S. investors, EADS says they still may compete for tankers in the U.S.

Would they dare to say these things if they weren't hard at work to give EADS another opportunity at tankers funded by U.S. taxpayers?

This week, EADS Joint Chief Executive Rainer Hertrich was quoted by Reuters saying:

> I see a realistic chance that the issue will be taken up again by the administration after the election.

Mr. President, over the past few months, I have been very concerned about what Airbus has been doing. In late March, I sent a letter to Secretary of Defense Donald Rumsfeld detailing my concerns with Airbus's campaign of distortion and misinformation to kill the tanker program.

I ask unanimous consent that my letter to Secretary Rumsfeld printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE
Washington, DC, March 22, 2004.

Hon. DONALD RUMSFELD,
Secretary, Department of Defense,
The Pentagon, Washington, DC

DEAR SECRETARY RUMSFELD: I am deeply concerned about recent comments by Secretary James Roche regarding re-opening competition to supply aerial refueling tankers to the U.S. Air Force.

The Air Force has already conducted a careful and open competition to build the required tankers. As Secretary Roche outlined in his testimony to the Senate Commerce Committee in September, Boeing won that competition based on the superiority of its design, technology, delivery schedule, and overall risk reduction plan. Although Airbus demanded that the General Accounting Office review that decision, the review was dismissed almost immediately as lacking merit. Rather than honorably accept the competition's outcome, Airbus has resorted to a campaign of distortion and half-truths in an effort to kill the proposed Air Force tanker lease program.

I have fully supported thorough reviews of all aspects of this program, and will continue to support constructive modifications based on recommendations from those reviews. However, I will not tolerate Airbus's attempts to undermine the program itself by forcing the government to revisit careful determinations about specific issues that have already been made, reviewed, re-reviewed, and validated by responsible government entities. The outcome of the initial tanker competition is one such issue that has been clearly and conclusively settled.

Airbus's corporate behavior on this matter cannot be tolerated by the U.S. government. Its actions are further delaying our ability to meet a key military requirement, and if successful, will result in the outsourcing of thousands of American manufacturing jobs to a foreign corporation that is unfairly subsidized by European governments and that unfairly competes with the only U.S. aircraft manufacturer. Such an outcome represents ill-conceived public policy, and will also unfairly punish the nearly 30,000 workers who will be employed should the Air Force tanker lease program proceed with a domestic manufacturer, as currently planned.

As you know, the average age of our existing tanker fleet is 42 years and one-third of our tanker fleet is unfit to fly at any given time due to mechanical and operational failure. KC–135's spend 400 days in major depot maintenance for every five years of service. Any unnecessary delay in replacing our aging tanker fleet puts in jeopardy our ability to meet critical air refueling and power projection requirements.

The Air Force's proposed tanker lease program is one of the most closely scrutinized programs ever undertaken by the Department of Defense. I support the DOD Inspector General's current efforts to provide an independent assessment of various aspects of this program. However, barring evidence of wrongdoing, it is critical that we proceed without delay to implement the Air Force tanker lease program and begin production of those aircraft here in the United States.

I know how committed you are to replacing our aging tanker fleet, and I know that meeting the demands of the critics of this plan has taken a toll. But you and I both know that many of these critics will not be satisfied until they stop this contract with the only American airplane manufacturer capable of producing a new generation tanker. We cannot allow that to happen.

Sincerely,

PATTY MURRAY,
U.S. Senator.

Mrs. MURRAY. Let me read one passage from my letter. I wrote:

> Airbus' corporate behavior on this matter cannot be tolerated by the U.S. government.
>
> Its actions are further delaying our ability to meet a key military requirement, and if successful, will result in the outsourcing of thousands of American manufacturing jobs to a foreign corporation that is unfairly subsidized by European governments and that unfairly competes with the only U.S. aircraft manufacturer.
>
> Such an outcome represents ill-conceived public policy, and will also unfairly punish the nearly 30,000 workers who will be employed should the Air Force tanker lease program proceed with a domestic manufacturer, as currently planned.

I have not received a reply from Secretary Rumsfeld, but I did receive a shocking reply from someone else. Two days after writing to Secretary Rumsfeld, I received a letter from Mr. Ralph Crosby, the Chairman and CEO of EADS North America.

So I sent a letter to Secretary Rumsfeld, and I got a reply from the head of Airbus. There's something very fishy about that. It got even more outrageous as I read Mr. Crosby's letter. Mr. Crosby stated that EADS is committed to being a "strong U.S. citizen," and he repeated the same statistics that EADS refuses to verify to either me or to the Department of Commerce. I want to refute a few claims in Mr. Crosby's unsolicited letter.

First, Mr. Crosby had the gall to suggest that EADS is a "strong U.S. citizen." Their history tells a much different story. Airbus and EADS have been willing suppliers to nations that the United States considers either rogue states or state sponsors of terrorism.

According to one news article dating back to 2001:

> The Airbus Industrie Consortium views those countries against which US or UN sanctions are in place—Libya, Iran, Iraq and North Korea—as potentially representing major opportunities, Noel Forgeard, CEO, indicated yesterday.

The same article quotes an Airbus Vice President as saying:

> We might have been looking to place a total of 180 aircraft—100 with Iran, 50 with Iraq and 30 with Libya—with at least 140–150 orders feeding through.

It was widely reported that Airbus was in close contact with Iraqi airways during the period of UN sanctions following the 1991 Persian Gulf War. Apparently, Airbus was in discussion with the state run—Saddam Hussein run—Iraqi airways to sell 20 Airbus aircraft. It was also widely reported that personnel from Iraqi Airways were taken to Jordan and Malaysia for three month training courses on Airbus equipment. Airbus still carries a five-plane deal with Saddam Hussein on its order books and has said the deal is still valid. While American troops are rebuilding Iraq's infrastructure and trying to build a peaceful, democratic future for the Iraqi people, Airbus wants the new Iraqi government to honor Saddam Hussein's plane deal.

To me, for so many reasons, EADS is not a "strong U.S. citizen."

Here is another claim from Mr. Crosby's letter that I must refute. He wrote:

> Should decisions by the U.S. government open a competitive procurement of aerial refueling tankers, EADS North America will respond.
>
> We will offer a superior, cost-effective aerial refueling solution that will be completed by American workers, on American soil, in the United States providing the Department of Defense and the Air Force the opportunity to select the product that provides the best capabilities to the U.S. armed forces.

Let's remember that the Air Force already rejected Airbus's tanker proposal for the reasons I mentioned. The Air Force said Boeing was the cheaper option, and it deemed the A330 a "significantly higher risk." But in Mr. Crosby's world, these failures somehow translate into what he calls a "superior, cost-effective aerial refueling solution."

There is another disturbing claim hidden in Mr. Crosby's statement that should set off alarm bells. He said that Airbus tankers would be "completed" in the U.S.

Mr. Crosby says the A330 refueling tanker for the Air Force would be completed by American workers on American soil. Translated that means tankers will be built in Europe by European workers at U.S. taxpayer expense and then American workers can install the final components. Once again, EADS and Airbus are trying to use their market-distorting tactics to shift aerospace jobs to Europe to the detriment of American workers.

I have a simple reply to the Airbus's campaign to build tankers in Europe paid for by U.S. taxpayers.

No thank you. No thanks. Never.

I wrote back to Mr. Crosby, and I ask unanimous consent that my letter to him be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 6, 2004.

RALPH D. CROSBY, JR.,
EADS North America,
Washington, DC.

DEAR MR. CROSBY: Thank you for your letter of March 24, 2004. I appreciate your attempt to clarify your position. Unfortunately, the vague and ambiguous language in your letter has served to underscore my earlier concerns about Airbus's efforts to undermine the Air Force Tanker Modernization program. Additionally, I continue to seriously question Airbus's unsubstantiated claims regarding its employment and economic impact in the United States.

Your letter outlines, as you have stated publicly on several occasions, Airbus's desire to compete for the Air Force Tanker Modernization program. Your continued insistence on Airbus's qualifications to compete in such a contest seems to belie the fact that the tanker competition already took place in 2002—a competition that Boeing won and Airbus lost based on each company's proposed design, technology, delivery schedule, and overall risk reduction plan.

As you know, the Air Force informed EADS on April 2, 2002 that its platform was deemed high-risk for the Air Force's operational requirements for the refueling tankers. I remain puzzled by Airbus's continued effort to re-open the tanker competition two years after its final conclusion.

To my knowledge, the Airbus 2002 proposal has never been made public. Providing the public with a clear picture of Airbus's capabilities at the time of the competition would help to address concerns refuting the competitions outcome.

I continue to believe that Airbus has engaged in a campaign of distortion and half-truths to discredit the Air Force, Boeing and the KC–767 lease program. Your letter did not dispel my concern that Airbus is engaged in a campaign to undermine the tanker lease program. I would welcome a full accounting of Airbus's continued involvement with the tanker lease program on par with the various information subpoenaed from both the Defense Department and Boeing. A full accounting of Airbus's lobbying activities including support given to tanker opponents would provide the public with a full sense of this debate.

As enlightening as the examination of the facts may be, I do not think Airbus is willing to be as transparent in detailing its communications with the Congress, the Administration, and others outside of government as the Boeing Company has been. From my vantage point, Airbus's involvement in the campaign to discredit Boeing and the tanker program could not be clearer.

I am also troubled by your continued assertions regarding Airbus's economic and employment presence in the U.S. Your letter states that Airbus "supports" a certain number of U.S. jobs, and that an Airbus tanker would be "completed" by U.S. workers. In my view, an Airbus tanker "completed" by U.S. workers is a tanker manufactured in Europe with the overwhelming number of jobs also created in Europe.

I would appreciate any solid, verifiable, and straight-forward information detailing the number of U.S. workers and vendors that Airbus directly employs, as well as specific direct employment and U.S. content relating to manufacturing a national Airbus tanker aircraft.

As you know, I earlier challenged Airbus' many rhetorical claims about jobs, suppliers and economic contributions in this country. The Department of Commerce confirmed my suspicions and almost entirely discredited Airbus' claims. To date, despite vows to do so, Airbus has not provided the Department of Commerce any additional credible information on its contributions to U.S. workers and the U.S. economy. The truth is Airbus continues to market itself to the Congress and the American people with assertions that appear to be untrue and dishonest. You are aware of my concerns, as well as those raised by the Department of Commerce, and I encourage you to provide justification for Airbus' direct claims on jobs, suppliers and economic contribution.

Finally, to set the record straight, Airbus did file a bid protest challenge regarding the leasing provisions contained in the FY'03 DoD Appropriations Act (PL 107–248). The Air Force executed the lease of four commercial Boeing 737 special mission aircraft long before the Air Force attempted to proceed with the KC–767 program. The Airbus bid protest was specific to the four 737 aircraft but I must conclude that the real Airbus target was the lease program itself and ultimately the Air Force's ability to move forward with a 100 plane KC–767 lease with the Boeing company. The Airbus bid protest was dismissed by the General Accounting Office.

Again, thank you for your response to my letter. I look forward to hearing from you.

Sincerely,

PATTY MURRAY,
United States Senator.

Mrs. MURRAY. I asked Mr. Crosby to again justify the claims regarding the EADS and Airbus contributions to this country on jobs, suppliers and economic contributions. For more than a year, his company has refused to answer my questions and the requests from the Department of Commerce. I asked Mr. Crosby to make public the EADS 2002 tanker proposal submitted to the Air Force.

We know the Air Force said the proposal was high risk, more expensive than Boeing, and could limit U.S. force projection worldwide. For 2 years, EADS and Airbus have been able to access Boeing proprietary information about its technology and pricing, that came available during the tanker program review.

Now, after spending $90 million to develop a tanker it previously did not have, Airbus wants to reopen the tanker contract after it has already seen all of Boeing's cards. Airbus has learned an awful lot about Boeing and tankers and it has used that new technology to best Boeing in a recent tanker competition for Australia. Mr. Crosby will not talk about his 2002 proposal. He wants to compete with Boeing based on everything Airbus has learned about Boeing over 2 years and an additional $90 million investment in tankers.

Finally, I asked Mr. Crosby to provide a full accounting of Airbus' involvement with the tanker lease program on par with the various information subpoenaed from both the Department of Defense and Boeing.

I also asked Mr. Crosby to provide a full accounting of Airbus' lobbying activities, including support given to tanker opponents. I await a reply from Mr. Crosby.

Let me say that given the tremendous damage Airbus has done to the commercial aerospace industry in this country, and particularly in Washington State, I have real questions about the appropriateness of U.S. taxpayer dollars going to strengthen Europe's competitive position and hurting American aerospace workers.

I have talked in great detail tonight about why EADS and Airbus are threats to the U.S. aerospace leadership and to American workers. Europe has a plan to take over global leadership in aerospace. Europe views aerospace as a social program, a jobs program for the benefit of Europeans. Airbus and EADS are the prime example of Europe's vision for its citizen and its aerospace industry.

There are real consequences for U.S. national security in what happens here. We have to retain our supplier base, our skilled workforce, and our technological advantages to project force and to defend our Nation.

We have a decision to make in Washington, DC. U.S. policymakers on behalf of the American people have to decide whether we want to sit idly by as Europe hopes we continue to do or whether we want to commit ourselves to a future in global aerospace.

I conclude by talking briefly about a few things we must do to keep American workers at the forefront of commercial aerospace. Let me offer three specific suggestions.

First of all, we should hold Europe accountable for its market-distorting actions. We have to look seriously at a trade case to challenge Europe's failure to adhere to its treaty obligations. We have to recognize the future of aerospace is larger than a trade case or a Boeing dispute with Airbus. Only a determined Federal commitment to aerospace will assure our children and our grandchildren opportunity to compete for the high-skill, high-wage aerospace jobs of the future.

Second, we should not reward EADS and Airbus for their market-distorting, job-killing behavior. Airbus wants U.S. policymakers and the public to buy its campaign that it is a good U.S. citizen. That is baloney. They are trying to mask the real harm they are posing to American workers.

Europe wants to further weaken U.S. aerospace competitors by accessing U.S. taxpayer-funded defense programs. And, most offensively, Airbus is working to undermine both the Air Force and the Boeing Company to kill the tanker program so it may ultimately outsource tanker manufacturing to Europe.

It is long past time to shine a very bright light on Airbus and its lobbying efforts in Washington, DC. If we reward their underhanded methods, if we let them steal the tanker contract away from our American workers, the American taxpayers will be paying Europe to help finish off our aerospace industry.

I don't see how we can let a subsidized foreign company use our tax dollars to put Americans out of work. But if they get away with their lobbying, their bogus claims, and their PR campaign, we will have bought Airbus a sledgehammer to whack away at our aerospace industry. That is outrageous. We cannot let it happen. We need to hold Europe accountable for what it has done and we need to make sure Airbus is not rewarded for its bad actions.

Finally, we should act boldly to embrace many of the recommendations from the Commission on the Future of the United States Aerospace Industry.

The administration is acting on a number of fronts. Congress must do more, as well. As a first step, Congress should create a Joint Committee on Aerospace. I intend to introduce legislation to create that joint committee. It will help Congress recognize our future is very much tied to aerospace and commercial aerospace, in particular. A dedicated group of House and Senate Members with a targeted agenda can help the administration and the country recommit itself to the next century of global aerospace leadership.

I have sounded the alarm. No Member of Congress can claim they did not know what European governments and Airbus are doing to American workers. This is a critical industry. They are jobs worth fighting for.

I am not willing to surrender our leadership in the second century of flight. There is a battle for the future of the aerospace industry. Europe is putting its full support, subsidies, and power behind Airbus, and it is working. We have to get off the sidelines.

I am committed to working in the Senate to make sure American workers have a fighting chance to lead the world in aerospace. I know if we focus on the challenge before us, our country will recover from this, just as Seattle recovered from the downturn in the 1970s. We have a bright future ahead if we take the steps I have outlined and hold on to our leadership in commercial aerospace.

Aviation was born in America 100 years ago. Let's make sure Americans are leading it 100 years from now.

I yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mrs. MURRAY. I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar, Calendar Nos. 619, 620 and 657.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

NOMINATIONS

FEDERAL MARITIME COMMISSION

A. Paul Anderson, of Florida, to be a Federal Maritime Commissioner for the term expiring June 30, 2007.

Joseph E. Brennan, of Maine, to be a Federal Maritime Commissioner for the term expiring June 30, 2008.

DEPARTMENT OF STATE

Paul V. Applegarth, of Connecticut, to be Chief Executive Officer, Millennium Challenge Corporation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order the Senate will return to legislative session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m., Thursday, May 6, 2004.

Thereupon, the Senate, at 8:18 p.m., adjourned until Thursday, May 6, 2004, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 5, 2004:

FEDERAL MARITIME COMMISSION

A. PAUL ANDERSON, OF FLORIDA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2007.

JOSEPH E. BRENNAN, OF MAINE, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2008.

DEPARTMENT OF STATE

PAUL V. APPLEGARTH, OF CONNECTICUT, TO BE CHIEF EXECUTIVE OFFICER, MILLENNIUM CHALLENGE CORPORATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, May 5, 2004*

The House met at 10 a.m.

Commander Maurice S. Kaprow, Chaplain Corps, U.S. Naval Reserve, Norfolk, Virginia, offered the following prayer:

Eternal God, today as we gather in this historic and august chamber, we pause to thank You for the many blessings You have bestowed upon our Nation, our constituents, and ourselves. Thank You for making us the strongest, most democratic and compassionate Nation in this wonderful, yet troubled world.

As we meet here in the safety of this House of Representatives, let us remember the many members of our Armed Forces, especially those serving far from home in the midst of danger, at the tip of the spear, bringing the hope of democracy where tyranny once ruled, and the specter of peace to those who for years cowered in terror and lived in tumult.

We pray for the safe return of those deployed to the four corners of the Earth, sailors and Marines, soldiers, airmen, and Coast Guardsmen. Guard their families and give them strength to endure until their service members return to their homes to welcoming arms and the warm embrace of those they love.

Grant us all life and peace, courage and wisdom, as we act today and everyday in the best interests of the citizens of these United States, while being ever mindful of those throughout the world community. And let us, say, Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Colorado (Mrs. MUSGRAVE) come forward and lead the House in the Pledge of Allegiance.

Mrs. MUSGRAVE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INVESTIGATION NEEDED OF OIL FOR FOOD PROGRAM

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, 7 years ago the United Nations established an Oil for Food program intended for humanitarian relief. Oil was sold to finance the purchase of food, medicine and other relief necessities for the Iraqi people.

The General Accounting Office estimates that more than $10 billion was stolen from the Oil For Food program. Money that was to help the Iraqi people went to pay off politicians and executives, build a $20 million Olympic sport facility for Uday Hussein, and spent over $50 million for promotion for the Husseins' propaganda. They may have even financed weapons that are now being used against our troops.

Oil for Food was the largest UN program in the world at one time. The Iraqi people are owed an explanation for the exploitation of their resources. And if the United Nations is to be treated credibly, they must assist in the investigation of where this money went to; $10 billion stolen from the Iraqi people. The U.N. needs to come clean on this issue and share with the people where these dollars went.

EDUCATION IN AMERICA

(Mr. ROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSS. Mr. Speaker, as the proud son of public school educators and a father of two children attending public school, I am concerned about the state of education in America.

Education is one of America's most fundamental building blocks. A solid education system is what drives our Nation's prosperity and paves the way to a brighter future for our great country. Yet, our President, for the third year in a row, wants to cut funding for our public education system. Though the President promised to support our teachers, he tried to cut teacher quality programs by $268 million in the 2004 budget.

Our President has repeatedly slashed funding for the Pell grants, which allows thousands of deserving students the opportunity to go to college. And his proposed budget for 2005 slashes funding for the No Child Left Behind program which the President has repeatedly identified as one of his top priorities by $8 billion.

Our children deserve a real education system that provides them with a solid, quality education.

WIRELESS PHONES AND 911 CALLS

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, not long ago, all 911 calls were local calls made on wireline phones. Today, it is estimated that nearly 130 million wireless phones are in use, generating an average of 150,000 calls to 911 each day. However, few people realize that most wireless 911 calls do not go to the nearest public safety answering point, do not provide the caller's call-back number, nor do they provide the caller's location.

In some areas, wireless callers get an automated voice instead of help when they dial 911.

The House passed legislation earlier this year which I introduced with my colleague, the gentlewoman from California (Ms. ESHOO), that attempts to solve these problems by enhancing the coordination of E–911 implementation in each State, discouraging the raiding of E–911 funds, and giving local PSAPs additional funding to help them finally achieve and enhance 911 capability.

It is my hope we can get this legislation to the President before the end of the year so local communities can begin upgrading their 911 systems and help first responders locate those in need as quickly as possible.

HONORING NATHAN BRUCKENTHAL

(Mr. ISRAEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISRAEL. Mr. Speaker, on April 24, Nathan Bruckenthal became the first member of the Coast Guard to die in battle since Vietnam. His bravery and sacrifice shines a light on the often overlooked sacrifices made by the Coast Guard in our Nation's defense.

Nathan is survived by a proud father in Northport, New York, village police chief Rick Bruckenthal and his wife, Patricia, a loving mother, Laurie Bullock of Ashburn, Virginia. Nate is also the brother of Matthew, Michael and Noa Beth, and the husband of Patricia in Florida.

When I called Rick Bruckenthal, he simply said, "My son served his country." He did serve and he did sacrifice. And now we have an eternal debt to his memory and his family, to support our troops when we send them into dangerous places, to support their families back home, to support our veterans, to

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

do these things in our hearts, in our budgets, and in our prayers which are with the family of Nathan Bruckenthal, the police department of Northport Village, the United States Coast Guard and Bates Neck Station, today and all days.

God bless the Bruckenthal family and God bless America.

COMBATING CARGO THEFT

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I would like to talk today about a little known crime that has an enormous impact on all of our congressional districts.

Every day our country loses millions of dollars to interstate cargo theft, a crime that is occurring on highways across our country. Any crime that threatens this flow of goods should be dealt with quickly.

The fact that cargo theft is now being tied to the funding of terror makes it critical that we address this crime on the Federal level. I have introduced a bill, the Cargo Theft Prevention Act, which seeks to bring this crime out of the shadows and to finally hold criminals accountable.

With stricter criminal penalties and better information sharing, this bill will finally give both lawmakers and law enforcement officials the tools they need to combat this growing crime. With support from the American Trucking Association and multiple law enforcement groups, I hope all of you will join me in cosponsoring H.R. 3563, The Cargo Theft Prevention Act.

UNANSWERED QUESTIONS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, President Kennedy once said, "An error does not become a mistake until you refuse to correct it. Without debate, without criticism no administration and no country can succeed and no republic can survive.

Today, Members of this House and this Chamber have refused and said it is not time to have hearings in this Congress over what we have seen recently in Iraq. The men and women over there serving their country, our country, our friends, our neighbors, our constituents, are making us proud. This Congress has an obligation to ask questions of how and why this occurred, no matter where the criticism leads.

Our troops should not be used as scapegoats. Our civilian leaders need to be asked the questions, the Congress, all of us who got elected, all of us who take a pledge have a requirement to ask questions and seek the answers that our constituents sent us here.

NEW PRESCRIPTION DRUG COVERAGE

(Mr. REHBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REHBERG. There is an old adage, the louder your opponents protest, the more you know you are successful with what you are doing.

That is exactly what is happening with Medicare's new prescription drug coverage. Those who voted against the new prescription drug benefit are protesting what we have done because they do not think seniors are smart enough or capable enough to choose the prescription drug plan that is best for them. They want the program to fail for preliminary reasons.

All these protests are designed to draw attention away from the fact that for the first time more than 7 million low income seniors and younger people with disabilities are now eligible for much needed assistance.

According to the National Council on Aging, a national voluntary network of organizations and individuals dedicated to improving health and independence of our seniors, low income Medicare beneficiaries should absolutely apply for a new Medicare approved drug discount card and its $600 annual transition assistance benefit.

Despite the shrill protests of those who voted against it and want it to fail, the power to save on prescription drugs is now in the hands of the seniors, and Republicans will help.

CINCO DE MAYO

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today we celebrate a day that represents the importance of freedom, liberty and determination for the people of Mexico and for Mexican Americans.

On May 5, 1862, untrained, out-numbered and out-gunned Mexican forces determined to protect their land, successfully defended the town of Puebla against the French.

Against overwhelming odds, they managed to drive back the French Army, achieving a total victory over soldiers that were deemed the best trained and equipped in the world.

For Mexico, this days represents a symbol of unity and patriotism.

In this country, Cinco de Mayo is also a celebration of the rich cultural heritage Mexican-Americans and all Latinos have brought to the United States. Unfortunately, Latinos do not have much to celebrate this year.

This past month the Latino unemployment rate has remained an alarmingly high 7.4 percent. This is 28 percent higher than when President Bush took office and it is significantly higher than the national average.

This administration's misguided policies continue to create economic uncertainty for all working families.

Do not be fooled by the Marachis and pinatas at the White House today. This pomp and circumstance gives no relief to the 1.4 million unemployed Latinos.

COMMENDING THE SERVICE OF THE ARMED FORCES FOUNDATION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, this weekend I had the honor of joining the nonprofit Armed Forces Foundation in Columbia, South Carolina, for Military Appreciation Day. There I met with hundreds of military and family members who gather to enjoy a day of recreation, fishing and appreciation for their service.

Led by President Patricia Driscoll, along with fundraiser Wyatt Smith and founded by Jim Gorab, the Armed Services Foundation works to support the American military community. President Driscoll knows personally the sacrifice these men and women make, as her husband is on active duty in Iraq today, fighting to protect American families in the war on terror.

Along with military appreciation events held throughout the United States, the Armed Forces Foundation coordinates care packages for troops deployed and offers travel assistance for families visiting wounded soldiers. Additionally, they give away thousands of turkeys every year for Thanksgiving and gift certificates for military children at Christmas time.

I ask all of my colleagues to join me in thanking the Armed Forces Foundation for their service to those who defend freedom.

In conclusion, may God bless our troops, and we will never forget September 11.

MISSING COMMANDER-IN-CHIEF

(Mr. MEEKS of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEKS of New York. Mr. Speaker, I rise this morning wondering where is the Commander in Chief?

Our wartime President is missing in action. Our troops are being killed because of a lack of proper planning; and as one of the worst scandals involving our military is uncovered, George W. Bush is in Ohio flipping pancakes, and in Michigan, of all places, riding in a $1 million bus made in Canada.

Where is our leadership from our President? It is AWOL.

As the Bush campaign smear machine continues to attack and distort JOHN KERRY's decorated Vietnam service record, which includes a Silver Star, a Bronze Star, and three Purple Hearts, George Bush wants the American people to believe that he actually has a military record to be proud of. That is as believable as when the Commander in Chief landed on the deck of an aircraft carrier pretending to be a soldier.

Perhaps the President's smear machine can explain where George Bush was the year he was missing during his military service, and his clear absence of leadership as a President, instead of cooking up phoney attacks on a decorated war hero like JOHN KERRY.

□ 1015

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KOLBE). The Chair would remind Members to avoid personal references to the President of the United States.

UPHOLD THE REPUTATION OF THE GREAT AMERICAN FIGHTING MAN

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, what happened at Abu Ghraib prison in Baghdad was a disgrace, and it grieved the heart of every American who saw it, grief for the families of the Iraqis incarcerated who had endured the indignities and grief for the American soldiers, not those involved. Those involved must and will be held to the strictest account.

It grieved me to hear, as someone who has traveled to Operation Iraqi Freedom twice, I have been at Camp Victory in Baghdad. I have been at Talil Air Base in southern Iraq. I have walked among our soldiers on aircraft carriers and on the ground. They are honorable men and women who each and every day put their lives on the line in a dignified and respectful way as American soldiers ever and always have.

It is for their reputation that I grieve today and why I call on this administration and our own military to put our house in order, hold those to account, uphold the great reputation of the American fighting man.

CONGRATULATING 2004 NATIONAL CHESS CHAMPS

(Mr. WEINER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEINER. Mr. Speaker, Edward R. Murrow High School is known for a great many things, not the least of which is producing the only two truly talented members of the Weiner family, my brothers Jason and Seth; but this year they are also known as the 2004 national chess champs, defeating over 150 schools, 300,000 student. This goes with their dynasty-building wins in 1992, 1993 and 1994, under the excellent coaching of Eliot Weiss.

We have to recognize they do belong in the pantheon of dynasties, as they defeated every school in the country and are soon going to be taking on those in this world. And as soon as NASA makes it possible, I am sure they will defeat teams from other planets.

Let me read the roll call of this great team: Salvijus Bercys, Dimitry Minevich, Olga Novikova, Alex Lidnerman, Ilya Kotlyanskiy, Oscar Santana, Willy Edgard, and Niles Smith. There is a reason they call this team the Brooklyn Kings. We offer them our congratulations.

THOMAS FARIA: MORE THAN THREE DECADES OF SERVICE TO THE RIGHT TO WORK CAUSE

(Mrs. MUSGRAVE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MUSGRAVE. Mr. Speaker, Mr. Thomas Faria was a Connecticut businessman who contributed to the efforts of the National Right to Work Committee. In 1977, he sent a letter to committee president Reed Larson offering his services as a member of the board of directors.

He wrote: "Although I have supported the National Right to Work Committee for a number of years because of my strong belief in individual freedom, I did not really appreciate the clout of union political power until I worked on trying to close loopholes in Connecticut's unemployment compensation law. I would like the opportunity to do more in the area of right to work as I feel America's future depends upon it."

Fortunately, Reed Larson took up Mr. Faria on his offer. Mr. Faria joined the board of directors of the National Right to Work Legal Defense Foundation shortly thereafter.

The right to work principle, the guiding concept of the National Right to Work Legal Defense Foundation and one of the guiding principles of Thomas Faria's work, affirms the right of every American to work for a living without being compelled to belong to a union. The National Right to Work Legal Defense Foundation gives legal assistance to employees who have been victimized.

I rise today to applaud Mr. Faria's efforts and the National Right to Work Committee with whom he served.

CINCO DE MAYO 2004

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, today is Cinco de Mayo. We celebrate the tenacity and the perseverance of the untrained and outnumbered Mexican forces that successfully fought for independence against the sophisticated French Army of Maximilian in 1862.

Across the Nation, we will be celebrating the turning points of this particular war as Mexican Americans in this country, and it is important for us to look at in this country the importance of this particular war to this country.

The writings of Harry Carr in the 1930s talk about the fact that during that particular time in 1860, during our own Civil War in this country, Maximilian had gone into Mexico with the intent of not only taking Mexico but moving on to the north. We are pleased also to indicate for those of my colleagues in this country to also know that the one who won the battle in Puebla was a Texan, was Ignacio Zaragoza Seguin who came out of Goliad, Texas, and was able to be victorious there in that battle in Puebla.

So as we celebrate the Cinco de Mayo, we are proud to have that interwoven with this country and Mexico.

MEDICARE PRESCRIPTION DRUG DISCOUNT CARD

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute.)

Mr. FRELINGHUYSEN. Mr. Speaker, this week nearly 15.4 million seniors across the Nation are eligible to apply for a Medicare-approved prescription drug discount card. This is good news for older Americans, especially for those in my home State of New Jersey.

With the new discount card, over 300,000 more seniors in my State alone will be able to receive immediate medicine assistance. Most of the beneficiaries will save an average of between 10 and 25 percent off the retail price of their prescription drugs while low-income seniors will receive an additional $600 of Federal credit towards the purchase of their medicines.

With the passage of this new Medicare law last November, we ensured that New Jersey and other States were not penalized, especially for having a preexisting drug assistance program that, quite frankly, is one of the most comprehensive and generous in the country. As a result of our efforts, not only will seniors save on their prescription medicines as promised, but our State of New Jersey will save an estimated $4 billion over the next 10 years.

CONGRESS FAILS TO AGGRESSIVELY TAKE SERIOUS OVERSIGHT RESPONSIBILITIES

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, recent revelations about the abuses in Iraq illustrate problems not just with United States policy but with how Congress deals with its responsibilities.

Yes, there are problems with the Department of Defense, starting with Secretary of Defense Rumsfeld who is either out of the loop, who either does not know or places a low priority on these problems, things known for months and issues lingering for over a year.

Yes, there are problems with contracting out to private companies functions, fundamental core government activities, at great cost without accountability. But we should be concerned that Congress fails to aggressively take seriously our oversight responsibilities instead waiting for a pending article in The New Yorker to cut loose an avalanche of other news accounts.

There are at least a half dozen committees in this House that could be taking action. The American public, the Iraqi people, and our men and women in uniform deserve better.

TREATMENT OF IRAQI PRISONERS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, as a military veteran, I was saddened and outraged to hear the stories this past week of physical and psychological abuse of Iraqi prisoners at the hands of U.S. soldiers.

This outrageous behavior goes against everything America stands for. It is a serious breach of military discipline. It is a disgusting and a shameful violation of human rights. It is un-American, and it jeopardizes the future freedom in Iraq and the Middle East, and it is sad that the 99.9 percent of the U.S. military which has conducted themselves honorably will now be defamed because of the actions of a few.

In a war for hearts and minds, these actions do not help, and those responsible should be held accountable; but let us remember the terrorists we are fighting.

In Saudi Arabia this weekend, terrorist extremists murdered five Western oil workers, tied one body to a car and drove around with it like a hood ornament. One terrorist murdered a pregnant woman and her four daughters, and then put a bullet in her stomach to make sure the job was complete. We remember the scenes from Iraq of the bodies of aid workers drug through the streets recently.

I have no doubt the U.S. will exact justice on our soldiers. If we could only get the terrorist extremists and their leaders to do the same.

HONORING ENRIQUE, JESUS, AND JULIO ZAPATA

(Mr. GRIJALVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRIJALVA. Mr. Speaker, I rise today in honor of Enrique, Jesus and Julio Zapata, and in particular, their honorable service in the Vietnam War. I am proud to say these three brothers, who gave so much to our country, were born and raised in my district in the city of Nogales, Arizona.

During the Vietnam era, Enrique, Jesus and Julio made the courageous decision to enlist in the United States military.

Jesus Zapata served his tour of duty in Vietnam from June 4, 1965, to July 4, 1966. Enrique Zapata served two 6-month tours of duty in Vietnam with the United States Navy, enlisting July 20, 1964. Julio Zapata served in Vietnam from April 30, 1967, to April 30, 1968.

Our country owes a debt of gratitude to these fine citizens and the countless Vietnam veterans who have not been accorded the full respect and appreciation they deserve from our country. As I speak today, they sit in the gallery of the House of Representatives. I hope those of my colleagues who meet them will thank them and extend their appreciation from all of us for the service they gave this country.

On Cinco de Mayo, when we celebrate and acknowledge our diversity, let us also acknowledge the shared sacrifice that all Americans have made for this country.

LIMITING FLOW OF LEGAL IMMIGRATION

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of South Carolina. Mr. Speaker, while I believe that illegal immigration must be stopped, there is nothing wrong with allowing a moderate level of legal immigration. Immigrants have contributed greatly over the years to our Nation and our economy, and society should accommodate several hundred thousand new legal immigrants annually.

However, we can never realistically accept but a tiny fraction of the tens of millions who would love to migrate here each year, and we can no longer allow a million new legal immigrants to come and work here.

For starters, I believe that we need to reduce legal admission numbers by ending the visa lottery and the so-called extended family categories that fuel foreign worker inflow by chain immigration. A positive first step at reforming our outdated immigration laws would be to pass H.R. 775, the Goodlatte bill that repeals the visa lottery.

As a cosponsor of that bill, I urge the House of Representatives leadership and Committee on the Judiciary to act to bring the bill before the full House for action and to advance other legislation to cut down legal foreign worker inflows to more moderate levels.

MEDICARE PRESCRIPTION DRUG DISCOUNT CARDS

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, when Congress passed the Medicare prescription drug bill, seniors expected real prescription drug coverage. Instead, seniors are receiving a sham discount card that guarantees no savings and will not lower drug costs.

Many seniors already use a drug discount card available at their pharmacies which provides savings up to 25 percent. Seniors are able to use as many cards as they need.

The Medicare discount card will limit the options available to our seniors. Seniors will be allowed only one card, and drug prices can vary week to week. In fact, drug companies are already starting to increase drug prices so they will not lose any money.

Democrats are committed to not only fighting for a prescription drug benefit for our seniors but for lower drug prices and giving seniors real choices.

The administration's drug benefit will mask inflated prices and give huge subsidies to drug companies. I am disappointed, as a matter of fact I am heartsick, that many seniors who desperately need our help will not save one dime on their medication bills under this administration's program.

ADMINISTRATION HAS FAILED EDUCATION

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, when it comes to education, the administration's rhetoric is there, but it masks the reality. The administration waves a lot of papers and makes a lot of speeches, but they have failed education in America; and it is a required course.

Here are their test courses. The administration has an Education Secretary who calls the teachers' union "terrorists." The administration left every child behind when it grossly underfunded that essential education in the United States.

Today, we are celebrating and they are celebrating Cinco de Mayo, while they hide from the Hispanic community the fact that they have cut programs to promote staying in school, knowing that the high school dropout rate for Hispanics is four times higher than white students.

Come November we are going to enroll the President and the administration in a remedial rhetoric course to learn how to tell the truth.

□ 1030

HONORING GENERAL ZARAGOZA

(Mr. HINOJOSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINOJOSA. Mr. Speaker, I rise today to honor a true hero who gave his life to free his country from foreign oppression. Ignacio Zaragoza Segun was born in 1829 near what is now Goliad, Texas, in my 15th Congressional District.

In 1862, French troops began to march to capture Mexico City. They met the Mexican forces at the city of Puebla in a battle that lasted the entire day of May 5, 1862. Under General Zaragoza's leadership, the vastly outnumbered Mexican Army forced the withdrawal of Napoleon III's Army, the premier army in the world at that time. French losses were heavy, but Mexican casualties were few. The costly delay in Puebla helped shorten the French intervention. It also helped preserve the American union, as it kept the French Army too busy to directly aid the Confederacy with troops during the U.S. Civil War.

General Zaragoza received a hero's welcome in Mexico City. While visiting his sick troops, he contacted typhoid fever and he died September 8, 1862, at the age of 33. On September 11, 1862, President Juarez declared May 5, Cinco de Mayo, a national holiday.

Today, Cinco de Mayo is celebrated throughout Mexico and around the world, but I hope that as we celebrate this holiday, we remember the courage and sacrifice of this true hero.

EVENTS OF THE DAY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me acknowledge the heros of Cinco de Mayo Day, and all of my constituents and friends who are celebrating this day.

Mr. Speaker, I also want to acknowledge this is the national day to prevent teenage pregnancy, and to be able to say that from 1990 to 2000, the decrease in teenage pregnancy is seen at 28 percent.

Let me also congratulate the family of Mr. Hamill, who is now celebrating his return, and I acknowledge that because many of his friends and coworkers are in my congressional district. To them I say, what a celebration, but we pray for other hostages.

But I am so sorry that I stand here today really to challenge the tragedy of what has happened in the Iraqi prisons, not because those line soldiers, who I know have done a disgraceful act, are the only ones now being chastised, but because this administration believes that cameo appearances on the television are the solution to the tragedy of what happened, that that will correct the face of America in front of the million of Muslims and Iraqi people.

Mr. Speaker, it is time for the administration to come to this Congress and that there be full exposure to what happened, not in the back rooms of the Permanent Select Committee on Intelligence or some other committee, but in an open hearing of this Congress. Shame on this Congress if we do not demand a full briefing of what happened. It should not be behind the closed doors of the Permanent Select Committee on Intelligence.

EDUCATION IN AMERICA

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, as we approach the 50th anniversary of Brown v. Board of Education, it is crucial that we examine the progress America's public school systems have made.

It seems to me although we live in different times, many fundamental challenges still remain. I, along with my Democratic colleagues, believe education is vital for students, parents and for our country. America needs strong leadership in education, one that will make up for 50 years of broken promises and unfinished business. Broken promises, such as the President's failure to increase funding for schools that remain $9 billion short, broken promises such as the President's failure to increase Pell grants for our college students while Pell grants remain the same for a third year in a row.

Mr. Speaker, when it comes to education, the President shows up for photo-ops, he stands next to children and to teachers for a picture, but he does not show up nor does he stand up with them when it comes to improving schools in our Nation.

It is time for the President to be held accountable for promises made and promises broken. As we commemorate the 50th anniversary of Brown v. Board of Education, it is time to stop leaving millions of our children behind.

DO NOT OVERLOOK TRUE MEANING OF CINCO DE MAYO DAY

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, I rise today to pay tribute to the Mexican patriots who gave their lives fighting valiantly and successfully against an overwhelming French army on May 5, 1862.

Celebrated as Cinco de Mayo, the true meaning of this holiday has been too often overlooked. Many celebrate with festivals, singing and dancing, but it is more than a party, it is about a proud heritage, cultural tradition and the freedom that was won. We as Americans and Hispanics celebrated Cinco de Mayo not just to honor the courage of those fighting for freedom, but also for its significance to the American ideal of self-determination, respect, justice and equality for all individuals.

Today, the struggle continues on, but we must come together as one Nation and one unit to respect each and every one of us. I yield back the balance of my time as we celebrate Cinco de Mayo, all coming together as one Nation and one country.

MIDDLE-CLASS ALTERNATIVE MINIMUM TAX RELIEF ACT OF 2004

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 619 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 619

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4227) to amend the Internal Revenue Code of 1986 to extend to 2005 the alternative minimum tax relief available in 2003 and 2004 and to index such relief for inflation. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable.for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. KOLBE). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 619 is a modified, closed rule that provides for the consideration of H.R. 4227, the Middle-Class Alternative Minimum Tax Relief Act of 2004.

It provides for one hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

H. Res. 619 also provides for the consideration of the amendment in the nature of a substitute printed in the Committee on Rules report accompanying this resolution, if offered by the gentleman from New York (Mr. RANGEL) or his designee, which shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent.

It waives all points of order against the amendment printed in the report and provides for one motion to recommit, with or without instructions.

Mr. Speaker, this is a fair and traditional rule for the consideration of legislation amending the Internal Revenue Code, and I hope that the House will approve the rule in order to have the opportunity to consider the merits of the underlying consideration.

The Alternative Minimum Tax was originally conceived as a means of ensuring that the wealthy "paid their fair share of taxes" in 1969. But, as has happened so many times in the past, the law of unintended consequences has meant that the AMT has produced a very different result.

Because the AMT is not currently indexed to the inflation rate, the number of taxpayers falling into the "AMT trap" is growing larger and larger every year. In 1970, 19,000 people paid the AMT. Today, this number has risen to over 3 million taxpayers. According to some estimates, approximately 35 million taxpayers will come under the AMT's procedures in the next 6 years.

These taxpayers are not wealthy by any stretch of the imagination. Increasingly, the AMT is punishing hard-working, middle class families.

With this in mind, I wanted to commend the gentleman from Connecticut (Mr. SIMMONS) for bringing H.R. 4227 to the floor today. This bill extends for 1 year the current limits on income exceptions from the AMT that Congress and President Bush enacted in 2001 and 2003. Notably, H.R. 4227 also indexes the limits for inflation, thereby precluding the AMT from taking an even bigger bite out of most moderate-income families' paychecks.

President Clinton's 1993 tax raise increased the AMT tax rate without adjusting the AMT exemption amount for inflation. Since then, however, the Republican majority in the Congress has repeatedly delivered AMT relief to taxpayers.

The Economic Growth and Tax Relief Reconciliation Act of 2001 increased the AMT exemption amounts, and the Jobs and Growth Tax Relief Reconciliation Act of 2003 further increased the AMT exemption amounts. These steps provided some relief to families, but for procedural reasons, the current law's AMT relief will expire next year if we do not enact H.R. 4227. While H.R. 4227 is a good proposal that deserves our support today because it will help provide much-needed AMT relief to workers, it is increasingly clear to me that the current income Tax Code is fatally flawed and in dire need of a fundamental overall.

To that end, I have introduced legislation, H.R. 25, that moves the Federal Government from an income tax-based system to a personal consumption system by abolishing all Federal income taxes and the IRS and replacing the Tax Code with a national retail sales tax on consumers buying new goods and services. Enacting the Fair Tax would, as just one example, solve the AMT problem for all families in the United States.

Mr. Speaker, I urge my colleagues to join me in supporting this rule so we may proceed with the debate on the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for the time, and I rise today in opposition to the underlying bill and the closed rule providing for its consideration.

Once again, my friends on the Republican side have come to this floor in a restrictive manner stifling debate before it is even allowed to begin. The majority preaches fairness and inclusiveness while practicing and maintaining an agenda that divides and obstructs.

The gentleman from Georgia (Mr. LINDER) previously suggested it is a fair rule because it allows for a Democratic substitute. With all due respect to the gentleman, this rule is anything but fair, and it is far from open. The rule does make in order an amendment offered by the gentleman from New York (Mr. RANGEL), the ranking member on the Committee on Ways and Means. The Rangel substitute is far more encompassing than the Republican proposal, easier to understand, and most importantly, it pays for itself.

Despite making this amendment in order, the rule blocks the gentleman from Washington (Mr. BAIRD) from offering an amendment dealing with the deductibility of State income taxes or State sales taxes. Yesterday evening, the Baird measure came to the Committee on Rules. The gentleman from Washington asked that his amendment be made in order under the rule. In typical fashion, Republicans are blocking what they may not be able to defeat. Just like Shakespeare wrote, a rose by any other name would smell as sweet; a closed rule will always stink, and not even dozens of roses could blanket this stench.

The so-called Middle-Class Alternative Minimum Tax Relief Act that the House will consider later today is just another example of the majority's recklessly irresponsible tax agenda, not to mention creative naming practices. Even at first glance, this bill fails America's middle class. Folks, it raises taxes on the middle class. I do not know about the rest of my colleagues, but I have a pretty tough time making the argument in the district that I am proud to represent that a household income between $100,000 and $200,000 is middle class because in the district I represent, the average household income is barely $31,000.

In that district that I am proud to represent, $100,000 in household income is upper class by any definition; yet this is the income level that the majority continues to use as an example when making the case to eliminate the AMT.

□ 1045

The majority maintains that extending AMT exemptions help the middle class. I say it neglects America's real middle class. It raises their taxes. If Congress is serious about helping middle-class families, then it ought to use the $18 billion we are spending on the AMT extension this year alone and invest in the public schools which middle-class children attend. Congress should use the $18 billion and invest in health insurance for the 8.1 million uninsured middle-class Americans. Furthermore, 1-year fixes do not solve our problems. Over a 10-year period, this really will cost us $559 billion. It would be easier to eliminate the entire income tax. It would cost us less than what the Republicans are proposing under the AMT provisions that they offer.

Or if we really want to make a statement about our priorities, Congress should dedicate this $18 billion to the transportation reauthorization bill, a bill that a colleague of ours noted last week is currently stuck in a Republican legislative traffic jam. If we take this $18 billion and add it to the nearly $96 billion that we spent last week in eliminating the marriage tax, we have got ourselves more than 110 billion in new dollars to invest in America's transportation and infrastructure. At the same time, we would be creating some 4.6 million new jobs. Congress could have the $375 billion transportation bill that America needs without any increase in the gas tax and avoiding a Presidential veto. Instead, the majority chooses to cut taxes at the expense of our national priorities.

Mr. Speaker, I do not know any tax cuts that can teach high school algebra. I certainly cannot recall ever meeting a tax cut that could build a road. But I do know the Bush administration tax cuts, that 3 years of those have stalemated this body to the point that we are unable to adequately address long-term unemployment, an increasing number of uninsured people, escalating costs for health care, the uncertainty of an aging Social Security program, and an inadequate transportation system in this great country of ours. Three years of the Bush administration tax cuts have resulted in the largest deficit in the history of America, the greatest decline in household income in nearly 40 years, and an economy that is showing no immediate signs of recovery to help the more than 8 million unemployed Americans. Most important, tax cuts affect our ability to provide for America's military.

Let me send a message to President Bush and his minions. We cannot have guns and butter and ice cream as they propose. Our country has serious needs. Mr. Speaker, the underlying resolution neglects all of them. For that reason and that reason alone, Members should stand up against the interests of a few at the expense of all. I urge my colleagues to oppose this closed rule and reject the underlying resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume to comment on the gentleman's opening statement. The gentleman from Washington did not show up at the committee to pursue his proposed amendment. And it is regular order for the Committee on Rules not to allow an open amendment process in bills that come out of the Committee on Ways and Means.

Lastly, let me just applaud the gentleman for saying we should get rid of the IRS. I welcome him as a cosponsor on H.R. 25.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Most respectfully, my friend from Georgia has misspoken. If he reads my comment, he will understand that I said the Baird measure was proposed before the Committee on Rules last night. I was there like the gentleman from Georgia was. I do know, as a matter of fact, the gentleman from New York (Mr. ISRAEL) presented the measure, and it was not accepted by us.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. FROST), the ranking member of the Committee on Rules.

Mr. FROST. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

The alternative minimum tax was originally intended to provide fairness for all taxpayers by requiring wealthy individuals to pay their fair share of taxes. Unfortunately, the alternative minimum tax is affecting more and more middle-class families. Middle-class families clearly should not be subject to the AMT, and I am glad we are looking at solutions to end this unfairness today.

But there is another tax issue that affects millions of Americans and that I think deserves the chance to be debated today, the issue of State sales tax deductibility. Since the sales tax deduction was eliminated in 1986, citizens from States that do not have State income taxes, such as my home State of Texas, have been unfairly punished. While taxpayers living in States that impose an income tax are entitled to deduct their State income taxes from their Federal tax bill, those living in States without income taxes do not receive an equivalent deduction for the sales tax. The result is that citizens of States like Texas, Florida, Washington State, and Tennessee are paying more to the IRS than are citizens of other States.

I do not think this is fair, Mr. Speaker. All taxpayers should be treated equally regardless of their State's tax system. A number of Members from both sides of the aisle have introduced measures to reinstate the sales tax deduction, and I think it is high time that this House consider their proposals.

Last night in the Committee on Rules, I offered an amendment to the rule brought forth by the gentleman from Washington (Mr. BAIRD). His amendment would restore fairness to the Federal tax system by allowing taxpayers who have no State income taxes to instead deduct their State and local sales taxes. Unfortunately, the Rules Committee majority defeated my amendment. Mr. Speaker, I do not think that is right. This House has debated dozens of other tax bills, but the Republican leadership will not allow this House to debate an issue that penalizes millions of American taxpayers.

Mr. Speaker, this is not a partisan issue. It is a matter of fairness. If this House is to be presented the tax bill of the week for the foreseeable future, I cannot understand why the Republican leadership will not allow the House to even consider an issue that will provide equity for the people of my State and six others. I think the American people deserve a full and honest debate on this matter.

Consequently, so that the House might be allowed to consider the sales tax deduction, we will attempt to defeat the previous question. If the previous question is defeated, we will offer an amendment to the rule allowing for the consideration of the gentleman from Washington's proposal to reinstate the State sales tax deduction for those States that do not have a State income tax. This may well be the only chance Members have to take a stand on this issue.

I urge my colleagues to vote "no" on the previous question so that this House may consider reinstating the sales tax deduction and so our constituents know where we stand on the issue of reinstating this deduction.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I note that all of my Republican colleagues who have such great interest in this AMT are just showing up in great numbers to speak on this measure.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, I would urge all of our Members who are from Texas, Washington, Florida, South Dakota, Tennessee, Nevada, or Wyoming to pay close attention. This may be your best time, it may be your only time in your congressional career to get basic Federal income tax fairness for your State. Let me repeat. If you are from Texas or Florida or Wyoming or South Dakota or Tennessee or Washington, this may be your only chance to get basic tax fairness for the citizens of your State. This is not a partisan issue. This is an issue of basic unfairness that has existed in this country since 1986 when the tax laws changed to deprive the citizens of our States basic tax fairness.

The citizens of those States I just named, Texas, Florida, Tennessee, Washington, South Dakota, Nevada, Wyoming, pay more Federal income tax per capita than citizens equally positioned in other States. Why? Because our basic tax mechanisms are the sales tax, not the State income tax, and we cannot deduct the State sales tax from our Federal income. So this is your best chance, this is your only chance, and you must vote against the previous question. That idea is anathema to some of our colleagues, but I think we need to rise above the petty proceduralisms of this House, rise above what your House leadership may be telling you or not telling you; and this is a choice to stand up with your people back home or to obey the rules of Washington.

Let us stand up for our people back home. Let us get basic tax fairness to our citizens. To do that, you have to vote against the previous question. This is not an ordinary vote on a regular Wednesday in Washington, D.C. This is your best chance, this is your only chance to get tax fairness for your people back home.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I would urge our colleagues who are back in their offices and committees to come on down here and explain to the middle class in America why this AMT is not a tax increase on them.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. DAVIS).

Mr. DAVIS of Tennessee. Mr. Speaker, I compliment my colleague from Tennessee for the remarks he has just made. Having served in the Tennessee State legislature in both the House and the Senate, one of the issues that was debated and discussed so often in both of those chambers, in both the House and Senate in Tennessee, is how can we bring tax fairness from the Federal level to those of us who live in States that only fund education through a sales-tax-based revenue stream. Our Speaker of the Senate was so fond of saying, "Uncle Sam taxes taxes." In fact, that is exactly what this Congress and what this Federal tax structure does to States who choose not to have an income tax. We tax taxes. That is certainly not what we intend, but that is the fact. We allow States who impose an income tax, either local or on the State level, on individuals who live in those States a deduction for the tax that they pay in State taxes to be deducted from the Federal income tax, but we do not allow those of us who live in States such as Tennessee who choose to manage their governments better, perhaps, than most by not imposing a tax on income.

In this Nation, we tax assets, a person's home. We tax purchases of food and clothing in the State that I live in and nonprescription drugs. Other States tax income. We have chosen not to do that. As a result of the tax bill that passed in 1986, you are imposing a tax on tax for those of us who choose to manage our States better, perhaps, than other States. I ask my colleagues to vote against the previous question.

Mr. LINDER. Mr. Speaker, I would like to just take enough time to remind the gentleman that the 1986 tax act was called the Bradley-Gephardt bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. The name of the bill, Mr. Speaker, does not make it any more correct. The problem still exists.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Speaker, I also want to say it does not matter what you call it. If it is inequity, it is inequity. If it is not fair, it is not fair. That is what I want to talk about this morning in this debate. We have lost the issue of a simple matter of equity and fairness.

I spent 19 years as a property tax collector in the State of Texas. My whole goal in assessing value to property was to make sure that no property owner, no taxpayer paid an unfair burden in comparison to the others. Our Tax Code unfairly penalizes those who live in States where there is no local or State income tax, which includes my State of Texas. Just as I cannot accept discrimination on how our government treats individuals, I do not want to accept discrimination in how our government taxes our citizens across the board. My colleague from Washington State knows this all too well, and that is why his proposed amendment is so important and timely, because it restores sales tax deductibility for residents of States with no local or State income taxes.

As current law stands, residents in States with local or State income taxes can deduct those amounts from their Federal taxes. So I ask you, where is the fairness for our hardworking, taxpaying citizens? Texas is one of nine States with no income tax; and as a result of the 1986 Federal tax reform law, regardless of who wrote it and who voted for it. that does not matter. That happened then, today is today. Sales taxes are not deductible. As a result, we are not treating all taxpayers in this country equally. Consider this: if Texans could deduct what they pay in State and local sales taxes, they could keep more than $700 million. That is a lot of money. That is money that the hardworking citizens of southeast Texas and the gulf coast region in my district could use to care for their senior citizens, pay their daily bills, use for unexpected emergencies, or even help offset our rising cost of school property taxes at home.

□ 1100

My colleague from Washington's proposed amendment offers a smart and simple fix and lets us remedy one part of our tax code so we can focus on reforming the rest of it. This money belongs to the residents of Texas, and by golly, if all other Americans get to deduct part of their taxes, then Texans should get to keep it as well. Let us vote against this previous question.

And this amendment would be limited to just one year, so it is not a permanent measure—I cannot think of anything more reasonable for us to consider.

After all, that's what equity is all about, and since it seems lately that all we are considering are tax bills, well then we might as well consider this one too.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. KOLBE). The gentleman from Florida (Mr. HASTINGS) has 14 minutes remaining, and the gentleman from Georgia (Mr. LINDER) has 26 minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Twenty-six minutes for those people who believe in this measure to come down here and prove to America that their provision on the AMT is not a tax increase on middle class America, yet they are not using that time.

Mr. Speaker, I yield three minutes to the gentleman from Texas (Mr. STENHOLM), my good friend and good student of this process.

Mr. STENHOLM. Mr. Speaker, I rise in strong opposition to the previous question so the House might be able to consider the Baird amendment restoring the deduction for sales tax, State sales taxes.

This is one of those issues that I wish the Committee on Ways and Means would have brought to the floor of the House 2 years ago. The AMT question is a very serious question of which there is a lot of concern about. But this is not the way to handle it in the bill today and the tax cut of the week, and obviously the lack of participation by my friends on the majority side shows how political this is and how substance is being thrown away.

But I want to talk about the State sales tax deduction which was eliminated in 1986. Citizens from States that do not have State income taxes such as my home State of Texas have been unfairly penalized. While taxpayers living in States that have an income tax are entitled to deduct their State sales taxes from federal taxes, folks living in States without income taxes do not receive an equivalent deduction. And my State is now in the process of increasing the sales tax on all citizens of Texas, which will compound the problem that we are talking about today. The result is that citizens of States like my State of Texas are paying more taxes than are citizens in other States with identical incomes, and I do not understand why the Committee on Ways and Means does not take up the question of tax fairness.

The Baird amendment would restore fairness to the Federal tax system by allowing taxpayers who have no State income taxes to, instead, deduct their State and local taxes. Why not? What is wrong with that? Why not have a discussion of that on the floor instead of the tax cut of the week, which is purely for political purposes that will show up in campaign ads all over the United States as evidenced by the lack of participation in the substance of that which we are talking about today?

I also believe that the fundamental bill, if we are going to have to, on the floor, ought to be paid for. I agree that this exemption of State sales taxes will cost an estimate of $1.2 billion, but it ought to be paid for and it should be paid for in the interest of fairness. States should be able to decide for themselves whether or not they want to adopt an income tax instead of being pressured to do so because the Tax Code is biased in favor of a State income tax instead of a State sales tax.

What is wrong with that picture? Why can we not have a serious debate on this floor about tax reform? Instead of just talking about it in campaign slogans, which we do, flat tax, et cetera, a fundamental question, why can the Committee on Ways and Means not take up the bill that they bring to the floor today and have a serious discussion of that within the committee? Why not let Members in a bipartisan way participate in these issues? Instead, it is a campaign issue. If they want a campaign issue, this is a campaign issue.

In Texas, the inability of Texans to deduct sales taxes should be an issue on the hearts and minds of every single Texan, and the vote on the previous question will clearly identify in this body who is in favor of fairness and who is not.

Vote against the previous question. Allow fairness to be discussed on the House floor.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, by continuing the exemption for another year, 1 year, Republicans are incrementally trying to postpone the day of reckoning with the AMT. At some point a decision will have to be made to, number one, repeal some of President Bush's tax cuts or, number two, index the AMT for inflation at a cost of roughly $370 billion or, number three, eliminate the AMT altogether at a cost of $600 billion without the Bush tax cuts, or $900 billion if President Bush's tax cuts remain beyond 2010.

What I just said is a part of inside baseball that at best we could feed to the goats the language that we employ here. The mythical Ms. Johnson and Jane and Joe Lunch Bucket understand only one thing and one thing only, that we need to have a debate on how it affects them. No one comes into my office talking about an AMT. But people come into my office talking about health care. People come into the office of our all of us talking about education. People come to our offices to talk about supporting the military in an adequate fashion. And countless, thousands, of Americans come to us talking about either being uninsured or needing to have incentives for small businesses. And yet we find ourselves unable to have a discussion in this House of Representatives that is meaningful as far as economics are concerned. What we get are campaign gimmicks and fancy names of things that do not become the law.

This measures has passed the House of Representatives before. If the American people wanted it to be law, they would be in our offices saying they want this to be the law. We cannot get ten people in most of our communities to write a decent paragraph on what the alternative minimum tax really is. I dare say we could not get a whole lot of Members of the House to do likewise.

With that in mind, it is a confusing set of circumstances that is a 1-year fix. If you think so much of it, why did you stay in your offices and not come down here and explain to the American public why the middle class will not experience a tax increase over the haul of 10 years? What you do is you reduce the income taxes, then you eliminate the AMT on one hand and you take from the right hand and give to the left hand.

To correct my friend from Georgia, who will have the last word on this subject, correctly so, because he and his Members are in the majority, let me give him a summary of the motion that he brought to the House of Representatives. It says "Providing for Consideration of H.R. 4227, Middle-Class Alternative Minimum Tax Relief Act of 2004, Mr. LINDER, from the Committee on Rules, submitted the following."

I shall not read the entire report, but since he took it upon himself to say that the Baird measure was not before us, I shall only refer to the language of the motion offered by the gentleman from Texas (Mr. FROST) last night when the gentleman from Georgia (Mr. LINDER) and I were in the Committee on Rules.

"Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Representative BAIRD." Do not challenge me when I say that that was what was brought to us. That measure was defeated six to five by the majority, and I say today we have a chance to remedy that problem if Members, particularly those from Florida, were to see my Republican colleagues from Florida come down here and say that this is not a sound measure when all we have is a sales tax and right up the street somebody else with an income tax can deduct it from their Federal tax offering and we are unable to do this so. Fair is fair. This measure is not fair.

Mr. Speaker, I will be asking Members to vote "no" on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will allow the House to vote on the Baird sales tax equity amendment that was offered in the Committee on Rules last night but not allowed by the Republican leadership. I think Members deserve an opportunity to vote on this important amendment. I want to point out that this is not a partisan amendment. It has support from both sides of the aisle as was demonstrated in the Committee on Rules vote yesterday.

The Baird amendment would allow taxpayers who itemize their deductions the option to deduct their State income tax or sales taxes paid in a given year. The option for deduction of sales taxes was available to taxpayers until 1986 when it was eliminated. The gentleman from Georgia (Mr. LINDER) said that the gentleman from Missouri's (Mr. GEPHARDT) name was on that. I remind him that it was signed by President Ronald Reagan. However, taxpayers in those States with a State income tax still retain the ability to deduct those taxes. The loss of the State sales tax option was particularly tough for taxpayers in States with no income tax like my own State of Florida.

As a result, people in my State and others similarly situated pay more taxes than people with identical taxable incomes in States that have a State income tax. It is very important that we equalize the tax relief for citizens in those States without the State income taxes.

Let me emphasize that a "no" vote on the previous question will not stop consideration of H.R. 4227, the Middle-Class Alternative Minimum Tax Relief bill. But it will allow the House to vote on reinstating the sales tax deduction option and correct the current tax inequity. But a "yes" vote will block Members from an up or down vote on this important tax relief.

Again, I urge a "no" vote on the previous question.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

In the resolution strike "and (3)" and insert the following:

"(3) the amendment printed in Sec. 2 of this resolution if offered by Representative Baird of Washington or a designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (4)"

SEC. 2. The amendment referred to in (3) follows:

At the end of the bill insert the following new section:

SEC. 3. DEDUCTION OF STATE AND LOCAL GENERAL SALES TAXES IN LIEU OF STATE AND LOCAL INCOME TAXES.

(a) IN GENERAL.—Subsection (b) of section 164 of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end the following:

"(5) GENERAL SALES TAXES.—In the case of taxable years beginning during 2004, for purposes of subsection (a)—

"(A) ELECTION TO DEDUCT STATE AND LOCAL SALES TAXES IN LIEU OF STATE AND LOCAL INCOME TAXES.—

"(i) IN GENERAL.—At the election of the taxpayer for the taxable year, subsection (a) shall be applied—

"(I) without regard to the reference to State and local income taxes,

"(II) as if State and local general sales taxes were referred to in a paragraph thereof, and

"(III) without regard to the last sentence.

"(B) DEFINITION OF GENERAL SALES TAX.—The term 'general sales tax' means a tax imposed at one rate with respect to the sale at retail of a broad range of classes of items.

"(C) SPECIAL RULES FOR FOOD, ETC.—In the case of items of food, clothing, medical supplies, and motor vehicles—

"(i) the fact that the tax does not apply with respect to some or all of such items shall not be taken into account in determining whether the tax applies with respect to a broad range of classes of items, and

"(ii) the fact that the rate of tax applicable with respect to some or all of such items is lower than the general rate of tax shall not be taken into account in determining whether the tax is imposed at one rate.

"(D) ITEMS TAXED AT DIFFERENT RATES.—Except in the case of a lower rate of tax applicable with respect to an item described in subparagraph (C), no deduction shall be allowed under this paragraph for any general sales tax imposed with respect to an item at a rate other than the general rate of tax.

"(E) COMPENSATING USE TAXES.—A compensating use tax with respect to an item shall be treated as a general sales tax. For purposes of the preceding sentence, the term 'compensating use tax' means, with respect to any item, a tax which—

"(i) is imposed on the use, storage, or consumption of such item, and

"(ii) is complementary to a general sales tax, but only if a deduction is allowable under this paragraph with respect to items sold at retail in the taxing jurisdiction which are similar to such item.

"(F) SPECIAL RULE FOR MOTOR VEHICLES.—In the case of motor vehicles, if the rate of tax exceeds the general rate, such excess shall be disregarded and the general rate shall be treated as the rate of tax.

"(G) SEPARATELY STATED GENERAL SALES TAXES.—If the amount of any general sales tax is separately stated, then, to the extent that the amount so stated is paid by the consumer (other than in connection with the consumer's trade or business) to the seller, such amount shall be treated as a tax imposed on, and paid by, such consumer.

"(H) AMOUNT OF DEDUCTION TO BE DETERMINED UNDER TABLES.—

"(i) IN GENERAL.—The amount of the deduction allowed under this paragraph shall be determined under tables prescribed by the Secretary.

"(ii) REQUIREMENTS FOR TABLES.—The tables prescribed under clause (i)—

"(I) shall reflect the provisions of this paragraph,

"(II) shall be based on the average consumption by taxpayers on a State-by-State basis, as determined by the Secretary, taking into account filing status, number of dependents, adjusted gross income, and rates of State and local general sales taxation, and

"(III) need only be determined with respect to adjusted gross incomes up to the applicable amount (as determined under section 68(b)).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

Amend the title so as to read: "A bill to amend the Internal Revenue Code of 1986 to extend to 2005 the alternative minimum tax relief available in 2003 and 2004 and to allow a temporary election to deduct State and local general sales taxes in lieu of deducting State and local income taxes.".

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

I merely point out that the majority party will be here to discuss the merits of the bill. The last debate has been on the rule, irrespective of the debate we heard from the other side, which was neither on the rule nor on anything in the rule nor on the merits of the bill. So I will urge my colleagues to come and pass the previous question, pass the rule, and get on with the debate on the bill, which is the extension of the AMT exclusion.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 220, nays 201, not voting 12, as follows:

[Roll No. 142]

YEAS—220

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
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McHugh
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Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
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NAYS—201

Abercrombie
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Bishop (GA)
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Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
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Cardoza
Carson (IN)
Carson (OK)
Case
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Clay
Clyburn
Conyers
Cooper
Costello
Cramer
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Davis (AL)
Davis (CA)
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Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
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Frank (MA)
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Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
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Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
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Pascrell
Pastor
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Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)

Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Ballance
Barton (TX)
Bono
Boyd
DeMint
Filner
Greenwood
Kaptur
Reynolds
Solis
Tauzin
Walsh

□ 1139

Messrs. MARKEY, RAHALL, DELAHUNT, HOEFFEL, SPRATT, MOLLOHAN, THOMPSON of Mississippi, and OBEY, and Ms. CARSON of Indiana and Mrs. JONES of Ohio changed their vote from "yea" to "nay."

Mrs. CUBIN changed her vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 142, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "nay."

Mr. BALLANCE. Mr. Speaker, I was not present for rollcall vote No. 142. Had I been present, I would have voted "nay."

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 142 on previous question on H. Res. 619, I was unavoidably detained. Had I been present, I would have voted "no."

The SPEAKER pro tempore (Mr. KOLBE). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ENGLISH. Mr. Speaker, pursuant to House Resolution 619, I call up the bill (H.R. 4227) to amend the Internal Revenue Code of 1986 to extend to 2005 the alternative minimum tax relief available in 2003 and 2004 and to index such relief for inflation, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 619, the bill is considered read for amendment.

The text of H.R. 4227 is as follows:

H.R. 4227

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited at the "Middle-Class Alternative Minimum Tax Relief Act of 2004".

SEC. 2. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF TO 2005.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 55(d)(1) of the Internal Revenue Code of 1986 are each amended by striking "and 2004" and inserting ", 2004, and 2005".

(b) INFLATION ADJUSTMENT.—Subsection (d) of section 55 of such Code is amended by inserting after paragraph (3) the following new paragraph:

"(4) INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—In the case of any taxable year beginning in calendar year 2005, the $58,000 amount contained in paragraph (1)(A) and the $40,250 amount contained in paragraph (1)(B) shall each be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2003' for '1992' in subparagraph (B) thereof.

"(B) ROUNDING.—Any increase determined under subparagraph (A) which is not a multiple of $50 shall be rounded to the next lowest multiple of $50.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider an amendment in the nature of a substitute printed in House Report 108–477, if offered by the gentleman from New York (Mr. RANGEL) or his designee, which shall be considered read, and shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House will consider one of the most important bills from the standpoint of tax equity that we will consider this year, the Middle-Class Alternative Minimum Tax Relief Act, a bill to make sure that the tax cuts which allowed middle-class families to keep more of their income over the past 3 years will not be undermined by the Alternative Minimum Tax.

There is little dispute, certainly none outside of this Chamber, that the Republican tax cuts helped families cope with economic uncertainties and played a significant role in stimulating the economic growth that we are seeing today. But if we do not act now to give the taxpayers another year of reprieve, the AMT will suddenly reappear and 11 million taxpayers will be hit with an average tax increase of $1,520.

Mr. Speaker, by preventing middle-class Americans from claiming their rightful exceptions from tax liability, the AMT punishes families with children or those who live in high tax localities. If we do not act, married couples will see their AMT exceptions snap back from a threshold of $58,000 to $45,000. Single individuals will see their AMT exception drop from $40,250 to $33,750.

Mr. Speaker, let us be clear about this. These are not wealthy people. These are middle-class Americans who would be slapped with a steep tax hike that they would not know about until tax day, when they learn that the tax exemptions that they thought they could take, the same tax exemptions we intended for them to take and told them we were giving them, would no longer apply.

For example, a family of four with a household income of $58,000 would, in 2005, be hit with the AMT. I am sure that no one here would seriously argue that that family is wealthy.

Today, the House has the opportunity, indeed, the duty, to extend AMT relief for 1 year and to ensure that middle-class Americans are not faced with an increase in their tax liability; and we must do this without raising taxes someplace else and stifling growth and killing jobs.

Mr. Speaker, this is an important measure to buy us time to truly reform the AMT and, as I hope, to repeal this regressive tax entirely. I have taken it upon myself to work with a number of colleagues, including the gentleman from Louisiana (Mr. MCCRERY), a fellow member of the Committee on Ways and Means, to form a Zero AMT Caucus. We will have our day; but in order to get there, we need to pass this bill today on behalf of working families.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me join in with the gentleman from Pennsylvania in trying to work to eliminate this burden that has been placed on people that it was never intended to penalize. But, Mr. Speaker, before we can work together on this issue, the issue has to come before our committee. Is that not a novel idea, a tax bill coming before the Committee on Ways and Means?

□ 1145

Why is it that we yield our authority, our jurisdiction to the Committee on Rules? Is this not something that should not be a partisan issue? Is this bill, this AMT, not adversely affecting Democrats and Republicans and liberals and conservatives? Why do we have to, in the middle of the night, shift this over to the Committee on Rules and then come to the House floor and say we want to spend $167 billion to go into debt but we only want to do it for 1 year? That is truly unfair.

Why do you give away tax relief for the marriage penalty and then take it back away with the alternative minimum tax? Why do we have this sloppy way to develop a Tax Code that is so complicated that it takes hours for people to try to get the benefits that we say we are giving to them?

So what I am saying to my friend from Pennsylvania, please do not tell us how you have got to struggle to make this permanent. Tell us how we can get the jurisdiction back in the Committee on Ways and Means.

It would be wonderful if you were saying that we were going to schedule hearings on this so witnesses can come forward. And while you are doing that, would you please tell the American people whether they are providing this tax relief at the expense of the debt that they are giving their children and grandchildren.

Would it not be good to know how you intend to pay for this? Where do we get the $17 billion? Do we take it away from DOD as we fight in Iraq? Do we take it away from homeland security or do we borrow it so the Chinese can buy our debt?

I do not know. I am 74 so it may not be my problem, but it may be the problem of our children and our grandchildren, as we give relief, which we should give on a permanent basis in one hand, and then we take it back from our children and our grandchildren. This is no place to legislate this complex legislation.

I just hope that no matter what happens at the end of this year, that somebody has the guts to say that tax legislation should come from the Committee on Ways and Means and not the distinguished Committee on Rules.

Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I ask unanimous consent that the gentleman from Washington (Mr. McDERMOTT) be allowed to control the remainder of my time.

The SPEAKER pro tempore (Mr. KOLBE). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ENGLISH. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I note that this issue has come up repeatedly before the Committee on Ways and Means. The Committee on Ways and Means has repeatedly worked its will on this issue and it has made very clear that it is committed to this kind of exemption. The Committee on Ways and Means is clearly in the loop in this.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. CRANE), a distinguished member of the Committee on Ways and Means.

Mr. CRANE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, in 1969 Congress enacted the individual alternative minimum tax, AMT. The purpose of this tax was to require that all taxpayers pay some tax on their income. We can have a debate about the merits, or lack thereof, of the AMT and I hope that in time we will.

Many of the provisions of the Tax Code that gave rise to the AMT do not exist today and have not existed for many years. However, today a more immediate issue confronts us. Mr. Speaker, the Clinton tax increase of 1993 increased the AMT tax rate but failed to adjust the exemption numbers for inflation. As a result of this tax increase, millions of American families, middle income families are forced to pay the AMT each year.

President Bush's 2001 and 2003 tax relief bills increase the AMT exemption amount from $45,000 to $58,000 for married couples and from $33,750 to $40,250 for single individuals. These increases ensure that the AMT is the result of the tax relief provided in the 2001 and 2003 tax relief laws do not hit middle income families. However, if we do not act now, this relief will expire at the end of this year. As time goes on and as inflation and costs increase, the number of taxpayers subject to the AMT increases.

If we do not act, over one million single filers and seven million married filers will be caught up in the AMT. The legislation before us today will extend the 2003 tax relief through 2005 and will adjust the exemption amount for inflation. Single filers earning up to $40,900 and married couples earning up to $58,950 will be exempt from the AMT.

Mr. Speaker, millions of middle class Americans run the small businesses that are the backbone of our economy. It is private citizens, not the Federal Government, that create this Nation's wealth and pay this Nation's taxes. If we do not act today, nearly eight million middle class taxpayers will suffer from our inaction. That is unconscionable and I urge my colleagues to support this legislation.

Mr. McDERMOTT. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this is one of those days when we come out here and try to fix a problem the Republicans created for themselves. Ever since you have been in charge of this place, you did not want to have regular order. You wanted to run bills through the committees without having any witnesses come in and talk about them. You would not listen to what people said to you. And now you have a big problem on your hands and you want to come out again today and put one more Band-Aid on a program that you put a Band-Aid on last year, and you will be back next year and next year and next year because you never understood what you were doing.

Now, when this bill went into effect in 1987, it was designed to tax those people who made lots of money and paid not one penny. That is what it was about. It affected .1 percent of the payers in this country. And the same was true even with the adjustments that we made in 1993 when I was here. The numbers were essentially the same, around .2 percent of taxpayers. Today we are looking at 25 percent of the people in this country are having to figure their taxes twice, because the Republicans made all those tax cuts in 1997 and paid absolutely no attention to what was going on.

If you live in a high tax State like New York or like California or like a lot of the progressive States in this country, and you have a couple of kids, you cannot deduct the money you pay in State taxes. You cannot deduct the money you pay in local taxes. You cannot deduct the deductions for your children. That is why it is sweeping down into the middle class. Half of the households who will be paying this tax are making less than $100,000 a year and over a third of them will be paying between 50 and $75,000.

Now, consider we made these great big tax cuts, we gave $112,000 to people making more than a million and we gave $676 to people in the average income range in this country. And then we turn around and slap them with the AMT tax. Most Americans do not know what the AMT is. It is called, for those of you watching this on television including somebody at the White House maybe, alternative minimum tax. It means if you are not paying enough income tax, then you have to pay this alternative.

Now, what has happened because the Republicans messed it up so badly, they have now swept up about a quarter of the taxpayers in the country with it rising to a third if they do not do something about it, and they have done that while they were busily helping their friends at the top who were not paying taxes anyway.

Now, this bill is another, as I say, Band-Aid. We have an alternative which will be offered by one of my colleagues from Massachusetts which solves the problem in a much more reasonable way and gets the middle class out of this tax trap.

Mr. Speaker, the following is an article from the Seattle Post-Intelligencer which describes this whole program.

[From the Seattle Post-Intelligencer, Jan. 17, 2004]

GET READY FOR THE ALTERNATIVE MINIMUM TAX

(By Mary Deibel)

Few Americans have heard of the alternative minimum tax, but many taxpayers are about to find out that it's the biggest financial setback they face, an IRS taxpayer advocate says.

"Although the AMT was originally enacted to prevent wealthy taxpayers from avoiding tax liability through the use of tax avoidance techniques, it now affects substantial numbers of middle-income taxpayers and will, absent a change of law, affect more than 30 million taxpayers by 2010," taxpayer advocate Nina Olson said in her 508-page annual report naming this parallel tax system taxpayer enemy No. 1.

Olson should know: State and local taxes pushed her into the alternative minimum tax last year so now it is personal as well as professional for her.

And it's about to get personal for lots of other taxpayers, too. Absent action by Congress and President Bush, one in four households will owe the alternative minimum tax by 2010.

Some 52 percent of them will be families making $100,000 or less a year, including 73 percent of households making $75,000 to $100,000 and 37 percent making $50,000 to $75,000.

> Married couples—especially couples with lots of children—are most apt to be hit by the alternative minimum tax, which prohibits deductions for dependents along with write-offs for mortgage interest, state and local taxes, medical expenses and the like.
>
> "It's a class tax that became a mass tax," says Urban Institute economist Len Burman, who co-authored the study projecting the future growth of the alternative minimum tax unless the tax code is changed.
>
> Congress enacted the tax in 1969 after being flooded with mail protesting reports that 155 ultra-rich Americans gamed the system to avoid paying a penny toward income tax.
>
> The alternative tax has been on the books since then, never indexed to inflation the way regular income taxes have been since 1981.
>
> The tax breaks President Bush and Congress enacted since 2001 expanding child tax credits, "marriage penalty" relief and the like make it more likely taxpayers who try to claim these write-offs will owe the alternative minimum tax.
>
> The 2003 tax cut contains a temporary provision that will help many families avoid the alternative minimum tax for just one year.
>
> Repealing the tax through 2010 would cost the Treasury $600 billion in revenue, according to the non-partisan Tax Policy Center, a Washington think tank.
>
> Meanwhile, taxpayer advocate Olson says taxpayers who might owe the alternative minimum tax can expect to pay a higher tax bill and spend an extra 12 hours preparing their 2003 taxes.
>
> Many won't owe it, but they still must spend the extra half-day on the paperwork, she says.

Mr. Speaker, the average citizen in this country is not aware what is happening; and the Republicans are out here today, the reason they do not want to have hearings in the committee is it might get on C–SPAN. Some people might find out what was really going on in the tax structure. But, no, we have to come out here, take it up to the Committee on Rules in the middle of the night, slip it down on the floor; and slam, bam, thank you, ma'am, it is out of here in an hour so that people will not know how badly you have messed it up for the middle class.

You have got to put these commercials on that say the middle class have benefited immensely from our tax cuts, and then you run out here to take the pain away that you are creating for them. And in my view, it could all be stopped if you simply would follow the regular order and allow this to be a debate in this House and about the issues that you are changing. To go from .1 percent of the taxpayers to 25 percent of the taxpayers, including people making between 50 and $75,000 without letting people ever, their representatives in the Congress, to have an opportunity to explain that to the American people, is absolutely unacceptable.

We will all vote for this bill, but it is another Band-Aid; and you will be back here next year. I bet you a month of my salary on that.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGLISH. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. SHAW), a member of the Committee on Ways and Means.

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me time.

To listen to the gentleman from Washington (Mr. MCDERMOTT) you would think that the Republicans are the ones that invented this tax. This was put in in the 1980s and under a Democrat Congress.

Also, I would like to remind the gentleman from Washington (Mr. MCDERMOTT) that in 1993, I believe without a single Republican vote, the rate was increased. We are trying now to roll some of this back. Is it enough? No, it is not enough. We need to do more. In fact, we need to kill this thing entirely, but until we can find the revenue, at least this would get to the middle class people, people that it was never intended to get, and to stop the bracket creep and the problem that they are having.

These are folks that are struggling to educate their kids, to buy groceries and pay their mortgages. They do not need an alternative minimum tax. It has got to be done away with. It should be done away with all the American taxpayers. This is a small step but it is a meaningful step. And I would predict that we would get a unanimous or near unanimous decision out of this House.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise today on behalf of the more than 2 million taxpayers who are unfairly burdened by the alternative minimum tax. As we know and it was explained today, it was designed in 1969 to ensure that the wealthiest Americans would still pay a fair share of taxes. The AMT now ensnares many middle income Americans in what was once envisioned as an alternative minimum tax has become nothing short of a mandatory maximum tax. And those it sought to protect have become its greatest victims.

Let us be clear on what the AMT is not. It is not a technicality of significance to only a few bureaucrats and the tax intelligentsia. It is not a mere glitch, the repair of which would only help a handful of disproportionately rich individuals. It is a system that affects 2.4 million families this year. A system that, if left unchecked, will affect nearly 75 percent of families making $75,000 to $100,000. It is a system that, in my district, can cost an individual making a good living, but not a lavish living and taking itemized deductions, thousands of dollars more in taxes each year.

In 2008, a family making over $50,000 with three children would be affected. Any family with one child or more, 60,000 would be affected.

☐ 1200

Although I am pleased to see bipartisan support to act to ameliorate the AMT, these temporary remedies will only be as valuable as the permanent solutions developed in the interim. These measures have the potential to help millions of families this year, but we must work together to crack the system that protects all hardworking Americans going forward.

I support the fiscally responsible Rangel substitute and urge my colleagues to help put an end to the inequities of the alternative minimum tax.

Mr. ENGLISH. Mr. Speaker, it is a great privilege for me to yield 4 minutes to the gentleman from Connecticut (Mr. SIMMONS), the prime sponsor of this legislation and a real advocate for middle-class taxpayers.

Mr. SIMMONS. Mr. Speaker, I thank my friend from Pennsylvania for yielding me the time.

I rise today in support of the Middle-Class Alternative Minimum Tax Relief Act of 2004, a bill that will prevent millions of middle-class, middle-income Americans from paying higher taxes next year.

Mr. Speaker, when the IRS's national taxpayer advocate Nina Olsen presented her annual report to Congress at the end of last year, she deemed the AMT, or the alternative minimum tax, as "the biggest problem taxpayers face today." She did not say upper-income taxpayers. She did not say top tax brackets. She did not say wealthy taxpayers, but simply taxpayers. In fact, middle-class families with children are becoming increasingly liable to come under the AMT for several reasons.

First, the baseline exemptions in this tax were never exempted for inflation. So as more and more Americans have entered into the middle class over the past 25 or 30 years, they have outrun the exemption and, therefore, fallen into the AMT trap.

Secondly, the AMT has begun to fall especially hard on middle-class families with children, the very people we in this body have aimed to help, not hurt, with our tax laws. These Americans work hard, they play by the rules, they pay their taxes year after year and are now sending more of their earnings to the Federal Government because this tax does not allow them to take the standard deduction for married couples, and it does not allow them to enjoy individual exemptions for themselves and their children.

What is more, as my colleague from New York has indicated, high-tax States such as New York and Connecticut are much more likely to be caught because the State, local, and personal property taxes are not deductible. Connecticut is the most taxed State in the Nation; and this year, around April 15, I heard from many of my constituents about the AMT tax.

Just last week, on a radio call-in show, I heard from a constituent, Rose Curran. She called in to complain about the AMT. Rose and her husband, Dan, did not have to pay it this year, but they anticipate that if we do not act they will pay it in the next couple of years.

Rose is a retired State employee whose only income is Social Security. Dan is a Vietnam veteran, disabled, a retired sailor from the U.S. Navy who now works as a civilian at the submarine base in Groton. I do not consider Rose and Dan Curran what I would call wealthy or rich people. They do not either, and yet they are concerned that if Dan keeps working at the submarine base they will fall into this trap.

This is one of the reasons why I introduced the Middle-Class Alternative Minimum Tax Relief Act of 2004, to extend through 2005 the AMT relief provided in the 2003 law. This measure will ensure that taxpayers who are currently exempt from the AMT will continue to be protected because AMT will be indexed for inflation over the next year.

If this legislation is not enacted, Mr. Speaker, the number of working families affected by the AMT will increase from over 3 million this year to over 11 million in 2005. Here is a chart that illustrates what will happen. We will go from 3 million to 11 million. If we enact this legislation, we will remain at the 3 million.

Mr. Speaker, I urge all of my colleagues to join me today in support of middle-class Americans like Dan and Rose Curran of Norwich, Connecticut. I urge their support for this legislation.

Mr. Speaker, I rise today to support my "Middle-Class Alternative Minimum Tax Relief Act of 2004," a bill that will prevent millions of middle-class Americans from paying higher taxes next year.

In 1969, the Treasury Secretary testified before Congress that 155 individual taxpayers with incomes above $200,000 paid no Federal income tax on their 1967 tax returns by taking advantage of the many exemptions and deductions in the tax code. This revelation sparked an immediate backlash from the American people. That year Congress received more constituent letters regarding those 155 taxpayers than on the Vietnam War.

Following this outburst from taxpaying constituents, legislation was passed that created a minimum tax designed to ensure that wealthy individuals could not escape income tax liability. It was termed the alternative minimum tax or "AMT," for short.

The AMT is a parallel tax system. You calculate your taxes under the normal tax system and again under the AMT. Whichever one yields a higher tax is the one you pay. The difference is that when calculating the AMT you cannot take the standard deduction, child exemptions, or deduct state, local, and personal property taxes. Without these important deductions, the AMT often carries the higher price tag of the two. Over three million American families discovered this just last month when calculating their taxes. For them, the AMT became their income tax.

Mr. Speaker, when the IRS's national taxpayer advocate, Nina Olsen, presented her annual report to Congress at the end of last year, she deemed the AMT to be the "biggest problem taxpayers face today."

I would urge my colleagues to note that Ms. Olsen said "taxpayers." Not upper-income, not top bracket, not wealthy taxpayers, but simply taxpayers. In fact, middle-class families with children are increasingly liable to come under the AMT for several reasons.

First, the baseline exemptions in this tax were never indexed for inflation. So as more Americans have entered the middle-class over the past 30 years, they have "outrun" the exemption and therefore fallen into the AMT trap.

Second, the AMT has begun to fall especially hard on middle-class families with children—the very people who we in this body have aimed to help not hurt with our tax laws. These Aemricans—who have worked hard, played by the rules, and paid their taxes year after year—are now sending more of their earnings to the Federal government because this tax does not allow them to take the standard deduction for married couples and it does not allow them to enjoy individual exemptions for themselves and their children. The more children a family has, the more likely they will be forced into the AMT.

What's more, if families hail from high-tax States like Connecticut they are much more likely to be snared, as State, local, and personal property taxes are not deductible under the AMT. I represent the most-taxed state in the nation. This time of year I am hearing more and more about the AMT.

Just last week while participating on a call-in radio program I heard from a constituent of mine from Norwich, Connecticut. Rose Curran and her husband, Dan, did not have to pay the AMT this year, but they did owe Federal taxes for the first time in years. In going over their return, they discovered the AMT and were curious about what it was. Upon learning more about its current exemption levels, they realized that this supposed "tax for the rich" may well affect them in future years.

Rose is a retired State employee whose only income is social security. Dan is a disabled Vietnam veteran and retired sailor who works now as a civilian at the Subase in Groton. Mr. Speaker, I don't think Dan and Rose Curran would call themselves "rich." But they are concerned that if Dan keeps working at the base they will fall into this tax trap. During my conversation with Rose I urged her to follow up with office and I promised that I would look into this matter.

When I did I was stunned. As one publication put it, this problem is "growing like the monster from the tax lagoon."

Today, the AMT exemption amount for a married couple is $58,000. However, this relief is scheduled to expire at the end of the year. Without action, the exemption amount will drop from $58,000 to $45,000 in 2005—raisinig taxes on millions of hard-working, middle-income families beginning next year. The exemption for individual payers will drop from $40,250 to $33,750 with the same result.

Therefore I have introduced the "Middle-Class Alternative Minimum Tax Relief Act of 2004," to extend through 2005 the AMT relief provided in the 2003 law. This measure will also ensure that those taxpayers that are currently exempt from the AMT will continue to be protected from the AMT because it will be indexed for inflation over the next year.

If my legislation is not enacted, Mr. Speaker, the number of working families affected by the AMT will increase from over 3 million this year to over 11 million in 2005. Let me repeat that—over 11 million Americans will face this surtax next year without action on my bill today. What's more, the 8 million new families paying the AMT will face an average tax increase of $1,520 according to the Joint Committee on Taxation.

I'm sure that many of my friends here today will say that this won't solve the greater structural problems of this tax and that this is just a temporary fax. There is some truth to that. Thanks in part to the diligent work of people like my colleague from just next door, the gentleman from Massachusetts, Mr. NEAL, we all recognize the seriousness of this issue and the need for a long-term solution. But lets not get so mired in debating how to address the long-range consequences of this problem that we fail to provide this critical extension.

Mr. Speaker, what began as a way to make sure that high-income Americans payed their fair share has today become little more than an unfair surcharge on people who choose to get married, have children and work their way into the middle class. My friends, the fireman and the teacher making around $65,000 together are not rich. They work hard every day to put food on the table, pay the mortgage, and save for their children's education. They cannot afford high-priced accountants to help them reduce their tax bill. But if this couple has three children and takes the standard deduction, they WILL—according to CRS—pay the AMT next year if we don't act. Lets make sure—with this legislation—that next April people like Rose and Dan Curran do not pay the considerable price of the alternative minimum tax because we failed to act on their behalf today.

Mr. Speaker, I urge all of my colleagues to join me in support of middle-class Americans like Dan and Rose Curran of Norwich, Connecticut and support the "Middle-Class Alternative Minimum Tax Relief Act of 2004."

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, my friend from Connecticut has spoken somewhat of the truth, but the anecdotal stories that have been presented on the floor are only an indication of all of the things that are happening throughout the United States, and if we really care about shifting the burden of the alternative minimum tax right now up the scale rather than trying to burden the middle class, then we should do this and be honest with the American people and tell us what the effects are of all the taxes, because we are giving with one hand and we are taking back with the other hand.

Today presents us with yet another cynical ploy of gimmicks and illusions masquerading as long-term tax policy. Indeed, despite the widespread acknowledgment of the urgency for preventing large swaths of the middle class from being sucked into the alternative minimum tax over the next decade, neither the administration nor the leaders in the House or the Senate are willing to propose permanent relief.

Why is that? Is it because some of my friends do not want to acknowledge the overall cost of the AMT? Is it because some of my friends want to make our tragic budget situation seem less grim? Was the decision to provide AMT relief for only 1 year designed to understate the cost of other tax cuts enacted, as well as various pending tax cut proposals, including those to make 2001 and 2003 tax cuts permanent?

I think we all know the answers to the questions. We should. It is unfortunate. For over 3 years, this body has employed deceptive budget stratagems to force through politically infused tax cuts that threaten our Nation's long-term fiscal health, and so it continues.

We should all vote for the Rangel substitute. We should all say enough burden on the middle class. This bill is reported to cost a relatively modest $17 million, but if we extend it as expected, its actual long-term costs are much higher. Why do we not tell the American public what it will cost, since we want to stretch out the permanent tax cuts for another 10 years? Why do we not tell them what it is going to cost? We do not want to do that because folks are going to ring back and say, oh, my God, that is a lot of money.

Indeed, by proposing a 1-year fix to a perpetual problem, H.R. 4227 purposely obscures not just the long-term costs but also the other tax cuts recently enacted.

Mr. ENGLISH. Mr. Speaker, I yield myself 15 seconds just to say to the gentleman what is fairly clear and Chairman Greenspan recently indicated to us before the Joint Economic Committee that the tax cuts are working as a tonic for the economy. Clearly they are helping us to expand our tax base and move back toward a balanced budget, and that is fairly clear.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SAM JOHNSON), a member of the Committee on Ways and Means.

Mr. SAM JOHNSON of Texas. Mr. Speaker, the AMT is a sneaky tax. It is a parallel tax system where normal rules of income and deductions do not apply. You lose most of your deductions and your children become a liability.

The bill we are debating today will keep this sneaky tax from taking away the benefit of many of the 2001 tax cuts. However, we are just holding back the tide of the AMT that in 2008 will swamp the tax system and actually collect more money than the rest of the income tax system combined.

Yes, it is going to be cheaper to repeal the entire income tax system than to repeal the AMT. I think this sneaky, destructive tax will finally cause the income tax system to implode.

This bill today will buy us some more time so we can get on with building a consensus on replacing the income tax system. We need to replace our income tax system that is, as my colleagues know, economically destructive, impossibly complex, and overly intrusive. It has impeded our ability to create jobs, encourage savings and investment, and realize the American dream.

When I speak with constituents, the biggest applause line I get is about abolishing the IRS. I think that the system, any replacement, any new system, should reduce the role of the Federal Government, encourage savings and investment, be simple, and most of all, it must be fair. AMT does none of this, and we must repeal it; but until we can repeal it, we must hold harmless those Americans whose taxes are being raised in the next year.

One additional interim step we need to take is to help those trapped in AMT through exercise of incentive stock options or ISOS. In this instance, the AMT requires people who exercise options on their employer's stock to pay tax on phantom profits. Many people stuck in AMT owe tens of thousands or hundreds of thousands of dollars in AMT on phantom profits never realized because the bottom fell out of the market. We cannot justify a tax system where taxes are owed when no gain was ever realized.

I hope we will also be able to fix this inequity as this bill moves through the process; but for sure, we need to get rid of this sneaky tax now.

Mr. McDERMOTT. Mr. Speaker, I yield myself 15 seconds.

The gentleman from Texas talks about this being a sneaky tax sneaking up on people. It is only sneaky because my colleagues would not have hearings. If they would have listened to us when they were passing these tax bills in 1997 and 1998 and 1999 and 2000, we told them over and over again, we offered these changes that were necessary then and it all happens now. They say we snuck up on them.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding time to me; and I, too, rise in strong support of the alternative minimum tax reform. In fact, I would go so far as to say, if there was one tax that should be permanently reformed, it would be this one.

First of all, as everyone has mentioned, many middle-income people find themselves caught with this tax. They have plenty of deductions, but they are not allowed to deduct it because they have met the threshold, and it certainly is regressive and should be changed.

In 1969, the tax was put into effect. It has not been modified since it makes no sense whatsoever not to have it indexed to inflation; and again, if there was any tax reform that ought to be made permanent, it should be this tax.

We have heard about other taxes. The estate tax is one with which I do not agree that that tax should be permanently repealed. The estate tax repeal would only benefit the very, very high-income people, and I think they should pay their fair share; but this alternative minimum tax really hits a lot of working people, a lot of middle-class people and is really grossly unfair.

If a person lives in a high-tax State, as was mentioned by my friends from New York and Connecticut, it even hurts and hits them even more so. This tax, as it is currently written, makes no sense at all. I would hope that after this 1-year extension we could put our heads together and come back with something that makes sense, a permanent reform.

While this bill is a step in the right direction many middle class families that are hurt by the AMT, will not be helped by this and will only be helped by a total re-write of the AMT and a permanent reform.

I think on this side of the aisle the point had been made that the Committee Ways and Means, which is the tax-writing committee, ought to have hearings. And after we can finally put together a plan that would reform the AMT permanently for good.

Right now, I will take this quick fix, but we ought to build on to it. We should permanently reform the AMT. It makes no sense whatsoever to keep doing short-term extensions on tax policy that hurts a lot of hardworking families.

Mr. ENGLISH. Mr. Speaker, I first yield myself 15 seconds to thank the gentleman from New York for his presentation. It was very thoughtful. I want to associate myself with his remarks. We appreciate his making this debate very bipartisan, and I welcome him to get involved in our Zero AMT Caucus and try to work on a bipartisan basis to deal with this problem.

Mr. Speaker, it is a great privilege for me to yield 5 minutes to another gentleman from New York (Mr. HOUGHTON), who has put an extraordinary amount of time in on this issue, the chairman of the Subcommittee on Oversight of the Committee on Ways and Means, my colleague.

□ 1215

Mr. HOUGHTON. Mr. Speaker, I thank the gentleman for yielding me this time, and say to the gentleman from New York (Mr. ENGEL) that we have fought a good fight on many issues, and I am delighted to be associated with the gentleman on this.

Mr. Speaker, I am not going to talk about the alternative minimum tax. People have described it, nobody wants it, we want to get rid it. The question is how. Do we do it the Democratic way or the Republican way. I happen to believe that H.R. 4227, the bill of the gentleman from Connecticut (Mr. SIMMONS), is the right approach.

I guess the only thing I would hope is that we would not get tangled up in two things: One is we not get tangled up in the politics of this thing. This is a national interest. We could argue back and forth and criticize each other, but the point is people are going to get hurt and we have to stop that. The other thing, I hope we do not get tangled up in procedural issues. This is a procedural House, but the impact is not procedural on people on the outside.

I want to thank the gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from Connecticut (Mr. SIMMONS) for what they have done. The gentleman from Connecticut (Mr. SIMMONS) has really been the watchdog here for a lot of people who could get hurt, and they do not know they could get hurt. The fact that they have been watchful and sensitive to the human condition is very important.

As Members have said, this is a stopgap measure. But without this, we cannot go to the next leg. The next leg is to get rid of a tax. It is an interesting concept because before 1986, people with large amounts of capital could give that capital away; and, therefore, under provisions of the tax law, would not have to pay any tax. It was not fair and it was not democratic, and that is why this thing came into effect.

But there was no indexing, and that is why this is creeping up and involving enormous numbers of people. There are over 3 million people now, and there will be another 8 million involved. It is a very hurtful tax. I think it is a very good idea. If you want to vote the Democratic proposition, that is fine. I happen to believe what the gentleman from Connecticut (Mr. SIMMONS) has done is right on target. It is essential. It is straightforward, simple, and will benefit everybody. Therefore, I request that Members support the bill, H.R. 4227.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

I would say to my distinguished colleague, the gentleman from New York (Mr. HOUGHTON), we are going to miss the gentleman when he leaves Congress. It will be a loss for all of us. The gentleman said this is a tax that nobody wanted. Well, if we take the Democratic alternative and look at it in the Statement of Congressional Findings and Purposes, and mostly Members blow through these bills and never read that. I have a little bit of time, so I would like to say a few things about it.

In 1986, because of tax preferences on oil and gas depletion and a whole lot of things, there were a number of people in this country who made a lot of money who then could write it all off because they had these preferences on oil and gas exploration and so forth. So there was an agreement in this House to put in an alternative minimum tax, believing that every American ought to pay something. No matter how rich or how poor, we believe that each worker should put something in the pot. Here we had these people at the top who figured out how to get rid of it all. So we put the alternative minimum tax in.

Then came the 1990s and we had tax reform. We got rid of all of those preferences. Even when we did that, we still had less than 1 half of 1 percent of taxpayers who paid this alternative minimum tax. It never became a problem until 1997 when we took away the personal deductions and the deductions for kids, and we suddenly swept up a quarter of the people this year. If we look at the projections, we are going to have three-quarters of the people paying this thing at some point down the road.

We could have fixed it along the way, but most people did not want it in the first place, and so they said let us get rid of it. Those people on the top should not have to pay anything if they can figure out how to get out of it. So we have not fixed it.

I give you a tale of two taxpayers. There is one standing here, and I have a wife who works and the two of us make a nice living. We have good salaries. We do not have any children, and we do not pay the alternative minimum tax. And the other thing is I live in Washington State. We do not have a State income tax. A great State to live in. It wants folks to come and visit, but do not stop there and live. We do not have any problem with the AMT.

Mr. Speaker, I am not arguing for myself. I am arguing for these people behind me who live in the District of Columbia. One has two kids, one has four kids. They have to pay it on staff salaries in the House of Representatives. Tell me where is the fairness in that tax structure? How is it my wife and I benefit tremendously from this system, and we clobber the people in the middle class behind us? That is why we are here today.

Obviously, Republicans realize that the people out there are going to find things out when they do their taxes. They start through the form, and if you have an adjusted gross income of $58,000, you should begin to figure your taxes in a parallel fashion, the regular income tax form, the 1040, and then there is the alternative minimum tax. So there you are at $60,000, $70,000, and you have to figure your taxes twice.

If you ask the IRS, they put out a flyer that says it takes 3 hours and 56 minutes to figure the alternative minimum tax. Now people are filling out their tax forms making $70,000, a lot are not using accountants, that is their time. So we are putting them through the wringer twice to fill out their taxes because you would not listen.

Now this idea that we will repeal the alternative minimum tax, that is nice. That is a great idea. You know who that helps, well, it helps these people behind me a little bit, but it helps the people at the top. Again, it would be a give-away to the people on the top. I understand what the Republican Party is all about. I believe that is what your goal is. That is a major plank in your platform, is no one who has millions of dollars should pay anything, they know how to use their money, we should let them have it and they will invest it and we will have a lot of jobs.

Well, these tax cuts have not worked in the State of Washington. They have not worked in the State of Washington. We have more people unemployed today than we have ever had. It is the highest long-term unemployment we have ever had since the 1950s, and we are still waiting for the recovery. In February, there were 21,000 jobs created, all government jobs. So the tax cuts did not work except for people who had a lot of money. The next month, March, we had 306,000 jobs. Goodie, we are growing.

The fact is that economists say that it takes 250,000 new jobs every month to simply keep up with the growth in the labor force in this country. So 300,000 is just barely replacement, saying nothing about the 3.5 million that we have lost since President Bush has been in office.

This economy has been an absolute disaster for the middle class and the ordinary working people in this country. This tax structure Republicans have created is awful. We will vote for this today. There is no Member who is not going to vote to put a 1-year patch on it, but it is not being fixed. As a Member said, the way things are going, down the way, you are going to have half the people we are going to have to deal with, and at some point it is going to cost a lot of money.

The other side of the aisle would not fix it in 1997. We tried to tell them, but they were too smart and too full of their own ideas and ideology to look at what they were doing to people, and that is why we are here today. We certainly will all vote for it.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGLISH. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in support of H.R. 4227 to extend the alternative minimum tax relief to our Nation's middle class and working families. This legislation will ensure that almost 8 million Americans are not going to be subject to unfair higher taxes. It is interesting because just last week, I listened to my colleagues on the other side of the aisle. About 100 of them actually voted against the marriage penalty relief. They said that offering this Nation's working families relief from a tax on marriage was inconsequential because these families would be subject to AMT.

H.R. 4227 is a pro-growth, and most importantly, pro-family piece of legislation that will help us fix this problem.

Mr. Speaker, as has been mentioned already several times today, the original intent of AMT provisions in our Nation's Tax Code were designed to prevent high-income taxpayers from using tax deductions, from using write-offs, as well as loopholes from avoiding paying their fair share of taxes. But under the leadership of the Democratic Party prior to 1995 and their obstructive politics since then, the AMT will continue to force hard working middle class families to pay more than their fair share unless something is done.

H.R. 4227 at least offers a temporary fix to this problem until Congress can develop a permanent solution. I commend President Bush and the majority party in Congress for implementing an economic growth package that has all of the economic indices on a positive trend line. Consumer confidence in our economy is on the rise because thanks to the leadership of President Bush, more Americans are able to keep more of their hard-earned money. The President and the Republican majority trust and believe in the American people. By extending relief from the AMT, we can make sure that taxpayers are not paying more than their fair share and they can have money in their pocket to help expand our economy even further.

Mr. Speaker, this House is faced with an important decision today, one that will affect up to 8 million working families. I support this legislation because I support those families. I urge my colleagues to make the right decision and vote to pass this.

Mr. McDERMOTT. Mr. Speaker, I reserve the balance of my time.

Mr. ENGLISH. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I rise in strong opposition to the Rangel substitute. Under the guise of individual tax relief from the alternative minimum tax, or AMT, the Rangel substitute would raise taxes by $15 billion. This new tax increase would fall squarely on the shoulders of America's small businesses, the same American companies that create jobs and drive our Nation's economic engine.

The tax relief this Congress has passed over the past 3 years has contributed mightily to the economic recovery we are now experiencing. More than 750,000 jobs have been created in the past 8 months. We have strong economic growth of between 4 and 5 percent, low inflation, and homeownership rates at the highest level ever.

Mr. Speaker, why in the world would we choose to raise taxes on American small businesses just as our economy has turned the corner? Why would we smother the engines of job creation with higher taxes? Yet this is exactly what the Democrat substitute would have us do. Hard-working Americans need relief from the unfair AMT tax, and the majority bill offered by the gentleman from Connecticut (Mr. SIMMONS) will give it to them.

Without passage of the majority bill, an additional 8 million middle income taxpayers will see their Federal taxes rise because of the AMT next year.

□ 1230

We cannot allow this to happen. Let us reject the Democrat substitute and pass the underlying bill. Americans deserve relief from the AMT tax, not new taxes.

Mr. ENGLISH. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I came to Washington to work on several issues, one of which is the sales tax deduction. Tennesseans know my record on tax fairness. I have been working with the gentleman from Texas (Mr. BRADY) to put that sales tax deduction issue on the map. I am glad to see that we have got some folks on the other side of the aisle that are coming in here and ready to help us with this debate. Like my mom always said, better late than never.

Unfortunately, true to form, their proposal, the Democrat proposal is a classic political bait and switch. They are talking about supporting a sales tax deduction while they are hiding the fact that their motion to recommit contains a tax increase. Tennesseans are not going to buy that kind of gimmickry. Whenever you make that kind of bargain, the end result is always higher taxes.

Today we are talking about the AMT, the alternative minimum tax. One of my Democrat colleagues said he never hears from constituents about the AMT, that they do not know what it is. He might be right. There are millions of middle-income taxpayers that do not know what is coming, that 11 million of them will be hit with an average tax increase of $1,520. So let us come back in a year and tell these people they do not know what the AMT is. They are going to know. They will know that they have been walloped with a $1,500 tax hike if we do not take action right now. They will be angry because people opposed the Republican plan that is supported today.

My friends across the aisle claim that their motion to recommit addresses the tax hike. Where were they when President Clinton raised taxes and failed to adjust the AMT for inflation? They had their chance to act then, and they failed. People back home need to ask themselves who do they trust on the tax policy; who has been consistently on the side of the taxpayer. It is an easy call. Democrats only talk about tax relief in election years. Republicans talk about tax relief every year.

Mr. ENGLISH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Speaker, I would like to salute the leadership of the gentleman from Pennsylvania (Mr. ENGLISH) on this issue.

Mr. Speaker, what we face with the alternative minimum tax is a sleeping giant, a sleeping giant that is starting to wake up and gobble the hard-earned funds of millions of American taxpayers. Today it is 3 million taxpayers; but tomorrow if we do not pass this legislation, it will be 11 million taxpayers. And if we do not have the time necessary to have a longer-term solution for the alternative minimum tax, by the end of the decade it will be 30 million taxpayers, one in three Americans, will fall victim to this tax that was originally designed to catch about 150 very wealthy Americans that did not pay their fair share of taxes.

What we have today, though, with the alternative minimum tax is a situation where middle-income Americans will be paying more than the wealthier Americans because they lose their personal exemptions, they lose the exemption for State and local taxes, and they lose the exemptions for itemized deductions. Most of the benefits of the tax cuts in 2001 and 2003 will be evaporated for these taxpayers; and for anybody that has had to go through the alternative minimum tax, the compliance costs of having to fill out taxes in a dual universe, the normal way and the alternative minimum way, is much higher.

Mr. Speaker, I urge my colleagues to support H.R. 4227 and allow us this year of time to have a long-term solution to fix the alternative minimum tax.

Mr. ENGLISH. Mr. Speaker, I reserve the balance of my time with the right to close.

Mr. McDERMOTT. Mr. Speaker, I yield myself the balance of my time.

One of the problems here in the House on an issue like this is that it is hard to have a real debate because we do not set it up as a debate. We really are having a bunch of 2-minute speeches, and nobody ever gets to answer anybody back and forth. The gentleman from Pennsylvania (Mr. ENGLISH) is an honorable Member and, I think, is just wrong on this issue. I do not bear him any ill will, but one of the interesting things about this is one of the more recent Members who came out here was the gentleman from California (Mr.

HERGER). He went on about the fact that the Democratic alternative is going to cost $17 billion. This is a time at which the Republican management of the economy has developed the biggest deficits in a very long time. We are going to have to raise the Federal debt limit again. We are going to have to sell more bonds to the Chinese. We are going to have to sell more bonds around the world to keep our economy afloat than ever before.

The gentleman from California's complaint about the gentleman from New York (Mr. RANGEL) is that the gentleman from New York has come in here and said, you know, I think we ought to pay for this bill. We ought to pay for it. The gentleman from Pennsylvania (Mr. ENGLISH) and his colleagues are not interested in paying for it. They just want to throw it on the credit card, another $17 billion onto their kids and their grandchildren. I just had a grandchild born last August, so for the first time I am really thinking about grandchildren. I used to just think about my kids. But now I am looking two generations down the road. It is no problem for the gentleman from California and the gentleman from Pennsylvania and other Members to say, Hey, throw it to the kids. Let's not pay for it.

You have done that since 1996. The mess we are in is directly related to what you have done. When President Bush took over, we had some kind of surplus, I forget, $200 billion; and we are now going into the hole at least $400 billion or $500 billion every year. When the gentleman from New York comes out here and says I would like to pay for it, he gets criticized. That is called raising taxes. No, it is being fiscally responsible.

The gentleman from New York is no wild-eyed liberal. You think he is, but you have never looked at the proposal he made. He reached over across the hall here into another place and took a provision from the Finance chairman in the United States Senate. The provisions that he put in are offsets that are contained in the provisions of a tax abusive transactions bill from the Senate Finance Committee written by a Senator from over there. I cannot name him. The offsets are not tax increases. They are provisions designed to ensure that corporations cannot use aggressive tax shelter transactions to avoid the taxes they pay.

So the charge that the gentleman from New York is trying to raise taxes is simply misleading, to be very generous. I am sure we will see advertisements going all over, well, you know, the Democrats tried to raise taxes on you another $17 billion, and we stopped them. They are not going to tell you about what it is going to cost your kids and your grandchildren in terms of interest rates and what is going on in this economy.

The first group of offsets that the other body came up with are designed to curtail tax shelters by clarifying the economic substance doctrine. People back home, I am sure their eyes are crossed by now, but some of you people ought to be thinking about it. Increased reporting and penalty provisions. The economic substance doctrine is a rule of law that denies artificial losses or other tax benefits from transactions that have no business purpose or profit motive. It is the usual shenanigans of tax attorneys. Even a Republican in the other body thinks that ain't right. But, no, people over here say, oh, no, we can't do that, we can't tighten up. Oh, no, no, no. All those tax attorneys will have to go out there and find another way to take it away from the middle class and give it to the rich. They apply to transactions with no substance other than tax avoidance.

That is what the gentleman from New York's bill does. He says, let's get people to pay their fair share. If we did, we could do this alternative minimum tax. In fact, we could do more. His bill actually says that if you have a combined adjusted gross income of $250,000, if you are less than that, you do not even have to look at this. That would take millions of people off the rolls. But the Republicans want to leave it so that everybody has to be at $58,000 and start into this alternative plan.

The IRS says the record-keeping for that is 19 minutes. Then they say it takes an hour and 14 minutes to read the law and understand it. This is the IRS telling the taxpayers: it is going to take you an hour and a quarter to read this law and figure it out. Then it takes an hour and 49 minutes to actually figure it. And then copying and assembling and sending the form takes another 34 minutes. That is where we get the 4 hours.

You are putting a half a day's work on the American public because you will not consider an alternative from the Democrats. You will not have a hearing to find out whether this is a better proposal or not, because all wisdom resides on that side of the aisle. And it is really wonderful to stand in the presence of people who know everything; but the problem, the reason you got into this mess is because you would not listen to anybody else and you are still in the mess because you will not listen to anybody else. The fact is that your own people, a guy from Iowa, my gosh, he is a wild liberal, right? Head of the Senate Finance Committee. He comes up with this, and you think it is no good.

The fact is that this is a big problem that we need to work on together. If there were any bipartisanship at all on the Committee on Ways and Means, we could get something done. But if it is going to be done all by one side, where the ideology is we have to give it all to the people at the top and we cannot worry about what happens to the middle class, then we are going to continue to have these kinds of deals. If, God forbid, you are still in charge next year, you will be out here with a bill just like this with a bigger problem and a bigger cost and more money into the deficit.

The question that really is sitting here today is, when is the Republican majority going to face up to the hole in the tax structure that you have dug and into which you have thrown all the people? You gave pittances, $676 average, for the average family and $112,000 for the people at the top. Do you think there is a millionaire in this country who needs $112,000? I mean, seriously. How could anybody come out here and support that, given the problems we have in this country right now? Spending $200 billion on a war that never should have happened in the first place, led into it by a President who stood right here and misled us, and you are throwing money out the door every way we can imagine; and you will not face what you are doing economically.

I really pray, I really do pray that the day never comes when Europe stands up or the Japanese or the Chinese stand up and say, we are not buying any more of that worthless paper from the United States.

The SPEAKER pro tempore (Mr. SIMPSON). The time of the gentleman has expired.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that remarks in debate in the House may not cite the views of Senators. Sponsorship may be identified, but further characterization is not in order.

Mr. ENGLISH. I presume, Mr. Speaker, that also means that we cannot mischaracterize them.

Mr. Speaker, I yield myself the balance of my time.

This has been a useful debate because I think in an odd way it has highlighted a couple of things. First of all there is a consensus in this Chamber behind the bill that the gentleman from Connecticut (Mr. SIMMONS) has put forward. There will be a substitute offered. I will have ample opportunity and grounds to criticize that substitute when it is offered, but for now I think what needs to be emphasized here is that in the end both parties are committed to at least moving forward on this very limited bill. I wish we were doing more today, but the fact is, this is probably the best we could agree on in the gridlock that exists in the institution right now.

I would like to use some of my time to respond to some of the points that were made by the other side. First of all, let us be clear. This bill is not about the war. It is not really about the deficit in the sense that I think it is fairly clear and I would hope people on both sides could agree that we do not need revenue from this source. We can come up with spending cuts, and we can come up with alternative revenue sources to deal with this.

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We do not need the revenue applied from applying an AMT that was intended to be applied originally only to a very narrow band of very wealthy taxpayers, applying it to the middle class.

Some strange things have been said here and I would like to respond to them. First of all, this problem was not created by the Republicans. This was created back in 1986 when a tax reform passed when the other body controlled the Chamber, and in all the time that they controlled the Chamber afterward, they did nothing to deal with this problem. In fact, in 1993, they voted to actually increase the burden of the AMT. And we have heard from a number of speakers today who purport to be against the AMT, but actually who voted for that increase.

It has been said by the distinguished gentleman from Washington, my friend, that Republicans do not know what they are doing. I would submit to the Members when this AMT was put in place without any provision for how inflation would move and more taxpayers into AMT status, they knew what they were doing. They wanted the revenue. They wanted to apply a progressively higher tax burden to the American people and use that future revenue in order to justify a higher level of spending and an expansion of the welfare state.

We in this Chamber today are committed to moving forward to making sure that a new heavier tax burden is not applied to taxpayers next year and that next year taxpayers do not face a bait and switch on some of the key provisions that we have passed. That I would submit is really what the Republican Party is all about.

And as for Republican management of the economy, I am proud to associate myself with Republican management of the economy at a time when clearly responsible economists agree the tax policies enacted in this Congress supported by this administration are having the effect of lifting the economy, not as much as I would like right now in my district, but clearly turning around the slowdown that we had experienced that we inherited from the last administration and providing a significant prospect of new jobs and new economic growth and new dynamics that are going to provide opportunities for working families in the coming months. We recognize that we need to do more, and this Congress is clearly committed to doing that. And yet we need to agree at very least today to pass this provision.

I am very proud to support this bill as introduced by the gentleman from Connecticut (Mr. SIMMONS) that provides some relief to middle class taxpayers, to make sure that they have access to the relief that we promised them so that we can continue to grow the economy, that we can continue to create opportunities, that we can continue to provide some relief to families that have children and that are eligible and should be eligible for the tax credit that we have passed in this Chamber.

This is to me a critical issue of tax equity. We need to be prepared to guarantee to middle class families that they do not face a higher burden because of a stab in the back called the AMT, that they are not hit on tax day with an unexpected tax burden, that they are not required to recalculate their taxes accordingly. We have an opportunity today to strike a real blow for tax equity for the middle class.

With that, I hope we pass this bill.

Mr. HOLT. Mr. Speaker, the Alternative Minimum Tax (AMT) is a terrible burden on middle class taxpayers and the middle class should be excluded from the AMT.

Once again, however, the Republican leadership is using budget gimmicks to hide the real cost of their tax cut and doing nothing to offset it. While the proposed AMT relief bill carries an official cost of $17 billion, its actual long-term costs are much higher: $549 billion over ten years, or $658 billion if the added interest costs on the national debt are taken into account. Indeed, by proposing a one-year "fix" to a perpetual problem, H.R. 4227 purposefully obscures not just the long-term cost of AMT reform. Ignoring these long-term costs irresponsibly undermines our ability to adequately plan for the future. It costs the future generation, as well as the present economy.

More unpaid-for tax cuts will not only jeopardize critical public services now, but they will also hurt Americans well into the future. Massive deficits now create large debt and high interest payments that will crowd out spending on public investments for future generations. Moreover, these deep deficits threaten to increase interest rates in the future—making it harder for Americans to buy homes and afford higher education, and making it harder for business to raise capital.

This is why I support the Democratic alternative to relieve the burden of the AMT on middle class taxpayers. The substitute would provide temporary relief from the AMT that is more broad and simpler than the relief contained in H.R. 4227. The substitute would simply eliminate AMT liability for all taxpayers whose adjusted gross income is less than $250,000 ($125,000 for single taxpayers). Above those income levels, AMT liabilities would be phased in over a $40,000 range ($20,000 for single individuals).

The substitute would provide a framework for total reform of the AMT. It would require the Secretary of the Treasury to promptly submit legislative recommendations to the Congress, and it would require the Committee on Ways and Means to act on those recommendations this summer. It is time for the Congress to be honest with the American taxpayers and proceed with real AMT reform.

Moreover, the substitute would be revenue neutral. Its cost would be offset by restricting certain tax shelters, which has already passed the Senate on a bipartisan basis. The AMT was designed to ensure that all taxpayers pay a minimum amount of tax and, in effect, limited the ability to use tax loopholes. The substitute would directly address those tax avoidance transactions, thereby minimizing the need for the minimum tax and provide relief for the middle class families of my district.

We cannot continue to pretend that the AMT problem will go away on its own and to make major policy decisions based on the reckless unrealistic assumption that it will. We must work toward a long-term, fully paid-for solution that protects our ability to fund critical national priorities and allows us to make realistic plans for the future.

Mr. KIND. Mr. Speaker, I strongly support providing relief to middle-income Americans from an encroaching Alternative Minimum Tax (AMT).

Without action this year to extend the current AMT exemption levels passed in 2003, millions of Americans will feel the AMT crunch in 2005. While the AMT was enacted in 1969 to prevent high-income earners from using loopholes in the tax code to avoid paying their fair share, the AMT is increasingly becoming an unfair tax burden on millions of middle-income Americans. Because of factors including inflation and income tax reductions, the complex calculations used by individuals and couples to determine if they must pay any AMT have adjusted and now unfairly punish middle-income families, particularly those with children in high-tax states.

For the third year in a row, the Internal Revenue Service's Taxpayer Advocate Service's Report to Congress lists AMT encroachment as the most serious problem encountered by taxpayers. The AMT now impacts more than 2.4 million Americans. Unless reformed, the AMT will impact 12.4 million in 2005 and more than 30 million Americans in 2010. On top of that, even more taxpayers will be forced to perform intense computations to determine if AMT applies to them.

While the majority of the 2003 tax proposal that passed the House was fiscally irresponsible and designed to benefit only the wealthiest of Americans, its provision providing increased AMT exemptions in 2003 and 2004 had bipartisan agreement. However, while everyone seems to agree that the AMT needs to be reformed, the President's budget for fiscal year 2005 again covered up the full cost of fixing the AMT—estimated by the CBO at over $500 billion—by proposing another one-year extension. A comprehensive, bipartisan proposal is long overdue to address the problems of the AMT, and it is important that Congress account for this necessary reform in its budget resolutions.

As we reform the AMT to provide relief to middle-income Americans, we need to act in a fiscally responsible manner. It is unfair to Americans today, and especially the next generation, to delude ourselves by thinking the record budget deficits facing our nation, estimated by the White House at over $500 billion this year alone, will simply go away.

As a member of the House Budget Committee, I supported a budget resolution that allows for extending AMT relief while still reducing the deficit. This approach requires tough choices, prioritization, and a bipartisan commitment to helping working families. With the House-Senate conference committee still negotiating the budget resolution for fiscal year 2005, I remain hopeful that we will be able to provide Americans continued tax relief today without raising the debt burden on our children's generation.

The substitute offered today by Representative NEAL is a more responsible bill that will provide relief to more than 10 million families while not increasing the budget deficit. By closing corporate tax shelters, the Neal substitute provides a responsible offset to benefit more American families without burdening our children with added debt that they will have to pay off. Further the Neal substitute unambiguously and completely exempts married couples with incomes under $250,000 from the AMT. This is a superior approach, helps more Americans, and ensures most middle income taxpayers will not have to worry about the AMT.

Mr. Chairman, it is important that we act today to ensure average income Americans will not unfairly face the alternative minimum tax in 2005. However, I believe we can and must provide this relief in a fiscally responsible manner that will not burden future generations of Americans. Just as it was true last week when we passed legislation permanently repealing the marriage penalty tax, our work is far from over in helping working families face the challenges of today's economy. We must come together in a bipartisan manner to craft a fiscally responsible budget resolution.

Ms. KILPATRICK. Mr. Speaker, today we are considering H.R. 4227, the Middle-Class Alternative Minimum Tax (AMT) Relief Act. I have considered the merits of the legislation and concluded that the base bill offered by the Republican majority needed to be amended. I voted aye to the Neal-Bishop-Israel substitute, that would have exempted married couples making $250,000, and singles making $125,000, from paying the alternative minimum tax. The substitute would have been offset by cracking down on corporate tax shelters and tax avoidance schemes used by corporations like Enron. The current budget deficit has been fueled by unprecedented tax cuts that have erased a surplus in excess of $200 billion when the Bush administration took office. Given the loss of 2.6 million private-sector jobs over the last three years, I and my fellow Democrats believe tax cuts should not add to the record budget deficits, because ballooning deficits threaten economic growth, raise interest rates, and cost jobs. That is why the Democratic alternative targeted tax cuts—providing more tax relief to the millions of families with children in high-tax states with incomes under $250,000.

I was also concerned by facts provided by Ways and Means staff that indicated the base bill is expected to reduce federal revenue by approximately $17 billion to $18 billion over 10 years, and none of the provisions in the bill were accompanied by any offsets.

The substitute provided the framework for total reform of the AMT. It would have been paid for, and would have provided AMT relief that is broader and simpler than the relief contained in H.R. 4227. The substitute eliminated AMT liability for all taxpayers whose income is less than $125,000 for single taxpayers and $250,000 for married couples. Above those income levels, AMT liabilities would be phased in over a $20,000 range for single taxpayers and a $40,000 range for married couples. The cost of the substitute was roughly $19 billion and would have been offset by restrictions on tax shelters that have been supported by House Democrats as offsets in other substitutes that have been approved in the Senate on a bipartisan basis.

I opposed H.R. 4227 because it did not provide a sufficient level of tax relief to my constituents.

Mr. STARK. Mr. Speaker, I rise today to oppose H.R. 4227, the "Middle-Class Alternative Minimum Tax Relief Act of 2004," and in support of the Democratic substitute that provides real relief for middle-class families.

The alternative minimum tax, AMT, was designed to ensure high-income taxpayers did not thwart the system and avoid their share of the tax burden. But once again, the Republicans are on the floor with a tax proposal favoring the wealthy over the middle class, penalizing hard working Americans raising families. We should not mortgage our future with tax policies that will merely pass on the ever-increasing debt to our children.

Despite its title, the Republicans are offering a bill that does not provide effective AMT relief for lower-income households and those families claiming the dependent care credit. In addition, the irresponsible AMT relief proposed by the Republicans is not paid for with any offsetting revenue increases or spending cuts.

In contrast, the Democratic substitute provides AMT relief to more households than the Republican bill and gives increased relief to low-income households—especially those claiming the dependent care credit. This tax relief for real middle-class families is paid for with new restrictions on corporate tax shelters. The Republicans call this a tax hike, but it is actually the most responsible way to provide effective middle-class tax relief without adding to the national debt.

The Democratic substitute provides AMT relief to 10.2 million households, a full 1 million more than the GOP proposal. Married households below $250,000 adjusted gross income will be completely excluded from the AMT under the Democratic substitute, while the Republican bill gives big breaks to those over $250,000 who obviously need tax relief the least—and have already most benefited from the Bush tax cuts.

I urge my colleagues to vote against the inadequate Republican proposal and support the Democratic substitute, which provides AMT relief for American families who need it most.

Ms. DELAURO. Mr. Speaker, the alternative minimum tax, AMT, is a huge and growing burden on a middle class that is already burdened by a tough economy and the loss of 2.6 million private sector jobs. Originally designed to make sure everyone paid their fair share by limiting excessive tax shelters for wealthy families, the AMT has become a tax penalty for families with children who live in high-tax States. By 2010, 30 million Americans will be faced with minimum tax liability, as compared to about 3 million today and 1 million in 1999.

Everyone in this chamber agrees that something must be done to ease this burden on the middle class. And let me make clear—Democrats have a long track record of supporting real tax relief for the middle class. Unfortunately, this bill represents a band-aid approach to what has been deemed by the IRS's National Taxpayer Advocate as the Nation's top tax problem.

Under the Republican bill, 1 million families would still be paying the AMT. A two-income family with four children in a high-tax State would be hit by the alternative minimum tax even if their income is only $95,000. And their bill would extend AMT relief for just 1 year—meaning taxes on millions of middle class families will go right back up in 2006.

The Congressional Budget Office estimates that a true fix of the AMT would cost $376 billion over 10 years. But Republicans have refused to step back on their tax cuts for the wealthy, which have created a $3 trillion deficit, in order to pay for this essential middle class tax relief.

Today Democrats bring to the House floor a true solution to the AMT problem. The Democratic substitute completely exempts married couple families with incomes under $250,000 from the alternative minimum tax, providing tax relief to more than 10 million families, particularly those with children in high-tax States. Compared to the Republican bill, it provides more relief to 1 million additional families.

And, the Democratic plan is fully paid for by cracking down on corporate tax shelters. As nearly two-thirds of corporations paid no tax at all in 2000, this is an important step to ensuring that corporations pay their fair share while relieving middle class families from the unfair burden of the alternative minimum tax. The middle class does not benefit by adding to our already ballooning budget deficit and further threatening economic growth.

I urge my colleagues to support true AMT tax relief for middle class families, without adding to the budget deficit, by supporting the Democratic plan.

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise in support of H.R. 4227, which extends through 2005 the higher alternative minimum tax exemption amounts enacted in the Jobs and Growth Tax Relief Reconciliation Act of 2003. This important piece of legislation will prevent a tax increase on middle class families next year.

The fact of the matter is if Congress does not act this year, taxpayers will feel the burden of a significant tax increase.

The alternative minimum tax hits the residents of northern New Jersey the hardest, especially those who are considered middle-class, because it doesn't allow for a deduction of our State's outrageously high property taxes. In 2001 and 2003, Congress took steps to present middle-class families from falling deeper into the AMT trap. The legislation the House has before it today continues in that tradition, ensuring that working families throughout northern New Jersey and the country are not hit with a tax increase in 2005.

Created more than 30 years ago, this out of date tax was meant to prevent high-income taxpayers from using multiple-tax deductions and write-offs to avoid paying income taxes. In 1993, President Clinton increased the AMT and did not index it for inflation. As a result, more and more middle-income taxpayers are now forced to pay the AMT.

As you know, H.R. 4227 extends through 2005 the higher AMT exemption amounts enacted last year ($58,950 for joint filers and $40,900 for single taxpayers) and adjusts these amounts for inflation to protect their value.

Without enactment of this legislation, the current exemption amounts will automatically fall in 2005 to $45,000 for married couples and to $33,750 for single taxpayers. As a result, the Joint Committee on Taxation reports 11 million taxpayers would be hit with an average tax increase of $1,520.

I would hardly say by today's standards, a family making $45,000 is considered "rich."

Mr. Speaker, I recognize that H.R. 4227 is a short term fix to a long term problem which must be addressed. I understand the Committee on Ways and Means is exploring ways to correct this inequity in a more permanent way and I look forward to voting on that legislation.

But for now, I urge my colleagues to build on our ongoing efforts to provide tax relief for all hard working Americans. Let's pass H.R. 4227 today.

Mr. BALLENGER. Mr. Speaker, I am happy to come to the floor today in support of lowering taxes on American families—all American families. The Democrat substitute basically says that it's O.K. to cut taxes on some American families, but that other American families should have to pay for those tax cuts. Mr. Speaker, that's not tax cut at all.

As everyone in this body knows, the Alternative Minimum Tax was enacted to prevent the wealthiest taxpayers from using loopholes to avoid paying any federal taxes. Today, the AMT doesn't just affect the rich, but hits a substantial portion of middle-income Americans. The 2001 and 2003 tax relief bills increased the AMT exemption to help deal with this problem. However, this needed relief is scheduled to expire at the end of this year. If we do not act today, 11 million middle class taxpayers will experience an average tax increase of $1,520 next year.

Mr. Speaker, we can't allow the AMT to take away everything Congress and President Bush have done to lower the tax burden on American families. We also shouldn't force some Americans to pay for other American's tax cuts. I urge my colleagues to defeat the Democrat substitute and extend the AMT exemption by voting for the underlying bill, authored by my Republican colleague and friend, Representative ROB SIMMONS.

Mr. ENGLISH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate on the bill has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. NEAL OF MASSACHUSETTS

Mr. NEAL of Massachusetts. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. Is the gentleman a designee of the gentleman from New York (Mr. RANGEL)?

Mr. NEAL of Massachusetts. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. NEAL of Massachusetts:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "AMT Reform Act of 2004".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Statement of Congressional findings and purposes.

TITLE I—TEMPORARY RELIEF FROM THE ALTERNATIVE MINIMUM TAX; FRAMEWORK FOR REFORM

Sec. 101. Temporary relief from the alternative minimum tax.
Sec. 102. Framework for reform.

TITLE II—RESTRICTIONS ON TAX SHELTERS

Subtitle A—Provisions Designed To Curtail Tax Shelters

Sec. 201. Clarification of economic substance doctrine.
Sec. 202. Penalty for failing to disclose reportable transaction.
Sec. 203. Accuracy-related penalty for listed transactions and other reportable transactions having a significant tax avoidance purpose.
Sec. 204. Penalty for understatements attributable to transactions lacking economic substance, etc.
Sec. 205. Modifications of substantial understatement penalty for nonreportable transactions.
Sec. 206. Tax shelter exception to confidentiality privileges relating to taxpayer communications.
Sec. 207. Disclosure of reportable transactions.
Sec. 208. Modifications to penalty for failure to register tax shelters.
Sec. 209. Modification of penalty for failure to maintain lists of investors.
Sec. 210. Penalty on promoters of tax shelters.
Sec. 211. Increases in penalties for aiding and abetting understatements.

Subtitle B—Enron-Related Tax Shelter Provisions

Sec. 221. Limitation on transfer or importation of built-in losses.
Sec. 222. No reduction of basis under section 734 in stock held by partnership in corporate partner.
Sec. 223. Expanded disallowance of deduction for interest on convertible debt.
Sec. 224. Expanded authority to disallow tax benefits under section 269.
Sec. 225. Modification of interaction between subpart F and passive foreign investment company rules.

SEC. 2. STATEMENT OF CONGRESSIONAL FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The current alternative minimum tax (hereinafter referred to as the "AMT") was enacted in 1986 with the stated purpose of ensuring that individuals with relatively large incomes would pay some minimum amount of Federal income tax, notwithstanding the fact that the individuals could have used otherwise allowable tax preferences to reduce their regular tax to zero.

(2) The AMT, when enacted, affected a very small percentage of individuals. Approximately 0.1 percent of all individuals were subject to the AMT in 1987.

(3) During the 1990's virtually all items that have been traditionally considered to be tax preferences were removed from the AMT.

(4) As a result, virtually all AMT liability now is attributable to 3 items that few people would consider to be tax preferences: the deduction for personal exemptions, the deduction for State and local taxes, and miscellaneous itemized deductions.

(5) In 1993, adjustments to minimum tax rates were made to correspond to adjustments made in regular income tax rates. The 1993 legislation also increased the amount of the AMT exemption.

(6) The percentage of individuals subject to the AMT did not increase as a result of the 1993 changes. The percentage in 1992 was 0.3 percent. It was 0.3 percent in 1994.

(7) The first significant increase in the percentage of individuals paying the AMT occurred by reason of the Taxpayer Relief Act of 1997. Some of the benefits of the capital gains tax reduction provided in the 1997 Act were taken back by the AMT. As a result of the 1997 Act, the percentage of individuals paying the AMT doubled in less than 2 years.

(8) Even after the impact of the 1997 Act, the number of individuals subject to the AMT was extremely small until the enactment of the tax reductions by the Economic Growth and Tax Relief Reconciliation Act of 2001. Less than 1 percent of individuals were subject to the AMT before 2001.

(9) The Economic Growth and Tax Relief Reconciliation Act of 2001 contained reductions in the regular income tax rates but not in the minimum tax rates. As a result, the number of individuals subject to the AMT is projected to skyrocket. In the future—

(A) 92 percent of all households with income between $100,000 and $500,000 will be subject to the minimum tax;

(B) 73 percent of households with income between $75,000 and $100,000 will be subject to the minimum tax; and

(C) 37 percent of households with income between $50,000 and $75,000 will be subject to the minimum tax.———

(10) The AMT has a substantial marriage penalty that has never been addressed by recent "marriage penalty repeal" legislation. Married couples are 20 times more likely to be on the minimum tax than single individuals.

(11) More than one-half of the promised tax reductions in the recent marriage penalty bill passed by the House of Representatives will be taken back by the AMT.

(12) The AMT disproportionately applies to families with children. Ninety-seven percent of families with children and with incomes between $75,000 and $100,000 will be subject to the AMT.

(13) The current AMT means that many of the tax reductions enacted in 2001 and 2003 are essentially temporary regardless of whether Congress makes them permanent by repealing the sunset contained in the 2001 Act. On average, the AMT will take back—

(A) 15.3 percent of the benefits of the recent tax cuts from families with incomes between $50,000 and $70,000;

(B) 37.2 percent of the benefits from families with incomes between $75,000 and $100,000;

(C) 65 percent of the benefits from families with incomes between $100,000 and $200,000; and

(D) 71.8 percent of the benefits from families with incomes between $200,000 and $500,000.

(14) Only extremely wealthy taxpayers will retain most of the benefits of the recent tax cuts. Taxpayers making more than $1,000,000 will find only 8 percent of their tax reductions taken back by the AMT.

(15) The Bush Administration's Fiscal Year 2005 Budget recommends that the recent tax reductions be made permanent. Accomplishing that goal requires a total reform of the AMT.

(b) Purpose.—It is the purpose of this Act to—

(1) provide significant temporary relief from the alternative minimum tax; and

(2) to provide a framework for a total reform of the alternative minimum tax.

TITLE I—TEMPORARY RELIEF FROM THE ALTERNATIVE MINIMUM TAX; FRAMEWORK FOR REFORM

SEC. 101. TEMPORARY RELIEF FROM THE ALTERNATIVE MINIMUM TAX.

(a) In General.—Section 55 (relating to alternative minimum tax imposed) is amended by adding at the end the following new subsection:

"(f) Exemption for Individuals for Taxable Years Beginning in 2005.—For any taxable year beginning in 2005, in the case of an individual—

"(1) In general.—The tentative minimum tax of the taxpayer shall be zero if the adjusted gross income of the taxpayer (as determined for purposes of the regular tax) is equal to or less than the threshold amount.

"(2) Phasein of liability above exemption level.—In the case of a taxpayer whose adjusted gross income exceeds the threshold amount but does not exceed $145,000 ($290,000 in the case of a joint return), the tax imposed by subsection (a) shall be the amount which bears the same ratio to such tax (determined without regard to this subsection) as—

"(A) the excess of—

"(i) the adjusted gross income of the taxpayer (as determined for purposes of the regular tax), over

"(ii) the threshold amount, bears to

"(B) $20,000 ($40,000 in the case of a joint return).

"(3) Threshold amount.—For purposes of this paragraph, the term 'threshold amount' means $125,000 ($250,000 in the case of a joint return).

"(4) Estates and trusts.—This subsection shall not apply to any estate or trust.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 102. FRAMEWORK FOR REFORM.

(a) Recommendations by the Secretary of the Treasury.—Not later than 30 days after the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate detailed legislative recommendations designed to reform the alternative minimum tax. Unless the Secretary determines that it is not feasible, such recommendations shall include changes designed to ensure that the percentage of individuals paying the minimum tax would be reduced to the level in effect before the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001 (which is less than 1 percent). The Secretary shall include with such recommendations estimates of their revenue cost.

(b) Action by Committee on Ways and Means.—Not later than August 1, 2004, the Committee on Ways and Means of the House of Representatives shall report legislation providing permanent reform of the alternative minimum tax. Such legislation shall be designed so that the percentage of individuals subject to the minimum tax will be restored to the level in effect before the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001 (which is less than 1 percent).

TITLE II—RESTRICTIONS ON TAX SHELTERS

Subtitle A—Provisions Designed To Curtail Tax Shelters

SEC. 201. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) In General.—Section 7701 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) Clarification of Economic Substance Doctrine; Etc.—

"(1) General rules.—

"(A) In general.—In any case in which a court determines that the economic substance doctrine is relevant for purposes of this title to a transaction (or series of transactions), such transaction (or series of transactions) shall have economic substance only if the requirements of this paragraph are met.

"(B) Definition of economic substance.—For purposes of subparagraph (A)—

"(i) In general.—A transaction has economic substance only if—

"(I) the transaction changes in a meaningful way (apart from Federal tax effects) the taxpayer's economic position, and

"(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

In applying subclause (II), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

"(ii) Special rule where taxpayer relies on profit potential.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

"(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

"(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

"(C) Treatment of fees and foreign taxes.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

"(2) Special rules for transactions with tax-indifferent parties.—

"(A) Special rules for financing transactions.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

"(B) Artificial income shifting and basis adjustments.—The form of a transaction with a tax-indifferent party shall not be respected if—

"(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

"(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

"(3) Definitions and special rules.—For purposes of this subsection—

"(A) Economic substance doctrine.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

"(B) Tax-indifferent party.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

"(C) Exception for personal transactions of individuals.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

"(D) Treatment of lessors.—In applying paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease—

"(i) the expected net tax benefits with respect to the leased property shall not include the benefits of—

"(I) depreciation,

"(II) any tax credit, or

"(III) any other deduction as provided in guidance by the Secretary, and

"(ii) subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

"(4) Other common law doctrines not affected.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

"(5) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.".

(b) Effective Date.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 202. PENALTY FOR FAILING TO DISCLOSE REPORTABLE TRANSACTION.

(a) In General.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6707 the following new section:

"SEC. 6707A. PENALTY FOR FAILURE TO INCLUDE REPORTABLE TRANSACTION INFORMATION WITH RETURN OR STATEMENT.

"(a) Imposition of Penalty.—Any person who fails to include on any return or statement any information with respect to a reportable transaction which is required under section 6011 to be included with such return or statement shall pay a penalty in the amount determined under subsection (b).

"(b) Amount of Penalty.—

"(1) In general.—Except as provided in paragraphs (2) and (3), the amount of the penalty under subsection (a) shall be $50,000.

"(2) Listed transaction.—The amount of the penalty under subsection (a) with respect to a listed transaction shall be $100,000.

"(3) Increase in penalty for large entities and high net worth individuals.—

"(A) In general.—In the case of a failure under subsection (a) by—

"(i) a large entity, or

"(ii) a high net worth individual,

the penalty under paragraph (1) or (2) shall be twice the amount determined without regard to this paragraph.

"(B) Large entity.—For purposes of subparagraph (A), the term 'large entity' means, with respect to any taxable year, a person (other than a natural person) with gross receipts in excess of $10,000,000 for the taxable year in which the reportable transaction occurs or the preceding taxable year. Rules similar to the rules of paragraph (2) and subparagraphs (B), (C), and (D) of paragraph (3) of section 448(c) shall apply for purposes of this subparagraph.

"(C) High net worth individual.—For purposes of subparagraph (A), the term 'high net worth individual' means, with respect to a reportable transaction, a natural person whose net worth exceeds $2,000,000 immediately before the transaction.

"(c) Definitions.—For purposes of this section—

"(1) Reportable transaction.—The term 'reportable transaction' means any transaction with respect to which information is required to be included with a return or statement because, as determined under regulations prescribed under section 6011, such transaction is of a type which the Secretary determines as having a potential for tax avoidance or evasion.

"(2) Listed transaction.—Except as provided in regulations, the term 'listed transaction' means a reportable transaction which is the same as, or substantially similar to, a transaction specifically identified by the Secretary as a tax avoidance transaction for purposes of section 6011.

"(d) Authority To Rescind Penalty.—

"(1) In general.—The Commissioner of Internal Revenue may rescind all or any portion of any penalty imposed by this section with respect to any violation if—

"(A) the violation is with respect to a reportable transaction other than a listed transaction,

"(B) the person on whom the penalty is imposed has a history of complying with the requirements of this title,

"(C) it is shown that the violation is due to an unintentional mistake of fact;

"(D) imposing the penalty would be against equity and good conscience, and

"(E) rescinding the penalty would promote compliance with the requirements of this title and effective tax administration.

"(2) Discretion.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may be delegated only to the head of the Office of Tax Shelter Analysis. The Commissioner, in the Commissioner's sole discretion, may establish a procedure to determine if a penalty should be referred to the Commissioner or the head of such Office for a determination under paragraph (1).

"(3) No appeal.—Notwithstanding any other provision of law, any determination under this subsection may not be reviewed in any administrative or judicial proceeding.

"(4) Records.—If a penalty is rescinded under paragraph (1), the Commissioner shall place in the file in the Office of the Commissioner the opinion of the Commissioner or the head of the Office of Tax Shelter Analysis with respect to the determination, including—

"(A) the facts and circumstances of the transaction,

"(B) the reasons for the rescission, and

"(C) the amount of the penalty rescinded.

"(5) Report.—The Commissioner shall each year report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

"(A) a summary of the total number and aggregate amount of penalties imposed, and rescinded, under this section, and

"(B) a description of each penalty rescinded under this subsection and the reasons therefor.

"(e) Penalty Reported to SEC.—In the case of a person—

"(1) which is required to file periodic reports under section 13 or 15(d) of the Securities Exchange Act of 1934 or is required to be consolidated with another person for purposes of such reports, and

"(2) which—

"(A) is required to pay a penalty under this section with respect to a listed transaction,

"(B) is required to pay a penalty under section 6662A with respect to any reportable transaction at a rate prescribed under section 6662A(c), or

"(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction,

the requirement to pay such penalty shall be disclosed in such reports filed by such person for such periods as the Secretary shall specify. Failure to make a disclosure in accordance with the preceding sentence shall be treated as a failure to which the penalty under subsection (b)(2) applies.

"(f) Coordination With Other Penalties.—The penalty imposed by this section is in addition to any penalty imposed under this title.".

(b) Conforming Amendment.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6707 the following:

"Sec. 6707A. Penalty for failure to include reportable transaction information with return or statement.".

(c) Effective Date.—The amendments made by this section shall apply to returns and statements the due date for which is after the date of the enactment of this Act.

SEC. 203. ACCURACY-RELATED PENALTY FOR LISTED TRANSACTIONS AND OTHER REPORTABLE TRANSACTIONS HAVING A SIGNIFICANT TAX AVOIDANCE PURPOSE.

(a) In General.—Subchapter A of chapter 68 is amended by inserting after section 6662 the following new section:

"SEC. 6662A. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERSTATEMENTS WITH RESPECT TO REPORTABLE TRANSACTIONS.

"(a) Imposition of Penalty.—If a taxpayer has a reportable transaction understatement for any taxable year, there shall be added to the tax an amount equal to 20 percent of the amount of such understatement.

"(b) Reportable Transaction Understatement.—For purposes of this section—

"(1) In general.—The term 'reportable transaction understatement' means the sum of—

"(A) the product of—

"(i) the amount of the increase (if any) in taxable income which results from a difference between the proper tax treatment of an item to which this section applies and the taxpayer's treatment of such item (as shown on the taxpayer's return of tax), and

"(ii) the highest rate of tax imposed by section 1 (section 11 in the case of a taxpayer which is a corporation), and

"(B) the amount of the decrease (if any) in the aggregate amount of credits determined under subtitle A which results from a difference between the taxpayer's treatment of an item to which this section applies (as shown on the taxpayer's return of tax) and the proper tax treatment of such item.

For purposes of subparagraph (A), any reduction of the excess of deductions allowed for the taxable year over gross income for such year, and any reduction in the amount of capital losses which would (without regard to section 1211) be allowed for such year, shall be treated as an increase in taxable income.

"(2) Items to which section applies.—This section shall apply to any item which is attributable to—

"(A) any listed transaction, and

"(B) any reportable transaction (other than a listed transaction) if a significant purpose of such transaction is the avoidance or evasion of Federal income tax.

"(c) Higher Penalty for Nondisclosed Listed and Other Avoidance Transactions.—

"(1) In general.—Subsection (a) shall be applied by substituting '30 percent' for '20 percent' with respect to the portion of any reportable transaction understatement with respect to which the requirement of section 6664(d)(2)(A) is not met.

"(2) Rules applicable to assertion and compromise of penalty.—

"(A) In general.—Only upon the approval by the Chief Counsel for the Internal Revenue Service or the Chief Counsel's delegate at the national office of the Internal Revenue Service may a penalty to which paragraph (1) applies be included in a 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals. If such a letter is provided to the taxpayer, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

"(B) Applicable rules.—The rules of paragraphs (2), (3), (4), and (5) of section 6707A(d) shall apply for purposes of subparagraph (A).

"(d) Definitions of Reportable and Listed Transactions.—For purposes of this section, the terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).

"(e) Special Rules.—

"(1) Coordination with penalties, etc., on other understatements.—In the case of an understatement (as defined in section 6662(d)(2))—

"(A) the amount of such understatement (determined without regard to this paragraph) shall be increased by the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements for purposes of determining whether such understatement is a substantial understatement under section 6662(d)(1), and

"(B) the addition to tax under section 6662(a) shall apply only to the excess of the amount of the substantial understatement (if any) after the application of subparagraph (A) over the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements.

"(2) Coordination with other penalties.—

"(A) Application of fraud penalty.—References to an underpayment in section 6663 shall be treated as including references to a reportable transaction understatement and a noneconomic substance transaction understatement.

"(B) No double penalty.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6662B or 6663.

"(3) Special rule for amended returns.—Except as provided in regulations, in no event shall any tax treatment included with an amendment or supplement to a return of tax be taken into account in determining the amount of any reportable transaction understatement or noneconomic substance transaction understatement if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.

"(4) Noneconomic substance transaction understatement.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).

"(5) Cross reference.—

"For reporting of section 6662A(c) penalty to the Securities and Exchange Commission, see section 6707A(e).".

(b) Determination of Other Understatements.—Subparagraph (A) of section 6662(d)(2) is amended by adding at the end the following flush sentence:

"The excess under the preceding sentence shall be determined without regard to items to which section 6662A applies and without regard to items with respect to which a penalty is imposed by section 6662B.".

(c) Reasonable Cause Exception.—

(1) In general.—Section 6664 is amended by adding at the end the following new subsection:

"(d) Reasonable Cause Exception for Reportable Transaction Understatements.—

"(1) In general.—No penalty shall be imposed under section 6662A with respect to any portion of a reportable transaction understatement if it is shown that there was a reasonable cause for such portion and that the taxpayer acted in good faith with respect to such portion.

"(2) Special rules.—Paragraph (1) shall not apply to any reportable transaction understatement unless—

"(A) the relevant facts affecting the tax treatment of the item are adequately disclosed in accordance with the regulations prescribed under section 6011,

"(B) there is or was substantial authority for such treatment, and

"(C) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

A taxpayer failing to adequately disclose in accordance with section 6011 shall be treated as meeting the requirements of subparagraph (A) if the penalty for such failure was rescinded under section 6707A(d).

"(3) Rules relating to reasonable belief.—For purposes of paragraph (2)(C)—

"(A) In general.—A taxpayer shall be treated as having a reasonable belief with respect to the tax treatment of an item only if such belief—

"(i) is based on the facts and law that exist at the time the return of tax which includes such tax treatment is filed, and

"(ii) relates solely to the taxpayer's chances of success on the merits of such treatment and does not take into account the possibility that a return will not be audited, such treatment will not be raised on audit, or such treatment will be resolved through settlement if it is raised.

"(B) Certain opinions may not be relied upon.—

"(i) In general.—An opinion of a tax advisor may not be relied upon to establish the reasonable belief of a taxpayer if—

"(I) the tax advisor is described in clause (ii), or

"(II) the opinion is described in clause (iii).

"(ii) Disqualified tax advisors.—A tax advisor is described in this clause if the tax advisor—

"(I) is a material advisor (within the meaning of section 6111(b)(1)) who participates in the organization, management, promotion, or sale of the transaction or who is related (within the meaning of section 267(b) or 707(b)(1)) to any person who so participates,

"(II) is compensated directly or indirectly by a material advisor with respect to the transaction,

"(III) has a fee arrangement with respect to the transaction which is contingent on all or part of the intended tax benefits from the transaction being sustained,

"(IV) has an arrangement with respect to the transaction which provides that contractual disputes between the taxpayer and the advisor are to be settled by arbitration or which limits damages by reference to fees paid to the advisor for such transaction, or

"(V) as determined under regulations prescribed by the Secretary, has a disqualifying financial interest with respect to the transaction.

"(iii) Disqualified opinions.—For purposes of clause (i), an opinion is disqualified if the opinion—

"(I) is based on unreasonable factual or legal assumptions (including assumptions as to future events),

"(II) unreasonably relies on representations, statements, findings, or agreements of the taxpayer or any other person,

"(III) does not identify and consider all relevant facts,

"(IV) is not signed by all individuals who are principal authors of the opinion, or

"(V) fails to meet any other requirement as the Secretary may prescribe.".

(2) Conforming amendment.—The heading for subsection (c) of section 6664 is amended by inserting "for Underpayments" after "Exception".

(d) Conforming Amendments.—

(1) Subparagraph (C) of section 461(i)(3) is amended by striking "section 6662(d)(2)(C)(iii)" and inserting "section 1274(b)(3)(C)".

(2) Paragraph (3) of section 1274(b) is amended—

(A) by striking "(as defined in section 6662(d)(2)(C)(iii))" in subparagraph (B)(i), and

(B) by adding at the end the following new subparagraph:

"(C) Tax shelter.—For purposes of subparagraph (B), the term 'tax shelter' means—

"(i) a partnership or other entity,

"(ii) any investment plan or arrangement, or

"(iii) any other plan or arrangement,

if a significant purpose of such partnership, entity, plan, or arrangement is the avoidance or evasion of Federal income tax.".

(3) Section 6662(d)(2) is amended by striking subparagraphs (C) and (D).

(4) Section 6664(c)(1) is amended by striking "this part" and inserting "section 6662 or 6663".

(5) Subsection (b) of section 7525 is amended by striking "section 6662(d)(2)(C)(iii)" and inserting "section 1274(b)(3)(C)".

(6)(A) The heading for section 6662 is amended to read as follows:

"SEC. 6662. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERPAYMENTS.".

(B) The table of sections for part II of subchapter A of chapter 68 is amended by striking the item relating to section 6662 and inserting the following new items:

"Sec. 6662. Imposition of accuracy-related penalty on underpayments.

"Sec. 6662A. Imposition of accuracy-related penalty on understatements with respect to reportable transactions.".

(e) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 204. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) In General.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

"SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

"(a) Imposition of Penalty.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

"(b) Reduction of Penalty for Disclosed Transactions.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

"(c) Noneconomic Substance Transaction Understatement.—For purposes of this section—

"(1) In general.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

"(2) Noneconomic substance transaction.—The term 'noneconomic substance transaction' means any transaction if—

"(A) there is a lack of economic substance (within the meaning of section 7701(n)(1)) for the transaction giving rise to the claimed benefit or the transaction was not respected under section 7701(n)(2), or

"(B) the transaction fails to meet the requirements of any similar rule of law.

"(d) Rules Applicable To Compromise of Penalty.—

"(1) In general.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

"(2) APPLICABLE RULES.—The rules of paragraphs (2), (3), (4), and (5) of section 6707A(d) shall apply for purposes of paragraph (1).

"(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

"(f) CROSS REFERENCES.—

"(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

"(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e).".

(b) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

"Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 205. MODIFICATIONS OF SUBSTANTIAL UNDERSTATEMENT PENALTY FOR NONREPORTABLE TRANSACTIONS.

(a) SUBSTANTIAL UNDERSTATEMENT OF CORPORATIONS.—Section 6662(d)(1)(B) (relating to special rule for corporations) is amended to read as follows:

"(B) SPECIAL RULE FOR CORPORATIONS.—In the case of a corporation other than an S corporation or a personal holding company (as defined in section 542), there is a substantial understatement of income tax for any taxable year if the amount of the understatement for the taxable year exceeds the lesser of—

"(i) 10 percent of the tax required to be shown on the return for the taxable year (or, if greater, $10,000), or

"(ii) $10,000,000.".

(b) REDUCTION FOR UNDERSTATEMENT OF TAXPAYER DUE TO POSITION OF TAXPAYER OR DISCLOSED ITEM.—

(1) IN GENERAL.—Section 6662(d)(2)(B)(i) (relating to substantial authority) is amended to read as follows:

"(i) the tax treatment of any item by the taxpayer if the taxpayer had reasonable belief that the tax treatment was more likely than not the proper treatment, or".

(2) CONFORMING AMENDMENT.—Section 6662(d) is amended by adding at the end the following new paragraph:

"(3) SECRETARIAL LIST.—For purposes of this subsection, section 6664(d)(2), and section 6694(a)(1), the Secretary may prescribe a list of positions for which the Secretary believes there is not substantial authority or there is no reasonable belief that the tax treatment is more likely than not the proper tax treatment. Such list (and any revisions thereof) shall be published in the Federal Register or the Internal Revenue Bulletin.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 206. TAX SHELTER EXCEPTION TO CONFIDENTIALITY PRIVILEGES RELATING TO TAXPAYER COMMUNICATIONS.

(a) IN GENERAL.—Section 7525(b) (relating to section not to apply to communications regarding corporate tax shelters) is amended to read as follows:

"(b) SECTION NOT TO APPLY TO COMMUNICATIONS REGARDING TAX SHELTERS.—The privilege under subsection (a) shall not apply to any written communication which is—

"(1) between a federally authorized tax practitioner and—

"(A) any person,

"(B) any director, officer, employee, agent, or representative of the person, or

"(C) any other person holding a capital or profits interest in the person, and

"(2) in connection with the promotion of the direct or indirect participation of the person in any tax shelter (as defined in section 1274(b)(3)(C)).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to communications made on or after the date of the enactment of this Act.

SEC. 207. DISCLOSURE OF REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 6111 (relating to registration of tax shelters) is amended to read as follows:

"SEC. 6111. DISCLOSURE OF REPORTABLE TRANSACTIONS.

"(a) IN GENERAL.—Each material advisor with respect to any reportable transaction shall make a return (in such form as the Secretary may prescribe) setting forth—

"(1) information identifying and describing the transaction,

"(2) information describing any potential tax benefits expected to result from the transaction, and

"(3) such other information as the Secretary may prescribe.

Such return shall be filed not later than the date specified by the Secretary.

"(b) DEFINITIONS.—For purposes of this section—

"(1) MATERIAL ADVISOR.—

"(A) IN GENERAL.—The term 'material advisor' means any person—

"(i) who provides any material aid, assistance, or advice with respect to organizing, managing, promoting, selling, implementing, or carrying out any reportable transaction, and

"(ii) who directly or indirectly derives gross income in excess of the threshold amount for such aid, assistance, or advice.

"(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A), the threshold amount is—

"(i) $50,000 in the case of a reportable transaction substantially all of the tax benefits from which are provided to natural persons, and

"(ii) $250,000 in any other case.

"(2) REPORTABLE TRANSACTION.—The term 'reportable transaction' has the meaning given to such term by section 6707A(c).

"(c) REGULATIONS.—The Secretary may prescribe regulations which provide—

"(1) that only 1 person shall be required to meet the requirements of subsection (a) in cases in which 2 or more persons would otherwise be required to meet such requirements,

"(2) exemptions from the requirements of this section, and

"(3) such rules as may be necessary or appropriate to carry out the purposes of this section.".

(b) CONFORMING AMENDMENTS.—

(1) The item relating to section 6111 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

"Sec. 6111. Disclosure of reportable transactions.".

(2)(A) So much of section 6112 as precedes subsection (c) thereof is amended to read as follows:

"SEC. 6112. MATERIAL ADVISORS OF REPORTABLE TRANSACTIONS MUST KEEP LISTS OF ADVISEES.

"(a) IN GENERAL.—Each material advisor (as defined in section 6111) with respect to any reportable transaction (as defined in section 6707A(c)) shall maintain, in such manner as the Secretary may by regulations prescribe, a list—

"(1) identifying each person with respect to whom such advisor acted as such a material advisor with respect to such transaction, and

"(2) containing such other information as the Secretary may by regulations require.

This section shall apply without regard to whether a material advisor is required to file a return under section 6111 with respect to such transaction.".

(B) Section 6112 is amended by redesignating subsection (c) as subsection (b).

(C) Section 6112(b), as redesignated by subparagraph (B), is amended—

(i) by inserting "written" before "request" in paragraph (1)(A), and

(ii) by striking "shall prescribe" in paragraph (2) and inserting "may prescribe".

(D) The item relating to section 6112 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

"Sec. 6112. Material advisors of reportable transactions must keep lists of advisees.".

(3)(A) The heading for section 6708 is amended to read as follows:

"SEC. 6708. FAILURE TO MAINTAIN LISTS OF ADVISEES WITH RESPECT TO REPORTABLE TRANSACTIONS.".

(B) The item relating to section 6708 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows:

"Sec. 6708. Failure to maintain lists of advisees with respect to reportable transactions.".

(c) REQUIRED DISCLOSURE NOT SUBJECT TO CLAIM OF CONFIDENTIALITY.—Subparagraph (A) of section 6112(b)(1), as redesignated by subsection (b)(2)(B), is amended by adding at the end the following new flush sentence:

"For purposes of this section, the identity of any person on such list shall not be privileged.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions with respect to which material aid, assistance, or advice referred to in section 6111(b)(1)(A)(i) of the Internal Revenue Code of 1986 (as added by this section) is provided after the date of the enactment of this Act.

SEC. 208. MODIFICATIONS TO PENALTY FOR FAILURE TO REGISTER TAX SHELTERS.

(a) IN GENERAL.—Section 6707 (relating to failure to furnish information regarding tax shelters) is amended to read as follows:

"SEC. 6707. FAILURE TO FURNISH INFORMATION REGARDING REPORTABLE TRANSACTIONS.

"(a) IN GENERAL.—If a person who is required to file a return under section 6111(a) with respect to any reportable transaction—

"(1) fails to file such return on or before the date prescribed therefor, or

"(2) files false or incomplete information with the Secretary with respect to such transaction,

such person shall pay a penalty with respect to such return in the amount determined under subsection (b).

"(b) AMOUNT OF PENALTY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the penalty imposed under subsection (a) with respect to any failure shall be $50,000.

"(2) LISTED TRANSACTIONS.—The penalty imposed under subsection (a) with respect to any listed transaction shall be an amount equal to the greater of—

"(A) $200,000, or

"(B) 50 percent of the gross income derived by such person with respect to aid, assistance, or advice which is provided with respect to the listed transaction before the date the return including the transaction is filed under section 6111.

Subparagraph (B) shall be applied by substituting '75 percent' for '50 percent' in the case of an intentional failure or act described in subsection (a).

"(c) Certain Rules To Apply.—The provisions of section 6707A(d) shall apply to any penalty imposed under this section.

"(d) Reportable and Listed Transactions.—The terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).".

(b) Clerical Amendment.—The item relating to section 6707 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "tax shelters" and inserting "reportable transactions".

(c) Effective Date.—The amendments made by this section shall apply to returns the due date for which is after the date of the enactment of this Act.

SEC. 209. MODIFICATION OF PENALTY FOR FAILURE TO MAINTAIN LISTS OF INVESTORS.

(a) In General.—Subsection (a) of section 6708 is amended to read as follows:

"(a) Imposition of Penalty.—

"(1) In general.—If any person who is required to maintain a list under section 6112(a) fails to make such list available upon written request to the Secretary in accordance with section 6112(b)(1)(A) within 20 business days after the date of the Secretary's request, such person shall pay a penalty of $10,000 for each day of such failure after such 20th day.

"(2) Reasonable cause exception.—No penalty shall be imposed by paragraph (1) with respect to the failure on any day if such failure is due to reasonable cause.".

(b) Effective Date.—The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 210. PENALTY ON PROMOTERS OF TAX SHELTERS.

(a) Penalty on Promoting Abusive Tax Shelters.—Section 6700(a) is amended by adding at the end the following new sentence: "Notwithstanding the first sentence, if an activity with respect to which a penalty imposed under this subsection involves a statement described in paragraph (2)(A), the amount of the penalty shall be equal to 50 percent of the gross income derived (or to be derived) from such activity by the person on which the penalty is imposed.".

(b) Effective Date.—The amendment made by this section shall apply to activities after the date of the enactment of this Act.

SEC. 211. INCREASES IN PENALTIES FOR AIDING AND ABETTING UNDERSTATEMENTS.

(a) In General.—Section 6701(b) is amended to read as follows:

"(b) Amount of Penalty.—

"(1) In general.—The amount of the penalty imposed by subsection (a) shall be the greater of—

"(A) $2,000, or

"(B) 50 percent of the gross income derived (or to be derived) from the activity giving rise to the penalty.

"(2) Corporations.—If the return, affidavit, claim, or other document relates to the tax liability of a corporation, paragraph (1)(A) shall be applied by substituting '$20,000' for '$2,000'."

(b) Effective Date.—The amendment made by this section shall apply to activities after the date of the enactment of this Act.

Subtitle B—Enron-Related Tax Shelter Provisions

SEC. 221. LIMITATION ON TRANSFER OR IMPORTATION OF BUILT-IN LOSSES.

(a) In General.—Section 362 (relating to basis to corporations) is amended by adding at the end the following new subsection:

"(e) Limitations on Built-In Losses.—

"(1) Limitation on importation of built-in losses.—

"(A) In general.—If in any transaction described in subsection (a) or (b) there would (but for this subsection) be an importation of a net built-in loss, the basis of each property described in subparagraph (B) which is acquired in such transaction shall (notwithstanding subsections (a) and (b)) be its fair market value immediately after such transaction.

"(B) Property described.—For purposes of subparagraph (A), property is described in this subparagraph if—

"(i) gain or loss with respect to such property is not subject to tax under this subtitle in the hands of the transferor immediately before the transfer, and

"(ii) gain or loss with respect to such property is subject to such tax in the hands of the transferee immediately after such transfer.

In any case in which the transferor is a partnership, the preceding sentence shall be applied by treating each partner in such partnership as holding such partner's proportionate share of the property of such partnership.

"(C) Importation of net built-in loss.—For purposes of subparagraph (A), there is an importation of a net built-in loss in a transaction if the transferee's aggregate adjusted bases of property described in subparagraph (B) which is transferred in such transaction would (but for this paragraph) exceed the fair market value of such property immediately after such transaction.

"(2) Limitation on transfer of built-in losses in section 351 transactions.—

"(A) In general.—If—

"(i) property is transferred by a transferor in any transaction which is described in subsection (a) and which is not described in paragraph (1) of this subsection, and

"(ii) the transferee's aggregate adjusted bases of such property so transferred would (but for this paragraph) exceed the fair market value of such property immediately after such transaction,

then, notwithstanding subsection (a), the transferee's aggregate adjusted bases of the property so transferred shall not exceed the fair market value of such property immediately after such transaction.

"(B) Allocation of basis reduction.—The aggregate reduction in basis by reason of subparagraph (A) shall be allocated among the property so transferred in proportion to their respective built-in losses immediately before the transaction.

"(C) Exception for transfers within affiliated group.—Subparagraph (A) shall not apply to any transaction if the transferor owns stock in the transferee meeting the requirements of section 1504(a)(2). In the case of property to which subparagraph (A) does not apply by reason of the preceding sentence, the transferor's basis in the stock received for such property shall not exceed its fair market value immediately after the transfer.".

(b) Comparable Treatment Where Liquidation.—Paragraph (1) of section 334(b) (relating to liquidation of subsidiary) is amended to read as follows:

"(1) In general.—If property is received by a corporate distributee in a distribution in a complete liquidation to which section 332 applies (or in a transfer described in section 337(b)(1)), the basis of such property in the hands of such distributee shall be the same as it would be in the hands of the transferor; except that the basis of such property in the hands of such distributee shall be the fair market value of the property at the time of the distribution—

"(A) in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, or

"(B) in any case in which the liquidating corporation is a foreign corporation, the corporate distributee is a domestic corporation, and the corporate distributee's aggregate adjusted bases of property described in section 362(e)(1)(B) which is distributed in such liquidation would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation.".

(c) Effective Dates.—

(1) In general.—The amendment made by subsection (a) shall apply to transactions after the date of the enactment of this Act.

(2) Liquidations.—The amendment made by subsection (b) shall apply to liquidations after the date of the enactment of this Act.

SEC. 222. NO REDUCTION OF BASIS UNDER SECTION 734 IN STOCK HELD BY PARTNERSHIP IN CORPORATE PARTNER.

(a) In General.—Section 755 is amended by adding at the end the following new subsection:

"(c) No Allocation of Basis Decrease to Stock of Corporate Partner.—In making an allocation under subsection (a) of any decrease in the adjusted basis of partnership property under section 734(b)—

"(1) no allocation may be made to stock in a corporation (or any person which is related (within the meaning of section 267(b) or 707(b)(1)) to such corporation) which is a partner in the partnership, and

"(2) any amount not allocable to stock by reason of paragraph (1) shall be allocated under subsection (a) to other partnership property in such manner as the Secretary may prescribe.

Gain shall be recognized to the partnership to the extent that the amount required to be allocated under paragraph (2) to other partnership property exceeds the aggregate adjusted basis of such other property immediately before the allocation required by paragraph (2).".

(b) Effective Date.—The amendment made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 223. EXPANDED DISALLOWANCE OF DEDUCTION FOR INTEREST ON CONVERTIBLE DEBT.

(a) In General.—Paragraph (2) of section 163(l) is amended by inserting "or equity held by the issuer (or any related party) in any other person" after "or a related party".

(b) Capitalization Allowed With Respect to Equity of Persons Other Than Issuer and Related Parties.—Section 163(l) is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6) and by inserting after paragraph (3) the following new paragraph:

"(4) Capitalization allowed with respect to equity of persons other than issuer and related parties.—If the disqualified debt instrument of a corporation is payable in equity held by the issuer (or any related party) in any other person (other than a related party), the basis of such equity shall be increased by the amount not allowed as a deduction by reason of paragraph (1) with respect to the instrument.".

(c) Exception for Certain Instruments Issued by Dealers in Securities.—Section 163(l), as amended by subsection (b), is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7) and by inserting after paragraph (4) the following new paragraph:

"(5) Exception for certain instruments issued by dealers in securities.—For purposes of this subsection, the term 'disqualified debt instrument' does not include indebtedness issued by a dealer in securities (or a related party) which is payable in, or by reference to, equity (other than equity of the issuer or a related party) held by such dealer in its capacity as a dealer in securities. For purposes of this paragraph, the term 'dealer in securities' has the meaning given such term by section 475.".

(c) Conforming Amendments.—Paragraph (3) of section 163(l) is amended—

(1) by striking "or a related party" in the material preceding subparagraph (A) and inserting "or any other person", and

(2) by striking "or interest" each place it appears.

(d) Effective Date.—The amendments made by this section shall apply to debt instruments issued after the date of the enactment of this Act.

SEC. 224. EXPANDED AUTHORITY TO DISALLOW TAX BENEFITS UNDER SECTION 269.

(a) In General.—Subsection (a) of section 269 (relating to acquisitions made to evade or avoid income tax) is amended to read as follows:

"(a) In General.—If—

"(1)(A) any person or persons acquire, directly or indirectly, control of a corporation, or

"(B) any corporation acquires, directly or indirectly, property of another corporation and the basis of such property, in the hands of the acquiring corporation, is determined by reference to the basis in the hands of the transferor corporation, and

"(2) the principal purpose for which such acquisition was made is evasion or avoidance of Federal income tax,

then the Secretary may disallow such deduction, credit, or other allowance. For purposes of paragraph (1)(A), control means the ownership of stock possessing at least 50 percent of the total combined voting power of all classes of stock entitled to vote or at least 50 percent of the total value of all shares of all classes of stock of the corporation.".

(b) Effective Date.—The amendment made by this section shall apply to stock and property acquired after the date of the enactment of this Act.

SEC. 225. MODIFICATION OF INTERACTION BETWEEN SUBPART F AND PASSIVE FOREIGN INVESTMENT COMPANY RULES.

(a) Limitation on Exception From PFIC Rules for United States Shareholders of Controlled Foreign Corporations.—Paragraph (2) of section 1297(e) (relating to passive foreign investment company) is amended by adding at the end the following flush sentence:

"Such term shall not include any period if the earning of subpart F income by such corporation during such period would result in only a remote likelihood of an inclusion in gross income under section 951(a)(1)(A)(i).".

(b) Effective Date.—The amendment made by this section shall apply to taxable years of controlled foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders with or within which such taxable years of controlled foreign corporations end.

Amend the title so as to read: "A bill to provide for significant temporary relief from the alternative minimum tax and for a framework for a total reform of the alternative minimum tax.".

The SPEAKER pro tempore. Pursuant to House Resolution 619, the gentleman from Massachusetts (Mr. Neal) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. Neal).

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Pennsylvania (Mr. English) is a good friend of mine. He is a member of the Committee on Ways and Means, and he really is a very decent guy, but he is really wrong in what he said earlier. To suggest that these tax cuts and this mania that we have witnessed now for tax cuts for the last 3 years has not had a substantial impact on the size of Federal deficit is to really put our heads in the sand. Let me remind Members of this House we are now fighting two wars with three tax cuts, and the mathematics are there for everybody to see.

An announcement this morning by Secretary Rumsfeld that 135,000 troops now are going to stay in Iraq for an extended tour of duty, well into the year 2005, and let us be honest with the American people, they are there for 2006 and 2007 and maybe through 2010. That is the reality that we confront. We are going to a $500 billion deficit this year after coming out of the Clinton years when we not only balanced the budget but projected surpluses for years to come.

I want to remind "all is well" that this proposal from the gentleman from Connecticut today has never even been vetted in the Committee on Ways and Means. Maybe I am mistaken, but I believe after having served in that committee for 12 years that the Committee on Ways and Means has a responsibility for tax revenue issues. So this is being brought to us by an individual who is not on the committee and indeed it has not been aired in the committee. There has been no public hearing on the proposal that we are going to vote on in an hour. So we find ourselves having this debate about alternative minimum tax.

And I want to say something. I think my hands are clean on this issue. I have heard them say that the Democrats put this in place in the reform of the Tax Act of 1986. That may well be the case, but let me tell the Members something. I am in favor of repealing it. I think there ought to be some intellectual honesty as it relates to AMT. It has outlived its usefulness. It has outlived its purpose, and now middle-income taxpayers are now being asked to carry its burden.

We have a game of kind of hocus-pocus here. The Republicans stand up and say, well, we are going to give AMT relief. They are not giving AMT to the number of people they could and should be giving AMT relief to, largely because it does not square with the tax cuts that the administration has proposed, and once again Republicans in this House go along with very few questions asked about any issue. The administration says it is so, they just go along with it, no questions asked, even if the evidence a few weeks, months, years later turns a contrary conclusion.

Let me speak specifically, if I can, to this issue as it relates to this debate today. The alternative minimum tax was originally designed to make sure that everyone paid their fair share. Who among us can argue with that? The second notion of the proposal that we have offered today is that we want to grant some relief to the burden that the Republican Party has put on middle-income tax earners. If they, in fact, take advantage of certain credits in the Tax Code and they have a lot of children, they are penalized by their proposal. Do the Members know why? It is very simple, because the philosophy of the majority in of this body is that the only people in America that ought to have tax relief are the wealthy.

And to the credit of the wealthy 3 years ago, they were not even asking for tax relief. They wanted to pay down the debt, and public opinion polling concludes, once again, they still think that paying down the deficits are a far better use of taxpayer money than giving tax relief to even those who might benefit most from it.

They promised that they were going to do something about tax reform as it relates to AMT. But what they did not tell them was that they are going to give them tax relief on one hand and then if they sit down to do their tax forms, they are going to take it away from them if they have four or five children. If people desire to use the HOPE credit, they are going to take it away from them. If they try to take advantage of the child credit, they are going to take it away from them. So they give it to them on one hand and they take it back on the other. So in the end, there really is no tax relief as it relates to alternative minimum tax.

I want the Members to listen to this. Half, half of the promised benefits that we voted on last week under the marriage penalty bill, we were told we were going to provide relief to those folks as well, they are taken back to the Treasury by alternative minimum tax.

I have offered time and again, Mr. Speaker, a couple of very easy proposals in this body. Let us get rid of

AMT. Let us scale back the size of the tax cuts the administration offered. Let us pay down the deficit. Let us pay for these two wars. Let us fix Social Security. Let us fix Medicare, as American people clearly desire. And let us give tax relief to middle-income Americans, particularly from alternative minimum tax.

I hope in the next few minutes as we engage this debate, we will have a chance to put the magnifying glass on the proposal that is before us today. And I have got to tell the Members, as a member of the oldest committee in this House, a committee that I believe is so desirable to sit on, a committee whose history is so profound as it relates to this Republic, they did not even have enough regard for the Committee on Ways and Means to hold a hearing on this proposal in the committee. This is the introduction to their proposal today on the House floor. Nobody has seen it until about an hour and a half ago.

So let us engage this debate. Let us have an opportunity to draw some attention to what it is that they are saying but, most importantly, to what it is that they are doing.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGLISH. Mr. Speaker, I rise to claim the time in opposition to the amendment in the nature of a substitute.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 30 minutes.

Mr. ENGLISH. Mr. Speaker, I yield myself such time as I may consume.

This has been a fascinating debate today, and I particularly want to congratulate the gentleman for his contribution. The gentleman from Massachusetts, as with his customary eloquence, has laid out his position, and in the process perhaps subconsciously has drawn a striking contrast between the two parties and perhaps one that he had not intended. He characterizes, first of all, Republican tax relief as maniacal. I think that is an interesting choice of words, but as I look at it, it perhaps I think accurately captures the view on the other side of tax relief and a tax program that is already lifting the economy, that is creating jobs, that is creating opportunities throughout America, including for a lot of people who were not directly the beneficiary of as much tax relief as we would have liked.

Let me say in addition to that, there has been the procedural argument made here that this proposal before us today has not been adequately vetted. Mr. Speaker, to be very clear, this language is similar to what has been included in the tax bill that passed. This kind of language has been many times before the body. We have thoroughly debated within the Committee on Ways and Means the issue of the alternative minimum tax, and it is not clear that additional hearings would have provided a substantive additional agenda.

I am delighted to hear the gentleman come out in favor of full repeal because, as I said to the gentleman from New York earlier in our discussion, I invite the gentleman to join with me and other members of the zero AMT caucus to come together and to work through a proposal to get rid of this AMT.

The substitute that we have now risen to debate, though, was not I think adequately discussed in the gentleman's remarks, and perhaps there is where the contrast is clearest. Because in an effort to, as they put it, pay for the AMT relief that is included in the bill, what they have proposed doing is permanently putting in place an increase of corporate taxes in order to pay for 1-year relief to the individual AMT. That sounds like good politics, but at a time when our economy is struggling, at a time when even people on the other side of the aisle have conceded that corporate tax rates in our country and on our companies and workers are higher than those globally and are a clear competitive disadvantage to our companies who are seeking to keep jobs here in the United States, that the idea of permanently raising corporate taxes is one that I think is striking and I think uniquely ill conceived.

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What they have proposed doing is generating revenue through the permanent implementation of something called the economic substance doctrine. Economic substance is a doctrine that our courts apply on a discretionary basis to situations which erode our rules-based tax system.

The substitute attempts to codify this judicial doctrine and expand its definition so the IRS can pick apart any ordinary business transaction and subjectively look for reasonable business purposes. The result is a new requirement for taxpayers to have yet another layer of IRS intervention and be burdened with restrictions in ways that the courts have not even considered. I realize that there are some who have embraced this on the Senate side, but no one on our side of the aisle here in the House of Representatives so far has done so. The result would be a new requirement for taxpayers and another layer of IRS intervention.

The proposal would then propose strict liability penalties on understatements of tax, which would not be limited to abusive transactions. The proposal, in our view, is far too broad and significantly expands common-law doctrines.

There is also no indication that the doctrine would be limited to abusive transactions. While we are currently debating a 1-year extension of tax relief for working families, let me make this clear again: this substitute levies a permanent tax increase on employers and ultimately on the labor of the workers that they employ.

The gentleman from New York (Mr. RANGEL) has himself indicated support for lower corporate tax rates for our manufacturers in his own bill to replace the FSC/ETI regime. Here his proxy is insisting on raising their taxes by $15 billion.

In addition to a $15 billion tax increase, companies would now have to spend valuable time and resources managing the implications of the law, when they could be using these resources to expand their operations, invest in production lines, and create jobs. Instead, what this proposal effectively does is create jobs only in the legal profession.

Mr. Speaker, the House has voted repeatedly against this tax increase because it is bad tax policy, bad economic policy, and it further hinders American competitiveness and does so permanently. I think it is fairly clear that what is being attempted here in this substitute is to take something that we really need to do, addressing the problem of the AMT, and attach to it something off of a wish-list from the left, which, frankly, has no place here at a time when we are trying to buoy the economy.

I think it is worth noting that the last time someone really aggressively proposed to raise taxes during a slowdown was Mr. Hoover, so there may even be some Republican genealogy in the proposal we are seeing offered on the other side. But the Republicans of today do not recognize this as a positive thing.

Let me summarize the bill of particulars against the Rangel substitute and specifically the economic substance doctrine.

First of all, it is a permanent tax increase. Although the AMT relief in the Democratic substitute is temporary, the tax increases are permanent.

In addition, the administration strongly opposes codification of the economic substance doctrine. They have looked at it, and they have found it wanting. Acting Treasury Assistant Secretary for Tax Policy, Gregory Jenner, has stated that codifying the economic substance doctrine could be counterproductive, as it would drive tax shelters even further underground. Assistant Secretary Jenner has stated that the most effective way to stop tax shelter transactions is to require increased disclosure. The administration's tax shelter proposal increases disclosure by levying substantial penalties on those who fail to disclose their transactions.

As I have noted, this proposal has been repeatedly rejected in the House, and it would also hurt jobs and investment. Codifying the economic substance doctrine would result in businesses foregoing job-creating investments because of concerns that the IRS would improperly apply the economic substance doctrine to legitimate transactions.

Finally, this proposal goes beyond accepted case law. The Democratic proposal requires that some transactions have at least a risk-free rate of return. This type of provision goes beyond what is required by either the Tax Code or common-law court doctrines. Furthermore, their proposal does not define a risk-free rate of return.

All things being equal, this is a very poor substitute; and we urge its rejection.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, anytime that we can ask those companies that have moved to Bermuda to avoid paying American taxes with 134,000 troops in Iraq to pay their share, I am happy to have my fingerprints on that issue.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Maryland (Mr. HOYER), the Democratic whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, this debate on the alternative minimum tax epitomizes, unfortunately, precisely what is wrong in this House today: the Republican leadership's refusal to seize bipartisan opportunities where they exist, and its desire to turn every tax bill into a decisive political bludgeon.

Let us be honest: every Member of this House, without exception, recognizes that we must fix the alternative minimum tax. That is not what this debate is about. When the AMT was enacted in 1969, it was supposed to ensure that wealthy taxpayers paid a fair share, that is to say, that you did not have your accountants figure out 17 ways to Sunday that you would not pay any taxes to support this democracy, this Republic, this great Nation.

We said in a bipartisan way, you ought to pay something. But because it was not indexed for inflation, the AMT today ensnares more and more middle-income taxpayers. That was not the intent of any Member of this House. It forces them to pay more than they would under the regular tax schedule. But rather than trying to find a bipartisan solution to this growing and vexing problem, the majority has offered the legislative equivalent of a Band-Aid that would only drive us further into debt.

Make no mistake: the Democratic substitute drafted by the gentleman from New York (Mr. RANGEL) is vastly superior. Where the Republican bill would extend current AMT exemptions for taxpayers whose adjusted gross income is less than $40,250, or $58,000 for married couples, the Democratic substitute would say to individuals making $125,000 or couples making $250,000, the Alternative Minimum Tax was not meant for you. You will pay your regular taxes. It was meant for the very wealthy who exempted themselves from taxes.

I want you to know that I paid 10 percent more of my income, which is about one-eighth of DICK CHENEY's income, the Vice President's. Why? Because he has an extraordinary preference item, $625,000 in income from municipal bonds. Zero taxes. But the soldiers who are defending the assets of those municipal bonds, CDC is protecting the health of those in those municipalities, as well as Mr. CHENEY's and mine.

Not one nickel of cost in the Republican bill is paid for. Not one nickel. My friends on the Republican side, you are raising taxes, but you are slick; you are doing it by the back door. You are increasing the debt. As a result of increasing the debt, my kids are going to have to pay higher taxes.

That is pretty slick. Why do I say it is slick? My kids happen to be voting; but my grandchildren, who are going to have to pay more taxes, are not voting, so they are not focused on what you are doing, this shell game you are playing of pretending you are cutting taxes.

You are delaying taxes, is what you are doing; and you are increasing them at the same time. The fact is, the Democratic substitute provides a simpler and broader relief. It is fiscally responsible. That used to be the mantra of your party. Many of your folks talk about it today. They do not vote that way, however.

It is ironic, Mr. Speaker, that this Republican majority, which talks about tax fairness and simplification, in the last 3½ years has only made our Tax Code much more complicated.

Let us not perpetuate tax confusion and complexity. Let us help those who need help. Let us pay for what we do. That is the responsible policy. That would make this Congress responsible. We can do so in a bipartisan way. Vote for this substitute.

Mr. ENGLISH. Mr. Speaker, I yield myself 10 seconds to thank the gentleman for his salute to the simplicity of the economic substance doctrine, and we look forward to the vote on the substitute.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), a member of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank my colleague for yielding me time to speak on what I consider to be a very important bill.

I rise in support of H.R. 4227 and commend my colleague, the gentleman from Connecticut (Mr. SIMMONS), for introducing this legislation.

This bill is simply about keeping promises, about keeping the promise made to the middle-class taxpayers that we would provide child credits to reduce the taxes on our young families, that we would eliminate the marriage penalty, and that we would expand the 10 percent bracket so that those low earners in America would not be burdened with tax liabilities.

Unfortunately, unless we pass this legislation, we will renege on that promise of lower taxes and effectively increase the taxes of 11 million taxpayers by on average $1,520. I can tell you, that is a lot of money to families in our country. We cut their taxes; and we need to remain loyal to that policy that supports families, recognizes the circumstances of low-income individuals and families in the 10 percent bracket, and eliminates the gross unfairness of the current marriage penalty in our code.

So I rise in strong support of the legislation. It is temporary. I look forward to working with my colleagues in the administration on a permanent solution, but passage of this legislation is imperative.

I also strongly oppose the substitute. First of all, it is wrong to fund a 1-year provision with a permanent increase in taxes. It is also wrong to "clarify current law" by muddying it. Current law has a body of case law behind it which has helped to define the complex issues and eliminate uncertainty.

Now, the current law could be improved upon. Our Acting Assistant Secretary of the Treasury, Gregory Jenner, has recommended, and the Treasury has strongly recommended, that we increase disclosure, that we require more disclosure, and that by doing so, we could stop tax shelter transactions that were abusive. So we need to move to increase disclosure.

But to add instead a new, complicated doctrine of economic substance will cause the kind of confusion that retards investment. People will be uncertain. This is a very complicated issue. They will not know what the government is going to do. They will slow down investment, killing jobs.

When our recovery is soft, it is dumb to do something that will cost jobs now and cost considerable jobs over the next few years. The Heritage Foundation has just come forward with an analysis that says this would kill 3,000 jobs the first year and 15,000 jobs over 5 years. Remember, many of our manufacturers pay taxes and would be affected by this, just at the time when they are getting back on their feet.

So what you do not need in the Tax Code is uncertainty. We have a problem in the Tax Code. We need to deal with it. A 1-year extension is the right way to go at this time.

Mr. Speaker, I thank the gentleman and oppose the substitute.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I remind the Republican Members a year ago in the Committee on Ways and Means they had a chance to vote for my AMT bill, which would have done exactly some of the things we are proposing to do today.

Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this.

Mr. Speaker, I find my friend from Pennsylvania's commentary somewhat ironic because all independent observers agree that after three rounds of massive tax cuts, we are getting very little benefit for the magnitude of the costs involved.

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On our side of the aisle, we have had a variety of areas that would have put far more people to work producing far more economic benefit for this country at far less cost.

It is also ironic that somehow, the blame; after 10 years of Republicans in control, that somehow, this inequity is the problem of the Democrats. In fact, under the watch of my Republican colleagues, we have seen the "millionaires' tax" that was enacted in 1969 to stop sheltering all income, now punishes people who pay their taxes, claim a child care credit, and save for their future.

In the midst of the largest tax-cutting frenzy in our country's history, the Republican majority has used the $600 billion that is going to be extracted from people who do not deserve to pay this over the next 10 years, to disguise the impact of their misguided policies.

Now, I would suggest that it is inappropriate to continue limping along as my Republican colleagues would do today with the enactment of their proposal. It just puts off the day of reckoning, gets past another election and, they hope, can implement more of their true agenda: to provide more permanent tax relief for people who need it the least.

Now, I would suggest that the Democratic substitute, which is providing more help and not making deficits worse, is a step in the right direction. I join with my friend, the gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from Massachusetts (Mr. NEAL) to come forward to either repeal or fix the alternative minimum tax. But we could do that in a minute if the Committee on Ways and Means would return to its historic way of doing business, being bipartisan, maybe even considering legislation like this in committee before bringing it to the floor, allowing debate back and forth, allowing amendments. I think we would have a bipartisan majority that would put 400 votes on the floor to get rid of the single greatest inequity in the Tax Code.

Instead, the drum-beat from my friends on the other side of the aisle is to make permanent the most egregious part of their program for the people who need it least, and holding hostage some 35 million to 43 million American families with this sword of Damocles holding over their heads. It is just what they have done with the estate tax. Instead of coming forward with a bipartisan reform that we are ready to do and would get 300 or 400 votes, they have this bizarre thing where one has to be careful about what year they die, to know how many wills they have to have in order to play the game with this year after year.

I think it is inappropriate and it is shameful. It is time for us to take a step in the right direction, with the approval of the Democratic substitute.

Mr. ENGLISH. Mr. Speaker, I am delighted to yield 3 minutes to the gentleman from Florida (Mr. FOLEY), my distinguished colleague on the Committee on Ways and Means.

Mr. FOLEY. Mr. Speaker, let me thank the gentleman from Pennsylvania for leading the debate today. I certainly want to salute my colleague, the gentleman from Massachusetts (Mr. NEAL). He has raised this AMT issue at every one of our hearings on the Committee on Ways and Means. He has kept this issue alive. It is important for the people who are middle wage-earners in our country to get some relief.

I disagree with the past speaker on suggesting we are limping along, suggesting that the tax cuts that we put in place have not helped this economy. If we tune in to any show or read any publication, whether it is CNBC or CNN or to read Forbes Fortune or the Wall Street Journal, virtually every person who studies the economy is giving credit for this resurgence, if you will, of opportunity due to the tax cuts we have enacted.

The AMT is a burden for middle income taxpayers. We in our bill solve that burden, and we do so without raising corporate taxes. That is a good debate for a day, maybe today, maybe another day on corporate taxation, because we do understand a lot of companies take their plants and facilities overseas.

I asked the H.J. Heinz Company why they found so many countries comfortable for them to move plants to and they said we want to be close to those who are buying our goods and services. So I do not look at the Heinz Company as unpatriotic for opening Heinz of Canada, Heinz of Ireland, Heinz of France, or Heinz of whatever countries they settle in. But I do recognize that at times, companies do make decisions based on their locations, based on the Tax Code of this country.

All agree that our corporate taxes today are too high, and in the Rangel substitute, they raise them further. So we start off with a problem of substance in their bill that actually further punishes corporations who are trying to provide jobs here in America for the citizens of our country. So the administration and this committee, the Committee on Ways and Means on the Republican side, do oppose what would be a $15 billion tax increase.

We also recognize that this needs to be dealt with, and we have dealt with it. If we look back at our history, Public Law 107–16, the Economic Growth and Tax Relief Reconciliation Act, we allowed the child credit, the adoption credit, the small savers credit to be counted against the AMT in 2010. We increased the exemption from 45 for 49 for married couple, and 33 to 35 for single individuals. In public law 107–47, the Job Creation and Worker Assistance Act of 2002, we extended through 2003 the ability to claim nonrefundable tax credits against the AMT. Public law 108–27, the Jobs and Growth Tax Reconciliation Act of 2003 again expanded the amounts and extended the amounts. The Tax Relief Act, H.R. 3521.

So there is a consistent history of our committee in a Republican-led Congress moving forward on trying to minimize the grab, if you will, of the AMT.

Now, I believe as we try to determine on this bill how to give people an understanding of how to file their taxes, how to do their taxes, simplicity is the best possible option, and I do look forward to the chance we have on our committee to talk about simplifying this very complicated Tax Code.

But today we are here to oppose the Rangel substitute and genuinely support H.R. 4227 to provide relief for American families.

Mr. NEAL of Massachusetts. Mr. Speaker, I am just curious, and I would ask the gentleman from Pennsylvania (Mr. ENGLISH) or perhaps the gentleman from Florida (Mr. FOLEY), since this was never aired in the committee, this proposal has not been brought up in front of the committee, will the author of this proposal, will he be taking his picture with the Committee on Ways and Means later on at 2 o'clock? Will we have him there for the photograph for history and posterity? I was just wondering, since we now have nonmembers of the committee bringing these proposals forward.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, the country should know there is a tax train wreck coming along the tracks here, and what is the Republican answer? Speed up the train, making tax cuts permanent, mainly, heavily, for the very wealthy, and they essentially try to hide the track.

First of all, much of what is being given is going to be taken back by the AMT. Secondly, while some is being taken back now, much more will be in future years. So what is the answer of the Republican majority? The answer is, oh, blame the Democrats because of actions taken what, 10 years ago, 12 years ago, 15 years ago. The Republicans have run this place for 10 years, and their answer on the AMT is always wait until next year. The gentleman from Massachusetts (Mr. NEAL) has heard that year after year.

When the Republicans took over this place, a third of 1 percent of taxpayers were subject to the AMT. In 2004, that will be 7 times as many. So what do they do? They extend it for 1 year, even though in 2011, the percentage will go up to 11.2, many, many, many times more than the number who paid the AMT when the Republicans took over.

So why do they not act? Because it is going to cost so much money. The estimate is that if this bill is extended and essentially made permanent, during the next 10 years, it would cost $550 billion, way beyond 17, and if you add interest, $650 billion it would cost. So the Republicans say, wait until next year because they know they cannot act this year and be honest with the American people.

This Republican majority simply cannot tell it straight to the American people. They set up a caucus, the Zero Tax Caucus. Why do they not just act this year instead of setting up a caucus that is nothing more than a smoke screen?

The substitute is an honest attempt to do better and to pay for it. The Republican majority does not want to pay for any of their tax cuts, even those that help middle income taxpayers, but most go to high-income taxpayers.

Vote for the substitute. Let us begin to be honest with the American public.

Mr. ENGLISH. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, I rise today in strong opposition to the substitute offered by the gentleman from New York. I have heard the term "bipartisan" and "bipartisan solution" now for about half an hour, and it seems to be a synonym for tax increases. That is exactly what we are talking about here.

Last week, Democrats claimed that the AMT needed to be fixed so that married couples could fully benefit from the repeal of this marriage penalty. Well, given the substitute, apparently what they really meant was that only certain married people and only for a period of 1 year.

Adding insult to injury, the Democrat substitute would also permanently raise taxes on manufacturers and other job-creating parts of our economy. I cannot speak for other States, but I can assure my colleagues that the last thing that manufacturers in the State of Missouri want is to have their already slim profits taxed even further. I really do not understand the logic of wanting to go for a big tax increase on the very sector that is creating jobs in our economy. It seems to me that in the last couple of years, we have finally pulled out of a recession because of the tax cuts, and now, we want to tax companies and they are the ones that make the jobs. It does not make any sense at all.

Mr. Speaker, the American people deserve better than another Democrat tax increase. We are here today because in 1993, when President Clinton and the Democrats passed the largest, one of the largest tax increases in history, they did so without indexing those taxes for inflation. As a result, more and more middle income Americans are now hit with a tax that was originally enacted to try to ensure that only the wealthiest among us should pay taxes.

Now, this so-called the wealthiest 1 percent is actually paying 37 percent of the total personal income taxes. One percent is paying 37 percent of the total personal income taxes in this country. I am just not seeing the logic of the fact that we have to have another tax increase.

Today, 3 million hard-working American families are hit with the AMT, a tax that the Congress never intended them to pay. If we do not act today, by 2005, 11 million American families will be burdened with the AMT.

Mr. Speaker, I encourage my colleagues to reject another Democrat tax increase, support House Resolution 4227, which ensures that American families will receive the relief that they deserve.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, because H.R. 4227 does nothing but increase taxes on the middle class, I rise enthusiastically to support the Democratic substitute of the alternative minimum tax relief of the gentleman from New York (Mr. RANGEL), and I ask my colleagues to support it.

Mr. Speaker, I rise today in support of the Democratic substitute presented here today by my distinguished colleague, Congressman RANGEL.

The democratic substitute answers the shortfalls found throughout the H.R. 4227. While H.R. 4227 purports to provide tax relief for our nation's struggling middle class, the reality is far from that. This bill is a mirage, a gimmick. It provides little to no relief for the majority of middle class Americans. This is another Republican ploy to try and fool the middle class that the Majority party is attempting to grant them tax relief. It is an attempt to cover up the vast amount of tax relief given to wealthy individuals and big businesses.

Unfortunately this bill does more than just nothing, in reality it hurts our middle class. This bill will roll back a large portion of the Administration's tax relief while at the same time taking back over half of the benefits provide4d by last weeks marriage penalty relief bill. This just does not make sense. How can you claim to provide tax relief for the middle class by proposing a bill that cuts back tax relief for the middle class?

The Democratic substitute answers these shortfalls. It provides the needed tax relief for our middle classes without any hidden tricks or misrepresentations. It provides more tax relief to more people without rolling back past promises of tax relief to more people without rolling back past promises of tax relief. In fact, it provides tax relief to 1 million more families then the GOP version and is substantially more effective in providing relief for middle class families making less than $250,000 a year. Under the GOP plan a family of four earning a combined income of 95,000, residing in a high tax state, will be forced to pay the minimum tax. The Democratic Substitute is an easier more effective way to grant tax relief to the middle class and does away with the burdensome paperwork required under the Republican plan.

While the IRS's National Taxpayer Advocate labeled the AMT as our nation's most pressing tax concern, the Democratic Substitute is a serious long range plan to fix the problem, while the Republican plan is at best a stopgap measure. Our current tax system towards the middle class is a sinking ship filled with holes. The current Republican proposal is a bucket. We don't need a bucket we need a new ship. The Democratic Substitute is a step towards this goal. Please join me and vote in favor of the Democratic Substitute.

Mr. NEAL of Massachusetts. Mr. Speaker, a quick reminder to the previous speaker. More than half of the promised benefits last week of the marriage tax penalty are taken back under alternative minimum tax.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY).

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Mr. HINCHEY. Mr. Speaker, under the Bush administration, 2.6 million jobs have been lost, long term unemployment is at a record high. We have gone from $5.6 trillion surplus in the Federal budget to nearly $3 trillion in deficit; and this year, the huge budget deficit is expected to reach $500 billion primarily due to the economic plans of the President and congressional Republicans. Four million people lost their health insurance; 1.3 million more people have gone into poverty. Median income of middle class families is down $1,400. Thousands of schools are being forced to meet Federal education standards without additional Federal assistance.

Federal transportation and infrastructure programs are on life support while Republicans squabble over the transportation bill. These are serious problems that we will not be addressing today.

Reforming the alternative preliminary tax is another serious matter and it is something that Congress should take seriously. The Republican bill before us today, however, simply pushes the problem down the road. By the end of this decade, 33 million or 75 percent of families making between 75 and $100,000 will be swept up into the AMT. It is obvious that this needs to be fixed.

Republicans are to be blamed for this dilemma. Their irresponsible tax reductions fail to include any form of the AMT despite the fact that they forced, and will continue to force millions of middle income families who live in high tax States to pay the costly alternative minimum tax. What the Republican bill would do today is borrow $20 billion to provide a 1-year extension of the increased exemptions that middle income families currently rely on to avoid paying the AMT. This is not real reform. It is procrastination and it is dangerous. It adds to our deficit and effectively raises the Republican debt tax that has ballooned under President Bush.

The Democratic substitute provides more tax relief to middle income families without adding a penny to our debts. It would eliminate AMT liability for taxpayers whose adjusted gross income is less than $250,000; and it would provide the framework for Congress who begin reforming AMT.

We Democrats support tax relief for lower and middle income families. Our bill does that. Democrats also are not afraid to begin addressing the serious problems facing our country. We are willing to take them head on as evidenced by this substitute.

It is time the House got serious about the issues facing our country today. Simply procrastinating, pushing off problems on to the shoulders of our children and grandchildren, that is the Republican plan. It is also unacceptable; it is immoral, and it must stop.

Mr. ENGLISH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Speaker, once again, I salute the hard work of my colleague from Pennsylvania in bringing this issue to the attention of the full House.

Mr. Speaker, I oppose the substitute amendment. Why? This corporate tax increase that is proposed would be a job killer. That is why. Right now at 35 percent for a corporate tax rate, we have the second highest corporate tax rate in the world. We have a 5.7 percent unemployment rate. And though we have seen progress over the last several months due to tax reduction, the time is not appropriate right now to raise corporate taxes.

The second reason is the WTO. The WTO tariffs have increased just recently to 7 percent. We need to be addressing this with the FSC/ETI reform package, and the way that we are going to address this is reducing corporate taxes, not raising corporate taxes. So the message of the substitute motion to raise corporate taxes is a job kill and it will not enable us to deal with the looming crisis of the WTO issue.

So let us pass the underlying bill, H.R. 4227, which gives a 1-year fix, an inflation adjustment to the alternative minimum tax. It ensures that couples who today are earning $58,000 will be exempt from the AMT or for single individuals who are earning $40,000 will be exempt, and not moving those brackets down to $45,000 for a couple or $33,750 for a single individual.

This bill, the underlying bill, will allow us to address the long-term issues that are a sleeping giant of the alternative minimum tax. The fact that today 3 million people pay it, tomorrow, if we do not pass the underlying bill, 11 million people pay it, and by the end of the decade, it will be one in every three taxpayers who will fall victim to the AMT.

We need the underlying bill today. We do not need the substitute motion.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of this substitute. Last week when we debated the marriage penalty relief, I said this: That the bill that we were debating was not an act of Congress. It was an act of Harry Houdini. Here today, gone tomorrow. Give with one hand, snatch away with the other. And one week later here we are again, another act of Houdini.

The majority's AMT bill says to middle class taxpayers, we are going to do a little bit today and nothing tomorrow. Their bills says to middle class taxpayers who are bleeding from the largest tax increase in the history of the middle class, take two aspirins, call us next year. Millions of middle class taxpayers are hurtling to a cliff, our cops, our teachers, our nurses, our firefighters, they will fall off that AMT cliff, and what you want to do is simply build them a bigger ramp. That is the Republican plan.

Here is our substitute. If your adjusted earnings are $250,000 or less, no AMT. No filings, no calculations, no confusion, no AMT tax. You do not have to worry about it. We say, tax relief for the middle class now. You say, keep taxing them. We say we are going to get to it now and fix it. You say we are just going to talk about it. We say, protect the middle class. You say, protect the big offshore corporate tax shelters and havens. We say reform. You say status quo. We say, solve the problem now and in the future. You say, let us keep pointing the partisan fingers of blame at the past and not solve this problem for the middle class.

They deserve better, the middle class. They deserve a real choice. They deserve real tax relief and meaningful reform which is why this substitute makes sense, and why the act that we are being given today is nothing more than more Harry Houdini trickery on the middle class taxpayers.

Mr. ENGLISH. Mr. Speaker, I yield 2 minutes to the gentleman from the State of Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in strong opposition to the Rangel substitute and in support of H.R. 4227. I want to thank my colleague from Pennsylvania (Mr. ENGLISH) and the gentleman from Connecticut (Mr. SIMMONS) for their leadership on this important issue.

The AMT, created over 30 years ago to ensure the super wealthy were not escaping paying taxes, has grown out of control and is now trapping millions of middle class families in a complicated and costly tax system.

Under the leadership of President Bush, the 2001 and 2003 tax relief bills passed by this Congress included increases in exemption amounts which ensured many middle income families would not be hit with this tax. If this Congress does not act, that relief will disappear in 2005.

If these exemption are allowed to expire, approximately 11 million taxpayers will be hit with an average tax increase of over $1,500. This substitute is a misguided attempted to provide for AMT relief. While this provides temporary relief for some families, it does so by permanently raising taxes on the country's manufacturers and other corporations.

While the economy is recovering and job creation is steadily increasing, now is not the time to permanently increase taxes on our country's job creators.

I strongly support permanent reform of the AMT. And, in fact, I have introduced a bill that would index the AMT to inflation and end in a full repeal of this terrible system in 2010. While I believe a long-term solution such as this is needed to address the tax system, doing nothing or voting to increase taxes on corporations are irresponsible options, in my view.

By extending the 2003 relief through 2005, we can continue to protect our middle class families from this tax while Congress works on a long-term solution of reform.

I encourage my colleagues to vote no on increasing taxes with this substitute and instead vote in support of the underlying bill. H.R. 4227 is a reasonable short term solution to the growing problem of AMT.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I remind the gentleman you cannot fix this on a long-term basis without doing something about the tax cuts that the gentleman was heralding a couple of minutes ago.

Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, here we are, another week, another tax debate. Another occasion in the House of Representatives where the GOP majority has offered nothing, nothing substantive about the looming deficit crisis that is racking up historic levels of debt in this country.

I do not suppose it is a mystery they do not want to talk about it because when they bring their budget, whenever they can get it out of conference, it will include, we are told, an increase in the borrowing limit for our country. It will take the borrowing limit to the highest levels in the history of the United States. Some are saying it will take the borrowing limit over $10 trillion. That is $10 trillion of debt to be incurred under their fiscal plan for this Nation. Debt we will leave to our children and debt we can not responsibly pass on.

So as we take a look at something imperative like doing something to respond to the AMT, let us, for goodness sake, put in place a provision to pay for it so we do not even drive this monstrous debt they have given us even deeper. That is what the substitute is about.

It talks about clamping down on high-flying tax cheats, some of the worst avoidance schemes, some of the most shallow, unjustifiable schemes created simply to cheat the Federal Government by the high flyers that can afford the hundreds of thousands of dollars of legal and accounting bills to dream up these schemes.

The Republican majority in this debate has become "amen corner" for tax cheats in this country. You might think the next thing we will see from this outfit is a resolution commending the Enron executives for their creative financing.

The fact is there is a whole lot of tax avoidance illegally done in this country. I am very pleased with the announcement made by IRS Commissioner Mark Everson today about an initiative launched by the IRS that they believe is going to target just in 1,500 to potentially 5,000 multi-millionaires and corporations, a crackdown on an illegal tax scheme that they think will generate for this Treasury 5 to $10 billion.

So do not stand over here and tell us that cracking down on tax cheats is raising taxes. Taxes are what hard working Americans pay because they owe it. But the tax avoidance and tax cheats that you salute so highly in this debate is something else again. We believe we ought to capture that revenue so we do not drive this debt deeper for our kids. That is what the substitute is about. I urge Members' support.

Mr. ENGLISH. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. HAYWORTH), a member of the Committee on Ways and Means (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Pennsylvania for yielding me time.

Mr. Speaker, I rise in opposition to the Rangel substitute and in support of the base legislation that we are discussing here today. I think it is important to have a full perspective of what is being talked about. Part of it, of course, is the tenor of the times, where we are on the calendar, the fact that notwithstanding, the first Tuesday following the first Monday in November the people of the United States will make some decisions. Perhaps it is in order, Mr. Speaker, to remind the Nation, and certainly my colleagues in this Chamber, how we arrived at this point.

A decade ago, the largest tax increase in American history increased the alternative minimum tax rate and did not adjust the AMT exemption amounts for inflation. As a result, more and more middle income families are forced to pay the AMT each year. Now with a change in majority status, when I was pleased to come here to the Congress and become a part of this majority, the fact is we have delivered time and again on relief from the alternative minimum tax.

Public Law 107–16, the Economic Growth and Tax Relief Reconciliation Act of 2001; Public Law 107–47, the Job Creation and Worker Assistant Act of 2002; PL 108–27, Jobs and Growth Tax Relief Reconciliation Act of 2003; H.R. 3521, the Tax Relief Extension Act of 2003; H.R. 4227, the Middle Class Alternative Minimum Tax Relief Act of 2004, again providing alternative minimum tax relief by extending the relief enacted in 2003, adjusting it for inflation through 2005.

Now, my friends on the other side of the aisle reminiscent of a country song, that is their story and they are sticking to it, perhaps need to be reminded of this fact.

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Do my colleagues know who really ends up paying corporate taxes? Mr. Speaker, the fact is every American consumer ends up paying corporate taxes. How? Prices increase, business accommodates, oh, and just to help people understand because I listened with interest to my friend from North Dakota say that somehow we are in the amen corner, I will tell my colleagues what I do say amen to, Mr. Speaker. I say amen to more quality jobs for Americans, and the Rangel substitute will result in lost jobs by imposing a permanent tax hike on manufacturers and other job creators at a time when our economy is recovering.

I know, Mr. Speaker, for many, given the political season, any good news is bad news for partisan political fortunes; but the fact is, we have seen an increase in orders for manufacturing. Manufacturing is on the upswing. Now that we are seeing real growth, quarterly economic growth, now that we are getting there, my friends on the left, who sadly have never met a tax hike they did not like, witnessed their inaction in the wake of the largest increase in American history a decade ago now let us put the kibosh on the recovery.

How best to do that? Well, let us cost jobs to the manufacturing sector, let us demonize anyone who creates jobs, and let us go back to the time-tested bugaboo and shopworn phrase that we are only going to increase taxes on the rich because the rich are somehow inherently evil.

No, Mr. Speaker, I reject that notion wholeheartedly because what we are talking about is opening doors of opportunity through job creation. That is why we should reject the Rangel substitute, stick with my good friend from Pennsylvania, and pass, yet again, relief from the alternative minimum tax.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, I rise today in support of the Democratic substitute. I join my colleagues in offering this amendment in order to bring relief to so many families, particularly Long Island families who have been disproportionately hit by the alternative minimum tax. Our substitute would not only extend the current exemption, but it would exempt married couples with incomes under $250,000 from this punitive tax. In addition, and this is very important, we completely pay for this tax relief to middle-income families by closing corporate loopholes.

Long Island taxpayers are paying the price for this Congress' abdication of duty when it comes to sound tax policy. Our refusal to reform the AMT has had the effect of severely curtailing the promised Bush tax cuts from middle-income Long Island families. While the wealthiest families completely benefit from the tax cuts targeted towards the upper brackets, middle-income families were hit with the unwelcome surprise of higher taxes on tax day.

I have been hearing from constituents all across Long Island who feel double-crossed and double-taxed by this undue tax burden. In fact, just yesterday I was speaking with an accountant from my hometown who told me that AMT filings for middle-income Long Islanders had shot through the roof this year, while the wealthiest were reaping tremendous tax benefits, some in excess of $1 million of tax savings. For example, married couples in my district with two children and an income consisting of $15,000 in wages were forced to pay the AMT due to

State income taxes and real estate taxes totaling over $21,000. This, in turn, triggered the AMT.

More Long Islanders pay the AMT than taxpayers in any other region of the country, and I will do everything in my power to put an end to this unfair treatment. Middle-income Long Islanders bear the brunt of this tax because State and local income taxes, property taxes, and other personal deductions are added back in for the purpose of calculating the AMT, and anyone who lives on Long Island will tell my colleagues that our property taxes, in particular, are very, very high. The net effect of this is that we pay inordinately high property taxes, and then we turn around and are robbed by the AMT of our full Federal tax relief.

We need a long-term solution for the AMT and not simply a short-term fix. The so-called fix under consideration would do nothing, and I repeat nothing, for the Long Islanders who found themselves paying the AMT this year. Our substitute sends us down the path towards a long-term solution and makes sure that middle-income families are truly relieved from this tax next year. Under our substitute, two-parent families on Long Island making $250,000 or less would be able to rest assured that they would not be forced to pay the AMT. This is the right kind of relief for working families.

In my opinion, we owe it to the American taxpayers to put our heads together and reconsider the consequences of this failed tax policy and reform the AMT so that it no longer hurts middle-income families.

Mr. ENGLISH. Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, might I inquire as to how much time is left.

The SPEAKER pro tempore (Mr. BASS). The gentleman from Massachusetts (Mr. NEAL) has 1½ minutes remaining, and the gentleman from Pennsylvania (Mr. ENGLISH) has 4¼ minutes remaining.

Mr. NEAL of Massachusetts. Is the gentleman prepared to close?

Mr. ENGLISH. Yes.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself the time that is left.

Mr. Speaker, we have had this debate now in this House for a long period of time. For Members on the majority side to say, well, this was a Democratic proposal in 1986 and then to conveniently forget or suggest that during their 10 years that they have not had sufficient opportunity, working, by the way, with a willing minority to fix the issue, really does not make a great deal of sense. This issue is hanging out there. It is waiting for a solution. There ought to be an opportunity in a bipartisan manner to fix it.

I have said flatly I am in favor of repealing the alternative minimum tax. Let us get rid of it. There is a revenue gap to make up, $600 billion, that has to be found somewhere; but when we offer the suggestion, it goes nowhere, because it does not square, Mr. Speaker, with the tax cuts that the administration has offered and that the compliant Members of the majority have gone along with without ever, ever, ever asking a question.

Forbes magazine has suggested that the tax cuts that the Republican majority and the administration have offered only make the alternative minimum tax issue worse for middle-income Americans. We have heard today a suggestion that issues of war in the Middle East and in Afghanistan are irrelevant to these discussions. How are we going to pay for the troops, 134,000 that are in Iraq and 12,000 that are in Afghanistan, and support this war effort? How are we going to pay for, first, the Defense budget that goes to $421 billion at the conclusion of this session, $41 billion for homeland security? They are off by $140 billion in their prescription drug bill proposal; and the answer is, to all of this, tax cuts.

Mr. Speaker, we can fix the alternative minimum tax issue in a bipartisan manner. I am more than happy to offer my support to try to get that under way. Support the Democratic alternative today. It, in the end, is responsible tax policy, and show those people at Enron and show those people in Bermuda that they ought to pay like the rest of the American people.

Mr. ENGLISH. Mr. Speaker, I yield myself the balance of my time, and first of all, thank the gentleman for his contribution and take him up on his offer because we in the Zero AMT Caucus would like to work for permanent resolution of this problem. We would like to see a permanent repeal of the AMT; but unfortunately, in the current political climate, in the current climate of gridlock and recrimination that we have in Washington, nothing more elaborate than the current fix appears to be possible.

Let me say there are a couple of things that I need to correct at the outset.

It was suggested by the gentlewoman from Texas that our bill is a tax increase. It is very hard to understand how she would make that point; but to be clear, this provides critical tax relief for a significant portion of the middle class.

The gentleman from Long Island intimated that there was nothing in this bill to help these people. Well, as a practical matter, a place like Long Island would be one of the biggest beneficiaries of the underlying Republican bill because of the high taxes.

Let me say that the gentleman from Michigan talked about a tax train wreck. I come from a part of the world where we make locomotives, and we recognize their dynamics; and let me say that we recognize that the locomotive that was started, that is threatening, the train wreck was started back when the other party controlled the Chamber and did not deal with an underlying problem by making the AMT responsive to increases in the cost of living.

We have heard procedural arguments from the other side, that the committee has not looked closely enough at this issue; and I reject those because the committee clearly has been tracking this issue from the get-go.

What we have instead is the core issue, which is the substitute being offered today and which, on the other side, they are proposing to dramatically increase the complexity of the Tax Code and also significantly raise corporate taxes on a permanent basis in order to provide temporary tax relief. They congratulate themselves for doing that, but I do not think that they are entitled to a new chapter in "Profiles in Courage."

My feeling is that the substitute is inherently a bait-and-switch and increasing taxes at a time when we are experiencing, we are trying to come out of a slow-down. We are, in a sense, embracing Herbert Hoover economics.

I think that the substitute is very ill conceived. It, among other things, imposes a burden on the corporate community at a time when we worry about competitiveness; but that burden is far greater than the one simply indicated by the expected revenue. This is a burden which will permanently change behavior and affect legitimate business transactions. So the rhetoric of the gentleman from North Dakota that this only affects tax cheats is unfortunately not accurate. This is going to be an enormous burden for the corporate sector coming at a most unfortunate time.

Ultimately, I sense that the reason why the folks on the other side have not been as aggressive and certainly in many cases not as aggressive as the gentleman from Massachusetts to deal with this problem is that they want to spend the money. May I suggest, in the end, we get to the solution on reforming the corporate AMT, not by undercutting the tax bill, not by undercutting the tax program which is revitalizing America's economy today, but ultimately by controlling our spending. That is how we will in the context of a growing economy get back to a balanced budget and I think in the long run also have room to deal with this AMT.

Again, I invite our friends on the other side of the aisle to work with us on this issue. We have an opportunity to do this on a bipartisan basis. This is a part of the Tax Code that we agree on, but I think the solution starts today with a rejection of the ill conceived substitute that is being offered by the other side and passage of the underlying legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

Pursuant to House Resolution 619, the previous question is ordered on the bill and on the amendment offered by the gentleman from Massachusetts (Mr. NEAL).

The question is on the amendment in the nature of a substitute offered by the gentleman from Massachusetts (Mr. NEAL).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. NEAL of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 197, nays 228, not voting 8, as follows:

[Roll No. 143]

YEAS—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo

Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey

Marshall
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano

Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner

Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez

Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—228

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest

Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle

Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Bono
Boyd
DeMint

Filner
Greenwood
Matsui

Solis
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS) (during the vote). Members are reminded that 2 minutes remain in this vote.

□ 1425

Mr. TAYLOR of North Carolina, Mr. KNOLLENBERG, Mrs. JOHNSON of Connecticut, Mrs. MUSGRAVE and Mr. FEENEY changed their vote from "yea" to "nay."

Mr. ORTIZ changed his vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 143, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "yes."

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 143 on the Neal Substitute Amendment, I was unavoidably detained. Had I been present, I would have voted "yes."

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ENGLISH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 333, nays 89, not voting 11, as follows:

[Roll No. 144]

YEAS—333

Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (OH)

Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)

Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)

Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Latham
LaTourette
Leach
Lewis (CA)

Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi

Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (CO)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—89

Abercrombie
Andrews
Baird
Becerra
Berman
Berry
Blumenauer
Brady (PA)
Capps
Capuano
Carson (IN)
Case
Clyburn
Conyers
Cooper
Davis (FL)
Davis (IL)

DeLauro
Dicks
Dingell
Doyle
Emanuel
Fattah
Frank (MA)
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Holt
Hoyer
Inslee
Jackson (IL)

Kanjorski
Kilpatrick
Kucinich
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McNulty
Menendez
Mollohan

Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Pelosi
Rangel
Rothman

Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Schakowsky
Scott (VA)
Serrano
Sherman
Smith (WA)
Spratt
Stark
Stenholm

Taylor (MS)
Thompson (CA)
Tierney
Towns
Turner (TX)
Udall (NM)
Velázquez
Visclosky
Watson
Watt
Waxman
Wexler
Woolsey

NOT VOTING—11

Bono
Boyd
Cummings
DeMint
Filner

Greenwood
Honda
Jackson-Lee (TX)
Solis

Tauzin
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1442

Mr. GEORGE MILLER of California changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 144, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "yea."

Mr. HONDA. Mr. Speaker, on rollcall No. 144, had I been present, I would have voted "yea."

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 144 on final passage on H.R. 4227, I was unavoidably detained. Had I been present, I would have voted "No."

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on rollcall vote No. 144, I was unavoidably detained in a meeting with the Secretary of State. If I had been present, I would have voted "no."

GENERAL LEAVE

Mr. ENGLISH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of the bill, H.R. 4227, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON S. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005

Mr. MOORE. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the motion.

The Clerk read as follows:

Mr. MOORE of Kansas moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the concurrent resolution S. Con. Res. 95 be instructed to agree to the pay-as-you-go enforcement provisions within the scope of the conference regarding direct spending increases and tax cuts in the House and Senate. In complying with this instruction, such managers shall be instructed to recede to the Senate on the provisions contained in section 408 of the Senate concurrent resolution (relating to the pay-as-you-go point of order regarding all legislation increasing the deficit as a result of direct spending increases and tax cuts).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentleman from Pennsylvania (Mr. TOOMEY) each will control 30 minutes.

The Chair recognizes the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have in this country a $7.1 trillion national debt. We have a projected deficit by the Office of Management and Budget for this year alone of $521 billion. The interest on our national debt, $7.1 trillion, is almost $1 billion a day. We are in a hole, Mr. Speaker, and we are digging the hole deeper and deeper by our lack of fiscal responsibility.

American families live by three simple rules: Number one, do not spend more money than they make; number two, pay off their debts; and, number three, invest in basics in the future. The basics for an American family are food, shelter, transportation, health care, education, things that we write checks for, bills that we write checks for, every month. And the same basics for our country, our national defense, some sort of Social Security system, some sort of national highway system to transport goods around this country and keep our economy going. And yet the government, our government and our Congress, has not lived by these rules that American families lived by for many years, and to show for that we have a $7.1 trillion debt.

We need to get back to fiscal responsibility. We have an opportunity to do that. We have done it before and we should do it again. I am not playing partisan politics here. I do not blame President Bush for a slowdown and the recession that happened. I do not blame President Bush certainly for September 11. That was only the maniacs that created that horrible problem and killed 3,000 Americans. But we have got to get back to fiscal responsibilities here, and we are not doing it right now. In fact, the Committee on the Budget, and I see the chairman over here, passed a PAYGO rule requiring only that if we are going to have a new spending proposal, we have to abide by the rule that says it has got to be offset or paid for.

They did not apply the same rule, though, to tax cuts. The Senate, on a bipartisan basis, did apply the rule to tax cuts and to spending proposals, and I think we need to look at doing the same thing here. And this is a motion to instruct conferees to institute that kind of PAYGO procedure here.

□ 1445

If we do that, Mr. Speaker, we have an opportunity as a Nation to return to fiscal responsibility.

Mr. Speaker, I reserve the balance of my time.

Mr. TOOMEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I look forward to this discussion and disputing the central premise, I think, of the motion offered by the gentleman from Kansas, which seems to be that new spending is somehow equivalent to the American people with lowering the tax burden. I want to get into that in a little bit because these two ideas are not equivalent.

They are certainly not equivalent in terms of their impact on the economy. New spending is contrary to maximizing economic growth, while tax cuts reduce it.

Mr. Speaker, before I do that, I yield such time as he may consume to the gentleman from Iowa (Mr. NUSSLE), the distinguished chairman of the Committee on the Budget, for his thoughts on this.

Mr. NUSSLE. Mr. Speaker, I am perplexed. The gentleman who offers the motion to instruct conferees says, gee, it would be nice if we had a rule that tax cuts had to be paid for. Well, that is not what the instruction says. The instruction says they should. It is not a, gee, it would be nice. The gentleman just voted for a tax cut that was not offset, was not paid for. In fact, he joined 109 Democratic colleagues who voted not to pay for tax cuts.

In fact, what is even more interesting is that the same gentleman, and I respect his position, because it is how I voted, so it is hard to complain when somebody joins you on a vote, I do not mean it that way, voted just last week with 101 other colleagues for the marriage penalty relief, without offsetting pay-as-you-go requirements.

So on the one hand, the gentleman is saying we ought to have a rule, we ought to have a rule around here that you pay for things. It is important to do that, because we are in a hole and you ought to stop digging.

I understand. We have heard that rhetoric a lot. Except, he says, do not apply it to me, is what the gentleman is saying. Instruct everybody else for other tax bills, but not the one I just voted for this week, or not the one I voted for last week. Let us have a pay-as-you-go rule, but let us not apply it to us right now because it is kind of politically popular to vote for this.

The difference is that on our side of the aisle we know and we agree with the gentleman that tax cuts often pay for themselves in a way that stimulates the economy, stimulates growth, puts people back to work, generates economic growth and development, and drives revenues into the Treasury to the tune of, this year, what we know already from what CBO says, is about $200 billion more revenue. Even with tax reduction, even with those tax cuts, $200 billion is what CBO estimates now. Just yesterday, in The Washington Post, it was revealed that that number is only going up, is what we are hearing.

So on the one hand, just 5 minutes ago the gentleman voted for tax relief without paying for it and now rushes to the floor with a rule that says but from now on and for everybody else, it is fair to, quote-unquote, pay for tax cuts.

I think we should be consistent; and just like in the past, we should consistently say that in this instance we should not tie our hands when it comes to creating jobs, when it comes to making sure that married people are not penalized, when it comes to not raising taxes on families with children, when it comes to AMT relief that people are being hit with now, this alternative minimum tax, that we should provide that kind of relief, and we should do it in a way that does the job now and gets the economy going, as opposed to putting some arbitrary rule on, which I would argue if you vote 5 minutes ago one way, and then come back here and say, well, really I did not mean that, which vote do you not mean? Is it the vote for tax relief, or is it the vote for the rule?

So I would hope that people do not tie our hands when it comes to this, what is called pay-as-you-go. When it comes to taxes, I have said it before and I will say it again, you may think the government pays for taxes. The only people in America who pay for taxes are taxpayers, and they are the people who deserve the relief, and what you are trying to do is cause automatic tax increases for this country by tying hands and by putting arbitrary rules in, and I do not believe that is the right thing to do for this economy. It is finally back on its feet, it is finally creating jobs, and we need to make sure that continues.

Mr. MOORE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to respond to the chairman, the gentleman talks fiscal responsibility, but does not vote it. I am following the rules that are in place right now, and I am proposing that this body change the rules and practice fiscal responsibility and not just talk about it. We have got to get back to that.

What the gentleman neglected to mention is we have the highest national debt in our Nation's history. What the gentleman neglected to mention is we have the highest deficit in any one year in our Nation's history. We are mortgaging the future of our children and grandchildren, and it has got to stop.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, I thank the gentleman for yielding me time and for his bringing this measure before this House for a vote.

Mr. Speaker, I rise today in support of the motion offered by the gentleman from Kansas (Mr. MOORE) which would require the budget conferees to include the pay-as-you-go provisions, budgets enforcement provisions, in the final budget bill.

Ten years ago, our colleagues across the aisle made a contract with America. One of the first principles they promised to instill in this Congress was a requirement that all laws that apply to the rest of the country would also apply equally to the Congress.

Well, the truth is, American families are required by law to pay their bills; yet in Congress we do not require the same thing of our own institution, and that is wrong.

One of the previous speakers said that we are trying to tie the hands of Congress so we can automatically bring about tax increases. That is absolutely not true. All this measure says is, if we pass a bill, we should pay for that bill.

The House budget resolution for 2005 was passed on a straight party line vote; but it was the alternative, with the strongest budget enforcement provisions, the Blue Dog budget, that got the bipartisan support.

Budget enforcement received bipartisan support not only in the House, but in the Senate also. They passed an amendment extending pay-as-you-go rules to both revenue and spending measures with the support of a bipartisan majority. Common ground, bipartisan ground can be found on the issue of budget enforcement.

If we are really going to reduce the deficit, bipartisanship is a must. It does not matter if it is an increase in spending or a reduction in revenue. If it is important enough for this House to pass it as law, by golly, we should pay for it. That is what this motion to instruct says. The motion is to instruct the conferees to agree to the Senate pay-as-you-go provision, which requires the Congress to find a way to pay for new spending or new tax cuts.

Members of the Blue Dog Coalition have been calling for the reinstatement of pay-as-you-go on both revenue and spending since the Budget Enforcement Act expired in 2002. And it is not a partisan concept. From the original pay-as-you-go provision, it was brought about by bipartisanship. It was an agreement between the first President Bush and a Democratic Congress. A

Democratic President and Congress extended pay-as-you-go in 1993, and a Democratic President and a Republican Congress extended it again in 1997, along with $100 billion worth of tax cuts.

Today we can send a clear message from the Congress that we will hold ourselves to the same standards as we hold American families. Vote "yes" on this motion to instruct and reintroduce fiscal responsibility to this House and to the American taxpayers.

Mr. TOOMEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to respond to one of the points just made by the gentleman from California. This is pretty close to being a direct quote as I heard him say it, and it was pertaining to this deficit. I think what the gentleman said was it does not matter if it is a decrease in revenue, which is to say a tax cut, or an increase in spending; either way, we have to offset it.

I am here to say that that is just not right. It does matter. It makes a difference. It makes a big difference. I am going to finish my point, because I think it makes a big difference in terms of the economic growth of our economy, and that means the opportunity for Americans, and that means prosperity and ultimately the quality of life of the working people.

Look at the data that we have. After we passed a tax cut package, look at what has happened. We have had a 2-decade high point in terms of GDP growth. The economy grew at 6 percent in the second half of last year; it is growing very strongly this year. This is the best economic growth numbers we have had in 20 years. Housing starts are at a record high. Homeownership, a record high number of Americans own their own home today.

We have financial markets that have made huge gains, which generally have been a good predictor of economic growth. The manufacturing sector, which has undergone a very difficult time, has, by all accounts and all objective data, turned around, is showing growth, is actually hiring.

Speaking of hiring, we have strong new job growth now. We waited a long time, because we know that job growth is always the last part to come in during an economic recovery. But it really looks like the job growth is happening now. Whether you are looking at the household survey or whether you are looking at the payroll survey, the job growth is strong. In March, we had 308,000 new jobs, and on Friday we are going to get a number for April; and it looks like we are going to have another strong month for job growth.

What this means is we are approaching a period now of sustainable economic recovery. When new people are getting to work and being able to generate their own incomes, now the economy starts to be able to grow of its own. This has happened because we lowered the tax burden.

If we go and pass this provision that you guys are advocating, it almost certainly means a big tax increase, and I am very concerned that this would cut off this economic recovery we have under way, and that is the last thing we should be doing.

The problem that we have, we have got a problem here, no question about it. We have a deficit that is too big, there is no question about it. But the problem has come from years of excessive spending. It is not that we do not bring in enough revenue. In fact, as we all probably know, recent numbers suggest that revenue growth is growing and it is accelerating, which is not surprising, given the strong economy we have today, the strength that is developing; but it is spending that has been the problem.

Now when we offered a PAYGO provision that would require that we offset any new spending proposals, you guys all voted against it. You guys said no, no, we do not want to just offset spending.

The point I am trying to make here is that new spending and lowering the tax burden, and in fact maintaining existing tax law, because that is what we are talking about now, these are not equivalent.

Mr. THOMPSON of California. Mr. Speaker, will the gentleman yield?

Mr. TOOMEY. I yield to the gentleman from California.

Mr. THOMPSON of California. Mr. Speaker, I thank the gentleman for yielding.

The point is if it is important enough to pass, it is important enough to pay for. The record deficit and the record debt, $7 trillion worth of debt, on mark to go up to $10.4 trillion in the next 5 years, that is the difference between revenue and spending. It is not the difference between spending. If we believe this is important enough to tax, we should pay for whatever it is we pass.

Mr. TOOMEY. Mr. Speaker, reclaiming my time, the gentleman is not recognizing we have had a growth in revenue, despite lower tax rates. This is what happens when the economy grows strongly. And the most important thing here, it is very important that we get the deficit under control and reduce the debt, but the most important thing is we have a strong economy, and everybody who wants a job is able to get a job and that wages are rising and people are having more and more opportunities.

If we do that, and control spending, which we are trying to do which this budget, which, again, my colleagues on the other side of the aisle did not agree with, but it is a budget which for the first time I am aware of in a very long time, we took the nonsecurity parts of discretionary spending and decided to freeze it.

We said we are going to freeze this, because I think that is what you need to do to get this spending under control so we can get this deficit under control. I think we are heading in the right direction if we can have the discipline on the spending side.

We should not be advocating a provision, which the gentleman from Kansas is introducing, which almost guarantees a big tax increase right at the time when our economy seems to be recovering strongly.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORE. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me time. I have a prepared statement. I am not going to give it.

Perhaps the gentleman from Pennsylvania (Mr. TOOMEY) and perhaps the gentleman from Iowa (Mr. NUSSLE) believe if you say something enough, somebody will believe it.

I refer the gentleman from Pennsylvania (Mr. TOOMEY) to page 22 of the administration's budget document on receipts. For 8 years under Clinton, receipts went up. After we passed the 1993 bill, the economy went up and deficits went down. However, for the 12 years of Reagan and Bush, deficits went up, and under this administration, deficits have soared. And I would say to the gentleman from Pennsylvania (Mr. TOOMEY), check out page 22. Receipts have gone down, my friend. Down.

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Starting with 2000, $2.25 trillion; 2001, $1.9 trillion. Mr. Speaker, I would say to the gentleman from Pennsylvania (Mr. TOOMEY), he is not listening to these figures. I know he wants to know the truth. I know he wants to know the facts. I am trying to give them to him so he will not misstate again. I want him to hear these facts, and then he can respond. This is the administration's book, not mine.

I will give them to the gentleman again. In 2000, $2.25 trillion; 2001 $1.9 trillion; 2002, 1.8 trillion; 2003, 1.7 trillion.

So to not tell us and the American public that resources are going up, they are not. This graph reflects what the Republican budget book says.

Now, with respect to spending, I say to my friend, we are spending less on discretionary spending than we spent in 1962 of GDP. But you all talk about that. Why? Because it is easy to talk about that. It is 17 percent of the budget; you do not talk about the other 83 percent.

What the gentleman from Kansas is saying, I say to my colleagues, is do not pass these tax cuts for which there is no money to give anybody. You are taking it from Social Security. You are taking it from Medicare. And, more importantly, I will tell my colleagues who is going to pay for these tax cuts: my children, my grandchildren, and the generations yet to come. That is not only intellectually wrong, it is an immoral fiscal policy.

Mr. Speaker, if the vote on this motion to instruct budget conferees is anything like the first one on March 30, then someone should summon the house physician because there may be some very sore arms on the Republican side of the aisle.

Certainly, we remember that five-minute vote? The Republican leadership held it open for 28 minutes so that it could (quote/unquote) persuade eight Republicans to change their votes from yes to no, and defeat the motion on a tie vote.

As David Broder, the syndicated columnist, pointed out (and I quote):

> Clearly, on a free vote of conscience, narrow majorities in both the House and Senate would be prepared to impose this degree of self-discipline [meaning pay-as-you-go budget rules].

The simple fact is, Mr. Speaker, the Office of Management and Budget projects that our Nation will run a record budget deficit of $521 billion this year. That figure does not include the costs of fighting wars in Iraq and Afghanistan, an estimated $50 billion to $75 billion.

The 10-year budget surplus of $5.6 trillion that George W. Bush inherited when he took office has been turned into a projected deficit of more than $4 trillion in just 3 short years.

And now, our Republican friends want to drive us even deeper into debt with tax cuts that are not paid for.

Perhaps Mr. NUSSLE, the chairman of the Budget Committee, summed up the Republican philosophy best. In March, he said (and I quote):

> We don't believe that you should have to pay for tax cuts.

Well, my Republican friends, you don't. But our children and grandchildren surely will.

That's why the list of those supporting pay-as-you-go rules includes, among others, House Democrats, a bipartisan majority of the Senate, Federal Reserve Chairman Greenspan, the Concord Coalition, the Committee for Economic Development, and the Committee For a Responsible Federal Budget.

Republicans have not always believed that tax cuts are sacrosanct.

In fact, the majority leader himself even said in 1997 of Jack Kemp, a former member of this body (and I quote):

> Jack Kemp worships at the altar of tax cuts. Jack has always said that deficits don't matter. We think that deficits do matter.

Mr. Speaker, PAYGO rules will not preclude tax cuts.

They simply recognize that, with a fiscal crisis looming, it is irresponsible—indeed immoral—to force the next generation to pay our bills.

I urge my colleagues to support this motion.

Mr. TOOMEY. Mr. Speaker, I reserve the balance of my time.

Mr. MOORE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, it is truly amazing when we come to the floor and have this debate over and over and over again. We are fighting a war today, and I believe I would be factually correct to say this is the first war we have fought by reducing the amount of revenue.

I suggest our troops are paying dearly for that, because as we all know, they have not received that which they need in order to protect themselves while they are doing for us what we are unwilling to do for them.

This is a pretty straightforward amendment; and despite the gentleman from Pennsylvania (Mr. TOOMEY), despite the gentleman from Iowa (Chairman NUSSLE) and all of his rhetoric, nobody is talking about raising taxes. That is just rhetoric that will be used in campaign slogans.

All we are saying is, if we are going to cut taxes and reduce the amount of revenue to pay for the war, we have to provide either cuts in spending, which we do, in spite of the fact, all of what you talk about never happens because spending has gone up, up, and up since Republicans took over this House, and how you can stand on the floor and keep lecturing Democrats on spending, you have no conscience.

Mr. TOOMEY. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I would be happy to yield to the gentleman from Pennsylvania.

Mr. TOOMEY. First of all, Mr. Speaker, I have introduced a budget that had lower spending and lower deficits even than the one that we passed, the Republican one. I do not know of any Democrat that voted for my alternative budget.

Mr. STENHOLM. Mr. Speaker, reclaiming my time, that is great rhetoric, and I will yield again, but I want to respond to that. The gentleman from Pennsylvania put a budget out. How many votes did the gentleman get for his budget?

Mr. TOOMEY. Mr. Speaker, we got just under half the Republican caucus on it, about 100, maybe 110.

Mr. STENHOLM. Mr. Speaker, that is the problem. I can put a budget out too.

Mr. TOOMEY. Mr. Speaker, if the gentleman will yield, how did the gentleman from Texas (Mr. STENHOLM) vote on it?

Mr. STENHOLM. On your budget, I opposed it, because it increased the deficit.

Mr. TOOMEY. It increased it much less than your budget did. It got us back to a balance much sooner than your budget or any other budget, and you voted "no." You voted "no."

Mr. STENHOLM. You could not pass it.

I take back my time. I take back my time. Yes, it is great. You can come out, but the problem that comes out today is we have to live under the rules of the majority party. And for years I was criticized by the gentleman's side because it was my party that was doing to the economy what you said we were doing. Today, you are in charge; and no matter how many times you say it, you cannot overcome the facts. Republicans have spent more in the Reagan-Bush years, in the Bush years than we did in the Clinton years. You have spent more, period, and that record stands up.

All we are talking about today is a simple resolution saying, let us put us all under the gun. If you put your budget on the floor under pay-as-you-go, I will have to vote for it, if it is under pay-as-you-go, because I am sincerely for it. I did not vote for the last tax cut because it is with borrowed money on my children and grandchildren. I did not vote for last week's tax cut because it is with borrowed money; and I will not vote for the additional tax cuts with borrowed money on my children and grandchildren's money. But your rhetoric and mine should match. Where is the mismatch?

Mr. TOOMEY. Mr. Speaker, I yield myself such time as I may consume.

A couple of points I would like to make. One, to follow up on some comments made by the gentleman from Maryland, first of all, history has proven time and time again when we have cut taxes, we have ended up with increasing revenue. The gentleman from Maryland cited the Reagan administration. The fact is, within a decade of the big Reagan tax cuts, revenue collected by the Federal Government, tax revenue had about doubled. The problem was that expenditures tripled, and this reinforces my point that the problem here is spending. The problem is not that we are undertaxed.

The second point that I want to make, the gentleman from Maryland was referring to declining revenues in the height of the economic slowdown. I do not think anybody disputes that if the economy is in a recession, when the economy is contracting, revenue decreases. That is true. That is what happens when you have, especially a combination of a contracting economy, and then you have the cost of a war, it is not surprising that you have a deficit under those circumstances.

The final point I want to make, to suggest that this provision does not amount to the equivalent of a tax increase I think is just factually wrong. We all know that we have provisions in the current tax law that are expiring very soon; and if we do not allow those to become permanent, then we have a big tax increase coming. And if this provision were to be adopted and become binding on Congress, then it is almost assured that we are going to have a significant tax increase.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORE. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I got up to my office, and I heard the comments of the gentleman from Pennsylvania. The gentleman from Pennsylvania (Mr. TOOMEY) and the gentleman from Iowa (Mr. NUSSLE) both said not the perspective you thought revenues were going to increase, but that they had increased. That was not accurate. That was my point, and I think your review of the book indicates that I was accurate.

Mr. TOOMEY. Mr. Speaker, if I could just respond to that.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Kansas has the time.

Mr. MOORE. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I would like to thank my colleague, the gentleman from Kansas (Mr. MOORE), for yielding me this time.

What we have here is what never has been tried in history. We are waging three wars with three tax cuts that have resulted in $500 billion of annual deficits and a $3 trillion increase in the debt.

What has passed here in the year 2001, 2002 and 2003 are record tax cuts for the special interests that have produced record deficits and record national debt. There is an economic program here that basically we followed in the 1990s.

In 1993 we cut taxes and reduced the deficit. In 1997 we cut taxes for middle-class families and balanced the budget while investing in children's health care, the environment, and also in job training and education, higher education access. We threw that book out that led to record job growth of 22 million jobs, a decrease in poverty, an expansion of the middle class, incomes going up for all people. And now what we have is record deficits and record debt, all because we followed an economic strategy that threw out the book of putting our fiscal house in order, investing in the priorities of tax cuts for middle-class families, and investing in the areas of education and health care.

What do we have to show for it? We have $500 billion in annual deficit. We have a record deficit while the economy is growing. You all have said if the economy grows, the deficit will disappear. Well, the economy is growing and we have record deficits. Why? Because your economic strategy lacks any logic to it. And that is you cannot follow and have three tax cuts and three wars at the same time and get any other result than the one we are getting today. And to repeat the same mistake and expect a different result is a sign of somebody who is not facing reality.

Today, what we need to do and what this proposal does is it begins to get us on a road of putting our fiscal house back in order and setting the priorities straight that if we want to invest in education, if we want to finance wars overseas, if we want to have tax cuts, we have to make sure that we live within a balanced set of priorities. We cannot leave to other generations and steal from Social Security and steal from Medicare to live today in bacchanalia and happy times. We have to put our fiscal house in order.

Mr. TOOMEY. Mr. Speaker, I yield myself such time as I may consume.

The point I was making about the increase in revenue, and the gentleman from Maryland was disputing this, I think, my point is if you look at the last 6 months of this year, if you look back from October of 2003 through March of 2004 and you compare the same 6-month period to the year before, you will discover that we brought in more revenue to the Federal Treasury in this most recent 6-month period than we did in the last 6-month period. That is the point that the gentleman from Iowa (Chairman NUSSLE) and I have been making.

Revenue coming into the Federal Government is, in fact, growing, and it is at an accelerating pace; and I strongly suspect that the next quarter is going to show an increase over the corresponding quarter from the previous year. That is precisely because of the strong economic growth.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. TOOMEY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

I understand his analysis of the last 6 months; we have had a good growth in the last 6 months. Not as good, contrary to what the gentleman says, as we had in terms of the Clinton years, because where we grew 23 million new jobs, we have still lost jobs. The gentleman pointed out we raised 300,000 jobs. As he knows, 100,000 of those were returning workers from the strikes around the country.

But the point I would make is that in 1993 when we adopted the Clinton economic program, Mr. Armey and the gentleman from Texas (Mr. DELAY), I cannot say the gentleman from Iowa (Mr. NUSSLE), but Mr. Kasich was then the chairman of the Committee on the Budget, they said that program was going to destroy America's economy, we would lose jobs, have high deficits and high unemployment and high interest rates. In fact, exactly the opposite happened, and we had the best economy we have had in the history of the country.

Mr. TOOMEY. Mr. Speaker, reclaiming my time, what happened was that immediately after that tax increase in 1993, economic growth was quite slow for some period of time; and then it accelerated, despite the tax increases.

But my point is, and I do not think the gentleman is disputing me now, that over the last 6 months we have had a revenue growth compared to the same 6-month period a year before, and all evidence and all trends suggest that this is going to continue. And what I think it demonstrates is, once again, lowering marginal tax rates and encouraging strong economic growth more than offsets the reduction in revenue that comes from the nominal loss that comes from the rates themselves.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORE. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. HILL).

(Mr. HILL asked and was given permission to revise and extend his remarks.)

Mr. HILL. Mr. Speaker, I would like to thank the gentleman from Kansas for leading this discussion here this afternoon.

A few minutes ago on the floor of this House, I cast a vote against the AMT tax cut. Some would say that that was a foolish vote for me politically, do I not think so. I do not think it was a foolish vote politically, because I believe that the people of the Ninth District in southern Indiana believe that if it is tax cuts versus shoring up Social Security, if it is tax cuts versus paying down the debt, if it is tax cuts versus shoring up Medicare, if it is tax cuts or having foreign countries buy our paper to finance the debt, I think that they will pick fighting the war, shoring up Social Security, shoring up Medicare, making sure that not too many foreigners have our paper. They want to be fiscally responsible like many of the Members on this side of the aisle want to be. And the only way that can happen, I say to my colleagues, is for there to be PAYGO discipline in both spending and tax cuts.

Now, I was at the Joint Economic Committee meeting last week where Alan Greenspan was at the meeting. I asked him, Mr. Chairman, do you believe that PAYGO rules ought to apply to tax cuts as well as spending? And his answer in his prolonged way that he answers was an unequivocal yes. There needs to be discipline in the Congress of the United States. PAYGO rules have worked in the past, they will work in the future, and it is the fiscally responsible thing to do.

One last thing that I would just like to remind my colleagues of on this side of the aisle. A quote from the majority leader on the Republican side, Dick Armey: "I am sitting here, and I am upset about the deficit. I am upset about spending. There is no way I can pin this on the Democrats. Republicans own the town now." Wise words, indeed.

Mr. TOOMEY. Mr. Speaker, I reserve the balance of my time.

Mr. MOORE. Mr. Speaker, I yield 30 seconds to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time. It is a shame we cannot have a longer, more substantive debate on this. The gentleman from Iowa (Mr. NUSSLE) got up and criticized the gentleman from Kansas (Mr. MOORE) for his inconsistency. He is for middle-class tax cuts, as I am; but he wants to pay for them. The gentleman from Iowa (Mr. NUSSLE) in 1997 voted for the Balanced Budget Amendment, as I did, which had exactly the same PAYGO as is included in the Moore motion to instruct.

Hear me, I say to the gentleman from Pennsylvania (Mr. TOOMEY). The gentleman from Iowa (Mr. NUSSLE) voted for exactly the same PAYGO as did 193 Republicans. Stick with your original convictions.

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Mr. TOOMEY. Mr. Speaker, I reserve the balance of my time.

Mr. MOORE. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Kansas (Mr. MOORE) has 14 minutes remaining.

Mr. MOORE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I rise today to express my strong support for the motion to instruct offered by the gentleman from Kansas (Mr. MOORE).

It is our duty as lawmakers and the voices of our constituents to demand a budget resolution that is fiscally responsible and meets the needs of our country. This motion a very simple motion would require that any increase in spending and tax cuts must be subjected to a pay-as-you-go rule.

As this country faces record deficits, increased spending on homeland security and the war in Iraq, now is the time for fiscal discipline. The Federal budget deficit is fast approaching $500 billion and will only continue to grow. Unless we act now, our children and our grandchildren will be paying for our fiscal irresponsibility.

Remember 1990 when America also struggled with record deficits. Congress faced the same choice that we do today. Ignore the realities of fiscal irresponsibility or confront it head on and resolve the problem. In 1990, the Democratic-controlled Congress made the responsible choice. It included PAYGO legislation as a part of 1990 budget agreement.

PAYGO was extended in 1993 and 1997 and was essential in restoring this country's economic health. The sky-high deficits of the late 1980s and early 1990s turned into substantial budget surpluses by the late 1990s. When this administration took office, there was nearly a $400 billion surplus and a projected surplus of several trillion dollars.

Despite this success, the administration's irresponsible choice to allow the PAYGO rules to expire in 2002 has contributed to the record deficit we face today. The time to act is now, before our Nation slides further and further into debt. We must include PAYGO rules that apply to both spending and tax cuts in this year's budget resolution.

If I could add something personal. My husband is not only a Republican, he is a Heritage Foundation Republican, a fiscal conservative in our personal life; and he believes that this is outrageous. He is astounded that the Republican-controlled Congress is behaving in this irresponsible fiscal manner. He will not have it and neither will I.

Mr. TOOMEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to make sure everybody is very clear as we have this discussion that if this proposed provision were to become binding, the net effect is almost certainly a very, very major tax increase. All we are talking about is, what I want to do here is let us make sure we can maintain existing tax law.

What the gentleman from Kansas (Mr. MOORE) is proposing is that under existing law, unfortunately, taxes are scheduled to go up. If we prevent that by making sure we maintain the existing rate structure, the existing tax law, we would have to come up with these huge offsets, which we certainly are not going to get the votes over there to do that with spending cuts, so we would have to raise taxes somewhere else.

So the net effect is a huge tax increase. What are some of the things that are scheduled to expire, some of the problems that we would have if this were adopted? Well, we would find we would get the marriage penalty coming back in full force. We get the child tax credit that would be diminished dramatically. The increase in the size of the 10 percent bracket, that goes away. Small business expensing which has probably contributed significantly to this economic turn around. That goes away. Small businesses cannot expense items the way they can under current law.

I think it is a bad idea when we have all the evidence suggesting we are well into a substantial and probably a sustainable economic recovery, why we would suddenly ratchet back up the taxes in the face of that and the fact that this has been a very successful tax policy, very successful in terms of turning this economy around and now in terms of getting people back to work, why we would want to undo all of that with a measure like this makes no sense to me.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman can say black is white until his face is blue, but it does not change the facts. You can talk about tax increases here. We are talking about fiscal responsibility and he is not. In fact, what he is doing and his policies would do is put our Nation deeper and deeper and deeper in debt.

Again, Mr. Speaker, we have the largest debt, $7.1 trillion in our Nation's history. We have the largest 1-year deficit in our Nation's history, and the policies he is talking about, contrary to what Chairman Greenspan wants, will put our Nation in deeper debt and mortgage the future of our children and grandchildren.

I was at a high school last week and I talked to a group of high school students, government students, about this, and I said, Why should you care about a $7.1 trillion debt? A girl raised her hand and she said, Because we are going to have to pay for it. And I said you get an A for today, and you should be angry about what folks in Congress are doing to you and your children and grandchildren because you are putting them in a hole they can never dig their way out of.

Mr. Speaker, I reserve the balance of my time.

Mr. TOOMEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to go back to this point because this is a very important point. We have created an environment, created a tax environment in which the economy can grow more rapidly and it is growing more rapidly. We have both CBO projections and the House budget resolution both forecast Federal receipts at $35 billion more this year than last year, despite the fact that we cut taxes last year; and now the monthly Treasury data that is coming in this year shows, and I do not think anybody is disputing this, that, in fact, we probably low-balled that. The revenue was coming in at an even faster clip than the amount by which we thought it would exceed last year.

So the fact is we have got a deficit that is too big. We all acknowledge that. It is getting smaller. The revenue is coming in faster because the economy is growing. And if we get spending under control, we can solve this problem. But the right way to do it is not to raise taxes.

I know the gentleman from Kansas (Mr. MOORE) does not like the characterization of this. But the fact is we have got provisions in law that will result in a tax increase if we do not do something about it, and what your provision would do would prevent us from solving that problem that results in a tax increase.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what the gentleman has done is presided over policies that has created the greatest debt in our Nation's history and nothing he says can change that.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I know the gentleman from Pennsylvania (Mr. TOOMEY) did not deliberately attempt to misspeak to this body, but revenues in 2000 were $2.025 trillion, revenues in 2003 were $1.782 trillion; projected CBO for this year is the $1.817 trillion. I understand that you are putting the best spin forward, on this year, it is going up, but look at what it has done under the policies that you continue to advocate.

What we are talking about is what Chairman Alan Greenspan would like to see us do; what the Concord Coalition would like to see us do: Put some fiscal responsibility into all our actions.

The gentleman keeps referring to the Reagan years. I was here. I helped pass the first Reagan tax cut. It did not work as was intended. It built up $1.8 trillion of debt in 8 years. The Bush 41 built up another $1.5 trillion of debt. In the 8 years of the Clinton administration debt went up $1.4 trillion; and it is estimated under the Bush 43, debt will go up $2.4 trillion. That is what we were suggesting doing something about. It is called fiscal responsibility. It is called living within your means. It is called making tough decisions.

Yes, there are tax cuts that grow the economy, but there are also tax cuts that increase the deficit. Let us make that decision, instead of just coming here and rhetorically talking about things that just are not so. With all due respect, it just is not so from the standpoint of the deficit coming down.

If you talk about spending, I just have to smile and get myself under control, every time I hear a Republican stand up on this floor and talk about spending, and I would yield to the gentleman to answer to a question, who has been in control of this House since 1994?

Mr. TOOMEY. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Pennsylvania.

Mr. TOOMEY. Mr. Speaker, I have been the first one to say that excessive spending is a bipartisan problem.

Mr. STENHOLM. Then if it is a bipartisan problem, that is what we are suggesting today is a bipartisan solution.

Mr. TOOMEY. With a tax increase. That is not a good solution.

Mr. STENHOLM. No, with all due respect, well, if you want to fight the war by shortchanging the troops in order that you can have your rhetorical answers on that, fine.

I will be happy to yield for a simple discourse, but every time you start that rhetoric that has put us into a $2.4 trillion hole in 4 years.

Mr. TOOMEY. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Pennsylvania.

Mr. TOOMEY. First of all, I think the gentleman will acknowledge that Republicans have not short-changed our troops; that we have advocated and passed legislation that would provide the necessary resources; and we had a budget resolution that took the non-security portions of our budget and we froze that. We said, these areas that are not critical to American security should grow at zero.

Now, most if not all Members on the gentleman's side of the aisle, thought that that was somehow unreasonable, because we did not grow spending. So I do not think you can accuse us at this point of not dealing with this problem.

Mr. Speaker, if the gentleman would yield me some time.

Mr. Speaker, if not, I yield myself such time as I may consume.

Mr. Speaker, I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, I agree with the gentleman. The shortchanging of our troops is bipartisan. I am 1/435 of this body and anything we have not done, I accept my share of the blame for; but I am not in control. I am not in the majority. And the minority has been totally ignored on most of these issues, but I still have to take my responsibility for that action. And the fact is we have not done a real good job.

On the question of providing for spousal benefits for military retirees, we have a bill that has 300 cosponsors of and we cannot get it on the floor of the House in order to debate.

Mr. TOOMEY. Reclaiming my time, we are getting a little bit far afield from the discussion.

Mr. STENHOLM. We are talking about pay-as-you-go.

Mr. TOOMEY. We are getting a bit far afield.

I think one of the fundamental areas of disagreement that we have is the idea that my colleagues who offered the proposal, equate new spending with new tax relief, including maintaining existing tax law.

Mr. STENHOLM. Mr. Speaker, will the gentleman yield?

Mr. TOOMEY. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, that is not the intent of this amendment. It is not to get into taxes or spending. It is just to say to this body, we have to make a decision regarding how much more we borrow on our children and grandchildren.

Mr. TOOMEY. Reclaiming my time, but the mechanism by which you choose to make that decision is precisely this, it is to say that we have to treat, even maintaining existing tax law, as though it were equivalent to launching a new spending program because you want to impose the exact same mechanism on both those activities as though they are equivalent. And my point is they are not equivalent.

One, the new spending, leads to lower economic growth, lower productivity, fewer opportunities for American workers; and the other, maintaining this lower tax burden that we managed to pass in recent years, leads to stronger economic growth, more jobs, higher wages, and we are seeing it in the numbers. We are seeing that this economy has turned around. We are seeing the strength of this economy. We are seeing it producing new jobs. And, in fact, as the gentleman has acknowledged in recent months, we are even seeing a growth in revenue to the Federal Government. It is true.

It has not yet reached the level that it was at before the recession and before the war and before September 11. It will get there. It may take a little bit longer but the fact is revenue to the Federal government is growing. It is growing at an accelerating pace. But, frankly, that is not my highest priority in life. My highest priority, and what I think it should be here is, are we creating an environment where we create the maximum opportunity for Americans, the most job opportunities, the greatest chance for new businesses to flourish.

I know that is what the gentleman from Texas (Mr. STENHOLM) would like to see accomplished. I think we differ about how to get there. But I strongly believe that making it essentially impossible to maintain the existing tax law and instead having a higher tax regime does not get us there.

Mr. STENHOLM. Mr. Speaker, will the gentleman yield?

Mr. TOOMEY. I yield to the gentleman from Texas.

Mr. STENHOLM. Because nothing in PAYGO precludes tax cuts, nothing does.

Mr. TOOMEY. They have to be offset with equal tax increases or spending cuts; is that correct?

Mr. STENHOLM. Right.

Mr. TOOMEY. Do you think that there are the votes anywhere in this Chamber to have spending cuts when the Democrats in this Chamber would not vote for a Republican budget?

Mr. STENHOLM. We did it in 1997. It was Democrats like me that stood up with Republicans and got it done.

Mr. TOOMEY. Reclaiming my time, I would be thrilled if you and your colleagues would vote with us on this budget resolution that freezes non-security spending, that just says let us hold it at last year's level because we really cannot afford more than that. But we never got the votes to do that.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would respond to the gentleman simply by saying that we have, on this side, coined a phrase called the debt tax, not the death tax, D-E-A-T-H, but the debt tax, D-E-B-T.

And the debt tax is the interest we pay on our national debt and the debt tax is going up just as the deficits are going up and the debt is going up.

□ 1530

It is the policies of the gentleman across the aisle that are causing this to happen, and it has got to change. People in this country know in their hearts and they know right in their heads that we cannot give like this forever. We are the strongest Nation on the Earth. We are the freest Nation on the Earth, but we cannot be strong and free and broke, and that is the policy advocated by the gentleman from across the aisle.

That is going to happen if we keep going the way we are. Our Nation will end up owing so much money it will be financially unsustainable for our children and grandchildren. I do not want that to happen.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Pennsylvania (Mr. TOOMEY) has 9 minutes remaining, and the gentleman from Kansas (Mr. MOORE) has 7 minutes remaining. The gentleman from Kansas has the right to close.

Mr. TOOMEY. May I ask a question of the gentleman from Kansas. Does the gentleman have any additional speakers?

Mr. MOORE. Mr. Speaker, I am going to grant some additional time at the appropriate time to the gentleman from Texas (Mr. STENHOLM).

Mr. TOOMEY. Mr. Speaker, I yield myself such time as I may consume.

I would just make one additional point, and that is the point that has been made for us at our committee by CBO Director Crippin, and I think this is a very important one. When we look at how best to get our deficit under control, he makes the observation that a one-tenth of 1 percent increase in GDP growth accounts for about an additional quarter of a trillion dollars, $250 billion, in additional Federal revenue over a 10-year period. This is why economic growth is so important.

The real reason it is mostly important is for the benefits that accrue to the American people who produce this growth; but if we want to figure out how do we get our budget house in order here, a strong economy gets us there. One-tenth of 1 percent, going from 4 percent growth to 4.1 percent growth, just that small difference amounts to an extra quarter of a trillion dollars in Federal revenue. If we can maximize economic growth and have some discipline on the spending side, we get this budget back to balance. We are moving in that direction, and I think that is a direction we should stay in.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, 3 years ago is when this debate began and those of us that believed that we had a little better plan, we lost that battle; and today, we are still fighting the same battle we did 3 years ago. We were told if we instigated the tax cuts that we would balance the budget in 4 years. It did not work out quite that way. We cannot argue with the fact that the budget, that is somewhere out there in never-never land between the House and the Senate, includes an increasing of the debt ceiling, the amount which this country can borrow, to over $8 trillion.

In the last 2½ years, we have borrowed $1 trillion. In the next year and a half, we are going to borrow in excess of another $1.5 trillion. We cannot escape that those are the facts. We all know the reason why.

This amendment today just suggests that this generation ought to be doing some of the paying rather than just blindly following a theory that does not work, the theory that we can balance the budget by cutting the amount of revenue when we are at war.

This is the first war in the history of our country that we have fought by cutting taxes, and the results are predictable. It is amazing. Most main-line economists agree with what we are talking about today, making it tough to raise spending, being very scrupulous on the manner in which we spend our taxpayer dollars, but also take a good, hard look at what we are leaving our children and grandchildren and take a good, hard look at who is buying our debt.

The Japanese will soon own over $600 billion of our debt. The Chinese are at $200 billion and going up rapidly; and if that does not bother my colleagues who is the banker of the United States, then continue to say, as some so-called conservatives continue to say, deficits do not matter as long as we are following the great game plan that has been totally rhetorized today by the gentleman from Pennsylvania (Mr. TOOMEY); and he does a good job, and I respect the fact he is sincere.

That is something that I can respect on this floor because he puts his money where his mouth is. The problem is there are not 218 Republicans that agree with him, but there are 218 Members of this body that would agree on pay-as-you-go and would get our fiscal house in order as we did in 1990 when Democrats were in control and a few of us voted with Republicans to put some fiscal order, and as we did in 1997 when Republicans could not pass their budget in 1997 without Democratic support, and I was there and I helped because I believed in that compromise legislation that then ultimately gave us the economic growth and expansion that we saw in the 1990s.

Now, we are arguing a theory today, and I understand there are some that just cannot say, I was wrong, I did not make a mistake, I am perfect, everything we are doing we have just got to keep on plugging and we can send that debt to our children and grandchildren and look at them with a straight face. I have three grandsons, and I cannot do it; and that is why I will continue to say we will reach out the hand to the folks on the other side of the aisle, and we will work together to bring our fiscal house in order; but we cannot do it with the game plan that they are advocating.

Mr. TOOMEY. Mr. Speaker, I yield myself the balance of my time.

We have had a spirited debate here this afternoon about this, and I would simply close by reminding my colleagues that if we were to pass the provision that is proposed here, it would certainly result in very, very large tax increases in this year, next year, the following years of a very huge magnitude; and I am gravely concerned that the result of that would be to, at a minimum, diminish the growth of our economy and quite possibly even turn us down into an economic downturn, back from whence we came.

We are on the right path. The economy is growing. It is growing strongly. It is actually growing at a nearly record pace. We have job growth that has kicked in in a very impressive way, and that is the most important part of this; and that is really manifesting itself in recent months, likely to continue, likely to generate a self-sustaining momentum for the economy.

This is exactly what we should be trying to work for. It is the tax cut package that helped us get here. We have now seen so much economic growth that, as my colleagues on the other side have acknowledged, even in recent months and recent quarters, revenue collected by the Federal Government is growing. It is accelerating. That means if we stick to the budget resolution that we passed with votes on this side of the aisle alone, where we put a freeze on nonsecurity discretionary spending, if we maintain that spending discipline, while we continue to have the strong economic growth, we will, in fact, see a dramatic reduction in this deficit. That is what we should be working towards, maintaining the tax law, keeping the tax burden as low as we possibly can on the American people, with some spending restraint.

Again, we proposed that we freeze this nonsecurity spending, unfortunately. My colleagues on the other side would not go along with that freeze. That is the kind of discipline that will get our budget in order.

What we need to do is reject this proposal today, vote "no" on the motion of the gentleman from Kansas, and stick to some discipline on the spending side.

Mr. Speaker, I yield back the balance of my time.

Mr. MOORE. Mr. Speaker, I yield myself the balance of my time.

PAYGO, the PAYGO rule that we are proposing here today, does not stop new tax cuts. All it says is that if we are going to have a new tax cut, we have got to cut spending; and if he talks about discipline, he should practice what he preaches. If he talks about discipline, he should practice what he preaches; and if he wants a new tax cut, he should say here is how we are going to pay for it. If my colleague finds a way to do that, then I am all for the gentleman from Pennsylvania (Mr. TOOMEY), but he is not doing that. He is just talking and not practicing reality here.

I voted for the President's tax cut 3 years ago. We were in surplus mode at that time, but now we are in deficit mode. Now we are in deficit mode. We are no longer in surplus mode.

Chairman Alan Greenspan of the Federal Reserve Board has testified before the Committee on the Budget and the Committee on Financial Services, on which I serve; and he said consistently, if we are not in a fiscally responsible position when this economy takes off, interest rates could climb rather dramatically, and we should not let that happen. It could be devastating for business, for the real estate industry, for consumer borrowing, and for people in this country. Chairman Greenspan has said over and over, we should have budget enforcement rules, PAYGO rules, that apply not only to new spending but to tax cuts.

I understand the gentleman thinks he knows more than Mr. Greenspan, but I do not believe that is true. I do not believe that is true.

We are going to have soon an $8 trillion national debt at 4 percent. The interest on that national debt will be $320 billion a year. It is digging us deeper and deeper in this hole. If that interest rate went up to only 5 percent, it would add another $80 billion, another tax increase; and that is what we are talking about here is the debt tax, the interest on our national debt.

They will put us, the policy advocated by the gentleman from Pennsylvania (Mr. TOOMEY), deeper and deeper in the hole; and the problem is, they do not want to pay for it now. They want to pass the bill to our children and grandchildren; and our children and grandchildren if they are watching television today and they have heard this debate, they should say, enough, we are not going to take that anymore; it is not fair; it is really not American.

We should end this today by saying common sense. If my colleagues want a tax cut, they have a new spending proposal, find a way to pay for it; and if they cannot do that, we will not do it because it is not fiscally responsible. It is not the right thing to do. It is not how American families live, and we are going to start living like American families.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ADERHOLT). All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Kansas (Mr. MOORE).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MOORE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today or tomorrow.

RECOGNIZING THE IMPORTANCE OF INCREASING AWARENESS OF AUTISM

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 605) recognizing the importance of increasing awareness of autism, supporting programs for increased research and improved treatment of autism, improving training and support for individuals with autism and those who care for individuals with autism, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 605

Whereas the Autism Society of America, Cure Autism Now, the National Alliance for Autism Research, Unlocking Autism, and numerous other organizations commemorate April of each year as "National Autism Awareness Month";

Whereas autism is a developmental disorder that is typically diagnosed during the first three years of life, robbing individuals of their ability to communicate and interact with others;

Whereas autism affects an estimated 1 of every 166 children in the United States;

Whereas autism is four times more likely to be found in boys than in girls and can affect anyone, regardless of race, ethnicity, or other factors;

Whereas the cost of specialized treatment in a developmental center for individuals with autism is approximately $80,000 per individual per year;

Whereas the cost of special education programs for school-aged children with autism is often more than $30,000 per child per year;

Whereas the total cost nationally of caring for individuals with autism is estimated at more than $90,000,000,000 per year; and

Whereas despite the fact that autism is one of the most common developmental disorders, many professionals in the medical and educational fields are still unaware of the best methods to diagnose and treat the disorder: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of "National Autism Awareness Month";

(2) recognizes and commends the parents and relatives of children with autism for their sacrifice and dedication in providing for the special needs of children with autism and for absorbing significant financial costs for specialized education and support services;

(3) supports aggressive research to determine the causes of autism, identify the best methods of early intervention and treatment, expand programs for individuals with autism across their lifespan, and promote understanding of the special needs of individuals with autism;

(4) commends the Department of Health and Human Services for implementing programs to study the epidemiology of autism and related disorders and advancing autism research at the Centers for Disease Control and Prevention and the National Institutes of Health;

(5) stresses the need to begin early intervention services soon after an individual has been diagnosed with autism, noting that early intervention strategies are the primary therapeutic options for individuals with autism and early intervention significantly improves outcomes for individuals with autism and can reduce the level of funding and services needed later in life;

(6) supports the Federal Government's commitment to provide States with part of the costs needed to educate children with disabilities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.);

(7) encourages more Americans to pursue the teaching profession and to be trained with the skills necessary to teach, assist, and respond to special needs students, including those students with autism; and

(8) recognizes the importance of worker training programs that meet the needs of developmentally disabled individuals, including those individuals with autism, and notes that people with autism can be, and are, productive members of the workforce if they are given appropriate support, training, and early intervention services.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 605, a resolution that recognizes the importance of increasing awareness of autism, supporting programs for increased research and improved treatment of autism, and improving training and support for individuals with autism and those who care for individuals with autism.

Autism is a developmental disability that usually appears, unfortunately, in very young children. We all have friends who are experiencing the tragedy, and God knows it is a tragedy, of having a child diagnosed that is autistic. What that does to a family we can only try to imagine. The least that we can do is to encourage more research and awareness and education among all families.

The disease impacts the normal development of the brain that controls social interaction and communication skills. Autism is four times more prevalent in boys and knows no racial, ethnic, or social boundaries.

More than 500,000 people in the United States today have some form of autism, making it the third most common developmental disability. Many people are surprised to learn that autism is more common than Downs Syndrome.

While we are finding better ways to understand and work with autistic individuals, the disease is still greatly misunderstood. The majority of individuals, including health care professionals, are still unaware of how autism affects people and how to effectively work with the individuals with the disease.

However, some progress has been made. A few years ago, most people with autism were eventually placed in institutions. Today, even the most severely autistic disabled can be taught skills to assist their development due to the development of individualized services and programs.

We are all extremely concerned about this disease. This resolution stresses that early diagnosis and treatment are essential to ensuring a better quality of life for individuals with autism. However, early diagnosis and treatment can only occur with increased awareness, and that is much of what we try to do with this resolution; and that is why, Mr. Speaker, I urge all of my colleagues to support this good bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 3 minutes.

I want to thank the gentleman from Massachusetts (Mr. TIERNEY) for his leadership on this critical and growing health problem, and I would like to thank my friend from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health, for his good work on this issue and on many others.

One of the more eye-opening meetings I have had in my 12 years in Congress was with the family of an autistic child. The first time I did that, it was sobering to listen to the mother and father talk about their son's diagnosis of autism, a disease about which the causes are disagreed and generally unknown. It is sobering to learn what these caring parents deal with every working hour of every day, trying to carve out as normal a life as possible for their son, trying to break through emotional barriers, intellectual barriers, barriers they do not fully understand, barriers that no one really fully understands.

It is sobering to learn the steps that these parents take to improve their son's development: consulting with the developmental pediatrician; a child psychiatrist; a clinical psychologist and occupational psychologist and therapist; a physical therapist; a speech and language therapist; as well as often a social worker, if they have the wherewithal to be able to get the best they can for their son.

□ 1545

This family could. Many families in our health care system that does not cover many people so well do not. It is heartbreaking to know these parents get no help from health insurers, forcing them to spend thousands of dollars each year towards treatment that may improve their son's development or may not improve their son's development.

My home State of Ohio's families of autistic children have a tremendous resource in the Cleveland Clinic Center for Autism. This unique center provides specially designed services and support to children with autism, or while fostering research on autism, to gain a better understanding of its causes and its effective treatments.

But families throughout my State and throughout the Nation deserve similar support. The resolution we are considering today brings us closer to achieving that. The resolution raises awareness about the unique needs of autistic children through a number of avenues, a few of which I want to mention. Perhaps most importantly, the resolution recognizes the dedication of the parents and families of autistic children.

To the countless families in Ohio and around the country who care for autistic children, you demonstrate every day what it means to be outstanding parents.

The resolution also recognizes the important work the Centers for Disease Control in Atlanta does in studying the trends of autism throughout the country. It supports the critical need for early intervention in caring for an autistic child and the need to train teachers in addressing the needs of a growing population of autistic children in our schools.

The resolution supports Federal research into causes and treatments of autism at the National Institutes of Health. If this Congress is serious about the causes that we articulate so well in this resolution, we will be equally serious about providing adequate funding for the National Institutes of Health and the Centers For Disease Control, something the Republican majority continues to fall short on because they want to do our tax cuts and choose to give tax breaks to millionaires instead of funding these public health programs that are essential to the well-being of families of children with autism and so many others rich and poor in this country alike.

Mr. Speaker, I urge my colleagues to support the resolution, and I thank the gentleman from Massachusetts (Mr. TIERNEY), the gentleman from Florida (Mr. BILIRAKIS), and the gentleman from Indiana (Mr. BURTON) for their work on this issue.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. TERRY), a member of the Committee on Energy and Commerce.

Mr. TERRY. Mr. Speaker, I rise in strong support of H.R. 605. Frankly, I think there are probably many of us here who have personal testimonials. Everyone in Congress probably has friends who have a child who is autistic.

If one were to see Jacob Nolan Hirschfeld on the baseball diamond today, you might be impressed with his skills in playing our national pastime. Since his middle name was inspired by the great pitcher Nolan Ryan, you might also think his success on the field was destined. But Jacob's ability to play baseball and do everyday such things, such as attending school and playing with friends, was never guaranteed. Jacob Hirschfeld has been diagnosed with autism. He struggles with many of the issues common among the autistic. At 4 years of age, he could only speak in one syllable words. He was scared of loud noises and bright lights. He had many of the compulsions that are common with these children and was fearful of most people outside of his immediate family.

Jacob's father, Mark Hirschfeld, a friend of mine, has said "our family was literally a prisoner to autism." Jacob's diagnosis was devastating to his parents, but even more difficult was the fact that physicians, educators, and other professionals had little understanding of this complex disorder and what could be done to help children like Jacob. Stereotypes abounded. One physician told the Hirschfeld's that Jacob had no better chance than 1 in 10 of living outside of an institution. Jacob's mother, Nancy, recalls that one preschool initially turned away her son because of their fears of autism, but once they began to see Jacob as a person who had unique gifts as well as challenges, they accepted him.

Thankfully, the Hirschfeld family persevered and sought services to help their son. Their search led them to engage in intensive, early intervention therapy called Applied Behavior Analysis, or ABA, which has helped them dramatically. Early intervention has also made a difference in the lives of Patrick and Jean McDermott, with their son, Grant, who was diagnosed with autism when he was 22 months old.

Grant's mother Jean said, "It was devastating to hear the words 'diagnosis of autism' as parents of this beautiful child. My husband and I wondered what his future would hold. After the initial shock, we started researching what we could do to give him a brighter future." The McDermott's also chose the ADA early intervention therapy. Therapists worked with Grant about 35 hours a week teaching him basic and then more advanced skills. He is now a regular in school with no aides, and will be going to kindergarten this fall. His future is looking bright and the McDermott's believe he will have a full life, but it will always be a challenge having an autistic son until a cure can be found.

Autism now affects 1 out of every 166 children in the United States. Boys are 4 times more likely to have autism than girls. This developmental disorder robs individuals of their ability to communicate and interact with others. These are just some of the reasons why it is so necessary we get the word out about autism and support this resolution.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentleman from Ohio, and all of the other Members who are speaking on and cosponsored this resolution.

As the gentleman from Nebraska (Mr. TERRY) indicated, there is story after story that we could talk about the particular circumstances of a family and how their family is impacted by autism. Autism is a brain disorder that typically effects an individual's social interaction and communication. There are, as the gentleman from Nebraska (Mr. TERRY) said, 1.5 million Americans today who are affected by autism spectrum disorder. This is not just one typical set of circumstances, but a whole spectrum of circumstances and consequences suffered by individuals and families.

Experts do not concur on the exact number of cases of autism spectrum disorder, but they agree autism is one of the fastest growing developmental disabilities in the United States. Spectrum disorders are considered the second most common developmental disorder that American children face today. And even so, many professionals, whether they are in the medical profession or the educational fields, are still unaware of best methods to diagnose or treat this particular disorder.

What we do know is that once a diagnosis is made, initiating early intervention services significantly improves the people with autism and can reduce the level of funding and services needed later in life. Ten years ago, the Center for Disease Control estimated that 1 in every 10,000 children were affected by autism. More recently, the number was refined to 1 in every 250. This year the CDC estimated that the occurrence of autism is closer to 1 in 166. We sent it back to CDC when we first got that number because we were astounded it would be that high, but on reflection and review of their numbers, they said it was closer to 1 in 166.

Mr. Speaker, we have to commend families and parents and relatives of children with autism for their sacrifice and dedication in providing for those special needs. I have seen situations where parents are dealing 24 hours a day, 7 days a week, with a child with extreme autism.

In the subcommittee, so ably chaired by the gentleman from Indiana (Mr. BURTON), we have seen films of children with extreme autism. Some Members saw, for the first time, just how difficult it is to deal with autism and its consequences.

My niece teaches special education in the State of Massachusetts. There are other teachers who talk to me regularly about the special needs and circumstances of children in their classes, and tell me every year the number of children with autism in their classes seems to grow.

Autism does not discriminate by race or ethnicity, but it is four times more prevalent in males than females; and an estimated 50 children are diagnosed with autism every day. There is no known cure for autism, so it is imperative to learn why autism is reaching epidemic proportions across this country.

Children do not follow any typical pattern of child development. For some, hints of future problems appear at birth, in others it becomes more noticeable as children slip behind children of their own age. The condition can be improved through behavioral and well-structured educational programs in some instances. Educational service programs are offered by the number of organizations.

In my district, we are fortunate to have the North Shore ARC. We also have other programs of the May Foundation, May Center and Institute and the Shriver Center in Massachusetts. They deal with programs developed for children with autism spectrum disorder, providing a broad scope of services, support, advocacy, information, and referrals that are responsive to the needs of children with that disorder. It is thanks to their continuing efforts that some families are getting relief and support.

But Congress has to recognize the significant financial costs for the specialized education and support services. According to the Centers For Disease Control, the cost of specialized treatment in a developmental center for people with autism is approximately $80,000 per individual per year. And the cost of special education programs for school-aged children with autism is often more than $30,000 per individual per year. The cost nationally of caring for persons affected by autism is estimated at more that $90 million a year. With these numbers in mind, Congress should fulfill the 30-year-old Federal commitment to provide States with part of the costs needed for education of children with disabilities under the Individuals With Disabilities Education Act.

We can go further by making sure that the Centers For Disease Control and the National Institutes of Health have enough funding to find out the cause of this particular disease, to find how we might detect it earlier, treat it and prevent it.

Again, I commend and thank all of my colleagues for cosponsoring this resolution, for their hard work in making sure that we do the Federal share in finding some solutions.

□ 1600

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BURTON), who, along with the gentleman from Massachusetts (Mr. TIERNEY), is the author of this legislation.

Mr. BURTON of Indiana. Mr. Speaker, I want to thank the gentleman from Massachusetts for introducing this bill. He is a good buddy on the committee. I appreciate his concern over this issue.

My grandson became autistic 2 days after he received nine shots in one day, seven of which contained a substance called thimerosal, which is 50 percent mercury. We have gone from one in 10,000 children in this country that are autistic to now there is one in 166. As the gentleman from Massachusetts just said, it is four times more prevalent in boys than it is in young girls.

There are probably many causes of autism, but one of the causes of autism according to scientists and doctors that we have had before my committee from around the world is having the substance of mercury injected into children's bodies at a very, very young age. Mercury, we know, is a very toxic substance. It is one where if you have it spilled on the ground, they will evacuate the room until they get it cleaned up. Yet in most childhood vaccinations up until just recently, they had a substance in there called thimerosal which is a preservative, and it was 50 percent ethyl mercury. Children get as many as 30 shots before they start to grade school and mercury has a cumulative effect in the brain. It is no wonder in my opinion that we now have one in 166 children that are autistic where it used to be one in 10,000 just about 10 or 15 years ago.

We have to get mercury, as one of the causes of autism, out of all vaccinations for children. We have gotten it out of all of them but three, but we still have some of those vaccinations that are on the shelves that are being used by doctors that continue to use these vaccinations that have mercury in them.

I would just like to say to the CDC and the FDA today, we ought to get all those things off the shelves, all those vaccinations off the shelves that contain mercury so we can protect our children; and the three vaccinations that still contain ethyl mercury in the form of thimerosal, we need to get those changed as quickly as possible and go to single-shot vials that do not require these preservatives.

I also want to say to my colleagues that are concerned not only about children but about adults, many, many of the adult vaccinations like the flu vaccine that we get every year to protect this population against the ravages of flu contain thimerosal or mercury. It should not be in any vaccination that human beings are getting. Mercury is toxic to the human body, and it should be taken away and should be eliminated. Our soldiers in the Persian Gulf, in Iraq, get as many as 11 shots in one day. Many of those shots contain thimerosal, which is 50 percent mercury. We need to get it out of there.

In addition to that, as this resolution states very clearly, and I thank the gentleman from Massachusetts for this, we need more research to find out all of the causes of autism so that the children that are coming into the world today are going to be protected in the years to come. The cost to the taxpayers, to this country, is huge. They estimate that there is $90 billion in costs right now when you add up everything as far as the damages to the human beings in this country that are becoming autistic.

We have got a huge problem now, but down the road, these people are not going to die; they are going to grow old and live long lives. Somebody is going to have to take care of those who cannot take care of themselves. We need to find a cure for autism, and we need to get mercury out of all vaccines.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding me this time, and I congratulate the gentleman from Massachusetts for this very important resolution that, as has been pointed out, does several things. It recognizes the importance of increasing awareness of this affliction, autism. It supports programs for increased research and improved treatment of autism. It improves training and support for individuals with autism.

But one of the causes that I believe is one of the most important ones is that it recognizes and commends the parents and relatives of children with autism for their sacrifice and dedication in providing for the special needs of children with autism and for absorbing significant financial costs for specialized education and support services.

As has been pointed out before, each one of us could probably be here on the floor with a personal story about how we know someone who has autism, a family that has been affected by this disease, this affliction; and I am no exception to that. My best friends, Charles Flick and Patience Plumer Flick, have three children, two of whom have autism. Bonnie, a teenager, is able to communicate both verbally and in written form. She is able to do simple arithmetic. She is probably in the higher level of high-functioning autism disorder. However, her young brother, Willis, is not able to communicate, is not aware of his surroundings, makes no connection to those around him in a very direct way, nor is he able to communicate in any way, shape or form except for grunts and pointing at simple pictures.

It has been a great experience for the family, a great challenge, to have them deal with the special needs of these two children. It presents a special challenge as well to their oldest child, Penny Flick, who is a graduating senior from high school this year.

Autism affects not just the children, those individuals with autism; it affects and it impacts the entire family. It has been a blessing, I believe, for the Flick family to have children with autism because it has made them more aware of God's many blessings upon them and makes them cherish life all the more. I think that this clause in this resolution of the gentleman from Massachusetts is very poignant because it recognizes and commends the parents and the relatives of children with autism because they deserve a very special place in our society and in our community. Caregivers of people with special needs so often do not go noticed and are not given the attention that they deserve. It takes a special heart and a special family to cope with the daily challenges that autism gives to the families.

I commend the gentleman from Massachusetts for this resolution, and I congratulate the Flick family and everyone involved with Bonnie and Willis for their great care.

Mr. BILIRAKIS. Mr. Speaker, I yield 3¼ minutes to the gentleman from Pittsburgh, Pennsylvania (Mr. MURPHY) where I grew up.

Mr. MURPHY. Mr. Speaker, when I years ago worked as a psychologist at one of the hospitals in Pittsburgh, I was examining a newborn baby. As part of examining this baby, I looked to see how this baby responded to sounds and sights. Your average newborn baby when you have a light or something in the baby's eyes will turn toward it. If you hold the baby in front of you and the baby looks you in the eye, you can turn your head and that baby's eyes will turn with you.

There was one particular child that I remember holding and looking at. Every time I tried to get the baby's eyes to look at me, this infant would turn away and get distressed. Yet if I held an object or something before the baby, the baby would look. I made a note of that somewhere in my own charts. It was interesting that a few years later when this same child entered my office at age 3, the parents noted that this child did not seem to have emotional reactions to people, did not seem to respond to playing the same way other children do, did not seem to use words the same way. It was almost as if he could neither love nor be loved. This child was an autistic child whom we identified early on as having some of those symptoms.

Autism is a biologically based, neurodevelopmental disease that causes severe impairments in their language, in their social interactions, as if there was this wall around them that they can neither love nor be loved. These are not children who are mentally retarded. Although some children may have other developmental delays, there are other children with autism who are very bright and high functioning. These are children who really tear at the hearts of families because they have so many troubles with them. In fact, it is impossible to really describe the tremendous burden that families have in raising an autistic child. They seem unreachable. They cannot interact with their parents. They cannot interact with their siblings in a loving way. The pain these families feel is indescribable. The enormous strain that these special children place on families cannot be quantified with numbers. The emotional chasm between the child and parents and loved ones oftentimes leads to unusually high divorce rates at a whole other level.

Sadly, existing treatments are expensive and less than optimally effective. There are behavioral treatments that help some children, but these treatments are far from a cure. I remember when I started practicing, we would learn patterns and strategies to work with autistic children only to find a few years later someone else said, that does not work, it was just another person's theory.

But there is hope. Thanks to new medical technology such as the decoding of the human genome, cures are achievable for children born with autism today. New biomedical treatments, such as secretin and immunotherapy, are providing hope that autistic children will not be condemned to live out their lives in emotional isolation. But these treatments can only be developed if biomedical research is funded, if behavioral research is funded, if social research to help the families is funded, if language therapy is funded.

Currently, autism research is providing remarkable advances, but there is still a great deal to be done and cures to be found. But for children like those I described, we are far from a cure. We need to learn, to teach, to help these children and help these families be able to speak the language of the heart that every parent would love to have with their child. As I said, we are far from a cure because we are so far, so far from knowing a cause.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I want to commend the author of this resolution, my friend from Massachusetts, the ranking member and the chairman for bringing it forward. I went through 4 years of medical school residency, internship, and never saw a case of autism. I came from a large family on both sides, my mother and father, and never saw a case of autism.

I was quite surprised when a physician friend of mine told me about 5 years ago, 6 years ago now, that his son had been diagnosed with autism. Then I discovered that Dan Marino had a son with autism; Doug Flutie, whose parents live in my district, had a son with autism. Then all I can say is the more I started looking into this, the more and more concerned I began to become. A disease that was virtually unheard of, estimated at one in 10,000. I met with people in California. They were coming up with estimates of one in 500, one in 600. I met with the CDC. I asked them what was going on. There was some controversy at the time 4 or 5 years ago because the diagnostic tools, the diagnostic and statistical manual had been changed such that maybe we were diagnosing more of it, but the incidence was not really up. Anyway, the CDC to its credit did the necessary research and concluded that the incidence of this disease had skyrocketed from being a rare, unheard of condition to one in 166, predominantly affecting boys.

What has been particularly concerning to me is reports that I was receiving. Unlike the description that the gentleman from Pennsylvania was offering of a child in the nursery, the baby that you take home that has autism that just never seemed right, we were getting more and more of these reports where my baby was speaking and now is no longer speaking, my baby was reacting and looking at me and is no longer reacting and looking at me. This is a very, very serious crisis. I think the previous speakers have been very eloquent in pointing out the huge costs to our society. I am very glad they brought this forward because it brings public attention to this issue, and it brings the attention of this body to this issue.

One of the main reasons why we need to try to address this and we need to move aggressively on this is that we have been battling Parkinson's disease and breast cancer and all of these terrible conditions for years and years, and we have a pretty good idea of what causes them. It is very hard to address the cause. We do not even know what causes this disease in these kids. We may discover that this condition is totally avoidable. We may discover that it is reversible. I am very pleased that the gentleman from Massachusetts put some language in there on early intervention services as children are diagnosed because what I am now hearing more and more is parents are saying, I got my kid in therapy or we did this or we did that and he is doing much, much better.

□ 1615

And previously, the attitude was there is nothing one can do for them and it is basically almost like a terminal situation. Just institutionalization is all that can be done. And now, lo and behold, we are finding with early intervention these kids can become much more manageable. They can be taught. They can develop learning skills, reading, writing. So it is a much more positive outlook.

Regarding the issue that the gentleman from Indiana (Mr. BURTON) was bringing up about mercury in the vaccines, the implication there, I think the science is not really in on this. It is really inconclusive, but minimally what I think we need to do is what the gentlewoman from New York (Mrs. MALONEY) and myself are recommending, and that is get the mercury out of all the childhood vaccines. It is a toxic substance, and whether it is implicated or not in the autism, I think there is evidence to suggest it may be, that minimally we should not take any chances with little kids. We should not be exposing them unnecessarily to mercury. And therefore pass our legislation to get the mercury out.

Again, I congratulate the gentleman from Massachusetts on this. We need more research. And let me just close by saying NIH and CDC have significantly increased their funding. They have been responding. I think NIH funding for autism research is up four-fold in the last 6 years, and the Secretary and the folks at NIH need to be commended for that, and I certainly commend them. But we need to do more because we may discover ultimately in the end this is a preventable condition and that we can allow thousands of children the opportunity to escape ever being affected by the disease in the first place, and we obviously need to do more in terms of treating the kids that have it. I thank the chairman for yielding me the time.

Mr. BILIRAKIS. Mr. Speaker, I am very happy to have heard the gentleman's remarks. I know we all are.

Mr. MATHESON. Mr. Speaker, I am pleased to join my colleagues this afternoon speaking in favor of H. Res. 605. H. Res. 605 is an important step to raise national awareness about autism by designating the month of April as National Autism Month. In addition, H. Res. 605 recognizes the prevalence of autism, the need to support programs for research and treatment of autism, and the importance of improving training and support for individuals with autism and their caregivers.

Autism is a debilitating developmental disability affecting the ability of individuals to communicate and interact with others. It is estimated that 1 of every 166 children in the United States has an autism spectrum disorder. In my home state of Utah, it is estimated that 4 in every 10,000 children have autism spectrum disorders.

However, statistics on the prevalence of autism can be difficult to obtain. Registries are relatively new and voluntary, hindering the collection of this data. But, efforts to record the incidence of autism are an important step in raising awareness and unlocking this developmental disorder. Important efforts are being undertaken in Utah, through the Utah Registry of Autism and Developmental Disabilities, to determine and monitor the number of children in Utah with autism. This identification process is an important first step in raising awareness, quantifying need, and creating the necessary networks to provide adequate support.

Autism is best treated when diagnosed early. Usually, diagnosis occurs within the first three years of life. Improving awareness does not just mean counting people, it means identifying children with autism early, by ensuring that primary care providers are aware of the signs of autism. Early identification can assist in earlier access to appropriate treatment for these children, and early intervention can improve the long-term outcomes.

In addition, expanding awareness is about training and services, both for children, their families, and their caregivers and educators. Too often children with autism do not receive the highly trained, skilled services that they need. Autism can overwhelm both the child and those who must care for them without adequate preparation or support. Improving professional development, support networks, and assistance available to the caregivers of individuals with autism is critical. It is necessary to adequately fund and support special education and train specialized teachers. It is also critical to recognize the potential that individuals with autism can have when provided with appropriate educational opportunities and employment training. With these on-going interventions and supports, individuals with autism can achieve their fullest potentials.

Finally, increasing awareness must involve greater focus on research related to autism. It must include research into causes, treatments, and even potential cures. Autism is a complex challenge that requires some of the best scientific and medical attention our nation has to offer. Federal support for research on autism has been growing, but additional efforts will be critical in finding the answers to the many questions that autism poses.

Mr. Speaker, in conclusion I want to recognize the courage and the commitment of the individuals, families, and professionals for whom autism is a reality of daily life. They are truly committed to caring and making progress, and I am happy to support them in this effort to increase the national awareness of autism.

Mr. KIND. Mr. Speaker, I rise in support of H. Res. 605, which recognizes the importance of increasing awareness of autism, advocates increased research, and pays tribute to those who care for individuals with autism.

More prevalent than Down syndrome, childhood cancer, and childhood diabetes combined, autism is a developmental disorder that is affecting a growing number of Americans. Studies show that one of every 250 babies born today will develop some form or autism. Individuals with autism face a wide array of biomedical and neurological difficulties, all of which result in a compromised immune system. The physical toll on children with autism is enormous, and the physical, emotional, and financial burden that parents of autistic children face is great. I have enormous respect for the parents, friends, and families of autistic children who sacrifice so much in order to care for their children.

Residents in my home state of Wisconsin are fortunate to have access to intensive in-home therapy with certified providers, and I applaud universities such as the University of Wisconsin-Eau Claire, which is making great progress with its autism intervention program that trains students in autism behavior analysis and therapy. I believe we have a responsibility to aid colleges and universities that are doing such important work. I am also proud to be a member of the Congressional Coalition for Autism Research and Education, which seeks to educate members on the realities of autism and work to increase federal funding for autism research and services.

I have been fortunate during my years in Congress to meet with many parents of autistic children who continue to amaze me with the selfless work they do each day. Recently, I was able to spend some time at Willow River Elementary School in Hudson, Wisconsin, which has one of the highest rates of autistic children in the state. It was a pleasure to spend time with special education teachers who work so diligently with their students. The morning was a reminder of both the problems and promise autistic children have.

Mr. Speaker, we must work to better the situations of the children and families who live with autism on a daily basis. I commend Mr. TIERNEY and Mr. BURTON for offering this important resolution and am pleased to be an original cosponsor. I urge my colleagues to support this resolution.

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of H. Res. 605, which recognizes the importance of increasing awareness of autism. This resolution supports research on the treatment of autism, the improvement of training and support for individuals with autism and those who are for them.

As a member of the Congressional Coalition for Autism Research & Education, and the uncle of a little boy of autism, I am well acquainted with the issues faced by families of children with this disorder. I am struck by the rapid increase in the number of children diagnosed with autism in the last decade. While we have certainly made progress in assessment, diagnosis and treatment, there is room for improvement. We must commit ourselves to providing parents, pediatricians, early childhood educators and all those who have contact with very young children the resources and training to identify children who need help early enough to begin effective interventions. We must take advantage of ongoing data collection in the state and use it to construct better policies and programs to serve our children and families struggling with autism.

Like all children, those diagnosed with autism spectrum disorders are individuals with unique talents and abilities. Across the state, special education teachers, psychologists and others are working hard to bring these gifts and talents to light, and help these children realize their potential. We must recognize and support this honorable work through promoting research and resources dedicated to the study of autism. I urge my colleagues to vote in favor of H. Res. 605.

Mr. HOLT. Mr. Speaker, I rise today in support of H. Res. 605, a resolution recognizing the importance of increasing awareness of autism, supporting programs for increased research and improved treatment of autism, and improving training and support for individuals with autism and those who care for individuals with autism.

Even though autism is one of the most common developmental disorders affecting children, it is still poorly understood throughout the medical community, producing great frustration among concerned parents. For reasons that are far from clear, children with autism often lack the normal means of communicating and interacting with others, making their transitions to adult society extraordinarily difficult.

Achieving a better understanding of autism will take time, money, and the dedication of researchers and volunteers across the country. That is why I call on my colleagues to support additional funding for autism research and surveillance activities performed by the Centers for Disease Control and the National Institutes of Health. It is also vital that we support the basic science research being performed at the National Science Foundation and other institutions, which provide the knowledge base for the more advanced health research performed by medical researchers.

One of the key questions that these researchers are trying to answer is the potential of a connection between environmental factors and the prevalence of developmental disorders like autism. That is why Representative SAXTON and I have formed the Children's Environmental Health Caucus, which will serve to educate members and staff here on the Hill about the latest scientific research into the impact of environmental factors on children's health. I hope my colleagues can join this caucus and work with us to further this type of research.

It is also critical that we provide the services needed to educate and care for those who do have autism. That is why I would like to call on the Congress to establish mandatory full funding for the Individuals with Disabilities Education Act. It is time for the federal government to step up and fulfill its obligation on special education funding for the sake of children with special needs and for the sake of our constituents who often face high property taxes.

I would also like to commend the work of all of the nonprofit groups that do so much to provide for children with autism and their families. Groups like the New Jersey Center for Outreach and Services for the Autism Community (NJCOSAC) provide information, services, advocacy, and education. Others, like the National Alliance for Autism Research (NAAR), support and fund research into science-based approaches for determining the causes, effective treatments, and potential cures for autism. NAAR, headquartered in Princeton, New Jersey, was founded by two of my constituents, Karen and Eric London, whose son Zachary was diagnosed with autism when he was only twenty-two months old.

Mr. Speaker, I urge all of my colleagues to support this resolution and to remember those children with autism when it comes time to debate appropriations. Funding scientific and biomedical research is not just about giving jobs to scientists—it's about giving hope to people like Karen and Eric London and their son Zachary.

Mr. CROWLEY. Mr. Speaker, I rise in strong support of House Resolution 605 which recognizes the importance of increasing awareness of autism as well as calling for greater investments in Research and Development to combat this disability as well as improving training and support for individuals with autism and their caregivers.

I echo the comments of my colleagues on both sides of the aisle on this important issue—that our government must not only fight autism but also the stigma of autism.

As we know, the statistics surrounding autism are staggering.

About 5 out of every 10,000 children are diagnosed with autism, with boys suffering at a rate of four times that of girls.

More concerning is that the rates of autism are increasing at an alarming rate at between 10–17% annual growth in new cases diagnosed.

Autism does not discriminate between races or nationalities and strikes so many, while our knowledge base of this disability is so little.

The facts tell one story, but I would also like to focus on the more human side of autism.

Recently, a father from my district visited my office to tell the story of his son, Adam, who is autistic.

We must combat both the lack of scientific knowledge surrounding autism as well as the public ignorance about this disability.

On behalf of the people that live with autism, like Adam, it is my hope that not only will this resolution be enacted, but that the Congress will follow up on it with new funding to learn more about, treat, and eventually combat autism.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the resolution, H. Res. 605, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BILIRAKIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on the motion to instruct on S. Con. Res. 95 and on the motion to suspend the rules previously postponed.

Votes will be taken in the following order:

Motion to instruct on S. Con. Res. 95, by the yeas and nays;

H. Res. 605, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

MOTION TO INSTRUCT CONFEREES ON S. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005

The SPEAKER pro tempore. The pending business is the question on the motion to instruct conferees on the Senate concurrent resolution, S. Con. Res. 95.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Kansas (Mr. MOORE) on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 208, nays 215, not voting 11, as follows:

[Roll No. 145]

YEAS—208

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—215

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Bono
Boyd
DeMint
Emerson
Filner
Greenwood
Kilpatrick
Meek (FL)
Ose
Solis
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON) (during the vote). Members are advised 2 minutes remain in this vote.

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Ms. HARRIS and Messrs. LAHOOD, CAMP, HOEKSTRA, and OSBORNE changed their vote from "yea" to "nay."

Mr. LIPINSKI changed his vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 145, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "yea."

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 145 on the motion to instruct conferees on S. Con. Res. 95 I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. OSE. Mr. Speaker, on rollcall No. 145, I was unavoidably detained questioning a witness in a subcommittee hearing. Had I been present, I would have voted "nay."

RECOGNIZING THE IMPORTANCE OF INCREASING AWARENESS OF AUTISM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 605, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the resolution, H. Res. 605, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 12, as follows:

[Roll No. 146]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
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Bradley (NH)
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Brown (OH)
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Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
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Burton (IN)
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Cardoza
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Davis, Jo Ann
Davis, Tom
Deal (GA)
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Jackson (IL)
Jackson-Lee (TX)
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Jenkins
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Johnson (CT)
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Johnson, E. B.
Johnson, Sam
Jones (NC)
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Miller, George
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Ros-Lehtinen
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Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
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Scott (GA)
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Young (AK)
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NOT VOTING—12

Bereuter
Bono
Boyd
DeMint
Emerson
Filner
Greenwood
Kilpatrick
Meek (FL)
Ryan (WI)
Solis
Tauzin

☐ 1654

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 146, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "yea."

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 146 on H. Res. 605, recognizing the importance of increasing awareness about autism, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, personal reasons prevent me from being present for legislative business scheduled after 3 p.m. today, Wednesday, May 5, 2004. Had I been present, I would have voted "yea" on the motion to instruct conferees on S. Con. Res. 95 (rollcall No. 145); and "yea" on the motion to suspend the rules and pass H. Res. 605, a resolution recognizing the importance of increasing awareness of autism (rollcall No. 146).

EXTENDING THE DEADLINE FOR THE INTELSAT INITIAL PUBLIC OFFERING

Mr. UPTON. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 2315) to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF IPO DEADLINE.

Section 621(5)(A)(i) of the Communications Satellite Act of 1962 (47 U.S.C. 763(5)(A)(i)) is amended—

(1) by striking "December 31, 2003," and inserting "June 30, 2005,"; and

(2) by striking "June 30, 2004;" and inserting "December 31, 2005;".

Mr. DINGELL. Mr. Speaker, I support S. 2315, a bill that would extend the deadline for the INTELSAT initial public offering (IPO).

During debate on the ORBIT Act several years ago, I voiced concerns regarding the specific licensing criteria that INTELSAT and Inmarsat were required to meet to gain access to the U.S. telecommunications market. One provision required each company to conduct an initial public offering by a date certain. I would prefer that the Government not be in the business of requiring companies to go public. At the very least, however, the Government should not be forcing companies to go public when market conditions are unfavorable.

Unfortunately, that is exactly what is now happening, unless we approve the bill before us. The ORBIT Act requires INTELSAT to complete its IPO by June 30—just two short months away. And while we all hope that our economy is on the upswing by then, forcing INTELSAT to conduct an IPO next month is bad policy and will cost INTELSAT's owners, including many U.S. investors, hundreds of millions of dollars.

The bill before us today, S. 2315, amends the Communications Satellite Act to give INTELSAT an additional year to conduct its IPO. Although I would prefer that this bill be addressed through regular order, time is short. A one-year extension is what has passed in the other body, and, in the interest of time, we should pass this bill and allow INTELSAT another year to conduct its IPO.

The satellite marketplace has changed significantly from when the ORBIT Act became law, and the repeated Congressional action to postpone the Act's IPO requirements raises serious questions about whether additional changes need to be made to the Act to ensure that it addresses current market conditions. Accordingly, I hope that the Committee on Energy and Commerce will hold a hearing in the near future on the Act's relevance and effect on today's satellite marketplace.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2315, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

NEW YORK CITY WATERSHED PROTECTION PROGRAM REAUTHORIZATION

Mr. GILLMOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2771) to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program.

The Clerk read as follows:

H.R. 2771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NEW YORK CITY WATERSHED PROTECTION PROGRAM.

Section 1443(d)(4) of the Safe Drinking Water Act (42 U.S.C. 300j-2(d)(4)) is amended by striking "1997 through 2003" and inserting "2003 through 2010".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. GILLMOR) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. GILLMOR).

GENERAL LEAVE

Mr. GILLMOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GILLMOR. Mr. Speaker, I yield myself such time as I may consume.

I want to recognize my subcommittee vice chairman, the gentleman from New York (Mr. FOSSELLA), for the fine work that he has done on this bill.

The New York Watershed Protection Program reauthorization is bipartisan legislation with 28 cosponsors, including both the gentleman from New York (Mr. TOWNS) and the gentleman from New York (Mr. ENGEL) who are members of our full committee. In fact, the bill has 19 Democrats as cosponsors and 12 Republicans. This bill is a perfect example of fair-minded people from all parts of the political spectrum coming together to support legislation that is good for the environment.

The New York City Watershed covers an area of over 1,900 square miles in the Catskill Mountains and the Hudson River Valley. The watershed is divided into two reservoir systems, the Catskill/Delaware watershed and the Croton watershed. Together, the two reservoir systems deliver approximately 1.4 billion gallons of water every day to nearly 9 million people in the New York City area.

In December 1993, EPA concluded that New York City was able to avoid filtration of its drinking water and assigned New York over 150 conditions relating to watershed protection, monitoring, and studies. Unfortunately, New York City met several key roadblocks to implementation of these requirements, including not being able to obtain a land acquisition permit or approval of revised watershed regulations from the State of New York.

Congress addressed this problem in Section 128 of the Safe Drinking Water Act Amendments of 1996, when the New York City Watershed Protection Program was first enacted. The program authorized $15 million per year for fiscal years 1997 to 2003 for EPA to provide matching grants to the State of New York for approved demonstration grants projects that were part of New York's watershed and source water protection program.

In practice, this has been a successful program and has saved the economic vitality and the environmental quality of upstate New York communities in the watershed region, while also saving American taxpayers billions of dollars that would otherwise be necessary to build water filtration systems. Witnesses at our subcommittee hearing on this bill all spoke highly of this program, and they need to see it fully extended.

Of note, EPA Administrator Leavitt has also testified that one way to reduce the financial needs of drinking water delivery systems is to encourage more conservation efforts, and I believe programs like the New York City watershed are good examples of public and private partnerships paying environmental and economic dividends.

The House faces a simple question: should we as Congress provide legal authority for the Federal Government to assist this watershed? I believe we should. It is a simple bill that extends the authorization of the New York City Watershed until 2010. Let us take a step toward bipartisan protection of the environment and New York's source water in particular. I urge Members to vote favorably on H.R. 2771.

Mr. Speaker, I reserve the balance of my time.

Ms. SCHAKOWSKY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, today we are considering H.R. 2771, a bill passed by the Committee on Energy and Commerce to reauthorize the New York City Watershed Protection Program for 7 years.

□ 1700

I am not opposed to demonstration projects for monitoring New York City watershed, but it seems odd that of the more than a dozen core provisions of the Safe Drinking Water Act that expired in 2003, the House leadership has managed to find time for consideration of the management of one bill which singles out a small demonstration grant program that benefits only one State for a 7-year reauthorization.

During the Committee on Energy and Commerce's consideration of this bill, Democratic members questioned the wisdom of reauthorizing a provision that President Bush did not include in his 2005 budget. Given that, the subcommittee of the Committee on Energy and Commerce with oversight over this legislation, requested that the Bush administration provide the committee with a witness who could explain the administration's position on the bill, and explain why the President chose not to request funding for the program. The administration did not provide the committee with such a witness or with the requested information.

The ranking Democrat on the Committee on Commerce, the gentleman from Michigan (Mr. DINGELL) and the gentlewoman from California (Ms. SOLIS), the ranking Democrat on the Subcommittee on Environment and Hazardous Materials, sent a letter to Administrator Leavitt asking those questions and requesting that he provide an answer by last Friday, April 30, so the House Members could make an informed vote on the bill.

Administrator Leavitt still has not responded to that request.

Mr. Speaker, that letter is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, April 12, 2004.

Hon. MICHAEL R. LEAVITT,
Administrator, Environmental Protection Agency, Pennsylvania Avenue, NW., Washington, DC

DEAR ADMINISTRATOR LEAVITT: The Subcommittee on Environment and Hazardous Materials held a hearing and markup on Friday, April 2, 2004, on H.R. 2771, a bill to reauthorize financial assistance to the State of New York for demonstration projects implemented as part of the New York City Watershed Protection Program. The legislation would reauthorize Section 1443(d) of the Safe Drinking Water Act to extend the annual authorization of $15,000,000 to the year 2010. None of the other thirteen provisions of the Safe Drinking Water Act whose annual authorizations expired in 2003 would be extended or reauthorized.

The Committee majority staff informed the minority staff that the Environmental Protection Agency (EPA) was unable to provide a witness at the hearing to testify on the President's budget requests for the New York Watershed Program. The EPA witness from Region 2 who did appear at the hearing was also unable to provide the Administration's position on H.R. 2771.

Therefore, I request a response to the following questions not later than close of business on Friday, April 30, 2004:

1. Does the Administration support H.R. 2771?

2. Please explain why President Bush's budget for FY 2005 did not contain any requested funding to implement Section 1443(d), the New York Watershed Protection Program. In addition, please explain why none of President Bush's previous budgets for FY 2002, FY 2003, or FY 2004 contained any funding requests to provide financial assistance to the State of New York for the demonstration projects authorized by Section 1443(d).

3. Is it correct that the first financial assistance provided by the EPA from appropriations earmarks to the State of New York for the demonstration projects authorized by Section 1443(d) was on or about September 30, 1997? Is it also correct that the report from the Governor of New York on the results of projects assisted as required by Section 1443(d)(2) was due to be submitted to the EPA Administrator on or about September 30, 2002?

Thank you for your cooperation with this matter. If you have any questions regarding this request, please contact me or have your staff contact Dick Frandsen, Senior Minority Counsel, at 202-225-3641.

Sincerely,

JOHN D. DINGELL,
Ranking Member.
HILDA L. SOLIS,
Ranking Member, Subcommittee on Environment and Hazardous Materials.

Furthermore, Mr. Speaker, Democratic members expressed concern over the fact that H.R. 2771 seeks to reauthorize the program for an additional 6 years beyond the Senate companion to this bill.

The gentlewoman from California (Ms. SOLIS) offered an amendment to H.R. 2771 during the markup of the bill, a markup that would have reauthorized the bill for one additional year. This 1-year authorization would have ensured authorized funding of the New York City Watershed Project during the appropriations process.

The amendment would have also allowed us to revisit the New York City Watershed Bill during a comprehensive review of the entire Safe Drinking Water Act next year.

Every day we open the newspapers to read about the health concerns of families of Washington, D.C. and members in Washington, D.C. as they deal with excessive levels of lead in their drinking water.

Each of us has heard from our local communities about the urgent need to upgrade our Nation's aging water infrastructure. There is an unquestionable need in all of our States for additional resources to ensure compliance with drinking water standards and make critical infrastructure improvements.

Among the provisions of the Safe Drinking Water Act that have expired is the State Revolving Loan Fund, which funds critical water infrastructure and compliance needs throughout our country. President Bush's budget requested only $850 million for this critical program, $150 million less than the level authorized by the 1996 Safe Drinking Water Act amendments. If we authorized and fully funded that provision, each of our States would receive an additional 1 to $15 million.

Local governments, States, drinking water suppliers and the EPA, all agree there is a tremendous resource gap which will continue to grow for drinking water infrastructure funding needed to protect the public health. This matter calls for corrective legislation. Of course, we support efforts to maintain the availability of safe drinking water in New York. But we should give all the expired provisions of the Safe Drinking Water Act the same attention we are giving H.R. 2771 so that families throughout the country can have access to safe drinking water.

Mr. Speaker, we have the time here to name post offices and to commend athletic teams and organizations, and when we do get around to environmental concerns, we only take a teenie weenie bite at the apple. We should give the same amount of attention to the funding needs of all our environment programs. The President's FY 2005 budget cut $2.3 billion in funding for programs that protect public health and the environment. The FY 2005 budget for the EPA is 7.2 percent below the FY 2004 enacted level. Furthermore, the President does not reinstate the Superfund taxes in his FY 2005 budget, a move that would force taxpayers to foot the bill for hazardous cleanup and would deviate from the long-standing "polluter pays" principle of the Superfund.

The President does include, however, expected revenues from opening the Arctic National Wildlife Refuge, ANWR, to oil and gas exploration despite strong opposition in Congress to this plan.

We should also act to make sure people across the country have clean air to breathe. The Bush administration has severely loosened the requirements of the Clean Air Act. This administration's new source review regulations allows plants to indefinitely continue to put large amounts of dangerous pollutants in the air. This administration has also proposed mercury regulations that would allow as much as 3 times more mercury to release from power plants than would be released under current law.

We could spend our time passing legislation like the gentleman from California's (Mr. WAXMAN) Clean Smoke Stacks Act, H.R. 2042, to drastically curb emissions of sulpher dioxide, nitrogen oxide, carbon dioxide and mercury from power plants.

Mr. Speaker, I reserve the balance of my time.

Mr. GILLMOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a couple of quick points. The gentlewoman attacked this bill because Bush did not ask for funding for it. I would also point out that the Clinton administration did not ask for any funding for this bill either, but Congress has a responsibility which we exercised before when we originally authorized it and which we are doing it again.

Regarding the comments about lead in the drinking water, the activity that is going on now is a GAO study that is ongoing at my request to look at that serious situation.

I also want to respond to the comment the lady made about the money in the Safe Drinking Water Revolving Fund. I would point out to her that the Bush administration has asked for more money for that program than the Clinton administration did.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. FOSSELLA), the vice chairman of the Subcommittee on Environment and Hazardous Materials.

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman for bringing H.R. 2771 to the floor. I thank the gentleman from Ohio (Mr. GILLMOR) for passing this bill to ensure the continued protection of our Nation's largest and most pure source of drinking water.

The overwhelming bipartisan nature of this effort was seen at the subcommittee hearing when New York Members of Congress from both parties, representatives from upstate and New York City, as well as the State Department of Environmental Commissioner Crotty all testified in support of the bill. I would like to thank the gentleman from New York (Mr. TOWNS) and the gentleman from New York (Mr. ENGEL) for their help in spearheading this effort through.

The unanimous vote passing this bill out of the full committee is yet another testament to this bipartisan initiative and backed by every single member of the New York delegation. H.R. 2771 reauthorizes the New York City Watershed Protection Program, as I mentioned, made possible through the landmark New York City Watershed Agreement. The accord resulted from the efforts of Governor George Pataki and his vision to bring together environmental groups, New York City officials, upstate communities and the United States Department of Environmental Protection in 1997.

It allowed for the continued and long-term protection of New York City's drinking water, while safeguarding the economic viability and environmental quality of Upstate communities in the watershed region. The agreement also saves, and this is important, State and Federal taxpayers $8 billion that would be necessary to build water filtration systems in its absence. With a relatively small amount of Federal funding, New York City and State have been able to implement an unprecedented water monitoring and surveillance program for the 1,900 square miles of the region.

This is the Nation's largest source of unfiltered drinking water, providing pristine water to 9 million residents in both New York City and its Upstate communities. Congress recognized the need to fund the New York City Watershed Protection Program in 1996 with the Safe Drinking Water Act amendments. Since then, the Watershed Agreement has made unprecedented advances towards enhancing water quality in both New York and the country.

The $15 million in Federal funds authorized annually provides the seed money for groundbreaking programs and studies. These efforts are used as a nationwide model to improve drinking water for all Americans.

Building on this small base of Federal funding, the City and State of New York have shown a strong commitment towards implementation of the Watershed Agreement. To date, both have spent $1.6 billion on watershed programs. Unfortunately, authorization of Federal funding of the agreement expired on September 30 of last year, leaving its future in jeopardy. H.R. 2771 solves this problem. By reauthorizing the program through 2010, enhancing the protection of New York City's water supply will continue, along with the development of watershed protection models benefiting, again, all Americans.

Today, Congress will act to protect New York City's drinking water. Protect the watershed agreement's breakthrough innovations, protect Upstate farmers and communities and pass H.R. 2771.

Ms. SCHAKOWSKY. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. Mr. Speaker, I rise in strong support of 2771. This bill is very important to the people of New York. The entire New York delegation supports this bill.

This legislation would reauthorize funding for the New York City Watershed Agreement, helping to ensure safe and healthy drawing for the residents of New York.

New York City's vast water supply provides 1.4 billion gallons of high quality drinking water to more than 9 million New Yorkers every day. Nearly 90 percent of those consumers reside in New York City. To supply millions of people with safe, clean water takes an extensive water supply. In fact, the supply consists of 19 reservoirs in a watershed that spans almost 2,000 square miles. It covers 8 counties, 60 towns, and 11 villages in the Catskill Mountain region and the Hudson River Valley.

The effective protection of this essential national resource is an enormous challenge. Let me point out that environmental groups worked with New York City, State officials, Upstate communities, and the Federal Government to create the New York City Watershed Agreement. While this landmark agreement laid the groundwork for protecting the city's water supply, it could only work if an effective quality water monitoring program was implemented.

So in 1996 Congress responded by authorizing annual funding for 7 years. During this period, Congress has provided a total of $31 million to implement a comprehensive surveillance program, matched equally by grant recipients. Additionally, New York City and State have leveraged those Federal funds by investing $1.6 billion to protect the New York City drinking water supply. By reauthorizing Federal funding for the watershed agreement which expired last September, this bill would demonstrate the Federal Government's continued commitment and help maintain the safety of New York City's water supply.

Finally, Mr. Speaker, let me conclude by thanking the staff, the gentleman from Texas (Mr. BARTON); the ranking member, the gentleman from Michigan (Mr. DINGELL), the gentleman from Ohio (Mr. GILLMOR), and of course the ranking member, the gentlewoman from Illinois (Ms. SCHAKOWSKY) for their hard work on this as well.

Let me say that this is very important to New York City. And I know there has been some concern about the fact that other bills have not been moved or other areas have not included, but let me say that I think a journey of a thousand miles starts with a single step. And starting with New York, I think that is a good place to start. I cannot think of a better place to start than New York.

Mr. GILLMOR. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I rise to support this legislation. The enactment of H.R. 2771 has significant implications for my district, immediately north of New York City. This includes portions of Westchester, Rockland, Dutchess, Putnam and Orange Counties. Through all of these counties all of New York City's drinking water flows. The entire Croton system of reservoirs, the lower third of this system, is in my district.

New York City's tap water has been called the champagne of drinking waters because of its exceptional purity. And it is because of the actions that take place in my district and other Upstate counties that this water is so pure.

We are happy to partner with the city to protect its water supply in a way that helps preserve the pristine character of the Hudson River Valley. And the 1997 Watershed Agreement has been an essential tool for maintaining this partnership.

Through assistance provided under the Watershed Agreement, communities in my district have been able to develop plans which help preserve their character and protect the water supply for New York City. Without the agreement and the critical assistance of the EPA, the balance we have struck would be undermined. And so the passage of this bill is vital to the continuing partnership in my district.

The cost savings brought by this agreement needs to be considered as well. The cost of a plant to filter New York City's water supply system which would be necessary if this 1997 agreement falls apart, has been estimated at $8 billion. The Watershed Agreement is an area of common ground. We have worked hard to get this agreement going.

I thank my colleagues for considering this legislation that will allow this mutually beneficial process to continue.

□ 1715

Ms. SCHAKOWSKY. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I thank the gentlewoman for yielding time to me on this bill.

This bill, H.R. 2771, is a bill to reauthorize the New York City watershed protection program.

We passed this bill out of the Subcommittee on Environment and Hazardous Materials last month. This legislation addresses a grant for one State, New York. It was the first markup the subcommittee took up in the entire 108th Congress.

I do not mean to belittle the significance of this bill. I am pleased to help out my New York colleagues, but what about the consideration of the 13 other important provisions of the Safe Water Drinking Act whose authorizations have expired in 2003? The New York demonstration project's annual authorization of $15 million represents roughly 1 percent of the over $1.2 billion in total authorizations the Safe Drinking Water Act provides.

By giving priority to only one provision for special treatment, we are failing to address important core provisions of the act, such as the State revolving loan fund that helps all States and assures safe and healthy drinking water for all citizens. The revolving loan fund also expired in 2003 and is seriously short-changed in the administration's budget request at $850 million. That is $150 million less than the authorized level. This fund is critical in helping public water systems finance infrastructure projects needed to comply with the Federal drinking water regulations and to protect public health.

The EPA itself says we need $102.3 billion in additional funding for water utilities just to maintain compliance with the Safe Drinking Water Act. That figure does not take into account the large and the huge costs of replacing critical water infrastructure.

It seems to me, Mr. Speaker, that public health issues are not a priority for the Republican House leadership.

Far too many environmental and public health issues continue to be ignored. Let me name another issue that has continually been brushed aside.

The importance of Canadian trash into Michigan and the interstate movement of trash in general to neighboring States, like Ohio and Pennsylvania, has been a problem for more than a decade. Although a hearing was held last July in the subcommittee, there has been no effort to pass out any of the three bills that have been introduced to address this issue by members of our committee of the Committee on Energy and Commerce.

One of those bills, of which I am a cosponsor, would direct the EPA to enforce an earlier agreement with Canada to stop the importation of municipal solid waste. I would be interested to know if the Republican leadership and the committee leadership are going to consider any of these bills this year.

This is just one of a long list of important environmental issues that the majority has failed to address. Other issues include lead contamination in Washington, D.C.'s drinking water and the need for Federal drinking water standards for perchlorate to ensure that the Department of Defense cleans up widespread contamination at its facilities, like Camp Lejeune, North Carolina.

We should give the same amount of attention to the funding needs of all our environmental and public health programs. Instead, the President's budget cuts these programs by $2.3 billion, slashing EPA's budget by 7.2 percent below the fiscal year 2004 enacted level.

Again, as the majority, the Republican leadership, here refuses to address these serious issues, it is America's environment and public health that are continually put at risk.

Mr. GILLMOR. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for his comments. There are a couple of things I would like to point out.

It is the Republicans on the Committee on Energy and Commerce that caused the broad investigation into lead in the drinking water. It was Republicans on the Committee on Energy and Commerce that asked GAO to look at the perchlorate problem in the water, and I would also point out that the Democrats on the committee were invited to participate in that request and just plain declined to do so.

I would also point out that we have started looking at the problem of the actions of the Defense Department regarding environmental cleanups and that we have also held hearings on the matter of movement of trash both interstate and internationally, and that it was Republicans on the committee that developed and caused to be passed a leaking underground storage bill which is now incorporated in H.R. 6, which is the energy bill, which is still pending over in the Senate.

It is the Republicans on the Committee on Energy and Commerce that have supported changes to the brownfield redevelopment program.

So the thrust of the gentleman's statement that nothing is happening I would take some degree of exception to.

Mr. STUPAK. Mr. Speaker, will the gentleman yield?

Mr. GILLMOR. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Speaker, with all due respect to the chairman, I agree we have had some hearings.

The perchlorate that I mentioned at Camp Lejeune has been going on for 20 years. We have to get that resolved. We had testimony from Mr. Ensminger and others last week about his daughter who died of leukemia from the contaminant in the drinking water at Camp Lejeune, and no one has taken responsibility or accepted responsibility for doing anything about it.

Mr. GILLMOR. Is the gentleman asking me a question or making a speech?

Mr. STUPAK. The point I want to make, and see, with the trash issue, some 13 years we have had a number of hearings in committee. We had one last July, which I am thankful for.

Mr. GILLMOR. If the gentleman is making a speech, he is doing it on my time.

Mr. STUPAK. Mr. Speaker, can we just report them out like we did this bill? This is the only bill we have reported out. Would my colleagues please report out the Canadian trash bills?

Mr. GILLMOR. Reclaiming my time, we are taking a look at that, and as my colleague knows, we attempted to do that last year, and we had a problem that sometimes occurs around here called shortage of votes; but I am hopeful that we can have an interstate and international waste bill.

The only way we are going to do it is if we have broad bipartisan support, which, as my colleague knows, he and I have both served on this committee a long time, is sometimes difficult to attain.

Mr. STUPAK. We look forward to working with my colleague in a bipartisan manner to move those Canadian trash bills.

Mr. GILLMOR. I thank the gentleman.

Mr. Speaker, I reserve the balance of my time.

Ms. SCHAKOWSKY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, the U.S. watershed protection program is a very significant piece of environmental legislation. It is part of the Federal Clean Water Act, itself being one of the most significant pieces of environmental legislation ever addressed by this Congress. The issue here before us is the reauthorization of that New York City watershed protection program, and I urge the Members of this House to support that reauthorization.

The Catskill Mountains provide the protection for the New York City water supply system. That protection is a natural system. The reservoir system itself is a natural system. It is gravity-fed. There are no pumps in it at any point along the way.

The system itself is unfiltered, one of the few major water supply systems anywhere in the country that remains unfiltered. It is important that it remain so. It is important for some of the reasons that have been mentioned, costs certainly; $8 billion is an extraordinary amount of money. In addition to that, it would require another half a billion dollars a year just to operate the filtration system; but if the filtration system were to be built, that would undermine all of the protections that are inherent in this legislation that provide for natural, safe, pure protection of this water supply system.

So I want to express my appreciation to everyone who has been involved with the creation of this bill and bringing it to the floor today and the gentleman from New York (Mr. FOSSELLA) particularly and others on the Committee on Energy and Commerce.

I would also, along with my other colleagues, urge that the other portions of the Federal Clean Water Act be addressed as well and they be addressed expeditiously. The water supplies of this country are incredibly important to the health and safety of all Americans. We value our water supply system in New York. Other communities value theirs as well.

I would urge that the remaining 13 provisions of the Federal Clean Water Act be addressed and be addressed as quickly as possible and be brought to the floor so we can deal with them in the proper fashion.

Ms. SCHAKOWSKY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentlewoman for yielding time to me, and I rise in strong support of this legislation.

I am proud to serve on the Committee on Energy and Commerce; and when we marked up this bill last week, I was very happy to speak in favor of it.

I represent a district covering Rockland, Westchester and Bronx counties, all of which are part of the 9 million people that this water is so important for.

I am aware that many of my colleagues are unhappy that we are only reauthorizing a very small provision of the Safe Drinking Water Act. I agree with their unhappiness, and I hope that the committee and subcommittee and the full House can reauthorize the rest of the Safe Drinking Water Act; but I would say to my colleagues, please do not hold New York hostage.

All 29 Members of the House representing New York, both Democrats and Republicans, strongly support this bill. I am certainly happy to take care of New York, but my State benefits from the State revolving loan fund as well. So I want to say that the safe drinking water programs are all important and should be reauthorized, and I hope they will be.

This bill is very important to New York. Millions of people rely on drinking water from this watershed, and ensuring that they have safe and clean water is very important to me and my constituents. This is obviously not a perfect bill, but it is an important water quality monitoring program. It is a model program for the rest of the Nation, and I would hope this could be replicated with the rest of the Nation.

So, again, I thank my colleagues for coming together. We want to have safe and clean drinking water in New York. When our Republican colleagues come to New York in August and September for the convention, we want their water to be pure, and I think Democrats and Republicans can all agree on that. So, again, I would urge my colleagues to support this legislation.

□ 1730

Ms. SCHAKOWSKY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to say to the gentleman on the issue of lead in the drinking water, in fact, it was the Committee on Government Reform that held hearings on this. Also, this legislation we were considering today was, in fact, the first markup of the 108th Congress in the Subcommittee on Environment and Hazardous Materials.

There are so many issues on the environmental agenda. Since we have so few opportunities to discuss those on the floor of the House since they are so rare to come before us, I wanted to just mention, bring to the attention of this body, that there is a very important third edition of the National Resource Defense Council book called "Rewriting the Rules: The Bush Administration's Assault on the Environment" which documents more than 150 assaults on our environmental safeguards between January 2003 and March 2004.

Among the most troubling Bush administration environmental actions include: In November 2003, the Bush administration proposed to legalize the release of inadequately treated sewage into waterways as long as it is diluted with treated sewage, a process the agency has euphemistically labeled "blending."

In April 2003, in a sweeping legal settlement with then-Utah governor and current EPA administrator Mike Leavitt, the administration renounced the government's authority to conduct wilderness inventories on public lands or to protect more areas for their wilderness values. The sudden settlement involved no public comment or open deliberations, and threatens to open millions of acres of wilderness public lands to drilling, mining, road building and other development.

The Bush administration has refused to regulate mercury through the same tough approach used for other hazardous air pollutants. The Clean Air Act requires the plants meet maximum achievable control technology standards for hazardous air pollutants. The Bush administration's proposal allows more mercury to be admitted, and gives industry decades longer to comply.

Furthermore, in January 2004, it was revealed that at least a dozen paragraphs of the Bush administration's mercury proposal were lifted, sometimes verbatim, from memos sent by a law firm that represents the utility industry.

Eric Schaeffer, the EPA's head of civil enforcement, handed in his resignation after President Bush announced the "Clear Skies" initiative. His letter of resignation said he was "tired of fighting a White House that seems determined to weaken the rules we are trying to enforce."

In February, 2004, 63 scientists, including 20 Nobel laureates and 19 recipients of the National Medal of Science, issued a statement accusing the Bush administration of "deliberately and systematically" distorting scientific fact and misleading the public in order to further its own partisan political objectives.

In a damning report, the scientists detailed numerous examples of the administration's abuse of science, censoring government studies, gagging agency scientists, refusing to confer with or ignoring independent experts, appointing unqualified or industry-connected individuals to Federal advisory committees, disbanding those government panels offering unwanted information, and misinterpreting information to fit predetermined policy objectives.

Having said all that, I would like to say that I think H.R. 2771, limited though it is, is an important step in providing clean, safe drinking water in New York City.

Mr. Speaker, I yield back the balance of my time.

Mr. GILLMOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to follow up on a comment by the gentleman from New York (Mr. ENGEL) who talked about the Republican convention being in New York this year, and that this would help us have good water while we are there. I want to assure the gentleman from New York and other New Yorkers that I am looking forward to attending the Republican National Convention and sampling what the gentlewoman from New York (Mrs. KELLY) called the "champagne of water" while I am there.

Mrs. LOWEY. Mr. Speaker, I am proud to support the extension of the New York City Watershed Protection Program, and I thank my colleague VITO FOSSELLA for his leadership on this issue.

Ensuring clean drinking water for our communities has always been a priority of mine. Providing a safe and health water supply is not just a public health issue, it is also a homeland security priority.

I am pleased that the bill under consideration today will reauthorize the funding for the Watershed Protection Program through 2010. The program will provide $15 million per year to protect and enhance the quality of New York's water supply, and in the long run will save taxpayers the cost of an alternative water filtration system. This comprehensive initiative demonstrates our commitment to the ongoing preservation of New York's safe drinking water supply, and I am pleased to see communities, environmental groups and state officials join together in support of this cause.

I am happy to support this legislation, which will benefit the health of New Yorkers and the quality of our environment for years to come.

Mr. GILLMOR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Ohio (Mr. GILLMOR) that the House suspend the rules and pass the bill, H.R. 2771.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SMALL PUBLIC HOUSING AUTHORITY ACT

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 27) to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan, as amended.

The Clerk read as follows:

H.R. 27

Be it enacted the the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Public Housing Authority Act".

SEC. 2. PUBLIC HOUSING AGENCY PLANS FOR CERTAIN SMALL PUBLIC HOUSING AGENCIES.

Section 5A(b) of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(b)) is amended by adding at the end the following new paragraph:

"(3) EXEMPTION OF CERTAIN SMALL PHAS FROM FILING REQUIREMENT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1) or any other provision of this Act—

"(i) the requirement under paragraph (1) shall not apply to any qualified small public housing agency; and

"(ii) any reference in this section or any other provision of law to a 'public housing agency' shall not be considered to refer to any qualified small public housing agency, to the extent such reference applies to the requirement to submit a public housing agency plan under this subsection.

"(B) DEFINITION.—For purposes of this paragraph, the term 'qualified small public housing agency' means a public housing agency that meets all of the following requirements:

"(i) The sum of (I) the number of public housing dwelling units administered by the agency, and (II) the number of vouchers under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) administered by the agency, is 100 or fewer.

"(ii) The agency is not designated pursuant to section 6(j)(2) as a troubled public housing agency.

"(iii) The agency provides assurances satisfactory to the Secretary that notwithstanding the inapplicability of the requirements under this section relating to resident advisory boards and public hearings and notice, residents of public housing administered by the agency will have an adequate and comparable opportunity for participation and notice regarding establishment of the goals, objectives, and policies of the public housing agency.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentlewoman from California (Ms. WATERS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this Member rises today to express his support for H.R. 27, the Small Public Housing Authority Act. The bill, which was introduced by this Member on January 27, 2003, will be considered under suspension of the rules. This legislation, which addresses the annual plan requirements for small public housing authorities passed the Committee on Financial Services by a unanimous, bipartisan voice vote on March 17, 2004. It is important to note that this Member introduced this legislation in the 107th Congress as well.

First, this Member would like to thank both the distinguished gentleman from Ohio (Chairman OXLEY) and the gentleman from Massachusetts (Mr. FRANK), the ranking minority member, for their efforts in bringing this measure to the floor.

Indeed, following some concerns and suggestions from the gentleman from Massachusetts (Mr. FRANK), compromise language was agreed upon to ensure unanimous support for this legislation. It should be noted for background that the Public Housing Reform Act requires PHAs to submit both a 5-year plan and an annual plan to HUD. The 5-year PHA plan addresses the Agency's mission and their plan to achieve their mission. The annual plan requires PHAs to provide details about updates or changes to the 5-year plan.

Specifically, the annual plan, among other things, has typically asked for the following information: Housing needs of the families in the jurisdiction; strategies to meet these needs; statement of financial resources; and PHA policies governing eligibility, selection, and admissions. HUD has made the effort to streamline this annual planning for small PHAs and for high-performing PHAs. However, incredibly, an example of a streamlined plan was still 47 pages with extensive attachments.

This legislation would exempt small PHAs from being required to submit that annual plan to HUD. Under the bill as it passed the House Committee on Financial Services, a small PHA is defined to be one which has 100 or fewer combined public housing units and section 8 vouchers. PHAs, which are exempt from the annual planning requirement, would still have to prepare a 5-year plan. Moreover, a small PHA which is designated as a troubled housing agency by HUD would still be required to submit that annual plan.

This legislation also includes a provision that tenants of small PHAs which are exempt from the annual planning requirement must continue to have an adequate and comparable opportunity for participation and notice regarding the establishment of goals, objectives and policies of that PHA.

Mr. Speaker, this legislation is needed to simply provide some regulatory burden relief to small PHAs which do not have the time, staff or resources to do these annual HUD plans by themselves. Many of these small PHAs only have a part-time executive director. Currently, small PHAs are forced to hire consultants since they do not have the computer software package to complete these annual plans, and these consultants are expensive costs for small PHAs which already face some daunting financial challenges.

Mr. Speaker, I think it is important to note that these small PHAs are located across the entire Nation. Today this Member will focus on the small PHAs in Nebraska because I am most familiar with them. For example, in this Member's district, there are 23 PHAs which would qualify under the definition used for small PHAs. There are approximately 60 PHAs in Nebraska statewide which qualify as small PHAs under this bill, especially in the district of the gentleman from Nebraska (Mr. OSBORNE), and he will speak on that.

To give a not-atypical example from this Member's congressional district, the village of Beemer is a community of 773 people, according to the last census. They have a PHA which administered just 20 public housing units and no section 8 vouchers. Under the current law, the Beemer PHA is required to submit the extensive annual plan to HUD which I have mentioned.

In conclusion, this bill contains reasonable provisions regarding PHA annual plans which enjoy bipartisan support. This Member would urge his colleagues to support H.R. 27, the Small Public Housing Authority Act.

Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bipartisan legislation offered by the gentleman from Nebraska (Mr. BEREUTER) which would ease the paperwork requirements for certain small public housing authorities and reduce their need to hire consultants to prepare housing plans, and I would like to congratulate both the gentleman from Ohio (Mr. OXLEY) and ranking member, the gentleman from Massachusetts (Mr. FRANK), for the leadership they provided, recognizing that it is important for us to come together from time to time to work to get rid of unnecessary regulations and they have done that with this bill.

H.R. 27 would exempt small housing authorities that administer 100 or fewer units of assisted housing from the requirement to prepare an annual public housing agency plan. The threshold would include both public housing units and vouchers under section 8 of the United States Housing Act of 1937.

The affected small housing authorities would remain subject to the Public Housing Reform Act's requirement to submit a 5-year PHA plan to the Department of Housing and Urban Development that addresses the Agency's mission and its plan to achieve its mission.

In order to qualify as a small housing authority under this bill, an agency would have to provide assurances satisfactory to the Secretary of HUD that notwithstanding the inapplicability of certain provisions relating to resident advisory boards and public hearings and notice, residents of public housing administered by the Agency will have an adequate and comparable opportunity for participation and notice regarding establishment of the goals, objectives and policies of the public housing agency.

The objective of this legislation simply is to reduce the administration workload of small PHAs. The goal of H.R. 27 is to give executive directors of small PHAs more time to focus on the needs of their tenants, rather than having to spend time and resources completing an annual plan for submission to HUD.

Mr. Speaker, I believe this legislation will help to limit the burden on small PHAs while providing the necessary protections to ensure that tenants will have the opportunity for input into the small PHA's 5-year plan. I urge all of my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I thank the gentlewoman for her supportive comments as we try to meet the Nation's diverse housing needs.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of H.R. 27, which was introduced by the gentleman from Nebraska (Mr. BEREUTER), and thank the gentleman for his long and effective service to Congress over many years. He has done a great job and has been very helpful to me and other people in Nebraska.

Mr. Speaker, there are over 50 small public housing authorities in my district that will benefit from this legislation. I think the gentleman from Nebraska (Mr. BEREUTER) mentioned there are 60 in the State of Nebraska. My district is almost entirely rural. Most of these PHAs are very, very small, and so we have the vast majority in this particular district.

As the gentleman from Nebraska (Mr. BEREUTER) mentioned, this legislation is needed to simply provide some regulatory burden relief to small PHAs which do not have the time or staff or resources to do housing and urban development plans by themselves. Many of these PHAs have only a part-time executive director, and they hire consultants. Sometimes these PHAs are spending $600 to $1,000 a year just for a consultant's fee, and the complexity and length of the reports are ridiculous for the size of the PHA.

If a small PHA in my district is able to create the report, they often have difficulty in filing that report because the Internet dial-up systems are extremely slow, and often they are disconnected before their reports are filed.

So this bill really does what Congress oftentimes fails to do, which is to provide some much-needed regulatory relief. It simplifies rather than complicates the process. I would like to thank the gentleman from Nebraska (Mr. BEREUTER) for introducing this legislation, the gentleman from Ohio (Mr. OXLEY) the chairman of the Committee on Financial Services, the gentleman from Massachusetts (Mr. FRANK), and the gentlewoman from California (Ms. WATERS) for their efforts in bringing this measure to the House floor. I urge its support.

Mr. NEY. Mr. Speaker, I rise today to express my support for H.R. 27, the Small Public Housing Authority Act. This legislation addresses the regulatory burdens placed on smaller Public Housing Authorities (PHAs) to comply with annual planning requirements enacted into law under the Quality Housing and Work Responsibility Act of 1998. I am confident that passage of this bill would correct an adverse unintended consequence for smaller PHAs. This legislation passed the House Financial Services Committee, by a unanimous bipartisan voice vote on March 17, 2004.

The authors of the 1998 Act envisioned a planning process for PHAs that could be used as a tool for advancing management, budgeting, forecasting and tenant needs, among other things. The 1998 Act required a 5-year plan as well as annual planning updates. In the best of all worlds, Congress intended for this tool to be complimentary of the great things that PHAs were currently undertaking to meet the new challenges of housing low-income families and individuals. What Congress did not intend, however, was a complicated planning system that would require many PHAs to hire expensive consultants and detract resources from other management issues.

Advocates of the 5-year and annual planning process argue that this management tool would require PHAs to engage tenants and actually provide de facto business plans that would assist in meeting future challenges before a crisis occurs. Opponents claim that both planning requirements have been a paper exercise taking away employee and funding resources that could be applied to other management needs. We have yet to get a complete picture of whether the planning process is a useful exercise. I think that it is something that the Committee should continue to review.

We are clear, however, that the smaller PHAs, of which we define in this legislation as those authorities with no more than 100 units or section 8 vouchers, have had difficulty complying with the annual requirements. This legislation would provide much needed regulatory relief for these smaller organizations where the development of the annual plans usually falls on a staff composed of very few individuals.

Mindful that the planning process has been used as an effective tool for tenant groups to provide input to PHA management, we have provided language to preserve the tenant's rights. This, we believe, is a healthy balance between the needs and resources of the PHA management teams as well as the needs of the tenants and their respective organizations.

On a final note, let me just say that it has been my pleasure to work with the sponsor of this legislation—the Gentleman from Nebraska—over the almost 10 years I have served in Congress and on the Committee on Financial Services and its predecessor—The Committee on Banking and Financial Service. Mr. BEREUTER has been an expert on a variety of issues, not limited to rural housing where he developed numerous programs such as the single family loan guarantee program as well as the multifamily loan guarantee program. In addition, he has been instrumental on reauthorizing the National Flood Insurance Program and providing much needed reform to address repetitive loss issues. I am hopeful that the flood insurance bill will be signed into law before Mr. BEREUTER retires.

On issues such as the legislation today, Mr. BEREUTER has ensured that rural and small-town America would be heard and their perspectives recognized. Mr. BEREUTER will retire at the end of this summer and I ask all of my colleagues to join me in wishing him well and thanking him for his service.

Finally, I want to thank the Committee Chairman, Mr. MIKE OXLEY, as well as the Ranking Chairman, Mr. BARNEY FRANK, for moving this bill through the Committee. Moreover, I want to thank the Housing Subcommittee's Ranking Member, Ms. MAXINE WATERS, for all her hard work on this and many issues facing this Subcommittee.

Mr. Speaker, I urge passage of H.R. 27.

Mr. OXLEY. Mr. Speaker, I rise today to express my support for H.R. 27, the Small Public Housing Authority Act. This bill will be considered under the suspension of the rules. This legislation, which addresses the annual plan requirement for small public housing authorities (PHAs), passed the House Financial Services Committee by a unanimous bipartisan voice vote on March 17, 2004.

First, I would like to thank the distinguished gentleman from Nebraska (Mr. BEREUTER), the author of this legislation, for his efforts in attempting to reduce the regulatory burdens that small PHAs face. I would also like to thank the distinguished gentleman from Massachusetts (Mr. FRANK), the Chairman of the Subcommittee for Housing and Community Opportunity, Mr. BOB NEY, and the ranking member, Ms. MAXINE WATERS, for their support of H.R. 27.

This legislation would exempt small PHAs from being required to submit an annual plan to the Department of Housing and Urban Development (HUD). Under current law, PHAs are required to submit both a 5-year plan and an annual plan to HUD. This legislation is needed to provide some regulatory relief to small PHAs who do not have the resources or time to do these HUD annual plans by themselves. Currently, small PHAs are having to hire expensive third parties to complete these annual plans. Furthermore, an indirect result of this bill would give executive directors of these small PHAs more time to focus on the important needs of their tenants.

The exemption of these smaller PHAs will not have an adverse impact on the ability of tenant organizations to continue to have input with the manager's of their developments. Language was incorporated into the legislation to ensure tenant's participation. Additionally, I want to assure my colleagues that this legislation will still require smaller PHAs to provide the forward-type thinking and advance planning as required under the 5-year plans.

The larger question, however, raised by this legislation is whether the planning requirements for smaller and larger PHAs alike can be a useful tool. It appears that the jury is still out on that question and the Committee will review the issue to determine how we can provide as much flexibility to the Public Housing Authorities, decrease unnecessary regulatory burdens as well as ensure that tenants have a stake in the communities where they live.

In conclusion, I want to urge your support for H.R. 27. This bipartisan bill contains important provisions to reduce the regulatory burdens on small PHAs.

Ms. WATERS. Mr. Speaker, I urge an aye vote on the bill, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I urge an aye vote, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CHOCOLA). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the bill, H.R. 27, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1745

EXPRESSING SENSE OF HOUSE REGARDING NEED FOR FREEDOM AND DEMOCRATIC REFORM IN LAOS

Mr. BURTON of Indiana. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 402) expressing the sense of the House of Representatives regarding the urgent need for freedom, democratic reform, and international monitoring of elections, human rights and religious liberty in the Lao People's Democratic Republic.

The Clerk read as follows:

H. RES. 402

Whereas, in 1975, the Kingdom of Laos, a constitutional monarchy and important ally of the United States during the Vietnam War, was overthrown by the Marxist Lao People's Revolutionary Party with the assistance of the People's Army of North Vietnam;

Whereas the Lao People's Democratic Republic was established as a one-party regime in 1975 following the communist takeover;

Whereas tens of thousands of Laotian and Hmong people, a prominent highland minority group, were killed or died at the hands of communist forces while attempting to flee the Lao communist regime, and many others perished in reeducation and labor camps;

Whereas tens of thousands of Laotian and Hmong became refugees, eventually resettling in the United States where they now reside as American citizens and lead constructive lives as members of their communities;

Whereas the only political party allowed by law in Laos is the communist Lao People's Revolutionary Party;

Whereas, in 1989, Laos held its first elections since the establishment of the Lao People's Democratic Republic, but only candidates who were approved by the communist Lao People's Revolutionary Party were allowed to seek public office;

Whereas, in 1991, Laos adopted its first constitution which purports to guarantee the people of Laos a wide range of freedoms, including the freedoms of speech, assembly, and religion;

Whereas the Lao People's Revolutionary Party Congress meets every five years and controls or influences the organs of the state in Laos, including the armed forces, the security services, and the National Assembly;

Whereas the Lao People's Revolutionary Party promulgates the five-year state plans that control the economy and do not need to receive the approval of the National Assembly;

Whereas, in 1999, peaceful pro-democracy demonstrations held by Laotian students in the capital of Vientiane calling for political and economic reforms were suppressed by force by the Lao government, which arrested many of the students;

Whereas Amnesty International reports that many Laotian student leaders from the 1999 pro-democracy demonstrations continue to be held by the Lao government and languish in the Lao prison system or remain unaccounted for;

Whereas, in 2001, Olivier Dupuis, a Member of the European Parliament, was arrested and jailed in Laos along with a group of pro-democracy activists after peacefully protesting for the release of the Lao students and for democratic and human rights reforms in Laos;

Whereas international election monitors are currently not permitted to enter Laos to monitor elections;

Whereas Laos remains a one-party communist state that continues to prohibit the organizing of opposition political parties to the Lao People's Revolutionary Party;

Whereas, in 2002, elections for the Lao People's Democratic National Assembly were held nearly a year earlier than scheduled and excluded all candidates from political parties other than the Lao People's Revolutionary Party, as well as all overseas Laotians;

Whereas Amnesty International and other independent human rights organizations are not permitted to enter Laos to monitor or investigate the human rights situation or reports of alleged human rights violations;

Whereas, in 2003, the United States Commission on International Religious Freedom issued a country report on religious persecution in Laos, recommending that the President designate Laos as a "country of particular concern";

Whereas the Department of State reported in its most recent Country Report on Human Rights Practices in Laos that Laos restricts its citizens from enjoying the freedoms of speech, assembly, and religion, and from undertaking activities to change their government;

Whereas, in 2003, the United Nations Committee on Elimination of Racial Discrimination stated that the Lao government had failed to honor its obligations, and the Committee expressed its grave concerns at the information it had received of serious and repeated human rights violations in Laos;

Whereas, in October 2003, Amnesty International issued a statement detailing its concern about the use of starvation by the Lao government as a weapon of war against civilians in Laos and the deteriorating situation facing thousands of family members of ethnic minority groups, predominantly the Hmong;

Whereas, in 2003, Amnesty International's International Secretariat, in a statement further detailing its concerns about Laos, condemned in the strongest terms the use of starvation as a weapon of war against civilians and cited it as a clear and serious violation of the Geneva Conventions that Laos has ratified;

Whereas because many Laotians and Hmong, including those in the overseas communities, are not members of the Lao People's Revolutionary Party, they do not meet with its approval as political candidates, but they are nevertheless successful businessmen, technocrats, and community and religious leaders with democratic aspirations and concern for the people of Laos; and

Whereas the United States has a vital interest in the worldwide promotion of democratic principles and respect for human rights, and supports democratic reforms in Laos: Now, therefore, be it

Resolved, That the House of Representatives strongly supports the following points and urges the Government of the Lao People's Democratic Republic, the United Nations, the European Union, and the Association of South East Asian Nations—

(1) to work to provide unrestricted access to Laos by international election monitors for upcoming presidential and National Assembly elections;

(2) to work to provide unrestricted access to Laos, including special closed military zones and closed provinces, by international human rights organizations, the United Nations, the United States Commission on International Religious Freedom, and humanitarian aid organizations;

(3) to work to ensure that opposition political parties and their candidates are allowed to run for public office in multi-party elections without regard to gender, race, ethnicity, religion, economic standing, or political affiliation, and that all adult citizens of Laos, including overseas Laotian citizens, are permitted to vote and run for public office;

(4) to allow the citizens of Laos to assemble and peacefully protest against the Government of Laos, the Lao People's Revolutionary Party, and individual public officials, and to freely organize opposition groups and independent political parties;

(5) to heed the call by the United Nations Committee on Elimination of Racial Discrimination for the Lao People's Revolutionary Party to halt immediately all acts of violence against the Hmong population and provide them with humanitarian assistance;

(6) to work to gain the immediate release of those students and their family members arrested and jailed in connection with the 1999 pro-democracy demonstrations, as well as all other political prisoners, prisoners of conscience, and those jailed for their religious beliefs or ethnicity; and

(7) to work to implement the recommendations of the United States Commission on International Religious Freedom with respect to promoting religious freedom in Laos.

The SPEAKER pro tempore (Mr. CHOCOLA). Pursuant to the rule, the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BURTON).

GENERAL LEAVE

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

As the sponsor of H. Res. 402, this resolution which expresses the strong sense of the House in support of election monitors, human rights and religious liberty in Laos is a very important piece of legislation. Since the 1975 overthrow of the Lao monarchy, Laos has been a one-party, Communist state in which the Lao People's Revolutionary Party is the only party allowed by law; and the repression there, Mr. Speaker, is unbelievable.

Although the 1991 Lao Constitution claimed to guarantee a wide range of freedoms, peaceful pro-democracy demonstrations in 1999 were forcibly suppressed. Many of those demonstrators remain in prison. The government of Laos continues to restrict basic freedoms and has been credibly accused of using starvation against civilians and of continuing its persecution of the courageous Hmong ethnic minority.

I sincerely appreciate and support the Hmong people in their fight for freedom and democracy. They and the entire Laotian people deserve our complete support and assistance. We must address the current human rights situation while pressing for real progress in Laos.

H. Res. 402 urges the Lao Government and international bodies to work toward access for international election and human rights monitors, genuine multiparty democracy, and the halt of violence against the Hmong, also the release of political and religious prisoners and the promotion of religious freedom throughout Laos.

These are worthy goals. I urge the Communist government in Laos to change their attitude toward these people. I urge all of my colleagues here in this body to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of this resolution, and I urge my colleagues to do so as well.

First, I want to commend my good friend from Indiana, my distinguished colleague, for introducing this resolution; and I want to commend the gentlewoman from Minnesota (Ms. MCCOLLUM), the distinguished member of the Committee on International Relations, for her strong leadership on all matters related to Laos. We greatly appreciate her hard work on this long neglected region of the world.

Mr. Speaker, the bilateral relationship between the United States and Laos has been frozen in time since the end of the Vietnam War. While we have maintained a diplomatic mission in Laos, our bilateral contacts have been infrequent and low-level. Over the past few years, both the United States and Laos have made significant efforts to improve the quality of our bilateral relationship. Given the increasingly large number of Laotian and Hmong Americans in the United States, a warming in the relationship is long overdue. The President may soon, in fact, propose the granting of normal trade relations status to Laos.

As our relations with Laos become increasingly complex, the United States must not forget the ongoing deprivation of internationally recognized human rights in Laos as well as the totalitarian nature of the ruling regime. The promotion of human rights and religious and political freedom must always remain at the core of our agenda with Laos until the Laotian people can freely choose their own government, enjoy true political freedom, and freedom of worship as they wish.

Our resolution calls attention to the negative human rights situation in Laos and urges the United States, the European Union, the United Nations, and ASEAN nations to work for positive change in Laos. The Laotian Government continues to imprison brave young people who had the courage to publicly demonstrate for political change in 1999, and some local Laotian officials continue to harass Laotians of the Christian persuasion. The Laotian Government also does not allow free and fair elections, and it prohibits any organized political opposition.

Mr. Speaker, political and social change will come to Laos, and it is my hope that the United States and our allies will make every effort to ensure that these fundamental reforms come sooner rather than later.

I strongly support passage of this resolution and urge all of my colleagues to do so as well.

Mr. Speaker, I am very pleased to yield 4 minutes to the distinguished gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. I thank the gentleman from California (Mr. LANTOS) for his kind words.

Mr. Speaker, I rise today in support of this resolution, urging improved human rights, democratic reform and religious freedom in the Lao People's Democratic Republic. I would like to take this opportunity to thank the U.S. Ambassador in Laos, Douglas Hartwick, and his hardworking, dedicated staff at our embassy in Vientiane for their commitment toward human rights and reform in Laos.

Mr. Speaker, most Americans do not know very much about the country of Laos, but many people in my congressional district know this country very well. Minnesota is home to over 53,000 Hmong and Lao Americans. I represent one of the largest Hmong constituencies in the United States. My constituents and I strongly support improving human rights and the quality of life for the people of Laos. The Lao Government has been working cooperatively with the United States on international terrorism and helping to provide a full accounting of Americans missing in action from the Vietnam War. The Lao Government has taken steps to protect religious freedom and the hundreds of Hmong and Laotians from my district who have traveled to Laos have seen some improvement; but I want to state clearly, despite these steps, greater progress is still needed on human rights, religious tolerance, democratic rule of law, and transparency.

One way the Lao Government can demonstrate their commitment to reform is by allowing international humanitarian workers the ability to monitor the Hmong amnesty and resettlement program in order to ensure that the Hmong are receiving the humanitarian assistance they need and they deserve. My constituents and I are committed to advancing these efforts in Laos. If Laos is going to truly reform into a more open and democratic society, the United States needs to play a greater role in working with the Lao people and the Lao Government.

The United States policy of economic isolation has made it very difficult for the Hmong and Laotian Americans in my district to engage in economic activity that will improve the quality of life for their relatives in Laos. This failed U.S. policy of economic isolation has lasted close to 30 years, and it has had real human consequences, as extreme poverty is a fact of life for much of the people who live in Laos. The United Nations development program ranks Laos 143rd out of 173 countries in terms of human development. Only half the population can read, 30 percent of the people will die before they are 40 years old, and 26 percent of the population lives on less than a dollar a day.

One out of every 10 children will die before they reach the age of 5. I consider this fact a human rights tragedy.

The people of Laos also endure the deadly remnants of U.S. bombing from the Vietnam War. The United States flew more than 580,000 bombing runs over Laos. More than 2 million tons of ordnance were dropped on the country of Laos, double the amount dropped on Europe during World War II. Thousands of Laotian children and adults continue to die or become maimed as a result of this unexploded American ordnance. This, too, is a human rights tragedy and was documented by The Washington Post in an article this weekend. I insert this article for the RECORD.

[From the Washington Post Foreign Service, May 1, 2004]

In Laos, Sifting the Earth for American Dead

(By Ellen Nakashima)

SARAVAN, LAOS.— On the first day of the dig, Franklin Damann spied what appeared to be a bone fragment resting on the soil surface. But he could not be sure. He put it in a Ziploc bag labeled "Possible Osseous Remains."

He hoped that the fragment, and several more found over the next few days, would yield DNA to help identify U.S. Air Force Col. Norman Dale Eaton or his navigator, Lt. Col. Paul E. Getchell. Their B–57 exploded and crashed on a remote hill in southern Laos in 1969, at the height of the Vietnam War.

Damann, a forensic anthropologist, and about a dozen U.S. service members shoveled and sifted hundreds of buckets of dirt from that metal-pocked hill in February. In several equally isolated and treacherous sites in Cambodia and Vietnam, other teams were also scanning for every shard of steel, canvas, plastic, bone or, best of all, tooth that might help identify men who died in the Vietnam War, more than 1,800 of whom are still missing.

Since 1992, 10 times a year, the military has sent teams to the old battlegrounds of Southeast Asia to search for Vietnam combatants' remains. Two to six teams go on each trip. So far, they have accounted for 724 Americans, according to the Pentagon.

But time is running out. Witnesses are dying. Investigators are now talking to people who can remember their fathers telling them about a crash site. The most accessible areas already have been excavated, and bone disintegrates more readily in the acidic soil of Southeast Asia.

It is an arduous yet optimistic endeavor, costing $100 million a year spread over five agencies. Though the military has long proclaimed that no man or woman shall be left behind on the battlefield—and made recovery efforts for several years after World War II and the Korean War—it took the emotional upheaval of the Vietnam War to spur the government to undertake a continuous search effort. Scientists and recovery teams have been finding and identifying remains of those killed in World War II, the Korean War and the Cold War in Africa, Europe, Asia and the Pacific.

They have identified remains of about 500 service members from World War II, Korea and the Cold War. The U.S. military estimates that 88,000 service members are still missing from all wars. The effort to find them is destined to continue, officials say, as long as the United States sends its men and women into battle zones.

"I can't think of a more noble mission," said Marine Capt. William P. "Bay" Dobbins, 29, leader of a team searching for the remains of a Navy pilot downed in southern Laos. Dobbins, who served in Iraq last year, said he had been waiting for this job with the Joint POW/MIA Accounting Command. "I love the idea of bringing these guys home," he said.

So it was that on a chilly morning in February, a dozen soldiers, airmen, sailors, Marines and Damann, who works at the Army's Central Identification Laboratory in Honolulu, piled into an aging Russian-made Mi–17 helicopter at the team's base camp in southern Laos. Twenty minutes later, they landed on a hill in Saravan province that was traversed by the Ho Chi Minh Trail, a network of paths used by the North Vietnamese to ferry supplies along the border with Laos into South Vietnam. The team hiked down a long, steep slope and, putting spade to soil, dug in a space roughly as long and wide as an Olympic swimming pool.

About 90 Laotian villagers, who live a day's trek away and were hired for a small daily wage, were already there. They formed a bucket brigade down the slope, men and women with high cheekbones and broad faces, wearing old jeans, Nike caps and wool head scarves.

Pairs of villagers rocked trays slung from bamboo poles, massaging red dirt through quarter-inch wire mesh. As a boombox blared a Motown mix, the American team members scanned for pieces of zipper, boot, oxygen hose—what the investigators call life support material.

The hill was not an easy one. At a 35-degree angle, it had a view at 3,700 feet of a valley below filling with deceptively fast-moving clouds. Army Sgt. Robert Bryson, in charge of team safety, warned the crew: "This site is dangerous. When the pilots say go, there's no lollygagging or we'll be here overnight."

During a mission three years ago, seven military personnel and nine Vietnamese died when their Mi–17 helicopter slammed into a fog-shrouded hill.

The site was surveyed last summer by Joan Baker, an anthropologist, who also works at the Honolulu forensics lab. She found no crash crater, leading her to conclude that the plane had exploded before it plunged. Her investigative team found hundreds of pieces of fan blades, wires and bolts strewn over more than 350 square yards. Then she saw a small metal object nestled in the roots of a tree. It was a dog tag, bearing Eaton's name. "It was pretty exciting," Baker recalled. "I couldn't believe it for a minute. I was like, 'No!' " Team members planted a yellow stake wherever they found even a jot of debris, turning the hill into a dandelion field of stakes.

Damann held up a slice of rusted metal to the gray light filtering through the trees. The words "cylinder hydraulic actuating" were still visible. The metal plate was engraved with the manufacturer's name, Glenn L. Martin Ltd., Baltimore, Md., which in the 1960s retooled the British-made B–57s from straight-and-level planes to dive bombers.

"We'll be pulling stuff all day." said Damann, a lanky Louisianan who analyzes skeletal remains to figure out a person's size, sex, race and other characteristics.

As it turned out, the team would not be pulling stuff all day. After lunch, the clouds rolled in, obscuring the valley below. Bryson gave the word to load up the buckets and gather the tools. "It's time to get off the hill," he said.

The son of a Vietnam Navy veteran, Bryson is a mortuary affairs specialist, or 92-Mike in Army lingo. He was on his 31st recovery mission to Southeast Asia, has worked directly with MIA families and relishes the satisfaction of delivering a memento to a wife or parent.

"There are cases where a family member said, 'He always carried a 1945 buffalo nickel,' and then you go to the site and dig and pull it out of the dirt," he said. "There are wedding rings, the crucifixes, wallets with pictures." Working one World War II case, he said, he found letters ready to be mailed home. "You bring them home to a wife or mother, and the gratitude is immense. That's pretty amazing you can do stuff like that."

Unexploded Ordnance

Elderly locals are another source of information. Khampoy Khun, a grandfatherly man with an impish grin, was trying to clear a rice field about a decade ago when he came upon metal aircraft parts poking up from the soil. He eventually told his story to American investigators and led them to a site where a Navy pilot had plowed into a hill in April 1970.

"I would be very glad if the Americans find what they are looking for and can return the remains to the families," said Khampoy, 70, cheering on the Americans and Laotians digging, hauling and screening soil. "I think the families back home are hoping the remains will be found."

He had one request, though: that the United States do more to remove unexploded ordnance left from the war. "I am very poor," Khampoy said. "And I cannot work my rice fields with the unexploded bombs. It's all over the place."

In February, the team looking for the Navy pilot's remains unearthed a 500-pound unexploded bomb.

Between 1964 and 1973, the U.S. air campaign dropped more than 2 million tons of explosive ordnance on the hills and valleys of Laos, the world's most heavily bombed nation per capita, according to United Nations Development Program statistics. Some of the craters were as large as houses. Up to 30 percent of the ordnance, it is estimated, failed to detonate and continues to kill about 200 people, many of whom are children, each year, according to the program.

In fiscal 2003 the United States spent $1.2 million on clearing the ordnance in Laos, about one-fourth of the total international donor aid to the effort, U.S. officials said.

After 30 days, Damann, Bryson and their team flew back to Honolulu. Another team took their place in March to continue the dig. All the evidence found is bagged and sent to the lab. There, a different set of anthropologists examines the remains and the life support material.

The lab, which is part of the U.S. Joint POW/MIA Accounting Command, identifies on average two Americans a week. The best way to make an identification is to match a tooth, especially one that has had a filling or a drilling, to dental records, Thomas Holland, the lab's scientific director, explained in a telephone interview from Honolulu. "No two fillings are alike," he said. "That's really how most identifications are made."

Even as the difficulty of the missions has increased, the technology has improved, Holland said. These days, up to 70 percent of cases are identified by matching mitochondrial DNA, which is passed down through the maternal line, from remains to a relative from the same maternal line, he said. About five grams of dense bone, the type found in the arm or leg, is needed to gather enough DNA for an identification.

In the mid-1990s, the military began taking a DNA sample from all service members in case it is needed for identification.

'OFF TARGET'

On the night of Jan. 13, 1969, Eaton and Getchell took off from Phan Rang Air Base in South Vietnam. They flew west toward Laos, to drop bombs and napalm on a target along the Ho Chi Minh Trail in an effort to disrupt the enemy's supply line.

Eaton's last recorded words before the plane crashed were "Off target," according to a wartime Air Force report. A C–130 pilot who was flying nearby, directing Eaton's strike, said that his cockpit was lit up by the flash from the bomb Eaton dropped, and lit up again five seconds later by the B–57's crash, according to the report. No parachutes were seen. A two-second emergency beeper signal was heard by another aircraft in the area, but it was unclear if that was from Eaton or Getchell.

Eaton, then 43, had always said that when he went, he wanted to "go down in a ball of fire," his wife, Jeanne Eaton, now 75, recalled in a telephone interview from Alexandria. He loved to fly, loved "that wonderful, celestial feeling," she said, though he had his concerns about the war.

Eaton's oldest son, Paul Eaton, 53, is now a major general in the Army, stationed in Baghdad, the commander in charge of training the nascent postwar Iraqi army.

Gethell was 32, slender, dark-haired and a carpenter with a philosophy degree. "He was always learning and reading," and looked forward to teaching, recalled his widow, Teresa Getchell, 67.

As the years passed, the two women, who have never remarried, gradually came to terms with their husbands' deaths. For Getchell, it has been so long since her husband died, she said, that finding any remains now will not mean much. "It will just verify what I feel is already the case, that he's gone," she said from her winter home in Bradenton, Fla.

For Eaton, the search holds out hope for some peace of heart.

"The very fact that they found my husband's dog tags, at least there's a substance there, there's a reality," she said. "Hopefully, they will find some tangible evidence of him."

In March, the team that took over from Damann found more possible remains at the site. The evidence will be sent to the lab. A new team returns in June to continue the hunt.

The United States must work with the Lao Government to remove this unexploded ordnance. To address this issue, I have submitted a request to the Committee on Appropriations to expand the cleanup of unexploded ordnance in Laos. I ask my colleagues today who care so deeply about human rights in Laos to join me in this effort. Today I support this resolution because my constituents who have family members in Laos want reform now.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my friend from California for yielding me this time and for his leadership on this issue, and I thank my colleague from Indiana for offering this resolution of which I am a proud cosponsor.

Mr. Speaker, I hope the body tomorrow when it comes up for consideration will adopt this resolution. This is a very serious matter in regard to some of the practices and the abuses I feel that are currently taking place in Laos. The resolution is very simple, expressing the sense of the House regarding the urgent need for freedom and democratic reform and international monitoring of elections, human rights and religious liberty in the Lao People's Democratic Republic.

The United States owes a debt of gratitude to the Hmong veterans and their families who served as loyal and dedicated allies during the so-called secret war in southeast Asia and the Vietnam conflict, a war that many Hmong members participated in on the side of U.S. soldiers in the jungles of southeast Asia. Between 20,000 and 30,000 Hmong lost their lives during this time and more than 100,000 Hmong were forced to either flee or live in refugee camps after the U.S. pullout in southeast Asia. Through their sacrifices, many American lives were saved, and our Nation must remain committed to recognizing their service.

Today, approximately 170 000 Hmong currently reside in the United States, including 35,000 in my home State of Wisconsin. Many of these Hmong Americans have family members still in Laos facing constant allegations of harassment, imprisonment, even kidnapping and killing of ethnic Hmong by Lao authorities. These have been brought to my attention, and these allegations have been raised in many different forums. Due to modern technology, many of these reports are coming out of Laos almost simultaneously when they are occurring through the advent of cell phones documenting the abuse and some of the atrocities being committed there.

I believe it is time for this Congress and the administration to support international observance teams to go into Laos to observe firsthand the conditions that are occurring there. We need the support from our administration and from the Congress, I think, to put pressure on the government there to accept these international teams of observers. The Lao Government has one of the most egregious human rights records in the world. The State Department's own country report on human rights practices in Laos makes clear the lack of respect for human rights demonstrated by the Lao Government.

Finally, Mr. Speaker, there are many Hmong families still in Wisconsin and throughout the country who are very concerned in regards to the conditions of their own families or relatives or friends who are still in Laos. They come to Washington from time to time. These are a proud people, many of whom have now achieved their U.S. citizenship. They are productive members of our society. Their children are in our schools, growing up to get an American education and be productive citizens in the country. But their ties back to Laos still remain very strong, and it runs very deep. I think this body, this United States Congress, owes it to them, our friends and allies and in many instances our neighbors and citizens in our own community, to take these allegations seriously, to increase the pressure on the Lao Government to allow inspections, to allow the investigation to go forward within that country so we can document and definitively determine what the situation is inside that border. I encourage my colleagues to support the resolution. I thank my colleagues for bringing it forward this evening.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 4 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman from California for yielding me this time.

Mr. Speaker, I have just returned from several days of meetings in Vientiane and Luang Prabang not only with our own very able Ambassador Doug Hartwick but his excellent embassy staff and also with Lao Government officials and many private citizens, Americans and others, who are living and working in Laos. There is a more complex and changing pictures than the wording of this resolution portrays.

Our discussions covered a wide range of topics, including the government's deficiencies in addressing human rights and political transparency issues as detailed in H. Res. 402, and I was very clear in my conversations with the Lao leaders about the urgency of meeting international standards particularly with respect to the Hmong and other indigenous people who have been the subject of ill treatment and repression.

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I share the concerns of the authors of this resolution that Laos, like many other countries in Southeast Asia and elsewhere, should make substantial improvements in the openness of their political and judicial processes and comply with internationally recognized human, religious, and labor rights and promote economic reforms that will raise the standard of living of its citizens through improved investment and trade.

This resolution addresses those issues, and I do not think that many would argue with the historical record. My concern, however, is that the resolution fails to take into account the many significant developments of the U.S.-Lao relationship as well as the internal changes that are not only noteworthy, but address some of the issues raised in this resolution. We are involved in major efforts, and we are getting major cooperation in antidrug efforts in Laos through the cooperation of the Lao government aimed at reducing opium and amphetamine trade that reaches from Southeast Asia to the streets of the American cities.

Our people report a strong cooperation in this effort with the Lao authorities. In the areas of POW/MIA, hundreds of Americans from the Vietnam era are still missing in Laos, and we are sending forensic teams to Laos several times a year to locate and repatriate the remains of those service people. Again, according to our government, we are receiving strong cooperation from the Lao government, but this resolution has been silent on that important effort.

Certainly the issue of human rights and the Hmong population, as well as other minorities, is a particularly sensitive subject in the Lao-American community in the United States, and I imagine that is the issue pushing this resolution to the forefront at this time. This resolution fails, however, to note that for a variety of reasons, some having to do with international pressure and some having to do with internal economics and politics, the Lao government has been urging Hmong and other dissidents to come out of the mountains where they have been hidden for many decades. The government has pledged to assist in the relocation and settlement of these groups, and I would note that Secretary of State Powell has told the Lao government the United States would like to offer assistance in these efforts.

While there is reason aplenty for hesitation given the fate of others throughout the world who have acquiesced in "resettlement" campaigns, the reports I received while in Laos, across the board, testified to the positive response of the refugees. Moreover, there were few, if any, reports of abusive or unhelpful treatment by the government. There is no mention of that in this resolution.

The concerns that this resolution raise about conditions in Laos are justified, and we should be clear that virtually identical situations exist in far too many countries. I would also like to make it very clear that the Lao government fully cooperate with the opinion of the international community that has long been concerned with the treatment of minority groups within their country and make sure they, in fact, are open to allowing our ambassador to travel to the areas in question where people are engaged in coming out, the Hmongs and others, to make sure that the resettlement issues are occurring, that these people are being treated properly, and that there is no action taken against them.

So I would hope that the Lao government would be more open to the request of Secretary Powell, of our ambassador, of the international community. But again, I would state for those who have been there, for the international community, the international press, the suggestion is that this resettlement is going very fairly well, given the tensions that have existed for over so many years.

So I appreciate this resolution coming forward. I would hope that it would have given a little bit more recognition to those areas that we are getting cooperation, and that we will continue to work on opening this relationship with the Lao people, and clearly the support of the normal trade relations that we may have an opportunity to vote on later would go a long way in terms of improving the economy and some of the human rights issues within the Nation of Laos.

Mr. Speaker, I have just returned from several days of meetings in Vientiane and Luang Prabang with not only our own very able ambassador, Douglas Hartwick and his excellent embassy staff, but also with Lao government officials and other private citizens—American and others—who are living and working in Laos. There is a more complex and changing picture than the wording of this resolution portrays.

Our discussions covered a wide range of topics, including that government's deficiencies in addressing human rights and political transparency issues that are detailed in H. Res. 402, and I was very clear in my conversations with Lao leaders about the urgency of meeting international standards particularly with respect to Hmong and other indigenous groups that have been the subject of ill-treatment and repression. I share the concerns of the authors of this resolution that Laos, like many other countries in Southeast Asia and elsewhere, should make substantial improvements in the openness of their political and judicial processes, comply with internationally recognized human, religious and labor rights, and promote the economic reforms that will raise the standard of living of their citizens through improved investment and trade.

This resolution addresses those issues, and I do not think many would argue with the historical record. My concern, however, is that this resolution fails to take into account very significant developments in the U.S.-Lao relationship, as well as internal changes that are not only noteworthy, but that address some of the issues raised in the resolution.

This is a delicate state in U.S.-Lao relations. We are deeply involved with that government in a range of initiatives that are critical to our own national security. I met with several U.S. personnel, for example, involved in major antidrug efforts in cooperation with the Lao government aimed at reducing the opium and amphetamine trade that reaches from Southeast Asia to the streets of American cities. Our people reported strong cooperation from the Lao authorities and progress in turning Lao citizens against the drug trade, but this resolution ignores this cooperation.

We are also deeply involved in POW–MIA efforts in Laos, as was documented last week in the New York Times. Hundreds of Americans from the Vietnam War era are still missing in Laos, and we are sending forensic recovery teams to Laos several times a year to locate and repatriate the remains of servicemen. Again according to our government, we are receiving strong cooperation of the Lao government, but this resolution is silent on this important initiative.

Certainly the issue of human rights and the Hmong population, as well as other minorities, is a particularly sensitive subject in the Lao-American community in the United States, and I imagine that is the issue pushing this resolution to the forefront at this time. The resolution fails, however, to note that for a variety of reasons—some having to do with international pressure and some having to do with internal economics and politics—the Lao government has been urging Hmong and other dissidents to come out of the mountains where some have hidden for several decades. The government has pledged to assist in the relocation and settlement of these groups, and I would note that Secretary of State Powell has told the Lao government that the United States would like to offer its assistance in these efforts. While there is reason aplenty for hesitation given the fate of others throughout the world who have acquiesced in "resettlement" campaigns, the reports I received in Laos, across the board, testified to the positive response of the refugees; moreover, there were few if any reports of abusive or unhelpful treatment by the government. But there is no mention of that cooperation in this resolution.

It is also important that the House understand that there have been some very serious incidents of violence and threats of violence with the Lao-American community in recent weeks, including assaults on those peacefully demonstrating in support of expanded trade with Laos, arson, and threats of assassination on certain radio stations. Members of the House should be helping to defuse this situation, not adding to the ill-feelings. So it is very important that what we say and do regarding Laos and the Lao community not be misunderstood or mis-stated.

The concerns that this resolution raises about conditions in Laos are justified, but we should be clear that virtually identical statements could be made about many other countries in the region or elsewhere in the world, including those with which we have very extensive economic and political relations. We want improvements and we should continue our efforts both bilaterally and through the U.N. and N.G.O.s to build a free and open society in Laos. One important step would be for more Members of Congress to visit the country and deliver the same message I did; yet only one other Member of the House has been to Laos in the last 5 years, I am told.

One important way for us to improve our relationship and encourage the kinds of reforms we would like to see in Laos is to grant Normal Trade Relations to that country. Laos is one of only three countries in the world with which we do not have NTR, and the only country with which we have full diplomatic relations lacking that status. Laos is far too small and poor to have an impact on the U.S. economy or jobs, but granting NTR will have a significant impact on the economy in that impoverished nation, allowing it to participate in the kind of positive economic improvements that have begun to transform Vietnam and Cambodia. Now that this resolution has been brought to the floor, I would hope that NTR for Laos would similarly be scheduled for House consideration.

I have many Lao-Americans in my own district, and I have had a close working relationship with them for a number of years. Most are refugees themselves from the repression of the post-war Lao government. They have built families, businesses, social and political organizations, and productive and cooperative lives in the United States. And together with many other Lao-Americans, they have begun to re-engage in a relationship with the country of their birth.

Members of the USA-Lao NTR Coalition, including the Lao-American Exchange Institute, the Laotian-American National Coalition and the Laotian-American Chamber of Commerce visited Laos last year and produced the important "Citizen Initiative Report." I would like to recognize in particular Mr. Sary Tatpaporn, the Coalition's coordinator and vice president of the Laotian-American Chamber of Commerce, along with Dr. Richard Chansombat of the Lao-American Exchange, who authored the report on the trip detailing their meetings with government and private leaders. Many of these Lao-American leaders have reversed past opposition and now are urging the passage of NTR so that the economy of their former country can grow and more of their former countrymen can share in the prosperity that investment, trade and modernization can bring.

Our relationship with Laos is long and complex, and it is changing for the better. We should be encouraging the positive steps Laos is taking on a wide range of issues, and we should be expanding our cooperation with that country as we have with other nations whose domestic policies we continue to question. We also need to recognize that some of the suspicion and distrust within the Lao leadership is due to continuing threats against that government from opposition elements within the United States, as was acknowledged during the recently held conference of Lao-American leaders at the State Department.

At the same time, the Lao government must fully cooperate with the opinion of the international community that has long been concerned with the treatment of minority groups within the country, and wish to ensure that current resettlement effort comport with internationally recognized standards. As I have noted, our own Secretary of State has offered assistance in the resettlement efforts, and our Ambassador has requested permission for his staff to visit the areas where resettlement is occurring to assure that these citizens are being treated fairly. International relief agencies also are interested in monitoring the efforts. I would hope that the Lao government would fully cooperate with these initiatives and allow for independent observation of resettlement activities. That government should understand that a well-conducted, independently verified resettlement effort will dramatically affect the perception of Laos in the world community.

Consideration of this resolution today should mark the beginning of a renewed interest and engagement in Laos by the House, not a one-time venting of opinion that ignores positive developments that are taking place and jeopardizes a longer agenda we should continue to pursue, including passage of NTR later this year. I look forward to working constructively with my colleagues towards a closer relationship with Laos which will encourage the kinds of reforms we all hope will be implemented in that nation.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

I would like to just say the previous speaker made some very valid points, and I appreciate his remarks. However, the human rights violations in Laos continues to be widespread. There is a lot of suspicion on the part of the Hmongs who are being talked about being relocated, and that suspicion, I think, looking at the history of the Laotian government, is valid. And all I can say in closing, Mr. Speaker, is that human rights are just that, rights, and the Laotian government, which is a communist government, ought to take a hard look at history and realize that communism cannot last as long as it represses its people. And they ought to realize that long-term freedom and democracy is the only way to go, and if they do that, then I think the people in Laos have a bright future. But if they continue under this despotic communist regime, then I think they are in for more problems down the road.

In any event, I appreciate the gentleman from California (Mr. LANTOS) and his support and those who speak before me.

Mr. GREEN of Wisconsin. Mr. Speaker, before this House today I would like to restate my strong support for H. Res. 402, of which I am a cosponsor. As a leading critic of the Laotian government in the U.S. House of Representatives, I am very pleased that this legislation has made it to the House floor today, and believe it speaks directly to the question—which has been hotly debated in recent years—of whether or not we ought to grant Laos Normal Trade Relations status. As most members of this House know, I am staunchly opposed to our nation providing the brutal regime in Laos with any improved relationship until it gets its act together on a whole host of issues. Granting Laos NTR before we see some real movement toward change is ill-advised, inappropriate, and just plain wrong.

In support of H. Res. 402, I am asking today for a number of important items to be read into the RECORD. First, an article that recently appeared in the Appleton Post-Crescent on the case of Houa Ly, one of my Hmong-American constituents who went missing at the Thailand-Laos border in 1999. Second, a pair of letters 21 other Members of Congress and I sent to the administration last year, detailing many of the problems we see with the Laotian government, and reiterating our opposition to NTR for Laos. I appreciate in advance your consideration of the issues presented in these documents, and look forward to continuing to work to advance the freedom of the Laotian people.

FAMILY'S PLIGHT AT HEART OF TRADE RELATIONS CLASH

(By Ed Culhane)

Neng Xiong Ly is consumed by sadness.

It has been five years since the Appleton woman's husband, Houa Ly, was waylaid on the banks of the Mekong River, the border between Thailand and his home country of Laos.

No one has seen him or heard from him since. Deprive of her husband, Neng Xiong Ly teeters on the edge of poverty. Asked to describe life without her husband, she wept softly. "I must be the poorest American," she said in her native language. Houa Ly (pronounced HOO-AH LEE) was 55 when he vanished, a veteran of the U.S. "secret war" in Laos, a Vietnam-era medic who saved the lives of American pilots shot down in the jungle. His disappearance, still shrouded in mystery, has re-emerged at the center of a political fight on the floor of the U.S. Congress. With the support of President Bush and the U.S. State Department, the communist government of Laos is seeking the benefits of Normal Trade Relations status. But a group of 21 congressmen and senators, led by Rep. Mark Green, R–Green Bay, so far has blocked those benefits. Green argues that the country's leaders—who deny any knowledge of Ly—have not come clean. Even now, Green said, the last of the rebellious Hmong in the jungles of northern Laos are being systemically starved, raped, tortured and killed by Laotian forces and by divisions of Vietnamese soldiers operating in Laos. "It's brutal, it's repressive and it's barbaric," Green said. "It's hard for Americans to fully comprehend the barbarity and the contempt for human rights that exists in that area." Yer Ly of St. Paul, Minn., one of five daughters Houa Ly and Neng Xiong raised in the Fox Valley, said she misses her father terribly. Her children miss him. "He is just the best," she said. "There is no word to say he is this or that. He is just the best."

WORLDS APART

Neng Xiong Ly speaks little English. She works nights on a production line for a local manufacturer. Her take-home pay is about $1,000 a month. All but $100 of that is swallowed by the mortgage on their home. "Se is really struggling a lot," said her daughter, Ge, who acted as a translator. Before they were drawn into the war, Neng Xiong and Houa Ly lived the traditional tribal life of the Hmong people, hunting and gathering and practicing small-scale agriculture in the high plains and mountain jungles of northern Laos.

"Before the war, it was regular days," Neng Xiong Ly said. "Farm, cook, feed the animals." That life was lost when divisions of North Vietnamese soldiers poured across the northern Lao border in the 1960s. The Hmong, led by the charismatic and prescient Gen. Vang Pao, abandoned the high plains of Xiang Khoang province and established positions in the surrounding mountains where there were armed and funded by the CIA. As a young man, Houa Ly served as a medic with Pao's freedom fighters. Trained as commandos, they were fabled for their bravery and resourcefulness, for their intimate knowledge of the mountain jungles. When American pilots were shot down, the Hmong would find and rescue them, engage in firefights to protect them. Hunted by communist forces, these warrior farmers could no longer think in terms of "home." "Because of the war between America and Vietnam, the Vietnamese were always killing everyone," Neng Xiong Ly said. "There was no safety for the children and the women. They would have to move all the time." Houa Ly saved the lives of three American pilots during the war and helped dozens of others. His wife and two of his daughters said he did not carry weapons. "He was not a fighter, he was a nurse," said his youngest daughter, Yer Ly, who lives in St. Paul. Neng Xiong Ly cooked for soldiers and pilots at Long Cheng, a CIA airbase in the mountains of Xiang Khoang province. A photograph of the base hands in her living room. The United States abandoned Laos, and its Hmong allies, in 1973. Two years later, the country fell to the communist Pathet Lao, backed by the North Vietnamese Army. Thousands of Hmong were killed. Others were imprisoned in forced labor camps. Tens of thousands fled for Thailand. In October 1978, Houa Ly crossed the Mekong with his wife and four daughters. Yer Ly was born in Thailand. She was 8 months old when the family immigrated to the United States. They settled in the Fox Valley. "We are the people who helped the Americans," Neng Xiong Ly said. "That is why we had to move."

A FATEFUL TRIP

Houa Ly had traveled to Thailand once before, around 1987, to visit a sister who would later immigrate to the Fox Cities. His return trip in 1999 was a break from work as a machine operator with Wisconsin Tissue Mills. "He said it had been a long time," Neng Xiong said. "He said he needed a vacation." At 6:30 a.m. May 7, 1999, Neng Xiong received a call from the U.S. embassy in Thailand. She was told her husband had been killed near the Laos border. "They just told me my husband went over the border to Laos and that somebody had taken him," she said. She fainted. A half-hour later, she called Yer Ly in St. Paul. She said she had no reason to live. On her end, Yer Ly couldn't speak, couldn't breathe. She fell to the floor, clutching the phone. Various unconfirmed reports about what happened to Houa Ly have emerged from congressional and private inquiries. He had traveled to Thailand with a relative, Neng Lee. They met two other Hmong-Americans, Michael and Hue Vang of California, on the trip. The four were at a water festival in Chiang Kong, Thailand, on the western bank of the Mekong. In Indochina, the New Year is celebrated for a week in mid-April. In Chiang Kong, the group was approached by a man who identified himself as the police chief from Ban Houayxay in Laos, just across the river. He said the police were allowing people into the country without visas to celebrate the festival.

Neng Lee and Hue Vang walked away to shop in Chiang Khong. When they returned, Ly and Michael Vang were gone. Witnesses said they were seen being forced into a boat that sped across the river into Laos.

An Associated Press story published in Asian Week in 2000 contained a similar version of the disappearance. A Hmong investigator was told by sources that Ly and Michael Vang, and two Hmong from Thailand, accepted the invitation to cross the river. Once in Laos, they were arrested. The Thailand Hmong escaped back across the river to tell the story.

Some news stories have referred to speculation that Ly and Michael Vang were in Indochina to provide assistance to Hmong rebels in northern Laos.

Green said he never has seen or heard any evidence to support this.

Hmong veterans in the Fox Cities said this theory makes no sense. While some Hmong send money to relatives in Laos, there is nothing two men could do for bands of Hmong hunted by divisions of troops deep in the interior.

WE WON'T GIVE UP

Six months after word of Houa Ly's disappearance, Green arranged a meeting in his office with Neng Xiong Ly, Yer Ly, another of the sisters and three representatives from the State Department. He also arranged a press conference for the Ly family and for other families of people missing in Laos.

State Department officials have conducted two on-site investigations in Laos, but were largely at the mercy of Laos officials, who at first delayed the effort and then placed restrictions on it. U.S. officials have learned nothing, said Green and family members.

Five years ago, State Department officials said finding Houa Ly and Michael Vang was a top priority.

Yer Ly no longer believes that. She fears that her father, a man who risked his life to save Americans in the jungles of Laos, will be forgotten.

Apart from Green, who has steadfastly pushed for a stronger effort, no one from the government calls anymore. No one will answer her questions.

"What I think is that he is an Asian-American citizen," she said, "and so it is not a top priority for them."

Green suspects Laotian officials were involved. At the very least, he said, they impeded the investigation. Although the State Department, pushing for Normal Trade Relations, now gives Laos better marks, its staff was dissatisfied in November 1999, reporting the Lao government "has been slow to respond to our requests for access to the area and has tried to place restrictions on our investigators."

That was when it mattered, Green said. That was before the trail grew cold.

Still, Green said he would continue to press the U.S. government, and the United Nations, to learn the fates of Ly and Vang.

He, too, has suggested the United States would be putting greater pressure on Laos if the missing citizens were native-born Americans.

"This has been a great sadness for me," Green said. "We won't give up, as long as the families don't give up."

Neng Xiong Ly said she was deeply grateful to Green and to his chief of staff, Chris Tuttle.

"I want thank them from the bottom of my heart," she said. "They are the only two Americans who went out of their way to help."

Yer Ly thinks her father is still alive, locked away in a prison camp. Her only evidence comes from her heart.

"I don't have anything to prove my father is alive," she said. "It is a gut feeling that I have, that my mother has, that my whole family has.

"When someone you love . . . when they pass away . . . it is a different feeling. We don't have that feeling."

SEPTEMBER 9, 2003.

Hon. COLIN POWELL,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY: Attached is a letter, signed by myself and 21 of my colleagues in the U.S. House of Representatives, asking that you take no further steps toward granting Normal Trade Relations (NTR) to Laos.

Although the letter speaks largely for itself, many of my colleagues and I feel it is important to note that, since this letter was written and began circulating for co-signatures, several facts have come to light that further reinforce our assertion that granting NTR to Laos is an imprudent step at this time.

Among these disturbing developments:

(1) In June, the Laotian government arrested, imprisoned, tried, convicted and sentenced to 15 years in prison a Lutheran minister from St. Paul, Minnesota. While in captivity, this U.S. citizen was denied consular access for over a week and subjected to a ridiculous "trial" before the Laotian judiciary system. Though eventually released after more than a month, the Laotians' handling of this case speaks volumes about their commitment to friendly relations with the United States.

(2) Two well-respected European journalists traveling with the American mentioned above were subjected to the same treatment, all apparently because of the group's investigation of Laotian government human rights abuses against ethnic Hmong minorities in remote areas of Laos.

(3) According to the BBC, Laotian representatives met in Pyongyang with representatives of North Korea just last month. There, "both sides . . . exchanged views on the need to boost cooperation . . . (in) talks (that) proceeded in a friendly atmosphere." This meeting is consistent with the Laotian government's past close relationship with the North Koreans.

(4) According to the Vietnam News Agency and other sources, in May "Top leaders in Myanmar and Laos . . . underscored the need to strengthen their cooperation in security and other fields . . . the leaders expressed their delight with the two countries' growing friendship and highly valued the mutual assistance and successful cooperation in the spheres of politics, security, economy, trade and socio-culture." Obviously, myself and others in both houses of Congress find such statements to be very troubling given what we all know about the Burmese government.

(5) Finally, according to this year's State Department "Voting Practices in the United Nations" document, Laos ranks 184 out of 186 countries in its record of agreement with the United States in U.N. General Assembly votes. In fact, this document shows that North Korea's record of agreement with the U.S. (10.9 percent) is more than double that of Laos' (5.4 percent). Iran, the world's most prominent state sponsor of terrorism, was almost four times more likely to support us (19.7 percent) than Laos (5.4 percent). This, perhaps more than anything else, is the clearest statement that Laos is not yet ready to improve relations between our two countries.

Thank you for your kind attention to this matter. I look forward to working together with you on this and other issues in the future.

Sincerely,

MARK GREEN,
Member of Congress.

SEPTEMBER 9, 2003.

Hon. PHIL CRANE,
Chairman, Subcommittee on Trade, Committee on Ways and Means, House of Representatives, Washington, DC.
Hon. SANDER LEVIN,
Ranking Member, Subcommittee on Trade, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN CRANE AND RANKING MEMBER LEVIN: We write today to implore you to take no further steps toward granting Normal Trade Relations (NTR) status to the Lao

People's Democratic Republic (LPDR). We respectfully assert that granting NTR to Laos at this time would in fact represent an ill-conceived reward for the consistently dreadful behavior the LPDR regime has exhibited in recent years at home, abroad, and in its bilateral relations with the United States. We offer the following seven facts as evidence the LPDR has not yet earned such an upgrade in its trade status.

(1) Two U.S. citizens remain missing after disappearing at the Laotian border in 1999. The LPDR government has been uncooperative in its dealings with U.S. authorities working to investigate their case, and the LPDR government may have been involved in the disappearance itself. According to American eyewitnesses, U.S. citizens Houa Ly and Michael Vang went missing on April 19, 1999 after having last been seen with Lao government authorities near the Laos-Thailand border. U.S. investigators have since pursued the case, but the State Department has acknowledged a lack of cooperation by the LPDR in the investigation, stating in November 1999 that the Lao government "has been slow to respond to our requests for access to the area and has tried to place restrictions on our investigators." In July of 1999, staff members of the Senate Foreign Relations Committee traveled to Laos and received information on the case from what they characterized as a "very credible source." The staff report filed after the trip states that, "with a great degree of detail, the tip we received corroborated Hmong-American suspicions that the men in fact crossed into Laos and that the government of Laos captured and killed Messrs. Vang and Ly."

(2) As documented in this year's State Department Report on Human Rights Practices, the LPDR continues to be of the world's most reprehensible abusers of human rights—with a repertoire that includes torture, harsh restrictions on the press and free speech, and imprisonment of people for their religious beliefs. The report speaks for itself, stating that last year: "The (Lao) Government's human rights record remained poor, and it continued to commit serious abuses. Citizens do not have the right to change their government. Members of the security forces abused detainees, especially those suspected of insurgent or antigovernment activity. Prisoners were abused and tortured, and prison conditions generally are extremely harsh and life threatening. . . The judiciary was subject to executive, legislative, and LPRP influence, was corrupt, and did not ensure citizens due process. The Government infringed on citizens' privacy rights. The Government restricted freedom of speech, the press, assembly, and association. The Government continued to restrict freedom of religion, and police and provincial authorities arrested and detained more than 60 members of Christian churches, with 4 members of religious communities in custody or incarcerated for their religious beliefs at year's end." These appalling human rights abuses are of particular concern in the so-called "Saysamboun Special Zone" in Laos, where reports of LPDR military offenses against ethnic minorities are common and disturbing. Finally, it is important to note that independent human rights monitoring organizations such as Amnesty International continue to be barred from entering Laos by the LPDR government.

(3) The U.S. Commission on International Religious Freedom this year called Laos one of the world's worst violators of religious freedom, stating that forced renunciations of faith and imprisonment of people for their religious beliefs are tragically frequent. In its 2003 report to the president and Congress, the commission urged the Bush administration to name Laos a "Country of Particular Concern," which would place it in the company of such terrifying regimes as Saddam Hussein's Iraq, Sudan, Burma and North Korea. According to the commissions report, "for at least the last several years, the government of Laos has engaged in particularly severe violations of religious freedom . . . these include the arrest and prolonged detention and imprisonment of members of religious minorities on account of their religious activities, as well as instances where Lao officials have forced Christians to renounce their faith. Between 100 and 200 individuals have been arrested since 1999. At the same time, dozens of churches have been closed. These violations have continued to be committed in the past year. . ."

(4) Shockingly, the LPDR continues to foster close ties with Kim Jong-Il's Democratic People's Republic of Korea (DPRK)—stating two years ago that relations "of friendship and cooperation" between Laos and the North Korean pariah state "are steadily growing stronger," and congratulating the North Korean people "on the shining successes made in their efforts to build a powerful nation . . . under the wise leadership of Kim Jong-Il." In a joint communiqué issued July 17, 2001 by the leadership of the LPDR and DPRK, the North Korean government also commended the Lao government for the "great successes made in their efforts to consolidate and develop the people's democratic system and estimated the daily rising role and position of the LPDR."

(5) The LPDR recently held state-sanctioned rallies speaking out against U.S. military action in Iraq in the most inflammatory of terms—stating that "the war will bring disaster to the whole of humanity," and "demand(ing) the U.S. respect the peace and sovereignty of Iraq." These and other similarly belligerent comments were transmitted throughout Laos on state-run radio and around the globe through various media services.

(6) A substantial majority of Laotian-Americans—many of whom know, first hand, the brutality meted out by the LPDR regime—are strongly opposed to offering NTR to Laos. These people, many of whom are Hmong-Americans who assisted the United States military during the Vietnam War, view the offer of NTR to the government of Laos as a fundamental betrayal of not only them personally, but of our American principles. According to the most recent census, there are approximately 170,000 Hmong living in the United States. An almost equal number of Lao live in the United States as well.

(7) Although some argue that Laos presents a potentially lucrative market for U.S. companies, the facts show otherwise. While proponents of improved trade relations with Laos claim that the potential economic benefits outweigh the significant moral questions about Laos as a trading partner, the truth is that the LPDR's Gross Domestic Product in 2001 was estimated to be $9.2 billion. For comparison, the Gross Municipal Product of Fort Wayne, Indiana in 2001 was more than double that amount: $18.8 billion. Laos' authoritarian internal economic policies, not a lack of trade with the United States, has created this dismal reality. Without substantial change in those policies, neither the people of Laos nor the United States will ever benefit economically from NTR.

This letter should not be interpreted as a statement that we believe the door to NTR for Laos should be shut forever. In our opinion, however, Laos has failed miserably to demonstrate that it is ready for or deserves NTR at this time. In fact, in the six years since the negotiation of the U.S.-LPDR bilateral trade agreement, the Lao regime's record on basic issues like those mentioned above has actually become worse, not better.

We believe that if, over the next few years, the LPDR government is able to successfully demonstrate concrete improvements in these areas of concern, consideration of NTR for Laos may be appropriate. Until then, however, we should send a strong message to the LPDR regime that economic rewards from the United States will not be forthcoming unless it can improve its abysmal record.

Respectfully,

Mark Green, Barney Frank, Duncan Hunter, Earl Pomeroy, John Doolittle, Patrick Kennedy, William Delahunt, Ron Kind, James Langevin, Howard Coble, Robin Hayes, Sue Myrick, Lincoln Diaz-Balart, Christopher Smith, Gil Gutknecht, Devin Nunes, Ileana Ros-Lehtinen, Thomas Petri, George Radanovich, Mark Kennedy, Frank Wolf, Dana Rohrabacher.

Mr. PETRI. Mr. Speaker, as a long time supporter of Hmong veterans and their families in Wisconsin and across the United States, I am pleased to be a cosponsor and express my support for House Resolution 402 which calls for democratic and human rights reforms in Laos.

Many Americans don't realize the vital role Hmong soldiers played in the Vietnam War. School history books often ignore that before U.S. soldiers even landed in Vietnam or Laos, CIA agents arrived to train young Hmong men and women to fight against their oppressors. These brave Hmong fought valiantly for democracy and for freedom for their people. They rescued downed American pilots and took bullets that otherwise would have found their way to the bodies of American soldiers.

In defense of their country and in service to U.S. troops, nearly 40,000 Hmong troops were killed, approximately 58,000 were injured in combat and more than 2,500 are still missing in action today. These numbers don't begin to represent the thousands of Hmong soldiers and civilians hunted down and massacred by communist forces after the U.S. armed forces began their withdrawal from the region in 1975. The survivors lost many loved ones and lost their homeland. The United States owes these veterans a great deal.

Edgar Buell, a former senior U.S. official working with the Hmong during the war years, best summed up their dedication to the U.S. and western democratic principles when he said, "Everyone of them that died, that was an American back home that didn't die. Somebody in nearly every Hmong family was either fighting or died from fighting . . . They became refugees because we . . . encouraged them to fight for us. I promised them myself: 'Have no fear, we will take care of you.'"

Yet, we hear reports that the persecution of the Hmong in Laos continues to this day, with charges of starvation, families being separated, and other acts of violence.

Over the last twenty years, thousands of Hmong have settled in Wisconsin and other places across the United States, sharing their tragic history and brave sacrifices with their fellow Americans. On their behalf, we must fulfill Edgar Buell's promise and encourage the government of the Lao People's Democratic Republic to stop civil rights violations against the Hmong and others, and allow free and open political activities in Laos.

Mr. BURTON of Indiana. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COLE). The question is on the motion offered by the gentleman from Indiana (Mr. BURTON) that the House suspend the rules and agree to the resolution, H. Res. 402.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SENSE OF CONGRESS REGARDING ARBITRARY DETENTION OF DR. WANG BINGZHANG

Mr. BURTON of Indiana. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 326) expressing the sense of Congress regarding the arbitrary detention of Dr. Wang Bingzhang by the Government of the People's Republic of China and urging his immediate release.

The Clerk read as follows:

H. CON. RES. 326

Whereas Dr. Wang Bingzhang is a permanent resident of the United States and his sister and daughter are United States citizens;

Whereas Dr. Wang received his Ph.D. at McGill University in Canada in coronary-arterial research and is a well-respected leader of the overseas Chinese pro-democracy movement and the founder of China Spring magazine;

Whereas Dr. Wang is currently serving a life sentence in prison in the People's Republic of China and is suffering from gastritis, varicose veins, phlebitis, and depression;

Whereas Dr. Wang was abducted in northern Vietnam in June 2002 after meeting with a Chinese labor activist;

Whereas Dr. Wang was driven to the border between Vietnam and the People's Republic of China and forced back to China by boat;

Whereas Dr. Wang was blindfolded and bound and held in various places in Guangxi Province and his captors demanded a $10,000,000 ransom, which Dr. Wang was unable to pay;

Whereas Dr. Wang although provided his captors with the names and telephone numbers of his relatives, they were never contacted;

Whereas Dr. Wang was finally taken to a Buddhist temple in Fangchenggang City in southern Guangxi Province where his abductors unexpectedly left and moments later he was "rescued" by the Chinese police;

Whereas Dr. Wang was detained by the Chinese police and then transported to Nanning, the capital of Guangxi Province;

Whereas Dr. Wang was held incommunicado for six months, during which time the Government of the People's Republic of China denied any knowledge of his whereabouts;

Whereas on December 4, 2002, the Chinese Government reversed itself, admitting that Dr. Wang had been in its custody since July 3, 2002;

Whereas on December 5, 2002, Dr. Wang was charged with "offenses of espionage" and "the conduct of terrorist activities";

Whereas on January 22, 2003, Dr. Wang was tried by the Intermediate People's Court in the city of Shenzhen in Guangdong Province;

Whereas Dr. Wang's trial lasted only half a day and was closed to the public because the Chinese Government indicated that "state secrets" might be revealed, thereby precluding family members, supporters, and reporters from attending;

Whereas at the trial, Dr. Wang declared himself innocent of all charges;

Whereas at the trial, the Chinese Government refused to release any evidence of Dr. Wang's wrongdoing;

Whereas at the trial, Dr. Wang was denied the right to due process, specifically the right to the presumption of innocence, the right to adequate time and facilities to prepare for his own defense, the right to a fair trial before an independent and impartial tribunal, the right to call witnesses on his own behalf, the right to cross-examine witnesses testifying against him, and in general, the lack of other due process guarantees that would ensure his adequate defense and a full hearing;

Whereas Dr. Wang's trial represented the first time the Chinese Government had brought charges against a pro-democracy dissident under its new terrorism laws;

Whereas although Dr. Wang was convicted and sentenced to life in prison on February 10, 2003, Dr. Wang's lawyers stated that there was insufficient evidence to convict him;

Whereas Dr. Wang's lawyers immediately appealed the court's verdict, but the appeal was rejected on February 28, 2003;

Whereas a human rights petition was submitted on Dr. Wang's behalf to the United Nations Arbitrary Working Group of the Office of the United Nations High Commissioner for Human Rights;

Whereas the petition claimed that Dr. Wang was being arbitrarily detained and that the judicial standards employed in his trial fell far short of internationally recognized standards for judicial proceedings under provisions of the United Nations Universal Declaration of Human Rights;

Whereas in its opinion, the United Nations Working Group noted that Dr. Wang is an internationally recognized pro-democracy activist as opposed to the Chinese Government's characterization of Dr. Wang as an individual who advocates violence and suggests the use of methods such as kidnapping and bombings to achieve his goals, and that Dr. Wang had boasted of carrying out many violent terrorist activities;

Whereas in its opinion, the United Nations Working Group further noted that the Chinese Government offered "no evidence of any specific occasion on which Wang made the alleged calls to violence" and that "[o]ther than the kidnapping of which Wang himself was a victim, as the Government itself acknowledges, no information has been given about other kidnappings or acts of violence initiated by Wang";

Whereas in its opinion, the United Nations Working Group further stated that "Wang, during his first five months in detention, did not have knowledge of the charges, the right to legal counsel, or the right to judicial review of the arrest and detention; and that, after that date, he did not benefit from the right to the presumption of innocence, the right to adequate time and facilities for defense, the right to a fair trial before an independent and impartial tribunal, the right to a speedy trial and the right to cross-examine witnesses";

Whereas in conclusion, the United Nations Working Group declared that "the detention of Wang Bingzhang is arbitrary, being in contravention of articles 9, 10 and 11 of the Universal Declaration of Human Rights" and requested "the [Chinese] Government to take the necessary steps to remedy the situation of Wang Bingzhang and bring it into conformity with the standards and principles set forth in the Universal Declaration of Human Rights";

Whereas the United States Congressional-Executive Commission on China made the following recommendation in its 2003 annual report: "The President and the Congress should increase diplomatic efforts to hold the Chinese government to [its commitments on human rights matters during the December 2002 U.S.-China human rights dialogue], particularly the release of those arbitrarily detained";

Whereas the report also stated the following: "The Chinese [G]overnment has also taken advantage of the global war on terrorism to persecute . . . political dissidents. In February 2003, Wang Bingzhang, a U.S. permanent resident and veteran pro-democracy activist, was convicted of 'leading a terrorism organization' and 'spying' and sentenced to life imprisonment"; and

Whereas the report finally noted that "[i]n July 2003, the UN Working Group on Arbitrary Detention declared that Wang's arrest and imprisonment violated international law": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) Dr. Wang Bingzhang, a permanent resident of the United States, is being arbitrarily detained in the People's Republic of China in violation of international law;

(2) the United States Government should request the Government of the People's Republic of China to release Dr. Wang, permitting him to immediately return to the United States; and

(3) the President should make the immediate release of Dr. Wang by the Government of the People's Republic of China a top priority of United States foreign policy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BURTON).

GENERAL LEAVE

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the concurrent resolution that is under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this concurrent resolution sponsored by the gentlewoman from California (Mrs. NAPOLITANO) expressing the indignation of the Congress over the continued arbitrary detention of Dr. Wang Bingzhang by the Government of the People's Republic of China. In recent years, we have all noted Beijing's pattern of using trumped-up charges to arrest and detain Chinese academics and democracy proponents who live outside China during their visits back to their ancestral homeland.

In Dr. Wang's case, however, Beijing has gone one step further in its attempt to muzzle the overseas Chinese community through tactics of fear and intimidation. Dr. Wang was not detained within the borders of China itself. He was instead kidnapped, abducted during a visit to Vietnam, bound and blindfolded, and forcibly transported across the border between Vietnam and China in a clear violation of international law. This case serves to demonstrate that despite historic differences, the communist regimes in Hanoi and Beijing are willing to make common cause when it comes to suppressing the voices of the advocates of democratic reform. This is common among communist brotherhood.

The People's Republic of China's legal transgressions and abuses in this case are so egregious that the United Nations, despite its sensitivity to Beijing's status as a permanent member of the Security Council, declared that the detention of Dr. Wang is a contravention of the Universal Declaration of Human Rights.

Beijing has further attempted to manipulate heightened post-September 11 international concerns over terrorism by charging Dr. Wang with "the conduct of terrorist activities" due to his advocacy of labor rights in China. The Working Group of the Office of the United Nations High Commissioner for Human Rights, however, has rendered a finding that the Chinese government has offered "no evidence of any specific occasion on which Dr. Wang made the alleged calls to violence," further noting that Dr. Wang himself was a victim of kidnapping by the very Chinese authorities who have accused him. Such false labeling of a victim of abduction as a terrorist is a cynical maneuver which demeans the memory of the victims of genuine terrorist attacks throughout the world. This is a perfect example of some of the things that the Chinese communists do that is just unthinkable, and the world should condemn them for that.

Beijing's border controls not only include cases of bringing people forcibly back into China, as with the case of Dr. Wang and the group of Tibetan refugees who were forcibly repatriated by the Chinese communists in Nepal last year. Beijing also seeks to forcibly keep people from leaving. We have heard that before. Remember the Berlin Wall? The People's Republic of China crossed a new line of inhumanity on the borders last month when, according to a reliable NGO report, Chinese border guards shot in the back and killed a North Korean refugee as he was attempting to cross into Mongolia, where he would have received safe haven and have been free. It reminds us of the Berlin Wall and the German border guards shooting to kill refugees when all they wanted was freedom.

I say here today: Beijing, tear down the walls of oppression, of arbitrary abduction of democracy advocates, and of victimization of refugees on the run who cannot defend themselves.

First, let Dr. Wang go. He is suffering in prison from serious medical conditions. He never had any intention of entering China's territory, and he needs to return to his waiting family, who misses him dearly here in the United States. And second, lift the bamboo curtain of intimidation directed at both its own citizens inside China and the overseas Chinese community which is calling for political as well as economic reform in their homeland.

China has undergone profound change in the last 2 decades. Beijing has increasingly sought, through such actions as participation in international peacekeeping and through hosting the 2008 Olympic Games, to take its place among the advanced countries of the world. But China cannot truly be a great nation until Beijing ends its systematic suppression of individual human rights such as clearly demonstrated in the case of Dr. Wang Bingzhang.

Mr. Speaker, it is hard to believe that a country that is economically as strong as China is would stoop to shooting a person in the back who wants to gain freedom just to stop them from getting out of their country, and it boggles my mind that China would actually go into Vietnam, kidnap somebody, blindfold them, and take them forcibly back to China when all they wanted was to see freedom and labor rights in China, and keeping this gentleman from his family, I think, is just unthinkable. So if anybody in the Chinese embassy is paying attention, this is something they should address very quickly and get this man back home to his family.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

I strongly support this important resolution, and I urge all of my colleagues to do so as well.

I first would like to acknowledge the excellent work on this resolution of the gentlewoman from California (Mrs. NAPOLITANO). I would also like to express my appreciation to the gentleman from Indiana (Mr. BURTON); the gentleman from Iowa (Mr. LEACH), subcommittee chairman; and the gentleman from Illinois (Mr. HYDE), the chairman of our full committee for their strong support of this measure.

Mr. Speaker, the litany of human rights abuses conducted by the Chinese government on its own citizens is nothing new to Members of this House. This resolution, however, calls our attention to a case where China's complete disregard for human rights and the rule of law has been brought to new heights.

Having completely suppressed dissent at home, the Chinese government has actually begun kidnapping Chinese dissidents abroad to be brought to China for persecution.

In June, 2002, Dr. Wang Bingzhang, a permanent resident of the United States and the leader in the overseas Chinese democracy movement, was in Vietnam to meet with Chinese labor leaders. Dr. Wang was kidnapped from Vietnam, forced over the border into China, and eventually jailed by the Chinese government. He was held incommunicado for 6 months while the Chinese authorities denied that they knew anything about his fate.

□ 1815

Dr. Wang was then charged with espionage and terrorist activities, though the government produced no evidence linking him to these charges. He was prevented from calling witnesses to support his case, to have sufficient time to prepare his defense and to cross-examine the witnesses against him.

After this mockery of a trial, Dr. Wang was sentenced to life in prison in February of 2003. His appeal was denied.

Mr. Speaker, the kidnapping, trial and conviction of Dr. Wang is an outrageous violation of internationally recognized human rights. A United Nations working group declared that the detention of Dr. Wang is arbitrary and contravenes the universal declaration of human rights.

Dr. Wang is in poor health, and our resolution simply asks that he be released so that he may return to his family here in the United States. I strongly support passage of this resolution, and I urge all of my colleagues to do so as well.

Mr. Speaker, I am delighted to yield 2 minutes to my good friend, the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Speaker, I thank my gracious friend and colleague, the gentleman from California (Mr. LANTOS), the ranking member on the committee, for yielding me time and thank the gentleman from Indiana (Mr. BURTON) for allowing this resolution to be brought to the floor and heard.

Mr. Speaker, I am very, very concerned about this particular individual. His daughter came to my office not quite a year ago asking for us to take some action on behalf of her family. Yes, they are very worried. They are very concerned. Because they cannot be in contact with their family member, their father, they are not able to provide him any kind of assistance, so they are incommunicado and are not able to help this individual.

This particular case is a clear case of a violation of human rights by the People's Republic of China. Dr. Wang, as you have heard, was held for 6 months before they actually filed charges against him. He was sentenced to life in prison on January 22, 2003, after, as you have heard, a very abrupt, half-day trial where he was not allowed time to prepare a defense, he was not allowed to cross-examine the government's witnesses, he was not allowed to call any witnesses of his own, nor was he allowed to provide his own defense.

To date, there has been no evidence to link him to the crimes he was charged with, nor have they released him. It is no surprise that the United Nations working group has declared this detention illegal.

I will include for the RECORD two articles that were printed on Dr. Wang.

Today, while we go about our business of enjoying freedom and liberty in the United States, it is inconceivable to us that a person such as Dr. Wang would sit in a prison. He has not sent any communication to his family, he has been allowed no visitors, and he has been denied access to medical care.

Our government must continue to put international pressure on China and many other countries to improve their human rights efforts.

Mr. Speaker, I thank my colleagues who cosigned this resolution and urge this House to sign up for human rights and human decency. Please vote "yes" on H. Con. Res. 326 and call on China to end its illegal detention of Dr. Wang.

Mr. Speaker, I include the articles referred to earlier for the RECORD.

[From Reuters News, Dec. 6, 2003]

CHINA ACTIVIST PLANS HUNGER STRIKE DURING WEN TRIP

BEIJING.—A jailed Chinese dissident who spent years in the United States plans to stage a hunger strike to coincide with a trip by Chinese Premier Wen Jiabao to the United States, a U.S.-based rights group said on Saturday. Wang Bingzhang, who was handed a life sentence on terrorism and espionage charges by a Chinese court in February, aimed to protest against his solitary confinement at the Shaoguan prison in Guangdong province, the Worldrights group said.

"From solitary confinement, Dr. Wang is calling on the leaders of America to stand with him and to demand his unconditional release," it is said in a statement.

Wen is due to meet with U.S. President George W. Bush early next week to discuss trade and issues related to Taiwan, which Beijing views as a renegade province, among others.

Wang, a U.S. green card holder in his mid-50s said by family members to have renounced Chinese citizenship, was the first democracy activist charged by China with terrorism and espionage.

[From the South China Morning Post, Dec. 11, 2003]

FEARS GROW FOR HEALTH OF JAILED DISSIDENT

(By Verna Yu)

Imprisoned dissident Wang Bingzhang is on the brink of a nervous breakdown due to the "mental torture" he has suffered in jail, and is threatening to go on a hunger strike, his brother says. Wang Bingwu, who visited his older brother at a prison in Shaoguan, Guangdong, last Friday, said he found the solitary confinement and mandatory "political education" imposed three times a day increasingly difficult to bear.

"He told me to tell the world that in order to end his solitary confinement and mental torture, he would go on a hunger strike," Mr Wang said in Hong Kong yesterday.

Critics say the so-called "political education" sessions in mainland prisons typically include several hours of brainwashing, forced self-criticism and confession of alleged crimes.

He was arrested and convicted on espionage and terrorism charges and given a life sentence in February. He was found guilty of providing intelligence to Taiwan between 1982 and 1990. He and his family deny the charges.

Mr. Wang said his brotyher looked frail and was suffering from stomach ailments and varicose ulcers. He said his brother was given medicine in prison but was banned brom taking other medication that his family brought from America.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 4 minutes to my good friend, the distinguished gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman for yielding me time.

I also want to thank the gentleman from Indiana (Mr. BURTON) for his leadership on this issue and a lot of other issues. Regardless of party and regardless of what the political pressure is, the gentleman has taken a stand; and being a new Member of Congress, I want to thank the gentleman for an opportunity to be able to witness that up close.

Mr. Speaker, the issue of Dr. Wang is a very interesting one, for a variety of reasons. The one reason that strikes me, and the gentleman from Indiana alluded to this, is that he was meeting with a labor activist. I find that very interesting, and I find this particular situation a symptom of a larger disease that we are trying to deal with.

They are saying there was a violation of three articles of the Universal Declaration of Human Rights. There is obviously no longer a Universal Declaration of Human Rights because countries like China do not agree to this kind of standard that we have set.

So this man was trying to help organize labor in China and trying to help bring some dignity and justice to the labor industry in China. It is obvious that China does not want it, but I think it is becoming more and more apparent that the major corporations in the United States who do business in China do not want China to have labor standards either.

If citizens of the regime in China try to unionize, they will be arrested, they will be beaten, they will be tortured. Many of the workers are bonded workers that come from the farms and go in to work in some of the factories. These people in China and the government of China do not enforce the minimum wage standards that they have, nor some of the safety rules that they have.

Why do they not want to do this? Because if they enforce these rules, as the AFL–CIO has indicated to us, there would be a 10 percent to 77 percent increase in the cost of goods coming out of China. We do not want to say that we want to raise prices, but I thought that this would bring about global competition, and I thought we were going to spread democracy. We want to lift the Chinese worker up. We want to lift them up to live, hopefully, one day, with the standards that we have here in the United States of America.

But just think, if this would happen, if there would be a 10 to 77 percent increase in the goods coming out of the Chinese market, the U.S. worker would finally be able to compete, Mr. Speaker, would finally be able to compete; and it would eliminate the problem we are even having dealing with the currency right now, if we would have those kinds of labor and human rights standards put in place.

I want to share a quote from the President of the United States when he was in Cleveland, Ohio, on March 10, 2003. He said to the workers in Ohio, "Ohio workers, if given a level playing field, can outproduce any worker anywhere on Earth," if we had a level playing field.

What we need to do is ask this administration to get tough on China. A level playing field will not just fall out of the sky.

Then when we saw, and the AFL–CIO petitioned for, an opportunity to try to fix the currency manipulation problems and some of the labor rights problems, four Members of this administration's cabinet said that the administration's efforts at diplomatic engagement with Beijing on these two issues, currency and labor rights, would produce more results than threatening punitive tariffs.

Efforts at diplomatic engagement? This is coming from an administration that, when they walk the halls of the United Nations, it is like a bull in a china shop. They have no diplomatic touch. We have alienated all of our allies. Now we want to go and try to deal with China with diplomacy, while they are abusing workers, while they are abusing people, going to Vietnam to pick people up who are going to help workers organize in China.

Something needs to be done, and something needs to be done now. I appreciate the opportunity that the gentlewoman from California has given me and the gentleman from California.

I rise in support of this; but, again, I think it is a symptom of a larger problem that needs to be dealt with, and this administration and this Congress need to continue to push China to enforce the human rights that we have been exporting from this country for many, many years and want to continue to export out of this country.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time as well.

The SPEAKER pro tempore (Mr. COLE). The question is on the motion offered by the gentleman from Indiana (Mr. BURTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 326.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING CONCERN OF CONGRESS OVER IRAN'S DEVELOPMENT OF MEANS TO PRODUCE NUCLEAR WEAPONS

Mr. BURTON of Indiana. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 398) expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.

The Clerk read as follows:

H. CON. RES. 398

Whereas the United States has for years attempted to alert the international community to Iran's covert nuclear activities in support of an intention to develop a nuclear weapon, contrary to its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT);

Whereas Iran's covert activities to develop the means to produce nuclear weapons are finally beginning to be revealed to the international community;

Whereas Iran did not declare to the International Atomic Energy Agency (IAEA) the existence of the Natanz Pilot Fuel Enrichment Plant and the production-scale Fuel Enrichment Facility under construction at Natanz until February 2003, after the existence of the plant and facility was revealed by an opposition group;

Whereas it is estimated that the Pilot Fuel Enrichment Plant could produce enough highly enriched uranium for a nuclear weapon every year-and-a-half to two years;

Whereas it is estimated that the Natanz Fuel Enrichment Facility could, when completed, produce enough highly enriched uranium for as many as 25–30 nuclear weapons per year;

Whereas in his report of June 6, 2003, the Director-General of the IAEA stated that Iran had failed to meet its obligations under its Safeguards Agreement with the IAEA to report all nuclear material imported into Iran—specifically, the importation of uranium hexafluoride from China in 1991—the processing and use of that material, and the facilities involved in the use and processing of the material;

Whereas the IAEA Board of Governors urged Iran in June 2003 to promptly rectify its failures to meet its obligations under its Safeguards Agreement, not to introduce nuclear material into the Natanz Pilot Fuel Enrichment Plant, and to cooperate fully with the Agency in resolving questions about its nuclear activities;

Whereas the IAEA Director General reported to the Board of Governors in August 2003 that, after further investigation, Iran failed to disclose additional nuclear activities as required by its Safeguards Agreement and continued to fail to resolve questions about its undeclared uranium enrichment activities;

Whereas the IAEA Board of Governors on September 12, 2003, called on Iran to suspend all further uranium enrichment and any plutonium reprocessing activities, disclose all its nuclear activities, and cooperate fully with the Agency, and to sign, ratify, and fully implement the Additional Protocol between Iran and the IAEA for the application of safeguards to strengthen investigation of all nuclear activities within Iran, and requested all third countries to cooperate closely and fully with the Agency in resolving questions about Iran's nuclear program;

Whereas IAEA inspectors and officials continued to confront Iran with discrepancies in its explanations of its nuclear activities;

Whereas on October 9, 2003, in a letter to the Director General of the IAEA, Iran finally confirmed that it had conducted research on uranium conversion processes at the Esfahan Nuclear Technology Centre and the Tehran Nuclear Research Centre, despite its earlier denials of such activities;

Whereas on October 21, 2003, Iran and the Foreign Ministers of France, Germany, and the United Kingdom issued a joint statement in which Iran indicated that it had decided to suspend all uranium enrichment and reprocessing activities as defined by the IAEA;

Whereas this statement also foresaw the provision of unspecified nuclear technical cooperation once Iran had satisfied international concerns about its nuclear development program;

Whereas in a subsequent letter on October 23, 2003, Iran further admitted that it had tested uranium enrichment centrifuges at the Kalaye Electric Company between 1998 and 2002 using its previously undeclared imported uranium hexafluoride from China;

Whereas in that same letter, Iran admitted that it had a laser uranium enrichment program, in which it used 30 kg of uranium not previously declared to the IAEA, another violation of its Safeguards Agreement;

Whereas in that same letter, Iran also admitted that it had irradiated 7 kg of uranium dioxide targets and reprocessed them to extract plutonium, another violation of its legal obligation to disclose such activities under its Safeguards Agreement;

Whereas Iran told the IAEA on November 10, 2003, that it would sign and ratify the Additional Protocol agreement for further safeguards, and would act in accordance with the Additional Protocol pending its full entry-into-force;

Whereas on November 10, 2003, Iran further informed the IAEA Director General that it had decided to suspend all enrichment and reprocessing activities in Iran, not to produce feed material for enrichment processes, and not to import enrichment related items;

Whereas the IAEA, through its investigative and forensic activities in Iran and elsewhere, has uncovered and confronted Iran in numerous lies about its nuclear activities;

Whereas the Director General of the IAEA reported to the IAEA Board of Governors on November 10, 2003, that Iran has concealed many aspects of its nuclear activities from the IAEA, which constituted breaches of its obligations under its Safeguards Agreement;

Whereas despite Iran's subsequent pledge to, once again, fully disclose all of its nuclear activities to the IAEA, the Director General of the IAEA, in his report of February 24, 2004, found that Iran continued to engage in deception regarding its nuclear activities, including failing to disclose a more sophisticated enrichment program using more advanced enrichment centrifuge technology imported from foreign sources, and noncredible explanations involving experiments to create a highly toxic isotope of polonium that is useful as a neutron initiator in nuclear weapons and a firm indicator of a nuclear weapons development program;

Whereas these deceptions by Iran were continuing violations of Iran's Safeguards Agreement and of Iran's previous assurances to the IAEA and the international community for full transparency;

Whereas despite Iran's commitment to the IAEA and to France, Germany, and the United Kingdom that it would suspend uranium enrichment activities, it has repeatedly emphasized that this suspension is temporary and continued to import and manufacture uranium enrichment centrifuge parts and equipment, allowing it to resume and expand its uranium enrichment activities whenever it chooses;

Whereas the statements on February 25, 2004, of Hassan Rowhani, Secretary of the Supreme National Security Council of Iran, that Iran was not required to reveal to the IAEA its research into more sophisticated "P2" uranium enrichment centrifuges, and that Iran has other projects which it has no intention of declaring to the IAEA, are contrary to—

(1) Iran's commitment to the IAEA in a letter on October 16, 2003, by the Vice President of Iran and President of Iran's Atomic Energy Organization that Iran would present a "full picture of its nuclear activities" and "full transparency";

(2) its commitment to the foreign ministers of the United Kingdom, France, and Germany of October 21, 2003, to full transparency and to resolve all outstanding issues; and

(3) its statement to the IAEA's Board of Governors of September 12, 2003, of its commitment to full transparency and to "leave no stone unturned" to assure the IAEA of its peaceful objectives;

Whereas it is abundantly clear that Iran remains committed to a nuclear weapons program;

Whereas Libya received enrichment equipment and technology, and a nuclear weapons design, from the same nuclear black market that Iran has used, raising the question of whether Iran, as well, received a nuclear weapon design that it has refused to reveal to international inspectors;

Whereas the Ministry of the Atomic Energy of the Russian Federation has recently announced that it will soon conclude an agreement to supply Iran with enriched nuclear fuel for the Bushehr nuclear power reactor, ignoring the need to sanction Iran to persuade it to cease its nuclear weapons development program;

Whereas the IAEA Board of Governors' resolution of March 13, 2004, which was adopted unanimously, noted with "serious concern that the declarations made by Iran in October 2003 did not amount to the complete and final picture of Iran's past and present nuclear programme considered essential by the Board's November 2003 resolution", and also noted that the Agency has discovered that Iran had hidden more advanced centrifuge associated research, manufacturing, and testing activities; two mass spectrometers used in the laser enrichment program; and designs for hot cells to handle highly radioactive materials;

Whereas the same resolution also noted "with equal concern that Iran has not resolved all questions regarding the development of its enrichment technology to its current extent, and that a number of other questions remain unresolved, including the sources of all HEU contamination in Iran; the location, extent and nature of work undertaken on the basis of the advanced centrifuge design; the nature, extent, and purpose of activities involving the planned heavy-water reactor; and evidence to support claims regarding the purpose of polonium-210 experiments";

Whereas Hassan Rowhani on March 13, 2004, declared that IAEA inspections would be indefinitely suspended as a protest against the IAEA Board of Governors' resolution of March 13, 2004, and while Iran subsequently agreed to readmit inspectors by March 27, 2004, this suspension calls into serious question Iran's commitment to full transparency about its nuclear activities; and

Whereas Iran's pattern of deception and concealment in dealing with the IAEA, the Foreign Ministers of France, Germany, and the United Kingdom, and the international community, its receipt from other countries of the means to enrich uranium, and its repeated breaches of its IAEA Safeguards Agreement, indicate that Iran has also violated its legal obligation under article II of the NPT not to acquire or seek assistance in acquiring nuclear weapons: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) condemns in the strongest possible terms Iran's continuing deceptions and falsehoods to the International Atomic Energy Agency (IAEA) and the international community about its nuclear programs and activities;

(2) calls upon all State Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), including the United States, to use all appropriate means to deter, dissuade, and prevent Iran from acquiring nuclear weapons, including ending all nuclear and other cooperation with Iran (including the provision of dual use items), until Iran fully implements the Additional Protocol between Iran and the IAEA for the application of safeguards;

(3) declares that Iran, through its many breaches for 18 years of its Safeguards Agreement with the IAEA, has forfeited the right to be trusted with development of a nuclear fuel cycle, especially with uranium conversion and enrichment and plutonium reprocessing technology, equipment, and facilities;

(4) declares that the recent revelations of Iran's nondisclosure of additional enrichment and nuclear-weapons-applicable research activities, as detailed in the report of February 24, 2004, by the Director General of the IAEA, along with the statement by the Government of Iran that it will not disclose other research programs, constitute ample evidence of Iran's continuing policy of noncompliance with the letter and spirit of its obligations under its Safeguards Agreement and the Additional Protocol;

(5) demands that Iran immediately and permanently cease all efforts to acquire nuclear fuel cycle capabilities and to immediately, unconditionally, and permanently cease all nuclear enrichment activities, including manufacturing and importing related equipment;

(6) demands that Iran honor its stated commitments and legal obligations to grant the IAEA inspectors full unrestricted access and cooperate fully with the investigation of its nuclear activities and demonstrate a new openness and honesty about all its nuclear programs;

(7) contrasts Iran's behavior with Libya's, in which Libya's decision to renounce and dismantle its nuclear weapons program and to provide full, complete, and transparent disclosure of all its nuclear activities has enabled the IAEA to rapidly understand and verify with high confidence the extent and scope of Libya's program;

(8) calls upon the members of the European Union not to resume discussions with Iran on multilateral trade agreements until such time that Iran has verifiably and permanently ceased all nuclear weapons development activity, including a permanent cessation of uranium conversion and enrichment and plutonium reprocessing activities;

(9) further calls upon the European Union to consider what further measures, including sanctions, may be necessary to persuade Iran to fulfill its obligations and commitments to the IAEA;

(10) in light of ongoing revelations of the noncompliance of the Government of Iran regarding its obligations under the NPT and pledges to the IAEA, and in light of the consequent and ongoing questions and concerns of the IAEA, the United States, and the international community regarding Iran's military nuclear activities—

(A) urges Japan to ensure that Japanese commercial entities not proceed with the development of Iran's Azadegan oil field;

(B) urges France and Malaysia to ensure that French and Malaysian commercial entities not proceed with their agreement for further cooperation in expanding Iran's liquid natural gas production field;

(C) calls on all countries to intercede with their commercial entities to ensure that these entities refrain from or cease all investment and investment-related activities that support Iran's energy industry; and

(D) calls on the President to enforce the provisions of the Iran and Libya Sanctions Act of 1996 to discourage foreign commercial entities from investing in Iran's energy industry;

(11) deplores any effort by any country to provide any nuclear power-related assistance whatsoever to Iran, and calls upon Russia to suspend nuclear cooperation with Iran and not conclude a nuclear fuel supply agreement for the Bushehr reactor, until the conditions of paragraph (8) are satisfied;

(12) calls upon the governments of the countries whose nationals and corporations are implicated in assisting Iranian nuclear activities, especially Pakistan, Malaysia, the United Arab Emirates, and Germany, to fully investigate such assistance, to grant the IAEA full access to individuals, sites, and all information related to the investigations, and to immediately review and rectify their export control laws, regulations, and practices in order to prevent further assistance to countries seeking to develop nuclear programs that could support the development of nuclear weapons;

(13) urges the IAEA Board of Governors, at its earliest opportunity, to report to the United Nations Security Council that Iran is in noncompliance with its agreements with the IAEA;

(14) urges the President of the United States to provide whatever financial, material, or intelligence resources are necessary to the IAEA to enable it to fully investigate Iran's nuclear activities;

(15) urges the United Nations Security Council, the Nuclear Suppliers Group, the Zangger Committee, and other relevant international entities to declare that non-nuclear-weapon states under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), who commit violations of their safeguards agreements regarding uranium enrichment or plutonium reprocessing, or engage in activities which could support a military nuclear program, thereby forfeit their right under the NPT to engage in nuclear fuel-cycle activities;

(16) further urges the United Nations Security Council to consider measures necessary to support the inspection efforts by the IAEA and to prevent Iran from further engaging in clandestine nuclear activities; and

(17) urges the President to keep the Congress fully and currently informed concerning the matters addressed in this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BURTON).

GENERAL LEAVE

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 398.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 398, a resolution which condemns Iran's continued violations of its obligations and commitments regarding its nuclear program; expresses Congress' grave concern over Iran's efforts to develop the means to produce nuclear weapons, which threaten not only that region, but possibly the world; and calls for a series of steps to be undertaken by various parties to address this threat.

I am proud to be a cosponsor of this measure, and I commend the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), on this bipartisan effort and for their leadership.

Mr. Speaker, after getting caught with its hand in the cookie jar, the Iranian regime was forced to admit in the fall of 2002 that it had nuclear facilities that it had failed to declare to the International Atomic Energy Agency. From that time onward, Iran has engaged in a systematic campaign of deception and manipulation to hide its true intentions and to keep its large-scale nuclear efforts a secret.

For at least 18 years, the Iranian regime has been pursuing a covert nuclear program. It has undertaken a number of efforts for the manufacture and testing of centrifuge components, most of which, according to recent IAEA reporting, are owned by military industrial organizations.

It has an enrichment facility designed for the simultaneous operation of large numbers of centrifuges, and a large, partially-underground facility at Natanz, intended to house up to 50,000 centrifuges. Concurrently, Iran is pursuing another approach to uranium enrichment which uses lasers, a complex technology rarely used by even the most advanced countries because it is not cost efficient.

Iran has expressed interest in the purchase of up to six additional nuclear power plants and is pursuing a heavy water research reactor at Arak, a type of reactor that would be well-suited for plutonium production. This represents yet another path to nuclear weapons, which endangers not only the region, but the world.

According to the IAEA report of November of last year, the Iranian regime admitted that it had failed to report a large number of activities involving nuclear material, including the separation of a small amount of plutonium. This same report noted that Iran's deceptions have dealt with the most sensitive aspects of the nuclear cycle.

Further, the IAEA could not disprove that Iran's nuclear program was not for weapons development and could not conclude that it was solely for "peaceful purposes."

Iran's most recent breaches of its obligations include failing to disclose work on advanced P–2 centrifuges for uranium enrichment and work on Polonium 210, an element which could be used in nuclear explosions.

As a result, Iran has forfeited its right to develop a nuclear fuel cycle and should immediately and unconditionally cease all nuclear enrichment activities.

H. Con. Res. 398 enumerates a series of steps that should be undertaken to, number one, hold the Iranian regime accountable for its nuclear program; and, two, establish a clear precedent that such proliferation efforts, efforts which clearly threaten international peace and security, will not be tolerated. Those who pursue them will have to suffer the consequences.

□ 1830

The Iranian Government needs to think very, very strongly about that.

Among the demands it places on the International Atomic Energy Agency, it urges the IAEA Board of Governors to quickly report the Iranian case to the U.N. Security Council for further action, which should include steps to prevent Iran from engaging in further clandestine nuclear activities. It also urges the U.N. Security Council to declare that non-nuclear weapons states under the NPT who violate their commitments forfeit their rights under this treaty.

As President Bush said on February 11 of this year, "Proliferators must not be allowed to cynically manipulate the NPT to acquire the material and infrastructure necessary for manufacturing illegal weapons."

Mr. Speaker, H. Con. Res. 398 calls upon the international community, through different venues, to use all appropriate means to deter and prevent Iran from acquiring nuclear weapons, including ending all nuclear cooperation with Iran until certain conditions are met.

Given the ongoing developments in the political and economic relationship of the European Union countries and Iran, the resolution calls upon the EU countries to suspend bilateral trade agreements with this pariah state until Iran has verifiably and permanently ceased all nuclear weapons development efforts. Also, given the severity of Iran's proliferation activities and heeding the lessons from Libya, H. Con. Res. 398 asks the European Union to go a step further and consider sanctions as a means of compelling Iran to comply with these international obligations and expressed commitments.

It calls on governments whose nationals, businesses, and other entities are implicated in assisting Iranian nuclear activities to, one, fully investigate such a relationship; two, grant full access to the IAEA to conduct its own parallel investigations; and, three, immediately review and rectify export control regulations and practices to prevent further assistance to countries seeking a nuclear weapons capacity.

These are not just in keeping with President Bush's counterproliferation initiatives as outlined in February of this year, but also affirm the tenets of the U.S.-led resolution adopted by the U.N. Security Council just last Wednesday.

Mr. Speaker, H. Con. Res. 398 reinforces longstanding congressional efforts to deny terrorists and their state sponsors the funds to pursue and expand their threatening activities, in particular, their proliferation activities. It calls on all countries to take steps to end investment-related efforts that in some way support Iran's energy sector.

This is particularly relevant given plans announced by Iran on Sunday aiming for a six-fold increase in its petrochemical revenues to $20 billion a year by the year 2015. It is further relevant given, for example, the April 25 announcement that French oil giant Total was awarded a $1.2 billion contract to develop phase 11 of the massive South Pars gas field in Iran.

H. Con. Res. 398, therefore, also calls for immediate enforcement of the Iran and Libya Sanctions Act with respect to Iran.

Mr. Speaker, in closing, I would simply like to refer to a recent statement made by Iran's so-called moderate leader, Mohammad Khatami, while Iran was blocking access to IAEA inspectors. He said Iran "has no obligation toward anybody other than what our interests require."

Placing this in further context, I draw my colleagues' attention to Iran's display last fall of its newly deployed advanced medium-range ballistic missiles which military analysts say could reach Israel or U.S. bases in the Persian Gulf. Television photographs of the display showed one of the missile carriers with a sign that read, "We will stomp on America," and that says it all, as far as I am concerned. We must stop their nuclear proliferation program.

A terrorist state like Iran must not, cannot, be allowed to obtain a nuclear weapons capability, and we need to do whatever is necessary to stop them. Let us send a clear message to Iran, and to all other potential proliferators, that we will not tolerate this behavior, we will not sit idly by as Iran threatens our Nation, our interests, and global security.

Mr. Speaker, I urge my colleagues to render their strong support to this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this important resolution, and I yield myself such time as I may consume.

Mr. Speaker, I want to pay tribute to the chairman of our committee, the gentleman from Illinois (Mr. HYDE), and to my friend, the gentleman from Indiana (Mr. BURTON), for their leadership on this issue.

Mr. Speaker, for over a decade, the United States has been trying to alert the entire world to Iran's efforts to covertly develop nuclear weapons. Finally, the rest of the world seems at least ready to listen. Now we must convince them to act.

For many years, Iran has deceived the International Atomic Energy Agency and the entire world about the true purpose of its supposedly peaceful nuclear energy program. The ayatollahs of terrorism have, through the international nuclear black market, acquired equipment and facilities to produce nuclear weapons-grade uranium. As a result of IAEA inspections over the past 15 months, we now know that Iran has acquired designs for sophisticated uranium enrichment equipment and that Iran has been lying about this for years. Iran has even experimented with materials that could be used to initiate a nuclear detonation.

Given that Iran used the same supplier network that provided Libya with the blueprint for a nuclear warhead, we must assume that Iran has an operable nuclear bomb design.

Iran is rightly condemned as a state sponsor of terrorism responsible for funding numerous terrorist groups that murder and maim innocent civilians. Imagine then, Mr. Speaker, this terrorist state armed with nuclear weapons.

This is the threat we face. Iran must not under any circumstances be allowed to acquire nuclear weapons. We must keep the pressure on Iran, as we did on Libya, to step off this most dangerous path. We must keep the pressure on our friends and allies in the European Union and elsewhere who mistakenly believe that continued trade and investment will somehow cause the ayatollahs to give up their multiyear quest for nuclear weapons.

We must also keep the pressure on the IAEA's Board of Governors to again condemn Iran at their June meeting and to formally refer Iran's breaches of its safeguards and Nuclear Nonproliferation Treaty obligations to the United Nations Security Council.

Mr. Speaker, this resolution also sets a new standard for states to have access to technology for peaceful nuclear purposes. It declares that Iran, through its repeated and flagrant violations of its international obligations, has forfeited the right to be trusted with technology that can be misused to produce weapons-grade uranium and plutonium.

I urge all of my colleagues to support this resolution and to send a message to Iran and the entire world that enough is enough. It is past time to isolate Iran economically and diplomatically. A nuclear Iran threatens us all. Driven by its extremist ideology, it might attack and surely could blackmail our friends in the region. Iran's nuclearization would spell the end of the nuclear nonproliferation regime. We must not let that happen.

Mr. Speaker, I strongly support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. TANCREDO), a member of the committee.

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for yielding me this time. I just want to add my support to this endeavor and this resolution. Certainly, the gentleman from California (Mr. LANTOS), the author of the resolution, and the committee itself and the gentleman from Indiana (Mr. BURTON) have been extremely articulate in laying out the points that we should pursue and in encouraging us to bring this resolution and have stated, again articulately, why we should support it. I want to add to those issues that we have laid out some other things that are not specifically identified in the resolution, but I think are important for us to consider.

We must recognize that much of what we know today about Iran and certainly what we know about its nuclear production capabilities, and not just capabilities, but what they have already done, comes to us not as a result of information identified by the international inspection regime. It comes to us as a result of the fact that Iranian dissidents have, at great risk, made this information available to the West.

On more than one occasion, these Iranian dissidents have provided us with information that we now know to be accurate. It has become invaluable in many ways, and they should be credited for what they have done. It is also important to note that many of these people who have taken refuge in Iraq are under the control and the protection right now of American forces over there. It is also I think important to understand that Iran, the mullahs in Iran are today demanding that these people be returned, forcibly returned to Iran to face certain death. It is inconceivable I think that we would agree to such a situation, especially in light of the information that they have provided and the valuable asset that they in fact are in that part of the world.

We also recognize that much of the difficulty we now face in Iraq is a result of Iran's interference, sending people across that border, inflaming the passions that we now witness in the form of acts of violence against Americans and American troops over there.

So all of these things, as I say, I am glad they have been said, but I just did not want to let this resolution go by without a reference to the people who have worked so hard to bring the information forward and who have struggled for a long time for a free Iran. They are dedicated to that proposition. They are dedicated to a free secular country, a democratic country over there, and I think it would be certainly heartless, it would be a tragedy if we were to abandon them, if we were to actually allow them to be returned to, as I say, certain death in that country.

So I just wanted to add that dimension to this debate. Again, I thank the gentleman from Indiana (Mr. BURTON), the gentleman from California (Mr. LANTOS), and the committee for bringing this resolution forward.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to my friend, the gentleman from the State of Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank my good friend and colleague, the ranking member of this committee, and the chairman for their initiative. I think it is long past time for this Nation to express grave concern and work with the international community to thwart Iran's efforts to develop nuclear weapons, and I applaud them for this resolution.

I do, however, feel compelled to ask an inquiry of the chairman and the ranking member, and it is this: we have seen, I believe, a growing concern about possible usurpation by the administration of congressional authority, particularly in regard to war-making and the use of force. I thoroughly intend to support this sound resolution. I just would like clarification that the resolution does not, in its efforts to rein in the Iranian nuclear program, authorize the President to use force.

I yield to my distinguished ranking member to address this.

Mr. LANTOS. Mr. Speaker, I thank my friend for yielding, and I am very pleased to respond to his inquiry.

This resolution is not and cannot be construed to be an authorization for the use of force against Iran. It calls upon all of the state parties to the Nuclear Nonproliferation Treaty to take all appropriate measures to deter, dissuade, and prevent Iran's acquisition of nuclear weapons, including economic sanctions and international pressure.

□ 1845

The international sanctions on Libya were ultimately successful in convincing Colonel Qaddafi to give up all of his programs to develop weapons of mass destruction. This is the model that the world community needs to pursue with Iraq.

Mr. BAIRD. Mr. Speaker, I thank my colleague for that clarification. I intend to support this most worthy proposal, and I think it is important that we establish for the record that this Congress is not intending with this legislation to authorize the use of force without approval of the Congress.

Mr. LANTOS. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I speak as the ranking Democrat on the subcommittee that deals with terrorism and proliferation of weapons of mass destruction.

I want to clarify of the backgrounds that we face with Iran. First, Iran has a large amount of natural gas. This natural gas is flared. They do not need to generate electricity with nuclear plants. In fact, they can without pollution and at very low costs generate electricity using the natural gas that goes to waste under the present system.

Second, we talk here of the Iranian government. That is very different from the Iranian people who among all the peoples of the Middle East are among those who are most pro-American and, frankly, who are not terribly interested in seeing their country acquire nuclear weapons. We should remember that weapons of mass destruction is a rather vague term that encompasses mustard gas on the one hand and nuclear weapons on the other, and we should not be confused.

Since World War I, I doubt more than a dozen Americans have been killed using chemical or biological weapons. And while Saddam killed many using mustard gas, he did so against highly unsophisticated civilians in a third world situation.

In contrast, nuclear weapons if used in an American city would kill hundreds of thousands of people or millions of people. We can not put these in the same category. And let us not think that a missile defense system will save us. Iran would like to have intercontinental ballistic missiles and the glory of just being able to push a button and see the missile fly off. But the government of Iran sees it is as easy to smuggle a nuclear weapon into the United States as it is to smuggle into person or a bale of marijuana. A nuclear weapon is as detectable, it is as large as a person.

Thus, a nuclear weapon created in Iran could be smuggled into any of our districts. Keep in mind that the government in Iran has sought again and again to kill as many Americans as possible. It is harboring top operatives of al Qaeda, including bin Laden's own son. It is harboring the individual who caused the bombings in Rihad that killed 7 Americans. It is responsible for the deaths at Khobar Tower and earlier deaths of our people in Saudi Arabia, killing at least 2 dozen Americans.

This is a government in Iran which, if it has nuclear weapons, will marry a desire to kill Americans with a capacity to kill us by the hundreds of thousands.

Now, this is a great resolution. But it is only a resolution. What we need to do is to marry our desire to rein in the nuclear program with a real bill with real teeth. I have introduced to this House, and we have quite a number of co-sponsors for the Iran Freedom and Democracy Support Act. That Act would provide real money to those working for peace and democracy in Iran. That Act would impose real economic sanctions and we need to pass this resolution today or tomorrow and then go on to deploying real money and real economic sanctions in an effort to deal with the Iranian program.

Look at what happened with Libya. They faced multi-lateral economic sanctions and they agreed to abandon their nuclear program. Now, they are getting for an investment, they are getting international air flights, et cetera. This administration promised us an aggressive defense of America. And it has given us only an invasion of Iraq which had apparently no weapons of mass destruction at all. North Korea has 3 years further in developing its nuclear weapons. Iran has proceeded virtually unimpeded, and we have not used the tools available to us, not to invade but to dissuade.

We have the Iran-Libya Sanctions Act. We used it against Libya. We failed again and again to use it and waived it again and again when our so-called allies invested billions of dollars in the Iranian oil sector.

Mr. Speaker, just recently we gave a wink and a nod to a $2.8 billion Japanese investments in the Iranian oil sector. We have given winks and nods as half a billion dollars has gone from the World Bank, 25 percent of it is our money, goes to this government that is developing nuclear weapons to kill our people, and year after year, we allow $150 million worth of caviar and carpets to come into this country providing a .market to industries controlled by some of the most regressive forces in Iran.

It is time for to us bring real economic sanctions starting with our own trade and stopping that $150 million of imports. Then turning to our allies and saying enough is enough. If you want to help us, bring the economic pressure. Then the people of Iran will recognize that they can not allow their leaders to proceed down this nuclear road. That it is bad for world stability and bad for their own economy.

And we are not asking for participation in an invasion. Just for strict economic sanctions. We can use our economic power to do it, or we can continue the feckless policy that marked our behavior before September 11.

This is a great resolution. We should pass it. It is only a resolution. It is time to bring real economic sanctions to bear. Otherwise, this resolution will pass. They will laugh at us in Tehran, and they will go forward with their nuclear program.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to compliment my colleague on a very fine statement.

Mr. LANTOS. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I wanted to thank the gentleman from California (Mr. SHERMAN). And to the gentleman from Indiana (Mr. BURTON), I salute your concern about Iraq's nuclear activities. I join you in stating that I do not want Iran to acquire nuclear weapons. However, I cannot support this resolution.

I believe that if Members read the text carefully, they may agree. This resolution includes an endorsement I believe of the doctrine of preventive war. Preventive war is attacking another country that does not pose an imminent threat but which some might argue could pose a threat. This is not a legitimate or legal reason for going to war. It ends up being an illegal war or war not in self-defense.

To be specific, the doctrine is, I believe, contained in part 2 of the resolution which reads, "Calls upon all state parties to the Treaty on Non-Proliferation of Nuclear Weapons, including the United States, to use all appropriate means to deter, dissuade, and prevent Iran from acquiring nuclear weapons." This clause contains two elements of preventive war. The first is a tacit endorsement of regime change, "all appropriate means to prevent Iran."

All appropriate means is nearly the same language used in Senate Joint Resolution 54, which the Congress passed in 1998. That resolution called upon the President to "take appropriate action to bring Iraq into compliance."

We did not know then that such language would be construed only 5 years later to mean that the Congress endorsed regime change in Iraq, but that is what the administration construed it to mean.

Second, I believe this clause envisions unilateral action by the United States. It "calls upon the United States to use all appropriate means." That means it is a policy of Congress that the United States, without necessarily receiving any support from the world community, and without the concurrence of the United Nations, could act unilaterally. This combination calling on all state parties to use all appropriate means to prevent Iran from acquiring nuclear weapons and calling upon the United States to use all appropriate means, this combination endorses the doctrine of preventive war.

This country was dragged into war with Iraq based on false statements to Congress. Iraq has proved to have been of little threat to the United States, but that did not stop the war's authors from going forward with the arguments that Iraq could one day be a threat.

In this historical context, I believe it is vitally important to call this to the attention of Congress so that Congress can avoid giving its endorsement of what could prove to be an unprovoked attack, unilateral regime change again.

So I oppose this resolution and I ask my colleagues to vote no.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me start off by saying you cannot take one section of the bill, and I have great respect for the gentleman from Ohio (Mr. KUCINICH). He and I have been colleagues and have worked together on a number of bills, and I have a very high regard for him. However, let us look at the whole bill and not just one or two phrases in it, because I think it clarifies the whole intent of the bill and I think it illuminates the concern I think that the gentleman has.

If we look on page 8 where the gentleman was just talking about, it says "calls upon all state parties to the Treaty on the Non-proliferation of Nuclear Weapons, NPT, including the United States, to use all appropriate means to deter, dissuade, and prevent Iran from acquiring nuclear weapons, including ending all nuclear and other cooperation with Iran, including the provision of dual use items, until Iran fully implements the Additional Protocol between Iran and the IAEA for the application of safeguards."

But then we go over to page 10. Understand section 9 there it says it "further calls upon the European Union to consider what further measures, including sanctions, may be necessary to persuade Iran to fulfill its obligations and commitments to the IAEA."

Then you go to page 11, section C, and it says, "calls on all countries to intercede with their commercial entities to ensure that these entities refrain from or cease all investment and investment-related activities that support Iran's energy industry."

Go down to line 15 and it says, "calls upon Russia to suspend nuclear cooperation with Iran."

The thing that I think will really allay some of the gentleman's concerns, on page 12, section 13, it says, "urges the IAEA Board of Governors at its earliest opportunity to report to the United Nations Security Council that Iran is in non-compliance with its agreements with the IAEA; urges the President of the United States to provide whatever financial, material, or intelligence resources are necessary to the IAEA to enable it to fully investigate Iran's nuclear activities; urges the United Nations Security Council, the Nuclear Suppliers Group, the Zangger Committee, and other relevant international entities to declare that non-nuclear weapons states under the Treaty on the Non-Proliferation of Nuclear Weapons, NPT, who commit violations of their safeguards agreements regarding uranium enrichment or plutonium reprocessing, or engage in activities which could support a military nuclear program, thereby forfeit their right under the NPT to engage in nuclear fuel-cycle activities."

It further states on page 13, and I hope this will allay some of his concerns, under section 16, "further urges the United Nations Security Council to consider measures necessary to support the inspection efforts by the IAEA and to prevent Iran from further engaging in clandestine nuclear activities; and urges the President to keep the Congress fully and currently informed concerning the matters addressed in this resolution."

I do not think there is anything in there, and the gentleman and I are good friends, that would give the President carte blanche to go ahead and invade Iran or start a war with them. Although, I think it is important that Iran feel a little uncertainty, although I do not think this bill does it, a little uncertainty about what might happen if they continue this program.

□ 1900

Mr. KUCINICH. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Speaker, I want to say that I think that the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. LANTOS) serve this country well and that there are probably no people stronger in defense of America than both of them. I have total confidence in that, and I just want to express my appreciation for being able to express my misgivings about the language of this bill, but I want to thank the gentlemen for the service that they are giving in expressing the importance of this.

Mr. BURTON of Indiana. Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Before closing, Mr. Speaker, I would like to respond to my friend from Ohio by saying that it is not the intention of this author of this resolution to view this resolution as one authorizing unilateral use of force against Iran.

With that, Mr. Speaker, I urge all of my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of our time.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Before I yield back the balance of my time, I just hope that the Iranian leaders realize that when they continue down this path, they ultimately not only endanger the entire Middle East and maybe areas beyond, and who knows maybe ultimately the United States, but they endanger their own security as well; and it would be far better for them to start thinking about complying with the U.N. resolutions and stopping their nuclear program before there are problems down the road.

This resolution, as my colleague, the gentleman from California (Mr. LANTOS), just said, does not give the President unilateral authority.

Mr. BLUNT. Mr. Speaker, the resolution we are considering today directly confronts what may become a clear and present threat to American security.

For 18 years, the government of Iran has hidden information on its nuclear program from international inspectors. Iran is a signatory to the Treaty on the Non-Proliferation of Nuclear Weapons, a regime which is effective only as long as its signatories are fully committed to full and complete disclosure of any nuclear program for any purpose. The international community has already given Iran the benefit of the doubt. With its rich natural resources, the country does not even need the atomic energy it claims to be producing for peaceful purposes. Why in the world would a country soaked in oil require a nuclear fuel cycle and the enriched uranium that goes along with it? Mr. Speaker, it does not take a detective to smell a rat on this one.

This is very serious business. There is no greater nightmare for this generation of Americans that the idea of a 9/11-style attack involving weapons of mass destruction. Ongoing research into Libya's weapons program, which appears to be a model for compliance and disarmament among all rogue states, demonstrates that the shadowy network of nuclear proliferation is even deeper and more frightening than we had previously suspected. Putting our trust in Iran's undemocratic, fundamentalist leadership to voluntarily safeguard this technology of terror is not an option.

With this resolution, we demand that Iran honor its stated commitments and obligations. The Iranian regime must grant the IAEA inspectors full unrestricted access and cooperate fully with the investigation of its nuclear activities. And our efforts to secure cooperation must be in concert with our European allies and other responsible members of the international community. As we learned on March 11th of this year, no one in the civilized world is safe from terrorism.

And we must be diligent, earnest, and serious in our message. This means that, in the short term, the IAEA must report that Iran is in noncompliance with its obligations under the Nonproliferation Treaty; the European Union and other allies in the war on terror must be active partners in sanctioning the Iranian regime economically; and the President should act to enforce the appropriate provisions of the Iran and Libya Sanctions Act of 1996.

Mr. Speaker, American troops have already deposed a regime whose cooperation on WMD disclosure was not sufficient. No one should doubt our resolve in keeping weapons of mass destruction out of the hands of terrorists. We cannot trust the ayatollabs in Tehran to responsibly handle technology that could be used against American civilians. If the Nonproliferation regime is broken, it must be fixed. Quickly.

I urge my colleagues to support this resolution.

Mr. HOYER. Mr. Speaker, while all of us rightly focused on the continuing effort to secure and stabilize Iraq, none of us can close our eyes to the ominous and growing danger posed by the government of Iran.

That is why I strongly support this important bipartisan resolution brought to the floor today by the chairman and ranking democrat on the Committee on International Relations (Mr. HYDE and Mr. LANTOS).

This resolution condemns in the strongest possible terms Iran's continuing deceptions and falsehoods to the International Atomic Energy Agency and the international community about its nuclear programs and activities.

For example, Iran failed to properly disclose the existence of a fuel enrichment plant and facility at Natanz, until both were revealed by an opposition group.

It confirmed that it had conducted research on uranium conversion processes, but only after it denied doing so.

According to a February report by the director general of the IAEA, Iran continues to engage in deception regarding its nuclear activities.

This resolution also calls on the United States, as well as all state parties to the treaty on Non-Proliferation of Nuclear Weapons, to use (and I quote) "All appropriate means to deter, dissuade, and prevent Iran from acquiring nuclear weapons."

The fact is, our national security demands that we do everything in our power to prevent Iran from developing and acquiring nuclear weapons.

The Iranian government is hostile to the interests of the United States. It is a state sponsor of terrorism.

It is a committed enemy of the state of Israel, our staunch ally and the lone democracy in this most volatile region.

It is vital that we speak with one voice on this issue of utmost gravity. I urge my colleagues to support this resolution.

Mr. BERMAN. Mr. Speaker, Iran has repeatedly denied that it is trying to develop nuclear weapons. But it is increasingly difficult to conceive of any other plausible explanation for its efforts to enrich uranium and develop other nuclear-related capabilities. And even harder to understand why else it would try so hard to conceal these activities from the international community. As reported by the International Atomic Energy Agency, Iran has failed time and time again to comply with its obligations under the Nuclear Nonproliferation Treaty. It has also failed to provide a full disclosure of all nuclear activities to the IAEA, and engaged in a pattern of lies and deception.

Since Iran's covert nuclear program was exposed to the world in February 2003, IAEA inspectors have found traces of highly enriched uranium, discovered that Iran had reprocessed a small amount of plutonium, and forced Iranian officials to reveal critical information about advanced centrifuge designs and components. These and other revelations about Iran's nuclear program are even more troubling in light of Iran's extensive ties to international terrorist organizations.

According to the just-released State Department report on Patterns of Global Terrorism, "Iran remained the most active state sponsor of terrorism in 2003." The report notes that some members of al-Qaeda "have found virtual safehaven" in Iran, while Iranian authorities continue to provide Hezbollah, Hamas, Palestinian Islamic Jihad and other radical terrorist organizations with "funding, safehaven, training, and weapons."

Iran also continues an aggressive program to develop ballistic missiles. According to the Congressional Research Service, Iran has hundreds of short-range missiles, and possibly 10–20 long-range Shahab–3 missiles, which may be capable of carrying a nuclear warhead.

Mr. Speaker, Iran has absolutely no need for a nuclear deterrent. Over the last two and a half years, we have taken care of Iran's only two enemies—the Taliban and Saddam Hussein.

Nor does Iran—with 7 percent of the world's proven oil reserves and the second largest natural gas reserves on the planet—have a demonstrated need for civilian nuclear power.

We must continue to make it clear—to our European allies, who have generally favored a more conciliatory approach to Iran—and to the unelected rulers in Tehran, who continue to lead the Iranian people down this perilous path—that we will not sit idly by and allow Iran to become a nuclear weapons state.

This resolution is an important part of that effort, and I urge its adoption.

Mr. BURTON of Indiana. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COLE). The question is on the motion offered by the gentleman from Indiana (Mr. BURTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 398.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members for Special Order speeches without prejudice to the possible resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ORDER OF BUSINESS

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PAYING TRIBUTE TO THE VALIANT EFFORTS OF COALITION SOLDIERS IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Mr. Speaker, the news media is quick to provide gratuitous coverage of anti-war protests in Europe and elsewhere. They are quick to provide a forum for critics of U.S. policy in Iraq and even quicker to highlight the problems, misfortunes, and missteps of our coalition forces in Iraq. What they rarely do, however, is to highlight the contributions and valor of our coalition soldiers.

Take, for example, the case of Salvadoran Corporal Samuel Toloza. According to a recent Associated Press story, "One of his friends was dead, 12 others lay wounded and the four soldiers still left standing were surrounded and out of ammunition. So Toloza said a prayer, whipped out his . . . knife and charged the Iraqi gunmen."

The story goes on, "In one of the only known instances of hand-to-hand combat in the Iraq conflict, Toloza stabbed several attackers who were swarming around a comrade. The stunned assailants backed away momentarily, just as a relief column came to their rescue."

According to the reports, Toloza and 16 other members were trapped by members of Muqtada al-Sadr's al-Mahdi militia. They initially did not fire their weapons for several hours, for fear of inflicting civilian casualties, despite the fact that insurgents were peppering the group with small arms fire and rocket-propelled grenades. Finally, after fighting back, the group, comprised of Salvadoran and American soldiers, ran out of ammunition. Faced with mounting casualties, they placed wounded soldiers on transports and tried to make their way back to the base. Unfortunately, they ran into a contingent of about 10 insurgents on the way. That is when Toloza, out of ammunition, rushed the insurgents with nothing but his knife, buying enough time for reinforcements to arrive.

"We never considered surrender," Toloza reportedly said, "I was trained to fight until the end."

Phil Kosnett, who heads the Coalition Provisional Authority in Najaf, also has nothing but praise for the nearly 400 Salvadoran troops fighting shoulder to shoulder with American troops in Iraq. In fact, he is so impressed with their valor and dedication to duty, he has nominated six of them for the Bronze Star, and for good reason. The AP story goes on to explain that Kosnett himself believes he owes his life to them. Salvadoran troops, the story continues, "repelled a well-executed insurgent attack on Kosnett's three-car convoy in March."

Mr. Speaker, let us pay tribute to the sacrifices and heroism of our soldiers, as well as those of our allies, like Corporal Toloza, for their efforts and contributions to protecting freedom and on their efforts in the war on terror.

CELEBRATING THE LIFE OF MARY McGRORY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. PELOSI) is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, it is with a great deal of sadness that I rise to pay tribute to Mary McGrory, who passed away 2 weeks ago at the age of 85. During her magnificent career with the Washington Star and The Washington Post, Mary informed and engaged her readers on every major event of the past half century.

Mary was a keen observer, an elegant writer and a tenacious journalist; and she was an inspiration to so many women. It was a joy to read her columns, and of course, we miss her terribly. That is why I am so pleased to join my colleagues here today, the gentlewoman from New York (Ms. SLAUGHTER), who was a very close personal friend of Mary McGrory, and our colleague, the gentleman from Massachusetts (Mr. MCGOVERN), who is in the Chamber now, as well as our colleague, the gentleman from Massachusetts (Mr. MARKEY), who had the honor of being pallbearers for Mary. What a tribute.

We loved Mary for her insights. No matter how many reporters covered an event, Mary always found the small detail that had large implications others may have overlooked.

She noted the manner in which Richard Nixon's staff reacted to his retirement press conference in 1962, the bearing of Secretary of Army Robert Stevens during the Army-McCarthy hearings, and so many other fine points. At times, it seemed that Mary grasped the significance of everything that she saw.

She saw nearly everything. We loved Mary for her diligence. She was one of the hardest-working people in Washington. Even into her eighties, she would come to Capitol Hill to see firsthand the events of the day.

She was always willing to have a cub reporter, even a senior editor, take her bags; but she would never ask someone else to take her notes.

She was legendary for looking after every detail, even writing out the instructions for her own funeral. She had directed her former Washington Star colleague, Phil Gailey, to talk about her beloved Star in the eulogy, and she told him: "Don't go blubbering on me the way you do when you read a dog story with a sad ending."

Mary's insight and her industry were matched only by her eloquence. We loved Mary for choosing every word with care.

Mary had a vocabulary that would send her editor reaching for his dictionary, and when she wrote about a retiring Congresswoman once that her "black eyes still snap with the old fire," she gave her readers in eight words a better understanding of the congresswoman than lesser writers did in eight paragraphs.

From the Army-McCarthy hearings that brought her to Washington's attention, to her Watergate coverage for which she won the Pulitzer Prize, to her chronicling of the Iraq War debate which proved to be her swan song, her writing enriched our national dialogue. Those of us who were inspired by President John F. Kennedy, as she was, took sad solace in her loving reporting on his assassination.

Here, in the Congress, we were so fortunate to have the opportunity to honor Mary McGrory in March and to see the outpouring of affection and gratitude for her career. We were joined by many Members of the House of Representatives, many members of the United States Senate, many of her colleagues from the press corps. We were her fans, and we were there for her.

God blessed America with Mary McGrory, a beautiful writer, a wonderful person. Her passing is a tremendous loss for us all.

She loved Boston. She loved being Irish, but she also loved Italy; and she had a bond always with the Italians. She visited Italy frequently.

She loved her garden. We all know how much she loved her garden. One could talk all day about Mary McGrory and never be able to capture her in the way she would capture her. Nonetheless, it was an honor and a privilege, and, indeed, a joy to be able to call her friend.

Again, I know that I speak for many in this Chamber who will say thank you, Mary, for what you have given us. Thank you for being a blessing to our country. We will miss you sadly. Thank you.

WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, I rise again this week as part of the Washington Waste Watchers, a Republican working group dedicated to rooting out the rampant waste, fraud and abuse that permeates every corner of the Federal bureaucracy.

I hope that soon the House of Representatives will be able to vote on a conference report for the fiscal year 2005 budget. Now, we have historically a large deficit in this Nation; and at this time, many of my Democrat colleagues suggest that it is time to yet again raise taxes on American families. Just last week, many voted against marriage penalty tax relief, the very same marriage penalty that would raise taxes on 30 million married couples by $369 next year.

Many Democrats keep demanding that we roll back the tax relief that is responsible for the unparalleled growth in our economy, the tax relief that is creating jobs; and the tax relief, if we look at the budget, amounts to 1 percent of the $28.3 trillion, trillion with a T, 10-year spending plan that we approved last year.

So if they are truly concerned about the budget deficit, perhaps they should focus on 99 percent of the challenge, and that is, the spending side of the equation, much of which, Mr. Speaker, unfortunately proves to be waste, fraud and abuse.

We must all realize that the deficit is the symptom. It is spending that is the disease. It is only the fourth time in the history of our Nation the Federal Government is now spending over $20,000 per household. This figure is up from just 5 years ago of $16,000 per household, representing the largest increase in the Federal Government in 50 years.

We have a spending problem in Washington, not a taxing problem; and I, for one, say it is not time to raise taxes on the American family as many Democrats seek to do, but it is time to get serious about rooting out the waste, the fraud, the abuse.

□ 1915

In other words, it is time to take out the trash in Washington. Let me give a few examples of waste in just one government agency. The Interior Department's Inspector General revealed that the Department now manages approximately 31,000 separate Web sites, presenting between 3 and 5 million pages of information with maintenance costs approaching $220 million a year. Now, AOL-Time Warner, who I believe is the largest Internet service provider in the world, manages in contrast about 50 sites, but the Interior Department manages 31,000 different Web sites. In an agency that employs 70,000, that means the Department of Interior has almost one Web site for every two employees.

Yet Democrats want to raise our taxes that would pay for more of this?

The Inspector General also reported at the Interior Department that we awarded $44 million in Federal contracts to the CEO of a tribal Indian corporation who stole and laundered a half million dollars in Federal funds.

The Guam Waterworks Authority, which receives Federal grants, incurred outrageous overtime costs of $8.6 million over a 3-year period, failed to collect delinquent accounts totaling $12.6 million, and failed to charge customers for a half million cost of water line extensions, all of this while using money from the Federal taxpayer. Yet Democrats want to raise taxes that will pay for more of this?

In another example, the National Park Service spent $800,000 on an outhouse, and it does not even work. The only thing it flushes is more of the

American worker's hard-earned money down the drain. The list goes on and on and on.

Mr. Speaker, these are just a few examples of waste in just one Federal agency. The problem is we have over 10,000 Federal programs spread across 600 different agencies with little accountability to anyone. Republicans are trying to work to root out this waste of the American tax dollars. This should be a bipartisan issue, but many of our Democrat colleagues continue to fight us.

Last year our Committee on the Budget passed out a budget asking for authorizing committees to identify just 1 percent waste, fraud and abuse; just 1 percent. Yet Democrat leaders ridiculed the effort. One termed it a senseless and irresponsible exercise.

Mr. Speaker, I believe most Americans would disagree with that statement. In fact, I believe most would say saving taxpayer money and rooting out waste is common sense and the responsible thing to do with their money. The truth is there are many ways we can save money in Washington without cutting any needed services and without raising taxes on our hard-working American families because when it comes to Federal programs, it is not how much money that Washington spends that counts, it is how Washington spends the money.

CONGRESSIONAL OBLIGATION TO SEEK ANSWERS

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, today in Iraq, 138,000 American troops are putting their lives on the line. Despite the President's "Mission Accomplished" declaration, more of our brave service men and women died last month since any month since the war in Iraq. Deputy Defense Secretary Paul Wolfowitz does not know how much the war costs, or that 764 Americans have died, but that is typical of an administration that refuses to admit its mistakes or explain its policies.

The images of tortured prisoners, broadcast throughout the world, have done irreparable damage to our mission and credibility in the Middle East. Still the majority of the House and the chairman of the Committee on Armed Services said congressional hearings are unnecessary.

Let me quote President Kennedy. "An error does not become a mistake until you refuse to correct it. Without debate, without criticism, no administration and no country can succeed, and no republic can survive."

President Kennedy possessed the kind of leadership that allowed him to acknowledge mistakes and accept responsibility. But now there is a different standard, and today America received this response from House majority leader, the gentleman from Texas (Mr. DELAY), commenting on the possibility of a congressional investigation into the scandal of Iraq and the torture of its prisoners, "A full-fledged investigation, that is like saying we need hearings on every case of police brutality. I do not think they are warranted."

This Congress has an obligation to our constituents, to our country, to ask the how and the why about Iraq and seek answers. While refusing to hold hearings on Iraq, here is a list of what Congress has passed since the Easter break: Named, the John J. Pershing Post Office; named, the Wilkie D. Ferguson Courthouse; named, the Dosan Ahn Chang Ho Post Office; named, the Rhode Island Veterans Post Office; named, the Richard G. Wilson Postal Facility; named, the Paul Simon Federal Building; named, the James V. Hansen Federal Building; named, the Ronald Reagan Federal Building; commended the Garden Club of America; urged the release of Wang Bingzhang; recognized the importance of music education; congratulated the University of Connecticut basketball teams; congratulated the University of Denver men's hockey team; congratulated Kennesaw State University men's basketball team; authorized the use of Capitol grounds for the Soapbox Derby; authorized the use of Capitol grounds for the Police Officers' Memorial; honored Melvin Jones and Lions Clubs; supported the goals of Financial Literacy Month; supported the Green Chemistry Research and Development Act; authorized the Congressional Medal for Math and Science Education; supported Taiwan's entry into WHO; promoted freedom and democracy in Laos; recognized the importance of increasing autism awareness; increased Capital Access for Growing Business Act; and congratulated charter schools, to name a few.

As worthy as this legislation may be and while we passed all of this unanimously, here is what our brave men and women we all love to acknowledge and respect, here is what their headlines said: Insurgents kill 12 Marines in Sunni Triangle; al Qaeda claims responsibility for attacks in Iraq; As multifront uprising continues, U.S. loses control of Najaf, Kufa to Shiite Militia; Marines were Ambushed in Ramadi; Three more Marines killed in Iraq; Two U.S. troops killed; Sanchez declares current troop strength adequate as casualties mount; Fate of American hostage in Iraq still unknown; Apache helicopter reported down; Nine Americans missing; Thirty-four foreign civilian kidnapped in Iraq; Five soldiers killed; April worst month for U.S. casualties; Pentagon extends tour of 20,000 troops in Iraq; Violence delays reconstruction projects; Ten U.S. soldiers killed across Iraq; U.S. troops in Iraq say Pentagon is failing to keep them equipped; Coast Guard seen as underfunded; General says Humvees are not up to the job in Iraq; Baghdad sniper kills American soldier; Ten U.S. troops killed on Thursday; Treasury agency has more employees tracking Castro than bin Laden; Eleven U.S. soldiers killed in four separate attacks by insurgents.

That is what our troops face and that is what Congress has done. We have an obligation to ask questions about Iraq and seek the answers. The Nation's standing in the world and people's lives are at stake. We have spent $112 billion to date on the war and reconstruction of Iraq. We owe it to our constituents to ask questions and seek the answers that they are asking and seeking.

And the breaking news this afternoon, the Bush administration is asking for an additional $25 billion without taking responsibility for what has happened to date.

As President Kennedy once said, to govern is to choose. While Congress has named its Post Offices and used the facilities for the Soapbox Derby here on the Hill, Americans at home have faced these headlines: Dow Chemical plans to cuts 3,000 jobs; Winn-Dixie plans to cut 10,000 jobs.

We can handle the Post Office naming and hold hearings into the whys and the hows of Iraq. We owe it to the people we represent. We are here to ask those questions and seek those answers.

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to claim the time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

SMART SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I would like to say regarding the death of Mary McGrory that I just met here a year or so ago. She sized me up and said, you look good, but let us see what you are made of. Well, tonight let us go.

Mr. Speaker, last week the House voted unanimously to allow military reservists and National Guardsmen to make penalty-free withdrawals from their retirement accounts when they are called up for an extended period of active duty. Penalty-free withdrawals from their very own retirement accounts.

This bill seeks to help the one-third of Reservists who took a pay cut when called to duty in Iraq. Every Member of

Congress supported this legislation because everyone supports the brave men and women who selflessly sacrifice their time, their energy, and increasingly their lives on behalf of this country. But we should not be proud of ourselves for unanimously passing this legislation. Instead of patting ourselves on the back for allowing our Reservists to raid their retirement accounts penalty free. We should be doing much more for those who defend this country during times of war.

Last November this Congress passed outrageous legislation to fund the war effort to the tune of $87 billion. That is on top of the $78 billion in supplemental funds that was appropriated in March 2003, yet reports show billions of those dollars are being misused, misappropriated and some even stolen in Iraq. On top of that, the Pentagon today is asking for $25 billion more in a 2005 supplemental package.

There is something drastically wrong when big companies like Halliburton and Bechtel get rich off the war effort, while the only riches paid to the Reservists who left their jobs to serve in the United States military are those that they raid from their own piggy banks.

There has to be a better way, and there is. One that emphasizes brains instead of brawn, one that is consistent with American values.

I have introduced legislation to create a SMART Security platform for the 21st century. SMART stands for Sensible, Multilateral American Response to Terrorism. It treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships. It controls the spread of weapons of mass destruction with a renewed commitment to nonproliferation, and it aggressively invests in the development of impoverished Nations with an emphasis on women's health and women's education.

We need to shift our budget priorities to reflect the true needs of the American people. We must properly support the thousands of soldiers who sacrifice daily to serve and protect our Nation. SMART Security means equipping our troops with the tools essential to their survival, body armor capable of stopping bullets, armor for tanks that will help prevention the destruction of U.S. military conveys, and the necessary water equipment to keep the troops hydrated in the desert heat.

None of these things were funded fully, even after Congress approved $155 billion in supplemental spending last year.

SMART security means creating a permanent post-conflict unit that provides the first layer of reconstruction in countries that have been devastated by war and/or by oppressive dictators like Iraq and Afghanistan. And SMART would mean funding all Army peacekeeping units devoted to studying and preparing for future peacekeeping missions.

The Bush doctrine has been tried, and it has failed. It is time for a new national security strategy. SMART Security defends America by relying on the very best of America. Our commitment to peace, our commitment to freedom, our compassion for the people of the world, and our capacity for multilateral leadership. SMART Security is tough, SMART Security is pragmatic, SMART Security is patriotic. SMART Security is smart, and it will keep America safe.

EXCHANGE OF SPECIAL ORDER TIME

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Oregon (Mr. DEFAZIO).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

CYBERSTALKING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, America now knows the name of a woman who lives in my congressional district in Seattle. But she did not seek fame and would prefer anonymity.

Her name is Joelle Ligon. I rise to speak about her plight, her courage and the need for this Congress to act. Joelle deserves to live her life without fear, as everybody deserves. Unfortunately, Joelle's life was turned into a nightmare because of cyberstalking.

□ 1930

Today she is both a victim and an advocate, and she was invited to share her story the other day on "Good Morning America." It was not easy for Joelle, but she knew it was important to warn America about the dangers lurking online. Joelle was 15 when she met and dated an 18-year-old young man in high school. Nothing unusual about that. Eventually Joelle severed the relationship and moved on with her life. She married and began a career. A few years later, Joelle received an e-mail one day. It was supposedly sent from a woman she did not know, but whoever sent it knew her. Then a second e-mail came with more personal details that no stranger could possibly know. Joelle began to suspect that the woman was really a man. By the third e-mail, Joelle was sure the e-mails were coming from her former high school boyfriend. She wrote back, naming him, and telling him to stop. Things went from bad to bizarre. The e-mails got much worse. They began to include pornography and threats like this: "Not only is it bad karma to have enemies, I'm a bad enemy to have."

Joelle was terrified. Then came phone calls in the middle of the night. Her phone number had been posted online by someone urging men to call her for sex. Joelle went to the local police, but they concluded there was nothing they could do because no law had been broken. Joelle and her husband moved to Seattle, but within months the nightmare came back. Joelle started receiving calls at work from men who had seen her number posted online in sex chat rooms. She again went to the local police and to the FBI, but nothing was done. Finally, her coworkers and supervisors received an e-mail that accused her of falsifying her employment credentials and of sexual misconduct. The city of Seattle's computer security officer, Kirk Bailey, became the white knight. He got people involved, but progress was painfully slow because no laws specifically address cyberstalking. Eventually an assistant U.S. Attorney got involved, but finding a law to deal with a 21st century crime has been tough.

A break in the case came when the ex used her phone number in a chat room. Authorities acted, using title 47 of the Telecommunications Act for the first time in a case like this. The ex-boyfriend has been charged, but it has taken years and a courageous woman willing to see it through.

And it is not over yet. Joelle and millions of other Americans need our help. By some estimates, one out of every 12 women in America is stalked online. The problem extends to men as well. Some States, including Washington, have acted to toughen the laws, but it is time to recognize that cyberstalking is a national problem. We are using a 20th century law to fight 21st century crime. That has to change. Cyberspace has no State borders. Cyberpredators can reach across State lines to terrorize their victims wherever they live and work. Americans like Joelle need the protection that only the Federal Government can provide. We need to modernize our laws to make sure they protect Joelle and every American.

Cyberspace has opened doors we are just beginning to understand. This one, we already know. Everyone has the right to feel safe and be safe. Anything less is wrong and should be illegal with severe penalties. The first step is awareness. I am preparing a letter to circulate to my colleagues that will include newspaper accounts from Seattle about Joelle. We are going to work with the appropriate Members and committees in the House as soon as possible to tackle cyberstalking head-on. We will do what we need to do to clarify and strengthen our laws.

I urge both Republicans and Democrats to join me in protecting Joelle, to join me in protecting every American. Let the predators know that they are the only ones who should not feel safe today.

Joelle, you are not alone. Help is coming.

RECOGNITION OF UPCOMING ELECTIONS IN BELARUS

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, the world has seen some tremendous advancements in the last couple of months. We have had NATO enlarge with 10 new members. Just Friday we saw the EU expand also, now including 25 European nations. We do have a Europe united, whole and free. An exciting new thing about the new entrants to NATO and the new members of the European Union is that they are involved and they are engaged and they are dedicated to promoting freedom and democracy and liberty around the world, not just in our conflict with international terrorism; and many of the new entrants are part of the coalition of the willing, but also in neighboring states, being involved in helping promote the formation of democratic ideas, the formation of the rule of law, judicial courts. It is these new former Eastern Bloc countries, new entrants to the EU, new entrants to NATO that are engaged in transforming Europe to be united, whole, free and at peace.

However, Mr. Speaker, there is a glaring exception in Europe and that exception is the nation of Belarus of which I speak just for a few moments tonight. Belarus is the last dictatorship in Europe. As we follow and as I follow and the Nation follows the upcoming elections, I want the people of Belarus to know that the United States will be watching these upcoming elections and that they have a partner that wants to ensure democracy wins.

However, current events threaten those elections. Current events continue to plague the people of Belarus and those who want democratic reform and freedom. On May 3, Anatoly Lebedko, chairman of the United Civic Party, was questioned at Minsk's Sovetsky District Police Department over his alleged participation in the unsanctioned April 26 Charnobylski Shlyakh (Path of Chernobyl) march in Minsk. The police alleged that Lebedko was an "offender" for participating in the march and continued their interrogation until it was proven with their own video of the event that Lebedko had not even been there.

Despite that, Lebedko remains a target of the police and their harassment. Could it be that Lebedko has emerged as a threat to the current regime by advocating freedom and democracy? The important thing for the current regime in Belarus to understand is that Washington and the world are watching. The exciting thing about the upcoming election is that many of the parties that have for years been adversaries have been united, and they are united in forming a ticket from the UCP to the trade unionists. In fact, they call themselves the Group of Five, five diverse parties from the far left to the far right, united to have a strong presence on the ballot to give the people real choice, one choice that represents freedom and democracy versus an authoritarian totalitarian regime that we now find in Belarus.

I ask my colleagues here in this House to continue to keep the people of Belarus in their prayers as we hope and pray that they are the next European country that moves to full, free, and unhindered democratic government and principles and joins the world of nations and the EU as strong participants in the battle for freedom.

ORDER OF BUSINESS

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent to take my Special Order out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

IN MEMORY OF MARY McGRORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. McGOVERN) is recognized for 5 minutes.

Mr. McGOVERN. Mr. Speaker, first of all I want to thank the gentlewoman from New York (Ms. SLAUGHTER) for urging many of us to come to the floor today to say a few words about Mary McGrory, who passed away 2 weeks ago.

Mr. Speaker, like countless people in this country and around the world, I loved Mary McGrory. She was an absolutely beautiful writer, and she was an absolutely beautiful person. To me, she was a treasured and dear friend. Mary's columns, which first appeared in the Washington Star and then in The Washington Post, were always well written and always right to the point. She took on such subjects as Joe McCarthy, the war in Vietnam, Richard Nixon, and U.S. policy in Central America. And while she was an unabashed liberal and proud of it, many of her admirers included some of the most conservative politicians in America, in large part because they admired her integrity and her character. She called it as she saw it.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. McGOVERN. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, I would like to join and commend him and commend our Rules Committee colleague, the gentlewoman from New York, for focusing on the life of Mary McGrory. I think that the gentleman may have been referring to me with what he just said because I am a proud Republican who often, in fact I rarely agreed with Mary McGrory. But the fact of the matter is she was an incredible writer, an extraordinary human being, and very talented. I had many vigorous exchanges with her on a wide range of issues. Believe it or not, we did on more than a couple of occasions come down on the same side on an issue. She was thoughtful, she was dedicated, and she was very capable.

I just want to thank my friend and join as one of those Republicans who did have a great admiration for this great woman. I thank the gentleman for yielding and again thank the gentlewoman from New York.

Mr. McGOVERN. I appreciate the gentleman's words.

Mr. Speaker, I would also remind those who are watching that her words that appeared in the Washington Star after the assassination of President Kennedy are still remembered and are still quoted today and are incredibly moving. She was also a rarity in that when she felt she was wrong, she said so. I remember that she was less than thrilled when President Bill Clinton gave Gerry Adams a visa to come to the United States to engage in talks about peace in Northern Ireland. It was a big deal to many of us who thought President Clinton was right because when you think of Irish, you think of Mary McGrory, and it was important to have her on your side. But later on Mary demonstrated the courage and the moral compass to publicly observe that her original words of skepticism might have been wrong. I admired that so much that she was willing to write in her column that she had a change of heart.

Over the years, Mr. Speaker, I had the privilege of being invited to many of Mary's famous dinner parties. These remarkable events were attended by who's who in Washington. There were politicians, journalists, administration officials. Oftentimes the Ambassadors of Ireland, Italy, and India were present. There were young people and some not-so-young people, and there were lots of people whom Mary just found interesting, friends of hers over the years. The conversations were always lively and off the record. I learned a lot about Washington and the world just by sitting back and listening.

These dinner parties, however, were about more than just politics and good conversation. They were parties that were also about entertainment and about fun. Mary liked to have people sing for their supper. Mark Gearan, a long-time aide to President Bill Clinton, former director of the Peace Corps and now president of Hobart and William Smith Colleges in Geneva, New York, was regularly enlisted to play the piano. Phil Gailey, a former coworker of Mary's at her beloved Washington Star and now with the St. Petersburg Times, would play some sort of harp instrument that to this day I still cannot identify.

Some of Mary's guests, like LOUISE SLAUGHTER and TOM DASCHLE and John Podesta and DICK GEPHARDT and ED MARKEY and Max Cleland and Mary Gearan and NANCY PELOSI, the late Tip O'Neill and my former boss, the late Joe Moakley, were often called upon to sing from Mary's song book. Some of her favorites included "Amazing Grace" and "The Battle Hymn of the Republic" and "When Irish Eyes Are Smiling." Other people were asked to tell jokes or recite poetry. And then there were people like me with absolutely no talent who would hide in the back of the room, I was always afraid she would call on me, and watch this amazing show unfold.

Mary also did a great deal for this community. She was a huge supporter of St. Ann's Infant and Maternity Home in Hyattsville, Maryland. She volunteered there. She read to a lot of young kids, many of them who had no families. She gave them love, and she gave them hope. She used to take them to Hickory Hill, to Ethyl Kennedy's house, for swimming on a regular basis. A lot of the young kids could not pronounce her name, so they used to call her Mary Gloria instead of Mary McGrory. In fact they named a room after her called the Mary Gloria Room.

Mr. Speaker, let me just conclude with one final personal thought. When Mary died, she left instructions about how her funeral would be conducted. Her assistant Tina called me and said that Mary wanted me to be a pallbearer. I was so touched, and I thought it was such a great honor. It was to me an honor like getting an honorary degree from an Ivy League college or university because I admired this woman so much. She stood for all the right things, and she was a great woman of integrity and character.

Mr. Speaker, all of us who are gathered here today and I think all the people who are watching all throughout this country will miss Mary McGrory. I already do.

ORDER OF BUSINESS

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent to take my Special Order out of turn.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

□ 1945

CELEBRATING THE LIFE OF MARY McGRORY

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentlewoman from New York (Ms. SLAUGHTER) is recognized for 5 minutes.

Ms. SLAUGHTER. Mr. Speaker, I rise today to celebrate the life of a consummate patriot Mary McGrory, who passed away 2 weeks ago, and we may never see her like again. Mary was a loyal friend, a generous humanitarian, and most of all, a brilliant writer. Her lyrical commentary illustrated a command of the English language that was unparalleled. She used her talents to craft tough commentary, softened only by her steadfast compassion. Her allegiance to the defeat of injustice and the exposure of political phonies made her a champion to the underprivileged, a thorn in the side of policy makers, an icon to many, and a hero to me.

I met Mary McGrory shortly after coming to Washington when I was first elected in 1986. And as part of my campaign, I had run against the Contras. I thought everybody was. But Mary singled me out as being somewhat unusual, and she interviewed me for an article shortly after I got here that she was writing about the Iran Contra hearings, and we became very fast friends. I certainly never expected that wonderful national icon Mary McGrory to seek me out, but I had always loved her articles and I was awestruck by the fact that we were friends.

The passion with which she approached her life was remarkable. Nothing she did was done halfheartedly or without absolute conviction. As a result, her achievements as a journalist were preordained.

Mary's story serves as an inspiration to women working to achieve their dreams. When she entered the field of journalism, men dominated it. Journalism was not an easy profession for a woman to break into. Her first assignment in Washington was "gender appropriate" for the time, writing the book reviews for the Washington Star. But then she covered the Army-McCarthy hearings in 1954. Mary McGrory was the first person in the country to announce and denounce Joe McCarthy as a bully. She then earned a national reputation as a serious and credible journalist of the first magnitude.

She grabbed the heart of the Nation with her coverage of President Kennedy's assassination. Her poetic tribute to his life and gentile commentary of his funeral comforted a grieving Nation.

The national spotlight shined on Mary again in 1974 when she was awarded the Pulitzer Prize for commentary for her coverage of the Watergate scandal. She was most proud that her coverage landed her a spot on President Nixon's notorious "enemies list." That recognition served not as a warning to tame her merciless analysis but as a validation for her relentless work ethic.

When the Washington Star closed its doors in 1981, Mary was devastated. I am convinced, I believe, that she had lost her own true love. Although she would continue to write for the Washington Post, whom she also loved, her first allegiance was to the Star.

My colleague has already talked about the wonderful work that she did with the orphans and the children needing help in this city for more than 5 decades, but I can never forget Mary McGrory the entertainer. I was a proud member of the Lower Macomb Street Choral Society for which we had to audition. Whether one was a diplomat, a media member, or anybody, they had to audition for that group in the comfort of her living room. Her infamous lasagnas fed our stomachs and her favorite Irish songs fed our hearts. It was a coveted invitation to go to McComb Street, and then for the last 10 years, Mary and I have had dinner together here in the Capitol just before the State of the Union address, and the next one for me will be extremely lonely.

I last spoke with her on the day that the gentlewoman from California (Ms. PELOSI) rescued the portrait of Mary Theresa Norton from one of the Capitol closets. She had been the Chair of the Committee on Labor and was responsible for child labor laws and the fair labor standards, and we knew nothing about her. We were happy that day to find an article that Mary had written about Congresswoman Norton where she quoted the gentleman from Michigan's (Mr. DINGELL) father as saying that Mary Theresa Norton could do anything that any man could do and do it better and do it faster, and it was a great honor to pay to her.

I would like to end with one of Mary's favorite songs that we sang together with Phil Gailey sometimes at 2 and 3 in the morning, and they sang this at her funeral, and I know the gentleman from Georgia (Mr. LEWIS), who is here in the audience, will know this.

I'll meet you in the morning
With a how do you do
And will sit down the river
And with rapture old acquaintance renew.

You'll know me in the morning
By the smile that I wear
When I meet you in the morning
In the city Four Square.

I will meet you there, Mary.

ORDER OF BUSINESS

Mr. BLUMENAUER. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

ABU GHRAIB PRISON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, as an American, I am ashamed and disgusted by the horrendous unspeakable acts at Abu Ghraib prison caught in pictures and displayed around the world. The impact of these images is devastating precisely in the part of the world where we are already struggling to counter the widespread impression that we do not respect the Arab world and Islamic traditions.

There is no excuse for these pictures and the acts shown. There is no excuse for a Secretary of Defense to be out of the loop and then deliver an apology that sounds like a lecture. I have listened repeatedly to Secretary of Defense Donald Rumsfeld dismissively brush aside penetrating questions from Members of Congress about both his policies and their execution.

We have seen Rumsfeld and his civilian managers at the Pentagon fail to appreciate and understand concerns from their uniformed command structure. They have dismissed the truth tellers like General Eric Shinseki who gave an honest and accurate assessment of troop requirements. They have removed people within the administration like White House National Economic Council Director Larry Lindsey who was candid about the cost of this war.

At one time I thought Rumsfeld's refusal to put a price on the projected cost on the mission he was leading was because he was trying to hide it.

While it is true there has been no excess of candor from this crew, it is becoming more and more clear that another reason that Rumsfeld and his team have not been forthcoming is that they probably really do not know. They have not a clue and repeatedly do not appear to care that they do not know.

The most recent example from the guy who is always trying to look like he is in charge but not knowing what is going on is the report of the abuse of Iraqi prisoners which has forced the President into a series of embarrassing efforts to apologize. A war that has begun with the exaggerated threats of weapons of mass destruction has morphed into a war that is based upon, well, I frankly do not begin to understand the latest justification. It took reporters like Seymour Hersh of the New Yorker to force other reporters to know what they knew and only when the truth behind the administration's contradictions and misinformation is exposed does the administration acknowledge that there may be a problem. And now months after a report that highlighted these problems, there is a grudging acknowledgment and apparently some steps are being taken to correct it after widespread damage to our credibility, damage to our already low-standing in the Arab world, and giving a green light to people who take our troops and other American citizens hostage as we have lost moral authority to effectively protest abuse of our people.

The administration does not know what is going on and clearly they are unsure about what to do. They are spending huge sums of money on private contractors that is not just eating up far more than it would take to equip U.S. troops properly but blurs lines of responsibility. They do not know whom to hold accountable, and if they did, it is unclear what they can do to these independent contractors other than canceling a contract.

I think it is clear four things need to happen. First, we should open our Iraqi prisons to independent third-party monitoring by the United Nations and International Red Cross. There is a reason why we should honor constitutional protections and commit to international standards of law and prisoner treatment. We should stop delegating to unaccountable private contractors functions that should be under the direct control and supervision of United States military uniformed command. We need to get a new Secretary of Defense, somebody who really is on top of the situation and who does read reports, who is not dismissive of our allies, of Congress, and of his own uniformed command.

Most important, for those of us who are in Congress, we should be finding out ourselves about these issues, not relying on the New Yorker and CNN.

There was a time when congressional panels, oversight committees were exercising oversight. We can grumble about the administration, but failure to do our job is only our fault.

PRISONERS IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, we are all shocked, saddened, and outraged by recent reports of the abuse of prisoners in Iraq and Afghanistan. The evidence cannot be in dispute. Graphic photos have gone from one end of the earth to the other that show stripped young Iraqi men forced to lie in a naked pile with a male and female soldier standing over them and hamming for the camera. Whether we like it or not, the picture of a hooded, wired prisoner, which one commentator described as an eerie throwback to drawings from the Spanish Inquisition, has become the new image of the U.S. occupation of Iraq.

And this hooded image may be one of the kinder and gentler images to have yet seen the light of day. A highly critical report completed by the Pentagon in March paints a much more graphic and disturbing picture of prisoner abuse. The report outlines a number of intentional abuses, and I will quote partly from it: "videotaping and photographing naked male and female detainees; forcibly arranging detainees in various sexually explicit positions for photographing," and "a male MP guard having sex with a female detainee; sodomizing a detainee with a chemical light and perhaps a broomstick; and threatening male detainees with rape."

Yes, we are all sickened and outraged by the photos and the reports. The President, his cabinet, military leaders, and the Secretary of Defense have all lined up to say that this is not what America is about; it is just the unfortunate handiwork of a few bad apples, and they will be held accountable for their actions. Perhaps. But as Philip Kennicott writes in today's Washington Post: "These photos show us what we may become as occupation continues, anger and resentment grows and costs spiral. There's nothing surprising in this. These pictures are pictures of colonial behavior, the demeaning of occupied people, the insult to local tradition, the humiliation of the vanquished."

Should it be surprising, however, that these events have occurred under the watchful eye of an administration that prizes secrecy and loyalty above all else?

Mr. Speaker, the prisoner abuse scandal demonstrates that the United States is on the precipice of a major foreign policy disaster. Our standing in the world has been lowered to the point that the United States has been isolated in the court of world opinion. President Mubarak has stated unequivocally that the United States is the most hated Nation in the Middle East. Ouch, that hurts. And sadly, even in other parts of the world, we are no longer viewed as peacemakers but instead as the principal threat to world peace.

To date, the war has cost the taxpayers over $150 billion. Now we are being told that the war will cost more and that 135,000 U.S. troops will remain in Iraq through 2005. Billions of dollars have been spent to enrich private corporations such as Halliburton and Bechtel. Private contractors are running around even interrogating prisoners with what appears to be less than optimal supervision. Congress has failed thus far to exercise its proper oversight of the war. What additional scandals and outrages are lurking just around the corner?

Mr. Speaker, now is the time to change course in Iraq. The principal architects of the war in Iraq, Secretary

Rumsfeld and Deputy Secretary Wolfowitz, have presided over a failed policy. It is past due time for them to leave their posts and submit their resignations. The security, safety, and prestige of our Nation is at stake, and we will not win the hearts and the minds of Iraqis, the Arabs, and the rest of the world with blood in the sand.

□ 2000

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. WATSON. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I simply would like to say that while I disagree with the final conclusion that the gentlewoman has just drawn, the outrage that she began stating in her comments is outrage with which we totally agree; and we have been working over the last couple of days since this news came out to bring forward what we hope will be a bipartisan resolution from this House tomorrow. We are going to be meeting, it appears now, possibly early in the morning in the Committee on Rules to report out a resolution which will state our strong condemnation of the actions that we have seen taking place in the treatment of these Iraqi prisoners.

Mr. Speaker, I thank my friend for yielding me time so I could clarify this.

CELEBRATING NATIONAL ALLERGY AND ASTHMA AWARENESS MONTH AND ALLERGY AND ASTHMA AWARENESS DAY

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-McDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, this month we are celebrating National Allergy and Asthma Awareness Month. Yesterday was Allergy and Asthma Awareness Day.

Last night, while attending the Allergy and Asthma Network Mothers of Asthmatics Awards Recognition Dinner, I had the pleasure of meeting two dynamic young people who suffer from asthma and yet are doing amazing things to raise awareness about this respiratory disorder.

Evan Mungan of Arnold, Maryland, and Rachel Lambin of Gardenerville, Nevada, were the recipients of the AANMA Creative Kids Sunny Awards, which highlights drawings, paintings and writings by children who share their feelings about asthma.

Mr. Speaker, Evan won an award for his drawing entitled "Good Day/Bad Day," which is here on the floor, which illustrates the difference between a healthy lung and a lung with asthma.

Rachel wrote this original composition, "When I Can Breathe," which is here on the floor, which expresses her feelings when the weight of asthma has taken its toll on families.

Asthma is the most common chronic disease of childhood; and, unfortunately, the number of children and young people with asthma is increasing. About 17 million U.S. citizens have asthma; 5 million of these are children under the age of 18. About one in 13 school-age children has asthma. Health care costs related to asthma are estimated at $14 billion annually.

Both Rachel and Evan joined me on the floor today, Mr. Speaker, and they had the opportunity to be on the floor with their siblings, John Henry and Anabel, to take part in meeting Members and shaking their hands. They really did enjoy that.

But, Mr. Speaker, the faces of asthma sufferers are the faces of all of our children, and I believe we have a duty to help them. Earlier this Congress, I introduced the Asthma Awareness and Treatment Act of 2003. This legislation allows the HHS Secretary to award contracts for a national media campaign to inform the public and health care providers on asthma, allergies and related respiratory problems, especially in children, and provides research into whether there is a causal relationship between air pollutants and the occurrence of asthma, allergy and related respiratory problems.

I am also proud to cosponsor H.R. 2023, the Asthmatic Schoolchildren's Treatment and Health Management Act of 2003. This legislation would give funding preference to those States that protect students' rights to carry and use prescribed life-saving asthma and other medications.

I would like to thank the AANMA for all of their hard work in making this 7th Annual Asthma Awareness Day on Capitol Hill such a resounding success. I joined with my colleague, the gentleman from Texas (Mr. BARTON), to cochair this year's day on Capitol Hill.

TIME TO GET OUT OF IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, I rise today with a heavy heart, but my conscience is clear. I am so sick and tired of seeing so many of our young men and our young women die in Iraq.

Why has our Commander in Chief led them to their deaths in this unnecessary war? What will we tell the parents who will never see their children again? What will we tell the children longing in vain for their mothers and fathers to come home? Why did they die? Why?

After the atrocities we have committed against the Iraq prisoners of war, after the physical and psychological damage we have inflicted on the people of that nation, we can no longer truthfully say we are leading Iraq to freedom. Before the war, we were told that we would be welcomed as liberators.

Mr. Speaker, I say to you today, we must take a good hard look at our leadership in America. I say to you today, we must hold them accountable for mistake after mistake we have committed in this war. We must hold them accountable for the deaths of our young people, and we must hold them accountable for the unjust torture of our prisoners of war.

Mr. Speaker, it is not a question of who committed these unbelievable acts of torture. It is not a question of who, but what. What led to this flagrant disregard for the humanity of our fellow human beings?

Those at the highest level of this government, the President, the Vice President and the Secretary of Defense, they have all created the climate and the environment that led to these abuses. They have disregarded the sovereignty of another nation. Now our soldiers have disregarded the humanity of the citizens of Iraq.

Violence begets violence, Mr. Speaker. A military overthrow of another government does not lead to a peaceful democracy.

American soldiers smiling as they humiliate citizens of Iraq. There must be a sense of righteous indignation in America about what happened in those prison cells, and there must be a sense of righteous indignation in this Congress against these unspeakable acts.

Mr. Speaker, I have said it in the past, and I will say it again today: war is messy. It is bloody. It tends to not just hide the truth, but to sacrifice the truth.

Why did it take so long for this information to come out? Why did the officials at the highest level of government try to hide these crimes against humanity? Why did they try to cover them up?

Mr. Speaker, we have made mistakes, yes; but it is not enough to issue an apology. It is not enough to say we are sorry. We should issue an apology, but we should say we are sorry also.

But, Mr. Speaker, the handwriting is on the wall. It is time for us to get out. It is time for us to bring our young men and our young women home. It is time for us to close this very dark and sordid chapter in the history of our great Nation.

CONDEMNING MISTREATMENT OF IRAQI PRISONERS AND REMARKS ON CREATING A DYNAMIC 21ST CENTURY ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. DREIER) is recognized for 60 minutes as the designee of the majority leader.

CONDEMNING MISTREATMENT OF IRAQI PRISONERS

Mr. DREIER. Mr. Speaker, I have some remarks that I am going to share with our colleagues on the 21st century economy and some of the challenges that we are going to face, but I would like to preface my remarks by responding to some of the issues that have been raised by my colleague, the gentleman from Oregon (Mr. BLUMENAUER), my colleague, the gentlewoman from California (Ms. WATSON), and the gentleman from Georgia (Mr. LEWIS), who spoke just before me.

There is in fact righteous indignation, as the gentleman from Georgia (Mr. LEWIS) just said, over what we as a Nation have seen take place in the Abu Ghraib prison in Iraq.

We as a Nation and as a people are outraged over this treatment of prisoners. It appears to be in clear violation of the Geneva Convention, and I believe that we have a responsibility to do everything that we can as a body to clearly state the outrage that we have.

As I said in response to the remarks being made by my colleague, the gentlewoman from California (Ms. WATSON), Mr. Speaker, we are working at this moment on a resolution that I hope very much can enjoy bipartisan support that will allow every single Member of this House to go on record expressing what the gentleman from Georgia (Mr. LEWIS) correctly describes as righteous indignation over what we have observed.

Now, the closing remarks that were just offered by the gentleman from Georgia (Mr. LEWIS) had to do with the call for our withdrawal from Iraq; and I would take just a moment to respond to that, Mr. Speaker, by saying that it is very apparent that some seem to have forgotten what led to where we are today.

It was September 11, 2001, when our world changed. Following September 11, President Bush immediately moved in on al Qaeda and the Taliban and Osama bin Laden in Afghanistan. We also know that the global war on terrorism extended beyond Afghanistan. We know that in Iraq, Saddam Hussein had been a supporter of terrorist activities, clearly in his region; and we know that he had utilized weapons of mass destruction against his own people.

There is a reason that we are in Iraq today, Mr. Speaker; and it has to do clearly with our quest to do what only, only the United States of America is capable to do, and that is to stand up for freedom, liberty, human rights and independence as we struggle with this global war on terror. That is why I want to congratulate President Bush for the strong, unwavering, decisive leadership that he has shown in this global war on terror.

CREATING A DYNAMIC 21ST CENTURY ECONOMY

Mr. DREIER. Mr. Speaker, I would like to talk about the best ways for the American people to deal with the changes that are taking place in our economy right here at home.

I have actually been talking a lot about change in recent weeks and taking a look at the profound and rapid change that has been taking place in this country over the past 20 years. I have spoken a great deal about the transformation of our economy and the fact that that change has had a tremendous impact in the high-tech area. It has created this change, a dynamic 21st century economy, an economy largely based on serving customers, business customers, Mr. Speaker, customers like you and me.

We have an economy that is based on skilled workers harnessing new technologies, finding new ways to increase efficiency, boost productivity and better serve customers. This is all taking place in a very fast-paced and very competitive environment.

New technologies and new business practices develop practically overnight. In this 21st century economy, about the only thing that remains constant is the fact that things are constantly changing. And they are changing for the better. Over the past 2 decades, in the United States of America we have created 40 million new jobs, largely in high-wage sectors. Over that 2-decade period, real wages have increased by 30 percent and productivity has more than tripled, while the size of our economy has doubled to what is a nearly $11 trillion economy today, nearly twice the size of any other economy on the face of the Earth.

□ 2015

And, it is important to note that students here in the United States are graduating from college in unprecedented numbers.

Now, there is no doubt about it: 2 decades of change have significantly improved the quality of life of average Americans. But there is also no denying the fact that change, even profound change for the better, does breed anxiety, and anxiety can cause people to seek stability rather than pursue greater change for the better.

This desire for stability is certainly understandable. It also has a longstanding history in our economy. While the past 20 years have witnessed a remarkable rate of change and growth, massive change has swept through our economy before. At the time of our Nation's birth, we had a largely agrarian economy. America then underwent a long transition to become the world's leading heavy industrial economy. And this shift that took place certainly did not happen overnight, the shift from an agrarian economy to a heavy industrial economy.

While there are no clear starting and stopping points, the transformation of our agrarian economy to an industrial economy took about 100 years, about a century. Through the increasingly widespread use of heavy machinery in factories, transportation modes and, of course, on the farm, we gradually witnessed what became known as the industrial revolution. Throughout this period, there was a great deal of anxiety about the changes that were taking place. Workers whose families had been farmers for generations were suddenly faced with having to find new kinds of work, new ways of supporting their families. This often meant finding a job and a line of work their fathers and grandfathers had never even heard of. A farmer in 1885 certainly never dreamed that one day his son would head off to work in Henry Ford's assembly line. He probably spent his time wondering and worrying about the existing kinds of work that would be available for his children; the existing kinds of work that would be available for his children.

Again, we can all understand this anxiety in the face of fundamental change. Predicting the future is not easy. If it were, I and I am sure all the rest of us, Mr. Speaker, would have invested in Microsoft and Wal-Mart 2 decades ago. But now, with the benefit of a century of hindsight, we can clearly see that the industrial revolution was a good thing, that transition from an agrarian economy to a heavy industrial economy was, in fact, a good thing. The middle class exploded. Our standard of living increased rapidly. Life expectancies climbed as workplaces became safer and grueling manual labor was no longer commonplace. Transportation became faster and safer. Communications also became easier and quicker. More and more Americans had access to quality education.

The benefits of this massive transformation in our economy are so apparent, it seems absolutely absurd to ask the question if we are better off because of that transition from an agrarian economy to a heavy industrial economy. Who here today would go back to the lifestyle of the 1830s? Obviously, no one. The more interesting and more telling question is why did the loss of millions of agricultural jobs not bring about the collapse of the American economy? In the face of profound change, how was our economy able to change for the better?

The answer simple: our flexible and dynamic system created new and better jobs. Let me say that again, Mr. Speaker. It is a very simple response about this change from the agrarian to the heavy industrial economy. Our flexible and dynamic system, very inextricably tied to this free market process, created, yes, new and better jobs. Innovation led to new opportunities. Rather than viewing new technologies as job destroyers, hard-working Americans knew that these achievements in heavy machinery could be powerful job creators. They harnessed these new technologies and transformed our entire economy.

Because Americans had the freedom and flexibility to innovate, we did not stagnate and decline. We adapted and we grew. We call that progress.

Today, we are well into our second economic transformation from that heavy industrial economy to our 21st century, business-serving-customers economy. This time, the transformation is taking place far more quickly. Even during periods of very strong growth in job creation, the churning that takes place within our economy is rapid and very far-reaching.

For example, back in 1999, just 5 years ago, our economy was booming. It was a boom year for the U.S. economy, 1999. Growth was quite strong with a 4.5 percent GDP growth number, and unemployment was very low at 4.3 percent. Yet, Mr. Speaker, over the course of that year, we witnessed the destruction of 33 million jobs. Let me say that again. In 1999, we had 4.5 percent GDP growth. We had an unemployment rate of 4.3 percent. Yet, that year, we witnessed the destruction of 33 million American jobs. But, at the same time, 36 million new jobs were created.

Now, over that period, nearly 100,000 jobs were lost every day, but our dynamic, bold, strong, innovative, creative economy created even more jobs than those 100,000 that were lost every single day. And the result, of course, was a net increase of 3 million jobs.

Now let us look at a period of slower economic growth, just 2 years ago, in 2002. At that time, the economy was just beginning to emerge from economic recession. GDP growth chugged along at a 2.2 percent growth rate. Unemployment was right around 5.8 percent, and over the course of that year, 32 million jobs were lost, while 31.7 million new jobs were created. Now, of course, the net effect of that was a loss, a net loss of 300,000 jobs. Remember, slow growth, emerging from recession, 2.2 percent GDP growth, an unemployment rate of 5.8 percent and, yet, we saw 32 million jobs lost, 31.7 million jobs created.

Now, this dynamism is often overlooked when we talk about our economy. In 1999, Mr. Speaker, news reports and economic commentary did not tell the story of 33 million jobs that were destroyed in this country. What we heard about was the net gain of 3 million jobs. In 2002, we did not hear about the creation of nearly 32 million jobs. What we heard about was the loss of 300,000 jobs. The net gain is, of course, the number that we are all interested in. We want to see exactly how many net jobs are created, and we all want that number to be just as big as possible. But I am highlighting the millions of jobs lost and the millions of jobs created because they are the two sides of the equation that ultimately determines net job creation.

In other words, there are two ways we could attempt to achieve job growth. We could either try to stop millions of jobs from being phased out, or we could, Mr. Speaker, focus on creating even more new jobs, many of which are obviously in new technologies, just as was the case back when that farmer never conceived of the fact that his or her son would one day work in Henry Ford's factory.

So as I say, we could either try to stop millions of jobs from being phased out, or we could focus on creating even more jobs.

I also highlight these numbers behind the numbers because they reveal something that is very interesting. In 2002, a year of relatively slow economic growth, as I said, about 2.2 percent GDP growth, fewer jobs were actually reported lost than in 1999, that year of booming job growth. Now, this is key. These numbers say we lost 33 million jobs in 1999, and only 32 million jobs in 2002. Thirty-three million jobs when we had very bold, 4.5 percent GDP growth, an unemployment rate of 4.3 percent, and 32 million jobs were lost when we saw very, very slow economic growth of 2.2 percent and an unemployment rate of 5.8 percent.

The fact that more jobs could be destroyed during the boom is hugely significant. This tells us that our job growth equation, with job losses on one side and job creation on the other side, the number we should be focusing on is the job creation number. Yet, many of my colleagues have proposed just the opposite as a public policy for us. The opposite are these proposals designed to simply prevent any jobs from being lost.

Now, there are several proposals making their way through the Congress and in State legislatures and, unfortunately, those proposals, Mr. Speaker, ignore the job creation numbers. They ignore the fact that 2002, a year of relatively slow economic growth, actually saw fewer jobs lost, fewer job losses than 1999, that boom year. And they seek to somehow spur job growth by keeping the job loss number from growing.

Now, the presumptive democratic nominee, JOHN KERRY, has proposed raising taxes on companies that invest globally as a way to preserve jobs here at home.

CHRIS DODD, the senior Senator from Connecticut, has a proposal which was adopted by the other body in the form of an amendment to the corporate tax reform bill. That amendment was designed to prevent globally-engaged companies from competing for Federal contracts, and we have this discussed in State legislatures for States.

My colleague, the gentlewoman from California (Ms. WATERS) has the same proposal here: preventing globally-engaged companies from competing for Federal contracts.

The Senate minority leader, TOM DASCHLE, has his Jobs For Americans Act, which is cosponsored by Senator KENNEDY. This legislation would impose new restrictions and regulations on any company, large or small, that invests in growing overseas markets. Each one of these proposals, intended to increase the number of jobs for Americans, attempts to control the job loss side of the jobs growth equation. But would they be effective? Can we boost job growth by trying to simply focus our attention on preserving existing jobs?

Well, again, the numbers from the past several years demonstrate that we cannot. But rather than attempting to make an educated guess based on the data we have, I have a better idea, Mr. Speaker. We should use empirical evidence. I think what we should do is draw our wisdom from the example put forth by our friends in Europe; specifically, the French. The people of France thought up job preservation proposals long before they ever occurred to any of the economic isolationists we deal with here in both Houses of Congress.

France, along with a number of other European Union countries, has been imposing these very kinds of restrictions for years. We do not have to predict if jobs will be created if we prohibit U.S. companies from freely competing on a worldwide basis. We can simply look at the French model and ask ourselves, is job growth strong? Is the capital creation that leads to job growth thriving? Do we want our economy to look like the French economy?

Well, the answer is a resounding no. We know that the French have twice the unemployment and half the job growth, the GDP growth that we enjoy in the United States. Like the proposal that our colleague, Senator DASCHLE has in his Jobs For Americans Act, France imposes strict requirements on all businesses that intend to lay off workers. These restrictions have been in place for many years. For instance, a French employer must notify any worker of an impending layoff, in writing.

☐ 2030

The notification period varies from case to case, but the minimum is 6 weeks. And in some cases, employers must give their workers up to 9 months before laying them off. This notification is followed up by a hearing in which both the employer and employee can state their cases.

In the event that the employer does lay off a worker, he is required to provide a substantial severance package. In an effort to stem the exodus of businesses from their high tax, high regulations system, France began imposing, actually this is inconceivable, an exit tax. They began this back in 1998, an exit tax. The European Union recently struck down this provision, but for 6 years the French have used this highly burdensome tax on businesses to prevent them from moving to countries with less restrictive government regulations.

So with all of these "job security" measures in place, that are intended, very well intended, they are intended to prevent companies from laying off workers and moving offshore, you have to ask the question, are the French workers better off today? Has government regulation been able to save any jobs? Is new business creation, which would create new jobs, booming in France? The answer is an obvious no.

Since 1999 the unemployment rate in France has been stuck right at about 10 percent. While it dipped as low as 9.1 percent in the end of 2002, it is now back up to 9.5 percent. And it continues to rise at a time when the overall unemployment rate for OECD countries is falling. This decrease, I might add, is being led by falling employment right here in the United States of America.

Furthermore, France's economy overall is fairing quite poorly. Last year the GDP growth rate in France was 1.8 percent; and estimates for this year are at 1.7 percent. Its finance ministry recently announced that it is hopeful that the economy could grow by as much as 2.5 percent next year. But even they admitted that this relatively slow rate of growth will be very difficult to achieve.

I think it is important to note that this stagnation is not a recent or temporary situation in France. The French are not simply going through a few difficult years as all countries do from time to time and as ours clearly has. Average annual growth and GDP throughout all of the 1990s in France was 1.9 percent. Just over half the average GDP growth rate of 3.4 percent that we have had here in the United States, but maybe France is just an anomaly, Mr. Speaker.

France, their restrictive job security laws would have a different effect in a different economy. So let us look at another case. Germany. Germany has many labor regulations that are similar to France's. And like their neighbor to the west, these laws have been in place for many years. The Protection Against Dismissal Act, which could have been the model for Senator DASCHLE's Jobs for Americans Act, was adopted a half century ago just after World War II. This statute requires every employer to justify the laying off of any employee taken into account, taking into account social justice factors.

Now, these factors include things like whether the employee is a single mother or elderly or disabled. Employers must give workers notice of layoffs between 1 and 7 months in advance, depending on how long a worker has been with a company. Employees can challenge any layoff in court and obtain preliminary injunction allowing them to remain on the job until their cases are decided. Preliminary injunctions can keep people on a job while their case is being decided, whether or not it is a good business decision for that operation.

These are very stringent requirements imposed on German companies, no doubt in an effort, well-intentioned, the effort, of course, to protect German workers. But are these workers better off, Mr. Speaker? Since the late 1990s, unemployment in Germany has hovered above the 8 percent level and has steadily climbed over the past year. In 2003, it inched up from 9 percent to 9.2 percent and continues to climb.

At the same time the GDP growth rate in Germany has, as has been the case in France, been a paltry 1.7 percent for the last 2 years.

Mr. Speaker, economic forecasters have recently downgraded their growth predictions for Germany from 1.8 percent to 1.6 percent, even lower than that anticipated in France. Just like France, economic stagnation has been a part of the German way of life for many years. Throughout the 1990s, economic growth averaged just 1.5 percent, an abysmal one-third of the economic growth rate that we have seen on average here in the United States economy. The long term numbers clearly do not stack up well against the United States. But let us compare the short-term numbers, Mr. Speaker.

French and German unemployment is at 9.5 and 9.2 percent, respectively, and those numbers are increasing. In the U.S., unemployment is at 5.7 percent. That is roughly half the levels of unemployment for both France and Germany. The same goes for economic growth. While the French and German economies have been inching along at less than 2 percent. GDP growth, the U.S. economy has been racing forward at a 4.1 percent annual growth rate, more than twice the growth rate of both France and Germany. And in the third quarter of 2003, the U.S. economy grew at a staggering 8.2 percent, our fastest growth rate in 20 years.

But perhaps the most telling numbers of all are what I will call innovation indicators. In terms of new patents, research and development, venture capital, the U.S. far outpaces France, Germany and the entire European Union. For example, the United States leads the world with 185,000 new patents granted every single year. This is almost four times the amount for the entire European Union.

In 2002, France granted fewer than 4,000 patents and Germany only granted 11,000 patents. In other words, U.S. innovators are producing 50 times the work of their French counterparts and 17 times the work of their German counterparts. A look at research and development shows a similar picture.

Last year, the United States spent almost $300 billion on research and development. That is nearly a third of a trillion dollars on research and development, including both public and private sources. This year we will spend $320 billion, an increase that stems in large part from the President's commitment to increase Federal research and development funding. In fact, the President's proposed R&D budget of $132 billion marks a 42 percent increase since he took office.

France, by contrast, spends only $30 billion a year, a tenth of what the United States spends. Germany devotes $37 billion a year to R&D which is less than one-sixth of the U.S. total. Once again, the United States of America is the global leader while France and Germany trail far behind.

Another important innovation indicator is venture capital. Business and individual investors provided over $21 billion in venture capital in 2002 right here in the United States. That compares with less than $2 billion in France and about a billion dollars in Germany. In both cases, a tiny fraction of the venture capital investment that we have here in the United States. In fact, the amount of venture capital raised each year in all of western Europe barely equals a third of the amount raised here in the United States.

Mr. Speaker, each one of these innovation indicators which demonstrate the vitality and dynamism of an economy together with factors like unemployment and growth and gross domestic product, clearly shows that our economy is creating far more and far better opportunities for workers than any place else. It seems that the "job security restrictions" might not be quite the boon to workers that their proponents would have us believe. Europe's failed attempts to artificially retain existing jobs have guaranteed economic stagnation, not future prosperity for their workers.

The French and German models demonstrate that job growth cannot be achieved simply by trying to prevent any jobs from being phased out. Instead, we need to focus on the other side of that jobs equation that I have discussed earlier. The job creation side.

In light of our economic history, this should come as absolutely no surprise whatsoever. Our Nation's economic strength has always been based on the ability of industry, workers, and consumers to innovate, adapt and create new and better opportunities. As we saw with the shift from an agrarian economy to an industrial economy, success did not stem from our ability to prevent the loss of agricultural jobs. Our success was a result of our ability to harness new technologies and create entirely new fields of work. And we transformed our economy into a global leader in the process.

Today it is just as critical as ever that we reject the path of stagnation and choose the path of progress instead. The path that encourages companies to innovate, raise productivity, compete abroad, and create the new kind of jobs that reflect our uniquely American ability to adapt to the changes of the future. This is the American model for job growth.

But if this has been our formula for success and global economic leadership for nearly 200 years, why are our current job growth numbers not as strong as we would like? After all, our economy has been out of recession for over 2 years. In fact, growth is clipping along at a brisk 4.1 percent. The stock market is performing well, real wages are growing, consumer confidence and spending remain high, and home ownership is at record levels. All indicators point to 2004 looking a lot more like the boom of 1999 than the relatively slow growth that we saw in 2002.

Yet, while the job growth numbers have recently grown much stronger, the overall job creation picture still looks a little weaker than expected. Now, Mr. Speaker, I believe that there are three reasons why the job creation numbers have not yet matched the exuberance of the rest of the economy. First, we quite simply are not counting all of the new jobs. Our jobs statistics, the number of new jobs that comes out on the first Friday of every month are derived from the payroll survey known as the Establishment Survey. The data are collected by asking a sampling of businesses how many people they employ and if they are adding or reducing jobs.

The problem is that the payroll survey only looks at the established businesses. That is why they call it the Establishment Survey. There is no means for counting the self-employed, the independent contractors, the enough business start-ups. These entrepreneurs are completely left out by our job creation number. But we do know that they are out there. And we know that the number is growing.

Significant anecdotal evidence from established businesses shows that companies are increasingly relying on more fluid business models. Independent contracting gives both businesses and skilled workers greater flexibility in coordinating projects and meeting their individual needs. While the payroll survey misses these types of workers, they do get counted in the household survey. The Department of Labor's household survey goes directly to individuals and asks them if they have a job and what kind of work they are doing.

Now, Mr. Speaker, because the household survey looks at the entire workforce and the payroll survey only looks at a certain kind of employment, it is no surprise at all that the household survey shows a net gain of over 1.5 million jobs since the end of the recession in November of 2001. Over the same period, the payroll survey shows a net loss of about 350,000 jobs. While even the payroll survey has not recently begun indicating robust job growth, 308,000 new jobs in the month of March and 204,000 new jobs in the previous 2 months, the two surveys still show a discrepancy of almost two million jobs since the end of the recession.

□ 2045

Furthermore, trends in job creation indicate that the payroll survey is increasingly inadequate for counting new jobs. The household survey shows that one-third of all new job creation is in self-employment. This means that the fastest-growing part of our workforce is missed entirely by the payroll or establishment survey. If we are going to have an accurate picture on job creation, we need jobs statistics that account for the kinds of jobs our 21st century economy is creating.

The second reason I believe job creation has not yet reached expectation is that our economy is in the process of creating entirely new types of jobs in entirely new types of fields.

In recent decades, job losses and gains have primarily been the product of the business cycle. Employers would be forced to lay off workers during tough economic times and would rehire them during the recovery. Because the job opportunities before and after a recovery looked very similar, reemployment happened very quickly.

Today, we still go through cyclical change, but we are also experiencing a great deal of structural change. As I discussed earlier, we are in the midst of a major economic transformation. In our 21st century economy, a new job is often new in every sense of the word, new work in a new field demanding completely new skills.

Rather than simply going back to their old jobs, workers are increasingly finding work in cutting-edge fields and learning very, very different skills. Part of our focus in the 21st century economy should be helping to match workers with employers so that reemployment can take place so that we can see reemployment take place just as quickly as possible. We need to help match workers with employers, workers who were laid off so that we can help them.

The third factor, Mr. Speaker, that I believe is affecting net job creation in this country, and the perception that we are experiencing a jobless recovery is the fact that there are very real barriers to job creation that still exist here in America. These include the rising cost of providing health care for workers, frivolous lawsuits, the cost of complying with ever-growing government regulations, and a Byzantine corporate Tax Code.

In fact, the National Association of Manufacturers estimates that these factors raise the cost of doing business in the United States by almost 25 percent, that is, these factors, the things that exist, the frivolous lawsuits, the regulations, the tax burden and the cost of health care, they have increased the cost of doing business by almost a quarter. That can be devastating to any company, particularly small- and medium-sized businesses, and it can significantly impede the ability of entrepreneurs to turn their innovations into new jobs for Americans.

These three factors, inadequate job statistics, the structural changes that are taking place in our economy and the barriers to job creation, are all impacting our jobs numbers; and each presents an opportunity for us, Mr. Speaker, as policy-makers.

Improving our data analysis, helping to match workers with new jobs and training for new skills, seeking reforms that will lower the cost of doing business in the United States from tort reform to health savings accounts, these are a number of initiatives that the Congress of the United States can pursue to boost job creation in this country. The most important part is that we keep our focus on the job creation side of the equation.

It is true that, as in an earlier era of buggy whip makers and blacksmiths, some jobs are disappearing forever; but I reject the belief that we have reached the end of American innovation. Call centers in India are simply not a harbinger of stagnation and decline. To say that they are is defeatism in its most basic form.

Admittedly, I cannot stand here and tell my colleagues exactly what the jobs of tomorrow will be, just as a defeatist in 1850 could not have foreseen jobs in film production or software engineering. What I can tell my colleagues, Mr. Speaker, is that Americans have a long history of adapting and growing and being innovative and creative. If we allow workers to continue down that road towards innovation, we will continue to create lots of new opportunities for Americans.

Mr. Speaker, Senator KERRY and many on the other side of the aisle want us to pursue the French and German models; and we know from that experience that what we have seen from the French and the Germans does, in fact, create stagnation and stifling regulation and jeopardizes the ability for Americans to be innovative and creative.

Mr. Speaker, I will take the American way, with confidence in the American worker and the American employer for the future.

VISIT TO THE CAPITOL OF HAITI'S SO-CALLED PRIME MINISTER

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I would like to take this opportunity to place on the record what happened here today with the visit by Mr. Gerard Latortue, who is the illegally appointed Prime Minister of Haiti. Somebody invited him to come here to the House of Representatives; and two meetings were set up, one at 10:30 where members of the Congressional Black Caucus were invited to meet with him, and a later one at 1:30 where members of the Committee on International Relations were invited to meet with him.

Those meetings were not attended in any appreciable numbers by either the members of the Congressional Black Caucus at the 10:30 meeting or the members of the Committee on International Relations. Of the 39 members of the Congressional Black Caucus, I am told that perhaps maybe six people showed up; and for the Committee on International Relations, where there are 49 Members, 26 Republicans and 23 Democrats, only about six members of that committee showed up.

I think it is important to note that this took place. It is important for the world community to know and understand that just as CARICOM, that is, the nations of the Caribbean, rejected Latortue, and do not accept him as a legitimate representative of that government, the Congressional Black Caucus does not accept him and recognize him as a legitimate Prime Minister for Haiti; and it was indicated today by the lack of attendance.

It is important for me to say this because Latortue is trying to make the world community believe that he is gaining the support of the Congressional Black Caucus. That absolutely is not true. We consider that he was illegally appointed. It is in violation of the Haiti Constitution, and he is presiding over crisis and chaos in Haiti.

Haiti is worse off than it has ever been. Not only do we have killings that are going on every night; we have members of the Lavalas Party, the party of President Aristide, in hiding. They are being killed. Their lives are being threatened; but worse than that, this so-called Prime Minister, Mr. Gerard Latortue, embraced the known killers who have occupied the northern part of Haiti and recently appeared on a platform with Mr. Guy Philippe, Mr. Louis Jodel Chamblain, Mr. Jean Tatoun, all of whom are known to be criminals. Mr. Guy Philippe is a known drug trafficker. Mr. Chamblain and Mr. Tatoun have been convicted in absentia for their role in the massacre of thousands of Haitians at Raboteau in 1994. They were all in exile. They were all recruited to come back into Haiti and join with the so-called opposition, and they played a role in the coup d'etat. They threatened to kill President Aristide, and they are still running around Haiti, armed, trying to reestablish an army, recruiting Haitians, burning down police stations and killing members of Lavalas. This so-called Prime Minister called them in a public meeting freedom fighters. It is so outrageous, it is so ridiculous, and that is one of the reasons he is not being accepted. He is not being respected, and he is not considered as a serious person with any leadership ability or any vision for Haiti's future.

So, let the record indicate that he came to the Capitol; that he was not received by any appreciable number of people; that he did not get his message across. We have said to the State Department and to Secretary Colin Powell that it is important, it is imperative that they arrest and incarcerate the thugs and the criminals who are in control of Haiti. There is no way that they can ask us to recognize this puppet and this puppet government and to recognize this illegally appointed so-called Prime Minister until at least they take those steps.

THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Ohio (Mr. BROWN) is recognized for 60 minutes as the designee of the minority leader.

Mr. BROWN of Ohio. Mr. Speaker, I appreciate the words of my friend from California (Ms. WATERS) and her passion about what has happened in Haiti and how our government has not been exactly on the right side of that. Equally important, I want to say something about my friend from California (Mr. DREIER) and his comments.

To try to make it sound like the Democrats and Senator KERRY want the French and the German model, while he wants the red, white, blue American model is just a bit much. We are all proud of the economic growth. We are all proud of the freedoms of our country. We are all proud of our strong environmental laws, our worker safety laws, our laws to protect the public and the dynamic economy we have. No one is arguing, nobody I know, JOHN KERRY, anybody else is arguing we want the French economy or we want to be Germany.

What we are arguing is that we can do better with this economy than George Bush has done. We look back at the 1990s during Bill Clinton's 8 years and saw 25 million jobs created. We look at George Bush's 3½ years and see 3 million jobs lost, and we see a President who, during his term, will be the first since Herbert Hoover that has expressed, that has experienced a net loss of jobs.

I look at my State when I hear the gentleman from California (Mr. DREIER) speaking about this incredible economy. Then I look at my State, and we hope we had an economy like he was talking about. I do not think very many places in this country, if any places, do have that kind of economy, the picture he painted; but we know what we need to do to make the economy better.

Instead, President Bush has used the same old tired bromides, tax cuts for the wealthiest people in the society. If you make a million dollars in a year under the Bush plan, you get a $20,000 tax cut. The Republicans hope this tax cut will trickle down and create jobs. It clearly has not worked. We lost 3 million jobs in the last 3½ years.

The second part of his economic plan over and over is let us do more NAFTAs, let us do more trade agreements that continue to ship jobs overseas, that outsource, that hemorrhage jobs to China and Mexico. That clearly is not working, but I understand my friend from California. I understand his viewpoint.

Members of Congress do not feel the anxiety that my constituents feel. In my State, we have lost 177,000 manufacturing jobs. One out of six manufacturing jobs in my State has simply disappeared during George Bush's Presidency. Yet George Bush's answer continues to be more tax cuts for the most privileged and continues to be trade agreements that do not work and continues to be this ideological mission to give tax cuts and say that automatically tax cuts to the wealthy automatically create jobs. It simply has not worked.

What we need to do is extend unemployment benefits to the 1 million Americans, fifty-some thousand Ohioans, whose benefits have expired since January. We need to, instead of rewarding those companies that go offshore and change their corporate headquarters to Bermuda so they can avoid taxes and have continued to get various kinds of Federal contracts, on-bid contracts in the case of Halliburton, and all of that, we need to pass legislation that will actually give tax breaks to those companies that stay in the United States and manufacture here.

□ 2100

Several manufacturing companies from my State came to see me today. They cannot believe we continue to give tax breaks to these big, multinational corporations who ship jobs overseas, who outsource to India, and we do not give any kind of tax incentives to American manufacturers. I just wanted to say that in response to my friend from California.

Mr. Speaker, I yield to the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, I know we are going to talk about prescription drugs tonight, but I just want to say that I heard the gentleman from California also, and he kept referencing France and Germany and how their economies were not doing well and the U.S. was doing so well. I do not know how he can make those comparisons because I do not think the United States is doing well at all.

I saw an analysis yesterday in terms of what was happening to the United States in terms of job losses as opposed to Canada, and it showed dramatically that even though the Canadian economy is very dependent on the U.S. economy, the Canadian economy actually increased the number of jobs over the 4 years at the same time that jobs were being lost here under President Bush's Presidency. It said the reason was because in Canada, although they gave tax cuts, the tax cuts all went to the middle class and working people, and those people basically got that money and reinvested it and created more jobs, and it also talked about how productivity in Canada and the United States increased at about the same amount over the last 4 years, but in the United States the profits from the increased productivity went to corporate profit whereas in Canada, the increase in productivity was passed on to workers in higher wages and they invested it and created more jobs.

The gentleman from California was comparing other countries, and he did not mention Canada. The reality is if we look at the Canadian experience in the last 4 years, it is the Republican policies in the United States, huge tax cuts to the rich, taking the money from increased productivity and giving it back in corporate profits and not giving it to workers, this has resulted in a huge difference between our two countries. We lose the jobs, and in Canada they increase the number of jobs.

It is the President's policies which have caused these job losses. It is not something that is inevitable, it is something that he has caused with his Republican majority.

Mr. BROWN of Ohio. Mr. Speaker, tonight I am joined by the gentleman from New Jersey (Mr. PALLONE), the gentleman from Maine (Mr. ALLEN), the gentlewoman from Ohio (Mrs. JONES), the gentleman from Ohio (Mr. STRICKLAND), and the gentleman from Washington (Mr. INSLEE) and I want to talk about Medicare and the discount card program that has been unveiled this week.

Enrollment began for the prescription drug discount card through the Medicare bill passed last year. For some seniors in Ohio, this can mean $600 in prescription drug benefits. On the surface that sounds good, and we want seniors to look into these cards. If they can get any help, that is a good thing.

However, the real story about the discount cards is found in the details. The discount drug cards will further complicate an already confusing process for America's seniors. Instead of implementing a prescription drug benefit under one program, Medicare, the simplest, cleanest and the deepest discount available and possible, which 40 million of America's seniors know and trust, the administration fought on behalf of the insurance and the drug companies, who really wrote this bill, the administration fought to create an unnecessarily complex system that diverts money away from benefits and gives it to drug companies, insurance companies, and to these discount card companies that we will talk about in a moment.

The big drug companies under this original $400 billion bill, the big drug companies will profit an additional $150 billion from this bill, and insurance companies will get $46 billion. The insurance companies get a direct subsidy, a direct payment of my tax dollars and your tax dollars directly into their pockets for this bill.

No wonder, considering the drug companies, we hear on the streets of Washington, the drug companies are going to give $100 million to President Bush's reelection. They have already given tens of millions. No wonder the President wrote this bill so these companies benefited.

The drug card portion of the bill was in part crafted by friends of the President, such as David Halbert, CEO of Advanced PCS, one of the discount card companies, a man who set President Bush up in business before he was President and before he was governor, around the time he ran unsuccessfully for Congress, Mr. Halbert set President Bush up in business and helped President Bush make his first million in an unsuccessful oil company.

It is no surprise then that this system features 70 cards by 70 different private companies. It is a lot like the multiple HMO system that my Republican friends are trying to foist on Medicare beneficiaries. The gentleman from Maine (Mr. ALLEN) has said on the House floor that seniors want a choice of doctors and hospitals and prescription drugs, they do not want a choice of insurance agents or fancy brochures or insurance companies. Unfortunately, what this discount card does is give seniors a choice of a whole bunch of discount cards, and it is almost impossible to figure out which one is the best.

A senior in Akron in my district will have to research through 50 cards to find one that works. Under our plan, they could have used one card. Under the Republican plan, they are going to have to go through 50 cards. They are going to have 50 cards that they need to sort through. Let me see, I am taking Fosamax. This card covers Fosamax, this card covers Vioxx, but this card covers Zoloft, but this card covers Celebrex.

Why do they make this more confusing instead of allowing seniors one card, one discount, one plan. Instead, the Republicans have 50 cards, 50 plans, 50 insurance companies, 50 mailings coming to their house, 50 insurance agents knocking on their doors representing 50 different insurance companies. The answer is why would they choose this over this? The answer is pretty obvious. It just might, and correct me if I am wrong, I ask my friends from Washington and Ohio and Maine and New Jersey, it might have something to do with the insurance industry, the drug industry, and Mr. Halbert, CEO of Advanced PCS, that makes these cards, it might have something to do with the fact that they gave lots of money to President Bush's reelection.

We have all read in the paper that President Bush has set all kinds of fund-raising records. One week it is 150, then he flies Air Force One out to Cleveland or Portland or New Jersey or Washington State, does a little bit of government business so he can charge it off to the government, and then he does another fund-raiser and raises another $3 million. It just keeps going up, setting records every week. No wonder he can raise $200 million when he does things like this instead of doing it right.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Once a senior goes through all these cards and finally reaches a decision, and that is going to be difficult to do, once they reach a decision and select a particular card, they are stuck with that card for an entire year. Yet the sponsors of that card every 7 days can either increase or reduce, but they are most likely to increase the costs of the drugs that are a part of that card. And every 7 days, the sponsor of the card can change the medicine covered by that card.

Mr. BROWN of Ohio. So I look through these cards. I am a senior and I decide Fosamax is here, and they also do Claritin and Zoloft, so I want this card. I pay $30 and sign up for the whole year. And then Mr. Halbert's company, if it is his card, he can change it, but I have to stay with this card, is that how it works?

Mr. STRICKLAND. You can start out by getting a discount of 10 percent, and in 7 days that discount can be reduced down to 5 percent. I ask the gentleman from New Jersey (Mr. PALLONE) to clarify this, but, for example, I am a senior citizen and I have high cholesterol, and I take Lipitor to control my level of cholesterol. I sign up for a card that has Lipitor as one of the medicines that is available under that card, and I am stuck with that card for an entire year, but 2 weeks after I sign up for that particular card, the card's sponsor decides they are not going to provide Lipitor any longer for high cholesterol, they may decide to provide Pravachol or some other drug, and I am left without the ability to get the drug with a discount that my doctor says I need.

Mr. BROWN of Ohio. Mr. Speaker, reclaiming my time, I choose a card and I get a decent discount, even though the price goes up 20 or 30 percent per year. So you are the card maker, you can both cut the discount and you can take my drug off the discount card list totally?

Mr. STRICKLAND. Every 7 days, I am able to make those kinds of changes in the level of discount and in the drugs that are actually covered by that discount card, and yet the senior will be stuck with that particular card for an entire year. So I am locked into one card for an entire year, and the sponsor of that card has the ability to make all of these changes and I am the victim. I am helpless to do anything about it.

Mr. PALLONE. Mr. Speaker, everything the gentleman said is absolutely true. I saw the gentleman from Ohio (Mr. BROWN) show the variation cards, and I think he has to make it clear, they are not getting all those cards. They are just going to choose one.

Mr. BROWN of Ohio. One card for $30.

Mr. PALLONE. Also, I do not know how the senior citizens will be able to make a decision which card to use. They have a Web site and you can go on that Website, and they will give you the different cards and tell you what is covered and what the cost is going to be today, but a lot of seniors are not just taking one drug, too. So they are supposed to look through all these different cards and decide which is the best based on the particular cost for the particular medicine or several medicines at a given time, but there is no guarantee of anything. There is no guarantee that discount is going to be there the next day because it can be changed. My understanding is they have to provide some type of drug like Lipitor, but they do not need to provide Lipitor.

Mr. STRICKLAND. They have to provide one drug in every class of medications; but there are many medications that are prescribed for high cholesterol. I can tell Members that I took one drug for high cholesterol for over a year, and it did not control my cholesterol. It was not until my physician changed my prescription that I was actually to find control for my cholesterol level. That is an example of the problems that seniors are likely to face.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Last year when my mother was very ill, she had to get five prescriptions on her health care plan. I went to the pharmacist to pick up these various drugs. Three were within the plan. One cost $10, another $10 and another $11; but two were not within the formulary and so one cost $263 for 30 days and the other cost $250. Seniors can choose what prescription drug they will cover. So, for example, my mother had congestive heart failure and kidney failure, and her doctor prescribed some of the newest drugs treating those types of conditions, but those drugs were not covered by the formulary; therefore, they were paying significant dollars, and I anticipate that will be the same problem for seniors.

Mr. PALLONE. Mr. Speaker, they are only comparing cards on this Web site and the fact of the matter is if we look at any one of these drugs, and I am going to use Lipitor. This is from the National Committee to Preserve Social Security and Medicare, what they did is they not only posted the prices for drug cards, but also what you can get at some drug companies like cvs.com or drugstore.com or costco.com or what the price might be in a Canadian drugstore.

Lipitor, for example, the cheapest is actually at drugstore.com. It may very well be there is a card that is not even on the list that will give a better discount, or you can get it online through one of the other companies or drugstores that is offered online; and certainly in almost every case, the price is less in Canada.

So the whole notion of trying to give seniors a choice is just based on the notion that somehow these cards sponsored by the government are going to give them a good choice. Reality is they are not. The same drug is cheaper elsewhere on the Internet.

Mr. STRICKLAND. I believe this is an election year scam, and America's senior citizens are going to be so confused. They are not going to know what choices to make, and we are doing it because an election is coming up in November and we want to present to our senior citizens that we are actually doing something meaningful when the drug companies are telling us that they expect their drugs to be increased by about 18 percent this year and these discount cards are likely to provide much less in discounts than that.

□ 2115

So seniors are going to end up paying more even with these discount cards than they have been paying.

Mr. BROWN of Ohio. Mr. Speaker, it is hard to say that it is a good deal when the drug companies raised the price 20 percent and President Bush has a discount card that might be 12 or 13 percent, and then it happens again and again.

Mr. Speaker, I yield to the gentleman from Maine (Mr. ALLEN), who has done so much in this whole issue.

Mr. ALLEN. Mr. Speaker, several people are saying how much seniors are going to have to pay for these drugs. The trouble is, one part of the problem is, it is their tax money that is being used to promote the program. We have just seen the Federal Government spend tens of millions of dollars to promote the underlying prescription drug benefit that will not take effect until January of 2006. Now there is an $18 million taxpayer-funded campaign hitting the airwaves to promote these new Medicare cards.

So the public has to pay for the TV advertising, to persuade them of something that is not true, that is, that these cards will actually help them.

There was an article in the Portland paper today quoting one woman, 70-year-old Jean Houston of Waterville, Maine, who said she has already tried calling the Federal Government's toll-free number to enroll. She has not gotten through yet. "I tried to sign up," she said. "I called five times yesterday and three times today." How long will it take Jean Houston just to get through?

Now, CMS says, well, they have got a Web site. They can just go to the Web site. Most seniors do not have computers that are linked to the Internet. That is just a fact. And the idea that they are going to sit down and try to choose among 50 different cards with all sorts of different drugs when the pharmaceutical companies can change the drugs that are on the cards any given week, week after week after week, this is just absolutely nonsense. But there is an explanation. My staff tells me that CMS has now admitted that if we get seniors to work through this absolute maze, this absolute nightmare of 50 different prescription drug cards, it will help prepare them.

It will get seniors used to working with private plans, private insurance plans. Instead of the Medicare plan, which has the same benefit and the same additional premium for everyone in the country no matter where they live, we are going to have lots and lots of private insurance plans. The systems that are failing the small business community today are going to be inflicted on seniors in Medicare, and it is not right.

Mr. BROWN of Ohio. Mr. Speaker, it is almost like NAFTA. People lose their jobs. We are retraining them. We are retraining seniors so they can negotiate private health plans.

Think about what the gentleman from Maine (Mr. ALLEN) said now. We had a choice. We could do what President Bush wanted to do on behalf of his friends that own the drug companies and the insurance companies. We could have 50 cards to choose from and seniors can go through and try to choose the best one and pay $30 and the cardholder changes the way it works and changes the discount, changes what drugs are available. We can look at 50 cards and choose and get about a 10 or 15 percent discount, or we could use one card and we could tell the government to negotiate price, tell the government to negotiate on behalf of 39 million Medicare beneficiaries a better price the way Canada does. Canada's prices are 30, 40, 50, 60, 70 percent lower than the United States because the Canadian government on behalf of the whole country, 29 million people, negotiates drug prices.

Why could we not use a card like this, give this to every senior, and then negotiate prices on behalf of every senior in this country, 39, 40 million beneficiaries? They go to a drug store and they show this card and they automatically get that 30, 40, 50, 60, 70 percent discount. Instead, because President Bush receives so much money from the drug and insurance industry, he has given us 50 cards for seniors to choose one of the 50, and then maybe, if they are lucky, get a consistent 10 or 15 percent discount. So we have one card that could do 50, 60, 70 percent discount or a choice of 50 that might do a 10, 15, 20 percent discount.

I yield to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman for yielding to me.

And the shame of it all is here we have seniors who are in the twilight of their life. The last thing they want to do is to be surfing the Internet or looking through booklets trying to figure out where to buy their drug, what discount they want, how will they choose. It is really just ridiculous. It is a shame that we would put the burden on the backs of seniors to require them to negotiate through this process. Even with this proposal that will allow lower-income seniors a $600 benefit, they are probably going to spend so much time trying to manipulate or make it through the process that they are not going to be payable able to benefit from this at all.

It is almost like the lottery. One gets a lottery ticket and they scratch off on it. Does this work? No, that does not work. Let me go to the next scratch off, and I am going to scratch off again. And it is almost similar to how much benefit we in Ohio got from the lottery in terms of education right now, and here we are imposing upon the seniors across this country the responsibility to figure out not only what plan to go to, but how do they figure out the benefit, and then in 2006 they are going to have to go back and figure out what plan to take and what plan will benefit them or not benefit them.

It is a shame that we are not standing up for seniors and saying, seniors, just like Medicare used to go to work, they can go to the doctor, get their Medicare. They can go to the pharmacist, get their prescription, and they can move on without all this hassle. And I agree with the gentleman from Ohio (Mr. BROWN) that we ought to make sure seniors understand the dilemma they have been placed in by this legislation.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentlewoman from Ohio (Mrs. JONES).

It is just incredible that the Congress has passed something to put more confusion in seniors' lives, to make the choices more difficult, more complicated. One of 50 cards that gives a small discount instead of using the buying power of 40 million Medicare beneficiaries to get one good discount that every senior can put in his wallet or in her purse and get a good 30, 40, 50 percent discount like the Canadians and the French and the Germans and the Japanese and the Israelis and the Swedes and everybody else.

Mrs. JONES of Ohio. Even in Cuba, Mr. Speaker.

Mr. BROWN of Ohio. Everywhere, Mr. Speaker. And I cannot think of any other reason. It is all because President Bush has received literally millions of dollars in campaign contributions from the drug industry, from the insurance industry, and from Mr. Halbert, the CEO of AdvancePCS and his company and other companies that make these prescription drug cards.

I yield to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I would just like to follow up by what the gentleman is saying because this may seem to many people in this country to be a very odd result. Why on earth would the Republicans in Congress and the President put pass this kind of complicated plan? Well, remember what they said when they passed it. They said that in the long run, this would help save money, this would be cost efficient. We would have competition between plans and that would drive down costs.

Not exactly. Right now, right now, the private plans are being paid 107 percent of the cost to Medicare. That clunky old government-run fee-for-service Medicare program that the Republicans wanted it to get rid of. The private plans are being paid 100 percent more than it cost Medicare to deal with the average Medicare beneficiary. We will pay those private insurance plans $46 billion more than it costs the government-run fee-for-service Medicare plan. In other words, we are paying private insurance companies more than it costs to deliver Medicare to Medicare beneficiaries today and for what reason? Why on earth? Well, the insurance industry knows it is money in their pocket. Not millions of dollars, not hundreds of millions of dollars, but billions of dollars. The pharmaceutical industry knows as well.

Mr. BROWN of Ohio. Mr. Speaker, think about this. We are giving the insurance industry $46 billion just direct, reach in taxpayers' pockets, put $46 billion from taxpayers' pockets into insurance companies' coffers. I mean, there is no doubt about that, $46 billion. That is actually $1,100 for every single senior in this country. There are 40 million Medicare beneficiaries. That is more than $1,000 for every senior in this country. So instead of giving $1,000 to seniors to buy a drug benefit, which is a lot of money and most seniors have drug costs not much more than that, and many have a lot more, but $1,000 goes a long way for anybody, instead of giving $1,000 to every senior, we are giving the insurance industry $46 billion, $46 billion that could go to all kinds of things. But how much money did they give President Bush and the gentleman from Texas (Mr. DELAY) and the Republican leadership?

Mrs. JONES of Ohio. Mr. Speaker, will the gentleman yield on just that point?

Mr. BROWN of Ohio. I yield to the gentlewoman from Ohio.

Mrs. JONES of Ohio. Mr. Speaker, I will be short. Not only are we giving them this money up front. When the seniors finally do get a prescription drug benefit in 2006, we are going to be forcing the seniors to pay the premium every month into the plan and they will get no coverage when their drug costs are between $2,000 and $5,000, that doughnut hole we have been talking about. So these plans will get money while the seniors get no benefit on top of the billions of dollars we have already paid.

Mr. BROWN of Ohio. Mr. Speaker, it is hard to think when this bill was written by my friends on the other side of the aisle, if my colleagues remember, during the debate on that, they started the debate at midnight. The vote was cast at 3 in the morning, not finished until 6 in the morning, so they could twist enough arms and do enough drug company contributions to get it through, it is hard to think that seniors were ever in the calculation. It was about the drug industry and the insurance industry.

Mr. STRICKLAND. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Ohio.

Mr. STRICKLAND. Mr. Speaker, I noticed that we have got some people in the balcony tonight, and many of our constituents obviously are watching through C-SPAN. I think it is appropriate that we just take a moment and explain.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will refrain from noticing guests in the gallery.

Mr. STRICKLAND. Mr. Speaker, I am very glad that there are those watching us tonight and are paying attention to what we are saying because we have lots of constituents. I have lots of constituents back in Ohio certainly that are watching, and I am sure there are constituents watching from Maine and New Jersey and elsewhere. And I think they need to know how this bill came into being. We received this bill as a body, over 700 pages, I believe, on a Friday morning. We began that debate. We debated Friday afternoon and through the night and at three o'clock in the morning when most of the people who are watching us tonight were probably asleep.

They finally called the vote. I would remind my colleagues that this is probably the most important piece of domestic legislation that this body has considered maybe in many years, and we recall that the President told us it was going to cost $400 billion. Now we find out that his own administration's actuary had indicated it was going to cost over $550 billion, and apparently he was told he would be fired if he told the Congress, those of us who are supposed to be representing the people of this country. He was told he would be fired if he told us the actual cost, an action that the CRS, the Congressional Research Service, is now saying was probably an illegal act.

But anyway, at three o'clock in the morning they called the vote here in the people's House. And at the end of that 15-minute voting period, the bill had lost because it is a bad bill. And they kept the vote open, not for 15 minutes, not for 30 minutes, not for an hour, not for 2 hours, but for 3 hours. And the press said that they got the President out of bed at four o'clock in the morning so that he could start twisting arms. And then the gentleman from Michigan (Mr. SMITH), who is retiring and whose son is running in a Republican primary, indicates that he was approached on the floor of this House, the people's House, and offered $100,000 for his son's campaign if he would change his vote. Think of that. Think of that. And at 6 o'clock in the morning as the sun was coming up, they finally convinced enough Members to change their votes, and the bill passed.

That is not how an important piece of public policy should be crafted in a democracy. And we walked home that morning, as the gentleman recalls, as the sun was coming up after that kind of shameful behavior had taken place in this Chamber. And now they are spending $18 million on TV ads to try to convince America's senior citizens that it is a good thing. Shame on this administration for this kind of political shenanigans.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding to me.

I want to follow along with what the gentleman from Ohio (Mr. STRICKLAND) has been talking about because just this Monday, the Congressional Research Service issued an important report, and in that report they concluded a couple of things. First of all, they were looking at this issue that was raised by Richard Foster, the Medicare actuary who has testified that he was threatened by his boss, Tom Scully, the head of CMS, that if Foster went to Congress and told them the truth about his projections for what the Medicare bill would cost, which was $150 billion more than what administration was saying, if he went to Congress and told them that, he would be fired.

Let us look at this report. This report was just made public on Monday. One point here it says "Congress's right to receive truthful information from Federal agencies to assist in its legislative functions is clear and unassailable."

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They go back to say that according to the report, attorneys at CRS said these gag orders have been expressly prohibited by Federal law since 1912.

Let me read you one of applicable laws. It is at 5 U.S.C. Section 7211. "The right of employees individually or collectively to petition Congress or a Member of Congress or to furnish information to either House of Congress or to a committee or Member thereof may not be interfered with or denied."

But the truth is that the head of CMS, appointed by this President, refused to allow his employee, the Medicare actuary, to tell Congress the truth. So on the night of that vote, Republicans and Democrats believed that the only applicable projection was that this law would cost $400 billion over 10 years, when Medicare program officials themselves knew it would be $550 billion.

We have talked about this before, all this money going to the insurance industry, $46 billion more than it cost the government-run program. No wonder it is not cost-efficient. No wonder it breaks the bank. No wonder that it delivers a very small benefit, given the amount of money being spent on it.

This report makes it clear: The law was violated when the Congress was not told what the cost of this bill would be, what the projections of the Medicare actuary would be, and that in itself makes it clear, it never would have passed this Chamber if we had been told the truth.

Mr. BROWN of Ohio. Mr. Speaker, reclaiming my time, imagine if everybody in this Chamber had known, Democrats over here, Republicans, if all of us had known that this bill would send 46 billion taxpayer dollars directly to insurance company coffers. If people in this hall had known that, Members of Congress had known that that would mean $1,100 for every Medicare beneficiary would just be a gift to the insurance industry, no matter how much money the drug companies gave to Republican leaders, no matter how many calls George Bush had made to Republican Members, no matter how many arms they twisted, no matter how many drug company lobbyists had descended like vultures into this institution, no matter all of that, if we had known, if they had not broken the law and been honest with us, if we had known 46 billion in taxpayer dollars were going directly from taxpayer pockets to insurance companies, there was no way this bill would have passed. There is just no way. No matter how many lobbyists, how much campaign money, how many calls from the President, this bill simply would not have passed.

I yield to my friend, the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I want to dovetail on this, to reference why this is so spectacularly ironic. About an hour ago one of our Republican colleagues was railing about the only problem with the Federal Government is waste, fraud and abuse, that that is the only problem, and just if the Democrats would stop all this waste, fraud and abuse we would have no problems.

I thought that was interesting, because this entire government is run by the Republican Party, a Republican President, a Republican Senate and a Republican House, yet he pointed out all this waste, fraud and abuse in the Federal Government. I wanted to stand up and say, who is in charge of the waste, fraud and abuse? Obviously it is the Republican Party, because that is who is running this government right now.

But here is this gentleman wailing about waste, fraud and abuse, when his party foisted down the throats of Congress and the American people this situation where they are giving $46 billion of taxpayer money to the insurance industry, which is totally unnecessary, because we could have given exactly the same benefits through Medicare.

Now, I challenge any Republican, any Republican or any Democrat, or any Green Party or socialist or independent, to show me a larger portion of waste, fraud and abuse than the $46 billion of taxpayer money going to the insurance industry, that does not deliver one penny of additional prescription drug benefit to seniors than Medicare could have done, had we not been involved in the shenanigan, not to pay off, but to pay benefits to people who are very, very powerful political forces in this town.

This I would nominate for the largest piece of waste, fraud and abuse, foisted on this country by the Republican Party, and it is an abomination. When you think about the generation having this done to them, think about who the victims of this fraud are, it is the men and women who we will be celebrating on Memorial Day down when we dedicate the World War II memorial. My dad is coming in. He was a World War II veteran.

This is the greatest generation. They prevailed in World War II, and how do we treat them? We foist this abomination, that can only pass this Chamber through fraud itself, a situation where my colleagues have talked about the 3-hour delay.

It reminds me of when we beat the Russians in 1964 in the Olympics in the basketball game. The only way the Russians won was to put time back on the clock. This was a Russian-style democracy, when they put 3 hours back on the clock. But during that 3 hours, what happened? There was a Republican Congressman who reported that he was offered a $100,000 bribe, in essence, to his son's campaign, if he would switch his vote. Does the greatest generation deserve that type of contempt for democracy in this Chamber, which has sullied the name of Congress and Medicare?

I have to tell you one thing, I will tell you, my Republican colleagues, this dog is not hunting with our constituents. I had meeting with 200 senior citizens in Edmonds, Washington, many of whom are stalwart Republicans, two weeks ago. I asked for their hands. This is a nonpartisan senior citizens group, just a bunch of folks concerned about this.

We talked about this bill in some detail, and I asked how many people believe this bill was substantially beneficial in their lives and that it deserved passage by Congress? Not one single hand was raised of those senior citizens, who were an eclectic group of conservatives and not-so-conservatives and Democrats and Republicans.

It is not playing, it is not being accepted, and because it is not accepted, people understand this, and people need to know why their taxpayer money is being wasted in another great incident of waste, fraud and abuse on this $18 million plan to try to sell this to the American people. Why is that waste, fraud and abuse taking place?

Well, there is a reason for it, and the reason about it is that this administration understands that the seniors have figured out it is an Edsel, and the seniors know about the Edsel. Maybe some of our younger constituents do not, but it is a turkey.

The seniors know it is an Edsel, and that is why these guys are spending millions of dollars of taxpayer money to try to dig themselves out of this horrible hole they have dug us into. It is an abomination.

I have to tell you, I am glad we all are here talking about it tonight.

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend for his compassionate commitment.

I yield to my friend, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I am glad the gentleman mentioned this $18 million payday. I do not have it in front of us to show, but I wanted to read one of the ads that began airing this week.

It shows a line of older people at a pharmacy. Most have Medicare-approved cards that emit a blue light. The announcer says, "Good news for those with Medicare. You can get savings on prescriptions."

At the end, there is a disappointed looking man that steps to the pharmacy counter without a Medicare-approved card, and the announcer says, "Because you either have the power to save, or you do not."

Essentially, the whole emphasis here is that you are going to save money. As my colleague from Washington said, it is essentially a lie. I guess we cannot use the word "lie" here. It is just a total misrepresentation of the truth.

In some ways, I do not want to say I am glad, because it is such a tragedy and it is almost immoral, as the gentleman pointed out, but in some ways I am almost glad we have this experience with the discount drug cards for the next 6 months or 2 years before the year 2006 when the so-called Medicare prescription drug benefit gets into place, because I strongly believe that when the seniors see what this discounts card is and what a fraud and sham it is, they are going to want to repeal this whole bill, and maybe we'll have the opportunity over the next 6 months or a year to show what a sham this discount card is and actually get the votes to repeal this lousy bill that is not helping anybody.

One of the things that I did not mention, and I think we should, we mentioned the fact there is no guaranteed discount from the card sponsors. We said that. Then we said there is no guaranteed discount on particular medicines. Then we also said there is no guarantee that the discount offered by a particular card will be the lowest price available for a particular individual, because they might be able to get another card or go on the Internet and find a lower price.

But what we did not mention is there is no guaranteed access to any particular pharmacy, and that the final price paid for prescriptions will vary from pharmacy to pharmacy. So even if you get the card and you think you are going to get the savings, which you do not necessarily get, because they can change it from day to day, or you do not necessarily get the drug you think you are getting because they can change the drug, you may not be able to go to your local pharmacy or any particular pharmacy nearby, because that pharmacy may decide they are not going to honor the card.

Then, in addition to that, the way I understand it, is they can charge a different price, because they can decide at the pharmacy whether they are going to make a little more profit or not on the particular drug they sell.

We have also have had some the companies, this web site has only been on, I do not know how long, I guess a few days or maybe a few weeks, but already some of the companies are writing back, and I had one of them, saying that the information that is being given on the web site about their card is not accurate.

I just have never seen so much misinformation, untruth. I do not know how to describe it.

Mr. BROWN of Ohio. When it could have been so simple. When it could have simply been one discount card where the government negotiated price, using 40 million beneficiaries as the negotiating pool, could have gotten one much lower price. Instead of that, because the drug and insurance companies wanted it, the President made it very, very confusing.

Mr. PALLONE. Essentially it is a lie, because it is not the truth, because they are saying that the main goal here is to save money. There is no reason to believe that.

But I just go back to what my colleague from Maine said. The purpose of all this is to get people used to privatization, and not used to a government program like Medicare. And I am beginning to believe, maybe I am too optimistic, that when people see how lousy the private sector is, if this is an example of it, they are not going to want it and they are going to reject it. That is the only positive thing I can see coming out of this.

Mr. BROWN of Ohio. I yield to my colleague, the gentlewoman next door in Ohio (Mrs. JONES).

Mrs. JONES of Ohio. First of all, I want to commend my colleague the gentleman from Ohio (Mr. BROWN) for his leadership on this issue. He has been right on top of all of this as long as I have been in Congress, and this is my sixth year in Congress, and I am just so proud to be a part of the delegation in which he is one of our more senior Members. That is no offense to you, talking about "senior."

But to the gentleman from Ohio (Mr. BROWN) and to the gentleman from Washington (Mr. INSLEE) and to the gentleman from Ohio (Mr. STRICKLAND) and to the gentleman from Maine (Mr. ALLEN), this story is almost like the story our mothers used to read to us when we were growing up, The Emperor Has No Clothes.

Remember this person came to the emperor's palace and said, "Okay, emperor, I want to make you this finest robe out of this wool. The wool is so fine, you will not be able to see it. I am going to go to the barn and I am going to string it and so forth and so on and I am going to come back with this gorgeous robe."

The emperor kept saying, "I cannot see it, I cannot see it."

He kept saying, "But it is there. It is there. I am going to put it on you, and you are going to walk down the street of your community, and everybody is going to go, oh, what a beautiful robe you have on, emperor."

Come to find out, the emperor walked down the street with no clothes on, naked, just with his underwear on. And that is what this bill is like. It is naked. It is saying to seniors, I am going to give you this great bill, you are going to get all these benefits. But it is like the bill has no clothes. It is a piece of paper with no benefit for senior citizens. It is a card that gives them nothing. It is a premium that they are given for a period of time, and they get nothing.

The fact is, it is a misrepresentation, and it is just like that emperor walking down the street without any clothes.

I just want to thank all my colleagues for their leadership on this issue.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentlewoman from Ohio.

I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I want to thank also my friend the gentleman from Ohio (Mr. BROWN) for leading this discussion tonight.

I really believe what we are dealing with here is an administration that truly does not believe in Medicare, and this effort is not going over well with our senior citizens.

As my friend the gentleman from Washington (Mr. INSLEE) said, the experience that he had with his seniors, I have had the same experience with the seniors in my district. When I sit down with them and I explain this bill, I explain how it came into being, the shenanigans that occurred right here in the people's chamber, the benefits that are so difficult to understand, the benefits that are really going not to the senior citizen, but to the insurance companies and to the pharmaceutical companies, they are outraged.

They say to me, "What can I do to respond? Who can I talk to? How can I express the anger that I feel?" And that is what is happening across this country, and the administration is starting to feel the heat, and that is why they are taking I think $18 million of public tax dollars and putting these ads on TV, trying to convince our seniors that they are doing something good for them.

Well, America's seniors are a pretty wise bunch. They have lived through a lot. Many of them have lived through the Depression. They have lived through the wars. These are not children in their understanding. They have watched government. They know those who are for them and those who are against them.

□ 2145

And America's senior citizens are angry tonight, because they desperately need help with the cost of their medications. There are seniors in this country I believe losing their lives because they are unable to afford the medicines that they so desperately need. They know that this bill that was passed here in the Chamber under these terrible circumstances specifically prohibits the reimportation of cheaper drugs from Canada. They know that the Secretary of Health and Human Services is specifically prohibited from negotiating discounts for our senior citizens, although the Veterans Administration negotiates discounts as a savings of, I think, about 40 percent. They know that this bill was written by and for the pharmaceutical industry, and they are angry.

And I think they are going to express themselves come November, because they are sick and tired of being used as political pawns, of being given false and exaggerated information; and I think they are going to stand up and say, we have had enough. We built this country. We fought the wars. We built our schools and our hospitals. We have made the sacrifice to make America what it is today, and we are sick and tired of being treated like second-class citizens. I think America's seniors are going to be expressing themselves loudly and clearly, and the best way they can do that is to do it with their vote. That is the one way they can fight back.

Mrs. JONES of Ohio. Mr. Speaker, if the gentleman will yield just for a moment, can we imagine if the seniors in Ohio had been able to ask these same questions of President Bush when he was parading through Ohio. Can we imagine if they had been able to say, President Bush, what am I getting from this prescription drug benefit? I mean, the day that the card was issued, here he was parading around Ohio, but he was not talking about the nonprescription benefit. He was talking about the jobs that we did not get in Ohio as well.

So those seniors could have said, President Bush, President Bush, I need a prescription drug benefit. Can you help me?

Mr. BROWN of Ohio. Mr. Speaker, I want to thank all of my colleagues together tonight: the gentleman from Ohio (Mr. STRICKLAND), the gentleman from Washington (Mr. INSLEE), the gentlewoman from Ohio (Mrs. JONES), the gentleman from New Jersey (Mr. PALLONE), and the gentleman from Maine (Mr. ALAN).

I want to close with an interesting point that the gentleman from Ohio (Mr. STRICKLAND) raised. He said it just seems that Republicans do not much like the Medicare program. On the surface, that does not sound like it makes sense, because I have a whole lot of Republican constituents who love Medicare. They know it has saved their lives and let them live longer, let them live healthier lives; but there is something about Republican politicians and their relationship with Medicare.

Back in 1965, 12 Republicans, 12 Republicans total voted for Medicare, to create Medicare. Bob Dole voted against it, Gerald Ford voted against it, Strom Thurmond voted against it, Donald Rumsfeld voted against it. Then, 30 years later, the first time the Republicans had control of this House and the majority, they tried to cut $270 billion, with a B, billion from Medicare. That failed because President Clinton got out his veto pen and said, Do not even try.

Then, in 2002, or in 1999, Congressman Armey, the second top Republican in Congress, said, in a free society, we would not have Medicare; we would not want something like Medicare. Whatever that meant. Then, in 2002, another Southern Republican Congressman in the leadership, the gentleman from Georgia (Mr. LINDER), said that Medicare is a Soviet-style program, whatever that meant.

The fact is that a lot of us in this institution, every single Democrat and some of the Republicans, care deeply about Medicare and want to preserve it, and that is why we fought against the privatization of Medicare that President Bush tried to foist upon us. That is why instead of these 50 cards, we want to see one discount card where seniors get a good benefit under Medicare, get a 30 or 40 or 50 or 60 percent discount like our neighbors to the north, the Canadians have, and like our neighbors across the ocean in Europe have. Instead, what we got was a bill written by the drug discount card companies, written by the insurance companies, written by the drug companies, all of whom are major contributors to the President of the United States.

Mr. Speaker, it was a sad day last December when this bill passed. It was a sad day when President Bush signed this bill. We all have work to do.

AMERICA'S WAR HISTORY

The SPEAKER pro tempore (Mr. COLE). Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, just a few thoughts about the controversy concerning the abuse of prisoners by American contractors and military personnel, if accurate. Some of these charges, of course, must be accurate. No American should deny the truth, nor ignore this unacceptable and illegal behavior. In fact, the source of information and photos documenting wrongdoing appears to have come from an investigation, an investigation that was set forth and set in motion by the Pentagon itself. The Pentagon launched an investigation in order to end any abuse of prisoners that may have been taking place. Americans can be proud that we have standards that will not tolerate such abuse, and the Pentagon moved to correct it before it was publicly known.

We Americans should not flagellate ourselves because of a tiny number of American personnel who humiliated or abused prisoners. Certainly, the vast, vast majority, if not 99.99 percent, of our troops in Iraq and Afghanistan have conducted themselves in a courageous and honorable way. But such abuses and such mishaps and wrongdoing have occurred in every war. From the American Revolution on, we have seen soldiers who perhaps lose a friend and are struck by grief and lash out with revenge, killing a person or killing a prisoner or mistreating a prisoner or, we find, in some cases, a person with sadistic tendencies ends up overseeing the prisoners that have been taken. This happens in every war and conflict. Yes, things like this may have happened in this war as well.

The question, however, is what is to be done? Our government has declared such treatment of prisoners as wrong and illegal. We have thus maintained an honorable standard that we can be proud of.

Many of those criticizing us now or jumping to criticize us have no such standard. They murder their own people. Saddam Hussein, for example, butchered hundreds of thousands of his own countrymen. We found the mass graves, and in those mass graves were thousands and thousands of children.

Now, the world, the Arab world in particular, criticizes us over and over again, finding everything that they could possibly criticize us about, for trying to remove this sadist Saddam Hussein from power. Most of those Arab countries who criticize us or Arab organizations that criticize us, well, let us take a look at the criticism. Yes, it is wrong to abuse prisoners, and to the extent that they were, we were wrong. But we are actually trying to correct the problem. But those people, most of those people or many of those people who are criticizing us do not come anywhere close to a humanitarian standard of their own. They should not be pointing fingers at us or at our troops. This is sort of like the drunk down the street who has been arrested for drunk driving and had his license taken away pointing his finger at a neighbor because the neighbor is drinking a beer on the front porch.

Well, this hypocrisy comes from nitpickers, naysayers, and America-bashers. It is a bit too much. We are correcting a bad situation. We are admitting our failures, and we are correcting it. But we recognize that any noble cause, any war that has a noble cause is messy, just like all wars are messy and brutal undertakings. And for Americans, war is usually thrust upon us.

Tonight, I rise to discuss the war on terrorism, a war that was thrust upon us. This great challenge to our generation is the challenge we must face. History records that the people of the United States rose up and courageously defeated the forces of evil that threatened this planet during the last century. First we defeated the combined might of the German Nazi and Imperial Japanese war machines. Without the strength, courage, and sacrifice of the American people, this would have been a far different world dominated by the likes of Tojo and Hitler. And, yes, in that war there were some abuses and some mistakes by American military personnel, but does that mean that our cause of eliminating Hitler and Tojo was wrong? Certainly not. And we moved to correct those abuses, just as we have moved in this case when we have found some people who were misbehaving and doing some immoral things.

After World War II, Americans believed they had earned a better and a more peaceful life, only to realize that another evilism, communism, would destroy democracy unless America acted. The Cold War was upon us. Had it not been for the tenacity of the American people, for our love of liberty and, yes, our willingness to bear the burden for a sometimes ungrateful world, a Marxist-Leninist dictatorship would undoubtedly be dominating this planet.

Do our Muslim friends really believe that it would have been better for us not to have won the Cold War? Do they believe that the Marxist-Leninist regimes like they had in Yemen would have been better throughout the Muslim world? Certainly the rest of the world understands that communism was an evil force, and we can be proud of ourselves that we helped defeat that force, and it would not have happened without America.

I am proud to have served in the White House during a pivotal time in that Cold War. For 7 years I was a speech writer and special assistant to President Ronald Reagan. It is clear now that it was the tough policies put in place by President Reagan that brought the collapse of the Soviet Union and brought the collapse of Soviet communism and an end to the Cold War, but it was not easy. It was not a historic inevitability, as we are being told now; and it would not have happened on its own.

So please do not tell me also of the bipartisan spirit that enabled President Reagan to rebuild our defenses, that enabled President Reagan to support those fighting Communist domination, that bipartisan spirit that enabled President Reagan to vigorously expose the immoral underpinnings of Communist power. No, do not tell me that. I can testify to the Herculean effort that was needed to end the Cold War and that I never saw the bipartisanship the Democrats now remember so vividly.

What I remember is that every time we took a stand, as when we opposed a freeze on nuclear weapons production, that freeze which would have permitted the Soviet Union to dominate Western Europe, and as when we supported those resisting the Communist Sandinista regime in Nicaragua, the liberal wing of the Democratic Party, amplified by their friends in the media, blasted Reagan and blasted those of us on his team as warmongers, as if America and as if we were responsible for the conflict between East and West, and we were, of course, portrayed as the bad guys, even though we were promoting democracy.

The dictatorial concepts that are special to Leninism were just shrugged off. By the way, the Sandinistas, who the American left heralded as the representatives of the Nicaraguan people, have lost every free election that has been held in that country since President Reagan insisted that free elections be part of any peace plan there.

Ironically, one fight in the Cold War that did have bipartisan support was in Afghanistan. There we supported the Mujahidin, local insurgents who fought courageously for 10 years against a Soviet occupation army with all of its artillery, tanks, helicopter gun ships, and a willingness to do anything to destroy its enemies. Here was the greatest victory of the Cold War, which broke the will of the Communist Party bosses in Moscow.

However, the Afghan people paid an enormous price for this victory: millions dead or wounded, families, villages, and a way of life destroyed; people living in abject poverty, with a million babies dying of dehydration and other easily curable conditions and diseases.

The retreat of Soviet troops from the Afghan war marked the end of the Cold War. It was not the German people, let us note, who brought down the Berlin Wall; it was the bravery and sacrifice of the Afghans. And while we celebrated and prospered, the Afghans continued to suffer. Not only now are we helping remove the millions of landmines planted throughout their country, many of which we supplied ourselves to the Afghans; and these landmines, which we are only now helping to remove, kill and maim young Afghan children even to this day.

The roots of our current terrorist challenge lie not in our support, not in our support for the Afghan people and their fight against the Soviet occupation, but in our unconscionable decision in 1990 to walk away and leave them in their rubble and suffer their misery.

□ 2200

Walking away was a policy decision. It was wrong. It was dead wrong. President George Bush, father of our current

President, has to accept the lion's share of the blame for this cowardly, arrogant and selfish policy.

There would be no Marshall Plan for Afghanistan or anything else from the United States because when we left, we left everything up to the Saudis and the Pakistanis. Unfortunately, the Saudis and Pakistanis had their own agenda.

This was an unholy alliance doing the bidding of radical anti-western Muslims in their own countries, meaning Saudi Arabia and Pakistan. And while the majority of the Muslims even in a Saudi Arabia and Pakistan are wonderful people, there are large numbers of others who believe they have a right to commit horrendous acts of violence in the name of Allah, or as we would say, in the name of God.

Instead of trying to defeat, control or subdue these elements, the leadership of Saudi Arabia and Pakistan has tried to buy them off, compromise with them and as is evident now, the leaders of Pakistan and Saudi Arabia, many of these leaders, sympathized and allied themselves with Muslim extremists who would make war on the west and were intent on destroying our way of life, the American way of life.

I first became aware of these vile forces within the Muslim world while I was still at the Reagan White House. One of the worst of these blood soaked monsters was Gulbuddin Hekmatyar, a fanatic who in college was known to have thrown acid into the face of women who refused to cover themselves. It is shameful that a disproportionate share of what America sent to Afghanistan to fight the Soviets went to this beast. Even when objections were registered, and I can assure you that strenuous objections and complaints were made, the CIA and the State Department continued to the policy of channeling our aid through Pakistani intelligence, the ISI, who then passed on much of it to their first choice, to their golden boy, Gulbuddin Hekmatyar.

So we knew crazies were out there and we knew the Saudis and the Pakistanis supported them. Yet, we walked away and left them in charge.

Later, I learned, after I left the White House, that the problem was even worse than I suspected. After I left the White House, I left the White House in 1988 to run for Congress and I won that election in early November of 1988. And while other Members of Congress took vacations during their 2-month break between the time they were elected and sworn in, I instead went to Afghanistan. I went to Afghanistan and joined for about a week an Afghan military unit, an infantry unit that marched into the battle, and it was the last major battle with Soviet troops in the war of Afghanistan, the Battle of Jalalabad. As I was hiking into that battle with this Mujahedin unit, we hiked where we could see a group of tents in the distance.

Now, I was dressed as an Afghan and I was dressed as a Mujahedin soldier. I had a beard, et cetera. We could see these tents. They were luxurious tents. It was more like a modern day camping expedition by some rich people with SUVs than a Mujahedin camp, that was for sure.

But I was told immediately that that was the camp of the Saudis and that I should keep my mouth shut and that no English would be spoken until we were far away from that camp because they said there was a crazy man in that camp who hated Americans, worse than he hated the Soviets, even though we Americans were there helping to defeat the Soviet Army.

They said that man's name is bin Laden, and if he finds out we have an American with us, he would come to kill us just as he would kill the Soviet soldiers. So it was no surprise and it should have been no surprise that there was a real potential threat there in Afghanistan, waiting in the wings to take hold of that country. But instead of rebuilding Afghanistan, Pakistan and Saudi Arabia turned it into a mid evil kingdom run by psychotic, religious fanatics.

Now, in hindsight we know the horrific role the Saudis and Pakistanis have played in formulating anti-western Islamic terrorism, and we should also note that many of them today have committed themselves, many of the leaders of those two countries have committed themselves in an opposite course. They are trying to correct what was done wrong 10 years ago which helped create this problem. And we hope that they are sincere when they joined us in our effort in our war against terrorism and the war of the west against this terrorist threat. But, let us note that when this was happening and the Soviet and the Saudi leadership and the Pakistanis were actually helping the terrorist element or the anti-western element within the Muslims in Afghanistan, that part of the world, we should have seen it coming.

But just as the Saudis and Pakistani leaders subsidized and even assisted in this type of insanity, our government stepped aside and permitted the Saudis and Pakistanis to have their way.

So the Saudi and Pakistani leadership either helped or stood aside as these radical Muslims who hate the west and would make war on us began to take control, and then we stepped aside and let the Saudis and Pakistanis have the decision and make the decision. Yes, and we even helped the Saudis and the Pakistanis make that decision.

What was U.S. policy? We need to look at what the U.S. policy was in the 1990s that brought about this situation that we are in today. One of the things that I find most disturbing about the current hearing into the tragedy of 9–11 is that it downplays the importance of American policy in the laying of the foundation of 9–11. They would rather talk, meaning those people who are conducting this investigation, would rather talk about flow charts and organizational structure and a lack of a shared data base and no central coordination than trying to fix responsibility.

We keep hearing that setting the blame, they call it the blame game, wrong is wrong. It is a bad thing to do. Well, I am sorry, 9–11 represented not an unavoidable tragedy but a dramatic failure of policy and of people. Those who put the policy in place should be held accountable. The individual leaders in our intelligence, the national security system who failed to thwart 9–11 because of their own incompetence and bureaucratic arrogance should be held accountable.

Tonight I will provide a number of examples of policies that led to the empowerment of the hostile radical Islamic movement that we face today and to the policies and to the people who enabled these weird, feudalistic religious fanatics to become a major threat to the western world and especially a threat to the people of the United States.

September 11 was the greatest massacre of American civilians in the history of our country. Yes, we are in the process of hunting down the perpetrators of this monstrous crime and destroying their terrorist network. And I strongly believe our President is resolved to do what is necessary to get the job done and secure our country and our world in the future. He and our military are doing a superb job under the most difficult and dangerous of circumstances and they are being nit picked and naysayed to death every time a mistake is made. People are trying to undermine the general effort and the noble cause in which our troops are fighting.

President Bush has a long-term strategy. That is why we are in an Iraq, for example. We are trying to build a democratic society. Our success will not just be measured in the removal of this vicious and powerful dictator, Saddam Hussein, who hated us, who would have this man had an all-encompassing grudge against us that would have only been satisfied when he inflicted the death and destruction upon our people and the future whenever he had a chance to do so; but getting rid of him was not the only thing we accomplished.

We not only did that but we freed the Iraqi people from their oppressor and we have also provided an opportunity to build in Iraq that will serve as a model for the rest of the Muslim world. We are providing Muslim people, especially the young people, an alternative a choice not to destroy western civilization, but to be part of it and to open the door of a new Renaissance of relations when Christians, Jews and others can live in the same world and benefit from each other. Even though we are distinct from each other, we can interact and trade and we can be friends. That is the better world President Bush is trying to build. But it must start in Iraq. And if we lose in Iraq, the evil forces that would separate the west from the east and would have us fighting among various religious factions, they will then dominate this planet and we will not be able to stop them except at much greater expense of blood.

It is a strong vision that President Bush has. It is a noble vision; and it is the vision of a world living at peace where Muslims, Christians, Jews live together and this vision is stronger than what the radicals are advocating. They were trying to basically obliterate the faith and the culture of others. And our President is trying to make sure that the world is safe for us to live together in peace and harmony, no matter what our faith is. And we must succeed in Iraq. And I am here to today to applaud the President, and there has never been an action that has been perfect, but he is doing a tremendous job, as have our troops. As we support that, if we have succeed, we must hold those in our government, however, when we will hold them and we will make sure that they get the praise for a successful policy when and if we succeed, which I believe we will in Iraq.

But we must also, when we have a failure of policies, recognize what that policy was, what made us vulnerable to the attack on 9–11, for example, and we must hold those people accountable who failed to protect us and failed to put the policy that would best serve the United States and the western world. This is not the blame game that I am talking about. It is holding people accountable for decisions that they have made while in public service and while they have held authority from the people. So when I speak of bad policy, what am I talking about? What is this bad policy that led to 9/11?

Well, chaos and blood shed in Afghanistan, as I said, continued long after the Soviet Army left and America walked away. During this time in the early 1990s, I felt a personal debt to the Afghan people. I had been there when we were fighting the Soviets. I knew the sacrifices they made, so I felt that we owed them something, and I tried to do my best to find a solution but no one was listening. But it was not hard to find a solution. It was not hard for me to come up with an idea, with a plan that would have helped the Afghan people. But implementing that idea and finding that and making sure that solutions became policy was another matter.

So what was the solution? It did not take a genius to determine the best way to restore order and a stable government to Afghanistan was to bring back the honest and beloved former king, Zaire Shah, who had been living in Rome, Italy since his exile began in 1973. He was an elderly man, but he still had a good mind and an impressive stature. He was one person all factions of Afghanistan knew would not seek vengeance upon him if he was returned to power.

After visiting him in Rome and being beaten by him in a chess game, I took it upon myself to promote the exiled monarch as the logical choice to bring normalcy back to Afghanistan. So it is not like there was not an alternative to the policies that were put in place. It was the logical choice. Yes, it was the logical choice except for the opposition of Pakistan and Saudi Arabia. The Pakistanis knew they could not control Zaire Shah.

Zaire Shah had ruled over that country for 40 years. He was independent and a fair and honest man. When he was in a charge of Afghanistan, they lived a relative peace for 40 years. But the Pakistanis were intent on dominating Afghanistan as many of them still are and they ruled out bringing back King Zaire Shah. The Saudi wanted to placate their own radicals. That is why they did not like Zaire Shah, the old exiled king. They wanted to placate the Wahabis who are their radical sector in Saudi Arabia. So they too, the Saudis, nixed the return of the king.

But most disturbing to me is as I sojourned throughout that region on my own, sometimes at great personal risk, promoting the Zaire Shah alternative, U.S. State Department officials would follow me explaining that I was speaking for myself and that I was a lone junior Member of Congress not to be taken seriously.

These arrogant and amoral policymakers of our State Department could have given Afghanistan a chance for a leader who was decent and caring and peace loving, who loved his people and were loved by them.

□ 2215

Instead, they chose to play politics; and they chose the Taliban, make no mistake about it.

It is only when I spoke to the head of the Saudi Arabia's CIA, Prince Turki, that I was tipped off that another plan was in the works. Prince Turki was fired immediately after 9/11. Just keep that in mind, but until 9/11, he was the man who I could say was most responsible for Saudi policy in that region.

He explained to me personally that instead of the former king coming back, that they were creating a third force, and it was being created specifically to go into Afghanistan, and it would be comprised of religious students who had spent most of the war in the Islamic schools in Pakistan. These Taliban, which means student by the way, using their religious credentials, would dominate Afghanistan; and he assured me that they would not be involved in anything outside of Afghanistan.

These Taliban, by the way, with certain exceptions as I say, were not veterans of the war against the Soviets. They were not Mujahedin. A lot of people make that mistake. The Mujahedin fought the Soviets. The Taliban came in well after the Soviets left; and in fact, when we felt, after we were attacked, we needed to drive the Taliban out, it was the remnants of the Mujahedin who joined with us and also drove the Taliban out of Afghanistan.

For a long time, I blamed the Saudis and the Pakistanis for creating a force of religious fanatics and putting them in power. It is clear now, however, that it was not just the Pakistanis and the Saudis. Prince Turki, in Washington, when he tipped me off about the creation of Taliban, certainly he was there at the beginning and certainly the Pakistanis were there at the beginning, but other people were there as well.

Last year, I found out about this. Last year, the current former minister of Pakistan visited Southern California; and when he was exasperated by my criticism of Pakistan, that they had created the Taliban, he was upset and he blurted out that Americans were in the room and part of the bargain that created the Taliban as well. There were three parties in that room. Well, that revelation was no surprise to me. I had been trying to get a confirmation of that for years.

During the latter years of the Clinton administration, I charged that the administration policy was secretly supporting the Taliban. After making that charge at a public hearing, I was labeled as "delusional" by a senior Democratic colleague. When I insisted, with the support of Ben Gilman, who was then chairman of the Committee on International Relations, that the State Department provide the documents that would clarify America's real position, we were stonewalled, even though Secretary of State Madeleine Albright personally pledged to comply with this request. Here we are; that is our job to oversee American foreign policy. We requested the documents on the creation of the Taliban. The State Department thumbed its nose at us, gave us documents that were meaningless, that had a bunch of newspaper clippings, et cetera.

Let us be clear and understandable on this point. I am charging that during the Clinton administration it was U.S. policy to create the Taliban, and once in power, the United States Government supported these Islamic fanatics. It was the policy of our government under Bill Clinton. This policy was fully supported and probably created by our State Department, and if one wants to accept the responsibilities for the policies that eventually led to 9/11, start right here, and those in the State Department, those who oppose the return of King Zaire Shah and undercut anyone who is resisting the Taliban, they have the blood of innocent Americans on their hands, those Americans who were slaughtered on 9/11.

Let us accept that rejecting King Zaire Shah, and that option was dead wrong, but let us accept also it was understandable perhaps that our foreign policy establishment felt that way. They longed for stability, and they could not imagine stability without having the Saudis and the Pakistanis having their way, even though it is America that is supposed to be providing the leadership and not the other way around.

After the fighting stopped and the Taliban were in control, and this is after the third force was then unleashed, the Soviets had been gone for several years, this third force was unleashed. The Taliban swept across two-thirds of Afghanistan, and they took the capital city of Kabul.

Well, I have been trying to fight that for many, many months and many years; and I took a stand back, and just like everybody else, I wished the people of Afghanistan the best and I laid down a marker to the Taliban. I remember giving an interview where basically I said I would have a wait and see, and we expected them not to do things outside of their own country, and we expected them not to be a totalitarian force but a religious force. Of course, I tried to stop them from getting in power in the first place. There was nothing I could do at that point but hope for the best.

After about a month, it became obvious that I had been right all along and that this new force, the Taliban, were Islamic Nazis; and as such, if they were not stopped, they would hurt our friends or they would even hurt us.

So even after coming to power, our State Department, get into this, even after coming to power, our State Department closed its eyes to the increasing evidence of the nature of the Taliban; and they kept supporting the Taliban anyway. For several years, I was a lone voice, helped by Chairman Ben Gilman, then chairman of the Committee on International Relations, warning of the potential consequences of leaving such a fanatical, religious sect in power.

I even went to Afghanistan during this time and met with leaders resisting the Taliban, men like General Dostum, Commander Masood, Abdul Haq, and Ismail Khan. Masood, of course, is the most impressive of the lot, but of course, none of them are pure. Everybody makes mistakes; everybody has made bad judgments; everybody has done things wrong after they have been fighting for as long as these people have been fighting. They all made a certain number of terrible decisions; but unlike the Taliban, they were not totalitarian psychos who believed that God was talking to them and justifying the wholesale slaughter and control of other peoples.

Unfortunately, all of them and the rest of the Afghan people, when I say all of them I mean the leaders who were opposed to the Taliban, and the rest of the Afghan people, believed America was supporting the Taliban. So let us make this straight. Even after the Taliban took power, when it was no longer theoretical, it appeared to everyone, and I suggest that it was the case, America was still supporting the Taliban.

Why should these people not, these Afghans, think that? Was not our aid going to the Taliban-controlled areas? I myself had been thwarted by the State Department under leadership of Clinton appointee Rick Enderfurth in getting humanitarian aid to parts of Afghanistan not under Taliban control. So it is okay for the aid to go to Taliban areas, American aid; but when I tried to get some aid to some of the other areas, that aid was thwarted.

If there were any doubts, my suspicions about U.S. policy were confirmed in 1997 when the Taliban was saved from total defeat by high-level executives from the Clinton administration. What happened was in April of 1997, the Taliban launched a major offensive aimed at taking control over the northern third of Afghanistan. So they had already controlled two-thirds of Afghanistan; but up until that point, one-third of Afghanistan, the northern part, the northern alliance, were free from Taliban control, and yes, they were under the control, you might say, of regional leaders who were called and are called today warlords, but they are regional leaders. We can debate about the title.

An Afghan general named Malik was one of those regional leaders; and when the Taliban attacked northern Afghanistan, General Malik tricked the Taliban and managed to capture almost all of their front line troops, along with all of their heavy weaponry. It was an utter disaster for the Taliban. The road to the capital, Kabul, was wide open. The Taliban were totally vulnerable and could have been wiped out.

We are talking about early in April of 1997. I sent a message to my friends in northern Afghanistan that Kabul should be taken and that King Zaire Shah should be brought back to oversee a transition government that would eventually evolve and inevitably evolve as well into a democratically elected government, perhaps like what they did in Spain when the King went back and Spain, after the Franco dictatorship, evolved into a democracy; but before the anti-Taliban forces could strike, Assistant Secretary of State Richard Enderfurth and United Nations Ambassador Bill Richardson, both Clinton appointees, flew to northern Afghanistan and convinced the anti-Taliban forces this was not the time for an offensive. This, they said, was the time for a cease-fire and an arms embargo. This was the United States policy. When the Taliban were vulnerable, it became time for a cease-fire.

These two top foreign policy leaders of the Clinton administration were there to convince the anti-Taliban forces not to take advantage of the one opportunity they had to defeat their enemy, this Frankenstein monster that provided a base of operations to kill thousands of Americans. These Clinton appointees saved the Taliban. Right after the cease-fire and release of prisoners that was brokered by Mr. Enderfurth and Mr. Richardson, the Pakistanis began a Berlin-like air lift to resupply and re-equip the Taliban. So much for the arms embargo, which just happened as it always does, worked as an embargo against the good guys, but the bad guys, we just turned the other way.

If I knew, which I did, of this massive resupply effort that was going on for the Taliban, the Clinton administration had to know about this. So they just let the scenario happen while still enforcing the arms embargo against the Taliban's adversaries.

Let us note here that Richard Clarke, the man who testified on the hearings on 9/11, who cast aspersions on our President, who is now trying to take care of business, Richard Clarke was then a high-level official in the Clinton administration's foreign policy establishment. He undoubtedly knew about this effort to save the Taliban, was probably involved in all of these things that I am talking about, and probably approved it. So when you consider his self-serving testimony in which Mr. Clarke besmirched President Bush before the 9/11 investigation panel, keep in mind the role that he played in creating and supporting the Taliban.

Dick Clarke has no credibility. By the way, after this episode had run its course, the newly equipped Taliban army launched another offensive. This time they took almost all of what was left of Afghanistan, except the Panjshir Valley, which was dominated and remained the domain of my friend Commander Masood, the only hold-out against the Taliban, and America did nothing to help them, even as a new gang of radical cutthroats moved in and made Afghanistan its base of operations.

What am I talking about? Al Qaeda. What about al Qaeda? What about bin Laden? Where does he come from? So the reemergence of bin Laden.

Nowadays Osama bin Laden is a household name. Yes, he fought in Afghanistan against the Soviets. I saw his tents and his luxurious living conditions. No, United States money did not train him or supply him. The Saudis had plenty of money to take care of that. So the United States Government did not train and supply bin Laden, but he was there; and after the Soviets left, this is an important point, bin Laden left. Not only did America leave but bin Laden himself left. He could have financed the reconstruction of Afghanistan. He came from one of the wealthiest Saudi families. He had contacts all over the gulf region where they were swimming in petrol dollars.

☐ 2230

He had all of the money and contacts needed for this noble deed of rebuilding Afghanistan. Instead he left, and it was during this time when he was making even more billions of dollars for his family that he began to focus on the United States as the prime enemy of his faith and he committed himself not to the reconstruction of Afghanistan, but to the destruction of America. So this is how God talks to bin Laden. Do not help people, do not help rebuild, just kill innocent women and children and try to terrorize a Nation. Bin Laden is from an enormously wealthy Saudi family. And while our petroleum dollars flowed into Saudi Arabia by the hundreds of billions, the Saudi establishment not only turned a blind eye, but attempted to buy off this and other Islam radicals in their country.

Bin Laden's hatred for us grew during Gulf War I. Our presence in Saudi Arabia was an insult to his faith. The slaughter of unarmed people is consistent with his faith? In the late 1990s, bin Laden began to set up his terrorist underground army for a war that he intended to wage on America. In the mid-1990s he operated not out of Afghanistan, but out of Sudan. America's official position was that bin Laden was a terrorist and was on the most wanted list. In fact, CIA director George Tenet had declared bin Laden as America's number one target. While designated as such, this self-aggrandizing monster organized, financed and implemented attacks that cost tens of billions of dollars and the death of thousands of innocent people, and not just in the United States, but worldwide we have seen these attacks.

Yet the same CIA that declared bin Laden their number one target with all of the power and assets that the CIA has, they could not thwart 9/11 and they did not warn us about 9/11? If this is not incompetence, what is incompetence? But this everybody knows. Unfortunately, this is mind-boggling evidence. The fact is, the very basis is they did not warn us, and 9/11 happened and he was their number one target. What more evidence do we need of incompetence on the part of our government and CIA in particular.

Vanity Fair has an interesting report about bin Laden and perhaps America's policy toward bin Laden and why he succeeded. Vanity Fair suggested that when bin Laden was in the Sudan, the Sudanese government cataloged all of the people he spoke to on the phone and in person. Here was a listing of all of the members of the bin Laden network, and the Sudanese government was abruptly turned down when they offered to give the United States the entire catalog. According to Vanity Fair, Madeleine Albright made the decision to turn down the offer and instructed no one to look at or copy the material.

The Sudanese former ambassador personally told me that he tried to hand this list to a representative of the United States Government. It would have permitted us to apprehend bin Laden's entire network, but we threw it back in his face. By the way, Dick Clarke had to know about this decision, too. This is the man who cast aspersions on our President. That was back during the Clinton administration, of course.

Then, an even more personal incident happened when we want to talk about our government's ability to protect us and what was going on during the Clinton administration that led to 9/11. In April and May of 1999, America had an incredible opportunity to capture bin Laden. I was involved, and I am here to report yet another example of the incompetence of those we trusted to protect us from an attack like what occurred on 9/11.

In April 1999, I was contacted by a long-time friend who had been deeply involved in the Afghan fight against the Soviet occupation troops. My friend, an American, had impeccable credentials. He had been in Afghanistan, and was widely known and admired by the Afghan people. My friend called me to tip me off that bin Laden was outside of Afghanistan and could be easily captured. I told him I would pass on his name and phone number and that he would be contacted as soon as possible by the CIA.

The very next day I briefed the CIA and I passed on my friend's phone number and name, and briefed them on his credentials, and told them he could hand them bin Laden on a platter. I called my friend after a week. The CIA had not called him yet. I went back to the Agency, and this time they were adamant they would contact my friend. There was still a chance to get bin Laden. Another week passed. The CIA did not call my friend. This time I went to the gentleman from Florida (Mr. GOSS) who is the chairman of the Intelligence Committee. When the gentleman from Florida (Mr. GOSS) heard my story, he arranged a meeting for me the next day.

So the next day at the appointed time I went to a secure room in a secret and heavily guarded part of the Capitol where I went to meet with the representatives from the CIA. When I got there, there was a CIA representative and National Security Agency and the FBI. That was the bin Laden task force. They were all there, and they apologized for the dunderheads at the CIA who had not called my friend to get the information, and they were going to fall up on it immediately.

A week later I called my friend and he still had not been contacted. I mentioned it to the gentleman from Florida (Mr. GOSS) who was appalled. The next day a representative from an intelligence agency finally called my friend. The caller's tone of voice suggested that the inquiry was obligatory. It did not make any difference because the trail was already cold.

This incident is bad enough, but then there is the episode of Julie Sears. At the same time I watched the CIA stiff my friend who wanted to tip them off about the whereabouts of bin Laden, there was a young woman who came to my office seeking help. Her name is Julie Sears. She was an analyst at the Defense Intelligence Agency. She knew I was the only one who understood what was going on in Afghanistan, and was seeking my help because she had been fired from the Defense Intelligence Agency.

Julie Sears has an interesting story. She had worked at the Defense Intelligence Agency for 3 years. She was an Afghanistan analyst. That was her specialty. She went to Afghanistan and was permitted to go to the Taliban areas only. When she returned, she did her study and realized there was information in Northern Afghanistan that was vital for the Pentagon to know if they were to understand the threat that might be taking place and building in Afghanistan. Julie Sears was forbidden to go to the non-Taliban areas of Afghanistan, so she decided to go on her own.

She told her boss she was taking leave, then reported where she was going, officially to the Agency's office that approves that. It was approved that she could go, and she went to Northern Afghanistan on her own and met with Commander Masood and others and came back with some information that was vital. That information was that Commander Masood was telling her that he was capturing troops from the Taliban who were from all over the world and that apparently bin Laden was bringing in huge numbers of people into Afghanistan, training them for terrorist activity, and then letting them fight Masood's forces to get wet behind the ears in battle. And when he captured these people, they were from all over the world. He was talking about the creation of al Qaeda.

Julie Sears came back with that information and she was fired on the spot, and the director of the Defense Intelligence Agency even refused to let her brief other members of the government and refused to have her report be officially put forward, and no one got that information.

I called in the head of the Defense Intelligence Agency. I called him to my office and he came there. He was a general, and we will not go any further than that. He had been in charge of the DIA for several years during the Clinton administration. I told him General, this woman risked her life in order to get this information. She is a hero.

His answer was, She is insubordinate.

I said General, I think she risked her life and spent her own money to try to get information for the safety of our country, let us compromise at the very least. Give her back her job, I will not call her a hero, you will not call her insubordinate, we will leave it the way it is.

He said, No, I cannot do that.

I said General, do it and if you blame somebody, blame me. Blame this politician who is politically interfering with the way you manage your operation.

He went back to his office and fired Julie Sears. That is the type of arrogant, bureaucratic attitude that ended up with 9/11.

Finally, there are two other instances that have colored my view of how we ended up with this war in terrorism which could have been avoided, but we were ill-served.

A few days before September 11, my friend anti-Taliban leader Commander Masood was murdered by al Qaeda. After the shock of seeing that my friend had been murdered, I figured it out. Bin Laden had sent his people to kill Masood because he knew the United States would rally behind Masood if there was a major terrorist attack against our people. Bin Laden's terrorist army planned to attack us. It was not hard for me to figure out. They killed Masood so we could not counterattack against them by supporting Masood. Bin Laden's terrorist army was going to attack us. Perhaps Masood's death was a signal to move the plan that was already put in place forward.

The day before 9/11, I called the White House and asked to see National Security adviser Condoleezza Rice, it was an emergency. The purpose was to warn her of an imminent terrorist attack on the United States. One of her assistants came on the line and apologized, she was really busy that day but she made an appointment to see me the next day. Yes, on 9/11 I had an appointment to see Condoleezza Rice in the early afternoon to warn her of a major terrorist attack that was about to happen.

The question that needs to be asked was how was I able to figure this out. I have one staff member who is my foreign policy military staff member who helps me with foreign policy issues, why I was able to figure it out but the CIA was not able to figure it out. We know why the DIA was not, but why would the CIA, with billions of dollars at its disposal, hundreds of analysts and bin Laden the number one target, that they could not figure it out.

Incompetence. We need to blame people for their failures, and we need to blame the policies that brought about the problem. Finally on 9/11, once the planes started slamming into buildings, I knew right away what was going on. It did not take a genius at that point, but what also dawned on me, without Masood, there was only one person left on this planet who the Taliban and al Qaeda knew threatened their base, and that was the old king of Afghanistan in Rome. The exiled king, they knew without Masood, he was the only man the Afghan people could rally behind in order to launch a counterattack.

I called the king. I was dumbfounded to hear there was no one there to protect him. This is hours and hours after the planes slammed into the buildings. He was totally exposed. Our number one asset in a war that we were just entering was totally exposed.

I called the American Embassy in Rome and then I called one of the top leaders of the CIA who concurred with me that the king was a primary target of the band of terrorists with whom we were now at war. Yes, he needed to take care of that, and the king would be protected. Five hours later, by chance, I had the opportunity to speak with this very top CIA official again, one of the top leaders of the CIA. And when I asked him if the king was now protected, he said, "You do not expect us to act that fast?"

So there you have it. We are at war. Thousands of Americans were being slaughtered and the CIA official in charge of protecting us does not take the initiative to try to protect our number one asset that we needed to thwart the Taliban and thwart the people who were murdering our people.

Why did we have 9/11? There you go. Let us remember George Tenet was appointed by Bill Clinton, and he is still the director of the CIA. People tell me that since 9/11, he has been doing a better job, and that some people who were not doing a good job over at the Agency are doing a superb job now. Let me note that.

But when we talk about why 9/11 happened and who was responsible, especially when we have a committee who is trying to besmirch our President who is now taking care of business, let us look at the policies that people who created this.

□ 2245

The committee now investigating 9-11 can tell us about lack of information sharing; but we know that within the FBI itself, there were agents who were begging higher-ups to pay more attention to the possible threat of suspected terrorists who were receiving pilot training. No, there was not an obstruction there. There was not lack of communication or agencies did not talk to each other. That was right within the FBI. But, no, someone in that line of command was arrogant and told them to forget it. There was no absolute proof that this was going to happen. This is called bureaucratic arrogance and bureaucratic inertia or perhaps maybe the arrogance of officialdom or just plain incompetence. Couple that with the policies of the Clinton years that created and nurtured the Taliban and turned Afghanistan into a terrorist training base and a staging area for terrorism, take those things together, that is what brought us into this situation that we find ourselves in today.

Those who run our government should be held accountable for the policies that they advocated that created this Frankenstein monster, and they must have the commitment and be held responsible and accountable for their lack of commitment of getting their job done if their job was to thwart attacks on the United States. 9-11 happened because of the actions or lack of actions of certain people with authority and because of fundamentally bad policy.

Today we have a fundamentally good policy at hand when our President is taking care of business in Iraq. He is not kicking the can down the road like they did during the last administration. He is going to see that the people of Iraq develop an alternative to radical Islam, and by doing that he has a strategic vision that will build a better tomorrow rather than ignoring any potential threats and permitting the Frankenstein monsters that appeared in the late 1990s to reappear.

If America is to be secure, we must do our job, and that is our job in Congress, and that is to hold people who fail accountable, and we should quit whining about it and quit playing politics. That is our job in Congress, to hold people accountable, to oversee what is happening in the other branches of government and to pass rules and regulations and to make sure that our military is equipped and doing the right job.

We too have to be held accountable perhaps in the 1990s for not stepping forward but instead being focused on other things. The United States Congress was not focused on Afghanistan. It was not focused on these problems as well. And today I think we have a chance to make up for that. We have a chance to work with our President and, instead of playing politics, make sure we win this battle in Iraq and help create a better world.

I am very proud of our President, and I am very confident that our children will not have to suffer another 9–11 because we are doing what is right today.

IRAQ WATCH

The SPEAKER pro tempore (Mr. COLE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 60 minutes.

Mr. DELAHUNT. Mr. Speaker, we are back here this evening for another installment of our weekly Iraq Watch. Tonight I am joined initially by the gentleman from the State of Washington (Mr. INSLEE); and I expect, as the hour proceeds, other members of Iraq Watch will join us for our weekly discussion.

The revelations of the past several days concerning abuses of detainees or prisoners under the auspices of American military have shocked and appalled the world. And as many have indicated, including the President, Secretary Powell, and Secretary Rumsfeld, this is unacceptable, unconscionable, and un-American. It is an embarrassment to our country, to our military; and it is my understanding that a variety of congressional committees intend to address this particular issue.

But what concerns me is something that is fundamental to what we have been talking about these past months about our policy in Iraq and the Middle East in the war on terror, and that is credibility, competence, and the willingness of this White House, this administration, to consult with Congress. I think that there is a growing realization that this President, this Vice President, and this administration have failed on all accounts.

There was a report today in the media which quoted President Bush regarding these appalling revelations. And I would like to read to my friend and to the Speaker and to those who might be viewing us this evening as we have our weekly conversation excerpts from those reports in the international as well as the American media:

" 'The first time I saw or heard about pictures was on TV,' the President," referring to President Bush, "said, leaving open the question of when he first learned about the substance of the allegations that prompted an initial investigation in January of this year. But General Peter Pace, Deputy Chair of the Joint Chiefs of Staff, said that 'Everyone was kept appraised orally of the ongoing investigation.' Asked whether Bush and General Richard Myers, Chairman of the Joint Chiefs of Staff, his direct supervisor, were well aware of the situation, General Pace responded, 'Yes.' Myers, the country's top general, raised eyebrows over the weekend when he said that he had not read a report completed in early March that documented the widespread abuses in Abu Ghraib. Secretary of Defense Donald Rumsfeld had also not read the report that was completed in March by this Monday," by this past Monday, "5 days after the damning photographs were first shown on the CBS television program 60 minutes, a spokesman said."

I find that absolutely incredible. The Secretary of Defense had not read the report until this past Monday, and the report was completed in March. What is going on? One can only describe this as ineptitude of the highest order.

Let me continue: "Congressional leaders have bitterly complained that they were kept out of the loop and were particularly incensed after the Pentagon reported Tuesday the deaths of 25 prisoners in Iraq and Afghanistan including at least two confirmed homicides. The Congress has not been notified of the murders that took place. 'There have been no reports of these abuses,' Republican Senator John McCain, himself a prisoner during the Vietnam War, told ABC television on Wednesday."

From the Cox News Services, Senator MCCAIN went on: "The Congress should have been notified of this situation a long time ago. It's a neglect of the responsibilities that Secretary Rumsfeld and the civilian leaders of the Pentagon have to keep the Congress informed of an issue of this magnitude."

I agree with Senator MCCAIN. Even the majority leader of this House, this body, who certainly has taken the most hawkish position possible when it comes to the issue of Iraq and Afghanistan had this to say: "We are being briefed all the time. If we are going to be a part and a partner in this war on terror, then we are to be completely briefed, not just briefed on those things they want us to hear." Of course, the majority leader of this body is the gentleman from Texas (Mr. DELAY).

I see the gentleman from Washington (Mr. INSLEE), and he has a look in his face that he wants to make a comment.

Mr. INSLEE. Mr. Speaker, it is difficult, while our proud men and women are serving in the field in Iraq, to tell some very unfortunate truths about the failure of the executive branch of this government to live up to their service in Iraq. It is difficult to say the truth, which is there has been gross incompetence, deception, manipulation of the truth, failure to recognize reality in Iraq which has got us in such an unholy mess by the executive branch of the Federal Government. That is not pleasant to say given what our troops face in Iraq tonight. But it is necessary to say it.

And the reason it brought hope to me when I was visiting a family that lost a son and a husband in Iraq while serving in an incident where he earned the Bronze Star posthumously, a man who will not be coming home to his children, when I talked to his widow, the one thing she impressed upon me that she wanted me to do is to not fail to blow the whistle on executive branch incompetence which has created such problems in Iraq or at least not responded to them the way they should. And this body, the people's House, has an obligation to blow the whistle on these multiple failures, and they are multiple. And tonight I think we are going to talk about 10 failures of the executive branch of the government, which has been responsible in part for some of the difficulties that we face in Iraq.

And the first one I would like to mention is the one that leads in part to some of the problems we face with handling prisoners of war. The public is well aware of what happened here. I heard a conservative commentator yesterday just describe this as the soldiers just having a good time, just blowing off steam. It is that kind of attitude that apparently permeated our command and control structure in our prisoner of war camps, and that kind of attitude has the potential to inflame the Arab world and create more enemies of the war we are fighting against al Qaeda right now. It is a gross mistake.

□ 2300

It is a failure of a command and control structure.

One of the problems this Congress needs to get right to the bottom of is this scandal regarding private contractors in Iraq. We have heard of multiple scandals involving overpayments to the Halliburton Corporation, multiple scandals involving mispayments and overpayments for oil to these corporations, many of whom are great political donors, I might add, in the United States political system.

But there is another one we need to get at, and that is why we have private contractors doing interrogation of prisoners of war in Iraq, who are outside the command and control structure, who are not subject to military discipline, and who apparently were instrumental in this debacle in our prisoner of war system. There is an error and failure that we need to get to the bottom of.

Mr. DELAHUNT. Mr. Speaker, reclaiming my time, I do not know if my friend was aware, but the second largest army in Iraq today is not the army of the United Kingdom, but it is this army of private contractors. Let us call them what they really are, they are mercenaries.

I dare say, to privatize a war without the command and control of American generals and American officers is a very, very dangerous precedent that is being established.

I think what we are seeing here tonight, what we are talking about tonight, rather, is an example of where it can lead. We all have to acknowledge and remember that the entire world is now viewing, not just simply the photographs, but the realities of the war on the ground and the fact that the United States of America is privatizing its military, privatizing its war, delegating to those who are not necessarily responsible and accountable to American military command absolutely significant duties.

Mr. INSLEE. If the gentleman will yield further, this is starting to permeate our whole system. We are finding that contractors are going to leave when the temperature gets too hot. We have got these private contractors doing interrogation and involved in this scandal in our prisoner of war camp.

Let me suggest this is part and parcel of the second failure. The first problem we talked about is a failure of command and control. But the second failure of this executive branch is the failure to be honest with the American people as to what this war is costing and their desire to fight a war on the cheap. While our people are losing their lives in Iraq, this administration refuses to be honest with the American people about the real cost of this war.

Let me suggest two reasons that I know that is true. Number one, instead of having a military system that is capable of fighting this war and putting the troops on the ground that were really needed, they tried to do it with these private contractors, many of whom are, again, engaged in the political process in this system and are political allies of those making executive decisions about this war. Number one.

Number two, as of this moment, in the middle of this war, while our soldiers, men and women are putting their lives on the line, this President has not shown how to pay for this war, and today I am told now proposed another $25 billion of deficit spending to pay for this war.

If our soldiers can put their lives on the line, this executive branch ought to say what this war is really going to cost us and how long we are going to be there and how we are going to pay for this war. And just adding it open to the backs of our children just will not wash. Maybe that is the politically expedient thing to do. Maybe when you start a war based on false information, and we now learned it is false, maybe you want to kind of sweep it under the rug, how many billions of dollars it is going to cost the American taxpayers. But it is the wrong thing to do, like it is the wrong thing to do to fight this war on the cheap, to have contractors in there instead of folks in your command and control system. We need to get to the bottom of that failure number two.

Mr. DELAHUNT. Reclaiming my time, Mr. Speaker, I think it is appropriate that we speak about the contractors and their roles, this private army, these mercenaries. It is also important again to go back to what I spoke to earlier, the incompetence and the ineptitude that is so rank and so disturbing.

It is as if nobody knows what is happening. The President of the United States is seeing this on TV. The Secretary of Defense has not read the report until this week, and the report was completed in March. If that is the case, if that is the fact, and we do not know that, I cannot understand what is going on in terms of this administration and its efforts.

Mr. ABERCROMBIE. If the gentleman would yield, I think that in the context gentleman has just enunciated, that the notification to the Congress this afternoon of the $25 billion request is in order for examination. It is characterized as a "supplemental package." There is nothing supplemental about this. This is an ongoing cost, an expense.

What is being outlined here in terms of what private contractors are doing, the package that has been put forward by the White House says it is for military operations in Iraq and the war on terrorism.

Now, I realize, and I think the gentleman would agree, that this has to be paid for. We cannot leave our troops out there without their proper equipment, many of the things that speakers in Iraq Watch have brought up before on this. But would the gentleman agree then, before this $25 billion is voted on, we need to find out where this money is going, who is going to get the money, what are the operations that are envisioned?

Mr. DELAHUNT. What the gentleman is saying is that we need at this point in time a bona fide consultation, unlike what we have had to date. And this is not a partisan attack on the administration. This was the opinion of Republicans who supported the war dating back to January of 2003 in a column by Robert Novak of the Sun Times in Chicago. Let me quote again some excerpts that I think are very revealing about the attitude of this White House and this administration towards this institution and towards a shroud of secrecy that has been unparalleled in our history.

"Republican Senators gathering last Wednesday for their first session retreat should have been happy, blessed with a regained majority and a popular President. They were not. Instead, they complained bitterly of arrogance by the Bush administration, especially the Pentagon, in treatment of Congress all along the road to war. It informed the White House Chief of Staff Andrew Card that there were grievances from President Bush's Senate base; that it is ignored and insulted by the administration, particularly by Defense Secretary Donald Rumsfeld in preparing for the war against Iraq. Recitals of complaints began with Senator JOHN WARNER, a pillar of the Senate GOP establishment. WARNER had his colleagues' attention when he addressed Card. 'I will not tolerate,' he boomed, 'a continuation of what has been going on over the last 2 years.' He cited cavalier treatment that denies information even to the venerable top Senate Republican on Armed Services.

"Next up was Senator PAT ROBERTS, a former Marine officer who has spent the last 40 years on Capitol Hill. ROBERTS, a plain-spoken midwesterner from Kansas, is the new Senate Intelligence Committee Chair. He told Andrew Card to mark him down agreeing with everything WARNER just said. Senator KIT BOND of Missouri got up next and repeated similar concerns."

So this is not a partisan attack on the President. This is a bipartisan concern that this administration act competently and consult with Congress. These issues are too serious.

Mr. ABERCROMBIE. If the gentleman will yield further, last evening I had an opportunity to speak in a special order, and I indicated then and I indicate again tonight in the wake of the gentleman's suggestion that the President was ill-served by those in authority who failed to inform him fully as to what all the conditions and circumstances were.

There is no excuse for the leadership in the Department of Defense not informing the President of the United States as to what he might be facing with respect to the outcome that was here. I pointed out last night that this situation did not just develop with CBS on 60 Minutes II within the last 7 days. A report by the Provost Marshal of the United States Army, Major General Donald Ryder, in November of 2003, was in the hands of General Sanchez and in the hands of the Department of Defense and the Secretary in the fall of last year.

□ 2310

In the wake of that, I have here and am displaying to my colleagues, Mr. Speaker, Article 15-6, investigation of the 800th Military Police Brigade. This was the report that was requested on January 19, 2004, subsequent to the Provost Marshal's investigation and report, which indicated severe difficulties, tensions between military intelligence-gathering and proper prison conduct by those in charge of the prisons, indicating that there were training problems, operational problems that needed to be addressed. And so on January 19, Lieutenant General Sanchez, Lieutenant General Sanchez, the commander of the Combined Joint Task Force 7, requested that the U.S. Central Command appoint an investigating officer, and that investigating officer, of course, was General Taguba. His report responded to the admonitions of Lieutenant General Sanchez that an investigation of detention and internment operations be undertaken, starting from November of 2003. November of 2003 is when the report went in, indicating that there had to be steps taken to address these questions.

Let me quote from the opening paragraph. "Lieutenant General Sanchez cited recent reports of detainee abuse, escapes from confinement facilities, and accountability lapses, which indicated systemic problems within the brigade and suggested a lack of clear standards, proficiency, and leadership."

Fifty-three pages later, and if the gentleman will grant now, I will not cite over and over again what is taking place in here, but one shocking event after another.

This 53-page report, and this comes from CQ Today, Congressional Quarterly Today by Neil Soros from the CQ staff, and he quotes, "The 53-page report drafted by Army General Antonio Taguba, and based on an investigation into the abuse allegations," that is this report that I hold in my hand, "that began in January was finished in April. The report was detailed in this week's New Yorker magazine. At a Pentagon news conference today, Secretary Rumsfeld defended the time it takes to release such information."

Now, this information was available from November of last year.

Quote: "I recognize the appetite of people for instant information and instant conclusions," he said. That is to say Secretary Rumsfeld. "These things are complicated. They take some time. It required interviewing people back in the States who had already left Iraq that required discussions with people. They are proceeding in a very systematic and appropriate way, and to the extent I conclude at any time there is some slice of it that has not been investigated, has not been looked at properly, you can be sure I will undertake such an investigation."

Clearly, the Secretary of Defense is dissembling and somehow thinks that everybody in this country can be fooled as to what his responsibility is. The Secretary of Defense has known, at least since November of last year, what was going on and did not even inform the President of the United States, because the Secretary of Defense, as I said last night, apparently has assumed that he is the chief operating officer of this country and that he does not need to inform the Congress, he does not only not need to inform the Congress, but does not even need to inform the President of the United States.

I yield to the gentleman from Ohio.

Mr. STRICKLAND. Mr. Speaker, I would just like to say that I think the Secretary of Defense, Secretary Rumsfeld, should resign. He was quoted in the paper today responding to a question as to why he had not asked to see the pictures, and he indicated that he had asked, but they were not available.

Now, if the Secretary of Defense of this country cannot acquire pictures that he asks for, is it any wonder that we have troops in Iraq tonight who are driving around in unarmored vehicles? Is it any wonder that we had troops in Iraq for an entire year without protective body armor? If the Secretary of Defense cannot get pictures that he requests, my God, what are we facing over there? It just is indescribable.

I yield to my friend, the gentleman from Washington State.

Mr. INSLEE. Mr. Speaker, if it was one failure, wars are tough, some things go wrong; and if it was one failure, maybe we would be in the excusing mode. But it is interesting. Of all of the failures that have happened in Iraq from day one, not one single person has lost their job, except maybe recently in this POW camp situation.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman would just yield on that point, yes, somebody has lost their job: the people who published the pictures of the coffins coming home.

Mr. INSLEE. Who is my constituent, by the way, and we will talk about that in a few minutes. But let me suggest that there is not one failure, there are 10 failures. And before the night is out, I want to list the 10 failures of this executive branch which are significant which have gotten us into this mess.

Failure number 1. They told us and the world that Iraq had weapons of mass destruction. The President of the United States said on August 26, 2002, "Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction." That statement was false.

Number 2. They told us they had clear and convincing evidence of the connection between Saddam Hussein and the attack of September 11 and al Qaeda. No matter how many times that is said, that statement is false. We have now seen the intelligence briefing. There was no such evidence. That statement was false.

Third: they told the American people that we would be greeted as liberators, rose petals strewn at our feet, happy convocations of democracy-seeking Iraqis greeting our personnel carriers. As a result of that failure, Americans died, because they refused to send armor that would have protected our soldiers from these improvised explosive devices along our roadways, and they sent them with thin skin, sheet metal Humvees not as thick as your washing machine that did not protect our soldiers.

Now, why did they make that such fundamental error? Why did they not send our armored personnel carriers that we have 11,000 of them sitting in warehouses around this country, why did they not send those? Well, there is a reason. It is because they were so, and I have no other word to put it but arrogant, to believe that their wisdom would be accepted by the entire Mideast when they came into Iraq, and they were wrong, and our people died.

Issue number 4: they ignored clear evidence that we needed more troops on the ground after the collapse of the Iraqi Army. General Shinseki, General Zinni, many people told them, when the Iraqi Army collapses, there is going to be massive looting and chaos and you are going to need hundreds of thousands of troops to protect us and the Iraqis, and they ignored it. Why? Because of arrogance.

Issue number 5: they refused to say we needed the U.N. Now the President is now saying we needed the U.N., now. Well, it is a little late now when the rest of the world is refusing to become involved.

Number 6: they refused to have elections. I am told Jay Garner, the first provost they had, suggested they needed elections. That is kind of what democracy is about. Now, proposedly, the President is going to turn over sovereignty on June 30. What a joke. The only thing these people are going to control in Iraq after we hand-pick these people are who gets library cards. Every single thing else is going to be run by us, and Iraq knows it. I will go quickly.

Number 7: No command and control and adequate training in handling these POWs with a massive black eye to the United States of America. When we have tens of thousands of people doing a great job in Iraq, our reputation has been soiled.

Number 8: no armor. We talked about that.

Number 9: no plan to pay for Iraq. We have over $130 billion of payment of Iraqi expenses, and this President has not suggested one single dollar except deficit spending to pay for this war.

Number 10, and this is the one maybe that is the most no-brainer to me I can think of. They sent 130,000 troops into Iraq without body armor, knowing that you are sending them into the war and into the dens of modern combat without modern flap jackets. That is 10, and that is enough.

Mr. STRICKLAND. Mr. Speaker, if the gentleman will yield, I wrote Secretary Rumsfeld about the body armor issue months ago and he wrote me back and he said all of our troops will be protected with this body armor by November.

□ 2320

A day later I get a letter from General Myers, and he says it will be December. Before we leave here for the holidays, they had a briefing at the Pentagon; they said it is going to be January. Do you realize it was March of this year, one full year after the beginning of this war, before the Pentagon was willing to say that all of our troops had been equipped? And now they are over there without uparmored Humvees, and they are driving over these roadway explosives. They are getting their arms and legs blown off.

They are losing their lives, and we are not correcting that problem as quickly as we are capable of correcting it.

How do I know that? Because the only company the Pentagon has a contract with to provide these uparmored Humvees is an Ohio company located in Fairfield, Ohio. They are capable of producing in November of this year, by November of this year, 500 of these uparmored Humvees per month. How many is the Pentagon willing to buy? Only 300 per month. That means that we are not addressing this problem as quickly as it is possible to address it.

How can the President, how can the Secretary of Defense, how can Paul Wolfowitz look the American citizen, the American family, the American soldier in the eye and explain to them why we are not doing everything as quickly as possible to protect our soldiers?

One more thing before I yield, Deputy Secretary Wolfowitz, who I believe and I think most people believe was largely responsible for helping formulate this policy of going into Iraq as we did, was asked a few days ago how many American soldiers had been killed. And he indicated that it was something over 500. And at that time we had lost well over 700 American soldiers. To think that the Deputy Secretary of Defense was not paying attention to the number of American deaths is almost unthinkable, almost unthinkable.

I have got 8th and 9th grade students who come to Washington, D.C. from my district, to visit me in Washington, D.C., who are better informed about the price this country is paying in terms of deaths and the injuries of our soldiers than apparently is the Deputy Secretary of Defense, Paul Wolfowitz. He should be ashamed of himself.

I cannot fathom that one in his high position would not on a daily basis take note of the number of American soldiers who have lost their lives in this conflict.

Mr. INSLEE. I just want to offer a brief suggestion why that is. How could the Assistant Secretary of Defense not know our casualties? How could you possibly explain that? Well, there is an explanation.

This administration has got us into a war and is pursuing a war based on wishful thinking rather than hard reality. Now, wishful thinking is fine in Hollywood. It makes some great dramas, but it is a lousy way to win a war; and it costs people's lives, and that is what is happening tonight. They have wishful thinking: if we just stay the course, the Iraqis will accept the government we are trying to force down their throats. It is wishful thinking that the ID are going to stop and the Humvees are going to stop the attacks on our soldiers. It is wishful thinking that somehow we will find $150 billion a year to pay for this war.

They refuse to recognize the hard cold reality that our soldiers are facing every day in Iraq. It is morally, ethically, and democratically wrong; and that is why we are here tonight.

Mr. DELAHUNT. Just to pick up on the point by my friend, the gentleman from Ohio (Mr. STRICKLAND), it is beyond the incompetence and the ineptitude that seems to characterize the civilian leadership of the Department of Defense. That can only be called callousness, and it is rank and raw. And maybe he ought to join us as we attend the funerals of those who have died in the service of this country. I have already attended two, two funerals. A young man in Quincy and just recently a young man in Plymouth. This Saturday I am attending another funeral. And just maybe if Under Secretary Wolfowitz was at that funeral with me, he might know the number of Americans that have died in this war. But maybe it is just simply ineptitude.

We were talking earlier about these contractors, these mercenaries, these Hessians, if you will. A report exists that has targeted two individuals who worked for contractors. Now, I am not going to reach a conclusion, because everyone deserves due process, everyone deserves the implementation of the rule of law as we know it in our democracy; but they have not even received notice. Just imagine that. They have heard nothing from the Pentagon.

It is in a report and there has been no communication to these private companies. Yesterday in the New York Times the lead contractors implicated in prison abuse remain on the job. They are still there. More than 2 months after a classified Army report found that the two contract workers were implicated in the abuse of Iraqis at a prison outside of Baghdad, the companies that employ them say they have heard nothing from the Pentagon and that they have not removed any employees from Iraq.

For one of the employees, the Army report recommended termination of employment and revocation of a security clearance. For the other, it urged an official reprimand, whatever that means, and review of his security clearance. Military spokesmen in Washington and Baghdad said Monday evening they had no information on whether the workers were still on the job or why the report had not been conveyed to the companies. One of the principles in the company noted with apparent irritation that the military still had not provided the company with a copy of the report completed February 22.

What is going on with the civilian leadership under the direction of this Secretary?

Mr. ABERCROMBIE. Mr. Speaker, I can tell you who has been notified. I can tell you who has been held responsible.

The New York Times, perhaps the same article, indicated yesterday, the senior American commander in Iraq has ordered the first punishments in the abuse of prisoners by American soldiers there, issuing severe reprimand to six who served in supervisory positions and milder levels of admonishment to a seventh. Those in supervisory positions received a reprimand or a letter of admonishment. However, six subordinates accused of carrying out the abuse already face criminal charges.

Mr. DELAHUNT. It just gets worse.

Mr. ABERCROMBIE. A moment longer.

"'They did not know or participate in any crimes,' a senior American officer in Baghdad said of the officers who received the reprimand." Who determined that they did not know or participate in any crimes? A senior American officer unnamed says in Baghdad, but they know that the six subordinates, the poor grunts on the ground, they know that they have got to face criminal charges. In addition, issued the reprimand. Their responsibility is to set the standards in the organization. They should have known, but they did not. So they just get a reprimand.

They are the ones setting the standards in the organization by the administration of senior officers in Baghdad. We already know what is happening. The grunts on the ground are taking the fall. That is what is happening. That is the reality. And the officers are running and hiding, and they are being allowed to do it despite the fact that we know that reports existed as far back as last November pointing out what the difficulties and challenges were.

□ 2330

Mr. DELAHUNT. Mr. Speaker, the chief executive of one of the civilian contractors said in an interview this past Monday, just stop and pause and think of that, this past Monday, said we have not received any information or direction from the client regarding our work in-country. No charge, no communications, no citations, no calls to appear at the Pentagon.

Mr. STRICKLAND. Mr. Speaker, if my friend would yield, I dare to say that this smells like a cover-up, and I think Secretary Rumsfeld has to assume responsibility. He is the Secretary of Defense of this Nation, and when he was asked, have you asked, Mr. Secretary, to see all of these pictures depicting this abuse, and he indicates, as was reported in the paper, well, I was told they were not available, I mean, talk about someone trying to shirk responsibility. It is almost laughable. He is the Secretary of Defense.

Then General Myers, I saw him interviewed just a couple of days ago, and he had indicated that he had not even read this outrageous report. He had not read it, and so it seems to me, rather than the grunts on the ground, that someone like General Myers and Secretary Rumsfeld should step up, assume responsibility, admit their failure of leadership and have the good graces to submit their resignations to the President of the United States, and if he is not willing to do it, I would hope the President would ask for it.

Mr. ABERCROMBIE. If the gentleman would yield on that point, would the gentleman from Massachusetts kindly read back to us the last sentence that he just read from that report with respect to the client. I believe there was a sentence that the contractors were making reference to who their client was. Could the gentleman read that sentence.

Mr. DELAHUNT. That is exactly the word. I will look through. We have not received any information or direction from the client.

Mr. ABERCROMBIE. The client.

Mr. DELAHUNT. The client is the American taxpayer. That is who the client is, the American people.

Mr. ABERCROMBIE. If the gentleman will yield back, yes, the client that is referred to presumably is the Department of Defense.

I have before me a letter that was received by the ranking member of the Committee on Armed Services, the gentleman from Missouri (Mr. SKELTON) yesterday on May 4, from the Secretary of Defense, Mr. Rumsfeld, where he states with respect to private security companies, known as PSCs, private security companies, where he states, It is my understanding that most of the PSCs doing business in Iraq do not work directly for the U.S. government.

Mr. STRICKLAND. Who do they work for?

Mr. ABERCROMBIE. I am about to tell you. I am about to tell you.

They work under subcontracts to prime contractors to provide for the protection of their employees. They are apparently just manifesting themselves like spontaneous combustion or immaculate conceptions in Iraq.

Many PSCs, and I am quoting the Secretary of Defense here, many PSCs are hired by other entities such as Iraqi companies or private foreign companies seeking business opportunities in Iraq.

We are in the middle of a war zone and the Secretary of Defense says, well, 10- or 20,000 people over here with guns and going anyplace they please and causing anything to happen that they want, what does it have to do with me and my 135,000 people?

The CPA, the Coalition Provisional Authority, has established a PSC working group to provide a forum, a forum, a discussion group, in which PSCs exchange information, and approximately 50 PSCs are actively involved in this group. He has a list of 60 that is attached to this. Apparently 10 of them do not even bother to show up at the forum. God knows what kind of rules they are operating under.

The Secretary goes on to say, The Department of Defense is drafting uniform guidance regarding PSCs employed in Iraq under contracts using U.S. appropriations, which means as of May 4, 2004, there is no uniform guidance from the Department of Defense regarding the utilization of private contractors being paid from U.S. appropriations.

This is dereliction of duty. How is it possible for the Secretary of Defense to tell the American people and tell the American Congress that he has no rules whatsoever and is in the process of forming what he calls uniform guidance, whatever the hell that is? That is what the Secretary of Defense has done. He has undermined completely the policies of this country, has failed his President, failed this Congress and failed his duty.

Mr. DELAHUNT. As my colleague knows, at least it has been reported in the paper, that the Secretary will appear before the Senate Foreign Relations Committee or some other committee of the United States Senate to respond to the concerns that Republicans and Democrats and everybody has articulated over the last several days.

I would hope that one additional question might be asked of this Secretary who stands here next to the President of Uzbekistan, who is a tyrant, a despot and a dictator, who some day will rival Saddam Hussein as a gross violator and threat to regional stability, but is now part of the coalition of the willing, but I digress.

From the book which was offered regarding the experiences of the former Secretary of Treasury Paul O'Neill, there is related an anecdote, and I think it needs an answer because I do not want to make an accusation, but this anecdote occurred on February of 2001, months before our national tragedy of September 11, but the preparations were underway to do something about Iraq, to do something about Iraq.

On page 96, let me read, Beneath the surface was a battle, O'Neill, that seemed brewing since the National Security Council meeting on January 30. Remember, the President had been in office for a week. It was Powell and his moderates at the State Department versus hard-liners like Rumsfeld, Cheney and Wolfowitz, who were already planning the next war in Iraq in the shape of a post-Saddam country. Documents were being prepared by the Defense Intelligence Agency, Rumsfeld's intelligence arm, mapping Iraqi oil fields and exploration areas enlisting companies that might be interested in leveraging the precious asset. This is less than a month after President Bush was inaugurated.

One document entitled Foreign Suitors for Iraqi Oil Field Contracts lists companies from 30 countries, their specialty, bidding histories and, in some cases, their particular areas of history. He expressed the desire to dissuade countries from engaging in asymmetrical challenges to the United States, as Rumsfeld said in his January articulation, of the demonstrative value of a pre-emptive attack.

I would like to have a response to that particular page. What was the memory of Secretary Donald Rumsfeld? Why was he preparing at that point, cutting up the pie, if you will, allocating oil contracts months before 9/11?

Mr. INSLEE. Mr. Speaker, will the gentleman yield.

Mr. DELAHUNT. I yield to the gentleman from Washington.

□ 2340

Mr. INSLEE. Mr. Speaker, I think it is important to say what is happening in Iraq due to the deception and falsehood by this administration is not only a threat to our soldiers, it is a threat to democracy itself. There is no greater violation of the democratic principle than an administration that does not tell the truth to the American people, and we are not getting the truth. We know we did not get the truth about WMD or a connection to 9/11, but now we find it was months and months before we got to the truth because somebody leaked pictures about this scandalous situation in our POW camps.

This is a direct threat to the democratic principle. If you want to know how bad things are going to go, when the government does not tell the truth to the American people, I want to quote something I read today. I was with the gentleman from Ohio (Mr. STRICKLAND) at the Library of Congress this evening, and they have an exhibit about Winston Churchill. On page 42 of this pamphlet, it has a picture of Winston Churchill and Lawrence of Arabia taken in 1921 at the Cairo Conference. It says, "During this meeting, Churchill helped establish the government ethnic composition and political boundaries of Iraq and other portions of the Middle East."

When the British did that, they told their people they would be there for a year or two and they would help bring democracy to Iraq. Lawrence of Arabia told them they were crazy because they did not understand the ethnic composition of that part of the world.

Do Members know the year they left Iraq after getting in in 1922, the British Empire, 1953; 31 years. What is 31 years, that is 2035 if we have a similar misunderstanding as to what is going on in Iraq.

The sad situation is this administration has demonstrated repeated failures to understand the challenges we have in Iraq. I want to offer one idea.

We have offered a lot of criticism and we have called for accountability of people which is a democratic principle. We have called for accountability of people in this administration who should be removed because of their repeated failures, misjudgment and deception.

There is only one way we are going to get out of Iraq, and that is allow the Iraqi people to seize their own destiny, and that destiny may not be perfect according to what the Oval Office wants it to be, but this President has to recognize he cannot run Iraq from the Oval Office. The Iraqi people are going to have to fashion their own destiny.

That is why I believe we should call for early elections this summer if possible, as was done in the town of Tar and the village of Shatra, a town of 250,000. They have had elections. They have done it using their ration cards. In these towns, they have already had elections. You bring in your ration card, you stamp it when there is a vote, and you pick who you think should be in charge of your destiny.

The Iraqis need to get involved in their country's future. Right now they are dependent on us for everything. They are dependent on us to do all of the dying and spending. We need Iraqis to grasp their own destiny, and the best way to do it is through elections. Those elections may not be as good as the one in Florida in 2000, but it would be a lot better than us picking the people that we are going to shove down the Iraqi's throats in this bizarre situation.

Mr. ABERCROMBIE. Mr. Speaker, it was just about a year ago, just about this time that the first congressional delegation under the leadership of the gentleman from California (Mr. HUNTER) went into Baghdad from the Baghdad Airport up Kirkuk, the first opportunity that Members of Congress had to actually meet face to face in Baghdad itself with General Garner and Ambassador Bremer. We got into Baghdad the same day, or within 24 hours or so of the time Ambassador Bremer was replacing or complementing the service of General Garner.

I can tell the gentleman because I believe it was the gentleman from Washington (Mr. INSLEE) who mentioned that General Garner had some ideas about what needed to be done vis-á-vis reconstruction. I can affirm to the gentleman based on his suggestion which he just made about elections that General Garner felt very strongly at that time that councils of one kind and another should be allowed to be set up, that we could go to the Iraqi people and trust that they would put these together with a minimum of structure, if you will, from the United States. That is to say we could help provide the logistical capacity to help conduct the elections, but he felt they should move forward expeditiously.

And I can tell you his suggestions were made in a context in which he was shoved laterally just about as fast as he could go. I think we are going to find General Garner, who was kind of dismissed as someone who did not quite understand what was going on, from the point of view of history will be shown as having a clear idea of what needed to be done.

Mr. STRICKLAND. Mr. Speaker, the history of this administration is anyone who questions is shoved aside. General Shinseki said we would need hundreds of thousands of troops. He was literally ridiculed by the Secretary of Defense and others.

Mr. ABERCROMBIE. He was rebuked publicly.

Mr. STRICKLAND. Absolutely, because you do not question these folks. They seem to know everything.

What we are finding out is that their understanding is so immature that they are almost child-like in their fantasies. It is almost like a make-believe. They want the world to be a certain way, and so they just assume it is; and then who pays the price? The American people pay the price, the families of our soldiers and the soldiers pay the price.

If I can say something about the need to come up with a plan as the gentleman from Washington (Mr. INSLEE) and the gentleman from Hawaii (Mr. ABERCROMBIE) have suggested. The papers reported today that the troop levels that we are going to have in Iraq will stay at about 135,000 throughout 2005. I submit that is just the beginning. It is going to be 2005, 2006, 2007, we know not when this is going to come to an end.

This is my prediction. My prediction is this: If we do not change our policies, if we do not come up with a plan to extricate ourselves honorably from that situation, we are going to find ourselves facing the strong possibility of a military draft and the moms and dads in this country who may feel very detached from this war right now because they have a 13 or 14 or 15-year-old son or daughter, and they do not think it is going to touch them, we cannot sustain our military needs around the world and continue to do what we are doing in Iraq without the possibility, I think the strong possibility of a military draft.

If we have a military draft, I do not think we will have those exemptions that we had when I and Vice President CHENEY were draft age. I think every person of draft age will be subjected to it. I hold that out not as a threat, but I think it is realistic. We have National Guard persons and Reservists over there, and they are being extended beyond the normal time of service. We cannot continue this for years and years and years into the future.

Mr. ABERCROMBIE. Mr. Speaker, the indication today was from the Department of Defense that Reservists and National Guard can look forward to 16,000 more being called up in the next year to supplement those already in service.

Mr. DELAHUNT. Mr. Speaker, meanwhile, what is happening in terms of the war on terror. We are talking about Iraq, and yet all over the world, murky, small, nebulous cells of fundamental Islamics who hate America are being spawned.

Mr. Speaker, maybe tomorrow if we have some time we will come back and do a wrap-up. Again, I thank my colleagues for this installment of Iraq watch.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COLE). The Chair reminds all Members that it is not in order in debate to refer to Senators except as provided in clause 1, rule XVII.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 50 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 0746

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington) at 7 o'clock and 46 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. RES. 627, DEPLORING ABUSE OF PERSONS IN UNITED STATES CUSTODY IN IRAQ

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 108–480) on the resolution (H. Res. 628) providing for consideration of the resolution (H. Res. 627) deploring the abuse of persons in United States custody in Iraq, regardless of the circumstances of their detention, urging the Secretary of the Army to bring to swift justice any member of the Armed Forces who has violated the Uniform Code of Military Justice, expressing the deep appreciation of the Nation to the courageous and honorable members of the Armed Forces who have selflessly served, or are currently serving, in Operation Iraqi Freedom, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOYD (at the request of Ms. PELOSI) for May 4 and the balance of the week on account of personal business.

Ms. KILPATRICK (at the request of Ms. PELOSI) for today after 3:00 p.m. on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCGOVERN) to revise and extend their remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. SLAUGHTER, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

Ms. ESHOO, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mr. HASTINGS of Florida, for 5 minutes, today.

Mr. MARKEY, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. MEEKS of New York, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

(The following Members (at the request of Mr. HENSARLING) to revise and extend their remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

Mr. GOODLATTE, for 5 minutes, May 12.

Mr. TANCREDO, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, May 11.

ADJOURNMENT

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 48 minutes a.m.), the House adjourned until today, Thursday, May 6, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7953. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Buy-to-Budget Acquisition of End Items [DFARS Case 2002-D036] received April 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7954. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Multiyear Contracting Authority Revisions [DFARS Case 2002-D041] received April 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7955. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contract Period for Task and Delivery Order Contracts [DFARS Case 2003-D097] received April 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7956. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Community Technology Centers Program (RIN: 1830-ZA05) received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7957. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Family Educational Rights and Privacy Act (RIN: 1855-AA00) received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7958. A letter from the Assistant Secretary of Labor, Employment and Training Administration, Department of Labor, transmitting the Department's final rule — Senior Community Service Employment Program (RIN: 1205-AB28) received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7959. A letter from the Senior Regulatory Officer, Wage and Hour Div., Department of Labor, transmitting the Department's final rule — Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees (RIN: 1215-AA14) received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7960. A letter from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mangum and Erick, Oklahoma) [MM Docket No. 01-218; RM-10237] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7961. A letter from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting the Office's final rule — Agency Use of Appropriated Funds for Child Care Costs for Lower Income Employees (RIN: 3206-AJ77) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7962. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Indorsement and Payment of Checks Drawn on the United States Treasury (RIN: 1510-AA45) received March 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7963. A letter from the Acting Under Secretary and Acting Director, U.S. Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Revision of Patent Term Extension and Patent Term Adjustment Provisions [Docket No. 2003-P-029] (RIN: 0651-AB71) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7964. A letter from the Acting Assistant Counsel for Regulatory Law, Office of Environment, Saftey, and Health, Department of Energy, transmitting the Department's final rule — Guidelines for Physician Panel Determinations on Worker Requests for Assistance in Filing for State Worker's Compensation Benefits; Procedural Amendments (RIN: 1901-AB13) received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7965. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Smoking/No Smoking Areas [BOP-1084-F] (RIN: 1120-AA79) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7966. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Re-Issuance of the NASA FAR Supplement Subchapters A and B Consistent with the Federal Acquisition Regulations System Guidance and Policy (RIN: 2700-AC65) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7967. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant and Cooperative Agreement Handbook — Certifications, Disclosures, and Assurances (RIN: 2700-AC96) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7968. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Re-Issuance of NASA FAR Supplement Subchapter D (RIN: 2700-AC84) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7969. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Re-Issuance of NASA FAR Supplement Parts 1813 and 1817 (RIN: 2700-AC83) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7970. A letter from the Director, Regulations Management, National Cemetery Administration, Department of Veterans Affairs, transmitting the Department's final rule — State Cemetery Grants (RIN: 2900-AH46) received April 9, 2004, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7971. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Board of Veterans' Appeals: Rules of Practice — Medical Opinions From the Veterans Health Administration (RIN: 2900-AK52) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7972. A letter from the Chief, Regulations & Procedures Division, Alcohol & Tobaco Tax & Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Temecula Valley Viticultural Area (2001R-280P) [T.D. TTB-10; Re: ATF Notice No. 958] (RIN: 1513-AA40) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on International Relations. H.R. 4061. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries (Rept. 108–479). Referred to the Committee of the Whole House on the State of the Union.

[May 6 (legislative day of May 5), 2004]

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 628. Resolution providing for consideration of the resolution (H. Res. 627) deploring the abuse of persons in United States custody in Iraq, regardless of the circumstances of their detention, urging the Secretary of the Army to bring to swift justice any member of the Armed Forces who has violated the Uniform Code of Military Justice, expressing the deep appreciation of the Nation to the courageous and honorable members of the Armed Forces who have selflessly served, or are currently serving, in Operation Iraqi Freedom, and for other purposes (Rept. 108–480). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SESSIONS (for himself, Mr. Hastings of Washington, Mr. Crane, Mr. Kingston, Mr. Shimkus, Mr. Hensarling, Mr. Cox, Mr. Pickering, Mr. Burr, Mr. Brown of South Carolina, Mr. Royce, Mr. Baker, Mr. Brady of Texas, Mr. Hayworth, Mr. Blunt, Mr. Rehberg, Mr. Otter, Mr. Wilson of South Carolina, Mr. Flake, Mr. Akin, Mr. Smith of New Jersey, Ms. Pryce of Ohio, Mr. Bachus, Mr. Sweeney, Mr. Murphy, Mr. Kirk, Mr. Fossella, Mr. Ryun of Kansas, Mr. Barrett of South Carolina, Mr. Jenkins, Mr. Hayes, Mr. Feeney, Mr. Rogers of Michigan, Ms. Ginny Brown-Waite of Florida, Mr. Ramstad, Mr. Schrock, Mr. Stearns, Mr. Vitter, Mr. Dreier, Mr. Gibbons, Mr. Chocola, Mrs. Biggert, Mr. Wicker, Mr. Burgess, Mr. Simmons, Mr. Tiberi, Mrs. Miller of Michigan, Mr. Garrett of New Jersey, Mr. Mario Diaz-Balart of Florida, and Mr. Cantor):

H.R. 4275. A bill to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate bracket; to the Committee on Ways and Means.

By Mr. CARSON of Oklahoma:

H.R. 4276. A bill to promote rural safety and improve rural law enforcement; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 4277. A bill to amend title 49, United States Code, to establish the Pipeline Safety Administration in the Department of Transportation; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McKEON (for himself and Mr. Boehner):

H.R. 4278. A bill to amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes; to the Committee on Education and the Workforce.

By Mr. McCRERY (for himself and Mr. Royce):

H.R. 4279. A bill to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements; to the Committee on Ways and Means.

By Mr. GREENWOOD (for himself, Mr. Cox, and Mr. Barton of Texas):

H.R. 4280. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas (for himself, Mr. Dooley of California, Ms. Velázquez, Mr. Boehner, and Mr. Burns):

H.R. 4281. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees; to the Committee on Education and the Workforce.

By Mr. ABERCROMBIE (for himself, Mr. Case, Mr. Rahall, Mr. Young of Alaska, and Mr. Faleomavaega):

H.R. 4282. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes; to the Committee on Resources.

By Mr. BOEHNER (for himself and Mr. McKeon):

H.R. 4283. A bill to amend and extend the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. FLAKE (for himself, Mr. Pence, Mr. Davis of Tennessee, Mr. Burton of Indiana, Mr. Stenholm, Mr. Ballenger, Mr. Matheson, Mr. Chabot, Mr. Tancredo, Mr. Smith of Michigan, Mr. Pitts, Mr. Akin, Mr. Bartlett of Maryland, Mrs. Blackburn, Mr. Cantor, Mr. Carter, Mr. Chocola, Mrs. Cubin, Mr. Doolittle, Mr. Feeney, Mr. Garrett of New Jersey, Mr. Gingrey, Mr. Gutknecht, Ms. Hart, Mr. Hensarling, Mr. Herger, Mr. Jones of North Carolina, Mrs. Kelly, Mr. King of Iowa, Mr. Kline, Mrs. Musgrave, Mrs. Myrick, Mr. Ryan of Wisconsin, Mr. Shadegg, and Mr. Toomey):

H.R. 4284. A bill to require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is cooperating in the investigation of the United Nations Oil-for-Food Program; to the Committee on International Relations.

By Mr. GIBBONS (for himself, Mr. Porter, and Ms. Berkley):

H.R. 4285. A bill to provide for the conveyance of certain public land in Clark County, Nevada, for use as a heliport; to the Committee on Resources.

By Mr. HINCHEY:

H.R. 4286. A bill to provide for public library construction and technology enhancement; to the Committee on Education and the Workforce.

By Mr. HOUGHTON (for himself, Ms. Slaughter, Mr. Shaw, Mrs. Emerson, Mr. Rogers of Alabama, Mr. Hobson, Mr. Reynolds, and Mr. Walsh):

H.R. 4287. A bill to amend the Harmonized Tariff Schedule of the United States relating to imports of certain wool products, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 4288. A bill to amend the Internal Revenue Code of 1986 to increase the exemption amounts for individuals under the alternative minimum tax; to the Committee on Ways and Means.

By Mr. LUCAS of Oklahoma:

H.R. 4289. A bill to amend the Internal Revenue Code of 1986 to allow the low-income housing credit without regard to whether moderate rehabilitation assistance is provided with respect to a building; to the Committee on Ways and Means.

By Mr. McDERMOTT (for himself and Mr. Clay):

H.R. 4290. A bill to provide for data-mining reports to Congress; to the Committee on Government Reform.

By Mr. MEEHAN:

H.R. 4291. A bill to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, and for other purposes; to the Committee on Resources.

By Mr. MORAN of Virginia (for himself, Mr. Conyers, Ms. Norton, Mr. Wexler, Mr. Emanuel, Mrs. Maloney, and Mr. Van Hollen):

H.R. 4292. A bill to ban the transfer of 50 caliber sniper weapons, and otherwise regulate the weapons in the same manner as machine guns are regulated; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 4293. A bill to modify the boundary of the Mary McLeod Bethune Council House National Historic Site in Washington, District of Columbia; to the Committee on Resources.

By Ms. NORTON:

H.R. 4294. A bill to designate the annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Ave. Northwest in Washington, District of Columbia, as the "Judge William B. Bryant Annex to the E. Barrett Prettyman Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. OSBORNE:

H.R. 4295. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income interest received on loans secured by agricultural real property; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 4296. A bill to reauthorize and revise the Child Care Access Means Parents in School Program (CCAMPIS); to the Committee on Education and the Workforce.

By Mr. SIMPSON (for himself and Mr. OTTER):

H.R. 4297. A bill to provide loan guarantees for renewable energy projects using biomass material; to the Committee on Agriculture.

By Mr. WAMP (for himself, Mr. DUNCAN, Mr. DAVIS of Tennessee, and Mr. JENKINS):

H.R. 4298. A bill to improve the efficiency of the Department of Energy's Energy Employees Occupational Illness Compensation Program, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE (for himself, Mr. SMITH of New Jersey, and Mr. LANTOS):

H. Con. Res. 415. Concurrent resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004; to the Committee on International Relations.

By Mr. LATHAM (for himself, Mr. CHANDLER, Mr. GORDON, Mr. BISHOP of Georgia, Mr. SCOTT of Georgia, Mr. PRICE of North Carolina, Mr. LEWIS of Kentucky, and Mr. ROSS):

H. Con. Res. 416. Concurrent resolution designating the second week of March 2005 as "Extension Living Well Week"; to the Committee on Agriculture.

By Mr. FLAKE:

H. Res. 625. A resolution recognizing, and supporting efforts to enhance the public awareness of, the social problem of child abuse and neglect; to the Committee on Education and the Workforce.

By Ms. SLAUGHTER (for herself, Mr. HINCHEY, Mr. WAXMAN, Mr. PAYNE, Mr. MEEHAN, Mr. McDERMOTT, Mr. LEVIN, Mr. McGOVERN, Mr. HASTINGS of Florida, Mr. RANGEL, Mr. MATSUI, Mr. STARK, Mr. ABERCROMBIE, Ms. NORTON, Mrs. MALONEY, Ms. ESHOO, Mr. MORAN of Virginia, Mr. MARKEY, and Mr. KILDEE):

H. Res. 626. A resolution honoring the life and accomplishments of Mary McGrory; to the Committee on Government Reform.

By Mr. HUNTER:

H. Res. 627. A resolution deploring the abuse of persons in United States custody in Iraq, regardless of the circumstances of their detention, urging the Secretary of the Army to bring to swift justice any member of the Armed Forces who has violated the Uniform Code of Military Justice, expressing the deep appreciation of the Nation to the courageous and honorable members of the Armed Forces who have selflessly served, or are currently serving, in Operation Iraqi Freedom, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 72: Mr. ANDREWS.

H.R. 73: Mr. MENENDEZ.

H.R. 107: Mr. BELL.

H.R. 121: Ms. WOOLSEY.

H.R. 284: Mr. CARTER.

H.R. 348: Mr. FOLEY.

H.R. 391: Mr. BACHUS.

H.R. 548: Mr. CASE, Mr. ENGLISH, Mr. HILL, Mr. LIPINSKI, Mr. NUNES, and Mr. MORAN of Kansas.

H.R. 572: Mr. WELDON of Florida.

H.R. 676: Mrs. MALONEY and Mrs. JONES of Ohio.

H.R. 767: Mr. FERGUSON.

H.R. 786: Mr. PUTNAM.

H.R. 792: Mr. FORD, Mr. DUNCAN, Mr. SPRATT, Mr. BALLANCE, Mr. KING of Iowa, Mr. HOSTETTLER, Mr. WU, Mr. DEFAZIO, Mr. UDALL of Colorado, Mr. TIERNEY, Mr. McINTYRE, Mr. ROGERS of Alabama, Mr. COLE, and Mr. NORWOOD.

H.R. 918: Mr. HAYWORTH and Mr. LEACH.

H.R. 962: Ms. BERKLEY, Mr. BECERRA, and Mr. FARR.

H.R. 1057: Mr. LUCAS of Kentucky

H.R. 1070: Mr. FOLEY.

H.R. 1080: Mr. SHAW.

H.R. 1102: Mr. CHANDLER.

H.R. 1105: Mr. HILL.

H.R. 1214: Mr. WICKER, Mr. WELLER, and Mr. LAHOOD.

H.R. 1228: Mr. FRANK of Massachusetts and Mr. McDERMOTT.

H.R. 1268: Mr. MILLER of North Carolina.

H.R. 1301: Ms. HOOLEY of Oregon.

H.R. 1305: Mr. OBERSTAR, Ms. HARRIS, Mr. KLINE, Mr. LEWIS of Kentucky, Mr. CARTER, Mr. KINGSTON, Mr. BRADY of Texas, Mr. DEMINT, Mr. COSTELLO, Mr. DAVIS of Florida, Mr. WELLER, and Mrs. MILLER of Michigan.

H.R. 1306: Mr. SCHIFF.

H.R. 1313: Mr. LAHOOD and Mr. JACKSON of Illinois.

H.R. 1325: Mr. RUPPERSBERGER.

H.R. 1336: Mr. MOLLOHAN and Mr. HOYER.

H.R. 1508: Mr. BALLANCE.

H.R. 1523: Mr. LANTOS, Mr. BEREUTER, Mr. MICA, Mr. WILSON of South Carolina, and Mr. STENHOLM.

H.R. 1565: Mr. KENNEDY of Rhode Island.

H.R. 1639: Ms. SLAUGHTER.

H.R. 1653: Mr. RYUN of Kansas.

H.R. 1655: Mr. LEWIS of Georgia and Mr. LAHOOD.

H.R. 1688: Mr. RANGEL, Mr. PAYNE, Ms. LOFGREN, and Mr. ETHERIDGE.

H.R. 1708: Mr. HASTINGS of Florida.

H.R. 1824: Mr. McINNIS and Mr. MEEHAN.

H.R. 1935: Mr. McDERMOTT, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mr. FALEOMAVAEGA, and Mr. RANGEL.

H.R. 2023: Mr. KIRK.

H.R. 2154: Mr. KLINE.

H.R. 2182: Mr. GOODLATTE.

H.R. 2256: Mr. FILNER.

H.R. 2303: Mr. WELDON of Florida.

H.R. 2379: Mr. SMITH of Michigan.

H.R. 2387: Mr. MURPHY and Mrs. NAPOLITANO.

H.R. 2404: Mr. RAHALL.

H.R. 2505: Mr. MANZULLO.

H.R. 2568: Mr. UDALL of Colorado.

H.R. 2587: Mr. SHUSTER.

H.R. 2705: Mr. ISAKSON.

H.R. 2728: Mr. OTTER.

H.R. 2729: Mr. OTTER.

H.R. 2730: Mr. OTTER.

H.R. 2731: Mr. OTTER.

H.R. 2743: Mr. BALLENGER, Mr. ENGLISH, and Mr. BLUNT.

H.R. 2885: Mr. NEUGEBAUER and Mr. CRANE.

H.R. 2897: Mr. LANTOS and Mr. ACEVEDO-VILÁ.

H.R. 2929: Mr. GREENWOOD.

H.R. 2959: Mr. SMITH of New Jersey.

H.R. 2966: Mr. GIBBONS and Mr. PEARCE.

H.R. 2968: Mr. VAN HOLLEN, Mr. TOM DAVIS of Virginia, Mr. FRANK of Massachusetts, Mr. GREENWOOD, Mr. SESSIONS, and Mr. GOODLATTE.

H.R. 2987: Mr. McDERMOTT.

H.R. 3049: Mr. ABERCROMBIE.

H.R. 3069: Mr. HOEKSTRA.

H.R. 3090: Mr. McGOVERN.

H.R. 3178: Mr. CALVERT.

H.R. 3180: Mr. RANGEL.

H.R. 3192: Ms. LINDA T. SÁNCHEZ of California and Mr. BOUCHER.

H.R. 3194: Mr. BRADLEY of New Hampshire, Mr. WALSH, and Mr. TOWNS.

H.R. 3201: Mr. GERLACH.

H.R. 3324: Ms. WOOLSEY.

H.R. 3350: Mr. BORDALLO.

H.R. 3352: Ms. McCOLLUM.

H.R. 3378: Ms. NORTON and Mr. RANGEL.

H.R. 3388: Mr. RYUN of Kansas, Mr. GORDON, and Mr. GERLACH.

H.R. 3424: Mr. UDALL of New Mexico and Mr. DELAHUNT.

H.R. 3436: Ms. LOFGREN.

H.R. 3438: Mr. RAHALL, Mr. BURTON of Indiana, and Ms. ROS-LEHTINEN.

H.R. 3446: Mr. MOLLOHAN and Mr. BELL.

H.R. 3474: Mr. TANNER.

H.R. 3485: Mr. PAUL.

H.R. 3508: Mr. CROWLEY.

H.R. 3523: Mr. SOUDER and Mr. LARSEN of Washington.

H.R. 3539: Mr. STRICKLAND.

H.R. 3579: Mr. PORTER, Ms. KAPTUR, Mr. CASE, Mr. GUTIERREZ, and Mr. KILDEE.

H.R. 3619: Mr. DAVIS of Florida, Mr. RUPPERSBERGER, Mr. OBEY, and Mr. ETHERIDGE.

H.R. 3719: Ms. CORRINE BROWN of Florida, Mr. ISRAEL, Mr. OLVER, Mr. KENNEDY of Rhode Island, Mrs. DAVIS of California, Mr. McDERMOTT, and Mr. CASE.

H.R. 3755: Mr. DAVIS of Alabama.

H.R. 3763: Mr. TAYLOR of North Carolina, Mr. PASTOR, Mrs. BIGGERT, Mr. STEARNS, Ms. GRANGER, and Mr. MORAN of Kansas.

H.R. 3777: Mrs. EMERSON, Mr. CARDOZA, and Mr. BALLANCE.

H.R. 3799: Mr. BARRETT of South Carolina and Mr. TERRY.

H.R. 3803: Ms. BORDALLO.

H.R. 3815: Mr. GRIJALVA and Mr. WYNN.

H.R. 3816: Mr. GORDON and Mr. LARSEN of Washington.

H.R. 3819: Mr. HASTINGS of Washington.

H.R. 3820: Ms. SCHAKOWSKY.

H.R. 3888: Mr. DUNCAN.

H.R. 3901: Mrs. KELLY and Mr. TERRY.

H.R. 3936: Mr. BRADLEY of New Hampshire.

H.R. 3965: Mr. SERRANO, Mr. MCNULTY, Mrs. JONES of Ohio, Mr. MCINTYRE, Mr. LYNCH, Mr. HOEFFEL, Ms. NORTON, Mr. RUPPERSBERGER, Mr. RODRIGUEZ, Mr. GEORGE MILLER of California, Mr. KIND, Mr. OBERSTAR, Mr. HASTINGS of Florida, and Ms. MILLENDER-MCDONALD.

H.R. 3968: Mr. REYES and Mr. WYNN.

H.R. 3988: Mr. HINOJOSA and Mr. PAYNE.

H.R. 4018: Mr. CROWLEY.

H.R. 4021: Mr. CROWLEY and Mr. PALLONE.

H.R. 4023: Mr. HALL.

H.R. 4039: Mr. SHUSTER and Mr. HOLDEN.

H.R. 4043: Mr. FROST.

H.R. 4057: Mr. LEWIS of California and Mr. KING of New York.

H.R. 4061: Mr. JONES of Ohio, Ms. WOOLSEY, Ms. MCCARTHY of Missouri, Mr. SABO, Mr. MEEKS of New York, Mr. MCINTYRE, Mr. MCHUGH, Mr. GALLEGLY, Mr. CUMMINGS, and Ms. DELAURO.

H.R. 4063: Mr. TOWNS and Mr. PALLONE.

H.R. 4067: Mr. WEINER, Mr. NEAL of Massachusetts, Mr. OWENS, Mrs. CAPPS, Mr. ACEVEDO-VILÁ, Mr. ALLEN, Mr. MCGOVERN, Mr. SCHIFF, Mr. MCNULTY, Mrs. DAVIS of California, and Mr. FILNER.

H.R. 4076: Mr. STARK.

H.R. 4103: Mr. MCNULTY, Mr. BELL, Mr. SHAW, Mr. RAMSTAD, Mr. ENGLISH, Mr. HULSHOF, Mr. MCINNIS, Mr. MCCRERY, and Mr. LEWIS of Kentucky.

H.R. 4107: Ms. GINNY BROWN-WAITE of Florida, Mr. FERGUSON, Mr. EHLERS, Mr. WILSON of South Carolina, Mr. HAYES, Mr. TERRY, Mr. SHIMKUS, Mr. WOLF, Mr. SANDERS, Mr. JOHNSON of Illinois, Mr. ENGEL, Mr. OBERSTAR, Mr. MICHAUD, Mr. MCNULTY, Mr. DEUTSCH, Mr. SCHIFF, Mrs. MCCARTHY of New York, Mr. JOHN, Mr. LARSON of Connecticut, Mr. MORAN of Virginia, Mr. MCINTYRE, Mr. GREEN of Texas, Mr. MCGOVERN, Ms. NORTON, Mr. LARSEN of Washington, and Mr. STRICKLAND.

H.R. 4126: Mr. SESSIONS, Mr. JOHNSON of Illinois, Mr. GRAVES, Mr. BURTON of Indiana, Mr. COLLINS, Mr. HOSTETTLER, Mr. GINGREY, and Mr. SANDLIN.

H.R. 4155: Mr. RUSH, Mr. HONDA, and Mrs. MCCARTHY of New York.

H.R. 4169: Mrs. MCCARTHY of New York and Mr. SHAW.

H.R. 4217: Mr. WALSH, Mr. MCINTYRE, Mr. BURNS, Mr. GINGREY, Mrs. NAPOLITANO, and Ms. MAJETTE.

H.R. 4230: Mr. CARDOZA, Mr. WEINER, Mr. ACKERMAN, Mr. BROWN of Ohio, Mr. HASTINGS of Florida, Mr. VAN HOLLEN, Mr. FILNER, Mr. SANDLIN, Mr. ISRAEL, Mr. BURTON of Indiana, Mrs. LOWEY, Mr. MCNULTY, Mr. GARRETT of New Jersey and Mr. FROST.

H.R. 4242: Mr. BISHOP of Utah and Mr. CANNON.

H.R. 4246: Mr. GALLEGLY and Mr. LARSEN of Washington.

H.R. 4255: Mr. SHAYS.

H.R. 4256: Mr. PAYNE and Mrs. DAVIS of California.

H.R. 4262: Mrs. MCCARTHY of New York.

H.J. Res. 56: Mr. OXLEY.

H.J. Res. 93: Ms. LOFGREN and Mr. PETERSON of Minnesota.

H.J. Res. 95: Mr. FRANK of Massachusetts, Ms. BERKLEY, Mrs. NAPOLITANO, Mr. STARK, Mr. GRIJALVA, Mr. GALLEGLY, and Mr. RANGEL.

H. Con. Res. 111: Mr. OSBORNE.

H. Con. Res. 163: Mr. LAMPSON, Mr. MCDERMOTT, Mr. DOGGETT, Mr. FOSSELLA, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GRIJALVA, Mr. STENHOLM, and Mr. MCCOTTER.

H. Con. Res. 321: Mrs. LOWEY.

H. Con. Res. 326: Mr. RYAN of Ohio.

H. Con. Res. 332: Mr. FOLEY, Mr. LARSON of Connecticut, Mr. DAVIS of Illinois, and Mr. GUTKNECHT.

H. Con. Res. 378: Mr. POMEROY, Mr. CALVERT, Mr. RUSH, Ms. MAJETTE, Mr. HOLT, and Mr. HOLDEN.

H. Con. Res. 398: Mr. PICKERING, Mr. RENZI, Mr. HOYER, and Mrs. MCCARTHY of New York.

H. Con. Res. 411: Mr. HASTERT, Mr. DELAY, and Mrs. BLACKBURN.

H. Con. Res. 414: Ms. BERKLEY.

H. Res. 466: Mr. MENENDEZ.

H. Res. 508: Mr. FALEOMAVAEGA, Mr. KILDEE, Mr. MARKEY, Mr. JEFFERSON, Ms. LOFGREN, Mr. HONDA, Mr. ETHERIDGE, Mr. MCGOVERN, Mr. SPRATT, Mrs. DAVIS of California, Mr. STRICKLAND, Mr. PALLONE, Mr. WAXMAN, Mr. CLAY, Mr. SCHIFF, Mr. GRIJALVA, Ms. MAJETTE, Mr. ROTHMAN, Mr. STARK, Mr. FARR, Mr. UDALL of Colorado, and Mr. DOYLE.

H. Res. 550: Mr. HILL, Ms. KAPTUR, Mr. CARTER, Mr. RENZI, and Mr. STEARNS.

H. Res. 567: Mr. ROTHMAN, Mr. GIBBONS, Mr. TAYLOR of Mississippi, and Mr. BAKER.

H. Res. 568: Mr. NEY, Mr. DOOLITTLE, and Mr. GALLEGLY.

H. Res. 605: Mr. FRANK of Massachusetts, Mr. GREEN of Texas, Ms. BORDALLO, and Ms. ROS-LEHTINEN.

H. Res. 622: Mrs. JO ANN DAVIS of Virginia.

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO DELFINO GALLEGOS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Delfino Gallegos of Capulin, Colorado. Mr. Gallegos is one of only a handful of living World War I veterans, and was recently honored for his service at the American Legion's 85th birthday celebration at the Dickey-Springer Post 113, an organization founded by World War I veterans.

Mr. Gallegos was born December 28 1903 in Costilla, New Mexico. He answered his nation's call to service, joining the military at the age of 17, and was sent to Camp Sherman, Ohio for basic training. Towards the end of the First World War, his duties included guarding prisoners from Germany and other countries. Upon his honorable discharge from the service in 1923, Delfino met and married his wife Deliria, and moved to Capulin where he worked as a potato farmer and sheepherder.

Mr. Speaker, I am honored to pay tribute to Delfino Gallegos before this body of Congress and this nation. The freedoms we enjoy today are a direct result of the sacrifices made by veterans throughout our nation. He is a great patriot and treasure to his community and veterans across Colorado. I sincerely thank him for his service.

RECOGNIZING DOWNINGTOWN AREA SENIOR CENTER

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. GERLACH. Mr. Speaker, I rise today to recognize the Downingtown Area Senior Center for its 30 years of dedicated service to the senior citizens of the Downingtown, Pennsylvania area.

The Downingtown Area Senior Center has existed since 1974 to serve the nutritional, social, and educational needs of the people aged 60 and older and to enhance their dignity, independence, and encouraging involvement in the community.

The Senior Center began as a Meals Together program with four seniors from the Downingtown United Methodist Church. The Downingtown Area Senior Center rented space from the Church until April, 2002. In August of that same year, the Downingtown Area Senior Center moved into the Ashbridge Commons. In this location, the Senior Center was responsible to continue and improve services to seniors. They did so by outfitting a kitchen, arranging a telephone system, networking a computer system, and creating a new living space. The new Downingtown Area Senior Center opened its doors in October 2002 and has continued a tradition of excellence in providing for the senior citizens.

Ongoing programs and activities are perhaps one of the most important aspects of the Downingtown Area Senior Center. The Center participates in: an AARP driving class, arts and crafts, audiologist visits, ballroom dancing, blood pressure/weight checks, exercise classes, consumer awareness classes, historical presentations, income tax preparation, golf tournaments, and volunteer opportunities. These programs indeed foster and improve the quality of life of all participating seniors.

In addition, the Downingtown Area Senior Center has created a program for seniors called "Fit and Fun." The Fit and Fun program concentrates on health and wellness, while it also supplies its members with timely information and support to increase the likelihood of a longer, happier, and more fulfilling life. Seniors participate in "body recall" to improve muscle tone, line-dancing for aerobic activity, and yoga sessions to balance the mind and body. Weekly seminars are also given on Medicare supplement programs, chronic diseases management, and home health care. These seminars are critical for seniors if they are to continue to live healthy and active lives. As of June 2003, 2,150 people participated in the Fit and Fun program.

Mr. Speaker, I ask that my colleagues join me today in recognizing the Downingtown Area Senior Center for its dedication to the health and well-being of senior citizens in the Downingtown community and for their service to the Commonwealth of Pennsylvania.

CELEBRATING CINCO DE MAYO AND MEXICO'S CONTINUED STRUGGLE FOR FREEDOM AND JUSTICE IN THE HEMISPHERE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. LANTOS. Mr. Speaker, I rise today in celebration of Cinco de Mayo and in recognition of the many contributions that Mexicans and Mexican-Americans have made and continue to make in my congressional district in California and across our nation.

The Cinco de Mayo holiday commemorates the May 5, 1862 victory of an ill-equipped and vastly outnumbered Mexican army, under the command of General Ignacio Zaragoza, over Napoleon's army at the Battle of Puebla. Although Napoleon eventually installed his brother as regent over Mexico, the triumph of the Mexican people over the French in this battle has come to symbolize the fight for freedom and justice in the Hemisphere—a fight that many dissidents in Cuba continue to wage intensely against Castro's brutal regime.

Mr. Speaker, the recent diplomatic furor involving our friend and ally Mexico and the regime of Fidel Castro in Cuba is an appropriate issue in the context of Cinco de Mayo. I want to pay tribute to President Fox and the Mexican government for their principled stand on human rights.

I find it absolutely appalling that one year after 75 Cubans were tried in kangaroo courts in Havana, sentenced to prison terms ranging from 6 to 28 years, and imprisoned in rat-infested, dank cells, Castro's totalitarian machine is still trying to crack the backs of Cuba's internal opposition by continuing to lock up some of its most renowned leaders.

These 75 individuals are suffering indescribable horrors at the hands of Cuban authorities simply because they sought to express their disagreement with Castro's government, provide an independent media voice, stock their shelves with banned literature, represent the interests of independent labor, and otherwise improve the lot of their fellow citizens. In other words, these soldiers of freedom were thrown behind bars because they practiced their professions or attempted to exert their political rights and civil liberties.

Recently, Chairman HYDE and I led our Committee's consideration of H. Res. 563, which was sponsored by my good friends and colleagues, ILEANA ROS-LEHTINEN of Florida and BOB MENENDEZ of New Jersey, among others. H. Res. 563 recognized the reprehensible state of human rights in Cuba. It also called upon the international community to pass a resolution denouncing Cuba's human rights record at this year's session of the United Nations Commission on Human Rights. Two weeks ago, the Commission passed a resolution, sponsored by Honduras, which condemned the imprisonment of the 75 dissidents and urged Cuba to allow a special representative of the Commission to visit Cuba and report on the state of human rights in the island country. Havana so far has resoundingly rejected the request of the international community and reportedly refused to accept the Commission's special representative.

Mr. Speaker, Mexico joined the United States and twenty other countries in voting for this resolution deploring human rights violation in Cuba. In the weeks that have followed, Castro has vilified President Fox and his Administration for the courageous stand that Mexico took in Geneva as a defender of freedom in the Hemisphere—a stand similar to General Zaragoza at Puebla.

Mr. Speaker, although we in this House and across the globe disagree on how best to bring about change in Cuba, we stand together in solidarity with those who endure torture, incarceration, and deprivation because they refuse to submit to the boot of an authoritarian regime.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I am proud to call my friends in neighboring Mexico out allies in this unfortunately never-ending struggle against tyranny. ¡Amigos, desde cinco de mayo de 1862 hasta cinco de mayo de 2004, la lucha continúa!

TRIBUTE TO U.S. ARMY PFC JEREMY RICARDO EWING OF MIAMI, FLORIDA

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. MEEK of Florida. Mr. Speaker, I rise to honor the memory of U.S. Army PFC Jeremy Ricardo Ewing, who was killed on April 29th in a car bomb attack in Iraq. He served his country with dignity and honor, and he was a true hero.

Private First Class Ewing's death is particularly saddening to me as he grew up in our community and was one of my constituents. He graduated from Miami Central High School in 2000. He was known for his independence and ambition, and for his sense of duty. He enlisted shortly after the September 11th attacks and became a member of the 1st Armored Division of the Army's 4th Battalion's 27th Artillery Regiment.

The 1st Armored Division's tour of duty was recently extended due to increased insurgency in Iraq. Private First Class Ewing, 22, was one of eight soldiers mortally wounded last Thursday, in a car bomb attack on his Army convoy near Mahmoudiyah, south of Baghdad.

Private First Class Ewing is a symbol of bravery and freedom, and the sacrifice he has made for his country will never be forgotten.

My heartfelt condolences go out to Private First Class Ewing's parents, Arthur and Hilda Lewis, and to his family and friends. All of America mourns their loss.

SUPPORTING THE GOALS AND IDEALS OF FINANCIAL LITERACY MONTH

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. BACA. Mr. Speaker, I rise in support of H. Res. 578, a resolution supporting the goals and ideals of Financial Literacy Month. This bill, introduced by my colleagues Congresswoman JUDY BIGGERT and Congressman RUBÉN HINOJOSA, supports the goals and ideals of Financial Literacy Month and requests that the President issue a proclamation calling on the Federal Government, States, schools, businesses, and others to observe the month with appropriate programs and activities.

Our financial services industry benefits millions of people, allowing individuals and families to build homes, buy cars, finance educations, and start businesses. Financial literacy is particularly important for the Hispanic and minority communities. It empowers individuals to make wise financial decisions in an increasingly complex economy. Despite the importance of financial literacy, the numbers show that our work is just getting started.

Recent studies have found that high school seniors know less about principles of basic personal finance than did high school seniors 5 years ago. Between 25 and 56 million people over the age of 18 do not use mainstream, insured financial institutions and are considered "unbanked." Over one-third of Hispanic families do not have bank accounts. Despite these figures, fewer and fewer States include personal finance in education standards for students in kindergarten through high school.

That is why the National Council on Economic Education, the Jump$tart Coalition for Personal Financial Literacy, and its partner organizations have designated April as "Financial Literacy Month." Our goal is to educate the public about the need for increased financial literacy for youth in the United States. In today's world, we must continue to expand access to mainstream financial institutions and provide all Americans the tools they need to become productive members of our society.

RECOGNIZING VALUABLE CONTRIBUTIONS OF MILITARY IMPACTED SCHOOLS, TEACHERS, ADMINISTRATION, AND STAFF FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION OF MILITARY CHILDREN

SPEECH OF

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. BURGESS. Mr. Speaker, I rise today during the National Teacher Appreciation Week of 2004 in strong support of H. Res. 598, which recognizes and commends the teachers, administration, and staff of Military Impacted Schools, as well as those serving at the Department of Defense Education Activity schools world-wide.

As a member of the House Impact Aid Coalition, I would like to thank these teachers and staff for their dedication to the over 750,000 children of military personnel.

In our current War on Terrorism, it is especially important for the children in these schools, many of whom have at least one parent deployed abroad, to have the support of these extraordinary teachers. Teachers serving Military Impacted schools encounter unique challenges every day as they help military children achieve a high degree of educational attainment.

While none of the schools in the Texas 26th District are militarily impacted, the State of Texas is home to thousands of military personnel, and I would like to thank each and every one of the teachers who provide military children with support and an excellent education.

PAYING TRIBUTE TO JEANNINE FORD ARTAZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to rise today before this body of Congress and this nation to recognize a remarkable woman from my district. Jeannine Ford Artaz of Glenwood Springs, Colorado has displayed the kind of selfless dedication to her community that enriches the lives of all around her, and it is my pleasure to thank her for her many contributions to Glenwood Springs and the State of Colorado.

In 1950, Jeannine moved to Colorado and began her career in television and radio. She served as the Butternut Weather Girl for KBTV, Channel 2 in Denver, was "Miss Jenny" on Romper Room, and was an editor and journalist for Channel 9 News. In 1965, she moved to Glenwood Springs and had radio programs on KGLN and KDNK, and Television Talk shows on Cable 12.

While many people in Colorado might have known Jeannine as a television and radio personality, she became a beloved member of her Glenwood Springs community through her generosity and extensive community involvement, where she was known affectionately as Grandma Nene. A small sampling of her participation includes volunteering for the Valley View Hospital Auxiliary; Glenwood Springs Sheriff's Department; Brownies, Girl Scouts, and Boy Scouts; and Glen Valley Nursing Home. For the annual Newcomers Fashion Show she designed and made the featured wedding ensemble, initiated some of the first efforts in starting a local animal shelter, and was the Strawberry Days Grand Marshall in 2001.

Mr. Speaker, it is clear Jeannine Ford Artaz plays a vital role in her Glenwood Springs community. Her dedication and selfless efforts have done much to enhance the lives of those around her, and is worthy of recognition before this body of Congress and this nation. Thanks for your service to your community, Jeannine, and I wish you all the best in your future endeavors.

TRIBUTE TO MRS. THEODORA JOHNSON: A TRULY GREAT LADY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. MEEK of Florida. Mr. Speaker, I rise to celebrate the life of a quiet and dignified matriarch, the late Theodora Johnson. Her passing last week has cast a veil of deep sadness over our community.

"Momma Dear" Johnson was an extraordinary person by any measure. Her life was a delicately drawn picture of a calm, confident, dignified and strong woman with an unwavering commitment to the well being of her family and to those who shared her vision of a community of service and faith. She volunteered her time at Christ the King Catholic Church in South Dade—she was a founding member of the parish—and dedicated countless time and effort to enhancing her community.

She taught and volunteered in her parish school because she firmly believed in the high stakes involved in the education of children. Her work with children literally transformed their lives. She was keenly aware of the fact that giving our children the care and attention they need in life was her vocation.

She understood full well that either we pay now or we pay later. And so, she reached out to the parents of these children because she instinctively knew that the future of society is inextricably linked to the education of the young. Her approach to motivating youth emphasized personal responsibility and communal sharing.

Theodora Johnson lives on in the lives of the people she touched, in the good works she left behind, and in the wonderful memories we have of her. I know that I speak for all my colleagues in extending to her family our deepest sympathy and condolences.

RECOGNIZING EAST PIKELAND ELEMENTARY SCHOOL

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. GERLACH. Mr. Speaker, I rise today to recognize the East Pikeland Elementary School on its 75th anniversary and for its exemplary dedication and service to the children of the East Pikeland Township and the Phoenixville School District.

Originally, East Pikeland School was a one-room schoolhouse that in 1928 followed the national trend of school consolidation, in consolidating with two other schools, the Schuylkill School and the Charlestown School. This consolidation was made possible through the generous philanthropy of a local entrepreneur, Frank B. Foster.

In its early years, the East Pikeland School was one of the first In Pennsylvania to start an elementary school newspaper. In 1932, Miss Helen Ottinger created "The Tattler" and the newspaper later won an award for being the best elementary newspaper in the Commonwealth.

Beginning in the 1970s, the East Pikeland School further exhibited its excellence in teaching and learning when students in grades five, eight, and eleven were required to begin participating in the Pennsylvania System of School Assessment. Each year, the East Pikeland School students' scores were among the top in Chester County and the state in both reading and math. This outstanding performance by the students led to numerous awards, including a citation from the Pennsylvania House of Representatives. In the year 2000, the School was recognized by the East Pikeland Township for ranking highest among Chester County schools in reading and math. In 2000–2001, East Pikeland received a Maintenance of High Standards Award for maintaining high scores for three consecutive years. In 2002–2003, East Pikeland received an achievement improvement award from the East Pikeland Township for increased scores in reading and math.

Aside from an impressive academic record, the East Pikeland School has also excelled in extracurricular activities starting as early as 1946. Basketball was a popular sport, with the East Pikeland boys' team winning the West Chester playoffs in 1946. And in 2004, an old tradition of basketball games between Phoenixville area schools was reinstated. Fourth and fifth grade boys named "the Future Phantoms" represented East Pikeland in the tournament. Along with participation in sports, the students of East Pikeland participate in band and chorus and perform twice a year in the winter and spring concerts. In 2000, the East Pikeland Chorus won a superior rating in its first participation in the Music in the Parks competition in Hershey, Pennsylvania. Two years later in 2002, the tradition of a second grade play began with all students singing and acting in the spring performance.

Mr. Speaker, I ask that my colleagues join me today in recognizing the East Pikeland School for its 75 years of dedication and excellence in teaching and for its considerable contributions to and unparalleled achievement within the East Pikeland community.

PERSONAL EXPLANATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. PORTMAN. Mr. Speaker, yesterday I was absent attending meetings in my Congressional District in Ohio and missed the votes on rollcall No. 139, on H. Res. 600, Congratulating charter schools; Roll Call Number 140, on H. Con. Res. 380, Recognizing school-based music education; and Roll Call Number 141, on H. Res. 599, Congratulating the University of Connecticut men's and women's basketball teams.

Had I been present, I would have voted "yes" on rollcall No. 139, "yea" on rollcall No. 140, and "yea" on rollcall No. 141.

FOURTH DISTRICT JUNIOR CONFERENCE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. LATHAM. Mr. Speaker, I recently received a letter from a constituent of mine who is an Americanism Chairman for the American Legion in Osage, Iowa. This person asked for the attached article's inclusion in the CONGRESSIONAL RECORD. Because of the exceptional work that the American Legion and the American Legion Auxiliary do for our country, I believe that this gesture is a small token of the appreciation of the Congress.

4TH DISTRICT JUNIOR CONFERENCE

The Osage Unit 278 hosted the Fourth District Junior Conference on March 21, 2004 with about 70 people in attendance.

The new officers for the coming year will be:

President—Nicole Schroeder, Unit 672 Fort Atkinson.

Vice-President—Alicia Brandau, Unit 278 Osage.

Secretary—Mallory Schweiger, Unit 278 Osage.

Historian—Amy Schroeder, Unit 672 Fort Atkinson.

Chaplain—Kelsey Klimesh, Unit 266 Calmar.

Sergeant-at-Arms—Brittney Shannon, Unit 9 Oelwein.

Assistant Sergeant-at-Arms—Kalinda Kolek, Unit 605 Protivin.

The many talents of the young people of the Fourth District shown through once again in the form of contest entries that were submitted for judging. Congratulations to all who worked so hard on their projects. The top place contestants were:

Poppy Posters: Class I—1st—Jake Tyler, Hawkeye, 2nd—Dustin Elsbernd, Calmar, 3rd—Miranda Walz, Monona Class II—1st—Holly Randall, Guttenberg, 2nd—Lukes Elsbernd, Calmar, 3rd—Megan Fink, Fort Atkinson Class III—1st—Emily Faust, Colesburg, 2nd—Kelsey Klimesh, Calmar, 3rd—Lindsi Franzen, Calmar

Poppy Corsages: Class I—1st—Grace Blocker, Fort Atkinson, 2nd—Kalinda Kolek, Protivin, Class II—Micki Schuck, Oelwein, 2nd—Carrie Pout, Oelwine, 3rd—Cassidy Pout, Oelwine, Class III—1st—Jessica Milbrandt, Fort Atkinson, 2nd—Kristen Milbrandt, Fort Atkinson, 3rd—Kerri Boies, Oelwein

Chaplain's Book of Prayers & Inspirations: Class II—1st—Jessica Milbrandt, Fort Atkinson, 2nd—Kristin Milbrandt, Fort Atkinson, 3rd—Kalinda Jo Kolek, Protivin

Junior History Book: Kristin Milbrandt, Fort Atkinson.

Junior Scrapbook: Jessica Milbrandt, Fort Atkinson.

Americanism Essay Contest: Kristin Milbrandt, Fort Atkinson.

Handiwork: 1st place all classes—Fort Atkinson.

A wonderful lunch was served by the host Unit and the entertainment of Hawaiian dancing very enjoyable. The Oelwein Unit will host the 2005 conference and I hope to see many Juniors in attendance. Mary E. Lukes, Fourth District Junior Chairman.

TRIBUTE TO VINCE DEMUZIO, ILLINOIS STATE SENATOR AND MAJORITY LEADER

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the memory of an exceptional statesman from Illinois, Senate Majority Leader Vince Demuzio. Throughout his career, Senator Demuzio has been a tremendous leader for the State of Illinois. His efforts in the Illinois Assembly, too numerous to even mention, serve as a model for each of us in public service.

For twenty-nine years, Senator Demuzio proved to be a true leader in the state legislature as he worked to represent the needs of his constituents while reaching out to all of his colleagues. Senator Demuzio was admired and respected on both sides of the aisle. His spirited partisanship, which included a reputation of being both tough and fair, brought members together across party lines, for the good of Illinois.

Senator Demuzio consistently possessed a keen understanding of what it truly meant to be a public servant. Vince put the needs of his community first and foremost in everything he did. The people of Illinois have truly benefited from Senator Demuzio's legislative initiatives that included massive education reform, transportation projects, agricultural research, and necessary state-wide water and sewage improvements. He remained focused on state government throughout his entire political career and has greatly contributed to the development of downstate Illinois.

Senator Demuzio's leadership and political abilities have been recognized by his colleagues throughout his entire career. Vince served as the state chairman of the Democratic Party from 1986 to 1990, becoming the first downstate official to hold the post in decades, giving the areas surrounding the 49th district a greater voice in the state government. In 2003, Senator Demuzio became the Dean of the Senate, having served more years than any other current member of the Illinois State Senate. Senator Demuzio is credited with rebuilding the infrastructure of the Illinois Democratic Party and the Illinois delegation stands united today as a result of his superb leadership.

The Illinois Senate and the people of this state have lost a great leader. Mr. Speaker, I join the State of Illinois in mourning the loss of this statesman, and extend to Senator Demuzio's family my thoughts and prayers.

PAYING TRIBUTE TO VIRGINIA HOWEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. McINNIS. Mr. Speaker, it is a great pleasure to stand and recognize Virginia Howey for receiving the Southwest Colorado Not-for-Profit Director of the Year Award. Virginia has spent twenty-two years starting early childhood and family support programs in Montezuma County, and this award is a well-deserved testament to her dedication to her community and the State of Colorado.

Virginia's extensive involvement with community organizations comes from her firm belief that one person can make a difference, but it takes a whole community to make a lasting impact. As the current Pinon Project executive director, she has implemented 12 programs for prenatal moms, infants and toddlers, preschoolers, school-age youth, families, and individuals, serving roughly 900 families in Montezuma and Dolores counties. She also has served as chair of the Family Resource Association's state board of directors, on the United Way of Montezuma advisory board, as fiscal agent for the Montezuma/Dolores Community Summit, and as Southwest KIDS coordinator for four years. She also was responsible for securing a Department of Transportation grant for a seat belt campaign and implemented the Montezuma-Cortez school district's Early Reading First Program for 300 preschool children.

Mr. Speaker, it is my honor to recognize Virginia Howey on receiving the Southwest Colorado Not-for-Profit Director of the Year Award before this body of Congress and this nation. The award is a testament to her hard work and great skill as an organizer building programs that benefit individuals, families, and communities throughout Southwest Colorado. I wish her all the best in her future endeavors.

CONGRATULATIONS TO AMADOR VALLEY HIGH SCHOOL CIVICS TEAM

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. POMBO. Mr. Speaker, I rise today to congratulate the students of the Amador Valley High School civics team, from Pleasanton, California. The 19 seniors and their coach, social studies teacher Matt Campbell are here in Washington to represent California in the "We the People: The Citizen and the Constitution" civics competition. This weekend, these bright young men and women will face 49 other teams from around the nation, demonstrating their knowledge of the Constitution of the United States of America and how it has shaped the history and institutions of this land. I am extremely proud of these students, the future leaders of the 11th district of California and the Nation and I wish them the best of luck in the competition.

This is not the first time the Amador Valley High School team has been to the National competition. Since 1992, the team has made it to this level four times, and in 1995 they were crowned National Champion. This record of accomplishment is truly a testament to the talented, dedicated teachers of the Amador Valley High School.

Mr. Speaker, please join me in congratulating these fine young scholars, and all the students from around the country whose dedication to civics and the history of this great Nation brings them here this week.

HONORING THE SHARP HEALTHCARE VICTORIES OF SPIRIT EVENT

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. CUNNINGHAM. Mr. Speaker, I rise today to recognize the 14th annual Sharp Healthcare Victories of Spirit event. This event is a celebration of all that is right in health care and the value of community ties. For over 40 years, the Sharp model of rehabilitation care provides innovative services that assist individuals impacted by catastrophic injury or illness in reaching their greatest potential—at home, at school, on the job and in recreational and sports activities. Their success is demonstrated through the achievements of those who are privileged to serve within Rehabilitation Service. Victories of Spirit showcases great work and partnerships that lead to even greater patient outcomes and achievement.

This special evening is dedicated to honoring incredible people who have played a hand at turning tragedy into triumph. The Eagle Spirit Award represents the symbolism of the Eagle Spirit, a Navajo sign of the most potent healing power, one that elicits images of soaring, of conquering and of excelling. Victories of Spirit is a night that celebrates triumphs and those who make them possible. Year after year it demonstrates to our community just how powerful the human spirit is and inspires each one of us to be the best we can be. I would like to individually recognize each of the recipients of the Eagle Spirit Award:

Josephina Everett is a mother and a teacher for deaf children in need. Josefina and her husband, Luke, live in Mexico and run a free Christian home and school for deaf children in Mexico. Josephina, who became deaf at the age of five, has dedicated her life to helping deaf children learn and appreciate their gifts. Following a burst aneurysm that almost took her life, Josephina learned to sign again using one hand and eventually learned to write and to walk. Josefina and her family have shown great strength against all odds. Their love and faith have brought them all back to the deaf children of Valle de Guadalupe.

DeShjon Mitchell knows he's not defined by his paralysis, and that his dreams before his injury continue on. He's just altering how he plans to accomplish them. This athletic teen went back to school and graduated with his class. He then went on to San Diego State University and completed his degree in Economics just four years later. Through his work with Sharp On Survival he is rediscovering his confidence. He is still playing sports and enjoying music, and he's added public speaking to his talents, working as a Voice of Injury Prevention (VIP) for Sharp On Survival.

Juan Solis was diagnosed at the age of 37 neurocysticercosis and hydrocephalus with which required multiple surgeries and shunting to drain the fluid on his brain. He spent months in the hospital followed by several years in a nursing home. With the help of the patients and staff of Sharp Cabrillo Skilled Nursing Unit, Juan is forever grateful he's got a second chance on life. He is finally home with his family and working two jobs after being away for five years. He hopes to return to coaching the neighborhood kids in "futbol-soccer" this year.

Mathew Sparks was temporarily sidelined from his dream of service to his Country by a spinal cord injury at the age of 23. While Matt may not be able to fly with the Marines, he is now telling his story as a Voice of Injury Prevention (VIP) for Sharp On Survival. Through Matt's work in the program, he's able to serve by speaking at the Marine Corps and Navy safety stand-downs, helping to protect the men and women who protect our country.

Christine O. Timmins is an educator who hasn't let a 1978 spinal injury change her. She is full of capability, dedicated to serving, and dedicated to her students. Christine's courage has benefited teens for more than 30 years now. Her colleagues will tell you, "She can no longer leave footprints in the sand, but she leaves imprints on the hearts and minds of all whom she has taught and touched with her ability for so many years."

The San Diego Brain Injury Foundation has been serving brain injury survivors and their loved ones since 1983. The foundation started as a grass roots effort by families of survivors who knew they needed help and that many others would too. Over the last 20 years, those initial seeds have blossomed into a regional not-for-profit organization that has raised over $700,000 to provide support, resource and information, networking opportunities and service referral to 11,000 people affected by brain injury each year in San Diego County. Their mission is to improve the quality of life for brain injury survivors and their families and promote public awareness and social advocacy.

More than 500 guests including business, government and educational leaders, physicians and health care executives, rehabilitation providers, the media and honored community members from the San Diego area will join in the celebration. I would like to thank the Honorary chair of the event, Donnie Edwards of the San Diego Chargers. Donnie will be joined by Bree Walker, a producer/broadcaster, who has hosted the celebration for more than a decade.

This inspiring evening will benefit Sharp On Survival, Sharp's Institute for Injury and Violence Prevention, the recognized model chapter of the Think First National Injury Prevention Foundation. All proceeds raised from this event benefit Sharp On Survival and help to bring vital prevention education to more youth throughout San Diego County. I ask my colleagues to join me today in recognizing the Victories of Spirit event, the recipients of the Victories of Spirit award, and all those who assisted in making this event a success.

INTRODUCTION OF H.R. 4262, THE SOLVE ACT OF 2004

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. BACA. Mr. Speaker, I rise in support of H.R. 4262, the SOLVE Act of 2004, that reforms our nation's immigration laws. This legislation was introduced yesterday by Congressman GUTIERREZ and I am proud to be one of its many original cosponsors.

This bill reunites families by reducing the years or decades of family separation caused by backlogs and harsh restrictions.

Under this bill, immigrants waiting more than 5 years will be given a visa outside the per-country limits. In addition, immediate relatives would no longer count against the 480,000 limit on family-based visas. If we truly value the family unit, we cannot keep in place policies that tear it apart.

We must reward work by granting immigrants who work hard and pay taxes the opportunity to earn a green card.

This bill will allow immigrants who have lived in the U.S. for 5 years and worked for 2 years to be eligible for legalization, including spouse and children.

Also, immigrants who have lived in the U.S. for less than 5 years would be eligible for a 3-year visa. The visa will allow immigrants to live, work, and travel legally in the U.S., and apply for a green card after two years of work history.

Congressman GUTIERREZ' bill respects workers by protecting wages and working conditions for U.S. workers.

This proposal creates a new visa for low-skilled workers, such as agricultural farm workers. These workers will be paid a prevailing wage so that Americans do not suffer from lower wages, and the bill makes sure companies hire American workers first.

The confusing system we have today is so difficult to navigate that it encourages many to immigrate illegally as a first resort.

According to the Department of Labor, our economy will need a stable supply of legal immigrants to maintain our economy.

Hospitals in California are importing nurses from South East Asia and Latin America because of a nursing shortage. Restaurants and other service jobs are hiring immigrants to fill in thousands of vacancies.

The fact is that we can reduce illegal immigration by having fair and reasonable immigration laws.

Our government must work hard to prevent people and businesses from violating our laws. That is why we must support comprehensive immigration reform.

Our current system loves immigrants one day and hates them the next. We need a system that is logical, orderly and sympathetic to human needs. This system forces the average Mexican and Filipino to wait over ten years before being reunited with their spouse.

Some people will claim that this bill opens our borders. That is false. The SOLVE Act simply brings order to an immigration system that is broken.

I urge my colleagues to support passage of this legislation.

INTRODUCTION OF A RESOLUTION RECOGNIZING THE 50TH ANNIVERSARY OF BROWN v. BOARD OF EDUCATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. CONYERS. Mr. Speaker, today I am pleased to introduce a resolution recognizing the 50th anniversary of the Brown v. Board of Education decision.

This month we honor and celebrate the 50th anniversary of Brown v. Board of Education, a landmark decision that not only desegregated public schools, but led to the desegregation of every segment of our society. Half a century ago, on May 17, 1954, the Brown decision advanced the Constitutional principle that every American should be guaranteed equal protection of the laws.

In this decision, the United States Supreme Court declared, "in the field of public education, the doctrine of 'separate but equal' has no place." It was Brown that reversed Plessy v. Ferguson, the case that established this "separate but equal" doctrine, which stamped Africans Americans with a badge of inferiority as articulated by Judge John Marshall Harlan, the lone dissenter in Plessy.

Brown commenced an era that began to strip African Americans and other minorities of this badge of inferiority. With Brown, millions of minorities and women would be afforded educational opportunities. This decision also provided momentum to the Civil Rights Movement and this nation would come to realize change not just within the realm of education, but in other segments of society as well.

The Brown decision helped lead to the Civil Rights Act of 1964, which advanced the idea that discrimination in the workplace and in public establishments would not be tolerated. The decision also helped lead to the Voting Rights Act of 1965, which promotes every American's right to participate in the political process and the Fair Housing Act of 1968 which promotes equal and fair access to housing for every American.

Fifty years after Brown, however, the pursuit for equal rights and equal opportunity for every American citizen continues. This notion can best be evidenced by statistics that reflect the socio-economic disparities within the African American community:

In March 2004, the Department of Labor reported that 10 percent of African Americans were unemployed, compared to 5 percent of white Americans.

In 2003, the National Assessment of Educational Progress (NAEP) or "the nation's report card" indicated that 60 percent of African American fourth graders were not reading at a fourth grade level, compared to 25 percent of white American fourth graders.

In 2003, the Kaiser Family Foundation estimated that 20 percent of African Americans were uninsured, compared to 12 percent of white Americans.

In 2003, United for a Fair Economy (UFE) reported that 24 percent of African Americans live in poverty, compared to 8 percent of white Americans.

It is because of such disparities that this resolution calls upon Congress to do more than celebrate the 50th Anniversary of the Brown decision by noting its historical significance. This resolution asks Congress to renew its commitment to continuing and building on the legacy of Brown with a pledge to acknowledge and address the modern day disparities that perpetuate a separate and unequal society.

PAYING TRIBUTE TO RUTH SUMMONS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. MCINNIS. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to the life and memory of Ruth Summons. Ruth's long life of one hundred years saw many changes, and her kind soul touched many lives. Her journey ended in Colorado, a place that she loved dearly, and where she chose to spend her retirement. As her family and friends mourn her passing, I believe it appropriate to call to attention her legacy before this body of Congress and this nation today.

Ruth was born to a family of eight children in Louisiana, where she attended a one-room schoolhouse. Her adventurous spirit carried her to Texas for business school, and then on to Denver, where she worked as a secretary in a law firm for forty-seven years. Ruth met her husband Harold at a singles dance for seniors in Denver, and they married and moved to Grand Junction to enjoy their retirement. Ruth lived her life in such a way that her husband will forever remember her, saying: "there wasn't a better woman on Earth."

Mr. Speaker, Ruth Summons lived a long and full life, and she will be sorely missed by those fortunate to have known her. It is my honor to recognize her life before this body of Congress and this nation. I would like to extend my heartfelt respects to her family and friends during this difficult time of bereavement.

HONORING NORA BUTLER OF CHICAGO

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. EMANUEL. Mr. Speaker, I am pleased to rise today to honor the contributions that Ms. Nora Butler, one of our most active community members, has made to the 36th Ward in the 5th Congressional District and Chicago's North Side.

At 91 years young, Ms. Butler still is going strong. She is an instrumental volunteer at Alderman William J.P. Banks' service office, and still serves as a precinct captain for the ward. Her boundless energy and enthusiasm during this past March's primary election would have been remarkable for someone even half her age, and I cannot wait to see the results that her renewed efforts will bring in November.

Born in San Bernardino, California, Ms. Butler was raised in Springfield, Illinois, and moved to Chicago after high school seeking employment. During her younger years, she served in a variety of posts for the Chicago Park District.

For the last 40 years, Ms. Butler has worked as a precinct captain and assistant precinct captain for the 36th Ward. She loves reaching out to people and is willing to do whatever it takes—from placing lawn signs to driving residents to and from the grocery store—all to make her community a better place.

Alderman Banks' staff at the 36th Ward Office look toward Ms. Butler as an inspiring example of a truly dedicated public servant through her spirit of volunteerism and her commitment of time two days per week to provide assistance to the staff with correspondence, answering phones, and constituent service.

Mary Aiello, an aide to the Alderman, put it best in her description of Ms. Butler's personality and grace: "No matter where you go with her, she is always friendly, gracious and interested in helping anybody who needs or wants anything. She is always conscious of other people's needs and concerns."

Ms. Aiello also provided an example that underlines Ms. Butler's selfless dedication. Each year she is charged with the important assignment of organizing Alderman Banks' annual senior citizens' function. Instead of just relaxing and enjoying the event, Ms. Butler serves food and does everything she can do to make sure the other seniors are having a good time. She is also involved with the monthly senior citizens' meetings at the Mont Clare Baptist Church.

Ms. Butler's positive outlook and uplifting sense of humor are evident to all who know her. Although residents of the 36th Ward are often surprised to learn that the woman helping them is 91, she recently said, "They always tell me I should run for office."

Mr. Speaker, I thank Ms. Butler for her many years of dedicated service and for the assistance she has given to so many residents of the 5th Congressional District. I hope her uplifting spirit, warm smile, and infectious personality will remain a presence in the 36th Ward for many more years to come. I am very proud to represent Nora Butler.

IN RECOGNITION OF CINCO DE MAYO

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. RANGEL. Mr. Speaker, I rise to acknowledge Cinco de Mayo, an important day in the Mexican community. In recent years the holiday of Cinco de Mayo or The Fifth Of May has gained much popularity in American culture. However, it is not, as many people believe a celebration of Mexican Independence. Mexico's actual Independence Day is September 16. Cinco de Mayo memorializes the Mexican army's triumph over the French at The Battle of Puebla in 1862. Cinco de Mayo pays homage to an ill prepared militia of about 4,500 overcoming what appeared to be the insurmountable well outfitted French army of 6,500 soldiers. This victory was a glorious moment in Mexican history, thus Cinco de Mayo is remembered.

Cinco de Mayo's increased popularity is apparent in the innumerable celebrations along the U.S.-Mexico border and in parts of the U.S. that have a high population of people with a Mexican heritage. In these areas the holiday is a celebration of Mexican culture, of food, music, beverage and customs unique to Mexico. This date provides me with a welcome opportunity to recognize and appreciate the contributions being made by the growing Mexican-American communities across the United States. We in New York City and in my community are benefiting from the dynamic presence of this vibrant culture.

It is important that on this day of remembrance that we do not let the message of triumph in the face of adversity be overridden by festivals, food, and music. Let us never forget the great contributions that Mexican-Americans have made and continue to make to our nation. Their presence is apparent in politics, arts, athletics, entertainment, military excellence, science, culinary arts, and embedded in the American language.

On this important day we must recognize that the Mexican-American contribution to our nation is similar to the many other immigrant groups that came to our great nation with the same hopes of self-betterment and the pursuit of the American Dream. On Thanksgiving we commemorate the Pilgrims and Native Americans overcoming the harshness of winter and settlement into the New World, which speaks to the overcoming the seemingly insuperable.

Cinco de Mayo symbolizes the power of faith in the face of adversity. It is rooted in our nation's history that in order to achieve greatness we must find the power within ourselves and never give up. If we are able to work hard and never lose faith then the sky is the limit. It is this exact belief that Cinco de Mayo truly embodies. Thus, this date has yet to receive the official recognition that it deserves. I sincerely hope and believe that one day Cinco de Mayo will be a designated national holiday.

COLONIAL HEIGHTS FIRE DEPARTMENT—IN CELEBRATION OF THEIR 75TH ANNIVERSARY

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. FORBES. Mr. Speaker, I rise today in recognition of the Colonial Heights Fire Department, in celebration of their 75th Anniversary.

The Colonial Heights Fire Department was organized in 1929, and operated with 12 volunteers. The first Fire Chief was Benjamin Keys. Today there are 45 career personnel and 35 volunteers for the department. The fire department has been instrumental in saving lives during times of natural disasters, as well as other disastrous occasions.

The fire department has worked closely with the community to ensure the best quality of care for the citizens of Colonial Heights. In times of disaster, the community has been able to rely on the dedicated and dependable men and women of the fire department. In 1982, the Colonial Heights Fire Department was instrumental in the evacuation of North Elementary School, and the chemical cleanup that ensued for two weeks.

When other agencies are unable to respond, the fire department ensures that the citizen's emergencies are given proper attention. With the establishment of the Emergency Medical Services in 1987, the fire department has been able to expand the services that it provides. Prior to 1987 the department received approximately 300–350 calls per year. Over 7,000 calls were received last year related to medical needs, public service and fire assistance.

In addition to the life saving efforts of the Colonial Heights Fire Department, two scholarship programs have been established for students wanting to pursue careers in either a medical or fire fighting related field. In recognition of their many valiant efforts, the fire department has been recognized by the American Legion, the Optimist and the Moose.

Throughout the 75 years of operation in Colonial Heights, the fire department has been persistent in delivering quality care and service to those in need. The community has benefited immensely from the Colonial Heights Fire Department's resounding success, and distinguished years of service.

Mr. Speaker, please join me in honoring the Colonial Heights Fire Department in celebration of their 75th Anniversary of loyal and dedicated service.

PAYING TRIBUTE TO CHET ALLEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Chet Allen of Grand Junction, Colorado. His efforts and vision earned his business, Boomers nightclub on Main Street in Grand Junction, the designation "The Best of the West places to go for people over thirty" by Daily Sentinel readers. Since opening Boomers in 2002, Chet has helped revitalize Main Street, as well as spread his love of Blues, Jazz, and art, all of which figure prominently in Boomers atmosphere.

Chet came to Grand Junction in 1981 as an engineer for the Rio Grande Zephyr Railroad. He and his wife Janet fell in love with the town and decided to stay, but felt the town was somewhat lacking in nightlife. In 2000, he and his wife purchased and renovated an old furniture warehouse on Main Street, expecting to lease it to someone who would turn it into a downtown hotspot. When the first tenants failed, Chet and Janet took the task upon themselves, and thanks to their responsiveness to the community needs, Boomers has thrived since opening in September 2002.

Mr. Speaker, I am honored to pay tribute to Chet Allen before this body of Congress and this nation. Through his vision and determination, he has made remarkable contributions to his community. I sincerely thank him for his efforts and wish him the best in his future endeavors.

MARKING 120 YEARS OF COMMUNITY SERVICE

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. CRENSHAW. Mr. Speaker, I rise today to mark the anniversary of a very helpful institution in Jacksonville, Florida. The institution is daniel. Their mission is to help youth build character by helping them forge strong values, enhance their self-worth, and erect a sense of community. I would like to enter into the record, a brief history of this organization, and how it came to help so many children through its 120 years in operation.

Established in 1884, daniel has met the physical and emotional needs of children. It is considered Florida's oldest child-serving agency. Originally founded as an orphanage, and later named after James Jaquelin Daniel, daniel has evolved into a multi-service agency that assists troubled youth and their families with a variety of innovative and nationally recognized programs.

Originally established as the Orphanage and Home for the Friendless, its mission was "to receive into a suitable home to support and provide for all who shall come under the provisions of the constitution as far as our means and facilities will enable us."

To meet this goal, a cottage was rented on the corner of Liberty and Ashley Street and a fund was started to open a permanent home. Three years later, a two-story frame building was built on the corner of Evergreen Avenue and Center Street.

The earliest minutes of the organization that would become daniel begin with a Preface as follows:

> Before Organization a few children in the city occupied themselves in the winter of '83–'84 in working for a little fair, the proceeds to be devoted to the care of little orphan children. Dell Hungerford, Edie Fitzgerald, Kitty and Eva Havener began in a quiet way & soon other children became interested and in Feb. 1884 quite a large company, old and young, met at Mrs. A.L. Hungerford's where she had carefully arranged a programme of interest to the children and where all were supplied with good things under the supervision of herself and the friends whom she had invited to assist her. The proceeds amounted to $41.57 which were generously supplemented by Mr. & Mrs. Hungerford by a donation of $15.00.

In 1888, a yellow fever epidemic ravaged the Jacksonville community. Colonel James Jaquelin Daniel, the president of the Auxiliary Sanitary Association, well-known attorney and religious leader, worked tirelessly to combat the disease and coordinate volunteer efforts. As a result, however, Daniel died of the fever. Financial contributions poured in from around the nation to "build a living monument to his memory" and the Daniel Memorial Association was formed and consolidated with the Orphanage in 1891. Daniel Memorial Home for children was incorporated in 1893.

During the intervening years, the needs have changed as society and the family structures have changed, however, Daniel Memorial continues to support and provide for children as far as their means and facilities will allow.

Mr. Speaker, I am proud to be associated with the remarks concerning the history of this organization. Daniel currently assists up to 61 children at any given time, ages 5 to 18 years of age, from throughout Florida. Daniel Memorial Incorporated also operates a charter school, foster homes, and other services for children.

Mr. Speaker, let me conclude with this thought. Were it a perfect world, organizations like daniel would have no place in our society. But the sad truth is organizations like daniel are necessary and provide a vital service. Daniel truly makes a difference in the lives of children, and for our entire community. I ask my colleagues to join me today in recognizing the good work of daniel, all they have performed for the last 120 years, and in wishing daniel another 120 years of community service.

PERSONAL EXPLANATION

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. NETHERCUTT. Mr. Speaker, on Tuesday, May 4, I was unavoidably detained due to a prior obligation. Had I been present, I would have voted "yes" on the following: Rollcall vote No. 139 on H. Res. 600, Congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education; Rollcall vote No. 140 on H. Con. Res. 380, Recognizing the benefits and importance of school-based music education; and Rollcall vote No. 141 on H. Res. 599, Congratulating the University of Connecticut Huskies for winning the 2004 National Collegiate Athletic Association Division I men and women's basketball championships.

RESOLUTION ENCOURAGING DEMOCRATIC ELECTIONS IN UKRAINE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. SMITH of New Jersey. Mr. Speaker, I'm pleased to join Rep. HYDE, Chairman of the International Relations Committee, in sponsoring an important resolution urging Ukraine to ensure a democratic, transparent, and fair election process for the upcoming presidential election. By urging the Ukrainian authorities to abide by their freely undertaken OSCE commitments on democratic elections, this resolution emphasizes our commitment to the Ukrainian people and the goal of Ukraine's integration into the Western community of nations.

As Chairman of the Helsinki Commission, I have been a steadfast supporter of human rights and democracy in Ukraine, and I value independent Ukraine's contribution to security and stability in Europe. The stakes in the upcoming elections are high, not only with respect to the outcome, but also as a fundamental indicator of Ukraine's democratic development.

Recent events have dramatically underscored the need for this clear statement of resolve to support a truly democratic process in Ukraine. The pre-election environment in Ukraine has been discouraging, with examples of obstacles to free assembly and free speech, the limiting of access to Radio Liberty, Voice of America and other international broadcasts, and substantial transgressions in recent parliamentary by-elections and mayoral elections.

Mr. Speaker, the most blatant of these took place just a few weeks ago in the city of Mukacheve. These elections witnessed violence, intimidation, fraud and other massive violations both of the electoral code and any standards of civilized human behavior. The mayoral elections have been roundly and rightly criticized by the United States, Europe, and the OSCE. Many observers fear that

Mukacheve is a harbinger of things to come. As Chairman of the U.S. delegation to the OSCE Parliamentary Assembly, I join OSCE PA President Bruce George in calling upon Ukrainian President Kuchma to ensure a proper investigation of the violations which took place and to rectify the situation so that the will of the voters is realized.

Mr. Speaker, Ukraine remains at a crossroads. Developments with respect to democracy have been discouraging over the last few years. The elections represent a real chance for Ukraine to get back on the road to full respect for the tenets of democracy, human rights and the rule of law. The United States stands in solidarity with the people of Ukraine as they strive to achieve these essential goals.

PAYING TRIBUTE TO REV. GARY MacDONALD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise today to honor the life and memory of Reverend Gary MacDonald of Durango, Colorado, who passed away recently at the age of forty-six. Reverend MacDonald was pastor of Durango's New Life Chapel, and his sudden death comes as a shock to us all. He was a man of devotion, hard work, and humilty, and while his family and community mourn his passing, I believe it is appropriate to pay tribute to the life of an exceptional person.

Involved in the ministry for twenty-four years, Reverend MacDonald served as senior pastor of the Lubbock First Foursquare Church in Lubbock, Texas before he and his wife Tammy moved to Durango. In 1998, he was named senior pastor at New Life Chapel in Durango, and in April 2000 he was appointed as the divisional superintendent of the Western Slope Division of Foursquare Churches. Known for his passion and leadership, Reverend MacDonald spoke at youth camps, retreats, conferences, and churches throughout the country; and wrote many songs of worship.

Mr. Speaker, it is my honor to pay tribute to the life of Reverend Gary MacDonald before this body of Congress and this nation. Reverend MacDonald was a kind and devoted spiritual leader who did much to uplift the lives of his congregation. I would like to extend my heartfelt condolences to his family and members of his church as they mourn his passing.

HONORING ALBERT R. MORRIS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to recognize the achievements of Mr. Albert R. Morris, President of A.R. Morris Jewelers in Wilmington, DE. On behalf of the citizens of the First State, I would like to pay tribute to this outstanding individual, and extend to him our congratulations on being chosen as the 2004 recipient of the Small Business Council of America's Small Business Person of the Year Award.

Mr. Speaker, for over 40 years, A.R. Morris Jewelers has set the standard for business and civic leadership in Delaware. The Morris family's steadfast commitment to dependability, integrity, quality, and trust has cemented A.R. Morris' position at the pinnacle of small business in Delaware, and as this award indicates, throughout the nation. Based on an unwavering commitment to his community, Mr. Morris has proven that businesses can succeed, while still maintaining an individual relationship with their customers. Now, in A.R. Morris' second generation of family ownership, they continue to provide value and excellence in their craft.

It is with great pleasure that I offer the most heartfelt congratulations to Mr. Morris upon receipt of this award. His tireless diligence and dedication to work and family should serve as an example for all small businesses. Mr. Speaker, I commend Albert R. Morris for his exceptional leadership and I ask that we recognize the substantial contributions his family and business have made to the state of Delaware.

THE IMPORTANCE OF ASTHMA AWARENESS DAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. TOWNS. Mr. Speaker, I want to thank the Allergy and Asthma Network for holding today's 7th annual Asthma Awareness Day and the Breath Freely Briefing to increase asthma awareness. I also want to thank my colleagues, Representative STEARNS, Chairman BARTON, Representative TUBBS-JONES, Representative ENGEL and Representative KENNEDY for their leadership on this issue.

I am proud to be an original cosponsor of H.R. 2023. I signed onto this bill because I understand the life-altering effects of asthma. As you know, asthma is the 6th ranking chronic condition in the United States and the leading serious chronic illness of children in the United States.

The African American community is disproportionately impacted by the effects of asthma. More than 3 million African Americans currently have asthma. We are three times more likely than the general population to be hospitalized for asthma. Sadly, African Americans constitute 26 percent of all asthma deaths. The fact that asthma can be managed with proper health care and appropriate medications, makes these deaths all the more tragic.

I hope that our efforts through this bill and as well as the attention that we can bring to this disease through Asthma Awareness Day education and outreach activities today and throughout the weekend at the Omni Shoreham Hotel will help us reduce the incidence of asthma and the fatality rate associated with it. With this kind of bi-partisan effort and supported at the state and local level, we can make sure that every asthma patient has a chance to breath freely.

HONORING THE RETIREMENT OF RICHARD MICKA

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to my dear friend, Richard "Dick" Micka, on the occasion of his retirement from La-Z-Boy Corporation after 36 years of distinguished service.

A longtime Monroe County, Michigan resident, Dick graduated from Monroe Catholic Central High School in 1956. He then earned a bachelor's degree in economics from the University of Detroit in 1960. That same year, he was commissioned as a second lieutenant in the Air Force. For nearly three of his seven years in the military, Dick served at Okinawa. He became a captain with the Medical Service Corps.

Dick began his career with La-Z-Boy's Monroe Headquarters in 1968 as Factory Payroll Supervisor. In 1970, he moved to inventory control, and then to the production-planning department in 1971. He was special projects manager from 1974 to 1979, working closely with the Fabric Processing Center. In this position, he was among the first to witness the company's computer-controlled system in Monroe, Michigan command a South Carolina factory machine to mechanically choose and pick up a fabric roll from the thousands on hand. In 1979, Dick was promoted to his current position. As Vice President of Administration, Dick has dealt with the assets, patents, trademarks, and administrative functions of La-Z-Boy, but he is certainly best known for his service as La-Z-Boy's community and civic affairs director.

Dick has faithfully served many community organizations, including the Monroe County Historical Commission, the United Way of Monroe County, and the Monroe County Chamber of Commerce.

He is also a noted conservationist. The Michigan United Conservation Club honored him with their Conservationist of the Year award in June 1974 for his efforts to save the Pointe Mouillee State Game Area in Monroe County, Michigan. He is still very actively involved in efforts to restore Lake Erie wetlands, clean the lake of environmental contamination and restore native habitats and species.

As Dick enters his retirement years, I would ask that my colleagues rise and join with me to wish him and his wife, Jeanne, a very happy, healthy, and relaxing future. I would also like to thank him for his dedicated service both to La-Z-Boy and the Monroe Community.

PAYING TRIBUTE TO ALTA CASSIETTO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Alta Cassietto of Montrose, Colorado. Throughout her fulfilling life, Alta has fulfilled many roles with great success, including being appointed Telluride's first woman Postmaster. Her service, both in her career with the Postal Service and her community involvement, is certainly commendable and deserving of recognition by this body of Congress and nation.

Alta Cassietto was born in Cedaredge, Colorado in 1907. After traveling with her parents to their native Italy in 1908, the family returned to Telluride at the outbreak of the First World War. In 1927, as only a junior in high school, Alta began to work as a reporter for the Telluride Daily Journal. When economic conditions forced the paper to become a weekly in 1929, Alta became the editor, a position she held until 1934, when she became Telluride's first woman Postmaster, a position she held for thirty-six years until her retirement in 1970.

In 1975 Alta moved to Montrose to better care for her mother. She has remained very active in the community, volunteering at the Montrose Memorial Hospital and with the Retired Seniors Volunteer Program. She has also pursued her love of traveling, having crossed both the Atlantic and Pacific ten times.

Mr. Speaker, it is my privilege to pay tribute to Alta Cassietto before this body of Congress and this nation. She is a truly great treasure for her Montrose community and the State of Colorado. I sincerely thank her for her service.

THE WOOL SUIT AND TEXTILE TRADE EXTENSION ACT OF 2004

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. HOUGHTON. Mr. Speaker, today I am pleased to join my colleague from New York, LOUISE SLAUGHTER, introducing the "Wool Suit and Textile Trade Extension Act of 2004." This legislation extends and improves an existing program designed to equalize the trade treatment provided to domestic manufacturers of worsted wool suits.

Over the last decade a provision in our trade laws has had a devastating impact on the tailored clothing industry in the United States—reducing employment by half. This provision effectively created a suit export industry overnight in Canada and Mexico. Effectively, finished suits were able to enter our market duty-free, while our domestic producers were forced to contend with a tariff of more than 30 percent on the fine fabrics used in their production.

With a shrinking customer base the textile mills that once produced enormous amounts of worsted wool fabric reduced their fabric production. Competition for supply and prices paid to woolgrowers in turn were impacted negatively.

Our proposal builds on action taken by Congress in 2000 and 2002 to address this situation. Under the existing legislation, domestic suit makers, textile producers, and the domestic sheep industry received a combination of tariff relief and incentives to stabilize employment and production in the United States. This program has been extremely successful, and stopped the precipitous decline in employment in the tailored suit industry.

However, these provisions expire next year. Because the suit industry must design their lines months in advance, the expiration of this program will affect pricing and competitiveness much earlier than the close of 2005.

Our proposal extends these provisions for an additional five years, and makes improvements in the program for all interested parties. We are pleased to note that our legislation has the strong support of the suit manufacturers, the garment workers' union—UNITE, the sheep association, and the textile industry. As the domestic tailored clothing industry and wool textile mills continue to face significant challenges maintaining employment and production as a result of an unleveled playing field, an extension of this program is timely and vital to the continued health of this important manufacturing sector.

We hope our colleagues will join us in cosponsoring this legislation.

IN SUPPORT OF THE NATIONAL VISION STRATEGY

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. PRICE of North Carolina. Mr. Speaker, on behalf of the Congressional Vision Caucus, I rise to recognize May as Healthy Vision Month, and to discuss the importance of the recommendations of the Vision Problems Action Plan, A National Public Health Strategy to the prevention of blindness and vision loss.

Good vision is critical to conducting activities of daily living, and it affects developmental learning, communication, work, health, and quality of life. Unfortunately, far too many people are at risk for losing their eyesight. More than 80 million Americans have a potentially blinding eye disease, 3 million have low vision, 1.1 million are legally blind, and an additional 200,000 are more severely visually impaired. Despite the fact that half of all blindness can be prevented, far too many people do not have access to the care they need. If current trends continue, the number of blind and visually impaired individuals will double by 2030.

Healthy Vision Month, a component of Healthy People 2010, is a national eye health campaign to raise awareness about the various conditions that can affect eyesight and cause vision loss. Additionally, a coalition of leading eye health experts have just released the Vision Problems Action Plan, A National Public Health Strategy to provide our nation with a framework for preventing vision loss. This groundbreaking study recommends that, in order to reduce the occurrence of vision loss and its accompanying disabilities, we must concentrate our efforts on three priority areas: prevention; access to care and treatment; and research.

Our public health and prevention campaign must ensure that vision programs at the National Eye Institute (NEI) and the Centers for Disease Control and Prevention (CDC) have the resources they need to improve communication and education campaigns, increase surveillance, support epidemiology and prevention research; and implement appropriate program and policy changes.

In order to ensure access to and availability of treatment and rehabilitation services for individuals with vision loss, we must support programs at the Centers for Medicaid and Medicare Services (CMS) and the Department of Health and Human Services (HHS) that remove barriers and improve access to eye exams currently covered under Medicare, such as diabetic eye exams and glaucoma detection for high risk populations. We must also strengthen the Medicare program to advance coverage for vision rehabilitation services as provided by orientation and mobility specialists, rehabilitation teachers, and low-vision therapists.

Finally, we must bolster our research efforts to improve our understanding of the eye and visual system in health and disease, and to develop the most effective means of prevention, treatment and rehabilitation. This report provides the roadmap we need to raise awareness about vision loss, give individuals the tools they need to prevent it, and give hope to the millions already suffering from vision loss that better treatments for can be found.

As a co-chair of the Congressional Vision Caucus, I would like to thank all of the organizations involved in crafting this report, including the American Academy of Ophthalmology, the American Optometric Association, the CDC, Lighthouse International, the National Alliance For Eye and Vision Research, the NEI and most importantly, Prevent Blindness America. Prevent Blindness America should be commended for spearheading this effort, for bringing together this coalition of experts, and for its almost century-long dedication to preventing vision loss.

CELEBRATING THE 70TH ANNIVERSARY OF THE INCORPORATION OF THE TOWN OF TAOS, NM

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to recognize an historic and outstanding community—Taos, New Mexico—and to congratulate the residents on the celebration of the town's 70th anniversary.

On May 7, 2004, the Town of Taos will commemorate the 70th anniversary of its incorporation as a general law municipality in the State of New Mexico. This event will also mark 389 years since the King of Spain colonized the Taos area in 1615—five years before the Pilgrims landed in New England.

Further, this will be the 209th anniversary since the Don Fernando de Taos land grant was declared an Ayuntamiento under the laws of the Spanish government in 1795. Finally, this will also mark 156 years since the Treaty of Guadalupe Hidalgo was signed by the United States and Mexico in 1848.

It is the traditions of the long-established cultures that make Taos a proud community, a desirable place to live, and a wonderful place to visit. Although the Town of Taos celebrates its 70th birthday this month, we must not forget that it is an area that has been home to American Indians for nearly 1,000 years. The arrival of the Spanish Conquistadores, led by Capitán Hernan Alvarado on August 29, 1540, marked the beginning of the three cultures that would eventually dominate the area.

Yet other newcomers emerged in the 18th century with the arrival of French and American traders. Taos, no more than a tiny mountain village, was transformed into a bustling trade center as wagon trains, frontier scouts and mountain men gathered. Taos was also the home of famous frontier scout Kit Carson, who is commemorated in a state park and museum.

The once geographically-isolated village became more accessible when the Atcheson, Topeka and the Santa Fe Railroad reached Santa Fe. The era of America's love affair with the West had begun. As tales of the region's beauty spread, tourists, writers and artists from the east discovered northern New Mexico's uniqueness. Some settled permanently.

By the end of the Roaring Twenties, Taos had an established reputation as a thriving art colony. Writer D.H. Lawrence is credited with saying, "I think the skyline of Taos is the most beautiful I have ever seen. . . ." Perhaps the most prominent resident of the 20th century was none other than artist Georgia O'Keeffe.

The incorporation of the Town of Taos began as a community-wide initiative after several large structure fires destroyed most of the plaza buildings in existence at the time.

Community volunteers undertook an effort to organize a volunteer fire department, a community water supply system and a municipal form of government to ensure stability over the long term.

Taos, sometimes described as "The Soul of the Southwest," is a flourishing community today in New Mexico. A hundred galleries showcase the works of artists past and present, local and international. Scattered within walking distance around the plaza and along side streets lined with bright hollyhocks and geraniums, the galleries invite thousands of tourists each year. World-class contemporary fine art, southwestern art, sculpture, ceramic, crafts, jewelry, and weavings are long-time economic staples of the town.

Wheeler Peak at over 13,000 feet looks down on the world-class Taos Ski Basin. During the warmer months, the area provides a scenic chair lift and trails for hiking, biking, horseback trips, llama treks and fishing.

Today, as in the past, Taos is a mecca for a wide range of people who are attracted by its mystique, unique heritage, historical significance, and beauty.

Mr. Speaker, I could speak for hours on the rich history of Taos. Let me finish by saying that this special occasion is a time for all Taoseños to honor 70 years of proud and noble history. While we are grateful for the past seven decades, I know that the best is yet to come. I ask that my colleagues join me as we honor all the contributions Taos has made to New Mexico.

ARTICLE BY RABBI ISRAEL ZOBERMAN

HON. EDWARD L. SCHROCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. SCHROCK. Mr. Speaker, I share the following article on behalf of a constituent, Rabbi Israel Zoberman.

What a golden opportunity Mel Gibson had to introduce a significant note of much-needed harmony into the alarming discord of a polarized and fractured world community, and even here at home, with heightened religious and political strife. I fear that he missed it. It happened—and to Gibson's credit he didn't hide it—because so far he is passionately locked into the anti-Vatican II stance which longs for the "good old days" when the Mass was in Latin and Jews were not collectively free from the outrageous charge of deicide (the killing of God). The world-impacting crucifixion of a fellow Jew historically resulted in the varied crucifixion of millions of his brethren, including gas chambers, thus figuratively crucifying the suffering Jesus time and again.

Indeed Jesus' message and mission of Israel's shalom have been tragically overtaken by history's greatest and longest hatred fueled by The Passion, so ironically toward Jesus' own flesh and blood. Jews are still victims of nails spread in their bodies by suicide bombers. How in the world did Gibson cast that governor Pontius Pilate as a pussycat, manipulated by those scary-looking, menacing rabbis that he after all appointed to high office? He surely knows that all the Jews at that time were under terrorizing Roman rule which gave rise to the fertile messianism so poignantly represented by Jesus.

Gibson allowed his creative imagination to really soar high, but at what price? Millions will consider his take as gospel truth and perpetuate those stereotypical images pursuing us, Jews and Christians, with so much damage to both. Isn't it time to loosen those destructive bonds of oppression?

Gibson succeeded in resurrecting through the power of his artistic talent the ghosts that Catholics and Protestants courageously tried. through revised doctrine and practice to bury in humanity's graveyard of monumental sins and errors. But he also presents us with a precious opportunity to redouble our ecumenical dialogue and sectarian educational efforts of all religions to prove that blood should lead to love, violence to vision, and reality to redemption.

Perhaps now that Gibson's risky financial investment—prompted by an evident deep faith which I'm glad he found—has borne substantial fruit, he would contemplate another version of The Passion that is less threatening to our common dream. It is high time to prove that religion can and should be a source of infinite goodness and not only of inexhaustible evil. My own young congregation met for 10 glorious years from 1985 to 1995 at the most gracious Catholic Church of the Ascension in Virginia Beach. That inspiring interfaith model could not have happened without the reforms of Vatican II when Pope John XXIII began and current Pope John Paul II enhanced the promising rapprochement with the Jewish people.

This sea change culminated in the Vatican's official recognition of the Jewish state, the Jews no longer rejected by the church's teaching of contempt condemning us to forever be wanderers with Cain's mark upon us. The Polish pope's visit to Israel's eternal capital Jerusalem witnessed his paying tribute and praying at the Western Wall around the temple where Jesus left his mark, and Yad Vashem's Holocaust Memorial reminding the courageous and visionary pope of his own proud anti-Nazi saga and the Jewish classmates he lost. And could I have honored retiring Bishop Walter F. Sullivan at our holiest service on Yom Kippur Eve? Our dear Catholic bishop, who has become a close friend, held our Holocaust Torah scroll from Czechoslovakia. He was instrumental in establishing the new Holocaust museum in Richmond.

Following Gibson's penetrating film, Jewish children in Virginia Beach and elsewhere have been socially ostracized. Would Gibson like to face the two high schoolers in my congregation who had swastikas left on their desks? And what might yet happen in a Europe that is experiencing the worst resurgence since the Holocaust of the virulent virus of anti-Semitism, as well as the vast Muslim world with its growing radicalism?

On the eve of Passover and Easter's shared rejoicing in the divine gifts of renewal and resurrection, respectively for Jews and Christians, there is much that Gibson can so ably do to help us build together God's kingdom on earth of healing, hope and harmony for all. There is much at stake and we are all in it together.

Rabbi Israel Zoberman, spiritual leader of Congregation Beth Chaverim in Virginia Beach, is son of Polish Holocaust survivors. He is immediate past president of the Hampton Roads Board of Rabbis.

HONORING VALERY (LAWRENCE) WEINBERG PRESIDENT, PUBLISHER, AND EDITOR-IN-CHIEF OF NOVOYE RUSSKOYE SLOVO

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. NADLER. Mr. Speaker, I rise today to recognize Valery (Lawrence) Weinberg, President, Publisher and Editor-in-Chief of Novoye Russkoye Slovo. On May 8th Mr. Weinberg will be celebrating 40 years of service at Novoye Russkie Slovo (New Russian Word). Novoye Russkoye Slovo is the oldest and most widely read Russian-language daily newspaper in the United States.

Born in the Ukraine in 1945, Mr. Weinberg emigrated first to Poland, and then to the United States in 1964—the same year he began his career at Novoye Russkoye Slovo. From 1964–1982 he held numerous positions at the paper. He was named Executive Vice President in 1982 and President in 1986. In 1995, Mr. Weinberg founded and became President of People's Wave Radio (WYDM 1380–AM), the only 24-hour, seven-day-a-week Russian-Language radio station in the world.

Under Mr. Weinberg's leadership, Novoye Russkoye Slovo played an important role in bringing democracy to the Soviet Union by supporting Russian dissidents and publishing their work. Former presidents from both political parties, including President Bill Clinton and Ronald Reagan, have acknowledged Novoye Russkoye Slovo anniversaries and noted the newspaper's part in helping new immigrants adapt to life in the United States and understand U.S. policy and democracy.

After the collapse of communism, the Russian government honored Mr. Weinberg for his and the paper's support of freedom and democracy. In 2000, he received an award from former President Boris Yeltsin celebrating the paper's 90th anniversary. In 2003 he was honored at an event in Moscow for his efforts to preserve Russian culture in the United States.

Mr. Weinberg is also a well-known philanthropist in the Russian-American community. He is the founder and President of the UJA-Federation Russian Division, which raises funds for economically disadvantaged Russian Jews worldwide. With his wife Lilly, Mr. Weinberg helped raise funds to build several projects in Israel, including a school for disabled children. In addition to his work the UJA, Mr. Weinberg is President of the Fund for the Neediest Russian Immigrants. The fund was instrumental in building an emergency room and hospital in Israel, and was active in providing assistance to Russian-American victims of September 11th. Finally, Mr. Weinberg also serves as President of Litfundt, which provides assistance for Russian-American artists and writers.

I am pleased to stand here today to congratulate Mr. Weinberg for his 40 years of service to the Russian-American community and thank him for his commitment to freedom and democracy. He is a man of integrity and drive, and I wish him all the best now and in the future.

PAYING TRIBUTE TO DAYNA LEONARD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate Dayna Leonard of Montrose, Colorado on being named Youth of the Year by the Black Canyon Boys' and Girls' Club. The award, in its fifty-seventh year, recognizes contributions to family, community, school, and the club. Dayna will serve as a representative for the club for the remainder of the year, and it is my pleasure to recognize her achievement today.

A fifth grade student at Pomona Elementary School in Montrose, Colorado, Dayna was named Youth of the Month by the Boys' and Girls' Club in February 2003. This honor allowed her to compete for the honor of Youth of the Year. Dayna was selected Youth of the Year from fourteen other winners because of her moral character, life goals and public speaking ability, after a competition which included an essay, an interview, and a speech. In addition to her participation in the Boys' and Girls' Club, Dayna is active in Black Canyon Gymnastics, the Torch Club leadership program, as well as several community service projects.

Mr. Speaker, I am honored to pay tribute to the service and achievements of Dayna Leonard before this body of Congress and this nation; and to congratulate her on having the distinction of being named Youth of the Year. Her dedication to improving herself and her community are truly remarkable and I wish her all the best in her future endeavors.

STATEMENT OF AMBASSADOR LUIS GALLEGOS ON "INTERNATIONAL DISABILITY RIGHTS: THE PROPOSED U.N. CONVENTION" BEFORE THE CONGRESSIONAL HUMAN RIGHTS CAUCUS, MARCH 30, 2004

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. LANTOS. Mr. Speaker, on March 30th, the Congressional Human Rights Caucus held a groundbreaking Members' Briefing entitled, "International Disability Rights: The Proposed U.N. Convention." This discussion of the global situation of people with disabilities was intended to help establish disability rights issues as an integral part of the general human rights discourse. The briefing brought together the human rights community and the disability rights community, and it raised awareness in Congress of the need to protect disability rights under an international law to the same extent as other human rights through a binding U.N. convention on the rights of people with disabilities.

Our expert witnesses included Deputy Assistant Secretary of State Mark P. Lagon; the Permanent Representative of the Republic of Ecuador to the United Nations, Ambassador Luis Gallegos; the United Nations Director of the Division for Social Policy and Development in the Department of Economic and Social Affairs, Johan Schölvinck; the distinguished former Attorney General of the United States, former Under-Secretary General of the United Nations and former Governor of Pennsylvania, the Honorable Dick Thornburgh; the President of the National Organization on Disability (NOD), Alan A. Reich; Kathy Martinez, a member of the National Council on Disabilities (NCD); and a representative of the United States International Council on Disabilities (USCID) and Executive Director of Mental Disability Rights International, Eric Rosenthal.

As I had announced earlier, I intend to place the important statements of our witnesses in the Congressional Record, so that all of my colleagues may profit from their expertise, and I ask that the statement of Ambassador Gallegos be placed at this point in the Congressional Record.

Mr. Chairman, Members of U.S. Congressional Human Rights Caucus, Representatives of the U.S. Administration, Representatives of Disability and Human Rights Organizations, Ladies and Gentlemen: I am deeply honored by the invitation extended to me to address you at this distinguished panel of the United States Congressional Human Rights Caucus.

I regard the privilege of addressing you as imposing upon me three obligations: first that of discussing the background of the Ad Hoc committee on an international convention on the rights of persons with disabilities; second, that of informing you of its ongoing work and third my analysis concerning development of an international convention and the newly emerging disability rights movement.

I. BACKGROUND

The commitment of the United Nations to promotion of the rights of persons with disabilities is deeply rooted in the goal of the Organization: realization of the Charter's vision of a just and peaceful world and the better standards of life in larger freedoms. The work of the Organization in disability in its early period focused on improvement of the well-being of persons with disabilities to meet their needs in the social context. In the 1960s, initiatives within the disability community and adoption by the United Nations of the international human rights conventions both in civil and political and economic, social and cultural realms, resulted in a fundamental reevaluation of the rights of persons with disabilities within the context of development. The growing concern for the need of adopting a human rights perspective since 1970s were specifically addressed by the United Nations in adoption of the declarations concerning the rights of persons with disabilities.

The human rights of persons with disabilities became part of the international policy agenda in the 1980s since adoption of the World Programme of Action concerning Disabled Persons by the General Assembly at its thirty-seventh session in 1982. The World Programme transformed the disability issue from "social welfare" issue into that of integrating the human rights of persons with disabilities in all facets of development.

The Standard Rules on the Equalization of Opportunities for Persons with Disabilities was adopted by the United Nations in 1993 to focus on the human rights perspective of the World Programme of Action. Though the Standard Rules was not a legal instrument, it has been widely used as a set of strategic guidelines to promote the rights of persons with disabilities. The international frameworks to promote the rights of persons with disabilities were further advanced by a series of 1990s United Nations development conferences and their respective five-year reviews, the Millennium Development Goals and other relevant international commitments.

Proposals to elaborate a convention on the rights of persons with disabilities were presented during the United Nations Decade of Disabled Persons (1983–1992), many of which have reflected reformulated concepts of disability that have moved away from the traditional model of care, social welfare and medical support to a human rights framework. These proposals were required of further study by the international community.

The initiative on a comprehensive and integral convention to promote and protect the rights of disabled persons is the result of a proposal made by President Vicente Fox of Mexico during the fifty-sixth session of the General Assembly of the United Nations, which called upon the international community to combat poverty and social exclusion with Mexico taking the lead in promoting an agenda for development. The importance was highlighted to involve all citizens as stakeholders and that a just world must be inclusive of all groups. For that reason, Mexico had proposed the establishment of a "Special Committee" to study the elaboration of an international convention on promoting the rights and dignity of persons with disabilities, which was endorsed by General Assembly resolution 56/168.

II. PROGRESS IN ELABORATING A "COMPREHENSIVE AND INTEGRAL" INTERNATIONAL CONVENTION

The outcome of the first session of the Ad Hoc Committee (29 July–9 August 2002) was a resolution, adopted by the fifty-seventh session of the General Assembly as resolution 57/229 of 18 December 2002, on further action related to elaboration of a comprehensive and integral international convention. The Committee, in close collaboration with disability organizations and civil society organizations, reaffirmed the commitment to the goals set out before it by General Assembly resolution 56/168.

The outcome of the second session of the Ad Hoc Committee was the decision to elaborate an international convention and to establish the Working Group to draft a text that would form the basis for negotiations on the convention, which will be submitted to the Ad Hoc Committee at its third session, from 24 May to 4 June at he United Nations Headquarters in New York.

III. THE WORKING GROUP OF THE AD HOC COMMITTEE JAN. 5–16, 2004

The Working Group was chaired by the Permanent Representative of New Zealand, Don MacKay. It took into account all contributions submitted to the Ad Hoc Committee by States, observers, expert meetings, United Nations bodies, regional commissions and intergovernmental organizations, as well as by non-governmental organizations (NGOs), independent experts and national disability and human rights institutions.

Members of the Working Group were of a diverse body of policy makers, legal practitioners, disability advocates, and experts, consisted of 27 representatives of governments, one national human rights institution and 12 NGO representatives, mainly from organizations of persons with disabilities, resulting in a broader and enhanced understanding of disability in the context of promotion and protection of the rights of persons with disabilities in today's society and in development.

Disability advocates, working side by side with experts in international law and other relevant fields, helped to view the existing human rights norms and standards from a disability perspective, which, in turn, proposed viable options to strengthen the existing system for promoting and protecting the rights of persons with disabilities as well as to incorporate the disability perspective into the human rights norms.

(1) Summary of the meeting

The Group identified possible approaches and narrowed down the options, which resulted in the draft text with options for consideration of the Ad Hoc Committee. The draft text embodies successful collaboration among all the members of the Working Group. It covers, in its 25 articles and the Preamble, encompassing human rights principles and norms, such as general principles and obligations, equality and non-discrimination, the right to work, and equal recognition before the law with a disability focus. It also addresses disability-specific issues and concerns, such as accessibility, independent living, protection of persons with disabilities from violence and abuse, accessibility, education, personal mobility, social security and adequate standards of living, as well as issues of inclusion, such as inclusion of disabled children, disabled women and persons with multiple disabilities, promotion of positive attitudes towards persons with disabilities, inclusion in the community, participation in political and public life, and participation in cultural life, recreation, leisure and sport.

(2) Analysis

The draft text by the Working Group, reflecting their diversity in background and approach, resulted in a broader and enhanced understanding of disability in the context of promotion and protection of the rights of persons with disabilities in today's society and in development. The work of the Group facilitated interpreting the existing human rights norms and standards from the disability perspective as well as incorporating the disability perspective into the human rights norms.

Members of the European Union advocated that a proposed new convention should focus on the model of a non-discrimination human rights treaty, such as the Convention on Elimination of all Forms of discrimination against Women and the Convention on Elimination of Racial Discrimination, which would minimize proliferation of detailed standards and mechanisms. Other Members, such as Mexico, Venezuela, Sierra Leone, South Africa, Thailand, and Organizations of Persons with Disabilities, promoting, in most cases, the model of a comprehensive convention, such as the Convention on the Rights of the Child, emphasizing on the specificities of the situation of persons with disabilities as their focus in elaborating the Convention.

The draft text by the Working Group, as it stands now, is the result of a hybrid between the two approaches and there are number of complex issues and tasks left to the Ad Hoc Committee for its consideration.

(3) The issue areas requiring close attention

The following issues would require close examinations and consultations by the Ad Hoc Committee as the views differed significantly among the Members: definition(s) of disability and persons with disabilities; disability statistics and data collection; international cooperation; special and inclusive education, and the monitoring mechanism(s). The Group did not cover the international monitoring mechanism at this time and focused instead on national frameworks for implementation and monitoring of the convention.

(4) The third session of the Ad Hoc Committee

The third session of the Ad Hoc Committee will take place from May 24–June 4 at the United Nations Headquarters in New York. The Ad Hoc Committee will have before it the draft text as a basis for negotiation of the text of an international convention on the rights of persons with disabilities.

IV. THE SIGNIFICANT ROLE PLAYED BY U.S. LEADERS AND ADVOCATES IN DISABILITY RIGHTS IN THE WORK OF THE INTERNATIONAL COMMUNITY

The commitment of the United States to further goals of human equality and dignity for persons with disabilities has been demonstrated in a number of legislative and policy initiatives, such as American with Disabilities Act (1992) and "New Freedom Initiative" (2001), which resulted in a comprehensive set of regulations and enforcement mechanisms and the new disability-sensitized community—leadership of government, organizations of disabilities, countless advocates, scholars, practitioners in disability rights, as well as civic groups. I am delighted to see many of those leaders present at this meeting today. Those leaders have made extraordinary contributions not only to their own society, but also to the work of the international community.

Such outstanding contributions are exemplified in a wide range of activities from legislative and policy initiatives, scholarship, research to advocacy at national, regional and international levels: for example, one of the finest institutions of higher-learning in the United States, University of California at Berkeley co-organized with the United Nations "The United Nations Consultative Expert Meeting on international norms and standards relating to disability (December 1998). The work is considered as a first step to consider promotion of the human rights of persons through the use of international normative framework, including implications of an international convention on the rights of persons with disabilities. A number of US participants and leading scholars participated in both Berkeley and its follow-up meeting (the Interregional Seminar on international norms and standards relating to disability organized by the Equal Opportunities Commission, Hong Kong SAR, Republic of China).

During the past two sessions of the Ad Hoc Committee and the most recent session of its Working Group in January 2004, US participants as government and NGO representatives, panelists, researchers or individual advocates played a major role in promoting the rights of persons with disabilities. The international community, along with the disability communities worldwide, would have much to gain from the continuing and active participation of the United States in the work of the Ad Hoc Committee and the newly emerging international disability rights movement.

CONCLUSION

As a result of consultations at national, regional and international levels concerning an international convention since the Ad Hoc Committee was established, new networks and communities of disability-sensitized policy makers, programme specialists, academics and advocates have emerged. Together, they are contributing to a process of promoting and developing universal norms and thereby contributing to implementation of the universal human rights for all.

The on-going international discourse on disability rights in the process of elaboration of an international convention demonstrates our common foundation—a fundamental aspiration of the humankind to establish an integrated community of its members based upon the principles of the universality of human rights—the fundamental freedoms, the dignity and worth of every human person.

As we strive to promote and protect the rights of persons with disabilities through the work on an international convention, we are embarking upon a significant endeavour in translating the universality of the human rights into reality and taking a concrete step toward a just and equitable society.

MY COMMITMENT TO AMERICA'S FUTURE

HON. MIKE FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. FERGUSON. Mr. Speaker, I would like to submit a paper by Mr. James Rieder, Jr., of

Colonia, New Jersey, into the CONGRESSIONAL RECORD. I would like to offer my congratulations to Mr. Rieder on his accomplishment of winning the 2004 Voice of Democracy broadcast scriptwriting contest. Following is the paper that Mr. James Rieder, Jr., wrote:

"The meaning of America is not to be found in a life without toil. Freedom is not only bought with a great price; it is maintained by unremitting effort." (Thirtieth President of the United States of America, Calvin Coolidge)

Consider these words by the late former President. "The meaning of America is not to be found in a life without toil." In order to be a true American, one must not take his/her responsibilities lightly, and must instead strive to achieve not only what's best for himself/herself, but also what is good for all, no matter the task at hand. "Freedom is not only bought with a great price . . ." Our great nation was constructed from the ultimate sacrifices of others, their lives, but not just our forefathers, but our grandfathers and fathers, as well. ". . . it is maintained by unremitting effort." The United States does not only thrive on those who lost their lives on the battlefield, nor even on those who govern our democratic nation, but on the American people. And because of this supreme responsibility, it is our duty as a free people to work hard in preserving our rights for the future generations. This is my commitment to America's future.

My commitment to America's future is to uphold the freedoms we were granted by the blood and sweat of our elders. For some, this may be as simple as voting on Election Day to empower a governing body capable of protecting our rights. For others, their commitment may lie in the front line, physically stopping those who endanger the American way of life. Does this mean that the soldier's blood runs redder than that of the simple voter? Of course not; both hearts beat strongly with American pride and both souls soar along with the majestic eagle. It is not what you are committed to, but how committed you are that counts. As for myself, I believe that I will perform whatever duties my nation calls on me to perform. I will be just as pleased if I can donate to a helpful cause, as I would be if I were to be called to a foreign shore to fight for our rights. Whatever my responsibility, I will certainly be dedicated.

My commitment to America's future is to educate my children and raise them in an environment where they, too, can respect and cherish their American citizenship. As Theodore Roosevelt stated, "To educate a man in mind and not in morals is to educate a menace to society." We must educate our future generation so that they may continue the legacy of our grand country. If we do not teach them properly, they may lose sight of the importance of their freedom, and the rights we presently have may exist as just unachievable aspirations. The path these children traverse leads to America's future. Thus, we must keep them on this path and ensure that they view the end of the journey with the utmost respect and dedication.

My most significant commitment to America's future would be to always keep my American pride strong within my heart, for Coolidge never specified whether the "unremitting effort" he mentioned should be physical or spiritual. I believe that you must first achieve a spiritual dedication to the United States before you can move on, and the more spiritually dedicated you are, the more American you become. And so, as long as the stars and stripes continue to wave grandly over these fifty unified states, so, too, will my heart beat with pride for my nation. I conclude yet again with this small, yet powerful, phrase from Mr. Coolidge and I implore you to always remember it and keep it in your heart, as I keep it in mine: "Freedom is not only bought with a great price; it is maintained by unremitting effort."

A TRIBUTE TO JANE BAKER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. LANTOS. Mr. Speaker, it is with great honor and pride that I pay tribute to an extraordinary woman, Jane Baker. For the past twenty years Jane has been an inspiration to those who wish to make positive change in their communities, as she has dedicated herself to serving both San Mateo city and County, located in my congressional district, through the various public service positions she held.

Jane Baker was born in Hamilton, Ohio, and after graduating from Purdue University, she and her husband Bill moved to San Francisco. Shortly after moving to California, Jane hosted and produced a television cooking-show that aired in San Francisco and San Jose, where she demonstrated easy meals that one could make on an average night for the average family. By 1963, the Bakers had settled in San Mateo, where they have resided ever since.

Mr. Speaker, Jane had always participated in community events, being very active in her local Parents Teacher Association (PTA) and the Girl and Boy Scouts. Her commitment to save open space on Sugarloaf Mountain in San Mateo from overdevelopment prompted her to run for the San Mateo City Council in 1973. Her historic victory, at that time only the second woman ever elected to a City Council seat, was made more dramatic by the fact that she captured more votes than two male incumbents. Jane's traditional smashing ways continued when she became the first-ever female mayor of the city of San Mateo. During the twenty years that Jane Baker served on the San Mateo City Council she remained devoted to public service and although people encouraged her to run for higher offices, such as State Senate and Congress, Jane declined because she recognized the value of local government and the closer relationship to the public that comes with it.

Jane Baker's commitment to community service did not merely stop at being an elected official, as her drive and energy led her to serve on many boards and commissions. The number of boards and commissions that Jane served on is incredible. She represented the cities of San Mateo on the Bay Area Metropolitan Transportation Commission and served as Chair from 1993 to 1995. Jane also chaired the San Mateo County Transportation Authority for two years and was a member of the Joint Powers Board-CALTRAIN. Additionally, she served on the Association of Bay Area Governments for ten years, from 1975 to 1985.

In addition to her dedication to local government service, Jane was an active member of various statewide and national organizations. The litany of those organizations is too large to list in its entirety, but includes; the Board of Directors of the National League of Cities, the State Job Training Coordinating Council, the American Association of University Women, California Elected Women for Education and the Women's Association of the First Presbyterian Church of San Mateo.

As one would expect, Jane Baker has been honored for her numerous achievements by many of the organizations, including being named Safety Woman of the Year by the San Mateo Safety Council. She was also chosen as an Outstanding Graduate by the Purdue University School of Consumer and Family Services and inducted into the San Mateo County Women's Hall of Fame in 1999.

Mr. Speaker, Jane Baker was often hailed as a maverick mayor because she wasn't afraid to speak her mind. In an era where women were often seen and not heard in City Hall Jane helped shatter the glass ceiling. A true pioneer for women's rights, Jane Baker has diligently served San Mateo for over 20 years. I know that I will not be the only one to miss her presence in our city government. I extend my very best wishes to her and hope she finds the future as rewarding as her years of public service.

JUDGE WILLIAM B. BRYANT ANNEX TO THE E. BARRETT PRETTYMAN FEDERAL BUILDING AND UNITED STATES COURTHOUSE

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Ms. NORTON. Mr. Speaker, this bill has an unusual origin. The Chief Judge of the U.S. District Court for the District of Columbia, for himself and the members of the trial court, visited my office to request that the annex under construction for the E. Barrett Prettyman Federal Building be named for senior U.S. District Court Judge William B. Bryant. Judge Bryant was unaware of the desires and actions of his colleagues, who unanimously agreed to request that the annex be named for the judge. It is rare that Congress names a courthouse or an annex for a judge who has served in that court and even more rare for a judge who is still sitting. Judge Bryant's colleagues, who know his work and his temperament best, have found a particularly appropriate way for our city and our country to celebrate the life and accomplishments of a great judge. I know Judge Bryant personally, I know his reputation in this city and on the law, I know that the request to name the annex for Judge Bryant reflects deep respect for his unusually distinguished life at the bar.

Judge Bryant began his career in private practice in the segregated Washington of the 1940s and 50s, when African-American lawyers were barred from membership in the District of Columbia Bar Association and from using the Bar law library. He established his legal reputation as a partner in the legendary African-American law firm of Houston, Bryant and Gardner and taught at Howard University Law School. His reputation as an extraordinary trial lawyer led to his appointment as the first African-American Assistant U.S. Attorney for the District of Columbia. He rose to become the first African-American to serve as Chief Judge of the U.S. District Court whose members now ask that the annex be named for Judge Bryant.

For his representation of criminal defendants in private practice, Judge Bryant was admired as one of the city's best and most respected lawyers. Among his many notable cases is the landmark *Mallory* v. *United States*, 354 U.S. 449 (1957), where the Supreme Court ruled that an arrested person must be promptly brought before a judicial officer.

Judge Bryant graduated from D.C. public schools, Howard University and Howard Law School, where he was first in his class. After graduation, Judge Bryant served as chief research assistant to Dr. Ralphe Bunche when Bunche worked with Gunnar Myrdal, the famous Swedish economist, in his studies of American racial issues. Judge Bryant served in the U.S. Army during World War II and was honorably discharged as a Lieutenant Colonel in 1947.

Judge Bryant, who is 92, took senior status in 1982. He raised a family but, as Chief Judge Thomas Hogan wrote, "lost his beloved wife, Astaire and now lives alone—with this Court and the law as the center of his life."

I am grateful to our judges of the U.S. District Court here for the thoughtful proposal that the annex to their court be named for Judge William B. Bryant. The residents of this city that Judge Bryant has served so well and the members of the bar here would be particularly pleased. I am delighted that Senator PATRICK LEAHY, ranking member of the Senate Judiciary Committee, has agreed to sponsor this bill in the Senate and I urge rapid approval to give honor to one of the great judges of our court.

TRIBUTE TO FORREST L. WOOD

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. BERRY. Mr. Speaker, I rise today to honor an Arkansan who loves this country as much as any person I've ever met. Forrest L. Wood is an entrepreneur who has proved Americans can get as far in life as their talents will take them.

It was his own fortitude that made Ranger Boat Company what it is today. The company was founded in 1968 and almost as quickly was destroyed by fire in 1971. With no insurance and armed only with 60 salvaged boat orders, the Wood family nailed a telephone to a scorched tree, cleaned off the blackened site and began rebuilding. Within 40 days the company was back in operation building boats.

Mr. Wood's simple business philosophy continues to drive the Ranger Boat Company today, "You must build a good product—price it fairly—let folks know you have it, and treat your customers right."

In addition to his many business achievements, all leading to revolutionizing the Bass Fishing Boat industry, Mr. Wood is an aggressive conservationist. His efforts to save the environment for sportsmen are as legendary as the equipment he provides them to enjoy those lands. As a result, in 1998, he was named to the Arkansas Game and Fish Commission.

Mr. Wood, his wife, Nina Kirkland, and their four daughters work together, simultaneously running a cattle ranch, construction company, and fishing guide operation. Unlike so many other business success stories, Mr. Wood's drive is based on a true desire to further his community and this country. On behalf of the Congress, I extend gratitude for all the Wood family does to make the world a better place.

RECOGNIZING AN EXTRAORDINARY CITIZEN, DR. NEARI FRANCOIS WARNER

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. ALEXANDER. Mr. Speaker, I rise today to recognize an extraordinary citizen from the Fifth District of Louisiana, Dr. Neari Francois Warner, who will soon be retiring as acting President of Grambling State University. Dr. Warner's tireless service and genuine commitment to education, and to GSU, her alma mater, are remarkable and inspiring.

In January 2001, Dr. Warner became the first female to hold the title of acting president of Grambling State University, a position she held with great honor and distinction for three years. In this short period of time, Dr. Warner successfully obtained 100-percent accreditation of Board of Regents-mandated programs, from 87 percent when she accepted the position. Under Dr. Warner's leadership, six endowed professorships and a mini college by the Division of Continuing Education were established. She also took the leading role attaining the unconditional reaffirmation of Accreditation by Southern Association Colleges and Schools at Grambling State University.

Dr. Warner has shown many noteworthy accomplishments throughout her tenure at GSU. The Fall 2003 enrollment showed the first increase in three years, and retention rates increased system-wide and campus-wide. Under her leadership, funding was raised and groundbreaking began on the new Health, Physical Education and Recreation Building and Multi-purpose Center. Additionally, Dr. Warner signed several strategic partnerships in distance learning and created student and faculty computer labs.

I thank Dr. Warner for her outstanding contributions to the university and to our community and am proud to recognize her notable accomplishments and manifold contributions. I extend congratulations to Dr. Warner and best wishes for her future endeavors as she retires from acting president of Grambling State University.

RECOGNIZING MAY AS HEALTHY VISION MONTH

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. MCINTYRE. Mr. Speaker, I rise today to recognize May as Healthy Vision Month and to highlight the important recommendations of the Vision Problems Action Plan, a National Public Health Strategy as a way to prevent blindness and vision loss.

As Proverbs 29:18 states, "Where there is no vision, the people perish."

As the son of an optometrist and someone who has focused carefully on proper eye care, I know that good vision is critical to conducting activities of daily living. Vision not only affects our ability to learn and work, but it also affects our ability to adequately communicate with others. Therefore, it is essential that we in Congress have the foresight and insight to put forth measures that will improve our eyesight. And, by encouraging awareness, early diagnosis and prevention of eye disorders, I am confident that we can.

First, it's about having the foresight to recognize the problems associated with eye disorders. Unfortunately, far too many people are at risk for losing their eyesight. In fact, more than 80 million Americans have a potentially blinding eye disease, 3 million have low vision, 1.1 million are legally blind, and an additional 200,000 are more severely visually impaired. In my state of North Carolina, over 6 million people over the age of 18 have some case of vision impairment or age-related eye disease. However, despite the fact that half of all blindness and some eye disorders can be prevented, far too many people do not access the care they need. If nothing is done, the number of blind and visually impaired individuals will double by 2030.

That is why it is so important that we have the insight to address these concerns now. And, what better way to do that than to highlight May as Healthy Vision Month—a national eye campaign to raise awareness about the various conditions that can affect eyesight and cause vision loss. A component of Healthy People 2010, this initiative will undoubtedly serve as a catalyst to highlight the horrors of serious vision problems.

Additionally, it is important that we highlight the recently released report, Vision Problems Action Plan, a National Public Health Strategy. Developed by a coalition of leading eye health experts, including Prevent Blindness American, the Centers for Disease Control and Prevention, Lighthouse International, the American Optometric Association, and the American Academy of Ophthalmology, this report will provide our nation with a framework for preventing vision loss.

In addition to its focus on preventing vision loss, this groundbreaking study also recommends that in order to reduce the occurrence of vision loss and its accompanying disabilities, our nation must concentrate on access to care and treatment including rehabilitation and research. The report also states that we must ensure that vision problems at the National Eye Institute and Centers for Disease Control and Prevention have the resources they need to improve communication and education campaigns and prevention research.

To better ensure access to and the availability of treatment and rehabilitation services for individuals with vision loss, the report recommends the importance of supporting programs at the Centers for Medicaid and Medicare Services and the Department of Health and Human Services that remove barriers and improve access to eye exams currently covered under Medicare, such as diabetic eye exams and glaucoma detection for high risk populations.

The report also recommends bolstering our research efforts to improve our understanding of the eye and visual system in health and disease, as well as developing the most appropriate and effective means of prevention, and access to treatment and rehabilitation.

Finally, it's about improving our eyesight. Working in conjunction with Healthy Vision Month, the Vision report will undeniably provide the roadmap that is necessary to raise awareness about vision loss, provide individuals with the tools they need to prevent it, and give hope to the millions already suffering from vision loss that better treatments can and will be found. I applaud those who played an integral role in developing this report, and I look forward to working with my colleagues to adopt its recommendations.

As a member of the Congressional Vision Caucus, I recognize the severity of eye disorders and the risks associated with not having regular check-ups. At the very least, proper eye care should be a basic component of adequate health care. Today, I stand committed to making it a national priority.

CINCO DE MAYO

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. STENHOLM. Mr. Speaker, today I would like to reflect on this important day in history where a relatively small group of valiant men met and overcame tremendous odds to bring hope and unity to a struggling nation.

On Cinco de Mayo, 1862, General Zaragoza led an untrained and outmatched group of 2,000 Mexican fighters to defend the town of Puebla against the French. Under the command of Napoleon III, these 6,000 French soldiers were among the best-trained and best-equipped armies in the world. However, their sophisticated armor and weapons were no match for the iron will and solidarity of the Mexican people.

Their victory became a symbol of the pride and patriotism of the Mexican people, who defended themselves against a superior force. In the United States, Cinco de Mayo has become a celebration of the achievements and rich contributions Hispanics have made to our great nation, as well as a reminder of the values and freedoms all Americans hold so dear.

Hispanics in my Congressional District, and across the nation, have added much to the cultural fabric of our country. As the fastest-growing minority population in the nation, they are a driving force in the U.S.—economically, politically, and socially.

That is why I am proud to cosponsor House Concurrent Resolution 163, a resolution which recognizes the historical significance of Cinco de Mayo and calls upon the American people to observe the date with appropriate festivities. I know in West Texas, folks are participating in local festivals and gatherings to commemorate Mexico's victory at Puebla.

Hispanics share with other Americans the common goals of freedom, opportunity, and a chance to build a better life. I am happy to be here and remember this momentous day as we are reminded that all people—regardless of their race, color, creed, or gender—deserve the opportunity to experience liberty, freedom and the right to self-determination. America stands behind these ideals and appreciates the contributions of Hispanics everywhere.

INTRODUCTION OF THE MARY McLEOD BETHUNE COUNCIL HOUSE NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT ACT—MAKE A HISTORICAL SITE MORE ACCESSIBLE TO TOURISTS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Ms. NORTON. Mr. Speaker, today I am introducing the Mary McLeod Bethune Council House National Historic Site Boundary Adjustment Act. This is the original home of the National Council of Negro Women founded by the great Mary McLeod Bethune. Ms. Bethune is also the legendary founder of the historically black college, Daytona Normal and Industrial Institute for Negro Girls, now Bethune-Cookman College, and she played a powerful role in the Roosevelt Administration.

The Bethune Council House, declared a National Historic Site by Congress in 1982, was acquired by the National Park Service (NPS) in 1994. The Bethune Council House, a historic house museum, features original furniture, photographs and facsimiles of historic documents from the National Council of Negro Women (NCNW). This legislation is needed for two reasons. First, the Bethune House is not handicap accessible, and as a historic building, it would be impossible to alter the house in any way without endangering its historic nature. This bill would extend the current boundary of the Bethune House by authorizing the NPS to acquire the abutting property to allow handicapped accessibility. Second, the bill provides space for administrative offices for the NPS to conduct duties related to the Bethune Council House.

This legislation is needed to carry out the important mission of the Bethune Council House. The Bethune legacy is carried forward today by the nation's most prominent civil rights leader, Dr. Dorothy Height, Chair and President Emerita of the NCNW, who recently received the Congressional Gold Medal of here in the Congress. Consequently, this bill honors both of these heroes of our country by assuring that the first home of the organization to which they dedicated their lives is accessible to all Americans. I ask that the House pass this bill promptly.

TRIBUTE TO MS. ESTHER WRIGHT

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. PAYNE. Mr. Speaker, Ms. Esther Dolores Wright has dedicated her life to the service of others as an educator for over 40 years. She began her teaching career in Newark, N.J. in 1964, and over the years, she has literally touched thousands of lives in a positive way. Ms. Wright received her Masters of Arts in Education with a concentration in Administration and Supervision from the University of Virginia in May, 1976. She has served the students, parents, and teachers of Maple Avenue School as an Administrator for over 15 years.

During her tenure as Principal of Maple Avenue School, she has presided over many important changes to the school facility and programs, including complete renovations to the school auditorium, gymnasium, and playground area, as well as the establishment of a state of the art science lab and the creation of a computer network, which provides internet access to all of Maple Avenue School's primary and middle school students. They have implemented a distance learning program in conjunction with the New Jersey State Department of Education, which recognized Maple Avenue School with a 'Best Practices' award. She has continued to provide support for innovative programs to encourage student achievement such as the Morning, After School, and Saturday Academy enrichment programs; character development programs such as Best Friends for girls and Best Men for boys; the Afternoon and Evening After School Youth Development Programs, which serve the student and community populations; and Project ACCEL, which reduces high school drop out rates and retention rates for students.

In addition, under Ms. Wright's guidance and direction, Maple Avenue School and students have been at the forefront of a number of innovative initiatives such as Law Day, Career Day, Instrumental and Choral Music programs, the Talented and Gifted Program, and a school wide Science Fair. Maple Avenue School students have represented the school in the district Science Fair, Math Fair, and Technology Fair, and have consistently won local and regional Art awards. In addition, their debate team has been City Champion for several consecutive years and their basketball team played in the 2003 District Championship finals.

During Ms. Wright's time as Principal, Maple Avenue School has also been recognized by the district for achievements in Literacy, Science, and Math. Based upon 8th grade GEPA scores for the past two years, Maple Avenue School has been cited as one of the top 5 schools and one of the top 10 schools, respectively, in the district in Literacy. During the same time period, Maple Avenue School has been recognized as one of the most improved schools and as one of the top 10 schools in the district in Science. During the 2001–2002 school year, Maple Avenue School has been one of the top 10 most improved schools in Math, according to ESPA scores, and has been a past winner of the Math Olympics and most recently went to the district semi-finals.

Maple Avenue graduates are accepted into the Newark Public School's Magnet High School Programs; Arts High; Science High; University, Technology, and Essex County Vocational High School; as well as area Private and Catholic High Schools at a rate of 30 percent. Many more participate in Magnet Career Academies, which provide transition into skilled career opportunities after High School.

I salute Ms. Wright for her dedication to the students, parents, and teachers in our community, and I am proud to have her in my district. Mr. Speaker, please join me in extending my thanks to Ms. Wright for her lifetime of public service, and I invite my colleagues to join me in recognizing the achievements of the Maple Avenue School.

IN SUPPORT OF THE NATIONAL VISION STRATEGY

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. TIBERI. Mr. Speaker, as a founding member of the Congressional Vision Caucus, I rise to recognize May as Healthy Vision Month, and to discuss the important recommendations of the Vision Problems Action Plan, A National Public Health Strategy as a way to prevent blindness and vision loss.

Good vision is critical to conducting activities of daily living, is a portal for language, and affects developmental learning, communicating, working, health and quality of life.

Unfortunately, far too many people are at risk for losing their eyesight. More than 80 million Americans have a potentially blinding eye disease, 3 million have low vision, 1.1 million are legally blind, and an additional 200,000 are more severely visually impaired. Despite the fact that half of all blindness can be prevented, far too many people do not access the care they need. If nothing is done, the number of blind and visually impaired individuals will double by 2030.

That is why awareness, early diagnosis and prevention are so important. Healthy Vision Month, a component of Healthy People 2010, is a national eye health campaign to raise awareness about the various conditions that can affect eyesight and cause vision loss.

Additionally, a coalition of leading eye health experts, including Prevent Blindness America, the Centers for Disease Control and Prevention, Lighthouse International, and the American Academy of Ophthalmology, just this week have released the Vision Problems Action Plan, A National Public Health Strategy, to provide our nation with a framework for preventing vision loss.

This groundbreaking study recommends that, in order to reduce the occurrence of vision loss and its accompanying disabilities, our nation must concentrate our efforts in three priority areas: prevention/public health, access to care and treatment including rehabilitation, and research.

Our public health and prevention campaign must ensure that vision programs at the National Eye Institute (NEI) and Centers for Disease Control and Prevention (CDC) have the resources they need to improve communication and education campaigns, increase surveillance, epidemiology and prevention research; and implement appropriate programs, policies and systems changes.

In order to ensure access to and availability of treatment and rehabilitation services for individuals with vision loss, we must support programs at the Centers for Medicaid and Medicare Services (CMS) and the Department of Health and Human Services (HHS) that remove barriers and improve access to services covered under Medicare.

Finally, we must bolster our research efforts to improve our understanding of the eye and visual system in health and disease, as well as developing the most appropriate and effective means of prevention, and access to treatment and rehabilitation.

This report provides the roadmap we need to raise awareness about vision loss, give individuals the tools they need to prevent it, and give hope to the millions already suffering from vision loss that better treatments can be found.

I would like to thank all of the organizations involved in crafting this report, including the American Academy of Ophthalmology, the American Optometric Association, the Centers For Disease Control and Prevention, Lighthouse International, the National Alliance For Eye and Vision Research, the National Eye Institute (NEI) and most importantly, Prevent Blindness America. Prevent Blindness America should be commended for spearheading this effort, for bringing together these various groups, and for its almost century-long tradition of preventing vision loss.

INTRODUCTION OF THE COLLEGE ACCESS & OPPORTUNITY ACT

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. BOEHNER. Mr. Speaker, in 1965, Higher Education Act was established to assist low and middle income students striving for a higher education. It was as simple as that; the law was put into place to ensure college access for those who might not otherwise be able to afford it.

In the last two years, I and other members of the Committee on Education & the Workforce have worked tirelessly to craft higher education legislation that will live up to that original mission. Our number one priority is, and must be, expanding college access for current and future students.

Today's introduction of the College Access & Opportunity Act represents the culmination of those efforts. We are pleased to be offering a bill that ensures students are priority number one, and are proud to have worked closely with the stakeholders of America's higher education system to have produced legislation that meets our principles of access, affordability, accountability, and quality; abiding by these principles has produced a measure that will ultimately ensure fairness for low and middle income students.

The College Access & Opportunity Act includes comprehensive reforms that will strengthen Pell Grants, student aid, college access, and Minority Serving Institutions. The bill will reduce loan costs and fees for students, and eliminate red tape for students and graduates. The College Access & Opportunity Act also includes steps to remove barriers for non-traditional students, and importantly, will empower consumers through increased sunshine and transparency in college costs and accreditation.

The bill will benefit students in numerous ways; in fact, there are far too many student benefits for me to list individually today. However, I'd like to describe some of the highlights of the bill that will show just a few of the many ways the College Access & Opportunity Act will expand college access for current and future students aspiring for the dream of a college education.

The College Access & Opportunity Act strengthens college access programs, particularly those serving students who may struggle to enter higher education. The bill enhances TRIO and GEAR UP programs targeted to first-generation, non-traditional and minority students, and ensures low-income working adults can also receive the valuable services provided through these access programs.

In Pell Grants, which are the cornerstone of federal need-based student aid, the bill includes an initiative we call "Pell Grants Plus" to provide additional Pell Grant aid to needy students who have completed a rigorous high school curriculum through the State Scholars program. The proposal, similar to one offered by President Bush in his FY 2005 budget request, would not only provide up to $1000 of additional Pell Grant assistance to Pell-eligible students, but would also serve as an incentive for more states to participate in the State Scholars program and prepare more students to excel in higher education.

The bill also repeals the unfair limit on Pell Grants called "tuition sensitivity," which punishes very low cost schools and the students who attend those schools by reducing their Pell Grant aid they can receive. In addition, the College Access & Opportunity Act would permit year-round Pell Grants to allow students to accelerate their studies and graduate sooner.

Because Minority Serving Institutions play an important role for expanding college access, the bill makes a number of reforms designed to strengthen these institutions and allow them to better serve their students. For instance, the bill would make it easier for these schools to use technology to improve education, and would reduce red tape that creates unnecessary burdens as they apply for grants.

Importantly, the bill would make the student aid funding provided through the campus-based aid programs more fair and equitable. By phasing out unfair advantages given to older, more well-established schools, the College Access & Opportunity Act would ensure these funds are targeted to the students who need them the most.

Chief among our principles for reforming higher education was the need to increase accountability, and the College Access & Opportunity Act includes a number of steps that will accomplish that goal. By empowering the consumers of higher education—students and parents—with information, we will ensure they can fully exercise their power in the marketplace of higher education. Be it adding transparency to college costs or adding sunshine to the accreditation process, the bill will give consumers access to significant new information to help them make their own best decisions about higher education.

The College Access & Opportunity Act also includes a number of significant reforms to the multi-billion dollar federal student loan programs, with major steps to realign resources in order to better serve low and middle income students striving for a higher education.

Federal student loans provide access to low-cost funding that many students need to finance their higher education. The College Access & Opportunity Act will expand access to this important resource in a responsible manner that will not allow students to be burdened by unmanageable debt levels.

The bill will update loan limits for first and second year students, ensuring more money is available at the beginning of students' studies when loan limits are significantly lower and students may struggle with college costs. However, the bill will not increase the aggregate borrowing limits, ensuring students are not saddled with higher overall debt levels. The bill also reduces origination fees for students, an important step that will ensure students have access to more of the money they borrow.

In order to make these positive reforms that provide students with greater access to student loan resources, the bill includes significant realignment of federal resources within the loan program. The bill would limit excess subsidy payments made to lenders, changing provisions in current law and requiring lenders to return excess income that can be better used to expand student access.

The bill will eliminate the anti-consumer "single-holder" rule, which needlessly limits consumers' ability to shop around for the best deal on a consolidation loan by requiring borrowers to consolidate with their current lender if that lender holds all their loans. The bill will also ensure consolidation loans are provided under the current variable interest rate structure provided for other federal student loans, eliminating unfair treatment of borrowers based simply on the date the loans are consolidated. The variable interest rates for consolidation loans will ensure all consolidation borrowers have access to low rates while being protected from interest rates that rise too high through an interest rate cap.

In addition to ensuring consolidation loans are provided under the current successful variable rate structure, the bill will also prevent other student loans from moving to a fixed rate as they would in 2006 unless we take action to prevent that change. Without preserving the current variable rate structure for these loans, borrowers would be forced to pay 6.8 percent interest rates on all loans. With borrowers today paying 2.82 percent in school and 3.42 percent in repayment, it would be shameful to impose an arbitrary fixed interest rate that would double the rate available to borrowers today.

While strengthening the loan programs to better serve borrowers, the College Access & Opportunity Act will also protect the credit history borrowers earn while repaying these loans. The bill will require lenders to report federal student loan information to all national credit bureaus, ensuring borrowers are given the positive credit history they earn by repaying their student loans.

Recognizing that the face of America's higher education system has changed significantly in recent years—both the students and the institutions that serve them—the bill will ensure all colleges and universities are treated fairly as they seek to better serve students. The bill will repeal the unfair 90–10 rule, a requirement imposed only on proprietary schools. The 90–10 rule was implemented as a safeguard, yet there is no evidence it reduces fraud and abuse and significant evidence that it may reduce access for the neediest students by forcing schools to raise tuition or move out of inner cities where many students are receiving full federal funding.

The bill also recognizes the importance of distance education at the forefront of technological advancements that can give students new opportunities to learn. By eliminating the 50 percent rule, which restricts the number of students that can be enrolled in distance education and the number of courses an institution may offer via distance education, the College Access & Opportunity Act will increase access to quality higher education through alternate channels. The bill would maintain and even enhance safeguards to ensure the integrity of these programs, while removing restrictions that prevent innovation and expanded use of new technology for student learning.

Finally the bill will no longer include separate definitions of institution of higher education, placing all eligible schools on an even playing field as they work to provide higher education to their students.

The College Access & Opportunity Act is important legislation that will help fulfill the original mission of the Higher Education Act—expanding college access. By placing students as our first priority, we are bringing forward a bill that I am proud to say will significantly improve higher education in America. I am pleased to be offering this legislation with my good friend Rep. McKeon, and am eager to move forward with these important reforms to ensure access, affordability, accountability, and quality.

INTRODUCING THE IMPROVING ACCESS TO ASSISTIVE TECHNOLOGY FOR INDIVIDUALS WITH DISABILITIES ACT

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. McKEON. Mr. Speaker, I rise today to introduce the Improving Access to Assistive Technology for Individuals with Disabilities Act. This legislation improves the Assistive Technology Act to ensure that individuals with disabilities have access to assistive technology services and equipment throughout their lives. I would like to thank the gentleman from Ohio (Mr. BOEHNER), the Chairman of the Committee on Education and the Workforce, for his assistance in bringing this bill to this point.

Since 1988, the federal government has played an important role in helping states develop systems to provide access to assistive technology devices and services for individuals with disabilities. The original intent of this program was to provide seed money for states to establish state-wide systems to help individuals with disabilities. Since then all 50 states, the District of Columbia, Puerto Rico, and the outlying areas have established systems of some design and scope. In the original legislation, we wisely put in a sunset provision that caused us to reexamine the role and scope of the original program.

For the past 2 years, my subcommittee has been investigating this program; we have held a hearing on this important program, visited assistive technology centers, and discussed the benefits and drawbacks of the existing program. We have sought broad input from our friends across the aisle, from the disability community, and from the state programs to gain valuable insight into this program. As we go through the legislative process we will continue to seek input from our friends on the other side of the aisle as well as our friends in the disability community to make this a strong bill.

In the bill we are introducing today, we are shifting the focus of the program to individuals with disabilities. Our goal is to help states get more pieces of assistive technology into the hands of individuals with disabilities. This new focus will expand the reach of the state programs by moving away from support of administrative activities toward emphasizing the importance of getting the technology itself to the individuals with disabilities that need it.

Although we are refocusing the program, we certainly recognize the importance of state flexibility, and our bill maintains that important element of the program. We direct states to focus their efforts of putting technology into the hands of individuals with disabilities.

We ask that States develop alternative financing methods to enhance the ability of individuals with disabilities to access assistive technology devices and services through low interest loans, interest buy-down programs, revolving loan funds, loan guarantee, or other mechanisms of the State's choice.

Additionally, we allow States to choose to develop: Assistive technology device loan programs to support short-term loan programs of assistive technology devices to individuals with disabilities; assistive technology device reutilization programs (i.e., recycling) to use assistive technology devices multiple times with multiple individuals; or assistive technology device demonstration programs to teach people with disabilities about the variety of available assistive technology devices and how to use them.

These are important and necessary activities and I am confident that states will continue to work with stakeholders in their communities to enhance or develop comprehensive programs that will provide tremendous benefit to individuals with disabilities. In fact, we require that states do just that, so we are ensuring that individuals with disabilities will continue to have important input in this program.

I deeply appreciate the importance of assistive technology devices and services for individuals with disabilities. These devices can make a major difference in the lives of individuals with disabilities. Assistive technology can help individuals meet the challenges they face every day, and through the use of assistive technology, an individual with a disability can overcome almost any obstacle he or she faces.

I look forward to working with the members of the Committee, other members of Congress, and other stakeholders as we craft legislation that will build upon and improve previous reforms. These steps to strengthen assistive technology programs will also complement our ongoing effort to ensure that children with disabilities receive a quality education. I urge my colleagues to join me in support of the Improving Access to Assistive Technology for Individuals with Disabilities Act.

TRIBUTE TO EVA GALLAGHER AND THE ONCOLOGY NURSING SOCIETY

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. RAMSTAD. Mr. Speaker, I rise today to call attention to the important and essential role that oncology nurses play in providing quality cancer care. These nurses are principally involved in the administration and monitoring of chemotherapy and the associated side-effects patients experience. As anyone ever treated for cancer will tell you, oncology nurses are intelligent, well-trained, highly skilled, kind-hearted angels who provide quality clinical, psychosocial and supportive care to patients and their families. In short, they are integral to our nation's cancer care delivery system.

Cancer is a complex, multifaceted and chronic disease, and people with cancer are best served by a multidisciplinary health care team specialized in oncology care, including nurses who are certified in that specialty. This year alone, 1.3 million Americans will hear the words, "You have cancer." In addition, 556,000 will lose their battle with this terrible disease. Every day, oncology nurses see the pain and suffering caused by cancer and understand the physical, emotional, and financial challenges that people with cancer face throughout their diagnosis and treatment. Oncology nurses play a central role in the provision of quality cancer care as they are principally involved in the administration and monitoring of chemotherapy and the associated side-effects patients may experience.

Today, more than two-thirds of cancer cases strike people over the age of 65, and the number of cancer cases diagnosed among senior citizens is projected to double by 2030. At the same time, many of the community-based cancer centers are facing significant barriers in hiring the specialized oncology nurses they need to treat cancer patients. It is estimated that there will be a shortage of 1.1 million nurses in the year 2015.

The Oncology Nursing Society (ONS) is the largest organization of oncology health professionals in the world, with more than 30,000 registered nurses and other health care professionals. Since 1975, the Oncology Nursing Society has been dedicated to excellence in patient care, teaching, research, administration and education in the field of oncology. The Society's mission is to promote excellence in oncology nursing and quality cancer care. To that end, ONS honors and maintains nursing's historical and essential commitment to advocacy for the public good by providing nurses and healthcare professionals with access to the highest quality educational programs, cancer-care resources, research opportunities and networks for peer support.

On behalf of the people with cancer and their families in Minnesota's 3rd Congressional District, I would like to acknowledge Eva Gallagher for her leadership within the Oncology Nursing Society as a member of the ONS Board of Directors. Through Eva's and ONS' leadership, our nation is charting a course that will help us win the war on cancer.

The ONS has 4 chapters in my home state of Minnesota. Located in the Bloomington, Esko, Hayfield and Milan areas, these chapters serve the oncology nurses in the state and help them continue to provide high quality cancer care to patients and their families in our state.

I commend the Oncology Nursing Society for all of its efforts and leadership over the last 29 years and thank the Society and its members for their ongoing commitment to improving and assuring access to quality cancer care for all cancer patients and their families. I urge my colleagues to support them in their important endeavors.

TRIBUTE TO THE OREGON INSTITUTE OF TECHNOLOGY

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to share with you and my colleagues my distinct pride in a winning institution in my district, the Oregon Institute of Technology (OIT). Located in Klamath Falls, Oregon, OIT is nationally recognized for its high standards and results-oriented approach to education. The school motto, "First Hired, Highest Paid," is no idle boast. A few years ago I had the honor of serving as commencement speaker during an OIT graduation, and nearly all of the graduates I addressed had been offered high-paying jobs.

Ably led by President Martha Anne Dow, OIT pursues excellence in every aspect of the college experience, from research and technology application to career-oriented instruction and competitive athletics.

Mr. Speaker, it is in the realm of athletics that OIT most recently demonstrated its championship mettle when the men's basketball team won the NAIA Division II National Title. Seeded 16th, the OIT Hustlin' Owls were not favored to win, but when the final buzzer sounded they had proven themselves to be the best team in the nation among NAIA Division II teams. Their series of upset victories may have surprised some sportscasters, but it was no surprise to the fans of OIT who have come to expect great things from the Hustlin' Owls under the phenomenal coaching of Danny Miles.

Coach Danny Miles, a NAIA Hall of Fame coach, took over a losing basketball program at OIT thirty-three years ago and never looked back. Racking up 734 career wins, Danny ranks 17th on the all-time career victory list. It is no surprise that this year he was named NAIA Coach of the Year, an honor that he shares with his able staff: Mike Pisan, Doug Kintzinger, Jarrod Davis, Milijia Mitrovic, and Aristide Agnimel.

Although Coach Miles is proud to have won the national championship, he is even more proud of the fact that he, his staff, his team, and the OIT fans won the James Naismith Award for sportsmanship. This was not just a victory of superior athleticism and coaching; it was a victory of strong character.

I join the OIT family in my pride over senior Kevin Baker's winning the tournament's Most Valuable Player award. Baker was also joined by teammates Florian Houget and Todd Matthews on the All-Tournament team. It goes without saying that a championship performance involves every team member, so I also want to share with you my pride in Hustlin' Owls Michael Nunes, Jared Hall, Levell Hesia, Joe Billings, David Michaelis, Matt Johnson, Elijah Page, and Alex Carlson, each of whom contributed so much to their team's winning effort.

Mr. Speaker, for those who are familiar with the story of the Klamath Basin in my district, you know the story of a strong, proud people who live their lives with heart and determination. It is no surprise that the bond between OIT and the Klamath community is so strong. They share the character of winners who never, ever give up. We can all find inspiration from OIT's achievements, many more of which I expect to recognize in the future.

TRIBUTE TO PRIVATE FIRST CLASS MARQUIS ANTOINE WHITAKER

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. BISHOP of Georgia. Mr. Speaker, it is with a heavy heart that I rise today to pay special tribute to one of our nation's many heroes, Army Pfc. Marquis Antoine Whitaker. Pfc. Whitaker lost his life April 27 while serving his country in Iraq. He was only twenty years old.

A beloved son and brother, a proud American and a devoted Christian, Marquis loved football, music, his GMC Jimmy and his girlfriend, Tarai, who misses him very much.

He graduated from Kendrick High School in 2002 and joined the Army only months later, to give back to his country and put his career on a responsible path.

He began basic training at Fort Leonard Wood, Missouri and eventually became a motor transport operator assigned to the Regimental Headquarters Troop, 2nd Armored Cavalry Regiment, at Fort Polk, Louisiana. Pfc. Whitaker was deployed to Iraq in July 2003. Although his family expected him home April 14, his tour was extended due to the increase in insurgent activity in Iraq. Two weeks later a truck crashed into the back of his Humvee, pushing it partially over the side of a bridge. Marquis Whitaker fell while attempting to climb to safety.

Pfc. Whitaker joins 756 American troops who have given their lives to bring freedom to the people of Iraq. We mourn their loss and the promise of their futures, like that of Marquis, were cut all too short.

Mr. Speaker and distinguished colleagues, I ask you to join me in honoring Pfc. Marquis Whitaker. I promise his mother Jacqueline, his father Anthony, his five sisters and two brothers that Marquis will forever remain a hero in the eyes of his country and that we will never forget the sacrifice he made in the name of freedom and democracy.

IN RECOGNITION OF SHIRLEY V. EDWARDS

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Ms. VELÁZQUEZ. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to recognize the achievements of Shirley V. Edwards, a visionary and the principal of EBC High School/Bushwick, Brooklyn in the 12th Congressional District.

After 25 years of blight, Bushwick is experiencing a renaissance. Despite this, it continues to suffer from a high rate of unemployment and poverty. Shirley Edwards, armed with her education specialist background, knew she had a mission to fulfill. She understood that education was the key to breaking the cycle of poverty, and she dedicated herself to the creation of EBC High School for public service and academic excellence.

For the last 10 years, Principal Edwards has called EBC High School/Bushwick her home, serving as a mentor to both students and teachers alike. She is said to have led EBC/Bushwick down the "road not taken," showing many in the community that it was possible to leave an imprint when they had lost all hope. She was instrumental in creating an array of innovative programs, leaving behind an important legacy that forms the foundation of the high school.

Principal Edwards, among her many positive contributions, introduced students to the value of public service and giving back to their community, encouraging them to make a real difference. She witnessed first-hand how drugs, crime and poverty devastated lives, and she made it her mission to empower students and to give them a second chance at earning an education and forging a better path for themselves in the future. Principal Edwards motivated students to become enthusiastic lifelong learners and responsible adults. She truly changed lives—now over 90 percent of her graduating classes are pursuing college degrees.

Therefore, Mr. Speaker, I rise today to honor Shirley V. Edwards, and join with my colleagues in the House of Representatives to recognize her extraordinary work in New York City's public education system.

TRIBUTE TO PROFESSOR F. JAMES ROHLF

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. BISHOP of New York. Mr. Speaker, today I rise to honor Professor F. James Rohlf, for his outstanding career as a scientist and professor at Stony Brook University, who was elected a Fellow of the American Academy of the Arts and Sciences in 2001.

Professor Rohlf's current research is concerned with the development, evaluation, and application of new statistical methods for use in geometric morphometrics. Over the last few years he has written papers demonstrating how standard statistical methods such as principal components analysis, canonical variates analysis, multiple regression, and other methods can be adapted for the analysis of shape.

His work also emphasizes the development of interactive computer software to perform the unique computations needed in geometric morphometrics. This software also provides the special interactive graphical displays to enable users to visualize shapes and has made it possible for these new methods to be applied routinely by many biologists.

Due to the unfamiliarity of most biologists with the types of mathematics needed to understand the methods used in geometric morphometrics, many one to two week workshops have been held in cities and universities around the world, which Professor Rohlf has organized or in which he has been the principal lecturer. These programs are to teach the necessary techniques and to give potential users a chance to collect data, learn how to use the software, and to interpret the results.

Professor F. James Rohlf is also author and co-author of many publications. Early in his career he received fellowships from U.S. Public Health Service to conduct predoctoral research in 1959–1962, and a National Science Foundation postdoctoral appointment in 1962. He has received many honors including: W.J. Eckert Visiting Environmental Scientist; IBM T.J. Watson Research Center; Professor Visitant, Universidad Nacional del Litoral, Santa Fe, Argentina; Visiting Professor University of Rome "La Sapienza," Dipartimento di Biologia Animale e dell'Uomo; and the election to the American Academy of Arts and Sciences.

Professor Rohlf held positions such as research assistant in 1958–59, teaching assistant in fall of 1959 and research associate in the summer of 1962 at the University of Kansas. He was visiting assistant professor of entomology in the spring of 1965 and associate professor of statistical biology, 1966–69. And, he was an assistant professor of biology at the University of California, Santa Barbara 1962–1966.

Professor F. James Rohlf is interested in and has been involved in the applications of mathematical methods and statistics (especially multivariate statistics) to problems in biology with emphasis on morphometrics and the theory of systematics. I am proud to recognize and honor Professor F. James Rohlf for his outstanding career as a scientist and professor and for all the many accomplishments and services he has provided to the community of biological science.

PERSONAL EXPLANATION

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. ENGLISH. Mr. Speaker, I was unable to be present for rollcall votes 139, 140, and 141 on May 4, 2004. Had I been present, I would have voted in the following manner: Rollcall 139, "yea" on H. Res. 600—Congratulating charter schools; rollcall 140, "yea" on H. Con. Res. 380—Recognizing school-based music education; and rollcall 141, "yea" on H. Res. 599—Congratulating the UConn men's and women's basketball teams.

HONORING THE 100TH BIRTHDAY OF ITCHE GOLDBERG CELEBRATED ON APRIL 25, 2004

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. NADLER. Mr. Speaker, I rise today to congratulate my constituent, Itche Goldberg on the occasion of his 100th birthday. Itche is at once a leader, scholar and educator, yet he still remains a student. It is rare to encounter a man who has achieved as much as Itche has, but that is not what truly makes Itche unique. What sets Itche apart from those few who can match his accomplishments is his continued passion to learn, explore and delve further into the subjects he studies. The greatest beneficiary of Itche's work has never been Itche himself, but rather those who have had the pleasure of reading his works and the work he has translated and for the important role he has played in preserving the Yiddish language.

Itche began his path of scholarship in Canada, where he studied philosophy, political economics and German. At the age of twenty, he was already teaching in the Toronto Workmen Circle Folkshul, the first step onto a path of instruction that extended to Philadelphia and New York as well. His lectures have been in both Yiddish and English, covering Jewish culture and literature. From 1970 to 1985, Itche was professor of Yiddish language and literature at Queens College of the City University of New York.

From 1936 to 1951, Itche edited Yungvarg, a Yiddish children's magazine, and others for both parents and teachers. During that time, he wrote many children's stories in Yiddish. Also among Itche's work are numerous Yiddish textbooks he authored, and even more he edited. As Director of the Service Bureau for Jewish Education and the Zhitlowsky Foundation, Itche's mission was to make sure these books were not only produced, but also provided to their target audiences in Jewish secular schools. Itche was also recently awarded the prestigious Raoul Wallenberg medal.

Today, Itche goes to the office every day to ensure that the journal he is editor-in-chief of, Yiddishe Kultur, sees continued life. Even after forty years on the job, he remains tirelessly devoted to the endurance of one of the few surviving quality journals published in Yiddish language worldwide.

In a society such as ours, which values hard work, education and culture, Itche Goldberg is priceless. A child wishing to study Yiddish culture can turn to Itche's work at every stage of life; whether it is his children's stories, textbooks, journals or upcoming second volume of essays. Itche is an asset to us all, and I feel privileged to honor him for his profound contributions towards the preservation of Yiddish, and for doing so with such an inspiring passion. Mir shatsn op ayer vunderlekhe arbet l'toyves der yidisher kultur vos hot baraikhert dem gontsn Yidishn yishev. (English Translation "We honor your wonderful work for the benefit of Yiddish culture which enriches all of Yiddish heritage.")

RECOGNIZING LALO ALCARAZ

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Ms. SOLIS. Mr. Speaker, I rise to recognize Lalo Alcaraz, a leader and political activist in the Latino community who exemplifies the best in American journalism today.

For almost 10 years, Mr. Alcaraz has touched the lives of millions of newspaper and magazine readers here in the U.S. and in Mexico. Born in San Diego, CA, in 1964, he grew up near the U.S.-Mexico border with his Mexican immigrant parents—each day sharing two different cultures. He began his journalism career as student at San Diego State University by drawing politically and culturally driven editorial cartoons for the university newspaper. As he gained notoriety among readers across campus, Alcaraz also grabbed the attention of top publishing media syndicates in southern California.

An award winning editorial cartoonist, screenwriter, and journalist, Alcaraz continues to entertain his readers today by skillfully capturing the essence of our country's changing cultural and political landscape. He is the creator of nationally syndicated and hardhitting editorial cartoons that depict pressing issues affecting the Latino community. Published in English and Spanish in publications such as the New York and Los Angeles Times, La Opinion, and Hispanic Magazine, his cartoons include the Latino-themed daily strip La Cucaracha, and Migra Mouse, a satire on Latinos and immigration. Alcaraz is also the co-editor of the satirical magazine Pocho and he is the illustrator of the book Latino USA: A Cartoon History.

Throughout his illustrious career, Alcaraz has been honored and recognized for his exceptional journalistic work. He has received four Southern California Journalism Awards for Best Cartoon in Weekly Papers between 1994–1999. He is also the 1998 winner of the Los Angeles Hispanic Public Relations Association's Premio Award for Excellence in Communications; the 2000 Rockefeller Foundation Multi-Media Fellowship; the 2003 Center for the Study of Political Graphics and the Keep On Crossin' Awards; and, most recently, the 2004 Interfaith Communities United for Justice and Peace Award.

Lalo Alcaraz is a loving husband, father and a devoted member of the Writers Guild Union, West. I commend him for his numerous contributions to the Latino community through his journalism career and political activism.

THE PASSING OF ILLINOIS STATE SENATOR RALPH DUNN

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of Illinois State Senator Ralph Dunn on May 3.

Senator Dunn had a long list of accomplishments during his years as a State Senator, a State Representative and as a member of the Illinois Constitutional Convention—which he described as "the greatest thing I've ever been involved with."

Illinois State Representative Mike Bost said, "He gave me some tremendous advice, even after he left office. He was well-respected and he served his district and his state well. Everybody knew Ralph was a square shooter. I never got in trouble if I followed him."

Du Quoin Mayor John Rednour said, "I always knew the best way to get something done for my town was to call Ralph. He was not only a gentleman, he was a gentle man."

Mayor Rednour, Representative Bost and many others will join together on Friday, May 7th to celebrate the life and legacy of this Southern Illinois giant. There is little doubt that Ralph and his wife Ellen will be watching with their typical mix of pride and humility.

They have earned this moment of recognition as well as our thanks for a lifetime of service to all of us.

TRIBUTE IN HONOR OF LYNDSEY LEA TELLER, 2004 LEGRAND SMITH SCHOLARSHIP WINNER OF LITCHFIELD, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Lyndsey Lea Teller, winner of the 2004 LeGrand Smith Scholarship. This award is given to young adults who have demonstrated their true commitment to playing an important role in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Lyndsey is being honored for demonstrating the same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Lyndsey is an exceptional student at Litchfield High School. Aside from being at the top of her class academically, she possesses an outstanding record of achievement in high school. She is the Secretary for the National Honor Society and the Treasurer for her graduating class. Lyndsey has run cross country and track for four years. She is also very active with her church.

On behalf of the United States Congress, I am proud to join with her many admirers in extending our highest praise and congratulations to Lyndsey Lea Teller for her accomplishments and selection as winner of a LeGrand Smith Scholarship. This honor not only recognizes her efforts, but it is also a testament to the parents, teachers, and other individuals whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

RECOGNIZING THE ALTAMED HEALTH SERVICES CORPORATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Ms. SOLIS. Mr. Speaker, I rise to recognize the AltaMed Health Services Corporation (AltaMed). For 35 years, AltaMed has exemplified exceptional leadership in America by providing increased access and award-winning quality health care to the medically underserved multi-ethnic communities of Los Angeles County.

Established in 1969 at a modest storefront in East Los Angeles, AltaMed has never strayed from its commitment to serve medically underinsured and uninsured individuals. First known as El Barrio Free Clinic and later as La Clinica Familiar Del Barrio, the AltaMed organization was first managed by doctors, nurses, and social workers, who generously volunteered their non-working hours to treat individuals and their families with the best-available medical care. Spurred by a federal government measure known as the Urban Health Initiative and a federal grant in 1977, La Clinica Familiar Del Barrio managed to increase its services and the organization officially changed its name to the AltaMed Health Services Corporation.

Thirty-five years after its inception, AltaMed continues to provide quality medical service to over 46,000 patients at 19 service outlets, six stand-alone health care clinics, two mobile health care units, and 11 social service sites throughout Los Angeles County. Proudly serving predominantly low-income and underrepresented communities, AltaMed continues to be at the forefront of quality health care service. Its extensive services provide individuals of all ages with state-of-the-art medical and dental clinics, geriatric care, home safety, HIV/AIDS prevention, youth support groups, and substance abuse prevention and treatment programs.

With an annual operating budget of $55 million, AltaMed is the largest nonprofit health care agency in the greater East Los Angeles area—servicing 46 Zip codes in Los Angeles County. With support from various grants, AltaMed works to enroll uninsured individuals into low cost or no cost insurance programs such as Medi-Cal, Healthy Families, California Kids and Healthy Kids. In addition, AltaMed continues to promote economic and community development and is the second largest employer in the greater East Los Angeles area, with over 900 racially diverse and multilingual staff members.

I want to commend the work of AltaMed's President and CEO Cástulo de la Rocha, the Board of Directors, its nine senior management professionals, and its generous supporters for their tireless and excellent leadership efforts. Their hard work made AltaMed's 35th Anniversary Gala a reality.

May this historic event be an opportunity for everyone to commemorate the vision, compassion, and commitment that the original AltaMed founders had for their community 35 years ago. And may today's AltaMed leadership and medical team carry their mission forward into the future.

THE PASSING OF ILLINOIS STATE SENATOR VINCE DEMUZIO

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of Illinois State Senator Vince Demuzio who passed away on April 27. Senator Demuzio, or Vince as most people knew him, lived a life dedicated to public service. While committing himself to the public good, Vince still found time for his family—his wife, Deanna, their two children and their four grandchildren.

In central Illinois, Vince Demuzio is remembered as a champion for education, a fighter for good jobs and roadways, and a tireless advocate for the needs of his constituents.

Illinois Senate Minority Leader, Frank Watson, said of Vince, "If we all emulate the concerns that Vince Demuzio had for the people he represented and the people of this state . . . we would all be better off and be better people for it."

I couldn't agree more. Illinois has lost a great leader with the passing of State Senator Vince Demuzio.

2004 LEGRAND SMITH SCHOLARSHIP FINALISTS

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. SMITH of Michigan. Mr. Speaker, it is with my sincerest pleasure that I rise to recognize the finalists of the 2004 LeGrand Smith Congressional Scholarship Program. This special honor is an appropriate tribute to these remarkable young adults for their academic accomplishments, demonstration of leadership and responsibility, and commitment to social and civic involvement. We all have reason to celebrate their success, because our future rests in their promising and capable hands.

The finalists are being honored for showing the same generosity of spirit, depth of intelligence, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

They are young men and women of character, ambition, and initiative, who have already learned well the value of hard work and commitment.

These exceptional students have consistently displayed their dedication, intelligence and concern throughout their high school careers. They stand out among their peers not only because of their many achievements, but also the disciplined manner in which they meet all challenges. Although they have already accomplished a great deal, these young people possess unlimited potential.

On behalf of the United States Congress, we join the many admirers in extending our highest praise and congratulations to the finalists of the 2004 LeGrand Smith Congressional Scholarship program:

Tinsley Hunsdorfer of Albion, Michigan; Renee Gaudreau of Albion, Michigan; Benjamin Wilson of Battle Creek, Michigan; Heather Taylor of Homer, Michigan; Michael Schneider of Litchfield, Michigan; Lacey Ferro of Jonesville, Michigan; Joshua Robare of Hillsdale, Michigan; Amy Sanford of Reading, Michigan; Elysia Berry of Reading, Michigan; Kimberly Emens of Waldron, Michigan; Zachary Risk of Jonesville, Michigan; Ryan Cherry of Brooklyn, Michigan; Amanda Jones of Michigan Center, Michigan. Tiffany Lambert of Jerome, Michigan; Eric Palmer of Jerome, Michigan; Amy Nemeth of Jackson, Michigan; Kathryn Gillen of Jackson, Michigan; Zachary Kanaan, Jr. of Clark Lake, Michigan; Susan Hammond of Jackson, Michigan; Benjamin Stafford of Parma, Michigan; Rachel Osborne of Hudson, Michigan; Lyndsey Banks of Adrian, Michigan; Olivia Rawson of Onsted, Michigan; Leanna Pelham of Onsted, Michigan; Sara Worsham of Onsted, Michigan; Blythe Crane of Chelsea, Michigan; Ashleigh Doop of Dexter, Michigan; and Elizabeth Parker of Dexter, Michigan.

RECOGNIZING MR. SERGIO RASCÓN

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Ms. SOLIS. Mr. Speaker, I rise to recognize Mr. Sergio Rascón, a labor union leader who exemplifies the best in American leadership today.

Born in 1953 in Sonora, Mexico, Mr. Rascón grew up and graduated from high school in the San Fernando Valley region of Los Angeles. Possessing a strong passion for labor union politics, in 1979 he was named Labor Foreman of the Laborers' International Union of North America LIUNA Local 300, a powerful subdivision of the American Federation of Labor.

In 1984, he was named an official agent of the LIUNA Local 300, while becoming a naturalized U.S. citizen that same year. Demonstrating a natural ability to lead, motivate, and organize workers, he earned the highest honors by his peers and was promoted to the executive board of the Labor Council for Latin American Advancement LCLAA in 1989 and later to Business Manager and President of the LIUNA Local 300 union throughout the 1990s.

Currently holding politically influential positions as First Vice President of the LCLAA State Chapter and as Los Angeles Commissioner on the Convention and Exhibition Center Bureau, Rascón is regarded as one of the most powerful and youngest political activists in the United States. Under his direction, the LIUNA Local 300 is involved in more political races than any other in its history.

In addition to being an effective political lobbyist for progressive politicians, Rascón's achievements extend from being a once active water board member to generous community provider. From 1997 to 2001, he served as a Board Director for the Metropolitan Water District MWD in southern California. During his position as a member of the board, he worked to ensure that everyone in Los Angeles County have safe drinking water. He served important roles in the MWD, such as being Vice Chairman of the Subcommittee on Organization and Personnel and an active member of the MWD's Budget and Finance and Legal and Claims committees.

As an active leader in his community, Mr. Rascón is involved in numerous charitable and educational activities in Los Angeles County. By collaborating with other prominent labor organizations, his LIUNA Local 300 has helped raise over $120,000 in scholarship funding for the children of southern California union members.

Mr. Sergio Rascón is an advocate for every working American in the United States. I am honored to recognize his illustrious career of exceptional and tireless leadership during this year's Cinco de Mayo week in the Latino community. May his legacy continue to live forever.

INTRODUCTION OF THE SMALL BUSINESS HEALTH FAIRNESS ACT OF 2004

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. BOEHNER. Mr. Speaker, I rise today to join my colleague, SAM JOHNSON, in introducing the "Small Business Health Fairness Act of 2004."

I have long felt that the most pressing crisis we face in health care today is the number of uninsured Americans, which currently stands at more than 41 million. And the problem is not going away. With health care costs continuing to rise sharply across the country, more and more employers and workers are sharing the burden of increased premiums. Health care costs rose by 14 percent in 2003, and surveys project another increase of 13 percent this year. As costs escalate, the ranks of the uninsured will increase as well.

Today we introduce the "Small Business Health Fairness Act of 2004," which represents a bipartisan solution to this problem. The bill gives small businesses the opportunity to band together through bona fide trade associations and purchase quality health care for their workers at a lower cost.

The bipartisan bill would increase small businesses' bargaining power with health care providers, give them freedom from costly state-mandated benefit packages, and lower their overhead costs by as much as 30 percent—benefits that many large corporations like GM and UPS and many unions already enjoy because of their larger economies of scale.

President Bush addressed this point directly last year during a speech at the Women's Entrepreneurship Summit, where he said, "Small businesses will be able to pool together and spread their risk across a large employee base. It makes no sense in America to isolate small businesses as little health care islands unto themselves. We must have association health plans." The President is right, and we should help level this playing field so that small businesses can offer quality coverage to their workers.

Importantly, the bill addresses both the access and cost issues at the heart of the health care reform debate, giving uninsured working families new hope for a solution that can give them access to quality health care. Small businesses in most states are stuck with disproportionately high costs because they have to choose from fewer than five providers, so AHPs offer them a new option for them to choose from. By pooling their resources and increasing their bargaining power, AHPs will help small businesses reduce their health insurance costs. Most importantly, AHPs will expand access to quality health care for the people for whom it is currently out of reach: uninsured working families.

I urge my colleagues to join Mr. JOHNSON, Ms. VELÁZQUEZ, Mr. DOOLEY, Mr. BURNS and I in this effort, and to cosponsor this important legislation.

INTRODUCTION OF THE SMALL BUSINESS HEALTH FAIRNESS ACT OF 2004

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to introduce the "Small Business Health Fairness Act of 2004."

Today we introduce an important component of the Bush administration agenda—the "Small Business Health Fairness Act"—to allow the establishment of certified, federal, association health plans (AHPs).

AHPs will significantly expand access to health coverage for uninsured Americans by: (1) Increasing small businesses' bargaining power with health care providers, and (2) Giving employers freedom from costly state-mandated benefit packages. As such, AHPs will increase the number of insured Americans by up to 8 million people. According to figures released by the U.S. census bureau, one in seven Americans lacks health insurance.

You might ask, just who are these uninsured?

Well . . . they are working people who simply don't have access to insurance, can't afford it, or their employer can't afford to participate in a plan for them. Sixty percent—or 24 million—of uninsured Americans work in small businesses. Some of these people are offered insurance and turn it down because they can't pick up their part of the tab. According to the same census report, the increase in the number of uninsured comes solely from declining coverage in the small employer market. And there is no sign that the trend will reverse, or even slow. Health insurance costs are still rising and many small employers are forced to drop health coverage, while some cannot offer it in the first place.

The cost-saving benefits of AHPs would help the small employers of Main Street access coverage at a more affordable price. Let's face the facts. Costs are rising, businesses are dropping coverage and more people are left uninsured. Congress must address the uninsured problem and move forward with increasing the insured through Association Health Plans. It's the least Congress can do to ensure that the American people will receive better health care at a more reasonable price.

I urge my colleagues to cosponsor this important legislation.

COMMENDING FREMONT ELEMENTARY SCHOOL

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. BEAUPREZ. Mr. Speaker, I rise today to commend Fremont Elementary, a school located back home in my Colorado district, for displaying the kind of academic excellence that is to be recognized at a national level.

Fremont recently received word that they are one of the top three finalists for the 21st Century School of Distinction Award. Over 1,200 schools nationwide applied for this distinction. To be a finalist is an amazing honor for them.

The award is open to all public, private, charter and parochial schools. There are ten different categories of merit. Fremont is in the "Technology Implementation" category. Schools in this category have shown sensible improvement in the implementation of technology in at least one school program or the curriculum itself.

The review board will soon be making a visit to the remaining three schools and will make their final decision pending that visit. The awards program will conclude with a national awards ceremony in June. Also, the winner will be highlighted in a future issue of "Scholastic Administrator".

Recently, I had the honor of being able to read to the students at Fremont during their Celebrity Read Week. It was a pleasure to be in the presence of such great and enthusiastic young minds.

I am continually impressed with this school's administration and their dedication to educating these young leaders of tomorrow. The school and its staff raise the bar of academic expectations and set an example for all elementary schools, in and out of my district, to follow. I am proud to live in the same district as a school that exemplifies such superior academic programs.

I would like to wish the best of luck to Fremont Elementary with this award and with all future endeavors. This educational institution has shown amazing academic excellence and I would like to congratulate them for the distinction this has earned them.

IN RECOGNITION OF BROWARD COUNTY, FL

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. SHAW. Mr. Speaker, I rise today in recognition of two programs in Broward County, Florida, that were awarded Acts of Caring Awards by the National Association of Counties on April 21, 2004. Broward County's Water Matters Program and Library Friends Tutoring Program were both recognized by the National Association of Counties for their outstanding performance and service to the community.

The Water Matters Program of Broward County was designed to educate residents in the Everglades area on the importance of water conservation and environmental responsibility. Broward County educates their citizens on environmental awareness in several different ways, including public service announcements and the development of an informational web page. The county also implemented Water Matters Day to further support the program, including hands-on activities for those who attend. The program is supported by a large number of volunteers, allowing it to exist on a very small budget.

The North Regional/BCC Library Friends Tutoring Program was designed to create intergenerational relationships through education. Volunteer tutors who participate in the program vary in age from high school students to senior citizens. The diligent work of this program has impacted over 400 children since 1995 and also operates on a minimal budget.

Mr. Speaker, we owe a debt of gratitude to those citizens of Broward County who seek to improve the environment as well as educate the youth of our nation through volunteer tutoring services. Broward County best exemplifies a county government that has achieved its full potential, setting an example for other county governments around the nation.

IN SUPPORT OF THE NATIONAL VISION STRATEGY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Ms. ROS-LEHTINEN. Mr. Speaker, as a Co-Chair of the Congressional Vision Caucus, I would like to recognize May as Healthy Vision Month, and to discuss the important recommendations of the Vision Problems Action Plan, A National Public Health Strategy as a way to prevent blindness and vision loss.

Good vision is critical to conducting activities of daily living, is a portal for language, and affects developmental learning, communicating, working, and quality of life.

Unfortunately, a large number of people are at risk for losing their vision. More than 80 million Americans have a potentially blinding eye disease, 3 million have low vision, 1.1 million are legally blind, and an additional 200,000 are more severely visually impaired. Despite the fact that half of all blindness can be prevented, far too many people do not access the care they need. If we do not take action, the number of blind and visually impaired individuals will double by 2030.

Awareness, early diagnosis and prevention are crucial for all. Healthy Vision Month, a component of Healthy People 2010, is a national eye health campaign to raise awareness about the various conditions that can affect eyesight and cause vision loss.

This week, a coalition of leading eye health experts, including Prevent Blindness America, the Centers for Disease Control and Prevention, Lighthouse International, and the American Academy of Ophthalmology, released the Vision Problems Action Plan, A National Public Health Strategy. This important document will provide our nation with a framework for preventing vision loss.

This groundbreaking study recommends that, in order to reduce the occurrence of vision loss and its accompanying disabilities, our nation must concentrate our efforts three priority areas: prevention/public health, access to care and treatment including rehabilitation, and research.

Our public health and prevention campaign must ensure that vision programs at the National Eye Institute (NEI) and Centers for Disease Control and Prevention (CDC) have the resources they need to improve communication and education campaigns, increase surveillance, epidemiology and prevention research; and implement appropriate programs, policies and systems changes.

In order to ensure access to and availability of treatment and rehabilitation services for individuals with vision loss, we must support programs at the Centers for Medicaid and Medicare Services (CMS) and the Department of Health and Human Services (HHS) that remove barriers and improve access to eye exams currently covered under Medicare, such as diabetic eye exams and glaucoma detection for high risk populations.

We must also strengthen the Medicare program to advance coverage for Medicare vision rehabilitation services as provided by orientation and mobility specialists, rehabilitation teachers and low-vision therapists including in patients homes and their environment.

Finally, we must bolster our research efforts to improve our understanding of the eye and visual system in health and disease, as well as developing the most appropriate and effective means of prevention, and access to treatment and rehabilitation.

This report provides the roadmap we need to raise awareness about vision loss, give individuals the tools they need to prevent it, and give hope to the millions already suffering from vision loss that better treatments for can be found.

We would like to thank all of the organizations involved in drafting this report, including the American Academy of Ophthalmology, the American Optometric Association, the Centers For Disease Control and Prevention, Lighthouse International, the National Alliance For Eye and Vision Research, the National Eye Institute (NEI) and most importantly, Prevent Blindness America. Prevent Blindness America should be commended for spearheading this effort, for bringing together these various groups, and for its almost century-long tradition of preventing vision loss.

HONORING EL GRUPO FOLKLORICO ATOTONILCO

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Ms. MCCARTHY of Missouri. Mr. Speaker, I proudly rise to announce a celebration to honor El Grupo Folklorico Atotonilco, a nationally renowned traditional Mexican folk dance troupe.

On May 6, 2004, they will be celebrating 25 years of performing outstanding traditional Mexican folk dances for audiences in the greater Kansas City area. The event at the Folly Theater in Kansas City is part of a week of celebrations commemorating the 142nd anniversary of Cinco de Mayo. May 5, 1862, is the date of the famous triumph of Mexican General Ignacio Zaragoza Seguin's small, poorly armed band of 4,500 men over a well equipped French army of 6,500 soldiers, which occurred against all odds. Mexican culture and heritage is traditionally celebrated in commemoration of this historic victory for independence.

El Grupo Folklorico Atotonilco was founded in 1979, when Maria Chaurand was asked to round up some neighborhood children and teach them a dance to entertain festival goers. It was an opportunity for Chaurand to share her love of dance and Mexican culture. Since then, the dance troupe has had over 700 children learn this art, and the dance company currently boasts 85 members, ranging in age from 5 to 40 years old. El Grupo Folklorico Atotonilco is also the most highly requested dance group on the state of Missouri folk arts roster.

Dance in Mexico is considered one of the most basic artistic expressions of the culture and spirit of its people. Each region has its own unique style and each dance is performed in its distinctive costumes native to that region. An extensive repertoire, presented in lavish costumes worn by energetic dancers, makes El Grupo Folklorico Atotonilco's program an exciting and educational experience. The swing of every folkloric skirt and the bow of every sombrero represent the rich cultural heritage and unique characteristics of Mexico's 32 states.

Over their last 25 years, El Grupo Folklorico Atotonilco dancers have showcased their talents in theaters and performance halls in: Missouri, Kansas, Oklahoma, Nebraska, Iowa, New Mexico, Texas, Illinois, California, Spain and Mexico. The dance troupe has received numerous awards and recognition for their performances and has garnered a reputation as one of the best Mexican folk dance companies in the country. In 1997, El Grupo Folklorico Atotonilco received the honor as the "Premiere Mexican Folk Dance Company in U.S." They are the sole recipient of that honor to this day.

Maria Chaurand has come a long way from her first Cinco de Mayo fiesta 25 years ago, when she coached 16 children in the art of sharing Mexican culture through regional dance and costume. Thousands of people throughout Kansas City and around the country have been thrilled to hear the exuberant beat and see colorful performances that have graced stages in many communities. Mr. Speaker, please join me in honoring Maria Chaurand and the dancers of El Grupo Folklorico Atotonilco for carrying on the folkloric traditions of old Mexico through the pageantry of music, costume and dance for the past 25 years. ¡Viva El Grupo Folklorico Atotonilco!

HONORING THE LEGACY OF PAT TILLMAN: AN EXTRAORDINARY AMERICAN

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, Pat Tillman was assigned to A Company, 2nd Battalion, 75th Ranger Regiment, and was based at Fort Lewis, Washington. On April 22, 2004, he was killed in the line of duty near the Pakistan border as he led his Army Ranger team to help comrades caught in an ambush. He was 27 years old.

Pat Tillman attended Leland High School in San Jose, California. As a linebacker on the Arizona State University football team, he was named the 1997 PAC–10 Defensive Player of the Year. Finishing with a marketing degree in three and a half years, he graduated summa cum laude with a 3.84 GPA.

He was drafted by the Arizona Cardinals in the seventh round in 1998, the 226th pick overall. He became the Cardinals' starting safety and in 2000, he set a new franchise record with 224 tackles.

Following the terrorists attacks of September 11, 2001, Pat Tillman spoke of his admiration for his relatives who had taken up arms to defend the nation in previous conflicts. He went on: "I really haven't done a damn thing as far as laying myself on the line like that. And so I have a great deal of respect for those that have and what the flag stands for." In 2002, he turned down a $3.6 million contract from the Arizona Cardinals and enlisted in the Army instead.

Following his death, the military posthumously promoted Pat Tillman from specialist to corporal. He also was awarded a Purple Heart and the distinguished Silver Star award for gallantry on the battlefield.

In the world of professional sports, Pat Tillman's story is extraordinary; choosing duty over dollars. However, in the context of our military, his sacrifice is typical of our soldiers.

His death reminds us about the sacrifices that our veterans and fighting forces have made for us. Not for fame or fortune, but for a love of country, with determination, courage and honor, the men and women of our armed services have dedicated their lives to the defense of our democratic ideals. Pat Tillman will be remembered as one of the most admirable of America's heroes. His legacy will strengthen the United States of America forever.

The life we live today is shaped by men and women like Pat Tillman. Each has stood ready in defense of their country. Our nation owes an immeasurable debt of gratitude for their service. We enjoy our freedoms because of their valor.

I join a grateful nation in sending my thoughts and prayers to the Tillman family and all families who have lost loved ones serving to protect our sacred liberty.

CALLING FOR SHARED SACRIFICE IN THE WAR ON TERROR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. RANGEL. Mr. Speaker, I rise today to call upon our nation to share the sacrifice imposed upon us by our war on terrorism. I have introduced a bill to reinstitute the draft for young Americans between the ages of 18 and 26 and national civilian service for all those not needed in the military.

Since I have submitted this bill in January 2003, my conviction that we need a draft has risen on an almost daily basis. In March 2003 the administration decided to take the nation to war against Iraq for doubtful reasons. I do not think that members of this administration and Congress would have been so willing to launch a war if they had known that their own children might have to fight it.

Fact is, that we are currently a nation in which the poor fight our wars while the affluent stay at home. The majority of our brave servicemen and women come either from poor rural areas or poverty-shaken inner-city neighborhoods. About thirty-five percent of our soldiers are minorities. These young people enlist in the military mainly for financial and educational opportunities.

I believe that the burdens of war should not be shouldered solely by the poor segments of our society, but must be fairly shared by all racial and economic groups. I am pleased to see that during the last couple of months the support for a reintroduction of the draft has risen substantially among the American people. As our casualties in Iraq increase daily and exhausted soldiers are kept in Iraq under stop loss orders, the debate about shared sacrifice is gaining ground.

I submit to the Congressional Record an article by journalist and Vietnam War Veteran William Broyles Jr. which was published in the New York Times on May 4, 2004. Mr. Broyles' article is one of the strongest pieces favoring the draft that I have read so far and it fully reflects my own opinion on this subject.

[From the New York Times, May 4, 2004]

A War for Us, Fought by Them

(By William Broyles Jr.)

WILSON, Wyo.—The longest love affair of my life began with a shotgun marriage. It was the height of the Vietnam War and my student deferment had run out. Desperate not to endanger myself or to interrupt my personal plans, I wanted to avoid military service altogether. I didn't have the resourcefulness of Bill Clinton, so I couldn't figure out how to dodge the draft. I tried to escape into the National Guard, where I would be guaranteed not to be sent to war, but I lacked the connections of George W. Bush, so I couldn't slip ahead of the long waiting list. My attitude was the same as Dick Cheney's: I was special, I had "other priorities." Let other people do it.

When my draft notice came in 1968, I was relieved in a way. Although I had deep doubts about the war. I had become troubled about how I had angled to avoid military service. My classmates from high school were in the war; my classmates from college were not—exactly the dynamic that exists today. But instead of reporting for service in the Army, on a whim I joined the Marine Corps, the last place on earth I thought I belonged.

My sacrifice turned out to be minimal. I survived a year as an infantry lieutenant in Vietnam. I was not wounded; nor did I struggle for years with post-traumatic stress disorder. A long bout of survivor guilt was the price I paid. Others suffered far more, particularly those who had to serve after the war had lost all sense of purpose for the men fighting it. I like to think that in spite of my being so unwilling at first, I did some small service to my country and to that enduring love of mine, the United States Marine Corps.

To my profound surprise, the Marines did a far greater service to me. In 3 years I learned more about standards, commitment and yes, life, than I did in 6 years of university. I also learned that I had had no idea of my own limits: when I was exhausted after humping up and down jungle mountains in 100-degree heat with a 75-pound pack, terrified out of my mind, wanting only to quit, convinced I couldn't take another step, I found that in fact I could keep going for miles. And my life was put in the hands of young men I would otherwise never have met, by and large high-school dropouts, who turned out to be among the finest people I have ever known.

I am now the father of a young man who has far more character than I ever had. I joined the Marines because I had to; he signed up after college because he felt he ought to. He volunteered for an elite unit and has served in both Afghanistan and Iraq. When I see images of Americans in the war zones, I think of my son and his friends, many of whom I have come to know and deeply respect. When I opened this newspaper yesterday and read the front-page headline, "9 G.I.'s Killed," I didn't think in abstractions. I thought very personally.

The problem is, I don't see the images of or read about any of the young men and women who, as Dick Cheney and I did, have "other priorities." There are no immediate family members of any of the prime civilian planners of this war serving in it—beginning with President Bush and extending deep into the Defense Department. Only one of the 535 members of Congress, Senator Tim Johnson of South Dakota, has a child in the war—and only half a dozen others have sons and daughters in the military.

The memorial service yesterday for Pat Tillman, the football star killed in Afghanistan, further points out this contrast. He remains the only professional athlete of any sport who left his privileged life during this war and turned in his play uniform for a real one. With few exceptions, the only men and women in military service are the profoundly patriotic or the economically needy.

It was not always so. In other wars, the men and women in charge made sure their family members led the way. Since 9/11, the war on terrorism has often been compared to the generational challenge of Pearl Harbor; but Franklin D. Roosevelt's sons all enlisted soon after that attack. Both of Lyndon B. Johnson's sons-in-law served in Vietnam.

This is less a matter of politics than privilege. The Democratic elites have not responded more nobly than have the Republican; it's just that the Democrats' hypocrisy is less acute. Our president's own family illustrates the loss of the sense of responsibility that once went with privilege. In three generations the Bushes have gone from war hero in World War II, to war evader in Vietnam, to none of the extended family showing up in Iraq and Afghanistan.

Pat Tillman didn't want to be singled out for having done what other patriotic Americans his age should have done. The problem is, they aren't doing it. In spite of the president's insistence that our very civilization is at stake, the privileged aren't flocking to the flag. The war is being fought by Other People's Children. The war is impersonal for the very people to whom it should be most personal.

If the children of the nation's elites were facing enemy fire without body armor, riding through gantlets of bombs in unarmored Humvees, fighting desperately in an increasingly hostile environment because of arrogant and incompetent civilian leadership, then those problems might well find faster solutions.

The men and women on active duty today—and their companions in the National Guard and the reserves—have seen their willingness, and that of their families, to make sacrifices for their country stretched thin and finally abused. Thousands of soldiers promised a 1-year tour of duty have seen that promise turned into a lie. When Eric Shinseki, then the Army chief of staff, told the president that winning the war and peace in Iraq would take hundreds of thousands more troops, Mr. Bush ended his career. As a result of this and other ill-advised decisions, the war is in danger of being lost, and my beloved military is being run into the ground.

This abuse of the voluntary military cannot continue. How to ensure adequate troop levels, with a diversity of backgrounds? How to require the privileged to shoulder their fair share? In other words, how to get today's equivalents of Bill Clinton, George W. Bush, Dick Cheney—and me—into the military, where their talents could strengthen and revive our fighting forces?

The only solution is to bring back the draft. Not since the 19th century has America fought a war that lasted longer than a week with an all-volunteer army; we can't do it now. It is simply not built for a protracted major conflict. The arguments against the draft—that a voluntary army is of higher quality, that the elites will still find a way to evade service—are bogus. In World War II we used a draft army to fight the Germans and Japanese—two of the most powerful military machines in history—and we won. The problems in the military toward the end of Vietnam were not caused by the draft; they were the result of young Americans being sent to fight and die in a war that had become a disaster.

One of the few good legacies of Vietnam is that after years of abuses we finally learned how to run the draft fairly. A strictly impartial lottery, with no deferments, can ensure that the draft intake matches military needs. Chance, not connections or clever manipulation, would determine who serves.

If this war is truly worth fighting, then the burdens of doing so should fall on all Americans. If you support this war, but assume that Pat Tillman and Other People's Children should fight it, then you are worse than a hypocrite. If it's not worth your family fighting it, then it's not worth it, period. The draft is the truest test of public support for the administration's handling of the war, which is perhaps why the administration is so dead set against bringing it back.

NEW HEADQUARTERS FOR CALIFORNIA FFA

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. NUNES. Mr. Speaker, as a former member of the Tulare Chapter of the Future Farmers of America, I am proud to announce that the California FFA is in the process of building a permanent $5 million home. This building will be located north of Galt, California, on Highway 99 and will contain housing for state officers, meeting rooms and dormitories. The new FFA headquarters will provide not only needed facilities but also long-term continuity for this important organization. Indeed, many future leaders of California will have their first leadership training experiences at this facility.

Funds for the project are being raised by 59,000 high school students who are studying vocational agriculture. In addition, former alumni and friends of the FFA have already contributed $1.3 million toward the project.

The Future Farmers of America is an organization that contributes support to vocational agriculture students through home projects and leadership training programs. It once was mostly a rural program, for high school students of vocational agriculture. Now, many of the students are from metropolitan areas and have projects designed for a broad spectrum of urban living.

I am very pleased to congratulate the FFA on this important step in preparing for and prosperous future.

THOMAS FARIA: MORE THAN THREE DECADES OF SERVICE TO THE RIGHT TO WORK CAUSE

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mrs. MUSGRAVE. Mr. Speaker, I didn't know Thomas Faria. But I know of the work he did. And I know the importance of the fight he waged for years for freedom. I rise today to give tribute to Thomas Faria and his work.

Mr. Faria was a Connecticut businessman who had contributed to the efforts of the National Right to Work Committee. In 1977, after already contributing to the cause for 8 years, he sent a letter to Committee President Reed Larson offering his services as a member of the Board of Directors.

In that letter, Mr. Faria explained his strong desire to be more deeply involved with the Committee's efforts.

He wrote: "Although I have supported the National Right to Work Committee for a number of years because of my strong belief in individual freedom, I did not really appreciate the clout of Union political power until I worked on trying to close loopholes in Connecticut's Unemployment Compensation law. I would like the opportunity to do more in the area of right to work as I feel America's future depends on it."

Luckily for those in the Right to Work movement, Reed Larson took Mr. Faria up on this offer, beginning a quarter century fight together for workers' Right to Work.

Mr. Faria joined the board of directors of the National Right to Work Legal Defense Foundation shortly thereafter.

The Right to Work principle—the guiding concept of the National Right to Work Legal Defense Foundation and one of the guiding principles of Thomas Faria's work—affirms the right of every American to work for a living without being compelled to belong to a union. The National Right to Work Legal Defense Foundation gives legal assistance to employees who are victimized because of their assertion of that principle.

Mr. Faria generously supported the Foundation with his time and resources until his death almost 1 year ago. His efforts helped to provide free legal assistance to thousands of Americans whose rights had been violated by abuses of compulsory unionism and helped make more Americans free.

Many workers, and many Americans who believe in the American ideal of freedom, owe thanks to Mr. Faria. I am speaking on their behalf, and on my own today, to publicly acknowledge this gratitude.

So, Mr. Speaker, today I proudly pay tribute to Mr. Faria and the National Right to Work organization with whom he served. Their efforts have preserved and advanced freedom for individual workers for more than 35 years. I applaud their unwavering dedication and tireless action on behalf of what should be every American's birthright not to be forced to join a labor union to get or keep a job.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 6, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 7

9:30 a.m.
Armed Services
Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2005 for military activities for the Department of Defense.
SR–222

Joint Economic Committee
To hold a hearing to examine the employment situation for April.
1334 LHOB

11:45 a.m.
Armed Services
To hold hearings to examine allegations of mistreatment of Iraqi prisoners.
SD–106

MAY 11

9:30 a.m.
Foreign Relations
To hold hearings to examine the deadly intersection of AIDS and hunger.
SD–419

10 a.m.
Health, Education, Labor, and Pensions
Aging Subcommittee
To hold hearings to examine breakthroughs in Alzheimer's research.
SD–430

Energy and Natural Resources
To hold hearings to examine the impacts and costs of last year's fires, focusing on the problems faced last year and what problems agencies and the land they oversee may face next season, including aerial fire fighting assests and crew, and overhead availability.
SD–366

Agriculture, Nutrition, and Forestry
Forestry, Conservation, and Rural Revitalization Subcommittee
To hold hearings to examine conservation programs of the 2002 Farm bill.
SD–628

Governmental Affairs
To hold hearings to examine tax payer dollars subsidizing diploma mills.
SH–216

Judiciary
Terrorism, Technology and Homeland Security Subcommittee
To hold hearings to examine rapid bioterrorism detection and response.
SD–226

MAY 12

9:30 a.m.

Environment and Public Works

To hold hearings to examine the environmental regulatory framework affecting oil refining and gasoline policy.

SD–406

Foreign Relations

To hold hearings to examine the current situation in Afghanistan.

SD–419

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2005 for the Department of Defense.

SD–192

Governmental Affairs

To continue hearings to examine tax payer dollars subsidizing diploma mills.

SD–342

Indian Affairs

To hold hearings to examine S. 1715, to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes.

SR–485

Judiciary

To hold hearings to examine S. 2013, to amend section 119 of title 17, United States Code, to extend satellite home viewer provisions.

SD–226

MAY 13

9:30 a.m.

Foreign Relations

To hold hearings to examine combating corruption in the multilateral development banks.

SD–419

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine Commodity Futures Trading Commission regulatory issues.

SD–106

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold hearings to examine causes, research and prevention of premature births.

SD–430

2 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine prescription drug reimportation.

SD–430

2:30 p.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine acquisition policy issues in review of the Defense Authorization Request for fiscal year 2005.

SR–222

MAY 18

9:30 a.m.

Foreign Relations

To hold hearings to examine the way ahead in Iraq.

SD–419

MAY 19

9:30 a.m.

Foreign Relations

To continue hearings to examine the way ahead in Iraq.

SD–419

10 a.m.

Banking, Housing, and Urban Affairs

To hold an oversight hearing to examine the International Monetary Fund and World Bank.

SD–538

Indian Affairs

Business meeting to consider pending calendar business; to be followed by a hearing to examine S. 1696, to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes.

SR–485

11:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

MAY 20

9:30 a.m.

Indian Affairs

To hold hearings to examine S. 2382, to establish grant programs for the development of telecommunications capacities in Indian country.

SR–485

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 1672, to expand the Timucuan Ecological and Historic Preserve, Florida, S. 1789 and H.R. 1616, bills to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, S. 1808, to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities, S. 2167, to establish the Lewis and Clark National Historical Park in the States of Washington and Oregon, and S. 2173, to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

SD–366

SEPTEMBER 21

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.

345 CHOB

HOUSE OF REPRESENTATIVES—*Thursday, May 6, 2004*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FOSSELLA).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 6, 2004.

I hereby appoint the Honorable VITO FOSSELLA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Joseph V. Brennan, St. Linus Church, Norwalk, California, offered the following prayer:

Dear Lord, in many and varied ways You have been compared to a shepherd who carefully watches over his flock. You shepherd us by example, Lord, seeking out those who are lost and protecting the flock with Your very life. So lead us and guide us this day to pastures of truth, goodness, and justice. Guide our feet into the way of peace.

Bless these chosen ones in this House. Give them wisdom and the spirit of courage and of right judgment. Bless the work of their hearts and hands and keep our beautiful country always in Your loving and tender arms. We ask all of this with confidence in Your love for You live and reign forever and ever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Utah (Mr. MATHESON) come forward and lead the House in the Pledge of Allegiance.

Mr. MATHESON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a joint resolution of the following title in which the concurrence of the House is requested:

S.J. Res. 34. Joint resolution designating May 29, 2004, on the occasion of the dedication of the National World War II Memorial, as Remembrance of World War II Veterans Day.

The message also announced that pursuant to section 637, title VI of Public Law 108–199, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as member of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission:

Dr. Marty LaVor of Virginia.

The message also announced that pursuant to Public Law 100–175, as amended by Public Laws 102–375, 103–171, and 106–501, the Chair, on behalf of the Majority Leader, after consultation with the members of the Committee on Health, Education, Labor, and Pensions, and the Committee on Aging, appoints the following individuals as members of the Policy Committee to the White House Conference on Aging—

the Senator from Iowa (Mr. GRASSLEY); and

the Senator from Idaho (Mr. CRAIG).

The message also announced that in accordance with sections 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the North Atlantic Treaty Organization Parliamentary Assembly during the Second Session of One Hundred Eighth Congress—

Senator ERNEST F. HOLLINGS of South Carolina; and

Senator ZELL MILLER of Georgia.

The message also announced that pursuant to sections 276h–276K of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from New Mexico (Mr. BINGAMAN) a member of the Senate Delegation to the Mexico-United States Interparliamentary Group conference during the Second Session of the One Hundred Eighth Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 one-minute speeches per side.

WELCOMING REVEREND JOSEPH V. BRENNAN

(Mrs. NAPOLITANO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. NAPOLITANO. Mr. Speaker, I rise to pay homage and recognize our guest chaplain today, a gentleman who has been our pastor in our church for the last 12 years.

He was born in the San Fernando Valley in California on March 20, 1954, the ninth out of 10 children to Roger and Helen Brennan of Van Nuys. He was born again through Sacrament of Baptism on April 18, 1954, celebrating this year 50 years as a Catholic.

This June 21 he will be celebrating his 24 years as a priest. He graduated from St. John's Seminary College in 1976. He was ordained as a priest from St. John's Seminary Theologate in 1980 and is a priest in good standing with the Archdiocese of Los Angeles. He served with Cardinal Roger Mahony at the old Cathedral Church of St. Vibiana for 5 years.

His current assignment, we are sorry to see him go because he has brought our parish together and is adored by all of the children of the school and those that go to our church, will be assigned as pastor of Holy Trinity Church in San Pedro on July 1. We are very happy he was able to spend some time with us today and offer the blessings to the House.

Mr. Speaker, I thank you very much for allowing Father Brennan to give the morning prayer, and I thank Father Brennan for the ability to be here and our resident chaplain for allowing him to be here.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1078

Mr. KING of Iowa. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1078.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

SUPPORT OUR TROOPS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, this morning the news indicates that some of our Democrats have politicized the war in Iraq. It is a war against terrorism. We have got to support our troops. Our Secretary of Defense is doing a super job.

The question is, are we here in the United States of America as citizens going to support them to the hilt? When I was in Vietnam as a POW, we were scared to death that the United States was going to turn on us, politicize it and end it without getting us out.

They did get us out of Vietnam, but they did not get all of our people out of Cambodia and Laos, and it was because of the peaceniks who did not believe we could win.

We have to support our troops. Our freedom, our Nation, our liberty depend on it. God bless the United States.

A PRESCRIPTION FOR CONFUSION

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I rise this morning to discuss the extreme frustration that our senior citizens are experiencing in applying for this Medicare discount card.

This card was created from a flawed Medicare prescription bill, so it is no surprise that our seniors are having problems utilizing it.

The Houston Chronicle recently published an article about how confusing this discount card is for seniors. The article found the discount card more confusing than preparing your income taxes or dealing with an insurance company regarding a hospital bill.

With great fanfare on Friday, Medicare released a Web site to provide seniors with the ability to compare drug prices. The problem is a lot of our seniors do not have access to the Web site or are not proficient.

Even if seniors are willing to go through the steps, it is so confusing that our seniors cannot make a truly informed choice.

The story, unfortunately, gets worse for our seniors. They spend time and energy and brain power and choose the best card, and seniors are not even guaranteed that the company will hold up their end of the bargain. The company has no obligation to maintain its advertised price that is on that Web site or even carry those drugs for the full year. And yet our seniors, once they sign up, are stuck for that full year. Also, if they do not sign up now, then they lose their benefits. They get penalized if they do not sign up now. It is a flawed bill, and it is causing problems now.

WINNABLE WAR

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I give thanks that we serve in a Chamber where we can champion differences of opinion. Yet I rise really more in sorrow than in anger to see the headline in today's Roll Call newspaper, the senior Member from the other side of the aisle now calls our war effort in Iraq "unwinnable."

Mr. Speaker, our troops in uniform do not wear their political registrations on their sleeves. They are Americans representing all over America. I would caution those even as I embrace the right to dissent. I would caution those who choose to blame America first even in the wake of the challenges we see now with the abuses that are being found out and the people are going to be punished and punished and brought to justice from our side.

I would caution those who would paint with a broad brush every member of our military. I would caution those who would attempt now for political reasons to snatch defeat from the jaws of victory. It is not becoming this Nation. It does not well serve our men and women in uniform. And even as I defend the right to dissent, I disagree in the strongest possible terms with those who attempt to politicize this conflict and, in essence, place in jeopardy our men and women in uniform.

PRIORITIES OF THE HOUSE

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, since April 1 this body has been in session 11 days. In those 11 days of legislative activity, we have named eight post offices and other Federal buildings, authorized the use of the Capitol grounds for the Soap Box Derby, congratulated the University of Connecticut, the University of Denver and Kennesaw State for their sports achievements.

Mr. Speaker, since April 1, 163 soldiers died in Iraq, bringing the total to 767.

Yesterday, the administration announced that it will keep our current troop level through 2005, and that we will need another $25 billion on top of the $112 billion already spent.

But while we name post offices and congratulate sports teams, our constituents are asking us the whys and the hows of Iraq. When the chairman of the Committee on Armed Services and the majority leader refuse to hold hearings, they are failing America.

As President Kennedy once said, "An error does not become a mistake until you refuse to correct it. Without debate, without criticism, no administration and no country can succeed, and no republic can survive."

Mr. Speaker, to govern is to choose. We can name post offices, or we can ask the hard questions about the direction of our country, and we might even be able to do both in this House.

WHATEVER IT TAKES

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, the book on terrorism has a chapter in it called "Iraq." You cannot close the book on terrorism until you close the chapter on Iraq.

It saddens me that the Democrat leaders have now joined the ranks of the French and Spanish in calling the war in Iraq unwinnable. That is not what our troops told me when I visited them in Iraq. I asked a soldier what did he think about being in Iraq where all the terrorists are congregating from around the Middle East.

He said, this is where we ought to be. He said, this is the only place in the globe where every American carries a gun.

That war is winnable. We must support our troops. We must do like the firemen in New York City said on September 12 when they spoke to the President: do whatever it takes. We must do whatever it takes to win, and we will win.

God bless America.

MISMANAGED WAR

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, I have been listening to my colleagues on the other side of the aisle. The issue has never been whether or not our troops could win a war. They are the finest fighting men and women in the world, and they can win a war.

The issue is the mismanagement of this administration, their inability to win the peace. The mismanagement of our war is not the fault of our troops. It starts with the Secretary of Defense who is out of the loop. It is a failure of candor with people in this Congress who have to rely on the The New Yorker magazine to find out things that the Administration should have provided to our committees. It is a failure of our committees to move forward to deal with the investigations of problems of supply, of inappropriate activities on the part of contractors, of why there has been a failure of command that has produced the horrific pictures that put not just our troops at risk but put at risk any American traveling in the Middle East.

I think it is time for my colleagues to get a grip and get back to the business that we should, as Members of Congress, fulfill our responsibilities, not try to play politics.

STAND UP FOR AMERICA

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, I am disturbed. I am disturbed by the Democrats who would suggest that this war in Iraq is unwinnable. I reject that premise. Nothing could be further from the truth. We must continue to fight terrorism wherever it exists in the world.

Mr. Speaker, I am convinced that the security of our Nation depends upon stabilizing Iraq, Afghanistan, the Middle East and bringing peace and freedom to that region of the world. It is time to stand up for America. It is time to stand firm for freedom.

Mr. Speaker, we are blessed to live in the greatest Nation on Earth.

God bless America.

RUMSFELD MUST GO

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, Secretary Powell came before the Congressional Black Caucus yesterday. Every Member was there. They asked him, Are you going to ask for more money? He said, There is no need for more money.

Within 2 hours, the President of the United States came on and said, We need $25 billion more money.

Even the Secretary of State is left out of the loop. This government has no plan; and the fact that a Member has finally stood up and said what everybody knows, the emperor has no clothes, it is about time somebody said that.

My newspaper, the lead editorial this morning is "Rumsfeld Must Go." He laid our people out there in danger. There is a study out of the Army that says that a quarter of the people who have died would not have died if they had provided the proper equipment.

Now, this was a war of choice. We did not have to go. Nobody was attacking us. It is clear we were not in danger.

□ 1015

They chose a day to go and so they went, whether they were ready or not. They did not care about the troops. Our troops are being badly used by rotten leadership. They should go.

SADNESS OVER COMMENTS ON IRAQ WAR

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, this morning it is with a sense of profound sadness that I address the House of Representatives, and usually it is not so. I cherish the time that I have been able to spend here representing my District.

Mr. Speaker, my son is a member of the Air National Guard of the 136th Wing out of the old Carswell Air Force Base in Dallas. He is a staff sergeant, but I picked up the paper this morning like so many of my friends, and we see that the leaders on the other side have proclaimed the war unwinnable, and I think of all of the brave young men and women that I saw when I was in Iraq two times in the past year, and I cannot help but feel a profound sense of sadness that they feel that their leaders have abandoned them.

Now, we are all outraged and saddened by the photos of mistreatment of the Iraqi prisoners we have seen on our television screens. The abusers will be punished. The commanding officers will likely have their careers in ruins, but I just want to caution the leaders on the other side, indeed the candidates who are running for the highest office in this land, that this response is reminiscent of the response that a candidate named KERRY, 30 years ago had before the Senate committee where he condemned all of our troops in Vietnam.

This is not the case of our brave men and women over in Iraq today.

POINT OF ORDER

Mr. FILNER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. FOSSELLA). For what purpose does the gentleman from California rise?

Mr. FILNER. Do the rules of the House allow personal reference to a candidate running for the presidency of the United States?

The SPEAKER pro tempore. Members may not personally attack a presumptively nominated candidate but may criticize his policies.

Mr. FILNER. The candidate was personally attacked on this floor, and I ask for his words to be taken down.

The SPEAKER pro tempore. The Clerk will report the words.

□ 1030

The Clerk read as follows:

"Now we are all outraged and saddened by the photos of mistreatment of the Iraqi prisoners we have seen on our television screens. The abusers will be punished. The commanding officers will likely have their careers in ruins, but I just want to caution the leaders on the other side, indeed candidates who are running for the highest office in this land, that this response is reminiscent of the response that a candidate named KERRY 30 years ago had before the Senate committee where he condemned all of our troops in Vietnam. This is not the case of our brave men and women over in Iraq today."

The SPEAKER pro tempore (Mr. FOSSELLA). In the opinion of the Chair, while personal attacks on a presumptive candidate are not in order, general references to past statements or positions by such a candidate are not, as with the reported choice of words, necessarily prohibited under the rules.

PARLIAMENTARY INQUIRIES

Mr. FILNER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FILNER. Mr. Speaker, I am still not sure where that line is. If I were to say that the Republican candidate for President misled us into this war, is that crossing the line?

The SPEAKER pro tempore. The Chair will state these guidelines.

As the Chair stated on March 11 and April 22, 2004, the standards of decorum in debate applicable to the President are applied against any apparent nominee for that office. Thus, although remarks in debate may include criticism of such a candidate's official positions as a candidate, it is a breach of order to refer to the candidate in terms personally offensive, whether by actual accusation or by mere insinuation.

Mr. FILNER. Mr. Speaker, further parliamentary inquiry.

I am not going to challenge the ruling of the Chair; but if the candidate of the Democratic Party is accused of condemning our troops, I find that crossing the line, inappropriate and wrong. We are allowed, the candidate is allowed at Senate hearings to make his voice known about the war in Vietnam. He did not condemn the troops. I am upset with the ruling of the Chair.

The SPEAKER pro tempore. The point of order has been overruled.

HEARINGS ON ABUSE

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, the House should hold hearings on the abuses in the Iraqi prisons. The most powerful military machine that the world has ever seen quickly won the hot war in Iraq. It is the occupation of Iraq that is unwinnable. The gentleman from Pennsylvania (Mr. MURTHA) is on target with his analysis. The incompetent, improvised occupation of Iraq, guided by the Department of Defense, is unwinnable. Our troops in Iraq have been betrayed by the blundering of this administration and their top command.

An unqualified Secretary Rumsfeld improvising this occupation has thrown untrained soldiers into the role of prison guards. We owe it to our soldiers in the ranks to have a full investigation, to openly let the American people see exactly what happened. Yes, this is an un-American approach, un-American activity, and it probably involves only a few, but that few operate under top command.

Mr. Speaker, let us have a full investigation. The top command must accept responsibility. Hearings will reveal this truth. Let us have hearings as soon as possible.

STANDING BY OUR TROOPS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I am very concerned that with troops in the field, the Democrats are now going out sending a signal this war is unwinnable. With young men in the hospital, wounded, amputees, they are saying this war is unwinnable. With families and Americans mourning the dead, the Democrats are saying this war is unwinnable. We often hear from Democrats, Well, I support the troops, but I am against the war.

Mr. Speaker, I have never understood that. I have the honor of representing the Third Infantry Division and five military installations in my district, and that just does not sell to the soldiers in the field that, well, I support you individually, but what you are doing is wrong and I am against it.

This is not the time for our country to be sending mixed signals abroad that we are a divided country and that some of us want to cut and run. The best thing we can do to honor those who are wounded, to honor those who have lost their lives and their family and to stand beside the nearly 200,000 troops we have in Iraq and Afghanistan is say, You are doing the right thing. This cause is noble and it is winnable. We stand united behind you. Even though it is an election year, America comes first.

WHO HAS LET OUR TROOPS DOWN?

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, the gentleman says we do not support our troops. The gentleman says we want to cut and run. The gentleman says we have let our troops down.

I will tell Members who have let our troops down: the administration that misled us into this war and did not tell us the truth, an administration that is incompetent, that does not provide the body armor for our troops, nor the armored cars. We have been told 25 percent of the casualties would have been prevented if this administration had been competent.

I will tell Members who has let our troops down: those who did not instruct prison guards in the Geneva Convention and who led young people, brave young men and women, to the abuse of prisoners and led to our embarrassment worldwide. That is who is letting our troops down: an administration that has no plan for the peace. We have no idea what we are doing there or how to get out. That is who is letting our troops down. That is who is not supporting our troops. I yield the balance of responsibility to this administration.

U.S. OIL PRODUCTION

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, NPR News this morning had a report about why gas prices are now over $2 a gallon in some States and headed higher everywhere. The reporter explained that while demand has gone up, as everyone has known it would for many years, capacity has gone way down.

He said due to environmental restrictions, no new refineries have been built in this country for more than 20 years, and the number of refineries in California has decreased from 37 to 13. Also, radical environmentalists have successfully fought and stopped oil production in the frozen tundra of Alaska and most other places where it can be safely and environmentally and economically done in the U.S. Environmental extremists almost always come from wealthy, or at least very upper-income, families; but they are really hurting the poor and the lower income and working people of this country, and even our national security, by shutting down so much oil production and refining here and making us overly dependent on foreign oil that is being sold at rip-off prices.

□ 1045

REGARDING THE WAR IN IRAQ

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask my good friend from Georgia how many of the military families has he engaged. How many has he asked why there is a blackout on allowing America to mourn with them as their loved ones' flagged-draped coffins come home to America. How many administration officials have deigned to go to the funeral and to give to the family some comfort?

I know military families. They want this war to end with dignity, yes; but they want some people to be responsible for the travesty of what is going on. And so I ask in light of the fact that we want to blame the troops because of what happened in the prison, I do not want to blame them. They are young. They are 19, 20, 21. I demand for there to be some heads to roll. And Secretary Rumsfeld is the one that needs to roll along with his deputy, Paul Wolfowitz.

I ask the Speaker of the House to demand an open session here on the floor of the House for Secretary Rumsfeld to come and tell us why he was hiding reports for 2 months, why no one knew about the reports, and why these kinds of heinous and ridiculous acts are going on. We want peace over war, but this administration went to war with untruth. Now it is time for people like Secretary Rumsfeld to wash his hands of the tragedy of this and resign. This is the time that we should start anew.

MISTREATMENT OF IRAQI PRISONERS

(Mr. ISSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISSA. Mr. Speaker, the one bipartisan thing that we can all agree on today that we will address in a resolution today is that the conduct which we have all witnessed in pictures spread around the world by a few misguided and perhaps sadistic and criminally accountable young men and women in charge of prisoners of war was wrong. There is no debate on that. There is no debate outside the American military. There is no debate inside the Congress that this was wrong.

But I do believe it is important, Mr. Speaker, for the American people to understand that every soldier is instructed that this is unacceptable. Every officer is trained that this is unacceptable. From my experience both as an enlisted man and as an officer, the military will see that these individuals who were instructed that this was not acceptable and then broke the regulations will be punished. This Congress will oversee that. That is a word that the people of the Arab world need to understand, that the people of Iraq need to understand. Things have changed. This Congress will not tolerate this behavior.

HONORING TOM WOODRUFF AND MELISSA MILLER DURING NATIONAL TEACHERS WEEK

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor two of the many outstanding teachers in my home State of Arkansas. Melissa Miller, a sixth grade math and science teacher at Randall G. Lynch Middle School in Farmington, Arkansas, was in Washington this week to accept the National Educator Award from the Milken Family Foundation. She was honored by the foundation for her innovative teaching methods that use real-world applications to make learning relevant and interesting to students.

Then there is Tom Woodruff, who teaches at Rogers High School in Rogers, Arkansas. Tom was recently named as one of five national finalists in the NASDAQ's national teaching awards. The awards recognize teachers for their originality, creativity, and effectiveness in advancing interest in, and understanding of, our economic system.

Mr. Speaker, we are blessed to have such dedicated people teaching our children in the Third District of Arkansas. It seems fitting since the PTA has named this week National Teachers Appreciation Week to take a moment to thank Tom, Melissa, and all the wonderful teachers who are helping to shape the future of our Nation.

SUPPORT OUR TROOPS

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, the American people quite often are seen from time to time from both civilian businesses and the military with some bad actors. We all condemn those. The problem that I have is that too many people focus on just the bad actors and forget about the people that serve us well both in civilian business and in the military. I have served in the military. What irks me is that people that condemn our military are generally the people that have not served themselves. They are generally the people that continually vote against defense, which most of goes to the families to support them coming back. They continually vote against intelligence. And then they have the gall to stand up here and chastise our military. Mr. Speaker, I think that is wrong. I am proud of the men and women that serve in our military. I think if those individuals would speak about their accomplishments more, maybe we would all be better off.

APPOINTMENT OF CONFEREES ON H.R. 2443, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2003

Mr. LoBIONDO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. FOSSELLA). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. FILNER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes, be instructed to insist on the language contained in section 415 of the House bill that requires foreign-flag vessels to have their vessel security plans approved by the United States Coast Guard before entering a port in the United States.

The SPEAKER pro tempore. Under the rule, the gentleman from California (Mr. FILNER) will be recognized for 30 minutes and the gentleman from New Jersey (Mr. LoBIONDO) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

The motion that the House has before it is really very simple. It instructs the House conferees on the Coast Guard and Maritime Transportation Act to insist on our House provision on section 415. Section 415 simply clarifies that all foreign-flag vessels that may be involved in a security incident in the United States must submit their vessel security plans to the Coast Guard for their review and approval before they enter the United States. It is pretty simple. We are trying to make sure that we do not have a terrorist incident caused by a ship coming to our shores.

We have seen clear evidence that terrorists have the means and capability to use vessels as a weapon. We all know about the attack on the U.S.S. *Cole*. Most recently, insurgents in Iraq blew up their boat filled with explosives when a U.S. boarding team tried to inspect their vessel. Two members of our Navy and one member of the Coast Guard died in that attack.

When this Congress enacted the Maritime Transportation Security Act in November of 2002, foreign vessel owners were clearly required to submit vessel security plans to the United States Coast Guard. They were prohibited from operating after July 1 of this year if those plans were not approved and if they were not operating in accordance with those plans. But in the month after this MTSA, the Maritime Transportation Security Act, was enacted, the Coast Guard went to London and agreed to amendments to the Safety of Life At Sea Convention to require security standards for all vessels engaged in international trade. These amendments are called the International Ship and Port Facility Security Code, or as we refer to them, the ISPS Code.

The Coast Guard never told Congress that they were intending to overturn the new security law by allowing foreign-flag vessels to enter the United States if their security plans were approved not by the Coast Guard but by the government in which the ship is flagged. As many Members know, thousands of ship owners choose to register their ships in so-called "flag of convenience" countries. The ship owners do this to save money because they know that these governments flaunt international law by not enforcing the international maritime conventions to which they are a party.

Mr. Speaker, our Nation has learned a great deal about terrorism since 9/11. One thing we have clearly learned is that not every nation in the world is our friend. Each day hundreds of ships enter U.S. ports with dangerous and hazardous cargoes. A weapon of mass destruction, a biological agent could easily be smuggled aboard a vessel in a foreign port. Look at some of the largest registries in the world, like Panama, Malta and Cyprus, and you will find vessels that are often detained by the Coast Guard for violations of international safety laws. Now we expect those same governments to protect U.S. citizens by making sure that their vessels have adequately implemented security plans? Give me a break! I for one am not willing to delegate our security responsibilities to the governments of Panama or Malta or Cyprus.

I raised this issue with the Coast Guard at two separate hearings. The Coast Guard argued that they do not have the resources to approve the security plans for the thousands of foreign-flag vessels that come to our country. I have a simple thing to say, as I said to the commandant: send us a budget request, and we will fight for every nickel you need to review and approve the foreign vessel security plans. The resources will be there if you ask for them. But do not compromise the security of our coastal communities and our whole Nation by placing our security in the hands of these foreign governments.

When Congress wrote the Maritime Transportation Security Act in 2002, we realized that it is up to the United States Government through the United States Coast Guard to protect our citizens. I urge my colleagues, Mr. Speaker, to support the motion to instruct the conferees on H.R. 2443 to insist on the House provisions requiring all foreign-flag vessels, any one of which may be a potential terrorist threat, to submit their security plans to the Coast Guard for review and approval before they enter the United States. We ask this in law. We ask now to reinforce the law.

Mr. Speaker, I reserve the balance of my time.

Mr. LoBIONDO. Mr. Speaker, I yield myself such time as I may consume.

On behalf of Chairman YOUNG and myself, I have a couple of remarks about this motion. We support section 415 and allowed it to be included in the House bill with the agreement that we would continue to work to improve the language. It is very important that we ensure that all vessels, including foreign vessels, have security plans. However, to protect the United States, we need to support the Coast Guard's efforts as they board and inspect vessels coming into U.S. waters.

However, the Coast Guard and the Department of Homeland Security have expressed strong concerns about the current House language. They are concerned about requiring submission and secretarial approval of all foreign vessel security plans. They are concerned that this requirement could undermine extensive progress on vessel security planning already made in the international arena and would impose an unsupportable resource drain on the Coast Guard. They are concerned that this could conflict with provisions of the Safety of Life At Sea Convention and the International Ship and Port Facility Security Code. This would place the United States at a significant disadvantage when demanding that other nations comply with their responsibilities and would significantly degrade our ability to negotiate new international requirements.

Additionally, other nations could retaliate and demand to review and approve U.S. security plans before our vessels were allowed to trade in their ports. I believe that this is a real danger. Ultimately, the sharing of sensitive U.S. vessel security plans with all nations may not be in the best interests of our own national security. I would like to continue to explore whether acceptance of foreign vessel security plans approved under the International Ship and Port Facility Security Code with aggressive Coast Guard verification and enforcement might better achieve our national maritime security goals.

There is concern that the number of plans that could potentially be subject to review is staggering. Worldwide, there are approximately 40,000 vessels required to have security plans. If section 415 were enacted, the Coast Guard would be required to review the security plan of each of these vessels that wanted to visit the United States. In recent years, approximately 8,000 vessels per year have visited the United States, making roughly 50,000 port calls.

□ 1100

Without significant additional resources, our diversion of resources from some other area, the Coast Guard could not accomplish this review and approval process in a timely manner. The cost of this effort would be substantial, and the Coast Guard is not funded in this effort.

The gentleman from Alaska (Mr. YOUNG) and I pledge to continue to work with our colleagues and the gentleman from Minnesota (Mr. OBERSTAR), the Democratic ranking member, and the gentleman from California (Mr. FILNER) to address their concerns on this homeland security issue.

Today we will support this motion, but would strongly recommend that we continue to discuss this issue with the Coast Guard and the maritime shipping industry and our colleagues in the other body to improve and merge our other bills to ensure that the country and our security is protected.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

I was a little surprised the gentleman was going to accept the motion after speaking out against it, but I appreciate that, and I hope we fight for this at the conference committee.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the ranking member for yielding me this time.

I was just meeting with some constituents in my office, and when I came in I heard the chairman speaking, and it sounded to me as though he was strongly opposed to our motion to instruct to better protect our ports and national security, but apparently from what I heard, he is going to support the motion. So I am a little confused.

But let me make the points that I think need to be made about this. We have a law, a national law, a law in the United States of America, that says under the Maritime Transportation Security Act, that foreign-flagged, that is, vessels that sail to the United States many times with very obscure ownership, in fact, the way international maritime law works, Osama bin Laden could very well own some of these freighters, but we would not be able to find that out.

So we are working on that problem and the Coast Guard has made some slight progress, but not enough in terms of lifting the veil of secrecy around who actually owns these ships, which I think is essential to our national security, but in the interim under the Maritime Transportation Security Act, these foreign-flagged ships of unknown ownership with crews who are not very well identified, that is, there are no foolproof counterfeit-proof IDs or certification for the crews, many of them have false documents, many of them are of a dubious lineage, no security checks that are meaningfully conducted on those people, are cruising in and out of the ports of the United States, and what we have today is a little better than before 9–11.

Proposals I had made subsequent to a ship accident have been implemented by the Coast Guard to hold the vessels that are in international align and to require manifests and other things and do boardings when they think they are necessary, and that is all well and good. But the Maritime Transportation Security Act goes one step further. They are supposed to have a plan that has been approved by the United States Coast Guard, these foreign-flagged vessels of uncertain lineage. Now, the issue before us is are we going to allow foreign classification societies, flags of convenience, and others to certify these plans in foreign languages with no review by the Coast Guard and just assume that everything is hunky-dory? That is really the issue that is before us.

I mean, let us take Liberia, for instance. There is no government in Liberia, pretty plain and simple, but they are a major flag of convenience for these freighters, these freighters which may be owned by Osama bin Laden. We really do not know. But they are done in an obscure way through nonexistent countries like Liberia. They exist, but they do not have a functioning government. They certainly do not have a Coast Guard. In fact, the government of Liberia, I think, recently moved. They were in Reston. I think they moved somewhere else in Virginia. They have a bunch of ex-Coast Guard people who are running their registry, which is just a for-profit thing they do, a flag of convenience, so that vessel owners, whoever they might be, can avoid the strictures of U.S. law for crewing and for safety and a whole host of other reasons.

I have never been comfortable with this arrangement, but I am particularly uncomfortable with an arrangement where the nonexistent government of Liberia will be certifying vessel security plans without any review by the Coast Guard, except perhaps the retired Coast Guard who are being paid a fabulous salary to pretend that there is a government in Liberia and that they are processing these plans on behalf of that government.

That is the situation we are confronted with. This does not give me great comfort. And, in fact, the international standards say, well, these nonexistent governments of Liberia, or its substandard performers like Panama, Malta, and Cyprus, again, all who are just trying to make money on flagging ships, and if they get tough with those people, like make them have an actual real vessel security plan, really certify the crews, well, they will just go to another country or so-called country, as in the case of Liberia, and get a flag from them for a few bucks more or less.

That is what it is all about. They are trying to avoid safety, security, crewing requirements, and all that. And this becomes to me another major security loophole for the United States of America to say that Malta, Cyprus, Liberia, who do not care about the interests of the United States in these matters, would certify in foreign languages these vessel security plans. This is not adequate. It does not meet laws that were enacted with, I think, virtually unanimous support of the United States Congress under the Maritime Transportation Security Act. They undermine the Maritime Transportation Security Act. And then as I came in, I heard my chairman, with whom I have tremendous respect and he is a great advocate for the Coast Guard and he has helped them get more money, saying if we made the Coast Guard review these plans, they would not have enough people. They would need more resources.

Then let us ask for the resources. This is a pattern I keep hearing from the administration. Yesterday I was at a hearing with the Transportation Security Administration folks, and we were raising concerns about rail and port security in the Railroads Subcommittee, and I said, Look, just be honest with us. Tell us you do not have enough people and you need more money. And they cannot do that because the political minders down at the White House are watching them. They cannot ask for more money for homeland security. We cannot ask for enough money to help the Coast Guard. I mean, the Coast Guard could contract this out if they do not have the staff, and the administration loves contracting out. We could hire a firm, a U.S. firm, who has security credentials or something else to certify these plans. But to allow Liberia, which does not have a government, to approve these plans of ships of unknown lineage and ownership in foreign languages and say that meets U.S. law, that is providing optimal homeland security for the United States of America, is absolutely wrong.

So I hope that the ranking member was right in saying that the chairman will support this. I hope he will and I hope he will not just support it with his vote, but he will support it wholeheartedly through conference. We need these protections for homeland security. And if it is a matter of a few more dollars, then let us ask for that money so we do it compliant with our law and not with a loophole-ridden international organization that does not give a darn about U.S. security.

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Oregon (Mr. DEFAZIO) for his comments. The gentleman from Alaska (Mr. YOUNG) and I do support this, but as we have worked through the committee all along in a very strong bipartisan way, we are expressing that there are some legitimate concerns such as our turning over our vessel security plans to this nonexistent government of Liberia. These are things that we should be talking about. These are things that we want to talk about so that in the end the final product that we have is a product that will ensure our national and homeland security.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I have been informed that there are no ships with American flags going to Liberia.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), ranking member of the full Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman, ranking member, for his stout defense of the committee position and for his splendid service, and I also wanted to express my great appreciation to the gentleman from Alaska, the chairman of the full committee, who has, from his first day in this body, been a stout defender and advocate of the U.S. Coast Guard. He sometimes calls it "my Coast Guard," and rightly so, because Alaska has the largest coastline to protect in all of the Coast Guard's work.

And I have enormous respect for the gentleman from New Jersey, who has one of the largest Coast Guard facilities, perhaps the largest in his district, who has chaired the subcommittee with great distinction.

But I must say I am disappointed in the Coast Guard and in the administration, whoever it is. It is uncertain. The Coast Guard has been shifted from the Department of Transportation to the Department of Homeland Security. We hardly know who is the Secretary to whom they report for all the various functions of the Coast Guard, or whether this message is coming from the White House or the Office of Management and Budget. Whatever it is, the Coast Guard is on the wrong track.

We passed the port security bill, known as the Maritime Transportation Security Act, in November, 2002, hard on the heels of all of the horrific events of September 11 and in the spirit of vastly improving security in all of the modes of transportation. We had extensive discussion, debate within our committee, all aimed at one objective, protecting transportation in America from terrorist threats. Every step of the way, the purpose was to elevate security in transportation, make it substantially better, not just an increment, not just a little step better. And I was at the White House for the signing of the bill. I think the gentleman from New Jersey was there as well, as I recall. A delegation from the other body was there.

The President was very proud of that bill. Hardly was the Coast Guard involved in the International Maritime Organization negotiations on the Safety at Sea law, negotiating something that really undercuts a main thrust of this legislation. When we crafted this bill, the MTSA, the original law, I drew on our experience in aviation in the aftermath of Pan Am 103. I served on that commission with the gentleman from Arkansas, Mr. Hammerschmidt, and one of the great failings we saw was that the United States really did not have the ability to go into foreign countries' aviation programs and see whether they had a strong security program, whether they were doing security inspections and screening of passengers, screening of luggage, screening of mail, as we were doing and as we were proposing to do in even stronger fashion; so we crafted in that legislation language to establish foreign security liaison officers within the FAA in foreign countries with the authority to go in and inspect, with the authority to look at aviation security plans of foreign governments.

And I took that theme and introduced it into our Maritime Transportation Security Act. It was missing one word. I sort of take the responsibility for it. We did not put the word "foreign" vessel, thinking that was pretty clear that vessels coming into U.S. ports that are suspect would be from other countries. The Coast Guard went and negotiated away that power of the U.S. to inspect the security plans of other countries and to see whether vessels operating under a foreign flag were in compliance with the security plan of the country of registry of that vessel.

□ 1115

Well, seeing that shortcoming, in the course of hearings that the chairman of the committee conducted, the issue came up. It was raised by members on both sides in the course of our hearings. So the language was tightened up, just to make it very clear we would have the ability to inspect, that the Coast Guard have the ability to inspect, the security plans of foreign governments.

Now, why is that a concern? Because this is the document that the U.S. Coast Guard negotiated, the Safety of Actions At Sea. It was 17 December 2002, and the relevant language, "Ship security plans are not subject to inspection by officers duly authorized by a contracting government to carry out control compliance measures in accordance with regulations specified in section 9.8.1."

Here is section 9.8.1. "Officers," meaning U.S. Coast Guard in this case, "will have limited access to the specific section of the plan allowed in the exception, only with the consent of the contracting government," meaning Malta, Liberia, Panama, the Philippines, "or the master of the ship concerned. Parts of the code are considered as confidential and cannot be subject to inspection unless otherwise agreed by the contracting governments concerned."

Did our President not say, the President of the United States say, and has he not said repeatedly, "I will never ask permission of the United Nations to defend the United States. I will never ask permission of a foreign government to protect the citizens of the United States. We are not going with a permission slip"?

This is a permission slip. This is what has been agreed to. I heard what the chairman said, that, oh, if we insist on protecting our interests, then other governments will insist on inspecting security plans of the United States.

We have only 37 American-flagged vessels in international commerce. They do not call on ports at Malta and Liberia. That is not the issue. The issue is whether we, the biggest trading Nation in the world, 11 million containers coming into the United States every year, will have the ability to see whether those ships were loaded in accordance with the security plan that meets our standards and will protect our security, and that there is not anything going on those ships that does not belong on those ships, like bombs, nuclear devices, weapons of mass biological destruction.

We do this already with aviation. Why can we not do it for maritime? Time and again, we have heard our biggest threat, the biggest unknown is what might be in a vessel coming into a U.S. port, what could be there that could destroy a city, not only on the coastal plain of the United States, but in the interior as containers move from the port to the interior of the country.

Now, why have this motion to instruct? The purpose is that the Senate, excuse me, the other body, has language in its version of our bill that simply accepts the international convention. The Senate version simply recognizes the ISPS Code, security plans drawn up by foreign-flag states, and allows the country of registry to do the signoff.

Well, I know from experience and having been at this for some time that in those countries of foreign registry, very frequently the security plan is contracted out to some private entity, a private entity that has been approved by the classification societies. And as we know, those international ship classification societies are not repositories of great strength and great courage and great oversight or great concern about security. So I do not want to see a security plan and have us just on faith accept a security plan of another country of registry, done by a contractor, which we do not even review.

Furthermore, under the international convention, which I just read, the Coast Guard has to get the equivalent of a search warrant. They have to have probable cause. They have to find something that they say, we know there is something wrong. We have evidence that this ship has been improperly loaded and there may be ricin stored in one of these containers, or the equivalent thereof.

Why do we have to do that? That is nonsense. Are we going to protect America, are we going to protect our shores, are we going to protect our ports, or are we just simply going to leave it to the good will and good offices of other countries? We do not do that in aviation, and we ought not to be doing it for port security.

Why do I take the time to say this? Because I feel very strongly about this. I have given 25 years of my service in this body to security in aviation and to maritime security, to on-land security. A good part of my career has been on aviation safety and aviation security, and I do not think that we should do anything less than the best.

So, yes, we had that language in our bill. I think we need to have this vote here on that language to reinforce the position of the conferees when we go to the other body because their language simply embraces the international convention. We have to tell them, wait a minute, that is not good enough. That does not do a good enough job. If you are serious about protecting our ports and protecting the homeland of the United States, with 11 million containers coming in, 8,000 vessels calling at our ports every year, let us get serious about it and make sure we provide the Coast Guard with the personnel and financial resources to carry out this mission.

It is crucially important. Either we are serious about port security or we are not; and not being serious is swallowing this International Convention on Safety of Life At Sea.

That is not safe. I will trust the U.S. Coast Guard. I know what the men and women of the Coast Guard can do. They are serious, they are experienced, and they will do the job of security.

So let us reaffirm the position of the House. Let us make sure when we go to conference, we stand firm; that the four principal negotiators on the part of the House are backed up by the voice of this body, so that we stand firm on this language. Let us give the Coast Guard the authority it needs. Let us stand up to make sure that we are protecting our ports. Protect the House position, protect security in the homeland of the United States through the one major Achilles heel afflicting us right now, and that is port security.

Mr. LoBIONDO. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from New Jersey.

Mr. LoBIONDO. Mr. Speaker, we are in agreement with so many points that the gentleman made. No Member and no one should get the impression that any of us are not completely committed to maritime anti-terrorism, to homeland and port security. What we are saying here is we believe there needs to be just a little bit of additional fine tuning.

But in principle, I agree. I will support the gentleman's motion to instruct, and I thank the gentleman very much.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, I thank the gentleman. We will stand firm in conference.

Mr. FILNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOSSELLA). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. FILNER).

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FILNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PROVIDING FOR CONSIDERATION OF H. RES. 627, DEPLORING ABUSE OF PERSONS IN UNITED STATES CUSTODY IN IRAQ

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 628 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 628

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 627) deploring the abuse of persons in United States custody in Iraq, regardless of the circumstances of their detention, urging the Secretary of the Army to bring to swift justice any member of the Armed Forces who has violated the Uniform Code of Military Justice, expressing the deep appreciation of the Nation to the courageous and honorable members of the Armed Forces who have selflessly served, or are currently serving, in Operation Iraqi Freedom, and for other purposes. The resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for a division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services; and (2) one motion to recommit which may not contain instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 628 is a closed rule providing for the consideration of House Resolution 627, deploring the abuse of persons in United States custody in Iraq, regardless of the circumstances of their detention, urging the Secretary of the Army to bring to swift justice to any member of the Armed Forces who has violated the

Uniform Code of Military Justice, and expressing the deep appreciation of the Nation to the courageous and honorable members of the Armed Forces who have selflessly served, or are currently serving, in Operation Iraqi Freedom, and for other purposes.

Mr. Speaker, the rule provides for 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The rule provides one motion to recommit, which may not contain instructions.

Mr. Speaker, Members of this House, and indeed millions of concerned Americans, have been appalled by reports that Iraqi prisoners have been severely mistreated by their U.S. captors. President Bush has rightly pledged to ensure that those responsible for this abuse are brought to justice, and that process is already under way.

Mr. Speaker, in a society like ours that prides itself on its commitment to civil and human rights, there is no place for the sorts of atrocities depicted in recent days in newspaper and television accounts from Iraq.

Thankfully, it appears that the reported abuses have been the exception, rather than the rule, during this conflict. But that does nothing to excuse those who carried out or permitted the acts in question to take place. They must be punished swiftly and surely.

At the same time, Mr. Speaker, we must not permit the outrageous acts of a relative few to stain the service of more than 100,000 of our brave American men and women who are risking their lives every day in the cause of freedom. They are doing what is right, and they are doing it the right way. Their services make us all proud to be Americans.

Therefore, in addition to strongly condemning the acts of abuse by U.S. personnel against Iraqi prisoners, House Resolution 627 also pays tribute to the selfless service of our men and women in uniform.

Mr. Speaker, the President has spoken loudly and clearly on this subject, and it is imperative that we in the House do the same. Accordingly, I ask my colleagues to support both the rule and House Resolution 627.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Washington for yielding me the customary 30 minutes.

Mr. Speaker, we are here this morning to carry out a very grave duty. We are here to express the horror felt by the American people upon seeing the graphic images and learning of the torture, abuse, brutalization, and humiliation of Iraqi detainees at the Abu Ghraib prison.

□ 1130

We are here to condemn such acts.

But we are also here to do much more. We need to make clear that this Congress not only condemns these actions, but demands a full investigation and accountability for those who perpetrated these acts, those who ordered these acts, those who turned a blind eye to these acts, and those in the chain of command who failed to act upon repeated warnings and reports of abuse of Iraqi detainees.

Mr. Speaker, I firmly believe that the overwhelming majority of our uniformed men and women currently on active duty in Iraq, Afghanistan and elsewhere carry out their duties in an exemplary manner. They have represented the United States in perilous times with great distinction and great honor. And it is critical that Congress not blindly accept the scapegoating of a few enlisted men and women when there is a much more serious, troubling, high-ranking, and systemic problem that needs our most serious attention.

In December last year, Human Rights Watch issued a searing report on inhumane conditions and abuses of detainees under U.S. authority in Afghanistan.

We now know from the media that the International Committee for the Red Cross has also been urging U.S. military authorities to make substantial changes on how detainees are treated at prison facilities throughout Iraq.

Mr. Speaker, this is a grave and serious crisis, and I do not use the word "crisis" lightly. It is a crisis for our relations with the people of Iraq. It is a crisis for our relations with our allies. It is a crisis for our intentions to create a stable and more democratic Middle East. It is a crisis for our Armed Forces, whose honor has been stained by these revelations. It is a crisis for our Nation whose honor, intentions, reputation, and moral authority are now suspect throughout the world. It is a crisis for the safety of our troops in the field and the safety of our homeland.

Mr. Speaker, I fear for every American, military and civilian, who is now held captive in Iraq. For how can we demand standards for the humane treatment of our own citizens when it appears to many that we have turned our backs on those very standards and international law in our treatment of foreign detainees?

Mr. Speaker, Congress needs to carry out its own thorough investigation, not just about what happened at one isolated prison in Iraq, but in the breakdown in chain of command and the context within the Armed Forces that created such a climate for these crimes to take place.

I believe the conditions that led to abuse were created at the very top when our Secretary of Defense announced early in the war against terrorism that the Geneva Conventions would not apply to many of our actions, especially those concerning detainees.

I believe the conditions that led to abuse were created at the very top when independent monitors were denied access to prisons and detention facilities.

I believe the conditions that led to abuse were created at the very top when decisions were made to assign troops, many of whom were inexperienced in prisoner treatment and the rights of prisoners, rather than to troops who have been trained for such duty.

I believe the conditions that led to abuse were created at the very top when information and reports were withheld from the relevant intelligence, defense, and foreign policy Congressional committees regarding these abuses.

Mr. Speaker, I also believe that this Congress needs to take a hard and serious look at the use of private contractors engaged in interrogation of prisoners and ensure that their role in these abuses is fully investigated and punished.

But even more importantly, I believe the President of the United States must act. The President must demonstrate exactly how serious the United States is about changing the conditions that led to these abuses.

The President prides himself on being a plain-spoken, straight-shooting man of action. This moment desperately calls for some plain speaking and accountability. Anonymous leaks to the news media about the President of the United States "privately chiding" the Secretary of Defense simply will not do.

Mr. Speaker, Donald Rumsfeld needs to resign as Secretary of Defense, and if he does not do so, President Bush should fire him. No other action, no other words would send as strong a signal to the world that the United States is serious about fixing what is wrong in Iraq.

Mr. Speaker, I regret that this resolution required a rule for debate. I regret that unanimous consent could not be obtained. But I firmly believe that this resolution needs to assert the oversight responsibilities, our own accountability, and investigate these abuses and the systems that created a climate of abuse. We cannot call for accountability by others and then shirk our own responsibilities. I firmly believe that we must investigate the roles of both our uniformed personnel and private contractors in these abuses, and I would have hoped that the majority would believe the same.

Mr. Speaker, at the conclusion of this debate, I will move the previous question. If defeated, I will offer an amendment to the rule allowing for the consideration of an amendment to be offered by the gentleman from Missouri (Mr. SKELTON), the ranking member of the House Committee on Armed Services, affirming the need for a bipartisan congressional investigation to be conducted immediately into these allegations of abuse, including those by civilian contractor personnel and into systemic chain of command and other systemic deficiencies that contributed to such abuse.

I hope that my colleagues on both sides of the aisle will join me in this effort to affirm the need for the Congress to carry out its constitutional duties of oversight.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, I thank my colleague, the gentleman from Washington (Mr. HASTINGS) for yielding me this time. I rise today in strong support of both the rule and the underlying resolution.

I believe most Americans, as I was, were extremely upset by the images they saw on television of prisoner abuse in Iraq, and the horrific actions just defy everything that America stands for and Americans stand for: goodness, decency, fairness, compassion.

The perpetrators of these dastardly deeds must be swiftly brought to justice and severely punished for their actions.

America and our allies liberated Iraq from a despot. Mr. Speaker, our soldiers are very sincerely over there helping to restore basic services to Iraq and make life for the Iraqi people much better, and they are doing it at serious risk to their own lives. A few sick people in the military have set back our efforts for peace in the Mideast and around the world for who knows how long. They have destroyed all of the good relationships our soldiers and others have established in Iraq. And the majority of our service men and women are very good, decent, patriotic Americans, very honorable.

So we must not allow these actions by a few to overshadow the goodness of the majority of Americans or of our soldiers, or the effort to win the war on terror. We cannot close the book on terror until we close this chapter on Iraq.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. HASTINGS), a member of the Committee on Rules and the Permanent Select Committee on Intelligence.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my colleague and my good friend, the gentleman from Massachusetts (Mr. McGOVERN) for yielding me this time. This morning he and I and the other members of the Committee on Rules who are here met at 7 o'clock a.m. to discuss this resolution.

Now, the simple fact of the matter is, it is important for us to recognize that the American military has no peers. It is also important for us to recognize that most of the men and women, the great majority of the men and women in the military are not the kind of people that are now being investigated and that we see so widespread, and are not the kind of people that would abuse people in the circumstances that the detainees found themselves.

It is unfortunate that this matter does not come to the floor under unanimous consent. It does have, as I pointed out this morning, one or two flaws that could easily have been corrected had the majority determined that it was proper to do so.

One of those flaws allows itself to come forward in one paragraph which reads, "Whereas the Congress was not fully informed of the existence," and that is true, "or the seriousness." But it does not say what I think it should say, and that is that we decried the fact that for too long, this was in the hands of military higher-ups who did not deem the oversight responsibilities of Congress important enough for them to bring the matter forward.

Additionally, this is a resolution about horrors that took place inside a prison. This is not a proper place, in my judgment, for us to be bragging about anything concerning the conditions being better after the removal of Saddam Hussein.

Additionally, it is that these abuses, as offensive as they are, need to be put in perspective with regard to the ongoing military effort.

I would urge everybody to take a deep breath and to realize that no American, Republican or Democrat, would allow for this kind of conduct, and no one from the President on down does not feel sorry that this occurred, and all of us should be in a position to do as the general who now is in charge of this prison did, and that is, apologize not only to the detainees that this occurred to, but to the others who likely feel that America has lost its moral authority.

America will never lose its moral authority, because in this body and in the White House and in the Secretary of Defense's office, and in the Secretary of the Army's office, justice will come to those who took advantage of others in circumstances that were not proper.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Florida (Mr. GOSS), the distinguished chairman of the Permanent Select Committee on Intelligence in the House.

Mr. GOSS. Mr. Speaker, I thank my colleague and friend, the gentleman from Washington (Mr. HASTINGS) for yielding me this time.

Mr. Speaker, we have always known that the war on terrorism was going to be lengthy and difficult. President Bush told us that from the very beginning.

Americans everywhere have girded up for a sustained conflict across the globe, around the world. We have great and justifiable pride in our troops and all they have accomplished. We have accepted the necessary sacrifices in the war on terrorism with a heavy, but a resolute heart in places like Afghanistan and Iraq.

However, it is impossible to accept the apparently isolated, but nonetheless totally deplorable instances of blatant prisoner mistreatment that have surfaced in the past week. These actions, particularly when contrasted with the courageous and honorable decisions made day in and day out by the vast majority of our American soldiers in difficult circumstances, must be strongly condemned.

The charges of abuse will be examined fully and immediate corrective measures taken to prevent against their reoccurrence. That is assured. No equivocation can be tolerated. Wrong is wrong. The international community will be watching America's actions closely, and now is the time to demonstrate anew that the American soldier respects the rules of engagement and always values justice and humane treatment of detainees and prisoners. We all abhor the slaughter and maiming and carnage of innocent victims, which, of course, is the terrorists' hallmark.

Mr. Speaker, I rise today because our military has worked too hard and accomplished too much to be stained by the actions of a few. By acknowledging that this is a tremendously hurtful anomaly in an otherwise impressive effort, I hope that justice may be swiftly served and the trust in America restored.

The House Permanent Select Committee on Intelligence routinely and regularly oversees interrogation activity for intelligence purposes, and we are giving comprehensive attention, of course, to these newly-discovered abusive treatment cases. In fact, as we speak, our committee is receiving briefings upstairs and asking some very tough questions, and I will return to that meeting forthwith.

The conduct of appropriate and professional interrogation is extremely important to the successful prosecution of the war on terrorism and the protection of our troops and citizens at home and abroad.

□ 1145

Terrorism is a bad thing, and interrogation on a proper level of a terrorist is an important tool for us to preempt the mischief that they can cause us.

This rule brings forward a clear resolution that supports the views I espouse and that other Members have espoused articulately. I urge passage for this rule and for this resolution.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. McGOVERN) for yielding me time.

Mr. Speaker, I rise in strong opposition to this rule. This resolution condemns abuse, but presents glaring and unacceptable omissions. The boilerplate language offers no apology, does nothing to ease the international tensions, and calls on the Department of Defense, quite frankly, to investigate itself.

The resolution is insufficient on all three grounds. We need a full-scale bipartisan congressional investigation into these charges and their devastating international consequences and also the role of private contractors in this war. I hope that these horrible human rights abuses are not just the tip of an iceberg.

Tens of thousands of American troops are serving with great courage. These outrages do not typify their behavior; but they do, they do endanger their lives. As for those accused and others, I quite frankly worry about our young men and women in uniform who are being dehumanized.

These young men and women are being dehumanized. They are being dehumanized by the policies of the Bush administration and a war that allows them to cross this threshold.

Finally, Mr. Speaker, this resolution presents really a very false portrait of Iraq, one that is safe and secure and prosperous. I urge Members to vote against this rule. This really is not about a handful of photographs. It is about the failures of leadership at the very highest levels.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. PRYCE), the distinguished Republican Conference chairman.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in support of this rule and the underlying legislation. I rise in sadness and regret. The behavior of the soldiers charged with misconduct and abuses of prisoners in Iraq, to use the President's word, is abhorrent.

The Iraqi people are beginning new lives of liberty and freedom. They are just beginning to shake off the dread of years of torture and abuse. They are only just beginning to sleep soundly, without fear of midnight kidnappings. They are only just beginning to express their views on politics and social issues. Our whole country is appalled and disgusted by the reports of this insane abuse.

I send my deepest sympathy and regret to these Iraqis who, in such a tender moment, are forced to see scenes of abuse that I can only imagine bring to the surface old fears, old nightmares, and old wounds.

The actions of a few are sure to have long-term implications of mistrust in the Middle East. Our message is clear: we are devastated. We went into Iraq because Americans reject evil and embrace liberty. The heart of American values is founded in respect for one another, in fairness and a love for freedom.

Today we should ask ourselves what can we do to rebuild the trust and confidence in the hearts and minds of those we want to help. Unlike 20 years of unavenged, unstoppable evil at the hands of Saddam Hussein, this abuse will not be tolerated. It will not be brushed over. It will not be excused.

I join my colleagues in the U.S. House of Representatives and condemn these acts and support immediate, meticulous investigations into the abuse reports, full disclosure of abuses committed, and justice served to those men and women responsible.

Every day the men and women of our Armed Forces are putting their lives on the line because they believe in their mission and they are devoted to their duty. They also have been hurt by these senseless, shameful acts. We cannot falter in our support for thousands of troops who now more than ever require reenforcement, support and prayers from their government, their friends, and their families at home.

I would ask the American people, Iraqis who have tasted liberty, and freedom-loving people across the world to renounce the reprehensible deeds of a few and look forward. I ask them to renew their support in the brave efforts to free Iraq and our efforts in the war on terrorism, and for the men and women of our Armed Forces who sacrifice daily in defense of honor, justice, and democracy.

Mr. Speaker, I urge my colleagues to support this rule and the very important legislation it enforces.

Mr. McGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, this outrage cuts to the bone, not just because it damages our international relations, but because it damages basic tenets of American values. And when you have such a deep wound, self-inflicted, you cannot have half measures. And this resolution is weak tea when we need strong medicine; and it is inadequate, and this rule should be defeated for that reason.

Where in this resolution is there a call for the obvious need for an investigation of the private contractors who are making hundreds of thousands of dollars, who are involved in this outrage, who are outside the chain of command, who are not subject to military justice? Why will the Republican Party not join us in investigating those private contractors and putting this in this resolution? Why is there nothing in this resolution about the need for an international opening up of our system so that we can regain credibility? Why is there not in this resolution an accounting for the Iraqi people of who is in there? And lastly, where is the resignation for Donald Rumsfeld?

Mr. HASTINGS of Washington. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Washington (Mr. HASTINGS) has 19 minutes remaining. The gentleman from Massachusetts (Mr. McGOVERN) has 17 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, this resolution will be minimally useful at best.

I intend to vote for it. But it falls far short of what this House ought to be doing today.

Lou Dobbs two days ago on CNN I think said it best when he said that the reason the Commander in Chief needed to make a public apology for what happened in the prisons in Iraq was not just because that conduct was offensive to the Arab world but because it was offensive to basic American values. And I think Mr. Dobbs had it dead right.

Later on in that same program, Anthony Cordesman, a well-known defense expert, made the observation that the worst thing about this from the standpoint of American troops is that because the pictures associated with these violations of human rights will have inflamed the Arab world, that unfortunately it is likely that additional Americans will die because of that. And unfortunately, he also had it dead on.

This resolution needs to be amended, and there will be an effort to do that, to amend it to affirm that we need a bipartisan congressional investigation to conduct an investigation into these allegations of abuse, including those by U.S. civilian contractors and other civilians, and an investigation into the chain of command and other systemic deficiencies including the command atmosphere that may have contributed to such abuse. That is the minimum that is necessary.

Now, months ago I called for the resignation of the Secretary of Defense because I think the conduct of the civilian leadership of the Defense Department in conducting the affairs in Iraq after the war was spectacularly incompetent. So I do not need to go into that today.

Mr. Speaker, the following is an article from a Washington Post editorial on Mr. Rumsfeld's performance on this issue.

[From the Washington Post, May 6, 2004]

MR. RUMSFELD'S RESPONSIBILITY

The Horrific abuses by American interrogators and guards at the Abu Ghraib prison and at other facilities maintained by the U.S. military in Iraq and Afghanistan can be traced, in part, to policy decisions and public statements of Secretary of Defense Donald H. Rumsfeld. Beginning more than two years ago, Mr. Rumsfeld decided to overturn decades of previous practice by the U.S. military in its handling of detainees in foreign countries. His Pentagon ruled that the United States would no longer be bound by the Geneva Conventions; that Army regulations on the interrogation of prisoners would not be observed; and that many detainees would be held incommunicado and without any independent mechanism of review. Abuses will take place in any prison system. But Mr. Rumsfeld's decisions helped create a lawless regime in which prisoners in both Iraq and Afghanistan have been humiliated, beaten, tortured and murdered—and in which until recently, no one has been held accountable.

The lawlessness began in January 2002 when Mr. Rumsfeld publicly declared that hundreds of people detained by U.S. and allied forces in Afghanistan "do not have any rights" under the Geneva Conventions. That was not the case: At a minimum, all those arrested in the war zone were entitled under the conventions to a formal hearing to determine whether they were prisoners of war or unlawful combatants. No such hearings were held, but then Mr. Rumsfeld made clear that U.S. observance of the convention was now optional. Prisoners, he said, would be treated "for the most part;" in "a manner that is reasonably consistent" with the conventions—which the secretary breezily suggested, was outdated.

In one important respect, Mr. Rumsfeld was correct: Not only could captured al Qaeda members be legitimately deprived of Geneva Convention guarantees (once the required hearing was held) but such treatment was in many cases necessary to obtain vital intelligence and prevent terrorists from communicating with confederates abroad. But if the United States was to resort to that exceptional practice, Mr. Rumsfeld should have established procedures to ensure that it did so without violating international conventions against torture and that only suspects who truly needed such extraordinary handling were treated that way. Outside controls or independent review could have provided such safeguards. Instead, Mr. Rumsfeld allowed detainees to be indiscriminately designated as beyond the law—and made humane treatment dependent on the goodwill of U.S. personnel.

Much of what has happened at the U.S. detention center in Guantanamo Bay is shrouded in secrecy. But according to an official Army report, a system was established at the camp under which military guards were expected to "set the conditions" for intelligence investigations. The report by Maj. Gen. Antonio M. Taguba says the system was later introduced at military facilities at Bagram airbase in Afghanistan and the Abu Ghraib prison in Iraq, even though it violates Army regulations forbidding guards to participate in interrogations.

The Taguba report and others by human right groups reveal that the detention system Mr. Rumsfeld oversees has become so grossly distorted that military police have abused or tortured prisoners under the direction of civilian contractors and intelligence officers outside the military chain of command—not in "exceptional" cases, as Mr. Rumsfeld said Tuesday, but systematically. Army guards have held "ghost" prisoners detained by the CIA and even hidden these prisoners from the International Red Cross. Meanwhile, Mr. Rumsfeld's contempt for the Geneva Conventions has trickled down: The Taguba report says that guards at Abu Ghraib had not been instructed on them and that no copies were posted in the facility.

The abuses that have done so much harm to the U.S. mission in Iraq might have been prevented had Mr. Rumsfeld been responsive to earlier reports of violations. Instead, the publicly dismissed or minimized such accounts. He and his staff ignored detained reports by respected human rights groups about criminal activity at U.S.-run prisons in Afghanistan, and they refused to provide access to facilities or respond to most questions. In December 2002, two Afghan detainees died in events that were ruled homicides by medical officials; only when the New York Times obtained the story did the Pentagon confirm that an investigation was underway, and no results have yet been announced. Not until other media obtained the photos from Abu Ghraib did Mr. Rumsfeld fully acknowledge what had happened, and not until Tuesday did his department disclose that 25 prisoners have died in U.S. custody in Iraq and Afghanistan. Accountability for those deaths has been virtually nonexistent: One soldier was punished with a dishonorable discharge.

On Monday Mr. Rumsfeld's spokesman said that the secretary had not read Mr. Taguba's report, which was completed in early March. Yesterday Mr. Rumsfeld told a television interviewer that he still hadn't finished reading it, and he repeated his view that the Geneva Conventions "did not precisely apply" but were only "basic rules" for handling prisoners. His message remains the same: that the United States need not be bound by international law and that the crimes Mr. Taguba reported are not, for him, a priority. That attitude has undermined the American military's observance of basic human rights and damaged this country's ability to prevail in the war on terrorism.

Mr. Speaker, I would just make this observation. The Congress has only two real abilities to effect events. The first is to use the power of the purse, and preliminary to doing that, to ask the right questions about what the intent of our government is before we get into something like Iraq. The Congress, unfortunately, settled for spongy answers beforehand.

But the second power that Congress has is the power of investigation. At least after the fact, this Congress ought to investigate from top to bottom what contributed to this outrageous chain of events that has been such a disgrace to our ability to stand up for basic American values. At least if we do that, we can try to ensure that something like this never happens again in the name of the United States of America.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman yielding me time.

Mr. Speaker, it is sad that the resolution before U.S. today is as close as we can get to having a full and open debate on the tragedy that continues to unfold in Iraq.

Yes, this is about failure of leadership in the Department of Defense from Secretary Rumsfeld and the team that was unable, after winning the war, to win the peace, a Department that cannot communicate with its own Department of State, let alone the Congress. But it is about more than the failure of the administration and the Department of Defense.

What we should be debating today is the failure of Congress. We should be having hearings dealing with these issues on armed services, international relations, appropriations, government operations.

Mr. Speaker, my Republican colleagues do themselves no favor rushing this to the floor and refusing to deal with the responsibilities of congressional oversight. When our Republican colleagues do not permit us to do our job, it does not help them politically. What happens is that this is forcing us to rely on reporters from the New Yorker & from CNN. The avalanche of reports now coming out show the Department of Defense knew about this, even if the top brass had not bothered to read the reports. This should have been shared with members of Congress, and we should have been helping them do their job.

It is not just the brave men and women on the front lines in Iraq who are being shortchanged by failures of Congress & the Administration. We are shortchanging the American public, wasting their Treasury, putting Americans at risk, and undermining their confidence in their government doing its job and giving them straight answers.

I strongly urge the rejection of this rule and that this morning we start doing our job as Members of Congress to give the American public the information they deserve.

Mr. McGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, this resolution is written as if the administration's war in Iraq was right from the beginning and now is basically going well, and neither is correct.

It is written as if support of the troops is an issue. It is not. We fully support our troops.

What is at issue is the appropriate response of this House to the horrendous conduct illustrated in the graphic pictures of prisoner abuse.

What is in issue is the appropriate response of this House to the American people and to this House hearing the truth on TV while it was sitting undisclosed on the desk of high administration officials.

The proper response for this House is not just to pass resolutions but to be an active force in facing up to what is happening in Iraq and its consequences for our Nation and the world.

□ 1200

When it comes to events in Iraq, the majority in this House can no longer simply rubber stamp all of the actions of this administration or pass the buck to it or the Senate.

Turn down this rule so we can add an amendment requiring this House to step up to its responsibilities.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, all of us on both sides of the aisle come to the well and to discuss the different events on this resolution.

First of all, I am very, very proud of the men and women that serve in our armed services, and I served with in Vietnam and all the conflicts up to that point, but time has witnessed a sine wave of activities.

In business we had Enron. We have had a Member of this body sexually abuse a page. We have had a Nixon break-in and impeachment of a President. Harassment in our military academies and we look at the scandal in the Catholic church, but Mr. Speaker, there are good people in Enron, there are good Members of Congress. The harassment in our military academies, most of those men and women serve honorably, and the same thing in the Catholic church, but good people is not the question here.

The question is what happened in our interrogation facility, and I sit and I questioned myself, what are the key reasons why everybody is so upset? What factors bother us? One thing, leadership at the point of infraction, and secondly, the timeliness. Let me give my colleagues a good example.

I had an admiral that brought us, his commanding officers, together, and said if I have a single commanding officer that gets busted with a DUI or DWI, I am going to fire you, and not a single CO received a DUI or DWI. If they went to a party, they had a designated driver. Prior to that, many of the commanding officers got picked up for a DUI or DWI.

I would bet, Mr. Speaker, that no one at that prison sat those kids down and said this is the expected conduct. I just witnessed from the services all kinds of paper, all kinds of rules, people that had been there to investigate, look at the different things that go on, but I want to tell my colleagues, not a single officer sat down with those sergeants, with those people and said if this is your conduct these are the consequences, like that admiral did with us and the DUI's. The breakdown was at the point of leadership at the prison.

Secondly is the timeliness. I had a squadron and I had exceptions to the chain of command. My friend over here the gentleman from New York (Mr. RANGEL) knows about the chain of command. He was in the service, but as commanding officer, a person could walk into my office, past my chief, past my division officer, past my executive officer for several things: any known sexual abuse, because I had women in the squadron; anything racial, even verbal, because it could destroy the unit; any known drugs within the unit; the thing that I have recommended to the military, anything, any conduct that would affect the unit, negatively, the Services or United States of America, and I think those two things were overlooked in this case, that it did not go up the chain of command fast enough. There was not enough action taken, and that there was a breakdown in leadership and cutting through the chain of command.

The last thing I would recommend to our military is that when they have something so critical that is a blight on the United States of America, that we sit down and we take care of this, but let us not forget the people that serve us are the best of the best, and yes, there are Enrons, there are Catholic churches, there are others, but the majority of our people are very good people.

Mr. McGOVERN. Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today to condemn the alleged abuse of prisoners in Iraq. We must take every step possible to investigate the shocking allegations, punish any perpetrators, re-examine our entire system of interrogation and confinement to prevent such occurrence from happening in the future.

I have called on Attorney General Ashcroft to begin an investigation of abuses committed by private military contractors in Iraq. I circulated this letter to all of my colleagues for review. A hundred Democrats have signed on so far. I hope all my colleagues will join me in this effort.

In the year 2000, Congress passed the Military Extra Territorial Jurisdiction Act, which allows the Justice Department to investigate and prosecute criminal action by contractors abroad that are in the employ of the United States Government. This Congress granted the Attorney General this authority for this exact case.

Attorney General Ashcroft has the ability to investigate and prosecute any criminal abuse by private contractors. I urge him to begin his investigation immediately.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentleman for yielding me the time.

We come today together as a unified body, 435 Members of the people's House, without any question about condemning totally unacceptable behavior, and I support this rule very strongly because it is most appropriate that we come to the floor and say today our unanimous condemnation of behavior we do not accept under any circumstances.

We need to maintain a focus that says to the American people and even more importantly the rest of the world that in a free society, where men and women can come to the well of the House and express their opinion on any subject, there are many countries around the world where freedom does not exist, but in our free society, the home of the free and the land of the brave, we have the right to stand up and speak out when something goes wrong.

In the land of freedom, we have responsibility. People are accountable for their actions, and the perpetrators of these deeds will be punished. This is the issue today. So now is the time to stand up and express our joint outrage for what has happened.

We also need to make sure, and ironically, as I waited to speak, I received a message from Daniel Metzdorf, an 82nd Airborne trooper who lost a leg fighting for the freedom that we all want for Iraq, got a message, wanted to know how I am doing. He is the one that lost a leg.

We cannot lose the focus today, as we speak out against this contemptible behavior that 99.9 percent plus are wonderful men and women in uniform who are seeking to bring freedom to Iraq, to give them the opportunity to express their opinion. Yes, the rest of the world, we have made a mistake here and we all agree but we will not accept it.

Whatever steps are necessary to follow up our condemnation today of these despicable acts, we will, as Republican, Democrats, in a bipartisan manner, we will get to the bottom of it. The perpetrators will be punished. We will see that it does not happen again. Justice will be served. Freedom will be protected.

We are here to do the right thing. That is what America is about, but please do not lose sight of what is being done for us, for Iraq, the rest of the world by these men and women in uniform who are seeking to provide freedom and justice for all the world.

Mr. Speaker, again I thank the gentleman from Washington (Mr. HASTINGS) for the time.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I rise to speak against this rule. We can do better. We can do much better as a Nation and as a people.

Mr. Speaker, I rise today with a heavy heart, but my conscience is clear. I am so sick and tired of seeing so many of our young men and our young women die in Iraq. I am deeply troubled by the acts that some of our soldiers committed against the prisoners of war in Iraq.

Mr. Speaker, I say to my colleagues today, we must take a good and hard look at the leadership of this Nation, the leadership of this government, the leader of this government, the person who was in charge. I say to my colleagues today, we must hold the leadership, the President, the Secretary of Defense, the Vice President, hold them accountable for mistake after mistake we have committed in this war, and we must hold them accountable for the unjust torture of prisoners of war.

Mr. Speaker, it is not a question of who committed these unbelievable acts. It is not a question of who, but what. What led to this flagrant disregard for the humanity of our fellow human beings? Those at the highest level of this government, the President, the Vice President, the Secretary of Defense, they all have created the climate and the environment that led to these abuses. What happened to those prisoners is a reflection on our soul, on our values.

American citizens smiling as they humiliate citizens of Iraq! There must be a sense of righteous indignation in America about what happened in those prison cells, and there must be a sense of righteous indignation in this Congress against these unspeakable acts. Does it profit a great Nation to gain a whole world or win a war and lose a soul?

Mr. Speaker, I have said it in the past and I say it again today. War is messy. It is bloody. It tends not to just hide the truth, but to sacrifice the truth. Why did it take so long, so long for us to get this information? Why did not Mr. Rumsfeld, why did not the President inform the Congress? Why did officials at the highest levels of government try to hide these criminal acts against humanity? Why did they try to cover it up?

Mr. Speaker, we have made mistakes, yes, but it is not enough to issue an apology. It is not enough to say we are sorry—and we should apologize. We should say we are sorry.

The handwriting is on the wall, Mr. Speaker. It is time for us to close this very dark and sordid chapter of our history. It is time for the Secretary of Defense to go. He must leave.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield as much time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule.

Last night, I stood here in the well following the speech that my friend from Georgia gave and he has delivered the same speech, and I want to say to my friend from Georgia, while addressing the Speaker according to the rules of the House, that righteous indignation is something that every single one of us, every single one of us has demonstrated by the support of this resolution. We are all outraged at the photographs that we have seen, and we believe that it is reprehensible that these kinds of actions should take place.

Dating back to 1785, the framers of our Constitution, Benjamin Franklin, Thomas Jefferson, Alexander Hamilton and others, focused at that point on the importance as we deal with conflicts of recognizing the human rights of even our adversaries, and that is why it is so important for the United States of America, which is the only Nation on the face of the earth that could do this kind of work, to step forward, and yes, liberate the people of Iraq, send a positive message for the cause of freedom throughout the entire world, but at the same time, recognize those important rights that do date back to 1785 and the founding of the United States of America.

We do, as my friend from North Carolina (Mr. HAYES) stated very eloquently, need to realize why it is that we are in Iraq. We are there because of the global war on terrorism. We are there because this is part and parcel of the global war on terrorism.

There are 135,000 American troops who are part of this very important international coalition, and we have seen tremendous success.

□ 1215

It is important for us to support this resolution, but it is also very important for us to realize that any sign of weakness from the United States of America as we proceed with resolve in dealing with these terrorists in Iraq, any sign of weakness emboldens those terrorists. That is why, yes, we are going to ensure that anyone who is responsible for this and is convicted under the Uniform Code of Criminal Justice is in fact going to go to jail because they are criminals.

At the same time, we must realize that, as the gentleman from North Carolina (Mr. HAYES) said, there are 135,000 courageous men and women in the U.S. Armed Forces who are seeking to win this war and we need to, with this resolution that the gentleman from California (Mr. HUNTER) has put together, underscore and demonstrate the solidarity and resolve of the American people and the United States Congress behind our men and women.

Support this rule, support this resolution, and let us move forward and make sure that we do resolve this very difficult situation.

Mr. McGOVERN. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, well, it is obvious from this resolution to me that the days of the "buck stops here" are dead and gone. Oh, yes, it takes occasion to single out those individuals who do have blame for abusing in the most horrendous way our prisoners. But nowhere in here does it say that those who are in the leadership of this mission in Iraq hold any responsibility whatsoever.

I looked through this carefully, and it seems that they want to limit it to a few individuals that they will go after. And by the way, not just the right individuals. There is no mention in this of the private military contractors, individuals who for profit are in those prisons that we know are under investigation, may even have been giving orders, companies like Titan and CACI that were hired to be in those prisons that are not part of the Uniform Code of Military Justice. Where are we going to point our fingers at them and hold them accountable?

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HUNTER), the distinguished chairman of the Committee on Armed Services and the author of this resolution.

Mr. HUNTER. Mr. Speaker, I think it is time for us to refocus. The focus should be on the fact that we have had over 300,000 Americans in uniform serving in this theater. The vast majority of them have served honorably and courageously, I would say to my colleague who just spoke who said, sure, we have some criminal acts, but why can we not convict more people up the chain of command for those acts.

The facts are in this country when somebody commits a criminal act, they are held accountable for that act. They are being held accountable. I want to remind my colleagues once again of the numbers. The numbers are 300,000 Americans serving honorably in Iraq. The numbers further at this point are that six of them have been recommended for criminal prosecution under UCMJ for these acts.

Once again, I saw in The Washington Post this morning that picture of that same lady undertaking a reprehensible act with respect to a prisoner. We have seen thousands of pictures. The ones that I have seen at least that have come forward all have the same several individuals. My point is 300,000 people serving honorably, over 3,000 Purple Hearts awarded, thousands of Bronze Stars awarded, 127 Silver Stars awarded for valor, four Distinguished Service Crosses or Navy Crosses awarded for valor in this war, and our troops in contact right now.

So while we have potentially six bad apples, and I want to set the record straight, three have been recommended to the court martial convening board for court martials. It is the convening board's decision whether or not those court martials go forward and when. So three out of the six who have been recommended for court martial under article 32 are now before the court martial convening authority. That is six people.

Sure, investigations may show more people, but they do not show thousands of people. They do not show tens of thousands of people, and what the record in Iraq does reflect is 300,000 courageous Americans serving our country.

One other thing that we put in this resolution, while all of this national media and international media is going to the six, to the six bad apples who have been identified so far, and the careers have been ended of about seven superior officers up through the chain of command up to the general who is the brigade commander, not because they knew anything about it, in fact, in some cases probably because they did not know anything about it, but because it was on their watch it happened, those careers have been ended.

We have thousands of acts of compassion and nation-building and government-building carried on by the men and women who wear the uniform of the United States. They have started city councils, repaired sewage lines, and inoculated kids so they will not get sick. They have done great things, and we put that in this resolution because they deserve a little attention, not just the six bad apples.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, we all know what is going on out here today. We are passing a CYA resolution to limit the damage. The Christian Science Monitor carries the story of Mr. Miklaszewski from NBC News who asked the question of a Pentagon official about the soldiers involved. He said, "You mean the six morons who lost the war?"

The decision has been made in the Pentagon what they are going to do to those six, but this resolution does not go wide and deep like it ought to. This was not six young people that we are going to blame and make scapegoats and send them out in the wilderness. This has to go all of the way to Mr. Rumsfeld, the Secretary of War.

A Scottish newspaper, the Sunday Herald, said, "The pictures that lost the war. The grim images of American and British soldiers torturing Iraqi prisoners has taken the moral high ground from Blair and Bush." And the article finishes with a quote from Lieutenant Colonel Retired Bill Cowan of the United States Marines, "We went to Iraq to stop things like this from happening; and, indeed, here they are happening under our tutelage. If we do not tell this story, these kinds of things will continue and we will end up getting paid 100 or 1,000 times."

The other side can try and limit the damage here with this and say let us keep it in the Secretary of the Army, but the fact is that the world knows much more broadly.

[From the Sunday Herald, May 2, 2004]

THE PICTURES THAT LOST THE WAR

(By Neil Mackay)

It's an image that would do Saddam proud. A terrified prisoner, hooded and dressed in rags, his hands out-stretched on either side of him, electrodes attached to his fingers and genitals. He's been forced to stand on a box about one-foot square. His captors have told him that, if he falls off the box, he'll be electrocuted.

The torture victim was an Iraqi and his torturers were American soldiers. The picture captures the moment when members of the coalition forces, who styled themselves liberators, were exposed as torturers. The image of the wired and hooded Iraqi was one of a series of photographs, leaked by a horrified U.S. soldier inside Saddam's old punishment centre, Abu Ghraib—now a U.S. POW camp.

When the images were flashed around the world by America's CBS television network last Wednesday, there was a smug feeling within the U.K. that British troops would never behave like that to their prisoners. But on Friday night, the U.K. was treated to images—courtesy of the Daily Mirror—of British soldiers urinating on a blood-stained Iraqi captive, holding guns against the man's head, stamping on his face, kicking him in the mouth and beating him in the groin with a rifle butt.

The pictures of U.S. soldiers torturing their captives have the added horror of sexual abuse. In five of the 14 images that the Sunday Herald has seen, a female soldier—identified as Lynndie England, a 21-year-old from a West Virginia trailer park—is playing up to the camera while her captives are tortured. In one picture, she's smiling and giving the thumbs-up. Her hand rests on the buttocks of a naked and hooded Iraqi who has been forced to sit on the shoulders of another Iraqi prisoner.

In another, she is sprawled laughing over a pyramid of naked Iraqis. A male colleague stands behind her grinning. Later, she's got a cigarette clenched between grinning lips and is pointing at the genitals of a line of naked, hooded Iraqis. A third snap shows her embracing a colleague as a naked Iraqi lies before them.

In other pictures, two naked Iraqis are forced to simulate oral sex and a group of naked men are made to clamber on to each other's backs. One dreadful picture features nothing but the bloated face of an Iraqi who has been beaten to death. His body is wrapped in plastic.

Other pictures, which the world has not seen, but which are in the hands of the U.S. military, include shots of a dog attacking a prisoner. An accused soldier says dogs are "used for intimidation factors".

There are also pictures of an apparent male rape. An Iraqi POW claims that a civilian translator, hired to work in the prison, raped a male juvenile prisoner. He said: "They covered all the doors with sheets. I heard the screaming . . . and the female soldier was taking pictures."

The British pictures show a hooded Iraqi aged between 18–20 on the floor of a military truck being brutalized. According to two squaddies who took part in the torture, but later blew the whistle, the Iraqi's ordeal lasted eight hours and he was left with a broken jaw and missing teeth. He was bleeding and vomited when his captors threw him out of a speeding truck. No one knows if he lived or died.

One of the British soldiers said: "Basically this guy was dying as he couldn't take any more. An officer came down. It was 'Get rid of him—I haven't seen him'." The other whistle-blower said he had witnessed a prisoner being beaten senseless by troops. "You could hear your mate's boots hitting this lad's spine . . . One of the lads broke his wrist off a prisoner's head. Another nearly broke his foot kicking him."

According to the British soldiers, the military police have found a video of prisoners being thrown from a bridge, and a prisoner was allegedly beaten to death in custody by men from the Queen's Lancashire Regiment. Although there is a debate about the veracity of the images, Armed Forces Minister Adam Ingram said that if the pictures were real, they were "appalling". A Downing Street spokesman said Tony Blair expected "the highest standards of conduct from our forces in Iraq". The U.K.'s most senior army officer, General Mike Jackson, said that if the allegations were true then those involved were "not fit to wear the Queen's uniform." The Defense Ministry is in crisis over the pictures as top brass know they ruin any hope of U.K. forces winning Iraqi hearts and minds.

The U.S. torture pictures were taken by members of the American 800th Military Police Brigade sometime late last year. Following an investigation, 17 soldiers were removed from duty for mistreating captives. Six face court martial. Brigadier General Janice Karpinski, who ran Abu Ghraib and three other U.S. military jails, is suspended and faces court martial. Prior to the relevations, Karpinski assured the U.S. media that Abu Ghraib was run according to "international standards".

Brigadier General Mark Kimmitt, deputy director of coalition operations in Iraq, said he was "appalled". He added: "These are our fellow soldiers. They were the same uniform as us, and they let their fellow soldiers down. Our soldiers could be taken prisoner as well—and we expect our soldiers to be treated well by the adversary, by the enemy—and if we can't hold ourselves up as an example of how to treat people with dignity and respect . . . we can't ask that other nations do that to our soldiers as well. This is wrong. This is reprehensible. But this is not representative of the 150,000 soldiers over here."

But these soldiers aren't simply mavericks. Some accused claim they acted on the orders of military intelligence and the CIA, and that some of the torture sessions were under the control of mercenaries hired by the U.S. to conduct interrogations. Two "civilian contract" organizations taking part in interrogations at Abu Ghraib are linked to the Bush administration.

California-based Titan Corporation says it is "a leading provider of solutions for services for national security". Between 2003–04, it gave nearly $40,000 to George W. Bush's Republican Party. Titan supplied translators to the military.

CACI International Inc. describes its aim as helping "America's intelligence community in the war on terrorism". Richard Armitage, the current deputy U.S. secretary of state, sat on CACI's board.

No civilians, however, are facing charges as military law does not apply to them. Colonel Jill Morgenthaler, from CentCom, said that one civilian contractor was accused along with six soldiers of mistreating prisoners. However, it was left to the contractor to "deal with him". One civilian interrogator told army investigators that he had "unintentionally" broken several tables during interrogations as he was trying to "fear-up" detainees.

Lawyers for some accused say their clients are scapegoats for a rogue prison system, which allowed mercenaries to give orders to serving soldiers. A military report said private contractors were at times supervising the interrogations.

Kimmitt said: "I hope the investigation is including not only the people who committed the crimes, but some of the people who might have encouraged the crimes as well because they certainly share some responsibility."

Last night, CACI vice-president Jody Brown said: "The company supports the Army's investigation and acknowledges that CACI personnel in Iraq volunteered to be interviewed by army officials in connection with the investigation. The company has received no indication that any CACI employee was involved in any alleged improper conduct with Iraqi prisoners. Nonetheless, CACI has initiated an independent investigation."

However, military investigators said: "A CACI investigator's contract was terminated because he allowed and/or instructed military police officers who were not trained in interrogation techniques to facilitate interrogations which were neither authorised nor in accordance with regulations."

One of the U.S. soldiers facing court martial is reservist Staff Sergeant Chip Frederick—the equivalent of a part-time territorial army squaddie. In civvy street, he was a prison warder in Virginia. Frederick has said he will plead not guilty and blame the army for the torture at Abu Ghraib. "We had no support, no training whatsoever," he said, claiming he had never been shown the Geneva Convention. "I kept asking my chain of command for certain things like rules and regulations and it just wasn't happening."

Frederick also blamed the intelligence services for encouraging the brutality. Among the agencies coming to the prison were "military intelligence", said Frederick, adding: "We had all kinds of other government agencies, FBI, CIA."

In letters and e-mails home, he wrote: "Military intelligence has encouraged and told us 'Great job'." He added: "They usually don't allow others to watch them interrogate. But since they like the way I run the prison, they have made an exception . . . We help getting [the PoWs] to talk with the way we handle them . . . We've had a very high rate with our style of getting them to break. They usually end up breaking within hours."

Frederick said prisoners were made to live in cramped windowless cells with no clothes, running water or toilet for up to three days. Others were held for 60 days before interrogation. He said one prisoner with a mental health condition was "shot with non-lethal rounds". An interrogator told soldiers to "stress one prisoner out as much as possible [as] he wanted to talk to him the next day". Frederick also said one prisoner was "stressed so bad that the man passed away". Prisoners were covered in lice and some had tuberculosis. None were allowed to pray. Frederick said his commander sanctioned all this.

The former commander of Guantanamo Bay prison, Major General Geoffrey Miller, has now been made deputy commander for containment operations to overhaul the Iraqi detention centres.

Frederick, unlike mercenaries, faces jail and being thrown out of the army. His lawyer, Gary Myers said: "The elixir of power, the elixir of believing that you're helping the CIA, for God's sake, when you're from a small town in Virginia, that's intoxicating. And so, good guys sometimes do things believing that they are being of assistance and helping a just cause . . . and helping people they view as important."

Kimmitt admitted: "I'd like to sit here and say that these are the only prisoner abuse cases that we're aware of, but we know that there have been others."

This also applies to Britain. A Sunday Herald investigation has found that at least seven civilians have died in British custody in Iraq.

Describing the images of abuse as an "atrocity", Abdel Bari Atwan, editor of the newspaper Al-Quds Al-Arabi, said: "The liberators are worse than the dictators." His sentiments have been echoed around the world. It is hard to find a country or agency that hasn't condemned the torture of Iraqi prisoners. From the Red Cross to the UN and from Amnesty to the coalition's loyal "deputy in the Pacific", the Australian premier John Howard, the world is united in horror against the actions of the US and UK forces.

The awful cost of these acts of barbarism by Britain and America is summed up by ex-US Marine Lieutenant Colonel Bill Cowan: "We went to Iraq to stop things like this from happening, and indeed, here they are happening under our tutelage . . . If we don't tell this story, these kind of things will continue, and we'll end up getting paid back 100 or 1000 times over."

[From the Christian Science Monitor, May 4, 2004]

"SIX MORONS WHO LOST THE WAR"

(by Tom Regan)

Regardless of the outcome of the now multiple investigations into prisoner abuse at Baghdad's Abu Ghraib prison, politicians and media around the world say the United States' image has suffered a serious blow. Sen. Joe Biden (D) of Delaware said on Fox News Sunday that "This is the single most significant undermining act that's occurred in a decade in that region of the world in terms of our standing."

The Associated Press reports that a senior Bush administration official, speaking on condition of anonymity, said the photos (of U.S. soldiers abusing Iraqi prisoners) hurt the U.S. efforts to win over an audience that is already deeply skeptical of U.S. intentions. Arabs and Muslims, the official added, "are certain to seize upon the images as proof that the American occupiers are as brutal as ousted President Saddam Hussein's government."

Officials at the Defense Department are also said to be "livid," and well aware of the damage that has been done by the incident, according to NBC News' Pentagon reporter Jim Miklaszewski. Speaking on the Imus in the Morning radio/MSNBC program Tuesday, Mr. Miklaszewski said he asked a Pentagon contact about the soldiers alleged to be involved, to which the Pentagon official replied, "You mean the six morons who lost the war?"

The Chicago Tribune reports that other experts agree with this assessment. "The United States already had a huge perception problem in the Arab world," said Stephen Walt, a professor of international affairs at Harvard's Kennedy School of Government. "This is only going to reinforce the belief that the United States is anti-Arab and anti-Muslim, whether it's true or not."

As the Financial Times noted, even before the incidents at Abu Ghraib, opinion polls taken in Iraq and other Muslim and non-Muslim nations "indicated an almost global nadir of U.S. credibility and popularity." And the Times reports that the U.S.'s much hailed public relations campaign in the Middle East is "floundering."

The New York Times reported late last week that Margaret Tutwiler, the woman who was put in charge of the program to make changes in the U.S.'s "public diplomacy effort" announced she was leaving the job to take a position with the New York Stock Exchange. The Financial Times also reports that experts on the Middle East say public relations programs or new pro-US TV channels will not change the way people in the Arab world feel. "It is not the case that Arabs and Muslims feel antipathy towards the U.S. because they are being brainwashed by Al Jazeera or reading state-controlled media in Egypt—it's American policy," said Samer Shehata, professor of Arab politics at Georgetown University. "Regardless of how many radio stations you have that play great music, or TV stations like al-Hurra, as long as U.S. policy—whether it be in Iraq or Palestine—remains the same you are not going to win hearts and minds."

Rashid Khalidi, director of the Middle East Institute at Columbia University, echoes this view. "I think the United States is less respected at the end of these 13 months than it has ever been," he said. "Never has a country with such unlimited power been so pitifully unable to affect outcomes. Ruthless, murderous terrorists can strike at will in the United States and the U.S. can't take Fallujah?"

In the same article, by Agence-France Presse, Robert Leiber, professor of government and foreign service at Georgetown University, argues, however, in favor of keeping "things in perspective." "The photographs and, more importantly, the acts themselves are harmful to the cause of helping the Iraqis form a stable and democratic country," Leiber said, but he noted that such treatment is contrary to U.S. policy. "We must keep in mind that, although this has been an ugly business, it pales in comparison to what Saddam (Hussein) did to his own people over 30 years," he said.

Unfortunately, many others believe that the damage has already been done. The allegation of mistreatment of prisoners "makes the U.S. and coalition forces a legitimate enemy in the eyes of more Arabs than was the case before," said Anthony Cordesman, an expert on Middle East security issues at the Center for Strategic and International Studies.

Mr. Cordesman, in another interview with Reuters, said the mistreatment of Iraqi prisoners also hurts the war on terror. "Those Americans who mistreated the prisoners may not have realized it, but they acted in the direct interests of Al Qaeda, the insurgents, and the enemies of the U.S." "These negative images validate all other negative images and interact with them," he [Cordesman] said in a statement, citing "careless U.S. rhetoric about Arabs and Islam," failures to stabilize Iraq, continued Israeli-Palestinian violence and fears the United States is out to dominate the Middle East.

The Miami Herald, in an editorial, writes that the exposure of abuse at Abu Gharaib can "seriously damage" the success of US operations, both militarily and otherwise, in Iraq. It is too bad that the response so far, from President Bush's perfunctory indignation to General Myers' blaming a few wayward soldiers, badly misses the mark. The whole premise of the US invasion of Iraq (as currently construed) is to rid the Iraqi people of a brutal dictator and create a foothold for democracy in the Middle East. The senseless humiliation and abuse of Iraqi prisoners—many of whom were civilians and have since been released without charges—is an indelible stain on that endeavor.

Yet in the end, The Christian Science Monitor reported Monday, this latest incident may not have made all that much difference to many in the Arab world because their opinion of the US had already sunk as low as it could. That is why, argues Rami Khouri, a Jordanian political analyst and editor of Lebanon's Daily Star, the only thing that will substantially change the US's image in the Muslim world, is a change of policies. "They [the US] have to be more even-handed in the Arab-Israeli issue, be less militaristic in addressing regimes they don't like, be more consistent in promoting democracy everywhere not only in a few places," Khouri says. "They can turn their image around, but only if they turn their policies into more consistently fair and reasonable ones."

Mr. McGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I agree that the great majority, overwhelming majority of Americans serving in Iraq, military and civilian, are honorable people who have gone to great risk. They are among the victims of these outrages. It is a shameful thing that their bravery, their good work, their integrity has been besmirched. We owe it to them to do a full investigation.

We heard reference to the six. I hope it is only six, but I am skeptical. Months ago I would have said it would not be six. Had these accusations been made months ago, I would have said, no, Americans do not act like that. We now have to acknowledge, tragically, sadly, heartsickeningly, that we do; and we owe it to everyone to have a full investigation. But we owe something more. We owe the people of this country and the people of adherence to the democratic process.

What troubles me about this resolution is the persistence of the Republican majority in a pattern of using the rules of this House and their small majority to frustrate open democratic procedures. We have had a terrible blow to this country. We hope it was perpetrated only by a few, but the incompetence and indifference of superiors clearly contributed to it.

We owe ourselves and the American people a full investigation. We are not even allowed under the majority's rules to put forward a motion calling for such an investigation. The other side of the aisle has already decided it is only the six. We are abusing the democratic process here.

We are trying to teach the people of Iraq about democracy. One of the things we have been worried about is that a particular majority, the Shia, might not understand the importance of minority rule. We are trying to get them to understand how you do that difficult thing of reconciling majority control and majority's right to decide with full minority participation.

The majority, Mr. Speaker, are giving them exactly the wrong example of how to do that. I suppose we ought to say to the people of Iraq who watch this narrow majority, for partisan purposes refuse to allow an open debate on this extraordinary issue. Please do not try this at home. We are giving them exactly the wrong example of how to proceed. This is a chance to show democracy. Yes, some people made a mistake. Let us throw this open and do everything possible to purge ourselves of this error and not appear to be cutting it off.

So we are compounding the terrible misdeeds of that certain number of people, and we do not know how many in the prisons, by a partisan manipulation of the process. The other side of the aisle is doing a terrible thing.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, let me just answer the gentleman who has just spoken. There are three investigations going on right now. There is a CENTCOM investigation, a criminal investigation going on right now. If there are other people involved beyond these six, those people will be picked up in that investigation. There is also a Department of the Army investigation and a Department of the Navy investigation going on.

Further, let me say to my friends, the ranking member, the gentleman from Missouri (Mr. SKELTON), and I worked on this together. The Committee on Armed Services was the appropriate standing committee to do this. We worked on this until late last night, and the people who vetoed what we thought we had an agreement on were the Democrat leadership.

Let me tell Members the two paragraphs they vetoed. They wanted to kick out the two paragraphs that referred to the good works in terms of providing food, providing education, providing medical capability to the Iraqi people that were given by our people in uniform. I thought it was appropriate since we have 300,000 people who have done right to continue to mention the fact that they have done some good things in Iraq. I think the gentleman from Missouri (Mr. SKELTON) agreed with that also.

The Democrat leadership did not want to include those good things in this particular resolution, and that is why this had to come forward not under unanimous consent agreed to by the gentleman from Missouri (Mr. SKELTON) and myself, but it had to come forward through the rules process.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I would say two things. First, the gentleman from California (Mr. HUNTER) and the cosponsor, the gentleman from Missouri (Mr. SKELTON), are entitled to their decisions; but so is the whole House. It is the House that should decide whether paragraphs go in or out. I do not understand why the majority does not allow the House to vote.

Secondly, I appreciate that some investigation is going on; but I am not a great believer in people investigating themselves and nobody else. I believe an outside investigation is necessary.

Mr. HUNTER. Mr. Speaker, reclaiming my time, I would simply say, before we knew about this, the criminal procedures were going forward. It was the United States Army soldier, not a press, not an IG who brought this forward. It was a United States Army soldier who brought this forward. Criminal investigations are going on, undertaken by the Army. The court martial process is in process.

Mr. McGOVERN. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, the gentleman from California (Mr. HUNTER) apparently thinks that the Army has been the exemplar of good self-investigation. Many of us do not.

But aside from that substantive issue, why is this not in a democracy a subject for full debate of the House, not a 1-hour constricted debate with no amendments allowed constructed by the majority?

Mr. HASTINGS of Washington. Mr. Speaker, I yield 15 seconds to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, let me say to my colleague that when the publicity flush is finished on what was done by who we have identified as some six individuals now, they will have received thousands and thousands, as much time and publicity as the 300,000 good Americans who have served this country, and as much attention from this Congress.

Mr. McGOVERN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, all Americans have been horrified by the pictures and accounts of inhumane treatment of detainees in Iraq. The conduct in those pictures is absolutely intolerable, and the United States must take swift and decisive action to investigation and resolve this terrible incident and make sure it never happens again.

While this resolution calls on the Secretary of the Army to conduct a full and thorough investigation into the allegations of mistreatment, take corrective action against those responsible and ensure that it never happens again, I believe Congress must also do its job and conduct its own investigation.

□ 1230

Mr. Speaker, Congress was never notified about the problems at Abu Ghraib prison, even though the Department of Defense had a report outlining the conditions there 3 months ago. As a partner in the War on Terror, Congress absolutely has not only the right, but the responsibility to investigate what went wrong up and down the chain of command.

So today, Mr. Speaker, I urge a "no" vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule allowing for the consideration of an amendment offered by the gentleman from Missouri (Mr. SKELTON) affirming the need for bipartisan congressional investigations into these allegations are of abuse, including those by U.S. civilian contractor personnel or other U.S. civilians, and into the chain of command and other deficiencies that contributed to such abuse.

Let me be clear, Mr. Speaker, voting "no" on the previous question will not prevent this House from voting on the underlying resolution, it will simply allow for the consideration of the Skelton amendment and allow the House to conduct a bipartisan investigation. It will allow us to do our job, what the people we represent expect us to do.

Congress is a full partner in the war on terror. We need to do our job. We cannot call for accountability by others and then shirk our own responsibility. Let us do our part to resolve this awful situation and restore confidence and trust in our Nation and in our military.

I urge a "no" vote on the previous question.

Mr. Speaker, I include the following material for the RECORD.

[From the New York Times, May 6, 2004]

RESTORING OUR HONOR

(By Thomas L. Friedman)

We are in danger of losing something much more important that just the war in Iraq. We are in danger of losing America as an instrument of moral authority and inspiration in the world. I have never known a time in my life when America and its president were more hated around the world than today. I was just in Japan, and even young Japanese dislike us. It's no wonder that so many Americans are obsessed with the finale of the sitcom "Friends" right now. They're the only friends we have, and even they're leaving.

This administration needs to undertake a total overhaul of its Iraq policy; otherwise, it is courting a total disaster for us all.

That overhaul needs to begin with President Bush firing Secretary of Defense Donald Rumsfeld—today, not tomorrow or next month, today. What happened in Abu Ghraib prison was, at best, a fundamental breakdown in the chain of command under Mr. Rumsfeld's authority, or, at worst, part of a deliberate policy somewhere in the military-intelligence command of sexually humiliating prisoners to soften them up for interrogation, a policy that ran amok.

Either way, the secretary of defense is ultimately responsible, and if we are going to rebuild our credibility as instruments of humanitarian values, the rule of law and democratization, in Iraq or elsewhere, Mr. Bush must hold his own defense secretary accountable. Words matter, but deeds matter more. If the Pentagon leadership ran any U.S. company with the kind of abysmal planning in this war, it would have been fired by shareholders months ago.

I know that tough interrogations are vital in a war against a merciless enemy, but outright torture, or this sexual-humiliation-for-entertainment, is abhorrent. I also know the sort of abuse that went on in Abu Ghraib prison goes on in prisons all over the Arab world every day, as it did under Saddam—without the Arab League or Al Jazeera ever saying a word about it. I know they are shameful hypocrites, but I want my country to behave better—not only because it is America, but also because the war on terrorism is a war of ideas, and to have any chance of winning we must maintain the credibility of our ideas.

We were hit on 9/11 by people who believed hateful ideas—ideas too often endorsed by some of their own spiritual leaders and educators back home. We cannot win a war of ideas against such people by ourselves. Only Arabs and Muslims can. What we could do—and this was the only legitimate rationale for this war—was try to help Iraqis create a progressive context in the heart of the Arab-Muslim world where that war of ideas could be fought out.

But it is hard to partner with someone when you become so radioactive no one wants to stand next to you. We have to restore some sense of partnership with the world if we are going to successfully partner with Iraqis.

Mr. Bush needs to invite to Camp David the five permanent members of the U.N. Security Council, the heads of both NATO and the U.N., and the leaders of Egypt, Jordan, Saudi Arabia and Syria. There, he needs to eat crow, apologize for his mistakes and make clear that he is turning a new page. Second, he needs to explain that we are losing in Iraq, and if we continue to lose the U.S. public will eventually demand that we quit Iraq, and it will then become Afghanistan-on-steroids, which will threaten everyone. Third, he needs to say he will be guided by the U.N. in forming the new caretaker government in Baghdad. And fourth, he needs to explain that he is ready to listen to everyone's ideas about how to expand our force in Iraq, and have it work under a new U.N. mandate, so it will have the legitimacy it needs to crush any uprisings against the interim Iraqi government and oversee elections—and then leave when appropriate. And he needs to urge them all to join in.

Let's not lose sight of something—as bad as things look in Iraq it is not yet lost, for one big reason: America's aspirations for Iraq and those of the Iraqi silent majority, particularly Shiites and Kurds, are still aligned. We both want Iraqi self-rule and then free elections. That overlap of interests, however clouded, can still salvage something decent from this war—if the Bush team can finally screw up the courage to admit its failures and dramatically change course.

Yes, the hour is late, but as long as there's a glimmer of hope that this Bush team will do the right thing, we must insist on it, because America's role in the world is too precious—to America and to the rest of the world—to be squandered like this.

[From the Washington Post, May 6, 2004]

WHO SHOULD HAVE KNOWN?

(By Richard Cohen)

This week the United States Army did the oddest thing in this Age of Bush: It reprimanded six soldiers in connection with the Iraqi prisoner abuse scandal—not for what they did but for not knowing what others were doing. An Army spokesman put it this way: "They should have known . . ." If that's the standard, then half the Bush administration will soon be gone.

Maybe first to get the accountability ax will be Defense Secretary Donald Rumsfeld. He certainly should have known that a scandal was brewing in Iraqi prisons, and he should have bothered to read the Pentagon report detailing what went wrong. Instead, the Pentagon tried to delay CBS's "60 Minutes II" from showing pictures of prisoner abuse and then, in an amazing public relations offensive, sent the chairman of the Joint Chiefs, Gen. Richard B. Myers, on three Sunday talk shows to announce—a little bugle call here—that he had not read the report either. It has been available since March.

As is almost always the case, the Pentagon did not tell the State Department that a wee spot of trouble was coming its way because, as we know, the Pentagon doesn't tell the State Department anything. Who cares if a billion or so people in the Islamic world have a snit? The Bushies hardly do diplomacy anyway. It's for sissies. At a certain level—a very high one—the Bush administration is as dysfunctional as it is cocky.

But if accountability is going to be the new order of the day, there's no telling where things will wind up. What will happen to CIA chief George Tenet, who assured the president that Iraq was a virtual storehouse of weapons of mass destruction? It was "a slam dunk," the spy chief said. He should have known otherwise, but he did not. No matter. Instead of a reprimand, Bush always expresses confidence in him and probably has given him a nickname, Slam Dunk George.

Or take Condoleezza Rice. Should she have known that Bush was blowing smoke when he told the Nation that Iraq had tried to buy uranium from Niger? Yes, indeed. There was no such nuclear program in Iraq, and it hadn't attempted to make that uranium purchase. The CIA knew that, yet Bush said otherwise. Once again, no reprimand. Instead, she was rewarded with more sleepovers at Camp David.

What about Dick Cheney? He was the leading hawk in the White House, so anxious to go to war with Iraq that Secretary of State Colin Powell characterized him as feverish. The vice president repeatedly insisted that Iraq had "reconstituted" its nuclear weapons program. Should he have known better? To revert to Cheney talk, you betcha.

Should Rumsfeld have known that stabilizing Iraq would require more troops than he allotted? Gen. Eric K. Shinseki had said so, but the Army chief of staff was brushed aside and treated as an eccentric.

Should Rummy and his deputy, Paul Wolfowitz, have known that U.S. troops might not be universally greeted with flowers, kisses and donations to the Bush reelection campaign? It would have been prudent planning.

Should they have known that Iraqi oil might not cover the cost of the occupation? Probably. Should they have had enough troops on the ground to prevent looting and a general breakdown of law and order? Well, some might think so—but not, apparently, the president.

You and I can argue the wisdom of going into Iraq some other time. What is not arguable, I think, is that the invasion and occupation were marked every step of the way by incompetence, smugness and repeated mistakes. Yet the only people to feel the opprobrium of the White House are those, such as Richard Clarke or Joseph Wilson, who had the nerve, the gall, the immense chutzpah to question administration policy.

The new accountability could be a wonderful thing. It comes a bit late in the game, maybe, and will almost surely be limited to expendable underlings, but a supine Congress just might get the idea and start asking some hard questions about how things went so bad in Iraq. It might begin with Rumsfeld and ask him a more pertinent version of that famous question—not what did you know and when did you know it but why, damn it, didn't you know it in the first place?

[From USA Today]

Why Was Pattern of Abuse Ignored for so Long?

The Bush administration swung into full damage-control mode Wednesday, trying to quell a rising furor at home and abroad over the shocking abuse of prisoners in Iraq by U.S. military personnel.

The general in charge of U.S.-run prisons in Iraq apologized to the Iraqi people. Secretary of Defense Donald Rumsfeld made the rounds of TV shows, claiming that the mistreatment of prisoners at Abu Ghraib prison was an aberration and pledging that those involved would be dealt with swiftly and firmly. President Bush gave interviews to two Arabic-language TV stations, calling the behavior depicted in the photos broadcast on TV last week "abhorrent" and counter to American values.

The question none answered: What took so long?

Documented complaints of mistreated prisoners in Iraq, Afghanistan and at Guantanamo Bay, Cuba, date back two years, including the cases of two Afghans whose deaths in 2002 were recently ruled homicides.

Unlike the Abu Ghraib mistreatment, those incidents were not caught on film. The abuse was further obscured by the still-lingering horror of the 9/11 terrorist attacks. But the nation now risks paying a mighty price for its failure to stand firmly in favor of international law and human dignity.

Otherwise-neutral Muslims are enraged, aiding terrorists and turning Iraqis against Americans. International support for the war on terrorism has been undercut. At home, support for Bush's attempt to bring peace and democracy to Iraq has eroded. A Gallup Poll today shows the public's disapproval of Bush's handling of Iraq has risen to 55%, the highest since the war began.

Ebbing support for the mission comes as the scandal keeps expanding. U.S. officials reported Wednesday that the number of prisoner deaths in Iraq and Afghanistan under investigation or already blamed on U.S. captors has risen to 14. The deaths of two Iraqi prisoners are now considered homicides, and 20 investigations are underway.

Warning signs about abuses of Iraqi detainees had been flashing for months:

The Pentagon acknowledged this week that enough concerns were raised last fall to prompt a "top-level review" of how its Iraqi detection centers were being run.

Abuses at Abu Ghraib were brought to the attention of commanders in Iraq by a tip from an unidentified soldier in January.

A damning report by a general assigned to investigate the charges has been lying around the Pentagon since March 3, apparently without getting the attention of any top decision-maker. The report documented "numerous incidents of sadistic, blatant and wanton criminal abuses."

The military brass could no longer ignore the problem last week, when photos of U.S. soldiers gloating over naked prisoners forced into degrading acts surfaced on CBS' 60 Minutes II. More details about the abuses, based on leaks from the then-secret military report, appeared in The New Yorker this week. Even then, the Pentagon shrugged off the story as a case of a few renegade soldiers who already had been punished. Worldwide outrage forced the Bush administration to address the matter seriously.

Some military personnel down the chain of command did the right thing, notably the troops who blew the whistle at Abu Ghraib and leaked photos to the media when superiors failed to take stern action. But top commanders seemed more concerned with keeping the scandal quiet than ensuring that those who committed abuses would be punished and the attitudes that allowed such behavior would not be tolerated.

Defenders of the military say the abuse was the work of a few sadistic prison officers and overzealous intelligence agents in Iraq, and some already are being disciplined.

Perhaps so. But their arguments do not explain a climate that resulted in abuses from Afghanistan to Guantanamo Bay.

Now that the Pentagon has finally acknowledged the problem, it needs to investigate thoroughly, punish those who committed or tolerated abuses and implement safeguards to prevent a recurrence.

Those steps could begin to repair the enormous damage the scandal has caused.

[From the Los Angeles Times, May 4, 2004]

When We're the Evildoers in Iraq: With Immoral U.S. Leadership, Is It so Shocking To Find Torturers in the Ranks?

(By Robert Scheer)

President Bush is again refusing to take responsibility for any of the horrors happening on his watch. This time it is the abuse of Iraqi prisoners carried out by low-ranking military police working under the direct guidance of military intelligence officers and shadowy civilian mercenaries. Our president launched this war with the promise to the Iraqi people of "no more torture chambers and rape rooms. The tyrant will soon be gone." What went wrong?

The president has called the now-exposed pattern of violence an isolated crime performed by "a few people." Yet the Pentagon's own investigation of the incident shows that not only was the entire Abu Ghraib prison out of control, it was the MPs' immediate military superiors who "directly or indirectly" authorized "sadistic, blatant and wanton criminal abuses" of the prisoners as a way to break them in advance of formal interrogations.

"Military intelligence interrogators and other U.S. government agency interrogators actively requested that MP guards set physical and mental conditions for favorable interrogation of witnesses," says the report. The report, completed in March and kept secret until it was revealed on the New Yorker website Friday, also stated that a civilian contractor employed by a Virginia company called CACI "clearly knew his instructions" to the MPs called for physical abuse.

Furthermore, in a statement released Friday, Amnesty International reported that in its extensive investigations into human rights in post-invasion Iraq, it "has received frequent reports of torture or other ill treatment by coalition forces during the past year," including during interrogations, and that "virtually none of the allegations of torture or ill treatment has been adequately investigated by the authorities."

Recall that a key excuse for the U.S. invasion was to ensure the safety of Iraqi scientists and others in the know so that they might feel free to reveal the location of weapons of mass destruction or evidence of Saddam Hussein's potential ties to Al Qaeda. Shockingly, some of those scientists are now in coalition prisons, even though the weapons clearly don't exist.

In this context, of course, it makes sense that U.S. interrogators would feel enormous pressure to use any means necessary to verify the absurd claims made so aggressively by the president and his Cabinet before the war. Far from the jurisdiction of the U.S. legal system, they apparently felt quite free to approve techniques clearly banned by war crimes statutes.

Yet, astonishingly, weeks after the Pentagon's own damning internal report on the torture at Abu Ghraib, and several days after CBS' "60 Minutes II" broke open the story worldwide by showing those horrific photos, Defense Secretary Donald H. Rumsfeld still had not been briefed on the report, a spokesman said Sunday. Similarly, the chairman of the Joint Chiefs of Staff, Gen. Richard B. Myers, admitted Sunday that he hadn't yet bothered to read the 53-page report filed by Army Maj. Gen. Antonio M. Taguba, even though he had successfully requested that CBS delay its "inflammatory" broadcast. This shows far more concern for public relations than for finding out the truth.

How could it be that the top officials responsible for the military were not themselves interested in keeping abreast of the investigation—even after the story had exploded into a global scandal?

After all, an ambitious promise to bring democracy and the rule of law to Iraq became the ex post facto rationale for the invasion, once it became clear that the earlier claims of weapons of mass destruction and Hussein ties to Al Qaeda were a fraud.

So it should have been a clear and high priority to make certain that Iraqi prisoners incarcerated in Hussein's most infamous prison did not receive the same brand of "justice" the dictator had been doling out for decades. That they did is now a deep and dirty stain on the reputation of this nation.

Yes, it's great that we are still worlds away from being Nazi Germany, Stalinist Russia or Hussein's Iraq.

We are a free society in which, it is hoped, truth eventually comes out, and thanks to what seems to be one brave whistle-blowing soldier and a responsible officer to whom he reported the torture, these crimes have come to light. Those are the acts of true heroes, and we should be proud of them.

Yet, before we go overboard in celebrating our virtues, let's admit that Americans too can be "evildoers," especially when we embrace, as the president consistently has done, the terribly dangerous idea that the ends justify the means.

The ultimate cost of a foreign policy based on blatant lies, and that equates military might with what is right, is that the brute in all of us will not inevitably lie dormant.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the CONGRESSIONAL RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore (Mr. LaHood). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

This is an important resolution, and I think it is fitting we have this debate on this. But I would remind my friends on the other side of the aisle that we have a system here where we break down this big body into committees. That is the proper way we get to the heart of some of the issues that confront us. And I just talked to the chairman of the Committee on Armed Services, and they are going to have hearings on this. There will be probably several hearings as this process goes through, and I suspect that there will be probably some other committees that will find out if they will have jurisdiction and will look at that.

So I just want to say that this is a start of a process that we need to address. Everybody is outraged by what happened over there with that small group of individuals in Iraq. That is not America, and we all know that. We all know that is not America, and that is why I think this resolution will be pass with strong bipartisan support.

And I would say this, Mr. Speaker: I thought the President, in his two interviews with the Arab TV stations, said it very well. He was very forthright. And in many respects, what we are just saying here today is a message to the Iraqis and to the Middle East that our form of government and the form of government they are struggling to have, does not condone what went on, and I think that is a very strong message.

Mr. McGOVERN. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from Massachusetts.

Mr. McGOVERN. Mr. Speaker, I just want to point out a couple of things.

First of all, hearings are not investigations, and a lot of us feel that what we are doing here is just kind of shirking our responsibility. So a vote for the previous question means a vote against bipartisan congressional investigations. No one on the other side has yet explained to us why, in fact, a bipartisan investigation is a bad idea, why we should not be allowed to do our job. That is what we are asking for here.

Mr. HASTINGS of Washington. Mr. Speaker, reclaiming my time, I appreciate what the gentleman is asking for, and as I mentioned in my remarks, we do have a committee system. The chairman of the committee said that there are going to be those investigations, and I suspect there will be others that will look at it.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the fact that we have a committee system, but it is not a substitute for debate and amendment on the floor of the House, even to debate whether or not we do this and the substance. The committee system should not be something behind which you hide to avoid debate that you might find uncomfortable.

Mr. HASTINGS of Washington. Mr. Speaker, reclaiming my time, I would just remind my friend that we do not know what is going to come out of these hearings. There may be some legislation that comes out. It will go through the process, and if there is something, it will get to the floor and we will have that debate.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I would just say to the gentleman the committees are the servants of the House, not the other way around. The committees exist to do the will of the House. The full democratic House does not wait for the committees.

The material previously referred to by Mr. McGovern is as follows:

In the resolution strike "and (2)" and insert the following:

"(2) the amendment specified in Section 2 of this resolution if offered by Representative Skelton of Missouri or a designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 60 minutes equally divided and controlled by the proponent and an opponent; and (3)"

At the end of the resolution add the following:

Sec. 2. The amendment referred to in the first section of the resolution is as follows:

At the end of H. Res. 627 strike "nation.", insert in lieu thereof "nation;" and add the following:

"(11) affirms the need for bipartisan Congressional investigations to be conducted immediately into these allegations of abuse, including those by U.S. civilian contractor personnel, or other U.S. civilians, and into the chain of command and other systemic deficiencies, including the command atmosphere that contributed to such abuse."

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered.

There was no objection.

The question is on ordering the previous question on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution, and then on the motion to instruct conferees on H.R. 2443 by the gentleman from California (Mr. Filner), and then on the motion to suspend the rules on H.R. 402 debated yesterday.

The vote was taken by electronic device, and there were—yeas 218, nays 201, not voting 14, as follows:

[Roll No. 147]

YEAS—218

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey

Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NAYS—201

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Baca
Bono
Boyd
DeMint
Greenwood
Jenkins
Johnson (IL)
Lewis (KY)
Meeks (NY)
Menendez
Saxton
Solis
Tauzin
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1258

Mr. HOEFFEL and Ms. ESHOO changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, on rollcall No. 147 I was unavoidably detained. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 2443, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2003

MOTION TO INSTRUCT OFFERED BY MR. FILNER

The SPEAKER pro tempore (Mr. LINDER). The pending business is the de novo vote on the motion to instruct conferees on H.R. 2443.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. FILNER).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 19, not voting 19, as follows:

[Roll No. 148]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonner
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—19

Bartlett (MD)
Blunt
Bonilla
Cantor
Chocola
DeLay

Dreier
Gilchrest
Graves
Hensarling
Johnson, Sam
Kingston
Portman
Putnam
Sullivan
Tancredo
Taylor (NC)
Thomas
Tiberi

NOT VOTING—19

Baca
Ballenger
Bono
Boyd
Brady (TX)
DeMint
Ford
Green (TX)
Greenwood
Hunter
Jenkins
Latham
Lewis (KY)
Meeks (NY)
Menendez
Miller, George
Solis
Tauzin
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1307

Messrs. NEY, LINDER, TIAHRT and DOOLITTLE changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Chair will appoint conferees at a subsequent time.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 148, on motion to instruct on Coast Guard authorization, I was unavoidably detained. Had I been present, I would have voted "yea."

EXPRESSING SENSE OF HOUSE REGARDING NEED FOR FREEDOM AND DEMOCRATIC REFORM IN LAOS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 402.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BURTON) that the House suspend the rules and agree to the resolution, H. Res. 402, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 1, answered "present" 1, not voting 23, as follows:

[Roll No. 149]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

ANSWERED "PRESENT"—1

Miller, George

NOT VOTING—23

Baca
Barrett (SC)
Bono
Boyd
Brady (TX)
Carter
DeMint
Diaz-Balart, L.
Dooley (CA)
Ferguson
Frelinghuysen
Greenwood
Jenkins
Johnson (CT)
Latham
Lewis (KY)
Lofgren
Meeks (NY)
Menendez
Rogers (MI)
Solis
Tauzin
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1315

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 149 on H. Res. 402—Laos People's Democratic Republic, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. MENENDEZ. Mr. Speaker, I rise to offer a personal explanation. Earlier today, I was unavoidably detained on rollcall votes 147, 148, and 149 due to a prior obligation. Had I been present, I would have voted "no" on rollcall vote 147, "yea" on rollcall vote 148, and "yea" on rollcall vote 149.

DEPLORING ABUSE OF PERSONS IN UNITED STATES CUSTODY IN IRAQ

Mr. HUNTER. Mr. Speaker, pursuant to House Resolution 628, I call up the resolution (H. Res. 627) deploring the abuse of persons in United States custody in Iraq, regardless of the circumstances of their detention, urging the Secretary of the Army to bring to swift justice any member of the Armed Forces who has violated the Uniform Code of Military Justice, expressing the deep appreciation of the Nation to the courageous and honorable members of the Armed Forces who have selflessly served, or are currently serving, in Operation Iraqi Freedom, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of H. Res. 627 is as follows:

Whereas the American people and the world are dismayed by revelations of abuses inflicted upon detainees at the Abu Ghraib prison in Baghdad;

Whereas the military justice process so far has resulted in charges being brought against six individuals, three of whom have been recommended for trial by court martial;

Whereas the investigation by the United States Central Command has identified problems of leadership, chain of command, and training that contributed to the instances of abuse;

Whereas the Congress was not fully informed of the existence, or the seriousness, of those abuses or of the investigation of those abuses until after they had been disclosed in the national media;

Whereas such abuses are offensive to the principles and values of the American people and the United States military, are incompatible with the professionalism, dedication, standards and training required of individuals who serve in the United States military, and contradict the policies, orders, and laws of the United States and the United States military and undermine the ability of the United States military to achieve its mission in Iraq;

Whereas the vast majority of members of the Armed Forces have upheld the highest possible standards of professionalism and morality in the face of illegal tactics and terrorist attacks and attempts on their lives;

Whereas members of the Armed Forces have planned and conducted, frequently at great peril and cost, military operations in a manner carefully intended to prevent or minimize injury to Iraqi civilians and property;

Whereas over 138,000 members of the United States Armed Forces serving in Iraq, a total force comprised of active, National Guard, and Reserve personnel, are executing a courageous and determined mission to rebuild and rehabilitate a proud nation after liberating it from the tyranny, oppression, and genocide of Saddam Hussein's evil regime;

Whereas the Department of Defense has awarded members of the Armed Forces serving in Operation Iraqi Freedom at least 3,767 Purple Hearts, as well as thousands of commendations for valor, including at least 4 Distinguished Service Crosses, 127 Silver Stars, and over 16,000 Bronze Stars;

Whereas members of the Armed Forces, United States citizens, over 30 Coalition partners, and patriotic Iraqis are working to finally return the government of Iraq to the Iraqi people after decades of despotism;

Whereas since the deposing of Saddam Hussein, the Iraqi people have enjoyed substantial improvements in essential services, including major water, sewage, power, infrastructure, transportation, telecommunications, and food security projects that already benefit millions more citizens than under the Ba'ath Party regime;

Whereas the quality of life for Iraqis has significantly improved in the areas of food availability, health services, and educational opportunities since the downfall of the Hussein government; and

Whereas security provided by the United States Armed Forces, the Coalition partners of the United States, and the Iraqi people has permitted the adoption by Iraq of a Transitional Administrative Law, with the promise of a sovereign Iraqi Interim Government, national elections, a constitution, and democracy: Now, therefore, be it

Resolved, That the House of Representatives—

(1) deplores and condemns the abuse of persons in United States custody in Iraq, regardless of the circumstances of their detention;

(2) declares that the alleged crimes of a handful of individuals should not detract from the commendable sacrifices of over 300,000 members of the United States Armed Forces who have served, or who are serving, in Operation Iraqi Freedom;

(3) reaffirms and reinforces the American principle that any and all individuals under the custody and care of the United States Armed Forces shall be afforded proper and humane treatment;

(4) urges the Secretary of the Army to conduct a full and thorough investigation into any and all allegations of mistreatment or abuse of detainees in Iraq;

(5) urges the Secretary of the Army and appropriate military authorities to undertake corrective action to address chain of command deficiencies and the systemic deficiencies identified in the incidents in question;

(6) urges the Secretary of the Army to bring to swift justice any member of the Armed Forces who has violated the Uniform Code of Military Justice to ensure that their actions are not allowed to impugn the integrity of the United States Armed Forces or undermine the United States mission in Iraq;

(7) reaffirms the need for Congress to be frequently updated on the status of efforts by the Department of Defense to address and resolve issues identified in this resolution;

(8) expresses the deep appreciation of the Nation to the courageous and honorable members of the Armed Forces who have selflessly served, or who are currently serving, in Operation Iraqi Freedom;

(9) expresses the support and thanks of the Nation to the families and friends of the soldiers, Marines, airmen, sailors, and Coast Guardsmen who have served, or who are serving, in Operation Iraqi Freedom; and

(10) expresses the continuing solidarity and support of the House of Representatives and the American people for the partnership of the United States with the Iraqi people in building a viable Iraqi government and a secure nation.

The SPEAKER pro tempore. Pursuant to House Resolution 628, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, during the debate on the rule, I think every Member who was listening to the debate as they listened to a number of speeches being made over and over, sometimes the same things being said by different Members, they understand the subject which we are addressing today, which is the criminal acts of what has been identified so far as six individuals, with three of them having been recommended under article 32 of the UCMJ to the court martial convening authority for general court martial for abuse of prisoners, assault, and dereliction of duty.

That is one of the purposes of this resolution, for this House to condemn those activities. Understand that the criminal prosecutions have not taken place yet, the trials have not been held and that we are not passing judgment at this point on people who are being focused on as potential defendants in these cases. But I thought it was important, Mr. Speaker, to talk about the other people, because the tendency of the media and the discussion has been to forget about the 300,000 uniformed Americans who are serving our country with bravery, with compassion, with ingenuity and doing great things, not in their own communities, but in communities thousands of miles away where the only reward they may receive is from a kid that they have given a soccer ball to like hundreds of the 101 Airborne members, or for people whom they have hooked up a water supply as people have done in all of the cities throughout central Iraq or children that have been vaccinated by American medics. The only thanks they are going to get, obviously, is not going to come from the American press at this point because the American press is fixated on what you might call the six bad apples who have been identified to date, and there may be more. We all know that.

But the 300,000 who served honorably, they are not going to get too much attention here because it is not in keeping with a good sound bite today if you want to get on television to talk about the good things that have been done in the country.

My great partner on this Committee on Armed Services, the gentleman from Missouri (Mr. SKELTON), was in full accord with this. We wanted to make sure that the good people got talked about and that this did not turn into the action of the demoralization of our fighting forces in Iraq.

So we wanted to talk about the good things they have done. And this resolution, and I would commend it to every Democrat and Republican, from the gentlewoman from California (Ms. PELOSI) and all of the others who may have had trouble or problems with this resolution, I would commend it to them to approve and to support and to vote for.

I just wanted to say, Mr. Speaker, I am looking at right now some of the untold stories; and I wanted to cite an untold story to you, a couple of them. It is true that there were abuses so far by six people who have been identified in this Abu Ghraib prison; but while that was going on, Gunnery Sergeant Jeffrey Bohr of the United States Marine Corps was awarded the Silver Star posthumously for conspicuous gallantry and intrepidity in action against the enemy while serving as Company Gunnery Sergeant, Company A, 1st Battalion, 5th Marine Regiment, Regimental Combat Team 5, 1st Marine Division.

While moving through narrow streets toward the objective, the convoy took intense small arms and rocket-propelled grenade fire. Throughout this movement, Gunnery Sergeant Bohr delivered accurate effective fires on the enemy, while encouraging his Marines and supplying critical information to his company commander. When the lead vehicles of the convoy reached a dead end and were subjected to heavy enemy fire, Gunnery Sergeant Bohr continued to boldly engage the enemy while calmly maneuvering his Marines to safety.

Upon learning of a wounded Marine in a forward vehicle, Gunnery Sergeant Bohr immediately coordinated medical treatment and evacuation. Moving to the position of the injured Marine, Gunnery Sergeant Bohr continued to lay down a high volume of suppressive fire, simultaneously guiding the medical evacuation vehicle until he was mortally wounded by enemy fire.

Yes, we had abuses by some six people. We have had apparent abuses by some six people who are now going through the criminal justice system of the U.S. Army, which I think our Members will find moves a lot faster than the domestic justice system. But at the same time, Corporal Marco Martinez was undertaking actions which led to him being awarded the second highest award that our government can give for heroism, the Navy Cross.

So I thought I might take a little bit of this time that was intended to beat up the U.S. military, to congratulate some of those 300,000 people who have served U.S. so well.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise with heavy heart, a heavy heart for two reasons. The first reason is that a group of American soldiers forgot that they were soldiers and they forgot that the middle name of a soldier is "honor," in doing the despicable acts that they did in that prison. That breaks my heart. I know it breaks the hearts of Americans who saw those pictures and learned of those acts which border on the unspeakable.

But the seconds reason my heart is broken is that the occurrences happened between October and December of last year; they were reported in January of this year. A two star general in the Army, Major General Taguba was called to investigate and his report was rendered in February. And as ranking member on this committee, I found out about it this month, in May, not by any official sources, but through the news media.

Mr. Speaker, that also breaks my heart. We in Congress under the Constitution are the first of the three parts of government listed. We are the ones that raise the money and write the rules for those who serve in the military. We are an important part of the national security, and I think that we should be informed as quickly as possible when these very, very tragic occurrences happen.

Recently in the Wall Street Journal, on April 22, an administration official in response to the expenditure of appropriations funds regarding Iraq and the Middle East stated, "If lawmakers do not ask questions, they do not get answers."

Mr. Speaker, it is incumbent upon them to keep U.S. informed because we are the genesis of their funding. We are the genesis of the rules by which they in uniform operate and the defense of our Nation are concerned.

This error has become a mistake. The late John F. Kennedy once said, "An error does not become a mistake until you refuse to correct it. Without debate, without criticism, no administration, no country can succeed and no republic can survive."

We seem, Mr. Speaker, to have forgotten that.

I support this resolution, and I think it is necessary. It is a shameful series of acts. I support this resolution because it deplores and condemns the abuse of those in custody. And it is not just about isolated cases of abuse. This incident could very well be the tipping of the security and reconstruction of Iraq. I hope that is wrong. But if we lose the trust of the Iraqi people, if we lose their hearts and minds, we cannot bring anything else effectively to that part of the world.

We must win back the trust, the safety of our troops, and the future of these citizens of Iraq. For that reason, I support this resolution. It urges the Secretary of the Army and the appropriate military authorities to complete a thorough investigation to bring anyone who committed crimes to justice. This applies regardless of who committed the crimes, military personnel, government agencies or private contractors.

The Iraqi people must see U.S. taking swift and strong action. As a matter of fact, we here in Congress and our chairman, the gentleman from California (Mr. HUNTER), has announced that we will have a hearing on this very subject tomorrow in the hearing room 2118 at 3 o'clock with Secretary Rumsfeld. I think that is the right thing for the gentleman to have called, and I thank him for it publicly.

It is an important role for U.S. to have continuing oversight of this issue. We do need, in addition thereto, a congressional inquiry by the staff on the broader policy issues that were raised by this incident. I will underline that.

Finally, I believe this resolution appropriately points out that so many of our troops have served honorably, and the chairman is correct on that, done extraordinarily well in difficult circumstances.

Not long ago I attended a funeral over here at Arlington Cemetery of a staff sergeant from the Fourth District of Missouri, which I am privileged to represent. And these soldiers who forgot that they were soldiers caused his death, in so many respects, to have been in vain. We have to correct this and make sure that those who pay the ultimate sacrifice will be remembered and will be honored for the work that they do in Iraq to bring stability and some sort of representative government there.

We have to look at the chain of command. We have to look at the command atmosphere that allowed these occurrences to happen. So for this reason and the reason that we were not told promptly and the fact that we need not only the hearing tomorrow, which I am pleased we will have, we need a thorough investigation to go forward on this subject.

We must be successful in Iraq. We must show not just the Iraqi people, we must show the world the values of our country. We need to. And one way to do it is to proceed to investigate this and make this a very transparent, clear picture for the world to see.

Mr. Speaker, I thank you for this time. It would be well for those in authority to understand the admonition that sat on the desk of the late President Harry S Truman: "The buck stops here."

Keeping that in mind, let U.S. move forward and do the right thing, for the Iraqi people, for those who served so honorably and so well, and for those who paid for the sacrifice of their service. Let this be a reflection of the decency and honesty and thoroughness of the values of America in what we do.

Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

□ 1330

Mr. HAYES. Mr. Speaker, let me thank the gentleman from California and chairman for yielding the time. Let me thank my friend, my colleague, the gentleman from Missouri (Mr. SKELTON) with whom I completely identify and thoroughly agree with the remarks he made in setting the stage for the purpose of this resolution.

As I hold this picture here, it is reference that what our troops are about in Iraq. When I spoke earlier supporting the resolution and the rule, I referred to a call that I had just received from an 82nd Airborne trooper, who had lost a leg in Iraq for these children, for these men and women.

I called Daniel Metzdorf back on the phone at Walter Reed Hospital, where he is back because of additional infection. I said, Daniel, what do you all think about what is going on? He said, it is wrong. Those people will be punished, and, oh, by the way, the people who put the pictures on the television to undermine our troops, they ought to be in jail, too.

God bless our troops and protect them.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL), who is the ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON) for the time.

This is a very difficult time for me because I find it difficult to rise in opposition of this resolution, and the reason I do it is because there just does not seem to be enough outrage involved in what is being said.

We should not have to apologize for brave men and women. We should not have to apologize for what the executive branch or the Congress has or has not done. We should not be put in this position.

Several months ago, I called for the resignation of the Secretary of Defense because I thought, as a major architect of this war, that he was fighting this war with other people's children, and when he said that he did not know whether or not we were winning or losing the war, when he said that he did not know whether we were creating more terrorists than we were killing, when he said we did not have any plan to end the war, that it was a slog, I thought, as a former combat veteran, is this the leadership that we can expect from the Secretary of Defense? I thought that America and the military deserve better than that and he should resign.

Now the information that we receive is that a climate has been created where a handful of people have committed these atrocities against human kind in an atmosphere where all of the people that are in Iraq have been demonized where it appears to American people and certainly to our military that the people in Iraq are responsible for 9/11 and causing us pain, that the Secretary of Defense did have information months ago about these atrocities; and that he kept it from the President, he kept it from the Congress and he kept it from the American people. I think that this rises to the point that it is a high crime and misdemeanor if he disappointed the President, kept information from the Congress and kept this information from the American people.

I think America and the world wants us to show the outrage, not by rhetoric, but by taking action, and if the President does not fire the Secretary, if he does not resign, I think it is the responsibility of this Congress to file articles of impeachment and force him to leave office. Then the whole world would know, not just our military, not just Americans but the whole world what we stand for.

If people can say "mission completed" when it looks like there is victory and we see atrocities like this and it happens on someone's watch, if they do not have the dignity to say I am sorry and move on, then we have the responsibility under our Constitution to remove these people from office.

He kept the information away from this Congress. We have the responsibility of oversight. I am preparing articles of impeachment today.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in support of this resolution, and I want to thank the gentleman from California (Chairman HUNTER) for bringing it to the floor.

First, I want to stress my unwavering support for our men and women in uniform. I am absolutely convinced that recent reports of prisoner abuses are in no way representative of the majority of those who serve in our armed services.

Our fellow Americans who are in Iraq are some of the most dedicated and honorable people in our whole country. It is a rare thing these days to find them with such strong commitment to the values that have made this Nation so great.

Our military is known throughout the entire world for upholding and fighting for human rights, and that is why the American people are so shocked at the recent reports of prisoner abuse and torture. I, too, am shocked, and it is unfortunate that a few soldiers have harmed the reputation of our entire military.

There is no excuse for abusing and torturing any human being. We are there to restore dignity to the Iraqi people, not to demean and humiliate them.

It absolutely cannot and should not be tolerated. We would not want American POWs abused, and we should not abuse those who we hold as prisoners of war.

The United States has always held very strictly to the standards of the humane treatment of POWs that are universally accepted as international law. We should hold those standards now more than ever.

As the world's superpower, we are an example to every Nation and are viewed as the defenders of life and liberty.

One of the reasons we are in Iraq is because we wanted to liberate the Iraqi people from the torture and abuse of Saddam Hussein's regime. What kind of message do these very few soldiers send to the people of Iraq and to the entire Middle East by now abusing the people that we once rescued? There is absolutely no excuse.

The vast majority of Iraqi people have been treated with respect and dignity by our service members, and I know will continue to be treated properly. Our men and women in uniform know they have a moral and legal obligation to treat prisoners of war humanely and with decency.

These very few individuals who have not acted in this upright tradition should be quickly brought to justice.

Already, the Army has placed a new unit leadership at this facility. As of April 1, we now have one single person responsible for all the detainee activities in Iraq.

Additional training on the Geneva convention and the rules of engagement have been given to all new units going into these facilities.

A mobile training team of corrections and legal experts is on the ground working to help train soldiers to improve operations at the facilities.

I am encouraged and I applaud the quick response by our military leaders. I hope this incident, which involved just a very small group of individuals, will not overshadow the integrity of our soldiers.

The 138,000 Americans in uniform in the Iraqi theater are some of the most dedicated and honorable people, and they are doing a tremendous job. Because of the sacrifices that they are making, our Nation is more secure, and Iraq is on the path to becoming a free and prosperous Nation.

May God bless America and may God bless our men and women in uniform.

Mr. SKELTON. Mr. Speaker, may I inquire as to how much time we have remaining, please?

The SPEAKER pro tempore (Mr. OSE). The gentleman from Missouri (Mr. SKELTON) has 19 minutes remaining.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. HARMAN), who is the ranking member on the Permanent Select Committee on Intelligence.

Ms. HARMAN. Mr. Speaker, I thank the gentleman for yielding me the time and commend him for his leadership, along with that of the Chairman of the House Committee on Armed Services, a committee on which I was privileged to serve for 6 years.

Mr. Speaker, I rise in support of this resolution, though I wish it had called for a thorough investigation by Congress of the acts described in it. Our Nation is strong, not only because of our military might, but because of our values. In peacetime, those values may seem easy to uphold, but in wartime, they are inevitably going to be tested. To keep us strong, we must reaffirm to the American people and the world that those values permeate everything we do as a Nation, at home and all over the world.

We are not naive. We know that the fog of war is thick, and we understand, certainly those of us on the House Permanent Select Committee on Intelligence understand, that interrogation is an integral part of gathering intelligence about the enemy. Good intelligence hopefully prevents and disrupts attacks. That saves lives.

Many of us on the House Permanent Select Committee on Intelligence care deeply that we get it right. I have traveled to Guantanamo three times to assess the effectiveness of our interrogations and to assure that detainees are being treated properly. While I strongly disagree with the lack of legal status for Guantanamo's detainees, I have been increasingly impressed by the tangible improvements in prisoner treatment and by the yield from interrogations.

I have been to Baghdad twice, again focused on intelligence issues. There was no hint in my second visit to Baghdad in February of this year, a month after the devastating photos were delivered to the Pentagon, that anything was amiss with respect to interrogations in Iraq.

Mr. Speaker, my colleagues and I were doing our job to make sure things were done right, but the failure to alert us to the circumstances that led to the request of General Taguba to prepare his report was a failure by the intelligence community to keep our Committee informed. It was a failure by the executive branch to keep Congress informed.

After everything this country has been through over the past 3 years, the horrors at Abu Ghraib made crystal clear the need for major intelligence reform. It is not acceptable for people to retreat into "chain of command" stovepipes. It is not credible that a few bad apples carried out what the Taguba report calls "numerous incidents of sadistic, blatant and wanton criminal abuse" without any explicit or implicit tolerance from those who supervised them.

Tom Friedman writes today, "We are in danger of losing something much more important than just the war in Iraq. We are in danger of losing America as an instrument of moral authority and inspiration in the world."

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SIMMONS), one of our great veterans.

Mr. SIMMONS. Mr. Speaker, I thank the gentleman for the time, and I associate myself with the remarks of the chairman and of the ranking member.

I also have a heavy heart. As someone who served as a U.S. Army military intelligence officer for more than 30 years on active and reserve duty, I am appalled and disgusted by the images of U.S. soldiers mistreating prisoners in Iraq. Not only is the abuse of prisoners repugnant to our moral values as Americans, but it has little to no utility in eliciting useful intelligence from hostile elements.

Army Field Manual 34-52 clearly defines interrogation as the art of questioning and beaming a source to obtain the maximum amount of usable information. The goal of any interrogation is to obtain usable and reliable information in a lawful manner, in a lawful manner.

It goes on to say, "The use of force, mental torture, threats, insults, or exposure to unpleasant and inhumane treatment of any kind is prohibited by law and is neither authorized nor condoned by the U.S. Government. Experience indicates that the use of force is not necessary to gain the cooperation of sources for interrogation. Therefore, the use of force is a poor technique, as it yields unreliable results." This is Army Field Manual 34-52.

I am outraged to think that the stupid and insulting behavior of a very few soldiers and officers could undercut the honorable and the courageous service of so many American soldiers in Iraq. A full investigation is in order. Punishment for the guilty parties is required, and we must send a clear message to the world that the action of a very few does not represent the values of most American soldiers and most Americans.

Mr. SKELTON. Mr. Speaker, I yield to the gentleman from Maryland (Mr. CARDIN) for the purpose of making a unanimous consent request.

Mr. CARDIN. Mr. Speaker, the abuse of Iraqi prisoners by American soldiers and personnel constitute deplorable, despicable acts. We are all sickened by the pictures of our troops laughing and pointing at Iraqi prisoners who had been stripped naked, possibly beaten, and forced to pose in sexually explicit positions. These actions have compromised not only our mission in Iraq, but also the reputation of the American governments and its agents. Let me be clear: All but a few of our soldiers and military personnel perform their jobs honorably on behalf of the American people, and our military is playing an important role in keeping the peace and promoting democracy around the world.

Our next step is clear: Congress must hold an open, complete and bipartisan investigation into these terrible allegations. We have a responsibility to oversee our military and intelligence services, and only through an independent investigation by Congress will we be able to regain our Nation's credibility as a champion for human rights. I am disappointed that the pending resolution does not reference an independent inquiry by Congress. The Pentagon must also take quick action to punish those involved, including holding those superiors who knew, encouraged, condoned, or should have known about those abuses. The resolution rightly points out the military must undertake corrective action to address chain of command deficiencies and systemic deficiencies in the military. We must also examine the role played by American civilian contractors in performing governmental functions such as interrogation of enemy prisoners.

Mr. Speaker, I serve as the Ranking Member of the Commission on Security and Cooperation in Europe (CSCE), commonly known as the Helsinki Commission. The United States is one of the fifty-five nations that serve as members of the Organization for Security and Cooperation in Europe (OSCE), the largest regional security organization in the world.

The United States has agreed to a number of Helsinki commitments beginning in 1989 in Vienna regarding democracy, rule of law, and human rights. We regularly criticize other governments in Europe and Central Asia when they use, condone, or fail to stop acts of torture in their prisons. Part of our commitments include: The education and training of all personnel—whether civil, medical, or military—that handle prisoners; systematic review of interrogation rules, methods, and practices; and a systematic review of arrangements for custody and treatment of detained persons, with a view to preventing any cases of torture. The OSCE publishes a "preventing torture" handbook to help Participating States eradicate torture.

As the United States seeks to wage a global war on terrorism, many questions have been raised regarding U.S. efforts to combat terrorism and whether related actions are consistent with our international obligations and commitments. Last year on June 26, on the International Day in Support of the Victims of Torture, President Bush declared that "Torture anywhere is an affront to human dignity everywhere." He observed that "Freedom from torture is an inalienable human right." The State Department has also noted that "Freedom from torture is an inalienable human right, and the prohibition of torture is a basic principle of international human rights law. This prohibition is absolute and allows no exception." Finally, as the General Counsel to the Defense Department, William Haynes wrote to Senator LEAHY that, "the United States does not permit, tolerate, or condone any such torture by its employees under any circumstances."

Mr. Speaker, last year I offered, and then withdrew, an amendment to the Department of Defense Appropriations bill for FY 04 that would prohibit the use of any funds in the bill from being used to carry out torture. I was disturbed by a December 2002 article in the Washington Post. The article cited a number of defense and intelligence sources which allege that some detainees in Afghanistan and elsewhere may have been tortured.

The abuse of Iraqi prisoners by American soldiers not only harmed the victims, but also harmed our country. It has damaged our mission in Iraq. It has soiled our reputation in pursuit of humanitarian issues.

What happened in Baghdad's Abu Ghraib prison does not reflect U.S. values. We must speak out and take action against torture anywhere in the world, even if it occurs under our watch. We must act decisively.

Mr. SKELTON. Mr. Speaker, I reserve the balance of my time.

□ 1345

Mr. HUNTER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, I rise in strong support of this resolution. The actions of several U.S. soldiers in Baghdad are fundamentally inconsistent with our mission in Iraq, American principles of justice, and the basic tenets of morality. They have stained our character and damaged our credibility.

I fear there are no words in the English language that can adequately describe the depth of our disillusionment over the goodwill generated by millions of Americans and billions of American dollars squandered in an instant.

But I do know this: out of this tragedy is born opportunity to show the watching world how we, a Nation founded on the rule of law, conduct ourselves in the aftermath of this tragedy. What distinguishes us from the regime that we ended is justice. While this behavior was once commonplace in Iraq, it is foreign to our national experience and to our nature, and we will deal with it not by saluting those who perpetrated those acts, as the former regime did, but by bringing the perpetrators to justice.

I was fortunate to visit a free Iraq in January. I met with our soldiers, including some from my home State, New Jersey. I say to each of our soldiers and servicemembers, do not allow the injustices done by a few to undermine your faith, for the cause which brought you to Iraq is right and just. You have freed 24 million people from the clutches of unspeakable tyranny, and your actions and character are sowing freedom in a place that has known evil. May God continue to bless all of those who serve honorably in our Nation's military, and may God continue to bless America.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO), a senior member of the Committee on Appropriations.

Ms. DELAURO. Mr. Speaker, all Americans were shocked by what we saw at the Abu Ghraib prison. The abuse of Iraqi prisoners offends our values as human beings and as Americans. I am deeply disturbed by the administration's handling of this issue. A 3-month-old investigation has only now come to light. Some are questioning whether we may have lost control of civilian contractors who fall outside of the military chain of command.

But there is something equally as alarming about this news, the discovery that unregulated private contractors are interrogating prisoners in Iraq on behalf of the Coalition Provisional Authority.

This now becomes a question of accountability. In the fog of war, it is not only our military but also private companies deciding whom to deploy, whom to carry out operations, and how those people are vetted. There is almost no congressional oversight, civil regulation, or military law that governs them. By contracting out these critical tasks to civilian contractors who fall outside of the chain of command, there is no quality assurance, and there is questionable accountability.

The Secretary of Defense has been inattentive and perhaps negligent at great cost to our reputation and our security, and the call for the Secretary of Defense resignation is growing stronger day by day. At the very least, the Republican leadership in this House should convene bipartisan, bicameral congressional hearings to examine this urgent matter.

This reminds us that before we win the hearts and the minds of the Iraqis in this effort, we must win something else, trust, the trust of the American people.

Mr. HUNTER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to address what the gentlewoman just said because she has made a mistake. She said that the 3-month-old investigation has only now come to light. I have in front of me the news release that I will give to the gentlewoman. As of January 16, which was 3 days after the soldier came forward and gave to his commanding officer the evidence that bad things were taking place at the prison, CENTCOM released a news release to every news agency in the world stating that an investigation has been initiated into reported incidents of detainee abuse.

So they announced to the world 3 days after the soldier came forward in January that an investigation had been started; and General Kimmet announced to the combined audiences of Fox News, MSNBC and CNN, by my calculations over 20 million people, on January 16 that an investigation had been started. Outside of that, nobody was told.

Ms. DELAURO. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Speaker, I would just say to the gentleman that I think the report in terms of Members of Congress, the people's House, that we have in fact been kept in the dark. There may have been some who have known about it. I listened to General Myers.

Mr. HUNTER. Mr. Speaker, I will tell the gentlewoman the entire world was told by this news release.

Ms. DELAURO. Then it is even more poignant.

Mr. HUNTER. Mr. Speaker, reclaiming my time, I think this is a very important point. The soldier came forward on January 13 and gave this evidence to his commanding officer that prisoners were being abused. CENTCOM announced to the world through their official news release that they were investigating this 3 days later; and General Kimmet, who was before an audience of some 20 million people three days later, January 16, announced it was in fact being investigated.

So the statement that the investigation has just now come to light is not accurate.

Mr. SKELTON. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I ask that this resolution be less timid and actually ask for a commission beyond the Department of Defense.

Mr. Speaker, I was absolutely outraged last week when I, along with the rest of the world, learned that U.S. servicemembers and private American contractors in Iraq had abused and tortured Iraqi prisoners of war, and had forced them to commit heinous sexual acts.

War is devastating and terrifying, but even in war there is no place for actions such as these. The vast majority of soldiers in Iraq are performing courageously and honorably, upholding the high standards of the U.S. military. But the abuse inflicted by a few soldiers will likely be responsible for much ill will around the world. What's worse, I fear that it will embolden our enemies to commit further acts of terrorism against the United States.

We must get to the bottom of this scandal, but we must do it in the right way. H. Res. 627, which will be voted on today, does not adequately address these abuses because it doesn't go far enough. Instead of encouraging an investigation through the Department of Defense, this resolution should call for congressional investigations to investigate the roles of both servicemembers and private civilian contractors who may have played a role in the abuse of Iraqi prisoners of war.

The military should not investigate itself in this matter, because we don't yet know if the military leadership itself bears some responsibility for these atrocities.

We also owe an apology to the people of Iraq, and to all the countries around the world that look to the United States for leadership and guidance in the area of democracy. This resolution offers no apology. Instead, it absolves the Congress of blame, claiming that we weren't informed of the abuses while they were happening. But the fact that we weren't informed should not stop this body from offering our sincerest regret that military procedures failed to stop this kind of abuse from occurring. Are we so arrogant that we cannot apologize for some of the most heinous acts that member of our military have ever committed?

This resolution must be amended to get to the bottom of this terrible scandal. I urge my colleagues to vote against H. Res. 627 unless it is amended to include congressional investigations and regret for the acts of those wearing the uniform of the United States military.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Energy and Commerce.

Mr. DINGELL. Mr. Speaker, I have read this bill. I may be one of the few on the floor who has. But as a long-serving Member of this body, as a private who finished World War II as a second lieutenant, I sat on boards, courts martial, served as military prosecutor, and also as defense. I find in the legislation no word of anybody other than Members of the armed services. I find no mention of discussion of members of the CIA, of members of the civilian leadership, of the Defense Department or other government agencies. I find nothing about civilian contractors.

My question to the chairman, are we going to go into that behavior, or are we just going to sack a bunch of poor infantrymen up to the rank of sergeant or something like that and say you are going to jail, when in fact this was policy which originated much higher?

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I would say that the investigation, there are now six investigations ongoing, the investigation that was started has identified some six individuals. Those are all people wearing uniform.

If the investigation reveals further people who are civilian contractors, those people can be punished under the laws of the United States which have been extended to theater.

Mr. DINGELL. It sounds to me like they are going to stick it to the ordinary uniformed military service under the rank of lieutenant, and let everybody else off the hook. This is a bad proposal.

Mr. HUNTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Speaker, generally I think we can be faulted on this floor for saying the same thing over and over again in our debates; but in this case, I think it is important to say over and over again so it is heard clearly and definitively that the conduct here, including the taking and distribution of photographs, is abhorrent to our Nation and to our values; and also to say that we are proud of and grateful to the thousands and thousands of men and women who do represent and exemplify our values every day in Iraq, for every day there are countless acts of kindness and generosity and respect shown to Iraqis by American soldiers, risking their own lives. Part of the tragedy of this episode is it gets so much attention while all of those acts get so little attention.

Yet it is important for us to continue to do the right thing, to hold those involved accountable for their actions or their neglect, and to not let up in our efforts to overcome the malicious forces of oppression, working with the Iraqi people for a free and secure and stable Iraq.

Mr. SKELTON. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support H. Res. 627 only because we need to begin the healing process, not because it offers a real solution to our troops and peace in Iraq.

Mr. Speaker, yet again we are seeing politics driving our policy in Iraq rather than logic, and compassion, and sense of duty. The resolution before us today is political damage control. This Congress has a constitutionally mandated duty of oversight over the executive branch. We and the world have seen over the past days that some horrible deeds have occurred in Iraq—deeds that truly threaten to undermine everything that we have worked toward on the international-diplomatic front for the past century. We must be thoughtful in crafting our approach to diffusing this awful situation, bringing those responsible to justice, and protecting the honor of those members of our armed-services who serve so valiantly and honorably around the world.

This resolution contains several provisions, including (1) deploring and condemning the abuse of Iraqi prisoners in U.S. custody; (2) reaffirming and reinforcing the American principle that any and all individuals under the custody and care of the U.S. armed forces shall be afforded proper and humane treatment; and (3) urging the Department of Defense to conduct an investigation into any and all allegations of mistreatment or abuse of Iraqi prisoners and bring to swift justice all members of the Armed Forces who have violated the Uniform Code of Military Justice.

I agree with all of that; however, is that all the duty of this Congress is? All this resolution does is says, "We read in the paper that mistakes were made. Somebody else, find out what happened. Somebody else, tell us what you find out. Somebody else, make this problem go away." That is a dereliction of our duty.

Members in this body have extraordinary experience and expertise in these issues. We owe it to the people we represent to immediately launch full congressional investigations into Iraqi prisoner abuse. After the Defense Department report was buried and hidden from Congress, and maybe even the President, for months, it is absurd to now trust that same department to police itself and purge itself of bad actors. We are already seeing the methods by which they will approach this—blame the six people in the pictures and maybe a couple of others, and assume that they were some sort of outliers.

We all hope that that is indeed the case, but we must make sure. Last week, I wouldn't have believed that any American soldiers were capable of such grotesque abuses. We must be objective as we delve into whether this problem goes far deeper than just a few cells at Abu Ghraib. Further missteps in the U.S. response to these atrocities could bring about a monstrous backlash in Iraq, and across the Middle East.

What message does it send to those struggling for democracy and freedom around the world, when this People's House, in the greatest democracy in the world—simply toes the majority party line?

We need bipartisan congressional investigations to be conducted immediately into these allegations of abuse, including those by U.S. civilian contractor personnel or other U.S. civilians, and into chain of command and other systemic deficiencies that contributed to such abuse.

We all know that the vast majority of U.S. troops in Iraq are performing superbly. It is tragic that the behavior of a small number of American soldiers has besmirched the reputation of U.S. troops overall. The vast majority of U.S. troops in Iraq are courageously performing their duties and are living up to the highest standards of the U.S. military. They are serving our country with honor, distinction and dedication and deserve our country's deepest gratitude.

However, the grotesque abuse of Iraqi prisoners is completely unacceptable—and is against everything our country stands for and holds dear. The abuse of Iraqi prisoners in the Abu Ghraib prison by U.S. soldiers that has been documented with photographs is abhorrent and does not represent America. The citizens of America have been appalled by what they have seen and condemn these actions as against our ethics and against our practices. These abuses are truly un-American.

Congressional investigations are critically needed in order to get to the bottom of this outrage. Among the questions that must be answered are: How widespread were these incidents of prisoner abuse? Were personnel trained adequately to do the jobs to which they were assigned? When did senior leadership of the Department of Defense learn of these allegations? Was their response timely and did it reflect the seriousness of this situation?

We owe it to the American people, to those around the world who are watching intently, and especially to our troops whose reputations have been called into question by this situation. We must put this Congress to work purging our military of those who encourage such un-American behavior, and restore the honor of our brave soldiers serving in Iraq and around the world.

I again call for Secretary Rumsfeld to appear before the full body of this House with the complete story of this travesty. Ultimately, I call for his resignation and that of Deputy Secretary Wolfowitz.

Mr. SKELTON. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking member on the Committee on the Budget and also a senior member of the Committee on Armed Services.

Mr. SPRATT. Mr. Speaker, there is nothing we hold in trust more sacred than the good name of America, and the good name of our great country is at stake. We have been defiled, maligned, if not damaged irreparably in some parts of the world; and we cannot diminish the consequences.

Just as the world has been fixated on those revolting photographs, the world is watching now to see what America will do, not what we will say, but how we will respond in fact. We should first of all rise up in indignation and outrage and condemn these atrocities and not diminish them. I do not care whether six soldiers or 600 were involved. We should make it unmistakably clear that this is conduct that Americans will not tolerate, we will not diminish, we will not excuse, and we will punish with severity.

But our response cannot end with just indignation or even an abject apology. We must make every effort to find out what was involved in these atrocities, who was involved in these atrocities, directly involved, and involved in a supervisory capacity up the chain of command and down the chain of command, wherever it leads; and we must punish everybody who is culpable in a way that makes clear this is despicable conduct which we will not abide in the United States of America.

That quest for facts must ask candidly, painfully whether or not these were isolated acts, these atrocities were isolated acts of poorly trained, undisciplined reservists, or whether they arise out of a culture that permitted and allowed interrogation techniques that call for hoods, sleep deprivation, and incessant questioning.

These are hard questions. We have got to ask them. Was this military intelligence, military police, or was it both? Where did the system break down?

In the committee room of the Committee on Armed Services, Mr. Speaker, we have cast in bronze a plaque with article 1 clause 8 of the Constitution which gives Congress the power to raise and support an Army, a Navy, and provide for their regulation. This was the way that the Parliament in the 17th century gained control of the government by gaining control of the military, among other things, by keeping on a short leash the law that permitted courts martial.

The Department of Defense is and ought to be conducting its own investigation; but if we are worth our salt, if we are up to the powers the Constitution vests in us, we must conduct our own investigation.

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Woodrow Wilson once said that our greatest power is the power to investigate, to inform, to check the Commander-in-Chief, to notify, to make the American people understand what is happening in their government. So this is not a matter that we can delegate. This is not a matter that we can trust anyone else. This is a matter where we must not take the role of outsiders looking in. We should launch our own investigation. And one of the places where this resolution stops short, I would say to my good friend, the chairman of the committee, is that it does not emphatically call for our own independent investigation to lead wherever the facts may take us. We should do it because it is our duty. We should do it because of the trust we hold. We should do it for the sake of the soldiers, the vast majority of soldiers, who have are served honorably, who have served and sacrificed and secured the interests of our country.

But here, as in many places, this resolution pulls its punch. I support it. I will vote for it, but I think it should be more emphatic, more outraged, and I think it should be more of a beginning to our effort than an end, to the constitutional trust that we all hold, to find the facts, to ask why we are so late ourselves in being informed, and to see that the truth and the whole truth comes out.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

I say to my good distinguished colleague I invite him to come to our committee hearing in which we are conducting oversight in this matter at 3 o'clock tomorrow afternoon, and I also remind him that we have now carried out by those people that we have trusted in uniform in the Iraqi theater and elsewhere, six investigations now ongoing into this particular matter, six investigations.

Mr. SPRATT. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, I have great respect for the gentleman, and he and I served together, as he will recall, on one investigative panel that looked into what happened in Beirut in 1983. We had both been there a month before, both talked about what happened, and that was an investigation that really did unearth new facts. And it is a good illustration of why we need to have a similar investigation here where our committee has searched its constitutional authority and gets to the bottom of this matter.

Mr. HUNTER. Mr. Speaker, I would say to my colleague that we have three of the people involved in this who have been bound over to the court-martial convening authority for general courts martial, that is, for criminal prosecutorial activity, and to say to my colleague again, who has told me many times about how much he respects our people in uniform, that our people in uniform themselves, starting with the private who reported this, have six investigations ongoing. And I think part of our job is not just to have oversight, but also to trust to the honor and integrity of the people who wear the uniform, and we now have six investigations going forward.

So let us have this hearing tomorrow and see where we go from there, but my feeling is we have good, competent, honorable people undertaking these investigations.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oklahoma (Mr. COLE), who cares so much about America's men and women in uniform.

Mr. COLE. Mr. Speaker, I rise today in support of the resolution and to express my revulsion and disgust at the abuse of Iraqi prisoners by a few reprehensible and unrepresentative individuals in our military or operating as representatives of our government.

The very first time I spoke on this floor, it was to warn Saddam Hussein and the Iraqi army of the consequences of not treating our prisoners of war in accordance with the Geneva Conventions. I feel just as strongly about the prisoners of war that are in the custody of our military.

This is not an issue I take lightly. My own uncle was a prisoner of war during World War II. He suffered terrible personal abuse.

Now a few soldiers have brought disgrace upon themselves. And in the process, they have embarrassed our Nation, its Army, and risked the lives of our soldiers.

Mr. Speaker, these abuses must be dealt with and the perpetrators prosecuted and punished. The incident represents a failure of leadership, clear and simple. Those in the chain of command responsible for this breakdown must be identified and sanctioned in some way stronger than simple letters of reprimand.

This resolution and the actions that follow are what makes us different from other nations, Mr. Speaker. Here in America when something like this happens, we put it out in front of the world, we identify the perpetrators, prosecute, and punish them. That is what our soldiers fight for. That is what 30 soldiers from my own district have died for.

In America, we do not have gulags. We do not have concentration camps. And we do not tolerate the mistreatment of those who are incarcerated. We are a just society built upon the rule of law. But make no mistake. Our cause in Iraq is just, and we will be successful in spite of this shameful episode.

Mr. Speaker, the vast majority of our soldiers are honest and upright and willing to risk their lives to defend and advance the cause of freedom. I know. I have had the honor of visiting them, and I am quite sure that they are as disgusted and outraged by the conduct of these few individuals as we in this House are.

Mr. Speaker, I would encourage other Members to vote in support of this resolution, but also to thank the many soldiers who serve us and the Iraqi people, while we sanction the few who have violated our trust.

Mr. SKELTON. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. HOYER), who is the minority whip.

Mr. HOYER. Mr. Speaker, the fact that we are on this floor today considering a resolution condemning outrageous conduct by American soldiers and perhaps some civilians against defenseless Iraqi detainees is an unmitigated and shameful embarrassment for this Nation. This abuse, which is as criminal as it is un-American, demands full accountability. And full accountability must be demanded not just at the bottom of the military chain of command, but for the highest ranking military and civilian officials who knew or should have known about this behavior and either turned a blind eye to it or failed to immediately address it.

Let us be clear. The buck should not and it must not stop with a 20-year-old enlisted man or woman who may well have thought they were acting within the framework of a psychology that permitted them to demean and deny basic decency of treatment to detainees.

Mr. Speaker, 43 years ago, I stood in front of this Capitol building as President Kennedy told the American people in one of the most famous inaugural addresses in our history that Americans, he said, are "unwilling to witness or permit the slow undoing of those human rights to which this Nation has always been committed and to which," he said, "we are committed today at home and around the world."

Mr. Speaker, I believe we are still committed to those. That is the America that every Member of this body knows and loves; an America that stands for the rights and dignity of every human being; an American America that fights oppression, inhumanity, and intolerance wherever it rears its head.

This Congress, the elected representatives of 290 million Americans, must fulfill its constitutional duty as a coequal branch of government and demand accountability for these criminal acts. This means that we must hold hearings so that the American people and all the world know the truth about this episode.

I am pleased to see the chairman of the committee is holding hearings. Some 4 days ago, he said they were not necessary and the leader of his party said they were not necessary. Those who perpetrated these criminal acts and those who created the environment in which such acts were thought to be acceptable should be, must be, held accountable.

Today we learn that the Secretary of Defense has known for months that prisoners in Iraq and Afghanistan have been humiliated, beaten, tortured, and even murdered. Twenty-five prisoners have died in U.S. custody. And, still, there is virtually no accountability for those deaths. No House congressional inquiry, no presidential or secretarial condemnation, and no end.

The buck must stop somewhere. Private admonishments are not sufficient. Full public accountability must be demanded. If the Secretary of Defense failed to perform his duty, he should be held responsible. If anybody below him failed to perform their responsibility, they too should be held responsible, as should those perpetrators.

Mr. Speaker, it is nothing short of tragic that this indefensible conduct threatens to overshadow the extraordinary courage and sacrifice of our brave men and women in our Armed Forces. I have supported their efforts and supported the President in removing Saddam Hussein. We have liberated 25 million Iraqis from the clutches of a ruthless dictator. How proud we are of our men and women in uniform.

The only way we can remove that dark cloud that now hangs over their noble efforts is to ensure that those who have acted outside the law are required to answer to it and those who allowed it to go unchecked and unpunished are removed from positions of responsibility.

Finally, Mr. Speaker, let me say that the damage inflicted upon our image and standing in the world is incalculable. As Tom Friedman pointed out in the New York Times this morning, it has been quoted before but let me quote it again: "We are in danger," he said, "of losing something much more important than just the war in Iraq. We are in danger of losing America as an instrument of moral authority and inspiration in the world."

I will offer a motion to recommit, which makes more clear our outrage and more pointed our demand for full investigation and responsibility. I urge my colleagues to support it.

I thank the gentleman for yielding me this time.

Mr. HUNTER. Mr. Speaker, I yield myself 15 seconds.

To address the distinguished majority whip, the distinguished majority whip, like the previous speaker, is wrong. The statement was put out by the Army on January 15 that this investigation was taking place, 2 days after the soldier came forward. And 3 days after the soldier came forward, it was given in General Kimmitt's address to the combined audiences of Fox News, MSNBC, and CNN. That is not turning a blind eye.

I will give the gentleman the notice. It was put out on January 14. He can look at it.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, this is not merely a matter of a small number of individuals who have violated the code of military justice. This is a disgrace. This country led an international effort to end the regime of a cruel dictator who abused his people. Now men and women wearing the American uniform have abused Iraqis.

The injury they have caused does not end with the Iraqi prisoners. They have undermined the war effort. They have risked its success as surely as if they sold military secrets to the terrorists. They have humiliated our Nation more gravely than mere terrorists ever could. They have dishonored every brave American soldier who has lost or risked his life in the war effort and to help the people of Iraq. They have wasted the effort of those brave Americans who have rehabilitated more than 1,700 schools in Iraq. They have squandered the work of a global coalition that has delivered more than 25,000 tons of pharmaceuticals and supplies to health care facilities in Iraq and vaccinated over 70 percent of children in Iraq against polio, tuberculosis, measles, and diphtheria.

If ever justice could be swift, let it be now. If ever the punishment could fit the crime, let it be now. If ever our Nation needed the prayers and support of men and women of goodwill, it is now. The success and survival of liberty depend upon it.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Speaker, first, let me say to the gentleman from California (Mr. COX) that I associate myself with his remarks and thank him for those comments. Let me say to my friend, the chairman of the Committee on Armed Services, he and I voted together probably 95 percent on issues of defense.

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I will tell my friend, he has repeated the fact that we knew this in January at least four or five times, that I have heard. If that is the case, and I take him at his word, frankly, I did not focus on it, the chairman did not focus on it, there have been no hearings, there have been no investigations. It is a shameful reality that perhaps some knew this as early as January, and we are here today, some 4 months later, with the public getting that information and the Members of Congress being energized by it. And this resolution did not come from your committee, I say to my friend, until almost mid-May, notwithstanding the fact that you read that disclosure over and over and over again.

Mr. HUNTER. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, let me just say to my friend, you say some knew about this. The combined audiences of Fox News, MSNBC and CNN heard this in the daily briefing in January. So your statement that the administration turned a blind eye to it is not true. They initiated an investigation, once again initiated by General Sanchez, 3 days after the soldier came forward.

Mr. SKELTON. Mr. Speaker, may I inquire how many minutes are left.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Missouri (Mr. SKELETON) has 3 minutes remaining, and the gentleman from California (Mr. HUNTER) has 8 minutes remaining.

Mr. SKELTON. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I rise in opposition to this resolution.

Mr. Speaker, the whole world now knows about the abhorrent behavior of American interrogators and guards at the Abu Ghraib prison and at other facilities maintained by the U.S. military in Iraq and Afghanistan. Unaccountably, neither Secretary of Defense Rumsfeld nor Chairman of the Joint Chiefs of Staff, General Meyers, took the matter seriously enough to brief the President on the Pentagon report that there were numerous, specific instances of "sadistic, blatant, and wanton criminal abuses" by American prison guards at Abu Ghraib. The President knew since January that a general investigation into the treatment of prisoners was ongoing, but neither the Pentagon nor the White House acknowledged that investigation until this week when hundreds of extremely graphic photographs were made public.

I opposed the war in Iraq in part because I was convinced that unilateral American military action in Iraq would lead to an increase in the number of terrorists. The behavior of American prison guards at Abu Ghraib will further breed hatred for the United States and sympathy for those who do us harm. The images of American soldiers humiliating prisoners in Iraq have caused severe damage to our efforts to establish Iraq self-rule and hold free elections. Our standing in the Islamic world is now far worse than it was even last week.

I am convinced that two actions are now necessary.

First, Secretary of Defense Rumsfeld must resign. The events at Abu Ghraib prison were the inevitable result of the Secretary's policy of ignoring the Geneva Accords that govern the rights of prisoners. Despite overwhelming criticism at home and around the world, Secretary Rumsfeld insisted that the United States will no longer by bound by the Geneva Convention and decades of previous practice by the U.S. military in its handling of detainees in foreign countries will be ignored. the Secretary's insistence on handling prisoners in secret and outside the law has led to an unaccountable regime in which prisoners in both Iraq and Afghanistan have been humiliated, beaten, tortured, sexually abused and killed.

Second, there must be a comprehensive investigation by Congress into the treatment of prisoners of war. There must be an investigation independent of the Department of Defense, where the abuses occurred, that includes an examination of the role of civilian contractors and other civilians who may have played a role in the incidents of prisoner abuse. A thorough investigation by Congress would reveal the systemic deficiencies that contributed to such abuse. Among the questions that must be answered are: How widespread were these incidents of prisoner abuse? Were personnel trained adequately to do the jobs to which they were assigned? When did senior leadership of the Department of Defense learn of these allegations? Was their response timely and did it reflect the profound seriousness of this situation?

The American people must have answers to these questions. I realize that congressional investigations will take months, but Secretary Rumsfeld must resign. By ignoring international law and insisting on a policy that allowed these prisoner abuses in Iraq to occur, the Secretary has greatly damaged our country's standing in the world and compromised our national security.

America cannot win the peace in Iraq while, in America's name, some, however few, commit outrages, as part of the occupation, more akin to those attributed to Saddam Hussein.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, like all of us in here, I am sickened by the images of our military abusing Iraqi prisoners. These actions are deplorable in and of themselves, and it is even more so when we as an American society stand for justice and the protection of human rights. The abuse tears the very fabric of the values which make America great.

This abuse not only degrades the prisoners and the Muslim culture, but ours as well. If these abuses sicken me and most Americans, think of the legitimate reaction of those in Iraq and the Middle East and the world.

It should also trouble Americans that this terrible episode is being exploited by partisans who wish to make it an election-year issue. Republicans and Democrats should stand arm in arm condemning what occurred, apologizing for these abuses, and demonstrate the decent values for which America and we all stand.

I appreciate the President going on Arab television yesterday to directly address the Arab people. It is a good first step. But more must be done to rehabilitate our benevolent reputation.

We need to thoroughly investigate and make sure that those holes that allowed this to happen are plugged. America should stand for nothing less.

Mr. SKELTON. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I might say there was a serious attempt to have a bipartisan resolution today; but let me say that on this side we were not shown a draft until almost 6:30 last evening, and we were not permitted to share a copy with our leadership until 9:45. Our leadership was not given the opportunity to make a change on the draft that was given at that time, and we were not given a copy of the final version of the bill until after it had been introduced. When the leadership could not reach unanimous consent; we were not given the opportunity to offer an alternative, an amendment or even a motion to recommit. I was hoping we could do a better job of being bipartisan, but we are here and I intend to vote for this.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER), a former member of the Committee on Armed Services, who is a colonel in the Army Reserve and was in fact a JAG officer at our POW camps in Gulf War I.

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding me time.

First of all, we are all outraged by the criminal conduct of a few. War is not simple; war is not easy. By its nature, it is chaotic. It is an effort to find humanity in a very inhumane environment. That is the reason for the creation of the Geneva Conventions and the laws of war. The United States is a signatory to the Geneva Conventions. The United States has not violated the Geneva Conventions. The United States is enforcing the Geneva Conventions and our laws under it. That is an important message for the world to know.

The United States sets the standard for the world. So we here in this body need to speak in a unified voice in the message to the world that we support the Geneva Conventions for bringing humane treatment to individuals, whether they are prisoners of war, whether they are detained civilians, whether they are detained personnel. It does not matter what status.

Sure, you get into the technicalities of the law, but what is important is they be treated humanely. There is no justification whatsoever for these "softening up" of individuals for interrogations. What occurred was wrong.

This did not occur whatsoever in the first Gulf War. I participated in interrogations. I was at the Joint Interrogation Facility. There was never even a hint nor even a rumor with regard to the mistreatment, abuse, or maltreatment with regards to prisoners.

What occurred here is wrong, and every American should be outraged. What is important is that we recognize there was a failure of the chain of command within the 800th MP Brigade and that individuals need to be held accountable. The question is, where does it go from there, whether that accountability function is strictly just of soldiers, or does it in fact move to civilian leadership in the Pentagon?

What I do know about facts is that facts are very stubborn things and that facts will hold the test of time. So beyond the rhetoric, beyond any form of allegation, beyond the spin, facts.

Mr. Speaker, it is important for this body to speak in a unified voice; let all of the investigations come through, let the sun shine in, let the world know and the facts will determine where the accountability lies.

Mr. SKELTON. Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time and for his tremendous leadership on behalf of the national security of our country. I also thank the gentleman for his attempt to develop a bipartisan resolution that would bring us all together and take the opportunity to send a true message to the world of democratic values.

Mr. Speaker, last Thursday, Secretary Rumsfeld came to the Congress and he briefed Members of the House of Representatives on the situation in Iraq. He neglected to tell Members of Congress that the situation in Iraq included this most unfortunate, disgraceful situation in the prison. He withheld that information from the Congress of the United States when he had full knowledge of it and apparently had full knowledge for a while.

Indeed, that very evening, "60 Minutes" broke the story, a story it had been working on for a while. So why was Congress the last to know, especially on a day when the Secretary was briefing the Congress on the situation in Iraq?

The distinguished chairman of the Committee on Armed Services has said repeatedly in the course of this debate that this information was made public in January by a public statement by General Kimmett. I do not know when that constituted keeping Congress informed; and if that is the standard, if a sentence that does not really explain the situation expressed in a press conference in Iraq meets the standard for informing Congress, then we are in a lot more trouble than we even thought.

Please do not bring that up as an example of "letting us know," because I do not think anybody, even within the administration, would have called that sufficient notification to Congress.

Since last Thursday when the Secretary of Defense withheld information from the Congress, the Senate has held robust hearings. They stopped in their tracks. They stopped the business of the Senate, which was the reauthorization of the Defense Act, and went into committee as the Committee on Armed Services because of the urgency of this matter. Yet this House had to be dragged kicking and screaming into having hearings on the subject. We should have hearings not only in the Committee on Armed Services, but in the Committee on International Relations. We should be having these hearings in the Committee on the Judiciary as well. We should be having these hearings in the Permanent Select Committee on Intelligence, it touches so many jurisdictions in this House, because we must get to the bottom of this.

So today we have this resolution that has come to the floor, missing an opportunity to send a very clear, forceful, values-based message to the world and to the American people about who we are and what we stand for and what we will not tolerate in the behavior of our people.

We all agree that our troops, our men and women in uniform, and even the civilians over there, are courageous, patriotic, and have acted with great courage. They are willing to sacrifice their lives. We owe them our deepest gratitude and respect and our prayers. This resolution acknowledges that fact, and it is right to do so.

Some U.S. personnel, military and civilian, abused Iraqi prisoners in ways that are shocking and reprehensible. The resolution acknowledges that fact and deplores it. Unfortunately, by including a number of causes that seek to compare life in Iraq after the invasion with conditions that existed before, the resolution creates an inference that whatever post-invasion improvements exist, somehow they mitigate the abhorrent nature of the treatment of the prisoners. These "whereases" have no place in the same resolution.

The resolution should be focused tightly on the scandal and the need to find out why it occurred and who should be held accountable. Diffusing the focus conceals an important fact: this scandal increases the danger to our troops in Iraq, makes their mission more difficult to accomplish, and threatens the interests of the United States around the world. Even with a concerted effort in which a better-crafted resolution could have played an important part, it will be a very long time before the standing of the United States is restored in the eyes of the world, unless we face up to this matter.

Congressional oversight of the war in Iraq has not been aggressive enough. The administration's failure to provide accountability for its policies and an accounting of the money already provided has not been questioned adequately. Compounding that record of inaction by not investigating this matter thoroughly will be inexcusable.

This resolution could have called clearly for congressional investigations, to include a review of the role that the U.S. civilian contractors and other civilians may have played in it. That suggestion was outright rejected by the Republicans, saying we will not include the investigation and the contractors in this resolution; we will not add it. And it begs the question, Why?

Today, America has an opportunity to show the world our greatness by sending a message to the American people and to the world that we deplore this conduct, that we understand the significance of these abuses in the eyes of the Arab world, and that we will act to uncover the facts to find out who is responsible and to make sure that it will never happen again.

Every opportunity we get, we will always offer our praise and gratitude to our troops. We could have done that in a resolution that would have had bipartisan support, because it was very important that we send a message to the Arab world that we do understand the significance of these abuses to them. This is very, very, very significant; but it has been lost in the resolution before us.

Mr. Speaker, I urge my colleagues to support the motion to recommit to be offered by the gentleman from Maryland (Mr. HOYER), which delivers a message that truly reflects America's values.

□ 1430

It does so clearly and forcefully, and there is a reason for that. The gentleman from Maryland (Mr. HOYER) has been a champion for human rights for as long as he has been in the Congress, and probably longer. His leadership on the Helsinki Commission, his bipartisan work on these issues gives him standing and authority to speak in a way, again, that clearly reflects America's values.

The Republican resolution does not do that; the Hoyer motion to recommit does.

Let us leave no doubt in the hearts and the minds of the world that we will live by the principles that we preach.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume just to reiterate the same thing that I have been stating, and that is that 2 days after the soldier in January reported to his superiors that abuses were taking place, the United States announced to the world in their press release that we were undertaking an investigation. And a few days after that, 4 days after the facts came forward, we announced to the combined audiences of Fox News, MSNBC and CNN, millions of people, that the investigations were taking place.

The investigations proceeded. We now have three individuals who are being recommended to the Court-Martial Convening Authority for court-martial for prisoner abuse, assault, dereliction of duty, and a large number of people in the chain of command have had their career ended, not because we found any connection between them and the acts, but because it was on their watch that these things took place.

I want to say just one thing about Mr. Rumsfeld before I recognize another speaker, Mr. Speaker. We have 135,000 good, hard-working, courageous uniformed men and women in theater. They are in contact in firefights on a daily basis. The job of the Secretary of

Defense is to see to it that we win this war. He assigned to the legitimate, appropriate departments this investigation and told them to go forward, which they did, resulting in the criminal prosecution machine being set in motion under our court-martial authority, and he went back to trying to win this war. That is the appropriate action for the Secretary of Defense.

Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from California (Mr. THOMPSON), a great member of the 173rd Airborne in the Vietnam War.

Mr. THOMPSON of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to commend the chairman and his colleagues on that side of the aisle on their debate today and associate myself with the remarks that they have made. I agree that this debate should not be limited to the actions of those responsible for these inhumane acts.

It is also about the tens of thousands of U.S. military personnel who are performing their jobs honorably and bravely in the face of danger every single day. It is important for us to focus on these men and women today, Mr. Speaker, because the system that broke down and the system that is responsible for these inhumanities has just placed an even larger target on each of their foreheads. For the 138,000 brave men and women, and for the countless other Americans in Iraq today, their lives have become even more perilous with every new disclosure of atrocity.

This Congress was kept in the dark for months, but now the lights have been turned on. For every minute we take to find our voice, to take a bold action, to demonstrate to the world that American democracy and humanity are more than words that we teach to schoolchildren, is another minute that our soldiers face more danger and even greater odds than they would have faced otherwise, and they exacerbate their chances of getting back home to see their families again.

If this debate is truly about them, I say to my colleagues; if this debate is truly about them, they deserve more than a few words on this floor today. They deserve accountability, and they deserve action, and they deserve it now.

Mr. HUNTER. Mr. Speaker, I yield our remaining time to the gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Speaker, I want to thank the ranking member, the gentleman from Missouri (Mr. SKELTON) and the chairman, the gentleman from California (Mr. HUNTER) for bringing this resolution to the floor.

When I spoke to the chairman of the Committee on Armed Services, I asked him what we should do about this incident. There was a lot of discussion about a lot of things, but we were talking about doing this resolution. I told him at the time that we wanted to make sure that this was bipartisan, and he expressed himself that we needed to have a resolution that condemned the actions at Abu Ghraib prison but, at the same time, we needed to talk about our troops. That is what this resolution does.

When others tried to come in and impose politics into the resolution, it was rejected.

This resolution is exactly written the way it should have been written, and I congratulate the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) for doing it the right way.

The alleged abuses inside Abu Ghraib Prison in Iraq are an outrage. They are crimes by any definition of any terms in any culture, and their perpetrators must be dealt with swiftly and fully. Our government has a responsibility to find out exactly what happened, what went wrong, and make sure it never happens again. But while we meet that responsibility, we cannot allow these shameful crimes to undermine or distract the American people or ourselves from the task, the clear moral imperative at hand.

Operation Iraqi Freedom, whatever difficulty we have faced since the end of major combat, has been an absolute good for the cause of human freedom in the world. The men and women serving the United States in Iraq won the swiftest and most humane military campaign in history, and they turned from that victory in major combat to a protracted, difficult, and bloody guerilla war against terrorist insurgents that still takes American lives every week.

We must, I say to my colleagues, we must not forget that while we have this chance to speak with one voice condemning what has happened in the Iraqi prisons, the war still rages. Attempts to politicize the abuse revelations will rightly be seen by our enemies as opportunities to recruit, to propagandize, and to incite.

The world must know that the abuses we have seen in recent days do not reflect the views, policies, or fabric of this Nation.

Our men and women in uniform are fighting today. Indeed, American blood is flowing in Iraq as we speak, and it is, therefore, incumbent on this body to offer our support for our troops and their mission all the more strongly today.

Our troops are changing the world and building a future for the people of Iraq, sacrificing more than most of us can know for the survival and success of liberty. They are the finest ambassadors, wherever they go everywhere in the world. They are the only thing that separates us from another 9–11. And in their time in Iraq, our servicemen and women have helped to rebuild schools, hospitals, food security systems, and infrastructure. They are an Army of charity. They are laying down their lives and their futures so that others might have themselves the freedom that we all take for granted.

"Greater love hath no man than this, Mr. Speaker." Our heroes must know that even in these troubling times, that love is returned.

Ms. WATSON. Mr. Speaker, I rise in opposition to H. Res. 627, a resolution condemning the abuse of persons in U.S. custody in Iraq.

Every member of this body is outraged and saddened by the recent reports of the abuse of prisoners in Iraq as well as Afghanistan. H. Res. 627, however, is a "feel good" resolution that fails to empower Congress to exercise its oversight role in the investigation of the Iraqi prisoner scandal. Moreover, the resolution before us today was crafted by a narrow Republican majority, which once again did not permit either the appropriate committees of jurisdiction or the Democratic leadership to participate in the process of crafting language for the resolution.

In effect, this resolution does absolutely nothing. It fails to put forward any policy language to address the serious issues at hand. Most egregiously, the resolution fails to offer any form of apology to the prisoners abused or the Iraqi people.

The United States stands on the precipice of a major foreign policy disaster. It is long past time to change course in Iraq. Defense Secretary Rumsfeld and Deputy Secretary of Defense Wolfowitz are the principal architects of this failed policy. I once again call upon the President to seek their resignations. Only then will the people of Iraq and the world perhaps begin to view U.S. actions and intentions in a more favorable light.

Ms. ROYBAL-ALLARD. Mr. Speaker, I will be voting for the resolution today because I agree with its praise of our troops in Iraq, who under difficult circumstances continue to display high standards and professionalism during the occupation and rebuilding of Iraq.

However, I am very disappointed in the resolution and will vote for it with reservations. The primary purpose of the resolution should have been to deplore any abuses which have occurred while prisoners are in U.S. custody, and to demand swift prosecution of those who committed illegal or unethical acts, including those responsible in the military chain of command. Atrocities in the Abu Ghraib prison, and anywhere else they may have been committed, must be thoroughly and openly addressed through congressional investigations. These investigations must also include the conduct of American contractors who had a role in overseeing prisoners. Irresponsibly, these important points are left out of the resolution the House is considering today.

The recent abuse of prisoners in the Abu Ghraib prison is not only disgraceful, it is damaging to the interests of the United States, and ultimately it endangers our men and women in uniform not just in Iraq but around the world. We must act quickly to convince the court of world opinion that the American people do not tolerate illegal or unethical conduct by Americans and will take the necessary steps to stop it and prevent it from happening again.

Mr. MEEK of Florida. Mr. Speaker, I rise to strongly oppose H. Res. 627, the Iraqi Prisoner Resolution, because it is simply deficient as a statement expressing the outrage and revulsion that I feel, and that I believe the American people feel, about the despicable abuse and humiliation of these prisoners.

The resolution also lacks any call for bipartisan congressional investigations to be conducted immediately into these allegations of abuse, including those by U.S. civilian contractor personnel or other U.S. civilians, and into chain of command and other systemic deficiencies that contributed to this abuse, which have been called for by members of both parties,.

It is impossible to exaggerate the seriousness and importance of this abusive mistreatment. It sets us back in the War on Terrorism by turning against us the very allies among moderate Muslims that we need in order to be successful. It taints the reputation of our Nation in the world community and the reputation of our men and women in uniform for years to come. It undermines U.S. credibility as the world's leader in the protection of international human rights. It hurts our efforts to protect the state of Israel and broker peace in the Middle East. And it invites similar abuse of members of our military, indeed any U.S. citizen, who may be captured by our enemies in the future. My great fear is that American lives will be lost because of the impact of this illegal, inhumane and un-American mistreatment.

The Bush administration has not gone nearly far enough or fast enough to apologize for these human rights abuses, or to hold accountable those who are responsible for them, and neither does this resolution. I am therefore opposed to it.

Ms. ESHOO. Mr. Speaker, every American is appalled by the images and reports of the mistreatment of prisoners at the Abu Ghraib prison in Iraq, images which have now been shown around the world again and again over the past week. These criminal actions have greatly undermined America's credibility around the world, humiliated the prisoners and their families, besmirched the reputation of our Armed Services, and placed our troops and civilians at heightened risk. The good work of American troops has been diminished significantly and the Arab world is outraged.

While it's highly appropriate for Congress to condemn these criminal actions, this Resolution does not go far enough in offering a remedy. The Resolution does not call for a full Congressional investigation. Indeed, the Majority has blocked the Minority today from adding a provision that would launch such an investigation. The Resolution ignores the necessity of an investigation to examine the role that intelligence officials and private contractors may have played in these crimes. We have to pursue the truth wherever it takes us and as high up the chain of command as we must go. Finally, the Resolution does not call on the Administration to be fully accountable and to report fully to Congress and the American people about the scope of this most serious issue.

The Congress has been kept in the dark for months about the abuses in Abu Ghraib prison, yet no one from the Administration has informed Congress or offered an apology. In fact, Secretary Rumsfeld came to Capitol Hill to brief Congress on Iraq last week, but never even mentioned these serious abuses and the catastrophic fallout internationally against the United States.

Mr. Speaker, there must be consequences. Reprimands aren't enough. The people in charge should be replaced, beginning with the Secretary of Defense.

A year ago I traveled to Iraq and Kuwait and met with our troops and intelligence officers. The vast majority were doing their jobs superbly well under very trying and dangerous conditions. Their efforts have been made immeasurably more difficult by the actions of a small group.

While we express our outrage, we must do more. There must be a full accounting and there must be consequences. Unfortunately, this Resolution demands none. I vote for this Resolution with all these reservations and concerns, but it cannot be the end of the story. We could have done so much better on a bipartisan basis, and it is regrettable that we did not. Congress now has its constitutional responsibility of oversight and investigation to bring out the entire truth and then move to shape policies that will help assure this doesn't ever happen again.

Ms. DEGETTE. Mr. Speaker, while the recent reports and graphic photographs of the alleged prisoner abuse at the Abu Ghraib prison sound similar to the atrocities that occurred under the cruel dictatorship of Saddam Hussein, these unbelievable instances of brutality and inhumanity, instead, allegedly took place under American command, perpetrated by American troops. Sadly, the Abu Ghraib prison—the very prison that epitomized all that was evil under Saddam Hussein's regime to the Iraqi people—still represents evil, only under a new name.

Accordingly, Congress must send an unwavering message to the Iraqi people and to the rest of the world that the United States will not tolerate the alleged atrocities that have occurred in the Abu Ghraib prison. While I will vote for this resolution, I do not want to simply join my colleagues who want to pay lip-service to a solution without any subsequent action. Congress must ensure that the perpetrators of the alleged brutality, as well as those leaders who let such inhumanity occur under their watch, be brought to justice. Just as importantly, Congress must investigate the scope of this problem; the increasing number of revelations of alleged prisoner abuse at Abu Ghraib and other prisons in Iraq, leads me to believe that such brutality may not be isolated to six or seven individuals. We need to ensure that such abuse is not systemic within and outside of the chain of command by conducting a bipartisan Congressional investigation and by holding Congressional hearings.

Additionally, we must make sure that all people who participated in this alleged abuse are held accountable. This includes the private contractors who were allegedly involved in the brutality that took place at Abu Ghraib. While the Department of Defense has reportedly launched several investigations, none has yet to address the role that the private contractors played. In fact, several reports indicate that the private contractors who were named specifically in the classified Taguba report are still working as paid contractors in Iraq. Not only must Congress hold hearings to investigate the alleged role of the private contractors in the alleged prison abuses, the U.S. Department of Justice must also exercise its ability to investigate, and if warranted, prosecute those individuals to the fullest extent of the law.

Congress must also guarantee that this Administration is held responsible for its actions or more precisely, its inaction, and for its policies that may have allowed such atrocities to occur. The actions of Secretary Rumsfeld and the Pentagon, including the decision that the United States would no longer adhere to the Geneva Convention as well as the ruling that detainees would be held without due process, have arguably helped to create a standard for the treatment of prisoners, which allows for humiliation, torture and murder.

Even worse, Mr. Rumsfeld has not only not read the Taguba report in its entirety, he has failed on numerous instances to respond to other reports of alleged violations and abuse. There is no excuse for his woeful negligence. If Mr. Rumsfeld had responded to these reports, these abuses may not have occurred to this degree, or at all. Mr. Rumsfeld must be held responsible for his part and if doing so requires his resignation, such action must then be called for.

Mr. LANTOS. Mr. Speaker, I join my colleagues in expressing revulsion at the deeply disturbing images that have ricocheted around the world, showing abuses committed by members of the U.S. armed forces against Iraqi detainees. I have seen first-hand the abuse of civilians and others during wartime. I understand the dehumanizing humiliation that can be perpetrated against an individual. At the same time, I also know that if it were not for the bravery and heroism of the U.S. military, I probably would not be walking on this earth—and there are countless people around the world who could say the same thing.

It is important to keep in mind that the overwhelming majority of our men and women in uniform have acted honorably in fulfilling their duty in Iraq. They have risked their lives and suffered personal hardship to fulfill their responsibilities, and we continue to respect their sacrifices. These loyal soldiers have been tainted by the appalling acts of a small number of individuals.

Mr. Speaker, among the most important values that we as Americans share are our profound respect for freedom and the rule of law, our respect for the value and worth of the individual, and our commitment to protect and respect human dignity. In this context, the images that we have seen in the past few days were simply sickening to me. They do not represent our American character. They do not represent the selfless sacrifice of more than a hundred thousand American soldiers in Iraq, trying to bring a new dawn to that country after decades of nightmare.

On a purely personal level, I find the actions of these individuals abhorrent. On behalf of all Americans, let me express my deepest regret and apologies to all those who were wrongfully mistreated at the hands of a few. There can be no excuse for these actions. Any American should know that they are wrong. Indeed, the Geneva Conventions adopted after the Second World War clearly prohibit this behavior and were accepted by virtually every nation in the world to prevent these abuses.

But Mr. Speaker, as everyone knows, these events are not merely about wrongdoing by a few foolish and misguided individuals that caused profound personal suffering. They have also damaged our credibility and crippled our efforts to pursue critical national security goals in the Middle East and around the world.

I welcome this resolution that we are considering today, Mr. Speaker, but this resolution is not enough. We must take action to be certain that such tragic and unfortunate actions do not occur again. Our standing and our goals and objectives in the Middle East require that we do more. The entire detention system in Iraq must be investigated and those responsible for perpetrating these horrendous events must be brought to justice.

Mr. Speaker, the responsibility for this episode is not only borne by the few who committed these offenses. These events represent a failure of leadership—not only in Iraq but throughout the chain of command. We must determine where and why those leadership failures occurred, and take appropriate remedial action. And we must also examine why it has taken months for this failure to be addressed. The initial reaction was slow and tepid at best. These atrocities should have genefated an immediate and powerful response.

Mr. Speaker, it is not enough to say that the Iraqi people are better off today than they were under Saddam Hussein. It is not enough to say that the atrocities and human indignities that were carried out by his despicable and detested regime were more horrendous or more widespread than what we have seen in the last few days. We are—and we should be—judged by a higher standard. Because of our history and our commitment as a Nation to respect for human rights, human dignity and the rule of law, we must meet higher standards. This is who we are, and this is why we are different.

Mr. Speaker, I urge support for this resolution today, but more importantly, I urge our political and military leadership to act and to act quickly and decisively to deal with these despicable acts and the failures that allowed them. Our credibility as a Nation committed to the rule of law and our efforts in the Middle East in the war against terrorism are at risk.

Mr. PAUL. Mr. Speaker, I rise in opposition to this resolution as written. Like so many resolutions we have seen here on the Iraq war, this one is not at all what it purports to be. Were this really a resolution condemning abuse of prisoners and other detainees, I doubt anyone here would oppose it. Clearly the abuse and humiliation of those in custody is deplorable, and the pictures we have all seen over the past week are truly horrific.

But why are we condemning a small group of low-level servicemembers when we do not yet know the full story? Why are we rushing to insert ourselves into an ongoing investigation, pretending that we already know the conclusions when we have yet to even ask all the questions? As revolting as the pictures we have seen are, they are all we have to go by, and we are reacting to these pictures alone. We do not and cannot know the full story at this point, yet we jump to condemn those who have not even yet had the benefit of a trial. We appear to be operating on the principle of guilty until proven innocent. It seems convenient and perhaps politically expedient to blame a small group of "bad apples" for what may well turn out to be something completely different—as the continuously widening investigation increasingly suggests.

Some of the soldiers in the photographs claim that their superior officers and the civilian contractors in charge of the interrogations forced them to pose this way. We cannot say with certainty what took place in Iraq's prisons based on a few photographs. We have heard that some of those soldiers put in charge of prisons in Iraq were woefully unprepared for the task at hand. We have heard that they were thrown into a terribly confusing, stressful, and dangerous situation with little training and little understanding of the rules and responsibilities. What additional stresses and psychological pressures were applied by those in charge of interrogations? We don't know. Does this excuse what appears to be reprehensible behavior? Not in the slightest, but it does suggest that we need to get all the facts before we draw conclusions. It is more than a little disturbing that this resolution does not even mention the scores of civilian contractors operating in these prisons at whom numerous fingers are being pointed as instigators of these activities. While these individuals seem to operate with impunity, this legislation before us all but convicts without trial those lowest in the chain of command.

But this resolution is only partly about the alleged abuses of detainees in Iraq. Though this is the pretext for the legislation, this resolution is really just an enthusiastic endorsement of our nation-building activities in Iraq. This resolution "expresses the continuing solidarity and support of the House of Representatives . . . with the Iraqi people in building a viable Iraqi government and a secure nation." Also this resolution praises the "mission to rebuild and rehabilitate a proud nation after liberating it. . . ." At least the resolution is honest in admitting that our current presence in Iraq is nothing more than a nation-building exercise.

Further, this resolution explicitly endorses what is clearly a failed policy in Iraq. I wonder whether anyone remembers that we did not go to war against Iraq to build a better nation there, or to bring about "improvements in . . . water, sewage, power, infrastructure, transportation, telecommunications, and food security . . ." as this resolution touts. Nor did those who urged this war claim at the time the goals were to "significantly improv[e] . . . food availability, health service, and educational opportunities" in Iraq, as this legislation also references. No, the war essential, they claimed, to stop a nation poised to use weapons of mass destruction to inflict unspeakable harm against the United States. Now historical revisionists are pointing out how wonderful our nation-building is going in Iraq, as if that justifies the loss of countless American and Iraqi civilian lives.

This resolution decries the fact the administration had not informed Congress of these abuses and that the administration has not kept Congress in the information loop. Yet, Congress made it clear to the administration from the very beginning that Congress wanted no responsibility for the war in Iraq. If Congress wanted to be kept in the loop it should have vigorously exercised its responsibilities from the very beginning. This means, first and foremost, that Congress should have voted on a declaration of war as required in the Constitution. Congress, after abrogating this responsibility in October 2002, now is complaining that it is in the dark. Indeed, who is to say that the legal ambiguity created by the Congressional refusal to declare war may not have contributed to the notion that detainees need not be treated in accordance with the Geneva Convention, that governs the treatment of prisoners during a time of war? Until Congress takes up its Constitutional responsibilities, complaints that the administration is not sufficiently forthcoming with information ring hollow.

This resolution calls on the administration to keep Congress better informed. But Congress has the power—and the obligation—to keep itself better informed! If Congress is truly interested in being informed, it should hold hearings—exercising its subpoena power if necessary. Depending on the administration to fulfill what is our own Constitutional responsibility is once again passing the buck. Isn't this what has gotten us into this trouble in the first place?

I urge my colleagues to oppose this resolution.

Ms. MAJETTE. Mr. Speaker, I rise today to condemn torture in all of its forms. Acts of abuse and torture must never be tolerated, and those who commit such acts must be swiftly brought to justice. It is with great sadness and anger that I viewed the pictures of frightened, humiliated, and, in some cases, injured Iraqi prisoners in Baghdad's Abu Ghraib prison. Prisoners should never be forced to endure such atrocious behavior, no matter what the cause for their detention. The acts committed on these prisoners are an injustice to the Iraqis who were victimized, the citizens of Iraq, the hundreds of thousands of U.S. soldiers who have served their country in Iraq so honorably over the past year, and all people who hope and pray for peace the world over.

Because of the rage these pictures have generated in Iraq and across the Arab world, I am concerned for the safety of our brave soldiers as they patrol the streets in Iraq, guard police stations and hospitals and work to rebuild the infrastructure of the country. It is important that we recognize the honor with which the vast majority of our armed service members conduct themselves. In the face of tremendous danger and uncertainty, in a theater fighting combatants dressed as civilians using indiscriminate force and even killing their own countrymen, our men and women have risked their lives to protect Iraqi civilians and restore pride and honor to this war-torn country.

Moving forward, military justice must be sure and swift for those who committed these acts. It will be a long, difficult process to win back the trust and support of the Iraqi people, but we must be successful if we are to accomplish our mission in Iraq. It is essential that we do so, not just for success in Iraq, but also for the global war on terrorism. We cannot win this war alone. American soldiers' torture of

Iraqi detainees is a significant setback for our country and the global war on terror.

I expect decisive action from our executive and military leaders to ensure that such abuse will never again occur, and to take the diplomatic steps necessary to salvage America's good name around the world. The American people are justifiably saddened by the waning of our moral authority since the days immediately following September 11, 2001, when the world stood with us in solidarity. If America is to continue to be a force for good in the world, we must convincingly denounce all crimes against humanity, foreign or domestic, and demonstrate to the world that we are sincere when we decry hatred, injustice and terror.

Mr. KUCINICH. Mr. Speaker, I join with my fellow Members of Congress in deploring the abuse of prisoners in Iraq by U.S. personnel. But this resolution does not go far enough.

It does not go far enough to ensure that a full and complete investigation and prosecution is undertaken. We should be opening Congressional investigations, not simply relying upon the Army to investigate itself.

It does not go far enough to demand accountability of the top military and civilian leadership of this fiasco in Iraq. We should demand the resignation of the Secretary of Defense, since we know that "rotten apples" are the fruit of a poison tree. And it's the top leadership who have grown that tree—the culture of permissiveness, disregard for the truth, and lack of accountability.

It does not go far enough to express America's regret and sorrow for the crimes committed at Abu Ghraib prison, and possibly elsewhere. We should apologize on behalf of the American people to the Iraqi people.

We have not begun to go far enough to examine the true intent and conduct of the leadership of this country. We have not gone far enough to assign responsibility and demand accountability for the misinformation and untruths that were marshaled to lead us to war. We have not gone far enough to bring an end to this unjustified war. As a result, we are seemingly surprised to discover, and then we deplore, corruption that is all too predictable from this imperial misadventure.

Mr. LANGEVIN. Mr. Speaker, as a member of the House Armed Services Committee, I rise in support of H. Res 627. Recent reports regarding the alleged abuse of Iraqi prisoners by American soldiers are deeply disturbing and inexcusable. While I know this outrageous behavior is not characteristic of our men and women in uniform, we must make it clear to the international community and our own citizens that such actions are not our policy or common practices in Iraq, and they will not be tolerated under any circumstances. It is unfortunate that these abuses have overshadowed the work of the many service members performing critical, and dangerous, missions to ensure a stable and safe Iraq for the newly-freed Iraqi people.

I am equally troubled by the Administration's lack of attention to such abuses in Iraq and elsewhere. There is no excuse for their failure to act swiftly to remedy this stark violation of both the Geneva Convention and basic human rights. Not only did they withhold such allegations and the subsequent investigation from Congress, but the flouting of international law continued while those responsible went unpunished.

The Administration and the Pentagon must find those responsible and hold them accountable for these heinous actions. I have joined many of my colleagues in requesting that the Military Inspector General of the Department of Defense supervise the investigation of tortured Iraqi prisoners of war, and other reported violations of the Geneva Convention at Abu Ghraib Prison. In addition, I have urged Attorney General Ashcroft to investigate the role of private contractors in these abuses. I hope that thorough and open investigations will allow us to hold the appropriate parties responsible and ensure such behavior never occurs again.

Mr. UDALL of Colorado. Mr. Speaker, I will vote for this resolution because I strongly agree with most of what it says. But I think its focus is too narrow and it does not say all that needs to be said.

The portions of the resolution calling for action are addressed solely to the Secretary of the Army. Intentionally or not, that suggests that the Army alone—not the Defense Department as a whole, and not any other part of the Administration—bears responsibility for the shocking abuses the resolution rightly condemns.

But what's involved here is not just an Army problem. It is much bigger than that. It involves not just the armed forces but civilian members of the intelligence community as well as civilians working for private companies under contract with the government.

This morning's newspapers report that President Bush has privately admonished the Secretary of Defense and that the Justice Department is examining the involvement of Central Intelligence Agency personnel as well as contract employees in suspicious deaths of detainees.

Clearly, the events at Abu Ghraib prison are only part of a bigger picture.

The resolution rightly complains about the fact that Congress was not properly informed of the abuses at that prison or the investigation of those abuses. But I am concerned that this failure to inform the Congress and the American people may not have been an isolated failure but just another instance of the Bush Administration's standard operating procedure.

In short, while this resolution is right in condemning the abuses at Abu Ghraib—and accurate in saying that they are offensive to the principles and values of the American people—passage of this resolution, by iself, is not an adequate response on the part of the House of Representatives.

We need to insist that the Administration—all of it, not just the Secretary of the Army—take strong action to change the policies and attitudes that made the abuses at Abu Ghraib possible. And we need to insist that all those responsible for those policies and attitudes be held accountable.

And that means Congress itself must do more than make speeches and pass resolutions. We must insist on finding out for ourselves; and for those we represent—the American people. They must bear the costs—in blood and treasure—for the Administration's actions in Iraq and around the world.

Those costs will be made all the greater by abuses like those cited in this resolution and the policies and attitudes that have produced them, and Congress must take an active role in making necessary changes.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to join my colleagues in support of this resolution condemning the abuse of prisoners held in United States custody. We've all seen the disturbing images of the unconscionable conduct carried out by a handful of our men and women in uniform. A swift and thorough investigation is needed, and needed now. For those responsible, justice must be swift and strong. Their conduct directly contradicts and undermines our mission in Iraq. The world is awaiting our response.

We must do everything possible to reassure the world community that all those things we take as self-evident—the honor of our military, our intentions in Iraq, our respect for human rights—remain as strong as ever. The vast majority of our troops, who perform heroically every day, are the best evidence of these tenets.

In the wake of this crisis, let us not lose sight of the fact that there are 138,000 Americans in uniform who uphold the highest standards of professionalism every day. They do so in the face of extreme danger and hardship. We should not let the egregious acts of a very small group overshadow the integrity of our soldiers nor deter our Nation from its overall objective of developing a democratic Iraq.

Mr. BEREUTER. Mr. Speaker, this Member is absolutely not satisfied with the language of H. Res. 627, as I believe it does not adequately convey how intensely this House and the American people feel about the exceptionally repugnant, insensitive, and damaging the alleged, but obviously documented, actions of the abusers of the Iraqi detainees are to all of us.

From Abu Ghraib prison, and perhaps from elsewhere, we have reports, with photographs, graphically telling and showing the outrageous abuses of Iraqi detainees by U.S. military personnel and possibly by military contractors. The international damage to the credibility and reputation of our country and our military absolutely cannot be overstated, especially in the Arab and Islamic communities. The alleged actions by at least a few members of our military, already confirmed by very recent disciplinarian action, makes the job being done by our dedicated and courageous military personnel in Iraq and Afghanistan just that much harder and much more dangerous. The extraordinary gravity of this matter, the insensitivity and the degrading abuse, which has apparently been visited upon Iraqi detainees, call for swift and just accountability.

What has allegedly happened is so foreign to our country's principles and traditions and those of our Armed Forces that these people conducting or condoning such abuse do not deserve to be called Americans. If the use of such tactics of physical abuse and sexual humiliation is not dishonorable conduct, this Member does not know what is. If supervisors of such military personnel were inappropriately unaware or unconcerned about such conduct, then this is a clear case of dereliction of duty, and this accountability should apply several levels up the chain of command. If military contractors were involved, at a minimum, the contracts with the firm which employed them should be immediately terminated.

Mr. Speaker, it is hard to imagine a more politically damaging set of actions, hopefully by just a few individuals, for American and for coalition efforts to replace the brutal regime of Saddam Hussein and to win the hearts and minds of the Iraqi people. We must have swift accountability, justice, and a demonstration that the American people repudiate such conduct and will not let it continue or happen again.

While the resolution fails to convey an important part of what needs to be said, or is at least inadequate in the aforementioned manner, it is probably impossible to vote against this resolution without seeming to denigrate the dedicated, courageous, and patriotic actions of the members of the armed forces of the United States. This Member wants our armed forces to know that their extraordinary service is greatly appreciated by this Member and the American people despite the horrendous conduct of a few service personnel, despite the failures of command and active notification procedures. Therefore, this Member will vote for the inadequate resolution as his only choice to avoid a misunderstanding by the members of our armed forces.

Mrs. DAVIS of California. Mr. Speaker, I rise in strong condemnation of the atrocious behavior of a few, who have denigrated the values of all our armed forces.

I salute the overwhelming majority of Americans who have treated prisoners with respect; their actions have gone unheralded.

Sadly, this dreadful behavior has cast a cloak of mistrust on all our brave men and women and could result in more lives being lost.

Mr. Speaker, we can't ignore the role that contractors and other government agencies have played and their complicity in these crimes.

Their actions, as well as our policies, contributed to a terrible atmosphere.

That's why I am disappointed this body failed to add a clause regarding U.S. civilian contractors personnel and other U.S. civilians.

We must shed light on their role and hold everyone accountable.

The Attorney General and Secretary Rumsfeld should publicly commit to cooperate to apply swift and firm justice.

Ms. WATERS. Mr. Speaker, I rise today to voice my outrage and disappointment in the soldiers who physically and mentally abused Iraqis at the Abu Ghraib prison.

I do not believe that these actions represent the character of our Armed Forces or of the United States. Unfortunately, however, these soldiers, through their despicable actions, have severely damaged the reputation of the United States and significantly complicated our task in the region.

Mr. Speaker, I am saddened that the President did not apologize to the Iraqi people for these deplorable actions. An apology from the President clearly was in order.

I am also outraged, as all of us should be, that the Secretary of Defense failed to make Congress aware of these accusations in a timely manner. According to news accounts, the Department has been aware of the infamous photos, and the abuse, since at least mid-January. Yet, we only found out about them in the last week. This is outrageous and unacceptable.

Unfortunately, this is just one more example of the Administration not playing straight with the Congress or the American people. We have been misled about the weapons of mass destruction, troop levels and the length of their deployments, and the costs associated with the war—among others.

This Administration must change its way. Congress deserves better and, certainly, the American people deserve better.

Mr. MATHESON. Mr. Speaker, like many Americans, I was outraged by the images of torture and abuse of Iraqi prisoners of war at Abu Ghraib Prison in Iraq. These abuses harm U.S. interests in Iraq and the efforts of the coalition forces to foster stability in the region. It is unfortunate that the actions of a few have undermined the hard work and sacrifice of the thousands of men and women who have served in Iraq with honor and integrity.

The provisions of the Geneva Convention protect American soldiers when they are captured in battle. As a result, it is very important to ensure that we do not abuse prisoners of war in our keeping.

I believe that a prompt and thorough investigation of this matter is necessary and the individuals who were involved should be appropriately punished. I will strongly encourage both my colleagues in Congress and the President to disavow these acts and to prevent any similar transgressions in the future.

Mr. HOLT. Mr. Speaker, I rise to strongly condemn the mistreatment of prisoners and detainees in Abu Ghraib prison in Iraq. These abuses are outrageous, deplorable, un-American, and contrary to the values and ethics that our country espouses. The atmosphere that allowed this to happen shows a level of tolerance for abuse that is intolerable.

The United States has suffered a blow to its credibility and effort to bring democracy to the Iraqi people. Photographs showing the abuse that Iraqi prisoners and detainees have suffered at the hands of American personnel damage the standing of the vast majority of U.S. troops in Iraq, who are performing with honor, bravery, and professionalism.

The response of the Bush administration to reports of systemic abuse has been both problematic and disquieting. Major General Antonio M. Taguba's report detailing these abuses, prepared in late February, should have been recognized as a serious matter. Instead, it was largely ignored. I am also disappointed that the administration chose to keep Congress and the public in the dark about this situation until the national news media decided to run the story last week. The administration has a responsibility to inform Congress and act decisively when volatile situations arise.

The U.S. Congress has a critical responsibility to conduct thorough and bipartisan oversight investigations to ensure that those involved are held accountable for their actions. These investigations must address possible abuse by U.S. civilian contractor personnel or other U.S. civilians, as well as the command structure and systemic deficiencies that contributed to such abuse.

The abuse that has occurred at Abu Ghraib is the latest in a series of very serious failures of leadership from military and civilian leaders. The President and his team were wrong about weapons of mass destruction in Iraq. They were wrong about the way American soldiers would be greeted by the Iraqi people. They were wrong about how much the war would cost and how long it would last. And they were wrong about the number of soldiers necessary to win the war and secure the peace. Now, in light of serious human rights violations, they did nothing to get to the bottom of it. This mishandling has created an international crisis that could set the Iraqi people against American efforts in the Middle East for generations. The President must recognize these consistent failures and take decisive action.

I ask unanimous consent to include in today's CONGRESSIONAL RECORD a letter that I sent to Secretary of Defense Donald Rumsfeld of February 5, along with six of my House colleagues. This letter inquires about the policy of CPA forces detaining Iraqis without due process and notification to their families. I also ask unanimous consent to include the response that we received from Thomas L. Carter, Senior Counselor to Ambassador L. Paul Bremer, III. Though the response is dated March 22, it was not received until May 3, three months after my initial inquiry. This response testifies that the processes established "afford all persons in Coalition custody all the rights and safeguards set out in applicable International Humanitarian Law."

CONGRESS OF THE UNITED STATES,
Washington, DC, February 5, 2004.

Hon. DONALD H. RUMSFELD,
Office of the Secretary of Defense,
The Pentagon, Washington, DC

DEAR SECRETARY RUMSFELD: I write to inquire about the policy of Coalition Provisional Authority (CPA) forces in Iraq detaining Iraqis without due process and notification of family.

Several news outlets and international advocacy organizations have criticized the CPA's treatment of Iraqi detainees. I am concerned that CPA tactics designed to secure the region are in fact compromising the long-term interests of Iraqis, other internationals, and even the CPA.

I request your response to the following concerns: What is the current procedure for communication between CPA forces and the families of detained Iraqis? Are they able to receive prompt and accurate information regarding the health and legal status of their family member; and what is the status of detainees who were to be freed under the provisional release program, and have family members of these detainees been kept abreast of developments?

I believe that CPA forces have the moral obligation to demonstrate respectful treatment of detainees and, of course, the legal responsibility to uphold the provisions of the Geneva Convention. Further, we must make sure that our treatment of detainees does not sow the seeds of resentment by Iraqis, subjecting CPA forces, other internationals, and Iraqis cooperating with the CPA, to great danger.

Seizing suspects in the middle of the night and leaving a bewildered, uninformed family behind brings to my mind the "disappeared" victims of detestable regimes around the world in the past. No American wants to see the CPA regarded as being in any way like those discredited regimes.

I understand the need to employ forceful tactics in a region that is still largely insecure and home to many insurgents and Saddam Hussein loyalists. However, I am concerned that CPA forces are not balancing the need to secure the region and arrest insurgents with their obligation to fair treatment of detainees and with the need for the cooperation of the general populace in force protection and eventual transition of political power to the people of Iraq. I look forward to your reply. If it is necessary to present your response in a classified setting, I would be willing to make such arrangements. I thank you for your cooperation with this matter.

Sincerely,

RUSH HOLT,
Member of Congress.
ROBERT WEXLER,
Member of Congress.
RAÚL GRIJALVA,
Member of Congress.
FORTNEY PETE STARK,
Member of Congress.
DENNIS KUCINICH,
Member of Congress.
BARNEY FRANK,
Member of Congress.

OFFICE OF THE
SECRETARY OF DEFENSE,
Washington, DC, March 22, 2004.

Hon. RUSH HOLT,
House of Representatives,
Washington, DC.

DEAR MR. HOLT: Thank you for the letter from you and your colleagues to Secretary Donald Rumsfeld regarding individuals held by Coalition Forces in Iraq. I appreciate this opportunity to respond.

With regard to your question about the tactics of Coalition Forces, I would note that International Humanitarian Law obliges an occupying power to restore and ensure order as far as possible, including the detention of criminals and interning individuals for imperative reasons of security. In addition, Coalition Forces continue to retain some Enemy Prisoners of War in custody. There are therefore three classes of persons in Coalition custody: Enemy Prisoners of War, Criminal Detainees, and Security Internees. The obligations of the Coalition should be viewed in the context of the conditions that exist in Iraq. The Coalition inherited a situation whereby all the prisons had been destroyed or substantially damaged, and the entire criminal population of around 60,000 had been released onto the streets. Added to this situation is the security challenge presented by the Former Regime Elements and foreign terrorists conducting criminal outrages against the Coalition and the people of Iraq. Eliminating this violence and dealing with the criminal elements is a necessary step toward securing peace and freedom for all Iraqis. In dealing with these matters, the Coalition has established processes that afford all persons in Coalition custody all the rights and safeguards set out in applicable International Humanitarian Law.

Regarding Security Internees, the processes that have been established include review and appeal mechanisms that exceed International Humanitarian Law requirements. Moreover, steps have recently been taken to significantly increase the capacity and therefore the speed of the process. The current rate of review is about one hundred cases each day. Those who are deemed to no longer be a threat to security are being released. With regard to Criminal Detainees, a massive and expensive rehabilitation effort has resulted in the substantial transfer of the administration of criminal justice back to Iraqi authorities subject to continuing monitoring by the Coalition.

I also noted your interest in communications between Coalition Forces and the families of individuals who are detained. Under the former Ba'ath Party regime, individuals who were taken into government custody often simply disappeared. In stark contrast, the Coalition has taken several measures to ensure that Iraqi families can learn the status and location of individuals who have been detained by Coalition Forces. The Coalition maintains a list of all the individuals in detention, and this list is available in specified locations throughout Iraq where families can make inquiries. The list is published in Arabic on the CPA website, http://iraqcoalition.org/arabic/prisoners/index.html. The Arabic list contains the individuals's name, Internment Serial Number (ISN), place of birth, address, and the place of detention. The list is as complete and accurate as possible subject to the willingness of the detained individuals to provide the requested information. Work is continuing with regard to the expansion of both the amount and availability of this information to make it easier for Iraqi families to find their loved ones.

Finally, you inquired about the provisional release program. The Conditional Release Program is ongoing, and efforts are underway to make it even more effective. We continually strive to improve our ability to keep families abreast of the status of detainees. Communications under the auspices of the Conditional Release Program are but one of many efforts in that regard.

Again, thank you for your letter. We appreciate your interest in the future of Iraq. Rest assured of our commitment to bring peace, security, democratic values, and respect for human rights to the Iraqi people.

We have provided a copy of this letter to your colleagues, Representatives Robert Wexler, Raul Grijalva, Fortney Pete Stark, Dennis Kucinich, and Barney Frank.

Sincerely,

THOMAS L. CARTER,
Senior Counselor to
Ambassador L. Paul Bremer, III.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in support of H. Res. 627, a resolution condemning the abuse of Iraqi prisoners, however I do so with great concern. The mistreatment of Iraqi prisoners by members of the Armed Forces and civilian U.S. contractors is shameful and inexcusable. I am outraged that these actions committed by a few reflect negatively upon our Nation and the many men and women who continue to serve our Nation with strength, honor and courage. We must investigate these allegations and take immediate and decisive action to reestablish our Nation's credibility and regain the trust of the Iraqi people and the world community.

I support provisions of this resolution that deplore and condemn these events and urge the Department of Defense to investigate every report of mistreatment of all prisoners in the custody of the U.S. military at all levels and locations including Guantanamo and Afghanistan. We have a breakdown in the chain of command at the highest level.

We must require heightened accountability of the senior leadership at the Department of Defense and determine why there was an intelligence breakdown. We need to know when Secretary Rumsfeld learned of these events, why he did not take immediate action and why he did not make this information available to Congress in a timely way. Above all, we must ensure that events like these never occur again.

Throughout our history, the United States has been a leader throughout the world and a strong voice for the principles of democracy, freedom, human rights and justice. The tragic events we are addressing today have jeopardized our credibility and our relationships with the people of Iraq and the international community. In his thoughtful column in Today's New York Times, Thomas Friedman writes, "I have never known a time in my life when America and its President were more hated around the world than today." It is our responsibility to restore our Nation's credibility, and I urge my colleagues to investigate these shocking allegations. I conclude by joining with other thoughtful individuals in calling upon the Secretary of Defense to take full responsibility for these human rights atrocities and fundamental breakdown in command and to act honorably and resign.

Mr. KIND. Mr. Speaker, the acts of abuse against Iraqi prisoners by American service members are abhorrent and sad. This is not behavior reflective of American values; it is not behavior that helps our cause, and it is not behavior that will be tolerated. Thorough investigations need to root out those responsible, directly and indirectly, for this unlawful conduct no matter how high up the chain of command it goes. Those responsible must be held accountable for their actions.

Congress needs to be highly involved in investigating the actions of abuse at Abu Ghraib prison and the conditions and circumstances that led to these abuses. Reports show that the military was well aware of the situation and conducting its own investigations for months prior to the release of the photos at Abu Ghraib now circulating through the world media. The failure of the Administration to keep Congress informed of the extent and seriousness of prisoner abuse, and the photos documenting it, is unacceptable.

Further, Congress must address and investigate the role of private security forces in Iraq. These forces, which constitute the second largest army in Iraq and account for over 40 percent of all contracting costs in Iraq, are outside the U.S. chain of command. The ability to hold these individuals accountable for their actions under law is questionable.

We must not lose focus, however, that the over 300,000 U.S. military personnel who have served and are serving in Iraq are doing an honorable job under difficult and dangerous conditions. While the Department of Defense investigation into the actions and conduct of the abuses at Abu Ghraib list a number of officers and enlisted personnel who failed to perform their duties as required, it also notes a number of officers and enlisted personnel who acted honorably and reported abuses up the chain of command. When I visited Iraq in October, 2003, I met with many honorable troops, including soldiers from western Wisconsin, who were performing their mission with outstanding commitment and professionalism. The abuses at Abu Ghraib serve only to cloud the accomplishments and sacrifices of our troops and put honorable U.S. service members in greater danger.

Mr. Speaker, perception matters when trying to execute our foreign policy and especially a military mission. We are dangerously losing the hearts and minds of the Iraqi people and the rest of the Arab world, and the abuses at the Abu Ghraib prison serve only to exacerbate this unfortunate reality. We must reinforce to the international community through our words and our actions that the United States is committed to helping the Iraqi people prosper in a free society.

Mr. STARK. Mr. Speaker, I rise to vote no on this resolution. It is right to condemn the brutal and abhorrent abuse of Iraqi prisoners. But, this resolution is not strong enough. Without language authorizing a full-fledged Congressional investigation into this matter, we are failing our responsibility.

Republicans refused to allow any language to be added to this resolution providing for an investigation into these crimes. They have limited our ability to bring those responsible to account for their actions. This is wrong, especially when our ideals have been undermined and our leadership again tarnished throughout the world.

These acts of humiliation, torture and even murder are outrageous. They are a shameful affront to the Iraqi people and those throughout the Arab and Muslim World. As a Nation, we owe the victims of these acts and the Iraqi people a full apology and investigation into how these abhorrent abuses were allowed to occur.

The torture and abuse of prisoners at Abu Ghraib prison are part of a larger systemic pattern of abuse with which this administration has been complicit. We know—as the Washington Post reported in December, 2002—that prisoners captured in Afghanistan by the U.S. were transferred to other nations to be tortured for information. We already are well acquainted with the mistreatment of prisoners at Guantanamo Bay. This latest expose of torture and abuse at the Iraqi prison is just one more example of heinous treatment at the hands of our Government.

We trust in the honorable service of our troops. This does not reflect on the Americans bravely serving in Iraq. But, responsibility does lie with those at the very top of leadership and at the feet of this President.

It is time Congress launch an investigation to end these patterns of abuse. If Congress does not act to right this wrong, I do not trust this administration will. We must condemn these acts of torture and abuse. Given that this resolution completely fails to provide Congress with the tools to initiate such investigations, I am forced to vote no.

Mr. ORTIZ. Mr. Speaker, I share the revulsion of my colleagues, the House of Representatives, our friends and allies around the world—indeed of the entire human race—over the abuse of Iraqi prisoners by American soldiers . . . or in the presence of American soldiers.

We are obliged to investigate this event; it has given our great Nation a black eye around the world, particularly in the Middle East where our efforts have been to help them find democracy.

We are a humanitarian nation and a signatory to the Geneva Conventions. We depend on the protections the conventions offer to our own POWs . . . and we may have broken that assurance now. We shouldn't need to train our soldiers in basic humanity; the other 99.9 percent of our soldiers know this is inhuman behavior. If not for an American soldier burdened by conscience we might not know this today.

This is not a reflection of our professional military—it's an aberration. The action of the soldiers who have candidly come forward—even at the expense of their own careers—are the example of our professional military, and of the high standards democracy demands from those who serve in uniform. The actions of a few have sullied the reputation of our all-volunteer fighting force, our mission in the larger Middle East, and the standing of the United States as a democratic, humanitarian Nation.

There is simply no excuse for this inhuman behavior. We are a superpower; we should be setting the example, not acting like barbarians. I hope desperately when the investigation is completed that it will expose the guilty parties, each and every one, who must be punished so the world will know that this Nation finds this behavior aberrant.

I thank Chairman HUNTER and Ranking Member SKELTON for bringing this issue before the House of Representatives today. This is very much an American issue, not a partisan issue. We must demand and expect that the people—all the people—with any responsibility for this are punished to show the world that this is not American. And we must never, ever, put this irrational, inhuman behavior on the young men and women serving honorably in the uniformed service of the United States.

Mr. BLUMENAUER. Mr. Speaker, this Resolution falls far short of the mark of adequately expressing the concerns I've heard from my Oregon constituents and that I have myself. Its failure to include a mechanism to hold Congress accountable and ensure that we do our job is unacceptable.

While concurring with the sentiment of outrage expressed against these acts and deploring those responsible, this Resolution is a very poor substitute for the oversight, fact-finding, and policy formulations that are the duties of this Congress. H. Res. 627 is window dressing, after the fact, and I refuse to support it.

Ms. KILPATRICK. Mr. Speaker, it is unfortunate that I find myself opposing this resolution. I do so because it is only a half way measure that attempts to gloss over the scope of the problem regarding the treatment of prisoners and detainees in Iraq.

First of all the resolution is limited to only the situation in Iraq when we are given to understand that the problem extends to the treatment of detainees in Afghanistan and in Guantanamo Bay.

Second, the resolution fails to call on the administration to provide assurances that it will treat all classes of detainees, prisoners and enemy combatants to the standards established by the Geneva Convention.

Third, it does not call on the leadership of this Congress to embark on an investigation of these "abhorrent" acts, as President Bush described this very sad episode that has left an indelible impression throughout the Arab world.

Fourth, the resolution seems to limit accountability to those in our Armed Services, principally the enlisted ranks of our Army, and exculpates those higher-level officers and civilian authorities within the chain of command.

Fifth, the resolution says nothing about investigating civilian, private military firms (PMFs) who are working under contract with the Coalition Provisional Authority (CPA). The CPA has relied on PMFs to perform security functions that are normally performed by U.S. military personnel, including logistical support, interrogation of prisoners, convoy security, guarding vital facilities and personnel, and more.

Sixth, the resolution fails to hold Defense Secretary Donald Rumsfeld accountable. The day the story broke about the abuses of Iraqi prisoners at Abu Ghraib Prison Secretary Rumsfeld was briefing the Senate and made no mention of the problem. I find myself in agreement with Sen. JOHN MCCAIN of Arizona that there is a lack of communication between the administration and the Congress when it comes to the issue of Iraq. Secretary Rumsfeld is responsible for that lack of communication and this resolution is evidence enough that the leadership of this Congress is covering for him. I join with others in calling for the Secretary's resignation.

The Washington Post is right on target when it said: "The Pentagon ruled that the United States would no longer be bound by the Geneva Convention, that Army regulations on the interrogation of prisoners would not be observed; and that many detainees would be held incommunicado and without any independent mechanism of review."

This administration has mastered the art of deniability. No one has been held accountable. It is time we hold the Secretary of Defense to account and ask for his resignation.

For these reasons, I cast my vote in opposition to this resolution.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Pursuant to House Resolution 628, the resolution is considered read for amendment, and the previous question is ordered.

MOTION TO RECOMMIT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. HOYER. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. HOYER moves to recommit the resolution H. Res. 627 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendments:

POINT OF ORDER

Mr. HUNTER (during the reading). Mr. Speaker, I make a point of order that the motion contains instructions not allowed under H. Res. 628.

The SPEAKER pro tempore. Does the gentleman from Maryland wish to be heard on the point of order?

Mr. HOYER. I do.

The SPEAKER pro tempore. The gentleman from Maryland is recognized.

Mr. HOYER. Mr. Speaker, is it the contention that the rule, as presented and as passed by the majority, prevents the minority from offering a substantive substitute under the rule so that the alternative felt to be preferable by the minority may not be heard? Is that the condition under which the rule places the minority?

The SPEAKER pro tempore. The point of order is that the motion includes instructions.

Mr. HOYER. I understand that, Mr. Speaker. My question is, does that preclude us, therefore, from offering an alternative that gives an alternative proposal to have that proposal be considered on the floor?

The SPEAKER pro tempore. Under House Resolution 628, the motion may not contain instructions.

Mr. HOYER. I thank the Speaker. He has answered my question.

I withdraw my reservation because, under the rule, we have been gagged.

The SPEAKER pro tempore. The Chair is prepared to rule.

Although the Chair ordinarily would await the reading in full before broaching a question of order, the Chair is uniquely responsible to intervene in the present circumstances.

The Chair finds that the motion includes instructions, in unambiguous contravention of House Resolution 628. Therefore, the motion is not in order as a matter of form and without regard to its content.

The point of order is sustained.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOYER. That means not only can it not be considered on the floor, but it cannot even be disclosed to the Members?

The SPEAKER pro tempore. The gentleman may enter the motion into the RECORD by unanimous consent.

Mr. HOYER. Mr. Speaker, I ask unanimous consent to enter the motion into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The text of the motion is as follows:

Strike the preamble and insert the following:

Whereas the American people and the world abhor the abuses inflicted upon detainees at the Abu Ghraib prison in Baghdad;

Whereas the investigation by the United States Central Command has identified problems of leadership, chain of command, and training that contributed to the instances of abuse;

Whereas the Congress was not adequately informed of the existence, or the seriousness, of those abuses or of the investigation of those abuses until after they had been disclosed in the national media;

Whereas such abuses are offensive to the principles and values of the American people and the United States military, are incompatible with the professionalism, dedication, standards and training required of individuals who serve in the United States military, and contradict the policies, orders, and laws of the United States and the United States military and undermine the ability of the United States military to achieve its mission in Iraq;

Whereas the vast majority of members of the Armed Forces have upheld the highest possible standards of professionalism and morality in the face of terrorist attacks and other attempts on their lives;

Whereas members of the Armed Forces have planned and conducted, frequently at great peril and cost, military operations in a manner carefully intended to prevent or minimize injury to Iraqi civilians and property;

Whereas over 138,000 members of the United States Armed Forces serving in Iraq, a total force comprised of active, National Guard, and Reserve personnel, are executing with courage and skill a mission to rebuild and rehabilitate Iraq and return the Government of Iraq to the Iraqi people; and

Whereas the Department of Defense has awarded members of the Armed Forces serving in Operation Iraqi Freedom at least 3,767 Purple Hearts, as well as thousands of commendations for valor, including at least 4 Distinguished Service Crosses, 127 Silver Stars, and over 16,000 Bronze Stars: Now, therefore, be it

Strike all after the resolving clause and insert the following:

That the House of Representatives—

(1) strenuously deplores and condemns the abuse of persons in United States custody in Iraq, regardless of the circumstances of their detention;

(2) reaffirms the American principle that any and all individuals under the custody and care of the United States Armed Forces shall be afforded proper and humane treatment;

(3) urges the Secretary of Defense to conduct a full and thorough investigation into any and all allegations of mistreatment or abuse of detainees in Iraq;

(4) urges the Secretary of Defense to ensure that corrective actions are taken to address chain of command deficiencies and the systemic deficiencies identified in the incidents in question;

(5) urges the Secretary of Defense to bring to swift justice any member of the Armed Forces who has violated the Uniform Code of Military Justice to ensure that their actions do not further impugn the integrity of the United States Armed Forces or further undermine the United States mission in Iraq;

(6) urges the Attorney General to bring to swift justice any United States civilian contractor or other United States civilian whose conduct in connection with the treatment of detainees in Iraq is in violation of law so to ensure that their actions do not further undermine the United States mission in Iraq;

(7) affirms the need for bipartisan congressional investigations to be conducted immediately into these allegations of abuse, including allegations of abuse by United States civilian contractor personnel or other United States civilians, and into the chain of command and other systemic deficiencies, including the command atmosphere that contributed to such abuse;

(8) reaffirms the need for Congress to be frequently updated on the status of efforts by the Department of Defense to address and resolve issues identified in this resolution;

(9) expresses the deep appreciation of the Nation to the courageous and honorable members of the Armed Forces who have selflessly served, or who are currently serving, in Operation Iraqi Freedom;

(10) declares that the alleged crimes of some individuals should not detract from the commendable sacrifices of over 300,000 members of the United States Armed Forces who have served, or who are serving, in Operation Iraqi Freedom;

(11) expresses the support and thanks of the Nation to the families and friends of the soldiers, Marines, airmen, sailors, and Coast Guardsmen who have served, or who are serving, in Operation Iraqi Freedom; and

(12) expresses the continuing solidarity and support of the House of Representatives and the American people for the efforts of the United States with the Iraqi people in building a viable Iraqi government and a secure nation.

Mr. HOYER. Mr. Speaker, I appeal the ruling of the Chair.

Mr. Speaker, I withdraw the appeal.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HUNTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of H. Res. 627 will be followed by 5-minute votes on the motions to suspend the rules and adoption of House concurrent resolutions 326 and 398.

The vote was taken by electronic device, and there were—ayes 365, noes 50, not voting 19, as follows:

[Roll No. 150]

AYES—365

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Collins
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons

Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Pascrell
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—50

Abercrombie
Blumenauer
Brown (OH)
Clyburn
Conyers
Cummings
Fattah
Frank (MA)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hoyer
Inslee
Jackson-Lee (TX)
Jones (OH)
Kaptur
Kilpatrick
Kucinich
Lee
Lewis (GA)
Markey
McCollum
McDermott
McGovern
Meek (FL)
Millender-McDonald
Miller, George
Mollohan
Oberstar
Olver
Owens
Pallone
Paul
Payne
Pelosi
Rangel
Ryan (OH)
Sabo
Schakowsky
Serrano
Stark
Strickland
Towns
Velázquez
Waters
Watson
Watt
Waxman
Woolsey

NOT VOTING—19

Baca
Blunt
Bono
Boyd
Cox
Davis, Jo Ann
DeMint
Greenwood
Jenkins
John
Latham
Lewis (KY)
McCrery
McHugh
Meeks (NY)
Oxley
Solis
Tauzin
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1505

Messrs. GUTIERREZ, SABO and STRICKLAND changed their vote from "aye" to "no."

Mr. ANDREWS and Mr. JACKSON of Illinois changed their vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the remainder of this series of votes will be conducted as 5-minute votes.

EXPRESSING SENSE OF CONGRESS REGARDING ARBITRARY DETENTION OF DR. WANG BINGZHANG

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 326.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BURTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 326, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 34, as follows:

[Roll No. 151]

YEAS—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Bonilla
Bonner
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McDermott
McGovern
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)

Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—34

Baca
Ballenger
Berkley
Blunt
Boehner
Bono
Boyd
Brady (TX)
Burgess
Buyer
Davis, Jo Ann
Delahunt
DeMint
Doyle
Gephardt
Greenwood
Hastings (WA)
Jenkins
John
Latham
Lewis (KY)
McCollum
McCrery
McHugh
McNulty
Meeks (NY)
Neal (MA)
Oxley
Peterson (PA)
Reyes
Solis
Tauzin
Turner (TX)
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1513

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 151 on H. Con. Res. 326—Detention of Dr. Wang Bingzhang—PRC, I was unavoidably detained. Had I been present, I would have voted "yea."

EXPRESSING CONCERN OF CONGRESS OVER IRAN'S DEVELOPMENT OF MEANS TO PRODUCE NUCLEAR WEAPONS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 398.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BURTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 398, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 376, nays 3, answered "present" 14, not voting 40, as follows:

[Roll No. 152]

YEAS—376

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Bonilla
Bonner
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Green (WI)
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McGovern
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)

NAYS—3

Conyers
Kucinich
Paul

ANSWERED "PRESENT"—14

Capuano
Filner
Hinchey
Kanjorski
Lee
McDermott
Miller, George
Mollohan
Rahall
Serrano
Stark
Waters
Watson
Woolsey

NOT VOTING—40

Baca
Ballenger
Berkley
Blunt
Boehner
Bono
Boyd
Burgess
Cole
Davis, Jo Ann
Delahunt
DeMint
Doyle
Farr
Feeney
Gephardt
Granger
Greenwood
Gutierrez
Hastings (WA)
Hunter
Jenkins
John
Latham
Lewis (KY)
McCollum
McCrery
McHugh
McNulty
Meeks (NY)
Neal (MA)
Oxley
Peterson (PA)
Reyes
Solis
Spratt
Tauzin
Turner (TX)
Wilson (SC)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1519

Mr. CONYERS changed his vote from "present" to "nay."

Mr. MOLLOHAN changed his vote from "yea" to "present."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, during today's rollcall votes on H. Res. 627, H. Con. Res. 326, and H. Con. Res. 398, I was en route to my congressional district for official business. Had I been present, I would have voted in favor of each of these resolutions.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise to inquire of the majority leader the schedule for next week.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, next week the House will convene on Tuesday at 12:30 p.m. for morning hour debates and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of this week. Any votes called on these measures will be rolled until 6:30 p.m. on Tuesday.

For Wednesday and the balance of the week, we plan to consider several bills that address the impact of health care costs and American job creation and economic prosperity: H.R. 7249, flexible spending accounts; H.R. 4280, medical liability reform; and H.R. 4281, association health plans.

In addition, we will also consider H.R. 4275, which would permanently extend the 10 percent individual income tax bracket.

Finally, I would like to remind all Members that we do expect to have votes next Friday, May 14.

Mr. Speaker, I would be happy to answer any questions.

Mr. HOYER. Mr. Speaker, I thank the gentleman for the information.

Mr. Leader, you have listed for next week legislation regarding the 10 percent tax bracket expansion. Is it safe to assume the bill will not be considered in the Committee on Ways and Means, but will come directly to the floor instead, just as was the case with the AMT bill last week and the marriage penalty bill the week before that?

Mr. DELAY. That is correct.

Mr. HOYER. Will we be able to offer a substitute as we have in the past?

Mr. DELAY. If the gentleman will continue to yield, I think we have demonstrated on these bills as we move along, the Committee on Rules has been very gracious in allowing substitutes, but I do not want to assume or influence the Committee on Rules as to what they may or may not do.

Mr. HOYER. I appreciate the gentleman's observation. However, I might say that we believe fair is not gracious, but fair and appropriate.

We appreciate their graciousness from time to time. I am trying to remember when that last happened. We appreciate the fact that it has been done and hope it will continue to be done.

Am I correct in assuming that the week after next the child tax credit will be on the floor?

Mr. DELAY. Mr. Speaker, I did not hear the gentleman.

Mr. HOYER. Mr. Speaker, we are going to do the 10 percent bracket next week. Would it be safe to assume the week following we will do the child tax credit?

Mr. DELAY. That is correct. It is safe to assume that.

Mr. HOYER. With respect to the associated health plans, the medical malpractice, and the flexible savings account bills, can you tell us what procedures will be employed for consideration of these three bills?

Mr. DELAY. Mr. Speaker, I just had brief consultations with the chairman of the Committee on Rules, and he is inclined to recommend to his committee that the amendments to these bills be in the nature of a substitute.

Mr. HOYER. Mr. Leader, can you tell me whether these bills will be in exactly the same form as they were when they passed the House last year.

Mr. DELAY. I am afraid I cannot answer that question. I have not read as of yet those three bills, so I cannot answer that question as compared to bills from last year.

Mr. HOYER. Mr. Leader, can you call me when you do read them.

Mr. Leader, would it be fair, and I see the chairman is on the floor, would it be fair to assume that these bills will not be considered in committee again?

Mr. DELAY. Mr. Speaker, if the gentleman would continue to yield, that is correct. I am under the impression that H.R. 4279, the flexible spending accounts bill, has been considered in committee. But medical liability and the association health plan bills are bills that we have passed in this House before.

Mr. HOYER. Mr. Speaker, reclaiming my time, although we have considered them before, you are not sure whether they are going to be in exactly the same form as when they last passed the House last year?

Mr. DELAY. If the gentleman would yield, "exactly" is too stringent a word for me to answer. Exactly, I do not know. I am advised that these two bills have passed the House floor and are substantially the same.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments. Before yielding back my time and with the leader on the floor, Mr. Leader, I have said this before, I mean it as sincerely as I can say it: this side of the aisle intends to participate to the extent we are allowed in a bipartisan way to put forth and enhance the interests of this country.

There are many of us on this side of the aisle who are supportive of our efforts in Iraq. We now have had, unfortunately, two instances, the instance we just dealt with today and the instance of support of the troops some weeks ago, in which essentially this side of the aisle was not included in those deliberations. This is not an issue about process. It is an issue about substance because substantively we want to project to the world the unanimity that you have indicated on the floor you would like to effect as well.

In light of that, Mr. Leader, I would respectfully request that as we consider issues of great importance and gravity as it relates to the prosecution of our efforts in fighting terrorism and in Iraq, efforts which we ought to be united on notwithstanding our differences in terms of implementation and success of our troops and our objectives, that you and the leaders on your side of the aisle give us the time and the opportunity to be included so that they may in fact be, notwithstanding the votes, but in actuality be bipartisan. I thank the gentleman for consideration of that.

We have been disappointed that that has not occurred. We have lamented that fact on numerous pieces of legislation. We do not believe it is in the best interest of the American public; but when we are dealing with domestic issues, that is not as important. But it is critically important in dealing with the issues of international policy of our troops abroad, their safety, security, and the support we give to them. So we would urge that those items perhaps be treated more sensitively as it relates to the interests of the minority and the role of the minority in forging those resolutions and policy statements. I appreciate the majority leader's consideration of that request.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, the gentleman sees it a little differently than I do. The gentleman says there was no consultation on this particular resolution. Nothing could be further from the truth. This leader asked the chairman of the Committee on Armed Services to write a resolution on an event that started 1 week ago, so we could not do it much sooner than this week.

At the beginning of this week, we asked the Committee on Armed Services to write a resolution and admonished the chairman to reach out to the Democrats and the ranking member in order to write that resolution. The staff and the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) worked diligently together and came up with a draft yesterday that was sent to legislative counsel. That draft was given then to the leadership, to the minority leader's office, to the Speaker's office, and to my office for consultation.

The minority leader's office came back and wanted to eliminate two clauses in the resolution. I would be glad to read the gentleman the clauses they wanted to eliminate, and it was very surprising to us that the minority leader wanted to remove two clauses congratulating the good work done by our troops in Iraq, and the minority leader wanted to add an additional clause that had nothing to do with the tone or the substance of the resolution.

We rejected adding a clause that had nothing to do with the tone or substance of the resolution and offered to remove the two clauses that they had objections to. That is when they walked away from the table, asked the ranking member to remove his name from the resolution, and that is the resolution that came to the floor.

I do not know how much more bipartisan we can get than that. Unfortunately, some people's definition of bipartisan is to buy into our partisanship or we will go home and not negotiate. That is exactly what happened in this process. If the gentleman has another way of reaching out and working together where we can come to some resolution, than I am more than open to working out a way to get these very important resolutions, as the gentleman says, to the floor in a bipartisan way.

But I also point out to the gentleman that only 50 Members of this House, including the minority leader and the gentleman voted against this resolution; 365 Members voted for this resolution, and I call that bipartisan.

Mr. HOYER. Mr. Speaker, reclaiming my time, I will take a back seat to no one. You, Mr. Leader, the gentleman from California (Mr. HUNTER), or anybody else in this House on support of the troops, support of our efforts, and support of this country, period. But we do see things differently, Mr. Leader.

I think I have a reputation in this body of being able to work in a bipartisan fashion with the speaker, with the gentleman from Ohio (Mr. NEY) with whom I worked as ranking member on the Committee on House Administration, with the gentleman from Missouri (Mr. BLUNT), and with others.

□ 1530

And, yes, Mr. Leader, with you on some very issues of great importance to this institution. And I continue to be in that posture, but, yes, we do see it differently. The leader got, at 10 p.m. last night, the opportunity to review this in a meaningful way

Mr. DeLAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DeLAY. Mr. Speaker, that is exactly when I got it, too.

Mr. HOYER. Mr. Speaker, this was of great import. Every speaker that came to the floor expressed outrage, expressed deep concern about what this had done and the impact it would have on America and our image abroad but, more importantly than our image, on our ability to continue to lead on issues of freedom and justice and human rights throughout the world. At 10 p.m., whether it was same time he got it or not, I would suggest to the leader is not a time frame in which we can thoughtfully try to reach a bipartisan agreement.

We do not expect nor do we ask for you to accept without question our position or our changes. But we do expect to have the opportunity to discuss them. I did not have an opportunity to discuss it with you, the gentleman from Missouri (Mr. BLUNT), or the gentleman from California (Mr. HUNTER). I saw the resolution at 9 a.m. this morning. I had no ability to put input nor did others. And the gentleman from Missouri (Mr. SKELTON), I think, is on the floor and I would be glad to yield to him if he would want to make a comment.

If not, in my discussions with the gentleman from Missouri (Mr. SKELTON), he believes there was not the full opportunity that he would have liked to have considered in a bipartisan fashion. And that committee, as you well know, and that gentleman from Missouri has been one of the most bipartisan Members of the House.

Mr. DeLAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DeLAY. Mr. Speaker, I do not quite understand that because the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) wrote the draft. It was done by late yesterday afternoon. It was sent to the legislative counsel. The entire draft was done, their agreed-to draft, both the Democrat ranking member, Republican chairman putting together a draft, coming together, and having done that, then it was vetted with the leadership. How much time does one need?

After they finish writing the draft, do they sit around and wait? For what? The two gentlemen that were charged with writing the resolution came together, wrote a resolution that they both put their name on and had agreed to; then it was given to the leadership staff and the leaders, and then that is when the leader wanted to eliminate two clauses and insert another clause. We agreed to eliminate the two clauses. We did not agree to insert the third clause, and that is when negotiation and bipartisanship, which, by the way, that only 50 voted against the resolution, broke down.

Evidently 365 Members thought it was a very well-crafted bipartisan effort.

Mr. HOYER. Mr. Speaker, reclaiming my time, I have been in a position where I was one of four voting against something if I thought it was appropriate to do. So he can keep saying there were only 50 as long he wants. There should have been zero. His side believes that and our side believes that. Our side is as deeply committed to supporting the troops as is his side. That is good news of this day. Everyone has expressed that.

It does not serve our purposes further, related to staff here, they did not get a draft from their perspective until after 6 p.m. last night when, as you know, we had adjourned. I was at the Fire Service Caucus with the gentleman from Pennsylvania (Mr. WELDON), with whom I work in lockstep, and have for 13 to 14 years in a bipartisan way. We understand bipartisanship. We have a Fire Service bill on this floor totally bipartisan.

So I understand bipartisanship, Mr. Speaker. It does not serve our purpose to further discuss procedures. I agree on that. We have a different view. But what it does serve our purposes for is trying to come together not in a way that will divide the House, but in a way that will bring the House together. That, I believe, is the best interest of our country. I would hope we could do that, and I will work with the gentleman to accomplish that objective, and I presume he will work with me as well.

Mr. DeLAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DeLAY. Mr. Speaker, I would be glad to work with the gentleman because the gentleman has shown good faith in trying to work in a bipartisan way.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his comments.

ADJOURNMENT TO MONDAY, MAY 10, 2004, AND HOUR OF MEETING ON TUESDAY, MAY 11, 2004

Mr. DeLAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, May 10, 2004; and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, May 11, for morning hour debates.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DeLAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 627, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PRESCRIPTION DRUG PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, yesterday, the President's Secretary of Health and Human Services, Secretary Thompson, who has previously said he will not allow the reimportation of less expensive FDA-approved drugs from Canada or any other country, deeming them unsafe, of course his assistant secretary, Mr. Hubbard, when questioned before a congressional committee, could not document one single instance of safety problems with Canadian drugs, yet can document thousands of problems with the supply chain here in the United States because of a virtually uncontrolled wholesale drug market.

So it really is not the issue of safety. It is the issue of the profitability of the pharmaceutical industry. They make their profits all in the United States, and that allows them to sell drugs very cheaply in other countries, and they say that is necessary to protect their investment in new technologies and new drugs.

I certainly want to see new drugs and new technologies developed, but why should Americans only pay for those investments? And that is the system they are attempting to perpetuate, and there is also of course the issue that it is only recently that the pharmaceutical industry has been allowed to advertise on television and now they are spending upwards of 6, $7 billion a year on promotion, which of course drives up the cost of drugs, and I am not quite sure of the value what the little purple pill ads or many of those other ads on television are, and I think consumers would be happy to consult with their doctors rather than 30-second ads if they could see the price of their drugs go down. Drugs are going up at about 10 times the current rate of inflation on an annual basis. They are simply not affordable for most Americans.

So yesterday Secretary Thompson announced that the Maginot Line that this administration has created to defend the profits of the pharmaceutical industry, the Maginot Line that said this was an issue of safety, Americans should not be allowed to reimport lifesaving drugs at a fraction of the cost, that they are available in this country, he predicted it will crumble. He predicted that we will see the reimportation of drugs.

Why is that? What happened to his safety concerns? I think the safety concern that has been elevated in their minds right now is the reelection of George Bush who read the polls. Eighty-five percent of the people cannot understand how it is free trade when we export American jobs, but there is no free trade issue when we prohibit the importation of less expensive pharmaceuticals from Canada, our neighbor, that our FDA approved.

And then today in a further indication that their Maginot Line, their protection of this industry, is crumbling quickly, we have two major drug chains, CVS and Walgreens, who have both come out in favor of reimportation. They do not want to see individuals reimporting. They want to protect their businesses. They want to see that they and other wholesale purchasers can go to Canada where it they can purchase drugs more cheaply from a Canadian wholesaler by far than they can purchase them directly from a pharmaceutical company here in the United States. As big as they are, as much as they buy, the price they are charged is significantly higher than the price at which these drugs are sold in Canada.

So the bottom line here is we have people in this country suffering. They cannot afford the drugs they need. Seniors in my district dividing pills in half, couples sitting down at beginning of the month and deciding who will get their pills this month and who will not, despite their jeopardy to their health, and the Bush administration says they are worried about the health and safety of Oregonians or the American public. Their health and safety is definably hurt by the fact they cannot afford lifesaving drugs. And since they cannot document a single instance of problems from Canada, then let us allow Americans to reimport drugs from Canada, and I would be happy if they could do that through their pharmacies because pharmacies are a key part of this chain and consumer information.

The other thing we could do, and of course the Bush administration is adamantly opposed to but who knows, maybe they will change there too, is negotiate lower drug prices on behalf of the American people like every other civilized democracy on earth does for all their citizens. There is no other country on earth that allows the pharmaceutical industry to leverage these extraordinary extortionate prices for lifesaving drugs out of their citizens. Only the Government of the United States. But, amazingly, the Bush administration got a clause inserted in the so-called Medicare prescription drug benefit that prohibits the government from negotiating lower drug prices, prohibits the government from negotiating, not mandating, negotiating lower drug prices; unlike every other civilized democracy on earth; unlike the private insurance industry which can and does negotiate discounts; unlike the Veterans Administration, which can and does and gets a good deal for our vets, negotiates discounts; and unlike what we mandate in Medicaid.

But they are saying, no, we cannot do that elsewhere. There would be too much market power, meaning it would bring down the price too much. And then what will happen to the industry? The industry will then have to drive a little tougher deal with all these other countries. Instead of just saying, Oh, they will not pay, you will have to pay, everybody would share the cost of the development of new drugs and Americans could have access at lower prices.

PRESCRIPTION DRUG DISCOUNT CARDS

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, this week enrollment began for the prescription drug discount cards available for the Medicare bill passed last year. For some seniors in my home State of Ohio, this could mean $600 in prescription drug benefits. That sounds great. We want seniors to look into these cards. If they can get help, that is obviously a good thing.

However, the real story about these cards is found in the details. The discount drug cards will further complicate an altogether too confusing process for America's seniors. Instead of implementing a prescription drug benefit under one program, Medicare, which serves 39 million American beneficiaries, the administration fought to create an unnecessarily complex system that diverts money away from benefits and gives it to drug companies and the insurance companies. The drug companies under this legislation, this new law, according to bipartisan studies, will profit $150 billion more than they are already making, and at the same time, this bill gives a $46 billion subsidy, a $46 billion direct subsidy, taxpayer dollars, to the Nation's insurance industry.

□ 1545

That is not any real surprise, considering that President Bush's reelection campaign has received tens of millions of dollars from the drug industry and tens of millions of dollars from the insurance industry.

But this new program will feature 70 cards, 70 choices of private insurance prescription drug cards, by 70 different companies. It is a lot like the multiple HMO system our Republican friends are trying to foist on Medicare beneficiaries.

So here is the deal. Beginning this week, seniors will get notices at their houses. They will get visits, in Ohio, from up to 50 insurance agents, they will get mailings from up to 50 companies, and then they will get to choose these cards.

Now, what we could have is one Medicare card where seniors get a discount negotiated by the government, the way they do it in every other country in the world, as the gentleman from Oregon (Mr. DEFAZIO) said, one card with prices negotiated by the government on behalf of 40 million beneficiaries. But the Bush administration way, in part because one of his best friends and biggest contributors owns one of these card companies, but let us get back to this, the Bush administration is going to give you a choice of 50 cards.

Now, you buy one of these cards. Pick this card. This card perhaps might have a 30 percent discount or a 20 percent discount on Fosamax. This card here might have a 15 percent discount on Zoloft, or this card here might have a 12 percent discount on Celebrex.

Then you choose this card. You can only choose one card. You pay $30 for this card that you get to choose, one of these 50 cards, as these insurance agents come to your home and these mailings come to your home and these fancy brochures come to your home. You choose one card; you pay $30. And then this card company can actually change what drugs are covered by this card any week during those 52 weeks, during that year, or it can change the percent discount.

So you get this card, this one right here, because it has got a pretty good discount for Fosamax and Vioxx and Zoloft, three drugs you are taking, it has a 15 percent discount. But then after you pay the $30, three weeks from now the card company can say, well, we are not going to cover Vioxx anymore, we are going to cover Celebrex, and we are not going to give you a 20 percent discount on Fosamax, we are going to drop it to 10 percent. You have no control over that.

So it is a question of do you want to choose among 50 cards, the way that President Bush and his big contributors in the drug industry, the insurance industry and the insurance discount card industry want, or would you rather have one Medicare card, where the government has negotiated a good discount? That is the way Canada does it, and that is why my constituents in northeast Ohio, why they drive to Canada. Canadian drugs are 30 percent, 40 percent, 50 percent cheaper, same drugs, same dosage, same manufacturer. So you got one card, or you got a choice of 50 cards.

Now, there is one other part of this bill, Mr. Speaker, that is really pretty incredible. As I mentioned, in this bill we give, taxpayers give, out of our pockets, reach into our pockets, $46 billion direct subsidy from taxpayers to insurance companies.

Think about what we could do, instead of that $46 billion going to the insurance industry, with their huge executive bonuses and stock options and marketing costs and all that, instead of $46 billion going to the insurance industry, if that money went to Medicare beneficiaries for their drug costs, that would be almost $1,200 for every one of the 39.5 million Medicare beneficiaries. So we are giving $46 billion directly to the insurance industry instead of taking care of our seniors.

Again, the question is, why would this possibly happen? How could Congress be this stupid, how could Congress be this greedy, how could Congress be this out of touch, to choose this, over this? It has got a whole lot to do with how much campaign contributions George Bush has gotten and how much campaign contributions my friends on the other side of the aisle have gotten from the drug industry and the insurance industry.

REMARKS ABOUT IRAQ WAR BEING UNWINNABLE ARE APPALLING AND INEXCUSABLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I do take some exception, and I am here to speak on another subject, but as the author of the discount card, I find it very practical, very reasonable, and very meaningful for seniors in my district, the fifth largest Medicare-eligible population in America. We will get on that at another time.

Why I am here today is obviously having read the Roll Call this morning and seen the headlines, I am furious by the remarks that were attributed to one of my colleagues that said the war in Iraq is unwinnable. "Unwinnable" was the comment made.

What is more mind-boggling is the remarks are attributed to someone who has served this Nation as a veteran during the Vietnam War conflict, and we respect him immensely for his service to this country.

There are some, though, in this process who have recently spoken in the national media comparing this conflict to Vietnam. I find the comparison absurd. It is also deliberately partisan rhetoric.

But if there is one lesson we should have learned from Vietnam that should carry over here in this Chamber today, it is that disparaging what our soldiers are doing in Iraq is tantamount to giving comfort to the terrorists and comfort to the enemy.

Saying this conflict is unwinnable will make no difference one way or the other to what we do in Iraq, but it has a devastating effect on American men and women who are in Iraq now doing what we in this Congress have asked them to do. Congress voted on a resolution to go into Iraq. We are there. We have sent more troops there to bring peace and democracy to Iraq. We are not risking our lives as Members of Congress; they are, as will the thousands of other Americans who may follow to bring liberty to Iraq.

Whether anyone here agrees or disagrees with the reasons we went to Iraq in the first place, the simple fact is that we are there now and we have to accomplish the goals that free Iraqis are asking of us.

We are fighting terrorism at its doorstep. If someone disagrees with that, so be it. But no one should ever forget that what they say has a direct impact on the men and women who are in Iraq at our behest.

To tell them they are over there risking their life and limb for something unwinnable is just unbelievable. On a very basic level, it is like a coach telling his team of Little Leaguers that they do not have a chance of winning the game, but go out there and play anyway. Let us waste some time.

I know that is a poor analogy, because we are not talking about Little League. This is the big league. This is life and death. This is America's finest young men and women serving this country.

For that reason alone, I find it stunning that anyone in this body could say something that will have absolutely no effect, other than to undercut the morale of our troops in Iraq and cheer on the terrorists.

I went to a funeral in my district of a young man who was killed in Iraq 2 weeks before he was to return home and marry his high school sweetheart. It was a very, very tearful day for everyone in the room.

When I approached his parents, I felt remorse, obviously, because I had voted to send their child to that place. They did not look at me with bitterness. They were proud of their son. They were proud he died doing what he wanted to do since he was a little boy, and that was defend the flag that flies over this building.

I did not sacrifice anything in Iraq, but these people did. They knew that the cause that their son perished under was just and was noble and was right. For him and all the others who have perished in this conflict, these kinds of words of "unwinnable" are simply political rhetoric designed to influence the outcome of this next election.

But I urge all of my colleagues, Democrats and Republicans and citizens alike, while there are people in harm's way from this country in that nation and everywhere on the globe, we respect that, and let us not make their burden more difficult by giving the enemy even an inkling that they may be winning. That succeeded in Spain during this recent election by bombing a train and killing people.

Those that say that they were attacked simply because the Spanish were in Iraq have not looked at the entirety of what is happening. Jordanians are being attacked, if you will. There were plans to attack their intelligence service. Saudi Arabia was the target last week of a terrorist attack. These things are happening because of terrorists, not because of Iraq, but because they want to undo the way of life that we respect.

So I take umbrage with the comments that this is unwinnable, and I ask us all to join in salute for our strong, brave men and women in the field.

IRAQ WAR ACCOUNTABILITY AND LACK OF OVERSIGHT IN THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I listened to my colleague who previously spoke, and I really do not understand why he says what he says. There is no reason why any Member of this House of Representatives should not speak the truth. The Iraq war is unwinnable, it has been a total failure, and if we recognize that fact, then we will not continue to make the same mistakes.

Now, that is not to suggest that there is not an exit strategy or a way of leaving Iraq that will not accomplish some goals and that will not perhaps make the situation for the Iraqis better. But for us to sit around here and suggest that somehow the conduct of this war by the President or the Vice President or the Secretary of Defense is helping the cause is simply not true, and we have to speak out and say that.

Since the very beginning, with its refusal to truly internationalize the war, the Bush administration has shown nothing but arrogance towards anyone outside its inner-circle, whether that be Congress or the international community; and, unfortunately, the administration is now paying the price and our U.S. troops in Iraq are paying with their lives.

There seems to be a sense from Republicans here in Congress that anyone who questions the actions of the Bush administration is not supporting our troops. But, Mr. Speaker, when are congressional Republicans going to realize that President Bush and Vice President CHENEY and Secretary Rumsfeld simply cannot conduct this war, they do not know how?

How many more months should we sit by silently enduring the kind of month that we had in April? How many more months can we ignore the fact that the minuscule amount of international support we once had in Iraq continues to shrink? How many more months are we supposed to sit by silently and not question the Bush administration on why it did not develop a post-Saddam plan before going to war?

It is time that someone is held accountable in this administration, and it is time for the Secretary of Defense, Donald Rumsfeld, to resign.

Mr. Speaker, on the issue of Iraq, Republicans here in the House of Representatives stand by obediently, wrapping themselves in the American flag, but refusing to ever question any action taken by the Bush administration. Now with the unveiling of these deplorable pictures of abuse from Iraq, House Republicans once again obediently followed their leader, President Bush.

Today, House Democrats called on this House to oversee the Bush administration and investigate these awful abuses. In the other Chamber, Secretary Rumsfeld is scheduled to testify tomorrow on his role in the abuses committed by a few American interrogators. I would imagine my colleagues over in the other Chamber will ask Secretary Rumsfeld why he never mentioned these pictures during a visit to Capitol Hill last week, hours before they would appear on the CBS News Magazine.

I would imagine my colleagues over in the other Chamber will ask Secretary Rumsfeld why he never bothered to read the Taguba report, even though it had been on his desk for more than a month before these outrageous instances of abuse finally came to light on CBS news.

Mr. Speaker, these are valid questions; and they should not only be asked in the U.S. Senate. It is time congressional House Republicans take their oversight responsibilities seriously and call on Secretary Rumsfeld to come over here to the House and answer these questions.

Earlier this week, when the Republican majority leader, the gentleman from Texas (Mr. DELAY), was asked whether or not he called for an investigation into the abuse of prisoners in Iraq, the gentleman responded, "A full-fledged investigation, that is like saying we need hearings on every case of police brutality, and I do not think they are warranted."

Well, Mr. Speaker, for the majority leader to minimize the abuses committed in Iraq does nothing to help our troops in Iraq. The Congress must show the Arab world that it takes this issue seriously, so we can save the lives of American troops in the future.

Mr. Speaker, if we truly want to support our troops in combat, the U.S. House of Representatives must oversee actions of the Bush administration. Failing that, in my opinion, we are failing our troops.

HONORING THE GREATEST GENERATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, tomorrow, I have a special honor. I get to present the World War II medals that my uncle earned in the war to him. He is what Tom Brokaw has called part of the Greatest Generation. In fact, last week we opened the World War II Memorial, with a formal ceremony coming Memorial Day weekend.

Since we are in a challenging world environment, many people are saying today that we are seeing the next Greatest Generation.

□ 1600

The services are reporting that they are meeting their recruiting goals. Imagine that. In an environment where we are at war, soldiers are dying, recruitment levels are being met. Truly, we are seeing a revival of patriotism and, very possibly, another "greatest generation."

However, that is not without cost, and today I am here to mention five individuals from my district who have lost their lives in service to their country, not all in Iraq, as we will come to see.

Each of these people gave their lives in pursuit of freedom and democracy. They should be recognized for their sacrifices.

Corporal Foster Jostes was a 21-year-old from Albion, Illinois who served as an Army Corporal in the 1st Battalion, 1st Cavalry Division from Fort Hood, Texas. He was a 2000 graduate of Edwards County High School, after which he joined the National Guard at age 17. He had only been in Iraq for about a week when military personnel say his Humvee was hit by a rocket-propelled grenade, killing Jostes and the driver, in a suburb of Baghdad.

Lance Corporal Torrey Stoffel-Gray was a 19-year-old Marine from Patoka, Illinois. Patoka is a rural town in my district with around 630 people. At 16, Lance Corporal Stoffel-Gray left Patoka to enter Lincoln Challenge, a military-style alternative school at Rantoul, Illinois. Many friends and family say that Lincoln Challenge changed his life and helped him find his way. This young man was recently killed in action in Iraq when his convoy was struck by a rocket-propelled grenade and gunfire in the Al Anbar Province.

Gary Weston was a 52-year-old from Vienna, Illinois. He was employed by DynCorp International, serving with the United Nations as international police officers. He and other officers were fired upon by a Jordanian police officer for unknown reasons. Two fellow workers were killed in the resulting fire fight. Gary was flown to a hospital after receiving several gunshot wounds. He later died from complications from the gunshot wounds. His wife Nina Weston was there by her husband's side.

Kim Bigley was a 47-year-old who lived most of her life in southern and Southwestern Illinois. She was an employee of DynCorp International, which was serving with the United Nations as an international police officer and was a former warden at the Shawnee Correctional Center. She had just completed her first day of job orientation when she was killed. Along with Mr. Weston, Kim was fired upon by a Jordanian police officer for unknown reasons and was killed as a result of the fire fight.

Captain John Tipton was a 32-year-old who grew up in Granite City, Illinois. He died recently in an explosion during combat in the Al Anbar Province in Iraq. The province, west of Baghdad, and is one of the most hostile regions in Iraq. He was stationed at Fort Riley, Kansas with his wife, Susie Tipton of Collinsville and their two children: Austin, 4 and Kaitlyn, 2. He was commander of Headquarters Company, 1st Battalion, 16th Infantry, 1st Brigade, 1st Infantry Division out of Fort Riley, Kansas.

I cannot say enough about these men and women who are putting their lives on the line every day in the hopes of making a difference in far-away lands. They made the ultimate sacrifice and should never be taken for granted. My thoughts and prayers go out to all of the troops, their families and their loved ones.

Truly, we are seeing the next "greatest generation." May God bless our troops and may God bless America.

EXCHANGE OF SPECIAL ORDER TIME

Mr. VAN HOLLEN. Mr. Speaker, I ask unanimous consent to take the time of the gentlewoman from California (Ms. WOOLSEY).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

TIME TO HOLD PENTAGON LEADERSHIP ACCOUNTABLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. VAN HOLLEN) is recognized for 5 minutes.

Mr. VAN HOLLEN. Mr. Speaker, we are at a critical juncture. The horrible photographs of abused and humiliated Iraqi prisoners being beamed around the world have seriously wounded our already tattered credibility in Iraq, the Middle East, and around the world. The damage done to our effort to win the hearts of the Iraqi people may be irreversible, but we owe it to the 130,000 American troops putting their lives on the line every day in Iraq to show the world that America will not tolerate such abuse. We must take strong action to demonstrate that we understand the severity of the problem and blunt the damage to our image and reputation around the world. Failure to send a strong signal will further strengthen the hand of al Qaeda and the terrorist groups who will use these photographs to bolster recruits and promote their cause.

It is easy to try and dismiss the abuse as the acts of a few bad apples acting alone. But the fact that a situation developed where such abuse could occur in a facility under the total control of the United States represents a failure of leadership at the highest levels of the Pentagon. It is inexcusable that the Secretary of Defense and the top civilian leadership of the Pentagon did not foresee the possibility of such abuses happening and take steps to prevent it. The fact that some are now trying to brush aside these abuses on the grounds that sometimes terrible things happen to prisoners of war only reinforces the fact that such abuses were foreseeable and could have been prevented.

Before the war began, we know that experts on Iraq warned that the toughest fight would not be the military conquest over the forces of Saddam Hussein, but the battle to win the peace. A fundamental miscalculation of our civilian leadership was their belief that removal of the hated Saddam would automatically leave the Iraqi people to embrace the United States. And the Bush administration has since made many miscalculations that have increased the number of Iraqis who view us as occupiers, including the continued detention of many Iraqis without proof of wrongdoing.

In a battle where we knew that the greatest challenge was to win the hearts and minds of the Iraqi people, political considerations are often more important than military calculations. Making sure those considerations are taken into account is the responsibility of the President and his leadership team. It should have been obvious to everybody that the negative fallout from any hint of abuse of Iraqi prisoners would be a huge setback to our efforts throughout the Middle East.

Secretary Rumsfeld should have ensured that the procedures were in place to better screen the Iraqis being thrown into prison and taken extra precautions to ensure the physical well-being of those who were detained. Instead, just as the Bush administration has ignored the international concerns about prisoners held at Guantanamo Bay, it has shown a cavalier attitude when international human rights groups and Iraqis raised issues about the treatment of Iraqi prisoners.

We will be learning more about the facts in the days ahead, but the lawyers representing the American soldiers who were directly involved have already warned that these prosecutions will "open up a can of worms" that will show that these abusive practices were not only tolerated, but encouraged by some of their superiors as a useful part of interrogation.

Nothing, nothing could be more damaging to U.S. credibility in Iraq than to have Iraqis abused by Americans in the same Abu Ghraib Prison where Saddam tortured prisoners. The awful symbolism is devastating to U.S. efforts around the world, and reports that Iraqi women may have been subject to sexual abuse will further inflame the problem. It is hard to think of a more serious blow to our international reputation as we seek to promote human rights, freedom, and democracy in Iraq, Afghanistan, and the Middle East.

The tragedy, the real tragedy is that the heroic efforts of our soldiers who have performed so courageously in Iraq have now been compromised by the negligence of the Secretary of Defense and the Pentagon civilian leadership. Throughout the war, President Bush has used the rhetoric of leadership, but has failed to hold leaders in his administration accountable for bad decisions and serious omissions. Indeed, those who did raise prescient questions about the true costs and required troop levels were publicly rebuked, while those who have been consistently wrong in their predictions have received no sanction.

This is a critical moment. The world is watching. If we do not want al Qaeda and our enemies to gain an even bigger public relations victory than they already have, the President must show the world that America will not stand for such abuse. The President was right to go on Arabic-speaking television stations in the Middle East to express his outrage at the abuses that occurred and make it clear that they are unacceptable to the American people, but that is not enough to repair the severe damage that has been done. We must take additional steps and, Mr. Speaker, I will include in the RECORD five additional steps that we must take to blunt the damage that has been done as a result of this.

First, it is not enough for the President to allow a few very bad apples to shoulder the entire blame for actions that have seriously undermined our efforts in Iraq and around the world. Leadership begins at the top and these abuses are the result of failed leadership. Even if Secretary Rumsfeld had no actual notice of prisoner abuse, Secretary Rumsfeld should have taken steps to ensure the safety of Iraqi prisoners. But Secretary Rumsfeld was on notice. He and his deputies at the Pentagon had access to numerous reports of alleged prisoner abuse and did nothing. That failure to act has now undercut the brave efforts of our men and women in Iraq; their failure to act has violated the trust of our soldiers and the trust of the American people. The President owes it to our troops and the American people to act quickly to remove those individuals who should have acted early to prevent this debacle.

Second, the Administration must stop being so contemptuous of international law and norms and immediately grant an independent third party, such as the International Committee for the Red Cross, full and unimpeded access to all the prisoners being detained in Iraq. It has become fashionable in this Administration to argue that the United States should no longer be constrained by international law and norms. Indeed, Secretary Rumsfeld overrode previous U.S. practice in the handling of detainees overseas when he ruled that the U.S. would no longer be bound by the Geneva Conventions. That decision and other statements by the Secretary sent exactly the wrong signal. At a time when both U.S. values and U.S. foreign policy interests demanded tight procedures to prevent abuse of prisoners, Secretary Rumsfeld discarded the rules that had been in place. The result was sadly predictable and avoidable. We must now work to repair our credibility by providing the appropriate international agencies total access to prisoners being held.

Third, the Congress must take its constitutional responsibilities seriously. Formal congressional oversight by the relevant committees of this House has been virtually non-existent regarding the conduct of the war in Iraq. Congress has a constitutional responsibility to oversee the actions of the Executive Branch and to hold it accountable. Yet, unfortunately, especially when it comes to Iraq, the House leadership gets its talking points straight from the White House. It has abdicated its institutional responsibilities as a separate branch of government and become a rubber-stamp for Administration policy. It is time for this House to fulfill its duty to our troops and the American people by putting aside short term election year politics and taking its responsibilities seriously.

Fourth, we should immediately close the Abu Ghraib prison. It remains a symbol of the brutal repression under Saddam's regime. Regional experts had previously recommended against using that hated facility to hold Iraqi prisoners because of the terrible message it sent to the Iraqi people. The Administration ignored their advice. It is time to shut it down.

Fifth, the Administration and the Congress must immediately focus on the role of civilian contractors in Iraq. There are up to 20,000 private contractors operating in Iraq, carrying out military roles from logistics and local army training to guarding installations and convoys. It is stunning that the Defense Department would contract out the interrogation of prisoners of war to private firms. A number of these contractors have been implicated in the abuses of Iraqi prisoners. The legal status of these contractors in war zones is a murky area. How do we hold these contractors accountable?

The abuse of prisoners in Iraq has severely damaged our standing in the world and undercut our efforts in Iraq, Afghanistan and the Middle East. The real tragedy is that it was avoidable. Our troops and the American people have been let down by a failure of leadership. Real leadership is now required to attempt to limit the damage that has been done.

ON THE NOMINATION OF JON DUDAS TO BE UNDER SECRETARY OF COMMERCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. HYDE) is recognized for 5 minutes.

Mr. HYDE. Mr. Speaker, it gives me great pride to inform my colleagues that Jon Dudas, former counsel to the Speaker, and former key member of my staff when I was Chairman of the House Judiciary Committee has been nominated by the President to the crucial post of Under Secretary of Commerce.

I include my testimony in support of his nomination before the Senate Judiciary Committee for the information of my colleagues.

STATEMENT OF THE HONORABLE HENRY J. HYDE

Mr. Chairman and Members of the Committee,

It is a pleasure to be here today to support the President's excellent choice for the crucial position of Under Secretary of Commerce, Jon Dudas.

I have known Jon for almost a decade. After he graduated from law school at the University of Chicago, he came to Capitol Hill and worked in my congressional office as a legislative counsel. When I first became Chairman of the House Judiciary Committee, Jon moved over as counsel to the Subcommittee on Courts and Intellectual Property which has jurisdiction over the complex issues of patent law. Shortly thereafter, I named him Staff Director and Deputy General Counsel of the full Judiciary Committee. During those extremely busy and trying years for the Congress and the Committee, I came to know Jon very well, and I became personally acquainted with his strong leadership, tremendous loyalty, unwavering integrity and the ability to accomplish his assigned mission under tremendous pressure.

When I first got to Congress, I learned an important lesson. If you want something done, you talk to the Member, and then you go to the "staffer who makes the Member look good." During his service on Capitol Hill, Jon was one of the people who made me look good.

In his position on the Judiciary Committee staff, Jon helped me manage the most productive committee in the Congress—more than one out of five bills considered by the House during the 105th and 106th Congresses went through the Judiciary Committee. Our Conference relied upon him to help achieve some of their most important goals during that period.

With mixed feelings, I encouraged Jon to leave the Committee staff when the Speaker asked him to serve as his chief floor manager and legal policy advisor to the House Leadership. Jon played a critical role in advancing legislation to support the war on terror.

Jon left the Hill when our former colleague, Jim Rogan, was appointed to be Under Secretary of Commerce and Director of the United States Patent and Trademark Office. As the Assistant Secretary immediately under Jim Rogan, Jon played an integral part in implementing the President's Management agenda and in developing the 21st Century Strategic Plan—a comprehensive map to move the Patent and Trademark Office from its crisis situation to one of improved quality, quicker issuance of patents and increased efficiency. His ability to relate and work well with others and his good relationships with Members of Congress will be critical in achieving the difficult task of passing the Administration's fee bill that will implement the strategic plan. Just as important, because he has been serving as Under Secretary Rogan's right hand for the last two years and currently as Acting Under Secretary, Jon will provide continuity at the Patent and Trademark Office.

The issue of this government's position on patents is a critical one in this ever-expanding world of scientific progress. I can think of no one better qualified to lead the Patent and Trademark Office. I urge the Committee to confirm this fine public servant as Under Secretary of Commerce so that he may continue to serve the best interest of the American people.

Thank you again for this opportunity to appear before you today.

ORDER OF BUSINESS

Mr. BURNS. Mr. Speaker, I ask unanimous consent to take my special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

HONORING THE TEACHERS OF AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BURNS) is recognized for 5 minutes.

Mr. BURNS. Mr. Speaker, I rise today to extend my appreciation to the teachers of America. As we celebrate National Teacher Appreciation Week, it is important that we recognize the good people of this Nation who hold the keys to our future and the future of our children, the unselfish, dedicated teachers who spend their days taking care of America's future.

Our teachers help our children in many ways. They are leaders. They are inspirations that provide students with the foundation that they take with them for a lifetime, and they learn to believe in themselves. When we succeed, they are guiding us to our next great accomplishments. When we fail, they are the understanding hearts that lift us back up. Teachers are truly noble professionals.

In 1944, Mattye Whyte Woodridge, an Arkansas teacher, began corresponding with political educational leaders about establishing a national observance to honor members of the teaching profession. This effort came to fruition when Congress proclaimed National Teacher Day in 1953.

I encourage those with children in school to offer their support and their thanks for the work done by our children's teachers. As a former educator, I know that your appreciation for their efforts will be most welcome.

I want to express my gratitude and thanks to the teachers who helped me many years ago. Inez Grovenstein, who got me through first grade; Mary Brunson, who guided me through fifth grade after I lost my mother tragically at the age of 10; and Mary Catherine Counts, who solved the mysteries of high school math too many years ago.

These are teachers much like teachers around our Nation who have made a lasting impression on the minds of young America and whose lessons I greatly appreciate.

ORDER OF BUSINESS

Mr. STUPAK. Mr. Speaker, I ask unanimous consent to take my special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

RUMSFELD TERMINATION/ INVESTIGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, I rise today for two reasons: to call for President Bush to fire Secretary of Defense Donald Rumsfeld for failing to act upon reports of the disgusting photographs and inhumane treatment of Iraqi prisoners, and I also call upon the U.S. House of Representatives to hold hearings into the role private contractors may have played in these incidents.

Mr. Speaker, President Bush has repeatedly allowed the United States' reputation with the international community to be tarnished and has not held his appointees accountable for this damage. Whether it was going to war based upon inaccurate intelligence information, or White House officials exposing the identity of one of our own CIA operatives, or the most recent revelation about the inhumane treatment of prisoners at Abu Ghraib Prison in Iraq, President Bush refuses to hold his people accountable.

According to recent media reports, administration officials, including Secretary Rumsfeld, have known about these abuses for months, yet they failed to act on repeated recommendations to improve conditions for thousands of Iraqi detainees. In response, Mr. Rumsfeld only received a private scolding from the President.

This is not a minor problem that can be fixed with just a slap on the wrist or by buying million-dollar ads to redefine history. The international community is appalled and upset at the cowboy arrogance and actions of this administration. Wild west tactics do not work anywhere, especially in the Middle East.

Mr. Speaker, I call upon the House Committee on Government Reform to hold hearings into the government-paid contractors in Iraq who may have played a role in the actions in Abu Ghraib Prison. In addition, in a letter sent to the Department of Justice earlier this week, I and 27 other Members asked the Attorney General to investigate those contractors.

We need to get to the bottom of this situation right now and show American citizens and the international community that such actions will not be tolerated. The damage inflicted upon the United States' reputation will take years, if not decades, to repair. We need to hold our government officials accountable for their actions, just as we hold other governments accountable; and it needs to start with Secretary of Defense Rumsfeld's termination.

Mr. Speaker, I would also like to submit to the RECORD today's Washington Post editorial on the leadership decisions made by Secretary Rumsfeld since the beginning of this administration. The Secretary announced that the United States would no longer be bound by the Geneva Convention, that Army regulations on interrogation of prisoners would not be observed, and that many detainees would be held incommunicado and without any independent mechanism for review.

□ 1615

As the Post stated, "Abuses will take place in any prison system, but Mr. Rumsfeld's decision helped create a lawless regime in which prisoners in both Iraq and Afghanistan have been humiliated, beaten, tortured and murdered, and which until recently, no one has been held accountable."

It was only when photographs of these incidents made it into the press that Secretary Rumsfeld paid much attention. According to media reports, he had not even read the reports on these abuses that was completed in March.

I find it very troubling that our own Secretary of Defense was so dismissive of the abuses that may have taken place under U.S. oversight in Iraq and Afghanistan.

Again, I call upon the President to fire Mr. Rumsfeld, and I call upon the House of Representatives to hold hearings about the role private contractors and the intelligence community may have played in these incidents.

NATIONAL DAY OF PRAYER AND THE WAR ON TERRORISM

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentleman from New Mexico (Mr. PEARCE) is recognized for 5 minutes.

Mr. PEARCE. Mr. Speaker, I rise to address this body on the National Day of Prayer.

The Constitution—in a word—is the document that defines the values and principles of America.

Nearly 220 years ago, a few men, with extraordinary vision, used the lessons that history taught us to create this binding document that has served as the burning touch of our Nation's freedom. But over time, that flame has been has been dimmed, and its power has been mitigated, and before we know it, it will be a dull light that is indecipherable.

You see, over time, Mr. Speaker, we have let the Judiciary, slowly chip away the freedoms that are guaranteed to us under the constitution—chipping away so much that some of our liberties are unrecognizable.

For example, Mr. Speaker, the First Amendment to the Constitution says, "Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof . . ." It says that those of us who have faith in a Higher Power have the right to pray, express our beliefs.

Yet, our Federal Judges have ruled out prayer in schools. They have ruled that the Pledge of Allegiance, particularly, ". . . one Nation, under God . . ." is a violation of separation of state doctrine. Those who would ban our inalienable right to express our beliefs in a higher power selectively choose to cite the first part of the clause that says "Congress shall make no laws respecting an establishment of religion . . ." They leave the second part, which says ". . . or prohibiting free exercise thereof . . ."

Congress opens up every session with a prayer, the President of the United States uses a Bible when he is sworn into office by the Chief Justice of the Supreme Court. The Declaration of Independence, arguably the single most powerful political document in world history, mentions God in the first paragraph and "divine Providence" in the last.

Religion in the public sector is not prohibited by the Constitution, the Constitution is what makes our ability to freely exercise our belief possible!

The Second Amendment to the Constitution says, "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." Some would argue, and unfortunately some have successfully done so, that this is not an individual right, but a collective right associated with service in a militia, or in modern terms the National Guard.

The Founders had a profound understanding that individuals and their rights were the only true check against an overzealous government. After all, they had just defeated one that sought to control access to arms.

Just a moment ago I added emphasis on the "people," I did so because right belongs to them, not the President and most assuredly not the Federal Government.

The Fifth Amendment says unequivocally that no person shall ". . . be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without due compensation."

Yet Mr. Speaker, in my district of Southern New Mexico, we can't water our crops because our water is being diverted for a minnow based on science that only a writer of fiction could love. We have people who are prevented from using their God-given resources to feed, clothe, house and provide energy for their neighbors.

The Endangered Species Act, Mr. Speaker, was noble in its intent and just in its cause. Not one of us would seek the termination of a species. Yet the law has been twisted, turned and implemented in ways that directly violate our constitutional rights. Simply stated, and directly supported by the plain wording of the 5th Amendment, Uncle Sam can't take our property without due process. He definitely can't take it without compensating for the loss. So we must ask ourselves, when does it matter to us enough to make a difference?

And the Tenth Amendment says that we have States Rights, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Yet the Federal government, at the behest of highly objectionable rulings by the courts over the last 100 years, has intruded on every aspect of our lives and ignored those rights reserved for the states and the people.

We know that we live under a constitution, but we are living in a time when the Constitution only means what the Judiciary says it means—simply stated, we can't let that happen.

The constitution has been tyrannized by people who honestly believe that we are incapable, as a free people, of living our lives in the manner that best serves us and our families. The courts have been willing accomplices and many of the core freedoms that are guaranteed to us under the constitution have been slowly but continuously taken from us.

I believe that the Constitution has been treated unjustly by the courts, and I believe we need to take a look at how our Constitution—this symbol of freedom—can be returned to its rightful place as the foundation of our freedom—instead of being just another document that tourists visit at the National Archives in Washington.

Thomas Jefferson, James Madison and the Framers of the Constitution feared tyranny from the judiciary more than from the other two branches, so they placed deliberate limitations on the judiciary.

As a result, under their plan, "the Judiciary is beyond comparison the weakest of the three departments of power . . . [and] the general liberty of the people can never be endangered from the quarter."

These are not my words, but taken directly from the Federalists Papers. Can there be any doubt that our forefathers saw a danger to our way of life and intentionally erected a wall of separation to protect us from it?

There shouldn't be a doubt, but it stares us in the face every day.

The bottom line is, Americans should not have to fear "judge-made laws" as a reality of life. We elect our legislators to make our laws, we elect the executive branch to implement those laws, and the judiciary is charged with holding people accountable to these laws and determining the constitutionality of laws.

There should be no doubt, either, that government is the greatest, if not only, threat to individual liberty. Neither the United States, nor any of the branches of the government, nor the states, is the ultimate authority of the Constitution. The ultimate authority of the Constitution is the people of the Union, just like Thomas Jefferson said.

We need to make sure that the Constitution doesn't just stay locked up in a display case at the National Archives on Pennsylvania Avenue. We need to bring it into our homes, our schools, our businesses, and our courtrooms.

Only then can we make sure that our schools are symbols of freedom—that our families are symbols of freedom . . . that our businesses are symbols of freedom . . . that our state legislatures, and local governments are symbols of freedom.

When its all said and done, my greatest desire is for my grandchildren to look back on their grandfather and their neighbors and say, "They left us a better country than they inherited. They cared enough to protect freedom for the generations to come."

Mr. Speaker, I was in Vietnam in 1971, 1972, the early part of 1973, and the early part of 1974. I was in Vietnam flying when Jane Fonda made her visit to the north giving aid and comfort to the enemy.

Mr. Speaker, I was in Vietnam, or on my way there, when the presumptive Democrat candidate threw his ribbons across the fence into the dumpster or his friends or his medals, or some similarity of that representation, of our country.

Mr. Speaker, as I listen to the comments from the floor of the House that said that this war is not winnable, I would remind my colleagues that all wars are unwinnable in the heart; and as they seek to undermine the will of the American people, they should consider carefully what they are doing.

Mr. Speaker, we must complete the job that we started before the terrorists complete the job that they started.

Mr. Speaker, I was in France on 9–11. So I was compelled to fly to come back to this country as soon as flight service was restarted. I came through Dallas-Ft. Worth about 10 days after the attacks.

Mr. Speaker, when I came through Dallas-Ft. Worth regional airport, that bustling busy hub of much of the traffic, the air traffic in the western United States, I think that our plane was the only one deplaning. I looked up and down the corridors and walked the full distance to the baggage check without seeing one other plane deplaning. Mr. Speaker, when I went to get a cab to go to the hotel, there was not one cab available because there were no passengers to ask for cabs.

As I finally got a transport van from the hotel, arrived at the hotel to find that there were very, very few customers in the hotel. Mr. Speaker, our economy was this close to collapsing. If we first lose the airlines and the cab industries and the hotel industries and the hospitality industries, we are looking at losing banks and financial institutions and insurance companies.

Mr. Speaker, the terrorists set out to do a job a decade ago first attacking the twin towers of the World Trade Center. Mr. Speaker, they did that attack in 1993 and then again in 2001. If we are going to sit on our heels trying a policy of appeasement to deal with the terrorists, I will tell you that the terrorists will win because we cannot sustain repeated attacks on our economy and of the civilian population of America like occurred on September 11, 2001. There are estimates that that cost alone, that one day, exceeded $2 trillion, Mr. Speaker.

Our economy is $11 trillion. So we took over 15 percent, close to 20 percent of our economy out in one day, not to mention the 2,000 lives.

Mr. Speaker, what I hear from the House floor and what I hear from my friends on the other side of the aisle sounds more partisan when I put it in context of the many complaints that I should have heard from them under the deployments that President Clinton had. We went into Bosnia in the early part of the 1990s, and President Clinton said we would be out by the end of that year. Instead, troops are still there today. Yet, I do not hear one comment about his deployment into Bosnia.

If the names Kosovo, Somalia, Haiti, and Macedonia do not mean anything to my colleagues, those are additional areas in which the previous President dispatched our troops to try to stabilize a very unstable region.

Mr. Speaker, Mr. Clinton launched cruise missiles into Sudan and Iraq, into Haiti with no U.N. resolution. Yet I hear no comments from the floor of this House.

So when I hear my colleagues saying that this war is unwinnable, I think that they are engaged in partisan politics which strikes at the very desire of this country to fight its war. And when I watched the aid and comfort of 1971 and 1972 by the presumptive Democrat candidate for President and Jane Fonda, I am beginning to hear a similar tone.

I will tell you, Mr. Speaker, as one of the Vietnam vets who returned to this country without one public or private official saying thank for your time, Mr. Speaker, I caution our friends to be careful of the rhetoric they use.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair admonishes Members to heed their time limits and to refrain from improper references to Presidential candidates.

EXCHANGE OF SPECIAL ORDER TIME

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Michigan (Mr. CONYERS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MISMANAGEMENT OF WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I was appalled at the comments that just preceded me.

JOHN KERRY is a brave man today, and he was a brave man 35 years ago when he answered his country's call and was wounded on its behalf. And to hear one say that he came close to giving aid and comfort, of course, that is part of a phrase that describes treason, is unworthy of this House. And to couple that sort of wholly unjustified attack on this brave man because he challenges the President and then to say, well, let us avoid partisan rhetoric, there are no words to describe that that would be acceptable under the rules of the House.

I do want to talk about what is going on in Iraq, and I do it with great sadness. Six months ago if someone had told me that American military personnel and civilians employed by the United States Government had engaged in the kind of outrageous dehumanizing behavior that we have recently seen public, I would have been indignant. I would have said, look, I disagree with the Iraq policy. I did not vote to go to war with Iraq, but I think it is unfair to accuse Americans of this.

And we now say that we have to acknowledge that Americans empowered by the United States Government, not specifically to do that, but they were there because of American government policy, committed these outrageous acts. But it is not enough simply to blame a handful of individuals as the majority tried to do earlier today with a resolution.

I want to stress again how absolutely wrong it was for the Republican majority in the House to bring forward today a resolution on this extraordinarily important question. I am told the President just apologized, as he should have. He should have done it earlier.

We have got a major set-back in American policy but more importantly, a revelation that Americans did things in the name of the country that should not have been contemplated, much less done. And we were only given an hour to discuss it? And the majority used its automatic submissive majority of its Members to prevent any amendment, to prevent any proposal. Many of us believe it is not enough for the military to investigate itself. They have known about this for some time.

First of all, this is the military's failing. Though the Secretary of Defense did not do this in this prison, but the Secretary of Defense and his aides set up this prison which led this to happening, the inadequate supervision, the whole problem here, this is one which we must thoroughly investigate. And having the perpetrators not of the particular acts but of the efforts that led to these acts investigates themselves is wholly unacceptable.

We were not even allowed because of this automatic submissive majority to offer an amendment to call for that sort of an investigation. I want to stress again, what could be more bizarre than for us to tell the Iraqis that we will teach them how to be democratic, with a small D.

We in particular are telling the Shiites who are in the majority in Iraq, use your majority wisely and prudently. Yes, if you are in the majority you have a right ultimately to make the decision, but please show respect for minority rights. Please encourage openness.

I only hope, Mr. Speaker, that the Iraqis were not watching the debate today because if the Shiites were to emulate the House Republicans in terms of their approach to democracy, then we have very little chance of achieving what we want.

I only hope that people in the leadership of the Shiite movement in Iraq do not take the majority leader of this House as an exemplar of democracy. But it is not simply the inadequate way in which the military has responded to these outrages, and we might never have known if these things were not leaked. The military knew for a long time. They came up here and talked to committees. They misled people when they asked questions about contractors. They left names off lists. The way in which they have handled this was outrageous.

I wish it were an exception. I wish this terrible abuse and these cover ups and this refusal to supervise adequately, I wish it were an exception. But we also had, within the last week or two, the on-again off-again appointment of the Iraqi general in Falujah in which, first of all, we were going to have a war in Falujah. Fortunately, they decided, let us try to minimize the killing. So they appoint an Iraqi general to be in charge.

First we were told he is acceptable to everybody. Then it turned out because of his previous connections to the regime he was unacceptable and a new general comes in.

We have had error after error after error. We have a lack of coordination between the State and Defense Departments. I do not think there has been a major national security operation handled as incompetently as the way this administration has muddled in Iraq in a very long time.

Vietnam ultimately became a terrible set of mistakes, but I do not think in a comparable period Vietnam was as badly handled.

This administration has failed this country in the miserably incompetent way it has handled Iraq.

EXCHANGE OF SPECIAL ORDER TIME

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California (Mr. FILNER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONDEMNING TREATMENT OF IRAQI DETAINEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, it is with a mix of anger, sadness, and frustration that I rise in support of the resolution that the House passed earlier today.

Our words can do little to mitigate the damage that has been inflicted upon our Nation, our Armed Forces, and our hopes for better relations with the Islamic world.

Nevertheless, we must offer these words to the Iraqi victims and to the world. All of us have seen the photographs of smiling American military personnel mocking hooded, naked Iraqi prisoners. These images of those degraded are vile. The smiles of those who would degrade are grotesque.

The soldiers in the photos must not become the face of the American-led occupation in Iraq or of the American GI.

Sixty years ago at the end of World War II, the American soldier was seen as a smiling supplier of chocolate bars. Our men and women in uniform must not become known around the world for degrading and humiliating unarmed, naked detainees.

□ 1630

I am deeply proud of our military. The vast majority of our men and women in uniform serve with bravery, compassion and honor. Sadly, the barbaric conduct at the Abu Ghraib prison reflects upon all our troops and it is up to all of us, the Congress, the executive branch, the justice system and the military itself to address this blight upon our record. I am glad that several of our senior commanders in Iraq have publicly apologized to the Iraqi people. I also believe that it was important for President Bush to express his personal regret to the Iraqi people and his commitment to a full investigation as he did during two interviews with Arabic language television yesterday.

I have been to Iraq and met with our young men and women who are serving there. The most disturbing aspect of this reprehensible conduct at the prison is that it undermines and endangers the lives of American soldiers who are diligently working every day in the most difficult conditions. All of the countless acts of good will performed by our soldiers, the rebuilding of hospitals, the opening of schools, the reuniting of families, the building of civic institutions and the foundation of representative government, all of these are undercut by these acts.

Our campaign against terror has also been weakened. The war on terror and the war in Iraq are ultimately wars of ideas. The idea of a civil society under the rule of law, respective of human rights and individual liberties is at war with the idea of a closed society devoid of the right to speak as one chooses, without the free exercise of religion and propagated by indiscriminate and murderous violence against innocent men, women and children. The recent events at Abu Ghraib prison, a place identified with the barbarity of the Saddam Hussein regime, are a major setback in the war of ideas. A key element of this war has been our attempt to convince the Islamic world that America and the West are not out to humiliate and destroy Muslims. The damage to that effort is incalculable and the soldiers who committed these acts have betrayed the bravery, dignity and the sacrifice of their fellow troops.

This resolution is our statement to the world and particularly to Iraq and the Islamic world that the people of the United States are united in their condemnation of the stomach-turning acts of abuse that were perpetrated in our name. But this is only the beginning. We need a thorough investigation to find out both where the breakdown in the chain of command occurred and why Congress was left out of the loop, even though the military has been investigating these incidents for months and the investigation by Major General Antonio Taguba was completed in late February, 2½ months ago. We also need to determine whether the conduct at Abu Ghraib was an isolated set of incidents or whether, as some have suggested, similar acts were committed at other detention facilities in Iraq.

Nearly two centuries ago, Alexis de Toqueville is reputed to have said, "America is great because America is good; if America ceases to be good, she will cease to be great." That was true then. It is still true today. Our greatness has been built upon countless acts of goodness and not even an episode like this can undo that proud history, but it should serve as a reminder that our Nation has succeeded because Americans are strivers. We are always looking to better ourselves, our communities, our country and the community of nations. We now face a great challenge to that perception of goodness and we must all rise to meet that challenge.

WAR IN IRAQ

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am grateful for the tone that has been exhibited on the floor of the House. We must be mindful of what we say and what we do, because our children are listening. I am gratified that Members have come to the floor to indicate both their disgust and their rejection of the actions of some in the military in Iraq. But allow me to lay out my reasoning for opposing the resolution on the floor of the House that was supposed to be today a call by this Congress, a bipartisan call by this Congress to investigate those incidences.

First of all, let me say that I follow in the tradition of Hubert Humphrey that says, in paraphrase, that we are the agitators to create a more perfect union. We are always seeking to make America better. We are always seeking to allow America to live up to its very special ideals of democracy and the Declaration of Independence that indicates that we all are created equal with certain inalienable rights of life and liberty and the pursuit of happiness.

Those actions in Iraq were not necessarily only those of the perpetrators and actors, but it showed the face of America and the face of our military and it was an unjust face. Martin Luther King reminded us that an injustice anywhere is an injustice everywhere. So why do I come to the floor of the House announcing my opposition to the resolution that was on the floor and my "no" vote? Because it was the failure of the Republican leadership that I challenged, failure in betraying the trust of the American people. Those crimes in Iraq were not partisan. They were not Democratic; they were not Republican. They were all of us being shocked and outraged, and collaboratively we should have stood here on the floor of the House in a bipartisan way and laid out a road map for the American people on many instances.

The first one is that it should be a bipartisan, complete and comprehensive investigation. We should investigate whether or not there was a violation of the Geneva Convention for the Committee on International Relations. We should investigate whether JAG officers and others who were interrogating these individuals followed certain rules and certain parameters that would be respectful of the human dignity. I know someone is saying now, look at the tragedies that happened to our civilian hostages and others who we saw glaring across the television screens just a couple of weeks ago. Let me say that we all protested that in outrage. But is it for us to follow suit to those whom we consider uncivilized and to be murderous terrorists? Is that the model that we are to follow? I think not.

And so for this Republican leadership to put on the floor of the House a singular resolution that says that the Secretary of the Army is supposed to investigate this, no Judiciary Committee, no International Relations Committee, no Intelligence Committee, no Government Reform Committee, no committees of jurisdiction, no Homeland Security Committee, when the very fact that the individuals who will face the wrath and the ire of the world will be Americans who are traveling around the world, we must investigate this comprehensively.

Mr. President, I disagree with you. I hope that your apology was forthright in the last hours that I have not been before the television screen. I hope you said something that we could understand. I clearly think that you are to be applauded for going before those in the Arab world. But I think the American people have to understand what happened. I have no apologies for not condemning in totality those men and women who were the perpetrators of, yes, criminal acts and they should be brought to justice. But they did not act alone. The hierarchy, the brass, the individuals who knew about this in November of 2003, who shared it with no one and absolutely no one in America, not even this United States Congress, not the Intelligence Committee.

Where else does the blame lie? Directly at the feet of Secretary Donald Rumsfeld, the man who orchestrated this war and suggested to us that weapons of mass destruction were the cause of going to war in Iraq. He misrepresented and misled the American people then and he has hidden the truth from us now. He does not deserve to hold this office. Neither does Deputy Secretary Paul Wolfowitz.

And so I would ask them in a tone that I hope will be respectful, in order to clean the slate and allow America to go forward and to truly have the kind of dignity and respect the United States military deserves, so that we can build again, so that the American people can be known for what they are, compassionate and loving and believers of democracy, so that our children would understand that we too are fighters for democracy, then it is appropriate, Mr. President, that you ask for Secretary Rumsfeld's resignation, along with Paul Wolfowitz'.

This is not a time for loyalty. This is not a time for partisan politics. Mr. Rumsfeld failed you. He was derelict in his duty. He was aware of this and did not share this with the Congress. He knew it on Thursday of last week when "60 Minutes" showed it on television. What an insult. We could have avoided the controversy and the sadness that has permeated our leadership. The American people have put all of us in the same boat, Democrats, Republicans, Congress Members, House Members, Senate Members, administration.

It is interesting. When they were ready to rise up against William Jefferson Clinton in the impeachment over discretions in his personal life, everybody was speaking about it in the United States. Everybody was outraged. Where is the outrage now? What a shame and a travesty.

And to the American people, I would say you too have a responsibility to ask the hard questions. In these letters to the President, Secretary Rumsfeld and to the Speaker of the House, I have asked for Secretary Rumsfeld's resignation. That is the honorable thing to do. Or be terminated. And I have asked the Speaker to convene a full body before he leaves to tell us the honest truth.

Mr. Speaker, I ask in a tone of simplicity and humbleness, where are the American people? Where are our voices? It is time now to stand for truth and to stand for those troops who are fighting for us all over the world.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 6, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.

DEAR SPEAKER HASTERT: It has become evident that due to the recent abuses of Iraqi soldiers by members of the U.S. military, that the Congress should get involved in calling for an immediate investigation of these atrocities. An investigation led by Major General Antonio Taguba, reported widespread abuses in the detention of Iraqi prisoners including incidents in which detainees were threatened with a pistol and with military dogs, prisoners were being sodomized with a chemical light and broomstick and soldiers were forcing naked prisoners into compromising positions. Members of Congress were never told the true extent of the abuses taking place; instead we were left to find out the truth when it was revealed to the general public. It is inconceivable that Secretary Rumsfeld would leave both the Executive and Legislative branches of our government in the dark regarding a critical foreign policy issue. His actions clearly go against the dictates and procedures of his position as Secretary of Defense.

Secretary Rumsfeld's failures in managing the war in Iraq go beyond the abuses of Iraqi prisoners. It has become clear that he has no control over the thousands of private contractors and private security companies in Iraq. In fact, the Pentagon has no records as to the number of private individuals who are in Iraq working on behalf of the United States Government. In addition to the extreme danger many of these individuals are being placed in, there are numerous reports that many of these individuals are taking part in highly illegal activities. Indeed, privately contracted individuals are suspected as being involved with the abuses that took place in the Abu Ghraib prison. Another disturbing issue that is just now coming to light is that there are currently fourteen different investigations into prisoner deaths that took place in Iraq and Afghanistan. Yet another indication that Secretary Rumsfeld has known about the severe mistreatment of prisoners and has failed to act.

The severity of Secretary Rumsfeld's actions pose grave consequences for our Nation. Let me be clear, I have always supported the men and women of our Armed Forces. It is my belief that the abuse of prisoners in Iraq has been the work of a small number of disgraceful American soldiers. However, as the Secretary of Defense, he bears the burden of the actions of the Armed Forces that he was sworn to oversee. The grotesque images of U.S. soldiers abusing Iraqi prisoners are being shown around the world and no amount of words can change the effect of those images. In the short term our soldiers abroad now face even greater danger in fighting this war. In the long term our Nation now must address the outlook for our war in Iraq that only seems to become more difficult by the day. As the Secretary of Defense, your leadership should help guide our Armed Forces to victory, instead your tenure as Secretary has brought disrepute and a greater burden upon our Nation.

In conclusion, it is absolutely essential that the entire United States Congress get involved in the investigation of these atrocities because it affects each and every one of us as we represent constituents who currently serve in Iraq.

Sincerely,

SHEILA JACKSON-LEE,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 6, 2004.

Hon. DONALD RUMSFELD,
Secretary of Defense,
Washington, DC.

DEAR SECRETARY RUMSFELD: I am writing to you today to ask that you resign as Secretary of Defense in light of your actions regarding the abuse of prisoners in Iraq. It has become clear to me and many of my colleagues in Congress that your continued leadership and management of the war in Iraq is no longer in the best interest of our Nation. In my qualified opinion there has been a dereliction of duty on your part as Secretary of Defense and I believe you have an obligation to the American people to resign your office.

As the Secretary of Defense it is your sworn duty and responsibility to oversee and direct the actions of our Nation's Armed Forces. It has become evident that not only have you failed to prevent the abuse of Iraqi prisoners, but in fact you have made a concerted effort to cover up the extent of the abuses taking place. You knew as far back as November 2003 that Iraqi prisoners were being treated in a way that was inhumane and illegal by any standard. Only now more than 6 months later is the truth finally being revealed. An investigation led by Major General Antonio Taguba, reported widespread abuses in the detention of Iraqi prisoners including incidents in which detainees were threatened with a pistol and with military dogs, prisoners were being sodomized with a chemical light and broomstick and soldiers were forcing naked prisoners into compromising positions. This information was known to you long ago and yet the first time that anyone ever heard of these incidents was in the release of the horrific photos taken in the Abu Ghraib prison. Members of Congress were never told the true extent of the abuses taking place; instead we were left to find out the truth when it was revealed to the general public. The most galling indication of this cover up was the fact that even President Bush, our Nation's Commander-in-Chief, first found out about the abuse of Iraqi prisoners while watching national television. This incident shows that you have failed the Commander-in-chief as Secretary of Defense and should relieve yourself of the responsibilities of your office. It is inconceivable that you would leave both the Executive and Legislative branches of our government in the dark regarding a critical foreign policy issue. Your actions clearly go against the dictates and procedures of your position as Secretary of Defense.

Your failures in managing the war in Iraq go beyond the abuses of Iraqi prisoners. It has become clear that you have no control over the thousands of private contractors and private security companies in Iraq. In fact, the Pentagon has no records as to the number of private individuals who are in Iraq working on behalf of the United States Government. In addition to the extreme danger many of these individuals are being placed in, there are numerous reports that many of these individuals are taking part in highly illegal activities. Indeed, privately contracted individuals are suspected as being involved with the abuses that took place in the Abu Ghraib prison. Another disturbing issue that is just now coming to light is that there are currently fourteen different investigations into prisoner deaths that took place in Iraq and Afghanistan. Yet another indication that you have known about the severe mistreatment of prisoners and have failed to act.

I sincerely hope you realize the severity of your actions and the consequences they pose for our Nation. Let me be clear, I have always supported the men and women of our Armed Forces. It is my belief that the abuse of prisoners in Iraq has been the work of a small number of disgraceful American soldiers. However, as the Secretary of Defense you bear the burden of the actions of the Armed Forces that you were sworn to oversee. The grotesque images of U.S. soldiers abusing Iraqi prisoners are being shown around the world and no amount of words can change the effect of those images. In the short term our soldiers abroad now face even greater danger in fighting this war. In the long term our Nation now must address the outlook for our war in Iraq that only seems to become more difficult by the day. As the Secretary of Defense your leadership should help guide our Armed Forces to victory, instead your tenure as Secretary has brought disrepute and a greater burden upon our Nation.

I am asking that for the sake of our Nation you resign immediately as the Secretary of Defense. The men and women of our Armed Forces, our Nation, and indeed the world deserve to know that there is accountability for failure and reckless conduct from America's leaders. I hope you will take my words to heart and resign your office for the good of our Nation.

Sincerely,

SHEILA JACKSON-LEE,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 6, 2004.

President GEORGE W. BUSH,
1600 Pennsylvania Avenue, NW.,
Washington, DC.

DEAR PRESIDENT BUSH: I am writing to you today to ask that you call for the resignation or terminate Donald Rumsfeld as Secretary of Defense in light of his actions regarding the abuse of prisoners in Iraq. It has become clear to me and many of my colleagues in Congress that his continued leadership and management of the war in Iraq is no longer in the best interest of our nation. In my qualified opinion there has been a dereliction of duty on the part of Secretary

Rumsfeld and as Commander-in-Chief I believe you have an obligation to the American people to remove him from office.

As the Secretary of Defense it is Secretary Rumsfeld's sworn duty and responsibility to oversee and direct the actions of our nation's Armed Forces. It has become evident that not only has he failed to prevent the abuse of Iraqi prisoners, but in fact he has made a concerted effort to cover up the extent of the abuses taking place. He knew as far back as November of 2003 that Iraqi prisoners were being treated in a way that was inhumane and illegal by any standard. Only now more than six months later is the truth finally being revealed. An investigation led by Major General Antonio Taguba, reported widespread abuses in the detention of Iraqi prisoners including incidents in which detainees were threatened with a pistol and with military dogs, prisoners were being sodomized with a chemical light and broomstick and soldiers were forcing naked prisoners into compromising positions. This information was known to Secretary Rumsfeld long ago and yet the first time that anyone ever heard of these incidents was in the release of the horrific photos taken in the Abu Ghraib prison. Members of Congress were never told the true extent of the abuses taking place; instead we were left to find out the truth when it was revealed to the general public. The most galling indication of this cover up was the fact that you yourself, our nation's Commander-in-Chief, first found out about the abuse of Iraqi prisoners while watching national television. It is clear that the Secretary of Defense has failed the Commander-in-Chief and now decisive action must be taken to remove him from his office. It is inconceivable that Secretary Rumsfeld would leave both the Executive and Legislative branches of our government in the dark regarding a critical foreign policy issue. His actions clearly go against the dictates and procedures of his position as Secretary of Defense.

Secretary Rumsfeld's failures in managing the war in Iraq go beyond the abuses of Iraqi prisoners. It has become clear that he has no control over the thousands of private contractors and private security companies in Iraq. In fact, the Pentagon has no records as to the number of private individuals who are in Iraq working on behalf of the United States Government. In addition to the extreme danger many of these individuals are being placed in, there are numerous reports that many of these individuals as taking part in highly illegal activities. Indeed, privately contracted individuals are suspected as being involved with the abuses that took place in the Abu Ghraib prison. Another disturbing issue that is just now coming to light is that there are currently fourteen different investigations into prisoner deaths that took place in Iraq and Afghanistan. Yet another indication that Secretary Rumsfeld has known about the severe mistreatment of prisoners and has failed to act.

The severity of Secretary Rumsfeld's actions pose grave consequences for our nation. Let me be clear, I have always supported the men and women of our Armed Forces. It is my belief that the abuse of prisoners in Iraq has been the work of a small number of disgraceful American soldiers. However, as the Secretary of Defense he bears the burden of the actions of the Armed Forces that he was sworn to oversee. The grotesque images of U.S. soldiers abusing Iraqi prisoners are being shown around the world and no amount of words can change the effect of those images. In the short term our soldiers abroad now face even greater danger in fighting this war. In the long term our nation now must address the outlook for our war in Iraq that only seems to become more difficult by the day. As the Secretary of Defense his leadership should help guide our Armed Forces to victory, instead his tenure as Secretary has brought disrepute and a greater burden upon our nation.

I am asking that for the sake of our nation you ask for the resignation or terminate immediately Secretary Rumsfeld as the Secretary of Defense. The men and women of our Armed Forces, our nation, and indeed the world deserve to know that there is accountability for failure and reckless conduct from America's leaders. I hope you will take my words to heart and remove Secretary Rumsfeld from office for the good of our nation.

Sincerely,

SHEILA JACKSON-LEE,
Member of Congress.

HAPPY MOTHER'S DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Mr. Speaker, with Mother's Day quickly approaching, I want to first thank all of the mothers and wish them a happy Mother's Day and thank them for what they do to make America the great place that it is. I want to thank in particular the American gold star mothers for their sacrifice and for the sacrifice of their children by answering the call of duty to their country.

Let me be clear: I support our troops 100 percent. I would like to honor our brave troops, all the military families and all that they do and have sacrificed for our Nation. I want to emphasize that I do not want our troops to be the scapegoats for this administration's failed policies. What is going on in Iraq right now is just another example of this failed administration policy.

And where is the leadership on this? Where is the President? This administration is once again missing in action. MIA. At this exact moment, with all of the uprising in Iraq, our troops are being placed in the most dangerous position. And although I pledge to do everything within my power as an elected official to ensure that our servicemen and women have the equipment and resources they need to carry out their mission, I find it disturbing, in fact, misleading that President Bush continues to hide the truth about Iraq from the American people.

In fact, up until yesterday, the administration was saying that another supplemental appropriation request would be unnecessary until after, by the way, November elections. To me, however, it seemed more than likely that this administration knew all along that they were going to need additional funding. Unfortunately, this new request of $25 billion in supplemental spending for Iraq is just another example of the administration's pattern of covering up the facts and refusing to share information with the American people. Although the American public demands to know the truth about the cost of the war, time and time again the administration has denied them the opportunity to get the full story. Moreover, the Republican leadership in Congress refuses to fulfill its constitutional obligation to act as a check and balance on the executive branch.

With this $25 billion, our country's taxpayers will be forced to spend over $200 billion for this war. How much more will we need in the future? No one knows because the administration does not tell us anything. I would like to say contrary to the administration's talk about how they pass measures like this to provide for the troops, in the last $87 billion supplemental, the Bush administration never even requested sufficient funds for body armor, Humvees, and dozens of other badly needed supplies that the troops need over there for their survival. These items were only included in the package because it was stuck in in this Congress. Not this administration. The Congress put those supplies in for the troops.

In closing, we need to be included in the strategy. The President is asking for another $25 billion. What I am requesting from them is some transparency. I am requesting a broader, inclusive strategy. We are three branches of government, not a dictatorship. America needs a plan for Iraq, Mr. President, one that does not involve hundreds more American troops going home in body bags.

In November, the American people will have their say. Do not forget the 2000 election because it does matter who is in charge.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentlewoman yield?

Ms. CORRINE BROWN of Florida. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the gentlewoman for what she has said. I want to join her in her salute to mothers with a happy Mother's Day, but also let me say that my heart goes out to mothers who have lost children in the war in Iraq and Afghanistan. I thank the gentlewoman for acknowledging them. I acknowledge my mom, Ivalita Jackson, at this time. I thank the gentlewoman so much and happy Mother's Day to her.

Ms. CORRINE BROWN of Florida. Happy Mother's Day to all of the mothers.

☐ 1645

CALLING FOR RESIGNATION OF SECRETARY RUMSFELD

The SPEAKER pro tempore (Mr. COLE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, it is a pleasure to address the U.S. House of Representatives this evening and also the American people.

This hour every week the Congressional Black Caucus comes together to speak to the people of the United States about issues that are facing our country, how we can play offense in certain areas to make sure that we stay a vital and sovereign country. But today I must say it is a very difficult day to stand here in this House of Representatives and be able to share with the American people that we have grave issues with the leadership of the Bush administration as it relates to the handling of what has happened to Iraqi prisoners in our custody.

It is appropriate to say there will be investigations that will be conducted. It is appropriate to say that there are future courts martial that will take place and individuals will pay on the front line; but it is very difficult for us to continue, and when I say us, I would mainly want to say the majority party of this House, and for the majority leaders of this House to look in the face of something very wrong, very much mishandled in this country as it relates to the abuse of these prisoners.

I will say this is a very emotional thing for me due to the fact that I have had more than four people in my district die in Iraq. Yes, I commend the troops for their service. Yes, every day on the Committee on Armed Services I make sure that we do what we have to do to make sure that they have the equipment that they need to protect themselves, to make sure that Reservists that signed up to defend their country if need be, that they are able to make ends meet.

We commend our troops every day. We appreciate their patriotism. We have over 120,000 troops in the Middle East, not even counting the individuals that are providing civilian services and contract services throughout the world.

But I must say that Secretary Rumsfeld, with him having the number one job at the Pentagon and being the Secretary, should resign from the Department of Defense. The reason we are calling for his resignation is not because he happens to be a part of the Republican administration or we disagree with Secretary Rumsfeld with his strategy towards the war. It is to save American lives. It is just that simple.

American troops will be terrorized even more now in the Middle East than they have been over recent weeks and days due to the fact of the humiliation of Iraqis and pictures that we will never live down. The Iraqi people will never live it down, the Arab world will never live it down because their pictures are all over the Internet, The Washington Post, CNN, any network Web site. You can definitely pick them up by just picking up the New York Times. The Washington Post today has a picture of one of our soldiers with an Iraqi prisoner on a dog chain.

We all condemn these acts. There is nothing wrong with condemning them, but there is something fundamentally wrong for the President of the United States not to be able to say, I am sorry or someone in my administration, or I was wrong. I will share with you as a Member of Congress and somebody who has been elected for 10 years, there are days I have to admit that I am wrong. There are days that publicly I have to say that I made a mistake. There are certainly days I have to say I am sorry, to not even my constituents when I make a mistake, but also to the American people.

But I will say, this is not the time to shield the administration, the majority party in this Congress, to shield the President because this is an election year, or to shield Secretary Rumsfeld because he is going to be before the Senate and before the Committee on Armed Services at 3 by putting forth a resolution saying we commend the troops' service in Iraq.

We commend them. We appreciate them. We love them. Members of the minority party here on the Democratic side, we are fighting for up-armoring Humvees. We fought to make sure that individuals had Kevlar vests. We are working to make sure that the Reservists called up on a 12-month call, that they can get home in 24 months or even shorter because their families are going through a lot.

But for this administration, and as it relates to the economy and other issues that have taken place in this country, where the President has hunkered down and said they are my friends, we are in this together, and we are going down together, he cannot do that this time. I do not want the President to have to fire Secretary Rumsfeld, but that may have to happen. I am hoping that Secretary Rumsfeld understands on behalf of the country and on behalf of protecting American troops abroad and also on behalf of protecting Americans and shielding us against additional terrorist attacks in this country, that not only should the world see it, but America sees it.

This is a huge mistake. This is a mistake that is going to cost Americans their lives. I hope that he would be leader enough to say, you know, Mr. President, I did the best I could, but I know the circumstances that we are living under now, and I know the pressure being put on the United States and I know this endangers our troops even more. Personally, even though I did not have my hands on these individuals, I resign. Not to say by him resigning this issue goes away, but it at least shows Americans and the world that we have some level of account and balance.

I think it is very, very important for us to understand that, one, we have over 120,000 American troops in uniform overseas; two, we have Americans that live here in the United States that need protection and we need the Arab world to be with us, or some of our allies in the Arab world to be with us in our efforts against terrorism. As a member of the Select Committee on Homeland Security, terrorism is alive and well in the world; and we need as many friends as we can get.

So chastising Mr. Rumsfeld in the Oval Office, as is referenced in the New York Times today, is not enough to let individuals know that we are sorry and that we are working towards corrective action to make sure that does not happen again. Going on television, going around on Arab television and saying this is not how Americans see the war, this is not how we look to fight against terrorism, we denounce the acts of the pictures, that is not saying anything.

Pictures, the President said today in his press conference we are sorry that these pictures have given an image of Americans that we are insensitive. I am sorry about the pictures. Sorry about the pictures and the act are two different things.

We need to make sure, Mr. President, and to the majority party here in this Congress, we need to protect our troops in harm's way. We need to make sure we do that. If we do not remove Secretary Rumsfeld from the position of Secretary of Defense, we are letting the world know that we are not really sorry. We are letting the American people know that we are not really sorry. We are not doing that. I will share with you that we cannot fall short of that.

This is not the first mistake, this is not the first blunder, but this is a serious, serious issue. I do not think the American people, and definitely some Members of this Congress, understand the gravity of this situation. This is a very, very difficult situation dealing with some very, very dangerous individuals that will use these pictures to fuel more terrorism, show them to young Arab children and say, this is what America thinks of you. We have to be able to push back by saying that is not true, we removed the individuals that were in control. It was not just front line individuals that were held responsible; and it is very, very important that we do that.

Before I yield to the chairman of the Congressional Black Caucus, I just want to make sure that the American people understand that this is not a partisan issue. When our troops are taken hostage or a civilian employee is taken hostage, I guarantee Members that we, although preferably not, will see something similar to this if we do not respond to it in a very strong way.

Mr. Speaker, I would also say that the President has spoken out and has done the right thing for less. I will say that this situation is not a time to say that we are not going to allow certain Members of Congress to ask for the Secretary to step down. American lives are at stake.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. CUMMINGS), chairman of the Congressional Black Caucus.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for his leadership and service. I want to very briefly discuss some points. This afternoon there was a vote on a resolution to condemn those folks, military and otherwise, who did these despicable acts to prisoners in Iraq. As soon as I got back to my office, Mr. Speaker, I was asked by several papers and news outlets why is it that you voted against the resolution, joining some 50 other Members in doing so.

I guess the thing that I would have to say is timing. Here we are, we had a resolution which basically said, and let me quote it, it says, "Resolved, That the House of Representatives (1) deplores and condemns abuse of persons in the United States custody in Iraq regardless of the circumstances." And then it goes on to talk about a handful. It says "declares the alleged crimes of a handful of individuals should not detract from the commendable sacrifices of over 300,000 members of the United States Armed Forces who have served," and it goes on.

I think in and of itself the word "handful" is very, very upsetting to me. We do not have a clue at this juncture as to how extensive this abuse is. We have a situation where we know that there are officers, military officers, who are in the various pictures. We know about the report that was written by the military, a very extensive report that Secretary Rumsfeld just recently said he had not read; but the fact is that this is a situation that certainly calls for us not early on limiting this to a "handful" of military personnel, or a "handful" of individuals, but it is one where we should be simply asking the question what happened here in Iraq at the Abu Ghraib prison. Do we have similar circumstances in Afghanistan? Do we have similar circumstances at Guantanamo Bay?

I think when all is said and done, the resolution that we passed today that I voted against will be inaccurate in declaring that there were only a handful of individuals.

□ 1700

One of the other concerns that I had about this document was that it talked about the military investigating this matter as if the Congress consisted of a bunch of potted plants sitting in a window doing nothing. This is a Congress that voted with regard to the Iraq War. This is a Congress that has stood up over and over again talking about its love for our military. This is a great Congress. But the fact is that when we stand to the side and say to our military to go and investigate themselves and then send us a report from time to time, I think it sends a horrible message not only to the military, and I will explain that in a moment, but it also sends a horrible message to the Muslim community and to the world.

Why do I say that? It would appear that there has already been substantial finger pointing within the military itself. The people who are caught in the picture, some of them have said that they have got orders from higher-ups. The person who was in charge of all the prisoners there said that she did not even have much of any authority on this particular cell block.

So then there is finger pointing in the military in and of itself. There are also allegations that civilians were involved in all of this. So the question becomes not whether the military can effectively do a good job of investigating itself, the question becomes is how will the investigation appear to the world when we have already gotten finger pointing within the military itself?

Just the other night, I was at the Howard County Muslim Council at a dinner in my district. And as I listened and I talked to members of the Muslim community, some of them with tears in their eyes talked about how offensive these pictures were and how offensive the allegations were to the Muslim people, not only because of who they are, not only because of their culture, but also because of their religion. And one of the things that they talked about was whether they could now trust the United States to do a fair job in providing a transparent and thorough investigation of these types of acts. And one of the things that they asked me to do is just ask the question why not a tribunal? Why not a worldwide investigative agency look into this so that when the message is sent back to the world, the world will be satisfied that we have done all that we could to investigate every single human being, be they military or civilian, that had anything to do with these kinds of despicable acts no matter where they may fall in the line of command?

So what they want is an investigation which is thorough and one that is transparent and one where they can feel comfortable that all of those involved will be brought to justice and that they will be punished accordingly. So that is so very important that we do that.

The other thing that concerned me here was that we talk about investigating a handful of people and we talk about wanting to make sure that these investigations take place, but as I said a little bit earlier, what is the Congress's role in all of this? We have a duty. We have a duty to look into these matters. We have a duty as a Senate and the House to look carefully at every aspect of all of this because one of the things that we do that no other organization on this level does in this country is we set policy not only for this country, but quite often policy that affects the world.

And if we are not gathering information ourselves to make sure that we have a complete understanding of how these kinds of acts could take place and whether there were people asleep at the switch or whether there were folks who simply did not care or whether there were people who just failed to read reports, and then to claim that they had no knowledge of the information, or whether those who had an obligation to let the Congress know and the President know of these atrocities and did not, we need to have that information so that we can set policy to make sure that it never happens again and so that we can send a powerful message, a very powerful message, to the world that we have done all that we could do.

The other audience that we send a message to is our military. Early on in this process, we would read reports where the President and others and military brass said we will reprimand certain folks that may have been in the chain of command. And as soon as I heard that, I said it is too early. It is too early to be reprimanding anybody because I do not see how they can reprimand when they do not know the full extent of the alleged offense.

It does not make sense. So when our friends in the Muslim community and when our friends in the world hear that, the question is, is this a slap on the wrist to reprimand someone for being a part of a process that caused other people to go through indignities and to be offended to such a great extent? I just think that that sends a wrong message to the military when they hear that there is going to be a slap on the wrist early on before a true investigation by the military or by the Congress or by an international tribunal-type organization is done.

It sends a terrible message. And the message that it sends is that, although millions of people have been offended by these acts, that they do not measure up to the kind of investigation and the type of justice that they should be subjected to. And that is a major problem because we do not want anyone believing, whether they are in the military or whether they are civilian, that this kind of conduct is all right.

Finally, the other audience is the American people and our soldiers. The American people have stood up over and over again, as has the Congressional Black Caucus, for our troops. They believe in our troops, for they are our sons, our daughters, our mothers, our fathers, our aunts, our friends. They are the ones who live in our neighborhoods. They are the ones who coach the Little League baseball team. They are the police officers when they, as National Guard, would go away on weekends and now they are serving for more than a year, but they are our neighbors; so we all care about them.

We also are in prayer for them for we realize that they are in harm's way. It pains us tremendously when we go to Walter Reed Hospital and see our young men and young women with amputations of the leg and of the arms. It pains us tremendously when we see pictures on the front page of The Washington Post and The New York Times of caskets, rows and rows of caskets, of our young people coming back in these steel caskets. It hurts and it pains us. But the fact still remains that, as the gentleman from Florida (Mr. MEEK) said a few moments ago, if we send a message to the world, and that message is that they get a slap on the wrist when the world has seen these kinds of pictures, the question becomes what happens when our military folk or when our civilians are captured? Does it become a tit for tat: If you did it to me, I will do it to you?

One of the things we in the Congressional Black Caucus has said over and over again is that we stand up for the moral authority of this country. Not the military authority, the moral authority. And the question certainly becomes have we violated that moral authority when we do not address these problems?

Finally, let me say this: that no one will stand behind one of these podiums and even begin to suggest that we have a lot of our military that could fall in the category of the folks who did these kinds of despicable acts. No, we will never do that because we do not believe it. I believe in my heart that 99.9 percent of our military would never engage in this kind of activity and would find it despicable just as the Congressional Black Caucus finds it despicable. But the fact is that we must get to the bottom of this so we also protect their reputations, so that we pull out those who would do these kinds of things so that the others can say, okay, fine, now we have now rid ourselves of those who have no respect for human dignity, who have no respect for the beliefs of others, who have no respect for the culture of others, who have no respect for human life.

And I end on that point in that there have been even allegations that there have been deaths, and again, when we give a slap on the wrist, we never get to the question of did people die at the hands of our military? Are those deaths being hidden? And that is why I could not, for the life of me, understand why we would restrict this to a handful of folks, a handful, and I think that does a disservice to our military, I think it does a disservice to our country, I think it does a disservice to the world.

Mr. MEEK of Florida. Mr. Speaker, I am so glad that the chairman shared with the American people and Members of the House on how dangerous this situation is for our troops in Iraq. And, Mr. Speaker, I am going to enter for the RECORD a statement of why I voted against a resolution today and I will hand it to the Clerk.

But I think it is important for discussion points to the fact that the Pentagon knew to contact 60 Minutes II 2 weeks ago, when they wanted to run the story of these pictures and what has happened to these prisoners and they were guaranteed once, if other news organizations were moving forth, if they were to just stand by and allow the Pentagon to take another look at this that they would be given an exclusive interview.

Those kinds of things, when a news organization, 60 Minutes II, or 60 Minutes period, when they call, I mean it is kind of difficult for me to even just comprehend or understand that the Secretary of Defense had no knowledge of what was going on in this prison. That is one fact.

The second fact is the issue on January 13 of 2004.

□ 1715

A soldier gave a disk of pictures to a brass commander to let him know what was going on. The Ryder report never made it up the chain of command, that is what someone has said. But I will tell you, we are going to continue to have problems, and even more problems, if we slow-walk this thing, if we politic this thing in a way of trying to shield the administration and the President. I can care less about shielding someone. I do care about protecting American lives. I am glad the gentleman addressed that.

Mr. CUMMINGS. Mr. Speaker, if the gentleman will yield further, I just think the gentleman is absolutely right. We have to stand up for what is right. I heard the gentleman say a little bit earlier that you do have to leave the politics at the door.

When I saw the picture, and the gentleman showed it today a little bit earlier, I know he showed it at a news conference and it has been on the front page of so many papers, where a lady soldier has what appears to be something similar to a dog chain, dog leash, around the neck of a naked Iraqi prisoner, and he is on the ground naked, and it looks as if she is trying to pull him around.

I tell you, when I think about any person, sometimes I think that we need to pause and try to put ourselves in the position of people who may be suffering through something, and I think if we imagine our son or imagine our father or imagine our daughter being dragged around on a leash like a dog, I think it would cause you to say, wait a minute, hold it.

I want to get to the very bottom of this. There have been diaries, at least one diary I know of, that has been featured in the Baltimore Sun, in my newspaper, as to how a gentleman in the military described and talked about how deep this thing went. In other words, it was not a little handful of people. They are talking about commands coming from people beyond the prison cells. In other words, loosen them up, they were told, or put them in a position so they will confess to certain things and provide certain information.

I just think that we in the United States, as I said before, we have done well because of moral authority. Just the words "moral authority" are so powerful.

I would hate to think that countries all around the world would begin to say, Wait a minute, hold it. You are telling us about moral authority? You are telling us about how to treat inmates? You are telling us about how to address issues in a humane fashion? And then they just would throw out the pictures and say, well, it is a problem. We are not going to do that. If that is the way you do it, you cannot suggest to us what to do when we see what you are doing.

That is what we have to be concerned about. That is part of the reason why it is not just a political issue. It is not a political issue. It is a humane issue, how human beings should be treated.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, what is about to happen is due to the lack of top-end response from this administration, that you are going to have the true American spirit break through many of the troops that know different. They are going to blow the whistle on them. Not blowing the whistle on them because they are an Independent or member of the Green Party or the Democratic Party or the Republican Party that disagrees with the President. They are going to blow the whistle to save lives of Americans, because they know the tension and how Americans are treated abroad now.

You have people that are living overseas that they would not wear a flag, or you have some ambassadors that are not flying the American flags on their cars due to the fact of terrorism, of them being a target.

If we are going to be the leader of the free world, then we have to be the leader. We have to be able to lead in a way that lives up to that title.

I will tell you, today earlier when we had a press conference about Secretary Rumsfeld, if you have a basketball team and they are not doing well, sometimes you have to remove the coach.

I will tell you right now, I am not one to stand up on a daily basis or I do not remember a time in my career that I have asked for someone to step down. I really have not. It is not something in my nature. I feel it is something that someone will say, well, I am not performing the job in a way that I should perform it on behalf of especially the lives of troops that are overseas, that are fighting right now as we are here on this floor, fighting on behalf of Americans and fighting on behalf of making sure that we are able to make advances in the Arab world, fighting on behalf of creating and trying to maintain democracies, that their lives are at stake and we want them to come home. We want them to come home. We want to make sure they get home to their families.

I just want to share a few things. 135,000 soldiers are in Iraq right now; 767 and counting have died since the war. Nearly 40 troops have died since these pictures were released last week.

I will tell you that I am just getting goose bumps by just mentioning those numbers. But I also feel for those individuals from the Middle East that are Americans, that are fighting in the armed services, that are paying taxes every day, that hate and despise and pray against future terrorism, that they are wearing the flag on their shoulder, they are carrying that M–5 machine gun. They are taking the bullets; they are losing limbs. And to have people of the same hue, people that live in the Middle East, being treated like these pictures depict that they are treated, or depicting how they have been treated, I will tell you, from what I have seen thus far and what has been reported thus far, we have not even broken the ice on this issue.

I am very, very concerned about the future of our security here in the United States. I am very, very concerned about the increased attempts and achievements of terrorism, of terrorists achieving their goal of killing American troops. I am concerned about the diplomatic community, about the CIA agents that we have working within terrorist organizations to try to weed out terrorism before it happens. I am concerned about those individuals that are contract company workers that are civilians that are there trying to fight with us in this war on terrorism. I am concerned about their safety.

I do not have a lot of patience for the President to call the Secretary of Defense into the office and chastise him. That is what you do to a teenager when they stay out too late. This is the security of the world. This is the security of the United States. This is our future, how our children will live, how our grandchildren will live.

No one is going to stop a troop and say, wait a minute, are you a Republican, before I kill and torture you. They are not going to do that. They are not going to ask you if you are black or Hispanic. Well, who do you support? They are going to kill you and torture you because you are an American, because we are not responding in the way we should respond.

I implore the administration and Mr. Rumsfeld, please do not try to low-ball and low-roll this thing, to say we are going after some low-level individuals, and it does not rise to the level of the Pentagon. The Pentagon did know. I am pretty sure they did know. We will have very good evidence in the very near future. But why do we have to lose additional American lives, and then make sure that the world knows that we mean business about this?

Passing resolutions to clear our conscience so we can go home and spend the weekend and say we passed a resolution condemning and commending our troops is not enough.

Mr. CUMMINGS. Mr. Speaker, if the gentleman will yield further, I do believe, to pick up on the very last statement that the gentleman made, so often it is easy to pass a resolution clearing one's conscience; but I do believe also that, as a reporter asked me, she said, why did you want to vote against this resolution? Now you got to spend all this time with me explaining it.

What I said to her was that perhaps my explaining it and explaining why I wanted an extensive congressional investigation, why I wanted an investigation to go beyond the military investigating itself, why I wanted to send a strong message to the world, the Muslim world, American world, all over the world, about how serious we consider this matter to be, perhaps that might very well save some lives, not just today, but for many years to come.

Just yesterday, Secretary Powell came before the Congressional Black Caucus for an hour and 15 minutes, and I shall never forget the expression on his face when he said he had read the report, and when he said that he found the acts to be terrible and horrific. But he also said something else. He said, "I promise you we will get to the bottom of this." That was yesterday, and here we are today saying a handful of individuals committed some acts that were so despicable.

The thing that is so amazing is that I do not even see how we could even have words like that in the resolution, because it does in fact say to all those people that may have been involved, say there are similar acts in Afghanistan, Guantanamo Bay, other cell blocks in Iraq, well, it looks like we got off pretty easy this time. It looks like we will be okay. We got a little reprimand going on, and we will be fine.

So I want to thank the gentleman for his vigilance, for standing up for people that do not even know, perhaps, that we are standing up for them. They may not even know that those statements that we make today may very well save lives tomorrow.

Someone asked the question, they said to the Congressional Black Caucus, why is it that you stand up over and over and over again? Why is it that you stand up and so often you do not win? You may not win this battle.

But our response has been one of clarity, and it simply says that we may not win, but we will set the trend. We may not win, but we will stand up for what we believe in and know that somebody is listening. We may not always win, but we do know that by being silent it is far worse, because it appears that we go along with things as they are, and silence basically is giving consent.

So I want to thank the gentleman for yielding and want to thank him for his leadership.

Mr. MEEK of Florida. Mr. Speaker, I thank the chairman. I am glad he is here, and we appreciate his service.

We are going to continue to stand up on behalf of the American people, need it be defense, need it be education, need it be this issue dealing with Iraq. I thank the gentleman for being here tonight, and I thank the Black Caucus for continuing to do what they are doing.

Mr. Speaker, as I close, I just want to say that we must have the annals of this House and the annals of history here in the United States to reflect that pictures that continue to come out about the abuses of what took place in Iraq or what is taking place in other parts of the world, that we condemn them, and we salute our troops; but at the same time our response is imperative and needed to be able to continue this effort against terrorism and have friends in the world that are willing to be with us.

APPOINTMENT OF CONFEREES ON H.R. 2443, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2003

The SPEAKER pro tempore (Mr. Cole). Without objection, the Chair appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendments, and modifications committed to conference:

Messrs. Young of Alaska, Coble, Duncan, Hoekstra, LoBiondo, Simmons, Mario Diaz-Balart of Florida, Oberstar, Filner, Bishop of New York and Lampson.

For consideration of the House bill and Senate amendments, and modifications committed to conference:

Mr. Cox and Mr. Thompson of Mississippi.

There was no objection.

□ 1730

TUTORIAL ON FEDERAL GOVERNMENT FINANCES

The SPEAKER pro tempore (Mr. COLE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes as the designee of the majority leader.

Mr. SMITH of Michigan. Mr. Speaker, this afternoon I am going to give sort of a tutorial on Federal Government finances. This is the 195th birthday of Abraham Lincoln and, in his famous Gettysburg Address, he sort of indicated, can a Nation of the people and by the people and for the people long endure? Of course, the challenge of the Civil War was a huge challenge. But I would suggest, Mr. Speaker, that a challenge even greater than the wars might be the willingness of the United States, the House and the Senate and the President, to deal with real financial problems and, of course, the financial challenge before us is overspending and overpromising.

This is a pie chart of how we spend Federal Government money. We see at the bottom piece of the pie is the 21 percent that is spent on Social Security right now. Then, as we go around, Medicare is 12 percent. However, it is interesting that Medicare is expected to be a greater piece of the Federal pie, if you will, a greater percentage of total Federal spending than Social Security within the next 25 years, because it is growing very quickly. Medicaid is 6 percent, also growing, and that is growing with the increasing number of seniors that are spending all of their savings, as they have spent $40,000 or $50,000 or $60,000 per year on nursing home care, and then after all of their finances have been depleted, then they go on Medicaid and the Federal Government starts paying nursing home care.

Other entitlement programs, 10 percent. Entitlement means if you reach a certain age, if you reach a certain level of poverty, you are eligible for additional help. If you are a business or an industry or a worker, you are entitled if you work, but do not make very much money, you are entitled to an income tax credit. If you are a farmer and the prices of the products you sell are low, you are entitled to a supplement to build it up, that income, a little more for those farmers to keep the farmers in business. This Congress and the United States has been very generous with other people's money. In fact, so generous that we are now facing the dilemma of a huge debt and huge promises that I call entitlements, unfunded liabilities.

The domestic discretionary spending that goes in the appropriation bills, along with defense, is 16 percent. Defense is 20 percent. With the Iraq and Afghanistan war, it has gone from about 19 percent up to 20 percent, and then interest, interest, interest on this increasing debt.

The interest cost for this country is now about $300 billion a year to pay interest at a rate that is the lowest, almost the lowest in history, but a very low interest rate. Alan Greenspan, the chairman of the Federal Reserve, has now suggested that there is no question that eventually interest rates are going to go back up again, and that, compounded by the fact that we are increasing the amount of debt that we have to pay interest on, it is anticipated that within the next 20 years, interest on the debt will be one of the largest pieces of pie.

What does that mean to future generations? What does that mean for our kids and our grandkids. I am a farmer from Michigan, and the tradition on the farm has been you pay off some of that farm mortgage to try to give your kids a little better chance at a better life than you might have had. But in this Congress, what we are doing is going the other way. We are building up a debt, we are building up obligations because, somehow, we think the problems we have today are so great that it justifies us borrowing money from our kids and our grandkids and making them pay for the overspending that we are pushing on them today in this Congress.

Right now, we are in the midst of a budget decision in conference committee with the House and the Senate, trying to figure out a budget of what we are planning on spending for the 05 budget, that means the 05 fiscal year starting September 30, October 1 of 04, and going for 12 months until October 1 of 05, that is called the 05 fiscal year budget, and that is what we are working on, that is what we are arguing about.

This year, the good news is it is probably the most lien budget that we have had since 1996. But still, it is growing at between two and three times the rate of inflation in terms of the increased expansion of that spending, the increased size of government, taking money away from the people that have it and coming up with new programs and new entitlements and new discretionary spending. That means that this year, we can anticipate in 04 we are looking at a debt that is going to be close to $600 billion. Next year the debt is going to be approximately $530 billion. We are spending more than what is coming in, and this just adds on to how much interest we are going to be paying in the future.

Mr. Speaker, we are a country that is about, let us see, where are we, 228 years old. In the first 200 years of this country, we were very frugal and we have gradually accumulated a debt in that first 200 years of $500 billion. Now we are going deeper into debt, over $500 billion a year.

Now, how do we get the discipline? How do we get the intestinal fortitude to say, look, we are going to quit playing politics and start doing what is right for our kids and our grandkids in terms of the overspending and the overpromising.

Let me just mention what happens to a Member of Congress when they go home to their district. If they take home pork barrel projects, and pork barrel projects, as far as the line items for pork barrel projects that individuals take home: new libraries or new jogging trails or new whatever, or new promises of new programs, or keeping some historic monument in their hometown open, their chances of getting reelected are greater, because they get on the front page of the newspaper, maybe cutting the ribbon and they get on television.

So in pleasing a lot of the American population that is, in effect, saying, give me more government, because it helps get some of these Members elected, we end up with a lot of Members that tend to want to make more promises, to solve more problems. But it is just so important that we remember where government gets its money is two ways: We either tax people that are now working and now earning money and take the money away from them to start these new programs, or we borrow the money and say, well, somehow, sometime, future generations are going to have to pay it back. It is a challenge that somehow we must face up to. That is one of the problems of overspending.

Now I want to discuss for a moment overpromising. Here is our main overpromising programs, our entitlement programs. Medicare Part A, which is the Medicare program that is mostly for hospitals. Medicare Part B, the program that is mostly for doctors. Medicare Part A is an unfunded liability of $21.8 trillion, Medicare Part B, $23.2 trillion. The Medicare drug program that we passed last November is estimated, and this is from Tom Savings, these figures, an actuary for both Medicare and Social Security; he is estimating that Medicare Part D, the prescription drug program, has an unfunded liability of $16.6 trillion.

It is hard to conceive how much $1 trillion is. But compare that to what we are spending in this Congress, and right now we are looking at a budget that is going to spend $2.4 trillion. But if we add Social Security, about $12 trillion to the unfunded liability, it adds up to $23.5 trillion unfunded liability. That means that we would have to come up with $73.5 trillion and put it in a savings account today that is going to earn in interest at least equal to inflation and what is called the time value of money, pretty much the interest rates, to accommodate the increased money that is going to be needed over and above what people are paying in on their taxes to accommodate what we promised in Social Security, what we promised in Medicaid and Medicare to keep those promises. A huge challenge.

Why do we not pay attention to the obligation that we are passing on to our kids and our grandkids? I think, number 1, it is such a huge problem that it is easy to overlook it. It is easy for some people to say well, if the economy would get better, maybe we could solve these problems.

But let me just talk about Social Security for a minute. Our retirement benefits are based on how much you are earning. So if you are earning a lot now, that means eventually when you retire at 65, you are going to get a lot more in Social Security benefits. So an expanded economy, the way we have written the Social Security law, does not fix the problem of Social Security.

The unfunded liabilities, and I am going to show my colleagues unfunded liabilities, Mr. Speaker, in a different way, and that is at what percentage of our total general fund budget is going to have to be used to pay the difference between what is coming in in the payroll tax, the FICA tax, compared to what is going to be needed to keep promises.

In just 16 years, in 2020, it is going to use 28 percent. We are going to need 28 percent of the general fund budget to accommodate the unfunded liabilities, what we need to pay in addition to the FICA tax, the payroll tax for Medicare, Medicaid and Social Security. By 2030, we are going to have to come up with over 50 percent. About 53 percent of the general fund budget is going to have to be used to accommodate keeping the promises for those three promises, a huge challenge.

Let me say why I think it is so serious. That is because ultimately, this overspending and overpromising is going to mean tax increases some time in the future.

The equivalent payroll tax in France right now to accommodate their senior benefit programs is over 50 percent. Now, what does that mean to a business in France? It means they are either going to have to increase the price of their product to accommodate that kind of payment, or they are going to have to reduce the wages that they pay those employees. I mean that is probably one of the major reasons why it is difficult right now for France to compete in a world market on much of their production. It is probably one of the reasons why there is a lot of demonstrations in the street with farmers and workers saying, I have to have more money, because you are taking too much out of my paycheck.

In Germany right now, the payroll tax to accommodate senior citizens has just gone over the 40 percent mark. That means it is going to be tougher if we do not deal with these programs in the United States, if we put the solution off, number 1, the longer we put off the solution, the more drastic the solution is going to be; and number 2, if we have to start taxing our businesses, it is going to put them at a competitive disadvantage that much more than what it already is with other countries.

Now I am going to talk about Social Security. The Social Security program was started in 1934 by Franklin Delano Roosevelt, after the Great Depression, when people, old people were going to the poor house. The President said, look, let us start a program where we have a law, a requirement that while you are working you put some of that money aside to make sure that you will be more socially secure when you retire. So we passed the Social Security Act in 1934. It started in 1935.

Here is how Social Security works. Benefits are highly progressive and based on earnings. So the more you earn, the more you will get out in benefits when you retire. At retirement, all of a worker's wages up to the tax ceiling are indexed to present value using wage inflation.

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Well, what that means is we have continued to raise the ceiling on how much we charge the 12.4 percent Social Security tax on and currently that is $89,000. So when I say up to the ceiling, that is $89,000. And when I say indexed at present value, that means that we have a wage inflation factor. So what you have earned over the last 35 years, what you were earning, for example, 15 years ago, and if wage inflation doubles every 15 years, that $20,000 job 15 years ago would be added on in terms of determining what your benefits are on, that $20,000 would be up to $40,000, what that job is paying today.

That is how we figure Social Security benefits. The best 35 years of earnings are averaged. If you only work 30 years, there are 5 years that are thrown in at zero.

The annual benefit for those retiring in 2004, here is how it is progressive. Ninety percent of earnings up to the $7,344. So if you are a very low-income wage earner, you get 90 percent of what you were making back in Social Security benefits if that was your average for 35 years. Over the 7,300 you get 32 percent of the earnings between the 7,300 and the 44,268. And over the 44,000, you get 15 percent of everything over that 44,000 level.

So that is progressive in benefits to the extent that if you are a very high-income worker, you will be getting back maybe 15 or 16 percent of what you paid in; and if you are a very low-income worker, you will get 90 percent of what you pay in.

Early retirees receive adjusted benefits. If you decide to retire at age 62, the actuaries have figured out on average how long you are going to live. So if you are very healthy and you think you are going to live longer, then you are better off to wait until you are 65 to retire. If you do not think you will live very long, it will probably be better to retire early at 62.

I added this last blip because, as I have given speeches across Michigan and across the United States, a lot of people say, well, there is a lot of cheating going on with supplemental security income paid out by the Social Security Administration. Well, it is paid out by the Social Security Administration, but it does not come out of the Social Security trust fund. It comes out of the general fund. It is a program for low-income people with some kind of disabling problems that becomes a program to help low-incomes with problems, like a welfare program, but it does not come out of Social Security.

I am going to go rapidly through some of these charts. This chart demonstrates why we are in a problem now with the PAYGO program. I chaired the bipartisan Social Security Task Force in Congress made up of Democrats and Republicans. And after almost a year of hearing testimony, we all agreed that something has to be done, and the sooner the better, to correct Social Security. Otherwise, we are going to be in huge problems of insolvency in the near future.

This represents the problem of a Social Security program that was developed in 1934, saying that current workers pay in their taxes that are immediately sent out to current retirees. So it is a challenge of having enough workers to pay in a FICA tax, a pay roll tax, to accommodate the number of seniors. And of course what is happening is the birth rate has been going down and the length of years that a person lives has been going up. In fact, in 1945 we had about 34 people working paying in their taxes for Social Security for every one retiree. By the year 2000, it got down to three people working. This is because people are living longer because the birth rate is going down.

By 2000 we had three people working paying in their increased tax now, because that is what we do every time we run into problems: we increase the taxes. Now three people are working for every retiree. The estimate by the actuaries is by 2025 there will only be two people working, paying in their increased tax for retirees. There are 78 million so-called baby boomers, the babies that were born right after World War II from 1946 to 1966. Seventy-nine million of what are the high-income workers now, mostly paying in the maximum Social Security tax, are going to be retiring and drawing out the maximum Social Security benefits. And that is why the insolvency is coming very quickly.

The insolvency on Social Security will be here some time between 2016 and 2018 according to the actuaries' report. Insolvency is certain. We know how many people there are, and we know when they will retire. We know when people will live longer in retirement, and we know how much they will pay in and how much they will take out. So we know that Social Security is insolvent. We know that it is going to take $12 trillion in today's dollars, put into a savings account to accommodate what we need to pay out, promised benefits, over and above what is coming in in the pay roll tax.

So do we start using the income tax to pay Social Security benefits? Do we change Social Security into a welfare program where we say that, oh, if you have been lucky enough to be successful in America, then we will not pay you Social Security even though we have made you take money out to save for retirement? The general feeling is that there would be some danger in a lack of support. In fact, the unions have suggested that we do not make it into a welfare program because America is a place where we started with our forefathers writing a Constitution sort of designing our economic system, in effect saying that those that study and learn and use it, those that work hard and save end up better than those that do not.

Now, we have been in sort of a system of dividing the wealth and saying pay in according to your ability and the government will provide services according to your need. There has got to be, for lack of a better word, maybe a golden mean to still have that kind of incentive, to do what has made America great in the first place, and that is to work hard.

A young couple that decides to work two shifts or both mom and dad work so they can earn more money to have a better life for their kids, we now not only say, well, if you are going to earn more money, we are going to tax you more. But if you earn more money, we will even tax you at a higher rate than if you just worked as a single parent or just worked on one 8-hour shift instead of doing two 8-hour shifts.

Social Security benefits are indexed to wage growth. So when the economy grows, workers pay more in taxes but they earn less in benefits when they retire. Growth makes the numbers look better now, but leaves a larger hole to fill later on. And that is why when I introduced my first Social Security bill in 1994, it was much easier to achieve solvency than it is today. And the estimate in 1994 was Social Security was going broke in 2012. Now the new estimate is that Social Security probably is going to last until 2018, 2017 or 2018, because there is more money coming in, but eventually there is going to be more money going out.

Social Security has a total unfunded liability of over $12 trillion. The Social Security trust fund contains nothing but IOUs. And to keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent.

Social Security is not a good investment. And so one way to fix Social Security is getting a better return on the money made in. And that is why many people, including President Clinton, including President Bush, including myself and other Members have suggested let us look for a better way to get a better return on the money that people pay in on their payroll taxes. The average return is 1.7 percent for retirees on Social Security. If you are a minority, because black young men have an average age of death at approximately 63 years old so many of them do not collect benefits, but if you compare the average retiree return at 1.7 percent for the average Social Security recipients, compare that to what has happened for equity investments, and even the Wilshire 5.000 actually earned 11.86 percent after inflation over the last 10 years ending January 31, 2004. And that is even through some downer years after the bubble broke on the stock markets.

So even with those downer years, you have an average equity return on those 5,000 stocks of over 11 percent, and that compares to the 1.7 percent on Social Security. Is there some way to accommodate both sides so that there is some concern that we do not want to have private investments so wild that individuals can invest in things where they might go broke and still come back on the government?

But the other side of the coin is, is it reasonable to have a worker-owned account that is their property, that if they die early it passes on to their heirs? Some kinds of structures such as Federal employees have in the Thrift Savings Account is what I have structured into my Social Security bill to essentially try to limit it to safe investments.

Just quickly on this chart, again trying to represent and convince that Social Security is not a good investment. If you retired in 1980, you have to live 4 years after retirement to break even on Social Security. By 2005, next year, you are going to have to live 23 years after retirement to break even. And then you see what happens after 2015. You have to live 26 years after you retire to break even.

Well, here is what we have done in the past. Every time we have gotten into trouble, we either increase taxes or reduce benefits or a combination. And of course, in 1983 under the Greenspan Commission that is what we did; we said we are going to increase the retirement age to 67, gradually, so that is going to gradually happen. That started 2 years ago on so many months per year. But mostly it has been increasing taxes.

In 1940, we went from 1 percent up to 2 percent. It was 2 percent of the first 3,000. In 1960 we raised it to 6 percent of the first 4,800. In 1980 we raised it to over 10 percent to over 25 to almost 26,000. In 2000 we raised it to 12.4 percent of the first 76,000. In 2004 it went up to 87,000. Today it is up to 89,000. So you pay your 12.4 percent tax on your first 89,000.

If you are self-employed, of course, you pay all of it. If you are working for somebody, then the company says, well, I am going to in effect reduce wages to pay my 6.2 percent. So I really think it is fair to assume that the whole 12.4 percent comes out of the worker's pocket even though the worker only actually sees on his pay check stub the 6.2 percent coming out of his pocket. The other 6.2 the employer pays. But here is what happens: now 78 percent of families pay more in the payroll tax than they do in the income tax. Huge challenge.

And what this also means is back to our starting point of overpromising government programs and overspending and going in debt, today 50 percent of the adults in America pay about 1 percent of the total income tax. And so you can see that there are some parts of our population that have little to lose if they say, give me more government programs.

So there is that kind of pressure with lobbyists coming in and saying, well, we represent this program or that program. In my 12 years in Congress, my experiences have been that if new programs can last 2 years, then the interest groups to try to continue that spending are in visiting all of our offices saying how important their program is. And so the momentum of 2 years and 3 years almost becomes an entitlement program, even though we call it discretionary spending, that goes through the appropriations process.

□ 1800

Here are six principles that I have in my five Social Security bills that I have introduced. All have been scored to keep Social Security solvent. The six principles I have used is protect current and future beneficiaries, allow freedom of choice, preserve the safety net, make Americans better off, not worse off, and create a fully funded system. I think it is really important not to have any tax increases on workers.

I am just going to go through some of the highlights of my Social Security bill. Number one, it is scored by the Social Security Administration to restore long-term solvency to Social Security. There are no increases in the retirement age, no changes in the COLA, that is the cost of living index every year, and there are no changes in benefits for seniors or near seniors.

Solvency achieved through higher returns from worker accounts and slowing the increase in benefits for highest earning retirees.

Remember, Mr. Speaker, I had the chart that had the bend points of the 90 percent, the 32 percent and the 50 percent. I add another bend point of 5 percent which has the effect of slowing down the increase in benefits for high-income retirees. That is how I pay for the transition to allowing a worker to take 2.5 percent of their income and putting it in an account they own, even though government limits where they can invest that money.

Social Security trust fund continues. Voluntary accounts would start at 2.5 percent of income and would reach 8 percent of income by 2075. The 8 percent would be bringing in much more money than they ever would have received with the existing Social Security program. Investments would be safe, widely diversified. Investment providers would be subject to government oversight. The government would supplement the accounts of workers earning less than $35,000 to ensure that they build up a significant savings, too. Actually, I sort of copied this from, I think, the USA account that President Clinton proposed that says for low-income workers, let us start adding to their savings and let the magic of compound interest build up their accounts, so even an average income worker can retire with millionaire-type benefits.

All worker accounts would be owned by the worker and invested through pools supervised by the government, sort of like our Thrift Savings Account for all government employees and Members of Congress. That is how they save. Sort of like the regulations would be instituted to prevent people from taking undue risk. Workers have a choice of three safe indexed funds with more options after their balance reaches $2,500.

Accounts are voluntary, so you do not have to go into this system of investing part of your money in private accounts if you do not want to and you can stay with the traditional program. But what we can do because the actuaries have scored that the investments on these types of limited investments will make more than the 1.7 percent Social Security pays you, we can guarantee workers in their personally-owned accounts will have as much return on that portion of their retirement income as they would have on the fixed Social Security system. You still would get your Social Security benefits, but to the extent that your traditional Social Security benefits are going to be reduced proportionally by the 2.5 percent of your earnings that you put into this savings account, so you will end up getting both the return in investments from the savings account as well as the fixed payments from the traditional Social Security.

Government benefits would be offset based on the money deposited into their account, not on the money that you might earn from that account, and workers could expect to earn more from their account than from their traditional Social Security.

Here are some provisions that are interesting, Mr. Speaker. It is what I call fairness to women. To be politically correct, probably you would call it fairness to spouses. Actually I was told that there were more females that graduated from college last year than males, so maybe eventually the women will be the high-income workers. What I have said is for married couples, account contributions would be pooled and then divided equally between husband and wife. So if one spouse earns a lot more than the other spouse, you add the two incomes together, what they are allowed to invest in their personal retirement savings account, and you divide by two. So each spouse has the identical amount invested in their personal retirement account. It would increase surviving spouse benefits to 110 percent of the highest earning spouse.

One challenge that we have in the increased cost of Medicaid is people moving out of their homes. And now even with 100 percent of the higher spouse's earnings, when one spouse dies, and the projection is for the males to have about 3 years' shorter life span than the females, so you have a widow that is trying to get by on 100 percent. Often that is not enough to accommodate the fixed costs of staying in their own home. So in several ways in this bill, I try to encourage staying in their own homes instead of going into a nursing home. This is a bipartisan bill sponsored by both Democrats and Republicans. The way I do this is increasing the minimum to 110 percent instead of the existing 100 percent. And then stay-at-home mothers with kids under 5 would receive a retirement credit for a certain number of years.

If you are a mother staying home with your kids, then we will give you the high average earnings to fill in some of those years because you have to have 35 good years. So it seems reasonable for those mothers that are probably working as hard as their spouse, anyway, staying home with their kids, that you give them credit for those years that they are staying home with those kids under 5 years old. But I limit the number of kids and limit the number of years.

Here is the last sort of sheet that I have done. This does a couple of things. We have one of the lowest savings rates in the world right now. Where our savings rate used to be as high as 6 percent, now it is actually about 1 percent. This whole mood of buy now and pay later, the mood of this Congress, in fact, that tends to say, well, a little borrowing now might improve something later on, so we are going deeper and deeper in debt. Likewise in the unfunded liabilities, we make more promises. So we sort of tried to look at a system that is going to allow encouragement to increase savings. We increase contribution limits on IRAs and 401(k)s and pension plans. We include in our legislation a 33 percent tax credit for the purchase of long-term care insurance up to $1,000, $2,000 if you are a married couple, per year. Low-income seniors would be eligible for a $1,000 tax credit for expenses related to living in their own home or if the seniors live with their kids or somebody else, that tax credit would be eligible for that particular family.

In conclusion, overspending is dangerous for the economy. It is dangerous for our kids and our grandkids. In fact, it makes us more susceptible to international pressures. It makes us vulnerable. If one were to guess, Mr. Speaker, how much of our deficit this year is being financed by foreign countries, foreign investments, what would you guess? Seventy percent. Foreign investment is picking up 70 percent of the money that we have to borrow this year for overspending.

Right now, foreign investments lend to the United States Government 33 percent of our debt in this country. A huge challenge. Our trade deficit of now over $500 billion means that some countries have decided that they would prefer to keep those dollars and invest them by buying our businesses, by buying our equities, by buying our Treasury bills rather than buying the products that we make in this country. China, of course, is a huge challenge. I just recently returned from China. China's trade deficit with the United States, our deficit, has gone up to $125 billion. That means China takes these $125 billion and buys part of our Treasury bills, buys some of our equities. That results in us being more vulnerable to trade negotiations. If they say, well, look, United States, you're not being fair with us, we might just have to pull our money out of your Treasury bills. With foreign investments borrowing 30 percent of our money, tremendously vulnerable, it would put us at a huge disadvantage. Not only is this overspending and overpromising a burden on our kids, it is a tremendous challenge to our future economy.

CONSOLIDATION IN MEDIA OWNERSHIP

The SPEAKER pro tempore (Mr. COLE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Vermont (Mr. SANDERS) is recognized for 60 minutes.

Mr. SANDERS. Mr. Speaker, as the only independent in the House of Representatives, not a Democrat, not a Republican, I want to take this opportunity to share some ideas that many

Americans may not get a chance to hear very often. One of the concerns and one of the most important issues that I think is facing this country is increased corporate control over the media and the fact that fewer and fewer large corporations control what we see, what we hear and what we read.

What concerns me about that is not just that, for example, the Disney Corporation has just announced that it will not distribute Michael Moore's new film, Fahrenheit 9/11. They will not distribute that as had been previously arranged, because it is apparently too critical of President Bush and that it also might endanger some tax breaks that the Disney Corporation gets in Florida through President Bush's brother, the governor, there. That concerns me. That is not my major concern.

And it is not just that recently, as I think most Americans know, Sinclair Broadcasting, a right-wing company, decided that it would not carry Ted Koppel and Nightline's sensitive and respectful tribute to the over 700 young men and women who have been killed in Iraq, because somehow Sinclair believed that that was too political, too antiwar. Apparently it is not appropriate for the American people to actually see the face of war and the men and women who have died in that war.

But that is not my major concern about corporate control over the media and it is not just that when we turn on commercial talk radio, what we hear almost always, and with few exceptions, is the fact that there are extreme right-wing voices out there who pound away at right-wing themes and despite the fact that our Nation is almost equally politically divided, for millions of Americans, their only option on talk radio is one right-wing extremist after another. That is a concern, but not my major concern.

My major concern when I talk about corporate control over the media is that while we get inundated every single day by stories of Michael Jackson or Kobe Bryant or Martha Stewart or Britney Spears or a host of other celebrities, what we do not hear about much in the media and what we do not hear much about on the floor of Congress is the reality of what is happening to the middle class of this country, what is happening to ordinary working people. That, in fact, is the most important issue that we should all be talking about. It is the most important issue that the media should be focusing on and that Congress should be discussing.

□ 1815

So let me talk a little bit about some of those issues today, not about Michael Jackson, not about Britney Spears, but about what is happening to the middle class of this country.

Mr. Speaker, let me be very blunt. The United States of America today is rapidly on its way to becoming three separate Nations, not one Nation, but three separate Nations. One part of that Nation is an increasingly wealthy elite composed of a small number of people with incredible wealth and economic and political power; a small number of people, tremendous wealth, tremendous power.

Then we have the second part of America, the largest part, which is the middle class, the vast majority of our people; and that middle class tragically is shrinking, getting smaller. It is a middle class where the average American worker is now working longer hours for lower wages; and that is what is happening to the middle class.

And then the third segment of our society are those people at the bottom, and that is a growing number of Americans who are living today in abject poverty, barely keeping their heads above water, barely paying the bills that they need in order to survive. And those are the three Americas: a handful of great wealth, great power; a shrinking middle class; and more and more people who are living in poverty.

Mr. Speaker, there has always been a wealthy elite in this country. That is not new, and there has always been in this country and in every country a gap between the rich and the poor; but the disparities in wealth and income that currently exist in this country have not been seen since the 1920s. In other words, instead of becoming a more egalitarian Nation with a growing and expanding middle class, we are becoming a Nation with by far the most unequal distribution of wealth and income in the industrialized world. In other words, we are moving in exactly the wrong direction.

Today, the wealthiest 1 percent of Americans own more wealth than the bottom 90 percent. The wealthiest 1 percent of Americans own more wealth than the bottom 90 percent. The CEOs of the largest corporations in America today earn more than 500 times what their employees are making. While workers are being squeezed, while workers are being forced to pay more and more for health insurance, while their pensions are being cut back and promises made to them being swept back under the rug, while retiree benefits are being cut, while workers' jobs in this country are being sent abroad, the CEOs of the largest corporations make out like bandits. Their allegiance is not to their employees; it is not to the American people. It is to their own bottom line.

I am not just talking about the crooks who ran Enron, WorldCom or Arthur Andersen, all of those companies. I am talking about the highly respected CEOs, like the retired head of General Electric, Jack Welch, who, when he retired in 2000, received $123 million in compensation, and $10 million a year in pension for the rest of his life; and he did that after throwing many, many thousands of American workers out on the streets as he moved his plants abroad.

And I am talking about people like Lou Gerstner, the former CEO of IBM, who received $366 million in compensation while slashing the pensions of his employees. And I am talking about Charles A. Heimbold, Jr., of Bristol-Myers Squibb, who received almost $75 million in 2001 while helping to make it impossible for many seniors in this country to pay the outrageously high prices that his company and other companies are charging for prescription drugs.

Mr. Speaker, today this Nation's 13,000 wealthiest families who constitute 1/100th of 1 percent of our population receive almost as much income as the bottom 20 million families in this country; 1/100th of 1 percent earn almost as much income as the bottom 20 million families in the United States.

New data from the Congressional Budget Office show that the gap between the rich and the poor in terms of income more than doubled from 1979 to 2000. In other words, what we are seeing is movement in the wrong direction. The gap is so wide that the wealthiest 1 percent had more money to spend after taxes than the bottom 40 percent.

According to data from the Congressional Budget Office between 1973 and 2000, the average real income, inflation accounted for income of the bottom 90 percent of American taxpayers actually fell by 7 percent. Meanwhile, the income of the top 1 percent rose by 148 percent and the income of the top 1/100th of 1 percent rose by 599 percent. Middle class shrinking, people working longer hours for lower wages, the very, very wealthiest people in this country seeing huge increases in their income.

Mr. Speaker, in my view, growing income and wealth inequality is not what America is supposed to be about. A Nation in which so few have so much and so many have so little is not what America is supposed to be about.

Mr. Speaker, it is increasingly common to see people in our country in today's economy work not at just one job but at two jobs, and occasionally it is not uncommon to see American workers have three jobs. Is that what this global economy in which we were promised so much is supposed to be about?

When some of us were growing up, the expectation for the middle class was that one worker in a family could work 40 hours a week and earn enough income to pay the family's bills. One worker, 40 hours a week. Well, in my State of Vermont and all over this country, it is increasingly uncommon when that occurs. In my State and all over America, the vast majority of married couples have both husband and wife out in the workforce. Sometimes that is the way they want it to be, but more often than not it is the way it has to be because inadequate wages and inadequate income require two breadwinners to work incredibly long hours in order to pay the family's bills. And then with husband and wife out working, we wonder and we are surprised when kids do not get the attention that they need and when kids get into trouble. Well, we should not wonder too much as to why that happens.

Mr. Speaker, in terms of what is happening to the middle class, we have lost over 2.6 million private sector jobs in the last 3 years; and with 8.4 million workers unemployed, unemployment today is at 5.7 percent officially. In real truth, however, the unemployment numbers are much higher than that because there are a lot of unemployed and underemployed people who do not fall within the official unemployment statistics. These are the people who are working part-time because they cannot find full-time jobs, and those numbers are soaring. We have seen an increase of 300,000 part-time jobs just last month. And there are people who are not counted as part of the unemployment statistics because they have given up looking for work when they are located in high unemployment areas.

Furthermore, there are millions of people today who are counted as employed, but are working at jobs that are far below their educational levels and their skill levels; but they also count as part of those people who are employed.

Now, when we talk about unemployment and we talk about the economy, one of the more important points to be made is that since the beginning of the Bush administration we have lost 2.8 million manufacturing jobs in our country; 2.8 million manufacturing jobs. That is an issue that I want to spend a moment on because what is happening in manufacturing today is a disaster for this country and bodes very, very poorly for our future.

The bottom line is, and Congress must finally recognize this, that our trade policies are failing. They are failing. NAFTA has failed, our membership in the WTO has failed; and perhaps above all, permanent normal trade relations with China, PNTR with China, has failed. The time is now, and it is long overdue for the United States Congress to stand up to corporate America, to stand up to the President of the United States, to stand up to editorial writers all over this country, all of whom have told us year after year after year how wonderful unfettered free trade would be.

Well, they were wrong. The answer is in. They were wrong. These people told us that unfettered free trade would create new jobs. Instead, we have lost millions of jobs, and we have run up a record-breaking trade deficit. They told us that unfettered free trade would improve the standard of living of the middle class; they were wrong. Real wages have gone down or have stagnated for millions of American workers.

Let us be very clear. The decline of manufacturing is one of the reasons why our middle class is shrinking and why wages for middle-class workers are in decline. When we talk about the loss of almost 3 million private sector jobs in the last 3 years, we should appreciate that the vast majority of that job loss has taken place in manufacturing. Further, the collapse of manufacturing is one of the reasons that real inflation accounted for wages have declined.

Today, American workers in the private sector are earning 8 percent less than they were in 1973. Now, just think for a moment, just for one moment let us take a look at this rather incredible piece of information. Every American knows that in the last 30 years there has been an explosion in technology. We all know what computers have done. We know what e-mail has done; we know what faxes and cell phone and satellite communications have done. We know what robotics in factories has done. In other words, we are a much more productive Nation than we were 30 years ago, and almost every worker in our economy is producing more.

□ 1830

Given the fact that productivity is expanding and increasing, that technology is exploding, what common sense might suggest is that workers today would be working fewer hours and earning more money because of the increase in productivity. But the reality is exactly the opposite. Why is it that in 1973, the average American worker, in inflation accounted for wages, made $14.09 per hour, while in 1998, 15 years later, he or she made only $12.70 per hour, a significant decline in real wages? And that is, to my mind, one of the most important economic issues that we have to deal with, productivity going up, technology exploding, and yet the real wages for millions of American workers is declining and the middle class is shrinking.

Let us be honest and acknowledge that manufacturing in this country today is in a state of collapse. In the last 3 years, we have lost 16 percent of all manufacturing jobs, 16 percent in the last 3 years, and we are back to levels that were last seen in the 1950s, early 1950s. We only have 14.3 million manufacturing jobs.

And, Mr. Speaker, here is the tragedy. People would not be all that upset if when we lost manufacturing jobs, if the new jobs that were created were paying as much or more as the manufacturing jobs that we lost. But the fact of the matter is that when we are losing manufacturing jobs, we are losing jobs that pay in almost every instance a living wage. In Vermont manufacturing, for example, pays over $42,000 a year. That is a good wage and those jobs often have good benefits. And what is happening now is that the new jobs that are being created which are replacing the old jobs that we are losing are paying significantly lower wages with significantly lower benefits than the manufacturing jobs that we have lost.

According to a study by the Economic Policy Institute, the new jobs being created in America on average pay 21 percent less than the jobs we are losing. So despite what some politicians and what corporate leaders might tell us, the trend is not toward better-paying jobs. The trend is toward lower-paying jobs with fewer benefits.

When we talk about the economy not only for the current generation, but for our children and for our grandchildren, the key question that we should be asking is what kind of new jobs will be created in the future? Will these jobs be good paying? Will they be challenging jobs that a well-educated American population can jump into with enthusiasm? Are those the kinds of jobs that will be available for our kids and for our grandchildren, or is it, in fact, going to be something very different? Because when we talk about the future of America, to a large degree that is what we are talking about. What kinds of new jobs will be created in the future?

In that regard, the Bureau of Labor Statistics every 2 years does an important study forecasting the top ten occupations that will have the largest job growth in a 10-year period. In this case, the Bureau's forecast which was released on February 11, 2004, covers the years 2002 through 2012, a 10-year period.

And let me quote from Business Week Magazine as to what the results of that study showed: "According to a forecast released February 11 by the Federal Bureau of Labor Statistics, a large share of new jobs will be in occupations that don't require a lot of education and pay below average." And pay below average. Those are the jobs, the newly created jobs, that our children and our grandchildren will be looking forward to receiving, jobs that require minimal education and pay low wages. The fastest growing of all of those jobs will be for medical assistance, nursing aides, orderlies and attendants, jobs that require nothing more and "moderate on-the-job training."

So the key point here is that instead of creating an economy where future generations will be challenged with jobs that require good education, good skills, the new jobs that are being created will require high school degrees. They will be low wage. They will have minimal benefits. In fact, of the ten occupations pinpointed by the Bureau of

Labor Statistics, seven of them require only a high school degree; two require college degrees; and one an associate's degree, a 2-year education in college.

And that is an issue, in my view, that we should be paying a great deal of attention to because, Mr. Speaker, it tells us that a profound lie is being perpetrated on the American people. It tells us that unless we fundamentally change our public policies and do that very quickly, the middle class will continue to shrink and the jobs being created for the coming generations will be, by and large, low-wage and unskilled work, and that, in my view, is not what we want the future of America to be.

Mr. Speaker, when we talk about the economy and when we talk about trade and manufacturing, let us remember that in the year 2003, the United States had a $500 billion trade deficit, $500 billion record-breaking trade deficit. In 2003, the trade deficit with China alone, one country, China, was over $120 billion and that number, trade deficit with China, is projected to increase in future years. In recent years that deficit has gone up and up and up. In 1990, it was $11.5 billion; in 2001, it was $83 billion; 2002, $103 billion; in 2003, it was $120 billion.

The National Association of Manufacturers estimates that if present trends continue, our trade deficit with China will grow to $330 billion in 5 years, and that means, of course, that we are importing more and more and the gap between what we are importing and what we are exporting is growing wider and wider.

Mr. Speaker, our disastrous trade policy is not only costing us millions of decent-paying jobs, it is squeezing wages. Many employers are making it very clear that if workers do not accept cuts in their health care coverage or do not take cuts in wages that they will be moving their operations to China, to Mexico, to India, or to other developing countries. Today, wage growth is the slowest in 40 years. Millions and millions of Americans are working incredibly long hours, and yet they are not making anything more than they made a year ago.

One of the sectors of our economy, and we do not talk about this too much, where people are being hurt the most is among young workers without a college education. Not everybody goes to college. For entry level workers without a college level education, the real wages that they have received dropped by over 28 percent from 1979 to 1997, which are the latest figures that I have seen. And the drop for women during that period was only 18 percent. And the reason for that is quite clear.

Twenty-five or 30 years ago, if someone did not go to college, and most people did not, what they would have been able to do is to go out and get a job in manufacturing, and millions of workers did just that. And with those wages and with those benefits, people without a college degree were able to enjoy a middle class lifestyle. They were able to take care in an adequate way for their kids. They were able to save up so that their kids could have a better life than they did.

But all of that is changing now, and when young people leave high school and do not go to college, the job opportunities for them are most often very limited. There are jobs available at McDonald's, at Wal-Mart, at service industry jobs like that, but unfortunately those jobs pay low wages and do not allow people to earn a middle class income.

Mr. Speaker, what is happening to our economy today can be best illustrated by the fact that not so many years ago, the largest employer in America was General Motors, and workers in General Motors earned and still earn a living wage somewhere around $26 an hour with very strong benefits and with a strong union to represent their needs. Today, in contrast, our largest employer, private employer, is Wal-Mart, and that is what has happened to the American economy. We have gone from a General Motors economy where people produce real products, earn good wages with good benefits, to a Wal-Mart economy where people earn low wages and minimal benefits.

Today Wal-Mart employees earn $8.23 an hour or $13,861 annual. These are wages, paid by the largest employer in America, that are below the poverty level. And that is what the American economy is about today. The largest employer in America, Wal-Mart, pays its workers below-poverty wages. In fact, many of these workers qualify for the Federal Food Stamp program, which means that Wal-Mart is being directly subsidized by U.S. taxpayers.

Obviously Wal-Mart is not the only company receiving welfare from the taxpayers of this country, but they are the largest. Wal-Mart has been sued by 27 States for not paying the overtime pay their workers are entitled to. And not so long ago, Federal agents raided their headquarters, and 60 of their stores across the country, arresting 300 illegal workers in 21 States. Wal-Mart is vehemently anti-union and will do everything that it can to make sure that workers in a Wal-Mart store do not have the rights to collectively bargain.

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Mr. Speaker, a recent study indicated that for every Wal-Mart superstore that employed 200 workers, taxpayers were subsidizing their low-paid workers to the tune of $420,000 per year, which equates to about $2,100 per employee. In other words, we have the absurd situation that many of the employees at Wal-Mart need Federal help in order to keep their families alive, whether it is food stamps, whether it is health care for their children or for themselves, whether it is subsidized housing. So you have the taxpayers of this country pouring huge amounts of money into subsidizing Wal-Mart's employees.

Meanwhile, and what an irony this is, five out of the 10 wealthiest people in America are in the Walton family, the family that owns Wal-Mart. They are each worth, each one of the five, are worth $20 billion each, collectively $100 billion. And last year the Walton family of Wal-Mart saw an $8.5 billion increase in their wealth. So what you have is one of the richest families in America growing much richer. We are seeing Wal-Mart workers earning subsistence wages, and you are seeing the taxpayers of this country forced to subsidize those workers because they cannot earn a living wage in Wal-Mart.

What an outrage. One of the richest families in America sees a huge increase in their wealth, and they need Federal help in order to keep their workers alive. This is something that should not continue to go on.

That, Mr. Speaker, is what the transformation of the American economy is all about. We have gone from an economy where workers used to work producing real products, making middle-class wages with good benefits, to a Wal-Mart-style economy where our largest employer pays workers poverty wages with minimal benefits, and, in the process, has a huge turnover.

Incredibly, since 1989, 98 percent of the new jobs created in the United States have been in the service sector, where on average workers earn substantially less than they do in manufacturing.

Mr. Speaker, before I talk about China and my great concerns about our current trade relations with China, let me say a few words about the North American Free Trade Agreement, NAFTA. That is an agreement, as you know, that the President wants to expand into a Free Trade Agreement for the Americas.

In 1994, the United States had a $2.4 billion trade surplus with Mexico. That was pre-NAFTA. Today, 10 years later, we have a $36 billion trade deficit with Mexico, one of the results of NAFTA. Through the end of 2002, the United States lost over 879,000 jobs as a result of NAFTA, jobs that formerly existed and were eliminated, as well as those created in other countries instead of here as a result of the growing U.S. trade deficit. Nearly 80 percent of those job losses were in manufacturing industries.

Now, some people, they think, well, if NAFTA was bad for the United States in terms of job loss, then it must have been good for our friends in Mexico and Mexican workers. Well, guess again. NAFTA has been a disaster for the poor and working people of Mexico.

Since 1994, when NAFTA went into existence, the number of people classified as poor or extremely poor has risen from 62 million to 69 million out of a population of 100 million. Since 1994, Mexico's agricultural sector has lost well over 1 million jobs, and NAFTA has played a major role in decimating rural employment on farms in Mexico.

Frankly, Mr. Speaker, in hindsight, it did not take a genius to predict that unfettered free trade with countries like China would be a disaster. In all honesty, if we check the CONGRESSIONAL RECORD, what is happening now in terms of trade and its impacts on American workers is precisely what many of us predicted would happen.

Why should we be surprised about what is happening? With educated, hard-working Chinese workers available at 20 cents an hour or 30 cents an hour or 40 cents an hour, and with corporations having the capability of bringing their Chinese-made products back into the United States tariff-free, why would American multinational corporations not shut down their plants in this country and move to China? Why would they not?

Essentially, the trade agreement we established with China says to them, throw American workers out on the street. Go to China; hire cheap labor and bring your product back here. That is what many of us predicted over the years when the debate about most favored nation status with China was taking place; and that, of course, is precisely what has occurred.

Mr. Speaker, General Electric, as we all know, is one of the largest corporations in America. Here is what their CEO, a gentleman named Jeffrey Immelt, had to say about China at a GE investor meeting on December 6, 2002, a year and a half ago. This is Mr. Immelt, CEO of GE: "When I am talking to GE managers, I talk China, China, China, China, China. You need to be there." This is what he is saying to GE plant managers.

Then he continues: "I am a nut on China. Our sourcing from China is going to grow to $5 billion. We are building a tech center in China. Every discussion today has to center on China. The cost basis is extremely attractive."

What Mr. Immelt is saying is, frankly, what almost every CEO of a major corporation in America is saying, and they are saying, see you, American workers. We are out of here. We do not have to pay you a living wage. We are going to China.

China, for CEOs of American corporations, is a wonderful, wonderful place to do business. Do they have to worry about democratic rights in China? Of course not. If workers stand up for their rights, they go to jail. If workers try to form a union, they go to jail. There are virtually no environmental protection regulations in China, a very polluted country. So for corporations like General Electric, China becomes a wonderful place to work, and that is why they are moving there as fast as they can.

Should anybody in this country be surprised that Motorola, another major corporation in America, eliminated almost 43,000 jobs in this country in 2001, while investing $3.4 billion in China? Who is shocked that General Electric has thrown hundreds of thousands of American workers out on the street, while investing billions in China? Boeing, another great American corporation, has laid off 135,000 American workers, while it has increased outsource design work to China, Russia, and Japan.

In the last 30 years, General Motors has shrunk their U.S. workforce by over 250,000. IBM has signed deals to train 100,000 software specialists in China over 3 years. Honeywell is going to China. Ethan Allen Furniture is going to China. And on and on it goes. In fact, the exception to the rule is that company that says, we are going to grow jobs in the United States of America.

In terms of General Motors, just a few months ago that company announced plans to increase by 20-fold, 20 times, the number of auto parts it buys from China and uses in the U.S., Europe, Mexico, elsewhere, a 20-fold increase. According to the Detroit Free Press, "GM, the world's largest auto maker, will more than double the number of parts it buys in China for cars it makes there, going from $2.8 billion for Chinese parts to $6 billion annually."

There are people who believe that that move might be the beginning of the end for auto manufacturing in the United States and all of those decent-paying jobs that exist there.

Mr. Speaker, one of the most distressing aspects of this entire discussion regarding our economy is the degree to which the Bush administration has sold out the needs of American workers. Let me quote from a recent report written by Mr. Gregory Mankiw, the President's Chief Economic Advisor. Here is the man who is the President's major adviser on economic issues. Here is what he says on page 25 of the report that he sent to Congress: "When a good or service is produced at lower cost in another country, it makes sense to import it, rather than produce it domestically."

In case you did not fully get it, let me read it again: "When a good or service is produced at lower cost in another country, it makes sense to import it, rather than to produce it domestically."

Let us think for a moment what Mr. Mankiw, the President's Chief Economic Adviser, has just told the workers of the United States. What he has said is that companies should throw you out on the street because they can produce cheaper in China and in other countries, where wages are a fraction of the price that they in the United States of America. That is what companies should do. That is what the President's Chief Economic Adviser is telling corporations: go abroad, if you can produce cheaper.

What is wrong with that? Well, what happens to the many millions of American workers who lose their jobs? Well, apparently the President's economic adviser and the President himself are not worried too much about that. They are more worried about corporate profits and the ability of companies to produce with workers who are paid 30 cents an hour.

Over the years, Mr. Speaker, advocates of unfettered free trade have tried to gloss over the bad news about the decline in factory employment by promising us that a new high-tech economy was in the making.

In other words, American workers, do not worry. Yes, it is true you are going to lose jobs. In auto manufacturing, in steel, in textiles, in footwear, in almost every industry, you are going to lose those blue collar jobs. But you do not have to worry about that, because there is a new high-tech economy that is being developed, an information technology. You do not have to work in those loud, noisy factories. You and your kids are going to be able to have those wonderful jobs, high-paying jobs in quiet offices, and all you have to do is learn how to master the computer and become an expert in information technology, and those great jobs will be there for you and your kids.

We have heard that mantra over and over and over again: yes, we lose blue collar; but we are going to gain high-paying white collar jobs. We do not have to worry about that old economy any more. We have got a new economy coming.

Well, I think that many Americans are beginning to catch on that the people who told us that are dead wrong in terms of the future of this country; that in fact not only have we lost and we will continue to lose good-paying blue collar manufacturing jobs, we are now at the cusp of beginning to lose millions of even better-paying white collar information technology jobs.

In 2003, the estimate is that the United States lost 234,000 information technology jobs. Many of them ended up in India, which saw a gain of over 152,000 information technology jobs.

□ 1900

When Americans argue with the phone company as to whether or not they are being ripped off, more often than not, they are going to be talking to somebody in India. When you are trying to figure out how to get your computer working again, as often as not you are going to be talking to somebody not in New York, not in L.A., but in India.

One of the new areas where information technology jobs are leaving the United States is in tax preparation. Tax experts say that Indian Chartered Accountants, and that is India's equivalent to our CPA, certified professional accountants will prepare 150,000 to 200,000 returns this year, up to 20.0000 something returns in 2003. In other words, so long as there is a skilled worker behind a computer, and there clearly are skilled workers in India, China, the former Soviet Union countries, they are prepared and will and can do the work that Americans used to do at a fraction of the wages that Americans have earned.

Among many other companies moving high-tech jobs abroad is Microsoft, which is spending $750 million over the next 3 years on research and development, and outsourcing in China. Recently, Intel Corporation Chairman Andy Grove warned that the U.S. could lose the bulk of its information technology jobs to overseas competitors in the next decade, largely to India and China. In other words, Mr. Speaker, not only has our unfettered free trade cost us much of our textile industry, footwear industry, steel, tool and dye industry, electronics, furniture, as well as many, many other industries, it is now going to cost us, unless we change it, millions of high-tech jobs as well, and the future of our economy.

Lou Dobbs who, in my view, has done an excellent job on CNN talking about this issue, reported on a recent University of California at Berkeley study warning that as many as 14 million white collar jobs in the United States could be shipped overseas to India, China, and other countries, representing 11 percent of all U.S. employees. These jobs include over 2.8 million computer and math professionals with average salaries of over $60,000 a year, and over 2.1 million business and financial service support jobs with average annual salaries of over $52,000. And what the University of California at Berkeley study showed is that there is "A ferocious new wave of outsourcing of white collar jobs" which is sweeping across America. And we know why American companies will be going to India and elsewhere, because the wages are a fraction of what they are in this country.

In the U.S., a telephone operator earns $12.57 an hour; in India, less than a dollar an hour. A payroll clerk in the U.S. averages over $15 an hour, while in India, it is less than $2 an hour. An accountant in the U.S. makes over $23 an hour, while in India that wage is between $6 and $15 an hour.

Jobs most vulnerable to this new wave of outsourcing the researchers tell us include medical transcription services, stock market research for financial firms, customer service call centers, legal online database research, payroll and other back-office activities.

Mr. Speaker, last month, I held a town meeting in Montpelier, Vermont dealing with the issue of outsourcing, and we had many, many hundreds of workers who came to that meeting and a number of them were employed by National Life, an insurance company in Montpelier, and these workers felt betrayed, sold out by the fact that National Life had now outsourced a number of jobs from that company which were going to India. In fact, some of these workers were being asked to train their Indian counterparts.

Mr. Speaker, let me be very clear on this issue. The United States needs to have a strong and positive relationship with countries like China and India. I am not antiChinese; I have a lot of respect for the Chinese people. And I am not antiIndian; I have a lot of respect for the people of India. I am an internationalist. In fact, it is my view that not only the United States, but every other industrialized country on earth has a moral obligation to do everything that we can to address the terrible poverty that exists all over this world, where 1 billion people are living on less than a dollar a day, where children are dying of preventable diseases, where people do not have access to clean water, where people cannot get affordable prescription drugs and die of preventable diseases.

The United States has a moral obligation to work with those countries to improve their health care systems, their educational systems, their infrastructures, to do everything that we can to improve the standard of living of those people. But, Mr. Speaker, we do not have to destroy the middle class of this country and wipe out millions of decent-paying jobs to help poor people abroad. We can and should help poor people, but we do not have to destroy what is best in our economy.

Mr. Speaker, the issue here is whether we continue to be engaged in a race to the bottom where American wages and the quality of our jobs and our working conditions goes down, down, down, or whether we are asking poor people in the world to see their wages and working conditions go up, up, and up. And unfortunately, we are moving today in the wrong direction.

Mr. Speaker, by definition, a sensible and fair trade agreement works for both sides, not just for one. Trade is a good thing. It is a good thing when it benefits both parties. The New York Yankees do not engage in free trade by exchanging their top ballplayer for a third-string, minor leaguer. They do not say, hey, we are opening up our roster, you can take anybody you want, you give us anybody you want, because hey, that is what free trade is about. They trade for equal value. Every time we go shopping and every time we buy a product, we are trading money for a product, equal value. And that is what we have to do in terms of our overall trade policy.

Trade is good when it works for America and it works for the other country. It is not good when it throws American workers out on the street, when it lowers wages, and when the only beneficiaries of it are the CEOs of large corporations who make huge compensation packages, earn huge compensation packages at the expense of American workers.

Mr. Speaker, in order to address some of these problems, I have introduced two pieces of legislation that would move us forward in protecting the middle class of this country and the decent-paying jobs that we have. The first bill that I have introduced is H.R. 3228 which would repeal once and for all permanent Normal Trade Relations with China. It will acknowledge finally that our current trade policies with that country, with China are a failure and that we need a new beginning. I am happy to say that this tripartisan legislation has garnered well over 50 cosponsors, including 14 Republicans. So we are beginning to move forward in a tripartisan way to establish positive trade relations with China and not one that is costing us huge-paying jobs.

The second piece of legislation that I have introduced, H.R. 3888, will end corporate welfare for those corporations who are laying off American workers and moving to China and other low-wage countries.

Mr. Speaker, it is not acceptable to me that taxpayers of this country are providing tens of billions of dollars in corporate welfare to the same exact companies who are saying to American workers, bye-bye, we are off to China. That is an insult to our working people and an insult to the taxpayers of this country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. TAUZIN (at the request of Mr. DELAY) for the week of May 3 on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. HOEKSTRA, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, today.

Mr. HYDE, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. PEARCE, for 5 minutes, today.

Mr. BURNS, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2315.—An act to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering.

ADJOURNMENT

Mr. SANDERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until Monday, May 10, 2004, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7973. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Establishment of Special Purpose Shipping Regulations and Modification of Reporting Requirements [Docket No. FV04-956-1 IFR] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7974. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Melons Grown in South Texas; Increased Assessment Rate [Docket No. FV04-979-1 FR] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7975. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 2003-04 Crop Natural (Sun-Dried) Seedless Raisins [Docket No. FV04-989-1 IFR] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7976. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Almonds Grown in California; Decreased Assessment Rate [Docket No. FV04-981-1 FIR] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7977. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Grapes Grown in a Designated Area of Southeastern California; Establishment of Reporting Requirements [Docket No. FV04-925-1 IFR] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7978. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches [Docket No. FV04-916/917-02 IFR] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7979. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Cranberries Grown in the States of Massachusetts, et al.; Order Amending Marketing Agreement and Order No. 929 [Docket Nos. AO-341-A6; FV02-929-1] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7980. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Pistachios Grown in California; Order Regulating Handling [Docket Nos. AO-F&V-983-2; FV02-983-01] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7981. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Imported Fire Ant; Additions to Quarantined Areas [Docket No. 03-109-1] received May 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7982. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Infectious Salmon Anemia; Payment of Indemnity [Docket No. 01-126-2] (RIN: 0579-AB37) received May 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7983. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pesticides; Tolerance Exemptions for Active and Inert Ingredients for Use in Antimicrobial Formulations (Food-Contact Surface Sanitizing Solutions) [OPP-2003-0368; FRL-7335-4] received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7984. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Geraniol; Exemption from the Requirement of a Tolerance [OPP-2004-0068; FRL-7351-1] received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7985. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting Authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7986. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting Authorization of Lieutenant General Dan K. McNeill, United States Army, to wear the insignia of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7987. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—HOME Investment Partnerships Program; American Dream Downpayment Initiative [Docket No. FR-4832-1-01] (RIN: 2501-AC93) received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7988. A letter from the Assistant Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting the Commission's final rule—Foreign Bank Exemption From the Insider Lending Prohibition of Exchange Act Section 13(k) [Release No. 34-49616, International Series Release No. 1275; File No. S7-15-03] (RIN: 3235-AI81) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7989. A letter from the Deputy Secretary, Division of Corporattion Finance, Securities and Exchange Commission, transmitting the Commission's final rule—Mandated Electronic Filing for Form ID [Release Nos. 33-8410, 34-49585, 35-27837, 39-2420, IC-26241; File No. S7-14-04] (RIN: 3235-AJ09) received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7990. A letter from the Secretary, Department of Education, transmitting the Department's final rule—Family Educational Rights and Privacy Act (RIN: 1855-AA00) received May 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7991. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard—Phase 1 [OAR 2003-0079, FRL-7651-7] (RIN: 2060-AJ99) received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7992. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Service's final rule—In Vitro Dermal Absorption Rate Testing of Certain Chemicals of Interest to the Occupational Safety and Health Administration [OPPT-2003-0006; FRL-7312-2] (RIN: 2070-AD42) received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7993. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Arizona State Implementation Plan, Pinal County Air Quality Control District [AZ 063-0048; FRL-7638-2] received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7994. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 06-04 which informs of our intent to sign a Memorandum of Understanding (MOU) between the United States and Japan for Ballistic Missile Defense, pursuant to 22 U.S.C.

2767(f); to the Committee on International Relations.

7995. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 05-04 which informs of our intent to sign a Memorandum of Understanding (MOU) between the United States and Australia for Ballistic Missile Defense, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

7996. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed amendment to a manufacturing license agreement for the export of defense articles or defense services to Japan (Transmittal No. DDTC 029-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7997. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to South Korea, Turkey, Spain, Saudi Arabia, and Chile (Transmittal No. DDTC 007-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7998. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Japan (Transmittal No. DDTC 021-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7999. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Canada and the United Kingdom (Transmittal No. DDTC 022-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8000. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services with the United Kingdom (Transmittal No. DDTC 013-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8001. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to the Export Administration Regulations based on the 2003 Missile Technology Control Regime Plenary Agreements [Docket No. 040414116-4116-01] (RIN: 0694-AD01) received May 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8002. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Amendment to the Export Administration Regulations: Correction to ECCN 1C355 on the Commerce Control List [Docket No. 040206045-4045-01] (RIN: 0694-AC87) received May 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8003. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revision of Export and Reexport Restrictions on Libya [Docket No. 040422128-4128-01] (RIN: 0694-AD14) received May 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8004. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Protective Equipment Export License Jurisdiction [Docket No. 040220063-4063-01] (RIN: 0694-AC64) received May 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8005. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the International Traffic in Arms Regulations: United States Munitions List [Public Notice Z] (RIN: 1400-ZA10) received May 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8006. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8007. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8008. A letter from the Inspector General, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of April 1, 2003 to September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8009. A letter from the Chairman, Election Assistance Commission, transmitting the Commission's FY 2003 Annual Report, submitted in accordance with Section 207 of the Help America Vote Act of 2002 (HAVA); to the Committee on House Administration.

8010. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Lexington, TN [Docket No. FAA-2003-16622; Airspace Docket No. 03-ASO-21] received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8011. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Use of Section 106 Grant Funds to Achieve Environmental Results—received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8012. A letter from the Executive Vice President, Tennessee Valley Authority, transmitting a copy of the Authority's statistical summary for Fiscal Year 2003, pursuant to 16 U.S.C. 831h(a); to the Committee on Transportation and Infrastructure.

8013. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's "Major" final rule—Medicare Program; Prospective Payment System for Long-Term Care Hospitals: Annual Payment Rate Updates and Policy Changes [CMS-1263-F] (RIN: 0938-AM84) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8014. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's "Major" final rule—Medicare Program; Changes to the Criteria for Being Classified as an Inpatient Rehabilitation Facility [CMS-1262-F] (RIN: 0938-AM71) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8015. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Electing Mark to Market for Marketable Stock [TD 9123] (RIN: 1545-AY17) received May 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8016. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—At-Risk Limitations; Interest Other Than That of a Creditor [TD 9124] (RIN: 1545-BA69) received May 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8017. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Special Benefits for Certain World War II Veterans; Reporting Requirements, Suspension and Termination Events, Overpayments and Underpayments, Administrative Review Process, Claimant Representation, and Federal Administration of State Recognition Payments (RIN: 0960-AF72) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE. Committee on International Relations. H.R. 4060. A bill to amend the Peace Corps Act to establish an Ombudsman and an Office of Safety and Security of the Peace Corps, and for other purposes (Rept. 108–481 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII. The Committee on Government Reform discharged from further consideration. H.R. 4060 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 4060. Referral to the Committee on Government Reform extended for a period ending not later than May 6, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HINOJOSA (for himself, Mr. Lampson, Mr. Rodriguez, Mr. Green of Texas, Mr. Frost, Mr. Paul, Mr. Gonzalez, Mr. Reyes, Mr. Ortiz, Ms. Jackson-Lee of Texas, Ms. Eddie Bernice Johnson of Texas, Mr. Bell, Mr. Edwards, Mr. Stenholm, Mr. Sandlin, Mr. Doggett, Mr. Turner of Texas, Mr. Culberson, Mr. Brady of Texas, Mr. Hensarling, Mr. Hall, Mr. Sam Johnson of Texas, Mr. Carter, Mr. Smith of Texas, Ms. Granger, Mr. Thornberry, Mr.

DeLay, Mr. Neugebauer, Mr. Sessions, Mr. Barton of Texas, Mr. Bonilla, and Mr. Burgess):

H.R. 4299. A bill to designate the facility of the United States Postal Service located at 410 South Jackson Road in Edinburg, Texas, as the "Dr. Miguel A. Nevarez Post Office Building"; to the Committee on Government Reform.

By Mr. ISSA (for himself, Mrs. Bono, and Mr. Calvert):

H.R. 4300. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project; to the Committee on Resources.

By Mr. TERRY (for himself, Mr. Bereuter, and Mr. Osborne):

H.R. 4301. A bill to authorize an additional district judgeship for the district of Nebraska; to the Committee on the Judiciary.

By Mr. TOM DAVIS of Virginia (for himself and Ms. Norton):

H.R. 4302. A bill to amend title 21, District of Columbia Official Code, to enact the provisions of the Mental Health Civil Commitment Act of 2002 which affect the Commission on Mental Health and require action by Congress in order to take effect; to the Committee on Government Reform.

By Mr. BERMAN (for himself and Mr. Knollenberg):

H.R. 4303. A bill to authorize the Secretary of State to make grants to American-sponsored schools in Arab and other predominantly Muslim countries to provide full or partial merit-based scholarships for children from lower- and middle-income families of such countries to attend such schools, and for other purposes; to the Committee on International Relations.

By Mr. BOSWELL (for himself, Ms. Pelosi, Mr. Hoyer, Mr. Menendez, Mr. George Miller of California, Ms. DeLauro, Mr. Matsui, Mr. Rangel, Mr. Dingell, Mr. Berry, Mr. Brown of Ohio, Mr. Stark, Ms. Schakowsky, Mr. McDermott, Mr. Pallone, Mr. Green of Texas, Mr. Doggett, Mr. Allen, Mr. Sandlin, Ms. Solis, Mr. Frost, Mr. Serrano, Ms. Jackson-Lee of Texas, Mr. Grijalva, Mr. Hoeffel, Ms. Eshoo, Mr. Kildee, Mr. Weiner, Mr. Farr, Mr. Wexler, Mr. Hastings of Florida, Mr. Olver, Mr. Nadler, Mr. Hinchey, Mr. Tierney, Mr. Lantos, Mr. Moran of Virginia, Mrs. Maloney, Mr. Abercrombie, Ms. Kilpatrick, Mr. Clay, Mr. Kennedy of Rhode Island, Ms. Waters, Mr. Jackson of Illinois, Mr. Honda, Ms. Watson, Mr. Rodriguez, Mr. Gutierrez, Mr. Oberstar, Mrs. Lowey, Ms. Lofgren, and Ms. Slaughter):

H.R. 4304. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to eliminate overpayments to health maintenance organizations and other private plans under part C of title XVIII of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania:

H.R. 4305. A bill to amend title 18, United States Code, to increase protections for children from obscene material on the Internet; to the Committee on the Judiciary.

By Mr. CANNON (for himself and Mr. Andrews):

H.R. 4306. A bill to amend section 274A of the Immigration and Nationality Act to improve the process for verifying an individual's eligibility for employment; to the Committee on the Judiciary.

By Mr. CHOCOLA (for himself, Mr. Davis of Tennessee, Mr. Cole, Mr. Beauprez, Mr. Hostettler, Mrs. Wilson of New Mexico, Mr. Miller of Florida, Mr. Feeney, Mr. Chabot, Mr. Wilson of South Carolina, Mrs. Myrick, Mr. Jones of North Carolina, Mrs. Musgrave, Mr. Garrett of New Jersey, Mr. Shadegg, Mr. Kline, Mr. Franks of Arizona, Ms. Ginny Brown-Waite of Florida, Mr. Green of Wisconsin, Mr. Pence, Mr. Duncan, Mr. Pearce, Mr. Hastings of Washington, Mr. Carter, Mr. Ehlers, Mr. Murphy, Mr. Barrett of South Carolina, Mr. Sensenbrenner, Ms. Hart, Mr. Doolittle, Mr. Cannon, Mr. Turner of Ohio, Mr. Boyd, Mr. Goode, Mr. Mario Diaz-Balart of Florida, Mr. Souder, Mr. Quinn, and Mr. Gerlach):

H.R. 4307. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for increasing employment; to the Committee on Ways and Means.

By Mr. FLAKE (for himself, Mrs. Christensen, Ms. Bordallo, Mr. Faleomavaega, and Mr. Acevedo-Vilá):

H.R. 4308. A bill to ensure consultation with the governments of the territories of the United States with respect to trade policy and trade agreements; to the Committee on Ways and Means.

By Mr. HILL:

H.R. 4309. A bill to amend the Clean Air Act to provide needed flexibility to States regarding the designation of certain counties as nonattainment areas for ozone under the 8-hour ozone standard, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LaHOOD (for himself, Mr. Emanuel, Mr. Hinchey, Mr. Jefferson, Mr. LaTourette, Mr. Manzullo, Mr. Shimkus, and Mrs. Jones of Ohio):

H.R. 4310. A bill to direct the Secretary of Commerce to make noninterest bearing loans to State and local governments solely for the purpose of funding capital projects, and for other purposes; to the Committee on Government Reform.

By Mr. MARKEY:

H.R. 4311. A bill to reinstate the Federal Communications Commission's rules for the description of video programming; to the Committee on Energy and Commerce.

By Mr. MARKEY (for himself, Mr. Turner of Texas, Mr. Israel, Ms. Loretta Sanchez of California, Mr. Dicks, Ms. Harman, Mr. Cardin, Ms. Slaughter, Mrs. Lowey, Ms. Norton, Ms. Lofgren, Ms. McCarthy of Missouri, Ms. Jackson-Lee of Texas, Mrs. Christensen, Mr. Lucas of Kentucky, Mr. Langevin, Mr. Meek of Florida, Mr. Acevedo-Vilá, Mr. Stark, and Mr. Green of Texas):

H.R. 4312. A bill to enhance aviation security; to the Committee on Transportation and Infrastructure.

By Mr. NADLER (for himself, Ms. Linda T. Sánchez of California, Mr. Frank of Massachusetts, Mr. Frost, Ms. Kaptur, Mr. McGovern, Ms. DeLauro, Mr. Grijalva, Mr. Rush, and Ms. Baldwin):

H.R. 4313. A bill to direct the Secretary of Education to provide grants to States to establish and carry out or continue to carry out antiharassment programs; to the Committee on Education and the Workforce.

By Mr. RAMSTAD:

H.R. 4314. A bill to ensure that the total amount of funds awarded to a State under part A of title I of the Elementary and Secondary Education Act of 1965 for fiscal year 2004 is not less than the total amount of funds awarded to the State under such part for fiscal year 2003; to the Committee on Education and the Workforce.

By Mr. REHBERG:

H.R. 4315. A bill to prohibit the Secretary of the Army from releasing water from Fort Peck Dam if the water level of Fort Peck Lake is 20 feet or more below the reservoir's full pool, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. SCHAKOWSKY (for herself, Mr. Andrews, Mr. Conyers, Ms. DeLauro, Mr. Deutsch, Mr. Filner, Mr. Frost, Mr. Hoeffel, Mr. Holden, Ms. Eddie Bernice Johnson of Texas, Mrs. McCarthy of New York, Mr. Meek of Florida, Mr. Nadler, Ms. Norton, Ms. Roybal-Allard, Ms. Linda T. Sánchez of California, and Mr. Visclosky):

H.R. 4316. A bill to amend the Public Health Service Act to establish direct care registered nurse-to-patient staffing ratio requirements in hospitals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER of Texas (for himself, Mr. Barton of Texas, Mr. Bell, Mr. Burgess, Mr. Carter, Mr. Culberson, Mr. Edwards, Mr. Frost, Mr. Green of Texas, Mr. Hensarling, Mr. Hinojosa, Ms. Jackson-Lee of Texas, Ms. Eddie Bernice Johnson of Texas, Mr. Lampson, Mr. Paul, Mr. Reyes, Mr. Sandlin, Mr. Stenholm, and Mr. DeLay):

H.R. 4317. A bill to name the Department of Veterans Affairs outpatient clinic located in Lufkin, Texas, as the "Charles Wilson Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. WEINER:

H.R. 4318. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to widely distribute information describing their procedures for receiving and responding to complaints concerning harassment; to the Committee on Education and the Workforce.

By Mr. PORTER (for himself, Mr. Payne, Mr. Ballance, Mr. McDermott, Mr. Ruppersberger, Mr. Frost, Mr. Owens, Mr. Duncan, Mr. Upton, Mr. Wilson of South Carolina, Mr. Cox, Mr. Cunningham, Mr. Ehlers, Mr. Scott of Georgia, Mr. Baird, Mr. Spratt, Mr. Meeks of New York, Ms. Pryce of Ohio, Mr. Gibbons, Mr. Rogers of Alabama, Mr. Rangel, Ms. Corrine Brown of Florida, Mr. Simmons, Mr. Hostettler, Mr. Cramer, Mr. Isakson, and Mr. Capuano):

H. Con. Res. 417. Concurrent resolution honoring the Tuskegee Airmen and their contribution in creating an integrated United States Air Force, the world's foremost Air and Space Supremacy Force; to the Committee on Armed Services.

By Mr. LANTOS (for himself, Mr. Leach, Mr. Faleomavaega, and Mr. Hyde):

H. Con. Res. 418. Concurrent resolution recognizing the importance in history of the 150th anniversary of the establishment of diplomatic relations between the United States and Japan; to the Committee on International Relations.

By Mr. YOUNG of Alaska:

H. Con. Res. 419. Concurrent resolution recognizing National Transportation Week and applauding the men and women who keep America moving; to the Committee on Government Reform.

By Mr. RANGEL:

H. Res. 629. A resolution impeaching Donald Rumsfeld, Secretary of Defense; to the Committee on the Judiciary.

By Mr. SABO (for himself, Mr. Gutknecht, Mr. Kennedy of Minnesota, Mr. Kline, Ms. McCollum, Mr. Oberstar, Mr. Peterson of Minnesota, and Mr. Ramstad):

H. Res. 630. A resolution commending the University of Minnesota Golden Gophers for winning the 2003-2004 National Collegiate Athletic Association Division I National Collegiate Women's Ice Hockey Championship; to the Committee on Education and the Workforce.

By Mr. STEARNS:

H. Res. 631. A resolution expressing the sense of the House of Representatives that there should be established an "Electrical Safety Month"; to the Committee on Government Reform.

By Mr. TANCREDO (for himself, Mr. Smith of New Jersey, Mr. Ryan of Ohio, and Ms. Kaptur):

H. Res. 632. A resolution urging the Government of Romania to provide equitable, prompt, and fair restitution to the Romanian Greek Catholic Church, the Roman Catholic Church, the Evangelical Lutheran Church, the Unitarian Church, the Hungarian Reformed Church, the Jewish community, and other affected religious communities for property confiscated by the former Communist government in Romania; to the Committee on International Relations.

By Mr. UDALL of New Mexico:

H. Res. 633. A resolution expressing the sense of the House of Representatives that there is a critical need to increase awareness and education about hepatitis C; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

320. The SPEAKER presented a memorial of the Senate of the State of Georgia, relative to Senate Resolution No. 755 memorializing the Congress of the United States to consider creating a national preserve or other similar federal property to protect land and other natural resources in a continuous corridor of the Ocmulgee and Altamaha Rivers in central and south Georgia; to the Committee on Resources.

321. Also, a memorial of the General Assembly of the State of Iowa, relative to Senate Resolution No. 148 memorializing the Congress of the United States to authorize and appropriate funding to the National Park Service to assist state and local governments and private landowners in developing a comprehensive plan to preserve and restore the Loess Hills in Iowa; to the Committee on Resources.

322. Also, a memorial of the Senate of the Commonwealth of Kentucky, relative to Senate Resolution No. 168 memorializing the Congress of the United States to direct the construction of Interstate 66 through the Purchase Area of Western Kentucky; to the Committee on Transportation and Infrastructure.

323. Also, a memorial of the House of Representatives of the Commonwealth of Kentucky, relative to House Resolution No. 225 memorializing the Congress of the United States to direct the construction of Interstate 66 through the Purchase Area of Western Kentucky; to the Committee on Transportation and Infrastructure.

324. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 682 memorializing the Department of Veterans Affairs to further evaluate the negative effects of the proposed realignment of veterans services and to consider alternative measures for the provision and enchancement of quality health care for veterans in the Commonwealth of Pennsylvania; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. Burton of Indiana.

H.R. 141: Mr. Schrock.

H.R. 371: Mr. Jackson of Illinois, Mr. Weiner, Mrs. McCarthy of New York, Mr. Filner, Mr. Gordon, and Mr. McCotter.

H.R. 525: Mr. Gilchrest and Mr. Pickering.

H.R. 548: Mr. Kanjorski.

H.R. 623: Mr. Price of North Carolina.

H.R. 677: Mr. Ruppersberger.

H.R. 687: Mrs. Kelly.

H.R. 713: Mr. Isakson.

H.R. 716: Mrs. Myrick.

H.R. 757: Mr. Thompson of Mississippi.

H.R. 834: Mr. Rogers of Alabama.

H.R. 857: Mr. Lincoln Diaz-Balart of Florida, Mr. Cox, Mr. Hyde, and Mr. Mario Diaz-Balart of Florida.

H.R. 1022: Mr. Olver.

H.R. 1057: Mr. Deutsch.

H.R. 1084: Mr. Shimkus.

H.R. 1227: Mr. Edwards.

H.R. 1231: Mr. Knollenberg.

H.R. 1551: Mr. Hoeffel and Mr. Brady of Pennsylvania.

H.R. 1567: Mr. Bonner and Mr. Ballenger.

H.R. 1910: Mr. Ruppersberger and Mr. Meeks of New York.

H.R. 1930: Ms. Carson of Indiana and Ms. Kilpatrick.

H.R. 1935: Ms. Lofgren and Mr. Pallone.

H.R. 2085: Mr. Hall.

H.R. 2151: Ms. Baldwin and Mr. Ross.

H.R. 2198: Mr. Tierney, Mr. Lantos, Mr. Rangel, Mrs. Jo Ann Davis of Virginia, and Mr. Lynch.

H.R. 2295: Mr. Cooper.

H.R. 2305: Mr. Shays.

H.R. 2442: Mr. Becerra, Ms. DeLauro, Mr. Israel, and Mr. Boehlert.

H.R. 2735: Mr. Bishop of Utah.

H.R. 2762: Mr. Bradley of New Hampshire.

H.R. 2890: Mr. Burr.

H.R. 2905: Mr. Platts.

H.R. 2933: Mr. Kline.

H.R. 2959: Ms. Baldwin, Mr. Gibbons, Mr. Thompson of Mississippi, Ms. Majette, Mr. Gilchrest, Mr. Kirk, Ms. DeLauro, Mr. Simmons, Mr. Tancredo, Mr. Schiff, Mr. Lucas of Kentucky, Mr. Allen, Mr. Lewis of Kentucky, Mr. Sanders, Ms. Schakowsky, and Mr. Simpson.

H.R. 3015: Mr. Engel.

H.R. 3035: Mr. Foley.

H.R. 3165: Mr. Weldon of Florida.

H.R. 3193: Mrs. Capito, Mr. Pombo, and Mr. Chandler.

H.R. 3204: Mr. Bonilla, Mr. Baird, Mr. Cardin, Mrs. Davis of California, Ms. DeGette, Mr. Frank of Massachusetts, Mr. Levin, Mrs. McCarthy of New York, and Mr. Tanner.

H.R. 3242: Ms. Lofgren, Mr. Isakson, Mr. Burr, Mr. Ruppersberger, Mr. Walden of Oregon, Mr. Boucher, and Mr. Sherwood.

H.R. 3337: Ms. Woolsey.

H.R. 3356: Mr. Lewis of Kentucky.

H.R. 3458: Mr. Pastor, Mr. Hinojosa, and Mr. Frank of Massachusetts.

H.R. 3476: Mr. Capuano.

H.R. 3615: Mr. Bishop of Georgia, Mr. Conyers, Mr. Pastor, Mr. Baird, Mr. Pallone, Ms. Woolsey, and Ms. Corrine Brown of Florida.

H.R. 3692: Mr. Frost, Mr. Hinojosa, Ms. Jackson-Lee of Texas, Ms. Millender-McDonald, Mr. Pastor, Mr. Rush, Mr. Towns, Mr. Wexler, Ms. Lofgren, Ms. Slaughter, Mr. Walsh, and Mr. LaHood.

H.R. 3736: Ms. Hart and Mr. Osborne.

H.R. 3777: Mr. Davis of Tennessee.

H.R. 3800: Mr. Goodlatte.

H.R. 3815: Ms. Jackson-Lee of Texas and Mr. Bishop of New York.

H.R. 3840: Ms. Dunn.

H.R. 3864: Mr. Udall of Colorado.

H.R. 3921: Mr. Grijalva.

H.R. 3952: Mr. Royce, Mr. Sessions, Mr. Jones of North Carolina, Mr. Akin, Mr. Bartlett of Maryland, and Mr. Gillmor.

H.R. 3968: Mr. Allen.

H.R. 3981: Mr. Rogers of Alabama.

H.R. 3988: Mr. Brown of Ohio, Mr. Davis of Alabama, and Ms. Lofgren.

H.R. 3990: Mr. English and Mr. Petri.

H.R. 4026: Mr. Osborne.

H.R. 4033: Mr. Ford.

H.R. 4035: Mr. Rangel, Mr. Stark, Mr. Becerra, Mr. Spratt, Mr. Brown of Ohio, Mr. Cummings, Ms. Schakowsky, Ms. Ros-Lehtinen, and Ms. Lofgren.

H.R. 4039: Mr. Wilson of South Carolina.

H.R. 4052: Mr. Andrews and Mr. Stupak.

H.R. 4056: Mr. McInnis.

H.R. 4057: Ms. Hart.

H.R. 4064: Mr. Norwood, Mr. Bereuter, Mr. Manzullo, Mr. Doolittle, Mr. Miller of Florida, Mr. Lewis of Kentucky, Mr. Kline, and Mr. Brady of Texas.

H.R. 4065: Mr. Simmons.

H.R. 4101: Mr. Levin and Ms. Lee.

H.R. 4102: Mr. Holt, Mr. Wu, Mr. Case, and Mrs. Davis of California.

H.R. 4104: Mr. Moore and Mr. Turner of Texas.

H.R. 4107: Mr. Owens, Mr. Rangel, Mr. Ballance, Mr. Conyers, Mr. Towns, Mr. Lantos, Mr. Meehan, Mr. Grijalva, Mr. Simmons, Mr. Sherwood, Mr. English, Mr. Cardin, Mr. Udall of Colorado, and Mr. Greenwood.

H.R. 4108: Mr. Cummings, Mr. Sullivan, Mr. Cardin, Mr. Waxman, Mr. Markey, Mr. Gutierrez, Ms. McCollum, Mr. Miller of North Carolina, Mr. Gordon, Ms. Lee, Ms. Hart, Mr. Davis of Alabama, and Mr. Meeks of New York.

H.R. 4116: Mr. Miller of North Carolina.

H.R. 4149: Ms. Eshoo and Mr. Cunningham.

H.R. 4150: Mr. Foley, Mr. Pence, and Mr. Baker.

H.R. 4188: Mr. McKeon, Mr. Burr, Mr. Simmons, and Mr. Ferguson.

H.R. 4192: Mr. Brady of Pennsylvania, Mr. Evans, Mr. Cummings, Mr. Rangel, and Mr. Menendez.

H.R. 4203: Mr. Taylor of North Carolina, Mr. Jones of North Carolina, Mr. Hayes, Mr.

Miller of North Carolina, Mr. Souder, Mrs. Myrick, and Mr. Goode.

H.R. 4205: Mr. Davis of Florida and Mr. Sweeney.

H.R. 4207: Mr. Gonzalez and Ms. Berkley.

H.R. 4210: Mr. Taylor of Mississippi.

H.R. 4217: Mr. Sullivan, Mr. Ruppersberger, Mr. Lucas of Oklahoma, Mr. Carson of Oklahoma, Mr. Ross, Mr. Tauzin, and Mr. Clyburn.

H.R. 4263: Ms. Waters, Mr. Scott of Georgia, Mr. Becerra, Ms. Eshoo, Ms. McCollum, Mr. Dicks, Mr. Smith of Washington, Mr. Watt, Ms. Lofgren, Mr. Pascrell, Ms. Bordallo, Mr. Meeks of New York, Mr. Engel, Mr. McDermott, Mr. Pallone, and Mr. Case.

H.R. 4279: Mr. Ramstad, Mr. Brady of Texas, and Mr. Hulshof.

H.R. 4280: Mr. Scott of Georgia.

H.R. 4281: Mrs. Emerson.

H.R. 4282: Ms. Bordallo.

H.R. 4290: Mr. Conyers and Mr. Sanders.

H.J. Res. 60: Mr. Bradley of New Hampshire.

H. Con. Res. 319: Mr. McGovern, Mr. Engel, Mr. Shimkus, Mr. Grijalva, Mr. Wexler, Ms. Berkley, Mr. Chabot, Mr. Crowley, and Mr. Burton of Indiana.

H. Con. Res. 363: Ms. Harris and Mr. Wexler.

H. Con. Res. 371: Mr. Whitfield and Mr. Marshall.

H. Con. Res. 391: Mr. Lantos, Mr. Baird, Mr. Larson of Connecticut, Mr. Markey, Mr. Schiff, and Ms. Millender-McDonald.

H. Con. Res. 398: Mr. Baird.

H. Con. Res. 403: Mr. Price of North Carolina, Mr. Neal of Massachusetts, Mr. Engel, Mr. Weldon of Florida, Mr. Inslee, Mr. Lipinski, Mr. Burns, Mr. Gordon, Mr. Osborne, and Mr. Pastor.

H. Con. Res. 405: Mr. Wolf and Mr. Foley.

H. Con. Res. 409: Mr. Pombo.

H. Con. Res. 410: Mr. Rehberg.

H. Con. Res. 414: Mr. DeLay, Mr. Greenwood, Mrs. Blackburn, Mr. Carter, Mr. Flake, and Mrs. Jo Ann Davis of Virginia.

H. Res. 567: Mr. Levin and Mr. Hoekstra.

H. Res. 575: Mrs. Tauscher.

H. Res. 577: Mr. Engel and Mr. Hoeffel.

H. Res. 604: Mr. Stenholm, Ms. Slaughter, and Mr. Miller of North Carolina.

H. Res. 615: Mr. Smith of New Jersey, Mr. Chandler, Mr. Engel, Mr. Berman, Mr. Wexler, Mr. Chabot, Mr. Shimkus, Mr. Saxton, Mr. Burton of Indiana, Mr. Foley, Mr. McNulty, Mr. Sherman, and Mr. Otter.

H. Res. 616: Mr. McNulty, Mr. Smith of New Jersey, Mr. Chandler, Mr. Engel, Mr. Berman, Mr. Wexler, Mr. Chabot, Mr. Shimkus, Mr. Burton of Indiana, and Mr. Sherman.

H. Res. 622: Mr. Ramstad.

H. Res. 626: Ms. Pelosi.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1078: Mr. King of Iowa.

PETITIONS, ETC.

Under clause 3 of rule XII,

80. The SPEAKER presented a petition of the Board of Supervisors, La Crosse County, Wisconsin, relative to Resolution No. 3-4104, memorializing the Congress of the United States to authorize funding to construct 1,200-foot locks on the upper Mississippi and Illinois River system; which was referred jointly to the Committees on Resources and Transportation and Infrastructure.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6, by Mr. TURNER of Texas on House Resolution 523: Robert E. Andrews and Richard E. Neal.

Petition 7, by Mr. BAIRD on House Resolution 572: Alcee L. Hastings and Steven R. Rothman.

Petition 8, by Mr. EDWARDS on House Resolution 584: Alcee L. Hastings, Stephanie Tubbs Jones, Carolyn C. Kilpatrick, Edward J. Markey, Richard E. Neal, Charles B. Rangel, Calvin M. Dooley, Luis V. Gutierrez, Peter Deutsch, Xavier Becerra, Loretta Sanchez, Steven R. Rothman, Maxine Waters, Nick J. Rahall II, John S. Tanner, Robert Wexler, Nita M. Lowey, Paul E. Kanjorski, Robert E. (Bud) Cramer, Jr., Alan B. Mollohan, Neil Abercrombie, Harold E. Ford, Jr., Norman D. Dicks, and Benjamin L. Cardin.

SENATE—*Thursday, May 6, 2004*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. H.D. McCarty, Brigadier General, USAF, Retired, of Fayetteville, AR.

PRAYER

The guest Chaplain offered the following prayer:

May we speak to Him for a moment.

Gentle and patient Father, on this National Day of Prayer, we thank You for the love and understanding and forgiveness You have for our imperfections and blunderings as Your people. We are grateful for this wondrous country whose roots are still deep enough in spiritual reality to acknowledge that vital prayer is critically necessary not only for our well-being, but for our survival.

My Dear Lord, grant afresh to the Members of this historic Chamber the increased power in mind, heart and will to overcome unnecessary conflicts, shallow contentions and abiding differences to such a degree that their honest tensions will bring the good and the best to our American people, both living in our homeland or serving throughout the world. Give our President, our leaders, our citizens and especially these Senators a depth of selflessness, a love of others and an expansion of vision that will enhance and fulfill dreams and goals of our gifted Founding Fathers. Let them seek and find Your path as earnestly today as our ancestors did in 1776 and 1787.

Finally, my Lord, teach us that prayer that is powerful is more than asking You for gifts, answers or promises fulfilled but, rather, the yielding of ourselves to truth. May our actions demonstrate that our passion for our country is not sourced in the conservative view of truth or the liberal view of truth but in the right view of truth. Give our Senators righteous, humble and honest minds that the awesome task that is theirs will be effectively achieved for ourselves and our posterity. Guide them with foresight that when their labor here be ended Scripture could testify of them as it does of King David, "he led them with a pure heart, and guided them with skillful hands!" Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

LEADER TIME

The PRESIDENT pro tempore. Under the previous order, there will now be a period of leader time.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, the Senate will conduct a period of morning business for up to 90 minutes, with the first 45 minutes under the control of the majority leader or his designee and the second 45 minutes under the control of the Democratic leader or his designee. Following morning business, the Senate will resume consideration of the FSC/ETI JOBS bill.

We made significant progress on the bill thus far this week. I hope that will continue through today. Chairman GRASSLEY and Senator BAUCUS will be here to continue working through relevant amendments.

In addition, we expect to consider the Negroponte nomination during today's session. This is one of many important ambassadorial nominations on the Executive Calendar. I expect a vote on this nomination today. Therefore, rollcall votes will occur during today's session.

CONDEMNING THE GOVERNMENT OF THE REPUBLIC OF THE SUDAN

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 497, S. Con. Res. 99.

The PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 99) condemning the Government of the Republic of the Sudan for its participation and complicity in the attacks against innocent civilians in the impoverished Darfur region of western Sudan.

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations with an amendment and an amendment to the preamble:

(Strike the parts shown in black brackets and insert the parts printed in italic.)

S. CON. RES. 99

[Whereas, since early 2003, a conflict between forces of the Government of the Republic of the Sudan, including militia forces backed by the Government, and rebel forces in the impoverished Darfur region of western Sudan has resulted in attacks by ground and air forces of the Government of Sudan against innocent civilians and undefended villages in the region;

Whereas the militia forces backed by the Government of Sudan have also engaged in the use of rape as a weapon of war, the abduction of children, the destruction of food and water sources, and the deliberate and systematic manipulation and denial of humanitarian assistance for the people of the Darfur region;

Whereas United Nations officials and nongovernmental organizations have indicated that the humanitarian situation in the Darfur region is extremely urgent, particularly in light of restrictions by the Government of Sudan on the delivery of humanitarian assistance for the people of the region;

Whereas, on December 18, 2003, United Nations Undersecretary General for Humanitarian Affairs Jan Egeland declared that the Darfur region was probably "the world's worst humanitarian catastrophe";

Whereas, on February 17, 2004, Amnesty International reported that it "continues to receive details of horrifying attacks against civilians in villages by government warplanes, soldiers, and pro-government militia";

Whereas, on February 18, 2004, United Nations Special Envoy for Humanitarian Affairs in Sudan Tom Eric Vraalsen declared, following a trip to the Darfur region, that "aid workers are unable to reach the vast majority [of the displaced]";

Whereas Doctors Without Borders, the Nobel Peace Prize-winning medical humanitarian relief organization and one of the few aid groups on the ground in the Darfur region, reported that the region is the scene of "catastrophic mortality rates"; and

Whereas nearly 3,000,000 people affected by the conflict in the Darfur region have remained beyond the reach of aid agencies trying to provide essential humanitarian assistance, and United Nations aid agencies estimate that they have been able to reach only 15 percent of people in need and that more than 700,000 people have been displaced within Sudan in the past year: Now, therefore, be it]

Whereas, since early 2003, a conflict between forces of the Government of the Republic of the Sudan, including militia forces backed by the Government, and rebel forces in the impoverished Darfur region of western Sudan has resulted in attacks by ground and air forces of the Government of Sudan against innocent civilians and undefended villages in the region;

Whereas the militia forces backed by the Government of Sudan have also engaged in the use of rape as a weapon of war, the abduction of children, the destruction of food and water sources, and the deliberate and systematic manipulation and denial of humanitarian assistance for the people of the Darfur region;

Whereas, on December 18, 2003, United Nations Undersecretary General for Humanitarian

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Affairs Jan Egeland declared that the Darfur region was probably "the world's worst humanitarian catastrophe", and in April 2004 reported to the United Nations Security Council that in Darfur, "a sequence of deliberate actions has been observed that seem aimed at achieving a specific objective: the forcible and long-term displacement of the targeted communities which may also be termed 'ethnic cleansing'";

Whereas, on February 17, 2004, Amnesty International reported that it "continues to receive details of horrifying attacks against civilians in villages by government warplanes, soldiers, and pro-government militia";

Whereas, on February 18, 2004, United Nations Special Envoy for Humanitarian Affairs in Sudan Tom Eric Vraalsen declared, following a trip to the Darfur region, that "aid workers are unable to reach the vast majority [of the displaced]";

Whereas Doctors Without Borders, the Nobel Peace Prize-winning medical humanitarian relief organization and one of the few aid groups on the ground in the Darfur region, reported that the region is the scene of "catastrophic mortality rates";

Whereas, on April 20, the United Nations Office of the High Commissioner for Human Rights delayed the release of a report citing gross human rights abuses, crimes against humanity, and war crimes committed in Darfur in a bid to gain access to Sudan for investigators;

Whereas the Government of Sudan continues to deny humanitarian assistance for the people of the Darfur region by denying them unrestricted access to humanitarian aid organizations;

Whereas attacks on civilians in Darfur continue despite an April 8, 2004, temporary cease-fire agreement; and

Whereas nearly 3,000,000 people affected by the conflict in the Darfur region have remained beyond the reach of aid agencies trying to provide essential humanitarian assistance, and United Nations aid agencies estimate that they have been able to reach only 15 percent of people in need and that more than 700,000 people have been displaced within Sudan in the past year: Now, therefore, be it

Resolved, [That Congress—

[(1) strongly condemns the Government of the Republic of the Sudan for its attacks against innocent civilians in the impoverished Darfur region of western Sudan and for its failure to take effective actions to stop militia attacks on civilians in the region, and demands that the Government of Sudan immediately take actions to cease these attacks;

[(2) calls on the international community to strongly condemn the Government of Sudan for its participation and complicity in these attacks and demand that such attacks cease;

[(3) urges the Government of Sudan to allow the delivery of humanitarian assistance to people in the Darfur region; and

[(4) urges the President to direct the United States Representative to the United Nations to seek an official investigation by the United Nations to determine if crimes against humanity have been committed by the Government of Sudan in the Darfur region.]

That Congress—

(1) strongly condemns the Government of the Republic of the Sudan and militia groups supported by the Government of Sudan for attacks against innocent civilians in the impoverished Darfur region of western Sudan, in violation of Article 3 of the Geneva Conventions, done at Geneva August 12, 1949, and entered into force October 21, 1950, which specifically prohibit attacks on civilians, and demands that the Government of Sudan immediately take actions to cease these attacks;

(2) calls on the Government of Sudan to grant full, unconditional, and immediate access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, and an international monitoring team in compliance with the temporary cease-fire agreement that is based in Darfur and has the support of the United States and the European Union;

(3) encourages the Administrator of the United States Agency for International Development to work with donors to develop a plan to pre-position and deliver humanitarian assistance to Darfur, including a plan for delivery of food by air if necessary;

(4) calls on the Secretary of State to develop a plan for further bilateral and multilateral action in the event the Government of Sudan fails to immediately undertake the actions called for in paragraph (2), including a plan to seek a Security Council resolution addressing the Darfur situation;

(5) deplores the inaction of some member states of the United Nations and the failure of the United Nations Human Rights Commission to take strong action with respect to the crisis in Darfur; and

(6) urges the President to direct the United States Representative to the United Nations to—

(A) seek an official investigation by the United Nations to determine if crimes against humanity have been committed by the Government of Sudan in the Darfur region; and

(B) work with the international community to ensure that the individuals responsible for crimes against humanity in Darfur are accountable for their actions.

Mr. FRIST. Mr. President, I wish to make a brief comment. First, I ask unanimous consent that the committee-reported amendment be agreed to, the concurrent resolution, as amended, be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD, with no intervening action.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The committee amendment, in the nature of a substitute, was agreed to.

The concurrent resolution (S. Con. Res. 99), as amended, was agreed to.

The amendment to the preamble, in the nature of a substitute, was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 99

Whereas, since early 2003, a conflict between forces of the Government of the Republic of the Sudan, including militia forces backed by the Government, and rebel forces in the impoverished Darfur region of western Sudan has resulted in attacks by ground and air forces of the Government of Sudan against innocent civilians and undefended villages in the region;

Whereas, the militia forces backed by the Government of Sudan have also engaged in the use of rape as a weapon of war, the abduction of children, the destruction of food and water sources, and the deliberate and systematic manipulation and denial of humanitarian assistance for the people of the Darfur region;

Whereas, on December 18, 2003, United Nations Undersecretary General for Humanitarian Affairs Jan Egeland declared that the Darfur region was probably "the world's worst humanitarian catastrophe", and in April 2004 reported to the United Nations Security Council that in Darfur, "a sequence of deliberate actions has been observed that seem aimed at achieving a specific objective: the forcible and long-term displacement of the targeted communities which may also be termed 'ethnic cleansing'";

Whereas, on February 17, 2004, Amnesty International reported that it "continues to receive details of horrifying attacks against civilians in villages by government warplanes, soldiers, and pro-government militia";

Whereas, on February 18, 2004, United Nations Special Envoy for Humanitarian Affairs in Sudan Tom Eric Vraalsen declared, following a trip to the Darfur region, that "aid workers are unable to reach the vast majority [of the displaced]";

Whereas, Doctors Without Borders, the Nobel Peace Prize-winning medical humanitarian relief organization and one of the few aid groups on the ground in the Darfur region, reported that the region is the scene of "catastrophic mortality rates";

Whereas, on April 20, the United Nations Office of the High Commissioner for Human Rights delayed the release of a report citing gross human rights abuses, crimes against humanity, and war crimes committed in Darfur in a bid to gain access to Sudan for investigators;

Whereas, the Government of Sudan continues to deny humanitarian assistance for the people of the Darfur region by denying them unrestricted access to humanitarian aid organizations;

Whereas, attacks on civilians in Darfur continue despite an April 8, 2004, temporary cease-fire agreement; and

Whereas, nearly 3,000,000 people affected by the conflict in the Darfur region have remained beyond the reach of aid agencies trying to provide essential humanitarian assistance, and United Nations aid agencies estimate that they have been able to reach only 15 percent of people in need and that more than 700,000 people have been displaced within Sudan in the past year: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) strongly condemns the Government of the Republic of the Sudan and militia groups supported by the Government of Sudan for attacks against innocent civilians in the impoverished Darfur region of western Sudan, in violation of Article 3 of the Geneva Conventions, done at Geneva August 12, 1949, and entered into force October 21, 1950, which specifically prohibit attacks on civilians, and demands that the Government of Sudan immediately take actions to cease these attacks;

(2) calls on the Government of Sudan to grant full, unconditional, and immediate access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, and an international monitoring team in compliance with the temporary cease-fire agreement that is based in Darfur and has the support of the United States and the European Union;

(3) encourages the Administrator of the United States Agency for International Development to work with donors to develop a plan to pre-position and deliver humanitarian assistance to Darfur, including a plan for delivery of food by air if necessary;

(4) calls on the Secretary of State to develop a plan for further bilateral and multilateral action in the event the Government of Sudan fails to immediately undertake the actions called for in paragraph (2), including a plan to seek a Security Council resolution addressing the Darfur situation;

(5) deplores the inaction of some member states of the United Nations and the failure of the United Nations Human Rights Commission to take strong action with respect to the crisis in Darfur; and

(6) urges the President to direct the United States Representative to the United Nations to—

(A) seek an official investigation by the United Nations to determine if crimes against humanity have been committed by the Government of Sudan in the Darfur region; and

(B) work with the international community to ensure that the individuals responsible for crimes against humanity in Darfur are accountable for their actions.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, I do want to draw attention to this terrible tragedy unfolding in the Darfur region of Sudan. I have had the opportunity to travel to the Sudan a number of times, many times over the last several years, and care greatly for the people there, as do all of our colleagues who are in this Chamber today.

I thank Senator BROWNBACK for his tremendous leadership on this issue. He will come to the floor later today to comment on this important resolution. He has shown steadfast commitment throughout for the people of southern Sudan.

I also thank Senator FEINGOLD. He and I have had the opportunity to work together for many years on the Africa Subcommittee and have worked together to draw attention to the terrible civil war in Sudan, which has displaced millions of people. A million people have died over the last 20, 22 years.

I also thank my colleague from Tennessee, Senator ALEXANDER, who now chairs the African Subcommittee, as well as Chairman LUGAR and Senator BIDEN, and all the colleagues who have worked on this issue.

The international community estimates that 1 million—1 million—Sudanese in the Darfur region have been displaced by the ongoing attacks by government-backed militias. At least 110,000 Darfur Sudanese have sought refuge in Chad. But even there the militias have been able to cross the border and attack the refugee camps. It is an ongoing tragedy.

The outgoing United Nations humanitarian coordinator in Khartoum says the continuing atrocities are nothing short of genocide.

Since the violence began in February of last year, up to 30,000 Darfur natives have been killed. The U.N. coordinator warns that the raping, looting, and mass destruction being perpetuated is "more than just a conflict." He warns that, "It is an organized attempt to do away with a group of people."

On Monday, a U.N. mission returned from a 6-day inspection of Darfur. The team concludes that many of the violations they investigated may constitute war crimes and/or crimes against humanity. Their report, due to be completed by the end of this week, is expected to confirm many of the accounts of mass murder, multiple rapes, aerial bombings, and ground attacks.

The crisis only threatens to worsen. Later this month, the rainy season will begin. Aid experts tell us the massive yearly flooding may seriously hinder their efforts to distribute desperately needed aid and medical supplies. Amnesty International warns that the impending rains are a ticking timebomb in the countdown to disaster.

The situation in Darfur is dire. I take a special interest in the plight of the Darfur people because of my own contact with the Sudanese. I have traveled extensively throughout southern Sudan. I have had the opportunity to perform medical mission work in that part of the world in a hospital in a little village called Lui. I have visited the Nuba Mountains in central Sudan, the Blue Nile region north of there, as well as Pabong, which is one of the oil regions in which there has been a lot of displacement.

Recently, in August, I was in southern Sudan, where I had the opportunity again to operate and perform surgery and serve the community there in this hospital in Lui, the only medical facility in about a 150-mile radius of that small village.

Through these travels, I have had the opportunity to take care of patients who have come in with war-torn injuries, and who are suffering from the plight of this civil war, a brutal war—the innocent people there who are being shattered day in, day out, by civil war.

I wanted to share with my colleagues the suffering of the people of southern Sudan and thus wholly endorse this resolution. We have all worked together—Senators BROWNBACK, FEINGOLD, BIDEN, LUGAR, HELMS, and many others—to enact a Sudan Peace Act in the past. That bill, indeed, provided a framework for peace negotiations in Sudan.

This past September, shortly after we were in southern Sudan, I was heartened by the cease-fire by the Khartoum government and the Sudanese rebels. Peace, it seemed, at that point in time might finally come. But now my hopes are wearing thin. The government of Khartoum absolutely must take responsibility for its complicity in the systematic murders and atrocities being committed in Darfur by the Janjaweed.

On Tuesday the U.S. Agency for International Development delivered the first of four aid airlifts planned for the week. The Agency is providing thousands of blankets and temporary shelter and medical supplies and food. But even with the best, the most hopeful, the most optimistic projections that the Darfur crisis can be controlled, the most optimistic say it will continue for another 18 months, even if Khartoum right now starts cracking down on the Janjaweed militias. Hence, there is not time to waste. Literally millions of lives are in the balance. We must draw the worlds's attention to the crisis in Sudan.

This week's elections of Sudan to a third term on the United Nations Human Rights Commission is a travesty. It undermines the credibility of the Commission but, more importantly, it signals to the Sudanese people that the highest human rights body in the world has abandoned them and ignored their plight.

I stand alongside the administration in its unqualified disapproval of Sudan's inclusion in the U.N. Human Rights Commission. By approving S. Con. Res. 99, however, this body rightly condemns the actions of Khartoum and Darfur. We put Khartoum on notice that the Senate will continue to scrutinize and hold accountable acts of commission or omission by the Khartoum government that violate their citizens' human rights.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. Does the majority leader reserve the remainder of his time?

Mr. FRIST. Mr. President, that completes leader time. That should not take away from morning business.

The PRESIDENT pro tempore. The Democratic leader.

Mr. DASCHLE. Mr. President, I, too, will use my leader time and reserve the remainder of the allocation for our Democratic colleagues to use the other time in morning business.

I share the sentiment expressed by the majority leader with regard to S. Con. Res. 99, regarding the Sudan. It is past time that we were heard on this troubling situation. I commend Senators Feingold and Brownback as well for their leadership.

Late last year, United Nations Under Secretary General for Humanitarian Affairs Jan Egeland called the developing situation in the Darfur region of Sudan, where two rebel groups have been locked in a battle with Sudanese government forces and government-backed militias since February 2003, "the world's worst humanitarian catastrophe."

Mr. Egeland has seen a lot of disaster, and he does not use terms like catastrophe loosely. In a world increasingly torn asunder by ethnic and regional conflicts, calling Darfur the world's worst catastrophe is saying something. Unfortunately, it appears that Egeland has chosen the right word to describe this situation.

Amnesty International has reported that it "continues to receive details of horrifying attacks against civilians in villages by government warplanes, soldiers, and pro-government militia." Doctors Without Borders reported that the regions is the scene of "catastrophic mortality rates."

And American government and international estimates suggest that nearly 3 million people have been affected by the terrible fighting in Darfur; 700,000 have been displaced; 100,000 have fled to neighboring Chad, and 30,000 have been killed.

Meanwhile, international aid agencies estimate that, as a result of this fighting, they have been able to help only 15 percent of the people who need it. The Sudanese Government has systematically and deliberately denied humanitarian assistance for, and international access to, this region.

At the same time, credible reports suggest the militia forces backed by the Government of Sudan are engaged in the use of rape as a weapon of war, are abducting children, and are destroying food and water sources. If all this were not sad and outrageous enough, the Sudanese Government—the same one that is complicit in these atrocities—just Tuesday was chosen to serve on the United Nations Human Rights Commission. Nicholas Kristof of the New York Times recently described the situation in the Darfur region this way: I can't get the kaleidoscope of genocide out of my head since my trip last month to the Sudan-Chad border: the fresh graves, especially the extra-small mounds for children; the piles of branches on graves to keep wild animals from digging up corpses; the tales of women being first raped and then branded on the hand to stigmatize them forever; the isolated peasants, unfamiliar with electricity, who suddenly encounter the 21st century as helicopters machine-gun their children.

Each of us hoped we would leave this hatred, violence and ethnic cleansing behind in the 20th century. At the very least, we must now ensure we do not repeat the mistakes of the past. I was heartened when the United States recently voted against a resolution backed by the United Nations Human Rights Commission because it didn't do enough to condemn ethnic cleansing in Darfur. And I am pleased that the President condemned the Sudanese Government's actions there. But that is just a first step.

If the Government of Sudan ever wants to be welcomed into the community of nations, it must take concrete steps that befit a member of the United Nations Human Rights Commission. It must immediately take actions to cease the attacks in Darfur. It must allow the delivery of humanitarian assistance to people in the Darfur region. President Bush must direct the United States Representative to the United Nations to seek an official investigation by the United Nations to determine if crimes against humanity have been committed by the Government of Sudan in the Darfur region.

This is the very least the international community must do, and we must do it now. Any delay will have a terrible cost in human lives.

Mr. BROWNBACK. Mr. President, I rise with several of my colleagues today to bring to the attention of this body a severe situation in the western part of Sudan. The Darfur region is facing an acute humanitarian catastrophe, which has been cited by some individuals as the worst humanitarian crisis in the world today.

For over a year now, government-backed militias have been carrying out savage attacks on innocent civilians and have engaged in the use of rape as a weapon, abducted children, destroyed food and irrigation systems and burned villages. We are gravely concerned about the violence that persists, despite the April 8 cease-fire agreement. Recent estimates report that 3 million people are beyond the reach of aid agencies trying to provide assistance in Sudan, and mortality rates in the Darfur region are catastrophic.

The Darfur disaster has forced staggering numbers of people to flee their homes. More than 800,000 people have been displaced, with more than 100,000 of them crossing the border into neighboring Chad. Less than half of these refugees are living in UNHCR camps. Refugees International reported yesterday that 540 refugees in Chad are near death due to lack of food. To make matters worse, the rainy season is expected soon, at which time roads will be impassable and the delivery of aid extremely difficult.

Human Rights investigators have finally been allowed into the region and we anticipate their findings later this week. However, initial reports indicate that their movements were severely restricted, despite numerous requests for full access to the region. The international community must continue to call on the Government of Sudan to grant visas to the humanitarian organizations who are ready and waiting to provide much-needed assistance in Darfur.

Civil war has left carnage during the two decades of fighting in Sudan. The largely Arab-Islamic North had been fighting the predominantly African-Christian and animist South over issues of religion and Sharia law. Negotiations have included tough compromises over issues of power- and wealth-sharing. I believe that continued pressure on Sudan to end the suffering in Darfur can lead to a negotiated settlement between the North and the South, which we hope to see in the coming days. But we cannot wait for this agreement to address the current situation; the humanitarian crisis in Darfur warrants immediate attention by the international community.

Today the Senate passed S. Con. Res. 99, condemning the Government of Sudan for their complicity in attacks against innocent civilians and calling on them to immediately end such brutality. It calls on Sudan to grant immediate and unconditional access to Darfur for humanitarian and human rights organizations and for a cease-fire monitoring team. In addition, it calls on the USAID Administrator to develop a plan for the delivery of humanitarian assistance, by air if necessary. Furthermore, the resolution urges the Secretary of State to develop a plan for further bilateral and multilateral action in the event that the Government of Sudan fails to immediately allow access, including a plan to seek a Security Council resolution addressing the Darfur situation. Finally, S. Con. Res. 99 urges the President to direct the U.S. Representative to the United Nations to seek an official investigation to determine if crimes against humanity have been committed by the Government of Sudan in Darfur and work with the international community to ensure that the individuals responsible for such crimes are accountable for their actions.

I thank my colleagues for their support of this important resolution. The 10th anniversary of the Rwandan genocide was an important reminder of the devastating effects that international blindness can have on a population. Just this week, Sudan was voted back onto the U.N. Human Rights Commission, despite protests by the United States. How can a nation who allows for nearly 1 million displaced persons, catastrophic deaths, and the threat of continuing death and disease, remain on the very body of the United Nations which is responsible for preventing such atrocities?

We have a moral responsibility to the people of Darfur, let us not wait until another life is lost.

Mr. BIDEN. Mr. President, on Tuesday, the Foreign Relations Committee discharged a resolution which speaks to the situation in Darfur, Sudan. I am alarmed by reports of atrocities there. I am worried that genocide may be unfolding.

We need to make a determination about what is going on in Darfur and respond accordingly. Administration officials have termed it ethnic cleansing. This would be horrific in and of itself. But we also have to ask whether or not Khartoum's actions are an intent to destroy in whole or in part a particular ethnic or racial group or groups. If so, what should we do about it? These are questions we must answer right away.

As you know, the administration has been heavily involved in negotiations between the government in Khartoum and southern Sudanese rebels. If an agreement is reached, it will bring an end to twenty years of civil war between the Muslim north, and non-Muslim south.

It will end 20 years of attacks against Muslims in the Nuba mountains and southern Sudanese; 20 years during which the government of Sudan targeted civilians either with its military forces, or through government allied militias; 20 years during which 2 million people have died; 20 years during which millions were displaced both within Sudan and beyond its borders.

The war sparked outrage among members of the international community because of the brutality of attacks against men, women and children. Some cast the war as Muslim versus Christian. I think this captures only a fraction of the story. Arab militias took southern, non-Muslims, black Africans captive as slaves. They pursued a scorched earth policy in southern villages. Muslims living in the Nuba Mountains, who happen to be black, were victims of attacks as well. One is left to wonder if the real cause of the attacks wasn't good old fashioned racism. And while the United States continues to spend valuable diplomatic time and political capitol to bring an end to the north-south conflict, history is repeating itself in western Sudan.

Early last year, ethnic minorities living in western Sudan took up arms to protest Khartoum's arming of Arab militias in the region, and what they believed was economic marginalization by the government in Khartoum. The wisdom of this course of action on the part of the rebels may be debatable. What is not debatable is the disproportionate response of the government—ethnic cleansing in Darfur by means of a well orchestrated campaign of attacks aimed specifically at non-military persons who belong to the same ethnic groups as the rebels.

Khartoum is employing the same tactics in Darfur that they used against those living in southern Sudan: Aerial bombardment of civilians with helicopter gun ships and planes, and attacks by government supported Arab militias known as janjaweed, which employ scorched earth tactics against villages inhabited by black Africans. We are receiving reports of a variety of abuses perpetrated by the janjaweed—routine rape of women, murder of men, the wanton burning of children—from credible sources working in Darfur. In my view, these deliberate attacks and atrocities against civilians constitute crimes against humanity.

President Bush's statement on Sudan issued on April 7, while helpful, was inadequate. He condemned the atrocities in Darfur, but the statement does not speak to the ethnic nature of the attacks. We all know that ethnic cleansing has the potential to turn into genocide. By failing to highlight this very dangerous dimension of Khartoum's campaign, the president failed to speak to the most alarming aspects of the crisis.

The statement says that President Bush expressed his views condemning the atrocities directly to Sudanese President Omar al-Bashir. Since U.S. officials have acknowledged that the actions constitute ethnic cleansing, describing them as well "organized," and "comprehensive," I sincerely hope the President took Bashir to task about the particular evil of such actions. Given the vagueness President Bush's statement, however, one is left to wonder.

Our Ambassador to the U.N. Human Rights Commission, Rich Williamson, has said that 30,000 people are dead as a result of the conflict. One million people—25 percent of the population—are displaced, according to the U.N. High Commissioner for Refugees, UNHCR.

All of them are in dire need of assistance because on top of razing entire villages and firebombing civilians, in addition to burning crops, raping women, torturing men and throwing children into burning huts, on top of all the misery the government has heaped on the people of Darfur for months, Khartoum has refused to allow humanitarian relief organizations free, unfettered, regular access to the region. According to the State Department, it takes aid workers 2 months to get visas. And this is an improvement—it used to take 3 to 4 months.

After pursuing a scorched earth policy in Darfur for months—burned crops, stolen cattle and poisoned wells—the government's latest outrage is cynically ordering people to return to their homes. The few agencies on the ground in the area indicate that people cannot venture even 100 yards outside the displaced persons camps without being attacked. Even if they are able to make it home safely, there is absolutely no likelihood of people surviving in communities that literally no longer exist. At this point, return is not an option and Khartoum is well aware of this.

And the attacks by the janjaweed continue despite the April 8 cease-fire agreement.

Over 100,000 people have fled across the border into Chad. They too are still subject to attack from the janjaweed. UNHCR is in the midst of attempting to relocate refugees farther from the border to enhance their safety. Only half of refugees are living in camps in more secure locations. The other half are making do the best they can. A report issued by Refugees International indicates that many refugees are living in the open with no food, water or shelter.

According to UNHCR's public documents, it needs $27 million to address the needs of refugees in Chad. It has less than half of that on hand. Soon the rainy season will make roads impassible, preventing the delivery of food and shelter materials. The World Food Program is attempting to stockpile food in advance of the rains, but they have a 35 percent funding shortfall as well. We have contributed significant funds, but we and the rest of the international community need to do even more.

Congress needs to do more as well. S. Con. Res. 99 speaks to the nature of the violence and urges the President to do two main things:

First, develop a plan to deliver humanitarian aid to the nearly 1 million people who have been driven from their homes that does not necessitate permission from the government of Sudan. I hope that this plan includes immediate use of the commodities we are holding in the Emerson Trust stockpiles. I would also encourage the administration to come up with a way to deliver food through neighboring countries, including Chad.

Let me also say that I expect and welcome a request in the forthcoming supplemental for money to meet the humanitarian needs engendered by the crisis in Darfur.

Second, it urges the Secretary of State to develop options to increase sanctions on Sudan if the attacks in Darfur do not stop immediately.

I co-sponsored this resolution because I think that these are important steps. They are only steps however. If we do not see any change on the ground by the end of May, we should go even further than this resolution suggests.

We should amend the Sudan Peace Act, which was aimed at jump-starting the north-south peace process, so that it is relevant to the situation in Darfur. Three changes are essential. First, the act, Public Law 107-245, imposes sanctions on the government of Sudan if the President determines that it is not making a good faith effort to negotiate a peace agreement. The act should be amended to require that the President certify that neither the government nor government allied militias have attacked civilians in Sudan 30 days from the enactment of the act and every 90 days thereafter. If the President cannot certify such, then the sanctions in section 6, paragraph 2 should be triggered.

The same certification should apply to humanitarian access. This is already in the legislation, however the requirement is obviously not explicit enough for the White House. Despite the restrictions placed on the non-governmental organizations attempting to go into Darfur, on April 21, the President certified the government of Sudan had not unreasonably interfered with humanitarian efforts. Making the law more explicit may prevent another such mistake.

Finally, we should add a requirement that our permanent representative to the U.N. Security Council pursue a Security Council Resolution condemning the government of Sudan for its actions in Darfur, and calling for accountability for those who are found responsible for orchestrating and carrying out the atrocities.

Mr. President, the administration has said that it will not attempt to secure the north-south peace agreement at the expense of the people in Darfur. I agree. In fact, a north-south agreement will be meaningless in the face of ethnic cleansing in western Sudan. I believe that we must ratchet up the pressure on the Government of Sudan, and our partners in the international community to bring an end to the criminal acts of the government in Khartoum.

RISING COST OF HIGHER EDUCATION

Mr. DASCHLE. Mr. President, I rise to comment as well on another matter closer to home.

It is graduation season. Over the next several weeks, in cities and towns in South Dakota and across America, hundreds of thousands of young people will graduate from high school.

Parents will tell their graduating sons and daughters, "I'm proud of you."

Unfortunately, many parents will also have to tell their children, "I'm sorry."

"I'm sorry that we can't afford to send you to college."

The novelist James Michener grew up dirt poor in Pennsylvania, but he got a good education.

He once told an interviewer, "I went to nine different universities and never paid a nickel of my own money. My wife got many scholarships. We are children of the United States."

James Michener was able to graduate from college because America invested in him. In his case, it was the GI bill that opened the doors of higher education.

In my own case, it was the Air Force ROTC that opened those doors.

I was the first person in my family ever to go to college. I worked to pay part of my tuition, and my parents helped; my mother went back to work when I was in high school just to help pay for my college education.

Even with all of us pitching in, I still could not have paid for college without help from the United States Government.

I am deeply mindful of, and grateful for, the investment America made in me. It is partly because of my own background that I am troubled today to see many families in America priced out—or on the verge of being priced out—of the college market.

Since President Bush took office, the average tuition at a 4-year public college has increased 28 percent.

This year, tuition increased at State universities in all 50 States. In some States, tuition shot up as much as 40 percent. And more increases are slated for next year.

The University of Kentucky is raising tuition for freshmen and sophomores by $618 next year. That is a 14-percent increase—on top of this year's 14-percent increase.

The University of Missouri will see a 7.5-percent tuition increase next year—on top of this year's increase of 20 percent.

In Texas, the University of Houston recently raised tuition by 25 percent. The University of Texas at Austin plans a 26-percent increase. And Texas A&M University will charge students 21 percent more.

In Washington State, community college tuition is going up 7 percent, bringing the total increase over the past 5 years to more than 35 percent.

In California, where budget cuts and tuition increases this year shut an estimated 175,000 students out of community colleges, State lawmakers are now considering a 44-percent increase in community college fees; that would be on top of last year's 64-percent increase.

They are also looking at a 10-percent tuition increase for University of California students and a 9-percent budget cut for the Cal State system.

At the same time tuition is increasing dramatically, the value of the Pell Grant, America's main college tuition assistance program, is declining.

In 1979, the maximum Pell Grant covered 77 percent of the tuition at a 4-year public college or university. By 2001, that percentage had dropped to just 42 percent.

Today, the average college student needs to come up with $3,800 per year out-of-pocket—that's after grants and loans.

Most college students today work. In fact, more than three-quarters of all full-time students at public colleges and universities work, and they work an average of 22 hours per week. Yet student debt has doubled over the last decade.

Students graduating from college this month will leave school with $17,000-worth of student loan debt; that's for undergraduate students. Professional and graduate students often graduate with $100,000—or more—in student loan debt. And they are luckier than some.

The rise in college costs is outpacing the ability of many low-income families to pay for college. At 4-year public colleges, tuition costs for the lowest 20 percent of wage earners rose from 12 percent of family income in 1980 to 25 percent of family income in 2002.

At 4-year private colleges, tuition costs for low-wage earners rose from 58 percent of family income in 1980 to 117 percent of family income in 2002.

And according to the National Center for Public Policy and Higher Education, in the fall of 2003, at least 250,000 prospective college students were priced out of the college market. They had the grades to go to college; they just couldn't afford the tuition.

When I graduated from high school, a college education was a big advantage. Today, it is rapidly becoming a necessity. The fastest-growing and best-paying jobs today require at least some college.

Over the course of his or her career, a person with a 2-year college degree will earn an average of $400,000 more than a high school graduate. Someone with a 4-year degree will earn nearly $1 million more.

But it is not just individuals who suffer when middle- and lower-income Americans are priced out of college. Our entire Nation suffers. Broad access to higher education is critical to America's economic future, our national security, our intellectual and cultural life, and our democracy.

There was a story on the front page of the New York Times on Monday that ought to alarm us all. The headline read: "U.S. is Losing Its Dominance in the Sciences."

It said:

> The United States has started to lose its worldwide dominance in critical areas of science and innovation, according to federal and private experts who point to strong evidence like prizes awarded to Americans and the number of papers in major professional journals. . . .
>
> Foreign advances in basic science now often rival or even exceed America's. . . .

It quoted John Jankowski, a senior analyst at the National Science Foundation, saying:

> The rest of the world is catching up. Science excellence is no longer the domain of just the U.S.

The article cited three statistics to support that claim:

First, in international competition involving industrial patents, the percentage won by Americans "has fallen steadily over the decades and now stands at 52 percent."

Second, the percentage of research papers by Americans published in top physics journals has declined from 61 percent in 1983 to just 29 percent this year.

Finally, the share of Nobel Prizes for science won by Americans has fallen to 51 percent. These are prizes America dominated heavily from the 1960s well into the 1990s.

Unless we reverse this decline and regain America's scientific and technological edge, our children will grow up in a less productive, less prosperous America.

If we are going to meet the challenges of the future, we need the best thinking and best efforts of every American. Yet the doors to college are narrowing.

What has the administration's response to this problem been?

Deafening silence.

The Higher Education Act is up for reauthorization. Yet this administration has put forward no real plan to make college more affordable.

The Bush administration has stood by while States have slashed their education budgets and raised college tuition to close State budget shortfalls.

The President's oversized tax cuts have eaten up Federal resources that we could otherwise invest in higher education, and in basic research and investment.

Despite his repeated promises to increase the value of the average Pell Grant, the President's proposed budget for next year freezes the Pell Grant for the third year in a row.

The President's budget also cuts the Perkins Loan program—the Federal work-study program that has helped tens of millions of middle- and lower-income students work their way through college.

I hope we can come up with a better answer, and many of us have proposed one.

We believe the Government can, and must, create an opportunity society, where every college-ready student or worker who needs to update his or her skills has the chance to go to college, or get additional training, without having to take on back-breaking debt to do it.

We want to increase the maximum Pell Grant from $4,050 to $5,100, to double the HOPE Scholarship tax credit from $1,500 per student to $3,000 per student, and to make the education tax credits refundable.

We also support efforts to help more African American, Hispanic, Native American, and other minority students attend college, because diversity strengthens our democracy and our economy.

James Michener fought in World War II. He helped win perhaps the greatest battle of the last century.

Americans in the 21st century will fight different battles. But the stakes are just as high.

We need to make sure that every son and daughter of America has the chance to go to college if he or she can do the work. It is not just a matter of individual self-interest. In a real sense, it is a matter of our national survival.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 90 minutes, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I will use 8 minutes.

The PRESIDENT pro tempore. The Senator is recognized for 8 minutes.

DIPLOMATIC NOMINEES

Mr. LUGAR. Mr. President, I rise to address the body this morning on the importance of Senate action to confirm pending nominations for ambassadorial and other foreign affairs posts.

Together, Republicans and Democrats on the Foreign Relations Committee have worked to move nominations as expeditiously as possible. During the past few weeks, the committee has held hearings and considered nominations for more than 30 such posts. As a group, these nominees received bipartisan support. Our members voted unanimously in favor of confirmation of each one at a business meeting last Thursday.

I was pleased last night when the Senate confirmed Paul Applegarth to be chief executive officer of the Millennium Challenge Corporation. I appreciate the work of Senator FRIST and Senator DASCHLE to move this important nomination. The launch of the Millennium Challenge Corporation presents an important opportunity for the United States to enhance the effectiveness of its development assistance. Last year, Congress appropriated $1 billion for the MCC, and having a chief executive officer in place and ready to provide leadership in this new enterprise is a vital first step to ensuring its success.

I hope the Senate will now move with some dispatch on the rest of the pending diplomatic nominees. The posts for which these individuals have been nominated hold great importance for our country. A few examples will illustrate that point.

Among the nominees pending before the Senate is that of John Negroponte to be U.S. Ambassador to Iraq. As I said at Ambassador Negroponte's nomination hearing, the post will be one of the most consequential ambassadorships in American history. The Ambassador to Iraq not only will be called upon to lead an estimated 1,700 embassy personnel—that is 1,000 Americans and 700 Iraqis—he will be the epicenter of international efforts to secure and reconstruct Iraq and provide the developing Iraqi government with the opportunity to achieve responsible nationhood.

American credibility in the world, progress in the war on terrorism, relationships with our allies, and the future of the Middle East depend on a positive outcome in Iraq. What happens there during the next 18 months almost certainly will determine whether we can begin to redirect the Middle East toward a more productive and peaceful future.

The stakes for the United States in achieving success in Iraq could not be higher.

I understand there is leadership activity that may make it possible for the ambassadorship of John Negroponte to be considered by the Senate very soon. I very much appreciate that effort.

The pending nominees also include individuals to be ambassadors to the Democratic Republic of the Congo, Cote d'Ivoire, and Sierra Leone, each of which is struggling in the aftermath of ethnic conflict. They include nominees to be ambassadors to Poland, Romania, and Slovenia, at a time when these countries are joining the European Union and looking to deepen their ties to the United States. They include nominees to be ambassadors to Jordan, Kuwait, Lebanon, the United Arab Emirates, and Yemen at a time when the United States must improve its relations and encourage democracy and reform in the greater Middle East. They include also nominees to be ambassadors to important regional anchors, such as Brazil, Nigeria, South Africa, and South Korea.

The ambassadorial nominees currently awaiting Senate confirmation would represent the United States in countries with a collective population of more than 700 million people.

Foreign governments notice when U.S. ambassadorships to their countries go unfilled for lengthy periods of time. An ambassadorial absence can be read by some nations as a sign of declining American interest. The United States needs strong and effective diplomatic representation abroad to ensure cooperation in the fight against terrorism, to prevent proliferation of weapons of mass destruction, to build trade and investment relationships that will strengthen our economy and advance freedom and democracy worldwide.

We also must remember that ambassadorships function not only as representation of the United States, but as managers of their embassies. Given that U.S. diplomatic missions have been terrorist targets and remain the most visible American symbol in many countries with a terrorist presence, we need leadership at these embassies. Needlessly depriving an embassy of its ambassador in a time of terrorist threat may have consequences as grave as depriving a military unit of its commander in time of conflict.

Over the years, the Senate generally has done its duty to efficiently move ambassadorial nominees. We should proceed carefully and thoughtfully when we evaluate diplomatic nominations. But we should proceed with dispatch. Nominations must not be delayed by inattention, bureaucratic arguments, or political motivations, and when our examinations are complete, we should send the nominees to their post as quickly as possible.

I am confident the Senate understands the importance of confirming nominees who will be on the front lines of efforts to advance U.S. interests around the world, and I ask all Members to join the Foreign Relations Committee in moving these nominees. I thank the Chair.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Missouri. How much time does the Senator yield to himself?

Mr. BOND. Ten minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

HIGHWAY BILL FILIBUSTER

Mr. BOND. Madam President, I am on the Senate floor to explain why I am on the floor today. A week ago, I came to the Senate floor to raise what I think is a very serious point, and that is, we are being filibustered on the procedural motions to take the highway bill to a conference with the House.

I had the great privilege and pleasure back in January of 2003 to assume the chairmanship of the Subcommittee on Transportation and Infrastructure of the Environment and Public Works Committee, and I did so knowing full well that committee, along with the full committee, had the responsibility for drafting what I consider to be one of the most important infrastructure bills this Congress ever deals with, and that is the transportation bill or, as it is known by some, the highway bill. This year we are calling it SAFETEA. This is the acronym adopted by the administration to emphasize the fact that it is a safety-related measure.

Good highways, roads, and bridges, along with mass transit and other elements, are vitally important to our country in a number of ways. For those of us who are stuck in traffic around Washington, DC, being stuck in traffic is like having breakfast in the morning, and it is as reliable as flowers in the springtime. Better roads mean less congestion, less hassle. But there are many other items that are very important as well, because good roads and the lack of congestion mean less pollution. Cars sitting idling pollute the atmosphere, so the atmosphere is worse, the air quality is worse if you have congestion.

Highways are also important in another way. If we had passed the highway bill last winter or even when we passed it in February, we would have put people to work because every billion dollars of highway investment creates 47,000 jobs, and there is no question that we were waiting to see the jobs come back. We needed these highway jobs this year. We have missed this year's construction season.

Fortunately, the tax cuts passed by this body are working, and we are seeing an upturn in the economy, particularly in small business. That is another speech I will make on the Senate floor.

Tremendous numbers of people are going to work, as small business members, as proprietors starting their own businesses, 410,000 working selling their own products on e-Bay. They are creating good jobs. But we still need the jobs.

Beyond that, good highways and good transportation are essential for the long-term stability and growth of our States, our communities, and our Nation.

When I was Governor, I spent a lot of time working on economic development issues, and there is one thing I can tell you: if you are trying to get jobs into a particular community, they have to have transportation, particularly if they are dealing with goods or with people who are coming into that community. Good roads mean good jobs. Our highways, our roads, our bridges, even our waterways are the sinews of economic commerce. Without good transportation, we do not have growth and we don't have jobs.

Finally, good highways mean safety. We kill about 43,000 people on the highways in the United States every year. The Department of Transportation says about a third of those killed are killed because of insufficient highway infrastructure. In other words, we have in Missouri many crowded two-way highways which have traffic that really demands a divided highway. When you have that, you have frustration, and very often people from out of State are not familiar with the curves and the hills and pass in areas where you cannot pass, and they have tragic head-on collisions. I say we kill roughly three people a day on Missouri's highways, and I think one out of three is killed because of inadequate highways. All you have to do is travel the highways and see the white crosses where people have died.

To deal with that situation, I set out to work on a bipartisan basis. We have worked since a year ago January very closely with all the interested parties—the people interested in road building, community development workers, union members, environmental groups who wanted to have improved environmental processes. We brought all of them together in a bipartisan—let me emphasize bipartisan—bill for which I have thanked my colleagues on the other side many times for their great cooperation. We brought a good bill to the floor: $255 billion for highways and bridges over the next 6 years. Boy, we passed it with a whopping 76-vote majority in the Senate.

I go home and people say: What is happening to the highway bill?

I say: It is being filibustered.

They say: What? It passed by 76 votes.

I say: No, the simple procedural steps to move the bill to conference with the House are being filibustered.

They say: What?

I say: Yes, there are about six steps that have to be taken to send a bill to the House of Representatives so we can sit down in a conference and get a final bill that has to then pass both Houses and go to the President.

We have been working for more than a year and a half. It has been more than 7 months since the existing bill, TEA-21, expired. It has now been 7 weeks since the Senate passed a highway bill. It has now been 5 weeks since the House passed a highway bill. The majority leader and I have gone to the Senate floor and asked unanimous consent three times to take the necessary steps to move the bill to the House.

All three requests have been objected to by my colleagues on the other side. Yesterday, a great group of citizens from the community of Saint Joseph, MO, was in my office. They traveled a long way to ask me: Why do we not have a highway bill? I told them I wish I had a reasonable answer, but I do not.

Last Friday, I went to Kansas City, MO, where we had the road-building group together and that was the union leaders, the contractors, the community development people, the local elected officials, and they gave me a stack of 43,000 signatures on petitions saying pass this bill. Unfortunately, my suitcase was not big enough and the restrictions made it difficult for me to bring it here with me, but if my colleagues want to see them we will bring 43,000 signatures to the floor to show how many Missourians want a highway bill.

They asked me why we have not even begun the process of meeting with the House. There is no good reason, except politics, and that is not a good reason.

Every single day someone asks me these questions, and now I ask my colleagues once again why can we not start a highway bill conference? Some on the other side say they demand to know what is going to come out of the conference. I would love to know what is going to happen tomorrow. I would love to know what is going to happen the day after tomorrow. No one can say with certainty what is going to come out of any conference.

This is too important a bill to be a political football. We passed a total bill of $318 billion. The House passed one for a total of $275 billion. We passed a much better bill. I want to see our bill passed. I want to see $318 billion. I want to see the environmental streamlining in the bill that allows the environmental concerns to be raised early on in the process and dealt with, that makes it easier to do the planning.

The House bill had $11 billion worth of specific earmarks. My colleagues probably read about it in the editorial pages. Now, the occupant of the chair may take great pride in the fact that some of those were in a far northwest State, but I say to my colleagues we are not going to be able to take a bill that has $11 billion of earmarks that take away from the general allocation of funds among the States. So that is something we have to negotiate, but we need to do that to get a good bill.

I cannot speak for the folks on the other side as to why they are willing to kill the bill. They will not even let us go to conference to try to get the bill that we passed. They have to be banking, I guess, on perhaps a cynical notion that the American people will understand or they will just blame Republicans, even though it is their side currently undertaking to kill the legislation.

Are they killing it in hopes they can blame us? Is politics that cynical? I hope not. I thought we had to fight OMB to get the bill done, and I am willing to make that fight.

As a matter of fact, people who have been around a long time know I took on that fight against a President of my own party. The year I campaigned, he made three wonderful appearances for me. I have great respect for him, but he vetoed a highway bill, and I was the deciding vote that overrode that veto, much as I respected him, because I know how important highways are to my State and to the country.

Several months ago we started the normal bipartisan process of writing a highway bill. The bipartisanship carried through to a floor vote on the final bill. The Finance Committee provided the funds we needed. It was paid for, without a tax increase and without bonding.

After we passed the bill, my colleagues and I cheered our success and praised the cooperative efforts across the aisle; yet somehow, now my colleagues across the aisle tell me they do not trust me? Is this how good faith bipartisanship is honored?

Will someone come to the floor and tell me that I have not acted in good faith for days, weeks, and months through this process?

I have every intention to get a strong bipartisan conference report to the Senate floor and to the desk of the President but we cannot do that if the Democrats prevent us from negotiating the final bipartisan bill. Unless they let the process go, this bill is dead and they will have killed it; and for what?

My House counterpart Congressman PETRI may have said it best as quoted in yesterday's edition of BNA:

> House Highways, Transit and Pipelines Subcommittee Chairman Tom Petri, R-Wis., hailed the move to "normal order," Petri said; people analyzing the situation said in the absence of an agreement—on a number—it was better to go back to conference because "there might have been wisdom in the ideas of the founding fathers.

The whole point of a conference with the House is to work out our differences and produce a final bill. It is past time to get to work on those differences. I also read a quote in the paper yesterday where the distinguished minority leader said his party did not want to "roll the dice" and hope they get adequate representation in conference.

Instead, I submit that my colleagues are "rolling the dice" with an even bigger gamble. Rather than even giving conference a chance, they are betting that voters will prefer procrastination over progress.

My constituents say, "Senator, didn't the same people raising objections vote for the bill?" They also ask, "Senator, didn't many Democrats help draft the bill?" Some even wonder "Didn't I hear Senator so and so say the Nation needs a highway bill now?"

The resounding answer to all of their questions is yes. Yes, my colleagues helped draft the bill. Yes, my colleagues voted in favor of the bill. Yes, my colleagues make cries for a strong bill now. And, yes, unless the politics stop, they will also have killed this bill. To steal a line from some great philosopher, they are all bark, no bite.

One week ago today I was on the Senate floor attempting to move this process forward. Now Republicans in both Chambers of the Capitol are prepared to work in conference to resolve our differences. In the near future, we will vote in the Senate to determine who really wants to back up their bark with a bite.

Right now safety and quality of life on our roads are taking a back seat to political warfare that has nothing to do with transportation. It is time to end the filibuster on the highway bill.

That said, I renew my unanimous consent request from last week.

I ask unanimous consent that the Senate proceed to the consideration of the House-passed highway bill, H.R. 3550; provided further, that all after the enacting clause, be stricken, the text of S. 1072, as passed, be inserted in lieu thereof; the bill be read a third time and passed; further, the Senate then insist on its amendment, request a conference with the House, and the Chair then be authorized to appoint conferees on the part of the Senate with a ratio of 11 to 10.

Mr. REID. Reserving the right to object, at this time I am not able to make a statement; so, I will make a statement when our time comes. I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from New Mexico.

Mr. DOMENICI. How much time do we have remaining?

The PRESIDING OFFICER. Twenty-seven minutes remaining.

Mr. DOMENICI. I will do my best to be finished in 10 minutes.

AMERICA NEEDS AN ENERGY POLICY NOW

Mr. DOMENICI. Madam President, I rise today to speak about a subject that is dear to the heart of the Chair because Alaska contains much of the energy that the United States needs. Yesterday, crude oil closed at $39.57 on the New York Exchange. Nationwide, the average price of gasoline is $1.84, expected to rise 5 to 10 cents over the next several days, and even more as we enter the summer driving season which begins on Memorial Day.

Natural gas prices are also at a record high for this year, 70 percent higher than they were a year ago. We are increasingly dependent on imported supplies to set prices. In the Pacific Northwest, the snowpack is at 50 percent of average, and so hydroelectric generation will be at a record low this summer.

We currently import 55 percent of our oil. We will depend upon 70 percent for our demand by 2025. Meanwhile, we are experiencing record temperatures in southern California where already there is a strain on the region's electricity system.

I do not know what sort of psychological barriers need to be broken in the Senate to finally pass comprehensive energy legislation. We are very close to breaking through every psychological barrier related to energy policy. Oil will soon cost $40 a barrel. Gasoline will be over $2 a gallon. Natural gas will be permanently over $5 per MCF and the adequacy of our electricity generating grid this summer is now a simple calculus. Will it be hotter than usual? Because if so, we will have blackouts again.

My colleagues will notice that I no longer believe that our growing dependence on imported oil will have the psychological impact necessary to motivate my colleagues into action on the Energy bill. For my part, I am alarmed. I see us becoming 70-percent dependent on imported oil. I read of terrorist threats against overseas oil infrastructure and refining capacity, and I am amazed that I have colleagues who want to stop building our emergency supplies in the Strategic Petroleum Reserve or, even worse, call on us to use up those reserves now. In the past, the result of such activity was miniscule in terms of its impact on gasoline prices. It is just something to talk about. It is not something that will do anything.

Instead, yesterday a number of Senators came to the floor and called on the President to pressure OPEC to increase production and reduce prices. Does anybody assume he has not already done that? Does anybody assume they are interested in what we say today? It would be terrific if OPEC would do that, but I have to ask my colleagues, why would OPEC take us seriously? OPEC sees us for what we are. We are hooked and we cannot even do the most incremental steps to begin to address this plight.

OPEC sees a Congress that has talked about passing an energy bill for 10 years. They see a Congress that has failed every year for the last 3 years to pass an energy bill. OPEC sees an America that lacks the political will to address its own crisis. Instead, we blame and complain. If you were OPEC, would you take us seriously?

Some say passing an energy bill will not do a lot for foreign crude oil prices. I disagree. I think passing the first comprehensive energy bill to come out of this Congress in 12 years sends a strong signal to oil-producing nations. I think if we do more to conserve energy, increase production, diversify our energy supply, we will tell OPEC America is a country with unity, commitment, and the political will to address our most serious domestic problem, and that is our energy challenges.

If Senate Democrats mean what they say when they wring their hands and lament the rising oil prices, pass this bill. When we voted last week on the authorizing portion of the bill, we got only 14 Democrats to join us, and then someone on that side had the audacity to say it was the Republicans' fault we didn't pass it. That is less than one-third of the Democrats who voted in favor of it. Yet the steady stream of Senators who come down here to speechify on energy is from the other side. They are Democrats. Some of the Democrats down here on the Senate floor yesterday wringing their hands about gasoline prices, blaming the administration yesterday, are the same Senators who voted against the Energy bill last week.

Last summer we had the biggest blackout in the Nation's history during the August recess. You all remember that. When Congress returned, Senators went to the Senate floor to make speeches, to wring their hands about the problem in our power grid. Some of those same Senators turned around a few weeks later and voted against an energy bill that mandated electricity reliability. Everyone who knows anything says that must be adopted if we are to rearrange things and have power over the utility lines so we will not have blackouts. It is recommended by everyone who knows anything about it, and we sit here and fail to pass the bill that contains it.

Gasoline prices have shattered all records in April. Prices could reach $3 by late September. I know that is a startling statement, but I make it because I believe it. Prices could reach $3 a gallon by late summer. Natural gas prices on average are 70 percent higher than last year. Our electricity grid is every bit as vulnerable to a blackout today as last summer, and we stand here making speeches and passing the blame: Blame OPEC, blame the President.

The buck stops here. It is up to this Congress to pass a bill that stabilizes the price of oil, gas, coal, and natural gas. It is up to this Congress to pass a bill that increases our production of energy from natural gas, wind, solar, geothermal, and clean coal. It is up to this Congress to mandate electricity reliability. Let's stop politicking on this energy bill and on this energy problem. Let's stop looking to foreign shores to solve our problems. Let's stop looking to OPEC so they would have the will. Let us unify and resolve that lack of enthusiasm and unity. Let's roll up our sleeves and pass an energy bill.

It is possible. The bill before us now contains about half the Energy bill. It has all the tax credits that will bring much of the energy that I have spoken about on board America. It will not do the whole job, but it will do something. We understand there are Senators who do not want to see that pass. It has broad support and it will do something significant. I trust we will pass it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Madam President, how much time is remaining on our side?

The PRESIDING OFFICER. There are 18 minutes remaining on Republican side.

HUMANITARIAN CRISIS IN SUDAN

Mr. DEWINE. Madam President, I rise in support of S. Con. Res. 99, condemning the Government of the Republic of the Sudan for its participation and complicity in the attacks against innocent civilians in the impoverished Darfur region of western Sudan.

I commend my fellow cosponsors of this resolution for taking this essential first step in addressing the dual crises in Sudan. We must condemn the Government of Sudan for its complicity in the human rights abuses and their gross failure to put an end to the current genocide.

In addition to the gross human rights violations, we now face a humanitarian disaster. Over a million people are displaced and well over a hundred thousand have fled over the border to Chad.

The Government of Sudan is only making matters more difficult by resisting, delaying, frustrating the work of humanitarian assistance groups, and the situation gets worse. Roads in the region are only accessible to the most sturdy of jeeps and trucks, and once the rainy season starts in just a couple of weeks, those roads will be wiped out, cutting off aid altogether. The clock is ticking. We certainly cannot control Mother Nature, so the world must act now.

I believe there are a few essentials that we should do immediately. First, the United States must push the United Nations Security Council to authorize a stability and support operation under chapter VII to help stop the atrocities and help distribute humanitarian aid. I would also like to see an expansion of the civilian protection monitoring teams into the Darfur region. The Government of Sudan has had long enough time to stop the killing and facilitate the flow of aid. With the rainy season coming, we cannot tell the people of Darfur to give their government more time to comply.

This may sound as if it is a radical step, but this step is needed. We should not be, and do not want to be, in the situation 6 months or a year or 2 years from now where we look back and say we should have taken this step—oh, if we only would have sent this U.N. force in; if we only would have sent these troops in we could have saved hundreds of thousands of lives—because that is the situation we are going to be in. We are going to look back and say, if we only would have acted, if the world only would have acted, these lives could have been saved. Why didn't we act? That is what has to take place. That, clearly, is what should take place.

Second, I believe Congress should amend the Sudan Peace Act to require improvements in Darfur. We have the ability here in Congress to do that.

Third, the United States should target sanctions against any members of the Sudanese Government found to be involved in these atrocities. We have done it in regard to other individuals in other governments in other countries. We should do it in regard to these individuals. We should make it very clear to them they will be held accountable.

Finally, the international community must act now. We need a special session of the U.N. Human Rights Commission to appoint a special rapporteur for Sudan. The international community should also consider a special tribunal to investigate the atrocities.

These steps form a broad outline of what must be done. We must work together with the administration in the coming days to iron out the details so we can move forward. The crisis is here, it is now, and this is what we must do. Clearly, this is a case of genocide, and the international community must face its moral responsibility to act.

CRISIS IN HAITI

Mr. DEWINE. Madam President, let me turn to another area in the world where there is another humanitarian crisis, and that is the country of Haiti. I will be very brief because I have come to the Senate floor many times before to talk about Haiti.

Haitian Prime Minister Latortue was on Capitol Hill yesterday. I had the opportunity to meet with him. The majority leader and the Democratic leader met with him, as well as other Senators. The Prime Minister is a very impressive man. He is a man who faces a very difficult task in Haiti. The U.S. troops are scheduled to leave June 1 to be replaced with U.N. troops.

I will not try to summarize the message from the Prime Minister, but two things he said were very important which I will share with my colleagues. First, the Prime Minister made a very strong case to the Members of the Senate whom he talked to for the passage of a bill Senator DODD and I have introduced in the Senate, a bill that, according to the Prime Minister, within a relatively short period of time would help create an additional 100,000 jobs in Haiti, 100,000 jobs that are desperately needed.

This is a trade bill Senator DODD and I have introduced that is pending in the Senate. It has bipartisan support. There is a companion bill introduced by Congressman CLAY SHAW in the House of Representatives. I again call my colleagues' attention to this bill and hope we can act on this bill this year. It is a bill that would restore the assembly jobs in Haiti. Haiti at one time had many assembly jobs. After the sanctions were imposed during the Clinton administration, these jobs basically went away. This bill will help restore these jobs. It will make a big difference for Haiti.

The other point the Prime Minister made was the Haitian Government today is in desperate need of cash. They cannot even do little things such as get the electricity back on. I have talked to Mr. Noriega in our administration. I have talked to Secretary Colin Powell. Both are very sympathetic to what is going on in Haiti and the needs of the Haitian Government. Secretary Powell has assured me the administration is trying to reprogram money and to get additional money for Haiti. Everyone agrees and understands the urgent need for this money.

I simply say to the administration, this money is desperately needed now. The new Haitian Government is struggling. They need to show the people of Haiti some immediate victories. If the people of Haiti are to have some confidence in this new Government, if they are to believe in this new Government, if they are to have confidence in the new Government, they have to see something tangible and they have to see it fairly quickly.

I hope our administration will be able to reprogram some money, will be able to set some money aside and get that money to Haiti so this new Government will be able to show the people of Haiti some good faith, be able to show them some victories, and the people of Haiti will be able to see there is, in fact, some hope.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. McCONNELL. How much time do I have on this side in morning business?

The PRESIDING OFFICER. There are 8 minutes remaining.

THE PRICE OF OBSTRUCTION

Mr. McCONNELL. Madam President, I believe many in the press world and too many outside the beltway are observing the gridlock in the Senate and probably just dismissing it as "politics as usual."

The truth is, it is not politics as usual. It is politics at its worst. The result is Americans are getting the worst, the very worst from the Senate, when they deserve the best.

With gridlock jamming our Nation's highways, we get gridlock on the highway bill right here in the Senate. With our Nation's energy supply uncertain, the fate of the Energy bill in the Senate is equally uncertain. With a work-based welfare system doing wonders across America, we see no work allowed on welfare reform in the Senate. As backlogged as courtrooms are with lawsuits, so, too, is the Senate backlogged with sensible tort reform. As emergency room patients wait for a doctor's care, so, too, do emergency room doctors wait for medical lawsuit reform from the Senate.

Gridlock, uncertainty, inaction, backlog, and delay; that is all the Senate is serving up these days. Gridlock, uncertainty, inaction, backlog, and delay is all that is on the menu in the Senate these days.

There is a price for obstruction. It is real. It is painful and it is rising. Let me give a few examples.

For decades, now, congestion has been rising. According to the committee report on the highway bill, the extra time needed for a rush-hour commute has tripled over the past two decades. The resulting congestion costs every man, woman, and child in the United States $520 a year. About a billion gallons of gasoline are wasted every 2 months on U.S. roads.

Yet this highway bill we have could create hundreds of thousands of jobs in the next few years. This highway bill is being prevented from being written, right here in the Senate. This highway bill, which would prevent almost half a million accidents, save almost 2,000 lives over the next two decades, this bill is stalled on an open road to nowhere.

Why? Because of Democratic obstruction. The House version and Senate version of the bill are blocked by Democrats from going to conference to resolve our differences. It is the way we legislate in the Congress.

With gas prices rising this year, with wide-scale electrical blackouts last year, and with Middle East tensions every year, the Energy bill is again stalled, going well into its third year of delay. But a bill that will, according to the Senate Energy and Natural Resources Committee, create 650,000 new jobs, that will boost the economy and secure our energy supplies, is blocked by Democratic filibusters.

Do we have to have another blackout before we are permitted to act? Do we have to have total shutdown of our freeways before the highway bill will be freed?

The price of obstruction is real. It is rising. And there appears to be little relief in sight in our roads, at our pumps, in our courtrooms, our emergency rooms, and our employment offices across America, all due to obstruction by Democrats.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, how much time is left on the majority side in morning business?

The PRESIDING OFFICER. On the majority side there are 2 minutes 49 seconds remaining.

Mr. REID. Will the Chair notify me when that time has expired?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, is the time for the Democrats to begin now?

The PRESIDING OFFICER. Thirty seconds remain on the majority side.

ORDER OF PROCEDURE

Mr. REID. Madam President, when time comes for the Democrats, I ask unanimous consent that Senator KOHL be recognized for 5 minutes, Senator FEINGOLD be recognized for 8 minutes, Senator KENNEDY for 5 minutes, Senator LEAHY for 5 minutes, and Senator CORZINE for 5 minutes. I further ask that the time remaining on this side, which I understand would be 17 minutes—is that right?

The PRESIDING OFFICER. That is correct.

Mr. REID. I will yield myself such time as I may consume. If I get up to 15 minutes, I would ask the Chair to advise me.

The PRESIDING OFFICER. All time has expired on the majority side.

Mr. REID. I thank the Chair.

Madam President, I ask unanimous consent that the Democrats' time be allocated as I have indicated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

HOLDING UP THE FSC BILL

Mr. REID. Madam President, I want everyone to listen. I know the best defense is good offense. That was learned long before I used those words. But that is what we have going on here today. We now have and have worked all week on a bill that is extremely important to this country. We refer to it as FSC. It is a tax bill that deals with corporate America.

As we speak, corporate America is being assessed penalties as a result of trade sanctions that have been placed on them by the World Trade Organization. We are trying to work our way out of that, and we are very close to being able to pass a bill. But the majority, as they do all the time, will not let us finish the bill.

Do you know what is holding up the FSC bill? Because the slow walk started last night. Four amendments. Four amendments: One by Senator FEINGOLD, which basically says we should buy American products. He wants 5 minutes. Senator CANTWELL wants to extend unemployment benefits, 30 minutes; Senator FRANK LAUTENBERG wants corporations that have foreign subsidiaries not to do business with terrorist countries. It does not sound too outlandish to me. Senator CORZINE wants to impose 301 actions, which basically is called super 301, which simply says the President has to enforce our trade laws.

Those are the four amendments, taking a total of an hour and 35 minutes, the majority will not let us go forward with on this bill. That is it, an hour and 35 minutes. Tough votes by some. I don't know why it would be hard to vote "buy America" or extend unemployment benefits or say foreign subsidiaries should not do business with terrorist organizations or countries, and enforce our trade laws. That is what they are.

But now we will hear the speeches: The Democrats are not allowing us to go forward with this most important—they call it the JOBS bill; I will call it the JOBS bill. It is a way of kind of diverting our attention away from the real jobs problem, but it is a jobs bill. I acknowledge that. But that is what we are faced with here:

The same good defense is being used offensively here because my dear friend, the Senator from Missouri, has come to the floor and said: The Democrats won't let us do our highway bill.

I have here—and I am not going to bring out all three charts, but they are here—oh, I am sorry, we couldn't get them on three—there are four charts of the 390-plus organizations that are saying: We agree with the Democrats. We should not go to conference. They want $318 billion in funding.

Now, why don't the Democrats want to vote on this? Are we being partisan? Maybe we have memories. Maybe we can reflect back on what happened to the Energy bill. We went to conference with the Energy bill. We not only were not allowed to go to the conference, we did not know where the conference meetings were held.

Medicare. We also remember that. We at least knew where the meetings were held because the Republicans told us: You can have two people. We asked others to come to the meeting. They closed the meetings. That is not what a conference is all about.

Yes, we do have memories. And through all this: Oh, they won't let us do a highway bill. They are filibustering.

If a conference were appointed 5 minutes from now, what would happen is what we want to happen. If a conference were appointed 5 minutes from now, we would have the staffs of the Senate—majority and minority—meet to decide what actually should be done. It would be easy because it is a bipartisan bill. Then we would go over and meet with our counterparts in the House, and the staffs would meet.

This is a big bill. It would take weeks, at least 2 solid weeks, with 20-hour-a-day, 6-day weeks, to get us to that point. They will not let us do that. The majority will not allow the staffs to meet on this bill. For people to say the only way to do a bill is to have this conference is foolishness—foolishness. We have passed lots of bills, in fact, scores of bills without going to conference. We have something we call a preconference, and it is just as I described would happen following the appointment of conferees.

So we understand, if we were working with an administration like this that is so unreasonable, so impossible to deal with, and I were in the majority, and I had a President like they were dealing with, I would probably come out and do the same thing. It is all they can do. They are desperate. But we have the necessity of coming up with legislation that is truly legislation that is good for the country, not necessarily good for the President's reelection.

ACCOUNTABILITY FOR OUR ACTIONS

Mr. REID. Madam President, I want to read the first two paragraphs of an editorial that appeared in the New York Times today, written by Thomas Friedman.

> We are in danger of losing something much more important than just the war in Iraq. We are in danger of losing America as an instrument of moral authority and inspiration in the world. I have never known a time in my life when America and its president were more hated around the world than today. I was just in Japan, and even young Japanese dislike us. It's no wonder that so many Americans are obsessed with the finale of the sitcom "Friends" right now. They're the only friends we have, and even they're leaving.
>
> This administration needs to undertake a total overhaul of its Iraq policy; otherwise, it is courting a total disaster for us all.

I have been married for more than four decades, and there have been a lot of things that I think have made our marriage a success. I married a girl I met in high school. The main thing that has been good for our marriage is the ability for both of us to say "I'm sorry."

Relations in other aspects of our lives are based on the same principles of relationship that couples have. For example, the foundations of nations, of countries are formed by relationships between people.

When I got home last night, my wife said words to me to the effect: I watched all the news today. Why couldn't the President say he was sorry?

I had no answer for that. I flipped on the television set. The first two people I saw on TV interviewing others asked the same question: Why couldn't the President say he was sorry. Why couldn't the President say he was sorry, not only for himself but for all Americans? This is expected in America.

I guess he couldn't say he was sorry for the same reason that in his last press conference he couldn't say he had made a mistake. I add this to the list of mistakes that are paramount, No. 1, when he claimed on the aircraft carrier, with his flight suit that he borrowed from somebody, that major combat was over, and had the banner "mission accomplished." The mission was not accomplished. He should have acknowledged that as a mistake. Then just a few days later, when someone said there are problems going on in Iraq, he said: "Bring it on." Well, we have almost 800 dead men and women. I think that was a mistake.

It was a mistake yesterday when he had the time and the ability to say he was sorry. I don't have the position and power of the President of the United States; I know that. But I have the ability to say that all America is sorry for what went on in the prisoner of war camps in Iraq. What went on in those prison camps does not represent America or its valiant military men and women.

We have so many reasons to be proud of what our Armed Forces have done for this country, not just over the last couple of years but since our founding. We are reminded of that heroic service as we look out on The Mall. We are going to dedicate in a couple of weeks a memorial to the 16 million men and women who served in World War II. On Memorial Day, during that dedication, we will not only remember the 16 million who served but the nearly 800 who have lost their lives in Iraq.

One of the hallmarks of our military in this great democracy is that our military is controlled not by soldiers, sailors, and airmen, but by civilians. We maintain this critical feature of our system with checks and balances by having a Commander in Chief who is a civilian. The Secretary of Defense and his deputies are civilians, so these remarks are directed to the civilian leadership of our military.

Harry Truman was a war President. He had a sign on his desk that said, "The buck stops here." He knew that in any administration there would be mistakes, and he accepted responsibility for mistakes that occurred on his watch.

President Truman knew it was important to admit mistakes and take responsibility so the mistakes would not be repeated. He knew if we didn't admit mistakes, we couldn't learn from them.

The current administration has made some mistakes, and I have outlined some of them. We know in the first gulf war 90 percent of the war costs were paid for by other countries, and our allies provided about 200,000 troops. But in this war we are bearing 90 percent of the cost and taking 90 percent of the casualties. They said Iraqi oil revenues would pay to rebuild the country, but we keep appropriating more money and are being asked to come up with $25 billion more.

Vice President CHENEY predicted that our soldiers would be greeted as heroes, bouquets would be thrown. Bombs are being thrown instead. We are now hearing that the administration received warnings about the treatment of prisoners months ago, but those warnings were not taken seriously.

Last week, when Secretary Rumsfeld was in the Capitol in 407, the room where we hear classified information, we weren't told that "60 Minutes" that very night would have a story about mistreatment of prisoners, with pictures of naked men, Iraqi prisoners, to humiliate them. Now it has humiliated America. We should have been warned about that. They knew or should have known that they were about to become public and that they would affect the course of events in the ongoing war on terror. After the civilian leadership has claimed for months that it needed no more money, we are now asked for $25 billion.

This is not to cast stones but to cast responsibility. Mistakes always have consequences. In war, the consequences are a matter of life or death. We talk in the Senate about accountability. We want schoolteachers and public employees to be accountable. But we must look beyond that at why our civilian military should also be held accountable.

Our Founding Fathers believed that the civilian leaders of our military should be held accountable. I share that belief. I hope the President does.

The time has been allocated to my friends. Senator KOHL has 5 minutes; Senator FEINGOLD, 8 minutes; Senator KENNEDY, 5 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin.

RESTORING JUVENILE JUSTICE FUNDING

Mr. KOHL. Madam President, I rise today to discuss juvenile crime and juvenile crime prevention programs. We must remember that a strategy to combat juvenile crime consists of a large dose of prevention programs as well as strong enforcement. Juvenile justice programs have proven time and time again that they help prevent crime, strengthen communities, and give children a second chance to succeed and lead healthy lives. It is no secret that robust funding for these programs in the 1990s contributed to a 68 percent drop in juvenile crime from 1994 to 2000. Most importantly, investment in our at-risk children will help prevent a life marred by crime and wasted in prison.

For these programs to succeed, however, they must be priorities for this Congress and for this administration. We fear that we are failing to live up to our responsibility on this essential issue. A little more than 3 months ago, President Bush released his fiscal year 2005 budget proposal. In it, juvenile justice and delinquency programs will receive only about one-third of the funding they received 3 years ago. This is at a time when recent statistics indicate an uptick in juvenile crime and an increase in school murder rates.

We understand that other priorities compete with juvenile justice funding and local crime prevention programs. Yet the amounts we are discussing are so small in the grand scheme of the budget, and the results from the programs so immense, that they mandate our attention.

When the Senate considered the budget resolution, we began to address the shortfalls in juvenile justice funding. I was pleased to work with Senators HATCH and BIDEN on an amendment to restore cuts made to juvenile justice programs and local law enforcement funding. Our amendment represents a step in the right direction by restoring juvenile justice funding to last year's levels, and reversing the trend of ever-diminishing appropriations for these programs. It is essential that the Kohl-Hatch-Biden amendment that restores juvenile justice funding remain in the final Budget Resolution.

These programs are a wise investment. For every dollar spent on prevention, we save $3 to $4 in costs associated with juvenile crime. Furthermore, law enforcement officials strongly support prevention efforts. A recent poll shows that 71 percent of police chiefs, sheriffs and prosecutors believe that crime prevention efforts would have the greatest impact in reducing youth violence and crime. So for those who may fear that a crime prevention strategy is not "tough" enough on juveniles, we suggest that these programs make sound economic sense and are overwhelmingly endorsed by law enforcement. We must do a better job of funding them.

Let me tell you about two essential programs. In 1992, we established the Title V Local Delinquency Prevention Program. Title V was and remains unique in that it is the only source of federal funding solely dedicated to juvenile crime prevention efforts. More importantly, Title V has proven to be a very successful program that encourages investment, collaboration, and long-range prevention planning by local communities.

Title V programs include preschool and parent training programs, youth mentoring, after-school activities, tutoring, truancy reduction, substance abuse prevention and gang prevention outreach. Through these initiatives, large cities like Milwaukee to small communities like Ladysmith, WI are creating environments that strengthen families and help children avoid crime and develop into productive adults.

Enforcement is an important part of the overall strategy, but the administration cuts those programs as well. Positive intervention and treatment at this early stage of delinquency can prevent further violent behavior and steer a young person in the right direction before it is too late. Realizing this, Congress created the Juvenile Accountability Incentive Block Grant Program, JAIBG, in 1997 and provided it with healthy funding levels of $250 million. Congress reauthorized Title V and JAIBG in 2002 at even greater levels. And we improved JAIBG by adding substance abuse and mental health counseling, restitution, community service, and supervised probations to the list of program options. The reauthorized program also ensures State and local accountability for proper and effective uses of funds.

We have a choice in this Congress of where we want to invest our money. We can choose to address the roots of crime and invest in our children by preventing a life of criminal behavior. We can choose to intervene in a positive manner to work with those teens that have fallen through the cracks and have had a few scrapes with the law. We can turn many of those kids around. I urge my colleagues to make the right choice this year and boost funding for the Title V program, the Juvenile Accountability Block Grant program, and juvenile justice programs overall. We can and must do better.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

SUDAN

Mr. FEINGOLD. Mr. President, I rise today to join my colleagues in calling attention to the horrifying crisis in Darfur, a part of western Sudan where over a million people have been displaced by a brutal campaign of ethnic cleansing perpetrated by government-backed militia forces and official Sudanese forces.

Human Rights Watch has documented massacres, widespread rape, massive forced displacement, and indiscriminate aerial bombardment of civilians in Darfur. Amnesty International indicates that the ceasefire agreement signed on April 8 has not stopped the attacks against civilians on the ground, stating that "attacks on villages continue; indiscriminate and deliberate killings of civilians continue; looting continues and rapes continue." Doctors Without Borders, which is actually on the ground delivering services in parts of Darfur, warns of desperate malnutrition and tells us that the absence of food aid on the ground is especially alarming because measles have broken out among the displaced, and measles can seriously aggravate malnutrition.

Because so many homes and farms and mosques and entire villages have been burned and totally destroyed, and because normal life has been so thoroughly disrupted, because fear still dominates the lives of so many civilians, and because the rainy season is beginning—making much of Darfur completely inaccessible by road—literally hundreds of thousands could die of starvation. The humanitarian task before the world would be mammoth even if a major political breakthrough backed by what we have not seen to date—actual effective action taken by the government of Sudan to put a stop to the attacks on civilians. Without such action, the crisis deepens each day.

And even as the government of Sudan has failed to take effective action to stop the attacks and protect the Sudanese people, they also have denied humanitarian organizations and international investigators access to Darfur, deliberately undermining the world's efforts to help those who are suffering and starving. The government's aim appears to be to drive ethnic Africans out of Darfur, and to shield this abhorrent agenda from the eyes of the international community.

It is a disgrace that this same government was just elected to a third term on the United Nations Human Rights Commission. Africans have as great a stake in the commission's work and aims as any people anywhere in the world. They deserve far better representation.

Mr. President, crimes against humanity have been and continue to be perpetrated in Darfur, and the criminals responsible for these atrocities—the planners directing this horror at the highest levels—should be brought to justice.

I am proud to have joined with my colleague, Senator BROWNBACK, who is deeply committed to Sudan, in introducing S. Con Res. 99. And I am so pleased to have been able to work as part of a bipartisan group, including Senators FRIST, DASCHLE, BIDEN, LUGAR, ALEXANDER, KENNEDY and DEWINE on Sudan issue over the years. I mention as well that Senator DURBIN has been enormously helpful at this time, issue, and discussion possible. I hope that today, by calling for urgent action to implement a humanitarian response plan that does not bow to the constraints imposed by the wishes of the Sudanese Government, we can encourage those working to respond to the needs on the ground. And by calling for a Security Council resolution addressing the situation in Darfur, this resolution will make it crystal clear to the Sudanese government that the current situation is simply unacceptable.

Mr. President, I applaud the efforts of the State Department and the White House to bring an end to Sudan's long and tragic north-south conflict. But the hopes that we all harbor of achieving a just and lasting end to that crisis simply cannot be meaningfully realized in the context of the kind of brutality we see in Darfur.

At the same time, any hopes that the government of Sudan harbors of an easing of economic pressure or isolation stand no chance—no chance at all, Mr. President—of being realized until the situation in Darfur changes, the attacks are stopped, and the international community—from humanitarian aid agencies to cease-fire monitors to U.N. investigators—has full, unfettered access to the region. We need to see real change—not rhetorical change, not change on paper, not change on some days not more of the same on others. And we need to see it right away.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend Senator FEINGOLD and Senator BROWNBACK and our colleagues for raising this issue not just on the floor of the Senate but also across our Nation, because it is an issue of enormous importance and consequence, as it should be for all Americans and for people all over the world.

It has been 10 years since the Rwanda genocide. A decade ago, 8,000 Rwandans were being killed every day. Yet the international community was silent. We did not stop the deaths of 800,000 Tutsis and politically moderate Hutu, in spite of our commitment that genocide must never again darken the annals of human history.

Sadly, we may now be repeating the same mistake in Sudan.

Over the past few weeks, reports of severe ethnic violence have come from Darfur, a region of western Sudan. We have heard accounts of thousands or even tens of thousands of people murdered, of widespread rape, and of people's homes burned to the ground.

The Sudanese government has refused to allow full access to western Sudan. International monitors and humanitarian workers have been prevented from reaching the area. We need immediate access to gather more information on what is happening and to provide urgent humanitarian relief to the one million people the United Nations reports have been displaced internally in Sudan or across the border to Chad.

Many of us hoped that the humanitarian ceasefire and agreement earlier this month between the Sudanese government and rebel forces in western Sudan would end the many months of violence against entire communities. It has not.

The burning of homes and crops of desperately poor villagers has left in its ashes a humanitarian disaster. Without immediate relief, experts predict deaths in the hundreds of thousands. The cruelty of the Government of Sudan and its paramilitary allies against other ethnic groups raises the very real specter of genocide.

The United States and the international community need to act now, to stop this brutality, to save lives. If we fail to act—and to act now—the consequences will be dire.

United Nations Secretary General Kofi Annan was eloquent in his statement at the commemoration of the 10th anniversary of the Rwanda genocide. He said that he would not permit Darfur to become the first genocide of the 21st century.

There will be discussion in Washington and around the world about whether the ethnic violence in Darfur is, in fact, genocide, but we cannot allow the debate over definitions obstruct our ability to act as soon as possible.

It is a matter of the highest moral responsibility for each of us individually, for Congress, for the United States, and for the global community to do all we can to stop the violence against innocents in Darfur. We must act, because thousands of people's lives will be lost if we do not.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I applaud both the Senator from Wisconsin and the Senator from Massachusetts for what they have said. Obviously, I agree completely.

ABUSES AGAINST IRAQI PRISONERS

Mr. LEAHY. Mr. President, this is a troubling time in America. Yesterday I spoke on this Senate floor about the despicable abuses perpetrated against Iraqi prisoners. The damage done to every American and to the reputation of our great Nation as a whole as a result of these barbaric acts is incalculable. It has severely tarnished our image as a nation of laws, a nation that for more than two centuries has been a beacon of hope for oppressed people around the world.

Every day, quite rightly, we pride ourselves on our Constitution and our Bill of Rights. After all, they were the template for the universal declaration of human rights. We often criticize other nations for violating those rights, for engaging in torture and other crimes, and it is right that we do. We should speak out when human rights and liberties are violated whenever and wherever it occurs.

But today we see our own faces in the mirror. Until recently, it was beyond our ability to contemplate that we would become the subject of such universal ridicule and scorn for the actions of a handful.

The reputation of our Armed Forces, certainly since the First World War, has deservedly been the finest in the world. As the father of a former marine, I can attest that the training of our troops and the outstanding performance of the vast majority of them should make every American proud. They conduct themselves professionally. They treat others with respect. They perform bravely. And 138,000 men and women are courageously wearing America's uniform in Iraq today. Now they are endangered there and around the world.

At the heart of this problem is a failure of leadership, not "followship." We have heard from the Secretary of Defense. He was appalled by what happened, so appalled that he did not bother to read the report that described the horrific conditions at Abu Ghraib prison even though he had been aware of the concerns for months; so appalled he forgot that it was he who decided, apparently on his own, that the U.S. military would no longer be bound by the Geneva Conventions, an astounding decision when one considers its implication; so appalled that his Department has treated those of us who have asked questions and sought information about the interrogation practices at U.S. military detention facilities after reports of torture and even homicide as a nuisance; so appalled that for days he treated this whole episode as though he could not quite grasp what all the fuss was about. After all, these are terrorists, and we are fighting a war.

I have known Secretary Rumsfeld for 30 years. I like him. He is highly intelligent. He has served his country with great devotion. But I believe that he and the Deputy Secretary bear ultimate responsibility for this catastrophe.

The post-war chaos in Iraq that has resulted from such miserably poor planning—and so many people warned them that it was miserably poor planning—has claimed the lives and limbs of hundreds of America's troops and civilians and thousands of Iraqis, including many civilians. It has caused deep divisions between ourselves and the Iraqi people and Muslims around the world. It has so damaged our image as a nation that stands for respect for human rights. This represents a colossal failure of leadership.

For 2 years, we have heard that if you are not with us, you are against us. Who is with us now? And who was ever with us? The coalition the President speaks of is a mirage. It is Americans who are dying. It is Americans who are paying the price—another $25 billion, according to the President today, and that is only for the next few months. Another $50 billion at least will be necessary next year just for Iraq. That is $75 billion we do not have to pay teachers and police and firefighters and other needs in America.

We have heard how the Secretary of Defense waited for months to tell the Congress about what was happening in that prison. When the photographs appeared in the press, he and the National Security Adviser, the President, everybody else said they were stunned and shocked and said these were isolated incidents. The only thing they could have been shocked by was that the facts became public because they had known about them for a very long time. That is the real question that should trouble each one of us: Why we thought it was OK to behave this way. It represents a serious flaw of character, of morality, of decency, of professionalism, of training. It does not reflect the great military of our country. It certainly does not reflect the values of America, and we have to ask the leaders: Why did you allow this shame to happen? Why did you allow America—America—to be shamed this way throughout the world?

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that following morning business today the Senate proceed to executive session for the consideration of Calendar No. 685, the nomination of John Negroponte to be Ambassador to Iraq.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Reserving the right to object, and I certainly will not object, we hope to work very closely with our Republican friends and have a good discussion and debate about the Negroponte nomination. I understand there are a number of other Senators who wish to be recognized in regard to this nomination.

Last night, we confirmed two members of the Federal Marine Maritime Commission and the nominee for chief executive officer of the Millennium Challenge Corporation. We are now going to get the agreement on Ambassador Negroponte, and we hope before the end of the day to announce an agreement on additional ambassadors who might be confirmed yet today as well.

I hope all of the cooperation that is being demonstrated will allow the administration to reciprocate with a number of our nominees to various boards and commissions from whom we have yet to hear. So I look forward to working through the confirmation of the Negroponte nomination today and the ambassadors tonight, and our hope is we can get additional cooperation from the administration on our board nominees very shortly.

I have no objection to going forward as the majority leader has now proposed.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. I am pleased we are making progress. The fact that we are going to the debate on the future Ambassador of Iraq, Mr. Negroponte, demonstrates that we are making some progress. We have a whole series of judges who must be addressed, a whole series of nominees who were just mentioned who must be addressed, and a whole series of ambassadors on whom it sounds as though we are making some progress with the Negroponte nomination, as well as what we will see take place later during the day.

I further ask consent that there then be 5 hours 30 minutes equally divided between the chairman and ranking member of the Foreign Relations Committee; provided further that the minority time be divided among the list that is at the desk. I also ask unanimous consent that following the use or yielding back of time, the Senate proceed to a vote on the confirmation of the nomination with no intervening action or debate.

Finally, I ask unanimous consent that following the vote, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The minority leader.

Mr. DASCHLE. Reserving the right to object, I ask the majority leader if it is his intention to go back to the FSC bill after we have completed this work. I have consulted with the assistant Democratic leader. We are now down to four amendments which will only require 1 hour 35 minutes on our side. We are getting down to a very small number. Only 1 hour 35 minutes on four amendments, and we would be finished with the bill as far as our side is concerned.

I ask the majority leader if it is his intention to complete work on the FSC bill.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in response, through the Chair, our intention is that as soon as we finish the 5 hours 30 minutes, we go back to the FSC/ETI JOBS bill. We have made tremendous progress on the bill. I congratulate the managers for their leadership over the course of the week. They have done a commendable job in getting the number of amendments both down and dealt with. Some have been adopted. Some have had votes on them over the course of the week. Our intention is, as soon as we finish the Negroponte nomination debate and vote, to go back to FSC/ETI. I hope all 5 hours 30 minutes might not be required on the Negroponte nomination.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

There is still 6½ minutes remaining for the Democratic Party. The Senator from New Jersey has 5 minutes.

The Senator from New Jersey.

Mr. CORZINE. May I make an inquiry? Are there other of my colleagues requesting time?

The PRESIDING OFFICER. The Senator from New Jersey is the only one on the Democrat side seeking time.

SUDAN DARFUR CRISIS

Mr. CORZINE. Mr. President, I rise today to speak on an issue that too easily comes off our agenda in America and around the globe. We accepted S. Con. Res. 99 which condemns the Government of the Republic of Sudan for its participation and complicity in the attacks against innocent civilians in the impoverished Darfur region of western Sudan. I think it is not enough just for us to be condemning in this situation. It has all of the makings of turning into a humanitarian crisis that rivals or at least approaches the kinds of problems we saw in Rwanda.

While we will take a stand in recognizing it as a problem, I think it is absolutely essential that we maintain attention and focus when there are so many events in the world that draw us away.

The United Nations, international humanitarian and human rights organizations, as well as our own Government, agree that the campaign by the extremist, theocratic Sudanese Government and their militia allies against Muslim civilians of African ethnicity in Darfur, western Sudan, over the last 14 months has driven over 1 million civilians from their home. We have the risk of another tragic genocidal action in place.

The 1 million Muslim civilians displaced within Darfur, Sudanese citizens victimized by their own Government, cling to life as displaced, homeless persons living in the open or in pathetic and inadequate camps, in constant fear of further attacks and depredation. Their physical condition is severely weakened, food supplies are exhausted, and the international community so far has been unable to get critically needed food assistance into the interior, due to deliberate interference and obstruction by the Khartoum government. These individuals, these Muslim civilians, are fleeing systematic attacks by their own Government, Sudanese armed forces, and their militia allies, the "janjaweed."

The horrors which civilian families in Darfur are fleeing include the cold-blooded murder of unarmed civilians; pillage and burning of villages; organized, systematic rapes of women—wives, daughters, sisters; rape used as a deliberate weapon of terror and political control; and the deliberate destruction of farms, the irrigation systems, and food stockpiles on which this already impoverished region depends; in other words, deliberately manufactured starvation that will lead to the kind of real potential for genocide that we have seen in other places on the African Continent. We must stay alert. We must keep the focus of public opinion on this issue.

Last is a key point. Even though from 10,000 to as many as 30,000 civilians have died so far in Darfur since February, 2003, the final death numbers for 2004 and 2005 may prove far higher because of the actions that are being taken and the lack of ability for the international community to actually participate and provide assistance for the unbelievable inhumane conditions.

This is all in the context of a very difficult environment—underdeveloped, impassable roads, huge swings in the nature of the weather. It is an incredibly complex and debilitating human situation which needs to be brought to attention. While genocide may not yet have occurred in Darfur, the elements are in place. The possibility of such horrors should not be far from our minds. That is why I speak out about it on the Senate floor, and I will do it over and over. This needs to be made into something about which we have a positive sense of responsibility, both here in the United States and in the international community.

U.N. Secretary Kofi Annan has compared the genocide in Rwanda 10 years ago to events that are now unfolding. It will not be enough to go back and look, after the fact, to this kind of inhumanity to man.

We will have, later this year and next, an occasion to vow yet again, in the wake of another deliberately inflicted mass murder and disaster, to say: Never again. But we can do that now as opposed to after the fact. I hope all of us in this body, those of us who are part of the Foreign Relations Committee and are very focused on these issues, will make sure it stays a priority, although that is very hard in the complex world we have. So I hope by speaking out today and as we go forward that this Darfur situation will not fall off the radar screen.

This is a real risk of genocide evolving. I think it absolutely essential that our Government stand up, stand tall, be outspoken, make sure we are not tolerant of the developments that are so readily reported in that part of the world. It is important that we recognize it and keep it in the limelight so world public opinion can stop this kind of action before it happens.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

FAMILY OPPORTUNITY ACT OF 2003

Mr. GRASSLEY. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 295, S. 622.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 622) to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; TABLE OF CONTENTS.

[(a) SHORT TITLE.—This Act may be cited as the "Family Opportunity Act of 2003" or the "Dylan Lee James Act".

[(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

[(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

[Sec. 1. Short title; amendments to Social Security Act; table of contents.
[Sec. 2. Opportunity for families of disabled children to purchase medicaid coverage for such children.
[Sec. 3. Treatment of inpatient psychiatric hospital services for individuals under age 21 in home or community-based services waivers.
[Sec. 4. Development and support of family-to-family health information centers.
[Sec. 5. Restoration of medicaid eligibility for certain SSI beneficiaries.

[SEC. 2. OPPORTUNITY FOR FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.

[(a) STATE OPTION TO ALLOW FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.—

[(1) IN GENERAL.—Section 1902 (42 U.S.C. 1396a) is amended—

[(A) in subsection (a)(10)(A)(ii)—

[(i) by striking "or" at the end of subclause (XVII);

[(ii) by adding "or" at the end of subclause (XVIII); and

[(iii) by adding at the end the following new subclause:

["(XIX) who are disabled children described in subsection (cc)(1);"; and

[(B) by adding at the end the following new subsection:

["(cc)(1) Individuals described in this paragraph are individuals—

["(A) who have not attained 18 years of age;

["(B) who would be considered disabled under section 1614(a)(3)(C) but for having earnings or deemed income or resources (as determined under title XVI for children) that exceed the requirements for receipt of supplemental security income benefits; and

["(C) whose family income does not exceed such income level as the State establishes and does not exceed—

["(i) 250 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved; or

["(ii) such higher percent of such poverty line as a State may establish, except that—

["(I) any medical assistance provided to an individual whose family income exceeds 250 percent of such poverty line may only be provided with State funds; and

["(II) no Federal financial participation shall be provided under section 1903(a) for any medical assistance provided to such an individual.".

[(2) INTERACTION WITH EMPLOYER-SPONSORED FAMILY COVERAGE.—Section 1902(cc) (42 U.S.C. 1396a(cc)), as added by paragraph (1)(B), is amended by adding at the end the following new paragraph:

["(2)(A) If an employer of a parent of an individual described in paragraph (1) offers family coverage under a group health plan (as defined in section 2791(a) of the Public Health Service Act), the State shall—

["(i) require such parent to apply for, enroll in, and pay premiums for, such coverage as a condition of such parent's child being or remaining eligible for medical assistance under subsection (a)(10)(A)(ii)(XIX) if the parent is determined eligible for such coverage and the employer contributes at least 50 percent of the total cost of annual premiums for such coverage; and

["(ii) if such coverage is obtained—

["(I) subject to paragraph (2) of section 1916(h), reduce the premium imposed by the State under that section in an amount that reasonably reflects the premium contribution made by the parent for private coverage on behalf of a child with a disability; and

["(II) treat such coverage as a third party liability under subsection (a)(25).

["(B) In the case of a parent to which subparagraph (A) applies, a State, subject to paragraph (1)(C)(ii), may provide for payment of any portion of the annual premium for such family coverage that the parent is required to pay. Any payments made by the State under this subparagraph shall be considered, for purposes of section 1903(a), to be payments for medical assistance.".

[(b) STATE OPTION TO IMPOSE INCOME-RELATED PREMIUMS.—Section 1916 (42 U.S.C. 1396o) is amended—

[(1) in subsection (a), by striking "subsection (g)" and inserting "subsections (g) and (h)"; and

[(2) by adding at the end the following new subsection:

["(h)(1) With respect to disabled children provided medical assistance under section 1902(a)(10)(A)(ii)(XIX), subject to paragraph (2), a State may (in a uniform manner for such children) require the families of such children to pay monthly premiums set on a sliding scale based on family income.

["(2) A premium requirement imposed under paragraph (1) may only apply to the extent that—

["(A) the aggregate amount of such premium and any premium that the parent is required to pay for family coverage under section 1902(cc)(2)(A)(i) does not exceed 5 percent of the family's income; and

["(B) the requirement is imposed consistent with section 1902(cc)(2)(A)(ii)(I).

["(3) A State shall not require prepayment of a premium imposed pursuant to paragraph (1) and shall not terminate eligibility of a child under section 1902(a)(10)(A)(ii)(XIX) for medical assistance under this title on the basis of failure to pay any such premium until such failure continues for a period of not less than 60 days from the date on which the premium became past due. The State may waive payment of any such premium in any case where the State determines that requiring such payment would create an undue hardship.".

[(c) CONFORMING AMENDMENTS.—Section 1903(f)(4) (42 U.S.C. 1396b(f)(4)) is amended in the matter preceding subparagraph (A), by inserting "1902(a)(10)(A)(ii)(XIX)," after "1902(a)(10)(A)(ii)(XVIII),".

[(d) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for items and services furnished on or after October 1, 2005.

[SEC. 3. TREATMENT OF INPATIENT PSYCHIATRIC HOSPITAL SERVICES FOR INDIVIDUALS UNDER AGE 21 IN HOME OR COMMUNITY-BASED SERVICES WAIVERS.

[(a) IN GENERAL.—Section 1915(c) (42 U.S.C. 1396n(c)) is amended—

[(1) in paragraph (1)—

[(A) in the first sentence, by inserting ", or would require inpatient psychiatric hospital services for individuals under age 21," after "intermediate care facility for the mentally retarded"; and

[(B) in the second sentence, by inserting ", or would require inpatient psychiatric hospital services for individuals under age 21" before the period;

[(2) in paragraph (2)(B), by striking "or services in an intermediate care facility for the mentally retarded" each place it appears and inserting "services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21";

[(3) in paragraph (2)(C)—

[(A) by inserting ", or who are determined to be likely to require inpatient psychiatric hospital services for individuals under age 21," after ", or intermediate care facility for the mentally retarded"; and

[(B) by striking "or services in an intermediate care facility for the mentally retarded" and inserting "services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21"; and

[(4) in paragraph (7)(A)—

[(A) by inserting "or would require inpatient psychiatric hospital services for individuals under age 21," after "intermediate care facility for the mentally retarded,"; and

[(B) by inserting "or who would require inpatient psychiatric hospital services for individuals under age 21" before the period.

[(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to medical assistance provided on or after January 1, 2004.

[SEC. 4. DEVELOPMENT AND SUPPORT OF FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

[Section 501 (42 U.S.C. 701) is amended by adding at the end the following new subsection:

["(c)(1)(A) For the purpose of enabling the Secretary (through grants, contracts, or otherwise) to provide for special projects of regional and national significance for the development and support of family-to-family health information centers described in paragraph (2)—

["(i) there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated—

["(I) $3,000,000 for fiscal year 2004;

["(II) $4,000,000 for fiscal year 2005; and

["(III) $5,000,000 for fiscal year 2006; and

["(ii) there is authorized to be appropriated to the Secretary, $5,000,000 for each of fiscal years 2007 and 2008.

["(B) Funds appropriated or authorized to be appropriated under subparagraph (A) shall—

["(i) be in addition to amounts appropriated under subsection (a) and retained under section 502(a)(1) for the purpose of carrying out activities described in subsection (a)(2); and

["(ii) remain available until expended.

["(2) The family-to-family health information centers described in this paragraph are centers that—

["(A) assist families of children with disabilities or special health care needs to make informed choices about health care in order to promote good treatment decisions, cost-effectiveness, and improved health outcomes for such children;

["(B) provide information regarding the health care needs of, and resources available for, children with disabilities or special health care needs;

["(C) identify successful health delivery models for such children;

["(D) develop with representatives of health care providers, managed care organizations, health care purchasers, and appropriate State agencies a model for collaboration between families of such children and health professionals;

["(E) provide training and guidance regarding caring for such children;

["(F) conduct outreach activities to the families of such children, health professionals, schools, and other appropriate entities and individuals; and

["(G) are staffed by families of children with disabilities or special health care needs who have expertise in Federal and State public and private health care systems and health professionals.

["(3) The Secretary shall develop family-to-family health information centers described in paragraph (2) under this subsection in accordance with the following:

["(A) With respect to fiscal year 2004, such centers shall be developed in not less than 25 States.

["(B) With respect to fiscal year 2005, such centers shall be developed in not less than 40 States.

[“(C) With respect to fiscal year 2006, such centers shall be developed in not less than 50 States and the District of Columbia.

[“(4) The provisions of this title that are applicable to the funds made available to the Secretary under section 502(a)(1) apply in the same manner to funds made available to the Secretary under paragraph (1)(A).

[“(5) For purposes of this subsection, the term ‘State’ means each of the 50 States and the District of Columbia.”.

[SEC. 5. RESTORATION OF MEDICAID ELIGIBILITY FOR CERTAIN SSI BENEFICIARIES.

[(a) IN GENERAL.—Section 1902(a)(10)(A)(i)(II) (42 U.S.C. 1396a(a)(10)(A)(i)(II)) is amended—

[(1) by inserting “(aa)” after “(II)”;

[(2) by striking “) and” and inserting “and”;

[(3) by striking “section or who are” and inserting “section), (bb) who are”; and

[(4) by inserting before the comma at the end the following: “, or (cc) who are under 21 years of age and with respect to whom supplemental security income benefits would be paid under title XVI if subparagraphs (A) and (B) of section 1611(c)(7) were applied without regard to the phrase ‘the first day of the month following’ ”.

[(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to medical assistance for items and services furnished on or after the first day of the first calendar quarter that begins after the date of enactment of this Act.]

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; TABLE OF CONTENTS.

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(ii) by adding “or” at the end of subclause (XVIII); and

(iii) by adding at the end the following new subclause:

“(XIX) who are disabled children described in subsection (cc)(1);”; and

(B) by adding at the end the following new subsection:

“(cc)(1) Individuals described in this paragraph are individuals—

“(A) who have not attained 18 years of age;

“(B) who would be considered disabled under section 1614(a)(3)(C) but for having earnings or deemed income or resources (as determined under title XVI for children) that exceed the requirements for receipt of supplemental security income benefits; and

“(C) whose family income does not exceed such income level as the State establishes and does not exceed—

“(i) 250 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved; or

“(ii) such higher percent of such poverty line as a State may establish, except that—

“(I) any medical assistance provided to an individual whose family income exceeds 250 percent of such poverty line may only be provided with State funds; and

“(II) no Federal financial participation shall be provided under section 1903(a) for any medical assistance provided to such an individual.”.

(2) INTERACTION WITH EMPLOYER-SPONSORED FAMILY COVERAGE.—Section 1902(cc) (42 U.S.C. 1396a(cc)), as added by paragraph (1)(B), is amended by adding at the end the following new paragraph:

“(2)(A) If an employer of a parent of an individual described in paragraph (1) offers family coverage under a group health plan (as defined in section 2791(a) of the Public Health Service Act), the State shall—

“(i) require such parent to apply for, enroll in, and pay premiums for, such coverage as a condition of such parent's child being or remaining eligible for medical assistance under subsection (a)(10)(A)(ii)(XIX) if the parent is determined eligible for such coverage and the employer contributes at least 50 percent of the total cost of annual premiums for such coverage; and

“(ii) if such coverage is obtained—

“(I) subject to paragraph (2) of section 1916(h), reduce the premium imposed by the State under that section in an amount that reasonably reflects the premium contribution made by the parent for private coverage on behalf of a child with a disability; and

“(II) treat such coverage as a third party liability under subsection (a)(25).

“(B) In the case of a parent to which subparagraph (A) applies, a State, subject to paragraph (1)(C)(ii), may provide for payment of any portion of the annual premium for such family coverage that the parent is required to pay. Any payments made by the State under this subparagraph shall be considered, for purposes of section 1903(a), to be payments for medical assistance.”.

(b) STATE OPTION TO IMPOSE INCOME-RELATED PREMIUMS.—Section 1916 (42 U.S.C. 1396o) is amended—

(1) in subsection (a), by striking “subsection (g)” and inserting “subsections (g) and (h)”; and

(2) by adding at the end the following new subsection:

“(h)(1) With respect to disabled children provided medical assistance under section 1902(a)(10)(A)(ii)(XIX), subject to paragraph (2), a State may (in a uniform manner for such children) require the families of such children to pay monthly premiums set on a sliding scale based on family income.

“(2) A premium requirement imposed under paragraph (1) may only apply to the extent that—

“(A) the aggregate amount of such premium and any premium that the parent is required to pay for family coverage under section 1902(cc)(2)(A)(i) does not exceed 5 percent of the family's income; and

“(B) the requirement is imposed consistent with section 1902(cc)(2)(A)(ii)(I).

“(3) A State shall not require prepayment of a premium imposed pursuant to paragraph (1) and shall not terminate eligibility of a child under section 1902(a)(10)(A)(ii)(XIX) for medical assistance under this title on the basis of failure to pay any such premium until such failure continues for a period of not less than 60 days from the date on which the premium became past due. The State may waive payment of any such premium in any case where the State determines that requiring such payment would create an undue hardship.”.

(c) CONFORMING AMENDMENT.—Section 1903(f)(4) (42 U.S.C. 1396b(f)(4)) is amended in the matter preceding subparagraph (A), by inserting “1902(a)(10)(A)(ii)(XIX),” after “1902(a)(10)(A)(ii)(XVIII),”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for items and services furnished on or after October 1, 2005.

SEC. 3. TREATMENT OF INPATIENT PSYCHIATRIC HOSPITAL SERVICES FOR INDIVIDUALS UNDER AGE 21 IN HOME OR COMMUNITY-BASED SERVICES WAIVERS.

(a) IN GENERAL.—Section 1915(c) (42 U.S.C. 1396n(c)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by inserting “, or would require inpatient psychiatric hospital services for individuals under age 21,” after “intermediate care facility for the mentally retarded”; and

(B) in the second sentence, by inserting “, or would require inpatient psychiatric hospital services for individuals under age 21” before the period;

(2) in paragraph (2)(B), by striking “or services in an intermediate care facility for the mentally retarded” each place it appears and inserting “services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21”;

(3) in paragraph (2)(C)—

(A) by inserting “, or who are determined to be likely to require inpatient psychiatric hospital services for individuals under age 21,” after “, or intermediate care facility for the mentally retarded”; and

(B) by striking “or services in an intermediate care facility for the mentally retarded” and inserting “services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21”; and

(4) in paragraph (7)(A)—

(A) by inserting “or would require inpatient psychiatric hospital services for individuals under age 21,” after “intermediate care facility for the mentally retarded,”; and

(B) by inserting “or who would require inpatient psychiatric hospital services for individuals under age 21” before the period.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to medical assistance provided on or after October 1, 2004.

SEC. 4. DEVELOPMENT AND SUPPORT OF FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

Section 501 (42 U.S.C. 701) is amended by adding at the end the following new subsection:

“(c)(1)(A) For the purpose of enabling the Secretary (through grants, contracts, or otherwise) to provide for special projects of regional and national significance for the development and support of family-to-family health information centers described in paragraph (2)—

“(i) there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated—

"(I) $3,000,000 for fiscal year 2005;

"(II) $4,000,000 for fiscal year 2006; and

"(III) $5,000,000 for fiscal year 2007; and

"(ii) there is authorized to be appropriated to the Secretary, $5,000,000 for each of fiscal years 2008 and 2009.

"(B) Funds appropriated or authorized to be appropriated under subparagraph (A) shall—

"(i) be in addition to amounts appropriated under subsection (a) and retained under section 502(a)(1) for the purpose of carrying out activities described in subsection (a)(2); and

"(ii) remain available until expended.

"(2) The family-to-family health information centers described in this paragraph are centers that—

"(A) assist families of children with disabilities or special health care needs to make informed choices about health care in order to promote good treatment decisions, cost-effectiveness, and improved health outcomes for such children;

"(B) provide information regarding the health care needs of, and resources available for, children with disabilities or special health care needs;

"(C) identify successful health delivery models for such children;

"(D) develop with representatives of health care providers, managed care organizations, health care purchasers, and appropriate State agencies a model for collaboration between families of such children and health professionals;

"(E) provide training and guidance regarding caring for such children;

"(F) conduct outreach activities to the families of such children, health professionals, schools, and other appropriate entities and individuals; and

"(G) are staffed by families of children with disabilities or special health care needs who have expertise in Federal and State public and private health care systems and health professionals.

"(3) The Secretary shall develop family-to-family health information centers described in paragraph (2) in accordance with the following:

"(A) With respect to fiscal year 2004, such centers shall be developed in not less than 25 States.

"(B) With respect to fiscal year 2005, such centers shall be developed in not less than 40 States.

"(C) With respect to fiscal year 2006, such centers shall be developed in all States.

"(4) The provisions of this title that are applicable to the funds made available to the Secretary under section 502(a)(1) apply in the same manner to funds made available to the Secretary under paragraph (1)(A).

"(5) For purposes of this subsection, the term 'State' means each of the 50 States and the District of Columbia.".

SEC. 5. RESTORATION OF MEDICAID ELIGIBILITY FOR CERTAIN SSI BENEFICIARIES.

(a) IN GENERAL.—Section 1902(a)(10)(A)(i)(II) (42 U.S.C. 1396a(a)(10)(A)(i)(II)) is amended—

(1) by inserting "(aa)" after "(II)";

(2) by striking ") and" and inserting "and";

(3) by striking "section or who are" and inserting "section), (bb) who are"; and

(4) by inserting before the comma at the end the following: ", or (cc) who are under 21 years of age and with respect to whom supplemental security income benefits would be paid under title XVI if subparagraphs (A) and (B) of section 1611(c)(7) were applied without regard to the phrase 'the first day of the month following'".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to medical assistance for items and services furnished on or after October 1, 2004.

Mr. GRASSLEY. Mr. President, today, I come to the floor to talk about a bill of great significance to me. The Family Opportunity Act is a bill that I first introduced with Senator KENNEDY in the 106th Congress.

This bill promotes family, work, and opportunity. Every day, across the country, thousands of families struggle to obtain affordable and appropriate health care coverage for children with special health care needs, including children with conditions such as autism, mental retardation, cerebral palsy, developmental delays, or mental illness. Over the course of the last three Congresses, this bill has enjoyed strong bipartisan support.

Low and middle income parents who have employer sponsored family health care coverage and children with disabilities often find that their private insurance does not adequately cover the array of services that are critical to their child's well-being, such as mental health services, personal care services, durable medical equipment, special nutritional supplements, and respite care. Because Medicaid, our Nation's health care program for low-income individuals, offers the type of comprehensive care that best meets the needs of children with disabilities, it can become a lifeline on which many parents depend. Yet, Medicaid is a safety net program and one must be impoverished in order to be eligible. This presents a terrible choice for many low and middle income families who have a child with special health care needs: they must choose between work or impoverishment. Or, in the worst cases, parents consider the devastating choice of relinquishing custody for an out-of-home placement so their child can obtain services they so desperately need.

The Family Opportunity Act helps families to address the needs of children with disabilities. Some Members of the Senate have voiced concerns over the years about the cost of this bill and the expansion of the Medicaid program. Senator NICKLES and I have had many long discussions about the goals of this legislation. I greatly respect his position and I appreciate the thoughtful and productive debate that I have been able to have with him. This bill would never have gotten to this point without his help and I wholeheartedly thank him for his willingness to work through his concerns with me. The Family Opportunity Act will cover families up to 250 percent of the Federal poverty level. This is less than coverage up to 600 percent of the Federal poverty level in my original bill. Senator NICKLES and I have worked over the years to reach this compromise.

At Senator NICKLES' request, language has been added to this bill that clearly conveys the intention of Senator KENNEDY and me that States who choose the FOA optional eligibility category will receive Medicaid match and not S-CHIP match for children covered under the Family Opportunity Act. The legislation before us allows States the option of having families eligible for FOA pay up to 7.5 percent of their income for their premium. These family contributions are affordable and help to insure that children with disabilities have the access that they need.

Senator NICKLES expressed to me another concern. While States will have the option to cover families above 250 percent of the Federal poverty level with 100 percent State dollars, States need to decide how they want to spend their dollars. They should also be aware that it is not the role of the Federal Government to help them when times are financially tough. Last May, the Congress provided States with $20 billion in State fiscal relief. Ten billion went directly to Medicaid to address the rising costs in Medicaid. Over 60 percent of the spending in Medicaid is for optional services. The Family Opportunity Act is an optional service, and as much as I want States to take up this Medicaid option for children with disabilities, I want to let States know that they need to be responsible when expanding their Medicaid programs in good and bad budget times.

Senator NICKLES and I have reached a good and fair compromise and I thank him for traveling this long road with me. As he can tell you, the Family Opportunity Act is one of my highest priorities. Over the past 4 years, I have worked closely with Senator KENNEDY and Representative PETE SESSIONS to advance this important legislation on behalf of thousands of families who need our help. I thank them both for their efforts along with the thousands of children and families who have been tireless advocates for this legislation.

Mr. KENNEDY. Mr. President, it is an honor to join my colleague Senator GRASSLEY today in completing Senate passage of the Family Opportunity Act—so that once and for all, we can remove the barriers to quality and affordable health care for children with disabilities. Barriers that prevent families from staying together and staying employed. And prevent their children from growing up to live independent lives and become fully contributing members of their communities.

Many parents and leaders in communities throughout the country have worked long and hard and well to help us reach this milestone. They are parents, family members, citizens, and advocates. They are our friends, neighbors and colleagues. They showed us how we are failing families with severely disabled children by not giving them access to the health care they need to stay home and live in their community and compelled us to act. We have worked together for four long years to develop this legislation and to all of them I say, thank you for helping us to move this necessary legislation forward. You have been fearless and tireless warriors for justice.

When we think of disabled children we tend to think of children who are disabled from birth. But fewer than 10 percent of all children with disabilities are born with their disabilities. A bicycle accident or a serious fall or a serious illness can suddenly disable the healthiest child. Currently, more than 9 percent of children in this country have significant disabilities. Many do not have access to even the most basic health services they need to maintain their health status because their families cannot afford to pay for them. To obtain vital health services for their children, families are being forced to become poor, stay poor, or to do the unthinkable—put their children in institutions or even give up custody of their children—all so their children can qualify for the health coverage available under Medicaid.

In a survey of 20 States, families of special needs children reported they have turned down jobs, turned down raises, and turned down overtime—all so their child can stay eligible for Medicaid through the Social Security Income Program. The lack of adequate health care in our country today continues to force these families into poverty in order to obtain the care they need for their disabled children.

The bill we are considering today may be the most important legislation we pass this Congress. It will close the health care gap for the nation's most vulnerable population, and enable families of disabled children to be equal partners in the American dream. It will tear down artificial barriers to success which have stood for far too long. This bill will change lives.

This bill will change the life of 13-year-old Alice in Oklahoma, who was disabled because of multiple dystrophy. Under this bill she will now be able to get personal assistance to live at home with her family and go to her neighborhood school.

This bill will change the life of Johnny in Indiana, who has severe mental illness and needs multiple mental health therapies and drugs. His mother will no longer be forced to give up custody of Johnny in order to secure the treatment he needs. Her goals of staying a productive citizen and keeping her son at home will no longer be denied—because her son will have access to the health care and supports he needs.

This bill will change the life of Abby in Massachusetts, who is 6 years old and has mental retardation. Her parents are very concerned about her future. Already, she has been denied coverage by two health insurance firms because of the diagnosis of mental retardation. Without Medicaid, her parents would be bankrupted by her current medical bills. Now Abby and her family will have a fair opportunity to work and prosper.

The Family Opportunity Act will make health insurance coverage more widely available for children with significant disabilities, by giving families opportunities to buy health care coverage through Medicaid. It will provide States with greater flexibility to enable children with mental health disabilities to obtain the health services they need in order to live at home and in their communities. It will establish Family to Family Information Centers in each State to assist families in meeting the unique health care needs of their disabled children.

The passage of the Work Incentives Improvement Act in 1999 demonstrated our commitment to give adults with disabilities the right to lead independent and productive lives, without giving up their health care. It's time for Congress to show the same commitment to children with disabilities and pass the Family Opportunity Act.

These families aren't looking for a hand out—just a helping hand. Today, the Senate will move one step closer to providing it to them.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the substitute amendment at the desk be agreed to, the committee-reported substitute as amended be agreed to, the bill as amended be read a third time and passed, the motions to reconsider be laid upon the table en bloc, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3119) was agreed to, as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Family Opportunity Act of 2004" or the "Dylan Lee James Act".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; table of contents.
Sec. 2. Opportunity for families of disabled children to purchase medicaid coverage for such children.
Sec. 3. Treatment of inpatient psychiatric hospital services for individuals under age 21 in home or community-based services waivers.
Sec. 4. Development and support of family-to-family health information centers.
Sec. 5. Restoration of medicaid eligibility for certain SSI beneficiaries.

SEC. 2. OPPORTUNITY FOR FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.

(a) STATE OPTION TO ALLOW FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.—

(1) IN GENERAL.—Section 1902 (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10)(A)(ii)—

(i) by striking "or" at the end of subclause (XVII);

(ii) by adding "or" at the end of subclause (XVIII); and

(iii) by adding at the end the following new subclause:

"(XIX) who are disabled children described in subsection (cc)(1);"; and

(B) by adding at the end the following new subsection:

"(cc)(1) Individuals described in this paragraph are individuals—

"(A) who have not attained 18 years of age;

"(B) who would be considered disabled under section 1614(a)(3)(C) but for having earnings or deemed income or resources (as determined under title XVI for children) that exceed the requirements for receipt of supplemental security income benefits; and

"(C) whose family income does not exceed such income level as the State establishes and does not exceed—

"(i) 250 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; or

"(ii) such higher percent of such poverty line as a State may establish, except that—

"(I) any medical assistance provided to an individual whose family income exceeds 250 percent of such poverty line may only be provided with State funds; and

"(II) no Federal financial participation shall be provided under section 1903(a) for any medical assistance provided to such an individual.".

(2) INTERACTION WITH EMPLOYER-SPONSORED FAMILY COVERAGE.—Section 1902(cc) (42 U.S.C. 1396a(cc)), as added by paragraph (1)(B), is amended by adding at the end the following new paragraph:

"(2)(A) If an employer of a parent of an individual described in paragraph (1) offers family coverage under a group health plan (as defined in section 2791(a) of the Public Health Service Act), the State shall—

"(i) require such parent to apply for, enroll in, and pay premiums for, such coverage as a condition of such parent's child being or remaining eligible for medical assistance under subsection (a)(10)(A)(ii)(XIX) if the parent is determined eligible for such coverage and the employer contributes at least 50 percent of the total cost of annual premiums for such coverage; and

"(ii) if such coverage is obtained—

"(I) subject to paragraph (2) of section 1916(h), reduce the premium imposed by the State under that section in an amount that reasonably reflects the premium contribution made by the parent for private coverage on behalf of a child with a disability; and

"(II) treat such coverage as a third party liability under subsection (a)(25).

"(B) In the case of a parent to which subparagraph (A) applies, a State, subject to paragraph (1)(C)(ii), may provide for payment of any portion of the annual premium for such family coverage that the parent is required to pay. Any payments made by the State under this subparagraph shall be considered, for purposes of section 1903(a), to be payments for medical assistance.".

(b) STATE OPTION TO IMPOSE INCOME-RELATED PREMIUMS.—Section 1916 (42 U.S.C. 1396o) is amended—

(1) in subsection (a), by striking "subsection (g)" and inserting "subsections (g) and (h)"; and

(2) by adding at the end the following new subsection:

"(h)(1) With respect to disabled children provided medical assistance under section

1902(a)(10)(A)(ii)(XIX), subject to paragraph (2), a State may (in a uniform manner for such children) require the families of such children to pay monthly premiums set on a sliding scale based on family income.

"(2) A premium requirement imposed under paragraph (1) may only apply to the extent that—

"(A) in the case of a disabled child described in that paragraph whose family income does not exceed 250 percent of the poverty line, the aggregate amount of such premium and any premium that the parent is required to pay for family coverage under section 1902(cc)(2)(A)(i) does not exceed 7.5 percent of the family's income; and

"(B) the requirement is imposed consistent with section 1902(cc)(2)(A)(ii)(I).

"(3) A State shall not require prepayment of a premium imposed pursuant to paragraph (1) and shall not terminate eligibility of a child under section 1902(a)(10)(A)(ii)(XIX) for medical assistance under this title on the basis of failure to pay any such premium until such failure continues for a period of not less than 60 days from the date on which the premium became past due. The State may waive payment of any such premium in any case where the State determines that requiring such payment would create an undue hardship.".

(c) CONFORMING AMENDMENT.—Section 1903(f)(4) (42 U.S.C. 1396b(f)(4)) is amended in the matter preceding subparagraph (A), by inserting "1902(a)(10)(A)(ii)(XIX)," after "1902(a)(10)(A)(ii)(XVIII),".

(d) RULE OF CONSTRUCTION.—Notwithstanding any other provision of law, nothing in the amendments made by this section shall be construed as permitting the application of the enhanced FMAP (as defined in section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)) to expenditures that are attributable to disabled children provided medical assistance under section 1902(a)(10)(A)(ii)(XIX) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XIX)) (as added by subsection (a) of this section).

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for items and services furnished on or after October 1, 2006.

SEC. 3. TREATMENT OF INPATIENT PSYCHIATRIC HOSPITAL SERVICES FOR INDIVIDUALS UNDER AGE 21 IN HOME OR COMMUNITY-BASED SERVICES WAIVERS.

(a) IN GENERAL.—Section 1915(c) (42 U.S.C. 1396n(c)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by inserting ", or would require inpatient psychiatric hospital services for individuals under age 21," after "intermediate care facility for the mentally retarded"; and

(B) in the second sentence, by inserting ", or would require inpatient psychiatric hospital services for individuals under age 21" before the period;

(2) in paragraph (2)(B), by striking "or services in an intermediate care facility for the mentally retarded" each place it appears and inserting "services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21";

(3) in paragraph (2)(C)—

(A) by inserting ", or who are determined to be likely to require inpatient psychiatric hospital services for individuals under age 21," after ", or intermediate care facility for the mentally retarded"; and

(B) by striking "or services in an intermediate care facility for the mentally retarded" and inserting "services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21"; and

(4) in paragraph (7)(A)—

(A) by inserting "or would require inpatient psychiatric hospital services for individuals under age 21," after "intermediate care facility for the mentally retarded,"; and

(B) by inserting "or who would require inpatient psychiatric hospital services for individuals under age 21" before the period.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to medical assistance provided on or after October 1, 2006.

SEC. 4. DEVELOPMENT AND SUPPORT OF FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

Section 501 (42 U.S.C. 701) is amended by adding at the end the following new subsection:

"(c)(1)(A) For the purpose of enabling the Secretary (through grants, contracts, or otherwise) to provide for special projects of regional and national significance for the development and support of family-to-family health information centers described in paragraph (2)—

"(i) there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated—

"(I) $3,000,000 for fiscal year 2006;

"(II) $4,000,000 for fiscal year 2007; and

"(III) $5,000,000 for fiscal year 2008; and

"(ii) there is authorized to be appropriated to the Secretary, $5,000,000 for each of fiscal years 2009 and 2010.

"(B) Funds appropriated or authorized to be appropriated under subparagraph (A) shall—

"(i) be in addition to amounts appropriated under subsection (a) and retained under section 502(a)(1) for the purpose of carrying out activities described in subsection (a)(2); and

"(ii) remain available until expended.

"(2) The family-to-family health information centers described in this paragraph are centers that—

"(A) assist families of children with disabilities or special health care needs to make informed choices about health care in order to promote good treatment decisions, cost-effectiveness, and improved health outcomes for such children;

"(B) provide information regarding the health care needs of, and resources available for, children with disabilities or special health care needs;

"(C) identify successful health delivery models for such children;

"(D) develop with representatives of health care providers, managed care organizations, health care purchasers, and appropriate State agencies a model for collaboration between families of such children and health professionals;

"(E) provide training and guidance regarding caring for such children;

"(F) conduct outreach activities to the families of such children, health professionals, schools, and other appropriate entities and individuals; and

"(G) are staffed by families of children with disabilities or special health care needs who have expertise in Federal and State public and private health care systems and health professionals.

"(3) The Secretary shall develop family-to-family health information centers described in paragraph (2) in accordance with the following:

"(A) With respect to fiscal year 2006, such centers shall be developed in not less than 25 States.

"(B) With respect to fiscal year 2007, such centers shall be developed in not less than 40 States.

"(C) With respect to fiscal year 2008, such centers shall be developed in all States.

"(4) The provisions of this title that are applicable to the funds made available to the Secretary under section 502(a)(1) apply in the same manner to funds made available to the Secretary under paragraph (1)(A).

"(5) For purposes of this subsection, the term 'State' means each of the 50 States and the District of Columbia.".

SEC. 5. RESTORATION OF MEDICAID ELIGIBILITY FOR CERTAIN SSI BENEFICIARIES.

(a) IN GENERAL.—Section 1902(a)(10)(A)(i)(II) (42 U.S.C. 1396a(a)(10)(A)(i)(II)) is amended—

(1) by inserting "(aa)" after "(II)";

(2) by striking ") and" and inserting "and";

(3) by striking "section or who are" and inserting "section), (bb) who are"; and

(4) by inserting before the comma at the end the following: ", or (cc) who are under 21 years of age and with respect to whom supplemental security income benefits would be paid under title XVI if subparagraphs (A) and (B) of section 1611(c)(7) were applied without regard to the phrase 'the first day of the month following'".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to medical assistance for items and services furnished on or after January 1, 2006.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time and passed.

EXECUTIVE SESSION

NOMINATION OF JOHN D. NEGROPONTE, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRAQ

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of John D. Negroponte, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iraq.

The PRESIDING OFFICER. There is 5½ hours equally divided. Who yields time?

The Senator from Indiana.

Mr. LUGAR. Mr. President, I direct a parliamentary inquiry to the Chair. Would the Chair describe at the outset of this debate the unanimous consent agreement and the allocation of 5½ hours of time?

The PRESIDING OFFICER. The 5½ hours for debate is equally divided between the chairman and the ranking member of the committee.

Mr. LUGAR. Mr. President, I yield myself as much time as I require.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LUGAR. Mr. President, today the Senate considers the nomination of Ambassador John Negroponte to be U.S. Ambassador to Iraq. This position will clearly be one of the most consequential ambassadorships in American history. The Ambassador to Iraq not only will be called upon to lead an estimated 1,700 embassy personnel—1,000 Americans from as many as 15 different agencies of our Federal Government, and 700 Iraqis—but he will also be the focal point of international efforts to secure and reconstruct Iraq and to provide the developing Iraqi government with the opportunity to achieve responsible nationhood.

American credibility in the world, progress in the war on terrorism, relationships with our allies, and the future of the Middle East depend on a positive outcome in Iraq. What happens there during the next 18 months almost certainly will determine whether we can begin to redirect the Middle East toward a more productive and peaceful future beyond the grip of terrorist influences. Helping the Iraqi people achieve a secure, independent state is a vital United States national security priority that requires the highest level of national commitment. With so much at stake, I am pleased the President has nominated a veteran diplomat and manager to lead the American presence in Iraq.

Ambassador John Negroponte has served as U.S. Ambassador to Honduras, to Mexico, and to the Philippines. He has also served as an Assistant Secretary of State and Deputy Assistant for National Security Affairs under President Ronald Reagan. He has been the U.S. Ambassador to the United Nations since September 18, 2001, 7 days after the September 11 attacks. The contacts and credibility he has developed at the United Nations will be invaluable.

If we are to be successful in Iraq, the United Nations and the international community must play a more central role. The United Nations' involvement can help us generate greater international participation, improve the political legitimacy of the interim Iraqi government, and take the American face off of the occupation of Iraq. The appointment of an ambassador who occupies such a high and visible post underscores for our coalition partners and the Iraqis that the American commitment to Iraq is strong and we mean to succeed.

In April, the Foreign Relations Committee held three hearings to examine whether American and Iraqi authorities are ready for the transition to Iraqi sovereignty on June 30. These hearings greatly advanced our understanding of the situation in Iraq and answered many questions. We will hold additional hearings this month to monitor developments and to illuminate for the American people the challenges and responsibility we face in Iraq.

The President and other leaders, including Members of Congress, must communicate with the American people about our plan in Iraq. American lives will continue to be at risk in Iraq, and substantial American resources will continue to be spent there for the foreseeable future. I am convinced that the confidence and commitment demonstrated by the pronouncement of a flexible but detailed plan for Iraq is necessary for our success, and such a plan would prove to our allies and to Iraqis that we have a strategy and we are committed to making it work. If we cannot provide this clarity, we risk the loss of support of the American people, the loss of potential contributions from our allies, and the disillusionment of Iraqis.

During Foreign Relations Committee hearings, I posed six detailed questions as a way of fleshing out a plan for Iraq. Answers to these questions would constitute a coherent transition strategy.

We discussed issues surrounding Ambassador Brahimi's efforts, the status of American Armed Forces in Iraq after the transition, the role of the U.N. Security Council resolutions, plans for elections, the composition of the U.S. Embassy, efforts to provide security for its personnel, and how we intend to pay for the continued U.S. involvement in Iraq.

Under Secretary of State Mark Grossman testified about the reporting of engaging the interim Iraq government as soon as it is selected. We cannot simply turn on the lights in the Embassy on June 30 and expect everything to go well. We must be rehearsing with Iraqi authorities and our coalition partners on how decisionmaking and administrative power will be distributed and exercised.

It is critical, therefore, that Ambassador Negroponte and his team be in place at the earliest possible moment. For this reason, the Foreign Relations Committee made a bipartisan decision to take up Ambassador Negroponte's nomination in an expedited fashion. Processing the diplomatic nomination often requires weeks and sometimes months from the time the President announces it. Through the diligent efforts of the State Department and our own committee staff on both sides of the aisle, we accelerated the normal timetable to give Ambassador Negroponte and the administration a chance to stand up the U.S. Embassy in Iraq as soon as possible.

I thank Senator JOE BIDEN and all the members of the Foreign Relations Committee for their help in moving this nomination forward unanimously.

Ambassador Negroponte, with the support of his family, has made an extraordinary personal commitment to undertake this difficult assignment. Our Nation is fortunate that a leader of his stature and experience is willing to step forward. The Senate must do our part by supporting his efforts with the necessary attention and resources by allowing him to take his post as soon as possible.

I am grateful to the leaders on both sides of the aisle for allowing us to commence this debate this morning.

I add that Ambassador Negroponte's appearance before the Foreign Relations Committee—that led to a business meeting and the unanimous vote 19 to 0 on behalf of this nomination—was very important in terms of fleshing out the plan I mentioned in this comment.

We specifically asked Ambassador Negroponte questions regarding what could be very difficult conversations even within our own Government—specifically, a chain of command with the Ambassador, the Embassy, with the thousand Americans from 12 to 15 agencies, as submitted in Under Secretary Mark Grossman's testimony, that these people coordinate the chain of command responsible for security in Iraq, the chain of command going from the President of the United States as Commander in Chief through the Secretary of Defense and through the Pentagon, through General Abizaid and General Sanchez presently on the ground in command in Iraq. We asked specifically: What if there are disagreements or differences of judgment as to how the security functions ought to proceed, given political considerations, given international considerations that Ambassador Negroponte, if confirmed, would bring to the fore? These are issues that can only be worked out in the field. But it is important to raise the issues now.

Our current CPA Director, Ambassador Jerry Bremmer, understands this situation very specifically. He told me in a telephone conversation yesterday that he has been visiting with General Abizaid and General Sanchez specifically on these issues.

It is important for Ambassador Negroponte to be confirmed, to be a part of this conversation at the earliest possible moment.

Ambassador Negroponte responded to our questioning by pointing out that he will physically be in New York during many days of this month because of his responsibilities as our Ambassador to the U.N. and that is a very important and pivotal position in the Iraq planning.

Ambassador Negroponte returned, in fact, from our public hearing before the Foreign Relations Committee to the U.N. to consult with Ambassador Brahimi who was, in fact, making a presentation before the Security Council that very afternoon.

Ambassador Brahimi is now in Iraq. He is, once again, proceeding through consultation with Iraq authorities and others. He estimates around the 1st of June coming forward with those who have been suggested by all parties to be the interim government: Apparently, 29 persons, including a Prime Minister, a President, two Vice Presidents, 25 members of the consulting counsel.

It is very important, and we asked Ambassador Negroponte about this issue, that Ambassador Negroponte and those who he is going to have with him—he has mentioned a DCM, Mr. Jeffrey, probably onboard within the next 10 days in Baghdad—be in consultation with the 29 members, if they prove to be acceptable to the Iraqis and to other parties involved because, in addition to conversations between our Ambassador and the chain of command, there will need to be intensive consultation with the Iraqi leadership to which this measure of sovereignty is to be extended beginning July 1.

On security issues and likewise on political issues, Ambassador Negroponte understands the Iraqi officials will believe, correctly, that the governors of Iraq have Iraqi constituents, that on their part, as described in our hearing, there could be a certain amount of push-back from time to time by what they think are American measures or decisions that are not wise, in their judgment, for either the security or the politics or the economy of Iraq.

Accommodating these three channels of thought requires what I describe as a time for rehearsal during June. Before the curtain opens July 1, it is extremely important that all of these parties have had intensive conversations, because the success demands—at least of the Iraqi transition government, working with Ambassador Brahimi and other U.N. officials on the plans for elections now estimated to occur anytime from the end of December of this year to January of calendar 2005—those preparations go smoothly.

These elections are the basis that many Iraqis have suggested provide legitimacy for some Iraqis then to proceed to build a constitution and a structure for governance of the country while security is provided by Americans, by other coalition members, and increasingly, apparently by the Iraqis themselves, and as the vetting of those who were previously in the army takes place, the continuing training of police so not only numbers are increased but equally important the quality of service and, therefore, the possibility for a security situation that involves Iraqis and the expertise they may bring to that, well coordinated with the military figures we have onboard now.

In our hearing, we also raised with Ambassador Negroponte the probability of a U.N. Security Council resolution that brings some certainty to these arrangements I have been describing and does so at least in as timely a way as possible. Clearly, Ambassador Negroponte's current duties—he has worked with colleagues on the Security Council—will be very important in the careful drafting and execution of that resolution. He believes it is important, and so do members of our committee.

Likewise, we would like to see worked out, although this may not be possible, after July 1, the greatest possible certainty about the status of our forces and the forces of other foreign countries that are a part of the coalition in Iraq—that issue is not at all a certainty—and precisely who is competent, given the governance situation to give it is still an open question, but it is a question that must be resolved. That is why we have laid it on the table as a part of our confirmation proceeding with Ambassador Negroponte.

We have asked the Ambassador, likewise, about his enthusiasm for this post. I simply want to say, as I have in my earlier comments, we admire his ability to take hold on fairly short notice of such a momentous responsibility. He is a professional in every sense of the word, a man of great experience.

The committee was mindful from previous confirmation hearings on Ambassador Negroponte that questions have been raised about his tenure in Honduras. There have been, at the time of his U.N. confirmation, those questions and others, at least, that members had.

I mention this because this has not always been smooth sailing with regard to these confirmation proceedings, nor should it be. Our members take very seriously what happens in various countries during the tenure of Ambassadorships or what has been taking place at the United Nations during the current responsibilities of Ambassador Negroponte.

The committee also is mindful simply of the hazards, the dangers, the political and security difficulties, that will attend not only our Ambassador but all of our American personnel who may be proceeding to set up the largest embassy we have had in any country at any time, in a very short period of time, in which responsibilities have to be carefully defined.

I am pleased a great number of brave Americans have, in fact, stepped forward and volunteered for positions in the American Embassy complex, not only as a part of the State Department contingent, but from the other agencies that will be represented. That is the spirit with which Ambassador Negroponte approaches this responsibility. I find it not only admirable but very fulfilling to see and to witness this kind of responsiveness on his part.

Therefore, it is a privilege to commence this debate, indicating the nature of our hearing and the nature of other hearings we have had on Ambassador Negroponte in the past and our observation of his conduct and his achievements as an American public servant over the years. I believe the record is very complete on those achievements and on his qualifications. I am most hopeful during the course of the day our debate will do much to boost the prospects for his success and will lead to a favorable vote of confirmation for him.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise to speak to the Negroponte nomination. Let me begin where I end up: I think we owe Ambassador Negroponte and his wife Diana, quite frankly, a debt of gratitude. It takes political courage, physical courage, and moral courage to take on this assignment. I cannot think in my years in the Senate of a circumstance where we have placed an individual into a position where the degree of difficulty in accomplishing his mission has been as high and the stakes as profound as Ambassador Negroponte is being positioned now.

It is unusual, in all my years here of speaking to and voting on the Ambassadorships and positions of the State Department, for me to start off by thanking the nominee for being willing to take on this responsibility.

Although the circumstance we find ourselves in in Iraq, I think, is still redeemable, the degree of difficulty in accomplishing our mission has been made extraordinarily more difficult by the events of the past year and particularly by the revelations of the past several days.

Let me define at the outset once again—and I apologize to my friend and my chairman for having to hear me say this again and again and again and again and again—what I would consider to constitute success, what our mission is. For me—and I have said this from before we went in, and consistently since then—it is leaving the Iraqi people with a representative government of their choosing that is secure within its own borders and poses no threat to its neighbors and does not possess or seek to possess weapons of mass destruction or harbor terrorists. That is difficult but doable. It is my hope that if we are able to help the Iraqi people accomplish that, in time they could build political and economic institutions that we would recognize as a liberal democracy. But I want to make it clear what I believe the test of success or failure is.

Unfortunately, the Negroponte nomination has been swamped by the debate and the crisis we now face in Iraq and in the Middle East. So it is necessary to talk about the policy in Iraq more than about the personality of the individual we are about to put in place to carry out American policy.

As complicated as Iraq seems, in one sense it is fairly simple. We have three basic options as a nation. One, we can continue to try to seek the objective I have stated, or even a broader objective of liberal democratization on the western model as some in the administration state, by ourselves in the hope that more of the same of we have been prescribing will bring about success.

Or we can conclude—as some have in this body, although they have refrained from stating it; as some have in the American public, and they have stated it; and as some serious press people and political pundits and think-tank types have—that this is not doable, meaning the objective I stated, and that we should figure out how, as rapidly as possible, to leave Iraq before it implodes.

There is a third option, which seems to me the only rational option, notwithstanding the fact that the degree of difficulty has increased; and that is, we can get the Iraqi people more engaged and the world's major powers to help us invest in helping the Iraqi people accomplish the goal of self-government. Nothing, in my view, from this point on will be easy—nothing. Not a single aspect of this undertaking will be easy.

The chairman and I, from different perspectives, independently have been characterized as critics of administration policy. We both voted for this. We both, in differing degrees, but I think on balance in agreement, laid out—this is not 20/20 hindsight—how difficult we thought the task would be before we went in, and the predicates that should have been laid down to increase the prospects of success before we went in, and have independently, together and with others, from the moment we went in, met privately, publicly, within the committee and through our personal relationship, with administration officials and others, argued for a different approach or a ratcheting up of the effort in Iraq in a way that could and would allow for legitimacy for whatever government came forward and more security on the ground. Because security is a precondition, in my view, for getting the Iraqi people into a position where they are willing to take the risk—and there will be risk—of raising their heads in an effort to form a government that is not an Iranian model and not a strongman model.

This has been made more difficult by the fact that, in my view—speaking for myself only—we have squandered every opportunity since the statue of Saddam was pulled down by ropes. Since that moment we have squandered every major opportunity we have had to get this endeavor on the right track. I want to make clear for anyone who is listening that an incredibly large dose of humility is in order for anyone who stands and suggests that they know the answer in Iraq. I am not suggesting that I know with any degree of certainty whether the prescription that I and others laid out in detail in July, August and September the year before we went to war, in innumerable speeches and presentations on the Senate floor and other places since we went to war, whether if had every single thing that I and others had suggested been done, I could guarantee the American public I am certain we would succeed.

This is an incredible undertaking. There has been no time in the history of the modern nation state where what we are attempting to do in that region of the world has succeeded.

As I said to Ambassador Bremer, when Mr. Talwar and I were there a few months after Saddam fell: "Mr. Ambassador, I want you to understand that I believe if the Lord Almighty came down and gave you the absolute correct answer to the first 20 major decisions you have to make, you still only have a 65 percent of getting this right."

I want to make clear, I understand this is a difficult deal. I understand that mistakes would be made no matter who had been President, no matter who had been in charge. But I do think we put ourselves in a position where we started off this occupation having made three very fundamental mistakes that have to be corrected.

One, we can correct. I believe the administration significantly exaggerated the imminence of the threat posed by Saddam, thereby squandering an opportunity to build the international consensus we needed, not to win the war but secure the peace. Committee reports we wrote, Democrats and Republicans in the committee, repeatedly started off saying: We do not need international help to win the war, but it will be essential in winning the peace.

As a consequence of the exaggeration of the threat in terms of how imminent it was, we squandered the opportunity to isolate the French and the Germans, who I believe were taking advantage of President Bush's misstatements and/or mistakes—unfairly taking advantage. We lost and squandered the opportunity to isolate them and, as a consequence of that, at the same time to generate much broader international support so when we did go, there was a genuine coalition; that there was more legitimacy for the undertaking from the outset.

The second serious mistake we made is going in with too few forces, squandering the opportunity to wipe out the Republican Guard, to prevent looting and street crime, to secure nearly 1 million tons of weapons that are now being used against our troops that were left in open depots, to avoid a security vacuum that is now being filled by common criminals, insurgents and rogue militias, and outside "foreign fighters." It was not as if this was not a topic of debate before we went. The way we treated and approached the Turks when we wanted the 4th ID to come through, the arrogance of suggesting that we didn't need that, we could still move anyway. What would be the status, I ask my friend from Connecticut, of the Sunni triangle, had the 4th ID come down from the north through the Kurdish area into the triangle?

Can I guarantee it would have been crushed? No. Can I say with certainty we would be better off than we are now? Yes. We went with too little force, too little power.

That brings us to the third fundamental mistake we made—and I say this not to criticize but to set up what I think we have to do from this point on. If we can't determine individually or collectively what the mistakes were that put us in this position, how in the devil are we going to get to the right decision now, if there is one? The third fundamental mistake in getting this right was, we went in with too little legitimacy. Not only didn't we have the rest of the world with us, we decided for some reason unknown to me—and I don't want to bash anybody—that Ahmed Chalabi and the expatriates were the answer to legitimacy, and that initially General Garner, on the one hand, and Chalabi on the other, would move along very quickly.

As a consequence, we squandered the opportunity to generate wider support inside Iraq and in the Arab world and among the major powers.

Now I have to add to the list of serious mistakes that were made these horribly degrading abuses of jailed Iraqis that have made the problem exponentially worse. I don't pretend to be an expert on Islam. I don't pretend to be an expert in terms of the culture in the Arab world.

But I, like my chairman, have gone out and tried to hire for my staff serious experts. I have, as he has and my friend from Connecticut has and my friend from New Mexico has—we have, over the last couple of years, sought out the most informed voices in this country about Islam, about the Arab culture. I went so far, 2½ years or 3 years ago, as to go to Harvard and hire a professor whose expertise is Islam, because I was aware of how little I knew about the 1.2 billion Muslims in the world.

One of the fairly clear conclusions I have arrived at, which is no revelation to anyone, is that, as horrible as this sounds, we probably would have done less damage to our image and our legitimacy and our motive had the Iraqi prisoners been shot, like Saddam and other despots in that region do, than to have forced them, in some circumstances at least, to engage in degrading, sexually embarrassing, humiliating positions.

If I am not mistaken, a picture I saw in the paper today was of a naked Iraqi prisoner with a leash around his neck. There are certain things that certain cultures take on as a degree of gravity and depravity that don't occur in other communities.

So now these mistakes have complicated our mission and, I believe, genuinely jeopardized our objective: a stable Iraq, with a representative government that poses no threat to its neighbors, does not possess weapons of mass destruction, or cradle terrorists.

To find our way from here, it seems to me we have to go back to first principles. I think one of those first principles is that we cannot want freedom for the Iraqi people more than they want it. My premise has been—and it is beginning to evaporate—that the vast silent majority of Iraqis want freedom. They want a representative government, but they have been brutalized for three decades and they have learned to keep their heads down, not merely as a consequence of the despot who ruled them, but also because of a sense that the outside world won't stick with them. So they are keeping a pretty low profile. Consequently, the "insurgents" and others are the face of Iraq, in many cases right now.

The second part of the first principle is that we have to create a condition on the ground which will let them raise their heads above the crowd and begin to take charge of their own country. The most important condition, in my view—so you understand where I am coming from—the necessary precondition for that is security in the neighborhood, security in the streets, security so you can send your daughter from your home to the corner store to pick up sundries needed for the meal. That is the overwhelming majority of Iraqis, in the personal experience of all of us who have been there, as well as what the polling data shows.

So that raises a very difficult question: How could we create security or a condition for security? There is no single step, in my view, that we can take. There is a coordinated series of steps that would move us toward real security in Iraq for the purpose of letting the Iraqis begin to work out their own governmental circumstances. The first is very unpopular. As my Democratic friends here can tell you, when I raise it in the caucus, it is not very popular. One is more American troops now.

I have, as you have, surveyed not only the existing military force and generals, but I have been in contact recently with a total of seven former CENTCOM commanders, supreme allied commanders, and/or generals in charge of the distribution of our forces for the Joint Chiefs of Staff over the last several years. There is an absolutely common thread they all have. They have differences as to how many troops we could garner quickly and from where we could get them. But they all agree on several things. We need more troops, if only for troop protection. We clearly need more troops, as well, to begin to create the environment of greater security on the ground. These generals also tell me—these are four-star folks, people who have run these shows—that we need to demonstrate our resolve to our NATO friends, European friends, Arab friends, Pakistani friends, all of whom have the capacity to help us in one form or another in this. But as strange as it sounds to us, they are doubtful of our commitment. Are we going to stay? So I think we need more forces.

Do I expect any Delawarean listening to this to be happy with me saying that? No, not one. Am I frustrated that the failure to have the forces we recommended, that General Shinseki recommended, and others recommended but was not followed puts me in the position of being the guy calling for more forces? Purely personally, it makes me angry that I am in the spot of having to be the one to deliver bad news to folks at home, as if this is my idea. But the fact is, no matter what we say, in my view, security requires more force.

It is going to require more sacrifice from the middle class and the poor. We have to do a much better job of sharing the burden here. I want to warn everybody now. I am going to vote for more money for Iraq, but I will introduce my amendment again, that people who are willing and able to pay for it now—pay for it, us, and not hand the bill to my granddaughters. I will get back to that at another time.

The second thing in terms of security that we have to do is get a buy-in from the world's major powers. It is going to be years before Iraq can handle their own security. But we cannot sustain the effort on our own for years. We are providing nearly 90 percent of the troops, taking 90 percent of the non-Iraqi casualties, and spending the bulk of the reconstruction costs. Our troops have to be bolstered with troops from NATO, from India and Pakistan, and from the region.

Am I suggesting to you that I am naive enough to think we can do it in a big way now? No. But I have done the homework we have all done. I have spoken with our Supreme Allied Commander; I have gone to NATO; I have sat down with these generals. This is what they tell me.

Immediately, if there is a consensus among our NATO allies, we could get somewhere between as few as 3,000 and as many as 7,000 NATO troops. Immediately they could take over the border patrol. Immediately they could take over what is left in the north, although we depleted many of our forces in the north in the Kurdish area, and/or coordinate the Polish division in the south, freeing up American forces that are now doing those functions.

Why is that important? You say: BIDEN, out of 150,000, 160,000 folks, another 3,000, 4,000, 5,000, 6,000 troops are not going to make much difference here. I argue it makes a significant difference in the buy-in of the major powers in the world. That, in turn, would open the door for an appropriate resolution authorizing—this from the U.N., not U.N. blue helmets—an authorization for NATO forces. I believe that would bring in, with a lot of diplomacy and Presidential leadership, significant numbers of troops from India, Pakistan, Bangladesh, and from the region. But it is a process.

I do not know what the folks in South Carolina are saying, but I know what they are saying in Delaware: "I ain't doing this alone, JOE." And they know if NATO is in, the prestige of the major powers is on the line, as well as ours, to stay the course.

Our troops have to be bolstered and NATO and the surrounding Arab countries must be convinced to take on the urgent responsibility of training Iraqi armed forces and police.

I might add, the Germans and the French offered that right after Saddam's statue fell if, in fact, we were willing to get authorization for that from the U.N.

The neighboring Arab countries are fully capable of training some of these forces. Clearly, the Europeans have even greater experience in training police forces, all of which are urgently needed.

Many say this cannot be done. I know from the very serious people in the press, they look at me and privately say to me: Senator, great idea, too late, man; get real. What can really be done?

Look, the President does not collect his paycheck—no President collects his paycheck—by managing. He gets paid to lead.

We had before our committee two men I have high regard for, Mark Grossman from the State Department and Peter Rodman from the Defense Department. I asked Secretary Rodman what we're doing to get NATO to participate. He said, and I'm paraphrasing here: We have already asked, which is mildly disingenuous. I do not know anybody who has been here very long who can name for me anything, other than declaring article V invoked, that NATO has done spontaneously without U.S. leadership without a specific plan being brought to NATO, sold to NATO, and negotiating with NATO in Brussels through Presidential leadership. The President has to commit to sell this.

Going to the U.N. is necessary, but it is not sufficient. Let's not get into this sort of ideological war that has taken place in the 30 years I have been here about the U.N. The President has to win support of key countries first before he goes to the U.N., or before someone goes to the U.N., and then the U.N. has to engage a Security Council resolution to give those major countries the political justification for going to their constituencies and saying: I want to get in a deal you didn't want me in, in the first place; it looks like it is going bad now, but is necessary for our security—ours, meaning France, England, Germany, wherever, any country.

The President should immediately, in my view, in light of the recent revelations convene a summit of the major powers with the most at stake in Iraq, including those from the Arab world. The objectives for this group should be to endorse the Brahimi plan for a caretaker government, propose a senior international figure to referee the political disputes that are going to take place between June 30 and elections being held in January, and call for and authorize a multinational security force under NATO command and U.S. leadership to be the vehicle that provides the security.

Then, as a final step, I think this group—call it a new contact group—should go to the U.N. and seek a security council blessing for this agreement.

I have no illusions about the U.N. being able to bring anything special to Iraq, but its blessing is necessary to provide political cover to leaders whose people oppose the war and who will now be asked to sacrifice to build the peace. To paraphrase George Will, it may be a necessary mask to hide the American face. And George Will is no fan of the U.N.

Simultaneously, the President should be going to NATO. NATO cannot take it on right away, and I will not go back through this again, but it can do a lot. It would free up, I am told, as many as 20,000 American troops, open the door to participation by countries such as India and Pakistan, and send an important message to the American people that we are not bearing the security burden in Iraq virtually alone.

By the way, when I go home, the people say to me: Well, the Brits are with us, JOE? Americans do not know there are only 7,500 Brits there, God bless them, in all their bravery—7,500. We have, what, 160,000 Americans in the region? As JOHN KERRY suggested, it seems to me we should also make the training of Iraqi security forces a much more urgent mission than we have thus far but we must understand it will take time and that it needs to be done right.

When I was in Iraq last summer, our specialists told me it would take five years to recruit and train a police force of 75,000 and three years to recruit and train an army of 40,000. Instead, the Administration rushed 150,000 Iraqis into uniform with minimal vetting and training. When trouble came, many abandoned their posts.

Here, too, other countries could play a potentially decisive role. For example, the Europeans have greater expertise than we do in training police. Even the French told me that under the right conditions they would be willing to train Iraqi police. Our friends in the region, including Jordan, Egypt, and Morocco, could host training sessions for Iraqi police, border security forces, and the military. They could, in fact, take American-trained Arab officers from Morocco, Egypt, and Jordan and embed them with Iraqi forces in Iraq now, a la Fallujah.

There are a lot of specific ideas I will not bore my colleagues with now that are not new to me. I am getting these from serious people who have run the show in that region of the world, military forces. But by doing this, it seems to me, we can significantly speed up the day when the Iraqis can provide their own security and Americans can come home.

Why would other countries join what looks like a lost cause they did not support in the first place? It is a reasonable question to ask. For one simple reason: It is in their naked self-interest. For Europeans, Iraq's failure endangers the security of their oil supply. They get a significantly higher percentage of their oil from the region than we do. It is in their interest because they have large Muslim populations that could be radicalized. It is in their interest because of the threatening destabilization of refugee flows that would be created if a civil war breaks out. It is in their interest because it is their front yard, and we may be creating a new, huge source of terrorism if the result is not a civil election, but a civil war.

For Iraq's neighbors, a civil war in Iraq would draw them in—i.e., the Kurds, the Turks, the Iranians. It would put moderates in the region on the shelf for another generation. It would put radicals in the driver's seat, and I think it would threaten the very survival of the regimes in Jordan, Egypt, and Saudi Arabia.

Would what I am suggesting be difficult to achieve? You bet. The bar has been raised here. The degree of difficulty is exponentially greater. Will it guarantee success? No. But I know of no other alternative than to try.

In light of all the mistakes we made, no one can guarantee success, but if we do not do this, I think success will, in fact, be near impossible.

If the President does do all of what we are talking about, it is not going to be enough to put us on the path to success given the revelations of this week, the abuse of Iraqi prisoners. As I said before, no single act I can think of, other than maybe the bombing of the holiest shrines in Najaf loaded with pilgrims, could have been worse for America's image than what has happened, notwithstanding the fact that it does not represent American troops, it does not represent American values, it does not represent what the American people believe needs be done.

The facts are appalling and so is the symbolism. Ironically, the abuses took place in the same prison that Saddam made himself famous for his torture of his opponents. As a result, I am concerned that even if we do everything I just outlined in which several of us have been advocating for months, we will not be able to muddle through the so-called transition of sovereignty on June 30 and then the elections next year. The revelations have so damaged our prospects of success that I believe the only way to recover is to do something equally dramatic in a positive sense. I think we need to make this less about us and more about the Iraqi people.

The Iraqi people are going to wake up on July 1 and still see 140,000 American troops out their window, patrols going by in Humvees at 40 miles an hour. They will still lack security and they will still be seething about the abuse of the prison scandal. And they will continue to blame us for everything that has gone wrong in the country.

I ask any of my colleagues who are listening whether there is any possibility, no matter what the interim government is, that they will be able to, even if they want to, vote to keep American forces in their country after July 1, when they are ostensibly in charge? Even as we move to increase security and bring the rest of the world in, there are four things we have to do right away, and I will end with this.

First, we should today announce that the Red Crescent, the Red Cross, the international community, should be able to come into every prison in Iraq, open them up and put the international community permanently in the prisons as observers.

Second, we have to establish a credible, independent investigation of the abuses and go as high in the command chain as the facts lead us and demand accountability.

Third, we should close the Abu Ghraib prison, work with the Iraqi people on a plan to destroy it or convert it to a monument. We cannot do that precipitously because we need to build other facilities to house 5,000 prisoners. Possibly we should do as was recommended by the State Department and release a significant number of those prisoners who, according to some in the State Department, need not be detained in the first place.

Fourthly, and this is the most controversial thing I suspect I am going to say in the minds of my colleagues, in coordination with the Brahimi plan, we should hold snap elections now, ideally early this summer, to create the equivalent of a loya jirga where on a community level across Iraq they will hold down and dirty elections to elect those who will write this new constitution.

I want to see pictures and debates about whether people are getting shot going to the polls, scrambling going to the polls, arguing about whether the election is free or not. I want this about the Iraqi people.

This election will be far from perfect, but they could use their oil-for-food ration cards as proof of registration and get on with it quickly as part of the transition that is already envisioned for the total free election in November of 2006 of an actual government.

The Iraqis would elect government representatives at a local level who would come together, as I said, the equivalent of a loya jirga.

Until now, I believed that, provided the caretaker government was selected by a respected international figure with buy-in from the Iraqis, not the U.S., it would pass the legitimacy test. In the wake of the prison incident, I do not think that is possible.

The big obstacle would be security, especially in the Sunni triangle. And there is the certain prospect that some people will be elected that we will not like.

But the vast bulk of the country could handle elections now. In the Shi'a south, it is a gamble, but it is better than an even chance that moderate Shi'a would emerge if given an opportunity for elections, and they would finally use their power and influence to defeat Sadr and other radicals among them.

The U.N. has a team in place now to prepare for elections in January. Let's speak with Brahimi and see if we can speed up that process and make elections the next step in the transition plan.

I realize this is a fairly radical proposal, but I believe we need a fairly radical proposal. This should focus on what the Iraqi people need now, and we should demonstrate that everything in our mission is to turn this over as rapidly and clearly as possible.

I close with this one rhetorical question: The chairman of the Foreign Relations Committee has been pointing out, what about the conundrum when the interim government is appointed and it concludes we should not be sending troops to Fallujah? I think there is a more basic question than that. What happens now that 70 percent of the Iraqi people now think we should get out? By the time this prison scandal is over, it is going to be 90 percent. What happens when we appoint the new Iraqi government and give it partial sovereignty and right out of the box they say, Get out of Dodge?

We better do something quickly or Negroponte's Herculean efforts are likely to be for naught.

I yield the floor.

The **PRESIDING OFFICER**. The Senator from New Mexico.

Mr. **BINGAMAN**. Mr. President, I support the nomination of Ambassador Negroponte. He is assuming an extremely difficult position. I wish him well in this new position, and I commend him for his willingness to take it on, quite frankly.

One of the most difficult problems he will face is how we correct the perceptions and the reality that have come to light with regard to abuse and humiliation of prisoners in Iraq. I want to say a few words about that issue today as well.

I congratulate and commend BG Mark Kimmitt for the statement he made yesterday at a press briefing in Baghdad. He gave what I consider to be a straightforward, unambiguous apology to the Iraqi people for what has occurred. In my view, that is the message that all of us in positions of responsibility should be conveying to the Iraqi people on this issue. His statement was as follows:

> My Army's been embarrassed by this. My Army's been shamed by this. And on behalf of my Army, I apologize for what those soldiers did to your citizens. It was reprehensible and it was unacceptable. And it is more than just words, that we have to take those words into action and ensure that never happens again. And we will make a full-faith effort to ensure that never happens again.

Frankly, I regret the President did not use his opportunity in his interviews to make the same straightforward apology to the Iraqi people. I hope this Senate, in the resolution the leadership of Republican and Democratic leaders is drafting for consideration in the Senate on this issue will contain that kind of straightforward apology to the Iraqi people. I think that is an appropriate message for all of us to embrace.

Much needs to be done in order to correct the situation that has occurred. I suggest one starting point would be the following.

First, a full accounting about who we have detained and what the administration plan has been and is for these detainees; not just in Iraq but in Afghanistan, in Guantanamo, wherever our military is detaining foreigners, we need to come clean about what our intentions are and what actions we have taken.

Second, as to all detainees, we need to fully comply with the Geneva Convention. That means providing each of them an opportunity for a hearing, an opportunity to argue to someone they are improperly being detained. As to detainees who are not a threat to our troops or to our national interests and about whom we do not have evidence of criminal activity, we need to release those detainees. Obviously, if they pose a threat to U.S. forces or a threat to U.S. interests, then they should be charged and they should be prosecuted. But if they pose no such threat, they should be released.

According to the morning paper, the President has privately chided the Secretary of Defense. This is an unusual way to conduct business here in Washington, but I am never surprised anymore about how business is conducted. I heard the statement on the news that the President was standing behind the Secretary of Defense. Then I opened the paper this morning and it said a senior White House official said the President has privately admonished the Secretary of Defense; that:

> . . . Bush is "not satisfied" and "not happy" with the way that Rumsfeld informed him about the investigation into the abuses of U.S. soldiers at Baghdad's Abu Ghraib prison or the quantity of information that Rumsfeld provided, the senior White House official said.

Then it goes on to point out the senior White House official did:

> . . . refuse to be named, so that he could speak more candidly.

As I say, I am always amazed by the goings on in our Government. But I am glad to see the President shares some of the frustration I and many of us here in Congress have had about the lack of full information, the lack of adequate knowledge about what is going on. In order to remedy the situation, I recommend the President start by demanding a quick and a full response to the following questions: How many people have we detained in Iraq, in Afghanistan, and in other parts of the world? Who have we detained? Who have we taken into custody? How many of them are still in custody, and to those who are not still in custody, what has happened to them?

There is a report that there are investigations about 25 deaths that have occurred among detainees in Iraq. Where are these prisoners being detained? Where in Iraq are they being detained? Which prisons? How many in each prison? Where in Afghanistan are they being detained? Which prisons? Where are they located? How long have these detainees been in custody? How many have been charged with crimes? Are we intending to charge these detainees with crimes? If not, what are we intending with regard to these detainees?

What is our position regarding our obligations under the Geneva Convention with regard to military detainees, with regard to civilian detainees? How can we justify continued detention of people in each of these categories?

Another set of questions I believe the President should insist upon answers to, is what has happened to any prisoners we have transferred to third countries? How many captives have we in fact turned over to other countries for questioning? Which countries? Pakistan? Israel? Other nations? What are the policies and practices of those countries with regard to torture of prisoners and treatment of prisoners? Have they been afforded their Geneva Convention rights in those countries? What is the status of those prisoners now?

This is obviously a partial list of questions. The American public deserves answers to these questions. The President deserves answers to these questions. Those of us in Congress deserve answers to these questions. If we are serious about taking corrective action to deal with the abuses that have been disclosed, then in my view, at least, answering these kinds of basic questions is an essential starting point.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Connecticut.

Mr. DODD. Mr. President, before he leaves the floor, let me thank my colleague from New Mexico for his thoughtful comments. I certainly want to associate myself with them. I, too, want to commend General Kimmett for his very concise, clear, unambiguous statement yesterday. I was moved by it.

I was moved by the personal pronoun "my," too—"my Army." This is someone who dedicated his life—in fact, the Kimmett family has one of the most distinguished records of any American family when it comes to serving the U.S. Government in uniform. Mark and his family have worn that uniform proudly. Over the years, numerous members of his family have. I could feel the pain of Mark Kimmett's sentiments in those brief comments he made so eloquently yesterday.

It is on that note that I would like to begin my remarks. Clearly the events of the last several days, the revelations we have become aware of, the events going back now apparently as late as last November, indicate a very serious problem. But before getting into the details of that, speaking for myself—and I am quite confident that I speak for my colleagues here, and others—it is very clear that while this is a serious problem, the overwhelming majority of the more than 130,000 American men and women in uniform who are operating in Iraq are good, decent and caring people, who would never allow this kind of activity to occur on their watch. So I want to begin by thanking them. This is a very difficult service they are engaged in.

Certainly those who are responsible for these acts and those who condoned or allowed them to happen need to be brought to a bar of justice as soon as possible.

But I think it would be a mistake if we allowed our disgust with these abuses to somehow cause those who are in uniform, serving in Iraq today, to believe that there is any feeling here that this is an indictment of all of them. It certainly is not.

Let me be clear—my disagreements with U.S. policy and how this whole matter of Iraq has been handled, as well as the actions of what seem to be only a few, in no way diminish my admiration and respect for those in uniform who are serving in Iraq or anywhere else.

However, these reports of abuses are very disturbing. And they are not only unacceptable, they are possibly violations of United States law and international law. Moreover, it is obvious that this matter has not been treated with the urgency it warrants. If in fact the reports are accurate, these events may have occurred as early as last November or December, and they are only now coming to light—primarily, it appears, because there are photographs. I suspect that had this been an account reported in some written document, without any photographic evidence, it might not be receiving the kind of attention it deserves.

Obviously these allegations of abuse must be quickly investigated, and those responsible for these reprehensible acts brought to justice. Those in the chain of command as well, who failed to discharge their duties effectively to detect and prevent such actions, need to be sanctioned, including, to put it simply, fired.

Again, I want to emphasize that the majority of our service men and women are not to blame. I can not stress this point enough. The overwhelming majority of our troops are doing a superb job under very difficult circumstances. They are putting their lives at risk every single day for this country.

Indeed, what has happened here, what has occurred, also puts all of these honorable men and women who are serving, not only in Iraq but elsewhere, at risk. These abuses damage not only the victims, but our troops. And they also damage America—they do great damage to our country. This is not who we are. This is not what we stand for. We are a nation of laws. That is what we have stated over and over again.

A few moments ago, my colleague from New Mexico and I were having a conversation about these abuses. He eloquently pointed out that our Constitution is based on the fundamental concept and idea that it is not just what we do, but how we do things. The founders of this country could have set up any kind of a system. But they picked a system that in many ways is terribly inefficient. That is because they wanted to make sure not only that we would do the right thing, but that we do it the right way—that the ends do not justify the means; the means are also important.

It is why a generation ago when there were trials to prosecute those who were guilty of the crimes committed by the Nazi regime, every single one of those defendants at Nuremberg had a lawyer and had the right to present evidence. Some people suggested that those on trial in Nuremberg ought to be summarily executed—that they shouldn't have a trial. After all, these were dreadful human beings who committed dreadful and unspeakable crimes. But cooler heads and wiser heads prevailed and asserted that there is a huge difference between Western civilization and the Nazis, not the least of which is that we do things differently. And by holding these trials, we set an example.

Unfortunately, the events that have just become known over the last several days indicate, at least in this instance, that we did not do things any differently in the eyes of many than the dreadful regime we overthrew a year ago—the regime of Saddam Hussein. That is what I worry about. This does damage to the United States. It does damage to people like Mark Kimmitt who spoke eloquently yesterday about his Army. And I worry about our men and women all over the globe who put themselves in jeopardy for our country—not only in that the reports of these abuses could cause an increase in violence against them, but I worry about what might happen if, heaven forbid, they are apprehended, and how they may be treated.

I know the matter before the Senate is the nomination of John Negroponte. I support that nomination. We have had our difficulties over the years, one going back to his days in Honduras when there were issues of human rights violations. I know Ambassador Negroponte. He has been a good ambassador in other capacities, a good ambassador at the U.N. He has done a good job in Mexico. We have worked together since our days of difficulty more than 20 years ago. I am confident John Negroponte can do a good job, particularly, I hope, in the area of human rights. He will be in charge of what I am told will become the largest U.S. mission anywhere on the globe. And I am hopeful that John Negroponte, when he is confirmed—and I believe he will be—will grab this issue and do what has to be done to get our work in Iraq on track.

The responsibility for these abuses that have occurred in Iraq goes beyond a few low-level bad apples. That is what worries me. This is clearly a problem of mismanagement at very high levels, which the Bush administration needs to get a handle on, and quickly. If that means high-ranking officials need to be replaced, then that is a judgment that we shouldn't dismiss out of hand.

After all, we are currently in the throes of trying to prove that we want to help Iraqis create a new and democratic Iraq, and that in doing so we will respect Iraqi and Arab culture and tradition. It does not take much of an imagination to figure out the disastrous consequences of these abuses, not only with respect to U.S. policy in Iraq but with respect to our policies throughout the greater Middle East.

Over the past week, newspapers throughout the world have carried headlines about these abuses. Not only in English speaking countries, obviously—Arab language newspapers have also carried the stories with headlines such as "The Scandal" and "The Shame."

Anyone who knows anything about Arab culture will know this much: Honor and respect are valued highly. Many of these abuses with sexual overtones were directly aimed at damaging the honor of Iraqis or forcing them to do things in contravention of their most deeply held beliefs.

Let's not forget these abuses occurred in the very same prison Saddam Hussein used to torture Iraqis. Now this prison has served as a source of allegations of sexual abuse, psychological torture, and even murder.

In the minds of Iraqis and those in the Arab world, what is to separate these acts from past abuses?

Certainly the scope of these abuses does not compare to those that occurred under Saddam Hussein, but the unacceptability of these acts is not something we should attempt to measure in quantitative terms. Surely we hold ourselves, I hope, to an entirely different and higher standard than that with which we judged Saddam Hussein.

Moreover, diplomacy is a delicate game, and one mistake by the world's superpower reverberates around the globe to the detriment of our foreign policy. It is going to make the job of Ambassador Negroponte—when the majority leader decides to move on his nomination—all the more difficult. As difficult as his job was going to be prior to the emergence of these allegations, it is exponentially more so today.

Given the situation, I urge Ambassador Negroponte, when he is confirmed, to draw on his previous experience to make the protections of human rights in Iraq a top priority.

I am stating the obvious. But these abuses must not occur again.

Moreover, we owe it to the more than 130,000 honorable and dedicated U.S. troops currently risking their lives in Iraq to ensure that those who are found guilty of these crimes be punished to the fullest extent possible. Anything less would be a great disservice to all of these brave men and women in uniform who now face a much more difficult task than winning the hearts and minds of the Iraqi people.

Equally troubling is that these disgraceful acts have been made possible by the administration's rigid philosophy of outsourcing jobs and responsibility. This time, though, it outsourced much of our mission in Iraq, responsibilities that should be given to well-trained military personnel. The administration has outsourced these responsibilities to private military firms (PMFs), that are virtually unregulated by our Government or any other.

I don't support the outsourcing American jobs abroad and I don't think we should give our military duties to independent contractors, either. Indeed, reportedly, there are as many as 20,000 private military firm personnel currently working in Iraq. It appears that no chain of accountability exists for their actions, that no universal rules exist to govern their operation in coordination with U.S. and coalition troops. Most disturbing, according to reports, these private military firms' personnel have been directly involved in some of these crimes.

I ask my colleagues, is it any surprise to learn that members of an unregulated group of paramilitaries is alleged to have committed human rights abuses?

And I would ask the President of the United States and the Secretary of Defense—why were private contractors taking part in U.S. military interrogations? And since when do we assign to non-official personnel the most critical and delicate task to our military operations—unregulated personnel, I might add.

I am sure many agree that the use of these companies in sensitive military situations certainly raises some ominous questions. That is why last week I sent a letter to the GAO along with four of my colleagues—Senator FEINGOLD, Senator REID, Senator LEAHY, and Senator CORZINE—requesting that GAO investigators undertake an extensive investigation into the employment of these firms in Iraq.

I am hopeful, given the increasing violence in that country and recent reports of abuse, including reports of abuse by private contractors, that the General Accounting Office will expedite this investigation and answer all of the questions posed. Our troops, our mission in Iraq, and the American taxpayer deserve a prompt, independent, and careful look into this matter.

Mr. President, if we are lucky, we may get a second chance to demonstrate to the Iraqi people and the Arab world that we came to Iraq for good—not abuse.

But we will only get that chance if we make amends fully and completely. That is why the administration must move quickly and publicly to bring the criminals who committed these abuses to justice. We must also take back direct responsibilities related to the administration of Iraq from private contractors and assume responsibility for what are clearly official and delicate functions which have profound foreign policy implications if not handled properly.

Mr. President, the sooner we do these things, the sooner we can get back on track helping the Iraqi people build a democratic and just society that reflects their own values and aspirations.

Ambassador Negroponte can play a critical role in making that happen, and I am therefore pleased that the Senate is poised to approve his nomination today. I fully support moving ahead to confirm him for this critical post.

The PRESIDING OFFICER. The Senator has used his 15 minutes.

Mr. DODD. Mr. President, if I might have an additional minute or 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DAY OF PRAYER

Mr. DODD. Mr. President, I would also like to bring to the attention of my colleagues an article from today's Washington Post. It was on page A-3 carried over to page A-6, and it worries me deeply because it goes to what I am fearful may have had some underlying and undercurrent effect on the events of the last several days. It seems to speak to the extent that we are dehumanizing and minimizing and casting this pall of accusation over an entire religious group in the world.

Senator BIDEN pointed out in his remarks here this morning that 1.2 billion people are observers of the Muslim faith.

And today is a national day of prayer in the U.S. It began with a resolution adopted in the Truman administration in 1952 and has been followed every year since then. When Harry Truman signed the congressional resolution he called for "a suitable day each year other than a Sunday to be set aside for common prayer." Every administration since 1952 has taken that day out of the calendar year to focus on common prayer. And it was under the Reagan administration that the first Thursday of May was set aside as the permanent day each year.

I cannot tell you how disturbing it was to read in this morning's paper a quote from one of the organizers of this year's day of prayer. The quote was buried away, but let me read it, because it actually goes to the heart of what we are talking about. We are told here, this morning, that they would make "no apologies" in today's celebration of prayer "about the exclusion of Muslims and others outside of the 'Judeo-Christian tradition' from ceremonies planned by the task force on Capitol Hill and in state capitals across the country."

"They are free to have their own national day of prayer if they want to," she said.

Well, if you have that attitude about common prayer today, and you exclude religious groups from a national day of prayer, then what have we come to?

I might point out as well, because the Presiding Officer will appreciate this—my wife pointed this out to me this morning—in Salt Lake City, Mormons have complained that they are not allowed to lead prayers during today's observance. I don't know how you have a national prayer day in Salt Lake City and exclude the Mormons from participating.

But this sort of attitude where we are going to selectively choose religious groups that can be involved, and the particular reference here to the exclusion of anyone who might be of the Muslim faith, is troubling to me because it is that sort of an attitude that contributes to the dehumanization of people and casts aspersions on an entire group of people.

Indeed, as we talk about what has occurred as a result of the actions of a few bad apples, I point out the story in today's newspaper because I think that the attitude of exclusion expressed in the story contributes to an environment, if you will, that somehow makes these abuses permissible in the minds of some—that somehow these people are undeserving of the kind of treatment that every other human ought to receive—particularly in the hands of a nation that prides itself on being governed by the rule of law and which respects individual rights.

Mr. President, I ask unanimous consent that the article in today's Washington Post entitled "Bush to Appear On Christian TV For Prayer Day" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUSH TO APPEAR ON CHRISTIAN TV FOR PRAYER DAY

(By Alan Cooperman)

President Bush's participation in a National Day of Prayer ceremony with evangelical Christian leaders at the White House will be shown tonight, for the first time in prime-time viewing hours, on Christian cable and satellite TV outlets nationwide.

For Bush, the broadcast is an opportunity to address a sympathetic evangelical audience without the risk of alienating secular or non-Christian viewers, because it will not be carried in full by the major television networks. Frank Wright, president of the National Association of Religious Broadcasters, said more than a million evangelicals are expected to see the broadcast.

Some civil liberties groups and religious minorities charged that the National Day of Prayer has lost its nonpartisan veneer and is being turned into a platform for evangelical groups to endorse Bush—and vice versa.

"Over the years, the National Day of Prayer has gradually been adopted more and more by the religious right, and this year in particular there is such an undercurrent of partisanship because for the first time they are broadcasting Bush's message in an election year," said the Rev. Barry W. Lynn, executive director of Americans United for Separation of Church and State.

The event's organizers denied that it amounts to a tacit political endorsement.

"We're in an election year, and we believe God cares who's in those positions of authority," said Mark Fried, spokesman for the National Day of Prayer Task Force. "But we're not endorsing a candidate—just praying that God's hand will be on the election."

The private task force, which operates from the Colorado headquarters of the Christian organization Focus on the Family, has encouraged the nation's churches to organize potluck suppers and pipe the ceremony into their sanctuaries. It will be taped in mid-afternoon in the East Room and re-broadcast during a three-hour, late evening "Concert of Prayer" featuring Christian music stars and other luminaries, such as Bruce Wilkinson, author of the best-selling "Prayer of Jabez."

"This feed is available to any network anywhere in the world free of charge, but only religious networks have an inclination to pick it up," Wright said.

Fried said this year's theme is "Let Freedom Ring." He described it as the evangelical response to efforts to remove the words "under God" from the Pledge of Allegiance and keep the Ten Commandments out of public buildings.

"Our theme is, there is a small group of activists unleashing an all-out assault on our religious freedoms. They are targeting the Christian faith," he said.

The National Day of Prayer has been celebrated every year since 1952, when President Harry S. Truman signed a congressional resolution calling for "a suitable day each year, other than a Sunday to be set aside for common prayer.

Under President Ronald Reagan, the date was set permanently as the first Thursday in May. Since the mid-1980s, the ceremony has been organized by the nonprofit task force headed by two prominent evangelical women: Vonette Bright, widow of Campus Crusade for Christ founder Bill Bright, and Shirley Dobson, wife of Focus on the Family founder James C. Dobson.

As in recent years, today's observances will begin with a congressional prayer session on Capitol Hill in the morning, followed by the afternoon ceremony at the White House. Under President Bill Clinton, Bright said in an interview this week, the White House observance was private and "very definitely lower key" than under Bush, who has invited print and television coverage each year.

Although "we were disappointed" with Clinton's low-profile celebration, Bright said, evangelicals did not make that sentiment public. "We have as enthusiastically promoted the Day of Prayer when Democrats were in office as when they were not," she said, adding that any "politicization" of the Day of Prayer "would be so unfortunate."

Bright did not hesitate, however, to express admiration for Bush: "I don't think he has a political agenda of his own. I think he's really trying to do what would please God."

She also made no apologies about the exclusion of Muslims and others outside of the "Judeao-Christian tradition" from ceremonies planned by the task force on Capitol Hill and in state capitals across the country. "They are free to have their own national day of prayer if they want to," she said. "We are a Christian task force."

The White House press office and presidential adviser Karl Rove's office did not respond to calls seeking comment on the National Day of Prayer observances.

Organizers said some Jewish rabbis, Catholic clergy and mainline Protestants have been invited to the congressional and White House ceremonies. But the exclusion of religious minorities has led to protests in several cities.

In Salt Lake City, Mormons have complained that they are not allowed to lead prayers during the local observance.

In Oklahoma City, the Rev. W. Bruce Prescott has planned an interfaith ceremony on the steps of the state Capitol today to protest the exclusively Christian ceremony inside the building. "As a Baptist preacher, it's hard for me to protest prayer," he said. "What I'd rather do is see if we can't find a way to do it right."

Mr. DODD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that in addition to my time, I receive 10 minutes from Senator HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Thank you, Mr. President.

Mr. President, we are currently engaged in a fierce battle to salvage something, anything, from the administration's effort at regime change and reconstruction in Iraq. Each day, the costs in lives and dollars accumulate, as the Iraqi people become more restive and impatient. International and regional support for our efforts is eroding at a time when an international effort, as distinct from the administration's unilateral approach, may be the only effective way to change the political dynamic and allow us to avoid being trapped in a long, bloody, and uncertain conflict.

Many Americans are asking how we came to this point. Some are asking why we must remain. The President has responded with a slogan: "We must not waiver." What we need is a plan, a plan based on reality, not on ideology.

The administration launched the preemptive attack on Iraq to counter, according to their claims, the overwhelming danger of Iraqi weapons of mass destruction and alleged ties between Saddam Hussein and terrorists. In the last year, no weapons of mass destruction have been found, and no strong link has been established between Saddam and terrorists. Ironically, today, there is no shortage of terrorists in Iraq. They have been drawn there not by Saddam but by his demise.

.Now, the administration returns to the subtext of its justification for preemptive action in the fall of 2002, the unalloyed evil of Saddam. That, of course, is a point beyond debate; indeed, a point that was acknowledged by all sides during the debate in the fall of 2002.

When Secretary Wolfowitz testified recently before the Senate Armed Services Committee, he continually reiterated the depravity of Saddam stressing, in his words, the "density of evil" that gripped Iraq under Saddam. Looking backward at Saddam will not help us find a way ahead today. Today, more relevant than the "density of evil" that gripped Iraq is the "density of illusion" that continues to grip the administration and the Pentagon. The administration and the Pentagon stubbornly cling to illusions about the situation in Iraq. Let me suggest some of the most salient.

For months, they have attempted to convince the world—and, perhaps, themselves—that Iraqi security forces were capable of making a significant contribution to establish order and to defeat the insurgency. No such capability exists at this time, and it may take years to train a competent and cohesive force that can assume the security role in Iraq that currently falls primarily upon the United States.

For months, the Pentagon regaled us with charts showing the astronomical and rapid growth of Iraqi security forces from mere handfuls to hundreds of thousands. They repeatedly stressed the proportional decrease of the American presence as a sign of progress. All this was wishful thinking and political spinning.

The last few weeks have revealed the fact that a significant number of Iraqi security forces are ill prepared, ill equipped, and unmotivated.

A Washington Post article pointed out that on April 5, a new Iraqi battalion of several hundred Iraqi soldiers refused to join U.S. Marines in the offensive in Fallujah. In the south, police units as well as members of the Iraqi Civilian Defense Corps, equivalent to the National Guard of the United States, refused to engage Sadr's forces. MG Martin Dempsey, commander of the 1st Armored Division in Iraq, estimated that one in 10 members of the Iraqi security forces actually worked against the U.S. forces and 40 percent simply walked away from their post because of intimidation during the recent violence in Fallujah and in the south of Iraq.

The Pentagon likely had indications of problems with these forces. Several months ago MG Karl Eikenberry was dispatched to Iraq to conduct a survey of Iraqi security forces. General Eikenberry is an extremely competent and experienced officer who played a key role in establishing the new national army in Afghanistan after Operation Enduring Freedom.

For many weeks, I have been attempting to obtain this report to become informed and to inform my colleagues about the state of readiness of the Iraqi security forces. The Pentagon has been completely uncooperative. This lack of cooperation and respect for the responsibilities of Congress to perform oversight over the Department of Defense has been characteristic of this administration's approach throughout the conduct of operations in Iraq, and it has contributed to the predicament we find ourselves in today. Too often a small group of civilians in the Pentagon has displaced normal planning functions and instead, insulated from appropriate congressional oversight, has hatched plans for the occupation in Iraq that have proven to be misguided and inept. The formation of credible and effective Iraqi security forces is imperative, but not just because it reduces the burden and the threat to our forces. It is imperative we establish these forces because today our goals for Iraq are being thwarted by a climate of violence that affects every Iraqi and saps their willingness to commit to the reform of their country.

We often see the violence in Iraq as those attacks against our forces. When we do, we miss the pervasive and disturbing violence that touches the lives of every Iraqi and, in a cruel irony, has many Iraqis comparing the order under Saddam with the chronic disorder under the United States.

The following is an article, translated from Arabic, in the April 25th edition of Al Manar, a newspaper from Baghdad:

> The Iraqi society has never known or, even in U.S. gang movies, seen such acts of looting, robbery, and murder as the current crimes taking place in Iraq today, which cause newborn's hair to turn gray. The crimes have become so common that hardly an hour passes without hearing that some people are being plundered or a number of cars are being stolen. The drivers of the new and expensive cars have become a target for the thieves and burglars.
>
> Someone may think that such crimes occur in other places at night; however, the strange thing is that in Iraq, they take place during the day for everyone to see. In addition, the numbers of these looting gangs have become very well known to the ordinary citizens of Baghdad.
>
> A few days ago, my relative's car was stolen at gun point in Baghdad, but he managed to escape without being physically harmed or injured in the incident. Having recovered from the shock a few days later, his friends advised him to meet with a former gang leader who enjoyed considerable status and reputation among the members of the other criminal gangs. Having no other option, my relative went to see the guy who promised to take him to the gangs operating in the zone where his car was stolen.
>
> As promised, the man secretly took my relative to meet well known gangsters where one of them congratulated him [my relative] for his good luck because his car was stolen by a gang "that only steals cars but does not kill the owners; otherwise, you would have been killed if it was another gang." The strange thing is that most of the gangsters are young boys between the age of 15 and 20 years.
>
> After several terrifying trips, my relative found his car when tough negotiations began. He was asked to pay $500, a special offer out of honor and respect for their repentant comrade who brought him to get his car back.

This true story is an example of dozens of other similar robbery, looting, and murder crimes taking place in Baghdad where stealing and murdering gangs have dramatically increased. Unless we are able to protect the people of Iraq from criminal gangs and from situations as illustrated in these comments in the newspaper, we will fail in our mission because we have a situation where the basic elements of order, the basic sense of safety and security have been completely eviscerated for a vast number of Iraqis.

These are off the TV screens. But this is one of the constant drumbeats that is turning the people of Iraq to become resentful of our presence.

The administration has also, together with the Pentagon, consistently underestimated the number of troops necessary for the successful occupation of Iraq. Secretary Rumsfeld and General Franks adroitly planned the air and ground campaign that shattered the Iraqi army in a matter of days. They correctly judged our overwhelming technological advantages, together with the extraordinary courage and skill of our fighting forces, would quickly overwhelm the much larger Iraqi forces. But winning a swift victory over a conventional military force is not the same as successfully occupying a large country with a population of 25 million.

From the beginning, our forces, including international allies, were insufficient to physically and psychologically dominate the scene. The absence or limited presence of coalition forces in many parts of Iraq gave the insurgents opportunities to organize and the perception they could initiate hostile actions against our forces. One of the first clues I had suggesting a lack of adequate forces was the briefing I received last July from the 4th Infantry Division in Kirkuk on my first trip to Iraq. I was taken aback, frankly, to learn there were hundreds, if not thousands, of Iraqi ammo dumps. Many of them were totally unsecured while others had some security barriers but were not secured by military personnel. This was the case all over the country.

Today munitions in these ammo dumps are being used to craft the improvised explosive devices that bedevil our forces. This is one example indicating additional troops could have been used effectively.

Another indication of the insufficient number of coalition military forces is the proliferation of private security forces. Why is it necessary to have 20,000 armed private security guards in Iraq performing essential military duties? The answer is simple. We did not deploy sufficient military forces. These private security forces are generally highly trained professionals, typically veterans of our special operations forces. But their presence raises numerous questions.

How, for example, do they coordinate with our military forces? What rules of engagement may they use? What is their legal status, particularly after June 30, when limited sovereignty is transferred to some Iraqi authority? I am still awaiting the answer to these questions from the Pentagon. Once again, my request has not been responded to promptly with detailed information or any information.

Last September, Senator HAGEL and I proposed an amendment to the supplemental appropriations bill to increase the size of our Army by 10,000 soldiers. That is a necessary initial step to provide the manpower to continue to commit further forces to Iraq and to continue to meet the worldwide demands upon our Army. The Senate supported that amendment. Unfortunately, the administration vociferously opposed it. They claimed Iraq was just a spike and that in the months ahead, the Army could begin to withdraw forces.

In January, they suddenly reversed this position and announced they would take steps to increase the Army by 30,000 soldiers by tapping into the supplemental appropriations bill. I am pleased the Pentagon is finally convinced we need more forces for our Army, but they still maintain this is a temporary emergency condition that is best funded through the supplemental appropriations process.

The reality is, this condition is not temporary. If we are serious about succeeding in Iraq and meeting other demands throughout the world, we must admit this is a task that will take many years and a larger army for many years. We must provide for increases in end strength for our Army in the regular budget process, not the supplemental, by directing more resources to the Army from the other services or by increasing the overall defense budget.

The administration and the Pentagon continually insist that we are being opposed by a small group of unrepentant holdouts from the former Baathist regime and an even smaller cadre of terrorists who have flocked to Iraq after the defeat of Saddam.

This view dangerously misconstrues the growing resentment of the Iraq population to our presence and the very real possibility that many Iraqis will sympathize with the insurgents not because they agree with their political or religious views but because they see them as fellow Iraqis resisting a foreign occupation.

Anthony Cordesman, a very prescient analyst at the Center for Strategic and International Studies, pointed out that "it is important to note that an ABC poll in February found a large core of hostility to the Coalition before the tensions unleashed by current fighting, and that core involved many Shi'ites as well as Sunnis." And, as reported in a new USA TODAY/CNN/Gallup poll, "only a third of the Iraqi people now believe that the American-led occupation of their country is doing more good than harm, and a solid majority support an immediate pullout even though they fear that could put them in greater danger . . ." Although half the Iraqis who responded to the poll said that they and their families were better off now then under Saddam, 71 percent of the respondents when asked to classify the Americans as "liberators" or "occupiers" chose "occupier." The figure increases to 81 percent if you exclude respondents from the semi-autonomous Kurdish region. More startling is the fact that more than half the respondents outside of the Kurdish region "say killing U.S. troops can be justified in at least some cases."

What might have begun as the desperate acts of diehards from Saddam's regime has rapidly morphed into a widespread resentment of the United States as "occupiers." The insurgents have touched a nationalistic nerve that vastly complicates our efforts. Popular support is the critical element in political warfare, and the administration is squandering that support.

The latest revelations of gross abuse of Iraqi prisoners at the Abu Ghraib prison have further fanned the flames of resentment and anger. It is an aberration in the conduct of American soldiers, but its occurrence has confirmed in a very suspicious population the worst lies spread by our adversaries. In addition, these actions have poisoned our already strained relations with many countries and their citizens around the world.

For months now, the Coalition Provisional Authority has been in power, and the administration touted that as an example of our reconstruction efforts. Frankly, I believe it has been dysfunctional from the beginning.

The President vested the Department of Defense with extraordinary powers in the occupation and reconstruction of Iraq. Even before the initiation of military operations, the decision was made to exclude experts from the State Department from planning for the reconstruction and administration of Iraq. The task was given to a small group of ideologues in the Department of Defense. They relied on the self-serving declarations of Chalabi and the exile crowd to assume away most of the problems that we later encountered in Iraq. Problems such as a dilapidated infrastructure an ancient rivalries between religious and ethnic factions were conveniently ignored as the "neocons" predicted that we would be welcomed with open arms in a country that was economically and culturally ready for a rapid transition to democracy.

The institutional responsibilities for the transformation of Iraq were given to Ambassador Bremer and the Coalition Provisional Authority, the "CPA". And, in this regard, the record is one of confusion and ineptness.

The decision to disband the Iraqi army threw thousands of desperate and dangerous individuals onto the streets of Iraq. Many of these individuals formed the heart of the insurgency that continues to attack our troops.

The decision to eliminate the Baath party from the civic life of Iraq was quite correct in principle, but carried to such extremes that it alienated the Sunni community and provided additional fuel for the growing fires of resistance. To add insult to injury, the process of debaathification was placed under the control of Chalabi, a figure of immense distrust and dislike in Iraq.

I first heard these complaints from our military commanders last November during one of my trips to Iraq. They complained that thousands of teachers were being excluded from schools at a time when there was a concerted effort to reopen schools throughout the country. These officers explained that membership in the Baath Party was obligatory for anyone who hoped to obtain a job like teaching in Iraq. Most of these individuals were motivated not by political impulses but by economic and career goals. Nevertheless, they were categorically excluded subject to the discretion of Chalabi. It was a situation that further antagonized the Sunni community. The policy has been belatedly amended but not after doing great damage.

This episode also illustrates the gap between the CPA and the military commanders that actually were doing the work of rebuilding Iraq. The CPA existed in a security bubble in Baghdad disconnected from the field where Army division commanders and their staffs were taking pragmatic actions to restore services, rebuild communities and instill hope in the people of Iraq. The CPA added little to these actions except indecision that simply complicated the action of commanders on the ground.

In the past few days, a revealing memorandum by someone who served in the CPA has surfaced that provided additional details illustrating the incompetence of the CPA. The anonymous author of the memo is a fan of Chalabi and is hopeful for success in Iraq. This makes his criticism even more telling.

He describes the CPA as handling "an issue like six-year-olds play soccer: Someone kicks the ball and one hundred people chase after it hoping to be noticed, without a care as to what happens on the field." My view is that the CPA quickly became a 30-day summer camp for "neocons." Subject-matter experts were displaced by ideological true believers who rotated in and out at a dizzying rate.

The CPA installed the Iraqi Governing Council composed of representatives from the major factions and then allowed the Governing Council to pick ministers to run the major ministries, like Oil and Public Works. The result was nepotism and corruption. As the memo points out, "both for political and organizational reasons, the decision to allow the Governing Council to pick 25 ministers did the greatest damage. Not only did we endorse nepotism, with men choosing their sons and brothers-in-law; but we also failed to use our prerogative to shape a system that would work . . . our failure to promote accountability has hurt us.

I met with a member of the Iraqi Governing Council on March 17 in Baghdad. He explained to me the importance of the June 30 date. As Chalabi explained it to him, it is important because on that date they get to "write the checks." I am sure there are competent and patriotic Iraqis involved in the Governing Council, but I am deeply skeptical of many, like Chalabi, who seem interested only in self-promotion based on deceit and deception.

Despite the institutional failings of the CPA, it has acquired some hard-won experience. That experience disappears on July 1 as our new Embassy replaces the CPA. I fear that we will witness once again a lack of coordination and direction as a new team tries to organize itself in the complicated and unforgiving environment of Iraq. I was hoping to hear Ambassador Negroponte describe in detail the organization and policies that will guide the new Embassy. I didn't hear much.

There are numerous questions. What is the status of contracts with the CPA, particularly contracts with security firms? Will American civilian contractors in Iraq be subject to Iraq law or United States jurisdiction? How will the Embassy be organized to avoid being "captive" in the Green Zone in Baghdad? How will responsibilities be divided between the Department of State and the Department of Defense? I'm still waiting for good answers.

We are in danger of repeating the mistakes we made a year ago. Once again, we are approaching a critical juncture without a plan, just a new set of players. And the clock is ticking.

The administration is pinning most of its hopes for political progress in Iraq on the transfer of sovereignty to an Iraqi entity on June 30. In doing so, they confuse the difference between sovereignty and legitimacy. The new Iraqi entity—yet to be devised or to be fleshed out with Iraqis—may have some formal powers that may qualify it as a sovereign for the purposes of international law, but I doubt that the vast majority of Iraqi citizens will see it as a legitimate government. This new entity lacks the key components that people ascribe to legitimate governments. Legitimate governments are created by internal political forces, preferably by elections, and legitimate governments control their territory.

This new entity will be a creation of the United States with the belated and uncertain participation of the United Nations, and this new government will exist because American military forces control the territory of Iraq.

In a sense, the administration has already made June 30 both irreversible and irrelevant. Having held out the prospect of a transition to Iraqi rule on June 30, it is impossible to turn back. But on July 1, a prevailing sentiment in Iraq is likely to be disappointment and a sense that the United States has, once again, failed to carry out its word. This will further aggravate tensions, not diminish them.

We can hope the participation of the United Nations will give us a reprieve from this fate, but the administration's disdain for and distrust of the United Nations suggests to me that the current arrangement of necessity will not be sufficient to truly give a sense of legitimacy despite recent efforts.

The surest route to legitimacy is through elections, but we are far from that day. Indeed, that day may continue to recede. Recent polling in Iraq underlines a disturbing fact:

> Seventy-five percent of the Iraqis polled—that's the largest percentage of people agreeing on virtually any issue—say they would never join a political party and oppose the existence of a political party.

If that is the case, the likelihood of a democratic Iraq is many years away.

The administration's gravest illusion has been and continues to be that the United States can do it alone.

Recent events show the necessity for significant international involvement, not unilateral action. The administration has made overtures to the United Nations, but, as I have suggested, these overtures smack more of political expediency than a new realization of the value of broad-based collective action.

The monetary cost alone to the United States is staggering. We have spent $100 billion on the effort in Iraq with no end in sight. More importantly, we have lost 767 men and women of our Armed Forces. Indeed, according to an article in today's Washington Post, Yale economist William D. Nordhaus has estimated that the additional $25 billion just requested for the war in Iraq will make it more costly than the inflation-adjusted expenditures of the Revolutionary War, the War of 1812, the Mexican-American war, the Spanish-American War, and the Persian Gulf war combined.

These monetary costs are just a fraction of what we will end up paying. Each day we are accruing significant costs to recapitalize the equipment and materiel we are using up at alarming rates. The aircraft and the tactical and logistical vehicles will require massive overhauls and replacement. None of these costs are being adequately addressed in or outside the supplemental budgetary process or the regular budgetary process.

Without broad-based international support, we will be unable to accomplish our political goals, and we will be hard pressed to sustain the billions of dollars necessary to sustain our effort in Iraq. As long as we dominate the military and political forces deployed to Iraq, we will be seen as occupiers serving our self-interest rather than a force to advance the interests of the Iraqi people.

The administration has long maintained that Iraq is the "central front" in the war on terrorism. They are badly mistaken. The "central front" in the war on terrorism is the United States. The ultimate objective of our terrorist adversaries is to once again inflict a catastrophic attack against the United States. They are not distracted in this objective by Iraq. We should not be either.

Today, al-Qaida and sympathetic terrorist cells throughout the world continue to plot to conduct an attack against the United States or the homelands of our allies.

The insurgents that we are engaging in Iraq may hate us with the same intensity as an al-Qaida operative, but they have chosen a different path—a path of guerrilla war against our military forces and the citizens of Iraq. The majority are Iraqis motivated by specific grievances involving our presence in Iraq. The "foreign fighters" who are in Iraq are drawn by the desire to fight the infidel. They are temperamentally and technically much different than the plotters who attacked us on September 11. In contrast, there are still many al-Qaida and associated operatives who continue to plan stealthy attacks against Americans rather than seek out a guerilla war against our military forces. To assume we will lure these terrorists into Iraq and destroy them there is a dangerous misperception.

Once again, the value of a truly international approach to the war on terror becomes more evident. The key element in this struggle is intelligence, not simply military might. This intelligence is not the province of one country, even a country with the resources of the United States. It is the sum of the collective efforts of many countries. To the extent we have alienated other countries or made their intelligence contributions more difficult, then we have diminished the key element in defeating those who continue to plot to strike our homeland.

The PRESIDING OFFICER. The Senator's time expired.

Mr. REED. Mr. President, I ask unanimous consent that I be allowed an additional 5 minutes and that the other side be given an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, considering all of this, it is alarming to see the inattention that the administration is paying to homeland security.

What is also very disconcerting about the administration's view is that they see al-Qaida as an institution rather than an ideology. It is an ideology, and it is an ideology that is spreading in the Islamic world despite our huge efforts in Iraq, some might say even because of our efforts in Iraq.

This ideological battle will not be won by military means alone. It will be won by providing Muslim populations around the world with a compelling alternative to the jihad as a means of enhancing their sense of empowerment and defusing their sense of frustration.

Education and economic development spring to mind as ways to begin to counter the appeal of the jihad. Once again, our choice of massive military involvement in Iraq has constrained the resources that we can deploy throughout the Muslim world to directly challenge the ideology of al-Qaida through education and economic development. Here also is another example of where an international approach would have given us much more credibility and, potentially, more resources to advance this agenda of education and economic development.

The administration entered Iraq with illusions, and they struggle today in Iraq because of these illusions. The unfolding crisis in Iraq can no longer tolerate illusion. It demands a realistic assessment of the risks and resources, and a pragmatic plan to prevail.

The administration must develop a true plan for the war's financing with realistic numbers in a timely manner.

The administration must commit more soldiers to the struggle in Iraq. This means increasing the overall end strength of the Army through the regular budget process.

The administration must recognize that the struggle in Iraq is separate from the war on terrorism and that the war on terrorism requires more robust funding at home to protect America.

The administration must recognize and admit that we are committed to a long and dangerous struggle in Iraq that will cover many years and cost many billions of dollars. The administration must seek to truly institutionalize our efforts in Iraq.

A government that deceives its people may sustain itself for a while. Lincoln reminded us that "you can fool some of the people some of the time," but a government that deceives itself is doomed to failure, and its policies are doomed to failure.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I know we have a time limitation. I think I was allocated some time earlier. Is that correct?

The PRESIDING OFFICER. The Senator is allocated 20 minutes.

Mr. KENNEDY. Mr. President, I will support John Negroponte to be America's first ambassador to Iraq since the gulf war, and I will speak about it in more detail in a moment.

First I want to say a few words about the larger issues of Iraq and the enormously important challenge we face at an enormously important time for our Nation. The stakes could not be higher for the safety of 135,000 American soldiers serving in Iraq, for the future of Iraq and its 25 million citizens, for America's role in the world in the years ahead, and for America's own security in the weeks, let alone the years, ahead.

For the stability of the entire Middle East, America's ambassador must convey to the new Iraqi government and the Iraqi people America's hopes for Iraq that it soon become a free, stable and prosperous and peaceful nation that respects the rights of its own citizens.

We pray that mission accomplished has not become mission impossible. America's respect and reputation in the world have never been lower in the entire history of our Nation. Where do we go to get our respect and reputation back? Where do we go to bring a respectable end to the nightmare for America that Iraq has become?

I worry that the actions of our Government may no longer keep America true to the ideals of the Nation's Founders so long ago.

I hope the appointment of Ambassador Negroponte, a career diplomat, will mark a new beginning of serious American engagement in the real problems in Iraq.

Too often, the Bush administration has been blinded by its arrogance on Iraq and refused to recognize the cold, hard truth about its failed policies. Time and again, the President has looked at events in Iraq through rose-colored glasses, ignored the administration's many mistakes in Iraq, and has failed to speak with candor either to the American or the Iraqi people.

Ambassador Negroponte could not be entering this position at a more challenging time. The allegations of prisoner abuse have shaken the faith of the Iraqi people and the international community in the benevolence of the U.S. involvement in Iraq. The new ambassador must start to rebuild their trust.

In his April 20, testimony to the Senate Armed Services Committee, Deputy Secretary of Defense Paul Wolfowitz spoke at length about the human rights abuses under Saddam. Seven of the 23 pages of his prepared testimony addressed the atrocities committed by Saddam Hussein.

One of the goals of the U.S. occupation of Iraq should have been to herald a new day of human rights for the Iraqi people. Instead, many Iraqis are equating America's crimes to those committed by Saddam Hussein, using the same prison and the same torture rooms.

There is no question that this is not the case. There is no question that Saddam's crimes were crueler and more horrific and more widespread by any objective standard.

But the reports of torture by American soldiers, and the reports that these abuses took place at the direction of Army intelligence officers, CIA agents, and private contractors, are deeply damaging to our cause in Iraq and our reputation and interests in the world.

Nobody questions the commitment and skill of the vast majority of our soldiers. They are performing admirably under extraordinarily difficult circumstances. I have no doubt that these despicable incidents are even more painful for them than they are for the rest of America. I am concerned, however, that allegations of prisoner abuse are not limited to this one Baghdad prison. GEN. George Casey has said that this military has conducted at least 25 criminal investigations into deaths and 10 criminal investigations into other allegations of misconduct involving detainees in Iraq and Afghanistan.

Without a question, these reports of abuse strike at the heart of the moral argument for the administration's war in Iraq.

It is clear that we need a full and independent investigation. The American people need the truth. Congress needs answers. There must be a full investigation and full accountability, including a comprehensive review of all detention and interrogation polices used by military and intelligence officials abroad, in Iraq, Afghanistan, Guantanamo, and elsewhere.

We need to know when the torture started, why was it kept secret for so long, and why we had to learn about it from the media. No one should be immune to questions, including the President.

This is President Bush's war. It is the result of his radical doctrine of preventive war and American unilateralism run amok.

President Bush has spoken frequently about the dignity and human rights of the Iraqi people, and he made it a major justification for the war.

In the East Room of the White house on March 19, 2004, President Bush asked: "Who would prefer that Saddam's torture chambers still be open?"

In the Cabinet room on December 24, 2003, the day Saddam was captured, President Bush said:

> For the vast majority of Iraqi citizens who wish to live as free men and women, this event brings further assurance that the torture chambers and the secret police are gone forever.

The President has failed the Iraqi people, and he has failed America. He has presided over America's steepest and deepest fall from grace in the history of our country.

The buck stops at the Oval Office. The tragedy unfolding in Iraq is the direct result of a colossal failure of leadership. It is a failure of calamitous proportions. The President should apologize to the Iraqi people and accept full responsibility.

In the wake of this tragedy, Ambassador Negroponte will face an uphill battle regaining the enormous ground we have lost in winning the hearts and minds of the Iraqi people.

America's vision to rebuild Iraqi and provide new hope and opportunity was grand and noble, but we have not delivered on our promise. Far too many Iraqis have come to the conclusion that America is able, but unwilling, to meet their basic needs. The frustration with our unfulfilled promises is feeding into massive hatred for America and our soldiers, who are paying with their lives.

Last fall, President Bush requested $20 billion in emergency reconstruction assistance from Congress to provide basic services for the Iraqi people. Congress wrote a large check to the Iraqi people, but the administration still has not delivered it.

Ambassador Bremer spoke of the urgent need for this assistance in the Senate Appropriations Committee on September 22, 2003:

> This is urgent. . . . Most Iraqis welcomed us as liberators. Now the reality of foreign troops on the streets is starting to chafe. Some Iraqis are beginning to regard us as occupiers and not liberators. This was perhaps inevitable, but faster progress on reconstruction will help.

Acting in good faith, the Congress approved this funding 3 weeks later.

Despite the desperate need for reconstruction assistance in Iraq, the Bush administration has spent only a small portion of these funds. A mere 14 percent of the billions provided by Congress last October has been obligated for reconstruction projects. The administration has not clearly told the Congress how much has actually been spent. It may not even know.

According to the most recent report to the Congress from the Office of Management and Budget: Nearly $3.6 billion was intended for public works projects, including nearly $3 billion for drinking water, but only $32 million has been obligated overall, and only $14 million has been obligated on drinking water; $443 million was intended for improvements in hospitals and health clinics, but the coalition government has obligated nothing.

Mr. President, $300 million was designated for health care equipment and modernization, but nothing has been obligated and $90 million was designated to build and repair schools, but less than a quarter of it has been obligated.

Our half-hearted attempt to take the face of America off the occupation will inevitably exacerbate Ambassador Negroponte's diplomatic challenges.

Our proposal to transfer sovereignty to the Iraqi people on June 30th and take the face of America off the occupation is nothing more than that—a proposal. It's not even a real transfer of sovereignty.

At the very time we are talking about transferring sovereignty, President Bush is developing a grandiose plan to build a super embassy in Baghdad, staffed by 1,000 Americans. We will still have 135,000 American soldiers on the ground in Iraq for the foreseeable future.

The new embassy's significance is clear. This administration wants Baghdad to be America's new colonial beachhead in the Middle East. As one American official said it will be just like "Saigon, circa 1969."

By comparison, 147 Americans now work at the American Embassy in Afghanistan, a country with 4 million more people than Iraq; 500 Americans work at the American Embassy in Egypt, a country nearly three times the population of Iraq; and 293 Americans work at the American Embassy in India, a country of 1.8 billion people.

In fact, the administration is diverting funds intended for Iraq's reconstruction to support this Fortress America Embassy. According to an April 30th article in the Washington Post, $184 million has been reassigned from drinking water projects to pay for the operations of the U.S. embassy. Another $29 million has been reallocated from projects such as democracy building to the administrative expenses of USAID.

And we wonder why the Iraqis hate us, why hatred for the American occupation continues to grow.

We all have a stake in Iraq's success—the administration, the American people, the Iraqi people. Ambassador Negroponte has an enormous responsibility to ensure that our policy toward Iraq is based in reality and shaped by the facts on the ground.

As the Ambassador embarks on this new assignment, he must not gloss over the truth, even if it is painful. He must speak with candor to the American people and the Iraqi people about America's objectives, our strategy, and our successes, and he must be equally candid about our failures.

He would be wise not to follow in the footsteps of so many in the Bush administration who may have spoken candidly about the bleak situation in Iraq to the President in private, but who constantly sought in public to put a positive face on the clear failures.

The stakes are high and the challenges are many. I wish Ambassador Negroponte great success and the best of luck. He will need both if America is to succeed in stabilizing Iraq, delivering on our promise of freedom and democracy, and bringing our troops home with dignity and honor. I urge my colleagues to approve his nomination.

Mr. President, I reserve the remainder of my time. I suggest the absence of a quorum.

Mr. REID. I request the time run equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, parliamentary inquiry: Does the Senator from Iowa have a certain amount of time? And if so, what is that?

The PRESIDING OFFICER. The Senator from Iowa has been allocated 20 minutes.

Mr. HARKIN. I appreciate that.

Mr. President, I rise in opposition to the nomination of John D. Negroponte to serve as U.S. Ambassador to Iraq. I understand and agree America needs a representative there, more so now than ever. We need someone in Iraq who has a sterling record, an unassailable record in terms of his or her support for fundamental human rights and for the rule of law, someone who has no blot on their career record of having been involved in the kind of abuses that have come to light recently in Iraq under our military jurisdiction.

After the terrible revelations of the abuses under our watch at the prison at Abu Ghraib—more is coming to light in Afghanistan, and we do not know what is happening in Guantanamo—I believe nominating Ambassador Negroponte to this vital post would send entirely the wrong message. He is not the right person for this job at this time.

Why do I say that? Ambassador Negroponte served as U.S. Ambassador to Honduras from October 1981 through May of 1985. During this time, Mr. Negroponte showed a callous disregard for human rights abuses through his tenure as U.S. Ambassador to Honduras. I speak of this from firsthand knowledge. I traveled to Honduras during this period and I visited one of the Contra camps along the border of Honduras and Nicaragua with then Ambassador Negroponte. At that time, there were many allegations that a so-called Battalion 316—which was supervised and trained by our CIA and by some of our military personnel—had been involved in some very egregious human rights abuses, including the disappearances of people, including the disappearance and alleged torture and murder of a Catholic priest.

At the time of my visit to the camp with Mr. Negroponte, I asked a number of questions about Battalion 316 and the alleged human rights abuses. I was told there were no such human rights abuses committed by the Honduran military. It became clear to me I was misled, and quite frankly I was not given answers to my questions about the human rights abuses being committed by Battalion 316. I believe Ambassador Negroponte knowingly misinformed me and knowingly misinformed the U.S. State Department about gross violations of human rights in Honduras during his tenure.

I refer to a series of articles written in the Baltimore Sun in 1995. A June 19, 1995 article was talking about Ambassador Negroponte.

An ambassador, someone cynically once said, is sent abroad to lie for his country. U.S. career diplomat John D. Negroponte confused that with lying to his country. As U.S. ambassador to Honduras during the early '80s, Mr. Negroponte systematically suppressed reports to Washington describing kidnappings and murders of political dissidents by a secret unit of the Honduran army. Instead he was responsible for false reports to Washington that portrayed the Honduran regime as committed to democracy and the rule of law.

I will read further from this article:

Why should an experienced U.S. diplomat send false reports to the State Department concealing damaging information about the nation he was assigned to? Simple. For one thing, some of his superiors wanted it that way. They weren't fooled. They were part of a conspiracy to mislead Congress and the U.S. public. The Reagan administration, which dispatched Mr. Negroponte to replace an ambassador who was reporting unwelcome facts, had an overriding policy objective in Central America: to stop what it perceived as a threatened communist takeover. Nothing else mattered.

Mr. Negroponte later told a Senate panel he never saw any "convincing substantiation" that the notorious unit was "involved in death squad type activities." If so, he outdid the three monkeys who saw no evil, heard no evil and spoke no evil. The evidence was all around him, including in his own embassy. A diplomat who tried to write a truthful human rights report was ordered to remove the damaging information. More than 300 articles about military abuses appeared in the Honduran newspapers that year alone. Hundreds marched through the capital in protests. A dissident Honduran legislator personally appealed to Mr. Negroponte.

I ask unanimous consent to have the articles from June 19, 1995, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, June 19, 1995]

HEAR NO EVIL, SEE NO EVIL . . .

An ambassador, someone cynically once said, is sent abroad to lie for his country. U.S. career diplomat John D. Negroponte confused that with lying to his country. As U.S. ambassador to Honduras during the early '80s, Mr. Negroponte systematically suppressed reports to Washington describing kidnappings and murders of political dissidents by a secret unit of the Honduran army. Instead he was responsible for false reports to Washington that portrayed the Honduran regime as committed to democracy and the rule of law.

Why should an experienced U.S. diplomat send false reports to the State Department concealing damaging information about the nation he was assigned to? Simple. For one thing, some of his superiors wanted it that way. They weren't fooled. They were part of a conspiracy to mislead Congress and the U.S. public. The Reagan administration, which dispatched Mr. Negroponte to replace an ambassador who was reporting unwelcome facts, had an overriding policy objective in Central America: to stop what it perceived as a threatened communist takeover. Nothing else mattered.

Each year, U.S. embassies report on human rights abuses and the State Department passes the information on to Congress. Nations that consistently violate human rights are barred from receiving U.S. military aid. By ignoring the clear, unavoidable evidence that Hondurans were being kidnapped, tortured, raped and murdered by a special unit under the command of the army chief of staff, the Reagan administration was able to boost military aid to Honduras from $3.9 million in 1980 to $77.4 million four years later.

Mr. Negroponte later told a Senate panel he never saw any "convincing substantiation" that the notorious unit was "involved in death squad type activities." If so, he outdid the three monkeys who saw no evil, heard no evil and spoke no evil. The evidence was all around him, including in his own embassy. A diplomat who tried to write a truthful human rights report was ordered to remove the damaging information. More than 300 articles about military abuses appeared in Honduran newspapers that year. Hundreds marched through the capital in protests. A dissident Honduran legislator personally appealed to Mr. Negroponte.

In the last of four articles resulting from a 14-month investigation, Sun reporters Ginger Thompson and Gary Cohn quote liberally from the 1982 and 1983 human rights reports on Honduras. Each quotation is matched by persuasive evidence it is a shameless lie. Even the Honduran government has now acknowledged the atrocities. But not Mr. Negroponte, the hard-line cold warrior who considered Henry Kissinger a softie on Vietnam.

Now ambassador to the Philippines, Mr. Negroponte has refuse to respond to questions repeatedly directed at him by The Sun. But he can't ignore pointed questions from President Clinton, whose personal representative in Manila is Mr. Negroponte. Despite the State Department's support of Mr. Negroponte, the president can't possibly want someone of this ilk representing the U.S. abroad.

Mr. HARKIN. Ambassador Negroponte's reports to his superiors in the State Department resulted in the Congress being misled as to the scope and nature of gross human rights violations that were committed by Battalion 316, an elite U.S trained unit of the Honduran military involved in some of the worst human rights abuses in Central America.

In a letter to The Economist in 1982, Ambassador Negroponte wrote, it is simply untrue that death squads have made appearances in Honduras.

This is from our Ambassador to Honduras at the very time death squads were openly operating in Honduras under Battalion 316. Yet he said it is untrue that they have made an appearance in Honduras.

We now have history. We now know Mr. Negroponte was not telling us the truth.

From 1981 to 1984, over 150 people disappeared in Honduras, including an American priest, Father James Carney. His body has never been recovered. All indications at that time pointed to Battalion 316. There had been reports that they interrogated him and he was severely tortured and killed. I am not suggesting Ambassador Negroponte was responsible for Father Carney's disappearance. What I am saying, however, is Ambassador Negroponte turned a blind eye and a deaf ear to the human rights abuses in Honduras during his watch. During that period, Ambassador Negroponte was in very close contact, perhaps almost on a daily basis, with GEN Gustavo Alvarez, the Commander in Chief of the Honduran military, and the architect of Battalion 316.

For Ambassador Negroponte in 1982 to say it is simply untrue that death squads have made appearances in Honduras—this is going to be our Ambassador to Iraq at this time?

In 1989, during a hearing before the Senate Foreign Relations Committee, on his nomination to be Ambassador to Mexico, Ambassador Negroponte was questioned about the human rights violations by this elite battalion which became known as Battalion 316. His response was that he had "never seen any convincing substantiation they were involved in death-squad type activities." Yet, as a Baltimore Sun article pointed out, the evidence was all around him, including in his own embassy. A diplomat who tried to write a truthful human rights report was ordered to remove the damaging information, and Mr. Negroponte was the Ambassador at that time.

Mr. President, the Baltimore Sun, in 1995, devoted a series of articles on what happened in Honduras and what happened in terms of Mr. Negroponte's involvement at that time. For the benefit of those who might want to read the RECORD and catch up on Mr. Negroponte's past and what he did while he was Ambassador to Honduras, I commend these articles to them.

Mr. President, I think it should be clear to all of us why human rights questions and concerns should be at the forefront of today's debate and why someone with the background of Mr. Negroponte is not the right person to send to Iraq, because it is going to come out, it will come out about Mr. Negroponte's involvement with Battalion 316. It will come out about Mr. Negroponte's efforts in Honduras to suppress information Congress needed at that time. It will come out that Mr. Negroponte was untruthful to his superiors at the State Department. It should be clear to us why he should not go there at this time.

We are shocked and shaken by the pictures of abuse against Iraqis at the hands of U.S. personnel. Our image as a country is at stake. But it is not just our image, it is the very essence of our Nation, our fundamental respect for human rights, our fundamental respect for the dignity and worth of each individual, the essence of what we are trying to tell the world, that we are for freedom, that we are for individual liberties, that we oppose torture in all its forms. There is no reason why people should be tortured in prisons, and we should not be involved in it.

The photographs we have seen also have a personal association for me. When I first saw these pictures, I was taken back in time—34 years to be exact—to 1970, July of 1970, when I was a staff person in the House of Representatives, and I was sent with a commission to Vietnam.

We had heard all these reports about these tiger cages in which people were brutally tortured, killed. Our State Department denied their existence, our military denied the existence of them; these were all just Communist conspiracy stories.

Well, I had heard enough about them and others had heard enough about them that I began to look into it, and because of some luck, because of the courage of Congressman William Anderson of Tennessee, and Congressman Augustus Hawkins of California, a young man by the name of Don Luce, and the bravery of a young Vietnamese man who gave us the maps on how to find this prison, we were able to uncover the notorious tiger cages on Con Son Island.

Fortunately, I had a camera. Fortunately, I had a hidden tape recorder. Because when I came back and we reported on this, we were told they were not that bad. Well, then LIFE magazine published my pictures and the world saw how bad they really were. North Vietnamese, Vietcong, and civilian opponents of the war in South Vietnam were all bunched into these tiger cages, in clear violation of human rights, fundamental human rights, and in clear violation of the Geneva Convention. We had been asking the North Vietnamese to abide by the Geneva Convention in terms of their treatment of our prisoners in North Vietnam. Yet, here we were condoning, supervising, the very same kind of abuses of people, in clear violation of the Geneva Convention.

Well, then I was told, well, as to what these people were telling me—because the interpreter was pro-Communist—that he was telling me the wrong things, because I did not speak Vietnamese, you see. I did not speak Vietnamese, and they said the person interpreting for me had a bias toward the Communists, so I could not believe what I was being told. So they sent another group over to hear all these glowing reports. What they did not know at the time is that I had a hidden tape recorder. No one knew that except me. I tape recorded everything that was said.

I was fired from my job. I was told I would never again work in the U.S. Congress because of my actions in letting these pictures out and telling the truth about what was happening on Con Son Island. I was brought before a congressional committee and was charged that what I was reporting was false because I did not speak Vietnamese, and that my interpreter was a well-known "Communist sympathizer." But I had my tape recorder and I taped everything that was said.

I turned it over to the Library of Congress to transcribe, and they transcribed every single word. Not only what I had been saying was confirmed, but there was even more on the recording that was not interpreted for me, more evidence of the cruel, torturous conditions in these tiger cages, how people had been tortured and killed, and how we, the U.S. Government, had provided not only the funding but the supervision for these prisons.

So when I saw these pictures from Iraq, it brought back Con Son Island and the tiger cages. I thought we had learned our lesson. Yes, war is not a nice thing. War is terrible. But that is why we have Geneva Conventions. That is why we have these international treaties. I thought we learned after Con Son and the tiger cages that we ought not to be involved in those things, that we ought to make sure whoever runs these prisons, whoever has charge of prisoners of war, treats the prisoners according to the Geneva Convention. Yet here we are back again—34 years later—and we see the same kinds of things happening in this prison.

I do not know who took those pictures. I read in the paper today it was a young man and that he may be in some serious trouble. Well, whoever took those pictures, I want them to know they have a friend and an ally in this Senator from Iowa. I will do whatever I can to ensure that no harm in any way comes to them, that they are able to speak out without fear of any reprisal about what they saw and what went on in those prisons.

We have to let the sunlight in—the best disinfectant. Let's show it for what it was. Let's show what happened there. And let's tell the world, once again, that we are going to make sure we have in place policies, programs, things that will never let this happen again.

The lead editorial in this morning's Washington Post made it very clear when they said:

> Beginning more than two years ago, Mr. Rumsfeld decided to overturn decades of previous practice by the U.S. military in its handling of detainees in foreign countries. His Pentagon ruled that the United States would no longer be bound by the Geneva Conventions; that Army regulations on the interrogation of prisoners would not be observed; and that many detainees would be held incommunicado and without any independent mechanism of review. Abuses will take place in any prison system. But Mr. Rumsfeld's decisions helped create a lawless regime in which prisoners in both Iraq and Afghanistan have been humiliated, beaten, tortured, and murdered—and in which, until recently, no one has been held accountable.

I agree with those who want a full investigation. I believe we should investigate. But I don't want to see this just pinned on a few soldiers at the bottom. Yes, they have to be held responsible, too. No military person has to follow an illegitimate order of anyone placed in authority above him or her. These were illegitimate orders. If they were ordered to do such things, who gave those orders? Who supervised it? How far up the chain of command did it go?

The bottom line is, the Constitution of the United States puts a civilian in charge of our military. It is that civilian, by his or her actions, statements, policies, programs, that filter down to that private, that sergeant out in the field. Mr. Rumsfeld, because of his actions and his statements and his policies during his tenure as Secretary of Defense, is ultimately responsible. That is why I have called today for his resignation. If he doesn't resign, the President of the United States should dismiss him forthwith.

Seeing no one else asking for time on the floor, I ask unanimous consent that I have an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Because of what has happened, and for our country, we speak of patriotism a lot, patriotism of our brave soldiers and airmen and seamen in Iraq and around the world, the patriotism of those in our country who fight for justice, fight for those less fortunate. Patriotism takes on a lot of different forms. I think Mr. Rumsfeld has to show some patriotism. He has to put the good of his country above his own self-interest and his own self-esteem. It is time for him to recognize that we need a new Secretary of Defense to change the policies and the programs that Mr. Rumsfeld instituted, that, as the Washington Post editorial said, led to this kind of a situation.

I ask unanimous consent that the editorial in the Washington Post this morning, May 6, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 6, 2004]

MR. RUMSFELD'S RESPONSIBILITY

The horrific abuses by American interrogators and guards at the Abu Ghraib prison and at other facilities maintained by the U.S. military in Iraq and Afghanistan can be traced, in part, to policy decisions and public statements of Secretary of Defense Donald H. Rumsfeld. Beginning more than two years ago, Mr. Rumsfeld decided to overturn decades of previous practice by the U.S. military in its handling of detainees in foreign countries. His Pentagon ruled that the United States would no longer be bound by the Geneva Conventions; that Army regulations on the interrogation of prisoners would not be observed; and that many detainees would be held incommunicado and without any independent mechanism of review. Abuses will take place in any prison system. But Mr. Rumsfeld's decisions helped create a lawless regime in which prisoners in both Iraq and Afghanistan have been humiliated, beaten, tortured and murdered—and in which, until recently, no one has been held accountable.

The lawlessness began in January 2002 when Mr. Rumsfeld publicly declared that hundreds of people detained by U.S. and allied forces in Afghanistan "do not have any rights" under the Geneva Conventions. That was not the case: At a minimum, all those arrested in the war zone were entitled under the conventions to a formal hearing to determine whether they were prisoners of war or unlawful combatants. No such hearings were held, but then Mr. Rumsfeld made clear that U.S. observance of the convention was now optional. Prisoners, he said, would be treated "for the most part" in "a manner that is reasonably consistent" with the conventions—which, the secretary breezily suggested, was outdated.

In one important respect, Mr. Rumsfeld was correct: Not only could captured al Qaeda members be legitimately deprived of Geneva Convention guarantees (once the required hearing was held) but such treatment was in many cases necessary to obtain vital intelligence and prevent terrorists from communicating with confederates abroad. But if the United States was to resort to that exceptional practice, Mr. Rumsfeld should have established procedures to ensure that it did so without violating international conventions against torture and that only suspects who truly needed such extraordinary handling were treated that way. Outside controls or independent reviews could have provided such safeguards. Instead, Mr. Rumsfeld allowed detainees to be indiscriminately designated as beyond the law—and made humane treatment dependent on the goodwill of U.S. personnel.

Much of what has happened at the U.S. detention center in Guantanamo Bay is shrouded in secrecy. But according to an official Army report, a system was established at the camp under which military guards were expected to "set the conditions" for intelligence investigations. The report by Maj. Gen. Antonio M. Taguba says the system was later introduced at military facilities at Bagram airbase in Afghanistan and the Abu Ghraib prison in Iraq, even though it violates Army regulations forbidding guards to participate in interrogations.

The Taguba report and others by human rights groups reveal that the detention system Mr. Rumsfeld oversees has become so grossly distorted that military police have abused or tortured prisoners under the direction of civilian contractors and intelligence officers outside the military chain of command—not in "exceptional" cases, as Mr. Rumsfeld said Tuesday, but systematically. Army guards have held "ghost" prisoners detained by the CIA and even hidden these prisoners from the International Red Cross. Meanwhile, Mr. Rumsfeld's contempt for the Geneva Conventions has trickled down: The Taguba report says that guards at Abu Ghraib had not been instructed on them and that no copies were posted in the facility.

The abuses that have done so much harm to the U.S. mission in Iraq might have been prevented had Mr. Rumsfeld been responsive to earlier reports of violations. Instead, he publicly dismissed or minimized such accounts. He and his staff ignored detailed reports by respected human rights groups about criminal activity at U.S.-run prisons in Afghanistan, and they refused to provide access to facilities or respond to most questions. In December 2002, two Afghan detainees died in events that were ruled homicides by medical officials; only when the New York Times obtained the story did the Pentagon confirm that an investigation was underway, and no results have yet been announced. Not until other media obtained the photos from Abu Ghraib did Mr. Rumsfeld fully acknowledge what had happened, and not until Tuesday did his department disclose that 25 prisoners have died in U.S. custody in Iraq and Afghanistan. Accountability for those deaths has been virtually nonexistent: One soldier was punished with a dishonorable discharge.

On Monday Mr. Rumsfeld's spokesman said that the secretary had not read Mr. Taguba's report, which was completed in early March. Yesterday Mr. Rumsfeld told a television interviewer that he still hadn't finished reading it, and he repeated his view that the Geneva Conventions "did not precisely apply" but were only "basic rules" for handling prisoners. His message remains the same: that the United States need not be bound by international law and that the crimes Mr. Taguba reported are not, for him, a priority. That attitude has undermined the American military's observance of basic human rights and damaged this country's ability to prevail in the war on terrorism.

Mr. HARKIN. We are all upset about what happened. Our country was founded on the principles of democracy, the inalienable rights of individuals. We were right to condemn Saddam Hussein for his state-sponsored torture in Iraq. We are right to condemn anyone, whether it is in Uganda or those who led the Rwandan massacre, the generals who now run Burma, or those who set up the Soviet gulags during that long cold war where so many were tortured and killed by the Soviets. We have always been right to speak out against those and to do what we can to uphold the inalienable rights of individuals. We are not perfect. No country is; no individual is. But our obligation is to make sure that when this country makes a mistake, we right it. We don't try to cover it up. We don't try to excuse it. We bring it out, show it for what it is, and then institute policies, programs, procedures to make sure that human rights abuses under our watch will never happen again.

The bravery of our men and women in Iraq, under intolerable conditions, is a source of pride to all of us. As Senator KENNEDY said, what has happened with these pictures, these terrible human rights abuses, I believe, has to pain our wonderful young men and women in uniform more than it pains us. Most of them, I am sure, are as abhorred by this as we are. I know they are wondering how something like this could have happened. It has to be demoralizing for our military as it is demoralizing for us. That is why 34 years ago, when the pictures of the tiger cages came out, it led to reforms. I believe it helped lead to the end of that terrible conflict in Vietnam and brought our troops home.

I hope these pictures, as awful as they are, about what happened in the Abu Ghraib prison, will now provoke us to act, to straighten out the system, to make sure this does not happen again.

The PRESIDING OFFICER. The Senator has used his additional 5 minutes.

Mr. HARKIN. I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I believe that our President has to apologize to the Iraqi people. He went on television yesterday. As I understand from all the articles I read, he gave a slight slap on the wrist to Secretary Rumsfeld and said he still supported him. I am sorry. Sometimes it takes a big person to admit wrong and to apologize. I believe that is what we need to do for the Iraqi people, to let them know, not by words but by deeds, that this does not reflect who we are as a people. We are better than that. We are bigger than that.

Because of what has happened, because of the pall this has cast over our involvement in Iraq, for those reasons and for the history of John Negroponte and what he did during his tenure in Honduras during a time of gross violations of human rights, he should not be the highest ranking diplomat in Iraq. I suppose the skids are greased for him to get this appointment. But I don't think there are too many here who remember Mr. Negroponte and what he did in Honduras, but I don't forget. I don't forget what happened there. I don't forget that Mr. Negroponte was one of those individuals closely aligned with General Gustavo Alvarez and Battalion 316. I don't forget that it was Mr. Negroponte who turned a blind eye and a deaf ear to the human rights abuses in Honduras at that time.

So to send Mr. Negroponte to Iraq would send entirely the wrong message at this time.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that the time under the quorum call be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that I be allowed to speak for 5 minutes using the time that Senator LEVIN had.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, at 5 o'clock we are going to vote on whether to confirm Mr. Negroponte to be our

Ambassador. I want to make clear a couple of points. I voted against Mr. Negroponte for the very issues Senator HARKIN talked about in his history when he was in Latin America, during what I believed to be a massive coverup of human rights abuses, which was very troubling. When Mr. Negroponte went there, there was a meeting with him and I said: You are now in a new job, and although I am not voting for you, I want to work with you. We did work together on a treaty banning child soldiers. He worked very well with us on that. There were times when I called him to talk about issues of concern and he was very accommodating.

I am going to vote for him today to give him another chance at a job that is so dangerous and so worrisome, because we have a policy in Iraq that is not working. He is willing to go there. I give him tremendous credit for that and I give credit to his family. I also think his ties with people in the United Nations, as we try to get more nations involved, could be helpful. I am not sure, but it could be helpful.

I want to express my reservation, now that we see on the agenda of the United States of America one of the worst scandals I think we have seen in a very long time—this prison scandal, which has such enormous ramifications. As one of my colleagues said, it has undone a thousand gestures of kindness and goodness our troops have demonstrated to the Iraqi people and to the people of Afghanistan.

People say, Senator, you should not vote for Mr. Negroponte because now we have this other human rights scandal. Well, I feel Mr. Negroponte knows we are watching everything now. America has a way of getting to the truth. The other day I made a speech about making sure that truth will not be a casualty of this war. We need to know the truth. I can tell you, I have never seen anything uglier.

When the press came to me and asked how I am going to vote for Mr. Negroponte, I said I want to give him this opportunity. I also feel we ought to be looking to the Commander in Chief right now.

It isn't Mr. Negroponte who is responsible for what has gone on here. It is, in the end, the Commander in Chief, and I wish this Commander in Chief would do what others of both political parties did and step up to the plate and admit it. We all make mistakes. God knows I have made many. We do not like to admit them because it shows our fallibility, perhaps our lack of wisdom or experience. But in the end, you have to do that.

There have been so many mistakes made since this Iraq situation turned into the nightmare that it is—and let me put it right on the table because I do not come to this table without a certain point of view. I did not vote to go it alone in this war. I worried about going it alone in this war. Now we have to ask ourselves, whether we voted for it or against it, what do we do now? Of course, that is the important question. And what mistakes have been made? There are so many mistakes.

The military campaign was brilliant.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. I ask for an additional 2 minutes per side, and I will finish up. Excuse me, I ask if I can have an additional 5 minutes from leader time, and then I will finish up.

Mr. McCAIN. Reserving the right to object, 5 minutes?

Mrs. BOXER. Yes, and I will be done.

Mr. McCAIN. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I see Senator McCAIN here, one of our heroes in America. He is my chairman and friend. I went over to him one day—I don't know if he remembers this. I was so worried about this war, and he said something that turned out to be true. He said: It will be over in 2 weeks. He was right, in essence. It was maybe a little longer. That first military campaign was brilliant. And I said: But, Senator, I am worried about how many we are going to lose.

He said: It's going to be OK, Barbara.

He was right. But there wasn't a plan in place after that, and we all know that. Yet when the President was asked by the press, Did you ever make any mistakes, couldn't he think of that one?

DICK LUGAR, chairman of the Foreign Relations Committee, Senator BIDEN, Senator HAGEL, Senator KERRY, Senator DODD, Senator CHAFEE, myself, and others on the Foreign Relations Committee came together and said: Where is the plan? We said that before the first shot was fired. So that was a mistake.

Then when the President landed on the carrier and he said major combat was over, "Mission Accomplished" behind him, that was a mistake.

Then when the world said—after that moment, we had them in our hands that day, the whole world when the President landed on that carrier: Can we help you in Iraq? The President said: If you did not go in with us, you cannot rebuild; you are not getting anything. So the spoils of the war were not going to be shared with anyone except those who went into Iraq. It was a mistake in the end. We would have had everyone in there with us. It would have been different.

When the United Nations building was blown up, an opportunity to say then and show leadership that this has turned into a war against terror and the terrorists are here now—and by the way, they were not before. We know that from State Department documents. They are there now. We had an opportunity to say: United Nations, you have been attacked; come with us. We did not do that.

Now this horrific vision in these prisons. I heard one commentator say: What about the vision of the Americans who were slaughtered and hung on the bridges? Yes, sickening, horrifying, hellish. We cannot go down that road because this is America.

When I was growing up, I knew America was different. This editorial that ran today in the Washington Post opened up my mind because I did not call for anybody's firing. I think the Commander in Chief is responsible, and he has to decide who he is holding responsible. This is an interesting editorial. It said, When did the trouble start? It is when Don Rumsfeld, and I assume with the permission of the President, said: We are not going to pay any attention to the Geneva Convention. None of these rules are going to apply. And now what has happened?

We don't know all the details, but if it is true, and we do not know that yet, what we see in the paper—and these are real photographs—I do not know that for sure, but if it is true, what we are seeing is something that has stained this country, that has burdened this country and scarred this country, that has undermined everything in which we all believe, Democrats, Republicans, Independents, Greens. It does not matter what party; it is about America.

I think it is mistake after mistake after mistake after mistake after mistake. What do we do now? I think JOE BIDEN has great ideas on that. He says the Iraqi people have to want democracy as much as we want it for them. I do believe it is time to test that. We are sending our people into a caldron. We cannot keep going down this course. We have to modify it and change it.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. I thank the Chair.

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senator from California be allowed 2 additional minutes to finish up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, as usual, my friend is very generous of spirit.

Stay the course, modify the course, change the course—we need to change the dynamics of this. Some have suggested tearing down the prison. I think that might be an excellent idea to show our remorse, our sorrow, and our outrage. They say a picture is worth a thousand words. These pictures say terrible things, and we by our actions have to undo those pictures.

My understanding is that a lot of these people who were conducting themselves in this atrocious fashion were kids. They were never trained. They did not understand. They were told: Just do whatever you have to do to get people to talk.

I do not know if that is all true. We will get to the bottom of it. But one thing I do know is, you do not stay on a course when it is not working. We have lost over 700 of our beautiful people, some young, 18, 19, some 30, 40 years old leaving behind children. Some 3,000 plus have been wounded. And why doesn't Paul Wolfowitz know these numbers? What is wrong with him that he doesn't know these numbers? It is wrong. These are lives. These young people are not just some faceless, nameless cutout of a soldier.

Mr. President, I am so filled with sadness. Every time I come to the Senate floor to read the name of Californians who have died—I know they are the best.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. My word to them is: You are the best, and we will get to the bottom of this.

Mr. President, I thank Senator MCCAIN for his generosity.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my friend from California. I do remember our conversation. I also remember she and I discussed the fact that the post-conflict era was going to be extremely difficult. She made a very balanced statement today, and I thank her for that as we all go through this very difficult time in the history of our country.

Mr. President, we will be having a hearing tomorrow with Secretary Rumsfeld, and after that hearing, a lot of us, I hope, will be better informed, not just members of the committee, but others will be better informed as to the dimensions of this terrible situation which we have seen so graphically demonstrated on the abuse of human rights.

I also am convinced again that the sooner we get this issue resolved and move forward and make sure it never happens again, it is very important because we have to go about the business of winning this conflict. We cannot let this terrible situation, as tragic as it is, divert us from our purpose of winning this conflict which we cannot afford to lose. We have plenty of time to debate and discuss that in the future.

I also would like to comment on my friend John Negroponte. I have known John Negroponte ever since he was ambassador to Mexico, where he did an outstanding job. He has held a broad variety of positions in both Republican and Democrat administrations. I believe he will perform admirably in the position for which the President of the United States has nominated him.

There probably would have been a lot less discussion about Mr. Negroponte's qualifications if it had not been for the difficulties we are experiencing in Iraq at the moment, but I would also point out it also lends some urgency to getting this highly qualified, patriotic American in position as we prepare to turn over the government of Iraq to the Iraqi people, which I think all of us are in agreement should be done as quickly as possible.

SUDAN

Mr. President, I rise to speak about the situation in Sudan. Before I do, often citizens, opinion leaders, and people who are viewed with some respect by the American people have, unfortunately, the opportunity or the obligation to say: Never again. We said "never again" after the Holocaust. We said "never again" after the slaughter of 800,000 innocent people in Rwanda, and we have said "never again" on a number of occasions where acts of genocide have taken place.

We are seeing a situation in the Sudan where I do not want us as a nation or as individuals to look back and say some years from now, after these innocent people are being ethnically cleansed and victims of a genocidal plan of orchestrated atrocities, that we would say never again without us attempting to do what we can to stop what is happening in the Sudan as we speak.

Our thoughts and prayers are with the brave Americans serving in Iraq and with the Iraqi people we have liberated, but at the same time the situation in Sudan is dire and it is getting worse.

I applaud Senator BROWNBACK and Senator FEINGOLD for introducing a resolution on this situation, and I am proud to consponsor it. I would like to take a few moments to describe what the world faces today in Sudan.

The region of Darfur, in western Sudan, is one of the most strife-ridden places on Earth. The largely Arab Sudanese government has teamed with the janjaweed, a group of allied militias, to crush an insurgency in Darfur. This is not the same as the conflict between the Sudanese government and the Sudanese People's Liberation Movement in the south, but rather a separate, brutal conflict. The methods that the government and the janjaweed have employed to put down the insurgents are nothing short of horrific. they are not only targeting rebels, but civilians as well.

Reports emerging from Darfur indicate that the government and the militias are killing civilians, engaging in widespread rape, abducting children and adults, looting civilian property, deliberately destroying homes and water sources, and forcing villagers into government-run concentration camps. The government continues to block access to the region for international humanitarian organizations and ceasefire monitors.

I urge my colleagues to listen to the words of a student from the town of Jorboke. He told Human Rights Watch:

> I was at the well with my animals, about half a kilometer from the village, when the planes came. . . . The Antonovs came first, they were very high, like small birds, and they dropped eight bombs around Jorboke. We have two wells and both were hit, the others landed outside the village. . . . The MiGs came about fifteen minutes later and they bombed two of the houses in the village. I heard later that the janjaweed came and looted and burned the rest of the village, but I had left by then; my family put me on a camel to come out to Chad.

A recent article in the New York Times reported an Antonov pilot ordering a ground commander: "Any village you pass through you must burn. That way, when the villagers come back they'll have a surprise waiting for them."

My colleagues heard correctly. The government of Sudan is actually using Russian made Antonov bombers and MiG fighters to kill the civilian population. They are not simply attacking military targets but are focusing on civilian targets such as water wells, granaries, houses, and crops.

Jan England, the UN Under-Secretary General for Humanitarian Affairs describes the situation in Darfur as a "scorched-earth" policy of ethnic cleansing in Darfur, and Andrew Natsios, Administrator of USAID described it last week as "the worst humanitarian disaster in the world right now." The cost to the local population has been enormous. In the last year alone, possibly up to 30,000 people have been killed and another million people have been displaced. Many of the displaced are farmers, who have been unable to plant their crops. Famine looms.

As we stand here today, a nominal cease fire is in place, but there is little evidence that the government and its allied militias are honoring the agreement. Refugees continue to pour across the border into Chad, fleeing for their lives.

If any of this sounds familiar, it should. Just weeks ago we commemorated the 10th anniversary of the Rwandan genocide. Just weeks ago we wrung our hands and said, "If only we knew what was to come, we would have acted." We should have acted. But the international community remained silent and idle, and 800,000 Rwandans lost their lives, under the most horrible circumstances.

This cannot happen again. We do not yet face a Rwanda-type situation in Sudan, and must ensure that we never do. The situation in Darfur offends America's values, and threatens our interests. The continued flight of refugees into Chad, the tenuous peace between Eritrea and Ethiopia, as well as the ongoing conflicts in Somalia could further escalate if we allow Sudan to go up in flames.

Now is the time to act to stop the killing in Sudan before it becomes genocide. I am encouraged that President Bush has spoken out against atrocities in Sudan, and that the State Department and USAID have been very engaged. But we must do more. As the rainy season approaches and threatens to hinder the delivery of aid and medicine, we are running out of time.

The United States must first make clear to the Government of Sudan that its behavior and the actions of its allied militias are totally unacceptable. If the government believes that it will get a free pass in Darfur in exchange for brokering peace with rebels in the south of the country, it is sorely mistaken, as the administration has rightly made clear. We must maintain all sanctions related to human rights violations until real progress is made in Darfur, and consider other ways we can increase pressure on the government.

The international community must also join with us in pressuring the regime. The situation in Darfur should be no more acceptable to responsible European and African governments than it is to the American people. The United Nations Security Council must condemn, in the strongest terms, the gross abuses of international humanitarian law and human rights in Darfur. It should further demand that the Sudanese government immediately disarm and disband its militias, allow full and unhindered access to Darfur by humanitarian agencies and ceasefire monitors, and allow all displaced persons safe passage back to their homes. The Secretary General should report back to the Security Council within weeks, noting the degree to which the Government of Sudan is complying with these demands. At that point, if necessary, the Security Council should consider stronger action under Chapter VII authority.

In the meantime, we must examine whether and what size international contingent it would take to stop this disaster. If troops are required, we should figure out how to get troops, possibly African troops, on the ground. If we need financial and logistical support, the United States and others should provide it.

Some will say that this is going too far, that we face other, more important crises around the world. Dealing with ethnic strife is never easy, and it is all the more tempting to turn our heads when Sudan seems a far-off, obscure place in Africa. Yet 10 years ago, we looked the other way when the public was unaware of the war between the Hutu and the Tutsi in Rwanda. In 1998, President Clinton apologized for our lack of action. I do not want to stand on the Senate floor 10 years from now and remark about the hundreds of thousands of innocent Sudanese who perished under our watch.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I rise to comment on the critical importance of moving ahead on many of the pending nominations for the ambassadorial and foreign affairs post, and to speak to John Negroponte, who has become a good friend, someone whom I admire tremendously.

I do commend the Senator from Arizona for his statement on the Sudan. I opened this morning earlier today with the resolution at the time it was approved. The Sudan is a country I am in every year, and throughout the southern Sudan. I have had the opportunity to be there at least once a year for the last 6 years. Again, the atrocities that are going on in Sudan must be condemned, and the Senate is speaking loudly, through the voice of Senator McCAIN and so many others over the course of today. I commend the leaders, both of the sponsors of the bill, and the bipartisan support for that resolution.

I mentioned the ambassadorial and foreign affairs posts because we need to pay attention not just to the future of Ambassador Negroponte, but also the many others today because we do have a whole range of qualified individuals who are going to be in very important posts—except there is one little block, and the block ends up being a huge one, right here in the Senate. They are ready. They have been fully vetted and approved, with strong support of the Foreign Relations Committee. There have been bipartisan votes. There have been unanimous votes. It is now time to act on a whole range of these ambassadorial posts.

Chairman LUGAR, on the Senate floor just a few hours ago, eloquently noted that foreign governments take notice when the American Embassy post remains vacant. They basically look at the post and they see back in America that nominees have been put forward, but the fact the Senate has not said yes, which we ultimately will do, sends a strong signal to those countries as if the United States doesn't put the emphasis or care quite as much about that country. It might be interpreted as a feeling of declining interest in that country. We should not allow it to happen. Really, we must not allow that to happen. It takes action here in the Senate.

I am very hopeful we can open up this whole gate that is blocking so many of these nominees. We absolutely must have strong diplomatic representation and support for our policies in order to fight global terror, to defeat global terror, to further our economic interests around the world, to advance our interests and bring freedom and democracy to the millions of people who yearn for it. Like our military, our diplomatic corps is a part of a national security team.

I know most of my colleagues, indeed, all of my colleagues would not deny our military the leadership they need in the time of war. I ask my colleagues to remember the similar and very important role that our ambassadors play. That important role is advancing our national security and foreign policy interests. Our embassy teams serve on the front line of the United States of America. Our Foreign Service officers and embassy personnel literally put their lives at risk each and every day.

It was just in 1998, in Tanzania, in Kenya, that a number of our embassy staff were killed in the al-Qaida attack. They paid the ultimate price for freedom.

The Constitution gives us responsibility, it gives us a critical role in the appointment of ambassadors. But the advise and consent power is not only a right of this body but it is a responsibility of this body. As I have said many times before, I take that responsibility very seriously. In this time of war, America needs to have full diplomatic representation abroad. We are at war. We need to be represented fully abroad.

The nomination of John Negroponte is pending today, and hopefully shortly, we will be voting on his nomination. I have had the opportunity to visit with him recently and to grow to know him over the last several years. I think there is no individual more qualified to take on that difficult task—and we all know it is going to be difficult—as Ambassador to Iraq. Ambassador Negroponte has served this country for over three decades. He is one of the most qualified diplomats to ever serve this Nation. He has been confirmed by this body seven times before.

On June 30, as we all know, the Coalition Provisional Authority turns over Iraqi sovereignty to the Iraqi people. We have seen it play out in the last several days, the last several weeks. It is a difficult time in Iraq. It is perhaps the most critical moment in the fight to bring freedom to that war-torn nation.

As we all know, Ambassador Negroponte will be charged with implementing those policies in Iraq. He will be responsible for leading and protecting a team of over 1,700 embassy personnel.

It is a critical time of conflict in Iraq and indeed throughout the Middle East. It is in this critical time that we need Ambassador Negroponte at his post as soon as possible. The future of Iraq depends on our ability to make good decisions right now.

As Chairman LUGAR pointed out, we have a number of other nominations, 30 nominations pending on other important posts, right now pending throughout Europe, throughout the Middle East, in Africa and throughout the world. I hope with the final confirmation today of Ambassador Negroponte we can open up what would be a floodgate to these other 30 nominations.

It is not the time to make political statements on either side of the aisle as an excuse for holding up these nominations. The risks are too great at this moment in history. I strongly urge my colleagues to approve Ambassador Negroponte shortly, and all of the other pending nominations as soon as possible.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. COLEMAN. Mr. President, I rise to speak to the issue of the confirmation of the nomination of John D. Negroponte to be ambassador to Iraq.

I serve on the Foreign Relations Committee. During my short time in this esteemed body, I have had the opportunity to listen to, to engage in conversation, and to question Ambassador Negroponte on a number of occasions. He is an extraordinary man to whom this Nation owes a debt of gratitude for his service in the past and whose confirmation should swiftly be approved so he can continue with the distinguished career he has in Government.

His Government career started in 1960 at the age of 21 when he entered the Foreign Service. He has 37 years of experience at the Department of State. He has clearly played a leadership role in American foreign affairs. That leadership is needed today and certainly he can bring that skilled leadership to the challenges he will face as Ambassador to Iraq.

He has served on four continents at the highest levels. Of course, he is serving as Ambassador presently to the U.N., Permanent Representative of the United States to the United Nations. He served this country five times in ambassadorial positions, including Ambassador to the Philippines, Ambassador to Mexico, Ambassador to Honduras in 1977, in 1979 as Deputy Assistant Secretary of State for Oceans and Fishery Affairs, with the rank of Ambassador. His service to this country covers an extraordinarily wide spectrum of regions and functions. He has received numerous commendations, including two President's Meritorious Service Awards, an honorary doctorate from Adamson University in the Philippines, the Homeric Award from the Chian Federation, and on and on.

He truly is an extraordinary man. He brings the right vision for what America needs in Iraq. His vision of the role of ambassador is different from what we have now with Ambassador Bremer. Whereas the CPA today is the ultimate political authority in Iraq, the Embassy will be in a supportive, as opposed to a commanding, role. He understands and believes a U.S. mission will support democratization and rule of law, economic reconstruction and security and counterterrorism.

He believes the U.N. role does not come at the expense of United States influence or interests but, rather, the efforts will be coordinated and complementary. That is what we need in an ambassador. That is the nomination we have before the Senate. I hope there is a resounding voice of support from this body. It sends out the right message to the world as to the kind of individual we want working with the government of Iraq after the transfer of sovereignty on June 30.

I am thrilled Ambassador Negroponte is willing to continue his service, a difficult service. He brings the right skills to the task. The skills certainly are needed.

These are challenging times in Iraq. There is no question about that. In those times of challenge, oftentimes in this great free land of ours, folks have different opinions and different perspectives. Those are often played out in the Senate or in the House Chamber on the other side of this magnificent Capitol Building.

With dissent come tough, probing questions that make our Nation stronger, make it freer, and democracy more durable. I have great respect for those who dissent, to offer a different perspective than me. Certainly the challenge in Iraq, the war in Iraq is evoking a great deal of concern in different perspectives. There is a lot of 20/20 hindsight. It is easier to be a critic. But dissent is not a validation of one's position. On the contrary, one can be just as easily wrong in their dissent as they may be right.

I will say while American lives are on the line, those who dissent must choose the moments to determine whether their dissent will help make this Nation stronger or freer or if it will undermine the very foundation of what holds us together.

I said it before and I will say it again, these days we are observing a mixture of Monday-morning quarterbacking, in some cases, political opportunism, exaggeration, which threatens to deprive us of perspective and resolve when we need it the most.

There are challenges in Iraq. We are all reeling over the photographs we saw of the treatment of some prisoners in an Iraqi prison. It is not what America is about. We rejected that. The President rejected it. The military has rejected it and will hold those responsible.

At the same time, as we speak today, men and women are still in uniform fighting for freedom, fighting against terrorism. This President, our President, did not ask for a war on terror. September 11 happened. We have come to understand that no longer could we escape terrorism, that our shores did not protect us, that we had to be vigilant. We had to resolve and take the battle to the enemy. We have done that.

War is never pretty. War is never something clean and concise. At times, bad things happen. Lives are lost. But in this case, we should never forget the underlying purpose. The underlying purpose is America is in a war on terrorism.

There are people who hate us because we enjoy freedom, because we respect freedom, because of who we are, because of what democracy is all about. There are folks who will go to great ends to make sure democracy never takes hold in Iraq, who will do everything they can to destabilize what we are trying to accomplish, to make it not happen.

But Americans have understood—even if we disagreed on the original purpose of going in, et cetera—that when our men and women in uniform are in battle, we stand with them.

I have grown fond of Teddy Roosevelt, for many reasons, because of this, one of my favorite quotations:

> It is not the critic who counts: not the man who points out how the strong man stumbles or where the doer of deeds could have done better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes up short again and again, because there is no effort without error or shortcoming, but who knows the great enthusiasms, the great devotions, who spends himself for a worthy cause. . . .
>
> Let me reiterate the worthiness of the cause we have undertaken.

This morning, like many of my colleagues, I awoke to an article in Roll Call in which one of the Members of the Democratic minority in the House has decided that comments he made in private should be trotted out to be heard by the entire world.

His comments were that the war in Iraq is "unwinnable." In private conversation those words are troublesome enough, but his willingness to allow those comments to be put in the public domain for partisan political purposes is not only outrageous but it is indecent.

Over the course of the last several days, we all have been horrified by the images of prisoners being tortured in Iraqi prisons. They are shameful, they are reprehensible, and they should make all of us who are fathers and mothers and brothers and sisters say this is not what America is about. And we have said that. There are not enough apologies today to be given to the Iraqi people for that, but we have done that.

But today, as American blood is shed in the cause of freedom and liberty across the world, a Member of Congress' utterances of a war as "unwinnable" does not just demoralize American soldiers, I fear it emboldens America's enemies.

Imagine being on a sports team that is losing badly to their opponent and hearing one of the leaders of the winning team all of a sudden say the game is unwinnable for them, even though they control almost every aspect of the game.

To those thugs and monsters who killed with Saddam and now kill without Saddam, the "unwinnable" jersey on their back has just been put on ours by a Member of Congress. I find that so troublesome.

Every day in Iraq, and in most of the country in Iraq, things are going on in which people are getting their lives together. Their schools are operating and their hospitals are operating. The city is operating, with a city council. Twenty-some million people are going about their lives. There are areas in which there is conflict, but the country is operating, is moving forward. Oil production is back to the way it was, just about at prewar levels.

There are 130,000 American soldiers there, and they are doing great things. When you talk to them, when you talk to the folks who come back, they tell you morale is high. They believe in the mission. When an elected Member of the Congress stands up and says, "I don't believe in the mission. We can't win the mission," something is wrong—not with the mission, not with those who are putting their lives on the line, who believe in the mission. Something is wrong with uttering that kind of statement.

Shameful. Outrageous. It demands the collective condemnation of all of us that we should give comfort to the enemy because of those seeking to score partisan political points.

There is an election coming up on November 2. We all know that. There is no way to avoid it. But because of that, it does not mean we put good common sense behind us. It does not mean that everything that goes on gets caught up in a political perspective and a political battle to make points for those who are for or those who are against.

There is one thing about this country that I have always believed and I have always seen: that in times of difficulty, America comes together. I think what has been so uplifting about what we have seen in regard to the situation in Iraq is that, though there may be debate over the nature of the policy, there may be debate over a range of issues, there has been little or no debate about what our young men and women are doing in Iraq and how well they are doing it and how proud we all are of their courage, of their fortitude, of their commitment. To undermine that in any way, to talk about it being unwinnable, is something that I find difficult or impossible to fathom.

It is time this awful language of defeatism in our Nation's Capitol comes to an end. It is time America comes together, as we do in times of war, to stand with our men and women on the front line, to stand with those who are willing to give the ultimate sacrifice—and many have—and to say to them: We appreciate what you are doing. We appreciate your commitment. We appreciate your service. We appreciate your courage. And we know that America will prevail. We know that justice will prevail. We have faith. We have faith in what you are doing and your ability to get it done. Shame on those who would say otherwise.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, we are here this afternoon debating the nomination for the position of Ambassador to Iraq, the nomination of Ambassador-nominee Negroponte, a career diplomat who probably has as long and good a record in the United States as any person who has served in our Foreign Service.

He started in 1960 representing the United States. He has had an amazing array of important posts, including being Ambassador to the Philippines and Honduras and Mexico, and serving in a variety of other international organizations.

I hope, at the conclusion of our debate today, the Senate will, in fact, confirm the nomination of Ambassador-designate Negroponte.

We need the very best in Iraq. It is a challenging situation. There is no doubt about that. We need somebody of his caliber there. I am delighted the President has found it possible to find such a good person to be the first ambassador to this newly freed country. I hope, as I said, we will be able to confirm him quickly and that he will be able to assume his post.

I think a lot of the Members have found this as an opportunity to discuss the larger issue of the war in Iraq and how it is going and particularly in light of the events of the recent days regarding the revelations of the treatment of certain prisoners in Iraq. I think it is appropriate we all reflect on that, but I also think it is important we keep it in perspective.

I just gave a radio interview in which the questioner asked questions that suggested maybe the wheels were coming off the wagon, that the entire effort might not be worth it; that one of our colleagues in the House had indicated that maybe we are losing the war and we ought to recognize that right now.

I want to focus a little bit on that because, as we have a new ambassador about to assume the position there, he might rightly ask the question, What am I getting into here if we are about to lose a war? And the question is, Are we? And, of course, the answer is, No, we are not. I think it would be well for Americans to stop and think before they talk in those terms because the mere discussion of the issue in those terms gives solace and encouragement to our opponents.

Unlike a war that we fought in the past—you could choose your examples—this war on terrorism includes components that have a lot to do with psychology, with what the enemy believes he can accomplish using asymmetric force against far superior forces of the allied coalition. Therefore, it is important what the enemy reads into what we are saying about the war ourselves. That is why, in effect, the floor of the Senate and the media are other fronts in the war.

When we ask what we can do to help our troops, one thing we can do is think clearly about this and speak in a constructive, positive way, which is not to say we should never express disagreement with each other or with the administration or offer constructive suggestions about what to do better. All of that is fair game in a democracy and makes us what we are and makes for a better conduct of any kind of operation, including a military one. But there is a way to do it that does not give encouragement to the enemy.

When you begin to suggest that because of what a very small handful of Americans did to some Iraqi prisoners, that it somehow suggests we are losing the war, we have gone way off track. I realize most people are not saying that. I hope they don't. That is the kind of expression that will be the beginning of the end of our effort to conduct the hearts and minds part of this war on terror which is almost in some respects as big a part of it as is the military conquest we were so successful in achieving in Iraq.

How should we be conducting ourselves? We are part of this war effort. We are not carrying a gun. But people listen to what we have to say. The terrorists take away from what we say either encouragement or discouragement.

I return to the memo we intercepted from a fellow by the name of Zarqawi. He was sending a memo to his fellow terrorists connected with al-Qaida saying: We have a real problem here. The Americans are winning in Iraq. They are defeating our brothers, and we need more allies. We need people to pour into Iraq to assist us. I fear we are losing the battle because we can't get enough help and the Americans are too tough. They are winning the country over, and before long they are going to have a new government set up here and we will have lost this effort.

That was this terrorist's assessment of the situation. I like that assessment. What it shows is the planning and execution of our military effort and the followup of the military effort after we took Baghdad and had conquered the country, that that has largely succeeded. For most of the country we know it has.

We have two pockets of significant resistance with which we are dealing. There the tension is between going in and doing collateral damage or trying to negotiate, which is what we are being urged to do by people on the ground, Iraqis who, after all, are making a point that they might have some idea about how to do this since they know the folks involved and it is their country. They are going to have to take care of this in the future. So we are paying attention to what they suggest. We are trying to walk a careful line in dealing with these two situations.

But by and large, the point is, the country has been pacified. There has been so much constructive accomplished there in terms of getting the country's infrastructure back to work, getting oil production going, getting the schools and hospitals back up to speed, all of the other aspects that have begun to return the country to normalcy, that we tend to forget all of the good and tend to forget that the security of the country has largely been obtained when we see on the nightly news only one thing and that is the latest explosion that killed either an American soldier, perhaps, or innocent Iraqis, because a lot of the people who are being killed are Iraqis themselves. That is the bad news.

Notwithstanding the news that we get all of the time, the terrorists are saying: We are about to be beat here because the Americans and the other allies have been able to marshal the military power to subdue our brothers. Without new reinforcements, we are likely to lose this battle.

That is a nice assessment. It gives us encouragement that if we continue on this path, we will prevail. We have a strategy laid out to turn authority over to the Iraqis to govern themselves on June 30 and proceed to have elections in the country next January. Hopefully, we will continue to consolidate the security and so on. We are aware of those things.

Therefore, it is especially distressing when people who are important people in America, perhaps elected officials, speak out on television and suggest that, because of these most recent events, somehow we can't win this battle; We can't win this war; We can't continue to consolidate the gains we have made, continue to provide security, continue to help in the reconstruction of the country, and continue on the path of turning it over to the Iraqis so they can freely govern themselves.

Let's take each of those points. First, no one in America condones or in any way expresses anything but disgust for what we have seen on television and what we have been reading about. It is un-American to treat people the way these Iraqi prisoners were treated. It doesn't make any difference what they might have done. Americans don't do that.

The President today, in meeting with King Abdullah, publicly said he was sorry for this. He was also sorry that a lot of people in the world would take this incident as manifesting what Americans and America are all about. He said that bothers him, and it obviously bothers all of us because we know that is not what we are about. The question is, This aberration, as it has been described, should that in any way suggest to us that we can't win this conflict? I fail to see a connection.

I understand that among a lot of Arabs and, frankly, the rest of the world, including in the United States, people are appalled. But anyone with an open mind who has any understanding of the United States and of Americans understands that this is not the way Americans act and, in point of fact, that we have a system which encourages reporting of such incidents and which immediately ensures that the perpetrators will be dealt with in an appropriate way.

It is my understanding—and we will find out a lot more about this as time goes on—that the day after the report of the incident the inquiry began which resulted in military action, court-martial action being taken against several of these perpetrators, and subsequent to that, action has been taken against several people and that there are some that are still pending to be resolved. It is also my understanding that within the same month of January, a command had already been set up to investigate whether this was endemic or widespread, whether it really was an aberration and, to the extent that it demonstrated that there were flaws in our system that permitted this to occur, that they be fixed, and that things have been implemented to ensure this will not happen again.

I suspect as we are briefed on all of this we will learn a lot more of the detail, and we might be more comfortable with the way the military has handled this. This is what America is all about.

There is some fault, not only for the people who actually did what we have seen but also for the way it was handled. What I regret is that many in the political world have tended to focus on this. I would hope that opponents of the President would not seize upon this to try to gain partisan advantage. It is something that reflects on the entire country. It is not a Democratic or Republican kind of issue.

There have already been calls for the resignation of Secretary Rumsfeld. This, obviously, would not help the President politically, but is it appropriate? The Secretary will be presenting open testimony tomorrow before the Senate Armed Services Committee. He will tell his story. Until he does, I think it would be wise for people to withhold their judgment. Since we have not even been briefed on the issue—and that is one thing people complain about—would we have a right to call for somebody's resignation before we have even heard what they had to say or been briefed? Is that an American way to do things or is it an expression of partisanship?

I suggest to the extent it might be the latter, people should hold their fire and wait until the facts come in, and we can discuss this in a nonpartisan and a constructive way rather than a way that might be misread by our enemies, because the more this kind of criticism occurs, the more the enemy may take from it that America is divided and we no longer have the commitment or the will to see this conflict to an end; that therefore if they continue to try to nip away at us the way they have been, they will be able to drive us out, and they will have the country left to them to resume the kind of rule that Saddam Hussein exerted in that country for decades.

We cannot allow that to happen. I think there is a legitimate question about when the people in the policymaking part of the Government—and that includes the Assistant Secretary, Secretary of Defense, National Security Council, the President, and Vice President—became aware of things like the existence of photographs and other things which, if made public, would certainly significantly detract from our effort. These policymakers would clearly have understood that is the kind of thing that can undo countless hours of good work by thousands of military and non-military personnel in the country. Just one incident like this can undo all of the good that literally hundreds of people do.

We have all seen the acts of kindness as well as bravery by our troops. We have seen soldiers helping kids in school—saving a little child in one case and a woman in another case—from being in the line of fire, one of whom had been wounded. There are countless Americans acting unselfishly and, frankly, selflessly, putting themselves in danger to help Iraqi people. That is a message that obviously needs to be conveyed, but all of that is, in a sense, forgotten the minute you have an incident like this, especially with the photographs showing this.

I can understand how someone who committed these atrocities, unthinkingly, would have no idea about how this might affect the entire war effort when it becomes known, but people higher up certainly would have that sense. It was important that they get this information so they could then decide what to do with it. Undoubtedly, in America, ordinarily, we understand that the best way to deal with bad news like this is to deal with it in an open, honest fashion. I suspect that had we been able to do that, a lot of the outcry here might have been averted. That might have been included in briefing Members of Congress. But if the Secretary of Defense didn't even know of the existence of the photographs, it is kind of hard to brief Congress about it.

I suggest that the bottom line on this point is that we find out what the facts are by asking the people directly. Let's stop condemning them publicly and calling for their resignation and stop assuming facts we don't know.

During a radio interview that I just had, the questioner asked me about a certain situation. I said: I don't know that to be true. Do you? He said: No, but that is what we have heard. Let's see what the truth is, and we can act in a calm, compassionate, and firm way with those who did wrong.

My final point is that in the fog of war a lot goes wrong. Individual people make bad judgments. Americans are just as prone to that as anybody else. There is a lot of pressure and emotions run high, and it is certainly possible for people to do wrong. One of the candidates for President this year talked about atrocities he committed, or saw committed, in another war in our history. It happens. It is not right, and people should be called to account for it when it happens.

But let's remember, too, that everything in war is not coming up roses every day, and that there will be days of bad news. If you stop to think about World War II, for example, or about Korea, or any other wars we have fought in, you can find some very bleak days, days when Americans were being pushed off the Korean peninsula, days when we were being pushed off Omaha Beach, or times when we were making no progress and were taking thousands of casualties on the Pacific islands. Our own prisoners were horribly mistreated, and there must have been a sense that this may not be worth the effort.

Americans understood the stakes and we persevered. In war there are going to be times that are bad. We understood that. Sometimes they are caused by enemy action and sometimes by mistakes we ourselves might have made. This is one of those times when we have a real problem because of mistakes that Americans made. But we have the capacity as a Nation to correct those mistakes if we will do that in a constructive way. That is the key. But if we do it in a partisan way, in a destructive way, we will only play into the hands of our enemies, who are looking for that kind of signal so they can succeed in their effort.

As we conclude debate on the nomination of a critical position at this time in our history, the ambassadorship to Iraq, it is good to reflect on these issues. The Ambassador will have a very difficult job. I hope as we consider his nomination and how to support him when he assumes this role, we will all agree it is important to do so in a constructive way, always giving him our best judgment, but not undercutting him with premature judgments or actions that might be construed as political and might be misunderstood by our enemy.

If we conduct ourselves in that way, I am confident that, despite the fact there will be days we feel very challenged in this country and, as the President said, things we are very sorry for, nonetheless, because of the kind of people and Nation we are and the values and principles for which we are fighting, we will in the end prevail, and we will prevail not only to the benefit of Americans and our national security, but for the cause of freedom of people throughout this world.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I rise to speak regarding the nomination of Mr. Negroponte to be the Ambassador to Iraq.

THE REPUBLIC OF GEORGIA

Before I speak on that, I want to draw the attention of my colleagues to something that happened, on a very positive note, in the Republic of Georgia, one of the former Soviet Union countries. It was reported today that one of the breakaway regions, Ajaria, has voluntarily come back into Georgia. The people have thrown out, vanquished kind of a local thuggish dictator, Aslan Abashidze, who had ruled this region for about 10 years. Thousands of Ajaris are now out in the streets, bringing Georgia back together, throwing out this guy who had been really a ruthless local, small-scale dictator in the region, and bringing the people back together of Georgia.

This doesn't get the publicity of Georgia's "rose revolution" of last November, but the people are rising up and saying they want democracy, they want to be part of this country. We need a change in leadership. They have done it by nonviolent means. It is inspiring to read about and to see that has taken place and that the Georgians who we are working with and supporting are getting this done. A number of people celebrating this victory are waving Georgian flags and American flags. A number of places in the world would not be standing free if it weren't for us, and they appreciate that.

Mr. President, now speaking on Iraq and Mr. Negroponte's nomination to the position of Ambassador of the United States to Iraq, he is an eminently qualified individual. I have worked with him in the Foreign Relations Committee. He worked in Central America, and he has been our representative in the U.N. He is the exact type of person we need to have in the region. He will take us from being the occupying power to a supporting role and not a governing role in Iraq. He understands that in a great way. Mr. Negroponte has great relationships around the world and he is a very wise man. I think he will do an excellent job for us.

We all lament what has taken place in the Iraqi prisons and the problems and images that created. But more than the moral outrage this has generated, these terrible acts by a few do a great disservice to the men and women who have already lost their lives in the effort to free Iraq and help the people of Iraq to govern themselves.

I had a closed town hall meeting with soldiers at Fort Reilly. They had recently returned from Iraq—about 300 Army men and women who had come back and served for an extended stay in Iraq. To a person, they were positive about the events that have taken place overall in Iraq. Yes, there have been problems and, yes, this is war. But they would talk about helping the children; they would talk about opening schools; they would talk about power services being brought back to levels higher, to pre-Saddam levels in that country. They would talk in glowing terms about what they are getting done on building a free, open, democratic Iraq.

Yes, problems, yes, difficulties, and, yes, lost American lives. We have had 37 people stationed at Fort Reilly killed in this conflict.

We have had a number of Kansans, as there have been people from all over the Nation, who have given their lives for the freedom of the people of Iraq and security for the people of American. We should not let the actions of a few do disservice to so many who have given their lives in this great and worthy cause.

The damage done to our credibility in Iraq and the Middle East is going to be difficult to rebuild, but we must do that in earnest. People must be held accountable, especially those in the chain of command with direct control over the prison system. Perhaps it is time this prison that has such a terrible legacy in Iraq in the Saddam era simply be closed, torn down, and never used as a prison again.

Let's keep in mind why we are in Iraq. I met with Jalal Talabani. He is one of the key leaders of the Iraqi Governing Council. He is a gentleman with whom I worked over the years as we moved forward in this country to confront the dictatorship of Saddam Hussein.

Let me give a very brief history lesson. He was involved in the Iraqi coalition, the diaspora. Actually, he is from the Kurdish part of the country, so he was in country. He has been involved in that group for some period of time seeking the United States to come forward and support the liberation of Iraq.

I remind my colleagues, in 1998, we passed the Iraq Liberation Act which called for regime change in Iraq. That was signed into law by President Bill Clinton who supported it. Mr. Talabani was involved in that effort from the outset. The Kurdish region has self-governance and has had it for the past 10 years and is doing remarkably well. He reminded me of a poll recently taken by CNN that had the Kurdish people supporting America and George Bush by over 95 percent and thankful for what is taking place, the liberating of their country and their region.

He also said this to me: It is shameful to us that we as Iraqis are sitting down and not taking on the role of governing and security within our country while American soldiers are being killed.

He said: It is our duty—the Iraqis' duty—to fight the terrorists, and we must do this as soon as possible.

I agree, exclamation mark, and we have to move in that direction. For years, the people of Iraq suffered under the brutal dictatorship of Saddam Hussein. There will be a trial sometime soon,, hopefully this year, of Saddam Hussein. The world will see the atrocities, the hundreds of thousands of people buried in mass graves as a result of this man's rule.

Yet few—except for some countries in the region, Kuwait and Israel—dare to denounce Hussein for what he did to his own people. Especially those countries we call our allies in the Middle East, Egypt and Saudi Arabia, have failed to assume the moral leadership to tell about the Saddam Hussein regime. We stepped into this void to do what others were unwilling to do. We did so grudgingly because going to war is never an easy decision for any country, particularly for America.

Even before the Iraqi war resolution in 2002, we spent years supporting the passage of one resolution after another at the U.N. to make clear that the Iraqi regime was an outlaw regime condemned by the international community. We engaged the American people. After a thorough debate in the Senate regarding the risk, this Congress overwhelmingly voted to give the President the legal authority to go to war in Iraq. We decided as a nation we did not want America to compromise its moral authority by avoiding the demands of leadership. We sought freedom for the Iraqis and for that freedom to spread throughout the Arab world, and we desired security for Americans.

It is a heavy burden. At critical moments in world history, we have not hesitated to carry this burden places far from home. Wherever we went, our men and women in uniform inspired others, bringing hope and freedom to millions.

I can quote a young man from Union Town, KS, who died in Afghanistan. I talked with his mother about his death and his service. He died at 21 years of age. His mother said: He e-mailed me home, and he said:

> I would rather die for a cause than of one.

How better do we summarize it than that? He put his life on the line so others in Afghanistan, on the other side of the world, can be free.

On the interrogations, I understand interrogations are necessary in a war against a merciless enemy. But we have a long and honorable military tradition that is certainly not reflected in the photos from the Iraqi prison. Let's be guided by the moral courage to acknowledge our mistakes and to change what needs to be changed, and we will, and that is our pledge to the world. We need to behave better, be more humble, and understand that the war in Iraq, and the broader war on terrorism, is also a war of ideas and values.

Those who threaten our soldiers, our diplomats, and even ordinary Americans, as happened on 9/11, believe in hateful ideas. We do not agree with those ideas. We need to help the people of Iraq and others in the Middle East understand this war of ideas; that it is not something we can do for them, they must do it for themselves. Only the people of Iraq and the millions of Arabs who yearn for freedom can do that.

We must continue in our effort to give the Iraqis self-rule and free elections. These are our aspirations for the Iraqi people, and they are their aspirations as well. It is up to them to have the courage to move on, to realize these aspirations in a free nation that will bring democracy to their country and to the Middle East.

We have in Ambassador Negroponte the chance to start a new chapter. On July 1, sovereignty will pass to the Iraqis. Ambassador Negroponte has enormous responsibility, and judging by his background, I cannot think of anybody better qualified to do this.

In his capacity as the Ambassador to Iraq, I know he understands his role to be fundamentally different from that of Ambassador Bremer. Whereas the CPA is the ultimate political authority in Iraq, the Embassy will be in a supportive, not commanding, role. His role is to provide support in democratization and rule of law, religious freedom and tolerance, economic reconstruction, and security and counterterrorism. His mission will be to further cooperation with the U.N., the international community, and independent Iraqi electoral authorities, and all aspects of election preparation, which is critical for elections for a transitional national assembly, no later than the end of January 2005.

He will need to assist the U.N. in establishing an independent electoral commission, an electoral law, and a political parties' law, encourage Iraqis to establish effective governing institutions in Baghdad and the provinces, as well as a myriad reconstruction efforts. This will be a critically important area because he will be responsible for holding these projects to the highest standards of financial accountability. He has the responsibility to the American people that the money for Iraq will be spent without waste and fraud, and in this context, he will need to encourage Iraq's new leaders to choose sound economic policies and enforce high standards of integrity in public administration.

Ambassador Negroponte will also need to play a key role in building and strengthening the capacity of Iraqi security services to deal with both domestic extremists and foreign terrorists so that they patrol and deal with terrorists in their country and our troops are garrisoned. He should continue to bolster the role of a robust multinational force, but mostly build up the Iraqi force.

Finally, he should make sure the role of the U.N. does not come at the expense of U.S. influence or interest, but rather the efforts be well coordinated and complementary.

Ambassador Negroponte has a big job. He is up to it, and I support his nomination to be Ambassador for the United States in Iraq.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Oregon.

Mr. HATCH. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The majority side has 80 minutes.

Mr. HATCH. We are on the Negroponte nomination?

The PRESIDING OFFICER. That is correct.

Mr. HATCH. Mr. President, I stand today in full support of the President's nominee to be our first ambassador to the new Iraq, Ambassador John D. Negroponte. This is the most important nomination for an ambassador that we have considered in several decades.

This moment is historic.

We are asked to approve the President's choice for an ambassador to a country whose previous leadership was an enemy to America, to its neighbors and to its own people. That dictatorship, the brutal and bloody regime of Saddam Hussein, was removed by force, by a coalition of nations led by this country, in a military campaign where we still face, every day, bloody resistance from the remnants of Saddam's Ba'athis regime, his criminal associates, and the international jihadists who have joined forces with the tattered remnants of the Arab world's bloodiest regime.

We are engaged in a conflict we cannot, and will not, lose and the President has shown that our military determination is matched by our political determination to return this country to its people, beginning with the opening of an American embassy on July 1 of this year.

That we are providing our advice and consent on this ambassadorial nomination demonstrates that this President is dedicated to returning sovereignty to the Iraqi people. Under the President's direction, Ambassador Bremer and the Coalition Provisional Authority, working with the international community, now represented by U.N. Special Envoy Lakhdar Brahimi, have listened to Iraqi leaders and are holding to the deadline of June 30 for the transfer of authority.

That transfer of authority and the return of sovereignty require that the U.S. political presence be transferred from the office of the administrator, held by Ambassador Bremer, to a U.S. embassy, to be led, if this Senate approves, by Ambassador Negroponte.

Jerry Bremer and John Negroponte are two of the finest diplomats ever to serve this country. Their contributions throughout their careers reveal skill and dedication that will set the standards for our diplomatic corps for generations to come.

I truly hope that Ambassador Bremer, when his historic mission is over with the CPA, will continue to play a leading role representing our country to the world.

Ambassador Negroponte has represented our country to the world on many fronts, serving as ambassador in the Philippines, Mexico and Honduras. Most recently he has served as permanent representative to the United Nations, where he has been as our ambassador since September 18, 2001.

There are those who charge that this administration has been unduly unilateral, caustic to coalition-building, and dismissive of the diplomacy necessary to winning the war on terrorism that erupted on our land on September 11, 2001.

Frankly, that charge, now becoming a theme in a campaign year, leaves me baffled.

It reveals deeply flawed thinking, and deeply flawed perception.

Diplomacy cannot be measured by outcomes as expected by the multilateralists. This is a definition of diplomatic success that becomes a euphemism for subjugating national interest to international veto.

The citizens of Utah reject this thinking, and they are correct. And I believe the rest of the country does as well.

If diplomacy cannot be measured by multilateral consensus, it should not be shunted by unilateral arrogance. To suggest, as many on the left seem to do these days, that this administration has ignored diplomacy is to, in my opinion, ignore the facts.

This administration has been, in my opinion, extraordinarily engaged in the international community.

No President since the founding of the United Nations has been as respectful, solicitous and encouraging of the United Nations as has President Bush. That he has done so without ever sacrificing the fundamental sovereignty that rests in our Constitution makes him no less remarkable for the very public appeals he has made directly to the United Nations.

On November 10, 2001, fewer than 2 months after the most catastrophic terrorist attacks on our homeland in the history of the Republic, President Bush traveled from Washington to speak before the U.N., where he recognized:

> The United Nations has risen to this responsibility. On the 12th of September, these buildings opened for emergency meetings of the General Assembly and the Security Council. Before the sun had set, these attacks on the world stood condemned by the world. And I want to thank you for this strong and principled stand.

Less than a year later, on the day after the first anniversary of September 11, President Bush traveled from the White House to address the General Assembly again, where he declared:

> The conduct of the Iraqi regime is a threat to the authority of the United Nations, and a threat to peace. Iraq has answered a decade of U.N. demands with a decade of defiance. All the world now faces a test, and the United Nations a difficult and defining moment. Are Security Council resolutions to be honored and enforced, or cast aside without consequence? Will the United Nations serve the purpose of its founding, or will it be irrelevant?

The President answered the question:

> The United States helped found the United Nations. We want the United Nations to be effective, and respectful, and successful. We want the resolutions of the world's most important multilateral body to be enforced.

Critics of this administration have declared that our doctrine of preemption, not a doctrine new to this administration, is incompatible with a desire for international consensus.

This is simply not true.

For a nuanced perspective, may I recommend a review of none other than Secretary General Kofi Annan's words, in his address of October, 2003 before the General Assembly? In that speech, he was expected to denounce the doctrine of preemption. But while he stood by the principle of collective action enshrined in article 51 of the U.N. Charter, he recognized, as the honest man he is, that states which were threatened had to respond, and that if the United Nations were to retain its legitimacy in the 21st century, it would have to develop mechanisms to promptly address the threats of this new century.

In my view, this was a recognition, by the Secretary General of the United Nations no less, that in dealing with Iraq, 12 years and 14 resolutions without resolve could not be the way the United Nations retained its relevancy in addressing the security challenges we face today.

In that same week, President Bush addressed the General Assembly yet a third time. And I note that no President of the United States has addressed the General Assembly three times in one term. He declared:

> The Security Council was right to be alarmed about Iraq. The Security Council was right to declare that Iraq destroy its illegal weapons and prove that it had done so. The Security Council was right to vow serious consequences if Iraq refused to comply. And because there were consequences, because a coalition of nations acted to defend the peace, and the credibility of the United Nations, Iraq is free and today we are joined in the General Assembly by representatives of a liberated country.

John Negroponte, as ambassador to the United Nations, stood by the President during those three historic addresses to the international community.

Today, the President has chosen our current ambassador to the United Nations, John Negroponte, to be the first U.S. ambassador to an Iraq liberated from tyranny.

Ambassador Negroponte has worked with the United Nations through this most historic of times. During this time, he worked closely with U.N. Special Envoy Lakhdar Brahimi on supporting Afghanistan after our forces deposed the Taliban. Ambassador Brahimi's efforts to guide the transition in Iraq from the Coalition Provisional Authority to sovereignty under an interim government has, as my colleagues know, the support of President Bush and his administration.

Ambassador Negroponte understands this. In his statement before the Senate Foreign Relations Committee, he said:

> The prospect of legitimacy that the United Nations can bring to the process of political reconciliation is a point of crucial interest in both the region and the broader international community. With an expanded United Nations role in the political arena, I believe that it will be easier to generate the international support that the successful rehabilitation of Iraq requires. Secretary General Annan's and Ambassador Brahimi's contributions may well open the door to creative thinking about ways in which the international community, as well as the Coalition, can further contribute to the process of rehabilitating Iraq, both politically and economically.

I want to be clear that a vital United Nations role does not come at the expense of the United States' influence or interests. Our efforts can be well coordinated and complementary; there is ample evidence across a broad range of situations that a strong partnership with the international community, including the United Nations organization, is in our strategic interest.

I hope my colleagues recognize that in supporting this nominee, we are supporting a man of exceptional experience, a man who represents the best thinking by this administration on the challenges we still face in Iraq. He is also a very good man, a good father, a good husband. He is an example to us all.

Let us be honest: The challenges in Iraq remain large.

Our engagement there is historic, and our commitment to support this engagement until we achieve success must remain strong.

As all of my colleagues, I have been shocked by the reports out of Abu Ghraib prison in the past weeks.

I have been shocked and I have been disgusted.

I join the people of Utah, and the good citizens throughout this country, in expressing how appalled we all are at the barbarous acts we have witnessed. In the prison that Saddam Hussein used to torture Iraqis, a few Americans have engaged in acts that demean Iraqis and besmirch the honor of Americans in uniform.

Every day, members of the American military are risking their lives in Iraq, in order to bring about a better society for the Iraqi people.

In combat, American military, the best trained in the world, have, time and again, exercised restraint of force in order to minimize civilian casualties. Sometimes that restraint has resulted in increasing the risk to our soldiers. That a handful of American soldiers committing brutalities in one of Saddam's reclaimed prisons could occur is worthy of all of our outrage—not least because we are proud of the honor and decency and sacrifice offered by the vast majority of our military in Iraq everyday.

We must expose what went on in Abu Ghraib prison. We must conduct full investigations, and follow those investigations wherever they lead. Those who committed crimes must and will be held accountable. Respect for the Iraqi people demands this, as does respect for the honor of all Americans in uniform, and all Americans who support them.

The security situation in Iraq is still hostile. We face enormous challenges, challenges we will meet. We have learned in recent days about the President's request for appropriations to fund our historic mission. This will lead to further debate, as it should.

Our duty as legislators is to render democratic scrutiny to the most important issues before this government.

If you want to support the transition to the first stage of Iraqi sovereignty, as the President has committed to do by the end of June, if you want to support continuing our appeal to the international community to join in the historic cause of rebuilding Iraq, and if you want to support this President, as he asserts his constitutional prerogative to conduct diplomacy at this most critical time in the history of our foreign policy, you must support his superb selection of John D. Negroponte to be the first Ambassador to an Iraq free of despotism.

He is certainly going to have my vote. I have met him in various nations around the world. I have seen him in action in diplomacy. I know what a brilliant man he is, I know what a good man he is, I know what a fine man he is, I know what a good family man he is, and I know what he has meant to the diplomatic corps in this country, and I know what he has meant at the United Nations.

I support him fully, and I hope every other Senator in this body will support him as well. There may be some who do not, but if they don't, they just plain do not know the man.

This is not an easy position. This is a position which will take a great deal of courage, a great deal of diplomacy, a great deal of common sense, a great deal of genius. This is the fellow who can provide all that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President. I do appreciate the opportunity to discuss my very good friend, John Negroponte, in support of his nomination to be the United States Ambassador to Iraq. John and I have known each other since 1977 with his appointment as Deputy Assistant Secretary of State for Oceans and Fisheries Affairs with the rank of Ambassador. Because he handled several fisheries negotiations of vital interest to my state, John was a frequent visitor to Alaska. In 1978, John negotiated a breakthrough agreement with the Government of Japan which provided crucial protection for Alaskan salmon stocks from Japanese high seas fishing fleets. This agreement provided countless benefits to the Alaskan fishing community which endure to this day.

I have also had the pleasure of working with John in his subsequent assignments: as Ambassador to Honduras; as Assistant Secretary for Oceans and International Environmental and Scientific Affairs, as Ambassador to the Philippines and more recently as U.S. Ambassador to the United Nations. In each situation, I was able to witness first hand his ability to manage large and complex diplomatic missions and to observe his effectiveness and sensitivity in dealing with his foreign counterparts.

Educated at Yale, he speaks five languages fluently—something that I consider a true asset for this position.

I believe President Bush, on the recommendation of Secretary of State Powell, has chosen extremely wisely and well in his selection of John to be our Nation's representative in Iraq. I also believe that at this point in time in our Nation's history, it is vital to have John at the helm in Iraq—we will need his expertise to help guide us through the next few months. I can tell you without any question, this man is one of the most distinguished public servants that I have had the honor of knowing and serving with. I know his family and I know this man.

With the unfortunate development we have recently had in terms of the conduct of some of the people involved in the prisons in Iraq, I am confident that John Negroponte is the man necessary to be there, in Iraq, to represent our Government. He will represent us well, and we will be very well served by his confirmation.

I urge the Senate to quickly confirm John Negroponte as our Ambassador to Iraq. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, may I inquire of the time allocation for each side?

The PRESIDING OFFICER. There are 10 minutes remaining.

Mr. CORZINE. I request permission to use 5 of those minutes and be informed when 4 minutes have been used of the time allocated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORZINE. Mr. President, like you, I sit on the Foreign Relations Committee and I reviewed the nomination of this experienced diplomat, our U.N. Ambassador, John Negroponte. I, too, both in the Foreign Relations Committee and on the floor, will have voted for his confirmation.

I do that, acknowledging, however, there are legitimate questions that can be raised about previous concerns in his tenure as an ambassador in Honduras, and human rights violations which are so important in the context of some of the things that are of great concern to us today.

But more troubling to me is the context in which this confirmation is actually being considered.

The reality is, once again we are doing something on the fly. We are rushing to confirm an ambassador to maybe the most important choice and role we have. In and of itself, it is indicative of the crisis we have in Iraq—frankly, the mess Ambassador Negroponte will be walking into.

If the administration—I am very troubled about this—sticks with an arbitrary, artificial June 30 deadline, Ambassador Negroponte's job will begin in less than 2 weeks with little or no definition about what he will be doing. There are no secure or thoughtful political or security plans in place. We do not know who will be making those judgments, how those people will be chosen, their role, or what the true definition of sovereignty in the context of this June 30 transfer will be all about. We do not know how they will be selected. We do not know what the role of the Ambassador will be with regard to those individuals. It is very unclear what sovereignty means.

By the way, put into the most dramatic terms today, what is the role of the new ambassador with regard to what is happening to the prison guards? Who will be responsible for that? Sovereignty questions are totally unclear. We still do not have a structure for our forces and how they fit in and what we do going forward and what is the relationship with the United Nations.

This is a real problem. We continue with failed and confusing policies. They are true with regard to the U.S. Ambassador. But they reflect the basic incompetence we have seen with regard to our crippled occupation from the start, some might even say our crippled war from the start, because we executed this with real questions about what the justification was with regard to weapons of mass destruction in relation to al-Qaida. We have continued it with poor planning, or no planning, with regard to the occupation that has been in place.

Right from the start, there were questions about what the force structure needed to be on the ground. We have heard over and over again the warnings General Shinseki gave us, several hundred thousand troops, dismissed out of hand by the Pentagon. The administration has refused to talk about the cost of this occupation and what the cost to the American people will be, aside from the tragedy of the loss of life. When there have been predictions, they have been so far off base it has made no sense in the context of reality.

The administration promised or thought we would be greeted as liberators. We have been anything but that. Seventy percent of the Iraqi people believe we are occupiers. There has been serious resistance with the insurgency. By the way, history would have shown that would be the indication that would occur in the Middle East. But we dismissed every single outside expert, Member of Congress, who might have raised any questions about it and emphasized we had a coalition of the willing that was anything but a serious coalition.

Ninety percent of the cost, 90 percent of the troops, 90 percent of the effort, or more, were all American. It is an American occupation. The administration continues with these failed policies. As we go forward, I certainly think we see it very clearly in the lack of clarity with regard to this tragic situation we see now with regard to the administration of prisons and detainees. The fact is, no matter what we do, every time the administration executes one of these policies, there is a flip-flop.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. CORZINE. The idea that we were not going to have the U.N. involved; now we have the U.N. involved. We were going to have de-Baathification; and then we have reentry of Baaths. The issue of deployment of troops.

I am supportive of this Ambassador, but it is high time we get a consistent, thoughtful policy that is vetted with more than a few, narrow interests inside the Pentagon and maybe inside the White House. We need to have a real discussion about the direction of our policies on occupation and transition of political power and sovereignty. It is too costly.

In the context of this series of events that all Americans are repulsed by, we need to stand back and say it is time to be thoughtful and fully vet the kinds of policies we are going to put in place because this is a long-term project.

I yield the floor.

Mr. BUNNING. Mr. President, I want to talk briefly about Ambassador John Negroponte and support his confirmation to be the United States' first ambassador to the free and democratic Iraq. Not only will he be the first ambassador to the free and democratic Iraq, but he will be the first ambassador to Iraq since the first Gulf War in 1991.

Ambassador Negroponte is one of the most experienced diplomats in the State Department. His experience is necessary for this job because he will be assuming one of the most challenging and important positions the State Department has ever had.

Throughout his career in the State Department, Ambassador Negroponte has been stationed at eight different posts covering most parts of the world. While he has not been previously stationed in the Middle East, I have no doubt in his ability to handle the task ahead. His experience representing the United States at the United Nations since September 11 and serving in nations like Vietnam and Honduras during periods of turmoil will guide him during Iraq's transition to democratic self-government.

Many challenges lie ahead for Iraq, including holding orderly elections, establishing government bodies, reconstructing infrastructure and the economy, and securing the country. The United States will be a partner for Iraqis throughout the coming challenges.

Critical to the successful transition to a sovereign Iraq is the participation of the international community. Ambassador Negroponte has earned respect among his colleagues while representing the United States at the United Nations. He will do a fine job working with other nations to help Iraq flourish under the rule of Iraqis.

In summary, I believe President Bush has made a fine choice in nominating Ambassador Negroponte. I support his nomination and encourage my colleagues to swiftly confirm him to this vital position.

Mr. ENZI. Mr. President, I rise in strong support of the nomination of John Negroponte to be our U.S. Ambassador to Iraq. When he takes his oath of office, Ambassador Negroponte will be our first ambassador to Iraq since the Gulf War of 1991.

I have had the pleasure of meeting with the ambassador many times over the last 3 years. He was a member of the Foreign Service from 1960 to 1997 and he is currently serving as the U.S. Permanent Representative to the United Nations. His leadership there has been exemplary as he has provided our country with a strong voice and a presence at the United Nations that has been vital during these extremely difficult times. His experience at the United Nations gives him a great deal of insight into the thinking of the international community that will be invaluable in his new role in Iraq.

Soon Iraq will be welcomed back into the family of nations and the rights and freedom so cherished by the people of our nation will become a part of daily life in Iraq. Given our history in the region, I am certain my colleagues understand the wisdom of appointing an experienced diplomat with an informed opinion and a vision for the installation of a new government and the birth of a new nation of Iraq.

During our consideration of Ambassador Negroponte's nomination, I have heard some of my colleagues express their concerns about recent events in Iraq. That is understandable, because these are concerns we all share about this sensitive region of the world. We must not, however, allow those legitimate concerns to be politicized and used as a club against the President and his efforts to stabilize Iraq and introduce democracy there. Our soldiers' lives are on the line and we owe them every consideration while they are in harm's way.

Before anyone says I am being overly sensitive to the rhetoric of a campaign year, let me share with you a few of the details about what happened during a trip I took in April when I was able to visit wounded U.S. soldiers at Landstuhl Regional Medical Center in Germany. Before we met them, I was anticipating they would need some encouragement and we should try to lift their spirits after all they'd been through. The opposite turned out to be the case. They encouraged me and strengthened my spirit and resolve to see this through to the end. Every one of them, these brave men and women, said to me—"We are making a difference in Iraq. We know the people there. We know our job. We are doing our job and the people are responding to what we are doing. We are making a difference and we want to go back there with our comrades so we can finish the job."

I don't believe anyone knows better than those who are serving on the front lines—those actually doing the work and living the dangers of life in a war zone every day. We have made a difference in Iraq. We have removed a brutal dictator from power and we are working with the Iraqi people to build a nation based on democracy and freedom. We are continuing to make a difference every day in the schools we help to build and operate, in the infrastructure we continue to improve and repair, and in the sovereignty of the people of Iraq which continues to command our deepest respect. We will continue to make a difference through democratization and the rule of law, economic reconstruction, and security and counterterrorism. By supporting all these areas, our diplomatic, civilian, and military personnel will make a lasting difference in the lives of the Iraqi people and they will, through their efforts have literally changed the world.

I hope my colleagues will remember that when we speak here on the Senate floor, our words are heard by those brave men and women overseas. Our words are heard by their families and their friends who make it possible for them to serve our Nation so well. They are also heard by our enemies who look to twist and distort our open discussions to make it appear that we have lost our will to see this through to the end. We must remember that fact each time we speak. If you wonder how I know if what I say is true, I can share my sources with you—our U.S. soldiers. They have asked me more than once: How come everything sounds so bad back home when it is improving in Iraq? We keep hearing this rhetoric which is based on the fight to win a presidential election, and it has nothing to do with what is happening in Iraq. Nonetheless, it has an impact on the morale and safety of our troops.

I have spoken here on the Senate floor about the importance of supporting our troops. I noted that we must remember to pray for our troops. When we do, I think we should also be praying for the opposition as well. We should pray that the hearts of those we fight will soften, and they will realize the role they are playing in the world and in Iraq. It is not too late for them to join us in the effort to build a better Iraq for all its people. Praying can make a difference, and it is up to all of us to do that every day. It is something we can do that is real and it has real power. With our faith, and our belief in our cause because it is just, we will continue to provide the brave men and women who serve in our armed forces, their spouses and their families with the support and encouragement they need and deserve by keeping them in our thoughts and in our prayers.

We also need to pray for those few soldiers at Abu Ghraib whose actions were severely misguided as well as those who suffered the shame and humiliation of those acts. I have heard many speak today about tearing down this prison facility, and that is a good idea. Let's rid the world of this terrible prison and do it completely so that it will never house or harm another Iraqi.

I hope that people in the United States and throughout the world will remember that these deeds do not represent the character of any but a few misguided American soldiers. This should not be the image that the world has of our troops because it is not the truth. I am pleased that action is being taken immediately to address this situation. Charges are being levied, investigations are continuing, and changes are being made to the prison administration. We are blessed to have a truly exceptional military force whose image should not be tarnished by the actions of a few.

We have a job to finish in Iraq and we must not shy away from completing it. The more rapidly the people of Iraq are able to stand on their own, the sooner our troops will be able to come home. We have undertaken a job, and we cannot afford to fail to complete the task at hand.

I have often heard it said that exceptional times call for exceptional people to lead us through them. We must have someone in Iraq who is able to fully represent the United States at the time the Coalition Provisional Authority transitions out of the country. As the chairman of the Foreign Relations Committee stated this morning, we cannot expect to wake up the morning on July 1 and have a fully functioning U.S. Embassy. The time to plan for that day is upon us and I encourage my colleagues to join me in taking the first vital step by supporting Ambassador Negroponte's nomination. With the confirmation of this exceptional individual, we will ensure that we have a strong U.S. voice on the ground and the right person in charge who will show the world the level of our commitment to Iraq. It will also underscore our determination to make life better for Iraqis for generations to come. It is a dream we share with the Iraqi people and, with the right people in charge, it is a dream that will come true.

Mr. BAUCUS. Mr. President, I rise to express my great admiration of our brave Montana servicemen and women in Iraq, Afghanistan and elsewhere in the world. These brave men and women have put their lives on hold and on the line. Their families and their communities—our communities—support them. These Montanans and all American soldiers are in our thoughts and prayers. We want them to come home quickly and safely.

We need a plan to bring their mission in Iraq to conclusion. And we need the administration to communicate that strategy clearly to the world, and to our brave troops.

I am deeply troubled by the allegations of abuse of Iraqi prisoners. I was horrified by the images we have seen over the last week. Our nation, which our men and women are serving with such honor, must lead by example if we want to win the global "war of ideas".

Although we know the vast majority of our men and women in uniform are serving honorably, these allegations of abuse demonstrate that we are not giving our troops all of the support that they need.

These images of prisoner abuse are not at all consistent with the principles I know our men and women in the Armed Forces hold clear. Our men and women went to Iraq to protect this Nation, to make the world a safer place. They have performed admirably under harsh conditions, sometimes with insufficient equipment, because they believe in their mission. I believe in them and I will continue to make sure that they get the support they need.

What our troops need now more than ever is visionary leadership. They Need to know what their mission is and when that mission has changed. They must be trained for that mission and given all of the resources they need for it, be it body armor or bottled water.

In order to win the war of ideas and make the world safer, we must share our vision of how to win the global war on terrorism. Sharing the vision to win means building effective, lasting partnerships with not just other countries and governments, but international institutions. The whole world benefits from a stable Iraq. The U.S. needs to work together with other nations to share the risk and responsibility U.S. forces face today.

Sharing our vision of how to win the war on terrorism also means ensuring exemplary leadership for every private first class in the United States armed services. We want to ensure that the unconscionable actions of a few misguided soldiers do not endanger the mission of the thousands who work day in and day out to fulfill that vision.

This is why I supported the President's nomination of Ambassador Negroponte to be Ambassador to Iraq. This administration must demonstrate that it has not only the determination but also the vision to win the war on ideas that the war on terror truly has become.

Now is the time when we must share our vision with the troops who serve with dignity and honor, with the American people and with the world.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I inquire of the Chair how much time remains on both sides.

The PRESIDING OFFICER. The minority has 5 minutes and the majority has 60 minutes.

Mr. LUGAR. Mr. President, in a moment I will ask for a quorum call and then shortly after that, ask unanimous consent all time be yielded back and we proceed to the question on Ambassador Negroponte.

For the moment, having given a clear signal, I suggest the absence of a quorum and ask the time be charged equally to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, we are about to vote. I had an opportunity to speak earlier today. Let me conclude and then yield back whatever time remains by saying Mr. Negroponte is a serious diplomat with significant experience. When he appeared before our committee, he impressed me that he was more likely to be straightforward and unequivocal in answering our questions.

I will end where I began. I quite frankly think we owe him and his wife a debt of gratitude for being willing to take on what, without exception, in my view, is the most difficult and, at this moment, most dangerous job in U.S. diplomacy.

I urge my colleagues to vote for Mr. Negroponte, notwithstanding that they may feel, as I do, that this administration's policy on how to handle the circumstance in Iraq has been seriously wanting.

Do not confuse the lack of a coherent policy, from my perspective, anyway, with a lack of competence and ability of Ambassador Negroponte. I urge a yes vote on Ambassador Negroponte.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I appreciate again the assistance of the distinguished ranking member of the Foreign Relations Committee, Senator BIDEN, and, for that matter, all members. Many of the members of our committee, of which the distinguished Chair is a member, have spoken today, and have indicated they plan to support John Negroponte, as I will.

I think one reason why the committee has this feeling is that we appreciate the fact he has been forthcoming in response to our questions. He understands the gravity of the situation and its complexity. He does not have a doctrinaire point of view, but clearly recognizes the political realities in Iraq, in this country, and in our international relations.

As a part of his responsibilities at the United Nations, even as we speak, he is working with other nations on behalf of the best ideals of our country, and is attempting to bring to the people in Iraq the full possibilities that might come from much more intense and favorable and constructive relations with the United States and its allies.

I was impressed in our hearing with Ambassador Negroponte, that he has been there many times before, in the sense of very difficult situations, tortuous circumstances, dangerous predicaments, ways in which he had to work with the elements of whatever administration he served, that may or may not have agreed with his point of view, but at the same time, through his experience and the gravity he brought to the issue, he was persuasive and effective.

Finally, I conclude by saying John Negroponte is not any more certain than Senator BIDEN or I am of precisely what is going to happen day by day in Iraq. It is a day-by-day story. And that is not all bad, in the sense that sometimes we make improvements day by day. Sometimes we are able to listen to the evidence, try to take a look at the rest of the world, talk to other people, consult more broadly.

But the fact is, I believe Ambassador Negroponte is prepared to consult. He is prepared to talk. He is prepared to open up. He is responsive to our committee, to the Senate and, I believe, to the Congress and, therefore, through us, to the American people, the people we serve.

The final point I want to make in this debate is I believe Members of the Senate are not unreasonable, I believe members of our committee are not unreasonable, in asking for discussion and consultation during these very difficult times, because the support of all of us—Democrats and Republicans, Americans—is going to be required.

I appreciate, on very short notice, the preparation for the hearing of the Ambassador. But I had the feeling he did not need much notice; that, as a matter of fact, he has been thinking about these issues for a long time. His responses indicated a degree of both maturity but, likewise, willingness to listen that I found very appealing and reassuring.

I encourage Members to vote for him so he might proceed to his duties.

Having said that, Mr. President, I yield back the remainder of the time available on our side and ask that the Chair pose the question.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of John D. Negroponte, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iraq.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Wyoming (Mr. THOMAS) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 85 Exe.]

YEAS—95

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Voinovich
Warner
Wyden

NAYS—3

Dayton
Durbin
Harkin

NOT VOTING—2

Kerry
Thomas

The nomination was confirmed.

Mr. LUGAR. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The Senator from Idaho.

ORDER OF PROCEDURE

Mr. CRAIG. I ask unanimous consent that the Senator from Nebraska and I be allowed to speak as in morning business for no more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Reserving the right to object, we would like 10 minutes following the Senator from Idaho as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Idaho is recognized.

Mr. CRAIG. I thank the Chair.

DEMOLISHING ABU GHRAIB PRISON

Mr. CRAIG. Mr. President, today the Senator from Nebraska and I are introducing a sense-of-the-Senate resolution. I will read it because I think it is appropriate at this time, when all of us are tremendously frustrated about what has gone on in a certain Iraqi prison.

Expressing the sense of the Senate that the Abu Ghraib prison must be demolished to underscore the United States' abhorrence of the mistreatment of prisoners in Iraq.

Whereas the Abu Ghraib prison was used by Saddam Hussein to execute and torture thousands of men, women and children;

Whereas Saddam Hussein and his Special Security Organization oversaw the execution of thousands of prisoners;

Whereas Abu Ghraib prison is notoriously known as a death chamber by the Iraqi people;

Whereas the Abu Ghraib prison is arguably the largest and most feared prison in the Arab world;

Whereas it is widely known that one of Saddam's sons, in one day, ordered the execution of 3,000 prisoners at the prison;

Whereas the recent reports of the atrocities and abhorrent mistreatment of Iraqi prisoners in the Abu Ghraib prison are un-American, do not represent our values, and have sent the wrong message about the United States intentions in Iraq;

Whereas the American people will not tolerate the mistreatment of Iraqi prisoners;

Whereas the American people view this prison as a symbol of evil, and where past cruel torture and mistreatment occurred;

Whereas the American people would like to rid the world of this evil place where past and, unfortunately currently reported mistreatment has occurred;

Now, therefore, be it Resolved, That it is the sense of the Senate that the Abu Ghraib prison, also known as the Baghdad Central Detention Center, be completely demolished as an expression and symbolic gesture that the American people will not tolerate the past and the current mistreatment of prisoners.

We are offering this sense-of-the-Senate resolution today because we believe it is a profound and clear expression of the American people's concern and it is a sense of this Senate that we do not accept the treatment that has gone on there of Iraqi detainees.

I yield the floor now to my colleague from Nebraska for a similar expression, and I send this resolution, as proposed, to the desk.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The Senator from Nebraska.

Mr. NELSON of Nebraska. I thank my colleague from Idaho for this opportunity to express our outrage at the behavior of Saddam's henchmen and for the disgust we have for what some misguided soldiers apparently did in conjunction with the trust they had imposed on them in conjunction with prisoners.

We cannot erase what has been done. We can apologize for it. We can express our outrage. We can say to the American people and to the people of the world, this is not our way and we do not condone it, but we cannot change it and we cannot erase it. I think what we can do is make the broadest statement we possibly can symbolically by leveling this prison.

It seems as though the demons of the Saddam regime carried on in the disguise of Americans who under ordinary circumstances would not have been conducting themselves in this way.

I do not believe in those ghosts, but I do believe the message that can be sent is a very strong one: We do not condone this kind of behavior. The very behavior we went to eradicate needs to be eradicated once again. Those who are criminally responsible must be held to the letter of the law, and those who are responsible in the chain of command must also be held to the highest standards of our military.

I think we can say to the Iraqi people more than we are sorry, which we are, more than we wish it had not occurred, that we stand with them to eradicate this kind of behavior once and for all, at least in that prison. Perhaps symbolically it will help all recognize this kind of behavior is unacceptable anyplace in the world.

I have traveled with my colleagues to various parts of the world, to South Korea, the Baltics, Afghanistan, and Iraq, and those photos do not represent those men and women who serve our Nation honorably or share the values we Americans hold dear.

This prison was the tool of a violent, repressive regime. It is as much a symbol of Saddam's regime as the statues honoring him throughout Iraq. It is even more so in many respects because it represents the truth of what his rule was. Just as those statues were torn down, so should this prison be torn down. This place has become a symbol of abuses and atrocities first under the regime and now sadly with the new acts committed by our troops. We need to make a clean start. What happened in that prison is not American. It does not represent our values, and we need to let the rest of the world know in the most visible way possible that these acts which were committed in that prison are not the American way and not the way America conducts itself.

We need to make a break from the past. We need to level this prison. The symbol of atrocities, this home of abuses, should stand no longer. Let that be our stand, to tear down the prison, to hold those accountable who have engaged in such activities as we have held Saddam accountable, and let us move on so we can say to the people of the world, this is a new start, a break from the past. Let us join with the Iraqi people in building a new Iraq, one that is founded not on the abuses of Abu Ghraib but on the hope for tomorrow. We can share the values together to eliminate abuse, to eliminate these atrocities and to set the record straight for the rest of the world.

I yield back any time to my colleague from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I thank the Senator from Nebraska for his support of this effort.

Mr. BREAUX. Mr. President, parliamentary inquiry: Is the time controlled? How is the time yielded?

The PRESIDING OFFICER. The Senator from Idaho has 3 minutes remaining.

Mr. BREAUX. I would like to ask a question.

Mr. CRAIG. I yield to the Senator for a question.

Mr. BREAUX. I probably should not be getting into this because I have not looked at it, but it seems that the sense of the resolution is the prison should be destroyed. I do not think it was so much a problem with the prison as it was with people who ran the prison. It is not the physical plant that caused the problem. It is the people who were running the prison.

If we do demolish a prison, are we not going to have to build another one? It seems to me what we ought to be advocating is not the demolishing of the prison but the replacement of the people who were running the prison with professional people who understand how to treat prisoners.

The problem is not the physical plant. The problem is the people running it. I am sort of concerned if we demolish the prison we are going to have to end up building another one because we are going to have prisoners who are going to have to be dealt with over there.

Mr. CRAIG. The Senator from Louisiana makes an excellent point. There will be a need for a prison to detain people. This is a very large complex. It is also phenomenally symbolic of the evil of Saddam Hussein where within those walls literally thousands of Iraqis were killed. It was known as the death center. Symbolically what we do is very important. Tragically, what we have done or allowed to happen is very important. I think what the Senator from Nebraska and I are saying is, let us look at the death chambers themselves and tell the Iraqi people those chambers will no longer stand. I believe that is an important expression. Words are one thing; actions are clearly another. I believe symbolically what we say today, or what the Senate of the United States could say and should say, is important.

Mr. NELSON of Nebraska. Mr. President, my response to my friend from Louisiana is if this had been a prison, I would say let us continue it as a prison and change simply the administration, the prison guards. But it was never a prison. It was a place of abuse and atrocity, a death chamber for thousands and thousands of Iraqi citizens. So it is not a prison, and it never was converted into a prison, apparently not even during the time that we have been able to administer it.

Mr. BREAUX. With the explanation I think that clears up a great deal of my concern, and I intend to support it. I thank you.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. How much time is left under the control of the Senator from Idaho?

Mr. CRAIG. I yield the remainder of our time.

Mr. REID. I yield our 10 minutes to the Senator from Illinois, Mr. DURBIN.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I listened carefully to this debate by my colleagues. We can join in the debate as to whether the destruction of the building is an appropriate symbol of our shame and outrage at what happened to the Iraqi prisoners. The fact is, after the invasion, this Saddam Hussein torture chamber or prison was extensively remodeled by the U.S. taxpayers. Tearing it down will, as the Senator from Louisiana suggests, result in the need to build another at the expense of the U.S. taxpayers.

If this symbol, though, can move us any closer to expressing our sense of outrage and shame to the people of Iraq and to the Arab and Muslim nations around the world, then that expense, as far as I am concerned, is money well spent. I am open to that suggestion.

I would like to reflect for a moment on the larger issue that has been raised, not just in this Chamber today but around the world over the last several days. As a member of the Senate Intelligence Committee, yesterday I spent several hours in a hearing with representatives of our military and civilian agencies involved in Iraq, where we poured over every gruesome, grisly, sickening detail of this abuse of Iraqi prisoners. I cannot disclose what was said in that room. What I am about to say is based exclusively on those public pronouncements and things that have been available in the press. I want to make that clear at the outset.

I will tell you about yesterday. I can't remember a sadder day in my service in Congress than the time I spent in that intelligence room. To think any human being would do that to another person is unthinkable. To think that an American would be involved in that is something I never would have believed. And to imagine that someone wearing the uniform of our country would have been in some way associated with that activity is something I would never, ever have accepted. Yet it is a reality, and the reality is it was not one isolated incident. It was a series of incidents involving the killing of prisoners, the sadistic, wanton, and blatant mistreatment of prisoners, and it is something which, sadly, this United States of America must face up to.

I am glad the President of the United States went on Arab television yesterday to express his personal feelings about how terrible these events were, and to make it clear that America does not accept this conduct. I wish the President had extended an apology to the Iraqi people and all who were offended by this shameful episode. It would have been an easy thing for him to do. It would have expressed a sense of humanity and a sense of justice, which we expect of an American President. He did not. I wish he had.

But now we have to ask ourselves how should we, as a people, react to this? I am going to suggest one way we should not react to this. I have in my hand a transcript from a syndicated radio program of May 4, by Rush Limbaugh. Oh, he is well known around Washington, around the world. I want to read what Mr. Limbaugh said in reaction to this scandalous episode involving the torture and abuse of Iraqi prisoners.

His caller, on May 4, asked as follows:

> It was like a college fraternity prank that stack up naked men.

And Mr. Limbaugh replied as follows:

> Exactly. Exactly my point! This is no different than what happens at skull and bones initiation and we're going to ruin people's lives over it and we're going to hamper our military effort, and then we are going to really hammer them because they had a good time. You know, these people are being fired at every day. I'm talking about people having a good time, these people, you ever heard of emotional release?

Rush Limbaugh said in describing the sadistic torture of Iraqi prisoners. And then Mr. Limbaugh, in his infinite wisdom, went on to say:

> You ever heard of need to blow some steam off?

Rush Limbaugh. I am embarrassed that this man, who supposedly speaks for so many people in America and is listened to faithfully by so many people in America, would be so callous, so insensitive as to make those statements. Trust me, they will be repeated, not just on the floor of the Senate, but around the world by our enemies as an indication that we are not taking this seriously.

President Bush struck the right note yesterday. We are taking this extremely seriously, and we should. The reason is obvious. What happened in those prison cells was a complete breakdown of leadership, a complete breakdown of discipline. It is clear that some are being held accountable for it already, and the investigation continues. Some of my colleagues have come to the floor and said this investigation should go all the way to the top. I will keep an open mind on that issue. I want the Secretary of Defense to have his day in court, his moment to explain when he learned of this and what he did about it; frankly, what action he took to avoid this from occurring.

But there are several things I think we should keep in mind. No. 1, the men and women of this reserve unit who were called on to run this prison represented a military police unit without training in detention and corrections.

There is never an excuse for this inhumane and barbaric conduct but the fact is, time and again since we invaded Iraq, we have given assignments to our men and women in uniform, assignments that they were never trained to do. We have asked them to establish civil order in Iraq when they were trained to invade and defeat an enemy. We asked them to be traffic cops and university security. We have asked them to guard museums. We have asked them to do things that were beyond their skill and beyond their training, and this is another example.

Second, let me tell you this. We cannot ignore the reality that the people we are still holding in detention, because of the war on terrorism, are the next questions to be asked by the world. If this happened in Iraq at the Abu Ghraib prison, what is happening at Guantanamo Bay? We have to be prepared to answer those questions. We have to be transparent and open in our treatment of these prisoners, and we have to accept the obvious. We have held and detained hundreds of people without charge, without benefit of counsel, and without communication, in some cases for more than 2 years. There reaches a point where the United States needs to either charge these people with wrongdoing or release them.

We are going to be asked by the world: If Abu Ghraib was a scandal, how are you treating the other detainees and the other prisoners who are involved as well?

We should accept the reality, too, that what happened in this prison, sadly, is going to make our mission in

Iraq that much more difficult and that much more dangerous for the brave men and women in uniform who still serve our country so well as I speak. It has become a recruiting poster, the photos of this abuse and torture, a recruiting poster for those who hate us around the world. Some would say we need to condemn it by resolution; we need to tear down the prison. All of these are important words and important symbols. But we need to do more. We need to try to establish bridges of communication and bridges of understanding with Arab States and Muslim states and the people who live there who, in these images of torture, will believe they see the real United States. That is not who we are. We are a caring people, and we need to demonstrate that.

Beyond tearing down buildings, can we talk about building things up? Can we talk about investing our resources and talents in the United States, to reach out, as the President has asked, in the global AIDS fight, to Muslim nations that are struggling, to reach out to struggling countries, Muslim and otherwise, to provide school feeding programs for children, to once again demonstrate to the world who we really are? Blowing up a building is one thing, but building a life and building a school and building a health clinic is another. It is clear evidence of who we are as an American people.

I look at the situation in Iraq today. It is much more troublesome than it was even a week ago. In April, the bloodiest month in this war for America since our invasion, we lost more troops, we suffered more injuries than in any single period. I make it my responsibility to try—and sometimes I cannot—to call every Illinoisan who has lost a soldier. God bless them, every single one of them, so proud of their son or daughter, husband, wife, killed in this conflict. And they should be proud. They have served our country. They should be proud of the contribution a member of their family has made to this country.

However, this situation is getting perilously complicated and so far from the resolution we hoped for when we made the invasion of this country. Our war on terrorism is going to be complicated as well. We need to develop a sound strategy for the Iraqi situation and for our war on terrorism. We need to concede that many of the things that seemed so obvious and so easy have failed us so far.

We heard predictions early on that the Iraqis would greet us with open arms, move toward democracy, and we would start turning over control of the nation to them. It sounded like a great goal. Clearly, we were wrong. It has not happened. It is not likely to happen soon.

The administration will ask for more money—$25 billion—to support our troops. Although I voted against this war, I will continue to vote for every dollar this administration asks for to keep our troops safe and to bring them home safely. We must continue to ask the hard questions: What is the strategy? What is the plan? Where is the leadership? How can we bring our troops home from Iraq with a mission truly accomplished?

Sadly, today we are further from that goal than we were just a few short days ago. I hope that during the course of the debate on this important resolution on the scandalous activity at the prison we can find Senators of both political parties coming forward, trying to find common ground to reach our goal in the Middle East.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I take it we will be voting on a resolution with respect to the Saddam prison.

It strikes me, what I have just heard in the last few minutes, as a typical copout from responsibility. We hide the deficit. We do not pay the costs of the war. We hide behind all these other things. Now all we have to do is remove the building, and if they cannot be aware of it, they will not care.

This thing happened in January. What we have on foot is the exact "torture-gate," I guess you would call it. From January to May, we have not heard anything about it. This Senator has not heard anything about it. Now we have all of these "whereas" clauses, and this is what Saddam did, and it did not bother us. We did not put in a resolution about it. In fact, we went there and spent good money to clean it up and we put a prison there.

Maybe after we take some responsibility, then maybe this kind of resolution would be in order. The first act and the first reaction officially of the Senate is going to be, let's tear down the building. The building is not at fault. It is the people in the building who are at fault.

I will not be able to vote for this nonsense. I have never seen a crowd that absolutely will not accept responsibility for the war, for the costs of the war, the cost of government, and now the responsibility here. Their first reaction is a lot of "whereas" clauses about Saddam and nothing about us, other than that is not our way of life, and everything else of that kind. Let's find out that is not our way of life by fixing some responsibility in this Government. Once that is done, bring on the "whereas" clauses about Saddam's prison.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF EMPLOYMENT BENEFITS

Ms. CANTWELL. Mr. President, I rise to talk about the unemployment trust fund issue that has us basically stalled on Senate business; the fact that several weeks ago we had an unemployment benefit amendment that was part of the UC request for amendments to the FSC/ETI bill done, and yesterday it was in the queue to be considered; then after it was actually offered on the floor, after 10 minutes of debate and discussion, basically the amendment was pulled. Somebody objected to scheduling a vote on it.

For weeks we have been assuming there was a finite list of amendments and it was agreed that this amendment was going to be voted on. I don't even know that we need to have more time to discuss it.

I know now that there are those on the other side of the aisle who don't want to have a vote on it. Maybe leadership will be able to work out an agreement to have a vote. But when we have moved toward giving the American people some hope that we were going to discuss unemployment benefits in support of those millions of workers who have lost their jobs, they find out now there may not be a vote at all.

I don't think it is surprising that the Dayton Daily News last month basically said the GOP leaders were still dodging the jobless. That newspaper, in a State with high unemployment, thought we were not doing our job here, that those on the other side of the aisle were still trying to dodge the issue. I can tell you we are not getting a vote. It certainly feels at this point in time as if somebody is dodging the issue.

I wonder if my colleagues on the other side of the aisle, or my colleagues in general, have thought about the circumstances of the individuals in this country and the tough times they are facing. I know we see the face of the Iraqi people every night on television. Maybe it is too hard to put 1.5 million Americans who are unemployed on the 6 o'clock news. But they still exist. They, too, are still struggling. They, too, are looking for our support and help.

I want to share with you a letter I got from a constituent. It is posted to our Web site because we have had so many people responding and telling their stories. This one individual from my State said:

> I am a 41 year old, recently divorced, with a 5-year old daughter. I had worked for Nordstrom for over 22 years, when I was suddenly without a job last August, and my unemployment benefits just ran out, which put me into a bankruptcy position. I only have minimal child support and no other income at the moment.
>
> I was earning $47,000 annually prior to my job elimination, and had existing responsibilities based on that income, which I can no longer pay since my benefits have been eliminated. Being a single parent with a home and a 5-year-old to take care of, I have never been in a more desperate position in my life.
>
> I want to work very badly. However, I have not been successful in getting hired back at Nordstrom or any other company. The IT market has declined, and my job was eliminated due to 7-year restructuring of the IT Department, which included the company's initiatives and achievements in job elimination and head count reduction. Their objective was to bring in contractors from India and use offshore outsourcing IT services as well. In fact, for the last 3 years, I have had to work with the offshore folks from India that took the place of hundreds of my fellow employees who were laid off over the last 7 years.
>
> I don't understand how a company or a Government can say that they are compassionate for the climate, but create it by having Americans eliminated and replaced by foreign workers in the U.S. workplace.

My constituent says:

> If the benefits are not reinstated, then I will have to seek getting other assistance until something comes up. All the jobs I have applied for, I have either not been called back, am under qualified, or over qualified.

This shows the humor of my constituent:

> Most of the time, there are no numbers to follow up on, since they are handled via an automatic online HR recruiter. So I am not even sure if there are real people out there really looking for someone to fill a position. I have between 2 and 3 viable job opportunities per week that I apply for. So far, I have been interviewed only 5 times. At the time of my unemployment, I thought it would only be a temporary position. However, the jobs are just not out there and I am required to make at least $30,000 annually, even after my bankruptcy, to maintain my home and my daughter's day care responsibilities.
>
> I live in a small house that was built in 1947 and pay roughly $1,100 in monthly payments on the mortgage. My car is 15 years old and in need of repair. My average bills are $2,000 a month, which are hard to keep up with, health care being so expensive. I don't want to lose my home, since that would not be in the best interest of my daughter. Besides, I don't think I could get much cheaper rent than what my current mortgage is. My property is my retirement.
>
> I am scared to death that I won't have anything to fall back on after working this hard for the last 26 years of my life. I don't quite understand why I can't get the extended benefits until there are more jobs available, or at least until the Government puts an end to the outsourcing of jobs to foreign countries. I have even pursued reeducation to a different field, but was told that I made too much income last year, and it would take a cost of $10,000 for retraining in the health care field.
>
> Now, without unemployment benefits, because my benefits have been exhausted, a student loan would not be funded. Do you have any suggestions how I can get food stamps or aid or, in the meantime, how I can find any kind of time line when we might actually get a vote? I don't understand why the President would not want to help his own first, before those suffering in other parts of the world.

I think that letter sums it up. This is not somebody who hasn't been in the workforce. She was in the workforce 20 some years. This is not a person who didn't have skills and didn't help her company actually try to modernize and improve productivity. She did that. It is not somebody who is sitting around not trying to find a job. She is doing that, too. As she clearly stated, she cannot find a job. So now she has been forced into a bankruptcy situation, is being threatened with losing her house, all because we are sitting on the Federal unemployment benefit account of $13.3 billion and basically saying, even though this is a fund paid into by employers for this very purpose, in strong times of economic downturn, we are not going to give her the assistance.

We are going to pass a FSC/ETI bill instead and give other tax breaks to a whole bunch of things—$2 billion for a green bond initiative that I say still probably will end up getting used for a Hooters Restaurant. There is over $2.8 billion in here for another incentive program, a credit for synthesized coal, which is a tax credit that is under investigation by another Senate committee—$2.8 billion. That is roughly the cost of what it could take to extend the unemployment benefit program for another 6 months—a little more than $5 billion. Yet we are very comfortable today in making a decision to give all these tax cuts and tax breaks away, but we are not going to help the American workers with a fund they have paid into. We are going to hold that hostage as some sort of mark against our deficit, when it is a trust fund they have paid into and, instead, we are going to pass a bill called a "jobs" bill without actually taking care of people that have not gotten the support.

I am amazed we are in this situation. I think the Dayton paper had it right. People are dodging the jobless. They are dodging this issue.

Let's talk about the specifics. There are 1.5 million Americans who are certainly without help and assistance. This is 1.5 million Americans who, as of December 31, exhausted their benefits such as the constituent I just mentioned. They are going through the same situation she is going through. They are trying to figure out, now that the State benefits have expired, and there are very few jobs created—certainly not in a fast enough time period—that they are going to have to be like my constituent; they are making very tough choices. Because we don't see those choices on the 6 o'clock news doesn't mean they are not happening.

Let's look at some of the toughest parts of the country that have had to deal with this issue. You can say maybe not every State is in this situation. Certainly different regions have been hard hit. Certainly the Midwest has.

This chart shows the number of people in these States that have exhausted State benefits. They are still unemployed and they would be helped by our Federal program. They would be helped by the $13 billion that exists in a Federal account—if only this body and the other body would say, yes, you can have access to it.

Illinois has almost 70,000 people, who are like the constituent I read a letter about, who need help and support. In other parts of the Midwest, Michigan has 66,000; Ohio, 42,000; Pennsylvania, 69,000, almost 70,000 workers who qualify for health and assistance.

I do not even know that these people understand that the debate on this proposal is being considered. I know many of my constituents do because they write to me all the time. These are not invisible people, and their problems are not invisible. In fact, the Presiding Officer's State of Texas has 95,000 exhaustees. That is the number of people in that region of the country. In my part of the country, the Northwest, we have one of the hardest hit economies, the highest unemployment rates for the last several years. We have 33,000 people who would qualify right now for this program if this body would just say yes.

What we really want to say is we know that job growth is going to happen. In fact, last month there were 300,000 jobs created. The bottom line is, we have lost over 2 million jobs, and it takes a while to recreate them. By that I mean it takes a while for the economy to recover.

The Center on Budget and Policy Analysis says it will take several months more of robust growth to whittle down the number of unemployed to a more typical size. The truth is, I think a lot of people are saying: Oh, well, gosh, Friday we will have new numbers. Maybe we will have another 300,000 jobs. Maybe we will have another 500,000 jobs, maybe another 600,000 jobs created. To me, it does not matter if there are 600,000 jobs created in the month of April. It simply does not matter if we have 1.1 million people who have already exhausted their benefits.

Even if we have 600,000 jobs created in April, we will still have a million people who will not have access to the benefits they deserve. To me, it is an issue of what are we going to do to sustain the economy while we are waiting for the job creation engine to restart.

A lot of people say: Oh, gee, the economy is actually getting better; productivity has gotten better. My constituent helped her company be more productive. Guess what. That, I am sure, added to the bottom line of that company. It probably added to the bottom line that got passed on to shareholders. But did it help my constituent actually get a job or get a new career? No, it did not. She is not asking for us to give her a job. She is only asking for what she and her employer already paid into, an account that was created for these tough economic times only to get some of those funds in the interim until new job growth and new job availabilities are out there. I do not think it is an unreasonable request.

Some people have said: If you have 1.5 million people, and they have exhausted their benefits, what is the rate by which those people will actually find jobs? The Joint Economic Committee and the Center on Budget and Policy Analysis came up with a formula. Basically, they said about 3 percent of those 1.5 million people would find a job each week.

Some people say: Maybe we will think about unemployment benefits for 7 weeks. Maybe we will say let's give people 7 weeks of benefits for another 60 days, and let's figure out how that helps. We did the calculation. After 7 weeks, using this 3 percent of people finding a job each week, which is the number that is used in both good and bad economic times, it is an average, after 7 weeks of benefits, 458,000 people would find jobs. So after 7 weeks, those 1.5 million exhaustees—those are people who have already exhausted their State support but are still jobless—how many of these people would have a job? Basically, 450,000 of them would have a job.

The issue is, after 450,000 of them would get employed after 7 weeks, we still would be looking at 1.1 million people without a job, without support, being in the same situation as my constituent of bankruptcy, potentially losing her home and in a desperate situation.

Let's be realistic. We are not going to solve this by saying here is 7 weeks of unemployment. It is not going to happen. This economy will get better. It will. But it is going to take a while. You cannot recreate 2 million jobs overnight. You cannot.

The good news is, when you have a Federal program, which the UI trust fund is, at $13 billion, you can use a little bit of those funds to help those people in the meantime and actually generate stimulus in the economy. For every dollar we give these unemployed workers, it generates $2 of stimulus. Who is helped by my constituent basically having to declare bankruptcy and maybe not able to make mortgage payments? Who is helped by that? She is not, but neither is the bank and not the businesses with which she does business. Certainly her 5-year-old daughter who would rather have a home is not receiving any benefits.

If we adopted my proposal, a 6-month extension with 13 weeks of benefits, after that 6 months, the account, which was $13.3 billion, would still have $9 billion in it. So the account will be a very healthy account at the end of that period. Yes, we would pay money out to those individuals, but the account is continually paid into by other employers. That is the way it works. That is why it is a healthy account today, and it will remain healthy under the Cantwell-Voinovich proposal.

This is a bothersome debate to me in the sense of why are we having this discussion when we have a healthy account? We know what the individual problems are. We know people need to have support and assistance. We know even after a short plan, 1.1 million people will still be unemployed. Why don't we just do this? Is it because we are using the money for something else, and we do not have it available to us? Is it that we believe the economy is so much better that even a few trickling of jobs at 300,000 or another 300,000 announced on Friday is somehow going to solve our problem?

I do not think that is what other people have said. In fact, Alan Greenspan said recently before two different committee hearings that the unemployment extension benefit is a good idea largely because of the size of the exhaustees, the number of people who exhausted the benefits, those 1.5 million people. We have the chief economist for our country basically saying this is a good idea based on the fact we have 1.5 million people, and they are not going to be back in the workforce tomorrow. They are not going to be back in the workforce from the April numbers or the May numbers or the June numbers. So who are we kidding? The economy is not going to be that red hot to take care of 1.5 million people tomorrow.

The question is, What do we want to do about it? I think BusinessWeek said it best. They basically said the Senate must act. The Senate must bridge the gap that will help the economy cross over this extended valley of almost nonexistent hiring. They just said that on March 22—nonexistent hiring. Let's not fool ourselves. Americans know it; that is, if you poll them and ask them the question, Is the country going in the right direction or the wrong direction, they say the wrong direction because they know that we do not have job creation happening.

So it is up to us to make a decision. I know my colleagues are saying we do not want to have a vote. Somebody, in one of the afternoon journals, basically said, on the GOP side, that even having a standalone vote on my amendment is a nonstarter.

I am hoping wiser heads will prevail and that people will come to their senses and say: Let's have a vote on this issue. Let's find out where the Members of the Senate stand on getting their constituents' support in tough economic times.

Let us see where the Members of the Senate stand on following the advice of Alan Greenspan who says doing unemployment benefits would be a smart idea given the number of exhaustees. Let us find out where the Senate stands on having a solution to the issue of whether individuals should have access to the money they have paid into a $13.3 billion account through their employers.

Let us find out where the Senate stands on giving a solution on whether they think the economy is recovering fast enough or whether they want to help people in the times when economic recovery is still slow.

I hope we come to some resolution of this issue. I hope my colleagues will listen to their constituents and heed the words they are saying about the tough economic times we are seeing. It may not be on the 6 o'clock news, it may not be on the front page with four or five other stories as is the situation in Iraq and the Middle East, but there is still a struggle for Americans and their struggle deserves the help and support of the Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). Who yields time? The Senator from Nevada.

Mr. REID. We are not under any controlled time now, are we? Is that right?

The PRESIDING OFFICER. That is correct.

The Senator from Nevada.

Mr. ENSIGN. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I rise to address some of the comments that were made by the Senator from Washington State. The proposal to extend unemployment insurance benefits is something the Senator from Washington has been attempting to have passed for some time now. The arguments have been that there are a lot of people unemployed in the country who have been unemployed for long periods of time and therefore we need to have not just normal unemployment benefits but we need to have extended unemployment benefits.

For the last several months, I have gotten up on the Senate floor to refute some of the arguments that have been made by the Senator from Washington, and I want to not only reiterate some of those points but I want to go a little bit further today.

One of the points I have been making is that back when the Democrats controlled the House, the Senate and the White House, the unemployment rate in the country was almost a full percentage point higher than it is today. At that time, the three bodies working together, in control, once again, by the Democrats, thought that the economy had come out of the recession and had recovered to the point where the extension of the unemployment benefits was not necessary. So they terminated the program.

Well, the unemployment rate in the country is almost a full percentage point less today—now when Republicans control the House, the Senate, and the White House. We have recovered from a recession and today, enjoy an unemployment rate that is almost a full percentage point lower than what it was back in the 1990s when the Democrats were in control, when they stopped the temporary extension program. That is the situation we are facing today.

Nationwide, unemployment is 5.7 percent. Economists used to argue that this kind of an unemployment rate was full employment. I am one of those people who believe we can do better than we are doing today. In fact, in my State we are at about 4.4 percent. In some of our counties in our State we are at about 3-percent unemployment. So I think we can do better. In fact, in the JOBS bill that we have before us today, we have provisions in the bill that would create a couple of million jobs.

The one I authored, called the Invest in the USA Act, according to independent economists, will increase the GDP of this country by 1 percent and will produce 660,000 jobs. This is a conservative estimate. So I believe in creating jobs. It is not that people do not feel bad that people are unemployed, but instead of giving them a check for being unemployed we want to give them a job so they are no longer unemployed.

The Senator from Washington has an amendment that she has been trying to get enacted, and she changed her amendment slightly. Her State was one of the highest unemployment States in the country. So my colleagues could understand why she was pushing for this. In the last couple of months, her State's economy has improved. Her State's unemployment rate has been dropping precipitously, so much so that to qualify as a high unemployment State for some of the extra funds under her amendment, she had to redraft her amendment to adjust the figures in such a way that her State would qualify. Under her previous amendments, the State of Washington would not qualify because the economy is improving in her State.

When President Bush was elected, he inherited an economy that was in recession. There is no argument about that. We had three straight quarters of negative growth. By anybody's definition, that is a recession. It takes time to come out of that. We have had economic policies put into place, including two rounds of tax cuts, that have helped spur our economy onward to where we are creating jobs and to where the economy is starting to fire on all cylinders.

We still have work to do, and I think all of us in this body would agree that. But let's look at some of the employment figures.

This chart shows what I was talking about earlier in the State of Washington. Starting in April of 2001, their unemployment rate was a little above 6 percent. We can see, over the last couple of years, it has gone up fairly significantly. It plateaued in October 2003, and since then it has fallen drastically. This is the home State of the author of the amendment, and that is why her State, under her old amendment, would basically no longer qualify as a high unemployment State.

I want to address the issue of the two surveys that measure unemployment. One is called the household survey and the other is called the payroll survey. The household survey measures not only people on payrolls but it is a better measure of the economy because it also measures those who are self-employed.

For instance, in the last 2 years we have seen this incredible phenomenon known as eBay. I think most people are familiar with eBay. There are 430,000 people who now make a full-time living on eBay. Try to conceptualize that. Ten years ago, we could not even have imagined it. The payroll survey, the most common one that people quote about jobs being produced or eliminated, does not reflect a single one of those people who are now supporting themselves full time by doing business on eBay. The household survey does count them.

Anybody who goes out and starts their own business, once they hire somebody that individual is counted in the payroll survey. Well, even a lot of the small businesses are not counted for some time under payroll but they are counted in the household survey. It is a more accurate reflection of the current employment situation in our country.

In the past, the payroll survey and the household survey, the reason we did not worry about really talking about the differences between them is because they paralleled each other. For the last 20, 30 years they literally went up and down at about the same rate. Over the last 2 to 3 years, though, our economy has been changing. Today we are living in a high-tech information age. Things such as eBay didn't exist before. Thus, over the last 12 to 24 months the payroll survey has showed a loss of jobs while, according to the household survey, a couple of million jobs have been produced.

We hear the other side saying under President Bush a couple of million jobs have been lost. Well, that is if you include only the payroll survey. If you include the household survey, we are at the highest level of employment in the history of the United States—the highest level of employment in the history of the United States. We have the most people actually employed, self-employed or employed by somebody else; that we have ever had in the United States.

Unemployment insurance was set up to be a hand up. The longer and the more generous the benefits are, the less incentive there is for somebody to go out and get a job. We know that and can prove that.

During times of high unemployment, during times of recession, we extend the Federal program so those who have fallen on hard times in a tough economy, can get assistance. Those jobs may not be out there, so we extend the program an extra 13 weeks, sometimes 26 weeks, and we allow the States to extend it even further.

But when the economy is growing, is it really necessary to extend those Federal unemployment benefits? Not only is it not necessary, does it, in fact, inhibit somebody from taking the initiative, No. 1, to either create their own job, to become that entrepreneur on eBay or wherever else they are going to create the job, or, No. 2, to do what it takes to go out and find a job?

By the way, sometimes that requires moving. We have a very fluid economy today. Sometimes it requires changing careers. Today, the average American changes careers—not jobs, careers—three times. Again, a reflection of our changing economy. That is one of the reasons, if the other side of the aisle is so interested, as they say they are, in helping people, let's make sure the Workforce Investment Act that was passed unanimously in the Senate actually is finalized into law instead of using procedural maneuvers to block it. That would train an additional 900,000 people in the United States to help find those new jobs that are being created.

In most places that you travel around the United States, if you would ask how the economy is, a year ago there was a lot of pessimism. People were really unsure. You go out there now and there is a lot of optimism. People are hiring and manufacturing orders are up. All the economic indexes we see in virtually every category are up, including the payroll survey for the last 3 months, and we expect to have fairly good employment numbers coming out tomorrow. The jobless claims that came out today were the lowest level we have seen since the year 2000, again, another good piece of economic news.

That is why I think it is the right thing to do, to not further extend the temporary extended unemployment benefits program. It already expired in March.

We have heard a lot from the other side of the aisle about deficits and how much of a threat deficits are to the current economy and the future economy of the United States. I agree with that. In fact I, by the National Taxpayers Union, was rated No. 1 as the biggest deficit hawk in the Senate. I am very concerned with deficits. My votes match my rhetoric.

Extending the unemployment insurance benefits cost $1 billion a month, which is added to the deficit. That is deficit spending. A few of the proposals we have heard from the other side would make it a $2 billion-a-month program. So if people care about the deficit, if they believe that it is something we should not be adding on to, as the Senator from Washington is trying to do by adding back in the extension of the unemployment benefits, then they should not support her amendment.

To sum this up, the facts are, the economy is growing, and growing strongly. Yes, we can do better. I will admit that. I want to see us do more. Pass the JOBS bill that is in front of the Senate today that the Senator from Montana, the ranking member on the Finance Committee, and the Senator from Iowa, the chairman of the committee, have put together. They put together a bill that will create jobs in America. That is part of doing better. There are many other things we can do.

I believe it would actually do harm to the economy, by adding $1 billion a month to the deficit and discouraging those people who are currently on unemployment, if we were to continue extending the TEUC program for weeks and weeks, and months, instead of giving people the incentive to go out and find the jobs that are being created in America.

I yield the floor and yield the remainder of my time.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS

Mr. REID. Mr. President, earlier today, during the Negroponte debate, a number of my friends from the other side of the aisle expressed concern that some ambassadors were pending on the Executive Calendar. I think concern is a very light word. I think we could use words such as they expressed outrage—concern. I wish to comment on this because I think it was misguided. Perhaps they didn't have the right information.

One of the most unfortunate charges I heard was that the Democrats have ensured that there were vacancies in U.S. Embassies in countries representing 700 million people.

Another unfortunate charge was that we were hamstringing the war on terrorism by not having confirmed ambassadors that the Foreign Relations Committee just found time to report out last week.

Again, we were criticized because we were hamstringing the war on terrorism because, after action taken by the committee last week, we didn't do floor action within the next few days. I think anyone who understands Senate procedure knows acting on work of a committee within a very short period of time doesn't happen very often. What I mean by that is a matter of weeks.

I hope if these Senators think these people were needed so urgently, the Foreign Relations Committee should have moved a little faster—or a lot faster.

But this really is not the issue, because all my colleagues know the record does not support these accusations—and that is what they are. Later tonight we will confirm 20 ambassadors. We have already voted for Ambassador Negroponte. His nomination was completed with nearly record speed, given he was only nominated by President Bush last week.

As to the charge the Democrats have kept several American Embassies vacant, we have been told there are 10 embassies the State Department has said are currently vacant. Of these 10, the President has chosen to fill only 5 of them. Out of 10, half of those the President has not sent names.

Tonight, we will confirm ambassadors to fill Nigeria and Serbia. The only reason we have Serbia tonight is last week Republicans objected to confirming this qualified Foreign Service officer. We also wanted to confirm the new Ambassador to Nepal tonight, but there was an objection, I am told, by our Republican friends that would prevent the Senate from ensuring that this very qualified career Foreign Service officer will not be confirmed. The remaining two vacancies, Sweden and Finland, need to be filled, of course. These are going to be political appointees because they did not fill out the term they committed to serve.

The facts that were propounded by my friends on the other side of the aisle about ambassadors not being appointed simply is without any basis of fact. We will confirm two tonight. We have 10 that are unfilled. The President has not even sent five of the names to us. I repeat: Two of them we are going to fill tonight. We have five vacancies. A third we will fill tonight, we would not have needed to do that but for an objection by the Republicans last week over that very qualified person. Then, of course, I indicated the person to go to Nepal is being objected to by the Republicans also.

We have two vacancies, then: Sweden and Finland. The reason those are vacant is because they were political appointees and the people decided they wanted to come home early.

We are doing the very best we can. There are a lot of places that people could place blame, but certainly not in the case of appointment of ambassadors because the facts do not support the allegations that we have been slowing up the ambassadors.

I am happy to see the two managers of the bill in the Senate. We are cautiously optimistic we will be able to complete in the near future the very important FSC bill, the JOBS bill. While the two Senators are in the Senate, I say publicly how much I appreciate their work on this piece of legislation. This committee they are responsible for running, the Finance Committee, is as important if not more important than any other committee in the Congress. They work well together. This is a very complicated bill. There have been a lot of political sideshows that have gone on during the pendency of this legislation, as happens in all complex bills. We might get lucky later tonight and work out an arrangement to complete this bill in the near future, probably early next week.

Again, I express my appreciation to the two Senators. They are both experienced. Both come from relatively sparsely populated States, like the State of Nevada. The Founding Fathers set up the Constitution so that the Senate was not determined by how many people are in a State but, rather, that it is a State. There is no better example of what the Founding Fathers had in mind than these two fine men who run this most important committee. I express my appreciation for the good work they do and have done on this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

EXTENSION OF UNEMPLOYMENT BENEFITS

Mr. VOINOVICH. Mr. President, I am rising this evening in support of S. 1637. This is legislation, sponsored by

Senator CANTWELL and myself, to extend the Temporary Extended Unemployment Compensation Program for another 6 months. The TEUC Program provides additional unemployment compensation benefits to individuals who have exhausted their initial eligibility without finding new employment. It covers those individuals who may find themselves out of a job, once it takes effect.

This program is absolutely critical to thousands of people in the United States of America, many of them who live in my home State of Ohio. The Congressional Budget Office recently reported that for the past 2 years, the exhaustion rate for unemployment benefits has been higher than at any time in recent history. During calendar year 2003, 43 percent of UI recipients exhausted their entitlement to regular benefits.

This is best depicted by this chart that I have here this evening. The bottom line shows the unemployment from a period of 1972 up to 2004. The top line shows the exhaustion rate of benefits. You can see during this period of time we had exhaustion in benefits, then it goes down, then we come out to the 2003–2004 area and you can see that means these people have been unemployed for a much longer period than is traditional in a recessionary period.

Many of those out there today are still in great need. They need these unemployment benefits in order to keep going, paying their mortgages, and giving them some time so they can gain new skills for the jobs that we hope are going to be available to them.

In my own State of Ohio, over 31,000 individuals have exhausted their unemployment benefits since the Temporary Extended Unemployment Compensation Program ended in late December. Without additional assistance, these families face severe financial difficulties until they are able to regain employment.

Many of my colleagues believe the recent declines in overall unemployment and the continuing decline in initial unemployment claims indicate there is no further need for a TEUC. Nothing could be further from the truth. As CBO's recent report indicates, long-term unemployment has actually continued to increase, even though short-term unemployment has been declining.

Part of the problem we face is that many of our assumptions regarding recessions, economic recovery, and job creation are more suited for the 1950s than the 21st century. Traditional economic analysis tells us companies lay off workers during a recession and rehire them to the same jobs during a recovery. Workers may have collected unemployment during a limited period of time, but they have not lost a job and usually return to their former workplace with no need to seek new employment.

Unfortunately, the current recession has not followed this pattern. Instead of existing companies laying off employees and later rehiring them, many corporations have permanently eliminated positions or even gone out of business. This has particularly been hurtful in the State of Ohio, where manufacturing has been hit by international competition, litigation costs, and high energy costs. We have lost some 17.5 percent of our manufacturing jobs in the State of Ohio.

Companies like Rubbermaid, in Wayne County, Worchester, OH, one of the most successful companies that Ohio has ever had, a company that was written up in Fortune magazine, just closed down—1,200 jobs, in Worchester, OH, a small Ohio city in a small county, Wayne County. Thankfully, new companies and new types of jobs are emerging to replace those that are lost; however, many of the workers who were displaced during the recession have difficulty qualifying for these new jobs. Usually they have to retrain and it is not uncommon they have to relocate. Quite often, middle-aged factory workers find themselves competing with younger, better educated workers for jobs in the technology sector.

Also, many times jobs are lost in older urban communities, but the replacement technology or service sector jobs are created in distant suburban areas that require long commutes or changing residences. Families who are dependent on two incomes may find it difficult to locate employment for both wage earners at the same location. Consequently, either the husband or the wife may be unemployed for much longer than in previous recessions.

This is precisely the situation we are facing in Ohio. We have lost manufacturing jobs in older communities such as Youngstown and Cleveland and southeast Ohio. Most of these job losses reflect plant closings or permanent downsizing. These jobs are gone and they are not coming back. They are gone. They are finished.

Meanwhile, some areas of the State are picking up service sector jobs and have unemployment rates as low as 3.9 percent. Unfortunately, expanded financial service jobs in suburban Columbus are not much help to an unemployed tool and die maker in Toledo, OH. It is all very well to talk about the bright new economy that will generate plentiful employment at high wages for the knowledge workers of the future. However, we still have a responsibility to assist the semiskilled manual laborers being displaced by the demise of the old manufacturing economy. Many of these workers can and will retrain. Some will, however reluctantly, relocate. All of them will require time to make these changes.

Recently, Chairman Greenspan has recognized the need to extend temporary unemployment benefits. Secretary Snow has recognized the need to extend temporary unemployment benefits. Our President recognizes that we need to extend temporary unemployment benefits. It is time for Congress to extend these benefits.

The program was designed specifically to give long-term unemployed individuals the time they need to readjust to changing economic realities. The recent report from the CBO clearly indicates the continued need for this program. Consequently, I call upon my colleagues to offer a helping hand to workers from that old economy, while we welcome the rise of the new economy. We can afford to help with this transition, and it is the right thing to do.

I know there are many of my colleagues from States that do not have the problem we have in my State, and they don't understand the urgency of the passage of this legislation. I think we owe it to these people, to these families. Some of them live in my neighborhood in the city of Cleveland. I have lived in the same house since I was mayor of the city of Cleveland, since 1972. I live in a middle-class neighborhood. I have a neighbor across the street who has been unemployed and his benefits have been exhausted. He needs help. I see these people in the grocery store and they talk to me about it.

I think some of our colleagues who are opposed come from States where things are fine, things are wonderful. But I think part of the responsibility we have as Senators in the United States of America is to look after the needs of the entire country. If I were in a position where things were wonderful in my State and they weren't good in some other State and they needed some help in unemployment, then I would be supportive of that because I think it is the proper thing for us to do.

The other thing about this program that a lot of my colleagues do not understand is that, even though this money is coming from the Federal Treasury, the money ultimately is repaid back to the Treasury from the unemployment compensation fund that is supported by a tax on our businesses in our State. This happened when we had the last recession in the State of Ohio.

I am urging my colleagues to open their eyes to the pleas and the needs of so many of our fellow Americans who need that extra help at this time for themselves and for their families.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEMOCRACY AGAIN TRIUMPHS IN GEORGIA

Mr. McCONNELL. Mr. President, there is good news from Georgia this morning. In a second bloodless revolution in that country, former Soviet official and Ajaria troublemaker Alan Abashidze fled into exile after thousands of opponents—including some from within his own police and military forces—took to the streets to demand change.

Abashidze's hasty departure is a great victory for the people of Georgia and their leaders, particularly President Saakashvili and Prime Minister Zhvania. By seeking a non-violent solution to the crisis in the breakaway region of Ajari, Saakashvili and Zhvania demonstrated patience in the face of Abashidze's hostile provocations—designed to spark a military conflict.

Reports of the celebrations in the streets of Batumi are inspiring, particularly those of reformers waving American flags along side their own country. I want to remind my colleagues such symbolism is a reality in Iraq, where Georgian soldiers serve alongside U.S. and Coalition forces.

My message to the people of Georgia is clear: America will continue to stand with them as they champion the cause of democracy. We will continue to help them build a country—and institutions—dedicated to the furtherance of freedom and the rule of law.

Once again, democracy triumphs in Georgia.

MILLION MOM MARCH

Mr. LEVIN. Mr. President, this weekend moms from across the country will converge on Washington to join in a march remembering gun violence victims and urging President Bush to support commonsense gun safety legislation. I am proud to support the moms, and I know my colleagues will join me in commending these women for their leadership.

On Mother's Day, moms will gather on the west lawn of the U.S. Capitol to bring their "Halt the Assault" message to the front door of Congress. These women have come to Washington to urge Members of Congress to support sensible gun safety legislation. Their leadership is desperately needed on this issue, and I applaud all of the moms who will make this journey for their commitment. After the march, the moms will spend Monday visiting our offices and urging us to support commonsense gun safety legislation.

One of the moms attending this Sunday's events is Barb Case, Michigan's Million Mom March President. Mrs. Case has been a member of the Michigan Million Mom March since it first started in 2000. She will be leading as many as 500 Michigan moms to Washington. The Michigan moms will be marching in memory of the 120,000 people who have been killed by a firearm, including more than 13,000 children and teens, since 2000. Mrs. Case, along with other moms in Michigan, have united with State and local leaders to implement community efforts to address the tough issues surrounding gun violence in my home State of Michigan. And, Barb has organized Michigan's moms trip to Washington every year since the first march took place in 2000.

This year's marchers are focused on the renewal and strengthening of the assault weapons ban, holding gun manufacturers accountable for their products, requiring background checks on all gun purchases, reinstating the 5-day Brady waiting period for all gun purchases, and incorporating safety standards into gun design.

Michigan's moms, just like millions of moms from across the country want an America where their kids are safe from gun violence. Again, I commend all of the mothers coming to Washington this weekend for their hard work and commitment to the issue of gun safety and I hope all of my colleagues will remember these efforts when the Senate considers gun safety legislation in the coming months.

I ask unanimous consent that an article from the Detroit Free Press, which discussed the issue of gun violence and this Sunday's march, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Detroit Free Press, Apr. 29, 2004]

WORK TOWARD PEACE THIS MOTHER'S DAY

(By Desiree Cooper)

Sometimes, society's assault on your humanity can be so fierce, you have to throw down the gauntlet and say, "This means war."

That's what happened to two women more than 140 years ago. One was Anna Reeves Jarvis, a West Virginia Methodist pastor's wife. She established Mother's Day Work Clubs to improve the health of Appalachian women and children. But as Civil War casualties mounted, she converted the clubs into nursing squads, determined to save the lives of all soldiers—both Confederate and Union.

Abolitionist Julia Ward Howe, author of the "Battle Hymn of the Republic," also had become war-weary. When the Franco-Prussian War began on the heels of the Civil War, she started rallying women for a national Mother's Day for Peace. Together, the nurse and the poet began the antiwar holiday that we know as Mother's Day.

NOT ABOUT DAISIES AND DINNER

We've long since forgotten that Mother's Day was a social movement. But this year, Endolyn Chapman and her daughter Tonisha will hark back to the roots of the holiday and celebrate it on May 9 at the Million Mom March in Washington, DC.

Neither woman has ever seen herself as political. Tonisha, 19, just registered to vote last week. But, like Jarvis and Howe, violence has spurred their fight for peace.

"The last time I saw my father, he was driving away as I was coming home," said Tonisha, remembering the even on April 5, 2004."I wanted to stop and chat with him, but he just waved and drove off."

That night, 44-year old Steven Chapman went to Detroit's Sa-Mari Hand Car Wash on Wyoming and 6 Mile.

"Four men wearing ski masks robbed the place," said Endolyn, who'd been married to Chapman—a former college football player who stood 6 feet 6 and wore a size 18 shoe—for nearly 20 years. "My husband pleaded for his life. He was in a seated position when they killed him."

HOW WILL YOU COMMIT FOR PEACE?

Tonisha has tried to comfort her mother, taking her out on her parents' anniversary. Endolyn, too, has tried to move on, even though her husband's killers remain at large.

Then she read an article about the Million Mom March's Halt the Assault rally to urge Congress to renew the assault weapons ban.

"There is no reason why anyone would need an assault weapon," Endolyn said. "You can't hunt with one. I decided that we'd go to the march because we don't ever want another family to go through what we've been through."

Million Man Marchstate president Barb Case said, "So many women have been touched by the suffering of others and want to do something to change the world." She estimated that about 500 people from Michigan will attend the march. "This is a powerful way for them to get involved.

And what better day to demonstrate that power than Mother's Day.

Mrs. FEINSTEIN. Mr. President, tens of thousands of women will come to Washington this Mother's Day weekend to spread the word about the urgent need to renew the Federal assault weapons ban.

I thank these women, and their families and friends who will join them, for their effort to focus the American public on the fact that we could lose this important law unless Congress and the President renew the ban soon.

I ask these committed Americans to do everything they can do to help save the assault weapons ban. They should write the President and urge him to help renew the ban. They should write Senate Majority Leader BILL FRIST and Speaker of the House DENNIS HASTERT and urge them to bring the assault weapons ban up for a vote. They should make their voices heard until the ban is renewed.

Time is running out. The Federal assault weapons ban will expire on September 13 of this year if Congress and the President do not act. This means that AK-47s, TEC-DC 9s, Street Sweepers, and dozens of other types of military-style assault weapons will once again flood the streets of America. We cannot afford to let this happen. We owe the American people more than that. It is just that simple.

Assault weapons pose a grave threat to all Americans, but most especially to law enforcement officers on our city streets.

Just last month, I spoke at the funeral of San Francisco Police Officer Isaac Espinoza, who was shot and killed by a gang member armed with an AK-47 and a 30-round clip. Officer Espinoza took three shots in his back as a gunman fired 15 rounds in just seconds, giving Officer Espinoza and his partner, who was also shot, no time to seek refuge.

Officer Espinoza was a bright young star in the San Francisco Police Department, and he had a promising future and loving family. Now that future is gone. His wife Renata is without a husband. His beautiful 3-year-old girl Isabella is without a father.

And Officer Espinoza is far from the only law enforcement officer gunned down in his prime by an assailant wielding an assault weapon.

A recent study by the Violence Policy Center stated that one in five police officers killed in the line of duty is killed with an assault weapon.

That study listed a number of officers gunned down by assault weapons, and I would just like to list a few examples because if we let the assault weapons ban expire, we can expect many more of these incidents.

On January 10, 1999:

> Officer James Williams was killed with a MAK-90 or SA85 7.62mm rifle. Officer Williams was among a group of officers who were searching for a rifle that had been discarded by the occupants of a vehicle that was involved in a chase with police. While they were searching for the rifle, a gunman opened fire from a nearby overpass, killing Officer Williams. Chad Rhodes was arrested and charged with special-circumstances murder, attempted murder, three counts of firing an assault weapon, and possessing an assault weapon. Rhodes pleaded guilty to second-degree murder and was sentenced to life in prison without parole.

On June 12, 1999 in Orange County, California:

> Sheriff's Deputy Brad Riches was killed with a MAK-90 or SA85 7.62mm rifle. Deputy Riches was sitting in his patrol car outside a 7-Eleven when his police cruiser was riddled with assault weapon fire. The 7-Eleven clerk said that a customer told him he was carrying an AK-47-style assault rifle to shoot a police officer. Maurice Steksal was convicted on November 19, 2002 of the first-degree murder of Deputy Riches.

And there are many, many more. But the list would be far longer if the assault weapons ban were not in place, because more of these guns would be out there. They would be easier for criminals to get and to use, and more officers would be killed.

Indeed, these shootings underscore the fundamental danger assault weapons pose to our society.

The good news is that the Senate has gone on record in support of extending the ban on military-style assault weapons. In a bipartisan vote in March, the Senate approved a straight 10-year renewal of the current ban as an amendment to a bill being pushed by the National Rifle Association giving gun manufacturers and dealers protection from civil lawsuits.

But in a bizarre twist, the NRA scuttled its own bill to prevent the extension from becoming law. This is the power of the NRA.

In over a decade as a U.S. Senator, I have encountered no lobby stronger than the gun lobby. I am convinced that if the NRA is going to be defeated, it will be by the mothers and fathers of this Nation—parents who want a future for their children free of the violence and bloodshed sparked by the vast overproliferation of guns throughout our country.

These are the people who came together in the first Million Mom March 4 years ago, and these are the people who will come together again this weekend.

These people will stand firm and say: Enough is Enough. Now is the time to protect our families from assault weapons. There cannot be any turning back.

Over the past decade, we have had a chance to examine the assault weapons ban and to determine if it works and enjoys support.

The results are in.

The ban works. Recent Department of Justice records indicate that the use of banned assault weapons in crimes has declined measurably—by 65 percent in one analysis—since the measure took effect.

The men and women of law enforcement across the Nation support the ban because, on the front lines, they know it protects them and makes communities safer. The Fraternal Order of Police endorses another 10 years, as does almost every other major law enforcement organization, including chiefs of police all across the Nation.

No weapons have been confiscated from legitimate gun owners. In fact, the bill specifically protects 670 shotguns and rifles used for hunting.

Almost three-fourths of the American people, and two-thirds of gun owners, support renewing the ban.

In fact, a recent University of Pennsylvania Annenberg poll found that 71 percent of all Americans support renewing the assault weapons ban; 64 percent of people in homes with a gun supported extension of the ban; and even 46 percent of people in NRA households support extending the ban, contrary to claims by NRA leadership that its members are universally against this proposal.

Some in the Senate opposed the ban a decade ago, fearing it would do little to reduce crime, and could threaten the constitutional rights of law-abiding gun owners and hunters.

Now, 10 years since that vote, America has seen just the opposite: the ban has made our streets safer, it has protected law enforcement officers, and in no way has it diminished legitimate gun owners' rights.

Moreover, we all know that the world has dramatically changed since 1993. September 11, 2001, has taught us many lessons; among them that terrorism lurks in our own cities and communities. Given today's dangers, it defies logic to let suicidal terrorists, gang members and others simply walk up to a counter and buy these weapons for potential attacks.

Assault weapons pose a fundamental danger to law enforcement and our society, and we will continue to work to extend the ban in the Senate. The assault weapons ban is too important to let die.

The bottom line is this—what is the argument for letting these banned guns back on the streets?

Who is clamoring for newly manufactured AK-47s?

Who is clamoring for new TEC-9s?

These are guns that are never used for hunting. They are not used for self-defense, and if they are, it is more likely that they will kill innocents than intruders.

These guns—and everyone knows it—have but one purpose, and that purpose is to kill other human beings. Why would we want to open the floodgates again and let them back on our streets? There is simply no good reason.

For a number of years now, President Bush has indicated that he supports renewing the assault weapons ban for another decade. But he has not lifted a finger to help. Ultimately, however, the voice of the White House will be pivotal in determining if the ban is ultimately approved by Congress and signed into law.

Now is the time to renew a sound law for another 10 years.

We do this in the memory of Officer Espinoza and all the other police officers shot and killed with assault weapons.

We do this on behalf of all the women who are marching on Washington this weekend.

And we do this to keep our communities safe.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

Robert Martin was found lying outside an abandoned school in Ashburn, GA, with head injuries from a blunt object. Martin was wearing a dress at the time. Press reports indicate that Martin had been beaten and harassed before because of his perceived sexuality.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

THE NEED FOR NATIONAL ELECTRICITY RELIABILITY STANDARDS

Mr. FEINGOLD. Mr. President, I rise to express my strong support for the Electricity Reliability Act of 2004, S. 2236. I am proud to be an original cosponsor of this legislation and I hope that the Senate acts on this bill soon. Although we cannot agree on the comprehensive energy bill that has been before the Senate, we can agree on many provisions in the bill. Mandatory reliability standards are a perfect example of what we all agree should be part of our national energy policy.

Our citizens deserve a reliable, safe power grid. This is one of the country's most pressing energy needs. We have to do all that we can to prevent blackouts like the one that hit the east coast and Midwest last August and the Electric Reliability Act of 2004 takes a crucial step toward that goal. The bill grants the Federal Energy Regulatory Commission—FERC—the explicit authority to create mandatory electric reliability standards. FERC can also approve the formation of electric reliability organizations, which will, subject to FERC review, enforce these standards. Strong and enforceable electric reliability standards will help ensure that our citizens and businesses do not have to worry about their respective lives and livelihoods being disrupted by blackouts.

In fact, a joint investigation by a United States-Canadian task force found that the lack of mandatory reliability standards contributed to the August 14, 2003, blackout. This massive outage affected 50 million people in eight U.S. States and parts of Canada. The task force report found that an Ohio-based utility and regional grid manager together violated at least six reliability standards on the day of the blackout. Examples of the reliability violations that contributed to the blackout included: not reacting to a power line failure within 30 minutes, not notifying nearby systems of the transmission problems, failing to analyze what was happening to the grid, inadequately training operators, and failing to adequately monitor transmission stations. Since the industry is largely self-regulated, violations of these voluntary reliability standards carry no penalties. This legislation would hold utilities accountable for reliability violations.

Let's act now and pass this legislation before we face a blackout like we saw last summer. We should work together to pass the elements of the broader energy bill that are necessary and widely supported. I urge my colleagues to support Senator CANTWELL's bill and to join me in asking that this legislation come to the floor.

OFFICER STEPHAN GRAY

Mrs. BOXER. Mr. President, I rise today to celebrate the life and mourn the death of Officer Stephan Gray of the Merced Police Department. On April 15, 2004, Stephan Gray, age 34, became the first officer to be killed in the line of duty in the history of the Merced Police Department. Stephan is mourned by his wife Michelle Gray and their three children: Landess, 13; Isaiah, 5; and Cameron, 3.

Officer Stephan Gray died in the line of duty while protecting the community that he cherished. Officer Gray worked for the Merced Police Department for seven years, where he was assigned to the Gang Violence Suppression Unit and the Special Operations Unit. Officer Gray was well known for going above and beyond the call of duty, distinguishing himself as a dedicated and brave officer through his many heroic efforts and accomplishments. During his tenure with Merced Police Department, Officer Gray received a commendation for assisting in the capture of a dangerous criminal street gang member and for saving the life of an eleven-month-old infant who was not breathing. Officer Gray devoted himself to making the streets safer for the people of Merced.

Stephan Gray was also a loving husband, father, and son. He enjoyed playing catch with his son, Isaiah. He loved to sing and dance and was an avid scuba diver and tropical fish enthusiast.

My heart goes out to his wife, his daughter, his sons, and the countless others whose lives he touched. I want them to know that people across California share their grief as we also salute the gift of his life and work.

A gallant officer is gone, but he will not be forgotten. We can and must carry on his work by giving community police officers and other first responders the resources they need to bring peace and safety to our Nation's streets and neighborhoods.

IN CELEBRATION OF ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mrs. FEINSTEIN. Mr. President, I rise today to honor Asian Pacific American Heritage Month and to pay tribute to the struggles and enormous contributions of Asian Pacific Americans to our Nation's history and culture.

Each May since 1978, we have honored the rich heritage and countless achievements of the many Asian Pacific Americans in our country. The month of May was aptly chosen in order to commemorate both the arrival of the first Japanese immigrants in 1843, and also the completion of the Transcontinental Railroad in 1869, which was constructed in large part by Chinese laborers.

"Freedom for All, a Nation We Call Our Own" is the theme for this year's celebration of Asian Pacific American Heritage Month. This phrase beautifully encapsulates the great journey of Asian Pacific Americans to achieve the American dream and rings especially true during these uncertain times at home and abroad.

The men and women of our Armed Forces, many of whom are from the APA community, are proudly serving all over the world to secure our homeland. Currently, thousands of young Asian Pacific Americans are defending our country, joining the ranks of over 300,000 APA veterans who have served in the name of freedom.

One such veteran is my esteemed colleague, Senator INOUYE of Hawaii, who began his career in public service during World War II where he served in the Army's 442d Regimental Combat Team. The famed "Go for Broke" regiment of Japanese American soldiers courageously defended our country abroad even as their families endured unjust internment at home.

This is just one of the many achievements made by Asian Pacific Americans in the face of adversity. Despite discriminatory laws such as the Chinese Exclusion Act of 1882, the Alien Law Act of 1920, and the forced internment of Japanese Americans during World War II, Asian Pacific Americans have forged ahead to become a very successful and fast-growing segment of American society.

Today, over 13 million Asian Pacific Americans reside in the United States. Whether through academics, technology, the arts, or business, the impact of the APA community is felt in virtually every aspect of our society.

The U.S. Department of Commerce estimates that Asian Pacific American firms alone account for 2.2 million American jobs and generate over $300 billion in revenue. In California alone, Asian Pacific Americans own over 12 percent of all businesses, making them a significant force in the State's economy.

Asian Pacific Americans are also gaining an increased presence in Federal, State, and local governments. Throughout my career, I have had the distinct honor of working with many extraordinary Asian Pacific American leaders such as Senators Inouye and Akaka of Hawaii, Secretary of Transportation Norman Mineta, and Secretary of Labor Elaine Chao. Each of these public servants can function as an inspiration to all Americans.

But even as we celebrate these achievements, we must continue to address the struggles and hardships experienced by certain segments of the APA community.

In California, we have large populations of Southeast Asian and Pacific Islanders who have recently sought refuge in our country as a result of war and civil unrest. As these newcomers to America pursue their dreams and goals, we need to remember the challenges they face and stay vigilant against discrimination and hate.

That is why I believe one of the most significant contributions of Asian Pacific Americans to our Nation is their role as our neighbors. America draws its strength from diversity. The presence of Asian Pacific Americans in our communities further adds to the vibrancy of the American landscape.

The strength of diversity is evident in my home State of California, where close to one-third of the entire Asian Pacific American population lives. One only needs to look at Los Angeles and San Francisco to see the rich kaleidoscope of cultures and traditions that Asian Pacific Americans have brought to their communities.

Places such as Chinatown, Little Tokyo, Little Saigon and Koreatown are no longer isolated ethnic enclaves. As the APA community has spread and grown, these historic neighborhoods have become vibrant centers of cultural exchange and learning.

As a former mayor and native of San Francisco, I can safely say that my hometown would not be the wonderfully vibrant, bustling city it is without the conditions of the Asian Pacific American community.

Finally, Asian Pacific Americans played an important role as we built our country into what it is today. I am pleased to take this time today to honor the accomplishments of these remarkable Americans during this Asian Pacific American Heritage Month.

PROMOTING FAIRNESS WITHIN THE FEDERAL CONTRACTING PROCESS

Mr. AKAKA. Over the past 3 days, I have discussed the need to honor public servants, especially Federal workers, during Public Service Recognition Week. I thought back to last week when I participated in the nomination hearing for David Safavian, who has been nominated to serve as the Administrator for the Office of Federal Procurement Policy. This position serves as the gatekeeper for the Government's contracts. Much of our discussion with Mr. Safavian centered on making sure that Federal employees have the right to protest competition decisions and that agencies have adequate funds to compete to retain work in-house.

Some of the concerns expressed at our hearing stemmed from what I consider to be misguided principles set forth under the President's Management Agenda, which required agencies to implement quotas that could have resulted in the contracting out of up to one-half of all Federal work. Congress, in a bipartisan manner, voiced its opposition to this government-wide approach of contracting out quotas through provisions in the Fiscal Year 2003 Transportation, Treasury, and General Government Appropriations Act. In response to this action and others, the administration dropped this approach in favor of agency-specific plans. With the recent policy reversal of the administration on contracting quotas, I had hoped that the change would have resulted in a fairer approach to the contracting out of Federal work. Therefore, I was disappointed that a February 2004 report on competitive sourcing by the General Accounting Office, GAO, Congress's independent auditor, found that agencies have focused more on following OMB guidelines on the number of positions to compete at the expense of achieving savings and improving performance.

As the ranking member of the Governmental Affairs Financial Management Subcommittee and the Armed Services Readiness Subcommittee, I understand that without adequate management structures, management information systems, and program review structures, government contracts will not realize savings for the American people. This has been proved time and again by GAO. Contract management and acquisitions have long been identified as high-risk areas. As such, we must ensure that Government contracts are awarded only to responsible parties who generate cost-savings throughout the life of contracts. To counter cost overruns and stop erroneous and improper payments, agencies need the resources to improve the speed and accuracy of contract data collection.

The GAO report also noted that six out of the seven agency offices examined had only one or two employees overseeing outsourcing activities. More must be done to make certain that agencies have the people, skills, and technologies needed to oversee $230 billion in contracts.

The key to achieving success requires strengthening the Federal Government's acquisition and contract management workforce. We must recognize that this corps of professionals make decisions every day affecting how hundreds of millions of Federal dollars are spent. For a number of years now, the acquisition workforce has been drastically downsized and many of those remaining are eligible to retire.

Whether we are discussing quotas or the acquisition workforce, concerns about competitive outsourcing within the Federal Government are essentially about accountability. Approximately 2 million Federal employees and another 8 million private sector employees work for the Government on grants and contracts. This situation raises concerns about who is ultimately responsible for contracted work. It also draws attention to the long-term implications of competitive outsourcing, both in terms of money spent, efficiencies gained, and the retention of institutional knowledge and experienced Federal employees.

As we near the end of Public Service Recognition Week, I want to thank our acquisition workforce for their efforts in managing Government contracts. I also urge my colleagues to support efforts to increase and train the acquisition workforce and implement the systems and structures needed to ensure that Government contracting is transparent, accountable, cost effective, and fair to Federal workers.

CALIFORNIA HIGHWAY PATROL OFFICER THOMAS STEINER

Mrs. BOXER. Mr. President, flags were flown at half-staff recently in memory of Thomas J. Steiner, a California Highway Patrol, CHP, officer allegedly killed by a teenager who wanted to impress a gang. Officer Steiner was 35 years old and left behind a wife, Heidi, and two children, Bryan and Justin. I am honored to stand before my colleagues to memorialize this dedicated officer.

On Wednesday, April 21, 2004, shortly before 3 p.m., Officer Steiner exited the Pomona South Courthouse after testifying in traffic court. Before he could get to his patrol car, shots were fired at the officer from behind the wheel of a car. Officer Steiner died at a local hospital later that evening. An arrest was made in the case.

Thomas Steiner died because he wore a uniform. Our law enforcement officers know the dangers and demands of their profession, but despite the daily challenges they face, they commit themselves to protecting others and do so selflessly. A five-year CHP veteran, Officer Steiner clearly exemplified the very best. CHP Chief Mike Brown told a news source that Steiner "loved being a cop. He loved putting on the uniform. He wore it with pride." CHP Commissioner D.O. "Spike" Helmick called Steiner a "quiet family man always ready to help." Steiner was also known as a mentor to newcomers to the department. He will be deeply missed by all those privileged to have known him.

Officer Steiner's murder sent shockwaves through the community. Steiner was known as a solid officer and devoted family man. Whether drinking his morning Gatorade at the station or bottle-feeding his baby on the homefront, Officer Steiner's goals seemed to be simple: to do his job well and be a good husband and father.

As the community reflects on the life and memory of Officer Steiner with a very heavy heart, I salute his legacy as a dedicated officer and family man, and extend my deepest condolences to his entire family and to his friends.

THE EFFORTS TO ATTACH THE ENERGY BILL TO S. 150, THE INTERNET TAX BILL

Mr. FEINGOLD. Mr. President, I would like to explain my votes on two amendments that were offered to S. 150, the Internet access tax bill that the Senate debated last week. I was pleased to support the amendment offered by the Senator from South Dakota, Mr. DASCHLE, No. 3050. I support the renewable fuels title of this amendment and the measures that increase the supply of ethanol. I also support language to consolidate the number of reformulated gasoline blends. I have worked closely with Congressman PAUL RYAN in an effort to reduce the number of Federal reformulated gasoline blends and increase gasoline supplies. In recent years, fuel supply shocks such as pipeline problems and refinery fires have contributed significantly to gasoline price spikes in southern Wisconsin. Chicago and southeast Wisconsin use a specialized blend of reformulated gasoline to meet Federal Clean Air Act requirements that is not used elsewhere in the country. When supplies of this type of gasoline run low, Wisconsin is unable to draw on supplies of gasoline from other areas.

I could not, however, support the amendment offered by the Senator from New Mexico, Mr. DOMENICI, No. 2051. This so-called "scaled down" version of the energy bill consists of 900 pages and contains many of the worst provisions of the H.R. 6 conference report that failed to get cloture last fall. The entire Wisconsin congressional delegation voted against the bill last fall, and I cannot support the amendment either.

In addition to its fiscal implications, I am deeply concerned that the amendment repeals the Public Utility Holding Company Act. This critical act protects consumers against abuses in the utility industry. Repeal of PUHCA would leave ratepayers vulnerable and spur further consolidation in an industry that has already seen a number of mergers. Furthermore, the bill does not protect consumers from Enron-style electricity trading practices and market manipulation. The Senate recently went on record in support of an amendment by Senator CANTWELL to bar such abusive practices and I am disappointed that the Domenici amendment fails to include similar protections.

Also the amendment has serious environmental impacts. For example, the amendment undercuts the Clean Air Act by postponing ozone attainment standards across the country. This issue was never considered in the House or Senate bill, but it was inserted in the energy conference report. This rewrite of the Clean Air Act is not fair to cities like Milwaukee that have devoted significant resources to reducing ozone and cleaning up their air. And as asthma rates across the country increase, this provision could severely undercut efforts to safeguard the air quality of our citizens.

In addition to undermining air quality protection, the amendment allows for siting of transmission lines in national parks, grants exemptions from the Clean Water Act and Safe Drinking Water Act for oil and gas companies, and pays oil and gas companies for their costs of compliance with the National Environmental Policy Act.

I am also concerned that the taxpayers would pay $2 billion in transition assistance for MTBE manufactures. MTBE is found in all 50 States, and high levels are affecting drinking water systems all over the Midwest, including 5,567 wells in 29 communities in Wisconsin, even though the State only used MTBE gasoline for the first few weeks of the phase I program that began in January 1995.

This amendment also fails to reduce our reliance on fossil fuels. The Senate energy bill contained a requirement that power companies provide at least 10 percent of their power from renewable energy sources like wind and solar power. The technical term is a renewable portfolio standard. The amendment doesn't contain any renewable portfolio. standard. There's no doubt that we can and should do better on renewable energy to reduce our dependence on fossil fuels.

For these reasons, I supported the Daschle amendment that contained the energy bill's renewable fuels title, but I opposed the Domenici amendment. I appreciate the need to develop a new energy strategy for this country, and I hope that Congress will pass the portions of the energy bill legislation that have widespread support so that we can address the pressing energy needs of our country in a sensible way.

ADDITIONAL STATEMENTS

TRIBUTE TO EDWIN COLODNY

• Mr. JEFFORDS. Mr. President, today I wish to recognize Edwin I. Colodny, a native son of Burlington, VT, as this year's recipient of the Burlington Business Association's Nate Harris Award. This award is conferred annually on an individual who exhibits the enthusiasm and dedication to maintain and improve the economic vitality of the Burlington region. Ed has supported the Burlington and greater Vermont community in so many ways that all Vermonters owe him a debt of gratitude.

Ed was born in 1926 in Burlington and graduated from Burlington High School in 1944. He went on to receive an A.B. degree from the University of Rochester in 1948, and an LL.B. from Harvard Law School in 1951. From 1975 to 1991, Ed was president and chief executive officer of US Airways, Inc. and was also president and chief executive officer of US Airways Group from 1978 to 1991, and chairman of the board from 1978 to 1992.

More recently, Ed served as the interim president of the University of Vermont and interim president and chief executive officer of Fletcher Allen Health Care, Vermont's premiere medical treatment facility, during critical change periods at both institutions. Ed also served as chairman of the board of Comsat Corporation, a leading provider of global satellite and digital networking services, which merged into Lockheed Martin Corporation.

I have admired the breadth and depth of Ed's business experience and his ability to collaborate with all partners involved in complex matters. His career-long dedication to fair and equitable treatment for workers and a desire to look for winning solutions to problems has set him apart from many of his peers. He understands the dynamics of a healthy business climate while maintaining a respect for the different needs and expertise of other participants.

Ed works tirelessly for the well being of Vermont and its people. He now serves as chair of a Vermont committee to clean up Lake Champlain, one of Vermont's natural jewels. He continues to sit on numerous non-profit boards such as Vermont Law School, Shelburne Museum, Vermont Symphony Orchestra, Vermont Mozart Festival and he is of counsel to the law firm of Dinse, Knapp & McAndrew in Burlington, VT.

There are a very few people in this world who have given so much and asked so little in return. I hope Ed Colodny knows that his years of service have not gone unnoticed. This award shows how much he is appreciated, even though it is impossible for us to fully recognize his many contributions.

I am so proud to stand here and tell you about such a great Vermonter. I wish him my deepest congratulations for an award he so greatly deserves.•

THE LIFE OF ELLIOTT MARANISS

• Mr. FEINGOLD. Mr. President, I would like to take a moment to pay tribute to Elliott Maraniss, a journalist whose work invariably served the cause of justice. Though he passed away on May 1, his work, and his commitment to the community he served, will leave an indelible mark on our State.

Maraniss, who rose to become editor of Madison's Capital Times newspaper, first made his mark in Wisconsin as a reporter for that paper, with award-winning investigative stories about river pollution, controversy at the UW-Medical School, and a UW-Madison boxing scandal. He went on to serve as city editor, managing editor, and finally editor, a post he held from 1978 until he retired in 1983. As an editor he was known for being a mentor, for spotting talented new reporters, and for caring deeply about his staff.

His leadership and integrity in the newsroom were legendary, and it was on those qualities, as well as his journalistic skills, that he built his outstanding career.

His commitment to justice was lifelong, and he inspired many others through his work. A World War II veteran, he saw injustice firsthand in the still-segregated Army, where he served as captain of an all-African-American unit. Later in life he entered the political realm, working for Milwaukee Mayor Henry Maier after retiring from the Capital Times.

I extend my condolences to his wife, Mary, and to his family and friends. His passing is a great loss for all those who knew him, and for everyone who understands the powerful contributions that journalists can make when they are fiercely committed to the truth, and to the cause of justice. So today I join his many family and friends in paying tribute to his memory. He will be long remembered for his outstanding service to the Capital Times and to his community, and for his many contributions to the State of Wisconsin.•

DEPUTY JOHN PAUL SANDLIN: IN MEMORIAM

• Mrs. BOXER. Mr. President, I wish to honor and share with my colleagues the memory of a remarkable man, Reserve Deputy John Sandlin of Solano County, who died Friday, April 23, 2004. Deputy Sandlin spent almost 50 years working to protect his fellow citizens, serving a distinguished career in the Navy and as a volunteer deputy with the Solano County Sheriff's Office. Deputy Sandlin was killed in the line of duty when his patrol car spun out of control during a recent pursuit.

John Sandlin was the devoted husband of Dr. Kay Talbot and the proud father of three daughters, Lizabeth, Lori and Susan. He was also the proud grandfather of seven grandchildren.

Deputy Sandlin compiled a remarkable record in community policing with the Solano County Sheriff's Office, becoming its second most highly decorated officer. He spent 20 years as a volunteer reserve deputy who patrolled the streets most Friday nights for the past decade. Last May, he earned the Sheriff's Office Distinguished Service Medal and the Purple Heart. Sheriff Gary Stanton said of Deputy Sandlin, "We lost a brother—a man who has been part of our department for 20 years."

Before joining the Solano County Sheriff's Office, John served in the Navy for 22 years. He became a nuclear power instructor, served in the Submarine Service, and was awarded the Navy Commendation Medal for saving another's life. He attained the rank of Lieutenant Commander while on active duty.

John Sandlin also spent 14 years at Westinghouse Electric Corporation as a Senior Mechanical Engineer and Documentation Manager. During his career at Westinghouse, he was sworn in as a reserve deputy sheriff with the Solano County Sheriff's Air Squadron. He earned, the 1990 Community Service Award for his dedication to law enforcement and drug surveillance activities with the Solano County Sheriff's Department.

After retiring from Westinghouse, he soon entered the patrol field training program in the Sheriff's Office and began to work on the ground, patrolling the streets to protect his community.

John Sandlin died doing what he loved to do—providing protection for his community. He was a natural leader, a compassionate mentor, and an enthusiastic, charming and very well-liked member of the Sheriff's Office. We will always be grateful for Deputy Sandlin's heroic service defending our Nation and our freedoms, and protecting his community.•

PRUDENTIAL SPIRIT OF COMMUNITY AWARD HONOREES

• Mr. CARPER. Mr. President, today I recognize Meghan Pasricha and Andrew Bell for being selected as two of the Nation's top youth volunteers in the ninth annual Prudential Spirit of Community Awards. This is an extraordinary honor. More than 24,000 young people across the country were considered for this recognition each year.

The Prudential Spirit of Community Awards, created by Prudential Financial in partnership with the National Association of Secondary School Principals, NASSP, constitutes America's largest youth recognition program based exclusively on volunteerism. The awards are designed to emphasize the importance that our Nation places on service to others and to encourage young Americans of all backgrounds to contribute to their communities.

Meghan Pasricha was named as one of America's top 10 youth volunteers for 2004. Selected from more than 2,000 applicants, she received $5,000, an engraved gold medallion and a crystal trophy from her school, Sanford School. In addition, she will have $25,000 in toys, clothing and other juvenile products donated in her name to needy children in the area by Kids in Distressed Situations, Inc.

Meghan Pasricha, 18, of Hockessin, is a senior at Sanford School. Meghan started an antitobacco club at her school that has since developed into a full-blown campaign to educate young people across the country and overseas about the hazards of smoking. When Meghan heard that her State legislature was considering a ban on indoor smoking, she paid close attention. After learning that most smokers start before they turn 18, Meghan founded the Anti-Tobacco Action Club at her school. With a grant from the American Lung Association and the Delaware Health Fund, she recruited a core team of volunteers, led meetings, planned a year-long series of antitobacco activities, created training and presentation materials, and conducted 12 tobacco awareness workshops for school and youth groups. She also set up a tobacco education booth at a school health fair, published a newsletter and helped other Delaware schools start tobacco education programs. And by writing newspaper articles and speaking publicly, she helped mobilize youth support for the enactment of one of the Nation's toughest indoor smoking bans.

On a visit to India, Meghan observed how young people there are targeted by tobacco sellers, so she trained a group of youth advocates to raise awareness in a number of villages. Later, Meghan presented her project at the World Conference on Tobacco in Finland, and worked with youth advocates from nine other nations to prepare a World Health Organization Youth Action Guide and video. "I am convinced that a single person, even if young and inexperienced, can become a catalyst for change," she said. "Young people are often told that they are 'leaders of tomorrow.' I urge young people to become leaders today."

Andrew Bell of Seaford was selected as one of Delaware's top youth volunteers for 2004. He received a $1,000 award and was congratulated by Academy Award winning actress and comedian, Whoopi Goldberg. He also received an engraved silver medallion and a trip to Washington, DC, for the program's national recognition events.

Twelve-year-old Andrew, a sixth grader at Sussex Academy of Arts and Sciences, helped collect shoes, socks, and shoelaces for needy orphans around the world. Andrew started the project by writing letters to the four elementary school principals in his hometown of Seaford, asking them for permission to collect donations in their schools. He wrote articles for his school newsletters, created handouts and brochures explaining the purpose of his project, decorated collection boxes for each of the four schools, and solicited donations from local department stores. Some 300 pairs of shoes, 83 pairs of socks and 15 pairs of shoelaces were collected for this effort. From there, the items were sent to the Buckner Orphan Care facility in Texas. The items were then distributed worldwide to orphans in need. Andrew felt that this project was important because "many children on Earth are poor, and not very many people are trying to help them."

Today, I rise to congratulate Meghan and Andrew. These youngsters inspire examples of community spirit and leadership. They serve as role models not only to their peers, but to all of us, as well as to the people they have touched through community service. They represent the State of Delaware at its very best.•

ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY'S EARLY LOAN REPAYMENT

• Mrs. BOXER. Mr. President, I congratulate the Alameda Corridor Transportation Authority, ACTA, for repaying its loan to the Federal Government 28 years ahead of schedule.

ACTA has proven that it is an asset for Southern California and the Federal Government by building the Alameda Corridor on time and on budget—and now repaying the loan so early.

I have worked on this project since 1995, when I secured the Alameda Corridor as a high priority corridor in the National Highway System bill.

This project is extremely important because the ports of Los Angeles and Long Beach receive 40 percent of the Nation's imports, together composing the largest shipping complex in the United States.

By taking trucks off the road, the Alameda Corridor helps move goods more rapidly and reduces congestion for many communities in southern California.

I am proud to be associated with this project. It is a model for the Nation and a model for innovative finance.

I look forward to working with ACTA on new projects supporting goods movement in southern California.

I ask that a proclamation signed by the City of Los Angeles, the City of Long Beach, and the Alameda Corridor Transportation Authority be printed in the RECORD.

The proclamation follows.

PROCLAMATION

Whereas, in connection with the issuance of the Alameda Corridor Transportation Authority Subordinate Lien Revenue Refunding Bonds, Series 2004A and Series 2004B, the Authority intends to prepay the remaining balance of the Federal Loan dated January 17, 1997 by and between the Alameda Corridor Transportation Authority (ACTA) and the United States Department of Transportation, Federal Highway Administration (DOT);

Whereas, the City of Los Angeles, the City of Long Beach and ACTA hereby acknowledge the critical role of the DOT in the development and financing of the Alameda Corridor Project;

Whereas, the DOT was an instrumental partner in achieving the substantial completion of the Alameda Corridor Project and in significantly improving the transportation system and movement of goods in the Southern California region;

Now Therefore, the undersigned hereby proclaim their gratitude and appreciation to the DOT for its efforts in connection with this significant transportation project.•

TRIBUTE TO FATHER JOHN D. DEATRICK

• Mr. BUNNING. Mr. President, today I would like to take the opportunity to honor an outstanding member of the Catholic church, Father John D. Deatrick, the pastor at St. Martha in Louisville, KY.

Father Deatrick is retiring June 13, 2004 upon reaching the mandatory retirement age of the Catholic church. He has been an ordained priest for 38 years. Throughout his years as a pastor, Father Deatrick served as chaplain at St. Xavier High School as well as Bellermine University where he also served as the Bellermine Knights baseball coach. He has remained a steadfast baseball fan throughout the years and attends the National spring training camp in Florida when he gets the opportunity.

Father Deatrick has been the pastor at St. Martha for 11 years. He will be greatly missed by the members of his congregation. I join all Kentuckians in commending Father Deatrick for his faithfulness and dedication to the Catholic church for the past 38 years. I wish him well in his retirement.•

2004 WINNERS OF THE "WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION" NATIONAL COMPETITION

• Mr. CORZINE. Mr. President, on May 1–3, 2004, over 1,200 students from across the United States visited our Nation's Capital to take part in the national finals of We the People: The Citizen and the Constitution. This program, administered by the Center for Civic Education and funded by the Department of Education, was developed specifically to educate young people about our great Constitution and Bill of Rights.

I am proud to announce that students from East Brunswick High School in East Brunswick, NJ, won first place in this prestigious academic event. After winning the statewide competition, these outstanding students demonstrated superior knowledge of the U.S. Constitution during the national competition.

The 3-day We the People competition is modeled after Congressional hearings. First, the students are given an opportunity to exhibit their knowlege before a panel of adult judges while they evaluate, take, and defend positions on relevant historical and contemporary issues. Their testimony is followed by questions designed to probe the students' depth of understanding and ability to apply their constitutional knowledge.

This innovative program continues to be one of the best antidotes to apathy and cynicism in our Nation. Numerous evaluations and independent studies have validated the effectiveness of the We the People program on students' civic knowledge and attitudes. The program helps students to develop an increased understanding of the institutions of constitutional democracy and the fundamental principals and values upon which they are founded. It also teaches students the skills necessary to participate as effective and responsible citizens.

I commend the students from East Brunswick High School on their exceptional achievement—their accomplishment is truly inspiring. I wish them the best of luck in learning and advocating the fundamental ideals that identify us as a people and bind us together as a Nation.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:26 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2315. An act to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering.

The message also announced that the House passed the following bills in which it requests the concurrence of the Senate.

H.R. 27. An act to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan.

H.R. 2771. An act to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program.

H.R. 4227. An act to amend the Internal Revenue Code of 1986 to extend to 2005 the alternative minimum tax relief available in

2003 and 2004 and to index such relief for inflation.

At 6:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagree to the amendments of the Senate to the bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following Members be the managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendments, and modifications, committed to conference: Mr. YOUNG of Alaska, Mr. COBLE, Mr. DUNCAN, Mr. HOEKSTRA, Mr. LOBIONDO, Mr. SIMMONS, Mr. DIAZ-BALART, Mr. OBERSTAR, Mr. FILNER, Mr. BISHOP, and Mr. LAMPSON.

For consideration of the House bill and the Senate amendments, and modifications committed to conference: Mr. COX and Mr. THOMPSON of Mississippi.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 326. Concurrent resolution expressing the sense of Congress regarding the arbitrary detention of Dr. Wang Bingzhang by the Government of the People's Republic of China and urging his immediate release.

H. Con. Res. 398. Concurrent resolution expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

S. 2315. An act to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated.

H.R. 27. An act to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 326. Concurrent resolution expressing the sense of Congress regarding the arbitrary detention of Dr. Wang Bingzhang by the Government of the People's Republic of China and urging his immediate release; to the Committee on Foreign Relations.

H. Con. Res. 398. Concurrent resolution expressing the concern of Congress over Iran's development of the means to produce nuclear weapons; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 4227. An act to amend the Internal Revenue Code of 1986 to extend to 2005 the alternative minimum tax relief available in 2003 and 2004 and to index such relief for inflation.

H.R. 2771. An act to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7359. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Prohibition of the Use of Certain Stunning Devices Used to Immobilize Cattle During Slaughter" received on May 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7360. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Transfer of Voluntary Inspection of Egg Products Regulations" (RIN0583-AC94) received on May 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7361. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Meat Produced by Advanced Meat/Bone Separation Machinery and Meat Recovery Systems" (RIN0583-AC51) received on May 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7362. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle" received on May 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7363. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Parts 614 and 617: Loan Policies and Operations; Borrower Rights; Effective Interest Rate Disclosure" (RIN3052-AC04) received on May 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7364. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Parts 614, 620, and 630: Young Beginning, Small Farmers, and Ranchers" (RIN3052-AC07) received on May 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7365. A communication from the Administrator, Dairy Programs, Agricultural Marketing Service, transmitting, pursuant to law, the report of a rule entitled "Milk in the Northeast and Other Marketing Orders—Interim Order" received on April 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7366. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to depot-level maintenance and repair workloads by the public and private sectors; to the Committee on Armed Services.

EC-7367. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law , a report relative to the Defense Cooperation Account; to the Committee on Armed Services.

EC-7368. A communication from the General Counsel, Department of Defense, transmitting, a draft of proposed legislation as part of the National Defense Authorization Bill for Fiscal Year 2005; to the Committee on Armed Services.

EC-7369. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a report relative to the Foreign Comparative Testing (FCT) Program; to the Committee on Armed Services.

EC-7370. A communication from the Principal Deputy for Personnel and Readiness, Department of Defense, transmitting, a list of officers to wear the insignia of the next higher grade; to the Committee on Armed Services.

EC-7371. A communication from the Principal Deputy for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of an approval to wear the insignia of general; to the Committee on Armed Services.

EC-7372. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Harpin Protein; Exemption from the Requirement of a Tolerance" (FRL7356-5) received on May 5, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7373. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyraflufen-ethyl; Pesticide Tolerance" (FRL7358-2) received on May 5, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7374. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Rhamnolipid Biosurfactant; Exemption from the Requirement of a Tolerance; Technical Correction" (FRL7356-2) received on May 5, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7375. A communication from the Liaison Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE: Special Supplemental Food Program for Women, Infants, and Children Overseas" (RIN0720-AA75) received on May 5, 2004; to the Committee on Armed Services.

EC-7376. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report entitled "Distribution of DoD Depot Maintenance Workloads"; to the Committee on Armed Services.

EC-7377. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the Multi-mission Maritime Aircraft; to the Committee on Armed Services.

EC–7378. A communication from the Senior Vice President and Chief Financial Officer, Export-Import Bank of the United States, transmitting, pursuant to law, the Bank's 2003 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–7379. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations: 69 FR 6172" (44 CFR 67) received on May 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7380. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations: 69 FR 6165" (44 CFR 65) received on May 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7381. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations: 69 FR 6170" (FEMA–P–7632) received on May 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7382. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligility: 69 FR 5474" (FEMA–7825) received on May 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7383. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations: 69 FR 6179" (44 CFR 67) received on May 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7384. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Changes in Maximum Mortgage Limits for Multifamily Housing" (RIN2502–AI19) received on May 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7385. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations: 69 FR 6166" (FEMA–D–7551) received on May 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7386. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Eligibility of Adjustable Rate Mortgages" (RIN2502–AH84) received on May 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7387. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "FHA Inspector Roster" (RIN2502–AH76) received on May 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7388. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–7389. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "HOME Investment Partnerships Program; American Dream Downpayment Initiative" (RIN2501–AC93) received on May 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7390. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Home Equity Conversion Mortgage (HECM) Program; Insurance for Mortgage to Refinance Existing HECMs" (RIN2502–AH63) received on May 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7391. A communication from the Acting Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to the Government National Mortgage Association (Ginnie Mae); to the Committee on Banking, Housing, and Urban Affairs.

EC–7392. A communication from the Director, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, a report relative to Atlantic highly migratory species; to the Committee on Commerce, Science, and Transportation.

EC–7393. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Representations and Certifications—Other than Commercial Items" (RIN2700–AC97) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7394. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Announce Approval by the Office of Management and Budget (OMB) of Collection-of-Information Requirements Contained in the Following American Fisheries Act (AFA)-related Amendments to the Fishery Management Plan (FMP): 61 for Groundfish in the Gulf of Alaska, 13 for BSAI King and Tanner Crab, and 8 for the Scallop Fishery off Alaska" (RIN0648–AR42) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7395. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Opening Directed Fishing for Sablefish with Fixed Gear Managed Under the Individual Fishing Quota Program" (ID020204C) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7396. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Emergency Rule to Maintain an Area Access Program for the Atlantic Sea Scallop Fishery in the Hudson Canyon" (RIN0648–AR92) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7397. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule for the Final 2004 Specifications for the Atlantic Mackerel, Squid, and Butterfish Fisheries" (RIN0648–AQ83) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7398. A communication from the Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 Feet Length Overall and Longer Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands" received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7399. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Amend Regulations Governing the North Pacific Groundfish Observer Program" (RIN0648–AR32) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7400. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Herring Fishery; Final 2004 Specifications for the Atlantic Herring Fishery" (RIN0648–AQ84) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7401. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Annual Management Measures for Pacific Halibut Fisheries" (RIN0648–AR95) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7402. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closing Directed Fishing for Species in the Rock Sole/Flathead Sole/Other Flatfish Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area (BSAI)" received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7403. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "2004 Specifications for BSAI Groundfish Fisheries" received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7404. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Coral Reef Ecosystem Fishery Management Plan for the Western Pacific" (RIN0648–AM97) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7405. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement a Regulatory Amendment to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico" (RIN0648-AP50) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

POM-425. A joint memorial adopted by the Legislature of the State of Washington relative to technologies available at the Washington Animal Disease Diagnostic Laboratory; to the Committee on Agriculture, Nutrition, and Forestry.

POM-426. A resolution adopted by the Council of the City of Ocean City of the State of New Jersey relative to local beach replenishment; to the Committee on Banking, Housing, and Urban Affairs.

POM-427. A resolution adopted by the Council of the City of Carbondale of the State of Illinois relative to the Senator Paul Simon Federal Building; to the Committee on Environment and Public Works.

POM-428. A resolution adopted by the Board of Commissioners of the Town of Nags Head of the State of North Carolina relative to federal funding for beach funding and nourishment; to the Committee on Environment and Public Works.

POM-429. A resolution adopted by the Village Officials Association of the County of Suffolk of the State of New York relative to the federal government's role in shoreline nourishment projects; to the Committee on Environment and Public Works.

POM-430. A resolution adopted by the City of Hallandale Beach of the State of Florida relative to federal participation in beach erosion control projects and studies; to the Committee on Environment and Public Works.

POM-432. A resolution adopted by the Board of Supervisors of the County of Los Angeles of the State of California relative to the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, with amendments:

S. 1423. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe (Rept. No. 108-259).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. AKAKA:

S. 2390. A bill to amend the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) to establish a Geospatial Management Office within the Department of Homeland Security to establish and maintain geospatial preparedness for homeland security purposes; to the Committee on Governmental Affairs.

By Mr. HOLLINGS:

S. 2391. A bill for the relief of Pongsakorn Kaewkornmuang; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. GRAHAM of South Carolina):

S. 2392. A bill to amend the Federal Election Campaign Act of 1971 to require candidates to stand by their printed and Internet advertising, and for other purposes; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER (for himself, Mr. MCCAIN, and Mr. HOLLINGS):

S. 2393. A bill to improve aviation security; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWNBACK (for himself, Mr. CAMPBELL, and Mr. INOUYE):

S.J. Res. 37. A bill to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian Tribes and offer an apology to all Native Peoples on behalf of the United States; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAIG:

S. Res. 353. A resolution designating May 2004, as "Older American Month"; to the Committee on the Judiciary.

By Mr. CRAIG (for himself and Mr. NELSON of Nebraska):

S. Res. 354. A resolution expressing the sense of the Senate that the Abu Ghraib prison must be demolished to underscore the United States' abhorrence of the mistreatment of prisoners in Iraq; to the Committee on Foreign Relations.

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 355. A resolution to authorize the production of records by the Committee on Commerce, Science, and Transportation; considered and agreed to.

By Ms. MIKULSKI (for herself and Mr. KENNEDY):

S. Con. Res. 104. A concurrent resolution expressing the sense of Congress that Kids Love a Mystery is a program that promotes literacy and should be encouraged; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 423

At the request of Ms. COLLINS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 423, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 809

At the request of Mr. SANTORUM, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 809, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 884

At the request of Ms. LANDRIEU, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 884, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 887

At the request of Ms. SNOWE, her name was added as a cosponsor of S. 887, a bill to amend the Internal Revenue Code of 1986 to apply an excise tax to excessive attorneys fees for legal judgements, settlements, or agreements that operate as a tax.

S. 976

At the request of Mr. WARNER, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 983

At the request of Mr. CHAFEE, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1053

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1053, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 1102

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1102, a bill to assist law enforcement in their efforts to recover missing children and to clarify the standards for State sex offender registration programs.

S. 1428

At the request of Mr. MCCONNELL, the names of the Senator from Nevada (Mr. REID), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), the Senator from Utah (Mr. HATCH), the Senator from Mississippi (Mr. LOTT) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1428, a bill to prohibit civil liability actions from being brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for damages or injunctive relief for claims of injury resulting from a person's weight gain, obesity, or any health condition related to weight gain or obesity.

S. 1457

At the request of Mr. BUNNING, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1457, a bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on distilled spirits to its pre-1985 level.

S. 1515

At the request of Mr. GREGG, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1515, a bill to establish and strengthen postsecondary programs and courses in the subjects of traditional American history, free institutions, and Western civilization, available to students preparing to teach these subjects, and to other students.

S. 1556

At the request of Mr. SMITH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1556, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 1709

At the request of Mr. CRAIG, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1709, a bill to amend the USA PATRIOT Act to place reasonable limitations on the use of surveillance and the issuance of search warrants, and for other purposes.

S. 1909

At the request of Mr. COCHRAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1909, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1918

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1918, a bill to amend the Internal Revenue Code of 1986 to provide that qualified homeowner downpayment assistance is a charitable purpose.

S. 2088

At the request of Mr. KENNEDY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2088, a bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes.

S. 2174

At the request of Mr. BUNNING, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2174, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 2262

At the request of Mr. BINGAMAN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2262, a bill to provide for the establishment of campaign medals to be awarded to members of the Armed Forces who participate in Operation Enduring Freedom or Operation Iraqi Freedom.

S. 2292

At the request of Mr. VOINOVICH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2292, a bill to require a report on acts of anti-Semitism around the world.

S. 2310

At the request of Mrs. FEINSTEIN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 2310, a bill to promote the national security of the United States by facilitating the removal of potential nuclear weapons materials from vulnerable sites around the world, and for other purposes.

S. 2321

At the request of Mr. BYRD, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2321, a bill to amend title 32, United States Code, to rename the National Guard Challenge Program and to increase the maximum Federal share of the costs of State programs under that program, and for other purposes.

S. 2323

At the request of Mr. SHELBY, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2323, a bill to limit the jurisdiction of Federal courts in certain cases and promote-federalism.

S. 2328

At the request of Mr. DORGAN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2328, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 2352

At the request of Mr. ENSIGN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2352, a bill to prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes.

S. 2371

At the request of Mr. KENNEDY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2371, a bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes.

S. 2376

At the request of Mr. BUNNING, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 2376, a bill to amend the Internal Revenue Code of 1986 to repeal the scheduled restrictions in the child tax credit, marriage penalty relief, and 10 percent rate bracket, and for other purposes.

S. 2385

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2385, a bill to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse".

S.J. RES. 31

At the request of Mr. EDWARDS, the names of the Senator from California (Mrs. BOXER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S.J. Res. 31, a joint resolution to provide for Congressional disapproval of certain regulations issued by the Office of the Comptroller of the Currency, in accordance with section 802 of title 5, United States Code.

S.J. RES. 32

At the request of Mr. EDWARDS, the names of the Senator from California (Mrs. BOXER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S.J. Res. 32, a joint resolution to provide for Congressional disapproval of certain regulations issued by the Office of the Comptroller of the Currency, in accordance with section 802 of title 5, United States Code.

S. CON. RES. 8

At the request of Ms. COLLINS, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution designating the second week in May each year as "National Visiting Nurse Association Week".

S. CON. RES. 99

At the request of Mr. BROWNBACK, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Con. Res. 99, a concurrent resolution condemning the Government of the Republic of the Sudan for its participation and complicity in the attacks against innocent civilians in the impoverished Darfur region of western Sudan.

S. RES. 202

At the request of Mr. CAMPBELL, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932–33.

S. RES. 325

At the request of Mr. SANTORUM, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 325, a resolution expressing the sense of the Senate regarding the creation of refugee populations in the Middle East, North Africa, and the Persian Gulf region as a result of human rights violations.

S. RES. 343

At the request of Mr. LUGAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 343, a resolution calling on the Government of the Socialist Republic of Vietnam to respect all universally recognized human rights, including the right to freedom of religion and to participate in religious activities and institutions without interference or involvement of the Government; and to respect the human rights of ethnic minority groups in the Central Highlands and elsewhere in Vietnam.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 2390. A bill to amend the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) to establish a Geospatial Management Office within the Department of Homeland Security to establish and maintain geospatial preparedness for homeland security purposes; to the Committee on Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Homeland Security Geospatial Information Act of 2004 which would create a Geospatial Management Office within the Department of Homeland Security (DHS). Geospatial information is a critical component of effective planning for homeland security.

My interest in homeland security geospatial information developed out of my efforts to ensure support for predisaster mitigation programs, such as Project Impact. Project Impact was started by FEME in 1997 to help communities become disaster-resistant by preventing damage and loss of life and property during a disaster and reducing recovery time and costs afterwards.

Geospatial technologies, such as satellite imagery and aerial photography, provide data that create the maps and charts that can help prevent a disaster from occurring or lessen the impact of an unforeseeable event by equipping first responders with up-to-date information. In the event of a terrorist chemical attack, knowing which way a contaminated plume will travel can save lives. Similarly, the damage of a natural disaster, such as wildfire, can be lessened by maps that help predict which areas will be in the path of the blaze.

My own State of Hawaii is vulnerable to hurricanes, torrential rains and flooding, tsunamis, droughts, earthquakes, and even wildfires. Four years ago, flooding on the islands of Hawaii and Maui caused approximately $20 million in damage to private and public facilities. In order to predict floods more accurately, local officials need current, interoperable data on water levels and surrounding infrastructure so that accurate maps predicting the flow of water can be created on demand. Accurate maps are also critical for swift and safe evacuation procedures.

All levels of government are more effective and efficient when employing geospatial technology, especially in the area of homeland security. Its uses include, but are not limited to: disaster early warning and mitigation, border monitoring, criminal investigations, public health protection, and critical infrastructure oversight.

In the past, geospatial information management has been done in a piecemeal fashion. Domestic geospatial data procurement and sharing is poorly coordinated and managed. According to a 2003 study by Cary and Associates, a geotechnology consulting firm, the Federal Government spends $5 billion per year on geospatial goods and technologies. This figure does not include the amount being spent by State and local agencies, which some experts estimate is two to three times that of the Federal Government. It is also estimated that at least half of the government's geospatial spending is going towards redundant activities.

During a House Government Reform hearing in June 2003, Mark Forman, then the Administrator of the Office of E-Government and Information Technology, admitted that the Office of Management and Budget had no idea how much money federal agencies spend on geospatial procurement.

The Administration's current solution to this problem is Geospatial One-Stop, an online portal where organizations and individuals can access geospatial information developed by Federal, State, and local agencies. While Geospatial One-Stop is a good sharing tool, it helps to reduce government redundancy only if agencies voluntarily access data from it instead of procuring the data themselves. With no one keeping a close eye on an agency's geospatial spending, there is no incentive for it to utilize this tool.

The legacy agencies that make up DHS had traditionally managed their own geospatial procurement. But many of the homeland and non-homeland security missions of DHS complement each other. Sharing maps and data reduces redundancy, provides savings, and ensures better information for disaster response.

Currently, the DHS Chief Information Officer (CIO) is working to break down this geospatial stove piping within the Department by naming a Geospatial Information Officer. However, there is no single office in DHS officially responsible for geospatial management, and therefore, no corresponding budget. In the present structure, the Geospatial Information Officer does not have the authority to compel the five DHS directorates to cooperate with his efforts. The entire agency should make geospatial coordination a priority.

A geospatial management office needs to be created and codified within DHS. A congressionally mandated office would give the Geospatial Information Officer more authority with which to do this job.

The Office of Geospatial Management has the potential to significantly increase the quality of the resources homeland security officials rely on by reducing redundancy and improving the quality of geospatial procurement. But in order to do this it needs authority and funding.

This office would also serve as a mechanism for coordinating with State and local authorities. Much of the geospatial information available today is created at the state and local levels. Centralizing this information will make it more widely available to first responders and other homeland security officials.

The Homeland Security Geospatial Act of 2004, will address these needs by: creating the Office of Geospatial Management under the CIO; giving this office the responsibility for managing DHS geospatial activities and coordinating with State and local officials on geospatial initiatives that pertain to homeland security; and naming the Department as member of the Geospatial One-Stop Board of Directors, which will give DHS a role in coordinating federal geospatial activities.

We can improve the Department's mission of protecting America, while maximizing the funds. I urge my colleagues to support this important legislation.

By Mr. WYDEN (for himself and Mr. GRAHAM of South Carolina):

S. 2392. A bill to amend the Federal Election Campaign Act of 1971 to require candidates to stand by their printed and Internet advertising, and for other purposes; to the Committee on Rules and Administration.

Mr. WYDEN. Mr. President, I rise today to introduce the "Political Candidate Personal Responsibility Act," together with my colleague from South Carolina, LINDSEY GRAHAM. This bill would extend the successful model of the "Stand By Your Ad" provision—which requires candidates for Federal office to take explicit personal responsibility for TV and radio ads—to additional types of media, including the Internet, that today aren't covered.

Although the elections of 2004 are still months away, the onslaught of political advertising has already begun.

As the election nears, with each passing day, political ads become more and more prevalent.

But something is different this year. Two things, actually.

First, as anyone who watches television has probably noticed, this year political ads feature a personal statement by the candidate saying "I'm so-and-so and I approved this message." The candidates are taking full personal responsibility, clearly and publicly, for the advertisements put out by their campaigns.

This is the direct result of the "Stand By Your Ad" provisions included in the McCain-Feingold campaign reform law. As the author of the original "Stand By Your Ad" amendment, together with my good friend Senator COLLINS, I'm proud of the effect our new requirement is having on the tone of radio and TV campaign ads. Already, in the first election cycle where it applies, it's making a real difference.

The reason is simple. The public is turned off by aggressively negative attack ads—and candidates know it. So when candidates have to associate themselves in a personal manner with their ads, they are going to be extra careful about the tone. A nasty or controversial attack can backfire, leading to negative perceptions of the candidate who approved it.

In short, candidates are thinking twice about the tone of the ads they put on the air. Representatives of national, non-partisan campaign reform groups such as Common Cause, the Campaign Legal Center, Democracy 21, and the Center for Responsive Politics have all been quoted in the press as saying that there has been a noticeable shift away from the overly negative attack ads of the past.

The second change this year is that Internet communications are coming into their own as a vehicle for political advertising. Americans are spending more time online—plus many now have Internet connections and computing power that enables them to view video that matches the quality of television. Political campaigns have taken note, and have made major strides in tapping into the tremendous potential of the Internet for reaching large numbers of people at low cost.

According to press reports, the Presidential campaigns already have e-mailed links to campaign videos to literally millions of people. These Internet-based communications can spread like wildfire, because each recipient can easily forward them to others. Moreoever, Web videos often attract attention from the news media, so the message sometimes ends up getting carried on television as well.

Political messages are also starting to appear on websites that carry banner or pop-up ads. It has been estimated that politicians will spend an estimated $25 million this year on online ads.

The rise of Internet-based ads is not just a flash in the pan—it's a trend that is sure to continue.

I have a long history of supporting the Internet, e-commerce, and Internet-based innovation. In politics as in so many other areas, the Internet brings exciting opportunities—in this case, to create new avenues for democratic dialogue and engagement in the political process.

But I don't believe that the Internet should be allowed to become a vehicle for political candidates to sidestep existing campaign rules and engage in mudslinging without accountability.

The problem is, the scope of the "Stand By Your Ad" provisions is limited. They only apply to television and radio ads. Internet communications are not covered. Nor are communications such as newspaper ads or mass mailings.

Already, there are clear signs that highly negative ads are migrating to the Internet—in part because the "Stand By Your Ad" requirements don't apply there. Here are a few recent press headlines:

"Political Attack Ads Already Popping Up on the Web."

"Presidential Ad War Hits the Web—Harsh Attacks Leveled Online, Where TV Rules Don't Apply."

"Political Smears Thrive Online."

The ads these articles talk about aren't just ordinary text messages sent through e-mail or posted on a website. Often, they are full, professionally produced videos, equal in quality to anything you might see on TV—and therefore packing the same emotional impact as a well crafted TV ad. But instead of using broadcast, satellite, or cable, they are e-mailed to thousands or even millions of Internet users.

So today, I am introducing the "Political Candidate Personal Responsibility Act." You could also call it "Stand By Your Ad II." The basic idea is that what works for TV and radio should work for other types of communications as well. Candidates wishing to distribute negative campaign materials via the Internet or the mail should be held just as accountable as they are now for ads they put on the air.

Specifically, the bill would require that campaign communications such as audio or video ads transmitted over the Internet, newspaper ads, brochures, bulk mailings, bulk e-mail, and prerecorded telephone calls—if they mention another candidate for the same office—must carry a "Stand By Your Ad" disclaimer stating that the candidate personally approved the message. For Internet audio or video and prerecorded phone calls, the requirements would be identical to those that now apply to radio or television. For printed materials, whether paper or electronic, a picture of the candidate would be required to accompany the statement.

I believe that forcing candidates to take personal responsibility also forces them to think long and hard about releasing the types of aggressive negative attacks that have been growing all too common during election seasons. This is important, because when people get turned off by the electoral process, voting and public involvement suffer. Decreasing the amount of negativity in our political campaigns may help reduce some of the cynicism about politics, and bring more people back into the process.

I say to my colleagues, Stand By Your Ad is working. So let's take the next step and extend this success to campaign communications generally. Let's build on the good work we've already done in getting candidates to take responsibility for what they say.

And yes, I'm RON WYDEN, and I stand by this statement.

I ask unanimous consent that my statement and a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Political Candidate Personal Responsibility Act of 2004".

SEC. 2. ADDITIONAL REQUIREMENTS FOR PUBLIC COMMUNICATIONS BY CANDIDATES FOR FEDERAL OFFICE.

(a) PRINTED MEDIA.—Section 318(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(c)) is amended—

(1) in the matter preceding paragraph (1), by inserting ", including a printed communication that is transmitted through the Internet," after "subsection (a)";

(2) in paragraph (2), by striking "and" after the semicolon at the end;

(3) in paragraph (3), by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(4) if the communication is described in paragraph (1) or (2) of subsection (a) and makes any direct reference to another candidate for the same office—

"(A) include a clearly identifiable photographic or similar image of the candidate;

"(B) include a clearly readable printed statement identifying the candidate and stating that the candidate has approved the communication; and

"(C) occupy no less than 10 percent of the total area of the communication.".

(b) INTERNET AND PRERECORDED TELEPHONE COMMUNICATIONS.—

(1) AUDIO AND VIDEO INTERNET COMMUNICATIONS.—Section 318(d)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(d)(1)) is amended by adding at the end the following:

"(C) BY INTERNET.—Any communication described in paragraph (1) or (2) of subsection (a) which is transmitted through the Internet and which makes any direct reference to another candidate for the same office shall—

"(i) in the case of an audio communication, meet the requirements applicable to communications transmitted through radio under subparagraph (A); and

"(ii) in the case of a video communication, meet the requirements applicable to communications transmitted through television under subparagraph (B).".

(2) PRERECORDED TELEPHONE COMMUNICATIONS.—Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(A) in subsection (a), by inserting "telephone call which consists in substantial part of a prerecorded audio message" after "mailing," each place it appears in the matter preceding paragraph (1); and

(B) in subsection (d)(1), as amended by paragraph (1), by adding at the end the following:

"(D) BY PRERECORDED TELEPHONE CALL.—

"(i) IN GENERAL.—Any communication described in paragraph (1) or (2) of subsection (a) which is a telephone call which consists in substantial part of a prerecorded audio message and which makes any direct reference to another candidate for the same office shall meet the requirements applicable to communications transmitted through radio under subparagraph (A).

"(ii) EXCEPTIONS.—The requirements of this subparagraph shall not apply to a communication that is—

"(I) terminated by or at the request of the recipient of the communication after less than 30 seconds; or

"(II) not initiated by the party making the communication.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to communications made after the date that is 180 days after the date of enactment of this Act.

By Mr. ROCKEFELLER (for himself, Mr. MCCAIN, and Mr. HOLLINGS):

S. 2393. A bill to improve aviation security; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce legislation that is intended to help the Transportation Security Administration (TSA) improve our Nation's aviation security system. All of us continue to have real concerns about our Nation's security given the threats that we face, and aviation continues to be a focus of those that want to do us harm.

I, first, want to acknowledge the work of Senators MCCAIN and HOLLINGS. We all have spent a lot of time thinking about the problems of our aviation system, and the threats our country faces in today's environment. Their support and thoughts have enabled all of us to put together a better piece of legislation, and we share a common goal—a better, and more secure, aviation system.

We began this process right after 9–11, but more needs to be done. Most of us understand that improvements have been made, but it has now been three years and we must complete the job. This bill, the Aviation Security Advancement Act, will move us further toward completion of this task.

When terrorists hijacked airlines and used them as weapons of mass destruction against our nation, the American people saw firsthand that we were quite vulnerable to an unseen enemy, and that our way of life was threatened in a way it had never been before. National security immediately became the primary focus of our government, and many other private entities, as everyone understood that another failure of this magnitude would be a devastating blow to the country.

In response to 9–11, Congress passed P.L. 107–71, the Aviation and Transportation Security Act or ATSA, which federalized the airport security screener workforce and required an expansive strengthening of aviation security in the U.S. As a frequent flier, I believe that the vast majority of travelers are confident in the new security regime and feel that we are much safer than we were under the system that existed before. This confidence is borne out through increasing passenger levels that are fast approaching those prior to the terror attacks in 2001. With an increased volume of passenger flow and aircraft traffic will come further challenges for aviation security. The Aviation Security Advancement Act is intended to help TSA foster a higher level of security than currently exists and focus on additional tasks that need to be addressed in this rapidly changing environment.

Yet I continue to be completely frustrated by the progress we are making with respect to screener effectiveness. Testimony before our Committee, public reports and recent editorials, all tell us that we can not rest until the effectiveness of screeners is improved. In addition, new technologies need to be deployed to help them do their jobs. We can not spend billions of dollars on a system and have it barely measure up to pre-9–11 days.

The Aviation Security Advancement Act takes needed steps to bolster aviation security and provides TSA the financial and physical support needed to close numerous loopholes in the current security regime. In response to the increasing use of aviation by the traveling public, this legislation standardizes the Federal screener workforce and requires TSA make efforts to improve the efficiency of passenger screening to insure individuals are processed in a faster, more secure manner. To address shortcomings in cargo security, the bill would overhaul all-cargo aviation security by implementing recommendations developed by the Aviation Security Advisory Committee and by funding a new grant program to pursue technological improvements that will help secure freight on all-cargo and passenger aircraft. The bill also seeks to increase the efficiency of baggage screening by funding capital security projects at airports across the country, while providing money for the research and development of advanced screening machines, and mandating a schedule for in-line placement of Explosive Detection Systems rather than various alternative means now practiced at many airports.

In addition, the bill would mandate improvements to a number of other sectors of aviation security where I feel more needs to be done. Among these efforts would be increased support for the Federal Air Marshal program, airport perimeter security, and intelligence information sharing. It also authorizes funding for TSA to develop a biometric center of excellence to focus on definitive identification of travelers and employees which I believe could have a dramatic impact on the speed of passenger screening while providing greater security for the entire system.

It is clear that we need to take more action to improve the security of our skies. The Aviation Security Advancement Act will be a big step in the right direction. I appreciate the support of Senators MCCAIN and HOLLINGS and urge my colleagues to co-sponsor the bill so that we can move it through the Committee quickly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aviation Security Advancement Act".

SEC. 2. AVIATION SECURITY STAFFING.

(a) STAFFING LEVEL STANDARDS.—

(1) DEVELOPMENT OF STANDARDS.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation and Federal Security Directors, shall develop standards for determining the appropriate aviation security staffing standards for all commercial airports in the United States necessary—

(A) to provide necessary levels of aviation security; and

(B) to ensure that the average aviation security-related delay experienced by airline passengers does not exceed 10 minutes.

(2) GAO ANALYSIS.—The Comptroller General shall, as soon as practicable after the date on which the Secretary of Homeland Security has developed standards under paragraph (1), conduct an expedited analysis of the standards for effectiveness, administrability, ease of compliance, and consistency with the requirements of existing law.

(3) REPORT TO CONGRESS.—Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security and the Comptroller General shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the standards developed under paragraph (1), together with recommendations for further improving the efficiency and effectiveness of the screening process.

(b) INTEGRATION OF FEDERAL AIRPORT WORKFORCE AND AVIATION SECURITY.—The

Secretary of Homeland Security shall conduct a study of the feasibility of combining operations of Federal employees involved in screening at commercial airports and aviation security related functions under the aegis of the Department of Homeland Security in order to coordinate security-related activities, increase the efficiency and effectiveness of those activities, and increase commercial air transportation security.

SEC. 3. IMPROVED AIR CARGO AND AIRPORT SECURITY.

(a) In General.—There are authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration, in addition to any amounts otherwise authorized by law, for the purpose of improving aviation security related to the transportation of cargo on both passenger aircraft and all-cargo aircraft—

(1) $200,000,000 for fiscal year 2005;

(2) $200,000,000 for fiscal year 2006; and

(3) $200,000,000 for fiscal year 2007.

(b) Next-generation Cargo Security Grant Program.—

(1) In general.—The Secretary shall establish and carry out a grant program to facilitate the development, testing, purchase, and deployment of next-generation air cargo security technology. The Secretary shall establish such eligibility criteria, establish such application and administrative procedures, and provide for such matching funding requirements, if any, as may be necessary and appropriate to ensure that the technology is deployed as fully and as rapidly as practicable.

(2) Research and development; Deployment.—To carry out paragraph (1), there are authorized to be appropriated to the Secretary for research and development related to next-generation air cargo security technology as well as for deployment and installation of next-generation air cargo security technology, such sums are to remain available until expended—

(A) $100,000,000 for fiscal year 2005;

(B) $100,000,000 for fiscal year 2006; and

(C) $100,000,000 for fiscal year 2007.

(c) Authorization for Expiring and New Lois.—There are authorized to be appropriated to the Secretary $150,000,000 for each of fiscal years 2005 through 2007 to fund projects and activities for which letters of intent are issued under section 44923 of title 49, United States Code, after the date of enactment of this Act.

(d) Reports.—The Secretary shall transmit periodic reports no less frequently than every 6 months to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on—

(1) the progress being made toward, and the status of, deployment and installation of next-generation air cargo security technology under subsection (b); and

(2) the amount and purpose of grants under subsection (b) and the locations of projects funded by such grants.

SEC. 4. AIR CARGO SECURITY MEASURES.

(a) Enhancement of Air Cargo Security.—The Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop and implement a plan to enhance air cargo security at airports for commercial passenger and cargo aircraft that incorporates the recommendations made by the Cargo Security Working Group of the Aviation Security Advisory Committee.

(b) Supply Chain Security.—The Administrator of the Transportation Security Administration shall—

(1) promulgate regulations requiring the evaluation of indirect air carriers and ground handling agents, including background checks and checks against all Administration watch lists; and

(2) evaluate the potential efficacy of increased use of canine detection teams to inspect air cargo on passenger and all-cargo aircraft.

(c) All-cargo Aircraft Security.—Subchapter I of chapter 449, United States Code, is amended by adding at the end the following:

"44925. All-cargo aircraft security

"(a) Access to Flight Deck.—Within 180 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration, in coordination with the Federal Aviation Administrator, shall—

"(1) issue an order (without regard to the provisions of chapter 5 of title 5)—

"(A) requiring, to the extent consistent with engineering and safety standards, that allcargo aircraft operators engaged in air transportation or intrastate air transportation maintain a barrier, which may include the use of a hardened cockpit door, between the aircraft flight deck and the aircraft cargo compartment sufficient to prevent unauthorized access to the flight deck from the cargo compartment, in accordance with the terms of a plan presented to and accepted by the Administrator of the Transportation Security Administration in consultation with the Federal Aviation Administrator; and

"(B) prohibiting the possession of a key to a flight deck door by any member of the flight crew who is not assigned to the flight deck; and

"(2) take such other action, including modification of safety and security procedures and flight deck redesign, as may be necessary to ensure the safety and security of the flight deck.

"(b) Screening and Other Measures.—Within 1 year after the date of enactment of this Act, the Administrator of the Transportation Security Administration, in coordination with the Federal Aviation Administrator, shall issue an order (without regard to the provisions of chapter 5 of title 5) requiring—

"(1) all-cargo aircraft operators engaged in air transportation or intrastate air transportation to physically screen each person, and that person's baggage and personal effects, to be transported on an all-cargo aircraft engaged in air, transportation or intrastate air transportation;

"(2) each such aircraft to be physically searched before the first leg of the first flight of the aircraft each day, or, for inbound international operations, at aircraft operator's option prior to the departure of any such flight for a point in the United States; and

"(3) each such aircraft that is unattended overnight to be secured or sealed or to have access stairs, if any, removed from the aircraft.

"(c) Alternative Measures.—The Administrator of the Transportation Security Administration, in coordination with the Federal Aviation Administrator, may authorize alternative means of compliance with any requirement imposed under this section.".

(d) Conforming Amendment.—The subchapter analysis for subchapter I of chapter 449, United States Code, is amended by adding at the end the following:

"44925. All-cargo aircraft security".

SEC. 5. EXPLOSIVE DETECTION SYSTEMS.

(a) In-line Placement of Explosive-detection Equipment.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall establish a schedule for replacing trace-detection equipment used for in-line baggage screening purposes as soon as practicable with explosive detection system equipment. The Secretary shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure of the schedule and provide an estimate of the impact of replacing such equipment, facility modification and baggage conveyor placement, on aviation security-related staffing needs and levels.

(b) Next Generation EDS.—There are authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $100,000,000, in addition to any amounts otherwise authorized by law, for the purpose of research and development of next generation explosive detection systems for aviation security under section 44913 of title 49, United States Code. The Secretary shall develop a plan and guidelines for implementing improved explosive detection system equipment.

(c) Portal Detection Systems.—There are authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $250,000,000, in addition to any amounts otherwise authorized by law, for research and development and installation of portal detection systems or similar devices for the detection of biological, radiological, and explosive materials. The Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall establish a pilot program at not more than 10 commercial service airports to evaluate the use of such systems.

(d) Reports.—The Secretary shall transmit periodic reports no less frequently than every 6 months to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on research and development projects funded under subsection (b) or (c), and the pilot program established under subsection (c), including cost estimates for each phase of such projects and total project costs.

SEC. 6. AIR MARSHAL PROGRAM.

(a) Cross-training.—The Secretary of Homeland Security shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the potential for cross-training of individuals who serve as air marshals and on the need for providing contingency funding for air marshal operations.

(b) Authorization of Additional Appropriations.—There are authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration, in addition to any amounts otherwise authorized by law, for the deployment of Federal Air Marshals under section 44917 of title 49, United States Code, $83,000,000 for the 3 fiscal year period beginning with fiscal year 2005, such sums to remain available until expended.

SEC. 7. TSA-RELATED BAGGAGE CLAIM ISSUES STUDY.

Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the present system for addressing lost, stolen, damaged, or pilfered baggage claims relating to air transportation security screening procedures. The report shall include—

(1) information concerning the time it takes to settle such claims under the present system;

(2) a comparison and analysis of the number, frequency, and nature of such claims before and after enactment of the Aviation and Transportation Security Act using data provided by the major United States airlines; and

(3) recommendations on how to improve the involvement and participation of the airlines in the baggage screening and handling processes and better coordinate the activities of Federal baggage screeners with airline operations.

SEC. 8. REPORT ON IMPLEMENTATION OF GAO HOMELAND SECURITY INFORMATION SHARING RECOMMENDATIONS.

Within 30 days after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the heads of Federal departments and agencies concerned, shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on implementation of recommendations contained in the General Accounting Office's report titled "Homeland Security: Efforts To Improve Information Sharing Need To Be Strengthened" (GAO–03–760), August, 2003.

SEC. 9. AVIATION SECURITY RESEARCH AND DEVELOPMENT.

(a) BIOMETRICS.—There are authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $20,000,000, in addition to any amounts otherwise authorized by law, for research and development of biometric technology applications to aviation security.

(b) BIOMETRICS CENTERS OF EXCELLENCE.—There are authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $1,000,000, in addition to any amounts otherwise authorized by law, for the establishment of competitive centers of excellence at the national laboratories.

SEC. 10. PERIMETER ACCESS TECHNOLOGY.

There are authorized to be appropriated to the Secretary of Homeland Security $100,000,000 for airport perimeter security technology, fencing, security contracts, vehicle tagging, and other perimeter security related operations, facilities, and equipment, such sums to remain available until expended.

By Mr. BROWNBACK (for himself, Mr. CAMPBELL, and Mr. INOUYE):

S.J. Res. 37. A bill to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian Tribes and offer an apology to all Native Peoples on behalf of the United States; to the Committee on Indian Affairs.

Mr. BROWNBACK. Mr. President, I rise today to introduce before this body a joint resolution that seeks to address an issue that has long lain unresolved. That issue is our Nation's relationship with the Native peoples of this land.

Long before 1776 and the establishment of the United States of America, this land was inhabited by numerous nations. Like our Nation, many of these peoples held a strong belief in the Creator and maintained a powerful spiritual connection to this land. Since the formation of the American Republic, there have most certainly been numerous conflicts between our Government and many of these Tribes—conflicts in which warriors on all sides fought courageously and in which all sides suffered. However, even from the earliest days of the Republic, there existed a sentiment that honorable dealings and peaceful coexistence were preferable to bloodshed. Indeed, our predecessors in Congress in 1787 stated in the Northwest Ordinance, "The utmost good faith shall always be observed toward the Indians."

Many treaties were made between this Republic and the American Indian Tribes. Treaties, as my colleagues in this Chamber know, are far more than words in a page. Treaties are our word, our bond. Treaties with other governments are not to be treated lightly. Unfortunately, too often the United States of America did not uphold its responsibilities as stated in its covenants with the Native American Tribes. Too often, our Government broke its oaths to the Native peoples.

I want my fellow Senators to know that this resolution does not dismiss the valiance of our American soldiers who bravely fought for their families in wars between the United States and different Indian Tribes. Nor does this resolution cast all the blame for the various battles on one side or another. What this resolution does do is recognize and honor the importance of Native Americans to this land and to our Nation—in the past and today—and offers an official apology to the Native peoples for the poor and painful choices our Government sometimes made to disregard its solemn word.

This is a resolution of apology and a resolution of reconciliation. It is a first step toward healing the wounds that have divided us for so long—a potential foundation for a new era of positive relations between Tribal governments and the Federal Government. It is time—it is past time—for us to heal our land of division, all divisions, and bring us together as one people.

Before reconciliation, there must be recognition and repentance. Before there is a durable relationship, there must be understanding. This resolution will not authorize or serve as a settlement of any claim against the United States, nor will it resolve the many challenges still facing the Native peoples. But it does recognize the negative impact of numerous deleterious Federal acts and policies on Native Americans and their cultures.

Moreover, it begins the effort of reconciliation by recognizing the past wrongs and repenting for them.

Martin Luther King, a true reconciler, once said, "The end is reconciliation, the end is redemption, the end is the creation of the beloved community." This resolution is not the end. But, perhaps it signals the beginning of the end of division and the faint first light and first fruits of the creation of beloved community.

I have worked with the chairman and ranking member of the Indian Affairs Committee, Senator CAMPBELL and Senator INOUYE, in the crafting of this resolution. I also reached out to the Native Tribes as this bill was being formed, and I continue to receive helpful and supportive feedback. I ask that my colleagues in this Chamber, and those in the House of Representatives, join together in support of this important resolution.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 37

To acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian Tribes and offer an apology to all Native Peoples on behalf of the United States.

Whereas the ancestors of today's Native Peoples inhabited the land of the present-day United States since time immemorial and for thousands of years before the arrival of peoples of European descent;

Whereas the Native Peoples have for millennia honored, protected, and stewarded this land we cherish;

Whereas the Native Peoples are spiritual peoples with a deep and abiding belief in the Creator, and for millennia their peoples have maintained a powerful spiritual connection to this land, as is evidenced by their customs and legends;

Whereas the arrival of Europeans in North America opened a new chapter in the histories of the Native Peoples;

Whereas, while establishment of permanent European settlements in North America did stir conflict with nearby Indian Tribes, peaceful and mutually beneficial interactions also took place;

Whereas the foundational English settlements in Jamestown, Virginia, and Plymouth, Massachusetts, owed their survival in large measure to the compassion and aid of the Native Peoples in their vicinities;

Whereas in the infancy of the United States, the founders of the Republic expressed their desire for a just relationship with the Indian Tribes, as evidenced by the Northwest Ordinance enacted by Congress in 1787, which begins with the phrase, "The utmost good faith shall always be observed toward the Indians";

Whereas Indian Tribes provided great assistance to the fledgling Republic as it strengthened and grew, including invaluable help to Meriwether Lewis and William Clark on their epic journey from St. Louis, Missouri, to the Pacific Coast;

Whereas Native Peoples and non-Native settlers engaged in numerous armed conflicts;

Whereas the United States Government violated many of the treaties ratified by Congress and other diplomatic agreements with Indian Tribes;

Whereas this Nation should address the broken treaties and many of the more ill-conceived Federal policies that followed, such as extermination, termination, forced removal and relocation, the outlawing of traditional religions, and the destruction of sacred places;

Whereas the United States forced Indian Tribes and their citizens to move away from their traditional homelands and onto federally established and controlled reservations, in accordance with such Acts as the Indian Removal Act of 1830;

Whereas many Native Peoples suffered and perished—

(1) during the execution of the official United States Government policy of forced removal, including the infamous Trail of Tears and Long Walk;

(2) during bloody armed confrontations and massacres, such as the Sand Creek Massacre in 1864 and the Wounded Knee Massacre in 1890; and

(3) on numerous Indian reservations;

Whereas the United States Government condemned the traditions, beliefs, and customs of the Native Peoples and endeavored to assimilate them by such policies as the redistribution of land under the General Allotment Act of 1887 and the forcible removal of Native children from their families to faraway boarding schools where their Native practices and languages were degraded and forbidden;

Whereas officials of the United States Government and private United States citizens harmed Native Peoples by the unlawful acquisition of recognized Tribal land, the theft of resources from such territories, and the mismanagement of Tribal trust funds;

Whereas the policies of the United States Government toward Indian Tribes and the breaking of covenants with Indian Tribes have contributed to the severe social ills and economic troubles in many Native communities today;

Whereas, despite continuing maltreatment of Native Peoples by the United States, the Native Peoples have remained committed to the protection of this great land, as evidenced by the fact that, on a per capita basis, more Native people have served in the United States Armed Forces and placed themselves in harm's way in defense of the United States in every major military conflict than any other ethnic group;

Whereas Indian Tribes have actively influenced the public life of the United States by continued cooperation with Congress and the Department of the Interior, through the involvement of Native individuals in official United States Government positions, and by leadership of their own sovereign Indian Tribes;

Whereas Indian Tribes are resilient and determined to preserve, develop, and transmit to future generations their unique cultural identities;

Whereas the National Museum of the American Indian was established within the Smithsonian Institution as a living memorial to the Native Peoples and their traditions; and

Whereas Native Peoples are endowed by their Creator with certain unalienable rights, and that among those are life, liberty, and the pursuit of happiness: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACKNOWLEDGMENT AND APOLOGY.

The United States, acting through Congress—

(1) recognizes the special legal and political relationship the Indian Tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors the Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) acknowledges years of official depredations, ill-conceived policies, and the breaking of covenants by the United States Government regarding Indian Tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former offenses and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the offenses of the United States against Indian Tribes in the history of the United States in order to bring healing to this land by providing a proper foundation for reconciliation between the United States and Indian Tribes; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian Tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian Tribes within their boundaries.

SEC. 2. DISCLAIMER.

Nothing in this Joint Resolution authorizes any claim against the United States or serves as a settlement of any claim against the United States.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 353—DESIGNATING MAY 2004 AS "OLDER AMERICANS' MONTH"

Mr. CRAIG submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 353

Whereas today's older Americans are living longer, healthier, and more productive lives than any other time in our history, and;

Whereas older Americans exemplify the theme of "Aging Well, Living Well" by continuing to give their time to our communities, their knowledge to our children, their experience to our workplace, and their wisdom to all of us, and;

Whereas there are now more than 50,000 people in the United States 100 years old or older, and;

Whereas more than 47 million Americans are now 60 years old or older, and;

Whereas the opportunities and challenges that await our Nation require our Nation to continue to commit to the goal of improving the quality of life for all older Americans;

Whereas it is appropriate for our Nation to continue the tradition of designating the month of May as a time to celebrate the contributions of older Americans and to rededicate its effort to respect and better serve older Americans: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 2004, as 'Older Americans Month';

(2) commends the President on the issuance of his proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities that publicly reaffirm our gratitude and respect for older Americans.

Mr. CRAIG. Mr. President, I rise today to submit a resolution honoring May as Older Americans' Month.

I am here today to celebrate May as Older Americans' Month. Since 1963, May has been the official month during which we pay tribute to the contributions of our 47 million older Americans. It is during this month that we, as a Nation, recognize older Americans for their service, hard work and sacrifice that helped assure us the freedom and security which we continue to cherish.

This year's theme of "Aging Well, Living Well" reflects the lifestyle and attitude of today's older Americans. Not only should we take this time to show our appreciation and respect for America's seniors, but also to acknowledge that seniors of today and tomorrow will continue making significant contributions to our communities through their wisdom and experience, in the workplace, in civic leadership and in our homes. They gave, they give, and they will continue to give to this country.

I am committed to working hard on behalf of our seniors. As the Chairman of the Senate Special Committee on Aging, we have pursued an ambitious agenda. The committee has examined issues including the Medicare law, long-term care policy, internet fraud, Social Security, assistive technology, the Older Americans Act, and healthy aging.

In addition, this year I believe we have special reason to celebrate. Last year, Congress passed the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. I am especially pleased that we are now able to provide prescription drug benefits to those seniors most in need. This is an important step in putting Medicare on a more modern and secure footing as the 77-million-strong Baby Boomer generation moves closer to retirement age.

Our commitment to America's seniors must continue beyond this one month of special recognition. With reauthorization of the Older Americans' Act on the horizon, we have an opportunity to focus on the needs of today's seniors, and the challenges that the baby boomer generation will bring. It is also an opportunity to design an act that promotes seamlessness and one that works well with other programs and initiatives to promote non-institutional care, maximizing successful outcomes, and empower older Americans to optimize autonomy and independence and one that promotes "Aging Well and Living Well.".

Seniors are living longer, healthier, and more productive lives than any other time in our history. In the tradition of Older Americans' Month, I am submitting a resolution in the Senate calling on the people of the United States to observe the month of May 2004 as Older Americans' Month and to encourage all Americans to promote awareness through ceremonies, programs, and other activities that promote acknowledgment, gratitude, and respect for American seniors.

I ask all of you to celebrate with me Older Americans' Month this May.

SENATE RESOLUTION 354—EXPRESSING THE SENSE OF THE SENATE THAT THE ABU GHRAIB PRISON MUST BE DEMOLISHED TO UNDERSCORE THE UNITED STATES' ABHORRENCE OF THE MISTREATMENT OF PRISONERS IN IRAQ

Mr. CRAIG (for himself and Mr. NELSON of Nebraska) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 354

Whereas the Abu Ghraib prison was used by Saddam Hussein to execute and torture thousands of men, women, and children;

Whereas Saddam and his Special Security Organization oversaw the execution of thousands of political prisoners;

Whereas the Abu Ghraib prison is notoriously known as a death chamber by the Iraqi people;

Whereas the Abu Ghraib prison is arguably the largest and most feared prison in the Arab world;

Whereas it is widely known that one of Saddam's sons, in one day, ordered the execution of 3000 prisoners at the prison;

Whereas the recent reports of atrocities and abhorrent mistreatment of Iraqi prisoners at the Abu Ghraib prison are un-American, do not represent our values, and have sent the wrong message about the United States' intentions in Iraq;

Whereas the American people will not tolerate the mistreatment of Iraqi prisoners;

Whereas the American people view this prison as a symbol of evil, and where past cruel torture and mistreatment occurred;

Whereas the American people would like to rid the world of this evil place where past, and unfortunately current reported mistreatment has occurred; Now, therefore, be it

Resolved, That it is the sense of the Senate that the Abu Ghraib prison, also known as the Baghdad Central Detention Center, be completely demolished as an expression and symbolic gesture that the American people will not tolerate the past and current mistreatment of prisoners.

SENATE RESOLUTION 355—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 355

Whereas, the Committee on Commerce, Science, and Transportation has been conducting an inquiry into the potential use of banned performance-enhancing drugs by U.S. Olympic sport athletes;

Whereas, the Committee has received requests from both the U.S. Olympic Committee and the U.S. Anti-Doping Agency that the latter gain access to records of the Committee's inquiry;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Commerce, Science, and Transportation, acting jointly, are authorized to provide to the U.S. Anti-Doping Agency the documents subpoenaed by the Committee regarding the potential use of banned performance-enhancing drugs by U.S. Olympic sport athletes.

SENATE CONCURRENT RESOLUTION 104—EXPRESSING THE SENSE OF CONGRESS THAT KIDS LOVE A MYSTERY IS A PROGRAM THAT PROMOTES LITERACY AND SHOULD BE ENCOURAGED

Ms. MIKULSKI (for herself and Mr. KENNEDY) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 104

Whereas knowledge, wisdom, and children are the greatest assets of a democracy;

Whereas books enable one generation to pass on its knowledge and wisdom to the next;

Whereas learning to read is one of the greatest privileges the Nation extends to its children;

Whereas children most often choose mysteries as their favorite books;

Whereas the Mystery Writers of America sponsors Kids Love a Mystery, an outreach program designed to bring mystery writers and children together to encourage literacy and the love of reading; and

Whereas the Mystery Writers of America recognizes the value in celebrate the importance of reading for children: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) Kids Love a Mystery is a program that helps promote literacy and reading and should be supported and encouraged; and

(2) the President should issue a proclamation encouraging the people of the United States and interested groups to promote Kids Love a Mystery with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3119. Mr. GRASSLEY proposed an amendment to the bill S. 622, to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

SA 3120. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3119. Mr. GRASSLEY proposed an amendment to the bill S. 622, to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ‘‘Family Opportunity Act of 2004’’ or the ‘‘Dylan Lee James Act’’.

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; table of contents.
Sec. 2. Opportunity for families of disabled children to purchase medicaid coverage for such children.
Sec. 3. Treatment of inpatient psychiatric hospital services for individuals under age 21 in home or community-based services waivers.
Sec. 4. Development and support of family-to-family health information centers.
Sec. 5. Restoration of medicaid eligibility for certain SSI beneficiaries.

SEC. 2. OPPORTUNITY FOR FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.

(a) STATE OPTION TO ALLOW FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.—

(1) IN GENERAL.—Section 1902 (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10)(A)(ii)—

(i) by striking ‘‘or’’ at the end of subclause (XVII);

(ii) by adding ‘‘or’’ at the end of subclause (XVIII); and

(iii) by adding at the end the following new subclause:

‘‘(XIX) who are disabled children described in subsection (cc)(1);’’; and

(B) by adding at the end the following new subsection:

‘‘(cc)(1) Individuals described in this paragraph are individuals—

‘‘(A) who have not attained 18 years of age;

‘‘(B) who would be considered disabled under section 1614(a)(3)(C) but for having earnings or deemed income or resources (as determined under title XVI for children) that exceed the requirements for receipt of supplemental security income benefits; and

"(C) whose family income does not exceed such income level as the State establishes and does not exceed—

"(i) 250 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; or

"(ii) such higher percent of such poverty line as a State may establish, except that—

"(I) any medical assistance provided to an individual whose family income exceeds 250 percent of such poverty line may only be provided with State funds; and

"(II) no Federal financial participation shall be provided under section 1903(a) for any medical assistance provided to such an individual.".

(2) Interaction with employer-sponsored family coverage.—Section 1902(cc) (42 U.S.C. 1396a(cc)), as added by paragraph (1)(B), is amended by adding at the end the following new paragraph:

"(2)(A) If an employer of a parent of an individual described in paragraph (1) offers family coverage under a group health plan (as defined in section 2791(a) of the Public Health Service Act), the State shall—

"(i) require such parent to apply for, enroll in, and pay premiums for, such coverage as a condition of such parent's child being or remaining eligible for medical assistance under subsection (a)(10)(A)(ii)(XIX) if the parent is determined eligible for such coverage and the employer contributes at least 50 percent of the total cost of annual premiums for such coverage; and

"(ii) if such coverage is obtained—

"(I) subject to paragraph (2) of section 1916(h), reduce the premium imposed by the State under that section in an amount that reasonably reflects the premium contribution made by the parent for private coverage on behalf of a child with a disability; and

"(II) treat such coverage as a third party liability under subsection (a)(25).

"(B) In the case of a parent to which subparagraph (A) applies, a State, subject to paragraph (1)(C)(ii), may provide for payment of any portion of the annual premium for such family coverage that the parent is required to pay. Any payments made by the State under this subparagraph shall be considered, for purposes of section 1903(a), to be payments for medical assistance.".

(b) State Option To Impose Income-Related Premiums.—Section 1916 (42 U.S.C. 1396o) is amended—

(1) in subsection (a), by striking "subsection (g)" and inserting "subsections (g) and (h)"; and

(2) by adding at the end the following new subsection:

"(h)(1) With respect to disabled children provided medical assistance under section 1902(a)(10)(A)(ii)(XIX), subject to paragraph (2), a State may (in a uniform manner for such children) require the families of such children to pay monthly premiums set on a sliding scale based on family income.

"(2) A premium requirement imposed under paragraph (1) may only apply to the extent that—

"(A) in the case of a disabled child described in that paragraph whose family income does not exceed 250 percent of the poverty line, the aggregate amount of such premium and any premium that the parent is required to pay for family coverage under section 1902(cc)(2)(A)(i) does not exceed 7.5 percent of the family's income; and

"(B) the requirement is imposed consistent with section 1902(cc)(2)(A)(ii)(I).

"(3) A State shall not require prepayment of a premium imposed pursuant to paragraph (1) and shall not terminate eligibility of a child under section 1902(a)(10)(A)(ii)(XIX) for medical assistance under this title on the basis of failure to pay any such premium until such failure continues for a period of not less than 60 days from the date on which the premium became past due. The State may waive payment of any such premium in any case where the State determines that requiring such payment would create an undue hardship.".

(c) Conforming Amendment.—Section 1903(f)(4) (42 U.S.C. 1396b(f)(4)) is amended in the matter preceding subparagraph (A), by inserting "1902(a)(10)(A)(ii)(XIX)," after "1902(a)(10)(A)(ii)(XVIII),".

(d) Rule of Construction.—Notwithstanding any other provision of law, nothing in the amendments made by this section shall be construed as permitting the application of the enhanced FMAP (as defined in section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)) to expenditures that are attributable to disabled children provided medical assistance under section 1902(a)(10)(A)(ii)(XIX) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XIX)) (as added by subsection (a) of this section).

(e) Effective Date.—The amendments made by this section shall apply to medical assistance for items and services furnished on or after October 1, 2006.

SEC. 3. TREATMENT OF INPATIENT PSYCHIATRIC HOSPITAL SERVICES FOR INDIVIDUALS UNDER AGE 21 IN HOME OR COMMUNITY-BASED SERVICES WAIVERS.

(a) In General.—Section 1915(c) (42 U.S.C. 1396n(c)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by inserting ", or would require inpatient psychiatric hospital services for individuals under age 21," after "intermediate care facility for the mentally retarded"; and

(B) in the second sentence, by inserting ", or would require inpatient psychiatric hospital services for individuals under age 21" before the period;

(2) in paragraph (2)(B), by striking "or services in an intermediate care facility for the mentally retarded" each place it appears and inserting "services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21";

(3) in paragraph (2)(C)—

(A) by inserting ", or who are determined to be likely to require inpatient psychiatric hospital services for individuals under age 21," after ", or intermediate care facility for the mentally retarded"; and

(B) by striking "or services in an intermediate care facility for the mentally retarded" and inserting "services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21"; and

(4) in paragraph (7)(A)—

(A) by inserting "or would require inpatient psychiatric hospital services for individuals under age 21," after "intermediate care facility for the mentally retarded,"; and

(B) by inserting "or who would require inpatient psychiatric hospital services for individuals under age 21" before the period.

(b) Effective Date.—The amendments made by subsection (a) apply with respect to medical assistance provided on or after October 1, 2006.

SEC. 4. DEVELOPMENT AND SUPPORT OF FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

Section 501 (42 U.S.C. 701) is amended by adding at the end the following new subsection:

"(c)(1)(A) For the purpose of enabling the Secretary (through grants, contracts, or otherwise) to provide for special projects of regional and national significance for the development and support of family-to-family health information centers described in paragraph (2)—

"(i) there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated—

"(I) $3,000,000 for fiscal year 2006;

"(II) $4,000,000 for fiscal year 2007; and

"(III) $5,000,000 for fiscal year 2008; and

"(ii) there is authorized to be appropriated to the Secretary, $5,000,000 for each of fiscal years 2009 and 2010.

"(B) Funds appropriated or authorized to be appropriated under subparagraph (A) shall—

"(i) be in addition to amounts appropriated under subsection (a) and retained under section 502(a)(1) for the purpose of carrying out activities described in subsection (a)(2); and

"(ii) remain available until expended.

"(2) The family-to-family health information centers described in this paragraph are centers that—

"(A) assist families of children with disabilities or special health care needs to make informed choices about health care in order to promote good treatment decisions, cost-effectiveness, and improved health outcomes for such children;

"(B) provide information regarding the health care needs of, and resources available for, children with disabilities or special health care needs;

"(C) identify successful health delivery models for such children;

"(D) develop with representatives of health care providers, managed care organizations, health care purchasers, and appropriate State agencies a model for collaboration between families of such children and health professionals;

"(E) provide training and guidance regarding caring for such children;

"(F) conduct outreach activities to the families of such children, health professionals, schools, and other appropriate entities and individuals; and

"(G) are staffed by families of children with disabilities or special health care needs who have expertise in Federal and State public and private health care systems and health professionals.

"(3) The Secretary shall develop family-to-family health information centers described in paragraph (2) in accordance with the following:

"(A) With respect to fiscal year 2006, such centers shall be developed in not less than 25 States.

"(B) With respect to fiscal year 2007, such centers shall be developed in not less than 40 States.

"(C) With respect to fiscal year 2008, such centers shall be developed in all States.

"(4) The provisions of this title that are applicable to the funds made available to the Secretary under section 502(a)(1) apply in the same manner to funds made available to the Secretary under paragraph (1)(A).

"(5) For purposes of this subsection, the term 'State' means each of the 50 States and the District of Columbia.".

SEC. 5. RESTORATION OF MEDICAID ELIGIBILITY FOR CERTAIN SSI BENEFICIARIES.

(a) In General.—Section 1902(a)(10)(A)(i)(II) (42 U.S.C. 1396a(a)(10)(A)(i)(II)) is amended—

(1) by inserting "(aa)" after "(II)";

(2) by striking ") and" and inserting "and";

(3) by striking "section or who are" and inserting "section), (bb) who are"; and

(4) by inserting before the comma at the end the following: ", or (cc) who are under 21 years of age and with respect to whom supplemental security income benefits would be paid under title XVI if subparagraphs (A) and (B) of section 1611(c)(7) were applied without regard to the phrase 'the first day of the month following' ".

(b) Effective Date.—The amendments made by subsection (a) shall apply to medical assistance for items and services furnished on or after January 1, 2006.

SA 3120. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

TITLE IX—PROVISIONS DESIGNED TO RESTRICT USE OF ABUSIVE TAX SHELTERS

SEC. 901. PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS.

(a) Penalty for Promoting Abusive Tax Shelters.—Section 6700 (relating to promoting abusive tax shelters, etc.) is amended—

(1) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively,

(2) by striking "a penalty" and all that follows through the period in the first sentence of subsection (a) and inserting "a penalty determined under subsection (b)", and

(3) by inserting after subsection (a) the following new subsections:

"(b) Amount of Penalty; Calculation of Penalty; Liability for Penalty.—

"(1) Amount of penalty.—The amount of the penalty imposed by subsection (a) shall not exceed 150 percent of the gross income derived (or to be derived) from such activity by the person or persons subject to such penalty.

"(2) Calculation of penalty.—The penalty amount determined under paragraph (1) shall be calculated with respect to each instance of an activity described in subsection (a), each instance in which income was derived by the person or persons subject to such penalty, and each person who participated in such an activity.

"(3) Liability for penalty.—If more than 1 person is liable under subsection (a) with respect to such activity, all such persons shall be jointly and severally liable for the penalty under such subsection.

"(c) Penalty Not Deductible.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be considered an ordinary and necessary expense in carrying on a trade or business for purposes of this title and shall not be deductible by the person who is subject to such penalty or who makes such payment.".

(b) Effective Date.—The amendments made by this section shall apply to activities after the date of the enactment of this Act.

(c) Prior Section To Have No Effect.—Notwithstanding section 415(b) of this Act, such section, and the amendment made by such section, shall not take effect.

SEC. 902. PENALTY FOR AIDING AND ABETTING THE UNDERSTATEMENT OF TAX LIABILITY.

(a) In General.—Section 6701(a) (relating to imposition of penalty) is amended—

(1) by inserting "the tax liability or" after "respect to," in paragraph (1),

(2) by inserting "aid, assistance, procurement, or advice with respect to such" before "portion" both places it appears in paragraphs (2) and (3), and

(3) by inserting "instance of aid, assistance, procurement, or advice or each such" before "document" in the matter following paragraph (3).

(b) Amount of Penalty.—Subsection (b) of section 6701 (relating to penalties for aiding and abetting understatement of tax liability) is amended to read as follows:

"(b) Amount of Penalty; Calculation of Penalty; Liability for Penalty.—

"(1) Amount of penalty.—The amount of the penalty imposed by subsection (a) shall not exceed 150 percent of the gross income derived (or to be derived) from such aid, assistance, procurement, or advice provided by the person or persons subject to such penalty.

"(2) Calculation of penalty.—The penalty amount determined under paragraph (1) shall be calculated with respect to each instance of aid, assistance, procurement, or advice described in subsection (a), each instance in which income was derived by the person or persons subject to such penalty, and each person who made such an understatement of the liability for tax.

"(3) Liability for penalty.—If more than 1 person is liable under subsection (a) with respect to providing such aid, assistance, procurement, or advice, all such persons shall be jointly and severally liable for the penalty under such subsection.".

(c) Penalty Not Deductible.—Section 6701 is amended by adding at the end the following new subsection:

"(g) Penalty Not Deductible.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be considered an ordinary and necessary expense in carrying on a trade or business for purposes of this title and shall not be deductible by the person who is subject to such penalty or who makes such payment.".

(d) Effective Date.—The amendments made by this section shall apply to activities after the date of the enactment of this Act.

(e) Prior Section To Have No Effect.—Notwithstanding section 419 of this Act, such section, and the amendment made by such section, shall not take effect.

SEC. 903. PENALTY FOR FAILURE TO REGISTER TAX SHELTER.

(a) In General.—Section 6707 (relating to failure to furnish information regarding tax shelters) is amended to read as follows:

"SEC. 6707. FAILURE TO FURNISH INFORMATION ON POTENTIALLY ABUSIVE TAX SHELTER OR LISTED TRANSACTION.

"(a) In General.—If a person who is required to file a return under section 6111 with respect to any potentially abusive tax shelter—

"(1) fails to file such return on or before the date prescribed therefor, or

"(2) files false or incomplete information with the Secretary with respect to such shelter,

such person shall pay a penalty with respect to such return in the amount determined under subsection (b).

"(b) Amount of Penalty.—

"(1) In general.—Except as provided in paragraph (2), the penalty imposed under subsection (a) with respect to any failure shall be not less than $50,000 and not more than $100,000.

"(2) Listed transactions.—The penalty imposed under subsection (a) with respect to any listed transaction shall be an amount equal to the greater of—

"(A) $200,000, or

"(B) 100 percent of the gross income derived by such person for providing aid, assistance, procurement, advice, or other services with respect to the listed transaction before the date the return including the transaction is filed under section 6111.

Subparagraph (B) shall be applied by substituting '150 percent' for '100 percent' in the case of an intentional failure or act described in subsection (a).

"(c) Certain Rules To Apply.—The provisions of section 6707A(d) allowing the Commissioner of Internal Revenue to rescind a penalty under certain circumstances shall apply to any penalty imposed under this section.

"(d) Potentially Abusive Tax Shelters and Listed Transactions.—The terms 'potentially abusive tax shelter' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).

"(e) Penalty Not Deductible.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be considered an ordinary and necessary expense in carrying on a trade or business for purposes of this title and shall not be deductible by the person who is subject to such penalty or who makes such payment.".

(b) Clerical Amendment.—The item relating to section 6707 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "regarding tax shelters" and inserting "on potentially abusive tax shelter or listed transaction".

(c) Effective Date.—The amendments made by this section shall apply to returns the due date for which is after the date of the enactment of this Act.

(d) Prior Section To Have No Effect.—Notwithstanding section 408(c) of this Act, such section, and the amendments made by such section, shall not take effect.

SEC. 904. PENALTY FOR FAILING TO MAINTAIN CLIENT LIST.

(a) In General.—Subsection (a) of section 6708 (relating to failure to maintain lists of investors in potentially abusive tax shelters) is amended to read as follows:

"(a) Imposition of Penalty.—

"(1) In general.—If any person who is required to maintain a list under section 6112(a) fails to make such list available upon written request to the Secretary in accordance with section 6112(b)(1)(A) within 20 business days after the date of the Secretary's request, such person shall pay a penalty of $10,000 for each day of such failure after such 20th day. If such person makes available an incomplete list upon such request, such person shall pay a penalty of $100 per each omitted name for each day of such omission after such 20th day.

"(2) Good cause exception.—No penalty shall be imposed by paragraph (1) with respect to the failure on any day if, in the judgment of the Secretary, such failure is due to good cause.".

(b) Penalty Not Deductible.—Section 6708 is amended by adding at the end the following new subsection:

"(c) Penalty Not Deductible.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be considered an ordinary and necessary expense in carrying on a trade or business for purposes of this title and shall not be deductible by the person who is subject to such penalty or who makes such payment.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made by the Secretary of the Treasury after the date of the enactment of this Act.

(d) PRIOR SECTION TO HAVE NO EFFECT.—Notwithstanding section 409(b) of this Act, such section, and the amendment made by such section, shall not take effect.

SEC. 905. PENALTY FOR FAILING TO DISCLOSE POTENTIALLY ABUSIVE TAX SHELTER.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6707 the following new section:

"SEC. 6707A. PENALTY FOR FAILURE TO INCLUDE POTENTIALLY ABUSIVE TAX SHELTER INFORMATION WITH RETURN OR STATEMENT.

"(a) IMPOSITION OF PENALTY.—Any person who fails to include on any return or statement any information with respect to a potentially abusive tax shelter which is required under section 6011 to be included with such return or statement shall pay a penalty in the amount determined under subsection (b).

"(b) AMOUNT OF PENALTY.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amount of the penalty under subsection (a) shall be $50,000.

"(2) LISTED TRANSACTION.—Except as provided in paragraph 3, the amount of the penalty under subsection (a) with respect to a listed transaction shall be $100,000.

"(3) INCREASE IN PENALTY FOR INTENTIONAL NONDISCLOSURE.—In the case of an intentional failure by any person under subsection (a), the penalty under paragraph (1) shall be $100,000 and the penalty under paragraph (2) shall be $200,000.

"(c) DEFINITIONS.—For purposes of this section—

"(1) POTENTIALLY ABUSIVE TAX SHELTER.—The term 'potentially abusive tax shelter' means any transaction with respect to which information is required to be included with a return or statement, because the Secretary has determined by regulation or otherwise that such transaction has a potential for tax avoidance or evasion.

"(2) LISTED TRANSACTION.—Except as provided in regulations, the term 'listed transaction' means a potentially abusive tax shelter which is the same as, or substantially similar to, a transaction specifically identified by the Secretary as a tax avoidance transaction for purposes of section 6011.

"(d) AUTHORITY TO RESCIND PENALTY.—

"(1) IN GENERAL.—The Commissioner of Internal Revenue may rescind all or any portion of a penalty imposed by this section with respect to any violation if—

"(A) the violation is with respect to a potentially abusive tax shelter other than a listed transaction,

"(B) the person on whom the penalty is imposed has a history of complying with the requirements of this title,

"(C) it is shown that the violation is due to an unintentional mistake of fact,

"(D) imposing the penalty would be against equity and good conscience, and

"(E) rescinding the penalty would promote compliance with the requirements of this title and effective tax administration.

"(2) DISCRETION.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may be delegated only to the head of the Office of Tax Shelter Analysis. The Commissioner, in the Commissioner's sole discretion, may establish a procedure to determine if a penalty should be referred to the Commissioner or the head of such Office for a determination under paragraph (1).

"(3) NO APPEAL.—Notwithstanding any other provision of law, any determination under this subsection may not be reviewed in any administrative or judicial proceeding.

"(4) RECORDS.—If a penalty is rescinded under paragraph (1), the Commissioner shall place in the file in the Office of the Commissioner the opinion of the Commissioner or the head of the Office of Tax Shelter Analysis with respect to the determination, including—

"(A) the facts and circumstances of the transaction,

"(B) the reasons for the rescission, and

"(C) the amount of the penalty rescinded.

A copy of such opinion shall be provided upon written request to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, the Joint Committee on Taxation, or the General Accounting Office.

"(5) REPORT.—The Commissioner shall each year report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

"(A) a summary of the total number and aggregate amount of penalties imposed, and rescinded, under this section, and

"(B) a description of each penalty rescinded under this subsection and the reasons therefor.

"(e) PENALTY REPORTED TO SEC.—In the case of a person—

"(1) which is required to file periodic reports under section 13 or 15(d) of the Securities Exchange Act of 1934 or is required to be consolidated with another person for purposes of such reports, and

"(2) which—

"(A) is required to pay a penalty under this section with respect to a listed transaction,

"(B) is required to pay a penalty under section 6662A with respect to any potentially abusive tax shelter at a rate prescribed under section 6662A(c), or

"(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction,

the requirement to pay such penalty shall be disclosed in such reports filed by such person for such periods as the Secretary shall specify. Failure to make a disclosure in accordance with the preceding sentence shall be treated as a failure to which the penalty under subsection (b)(2) applies.

"(f) PENALTY IN ADDITION TO OTHER PENALTIES.—The penalty imposed by this section shall be in addition to any other penalty provided by law.

"(g) PENALTY NOT DEDUCTIBLE.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be considered an ordinary and necessary expense in carrying on a trade or business for purposes of this title and shall not be deductible by the person who is subject to such penalty or who makes such payment.".

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6707 the following:

"Sec. 6707A. Penalty for failure to include potentially abusive tax shelter information with return or statement.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns and statements the due date for which is after the date of the enactment of this Act.

(d) PRIOR SECTION TO HAVE NO EFFECT.—Notwithstanding section 402(c) of this Act, such section, and the amendments made by such section, shall not take effect.

SEC. 906. IMPROVED DISCLOSURE OF POTENTIALLY ABUSIVE TAX SHELTERS.

(a) IN GENERAL.—Section 6111 (relating to registration of tax shelters) is amended to read as follows:

"SEC. 6111. DISCLOSURE OF POTENTIALLY ABUSIVE TAX SHELTERS.

"(a) IN GENERAL.—Each material advisor with respect to any potentially abusive tax shelter shall make a return (in such form as the Secretary may prescribe) setting forth—

"(1) information identifying and describing such shelter,

"(2) information describing any potential tax benefits expected to result from the shelter, and

"(3) such other information as the Secretary may prescribe.

Such return shall be filed not later than the date which is 30 days before the date on which the first sale of such shelter occurs or on any other date specified by the Secretary.

"(b) DEFINITIONS.—For purposes of this section—

"(1) MATERIAL ADVISOR.—

"(A) IN GENERAL.—The term 'material advisor' means any person—

"(i) who provides any material aid, assistance, or advice with respect to designing, organizing, managing, promoting, selling, implementing, or carrying out any potentially abusive tax shelter, and

"(ii) who directly or indirectly derives gross income in excess of the threshold amount for such aid, assistance, or advice.

"(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A), the threshold amount is—

"(i) $50,000 in the case of a potentially abusive tax shelter substantially all of the tax benefits from which are provided to natural persons, and

"(ii) $100,000 in any other case.

"(2) POTENTIALLY ABUSIVE TAX SHELTER.—The term 'potentially abusive tax shelter' has the meaning given to such term by section 6707A(c).

"(c) REGULATIONS.—The Secretary may prescribe regulations which provide—

"(1) that only 1 person shall be required to meet the requirements of subsection (a) in cases in which 2 or more persons would otherwise be required to meet such requirements,

"(2) exemptions from the requirements of this section, and

"(3) such rules as may be necessary or appropriate to carry out the purposes of this section.".

(b) CONFORMING AMENDMENTS.—

(1) The item relating to section 6111 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

"Sec. 6111. Disclosure of potentially abusive tax shelters.".

(2)(A) So much of section 6112 as precedes subsection (c) thereof is amended to read as follows:

"SEC. 6112. MATERIAL ADVISORS OF POTENTIALLY ABUSIVE TAX SHELTERS MUST KEEP CLIENT LISTS.

"(a) IN GENERAL.—Each material advisor (as defined in section 6111) with respect to any potentially abusive tax shelter (as defined in section 6707A(c)) shall maintain, in such manner as the Secretary may by regulations prescribe, a list—

"(1) identifying each person with respect to whom such advisor acted as such a material advisor with respect to such shelter, and

"(2) containing such other information as the Secretary may by regulations require.

This section shall apply without regard to whether a material advisor is required to file a return under section 6111 with respect to such transaction.".

(B) Section 6112 is amended by redesignating subsection (c) as subsection (b).

(C) Section 6112(b), as redesignated by subparagraph (B), is amended—

(i) by inserting "written" before "request" in paragraph (1)(A), and

(ii) by striking "shall prescribe" in paragraph (2) and inserting "may prescribe".

(D) The item relating to section 6112 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

"Sec. 6112. Material advisors of potentially abusive tax shelters must keep client lists.".

(3)(A) The heading for section 6708 is amended to read as follows:

"SEC. 6708. FAILURE TO MAINTAIN CLIENT LISTS WITH RESPECT TO POTENTIALLY ABUSIVE TAX SHELTERS.".

(B) The item relating to section 6708 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows:

"Sec. 6708. Failure to maintain client lists with respect to potentially abusive tax shelters.".

(c) REQUIRED DISCLOSURE NOT SUBJECT TO CLAIM OF CONFIDENTIALITY.—Section 6112(b)(1), as redesignated by subsection (b)(2)(B), is amended by adding at the end the following new flush sentence:

"For purposes of this section, the identity of any person on such list shall not be privileged.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to transactions with respect to which material aid, assistance, or advice referred to in section 6111(b)(1)(A)(i) of the Internal Revenue Code of 1986 (as added by this section) is provided after the date of the enactment of this Act.

(2) NO CLAIM OF CONFIDENTIALITY AGAINST DISCLOSURE.—The amendment made by subsection (c) shall take effect as if included in the amendments made by section 142 of the Deficit Reduction Act of 1984.

(e) PRIOR SECTION TO HAVE NO EFFECT.—Notwithstanding section 407(d) of this Act, such section, and the amendments made by such section, shall not take effect.

SEC. 907. EXTENSION OF STATUTE OF LIMITATIONS FOR UNDISCLOSED TAX SHELTER.

(a) IN GENERAL.—Section 6501(c) (relating to exceptions) is amended by adding at the end the following new paragraph:

"(10) POTENTIALLY ABUSIVE TAX SHELTERS.—If a taxpayer fails to include on any return or statement for any taxable year any information with respect to a potentially abusive tax shelter (as defined in section 6707A(c)) which is required under section 6011 to be included with such return or statement, the time for assessment of any tax imposed by this title with respect to such transaction shall not expire before the date which is 2 years after the earlier of—

"(A) the date on which the Secretary is furnished the information so required; or

"(B) the date that a material advisor (as defined in section 6111) meets the requirements of section 6112 with respect to a request by the Secretary under section 6112(b) relating to such transaction with respect to such taxpayer.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years with respect to which the period for assessing a deficiency did not expire before the date of the enactment of this Act.

(c) PRIOR SECTION TO HAVE NO EFFECT.—Notwithstanding section 416(b) of this Act, such section, and the amendment made by such section, shall not take effect.

SEC. 908. PENALTY FOR FAILING TO REPORT INTERESTS IN FOREIGN FINANCIAL ACCOUNTS.

(a) IN GENERAL.—Section 5321(a)(5) of title 31, United States Code, is amended to read as follows:

"(5) FOREIGN FINANCIAL AGENCY TRANSACTION VIOLATION.—

"(A) PENALTY AUTHORIZED.—The Secretary of the Treasury may impose a civil money penalty on any person who violates, or causes any violation of, any provision of section 5314.

"(B) AMOUNT OF PENALTY.—

"(i) IN GENERAL.—Except as provided in subparagraph (C), the amount of any civil penalty imposed under subparagraph (A) shall not exceed $10,000.

"(ii) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under subparagraph (A) with respect to any violation if—

"(I) such violation was due to reasonable cause, and

"(II) the amount of the transaction or the balance in the account at the time of the transaction was properly reported.

"(C) WILLFUL VIOLATIONS.—In the case of any person willfully violating, or willfully causing any violation of, any provision of section 5314, the amount of the civil penalty imposed under subparagraph (A) shall be—

"(i) not less than $5,000,

"(ii) not more than 50 percent of the amount determined under subparagraph (D), and

"(iii) subparagraph (B)(ii) shall not apply.

"(D) AMOUNT.—The amount determined under this subparagraph is—

"(i) in the case of a violation involving a transaction, the amount of the transaction, or

"(ii) in the case of a violation involving a failure to report the existence of an account or any identifying information required to be provided with respect to an account, the balance in the account at the time of the violation.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to violations occurring after the date of the enactment of this Act.

(c) PRIOR SECTION TO HAVE NO EFFECT.—Notwithstanding section 412(b) of this Act, such section, and the amendment made by such section, shall not take effect.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Thursday, May 6, 2004. The purpose of this hearing will be to discuss Biomass Use in Energy Production: New Opportunities for Agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. COLEMAN. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 6, 2004 at 9:30 a.m. in closed session to mark up the Department of Defense Authorization Act for fiscal year 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 6, 2004, at 10:00 a.m. to conduct a markup of "The Public Transportation Terrorism Prevention Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 6, 2004, at 9:30 a.m. on Impacts of Climate Change and States' Actions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 6, 2004, at 9:30 a.m. in Dirksen Senate Building Room 226.

Agenda

I. Nominations

Henry W. Saad to be U.S. Circuit Judge for the Sixth Circuit.

II. Legislation

S. 1735, Gang Prevention and Effective Deterrence Act of 2003 [Hatch, Chambliss, Feinstein, Grassley, Cornyn, Graham, Schumer];

S. 1933, Enhancing Federal Obscenity Reporting and Copyright Enforcement (ENFORCE) Act of 2003 [Hatch, Feinstein, Cornyn];

S. 1635, A bill to amend the Immigration and Nationality Act to ensure the integrity of the L–1 visa for intracompany transferees [Chambliss];

S. 1609, Parental Responsibility Obligations Met through Immigration System Enforcement (PROMISE) Act [Hatch, Cornyn];

S. 1129, Unaccompanied Alien Child Protection Act of 2003 [Feinstein, DeWine, Feingold, Kennedy, Leahy, Specter, Edwards, Durbin, Kohl, Schumer]; and

S.J. Res. 34, A joint resolution designating May 29, 2004, on the occasion of the dedication of the National World War II Memorial, as Remembrance of World War II Veterans Day [Conrad, Leahy].

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, be authorized to meet on Thursday, May 6, 2004 at 10 a.m. for a hearing entitled, "Trimming the Fat: Examining Duplicative and Outdated Programs and Functions."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Matt Stump, a congressional fellow in my office, be granted the privileges of the floor for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask unanimous consent Michael Mattler, a detailee on the Foreign Relations Committee staff, be granted the privilege of the floor for the duration of the debate on this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN TRAVEL FINANCIAL REPORT

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Thad Cochran:									
Brazil	Dollar		939.00						939.00
Uruguay	Dollar		243.00						243.00
Argentina	Dollar		640.00						640.00
Chile	Dollar		648.00						648.00
Senator Patrick Leahy:									
Brazil	Dollar		939.00						939.00
Uruguay	Dollar		243.00						243.00
Argentina	Dollar		640.00						640.00
Chile	Dollar		648.00						648.00
Senator Norm Coleman:									
Brazil	Dollar		939.00		866.00				1,805.00
Uruguay	Dollar		243.00						243.00
Argentina	Dollar		320.00						320.00
Kevin McDonald:									
Brazil	Dollar		939.00						939.00
Uruguay	Dollar		243.00						243.00
Chile	Dollar		648.00						648.00
Argentina	Dollar		640.00						640.00
Kay Webber:									
Brazil	Dollar		939.00						939.00
Uruguay	Dollar		243.00						243.00
Argentina	Dollar		640.00						640.00
Chile	Dollar		648.00						648.00
Matthew O'Mara:									
Brazil	Dollar		939.00						939.00
Uruguay	Dollar		243.00						243.00
Argentina	Dollar		640.00						640.00
Chile	Dollar		648.00						648.00
Hunt Shipman:									
Brazil	Dollar		939.00						939.00
Uruguay	Dollar		243.00						243.00
Argentina	Dollar		640.00						640.00
Chile	Dollar		648.00						648.00
Patricia Doty:									
Brazil	Dollar		939.00						939.00
Uruguay	Dollar		243.00						243.00
Argentina	Dollar		640.00						640.00
Chile	Dollar		648.00						648.00
Delegation Expenses: *									
Argentina	Dollar				1,114.00		4,878.00		5,992.00
Uruguay	Dollar				3,528.00		14,406.00		17,934.00
Total			18,792.00		4,642.00		19,284.00		42,718.00

* Delegation expenses include payments and reimbursements to the Department of State and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

THAD COCHRAN,
Chairman, Committee on Agriculture, Nutrition, and Forestry, Apr. 20, 2004.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Carol Cribbs:									
China	Dollar		722.00				100.00		822.00
Thailand	Baht		356.00				100.00		456.00
Singapore	Dollar		618.00				150.00		768.00
El Salvador	Dollar		362.50				100.00		462.50
Mexico	Peso		576.00				100.00		676.00
Rebecca Davies:									
China	Dollar		732.00				100.00		832.00
Thailand	Baht		356.00				100.00		456.00

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Singapore	Dollar		412.00				100.00		512.00
Senator Ernest Hollings:									
Brazil	Real		1,472.00						1,472.00
Joab M. Lesesne:									
Brazil	Real		1,472.00						1,472.00
Tim Rieser:									
Colombia	Dollar		650.00				60.00		710.00
Nicaragua	Dollar		108.00						108.00
United States	Dollar				776.00				776.00
Total			7,836.50		776.00		910.00		9,522.50

TED STEVENS,
Chairman, Committee on Appropriations, Feb. 13, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Paul L. Grove:									
Hong Kong	Dollar		1,137.00						1,137.00
Vietnam	Dollar		892.00						892.00
Cambodia	Dollar		609.00						609.00
Thailand	Baht		696.00						696.00
United States	Dollar				7,142.78				7,142.78
Vietnam	Dollar				161.00				161.00
Katherine Hennessey:									
New Zealand	Dollar		828.00						828.00
Australia	Dollar		511.00						511.00
East Timor	Dollar		233.00						233.00
United States	Dollar				9,818.00				9,818.00
Katherine Eltrich:									
New Zealand	Dollar		828.00						828.00
Australia	Dollar		511.00						511.00
East Timor	Dollar		233.00						233.00
United States	Dollar				9,818.00				9,818.00
Senator Ted Stevens:									
Jordan	Dinar		476.00						476.00
Kuwait	Dollar		804.00						804.00
Pakistan	Rupee		523.52						523.52
France	Euro		916.00						916.00
Sid Ashworth:									
Jordan	Dinar		476.00						476.00
Kuwait	Dollar		804.00						804.00
Pakistan	Rupee		523.52						523.52
France	Euro		916.00						916.00
Charlie Houy:									
Jordan	Dinar		476.00						476.00
Kuwait	Dollar		804.00						804.00
Pakistan	Rupee		523.52						523.52
France	Euro		916.00						916.00
Bob Henke:									
Jordan	Dinar		476.00						476.00
Kuwait	Dollar		804.00						804.00
Pakistan	Rupee		523.52						523.52
France	Euro		916.00						916.00
Lila Helms:									
Jordan	Dinar		476.00						476.00
Kuwait	Dollar		804.00						804.00
Pakistan	Rupee		523.52						523.52
France	Euro		916.00						916.00
Senator Ernest F. Hollings:									
Jordan	Dinar		476.00						476.00
Kuwait	Dollar		804.00						804.00
Pakistan	Rupee		523.52						523.52
France	Euro		916.00						916.00
Senator Kay Bailey Hutchison:									
Germany	Euro		382.00				109.00		491.00
Jim Morhard:									
Malta	Lira		272.00						272.00
Cyprus	Pound		652.00						652.00
Italy	Euro		1,440.00						1,440.00
United States	Dollar				6,326.59				6,326.59
Scott Gudes:									
Malta	Lira		272.00						272.00
Cyprus	Pound		652.00						652.00
Italy	Euro		1,440.00						1,440.00
United States	Dollar				6,326.59				6,326.59
Katherine Hennessey:									
Malta	Lira		272.00						272.00
Cyprus	Pound		652.00						652.00
Italy	Euro		1,440.00						1,440.00
United States	Dollar				6,326.59				6,326.59
Total			30,269.12		45,919.55		109.00		76,297.67

TED STEVENS,
Chairman, Committee on Appropriations, Mar. 30, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bill Nelson:									
Morocco	Dirham		248.78				6.34		255.12
Egypt	Pound		262.96						262.96
Israel	Shekel		1,023.00				43.41		1,066.41
Jordan	Dinar		133.27				17.50		150.77
Belgium	Euro		408.11						408.11
Peter J. Mitchell:									
Morocco	Dirham		248.78				56.00		304.78
Egypt	Pound		262.96				288.00		550.96
Israel	Shekel		1,023.00				424.06		1,447.06
Jordan	Dinar		166.09				96.00		262.09
Belgium	Euro		408.11						408.11
Daniel Shapiro:									
Egypt	Pound		262.96				144.00		406.96
Israel	Shekel		1,023.00				570.00		1,593.00
Jordan	Dinar		166.09				143.84		309.93
Belgium	Euro		408.11						408.11
Evelyn N. Farkas:									
Malaysia	Ringgit		121.90				13.83		135.73
Phillippines	Peso		307.50				61.94		369.44
South Korea	Won		844.07				6.00		850.07
Japan	Yen		432.80				95.71		528.51
United States	Dollar				10,042.32				10,042.32
Madelyn R. Creedon:									
United States	Dollar				7,508.,62				7,508.62
Russia	Ruble		1,635.04						1,635.04
Georgia	Lari		729.76						729.76
Senator John McCain:									
Colombia	Dollar		271.00						271.00
Brazil	Dollar		407.00						407.00
Argentina	Dollar		114.00						114.00
Ecuador	Dollar		123.00						123.00
Daniel C. Twining:									
Colombia	Dollar		271.00						271.00
Brazil	Dollar		610.00						610.00
Argentina	Dollar		114.00						114.00
Ecuador	Dollar		290.00						290.00
Senator Lindsey Graham:									
Colombia	Peso		146.70						146.70
Brazil	Real		262.18				90.14		352.32
Argentina	Peso						92.71		92.71
Ecuador	Dollar						195.90		195.90
Senator Susan M. Collins:									
Colombia	Dollar		271.00						271.00
Brazil	Dollar		610.00						610.00
Argentina	Dollar		113.99						113.99
Ecuador	Dollar		290.00						290.00
Lynn F. Rusten:									
United States	Dollar				5,712.50				5,712.50
Russia	Dollar		1,328.00						1,328.00
Karen E. Volker:									
Germany	Euro		599.72						599.72
Mark Salter:									
Germany	Euro		808.00						808.00
Daniel C. Twining:									
Germany	Euro		808.00						808.00
Richard F. Walsh:									
South Korea	Won		993.11						993.11
United States	Dollar				4,306.98				4,306.98
Gerald J. Leeling:									
South Korea	Won		960.87				75.00		1,035.87
United States	Dollar				4,306.98				4,306.98
Scott W. Stucky:									
South Korea	Won		995.36				40.00		1,035.36
United States	Dollar				4,306.98				4,306.98
Diana G. Tabler:									
South Korea	Won		1,014.11						1,014.11
United States	Dollar				4,306.98				4,306.98
Senator John Warner:									
Jordan	Dollar		476.00						476.00
Kuwait	Dollar		804.00						804.00
Pakistan	Dollar		523.52						523.52
France	Dollar		916.00						916.00
Senator James M. Inhofe:									
United States	Dollar				3,177.83				3,177.83
Benin	Dollar		360.40						360.40
Germany	Euro		80.40						80.40
J. Mark Powers:									
United States	Dollar				6,387.90				6,387.90
Germany	Euro		98.57						98.57
Benin	Dollar		320.00						320.00
Djibouti	Dollar		30.00						30.00
John A. Bonsell:									
Germany	Dollar		81.25				50.00		131.25
Senator Carl Levin:									
Israel	Dollar		256.75						256.75
Jordan	Dollar		130.75						130.75
Kuwait	Dollar		324.54						324.54
Belgium	Dollar		228.61						228.61
Senator Jack Reed:									
Israel	Dollar		250.00						250.00
Jordan	Dollar		124.00						124.00
Kuwait	Dollar		348.99						348.99
Belgium	Dollar		248.86						248.86
Richard D. DeBobes:									
Israel	Dollar		250.00						250.00
Jordan	Dollar		124.00						124.00
Kuwait	Dollar		311.00						311.00
Belgium	Dollar		253.75				35.00		288.75
Senator John McCain:									
Germany	Dollar		513.00						513.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Lindsey Graham:									
Germany	Dollar		609.75						609.75
Ambrose R. Hock:									
Germany	Dollar		58.75						58.75
Senator Wayne Allard:									
Ireland	Dollar		1.00						1.00
Germany	Dollar		65.00						65.00
Jayson Roehl:									
Ireland	Dollar		10.00						10.00
Germany	Dollar		160.00						160.00
Maren R. Leed:									
Germany	Dollar		58.75						58.75
Senator Daniel K. Akaka:									
Germany	Dollar		58.75						58.75
Judith A. Ansley:									
Jordan	Dollar		476.00						476.00
Kuwait	Dollar		804.00						804.00
Pakistan	Dollar		523.52						523.52
France	Dollar		916.00						916.00
Charles W. Alsup:									
Jordan	Dollar		476.00						476.00
Kuwait	Dollar		804.00						804.00
Pakistan	Dollar		523.52						523.52
France	Dollar		916.00						916.00
Malaysia	Ringgit		166.00				15.00		181.00
Philippines	Peso		353.50				65.00		418.50
Korea	Won		895.25				25.00		920.25
Japan	Yen		524.15				105.00		629.15
United States					10,109.01				10,109.01
Total			36,971.66		60,166.10		2,755.38		99,893.14

JOHN WARNER,
Chairman, Committee on Armed Services, Apr. 21, 2004.

AMENDED 2ND QUARTER—CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR, TRAVEL FROM APR. 1 TO JUNE 30, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator James M. Inhofe:									
Ghana	Dollar		100.00						100.00
Italy	Euro		90.27						90.27
Czech Republic	Dollar		563.07						563.07
United Kingdom	Pound		229.60						229.60
Mark Powers:									
Ghana	Dollar		172.00						172.00
Italy	Euro		74.00						74.00
United States	Dollar				5,172.46				5,172.46
Total			1,228.94		5,172.46				6,401.40

JOHN WARNER,
Chairman, Committee on Armed Services, Apr. 16, 2004.

AMENDED 3RD QUARTER—CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Judith A Ansley:									
Qatar	Dollar		188.00						188.00
Kuwait	Dollar		673.00						673.00
Richard D. DeBobes:									
Qatar	Dollar		196.00						196.00
Kuwait	Dollar		647.00						647.00
Charles A. Alsup:									
Kuwait	Dollar		638.95						638.95
Brenda Strickland:									
United States	Dollar				4,890.94				4,890.94
Belgium	Euro		203.39						203.39
Czech Republic	Crown		377.70						377.70
Germany	Euro		832.96						832.96
Denmark	Krone		685.95						685.95
Total			4,442.95		4,890.94				9,333.89

JOHN WARNER,
Chairman, Committee on Armed Services, Jan. 22, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jack Reed:									
Pakistan	Rupee		149.52						149.52
Kuwait	Dinar		564.22						564.22
Elizabeth King:									
Pakistan	Rupee		149.52						149.52
Kuwait	Dinar		564.22						564.22
Senator Hillary Rodham Clinton:									
Pakistan	Rupee		149.52						149.52
Kuwait	Dinar		572.39						572.39
Andrew Shapiro:									
Pakistan	Rupee		149.52						149.52
Kuwait	Dinar		572.55						572.55
Huma Abedin:									
Pakistan	Rupee		149.52						149.52
Kuwait	Dinar		565.86						565.86
Senator Bill Nelson:									
Chile	Peso		253.28				70.72		324.00
Brazil	Real		325.94				62.06		388.00
Argentina	Peso		604.00				85.00		689.00
Bolivia	Boliviano		191.00				17.00		208.00
Peru	Nuevos Sol		289.00				8.00		297.00
United States	Dollar				3,335.40				3,335.40
Pete Contostavlos:									
Chile	Peso		291.00				33.00		324.00
Brazil	Real		342.95				25.05		368.00
Argentina	Peso		596.64				78.36		675.00
Bolivia	Boliviano		171.92				21.08		193.00
Peru	Nuevos Sol		292.68				4.32		297.00
United States	Dollar				5,871.60				5,871.60
Peter J. Mitchell:									
Chile	Peso		286.11				37.89		324.00
Brazil	Real		311.20				57.80		369.00
Argentina	Peso		565.19				103.81		669.00
Bolivia	Boliviano		198.00				110.00		208.00
Peru	Nuevos Sol		278.70				18.30		297.00
United States	Dollar				3,335.40				3,335.40
Senator John McCain:									
Azerbaijan	Dollar		200.00						200.00
Georgia	Dollar		327.00						327.00
United States	Dollar				7,235.39				7,235.39
Daniel C. Twining:									
Azerbaijan	Dollar		322.00						322.00
Georgia	Dollar		540.00						540.00
United States	Dollar				6,381.39				6,381.39
Senator Jack Reed:									
Tunisia	Dinar		127.00						127.00
Morocco	Dirham		549.52						549.52
United States	Dollar				6,656.26				6,656.26
Elizabeth King:									
Tunisia	Dinar		127.00						127.00
Morocco	Dirham		556.00						556.00
United States	Dollar				6,673.26				6,673.26
Total			11,332.97		39,488.70		632.39		51,454.06

JOHN WARNER,
Chairman, Committee on Armed Services, Feb. 10, 2004.

CONSOLIDATED REPORT OF EXPENDITURE FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby:									
Switzerland	Franc		386.00						386.00
Germany	Euro		389.00						389.00
Senator Zell Miller:									
Iraq	Dinar		95.00						95.00
Kuwait	Dinar		959.00						959.00
Spain	Peseta		478.00						478.00
Laura Friedel:									
Iraq	Dinar		89.48						89.48
Kuwait	Dinar		939.23						939.23
Spain	Peseta		397.78						397.78
Total			3,733.49						3,733.49

RICHARD SHELBY,
Chairman, Committee on Banking, Housing, and Urban Affairs,
Mar. 23, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BUDGET FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Don Nickles:									
Australia	Dollar		1,360.00						1,360.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BUDGET FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
New Zealand	Dollar		971.00						971.00
Senator Conrad Burns:									
Australia	Dollar		1,360.00						1,360.00
New Zealand	Dollar		971.00						971.00
Senator Judd Gregg:									
Australia	Dollar		1,360.00						1,360.00
New Zealand	Dollar		971.00						971.00
Hazen Marshall:									
Australia	Dollar		1,360.00						1,360.00
New Zealand	Dollar		971.00						971.00
Stacy Hughes:									
Australia	Dollar		1,360.00						1,360.00
New Zealand	Dollar		971.00						971.00
Gayle Osterberg:									
Australia	Dollar		1,360.00						1,360.00
New Zealand	Dollar		971.00						971.00
Yvonne Bartolli:									
Australia	Dollar		1,360.00						1,360.00
New Zealand	Dollar		971.00						971.00
Julie Clark:									
Australia	Dollar		1,360.00						1,360.00
New Zealand	Dollar		971.00						971.00
Delegation Expenses:*									
Australia	Dollar						21,586.55		21,586.55
New Zealand	Dollar						18,438.54		18,438.54
Senator Jim Bunning:									
Ireland	Euro		185.56						185.56
Kuwait	Dinar		1,206.00						1,206.00
Spain	Euro		373.00						373.00
Blake Brickman:									
Ireland	Euro		185.56						185.56
Kuwait	Dinar		758.12						758.12
Spain	Euro		343.00		30.00				373.00
David Young:									
Ireland	Euro		185.56						185.56
Kuwait	Dinar		758.12						758.12
Spain	Euro		333.77		20.00				353.77
Total			22,976.69		50.00		40,025.09		63,051.78

*Delegation expenses include payments and reimbursements to the Department of State and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

DON NICKLES,
Chairman, Committee on Budget, Mar. 30, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION FOR TRAVEL FROM JAN. 1, TO MAR. 31 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Maria Cantwell:									
Switzerland	Franc		284.73						284.73
Germany	Euro		389.00						389.00
John Easton:									
Switzerland	Franc		740.00						740.00
Germany	Euro		389.00						389.00
Travis Sullivan:									
Switzerland	Franc		740.00						740.00
Germany	Euro		389.00						389.00
David Wonnenberg:									
United States	Dollar				3,890.24				3,890.24
Morocco	Dirham		433.00						433.00
Egypt	Pound		374.00						374.00
Yemen	Rial		135.00						135.00
Bahrain	Dinar		353.00						353.00
Total			4,226.73		3,890.24				8,116.97

JOHN McCAIN,
Chairman, Committee on Commerce, Science, and Transportation,
Mar. 25, 2004.

AMENDED 4TH QUARTER REPORT (2003)—CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Virginia Worrest:									
United States	Dollar				1,470.66				1,470.66
Italy	Euro		1,253.00						1,253.00
Total			1,253.00		1,470.66				2,723.66

JOHN McCAIN,
Chairman, Committee on Commerce, Science, and Transportation,
Mar. 26, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jeff Bingaman:									
Israel	Dollar		250.00						250.00
Jordan	Dollar		124.00						124.00
Kuwait	Dollar		310.94						310.94
Belgium	Dollar		248.86						248.86
Kellie A Donnelly:									
Marshall Islands	Dollar		485.98						485.98
United States	Dollar			2,634.07					2,634.07
Allen Stayman:									
Marshall Islands	Dollar		467.47						467.47
United States	Dollar			4,457.36					4,457.36
Jennifer Michael:									
Russia	Ruble		1,424.60						1,424.60
United States	Dollar				4,621.70				4,621.70
Total			3,311.85		11,713.13				15,024.98

PETE DOMENICI,
Chairman, Committee on Energy and Natural Resources, Apr. 1, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Aloysius Hogan:									
United States	Dollar				3,548.01				3,548.01
Italy	Lire		3,073.00						3,073.00
Michael Catanzaro:									
United States	Dollar				5,664.94				5,664.94
Italy	Lire		3,073.00						3,073.00
Christopher Miller:									
United States	Dollar				5,231.30				5,231.30
Italy	Lire		2,634.00						2,634.00
Alison Taylor:									
United States	Dollar				5,231.30				5,231.30
Italy	Lire		2,634.00						2,634.00
Andrew Wheeler:									
United States	Dollar				5,664.94				5,664.94
Italy	Lire		3,073.00						3,073.00
Celia Wallace:									
United States	Dollar				5,590.95				5,590.95
Italy	Lire		3,073.00						3,073.00
Shannon Heyck-Williams:									
United States	Dollar				5,231.30				5,231.30
Italy	Lire		2,634.00						2,634.00
Robert Kincaid:									
United States	Dollar				975.34				975.34
Mexico	Peso		1,218.21						1,218.21
Edward Michaels:*									
Italy	Lire						1,820.00		1,820.00
Total			21,412.21		37,138.08		1,820.00		60,370.29

* Edward Michaels did not go to Milan, Italy as was planned, however, his hotel charges still had to be reported as this expense was not reimbursable.

JAMES INHOFE,
Chairman, Committee on Environment and Public Works, Apr. 21, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Christopher Miller:									
United States	Dollar				893.43				893.43
Canada	Dollar		338.00						338.00
William Boyd:									
United States	Dollar				893.43				893.43
Canada	Dollar		338.00						338.00
Genevieve Erny:									
United States	Dollar				5,979.34				5,979.34
Malaysia	Ringgit		894.92						894.92
Jo-Ellen Darcy:									
United States	Dollar				5,979.34				5,979.34
Malaysia	Ringgit		894.92						894.92
Total			2,465.84		13,745.54				16,211.38

JAMES M. INHOFE,
Chairman, Committee on Environment and Public Works, Apr. 21, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Gordon Smith:									
Australia	Dollar		626.00						626.00
New Zealand	Dollar		971.00						971.00
Senator Jon Kyl:									
Australia	Dollar		626.00						626.00
New Zealand	Dollar		971.00						971.00
Sue Keenom:									
Australia	Dollar		626.00						626.00
New Zealand	Dollar		971.00						971.00
Senator Gordon Smith:									
Switzerland	Dollar		386.00						386.00
Germany	Dollar		389.00						389.00
Rob Epplin:									
Switzerland	Dollar		672.00						672.00
Germany	Dollar		389.00						389.00
Brian Pomper:									
Morocco	Dirham		318.09						318.09
Egypt	Pounds		292.09						292.09
Yemen	Rial		155.00						155.00
Bahrain	Dinar		393.00						393.00
United States	Dollar				3,374.58				3,374.58
Ellen Doneski:									
Morocco	Dirham		336.30						336.30
Egypt	Pounds		310.29						310.29
Yemen	Rial		131.29						131.29
Bahrain	Dinar		169.29						169.29
United States	Dollar				3,374.58				3,374.58
Bryn Stewart:									
Morocco	Dirham		324.77						324.77
Egypt	Pounds		298.77						298.77
Yemen	Rial		119.77						119.77
Bahrain	Dinar		157.77						157.77
United States	Dollar				3,374.58				3,374.58
Carrie Clark:									
Morocco	Dirham		382.50						382.50
Egypt	Pounds		356.50						356.50
Yemen	Rial		77.50						77.50
Bahrain	Dinar		295.30						295.30
United States	Dollar				3,374.58				3,374.58
Robert Holifield:									
Morocco	Dirham		410.00						410.00
Egypt	Pounds		384.00						384.00
Yemen	Rial		105.00						105.00
Bahrain	Dinar		343.00						343.00
United States	Dollar				3,374.58				3,374.58
David Johanson:									
Morocco	Dirham		307.70						307.70
Egypt	Pounds		281.70						281.70
Yemen	Rial		102.70						102.70
Bahrain	Dinar		140.70						140.70
United States	Dollar				3,474.58				3,474.58
Brian Pomper:									
Morocco	Dirham		318.09						318.09
Egypt	Pounds		292.09						292.09
Yemen	Rial		113.09						113.09
Bahrain	Dinar		151.09						151.09
United States	Dollar				3,474.58				3,474.58
John Gilliland:									
Japan	Yen		286.00						286.00
Thailand	Baht		385.00						385.00
United States	Dollar				7,868.58				7,868.58
Senator Max Baucus:									
Japan	Yen		304.00						304.00
Thailand	Baht		385.00						385.00
United States	Dollar				7,868.85				7,868.85
Jim Foley:									
Japan	Yen		258.75						258.75
United States	Dollar				3,416.70				3,416.70
Tim Punke:									
Japan	Yen		315.00						315.00
Thailand	Baht		396.00						396.00
United States	Dollar				7,868.85				7,868.85
Brian Pomper:									
Thailand	Baht		212.00						212.00
United States	Dollar				4,424.70				4,424.70
Total			16,236.14		55,269.74				71,505.88

CHUCK GRASSLEY,
Chairman, Committee on Finance, Apr. 21, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph Biden:									
Switzerland	Franc		386.00						386.00
United States	Dollar				4,231.00				4,231.00
Senator Sam Brownback:									
Vietnam	Dong		80.00						80.00
Hong Kong	Dollar		426.95						426.95
United States	Dollar				5,941.83				5,941.83
Senator Chuck Hagel:									
Belgium	Euro		324.00						324.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				7,466.88				7,466.88
Senator Chuck Hagel:									
Germany	Euro		808.00						808.00
Senator Richard Lugar:									
Germany	Euro		1,850.00						1,850.00
United States	Dollar				5,378.15				5,378.15
Jonah Blank:									
Pakistan	Rupee				2,789.00				2,789.00
India	Rupee		2,232.00		293.00				2,525.00
Nepal	Rupee		427.00						427.00
United States	Dollar				4,229.63				4,229.63
Heather Flynn:									
Uganda	Shilling		2,012.12						2,012.12
United States	Dollar				7,867.00				7,867.00
Michelle Gavin:									
Dem. Repub. of Congo	Franc		597.00		150.00				747.00
Rwanda	Franc		30.00						30.00
Kenya	Shilling		190.00						190.00
Uganda	Shilling		929.00						929.00
United States	Dollar				8,353.00				8,353.00
Michael Haltzel:									
Latvia	Lat		261.00						261.00
Denmark	Krone		304.00						304.00
United States	Dollar				4,980.71				4,980.71
Michael Haltzel:									
Russia	Ruble		1,100.00						1,100.00
United States	Dollar				6,420.56				6,420.56
Frank Jannuzi:									
China	Yuan		676.00						676.00
North Korea	Won		2,795.00		310.00				3,105.00
South Korea	Won		740.00						740.00
Japan	Yen		864.00						864.00
United States	Dollar				7,134.17				7,134.17
Jofi Joseph:									
United Kingdom	Pound		457.00						457.00
France	Euro		715.00						715.00
Austria	Euro		815.00						815.00
United States	Dollar				6,117.93				6,117.93
Chris Ann Keehner:									
Mexico	Peso		563.45						563.45
Brazil	Real		589.32						589.32
Jamaica	Dollar		443.88				37.31		481.19
United States	Dollar				4,319.30				4,319.30
Edward Levine:									
United Kingdom	Pound		421.00						421.00
France	Euro		698.00						698.00
Austria	Euro		663.00						663.00
United States	Dollar				6,136.50				6,136.50
Keith Luse:									
China	Yuan		746.49		310.00				1,056.49
North Korea	Won		1,621.41						1,621.41
South Korea	Won		679.42						679.42
Japan	Yen		517.37						517.37
United States	Dollar				5,692.17				5,692.17
Thomas Moore:									
United Kingdom	Pound		457.00						457.00
France	Euro		816.00						816.00
Austria	Euro		969.00						969.00
United States	Dollar				6,240.50				6,240.50
Kenneth Myers Jr.:									
Germany	Euro		1,850.00						1,850.00
United States	Dollar				5,378.15				5,378.15
Kenneth Myers III:									
Germany	Euro		1,900.00						1,900.00
United States	Dollar				5,378.15				5,378.15
Kenneth Myers III:									
Austria	Euro		969.00						969.00
United States	Dollar				5,573.84				5,573.84
Nilmini Rubin:									
Peru	Nuevo Sol		1,102.00		477.19				1,579.19
Paraguay	Guarini		872.00						872.00
United States	Dollar				3,040.50				3,040.50
Kim Savit:									
Qatar	Rial		750.00						750.00
United States	Dollar				6,913.32				6,913.32
Jennifer Simon:									
Peru	Nuevo Sol		988.00						988.00
United States	Dollar				5,404.50				5,404.50
Puneet Talwar:									
Switzerland	Franc		1,132.00		3,820.32				4,952.32
Sean Woo:									
Japan	Yen		317.00						317.00
Vietnam	Dong		91.20						91.20
Hong Kong	Dollar		987.00						987.00
South Korea	Won		549.00						549.00
United States	Dollar				7,169.56				7,169.56
Randall Zeller:									
Belgium	Euro		324.00						324.00
United States	Dollar				6,584.88				6,584.88
Total			40,035.61		144,101.74		37.31		184,174.66

DICK LUGAR,
Chairman, Committee on Foreign Relations, Apr. 15, 2004.

AMENDED 4TH QUARTER—CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph Biden:									
United Kingdom	Pound						1,129.45		1,129.45
Jessica Fugate:									
Slovenia	Tolar						148.99		148.99
Total							1,278.44		1,278.44

DICK LUGAR,
Chairman, Committee on Foreign Relations, Apr. 15, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Frank Lautenberg:									
Israel	Shekel		209.00				2.68		211.68
Jordan	Dinar		124.00						124.00
Kuwait	Dinar		314.39						314.39
Belgium	Euro		221.86		524.31		27.00		773.17
Total			869.25		524.31		29.68		1,423.24

SUSAN COLLINS,
Chairman, Committee on Governmental Affairs, Apr. 16, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON JUDICIARY FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jon Kyl:									
Israel	Dollar		756.00				759.00		1,515.00
Morocco	Dollar		102.50						102.50
Christine Clark:									
Israel	Dollar		760.00						760.00
Morocco	Dollar		102.50						102.50
Senator Jon Kyl:									
Germany	Dollar		665.00						665.00
Senator Lindsey Graham:									
Australia	Dollar		1,360.00		6,235.01				7,595.01
Total			3,746.00		6,235.01		759.00		10,740.01

ORRIN HATCH,
Chairman, Committee on Judiciary, Apr. 19, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Christopher Bond:									
United States	Dollar				5,569.07				5,569.07
Thailand	Baht		414.00						414.00
Singapore	Dollar		462.00						462.00
Jack Bartling:									
United States	Dollar				4,813.84				4,813.84
Thailand	Baht		414.00						414.00
Singapore	Dollar		462.00						462.00
Total			1,752.00		10,382.91				12,134.91

OLYMPIA SNOWE,
Chairman, Committee on Small Business and Entrepreneurship, Apr. 21, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Pat Roberts			2,357.00						2,357.00
	Dollar				3,149.00				3,149.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mike DeWine			2,470.00						2,470.00
William Duhnke			1,372.00						1,372.00
Senator Saxby Chambliss			2,331.00						2,331.00
James Barnett			1,300.00						1,300.00
	Dollar				4,194.21				4,194.21
Lindsey Fair			2,592.00						2,592.00
	Dollar				5,499.13				5,499.13
Brandon Milhorn			2,089.00						2,089.00
	Dollar				5,145.93				5,145.93
Matthew Pollard			2,089.00						2,089.00
	Dollar				5,145.93				5,145.93
Total			16,600.00		23,134.20				39,734.20

PAT ROBERTS,
Chairman, Committee on Intelligence, Apr. 5, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL FRIST FOR TRAVEL FROM JAN. 4 TO JAN. 8, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bill Frist:									
Colombia	Peso		496.00						496.00
Mexico	Peso		830.00						830.00
William H. Pickle:									
Colombia	Peso		496.00						496.00
Mexico	Peso		830.00						830.00
Steve Biegun:									
Colombia	Peso		496.00						496.00
Mexico	Peso		830.00						830.00
Rohit Kumar:									
Colombia	Peso		496.00						496.00
Mexico	Peso		830.00						830.00
Bob Stevenson:									
Colombia	Peso		496.00						496.00
Mexico	Peso		830.00						830.00
Sally Walsh:									
Colombia	Peso		496.00						496.00
Mexico	Peso		830.00						830.00
Delegation Expenses:*									
Colombia	Peso						10,283.00		10,283.00
Mexico	Peso						6,500.05		6,500.05
Total			7,956.00				16,783.05		24,739.05

*Delegation expenses include payments and reimbursement to the Department of State, and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

BILL FRIST,
Majority Leader, Mar. 19, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL McCONNELL FOR TRAVEL FROM OCT. 3 TO OCT. 11, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mitch McConnell:									
Jordan	Dollar		99.75						99.75
Kuwait	Dollar		639.75						639.75
Pakistan	Dollar		226.00						226.00
Turkey	Dollar		280.50						280.50
Senator Larry Craig:									
Jordan	Dollar		238.00						238.00
Kuwait	Dollar		778.00						778.00
Pakistan	Dollar		226.00						226.00
Turkey	Dollar		557.00						557.00
Senator Conrad Burns:									
Jordan	Dollar		238.00						238.00
Kuwait	Dollar		778.00						778.00
Pakistan	Dollar		226.00						226.00
Turkey	Dollar		557.00						557.00
Senator Craig Thomas:									
Jordan	Dollar		238.00						238.00
Kuwait	Dollar		778.00						778.00
Pakistan	Dollar		226.00						226.00
Turkey	Dollar		557.00						557.00
Senator Lincoln Chafee:									
Jordan	Dollar		138.00						138.00
Kuwait	Dollar		578.00						578.00
Pakistan	Dollar		226.00						226.00
Turkey	Dollar		257.00						257.00
Paul Grove:									
Jordan	Dollar		188.00						188.00
Kuwait	Dollar		728.00						728.00
Pakistan	Dollar		226.00						226.00
Turkey	Dollar		457.00						457.00
Robert Karem:									
Jordan	Dollar		188.00						188.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL McCONNELL FOR TRAVEL FROM OCT. 3 TO OCT. 11, 2003—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kuwait	Dollar		728.00						728.00
Pakistan	Dollar		226.00						226.00
Turkey	Dollar		457.00						457.00
John Eisold:									
Jordan	Dollar		238.00						238.00
Kuwait	Dollar		778.00						778.00
Pakistan	Dollar		226.00						226.00
Turkey	Dollar		557.00						557.00
Delegation Expenses.									
							12,196.20		12,196.20
Total			12,839.00				12,196.20		25,035.20

BILL FRIST,
Majority Leader, Feb. 10, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SENATOR BILL FRIST, MAJORITY LEADER, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Julia Hart:									
Australia	Dollar		1,242.00						1,242.00
New Zealand	Dollar		971.00						971.00
Steve Biegun:									
Germany	Euro		808.00						808.00
Total			3,021.00						3,021.00

BILL FRIST,
Majority Leader, Apr. 26, 2004.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 659, 660, 661, 662, 664, 665, 667, 669, 672, 673, 674, 677, 678, 679, 680, 681, 682, 683, and 686.

I further ask unanimous consent that the nominations be confirmed en bloc, the motion to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Scott H. DeLisi, of Minnesota, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Eritrea.

Aubrey Hooks, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cote d'Ivoire.

Craig A. Kelly, of California, a Career Member of the Senior Foreign Service, Class of Minister Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chile.

Thomas Bolling Robertson, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Slovenia.

Marc McGowan Wall, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

John Campbell, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Michael Christian Polt, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Serbia and Montenegro.

John M. Ordway, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kazakhstan.

Thomas Neil Hull III, of New Hampshire, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sierra Leone.

Roger A. Meece, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Congo.

Lauren Moriarty, of Hawaii, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during her tenure of service as United States Senior Official to the Asia-Pacific Economic Cooperation Forum.

Michele J. Sison, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Arab Emirates.

Thomas Charles Krajeski, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Yemen.

Christopher R. Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

Michael W. Marine, of Vermont, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Republic of Vietnam.

Jeffrey D. Feltman, of Ohio, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

Patricia M. Haslach, of Oregon, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People's Democratic Republic.

Richard LeBaron, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

David Michael Satterfield, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemite Kingdom of Jordan.

ADDITIONAL PROTOCOL TO INVESTMENT TREATY WITH ROMANIA

ADDITIONAL PROTOCOL AMENDING INVESTMENT TREATY WITH BULGARIA

INVESTMENT PROTOCOL WITH ESTONIA

ADDITIONAL INVESTMENT PROTOCOL WITH THE CZECH REPUBLIC

ADDITIONAL INVESTMENT PROTOCOL WITH THE SLOVAK REPUBLIC

ADDITIONAL INVESTMENT PROTOCOL WITH LATVIA

ADDITIONAL INVESTMENT PROTOCOL WITH LITHUANIA

ADDITIONAL PROTOCOL CONCERNING BUSINESS AND ECONOMIC RELATIONS WITH POLAND

Mr. FRIST. I ask unanimous consent that the Senate proceed to consider the following treaties on today's Executive Calendar: Nos. 17, 18, 19, 20, 21, 22, 23, and 24.

I further ask unanimous consent that the treaties be treated as having passed through their various parliamentary stages, up to and including the presentation of the resolutions of ratification; further, that any committee provisos, declarations, and understandings be agreed to, that any statements be printed in the RECORD, and that the Senate take one vote on the resolutions of ratification to be considered as separate votes; further, that when the resolutions of ratification are voted on, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and following the disposition of the treaties, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division is requested. Senators in favor of the resolutions of ratification will rise and stand until counted.

All those opposed to ratification, please rise and stand until counted.

On a division, two-thirds of the Senators present and having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification agreed to are as follows:

[Treaty Doc. 108-13 Additional Protocol to Investment Treaty With Romania]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Additional Protocol Between the Government of the United States of America and the Government of Romania Concerning the Reciprocal Encouragement and Protection of Investment of May 28, 1992, signed at Brussels on September 22, 2003 (T. Doc. 108-13).

[Treaty Doc. 108-15 Additional Protocol Amending Investment Treaty With Bulgaria]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Additional Protocol Between the United States of America and the Republic of Bulgaria Amending the Treaty Between the United States of America and the Republic of Bulgaria Concerning the Encouragement and Reciprocal Protection of Investment of September 23, 1992, signed at Brussels on September 22, 2003 (T. Doc. 108-15).

[Treaty Doc. 108-17 Investment Protocol With Estonia (Exec. Rept. No. 108-13)]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Protocol Between the Government of the United States of America and the Government of the Republic of Estonia to the Treaty for the Encouragement and Reciprocal Protection of Investment of April 19, 1994, signed at Brussels on October 24, 2003 (T. Doc. 108-17).

[Treaty Doc. 108-18 Additional Investment Protocol With the Czech Republic (Exec. Rept. No. 108-13)]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Additional Protocol Between the United States of America and the Czech Republic to the Treaty Between the United States of America and the Czech and Slovak Federal Republic Concerning the Reciprocal Encouragement and Protection of Investment of October 22, 1991, signed at Brussels on December 10, 2003 (T. Doc. 108-18).

[Treaty Doc. 108-19 Additional Investment Protocol With the Slovak Republic (Exec. Rept. No. 108-13)]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Additional Protocol Between the United States of America and the Slovak Republic to the Treaty Between the United States of America and the Czech and Slovak Federal Republic Concerning the Reciprocal Encouragement and Protection of Investment of October 22, 1991, signed at Brussels on September 22, 2003 (T. Doc. 108-19).

[Treaty Doc. 108-20 Additional Investment Protocol With the Latvia (Exec. Rept. No. 108-13)]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Additional Protocol Between the Government of the United States of America and the Government of the Republic of Latvia to the Treaty for the Encouragement and Reciprocal Protection of Investment of January 13, 1995, signed at Brussels on September 22, 2003 (T. Doc. 108-20).

[Treaty Doc. 108-21 Additional Investment Protocol With Lithuania (Exec. Rept. No. 108-13)]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Additional Protocol Between the Government of the United States of America and the Government of the Republic of Lithuania to the Treaty for the Encouragement and Reciprocal Protection of Investment of January 14, 1998, signed at Brussels on September 22, 2003 (T. Doc. 108-21).

[Treaty Doc. 108-22 Additional Protocol Concerning Business and Economic Relations With Poland (Exec. Rept. No. 108-13)]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Additional Protocol Between the United States of America and the Republic of Poland to the Treaty Between the United States of America and the Republic of Poland Concerning Business and Economic Relations of March 21, 1990, signed at Brussels on January 12, 2004 (T. Doc. 108-22).

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

MEASURES READ THE FIRST TIME—H.R. 4227 AND H.R. 2771

Mr. FRIST. Mr. President, I understand that H.R. 4227 and H.R. 2771 are at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. Without objection, the clerk will report the bills by title.

The legislative clerk read as follows:

A bill (H.R. 4227) to amend the Internal Revenue Code of 1986 to extend to 2005 the alternative minimum tax relief available in 2003 and 2004 and to index such relief for inflation.

A bill (H.R. 2771) to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program.

Mr. FRIST. Mr. President, I now ask for a second reading en bloc and, in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bills will be read a second time on the next legislative day.

PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of calendar No. 492, S. 2092.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2092) to address the participation of Taiwan in the World Health Organization.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 2092

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. CONCERNING THE PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION.

[*(a)* FINDINGS.—*Congress makes the following findings:*

[(1) Good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve the public health.

[(2) Direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially today with the great potential for the cross-border spread of various infectious diseases such as the human immunodeficiency virus (HIV), tuberculosis, and malaria.

[(3) Taiwan's population of 23,500,000 people is greater than that of ¾ of the member states already in the World Health Organization (WHO).

[(4) Taiwan's achievements in the field of health are substantial, including—

[(A) attaining—

[(i) 1 of the highest life expectancy levels in Asia; and

[(ii) maternal and infant mortality rates comparable to those of western countries;

[(B) eradicating such infectious diseases as cholera, smallpox, the plague, and polio; and

[(C) providing children with hepatitis B vaccinations.

[(5) The United States Centers for Disease Control and Prevention and its counterpart agencies in Taiwan have enjoyed close collaboration on a wide range of public health issues.

[(6) In recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the WHO.

[(7) On January 14, 2001, an earthquake, registering between 7.6 and 7.9 on the Richter scale, struck El Salvador. In response, the Taiwanese Government sent 2 rescue teams, consisting of 90 individuals specializing in firefighting, medicine, and civil engineering. The Taiwanese Ministry of Foreign Affairs also donated $200,000 in relief aid to the Salvadoran Government.

[(8) The World Health Assembly has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974, the Order of Malta, and the Holy See in the early 1950's.

[(9) The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations.

[(10) Public Law 106–137 required the Secretary of State to submit a report to Congress on efforts by the executive branch to support Taiwan's participation in international organizations, in particular the WHO.

[(11) In light of all benefits that Taiwan's participation in the WHO can bring to the state of health not only in Taiwan, but also regionally and globally, Taiwan and its 23,500,000 people should have appropriate and meaningful participation in the WHO.

[(12) On May 11, 2001, President Bush stated in a letter to Senator Murkowski that the United States "should find opportunities for Taiwan's voice to be heard in international organizations in order to make a contribution, even if membership is not possible", further stating that the administration "has focused on finding concrete ways for Taiwan to benefit and contribute to the WHO".

[(13) In his speech made in the World Medical Association on May 14, 2002, Secretary of Health and Human Services, Tommy Thompson, announced "America's work for a healthy world cuts across political lines. That is why my government supports Taiwan's efforts to gain observership status at the World Health Assembly. We know this is a controversial issue, but we do not shrink from taking a public stance on it. The people of Taiwan deserve the same level of public health as citizens of every nation on earth, and we support them in their efforts to achieve it".

[(14) The Government of the Republic of China on Taiwan, in response to an appeal from the United Nations and the United States for resources to control the spread of HIV/AIDS, donated $1,000,000 to the Global Fund to Fight AIDS, Tuberculosis and Malaria in December 2002.

[(15) In 2003, the outbreak of Severe Acute Respiratory Syndrome (SARS) caused 73 deaths in Taiwan.

[(16) Avian influenza, commonly known as bird flu, has reemerged in Asia with strains of the influenza reported by the People's Republic of China, Cambodia, Indonesia, Japan, Pakistan, South Korea, Taiwan, Thailand, Vietnam, and Laos.

[(17) The SARS and avian influenza outbreaks illustrate that disease knows no boundaries and emphasize the importance of allowing all people access to the WHO.

[(18) As the pace of globalization quickens and the spread of infectious disease accelerates, it is crucial that all people, including the people of Taiwan, be given the opportunity to participate in international health organizations such as the WHO.

[(19) The Secretary of Health and Human Services acknowledged during the 2003 World Health Assembly meeting that "[t]he need for effective public health exists among all peoples".

[(b) PLAN.—The Secretary of State is authorized to—

[(1) initiate a United States plan to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly in May 2004 in Geneva, Switzerland;

[(2) instruct the United States delegation to the World Health Assembly in Geneva to implement that plan; and

[(3) introduce a resolution in support of observer status for Taiwan at the summit of the World Health Assembly.

[(c) REPORT.—Not later than 14 days after the date of enactment of this Act, the Secretary of State shall submit a report to Congress in unclassified form describing the action taken to carry out the plan described in subsection (b).]

SECTION 1. CONCERNING THE PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION.

(a) FINDINGS.—Congress makes the following findings:

(1) Good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve the public health.

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(3) Taiwan's population of 23,500,000 people is greater than that of ¾ of the member states already in the World Health Organization (WHO).

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(A) attaining—

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(ii) maternal and infant mortality rates comparable to those of western countries;

(B) eradicating such infectious diseases as cholera, smallpox, the plague, and polio; and

(C) providing children with hepatitis B vaccinations.

(5) The United States Centers for Disease Control and Prevention and its counterpart agencies in Taiwan have enjoyed close collaboration on a wide range of public health issues.

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(9) The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations.

(10) Public Law 106–137 required the Secretary of State to submit a report to Congress on efforts by the executive branch to support Taiwan's participation in international organizations, in particular the WHO.

(11) In light of all benefits that Taiwan's participation in the WHO can bring to the state of health not only in Taiwan, but also regionally and globally, Taiwan and its 23,500,000 people should have appropriate and meaningful participation in the WHO.

(12) On May 11, 2001, President Bush stated in a letter to Senator Murkowski that the United States "should find opportunities for Taiwan's voice to be heard in international organizations in order to make a contribution, even if membership is not possible", further stating that the administration "has focused on finding concrete ways for Taiwan to benefit and contribute to the WHO".

(13) In his speech made in the World Medical Association on May 14, 2002, Secretary of Health and Human Services Tommy Thompson announced "America's work for a healthy world cuts across political lines. That is why my government supports Taiwan's efforts to gain observership status at the World Health Assembly. We know this is a controversial issue, but we do not shrink from taking a public stance on it. The people of Taiwan deserve the same level of public health as citizens of every nation on earth, and we support them in their efforts to achieve it".

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influenza reported by the People's Republic of China, Cambodia, Indonesia, Japan, Pakistan, South Korea, Taiwan, Thailand, Vietnam, and Laos.

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(18) As the pace of globalization quickens and the spread of infectious disease accelerates, it is crucial that all people, including the people of Taiwan, be given the opportunity to participate in international health organizations such as the WHO.

(19) The Secretary of Health and Human Services acknowledged during the 2003 World Health Assembly meeting that "[t]he need for effective public health exists among all peoples".

(b) PLAN.—The Secretary of State is authorized to—

(1) initiate a United States plan to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly each year in Geneva, Switzerland;

(2) instruct the United States delegation to the World Health Assembly in Geneva to implement that plan; and

(3) introduce a resolution in support of observer status for Taiwan at the summit of the World Health Assembly.

(c) REPORT CONCERNING OBSERVER STATUS FOR TAIWAN AT THE SUMMIT OF THE WORLD HEALTH ASSEMBLY.—Not later than 30 days after the date of the enactment of this Act, and not later than April 1 of each year thereafter, the Secretary of State shall submit a report to the Congress, in unclassified form, describing the United States plan to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly (WHA) held by the World Health Organization (WHO) in May of each year in Geneva, Switzerland. Each report shall include the following:

(1) An account of the efforts the Secretary of State has made, following the last meeting of the World Health Assembly, to encourage WHO member states to promote Taiwan's bid to obtain observer status.

(2) The steps the Secretary of State will take to endorse and obtain observer status at the next annual meeting of the World Health Assembly in Geneva, Switzerland.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee substitute amendment be adopted, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment, in the nature of a substitute, was agreed to.

The bill (S. 2092), as amended, was read the third time and passed.

RECOGNIZING AND HONORING THE 50TH ANNIVERSARY OF THE SUPREME COURT DECISION IN BROWN v. BOARD OF EDUCATION OF TOPEKA

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 349, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 349) recognizing and honoring May 17, 2004, as the 50th anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 349) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 349

Whereas May 17, 2004, marks the 50th anniversary of the Supreme Court decision in the case of Brown v. Board of Education of Topeka, 347 U.S. 483 (1954);

Whereas in the 1896 case of Plessy v. Ferguson, 163 U.S. 537 (1896), the Supreme Court upheld the doctrine of "separate but equal", which allowed the continued segregation of common carriers, and, by extension, of public schools, in the United States based on race;

Whereas racial segregation and the doctrine of "separate but equal" resulted in separate schools, housing, and public accommodations that were inferior and unequal for African-Americans and many other minorities, severely limited the educational opportunities of generations of racial minorities, negatively impacted the lives of the people of the United States, and inflicted severe harm on American society;

Whereas in 1945, Mexican-American students in California successfully challenged the constitutionality of their segregation on the basis of national origin in Westminster School District of Orange County v. Mendez (161 F.2d 774 (9th Cir. 1947));

Whereas in 1951, Oliver Brown, on behalf of his daughter Linda Brown, an African-American third grader, filed suit against the Board of Education of Topeka after Linda was denied admission to an all-white public school in Topeka, Kansas;

Whereas in 1952, the Supreme Court combined Oliver Brown's case (Brown v. Board of Education of Topeka, 98 F. Supp. 797 (D. Kan. 1951)) with similar cases from Delaware (Gebhart v. Belton, 91 A.2d 137 (Del. 1952)), South Carolina (Briggs v. Elliott, 98 F. Supp. 529 (E.D.S.C. 1951)), and Virginia (Davis v. County School Board of Prince Edward County, 103 F. Supp. 337 (E.D. Va. 1952)) challenging racial segregation in education and determined that the constitutionality of segregation in public schools in the District of Columbia would be considered separately in Bolling v. Sharpe, 347 U.S. 497 (1954);

Whereas the students in these cases argued that the inequality caused by the segregation of public schools was a violation of their right to equal protection under the law;

Whereas on May 17, 1954, in Brown v. Board of Education of Topeka, the Supreme Court overturned the decision of Plessy v. Ferguson, concluding that "in the field of public education, the doctrine of 'separate but equal' has no place" and, on that same date, in Bolling v. Sharpe, held that the doctrine of "separate but equal" also violated the fifth amendment to the Constitution; and

Whereas the decision in Brown v. Board of Education of Topeka is of national importance and profoundly affected all people of the United States by outlawing racial segregation in education and providing a foundation on which to build greater equality: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors May 17, 2004, as the 50th anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka;

(2) encourages all people of the United States to recognize the importance of the Supreme Court decision in Brown v. Board of Education of Topeka; and

(3) acknowledges the need for the Nation to recommit to the goals and purposes of this landmark decision to finally realize the dream of equal educational opportunity for all children of the United States.

50TH ANNIVERSARY OF BROWN v. BOARD OF EDUCATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 102 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 102) to express the sense of the Congress regarding the 50th anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWNBACK. Mr. President, it gives me great pleasure to speak on behalf of the passage of S. Con. Res. 102, which honours the 50th anniversary of the landmark Supreme Court decision, Brown et al. v. Board of Education of Topeka, Kansas et al.

As you may know, the history of desegregating our public school system started before Brown with such cases as Murray v. Maryland and Sweatt v. Painter. But it was Brown v. Board of Education that caught fire and changed the course of Americas history and the way in which we view equality in the eyes of the law.

Before Brown, many States held and enforced racially segregated laws enforced, which was an atrocious practice. Many individuals cited the 1896 Plessy v. Ferguson case, which sanctioned the separate but equal doctrine, as the grounds for keeping school segregation legal.

Oliver Brown, a citizen of Topeka, KS, along with other individuals, filed a lawsuit against the Topeka School Board on behalf of his 7-year-old daughter, Linda. Like other young African Americans, Linda had to cross a set of railroad tracks and board a bus to take her to the "colored" school on the other side of the city from where she lived—even though a school for white children was located only a few blocks from her home.

There were many notable African Americans who helped to bring this case to the United States Supreme Court; however, none so famous as Supreme Court Justice Thurgood Marshall, who valiantly defended the rights of not only Linda Brown and the other defendants in the case, but of an entire race of individuals who were treated as second class citizens.

On May 17, 1954, the Supreme Court rendered its decision to rule racial segregation in schools unconstitutional. Further, the Supreme Court found the "separate but equal" doctrine to be in violation of the 14th amendment of the United States Constitution, which states, among other things, that, "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

When the Court ruled, in 1954, that school segregation laws were unconstitutional, the Supreme Court demolished the legal foundation on which racial segregation stood. The Court's opinion, written and delivered by Chief Justice Earl Warren, also served as a stirring moral indictment of racial segregation, and an eloquent challenge to America to cast off its prejudices and extend its promises of life, liberty, and the pursuit of happiness to all citizens, regardless of race or color.

I would like to take this opportunity to thank the many individuals who worked tirelessly to ensure that the 50th anniversary celebration of this case is recognized world wide. Most notably, I would like to thank Cheryl Brown Henderson, the Brown Foundation and the Brown v. Board of Education National Historic Site for their steadfast and unwavering commitment to the legacy established by the *Brown* decision. I would also like to thank and commend the work of the Brown v. Board of Education 50th Anniversary Commission. Finally I would like to recognize all of the cases that comprise the *Brown* decision.

BELTON V. GEBHART (BULAH V. GIBHART)—DELAWARE

First petitioned in 1951, the local cases, Belton v. Gebhart and Bulah v. Gibhart, challenged the inferior conditions of two African American schools. In the suburb of Claymont, DE, African American children were prohibited from attending the area's local high school. In the rural community of Hockessin, Delaware, African American students were forced to attend a dilapidated one-room schoolhouse and were not provided transportation to the school, while white children in the area were provided transportation and a better school facility. Both cases were represented by a local NAACP attorney. Though the State Supreme Court ruled in favor of the plaintiffs, the decision did not apply to all schools in Delaware.

BOLLING, ET AL. V. C. MELVIN SHARPE, ET AL.—DISTRICT OF COLUMBIA

Eleven African American Junior high School students were taken on a field trip to Washington, D.C.'s new John Phillip Sousa School for whites only. The African American students were denied admittance to the school and ordered to return to their inadequate school. in 1951, a suite was filed on behalf of the students. After review with the *Brown* case in 1954, the U.S. Supreme Court ruled that segregation in the Nation's capital was unconstitutional.

BRIGGS V. R.W. ELLIOTT

In Claredon County, SC, the State NAACP first attempted, unsuccessfully and with a single plaintiff, to take legal action in 1974 against the inferior conditions African American students experienced under South Carolina's racially segregated school system. By 1951, community activists convinced the African American parents to join the NAACP efforts to file a class action suite in U.S. District Court. The court found that the schools designated for African Americans were grossly inadequate in terms of buildings, transportation and teacher's salaries when compared to the schools provided for whites. An order to equalize the facilities was virtually ignored by school officials and the schools were never made equal.

BROWN V. BOARD

In Kansas there were 11 school integration cases dating from 1881 to 1949, prior to *Brown* in 1854. In many instances the schools for African American children were substandard facilities with out-of-date textbooks and often no basic school supplies. In the fall of 1950, members of the Topeka, Kansas Chapter of the NAACP agreed to again challenge the "separate but equal" doctrine governing public education. On February 28, 1951, the NAACP filed their case as Oliver L. Brown et al. vs. The Board of Education of Topeka Kansas, which represented a group of 13 parents and 20 children. The District Court ruled in favor of the school board and the case was appealed to the U.S. Supreme Court. At the Supreme Court level, their case was combined with other NAACP cases from Delaware, South Carolina, Virginia and Washington, D.C., which was later heard separately. The combined cases became known as Oliver L. Brown, et al. vs. The Board of Education of Topeka, et al.

DAVIS, ET AL. V. PRINCE EDWARD COUNTY BOARD OF SUPERVISORS

One of the few public high schools available to African Americans in the State of Virginia was Robert Moton High School in Prince Edward County. Built in 1943, it was never large enough to accommodate its student population. The gross inadequacies of these classrooms sparked a student strike in 1951. The NAACP soon joined their struggles and challenged the inferior quality of their school facilities in court. Although the U.S. District Court ordered that the plaintiffs be provided with equal school facilities, they were denied access to the white schools in their area.

I am encouraged and hopeful that the Nation will join with me and celebrate this magnificent achievement in American History.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 102) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 102

Whereas Oliver L. Brown is the namesake of the landmark United States Supreme Court decision of 1954, Brown v. Board of Education (347 U.S. 483, 1954);

Whereas Oliver L. Brown is honored as the lead plaintiff in the Topeka, Kansas case which posed a legal challenge to racial segregation in public education;

Whereas by 1950, African-American parents began to renew their efforts to challenge State laws that only permitted their children to attend certain schools, and as a result, they organized through the National Association for the Advancement of Colored People (the NAACP), an organization founded in 1909 to address the issue of the unequal and discriminatory treatment experienced by African-Americans throughout the country;

Whereas Oliver L. Brown became part of the NAACP strategy led first by Charles Houston and later by Thurgood Marshall, to file suit against various school boards on behalf of such parents and their children;

Whereas Oliver L. Brown was a member of a distinguished group of plaintiffs in cases from Kansas (Brown v. Board of Education), Delaware (Gebhart v. Belton), South Carolina (Briggs v. Elliot), and Virginia (Davis v. County School Board of Prince Edward County) that were combined by the United States Supreme Court in Brown v. Board of Education, and in Washington, D.C. (Bolling v. Sharpe), considered separately by the Supreme Court with respect to the District of Columbia;

Whereas with respect to cases filed in the State of Kansas—

(1) there were 11 school integration cases dating from 1881 to 1949, prior to Brown v. Board of Education in 1954;

(2) in many instances, the schools for African-American children were substandard facilities with out-of-date textbooks and often no basic school supplies;

(3) in the fall of 1950, members of the Topeka, Kansas chapter of the NAACP agreed to again challenge the "separate but equal" doctrine governing public education;

(4) on February 28, 1951, the NAACP filed their case as Oliver L. Brown et al. v. The

Board of Education of Topeka Kansas (which represented a group of 13 parents and 20 children);

(5) the district court ruled in favor of the school board and the case was appealed to the United States Supreme Court;

(6) at the Supreme Court level, the case was combined with other NAACP cases from Delaware, South Carolina, Virginia, and Washington, D.C. (which was later heard separately); and

(7) the combined cases became known as Oliver L. Brown et al. v. The Board of Education of Topeka, et al.;

Whereas with respect to the Virginia case of Davis et al. v. Prince Edward County Board of Supervisors—

(1) one of the few public high schools available to African-Americans in the State of Virginia was Robert Moton High School in Prince Edward County;

(2) built in 1943, it was never large enough to accommodate its student population;

(3) the gross inadequacies of these classrooms sparked a student strike in 1951;

(4) the NAACP soon joined their struggles and challenged the inferior quality of their school facilities in court; and

(5) although the United States District Court ordered that the plaintiffs be provided with equal school facilities, they were denied access to the schools for white students in their area;

Whereas with respect to the South Carolina case of Briggs v. R.W. Elliott—

(1) in Clarendon County, South Carolina, the State NAACP first attempted, unsuccessfully and with a single plaintiff, to take legal action in 1947 against the inferior conditions that African-American students experienced under South Carolina's racially segregated school system;

(2) by 1951, community activists convinced African-American parents to join the NAACP efforts to file a class action suit in United States District Court;

(3) the court found that the schools designated for African-Americans were grossly inadequate in terms of buildings, transportation, and teacher salaries when compared to the schools provided for white students; and

(4) an order to equalize the facilities was virtually ignored by school officials, and the schools were never made equal;

Whereas with respect to the Delaware cases of Belton v. Gebhart and Bulah v. Gebhart—

(1) first petitioned in 1951, these cases challenged the inferior conditions of 2 African-American schools;

(2) in the suburb of Claymont, Delaware, African-American children were prohibited from attending the area's local high school, and in the rural community of Hockessin, Delaware, African-American students were forced to attend a dilapidated 1-room schoolhouse, and were not provided transportation to the school, while white children in the area were provided transportation and a better school facility;

(3) both plaintiffs were represented by local NAACP attorneys; and

(4) though the State Supreme Court ruled in favor of the plaintiffs, the decision did not apply to all schools in Delaware;

Whereas with respect to the District of Columbia case of Bolling, et al. v. C. Melvin Sharpe, et al.—

(1) 11 African-American junior high school students were taken on a field trip to Washington, D.C.'s new John Philip Sousa School for white students only;

(2) the African-American students were denied admittance to the school and ordered to return to their inadequate school; and

(3) in 1951, a suit was filed on behalf of the students, and after review with the Brown case in 1954, the United States Supreme Court ruled that segregation in the Nation's capital was unconstitutional;

Whereas on May 17, 1954, at 12:52 p.m., the United States Supreme Court ruled that the discriminatory nature of racial segregation "violates the 14th Amendment to the Constitution, which guarantees all citizens equal protection of the laws";

Whereas the decision in Brown v. Board of Education set the stage for dismantling racial segregation throughout the country;

Whereas the quiet courage of Oliver L. Brown and his fellow plaintiffs asserted the right of African-American people to have equal access to social, political, and communal structures;

Whereas our country is indebted to the work of the NAACP Legal Defense and Educational Fund, Inc., Howard University Law School, the NAACP, and the individual plaintiffs in the cases considered by the Supreme Court;

Whereas Reverend Oliver L. Brown died in 1961, and because the landmark United States Supreme Court decision bears his name, he is remembered as an icon for justice, freedom, and equal rights; and

Whereas the national importance of the Brown v. Board of Education decision had a profound impact on American culture, affecting families, communities, and governments by outlawing racial segregation in public education, resulting in the abolition of legal discrimination on any basis: Now therefore be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the Congress recognizes and honors the 50th anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka;

(2) the Congress encourages all people of the United States to recognize the importance of the Supreme Court decision in Brown v. Board of Education of Topeka; and

(3) by celebrating the 50th anniversary of the Brown v. Board of Education of Topeka, the Nation will be able to refresh and renew the importance of equality in society.

AUTHORIZING DOCUMENT PRODUCTION BY COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 355 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 355) to authorize the production of records by the Committee on Commerce, Science, and Transportation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, the Committee on Commerce, Science, and Transportation has been conducting an oversight inquiry triggered by press reports and court records suggesting that United States Olympic sport athletes may have used banned performance-enhancing drugs without detection. As part of its inquiry, the committee obtained by subpoena documents from a federal criminal investigation regarding the alleged sale and distribution of such drugs to U.S. Olympic sport athletes.

After conducting a confidential review of the subpoenaed records, the committee held a closed hearing on May 5, 2004, to explore whether current U.S. Olympic sport athlete drug-testing policies, resources, and authority are sufficient to deter such athletes from using banned performance-enhancing drugs. The committee specifically considered the implications of the potential participation in this summer's Olympic Games of U.S. Olympic sport athletes who may have used banned performance-enhancing drugs. Representatives of the United States Olympic Committee and of the United States Anti-Doping Agency testified at the committee's hearing.

Both organizations have requested that the committee share the confidential records it received in the course of its inquiry with the U.S. Anti-Doping Agency, which is the independent agency that enforces anti-doping rules for the U.S. Olympic Committee and the Olympic sport federations. Both organizations have advised the committee that they view it as critical to the credibility and reputation of American sport that the U.S. Anti-Doping Agency obtain timely access to these records to enable it to use them as evidence, if justified, in disciplinary proceedings prior to the selection of the U.S. Olympic team that will compete in the 2004 Summer Olympic Games in Athens, Greece.

This resolution would authorize the chairman and ranking member of the Commerce Committee, acting jointly, to provide documents from the committee's inquiry to the U.S. Anti-Doping Agency in response to these requests.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 355) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 355

Whereas, the Committee on Commerce, Science, and Transportation has been conducting an inquiry into the potential use of banned performance-enhancing drugs by U.S. Olympic sport athletes;

Whereas, the Committee has received requests from both the U.S. Olympic Committee and the U.S. Anti-Doping Agency that the latter gain access to records of the Committee's inquiry;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Commerce, Science, and Transportation, acting jointly, are authorized to provide to the U.S. Anti-Doping Agency the documents subpoenaed by the Committee regarding the potential use of banned performance-enhancing drugs by U.S. Olympic sport athletes.

CELEBRATING MOTHERHOOD

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 348 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 348) to protect, promote, and celebrate motherhood.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 348) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 348

Whereas the second Sunday of May is observed as Mother's Day;

Whereas motherhood and childhood are entitled to special assistance;

Whereas mothers have a unique bond with their children;

Whereas the work of mothers is of paramount importance, but often undervalued and demeaned;

Whereas mothers' concerns about their children and their education should be supported by the national agenda;

Whereas a child's healthy relationship with the mother predicts higher self-esteem and resiliency in dealing with life events;

Whereas the complementary roles and contributions of fathers and mothers should be recognized and encouraged;

Whereas mothers have an indispensable role in building and transforming society to build a culture of life; and

Whereas mothers along with their husbands, form an emotional template for a child's future relationships: Now therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of mothers to a healthy society; and

(2) calls on the people of the United States to observe Mother's Day by considering how society can better respect and support motherhood.

ORDERS FOR FRIDAY, MAY 7, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, May 7. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, we have had a number of discussions as to how we might go about finishing the FSC/ETI JOBS bill. Unfortunately, we have been unable to reach an agreement this afternoon and tonight. It appears it will be necessary to file cloture tomorrow. We will continue to discuss our options on Friday and early next week, but I do believe that it is now time for us to finish this bill. I am disappointed in the number of amendments that Members have indicated they intend to offer, many of which have nothing to do with the underlying bill.

At this point, I announce that no rollcall votes will occur on Friday, and all Members should be aware that the next rollcall vote can be expected Monday evening. I will say more on Monday's schedule tomorrow.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I noticed in the statement of the leader—I think it was a fair statement—that many amendments have nothing to do with the underlying bill, and he didn't designate that only Democrats were contemplating amendments that may not be pertinent to the bill. I am disappointed we have not been able to complete this legislation, as I indicated earlier. We are very close.

I repeat very quickly, because I have said it before, we have four contentious amendments. The total time we would take would be an hour and 35 minutes. We have the Made in America amendment by Senator FEINGOLD; the Lautenberg amendment dealing with foreign subsidiaries doing business with terrorist nations; the Corzine amendment dealing with section 301, which is having the President enforce the trade laws; then we had unemployment compensation. I am disappointed that we have not been able to get to those because I think it is important that we are able to do this bill.

We are going to pass this bill. It is only a question of time. This bill is so important that we, the Congress, and the President cannot leave here without passing this legislation. This is a must-pass piece of legislation. It is only a question of how we get there. I think we would have been better off dealing with these amendments and going on to something else.

The leader made a decision that cloture must be filed, and time will only tell whether cloture will be invoked. We have heard there may be an opportunity to vote on at least one of the contentious amendments. I hope that is the case. That may make things a little better. Everybody has tried hard and, in my opinion, it is not the fault of the managers of the bill. I know they have devoted a lot of time, energy, and effort to this most important piece of legislation. I understand where we are procedurally. I understand what the leader has stated.

Mr. FRIST. Mr. President, very briefly, in response, we have had a very productive week. As I set out really 2 weeks ago, and again last Friday and Monday, I agreed that we would work hard every day this week and we would consider relevant amendments, and we would consider amendments that may not be considered relevant on both sides of the aisle, and we have indeed considered germane amendments that really pertain to and are germane to the bill, and nongermane amendments. It is a matter of definition. We have done just that on Monday, Tuesday, Wednesday, and Thursday.

We have reached the end of the week, having cast votes on a number of amendments and accepted others, working together. I, too, congratulate the managers for working together and moving this bill forward.

At this juncture, we plan on filing cloture tomorrow, and that means we will still, once cloture is obtained—I hope it is obtained—we still will be considering germane amendments to the underlying bill. We have had a productive week and considered a lot of amendments.

Although there is some disagreement about the best approach, I want to bring this to a close. We will have amendments in the early part of next week and they will be germane amendments.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:09 p.m., adjourned until Friday, May 7, 2004, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 6, 2004:

DEPARTMENT OF STATE

RALPH LEO BOYCE, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND.

JOHN MARSHALL EVANS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

JOHN D. ROOD, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JEFFREY B. KOHLER, 6994

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN F. REGNI, 3567

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES N. MATTIS, 7981

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. RANDOLPH D. ALLES, 0706
COL. JOSEPH F. DUNFORD JR., 3240
COL. PAUL E. LEFEBVRE, 3546
COL. RICHARD P. MILLS, 1153
COL. MARTIN POST, 9807

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF THE BUREAU OF MEDICINE AND SURGERY AND SURGEON GENERAL AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5137:

To be vice admiral

REAR ADM. DONALD C. ARTHUR JR., 7104

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JUSTIN D. MCCARTHY, 7761

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JONATHAN W. GREENERT, 8869

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. KEVIN J. COSGRIFF, 3968

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) ALAN S. THOMPSON, 2891

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. PETER M. GRANT III, 3624

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) NANCY J. LESCAVAGE, 7676

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MARK W. BALMERT, 8404

CONFIRMATIONS

Executive nominations confirmed by the Senate May 6, 2004:

DEPARTMENT OF STATE

SCOTT H. DELISI, OF MINNESOTA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF ERITREA.

AUBREY HOOKS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COTE D'IVOIRE.

CRAIG A. KELLY, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHILE.

THOMAS BOLLING ROBERTSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

MARC MCGOWAN WALL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHAD.

JOHN CAMPBELL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF NIGERIA.

MICHAEL CHRISTIAN POLT, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SERBIA AND MONTENEGRO.

JOHN M. ORDWAY, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KAZAKHSTAN.

THOMAS NEIL HULL III, OF NEW HAMPSHIRE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SIERRA LEONE.

ROGER A. MEECE, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF THE CONGO.

LAUREN MORIARTY, OF HAWAII, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS UNITED STATES SENIOR OFFICIAL TO THE ASIA-PACIFIC ECONOMIC COOPERATION FORUM.

MICHELE J. SISON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED ARAB EMIRATES.

THOMAS CHARLES KRAJESKI, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF YEMEN.

CHRISTOPHER R. HILL, OF RHODE ISLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOREA.

MICHAEL W. MARINE, OF VERMONT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SOCIALIST REPUBLIC OF VIETNAM.

JEFFREY D. FELTMAN, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LEBANON.

PATRICIA M. HASLACH, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.

RICHARD LEBARON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF KUWAIT.

JOHN D. NEGROPONTE, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRAQ.

DAVID MICHAEL SATTERFIELD, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HASHEMITE KINGDOM OF JORDAN.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWALS

Executive message transmitted by the President to the Senate on May 06, 2004, withdrawing from further Senate consideration the following nominations:

FREDRICK W. ROHLFING III, OF HAWAII, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII, WHICH WAS SENT TO THE SENATE ON JANUARY 7, 2003.

JOSE A. FOURQUET, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2004, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2003.

JOSE A. FOURQUET, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2004, WHICH WAS SENT TO THE SENATE ON OCTOBER 1, 2003.

EXTENSIONS OF REMARKS

NATIONAL DAY TO PREVENT TEEN PREGNANCY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to honor the National Day to Prevent Teen Pregnancy. We have much to celebrate as a country in respect to teen pregnancies and birth. Teen pregnancy, abortion and birth rates have all declined: the birth rate is down 31 percent from 1991–2002 and the teen pregnancy rate is down 28 percent from 1990–2000. While African American teens still have higher teen pregnancy rates than any other major racial/ethnic groups in the country, their rates are decreasing faster than the overall rates for teen pregnancy and birth in the United States. Between 1990 and 2000, the teen pregnancy rate among African American teens declined 31.5 percent.

There have been an exceptional number of organizations whose hard work and dedication through education and outreach services contributed to this decline. A few of those include our Community Health Center, the school health associations, the Ounce of Prevention Fund, and Planned Parenthood Federation of America.

Still, there is no room for complacency. Nearly half of our Nation's high school students have had sexual intercourse; the average age of first intercourse for boys and girls is 15 and almost 25 percent report having sex with four or more partners by 12th grade. 35 percent of girls still get pregnant by age 20 in this Nation—nearly 850,000 teen pregnancies annually. In Chicago alone, more than 7,500 babies are born to teen moms every year, 88 percent of which are out-of wedlock. The numbers of teens contracting sexually transmitted diseases are just as startling. Each year one—quarter of the estimated 12 million new cases of STD, other than HIV, in the United States occur among teenagers. Adolescents have one of the fastest increasing rates of HIV infection; an average of two young people are infected with HIV every hour of every day.

Abstinence education should be taught but not without more education explaining the risks of being sexually active. With the high percentage of adolescence having sexual intercourse and according to the Illinois Department of Public Health only 35 percent of males and females nationally use a condom during every act of sexual intercourse, we can not pretend or even wish that our young people are waiting to have sex. Education works—we have proof of that with the decline in teen pregnancies and births. We need to ensure that our young people are receiving a comprehensive sex education program to effectively teach and encourage teens to delay sexual activity. The Alan Guttmacher institute found that between 1988 and 1995, three-quarters of the decline in teen pregnancy was due to improved contraceptive use among sexually active teenagers with one quarter of the decrease due to increased abstinence.

Mr. Speaker, teen pregnancy is so closely linked to other critical social issues: child poverty, out of wedlock births, a well-trained and ready workforce, and a responsible fatherhood. Congress, communities, schools, parents, organizations and groups of faith should all join together in properly educating and demonstrating to our young people that adolescence is a time for education and growing up, not pregnancy and parenthood.

HONORING THE HISPANIC ORGANIZATION OF STUDENTS IN TECHNOLOGY/SOCIETY OF HISPANIC PROFESSIONAL ENGINEERS AT NEW JERSEY INSTITUTE OF TECHNOLOGY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Hispanic Organization of Students in Technology (HOST), the student chapter of the Society of Hispanic Professional Engineers (SHPE) at the New Jersey Institute of Technology (NJIT). They were honored at the HOST/SHPE Gala Banquet on Thursday, April 29, 2004, at Ibera Restaurant in Newark, New Jersey. This year's gala banquet featured New Jersey State Assemblyman Wilfredo Caraballo as the keynote speaker, as well as NJIT President Robert Ailtenkirch and Provost Joel Bloom.

The Hispanic Organization of Students in Technology/Society of Hispanic Professional Engineers represents a group of extremely talented and dedicated students who have shown amazing promise and success. Established in 1991, the objective of the HOST/SHPE was to create an organization to serve as a role model to the Hispanic community. Under the leadership of Student President Cynthia Camacho, HOST/SHPE has continued to excel as one of the premiere HOST organizations in the United States. With the second highest membership of a Society of Hispanic Professional Engineers student chapter nationwide, HOST/SHPE was the recipient of New Jersey Institute of Technology's Newark College of Engineering 2004 Outstanding Student Organization.

Cynthia Camacho has also been acknowledged for her outstanding leadership. At the SHPE Eastern Technical Career Conference in Washington, DC, she received the Pedro Ortiz Student Leadership Award. This award is presented to the student member who has displayed leadership qualities in activities within SHPE and their community. Ms. Camacho has served as a role model for her peers and youth, through her outstanding academic excellence and commitment to her community.

Carlomango Ontaneda, the SHPE chapter advisor at NJIT, has been an integral force in helping students achieve their goals at NJIT and beyond. For his dedication and tireless effort, Mr. Ontaneda was awarded the Society of Hispanic Professional Engineers National Technical Career Conference Educator of the Year Award.

Today, I ask my colleagues to join me in honoring the achievements of Cynthia Camacho, Mr. Ontaneda, and the talented students of the Hispanic Organization of Students in Technology/Society of Hispanic Professional Engineers at New Jersey Institute of Technology.

TRIBUTE TO STAFF SERGEANT BILLY JOE ORTON

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. BERRY. Mr. Speaker, to die for one's country, while tragic, is the ultimate honor. To die for the freedom of others may not carry with it an adequate expression to illustrate the debt it generates. Today, I rise to honor Staff Sergeant Billy Joe Orton who was killed during his tour of duty in Taji, Iraq. He was 41 years old.

Staff Sergeant Orton dedicated his life to serving our Nation bravely. He served in Panama from November 1993 to November 1996; Egypt from October 2001 to August 2002, and was ordered to active duty for "Iraqi Freedom" on Oct. 12, 2003, with the 39th Infantry Brigade in Arkansas.

His dedication to his country was surpassed only by his love for his family, friends and community. The lives he touched were evident as more than 150 people recently gathered outside the Orton home where Staff Sergeant Orton lived with his wife, Margarita, and their three children. The crowd gathered carrying lit candles and a heavy heart as the community came together to share the grief with the Orton family.

Arkansans have always been proud of their tight-knit communities, but to see such an outpouring of support is proof of the magnetic personality Orton possessed.

Staff Sergeant Billy Orton fought honorably to establish freedom and democracy, and we are all struck by the enormity of this tragedy. We will remember Staff Sergeant Orton for his honor, his mettle and his bravery. On behalf of the Congress, I extend the utmost respect for a fine American, a loving father, husband and son, and the perfect model of a patriot.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECOGNIZING BRITTANY SANDERS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Ms. Brittany Sanders of Kansas City, Missouri. Ms. Sanders has been named one of the two top youth volunteers in Missouri for 2004 in the ninth annual Prudential Spirit of Community Awards. This is an extraordinary honor; more than 20,000 young people across the country were considered for recognition this year. The Prudential Spirit of Community Award was designed to emphasize the importance our Nation places on service to others, and to encourage young Americans of all backgrounds to contribute to their communities.

Brittany was nominated by St. Charles. Borromeo Parish School in Oakview, Missouri. As a seventh grader at St. Charles Borromeo Parish School, she organized a youth service club in honor of her best friend who died from brain cancer. Brittany began with small projects on her own, donating her birthday and Christmas gifts to sick children, cleaning up her block, collecting canned goods for a food pantry, and volunteering. "Kristin's Kids Club" has grown from 10 to 400 members, and has undertaken a wide range of community service projects.

Brittany developed a newsletter and Web site to support the club's activities, and is now spending a lot of time and effort starting similar groups in other cities and States. She has raised thousands of dollars for a variety of causes, such as the poor children of Afghanistan.

Mr. Speaker, please join me in commending this exemplary young lady for her dedication to community. Brittany is an outstanding role model and an exceptionally fine asset to the Sixth District of Missouri. I am proud of her and wish her well in any future endeavor she chooses.

TRIBUTE TO ELVIN R. CALDWELL, SR.

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. DEGETTE. Mr. Speaker, I rise to honor the extraordinary life of a distinguished public servant, Elvin R. Caldwell, Sr. This remarkable gentleman merits both our recognition and esteem as his impressive record of civic leadership and invaluable service has moved our community forward and thereby, improved the lives of our people.

For Elvin Caldwell Sr., passion for social justice was not defined by the fanfare of public life. His passion was of lasting import. It was tempered by his calm bearing, firm resolve and a steady discipline which shaped civic accomplishments of immeasurable value to our community. Elvin Caldwell possessed the rare ability to transform the promise of equal justice and fair treatment into practicable reality and our lives have truly been enriched by his presence among us.

During his formative years in Denver, Caldwell knew both the racism and exclusion prevalent during the 1920's and 30's. At a young age, he participated in protest marches with his parents and the adversity he experienced forged a resolve and commitment to civil liberties that would sustain him through life's challenges. He recalled that "Denver was a very prejudiced city at one time . . . I used to watch my father—no matter how tired he was—stand out there . . . [and] I realized that I had a debt to pay for what [he] fought to achieve." Elvin Caldwell Sr. made good on that commitment and built a legacy in which we take great pride.

He graduated from East High School in Denver and earned a track scholarship to the University of Colorado. Caldwell later married "Frankie" Harriett Webb and his marriage lasted for 60 years and produced four children. By 1950, he was a successful accountant and a member of the State legislature. He served three terms in the Colorado House of Representatives, but the barriers to passing progressive legislation proved to be considerable. In 1955, Caldwell chose to take on six primary opponents in a city council race and at the age of thirty-one, he became the first African American elected to the Denver City Council. He was elected council president five times and his tenure proved to be one that was defined by resourcefulness and statesmanship. Caldwell entered city government at a time when institutionalized discrimination was the norm. Qualified African American police officers couldn't climb through the ranks, there were no black judges, and the fire department was segregated—African Americans could only serve at one fire station. These deplorable conditions set in motion Caldwell's plan for change—to rid the civil service system of practices that either marginalized African American firefighters and police officers or excluded racial minorities from public service. City government needed to be opened up and Caldwell was up to the challenge.

Change did not come swiftly but the road to a more equitable society is never easy. He knew that change is unsettling and over the next decade, Caldwell's quiet persistence overcame obstacles and got things done. Even in the face of threats and militant confrontation by groups such as the Black Panthers, Caldwell remained courteous and unflappable. He once mused that "On life's journey, it's better if you can resolve things in a calm, sensible manner . . . It may take longer, but you can usually get more done."

Caldwell's leadership in city council created formal recruitment programs to bring more minorities into Denver's public safety departments and through his perseverance and skill, the State's first Fair Employment Practices Act was made law. He became a potent force in helping to revitalize the Five Points area and helped establish the Eastside Neighborhood Health Center as well as the Five Points Community Center.

His career on city council lasted twenty-five years and after seven terms, former Denver Mayor William McNichols appointed Caldwell Manager of Safety, making him the first African American to sit in a mayoral cabinet. He served on numerous community, State and national organizations including the Board of Directors of the National Association for the Advancement of Colored People. He is credited for opening doors for other African American leaders including former Mayor Wellington E. Webb and City Council President Elbra Wedgeworth. In 1990, the Denver City Council created the Elvin R. Caldwell Community Service Plaza and on April 26, 2003, the City and County of Denver named the Blair-Caldwell African American Research Library in recognition of his lifetime of service to our community.

Recently, his portrait was hung in the library to honor him as a modest and dignified public servant who left a powerful legacy of social progress. Truly, we are all diminished by the passing of this remarkable gentleman. Please join me in paying tribute to Elvin R. Caldwell, Sr. His life was rich in consequence and his deeds serve as an inspiration to us all. The values, leadership and commitment he exhibited during his life set the mark and compel us to continue the work that distinguishes us as a nation.

HONORING THE POLISH AMERICAN CONGRESS OHIO DIVISION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Polish American Congress, Ohio Division, as they celebrate their 55th anniversary—sharing their cultural gifts along a parade route lined with food, song and joyous celebration.

On May 18, 1949, in Cleveland, Ohio, the Ohio Division of The Polish American Congress was founded. The Polish American Congress is composed of individuals of Polish ancestry as well as Polish organizations. The group serves as a unifying force for both Polish Americans and Polish citizens living in America. Taking a positive stand on issues concerning the people of Poland, the group strives to attain a free market economy within the framework of a democratic society.

The goal of The Polish American Congress is to make Americans of Polish heritage more successful U.S. citizens by encouraging them to assume the responsibilities of citizenship. In addition, the group supports fraternal, professional, religious, and civic associations dedicated to the improvement of the status of all Americans of Polish heritage.

It is evident that the Polish American Congress has played a crucial role in the Polish Community, and in its many years of service has been an invaluable contribution to the City of Cleveland and beyond.

Mr. Speaker and Colleagues, please join me in honor and celebration of the leaders and members of the Polish American Congress, as they celebrate fifty-five years of promotion and guardianship of the heritage, history and culture of their beloved Polish homeland—providing awareness and connection to every new generation born in America, and enriching the diverse fabric of our entire Cleveland community.

RECOGNIZING THE 100TH ANNIVERSARY OF THE CITY OF SESSER, IL

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. COSTELLO. Mr. Speaker, today I'd like my colleagues to join me in honoring the centennial of one of the oldest communities in my congressional district, Sesser, Illinois.

Sesser's beginnings have a close relationship to the coal mining industry in southern Illinois. T. C. Keller came to Sesser from Indiana and began sinking a large mine shaft 647 feet deep, one and one-half miles southeast of town. Because of the sinking of the Keller mine and the extension of the Chicago, Burlington and Quincy Railroad into the rich coal fields of the region, Sesser was born. After it was discovered that a deep vein of coal lay under this area, the news traveled fast and people of many nationalities came to Sesser to work.

Two railroad officials, John C. Elliot and John Sesser, a surveyor from whom Sesser received its name, laid out the original plat which contained a square of sixteen blocks. This original plat ran from the railroad to the City Hall and two blocks north and two blocks south of Main Street (Franklin Ave). Sesser was later appointed by President Woodrow Wilson as a member of the Railway Labor Board in Washington D.C. in 1920. Later he served as a Vice-President of the Cuban Railway.

Homes and businesses sprang up fast. Most of the businesses were two story buildings with rooms above to handle the people coming to work in the mines in Sesser. In 1912, the Sesser City Board made contact with the Egyptian Light Company to furnish power and electric lights for the City. Sesser's first sidewalks were made from railroad ties with hitching racks along both sides of the street. In 1912, concrete sidewalks covered eight miles within Sesser.

Sesser's first high school began in 1919, the opera house, drug stores, hotel and restaurants were soon opened. Water and sewer systems were completed in 1914 and a dial system was installed in 1954. Sesser's City Hall was completed in 1967 and the Franklin County Housing Authority approved 30 rental units in Sesser in 1968. Two factories serviced the Sesser area, Sesser Concrete was built in 1946, making concrete blocks and other products and Lyn Gai Garment Company manufactured ladies apparel.

Sesser Sheltercare Home, a 60 bed health care facility, was opened in 1970. This facility is located on farm property previously owned by my mother and father-in-law, George and Eloise Cockrum. This facility was purchased and renamed Redwood Manor. Several rural county schools were in session at one time and now they are housed in one location.

Sesser today is a community of over 2000 and boasts hotels, restaurants and community churches. It remains a vital part of the economy of Franklin County and southern Illinois.

This year, Sesser celebrates its centennial and also commemorates the 49th year of the annual Sesser Homecoming, an event which draws people from throughout the region.

Mr. Speaker, I ask my colleagues to join me in honoring the founding of the community and the people of the City of Sesser, Illinois on the occasion of its 100th Anniversary.

HONORING THE RETIREMENT OF REVEREND HARRY CRENSHAW

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. KAPTUR. Mr. Speaker, Jerusalem Baptist Church in Toledo, Ohio will bid a fond farewell to its revered patriarch, Reverend Harry Crenshaw. With the coming of spring, Reverend Crenshaw retires as pastor of the church after a lifetime of service to his flock and that of the larger Toledo community. Truly a community leader, long recognized as the voice of the church, Reverend Crenshaw has been a mainstay of the Jerusalem congregation and its neighborhood for decades. He is a man for others.

"Blessed is the may that walks not in the counsel of the ungodly, nor stands in the way of sinners, nor sits at the seat of the scornful. But his delight is in the Law of the Lord; and in His law does he meditate both day and night. And he shall be like a tree planted by the rivers of the water, that brings forth his fruit in his season; his leaf also shall not wither; and whatsoever he does shall prosper." (Psalms, 1:1–3)

Within the words of this passage lies Reverend Dr. Harry Crenshaw. A man of God, he lives the Word in thought and deed, and has imparted his love of that Word to generations. Through his strength and wisdom he has provided counsel to thousands. The esteem with which he is held is testament to his prominent role in the lifeblood of the community and the personal lives of the people to whom he ministers.

While no one can build a church alone, Jerusalem Baptist Church and its ministry, the Jerusalem Outreach Center, are attributable to the passion and perseverance of Reverend Dr. Crenshaw. His guidance and leadership have been a primary force in the growth of the church and its neighborhood mission, particularly its embrace of our youth. He has come to embody faith and hope for the next generation of our community.

Reverend Dr. Crenshaw has earned his rest as he takes his leave from the day-to-day operations of the Jerusalem congregation. Yet, his abiding goodness lives strong in each of us whose lives he has touched. We know he will remain involved in its activities for the church and its works are a part of him. Reverend Dr. Harry Crenshaw's soul will echo on in the buildings' walls and the congregation's hearts for many years to come. He came this far by faith with his beautiful wife, Frances, and he led us all to a more humane and compassionate community and world.

THANKING OUR TEACHERS MAY 2–8—TEACHER APPRECIATION WEEK

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. DAVIS of Illinois. Mr. Speaker, Albert Einstein once said that "It is the supreme art of the teacher to awaken joy in creative expression and knowledge". I rise today to thank our Nation's teachers for their exceptional work, compassion and dedication to our children everyday. Although May 4th was National Teacher's Day, this entire week, May 2–8 is Teacher Appreciation Week.

I think everyone can think back and remember that one teacher that touched their lives—whether it was the one that taught you to read, gave you the confidence to learn more, made you feel smart and knowledgeable or was the one solid, caring adult in a child's life. The origins of Teacher Day are not too defined. Around 1944 Arkansas teacher Mattye Whyte Woodridge began corresponding with political and education leaders about the need for a national day to honor teachers. Woodbridge wrote to Eleanor Roosevelt who in 1953 persuaded the 81st Congress to proclaim a National Teacher Day. It wasn't until March 1985, when National Education Association (NEA) and the National PTA established Teacher Appreciation Week as the first full week of May with the first Tuesday remaining as National Teacher's Day.

Teachers are true heroes in our communities, who through their dedication to children work millions of small miracles every day. Henry Brooks Adams, a historian and grandson of President John Quincy Adams once said that "A teacher affects eternity; he can never tell where his influence stops." We must never forget to thank our teachers for their service to our society and for creating a better, smarter and hopefully kinder future generation.

HONORING JERSEY CITY HUDSON CITY LIONS CLUB

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Jersey City Hudson City Lions Club in celebration of its 50th anniversary. The Jersey City Hudson City Lions Club (JCHCLC) celebrated with a 50th Anniversary Ball held on Saturday, May 1, 2004, at Puccini's Restaurant in Jersey City, New Jersey.

Since 1954, the Jersey City Hudson City Lions Club has fulfilled the motto of the International Lions Club of "We Serve," and has taken an active role in civic, cultural, and social events. With a membership of dedicated men and women, the JCHCLC has provided exceptional services for our community, promoting a better quality of life for the people it touches.

Working with local churches, hospitals, clinics, summer programs, shelters, and food banks, the Jersey City Hudson City Lions Club has given all its support in gathering necessary supplies and food to help those in need, taking tremendous pride in the positive difference it makes in the lives of the people in its community and around the world.

Jersey City Hudson City Lions Club is renowned for its sight-related programs. Working with St. Joseph's Home of the Blind, the JCHCLC has provided services, including guide dogs, walking canes, vocational training, summer camps, books on tape, spring barbeques and Christmas parties. They also provide vouchers for Lenscrafter, so that children, who would otherwise have no access, can purchase eyeglasses.

At the 50th Anniversary Ball, the Jersey City Hudson City Lions Club honored former JCHCLC President Frank Walsh (1973–1974), who was presented with the "Lion of the Year Award" for his outstanding leadership and dedicated service over the years to the JCHCLC.

Today, I ask my colleagues to join me in honoring the members and officers, past and present, of the Jersey City Hudson City Lions Club in recognition of their outstanding contributions and caring dedication to our community over the last 50 years.

TRIBUTE TO SPECIALIST KENNETH ALAN "KENNY" MELTON

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. BERRY. Mr. Speaker, I rise today to honor a true American hero. Specialist Kenneth Alan "Kenny" Melton was killed when the convoy he was riding in was hit by a roadside bomb and small fire by insurgents near Baghdad. Specialist Melton was 30 years old.

Specialist Melton joined the Army in 1992 and served in Iraq as a member of the Arkansas National Guard's 39th Infantry Brigade. He was following in the footsteps of his father and grandfather, who also served their country in the Army. His service is a testament to his dedication to the spirit of this nation and should be admired and respected.

Despite his notable dedication to his country, he was a husband and a father first. A son, a brother and a friend to the community, Specialist Melton was a very positive young man with an overwhelming sense of patriotism.

We can ask nothing greater from a human being than to anonymously fight to help people they may have never met. To die for the freedom of others may not carry with it an adequate expression to illustrate the debt it generates. Specialist Melton has the respect of those whose lives he touched, and, now, grieving family and friends who I offer my deepest sympathies.

Specialist Melton will be remembered for his honor, his mettle, his bravery and his commitment to his family, his God and his country. On behalf of the Congress, I extend my utmost respect for a fine American, a loving father, husband and son, and the perfect model of a patriot.

RECOGNIZING CLAY/PLATTE DEVELOPMENT CORPORATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize the members of the Clay/Platte Development Corporation who are meeting today to celebrate the past years' successes. They represent the kind of community leadership that is necessary for strong and thriving communities.

Established in 1982, in conjunction with the Clay County EDC, its mission is to provide economic development assistance to businesses in Platte and Clay counties. By proactively seeking businesses and providing them with much needed capital, the Clay/Platte Development Corporation is a cornerstone for business growth in the Northland.

Mr. Speaker, I ask you to join me in commending both the past and present members of the Clay/Platte Development Corporation. Their contributions to the people of Missouri's Sixth District are important and commendable.

RECOGNIZING BENEFITS AND IMPORTANCE OF SCHOOL-BASED MUSIC EDUCATION

SPEECH OF

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Ms. DEGETTE. Mr. Speaker, I rise today to support House Concurrent Resolution 408, which congratulates the University of Denver for winning the 2004 NCAA Men's Hockey championship. DU's national title, its first since 1969, came against the top-ranked Maine Black Bears, in a nail-biter that stunned the collegiate hockey world.

The championship game on Saturday, April 10, 2004 was college hockey at its best. I watched as the Pioneers took an early lead with a goal by Gabe Gauthier in the first period. The rest of the game was a scoreless defensive struggle. Hockey fans from the Rocky Mountains to the New England coast held their breath during the excruciating final two minutes of the game. In a sequence only fitting for the nationally televised season finale, Maine secured a Power Play while trailing Denver 1–0 when the Pioneers were assessed with two penalties, giving the Black Bears a two-man advantage. In the final minute of play, Maine pulled its goaltender to add another attacker, putting Denver at a 6–3 disadvantage. The clock slowly ticked down to zero, and DU emerged victorious, led by an extraordinary 24-save performance by goaltender Adam Berkhoel, who was named the NCAA Tournament's Most Outstanding Player. His shutout was only the third in the history of the championship game.

It was a great way to end the season for the seven seniors on the Pioneer team. The class of 2004 won more games at the University of Denver than any since the 1973 graduating seniors. Head Coach Geoge Gwozecky is to be congratulated as well. He is the only person to ever win NCAA titles as a player, assistant coach, and head coach.

The Denver Post noted that the championship game between the University of Denver and the University of Maine was amazing because "they proved that two mid-sized universities can excel in one of the country's mainstay sports." This year's champion Pioneers added a sixth hockey championship to the university's fine athletic record, which includes a record 17 Division I ski team championships, and two titles for the women's gymnastic program. Not only does the University of Denver excel in athletics, it is a prestigious academic institution as well. U.S. News and World Report recently ranked three DU graduate programs among the country's best.

The championship is especially poignant, because the University of Denver hockey program tragically lost one of its most famed alumni just before Christmas last year. Keith Magnuson, the captain of the last DU team to capture the national title 35 years ago, was killed in a car accident just four months ago. Still active with the University, Magnuson regularly attended hockey games, gave locker room speeches to the team, and even played in the school's homecoming game this season. Following his death, the team dedicated the season to his memory, but no one could have imagined the success the team has enjoyed.

Mr. Speaker, I was proud to sponsor this bill, which congratulates the University of Denver 2004 championship hockey team. I am happy to report that the entire Colorado congressional delegation cosponsored H. Con. Res. 408. I also wish to congratulate the Maine Black Bears for an excellent season, and a hard fought championship game. I look forward to a victory celebration for the Pioneers at the U.S. Capitol. I thank the Speaker for bringing this bill to the floor and urge my colleagues to support me in congratulating the University of Denver.

IN HONOR AND REMEMBRANCE OF ARTHUR NAPARSTEK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Professor Arthur Naparstek—devoted family man, caring professor, friend and mentor, and internationally known visionary in the area of urban development.

The son of Polish immigrants, Professor Naparstek was born and raised in New York City. He graduated with a master's degree in social work from New York University, and a doctorate from Brandeis University's Florence Heiler School of Advanced Studies in Social Welfare Administration. Professor Naparstek's professional commitment to economic and social justice began in the early sixties, when he worked as the assistant to Richard G. Hatcher, the first African American mayor of Gary, Indiana. Later, Professor Naparstek joined the

National Center for Urban Ethnic Affairs in Washington, DC, and worked closely with Congress to create legislation focused on empowering our most vulnerable citizens—our poor.

As professor and Dean of the Case Western Reserve University School of Applied Social Sciences, Mr. Naparstek taught by example and served as an inspiration and mentor to countless students and instructors throughout his tenure. His acclaimed urban redevelopment projects and individual empowerment programs were sought by the administrations of President Carter and President Clinton. As director of the Cleveland Foundation's Commission on Poverty during the early 1990's, Professor Naparstek was instrumental in creating the redevelopment plan for several of Cleveland's most fragile neighborhoods. Because of his vision and heart, the shroud of decline has been lifted from our neighborhoods, illuminating the promise of restoration and possibility along many of our city streets.

Mr. Speaker and Colleagues, please join me in honor, gratitude and remembrance of Professor Arthur C. Naparstek—an exceptional man, visionary, and leader whose life reflected accomplishment, caring and concern for others. I offer my deepest condolences to his beloved wife, Belleruth; his beloved children, Keila, Aaron, and Abe; and to his extended family and friends. His brilliant and flawless legacy—both personally and professionally will be remembered forever by family, friends and colleagues. Professor Naparstek's vision, heart and leadership will forever serve as a beacon of promise and hope throughout our community, and far beyond.

RECOGNIZING THE 150TH ANNIVERSARY OF THE CITY OF O'FALLON, IL

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. COSTELLO. Mr. Speaker, today I'd like my colleagues to join me in honoring the Sesquicentennial of one of the oldest communities in my congressional district, O'Fallon, Illinois.

The City of O'Fallon, Illinois was named in honor of Colonel John O'Fallon. Colonel O'Fallon was a soldier, businessman, real estate owner and public minded citizen. His father, James O'Fallon was a physician who came to this country shortly before the Revolutionary War and served as a surgeon in George Washington's Army. After the war, he went to Louisville, Kentucky where he met and married Frances Clark, a sister of George Rogers Clark and William Clark, army officers, who became famous during the Corps of Discovery exploration of the Louisiana Territory in 1804 and for later development of the Mississippi Valley.

Colonel John O'Fallon's father died when he was a child and he was reared and educated by his mother and uncles. With his army background, he became a soldier. He fought in the War of 1812, where he rose to the rank of Captain. After the war ended, O'Fallon became assistant Indian Agent to his Uncle William Clark of the Lewis and Clark expedition. Later he became a contractor, buying and selling Army supplies. He invested his money and became involved with the expanding railroad industry across the nation. He promoted the Missouri Pacific railroad, as well as the Wabash and B&O railroads. His involvement with railroads and the purchase of lands led him to become the namesake of both O'Fallon, Illinois and O'Fallon, Missouri.

Colonel O'Fallon purchased lands in an area north of St. Louis which lead to the development of the community of O'Fallon Park, Missouri. Always civic-minded, Colonel O'Fallon gave generously to St. Louis University and Washington University and also formed an institute which became the forerunner of today's St. Louis High Schools and the City of St. Louis' public library.

O'Fallon, Illinois was originally platted from lands surrounding the train depot and water tank built for the operation of the B&O railroad. Town lots were platted by Ernest Tiedemann under the direction of Frederick A. Carpenter and Hugh O. Sheerbarth. On May 18, 1854 these lots were sold at a public auction. John and Sarah Distler had erected a log cabin on the site in 1851, but the first house in O'Fallon was built by Anderson Umbarger in 1855. The first post office was established in 1855. O'Fallon was incorporated as a village on January 27, 1874.

A newly replicated depot stands near the site of the beginnings of this community. O'Fallon's early growth was due to the large coal mining industry in the region.

O'Fallon was also home to major businesses like Willard Stove, Tiedeman Milling and the Independent Engineering Company. O'Fallon also had abundant agricultural land which supported large farming operations.

Today, O'Fallon is a community of over 20,000 people. It continues to grow because of its proximity to Scott Air Force Base and St. Louis. It sits astride I–64 and boasts three interchange exits where large commercial and retail developments are clustered. O'Fallon also is home to the O'Fallon Township High School, which is recognized as one of the top high schools in the region and the state of Illinois. The high school is also home to the Marching Panthers Band, which has won several national awards and is a regular participant in the Macy's Thanksgiving Day parade in New York City.

The City of O'Fallon continues the growth and development envisioned by Captain O'Fallon. The rail line he developed continues to run through the community delivering vital commerce and supplies to areas to the west.

Mr. Speaker, I ask my colleagues to join me in honoring the founding of the community and the people of the City of O'Fallon on the occasion of its 150th Anniversary.

HONORING THE CAREER OF JAN McBRIDE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the achievements of a woman of our community as she prepares to retire from professional life. Jan McBride has spent a career in the service of health care delivery, and her imprimatur is throughout our region of Northwest Ohio.

Starting as a pediatric nurse, Jan McBride rose through the ranks of Toledo Hospital and its parent ProMedica Health System, and has been the President of Toledo Children's Hospital since 1998. A balance of compassion and business acumen has marked her tenure in the corporate structure. An engaging leader, Jan McBride has developed many people while moving the Toledo Hospital and ProMedica Health System forward.

Even while pursuing an extensive corporate schedule, Jan McBride has never neglected her civic responsibilities as a community citizen. She has gone "above and beyond" in her commitment to a variety of health, community, and business concerns, serving as an active officer of the Cystic Fibrosis Foundation's NW Ohio Chapter, the Hospital Council of NW Ohio, Junior Achievement of NW Ohio, the Juvenile Diabetes Foundation, Lucas County ARC (Association of Retarded Citizens), the National Youth Sports Program, the Neighborhood Health Association, Ohio Children's Hospital Association, Ronald McDonald House Charities, Rotary Club of Toledo, United Way of Greater Toledo, the University of Toledo Alumni Association, and the Zonta Club of Toledo. Her efforts have earned her awards of recognition including the Tribute to Women in Industry, Women in Communication, Alpha Omicron Pi Fraternity, and Juvenile Diabetes Foundation honoree.

For forty years, Jan McBride has given of herself to her career and the causes in which she believes. She leaves our community richer, stronger, healthier, and kinder. I know my colleagues join me in wishing Jan McBride well as she writes new chapters in her book of life. Onward!

CONGRATULATING ROBERT L. SATCHER, JR.—A MEMBER OF NASA'S 2004 ASTRONAUT CANDIDATE CLASS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to congratulate the eleven men and women of NASA's 2004 Astronaut Candidate Class. I especially want to congratulate one of the astronauts, Dr. Robert L. Satcher, Jr., who is a constituent of mine, the 7th District of Illinois.

Dr. Robert L. Satcher, Jr., was born in Hampton, Virginia to Robert L. Sr. and Marian H. Satcher; in 1965 and currently lives in Oak Park, Illinois with his wife D'Juanna White. He received his Bachelors of Science in Chemical Engineering, Massachusetts Institute of Technology (MIT) in 1986. In 1993 and 1994 he received his Ph.D. in Chemical Engineering at MIT and his M.D. at Harvard University respectively. He is currently an Assistant Professor in the Department of Orthopaedic Surgery, Northwestern University, The Feinberg School of Medicine in Chicago, Illinois.

Today is a proud day for space in the 7th District of Illinois, the United States and the world. These eleven men and women represent the next generation of explorers; they are the ones who will lead us into the future of space exploration, of the Moon, Mars and beyond. They will serve as role models to teach and excite the future generation of explorers.

Mr. Speaker, once again I congratulate these men and women on their hard work, dedication and this great accomplishment and wish them luck as they embark on this journey.

HONORING WEST NEW YORK LEONES CUBANOS DE HUDSON

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the West New York Leones Cubanos de Hudson in celebration of its 25th anniversary. The West New York Leones Cubanos de Hudson commemorated their 25th anniversary on Saturday, April 24, 2004, at the Landmark in East Rutherford, New Jersey.

West New York Leones Cubanos de Hudson is the largest Lions Club in the State of New Jersey, and the fourth largest in the United States. With a membership of 260 dedicated men and women, the West New York Lions Club has been able to take an active role in civic, cultural, and social events. A non-political and non-sectarian group, the Lions Club is renowned for its sight-related programs, providing services to the blind, including guide dogs, walking canes, and vocational training.

Since 1979, the West New York Leones Cubanos de Hudson has done an exceptional service for its community with the help of dedicated individuals. Working with local churches, hospitals, clinics, summer programs, shelters, and food banks, the Lions Club has given all its support to promoting a better quality of life to the people it touches. It has also been heavily active in youth development. The Lions-Quest program provides youth with a sense of community, as well as tools and assistance for their success in the future.

With a diverse Hispanic community in West New York, the Lions Club has been active in helping in disaster relief and rebuilding efforts to many areas in the Caribbean and Central and South America impacted by natural disasters. It has been a force in gathering necessary supplies and food to help in times of need, and takes tremendous pride in the positive difference it makes in the lives of the people in its community and around the world.

Today, I ask my colleagues to join me in honoring the members and officers, past and present, of the West New York Leones Cubanos de Hudson in recognition of their outstanding contributions and caring dedication to our community over the last 25 years.

TRIBUTE TO STAFF SERGEANT STACEY CRAIG BRANDON

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. BERRY. Mr. Speaker, to die for one's country, while tragic, is the ultimate honor. To die for the freedom of others may not carry with it an adequate expression to illustrate the debt it generates. Today, I rise to honor Staff Sergeant Stacey Brandon who was killed during his tour of duty in Taji, Iraq. He was 35 years-old.

Staff Sergeant Brandon joined the National Guard in 1990 and when he was called to active duty for "Iraqi Freedom" on October 12, 2003, he answered the call and served his country with honor. His ability, intelligence and dedication quickly earned him a promotion to the rank of Staff Sergeant in February 2004.

Despite his notable dedication to his country, he was a husband and a father first. A son, a brother, a friend, an athlete and a light of optimism others were drawn to always. Along with the many lives he touched, Staff Sergeant Brandon carried God in his heart. He was a passionate singer of gospel music and he and his wife, April, joined the Hazen First Baptist Church upon their move to Hazen, Arkansas.

We can ask nothing greater from a human being than to anonymously fight to the end to help people they may have never met. Unfortunately for those left behind, this soldier has a name. He has the respect of those whose lives he touched, and, now, grieving family and friends who I offer my deepest sympathies and utmost respect.

Staff Sergeant Brandon will be remembered for his honor, his mettle, his bravery and his commitment to his family, his God and his country. On behalf of the Congress, I extend the utmost respect for a fine American, a loving father, husband and son, and the perfect model of a patriot.

FREEDOM FOR JORGE OLIVERA CASTILLO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Jorge Olivera Castillo, a political prisoner in totalitarian Cuba.

Mr. Olivera Castillo worked for 10 years as a national television editor. After being confronted on a daily basis with the blatantly false propaganda mandated by the tyrannical regime, he left his job to join other pro-democracy activists working for freedom and human rights for every Cuban citizen. Using his skills as a journalist, Mr. Olivera Castillo began to report on the brutal policies of the totalitarian regime. He later became the director of the Havana Press agency. Starting in 2001, Mr. Olivera Castillo's articles concerning the state of Cuba under totalitarian rule were published in Spain.

Because of Mr. Olivera Castillo's unrelenting commitment to writing the truth about the totalitarian regime, he has been constantly harassed by the dictator's thugs. According to Amnesty International, Mr. Olivera Castillo has been expelled from his house, arrested, and accused of "counterrevolutionary" activities by the tyrant Castro. During the brutal March 2003 crackdown on peaceful pro-democracy activists and independent journalists, Mr. Olivera Castillo was arrested. In a sham trial, Mr. Olivera Castillo was sentenced to 18 years in the totalitarian gulag because of his commitment to truth over propaganda.

Mr. Olivera Castillo is currently languishing in an infernal cell in the totalitarian gulag. Reporters Without Borders reports that Mr. Olivera Castillo is suffering from numerous medical problems, is confined with common prisoners, and is being forced to drink seriously polluted water. These depraved conditions are truly appalling. It is a crime of the highest order that people who work for freedom are imprisoned in these nightmarish conditions.

Mr. Speaker, Mr. Olivera Castillo is suffering in a grotesque, inhumane, totalitarian gulag because he believes in freedom. My colleagues, we can no longer allow peaceful pro-democracy activists to languish in the depraved prisons of tyrants. We must demand immediate freedom for Jorge Olivera Castillo and every prisoner of conscience in totalitarian Cuba.

NATIONAL DAY OF PRAYER

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. TIAHRT. Mr. Speaker, today marks the 2004 National Day of Prayer—a day set aside by millions of people across this country to acknowledge God and give him thanks for all that is truly good. Once again, we are reminded of our need for him in the midst of turmoil and suffering around the world, and we recall our need to listen and hear from the Almighty.

Right now there are thousands of young men and women in uniform who are bravely serving this country in Iraq, Afghanistan and in other foreign countries. We ask God to protect them and grant them favor. We ask God to comfort their families and loved ones who eagerly await their return. Let us continue to pray for peace in these lands and for reconciliation among its people.

Throughout American history—from the earliest settlers to the Continental Congress, from General George Washington to President George W. Bush—the American people have called upon the Providence of God.

In 1775, the Continental Congress issued a proclamation setting aside a day of prayer. In 1952, Congress established an annual day of prayer, and then in 1988, the law was amended designating the National Day of Prayer as the first Thursday in May.

Our country has witnessed the benefits of national prayer and fasting in times past, and I hope citizens from all walks of life will humbly acknowledge God and seek his guidance, strength and resolve.

Let us remember to pray for our President, his Cabinet, military leaders, Members of Congress, Supreme Court Justices, State governors and local officials.

And may we, like our Founding Fathers, earnestly seek to know God's will for us and our country on this national day of prayer.

RECOGNIZING MR. CLYDE LEHMANN

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. GONZALEZ. Mr. Speaker, I rise on this day during Teacher Appreciation Week in recognition of a very special person, Clyde Lehmann. Mr. Lehmann has been selected to receive the 2004 Milken National Educator Award.

The Milken National Educator Award is a very prestigious award that acknowledges quality teachers, and highlights how they are required to ensure the academic success of America's students. It is bestowed upon K–12 teachers in recognition of demonstrated excellence in teaching. Awardees are chosen based upon their: Exceptional educational talent as evidenced by outstanding instructional practices in the classroom, school and profession; outstanding accomplishments and strong long-range potential for professional and policy leadership; and engaging and inspiring presence that motivates and impacts students, colleagues and the community.

Mr. Lehmann has certainly earned such an award. As a Latin teacher at Northside Health Careers High School, he uses creativity to keep his students interested in learning. He accomplishes this by using poetry, performance, song, and even travel to pique students' interest in his classes.

His unfaltering dedication to the achievement of his students is reflected in their impressive academic successes—a large number of Mr. Lehmann's students have earned gold and silver medals at National Latin competitions. He has demonstrated his interest in and passion for Latin through his teaching. This passion has seemingly been contagious—four of his former students have become Latin teachers.

Mr. Lehmann has demonstrated his devotion to Latin by engaging in related activities outside of the classroom. This teacher's devotion to his realm of study has led him to sponsor the Health Careers Latin Club which, with one hundred members, is one of the largest organizations on campus. Along with his wife, Mr. Lehmann has organized summer tours of ancient sites in Rome for his students. Additionally, he also has twice served as the president of the San Antonio Classical Society.

I am very proud of Mr. Lehmann and his professional accomplishments. Nothing is more important in one's life than education. I am pleased to acknowledge a man whose knowledge, commitment, drive, and enthusiasm have clearly been a meaningful, positive influence on his students' lives.

CONGRATULATING CHARTER SCHOOLS FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to honor the continued success of our Nation's charter schools. I am extremely proud of the several Charter schools that reside in my district. Many may not fully understand the difference between a regular public school and a Charter school. In Chicago, the Charter schools are public schools, open to all children who reside in Chicago without academic admissions criteria. Each charter school has a unique mission and is operated by community organizations, universities, foundations and school teachers. While charter schools are funded by the Board of Education, they are not required to follow many board regulations. For example, they are free to set their own policies for curriculum, school hours and discipline. But charter schools are held accountable for high student academic achievement by the Board of Education

I would like to acknowledge and congratulate some of the great charter schools in my district:

The first arts-focused charter school in Chicago, the Charter School of the Chicago Children's Choir (CSCCC), integrate music throughout its interdisciplinary academic curriculum. Learning is project-oriented and emphasizes creativity. Students are able to sing in as many as 17 different languages. The late Rev. Christopher Moore founded the choir in 1956 with "a dream that young people from diverse backgrounds could better understand each other, as well as learn about themselves, by learning to make beautiful music together." The choir that Moore started with a handful of kids in the First Unitarian Church of Chicago on the South Side has grown into a downtown-based, city-wide program that brings together nearly 3,000 children each year. Its groups have performed with the Chicago Symphony Orchestra, the Lyric Opera, at the White House, and around the world.

In 2000, community leaders working to improve educational opportunities in the West Side neighborhood of Lawndale created L.E.A.R.N., Lawndale Educational and Regional Network. They applied for a charter school and hired Nancy Dearhammer, an experienced charter school leader, to plan the curriculum and become executive director. L.E.A.R.N. will emphasize high academic standards through a 10:1 student-teacher ratio, a rigorous curriculum, year-round classes and parent involvement. L.E.A.R.N.'s year-round schedule is unusual: 9 weeks on followed by 2 weeks off, giving students a safe, positive environment all year. Parent involvement is key in the mission of the school with monthly parent teacher conversations, bimonthly parental satisfaction surveys, and strong encouragement to volunteer at the school to keep parents involved. L.E.A.R.N. is also fundraising to offer pre-school, adult education and community health services to Lawndale families.

A strong work ethic and solid commitment to education are the cornerstones of success at North Lawndale College Prep and the only requirements for admission. A rigorous community school for 350 students on Chicago's west side, North Lawndale Prep graduated its first class in June 2002. It is dedicated to developing, as opposed to merely recruiting, college-ready students from impoverished city neighborhoods. With high expectations, every student is expected to complete four years of English, social studies, and math, three years of science, and two years of foreign language. There are extra courses in reading for freshmen, writing for sophomores, and oral expression for juniors. At every level, students are expected to produce their best work consistently. In addition to athletics and after-school activities, North Lawndale Prep offers students a wide array of summer programs. These include outdoor adventure programs, an extensive orientation for freshmen, internships at Chicago businesses, and attendance at prestigious prep school and college summer programs. The summer programs expand the horizons of North Lawndale Prep students and prepare them for the challenges of college.

As demonstrated in these three examples, Charter schools provide excellence in education by delivering high-quality education and challenging our students to reach their potential. Charter schools have brought hope and the idea of success back to many poor, disadvantaged areas that felt abandoned by the education system. I commend the students for their hard work, dedication and success, the teachers for their love of education and commitment to the school and the students, and all parents for playing an active role in their child's education and more importantly their lives by letting that child know that you care and are interested in what they do every day.

TRIBUTE TO KAHUKU HIGH SCHOOL

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. CASE. Mr. Speaker, I rise today to congratulate the incredible students of Kahuku High School for their great achievement in winning fourth place at the national finals of the We the People: The Citizen and the Constitution program held in Washington, D.C. from May 1–3, 2004. These outstanding students from my O'ahu's North Shore underwent months of intensive study and hard-won victories to win the right to represent Hawaii in the finals, where they competed against a class from every state in the country and demonstrated a remarkable understanding of the fundamental ideas and values of American constitutional government.

This is the first time in Hawaii's eight-year history at this rigorous competition that one of our schools has competed in the final ten. This is truly a wonderful accomplishment that our whole state is deeply proud of!

I commend Kahuku's great teacher, Sandra Cashman, for her unending commitment to her students and for producing generations of responsible citizens. Commendations are also in order to State Director of We the People Lyla Berg and District Coordinator Sharon Kaohi for their leadership in creating our leaders of tomorrow.

However, ultimately this competition is by and about our kids. So I would like to send my heartiest congratulations to Samuel Braden, Chelsey Bunker, Stacia Colton, Brian Craycraft, Tusiata Esera, Lacey Golonka, Evelyn Griffin, Reis Harney, Celesta Hubner, Azura Iversen-Keahi, Jeremy James, Natalie Kamauoha, Jennifer Kamiya, Tiffany Lee, Brook McArthur, Donna Ramos, Alicia Reidy, Leilani Relator, Aaron Rillamos, Austin Spring, Ian Tapu, Alexandra Thompson, Rachel Telleson, Seini Unga, and Jordan Williams. You have all made Hawaii proud. Aloha and best of wishes in your future endeavors.

NATIONAL DAY OF PRAYER

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. NEUGEBAUER. Mr. Speaker, I would submit this prayer for the RECORD for the National Day of Prayer.

Father, we come to you this day that we have set aside for prayer in this great nation. May we be a nation of prayer not just on this day, but every day.

We come today acknowledging you as the Creator of heaven and earth. We thank you that You have given us the privilege of living in this great land and have blessed it in a mighty way. Our prayer today is that we would indeed be "One Nation under God".

We pray for our President as he leads during these difficult days. Give him the wisdom and courage to make clear and decisive decisions. We pray for the men and women that are defending our world today from evil. We pray for their safety and their return to the family and loved ones that wait anxiously for their homecoming. May their families know your peace and comfort now as never before. Freedom and liberty do not come without a price. Many have gone before and paid a huge price for us to live in this great nation and to enjoy the freedoms we have today. Let us never forget their sacrifice and help us to be good stewards of the inheritance they have left us.

Finally, Father today more than ever our nation needs healing. The principles on which this nation was founded and which You ordained are under attack. The scriptures say, "If my people, who are called by my name, will humble themselves and pray and seek my face and turn from their wicked ways, then will I hear from heaven and will forgive their sin and will heal their land." Our prayer today is that America would be a nation that daily seeks You and that our ways would be pleasing in your sight and that You would indeed heal our land.

We ask all these things in the name of your son Jesus. Amen.

HONORING PRESIDENT HARRY S TRUMAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. SKELTON. Mr. Speaker, May 8, 2004, will mark the 120th anniversary of the birth of Harry S Truman in the town of Lamar, Missouri. He would go on to serve in the military in World War I and hold elected office as judge, United States senator, Vice President, and President of the United States. His is a story and a life that we can all learn from.

Harry Truman answered the call to duty in World War I. He helped organize the 2nd Regiment of Missouri Field Artillery. The regiment was called into Federal service, renamed the 129th Field Artillery, and sent to serve on the battlefields of France. Earning the confidence of his fellow soldiers, Truman rose quickly to the rank of captain and was given the command of the regiment's Battery D, a regiment that still exists today in the Missouri National Guard.

Truman entered elected office in 1922, successfully seeking the position of Jackson County Court judge. Following winning campaigns for presiding judge of the Jackson County Court in 1924 and 1930, Judge Truman sought and won the office of United States Senator for Missouri in 1934.

Senator Truman won reelection in 1940. In the Senate, he distinguished himself in the passage of the Civil Aeronautics Act of 1938, the Transportation Act of 1940, and as the chairman of the Senate Special Committee to Investigate the National Defense Program.

In July, 1944, the Democratic Party nominated Harry Truman to run for Vice President with President Franklin Roosevelt. With President Roosevelt's unexpected death, Harry Truman was sworn in as President only eighty-two days after taking the vice-presidential oath.

President Truman's first year saw some of the most significant events of the twentieth century. The death of Adolf Hitler and the end of the European front in World War II was soon followed by Truman's courageous decision to drop two atomic bombs on Japan, bringing a quick surrender and an end to the war. Truman's first year also saw the creation of the United Nations and the first steps into the century's next great struggle: the Cold War.

Truman tackled the Communist challenge with a singular determination. The Truman Doctrine enunciated the willingness of the United States to provide military assistance to countries determined to fight Communist forces. The North Atlantic Treaty Organization created a wall between the free nations of Western Europe and the communist forces of the Warsaw Pact. As President Truman sought to guarantee Western Europe's physical security, through the Marshall Plan he worked to secure the economies of America's European allies. In the ultimate show of his resolve to fight Communism on every front, President Truman responded with military force to an invasion of South Korea.

Following his years as President, Harry Truman returned to Independence, Missouri. He took to calling himself "Mr. Citizen". His daily walks became a popular local story that soon spread nationwide. After all of the extraordinary events he witnessed and in which he participated, Harry Truman desired no more than to return to a simple life.

Mr. Speaker, President Truman left us with the phrase, "the buck stops here". It is a philosophy of life that all Americans could learn from and is one reason why he has the respect of both Republicans and Democrats today. Harry Truman was a valuable leader and a great president. I know my fellow Members will join me on this day in remembering his important contributions to the United States of America.

PERSONAL EXPLANATION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. DEMINT. Mr. Speaker, I was absent during rollcall votes 142, 143, 144, 145, and 146. Had I been present, I would have voted "yea" on rollcall votes 142, 144, and 146. I would have voted "nay" on rollcall votes 143 and 145.

TRIBUTE TO THE LATE CORINTHIAN NUTTER

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. MOORE. Mr. Speaker, as we approach the 50th anniversary of the Brown vs. Topeka, Kansas, Board of Education decision, I rise today to note the recent passing of a civil rights pioneer who resided in the Third Congressional District of Kansas.

Corinthian Nutter, an African-American teacher whose rejection of degrading conditions in her Kansas school during the 1940s led to an important role in our nation's desegregation struggle, died on February 11th at her home in Shawnee, Kansas, at the age of 97.

Nutter was an important witness in a 1949 lawsuit that helped open the courthouse doors for Brown v. Board of Education of Topeka, the landmark 1954 case in which the U.S. Supreme Court declared segregated schools unconstitutional. A Texas native, she was the only certified teacher at Walker Elementary School in Merriam, Kansas, in the late 1940s. Only black children attended Walker, where eight grades studied outdated textbooks in two classrooms in a run down school lacking indoor plumbing.

In 1947, administrators in school district No. 90, which included Merriam, built a new school with the proceeds of a $90,000 bond election. Unlike Walker, the white students-only South Park Elementary School had indoor plumbing, an auditorium and a cafeteria. It also had one teacher and one classroom for each of its eight grades, along with a music teacher and a kindergarten.

When the black parents of Walker Elementary School demanded that their children be admitted to the new school, the school district leadership refused, contending that enrollment was based on the attendance areas drawn for each school. A local NAACP chapter then aided the families in filing suit against the school system, while Nutter, who received only a small financial stipend from the NAACP for her work, taught 39 children whose parents withdrew them from Walker for the duration of the trial.

In 1949's Webb v. School District 90, the lawsuit filed on behalf of the 39 families, Nutter was the key witness, detailing the many inadequacies of the separate and unequal facility. "I just told them the truth," Nutter said in an interview with the Kansas City Star in 2002. "The school was dilapidated. We had no modern conveniences, had to go outside to go to the toilet. . . . Schools shouldn't be for color. They should be for the children." The NAACP's victory in this case paved the way for the Brown decision five years later.

After the Webb decision, Nutter moved to nearby Olathe, Kansas, where she taught and later became principal at Westview Elementary School, despite being the only African-American on the school's staff for decades. After retiring from education in 1972, Nutter received the YWCA of Greater Kansas City's first Racial Justice Award for 2003, was named to the Rosa Parks Wall of Tolerance, and was inducted into the Mid-America Education Hall of Fame at Kansas City, Kansas, Community College.

Mr. Speaker, I am placing in the CONGRESSIONAL RECORD two recent articles concerning Corinthian Nutter: an article from the Kansas City Call regarding her induction into the Mid-America Education Hall of Fame and her obituary from the Kansas City Star. I am pleased to have this opportunity to pay tribute to this important, yet unheralded, resident of the Third Congressional District of Kansas.

[From The Call, Oct. 17, 2003]

CIVIL RIGHTS LEADER CORINTHIAN NUTTER INTO EDUCATION HALL OF FAME

(By Alan Hoskins)

Corinthian Nutter knew at an early age she didn't want to follow in her mother's footsteps scrubbing floors.

But no one could ever foresee the profound effect she would have on the world of education and her deserved induction into the Mid-America Education Hall of Fame at Kansas City, KS, Community College November 1.

The third of five children born 96 years ago in Forney, Texas, Mrs. Nutter realized early that she wasn't going to get much of an education—particularly when she was held out of school when the cotton got ripe. Her mother, who scrubbed floors and took in white people's washing, never saw the inside of a school. Her father was the uneducated son of a slave who lived to 102.

"I could see I wasn't going to get much schooling," says Mrs. Nutter, who married at age 14 because "nice girls didn't run away from home." When the marriage fell apart two years later, she fled Texas but not before taking a course in beauty school.

" I wanted to get enough education to get me a good enough job to get others to do the things I didn't want to do," says Mrs. Nutter. Moving to Kansas City at age 16, she got a job in a beauty shop and set out in pursuit of that education although it wasn't easy.

Segregation still prevailed so to earn a high school diploma, Mrs. Nutter would get on a bus in Kansas City, MO, and ride to the end of the bus line on Quindaro in Kansas City, KS, and then walk another mile or two to what then was Western university. She graduated from high school in 1936 and two years later finished Western's junior college program with a Kansas teaching certificate.

She began her career teaching in an all-black school with just one other teacher in Shawnee in 1938. After five years, she moved over to Walker Elementary, a run down two-room school for black children in Merriam.

In 1948, South Park Elementary school was opened at a cost of $90,000. With an auditorium, cafeteria, separate teachers and classrooms for each grade and indoor plumbing, it looked like a castle compared to Walker, which was without indoor plumbing. South Park's only shortcoming: it was open only to white students.

When one of the Walker parents, a domestic worker in the home of a woman named Esther Brown, told Mrs. Brown of the inequalities of the schools, Mrs. Brown became enraged and suggested they sue—which was just what happened after the formation of a local NAACP chapter that helped organize the parents and file suit against the school district.

To give even further substance to the suit, 39 of the 41 Walker families took their children out of school and Mrs. Nutter went with them. While the suit crept slowly through the judicial system, Mrs. Nutter continued to teach the children in private homes. The new NAACP branch paid her a small monthly stipend and parents sold cookies on weekends to help but Mrs. Nutter said she would have done it for nothing. "It was the right thing to do," she said.

When the suit finally came to trial, she was a key witness in the watershed desegregation case, Webb vs. School District 90. "I told them the truth," she said. "The school was dilapidated. We had no modern conveniences, had to go outside to go to the toilet. If they were going to build a new school and the parents were paying taxes like everybody else, why couldn't their children go? Schools shouldn't be for a color. They should be for children."

Triumph was finally achieved in 1949 and would pave the way for other legal challenges including the historical Brown vs. Topeka Board of Education in 1954. Now the home of the Philadelphia Baptist church, Walker Elementary still bears a historical marker that serves as the lone testament to its place in history.

After a year and a half earning a Bachelor of Science degree at Emporia State, Mrs. Nutter would return to the classroom but this time as principal in an all-black school in Olathe. When Olathe integrated a few years later, she became principal at the district's newest school, Westview, although for several years she was the only person—staff or children—of color. Returning to the classroom to teach sixth grade and then fifth grade, she retired from teaching at age 65 in 1972.

As the only black in the school, she received some resistance from parents but her teaching ethics earned her the love of her students and some of the same parents who originally questioned her later tried to get their children into her class.

The list of her former students is as impressive as it is long and often as not, the first person those former students look up when they get back in town is Mrs. Nutter. "Many of them are grandparents but I still call them kids," she says.

During her 25 years of teaching, she would continue her education by taking summer classes at Emporia State and earned a Masters degree in 1956. "I was always working towards something all those years," says Mrs. Nutter, who learned that she was only three hours and a dissertation from a Ph.D during Emporia State ceremonies honoring her last year.

Despite her advancing age, she's still active in several organizations including the Alpha Kappa Sorority, the Mu chapter of Beta Omega, NAACP and her lifelong church, Paseo Baptist. A proud member of the American Association of University Women, she continues to drive and refuses to walk with a cane because she said she's "too modest" to use one.

She's received countless awards including the YWCA of Greater Kansas City's first Racial Justice Award for 2003 and is featured prominently in an exhibit at the Johnson County Museum. A widow, her husband of 57 years passed away in 1998.

No story on Corinthian Nutter would be complete without that of her arrival in Kansas City at age 16. "I was so ignorant when I got here," she recalls. "I didn't know anyone so I called the YWCA at 19th and Paseo. They said they didn't keep girls but if I got a taxi and came over, they'd try to find me a room."

During the next several years until she could get her own apartment, she lived in the home of Willie Mack Washington, his wife and mother. Washington was a drummer in Bennie Moten's famous orchestra and Mrs. Nutter soon became fast friends with Moten and a young player in his orchestra named William (Count) Basie.

"They took me into their family and I got to go to all the dances because I was with them," remembers Mrs. Nutter. "Count Basie was the piano player and we had a ball. Later on, my house became a party house and everyone would come to my house. Everyone had a piano then, it was the first thing I bought. I wished I had a nickel for every time Court Basie played my piano."

Looking back on her long career, Mrs. Nutter doesn't believe she ever did anything special. "I appreciate people thinking about me. I always felt you should choose something that's best for you and do it right."

As for scrubbing those floors like her mother? Never happened. "I've never scrubbed a floor in my life," she proclaims proudly.

Open to the public, tickets for the gala dinner and induction festivities Nov. 1 are $55 and can be reserved by calling the Endowment Association at KCKCC (913-288-7632).

[From the Kansas City Star, Feb. 12, 2004]

CIVIL-RIGHTS LEADER NUTTER DIES AT 97

(By Finn Bullers)

Corinthian Nutter, a civil-rights pioneer who helped to desegregate Merriam schools years before the historic Brown v. Board of Education of Topeka ruling, died Wednesday night.

She was 97.

Humble and self-effacing, she was known to many friends, admirers and former pupils as simply "Miss Nutter."

She was the only certified teacher at Walker Elementary, Merriam's school for black children in the late 1940s. The building was old and lacked indoor plumbing, and the students made do with books and supplies discarded by other schools.

Things reached a tipping point when School District 90 constructed a new building, South Park Elementary, for white pupils nearby. Stung by the inequity between Walker and South Park, the African-American community in Merriam rallied together, forming an NAACP chapter and suing School District 90 in 1948.

When 39 of 41 families with pupils at Walker pulled their children out of school, Nutter joined the walkout.

Half a century later, one of the Walker pupils, Harvey Webb, recalled in a magazine interview, "Had not someone like her said, 'I'm with you, let's do this, I'll hang in there with you and teach the kids to the best of my ability,' this might not have happened then."

Nutter became a key witness in the case of Webb v. School District 90, and she said in the same magazine article: "I just told them the truth. The school was dilapidated, we had no modern conveniences, had to go outside to go to the toilet. And if they were going to build a new school and the parents were paying taxes like everybody else, why couldn't their children go? Schools shouldn't be for a color. They should Stands at a be for children."

With another teacher, Hazel McCray Weddington, Nutter continued to teach her pupils until the Kansas Supreme Court ruled in their favor in 1949.

More court challenges to desegregation followed the Walker victory, culminating in the landmark Brown decision in 1954.

Originally from Texas, Nutter was married at 14 and trained at a beauty shop. But after the marriage failed and a friend told her of the good times in Kansas City, she headed north, arriving in the 1920s at age 16.

She had little education, but she had intelligence and dreams of a life beyond domestic drudgery and manual labor.

Knowing nobody in town, Nutter turned to the YWCA, which placed her in an apartment with the family of Willie Mack Washington, the drummer in Bennie Moten's famous orchestra.

She would become fast friends with Moten and a young Count Basie, who played piano in Moten's band.

"I got a chance to go to all the dances and hear all the orchestras that came from out of town," she recalled. "I got in free because I was with them. And after the dance, those musicians wouldn't want to go right home and go to bed. So our house was the party house."

Despite the good times, she held fast to her dream of earning an education.

Even though she was older than most of the students, she eventually graduated from high school in 1936. Two years later, she completed a junior college program at Western University in Kansas City, Kan., earning her teaching certificate.

She began teaching, but also spent her summers attending Emporia State Teachers College in search of a bachelor's degree. It took her more than 10 years, but she received her bachelor's degree in education in 1950, not long after the South Park decision.

Eventually, she would earn a master's degree and do most of the work toward a doctorate. She became a life member of the American Association of University Women.

In 1941, she married Austin K. Nutter, and the marriage lasted until his death in 1998.

After the South Park case, Nutter spent many years as a sixth-grade teacher at Westview Elementary School in Olathe. She also served for a time as principal of the school.

She retired in 1972.

Looking back over her life and the role she played in the battle to desegregate schools, Nutter was humble about her role.

"I was just the teacher who could tell the tale," she said. "I just don't think I've done anything outstanding."

RECOGNIZING BENEFITS AND IMPORTANCE OF SCHOOL-BASED MUSIC EDUCATION

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of H. Con. Res. 380, to acknowledge the great benefits and the importance of music in our Nation's schools.

We know music education helps young minds to develop creativity and expression of emotions. Studies show that early music training can enhance a child's ability to reason and think critically, that children exposed to music at a young age learn better in other subjects, and that children trained in music score significantly higher on reading tests than those who were not. Unfortunately, these programs are being cut from more and more schools with the majority of students attending public schools in inner city neighborhoods having virtually no access to music education, which places them at a disadvantage compared to their peers in other communities.

Although studies show the great outcomes of having music education, local budget cuts are depriving approximately 30,000,000 students of an education that includes music. It is not only at the local level that is forcing schools to abandon music education but the lack of federal funding as well. As our schools struggle to meet No Child Left Behind guidelines without full funding, provide education to all students without full funding for IDEA, schools are faced with making the decisions to cut music, art, after school activities or being labeled a failing school. We need to not only recognize the benefits and importance of music education, but embrace it, realize the need for it and other art education programs in all of our nation's schools and most importantly save music education from becoming extinct. Without music education so many of our great musicians that we admire today—would be doing something else. But the school music program was there for them and we need to have it there for the next generation of musicians.

COMMENDING DAVID LEESON AND CHERYL DIAZ MEYER OF DALLAS MORNING NEWS STAFF, WINNERS OF 2004 PULITZER PRIZE FOR BREAKING NEWS PHOTOGRAPH

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to congratulate two great journalists, David Leeson and Cheryl Diaz Meyer of Dallas Morning News, who were recently awarded the 2004 Pulitzer Prize for Breaking News Photography.

We Texans saw blood spill, tears shed and conflict unfold in the trenches of Iraq through their camera lens.

Mr. Leeson, who was with the U.S. Army's Third Infantry Division for six weeks, captured an image of an Iraqi rolling out of a vehicle engulfed in flames, only to be shot by an American soldier; Ms. Meyer photographed a gripping scene of American troops risking their lives to save a wounded civilian.

The Pulitzer is Leeson's first. He had been a Pulitzer finalist three other times. The Iraq war is the 11th major conflict Leeson has covered. He has also produced work on the apartheid in South Africa, a portion of the Gulf War and flooding in Southeast Texas.

It was the first Pulitzer for Ms. Meyer also, a News photographer since 2000. In late 2001, she traveled to Afghanistan to photograph the war on terrorism and its effects to topple the oppressive Taliban regime. She has received numerous awards for her body of work there including the John Faber Award from the Overseas Press Club. In April 2002, Ms. Meyer traveled to the Philippines and Indonesia where she photographed Muslim and Christian extremism and the violence caused by religious hatred.

Mr. Speaker, I also congratulate the Dallas Morning News' entire staff for their seventh Pulitzer.

Mr. Leeson and Ms. Meyer, I commend you for this great accomplishment. Keep capturing those shots because they are worth a thousand words.

IN MEMORY OF CAPTAIN ARTHUR L. FELDER

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. ROSS. Mr. Speaker, I rise today to honor Captain Arthur L. Felder of Lewisville, AR, who died on April 24, 2004, fighting for his country in Taji, Iraq. Arthur "Bo" Felder, just 36 years old, was one of four soldiers killed during an attack on the base camp of the Arkansas's 39th Infantry Brigade. I wish to recognize his life and achievements.

Bo spent nearly two decades serving the Army and National Guard. During that time, he served in peacekeeping missions in Bosnia and Honduras. While not serving our country, children were Bo's passion, and he spent much of life involved with youth. He worked at Step One Alternative school in Little Rock, a school for kids with legal troubles, and served as a youth director at St. Luke Missionary Baptist Church in North Little Rock.

I am deeply saddened by the tragic loss of soldiers from Arkansas's 39th Brigade, who died while supporting Operation Iraqi Freedom. These brave Americans lost their lives while making the ultimate sacrifice to serve our country, and I will be forever grateful to them for their courageous spirit.

Bo gave his life to serve our country and will forever be remembered as a hero, a son, and a father. My deepest condolences go out to his son Jaelun, eight years old, his daughter Amari, four years old, his mother, Dr. Cheryl Stuart, his brothers, Robert Stuart and Littrelle Felder, and two sisters, Gwendolyn Gingery and Kelana Greer. I know Bo was proud of his service to the U.S. Army and to our country. He will be missed by his family, fellow soldiers, and all those who knew him and counted him as a friend. I will continue to keep Bo and his family in my thoughts and prayers.

RECOGNITION OF MR. ANDREW JACKSON HIGGINS

HON. TOM OSBORNE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. OSBORNE. Mr. Speaker, I rise today to honor the accomplishments of Mr. Andrew Jackson Higgins whom President Eisenhower once said is "The man who won the war for us", referring to his development and production of Patrol Torpedo (PT) boats that landed on the shores of many beaches during World War II.

Andrew Jackson Higgins was born on August 28, 1886, in Columbus, Nebraska, to John Gonigle and Anna Long (O'Conner) Higgins. His innovative mind showed itself at an early age, and by 12 years old, he was motivated to build his first craft in the basement of his home. The shallow water boats that floated along the Loup and Platte Rivers during his childhood inspired him.

His passion for boats did not stop in his childhood; Mr. Higgins organized Higgins Industries, Inc. in 1930, to build boats for his lumber business. He began designing boats because of navigation problems he encountered involving the moving of logs in shallow waterways. The structure of these shallow boats eventually led to the development of the PT boats and their capability to travel in shallow water.

He also created PT boats, which were also known as Higgins Boats. Higgins Boats, constructed of wood and steel, transported fully-armed troops, light tanks, field artillery, and other mechanized equipment essential to Allied versatile operations including the decisive D-Day attack at Normandy, France. He continued to design boats and eventually engineered over 20,000, including rocket-firing landing craft support boats, high-speed boats and various types of military landing craft.

Following the D-Day attack, thousands of lesser-known assaults employed Higgins Boats, which included landing on the beaches of Guadalcanal, Iwo Jima, Tarawa, Okinawa, Leyte, and Guam. Mr. Higgins not only specialized in landing craft such as PT boats, but also constructed freight supply ships and airborne lifeboats that could be dropped from B–17 Bombers.

The production of Higgins Boats enabled Mr. Higgins to establish four major assembly plants in New Orleans for mass construction of landing craft and other vessels vital to the Allied forces' conduct of World War II. He also trained over 30,000 Navy, Marine, and Coast Guard personnel on the safe operation of landing craft at the Higgins' Boat Operators School.

Mr. Higgins had another great accomplishment during World War II that established a progressive social policy at Higgins Industries Inc. He employed a fully integrated assembly workforce of black and white men and women. His policy was equal pay for equal work, decades before integration and racial and gender equality became the law of our land.

In 1964, the former President Dwight D. Eisenhower said of Andrew Jackson Higgins, "He is the man who won the war for us. If Mr. Higgins had not developed and produced those landing craft, we never could have gone in over an open beach. We would have had to change the entire strategy of the war."

Mr. Higgins enriched the lives of everyone fortunate enough to have known him. Mr. Speaker, on behalf of the House of Representatives, we extend our deepest appreciation to Mr. Higgins' family and friends. Please join me in honoring Mr. Andrew Jackson Higgins, an exceptional individual who dedicated his life to the service of our country.

COMMENDING THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. BECERRA. Mr. Speaker, I rise to commend the Alameda Corridor Transportation Authority (ACTA). Earlier today, ACTA representatives formally presented the U.S. Department of Transportation with the final payments for a loan, including interest, which totals nearly $573 million. This final payment was made 28 years ahead of schedule.

Opened on time and within budget, the Alameda Corridor is a 20-mile rail expressway connecting dock terminals in the Ports of Los Angeles and Long Beach to transcontinental rail yards located in downtown Los Angeles. The project proceeds primarily along and adjacent to Alameda Street—with grade separations to safeguard local communities and pedestrian and vehicle traffic—through or bordering the cities of Vernon, Huntington Park, South Gate, Lynwood, Compton, Carson, Los Angeles, and the County of Los Angeles.

Much of the Corridor's success was made possible by an innovative federal loan, which deferred debt service repayments in the early years of the project and allowed for financing at reasonable interest rates through the bond market. In fact, this novel financing approach was the basis for the Transportation Infrastructure Financing and Innovation Act of 1998 (TIFIA), a national program to select projects for credit assistance.

The Alameda Corridor is a project of national significance as it facilitates the movement of commerce from around the world to the entire nation. The Ports of Los Angeles and Long Beach together handle more than 40 percent of the nation's imports by value. More than 2 million jobs nationwide are associated with trade through these ports. These workers, and this country, benefit from the Federal government's role in assuming the early project risk that made the Alameda Corridor possible.

Mr. Speaker, in closing, let me again congratulate the ACTA team for their management of the project and the early loan repayment completed today. The Alameda Corridor is a model project and has set a new standard for excellence. I look forward to working on future "goods movement" projects such as this that will benefit our region and the Nation.

IN RECOGNITION THE MOTHERS' CLUB OF PINE CREST SCHOOL

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. SHAW. Mr. Speaker, I rise today to recognize the Mothers' Club of Pine Crest School in Fort Lauderdale, Florida. For 60 years, the Mothers' Club has been the lifeblood of Pine Crest School. The organization is comprised of over 450 mothers of current elementary-age students.

The Mothers' Club works diligently behind the scenes to ensure an optimal educational experience for Pine Crest's students. They promote community by organizing orientation programs which help acclimate new students and their parents to Pine Crest School. Every Pine Crest School event benefits from the support, involvement and assistance of the Mothers' Club. The Mothers' Club coordinates family barbecues, holiday gatherings and a festival of the arts.

The Mothers' Club always lovingly and willingly contributes to Pine Crest School, in any capacity necessary. This includes coordinating and chaperoning an annual field trip to Washington, D.C. These dedicated mothers volunteer in the classrooms and tutor students, assist in the library and implement a book share program, and serve lunch to students.

Mr. Speaker, the efforts of the Mothers' Club benefit not only Pine Crest School but also the greater South Florida community. These women coordinate various philanthropic endeavors to benefit local charities. Their hard work is noticed and appreciated throughout South Florida. In honor of their hard work for the last 60 years, I wish to recognize and commend the wonderful women of Pine Crest School's Mothers' Club for their dedicated service to children and elementary education.

RECOGNIZING THE IMPORTANCE OF INCREASING AWARENESS OF AUTISM

SPEECH OF

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. ROTHMAN. Mr. Speaker, I rise today in support of House Resolution 605 to recognize the importance of generating awareness about autism, increasing research efforts into this terrible disorder, and improving support for those who suffer from autism and those who help care for the autistic. My 13 year old nephew Jack has autism, so I am part of an extended family working to raise a child with this disability. My family's ongoing experience has impressed upon me how critical it is for us, as a society, to give those with autism and their families the support they need to fight this devastating disease, and to commit the resources necessary to determine the cause of autism and to develop a cure for the millions of afflicted individuals.

Autism is not rare. Autism effects approximately 1 in every 166 children in the United States, making it one of the most common childhood medical disorders. In many cases, those with autism will never marry, they will never live independently, and more than half of them will never learn to speak. Families affected by autism are forced to bear an extraordinary burden. Parents, siblings and friends have to learn to try to communicate with and care for a child who may be incapable of either verbal or nonverbal communication or who may exhibit erratic behavior. The fact that autism is so common is proof that autism research is deserving of our nation's wholehearted support.

Funding for autism research at the National Institutes of Health has been increased from approximately $93 million in Fiscal Year 2003 to $96 million in Fiscal Year 2004, but we know that is not enough. Scientists continue to disagree on the cause or causes for the dramatic increase in the number of autism cases diagnosed in the United States. Only with increased research will we be able to understand autism, find better treatments and effective prevention methods, and hopefully, someday soon, develop a cure for this terrible disease.

I am pleased to be here today as a cosponsor of H. Res. 605. I applaud Representative TIERNEY for authoring this Resolution and working to bring attention and resources to an all too common, but devastating disorder. At its peak, there were 20,000 cases of polio each year. Today, less than 10 Americans contract polio annually. By working together and by never giving up, I know we can make autism just as rare. Thank you, Mr. Speaker.

RECOGNIZING THE IMPORTANCE OF INCREASING AWARENESS OF AUTISM

SPEECH OF

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. TERRY. Mr. President, I rise in strong support of H. Res. 605 to support National Autism Awareness Month; commend the parents and caregivers of autistic children; support aggressive research into autism; and recognize the importance of early intervention.

If you were to see nine-year-old Jacob Nolan Hirschfeld on the baseball diamond today you might be impressed with his skills in playing our national pastime. Since his middle name was inspired by the great pitcher Nolan Ryan, you might also think that his success on the field was destined. But Jacob's ability to play baseball, and to do everyday things such as attending school and playing with friends, were never guaranteed.

Jacob Hirschfeld has been diagnosed with autism.

Jake struggles with most of the issues common among the autistic. At four years of age he could only speak in one syllable words. He was scared of loud noises and bright lights. He had many of the compulsions that are common with these children, and was fearful of most people outside of his immediate family. Jacob's father, Mark Hirschfeld, has said "our family was literally a prisoner to autism."

Jake's diagnosis was devastating to his parents. But even more difficult was the fact that physicians, educators and other professionals had little understanding of this complex disorder and what could be done to help children like Jacob. Stereotypes abounded.

One physician told the Hirschfeld's that Jake had no better than a one in ten chance of living outside of institutional care. Jake's mother, Nancy, recalls that "one preschool initially turned away our son because of their fear of autism, but once they began to see Jake as a person who had unique gifts as well as challenges they accepted him."

Thankfully, the Hirschfeld family persevered and sought services to help their son. Their search led them to engage an intensive early intervention therapy called Applied Behavior Analysis, or ABA. This therapy has been available for over twenty years, and was recently featured on NBC Nightly News and ABC's Primetime Live. It is one of the treatments that can significantly reduce the symptoms of autism. Because the cause or causes of autism have yet to be identified, early intervention is the best course available for parents today.

Unfortunately, these services are not universally supported by public or private insurance, so families like the Hirschfeld's pay up to $60,000 per year to help their children. In the State of Nebraska, there are now organizations who offer these services, including the Families for Effective Autism Treatment, or FEAT. Although FEAT now serves over 20 families in Eastern Nebraska, countless other families nationwide cannot access this treatment because of its prohibitive cost.

But the tremendous investment can pay great dividends. Jacob Hirschfeld could once barely speak, but he was recently one of the stars in an Easter musical at his school. He was once scared of most people, but is now regularly seen riding his bike around the neighborhood, greeting neighbors and playing with friends. And yes, he plays a pretty decent game of baseball. Jake has come a long way, but he will continue to need services to help him along his journey, just as many autistic children in America need support and care.

Early intervention has also made a difference in the lives of Patrick and Jean McDermott, and their son, Grant, who was diagnosed with autism when he was 22 months old.

Grant's mother Jean said "it was devastating to hear the words 'diagnosis of autism' as parents of this beautiful child. My husband and I wondered what his future would hold. After the initial shock, we started researching what we could do to give him a brighter future."

The McDermott's also chose the ADA early intervention therapy. Therapists worked with Grant about 35 hours a week, teaching him basic and then more advanced skills. Grant is now in regular school with no aides, and will be going to kindergarten this Fall. His future is looking bright and the McDermott's believe he will live a full life, but it will always be a challenge having an autistic son until a cure can be found.

Autism now affects 1 out of every 166 children in the United States. Boys are four times more likely to have autism than girls. This developmental disorder robs individuals of their ability to communicate and interact with others. Some autistic children seem barely able to distinguish their parents from strangers.

The costs of caring for autistic individuals is high financially as well as emotionally. Nationwide, an estimated $90 billion is spent every year. Specialized treatment in developmental centers costs about $80,000 per child, and special education programs cost about $30,000 per autistic child. Services are needed to help reduce these burdens on families and society.

Mr. Speaker, there is a great need for increased public awareness about autism, and more aggressive research into this disorder to help American families like the Hirschfeld's and the McDermott's. I am proud to be a cosponsor of H. Res. 605, and urge my colleagues to join me in wholeheartedly voting for its passage today.

RESOLUTION EXPRESSING THE SENSE OF THE HOUSE THAT THERE IS A NEED FOR INCREASED EDUCATION AND AWARENESS ABOUT HEPATITIS C

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. UDALL of New Mexico. Mr. Speaker, May has been designated as Hepatitis Awareness month. In light of that, I rise today to highlight one type of Hepatitis that is an important health issue facing our country—the Hepatitis C virus. Hepatitis C is now the most common bloodborne infection in the United States infecting an estimated 2.7 million Americans and more than 32,000 in my home State of New Mexico alone. Further exacerbating the situation is the fact that it is estimated that less than 5 percent of individuals with Hepatitis C are receiving treatment. These statistics alone underscore the critical need to increase education and awareness about this virus. Today I am introducing a resolution that calls for exactly that.

Mr. Speaker, in addition to the figures I mentioned above, it is also worth noting that approximately 80 percent of those infected with Hepatitis C develop chronic liver disease with an increased risk for development of cirrhosis and liver cancer. In fact, in the United States Hepatitis C is estimated to be the cause of 40 percent to 60 percent of cases of chronic liver disease and 8,000 to 10,000 deaths annually.

One population in our society for whom Hepatitis C is a particular concern is our veterans. A study released in July 2003 measured the prevalence of Hepatitis C in a sample of veterans treated in a homeless veterans program in Massachusetts over a five-year period. The study found an overall prevalence rate of HCV infection of 44 percent, a rate more than 10 times higher than the national rate for men age 20–59. According to the study, adjusting for age, significant risk factors in the sample included a history of substance abuse and service during the Vietnam era. However, this is by no means the only at-risk population.

Native Americans are another segment of our population who are experiencing the destructive effects of the Hepatitis C virus. Although Native Americans experience infection rates on average with other populations, because of other obstacles to accessing care and accessing quality care, they are experiencing much higher death rates and years of life lost as a result of chronic liver disease.

Mr. Speaker, these are but two examples of specific demographic groups dealing with the realities of the Hepatitis C virus. But as indicated by the number of Americans infected with this virus it is clearly a much more widespread concern. As a nation we must begin confronting the rising human and economic costs of this virus. And we in Congress must begin confronting the policy choices we need to make to stem these costs. Passing this resolution will be an important step in this process.

EXPRESSING CONCERN OF CONGRESS OVER IRAN'S DEVELOPMENT OF MEANS TO PRODUCE NUCLEAR WEAPONS

SPEECH OF

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. McDERMOTT. Mr. Speaker, I abhor nuclear weapons and would like nothing better than to see the world free of these weapons. I believe that Iran is a nation that we cannot trust. I also believe the House Concurrent Resolution rushed through Congress by the Republicans with little debate and even less clarity in intent is wrong, and I cannot support it.

The wording of the Iran Resolution reminds me of the blank check the President got for Iraq. Here's what I mean. The relevant portion of Section 2 of the Iran Resolution says: ". . . to use all appropriate means to deter, dissuade and prevent Iran from acquiring nuclear weapons. . . ." We must not make the same mistake twice. We need to deal with Iran. We need to deal with nuclear weapons programs, but this is not the way to do it.

REMARKS BY THE HONORABLE DAVE OBEY

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. BALDWIN. Mr. Speaker, I rise to submit the humble, humorous and insightful remarks of my dear friend and Dean of the Wisconsin Congressional Delegation, the Honorable DAVE OBEY. The gentleman was the honored guest recently at the University of Wisconsin-Madison's Department of Political Science as it celebrated its Centennial. I was given a copy of his remarks and was captivated. Written with his characteristic no nonsense Wisconsin affect, this wonderful speech is a treasure to be shared. To that end, I submit it for the CONGRESSIONAL RECORD.

I came to Madison in 1958—after two years at the UW-Marathon County Center in Wausau—to get a poly-sci degree.

Arthur Henderson, my high school history teacher, who had worked with the great William Hesseltine, told me that I should seek out Ralph Huitt as my faculty advisor and take as many courses from him as possible if I wanted to understand how government and politics really worked. That's exactly what I did.

I had many other fabulous professors: Leon Epstein, Bernie Cohen, Fred von der Mehden, David Fellman, John Armstrong, Henry Hart, to name a few.

And in the history and econ departments, people like: Selig Perlman, Michael Petrovich, George Mosse, David Granick.

It's amazing to me how much of what they taught me has had direct relevance in my later life. I treasure what I learned here—in and out of class—and I treasure the memories.

I attended here at the same time as Bill Steiger, who later was my Republican opposite image in Congress and one of the finest politicians I have ever known. Bill was elected to the State Assembly in 1960; I followed him in 1962. He was elected to Congress in 1966; I followed 27 months later. But in the late 1950s, we were both still here and had two classes together.

One was Constitutional law with Dave Fellman. For those of you who do not know Fellman, his style was much like the law professor played by John Housman in the TV series "Paper Chase"—dry and acerbic.

Steiger was "Big Man on Campus." His father, Carl Steiger, was President of the Board of Regents, and Bill was well known and active in everything. On the first day of class, Steiger walked into Fellman's class about 5 minutes late. Chagrined, he walked gingerly to his seat. Fellman paused, peered at Steiger over his glasses, and said icily, "Please pardon me, Mr. Steiger. Ordinarily we would have an usher escort you to your seat. Unfortunately, our carnations have not yet arrived." Bill turned blood red. No one in that class was late after that.

I remember in 1960 the first time I met Jack Kennedy. Kennedy and Hubert Humphrey were running against each other in the Wisconsin presidential primary. I was running Humphrey's campaign on campus.

One evening I was chairing a meeting in the student union. We knew Jackie Kennedy was upstairs at a fashion show, but we didn't know that Jack was with her. Halfway through our meeting, the door to our room opened and Kennedy poked his head in. "I understand this is a meeting of the Young Democrats he said." "Not quite," I responded, "this is a meeting of the Humphrey for President club." "Well, do you mind if I come in and say hello?" he asked. "Of course not," I responded. Kennedy came in, shook hands around the table, wished us luck but not too much, and moved on.

That same year I met Jackie Robinson and wound up wanting to strangle him. Gaylord Nelson, the new Governor, called me one afternoon. Nelson was officially neutral, but personally favored Humphrey over Kennedy. When he called me, he said, "Dave, Jackie Robinson is coming to town to endorse Hubert. Get a room at the union, build a crowd, and you can introduce us."

We had a huge crowd for him. I emceed the meeting and introduced Gaylord, who introduced Robinson. Robinson gave a ringing endorsement of Humphrey and then opened up to questions. The first question from the press was, "Mr. Robinson, you have endorsed Senator Humphrey, but what if he loses to Senator Kennedy in the primary?" Robinson said, "Why then I'll endorse Nixon." The crowd gasped and the press ran for the phones to call their papers. What was supposed to be a good day for Humphrey turned into an even better one for Nixon.

As you know, Kennedy did win the nomination and squared off against Nixon. The last week of the election it was announced that Nixon's plane would touch down for an early Saturday morning rally at Truax field on the way to California. Bill Whitford, Tom Eckerle, and I decided we wanted to crash the rally. We went down to GOP headquarters and wheedled a bunch of Nixon Lodge signs (Nixon's running mate that year was Henry Cabot Lodge). We cut Lodge's name off the bottom of the sign, moved it to the top, added the letters "D-1-S" in front of Lodge's name so the signs read "Dislodge Nixon" and sounded a small dissent at the rally the next morning.

After the election we needed the help of the faculty to get one of our friends out of trouble. In 1961 the Republican Leadership in the Legislature called upon Governor Nelson to fire his Secretary, Esther Kaplan, after she had circulated a petition calling for the abolition of the House Un-American Activities Committee. The Republican Leadership introduced a resolution praising HUAC and held a Nelson bashing hearing on it in the State Assembly Chambers. My friend, Dave Sheridan, was so angered by the resolution that he put on his ROTC uniform, walked down to the Capitol, and testified against the resolution.

"I know that you are claiming that anyone opposed to HUAC is either a traitor or a communist dupe," Sheridan said. "I'm wearing this uniform to demonstrate that while I may be a dupe, I'm certainly no traitor." The Republican Leadership was enraged and moved to have Sheridan thrown out of the ROTC program because he had worn his uniform to testify—in violation of Army rules.

A number of Dave's friends on the faculty went to Ralph Huitt and several others to get some advice on how to save Sheridan's hide. Huitt (or someone else on the faculty) called Carlisle Runge a UW law professor who had been named a high Pentagon post by Kennedy, and got Sheridan off with a reprimand. Years later it was to be my great pleasure to cast a vote that disbanded HUAC.

And there were some other pleasures. In his course on legislation, Huitt scheduled a Mock Senate, role playing exercise one weekend in the State Assembly Chambers at the Capitol. Each student was assigned to play an individual, real life U.S. Senator. Fittingly, Bill Steiger was assigned to play Everett Dirksen, the Republican Floor Leader. I was assigned to play Senator William Fullbright. It was my task to try to push a foreign aid bill through the Senate. I had no idea that 25 years later I would Chair the Foreign Operations Appropriations Subcommittee, which had the responsibility to handle all foreign aid appropriations.

And there were so many other links in the chain.

A large part of that Foreign Operations Committee responsibility would be to shape development aid to the Third World, the region that was the focus of Fred von der Mehden's and Henry Hart's courses on Third World politics.

Another strong focus for the committee was the Middle East. Next to the Soviet Union, my main regional interest in Congress has been the Middle East. That interest was first triggered by series of debates that two faculty members at the UW-Marathon County Center, Dr. Sam Weiner and Dr. Bob Najem, had conducted after the 1956 Mid-East war.

Of course, I knew nothing of those future linkages then. Certainly, in graduate school under John Armstrong where I focused on Russian area studies and expected to wind up teaching Russian government somewhere, I had no idea that 30 years later I would be partnering with Indiana Congressman Lee Hamilton to shepherd through Congress aid packages for Russia and Eastern Europe after Gorbachev allowed the Soviet block to crumble, virtually without a shot.

I'm grateful for all those memories and for the substantive grounding the University gave me to prepare me for my congressional responsibilities. But the grounding I received from the University was not just because of the courses I took. It was also because of the spirit, the philosophy, the progressive mindset that defined the University and set it off as something special in the American experience.

You simply cannot live in Wisconsin and go to the University of Wisconsin without recognizing the centrality of the La Follette progressive tradition that is at the heart of Wisconsin history, and the linkage the University has with that tradition.

The greatest public servant Wisconsin ever produced was Robert La Follette. Before La Follette led his Progressive revolution, Wisconsin's politics was owned lock, stock, and barrel by the railroads, the mining companies, and the timber interests. Government was geared to promote the welfare of those engaged in the production of wealth. The interest of the working class was an after thought. La Follette changed all that—aided and abetted by the University. La Follette changed the focus of Wisconsin government from enriching the few at the expense of the many to enriching the few by enriching the many. In short, he was Hubert Humphrey before Hubert Humphrey.

The original Wisconsin practitioner of the art of "Percolate Up" rather than "Trickle Down" economics, La Follette's mission and passion was to keep the big boys honest in order to include everybody in the circle of prosperity and progress. He was the Andrew Jackson of his time and place.

He understood that America is a capitalist economy, but it is also more than just an economy; it is democracy. And as a democracy, it is supposed to stand for the greatest good for the greatest number, even as it respects the rights of the individual.

He understood that capitalism works through market forces that cannot be repealed, but that democracy is not just "Of, By, and For the Markets." It is designed to be "Of, By and For the People!" He believed that Darwin's law of the survival of the fittest might be good enough for the animal world, but not good enough for the world of man. He wanted balanced capitalism, not a new feudalism in disguise. And he intended to use the tools of government to achieve it. And he used the resources of the University to help him in his task.

Helped by scholars, such as Frederick Jackson Turner, Richard Ely, and John R. Commons, he began the process by writing legislation to loosen the stranglehold of the railroads on Wisconsin's farmers and economy. What La Follette began, before he moved to the U.S. Senate, reached its zenith under Governor Francis McGovern.

The legendary Charles McCarthy, a University product, created Wisconsin's pioneering Legislative Reference Bureau. He and more than 40 other University figures were at the center of pioneering progressive achievements—

Achievements like: The nation's first workers' compensation program, workers' safety legislation, a State Industrial Commission, limits on the hours of work for women and children, forest protection legislation, the nation's first progressive income tax, and so many others.

In his autobiography La Follette explained his passion for economic justice and the role the University played in nurturing and furthering it. In that autobiography, a Follette wrote the following. "I shall never forget the speech I heard the old Chief Justice of Wisconsin, Edward G. Ryan, make to the graduating class at Madison in June of 1883 just before I entered the University," La Follette said:

"There is looming up a new and dark power . . . the enterprises of the country are aggregating vast corporate combinations of unexampled capital, boldly marching not for economic conquest only, but for political power. For the first time really in our politics money is taking the field as an organized power . . . The question will arise in your day . . . which shall rule—wealth or man; which shall lead—money or intellect; who shall fill public stations—education and patriotic free men or the feudal serfs of corporate capital?"

La Follette then goes on to say that that speech kindled in him the spirit he carried throughout his public service. As La Follette described it, "It grew out of the intellectual awakening . . . the very center and inspiration point of which in Wisconsin was then, and has been ever since, the University at Madison. It is difficult indeed to overestimate the part which the University has played in the Wisconsin revolution," La Follette said. "For myself," he said, "I owe what I am and what I have done largely to the inspiration I received while there. It was not so much the actual courses of study which I pursued; it was rather the spirit of the institution—a high spirit of earnest endeavor, a spirit of fresh interest in new things, and beyond all else, a sense that somehow the state and the University were intimately related and that they should be of mutual service."

La Follette's attachment to the University was understandable and fitting. He was the first graduate of the University to become Governor. The legendary Charles Van Hise was a member of that same graduating class—the first person to obtain a PhD from the University, he was later effectively appointed University President by La Follette.

And I must say that it was that same sense of the spirit of the institution, so intimately connected to Wisconsin's progressive traditions, which sparked my passion for public service.

What I learned here that inspired me is that while La Follette and other Progressive Reformers like George Norris and Theodore Roosevelt were regarded as secular men, they really were at the moral core of a movement that had deep roots in the Jewish Prophetic Tradition and the Christian Social Gospel, which implied that there were certain norms of decency that must be the objectives of political choices in a democracy.

That tradition was rooted in the belief that politics must be more than merely transactional. It must be more principled than "who gets what." That it could and should be, as Bill Moyers has said, transformational—that it must try to "even the starting gate so that people who are equal in humanity but not in resources have a reasonable opportunity to pursue a full and decent life."

The Wisconsin tradition dictates that political leadership must challenge people to see beyond their own self-interests and prerogatives. That is why whenever anyone comes into my office asking me to do something, I first ask them to read aloud a sign hanging on the wall which asks, "What do you want me to do for someone besides yourself that is more important than whatever it is you want me to do for you?" If you cannot answer that question you are failing the ultimate test of good citizenship in a democracy.

For the past 40 years, in the Legislature and the Congress, I have tried to pursue that special Wisconsin vision of the role of government in shaping a more just society. Wisconsin has so often in its history been informed by a special sense of commonwealth—of using our common wealth to invest in efforts to spread the blessings of society more broadly.

I wish I could say that we are still following that special calling today, but we have drifted away in so many ways. Over much of the last three decades we have seen the country retreat from those ideals. Anna Quindlen has written that "America is a country that now sits atop the precarious latticework of myth. It is the myth that work provides sufficient rewards, that working people can support their families. It's a myth that has become so divorced from reality that it might as well begin with the words "Once upon a time." Why does Quindlen say that? Because one out of every four American workers makes less than $8.70 an hour—poverty level for a family of four.

La Follette and the past greats of the University would be stunned to see that in one generation America has gone from being the industrial society with the smallest gap between rich and poor to the one with the largest.

They would be astounded to see that the safety net, which they fought so hard to construct, has not been nearly strong enough for large portions of our population.

They would be appalled that the number of Americans without health insurance has grown by 4 million people in less than a decade.

They would see shame in the fact that the most well off 1 percent of America's families enjoy control over 33 percent of the nation's wealth while the bottom 50 percent struggle to maintain 2.8 percent of the nation's wealth.

They would be dismayed to see how little heed has been paid to the warning of Adam Smith, the founding high priest of capitalism, that without fair rules of the game to keep markets honest that capitalism could be misaligned into a system that provided insufficient protection for the legitimate interests of workers and consumers alike.

They would find it unbelievable that the percentage of American workers who belong to unions has contracted rather than expanded over the last half century.

They would be outraged that the ownership of news outlets is much more heavily concentrated today than it was in their era.

They would not be surprised, but they would be repelled by a tax system that provides greater rewards for accumulated wealth than it does for work.

And most of all, La Follette himself would be disheartened by the growing financial barriers to opportunity that are encountered by the children of so many working families who seek to attend this very University.

La Follette himself is Wisconsin's most distinguished example of how crucial it can be to eliminate financial barriers to higher education. In his autobiography, La Follette made the following observation:

"My single term at the University law school had been rendered possible only through the consideration of the faculty in making an extraordinary exception in my case and permitting me to enter without paying the usual matriculation fee. I had no money . . ."

How little we have learned, despite all the blather uttered by both political parties about how much we have expanded opportunity for higher education. UW Chancellor John Wiley observed in a speech last November that the median family income in Wisconsin is a little over $45,000, but the median family income for this year's new freshman at Madison is $90,000." Think about that for a moment. As Wiley pointed out, "The distribution of brains, talent, ambition, and creativity is independent of family income. We will ignore that fact and freeze out the children of average and low income families at our peril."

Now tie that to another fact. Pell Grants, the principal student aid program for low income students, now pay for only one-half of the cost of instruction that they paid for in 1976. I feel acutely about this because I'm the Ranking Democrat on the Appropriations Committee and the Subcommittee that funds all education programs. Next, add in another fact. More than half of all college graduates graduate with debts above $15,000.

If La Follette were planning to go to law school today, he couldn't afford it. How many La Follettes or Gaylord Nelsons or Bill Steigers are we today passing over?

What would he and the University greats of old say about a government which, when struggling with a $500 billion deficit, a huge Social Security deficit, record long-term unemployment, and 44 million people without health insurance, decides that the number one priority in the budget next year is to provide a $155,000 tax cut to someone making a million dollars while we short fund elementary and secondary education by $9 billion and continue to tolerate a two-tier system for access to higher education or quality health care.

We all love this country. In spite of all its short comings, this is a great country. But shame on us for allowing such an outcome. We must do better.

I thank the University—and you should, too—for its tradition of producing graduates and citizens who are never satisfied, for it's tradition of saying "We can do better!" For the sake of the kind of country we want America to be, let's all do our part to live up to that tradition.

Now, I'm sure that some of you may strongly disagree with the thrust of what I have said today. That's o.k. As Will Rogers observed, "If two people agree on everything, one of them is unnecessary." That difference would probably be rooted in the fact that we follow different philosophers. Some of you may follow Plato or Aristotle or even Ayn Rand, God Forbid. But my favorite philosopher is Arch the Cockroach.

Archy was a character invented by a writer by the name of Don Marquis in the 1920s. He was supposedly a poet who had died and had come back to life in a body of a cockroach. He lived in a newspaperman's office and every night would crawl out of the woodwork, climb onto the typewriter, dive head first on the keys, and leave little messages which would appear in the newspaper the next day. He had a thought for every occasion. One of the things he said was this:

"did you ever
notice that when
a politician
does get an idea
he usually
gets it all wrong"

But my favorite was this:

"im too small
to feel great pride
and as the pompous world
goes by
i see things from
the under side"

Like Archy, I try to see life from the underside. I make no apology. I learned it here!

PAYING TRIBUTE TO COL. LORRIS WILLIAM MOOMAW

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. McINNIS. Mr. Speaker, it is with great sadness that I rise today to pay tribute to the life and memory of Colonel Lorris "Bill" Moomaw who recently passed away. Bill was a true American hero and patriot, and a beloved friend and colleague to many in his community. In his years spent in the armed forces, Bill embodied the ideals of integrity and courage that we, as Americans, have come to expect from our military personnel. As his family and community mourn his passing, I believe it is appropriate to recognize the life of this exceptional man, and his many contributions to his community, state and country.

Bill lived an immensely rich and full life, always holding firm to his beliefs in serving his community and country. In 1935, he graduated from flying school at Randolph Field, Texas, and began flying commercial flights until the onset of World War II. During the war, Bill flew numerous transport missions, serving as the Operations officer of the first regularly scheduled Military Air Transport runs. In 1945, he served as Operations officer for a dangerous and important transport operation between India and China known as "The Hump," and his unit received over nine hundred citations, and became the only non-combat unit to receive a Presidential unit citation. As the war ended, he was assigned to finding and removing American POW's from South East Asia, Singapore, and Indonesia, frequently flying into unsecured areas occupied with hostile forces.

At the end of the war, Bill was offered and accepted a regular commission and was transferred to Washington where he served as military aide and pilot to the first two Secretaries of the Air Force. His flights included piloting such dignitaries as Presidents Roosevelt, Truman, Eisenhower and Johnson, and taking Bob Hope and other Hollywood celebrities on Christmas trips to entertain our troops.

Mr. Speaker, we are all at a great loss because of Colonel Lorris Moomaw's passing, but can be comforted in knowing his service to our nation helped secure the freedoms we enjoy today. I am honored to pay tribute to the life and memory of Colonel Lorris William Moomaw before this body of Congress and this nation. My thoughts are with his loved ones during this difficult time of bereavement.

HONORING ADELE GILMORE

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. DEUTSCH. Mr. Speaker, today I rise to honor a woman who will be missed by all who knew her. It brings me great sadness to report that Adele Gilmore of Sunrise, Florida, passed away on April 27th, at the age of 86. Ms. Gilmore championed her community through her deep conviction to philanthropic endeavors and public service. Her tremendous strength of character will be remembered by her friends, family, and colleagues.

Hardworking and driven, Ms. Gilmore was a former vice president of Nathan's Famous restaurant. She was hired to work at Nathan's by Murray Handwerker, the son of Nathan's founder Nathan Handwerker.

Ms. Gilmore founded the Nob Hill Chapter of the City of Hope, a research organization aimed at finding cures for cancer, AIDS, and other life-threatening diseases. Ms. Gilmore got involved in the City of Hope after losing her son, Mark, to AIDS. The Nob Hill Chapter of City of Hope has raised over $2 million since 1987, and Ms. Gilmore's efforts at the group's annual Christmas gift wrapping drive at the Sawgrass Mills Mall helped generate that success.

Ms. Gilmore was also an active member of the Broward Democratic Executive Committee, as well as an officer and director of the Sunrise Regular Democratic Club. In addition, she found time to become involved in the political campaigns of former President Bill Clinton and former Vice President Al Gore.

Mr. Speaker, Adele Gilmore was both well-loved and widely respected by all those blessed to have known her. She is survived by her sister Evelyn, her sons David and Peter, her grandchildren Joshua, Benjamin, Maghan, and Fir, and one great-grandchild. Today we celebrate Adele's life, which serves as a wonderful example to all who follow in her footsteps.

RECOGNITION OF CAPTAIN JOHN TIPTON

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of Captain John Tipton who was recently killed in Iraq.

Capt. Tipton, 32, a 1989 Granite City High School graduate, died this past Sunday in an explosion during combat in the Al Anbar Province in Iraq. The province, west of Baghdad, is where Camp Fallujah is located and is one of the most hostile regions in Iraq. Capt. Tipton was commander of Headquarters Company, 1st Battalion, 16th Infantry, 1st Brigade, 1st Infantry Division out of Fort Riley. He was stationed at Fort Riley, Kansas with his wife, Susie Tipton, of Collinsville, and their two children, Austin, 4, and Kaitlyn, 2.

I am proud of the service Capt. Tipton has given to our country and the service he and others provide on a daily basis. Not enough can be said about the sacrifice and dedication these men and women display while serving in Iraq. It is troops like Capt. Tipton, those risking their lives everyday, that ensure our freedom here at home and to others throughout the rest of the world. I salute him and my heart felt condolences go out to his family and all the troops continually fighting to ensure freedom and democracy.

UNIVERSITY OF HOUSTON PROGRAM TO PREVENT OBESITY

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. JACKSON-LEE of Texas. Mr. Speaker, we have an epidemic of obesity in America, threatening to become the single most pressing public health issue before us within one year. I would like to commend the outstanding work being done at the University of Houston in my district, where they have recently created the Institute for Obesity Prevention and Urban Fitness.

According to the Centers for Disease Control and Prevention, in 2000, 31 percent of U.S. adults aged 20 years and older—nearly 59 million people—were obese. And the problem is getting steadily worse. In 2003 obesity was responsible for 16.6 percent of preventable deaths in America, preceded only by tobacco which is responsible for about 430,000 deaths a year. Recent research suggests that obesity will become the leading cause of death by 2005, claiming more than 500,000 lives.

In addition to the enormous human toll, the National Institute of Diabetes and Digestive and Kidney Disease estimates that the economic burden of those being overweight or obese in the United States totals approximately $117 billion a year.

Realizing the serious need to address this nationwide epidemic, the Department of Health and Human Performance in the University of Houston's College of Education has begun development of the Institute for Obesity Prevention and Urban Fitness. The center will conduct clinical research, educational programs, and outreach to serve the UH student body and the demographically diverse underserved community surrounding the UH campus. In partnership with the Biomedical Engineering Group at the University of Houston, the institute will search for biomarkers to predict obesity risk and treatment outcomes. This unique, new institute gives the University of Houston a leading role in national obesity research.

I commend the University of Houston for creating a center whose studies will provide a model for the nation and whose research will benefit millions of Americans in the midst of a health crisis.

HONORING MR. STEWART UDALL

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. WOOLSEY. Mr. Speaker, I rise to honor Mr. Stewart Udall who has served our country in many ways—for six years as a Member of the House of Representatives, nine years as Secretary of Interior, and countless years as an environmental activist, scholar, historian, and citizen of the outdoors. However, it is for a unique contribution to the preservation of our natural resources that I am here today; as Secretary of the Interior in 1962, Stewart Udall was instrumental in the creation of Point Reyes National Seashore in my district in Marin County, California.

Point Reyes National Seashore is truly a treasure for the nation. Conceived as a park in the 1930s, the hard work of dedicated people finally made the Seashore a reality during Stewart Udall's tenure. The park is enjoyed by over 2.5 million visitors annually and ranks among the top twenty most-visited National Parks in the country. Comprising over 71,000 acres of estuaries, beaches, coastal grasslands, salt marshes, and coniferous forests, Point Reyes National Seashore is home to 45% of North American avian species, 18% of California's plant species, and hundreds of migrating whales.

Its rich cultural history, dating back 5000 years to Miwok settlements, includes the landing of Sir Francis Drake in 1579 and the development of early 19th century Mexican land grants which are the precursors of modern ranches in the pastoral zones. The Seashore today successfully balances the needs of visitors and ranchers with the preservation of ecosystems and historical sites.

Upon his appointment as Secretary of the Interior by President John F. Kennedy, Stewart Udall exhibited the visionary leadership that preserved the natural and cultural heritage of Point Reyes National Seashore as well as other important seashores and lakeshores in the National Park System. He declared that "few areas in government leave a more abiding and visible mark on our land and our individual future than what is done or not done by the Department of Interior. Our success will be measured by the scars of neglect that are removed and the creative programs we realize in improving this great land of ours."

As an Arizona native, Secretary Udall brought to the Kennedy and Johnson administrations a unique understanding of the value of the ecosystems of the western United States. His Cabinet career resulted in The Wilderness Bill, The Wild and Scenic Rivers Act, the Land and Water Conservation Fund, and the creation of four new national parks, six national monuments, eight seashores and lakeshores, nine recreation areas, twenty historic sites, and 56 wildlife refuges.

Continuing his exploration of Western issues, Secretary Udall has documented the history of much of the region in several books, most recently, The Forgotten Founders: Rethinking the History of the Old West. This book brings to life the stories of actual people who settled the land, dispelling the myth of the predominance of handsome, six-gun-toting cowboys.

Mr. Speaker, Stewart Udall's vision, dedication, and leadership exemplify the best in public service. In his own words, "In the long run the best politics is a job well done."

RECOGNIZING THE LIFE AND LEGACY OF NEIL KENNETH BURRASTON

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. SOLIS. Mr. Speaker, I rise to recognize the life and legacy of Mr. Neil Burraston, a Principal Consultant in the California State Legislature who recently passed away.

For more than 30 years, Burraston helped advance the political careers of countless California legislators by providing them with invaluable advice and unmatched policymaking expertise. More importantly, the numerous policies he helped draft on workers compensation, have improved the lives of millions of working families in California.

After a stellar administrative career in the New York State Legislature, Neil began his career with the California State Legislature in 1972 as an Administrative Analyst in both the Legislative Analyst's Office and the Joint Legislative Budget Committee. His mastery of state government policy-making was recognized by his colleagues in 1984, when he was promoted to Senior Consultant for the Senate Committee on Industrial Relations and later to Principal Consultant in 1993. When I was Chair of the Senate Industrial Relations Committee in the late 1990s, Burraston's expertise and advice helped me to make informed decisions about issues before the committee.

A near-fatal illness provided Burraston with renewed insight into the value and purpose of life and the impact one can have on others outside the family. As an active member in his community, he advocated to end alcohol abuse among families and vulnerable children. As President of the National Council on Alcoholism, he helped organize the National Association of Adult Children of Alcoholics and sponsored youth support groups for young people who wished to live a life free of alcohol abuse.

Born in Payson, Utah on 1938, Burraston earned his bachelor's and master's degree in political studies from Brigham Young University. A devout Mormon and an active member of the Church of Jesus Christ of Latter-day Saints, Burraston suffered a heart attack while serving on a Latter-day Saint mission and died on February 28, 2004, in San Antonio, Texas. He leaves behind his loving wife, Amanda, five children, 16 grandchildren and two siblings.

Neil Burraston will always be known for his contributions to the State of California, its Legislature, and its people. His work will always be a model for other consultants and legislators to learn and emulate. Although we will miss Neil dearly, his life and legacy will live in our hearts forever.

PAYING TRIBUTE TO MIKE BLOSS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. McINNIS. Mr. Speaker, it is with a sad heart that I rise to pay tribute to the passing of a selfless servant from my district. Mike Bloss, a native of Winter Park, Colorado, was recently killed while serving our country in Iraq as a contract security specialist. A beloved figure in his community, Mike dedicated his efforts to teaching students with disabilities how to ski and mountain bike. As his family and community mourn his passing, I believe it appropriate to bring his contributions to his community, state, and country to the attention of this body of Congress and this nation.

Mike was a retired Welsh special forces officer who began as a volunteer at the National Sports Center for the Disabled in Winter Park. As he gained more experience through various instruction certification programs, he turned the volunteering opportunity into a seasonal job. Mike was a fond employee of the organization who demonstrated great understanding for the needs of skiers with disabilities, having suffered a foot injury himself from a fall he took while he was in the military. As an additional source of income and for the chance of an adventure, Mike took on contract jobs with a Virginia firm that specialized in high-risk private security.

Mr. Speaker, Mike Bloss was a dedicated man who selflessly served his community and country, and I am honored to recognize his sacrifice before this body of Congress and this nation. His lifetime of service is an incredible model for America's youth. My thoughts and prayers go out to his family during this difficult time of bereavement.

IN RECOGNITION OF MICHAEL BESCHLOSS, 2004 RECIPIENT OF THE HARRY S TRUMAN AWARD FOR PUBLIC SERVICE

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. McCARTHY of Missouri. Mr. Speaker, I rise in recognition of Michael R. Beschloss, who is receiving the 2004 Harry S Truman Award for Public Service from the City of Independence at the Truman Presidential Museum and Library on May 7, 2004. After President Truman's death on December 26, 1972, the City of Independence established this award to honor an outstanding individual who possesses the qualities of Harry S Truman. Since 1974, the annual award has honored individuals who have demonstrated "dedication, industry, ability, honesty and integrity" in their significant contributions to our country.

This year's recipient is the award winning historian and highly acclaimed author, Michael Beschloss. Last year, Beschloss generously agreed to be the keynote speaker for the Truman Presidential Library and Museum "Wild About Harry" fundraiser. Mr. Beschloss received rave reviews, as he captivated the audience with his humor and knowledge of presidential history. In his presentation, Mr. Beschloss said, "There is library so much on the cutting edge of what a library should do than the Truman Library." Mr. Beschloss's participation was the laudable attraction that generated the funds to ensure the expansion of educational programs and exhibits at the Truman Library. With seven books to his credit, Newsweek has called him "the nation's leading Presidential historian," and he has found a number of venues to pursue his career. As a respected author, essayist, editor, and television commentator, he continually lends an insightful eye to his informative and authoritative commentary and analysis of current and historic events in American culture. Beschloss has taken us behind the scenes in his research of many of the presidents since Roosevelt.

Like President Harry S Truman, Michael Beschloss found common ground in the belief that men are driven by history. President Truman stated, "It takes men to make history, or there would be no history. History does not make the man." Michael Beschloss has traditionally examined the inner workings of the presidency and political events throughout his publications and media appearances. His research has led him to explore presidential decision making and pinpoint administrative paradigm shifts in his analysis of new directions and he has explained their impact on domestic and foreign affairs.

President Truman said, "My debt to history is one which cannot be calculated. I know of no other motivation which so accounts for my awakening interest as a young lad in the principles of leadership and government." Michael Beschloss has examined the principles and actions of our nation's leaders and his writing is distinguished with analysis and illumination of the political process. For the past twenty years, he has articulated the deeper layers of thought and action that color the American political process, and he has earned the status as one of the most trusted experts on Presidents and the election process.

It was Mr. Beschloss's senior honors thesis at Williams College that launched his writing career. The writing project evolved into his first book, Kennedy and Roosevelt: The Uneasy Alliance, published in 1980. May Day: Eisenhower, Khrushchev and the U–2 Affair followed in 1986. The Crisis Years: Kennedy and Khrushchev, 1960–1963, published in 1991, won the Ambassador Book Prize. In 1993, Mr. Beschloss co-wrote At the Highest Levels: The Inside Story of the End of the Cold War. He has written two volumes of a trilogy on the Lyndon B. Johnson presidency, published in 1997 and 2001: Taking Charge and Reaching for Glory. Both are based on President Johnson's secret White House tapes and have been received with high praise. Research at the Truman Presidential Museum and Library provided material for his seventh book, a best seller, The Conquerors: Roosevelt, Truman and the Destruction of Hitler's Germany, 1941–1945. His insights into the influences on presidential staff debates throughout the war, including what to do with Germany at war's end, have received critical acclaim.

In addition to his best selling book career, Michael Beschloss is a trustee of the White House Historical Association, the National Archives Foundation, the Thomas Jefferson Foundation, the Urban Institute, and the University of Virginia's Miller Center of Public Affairs. He has cultivated his talent and expertise through his experiences at Williams College and Harvard University, his service on the staff of the Smithsonian from 1982–1986, as a Senior Associate at Oxford University, 1986–87, and as a Senior Fellow at the Annenberg Foundation, 1988–96. Mr. Beschloss can be seen on PBS's The News Hour and is a consultant to ABC News.

It is with great pleasure that I congratulate Michael Beschloss on his distinguished career and his many contributions to greater understanding of American culture through his research and analysis. I am proud that the City of Independence has selected him for recognition this year. He is most deserving of this honor. He shares President Truman's belief that an understanding of history is essential to leadership in world affairs. Mr. Speaker, please join me in warm congratulations to Michael R. Beschloss, this year's recipient of the 2004 Harry S Truman Award for Public Service, in recognition of his outstanding contribution to the evaluation and preservation of history. I applaud his contribution to the Truman Library and Museum and to our world.

REGARDING CO-SPONSORSHIP OF H.R. 4061

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. LEE. Mr. Speaker, I rise today in regards to H.R. 4061, the Assistance for Orphans and Vulnerable Children Act of 2004, which passed the House International Relations Committee by unanimous consent on March 31st.

Last night the International Relations Committee filed House Report 108–479.

Because House rules prohibit the addition of additional co-sponsors to a bill once the committee report has been filed, I was not able to formally add seven Members of Congress as co-sponsors of this legislation.

I ask that the RECORD show that Mr. INSLEE of Washington, Mr. SOUDER of Indiana, Mr. OSBORNE of Nebraska, Mr. DAVIS of Illinois, Ms. MAJETTE of Georgia, Mr. UDALL of New Mexico, and Mr. HUNTER of California are in support of my bill and should be considered by this body as cosponsors of H.R. 4061.

CONGRATULATING CHRIS MAZZINO AS TEACHER OF THE YEAR

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. KANJORSKI. Mr. Speaker, I rise today to honor teacher Chris Mazzino as he is awarded the Milken Family Foundation's National Educator Award.

I ask that my colleagues pay tribute to this English teacher from West Scranton High School as he receives this tremendous recognition from the Milken Foundation during Teacher Appreciation Week.

Teachers are our nation's unsung heroes. The number of young lives touched by teachers is countless, and Mr. Mazzino exemplifies the best in his profession by encouraging his students to achieve far beyond the reach of what they thought possible. Mr. Mazzino's creative writing class published a book entitled "26 Odd: Creative Works by Creative Writers."

In addition, Mr. Mazzino diligently works with students throughout the entire school to help increase their scores on Pennsylvania's state accountability test. As a result of Mr. Mazzino's efforts, West Scranton High School's reading and writing test scores have improved significantly.

Mr. Mazzino also demonstrated his dedication by revamping the entire summer reading program at the West Scranton. I am proud to recognize the fact that Mr. Mazzino is the 37th teacher from our state to receive this award.

Mr. Speaker, it is an honor and a privilege to represent a teacher who has dedicated his life to today's young people, who will indeed have a brighter future because of Mr. Mazzino.

RECOGNITION OF GARY WESTON

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of Gary Weston, who was recently killed in Kosovo.

Gary Weston was an employee of DynCorp International, which was serving with the United Nations as international police officers. Gary and other members were fired upon by a Jordanian police officer for unknown reason. Two fellow workers were killed in the resulting firefight. Gary was flown to a hospital after receiving several gunshots. He later died from complications of the gunshot wounds, his wife Nina Weston was there by her husband's side.

Gary Weston was 52 years old and lived in Vienna, Illinois. Not enough can be said about the great sacrifice this man made for his country, the ultimate sacrifice. He is survived by wife, Nina Weston; his mother, Christine Weston of Metropolis; a son, Richard N. Weston of Granite City; two daughters, Rachel A. Weston of Honolulu, Hawaii and Elizabeth E. Weston of Vienna; five grandchildren, Trey, Derek, Heather, Dalton and Parker; two brothers, Ben and wife Jan Weston of Vienna and Ed and wife Susan Weston of Cape Girardeau; a sister, Melinda and husband Ron White of Austin, Texas; and his mother-in-law, Marilyn Whiteside of Vienna. My thoughts and prayers go out to his families and loved ones. Gary Weston gave his life in an effort to improve the lives of others. This sacrifice should never be forgotten.

RECOGNIZING THE IMPORTANCE OF INCREASING AWARENESS OF AUTISM

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of this resolution that will raise awareness of autism, one of the most mysterious, and challenging mental conditions that affects the American people. Autism affects 1 in 166 children today, and is thus the third most common developmental disability. Autism comes in a wide spectrum of intensities, ranging from mild personality quirks, to profound communication difficulties, to self-destructive behaviors, to utter dependence on care-givers.

This nation spends $90 million per year caring for people with autism. The Centers for Disease Control and Prevention have estimated that as many as 1.5 million Americans have some form of autism, and the prevalence is skyrocketing. Based on statistics from the U.S. Department of Education and other government agencies, autism is growing at a rate of 10–17 percent per year. At these rates, the prevalence of autism in our country alone could reach 4 million in the next decade.

The cost of specialized treatment in a developmental center for people with autism is approximately $80,000 per individual per year. The cost of special education programs for school-aged children with autism is often more than $30,000 per individual per year. But the greatest burden of caring for the autistic falls on families of those with autism.

It is hard to even imagine what it would be like to be autistic or to care for an autistic family member. To give a bit of insight, I would like to share a personal story of one of my staff members, who has a 26-year-old autistic daughter named "Amy." Despite the fact that Amy is an adult, she is not able to use language to communicate her needs. She cannot communicate even simple messages such as that she has a stomach ache or that her room is too cold, and she gets extremely upset when she needs to communicate and is not able to do it.

This staffer shared a story that he said would probably sound familiar to any person who has lived with autistic individuals. Amy woke my staffer and his wife in the middle of the night one night with screams of rage and frustration. When they rushed into her bedroom, she took them to her bedroom window and made frantic noises. They stood by helplessly for a long time, watching her distress, until they thought to look down at the deck below Amy's window. The floor mat on the deck had blown out of place. My staffer went out to the deck with a hammer and nails and nailed the mat to the floor of the deck so that it would stay where it was supposed to be. As he hammered the nails, he could hear Amy's happy laughter.

When he got back to bed, Amy was quiet. Her world was in order again.

It takes years to learn the needs of a child like Amy and how to care for her. Parents and siblings of those with autism, and teachers and social workers, do heroic work every day just to help the autistic lead more comfortable, though not normal, lives. They deserve our recognition and they deserve our support.

We need to recognize the importance of helping Amy and the many other autistic individuals in our country. We have to support programs for increased research and improved training and support to make their lives better. In the past, we have made bold statements, pledging federal support for the autistic, but we have not fulfilled those pledges.

For example, the Individuals with Disabilities Act (IDEA) of 1990 ensures a free and appropriate public education to children with diagnosed learning deficits. The 1991 version of the law extends these services to developmentally delayed preschoolers. IDEA calls for 40% of the funding for educating special education students to be provided by the federal government. To date, Congress appropriates less than 20 percent, or less than one half that was promised.

It is time to fulfill our promise to the autistic, their families, and our schools. I strongly support this resolution that will help raise awareness of autism, and encourage this Congress and this nation to help take care of those who need us.

PAYING TRIBUTE TO KELLY ALLMON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. McINNIS. Mr. Speaker, it is my pleasure to rise today to recognize Kelly Allmon for her selfless dedication to the community of Cortez, Colorado, and congratulate her on being recognized by the Cortez Chamber of Commerce as their Citizen of the Year. The award is presented to an individual who has shown an outstanding commitment to the Cortez community, and Kelly could not be a more worthy recipient. It is a privilege to pay tribute to Kelly for her well-deserved award, and her ongoing efforts to better her community today.

In 2001, Kelly implemented the Retail Enhancement Program in Cortez, which works together with the Cortez Chamber of Commerce to market local businesses. During her tenure as director, the program has developed marketing campaigns such as the "Cortez Cash" program, and creating a community slogan, "Cortez: Genuine to the Core." In addition, the program works to provide workshops and seminars for local businesses. Kelly's hard work and dedication seem to be paying off, as Cortez has seen a marked increase in sales tax revenue over the last year.

Mr. Speaker, I am honored to pay tribute to Kelly Allmon before this body of Congress and this nation for the recognition she received as the Cortez Chamber of Commerce's Citizen of the Year. Her efforts to strengthen the business community in Cortez are truly remarkable, and her award is a well-deserved testament to her tireless efforts. I sincerely thank Kelly for her service, and wish her the best in her future endeavors.

HONORING ROBERT HENRY OF SANTA ROSA, CALIFORNIA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Robert Henry of Santa Rosa, California, who is retiring as the General Counsel for School and College Legal Services of California, a Joint Powers Authority which serves school and community college district clients throughout California.

Bob is widely recognized as one of the most experienced and accomplished education attorneys in the state. A frequent presenter at law school conferences and school organizations, he demonstrates in-depth knowledge of all aspects of the Education Code. He has argued school cases before state and federal trial, appellate, and supreme courts. Several times Bob successfully defended positions that others were afraid to take because he believed it was right. He has taken such cases to both the California Supreme Court and the Federal Court of Appeals and won. His courage and skill have saved the school districts untold dollars that were used to educate our children.

After graduating from U.C. Berkeley (Boalt Hall) Law School in 1971, Bob served as an attorney for the California State University, then as General Counsel of the Coast Community College District and Los Angeles Community College District. He began the development of School and College Legal Services of California in 1984.

Mr. Speaker, Mr. Henry is the embodiment of all that is good about the legal profession. He has a profound respect for the law and a sense of mission to use it to insure the best results possible for students. I am proud to acknowledge the work of a man who understands that our nation's children are our future and deserve all that we can do to secure the best education for them.

SENATE—*Friday, May 7, 2004*

The Senate met at 9:30 a.m. and was called to order by the Honorable GORDON H. SMITH, a Senator from the State of Oregon.

The PRESIDING OFFICER. Today's prayer will be offered by the guest Chaplain, Dr. Alan Keiran, the Senate Chaplain's chief of staff.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

O, God, at Your command we lift up our praises to Your holy Name. You call us to worship and honor You, for You are our hope in times of need, our shelter in the storms of life, and our strength in moments of weakness. You alone are our rock and our salvation.

Grant us this day, O Lord, the spiritual stamina and wisdom needed to fulfill Your divine purposes for our lives. Guide us in paths of righteousness for Your name's sake.

Go before our Senators and their staffs and guide them in meeting the many challenges and obligations of this day. Free them from persistent worries and grant them the clarity of thought needed to discern your perfect ways in the midst of many appealing options. Grant them precious moments of quiet reflection, divine illumination, and peaceful consolation.

Be with all those whose thoughts are focused on loved ones in harm's way. Watch over our courageous military men and women as they seek to bring order out of chaos at the risk of their own lives.

Bless this great Nation with the outpouring of Your sovereign protection—for You alone, O Lord, can exalt a nation, and You alone can deliver us from evil.

In the Name that is above every name, I pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GORDON H. SMITH led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 7, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GORDON H. SMITH, a Senator from the State of Oregon, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SMITH thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

SCHEDULE

Mr. GRAHAM of South Carolina. Mr. President, today the Senate will conduct a period of morning business with Senators to speak for up to 10 minutes each.

The leader announced last night that we have been unable to reach an agreement, and it appears it will be necessary to file cloture today on the FSC/ETI JOBS bill. It is disappointing that many of the amendments remaining have nothing to do with the underlying bill.

The leader also announced that no rollcall votes will occur today and all Members should be aware that the next rollcall vote can be expected Monday evening. We will hear more on the schedule later in the day.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. This morning on our side, Mr. President, we have people who wish to speak. Senator AKAKA is in the Chamber at this time. We would ask unanimous consent that he be allowed to speak for up to 15 minutes, Senator JEFFORDS for up to 15 minutes, Senator WYDEN for 15 minutes, and Senator CORZINE for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Hawaii, Mr. AKAKA, is recognized.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mr. AKAKA. Mr. President, I rise today to recognize the Asian American and Pacific Islander (AAPI) community and commemorate Asian Pacific American Heritage Month. As a member of the Congressional Asian Pacific American Caucus, the only Chinese American in the U.S. Senate, and sole Native Hawaiian in the U.S. Congress, I am proud to stand here to honor the accomplishments and diversity of the AAPI community.

In 1978, my friends and dear colleagues Representatives Frank Horton and Norman Mineta, joined by Hawaii's Senators DANIEL K. INOUYE and Spark Matsunaga, introduced the first resolutions establishing Asian Pacific American Heritage Week to recognize the ongoing contributions to our Nation of the AAPI population. Representatives Horton and Mineta worked with their colleagues in the 102nd Congress to make Asian Pacific American Heritage Week a month-long celebration, and succeeded in doing so with enactment of Public Law 102–450 in 1992. I look back with pride over the past 25 years since our great Nation first observed Asian Pacific American Heritage Week.

Throughout this month, Federal agencies and AAPI and other organizations will hold events in celebration of the diversity of the AAPI population that range from samplings of Asian cuisines to dance, and policy lectures by distinguished speakers. Each event demonstrates the contributions that AAPI individuals have made to our country. I commend agencies and organizations for sponsoring such events to increase public awareness of the contributions made by the AAPI community.

This month presents us with a good opportunity to reexamine the need to increase AAPI participation in our Federal Government. I encourage the President to renew Executive Order 13216, the President's Advisory Commission on Asian Americans and Pacific Islanders, which expired on June

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

7, 2003. The Commission is mandated to develop, monitor, and coordinate Federal efforts to improve AAPI participation in Government programs; foster research and data collection for AAPI populations and sub-populations; and increase public and private sector and community involvement in improving the health and well-being of the AAPI community. AAPI citizens, whether employed in the private and public sector, deserve the coordination of services that the Commission can facilitate.

Our celebration of AAPI history includes remembrances of the challenges and hardships that have been overcome. For example, we will never forget the internment of Japanese Americans during World War II. At the newly opened Manzanar National Historic Site Interpretive Center at the Manzanar War Relocation Center, we have an opportunity to explore our past and reflect. The AAPI community, specifically the Japanese American National Museum and Japanese American Citizens League, are exploring ways to preserve and recall history at the other sites that mark this traumatic time in our country's history in an effort to ensure that such actions do not repeat themselves.

This month also affords us time to reflect on the various social needs that exist in the AAPI community. Its population enriches our culture linguistically through a range of languages, such as Chinese, Hawaiian, Korean, Japanese, Malay, Samoan, Tamil, Thai, Vietnamese, and various Melanesian, Micronesian, and Polynesian languages. Our Nation benefits from this linguistic diversity in our ability to compete in the global economy, and U.S. national security is strengthened by increasing the pool of individuals fluent in critical languages. Fluency in foreign languages is one of the vital skills necessary for the United States to exercise international leadership economically and politically. However, according to the U.S. Census Bureau, slightly less than half of the 7 million AAPI who speak a language other than English at home report that they speak English "very well." We need to better address the educational needs of all limited English proficiency students, children, and adults.

I want to extend my gratitude to the patriotic men and women serving our country in the military, including the 60,813 Asian Americans and Pacific Islanders serving on active duty in the U.S. Armed Services, as well as the 28,066 in the Reserves and National Guard. I also commend the 351,000 AAPI veterans, 57,000 of whom are of Native Hawaiian and Pacific Islander heritage, for their excellence in defending our nation.

In addition, individual achievements among the AAPI population are many. Though impossible to enumerate all those extraordinary individuals, I would like to cite a few examples.

Army Specialist Hilario Bermanis of the Army's 82nd Airborne Division was presented with the Bronze Star and Purple Heart for Meritorious Conduct in Operation Iraqi Freedom. On July 16, 2003, the award presentation ceremony took place bedside at Walter Reed Army Medical Center where he was convalescing from grave injuries. Specialist Bermanis and a fellow soldier were on guard duty in southern Baghdad when they sustained an attack by rocket propelled grenades on June 10, 2003. His fellow soldier died instantly and Specialist Bermanis lost both legs and his left hand. Officials from the Federated States of Micronesia (FSM) and the U.S. Government have visited him at Walter Reed and praised him for his courage and exemplary service. A senior U.S. official commended Specialist Bermanis's service as representative of FSM citizens' commitment to the security of the United States and Pacific region. Specialist Bermanis hails from Pohnpei in the Federated States of Micronesia.

Dr. Yuan-Cheng Fung, the recipient of the Chinese Institute of Engineers' Distinguished Life Time Achievement Award, is a pioneer in bioengineering and founder of the University of California, San Diego's bioengineering department. Born in China in 1919, Dr. Fung began his career as an aeronautics engineer working for the Chinese government. Dr. Fung received his Ph.D. from the California Institute of Technology in 1948, where he became a faculty member and a major contributor to the field of aeroelasticity. When his mother developed glaucoma, Dr. Fung's interests shifted to medical science. Combining an expertise in force and motion from aeronautics with physiology, he synthesized a new understanding of how the body functions and became the father of biomechanics.

Lauren Moriarty, a Native Hawaiian, is a career member of the Senior Foreign Service and was confirmed for the rank of Ambassador to the Asia-Pacific Economic Cooperation Forum, where she was recently the U.S. Senior Official. Having previously served in Beijing and Taipei, Ms. Moriarty led the Economic Sections at the U.S. Embassy in Beijing, China (1999–2001) and the American Institute in Taiwan (1994–1997) as those two economies completed negotiations to accede to the World Trade Organization. She has received numerous awards, including the State Department's 1993 Arnold L. Raphel Award for her leadership and mentoring of her subordinates.

Indra K. Nooyi is the widely admired President and Chief Financial Officer for PepsiCo and highest ranking Indian-born woman in corporate America. Upon emigrating to the United States in 1978, Ms. Nooyi entered the Yale School of Management. She worked from midnight to five in the morning to support herself at school. A firm believer in human potential and an advocate of education, Ms. Nooyi has received awards for her dedication to human capital management. She is ranked by Fortune magazine as one of America's top 50 most powerful women.

AAPI cultural and linguistic diversity, entrepreneurship, public service, and scientific endeavors illustrate a number of the ways that our Nation excels. The United States is the most energetic and innovative country because of the combination of these AAPI strengths with the diverse abilities and skills of our Nation's other ethnic and racial groups. The U.S. is also a leader in the world because of our ability to acknowledge, celebrate, and utilize the potency of our combined, diverse citizenry, including the contributions from every member of our AAPI community. In the world that is all too frequently wracked by ethnic and religious conflicts, we can demonstrate to others how racial and ethnic harmony in the U.S. provides a balance that encourages a stable democracy, provides for well-functioning societies, and sustains the most powerful economy in the world.

In closing, I extend my deepest aloha to all in celebration of Asian Pacific American Heritage Month, and I urge my colleagues to participate in commemorations of this month in their States and our Nation's Capital.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM of South Carolina. I ask to be recognized to speak in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRADE WITH CHINA

Mr. GRAHAM of South Carolina. Mr. President, we have apparently reached an impasse on the FSC/ETI bill. I am the first one to acknowledge that our majority leader should be insistent we pass this bill. We are dealing with some changes to the tax policy of the United States to avoid tariffs on U.S.-manufactured products going into Europe. The WTO has ruled against us and we need to change our law. We have a lot of other things being added onto this bill that are probably not related to that but, as this bill is being touted as a jobs package, I think that is an appropriate way to describe what we are trying to accomplish in this bill.

But I am going to be honest with you, I have an amendment I have had pending on this bill for a very long time, along with Senator SCHUMER, and this amendment deals with requiring the Chinese Government to float the currency. It basically says if within 180 days the Chinese Government does not take corrective action in the way they peg their currency to the dollar, then tariffs will be levied against any products coming out of China into the United States that benefit from that currency devaluation.

To make a long story short: China cheats. The Chinese have a system of valuing their money that creates between a 15-percent and 40-percent discount on all products produced in China. This currency manipulation is putting our manufacturing community at a severe disadvantage. It is creating an unfair advantage for Chinese-produced products, and it is done by the Government.

Free trade, fair trade, these are words people throw around. If you are a free trader, that code word means you don't care for the consequences to the worker. If you are a fair trader, the code word means you are a protectionist. I would like to be thought of as a balanced trader. You cannot have balance if your trading partner at the governmental level cheats.

I don't have enough time to go into how I think the Chinese Government intentionally steals intellectual property rights of American companies and foreign companies, but 90 percent of all the videos and tapes sold in China are pirated. If you do business in China, your intellectual property is very much at risk because there is no rule of law protection. The Chinese Government helps companies transship—illegally ship goods produced in China to get the benefit of trade agreements to which they are not party, and it goes on and on. But one of the biggest abuses is to value the currency in an artificially low manner that pegs the Chinese currency to the dollar in a way that gives a 15-percent to 40-percent discount.

Our amendment, that of myself and Senator SCHUMER, tries to let the Chinese know we are not going to take this anymore. They need to take corrective action. If we are going to trade with you, if you are going to be a member of the family of nations, you need to comply with international trade laws when it comes to how you value money; that you can't cheat without a consequence.

If you doubt what I am saying, talk with any manufacturing entity that is a domestic manufacturer that competes with China and ask them about the money problem, the currency, the devaluing of the Chinese currency, and how it affects their ability to be competitive. In droves, they will tell you that you need to either get China to float their currency like every other market-based economy has done, to find its true value, as we do, or you need to revalue it to get a more fair and accurate representation of the value of the Chinese currency.

We have had great job growth in the last 2 months. That is encouraging. But one thing we have not been able to accomplish yet is a rebounding in manufacturing jobs. I am here to say I support the President in every endeavor to try to grow this economy, but we—the administration, the Congress, the House and the Senate—need to deal more aggressively with Chinese abuses when it comes to trade.

From September 2002 to September 2003, there has been a 6.6 percent decline in manufacturing jobs in South Carolina. One of the great reasons is not productivity gains; it has been a loss of market share to China—not because they work harder, not because they are smarter, but because the Government cheats.

As a whole, the U.S. manufacturing jobs have decreased by 4.2 percent. Only two States, Hawaii and Nevada, have seen an increase in manufacturing jobs. In South Carolina, 41,000 jobs in 2003 were lost in manufacturing and 3 million American jobs have been lost in the last 5½ years. China's access to the U.S. textile industry and apparel market more than doubled in 2002, growing at 117 percent. That is in addition to 114 percent up in 2003.

The bottom line to all this is there will be no economic recovery in manufacturing until our country aggressively deals with trade abuses of China in a wide variety of areas, but one of the chief abuses is the Chinese Government artificially devalues its money, creating a discount from 15 to 40 percent on every product made in China. That is not fair to those people who are competing with Chinese companies. It is done intentionally and it has a serious and dramatic effect on our ability to sustain manufacturing jobs in this country.

The U.S.-China Economic and Security Review Commission was a commission established by the Congress to look at Chinese policies and how they affect our economy and whether China is playing fairly. It is a bipartisan group. It is a group before which I have testified. They have taken testimony from a variety of people in the United States about China and how China affects the U.S. market and whether Chinese practices comply with international trade regimes. Here is what they said:

> China, in violation of both its IMF and WTO obligations, is in fact manipulating its currency for trade advantage.
>
> The Commission urges the congressional leadership to use its legislative powers to force action by the U.S. and Chinese governments to address this unfair and mercantilist trade practice.

They are telling us that, yes, the currency in China is being intentionally manipulated and it is costing us jobs and it has a detrimental impact on the American economy.

It is being undervalued on purpose to create a trade advantage. They are urging us to get the administration and us as a body—the House and Senate as bodies—to fight back. I am here to say I accept their challenge. I am willing to fight back.

We are not going to have a cloture vote with my vote until I get a promise we are going to address this problem this year.

Since 1994, when China pegged its currency to the dollar, the trade deficit has increased dramatically. In 1994, they tied the value of their currency to the United States dollar in a way that the China Trade Commission found to be unfair and a way that Secretary of the Treasury Snow's office found to be manipulated, to be unfair.

In 1994, the trade deficit with China was $30 billion. In 2003, it is $124 billion and it is going up. This says a lot about the problem we have with China. You will never convince me their markets are fairly open and their conduct as a government is not responsible for this increased trade deficit. All of it is not due to the currency devaluation, but a great deal of it is. The question for the Senate is: Are we going to sit on the sidelines and ignore this problem? Are we going to continue to allow the Chinese Government to continue to intentionally devalue its currency, creating an advantage for Chinese companies over American companies, and have no response? The answer of this Senator is, no, we are not going to sit on the sidelines. As Senators, we need to be held accountable about this abuse by China. If Members do not think it is an abuse, come to the Senate and say so, but speak up one way or the other. No more being silent on an issue this important to our economy.

Since permanent normal trade relations have been established by China, there has been an explosion of Chinese exports. PNTR status used to be most-favored-nation status. They changed the acronym because no one wants to say China is the most favored nation because they are so abusive to their people and the world at large. We changed the acronym. The reason we changed the acronym is because people did not want to associate themselves with saying China is a most favored nation.

We need a more "Ronald Reagan response" to China. It is an evil empire that abuses people. It does not allow freedom of speech or freedom of religion. It is hard to trade with people who have none of the values you possess. Since 2001, there has been over a 20-percent increase in Chinese imports. Our exports to China have basically been flat. They are taking us to the cleaners.

China has been in clear violation of IMF and WTO commitments by maintaining an unfairly low exchange rate to gain competitive advantage. IMF article IV states that members should avoid manipulating exchange rates in order to gain an unfair competitive advantage over other members.

That is what is going on in China. We are proposing in our amendment that if China does not fairly value its currency to meet international standards of doing business—and, yes, every country has sovereignty over their own currency, but countries do not have the right to manipulate their currency in a way to create an unfair advantage in the world marketplace and still consider themselves a member of the family of nations.

What we are talking about is bringing about corrective action that international trade regimes require. That is all we are talking about. We are going to give the Chinese 180 days to correct this problem and work with them to do so, but we are not going to let them get away with it.

About 3 or 4 months ago, maybe even longer now, this body unanimously passed a resolution I authored condemning the Chinese manipulation of their currency, saying it was unfair, created damage to the American economy, and hurt American manufacturing. That was passed by a voice vote, with no opposition. That has not done anything. I thought it might. I thought it might get their attention, but the abuse still continues.

It is now time to be serious. The amendment we offer says if you do not peg your current currency in a more accurate way, or "float" as you should, being a major economic force in the world, we will start putting tariffs on your products 6 months down the road. And we have the right to do that under international law. A reevaluation of the yuan should permit other nations' currencies to go up at least partway, maybe 10 percent or so.

The whole idea of trade is to help developing nations and rise all boats. The Chinese manipulation of their currency and their practices are to sink every boat around them. The Dominican Republic and other developing nations are having a hard time competing with China. China is not interested in raising the boats of other nations. They are interested in stealing market share and sinking every boat they can get hold of.

If they change their practices, it will allow their neighbors to accurately value their currencies, helping American manufacturing in a tremendous way. What would that way be?

> If you put all these currency changes together—not just China, the Asian region—the result would be a $50 billion reduction in the United States current account deficit, which in turn translates to something like 500,000 high-paying jobs, mainly in manufacturing in this country.

That is according to Fred Bergsten, Ph.D., Director for the International Institute for Economics.

That sentiment has been echoed by people in the manufacturing community, economists, all over this country, all over the world. The European Union is having a problem with Chinese currency practices. Again, 500,000 high-paying jobs could come about if the Chinese only played fair.

I have something to say to the Senate: Chinese are not going to play fair on their own. If we want the Chinese Communist dictatorship to play fair, we will have to push them.

A pegged exchange rate policy is not appropriate for a major economy in the global system such as China. They are pegging the yuan to the dollar where it will always be of less value than the dollar, artificially low, creating a discount on any product made in China. If I am selling the product where dollars are involved, and you are selling a product in China where the yuan is involved, and you have lowered the value of that currency, you have created an advantage for yourself. That is exactly what is going on.

Secretary Snow stressed that a flexible market-based exchange rate regime and reduced controls on capital flows are the best system for China and all major world economies. He is exactly right. He stated that in April of 2004.

We have manufacturing business owners who are telling us we have a problem. We have Secretary Snow who has looked at it and found abuses. We have world class economists telling us we have a problem with China. We have the Congress's own commission that was chartered to investigate China in terms of potential abuses telling us that the currency is undervalued in a manipulative fashion, hurting American manufacturing unfairly. Now we have labor unions commenting.

> While many factors contributed to this devastating job loss (in manufacturing), it is clear that the Chinese government's manipulation of its currency, violation of international trade rules and egregious repression of its citizens' fundamental democratic and human rights are key contributors to unfair competitive advantage. The Chinese government is flouting its international obligations and the U.S. government must act urgently to hold it accountable.

That is from the AFL–CIO. The truth is, myself and the AFL–CIO probably do not agree on a lot of domestic issues. Sometimes we do. On this issue we see China the same. China is a dangerous, growing threat to this country. Their military is doubling, exponentially growing in terms of its capabilities. They are getting money from international trade regimes where they are cheap.

The Chinese people, I am sure, are good, decent people and living under very oppressive conditions, something we would not stand for 5 minutes.

At the end of the day, the least we can do is fight back against its Communist dictatorship when they cheat. If we are going to trade with China, then we need to make China part of the family of nations. But this country needs to stand up to the Chinese Government when they cheat. They are undervaluing their currency on purpose. It is costing us a lot of jobs. It is not fair, and it needs to be addressed.

I am here to say, as a U.S. Senator in his first term, I am going to do everything I can to bring this issue to the Senate. I want to do it on this bill. If I can reach an agreement with our leadership and friends on the other side, we will do it down the road. But we are going to address this problem. I hope we do something about China's trade abuses sooner or later before it costs us more jobs.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COLEMAN. Are we still in morning business?

The ACTING PRESIDENT pro tempore. We are in morning business.

The Senator from Minnesota.

GOOD ECONOMIC NEWS

Mr. COLEMAN. Mr. President, about 6, 7 months ago, I rose on the floor of the Senate to talk about some good economic news. We have gone through very difficult economic times in this country—a recession that began before President Bush got elected. There was a devastating impact on the psychology of American consumers because of corporate fraud, corporate malfeasance, the actions we saw with Enron and WorldCom, and Tyco, for which some of those folks involved in that will ultimately be brought to justice. But it had a devastating impact on the confidence of American consumers and the economy.

Then we had September 11, which had a devastating physical impact, devastating psychological impact, with great suffering across the board. And, again, beyond the hurt that so many families suffered and the Nation suffered, the economy suffered. The economy suffered, and the economy slowed down. Americas had not been attacked on its own shores, I believe, since the War of 1812.

In spite of that, look at where we are today, 3 years later. There is good news. With all the challenges we face in this world, sometimes you have to stand up and talk about good news.

When I rose on the floor of the Senate about 6 months ago, there was a little bit of good news, and my colleagues on the other side of the aisle talked about: Let's not be premature. My colleagues on the other side of the aisle still lambasted, and continue to criticize, the vision and the actions of the President and this Congress in cutting taxes.

Today, I had a chance to review the most recent numbers by the Labor Department. Mr. President, 288,000 new jobs were created in April. And it is not just April. As the Presiding Officer from Oregon is well aware, what happens is the Labor Department often recalculates the reports from months before. And the month before the job numbers were very strong. They were at 308,000 new jobs in March. Well, in today's listing of the jobs for April, the March numbers have been revised upward to 337,000 jobs.

In fact, if you go back to March, what happened in March is that the Labor Department revised up the January and February job gains. So the total in January and February and March was over half a million new jobs created in this country over 3 months. Now what we see is over a million jobs—a million jobs—created in this country in the last 8 months. That is good news. That is something Americans should celebrate.

When I was the mayor of St. Paul, folks used to say: Mayor, what are you doing for a kid today?

And I would say: One of the best things I can do for a kid is make sure mom and dad have an opportunity to work.

There are all sorts of good things that come with a job, not the least of which is health insurance. The best welfare program is a job. The best housing program is a job. There is the dignity that comes with a job, the impact it has on a family, and the lessening of the pressures that one sees in a family. So there is a whole range of great things that happen.

It is interesting; I am an optimist and have always been an optimist. Sometimes there are folks who look at what is good news and what is bad news, and at times I sense that with our friends on the other side of the aisle there is a dark cloud over there waiting for the rain to happen. But the sun is beginning to shine—and not beginning to shine, it is shining on Americans who are looking for work—a million new jobs in 8 months, 288,000 jobs in April. The reason is, in large measure, because of the tax cuts this Congress enacted.

Talk to any small businessperson, and they will tell you, when you give bonus depreciation, it increases their incentive to put money into new equipment. When you put money into new equipment, folks who produce that equipment have a job, and folks who run that equipment have a job. When you accelerate or increase expensing, again, it is an encouragement to small business. And small businesses are where the jobs have grown. The small business then reinvests in the business. When you reinvest in the business, you grow jobs. When you lower the top rate—which is not about tax cuts for the rich—it is tax cuts for small businesses.

I had an opportunity to be in Rochester, MN, the other day. We talked about taxes. I asked the business folks: How many of you are subchapter S corporations? A lot of hands went up. I am not an accountant, and I used to be a lawyer. But subchapter S corporations are taxed at the same level as personal taxes. So when we talk about cutting the highest rate, what is happening is we are cutting the tax load for the job creators in this country, the small business men and women.

Yesterday, there was good news. State initial claims for jobless benefits in April, in my State, fell 31.5 percent from last April, hitting the lowest level since before the 2001 recession. Initial claims nationally dropped, last week, by 25,000, to 350,000—the lowest number of claims since October 2000.

Retailer sales are up. Productivity is up. Consumer confidence is up. Home buying is up. It is fascinating; the economy grew at a healthy 4.2-percent rate in the first quarter, up 4.1 percent in the previous quarter. When I read the Minneapolis Star Tribune yesterday, they were saying: April figures will be announced. Economists were expecting a gain of 150,000 jobs. Well, the economists were wrong.

We have already doubled what was reported by the Labor Department. The unemployment rate was supposed to remain constant at 5.7 percent, but it has dipped another tenth of a percent to 5.6 percent.

Mr. President, this is great news for about every American, except JOHN KERRY. I hope we put the politics aside. I hope my colleagues on the other side of the aisle can now say, yes, President Bush was right that when you cut taxes, when you cut the tax load on small businessmen and businesswomen, it grows jobs; when you cut taxes and put money back in the pockets of moms and dads, it grows jobs.

This is not a politician standing up and talking; these are the facts. This is the data the Department of Labor has reported. The President's vision was clear, the President's vision was right. Congress was right to act on that vision. The great beneficiaries today are the moms and dads in America who can now look out and say there is more job opportunity out there, and that is a very good thing.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE APPALLING TREATMENT OF IRAQI PRISONERS

Mr. CONRAD. Mr. President, I rise today to reflect and respond to the reports of what has happened in Iraq over the last several weeks—the pictures emerging of U.S. soldiers abusing Iraqi prisoners, the appalling treatment of those in our custody.

I have struggled over the last several days to put into words my own reactions to these images from half a world away. I have been angered by it, and I have been, in some ways, sickened by it. This has besmirched the reputation of our country, damaged the reputation of our soldiers serving in Iraq, the vast majority of whom have served honorably, many of them heroically.

Yet, what is dominating the news not only in our country but around the world are images of American soldiers torturing and humiliating those we have captured. This does enormous damage to our cause against terrorism. It does enormous damage to America's standing in the world. Think of how we would feel if these images were of our soldiers and American citizens being treated this way by Iraqis. What would be the reaction in America if we saw our soldiers being humiliated and abused in the most immoral ways?

This is, first and foremost, an issue of morality. What has happened is morally wrong. It is wrong to humiliate people. It is wrong to abuse people. It is wrong to torture people. Those are fundamental values. Those are American values. Those are values that are shared by virtually every person in this country. What has happened is not the America that I know, not the America that I love.

If we think about the larger effects of what has occurred, nothing can be more clear than that it has done enormous damage to our cause against terrorism. Before this happened, 71 percent of the Iraqis had come to see us as occupiers rather than as liberators. That is before this occurred.

What can be the reaction of Iraqis now? After all of the words about our intentions and what we hoped to do to help the Iraqi people emerge from under a dictatorship and move toward freedom and democracy and the most fundamental values that undergird this country, what can be their feeling about America now?

I remember so well the President saying we had ended the torture chambers of Saddam Hussein. I must say that made me proud, that we had done something good in this war, that we had ended the torture chambers of Saddam Hussein. I think we now have to ask, Have we just created our own? That is what the pictures show. That is what the stories say.

That is not America. That is not what we stand for. We cannot let that be the lasting image of what America has done.

In the last few days, the papers across the globe and television stations around the world have been full of condemnation and anger directed at America because there has been a failure, a failure of values, a failure of leadership, a failure to put the best American foot forward. These results will be long lasting, make no mistake about it.

I graduated high school from an American Air Force base in Tripoli, Libya, North Africa. I lived for 2 years in the Arab culture among Muslims. I know if one were to try to design something that would completely and totally enrage people raised in that culture, one could not have designed a scenario worse than what has happened. To have an American female in a prison where Iraqi men were naked, forced into homosexual positions, you could not design a circumstance that would more gravely enrage Muslim sensibilities than that.

Think of what our reaction would be. Think of the anger we would feel. In their culture, there is nothing more profoundly humiliating than that, and humiliation breeds anger, and anger breeds terrorism. We have created a recruiting poster for al-Qaida that will plague us for years.

Right at the heart of this is morality, fundamental morality, and it is imperative that we stand up with one voice and say this is wrong, it is morally wrong, and that we, first, admit to what occurred; that we pledge it will never happen again; that we move to make amends for those who have been injured and humiliated and tortured; and that we take steps to assure ourselves and others this will never happen again. Those are the basic steps of redemption under any moral code, and those are the steps that America must take now.

After September 11, there was a wave of sympathy and support for America all around the world. Muslims condemned what had occurred—or at least a significant majority did—and all across the globe people rushed to America's side. Now, if you take public opinion soundings across the world, what one finds is we have dissipated that wave of sympathy and support and replaced it with a rising level of disrespect for America. That has serious consequences because, in the war on terror, we need allies, we need people who will help out, we need people who will provide information on threats to America.

I think we have to seriously rethink how we are conducting this war on terror. I think the war in Iraq was an enormous diversion from the real war on terror. We must remind ourselves it was not Iraq that attacked the United States on September 11; it was al-Qaida.

Their acts were directed by Osama bin Laden, not by Saddam Hussein. As evil and repugnant as Saddam Hussein, his sons and his regime were, they were not the masterminds of the September 11 attack on the United States. That was the dirty work of al-Qaida and Osama bin Laden. They are the ones who ought to be our priority in holding people to account for the vicious murder of nearly 3,000 Americans on September 11. It was al-Qaida and Osama bin Laden who ought to have commanded top priority in our move to hold people accountable and responsible for those vicious attacks. Instead, I believe we have allowed ourselves to be diverted by a war in Iraq that had nothing to do with the September 11 attacks.

I hope that as a nation we will rededicate our effort to go after those who were responsible for the attacks on this country. It is now over 950 days since the September 11 attacks on this country, and still Osama bin Laden threatens America and American interests and our allies. Still he is issuing threats. Just most recently, he has put a bounty on the heads of those who stand with us.

If one looks at the priorities of our war on terror, we have 130,000 troops in Iraq and only 15,000 troops in Afghanistan. Many of our elite units were taken off the hunt for al-Qaida and Osama bin Laden and shifted to the Iraqi front to be replaced by units in Afghanistan searching for Osama bin Laden whose specialty was Spanish culture. What earthly sense does this make in the war on terror?

Our top priority should have been to continue aggressively the search for Osama bin Laden and al-Qaida and their network of supporters who continue to plan attacks on this country.

As I have searched for some way to understand what has occurred in Iraq, I was reminded yesterday in the New York Times of a prison experiment that was conducted at Stanford University in 1971. The headline in the New York Times story is "Simulated Prison in 1971 Showed a Fine Line Between Normal and Monster."

These experiments were conducted by the man who was my professor of psychology at Stanford University, Dr. Zimbardo. He took volunteers and randomly split them into groups of "guards" and groups of "prisoners." And he found within days of the prison experiment beginning that the guards had become swaggering and sadistic to the point of placing bags over the prisoners' heads, forcing them to strip naked, and encouraging them to perform sexual acts. This was not half a world a way in Iraq. This was on the campus of Stanford University in California. That experiment and studies like it have given, as the New York Times reports, insight into how ordinary people can, under the right circumstances, do horrible things.

Professor Zimbardo said that when the news from Iraq emerged, he was not surprised that it happened. He said: "I have exact, parallel pictures of prisoners with bags over their heads from the 1971 study," the prison experiment at Stanford University.

He went on to say that it is not that we put bad apples in a good barrel; we put good apples in a bad barrel. That barrel corrupts anything that it touches.

Maybe that is what occurred here. Maybe we put good apples, fundamentally decent people, in a bad barrel and that barrel has corrupted everything that it touched.

One thing that has been learned from these experiments is that in situations where people have absolute power over others, it is critically important that there are others who are watching, others who are monitoring, others who are ensuring that there is not abuse. The fact that proper oversight was not present is a failure of leadership, and it is a failure of leadership that goes right up the chain of command in our country.

I was asked yesterday, do I favor the resignation of the Secretary of Defense, Mr. Rumsfeld. I responded by saying, I want to see the full facts before I call for anyone's resignation or removal. I want to know what did he know, when did he know it, and what did he do about it.

Those tests do not just apply to the Secretary of Defense; those tests apply to everyone in the chain of command. They apply to our commanders in Iraq. They apply to General Myers, the Chairman of the Joint Chiefs of Staff. Those tests apply to the Secretary of Defense and they apply to the President of the United States. What did they know, when did they know it, and what did they do about it?

What has occurred here is wrong. It is morally wrong. It has done enormous damage to our country, damage that will last for a very long time. Those who are responsible should be held to account and we should make certain that nothing like this ever happens again. This is not America. These are not American values. This is not how America acts towards others.

The behavior shown in these photos and on these tapes are not the best of America. They are the worst of America, and we can do so much better. We are so much better.

I was also asked yesterday if I believe America should now leave Iraq immediately. Yesterday I had lunch with the young people working in my office for the spring semester, interns from all across my State. I asked them the question, What do you think we should do? Even those who felt passionately that America had made a mistake in going to war in Iraq believe that we simply cannot leave now; that we have an obligation to improve things; that we have an obligation to stabilize things; that we have an obligation to prevent the bloodbath that would certainly follow an immediate exodus by our country.

I voted against authorizing this war in Iraq because I did not believe it was in the national security interest of the United States. I believed we should not open a second front before we had finished business with al-Qaida and Osama bin Laden. I believed Iraq would be a distraction. I believed it would take us away from a successful prosecution of the real war on terrorism. As much as I feel strongly that that was correct, I also think it would be a mistake for the United States to exit precipitously from Iraq. The fact is, we are now responsible for what occurs there. We have an obligation to try to make this work.

I do not believe that means the United States has an obligation to make a country in the image of America.

I ask unanimous consent for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CONRAD. But I do believe we have a responsibility to bring stability and to give the Iraqi people a chance to make judgments about their own future. That, fundamentally, is what democracy is all about. It is not about America picking the leaders for Iraq. I must say, last week I was taken aback to read Mr. Bremer and others talking about how we are going to pick Iraq's new leaders. Think about that. How we are going to decide who Iraq's leaders are going to be? That is not democracy. That is not the role of America. Our job is not to pick Iraq's leaders. How arrogant is that, to say we can go into a country and designate the leaders and think that those people would have any credibility among their own people?

If you want to set up a group for failure, have them chosen by the United States. And for us to tell the Iraqi people, these are your leaders, what does that have to do with democracy? Those are not the values of America. We would not permit for one moment another person to choose our leaders. What business do we think we have choosing theirs? I think the obligation we have is to help Iraq pick their own leaders and have a society where there is sufficient security for them to make those decisions and for them to be able to rebuild an economy that has been shattered by decades of despotic rule by Saddam Hussein, and now by this war.

This is an important moment in history for our country. We are being tested, and we need to apply the best of American values and the high standards of morality that have made this country great. We need to send a signal to the rest of the world about what we really stand for. We need to show all those across the globe that America is fully committed to the fundamental values of democracy and freedom and for the ability of people to choose their own leaders free from fear and intimidation and terror. That is a test that we have faced many times in our history, and it is a test that we have passed with flying colors.

At the same time, we should remind the world of the proudest moments in American history when, over and over, this country stood up against terrorism and fascism and communism and helped the rest of the world be free. That is in the finest traditions of America. Those are the values we embrace. That is the example we offer the world. Anything less detracts from America's greatness.

I hope in the days ahead that this body and the other body and the President of the United States will reflect on a new direction for our country in Iraq and in the war on terror. We are faced with a grave threat. I believe the strategy that has been pursued is one that, instead of reducing the threat to our Nation, has actually increased it because when one humiliates, that creates anger, and anger breeds terrorism and strengthens those who wish to bring America down.

So this is a turning point. We have an opportunity to choose which direction we take. So many times in our past we have been faced with these choices, and always America has responded with its best. I am confident that we will do the same now.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CUBA

Mr. DORGAN. Mr. President, yesterday President Bush announced he is going to devote more money, more resources, and more personnel to enforcing restrictions on travel to the country of Cuba.

Let me describe the absurdity of what is happening with respect to the use of resources by this administration in dealing with the country of Cuba. First let me say that Fidel Castro is a dictator. No one here has time for Fidel Castro. That includes myself. The Cuban people deserve to be free. But it is interesting to me that at a time when we are confronted with the threat of terrorism in this country, we see the administration obsessed with Cuba, using resources that ought to be used in order to combat terrorism being used instead to enforce a ban against U.S. citizens from traveling in Cuba. It is an outrage. This administration ought to be embarrassed about it.

Let me describe what I mean. There is an agency called OFAC—the Office of Foreign Asset Control—in the Treasury Department. Their job is to track terrorists and to track the money that goes to finance terrorism. That is their job, and they have people working full time to try to pull the cover off this web of money that moves back and forth to finance terrorists.

What are they doing at OFAC these days? I have a report from the Department of the Treasury. That report is in response to questions from myself and from other Members of Congress. It says that OFAC has two people investigating Osama bin Laden's wealth—that is, tracking money Osama bin Laden would use to further his efforts to commit acts of terrorism against this country and the rest of the world. Two people.

Do you know how many people they have tracking Americans who travel to Cuba? There are twenty-one people tracking Americans who travel to Cuba. Track them down, see if you can slap a big fine on them. They have 21 people working on that, and they have 2 people working on trying to find Osama bin Laden's money and shut down the ways he finances his acts of terrorism. It is unbelievable. They ought to be profoundly embarrassed down at the administration and the Treasury Department.

Let me give some examples. This is a picture of a woman named Joni Scott. Joan Scott is someone who came to visit me. Joni Scott went to Cuba 4 years ago to distribute free Bibles to the Cuban people. Guess what. In recent months these 21 sleuths down at the Treasury Department who are supposed to be tracking money going to terrorists, tracked down this poor woman who was distributing free Bibles in Cuba and slapped her with a big fine. Shame on her for distributing free Bibles to the Cuban people. Has it come to the point where some American who travels to Cuba to distribute free Bibles is somehow considered someone acting outside the interests of our country? Someone who undermines this country's interest? Someone who is worse than a terrorist? Is that what they are saying in the administration? They tracked her down and they slapped a big fine on Joni Scott.

But she is not the only one. This is Joan Slote. They fined Joan Slote 10,000 bucks. She is a bicyclist in her midseventies. She rides in the Senior Olympics; she rides bicycles all over the world. What a wonderful woman. I have met her. She went with a Canadian bicycle group to Cuba just to bicycle in Cuba. They tracked her down and fined her $10,000, and then they tried to attach her Social Security checks while the dispute was going on. When they finally settled for something less than $10,000 and she sent them a check and they did not realize she had sent the check and paid the bill, so they then tried to attach her Social Security payments. Tracking a little old lady riding bicycles? That is what they are doing down at the Treasury Department because riding a bicycle in Cuba somehow undermines American interests. Are they nuts? Are they just crazy? I don't understand this at all.

If it is not Joni Scott or Joan Slote, what about these folks who participate in the international event for disabled athletes. We stopped them from going. They lost a lot of money because they had tickets purchased to go to the international games in Havana, but those ferocious folks down at Treasury who are supposed to be tracking assets that support terrorism, they stopped these disabled athletes from going to Cuba. That would have undermined American interests, I guess.

Or the man from the State of Washington whose father died and was cremated. He previously had been a minister at a church in Cuba. His last wish was to have his ashes buried on the church grounds where he ministered, so his son dutifully complied. His son took his father's ashes to Cuba to bury them on the church grounds. Guess what. He got a fine from the U.S. Government because we have folks down at the Treasury Department tracking these people.

Now, the Bush administration obviously is concerned about votes in Florida. This is not about sound public policy; it is about politics in Florida. They have actually trained 500 people in the Office of Homeland Security to try to track people getting on and off flights to and from Cuba so if an American tourist went to Cuba to travel, they could find them and slap them with a fine.

They trained 500 people who are supposed to be doing work in the Office of Homeland Security. Let me show you what they did with this big, enhanced inspection with all these folks at the airports. They are going to grab them. They are going to nail them. We have not nailed Osama bin Laden. He is living in a cave someplace. He is probably not quaking in his cave, knowing there are only two people looking after his finances in the Department of Treasury and there are 21 of them chasing little old ladies who ride bikes in Cuba.

But let me show you what they found with this big, enhanced inspection at the airports. At a time we are dealing with terrorism, we have this big crackdown on American tourists. This chart shows what OFAC found. Boy, we nabbed them. Cuban cigars—officers of the Office of Homeland Security worked overtime to find Cuban cigars coming in on the person of an American tourist who went to Cuba. That is going to safeguard our country, if we just get rid of those Cuban cigars.

Then, of the 45,400 travelers who were inspected, 215 were suspected of attempting to vacation in Cuba. I don't know, I never heard of that charge: suspected of taking a vacation.

Homeland Security inspectors found 283 alcohol and tobacco violations. Well, were those major seizures? No. The Homeland Security spokeswoman says no. Each violation included a small amount of rum or cigars that were found on people who had been in Cuba.

There were 42 narcotics seizures. Oh, man, that ratchets up the importance—42 narcotics seizures. Is it heroin or crack? No. No, it is not that. It involves prescription drugs people had on their person. They were taking medications for high cholesterol or perhaps a runny nose. So they nabbed them.

And then one hazardous material violation was discovered. Oh, man, that sounds ominous. These Homeland Security investigators found somebody coming back from Cuba, coming into this country, an American citizen who had the temerity to vacation in Cuba who came back with a hazardous material on them. So they had a hazardous material violation. Now, that sounds like terrorism. But no, apparently the hazardous material was a carbon dioxide canister used to put fizz in seltzer water.

Presumably discoveries like these make it OK that we have 500 people tracking American tourists traveling in Cuba and two people tracking Osama bin Laden's finances.

We have 21 people down at OFAC going over their books. They wear their suspenders and green eyeshades, wearing their knuckles white, so they can track down a little old lady riding a bicycle, or so they can track down a wonderful young woman distributing free Bibles in Cuba. Shame on these people. Shame on these people who decide that trying to track American citizens who are on vacation is a more important and a more urgent priority than tracking Osama bin Laden's financial network.

Now, I am a Norwegian Lutheran, and I don't use that language very easily. But I tell you what, I get angry when I see what is happening.

My colleague from Montana is in the Chamber. He was one of those who got this report. I asked the question of Secretary Snow: How many people are you using down at the Department of Treasury to track American tourists who travel to Cuba? Well, he did not know.

I said: Give me the answer. They apparently did the same thing in the Finance Committee. They got the answer. Twenty-one people are tracking American tourists going to Cuba, and two people are tracking Osama bin Laden's finances. What on Earth are they thinking of? Is there not one person down there with one ounce of common sense? I do not understand it at all.

Here is a chart: There are 100 times more enforcement cases on Cuba than there are on terror issues.

And I mention Joni Scott. Let me just finish by again mentioning Joni Scott. Joni Scott is with a religious group. This wonderful young woman, a good-hearted woman, who cares deeply about her faith in God and wants to share it with others, she went, 4 years ago, to Cuba to distribute free Bibles. It was an enriching experience, she said. And was she surprised, not too long ago, to get something in the mail from the U.S. Treasury Department because they have these sleuths down here, not working on things that matter, not working on tracking Osama bin Laden and other terrorist networks, no; they are working on this young woman who is distributing free Bibles. I do not understand it.

I say this, that when we have an opportunity, this year, to affect the financing of the Department of Treasury, I—and I hope others who will join me—will say to them that is not the way you are going to use the taxpayers' money. You have an obligation not to be soft on terrorism. You have an obligation not to be soft-headed. You have an obligation to use the funding we are providing to track terrorists, to crack the network of financing that Osama bin Laden and others use to commit acts of murder against American people, and against Spanish, and other people around the world, where people have been victimized by these acts of terror.

So always, it seems to me, it is a case of choosing, making choices. What do you want to use the money for? What is more important? What is more urgent? What should we be doing? The administration's choice yesterday to put even more people into tracking down American tourists to Cuba is unbelievable. It is unbelievable to see an administration make such, not only an embarrassing choice, but a choice that is fundamentally so soft on terrorism, so soft on combating terrorism, and so hardheaded in trying to track American tourists down and slap them with a fine.

This notion of trying to slap Fidel Castro around by injuring the rights of the American people ought to stop. It does not hurt Fidel Castro that we have told the American people you cannot travel in Cuba. You can travel in Communist China. You can travel in Communist Vietnam. But you cannot travel in Communist Cuba. If we spend all this money on TV and Radio Marti in order to put voices in Cuba over television and radio, to give them another voice other than Fidel Castro, what sense does it make to say to the American people that traveling to Cuba so that Cubans hear other voices is somehow not worthy, but putting up an expensive radio and television station so the Cubans hear other voices is worthy?

The Europeans, the Canadians, and others, have used much more common sense than we have on this issue. And the President, rather than making things better, is making it much worse. I have no trust for Fidel Castro. I want him removed. I think the Cuban people ought to be free to choose their own government. But neither do I have any sympathy for a public policy that is so devoid of common sense, and it is getting worse every day, and was made worse yesterday by this President's announcement.

POLICIES ON OUR INDIAN RESERVATIONS

Mr. DORGAN. Mr. President, my colleague is here to speak, but I do want to make another comment about the health care policies on our Indian reservations, an important concern.

I want to first say that we have to, in my judgment, deal with these issues in a manner that we have not previously done. On our Indian reservations in this country, in most cases, we have conditions that reflect Third World countries. We have four Indian reservations in my State of North Dakota.

American Indians today have a life expectancy that is 6 years less than all the rest of the American people. Their rate of alcoholism is seven times the rate of the rest of the American people. Their rate of tuberculosis is over seven times the rate of the rest of the American people. Their rate of diabetes is four times the rate of the rest of the American people. For accidents, there are nearly triple the fatalities on reservations. For suicides, the rate is twice that of the rest of the American people. For homicides, the rate is more than double the rest of the American people.

The fact is, we have a very serious problem on these Indian reservations. There is, in my judgment, despair and little hope. A young girl named Tamara Demaris, some years ago, was put in a foster home by a social worker who was handling 150 cases. She did not have time to investigate the home. At that home, there was a drunken party, and little Tamara was beaten severely. Her hair was pulled out at the roots. Her nose was broken. Her arm was broken. That little girl will probably never get over the scars of that terrible beating.

That situation has changed. There is no longer one social worker with 150 cases. We now inspect and investigate where a three year-old child will be placed. But that is the kind of circumstance that happened because the resources did not exist. We were supposed to protect that child and we did not. I am talking about our society—yes, our society.

I will give you another example. The child in this picture died a few weeks ago. This young child's name is Avis. Avis missed 90 days of school this school year. She stayed in bed for many days curled up in a ball. She desperately needed help. All of her actions cried out for help. Avis, by all accounts, was a young girl who loved to ride horses, loved animals, and loved her family. But several weeks ago, Avis died. On that reservation, they had one psychologist, one social worker, and no automobile to take anybody to seek treatment. So when you talk to the relatives and the people whose lives intersected with this young girl named Avis, you understand the tragedy of her situation. Avis needed help and didn't get it. At a critical time in the life of this young 14-year-old girl, she didn't get the help she needed.

The Indian Health Service budget for this year recommends cutting back on mental health services provided on these reservations. There is not enough as it is. It is painfully thin in terms of the amount of resources.

The federal government has direct responsibility for the health care of several groups of people in this country, including Federal prisoners and American Indians. We protect American Indians, and we have a trust responsibility for their health care. With respect to Federal prisoners, it is our obligation. We spend almost twice as much money per person on health care for Federal prisoners as we do for American Indians. The result is that wonderful young people such as Avis lose their lives. It should not happen.

I wish to mention one other thing and then I will conclude. While there is great despair about these issues—and we must confront them this year—there are some areas of hope.

The one area of hope, in my judgment, is tribal colleges on reservations. The stepladder up and out to opportunity is education.

I want to read something I have read before on the floor, because last year we made enormous progress in increasing the funding for tribal colleges around the country. I want to read from a letter from a woman I know named Loretta.

She says this:

> I grew up poor and considered backward by non-Indians. My home was a two-room log house in a place called the "bush" on North Dakota's Turtle Mountain Indian Reservation. I stuttered. I was painfully shy. My clothes were hand-me-downs. I was like thousands of other Indian kids growing up on reservations across America.
>
> When I went to elementary school I felt so alone and different. I couldn't speak up for myself. My teachers had no appreciation for Indian culture. I'll never forget that it was the lighter-skinned children who were treated better. They were usually from families that were better off than mine. My teachers called me savage. Even as a young child I wondered . . . What does it take to be noticed and looked upon the way these other children are?
>
> By the time I reached 7th grade I realized that if my life was going to change for the better, I was going to have to do it. Nobody else could do it for me. That's when the dream began. I thought of ways to change things for the better—not only for myself but for my people. I dreamed of growing up to be a teacher in a school where every child was treated as sacred and viewed positively, even if they were poor and dirty. I didn't want any child to be made to feel like I did. But I didn't know how hard it would be to reach the realization of my dream. I almost didn't make it.
>
> By the time I was 17 I had dropped out of school, moved to California, and had a child. I thought my life was over. But when I moved back to the reservation I made a discovery that literally put my life back together. My sisters were attending Turtle Mountain College, which had just been started on my reservation. I thought that was something I could do, too, so I enrolled. In those days, we didn't even have a campus. There was no building. Some classes met at a local alcohol rehabilitation center in an old hospital building that had been condemned. But to me, it didn't matter. I was just amazed I could go to college. It was life-changing.
>
> My college friends and professors were like family. For the first time in my life I learned about the language, history and culture of my people in a formal education setting. I felt honor and pride begin to well up inside me. This was so unlike my prior school experience where I was told my language and culture were shameful and that Indians weren't equal to others. Attending a tribal college caused me to reach into my inner self to become what I was meant to be—to fight for my rights and not remain a victim of circumstance or of anybody. In fact, I loved college so much that I couldn't stop! I had a dream to fulfill . . . or perhaps some would call it an obsession. This pushed me on to complete my studies at Turtle Mountain College and to ultimately earn a Doctorate in Education Administration from the University of North Dakota.
>
> I've worked in education ever since, from Head Start teacher's aide to college professor. Now I'm realizing my dream of helping Indian children succeed. I am the Office of Indian Education Programs' superintendent working with nine schools, three reservations, and I oversee two educational contracts with two tribal colleges. My life would not have turned out this way were it not for the tribal college on my reservation.
>
> My situation is not unique and others feel this way as well. Since 1974, when Turtle Mountain College was chartered by the Turtle Mountain tribe, around 300 students have gone on to earn higher degrees. We now have educators, attorneys, doctors and others who have returned to the reservation. They—I should say, we—are giving back to the community. Instead of asking people to have pity on us because of what happened in our past, we are taking our future into our own hands. Instead of looking for someone else to solve our problems, we are doing it.
>
> There's only one thing tribal colleges need. With more funding, the colleges can do ever more than they've already achieved. We will take people off the welfare rolls and end the

> economic depression on reservations. Tribal colleges have already been successful with much less than any other institutions of higher education have received. That is why I hope you will continue to support the American Indian College Fund.
>
> I'm an old timer. The College Fund didn't exist when I was a student. I remember seeing ads for the United Negro College Fund and wishing that such a fund existed for Indian people. We now have our own Fund that is spreading the message about tribal colleges and providing scholarships. I'm so pleased. I believe the Creator meant for this to be. But so much more must be done. There still isn't enough scholarship money available to carry students full time. That is my new dream . . . to see the day when Indian students can receive four-year scholarships so they don't have to go through the extremely difficult struggle many now experience to get their education.
>
> I hope you'll keep giving, keep supporting the College Fund, so that some day this dream becomes reality. I know it can happen because if my dream for my future came true, anything is possible. Thank you.

This wonderful woman describes hope and opportunity through education and achievement. Her letter proves that when we invest in the right things, when we care enough to give people the opportunity to step up and out of poverty and despair, toward hope and opportunity, then this is a better country for them and for all of us as well. That should be true with respect to our investment in the Indian Health Service. It is true with our respect to investment in tribal colleges. We must do much better as we approach these subjects this year. I will have more to say about the Indian Health Service later.

I make the point that health care funding for American Indians is an issue, as we turn to the appropriations process, to which we must pay attention.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Will the Chair state the current parliamentary situation.

The ACTING PRESIDENT pro tempore. The Senate is in morning business. Each Senator is permitted to speak up to 10 minutes.

Mr. BAUCUS. Mr. President, I thank my friend from North Dakota on both subjects he just addressed. First, the American policy toward Cuba.

For the life of me, I cannot understand why the U.S. Treasury Department, as the Senator so clearly explained, devotes 80 percent of its financing resources—that is, investigating financing—to tracking down American tourists who travel to Cuba, rather than Osama bin Laden's terrorist network. It is amazing.

I have gone to Cuba a couple times with Montana businessmen. We signed a contract to sell agricultural products to Cuba.

If more Americans could travel to Cuba, it would be more likely that we would be able to have a much better relationship with that country than we now have.

Frankly, I also believe very strongly that the current U.S. position with respect to Cuba—namely, prohibiting most Americans from traveling to Cuba—and the export embargo the U.S. Government has against Cuba helps Fidel Castro. It is something he uses to rail against Americans. Ironically, if the embargo was lifted and the travel ban was lifted, if we were not investigating Americans going to Cuba, it would hasten the day for democracy in Cuba. It is clear to me that is what would happen.

You might ask, Why is the American Government taking such an inane view, with most of its resources tracking down good, law-abiding Americans visiting Cuba, rather than trying to track down Osama bin Laden and his network? The answer is simple. It is basically politics. This administration is being ruled by a community in the U.S. that wants to get back at Cuba. I think it is regrettable that the Government would not adopt a policy that is good for all America, but rather one that just helps the interests of a very small group in southern Florida. It is an outrage. I, frankly, think the administration should be serving all of America and the Treasury Department should be devoting its resources to finding terrorists rather than checking up on American tourists traveling in Cuba.

The second subject the Senator talked about needs to be addressed over and over again; it is the abominable plight and economic conditions on America's Indian reservations. The Senator from North Dakota mentioned poverty in many reservations in North Dakota. The same can be said for many reservations throughout the country. In Montana, we have several reservations and the conditions are, in some cases, just as bad. In other areas, it is getting a lot better. Fifty percent of all the welfare cases, TANF cases, are on Indian reservations. We have an obligation to address that in a solid and constructive way.

I wish to explain a few of the positions in the bill that will be before us. It is not before the Senate at the immediate time, but we have considered the bill over the last week, the JOBS bill.

Some of the provisions in that bill relate to helping people who live on Indian reservations to live a much better life. These are provisions to help build schools, provisions to help create good jobs on the reservations, and provisions to keep businesses investing on reservations.

Let me explain a couple of them. First, the JOBS bill includes the extension of two provisions which allow tribes to issue tax-exempt bonds to build facilities just like the authority that State and local governments have. We believe, those of us who wrote the JOBS bill, treating tribes like State governments makes good economic sense; that it is just plain fair and it is the right thing to do. If State and local governments can issue tax-exempt bonds to construct facilities, so should reservations. I am glad we have that provision in the JOBS bill.

It also includes a special allocation of what is called new markets tax credits for reservations. This provision allocates $50 million in new markets tax credits where poverty rates exceed 40 percent. The new markets tax credits are designed to spur investment in economically depressed areas. They are not going to solve all the problems that exist on reservations but they are certainly going to help, help bring jobs, help businesses, help spirit entrepreneurship that is so needed around our country.

This allocation will apply to only the poorest reservations. Lifting these reservations out of the grip of poverty is a moral obligation that all of us in the Senate have.

Finally, the JOBS bill addresses school construction on reservations. Education is the key to success in many areas of the country. Many of the jobs we hear about going overseas would probably not go overseas if there were more than high school diplomas and better education in America.

We have good education but it has to be much better. Without properly educated citizens, we cannot compete in the 21st century.

Many of the schools run by the Bureau of Indian Affairs are woefully dilapidated and often dangerous, literally dangerous for students and teachers. The Bureau of Indian Affairs schools are in generally poorer physical condition and have a much more unsatisfactory environment, and more often lack key facilities requirements for education reform, and are less able to support computer and communications technology. The Bureau of Indian Affairs schools are that bad.

The JOBS bill includes a provision that will allow tribes to issue tax credit bonds to raise funds for construction, rehabilitation, or repair of tribal school facilities funded by the Bureau of Indian Affairs. This provision gives hope to children stuck in third-rate schools. Every child deserves a decent place to go to school. This provision, again in the JOBS bill, will help tribes to raise the funds necessary to provide them.

This bill will also bring opportunity to all Americans, an opportunity for jobs training, and entrepreneurship, and I am proud the JOBS bill also includes provisions aimed at bringing opportunity to reservations and tribal communities across the country.

A provision I did not really explain in sufficient detail has to do with an employment credit that gives employers a payroll tax offset for hiring people on reservations, that would allow jobs to stay on reservations. In addition, the JOBS bill includes an extension of accelerated depreciation for equipment purchased by businesses that are located on reservations. This is a huge benefit for small businesses on reservations and gives these businesses the incentives they need to expand.

The JOBS bill also includes several new provisions to give an economic lift to tribes. Many tribes have difficulty raising capital in order to attract convention centers which work attract tourists to reservations. Unlike State and local governments, as I mentioned earlier, tribes do not issue bonds for many infrastructure investments.

I spoke earlier about that provision and wanted to restate that the basic provisions allow tribes to issue tax exempt bonds to build facilities just as State and local governments now have the authority to do. I believe treating tribes as we do State governments makes good economic sense; it gives them an even greater sense of responsibility and destiny in controlling their own future. They should have that same ability just as State and local governments.

So for all those reasons I think those Indian reservation provisions in the JOBS bill, which are designated to help Indians, will help. It is not going to solve all the problems on reservations, but it will certainly give a little more help, a hope, a future to some very depressed parts of our country, and if we fulfill our obligations to help out, I think we will have done a lot through the provisions of the JOBS bill directed at reservations. There are many other provisions in the JOBS bill, obviously, but those directed toward Indian reservations will certainly help those folks. I thank all members of the committee and the chairman of the committee, Senator GRASSLEY, for including them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I ask unanimous consent to speak for up to 15 minutes. I know the majority leader wants to come as well. I certainly want to be courteous to him. I will try to finish in less than 15 minutes, but I ask unanimous consent to speak at this time.

The PRESIDING OFFICER. That order has been provided.

FOREST FUNDING

Mr. WYDEN. Mr. President, I come to the floor today to discuss an issue that has enormous importance for the West and other parts of the country, and that is the funding, critically needed funding, to protect our forests.

I believe we are going to have an extraordinarily difficult time in the next few months coping with these forest fires that are causing such devastation in the West. I was part of a coalition, a member of the Budget Committee which saw the Senate accept unanimously by voice vote a measure that would fully fund essentially what we were trying to do, again on a bipartisan basis, in the Healthy Forests Restoration Act.

I come today because I have heard unofficially that possibly the amendment I authored and which was accepted unanimously in this Chamber is not going to make it out of the budget conference. I think this would be a grievous mistake given the reports we are getting now about the prospect of an extraordinarily difficult fire season.

The amendment I authored would increase the budget authority to boost investments in the Healthy Forests Restoration Act to benefit our national forests, the environment, local communities, and local economies. My amendment would add $343 million to last year's $417 million for hazardous fuel reduction so as to be able to reach the $716 million authorization in title I of the Healthy Forests legislation.

Now, we have talked a lot during this session about the importance of hazardous fire reduction projects. We have talked about it in the Budget and Appropriations Committees, in the Healthy Forests Restoration Act, and my colleagues have heard me repeatedly talk about how important this funding would be. But every year these hazardous fuels projects go underfunded or unfunded, and that means another year with little or no warning thousands of people in fire-prone communities end up tossing everything they can into their cars and fleeing their homes without knowing if anything is going to remain when they return.

The Forest Service's inability to do all of the hazardous fuels reduction projects that needs to get done leads to real-life danger on the ground in these small western communities.

It leads to danger in the backyards of our citizens, in their recreation areas, and the places they gather in their communities.

Two years ago, in July of 2002, the Associated Press reported that 17,000 people faced evacuation in Oregon. Here is just a bit of this report:

> Firefighters went door-to-door deciding which homes they could save (in Cave Junction, Oregon) as an explosive 68,000-acre wildfire nearby fed off heat, wind and timber.

These folks were evacuated, and a month later they were still evacuated. Another article from one of our publications, the Medford Mail Tribune, noted the very personal nature of the disruption. It said the Josephine County Sheriff's Office was beginning to reunite an estimated 400 evacuated animals, including livestock and even family pets, with evacuated owners.

The Associated Press, that same news outlet, reported just yesterday that an early fire season is expected in eastern Oregon. We are hearing about this all over the West. There are going to be lots of fires. They are going to be very early. They, in my view, are going to cause enormous pain and hardship for our communities.

I implore my colleagues, both in the Senate and in the other body, to protect what we have been able to do in a bipartisan kind of fashion, and that is to properly and fully fund this critical aspect of the Healthy Forests legislation.

For years there has been this budgetary sleight of hand with respect to forest fires, where the Forest Service takes from one account and goes to another. When it is all done, it is clear there are not enough resources, and that is what I tried to change in the Healthy Forests legislation. We had bipartisan support. Senator DOMENICI, for example, has done yeoman's work on this for years and years. Senator CRAPO, another colleague in this body, has been so supportive of this effort.

I will take a few minutes to talk about what I think is ahead and why I hope that if the conference has not fully acted that we can protect that amendment to fully fund the effort to deal with this huge fire risk that we are facing.

Just yesterday, the San Francisco Chronicle reported:

> California's fire season, off to an ominously early start, could be exacerbated by increasing numbers of dead trees, frozen funding for fuel-reduction projects and the implacable expansion of the suburbs into wildlands. Federal officials moved Wednesday to address one of those concerns, freeing $240 million for removal of dead trees in San Diego, San Bernardino and Riverside Counties, after Senator Feinstein complained about restrictions on the funds. Still, State and national officials say the trend in recent years of extremely destructive wildfires in California and throughout the West is likely to continue this season.

From the CBS Associated Press story entitled "Early Start For California Fires," which came from Corona, CA, on May 5, just days ago:

> As acrid smoke for more than 18,000 acres of charred brush curled skyward, California officials feared the earlier-than-usual start of the summer wildfires season could make it the most dangerous ever. Just months after the most devastating wildfires in State history . . . thousands of acres from San Diego to Santa Barbara are ablaze. Thousands of firefighters are on the line, and once again residents are fleeing advancing flames.

The same day, the Associated Press said:

> It's like gasoline. More than 1,000 people were evacuated in the northeastern Lake Elsinore area as the Cerrito Fire was whipped up by winds.

Tuesday, the Los Angeles Daily News:

> It was the explosive end to the State's worst fire season, from which the region still hasn't recovered. And this year, authorities say, could be worse. Much, much worse.

To those thousands of folks across the country, particularly those whom I represent in Oregon who have been pounded by these devastating fires year after year, the bickering and the back and forth in Congress on fully funding forest health, this is not a theoretical thing to those Oregonians. It is not some kind of policy discussion. It is a danger to their families, a danger to their communities, every single day.

By working in a bipartisan fashion, after more than 25 years the Congress came together, passed a landmark piece of wildfire legislation, which was signed into law by the President on December 3 of last year. It is going to protect communities from catastrophic forest fires, preserve old-growth trees, restore unhealthy forests, and protect the involvement of our communities in discussing these issues.

I was very pleased that because of the bipartisan cooperation, we were able to get the Senate to pass a balanced practical approach to Healthy Forests legislation, and it authorized the $760 million that is essential for hazardous fuels reduction projects, and it made possible my budget amendment that would have provided the funding room necessary for the landmark legislation.

Without the help of the budget amendment that was adopted earlier, the issue that is now being debated in Congress, the Healthy Forests Restoration Act is not going to be able to live up to the full promise that folks in Cave Junction, OR, or Corona, CA, are counting on. The amendment in the budget resolution will take us a step closer to fulfilling the vision that people have in the rural West of this law. They deserve an approach and critical response from the Federal Government, starting now with the prospect of a devastating fire season.

This body agreed that hazardous fuels reduction projects, the National Fire Plan, and the Healthy Forests Restoration Act should be given complete and bipartisan support. I am hopeful that the budget conferees will see the importance of keeping intact the unanimously accepted Senate position to fight these fires with the resources necessary.

It is critical that we not disappoint people in these small rural communities across the West. They are counting on the Congress to ensure that they have the resources that are going to be essential to save their homes and safeguard their lives.

I do not want to see these families evacuated again this year and next year because the Congress did not do its job.

I urge our colleagues, at a time when we are about to go to the budget conference, to support the effort to fully fund forest fires, to promote the healthy forest effort that we enacted on a bipartisan basis.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

MOTHER'S DAY

Mr. FRIST. Mr. President, this Sunday a lot of families will be celebrating a very special day, a day of joy, a day of thankfulness, and for some a day of sadness due to the fact that their loved ones, their mothers, have passed.

Restaurants are going to be packed for Sunday brunch. Living rooms are going to be full of fidgety children. Families are going to recall teasing stories, all to tell their moms that they love them.

Mother's Day is the busiest long-distance calling day of the year. It accounts for more than one-fifth of all of the floral purchases made for the holidays. I am looking forward to our own holiday with our family, going to church, celebrating Mother's Day with our immediate family, and then later in the day joining an extended family and some old friends for another Mother's Day dinner.

Celebrating moms is a tradition that stretches back millennia. Ancient Greeks celebrated a holiday in honor of Rhea, the mythological mother of gods. Ancient Romans celebrated their mother goddess symbol, Cybele, and in the British Isles and Celtic Europe, the people honored the goddess, Brigid, and later her successor, St. Brigid, in a spring tradition of motherhood.

Mother's Day in America got its start in West Virginia in 1858, led by the indefatigable Anna Reeves Jarvis, a local schoolteacher. After years of petitioning, Mother's Day finally became an official American holiday in 1914, and it was passed in the Congress as a joint resolution and signed by President Woodrow Wilson.

Today, 90 years later, Mother's Day is celebrated all over the world, not just in the United States—in Denmark, Finland, Italy, Turkey, Australia, Belgium.

Abraham Lincoln said of his mom: All that I am or hope to be, I owe to my angel mother.

It is a sentiment that is shared by the humble and by the lofty, throughout the ages and across the continents. Human nature binds us to our mothers. The Bible instructs us to respect and obey our mothers, and in turn mothers give us that gift that there is no way to return, that ultimate gift, the gift of life.

I close on this tribute to Mother's Day and all the mothers who are listening and to all the families who have lost their mothers with a quote by the basketball legend Kareem Abdul-Jabbar. I think it speaks to how we all remember our moms—looking after us, taking care of all the little details, reminding us of the things we would miss as we are growing up, understanding all our unique attributes we might have, as we think of that basketball legend. Kareem said:

> My mother had to send me to the movies with my birth certificate so that I wouldn't have to pay the extra 50 cents the adults had to pay.

Yes, it is the moms who were thinking about what we never necessarily thought of, looking at each of us as those very special instruments of life.

So happy Mother's Day to all the mothers around the world and to my mom, who died 6 years ago. I miss her very much. To my wife Karyn's mom, Kathryn McLaughlin in Ft Worth, TX, happy Mother's Day; and of course most especially to my wife Karyn, who is the rock of our family, who keeps it all together.

MOTHER'S DAY

Mr. BYRD. Mr. President, this coming Sunday is Mother's Day. In kindergartens across the Nation, small hands are being pressed against pink construction paper hearts, creating a somewhat smudgy record of loving hand prints for posterity. Those same small hands will clutch a crayon tightly in order to scribe in wobbly letters the heartfelt sentiments so beloved by Mothers—the three best words on earth: I love you.

Older children's efforts to honor their mothers may be more sophisticated, but the sentiment remains the same: I love you, Mother. Or Mom, Mommy, Mama, Ma, or Maw. The name may show some variation across the country, but the title remains a cherished one. The flowers, too, may show some variation, from the short-stemmed fistful of buttercups wilting in a sweaty young palm to the artistry of the floral arranger with the world's bounty of blossoms at his or her fingertips. And these days, the cards may range from time-honored construction paper classics through sweet and witty store-boughts, to animated e-mail extravaganzas.

Whatever the display laid at the mother's feet this Sunday, the old adage remains true: It is the thought that counts. Mothers, who so often put their children and husband first, and themselves always last, will surely be touched by the love reflected in the efforts to make her day a special one. From a plate of cold toast and runny home-cooked eggs to an elaborate Sunday restaurant brunch, the meal will taste the same to a mother on Mother's Day. It will taste of love.

It was just such a love that brought about the first Mother's Day, and the depth of the sentiment was and is such that this holiday continues to resonate among families today.

The first Mother's Day proclamation, I am proud to note, was issued by the Governor of West Virginia in 1910, but by 1911 every State had its own observances. Such is the depth of sentiment for mothers across the Nation that fueled the spread of Mother's Day observances like wildfires across the parched West.

The Mother's Day International Association was incorporated on December 12, 1912, for the purpose of furthering the observance of Mother's Day. By May 1913, the House of Representatives had adopted a resolution requesting that the President and other Federal Government officials wear a white carnation on Mother's Day. The following year, on May 8, 1914, the Congress adopted a joint resolution designating the second Sunday in May as Mother's Day and urging the U.S. Flag to be flown on Government buildings and private homes on that day "as a public expression of our love and reverence for the mothers of our country." President Woodrow Wilson issued the first proclamation making Mother's Day an official national holiday.

What inspired this outpouring of devotion and array of public displays of affection? A single West Virginia mother, Mrs. Anna Reese Jarvis, is at the heart of this story. Mrs. Jarvis was a minister's daughter. She taught Sunday school in the Andrews Methodist Church in Grafton, WV, for many years, while raising her children and caring for her neighbors in the difficult years following the Civil War.

Mrs. Jarvis's daughter, born in 1864 and also named Anna, was a devoted child. She remained close to her family and especially to her mother. Miss Jarvis graduated from the Female Seminary in Wheeling, WV, and taught in Grafton before moving with her family to Philadelphia, PA. When her mother died in Philadelphia in 1905, Miss Jarvis was deeply affected. She felt that children often neglected to appreciate their mothers enough while their mothers are still alive.

With the help of her friends, in 1907 she initiated a letter-writing campaign urging influential ministers, businessmen and congressmen to declare a national Mother's Day, hoping to increase respect for parents and strengthen family bonds. And such was the power of her message that her grassroots campaign took off, resulting in the national display of familial love that we will see this Sunday.

At that first Mother's Day observance in Grafton, Miss Jarvis supplied carnations to the church because they were her mother's favorite flower. White carnations were chosen because they represented sweetness, purity, and endurance of a mother's love. Over the years, red carnations have become the symbol of a living mother. White carnations now signify that, like Miss Jarvis's mother at the time of the first Mother's Day, one's mother has died.

Though not many people wear flowers these days, Mother's Day is a bonanza for the floral industry, just as it is for restaurants, the phone companies, greeting card companies, and jewelers. It is said that more long distance calls are made on Mother's Day than on any other single day of the year. Though Miss Jarvis might decry some of the more commercial aspects of today's Mother's Day celebrations, I think that she, too, would be pleased that through her efforts, so many people do make the effort to pay their respects and show their affection for their mothers.

We have so much to thank our mothers for, when we consider the enormous expenditure of time and effort that it takes to raise a child properly. Aside from the sometimes grueling routine that many mothers face every day just to stay abreast of regular family maintenance, there are the hours she cheerfully spends ensuring that homework is done, that chores are performed, that piano lessons or sports practices or dance classes are attended, or that cookies are baked and presents wrapped. There are also the loving times that a mother spends with her children: washing hair, reading bedtime stories, saying prayers, comforting away bad dreams, kissing away hurts, encouraging dreams. It is a wonder that mothers find the time to do any of the other creative things they do, from sewing to scrap-booking, painting to pottery, reading to writing the letters that help to knit families together.

My own dear mother died when I was just a baby. I cannot recall the touch of her hand on my cheek, or the sound of her voice saying "I love you." But her angel face still smiles at me from an old photograph, and in her smile I can see the love that she still bears for me as she waits. No mother ever truly leaves you. Anna Jarvis knew that to be true when she conceived the notion of a national Mother's Day. She would not have us regret failing to show our love and appreciation to our mothers while we can.

I offer my thanks to all mothers on this Mother's Day. To my own mother, I say thank you for giving me life, and for thinking of me and my future even as your own short life was coming to a close. And to the great love of my life, Erma, the mother of my beautiful daughters, I say thank you. Thank you for mothering me even as you mothered our children. Your talent at your chosen career, and your devotion to it, continue to show themselves in the generations of our lovely and loving grandchildren and great grandchildren. If Miss Jarvis had not beaten me to it, my wife Erma certainly has provided ample inspiration for a national Mother's Day.

I close with the words of one of my favorite poems, one that I come back to each Mother's Day. It is called "Rock Me To Sleep," and it was written by Elizabeth Akers Allen (1823–1911).

ROCK ME TO SLEEP

Backward, turn backward, O time, in your flight,
Make me a child again just for to-night!
Mother, come back from the echoless shore,
Take me again to your heart as of yore;
Kiss from my forehead the furrows of care,
Smooth the few silver threads out of my hair;
Over my slumbers your loving watch keep:
Rock me to sleep, Mother—rock me to sleep!

Backward, flow backward, oh, tide of the years!
I am so weary of toil and of tears—
Toil without recompense, tears all in vain—
Take them, and give me my childhood again!
I have grown weary of dust and decay—
Weary of flinging my soul-wealth away;
Weary of sowing for others to reap;
Rock me to sleep, Mother—rock me to sleep!

Tired of the hollow, the base, the untrue,
Mother, O Mother, my heart calls for you!
Many a summer the grass has grown green,
Blossomed and faded, our faces between:
Yet, with strong yearning and passionate pain,
Long I to-night for your presence again.
Come from the silence so long and so deep:
Rock me to sleep, Mother—rock me to sleep!

Over my heart, in the days that are flown,
No love like mother-love ever has shone;
No other worship abides and endures—
Faithful, unselfish, and patient like yours:
None like a mother can charm away pain
From the sick soul and the world-weary brain.
Slumber's soft calms o'er my heavy lids creep;
Rock me to sleep, Mother—rock me to sleep!

Come, let your brown hair, just lighted with gold,
Fall on your shoulders again as of old;
Let it drop over my forehead to-night,
Shading my faint eyes away from the light;
For with its sunny-edged shadows once more
Haply will throng the sweet visions of yore;
Lovingly, softly, its bright billows sweep;
Rock me to sleep, Mother—rock me to sleep!

Mother, dear Mother, the years have been long
Since I last listened your lullaby song:
Sing, then, and unto my soul it shall seem
Womanhood's years have been only a dream.
Clasped to your heart in a loving embrace,
With your light lashes just sweeping my face,
Never hereafter to wake or to weep;
Rock me to sleep, Mother—rock me to sleep!

HONORING OUR ARMED FORCES

TRIBUTE TO STAFF SERGEANT GEORGE S. RENTSCHLER

Mr. BUNNING. Mr. President, I pay tribute today to the patriotism and the courage of SSG George Rentschler of Louisville, KY. SSG Rentschler was killed a month ago on April 7, 2004.

While his family, friends and his country mourn the loss of this man, I offer a few words to praise the inestimable value of his sacrifice. In this time of war, my colleagues, we can all expect to hear reports of the tragic loss of life. It would be unrealistic to expect that we can fight a war and not lose lives. SSG Rentschler knew this. And knowing this he went forth into battle for the love of his country.

To serve your country when you know that it might be the cause of your death, involves sacrifice. It means that you are brave, honorable, patriotic, virtuous. It also means that you are willing to make the final sacrifice should the necessity arise. The men and women serving our country, as SSG George Rentschler did, are heroes who are protecting America to preserve our freedoms in these times of continuing terrorist threat across the world.

The death of SSG Rentschler reveals to the world that this man was a true hero who sacrificed for our country. We have lost a man of courage and generosity. He was role model for all of us and will be missed.

ON SECTION 8 RULE CHANGES

Mr. JEFFORDS. Mr. President, We have all heard of the war on poverty, but I fear that 40 years after that war began, there is a new war afoot, a war on people in poverty. And the latest assault in this war threatens to leave thousands of people homeless. I am speaking about the Bush administration's plan to make substantial changes in the way our Government helps our poorest citizens secure housing.

It is not hyperbole, in my view, to say that this change to the Section 8 voucher program could have disastrous effects. Section 8, administered by the department of Housing and Urban Development, helps nearly 2 million poor families and disabled citizens pay for housing with vouchers that have traditionally covered the full cost of their rent.

But under the rule change, the reimbursements will no longer cover the full costs. As a result, housing authorities around the country will have to cut back on the number of vouchers they offer.

For fiscal year 2005, the President's request shortchanges all housing vouchers now in use by $1.6 billion and could result in further cuts in the years ahead. This request would also remove key provisions of the Section 8 program that protect families with the lowest incomes, such as maintaining rent payments at 30 percent of a resident's income.

In my home state of Vermont, there are 6,080 authorized vouchers available this year, but Vermont stands to lose 740 of these by next year with the rule change. That translates to a loss of more than $4 million in housing assistance in Vermont. And this scenario could indeed get worse: it is estimated that my state stands to lose up to 1, 770 housing vouchers by the year 2009.

It is important to remind ourselves that we're not talking about just numbers here. These are families—real families—who will be at risk of not having a place to live.

I recently read in the Washington Post that the Bush administration is making thee changes in an effort to "constrain rapid growth in the program's spending." However, the increased demand for Section 8 housing arises because more people need help in our ailing economy.

Every day in our country, working families are forced to turn to emergency shelters and food banks because they cannot afford the high cost of rent, child care and transportation. I believe this change in section 8 will add greatly to those numbers, while undermining our deeply held premise that work leads to self-sufficiency.

Every day we hear the term "working poor," but I'm afraid we do not take the time to fully understand its meaning.

All of this prompts me to ask, once again, where are our nation's priorities? We continue to give out tax breaks to millionaires despite an ever-mounting deficit. We pour billions of dollars into fighting a war in Iraq for which there is no end in sight. And we will be spending billions more—there is another $25 billion request before us now—to rebuild that country while our own nation's poorest citizens cannot afford housing.

If I may borrow a line from Rita Markley, the executive director of the largest homeless services program in my state, "We've got to remind people that Homeland Security starts with a home."

It is unfortunate that President Bush continues to find fault with a program that has demonstrated such success. As the Congress deliberates the fiscal year 2005 budget, I will continue to work to protect the Section 8 program.

Forty years ago, when President Johnson declared war on poverty, he highlighted this nation's commitment "to pursue victory over the most ancient of mankind's enemies."

I fear that we have lost sight of the enemy, at the expense of those who needed this victory the most.

RECOGNIZING PUBLIC SERVICE AWARD WINNERS

Mr. AKAKA. Mr. President, for the past 5 days, I have paid tribute to the Nation's public servants during Public Service Recognition Week through statements on the floor of the U.S. Senate. As this is the 20th annual celebration of public service, it was fitting to focus the Senate's attention on public servants and issues affecting Federal employees throughout the week.

Today I would like to recognize those Federal, State, and local government programs that received the Public Service Excellence Awards. The Public Service Excellence Awards recognize and commend U.S. programs and employee teams who represent public service at its best. It rewards innovations, raises awareness of exemplary public service, and provides public agencies a showcase for outstanding programs. On May 3, 2004, the Public Employees Roundtable, a nonprofit coalition of organizations representing public employees and retirees, held a Breakfast of Champions to honor the award winners for this year.

This year, the Federal winner was the "Internal Revenue Service (IRS) eLearning Program." As my colleagues on the Governmental Affairs Committee know, training our Federal workforce is one of the most important and most underfunded programs in the Federal Government. Even when training programs are funded, agencies must use innovative techniques to stretch training dollars and apply training funds strategically. The IRS realized that approximately 70 percent of its training budget went toward travel to and from the seminars. As such, eLearning could save the IRS a significant amount of money by converting its training system from a classroom-based to a technology-enhanced learning and performance support environment. In the initial phase of the program, the IRS saved more than $5 million in travel costs by using the technology for briefings required of all 120,000 employees and courses supporting the 28,000 employees of Customer Call Center Operations. At full implementation, the eLearning strategy is expected to save more than $50 million in annual travel costs and reduce training time by up to one-third. This innovative program at IRS is an excellent example of the dedicated work and professional excellence of federal employees.

The State winner is the "Work that Matters" campaign by the Montana Education Association and the Montana Federation of Teachers (MEA–MFT). The "Work that Matters" public relations campaign was created in 2003 to prevent the Montana Legislature from freezing salaries of State employees. "Work That Matters" is about putting a face on the people who provide state services and showing them as dedicated, hardworking people, who care about the people they serve.

As my colleagues know, all too often government employees are forced to "tighten their belts" during times of financial difficulties. That trend is no different for State governments across the United States. In Montana, the beginning of the 2003 legislative session had State employees struggling with hiring freezes, layoffs, staff shortages, and salaries far below market value. This public relations program put a face to the government employees who carry out the programs and services that benefit taxpayers, the State legislature realized the importance of public service and passed a pay increase.

This year's local winner was the City of Chicago's "311 Service," which provides a one-stop telephone and online customer service center for all non-emergency city services. It is a comprehensive, high-tech, customer-focused information and response service. Chicago residents can use the system to make service needs known, check on the status of earlier requests, file police reports, and get information on city programs and events. In addition, the 311 service is synchronized with Chicago's 911 emergency service. Such interoperability is commendable because all too often the non-emergency services are overlooked when developing an emergency response system. "Chicago 311" is an innovative and effective way for public employees to serve the community.

The Public Service Roundtable also recognized a non-profit organization, which was founded by a retired federal employee. Scott Dimock and his partner, Sammie Morrison, created Southeast White House community center in Washington, DC which has made an incredible impact on an area troubled by high unemployment, lack of opportunity, and broken promises. Through the use of donated services, time, and money, Southeast White House has developed a mentoring program, a Friends of Children program, a People's House referral service for services throughout the Metropolitan area, and an activities program that includes summer camps, field trips, lessons and programs in a variety of subjects, Mom's Night Out, and weekly community banquets open to all.

In addition, Southeast White House has adopted an elementary school and has developed an intensive mentoring program for at-risk children. More than 100 elementary school children now receive up to eight hours of mentoring each week. While not technically part of a federal, state, or local government organization, it is easy to see the dedication public servants, both active and retired, bring to their nation and their neighbor.

I would also like to commend GEICO, the Government Employees Insurance Company, for creating the GEICO Public Service Awards which, since 1980, recognizes the work Federal employees do to make their communities better. The awards recognizes government employees for outstanding achievements in one of four areas: substance abuse prevention and treatment, fire prevention and safety, physical rehabilitation, and traffic safety and accident prevention. In addition, one retired Federal employee is honored for his or her work in one of those areas. Recipients of the 2003 awards are:

Charles Whitlock, fire safety project leader for the U.S. Forest Service Technology & Development Center in Missoula, MT, for his work in fire safety and prevention.

Amanda Tye, county executive director of the Cleveland County Office for the Farm Service Agency, for her work in traffic safety and accident prevention.

Carolyn D. Greene, program support assistant for the Louis Stokes V.A. Medical Center in Cleveland, OH, for her work in substance abuse prevention and treatment.

Ralph P. Fowler, a telecommunications specialist for the United States Army in El Paso, TX, for his work in physical rehabilitation.

George S. Klein, a retired general forecaster with the National Weather Service Forecast Office in Upton, NY, for his work in physical rehabilitation.

As Public Service Recognition Week draws to an end, I would like to once again commend those who have been honored for their dedication to public service, as well as those unsung heroes whose daily contributions we could not live without. I also want to thank the companies, associations, and other employee organizations who work to make Public Service Recognition Week such a success and for their commitment in honoring our Nation's Federal, State, and local government employees.

REQUEST FOR SEQUENTIAL REFERRAL—S. 2386

Mr. WARNER. Mr. President, I ask unanimous consent a letter to the Honorable BILL FRIST dated May 6, 2004, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, May 6, 2004.

Hon. BILL FRIST,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: Pursuant to section 3(b) of S. Res. 400 of the 94th Congress, I request that S. 2386, the Intelligence Authorization Act for Fiscal Year 2005, which was reported out on May 5, 2004, by the Select Committee on Intelligence, be sequentially referred to the Committee on Armed Services for a period not to exceed thirty days of session.

With kind regards, I am
Sincerely,
JOHN WARNER,
Chairman.

ADDITIONAL STATEMENTS

HUGH ROBINSON

• Mr. TALENT. Mr. President, I wish to honor Hugh Robinson of southeast Missouri, who is retiring today after a long career in farm broadcasting. I am honored to share his successes with my colleagues.

Hugh followed a path from Washington, DC to Missouri. Growing up in Washington and graduating from Anacostia High School, Hugh has been interested and involved in agriculture most of his life. He knew about U.S. Department of Agriculture through his father, who had been an agricultural attaché for the Foreign Agricultural Service in Sweden and Germany. With that experience he had the opportunity to observe farm and livestock operations in other countries firsthand.

Since 1998, he has been at KBXB, where he has been the only live, local, farm director in southeast Missouri doing 10 reports a day, 4 news and 6 market reports.

He is a voting member of the National Association of Farm Broadcasters, and has been involved in the organization since 1978. Hugh has received numerous awards including: The Missouri Farm Bureau's Outstanding Service to Agriculture, the Missouri House of Representatives' Meritorious Service Award and awards from the Missouri Corn Growers Association, Missouri Soybean Association, as well as FFA and 4H.

More than that, he is widely admired by his colleagues in farm broadcasting and among Missouri's agriculture leaders.

I have known Hugh for many years now and I have always appreciated his diligence and great sense of humor. His interviews were tough but fair and you could always count on him to get the story right and to tell it humbly. I know our State's agriculture community will miss his agriculture reports. We will all miss hearing his voice on air.

Hugh never said goodbye at the end of an interview. He always said, "Keep smiling." We are smiling with him today as he celebrates his retirement.•

ENROLLED BILL SIGNED

The following enrolled bill, previously signed by the Speaker of the House, was signed on today May 7, 2004, by the President pro tempore (Mr. STEVENS):

S. 2315. An act to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 2771. An act to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program.

H.R. 4227. An act to amend the Internal Revenue Code of 1986 to extend to 2005 the alternative minimum tax relief available in 2003 and 2004 and to index such relief for inflation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SANTORUM (for himself and Mr. BAYH):

S. 2394. A bill to amend the Internal Revenue Code of 1986 to expand the expensing of environmental remediation costs; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 557

At the request of Ms. COLLINS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 2174

At the request of Mr. BUNNING, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2174 , a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 2302

At the request of Mr. CONRAD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2302, a bill to improve access to physicians in medically underserved areas.

AMENDMENT NO. 3040

At the request of Mr. NICKLES, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of amendment No. 3040 intended to be proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANTORUM (for himself and Mr. BAYH):

S. 2394. A bill to amend the Internal Revenue Code of 1986 to expand the expensing of environmental remediation costs; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I am pleased to introduce with my colleague from Indiana, Senator BAYH, important legislation to encourage the cleanup of contaminated sites commonly known as "brownfields." I urge all my colleagues to join Senator BAYH and me as supporters of this legislation and ask that they actively work with us toward its enactment.

The United States Environmental Protection Agency (EPA) defines brownfields as "abandoned, idled, or under-used industrial commercial sites where expansion or redevelopment is complicated by real or perceived environmental contamination that can add cost, time, or uncertainness to redevelopment projects."

Brownfields are not unique to my State of Pennsylvania, nor are they to Senator BAYH's State of Indiana. In every State in the Nation, there are areas blighted by run-down, abandoned properties and unsightly vacant lots. They are the shut down manufacturing facilities, deserted warehouses and gas stations that are all too familiar to us. On these properties once stood vibrant and productive enterprises, but changing times and events have drained their vitality. They are now in desperate need of revitalization and redevelopment. Compounding the problem is that over the years, the activities on these sites have left the soil and water tables contaminated with environmental pollutants.

The negative social and economic effects that these sites have on their surrounding communities are significant. There are serious financial impacts not only to the market values of the brownfield properties themselves, but also to property values in the surrounding neighborhoods. As middle class citizens are working to gain assets and potentially be able to borrow against, or even sell their homes in the future, property values become a very serious issue. A reduction of property values in brownfield neighborhoods hits hardest the families who can least afford it.

Brownfields have other serious repercussions, extending far beyond the pocketbook. The unsightliness of brownfields can lead to the characterization of entire neighborhoods as rundown and undesirable. The once vibrant spirit of these centrally located and thriving urban areas can be dampened as these eyesores drag down residents' morale and sense of connection with their community.

The U.S. Conference of Mayors and the Government Accounting Office estimate that there are over 400,000 brownfield sites across the country. According to a recent U.S. Conference of Mayors survey of 187 cities throughout the nation, redevelopment of their existing brownfields would bring additional tax revenues of approximately $2 billion annually and could create hundreds of thousands of jobs.

Many brownfields are located in prime business locations near critical infrastructure, including transportation, and close to an already productive workforce. Putting these sites back into use will generate good-paying jobs and affordable housing in areas where they are most needed. Rehabilitating and reusing these sites also serves to help prevent urban sprawl. We should encourage the cleanup and use of these brownfield sites rather than abandon them and instead always look to develop at new locations. A powerful example from my state of a successful brownfield revitalization effort and how it can have substantial and positive effects on a community is the City of Chester.

In the midst of a major revitalization, Chester is redeveloping its blighted and vacant waterfront district, including the former PECO power station. The City is striving to turn a former industrial site into a business center. Chester will be able to create new office space, and by working with a private developer Chester has received an initial commitment to move 2,000 jobs into the area. This initiative will help bring more business and infrastructure back to the community, adding to the area's prosperity and making Chester a safe and more pleasant place to live.

Unfortunately, a big reason that so many brownfield properties are languishing in a state of decay and disrepair is the substantial cleanup costs associated with them and the unfavorable tax treatment of those costs.

As part of the Community Renewal and Revitalization Act of 2000, Congress enacted Section 198 of the Internal Revenue Code, which allowed cleanup costs to be expensed in the year they were incurred. Prior to that, these costs had to be capitalized to the land, postponing any recovery of these costs for tax purposes until the property was sold.

This expedited write-off of cleanup expenses helps a redeveloper manage the cost of rehabilitating existing properties—which typically is much more expensive than developing new sites. Brownfield cleanup costs can be an imposing obstacle to redeveloping. While the price tag varies with each site, it is not unreasonable for the cleanup of a major site to run between $500,000 and $1 million.

We in the Senate, and our colleagues in the House, were wise to enact Section 198. It is the right policy. However, Section 198 expired at the end of 2003. Now, the law must be renewed retroactively. I am pleased that the pending FSC/ETI bill, S. 1637, at the behest of Chairman GRASSLEY and Senator BAUCUS, would renew Section 198 for two years. That is a start and the Administration supports it. But more needs to be done in this area.

The bill my colleagues and I are introducing today has three provisions. First, it makes Section 198 a permanent provision in the Code. Second, it broadens the definition of "hazardous substances" in Section 198 to include petroleum. Finally, it repeals the provision in the law requiring the recapture of the Section 198 deduction when the property is sold.

The tax policy of allowing the expensing of cleanup costs should be a permanent fixture in the Tax Code. Brownfields are a long-term problem and this solution will allow us to continue addressing this important task.

Furthermore, a shortcoming of the law passed in 2000 was the absent of petroleum as a contaminant that allowed a site to qualify as a brownfield under section 198. A large percentage of brownfields across the country are contaminated with petroleum. Extending the law to cover petroleum contamination makes more sense and the law more effective.

Finally, the provision in Section 198 that requires a taxpayer who uses the cleanup deduction to pay income tax on that amount when he or she sells the property is illogical. This sends a message to developers that if they undertake the worthy endeavor of remdiation of brownfield sites, they will be subjected to substantial tax penalties for doing so. This policy is counterproductive to the efforts we are trying to encourage and it should be repealed.

The benefits of brownfield cleanup are obvious. Remediation of these sites revitalizes our neighborhoods and communities, and I urge my colleagues to support this legislation.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on May 7, 2004, at 11:45 a.m., in open session, to receive testimony on allegations of mistreatment of Iraqi prisoners.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. FRIST. Mr. President, we will turn to business. I ask morning business be closed.

The PRESIDING OFFICER. Morning business is closed.

JUMPSTART OUR BUSINESS STRENGTH (JOBS) ACT—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant journal clerk read as follows:

A bill (S. 1637) to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

Pending:

Cantwell/Voinovich amendment No. 3114, to extend the Temporary Extended Unemployment Compensation Act of 2002.

CLOTURE MOTION

Mr. FRIST. I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 381, S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

Bill Frist, Charles E. Grassley, Jon Kyl, Jim Bunning, Lindsey Graham, Mike Enzi, Trent Lott, Mitch McConnell, Craig Thomas, Orrin G. Hatch, Gordon Smith, Rick Santorum, Robert F. Bennett, John Ensign, Olympia J. Snowe, Kay Bailey Hutchison, Don Nickles.

Mr. FRIST. I ask unanimous consent the live quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I mentioned in my remarks last night the importance of finishing this bill. Members on both sides of the aisle understand the importance of this legislation, the importance of jobs in manufacturing in this country, and the importance of addressing this Euro tax that each month we don't act goes up by $30 million, $40 million, $50 million—a tax on products we all use in this country.

I hoped we could have finished the bill this week. I set out both several weeks ago and at the beginning of last week with the objective of finishing this bill over this last week. We have spent, I should add, 12 days on this particular bill. The Democratic leader and assistant leader have stated they are willing to lock in a short list of amendments with short time agreements to complete this bill. I have heard them. We discussed this both on and off the Senate floor. Unfortunately a number of those amendments are controversial and are not germane to this legislation.

We have had a fair process on this bill. We have given Members ample opportunity to offer their relevant amendments and have them debated. We voted on a whole range of amendments thus far. Issues like the overtime amendments, the trade assistance amendment, and others, to my mind, would have been better suited on other bills.

We do have an amendment pending on unemployment insurance which, again, is not germane to this particular bill; but, having said that, the UI, this unemployment insurance amendment, has been pending and, as both implied last night and in discussions off the Senate floor, it may be possible for us to reach an agreement to vote in relation to that amendment prior to cloture.

I say that because I just filed cloture, which doesn't rule out germane amendments. After cloture is obtained, if we obtain cloture, and I hope that we will, we will still have 30 hours to debate the germane amendments. I do hope we will invoke cloture. That cloture vote will occur on Tuesday so we can bring this bill to conclusion.

Again, I want to remind my colleague, if we invoke cloture, amendments are in order. There would still be up to 30 hours remaining on that bill.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. Mr. President, we discussed at some length our desires to have the few amendments that we have debated and voted on. It would take just a short period of time. There is no need to go into that again. We feel it would be appropriate to do that. This bill could have been completed yesterday had we spent yesterday on these amendments that we talked about.

Of course it goes without saying that I am very confident that cloture will not be invoked unless there is an opportunity to vote on the unemployment matter. Even if that is disposed of, there is no guarantee cloture will be invoked.

I have said on two separate occasions yesterday and I say today, with our managers on the bill here, how hard they have worked. Certainly, what has happened on this bill or has not happened does not reflect in any way adversely on the good work they have done. They have done an excellent job.

With all due respect to the distinguished majority leader—and I know the burdens of his office are significant—I really believe the Senate should be treated as the Senate, as we have done for all these many years. I think it would be much better if we work that way. We are not the House of Representatives. We do not have to have a rule from a rules committee to tell us what is going to happen on the floor.

We have had hundreds of amendments on bills we wind up finishing. We don't have hundreds of amendments here, even though we started out on our side with 75 and we have been able to dispose of some. We have a couple of amendments that will be relevant and debatable postcloture. We know that. Those are the Hollings amendment and the Landrieu amendment, and there may be some others we can work in there. But I just think to avoid some contentious issues we are causing the Senate a lot of undue problems. As I said here last night, this legislation is going to pass; it is only a question of when. This is "must do" legislation. It has to pass before we leave here this year.

I, again, recognize the problems the majority leader has. All his problems are not on our side, I say with some degree of understanding. He has problems on his side. This bill is certainly an example of that.

So we will do whatever we have to do to meet the demands of our slight minority here. As you know, the Senate is almost equally divided. That is one reason everything we do here is made more difficult. It is 51–49 on every issue that comes up. We are all looking for a little advantage.

I think unemployment compensation, where we have more than a million people who would receive this money immediately, certainly makes our case strong.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I very much commend and thank my colleagues, the majority leader and assistant minority leader, in trying to work through this bill as we are approaching the endgame. We are about there. We are very close to being there.

I might recall, a few weeks ago many observers had written off this bill and said the bill was deadlocked—for example, over the overtime provision. But to paraphrase Mark Twain, his comment to the New York Journal years ago: The report of this bill's death was an exaggeration.

Instead, we are now back to doing what the Senate does best; that is, working through amendments, doing our work, doing our business, doing what we should do. We have considered 28 amendments. We have already adopted 17 amendments to this bill. I will not read them all, but they are very important amendments. We have been on the bill 13 separate days over the course of 4 separate weeks.

It has been the desire of this Senator to have the Senate consider as many relevant amendments as possible. Since we have already adopted 17, I think we are virtually there. Regrettably, we are at a point where several Senators are not agreeing to the setting aside of pending amendments so other Senators may offer amendments, which is making it a little difficult to move forward. But nevertheless, I believe that the resolution that has been worked out by the majority leader and the assistant minority leader and others of us who have been working on this, by having a vote on the pending Cantwell amendment on unemployment insurance, is a real key. It is very important to the successful conclusion of this bill. It is something we sought all along on our side, and I think it is also something that would be presumptively in the best interests of the majority side as well. Now that a cloture motion has been filed, we still expect to proceed to additional amendments—there are not many—that will be germane: the Hollings amendment, the Levin amendment, the McCain amendment, also Senator LANDRIEU's amendment, and maybe one or two others. We will continue to seek agreement on the amendments and, therefore, we will be doing what the Senate should be doing—simply facing the issues and voting. That is when the Senate is at its best.

Let me also make it clear that this Senator believes it is entirely reasonable to bring this debate to a close. We have worked hard on the bill. We have done a great deal of work, much more than many expected. This is an important bill. It is important to creating jobs in America. It is important to ending the European tariffs that mount on American businesses, growing higher.

The coming cloture vote will be a true test on this bill, a test of whether we do address the jobs problem, whether we address the European tariffs. It is our duty to do so. Thus, when the roll is called, I will vote for cloture. I will also urge my colleagues to do so as well. If we do so, we may best hope to conclude action on this bill by next Tuesday or perhaps on Wednesday.

I thank my colleagues for their cooperation.

Mr. REID. While the distinguished manager of the bill is on the Senate floor, I direct a question to him through the Presiding Officer.

Hearing the statement of the Senator from Montana, I wonder, would the Senator vote to bring debate to a close if we do not have a vote on the unemployment compensation matter, the Cantwell amendment?

Mr. BAUCUS. I say to my good friend, it puts me in a very awkward position, frankly. I say awkward because it is a hypothetical which I hope does not occur. It is very important.

Mr. REID. I accept that answer.

Mr. BAUCUS. It is very important that the Cantwell amendment be brought up.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I appreciate the comments of both of my colleagues. Both reflect we want this bill completed. It is an important bill that will take bipartisan cooperation to finish.

I restate that we have spent 12 days on this bill. The purpose of the cloture motion is to allow us to continue to debate, to continue to amend, but to bring closure to a process that has gone on 12 days, that has included 20 individual amendments that have been adopted in the Senate, 11 of those amendments by voice vote and 9 disposed of by rollcall votes. Of the 20 amendments, 8 were Democrat amendments, 8 were Republican amendments, and 4 were from the Finance Committee, 1 of those being the substitute amendment. The new substitute, in itself, had 64 amendments that had been requested by Members of the Senate.

We have voted on amendments that meant a lot to the Democrats, including Senator HARKIN's amendment on the Department of Labor overtime regulations and Senator WYDEN's amendment on the Trade Adjustment Assistance Program. We made huge progress. Now is the time to give definition to closure where we will still debate the germane amendments and have that debate and vote.

I want to give adequate time, but I plead to my colleagues on both sides of the aisle to understand we have the Individuals with Disabilities Education Act that I hoped we would do on Monday, an important bill that affects about 4 to 5 million Americans that we must get to, that we will bring to the Senate. We have unanimous consent to deal with it once we get it to the Senate, but I cannot get it to the Senate as long as we are debating amendments. All of the amendments have substance to them, but we need to take a bill and concentrate on the amendments that are germane to that bill, and then we move to the next bill.

I have the Individuals with Disability Education Act; I have bioshield. Right now bioterrorism is an existential threat which affects all of us. There is an important bill called bioshield that I need to bring to the Senate to address the safety and welfare of this Nation. We have the Department of Defense authorization that I have to go to in about 8 days. Again, we are trying to do the Nation's business. We are fighting a war right now that is affecting this Nation and the entire world. It is our responsibility to be able to address and give that adequate time in the Senate.

Again, this bill we are on, FSC/ETI, is as important as any, but we need to stay on it in a focused way. The managers have done a great job to date. We are giving further definition to it by hopefully invoking cloture.

We have seven ambassadors to bring to the Senate to be confirmed. We have 33 judges. Under the current system, we bring a judge, have a rollcall vote on each judge. I am having a difficult time getting judges to the Senate floor. Thirty-three judges are waiting to be confirmed by action of this body. I say that because—and I know my colleagues know this—we have a lot to do in a very short period of time. Thus, we have to use our time in the Senate as efficiently as possible and consider those amendments which are appropriate and germane to the bill under consideration.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Mr. President, I express something I know sounds like heresy: One thing we could do is work more days. I came here many years ago. The distinguished manager of the bill has worked in the House of Representatives, as I. I still use the House gym. I say to everyone, I own the gym. They are never there. They are there

Wednesday and Thursday morning. That is about it. And late Tuesday night. They left yesterday afternoon. They were out at 2. When we worked there, we worked Mondays, Fridays, all night.

I say to my friend, the distinguished majority leader, I know people are campaigning. When we were in the majority, we got tremendous pressure from Members wanting to leave and catch airplanes, but maybe we could try working a little bit longer around here and get judges confirmed and other things that need to be done. I know it is heretical asking for longer hours, but that is something we should consider.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I will move on to other topics, given the fact that some people think we work too many hours already. And I comment—because a lot of people are listening now—there are committee meetings going on right now, actually very important hearings and a markup of the defense bill that will go on until probably 7 o'clock tonight by Senators in our Nation's Capital. Although we are not right here, because we are going to try to close down in a few minutes, our colleagues are working, doing very important business in committee markup at hearings on Capitol Hill. They will go until probably early this evening.

I take the opportunity to comment on the economic news from this week. It is dramatic and encouraging. Although we wake up, turn on the television, read the paper, and we cannot help, by the time we get to the second page, being depressed about what is going on in the world, we have some great news that affects America, every American, every working American, every family member out there. The news is about jobs. It is nothing short of amazing what can be said about the economic statistics that have come out over the last 48 hours.

With today's report of 288,000 payroll jobs being created in the month of April, the economy has created over 1.1 million jobs over the last 8 months. The job gains were widespread, and the revised figures at the end of each month—you go back and revise the figures for the previous month—now show manufacturing jobs have grown for the last 3 months. That is the first time we have had a sustained 3-month growth in years.

Second, the past 2 months have been the strongest 2-month job gain in over 4 years. The number of persons unemployed dropped by 188,000 last month. That is still unacceptable, to have 8.1 million unemployed. But this is the lowest it has been since the winter of 2002. So it is progress. We are moving in the right direction.

Thirdly, construction spending was reported this week at the highest level in history—at the highest level in history.

Fourth, the service sector is growing at its fastest pace, not just in 1 year or 2 years or 3 years or 5 years, but the fastest pace in 7 years.

Finally, in terms of great news, the Congressional Budget Office estimated, yesterday, that revenues are running $30 billion to $40 billion higher than anticipated for the year. Of course, that goes right to the bottom line in terms of reducing the Federal deficit.

All this is good news, but we have so much more to do. So I say, it is good news, but we cannot rest until we make sure everybody who is looking for a job can get a job. It really ties into our previous discussion on the importance of bringing to closure passing this FSC/ETI JOBS legislation. But it has been a remarkable past 8 months.

Mr. REID. Will the Senator yield?

Mr. FRIST. I am happy to yield.

Mr. REID. Mr. President, I am not much for giving advice to the distinguished Senator from Tennessee, but here is some advice I would like to give you.

In the morning, when you get up, just as I do—I grab the newspaper, but I go immediately to the sports page. That way, there is good news. I feel pretty good then. And then I work my way to the front page. I would suggest you do that because there is always good news on the sports page.

Mr. FRIST. Mr. President, is that in the first section or the back section?

Mr. REID. I go right to the front page of section C. Usually all of it is the sports.

Mr. FRIST. I will take that counsel, and consider the previous counsel on working harder and later and more days, but I am not sure I will take that.

STAR PRINT—S. 2376

Mr. FRIST. Mr. President, I ask unanimous consent that S. 2376 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES PLACED ON THE CALENDAR—H.R. 2771 AND H.R. 4227

Mr. FRIST. Mr. President, I understand there are two bills at the desk and due for a second reading. I ask unanimous consent that the clerk read the titles of the bills for a second time en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will read the titles of the bills for the second time.

The assistant journal clerk read as follows:

A bill (H.R. 2771) to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program.

A bill (H.R. 4227) to amend the Internal Revenue Code of 1986 to extend to 2005 the alternative minimum tax relief available in 2003 and 2004 and to index such relief for inflation.

Mr. FRIST. Mr. President, I object to further proceeding en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be placed on the calendar.

NORTHERN UGANDA CRISIS RESPONSE ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 488, S. 2264.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant journal clerk read as follows:

A bill (S. 2264) to require a report on the conflict in Uganda, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2264) was read the third time and passed, as follows:

S. 2264

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Uganda Crisis Response Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States and the Republic of Uganda enjoy a strong bilateral relationship and continue to work closely together in fighting the human immunodeficiency virus and acquired immune deficiency syndrome ("HIV/AIDS") pandemic and combating international terrorism.

(2) For more than 17 years, the Government of Uganda has been engaged in a conflict with the Lord's Resistance Army that has inflicted hardship and suffering on the people of northern and eastern Uganda.

(3) The members of the Lord's Resistance Army have used brutal tactics during this conflict, including abducting and forcing individuals into sexual servitude, and forcing a large number of children, estimated to be between 16,000 and 26,000 children, in Uganda to serve in such Army's military forces.

(4) The Secretary of State has designated the Lord's Resistance Army as a terrorist organization and placed the Lord's Resistance Army on the Terrorist Exclusion list pursuant to section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)).

(5) According to Human Rights Watch, since the mid-1990s the only known sponsor of the Lord's Resistance Army has been the Government of Sudan, though such Government denies providing assistance to the Lord's Resistance Army.

(6) More than 1,000,000 people have been displaced from their homes in Uganda as a result of the conflict.

(7) The conflict has resulted in a lack of security for the people of Uganda, and as a result of such lack, each night more than 18,000 children leave their homes and flee to the relative safety of town centers, creating a massive "night commuter" phenomenon that leaves already vulnerable children subject to exploitation and abuse.

(8) Individuals who have been displaced by the conflict in Uganda often suffer from acute malnutrition and the mortality rate for children in northern Uganda who have been displaced is very high.

(9) In the latter part of 2003, humanitarian and human rights organizations operating in northern Uganda reported an increase in violence directed at their efforts and at civilians, including a sharp increase in child abductions.

(10) The Government of Uganda's military efforts to resolve this conflict, including the arming and training of local militia forces, have not ensured the security of civilian populations in the region to date.

(11) The continued instability and lack of security in Uganda has severely hindered the ability of any organization or governmental entity to deliver regular humanitarian assistance and services to individuals who have been displaced or otherwise negatively affected by the conflict.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that the Government of the United States should—

(1) work vigorously to support ongoing efforts to explore the prospects for a peaceful resolution of the conflict in northern and eastern Uganda;

(2) work with the Government of Uganda and the international community to make available sufficient resources to meet the immediate relief and development needs of the towns and cities in Uganda that are supporting large numbers of people who have been displaced by the conflict;

(3) urge the Government of Uganda and the international community to assume greater responsibility for the protection of civilians and economic development in regions in Uganda affected by the conflict, and to place a high priority on providing security, economic development, and humanitarian assistance to the people of Uganda;

(4) work with the international community, the Government of Uganda, and civil society in northern and eastern Uganda to develop a plan whereby those now displaced may return to their homes or to other locations where they may become economically productive;

(5) urge the leaders and members of the Lord's Resistance Army to stop the abduction of children, and urge all armed forces in Uganda to stop the use of child soldiers, and seek the release of all individuals who have been abducted;

(6) make available increased resources for assistance to individuals who were abducted during the conflict, child soldiers, and other children affected by the conflict;

(7) work with the Government of Uganda, other countries, and international organizations to ensure that sufficient resources and technical support are devoted to the demobilization and reintegration of rebel combatants and abductees forced by their captors to serve in non-combatant support roles;

(8) cooperate with the international community to support civil society organizations and leaders in Uganda, including Acholi religious leaders, who are working toward a just and lasting resolution to the conflict;

(9) urge the Government of Uganda to improve the professionalism of Ugandan military personnel currently stationed in northern and eastern Uganda, with an emphasis on respect for human rights, accountability for abuses, and effective civilian protection;

(10) work with the international community to assist institutions of civil society in Uganda to increase the capacity of such institutions to monitor the human rights situation in northern Uganda and to raise awareness of abuses of human rights that occur in that area;

(11) urge the Government of Uganda to permit international human rights monitors to establish a presence in northern and eastern Uganda;

(12) monitor the creation of civilian militia forces in northern and eastern Uganda and publicize any concerns regarding the recruitment of children into such forces or the potential that the establishment of such forces will invite increased targeting of civilians in the conflict or exacerbate ethnic tension and violence; and

(13) make clear that the relationship between the Government of Sudan and the Government of the United States cannot improve unless no credible evidence indicates that authorities of the Government of Sudan are complicit in efforts to provide weapons or other support to the Lord's Resistance Army.

SEC. 4. REPORT.

(a) REQUIREMENTS.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees on the conflict in Uganda.

(b) CONTENT.—The report required by subsection (a) shall include a description of the following:

(1) The individuals or entities that are providing financial and material support for the Lord's Resistance Army, including a description of any such support provided by the Government of Sudan or by senior officials of such Government.

(2) The activities of the Lord's Resistance Army that create obstacles that prohibit the provision of humanitarian assistance or the protection of the civilian population in Uganda.

(3) The practices employed by the Ugandan People's Defense Forces in northern and eastern Uganda to ensure that children and civilians are protected, that civilian complaints are addressed, and that any member of the armed forces that abuses a civilian is held accountable for such abuse.

(4) The actions carried out by the Government of the United States, the Government of Uganda, or the international community to protect civilians, especially women and children, who have been displaced by the conflict in Uganda, including women and children that leave their homes and flee to cities and towns at night in search of security from sexual exploitation and gender-based violence.

(c) FORM OF REPORT.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

CELEBRATING 10 YEARS OF MAJORITY RULE IN THE REPUBLIC OF SOUTH AFRICA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 489, S. Con. Res. 100.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant journal clerk read as follows:

A concurrent resolution (S. Con. Res. 100) celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 100) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 100

Whereas the Republic of South Africa peacefully and successfully held democratic elections and transitioned to a democratic, nonracial form of government in 1994;

Whereas South Africa helped initiate and frame the New Partnership for Africa's Development and continues to head this partnership for development and responsible leadership in Africa;

Whereas South Africa actively supports the South African Development Community, which promotes regional economic cooperation and higher standards of living in Southern Africa;

Whereas South Africa has made significant advances in housing by constructing 1,600,000 houses for the poor of South Africa;

Whereas, since 1994, 9,000,000 people in South Africa have gained access to clean water;

Whereas, before 1994, 22,000,000 people in South Africa did not have access to adequate sanitation, but 63 percent of households in South Africa now have access to adequate sanitation;

Whereas, before 1994, 60 percent of people in South Africa did not have electricity, but more than 70 percent of households in South Africa now have electricity;

Whereas, from 1994 to 2004, secondary school enrollment in South Africa increased from 70 percent to 85 percent, and students in South Africa now learn in a racially integrated school system;

Whereas the Government of South Africa has established nutritional and educational programs to benefit the youngest and poorest people in South Africa;

Whereas South Africa is experiencing the longest period of consistent positive growth, as measured by its gross domestic product

(GDP), since growth in GDP was properly recorded in the 1940s;

Whereas F.W. de Klerk and Nelson Mandela share a Nobel Peace Prize for their work in ending apartheid in South Africa and establishing a representative government;

Whereas Desmond Tutu led the Truth and Reconciliation Commission to repair injustices among South Africans and improve race relations in the country, and was awarded a Nobel Peace Prize for his efforts;

Whereas South Africa has contributed troops to peacekeeping efforts in Burundi, Liberia, the Democratic Republic of the Congo, Ethiopia, and Eritrea;

Whereas South Africa President Thabo Mbeki has forged a relationship with President George W. Bush, making three state visits to the United States and hosting President Bush during his visit to Pretoria, South Africa;

Whereas South Africa has served as an inspiration for other African nations striving for democracy and the peaceful cooperation of many ethnic groups;

Whereas, after being isolated for many years because of the odious system of apartheid, South Africa has since 1994 become a premier location for large international conferences, a leading tourist destination, and the locale for numerous films; and

Whereas, in 1993, the Government of South Africa voluntarily halted its biological, chemical, and nuclear weapons programs and, in 1994, hosted the first conference in Africa on the implementation of the Convention on the Prohibition on the Development, Production, Stockpiling, and Use of Chemical Weapons and On Their Destruction, with annexes, done at Paris January 13, 1993, and entered into force April 29, 1997: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) applauds the Republic of South Africa for the remarkable transition to a democratic government and the tremendous progress achieved during 10 years of majority rule;

(2) looks forward to a continued partnership with South Africa focused on a sustained commitment to the health of South Africans; and

(3) anticipates continued social development and economic growth in South Africa.

OBSERVING THE TENTH ANNIVERSARY OF THE RWANDAN GENOCIDE OF 1994

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 490, S. Res. 332.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant journal clerk read as follows:

A resolution (S. Res. 332) observing the tenth anniversary of the Rwandan Genocide of 1994.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 332) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 332

Whereas 10 years ago, during a 3-month period in 1994, 800,000 Rwandans were killed in an organized campaign of genocide that targeted ethnic Tutsis and political moderates;

Whereas the United Nations Assistance Mission for Rwanda was dramatically scaled back as the genocide occurred;

Whereas by mid-July 1994, 2,000,000 Rwandans became refugees and another 1,000,000 were internally displaced due to the genocide and civil war;

Whereas in 1994, the United Nations Security Council established the International Criminal Tribunal for Rwanda to hold accountable those responsible for the atrocities;

Whereas in March 1998, President William Jefferson Clinton acknowledged that "we in the United States and the world community did not do as much as we could have and should have done to try to limit what occurred in Rwanda in 1994";

Whereas in 1999, the Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda found that "the failure by the United Nations to prevent, and subsequently, to stop the genocide in Rwanda was a failure by the United Nations system as a whole";

Whereas the Rwandan genocide and its aftermath played a significant part in the destabilization of the entire Great Lakes region over the last decade; and

Whereas today, the vast majority of Rwandan refugees have returned to their country, and the Government of Rwanda is working to address the backlog of genocide-related cases awaiting trial through the formal justice sector and through community-based gacaca courts: Now, therefore, be it

Resolved, That the Senate—

(1) solemnly observes the tenth anniversary of the Rwandan genocide of 1994;

(2) recognizes and is saddened by the failure of the international community, including the United States, to prevent the genocide;

(3) reaffirms its commitment to the Convention on the Prevention and Punishment of the Crime of Genocide, done at Paris on December 9, 1948;

(4) supports ongoing efforts to educate the people of the United States and of the world about the Rwandan genocide;

(5) commits to continuing efforts to strengthen institutions working to bring to justice those responsible for the genocide; and

(6) urges the President and the international community to seize on the occasion of this anniversary to focus attention on the future of Rwanda, and to support the people of Rwanda so that they may—

(A) be free from the fear of ethnic violence, mob violence, or state-sponsored violence;

(B) enjoy full civil and political rights and feel free to voice legitimate disagreements honestly and publicly without fear of violence or intimidation;

(C) have confidence in the independence of the judiciary and the rule of law in Rwanda; and

(D) experience sustained economic growth and development that improves the standard of living in Rwanda.

GLOBAL ANTI-SEMITISM REVIEW ACT OF 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 493, S. 2292.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant journal clerk read as follows:

A bill (S. 2292) to require a report on acts of anti-Semitism around the world.

There being no objection the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 2292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Anti-Semitism Review Act of 2004".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Acts of anti-Semitism in countries throughout the world, including some of the world's strongest democracies, have increased significantly in frequency and scope over the last several years.

(2) During the first 3 months of 2004, there were numerous instances of anti-Semitic violence around the world, including the following incidents:

(A) In Australia on January 5, 2004, poison was used to ignite, and burn anti-Semitic slogans into, the lawns of the Parliament House in the state of Tasmania.

(B) In St. Petersburg, Russia, on February 15, 2004, vandals desecrated approximately 50 gravestones in a Jewish cemetery, painting the stones with swastikas and anti-Semitic graffiti.

(C) In Toronto, Canada, over the weekend of March 19 through March 21, 2004, vandals attacked a Jewish school, a Jewish cemetery, and area synagogues, painting swastikas and anti-Semitic slogans on the walls of a synagogue and on residential property in a nearby, predominantly Jewish, neighborhood.

(D) In Toulon, France, on March 23, 2004, a Jewish synagogue and community center were set on fire.

(3) Anti-Semitism in old and new forms is also increasingly emanating from the Arab and Muslim world on a sustained basis, including through books published by government-owned publishing houses in Egypt and other Arab countries.

(4) In November 2002, state-run television in Egypt broadcast the anti-Semitic series entitled "Horseman Without a Horse," which is based upon the fictitious **[**conspiracy theory know as the Protocols of the Elders of Zion**]** *"Protocols of the Learned Elders of Zion"*. The Protocols have been used throughout the last century by despots such as Adolf Hitler to justify violence against Jews.

(5) In November 2003, Arab television featured an anti-Semitic series, entitled "Ash-Shatat" (or "The Diaspora"), which depicts Jewish people hatching a plot for Jewish control of the world.

(6) The sharp rise in anti-Semitic violence has caused international organizations such

as the Organization for Security and Cooperation in Europe (OSCE) to elevate, and bring renewed focus to, the issue, including the convening by the OSCE in June 2003 of a conference in Vienna dedicated solely to the issue of anti-Semitism.

(7) The OSCE will again convene a conference dedicated to addressing the problem of anti-Semitism on April 28–29, 2004, in Berlin, with the United States delegation to be led by former Mayor of New York City Ed Koch.

(8) The United States Government has strongly supported efforts to address anti-Semitism through bilateral relationships and interaction with international organizations such as the OSCE, the European Union, and the United Nations.

(9) Congress has consistently supported efforts to address the rise in anti-Semitic violence. During the 107th Congress, both the Senate and the House of Representatives passed resolutions expressing strong concern with the sharp escalation of anti-Semitic violence in Europe and calling on the Department of State to thoroughly document the phenomenon.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States Government should continue to strongly support efforts to combat anti-Semitism worldwide through bilateral relationships and interaction with international organizations such as the OSCE; and

(2) the Department of State should thoroughly document acts of anti-Semitism that occur around the world.

SEC. 4. [REPORT] ***REPORTS.***

[Not later than 180 days after the date of enactment of this Act, and annually thereafter] *(a) ONE-TIME REPORT.—Not later than November 15, 2004*, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on acts of anti-Semitism around the world, including a description of—

(1) acts of physical violence against, or harassment of, Jewish people, and acts of violence against, or vandalism of, Jewish community institutions, such as schools, synagogues, or cemeteries, that occurred in each country;

(2) the responses of the governments of those countries to such actions;

(3) the actions taken by such governments to enact and enforce laws relating to the protection of the right to religious freedom of Jewish people; and

(4) the efforts by such governments to promote anti-bias and tolerance education.

(b) INFORMATION REQUIRED IN ANNUAL DEPARTMENT OF STATE REPORTS.—The Secretary of State shall include the information required under subsection (a) in the annual reports of the Department of State known as the Annual Report on International Religious Freedom and the Annual Human Rights Report.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 2292), as amended, was read the third time and passed, as follows:

S. 2292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Anti-Semitism Review Act of 2004".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Acts of anti-Semitism in countries throughout the world, including some of the world's strongest democracies, have increased significantly in frequency and scope over the last several years.

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(D) In Toulon, France, on March 23, 2004, a Jewish synagogue and community center were set on fire.

(3) Anti-Semitism in old and new forms is also increasingly emanating from the Arab and Muslim world on a sustained basis, including through books published by government-owned publishing houses in Egypt and other Arab countries.

(4) In November 2002, state-run television in Egypt broadcast the anti-Semitic series entitled "Horseman Without a Horse," which is based upon the fictitious "Protocols of the Learned Elders of Zion". The Protocols have been used throughout the last century by despots such as Adolf Hitler to justify violence against Jews.

(5) In November 2003, Arab television featured an anti-Semitic series, entitled "Ash-Shatat" (or "The Diaspora"), which depicts Jewish people hatching a plot for Jewish control of the world.

(6) The sharp rise in anti-Semitic violence has caused international organizations such as the Organization for Security and Cooperation in Europe (OSCE) to elevate, and bring renewed focus to, the issue, including the convening by the OSCE in June 2003 of a conference in Vienna dedicated solely to the issue of anti-Semitism.

(7) The OSCE will again convene a conference dedicated to addressing the problem of anti-Semitism on April 28–29, 2004, in Berlin, with the United States delegation to be led by former Mayor of New York City Ed Koch.

(8) The United States Government has strongly supported efforts to address anti-Semitism through bilateral relationships and interaction with international organizations such as the OSCE, the European Union, and the United Nations.

(9) Congress has consistently supported efforts to address the rise in anti-Semitic violence. During the 107th Congress, both the Senate and the House of Representatives passed resolutions expressing strong concern with the sharp escalation of anti-Semitic violence in Europe and calling on the Department of State to thoroughly document the phenomenon.

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It is the sense of Congress that—

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SEC. 4. REPORTS.

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(1) acts of physical violence against, or harassment of, Jewish people, and acts of violence against, or vandalism of, Jewish community institutions, such as schools, synagogues, or cemeteries, that occurred in each country;

(2) the responses of the governments of those countries to such actions;

(3) the actions taken by such governments to enact and enforce laws relating to the protection of the right to religious freedom of Jewish people; and

(4) the efforts by such governments to promote anti-bias and tolerance education.

(b) INFORMATION REQUIRED IN ANNUAL DEPARTMENT OF STATE REPORTS.—The Secretary of State shall include the information required under subsection (a) in the annual reports of the Department of State known as the Annual Report on International Religious Freedom and the Annual Human Rights Report.

ORDERS FOR MONDAY, MAY 10, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, May 10. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, the Senate then begin a period of morning business, with Senators to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, on Monday, the Senate will be in morning business. It is possible that the Senate will resume consideration of the FSC/ETI JOBS bill Monday afternoon to consider amendments relevant to the bill. Moments ago, I filed a cloture motion to the bill which provided for a vote on Tuesday. I believe the managers will be prepared to dispose of the relevant amendments prior to that cloture vote, and we will continue to discuss that option on Monday.

Also, on Monday, we expect that the Senate will vote or will act on the Iraqi prisoner resolution. It is important for the Senate to speak out in a formal way. Most colleagues have spoken out individually on this issue in a bipartisan, single voice. Therefore, I would like to put Senators on notice that we can expect a rollcall vote at approximately 5:30 p.m. on Monday.

ADJOURNMENT UNTIL MONDAY, MAY 10, 2004, AT 2 P.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:16 p.m., adjourned until Monday, May 10, 2004, at 2 p.m.

EXTENSIONS OF REMARKS

RECOGNIZING OLDER AMERICANS MONTH

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. SOLIS. Mr. Speaker, every year since 1963, when President John F. Kennedy officially established Older Americans Month, May has served as an opportunity to recognize the needs and contributions of older American communities across the country. This year's theme, "Aging Well, Living Well" offers us an opportunity to reflect on the shifting needs of seniors and to highlight the issues that contribute to improving seniors' quality of life.

In the last 100 years, the number of Americans 65 or over increased more than tenfold, and the growing number of racially and ethnically diverse communities continues to contribute to the unique character of American seniors. As a member of the Congressional Older Americans Caucus, I am well aware of the unique needs of our older population, especially in terms of accessing affordable health care, prescription drugs, and securing Social Security.

The Federal Government created the Medicare and Social Security program in order to guarantee that after a lifetime of working and paying into the system, retired Americans would have access to health care coverage and retiree benefits. I remain committed to strengthening and preserving these programs, which have allowed generations of retirees to live with dignity and integrity.

As a member of the Universal Health Care Task Force, I continue to work to ensure that health care is available and affordable for all Americans. We must be cautious of risky privatization schemes that could reduce access to affordable health care or Social Security benefits. Aging well and living well mean that heath care, prescription drugs, and Social Security must be made affordable and accessible for all American seniors.

In recognition of Older Americans Month, I commend our nation's seniors for their many contributions to our society and I will continue to fight to protect and improve American seniors' quality of life.

IN RECOGNITION OF WALTER CRONKITE RECEIVING THE HARRY S TRUMAN GOOD NEIGHBOR AWARD

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in recognition of Walter Cronkite, recipient of the 2004 Harry S Truman Good Neighbor Award. In 1953, longtime friends arranged an annual birthday luncheon for the then-retired 33rd President of the United States, Harry S Truman. After his death in 1972, the birthday celebration was continued in his honor through a local foundation established to continue to pay tribute to his virtues of courage and leadership. Each year, the Harry S Truman Good Neighbor Award Foundation recognizes the national and international ideals of President Truman and preserves his memory by honoring such local individuals and encouraging young people to pursue international study.

This year, the foundation has selected Walter Cronkite to the prestigious Good Neighbor Award in recognition of his outstanding career in broadcasting. For more than 60 years Americans nightly received unbiased and factual national and international wisdom from the golden voice of Walter Cronkite. This Northwest Missourian brought us reports from the European theater in World War II and reported on the Nuremburg trials. His insights to the turbulent 60's awakened us to civil rights and human rights issues. He comforted us through the grief of three assassinations in that same decade, reporting the dreadful news to a shocked nation with his characteristic insight and somber vision. When President John F. Kennedy was struck down in November of 1963, followed by the murder of Rev. Martin Luther King, Jr. just before Palm Sunday in 1968, and then-Senator Robert Kennedy's killing on the eve of his California primary victory in June of the same year, the loss of these great leaders was all but unbearable, were it not for the constant and reassuring presence of Walter Cronkite, reaching out to us with straightforward and thoughtful news reporting.

Walter Cronkite became a war correspondent again in the late 60's when he reported to a divided country on Vietnam. Following the Tet offensive in January 1968, often considered a turning point in the war, Cronkite visited the war torn country and called for diplomatic negotiations to end the stalemate. By then, the tide of public opinion had begun to turn against the war and President Lyndon B. Johnson announced that he would not seek reelection in March of that year. The decade ended on a high note, however, when the first manned spacecraft was sent to the moon and Walter Cronkite reported the launch with his infamous, "Go Baby, Go." On July 20, 1969, he shared the moon landing with an awestruck nation in what some called "Walter to Walter" coverage on CBS news. He provided continuous coverage for the almost 30 hours it took Apollo XI to complete its mission.

The 70's brought political scandal and Walter Cronkite reported to the nation with accuracy and balance from June 17, 1972, the morning after the Watergate breakin, through August 8, 1974, when Richard M. Nixon became the first President of the United States to resign from office because of scandal. Walter Cronkite's incredible career included interviews with international heads of state, while keeping the nation informed of worldwide events, as well as audiences with every U.S. President since Harry Truman. He officially retired in 1981, but we are grateful that he continues to work on documentaries and programs for broadcast on PBS and the Discovery and Learning Channels.

The news has become the information tool that informs, stimulates interest, evokes debate, and ultimately protects our democracy. Walter Cronkite's dedication to his professional career is exemplary for its objective reporting, credibility, and his trademark delivery that has made an American icon.

President Truman's high regard of Walter Cronkite is reflected best in a letter to Mr. Raymond E. Dix, President of the Ohio Newspaper Association on January 1, 1966.

> DEAR MR. DIX: I was glad to have your letter informing me of the contemplated presentation of the Distinguished Service to Journalism Award to Walter Cronkite. I know of no one more worthy of being so honored by a jury of his peers. For one who has had some slight exposure to the press—the spoken and the written—with some misadventures and collisions along the way, I continue to have a healthy respect for that all important free institution.
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> Here and there, over a span of time, some of the practitioners in that estate manage to rise to a special place of their own and become a force in their own right. Walter Cronkite looms large in that category and I always associate him with the quality of never failing credibility.
>
> Please give Walter my warm personal greetings.
>
> Sincerely yours,
>
> HARRY S TRUMAN.

Mr. Speaker, please join me in warm congratulations to our native son, Walter Cronkite, for receiving the Harry S Truman Good Neighbor Award for his outstanding contribution to journalism and his "neverfailing credibility." As a role model, he has inspired individuals like me to fight the good fight for a just cause, secure in the knowledge that armed with the facts and the passion for what is right and just, one can make a difference in the lives of others. Thank you, Walter Cronkite.

HONORING THE SUN-REPORTER NEWS JOURNAL

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. LEE. Mr. Speaker, I rise before you today to honor the Sun-Reporter, one of this country's most respected African American newspapers, on the occasion of their 60th anniversary. The Sun-Reporter serves as an indispensable voice for the African American

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

community in the San Francisco Bay Area and across the Nation.

The Sun-Reporter was founded in 1944 at a time when African Americans were relocating to the Bay Area in large numbers to work in the wartime shipyards. Founded by Thomas C. Fleming, a brilliant journalist, the paper originated as The Reporter, but soon merged with the Sun-Reporter, a paper acquired in a poker game by Dr. Carlton B. Goodlett, Fleming's longtime friend and a significant drum major for justice. Thus, the Sun-Reporter was born, with Goodlett as the paper's Editor and Publisher, Dr. Dan Collins as Co-Publisher, and Fleming as Managing Editor. In 1951, Dr. Goodlett became the sole publisher.

Under the leadership of Dr. Goodlett and Mr. Fleming, the Sun-Reporter became a vital source of news and an editorial voice for the Bay Area's African American community. Over time, it developed a reputation as one of this country's preeminent African American newspapers.

The paper has taken strong editorial stands against racism, segregation, war, and the unequal treatment of African Americans and other groups that have experienced systemic prejudice and discrimination. It has actively fought for civil rights, fair employment and housing law, and global peace.

The paper has taken courageous positions on a wide range of issues. It relentlessly challenged school segregation; it denounced Senator Joseph McCarthy's assault on civil liberties in the days of the cold war; and, as a result of its publicity, the Sun-Reporter was largely responsible for bringing Paul Robeson to San Francisco for a concert at the Third Baptist Church when he was barred from appearing in all other venues.

The Sun-Reporter has been a focal point for the African-American community in the Bay Area. It has been host to visits from many luminaries, including Malcolm X, Muhammad Ali, Dick Gregory, and numerous civil rights activists.

Many young and talented journalists who got their start at the Sun-Reporter have gone on to successful careers in journalism, including Lance Gilmore, Edith Austin, Belva Davis, Valerie Coleman, and many more.

In 1997, Amelia Ashley-Ward succeeded Dr. Goodlett as the paper's Publisher. Ms. Ashley-Ward, an award-winning journalist and photojournalist, has continually raised the Sun-Reporters' standard of excellence, and it remains an important and valued source of news and editorials for the Bay Area's African American community.

I take great pride in honoring the Sun-Reporter today for its excellence in journalism and for its unyielding pursuit of equality and justice for African Americans everywhere. We are grateful to have such a fine newspaper in the Bay Area, and look forward to many more years of success.

CONCERNS ABOUT THE EFFECTS OF IMMIGRATION AND FOREIGN LABOR ON DOMESTIC EMPLOYMENT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. KANJORSKI. Mr. Speaker, I rise today to address an issue about which many of my constituents are increasingly concerned: namely, the effects of immigration and foreign labor on our domestic job markets.

It is no secret that the American economy has lost 2.6 million jobs since President Bush first took office in 2001. My home state of Pennsylvania has been one of the hardest hit in this area, losing over 135,000 manufacturing jobs in the last three years.

This destructive trend has also begun to expand into other sectors of our economy as companies seeking to cut costs have started shifting engineering, technology, and other service-related jobs to places such as China, India, and the Philippines. Moreover, my constituents are increasingly troubled by the decisions of many American employers to bring foreign workers to the United States in record numbers. As a result of these developments, many Americans are either losing their jobs to cheap foreign labor, both at home and abroad, or are accepting lower wages due to the huge influx of domestic foreign workers, both legal and illegal.

In these matters, I am very concerned about the failure to enforce effectively our immigration policies and prevent illegal immigration. In addition to the millions of legal immigrants already residing in the United States, experts now estimate that ten to fifteen million additional illegal immigrants now live here with roughly another 500,000 added yearly. The huge increase of foreign workers moving to the U.S. in recent decades has occurred because of our weak and short-sighted immigration policies.

Mr. Speaker, our immigrant heritage, in my view, has helped to make the United States the greatest nation in the world. It is, however, at least equally, if not more important, that we do all we can to protect American workers, citizens, and taxpayers from the costs and potential security risks associated with illegal immigration. The President's recent proposal on immigration unfortunately falls considerably short of achieving real reform. Consequently, the Congress needs to rethink our immigration policies and develop a long-term, workable plan for addressing these important matters.

While I support keeping an appropriate level of legal immigration, we must put an immediate halt to our tacit approval of those who flaunt our laws and come here illegally. We must also ensure that a sufficient number of temporary work visas are available in selected areas, such as nursing, agriculture, and tourism, but only where an adequate supply of domestic workers is not available. Finally, we must ensure that current American workers are not losing their jobs or being forced to survive on depressed wages because we are voluntarily importing far more foreign workers than we need through legal and illegal immigration.

In sum, Mr. Speaker, we need to restore the balance between protecting American workers and promoting effective immigration policy. We must also correct our flawed immigration policies in order to protect national security and promote economic growth at home for the benefit of both current U.S. workers and future generations of Americans.

PAYING TRIBUTE TO JIM DUNN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Grand Junction, Colorado resident Jim Dunn for his efforts to help comfort our nation's veterans. For several years, Jim and his wife Margaret, who sadly passed away this March, took the time nearly every holiday to bring candy and fruit baskets to the men at the Veteran's Association Medical Center. Jim's service reminds us all of the great importance of and need to care for and cherish America's great heroes, and it is my honor to recognize his dedication to our veterans today.

Jim and Margaret began their visits to the medical center eighteen years ago, often going several times a month and enlisting others, such as the City Market, to help in their cause. They also grew grapes and pears on their ranch to bring to the men. It is Jim's hope that more people will take up the mantle from Margaret and him in order to brighten the holidays for the veterans who ensured our freedom.–

Mr. Speaker, I am honored to pay tribute to Jim Dunn before this body of Congress and this nation. His efforts to brighten the lives of our veterans are truly remarkable. The freedoms we enjoy today are a direct result of the sacrifices made by veterans throughout our nation. I sincerely thank him for his dedication.

HONORING THE DISTINGUISHED PUBLIC SERVICE OF MIKE WEBB

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding public service of a good friend of mine, Mike Webb. Mike served on the La Vergne, Tennessee, Board of Mayor and Alderman for 16 years, including the last 10 years as mayor.

Mike has helped La Vergne grow from a sleepy little community to a major distribution hub. In 1990, for example, the city had a population of 7,499. Now that population has grown to nearly 22,000 people. Mike can be proud of the leadership and integrity he has provided during that tremendous growth.

Issues ranging from trash pick-up to fire and police protection, and everything in between, have crossed Mike's desk during his tenure as an alderman and a mayor. His common sense and wit prevailed through it all. Some facilities of note that occurred under his administration are the construction of a 20,000-square-foot award-winning library, a 10-million gallon-per-day water treatment plant, and several major road improvement projects.

His years of experience and leadership have created a fiscally sound and well-managed city government. The city of La Vergne will sorely miss Mike's leadership, his unflinching dedication and his tireless service. I congratulate Mike on his outstanding public-service career and wish him well in his future endeavors.

COMMEMORATING SIR ROGER BANNISTER

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. RYUN of Kansas. Mr. Speaker, today I rise to commemorate the accomplishments of Sir Roger Bannister.

Roger Bannister is best known as the man who ran the miracle mile. He was the first man in recorded history to break the four-minute mile barrier.

Until the time of his accomplishment, virtually no one thought it possible that a man could run that fast. But, it was through his athletic ability and technical knowhow that Roger Bannister persevered to run the miracle mile.

Bannister attended Oxford University to study medicine. His spare time was devoted to the track and he soon became an accomplished middle distance runner.

Despite the naysayers, Bannister believed that with perseverance he could run faster than anyone before him. He used his knowledge as a physician and painstakingly researched the mechanical aspects of running to develop scientific training methods to aid him.

In 1954, his hard work, discipline, and determination finally paid off as he sprinted to the finish line, in a time of three minutes fifty-nine point four seconds. That day, his name was forever written not only into record books, but into sporting folklore as well.

It was Dr. Bannister's dedication to excellence that paved the way for countless other athletes, including myself, to stretch themselves to new levels of achievement.

In later years Bannister concentrated on medicine, and became a consultant neurologist. He continued to run to keep fit right up until 1975, when he broke his ankle in a motoring accident.

Today marks the 50th anniversary of his historic run. I hope this day can serve as a testament to young people everywhere that with perseverance and discipline, they too can achieve goals others never dreamed possible.

RECOGNITION OF KIM BIGLEY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of Kim Bigley who was recently killed in Kosovo.

Kim Bigley was an employee of DynCorp International which was serving with the United Nations as international police officers. Kim and other members were fired upon by a Jordanian police officer for unknown reason and she and two others were killed in the resulting firefight.

Kim Bigley was a 47-year-old who lived most of her life in southern and southwestern Illinois. She was the former warden of the Shawnee Correctional Center, and had just completed her first day of job orientation when she was killed. She is survived by her parents, Jim and Janice Bigley of Greenfield; sons, Casey Morrow of Springfield and Quinn Morrow of Decatur; daughter, Karly Morrow of Paducah; and a brother, Joe Bigley of Sherman. My thoughts and prayers go out to her families and loved ones. Ms. Bigley gave her life in an effort to improve the lives of others. This sacrifice should never be forgotten.

EXPRESSING CONCERN OF CONGRESS OVER IRAN'S DEVELOPMENT OF MEANS TO PRODUCE NUCLEAR WEAPONS

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this resolution. I commend the Chairman and Ranking Member for bringing this important discussion to the Floor of the House.

We are living in a dangerous and difficult time. It is absolutely essential that we continuously scan our world—through our intelligence agencies, through cooperation with our allies, and with the United Nations—to find threats to the American people and to the values that we hold dear. As the intelligence data rolls in, we need to have an honest and robust debate about how to deal with emerging threats.

We must prioritize the dangers that face us, make difficult decisions about what are the most imminent threats, and focus on them. Without focus and resolve on truly pressing issues, we can undermine our own positions and the safety of the American people and our allies.

Obviously, the focus of this nation has been turned to Iraq. That was the issue that the President chose to focus on; that is where we are losing men and women in combat; that is where we are spending hundreds of billions of dollars in taxpayer money. However, now we are realizing that perhaps Iran has been, and continues to be, a much more imminent and ominous threat to our well-being.

As we as a nation make decisions about how to deal with that threat, this time we should have an open and honest dialogue here in Congress. That is why I believe this resolution is important.

For over a decade, the United States has been trying to alert the world to Iran's efforts to covertly develop nuclear weapons. For many years, Iran has deceived the International Atomic Energy Agency (IAEA) and the world about the true purpose of its supposedly peaceful nuclear energy program. Iranian leaders, through the international nuclear black-market, acquired equipment and facilities to produce nuclear-weapons-grade uranium. As a result of IAEA inspections over the past fifteen months, we now know that Iran has acquired designs for sophisticated uranium enrichment equipment and has been hiding it for years. Iran has even experimented with material that could be used to initiate a nuclear detonation.

Because Iran used the same supplier network that provided Libya with the blueprint for a nuclear warhead, we must assume that Iran may also have an operable nuclear bomb design.

Recent limited cooperation with weapons inspectors, and diplomatic efforts, cannot overshadow the fact that Iran remains a real and unpredictable threat that we must face. This is now at crisis level. Iran must not be allowed to acquire nuclear weapons. We must keep the pressure on Iran, as the international community did with Libya, to push Iran off this most dangerous path.

We must reach out to our friends and allies in the EU and elsewhere, and lead them to take strong action. America cannot bring about change in Iran on our own, especially with our soldiers spread thin in Iraq and Afghanistan already. It will take a truly global effort to bring about a peaceful resolution to this difficult situation.

Mr. Chairman, this resolution sets a new standard for states to have access to technology for peaceful nuclear purposes. It declares that Iran, through its repeated and flagrant violations of its international obligations, has forfeited the right to be trusted with technology that can be misused to produce weapons-grade uranium and plutonium. This is tough medicine, denying Iran a valuable source of energy—but it is necessary, to protect ourselves and the region. Perhaps peaceful use of nuclear power can be a carrot that encourages the Iranian leadership to be a more trustworthy member of the international community.

Mr. Chairman, this is truly a critical time in the history of the Middle East. Tensions of the past are now combining with technology of the future. Poor diplomacy over the past years has further fanned the growing flame. We need to find a way to put this fire out. I urge my colleagues to support this resolution, to send a message to Iran and the world that this Congress is ready to make bold and strong moves to enforce the Non-Proliferation Treaty and international law.

HONORING WILLIAM LEVINSON OF MARIN COUNTY, CA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. WOOLSEY. Mr. Speaker, I rise today to honor William Levinson who is retiring after 12 years as Superintendent of Tamalpais Union High School District in southern Marin County, California. His passion for education is evident in is work in the district as well as in his meritoring of other superintendents and his leadership in working with government agencies, the business community, and non-profit organizations to maximize resources for children and families.

Bill grew up in White Plains, New York, and graduated from the University of Michigan in 1964 with a BA in English literature. In 1966 he earned an MA in Elementary Education at the same university. There he met his Judy Falick, his wife of 36 years. He later earned his doctorate in Educational Leadership and Administration at Teachers' College, Columbia University. His daughter JoAnne was born in New Jersey and graduated from Redwood High School in 1994.

Bill's work experience has included stints at the New York City Welfare Department and as a Vista Volunteer as well as teaching in schools in New York, New Jersey, and California. He also served as superintendent in the Reed School District in Tiburon and the Sonoma Valley Unified School District in Sonoma. As superintendent for Tamalpais Union High School District, he managed to raise teacher for salaries so that the students could have the best and brightest teachers possible.

Membership in the Marin County School/Law Enforcement Partnership, School to Career Partnership, the Treasury Oversight Committee, and the Joint Legislative Advisory Committee demonstrates Bill's commitment to education on the community level. He has been President of the Marin Association of Superintendents and the Special Education Local Plan Area Operational Steering Committee and worked statewide on behalf of small school districts and basic aid districts.

Mr. Speaker, Mr. Levinson's commitment to education extends beyond his duties as a superintendent. Talk to him and you understand that he is all about the students. I am proud to salute an educator who demonstrates the passion we need to ensure that our nation's children will grow up to be the leaders of tomorrow.

PAYING TRIBUTE TO JESSICA McKAY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity and recognize Jessica McKay, a senior at Fruita Monument High School in Fruita, Colorado. A member of the varsity golf team, Jessica has had a remarkable spring season. Beginning with a thirteen shot win at the season opening tournament at Tiara Rado Golf Course, she has dominated the Western Slope Tour. Jessica has demonstrated remarkable poise and courage to become the player she is today.

As a four-year varsity player on the Fruita Monument team, Jessica has steadily improved to become one of the top golfers in the state. However, Jessica and her family were struck with tragedy when, during her sophomore year, her younger brother Ricky was killed in a car accident, and six months later her father Tim died of a heart attack. Jessica did not play golf for eight months, but feeling guided by her departed loved ones, she rededicated herself to the game. Last summer she participated in a program that took her to Rhode Island and Florida, and she competed in a tournament in the Virgin Islands. Not only is Jessica an excellent golfer, but she is also an inspiration to her team and a natural leader.

Mr. Speaker, I am honored to pay tribute to the achievements of Jessica McKay before this body of Congress and this nation. Her dedication and perseverance in spite of obstacles is truly moving. I wish her all the best in her future endeavors.

RECOGNIZING MRS. MARTHA MARTINA THERESA DE LA ROSA RIOS

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. SOLIS. Mr. Speaker, I stand today to recognize the numerous contributions of Martha Martina Theresa De La Rosa Rios, who is being honored with the Mexican Mother of the Year Award by the Mexican Mother of the Year Association.

Born on January 10, 1933, in Los Angeles, California, Mrs. Rios graduated from Sacred Heart of Jesus High School and married her high school sweetheart, Jesus Melendrez Rios in 1953, with whom she recently celebrated their 50th wedding anniversary. A mother of five, Martha Rios has always prioritized the happiness and well-being of her children and family above all else. She made sure that her children had beautiful birthday cakes and presents on the holidays even though their financial resources were tight. It comes as no surprise to all those who know her—Martha Rios exemplifies a giving and dedicated mother whose love for her children sees no boundaries.

Martha Rios not only devotes herself to her family, but also generously gives her time and energy to her community as well. As a first step in her goal to help others, Mrs. Rios enrolled in Rio Hondo College in her forties and balanced taking care of her family and studying to become a Registered Nurse. After attaining her degree, she worked in the Emergency Room at the Beverly Hospital in Montebello, California, where she spent many hours trying to relieve patients' distress.

Mrs. Rios also worked as a nurse for AltaMed, and eventually became a social worker for the elderly in the community. With a strong sense of social duty, she often gave her patients small gifts or food out of her own pocket. Cherished and respected by all those around her, Mrs. Rios relentlessly strives to make her community a happier, healthier and safer place for all. Her devotion to her family, work, and her commitment to others has earned her the love and praise of countless people who have received her comfort, advice and support.

Mr. Speaker, I would like to ask my colleagues to join me in saluting Mrs. Martha Martina Theresa De La Rosa Rios for her selfless and extraordinary dedication to her family and our community. I am happy to know that there are mothers like Mrs. Rios who will serve as role models for future generations of Mexican-American families, and I am honored to recognize her today.

EXPRESSING CONCERN OF CONGRESS OVER IRAN'S DEVELOPMENT OF MEANS TO PRODUCE NUCLEAR WEAPONS

SPEECH OF

FORTNEY "PETE" STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. STARK. Mr. Speaker, Iran's deceptions about its nuclear weapons program are rightly condemned. The United States ought to use the tools at our disposal—both political and economic—to demand an end to their egregious policies.

However, this resolution calls for the U.S. to use "all appropriate means to deter, dissuade, and prevent Iran from acquiring nuclear weapons." As long as President Bush is in office, I can no longer trust that our foreign policy will be carried out using "appropriate means." This President is no longer deserving of our trust.

That's why I am forced to vote present on this resolution. I simply don't trust that President Bush won't misinterpret Congressional intent and attempt to use this resolution in ways Congress never intended.

The pre-emptive quagmire in Iraq in which we now find ourselves was started under the pretense of deterring and preventing weapons of mass destruction. In fact, President Bush used past declarations of Congress meant merely to reprimand Iraq to justify full-blown war against that regime.

Mr. Speaker, the Bush foreign policy of pre-emptive war, threats, and isolation has made the world a far more dangerous place. I want no part of this neoconservative agenda.

TRIBUTE TO ERNEST KOLB, MAYOR OF OAK LAWN, COOK COUNTY, IL

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the memory of a remarkable civic leader from the Third District of Illinois, Mayor Ernest F. Kolb. Throughout his career, Mayor Kolb was an incredible visionary for the Village of Oak Lawn.

Mayor Ernie was a strong, energetic leader, and over the years he became a dear friend of mine. The people of Oak Lawn thought the world of him, for he was a man of true character and integrity. Mayor Ernie passed away in June of 2003, yet he will live on in our hearts and always be remembered by the people of Oak Lawn.

Mayor Ernie served the Village of Oak Lawn since 1955, and as mayor for the past twenty six years. He dedicated his life to the village, at all times envisioning routes to build a better community. Mayor Ernie greatly impacted the growth and prosperity of the village by seeing to the construction of a new village hall, police station, and fire station. Mayor Ernie continuously recruited new businesses, worked to beautify the community, and overall improved the quality of life.

On April 24, 2004, the Ridgeland School District honored this great man by dedicating the Ernest F. Kolb Elementary School in his name. During financial hardship for the State of Illinois, the district was forced to close down several schools. Mayor Ernie went far beyond the call of duty to ensure that the Dearborn Heights Elementary School kept the doors open to their students. Today, the newly renovated Dearborn Heights will possess the name and spirit of Ernest F. Kolb. The Village of Oak Lawn will continue to share in his passion for education. The future of our communities rest in the children of our schools and it was the goal of Mayor Ernie to make sure the students believed in their potential.

Mr. Speaker, I am certain that Ernie Kolb's enthusiasm for education, community strength, and civic leadership will forever linger in the minds of the people of Oak Lawn.

RECOGNITION OF LANCE CORPORAL TORREY STOFFEL-GRAY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of Torrey Stoffel-Gray, who was recently killed in action in Iraq.

Lance Cpl. Torrey Stoffel-Gray was a 19-year-old Marine from Patoka, Illinois. Patoka is a rural town in my district with a population around 630. At 16 he left Patoka to enter Lincoln Challenge, a military-style alternative school at Rantoul, Ill. Many friends and family say that Lincoln Challenge changed his life and helped him find his way. This young man was recently killed in action in Iraq when his convoy was struck by rocket-propelled grenades and gunfire in the Al Anbar Province. My condolences go out to his family and friends.

Lance Cpl. Stoffel-Gray is survived by his mother, Mary Stoffel, his stepfather Jerry Stoffel and his three brothers, Brandon, Russell, and Blake. Lance Cpl. Stoffel-Gray was awarded the Purple Heart, which was presented to his mother at the time of his burial. Not enough can be said about Lance Cpl. Stoffel-Gray and the rest of our brave men and women serving in Iraq. These soldiers are risking their lives everyday to ensure our freedom here at home and to others throughout the world. I salute him and my best wishes go out to his family and all the troops fighting to ensure freedom and democracy.

RECOGNIZING VALUABLE CONTRIBUTIONS OF MILITARY IMPACTED SCHOOLS, TEACHERS, ADMINISTRATION, AND STAFF FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION OF MILITARY CHILDREN

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am here to recognize the valuable contributions of military impacted schools and their contributions to the education of military children. There are approximately 750,000 school-aged children of members of the active duty Armed Forces in the United States. 650,000 of these military have been children served in public schools across the United States.

Approximately 100,500 military children have been served in Department of Defense Education Activity schools in the United States and overseas.

Schools serving military installations stress the importance of being aware of what is happening in the world and the impact of world events on the lives of military families and can provide students a sense of safety and reassurance.

Schools serving military installations understand the importance of providing a normal environment and regular routine for children of parents in the military before learning can ever take place and can offer increased counseling for military children due to the deployment of family members.

These schools serve students whose parents can be deployed for long periods of time and often with short notice. The teachers are trained to work with military children and their classmates when there is a service-related incident or death.

I am pleased to be joined by my colleagues to recognize the contributions of the teachers, administration, and staff of Military Impacted Schools and the Department of Defense Education Activity schools world-wide. Also, I commend the teachers in military impacted communities who work on the front lines at home to educate students during times of peace and times of conflict.

PAYING TRIBUTE TO KAY HAYASHI

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise to pay tribute to the life and memory of Kay Hayashi, of Grand Junction, Colorado, who passed away recently at the age of eighty-five. Kay's extensive involvement with Club 20 has done much for the people in my district and for the State of Colorado. As her family and community mourn her passing, I believe it is appropriate to recognize the life of this exceptional woman, and her many contributions to her community and state.

Kay had been an active member of Club 20 since its founding in 1953, an organization dedicated to representing the people of the Western Slope at all levels of government. Kay was one of the first members awarded Emeritus status to acknowledge her years of commitment to the organization. During her years of service, Kay served as Treasurer, and was a member of both the Board of Directors and Executive Committee.

Mr. Speaker, it is an honor to rise before this body of Congress and this nation to recognize the life of Kay Hayashi. She dedicated her life toward the betterment of her community, state and nation, and she will be greatly missed. My thoughts are with her loved ones during this difficult time of bereavement.

STATEMENT ON IRAN AND SMART SECURITY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. WOOLSEY. Mr. Speaker, I rise today to condemn Iran's continued pursuit of nuclear weapons and its failure to disclose nuclear enrichment projects to the international atomic energy agency. Surely the United States must utilize its influence as the world's largest democracy to encourage countries that have signed the Nuclear Nonproliferation Treaty—like Iran—to forego the pursuit of new nuclear weapons. However, there is a right way and there is a wrong way to register our influence in situations like this.

In October of last year, the foreign ministers of France, Germany, and the United Kingdom met in Tehran to negotiate the possibility of IAEA inspections of Iran's nuclear sites. Iran agreed to this deal. In the months since the Tehran summit, inspectors have found several sites that seem to have some connection to the production of nuclear materials. That means the inspections have been at the very least reasonably successful.

Today Congress voted on H. Con. Res. 398, a resolution condemning Iran's nuclear activities. This resolution demands that Iran immediately cease all efforts to acquire nuclear enrichment activities and calls for the country to honor its stated commitments to grant IAEA inspectors unrestricted access to nuclear sites. But the resolution also calls upon all state parties to the Nuclear Nonproliferation Treaty—including the United States—to use "all appropriate means to deter, dissuade, and prevent Iran from acquiring nuclear weapons."

Doesn't anyone remember the last time we provided someone with the authority to use all means "necessary and appropriate?" In case you've forgotten, let me remind you: When we granted President Bush the authority to use all means "necessary and appropriate," he lead us into a devastating conflict in Iraq, one which has already cost the lives of over 740 Americans and thousands of unarmed, innocent Iraqi civilians. Supporting another resolution that promotes the use of "all appropriate means" is like giving your kid the keys to the car after he's already wrecked it once. Even if this bill doesn't authorize the use of force against Iran, codifying the language of preemptive war is a dangerously slippery slope to tread.

We need to stop the spread of weapons of mass destruction, and keeping the American people safe must be our highest priority. But we must avoid equating our security with aggression and military force. There has to be a better way, and there is. One that emphasizes brains instead of brawn. One that is consistent with American values. I have introduced legislation to create a SMART Security Platform for the 21st Century. SMART stands for "Sensible, Multilateral American Response to Terrorism" and it calls for aggressive diplomacy, a commitment to nuclear nonproliferation, strong regional security arrangements and vigorous inspection regimes.

SMART security advocates maintaining our commitment to existing international treaties, like the Nuclear Nonproliferation Treaty, the Comprehensive Test Ban Treaty, the Biological Weapons Convention, and the Chemical Weapons Convention. SMART Security promotes adequately funding programs like the Cooperative Threat Reduction Program, which works with the Russian Federation and the states of the former Soviet Union to dismantle nuclear warheads, reduce nuclear stockpiles, and secure nuclear weapons in Russia. And we must replicate this type of program in other troubled regions, like Iran, because in the long run, negotiating with other countries will keep us much safer than scaring them into submission.

The Bush doctrine has been tried, and it has failed. It's time for a new national security strategy. SMART Security defends America by relying on the very best of America—our commitment to peace and freedom, our compassion for the people of the world, and our capacity for multilateral leadership. SMART Security is tough, pragmatic and patriotic. SMART Security is smart, and it will keep America safe.

HONORING REBECCA GALLOWAY

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. LANGEVIN. Mr. Speaker, I rise today to congratulate Ms. Rebecca Galloway for winning the Reading Is Fundamental National Poster Contest. In this back-to-school reading-motivation contest, Rebecca competed with more than 500 other entries nationwide. The poster she created, depicting a child reading a book with the sun, earth and stars in the background, took the top honors in this contest.

Ms. Galloway is a 10-year-old student from Warwick, Rhode Island. She is in the 5th grade at the Warwick Neck Elementary School. Rebecca enjoys reading in bed with her mother at night and they are both fans of the Nancy Drew Mystery series. Rebecca and her family understand how important reading is for children and they take advantage of the opportunities that books create for them daily. Rebecca hopes her poster will encourage other children to take advantage of these same opportunities.

Reading Is Fundamental (RIF) is a nationwide non-profit group that aims to ensure that all children have access to free books. RIF encourages children, especially those most at-risk, to take home and keep the books they distribute. In partnership with the U.S. Department of Education and Nestlé, RIF distributed 16.5 million new books in 2003 to children throughout the country. RIF also supports various programs to encourage reading, such as the poster contest.

Ms. Galloway will receive a gift certificate to purchase books, a laptop computer, a basket of Nestlé products, and a $1000 U.S. Savings Bond for winning the poster contest. She will also attend a special awards ceremony and her school will receive funds to purchase books for their library. In this day and age with so many forms of media competing for our children's attention, it is important that we encourage them to turn toward the infinite possibilities offered by books. Once again, I congratulate Rebecca Galloway for her award-winning poster and thank the Reading Is Fundamental organization for the work they do for the young minds of America.

TRIBUTE TO WITTENBERG UNIVERSITY PRESIDENT BAIRD TIPSON

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to Wittenberg University President Baird Tipson for his 9 years of dedicated service to the students and faculty of the university, and the community of Springfield, OH.

On July 1, President Tipson will be leaving his post as president for a new opportunity to serve as the 26th president of Washington College in Chestertown, MD.

During his tenure at Wittenberg, President Tipson has been a leader in promoting the highest standards of excellence in higher education. In particular, he has led the university's efforts to provide a state-of-the-art learning environment for students.

In recent years, I have had the privilege of working with President Tipson to complete Wittenberg's most ambitious capital improvement to date, and the most significant improvement to the university's science facilities since the original construction of the Science Hall in 1965. I am of course referring to the Barbara Deer Kuss Center.

President Tipson and I worked together to complete this innovative science education center that provides Wittenberg students and faculty with a safe environment to perform their scientific research as part of the science education curriculum.

Over the years, President Tipson has also served as a leader in the Springfield community. He served as the president of the Springfield Symphony Orchestra Board and as a member of the Chamber of Commerce Board. In addition, he has served on the boards of the Community Leadership Academy and Aid for College Opportunities (ACO), and as a member of the Springfield City Schools Business Advisory Council.

I have lived in Springfield for most of my adult life and have seen Wittenberg University grow into one of the best liberal arts universities in Ohio. I have greatly enjoyed representing and working with the university over the years. And, a highlight of that time has been my working partnership with President Tipson.

As the Member of Congress who represents Springfield and Wittenberg University in the U.S. House of Representatives, I am proud of the achievements and curriculum enhancements made under the steady leadership of President Tipson.

In closing, I would like to express my best regards to President Tipson and his wife, Sarah, as they embark on this new endeavor.

INTRODUCING THE VIDEO DESCRIPTION RESTORATION ACT OF 2004

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. MARKEY. Mr. Speaker, I rise to introduce the "Video Description Restoration Act of 2004." Mr. Speaker, the language in this bill is identical to provisions in Section 9 of Senate bill S. 1264, sponsored by Senators JOHN MCCAIN and FRITZ HOLLINGS. Mr. Speaker, we have a long history in telecommunications policy of trying to ensure that the benefits of technology reach all segments of American society. Our policies, enacted by Congress and implemented by the Federal Communications Commission (FCC), have sought to further the three principal goals of telecommunications policy, namely, universal service, diversity, and localism—even as such policy objectives are buffeted by rapid technological change and competition.

For instance, in the late 1980s, the Telecommunications Subcommittee enacted legislation to include a decoder chip in all televisions to ensure that the deaf and hard-of-hearing community had affordable access to closed captioning. While the industry opposed such efforts as being too costly, with exaggerated claims of how much the price of televisions would rise as a result of this mandate, the technology cost was minimal and now turns out to be about a dollar a set. The FCC's video description rules were designed to similarly serve a community, in this case the blind community, in a modest effort to ensure that television was available to that community. Video description is the insertion of narration about the visual setting and background when that information is not already included in the audio portion of the program. Because television is a mainstay for information, news, and family-oriented viewing in the home, it is important that steps are taken, in furtherance of longstanding universal service goals, to reach the blind community.

This bill would restore the video programming rules. Recently the DC Circuit Court of

Appeals invalidated the rules, alleging that the Commission did not have sufficient authority to promulgate such rules. Passage of this legislation would remove any ambiguity. I believe Congress ought to give the Commission clear guidance that such rules should be reinstated in a way that no court could question the intent of Congress that the Commission should have such authority. Moreover, by approving such legislation, Congress can also establish that such video description rules do not regulate content in violation of any Constitutional protections. Broadcasters are free to air whatever content they wish over the course of a week. The video description rules simply require that a modest portion of such speech be made available to all listeners, including those who cannot see. The regulations would not stipulate which speech is acceptable, favored, or otherwise and broadcasters can choose which speech they wish to make available to the blind community. In fact, rather than infringing upon speech, the rules celebrate it, essentially saying that such speech is so important, so valued, that more Americans deserve to be able to hear it over their public airwaves, as broadcast by public licensees who are required by law to serve the public interest.

Mr. Speaker, I hope the House will move legislation this year to re-instate these important video description rules and look forward to working with all of my colleagues on this issue in the weeks and months ahead.

RECOGNITION OF CORPORAL FOREST JOSTES

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of Corporal Forest Jostes who recently was killed in action fighting for freedom in Iraq.

Corporal Jostes was a 21-year-old from Albion, Illinois who served as an Army Corporal with the 1st Battalion, 1st Cavalry Division from Ft. Hood, Texas. He was a 2000 graduate of Edwards County High School, after which he joined the National Guard at the age of 17. He had only been in Iraq for about a week, when military personnel say his Humvee was hit by a rocket-propelled grenade, killing Jostes and the driver, in a suburb of Baghdad.

Corporal Jostes is survived by his parents, Von and Diane Ibbotson; a sister, Michelle Lee Teeter; two brothers Benjamin L. Jostes and Evan R. Ibbotson; and his grandparents, John and Laura Ibbotson, Glen and Darlene Kellison and Norman and Shirley Costley. I am proud of the service this young man has given to our country and the service he and others are doing everyday. Not enough can be said about Corporal Jostes and our other brave men and women who are serving in Iraq. It is troops like him that are risking their lives every day to ensure our freedom here at home and to others throughout the rest of the world. I salute him and my best wishes go out to his family and all the troops fighting to ensure freedom and democracy.

PAYING TRIBUTE TO KAREN OSBORN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Karen Osborn of Fruita, Colorado for her dedication to the students of Fruita Monument High School. In her position as activities secretary, Karen has worked to improve the lives of the community's youth by helping to expand the range of activities and the students' ability to participate in them.

Karen began her career in the school system as a room mother at Shelledy Elementary, and moved on to become attendance secretary at Fruita Monument High School in 1985. The following year she moved over to the athletics department as activities secretary. Over her years in this position Karen has seen many changes, from the introduction of girls' soccer, the change from typewriters to computers, and the graduation of her own three children. In addition to her extensive administrative duties, Karen has taken on many responsibilities above and beyond the duties of her job, including coaching the cheerleading squad and preparing food for various tournaments hosted by Fruita Monument.

Mr. Speaker, I am honored to bring the service of Karen Osborn to the attention of this body of Congress and this nation. She has done much to enrich the lives of the students at Fruita Monument High School, and I sincerely thank her for her service.

EXPRESSING SENSE OF CONGRESS REGARDING ARBITRARY DETENTION OF DR. WANG BINGZHANG

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Con. Res. 326 which calls for the release of Dr. Wang Bingzhang by the Chinese government. I would like to thank my distinguished colleague from California, Representative GRACE NAPOLITANO for bringing this important matter to the floor. I stand in agreement with this resolution in which it states that the release of Dr. Wang should a priority of United States foreign policy in relation to China.

Dr. Wang is a known pro-democracy advocate, who has supported only peaceful means to bring about change. The idea that the Chinese government has arrested him in connection with their new anti-terrorism laws is ludicrous. There is no credible proof that Dr. Wang is a terrorist or has planned any terrorist activities. His only crime has been to be a vocal critic of a government he believed to be restrictive of personal freedoms. I cannot think of a greater irony than the fact that Dr. Wang's arrest and detention is clear proof of the charges he leveled against the Chinese government. Our nation would never allow a man to be detained simply for holding an opposing view. While we cannot tell other independent nations how to govern themselves, and while nations retain the right to make arrests and protect their homeland, we still have a moral imperative to speak out when nations take egregious actions against innocent individuals. It is clear that Dr. Wang is innocent and he is being made to suffer simply because of his political opinions. I state the fact again, that no credible evidence has been presented to show that Dr. Wang took part in any violent or terroristic actions against the Chinese government. His sentence of life in prison is undoubtedly harsh and unjustified. His currently deteriorating health condition means that this life sentence is instead a death sentence. Again, I stress that the Chinese government has the right to run its justice system as it sees fit, but this is truly an egregious case of miscarried justice:

Dr. Wang is a permanent resident of the United States and has lived here with his family for many years. I can only imagine the stress and anguish his family is feeling now, not knowing the fate of their loved one. I congratulate again the sponsors of this concurrent resolution for bringing this case to light. We must fight cases of miscarried justice abroad the same way we would if they occurred here in the United States. Otherwise we will set a bad precedent for the proper use of the judicial system and the means that governments have to punish true criminals.

CAMPAIGN FOR AFRICAN AMERICAN ACHIEVEMENT DAY

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. CARSON of Indiana. Mr. Speaker, I proudly rise to designate in Congress, May 8, 2004, as the "Campaign for African American Achievement Day." This special occasion has been inspired by both the infinite potential of our African American youth and the commitment of the National Urban League.

The Campaign for African American Achievement is a national program administered by the Urban League. Out of 115 Urban League affiliates across the country, 20 are chosen to implement the program. I am proud to represent one of the districts selected to participate in this honorable campaign, the great city of Indianapolis, IN.

Under the program's goals, the Indianapolis Urban League works to support the academic achievement and challenges facing children in Marion County, IN. The League hosts a yearly educational summit for parents and students as well as a college financial aid workshop. It also organizes college tours, scholarship essay contests and membership in the National Achievers Society; a national honors society for talented students of color who obtain a GPA of 3.0 or higher.

On May 8th, the Indianapolis chapter will be conducting its seventh induction ceremony for the National Achievers Society (NAS). Honors students participating in the induction ceremony and in other activities of the Campaign for African-American Achievement, will qualify to be considered for one of 40, four-year, $10,000 scholarships to be awarded in the spring of 2005.

I commend the National Urban League and the affiliate Indianapolis Urban League chapter for their continued commitment to the positive development of our youth. I ask that you join me in honoring both the organization and the students by designating May 8th as the "Campaign for African American Achievement Day."

TRIBUTE TO MARY McGRORY

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. MEEHAN. Mr. Speaker, I rise today to pay tribute to Mary McGrory. Mary McGrory was known for her strong opinions, which were liberal without equivocation or apology. But when I think of Mary, I will always remember her as a newspaper reporter, who gathered facts the old-fashioned way: by watching events and taking notes, staking out meetings of congressional leadership to be the first to get an interview, and relentlessly working the phones.

When she received a press club award in 1998, Mary said, "I should confess that I always felt a little sorry for people who didn't work for newspapers." We shared a deep love of both politics and print journalism, and I think her commitment to reporting is what set her work apart from her peers. At a time when commentators often try to substitute spin and second-hand analysis for the hard work of original reporting, Mary stood out for offering fresh insight backed up by her own interviews and observations.

Over the course of more than 50 years in Washington, Mary covered every major story in American politics, from McCarthyism to the Kennedy era to Vietnam to Watergate to the September 11 attacks. And because she formed opinions based on her own reporting, Mary didn't have to try to tell anyone what to think to be effective—she let us inside her mind to see just how she worked through the events. The result was far more powerful than what passes for "analysis" among the talking heads and pundits who now dominate political journalism.

An early example was her work covering the Army-McCarthy hearings for the Washington Star in 1954, when she found the telling details to describe the investigation led by Senator Joseph McCarthy. "For eight days," she wrote, "the Army secretary has been having his honesty questioned, his motives impugned and his patriotism challenged. He has been bullied, baited and patronized. He has been treated like a stubborn and not very bright child. Throughout his ordeal, moreover, he has been subjected to the rather jostling familiarity of Senator McCarthy, who calls him 'Bob.'"

Mary was a star attraction at my annual legislative seminar, where she entertained and educated my constituents with a lifetime of stories about Washington and the political figures that have shaped the nation. She spoke at the event in 1998, 1999 and 2001.

But even though Mary knew the leading figures on Capitol Hill—and watched generations of congressional leaders come and go—she was always more interested in writing about the underdog, the long shot, or the worthy cause that seemed to have no chance of success. "If you want to abolish land mines, if you want to reform campaign spending" or "if you want to save children from abuse, or stupid laws, or thickheaded judges, you have my telephone number," she once said. "All the places of little hope, that's my constituency."

I am proud to have been part of her constituency, and when I look at the picture on my desk of her with my son, Bobby, I will remember her deep sense of compassion.

As Bobby gets older, I will show him that picture and tell him about what made Mary one of the greats of her profession—her remarkable commitment to everything that makes newspaper reporting a noble calling.

HONORING THE WILZIG HOSPITAL AT THE JERSEY CITY MEDICAL CENTER

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Jersey City Medical Center on the opening of the new Wilzig Hospital. The extraordinary life of Mr. Siggi B. Wilzig will be honored by Liberty Health on Thursday, May 6, 2004, at the Hyatt Regency on the Hudson in Jersey City, New Jersey.

The life of the late Mr. Wilzig is a story of struggle and triumph. A survivor of the Auschwitz concentration camp, Mr. Wilzig came to the United States in 1947. Starting out as a bow tie presser, Mr. Wilzig's tireless work soon led to a position as a furniture salesman, and from there to manager of the furniture store. After wisely investing his earning in the Wilshire Oil Company, Mr. Wilzig was elected to their Board of Directors in 1965. He went on to serve as President and Chief Executive Officer. Rising from humble beginnings, Mr. Wilzig is the personification of a self-made man.

Under Mr. Wilzig's strong leadership, the Wilshire Oil Company acquired a large percentage of the Trust Company of New Jersey. In 1971, Mr. Wilzig was elected President, Chief Executive Officer, and Chairman of the Board. He served in that capacity until his passing in 2003. Mr. Wilzig was also an ardent community activist, serving on the National Israel Bond Cabinet and the United States Holocaust Memorial Council. For his outstanding volunteer work, Mr. Wilzig received the Prime Minister's Medal of the State of Israel and the Ellis Island Medal of Honor.

Mr. Wilzig's life of philanthropy and community activism is being commemorated by naming the Wilzig Hospital at the Jersey City Medical Center in his honor. The Wilzig Hospital will bring to Jersey City modern amenities that have become standard in hospitals, as well as providing the tools necessary for the most updated medical care. One such major technological advance is the new wireless telemetry system, which allows physicians and nurses to monitor every moment of a patient's cardiac activity from a computer.

Today, I ask my colleagues to join me in honoring the life of Siggi B. Wilzig, a survivor, a talented businessman, and a source of inspiration. His legacy will be forever remembered with the opening of the new Wilzig Hospital at the Jersey City Medical Center.

HONORING LAKE VIEW HIGH SCHOOL

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. EMANUEL. Mr. Speaker, I rise today to recognize Lake View High School for its outstanding commitment to educating our community on the occasion of its 130th anniversary celebration.

Lake View High School opened its doors on May 4, 1874, with an enrollment of eight students. A larger school was built after a fire destroyed the main building in March of 1885. After several more additions in the following decades, the school now covers an entire square block and is home to over 1,000 students.

After opening its doors 130 years ago, Lake View High School continues to advance its visión of motivating students toward excellence and responsibility in learning. With these tools, students are provided with a backbone of literacy and competence for later in life.

As the oldest high school in Illinois, Lake View has set an example of educational excellence. Accepting students from throughout Chicago, the school cultivates the growth of accelerated learning opportunities through its Scholars program and Academy Programs in Math, International Languages, and Science and Technology.

Lake View High School's continuing record of accomplishment is also due in no small part to the vision of the administrators who have guided the school through the years. Lake View's 13th principal, Mr. Scott Feaman, has managed the school with distinction for the past nine years. Lake View's consistent record of scholastic achievement is testimony to the passion of both students and administrators.

I have had the honor of participating in several events at Lake View High School, and I have been consistently impressed with the maturity and thoughtfulness its students possess. Lake View continues to do an excellent job of grooming the leaders of tomorrow, and I have no doubt that some of Lake View's current students will join Chicago Alderman Gene Schulter, Reverend George Rice and screen star Gloria Swanson in Lake View's annals of distinguished alumni.

Mr. Speaker, it gives me pleasure to join with the people of the Ravenswood neighborhood and all of Chicago in congratulating Lake View High School on their 130th Anniversary, and wish them continued growth and success in the future.

LOSS OF JOBS TO ILLEGAL IMMIGRATION

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to remind my colleagues that our constituents at home continue to struggle with the loss of jobs to both cheap foreign labor; where employers pay just a fraction of what is paid here, and also provide no paid benefits of any sort. They are losing jobs here at home to illegal immigration.

Illegal immigration has risen to a staggering rate. Nearly 1/2 million illegal aliens enter this country every year. These law-breakers, are taking the jobs that are held by and needed by our citizens.

They also drain the much needed and limited social services that would normally go to American citizens, who either themselves, or their families came to this country legally.

No nation can consider itself a sovereign nation if it cannot define where its borders begin and where they end. And it certainly cannot consider itself sovereign if it cannot determine who is and is not allowed entry into that nation. Without such control, a nation loses its ability to protect the rights and liberties of its people.

Our founding fathers were no less certain in this respect, when Governor Morris stated at the constitutional convention: "every Society, from a great Nation down to a Club, had the right of declaring conditions on which new members should be admitted." Congress should be no less adamant. American citizens are struggling for work. They should not be the victims of a system that turns its back to illegal immigration.

PAYING TRIBUTE TO CHARLES LATHAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. McINNIS. Mr. Speaker, it is with great sadness that I rise today to pay tribute to the life and memory of Charles Latham of DeBeque, Colorado, who passed away recently at the age of sixty-two. Charles was a lifelong Coloradan and rancher, and a beloved friend and colleague to many in his DeBeque community. As his family and community mourn his passing, I believe it is appropriate to recognize the life of this exceptional man, and his many contributions to his community and state.

Born in Grand Junction, Charles graduated from DeBeque High School and attended Mesa Junior College before beginning his career as a rancher. An active member of the community, Charles served on the DeBeque School Board for seventeen years. His dedication to ranching in Colorado included membership in the Colorado Cattlemen's Association, Bluestone Water Conservancy District Board, Garfield County 4–H, and the 4–H steering committee.

Mr. Speaker, we are all terribly saddened by the loss of Charles Latham. He did much to better his DeBeque community, and I am deeply honored to bring his life to the attention of this body of Congress and this nation. My heart goes out to his family during this difficult time of bereavement.

TRIBUTE TO EVELYN DUBROW ON HER BIRTHDAY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. LANTOS. Mr. Speaker, I want to invite my colleagues to join me in paying tribute to Ms. Evelyn Dubrow who is celebrating her birthday today—May 6. I am too much of a gentleman and Evy is too much of a lady for me to tell you exactly which birthday this is.

Evy has been a force for good within the American Labor movement for over sixty years, and a good deal of that time she has worked with the Congress. Her first four decades were with the International Ladies Garment Workers Union (ILGWU), where she worked with its renowned president David Dubinsky. For the last twenty years Evy has been with that union in its new organizational incarnation as UNITE (the Union of Needles Trades, Industrial and Textile Employees). Evy served as UNITE's Vice President and Legislative Director.

Mr. Speaker, Evy began her remarkable work on Capitol Hill in 1956 when she was one of the few women lobbyists in the halls of the Congress. She distinguished herself as a devoted and indefatigable champion of America's working women and men. She enlisted the support of then Senator John F. Kennedy in her fight against efforts to outlaw secondary boycotts, and she fought to increase the minimum wage to one dollar an hour.

Under the leadership of President Kennedy and President Lyndon Johnson, when the Congress considered a series of critical bills that transformed our nation in the 1960s, Evy was a leader in the fight for civil rights and voting rights, the establishment of Medicare, pension protection, occupational safety and health rules, and a number of other causes that led to expanded social justice and economic opportunity.

Evy is forthright and frank; she tells it like it is. But she is honest in presenting her case. Her word can always be trusted, and she will do anything to promote one of her worthy causes. And she has a remarkable understanding of the members of the House and the Senate, knowledge which she is able to use most effectively. In recognition of her achievements and accomplishments, Evy has been awarded the Presidential Medal of Freedom, our nation's highest civilian honor.

Mr. Speaker, as Evy marks another milestone today, I invite my colleagues to join me in extending our very dear friend best wishes for a very Happy Birthday, and for many, many more.

RECOGNIZING THE 25TH BIRTHDAY OF SOUTHWEST GENERAL HOSPITAL

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. RODRIGUEZ. Mr. Speaker, I rise today to recognize the celebration of the 25th birthday of Southwest General Hospital in San Antonio, Texas.

In 1979 medical professionals and businessmen came together and realized the need for a hospital to serve one of the city's neediest sectors. The result was Southwest General on San Antonio's southwest side. To this day, Southwest General is the only hospital located in this growing and changing quadrant of San Antonio.

A 319-bed facility, Southwest General Hospital offers all major hospital services including Perinatal/Women's Services, Psychiatric Services, Diabetic Education, and a Diabetes Wound Care Center. A recently completed Emergency Waiting Room expands upon those basic services and will allow the hospital to better serve its emergency room patients and their loved ones.

In addition to providing general medical care, Southwest General Hospital serves as an invaluable resource to the community. I have worked with the hospital, the Alamo Breast Cancer Foundation, the San Antonio Metropolitan Health District, and the Texas Department of Health to bring Breast Cancer Awareness Day to the Southside. It is through events like this that Southwest General Hospital makes an impact on the health of the people it serves.

I would like to specially recognize Richard Gonzalez, CEO of Southwest General. Richard has worked tirelessly to ensure that each patient receives care with the dignity and respect they deserve when visiting Southwest General. He has assembled a great team that carries this message into every thing they do.

Mr. Speaker, please join me in recognizing this irreplaceable health care institution and wishing Southwest General Hospital a very happy birthday.

IN SUPPORT OF THE NATIONAL VISION STRATEGY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. GREEN of Texas. Mr. Speaker, on behalf of the Congressional Vision Caucus, I rise to recognize May as Healthy Vision Month, and to discuss the important recommendations of the Vision Problems Action Plan, A National Public Health Strategy as a way to prevent blindness and vision loss.

Good vision is critical to conducting activities of daily living, is important for language, and affects developmental learning, communicating, working, health and quality of life.

Unfortunately, far too many people are at risk for losing their eyesight. More than 80 million Americans have a potentially blinding eye disease, 3 million have low vision, 1.1 million are legally blind, and an additional 200,000 are more severely visually impaired. Despite the fact that half of all blindness can be prevented, far too many people do not access the care they need. If nothing is done, the number of blind and visually impaired individuals will double by 2030.

That is why awareness, early diagnosis and prevention are so important. Healthy Vision Month, a component of Healthy People 2010, is a national eye health campaign to raise awareness about the various conditions that can affect eyesight and cause vision loss.

Additionally, a coalition of leading eye health experts, including Prevent Blindness America, the Centers for Disease Control and Prevention, Lighthouse International, and the American Academy of Ophthalmology, recently released the Vision Problems Action Plan, A National Public Health Strategy, to provide our nation with a framework for preventing vision loss. This report can be accessed at http://www.preventblindness.org/news/releases/Action_Plan.html

This groundbreaking study recommends that, in order to reduce the occurrence of vision loss and its accompanying disabilities, our nation must concentrate our efforts on three priority areas: prevention/public health, access to care and treatment including rehabilitation, and research.

Our public health and prevention campaign must ensure that vision programs at the National Eye Institute (NEI) and Centers for Disease Control and Prevention (CDC) have the resources they need to improve communication and education campaigns, increase surveillance, epidemiology and prevention research; and implement appropriate programs, policies and systems changes.

In order to ensure access to and availability of treatment and rehabilitation services for individuals with vision loss, we must support programs at the Centers for Medicaid and Medicare Services (CMS) and the Department of Health and Human Services (HHS) that remove barriers and improve access to eye exams currently covered under Medicare, such as diabetic eye exams and glaucoma detection for high risk populations.

We must also strengthen the Medicare program to advance coverage for Medicare vision rehabilitation services as provided by orientation and mobility specialists, rehabilitation teachers and low-vision therapists including in patients homes and their environment.

Finally, we must bolster our research efforts to improve our understanding of the eye and visual system in health and disease, as well as developing the most appropriate and effective means of prevention, and access to treatment and rehabilitation.

This report provides the roadmap we need to raise awareness about vision loss, give individuals the tools they need to prevent it, and give hope to the millions already suffering from vision loss that better treatments for can be found.

We would like to thank all of the organizations involved in crafting this report, including the American Academy of Ophthalmology, the American Optometric Association, the Centers For Disease Control and Prevention, Lighthouse International, the National Alliance For Eye and Vision Research, the National Eye Institute (NEI) and most importantly, Prevent Blindness America. Prevent Blindness America should be commended for spearheading this effort, for bringing together these various groups, and for its almost century-long tradition of preventing vision loss.

TRIBUTE TO MR. BRADLEY CHRISTIAN

HON. DONNA M. CHRISTENSEN

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to pay tribute to an individual who, surrounded by culture in his formative years, had a vision to preserve an important aspect of the Virgin Islands quality of life. Mr. Bradley Christian, along with Norma Christian and Claudia Walker were the first officers of the St. Croix Heritage Dancer, founded by Enrique Santos.

Mr. Christian has committed himself to preserving our cultural dances for future generations so that they may have an awareness of the rich culture to be found in the Virgin Islands, specifically on St. Croix. These dances are a combination of the influence of the seven flags that flew over our island and the ethnicities of the different people who have lived here. They have evolved into a performance that is second to none, incorporating the influences of the German and French quadrille.

Mr. Christian and the St. Croix Heritage Dancers have performed all over the Caribbean and the United States, including being featured during the Smithsonian Folklife Festival in 1990. The St. Croix Heritage Dancers is celebrating their 23rd year anniversary with a Hibiscus Ball on Saturday, May 22nd. King Michael Dow and Queen Slyvia Stewart will rule over this year's celebration. The 2004 honorees are Eldred "Edgie" Christian, Jr. and Ernest "Prince Galloway" Galloway, Jr.

Mr. Speaker, on behalf of my family, staff and the people of the United States Virgin Islands, it is an honor for me to enter this tribute to Mr. Bradley Christian into the CONGRESSIONAL RECORD.

PERSONAL EXPLANATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. BEREUTER. Mr. Speaker, on May 5, 2004, due to official business, this Member unavoidably missed rollcall vote number 146 on H. Res. 605 that recognizes the importance of increasing autism awareness. Had this Member been present, he would have voted "aye."

IMMIGRATION REFORM

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. MILLER of Florida. Mr. Speaker, I rise today to urge that Congress make immigration reform a top priority.

Our immigration system is critically flawed. In fact, it's the Achilles' heel of America's national security. We learned that hard reality on September 11th and we're still paying for it today, as foreign visitors and illegal immigrants alike move effortlessly across our borders.

Since 2001, Congress and the Bush Administration have made changes that have addressed some of the many systemic flaws in the immigration process. But, a great deal remains untackled on the road to ensuring America's safety.

We still have twelve to fifteen million immigrants living and working—illegally—on American soil. Fortunately, most are not security threats and simply seek to improve their own economic status by working for U.S. wages. But, as we witnessed on 9/11, some are here to do us harm either as terrorists, or, more likely, by engaging in criminal activities. We must continue to identify and expel those who pose public safety threats.

Most immigrants are good people. However, numbers matter, and simply put, we're letting too many people in, and we aren't properly assimilating the roughly 1.5 million new immigrants who come here annually. Many of them are uneducated, unskilled, and speak no English. This has real, adverse, impacts on American life. Jobs are lost to cheap foreign labor influx, schools are overcrowded, public health care is strained by millions who lack coverage, and urban sprawl and congestion impacts the environment.

Mr. Speaker, Congress can no longer ignore the immigration issue. We must reform current policies to radically curtail illegal inflows. Our colleague from South Carolina, Representative GRESHAM BARRETT, has introduced comprehensive, much needed immigration reform in H.R. 3522. I urge my colleagues to join me in cosponsoring this important measure.

COMMEMORATING PUBLIC SERVICE RECOGNITION WEEK

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. WOLF. Mr. Speaker, I rise today to mark the 20th annual Public Service Recognition Week. I am proud to be a co-chair of the Congressional Public Service Caucus, proud to have been a federal employee, and proud to represent in Congress a large number of my constituents who are federal employees. These employees are a national asset who perform hard work day after day with professionalism and dedication.

Federal employees are the backbone of our government. They can be found working to find cures for diseases at the National Institute of Health, helping seniors with their Social Security benefits, representing our interests overseas in the State Department, serving as stewards of parks in the National Park Service, helping our country defend the homeland at the Department of Defense and at the Department of Homeland Security. These are but a few examples of the many areas in which federal employees are serving our country.

We must not forget those federal employees who are risking their lives in the war against terrorism. The first combat death in Afghanistan in the wake of September 11 was CIA officer Johnny Micheal Spann, one of my constituents. And today, federal employees can be found throughout the globe fighting the war against terrorism in many different ways.

The sacrifice and hard work of our federal employees, whether abroad or at home, should never be forgotten. Federal employees deserve a proper pay raise—which is why I have been pleased to support pay parity for our federal employees since I have been in Congress.

They deserve adequate health care—which is why I have supported legislation to make sure federal employees get the health benefits they need.

And retired federal employees must not be forgotten—which is why I have supported legislation to aid federal employees in their retirement. Federal employees deserve to be honored during Public Service Recognition Week. But we must always remember the hard work they do for our country throughout the year.

TRIBUTE TO MR. ANGELO DEL ROSSI

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. PAYNE. Mr. Speaker, I rise today to recognize a cultural innovator in my district, Mr. Angelo Del Rossi, President Emeritus of Paper Mill Playhouse in Millburn, NJ. This week, the Paper Mill Playhouse will host their 2004 Paper Mill Gala as a tribute to Mr. Del Rossi's lifelong love of theatre.

Mr. Del Rossi is a native of New Jersey, who attended Rutgers University and graduated from the Neighborhood Playhouse School in New York.

Mr. Del Rossi joined Paper Mill Playhouse in 1963. He became Paper Mill's Associate Producer in 1965, and was appointed Executive Producer in 1975.

After much of the theatre was destroyed in a fire in 1980, his commitment did not waver, and he became the driving force behind the rebuilding efforts.

Under Mr. Del Rossi's leadership, Paper Mill has continued to flourish as a cultural center in my district, creating original works, hosting national and international productions, and nurturing young artists into stars of the stage.

No stranger to accolade, Angelo Del Rossi was honored in 1983 with a special resolution from the floor of the New Jersey State Senate. He has, on multiple occasions, been given the distinction of "Outstanding New Jerseyan" by our state's newspaper, The Star-Ledger, and has been named one of the 25 most influential people in the New Jersey arts community.

He is a founding member of the National Alliance for Musical Theatre and has served as President of the Council of Stock Theaters. He is a Board member of ArtPride/New Jersey and the New Jersey Theatre Alliance. He has also served on the panel of the opera-musical theatre program of the National Endowment for the Arts, as well as on its policy and planning committee.

Mr. Speaker, please join me in extending my thanks to my neighbor, Mr. Angelo Del Rossi, for his contributions to the cultural life of our community, and I invite my colleagues to join me in sending him our congratulations for having brought such positive recognition to the city of Millburn.

HOUSE OF REPRESENTATIVES—*Monday, May 10, 2004*

The House met at noon and was called to order by the Speaker pro tempore (Mr. PEARCE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 10, 2004.

I hereby appoint the Honorable STEVAN PEARCE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"O God, my Strength, it is to You I turn. For You, O Lord, are my Stronghold. The God who showers me with love . . ."

It is so countercultural to pray this ancient psalm. In an age which values only winners and self-reliance, we are inclined to feel all alone. We imagine we can only draw upon personal strength to shoulder responsibilities or face our difficulties.

Yet Your revealing scriptures remind us again and again that Your love, O Lord, is an unremitting wellspring. Every challenge can bring us closer to You.

So each day at the beginning of every week "I will sing of Your Strength and acclaim Your love. For You are a stronghold at any moment of distress. You alone offer lasting peace." Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 622. An act to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 2092. An act to address the participation of Taiwan in the World Health Organization.

S. 2264. An act to require report on the conflict in Uganda, and for other purposes.

S. 2292. An act to require a report on acts of anti-Semitism around the world.

S. Con. Res. 99. Concurrent resolution condemning the Government of the Republic of the Sudan for its participation and complicity in the attacks against innocent civilians in the impoverished Darfur region of western Sudan.

S. Con. Res. 100. Concurrent resolution celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country.

S. Con . Res. 102. Concurrent resolution to express the sense of the Congress regarding the 50th anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 622. An act to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes; to the Committee on Energy and Commerce.

S. 2264. An act to require a report on the conflict in Uganda, and for other purposes; to the Committee on International Relations.

S. 2292. An act to require a report on acts of anti-Semitism around the world; to the Committee on International Relations.

S. Con. Res. 100. Concurrent resolution celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country; to the Committee on International Relations.

S. Con Res. 102. Concurrent resolution to express the sense of the Congress regarding the 50th anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka; to the Committee on the Judiciary.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 12 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Tuesday, May 11, 2004, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8018. A communication from the President of the United States, transmitting requests for FY 2005 budget amendments for the Departments of Agriculture, Defense, Education, Energy, Homeland Security, Housing and Urban Development, the Interior, Labor, and the Treasury; the Corps of Engineers; the National Aeronautics and Space Administration; and the Securities and Exchange Commission. In addition FY 2004 language proposals for the Departments of Health and Human Services and the Treasury and FY 2005 budget amendments for the legislative branch are enclosed; (H. Doc. No. 108—183); to the Committee on Appropriations and ordered to be printed.

8019. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Miles 93.0 to 96.0, Above Head of Passes, New Orleans, LA [COTP New Orleans-04-007] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8020. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 95.0 to Mile Marker 99.0, Glendale, WV [COTP Pittsburgh-04-001] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8021. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Neches River; Beaumont, TX [COTP Port Arthur-03-024] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8022. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal Between light 6 on the Neches River and light 49 on the Port Arthur Canal; Port Arthur, TX [COTP Port Arthur-04-001] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee .on Transportation and Infrastructure.

8023. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Sabine-Neches Canal between

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

mile marker 284 and 285, Port Arthur, TX [COTP Port Arthur-04-002] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8024. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Emergency Barge Product Transfer, Intracoastal Waterway between mile marker 310 and 312, High Island, TX [COTP Port Arthur-04-003] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8025. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; San Diego Bay, San Diego, CA [COTP San Diego 03-037] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8026. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Havasu Landing Resort and Casino, Lake Havasu, California [COTP San Diego 04-001] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8027. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone, Waters Adjacent to National City Marine Terminal, San Diego, CA [COTP San Diego 04-002] (RIN: 2115-AA97) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8028. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; San Diego Bay, San Diego, CA [COTP San Diego 04-003] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8029. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Surrounding Coast Guard Activities San Diego, California [COTP San Diego 04-004] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8030. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; — Lake Havasu, California. [COTP San Diego 04-005] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8031. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Shag Slough, Cache Slough, the Sacramento River, Suisun Bay, Carquinez Strait, and Mare Island Strait, California [COTP San Francisco Bay 04-001] (RIN: 1626-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8032. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-03-177] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8033. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-04-003] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8034. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-04-007] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8035. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-04-013] (RIN: 1625- AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8036. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-04-028] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8037. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-04-038] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8038. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Kwigillingok, AK [Docket No. FAA-2003-16584; Airspace Docket No. 03-AAL-25] received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8039. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Ruby, AK [Docket No. FAA-2003-16586; Airspace Docket No. 03-AAL-24] received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8040. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Jamestown, KY [Docket No. FAA-2004-16904; Airspace Docket No. 04-ASO-2] received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8041. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Juneau, AK [Docket No. FAA-2003-16587; Airspace Docket No. 03-AAL-22] received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8042. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Hays, KS [Docket No. FAA-2004-16989; Airspace Docket No. 04-ACE-7] received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8043. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Revocation of Class D Airspace Area; Chicago, IL [Docket No. FAA-2003-15398; Airspace Docket No. 03-AGL-09] received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8044. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-76 A, B, and C Helicopters [Docket No. 2003-SW-45-AD; Amendment 39-13530; AD 2004-06-04] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8045. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2001-NM-239-AD; Amendment 39-13529; AD 2004-06-03] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8046. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2002-NM-18-AD; Amendment 39-13528; AD 2004-06-02] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8047. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. 2003-CE-55-AD; Amendment 39-13531; AD 2004-06-05] (RIN: 2120-AA64) Received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8048. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 2001-NM-400-AD; Amendment 39-13527; AD 2004-06-01] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8049. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland (RRD) (Formerly Rolls-Royce, plc) TAY 611-8, TAY 620-15, TAY 650-15, and TAY 651-54 Series Turbofan Engines [Docket No. 2004-NE-11-AD; Amendment 39-13517; AD 2004-05-22] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8050. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-

100, -200, -300, -400, -500 Series Airplanes [Docket No. 95-NM-111-AD; Amendment 39-13544; AD 2004-06-18] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8051. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasiliera de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes [Docket No. FAA-2003-16645; Directorate Docket No. 2003-NM-113-AD; Amendment 39-13533; AD 2004-06-07] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8052. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-401 and -402 Airplanes [Docket No. 2002-NM-120-AD; Amendment 39-13534; AD 2004-06-08] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8053. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-301, -321, -322, -341, and -342 Series Airplanes; and Model A340-211, -212, -213, -311, -312, -313 Series Airplanes [Docket No. 2001-NM-380-AD; Amendment 39-13537; AD 2004-06-11] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8054. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400F Series Airplanes [Docket No. 2002-NM-288-AD; Amendment 39-13538; AD 2004-06-12] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8055. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319 and A320 Series Airplanes [Docket No. 2001-NM-339-AD; Amendment 39-13539; AD 2004-06-13] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8056. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 2003-NM-115-AD; Amendment 39-13540; AD 2004-06-14] (RIN: 2120-AA64) Recieved April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8057. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-10, DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes [Docket No. 99-NM-255-AD; Amendment 39-13549; AD 2004-07-05] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER (for himself and Mr. CONYERS):

H.R. 4319. A bill to complete the codification of title 46, United States Code, "Shipping", as positive law; to the Committee on the Judiciary.

By Mr. SENSENBRENNER (for himself and Mr. CONYERS):

H.R. 4320. A bill to revise, codify, and enact without substantive change certain general and permanent laws, related to public contracts, as title 41, United States Code, "Public Contracts"; to the Committee on the Judiciary.

By Mr. LYNCH:

H.R. 4321. A bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate and disclose lowest possible prices for prescription drug prices for Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEY (for himself, Mr. REGULA, Ms. PRYCE of Ohio, Mr. OXLEY, Mr. LATOURETTE, and Mr. TIBERI):

H. Res. 634. A resolution congratulating the Kenyon College Ladies swimming and diving team for winning the 2004 National Collegiate Athletic Association Division III Women's Swimming and Diving National Championship; to the Committee on Education and the Workforce.

By Mr. NEY (for himself, Mr. REGULA, Ms. PRYCE of Ohio, Mr. OXLEY, Mr. LATOURETTE, and Mr. TIBERI):

H. Res. 635. A resolution congratulating the Kenyon College Lords swimming and diving team for winning the 2004 National Collegiate Athletic Association Division III Men's Swimming and Diving National Championship; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. MILLER of North Carolina.

H.R. 813: Mr. OLVER.

H.R. 1043: Mr. BISHOP of New York, Mr. GORDON, and Mr. LOBIONDO.

H.R. 1160: Mr. CHANDLER, Mr. MARKEY, and Mr. OSE.

H.R. 2885: Mr. MCINTYRE.

H.R. 3352: Mr. NADLER.

H.R. 3801: Mr. BOOZMAN, Mr. PETERSON of Minnesota, and Mr. BISHOP of Utah.

H.R. 3952: Mr. FEENEY and Mr. PAUL.

H.R. 4257: Mr. THOMPSON of Mississippi, Mr. SANDERS, Mr. GILLMOR, Mrs. BLACKBURN, and Mr. CARSON of Oklahoma.

H.J. Res. 93: Mr. FROST, Ms. GINNY BROWN-WAITE of Florida, Mr. VAN HOLLEN, and Mr. RODRIGUEZ.

H. Con. Res. 409: Mr. PORTER.

H. Res. 479: Mr. ALLEN.

SENATE—*Monday, May 10, 2004*

The Senate met at 2 p.m. and was called to order by the Honorable GORDON H. SMITH, a Senator from the State of Oregon.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Precious Lord, we thank You for Your absolute holiness and justice, for You are the sovereign Judge of the universe. We praise You that Your kingdom cannot be shaken. You will never be voted out; no coup will ever dethrone You.

Thank You for the gifts and talents You have given to our Senators. You have blessed them with influence that can make a difference. You have supplied them with analytical skills to cut through the labyrinthine maze of complex issues. You have surrounded them with capable people who also labor for freedom.

Remind them often that to whom much is given, much is required. Make them good stewards of affluence and influence that they will use Your gifts to serve those on life's fringes. Prepare our hearts to respond to You and to live for Your glory. To You be the glory and the dominion forever and ever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GORDON H. SMITH led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 10, 2004.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GORDON H. SMITH, a Senator from the State of Oregon, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. SMITH thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will conduct a period for morning business, with Senators to speak for up to 10 minutes each. Shortly, we expect to lock in an agreement for a vote at 5:30 this evening on the adoption of a Senate resolution relating to Iraqi prisoners. That will be the first rollcall vote of the day.

The Senate may also resume consideration of the FSC/ETI JOBS legislation. I filed cloture on that bill on Friday, and that cloture vote will occur Tuesday morning. We are still hoping to work out an agreement to allow for a vote on the pending Cantwell amendment prior to that cloture vote. I will continue to talk with Members this afternoon about that agreement, and I will update Senators as to what to expect in the timing of those votes later in the day.

In any event, it is time that we bring the FSC/ETI JOBS bill to a close. We have been on that bill 12 days. We have considered and disposed of 20 different amendments on the floor of the Senate—9 rollcall votes and 11 voice votes.

Again, I remind my colleagues, if cloture is invoked, germane amendments will be offered. As we mentioned at the end of last week, those amendments would be discussed and debated for up to 30 hours postcloture.

For the remainder of the week, following the completion of the FSC/ETI bill, we will proceed to S. 1248, the IDEA, Individuals with Disabilities Education Act, legislation. We have an agreement as to how we will proceed on the IDEA bill. Therefore, we will be able to finish that bill this week.

Finally, I remind Senators that we have 2 weeks remaining before the next recess, and we have a number of items we must address prior to that recess, including the Defense authorization bill, the budget conference report, if available, bioshield, sending the highway bill, a very important bill, to conference, as well as nominations. Senators should be prepared for full weeks and busy sessions in order to finish our work before the Memorial Day recess.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic whip.

Mr. REID. Mr. President, I appreciate the distinguished majority leader yielding to me. I know he has some remarks he wishes to make. We are going to have a cloture vote sometime tomorrow. There is a possibility, as there always is, that cloture could be invoked, especially if there is the ability for us to vote on unemployment insurance. We have not completely vetted that with the caucus.

One point that weighs favorably at least on this Senator's mind is that the distinguished majority leader said on more than one occasion that when and if cloture is invoked we would have the opportunity to debate germane amendments. We have a handful of germane amendments. No one will be trying to use a lot of time, but I think the time on most of our germane amendments would be 5 minutes, 20 minutes, 30 minutes—not very much time. So we could do those quickly.

One of the concerns—and certainly the majority leader has never done this, and it hasn't been done for a number of years—if it is possible even postcloture to cut off people from offering germane amendments. I think the majority leader said on Friday that germane amendments would be allowed. That is a step in the right direction, not only for completing this bill but for future work in the Senate. It would be a bad thing if cloture were invoked, people anticipating they could offer their germane amendments, and then we go into a 30-hour quorum call. That would not set the right tone.

I appreciate the attitude and the remarks of the Senator regarding what would happen if cloture is invoked. I think that weighs heavily in favor of some people perhaps voting for cloture on this bill.

The ACTING PRESIDENT pro tempore. The majority leader.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

ORDER FOR FILING OF AMENDMENTS

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding rule XXII, Senators have until 3:30 p.m. today in order to file first-degree amendments to S. 1637.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ABUSE OF IRAQI PRISONERS

Mr. FRIST. Mr. President, again, we will be voting somewhere around 5:30 p.m. today. We expect formal introduction of the resolution after more discussions over the course of the next several minutes.

I wish to take this opportunity to comment on the substance of the resolution that will condemn the abuse of Iraqi prisoners at Abu Ghraib prison and the details of the resolution we will talk about later on the Senate floor. It all focuses on the fact that this Nation, our colleagues, this body is shocked, is disturbed, is saddened by the incidents that have occurred at the Abu Ghraib prison in Iraq. These acts are deplorable. There is absolutely no excuse for what happened to those Iraqi prisoners.

The individuals who committed those despicable acts must be and will be held accountable. Justice must be served in a swift manner, in a fair manner, and in a transparent manner, and it will be. It is crucial that we get all the facts out quickly and thoroughly, and that is underway—never as quickly as people would like, but everyone, I believe, in their heart of hearts understands the importance of getting the facts out quickly and thoroughly.

I commend the President of the United States for his efforts to reach out to the Arab world to address this matter, particularly the apologies he offered to the victims and their families.

I am sure all Americans share his sentiments which he articulated so well. The Senate, too, will do its part to ensure the administration fully investigates the abuses at Abu Ghraib. By investigating the abuses committed at the prison, we recognize specific individuals are responsible for specific acts. By doing so, we recognize the vast majority of men and women in uniform every day promote the values and the principles we all hold so dear.

I would also like to highlight the work of the Department of Defense. After receiving a report from a concerned soldier, the Department of Defense promptly took action to investigate the allegations of abuse. The first investigation was initiated in January. More investigations followed and many are still ongoing. The military is examining its policy, its procedures, and its training with regard to the handling of prisoners and the management of detention facilities. These are the right and proper actions to be taken.

We do not yet know the full story. That is frustrating. It is frustrating for us in this body and for members of the administration. That investigation is underway. From what people have said, more disturbing stories and pictures will, in fact, find their way into the public domain. I have faith the administration will fully investigate these incidents and will report to us its findings.

In the meantime, the Senate will continue to do its duty. We had several hearings last week. We will continue to maintain a close watch on the unfolding situation. The appropriate committees of the Senate will fulfill their proper oversight roles. The Intelligence Committee and the Armed Services Committee both conducted hearings last week. More are planned, and briefings are at this very moment being scheduled.

Success in our national security policy depends on regular communication between the executive branch and Congress and ultimately the American people. I pledge to work with my colleagues and the administration to ascertain the truth and take action to ensure such appalling acts will never, ever happen again.

America is a nation governed by the rule of law. We hold accountable those who break the law. As the President has said, democracy is not perfect and indeed we make mistakes, but openness is a hallmark of that democracy, and as a democracy we will investigate and we will correct those mistakes.

The people of Iraq did not know justice under Saddam. His regime was born in violence and ruled by fear. Let us take this opportunity to show the Iraqi people and the world that America protects the rights of individuals. Let us show the world we can and will administer justice swiftly, fairly, and openly. We cannot undo the abuse those Iraqi prisoners suffered, but through our actions now we can show the Iraqi people the transgressions of a few do not represent America. They do not represent what we stand for as Americans.

Today the Senate will take up a bipartisan resolution which commends the noble work of our forces and condemns in the strongest manner possible the few who have disgraced themselves and brought shame to their fellow Americans. I urge my colleagues to unanimously pass this resolution this afternoon. I believe it is imperative that we speak with one voice, united in strength and united in purpose.

By passing this resolution, this body will show its resolve to pursue the truth and protect our national security. We will also show the world America believes such acts as occurred at Abu Ghraib must never happen again. Our soldiers are risking their lives in Iraq to bring peace and freedom to a country that has known neither. Our service men and women have worked tirelessly to build schools, rebuild hospitals, repair electricity grids and water lines, and to ensure food and water are available. We have seen innumerable acts of kindness and bravery from our soldiers on behalf of the Iraqi people. That is who we are and this resolution acknowledges their service.

We are engaged in a noble cause. We must see it through. The Iraqi people are depending on us to stay the course and the American people are depending on us to show courage, resolve, and leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

PLAN OF OBSTRUCTIONISM

Mr. DORGAN. Mr. President, like all of my colleagues, I am enormously proud to serve in the Senate. It is a unique and special privilege. I come from a small town of 300 people in the southwestern ranching country of North Dakota. Some of my colleagues come from big towns, some of them from family farms. We come from different parts of America to convene here and do public policy. I am enormously proud of this institution, but there are times when I see what is rancid, partisan, bare-knuckle politics played in this town that begin to bother me.

I am big enough to understand politics can be tough. I have been in politics a long while and I think most of my colleagues understand politics is a tough business, but the Senate is different. It does not mean there ought not be politics in the Senate, but it means we ought to be reasonably serious about doing good things for our country and creating good public policy.

Last week we had a visit to the Senate floor by some colleagues, and I noticed an article in the National Journal that said the following: "House, Senate Republicans coordinate anti-Daschle message, Pryce"—I believe this is the chairperson of the Republican Conference in the House—"acknowledged Wednesday that the respective conferences are coordinating their current message against so-called Democratic obstructionism . . ."

Today, I want to talk a little bit about this targeting that goes on, about the notion of obstructionism, because we had a discussion last week by one of our colleagues that talks about the "price for obstructionism," "the pain of obstructionism," and Democratic obstructionism specifically. Then we see this, the anti-Daschle obstructionism plan.

I will talk about some of this partisanship that boils up and boils over. I came to the Congress when Tip O'Neill was Speaker of the House and I served in the other body. Bob Michel was minority leader. The two of them liked each other. They spent a lot of time together, played golf together, worked together, did good things for America together. That was a different time and a different era. They respected each other and worked closely together. In my judgment, that is the way it ought to be.

I might say that changed about in the mid-1980s. My former colleague, Newt Gingrich, formed something called GOPAC. This is a letter signed by Newt, "Dear friend," and the letter describes his version of American politics and says:

> I have also included a new document entitled "Language: A Key Mechanism of Control," drafted by our GOPAC political director.

The letter then describes the words that should be used to describe the opponent and the words that should be used to describe one's self, signed by Newt Gingrich.

Here is what Newt then counseled back in the mid 1980s: When you are talking about your opponents, use words like destroy, sick, pathetic, lie, betrayed, incompetent, greed, anti-family, anti-child, anti-flag, anti-job, corrupt, shame, disgrace. That is what Newt Gingrich counseled candidates across the country to use when they described their opponent. He said, by the way, when you describe yourself you really ought to use words, which we have tested, like courage, children, family, liberty, vision, success.

Again, the rancid ignorance of excessive partisanship has its root about two decades ago in GOPAC—my former colleague, Mr. Gingrich, describing how people ought to play their politics in this country. I wouldn't do that in a million years. It ruins the political system, in my judgment.

We saw some of that recently in the last campaign for Congress. I had a colleague in the Senate who left three limbs on the battlefield in Vietnam. In his campaign, his courage, patriotism, his commitment to his country was questioned—a man who lost three limbs on the battlefield had his patriotism and courage and his commitment to his country and his country's national security questioned.

Now, the standard bearer on the Democratic side of the aisle is a man who has three Purple Hearts, a Silver Star and a Bronze Star, and they question his patriotism. They question his commitment to our country.

Let me talk a little bit about this message last week from those who concoct a political menu that says lets just try to be involved in this search-and-destroy mission if we can—how House and Senate Republicans coordinate the anti-Daschle message. Let me talk a little about this "so-called Democratic obstructionism."

Let me say, no one here—certainly not me—will ever apologize for deciding that our role in selecting people for a lifetime appointment on the bench is to say no when appropriate. We have said yes over 96 percent of the time when the President has sent us the name of a Federal judge he wants to sit on the Federal bench for a lifetime. But on those rare occasions when we say no, we have a constitutional right to do so and we will not apologize for keeping bad people off the Federal bench.

No one on this side of the aisle, I think, is prepared ever to apologize for opposing bad fiscal policy, the kind of policy that has turned the largest budget surpluses in history into the largest Federal deficits in history. You won't hear an apology for not supporting or for trying to stop bad fiscal policy. You will not hear an apology from this side of the aisle.

But I want to talk for a moment about this issue of obstruction. Senator DASCHLE doesn't need a defender on the floor of the Senate. His actions and his votes defend themselves. So is the case with my colleagues on the floor of the Senate. I respect differences of opinion. I think I served with some of the most talented and creative men and women in the Republican and Democratic caucus that I have ever had an opportunity to spend time with. I respect all of them. But let me talk for a moment about another kind of obstruction, and that is the obstruction of good public policy that ought to change this country for the better but that we can't get through the U.S. Congress because we have people who think they are just a set of human brake pads, that their sole mission in life is to stop good things from happening.

No one here works at the bottom of the economic wage scale. No one here is on minimum wage. No one in the Senate understands what it is like to live on the minimum wage. Yet for 7 years there has not been an adjustment in the minimum wage. Yes, there are people who work long hours, many of them with two jobs at the minimum wage, trying to raise a family. Yes, there are people trying to raise a family on the minimum wage. They have not had an adjustment in 7 years. We can't get a minimum wage increase through this Congress. Why? Because it is obstructed by those who control the Congress—the House, the Senate, the Presidency.

How about a simple little issue, country-of-origin labeling. We can't get that done. You know where your shirt was made; there is a label there. You know where your socks are made. You know where your shoes are made. You know where your belt is made. They are all labeled, except meat. Try to find out where your next piece of beef steak was produced. Did it come from a Mexican plant, Canada, the United States? You don't know.

By the way, if you want a description of the FDA inspector who inspected the Mexican beef, I will give you the description. Then you really ought to want to know where that meat came from. Can you get labeling on meat? No, you can't get it done. Why? Because the administration and the House and the Senate don't want it done. Obstruction.

How about the price of prescription drugs, the reimportation of prescription drugs. Why is that not now the law of the land, allowing the market system to work; allowing the American people to buy the less expensive, FDA-approved prescription drug from Canada; allowing the people who are on Lipitor, who pay $1.01 per tablet when they buy it in Canada, and for the same tablet, same pill, put in the same bottle, made by the same company, the U.S. consumer pays $1.81 per pill, and they ask the question why should the American public be charged nearly double for the same pill? Why haven't we fixed that?

It is not because we on this side of the aisle haven't pushed and pushed and pushed. It is because the majority in the House and the Senate and the President don't want it. They have obstructed it.

How about a highway bill. Last week I heard—in fact, the discussion on the floor last week about obstructionism on the part of this side of the aisle, and on the part of Senator DASCHLE, was about the highway bill. What a load of nonsense that is. The problem with the highway bill is not that anyone here is obstructing anything. We passed a highway bill. It passed with wide bipartisan support in the Senate. The reason we don't have a highway bill is because the Republicans—yes, I say Republicans—in the Congress and the Republican in the White House will not and cannot agree on what the number ought to be. So as a result of that, we don't have a highway bill, and we have people on the other side of the aisle come out here and want to blame Senator DASCHLE for it. What a load of nonsense. It is simply not true. We don't have a highway bill because the majority party that controls the Senate and the House and the Presidency cannot agree and are having this internal feud on how big the bill ought to be, how much we invest in this country's highways.

Mr. President, I ask unanimous consent to continue for 10 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. What about an energy bill. We ought to have an energy policy. You look at the price of gas at the gas pumps these days and ask yourself, Do we want to continue to be more and more dependent on foreign sources of oil? It went from 50 percent to 60 percent. Does that make sense for our country? Our economy will be belly up at some point if, God forbid, terrorists shut off the supply of oil to our country. Yet we rely on the Saudis, Iraqis, and so many others from troubled parts of the world for our supply of oil. We need an energy bill.

Don't point at Senator DASCHLE and don't point at the Democrat Caucus with respect to that issue. That bill failed the Senate by two votes, and my colleague, Senator DASCHLE, voted for it, as did I and others. The reason that bill failed in the Senate by two votes was because the majority leader of the House stuck a provision in it that he was warned would kill that bill, a retroactive waiver for liability for something called MTBE, a pernicious provision that he knew—he should have known; he was warned—would kill the bill. So they stick in a giveaway provision that kills the bill because it costs them four or five votes in the Senate, and then they want to come to the floor and point at the Democratic leader, Senator DASCHLE, as the problem. He is not the problem. The problem is the majority party that controls the House and the Senate and the White House.

We need an energy policy. In fact, we should have had the energy bill back on the floor of the Senate 2 weeks ago, but we don't control the Senate. We don't schedule the Senate.

Appropriations bills: I am a member of the Appropriations Committee. Last year we had to put seven appropriations bills into one big omnibus appropriations because we didn't get the appropriations bills done. Then in the middle of all that, the appropriations bill, with well over $300 billion—smack dab in the middle of that, those of us who were trying to overturn the FCC rules which would allow big broadcasters to become even bigger, and fewer and fewer people would control what you see, hear, and read in this country—they stuck right in the middle of this big appropriations bill something that upended our attempt to deal with the FCC rules. They stuck, right in the middle of this, something that interrupted the ability to affect the country-of-origin labeling for meat and other food products.

I tell you, it is a hollow claim, it seems to me, that there is obstructionism from this side of the aisle. It is a hollow claim that Senator DASCHLE is somehow guilty of obstructionism. The obstructionism on things that would improve this country, public policy dealing with—yes, the minimum wage increase, with country-of-origin labeling, with an energy bill, with a highway bill that means new jobs and new investment, with lowering prescription drug prices, with extending unemployment benefits to people whose benefits have run out during a time of economic trouble—all of those issues, all of those things that, in my judgment, would make this a better country and would improve things in this country have been stopped.

They have been stopped because one party controls the House, the same party controls the Senate, the same party controls the White House, and they have stopped these things dead. It is as simple as that.

Abraham Lincoln once said, "Die when I may, I want it said by those who know me best that I have always plucked a thistle and planted a flower where I thought a flower would grow." I must say there are precious few thistle pluckers or flower planters these days in this political system. There are a lot of political flame throwers and those who decide everything they don't like ought to be put at the feet of the minority Caucus in the Senate and the minority leader of the Senate, Senator DASCHLE.

The Constitution of this country begins, "We the people." Some in the Senate think the Constitution is a rough draft—something they ought to change every month, every week. We are apparently going to vote on three constitutional amendments very soon in the Senate because that work which occurred over two centuries ago and which has been amended outside of the Bill of Rights only 17 times needs, according to the majority, to be amended again and again and again. I think that Constitution of ours is pretty important. That Constitution provides an opportunity for a minority in Congress to stop bad things from happening. But it also empowers the minority to push good public policy.

We have as a Caucus offered a substantial amount of good public policy that would improve things in this country, provide hope and opportunity, and do what every American would want to have happen; that is, leave a country for their children that is better than the country they found when they were born into this great country of ours. All of us are lucky to be here and lucky to be here now. There is only one place on this Earth—only one place—named the U.S.A. This big, old globe of ours spins with 6 billion people on it. There is only one location on this big globe with 6 billion people called the U.S.A. We are lucky to be born here and lucky to be born now with all the opportunities and all the bounties that are offered to us as Americans. But with those bounties come responsibility. The responsibility is, in my judgment, to work together.

I am weary and tired of those who continue to point the finger of obstructionism and who continue to organize these "anti" messages, anti-Daschle, anti-Democrat, anti-this, anti-that. I have no time at all for those who, as my former colleague Newt Gingrich did, put out word lists to pollute the political process in this country and say to those who aspire to serve in public service the way you ought to refer to your opponent is with words like "sick," "pathetic," "betray," and "poison." Shame on them. That is not the best this political system has to offer. John F. Kennedy used to say every mother hopes her child might grow up to be President as long as they do not have to be active in politics. But, of course, politics is the basis for making public decisions in our country. It is an honorable occupation. The practice, in the main, is by people who care a great deal about this country's future.

I hope all of us will understand this isn't about trying to figure out who is setting up roadblocks and who is obstructing. Let us try to sort out between good and bad public policy and then pass the good.

Let me say again this message—this organizing for anti-Daschle, anti-Democratic Caucus, obstruction message—to those who spend time doing that, this country is at war. This country has an economy that is still troubled. This country needs an energy policy. This country has so many needs that require so much attention from all of us. Stop this nonsense. Let us decide to work together to make this country work better for our children.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

UNEMPLOYMENT COMPENSATION

Mr. KENNEDY. Mr. President, we are in a period of what we call morning business. But we know when we go back to what is referred to as the JOBS bill we will be on the Cantwell amendment which is to extend unemployment compensation to workers who have worked hard over the course of their lives and contributed into the unemployment compensation fund, the fund that today is approximately $14 billion in surplus. The Cantwell amendment is about $5 billion and, if passed, would certainly ensure the funds would be retained in a very robust financial situation. It would help us address the fact there are 85,000 workers every single week who are losing their unemployment compensation funds. As a result of losing their compensation funds, they are hard pressed to pay for their mortgage, to continue to put food on the table, to pay for their utilities, the downpayment on their automobiles, and to continue to try to even be able to survive.

Real Americans are hurting in many parts of the country, and it doesn't have to be this way. The Senator from Washington has tried to have this issue addressed in the Senate some 14 times over the period of the last 18 months. She was only once successful, and that was in February of this last year when a vote that was taken in the Senate showed 58 Members of the Senate agreed with the Senator's position. We have a lot of close votes around here; some are 50-49, and some are 51-49. But when we have a vote that is 58-39, that demonstrates a strong bipartisan desire by the Members of this body to try to address the situation.

It isn't only the Members of this body. There was another vote in the House of Representatives which was 227-179 for a similar proposal to provide help and assistance to those who are unemployed, who have worked hard and paid into the fund. When the unemployment compensation fund was established, the very purpose of the unemployment compensation fund was to provide in these kinds of circumstances.

There are those who say we have seen and are seeing some significant changes in our economy and, therefore, this legislation is not necessary. Let me come back one more moment to address our procedural issue.

Last week, on Thursday evening, when it finally became possible after the long week for the Senate to consider the Cantwell amendment on the unemployment compensation fund, we finally had that matter before the Senate. Our Republican leadership rushed to move off the JOBS bill and move into morning business where we have been for the last several days because they didn't want to address the issue of unemployment compensation. Then we find the situation where the majority leader files cloture because the Republican leadership does not want to permit the Senate to vote on this kind of help and assistance for workers—basically middle-income families—to provide for themselves and their families, even though a broad majority of Republicans and Democrats favor it. They so fear, evidently, taking a vote on the issue of unemployment compensation that they say let us close out this amendment, prohibit Senator CANTWELL from getting a vote, prohibit the Senate from voting up or down, let's end all debate on the underlying bill and cut off any future amendments as well, because under the order they will have to follow the cloture provisions because we do not want to risk having the Members of this body vote yea or nay on the issue of unemployment compensation.

We are getting used to that by the leadership here. We see that similar technique followed when it comes to overtime, although with the persistence of my friend and colleague Senator HARKIN, we were able to get an overtime vote. We saw an overwhelming majority of the Members of this body send a very clear message to the Bush administration to keep their hands off overtime payments for American workers.

We have been trying to get an increase in the minimum wage for some 7 years, and we have been denied the opportunity to get an up-or-down vote and let the Senate speak its will. Clearly, there is a majority in this body who understand it has been 7 years since we provided an increase in the minimum wage. And certainly now is the time when so many of those proud men and women are working on the bottom rung, but, nonetheless, working and working hard—men and women, primarily women, women who have children, and men and women of color who want to be able to provide for their families, and this institution denies them an opportunity to get an up-or-down vote on minimum wage. They tried to ensure that we would not have to vote on unemployment compensation, then deny the Senate the opportunity to get a vote on the increase in the minimum wage, try to avoid a vote on overtime—all the issues that affect the economic conditions for working families and middle-income families in this country.

As I have said many times, I don't know what these families have done to this administration or to the Republican Party that they should declare war upon them, but that is the result of their policies.

I thought I would take a few moments of this time to review where we are in terms of the state of our economy because there may be those who believe because there has been an increase in the total number of jobs created, even though 40 percent of those created in the last report period of last week are basically low-income jobs. In the group announced in the earlier quarter, there was virtually no manufacturing jobs. These was the increase in low-wage jobs and the increase in the part-time jobs but not the kind of real growth which this country is familiar with when we come out of a recovery, which means good jobs, good benefits, good hope for the future, and a sense of hope for those workers and workers' families.

These are April figures and do not include the latest of the May figures. In January of 2001, we had 6 million Americans who were unemployed. Now we have 8.2 million, 2.2 million more that were unemployed than we had 2 years ago.

This is one of the most important charts because this shows the long-term employment is nearly triple. Those are the number of workers who have been unemployed for more than 26 weeks. These are record numbers from recent history of 20 years; 20 years since we have had this number of unemployed workers looking for jobs for longer than 26 weeks. Therefore, it reflects the fact we have many workers out there looking for jobs; they want to work and they are not able to find the jobs.

That is understandable when we have 8.2 million unemployed Americans yet we have only 2.9 million job openings, according to the Bureau of Labor Statistics. We have all these Americans looking for these jobs.

I ask consent that I be allowed to speak as long as I desire to speak.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. So we have 8.2 million unemployed Americans looking for these job openings. Clearly, they are not going to be able to squeeze into that funnel. It will mean many millions are going to continue to be unemployed.

That is what the Cantwell amendment addresses, those unemployed Americans who paid into that fund are losing their unemployment insurance, at the rate of over 85,000 a week.

The next chart is interesting because it shows the growth in the last 3 years. This represents March of this year, and it goes back to March of 2001 where we had 3.3 million Americans with part-time jobs who were looking for full-time employment. That was in March of 2001 at the start of this administration. Now that is up to 4.6 million Americans in part-time jobs who want to have a full-time job.

That is a great leap in terms of the unemployment numbers recently, the great numbers of those have been in the part-time jobs. As we know with part-time jobs, more often than not they do not get the health insurance, they are not given the overtime pay. Obviously, they are denied pensions and they are denied other protections which many full-time workers receive.

Americans want to work, they will work, but they are not given the opportunity to work in our economy, which gets back again to the Cantwell amendment. If that is the circumstance, why aren't we willing to extend the unemployment compensation fund when we know the unemployment compensation fund is in surplus?

The next chart indicates clearly that 40 percent of the jobs that are being created are in the low-wage and low-paying industries. This is what has happened in recent times. Even with the increase in the total numbers of jobs, these are basically low-paying jobs and part-time jobs. Only a handful of those in the last employment figures would be manufacturing.

The next chart shows 43 States still have higher unemployment than when the recession began. With the exception of the 6 States in yellow, 43 States still have higher unemployment than when the recession began, which comes back to the basic rationale for the Cantwell amendment.

We still have significant unemployment in great parts of this country of ours. People just cannot find other work. If that is the condition—and it is the condition because this is the Bureau of Labor Statistics figures—then we have to ask ourselves, Why are we cutting off and have ended effectively providing help and assistance with unemployment compensation? It does not have to be this way.

This chart is very instructive because it shows what a different administration did when we had economic challenges. This is in the early 1990s, coming out of the recession of the early 1990s. Under President Clinton, we saw the spiking of 2.9 million jobs. It took the spiking of up to 2.9 million before the administration terminated the extended unemployment compensation funds. They were facing significant unemployment. With Presidential leadership and with the support of a Democrat House and Senate—that is true; because we did not get a single Republican vote in the Senate or in the House of Representatives—President Clinton put that into effect. We had the longest period of economic growth, price stability and job expansion than we have had in the last century. Finally, they cut off the unemployment compensation after it reached 2.9 million.

We have 2 million still unemployed and this administration has said, No way, to those workers and denied them unemployment compensation.

This chart rebuts modern thinking about who is now suffering from the unemployment and who is not. The green line represents less than a high school degree and the red line signifies college graduate. It has been the belief that with more education, there is a greater and greater opportunity to get a job. Right? Wrong. It does not necessarily follow. It can follow but it does not necessarily follow.

Over the period of the last year, we find those with college degrees are increasingly those who are affected with unemployment, even more so than those with less than a high school degree which, effectively, remains flat.

What is happening is higher unemployment is moving into the middle income. This is going to college graduates—not those who just completed 1 year but those who completed college. The red line on the chart indicates they are the ones now who have college degrees. Yet they are increasingly unemployed.

I bring back to the Senate this very important chart because it very clearly shows what is happening out there in Main Street America to the middle-income working families in this country.

Over the period of the last 5 years, what we have seen—and we are looking now from 2000 to 2004—in the purchasing power of middle-income families is their income has gone down 2 percent. But the prices for their homes or rentals have gone up 17.8 percent; health care, 50 percent; tuition for their children, 35 percent; and utilities, 15 percent. You talk about the middle income having challenges holding on to their economic security, this is what is happening to them. Their income, in terms of purchasing power, has effectively been stable, but the costs which they have had to pay in health insurance, tuition, utilities, and home prices, let alone what has been happening in terms of their local taxes, have been going up, and they have been feeling the squeeze.

Can you imagine families with these kinds of obligations and suddenly they do not have any income at all. The only lifeline they have is the unemployment compensation. They have paid into it, and they wonder if they are going to get it. The unemployment fund is in surplus, and the Republican leadership says: No, we are not going to let you have a vote.

Finally, we should understand this very clearly about what has been happening on Wall Street. With the Wall Street recovery, the corporate profits have gone up in the last 3 years by some 37.5 percent. Yet the change in workers' wages, as this chart shows, is 1.5 percent; basically the same figures we had before.

So this is what is happening. There are those who are doing very well, and there are those who are able to go through this period of time and have a great deal of financial security. But not middle-income working families; they have not been able to do so. And this institution is not helping them. We are not helping them with any kind of increase in the minimum wage. We do not help them with the unemployment compensation. We do not help them, although we did have a positive vote. The administration certainly did not help them on the issue of overtime. We have left out 9 million Americans when it comes to pensions, which leads me into another issue in terms of health care coverage, which is another issue for us to consider.

What the Senator from Washington is attempting to do is to provide at least some temporary relief until the economy gets strong for those millions of Americans who are trying to make it, who worked hard and paid into the unemployment compensation fund so they will be able to meet the most basic and fundamental needs of their families.

Without this relief, 85,000 American workers a week are losing their unemployment compensation. Surely we can do something about it. We have a surplus fund of in excess of $15 billion. So I would hope we would cease the obstruction of the Cantwell amendment and permit us to have a vote on the Cantwell amendment. We have had a clear majority of this body that wants to vote in favor of it. Yet we are being obstructed from being able to do that, as we have been obstructed by the Republican majority on the issue of the increase in the minimum wage.

MEDICARE AND THE UNINSURED

Mr. KENNEDY. Mr. President, for many of us, this is "cover the uninsured week," but, for the administration, a better title would be "ignore the uninsured week." Since the day it took office, this administration has ignored the worsening health care crisis that jeopardizes more and more families. Costs are out of control. The number of the uninsured is soaring. No family can be sure that the insurance that protects them today will be there for them tomorrow. And the Bush administration remains frozen in the ice of its own indifference.

The number of people without insurance has grown by four million since President Bush took office—and he has done nothing. Health insurance premiums have skyrocketed by 43 percent—and he has done nothing. Prescription drug costs have exploded by 45 percent—and he has done nothing.

Every day, employers shift more costs to employers or cancel coverage altogether. Every day more families are forced into bankruptcy because of high medical bills. And President Bush does nothing.

Soaring health costs and declining insurance coverage harms the poor, but they are protected to some extent by Medicaid. It is the hardworking middle class who are victimized the most. More than 80 percent of the uninsured are in working families. Fourteen million have incomes of more than $50,000 a year. Seven million have incomes of more than $75,000 a year. No family is more than one pink slip or one employer decision away from being uninsured.

That is wrong. You and I know it is wrong. And the American people know it is wrong. But President Bush refuses to do anything about it.

The President has read the polls showing that the American people are concerned about health care, so he pretends that he cares. As in so many areas, he talks the talk, but he doesn't walk the walk. He has done nothing. The steps he has proposed don't even deserve to be called tokenism. They actually take us in the wrong direction. They would be laughable, except that the health care crisis is no laughing matter for millions of American families.

The President touts new tax breaks for the healthy and wealthy—as if the wealthy haven't already benefitted far too much from this administration's policies. The administration calls for health savings accounts—but for millions of Americans who need health care the most, the result will be thousands of dollars in higher premiums, not savings.

The administration claims to offer refundable tax credits to help the low-income uninsured buy insurance. But those credits are inadequate to buy real coverage. Far from helping the uninsured, they would actually cause millions more to lose the good employer coverage they now enjoy. They are such a low priority for the President that he didn't even provide money to fund them in his own budget.

The administration is proposing association health plans to lower costs for small business. But these plans are nothing more than a giveaway to trade associations that support the President, and they will raise premiums for more than 20 million workers according to CBO.

The administration proposes a Federal cap on medical malpractice awards, and calls it cost control. But the idea that you can cut health care costs by denying fair compensation to severely injured patients is a cruel hoax. Some premiums are $100,000.

When it comes to affordable health care for the American people, this administration is all talk and no action. It is compassionate conservatism without the compassion. President Bush and the Republican Congress won't make the tough decisions to bring costs down. They won't stand up to the drug companies that profit enormously from the status quo. They won't put the need for health care for American families ahead of the greed of wealthy campaign contributors. It's time for a change.

Our colleague Senator JOHN KERRY is proposing a plan to give health care the top priority it deserves. He believes that secure, affordable health care for hard-working families is more important than tax breaks for millionaires and billionaires. His plan will provide health insurance coverage for 27 million people nearly two-thirds of the uninsured. He will cut costs for every family that pays an insurance premium.

He will take on the drug companies, so that Americans can enjoy the same fair prices paid by Canadians and Europeans. He will give every American—every American—access to the same health care enjoyed by members of Congress at the same fair price they pay. He will be a health care President—and that is just what the doctor ordered for every family that needs and deserves quality, affordable health care.

Every senior citizen now has health insurance through Medicare. But Medicare's guarantee of affordable health care remains unfulfilled, because Medicare does not cover the high cost of prescription drugs. Congress had a chance to provide a decent downpayment on prescription drug coverage last year, but President Bush and the Republican leadership hijacked that program.

The Bush Medicare bill needs to be scrapped and replaced. It is a raw deal for senior citizens and a sweetheart deal for the insurance industry and the pharmaceutical industry. It is a triumph of right-wing ideology pretending to be positive reform. It is based on a flagrant deception reaching all the way to the top of the White House. The sorry story of this legislation is a prime example of the need for new and more effective leadership in the White House.

The Republican Medicare bill lavishes Medicare money on subsidies to HMOs and other private insurance plans—$46 billion, according to the Medicare actuary. The goal is to undermine Medicare, make it no-competitive, and force senior citizens to join HMOs.

The administration's bill was designed to benefit drug companies and insurance companies, not senior citizens. It is not a serious solution to the high cost of prescription drugs. Because of high premiums and high deductibles, 6 million senior citizens will actually pay more in premiums for the drug program than they will receive in benefits. Another 6 million—the poorest of the poor on Medicaid—will actually be forced to pay more for the drugs they need. Three million more retirees will lose the good private retirement coverage they now have, and will be forced into the inadequate new program. That is 15 million senior citizens who will actually pay more for prescription drugs under this bill than they would pay if the bill had never been enacted.

Let me repeat that. Fifteen million senior citizens will actually pay more for prescription drugs than if this bill had never been enacted.

Even for those who do benefit from the bill, the benefits are meager. Once your spending for drugs reaches $2,250, you fall into a hole where you receive no benefits at all until you spend $2,800 of your own funds. If you spend $500 a year today, you will pay more in premiums than you get back in benefits. If you spend $1,000, you will still pay 86 percent of the cost. If you spend $5,000, you will pay 78 percent of the costs. The bottom line is that in paying for the drugs you need, you will be better off on a bus to Canada than you will be under the Bush bill.

A key reason the drug benefits are so inadequate under the Bush bill is that it fails to do anything to control the explosive growth in the cost of prescription drugs. Drug companies will reap at least $139 billion in windfall profits over the next 8 years. According to the Congressional Budget Office, drug prices will actually rise faster, not more slowly, as a result of this bill.

The Bush bill shouldn't be called the Medicare Prescription Drug Improvement Act. It should be called the "Profits for Drug Companies Improvement Act."

The more senior citizens learn about the Medicare bill, the less they like it. The Bush administration has already squandered more than $20 million of senior citizens' own Medicare money on thinly disguised political advertisements for the Bush reelection campaign. These misleading and dishonest advertisements are intended to persuade the elderly that this lemon of a bill is actually lemonade. But senior citizens aren't accepting those ads, because they don't trust them.

Now, the Bush administration is trying yet another disinformation campaign. Our part of the Medicare bill is a provision to license private companies to use the Medicare seal of approval to peddle discount cards to senior citizens.

The administration is attempting to hype these discount cards to try to rehabilitate their failed Medicare bill. But senior citizens understand that these Medicare discount cards are a phony and ineffective solution to high drug prices—and every day brings a new embarrassment. The $18 million of senior citizens' own money that the Bush administration is spending to promote this program isn't persuading anyone.

The administration set up a Web site to help senior citizens choose the cards that offer the biggest discounts in its ridiculously complicated program. But it turns out that many of the prices posted on the Web site are just plain wrong. The card companies blame the Bush administration, the administration blames the card companies, and senior citizens are left holding the bag.

Studies by Families USA and the House Government Reform Committee prove what most analysts had said. The cards offer little or no savings compared to discount programs already available to senior citizens. Senior citizens will still be paying 50 percent more than Canadians pay and 50 percent more than the Government negotiates for the Veteran's administration and other Federal programs.

The Bush administration tried to rescue their program with yet another study claiming to show that the cards really were a good deal. They claimed that the earlier study had not made a fair comparison in prices. So they prepared a new table and claimed savings ranging from 4 to 10 percent.

But once again, the administration played fast and loose with the facts. The discount cards don't allow purchase of a 30-day supply of drugs. So the administration took the cost of a 90-day supply, divided it by 3 and compared the cost to a 30-day supply already available on the Internet. Once postage and handling costs for three orders are also included, one discount card offers essentially the same discount, one card is 22 percent more expensive, and two cards offer minimal savings of 4 percent and 6 percent, not counting the enrollment fee.

Everyone understands that the real issue isn't small discounts from already inflated prices. The real issue is the Bush administration's unwillingness to take on the drug companies. It won't allow Americans to buy drugs at the much lower prices paid by foreigners. It refuses to allow the Government to use the purchasing power of 40 million Medicare beneficiaries to negotiate a fairer price.

When the Bush administration first put out its flawed study, they inadvertently let the cat out of the bag. They included Canadian prices and the Federal Supply Schedule prices of the drugs. A few hours later, they released a "corrected version" that omitted the comparison, but the damage was obvious.

Whether the issue is the real cost of their Medicare plan or the savings from their drug cards, the Bush administration has made deception a tactic and distortion a habit.

The administration's hype won't fool senior citizens or the American people. It isn't fair for Americans to pay twice as much as foreigners pay for drugs made in America by American pharmaceutical companies. It is not right that the Bush administration is fighting to protect drug company profits instead of fighting for patients. It doesn't reflect American values that legislation designed to protect senior citizens should be turned into a bonanza for powerful Republican campaign contributors.

It is wrong for this administration to continually distort the facts and deceive senior citizens. We need a president and a Congress who will stand up to the drug companies and insurance companies and stand up for senior citizens.

THE PRISONER ABUSE RESOLUTION

Mr. KENNEDY. Mr. President, I want to comment about the resolution that will be before the Senate. We will vote on it in a very short time.

I support the resolution. The torture and other sadistic abuses of prisoners in Iraq have done immense damage already to America's reputation in the world, and the worst may be yet to come.

Protection of the Iraqi people from the cruelty of Saddam had become one of the administration's last remaining rationalizations for going to war. All of the other trumped-up rationalizations have collapsed. Saddam was not on the verge of acquiring nuclear weapons. He had no persuasive link to Al-Qaida. He had nothing to do with 9/11. We have found no weapons of mass destruction.

So it is human rights that the administration turned to in order to justify its decision to go to war. On December 24, 2003—the day Saddam was captured—President Bush said, "For the vast majority of Iraqi citizens who wish to live as free men and women, this event brings further assurance that the torture chambers and the secret police are gone forever."

On March 19, 2004, President Bush asked: "Who would prefer that Saddam's torture chambers still be open?"

Shamefully, we now learn that Saddam's torture chambers reopened under new management—U.S. management.

Every day brings new photos, new horrors from the same prison and the same torture rooms that Saddam used to commit crimes against humanity. Today, it's the photo of a naked Iraqi man, his hands clasped behind his head in terror, facing snarling German shepherd dogs held on leashes by American soldiers. According to the New Yorker magazine, subsequent photos show the Iraqi man lying on the ground, writhing in pain, blood flowing from wounds on both his legs.

President Bush has presided over America's steepest and deepest fall from grace in the history of our country. The tragedy unfolding in Iraq is the direct result of a colossal failure of leadership.

We all agree that the guards and interrogators who committed these abuses at Abu Ghraib prison should be held accountable. They should be prosecuted to the fullest extent of the law. But the responsibility for these abuses does not lie with them alone.

On Friday, the Armed Services Committee held its first public hearing on the abuses. Secretary Rumsfeld and General Myers came to the hearing to tell us what had happened at the prison, but in several instances their answers were incomplete or misleading.

Secretary Rumsfeld testified that the guards at the prison had received training on detention procedures and had been instructed to abide by the Geneva Conventions. Yet in the report on his investigation of such abuses last winter, General Taguba found that the soldiers involved were poorly trained to manage such operations. He found that neither the prison camp rules nor the provisions of the Geneva Conventions were posted in English or in the language of the detainees.

Secretary Rumsfeld and General Myers testified that the abuses at the prison lasted from October to December 2003. They said that the military leadership's first indication of trouble was when a low-ranking soldier came forward in January 2004.

Yet, since the beginning of the war, the International Committee for the Red Cross had provided Pentagon officials with repeated reports of abuses at the prison. Some of these abuses, the Red Cross reported, were "tantamount to torture."

As early as May 2003, the Red Cross had sent Pentagon officials a memorandum describing more than 200 allegations of mistreatment during the capture and interrogation of Iraqi prisoners.

In October 2003, the Red Cross inspected the Abu Ghraib prison, including the unit where the worse abuses at the prison occurred. They saw prisoners being held naked in cells and forced to wear women's underwear. They saw evidence of burns, bruises, and other injuries consistent with the serious abuses that the prisoners had alleged.

After this October 2003 inspection, the Red Cross put officials at Abu Ghraib prison and at Central Command on notice that they were violating international humanitarian law. Yet October 2003 is when the military now says that the abuses at Abu Ghraib prison began, and that they didn't know anything was wrong until 3 months later.

Clearly, the military leadership failed to respond properly to the reports and recommendations of the Red Cross. During 2003, both the State Department and the Coalition Provision Authority repeatedly appealed to top military officials to stop the mistreatment of military detainees. Secretary Powell himself raised this issue at cabinet meetings and elsewhere, pleading for proper care and treatment of detainees, but the Defense Department failed to act.

The military leadership is also responsible for putting troops in charge of the prison who were not trained to do the job. They assigned too few soldiers to the prison than were required to do the job right. They relied on civilian contractors to perform military duties, including the interrogation of Iraqi prisoners.

The military leadership failed to respond in a systemic way even after it had initiated 35 criminal investigators into the alleged mistreatment of detainees in both Iraq and Afghanistan; 25 of these investigations involved deaths. In December 2002, military doctors at the Bagram Air Base in Afghanistan ruled that two Afghan men in U.S. custody had died from "blunt force injuries." No one in the military has been held accountable for these homicides.

Since 9/11, top officials in the administration have shown an arrogant disregard for the protections of the Geneva Conventions in dealing with detainees. In January 2002, Secretary Rumsfeld was asked why he believes the Geneva Conventions do not apply to the detainees at Guantanamo. He replied that he did not have "the slightest concern" about their treatment in light of what had occurred on 9/11. In other words, they are terrorists, and torture is too good for them. The British magazine The Economist called his remarks "unworthy of a nation which has cherished the rule of law from its very birth."

It is clear that it is not enough for us merely to pass a resolution condemning the abuses. We need a full and independent investigation and fully accountability, including a comprehensive review of all detention and interrogation policies used by military and intelligence officials abroad, in Iraq, Afghanistan, Guantanamo, and elsewhere. The American people and the Iraqi people deserve answers, and they deserve them quickly.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

NATIONAL ENERGY CRISIS

Mr. CRAIG. Mr. President, I come to the floor not to point fingers or make accusations about the tragedy that occurred in Iraq and continues to unfold. So while we are focused on international affairs and what may or may not have gone on in the Abu Ghraib prison, what I am going to talk about for a moment is what the average American, taxpaying, consuming, voting public, has experienced this past weekend.

They went to the service station in their local community and filled up their gas tank with the highest priced gas in the history of this country. They paid anywhere from $1.84 to over $2.50 a gallon, depending on where one lives. When that credit card or that cash was handed out, that American consumer had paid more for gas at that moment on that day than ever in the history of this country. Yet this Senate, embroiled in Presidential politics at this very moment, fails to deal with this issue.

I am amazed that last month the American economy struggled along and created nearly 300,000 new jobs, and we may well end up the quarter with one of the strongest growth periods in the American economy than we have had in a decade, and yet in all of those struggles, the American economy is spending more for energy than ever in the history of this country.

I have not heard one speech on the floor about blame big oil, and the reason I have not is because I think there are a lot of Senators who are hiding at this moment or not wanting to address the fact they voted down a national energy policy some months ago and denied the American consumer a progressive Government policy that begins to promote investment and development in the energy sector of this country.

At the close of business on Friday of this past week, the futures for crude oil in some categories went to over $38 a barrel. That will translate down the road to nearly $3 a gallon at the pump in the United States. I bet I am one of the few who will come to the floor today and speak about the crisis in energy that is draining this economy while all of that money flows to the Middle East because we are so focused on the Presidential fingerpointing that is going on at this very moment.

Why don't we fingerpoint at ourselves for just a little bit? Why don't we blame big government and big politics at this moment for the failure of the Senate to address and pass a national energy policy for this country?

When we talk about growth and we talk about the average American family's needs, have we told the American family this year they are going to spend between $400 and $500 more for gasoline than they did a year ago? No, we have not told them that. I am telling them that today because that is what they are going to spend.

They are also going to spend a great deal more for a lot of their consumer goods that are made with petrochemicals. Carpeting in our homes today is synthetic and made as a derivative of the hydrocarbons or petroleum. Paint, plastics, all of those kinds of products are critically important to the American consumer, and the base resource that makes them is petroleum. Yet this country has had a "no development" policy for well over two decades. We have run around and stuck our heads in the sand hoping that somehow we could just get through this while the world was becoming an ever larger consumer of hydrocarbons.

We have good conservation policies in place, and we would have better conservation policies in place had we passed a national energy policy. We would have pro-production policies in place and we would be sending the economy toward producing once again had we passed a national energy policy.

My guess is bids would have gone out for the development of an Alaska gas pipeline to bring billions of cubic feet of gas to the lower 48 had we passed a national energy policy.

We would have the legitimate right to say to the consumer that we have done something for you. Oh, yes, we were asleep at the switch for a decade fighting over the environment and fighting over the politics of who wins and who loses in energy production, but we cannot even say that today. We cannot even say we did the right things.

I was doing a radio talk show this morning and somebody said: Isn't this the President's fault? I reminded them that the first priority of the Bush administration when they came to office 3½ years ago was a national energy policy, and while the other side is trying to subpoena the records and pick the books and argue that this was somehow a clandestine gathering, what they failed to recognize is the multiple recommendations made by this study group, headed by the Vice President, was early on and was a priority of this administration.

We took those recommendations with the work the Energy Committee has done in the Senate, under the leadership of PETE DOMENICI, and we crafted a national energy policy. It was not about who was a winner and who was a loser. It was about getting this country back into the business of production so the American consumer would not have to pay $2.50 a gallon at the pump for their gas. But, once again, we got embroiled in politics.

Somehow winners and losers wanted to be picked by some. Somehow we could not touch the pristine environment of ANWR of Alaska to bring that oil south to the lower 48 and to give us leverage power in the world market to tell the world producers that we were not going to be held hostage by their restrictive production that would drive up prices. We did none of that. Even though a majority of the Senate—Republicans and Democrats—voted for a national energy policy, a few dragged their feet, we missed that magic number of 60, and a national energy policy did not go forth.

What did I tell that phone caller today when he said, Shouldn't we blame the President? I said, no, he was the first to lead us. We simply would not follow because, you see, our politics was better or smarter, and, in this instance, it might well have been dumber. So blame Congress and blame the Senate and check the voting records of your individual Senators to see where they were on the development of a pro-production, pro-conservation, multiple alternative, new technology energy policy for our country.

As the summer goes on, all of our refineries are operating at peak capacity at this moment, but that which they are refining, nearly 60 percent is produced by a foreign country, and those foreign countries are raking in U.S. gold today in the form of U.S. dollars like they never have before. All of our money flows overseas instead of developing in this country and producing jobs and improving our economy.

Call your Senator and say: Vote on a national energy policy. It is right there in front of you. Quit playing politics with this issue. I believe the American consumer grows angry that the price they pay at the pumps is the highest price they have ever paid for gas. This time they have only one group to blame, and that is the Congress of the United States, for failing, at the urging of the President and at the urging of consumer groups and all who have studied this issue over the years, they have us to blame because we could not produce a national energy policy for this country. It is big politics and a failing Senate.

While we continue the debate about the tragedies of Iraq—and we should get to the base of that issue, let's not forget there are other issues in this country that are very important to job creation, to the long-term economic stability of our country, and one of those will be the cost of energy and the cost of input into the economy of this great country.

Let's pass a national energy policy. Let's pass the tax incentive package that is within the FISA bill. Let's get at it, Senate, and do the work we were sent here to do and allow this country to get back into the production of energy so we can challenge the world market and provide our consumers with that which they deserve: an abundance of reasonably priced energy and a variety of alternatives to pick from in this great marketplace of ours.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak in morning business and use such time as I might consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLOTURE VOTE ON THE JOBS BILL

Mr. BAUCUS. Mr. President, Albert Einstein once advised, everything should be made as simple as possible but not simpler. In other words, know when you have done enough.

On the JOBS bill that will soon be before the Senate today, we are near time when we have done enough. The Senate has returned to the JOBS bill now for the 14th separate day over the course of 5 separate weeks. The Senate has considered 28 separate amendments. It adopted 17 separate amendments. Many of the amendments the Senate considered, such as Senator HARKIN's amendment on overtime regulations and Senator WYDEN's amendment on trade adjustment assistance, have not been strictly germane to the bill at hand.

The modern Senate does not regularly devote such time and freedom of amendment to major bills. It is really not that normal for the Senate to consider every amendment until no other Senator seeks to offer amendments.

My colleagues will remember the Senator from Louisiana, Russell Long. Senator Long served as chairman of the Finance Committee from 1965 to 1981. When Russell Long would bring a major tax bill to the Senate floor, he would frequently file cloture early, just to require that amendments be germane.

With the advent of the budget reconciliation process in 1981, the Senate began considering major tax increases in Senate reconciliation bills. The reconciliation process, as we know, limits debate to a maximum of 20 hours, pretty much 2 or 3 days, and reconciliation restricts Senators to only germane amendments.

In 1996, the Senate began considering tax cuts under the tight rules of the reconciliation process. Since then, almost every major tax bill has been a reconciliation bill. This year, a number of Senators sought to have this JOBS bill considered in reconciliation. To his credit, the chairman of the committee, Senator CHUCK GRASSLEY, fought these efforts. He and I talked about this several times. He frankly prevailed on many on his side of the aisle in arguing that this tax bill, the FSC/ETI bill, should not be under reconciliation under those very tight conditions but should be a regularly considered bill, and he prevailed. I commend him for that.

Let us now look at this bill. This bill began as a venture of both Democrats and Republicans working together in the Finance Committee. I might add the vote was 19 to 2. Only two members in the committee voted against this bill, and they were on the other side of the aisle.

This bill's major provision, tax cuts for American manufacturing, is really a Democratic priority. Democrats have sought all along to create and keep good manufacturing jobs in America. We advanced this priority when many House Republicans sought to maximize tax breaks for international businesses or, to put this another way, the Finance Committee decided after consulting with Members on both sides of the aisle, both Republicans and Democrats, that it made more sense for the FSC/ETI placement bill to have a deduction for manufacturing produced in the United States rather than the approach taken by the majority party in the other body, which wanted a corporate tax reduction, international tax reduction bill, not a domestic manufacturing jobs bill. So it is a very different approach.

Again, to his credit, the chairman of the committee, Senator GRASSLEY, agreed with Members on both sides of the aisle that the best solution is the Republican and Democratic approach, the bipartisan approach, to help create more jobs in America by providing for the 9-percent manufacturing deduction. Contrast that with the House majority approach, which is much different, and I am quite certain a majority of our Members, certainly on this side of the aisle, are against it.

When it comes to the question of how much and how long we need to fight for amendments on the Senate floor, I think it matters whether we are talking about a partisan bill where the majority has closed the minority out of the process or are we talking about a bipartisan bill where Senators have worked together across the aisle. This clearly has been a bipartisan bill.

Our bill advanced the Finance Committee as a cooperative venture. The chairman of the Finance Committee and I working together included many of the provisions in the bill in response to requests from Senators on this side of the aisle. I daresay many provisions in this bill are in response to a request by Senators on this side of the aisle, although a good number are in response to Members on the other side of the aisle. So therefore this bill reflects a very open and democratic process.

Once we came to the Senate floor, this Senator tried to ensure that the Senate consider the maximum number of amendments, as many as we possibly can. Twice before on this bill, I have fought cloture, worked against cloture, to ensure that the Senate could address, for example, Senator HARKIN's overtime amendment and others. The Senate did consider that amendment. The Senate adopted that amendment. Over the course of last week's Senate consideration, the chairman of the Finance Committee and I have attempted to maximize the number of amendments the Senate could consider, and now the Senate has considered 28 amendments. It adopted 17 of those. That, I believe, is a very respectable record.

Now, when the Senate appears to be stymied over whether to vote on the amendment of the Senator from Washington on unemployment insurance, I continue to work for a vote on that amendment.

So here is where we stand: If the majority can see that there is a prospect that the Senate will invoke cloture on this bill, then I believe the majority will allow a vote on the unemployment insurance amendment; but if the majority sees that Senators on this side of the aisle are united against cloture, regardless of whether they allow a vote on the unemployment issue, then I believe the majority will not allow a vote on the unemployment insurance amendment. That is where we are. It is that simple.

If Democrats want the Senate to vote on unemployment insurance, then we need to show some prospect of bringing this bill to a close. I believe we should accept that offer to get a vote on the unemployment insurance amendment. To do so, we should support cloture.

We should acknowledge that we are near the time when we have done enough. I say "near time" because even after the Senate invokes cloture, the Senate may still consider germane amendments. There are several amendments I believe the Senate will be able to consider postcloture. For example, there is the amendment by the Senator from South Carolina, Mr. HOLLINGS, to strike the international provisions. There is the amendment by the Senator from Michigan, Mr. LEVIN, on tax shelters. There is the amendment by the Senator from Louisiana, Ms. LANDRIEU, to provide tax benefits to reservists. There are amendments by the Senator from Arizona, Mr. MCCAIN, to strike energy tax provisions. There may be other germane amendments. Based on my understanding of the intention of the two leaders and the two managers, I believe that if the Senate invokes cloture, the Senate will work through these and other germane amendments postcloture. In fact, the majority leader has publicly indicated so.

Thus, I do believe we are near time when we have done enough. I support efforts to get a vote on the unemployment insurance amendment, and I support invoking cloture thereafter. So let us make this bill as good as possible but not better. Let us advance this bill to create and keep good manufacturing jobs, especially in America. Let us invoke cloture on this bill tomorrow.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IRAQI PRISONER RESOLUTION

Mr. GRAHAM of South Carolina. Mr. President, I would like to take a few minutes to discuss the vote that is coming up this afternoon, the resolution about the Iraqi prisoner abuse scandal.

No. 1, I would like to compliment Majority Leader FRIST and Senator DASCHLE for bringing this matter up, and the committees and those who are involved in drafting the resolution, and allowing it to come to the floor. I think it is important for the Senate to be on record; but, more importantly, that this not just be used or seen as an opportunity for politicians to pile on and talk about the story that is hard to watch or view, that we are all on the right side here in making sure the world understands we condemn this, and it is more about us protecting ourselves politically. I think it is a symbolic gesture, but much of democracy is symbolism: The idea that an elected body—some say the most prestigious deliberative body in the world, and I can understand why people would say that about the Senate—would take some of its time to have a vote on something that goes to the core of who we are as a people.

As I travel around and listen to constituents about this prisoner abuse scandal, a couple of points are reflected back to me.

No. 1, the people there are probably not nice people; they are criminals; maybe terrorists; that other people do worse; let us not be so hard on ourselves; and people in a war environment where there is much stress sometimes overreact. That is all true. But that is not the point. The point is if we use as a standard to govern ourselves the shortcomings of a dictatorship, then the big loser is us.

I spoke at a graduation this weekend. I said never use the standard of someone else's failures to be your benchmark as to how you would like to live your life.

We know how bad people treat good people and others. We have seen it in history for thousands of years. It was a real part of Saddam Hussein's regime.

The question is, Can we prove to the world and ourselves that good people treat bad people differently? Not only can we, I think we must.

There are a lot of Iraqis who are probably not shocked by this prisoner abuse scandal nearly as much as we are. In their world, this is pretty much the way you do business. A lot worse happened in that prison under Saddam Hussein. But what happened there that we know about so far is very hard for Americans to understand and digest. That is the good thing. The fact a lot of Iraqis are willing to accept that this is usual is not a good thing.

What will have to occur for Iraq to make it as a functioning democracy is people are going to have to change what to expect from their leaders and their government and those in authority.

My question to our Nation is, If we show anything short of disgust and condemnation, would we not be reinforcing to those already disheartened Iraqis that you should not have high expectations? Even the Americans, whom we have all heard about and who tout themselves as the good guy, understand how these things can happen.

This resolution is a small step forward to prove to the Iraqi people and others that you should have high expectations of those who are in your government—those who are given the authority to imprison, to make arrests and detain. If you start having those high expectations, you will be amazed at how things in Iraq change for the better.

I have been waiting for a demonstration to occur in Iraq against the activities that led to the death of the four contractors. I am fully aware if you join us to stabilize Iraq, to be a judge, or a prosecutor, or a police chief or the army—any symbol of authority that would bring about a transfer of democracy in Iraq—the insurgents are likely to come after you and your family.

It is easy for us to talk about demonstrating and showing disgust when we are not threatened. But in the history of our Nation, people have put their lives at risk to make us better. In my lifetime, people such as Dr. Martin Luther King risked their lives to try to make life better for us all. During the civil rights demonstrations of the 1950s and 1960s, the photos of police dogs attacking African-American men and women shocked us all and it made what segregation is about real.

I hope these photos will shock us and make us understand when we fail as a people, when our institutions fail, it is OK to apologize. It doesn't make you smaller; it actually makes you larger. It is OK to say, I am sorry. There is a moral imperative, that when we assess accountability we do not take anybody off the list because of their rank or their status.

This resolution today is a small step forward. There will be many more steps to be taken to overcome this prisoner abuse scandal and to transform Iraq into a functioning democracy. But there are voices in our country which are vilifying and undercutting the effort.

I appeared on a show this Sunday with former NATO Commander General Wesley Clark, a man who served his country in a variety of roles and honorably served in Vietnam and was wounded. But he said something that disturbed me. It took a while for me to realize the depth of the statement. When asked, Will Iraq be democratic, or the effort to transform Iraq be successful, he said, Less than 50. I will give 2-to-1 odds that this operation ends in a catastrophe, for a lack of a better word paraphrasing him. It is not good, I believe, to bet against ourselves, or to put 2-to-1 odds on the ending. People will take that wrong and think they are winning when they are really not. Whether Iraq becomes a functioning democracy or something akin to it is not only possible, it is a must.

There will never be a Mideast without turmoil and hatred until some countries in that region embrace the idea that you can worship God more than one way, that there is a role for women, a meaningful role for women, and democracy ensures the two things I have mentioned. All people can participate and one's faith is expressed in many ways in a democracy. Not only is Iraq's transformation to a democracy a worthwhile objective, I think we have a moral imperative to accomplish that mission because it goes to the sense of whether we will ever win the war on terror. For every democracy that is formed in the Mideast, there is one less place for Osama bin Laden and his henchmen to be able to thrive; they know that. That is why they are fighting so hard and so fiercely. The people indigenous to Iraq who do not want a democracy understand their past association with Saddam Hussein will not be rewarded. They want it their way and no other way. They use this opportunity to attack us and run America and other people out as a way to create a vacuum which they will fill.

If that occurs and we fail in Iraq, the big loser will be the next generation of freedom-loving people all over the world. The international community is not only essential to transforming Iraq, it must take an active part sooner rather than later.

History tells us sometimes the international community is more worried about appeasing the problem than solving the problem. Winston Churchill virtually stood alone because so many people before him believed Hitler would be OK if you gave him just one more country. People like Hitler are never OK with just a little more. They want all you have and then some.

Osama bin Laden will never be appeased by having part of Iraq or all of it. People who think the way he does cannot be dealt with in terms that we understand and live by. That is not to say we need to throw our law and our values overboard. We need to understand the only thing that will control the Osama bin Ladens of the world is the same thing that controlled the Hitlers of the world: Good men and women from diverse backgrounds from all over the world coming together and saying, We will fight you. We will fight for freedom of religion, diversity in life. If you want to fight, that is the only way this can be resolved, you will get a fight.

The international community needs to help us yesterday. President Bush is right: a democratic Iraq is necessary to transform the Middle East as a starting point. President Bush is right: Iraq is a frontline effort in the war on terror. It is a place in the past where terrorists felt at home; a place in the past with a leader, Saddam Hussein, who fueled money to the Middle East to reward those who wanted to destroy the State of Israel and prevent a two-state solution between Palestine and Israel.

This resolution could not come at a better time. But it is only a small first step of many more steps to come. My bet is that it is not 2 to 1, it is 100 percent; that if Americans can come together and stop the partisan fighting over this war, having differences of opinion is absolutely appropriate, and the only way a free people can live.

The Iraqi prison abuse scandal is an opportunity for America to come together. Regardless of whether you are Republican or Democrat, we see this problem the same. If we work together, we can win. We will work, I am 100-percent certain of that. The only person who can defeat us is ourselves.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. What is the parliamentary situation?

The PRESIDING OFFICER. Morning business with a 10-minute time limit.

JUDICIAL NOMINATIONS

Mr. HATCH. Madam President, over 6 weeks ago, the Senate minority instituted what resulted in a virtual freeze on the Senate's constitutional responsibility to provide advice and consent on the President's nominees.

This is troubling to me for a variety of reasons. Nevertheless, I am slightly encouraged by the movement on a few executive nominations last week, even though I remain extremely concerned about the current and continuing freeze on judicial nominations.

The last time the Senate confirmed a judge was on March 12, about 2 months ago. So it is past time for a rollcall.

Yesterday, in addition to being Mother's Day, marked the beginning of the fourth year since the President sent to the Senate his first nominations to the Federal judiciary. Back on May 9, 2001, President Bush nominated 11 outstanding individuals to serve on the bench. The Senate has confirmed eight of those nominees. One has withdrawn, and two are still pending.

I commend Senator DASCHLE and other colleagues across the aisle, especially my friend the ranking Democratic member of the Judiciary Committee, Senator LEAHY, for working with us and the administration in confirming to date 173 of President Bush's judicial nominations. As Senator LEAHY frequently reminds us, 100 of those nomination confirmations took place during his tenure as Judiciary Committee chairman from mid-2001 through 2002.

But more work can and needs to be done so that the American public can enjoy the benefits of a more fully staffed Judiciary. Unfortunately, the old saying, "justice delayed is justice denied" is true. The Senate needs to consider the judges on the calendar and give each one an up-or-down vote, as the Constitution requires. At present, there are 32 nominations for our district and circuit courts pending before the full Senate. Among this group are 22 men and 10 women. This is an outstanding group of candidates with diverse backgrounds. These candidates include a number of impressive minority candidates such as Justice Janice Rogers-Brown of the California Supreme Court, who has been nominated to serve on the influential Circuit Court of Appeals for the District of Columbia.

The nominees being held in limbo are highly qualified. Each and every one of them deserves the consideration of the full Senate. They include sitting State supreme court justices, State and Federal trial judges, and distinguished members of the bar. Many have served as judicial clerks in our Federal trial and appellate courts and in the Supreme Court. Others have served at the highest levels of all three branches of Government. All have distinguished academic records. Twenty-four of these nominees received a Well Qualified rating from the American Bar Association. Fourteen of those Well Qualified ratings were unanimous.

While I do not take the position that the ABA ratings are or should be dispositive on judicial nominations, let me remind my colleagues what a Well Qualified rating means. According to guidelines published by the American Bar Association, standing committee on Federal judiciary:

> To merit a rating of "well qualified," the nominee must be at the top of the legal profession in his or her legal community, have outstanding legal ability, breadth of experience, the highest reputation for integrity, and either have demonstrated, or exhibited the capacity for, judicial temperament.

This rating accurately describes the nominees before the Senate. When votes are held, I believe we will find there is bipartisan support for all of the nominees pending before the Senate. Even those who have been previously filibustered have received an affirmative vote of support by a majority of the Senate and have supporters across the political spectrum. Yet they are being held up, for the first time in this country's history, by filibusters.

As further evidence of the qualifications and support of the nominees, I note that 22 nominees were reported out of the Judiciary Committee without a single negative vote. Eighteen district judges were reported by voice vote and with no announced opposition. Four circuit nominees received a 19-to-0 Judiciary Committee vote. I see no reason all cannot expeditiously be acted on by the Senate. That means all of the 22 Judiciary Committee consensus nominees by voice vote or by unanimous consent, and the others, as well.

I have been troubled by the practice in this Congress of demanding time-consuming rollcall votes on nominees who pass unanimously or nearly unanimously. I understand these positions are lifetime appointments, but the Senate acts on many extremely important matters by unanimous consent or by voice vote. I have been told that last year alone we took about twice as many rollcall votes on unopposed judicial nominees than in 8 years under President Clinton. That is just last year.

Like every other Senator, I took an oath to defend and support the Constitution. Every Senator has his or her view on how that responsibility is to be exercised with respect to acting on judicial nominees. In my view, the Constitution requires the Senate provide its advice and consent regarding the judicial nominees.

Fulfilling my oath means I have a stake in seeing that happen. As chairman of the Judiciary Committee, I have a special role in working with the leadership in seeing the nominees, once reported from the committee, are brought up for floor action. Vote up or down, but just vote. Every judicial nominee who reaches the Senate floor is entitled to an up-or-down vote.

I am hopeful the votes will be held on all judicial nominees presently on the Executive Calendar, as well as for nominees who may yet be reported this year by the Judiciary Committee.

Now, I intend for my remarks today to bring us closer together on considering nominations in the Senate. While I will not fully discuss this matter today, I will note I am not persuaded by arguments that suggest that President Bush's exercise of his constitutional prerogative to make recess appointments somehow justifies this current freeze on nominations. Absent the refusal to allow the simple up-or-down vote on judicial nominees that article II, section 2, clause 2 of the Constitution requires, the recess appointments would not have been made in the first place.

I am mindful that my colleagues across the aisle have also expressed an interest in seeing that minority party nominees to bipartisan boards and commissions be acted upon. For the last several weeks, I have publicly stated on a number of occasions that I understand this concern and that I would support qualified Democratic nominees such as Jon Leibowitz, a former Judiciary Committee staffer of Senator KOHL, to serve as a Commissioner on the Federal Trade Commission. Likewise, I am pleased that the White House is considering a particular Democratic attorney, also a former Judiciary Committee staffer, to serve on the Federal Sentencing Commission.

I hope that significant and mutually satisfactory progress can be made on judges and other nominees. I hope such progress will be made. I know from my experience in this body if we work together we can usually find solutions to these matters, even in an election year.

Senator LEAHY and I and other members of the Judiciary Committee have worked hard on nominations, even as we faced other difficult issues in the committee this year.

I know Senator FRIST and Senator DASCHLE are working hard with the administration, and I wish them well. I simply implore them—each and every one of them—to accelerate the pace of these discussions. But I must also state I believe the time for discussions, negotiations, and talk is drawing to a close. At some point, the Senate must do its sworn duty and vote up or down on judicial nominations. That is just right. It is the right thing to do.

The time for action is quickly coming upon us. Some believe that point has already passed. To do otherwise is unfair to this institution, unfair to the nominees, unfair to the President, and, most importantly, unfair to the American public who entrusted us with the responsibility to conduct the public business.

Madam President, we can and should do a better job of considering judicial nominees on the Senate floor. I stand ready and willing to continue to work with all of my colleagues and the administration on this important matter.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. DOLE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY POLICY

Mr. REID. Madam President, in Reno, this weekend, the price of a gallon of unleaded gasoline was $2.22. Premium gasoline costs more than that. The higher blend fuels in Nevada cost about $2.50 a gallon.

My friend and neighbor from the State of Idaho, the senior Senator from the State of Idaho, was in the Chamber a few minutes ago talking about the fact that if we pass the energy bill that had previously been on the Senate floor, and the one that came back from conference, we would have all of our energy problems resolved. I want to disabuse anyone within the sound of my voice, that simply is not factual.

That energy bill was a bad bill. It did nothing to help the cost of gasoline. The thing it would do is give the industry just what it wants, billions of dollars in the form of subsidies and tax breaks, with no real conservation requirements.

We want an energy bill. We, the minority, want an energy bill. But we want an energy bill that will diversify our energy supply, reduce our Nation's dependence on foreign oil, and protect the environment.

The one thing the bill did not have in it that came back from conference was ANWR. That was at least something of which we were able to convince people of good will around here: The fact that the United States has, at its fingertips, less than 3 percent of the oil reserves of the world, recognizing that we cannot drill our way out of our problems. And that includes the oil that is supposedly in the ground in Alaska. We cannot produce our way out of our problems. Almost 97 percent of the oil reserves in the world are someplace else. So we have to do things that are smart and not only look to the short term but to the long term.

There is no doubt that the price of crude has contributed to the higher gasoline prices in Nevada and throughout the rest of the country these last few years. But the outrageous 55-cent-per-gallon increase in Nevada, since January, has not been driven by the rising cost of crude oil only, but I believe by corporate greed and profit. These oil companies and refiners are getting rich, and middle-class families are getting gouged.

The stalled energy bill will do nothing to reduce the high price of gasoline because it fails to either improve regulations on an oil industry that is overconcentrated or rein in demand by adopting tougher fuel economy standards. Instead, the legislation proposes just what the industry wants—I repeat, giving billions of taxpayers' dollars to large oil companies in the form of subsidies and tax breaks, with no conservation requirement whatsoever.

The Bush administration's own analysis concludes that the legislative incentives to reduce our reliance on foreign oil in the bill will have only a negligible success. The administration report concludes that implementation of the energy bill would reduce net petroleum imports by about 1.2 percent in 21 years—a reduction hardly worth the billions of dollars taxpayers would give away to the oil companies.

We must also pressure the Saudis to increase production instead of cutting it back by a million barrels per day. I have said on this floor previously that Saudi Arabia and the OPEC nations can do a great deal to relieve the problems we have. They are our allies. That is something that I am not too sure exists. It is a one-way street with them. But I was pleased to hear that Saudi Arabia has said they will recommend at the next OPEC nations meeting to increase production by at least 1.5 million barrels a day. That is nice because they just cut back production by a million barrels of oil a day.

We need to be releasing oil from the Strategic Petroleum Reserve to drive down prices. We have to stop putting extra oil in the Reserve, for which we are paying an arm and a leg.

In terms of meeting the Nation's energy needs, we should increase the use of alternative fuels and renewable energy resources. That is the thing we can do to take a bite out of big oil. We can rely more on the Sun, the wind, geothermal, even biomass.

So I was encouraged that in the FSC bill the Finance Committee put in energy incentives, including the section 45 production tax credits for renewable energy. That will allow us to use the things that are renewable like the Sun, wind, and, of course, geothermal heat.

So I applaud Senators GRASSLEY and BAUCUS for having this section 45 production tax credit for renewable energy resources that expands and extends the credit for these issues that I have talked about, these renewable resources.

Renewable energy will protect consumers and create jobs. It is important to stop declaring our energy independence when that is not the case. I do not think it serves any purpose to come out and talk about how great this bill is that failed. If it were that great, it would not have failed. It is a bill that does nothing to solve the energy needs of this country.

One of the big issues in that bill, of course, was the fact that this substitute fuel that had been manufactured around the country, MTBE—what the bill proposed is that you just simply forget the fact that companies that used MTBE polluted the ground, and that people have suffered from it.

No one knows of a better example of that than what took place in Utah, Nevada, and California. MTBE polluted the water systems there. These companies have had to respond in damages as a result of litigation filed by the water entities in that area. So what this bill would have done is taken away the right of these entities, such as in the Lake Tahoe area, to seek recourse for the damages caused by these chemicals to the water supply.

So the bill that was before the Senate, and the conference report that was defeated, was a bad bill. It was a bill that was a sop to the car manufacturers and the oil companies. That bill would have done nothing to solve the energy problems of this country.

The legislation we will be asked to work on this week, the FSC/ETI bill, has something that will help the long-term needs of the country. I hope we don't become righteously indignant as my friend did—for whom I have the greatest respect. He is a fine man, and we have worked together on a number of issues dealing with western land problems. The fact is, passing the bill that came before us, that was defeated because there weren't enough votes to go forward on the conference report, was some of the best action the Senate has ever taken. If we want to respond to the energy needs of the country, we need to do things that really help the consumers and not big oil and big auto manufacturers.

I was stunned to learn that New Yorker magazine has come out today with a story by a man named Hirsch that talks about some of the things going on in the torture chambers in Iraq, not the torture chambers that were there and run by Saddam Hussein but torture chambers that were there—I am embarrassed, humiliated, and disappointed to say—and were run by Americans. He talked about the story on public radio today, and this is a message that I understand and I think all Americans have to understand: We can't have a few enlisted people, as we refer to them—no longer draftees; everyone is enlisted—nonofficers, take the fall for what went on there. He talked about the reason pictures were taken, both the videos and stills.

I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. They were going to be used to show the prisoners' families and neighborhoods. That is why they were produced. This was not something that was done by some soldiers just trying to do something to pass the time of day; the people who were in the officers corps instructed these men and women that they were to take these pictures and what they were to be used for in the future. I know some of these nonofficers did things that were wrong, and I am so grateful there were people in the military who came forward and said enough is enough. That is the reason we know about it now. But let's not have a few of the nonofficers be the scapegoats for what went on.

We are a mighty nation. We have to respond accordingly. We cannot allow a few underlings to take the fall for what obviously was a concerted action that officers were involved in. It is just a question of how high up in the officers corps the problem went.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENT—S. RES. 356

Mr. FRIST. Madam President, I ask unanimous consent that at 4:30 p.m. today, the Senate proceed to a resolution which is now at the desk regarding Iraqi prisoners. I further ask unanimous consent that the time until 5:30 p.m. be equally divided between the two leaders or their designees; provided further that no amendments be in order, and at 5:30 p.m., the Senate proceed to a vote on the adoption of the resolution, with no intervening action or debate. Finally, I ask unanimous consent that immediately following the vote, the preamble be agreed to.

Mr. REID. Madam President, I would ask the leader to modify his agreement to allow Senator DURBIN to use 15 minutes of our time during the debate time the Democrats have under this proposed unanimous consent request.

Mr. FRIST. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

IRAQ PRISONER ABUSE AND WILLIAM HAYNES NOMINATION

Mr. DURBIN. Madam President, I come to the Senate floor with a heavy heart. As so many other Americans, I am horrified at the graphic images of American soldiers abusing Iraqi soldiers and prisoners. We are in a situation today where our troops in the field in Iraq and Afghanistan have performed millions of acts of kindness and good will and bravery which, sadly, have been overshadowed by the recently disclosed photographs. That is a reality.

The war in Iraq is more dangerous today because of the scandal at the Abu Ghraib prison, and our standing in the world is being challenged. A nation which believes in the rule of law and democracy must demonstrate that in its own conduct. Our conduct is being called into question.

I am very concerned that we have reached this point. I am concerned that statements from the Bush administration, sadly, over the last 2 years have sent a message that we were prepared to bend some of the time-honored rules and standards when it came to the treatment of prisoners of war. Over 2000 years ago, the Roman orator Cicero said: Laws are silent in time of war.

In modern times, we have rejected this proposition. Some voices are now calling on us to turn back the clock, but we can't do that. That is not America. That is not what we are all about. Our great country was founded by people fleeing governmental repression. Our founders wanted to ensure that the United States would not oppress its citizens even during time of war, and that is why they included a prohibition on cruel and unusual punishment in the Bill of Rights of the Constitution.

After World War II, the United States and our allies, horrified by the genocidal practices of Nazi Germany, created a new international legal order based on respect for human rights. One of the fundamental tenets was a universal prohibition on torture and ill treatment. Each year Amnesty International and even our State Department issue report cards on countries around the world as to whether they are living up to that standard. Imagine what that report will look like the next time it is issued by our own Department of State.

In light of the horrific abuses that have come to light in recent weeks, we ought to take a moment to review the legal order that was created after World War II. International law absolutely prohibits torture as well as "cruel, inhuman or degrading treatment." The Universal Declaration of Human Rights states unequivocally:

> No one shall be subject to torture or cruel, inhuman or degrading treatment or punishment.

The United States, with a majority of countries in the world, is a party to two treaties that contain absolute bans on torture, cruel and inhuman degrading treatment: The International Covenant on Civil and Political Rights and the Convention against Torture.

The Geneva Conventions govern the status and treatment of those in a wartime detainee situation. The U.S. Government has long held that as a party to the conventions, we are legally bound by its terms. The Geneva Conventions make clear that there are no exceptions to this prohibition against torture and such treatment during armed conflict.

Article 13 of the Geneva Conventions says: Prisoners of war must at all times be humanely treated. Prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity. Measures of reprisal against prisoners of war are prohibited.

Article 14 of the Conventions states: Prisoners of war are entitled in all circumstances to respect for their persons and their honor.

Article 17 states: No physical or mental torture, nor any form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatsoever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind.

The United States of America is a signatory to this international agreement. Army regulations implementing those provisions repeat these standards and make it clear that they apply to the men and women in uniform.

International law, U.S. law, and Army regulations speak clearly. Nonetheless, as we have learned in recent weeks, abuses took place at Abu Ghraib prison that clearly violate these standards. To quote army MG Antonio Taguba's report:

> Between October and December 2003, at the Abu Ghraib Confinement Facility, numerous incidents of sadistic, blatant, and wanton criminal abuses were inflicted upon several detainees. This systemic and illegal abuse of detainees was intentionally perpetrated.

The report describes "the intentional abuse of detainees by military police personnel," including "punching, slapping, and kicking detainees," "using military working dogs, without muzzles, to intimidate and frighten detainees, and in at least one case biting and severely injuring a detainee," "breaking chemical lights and pouring the phosphoric liquid on detainees," "threatening detainees with a charged 9m pistol," "beating detainees with a broom handle and a chair," and "sodomizing a detainee with a chemical light."

Importantly, the Taguba report concludes that the military police were not trained or put on notice in other ways that these kinds of abuses were impermissible and would not be tolerated.

Let me say, before I read on, that you would know by human instinct that the things I have just read were wrong. You should know at the moment such an order is given that it is an unlawful order. But the fact is, when General Taguba looked into the background and training of these soldiers, little or nothing was done to prepare them for their assignment.

I will read further from the Taguba report:

> Neither the camp rules nor the provisions of the Geneva Conventions are posted in English or in the language of the detainees at any of the detention facilities . . . There is a general lack of knowledge, implementation, and emphasis of basic legal, regulatory, doctrinal, and command requirements . . . I find that the 800th MP Brigade was not adequately trained for a mission that included operating a prison or penal institution at Abu Ghraib Prison Complex.

Unfortunately, the abuses in Iraq are, in some ways, the logical byproduct of the administrations's policies. In the aftermath of 9/11, the Bush administration made it clear that they believed that international legal order, which served us so well during the cold war, was not good enough for the war on terrorism.

The administration has created a secret detention system, outside the strictures of domestic and international law, that stretches from Norfolk, VA, and Charleston, SC, where American citizens Jose Padilla and Yasser Hamdi are detained as enemy combatants, to Guantanamo Bay, where hundreds have been detained since the commencement of hostilities in Afghanistan. The administration denies public access to these detainees and asserts that the Geneva Conventions do not apply to the war on terrorism.

A Washington Post editorial entitled "System of Abuse" alleges:

> Similar mistreatment of prisoners held by U.S. military or intelligence forces abroad has been reported since the beginning of the war on terrorism. A pattern of arrogant disregard for the protections of the Geneva Conventions or any other legal procedure has been set from the top, by Mr. Rumsfeld and senior U.S. commanders.

Some of the most flagrant legal violations have taken place at Guantanamo Bay. The administration claims that the detainees are not entitled to the protections of the Geneva Conventions, though they may be treated in accordance with some provisions of the conventions "to the extent appropriate and consistent with military necessity."

There is no room for hairsplitting when it comes to the law. This kind of policy sends a signal to lower ranking officials that the law is an obstacle to be overcome, not a bright line that cannot be crossed.

Contrary to this position, the Geneva Conventions protect all captured combatants and civilians. The official commentary on the conventions explains: "There is no intermediate status; nobody in enemy hands can fall outside the law."

The Geneva Conventions do not allow the hairsplitting which this administration has engaged in at Guantanamo and other places where there are detainees in this war on terrorism.

Administration officials claim that none of the Guantanamo detainees qualify as POWs. However, under article 5 of the 3rd Geneva Convention, captured combatants are presumed to be POWs, and must be treated as such, unless and until determined otherwise by a competent tribunal in an individualized proceeding. The U.S. Government has long abided by this principle, e.g., the U.S. convened more than 1,000 such proceedings during the gulf war. Military regulations state, "When doubt exists as to whether captured enemy personnel warrant POW status, Art. 5 Tribunals must be convened."

The Red Cross, which typically refrains from public comment on its visits to wartime detainees, has taken the unusual step of criticizing the Guantanamo Bay detentions. They said:

> The [Red Cross's] main concern today is that the U.S. authorities have placed the internees in Guantanamo beyond the law. This means that, after more than eighteen months of captivity, the internees still have no idea about their fate, and no means of recourse through any legal mechanism.

Since 9/11, there have been persistent reports that U.S. interrogators have used interrogation tactics that may rise to the level of torture or cruel, inhuman and degrading treatment.

For example, a December 5, 2002, story in The Washington Post reported on the widespread allegations that the United States was using so-called "stress and duress" techniques, including sleep, food, water, or sensory deprivation, and forcing detainees into uncomfortable or painful physical positions.

According to The Post, an unnamed administration official said, "If you don't violate someone's human rights some of the time, you probably aren't doing your job. I don't think we want to be promoting a view of zero tolerance on this."

The use of these techniques, which are also known as "torture lite," violates prohibitions on torture and cruel, inhuman, and degrading treatment. The State Department has repeatedly characterized the use of such tactics by other countries as torture, plain and simple.

Our own State Department has accused other countries that have tried to rationalize this treatment as being engaged in torture.

In Israel, a country that has grappled with terrorism for decades, the Supreme Court held that "stress and duress" techniques interrogation techniques violate international law and are absolutely prohibited. As the Court explained:

> These prohibitions are "absolute." There are no exceptions to them and there is no room for balancing. Indeed violence directed at a suspect's body or spirit does not constitute a reasonable investigation practice.

Guantanamo interrogators have reportedly used these tactics. There is a disturbing link between Guantanamo and the abuses in Iraq. MG. Geoffrey Miller was the commander of the Guantanamo Bay detention facility. In late 2002, Miller reportedly asked the Pentagon to approve the use of some "stress and duress" techniques. In April 2003, the Pentagon approved the use of these techniques.

The Defense Department's general counsel was involved in creating guidelines. That is an important element for us to consider regarding the nomination before us today.

In August 2003, Miller, the Guantanamo commander, visited Abu Ghraib prison to examine interrogation practices there. According the Taguba report, Miller recommended that military police, who were serving as prison guards, become "actively engaged in setting the conditions for successful exploitation of internees." The Taguba report criticized Miller's recommendation which the report said would violate Army regulations and "clearly run counter to the smooth operation of a detention facility."

There is another key player who Congress need to question closely, William Haynes, who is the Defense Department's general counsel. As the top lawyer at the Pentagon, Haynes was intimately involved in crafting the legal standards for the war on terrorism and the war in Iraq, including the guidance regarding "torture lite."

Last year, President Bush nominated Mr. Haynes to be a judge on the 4th Circuit Court of Appeals, the second highest court in the land.

When Haynes was nominated, I and many of my colleagues on the Judiciary Committee were already very concerned about the Defense Department's legal policies related to the war on terrorism and the war on Iraq. So, we questioned Haynes closely.

Following his hearing, I sent Haynes a number of written questions. He failed to respond to some of my questions and many of the answers he did provide were not responsive. He answered several questions by citing government briefs. He refused to respond to other questions because he "may or may not have been called to provide advice" on the subject in his official capacity.

I sent a followup letter to Mr. Haynes, expressing concern about his nonresponsiveness and giving him another opportunity to respond to my questions related to torture of detainees and internees, and POWs.

His second set of answers was not much better than the first and he still failed to respond to many of the questions I asked. Let me offer a couple of examples.

I asked Mr. Haynes about views he expressed in a speech to the Federalist Society. Speaking about the detention of enemy combatants, he said: "Congress specifically authorized the President not only to use deadly force, but also an lesser force needed to capture and detain enemy combatants to prevent them from engaging in continued hostilities against the United States." I asked him:

> Do you believe that the Executive could use deadly force against an American citizen enemy combatant in the United States instead of apprehending him or her? If yes, please explain. If no, how do you explain your statement quoted above?

In his first set of answers, Mr. Haynes responded by simply citing to a government brief, "The Government's position concerning the statutory authorization of September 18, 2001 has been most recently articulated in its brief filed in opposition to petition for the writ of certiorari in Hamdi v. Rumsfeld."

I asked Haynes for a more responsive answer.

Keep in mind he is the general counsel for the Department of Defense responsible for establishing the legal standards under the Geneva Conventions and American law and military regulations on the treatment of prisoners and detainees.

I am asking him specifically to tell me the standards he used. These questions were sent to Mr. Haynes months before the scandal at Abu Ghraib prison. He continued to be evasive. He again cited a Government brief instead of explaining his views. He carefully avoided answering directly any of the questions which I asked him.

I asked Mr. Haynes about the failure to provide article 5 tribunals to detainees at Guantanamo Bay. The U.S. Government has long abided by this practice and U.S. military regulations provide detailed procedures for article 5 tribunals.

I asked Mr. Haynes:

> Have the detainees been provided with the process outlined in [U.S. military] regulations?

He responded by asserting the screening process for detainees "goes well beyond what article 5 requires." But he did not respond to my question:

> Have the detainees been provided with the process outlined in U.S. military regulations?

He failed to respond. That, unfortunately, is the pattern we have seen with Mr. Haynes and this nomination.

These questions sent by Members of the Senate to nominees are more than an academic exercise. We want to establish for the record exactly the role Mr. Haynes and others played, if any, in establishing the interrogation tactics and techniques which have now been dramatized so negatively to the world.

Mr. Haynes cannot expect the vote of this Senate to the second highest court of the land by being evasive on this critical issue at this important moment in our history.

Torture and cruel, inhuman, and degrading treatment are wrong, illegal, un-American, and totally counterproductive in the field of intelligence.

As the Israeli Supreme Court reminded us:

> Although a democracy must often fight with one hand tied behind its back, it nonetheless has the upper hand. Preserving the Rule of Law and recognition of an individual's liberty constitutes an important component in its understanding of security. At the end of the day, they strengthen its spirit and its strength and allow it to overcome its difficulties.

Those inspiring words come from the Supreme Court of the Nation of Israel, a nation which battles terrorism every day. They have rejected the easy way out, torture "lite," stress and duress. They have decided that does not make them any safer as a nation, and it degrades their reputation in the world community. The United States can do no less.

Since the horrific terrorist attacks on 9/11, our commitment to this principle and values has been tested. As we withstand repeated warnings of possible terrorist attacks, we may be tempted by the notion that torture is somehow justified, but it is not. We must resist the temptation.

In his classic novel "The Brothers Karamazov," Dostoevsky posed the question eloquently:

> Imagine that it is you yourself who are erecting the edifice of human destiny with the aim of making men happy in the end, of giving them peace and contentment at last, but that to do that it is absolutely necessary, and indeed quite inevitable, to torture to death only one tiny creature, the little girl who beat her breast with her little fist, and to found the edifice on her unavenged tears—would you consent to be the architect on those conditions?

No, America must not engage in torture and cruel, inhuman, and degrading treatment. Torture is wrong. We have said that unequivocally for 50 or 60 years. It is one of the values and principles that guides our Nation.

As Thomas Paine said:

> He that would make his own liberty secure must guard even his enemy from oppression.

Torture is an ineffective counterterrorism tactic. It produces unreliable information. When our Government engages in these kinds of abuses, we project a negative image abroad, creating anti-American sentiment around the world that is virtually impossible for us to deal with. If we engage in this sort of activity, we run the risk of subjecting our men and women in uniform and other American citizens not only to a dangerous wartime situation but to torture themselves if they are ever detained or captured.

Our Nation has been a beacon for democratizing forces around the world as they challenge repression and human rights violations.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. REID. We extend whatever time the Senator from Illinois needs.

Mr. DURBIN. I ask for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, our Nation has been a beacon for democratizing forces around the world as they challenge repression and human rights violations. The American exemplar inspired many to shed the yoke of communism and move toward democracy. In an era where we have emerged as a superpower, the world looks to us for leadership, inspiration, and our values. When we curtail individual rights, other nations follow suit and democracy and human rights suffer.

I have sent a letter to the chairman of the Senate Judiciary Committee, Senator ORRIN HATCH of Utah. I have asked Senator HATCH to reschedule a hearing for Mr. William Haynes whose nomination is currently on the calendar. Mr. Haynes, now more than ever, must answer these important questions about the role he played as general counsel at the Pentagon. If he had nothing to do with this policy, he can make that eminently clear, but if he did have something to do with it, I think we need the answers to these questions before we, in good conscience, are asked to vote to support his nomination to the second highest court in America.

I yield the floor.

CONDEMNING ABUSE OF IRAQI PRISONERS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the resolution, which the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 356) condemning the abuse of Iraqi prisoners at Abu Ghraib prison, urging a full and complete investigation to ensure justice is served, and expressing support for all Americans serving nobly in Iraq.

The PRESIDING OFFICER. The majority has 32 minutes remaining. The minority has 10 minutes remaining.

The Senator from Wyoming.

Mr. THOMAS. Madam President, I am pleased we have this resolution before us. I think all of us share the same thoughts about this whole Iraqi prisoner abuse issue. We are all very disappointed and very troubled about the events in the prison. We need to move forward to resolve this issue. We need to do what needs to be done as a followup. We do not need to make it into a political operation for the next week because we have other things to do in Iraq. But we must take care of this issue because we, as Americans, hold ourselves to a higher standard.

These are appalling actions of those responsible for the treatment of the detainees in Iraq. It falls far short of any of those standards. Our credibility has been called into question in the eyes of those we are trying to help, as well as the rest of the world. These incidents of cruelty and mistreatment at the hands of American service men and women are inexcusable, and certainly it is a very small group of our service people. Unfortunately, the foolish actions of a few have cast a pall on thousands of our military. All of us know that is not the case, and all of us who have served in the military know these are not the kinds of activities we are ordered to do.

There have been mistakes, and we need to determine how those happened and see they do not happen again so our folks can continue at the very hard job they have.

These terrible events have dealt a blow to what we are seeking to do. I want to say again our task is to win in Iraq, and this is a deterrent from that, but we can overcome it and move on with the task.

This also makes it more important that we win at home. With the media and the emphasis that has been put on this issue, it detracts from our job. We cannot let that happen. If we are really as strong in our feeling about our service people overseas, we ought to make sure we support what they are doing and continue to give them that support.

We as a nation must deliberately correct the situation and ensure it does not happen again. All of us want to do that.

Democracies hold themselves accountable. That is our task. We can do it, and we will do it. We acknowledge we have done wrong, and we will move to correct it. That is what this resolution is about. That is what the hearings are about. That is what holding people in authority responsible is about. We need to move on that initiative. We need to get the facts. We need to make the whole effort more transparent in the future, of course, as all Government activities should be transparent.

The process needs to move swiftly and decisively. We need to do this job and get on with the rest of the job.

For those who committed the acts and those who enabled them, we need to do all we can in determining if there is involvement in the chain of command.

I do not think anyone denies that is what we need to do. These things that have happened are certainly fundamentally contradictory to American values. The eyes of the world are focused now on how we will react, and we have reacted. The President has reacted. The Secretary has reacted. The Congress will react. We need to ensure that it continues, but I do warn that we ought not divert all of our attention to this issue, taking it away from the overall issue that still exists. We need to be there. The stakes are simply too high to play politics with this issue, and unfortunately that might well happen.

So we need to proceed. We need to make everyone understand that these are not the kinds of things that the United States will live with and let happen. We will do something about it. We need to bring those to justice who were involved. We will go forward and we will win in Iraq. First, we must win in the United States.

ENERGY POLICY

Earlier, I listened to the assistant minority leader talk about energy and say that the things we are doing now have nothing to do with an energy bill. I think that is absolutely wrong. What we are talking about is an energy policy that will last somewhat over time but is designed to change some of the things that we are doing in energy and energy use that are causing us part of the problems today. Will they reflect some change in the next day or two? Of course not. But we need to be working forward at doing something about the long-term impact of energy.

I will briefly talk about a few of the things that need to be done because it is just impossible to say they do not have an impact. Keep in mind that we have had an energy bill now last year and this year, and we tried to bring it up on the Senate floor. It passed here, went to conference, came back, and would not be accepted again. We have been obstructed and cannot move forward in doing something with the broad energy bill that has to do with energy efficiency. Again, it is going to take some time to do that, but it is very clear that consumption has gone up faster than has production. If we continue to do so, this will be the case. Even more importantly, our consumption will grow and our production—if we keep it as it is—will soon be overcome and will not grow. So we have to talk about issues like renewable energy. We have to talk about alternative energy. Those things are in the bill. That is what we are talking about doing, seeing if we can do some things differently than we have in the past.

We also have some incentives to continue like in marginal wells. Marginal wells, even with the price as high as it is, if there is not some incentive for a well that only delivers two, three, or four barrels a day, we do not produce them, but in total they still have a large impact on what we are doing.

We need to make some changes in the way we use energy. We are using oil, for example, to heat homes. We are using oil to do a lot of things other than make gasoline. We have other energy sources that could be used for that purpose. The same is true with natural gas. We are using natural gas for many things. For instance, the electric-generating plants that have been built in the last 10 or 15 years have all been natural gas plants. Natural gas is so much more flexible for other uses: we ought to be using coal; we ought to be using nuclear for the generation of electricity so we can use natural gas for other purposes.

So to say this bill has nothing to do with our problems with energy is absolutely without merit. It does have a great deal to do with it.

We talked about some things that would have a pretty immediate impact, such as doing something on the Indian reservations to promote production. They would like to do that, but we have not really been able to make it happen. We are talking about doing something with hydrogen, fairly short term, to make hydrogen part of automobile fuel, and use coal and make hydrogen for automobiles.

We can talk about the price of gas next week. I would love to be able to do something about that, and hopefully maybe we can, but the real thoughtful question is, where are we going to be in

5, 10, or 15 years from now to meet the needs which will constantly be growing? We need to have a plan. We need to have a policy. This Congress has absolutely refused to move forward with the policy, along with many other things, and has strictly been obstructed from moving forward. So every week we are going through the same things because we cannot get them passed. Something needs to be done.

I think we have some very important issues before us. First of all, we have this resolution. I favor the resolution, which says very clearly how we feel about what happened in the prisons in Iraq. It says very clearly what we ought to be doing about those responsible for those acts. It says very clearly that we ought to make sure that does not happen in the future and that we can go back to doing what we are supposed to be doing. I hope we do not make such an issue in terms of accomplishing things that we detract from the real purpose of our being in Iraq, and that is to win freedom for the Iraqi people, do something about terrorism, and be able to bring our men and women back to the United States after the victory.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I ask unanimous consent that the time in the quorum call be equally divided between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I just returned from my home State of Florida, and I cannot state the number of people who came up to me over the course of the weekend to ask me about the situation in the prison in Baghdad and the question of what should be done with Secretary Rumsfeld.

My reaction is, we have an ongoing investigation. I would like to see some more results of that investigation, in addition to what we have already been shocked with in the graphic photographs—although I understand we have "not seen nothing yet," that we are going to get more graphic photographs, including some videos that are fairly descriptive of behavior that is clearly not behavior approved in the normal course of the standards of Americans.

Of course, offensive conduct by Americans is made all the more difficult as we are in unsettled parts of the world in a place of Arab culture and the Muslim religion.

Often, my response has been specifically about Secretary Rumsfeld; that this issue is much greater than any one Secretary of Defense. The issue comes down to how America has planned for the postwar occupation. We did not do a very good job of planning for the postwar occupation.

This Senator happens to be a Democrat from Florida, but that does not have anything to do with this. What I am about to say is very bipartisan, or nonpartisan. One of the committees on which I have the privilege of serving is the Senate Foreign Relations Committee. The chairman is a Republican and his name is DICK LUGAR of Indiana. He has been saying very similar things to what I am about to say, as has his ranking Republican member, Senator CHUCK HAGEL of Nebraska, and certainly the ranking Democrat and former chairman, Senator JOE BIDEN of Delaware. It is this: We had a brilliant military campaign in Afghanistan and again in Iraq, led, by the way, by a Floridian, GEN Tommy Franks.

To give credit where credit is due, I include Secretary of Defense Rumsfeld. He ought to be given credit. It was a brilliant military campaign, blending the use of military forces—specifically, special operations forces in Afghanistan—with other agencies, such as the CIA. The CIA was first in Afghanistan. The first American killed in Afghanistan was Mike Spann, a CIA agent detailed out of Uzbekistan.

So, too, in the runup to the military campaign in Iraq, a brilliant military planning in the war effort. We took Iraq in much fewer days than General Franks had ever planned. Of course, that is what he is supposed to do as a combatant commander, plan for the worst and be very conservative in the planning. The military campaign was spectacular.

The problem was, before the war in Iraq, in the Senate Foreign Relations Committee, over and over we asked the administration—who is "we"? It is all of those Senators I just talked about, the bipartisan leadership of the Senate Foreign Relations Committee—asking over and over, peppering the administration with questions: What are your plans? Well, we do not have them. Well, bring them to us. And they would come back with some cursory plan.

Of course, we are now seeing the results.

The prison problems are a manifestation of just one element of the lack of a plan, of what it is to be an occupier in a Muslim country and then not planning for the sensitivities of being an occupier in a Muslim country.

What do we do now? The criminal investigation will go forward. The rest of the reporting is going to go forward, and we will find out what to do with regard to the prisons. But what we ought to be doing, and I think we are hearing this chorus from a number of Members in a bipartisan way, coming out of the several committees—not the least of which is the Foreign Relations Committee—the President ought to convene the major countries of the world, along with the Arab neighbors of Iraq in the region, and they should forge consensus. When somebody says that consensus cannot be reached, all you have to do is explain to those countries it is in their naked self-interest to try to get a stabilized Iraq.

France, for example, has a Muslim population somewhere between 8 and 12 percent. Convene those nations and then invite in a NATO force led by the United States. Go to the United Nations, get a senior international diplomat to come in and start working after June 30 to build Iraq with the institutions so it can go to elections.

We will be there a long time. Anyone who doubts that, we are in the ninth year in Bosnia. It will take a lot of troops. Eventually, we will see our troops will have to be more than what we are planning for now with the 130,000 that we have there.

With those few short comments prior to the voting on this resolution, I thank the Senate for the privilege of addressing the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank the Chair.

(The remarks of Mr. HATCH pertaining to the introduction of S. 2398 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. MIKULSKI. Mr. President, I want to join my colleagues and so many others around the country and around the world to condemn the treatment of prisoners at Abu Ghraib prison in Iraq. What happened there is deplorable. It is despicable, and it is dishonorable. It does not reflect the values of the United States of America or the code of conduct for the United States military that so many of our brave men and women live by every day.

This has been a terrible blow for the vast majority of our troops who go by the book, serve America with honor, and put their lives on the line every day to promote and protect the democratic principles that we hold dear. It is also a terrible blow for America's standing around the world. Today, our troops are less secure. Instead of winning hearts and minds on the road to a free and democratic Iraq, our troops must now overcome tremendous anger and mistrust.

That is why we must take immediate steps to: investigate these abuses, hold accountable those responsible, commend those who did the right thing, and correct the problems quickly and thoroughly.

First, there must be thorough and rigorous investigations. Congress and independent investigators in the military and the intelligence community must get the facts: what are the abuses, how widespread are they, how did they come to happen, and what did the military and civilian leadership do, or not do, to correct them. On charges of such a grave nature—that are so detrimental to America's standing in the world—there cannot be enough transparency and public scrutiny.

The result of these investigations must be accountability at all levels of the military and civilian chain of command—up to the highest levels. Why do the Privates and Specialists face prosecution, but the Generals get letters of reprimand? Those who participated or were complicit in abuses—or created a climate that allowed them to occur—must be held accountable, no matter their rank or title.

The world has witnessed shameful acts committed by people who represent the United States in Iraq. Now America must show the world how United States of America exercises the true principles of democracy—upholding the rule of law by administering justice in a swift, transparent and fair manner.

We should also commend those who did the right thing, like Specialist Darby, who reported the abuses, General Sanchez, who launched an investigation, and General Taguba, who issued a no-holds-barred report.

The problems that led to this must be corrected quickly and thoroughly. Our soldiers in Iraq must get the training and supervision they need to do their jobs with honor and in accordance with international law. And if heads need to roll to correct the problem, so be it. The world must know that America holds to the highest standards of military conduct and human rights protections. Anything less is unacceptable.

The resolution we will vote on this evening commends our soldiers, condemns the abuses and calls for swift justice and accountability. Yet it should go further and demand accountability at all levels.

Mr. President, I hope the Senate will speak with one voice by unanimously supporting this resolution.

• Mr. COLEMAN. Mr. President, I strongly support the resolution which the Senate is considering today.

The world has witnessed images that do not represent America's cause for freedom, democracy and human rights. While our American soldiers toil and sacrifice to bring justice and opportunity to Iraq, there is a small group of soldiers who have undermined the work of this noble mission through their despicable behavior.

The acts that took place at Abu Ghraib prison were simply inexcusable. The violation of any Iraqi prisoner's human rights, dignity or life by any member of the American military—for whatever reason—defies not only international law, but basic human decency. These acts risk undermining the mission, and put at risk other American men and women working for freedom in Iraq.

I am concerned that Congress was not adequately informed of the abuses and the investigations. Secretary Rumsfeld's appearance on Capitol Hill last week was welcome, and I expect that he will continue to make himself available to the Senate.

I deeply appreciate the President's willingness to speak candidly and apologetically to the Arab world. I support the decision to offer compensation to the victims, and to put together commissions to ascertain how widespread the abuse and humiliation were, and what can be done to prevent future violations. I am hopeful that these steps will be part of a much needed process to make amends for the great damage that has been done by a few men and women.

Abu Ghraib was home to torture under Saddam Hussein's regime, and has not yet overcome its notorious reputation. Consequently, I believe that, should the Iraqi people wish it, this prison should be wiped off the map. Tearing down Abu Ghraib prison would symbolize the definitive end to the era of torture—an era which preceded Operation Iraqi Freedom, and must be put to rest once and for all.•

Mr. HATCH. Mr. President, I rise today to echo the horror that all of our citizens felt when we first viewed the photographs taken at Abu Ghraib prison. It is a stain upon the honor of our nation and the actions of these few individuals have undermined many of the substantial gains and sacrifices that our service men and women have achieved since the events of September 11th.

At the same time, it is important to remember that these are the disgraceful actions of a few and by no means do they represent the hard work and honorable service of the 138,000 soldiers, sailors, airman, marines, and coast guardsman that are serving our country in Iraq and surrounding countries.

During this trying time, I am also reminded that one of our troops' primary responsibilities is to do what is necessary to minimize civilian casualties. As some of my colleagues have mentioned on numerous occasions, one of their most vivid memories of the war was when a young American service member ran out onto an exposed bridge in order to save a young Iraqi woman. This is just one of many examples of the high personal, professional and moral conduct that is displayed every day by our Nation's service members.

The question then arises, how do we remove this stain on our honor? Our commander-in-chief, the President, as always, is leading the way by expressing his outrage over these actions and has apologized to the world.

The Department of Defense has followed the President's example.

In his very forthcoming and candid comments before the Senate Armed Services Committee, the Secretary of Defense apologized and took full responsibility for these mistakes.

The statements by President Bush and Secretary Rumsfeld were the hallmarks of leadership and show the world what is best about the United States. It is the sign of a great nation to acknowledge openly when laws have been broken, bring those violators to justice, and apply the law equally to all. We are working with the Iraqi people to use these same legal principles as the cornerstone of their developing legal system. Therefore, it is my hope that the results of the trials to come will form the real enduring image in minds of the Iraqi people.

I strongly support the resolution that is before the Senate. It adds our apology to those offered by the President and the Secretary of Defense; it rightly commends the vast majority of service members who are serving nobly abroad to support liberty; and it reiterates our commitment to bring to justice those who broke the law.

It is a beginning to set things right.

However, I am dismayed to learn that some have taken this opportunity to make a political point. They have called on the Secretary to resign. It is troubling that some would take advantage of these horrific acts in order to achieve a political gain during an election year.

This is a Secretary of Defense who has continued to show that he is a man of honor by taking direct responsibility for the actions of a few rogue individuals.

Secretary Rumsfeld has proven conclusively time and again that he is a positive agent for change at the Department of Defense. I know of no other individual who will engage in a more aggressive investigation of the events that have occurred and will institute whatever changes are necessary to prevent these violations from ever happening again.

We have much to do to repair our credibility.

The President's apology, followed by the acceptance of responsibility by Secretary Rumsfeld and the actions of the Senate today, begin this process.

However, this process will also require a rigorous investigation. There is one man who I know who is up for that challenge and it is Secretary Rumsfeld. This great Nation must stand behind him.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. EDWARDS. Mr. President, although I must be necessarily absent for the vote this afternoon, I want to express my support for this important resolution and briefly speak on the issue that has shocked all of us during the past two weeks—the horrific abuse sustained by the prisoners and detainees in Iraq.

All of us condemn what has happened in Iraq's prisons. The acts the world has now seen are deplorable; they are inhumane; they are appalling. Every day brings new evidence of horrors. These actions are completely inconsistent with our values, and completely counterproductive to our efforts to help the Iraqi people achieve security, stability, and freedom.

These images cast a dark shadow on all our efforts in Iraq, and they make the work of our brave military men and women in Iraq only harder. These shameful acts of a few have put many in harm's way. As we condemn these acts and punish those responsible all the way up the chain of command, we must continue to support our soldiers in Iraq and around the world. We cannot let the images and stories from the last week—and the images and stories that will certainly emerge in the coming weeks—distort the fact that the vast majority of men and women serving their country today in Iraq and elsewhere are doing so with great dignity, skill and patriotism.

This is not just a major setback for our efforts in Iraq. Just think about the damage that these acts have done to America and our authority to promote peaceful, democratic change around the world. At the same time when we are trying to reach out to Arab countries—and to help their societies develop more opportunities so their people can live in greater freedom—these photographs and the behavior they depict do tremendous harm to America's ability to lead.

That is why we must stand together today to condemn these actions in the strongest terms. But our words will not be enough. We must follow up our words with deeds. There must be a full investigation into how these acts were allowed to happen, and an exhaustive effort to see that measures are put in place so that they never happen again. Many questions must be answered, and we must have the administration's full cooperation. The American people—and the Iraqi people—deserve answers. We must hold accountable those responsible all the way up the military chain of command, and they must be punished to the fullest extent of the law.

I also believe that these acts reveal such a fundamental failure of leadership that we need to have accountability here in Washington. We cannot just blame this on the individual soldiers involved. We must show the world that no one can shirk responsibility no matter how high that responsibility goes, or what office one might hold.

So if we want to signal to the rest of the world that we in fact emphatically reject what happened; if we want to send the message that what happened in that prison was inconsistent with American values; if we want to say to the rest of the world that we as a nation want to change course here, then we need to hold our leadership at the highest levels accountable.•

Mrs. FEINSTEIN. Mr. President, I rise today to offer my strong support for a Senate resolution condemning the abuses in United States detention facilities in Iraq.

This resolution makes clear that the abusive behavior we have seen graphically portrayed in photographs, detailed in the report of MG Antonio Taguba, and described by Secretary Rumsfeld in testimony last week, are unacceptable.

Such conduct is wrong, un-American, and inconsistent with the history and tradition of our military services. It is critical that the Senate voices its absolute rejection of the conduct, and this resolution does just that.

It must be understood that this resolution, however, is narrow and focused. It is confined to expressing our views on the specific conduct at issue. It does not purport to be a comprehensive view on the implications of this growing scandal, nor a conclusive statement of a congressional investigation into this incident, and its ramifications.

I believe that such an investigation is necessary and should be undertaken as soon as possible. We need to know why the Geneva Convention appears to have been ignored. We need to understand how such a debacle could have happened, and what orders were given by who, and when, which governed the prison at Abu Ghraib. We need to know why the reports of the Red Cross and others were not responded to in a comprehensive and timely manner. And why was this problem concealed for months from the Congress and the American people.

If the conflict in Iraq is seen as a battle for the hearts and minds of the Iraqi people, then it is unfathomable how such a devastating failure in that battle could be allowed to happen. This is not just about personal accountability, or abuse—it is about the conduct of a conflict upon which the future of our security may depend.

It is also important to recognize that planning and implementing a military detention and interrogation operation is a necessary and important part of a competent and professional war plan. There are three reasons why this is so:

First, the information gained from proper interrogation is critical to protect our warfighters—it allows us to deal with the tactical risk on the ground in Iraq. Simply put, military interrogation is part of the overall intelligence-gathering mechanism which is designed to provide timely, accurate information to front line troops and strategic planners. Done correctly, a well-run, properly administered military detention system will yield information that will keep our men and women in uniform alive in the face of an increasingly violent insurgency.

Second, detention and interrogation is inherently risky, and that risk is a moral risk. It is not easy to run prisons, interrogate detainees, and maintain order in a manner consistent with our Nation's moral values. There are certainly some guides to help manage this risk: the Geneva Convention, for instance, provides a well-established set of guidelines that can not only allow American soldiers to adhere to international law, but help them ensure that their conduct is acceptable to Americans and to our moral code.

Third, it should be apparent that the administration of a military prison system inside Iraq is a clear danger point in the context of our strategic goals—prisons pose a necessary, but important, strategic risk. Failure to adhere to the highest standards of conduct will fuel the increasingly hostile view of Americans and American policy in Iraq and the Middle East.

I have reviewed Secretary Rumsfeld's testimony, as well as other information provided in public statements of the administration and private briefings.

I am becoming increasingly concerned that the Secretary, and the Administration, are missing the point of this growing scandal.

Of course there is a need to investigate individual wrongdoing and hold people accountable for their acts according to the Code of Military Justice. But much more needs to be done. I see little evidence that there has been adequate planning for the management and function of military detention facilities in Iraq, and this failure needs to be addressed now.

This is critical for the three reasons I outlined above. In essence, military detention facilities should be looked upon exactly like other elements of war-planning—necessary to fight successfully, but carrying risks to our soldiers and to our mission.

I am concerned that this function has not been adequately planned. It does not surprise me that we see the lack of planning becoming apparent in the revelation of individual misconduct, but I think it is critical that the Department of Defense take on the larger issue, and take it on immediately.

The situation is grim. Each of the three risks I mentioned have come to be.

Some of our soldiers, inadequately supervised and poorly commanded, have succumbed to the moral hazards of running a prison. I do not excuse their actions, and they will be held accountable for their actions. But it is predictable that without adequate command and control such conduct will happen in a prison, and for that Secretary Rumsfeld and senior Army commanders are responsible.

It is clear that the potentially valuable source of tactical intelligence that could have been gained through the competent and professional administration of military detention facilities was wantonly thrown away by allowing those facilities to degenerate into a chaotic and ungoverned free-for-all.

It is my view that there is a place for properly conducted interrogation in the context of a military detention facility.

But it seems to me that what we have seen is not overly aggressive interrogation, but wanton cruelty and abuse, unconnected with any doctrinally acceptable method of prisoner interrogation.

We will never know what potentially valuable tactical intelligence was lost in the chaos of Abu Ghraib prison, but I am confident that whatever intelligence was there was unlikely to have been elicited in that environment.

Again, Secretary Rumsfeld and senior commanders are responsible for this failure, and I call upon them to immediately remedy this situation.

We have troops on the ground, under fire, and we cannot afford to abandon a mechanism for gathering intelligence which could help make our troops safer.

Finally, the failure to run this element of our war effort competently has resulted in a catastrophic setback to our strategic interests.

It should have been self-evident that failure to run U.S. detention facilities in a professional, competent and lawful manner would, when made public, adversely affect our prospects in Iraq and in the region.

Simply put, American soldiers will come under increasing fire because of the failure to run the prisons correctly, and whatever prospects remain for peacefully transferring power to an Iraqi government have been diminished.

In sum, it is important to recognize that planning for detention and interrogation of prisoners is as much a part of war planning as making sure that there is enough gas for tanks, enough ammunition for guns and armor for our soldiers.

I am concerned that the failure to plan for this aspect of the war is consistent with a general pattern at the Pentagon—an unwillingness to plan for the realities of Iraq and the Middle East. We will all pay for that failure.

One key part of the resolution speaks to the roll of the Congress, noting that "the best interests of the United States and the American people will be served by a full investigation by the appropriate Committees of the United States Senate exercising their oversight responsibilities." This is a critical point. This body must immediately begin its task of addressing this issue.

There are a few particular questions upon which I hope we will focus:

Whether, and to what extent, the conditions and procedures in Abu Ghraib and other prisons came about because of particular policy decisions by senior officials. For instance, who made the decision, reported in the media, to use prison guards to "set the conditions" for interrogations?

Why was the critical task of administering Abu Gharaib entrusted to soldiers without adequate training or guidance?

Who in the command structure is responsible for maintaining and administering our military program to detain and interrogate prisoners in Iraq and elsewhere?

I hope we can answer these, and other questions, and make the changes necessary to make our nation safer.

• Mr. McCAIN. Mr. President, I am unavoidably absent from the Senate this afternoon, but would like to express my strong support for S. Res. 356.

The photos and reports of abuse at Abu Ghraib prison that have emerged over the past week defy description. I condemn, as must all Americans, these horrific acts. It saddens and shames our country to see Americans perpetrate these abuses on other human beings. Their actions do not reflect the principles for which this country stands.

We have fought to liberate Iraq, and to free the Iraqi people from the murderous rule of Saddam Hussein. We have achieved great things in Iraq, but we have much work to do. The sickening images of abuse that have emerged in the media threaten to undermine much of the good we have done. These incidents have marred the reputation of our country abroad, and have made the tasks of the brave Americans fighting and working in Iraq harder. But I am confident that the vast majority of men and women working to bring freedom to Iraq will conduct their noble mission with integrity and distinction.

Toward that end, we need to have all the facts about the abuses at Abu Ghraib and elsewhere, and we need them immediately. We cannot wait months for a new commission to issue a report, nor for new photos and details to dribble out over weeks. The American people need to know, at once, the abuses committed, punish those guilty of these crimes, and ensure that they never again occur. We must also ensure that similar abuses are not occurring elsewhere in detention centers outside Iraq. Our venture in Iraq is moral, and must be conducted with moral means. We must ensure that we are treating all prisoners and detainees humanely and in accordance with U.S. and international laws and regulations.

Mr. President, as Americans we are defined not just by the way in which we deal with our friends but by how we treat our enemies. I know that in many countries around the world, abuse of prisoners is commonplace and brutal interrogation is the norm, rather than the exception. But American, a Nation that was founded on the idea of liberty and justice for all, must hold itself to a higher standard. We liberate, not torture, and we free, not oppress.

Burned into our minds are terrible images: a hooded man standing on a box, a prisoner on a leash. These photos represent humanity at its worst, and represent everything that America is not. We must show the country and the world another image—that of Americans working with Iraqis to topple the statute of Saddam Hussein, to free the Iraqi people—truly represents who we are.•

Mr. DASCHLE. Mr. President, I rise in strong support of this Senate resolution expressing our clear condemnation of the despicable abuses of Iraqi prisoners at Abu Ghraib prison.

Nearly a week ago, I called on the Senate to clearly and forthrightly condemn the despicable acts perpetrated at Abu Ghraib prison.

The pictures and description of the treatment inflicted on Iraqi detainees was too brutal, too inconsistent with what this country stands for, and far too consequential for our troops for this body to stay silent.

Given the severe consequences on our troops and our efforts in Iraq, it is important that the Senate say to the world that:

No. 1, the Senate commends the American forces serving honorably in Iraq;

No. 2, the Senate condemns the mistreatment of Iraqi detainees and apologizes to the victims of this abuse;

No. 3, the Senate is prepared to exercise its oversight responsibility and fully investigate these incidents; and

No. 4, the United States government—both the executive branch and the legislative branch—will hold accountable all of those responsible for these despicable acts.

This resolution does each of these and makes clear that the Senate will fulfill its responsibility in the face of these troubling revelations.

That's what the resolution does. Let me say a few words, Mr. President, about what it does not do.

The resolution does not spell the end of our work. In fact, the Senate is just getting down to the business of investigating what happened and how widespread these practices are.

The Armed Services Committee has another hearing tomorrow. We look forward to hearing the testimony of

General Taguba, someone who had the courage to fully document these abuses not just in Iraq but Afghanistan as well and bring them to the attention of his civilian and military superiors.

The hearing also comes as news agencies publish reports of even wider spread abuse practices in Iraq, all of which apparently began in Guantanamo when senior administration officials adopted a policy to permit interrogation tactics that this country has never before allowed. So we are at the beginning of this effort, not the end.

Nor does this resolution limit in any way whom or what Congress should and must investigate. As horrendous as they are, we are now told that these pictures may only be the tip of the iceberg. And we learned today that the International Committee of the Red Cross was expressing concerns directly to the administration as early as March 2003—over a year ago.

Lastly, this resolution does not absolve anyone. We will have done a great disservice in this investigation if only a handful of enlisted men and women are held accountable and the actions and decisions of those higher up in the military and civilian chain of command are ignored. Anyone who ordered these actions, tolerated these abuses, or contributed to an atmosphere that led to this mistreatment must be held accountable.

I join with several of my colleagues—Republican and Democrat—who have made clear that we need to ensure that the entire chain of command is held accountable for these despicable acts, and we will have failed the American people if we do otherwise.

Like most Americans, we learned about these horrific acts on national television. And like the overwhelming majority of Americans, we were shocked at the brutality the pictures depicted.

The simple truth is that America stands for democracy and the unalienable rights of individuals, and the vast majority of Americans serving in Iraq embody those principles—and do so under unimaginably difficult and dangerous circumstances.

In order to uphold the service and sacrifices of these fine men and women and to demonstrate to the world—yet again—what America truly stands for, we must send this clear message.

The stakes here could not be higher. We are at a dangerous and difficult crossroads in Iraq. If these pictures go unanswered, the consequences could not be more grave for our troops and their security, for our goal of a free and unified Iraq, and for our hope for a stable Middle East.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in 2 minutes we will be voting on S. Res. 356, a resolution condemning the abuse of Iraqi prisoners at Abu Ghraib prison. I would like to close the debate and comments today by reading the resolve clauses that follow a number of whereas statements. This is what we will be voting on in a couple minutes:

Resolved, That the Senate—

(1) commends all Americans serving nobly abroad who are advancing the ideals of freedom and democracy, and working, through the individual and collective actions of such individuals, to improve the lives of all the people of Iraq;

(2) condemns in the strongest possible terms the despicable acts at Abu Ghraib prison and joins with the President in expressing apology for the humiliation suffered by the prisoners in Iraq and their families;

(3) urges the Government of the United States to take appropriate measures to ensure that such acts do not occur in the future;

(4) believes that it is in the interests of the United States and of the people of the United States that the appropriate committees of the Senate, exercising the oversight responsibilities of such committees, and the President, through the appropriate departments or agencies of the executive branch, conduct a full investigation of the abuses alleged to have occurred at Abu Ghraib; and

(5) urges that all individuals responsible for such despicable acts be held accountable.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, I ask unanimous consent that I be added as a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time has expired. The question is on agreeing to the resolution.

Mr. FRIST. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Minnesota (Mr. COLEMAN), the Senator from Arizona (Mr. McCAIN), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

I further announce that if present and voting the Senator from Minnesota (Mr. COLEMAN) would vote "yes."

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

I further announce that if present and voting, the Senator from New Jersey (Mr. LAUTENBERG) would vote "yea."

The result was announced—yeas, 92, nays 0, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—92

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—8

Coleman
Edwards
Hollings
Kerry
Lautenberg
McCain
Murkowski
Specter

The resolution (S. Res. 356) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 356

Whereas the United States was founded on the principles of representative government, the rule of law, and the unalienable rights of individuals;

Whereas those principles are the birthright of all individuals and the fulfillment of those principals in Iraq would benefit the people of Iraq, the people of the Middle East, and the people of the United States;

Whereas the vast majority of Americans in Iraq are serving courageously and with great honor to promote a free and stable Iraq and through such service are promoting the values and principles that the people of the United States hold dear;

Whereas Americans serving abroad throughout the history of the United States, both military and civilian, have established a reputation for setting the highest standards of personal, professional, and moral conduct;

Whereas in January 2004, a member of the United States Armed Forces reported alleged abuses perpetrated in Abu Ghraib prison during November and December 2003;

Whereas an inquiry into those alleged abuses was ordered in January 2004, and that inquiry is reported to have found numerous incidents of criminal abuses by a small number of Americans based in Iraq;

Whereas the reaction to the alleged abuses is having a negative impact on the United States efforts to stabilize and reconstruct Iraq and to promote democratic values in the Middle East and could affect the security of the United States Armed Forces serving abroad;

Whereas Congress was not informed about the extent of the alleged abuses until reports about the abuses became public through the media;

Whereas success in the national security policy of the United States demands regular communication between the President, the agencies and departments of the executive branch, Congress, and the people of the United States;

Whereas, in an interview on May 5, 2004, the President stated "First, people in Iraq must understand that I view those practices as abhorrent. They must also understand that what took place in that prison does not represent America that I know. The America I know is a compassionate country that believes in freedom. The America I know cares about every individual. The America I know has sent troops into Iraq to promote freedom—good, honorable citizens that are helping the Iraqis every day.";

Whereas in that interview the President further stated "It's also important for the people of Iraq to know that in a democracy, everything is not perfect, that mistakes are made. But in a democracy, as well, those mistakes will be investigated and people will be brought to justice. We're an open society. We're a society that is willing to investigate, fully investigate in this case, what took place in that prison. That stands in stark contrast to life under Saddam Hussein. His trained torturers were never brought to justice under his regime. There were no investigations about mistreatment of people. There will be investigations. People will be brought to justice."; and

Whereas the pursuit of truth and justice are core principles of the United States, and if the Government of the United States conducts a full investigation of the alleged abuses and holds accountable the individuals who are responsible for such abuses, the people of Iraq and of the Middle East will witness how a democracy upholds the rule of law and protects the rights of individuals by administering justice in a swift, transparent, and fair manner: Now, therefore, be it

Resolved, That the Senate—

(1) commends all Americans serving nobly abroad who are advancing the ideals of freedom and democracy, and working, through the individual and collective actions of such individuals, to improve the lives of all the people of Iraq;

(2) condemns in the strongest possible terms the despicable acts at Abu Ghraib prison and joins with the President in expressing apology for the humiliation suffered by the prisoners in Iraq and their families;

(3) urges the Government of the United States to take appropriate measures to ensure that such acts do not occur in the future;

(4) believes that it is in the interests of the United States and of the people of the United States that the appropriate committees of the Senate, exercising the oversight responsibilities of such committees, and the President, through the appropriate departments or agencies of the executive branch, conduct a full investigation of the abuses alleged to have occurred at Abu Ghraib; and

(5) urges that all individuals responsible for such despicable acts be held accountable.

Mr. McCONNELL. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

ASBESTOS NEGOTIATIONS

Mr. FRIST. Mr. President, after cloture was not invoked on S. 2290, the Hatch-Frist asbestos bill, Senator DASCHLE and I asked Judge Becker to conduct a mediation process in the hope of identifying a path to reach consensus on this contentious yet extraordinarily important issue. Judge Edward Becker was asked to focus on working with the interested stakeholders on three major issues—projections, claims values, and overall funding into the trust—understanding that there are over a dozen additional issues that remain unresolved. Our belief was that if these three issues could be resolved, it would be much easier to work through the remaining differences.

Judge Becker presided over meetings for the last 2 weeks and held his final session last Thursday. His presence was invaluable in helping to further define the issues and illuminate the differences. Throughout the process all parties negotiated in good faith and worked towards bridging the gaps. We are extremely grateful for the time, energy, and leadership Judge Becker put into working through these technical issues, and to all the parties for their steadfast participation.

Last week, Judge Becker gave us his final report on the result of his mediation. We are glad there has been movement in major areas but realize there is more work to be done. While both sides have provided new proposals, ultimately, there remains gaps in claims values, projections, and the amount of dollars needed to establish a trust.

As you know, we have been personally committed to achieving a resolution to this extremely complicated issue for some time. Many members of both caucuses have devoted countless hours of time and considerable personal energy toward this end as well. We are committed to working together to determine whether a compromise can be reached that would provide sufficient payments to asbestos victims and certainty to companies.

THE AMERICAN LUNG ASSOCIATION—A CENTURY OF EXCELLENCE

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to the American Lung Association as it prepares to celebrate its centennial anniversary on May 22. It is a remarkable milestone and the leaders and members of this impressive organization, past and present, deserve great credit for their continuing successful commitment to fight lung disease for the past 100 years. From its inception as a community-based organization formed to eradicate tuberculosis to its current initiatives to reduce smoking, improve environmental health, reduce asthma incidence, and support research on preventing and treating lung disease, the Association has been an extraordinary leader in public education and public advocacy.

The American Lung Association early mission was to combat the growing public health threat of tuberculosis a century ago. Even in 1904, the association had the creativity and visionary thinking to develop the nation's first health campaign to deal with this threat. The association developed new ways to diagnose and treat the disease and prevent its spread. Through public outreach efforts, it brought the best available technology to communities throughout the United States. In fact, the association funded the research that led to the discovery of isoniazid in 1952, which was the first drug for children with the disease and is still widely used today. The American Lung Association has long had an indispensable role in controlling the spread of tuberculosis and preventing epidemics of this disease. The Nation is very grateful for its immense contributions to public health.

In its long and distinguished history, the association has risen to the challenge of many other health threats. In 1960, the board of directors issued a policy statement warning that "Cigarette smoking is a major cause of lung cancer." The statement came 4 years before the landmark "Surgeon General's Report on Smoking and Health," and the association became an effective leader in the battle we are still waging to this day against smoking. The association had the skill and foresight to develop needed smoking cessation programs and youth smoking prevention programs, and it did so decades before the public and the Federal Government called for them.

An additional high priority of the association today is reducing the heavy burden of asthma in our society. Based on its outstanding successes with tuberculosis and smoking cessation, I have no doubt that it will lead the way to make our environments safer for asthma sufferers.

On this special anniversary, I commend the American Lung Association for a century of leadership in improving the health of millions of Americans every year, and I wish them great success in their important mission in the years ahead.

Mr. CRAPO. Mr. President, it is my tremendous honor to rise today to recognize a very special birthday. Over the last 100 years, the American Lung Association has distinguished itself in numerous and meaningful ways. It has made significant contributions to modern health science and has been a force for successful political action. Most importantly, the American Lung Association is responsible for saving millions of lives through its constant and dedicated efforts to educate the public to the dangers of lung disease and to promote both preventive care and treatment for this terrible illness.

The American Lung Association has been especially active over the past 40 years in bringing the health concerns of smoking to the national policy agenda and aggressively promoting the principles behind the Clean Air Act in relation to pollution's effect on the human body and to those individuals with existing lung illnesses.

Its work in the field of asthma is equally exemplary. The American Lung Association has pioneered research efforts to determine the causes and treatment of childhood and adult asthma, calling for needed funding and government support. It has also spearheaded efforts to teach children with asthma how to better manage their disease so as to reduce complications, hospitalizations, and in some cases, deaths.

With the knowledge that lung disease is responsible for one in seven deaths annually, there is no doubt of the critical nature of the efforts of the American Lung Association. It is certainly appropriate that this body recognize this dedicated organization for a century of remarkable efforts to improve the health and lives of all Americans, and wish its members many more years of continued success. When they succeed, we all do indeed breathe easier.

Mr. LAUTENBERG. Mr. President, I congratulate the American Lung Association, ALA, on its 100th anniversary. Since its inception in 1904, as the National Association for the Study and Prevention of Tuberculosis, the American Lung Association has served as a champion for those affected by lung disease.

Lung disease is America's number three killer, responsible for one in seven deaths. Every year, close to 342,000 Americans die of lung diseases. However, lung disease is not only a killer, most lung disease is chronic. More than 35 million Americans are now living with chronic lung disease. I applaud ALA's commitment to fighting lung disease in all its forms, with special emphasis on asthma, tobacco control and environmental health.

One of the main focuses of the American Lung Association is the reduction of tobacco use in order to combat lung disease. Smoking is responsible for 90 percent of all cancer deaths. Four years before the publication of the landmark 1964 Surgeon General's Report on Smoking and Health the American Lung Association established the link between cigarette smoking and lung cancer.

As the author of the law banning smoking on airplanes and in all Federal buildings I am tirelessly committed to protecting individuals from deadly secondhand smoke and developing regulations to protect children from the dangers of tobacco use. I am proud to call ALA my partner in this effort.

In addition to the outstanding progress ALA has achieved in its anti-tobacco work the association is also recognized as a leader in the clean air movement. Americans have ALA to thank for developing the crucial health basis for the Nation's clear air standards that led to passage and implementation of the landmark 1970 Clean Air Act and the Clean Air Act Amendments of 1977 and 1990.

I commend the ALA for its outstanding achievements over the past century, and I offer by best wishes for a successful future.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On December 22, 2001, in Lake Elsinore, CA, two men, ages 19 and 22, and a 20-year old woman, allegedly beat and made defamatory remarks to two people they perceived to be gay.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. By passing this legislation and changing current law, we can change hearts and minds as well.

TRIBUTE TO NANCY AAMODT

Mr. SMITH. Mr. President, it is no secret that those of us who are privileged to serve in the U.S. Senate could not do so without the support of the hard working and dedicated staff. And I rise today to pay tribute to one of the most valuable members of my staff, who will be retiring at the end of May.

For the past 7½ years, anyone who has called or visited my Portland office has probably talked with Nancy Aamodt. Indeed, from her post at the office's front desk, Nancy is usually the first person who answers the phone, and the first person who greets visitors. I have long believed in the wisdom of the old saying that "first impressions are the most important ones," and I know that when Oregonians talk with or meet Nancy, their first impression will be of a kind, caring, and courteous individual. She treats all callers and visitors with hospitality and courtesy, and leaves everyone knowing that they were treated with great respect.

The Bible tells us that "God loves a cheerful giver," and I can't think of a better description of Nancy. She truly is a "cheerful giver," as she constantly reaches out and offers kind words and support to those who need it most.

The commitment to helping others and interest in current events that Nancy exhibits at the office also extends to her personal life, as well. For many years, Nancy has been a respected leader in both the Oregon and National Federations of Republican Women. She has served as President of the OFRW, and is a member of the NFRW Legislative Committee.

I am very proud to call Nancy and her husband, Dave, my friends, and wish her the very best as she retires from service to the U.S. Senate.

ADDITIONAL STATEMENTS

HONORING BETTY BENJAMIN

• Mr. DAYTON. Mr. President, today I congratulate and honor my friend, Betty Benjamin from Minneapolis, who last Saturday celebrated her 80th birthday. She has lived an extraordinary and outstanding 80 years.

Raised on a farm near Redwood Falls, MN, Betty studied social work at Hamline University, where she met her future husband, Robert Benjamin, a pre-med student from Pipestone, MN. During the mid- to late 1960s, Betty was busy raising her family, but somehow she found time to become a committed leader in the local movement to reform the existing abortion laws. Recognizing her determination and natural leadership, her friends and colleagues asked her to become the president of two women's organizations; the Edina League of Women Voters and the Minnesota Organization for the Repeal of Abortion Laws. The latter organization later became the Minnesota Chapter of the National Abortion Rights Action League.

When Betty became the leader of Minnesota's pro-choice community, abortion was an illegal procedure. Driven by her professional experience as a social worker and her deeply held belief that women should have the freedom to make their own decisions about their own bodies and lives, Betty was committed to see the abortion laws repealed. With her family by her side, Betty dedicated everything to the movement—her time, her energy, and even her home. To save valuable resources, the organization met in a spare room at the Benjamins' house in suburban Minneapolis for more than 5 years. Opening her home to other abortion rights advocates allowed Betty to stay connected to the statewide, grassroots organizing plan she shaped. At one point, Betty organized a Board of Directors that featured a resident from each of Minnesota's 67 legislative districts. Most importantly, making the organization's base of operations her home enabled Betty to be a loving and devoted mother. And what a role model she was to her three children! Day after day, she demonstrated the values of hard work and persistence and that one person can truly make an imprint on social policy.

While the organization eventually outgrew the Benjamins' spare room, Betty has never outgrown the organization and the fight. A steady source of inspiration and encouragement to all in the movement, Betty continues to serve on the Minnesota NARL Foundation Board of Directors.

At 80 years of age, Betty's activism and passion still spill out of the boardroom and onto the streets. Two weeks ago, she flew from Minneapolis to Washington, DC, to participate in the largest march ever for women's reproductive rights. Once again, she stood strong with her fellow Americans, this time over a million, to protect the rights she fought to secure for women more than 30 years ago.

I stand here on the Senate floor today to honor Mrs. Betty Benjamin on her 80th birthday and to thank her for her continued commitment and dedication. May God grace us with her presence and her passion for many years to come.•

OSTEOPOROSIS AWARENESS AND PREVENTION MONTH

• Ms. SNOWE. Mr. President, I wish to speak about osteoporosis and to remind my colleagues that May is Osteoporosis Awareness and Prevention Month. Osteoporosis today is a major public health threat for an estimated 44 million Americans, or 55 percent of the population age 50 and over. At least ten million Americans are estimated to have osteoporosis and almost 34 million more are estimated to have low bone mass, placing them at increased risk for the disease.

Of the 10 million Americans estimated to have osteoporosis, 20 percent are men. Current statistics show that one in two women and one in four men over age 50 will have an osteoporosis -related fracture in her or his lifetime. To put this into perspective, as I look around this chamber, these statistics mean that more than 25 of our group of 100 Senators could develop osteoporosis. And, while osteoporosis is thought of as an older person's disease, it strikes men and women of all ethnic groups at any age.

The literal meaning of the word "osteoporosis" is "porous bone." Osteoporosis is a devastating disease that causes bones to thin and break easily—especially bones in the hip, spine and wrist. It is known as a silent disease because most people don't even know that they have osteoporosis until after they have broken a bone.

Not only are these bone fractures very painful and devastating to an individual's quality of life, but they can also be life-threatening, especially for older men. Nearly one in four hip fracture patients who are age 50 and over, and average of 24 percent, die in the year following their fracture. And the 80,000 men who suffer hip fractures each year are nearly twice as likely to die in the year after the fracture as women their age.

Apart from the severe life-or-death and quality of life consequences that bone fractures can have, osteoporosis has become a major health care expense. In 2001, osteoporosis cost the country $17 billion, or $47 million a day in direct costs, according to a report of the National Osteoporosis Foundation, "America's Bone Health: The State of Osteoporosis and Low Bone Mass in Our Nation," issued 2 years ago. Of course, those figures would be even higher today.

The ramifications of osteoporosis go beyond our country's health care system and are truly international in scope. The World Health Organization considers osteoporosis to be the second leading health problem in the world.

In spite of these alarming statistics, we are making progress and developing a growing awareness and commitment to confronting this disease. Twenty years ago, few people understood the terms "osteoporosis," and no medical therapy existed to treat the disease or help prevent its onset. Today, osteoporosis research and education are helping us make great strides. People are far better informed about the causes of this disease and steps to take for prevention and treatment.

Building strong bones during childhood, adolescence and as young adults can help individuals avoid the disease later in life. Four simple steps can help prevent osteoporosis and optimize bone health: Eating a balanced diet rich in calcium and vitamin D; doing weight-bearing exercises on a regular basis; leading a healthy lifestyle without smoking or excessive alcohol; and having bone density tests and treating low bone mass, as recommended. Preventive measures and treatment—even after a fracture—will minimize further bone loss and help prevent future disability.

Along those lines, I have introduced two bills, the Osteoporosis Federal Employee Health Benefits Standardization Act of 2003, S. 417, which ensures that coverage of bone mass measurements is provided under the Federal health benefits program, and the Medicare Osteoporosis Measurement Act of 2003, S. 419, which amends Medicare to include coverage of bone mass measurements under Medicare part B for all individuals, including estrogen-deficient women, at clinical risk for osteoporosis. I urge my colleagues to join me in supporting this legislation and working towards passage of these bills this year.

Injuries and death from bone fractures can be greatly reduced with prevention, early detection, and the new forms of treatment that are now available. We should all take the initiative and keep one thought foremost in our minds: It's never too early or too late to start.•

COVER THE UNINSURED WEEK

• Mr. SARBANES. Mr. President, today I wish to recognize Cover the Uninsured Week. I take this opportunity to highlight the crisis of the uninsured in the United States and to underscore the significant impact that this crisis has on our population.

The number of Americans without health insurance is equal to the combined populations of 24 States and the District of Columbia. As of a September 2003 National Bureau of Census report, the most recent set of comprehensive figures on this problem, nearly 44 million people had gone without health insurance for the span of an entire year or longer. Millions more had been uninsured for part of a year.

The estimated 43.6 million people who are currently uninsured face constant financial vulnerability. At any moment they could face financial devastation by the costs associated with an unexpected injury or disease. In Maryland alone, there were 595,500 uninsured in 2003—approximately 13 percent of Maryland's population. According to the Baltimore Sun, 700,000 people younger than 65 have no insurance.

Lack of insurance takes a huge financial toll on families. On average, the uninsured are forced to pay 35 percent of the overall costs of their medical coverage. As a result, medical bills are the leading cause of bankruptcy and are cited as a reason for half of all personal bankruptcy filings.

In my own State of Maryland, we hear the worries of people with preexisting conditions who cannot change their job because they fear they will never again be eligible for affordable health insurance. I hear about recent college graduates who are no longer eligible for coverage under their parent's insurance policy and are going without, hoping nothing happens to them until they find a job that has health benefits.

I hear the stories of those who have had to forego care because they are uninsured; mothers, fathers, children who have fatal disease, forced to face fatal consequences because they cannot effectively access the health care system. Statistics show that up to 18,000 people die each year because we ignore the plight of the uninsured. That is the equivalent of 49 people a day.

Who are the uninsured? Often we are led to believe that if people are working they will have health coverage for themselves and their families. This is not the case. Eighty percent are in families in which at least one person is working. Many employers and workers are finding it difficult to afford health insurance due to the continual increases in health care costs. Service and labor jobs, which make up a significant portion of our workforce, are less likely to offer insurance. Moreover, part-time workers are often ineligible for employer-sponsored insurance and low-wage workers often cannot afford to pay their premiums.

This phenomenon has a very negative impact on the lives of children. Mr. President, 8.5 million of our children are uninsured, which is more than the number of children in first and second grade in all of our public schools combined. A Florida Healthy Kids Corporation study showed that uninsured kids are 25 percent more likely to miss school than insured children. Such a percentage represents a significant disadvantage for children, especially for those who likely face other obstacles as well.

Often those with insurance take these benefits for granted. We tend to ignore that which does not directly affect us. But those who are ignoring this problem for that reason should think again. There are consequences to all of us for ignoring the plight of the uninsured. According to a recent Institute of Medicine report, the United States loses $65–$130 billion each year as a result of the poor health and early deaths of uninsured adults. These numbers are called lost "health capital," also known as individual work losses and development losses in children due to poor health. A community's high rate of uninsurance can adversely affect its overall health status, including the financial stability of its health care institutions and providers. Moreover, such communities face decreased access to services such as emergency departments and trauma centers.

I hope the Senate in the near future can begin to engage in discussions about meaningful ways to provide quality, comprehensive, affordable health care for all of our citizens. I would like to comment the Robert Wood Johnson Foundation and their cosponsors for creating Cover the Uninsured Week. I urge my colleagues to use this week as an opportunity to redouble our efforts to work toward a collective and comprehensive solution to address this critical problem.●

ROBERT GLIDDEN

● Mr. VOINOVICH. Mr. President, the State of Ohio has had a good friend in Ohio University President Robert Glidden for many years. Higher education in particular, in Ohio and elsewhere, has had a good friend in Dr. Glidden for a lifetime.

As he prepares to retire next month from the presidency of Ohio University, my alma mater, I think it is important to recognize Dr. Glidden's commitment, dedication and hard work. Most of all, though, I would like to applaud his stance that education is the best means through which to raise up the individual, the State of Ohio and our great Nation, and his zeal in conveying that philosophy.

On July 1, 1994, Dr. Glidden became the 19th president of Ohio University, the first public institution of higher learning in the old Northwest Territory. He previously had served Ohio as dean of the Bowling Green State University College of Musical Arts from 1975 to 1979 and assistant professor of music at Wright State University from 1966 to 1967. His other posts have included professor, music school dean, provost and vice president for academic affairs at Florida State University and music professor at Indiana University and the University of Oklahoma.

Dr. Glidden can be proud of his service to higher education. In the past decade, he has taken Ohio University to a new level of excellence by emphasizing the university's academic and research missions. He has also made it an Ohio University priority to reach out to Southeast Ohio through the university's strong regional campus system, the Voinovich Center for Leadership and Public Affairs, and a multitude of other offerings. He has moved the university forward—by way of improvements in undergraduate education, technological advancements and campus improvements—during some of the toughest economic times we have faced in recent memory.

This has taken considerable creativity, focus and foresight, and often it has meant making difficult decisions. It also has required a commitment to seeking out new opportunities and revenue steams. Under Dr. Glidden's watch, external funding for Ohio University faculty research has climbed to $54.3 million, up from just $34.4 million six years earlier. The university also is about to surpass the $200 million goal of its Bientennial Campaign.

These are accomplishments on the grand scale, but there is a personal side to Dr. Glidden that students of Ohio University have come to know and appreciate. Above all, he respects them. He wants them to appreciate learning for learning's sake and gain knowledge and skills that will last them a lifetime, especially because the focus of their careers is likely to change several times as the years go by. He also has emphasized civility and character, attributes that—as we see every day—are more important now than ever.

Likewise, Dr. Glidden has nurtured Ohio University's relationship with its alumni. These individuals, now some 170,000 strong, are making important advancements and contributions around the globe. He takes pride in their accomplishments, and he encourages their continued involvement with and support for their university and education in general.

My wife Janet and I have enjoyed being able to get to know Bob and his wife, Reneé. Reneé's contributions to the university community are noteworthy in their own right. Not only did she oversee the renovation of the President's residence—painstakingly stripping and refinishing the home's main staircase herself—she has also made valuable contributions as a career volunteer. She has served on the Board of Trustees of the Dairy Barn/Southeastern Ohio Cultural Arts Center, the Stuart Opera House, Community Design Inc., the Percent for Art Committee, and the Ohio Arts Council.

In addition to his distinguished service to Ohio University, Dr. Glidden has taken a leadership role in higher education in Ohio and around the country through his involvement with Ohio's Inter-University Council and service as founding chair of the Council on Higher Education Accreditation. Such activities have helped raise the bar for educational institutions around the country and earned him the respect of his peers nationwide. In the words of Miami University President James Garland, whose school has long enjoyed a healthy rivalry with Ohio University: "When it comes to defending budgets and advancing policies in the interest of higher education, Bob has been a leader in the state . . . I have as much respect for him as a university president as anyone I've ever met."

I am grateful, as I know others throughout southeast Ohio are that Dr. Glidden has expressed an interest in continuing his service to Ohio University, albeit in a more modest fashion, during retirement. His passion for education and the doors it opens make him a most valuable ally for the students of today and the leaders of tomorrow. Thank you, Bob, for your service. Go Bobcats.●

AMERICAN LEGACY FOUNDATION

● Mr. LAUTENBERG. Mr. President, today I pay tribute to an organization that has done so much good in our country. I am happy to be able to congratulate the American Legacy Foundation on its 5-year anniversary. Five years ago, the American Legacy Foundation was born out of the Master Settlement Agreement, MSA. As we are all aware, the States' lawsuits against the major cigarette companies explicitly required Sates to spend certain amounts of their settlement payments on tobacco-prevention efforts and to advance public health.

I would like to personally commend those organizations, such as the American Legacy Foundation, who have worked tirelessly for 5 years to reduce smoking in our Nation. Smoking is now at its lowest level in nearly three decades. This did not happen by chance. It happened because States and communities all across this great Nation, led by the American Legacy Foundation, challenged and continue to challenge the tobacco industry.

Whether it is an award-winning youth counter marketing campaign, or "Great Start," an innovative cessation program for pregnant women, there is no denying the fact that programs such as these have successfully convinced teens, pregnant women and older adults that they can quit smoking.

In closing my remarks, I encourage my colleagues to remain committed to the spirit of the Master Settlement Agreement, so that we can eliminate tobacco addiction altogether. By squelching America's smoking habit, it is my hope that we can achieve the vision of a smoke-free society.•

WE THE PEOPLE NATIONAL FINALS COMPETITION

• Mr. ENZI. Mr. President, from May 1-3, 2004 more than 1200 students from across the United States came to Washington, DC to take part in the national finals of "We the People: The Citizen and the Constitution." This is the most extensive program in the country developed specifically to educate young people about the U.S. Constitution and the Bill of Rights. Administered by the Center for Civic Education, the "We the People" program is funded by the U.S. Department of Education by act of Congress.

I am very proud to note that a class from Cheyenne Central High School in Cheyenne represented the State of Wyoming in this prestigious national event. These outstanding students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to our Nation's capital and compete at the national level.

The 3-day "We the People" National Finals Competition is modeled after hearings in the U.S. Congress. The students are given an opportunity to demonstrate their knowledge before a panel of adult judges while they evaluate, take, and defend positions on relevant historical and contemporary issues. Their testimony is followed by questions designed to probe the students' depth of understanding and ability to apply their constitutional knowledge. Columnist David Broder once described this annual competition as "the place to come to have your faith in the younger generation restored."

Most recently, the "We the People" program was highlighted at two national conferences held in 2003: the White House Forum on American History, Civics, and Service, and the first annual Congressional Conference on Civic Education. Evaluations and independent studies have validated the effectiveness of the "We the People" program on students' civic knowledge and attitudes. This innovative civic education program continues to be one of the best antidotes to apathy and cynicism in our Nation.

I am certain everyone enjoyed their participation in the "We the People" national finals and I applaud the achievements of all who took part in the program. We should all be proud that so many are focused on and are learning about the fundamental principles and ideals that identify us as a people and bind us together as a nation.•

MILKEN EDUCATOR AWARD

• Ms. LANDRIEU. Mr. President, today I wish to recognize three outstanding teachers from my home State of Louisiana who will be honored by the Milken Family Foundation with the Milken Educator Award at their National Educator Conference here in Washington. The Milken Family Foundation was established in 1982 with the mission to discover and advance inventive and effective ways of helping people to help themselves and those around them lead productive and satisfying lives. On May 4-6 they will be holding their National Educator Conference in Washington, DC.

With a major focus on education, the Milken Family Foundation is committed to recognizing and rewarding the Nation's most outstanding educators and helping them to expand their leadership and potential. This year, the Milken Family Foundation has recognized Amanda Mayeaux, a math teacher at Dutchtown Middle School, Phyllis Diecidue, a reading teacher at St. Bernard High School, and Josh Michael Burton, a biology teacher at Albany High School, all from the State of Louisiana. They are among one hundred teachers who were selected from across the country to receive this very prestigious $25,000 award.

When I think back to my education, I remember many inspiring teachers who helped make me who I am today. Without highly qualified teachers who are dedicated to the success of every student, my colleagues and myself would most certainly not be where we are today. Today, research is confirming what common sense has suggested all along. A skilled and knowledgeable teacher can make an enormous difference on how well students learn. As we look towards the future of our country and the sustainability of our democracy, we must look to our children, the future leaders. The future of our workforce and our country depends on our ability to recruit and retain qualified teachers in our classrooms, who will help our children become active and responsible citizens. Often times teachers are not recognized for the challenges and struggles which they encounter each and every day and tremendous significance of their work. We must remember that it is our Nation's teachers who are in the trenches each and every day ensuring that our children gain the knowledge and skills that they will need to be successful.

As we in Congress continue to focus on education reform and ensuring that all children have access to the same quality education, it is important that we also take a moment to recognize the teachers who work hard every day to ensure that our children are succeeding. It is because of the hard work and dedication of these teachers that our children can set their sights towards a bright future. I know that my colleagues here in the Senate join me today in congratulating these exceptional educators and the other ninety-seven teachers from around the country who were recognized with this high honor.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ENROLLED BILL PRESENTED DURING ADJOURNMENT

The Secretary of the Senate reported that on May 7, 2004, she had presented to the President of the United States the following enrolled bill:

S. 2315. An act to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7406. A communication from the Administrator, Federal Aviation Administration, transmitting, pursuant to law, a report relative to foreign aviation authorities to which the Administrator provided services in the preceding fiscal year; to the Committee on Commerce, Science, and Transportation.

EC-7407. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Annual report for fiscal year 2003; to the Committee on Commerce, Science, and Transportation.

EC-7408. A communication from the Deputy Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

"NOAA Climate and Global Change Program, FY 2005 Program Announcement" (RIN0648–ZA91) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7409. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Export Administration Regulations: Correction to ECCN 1C355 on the Commerce Control List" (RIN0694–AC87) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7410. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing the Taking of Cook Inlet, Alaska, Beluga Whales by Alaska Natives" (RIN0648–AQ16) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7411. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Amendment 13A to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region" (RIN0648–AP03) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7412. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Directed Fishing for Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7413. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revision of Export and Reexport Restrictions on Libya" (RIN0694–AD14) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7414. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department of Energy's Annual Report for calendar year 2003 entitled "Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board"; to the Committee on Energy and Natural Resources.

EC–7415. A communication from the Administrator, Energy Information Administration, transmitting, pursuant to law, a report relative to the Administration's Performance Profiles of Major Energy Producers 2002; to the Committee on Energy and Natural Resources.

EC–7416. A communication from the Assistant Secretary, for Fish, Wildlife, and Parks, Department of the Interior, transmitting, a draft of proposed legislation entitled "Castillo de San Marcos National Monument Boundary Adjustment Act of 2003"; to the Committee on Energy and Natural Resources.

EC–7417. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of South Dakota; Revisions to the Administrative Rules of South Dakota and New Source Performance Standards Delegation" (FRL7652–3) received on May 5, 2004; to the Committee on Environment and Public Works.

EC–7418. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Sulfur Dioxide Attainment Demonstration for the City of Weirton Including the Clay and Butler Magisterial Districts in Hancock County" (FRL7653–8) received on May 5, 2004; to the Committee on Environment and Public Works.

EC–7419. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation Plans: Wisconsin: Kewaunee County Ozone Maintenance Plan Update" (FRL7657–6) received on May 5, 2004; to the Committee on Environment and Public Works.

EC–7420. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills" (FRL7652–3) received on May 5, 2004; to the Committee on Environment and Public Works.

EC–7421. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Motor Vehicle and Engine Compliance Program Fees for: Light-Duty Vehicles; Light-Duty Trucks; Heavy-Duty Vehicles and Engines; Nonroad Engines; and Motorcycles" (FRL7652–3) received on May 5, 2004; to the Committee on Environment and Public Works.

EC–7422. A communication from the Acting Assistant Administrator for Administration and Resources Management, transmitting, pursuant to law, a report relative to changes to the status of numerous Presidentially-appointed, Senate-confirmed (PAS) positions at the Environmental Protection Agency; to the Committee on Environment and Public Works.

EC–7423. A communication from the Acting Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Administrator for OECA, Environmental Protection Agency, received on May 5, 2004; to the Committee on Environment and Public Works.

EC–7424. A communication from the Acting Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, received on May 5, 2004; to the Committee on Environment and Public Works.

EC–7425. A communication from the Acting Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator for General Counsel, Environmental Protection Agency, received on May 5, 2004; to the Committee on Environment and Public Works.

EC–7426. A communication from the Acting Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator for Water, Environmental Protection Agency, received on May 5, 2004; to the Committee on Environment and Public Works.

EC–7427. A communication from the Acting Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination for the position of Chief Financial Officer (CFO), Environmental Protection Agency, received on May 5, 2004; to the Committee on Environment and Public Works.

EC–7428. A communication from the Acting Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination for the position of Deputy Administrator, Environmental Protection Agency, received on May 5, 2004; to the Committee on Environment and Public Works.

EC–7429. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Agency's inadvertent disbursements from 1974 to 1996 to purchase motor vehicles which constitute violations of the Antideficiency Act; to the Committee on Environment and Public Works.

EC–7430. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the Building Project Survey for Orange County, NY; to the Committee on Environment and Public Works.

EC–7431. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report entitled "Report to Congress on Abnormal Occurrences, Fiscal Year 2003"; to the Committee on Environment and Public Works.

EC–7432. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "At Risk Limitations; Interest Other Than That of a Creditor" (TD 9124) received on May 5, 2004; to the Committee on Finance.

EC–7433. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Electing Mark to Market for Marketable Stock" (RIN1545–AY17) received on May 5, 2004; to the Committee on Finance.

EC–7434. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–7435. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to nuclear nonproliferation in South Asia; to the Committee on Foreign Relations.

EC–7436. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Traffic in Arms Regulations: Denial Policy in Iraq" (RIN1400–ZA09) received on May 5, 2004; to the Committee on Foreign Relations.

EC–7437. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to minority employment and recruitment at the Department of State; to the Committee on Foreign Relations.

EC–7438. A communication from the Assistant Secretary for Legislative Affairs, transmitting, pursuant to law, a report relative to restrictions on assistance to the former Yugoslavia; to the Committee on Foreign Relations.

EC–7439. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, a report relative to competitive sourcing statutory reporting; to the Committee on Governmental Affairs.

EC–7440. A communication from the Archivist of the United States, transmitting, pursuant to law, a report relative to a proposed archival depository for the Presidential records and other historical materials of the Clinton administration; to the Committee on Governmental Affairs.

EC–7441. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Medical Device User Fee and Modernization Act of 2002; to the Committee on Governmental Affairs.

EC–7442. A communication from the Secretary to the Council of the District of Columbia, transmitting, Council Resolution 15–468 entitled "Sense of the Council in Support of Protection of Civil Liberties Resolution of 2004"; to the Committee on Governmental Affairs.

EC–7443. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the Commission's Report under the Government in Sunshine Act for calendar 2002; to the Committee on Governmental Affairs.

EC–7444. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 3B for Fiscal Years 2000 through 2003, as of March 31, 2003"; to the Committee on Governmental Affairs.

EC–7445. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Comparative Analysis of Actual Cash Collections to Revised Revenue Estimates Through the 4th Quarter of Fiscal Year 2003"; to the Committee on Governmental Affairs.

EC–7446. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Fiscal Year 2003 Annual Report on Advisory Neighborhood Commissions"; to the Committee on Governmental Affairs.

EC–7447. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Certification of the Sufficiency of the Washington Convention Center Authority's Projected Revenues and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2004"; to the Committee on Governmental Affairs.

EC–7448. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of the Office of Inspector General for the period of April 1, 2003 through September 30, 2003; to the Committee on Governmental Affairs.

EC–7449. A communication from the Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2001–23" (FAC2001–23) received on May 6, 2004; to the Committee on Governmental Affairs.

EC–7450. A communication from the Secretary of Education, transmitting, pursuant to law, the Department of Education's Fiscal Year 2003 Performance and Accountability Report; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CONRAD:

S. 2395. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. CHAMBLISS, Mr. DURBIN, Mr. SCHUMER, and Mrs. CLINTON):

S. 2396. A bill to make improvements in the operations and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2397. A bill to adjust the boundary of the John Muir National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 2398. A bill to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the James V. Hansen Federal Building; to the Committee on Environment and Public Works.

By Mr. FITZGERALD (for himself and Mr. KENNEDY):

S. 2399. A bill to provide for the improvement of physical activity and nutrition and the prevention of obesity for all Americans; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. DASCHLE, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. PRYOR, Mr. REED, Mr. REID, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 356. A resolution condemning the abuse of Iraqi prisoners at Abu Ghraib prison, urging a full and complete investigation to ensure justice is served, and expressing support for all Americans serving nobly in Iraq; considered and agreed to.

By Mr. GRASSLEY:

S. Con. Res. 105. A concurrent resolution designating the second week of March 2005 as "Extension Living Well Week"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 491

At the request of Mr. COCHRAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 491, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

At the request of Mr. REID, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 491, supra.

S. 545

At the request of Ms. SNOWE, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 545, a bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees.

S. 846

At the request of Mr. SMITH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 846, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and for other purposes.

S. 985

At the request of Mr. DODD, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1103

At the request of Mr. HARKIN, the name of the Senator from Connecticut

(Mr. LIEBERMAN) was added as a cosponsor of S. 1103, a bill to clarify the authority of the Secretary of Agriculture to prescribe performance standards for the reduction of pathogens in meat, meat products, poultry, and poultry products processed by establishments receiving inspection services and to enforce the Hazard Analysis and Critical Control Point (HACCP) System requirements, sanitation requirements, and the performance standards.

S. 1359

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1359, a bill to allow credit unions to provide international money transfer services and to require disclosures in connection with international money transfers from all money transmitting service providers.

S. 1411

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 1411, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

S. 1666

At the request of Mr. COCHRAN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from South Dakota (Mr. DASCHLE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1666, a bill to amend the Public Health Service Act to establish comprehensive State diabetes control and prevention programs, and for other purposes.

S. 1900

At the request of Mr. LUGAR, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1900, a bill to amend the African Growth and Opportunity Act to expand certain trade benefits to eligible sub-Saharan African countries, and for other purposes.

S. 2157

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2157, a bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes.

S. 2244

At the request of Mrs. HUTCHISON, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2244, a bill to protect the public's ability to fish for sport, and for other purposes.

S. 2249

At the request of Mr. LIEBERMAN, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2249, a bill to amend the Stewart. B. McKinney Homeless Assistance Act to provide for emergency food and shelter.

S. 2270

At the request of Mr. DEWINE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2270, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 2273

At the request of Mr. MCCAIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2273, a bill to provide increased rail transportation security.

S. 2302

At the request of Mr. CONRAD, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 2302, a bill to improve access to physicians in medically underserved areas.

S. 2310

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2310, a bill to promote the national security of the United States by facilitating the removal of potential nuclear weapons materials from vulnerable sites around the world, and for other purposes.

S. 2353

At the request of Mr. CRAIG, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 2353, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 2363

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

At the request of Mr. HATCH, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Oregon (Mr. SMITH) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2363, supra.

S.J. RES. 36

At the request of Mrs. FEINSTEIN, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HARKIN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S.J. Res. 36, a joint resolution approving the renewal of import restrictions contained in Burmese Freedom and Democracy Act of 2003.

S. RES. 170

At the request of Mr. DODD, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Res. 170, a resolution designating the years 2004 and 2005 as "Years of Foreign Language Study."

S. RES. 349

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. Res. 349, a resolution recognizing and honoring May 17, 2004, as the 50th anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD:

S. 2395. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CONRAD. Mr. President, I am pleased to introduce today the Theodore Roosevelt Commemorative Coin Act, which would commemorate the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt. This bill authorizes the Secretary of the Treasury to mint and issue coins bearing the likeness of Theodore Roosevelt. The sales of these coins would support programs to educate the public about the impressive achievements of our 26th President.

As those of my colleagues who have studied Roosevelt's life are aware, my state has a special connection with Theodore Roosevelt. Roosevelt liked to say that the years he spent in the Badlands of North Dakota were the best of his life. He even attributed his success as President to his experiences as a hunter and rancher in western North Dakota. It is with great pride, then, that I introduce the Theodore Roosevelt Commemorative Coin Act, which honors President Roosevelt's foreign policy achievements and commitment to conservation in this country. In particular, the bill highlights his success in drawing up the 1905 peace treaty ending the Russo-Japanese War. This accomplishment earned him the 1906 Nobel Peace Prize—making him the first citizen of the United States to receive the Peace Prize. Moreover, the bill pays tribute to his enduring respect for our Nation's wildlife and natural resources. Over his tenure as President, Roosevelt established 51 bird reserves, 4 game preserves, 150 national forests, 5 national parks, and 18 national monuments, totaling nearly 230 million acres of land placed under public protection.

It is fitting, therefore, that the proceeds from the surcharge associated with the coin be used for educational programs at two very important sites in the life of Theodore Roosevelt—his home in New York, Sagamore Hill National Historic Site, and the national park that bears his name and honors his conservation efforts, Theodore Roosevelt National Park, located in

Medora, ND. These two sites played a significant role in the development of Teddy Roosevelt's policies and offered him refuge away from the stress associated with public life.

In addition, the bill would provide funds for the maintenance and acquisition of the largest collection of Roosevelt's unofficial papers, which is housed in the Harvard Library. The Theodore Roosevelt Collection is second only to the Library of Congress's collection of Roosevelt's presidential papers, and the funds raised by this bill would aid in the Collection's goal of purchasing additional Roosevelt materials, which will be preserved and exhibited throughout history.

As a North Dakotan and an American, it is my hope that this bill will renew interest in the life of Theodore Roosevelt. Roosevelt's courage, patriotism, optimism, and spirit reflect what is best about our country, and he is remembered not only as a great statesman, but also a friend to the environment. I encourage my colleagues to support this important legislation to honor Theodore Roosevelt's contributions to U.S. foreign and domestic policy and build upon his efforts to promote respect for our nation's lands.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. CHAMBLISS, Mr. DURBIN, Mr. SCHUMER, and Mrs. CLINTON):

S. 2396. A bill to make improvements in the operations and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, from time to time the Judicial Conference and the Administrative Office of the U.S. Courts recommend legislative proposals to improve the efficiency and enhance the operations of the Federal courts. I believe that, out of comity to the judicial branch, the Senate should have the judiciary's specific proposals on record so that we can give those suggestions proper consideration.

Today, joined by Senators LEAHY, CHAMBLISS, CLINTON, DURBIN, and SCHUMER, I am introducing the Federal Courts Improvement Act of 2004. This bill contains both technical and substantive changes in the law. These recommendations made by the judicial branch will improve the judicial process and enhance judiciary personnel administration, benefits, and protections. Some proposals have been carried over from previous Congresses, but the legislation also contains some new proposals which the Federal judiciary believes will improve its operation. I appreciate the support of my cosponsors, and encourage the entire Senate to support this legislation.

Many provisions contained in this bill streamline the operation of the Federal court system or otherwise facilitate judicial operations. The bill authorizes some realignments in the composition or the place of holding court of specified district courts. For example, section 120 would grant emergency authority for circuit, district and bankruptcy courts, as well as magistrate judges, to conduct court proceedings outside the territorial jurisdiction of the court. The need for this legislation has become apparent following the terrorist attacks of September 11, 2001, and the impact of that disaster on court operations, in particular in New York City. In emergency conditions, a Federal court facility in an adjoining district (or circuit) might be more readily and safely available to court personnel, litigants, jurors and the public than a facility at a place of holding court within the district. This is particularly true in major metropolitan areas such as New York, Washington, DC, Dallas and Kansas City, where the metropolitan area includes parts of more than one judicial district.

Other sections of the bill contain provisions that would improve resource management within the judiciary. The bill would improve the procedures for recouping technology costs and also would broaden the courts' investment options and offer an improved procedure for investing court registry funds in Treasury securities. Other provisions increase the approval thresholds for payment vouchers or expand the delegation authority of respect to approving vouchers. These improvements will reduce the amount of time judges must devote to non-judicial matters.

Provisions in this bill also clarify existing law to better fulfill Congress's original intent or to make technical corrections. For example, sections 113 and 114 clarify diversity jurisdiction rules as applied to resident aliens and foreign corporations. Section 117 repeals references to obsolete sections of the U.S. Code.

In addition, the Federal Courts Improvement Act of 2004 also contains provisions designed to improve personnel administration, benefits and protections for employees working for the Federal judiciary. These provisions, in some cases, bring the Federal judicial system in line with the executive branch and other governmental bodies. Other provisions are designed to improve the ability of the judiciary to recruit and retain personnel.

Several sections improve the judicial system in other ways. The bill offers protection of certain information contained in bankruptcy case files, such as Social Security account numbers, from public disclosure. The proposed legislation provides protection against malicious recording of fictitious liens against Federal judges. The bill provides for improving the process for determining Federal court security requirements.

I ask unanimous consent that the text of the legislation, along with a section-by-section analysis of the bill, be printed in the RECORD.

There being no objection, the bill and additional material were ordered to be printed in the RECORD, as follows:

S. 2396

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Courts Improvement Act of 2004".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—JUDICIAL PROCESS IMPROVEMENTS

Sec. 101. Authority of bankruptcy administrators to appoint trustees and to serve as trustees in bankruptcy cases in the States of Alabama and North Carolina.
Sec. 102. Venue in bankruptcy cases.
Sec. 103. Place of holding court in Texarkana, Texas, and Texarkana, Arkansas.
Sec. 104. Change in composition of divisions of western district of Texas.
Sec. 105. Change of composition of divisions of western district of Tennessee.
Sec. 106. Place of holding court in the northern district of New York.
Sec. 107. Juror fees.
Sec. 108. Supplemental attendance fee for petit jurors serving on lengthy trials.
Sec. 109. Authority of district courts as to a jury summons.
Sec. 110. Automatic excuse upon request from jury service for members of the Armed Services, members of fire and police departments, and public officers.
Sec. 111. Elimination of the public drawing requirements for juror wheels.
Sec. 112. Conditions of probation and supervised release.
Sec. 113. Clarifying the scope of diversity of citizenship for resident aliens.
Sec. 114. Clarifying the scope of diversity of citizenship for corporations with foreign contacts.
Sec. 115. Reporting of wiretap orders.
Sec. 116. Magistrate judge participation at circuit conferences.
Sec. 117. Repeal of Obsolete Speedy Trial Act cross references to the Narcotic Addict Rehabilitation Act.
Sec. 118. Taxing of court technology costs.
Sec. 119. Investment of court registry funds.
Sec. 120. Emergency authority to conduct court proceedings outside the territorial jurisdiction of the court.
Sec. 121. Restriction of public access to certain information contained in bankruptcy case files.
Sec. 122. Security of social security account number of debtor in notice debtor provides to creditor.

TITLE II—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 201. Disability retirement and cost-of-living adjustments of annuities for territorial judges.
Sec. 202. Federal Judicial Center personnel matters.

Sec. 203. Annual leave limit for judicial branch executives.
Sec. 204. Supplemental benefits program.
Sec. 205. Student loan forgiveness for Federal defenders.
Sec. 206. Law clerk loan deferment.
Sec. 207. Inclusion of judicial branch personnel in organ donor leave program.
Sec. 208. Transportation and subsistence for Criminal Justice Act defendants.
Sec. 209. Maximum amounts of compensation for attorneys.
Sec. 210. Maximum amounts of compensation for services other than counsel.
Sec. 211. Excess compensation delegation authority.
Sec. 212. Protection against malicious recording of fictitious liens against Federal judges.
Sec. 213. Appointing authority for circuit librarians.
Sec. 214. Judicial branch security requirements.
Sec. 215. Bankruptcy, magistrate, and territorial judges life insurance.
Sec. 216. Health insurance for surviving family and spouses of judges.

TITLE I—JUDICIAL PROCESS IMPROVEMENTS

SEC. 101. AUTHORITY OF BANKRUPTCY ADMINISTRATORS TO APPOINT TRUSTEES AND TO SERVE AS TRUSTEES IN BANKRUPTCY CASES IN THE STATES OF ALABAMA AND NORTH CAROLINA.

Until the amendments made by subtitle A of title II of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note; Public Law 99–554; 100 Stat. 3088) become effective in and with respect to a judicial district in the State of Alabama, or in and with respect to a judicial district in the State of North Carolina—

(1) a reference in sections 303(g), 701(a), 703(b), 703(c), 1102(a), 1104(d), 1163, 1202, and 1302 of title 11, United States Code, to the United States trustee shall be deemed to be a reference to the bankruptcy administrator appointed and serving in such district under the authority of section 302(d)(3)(I) of such Act;

(2) a reference in sections 1202(a) and 1302(a) of title 11, United States Code, to section 586(b) of title 28, United States Code, shall be deemed to be a reference to such section as modified in operation by the other provisions of this section;

(3) a reference in sections 701(a)(1) and 703(c) of title 11, United States Code, to a panel of private trustees established under section 586(a)(1) of title 28, United States Code, shall be deemed to be a reference to the panel of private trustees established in such district under the authority of section 302(d)(3)(I)(i) of such Act; and

(4) a reference in subsections (b), (d), and (e) of section 586 of title 28, United States Code—

(A) to the Attorney General shall be deemed to be a reference to the Director of the Administrative Office of the United States Courts;

(B) to the United States trustee for the region shall be deemed to be a reference to the bankruptcy administrator appointed for such district;

(C) to a standing trustee shall be deemed to be a reference to a standing trustee appointed by the bankruptcy administrator;

(D) to the designation of 1 or more assistant United States trustees shall be disregarded; and

(E) to the deposit in the United States Trustee System Fund shall be deemed to be a reference to the payment to the clerk of the court for deposit in the Treasury;

for purposes of cases pending under title 11, United States Code, in such district.

SEC. 102. VENUE IN BANKRUPTCY CASES.

Section 1412 of title 28, United States Code, is amended by inserting ", on its own motion or on timely motion of a party in interest," after "A district court".

SEC. 103. PLACE OF HOLDING COURT IN TEXARKANA, TEXAS, AND TEXARKANA, ARKANSAS.

Sections 83(b)(1) and 124(c)(5) of title 28, United States Code, are each amended by inserting after "held at Texarkana" the following: ", and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas".

SEC. 104. CHANGE IN COMPOSITION OF DIVISIONS OF WESTERN DISTRICT OF TEXAS.

(a) In General.—Section 124(d) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "county of El Paso" and inserting "counties of El Paso and Hudspeth"; and

(2) in paragraph (6), by striking "Hudspeth,".

(b) Effective Date.—

(1) In general.—This section and the amendments made by this section shall take effect on the date of enactment of this Act.

(2) Pending cases not affected.—This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending in the United States District Court for the Western District of Texas on such date.

(3) Juries not affected.—This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving in the Western Judicial District of Texas on the effective date of this section.

SEC. 105. CHANGE OF COMPOSITION OF DIVISIONS OF WESTERN DISTRICT OF TENNESSEE.

(a) In General.—Section 123(c) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "Dyer," after "Decatur,"; and

(B) in the last sentence by inserting "and Dyersburg" after "Jackson"; and

(2) in paragraph (2)—

(A) by striking "Dyer,"; and

(B) in the second sentence, by striking "and Dyersburg".

(b) Effective Date.—

(1) In general.—This section and the amendments made by this section shall take effect on the date of enactment of this Act.

(2) Pending cases not affected.—This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending in the United States District Court for the Western District of Tennessee on such date.

(3) Juries not affected.—This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving in the Western Judicial District of Tennessee on the effective date of this section.

SEC. 106. PLACE OF HOLDING COURT IN THE NORTHERN DISTRICT OF NEW YORK.

Section 112(a) of title 28, United States Code, is amended by striking "and Watertown" and inserting "Watertown, and Plattsburgh".

SEC. 107. JUROR FEES.

(a) In General.—Section 1871(b)(1) of title 28, United States Code, is amended by striking "$40" and inserting "$50".

(b) Effective Date.—The amendment made by this section shall take effect on October 1, 2004.

SEC. 108. SUPPLEMENTAL ATTENDANCE FEE FOR PETIT JURORS SERVING ON LENGTHY TRIALS.

(a) In General.—Section 1871(b)(2) of title 28, United States Code, is amended by striking "thirty" in each place it occurs, and inserting "5".

(b) Effective Date.—The amendment made by this section shall take effect on October 1, 2004.

SEC. 109. AUTHORITY OF DISTRICT COURTS AS TO A JURY SUMMONS.

Section 1866(g) of title 28, United States Code, is amended in the first sentence—

(1) by striking "shall" and inserting "may"; and

(2) by striking "his".

SEC. 110. AUTOMATIC EXCUSE UPON REQUEST FROM JURY SERVICE FOR MEMBERS OF THE ARMED SERVICES, MEMBERS OF FIRE AND POLICE DEPARTMENTS, AND PUBLIC OFFICERS.

(a) Removal of Exemption.—Section 1863(b) of title 28, United States Code, is amended by—

(1) striking paragraph (6); and

(2) redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively.

(b) Permanent Excuse.—Section 1863(b)(5) of title 28, United States Code, is amended by striking subparagraph (B) and inserting the following:

"(B) specify that the following persons, upon individual request, shall be excused from jury service:

"(i) Members in active service in the Armed Forces of the United States.

"(ii) Members of the fire or police departments of any State, the District of Columbia, any territory or possession of the United States, or any subdivision of a State, the District of Columbia, or such territory or possession.

"(iii) Public officers in the executive, legislative, or judicial branches of the Government of the United States, or of any State, the District of Columbia, any territory or possession of the United States, or any subdivision of a State, the District of Columbia, or such territory or possession, who are actively engaged in the performance of official duties.

"(iv)(I) Volunteer safety personnel.

"(II) In this clause, the term 'volunteer safety personnel' means individuals serving a public agency (as defined in section 1203(6) of title I of the Omnibus Crime Control and Safe Streets Act of 1968) in an official capacity, without compensation, as firefighters or members of a rescue squad or ambulance crew.".

(c) Technical and Conforming Amendments.—

(1) Section 1865(a) of title 28, United States Code, is amended in the first sentence by striking "or exempt,".

(2) Section 1866 of title 28, United States Code, is amended—

(A) in subsection (a), in the first sentence by striking "exempt or";

(B) in subsection (c), in the first sentence—

(i) by striking "or (6)"; and

(ii) by striking "excused, or exempt" and inserting "or excused"; and

(C) in subsection (d), by striking "exempt,".

(3) Section 1869(h) of title 28, United States Code, is amended in the first sentence by striking "or exempted".

SEC. 111. ELIMINATION OF THE PUBLIC DRAWING REQUIREMENTS FOR JUROR WHEELS.

(a) DRAWING OF NAMES FROM JURY WHEEL.—Section 1864(a) of title 28, United States Code, is amended—

(1) in the first sentence, by striking the term "publicly"; and

(2) by inserting after the first sentence "The clerk or jury commission shall post a general notice for public review in the clerk's office explaining the process by which names are periodically and randomly drawn.".

(b) SELECTION AND SUMMONING OF JURY PANELS.—Section 1866(a) of title 28, United States Code, is amended—

(1) in the second sentence by striking the term "publicly"; and

(2) by inserting after the second sentence "The clerk or jury commission shall post a general notice for public review in the clerk's office explaining the process by which names are periodically and randomly drawn.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1869 of title 28, United States Code, is amended—

(1) by striking subsection (k); and

(2) by redesignating subsection (l) as subsection (k).

SEC. 112. CONDITIONS OF PROBATION AND SUPERVISED RELEASE.

(a) CONDITIONS OF PROBATION.—Section 3563(a)(2) of title 18, United States Code, is amended by striking "(b)(2), (b)(3), or (b)(13)," and inserting "(b)(2) or (b)(12), unless the court has imposed a fine under this chapter, or".

(b) SUPERVISED RELEASE AFTER IMPRISONMENT.—Section 3583(d) of title 18, United States Code, is amended by striking "section 3563(b)(1)" and all that follows through "appropriate." and inserting "section 3563(b) and any other condition it considers to be appropriate, except that a condition set forth in section 3563(b)(10) shall be imposed only for a violation of a condition of supervised release in accordance with subsection (e)(2) and only when facilities are available.".

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 3563(b)(10) of title 18, United States Code, is amended by inserting "or supervised release" after "probation".

SEC. 113. CLARIFYING THE SCOPE OF DIVERSITY OF CITIZENSHIP FOR RESIDENT ALIENS.

(a) IN GENERAL.—Section 1332(a) of title 28, United States Code, is amended by striking the last sentence and inserting the following: "The district courts shall not have original jurisdiction under paragraph (2) or (3) where the matter in controversy is between a citizen of a State and a citizen or subject of a foreign state admitted to the United States for permanent residence and domiciled in the same State.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and apply only to actions filed on or after such date.

SEC. 114. CLARIFYING THE SCOPE OF DIVERSITY OF CITIZENSHIP FOR CORPORATIONS WITH FOREIGN CONTACTS.

(a) IN GENERAL.—Section 1332(c) of title 28, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) a corporation shall be deemed a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business; and".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and apply only to actions filed on or after such date.

SEC. 115. REPORTING OF WIRETAP ORDERS.

Paragraph (1) of section 2519 of title 18, United States Code, is amended by striking all that precedes "(a)" and inserting the following:

"(1) In January of each year, any judge who has issued an order (or extension thereof) under section 2518 which expired during the preceding year or who has denied approval of an interception during that year, shall report to the Administrative Office of the United States Courts—".

SEC. 116. MAGISTRATE JUDGE PARTICIPATION AT CIRCUIT CONFERENCES.

Section 333 of title 28, United States Code, is amended in the first sentence by inserting "magistrate," after "district,".

SEC. 117. REPEAL OF OBSOLETE SPEEDY TRIAL ACT CROSS REFERENCES TO THE NARCOTIC ADDICT REHABILITATION ACT.

Section 3161(h) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (B) and (C); and

(B) by redesignating subparagraphs (D) through (J) as subparagraphs (B) through (H), respectively;

(2) by striking paragraph (5); and

(3) by redesignating paragraphs (6) through (9) as paragraphs (5) through (8), respectively.

SEC. 118. TAXING OF COURT TECHNOLOGY COSTS.

Section 1920 of title 28, United States Code, is amended—

(1) in paragraph (2) by striking "of the court reporter for all or any part of the stenographic transcript" and inserting "for printed or electronically recorded transcripts;"; and

(2) in paragraph (4) by striking "copies of papers" and inserting "the costs of making copies of any materials where the copies are.".

SEC. 119. INVESTMENT OF COURT REGISTRY FUNDS.

(a) IN GENERAL.—Chapter 129 of title 28, United States Code, is amended by inserting after section 2044 the following:

"§ 2045. Investment of court registry funds

"(a) The Director of the Administrative Office of the United States Courts, or the Director's designee under subsection (b), may request the Secretary of the Treasury to invest funds received under section 2041 in public debt securities with maturities suitable to the needs of the funds, as determined by the Director or the Director's designee, and bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

"(b) The Director may designate the clerk of a court described in section 610 to exercise the authority conferred by subsection (a).".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 129 of title 28, United States Code, is amended by adding after the item relating to section 2044 the following:

"2045. Investment of court registry funds.".

SEC. 120. EMERGENCY AUTHORITY TO CONDUCT COURT PROCEEDINGS OUTSIDE THE TERRITORIAL JURISDICTION OF THE COURT.

(a) CIRCUIT COURTS.—Section 48 of title 28, United States Code, is amended by adding at the end the following:

"(e) Each court of appeals may hold special sessions at any place outside the circuit as the nature of the business may require and upon such notice as the court orders, upon a finding by either the chief judge of the court of appeals (or, if the chief judge is unavailable, the most senior available active judge of the court of appeals) or the judicial council of the circuit that, because of emergency conditions, no location within the circuit is reasonably available where such special sessions could he held. The court may transact any business at a special session outside the circuit which it might transact at a regular session,".

(b) DISTRICT COURTS.—Section 141 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "special sessions"; and

(2) by adding at the end the following:

"(b) Special sessions of the district court may be held at such places outside the district as the nature of the business may require and upon such notice as the court orders, upon a finding by either the chief judge of the district court (or, if the chief judge is unavailable, the most senior available active judge of the district court) or the judicial council of the circuit that, because of emergency conditions, no location within the district is reasonably available where such special sessions could be held. Any business may be transacted at a special session outside the district which might be transacted at a regular session. The district court may summon jurors from within the district to serve in any case in which special sessions are conducted outside the district under this section.".

(c) BANKRUPTCY COURTS.—Section 152(c) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following:

"(2) Bankruptcy judges may hold court at such places outside the judicial district as the nature of the business of the court may require, and upon such notice as the court orders, upon a finding by either the chief judge of the bankruptcy court (or, if the chief judge is unavailable, the most senior available bankruptcy judge) or by the judicial council of the circuit that, because of emergency conditions, no location within the district is reasonably available where the bankruptcy judges could hold court. Bankruptcy judges may transact any business at special sessions of court held outside the district that might be transacted at a regular session.".

(d) UNITED STATES MAGISTRATE JUDGES.—Section 636 of title 28, United States Code, is amended in subsection (a) by striking "territorial jurisdiction prescribed by his appointment" and inserting "district in which sessions are held by the court that appointed the magistrate judge, at other places where that court may function, and elsewhere as authorized by law".

SEC. 121. RESTRICTION OF PUBLIC ACCESS TO CERTAIN INFORMATION CONTAINED IN BANKRUPTCY CASE FILES.

Section 107 of title 11, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) On request of a party in interest, the bankruptcy court shall, and on the bankruptcy court's own motion, the bankruptcy court may, protect an entity with respect to a trade secret or confidential research, development, or commercial information.

"(c) The bankruptcy court for cause may protect a person with respect to the following contained in a paper filed, or to be filed, in a case under this title:

"(1) Any 'means of identification' as defined under section 1028(d)(4) of title 18.

"(2) Information that could cause undue annoyance, embarrassment, oppression, or risk of injury to person or property.".

SEC. 122. SECURITY OF SOCIAL SECURITY ACCOUNT NUMBER OF DEBTOR IN NOTICE DEBTOR PROVIDES TO CREDITOR.

Section 342(c) of title 11, United States Code, is amended by inserting "last 4 digits of the" before "taxpayer identification number".

TITLE II—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

SEC. 201. DISABILITY RETIREMENT AND COST-OF-LIVING ADJUSTMENTS OF ANNUITIES FOR TERRITORIAL JUDGES.

Section 373 of title 28, United States Code, is amended—

(1) in subsection (c) by striking paragraph (4) and inserting the following:

"(4) Any senior judge performing judicial duties pursuant to recall under paragraph (2) of this subsection shall be paid, while performing such duties, the same compensation (in lieu of the annuity payable under this section) and the same allowances for travel and other expenses as a judge on active duty with the court being served.";

(2) by striking subsection (e) and inserting the following:

"(e)(1) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who is not reappointed (as judge of such court) shall be entitled, upon attaining the age of 65 years or upon relinquishing office if the judge is then beyond the age of 65 years—

"(A) if the judicial service of such judge, continuous or otherwise, aggregates 15 years or more, to receive during the remainder of such judge's life an annuity equal to the salary received when the judge left office; or

"(B) if such judicial service, continuous or otherwise, aggregated less than 15 years, to receive during the remainder of such judge's life an annuity equal to that proportion of such salary which the aggregate number of such judge's years of service bears to 15.

"(2) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who has served at least 5 years, continuously or otherwise, and who retires or is removed upon the sole ground of mental or physical disability, shall be entitled to receive during the remainder of such judge's life an annuity equal to 40 percent of the salary received when the judge left office or, in the case of a judge who has served at least 10 years, continuously or otherwise, an annuity equal to that proportion of such salary which the aggregate number of such judge's years of judicial service bears to 15."; and

(3) by striking subsection (g) and inserting the following:

"(g) Any retired judge who is entitled to receive an annuity under this section shall be entitled to a cost-of-living adjustment in the amount computed as specified in section 8340(b) of title 5, except that in no case may the annuity payable to such retired judge, as increased under this subsection, exceed the salary of a judge in regular active service with the court on which the retired judge served before retiring.".

SEC. 202. FEDERAL JUDICIAL CENTER PERSONNEL MATTERS.

Section 625 of title 28, United States Code, is amended—

(1) in subsection (b)—

(A) by striking ", United States Code, governing" and inserting "governing";

(B) by striking "pay rates, section 5316, title 5, United States Code" and inserting "under section 5316 of title 5, except that the Director may fix the compensation of 4 positions of the Center at a level not to exceed the annual rate of pay in effect for level IV of the Executive Schedule under section 5315 of title 5"; and

(C) by striking "the Civil Service" and all that follows through "Code" and inserting "subchapter III of chapter 83 of title 5 shall be adjusted under section 8344 of such title, and the salary of a reemployed annuitant under chapter 84 of title 5 shall be adjusted under section 8468 of such title";

(2) in subsection (c), by striking ", United States Code,"; and

(3) in subsection (d)—

(A) by striking "United States Code,"; and

(B) by striking ", section 5332, title 5, United States Code" and inserting "under section 5332 of title 5".

SEC. 203. ANNUAL LEAVE LIMIT FOR JUDICIAL BRANCH EXECUTIVES.

Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in subparagraph (D), by striking "or";

(2) in subparagraph (E) by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(F) the judicial branch designated as a court unit executive position by the Judicial Conference of the United States or designated as an executive position in the Federal Judicial Center by the Board of the Federal Judicial Center.".

SEC. 204. SUPPLEMENTAL BENEFITS PROGRAM.

Section 604(a) of title 28, United States Code, is amended—

(1) by redesignating paragraphs (6) through (24) as paragraphs (7) through (25), respectively; and

(2) by inserting after paragraph (5) the following:

"(6) In the Director's discretion, establish a program of benefits, in addition to those otherwise provided by law, for officers and employees of the judicial branch, including justices and judges of the United States;".

SEC. 205. STUDENT LOAN FORGIVENESS FOR FEDERAL DEFENDERS.

Section 465(a)(2)(F) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)(2)(F)) is amended by inserting before the semicolon the following: ", or as a full-time Federal defender attorney employed in a defender organization established under 3006A(g) of title 18, United States Code".

SEC. 206. LAW CLERK LOAN DEFERMENT.

(a) FEDERAL STAFFORD LOANS.—

(1) AMENDMENTS TO SECTION 427.—Section 427(a) of the Higher Education Act of 1965 (20 U.S.C. 1077(a)) is amended—

(A) in paragraph (3)(B), by striking "and" after the semicolon;

(B) in paragraph (4), by striking the period and inserting "; and"; and

(C) by inserting at the end the following:

"(5) in the case of a borrower who is serving as a full-time judicial law clerk in a court as defined under section 610 of title 28, United States Code, or appointed under section 675 of that title, payment of the unpaid principal balance and interest on a federally insured student loan may be deferred not in excess of 3 years.".

(2) AMENDMENTS TO SECTION 428.—Section 428(b)(1)(M) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M)) is amended—

(A) in clause (i)(I), by striking "or" after the semicolon;

(B) in subclause (II), by striking the comma and inserting "; or"; and

(C) by inserting at the end the following:

"(III) is serving as a full-time judicial law clerk in a court as defined under section 610 of title 28, United States Code, or a law clerk appointed under section 675 of that title.".

(b) DIRECT LOANS.—Section 455(f)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087e(f)(2)(A)) is amended—

(1) in clause (i), by striking "or" after the semicolon;

(2) in clause (ii), by striking the comma and inserting "; or"; and

(3) by inserting at the end the following:

"(iii) is serving as a full-time judicial law clerk, in a court as defined under section 610 of title 28, United States Code, or a law clerk appointed under section 675 of that title,".

(c) FEDERAL PERKINS LOANS.—Section 464(c)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(c)(2)(A)) is amended—

(1) in clause (iii), by striking "or" after the semicolon;

(2) in clause (iv), by inserting "or" after the semicolon; and

(3) by inserting at the end the following:

"(v) not in excess of 3 years during which the borrower is serving as a full-time judicial law clerk in a court as defined under section 610 of title 28, United States Code, or a law clerk appointed under section 675 of that title;".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) loans made after July 1, 1998; and

(2) employment as a judicial clerk that occurs on or after the date of enactment of this Act.

SEC. 207. INCLUSION OF JUDICIAL BRANCH PERSONNEL IN ORGAN DONOR LEAVE PROGRAM.

Section 6327(a) of title 5, United States Code, is amended by inserting "or an entity of the judicial branch" after "An employee in or under an Executive agency".

SEC. 208. TRANSPORTATION AND SUBSISTENCE FOR CRIMINAL JUSTICE ACT DEFENDANTS.

Section 4285 of title 18, United States Code, is amended—

(1) in the first sentence, by striking "to appear before the required court";

(2) by striking "to the place where his appearance is required," and inserting "(1) to the place where each appearance is required and (2) to return to the place of his arrest or bona fide residence,";

(3) by inserting "during travel" after "subsistence expenses"; and

(4) by striking "to his destination," and inserting "to his destination and during any proceeding at which his appearance is required,".

SEC. 209. MAXIMUM AMOUNTS OF COMPENSATION FOR ATTORNEYS.

Section 3006A(d)(2) of title 18, United States Code, is amended—

(1) by striking "5,200" and inserting "7,000";

(2) by striking "1,500" and inserting "2,000";

(3) by striking "3,700" and inserting "5,000";

(4) by striking "1,200" each place it appears and inserting "1,500"; and

(5) by striking "3,900" and inserting "5,000".

SEC. 210. MAXIMUM AMOUNTS OF COMPENSATION FOR SERVICES OTHER THAN COUNSEL.

Section 3006A(e) of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "$300" and inserting "$500"; and

(B) in subparagraph (B), by striking "$300" and inserting "$500"; and

(2) in paragraph (3) in the first sentence by striking "$1,000" and inserting "$1,600".

SEC. 211. EXCESS COMPENSATION DELEGATION AUTHORITY.

(a) Waiving Maximum Amounts.—Section 3006A(d)(3) of title 18, United States Code, is amended in the second sentence by striking "circuit judge" and inserting "or senior circuit judge, or to an appropriate nonjudicial officer qualified by training and legal experience. In any case in which the delegate judge or nonjudicial officer reduces the excess payment certified by the court, the claimant may seek review by the chief judge".

(b) Maximum Amounts.—Section 3006A(e)(3) of title 18, United States Code, is amended in the second sentence by striking "circuit judge" and inserting "or senior circuit judge, or to an appropriate nonjudicial officer qualified by training and legal experience. In any case in which the delegate judge or nonjudicial officer reduces the excess payment certified by the court, the claimant may seek review by the chief judge".

(c) Controlled Substances Cases.—Section 408(q)(10)(B) of the Controlled Substances Act (21 U.S.C. 848(q)(10)(B)) is amended in the second sentence by striking "circuit judge" and inserting "or senior circuit judge, or to an appropriate nonjudicial officer qualified by training and legal experience. In any case in which the delegate judge or nonjudicial officer reduces the excess payment certified by the court, the claimant may seek review by the chief judge".

SEC. 212. PROTECTION AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES.

(a) In General.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

"§1521. Retaliating against a Federal judge by false claim or slander of title

"(a) Whoever files or attempts to file, in any public record or in any private record which is generally available to the public, any lien or encumbrance against the real or personal property of a Federal judge, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 5 years, or both. In the case of an offense under this subsection which was committed after the defendant had previously been convicted of an earlier offense under this subsection, the defendant shall be fined under this title or imprisoned for not more than 10 years, or both.

"(b) In this section, the term 'Federal judge' means a justice or judge of the United States as defined under section 451 of title 28, a judge of the United States Court of Federal Claims, a United States bankruptcy judge, a United States magistrate judge, and a judge of the United States Court of Appeals for the Armed Forces, United States Court of Appeals for Veterans Claims, United States Tax Court, District Court of Guam, District Court of the Northern Mariana Islands, or District Court of the Virgin Islands.".

(b) Technical and Conforming Amendment.—The table of sections for chapter 73 of title 18, United States Code, is amended by adding at the end the following:

"1521. Retaliating against a Federal judge by false claim or slander of title.".

SEC. 213. APPOINTING AUTHORITY FOR CIRCUIT LIBRARIANS.

Section 713 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Each court of appeals" and inserting "The judicial council of each circuit"; and

(B) striking "the court" and inserting "the judicial council"; and

(2) in subsection (b), by striking "court" each place it appears and inserting "judicial council".

SEC. 214. JUDICIAL BRANCH SECURITY REQUIREMENTS.

Section 604(a) of title 28, United States Code, is amended—

(1) by redesignating paragraphs (22) through (24) as paragraphs (23) through (25), respectively; and

(2) by inserting after paragraph (21) the following:

"(22) After consultation with the United States Marshals Service, and others if necessary, determine the security requirements for the Judicial Branch;".

SEC. 215. BANKRUPTCY, MAGISTRATE, AND TERRITORIAL JUDGES LIFE INSURANCE.

(a) Bankruptcy Judges.—Section 153 of title 28, United States Code, is amended by adding at the end the following:

"(d) For purposes of construing and applying chapter 87 of title 5, including any adjustment of insurance rates by regulation or otherwise, a bankruptcy judge of the United States in regular active service or who is retired under section 377 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.".

(b) United States Magistrate Judges.—Section 634(c) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following:

"(2) For purposes of construing and applying chapter 87 of title 5, including any adjustment of insurance rates by regulation or otherwise, a magistrate judge of the United States in regular active service or who is retired under section 377 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.".

(c) Territorial Judges.—

(1) Guam.—Section 24 of the Organic Act of Guam (48 U.S.C. 1424b) is amended by adding at the end the following:

"(c) For purposes of construing and applying chapter 87 of title 5, including any adjustment of insurance rates by regulation or otherwise, a judge appointed under this section who is in regular active service or who is retired under section 373 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.".

(2) Commonwealth of the Northern Mariana Islands.—The first section of the Act of November 8, 1977 (48 U.S.C. 1821; Public Law 95–157; 91 Stat. 1265) is amended in subsection (b) by adding at the end the following:

"(5) For purposes of construing and applying chapter 87 of title 5, including any adjustment of insurance rates by regulation or otherwise, a judge appointed under this section who is in regular active service or who is retired under section 373 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.".

(3) Virgin Islands.—Section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)) is amended—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following:

"(2) For purposes of construing and applying chapter 87 of title 5, including any adjustment of insurance rates by regulation or otherwise, a judge appointed under this section who is in regular active service or who is retired under section 373 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.".

SEC. 216. HEALTH INSURANCE FOR SURVIVING FAMILY AND SPOUSES OF JUDGES.

Section 8901(3) of title 5, United States Code, is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by adding "and" at the end; and

(3) by adding at the end the following:

"(E) a member of a family who is a survivor of—

"(i) a Justice or judge of the United States, as defined under section 451 of title 28, United States Code;

"(ii) a judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands;

"(iii) a judge of the United States Court of Federal Claims; or

"(iv) a United States bankruptcy judge or a full-time United States magistrate judge;".

FEDERAL COURTS IMPROVEMENT ACT

108TH CONGRESS

SECTION-BY-SECTION ANALYSIS

TITLE I—JUDICIAL PROCESS IMPROVEMENTS

Sec. 101. Authority of Bankruptcy Administrators To Appoint Trustees and to Serve as Trustees in Bankruptcy Cases in the States of Alabama and North Carolina.

This section provides that the bankruptcy administrators in Alabama and North Carolina shall have the same authority as that exercised by United States trustees in all other states. The bankruptcy administrator program was established in the judicial districts in Alabama and North Carolina pursuant to section 302(d)(3) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986. Expanding the duties of bankruptcy administrators would further one of the central goals of the Bankruptcy Reform Act of 1978, Public Law No. 95–598: freeing bankruptcy judges from an administrative role in their cases. This will improve the efficiency and effectiveness of the bankruptcy administrators to facilitate the work of the court to the same degree that United States trustees have done so in the other 48 states.

Sec. 102. Venue in Bankruptcy Cases.

This provision amends section 1412 of title 28, United States Code, to clarify that a district court or a bankruptcy court exercising original jurisdiction under section 157 of title 28, United States Code, may raise an issue of venue sua sponte.

Section 1412, at present, neither explicitly allows nor explicitly prohibits a district court or bankruptcy court from raising an issue of venue sua sponte. Federal Rule of Bankruptcy Procedure 1014 implements the venue statute. The Rule only contains the phrase "on timely motion by a party in interest." The incongruence between the statute and Rule has caused confusion. Currently, courts in the same districts raise the issue of venue sua sponte, while others do not.

While multiple fora may be permissive locations for filing a bankruptcy case, it is important that courts have the authority to meet the policy goals of preventing forum shopping and promoting an economic, efficient, and effective administration of that case. The Judicial Conference believes that amending the statute to clarify that the courts have the power to raise this issue sua sonte furthers those goals and, promotes the uniform application of the law. For example, if a debtor company, with its primary business and the vast majority of its creditors and employees in a particular state, has its bankruptcy petition filed in another, geographically removed state, the resulting bankruptcy proceeding could impose significant burdens upon the parties in interest, and may not result in the most efficient or effective administration of the bankruptcy. With the enactment of this section, the court, on its own motion or on a timely motion of a party in interest, may transfer a bankruptcy case or proceeding to a district court for another district in the interest of justice or for the convenience of the parties.

Sec. 103. Place of Holding Court in Texarkana, Texas and Texarkana, Arkansas.

This section amends sections 83(b)(1) and 124(c)(5) of title 28, United States Code, to provide that the Western District of Arkansas and the Eastern District of Texas may hold court anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas. Two courtrooms in the Texarkana courthouse are in one state and two are in the other. As the caseload in Texarkana has increased in recent years (especially the criminal dockets), the courts have demonstrated a desire to use the court rooms interchangeably to move their dockets more efficiently. Currently, Texas-originated cases must be tried in Texas and Arkansas-originated cases in Arkansas. This amendment is a further refinement of the efficiency move to build one courthouse for judicial districts in different states.

Sec. 104. Change in Composition of Divisions of Western District of Texas.

This section would amend the jurisdiction of two divisions of the Western District of Texas by removing Hudspeth County from the Pecos Division and including it in the El Paso Division. The change is sought because increased law enforcement activities in the District's border counties continue to result in increased criminal filings. Three major border checkpoints are located in Hudspeth County, which is directly adjacent to the El Paso District. These checkpoints are closer to El Paso then they are to Pecos (by approximately 135, 105, and 50 miles respectively), and most of the law enforcement agents responsible for these checkpoints live in El Paso. In addition, although the prosecution of these cases occurs in Pecos, counsel usually travels from El Paso. Moreover, El Paso is better equipped to handle the burgeoning workload, as it is where two new judgeships will be filled. Thus, this section would benefit defendants, counsel, and law enforcement agencies, reduce travel costs, and increase the cost effectiveness of administering justice in the district. The United States Attorney for the Western District of Texas supports the proposal.

Sec. 105. Change in Composition of Divisions of Western District of Tennessee.

This section amends Section 123(c) of title 28, United States Code, to move Dyer County from the Western Division of the Western District of Tennessee to the Eastern Division. The section further provides that court for the Eastern Division shall be held at Dyersburg and Jackson. Currently, court for the Eastern Division is held only at Jackson. Dyersburg is removed as a place of holding court for the Western Division.

Dyersburg, the largest city in Dyer County, is approximately 75 miles from Memphis, the location of the Western Division court. However, Dyersburg is only 47 miles from Jackson, the location of the Eastern Division court. A drive from Dyersburg to Memphis takes approximately two hours but a drive from Dyersburg to Jackson requires less than one hour. In addition, there is a new four-lane highway between Dyersburg and Jackson which results in a very easy drive. The judges of this court are in agreement that this transfer would result in a convenience to litigants, lawyers, and jurors from Dyer County. Even more importantly, the court would realize a significant savings resulting from reduced juror mileage fees. The Dyer County Bar Association surveyed its membership concerning the proposed transfer of Dyer County. According to the president of the Dyer County Bar Association at that time, there was near unanimous support for the proposal.

Sec. 106. Place of Holding Court in the Northern District of New York.

This section would designate Plattsburgh as a federal place of holding court in the Northern District of New York. The need to designate Plattsburgh as a place of holding court has been necessitated by the effort to increase security near our national borders in the wake of the attacks of September 2001. The Department of Justice and the U.S. Customs Service are implementing significant increases in manpower and federal law enforcement capability along the Canadian border in the Northern District of New York. The additional manpower and equipment resources are expected to dramatically increase the number of proceedings that will be heard at the Plattsburgh location.

Currently, there is a part-time federal magistrate judge in Plattsburgh who holds criminal proceedings at his law office. There are no dedicated federal facilities available for the judge to use. The law office has virtually no security nor sufficient space to properly accommodate the members of the press or public (or even the defendant's own family). Arrestees, the majority of who are charged with trafficking in narcotics between Canada and the United States, must be processed under these circumstances. With a significant influx of cases, this situation will not continue to be manageable.

A designated court location in Plattsburgh would greatly facilitate the prosecution of the additional cases generated at the northern ports of entry in New York State. The Plattsburgh court location would minimize the transportation of detained defendants to the Albany court location. It would actually shorten detention time and enable the Immigration and Naturalization Service to obtain more prompt dispositions in the administrative removal proceedings that follow federal prosecutions. A Plattsburgh location would also enable detention of defendants locally, a critical advantage as detention space in Albany is severely limited.

Designation of Plattsburgh as a place of holding court would allow acquisition of space for a criminal proceedings courtroom of approximately 800 square feet at the Federal Building in Plattsburgh. In addition to providing adequate space for courtroom proceedings, the designation will enable the Northern District to create a new jury division consisting of the counties of Essex, Clinton, and Franklin, thereby enabling jurors from these areas to serve in nearby Plattsburgh, rather than drive three to four hours to Albany or Watertown. Also, the bankruptcy court would be able to make use of the new courtroom, which would make an enormous difference in those cases involving litigants from the North County.

Sec. 107. Juror Fees.

This section would amend 28 U.S.C. §1871(b)(1) by increasing the daily fee to which a juror is entitled from $40 to $50. The change would compensate jurors more adequately for their services. Although the cost of living has continued to increase each year, the daily rate for jurors has not increased in twelve years. Previous increases occurred in 1990 (from $30 to $40), 1978 (from $20 to $30), and 1968 (from $10 to $20).

The Jury Selection and Service Act, 28 U.S.C. §1861, et seq. (Jury Act), specifically prohibits exclusion of any citizen from jury service on the basis of economic status, and its legislative history reflects support for fee increases that would make jury service less burdensome. Congress recognized that, to the extent that the burden of jury service is diminished, financial hardship excuses could decline, with consequent enhancement of representative participation of juries. Therefore, while the juror attendance fee has never been intended to support or replace salaries, it is intended to provide a minimal level of compensation for jurors' time and effort in fulfilling their civic responsibility.

The projected additional cost for FY 2004 for a $50 daily attendance fee would be approximately $8.1 million. Therefore enactment of this legislation would require a commensurate increase in the fees of jurors appropriations account.

Sec. 108. Supplemental Attendance Fee for Petit Jurors Serving on Lengthy Trials.

This section amends 28 U.S.C. §1871(b)(2) by shortening the number of days that a juror is required to serve before he or she is eligible for the supplemental daily fee authorized by the section. Currently, a juror who is required to serve more than thirty days is permitted to receive an additional ten dollars a day, above the established juror fee of forty dollars. The economic hardship associated with jury service worsens the longer jurors are required to serve, especially if service continued for more than a week. This section recognizes the fact by reducing to five days the time before jurors could qualify for the supplemental fee.

The projected additional cost for FY 2004 for the supplemental daily fee authorized by this section would be approximately $2 million. Therefore enactment of this legislation would require a commensurate increase in the fees of jurors appropriations account.

Sec. 109. Authority of District Courts as to a Jury Summons.

This section would amend 28 U.S.C. §1866(g) to clarify that a court may, but is not required to, follow up on individuals who do not respond to the jury selection process.

Under the traditional "two-step" jury selection process, qualification questionnaires and summonses are mailed to prospective jurors separately. For those who do not respond to the questionnaires, 28 U.S.C. §1864(a) provides that they "may" be called into court to fill out the form. For those who fail to respond to a summons, however, section 28 U.S.C. §1866(g) provides that they "shall" be ordered into court to show cause for their non-compliance.

Pursuant to 28 U.S.C. §1878, however, 22 districts have combined these two steps into a "one-step" jury selection process, whereby questionnaires and summonses are sent out simultaneously. Section 1878(b) expressly provides that "no challenge . . . shall lie solely on the basis that a jury was selected in accordance with a one-step summoning and qualification procedure." Nonetheless, as long as section 1866(g) contains the word "shall," challenges that a jury was unlawfully empanelled can be expected to continue. See *United States* vs. *Cisneros*, No 97–CR–485 (D.D.C.); *United States* vs. *Hsia*, No. 98–CR–57 (D.D.C.). This section will allow a court to take appropriate action against those who do not respond to a jury summons. The section leaves the decision of how to handle non-responders to the discretion of each court, guided by its own circumstances and experiences. The section also makes the provision gender-neutral.

Sec. 110. Automatic Excuse Upon Request From Jury Service for Members of the Armed Services, Members of Fire and Police Departments, and Public Officers.

This section repeals the exemption from jury service now granted to members of the Armed Forces, members of fire and police departments, and pubic officials under 28 U.S.C. §1863(b)(6) and grants to these persons an automatic excuse from jury service upon individual request. The current statute prohibits individuals in these broad categories of occupations to serve on a jury even if they wish to do so. Barring these individuals from jury duty is unjustified. This provision extends to these persons an automatic excuse from jury by amending 28 U.S.C. §1863(b)(5)(B) to allow them the opportunity to serve on jury if they choose to do so. If they choose not to serve, they are automatically excused.

Sec. 111. Elimination of the Public Drawing Requirements for Juror Wheels.

This section eliminates the noticing and public drawing requirements for selecting names from jury wheels. The Jury Act at 28 U.S.C. §§1864(a) and 1866(a) currently states that the clerk shall "publicly draw at random," from the names of persons required for jury service. "Publicly draw" is defined in 28 U.S.C. §1869(k) as a "drawing which is conducted . . . after reasonable public notice and which is open to the public." Because computers have replaced the physical drawing of names, and because the public has little or no interest in attending a jury drawing, this section would eliminate the requirement to post a separate notice for each drawing from the master and qualified wheels, as well as the requirement to draw names publicly and/or to post public notices. Instead, one general notice will be posted in the clerk's office that explains the process by which names are randomly and periodically drawn from the wheels.

The Jury System Improvements Act of 1978, Public Law No. 95–572, authorized the Judicial Conference to adopt regulations governing the drawing of juror names from the jury wheels when a drawing is made by electronic data processing. Accordingly, the Conference has adopted regulations that take into account the changes in jury selection resulting from technological advances. The Conference regulations narrowed the meaning of "public drawing" to apply only to the selection of the starting number and interval (quotient) during the process of selecting juror names from the original source lists. The Conference did not require any public observance of the actual computer operations, interpreting the term "reasonably public notice" to mean the posting of a written announcement of the drawing from the master and qualified wheels on a bulletin board or another public place at the courthouse.

With advanced computer technology, more courts are moving to a purely randomized method for selecting juries. Indeed, the Administrative Office's new Jury Management System for the courts will perform the selection of names form the master and qualified jury wheels by a purely randomized process approved by the National Institute of Standards and Technology.

Sec. 112. Conditions of Probation and Supervised Release.

As part of the Antiterrorism and Effective Death Penalty Act of 1996 (Pub. L. No. 104–132), Congress amended title 18, inter alia, by renumbering and amending the discretionary conditions of probation listed in section 3563(b), but failed to conform section 3563(a) (containing the mandatory conditions of probation) to that amendment. Therefore, the references in section 3563(a) to section 33563(b) are now erroneous. The amendment in subsection (a) of this provision corrects this technical error, thereby restoring congressional intent.

Subsection (b) corrects the same oversight as to 18 U.S.C. §3583(d), which delineates the conditions of supervised release, as is corrected in subsection (a). When 18 U.S.C. §3563(b) was amended in 1996, the cross reference found 18 U.S.C. §3583(d) was not conformed to that amendment. The amendment in subsection (b) corrects this technical error.

Subsection (b) also makes an amendment to the conditions of supervised release. Prior to the 1996 legislation, intermittent confinement available as a condition of probation, but not of supervised release. Experience since 1996 has demonstrated that this form of confinement (custody by the Bureau of Prisons during nights, weekends, or other intervals of time) is appropriate in certain circumstances. However, this provision recognizes several appropriate limitations on the use of intermittent confinement in this context. First, its use should be limited, as in the case of probation, to the first year of supervision. Second, it should be ordered only when Bureau of Prisons facilities are available to accommodate the individual in question. Third, it should be available only as a sanction for a supervised release violation as an option for the court that is less severe than revocation of supervised release.

Subsection (c) amends the section providing for intermittent confinement to clarify that its provisions, including the temporal limitations on its imposition, apply to supervised release as well as to probation.

Sec. 113. Clarifying the Scope of Diversity of Citizenship for Resident Aliens.

This section amends the last sentence of section 1332(a) of title 28 to clarify the scope of diversity of citizenship jurisdiction in disputes involving aliens admitted to the United States as permanent residents ("resident aliens"). Congress added this proviso to the section in 1988 (Judicial Improvements and Access to Justice Act, Pub. L. No. 100–702, 102 Stat. 4642) to "deem" a resident alien as a citizen of the state in which the alien is domiciled, with the specific purpose of denying federal jurisdiction in suits between a citizen of a state and an alien permanently residing in the same state. However, this deeming language has been interpreted as applying to other litigation circumstances involving aliens. For example, under section 1332(a)(2) a non-resident alien has been permitted to sue a United States citizen and a resident alien; the proviso deems the resident alien to be a citizen of the state of his permanent residence. Such application of the proviso has broadened the scope of diversity jurisdiction beyond that contemplated when the statute was enacted.

Thus, the Judicial Conference of the United States proposes replacing the last sentence in 28 U.S.C. §1332(a) (the resident alien proviso) with text providing that the district courts shall not have diversity of citizenship jurisdiction under subsections 1332(a)(2)–(3) where the matter in controversy is between a citizen of a state and a citizen or subject of a foreign state admitted to the United States for permanent residence and domiciled in the same state. This section will resolve differing interpretations of the sentence among federal courts.

Sec. 114. Clarifying the Scope of Diversity of Citizenship for Corporations With Foreign Contacts.

Section 1332(a) of title 28, United States Code, grants the district courts original jurisdiction of all civil actions where the matter in controversy exceeds $75,000 and is between citizens of different States or citizens of a State and citizens or subjects of a foreign state. No plaintiff can be from the same State as a defendant for this diversity jurisdiction to be available. Also, diversity jurisdiction does not lie when a citizen or subject of a foreign state (alien) seeks to sue another foreigner in federal court.

When one of the parties to a civil action is a corporation, section 1332(c) deems that corporation to be a citizen of any Sate in which it has been incorporated "and of the State where it has its principal place of business." The quoted language was added to subsection (c)(1) in 1958 to give essentially dual citizenship to corporations. The intent was to preclude diversity jurisdiction over a dispute between an in-state citizen and a corporation incorporated in that state or primarily doing business in the state. In either situation, neither party faced a threat of bias if the action were to be resolved in state court. For example, today under 1332(c), if a corporation incorporated in Delaware has its principal place of business in Florida it is deemed a citizen of both Delaware and Florida. If a Florida citizen or a Delaware citizen sues that corporation, diversity jurisdiction would be defeated because both the plaintiff and defendant would be citizens from the same State (Florida or Delaware).

Federal courts have struggled with applying this statute when an action involves a U.S. corporation with foreign contacts or foreign corporations that operate in the United States. This difficulty occurs because section 1332(c)(1) makes no reference to a corporation with either of these two types of foreign contacts (country of incorporation or principal place of doing business). Some courts have noted that because the word "States" in the subsection begins with a capital "S," it applies only to States of the Union, as well as U.S. territories, the District of Columbia, and Puerto Rico, as defined in section 1332(d). Other courts have concluded that the word "States" should mean foreign states, as well as States of the Union, when applying section 1332(c)(1).

The amendment in this section would adopt the majority view of courts interpreting the language by inserting the words "foreign state" in two places in section 1332(c)(1) to make it clear that all corporations, foreign and domestic, would be regarded as citizens of both their place of incorporation and their principal place of business. Such an approach builds upon the longstanding recognition that federal diversity and alienage jurisdiction seek to address the problem of perceived bias that results when non-citizens must litigate in a state court against opposing parties who are citizens of that state (or foreign state), either by virtue of its place of incorporation or by virtue of its principal place of business. See C. Wright & M. Kane, The Law of Federal Courts, 170 (6th ed. 2002). In addition to clarifying the application of the statute regarding corporate citizenship, the amendment would bring about a modest reduction in the diversity workload of the federal courts. It would not, however, deprive a corporation of access to a federal forum where there is a threat of local bias in state court. Moreover, the change made by this amendment tracks the definition of corporate citizenship recently codified in the Multiparty, Multiforum Trial Jurisdiction Act of 2002 (Pub. L. No. 107-273).

The second change in this amendment is to revise the working of section 1332(c)(1) so that a corporation shall be deemed a citizen of "every State and foreign state by which it has been incorporated," instead of "any State. . . ." Although corporations can incorporate in more than one state, the practice is rare. In applying the subsection, most courts have treated such multistate corporations as citizens of every state by which they have been incorporated. The amendment would codify the majority view, treating corporations as citizen of every state of incorporation for diversity purposes. See C. Wright & M. Kane, The Law of Federal Courts, 167–68 (6th ed. 2002).

Sec. 115. Reporting of Wiretap Orders.

Currently, 18 U.S.C. §2519(1) requires that federal and state judges submit a report to the Administrative Office no later than 30 days after the expiration of an approved order, or the denial of an order, for a wiretap. Certain judges submit numerous reports to the Administrative Office throughout the year. For example, one state judge in 1999 approved 70 wiretap orders, and therefore, was required to submit 70 separate reports. Federal and state prosecutors are required by 18 U.S.C. §2519(2) to submit information relating to wiretap orders they applied for during the preceding calendar year once in January.

The individual reports submitted by judges are not processed by the Administrative Office until the prosecutors submit their summary reports. The prosecutor's reports are then matched to the judge's reports to complete the set of information published by the Administrative Office in the annual *Wiretap Report*.

The proposed section would permit judges to submit annual summary reports on wiretap orders acted on during the previous calendar year, just as prosecutors do. This would simplify the reporting requirements for the judges and their staffs, without impacting the accuracy or timeliness of the reporting required by the statute.

Sec. 116. Magistrate Judge Participation at Circuit Conferences.

This section amends section 333 of title 28 of the United States Code to include magistrate judges among the judicial officers who may by statute be summoned to attend circuit judicial conferences. Magistrate judges conduct a wide variety of pretrial proceedings in criminal and civil cases with consent of the parties. Magistrate judges are regularly invited by chief circuit judges to attend circuit judicial conferences in all circuits. They were not included in section 333 upon its enactment in 1939 because the modern office of magistrate judge was not created until 1968. The amendment updates the statute to reflect the significant contributions of magistrate judges to the federal courts and the value of their attendance at circuit judicial conferences where the business of the courts in each circuit is considered.

Sec. 117. Repeal of Obsolete Speedy Trial Act Cross References to the Narcotic Addict Rehabilitation Act.

This provision amends 18 U.S.C. §3161 to remove cross references to the now repealed 28 U.S.C. §2902. The Children's Health Act of 2000, Pub. L. No. 106-310, Div. B, §3405(c)(1), 114 Stat. 1221 (Oct. 17, 2000), repealed chapter 175 of title 28, United Sates Code (28 U.S.C. §§2901-2906), which was entitled, "Civil Commitment and Rehabilitation of Narcotics Addicts." The repeal of chapter 175 of title 28 eliminated long obsolete provisions of title 28 that were enacted as title I of the Narcotic Addict Rehabilitation Act, Pub. L. No. 89-793, 80 Stat. 1438 (Nov. 8, 1966) (NARA) which had not been used in decades since it was completely defunded in the late 1970's. *See discussion in United States v. Butler*, 676 F.Supp. 88 (W.D.Pa. 1988).

There remain, however, three references to 28 U.S.C. §2902 in the provisions of the Speedy Trial Act, namely, 18 U.S.C. §3161(h)(1)(B), (h)(1)(C), and (h)(5) which should be stricken from this statute.

Sec. 118. Taxing of Court Technology Costs.

This section would incorporate some of the expenses associated with new courtroom technologies into the assessment of litigation costs against a losing party as provided by 28 U.S.C. §1920. Currently, §1920 allows a court to include certain limited costs (such as fees of the clerk, marshal, and court reporter; fees for witnesses; court appointed experts, and interpreters; and fees for docketing, printing and copying of papers necessarily obtained for use in the case) into the final judgment or decree of a case. This amendment would update the section to recognize that transcripts are available in electronic form as well as in hard copy. It would also expand the concept of "papers" in order to reflect the decreasing use of paper and the increasing use of technology in creating, filing, and exchanging court documents. It would not, however, permit the taxing of costs associated with the use of technology to create, assist, enhance or present materials during a trial.

Sec. 119. Investment of Court Registry Funds.

Registry funds are funds received by the courts in the course of litigation. The United States district and bankruptcy courts presently hold about $1.76 billion in registry funds on behalf of thousands of litigants, witnesses and other participants in court proceedings. These moneys are paid into the federal courts to secure judgments or appearance bonds, to begin interpleader or land condemnation actions, and for other judicial purposes. The funds are held and administered by the clerk of the court pending the resolution of the litigation. The registry funds are deposited in accordance with section 2041 of title 28, United States Code, into interest-bearing accounts, e.g. certificates of deposit, at financial institutions that have qualified as designated depositaries of public moneys in accordance with 31 C.F.R. Part 202. The courts also purchase short-term Treasury bills with registry funds. When the courts purchase these bills on the secondary market, the choice of investment instruments is limited and they must pay transaction fees.

This section would broaden the courts' investment options and offer an improved procedure for investing in Treasury securities. Under the Treasury's Government Account Series (GAS) program, there are no transaction fees, transactions may be posted daily, and a wider range of Treasury securities is available than the secondary market offers. Also, GAS has full-featured, on-line transaction facilities. Participation in the GAS program would help to reduce the courts' costs in administering registry funds.

Sec. 120. Emergency Authority to Conduct Court Proceedings Outside the Territorial Jurisdiction of the Court.

This section would authorize circuit, district and bankruptcy courts, as well as magistrate judges, to conduct special sessions outside their respective geographic boundaries upon a finding by the respective chief judge (or, if unavailable, the most senior active judge who is available) or the judicial council of the circuit, that, because of emergency conditions, no location within these boundaries is reasonably available where such special sessions could be held.

The need for this legislation has become apparent following the terrorist attacks of September 11, 2001, and the impact of these disasters on court operations, in particular in New York City. In emergency conditions, a federal court facility in an adjoining district (or circuit) might be more readily and safely available to court personnel, litigants, jurors and the public than a facility at a place of holding court within the district. This is particularly true in major metropolitan areas such as New York, Washington, D.C., Dallas and Kansas City, where the metropolitan area includes parts of more than one judicial district. The advent of electronic court records systems will facilitate implementation of this authority by providing judges, court staff and attorneys with remote access to case documents.

Sec. 121. Restriction of Public Access To Certain Information Contained in Bankruptcy Case Files.

This section would implement Judicial Conference policy regarding protection of certain information contained in bankruptcy case files from public disclosure by means of four revisions to section 107 of the Bankruptcy Code.

First, the section would transform former subsection (b)(1) regarding protection of trade secret or confidential research, development, or commercial information into a new subsection (b). No substantive change would be made to this provision.

Second, the section would create a new subsection (c) to allow the court for cause to authorize the redaction of personal identifiers to protect a debtor, creditor, or other person from identity theft or other harm. The amendment incorporates by reference section 3(d) of the Identity Theft and Assumption Deterrence Act of 1998 with regard to the types of personal identifiers that may be redacted. These include the debtor's or other person's name, social security account number, date of birth, driver's license number, alien registration number, government passport number, employee or taxpayer identification number, unique biometric data, unique electronic identification number, electronic address or routing code, and telecommunication identifying information or access device. The amendment would also permit the court to exercise its discretion to protect personal identifiers by means other than redaction where appropriate in the circumstances of the case.

Third, this new subsection (c) would have the effect of striking from the current provision "scandalous defamatory matter" as a basis for protection of a person and instead allow the court for cause to seal or redact "information that could cause undue annoyance, embarrassment, oppression or risk of injury to person or property." This language is drawn from Federal Rule of Civil Procedure 26 regarding the issuance of protective orders in the course of discovery. This new provision would expand the authority of the bankruptcy court to allow the court to protect information, such as the home or employment address of a debtor, because of a personal security risk, including fear of injury by a former spouse or stalker. It would also allow the court to protect other information normally considered private, such as medical information which, if publicly disclosed, could result in untoward consequences to the debtor or others.

Finally, this provision would allow the protection of information under subsection (c) "contained in a paper filed, or to be filed," in a bankruptcy case. This provision is intended to provide persons the opportunity to request protection of the information not only after it is filed with the court, but prior to filings as well. This authority would be especially useful in an electronic filing environment, where information once filed is immediately available to the public.

Sec. 122. Security of Social Security Account Number of Debtor in Notice Debtor Provides to Creditor.

This provision would implement Judicial Conference policy that social security account numbers be protected from public disclosure in court documents.

Section 342(c) of title 11, United States Code, currently requires a debtor to include his or her taxpayer identification number, which for an individual is almost uniformly his or her social security account number, on any notice the debtor gives to his or her creditors. Debtors are required to give such notice in various contexts, including the filing of adversary proceedings, such as a compliant to determine the dischargeability of a debt, or contested matters, such as a motion to avoid a lien impairing an exemption.

As a copy of such notice is required to be filed with the court, court files routinely include unredacted social security numbers of debtors. By requiring only the last four digits of a taxpayer identification number to appear on the notice, the debtor's full social security number will no longer appear in the court file and thus be protected from public disclosure.

TITLE II—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 201. Disability Retirement and Cost-of-Living Adjustments of Annuities for Territorial Judges.

The judges of the district courts of Guam, the Northern Mariana Islands, and the Virgin Islands are appointed by the President and confirmed by the Senate for ten-year terms. Retirement benefits for territorial judges are set forth in 28 U.S.C. §373. Under this provision, a territorial judge may retire from office under any of the following three circumstances: (1) after meeting the same "rule of 80" age and service requirements applicable to Article III judges; (2) after serving at least 10 years, if removed by the President solely on grounds of mental or physical disability; or (3) at the end of a term, if not reappointed. An annuity equal to the pre-retirement salary, or prorated, in cases of disability or failure of reappointment, for judges with less than 15 years of service, is payable beginning at the time of retirement or upon attaining the age of 65 years, whichever is later. For judges who retire under the "rule of 80", the annuity is subject to the same cost-of-living adjustments (COLAs) as annuities payable under the Civil Service Retirement System, provided that such adjustments cannot result in a total annuity greater than 95 percent of an Article II judge's salary.

The retirement arrangements for these four territorial judges compare unfavorably with analogous provisions for bankruptcy judges, magistrate judges, and judges of the Court of Federal Claims (compare 28 U.S.C. §373 with 28 U.S.C. §§178 and 377) in that (1) territorial judges cannot retire if removed from office by the President on disability grounds before completing 10 years of service (as compared with five years of other non-Article III judges) and, even then, no annuity is payable until age 65 (no age restriction for other judges) and (2) territorial judges not retired at age 65 or older with combined age and service equal to eighty ("rule of 80") do not get COLAs and even those retired under the "rule of 80" do not get COLAs until salaries of active judges have increased enough to accommodate the 95 percent limitation. There is no rationale for perpetuating these differences between territorial judges and other non-Article III judges.

In addition, 28 U.S.C. §373(c)(4) currently appears to permit only those recalled territorial judges who retired on a "rule of 80" basis to receive the same compensation, travel, and other expenses as a judge on active duty with the court, in lieu of their annuities.

Accordingly, subsection (1) of this section makes a technical amendment to section 373(c)(4) that reflects the fact that any territorial judge retiring under 28 U.S.C. §373 may elect to be a "senior judge" eligible for recall service and, therefore, should be eligible to receive the same compensation as an active judge on the court being served.

Subsection (2) of this section eliminates existing inequities between territorial judges and magistrate judges and bankruptcy judges by permitting territorial judges with five or more years of service to retire on an immediate disability annuity. The annuity would be equal to 40 percent of salary if the judge has less than ten years of service, and is adjusted upward in the proportion that the number of years of service bears to fifteen for service of ten years or more.

Subsection (3) of this section applies the COLA provision of title 5 to all retired territorial judges, subject only to the limitation that the annuity may not exceed the salary of a judge in regular active service with the court on which the retired judge served before retiring.

Sec. 202. Federal Judicial Center Personnel Matters.

This section would restore the historic parity in the salary levels of the Federal Judicial Center's senior staff and that of the Administrative Office of the United States Courts by authorizing the Director of the Center to set the compensation of a limited number of Center professional employees at levels equivalent to Level IV of the Executive Schedule pay rates. The proposed language would limit the Federal Judicial Center to increases in four positions. The section also corrects a misspelling in the original statute.

Sec. 203. Annual Leave Limit for Judicial Branch Executives.

The amendment in this section is designed to afford senior executives in the courts and the Federal Judicial Center the same right to leave carryover (720 hours) as employees in comparable positions in the executive branch and in the Administrative Office. It would make applicable to these executives the 720-hour maximum carryover amount of annual leave established for members of the executive branch's Senior Executive Services, in Government Management Reform Act of 1994 (Pub. L. No. 103-356), and for senior executives in the Administrative Office, as a result of the Administrative Office of the United States Courts Personnel Act of 1990, Pub. L. No. 101-474.

The amendment would affect approximately 400 court unit executives, including circuit executives, clerks of the courts of appeals, district court clerks, district court executives, bankruptcy court clerks, clerk of the Court of International Trade, clerk of the United States Court of Federal Claims, chief probation officers, chief pretrial services officers, senior staff attorneys, chief preargument attorneys, bankruptcy administrators, and circuit librarians. It would also affect five positions in the Federal Judicial Center.

Sec. 204. Supplemental Benefits Program.

The purpose of this section is to authorize the judiciary to provide its employees with a benefits package that is more competitive with those already provided throughout the private sector, state governments, colleges and universities, and the banking agencies in the executive branch. The Federal Reserve, the Office of the Comptroller of the Currency, and the Federal Deposit Insurance Corporation recognized the need to improve benefits and were granted authority by Congress to offer these same enhanced benefits.

In January 2001 the General Accounting Office issued a report, "High-Risk Series: An Update" (GAO-01-263) which describes four key challenges to the federal government as an employer, paramount among them was "acquiring and developing staffs whose size, skills, and deployment meet agency needs." The Judiciary, like the rest of the federal government, must recruit and retain employees with the proper skill mix in a competitive labor market. Over the next five years, the judiciary is at risk to lose 40 percent of its employee population to retirement. Also, the judiciary faces the additional challenges of recruiting staff nationwide, including in competitive labor markets in major urban areas.

The Judicial Conference of the United States has concluded that a comprehensive benefit program which responds to the current and future needs of the judiciary's workforce is essential to allow the judiciary to compete for the skilled employees that make up that workforce. The need for this authority is urgent. Severe budget constraints will only allow this program to be gradually implemented over a period of years. The personnel management problem it is intended to ameliorate is fast approaching.

Sec. 205. Student Loan Forgiveness for Federal Defenders.

This provision amends section 465(a)(2)(F) of the Higher Education Act of 1965, as amended by the Crime Control Act of 1990 (20 U.S.C. §1087ee(a)(2)(F)), to extend the categories of borrowers eligible for loan cancellation to include full-time federal defenders. Under section 465(a)(2)(F), a borrower is entitled to cancellation of up to 100 percent (phased in over five years of employment in a qualifying agency) of a Perkins Loan made on or after November 15, 1990, for full-time service as a qualifying law enforcement or corrections officer. While the Department of Education has interpreted the Federal Perkins Loan Program regulations to include prosecuting attorneys under the category of law enforcement officer, it has declined to extend the cancellation benefit administratively to public defenders.

Providing federal defenders with the same eligibility for student loan forgiveness as is held by their counterparts in United States attorney offices would be consonant with the parity established in the Criminal Justice Act between their salaries. See 18 U.S.C. §3006A(g)(2)(A) (the compensation of the Federal Public Defender shall be fixed at a rate not to exceed the compensation received by the United States attorney for that district, and the compensation for attorneys in a Federal Public Defender Organization shall be fixed at a rate not to exceed that paid to attorneys with similar qualifications and experience in the office of the United States attorney for that district). The underlying principle supporting the eligibility of prosecutors for student loan forgiveness—i.e., that the fundamental fairness, integrity, and credibility of the criminal justice system require the recruitment and retention of persons of the highest intellect, capability, character, and commitment to public service—applies with equal force to the men and women who serve as federal defenders. They should qualify for the same benefit.

Sec. 206. Law Clerk Loan Deferment.

Federal judges and Supreme Court Justices depend on the work of their law clerks. For that reason, each judge and Justice attempts to hire young attorneys with, among other qualities, records of high academic achievement. These same individuals have employment opportunities in the private sector which pay far higher salaries than a judge can offer. Because recent law school graduates frequently have significant amounts of student loan debt, judges face increasingly strong competition to secure highly capable law clerks.

Executive Branch agencies are authorized to pay up to six thousand dollars a year to repay an employee's student loan in certain circumstances. Congress has authorized this program to assist agencies to recruit and retain highly qualified individuals as employees. See 5. U.S.C. §5379. The proposal in this section is considerably less ambitious. It would only authorize judicial law clerks to defer payment of principal and interest on a federally insured loan during the period they serve as clerks.

Sec. 207. Inclusion of Judicial Branch Personnel in Organ Donor Leave Program.

In 1999, the Organ Donor Leave Act increased the amount of paid leave to serve as an organ donor from seven days to 30 days each calendar year. The purpose of the law was to enhance the federal government's leadership role in encouraging organ donations by making it easier for federal employees to become donors. The organ donor statute at 5 U.S.C. §6327(a) currently applies only to executive branch employees. This amendment extends the statute to the judicial branch.

Sec. 208. Transportation and Subsistence for Criminal Justice Act Defendants.

This section would amend 18 U.S.C. §4285 to give courts the authority to order the United States Marshals Service to furnish transportation and subsistence for defendants returning home from court proceedings, and subsistence while attending such proceedings, including successive court appearances. The statute currently authorizes courts to order the United States Marshals Service to provide a released defendant with noncustodial transportation and subsistence to the court where that individual's appearance is required, when the interests of justice would be served and the client is financially unable to pay transportation costs.

This proposal would eliminate the present anomaly. While there is authority to bring non-custodial indigent defendants to court, there is no authority to provide the wherewithal to allow them to return to their homes, or obtain food and lodging during court proceedings or on the return trip. This section would provide the presiding judge with discretion to order the payment of reasonable travel and subsistence expenses for a defendant who may need the assistance. A preliminary estimate indicates that the cost of such travel and subsistence would be approximately $600,000 annually. When so ordered, such expenses would be paid by the United States Marshals Service from funds authorized by the Attorney General for such expenses.

Sec. 209. Maximum Amounts of Compensation for Attorneys.

The courts are required to pay private attorneys for indigent defendants' representation in criminal cases in situations where Federal Defenders are not available. These attorneys file vouchers for approval by the trial judges to obtain these payments. The Criminal Justice Act in 1986 established certain new "maximums" or thresholds which, when exceeded, require that the voucher be approved for payment by the chief judge of the circuit in addition to the trial court. 18 U.S.C. §3006A(d)(2)–(3). At that time, the hourly compensation rate was $60 in-court/$40 out-of-court which yielded an average of $45.

The Federal Courts Improvement Act of 2000 raised the case "maximums" for compensation for two reasons. In the previous 14 years, the per hour rates had been increased to $75 in-court and $55 out-of-court. Secondly, the 1987 adoption of the Sentencing Guidelines significantly increased attorney time per case.

As of May 1, 2002, the hourly rate for indigent attorney representation was increased to $90 per hour for in-court and out-of-court work. The proposal in this section would realign the case "maximums" in light of this increase in hourly rates. The percent of increase tracks the percent of increase in the hourly rate. The goal is to ensure that approximately the same percentage of vouchers are sent on to the court of appeals for approval as were sent on when Congress set the "maximums" in 1986 and 2000.

The purpose of this proposal is to provide prompt as possible payment to the attorneys who volunteer to the court to do representation work. Even at $90 per hour, well more than half of this compensation constitutes reimbursement to an attorney for overhead and operating expenses. It is only fair to these volunteer attorneys to keep the number of vouchers which are delayed by two judge approval to a reasonable portion of the total number. A secondary goals is to relieve administration burdens on court of appeals judges to the maximum extent reasonable.

Sec. 210. Maximum Amounts of Compensation for Services Other Than Counsel.

This section increases the approval thresholds for payment vouchers for services of investigators, experts, and other service providers by approximately the rate of wage inflation since 1986 (63%), the last year the thresholds were increased. It increases from $300 to $500 the amount which could be expended for investigative, expert, and other services without prior judicial approval, and increases from $1,000 to $1,600 the amount which cannot be paid out for such services without the approval of the chief judge of the court of appeals or an active judge of the court of appeals to whom the chief judge has delegated this authority. (18 U.S.C. §3006A(e).) The cost of professional services has risen since 1986, resulting in a much greater percentage of vouchers being submitted to the chief judges of the courts of appeals for review. This delays payment to service providers and increases the administrative burden of judicial officers.

Sec. 211. Excess Compensation Delegation Authority.

This section expands the delegation authority of the chief judge of the court of appeals with respect to approving vouchers in excess of the statutory maximums submitted by panel attorneys and investigative, expert, and other service providers. Chief judges of the circuits currently review and approve vouchers in excess of the statutory maximums after the court before which the services were provided certifies that the excess amount is necessary to provide fair compensation. The proposed amendments would widen the pool (now limited to active circuit judges) of possible individuals to whom the chief judge may delegate such approval authority to include any senior circuit judge or an "appropriate non-judicial officer qualified by training and legal experience." The amendments also provide that a claimant may seek review by the circuit chief judge of a reduction made by any delegate in the amount that had been certified as necessary for fair compensation by the court before which the services were provided. The judiciary believes that the expanded delegation will accomplish the goal of enhanced supervision without compromising judicial responsibility for ensuring fair compensation for panel attorneys and other service providers.

In 1986, in response to a request from the circuit chief judges, the judiciary proposed and Congress enacted amendments to subsections (d)(3) and (e)(3) of the Criminal Justice Act, 18 U.S.C. §3006A, to provide that the chief judge of the circuit may delegate the excess compensation approval authority to an active circuit judge. At that time, the chief judges had expressed concern regarding the administrative burden of reviewing excess claim vouchers. Currently, with the large growth in the number of excess compensation claims, the circuit chief judges have indicated that the administration of the compensation system would be further enhanced by expanded delegation authority. By broadening the pool of persons to whom the chief judge may delegate his or her excess compensation approval authority, the chief judge will be better able to designate a person whose background fully equips him or her to decide upon the appropriate amounts of compensation for the services rendered. Moreover, in requiring that any non-judge designee be qualified by training and legal experience, the proposed amendments ensure accountability and effectiveness in voucher review. As a further safeguard for fair compensation, the amendments permit an attorney or other services provider to seek the circuit chief judge's review of a reduction made by the delegate.

Sec. 212. Protection Against Malicious Recording of Fictitious Liens Against Federal Judges.

In recent years, members of the federal judiciary have been victimized by persons seeking to intimidate or harass them by the filing of false liens against the judge's real or personal property. These liens are usually filed in an effort to harass a judge who has presided over a criminal or civil case involving the filer, or who has otherwise acted against the interests or perceived interests of the filer, his family, or his acquaintances. These liens are also filed to harass a judge against whom a civil action has been initiated by the individual who has filed the lien. Often, such liens are placed on the property of judges based on the allegation that the property is at issue in the lawsuit. While the incidences of filing such liens have occurred in all regions of the country, they are most prevalent in Washington and other western states.

The responsibility to initiate legal action to remove these liens typically falls upon Assistant United States Attorneys ("AUSA"), who represent the judges. The forms of response vary according to the state law and the circumstances. It is sometimes necessary for the AUSA to bring action in state court for the removal of liens. In some circumstances, an action to remove the liens may be brought in federal court, and in others, state court proceedings are commenced and removed to federal court under the provisions of 28 U.S.C. §1452. In some cases, the AUSA may seek an injunction against further filing of liens by the litigant. All of these methods are difficult and time consuming.

The pendency of these liens prior to their removal has caused some judges great inconvenience and personal financial difficulty. There is no current federal statute under which persons engaging in this tactic may be prosecuted. Thus, a new federal criminal sanction is needed to deter the practice. This proposal would create a new provision in the federal criminal code, punishing any person who files a false lien or encumbrance against the property of any federal Judge. The new statute would provide a maximum sentence on the first offense of up to five years.

Sec. 213. Appointing Authority for Circuit Librarians.

This section amends Section 713 of title 28, United States Code, to provide that circuit librarians shall be selected and hired by the circuit council rather than the circuit court of appeals. In recognition of the fact that circuit librarians assist judges and clerks from all courts, including district, bankruptcy and magistrate judges as well as appellate court judges, it is more appropriate for the circuit judicial council to hire the circuit librarian, rather than the appellate court.

Sec. 214. Judicial Branch Security Requirements.

This section would enhance the ability of the Judicial Conference to determine the security required for the protection of judges, court employees, law enforcement officers, jurors and other members of the public who are regularly in federal courthouses and other buildings used by the Judicial Branch. The judiciary has the ability to make a determination of its requirements in all other areas of operations. Only in security, perhaps the most critical area, does the judiciary lack the authority to determine basic requirements.

Currently, the U.S. Marshals Service (USMS) and the General Services Administration (GSA) share the responsibility for judiciary security. In recent years, the judiciary has been transferring to the USMS increasing amounts of funding for court security officers and courthouse security equipment from the judiciary court security appropriation. Yet, the Judicial Conference currently lacks sufficient information from the USMS to fully participate in assessing the effectiveness of the security program upon which the judiciary so heavily depends.

The judiciary seeks to work cooperatively with the USMS in setting security requirements, as required by statute. In order for the judiciary to participate in the determination of security requirements, the judiciary will need information from the USMS including, for example, the current security standards, the allocation of personnel, analyses regarding equipment, and resource needs. This information is necessary to help the judiciary determine weaknesses and potential improvements in its security. It will also help the judiciary to provide support for the USMS budget throughout each funding cycle.

This section would not alter the responsibility of the USMS for protection of the judiciary in buildings occupied by the courts, pursuant to a memorandum of understanding between the GSA and the USMS, under which authority has been delegated to the USMS for the security of federal courthouses. The USMS would still be responsible for the security of the judges and the court facilities. Examples of security requirements which the judiciary could determine include the need for deputy marshals in certain proceedings and whether electronic devices should be allowed into courthouses.

With this authority, the judiciary will have a relationship with the USMS that is similar to the one it has with the GSA. The Director of the Administrative Office of the U.S. Courts has the statutory authority to provide accommodations to the courts, but lacks real property authority. Therefore, the judiciary identifies and defines space requirements for the courts and helps to support the GSA budget request for courthouse construction. The GSA determines how to fulfill the judiciary's space requirements and actually constructs the courthouses. The judiciary seeks this same arrangement with the USMS—a partnership in achieving an end that is agreed to and supported by the judiciary.

This section provides the Judiciary Conference with the authority to "determine" judiciary security needs. That determination is obviously not intended to mean the USMS is required by law to implement what the determination or assessment may be. It also, obviously, does not mean that Congress is under some obligation to fund what the judiciary "determines" it needs. However, it is important for the judiciary to have a voice in setting its own security requirements. This provision would give the judiciary that voice.

Sec. 215. Bankruptcy, Magistrate, and Territorial Judges Life Insurance.

Prior to October 1998, Article III judges had the exclusive right to carry full Federal Employees' Group Life Insurance (FEGLI) coverage into retirement, and many judges relied on this coverage in developing their financial and estate plans. In 1998, after Congress enacted legislation expanding this benefit to all federal employees, the Office of Personnel Management proposed rate changes in FEGLI premiums that would significantly increase for judges the cost of maintaining the insurance and, for older judges, make continued coverage prohibitively expensive. To minimize the impact of this regulatory change, Congress enacted legislation, Public Law No. 106–113 (the "FEGLI fix"), authorizing the Director of the Administrative Office, on direction of the Judicial Conference, to pay the cost of any increase.

Public Law No: 106–518, the Federal Courts Improvement Act of 2000, included a provision extending the "FEGLI fix" to the Court of Federal Claims by providing that a retired Claims Court judge is a "judge of the United States" for purposes of Federal Employees' Group Life Insurance (FEGLI) coverage. This section would extend that benefit to Bankruptcy, Magistrate, and Territorial Judges.

Sec. 216. Health Insurance for Surviving Family and Spouses of Judges.

Federal retirees (executive branch and Congressional employees) and their surviving spouses retain their eligibility for Federal Employees Health Benefits (FEHB) health coverage at the same cost as current employees. In order to carry FEHB coverage into retirement, retirees must have been continuously enrolled (or covered as a family member) in any FEHB plan(s) for the 5 years of service immediately before the date the annuity starts, or for the full period(s) of service since the retiree's first opportunity to enroll (if less than 5 years).

Unlike surviving family and spouses of federal employees (and retirees) in the executive branch and Congressional branch, the surviving spouses of Article III judges (not enrolled in the Judicial Survivors' Annuities System) are not eligible to continue Federal Employees Health Benefits (FEHB) in the event of the judge's death. The surviving spouses of employees who have been enrolled for five years or more immediately before their deaths may elect to continue FEHB coverage. The surviving family and spouses of deceased federal judges are not eligible to continue to receive health benefits unless the judge, within the first six months of entering service, elects to participate in a survivors' annuity program.

This section would provide the same benefit regarding the FEHB program to surviving family (the spouse or unmarried dependent child under 22 years of age) of a Justice, judge, territorial judge, judge of the Court of Federal Claims, bankruptcy judge or full-time magistrate judge.

Mr. LEAHY. Mr. President, today, I am pleased to introduce a bill that would greatly improve the administration and efficiency of our Federal court system. The Federal Courts Improvement Act of 2004 is an attempt to assist our hard working Federal judiciary by replacing antiquated processes and bureaucratic hurdles with the necessary tools for the 21st century.

I thank my colleagues for joining Senator HATCH and me in supporting this bipartisan measure.

In recent years, the job of the Federal judge has changed considerably. Today, Federal judges at both the trial and appellate level are hearing more cases with fewer available judicial resources. We have a responsibility to pass legislation that helps them keep up with changing times and circumstances.

The judicial branch of Government occupies a place in the constitutional scheme of equal responsibility and importance as the Congress and the Presidency. Just like it is the judiciary's duty to mete out justice in a neutral and unbiased means, it is this branch's duty to provide the requisite tools so that the Federal judiciary can maintain its prominent place in the American system of Government.

For the last 20 years I have served on the Senate Judiciary Committee and I have worked hard to preserve a fair, independent and efficient judiciary. To further this goal, this body has passed a number of important judicial reforms over the past decade. The legislation under consideration today, like those passed in recent years, assists the Federal judiciary in achieving its goals and fulfilling its constitutional duties. While I am pleased with many of the reforms that have been implemented in recent years, other necessary measures that have been considered have not been implemented.

For example, last year I introduced legislation that would have provided Federal judges with a substantial pay raise as an attempt to rectify the fact that Federal judges earn far less than their counterparts in the private sector. I feel that it is completely unreasonable that judges do not automatically receive an annual cost-of-living adjustment that nearly every other Federal employee receives. Chief Justice Rehnquist has observed that, "inadequate compensation seriously compromises the judicial independence fostered by life tenure. That low salaries might force judges to return to the private sector rather than stay on the bench risks affecting judicial performance—instead of serving for life, those judges would serve the terms their finances would allow." It was for these reasons that I was very disappointed that the legislation was not enacted after it was reported favorably by the Judiciary Committee. While I understand that we are now in a time of record deficits, we should not be so constrained as to jeopardize the independence of our Federal judiciary.

I am disappointed that the legislation introduced today does not seek to rectify the inadequacy of judicial pay. Nevertheless, it will assist the Federal judiciary by addressing some of its institutional inefficiencies and disparities. For example, this bill will strengthen the jury system, establish parity in judicial benefits, protect against identity theft, respond to changes in technology, and recognize the important role of magistrate judges in our Federal justice system. I am happy to respond to these requests made by the Judicial Conference of the United States.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2397. A bill to adjust the boundary of the John Muir National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, today I am introducing a bill with my colleague, Senator FEINSTEIN, to adjust the boundary of the John Muir National Historic Site. This bill, which is identical to legislation introduced in the House by Representative GEORGE MILLER, would allow the Park Service to obtain a small parcel of property to create a parking area for the John Muir National Historic Site. This would make access to the site much easier.

Naturalist John Muir lived in Martinez, CA, from 1890 until his death in 1914. While living in Martinez, Muir served as the first president and one of the founders of the Sierra Club, played a prominent role in the creation of several national parks, and wrote numerous articles and books on the importance of conservation. In 1964, John Muir's former residence became part of the National Park Service. Designated as a National Historic Site, John Muir's estate provides valuable open space in the San Francisco Bay area.

In 1988, Congress enacted legislation to expand the John Muir Historic Site. Included in this site expansion was a 3.3 acre parcel of land owned by the city of Martinez, which was donated by the city to the National Park Service. Following a survey conducted as part of the development of the General Management Plan, the Park Service discovered that a two-tenths acre triangle adjacent to the acquired parcel did not appear to have an owner.

Enactment of this legislation would allow the Park Service to either acquire the land, if an heir or owner is identified, or condemn the property if an heir or owner is not found. When the title to the land is clear, the Park Service wants to construct a parking area in order to meet the growing needs of the site users. This 9,500 square foot addition to the John Muir National Historic Site would allow the proposed parking area to accommodate school busses and provide 12 additional parking spaces.

This bill authorizes a noncontroversial boundary adjustment and is supported by Contra Costa County and the city of Martinez. I urge my colleagues to support this legislation.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 2398. A bill to designate the Federal building located at 324 Twenty-fifth Street in Ogden, Utah, as the James V. Hansen Building; to the Committee on Environment and Public Works.

Mr. HATCH. Mr. President, I am introducing legislation along with Senator BENNETT to designate the Federal building located at 324 Twenty-fifth Street in Ogden, Utah, as the James V. Hansen Federal Building.

I am pleased to introduce this measure today to honor my friend from Utah, former Congressman Jim Hansen. I am joined by my colleague Senator BENNETT, who has also worked extensively with Congressman Hansen on issues important to the people of Utah.

Congressman Hansen retired last year after serving in the United States House of Representatives, representing Utah's First Congressional District, for 22 years. Before his 11 terms in Congress, he served in the Utah State Legislature for 8 years, where he ascended to the role of speaker of the Utah House of Representatives. For 12 years, he served on the Farmington City Council. He is a veteran of the Korean War and served in the United States Navy.

Congressman Hansen has served the people of Utah with great distinction in the House of Representatives. He served as the Chairman of the House Resources Committee, as a senior member on the Armed Services Committee, and as a member of the House Ethics Committee,. He is one of the three founders of the Western Caucus and served as its chairman from 1988 to 1999.

While serving as the Chairman of the Resources Committee, Congressman Hansen guided hundreds of difficult and complex bills through the legislative process. He sponsored numerous pieces of legislation to protect land in Utah and the Arizona Strip, and designate wilderness lands in Wyoming and Montana.

Congressman Hansen proved to be an effective broker in the Congress, as he crafted numerous agreements that provided sensible policies to encourage multiple use of public lands, preservation of the environment, and sound economic principles. As the Resources Committee Chairman, Congressman Hansen facilitated compromises and negotiated many agreements among diverse parties.

Congressman Hansen also rose to the role of the ranking member of the House Armed Services Committee. He was instrumental in helping preserve Hill Air Force Base through three rounds of base closures. While on the Committee, he led the effort to stop President Clinton's attempt to transfer work being conducted at Hill Air Force Base to California. He came to be known as an expert leader on defense issues, and he has a distinguished reputation for speaking with authority on intricate military topics.

Congressman Hansen served longer than any member to date on the House Committee on Standards of Official Conduct. His colleagues in the House reappointed him three times, and in the third term he served as Chairman. When Hansen was a freshman in Congress, he worked with President Ronald Regan to establish the Presidential Commission on Drunk Driving. In the first year of the program, the number of deaths resulting from drunk driving declined by 4,700.

Over the course of his life, Congressman Hansen has built a reputation as a decent, commonsense, hard-working public servant. He is respected by members on both sides of the aisle as a straightforward, rational lawmaker who works hard to reach sensible solutions.

Mr. President, it is only fitting that the Federal building in Ogden bear Congressman Hansen's name. He devoted time, energy, and talent to improving the State of Utah. The name of Jim Hansen will bring a level of trust, a level of fairness, and a level of understanding to all who enter this building. His name will continue to be synonymous with excellence in public service in Utah.

Congressman Hansen advocated what was best for his constituents and what was best for the Nation. I thank Congressman Hansen, and I wish him the best in the activities he chooses to pursue.

Senator BENNETT and I are pleased to introduce this companion legislation in the Senate. I note that Representative CANNON has introduced a companion bill which has been passed by the House of Representatives. I hope this measure will be approved by the Senate in short order.

By Mr. FITZGERALD (for himself and Mr. KENNEDY):

S. 2399. A bill to provide for the improvement of physical activity and nutrition and the prevention of obesity for all Americans; to the Committee on Health, Education, Labor, and Pensions.

Mr. FITZGERALD. Mr. President, I rise today to introduce the Healthy Lifestyles Act of 2004 with Senator KENNEDY. This bill places the crafting of the Dietary Guidelines for Americans squarely on the shoulders of the independent Institute of Medicine of the National Academies of Sciences. This bill also establishes several grant programs to help curb the obesity epidemic that plagues more than one-third of Americans.

In the United States, approximately 300,000 of our citizens die each year as a result of being overweight or obese. This information becomes even more dire when you consider that 64 percent of adults and 13 percent of children and adolescents are overweight, according to the Centers for Disease Control and Prevention. More staggering, twice as many children and three times as many adolescents are characterized as overweight today as in 1980—when the Federal Government, through the U.S. Department of Agriculture, first published the Dietary Guidelines. In 1990, Congress took a larger role in the establishment of these Guidelines and passed legislation requiring the USDA and HHS to review, and, if necessary, revise the Guidelines every 5 years.

According to the CDC, in 1985, in no State in the union were more than 14 percent of the residents obese, but in 2001, in every State but Colorado more than 15 percent of residents were obese. My own State of Illinois dramatically demonstrates this disturbing trend. According to CDC, in 1985, less than 10 percent of Illinois residents were obese. By 2001, between 20 and 24 percent of Illinois residents were obese.

Furthermore, according to the CDC, the medical expenses of the overweight and obese accounted for 9.1 percent of total U.S. medical expenditures in 1998 and may have reached as high as $78.5 billion. Approximately half of these costs were paid by Medicaid and Medicare.

It is time to fix this dysfunctional system. By placing the IOM in charge of drafting the Dietary Guidelines, we can help to ensure that the Guidelines are based upon unbiased, sound, scientific evidence rather than which organization has the greatest influence. When dealing with the health and welfare of Americans, we can expect no less.

Additionally, this measure directs the IOM to examine nutrition programs run by the Federal Government, an important step to discern whether USDA, HHS, and other Federal agencies are properly conducting nutrition research.

While many factors contribute to this growing health crisis, the problem, in part, may be attributed to a lack of nutrition and fitness information available to the public, especially among low-income groups. This bill will help our communities to a better job of educating Americans about proper nutrition and the serious risks associated with obesity. The Federal Government can fund all the research that it wants, but that research will do no good unless it is properly communicated to the public.

This legislation empowers schools, local and State governments, and employers, through grant programs, to establish obesity-prevention initiatives. We can only limit the prevalence of obesity in America by empowering the individual through grassroots and community programs to change their eating and exercise behaviors. Obesity is not only a preventable disease, it is a curable disease. By encouraging more physical activity and better eating habits, we can help reduce the size of waistbands in America and help curb heart disease, type II diabetes rates, and other obesity-related diseases.

In communities at risk for poor nutrition, this legislation provides grant funding to help promote the consumption of foods that are consistent with the Dietary Guidelines and to promote water as the main daily drink choice for people. The measure provides grants to train health professionals and health science students in identifying, preventing, and treating obesity-related conditions.

With 64 percent of the people in our country classified as overweight or obese, it is obvious that the Dietary Guidelines and Federal nutrition monitoring programs have failed. I thank Senator KENNEDY for joining me today to introduce the Healthy Lifestyles Act of 2004. We owe it to the American people to disseminate unbiased, sound, scientific nutrition information. I urge my colleagues to support this important piece of legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 2399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Healthy Lifestyles Act of 2004".

SEC. 2. ACTIVITIES RELATING PHYSICAL ACTIVITY.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399O. INCREASING PHYSICAL ACTIVITY.

"(a) IN GENERAL.—The Secretary, in collaboration with the Director of the Centers for Disease Control and Prevention, the Secretary of Education, the Secretary of Labor, and the Director of the Federal Highway Administration, shall establish and implement activities for the purpose of increasing physical activity in schools, worksites, and communities.

"(b) SCHOOLS.—The Director of the Centers for Disease Control and Prevention, in collaboration with the Secretary of Education shall award grants to public elementary and secondary schools for programs that support—

"(1) the provision of daily physical education for students in kindergarten through grade 12 through programs that are consistent with the Guidelines for Physical Activity as reported by Centers for Disease Control and Prevention and the American College of Sports Medicine and National Physical Education Standards;

"(2) the implementation of comprehensive school curricula and school-based physical activity programs that provide education about lifelong physical activity;

"(3) training for school personnel that provides the knowledge and skills needed to effectively teach lifelong physical activity; and

"(4) evaluations of school physical education programs and facilities at annual intervals to determine the extent to which national guidelines described in paragraph (1) are met.

"(c) WORKSITES.—The Director of the Centers for Disease Control and Prevention and the Secretary of Labor, shall award grants to eligible entities as determined by the Director, which may include labor organizations, trade associations, trade groups, and businesses for the establishment of projects that include—

"(1) the development of activity friendly worksites (which may include the provision of facilities for physical activity, accessible and attractive stairwells, walking trails, and supportive management practices) that encourage employee participation in physical activity;

"(2) the development of worksite wellness programs that improve physical activity by increasing the knowledge, attitudes, skills, and behaviors of employees; and

"(3) the development of employee incentive programs (such as cafeteria discounts, health club memberships, small cash bonuses, and time off) to increase the participation of employees in worksite health promotion programs that increase physical activity.

"(d) COMMUNITIES.—The Director of the Centers for Disease Control and Prevention, the Secretary of Transportation, and Secretary of the Interior shall award grants for the implementation and evaluation of activities that may include—

"(1) projects to design pedestrian zones and construct safe walkways and cycling paths;

"(2) projects that create greenways and open-space areas linking parks, nature preserves, and cultural or historic sites with each other and with populated areas such as residential communities and business locations;

"(3) initiatives to increase the use of walking and bicycling as a transportation mode by creating or enhancing informational outreach to parks or community recreation centers; and

"(4) community-wide campaigns designed to increase physical activity as part of multicomponent efforts that include strategies such as support of self help groups, physical activity counseling, risk factor screening and education, and environmental or policy changes such as the creation of walking trails.

"(g) EVALUATION.—Not later than 2 years after the date on which a grant is awarded under this section, the grantee shall submit to the Director of the Centers for Disease Control and Prevention a report that describes the activities carried out with funds receive under the grant and the effectiveness of such activities in increasing physical activity.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2005 through 2009.".

SEC. 3. IMPROVING NUTRITIONAL INTAKE.

Section 301 of the The National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341) is amended to read as follows:

"SEC. 301. DIETARY GUIDELINES.

"(a) IN GENERAL.—Not later than 3 months after the date of enactment of the Healthy Lifestyles Act of 2004, and at least every 5 years thereafter, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the development and publication of a report containing the 'Dietary Guidelines for Americans'.

"(b) GUIDELINES.—Each report under subsection (a) shall—

"(1) be complete within 1 year of the date on which the contract was entered into under such subsection for such report; and

"(2) contain—

"(A) an evaluation of scientific and medical knowledge relating to healthy diets and nutrition;

"(B) dietary guidelines for Americans, with specifications for different ages and other segments of the population as determined appropriate by the Institute of Medicine.

"(c) SUBMISSION.—The Institute of Medicine shall submit a final report under each contract under subsection (a) to the Secretary of Health and Human Services, appropriate committees of Congress, and the general public.

"(d) USE.—The Secretary of Health and Human Services shall ensure that dietary guidelines established under this section serve as the basis of any food, nutrition or health program conducted or operated by each Federal health agency.

"(e) FOOD GUIDE PYRAMID.—In accordance with the dietary guidelines published in the report under subsection (b), the Secretary shall publish revisions to the guide commonly known as the 'food guide pyramid' or any successor to such guide.".

SEC. 4. IMPROVING THE USE OF DIETARY INFORMATION AND GUIDELINES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study and the making of recommendations concerning the implementation and dissemination of dietary information and nutrition guidelines.

(b) CONTENT.—The recommendations made under subsection (a) shall address the following:

(1) The implementation of nutrition guidelines and dietary information in Federal programs.

(2) The dissemination of nutrition guidelines and dietary information to the public.

(3) The coordination, collaboration, and integration of nutrition activities within and across the Federal agencies and programs.

(4) A means for ensuring scientific integrity in the implementation and dissemination of dietary information and nutrition guidelines.

(5) A means for evaluating the impact of nutrition guidelines and dietary information.

(6) Other issues determined appropriate by the Institute of Medicine.

(c) SUBMISSION.—Not later than 1 year after the date of enactment of this Act, the Institute of Medicine shall submit to the Secretary of Health and Human Services, the appropriate committees of Congress, and the public, a report that contains the findings of the study and recommendations under subsection (a).

(d) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 1 year after the submission of the report under subsection (c), the Secretary of Health and Human Services, in collaboration with the Secretary of Agriculture, shall prepare and publish a plan relating to the strategy of the Secretary to implement the recommendations made pursuant to subsection (a).

(2) PUBLIC COMMENT.—The Secretary of Health and Human Services shall request public review and comment during the development of the plan under paragraph (1). The final plan shall describe the comments received and how comments were incorporated into the plan.

(3) IMPLEMENTATION REPORTS.—Not later than 3 years after the date of enactment of this Act, and biennially thereafter, the Secretary of Health and Human Services shall evaluate and report to Congress on the efforts of the Department of Health and Human Services to implement the recommendations made pursuant to subsection (a).

SEC. 5. INCREASING THE INTAKE OF NUTRITIONAL FOODS.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.), as amended by section 2, is further amended by adding at the end the following:

"SEC. 399P. INCREASING THE INTAKE OF NUTRITIONAL FOODS.

"(a) IN GENERAL.—The Secretary, in collaboration with the Director of the Centers for Disease Control and Prevention, the Secretary of Education, and the Secretary of Agriculture, shall establish and implement activities to improve the consumption of nutritional foods (such as fruits and vegetables, and foods that are low in fat, sugar, and salt) in communities.

"(b) COMMUNITIES.—The Secretary, acting through the Director of the Centers of Disease Control and Prevention, shall award grants for projects that—

"(1) implement campaigns, in communities at risk for poor nutrition, that are designed to promote the intake of foods consistent with established dietary guidelines through the use of different types of media including television, radio, newspapers, movie theaters, billboards, and mailings;

"(2) implement campaigns, in communities at risk for poor nutrition, that promote water as the main daily drink choice through the use of different types of media including television, radio, newspapers, movie theaters, billboards, and mailings;

"(3) conduct outreach to commercial food establishments, grocery stores, and other food suppliers, to increase the availability and accessibility of healthy foods and beverages;

"(4) partner with national programs that provide parents and mentors with the skills to help guide and influence healthy meals and snack selections for children and adolescents; and

"(5) partner with national afterschool and summer programs that provide children with the education and skills needed to make healthy meal and snack selections.

"(c) HEALTH PROFESSIONALS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants to—

"(1) support the development, implementation, and evaluation of curricula to educate and train health professionals about effective nutrition education and counseling strategies for obese individuals and parents of overweight children, with emphasis on the Dietary Guidelines for Americans or other nationally accepted standards; and

"(2) use information technology to develop, implement, and evaluate the effectiveness of dietary counseling in health care settings.

"(d) EVALUATION.—Not later than 12 months after the date on which a grant is awarded under this section, the grantee shall submit to the Director of the Centers for Disease Control and Prevention a report that describes the activities carried out with funds received under the grant and the effectiveness of such activities in improving the intake of nutritional foods.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2005 through 2009.

SEC. 6. FEDERAL OBESITY PREVENTION AND CONTROL ACTIVITIES.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.), as amended by section 5, is further amended by adding at the end the following:

"SEC. 399Q. FEDERAL OBESITY PREVENTION AND CONTROL ACTIVITIES.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall directly or through a grant to an eligible entity, conduct, support, and promote the coordination of research, investigations, demonstrations, training, and studies relating to the prevention, control, and surveillance of obesity.

"(b) DUTIES OF THE SECRETARY.—The activities of the Secretary under subsection (a) shall include—

"(1) the collection, publication, and analysis of data on the prevalence and incidence of obesity;

"(2) the development of uniform data sets for public health surveillance and clinical quality improvement activities;

"(3) the identification of evidence-based and cost-effective best practices for the prevention, diagnosis, management, and treatment of obesity;

"(4) research, including research on behavioral interventions to prevent obesity and on other evidence-based best practices relating to obesity prevention, diagnosis, management, and care; and

"(5) demonstration projects, including community-based programs of obesity prevention and control, and similar collaborations with academic institutions, hospitals, health insurers, researchers, health professionals, and nonprofit organizations.

"(c) Training and Technical Assistance.—With respect to the planning, development, and operation of any activity carried out under subsection (a), the Secretary may provide training, technical assistance, supplies, equipment, or services, and may assign any officer or employee of the Department of Health and Human Services to a State or local health agency, or to any public or nonprofit entity designated by a State health agency, in lieu of providing grant funds under this section.

"(d) Obesity Prevention and Control Research at the Centers for Disease Control and Prevention Centers.—The Secretary shall provide additional grant support under this section for research projects at the Centers for Prevention Research of the Centers for Disease Control and Prevention to encourage the expansion of research portfolios at the Centers for Prevention Research to include obesity specific research activities related to the prevention and control of obesity.

"(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2005 through 2009.".

SEC. 7. STATE OBESITY PREVENTION AND CONTROL ACTIVITIES.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.), as amended by section 6, is further amended by adding at the end the following:

"SEC. 399R. STATE OBESITY PREVENTION AND CONTROL PROGRAMS.

"(a) In General.—The Secretary shall award grants to eligible entities to provide support for comprehensive obesity prevention and control programs and to enable such entities to provide public health surveillance, prevention, and control activities related to obesity.

"(b) Eligibility.—To be eligible to receive a grant under this section, an entity shall—

"(1) be a State or an Indian tribe; and

"(2) submit to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary may require, including a comprehensive obesity control and prevention plan that—

"(A) is developed with the advice of stakeholders from the public, private, and nonprofit sectors that have expertise relating to obesity prevention, control, and treatment;

"(B) is intended to reduce the morbidity of obesity, with priority on preventing and controlling obesity in at-risk populations and reducing disparities in obesity prevention, diagnosis, management, and quality of care in underserved populations; and

"(C) describes the obesity-related services and activities to be undertaken or supported by the entity.

"(c) Use of Funds.—An eligible entity shall use amounts received under a grant awarded under subsection (a) to conduct, in a manner consistent with the comprehensive obesity prevention and control plan submitted by the entity in the application under subsection (b)(2)—

"(1) public health surveillance and epidemiological activities relating to the prevalence of obesity and assessment of disparities in obesity prevention, diagnosis, management, and care; and

"(2) public information and education programs.

"(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2005 through 2009.".

SEC. 8. STATE OBESITY PREVENTION AND CONTROL ACTIVITIES.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.), as amended by section 7, is further amended by adding at the end the following:

"SEC. 399S. COMPREHENSIVE OBESITY PREVENTION ACTION GRANTS.

"(a) In General.—The Secretary shall award grants on a competitive basis to eligible entities to enable such eligible entities to assist in the implementation of a national strategy for obesity prevention and control.

"(b) Eligibility.—To be eligible to receive a grant under this section, an entity shall—

"(1) be a national public or private nonprofit entity; and

"(2) submit to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary may require, including a description of how funds received under a grant awarded under this section will—

"(A) supplement or fulfill unmet needs identified in the comprehensive obesity prevention and control plan of a State or Indian tribe; and

"(B) otherwise help achieve the goals of an obesity prevention strategic plan designated by the Secretary.

"(c) Priority.—In awarding grants under this section, the Secretary shall give priority to eligible entities submitting applications proposing to carry out programs for preventing and controlling obesity in at-risk populations or reducing disparities in underserved populations.

"(d) Use of Funds.—An eligible entity shall use amounts received under a grant awarded under subsection (a) for 1 or more of the following purposes:

"(1) To expand the availability of physical activity programs designed specifically for people with obesity.

"(2) To provide awareness education to patients, family members, and health care providers, to help such individuals recognize risk factors for obesity, and to address the control and prevention of obesity.

"(3) To decrease the long-term consequences of obesity by making information available to individuals with regard to obesity prevention.

"(4) To provide information on nutrition education programs with regard to preventing or mitigating the impact of obesity.

"(e) Evaluation.—An eligible entity that receives a grant under this section shall submit to the Secretary an evaluation of the operations and activities carried out under such grant that includes an analysis of increased utilization and benefit of public health programs relevant to the activities described in subsection (d).

"(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2005 through 2009.".

Mr. KENNEDY. Mr. President, it is a privilege to join Senator FITZGERALD in introducing the Healthy Lifestyles Act. This important bill will give families greater access to practical information on nutrition and physical activity and enable Americans of all ages, especially the young, to live healthier, fitter, and longer lives.

Two-thirds of our citizens are overweight. The cost of diseases associated with obesity has been estimated at $117 billion each year. Physical inactivity and unhealthy eating, the two primary causes, are responsible for at least 300,000 preventable deaths each year in the United States, and they increase the risk of many chronic diseases, including cancer, diabetes and cardiovascular diseases.

Environments that promote poor nutrition and sedentary lifestyles are major causes of this public health epidemic. The numerous messages and advertisements from various sources about what and how much to eat have produced serious public confusion about good nutrition. Many citizens would like to be more active but live in ways that discourage exercise and vigorous lifestyles that involve walking, bicycling, or other similar activities.

The Healthy Lifestyles Act is a major step in addressing these challenges. It establishes a partnership between the Department of Health and Human Services and the Institute of Medicine to conduct a comprehensive assessment of what is being done by whom on nutrition guidelines and education. The Institute of Medicine is eminently respected for its scientifically sound opinions on health issues. Its study will provide indispensable oversight for the development and dissemination of national nutrition guidelines, and an independent impartial source of nutrition information for the public.

The legislation also supports community outreach programs to support healthy nutrition and physical activity. Communities will be able to conduct campaigns encouraging consumption of healthy foods, and after-school programs will be available to encourage exercise and good nutrition for children. Support will be available for each state for obesity prevention and control programs, to encourage coordinated ongoing efforts to enhance awareness of guidelines for healthy eating and activity.

Finally, the legislation assures that the information will be widely available to the public and to health professionals. State-of-the-art curricula will be developed to educate and train professionals about nutrition education and counseling.

The Healthy Lifestyles Act is only a first step in preventing unhealthy nutrition environments by ensuring consistency and high quality in dietary information, and improving physical activity in our communities. Working together we can halt this worsening public health epidemic. I commend Senator FITZGERALD for his leadership, and I urge our colleagues in Congress to support the Healthy Lifestyles Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 356—CONDEMNING THE ABUSE OF IRAQI PRISONERS AT ABU GHRAIB PRISON, URGING A FULL AND COMPLETE INVESTIGATION TO ENSURE JUSTICE IS SERVED, AND EXPRESSING SUPPORT FOR ALL AMERICANS SERVING NOBLY IN IRAQ

Mr. FRIST (for himself, Mr. DASCHLE, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. PRYOR, Mr. REED, Mr. REID, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 356

Whereas the United States was founded on the principles of representative government, the rule of law, and the unalienable rights of individuals;

Whereas those principles are the birthright of all individuals and the fulfillment of those principals in Iraq would benefit the people of Iraq, the people of the Middle East, and the people of the United States;

Whereas the vast majority of Americans in Iraq are serving courageously and with great honor to promote a free and stable Iraq and through such service are promoting the values and principles that the people of the United States hold dear;

Whereas Americans serving abroad throughout the history of the United States, both military and civilian, have established a reputation for setting the highest standards of personal, professional, and moral conduct;

Whereas in January 2004, a member of the United States Armed Forces reported alleged abuses perpetrated in Abu Ghraib prison during November and December 2003;

Whereas an inquiry into those alleged abuses was ordered in January 2004, and that inquiry is reported to have found numerous incidents of criminal abuses by a small number of Americans based in Iraq;

Whereas the reaction to the alleged abuses is having a negative impact on the United States efforts to stabilize and reconstruct Iraq and to promote democratic values in the Middle East and could affect the security of the United States Armed Forces serving abroad;

Whereas Congress was not informed about the extent of the alleged abuses until reports about the abuses became public through the media;

Whereas success in the national security policy of the United States demands regular communication between the President, the agencies and departments of the executive branch, Congress, and the people of the United States;

Whereas, in an interview on May 5, 2004, the President stated "First, people in Iraq must understand that I view those practices as abhorrent. They must also understand that what took place in that prison does not represent America that I know. The America I know is a compassionate country that believes in freedom. The America I know cares about every individual. The America I know has sent troops into Iraq to promote freedom—good, honorable citizens that are helping the Iraqis every day.";

Whereas in that interview the President further stated "It's also important for the people of Iraq to know that in a democracy, everything is not perfect, that mistakes are made. But in a democracy, as well, those mistakes will be investigated and people will be brought to justice. We're an open society. We're a society that is willing to investigate, fully investigate in this case, what took place in that prison. That stands in stark contrast to life under Saddam Hussein. His trained torturers were never brought to justice under his regime. There were no investigations about mistreatment of people. There will be investigations. People will be brought to justice."; and

Whereas the pursuit of truth and justice are core principles of the United States, and if the Government of the United States conducts a full investigation of the alleged abuses and holds accountable the individuals who are responsible for such abuses, the people of Iraq and of the Middle East will witness how a democracy upholds the rule of law and protects the rights of individuals by administering justice in a swift, transparent, and fair manner: Now, therefore, be it

Resolved, That the Senate—

(1) commends all Americans serving nobly abroad who are advancing the ideals of freedom and democracy, and working, through the individual and collective actions of such individuals, to improve the lives of all the people of Iraq;

(2) condemns in the strongest possible terms the despicable acts at Abu Ghraib prison and joins with the President in expressing apology for the humiliation suffered by the prisoners in Iraq and their families;

(3) urges the Government of the United States to take appropriate measures to ensure that such acts do not occur in the future;

(4) believes that it is in the interests of the United States and of the people of the United States that the appropriate committees of the Senate, exercising the oversight responsibilities of such committees, and the President, through the appropriate departments or agencies of the executive branch, conduct a full investigation of the abuses alleged to have occurred at Abu Ghraib; and

(5) urges that all individuals responsible for such despicable acts be held accountable.

SENATE CONCURRENT RESOLUTION 105—DESIGNATING THE SECOND WEEK OF MARCH 2005 AS "EXTENSION LIVING WELL WEEK"

Mr. GRASSLEY submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 105

Whereas the health and well-being of the family is crucial to the functioning of the Nation and to providing adults and youth with the necessary skills and knowledge to help them achieve the best quality of life possible;

Whereas psychologically, socially, and emotionally strong families provide strength for future generations;

Whereas Extension is a nationwide educational network through the land-grant universities, funded cooperatively through the Department of Agriculture, State governments, and local county, city, and parish governments;

Whereas Extension provides non-biased, research-based information through informal education to help adults, youth, families, farms, businesses, and communities;

Whereas Extension education programs are developed at the grassroots level to meet local needs, and are available in nearly every county and parish in the United States and its territories, from the biggest to the smallest;

Whereas information offered by Extension is provided by scientists and researchers at land-grant universities, and is made practical and relevant by Extension educators working at the local level;

Whereas Extension Family and Consumer Sciences educators are advocates for education for families so that the families might gain skills for a full and productive life; and

Whereas the designation of the second week of March 2005 as "Extension Living Well Week" is a fitting tribute to the National Extension Association for Family and Consumer Sciences professionals who provide education that is critical to the quality of life of adults, youth, individuals, and families, including food preparation, food safety, nutrition, financial management, healthy lifestyles, home and work environment and safety, relationship and parenting skills, and much more: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) designates the second week of March 2005 as "Extension Living Well Week";

(2) encourages the people of the United States to take advantage of the educational opportunities that Extension Family and Consumer Sciences educators provide, education that can help them in raising kids, eating right, spending smart, and living well; and

(3) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for Extension Family and Consumer Sciences educators as they teach adults and youth and promote optimum health and wellness of families in the United States through the "Living Well" campaign.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3121. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table.

SA 3122. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1637, supra; which was ordered to lie on the table.

SA 3123. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1637, supra; which was ordered to lie on the table.

SA 3124. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1637, supra; which was ordered to lie on the table.

SA 3125. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 1637, supra; which was ordered to lie on the table.

SA 3126. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1637, supra; which was ordered to lie on the table.

SA 3127. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1637, supra; which was ordered to lie on the table.

SA 3128. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 1637, supra; which was ordered to lie on the table.

SA 3129. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 1637, supra; which was ordered to lie on the table.

SA 3130. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 1637, supra; which was ordered to lie on the table.

SA 3131. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 1637, supra; which was ordered to lie on the table.

SA 3132. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 1637, supra; which was ordered to lie on the table.

SA 3133. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1637, supra; which was ordered to lie on the table.

SA 3134. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 1637, supra; which was ordered to lie on the table.

SA 3135. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1637, supra; which was ordered to lie on the table.

SA 3136. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1637, supra; which was ordered to lie on the table.

SA 3137. Mr. GRAHAM of South Carolina submitted an amendment intended to be proposed by him to the bill S. 1637, supra; which was ordered to lie on the table.

SA 3138. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1637, supra; which was ordered to lie on the table.

SA 3139. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1637, supra; which was ordered to lie on the table.

SA 3140. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1637, supra; which was ordered to lie on the table.

SA 3141. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1637, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3121. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 441, strike line 1 through page 446, line 4, and insert the following:

SEC. 632. READY RESERVE-NATIONAL GUARD EMPLOYEE CREDIT AND READY RESERVE-NATIONAL GUARD REPLACEMENT EMPLOYEE CREDIT.

(a) Ready Reserve-National Guard Credit.—

(1) In general.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits), as amended by this Act, is amended by adding at the end the following:

"SEC. 45H. READY RESERVE-NATIONAL GUARD EMPLOYEE CREDIT.

"(a) General Rule.—For purposes of section 38; the Ready Reserve-National Guard employee credit determined under this section for any taxable year with respect to each Ready Reserve-National Guard employee of an employer is an amount equal to 50 percent of the lesser of—

"(1) the actual compensation amount with respect to such employee for such taxable year, or

"(2) $30,000.

"(b) Definition of Actual Compensation Amount.—For purposes of this section, the term 'actual compensation amount' means the amount of compensation paid or incurred by an employer with respect to a Ready Reserve-National Guard employee on any day when the employee was absent from employment for the purpose of performing qualified active duty.

"(c) Limitations.—No credit shall be allowed with respect to any day that a Ready Reserve-National Guard employee who performs qualified active duty was not scheduled to work (for reason other than to participate in qualified active duty).

"(d) Definitions and Special Rules.—For purposes of this section—

"(1) Qualified active duty.—The term 'qualified active duty' means—

"(A) active duty, other than the training duty specified in section 10147 of title 10, United States Code (relating to training requirements for the Ready Reserve), or section 502(a) of title 32, United States Code (relating to required drills and field exercises for the National Guard), in connection with which an employee is entitled to reemployment rights and other benefits or to a leave of absence from employment under chapter 43 of title 38, United States Code, and

"(B) hospitalization incident to such duty.

"(2) Compensation.—The term 'compensation' means any remuneration for employment, whether in cash or in kind, which is paid or incurred by a taxpayer and which is deductible from the taxpayer's gross income under section 162(a)(1).

"(3) Ready reserve-national guard employee.—The term 'Ready Reserve-National Guard employee' means an employee who is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as described in sections 10142 and 10101 of title 10, United States Code.

"(4) Certain rules to apply.—Rules similar to the rules of section 52 shall apply.

"(e) Portion of Credit Refundable.—

"(1) In general.—In the case of an employer of a qualified first responder, the aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

"(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 38(c), or

"(B) the amount by which the aggregate amount of credits allowed by this subpart (determined without regard to this subsection) would increase if the limitation imposed by section 38(c) for any taxable year were increased by the amount of employer payroll taxes imposed on the taxpayer during the calendar year in which the taxable year begins.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of the credit otherwise allowable under subsection (a) without regard to section 38(c).

"(2) Employer payroll taxes.—For purposes of this subsection—

"(A) In general.—The term 'employer payroll taxes' means the taxes imposed by—

"(i) section 3111(b), and

"(ii) sections 3211(a) and 3221(a) (determined at a rate equal to the rate under section 3111(b)).

"(B) Special rule.—A rule similar to the rule of section 24(d)(2)(C) shall apply for purposes of subparagraph (A).

"(3) Qualified first responder.—For purposes of this subsection, the term 'qualified first responder' means any person who is—

"(A) employed as a law enforcement official, a firefighter, or a paramedic, and

"(B) a Ready Reserve-National Guard employee.".

(2) Credit to be part of general business credit.—Subsection (b) of section 38 (relating to general business credit), as amended by this Act, is amended by striking "plus" at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting ", plus", and by adding at the end the following:

"(17) the Ready Reserve-National Guard employee credit determined under section 45H(a).".

(3) DENIAL OF DOUBLE BENEFIT.—Section 280C(a) (relating to rule for employment credits) is amended by inserting "45H(a)," after "45A(a),".

(4) CONFORMING AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 45G the following:

"Sec. 45H. Ready Reserve-National Guard employee credit.".

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after September 30, 2004, in taxable years ending after such date.

(b) APPLICATION OF ANNUAL EXCLUSION LIMIT UNDER SECTION 911 TO HOUSING COSTS.—

(1) IN GENERAL.—Section 911(c) (relating to housing cost amount) is amended by adding at the end the following new paragraph:

"(4) LIMIT ON EXCLUSION FOR EMPLOYER PROVIDED HOUSING COSTS.—The housing cost amount for any individual for any taxable year attributable to employer provided amounts shall not exceed the excess (if any) of—

"(A) the product of—

"(i) the exclusion amount determined under subsection (b)(2)(D) for the taxable year, and

"(ii) a fraction equal to the number of days of the taxable year within the applicable period described in subparagraph (A) or (B) of subsection (d)(1) divided by the number of days in the taxable year, over

"(B) the foreign earned income of the individual excluded under subsection (a)(1) for the taxable year.".

(2) CONFORMING AMENDMENT.—Section 911(c)(1) is amended by striking "The" and inserting "Except as provided in paragraph (4), the".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2004.

SA 3122. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 441, strike line 1 through page 446, line 4, and insert the following:

SEC. 632. READY RESERVE-NATIONAL GUARD EMPLOYEE CREDIT AND READY RESERVE-NATIONAL GUARD REPLACEMENT EMPLOYEE CREDIT.

(a) READY RESERVE-NATIONAL GUARD CREDIT.—

(1) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits), as amended by this Act, is amended by adding at the end the following:

"SEC. 45H. READY RESERVE-NATIONAL GUARD EMPLOYEE CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, the Ready Reserve-National Guard employee credit determined under this section for any taxable year with respect to each Ready Reserve-National Guard employee of an employer is an amount equal to 50 percent of the actual compensation amount with respect to such employee for such taxable year.

"(b) DEFINITION OF ACTUAL COMPENSATION AMOUNT.—For purposes of this section, the term 'actual compensation amount' means the amount of compensation paid or incurred by an employer with respect to a Ready Reserve-National Guard employee on any day when the employee was absent from employment for the purpose of performing qualified active duty.

"(c) LIMITATIONS.—No credit shall be allowed with respect to any day that a Ready Reserve-National Guard employee who performs qualified active duty was not scheduled to work (for reason other than to participate in qualified active duty).

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED ACTIVE DUTY.—The term 'qualified active duty' means—

"(A) active duty, other than the training duty specified in section 10147 of title 10, United States Code (relating to training requirements for the Ready Reserve), or section 502(a) of title 32, United States Code (relating to required drills and field exercises for the National Guard), in connection with which an employee is entitled to reemployment rights and other benefits or to a leave of absence from employment under chapter 43 of title 38, United States Code, and

"(B) hospitalization incident to such duty.

"(2) COMPENSATION.—The term 'compensation' means any remuneration for employment, whether in cash or in kind, which is paid or incurred by a taxpayer and which is deductible from the taxpayer's gross income under section 162(a)(1).

"(3) READY RESERVE-NATIONAL GUARD EMPLOYEE.—The term 'Ready Reserve-National Guard employee' means an employee who is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as described in sections 10142 and 10101 of title 10, United States Code.

"(4) CERTAIN RULES TO APPLY.—Rules similar to the rules of section 52 shall apply.

"(e) PORTION OF CREDIT REFUNDABLE.—

"(1) IN GENERAL.—In the case of an employer of a qualified first responder, the aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

"(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 38(c), or

"(B) the amount by which the aggregate amount of credits allowed by this subpart (determined without regard to this subsection) would increase if the limitation imposed by section 38(c) for any taxable year were increased by the amount of employer payroll taxes imposed on the taxpayer during the calendar year in which the taxable year begins.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of the credit otherwise allowable under subsection (a) without regard to section 38(c).

"(2) EMPLOYER PAYROLL TAXES.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'employer payroll taxes' means the taxes imposed by—

"(i) section 3111(b), and

"(ii) sections 3211(a) and 3221(a) (determined at a rate equal to the rate under section 3111(b)).

"(B) SPECIAL RULE.—A rule similar to the rule of section 24(d)(2)(C) shall apply for purposes of subparagraph (A).

"(3) QUALIFIED FIRST RESPONDER.—For purposes of this subsection, the term 'qualified first responder' means any person who is—

"(A) employed as a law enforcement official, a firefighter, or a paramedic, and

"(B) a Ready Reserve-National Guard employee.".

(2) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 (relating to general business credit), as amended by this Act, is amended by striking "plus" at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting ", plus", and by adding at the end the following:

"(17) the Ready Reserve-National Guard employee credit determined under section 45H(a).".

(3) DENIAL OF DOUBLE BENEFIT.—Section 280C(a) (relating to rule for employment credits) is amended by inserting "45H(a)," after "45A(a),".

(4) CONFORMING AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 45G the following:

"Sec. 45H. Ready Reserve-National Guard employee credit.".

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after September 30, 2004, in taxable years ending after such date.

(b) APPLICATION OF ANNUAL EXCLUSION LIMIT UNDER SECTION 911 TO HOUSING COSTS.—

(1) IN GENERAL.—Section 911(c) (relating to housing cost amount) is amended by adding at the end the following new paragraph:

"(4) LIMIT ON EXCLUSION FOR EMPLOYER PROVIDED HOUSING COSTS.—The housing cost amount for any individual for any taxable year attributable to employer provided amounts shall not exceed the excess (if any) of—

"(A) the product of—

"(i) the exclusion amount determined under subsection (b)(2)(D) for the taxable year, and

"(ii) a fraction equal to the number of days of the taxable year within the applicable period described in subparagraph (A) or (B) of subsection (d)(1) divided by the number of days in the taxable year, over

"(B) the foreign earned income of the individual excluded under subsection (a)(1) for the taxable year.".

(2) CONFORMING AMENDMENT.—Section 911(c)(1) is amended by striking "The" and inserting "Except as provided in paragraph (4), the".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2004.

SA 3123. Ms. LANDRIEU submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 441, strike line 1 through page 446, line 4, and insert the following:

SEC. 632. READY RESERVE-NATIONAL GUARD EMPLOYEE CREDIT AND READY RESERVE-NATIONAL GUARD REPLACEMENT EMPLOYEE CREDIT.

(a) READY RESERVE-NATIONAL GUARD CREDIT.—

(1) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits), as amended by this Act, is amended by adding at the end the following:

"SEC. 45H. READY RESERVE-NATIONAL GUARD EMPLOYEE CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, the Ready Reserve-National Guard employee credit determined under this section for any taxable year with respect to each Ready Reserve-National Guard employee of an employer is an amount equal to 50 percent of the lesser of—

"(1) the actual compensation amount with respect to such employee for such taxable year, or

"(2) $30,000.

"(b) DEFINITION OF ACTUAL COMPENSATION AMOUNT.—For purposes of this section, the term 'actual compensation amount' means the amount of compensation paid or incurred by an employer with respect to a Ready Reserve-National Guard employee on any day when the employee was absent from employment for the purpose of performing qualified active duty.

"(c) LIMITATIONS.—No credit shall be allowed with respect to any day that a Ready Reserve-National Guard employee who performs qualified active duty was not scheduled to work (for reason other than to participate in qualified active duty).

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED ACTIVE DUTY.—The term 'qualified active duty' means—

"(A) active duty, other than the training duty specified in section 10147 of title 10, United States Code (relating to training requirements for the Ready Reserve), or section 502(a) of title 32, United States Code (relating to required drills and field exercises for the National Guard), in connection with which an employee is entitled to reemployment rights and other benefits or to a leave of absence from employment under chapter 43 of title 38, United States Code, and

"(B) hospitalization incident to such duty.

"(2) COMPENSATION.—The term 'compensation' means any remuneration for employment, whether in cash or in kind, which is paid or incurred by a taxpayer and which is deductible from the taxpayer's gross income under section 162(a)(1).

"(3) READY RESERVE-NATIONAL GUARD EMPLOYEE.—The term 'Ready Reserve-National Guard employee' means an employee who is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as described in sections 10142 and 10101 of title 10, United States Code.

"(4) CERTAIN RULES TO APPLY.—Rules similar to the rules of section 52 shall apply.

"(e) PORTION OF CREDIT REFUNDABLE.—

"(1) IN GENERAL.—In the case of an employer of a qualified first responder, the aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

"(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 38(c), or

"(B) the amount by which the aggregate amount of credits allowed by this subpart (determined without regard to this subsection) would increase if the limitation imposed by section 38(c) for any taxable year were increased by the amount of employer payroll taxes imposed on the taxpayer during the calendar year in which the taxable year begins.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of the credit otherwise allowable under subsection (a) without regard to section 38(c).

"(2) EMPLOYER PAYROLL TAXES.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'employer payroll taxes' means the taxes imposed by—

"(i) section 3111(b), and

"(ii) sections 3211(a) and 3221(a) (determined at a rate equal to the rate under section 3111(b)).

"(B) SPECIAL RULE.—A rule similar to the rule of section 24(d)(2)(C) shall apply for purposes of subparagraph (A).

"(3) QUALIFIED FIRST RESPONDER.—For purposes of this subsection, the term 'qualified first responder' means any person who is—

"(A) employed as a law enforcement official, a firefighter, or a paramedic, and

"(B) a Ready Reserve-National Guard employee.".

(2) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 (relating to general business credit), as amended by this Act, is amended by striking "plus" at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting ", plus", and by adding at the end the following:

"(17) the Ready Reserve-National Guard employee credit determined under section 45H(a).".

(3) DENIAL OF DOUBLE BENEFIT.—Section 280C(a) (relating to rule for employment credits) is amended by inserting "45H(a)," after "45A(a),".

(4) CONFORMING AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 45G the following:

"Sec. 45H. Ready Reserve-National Guard employee credit.".

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after September 30, 2004, in taxable years ending after such date.

(b) READY RESERVE-NATIONAL GUARD REPLACEMENT EMPLOYEE CREDIT.—

(1) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.), as amended by this Act, is amended by adding after section 30C the following new section:

"SEC. 30D. READY RESERVE-NATIONAL GUARD REPLACEMENT EMPLOYEE CREDIT.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an eligible taxpayer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year the sum of the employment credits for each qualified replacement employee under this section.

"(2) EMPLOYMENT CREDIT.—The employment credit with respect to a qualified replacement employee of the taxpayer for any taxable year is equal to 50 percent of the lesser of—

"(A) the individual's qualified compensation attributable to service rendered as a qualified replacement employee, or

"(B) $12,000.

"(b) QUALIFIED COMPENSATION.—The term 'qualified compensation' means—

"(1) compensation which is normally contingent on the qualified replacement employee's presence for work and which is deductible from the taxpayer's gross income under section 162(a)(1),

"(2) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and

"(3) group health plan costs (if any) with respect to the qualified replacement employee.

"(c) QUALIFIED REPLACEMENT EMPLOYEE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified replacement employee' means an individual who is hired to replace a Ready Reserve-National Guard employee or a Ready Reserve-National Guard self-employed taxpayer, but only with respect to the period during which such Ready Reserve-National Guard employee or Ready Reserve-National Guard self-employed taxpayer participates in qualified active duty, including time spent in travel status.

"(2) READY RESERVE-NATIONAL GUARD EMPLOYEE.—The term 'Ready Reserve-National Guard employee' has the meaning given such term by section 45H(d)(3).

"(3) READY RESERVE-NATIONAL GUARD SELF-EMPLOYED TAXPAYER.—The term 'Ready Reserve-National Guard self-employed taxpayer' means a taxpayer who—

"(A) has net earnings from self-employment (as defined in section 1402(a)) for the taxable year, and

"(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as described in section 10142 and 10101 of title 10, United States Code.

"(d) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under sections 51(a) and 1396(a) with respect to any employee shall be reduced by the credit allowed by this section with respect to such employee.

"(e) LIMITATIONS.—

"(1) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, and 30, over

"(B) the tentative minimum tax for the taxable year.

"(2) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

"(A) any taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

"(B) the 2 succeeding taxable years.

"(f) GENERAL DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means a small business employer or a Ready Reserve-National Guard self-employed taxpayer.

"(2) SMALL BUSINESS EMPLOYER.—

"(A) IN GENERAL.—The term 'small business employer' means, with respect to any taxable year, any employer who employed an average of 50 or fewer employees on business days during such taxable year.

"(B) CONTROLLED GROUPS.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

"(3) QUALIFIED ACTIVE DUTY.—The term 'qualified active duty' has the meaning given such term by section 45H(d)(1).

"(4) SPECIAL RULES FOR CERTAIN MANUFACTURERS.—

"(A) IN GENERAL.—In the case of any qualified manufacturer—

"(i) subsection (a)(2)(B) shall be applied by substituting '$20,000' for '$12,000', and

"(ii) paragraph (2)(A) of this subsection shall be applied by substituting '100' for '50'.

"(B) QUALIFIED MANUFACTURER.—For purposes of this paragraph, the term 'qualified manufacturer' means any person if—

"(i) the primary business of such person is classified in sector 31, 32, or 33 of the North American Industrial Classification System, and

"(ii) all of such person's facilities which are used for production in such business are located in the United States.

"(5) CARRYBACK AND CARRYFORWARD ALLOWED.—

"(A) IN GENERAL.—If the credit allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (e)(1) for such taxable year (in this paragraph referred to as the 'unused credit year'), such excess shall be a credit carryback to each of the 3 taxable years preceding the unused credit year and a credit carryforward to each of the 20 taxable years following the unused credit year.

"(B) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryback and credit carryforward under subparagraph (A).

"(6) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.".

(2) NO DEDUCTION FOR COMPENSATION TAKEN INTO ACCOUNT FOR CREDIT.—Section 280C(a) (relating to rule for employment credits), as amended by this Act, is amended—

(A) by inserting "or compensation" after "salaries", and

(B) by inserting "30D," before "45A(a),".

(3) CONFORMING AMENDMENT.—Section 55(c)(2), as amended by this Act, is amended by inserting "30D(e)(1)," after "30C(e),".

(4) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding after the item relating to section 30C the following new item:

"Sec. 30D. Credit for replacement of activated military reservists.".

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after September 30, 2004, in taxable years ending after such date.

(c) APPLICATION OF ANNUAL EXCLUSION LIMIT UNDER SECTION 911 TO HOUSING COSTS.—

(1) IN GENERAL.—Section 911(c) (relating to housing cost amount) is amended by adding at the end the following new paragraph:

"(4) LIMIT ON EXCLUSION FOR EMPLOYER PROVIDED HOUSING COSTS.—The housing cost amount for any individual for any taxable year attributable to employer provided amounts shall not exceed the excess (if any) of—

"(A) the product of—

"(i) the exclusion amount determined under subsection (b)(2)(D) for the taxable year, and

"(ii) a fraction equal to the number of days of the taxable year within the applicable period described in subparagraph (A) or (B) of subsection (d)(1) divided by the number of days in the taxable year, over

"(B) the foreign earned income of the individual excluded under subsection (a)(1) for the taxable year."

(2) CONFORMING AMENDMENT.—Section 911(c)(1) is amended by striking "The" and inserting "Except as provided in paragraph (4), the".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2003.

SA 3124. Ms. LANDRIEU submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 441, strike line 10 through page 442, line 13, and insert the following:

"(a) GENERAL RULE.—For purposes of section 38, the Ready Reserve-National Guard employee credit determined under this section for any taxable year with respect to each Ready Reserve-National Guard employee of an employer is an amount equal to 50 percent of the lesser of—

"(1) the actual compensation amount with respect to such employee for such taxable year, or

"(2) $30,000.

"(b) DEFINITION OF ACTUAL COMPENSATION AMOUNT.—For purposes of this section, the term 'actual compensation amount' means the amount of compensation paid or incurred by an employer with respect to a Ready Reserve-National Guard employee on any day when the employee was absent from employment for the purpose of performing qualified active duty.

"(c) LIMITATIONS.—No credit shall be allowed with respect to any day that a Ready Reserve-National Guard employee who performs qualified active duty was not scheduled to work (for reason other than to participate in qualified active duty).

SA 3125. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 557, between lines 9 and 10, insert the following:

SEC. ___. MODIFICATION OF EXEMPTION FROM SELF-EMPLOYMENT TAX FOR CERTAIN TERMINATION PAYMENTS RECEIVED BY FORMER INSURANCE SALESMEN.

(a) INTERNAL REVENUE CODE.—Paragraph (4) of section 1402(k) of the Internal Revenue Code of 1986 (relating to codification of treatment of certain termination payments received by former insurance salesmen) is amended—

(1) by striking "during the last year of such agreement" in subparagraph (A), and

(2) by striking "length of service or" in subparagraph (B).

(b) SOCIAL SECURITY ACT.—Paragraph (4) of section 211(j) of the Social Security Act is amended—

(1) by striking "during the last year of such agreement" in subparagraph (A), and

(2) by striking "length of service or" in subparagraph (B).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments after the date of the enactment of this Act.

SA 3126. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Jumpstart Our Business Strength (JOBS) Act".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—PROVISIONS RELATING TO REPEAL OF EXCLUSION FOR EXTRATERRITORIAL INCOME

Sec. 101. Repeal of exclusion for extraterritorial income.

TITLE II—REDUCTION OF TOP CORPORATE TAX RATE

Sec. 201. Reduction in corporate income tax rate.

TITLE III—ALTERNATIVE MINIMUM TAX RELIEF

Sec. 301. Reduction in corporate AMT rate.
Sec. 302. Increase in exemption from AMT for small corporations.
Sec. 303. Foreign tax credit under alternative minimum tax.

TITLE IV—ADDITIONAL PROVISIONS

Subtitle A—Provisions Designed To Curtail Tax Shelters

Sec. 401. Clarification of economic substance doctrine.
Sec. 402. Penalty for failing to disclose reportable transaction.
Sec. 403. Accuracy-related penalty for listed transactions and other reportable transactions having a significant tax avoidance purpose.
Sec. 404. Penalty for understatements attributable to transactions lacking economic substance, etc.
Sec. 405. Modifications of substantial understatement penalty for nonreportable transactions.
Sec. 406. Tax shelter exception to confidentiality privileges relating to taxpayer communications.

Sec. 407. Disclosure of reportable transactions.
Sec. 408. Modifications to penalty for failure to register tax shelters.
Sec. 409. Modification of penalty for failure to maintain lists of investors.
Sec. 410. Modification of actions to enjoin certain conduct related to tax shelters and reportable transactions.
Sec. 411. Understatement of taxpayer's liability by income tax return preparer.
Sec. 412. Penalty on failure to report interests in foreign financial accounts.
Sec. 413. Frivolous tax submissions.
Sec. 414. Regulation of individuals practicing before the Department of Treasury.
Sec. 415. Penalty on promoters of tax shelters.
Sec. 416. Statute of limitations for taxable years for which required listed transactions not reported.
Sec. 417. Denial of deduction for interest on underpayments attributable to nondisclosed reportable and noneconomic substance transactions.
Sec. 418. Authorization of appropriations for tax law enforcement.

Subtitle B—Other Corporate Governance Provisions

Sec. 421. Affirmation of consolidated return regulation authority.
Sec. 422. Increase in criminal monetary penalty limitation for the underpayment or overpayment of tax due to fraud.

Subtitle C—Enron-Related Tax Shelter Provisions

Sec. 431. Limitation on transfer or importation of built-in losses.
Sec. 432. No reduction of basis under section 734 in stock held by partnership in corporate partner.
Sec. 433. Repeal of special rules for FASITs.
Sec. 434. Expanded disallowance of deduction for interest on convertible debt.
Sec. 435. Expanded authority to disallow tax benefits under section 269.
Sec. 436. Modification of interaction between subpart F and passive foreign investment company rules.

Subtitle D—Provisions to Discourage Expatriation

Sec. 441. Tax treatment of inverted corporate entities.
Sec. 442. Imposition of mark-to-market tax on individuals who expatriate.
Sec. 443. Excise tax on stock compensation of insiders in inverted corporations.
Sec. 444. Reinsurance of United States risks in foreign jurisdictions.
Sec. 445. Reporting of taxable mergers and acquisitions.

Subtitle E—International Tax

Sec. 451. Clarification of banking business for purposes of determining investment of earnings in United States property.
Sec. 452. Prohibition on nonrecognition of gain through complete liquidation of holding company.
Sec. 453. Prevention of mismatching of interest and original issue discount deductions and income inclusions in transactions with related foreign persons.
Sec. 454. Effectively connected income to include certain foreign source income.
Sec. 455. Recapture of overall foreign losses on sale of controlled foreign corporation.
Sec. 456. Minimum holding period for foreign tax credit on withholding taxes on income other than dividends.

Subtitle F—Other Revenue Provisions

PART I—FINANCIAL INSTRUMENTS

Sec. 461. Treatment of stripped interests in bond and preferred stock funds, etc.
Sec. 462. Application of earnings stripping rules to partnerships and S corporations.
Sec. 463. Recognition of cancellation of indebtedness income realized on satisfaction of debt with partnership interest.
Sec. 464. Modification of straddle rules.
Sec. 465. Denial of installment sale treatment for all readily tradeable debt.

PART II—CORPORATIONS AND PARTNERSHIPS

Sec. 466. Modification of treatment of transfers to creditors in divisive reorganizations.
Sec. 467. Clarification of definition of nonqualified preferred stock.
Sec. 468. Modification of definition of controlled group of corporations.
Sec. 469. Mandatory basis adjustments in connection with partnership distributions and transfers of partnership interests.

PART III—DEPRECIATION AND AMORTIZATION

Sec. 471. Extension of amortization of intangibles to sports franchises.
Sec. 472. Class lives for utility grading costs.
Sec. 473. Expansion of limitation on depreciation of certain passenger automobiles.
Sec. 474. Consistent amortization of periods for intangibles.
Sec. 475. Reform of tax treatment of leasing operations.
Sec. 476. Limitation on deductions allocable to property used by governments or other tax-exempt entities.

PART IV—ADMINISTRATIVE PROVISIONS

Sec. 481. Clarification of rules for payment of estimated tax for certain deemed asset sales.
Sec. 482. Extension of IRS user fees.
Sec. 483. Doubling of certain penalties, fines, and interest on underpayments related to certain offshore financial arrangement.
Sec. 484. Partial payment of tax liability in installment agreements.
Sec. 485. Extension of customs user fees.
Sec. 486. Deposits made to suspend running of interest on potential underpayments.
Sec. 487. Qualified tax collection contracts.

PART V—MISCELLANEOUS PROVISIONS

Sec. 491. Addition of vaccines against hepatitis A to list of taxable vaccines.
Sec. 492. Recognition of gain from the sale of a principal residence acquired in a like-kind exchange within 5 years of sale.
Sec. 493. Clarification of exemption from tax for small property and casualty insurance companies.
Sec. 494. Definition of insurance company for section 831.
Sec. 495. Limitations on deduction for charitable contributions of patents and similar property.
Sec. 496. Increase in age of minor children whose unearned income is taxed as if parent's income.

TITLE I—PROVISIONS RELATING TO REPEAL OF EXCLUSION FOR EXTRATERRITORIAL INCOME

SEC. 101. REPEAL OF EXCLUSION FOR EXTRATERRITORIAL INCOME.

(a) IN GENERAL.—Section 114 is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1)(A) Subpart E of part III of subchapter N of chapter 1 (relating to qualifying foreign trade income) is hereby repealed.

(B) The table of subparts for such part III is amended by striking the item relating to subpart E.

(2) The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 114.

(3) The second sentence of section 56(g)(4)(B)(i) is amended by striking "114 or".

(4) Section 275(a) is amended—

(A) by inserting "or" at the end of paragraph (4)(A), by striking "or" at the end of paragraph (4)(B) and inserting a period, and by striking subparagraph (C), and

(B) by striking the last sentence.

(5) Paragraph (3) of section 864(e) is amended—

(A) by striking:

"(3) TAX-EXEMPT ASSETS NOT TAKEN INTO ACCOUNT.—

"(A) IN GENERAL.—For purposes of"; and inserting:

"(3) TAX-EXEMPT ASSETS NOT TAKEN INTO ACCOUNT.—For purposes of", and

(B) by striking subparagraph (B).

(6) Section 903 is amended by striking "114, 164(a)," and inserting "164(a)".

(7) Section 999(c)(1) is amended by striking "941(a)(5),".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to transactions occurring after the date of the enactment of this Act.

(2) BINDING CONTRACTS.—The amendments made by this section shall not apply to any transaction in the ordinary course of a trade or business which occurs pursuant to a binding contract—

(A) which is between the taxpayer and a person who is not a related person (as defined in section 943(b)(3) of the Internal Revenue Code of 1986, as in effect on the day before the date of the enactment of this Act), and

(B) which is in effect on September 17, 2003, and at all times thereafter.

(d) REVOCATION OF SECTION 943(e) ELECTIONS.—

(1) IN GENERAL.—In the case of a corporation that elected to be treated as a domestic corporation under section 943(e) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act)—

(A) the corporation may, during the 1-year period beginning on the date of the enactment of this Act, revoke such election, effective as of such date of enactment, and

(B) if the corporation does revoke such election—

(i) such corporation shall be treated as a domestic corporation transferring (as of such date of enactment) all of its property to a foreign corporation in connection with an exchange described in section 354 of such Code, and

(ii) no gain or loss shall be recognized on such transfer.

(2) EXCEPTION.—Subparagraph (B)(ii) of paragraph (1) shall not apply to gain on any asset held by the revoking corporation if—

(A) the basis of such asset is determined in whole or in part by reference to the basis of such asset in the hands of the person from whom the revoking corporation acquired such asset,

(B) the asset was acquired by transfer (not as a result of the election under section 943(e) of such Code) occurring on or after the 1st day on which its election under section 943(e) of such Code was effective, and

(C) a principal purpose of the acquisition was the reduction or avoidance of tax (other than a reduction in tax under section 114 of such Code, as in effect on the day before the date of the enactment of this Act).

(e) GENERAL TRANSITION.—

(1) IN GENERAL.—In the case of a taxable year ending after the date of the enactment of this Act and beginning before January 1, 2007, for purposes of chapter 1 of such Code, a current FSC/ETI beneficiary shall be allowed a deduction equal to the transition amount determined under this subsection with respect to such beneficiary for such year.

(2) CURRENT FSC/ETI BENEFICIARY.—The term "current FSC/ETI beneficiary" means any corporation which entered into one or more transactions during its taxable year beginning in calendar year 2002 with respect to which FSC/ETI benefits were allowable.

(3) TRANSITION AMOUNT.—For purposes of this subsection—

(A) IN GENERAL.—The transition amount applicable to any current FSC/ETI beneficiary for any taxable year is the phaseout percentage of the base period amount.

(B) PHASEOUT PERCENTAGE.—

(i) IN GENERAL.—In the case of a taxpayer using the calendar year as its taxable year, the phaseout percentage shall be determined under the following table:

Years:	The phaseout percentage is:
2005	80
2006	60.

(ii) SPECIAL RULE FOR 2004.—The phaseout percentage for 2004 shall be the amount that bears the same ratio to 80 percent as the number of days after the date of the enactment of this Act bears to 366.

(iii) SPECIAL RULE FOR FISCAL YEAR TAXPAYERS.—In the case of a taxpayer not using the calendar year as its taxable year, the phaseout percentage is the weighted average of the phaseout percentages determined under the preceding provisions of this paragraph with respect to calendar years any portion of which is included in the taxpayer's taxable year. The weighted average shall be determined on the basis of the respective portions of the taxable year in each calendar year.

(C) SHORT TAXABLE YEAR.—The Secretary shall prescribe guidance for the computation of the transition amount in the case of a short taxable year.

(4) BASE PERIOD AMOUNT.—For purposes of this subsection, the base period amount is the average FSC/ETI benefit for the taxpayer's taxable years beginning in calendar years 2000, 2001, and 2002.

(5) FSC/ETI BENEFIT.—For purposes of this subsection, the term "FSC/ETI benefit" means—

(A) amounts excludable from gross income under section 114 of such Code, and

(B) the exempt foreign trade income of related foreign sales corporations from property acquired from the taxpayer (determined without regard to section 923(a)(5) of such Code (relating to special rule for military property), as in effect on the day before the date of the enactment of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000).

In determining the FSC/ETI benefit there shall be excluded any amount attributable to a transaction with respect to which the taxpayer is the lessor unless the leased property was manufactured or produced in whole or in significant part by the taxpayer.

(6) SPECIAL RULE FOR AGRICULTURAL AND HORTICULTURAL COOPERATIVES.—Determinations under this subsection with respect to an organization described in section 943(g)(1) of such Code, as in effect on the day before the date of the enactment of this Act, shall be made at the cooperative level and the purposes of this subsection shall be carried out in a manner similar to section 199(h)(2) of such Code, as added by this Act. Such determinations shall be in accordance with such requirements and procedures as the Secretary may prescribe.

(7) CERTAIN RULES TO APPLY.—Rules similar to the rules of section 41(f) of such Code shall apply for purposes of this subsection.

(8) COORDINATION WITH BINDING CONTRACT RULE.—The deduction determined under paragraph (1) for any taxable year shall be reduced by the phaseout percentage of any FSC/ETI benefit realized for the taxable year by reason of subsection (c)(2) or section 5(c)(1)(B) of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000, except that for purposes of this paragraph the phaseout percentage for 2004 shall be treated as being equal to 100 percent.

(9) SPECIAL RULE FOR TAXABLE YEAR WHICH INCLUDES DATE OF ENACTMENT.—In the case of a taxable year which includes the date of the enactment of this Act, the deduction allowed under this subsection to any current FSC/ETI beneficiary shall in no event exceed—

(A) 100 percent of such beneficiary's base period amount for calendar year 2004, reduced by

(B) the FSC/ETI benefit of such beneficiary with respect to transactions occurring during the portion of the taxable year ending on the date of the enactment of this Act.

TITLE II—REDUCTION OF TOP CORPORATE TAX RATE

SEC. 201. REDUCTION IN CORPORATE INCOME TAX RATE.

(a) IN GENERAL.—Subsection (b) of section 11 (relating to tax imposed on corporations) is amended by redesignating paragraph (2) as paragraph (6) and by striking paragraph (1) and inserting the following new paragraphs:

"(1) FOR TAXABLE YEARS BEGINNING AFTER 2009.—In the case of taxable years beginning after 2009, the amount of the tax imposed by subsection (a) shall be determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $50,000	15% of taxable income.
Over $50,000 but not over $75,000.	$7,500, plus 25% of the excess over $50,000.
Over $75,000	$13,750, plus 33% of the excess over $75,000.

"(2) FOR TAXABLE YEARS BEGINNING IN 2006, 2007, 2008, OR 2009.—In the case of taxable years beginning in 2006, 2007, 2008, or 2009, the amount of the tax imposed by subsection (a) shall be determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $50,000	15% of taxable income.
Over $50,000 but not over $75,000.	$7,500, plus 25% of the excess over $50,000.
Over $75,000	$13,750, plus 33.5% of the excess over $75,000.

"(3) FOR TAXABLE YEARS BEGINNING IN 2005.—In the case of taxable years beginning in 2005, the amount of the tax imposed by subsection (a) shall be determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $50,000	15% of taxable income.
Over $50,000 but not over $75,000.	$7,500, plus 25% of the excess over $50,000.
Over $75,000	$13,750, plus 34% of the excess over $75,000.

"(4) FOR TAXABLE YEARS BEGINNING IN 2004.—In the case of taxable years beginning in 2004, the amount of the tax imposed by subsection (a) shall be determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $50,000	15% of taxable income.
Over $50,000 but not over $75,000.	$7,500, plus 25% of the excess over $50,000.
Over $75,000 but not over $10,000,000.	$13,750, plus 34% of the excess over $75,000.
Over $10,000,000	$3,388,250, plus 34.5% of the excess over $10,000,000.

"(5) PHASEOUT OF LOWER RATES FOR CERTAIN TAXPAYERS.—

"(A) GENERAL RULE.—In the case of a corporation which has taxable income in excess of $100,000 for any taxable year, the amount of tax determined under paragraph (1), (2), (3) or (4) for such taxable year shall be increased by the lesser of (i) 5 percent of such excess, or (ii) $11,000 ($11,750 in the case of taxable years beginning before 2006 and $11,375 in the case of taxable years beginning after 2005 and before 2010).

"(B) HIGHER INCOME CORPORATIONS.—In the case of a corporation which has taxable income in excess of $15,000,000 for taxable years beginning in 2004, the amount of the tax determined under the foregoing provisions of this subsection shall be increased by an additional amount equal to the lesser of (i) 3 percent of such excess, or (ii) $50,000.".

(b) CONFORMING AMENDMENTS.—

(1) Section 904(b)(3)(D)(ii) is amended to read as follows:

"(ii) in the case of a corporation, section 1201(a) applies to such taxable year.".

(2) Section 1201(a) is amended by striking "the last 2 sentences of section 11(b)(1)" and inserting "section 11(b)(5)".

(3) Section 1561(a) is amended—

(A) by striking "the last 2 sentences of section 11(b)(1)" and inserting "section 11(b)(5)", and

(B) by striking "such last 2 sentences" and inserting "section 11(b)(5)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

TITLE III—ALTERNATIVE MINIMUM TAX RELIEF

SEC. 301. REDUCTION IN CORPORATE AMT RATE.

(a) IN GENERAL.—Section 55(b)(1)(B)(i) (relating to amount of tentative tax for corporations) is amended by striking "20 percent" and inserting "19 percent (19.5 percent for taxable years beginning in 2004 or 2005)".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 302. INCREASE IN EXEMPTION FROM AMT FOR SMALL CORPORATIONS.

(a) IN GENERAL.—Paragraph (1) of section 55(e) (relating to exemption for small corporations) is amended—

(1) by striking "$7,500,000" in the heading and the text of subparagraph (A) and inserting "$15,000,000",

(2) by striking subparagraph (B), and

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 303. FOREIGN TAX CREDIT UNDER ALTERNATIVE MINIMUM TAX.

(a) In General.—

(1) Subsection (a) of section 59 is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) Section 53(d)(1)(B)(i)(II) is amended by striking “and if section 59(a)(2) did not apply”.

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

TITLE IV—ADDITIONAL PROVISIONS

Subtitle A—Provisions Designed To Curtail Tax Shelters

SEC. 401. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) In General.—Section 7701 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) Clarification of Economic Substance Doctrine; Etc.—

“(1) General rules.—

“(A) In general.—In any case in which a court determines that the economic substance doctrine is relevant for purposes of this title to a transaction (or series of transactions), such transaction (or series of transactions) shall have economic substance only if the requirements of this paragraph are met.

“(B) Definition of economic substance.—For purposes of subparagraph (A)—

“(i) In general.—A transaction has economic substance only if—

“(I) the transaction changes in a meaningful way (apart from Federal tax effects) the taxpayer's economic position, and

“(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

In applying subclause (II), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

“(ii) Special rule where taxpayer relies on profit potential.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

“(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

“(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

“(C) Treatment of fees and foreign taxes.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

“(2) Special rules for transactions with tax-indifferent parties.—

“(A) Special rules for financing transactions.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

“(B) Artificial income shifting and basis adjustments.—The form of a transaction with a tax-indifferent party shall not be respected if—

“(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

“(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

“(3) Definitions and special rules.—For purposes of this subsection—

“(A) Economic substance doctrine.—The term ‘economic substance doctrine’ means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

“(B) Tax-indifferent party.—The term ‘tax-indifferent party’ means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

“(C) Exception for personal transactions of individuals.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

“(D) Treatment of lessors.—In applying paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease—

“(i) the expected net tax benefits with respect to the leased property shall not include the benefits of—

“(I) depreciation,

“(II) any tax credit, or

“(III) any other deduction as provided in guidance by the Secretary, and

“(ii) subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

“(4) Other common law doctrines not affected.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

“(5) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.”.

(b) Effective Date.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 402. PENALTY FOR FAILING TO DISCLOSE REPORTABLE TRANSACTION.

(a) In General.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6707 the following new section:

“SEC. 6707A. PENALTY FOR FAILURE TO INCLUDE REPORTABLE TRANSACTION INFORMATION WITH RETURN OR STATEMENT.

“(a) Imposition of Penalty.—Any person who fails to include on any return or statement any information with respect to a reportable transaction which is required under section 6011 to be included with such return or statement shall pay a penalty in the amount determined under subsection (b).

“(b) Amount of Penalty.—

“(1) In general.—Except as provided in paragraphs (2) and (3), the amount of the penalty under subsection (a) shall be $50,000.

“(2) Listed transaction.—The amount of the penalty under subsection (a) with respect to a listed transaction shall be $100,000.

“(3) Increase in penalty for large entities and high net worth individuals.—

“(A) In general.—In the case of a failure under subsection (a) by—

“(i) a large entity, or

“(ii) a high net worth individual,

the penalty under paragraph (1) or (2) shall be twice the amount determined without regard to this paragraph.

“(B) Large entity.—For purposes of subparagraph (A), the term ‘large entity’ means, with respect to any taxable year, a person (other than a natural person) with gross receipts in excess of $10,000,000 for the taxable year in which the reportable transaction occurs or the preceding taxable year. Rules similar to the rules of paragraph (2) and subparagraphs (B), (C), and (D) of paragraph (3) of section 448(c) shall apply for purposes of this subparagraph.

“(C) High net worth individual.—For purposes of subparagraph (A), the term ‘high net worth individual’ means, with respect to a reportable transaction, a natural person whose net worth exceeds $2,000,000 immediately before the transaction.

“(c) Definitions.—For purposes of this section—

“(1) Reportable transaction.—The term ‘reportable transaction’ means any transaction with respect to which information is required to be included with a return or statement because, as determined under regulations prescribed under section 6011, such transaction is of a type which the Secretary determines as having a potential for tax avoidance or evasion.

“(2) Listed transaction.—Except as provided in regulations, the term ‘listed transaction’ means a reportable transaction which is the same as, or substantially similar to, a transaction specifically identified by the Secretary as a tax avoidance transaction for purposes of section 6011.

“(d) Authority To Rescind Penalty.—

“(1) In general.—The Commissioner of Internal Revenue may rescind all or any portion of any penalty imposed by this section with respect to any violation if—

“(A) the violation is with respect to a reportable transaction other than a listed transaction,

“(B) the person on whom the penalty is imposed has a history of complying with the requirements of this title,

“(C) it is shown that the violation is due to an unintentional mistake of fact;

“(D) imposing the penalty would be against equity and good conscience, and

“(E) rescinding the penalty would promote compliance with the requirements of this title and effective tax administration.

“(2) Discretion.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may be delegated only to the head of the Office of Tax Shelter Analysis. The Commissioner, in the Commissioner's sole discretion, may establish a procedure to determine if a penalty should be referred to the Commissioner or the head of such Office for a determination under paragraph (1).

“(3) No appeal.—Notwithstanding any other provision of law, any determination under this subsection may not be reviewed in any administrative or judicial proceeding.

"(4) Records.—If a penalty is rescinded under paragraph (1), the Commissioner shall place in the file in the Office of the Commissioner the opinion of the Commissioner or the head of the Office of Tax Shelter Analysis with respect to the determination, including—

"(A) the facts and circumstances of the transaction,

"(B) the reasons for the rescission, and

"(C) the amount of the penalty rescinded.

"(5) Report.—The Commissioner shall each year report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

"(A) a summary of the total number and aggregate amount of penalties imposed, and rescinded, under this section, and

"(B) a description of each penalty rescinded under this subsection and the reasons therefor.

"(e) Penalty Reported to SEC.—In the case of a person—

"(1) which is required to file periodic reports under section 13 or 15(d) of the Securities Exchange Act of 1934 or is required to be consolidated with another person for purposes of such reports, and

"(2) which—

"(A) is required to pay a penalty under this section with respect to a listed transaction,

"(B) is required to pay a penalty under section 6662A with respect to any reportable transaction at a rate prescribed under section 6662A(c), or

"(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction,

the requirement to pay such penalty shall be disclosed in such reports filed by such person for such periods as the Secretary shall specify. Failure to make a disclosure in accordance with the preceding sentence shall be treated as a failure to which the penalty under subsection (b)(2) applies.

"(f) Coordination With Other Penalties.—The penalty imposed by this section is in addition to any penalty imposed under this title.".

(b) Conforming Amendment.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6707 the following:

"Sec. 6707A. Penalty for failure to include reportable transaction information with return or statement.".

(c) Effective Date.—The amendments made by this section shall apply to returns and statements the due date for which is after the date of the enactment of this Act.

SEC. 403. ACCURACY-RELATED PENALTY FOR LISTED TRANSACTIONS AND OTHER REPORTABLE TRANSACTIONS HAVING A SIGNIFICANT TAX AVOIDANCE PURPOSE.

(a) In General.—Subchapter A of chapter 68 is amended by inserting after section 6662 the following new section:

"SEC. 6662A. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERSTATEMENTS WITH RESPECT TO REPORTABLE TRANSACTIONS.

"(a) Imposition of Penalty.—If a taxpayer has a reportable transaction understatement for any taxable year, there shall be added to the tax an amount equal to 20 percent of the amount of such understatement.

"(b) Reportable Transaction Understatement.—For purposes of this section—

"(1) In general.—The term 'reportable transaction understatement' means the sum of—

"(A) the product of—

"(i) the amount of the increase (if any) in taxable income which results from a difference between the proper tax treatment of an item to which this section applies and the taxpayer's treatment of such item (as shown on the taxpayer's return of tax), and

"(ii) the highest rate of tax imposed by section 1 (section 11 in the case of a taxpayer which is a corporation), and

"(B) the amount of the decrease (if any) in the aggregate amount of credits determined under subtitle A which results from a difference between the taxpayer's treatment of an item to which this section applies (as shown on the taxpayer's return of tax) and the proper tax treatment of such item.

For purposes of subparagraph (A), any reduction of the excess of deductions allowed for the taxable year over gross income for such year, and any reduction in the amount of capital losses which would (without regard to section 1211) be allowed for such year, shall be treated as an increase in taxable income.

"(2) Items to which section applies.—This section shall apply to any item which is attributable to—

"(A) any listed transaction, and

"(B) any reportable transaction (other than a listed transaction) if a significant purpose of such transaction is the avoidance or evasion of Federal income tax.

"(c) Higher Penalty for Nondisclosed Listed and Other Avoidance Transactions.—

"(1) In general.—Subsection (a) shall be applied by substituting '30 percent' for '20 percent' with respect to the portion of any reportable transaction understatement with respect to which the requirement of section 6664(d)(2)(A) is not met.

"(2) Rules applicable to assertion and compromise of penalty.—

"(A) In general.—Only upon the approval by the Chief Counsel for the Internal Revenue Service or the Chief Counsel's delegate at the national office of the Internal Revenue Service may a penalty to which paragraph (1) applies be included in a 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals. If such a letter is provided to the taxpayer, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

"(B) Applicable rules.—The rules of paragraphs (2), (3), (4), and (5) of section 6707A(d) shall apply for purposes of subparagraph (A).

"(d) Definitions of Reportable and Listed Transactions.—For purposes of this section, the terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).

"(e) Special Rules.—

"(1) Coordination with penalties, etc., on other understatements.—In the case of an understatement (as defined in section 6662(d)(2))—

"(A) the amount of such understatement (determined without regard to this paragraph) shall be increased by the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements for purposes of determining whether such understatement is a substantial understatement under section 6662(d)(1), and

"(B) the addition to tax under section 6662(a) shall apply only to the excess of the amount of the substantial understatement (if any) after the application of subparagraph (A) over the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements.

"(2) Coordination with other penalties.—

"(A) Application of fraud penalty.—References to an underpayment in section 6663 shall be treated as including references to a reportable transaction understatement and a noneconomic substance transaction understatement.

"(B) No double penalty.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6662B or 6663.

"(3) Special rule for amended returns.—Except as provided in regulations, in no event shall any tax treatment included with an amendment or supplement to a return of tax be taken into account in determining the amount of any reportable transaction understatement or noneconomic substance transaction understatement if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.

"(4) Noneconomic substance transaction understatement.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).

"(5) Cross reference.—

"For reporting of section 6662A(c) penalty to the Securities and Exchange Commission, see section 6707A(e).".

(b) Determination of Other Understatements.—Subparagraph (A) of section 6662(d)(2) is amended by adding at the end the following flush sentence:

"The excess under the preceding sentence shall be determined without regard to items to which section 6662A applies and without regard to items with respect to which a penalty is imposed by section 6662B.".

(c) Reasonable Cause Exception.—

(1) In general.—Section 6664 is amended by adding at the end the following new subsection:

"(d) Reasonable Cause Exception for Reportable Transaction Understatements.—

"(1) In general.—No penalty shall be imposed under section 6662A with respect to any portion of a reportable transaction understatement if it is shown that there was a reasonable cause for such portion and that the taxpayer acted in good faith with respect to such portion.

"(2) Special rules.—Paragraph (1) shall not apply to any reportable transaction understatement unless—

"(A) the relevant facts affecting the tax treatment of the item are adequately disclosed in accordance with the regulations prescribed under section 6011,

"(B) there is or was substantial authority for such treatment, and

"(C) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

A taxpayer failing to adequately disclose in accordance with section 6011 shall be treated as meeting the requirements of subparagraph (A) if the penalty for such failure was rescinded under section 6707A(d).

"(3) Rules relating to reasonable belief.—For purposes of paragraph (2)(C)—

"(A) In general.—A taxpayer shall be treated as having a reasonable belief with respect to the tax treatment of an item only if such belief—

"(i) is based on the facts and law that exist at the time the return of tax which includes such tax treatment is filed, and

"(ii) relates solely to the taxpayer's chances of success on the merits of such treatment and does not take into account the possibility that a return will not be audited, such treatment will not be raised on audit, or such treatment will be resolved through settlement if it is raised.

"(B) Certain opinions may not be relied upon.—

"(i) In general.—An opinion of a tax advisor may not be relied upon to establish the reasonable belief of a taxpayer if—

"(I) the tax advisor is described in clause (ii), or

"(II) the opinion is described in clause (iii).

"(ii) Disqualified tax advisors.—A tax advisor is described in this clause if the tax advisor—

"(I) is a material advisor (within the meaning of section 6111(b)(1)) who participates in the organization, management, promotion, or sale of the transaction or who is related (within the meaning of section 267(b) or 707(b)(1)) to any person who so participates,

"(II) is compensated directly or indirectly by a material advisor with respect to the transaction,

"(III) has a fee arrangement with respect to the transaction which is contingent on all or part of the intended tax benefits from the transaction being sustained, or

"(IV) as determined under regulations prescribed by the Secretary, has a disqualifying financial interest with respect to the transaction.

"(iii) Disqualified opinions.—For purposes of clause (i), an opinicn is disqualified if the opinion—

"(I) is based on unreasonable factual or legal assumptions (including assumptions as to future events),

"(II) unreasonably relies on representations, statements, findings, or agreements of the taxpayer or any other person,

"(III) does not identify and consider all relevant facts, or

"(IV) fails to meet any other requirement as the Secretary may prescribe.".

(2) Conforming amendment.—The heading for subsection (c) of section 6664 is amended by inserting "for Underpayments" after "Exception".

(d) Conforming Amendments.—

(1) Subparagraph (C) of section 461(i)(3) is amended by striking "section 6662(d)(2)(C)(iii)" and inserting "section 1274(b)(3)(C)".

(2) Paragraph (3) of section 1274(b) is amended—

(A) by striking "(as defined in section 6662(d)(2)(C)(iii))" in subparagraph (B)(i), and

(B) by adding at the end the following new subparagraph:

"(C) Tax shelter.—For purposes of subparagraph (B), the term 'tax shelter' means—

"(i) a partnership or other entity,

"(ii) any investment plan or arrangement, or

"(iii) any other plan or arrangement,

if a significant purpose of such partnership, entity, plan, or arrangement is the avoidance or evasion of Federal income tax.".

(3) Section 6662(d)(2) is amended by striking subparagraphs (C) and (D).

(4) Section 6664(c)(1) is amended by striking "this part" and inserting "section 6662 or 6663".

(5) Subsection (b) of section 7525 is amended by striking "section 6662(d)(2)(C)(iii)" and inserting "section 1274(b)(3)(C)".

(6)(A) The heading for section 6662 is amended to read as follows:

"SEC. 6662. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERPAYMENTS.".

(B) The table of sections for part II of subchapter A of chapter 68 is amended by striking the item relating to section 6662 and inserting the following new items:

"Sec. 6662. Imposition of accuracy-related penalty on underpayments.

"Sec. 6662A. Imposition of accuracy-related penalty on understatements with respect to reportable transactions.".

(e) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 404. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) In General.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

"SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

"(a) Imposition of Penalty.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

"(b) Reduction of Penalty for Disclosed Transactions.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

"(c) Noneconomic Substance Transaction Understatement.—For purposes of this section—

"(1) In general.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

"(2) Noneconomic substance transaction.—The term 'noneconomic substance transaction' means any transaction if—

"(A) there is a lack of economic substance (within the meaning of section 7701(n)(1)) for the transaction giving rise to the claimed benefit or the transaction was not respected under section 7701(n)(2), or

"(B) the transaction fails to meet the requirements of any similar rule of law.

"(d) Rules Applicable To Compromise of Penalty.—

"(1) In general.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

"(2) Applicable rules.—The rules of paragraphs (2), (3), (4), and (5) of section 6707A(d) shall apply for purposes of paragraph (1).

"(e) Coordination With Other Penalties.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

"(f) Cross References.—

"(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

"(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e).".

(b) Clerical Amendment.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

"Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.".

(c) Effective Date.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 405. MODIFICATIONS OF SUBSTANTIAL UNDERSTATEMENT PENALTY FOR NONREPORTABLE TRANSACTIONS.

(a) Substantial Understatement of Corporations.—Section 6662(d)(1)(B) (relating to special rule for corporations) is amended to read as follows:

"(B) Special rule for corporations.—In the case of a corporation other than an S corporation or a personal holding company (as defined in section 542), there is a substantial understatement of income tax for any taxable year if the amount of the understatement for the taxable year exceeds the lesser of—

"(i) 10 percent of the tax required to be shown on the return for the taxable year (or, if greater, $10,000), or

"(ii) $10,000,000.".

(b) Reduction for Understatement of Taxpayer Due to Position of Taxpayer or Disclosed Item.—

(1) In general.—Section 6662(d)(2)(B)(i) (relating to substantial authority) is amended to read as follows:

"(i) the tax treatment of any item by the taxpayer if the taxpayer had reasonable belief that the tax treatment was more likely than not the proper treatment, or".

(2) Conforming amendment.—Section 6662(d) is amended by adding at the end the following new paragraph:

"(3) Secretarial list.—For purposes of this subsection, section 6664(d)(2), and section 6694(a)(1), the Secretary may prescribe a list of positions for which the Secretary believes there is not substantial authority or there is no reasonable belief that the tax treatment is more likely than not the proper tax treatment. Such list (and any revisions thereof) shall be published in the Federal Register or the Internal Revenue Bulletin.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 406. TAX SHELTER EXCEPTION TO CONFIDENTIALITY PRIVILEGES RELATING TO TAXPAYER COMMUNICATIONS.

(a) In General.—Section 7525(b) (relating to section not to apply to communications regarding corporate tax shelters) is amended to read as follows:

"(b) Section Not To Apply to Communications Regarding Tax Shelters.—The privilege under subsection (a) shall not apply to any written communication which is—

"(1) between a federally authorized tax practitioner and—

"(A) any person,

"(B) any director, officer, employee, agent, or representative of the person, or

"(C) any other person holding a capital or profits interest in the person, and

"(2) in connection with the promotion of the direct or indirect participation of the person in any tax shelter (as defined in section 1274(b)(3)(C)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to communications made on or after the date of the enactment of this Act.

SEC. 407. DISCLOSURE OF REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 6111 (relating to registration of tax shelters) is amended to read as follows:

"SEC. 6111. DISCLOSURE OF REPORTABLE TRANSACTIONS.

''(a) IN GENERAL.—Each material advisor with respect to any reportable transaction shall make a return (in such form as the Secretary may prescribe) setting forth—

''(1) information identifying and describing the transaction,

''(2) information describing any potential tax benefits expected to result from the transaction, and

''(3) such other information as the Secretary may prescribe.

Such return shall be filed not later than the date specified by the Secretary.

''(b) DEFINITIONS.—For purposes of this section—

''(1) MATERIAL ADVISOR.—

''(A) IN GENERAL.—The term 'material advisor' means any person—

''(i) who provides any material aid, assistance, or advice with respect to organizing, managing, promoting, selling, implementing, or carrying out any reportable transaction, and

''(ii) who directly or indirectly derives gross income in excess of the threshold amount for such aid, assistance, or advice.

''(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A), the threshold amount is—

''(i) $50,000 in the case of a reportable transaction substantially all of the tax benefits from which are provided to natural persons, and

''(ii) $250,000 in any other case.

''(2) REPORTABLE TRANSACTION.—The term 'reportable transaction' has the meaning given to such term by section 6707A(c).

''(c) REGULATIONS.—The Secretary may prescribe regulations which provide—

''(1) that only 1 person shall be required to meet the requirements of subsection (a) in cases in which 2 or more persons would otherwise be required to meet such requirements,

''(2) exemptions from the requirements of this section, and

''(3) such rules as may be necessary or appropriate to carry out the purposes of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) The item relating to section 6111 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

''Sec. 6111. Disclosure of reportable transactions.''.

(2)(A) So much of section 6112 as precedes subsection (c) thereof is amended to read as follows:

"SEC. 6112. MATERIAL ADVISORS OF REPORTABLE TRANSACTIONS MUST KEEP LISTS OF ADVISEES.

''(a) IN GENERAL.—Each material advisor (as defined in section 6111) with respect to any reportable transaction (as defined in section 6707A(c)) shall maintain, in such manner as the Secretary may by regulations prescribe, a list—

''(1) identifying each person with respect to whom such advisor acted as such a material advisor with respect to such transaction, and

''(2) containing such other information as the Secretary may by regulations require.

This section shall apply without regard to whether a material advisor is required to file a return under section 6111 with respect to such transaction.''.

(B) Section 6112 is amended by redesignating subsection (c) as subsection (b).

(C) Section 6112(b), as redesignated by subparagraph (B), is amended—

(i) by inserting ''written'' before ''request'' in paragraph (1)(A), and

(ii) by striking ''shall prescribe'' in paragraph (2) and inserting ''may prescribe''.

(D) The item relating to section 6112 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

''Sec. 6112. Material advisors of reportable transactions must keep lists of advisees.''.

(3)(A) The heading for section 6708 is amended to read as follows:

"SEC. 6708. FAILURE TO MAINTAIN LISTS OF ADVISEES WITH RESPECT TO REPORTABLE TRANSACTIONS.".

(B) The item relating to section 6708 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows:

''Sec. 6708. Failure to maintain lists of advisees with respect to reportable transactions.''.

(c) REQUIRED DISCLOSURE NOT SUBJECT TO CLAIM OF CONFIDENTIALITY.—Subparagraph (A) of section 6112(b)(1), as redesignated by subsection (b)(2)(B), is amended by adding at the end the following new flush sentence:

''For purposes of this section, the identity of any person on such list shall not be privileged.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to transactions with respect to which material aid, assistance, or advice referred to in section 6111(b)(1)(A)(i) of the Internal Revenue Code of 1986 (as added by this section) is provided after the date of the enactment of this Act.

(2) NO CLAIM OF CONFIDENTIALITY AGAINST DISCLOSURE.—The amendment made by subsection (c) shall take effect as if included in the amendments made by section 142 of the Deficit Reduction Act of 1984.

SEC. 408. MODIFICATIONS TO PENALTY FOR FAILURE TO REGISTER TAX SHELTERS.

(a) IN GENERAL.—Section 6707 (relating to failure to furnish information regarding tax shelters) is amended to read as follows:

"SEC. 6707. FAILURE TO FURNISH INFORMATION REGARDING REPORTABLE TRANSACTIONS.

''(a) IN GENERAL.—If a person who is required to file a return under section 6111(a) with respect to any reportable transaction—

''(1) fails to file such return on or before the date prescribed therefor, or

''(2) files false or incomplete information with the Secretary with respect to such transaction,

such person shall pay a penalty with respect to such return in the amount determined under subsection (b).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the penalty imposed under subsection (a) with respect to any failure shall be $50,000.

''(2) LISTED TRANSACTIONS.—The penalty imposed under subsection (a) with respect to any listed transaction shall be an amount equal to the greater of—

''(A) $200,000, or

''(B) 50 percent of the gross income derived by such person with respect to aid, assistance, or advice which is provided with respect to the listed transaction before the date the return including the transaction is filed under section 6111.

Subparagraph (B) shall be applied by substituting '75 percent' for '50 percent' in the case of an intentional failure or act described in subsection (a).

''(c) CERTAIN RULES TO APPLY.—The provisions of section 6707A(d) shall apply to any penalty imposed under this section.

''(d) REPORTABLE AND LISTED TRANSACTIONS.—The terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).''.

(b) CLERICAL AMENDMENT.—The item relating to section 6707 in the table of sections for part I of subchapter B of chapter 68 is amended by striking ''tax shelters'' and inserting ''reportable transactions''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which is after the date of the enactment of this Act.

SEC. 409. MODIFICATION OF PENALTY FOR FAILURE TO MAINTAIN LISTS OF INVESTORS.

(a) IN GENERAL.—Subsection (a) of section 6708 is amended to read as follows:

''(a) IMPOSITION OF PENALTY.—

''(1) IN GENERAL.—If any person who is required to maintain a list under section 6112(a) fails to make such list available upon written request to the Secretary in accordance with section 6112(b)(1)(A) within 20 business days after the date of the Secretary's request, such person shall pay a penalty of $10,000 for each day of such failure after such 20th day.

''(2) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed by paragraph (1) with respect to the failure on any day if such failure is due to reasonable cause.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 410. MODIFICATION OF ACTIONS TO ENJOIN CERTAIN CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 7408 (relating to action to enjoin promoters of abusive tax shelters, etc.) is amended by redesignating subsection (c) as subsection (d) and by striking subsections (a) and (b) and inserting the following new subsections:

''(a) AUTHORITY TO SEEK INJUNCTION.—A civil action in the name of the United States to enjoin any person from further engaging in specified conduct may be commenced at the request of the Secretary. Any action under this section shall be brought in the district court of the United States for the district in which such person resides, has his principal place of business, or has engaged in specified conduct. The court may exercise its jurisdiction over such action (as provided in section 7402(a)) separate and apart from any other action brought by the United States against such person.

''(b) ADJUDICATION AND DECREE.—In any action under subsection (a), if the court finds—

''(1) that the person has engaged in any specified conduct, and

''(2) that injunctive relief is appropriate to prevent recurrence of such conduct,

the court may enjoin such person from engaging in such conduct or in any other activity subject to penalty under this title.

''(c) SPECIFIED CONDUCT.—For purposes of this section, the term 'specified conduct' means any action, or failure to take action, subject to penalty under section 6700, 6701, 6707, or 6708.''.

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 7408 is amended to read as follows:

"SEC. 7408. ACTIONS TO ENJOIN SPECIFIED CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS.".

(2) The table of sections for subchapter A of chapter 67 is amended by striking the item relating to section 7408 and inserting the following new item:

"Sec. 7408. Actions to enjoin specified conduct related to tax shelters and reportable transactions.".

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the day after the date of the enactment of this Act.

SEC. 411. UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY INCOME TAX RETURN PREPARER.

(a) STANDARDS CONFORMED TO TAXPAYER STANDARDS.—Section 6694(a) (relating to understatements due to unrealistic positions) is amended—

(1) by striking "realistic possibility of being sustained on its merits" in paragraph (1) and inserting "reasonable belief that the tax treatment in such position was more likely than not the proper treatment",

(2) by striking "or was frivolous" in paragraph (3) and inserting "or there was no reasonable basis for the tax treatment of such position", and

(3) by striking "UNREALISTIC" in the heading and inserting "IMPROPER".

(b) AMOUNT OF PENALTY.—Section 6694 is amended—

(1) by striking "$250" in subsection (a) and inserting "$1,000", and

(2) by striking "$1,000" in subsection (b) and inserting "$5,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to documents prepared after the date of the enactment of this Act.

SEC. 412. PENALTY ON FAILURE TO REPORT INTERESTS IN FOREIGN FINANCIAL ACCOUNTS.

(a) IN GENERAL.—Section 5321(a)(5) of title 31, United States Code, is amended to read as follows:

"(5) FOREIGN FINANCIAL AGENCY TRANSACTION VIOLATION.—

"(A) PENALTY AUTHORIZED.—The Secretary of the Treasury may impose a civil money penalty on any person who violates, or causes any violation of, any provision of section 5314.

"(B) AMOUNT OF PENALTY.—

"(i) IN GENERAL.—Except as provided in subparagraph (C), the amount of any civil penalty imposed under subparagraph (A) shall not exceed $5,000.

"(ii) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under subparagraph (A) with respect to any violation if—

"(I) such violation was due to reasonable cause, and

"(II) the amount of the transaction or the balance in the account at the time of the transaction was properly reported.

"(C) WILLFUL VIOLATIONS.—In the case of any person willfully violating, or willfully causing any violation of, any provision of section 5314—

"(i) the maximum penalty under subparagraph (B)(i) shall be increased to the greater of—

"(I) $25,000, or

"(II) the amount (not exceeding $100,000) determined under subparagraph (D), and

"(ii) subparagraph (B)(ii) shall not apply.

"(D) AMOUNT.—The amount determined under this subparagraph is—

"(i) in the case of a violation involving a transaction, the amount of the transaction, or

"(ii) in the case of a violation involving a failure to report the existence of an account or any identifying information required to be provided with respect to an account, the balance in the account at the time of the violation.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to violations occurring after the date of the enactment of this Act.

SEC. 413. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

"SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

"(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of $5,000 if—

"(1) such person files what purports to be a return of a tax imposed by this title but which—.

"(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

"(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

"(2) the conduct referred to in paragraph (1)—

"(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(B) reflects a desire to delay or impede the administration of Federal tax laws.

"(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

"(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

"(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

"(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

"(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(ii) reflects a desire to delay or impede the administration of Federal tax laws.

"(B) SPECIFIED SUBMISSION.—The term 'specified submission' means—

"(i) a request for a hearing under—

"(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

"(II) section 6330 (relating to notice and opportunity for hearing before levy), and

"(ii) an application under—

"(I) section 6159 (relating to agreements for payment of tax liability in installments),

"(II) section 7122 (relating to compromises), or

"(III) section 7811 (relating to taxpayer assistance orders).

"(3) OPPORTUNITY TO WITHDRAW SUBMISSION.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

"(c) LISTING OF FRIVOLOUS POSITIONS.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

"(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

"(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.".

(b) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS BEFORE LEVY.—

(1) FRIVOLOUS REQUESTS DISREGARDED.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(2) PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.—Section 6330(c)(4) is amended—

(A) by striking "(A)" and inserting "(A)(i)";

(B) by striking "(B)" and inserting "(ii)";

(C) by striking the period at the end of the first sentence and inserting "; or"; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

"(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).".

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing".

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing", and

(2) in subsection (c), by striking "and (e)" and inserting "(e), and (g)".

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

"(e) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

"Sec. 6702. Frivolous tax submissions.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 414. REGULATION OF INDIVIDUALS PRACTICING BEFORE THE DEPARTMENT OF TREASURY.

(a) CENSURE; IMPOSITION OF PENALTY.—

(1) In general.—Section 330(b) of title 31, United States Code, is amended—

(A) by inserting ", or censure," after "Department", and

(B) by adding at the end the following new flush sentence:

"The Secretary may impose a monetary penalty on any representative described in the preceding sentence. If the representative was acting on behalf of an employer or any firm or other entity in connection with the conduct giving rise to such penalty, the Secretary may impose a monetary penalty on such employer, firm, or entity if it knew, or reasonably should have known, of such conduct. Such penalty shall not exceed the gross income derived (or to be derived) from the conduct giving rise to the penalty and may be in addition to, or in lieu of, any suspension, disbarment, or censure of the representative.".

(2) Effective date.—The amendments made by this subsection shall apply to actions taken after the date of the enactment of this Act.

(b) Tax Shelter Opinions, etc.—Section 330 of such title 31 is amended by adding at the end the following new subsection:

"(d) Nothing in this section or in any other provision of law shall be construed to limit the authority of the Secretary of the Treasury to impose standards applicable to the rendering of written advice with respect to any entity, transaction plan or arrangement, or other plan or arrangement, which is of a type which the Secretary determines as having a potential for tax avoidance or evasion.".

SEC. 415. PENALTY ON PROMOTERS OF TAX SHELTERS.

(a) Penalty on Promoting Abusive Tax Shelters.—Section 6700(a) is amended by adding at the end the following new sentence: "Notwithstanding the first sentence, if an activity with respect to which a penalty imposed under this subsection involves a statement described in paragraph (2)(A), the amount of the penalty shall be equal to 50 percent of the gross income derived (or to be derived) from such activity by the person on which the penalty is imposed.".

(b) Effective Date.—The amendment made by this section shall apply to activities after the date of the enactment of this Act.

SEC. 416. STATUTE OF LIMITATIONS FOR TAXABLE YEARS FOR WHICH REQUIRED LISTED TRANSACTIONS NOT REPORTED.

(a) In General.—Section 6501(c) (relating to exceptions) is amended by adding at the end the following new paragraph:

"(10) Listed transactions.—If a taxpayer fails to include on any return or statement for any taxable year any information with respect to a listed transaction (as defined in section 6707A(c)(2)) which is required under section 6011 to be included with such return or statement, the time for assessment of any tax imposed by this title with respect to such transaction shall not expire before the date which is 1 year after the earlier of—

"(A) the date on which the Secretary is furnished the information so required; or

"(B) the date that a material advisor (as defined in section 6111) meets the requirements of section 6112 with respect to a request by the Secretary under section 6112(b) relating to such transaction with respect to such taxpayer.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years with respect to which the period for assessing a deficiency did not expire before the date of the enactment of this Act.

SEC. 417. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONDISCLOSED REPORTABLE AND NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) In General.—Section 163 (relating to deduction for interest) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Interest on Unpaid Taxes Attributable To Nondisclosed Reportable Transactions and Noneconomic Substance Transactions.—No deduction shall be allowed under this chapter for any interest paid or accrued under section 6601 on any underpayment of tax which is attributable to—

"(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

"(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).".

(b) Effective Date.—The amendments made by this section shall apply to transactions in taxable years beginning after the date of the enactment of this Act.

SEC. 418. AUTHORIZATION OF APPROPRIATIONS FOR TAX LAW ENFORCEMENT.

There is authorized to be appropriated $300,000,000 for each fiscal year beginning after September 30, 2003, for the purpose of carrying out tax law enforcement to combat tax avoidance transactions and other tax shelters, including the use of offshore financial accounts to conceal taxable income.

Subtitle B—Other Corporate Governance Provisions

SEC. 421. AFFIRMATION OF CONSOLIDATED RETURN REGULATION AUTHORITY.

(a) In General.—Section 1502 (relating to consolidated return regulations) is amended by adding at the end the following new sentence: "In prescribing such regulations, the Secretary may prescribe rules applicable to corporations filing consolidated returns under section 1501 that are different from other provisions of this title that would apply if such corporations filed separate returns.".

(b) Result Not Overturned.—Notwithstanding subsection (a), the Internal Revenue Code of 1986 shall be construed by treating Treasury regulation §1.1502-20(c)(1)(iii) (as in effect on January 1, 2001) as being inapplicable to the type of factual situation in 255 F.3d 1357 (Fed. Cir. 2001).

(c) Effective Date.—The provisions of this section shall apply to taxable years beginning before, on, or after the date of the enactment of this Act.

SEC. 422. INCREASE IN CRIMINAL MONETARY PENALTY LIMITATION FOR THE UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.

(a) In General.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking "Any person who—" and inserting "(a) In General.—Any person who—", and

(2) by adding at the end the following new subsection:

"(b) Increase in Monetary Limitation for Underpayment or Overpayment of Tax Due to Fraud.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.".

(b) Increase in Penalties.—

(1) Attempt to evade or defeat tax.—Section 7201 is amended—

(A) by striking "$100,000" and inserting "$250,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "5 years" and inserting "10 years".

(2) Willful failure to file return, supply information, or pay tax.—Section 7203 is amended—

(A) in the first sentence—

(i) by striking "misdemeanor" and inserting "felony", and

(ii) by striking "1 year" and inserting "10 years", and

(B) by striking the third sentence.

(3) Fraud and false statements.—Section 7206(a) (as redesignated by subsection (a)) is amended—

(A) by striking "$100,000" and inserting "$250,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "3 years" and inserting "5 years".

(c) Effective Date.—The amendments made by this section shall apply to underpayments and overpayments attributable to actions occurring after the date of the enactment of this Act.

Subtitle C—Enron-Related Tax Shelter Provisions

SEC. 431. LIMITATION ON TRANSFER OR IMPORTATION OF BUILT-IN LOSSES.

(a) In General.—Section 362 (relating to basis to corporations) is amended by adding at the end the following new subsection:

"(e) Limitations on Built-In Losses.—

"(1) Limitation on importation of built-in losses.—

"(A) In general.—If in any transaction described in subsection (a) or (b) there would (but for this subsection) be an importation of a net built-in loss, the basis of each property described in subparagraph (B) which is acquired in such transaction shall (notwithstanding subsections (a) and (b)) be its fair market value immediately after such transaction.

"(B) Property described.—For purposes of subparagraph (A), property is described in this subparagraph if—

"(i) gain or loss with respect to such property is not subject to tax under this subtitle in the hands of the transferor immediately before the transfer, and

"(ii) gain or loss with respect to such property is subject to such tax in the hands of the transferee immediately after such transfer.

In any case in which the transferor is a partnership, the preceding sentence shall be applied by treating each partner in such partnership as holding such partner's proportionate share of the property of such partnership.

"(C) Importation of net built-in loss.—For purposes of subparagraph (A), there is an importation of a net built-in loss in a transaction if the transferee's aggregate adjusted bases of property described in subparagraph (B) which is transferred in such transaction would (but for this paragraph) exceed the fair market value of such property immediately after such transaction.

"(2) Limitation on transfer of built-in losses in section 351 transactions.—

"(A) In general.—If—

"(i) property is transferred by a transferor in any transaction which is described in subsection (a) and which is not described in paragraph (1) of this subsection, and

"(ii) the transferee's aggregate adjusted bases of such property so transferred would (but for this paragraph) exceed the fair market value of such property immediately after such transaction,

then, notwithstanding subsection (a), the transferee's aggregate adjusted bases of the property so transferred shall not exceed the fair market value of such property immediately after such transaction.

"(B) ALLOCATION OF BASIS REDUCTION.—The aggregate reduction in basis by reason of subparagraph (A) shall be allocated among the property so transferred in proportion to their respective built-in losses immediately before the transaction.

"(C) EXCEPTION FOR TRANSFERS WITHIN AFFILIATED GROUP.—Subparagraph (A) shall not apply to any transaction if the transferor owns stock in the transferee meeting the requirements of section 1504(a)(2). In the case of property to which subparagraph (A) does not apply by reason of the preceding sentence, the transferor's basis in the stock received for such property shall not exceed its fair market value immediately after the transfer.".

(b) COMPARABLE TREATMENT WHERE LIQUIDATION.—Paragraph (1) of section 334(b) (relating to liquidation of subsidiary) is amended to read as follows:

"(1) IN GENERAL.—If property is received by a corporate distributee in a distribution in a complete liquidation to which section 332 applies (or in a transfer described in section 337(b)(1)), the basis of such property in the hands of such distributee shall be the same as it would be in the hands of the transferor; except that the basis of such property in the hands of such distributee shall be the fair market value of the property at the time of the distribution—

"(A) in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, or

"(B) in any case in which the liquidating corporation is a foreign corporation, the corporate distributee is a domestic corporation, and the corporate distributee's aggregate adjusted bases of property described in section 362(e)(1)(B) which is distributed in such liquidation would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after February 13, 2003.

SEC. 432. NO REDUCTION OF BASIS UNDER SECTION 734 IN STOCK HELD BY PARTNERSHIP IN CORPORATE PARTNER.

(a) IN GENERAL.—Section 755 is amended by adding at the end the following new subsection:

"(c) NO ALLOCATION OF BASIS DECREASE TO STOCK OF CORPORATE PARTNER.—In making an allocation under subsection (a) of any decrease in the adjusted basis of partnership property under section 734(b)—

"(1) no allocation may be made to stock in a corporation (or any person which is related (within the meaning of section 267(b) or 707(b)(1)) to such corporation) which is a partner in the partnership, and

"(2) any amount not allocable to stock by reason of paragraph (1) shall be allocated under subsection (a) to other partnership property in such manner as the Secretary may prescribe.

Gain shall be recognized to the partnership to the extent that the amount required to be allocated under paragraph (2) to other partnership property exceeds the aggregate adjusted basis of such other property immediately before the allocation required by paragraph (2).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after February 13, 2003.

SEC. 433. REPEAL OF SPECIAL RULES FOR FASITS.

(a) IN GENERAL.—Part V of subchapter M of chapter 1 (relating to financial asset securitization investment trusts) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (6) of section 56(g) is amended by striking "REMIC, or FASIT" and inserting "or REMIC".

(2) Clause (ii) of section 382(l)(4)(B) is amended by striking "a REMIC to which part IV of subchapter M applies, or a FASIT to which part V of subchapter M applies," and inserting "or a REMIC to which part IV of subchapter M applies,".

(3) Paragraph (1) of section 582(c) is amended by striking ", and any regular interest in a FASIT,".

(4) Subparagraph (E) of section 856(c)(5) is amended by striking the last sentence.

(5)(A) Section 860G(a)(1) is amended by adding at the end the following new sentence: "An interest shall not fail to qualify as a regular interest solely because the specified principal amount of the regular interest (or the amount of interest accrued on the regular interest) can be reduced as a result of the nonoccurrence of 1 or more contingent payments with respect to any reverse mortgage loan held by the REMIC if, on the startup day for the REMIC, the sponsor reasonably believes that all principal and interest due under the regular interest will be paid at or prior to the liquidation of the REMIC.".

(B) The last sentence of section 860G(a)(3) is amended by inserting ", and any reverse mortgage loan (and each balance increase on such loan meeting the requirements of subparagraph (A)(iii)) shall be treated as an obligation secured by an interest in real property" before the period at the end.

(6) Paragraph (3) of section 860G(a) is amended by adding "and" at the end of subparagraph (B), by striking ", and" at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(7) Section 860G(a)(3), as amended by paragraph (6), is amended by adding at the end the following new sentence: "For purposes of subparagraph (A), if more than 50 percent of the obligations transferred to, or purchased by, the REMIC are originated by the United States or any State (or any political subdivision, agency, or instrumentality of the United States or any State) and are principally secured by an interest in real property, then each obligation transferred to, or purchased by, the REMIC shall be treated as secured by an interest in real property.".

(8)(A) Section 860G(a)(3)(A) is amended by striking "or" at the end of clause (i), by inserting "or" at the end of clause (ii), and by inserting after clause (ii) the following new clause:

"(iii) represents an increase in the principal amount under the original terms of an obligation described in clause (i) or (ii) if such increase—

"(I) is attributable to an advance made to the obligor pursuant to the original terms of the obligation,

"(II) occurs after the startup day, and

"(III) is purchased by the REMIC pursuant to a fixed price contract in effect on the startup day.".

(B) Section 860G(a)(7)(B) is amended to read as follows:

"(B) QUALIFIED RESERVE FUND.—For purposes of subparagraph (A), the term 'qualified reserve fund' means any reasonably required reserve to—

"(i) provide for full payment of expenses of the REMIC or amounts due on regular interests in the event of defaults on qualified mortgages or lower than expected returns on cash flow investments, or

"(ii) provide a source of funds for the purchase of obligations described in clause (ii) or (iii) of paragraph (3)(A).

The aggregate fair market value of the assets held in any such reserve shall not exceed 50 percent of the aggregate fair market value of all of the assets of the REMIC on the startup day, and the amount of any such reserve shall be promptly and appropriately reduced to the extent the amount held in such reserve is no longer reasonably required for purposes specified in clause (i) or (ii) of paragraph (3)(A).".

(9) Subparagraph (C) of section 1202(e)(4) is amended by striking "REMIC, or FASIT" and inserting "or REMIC".

(10) Clause (xi) of section 7701(a)(19)(C) is amended—

(A) by striking "and any regular interest in a FASIT,", and

(B) by striking "or FASIT" each place it appears.

(11) Subparagraph (A) of section 7701(i)(2) is amended by striking "or a FASIT".

(12) The table of parts for subchapter M of chapter 1 is amended by striking the item relating to part V.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on February 14, 2003.

(2) EXCEPTION FOR EXISTING FASITS.—Paragraph (1) shall not apply to any FASIT in existence on the date of the enactment of this Act to the extent that regular interests issued by the FASIT before such date continue to remain outstanding in accordance with the original terms of issuance.

SEC. 434. EXPANDED DISALLOWANCE OF DEDUCTION FOR INTEREST ON CONVERTIBLE DEBT.

(a) IN GENERAL.—Paragraph (2) of section 163(l) is amended by inserting "or equity held by the issuer (or any related party) in any other person" after "or a related party".

(b) CAPITALIZATION ALLOWED WITH RESPECT TO EQUITY OF PERSONS OTHER THAN ISSUER AND RELATED PARTIES.—Section 163(l) is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6) and by inserting after paragraph (3) the following new paragraph:

"(4) CAPITALIZATION ALLOWED WITH RESPECT TO EQUITY OF PERSONS OTHER THAN ISSUER AND RELATED PARTIES.—If the disqualified debt instrument of a corporation is payable in equity held by the issuer (or any related party) in any other person (other than a related party), the basis of such equity shall be increased by the amount not allowed as a deduction by reason of paragraph (1) with respect to the instrument.".

(c) EXCEPTION FOR CERTAIN INSTRUMENTS ISSUED BY DEALERS IN SECURITIES.—Section 163(l), as amended by subsection (b), is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7) and by inserting after paragraph (4) the following new paragraph:

"(5) EXCEPTION FOR CERTAIN INSTRUMENTS ISSUED BY DEALERS IN SECURITIES.—For purposes of this subsection, the term 'disqualified debt instrument' does not include indebtedness issued by a dealer in securities (or a related party) which is payable in, or by reference to, equity (other than equity of the issuer or a related party) held by such dealer in its capacity as a dealer in securities. For purposes of this paragraph, the term 'dealer in securities' has the meaning given such term by section 475.".

(c) Conforming Amendments.—Paragraph (3) of section 163(l) is amended—

(1) by striking "or a related party" in the material preceding subparagraph (A) and inserting "or any other person", and

(2) by striking "or interest" each place it appears.

(d) Effective Date.—The amendments made by this section shall apply to debt instruments issued after February 13, 2003.

SEC. 435. EXPANDED AUTHORITY TO DISALLOW TAX BENEFITS UNDER SECTION 269.

(a) In General.—Subsection (a) of section 269 (relating to acquisitions made to evade or avoid income tax) is amended to read as follows:

"(a) In General.—If—

"(1)(A) any person or persons acquire, directly or indirectly, control of a corporation, or

"(B) any corporation acquires, directly or indirectly, property of another corporation and the basis of such property, in the hands of the acquiring corporation, is determined by reference to the basis in the hands of the transferor corporation, and

"(2) the principal purpose for which such acquisition was made is evasion or avoidance of Federal income tax,

then the Secretary may disallow such deduction, credit, or other allowance. For purposes of paragraph (1)(A), control means the ownership of stock possessing at least 50 percent of the total combined voting power of all classes of stock entitled to vote or at least 50 percent of the total value of all shares of all classes of stock of the corporation.".

(b) Effective Date.—The amendment made by this section shall apply to stock and property acquired after February 13, 2003.

SEC. 436. MODIFICATION OF INTERACTION BETWEEN SUBPART F AND PASSIVE FOREIGN INVESTMENT COMPANY RULES.

(a) Limitation on Exception From PFIC Rules for United States Shareholders of Controlled Foreign Corporations.—Paragraph (2) of section 1297(e) (relating to passive foreign investment company) is amended by adding at the end the following flush sentence:

"Such term shall not include any period if the earning of subpart F income by such corporation during such period would result in only a remote likelihood of an inclusion in gross income under section 951(a)(1)(A)(i).".

(b) Effective Date.—The amendment made by this section shall apply to taxable years of controlled foreign corporations beginning after February 13, 2003, and to taxable years of United States shareholders with or within which such taxable years of controlled foreign corporations end.

Subtitle D—Provisions to Discourage Expatriation

SEC. 441. TAX TREATMENT OF INVERTED CORPORATE ENTITIES.

(a) In General.—Subchapter C of chapter 80 (relating to provisions affecting more than one subtitle) is amended by adding at the end the following new section:

"SEC. 7874. RULES RELATING TO INVERTED CORPORATE ENTITIES.

"(a) Inverted Corporations Treated as Domestic Corporations.—

"(1) In general.—If a foreign incorporated entity is treated as an inverted domestic corporation, then, notwithstanding section 7701(a)(4), such entity shall be treated for purposes of this title as a domestic corporation.

"(2) Inverted domestic corporation.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

"(A) the entity completes after March 20, 2002, the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership,

"(B) after the acquisition at least 80 percent of the stock (by vote or value) of the entity is held—

"(i) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

"(ii) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, and

"(C) the expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

Except as provided in regulations, an acquisition of properties of a domestic corporation shall not be treated as described in subparagraph (A) if none of the corporation's stock was readily tradeable on an established securities market at any time during the 4-year period ending on the date of the acquisition.

"(b) Preservation of Domestic Tax Base in Certain Inversion Transactions to Which Subsection (a) Does Not Apply.—

"(1) In general.—If a foreign incorporated entity would be treated as an inverted domestic corporation with respect to an acquired entity if either—

"(A) subsection (a)(2)(A) were applied by substituting 'after December 31, 1996, and on or before March 20, 2002' for 'after March 20, 2002' and subsection (a)(2)(B) were applied by substituting 'more than 50 percent' for 'at least 80 percent', or

"(B) subsection (a)(2)(B) were applied by substituting 'more than 50 percent' for 'at least 80 percent',

then the rules of subsection (c) shall apply to any inversion gain of the acquired entity during the applicable period and the rules of subsection (d) shall apply to any related party transaction of the acquired entity during the applicable period. This subsection shall not apply for any taxable year if subsection (a) applies to such foreign incorporated entity for such taxable year.

"(2) Acquired entity.—For purposes of this section—

"(A) In general.—The term 'acquired entity' means the domestic corporation or partnership substantially all of the properties of which are directly or indirectly acquired in an acquisition described in subsection (a)(2)(A) to which this subsection applies.

"(B) Aggregation rules.—Any domestic person bearing a relationship described in section 267(b) or 707(b) to an acquired entity shall be treated as an acquired entity with respect to the acquisition described in subparagraph (A).

"(3) Applicable period.—For purposes of this section—

"(A) In general.—The term 'applicable period' means the period—

"(i) beginning on the first date properties are acquired as part of the acquisition described in subsection (a)(2)(A) to which this subsection applies, and

"(ii) ending on the date which is 10 years after the last date properties are acquired as part of such acquisition.

"(B) Special rule for inversions occurring before March 21, 2002.—In the case of any acquired entity to which paragraph (1)(A) applies, the applicable period shall be the 10-year period beginning on January 1, 2003.

"(c) Tax on Inversion Gains May Not Be Offset.—If subsection (b) applies—

"(1) In general.—The taxable income of an acquired entity (or any expanded affiliated group which includes such entity) for any taxable year which includes any portion of the applicable period shall in no event be less than the inversion gain of the entity for the taxable year.

"(2) Credits not allowed against tax on inversion gain.—Credits shall be allowed against the tax imposed by this chapter on an acquired entity for any taxable year described in paragraph (1) only to the extent such tax exceeds the product of—

"(A) the amount of the inversion gain for the taxable year, and

"(B) the highest rate of tax specified in section 11(b)(1).

For purposes of determining the credit allowed by section 901 inversion gain shall be treated as from sources within the United States.

"(3) Special rules for partnerships.—In the case of an acquired entity which is a partnership—

"(A) the limitations of this subsection shall apply at the partner rather than the partnership level,

"(B) the inversion gain of any partner for any taxable year shall be equal to the sum of—

"(i) the partner's distributive share of inversion gain of the partnership for such taxable year, plus

"(ii) income or gain required to be recognized for the taxable year by the partner under section 367(a), 741, or 1001, or under any other provision of chapter 1, by reason of the transfer during the applicable period of any partnership interest of the partner in such partnership to the foreign incorporated entity, and

"(C) the highest rate of tax specified in the rate schedule applicable to the partner under chapter 1 shall be substituted for the rate of tax under paragraph (2)(B).

"(4) Inversion gain.—For purposes of this section, the term 'inversion gain' means any income or gain required to be recognized under section 304, 311(b), 367, 1001, or 1248, or under any other provision of chapter 1, by reason of the transfer during the applicable period of stock or other properties by an acquired entity—

"(A) as part of the acquisition described in subsection (a)(2)(A) to which subsection (b) applies, or

"(B) after such acquisition to a foreign related person.

The Secretary may provide that income or gain from the sale of inventories or other transactions in the ordinary course of a trade or business shall not be treated as inversion gain under subparagraph (B) to the extent the Secretary determines such treatment would not be inconsistent with the purposes of this section.

"(5) Coordination with section 172 and minimum tax.—Rules similar to the rules of paragraphs (3) and (4) of section 860E(a) shall apply for purposes of this section.

"(6) Statute of limitations.—

"(A) In general.—The statutory period for the assessment of any deficiency attributable to the inversion gain of any taxpayer for any pre-inversion year shall not expire before the expiration of 3 years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may prescribe) of the acquisition described in subsection (a)(2)(A) to which such gain relates and such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

"(B) Pre-inversion year.—For purposes of subparagraph (A), the term 'pre-inversion year' means any taxable year if—

"(i) any portion of the applicable period is included in such taxable year, and

"(ii) such year ends before the taxable year in which the acquisition described in subsection (a)(2)(A) is completed.

"(d) Special Rules Applicable to Acquired Entities to Which Subsection (b) Applies.—

"(1) Increases in accuracy-related penalties.—In the case of any underpayment of tax of an acquired entity to which subsection (b) applies—

"(A) section 6662(a) shall be applied with respect to such underpayment by substituting '30 percent' for '20 percent', and

"(B) if such underpayment is attributable to one or more gross valuation understatements, the increase in the rate of penalty under section 6662(h) shall be to 50 percent rather than 40 percent.

"(2) Modifications of limitation on interest deduction.—In the case of an acquired entity to which subsection (b) applies, section 163(j) shall be applied—

"(A) without regard to paragraph (2)(A)(ii) thereof, and

"(B) by substituting '25 percent' for '50 percent' each place it appears in paragraph (2)(B) thereof.

"(e) Other Definitions and Special Rules.—For purposes of this section—

"(1) Rules for application of subsection (a)(2).—In applying subsection (a)(2) for purposes of subsections (a) and (b), the following rules shall apply:

"(A) Certain stock disregarded.—There shall not be taken into account in determining ownership for purposes of subsection (a)(2)(B)—

"(i) stock held by members of the expanded affiliated group which includes the foreign incorporated entity, or

"(ii) stock of such entity which is sold in a public offering or private placement related to the acquisition described in subsection (a)(2)(A).

"(B) Plan deemed in certain cases.—If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (a)(2)(B) are met with respect to such domestic corporation or partnership, such actions shall be treated as pursuant to a plan.

"(C) Certain transfers disregarded.—The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

"(D) Special rule for related partnerships.—For purposes of applying subsection (a)(2) to the acquisition of a domestic partnership, except as provided in regulations, all partnerships which are under common control (within the meaning of section 482) shall be treated as 1 partnership.

"(E) Treatment of certain rights.—The Secretary shall prescribe such regulations as may be necessary—

"(i) to treat warrants, options, contracts to acquire stock, convertible debt instruments, and other similar interests as stock, and

"(ii) to treat stock as not stock.

"(2) Expanded affiliated group.—The term 'expanded affiliated group' means an affiliated group as defined in section 1504(a) but without regard to section 1504(b)(3), except that section 1504(a) shall be applied by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears.

"(3) Foreign incorporated entity.—The term 'foreign incorporated entity' means any entity which is, or but for subsection (a)(1) would be, treated as a foreign corporation for purposes of this title.

"(4) Foreign related person.—The term 'foreign related person' means, with respect to any acquired entity, a foreign person which—

"(A) bears a relationship to such entity described in section 267(b) or 707(b), or

"(B) is under the same common control (within the meaning of section 482) as such entity.

"(5) Subsequent acquisitions by unrelated domestic corporations.—

"(A) In general.—Subject to such conditions, limitations, and exceptions as the Secretary may prescribe, if, after an acquisition described in subsection (a)(2)(A) to which subsection (b) applies, a domestic corporation stock of which is traded on an established securities market acquires directly or indirectly any properties of one or more acquired entities in a transaction with respect to which the requirements of subparagraph (B) are met, this section shall cease to apply to any such acquired entity with respect to which such requirements are met.

"(B) Requirements.—The requirements of the subparagraph are met with respect to a transaction involving any acquisition described in subparagraph (A) if—

"(i) before such transaction the domestic corporation did not have a relationship described in section 267(b) or 707(b), and was not under common control (within the meaning of section 482), with the acquired entity, or any member of an expanded affiliated group including such entity, and

"(ii) after such transaction, such acquired entity—

"(I) is a member of the same expanded affiliated group which includes the domestic corporation or has such a relationship or is under such common control with any member of such group, and

"(II) is not a member of, and does not have such a relationship and is not under such common control with any member of, the expanded affiliated group which before such acquisition included such entity.

"(f) Regulations.—The Secretary shall provide such regulations as are necessary to carry out this section, including regulations providing for such adjustments to the application of this section as are necessary to prevent the avoidance of the purposes of this section, including the avoidance of such purposes through—

"(1) the use of related persons, pass-thru or other noncorporate entities, or other intermediaries, or

"(2) transactions designed to have persons cease to be (or not become) members of expanded affiliated groups or related persons.".

(b) Information Reporting.—The Secretary of the Treasury shall exercise the Secretary's authority under the Internal Revenue Code of 1986 to require entities involved in transactions to which section 7874 of such Code (as added by subsection (a)) applies to report to the Secretary, shareholders, partners, and such other persons as the Secretary may prescribe such information as is necessary to ensure the proper tax treatment of such transactions.

(c) Conforming Amendment.—The table of sections for subchapter C of chapter 80 is amended by adding at the end the following new item:

"Sec. 7874. Rules relating to inverted corporate entities.".

(d) Transition Rule for Certain Regulated Investment Companies and Unit Investment Trusts.—Notwithstanding section 7874 of the Internal Revenue Code of 1986 (as added by subsection (a)), a regulated investment company, or other pooled fund or trust specified by the Secretary of the Treasury, may elect to recognize gain by reason of section 367(a) of such Code with respect to a transaction under which a foreign incorporated entity is treated as an inverted domestic corporation under section 7874(a) of such Code by reason of an acquisition completed after March 20, 2002, and before January 1, 2004.

SEC. 442. IMPOSITION OF MARK-TO-MARKET TAX ON INDIVIDUALS WHO EXPATRIATE.

(a) In General.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) General Rules.—For purposes of this subtitle—

"(1) Mark to market.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) Recognition of gain or loss.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) Exclusion for certain gain.—

"(A) In general.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) Cost-of-living adjustment.—

"(i) In general.—In the case of an expatriation date occurring in any calendar year after 2004, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

"(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

"(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

"(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

"(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

"(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

"(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

"(iii) complies with such other requirements as the Secretary may prescribe.

"(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

"(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

"(7) INTEREST.—For purposes of section 6601—

"(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

"(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(c) COVERED EXPATRIATE.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

"(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

"(A) the individual—

"(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

"(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

"(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

"(1) EXEMPT PROPERTY.—This section shall not apply to the following:

"(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

"(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

"(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

"(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

"(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

"(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

"(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

"(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

"(D) APPLICABLE PLANS.—This paragraph shall apply to—

"(i) any qualified retirement plan (as defined in section 4974(c)),

"(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

"(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

"(e) DEFINITIONS.—For purposes of this section—

"(1) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes citizenship, and

"(B) any long-term resident of the United States who—

"(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

"(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

"(2) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

"(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

"(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(4) Long-term resident.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(f) Special Rules Applicable to Beneficiaries' Interests in Trust.—

"(1) In general.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

"(A) the individual shall not be treated as having sold such interest,

"(B) such interest shall be treated as a separate share in the trust, and

"(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

"(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

"(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

"(2) Special rules for interests in qualified trusts.—

"(A) In general.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

"(i) paragraph (1) and subsection (a) shall not apply, and

"(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

"(B) Amount of tax.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

"(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

"(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

"(C) Deferred tax account.—For purposes of subparagraph (B)(ii)—

"(i) Opening balance.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

"(ii) Increase for interest.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(iii) Decrease for taxes previously paid.—The balance in the tax deferred account shall be reduced—

"(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

"(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

"(D) Allocable expatriation gain.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

"(E) Tax deducted and withheld.—

"(i) In general.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

"(ii) Exception where failure to waive treaty rights.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

"(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

"(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

"(F) Disposition.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

"(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

"(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

"(G) Definitions and special rules.—For purposes of this paragraph—

"(i) Qualified trust.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

"(ii) Vested interest.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

"(iii) Nonvested interest.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

"(iv) Adjustments.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

"(v) Coordination with retirement plan rules.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

"(3) Determination of beneficiaries' interest in trust.—

"(A) Determinations under paragraph (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

"(B) Other determinations.—For purposes of this section—

"(i) Constructive ownership.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(ii) Taxpayer return position.—A taxpayer shall clearly indicate on its income tax return—

"(I) the methodology used to determine that taxpayer's trust interest under this section, and

"(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) Termination of Deferrals, etc.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) Imposition of Tentative Tax.—

"(1) In general.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

"(2) Due date.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

"(3) Treatment of tax.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

"(4) Deferral of tax.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

"(i) Special Liens for Deferred Tax Amounts.—

"(1) Imposition of lien.—

"(A) In general.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

"(B) Deferred amount.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

"(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

"(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

"(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

"(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

"(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

"(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

"(A) the gift, bequest, devise, or inheritance is—

"(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

"(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

"(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(48) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).".

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(19) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) SAFEGUARDS.—

(i) TECHNICAL AMENDMENTS.—Paragraph (4) of section 6103(p) of the Internal Revenue Code of 1986, as amended by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 961), is amended by striking "or (17)" after "any other person described in subsection (l)(16)" each place it appears and inserting "or (18)".

(ii) CONFORMING AMENDMENTS.—Section 6103(p)(4) (relating to safeguards), as amended by clause (i), is amended by striking "or (18)" after "any other person described in subsection (l)(16)" each place it appears and inserting "(18), or (19)".

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(B) TECHNICAL AMENDMENTS.—The amendments made by paragraph (2)(B)(i) shall take effect as if included in the amendments made by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 961).

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(g) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after January 1, 2004.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(F) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.".

(4)(A) Paragraph (1) of section 6039G(d) is amended by inserting "or 877A" after "section 877".

(B) The second sentence of section 6039G(e) is amended by inserting "or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))" after "877(a))".

(C) Section 6039G(f) is amended by inserting "or 877A(e)(2)(B)" after "877(e)(1)".

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after January 1, 2004.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after January 1, 2004, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 443. EXCISE TAX ON STOCK COMPENSATION OF INSIDERS IN INVERTED CORPORATIONS.

(a) IN GENERAL.—Subtitle D is amended by adding at the end the following new chapter:

"CHAPTER 48—STOCK COMPENSATION OF INSIDERS IN INVERTED CORPORATIONS

"Sec. 5000A. Stock compensation of insiders in inverted corporations entities.

"SEC. 5000A. STOCK COMPENSATION OF INSIDERS IN INVERTED CORPORATIONS.

"(a) IMPOSITION OF TAX.—In the case of an individual who is a disqualified individual with respect to any inverted corporation, there is hereby imposed on such person a tax equal to 20 percent of the value (determined under subsection (b)) of the specified stock compensation held (directly or indirectly) by or for the benefit of such individual or a member of such individual's family (as defined in section 267) at any time during the 12-month period beginning on the date which is 6 months before the inversion date.

"(b) VALUE.—For purposes of subsection (a)—

"(1) IN GENERAL.—The value of specified stock compensation shall be—

"(A) in the case of a stock option (or other similar right) or any stock appreciation right, the fair value of such option or right, and

"(B) in any other case, the fair market value of such compensation.

"(2) DATE FOR DETERMINING VALUE.—The determination of value shall be made—

"(A) in the case of specified stock compensation held on the inversion date, on such date,

"(B) in the case of such compensation which is canceled during the 6 months before the inversion date, on the day before such cancellation, and

"(C) in the case of such compensation which is granted after the inversion date, on the date such compensation is granted.

"(c) TAX TO APPLY ONLY IF SHAREHOLDER GAIN RECOGNIZED.—Subsection (a) shall apply to any disqualified individual with respect to an inverted corporation only if gain (if any) on any stock in such corporation is recognized in whole or part by any shareholder by reason of the acquisition referred to in section 7874(a)(2)(A) (determined by substituting 'July 10, 2002' for 'March 20, 2002') with respect to such corporation.

"(d) EXCEPTION WHERE GAIN RECOGNIZED ON COMPENSATION.—Subsection (a) shall not apply to—

"(1) any stock option which is exercised on the inversion date or during the 6-month period before such date and to the stock acquired in such exercise, if income is recognized under section 83 on or before the inversion date with respect to the stock acquired pursuant to such exercise, and

"(2) any specified stock compensation which is exercised, sold, exchanged, distributed, cashed out, or otherwise paid during such period in a transaction in which gain or loss is recognized in full.

"(e) DEFINITIONS.—For purposes of this section—

"(1) DISQUALIFIED INDIVIDUAL.—The term 'disqualified individual' means, with respect to a corporation, any individual who, at any time during the 12-month period beginning on the date which is 6 months before the inversion date—

"(A) is subject to the requirements of section 16(a) of the Securities Exchange Act of 1934 with respect to such corporation, or

"(B) would be subject to such requirements if such corporation were an issuer of equity securities referred to in such section.

"(2) INVERTED CORPORATION; INVERSION DATE.—

"(A) INVERTED CORPORATION.—The term 'inverted corporation' means any corporation to which subsection (a) or (b) of section 7874 applies determined—

"(i) by substituting 'July 10, 2002' for 'March 20, 2002' in section 7874(a)(2)(A), and

"(ii) without regard to subsection (b)(1)(A).

Such term includes any predecessor or successor of such a corporation.

"(B) INVERSION DATE.—The term 'inversion date' means, with respect to a corporation, the date on which the corporation first becomes an inverted corporation.

"(3) SPECIFIED STOCK COMPENSATION.—

"(A) IN GENERAL.—The term 'specified stock compensation' means payment (or right to payment) granted by the inverted corporation (or by any member of the expanded affiliated group which includes such corporation) to any person in connection with the performance of services by a disqualified individual for such corporation or member if the value of such payment or right is based on (or determined by reference to) the value (or change in value) of stock in such corporation (or any such member).

"(B) EXCEPTIONS.—Such term shall not include—

"(i) any option to which part II of subchapter D of chapter 1 applies, or

"(ii) any payment or right to payment from a plan referred to in section 280G(b)(6).

"(4) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group (as defined in section 1504(a) without regard to section 1504(b)(3)); except that section 1504(a) shall be applied by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears.

"(f) SPECIAL RULES.—For purposes of this section—

"(1) CANCELLATION OF RESTRICTION.—The cancellation of a restriction which by its terms will never lapse shall be treated as a grant.

"(2) PAYMENT OR REIMBURSEMENT OF TAX BY CORPORATION TREATED AS SPECIFIED STOCK COMPENSATION.—Any payment of the tax imposed by this section directly or indirectly by the inverted corporation or by any member of the expanded affiliated group which includes such corporation—

"(A) shall be treated as specified stock compensation, and

"(B) shall not be allowed as a deduction under any provision of chapter 1.

"(3) CERTAIN RESTRICTIONS IGNORED.—Whether there is specified stock compensation, and the value thereof, shall be determined without regard to any restriction other than a restriction which by its terms will never lapse.

"(4) PROPERTY TRANSFERS.—Any transfer of property shall be treated as a payment and any right to a transfer of property shall be treated as a right to a payment.

"(5) OTHER ADMINISTRATIVE PROVISIONS.—For purposes of subtitle F, any tax imposed by this section shall be treated as a tax imposed by subtitle A.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) DENIAL OF DEDUCTION.—

(1) IN GENERAL.—Paragraph (6) of section 275(a) is amended by inserting "48," after "46,".

(2) $1,000,000 LIMIT ON DEDUCTIBLE COMPENSATION REDUCED BY PAYMENT OF EXCISE TAX ON SPECIFIED STOCK COMPENSATION.—Paragraph (4) of section 162(m) is amended by adding at the end the following new subparagraph:

"(G) COORDINATION WITH EXCISE TAX ON SPECIFIED STOCK COMPENSATION.—The dollar limitation contained in paragraph (1) with respect to any covered employee shall be reduced (but not below zero) by the amount of any payment (with respect to such employee) of the tax imposed by section 5000A directly or indirectly by the inverted corporation (as defined in such section) or by any member of the expanded affiliated group (as defined in such section) which includes such corporation.".

(c) CONFORMING AMENDMENTS.—

(1) The last sentence of section 3121(v)(2)(A) is amended by inserting before the period "or to any specified stock compensation (as defined in section 5000A) on which tax is imposed by section 5000A".

(2) The table of chapters for subtitle D is amended by adding at the end the following new item:

"Chapter 48. Stock compensation of insiders in inverted corporations.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 11, 2002; except that periods before such date shall not be taken into account in applying the periods in subsections (a) and (e)(1) of section 5000A of the Internal Revenue Code of 1986, as added by this section.

SEC. 444. REINSURANCE OF UNITED STATES RISKS IN FOREIGN JURISDICTIONS.

(a) IN GENERAL.—Section 845(a) (relating to allocation in case of reinsurance agreement involving tax avoidance or evasion) is amended by striking "source and character" and inserting "amount, source, or character".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any risk reinsured after April 11, 2002.

SEC. 445. REPORTING OF TAXABLE MERGERS AND ACQUISITIONS.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6043 the following new section:

"SEC. 6043A. TAXABLE MERGERS AND ACQUISITIONS.

"(a) IN GENERAL.—The acquiring corporation in any taxable acquisition shall make a return (according to the forms or regulations prescribed by the Secretary) setting forth—

"(1) a description of the acquisition,

"(2) the name and address of each shareholder of the acquired corporation who is required to recognize gain (if any) as a result of the acquisition,

"(3) the amount of money and the fair market value of other property transferred to each such shareholder as part of such acquisition, and

"(4) such other information as the Secretary may prescribe.

To the extent provided by the Secretary, the requirements of this section applicable to the acquiring corporation shall be applicable to the acquired corporation and not to the acquiring corporation.

"(b) NOMINEE REPORTING.—Any person who holds stock as a nominee for another person shall furnish in the manner prescribed by the Secretary to such other person the information provided by the corporation under subsection (d).

"(c) TAXABLE ACQUISITION.—For purposes of this section, the term 'taxable acquisition' means any acquisition by a corporation of stock in or property of another corporation if any shareholder of the acquired corporation is required to recognize gain (if any) as a result of such acquisition.

"(d) STATEMENTS TO BE FURNISHED TO SHAREHOLDERS.—Every person required to make a return under subsection (a) shall furnish to each shareholder whose name is required to be set forth in such return a written statement showing—

"(1) the name, address, and phone number of the information contact of the person required to make such return,

"(2) the information required to be shown on such return with respect to such shareholder, and

"(3) such other information as the Secretary may prescribe.

The written statement required under the preceding sentence shall be furnished to the shareholder on or before January 31 of the year following the calendar year during which the taxable acquisition occurred.".

(b) ASSESSABLE PENALTIES.—

(1) Subparagraph (B) of section 6724(d)(1) (relating to definitions) is amended by redesignating clauses (ii) through (xvii) as clauses (iii) through (xviii), respectively, and by inserting after clause (i) the following new clause:

"(ii) section 6043A(a) (relating to returns relating to taxable mergers and acquisitions),".

(2) Paragraph (2) of section 6724(d) is amended by redesignating subparagraphs (F) through (AA) as subparagraphs (G) through (BB), respectively, and by inserting after subparagraph (E) the following new subparagraph:

"(F) subsections (b) and (d) of section 6043A (relating to returns relating to taxable mergers and acquisitions).".

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6043 the following new item:

"Sec. 6043A. Returns relating to taxable mergers and acquisitions.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to acquisitions after the date of the enactment of this Act.

Subtitle E—International Tax

SEC. 451. CLARIFICATION OF BANKING BUSINESS FOR PURPOSES OF DETERMINING INVESTMENT OF EARNINGS IN UNITED STATES PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 956(c)(2) is amended to read as follows:

"(A) obligations of the United States, money, or deposits with—

"(i) any bank (as defined by section 2(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)), without regard to subparagraphs (C) and (G) of paragraph (2) of such section), or

"(ii) any corporation not described in clause (i) with respect to which a bank holding company (as defined by section 2(a) of such Act) or financial holding company (as defined by section 2(p) of such Act) owns directly or indirectly more than 80 percent by vote or value of the stock of such corporation;".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 452. PROHIBITION ON NONRECOGNITION OF GAIN THROUGH COMPLETE LIQUIDATION OF HOLDING COMPANY.

(a) IN GENERAL.—Section 332 is amended by adding at the end the following new subsection:

"(d) RECOGNITION OF GAIN ON LIQUIDATION OF CERTAIN HOLDING COMPANIES.—

"(1) IN GENERAL.—In the case of any distribution to a foreign corporation in complete liquidation of an applicable holding company—

"(A) subsection (a) and section 331 shall not apply to such distribution, and

"(B) such distribution shall be treated as a distribution to which section 301 applies.

"(2) APPLICABLE HOLDING COMPANY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'applicable holding company' means any domestic corporation—

"(i) which is a common parent of an affiliated group,

"(ii) stock of which is directly owned by the distributee foreign corporation,

"(iii) substantially all of the assets of which consist of stock in other members of such affiliated group, and

"(iv) which has not been in existence at all times during the 5 years immediately preceding the date of the liquidation.

"(B) AFFILIATED GROUP.—For purposes of this subsection, the term 'affiliated group' has the meaning given such term by section 1504(a) (without regard to paragraphs (2) and (4) of section 1504(b)).

"(3) COORDINATION WITH SUBPART F.—If the distributee of a distribution described in paragraph (1) is a controlled foreign corporation (as defined in section 957), then notwithstanding paragraph (1) or subsection (a), such distribution shall be treated as a distribution to which section 331 applies.

"(4) REGULATIONS.—The Secretary shall provide such regulations as appropriate to prevent the abuse of this subsection, including regulations which provide, for the purposes of clause (iv) of paragraph (2)(A), that a corporation is not in existence for any period unless it is engaged in the active conduct of a trade or business or owns a significant ownership interest in another corporation so engaged.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions in complete liquidation occurring on or after the date of the enactment of this Act.

SEC. 453. PREVENTION OF MISMATCHING OF INTEREST AND ORIGINAL ISSUE DISCOUNT DEDUCTIONS AND INCOME INCLUSIONS IN TRANSACTIONS WITH RELATED FOREIGN PERSONS.

(a) ORIGINAL ISSUE DISCOUNT.—Section 163(e)(3) (relating to special rule for original issue discount on obligation held by related foreign person) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) SPECIAL RULE FOR CERTAIN FOREIGN ENTITIES.—

"(i) IN GENERAL.—In the case of any debt instrument having original issue discount which is held by a related foreign person which is a foreign personal holding company (as defined in section 552), a controlled foreign corporation (as defined in section 957), or a passive foreign investment company (as defined in section 1297), a deduction shall be allowable to the issuer with respect to such original issue discount for any taxable year before the taxable year in which paid only to the extent such original issue discount is included during such prior taxable year in the gross income of a United States person who owns (within the meaning of section 958(a)) stock in such corporation.

"(ii) SECRETARIAL AUTHORITY.—The Secretary may by regulation exempt transactions from the application of clause (i), including any transaction which is entered into by a payor in the ordinary course of a trade or business in which the payor is predominantly engaged.".

(b) INTEREST AND OTHER DEDUCTIBLE AMOUNTS.—Section 267(a)(3) is amended—

(1) by striking "The Secretary" and inserting:

"(A) IN GENERAL.—The Secretary", and

(2) by adding at the end the following new subparagraph:

"(B) SPECIAL RULE FOR CERTAIN FOREIGN ENTITIES.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A), in the case of any amount payable to a foreign personal holding company (as defined in section 552), a controlled foreign corporation (as defined in section 957), or a passive foreign investment company (as defined in section 1297), a deduction shall be allowable to the payor with respect to such amount for any taxable year before the taxable year in which paid only to the extent such amount is included during such prior taxable year in the gross income of a United States person who owns (within the meaning of section 958(a)) stock in such corporation.

"(ii) SECRETARIAL AUTHORITY.—The Secretary may by regulation exempt transactions from the application of clause (i), including any transaction which is entered into by a payor in the ordinary course of a trade or business in which the payor is predominantly engaged and in which the payment of the accrued amounts occurs within 8½ months after accrual or within such other period as the Secretary may prescribe.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments accrued on or after the date of the enactment of this Act.

SEC. 454. EFFECTIVELY CONNECTED INCOME TO INCLUDE CERTAIN FOREIGN SOURCE INCOME.

(a) IN GENERAL.—Section 864(c)(4)(B) (relating to treatment of income from sources without the United States as effectively connected income) is amended by adding at the end the following new flush sentence:

"Any income or gain which is equivalent to any item of income or gain described in clause (i), (ii), or (iii) shall be treated in the same manner as such item for purposes of this subparagraph.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 455. RECAPTURE OF OVERALL FOREIGN LOSSES ON SALE OF CONTROLLED FOREIGN CORPORATION.

(a) IN GENERAL.—Section 904(f)(3) (relating to dispositions) is amending by adding at the end the following new subparagraph:

"(D) APPLICATION TO DISPOSITIONS OF STOCK IN CONTROLLED FOREIGN CORPORATIONS.—In the case of any disposition by a taxpayer of any share of stock in a controlled foreign corporation (as defined in section 957), this paragraph shall apply to such disposition in the same manner as if it were a disposition of property described in subparagraph (A), except that the exception contained in subparagraph (C)(i) shall not apply.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dispositions after the date of the enactment of this Act.

SEC. 456. MINIMUM HOLDING PERIOD FOR FOREIGN TAX CREDIT ON WITHHOLDING TAXES ON INCOME OTHER THAN DIVIDENDS.

(a) IN GENERAL.—Section 901 is amended by redesignating subsection (l) as subsection (m) and by inserting after subsection (k) the following new subsection:

"(l) MINIMUM HOLDING PERIOD FOR WITHHOLDING TAXES ON GAIN AND INCOME OTHER THAN DIVIDENDS ETC.—

"(1) IN GENERAL.—In no event shall a credit be allowed under subsection (a) for any withholding tax (as defined in subsection (k)) on any item of income or gain with respect to any property if—

"(A) such property is held by the recipient of the item for 15 days or less during the 30-day period beginning on the date which is 15 days before the date on which the right to receive payment of such item arises, or

"(B) to the extent that the recipient of the item is under an obligation (whether pursuant to a short sale or otherwise) to make related payments with respect to positions in substantially similar or related property.

This paragraph shall not apply to any dividend to which subsection (k) applies.

"(2) EXCEPTION FOR TAXES PAID BY DEALERS.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to any qualified tax with respect to any property held in the active conduct in a foreign country of a business as a dealer in such property.

"(B) QUALIFIED TAX.—For purposes of subparagraph (A), the term 'qualified tax' means a tax paid to a foreign country (other than the foreign country referred to in subparagraph (A)) if—

"(i) the item to which such tax is attributable is subject to taxation on a net basis by the country referred to in subparagraph (A), and

"(ii) such country allows a credit against its net basis tax for the full amount of the tax paid to such other foreign country.

"(C) DEALER.—For purposes of subparagraph (A), the term 'dealer' means—

"(i) with respect to a security, any person to whom paragraphs (1) and (2) of subsection (k) would not apply by reason of paragraph (4) thereof if such security were stock, and

"(ii) with respect to any other property, any person with respect to whom such property is described in section 1221(a)(1).

"(D) REGULATIONS.—The Secretary may prescribe such regulations as may be appropriate to carry out this paragraph, including regulations to prevent the abuse of the exception provided by this paragraph and to treat other taxes as qualified taxes.

"(3) EXCEPTIONS.—The Secretary may by regulation provide that paragraph (1) shall not apply to property where the Secretary determines that the application of paragraph (1) to such property is not necessary to carry out the purposes of this subsection.

"(4) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (5), (6), and (7) of subsection (k) shall apply for purposes of this subsection.

"(5) DETERMINATION OF HOLDING PERIOD.—Holding periods shall be determined for purposes of this subsection without regard to section 1235 or any similar rule.".

(b) CONFORMING AMENDMENT.—The heading of subsection (k) of section 901 is amended by inserting "ON DIVIDENDS" after "TAXES".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or accrued more than 30 days after the date of the enactment of this Act.

Subtitle F—Other Revenue Provisions

PART I—FINANCIAL INSTRUMENTS

SEC. 461. TREATMENT OF STRIPPED INTERESTS IN BOND AND PREFERRED STOCK FUNDS, ETC.

(a) IN GENERAL.—Section 1286 (relating to tax treatment of stripped bonds) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) TREATMENT OF STRIPPED INTERESTS IN BOND AND PREFERRED STOCK FUNDS, ETC.—In the case of an account or entity substantially all of the assets of which consist of bonds, preferred stock, or a combination thereof, the Secretary may by regulations provide that rules similar to the rules of this section and 305(e), as appropriate, shall apply to interests in such account or entity to which (but for this subsection) this section or section 305(e), as the case may be, would not apply.".

(b) CROSS REFERENCE.—Subsection (e) of section 305 is amended by adding at the end the following new paragraph:

"(7) CROSS REFERENCE.—

"For treatment of stripped interests in certain accounts or entities holding preferred stock, see section 1286(f).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to purchases and dispositions after the date of the enactment of this Act.

SEC. 462. APPLICATION OF EARNINGS STRIPPING RULES TO PARTNERSHIPS AND S CORPORATIONS.

(a) IN GENERAL.—Section 163(j) (relating to limitation on deduction for interest on certain indebtedness) is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following new paragraph:

"(8) APPLICATION TO PARTNERSHIPS AND S CORPORATIONS.—

"(A) IN GENERAL.—This subsection shall apply to partnerships and S corporations in the same manner as it applies to C corporations.

"(B) ALLOCATIONS TO CERTAIN CORPORATE PARTNERS.—If a C corporation is a partner in a partnership—

"(i) the corporation's allocable share of indebtedness and interest income of the partnership shall be taken into account in applying this subsection to the corporation, and

"(ii) if a deduction is not disallowed under this subsection with respect to any interest expense of the partnership, this subsection shall be applied separately in determining whether a deduction is allowable to the corporation with respect to the corporation's allocable share of such interest expense.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 463. RECOGNITION OF CANCELLATION OF INDEBTEDNESS INCOME REALIZED ON SATISFACTION OF DEBT WITH PARTNERSHIP INTEREST.

(a) IN GENERAL.—Paragraph (8) of section 108(e) (relating to general rules for discharge of indebtedness (including discharges not in title 11 cases or insolvency)) is amended to read as follows:

"(8) INDEBTEDNESS SATISFIED BY CORPORATE STOCK OR PARTNERSHIP INTEREST.—For purposes of determining income of a debtor from discharge of indebtedness, if—

"(A) a debtor corporation transfers stock, or

"(B) a debtor partnership transfers a capital or profits interest in such partnership,

to a creditor in satisfaction of its recourse or nonrecourse indebtedness, such corporation or partnership shall be treated as having satisfied the indebtedness with an amount of money equal to the fair market value of the stock or interest. In the case of any partnership, any discharge of indebtedness income recognized under this paragraph shall be included in the distributive shares of taxpayers which were the partners in the partnership immediately before such discharge.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to cancellations of indebtedness occurring on or after the date of the enactment of this Act.

SEC. 464. MODIFICATION OF STRADDLE RULES.

(a) RULES RELATING TO IDENTIFIED STRADDLES.—

(1) IN GENERAL.—Subparagraph (A) of section 1092(a)(2) (relating to special rule for identified straddles) is amended to read as follows:

"(A) IN GENERAL.—In the case of any straddle which is an identified straddle—

"(i) paragraph (1) shall not apply with respect to identified positions comprising the identified straddle,

"(ii) if there is any loss with respect to any identified position of the identified straddle, the basis of each of the identified offsetting positions in the identified straddle shall be increased by an amount which bears the same ratio to the loss as the unrecognized gain with respect to such offsetting position bears to the aggregate unrecognized gain with respect to all such offsetting positions, and

"(iii) any loss described in clause (ii) shall not otherwise be taken into account for purposes of this title.".

(2) IDENTIFIED STRADDLE.—Section 1092(a)(2)(B) (defining identified straddle) is amended—

(A) by striking clause (ii) and inserting the following:

"(ii) to the extent provided by regulations, the value of each position of which (in the hands of the taxpayer immediately before the creation of the straddle) is not less than the basis of such position in the hands of the taxpayer at the time the straddle is created, and", and

(B) by adding at the end the following new flush sentence:

"The Secretary shall prescribe regulations which specify the proper methods for clearly identifying a straddle as an identified straddle (and the positions comprising such straddle), which specify the rules for the application of this section for a taxpayer which fails to properly identify the positions of an identified straddle, and which specify the ordering rules in cases where a taxpayer disposes of less than an entire position which is part of an identified straddle.".

(3) UNRECOGNIZED GAIN.—Section 1092(a)(3) (defining unrecognized gain) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) SPECIAL RULE FOR IDENTIFIED STRADDLES.—For purposes of paragraph (2)(A)(ii), the unrecognized gain with respect to any identified offsetting position shall be the excess of the fair market value of the position at the time of the determination over the fair market value of the position at the time the taxpayer identified the position as a position in an identified straddle.".

(4) CONFORMING AMENDMENT.—Section 1092(c)(2) is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(b) PHYSICALLY SETTLED POSITIONS.—Section 1092(d) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(8) SPECIAL RULES FOR PHYSICALLY SETTLED POSITIONS.—For purposes of subsection (a), if a taxpayer settles a position which is part of a straddle by delivering property to which the position relates (and such position, if terminated, would result in a realization of a loss), then such taxpayer shall be treated as if such taxpayer—

"(A) terminated the position for its fair market value immediately before the settlement, and

"(B) sold the property so delivered by the taxpayer at its fair market value.".

(c) REPEAL OF STOCK EXCEPTION.—

(1) IN GENERAL.—Paragraph (3) of section 1092(d) (relating to definitions and special rules) is amended to read as follows:

"(3) SPECIAL RULES FOR STOCK.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'personal property' includes—

"(i) any stock which is a part of a straddle at least 1 of the offsetting positions of which is a position with respect to such stock or substantially similar or related property, or

"(ii) any stock of a corporation formed or availed of to take positions in personal property which offset positions taken by any shareholder.

"(B) RULE FOR APPLICATION.—For purposes of determining whether subsection (e) applies to any transaction with respect to stock described in subparagraph (A)(ii), all includible corporations of an affiliated group (within the meaning of section 1504(a)) shall be treated as 1 taxpayer.".

(2) CONFORMING AMENDMENT.—Section 1258(d)(1) is amended by striking "; except that the term 'personal property' shall include stock".

(d) REPEAL OF QUALIFIED COVERED CALL EXCEPTION.—Section 1092(c)(4) is amended by adding at the end the following new subparagraph:

"(I) TERMINATION.—This paragraph shall not apply to any position established on or after the date of the enactment of this subparagraph.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to positions established on or after the date of the enactment of this Act.

SEC. 465. DENIAL OF INSTALLMENT SALE TREATMENT FOR ALL READILY TRADEABLE DEBT.

(a) IN GENERAL.—Section 453(f)(4)(B) (relating to purchaser evidences of indebtedness payable on demand or readily tradeable) is amended by striking "is issued by a corporation or a government or political subdivision thereof and".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales occurring on or after the date of the enactment of this Act.

PART II—CORPORATIONS AND PARTNERSHIPS

SEC. 466. MODIFICATION OF TREATMENT OF TRANSFERS TO CREDITORS IN DIVISIVE REORGANIZATIONS.

(a) IN GENERAL.—Section 361(b)(3) (relating to treatment of transfers to creditors) is amended by adding at the end the following new sentence: “In the case of a reorganization described in section 368(a)(1)(D) with respect to which stock or securities of the corporation to which the assets are transferred are distributed in a transaction which qualifies under section 355, this paragraph shall apply only to the extent that the sum of the money and the fair market value of other property transferred to such creditors does not exceed the adjusted bases of such assets transferred.”.

(b) LIABILITIES IN EXCESS OF BASIS.—Section 357(c)(1)(B) is amended by inserting “with respect to which stock or securities of the corporation to which the assets are transferred are distributed in a transaction which qualifies under section 355” after “section 368(a)(1)(D)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers of money or other property, or liabilities assumed, in connection with a reorganization occurring on or after the date of the enactment of this Act.

SEC. 467. CLARIFICATION OF DEFINITION OF NONQUALIFIED PREFERRED STOCK.

(a) IN GENERAL.—Section 351(g)(3)(A) is amended by adding at the end the following: “Stock shall not be treated as participating in corporate growth to any significant extent unless there is a real and meaningful likelihood of the shareholder actually participating in the earnings and growth of the corporation.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to transactions after May 14, 2003.

SEC. 468. MODIFICATION OF DEFINITION OF CONTROLLED GROUP OF CORPORATIONS.

(a) IN GENERAL.—Section 1563(a)(2) (relating to brother-sister controlled group) is amended by striking “possessing—” and all that follows through “(B)” and inserting “possessing”.

(b) APPLICATION OF EXISTING RULES TO OTHER CODE PROVISIONS.—Section 1563(f) (relating to other definitions and rules) is amended by adding at the end the following new paragraph:

“(5) BROTHER-SISTER CONTROLLED GROUP DEFINITION FOR PROVISIONS OTHER THAN THIS PART.—

“(A) IN GENERAL.—Except as specifically provided in an applicable provision, subsection (a)(2) shall be applied to an applicable provision as if it read as follows:

‘(2) BROTHER-SISTER CONTROLLED GROUP.—Two or more corporations if 5 or fewer persons who are individuals, estates, or trusts own (within the meaning of subsection (d)(2) stock possessing—

‘(A) at least 80 percent of the total combined voting power of all classes of stock entitled to vote, or at least 80 percent of the total value of shares of all classes of stock, of each corporation, and

‘(B) more than 50 percent of the total combined voting power of all classes of stock entitled to vote or more than 50 percent of the total value of shares of all classes of stock of each corporation, taking into account the stock ownership of each such person only to the extent such stock ownership is identical with respect to each such corporation.’

“(B) APPLICABLE PROVISION.—For purposes of this paragraph, an applicable provision is any provision of law (other than this part) which incorporates the definition of controlled group of corporations under subsection (a).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 469. MANDATORY BASIS ADJUSTMENTS IN CONNECTION WITH PARTNERSHIP DISTRIBUTIONS AND TRANSFERS OF PARTNERSHIP INTERESTS.

(a) IN GENERAL.—Section 754 is repealed.

(b) ADJUSTMENT TO BASIS OF UNDISTRIBUTED PARTNERSHIP PROPERTY.—Section 734 is amended—

(1) by striking “, with respect to which the election provided in section 754 is in effect,” in the matter preceding paragraph (1) of subsection (b),

(2) by striking “(as adjusted by section 732(d))” both places it appears in subsection (b),

(3) by striking the last sentence of subsection (b),

(4) by striking subsection (a) and by redesignating subsections (b) and (c) as subsections (a) and (b), respectively, and

(5) by striking “**OPTIONAL**” in the heading.

(c) ADJUSTMENT TO BASIS OF PARTNERSHIP PROPERTY.—Section 743 is amended—

(1) by striking “with respect to which the election provided in section 754 is in effect” in the matter preceding paragraph (1) of subsection (b),

(2) by striking subsection (a) and by redesignating subsections (b) and (c) as subsections (a) and (b), respectively,

(3) by adding at the end the following new subsection:

“(c) ELECTION TO ADJUST BASIS FOR TRANSFERS UPON DEATH OF PARTNER.—Subsection (a) shall not apply and no adjustments shall be made in the case of any transfer of an interest in a partnership upon the death of a partner unless an election to do so is made by the partnership. Such an election shall apply with respect to all such transfers of interests in the partnership. Any election under section 754 in effect on the date of the enactment of this subsection shall constitute an election made under this subsection. Such election may be revoked by the partnership, subject to such limitations as may be provided by regulations prescribed by the Secretary.”, and

(4) by striking “**OPTIONAL**” in the heading.

(d) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 732 is repealed.

(2) Section 755(a) is amended—

(A) by striking “section 734(b) (relating to the optional adjustment” and inserting “section 734(a) (relating to the adjustment”, and

(B) by striking “section 743(b) (relating to the optional adjustment” and inserting “section 743(a) (relating to the adjustment”.

(3) Section 755(c), as added by this Act, is amended by striking “section 734(b)” and inserting “section 734(a)”.

(4) Section 761(e)(2) is amended by striking “optional”.

(5) Section 774(a) is amended by striking “743(b)” both places it appears and inserting “743(a)”.

(6) The item relating to section 734 in the table of sections for subpart B of part II of subchapter K of chapter 1 is amended by striking “Optional”.

(7) The item relating to section 743 in the table of sections for subpart C of part II of subchapter K of chapter 1 is amended by striking “Optional”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to transfers and distributions made after the date of the enactment of this Act.

(2) REPEAL OF SECTION 732(d).—The amendments made by subsections (b)(2) and (d)(1) shall apply to—

(A) except as provided in subparagraph (B), transfers made after the date of the enactment of this Act, and

(B) in the case of any transfer made on or before such date to which section 732(d) applies, distributions made after the date which is 2 years after such date of enactment.

PART III—DEPRECIATION AND AMORTIZATION

SEC. 471. EXTENSION OF AMORTIZATION OF INTANGIBLES TO SPORTS FRANCHISES.

(a) IN GENERAL.—Section 197(e) (relating to exceptions to definition of section 197 intangible) is amended by striking paragraph (6) and by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively.

(b) CONFORMING AMENDMENTS.—

(1)(A) Section 1056 (relating to basis limitation for player contracts transferred in connection with the sale of a franchise) is repealed.

(B) The table of sections for part IV of subchapter O of chapter 1 is amended by striking the item relating to section 1056.

(2) Section 1245(a) (relating to gain from disposition of certain depreciable property) is amended by striking paragraph (4).

(3) Section 1253 (relating to transfers of franchises, trademarks, and trade names) is amended by striking subsection (e).

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property acquired after the date of the enactment of this Act.

(2) SECTION 1245.—The amendment made by subsection (b)(2) shall apply to franchises acquired after the date of the enactment of this Act.

SEC. 472. CLASS LIVES FOR UTILITY GRADING COSTS.

(a) GAS UTILITY PROPERTY.—Section 168(e)(3)(E) (defining 15-year property) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, and”, and by adding at the end the following new clause:

“(iv) initial clearing and grading land improvements with respect to gas utility property.”.

(b) ELECTRIC UTILITY PROPERTY.—Section 168(e)(3) is amended by adding at the end the following new subparagraph:

“(F) 20-YEAR PROPERTY.—The term ‘20-year property’ means initial clearing and grading land improvements with respect to any electric utility transmission and distribution plant.”.

(c) CONFORMING AMENDMENTS.—The table contained in section 168(g)(3)(B) is amended—

(1) by inserting “or (E)(iv)” after “(E)(iii)”, and

(2) by adding at the end the following new item:

“(F) .... 25”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 473. EXPANSION OF LIMITATION ON DEPRECIATION OF CERTAIN PASSENGER AUTOMOBILES.

(a) IN GENERAL.—Section 179(b) (relating to limitations) is amended by adding at the end the following new paragraph:

“(6) LIMITATION ON COST TAKEN INTO ACCOUNT FOR CERTAIN PASSENGER VEHICLES.—

“(A) IN GENERAL.—The cost of any sport utility vehicle for any taxable year which may be taken into account under this section shall not exceed $25,000.

"(B) Sport utility vehicle.—For purposes of subparagraph (A)—

"(i) In general.—The term 'sport utility vehicle' means any 4-wheeled vehicle which—

"(I) is manufactured primarily for use on public streets, roads, and highways,

"(II) is not subject to section 280F, and

"(III) is rated at not more than 14,000 pounds gross vehicle weight.

"(ii) Certain vehicles excluded.—Such term does not include any vehicle which—

"(I) does not have the primary load carrying device or container attached,

"(II) has a seating capacity of more than 12 individuals,

"(III) is designed for more than 9 individuals in seating rearward of the driver's seat,

"(IV) is equipped with an open cargo area, or a covered box not readily accessible from the passenger compartment, of at least 72.0 inches in interior length, or

"(V) has an integral enclosure, fully enclosing the driver compartment and load carrying device, does not have seating rearward of the driver's seat, and has no body section protruding more than 30 inches ahead of the leading edge of the windshield.".

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 474. CONSISTENT AMORTIZATION OF PERIODS FOR INTANGIBLES.

(a) Start-Up Expenditures.—

(1) Allowance of deduction.—Paragraph (1) of section 195(b) (relating to start-up expenditures) is amended to read as follows:

"(1) Allowance of deduction.—If a taxpayer elects the application of this subsection with respect to any start-up expenditures—

"(A) the taxpayer shall be allowed a deduction for the taxable year in which the active trade or business begins in an amount equal to the lesser of—

"(i) the amount of start-up expenditures with respect to the active trade or business, or

"(ii) $5,000, reduced (but not below zero) by the amount by which such start-up expenditures exceed $50,000, and

"(B) the remainder of such start-up expenditures shall be allowed as a deduction ratably over the 180-month period beginning with the month in which the active trade or business begins.".

(2) Conforming amendment.—Subsection (b) of section 195 is amended by striking "Amortize" and inserting "Deduct" in the heading.

(b) Organizational Expenditures.—Subsection (a) of section 248 (relating to organizational expenditures) is amended to read as follows:

"(a) Election to Deduct.—If a corporation elects the application of this subsection (in accordance with regulations prescribed by the Secretary) with respect to any organizational expenditures—

"(1) the corporation shall be allowed a deduction for the taxable year in which the corporation begins business in an amount equal to the lesser of—

"(A) the amount of organizational expenditures with respect to the taxpayer, or

"(B) $5,000, reduced (but not below zero) by the amount by which such organizational expenditures exceed $50,000, and

"(2) the remainder of such organizational expenditures shall be allowed as a deduction ratably over the 180-month period beginning with the month in which the corporation begins business.".

(c) Treatment of Organizational and Syndication Fees or Partnerships.—

(1) In general.—Section 709(b) (relating to amortization of organization fees) is amended by redesignating paragraph (2) as paragraph (3) and by amending paragraph (1) to read as follows:

"(1) Allowance of deduction.—If a taxpayer elects the application of this subsection (in accordance with regulations prescribed by the Secretary) with respect to any organizational expenses—

"(A) the taxpayer shall be allowed a deduction for the taxable year in which the partnership begins business in an amount equal to the lesser of—

"(i) the amount of organizational expenses with respect to the partnership, or

"(ii) $5,000, reduced (but not below zero) by the amount by which such organizational expenses exceed $50,000, and

"(B) the remainder of such organizational expenses shall be allowed as a deduction ratably over the 180-month period beginning with the month in which the partnership begins business.

"(2) Dispositions before close of amortization period.—In any case in which a partnership is liquidated before the end of the period to which paragraph (1)(B) applies, any deferred expenses attributable to the partnership which were not allowed as a deduction by reason of this section may be deducted to the extent allowable under section 165.".

(2) Conforming amendment.—Subsection (b) of section 709 is amended by striking "Amortization" and inserting "Deduction" in the heading.

(d) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 475. REFORM OF TAX TREATMENT OF LEASING OPERATIONS.

(a) Clarification of Recovery Period for Tax-Exempt Use Property Subject to Lease.—Subparagraph (A) of section 168(g)(3) (relating to special rules for determining class life) is amended by inserting "(notwithstanding any other subparagraph of this paragraph)" after "shall".

(b) Limitation on Depreciation Period for Software Leased to Tax-Exempt Entity.—Paragraph (1) of section 167(f) is amended by adding at the end the following new subparagraph:

"(C) Tax-exempt use property subject to lease.—In the case of computer software which would be tax-exempt use property as defined in subsection (h) of section 168 if such section applied to computer software, the useful life under subparagraph (A) shall not be less than 125 percent of the lease term (within the meaning of section 168(i)(3))."

(c) Lease Term To Include Related Service Contracts.—Subparagraph (A) of section 168(i)(3) (relating to lease term) is amended by striking "and" at the end of clause (i), by redesignating clause (ii) as clause (iii), and by inserting after clause (i) the following new clause:

"(ii) the term of a lease shall include the term of any service contract or similar arrangement (whether or not treated as a lease under section 7701(e))—

"(I) which is part of the same transaction (or series of related transactions) which includes the lease, and

"(II) which is with respect to the property subject to the lease or substantially similar property, and".

(d) Effective Date.—The amendments made by this section shall apply to leases entered into after December 31, 2003.

SEC. 476. LIMITATION ON DEDUCTIONS ALLOCABLE TO PROPERTY USED BY GOVERNMENTS OR OTHER TAX-EXEMPT ENTITIES.

(a) In General.—Subpart C of part II of subchapter E of chapter 1 (relating to taxable year for which deductions taken) is amended by adding at the end the following new section:

"SEC. 470. LIMITATIONS ON LOSSES FROM TAX-EXEMPT USE PROPERTY.

"(a) Limitation on Losses.—Except as otherwise provided in this section, a tax-exempt use loss for any taxable year shall not be allowed.

"(b) Disallowed Loss Carried to Next Year.—Any tax-exempt use loss with respect to any tax-exempt use property which is disallowed under subsection (a) for any taxable year shall be treated as a deduction with respect to such property in the next taxable year.

"(c) Definitions.—For purposes of this section—

"(1) Tax-exempt use loss.—The term 'tax-exempt use loss' means, with respect to any taxable year, the amount (if any) by which—

"(A) the sum of—

"(i) the aggregate deductions (other than interest) directly allocable to a tax-exempt use property, plus

"(ii) the aggregate deductions for interest properly allocable to such property, exceed

"(B) the aggregate income from such property.

"(2) Tax-exempt use property.—The term 'tax-exempt use property' has the meaning given to such term by section 168(h) (without regard to paragraph (1)(C) or (3)(C) thereof and determined as if property described in section 167(f)(1)(B) were tangible property).

"(d) Exception for Certain Leases.—This section shall not apply to any lease of property which meets the requirements of all of the following paragraphs:

"(1) Property not financed with tax-exempt bonds.—A lease of property meets the requirements of this paragraph if no part of the property was financed (directly or indirectly) from the proceeds of an obligation the interest on which is exempt from tax under section 103(a) and which (or any refunding bond of which) is outstanding when the lease is entered into. The Secretary may by regulations provide for a de minimis exception from this paragraph.

"(2) Availability of funds.—

"(A) In general.—A lease of property meets the requirements of this paragraph if (at any time during the lease term) not more than an allowable amount of funds are—

"(i) subject to any arrangement referred to in subparagraph (B), or

"(ii) otherwise reasonably expected to remain available,

to or for the benefit of the lessor or any lender, or to or for the benefit of the lessee to satisfy the lessee's obligations or options under the lease.

"(B) Arrangements.—The arrangements referred to in this subparagraph are—

"(i) a defeasance arrangement, a loan by the lessee to the lessor or any lender, a deposit arrangement, a letter of credit collateralized with cash or cash equivalents, a payment undertaking agreement, a lease prepayment, a sinking fund arrangement, or any similar arrangement (whether or not such arrangement provides credit support), and

"(ii) any other arrangement identified by the Secretary in regulations.

"(C) Allowable amount.—

"(i) In general.—Except as otherwise provided in this subparagraph, the term 'allowable amount' means an amount equal to 20 percent of the lessor's adjusted basis in the property at the time the lease is entered into.

"(ii) Higher amount permitted in certain cases.—To the extent provided in regulations, a higher percentage shall be permitted under clause (i) where necessary because of the credit-worthiness of the lessee. In no event may such regulations permit a percentage of more than 50 percent.

"(iii) Option to purchase.—If under the lease the lessee has the option to purchase the property for other than the fair market value of the property (determined at the time of exercise), the allowable amount at the time such option may be exercised may not exceed 50 percent of the price at which such option may be exercised.

"(3) Lessor must make substantial equity investment.—A lease of property meets the requirements of this paragraph if—

"(A) the lessor—

"(i) has at the time the lease is entered into an unconditional at-risk equity investment (as determined by the Secretary) in the property of at least 20 percent of the lessor's adjusted basis in the property as of that time, and

"(ii) maintains such investment throughout the term of the lease, and

"(B) the fair market value of the property at the end of the lease term is reasonably expected to be equal to at least 20 percent of such basis.

"(4) Lessee may not bear more than minimal risk of loss.—

"(A) In general.—A lease of property meets the requirements of this paragraph if there is no arrangement under which more than a minimal risk of loss (as determined under regulations) in the value of the property is borne by the lessee.

"(B) Certain arrangements fail requirement.—In no event will the requirements of this paragraph be met if there is any arrangement under which the lessee bears—

"(i) any portion of the loss that would occur if the fair market value of the leased property at the time the lease is terminated were 25 percent less than its projected fair market value at the end of the lease term, or

"(ii) more than 50 percent of the loss that would occur if the fair market value of the leased property at the time the lease is terminated were zero.

"(5) Regulatory requirements.—A lease of property meets the requirements of this paragraph if such lease of property meets such requirements as the Secretary may prescribe by regulations.

"(e) Special Rules.—

"(1) Treatment of former tax-exempt use property.—

"(A) In general.—In the case of any former tax-exempt use property—

"(i) any deduction allowable under subsection (b) with respect to such property for any taxable year shall be allowed only to the extent of any net income (without regard to such deduction) from such property for such taxable year, and

"(ii) any portion of such unused deduction remaining after application of clause (i) shall be treated as allowable under subsection (b) with respect to such property in the next taxable year.

"(B) Former tax-exempt use property.—For purposes of this subsection, the term 'former tax-exempt use property' means any property which—

"(i) is not tax-exempt use property for the taxable year, but

"(ii) was tax-exempt use property for any prior taxable year.

"(2) Disposition of entire interest in property.—If during the taxable year a taxpayer disposes of the taxpayer's entire interest in tax-exempt use property (or former tax-exempt use property), rules similar to the rules of section 469(g) shall apply for purposes of this section.

"(3) Coordination with section 469.—This section shall be applied before the application of section 469.

"(f) Other Definitions.—For purposes of this section—

"(1) Related parties.—The terms 'lessor', 'lessee', and 'lender' include any related party (within the meaning of section 197(f)(9)(C)(i)).

"(2) Lease term.—The term 'lease term' has the meaning given to such term by section 168(i)(3).

"(3) Lender.—The term 'lender' means, with respect to any lease, a person that makes a loan to the lessor which is secured (or economically similar to being secured) by the lease or the leased property.

"(4) Loan.—The term 'loan' includes any similar arrangement.

"(g) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the provisions of this section, including regulation which—

"(1) allow in appropriate cases the aggregation of property subject to the same lease, and

"(2) provide for the determination of the allocation of interest expense for purposes of this section."

(b) Conforming Amendment.—The table of sections for subpart C of part II of subchapter E of chapter 1 is amended by adding at the end the following new item:

"Sec. 470. Limitations on losses from tax-exempt use property."

(c) Effective Date.—The amendments made by this section shall apply to leases entered into after December 31, 2003.

PART IV—ADMINISTRATIVE PROVISIONS

SEC. 481. CLARIFICATION OF RULES FOR PAYMENT OF ESTIMATED TAX FOR CERTAIN DEEMED ASSET SALES.

(a) In General.—Paragraph (13) of section 338(h) (relating to tax on deemed sale not taken into account for estimated tax purposes) is amended by adding at the end the following: "The preceding sentence shall not apply with respect to a qualified stock purchase for which an election is made under paragraph (10).".

(b) Effective Date.—The amendment made by subsection (a) shall apply to transactions occurring after the date of the enactment of this Act.

SEC. 482. EXTENSION OF IRS USER FEES.

(a) In General.—Section 7528(c) (relating to termination) is amended by striking "December 31, 2004" and inserting "September 30, 2013".

(b) Effective Date.—The amendment made by this section shall apply to requests after the date of the enactment of this Act.

SEC. 483. DOUBLING OF CERTAIN PENALTIES, FINES, AND INTEREST ON UNDERPAYMENTS RELATED TO CERTAIN OFFSHORE FINANCIAL ARRANGEMENT.

(a) General Rule.—If—

(1) a taxpayer eligible to participate in—

(A) the Department of the Treasury's Offshore Voluntary Compliance Initiative, or

(B) the Department of the Treasury's voluntary disclosure initiative which applies to the taxpayer by reason of the taxpayer's underreporting of United States income tax liability through financial arrangements which rely on the use of offshore arrangements which were the subject of the initiative described in subparagraph (A), and

(2) any interest or applicable penalty is imposed with respect to any arrangement to which any initiative described in paragraph (1) applied or to any underpayment of Federal income tax attributable to items arising in connection with any arrangement described in paragraph (1),

then, notwithstanding any other provision of law, the amount of such interest or penalty shall be equal to twice that determined without regard to this section.

(b) Definitions and Rules.—For purposes of this section—

(1) Applicable penalty.—The term "applicable penalty" means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(2) Voluntary offshore compliance initiative.—The term "Voluntary Offshore Compliance Initiative" means the program established by the Department of the Treasury in January of 2003 under which any taxpayer was eligible to voluntarily disclose previously undisclosed income on assets placed in offshore accounts and accessed through credit card and other financial arrangements.

(3) Participation.—A taxpayer shall be treated as having participated in the Voluntary Offshore Compliance Initiative if the taxpayer submitted the request in a timely manner and all information requested by the Secretary of the Treasury or his delegate within a reasonable period of time following the request.

(c) Effective Date.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

SEC. 484. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) In General.—

(1) Section 6159(a) (relating to authorization of agreements) is amended—

(A) by striking "satisfy liability for payment of" and inserting "make payment on", and

(B) by inserting "full or partial" after "facilitate".

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting "full" before "payment".

(b) Requirement To Review Partial Payment Agreements Every Two Years.—Section 6159, as amended by this Act, is amended by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively, and inserting after subsection (c) the following new subsection:

"(d) Secretary Required To Review Installment Agreements for Partial Collection Every Two Years.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.".

(c) Effective Date.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

SEC. 485. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19

U.S.C. 58c(j)(3)) is amended by striking "March 31, 2004" and inserting "September 30, 2013".

SEC. 486. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS.

(a) In General.—Subchapter A of chapter 67 (relating to interest on underpayments) is amended by adding at the end the following new section:

"SEC. 6603. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS, ETC.

"(a) Authority To Make Deposits Other Than As Payment of Tax.—A taxpayer may make a cash deposit with the Secretary which may be used by the Secretary to pay any tax imposed under subtitle A or B or chapter 41, 42, 43, or 44 which has not been assessed at the time of the deposit. Such a deposit shall be made in such manner as the Secretary shall prescribe.

"(b) No Interest Imposed.—To the extent that such deposit is used by the Secretary to pay tax, for purposes of section 6601 (relating to interest on underpayments), the tax shall be treated as paid when the deposit is made.

"(c) Return of Deposit.—Except in a case where the Secretary determines that collection of tax is in jeopardy, the Secretary shall return to the taxpayer any amount of the deposit (to the extent not used for a payment of tax) which the taxpayer requests in writing.

"(d) Payment of Interest.—

"(1) In general.—For purposes of section 6611 (relating to interest on overpayments), a deposit which is returned to a taxpayer shall be treated as a payment of tax for any period to the extent (and only to the extent) attributable to a disputable tax for such period. Under regulations prescribed by the Secretary, rules similar to the rules of section 6611(b)(2) shall apply.

"(2) Disputable tax.—

"(A) In general.—For purposes of this section, the term 'disputable tax' means the amount of tax specified at the time of the deposit as the taxpayer's reasonable estimate of the maximum amount of any tax attributable to disputable items.

"(B) Safe harbor based on 30-day letter.—In the case of a taxpayer who has been issued a 30-day letter, the maximum amount of tax under subparagraph (A) shall not be less than the amount of the proposed deficiency specified in such letter.

"(3) Other definitions.—For purposes of paragraph (2)—

"(A) Disputable item.—The term 'disputable item' means any item of income, gain, loss, deduction, or credit if the taxpayer—

"(i) has a reasonable basis for its treatment of such item, and

"(ii) reasonably believes that the Secretary also has a reasonable basis for disallowing the taxpayer's treatment of such item.

"(B) 30-day letter.—The term '30-day letter' means the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals.

"(4) Rate of interest.—The rate of interest allowable under this subsection shall be the Federal short-term rate determined under section 6621(b), compounded daily.

"(e) Use of Deposits.—

"(1) Payment of tax.—Except as otherwise provided by the taxpayer, deposits shall be treated as used for the payment of tax in the order deposited.

"(2) Returns of deposits.—Deposits shall be treated as returned to the taxpayer on a last-in, first-out basis.".

(b) Clerical Amendment.—The table of sections for subchapter A of chapter 67 is amended by adding at the end the following new item:

"Sec. 6603. Deposits made to suspend running of interest on potential underpayments, etc.".

(c) Effective Date.—

(1) In general.—The amendments made by this section shall apply to deposits made after the date of the enactment of this Act.

(2) Coordination with deposits made under revenue procedure 84–58.—In the case of an amount held by the Secretary of the Treasury or his delegate on the date of the enactment of this Act as a deposit in the nature of a cash bond deposit pursuant to Revenue Procedure 84–58, the date that the taxpayer identifies such amount as a deposit made pursuant to section 6603 of the Internal Revenue Code (as added by this Act) shall be treated as the date such amount is deposited for purposes of such section 6603.

SEC. 487. QUALIFIED TAX COLLECTION CONTRACTS.

(a) Contract Requirements.—

(1) In general.—Subchapter A of chapter 64 (relating to collection) is amended by adding at the end the following new section:

"SEC. 6306. QUALIFIED TAX COLLECTION CONTRACTS.

"(a) In General.—Nothing in any provision of law shall be construed to prevent the Secretary from entering into a qualified tax collection contract.

"(b) Qualified Tax Collection Contract.—For purposes of this section, the term 'qualified tax collection contract' means any contract which—

"(1) is for the services of any person (other than an officer or employee of the Treasury Department)—

"(A) to locate and contact any taxpayer specified by the Secretary,

"(B) to request full payment from such taxpayer of an amount of Federal tax specified by the Secretary and, if such request cannot be met by the taxpayer, to offer the taxpayer an installment agreement providing for full payment of such amount during a period not to exceed 3 years, and

"(C) to obtain financial information specified by the Secretary with respect to such taxpayer,

"(2) prohibits each person providing such services under such contract from committing any act or omission which employees of the Internal Revenue Service are prohibited from committing in the performance of similar services,

"(3) prohibits subcontractors from—

"(A) having contacts with taxpayers,

"(B) providing quality assurance services, and

"(C) composing debt collection notices, and

"(4) permits subcontractors to perform other services only with the approval of the Secretary.

"(c) Fees.—The Secretary may retain and use an amount not in excess of 25 percent of the amount collected under any qualified tax collection contract for the costs of services performed under such contract. The Secretary shall keep adequate records regarding amounts so retained and used. The amount credited as paid by any taxpayer shall be determined without regard to this subsection.

"(d) No Federal Liability.—The United States shall not be liable for any act or omission of any person performing services under a qualified tax collection contract.

"(e) Application of Fair Debt Collection Practices Act.—The provisions of the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) shall apply to any qualified tax collection contract, except to the extent superseded by section 6304, section 7602(c), or by any other provision of this title.

"(f) Cross References.—

"(1) For damages for certain unauthorized collection actions by persons performing services under a qualified tax collection contract, see section 7433A.

"(2) For application of Taxpayer Assistance Orders to persons performing services under a qualified tax collection contract, see section 7811(a)(4).".

(2) Conforming amendments.—

(A) Section 7809(a) is amended by inserting "6306," before "7651".

(B) The table of sections for subchapter A of chapter 64 is amended by adding at the end the following new item:

"Sec. 6306. Qualified Tax Collection Contracts.".

(b) Civil Damages for Certain Unauthorized Collection Actions by Persons Performing Services Under Qualified Tax Collection Contracts.—

(1) In general.—Subchapter B of chapter 76 (relating to proceedings by taxpayers and third parties) is amended by inserting after section 7433 the following new section:

"SEC. 7433A. CIVIL DAMAGES FOR CERTAIN UNAUTHORIZED COLLECTION ACTIONS BY PERSONS PERFORMING SERVICES UNDER QUALIFIED TAX COLLECTION CONTRACTS.

"(a) In General.—Subject to the modifications provided by subsection (b), section 7433 shall apply to the acts and omissions of any person performing services under a qualified tax collection contract (as defined in section 6306(b)) to the same extent and in the same manner as if such person were an employee of the Internal Revenue Service.

"(b) Modifications.—For purposes of subsection (a)—

"(1) Any civil action brought under section 7433 by reason of this section shall be brought against the person who entered into the qualified tax collection contract with the Secretary and shall not be brought against the United States.

"(2) Such person and not the United States shall be liable for any damages and costs determined in such civil action.

"(3) Such civil action shall not be an exclusive remedy with respect to such person.

"(4) Subsections (c), (d)(1), and (e) of section 7433 shall not apply.".

(2) Clerical amendment.—The table of sections for subchapter B of chapter 76 is amended by inserting after the item relating to section 7433 the following new item:

"Sec. 7433A. Civil damages for certain unauthorized collection actions by persons performing services under a qualified tax collection contract.".

(c) Application of Taxpayer Assistance Orders to Persons Performing Services Under a Qualified Tax Collection Contract.—Section 7811 (relating to taxpayer assistance orders) is amended by adding at the end the following new subsection:

"(g) Application to Persons Performing Services Under a Qualified Tax Collection Contract.—Any order issued or action taken by the National Taxpayer Advocate pursuant to this section shall apply to persons performing services under a qualified tax collection contract (as defined in section 6306(b)) to the same extent and in the same manner as such order or action applies to the Secretary.".

(d) INELIGIBILITY OF INDIVIDUALS WHO COMMIT MISCONDUCT TO PERFORM UNDER CONTRACT.—Section 1203 of the Internal Revenue Service Restructuring Act of 1998 (relating to termination of employment for misconduct) is amended by adding at the end the following new subsection:

"(e) INDIVIDUALS PERFORMING SERVICES UNDER A QUALIFIED TAX COLLECTION CONTRACT.—An individual shall cease to be permitted to perform any services under any qualified tax collection contract (as defined in section 6306(b) of the Internal Revenue Code of 1986) if there is a final determination by the Secretary of the Treasury under such contract that such individual committed any act or omission described under subsection (b) in connection with the performance of such services.".

(e) EFFECTIVE DATE.—The amendments made to this section shall take effect on the date of the enactment of this Act.

PART V—MISCELLANEOUS PROVISIONS

SEC. 491. ADDITION OF VACCINES AGAINST HEPATITIS A TO LIST OF TAXABLE VACCINES.

(a) IN GENERAL.—Section 4132(a)(1) (defining taxable vaccine) is amended by redesignating subparagraphs (I), (J), (K), and (L) as subparagraphs (J), (K), (L), and (M), respectively, and by inserting after subparagraph (H) the following new subparagraph:

"(I) Any vaccine against hepatitis A.".

(b) CONFORMING AMENDMENT.—Section 9510(c)(1)(A) is amended by striking "October 18, 2000" and inserting "May 8, 2003".

(c) EFFECTIVE DATE.—

(1) SALES, ETC.—The amendments made by this section shall apply to sales and uses on or after the first day of the first month which begins more than 4 weeks after the date of the enactment of this Act.

(2) DELIVERIES.—For purposes of paragraph (1) and section 4131 of the Internal Revenue Code of 1986, in the case of sales on or before the effective date described in such paragraph for which delivery is made after such date, the delivery date shall be considered the sale date.

SEC. 492. RECOGNITION OF GAIN FROM THE SALE OF A PRINCIPAL RESIDENCE ACQUIRED IN A LIKE-KIND EXCHANGE WITHIN 5 YEARS OF SALE.

(a) IN GENERAL.—Section 121(d) (relating to special rules for exclusion of gain from sale of principal residence) is amended by adding at the end the following new paragraph:

"(10) PROPERTY ACQUIRED IN LIKE-KIND EXCHANGE.—If a taxpayer acquired property in an exchange to which section 1031 applied, subsection (a) shall not apply to the sale or exchange of such property if it occurs during the 5-year period beginning with the date of the acquisition of such property.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or exchanges after the date of the enactment of this Act.

SEC. 493. CLARIFICATION OF EXEMPTION FROM TAX FOR SMALL PROPERTY AND CASUALTY INSURANCE COMPANIES.

(a) IN GENERAL.—Section 501(c)(15)(A) is amended to read as follows:

"(A) Insurance companies (as defined in section 816(a)) other than life (including interinsurers and reciprocal underwriters) if—

"(i) the gross receipts for the taxable year do not exceed $600,000, and

"(ii) more than 50 percent of such gross receipts consist of premiums.".

(b) CONTROLLED GROUP RULE.—Section 501(c)(15)(C) is amended by inserting ", except that in applying section 1563 for purposes of section 831(b)(2)(B)(ii), subparagraphs (B) and (C) of section 1563(b)(2) shall be disregarded" before the period at the end.

(c) CONFORMING AMENDMENT.—Clause (i) of section 831(b)(2)(A) is amended by striking "exceed $350,000 but".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 494. DEFINITION OF INSURANCE COMPANY FOR SECTION 831.

(a) IN GENERAL.—Section 831 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) INSURANCE COMPANY DEFINED.—For purposes of this section, the term 'insurance company' has the meaning given to such term by section 816(a)).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 495. LIMITATIONS ON DEDUCTION FOR CHARITABLE CONTRIBUTIONS OF PATENTS AND SIMILAR PROPERTY.

(a) DEDUCTION ALLOWED ONLY TO THE EXTENT OF BASIS.—Section 170(e)(1)(B) (relating to certain contributions of ordinary income and capital gain property) is amended by striking "or" at the end of clause (i), by adding "or" at the end of clause (ii), and by inserting after clause (ii) the following new clause:

"(iii) of any patent, copyright, trademark, trade name, trade secret, know-how, software, or similar property, or applications or registrations of such property,".

(b) TREATMENT OF CONTRIBUTIONS WHERE DONOR RECEIVES INTEREST.—Section 170(e) is amended by adding at the end the following new paragraph:

"(7) SPECIAL RULES FOR CONTRIBUTIONS OF PATENTS AND SIMILAR PROPERTY WHERE DONOR RECEIVES INTEREST.—

"(A) DISALLOWANCE OF DEDUCTION.—No deduction shall be allowed under this section with respect to a contribution of property described in paragraph (1)(B)(iii) if the taxpayer after the contribution has any interest in the property other than a qualified interest.

"(B) CONTRIBUTIONS WITH QUALIFIED INTEREST.—If a taxpayer after a contribution of property described in paragraph (1)(B)(iii) has a qualified interest in the property—

"(i) any payment pursuant to the qualified interest shall be treated as ordinary income and shall be includible in gross income of the taxpayer for the taxable year in which the payment is received by the taxpayer, and

"(ii) subsection (f)(3) and section 1011(b) shall not apply to the transfer of the property from the taxpayer to the donee.

"(C) QUALIFIED INTEREST.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'qualified interest' means, with respect to any taxpayer, a right to receive from the donee a percentage (not greater than 50 percent) of any royalty payment received by the donee with respect to property described in paragraph (1)(B)(iii) (other than copyrights which are described in section 1221(a)(3) or 1231(b)(1)(C)) contributed by the taxpayer to the donee.

"(ii) SECRETARIAL AUTHORITY.—

"(I) IN GENERAL.—Except as provided in subclause (II), the Secretary may by regulation or other administrative guidance treat as a qualified interest the right to receive other payments from the donee, but only if the donee does not possess a right to receive any payment (whether royalties or otherwise) from a third party with respect to the contributed property.

"(II) EXCEPTIONS.—The Secretary may not treat as a qualified interest the right to receive any payment which provides a benefit to the donor which is greater than the benefit retained by the donee or the right to receive any portion of the proceeds from the sale of the property contributed.

"(iii) LIMITATION.—An interest shall be treated as a qualified interest under this subparagraph only if the taxpayer has no right to receive any payment described in clause (i) or (ii)(I) after the earlier of the date on which the legal life of the contributed property expires or the date which is 20 years after the date of the contribution.".

(c) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Section 6050L(a) (relating to returns regarding certain dispositions of donated property) is amended—

(A) by striking "If" and inserting:

"(1) DISPOSITIONS OF DONATED PROPERTY.—If",

(B) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and

(C) by adding at the end the following new paragraph:

"(2) PAYMENTS OF QUALIFIED INTERESTS.—Each donee of property described in section 170(e)(1)(B)(iii) which makes a payment to a donor pursuant to a qualified interest (as defined in section 170(e)(7)) during any calendar year shall make a return (in accordance with forms and regulations prescribed by the Secretary) showing—

"(A) the name, address, and TIN of the payor and the payee with respect to such a payment,

"(B) a description, and date of contribution, of the property to which the qualified interest relates,

"(C) the dates and amounts of any royalty payments received by the donee with respect to such property,

"(D) the date and the amount of the payment pursuant to the qualified interest, and

"(E) a description of the terms of the qualified interest.".

(2) CONFORMING AMENDMENTS.—

(A) The heading for section 6050L is amended by striking "**CERTAIN DISPOSITIONS OF**".

(B) The item relating to section 6050L in the table of sections for subpart B of part III of subchapter A of chapter 61 is amended by striking "certain dispositions of".

(d) ANTI-ABUSE RULES.—The Secretary of the Treasury may prescribe such regulations or other administrative guidance as may be necessary or appropriate to prevent the avoidance of the purposes of section 170(e)(1)(B)(iii) of the Internal Revenue Code of 1986 (as added by subsection (a)), including preventing—

(1) the circumvention of the reduction of the charitable deduction by embedding or bundling the patent or similar property as part of a charitable contribution of property that includes the patent or similar property,

(2) the manipulation of the basis of the property to increase the amount of the charitable deduction through the use of related persons, pass-thru entities, or other intermediaries, or through the use of any provision of law or regulation (including the consolidated return regulations), and

(3) a donor from changing the form of the patent or similar property to property of a form for which different deduction rules would apply.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after October 1, 2003.

SEC. 496. INCREASE IN AGE OF MINOR CHILDREN WHOSE UNEARNED INCOME IS TAXED AS IF PARENT'S INCOME.

(a) In General.—Section 1(g)(2)(A) (relating to child to whom subsection applies) is amended by striking "age 14" and inserting "age 18".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SA 3127. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 558, line 1, strike all through page 559, line 5.

SA 3128. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table: as follows:

At the end of part V of title IV, insert:

SEC. . CLARIFICATION OF STATUS OF CERTAIN ORGANIZATIONS AND RETIREMENT PLANS.

(a) In General.—For purposes of any provision of law—

(1) the organization described in subsection (c)(5) maintaining the retirement plan of the eligible organization shall be treated as an organization described in section 414(e)(3)(A) of the Internal Revenue Code of 1986 with respect to its maintenance of benefit plans of the eligible organization, and

(2) subject to the provisions of subsection (b), any retirement plan which, as of January 1, 2003, was maintained by the organization described in paragraph (1) shall be treated as a church plan (within the meaning of section 414(e) of such Code) which is maintained by an organization described in section 414(e)(3)(A) of such Code.

(b) Special Rules Relating to Retirement Plans.—

(1) Tax-deferred retirement plan.—In the case of a retirement plan which allows contributions to be made under a salary reduction agreement and which is treated as a church plan under subsection (a)—

(A) such treatment shall not apply for purposes of section 415(c)(7) of the Internal Revenue Code of 1986, and

(B) any account maintained for a participant or beneficiary of such plan shall be treated as a retirement income account described in section 403(b)(9) of such Code, except that such account shall not, for purposes of section 403(b)(12) of such Code, be treated as a contract purchased by a church for purposes of section 403(b)(1)(D) of such Code.

(2) Money purchase pension plan.—In the case of a retirement plan subject to the requirements of section 401(a) of such Code and treated as a church plan under subsection (a)—

(A) such plan (but not any reserves held by the organization described in subsection (c)(5) maintaining the retirement plan of the eligible organization)—

(i) shall be treated as a defined contribution plan which is a money purchase pension plan, and

(ii) shall be treated as having made an election under section 410(d) of such Code for plan years beginning after December 31, 2005, except that notwithstanding the election—

(I) nothing in the Employee Retirement Income Security Act of 1974 shall prohibit the plan from commingling for investment purposes its assets with any other assets of the organization described in subsection (c)(5) maintaining the retirement plan of the eligible organization (or of plans maintained by it), and

(II) nothing in this section shall be construed as subjecting such other assets to any provision of such Act,

(B) notwithstanding section 401(a)(11) or 417 of such Code or section 205 of such Act, such plan may offer a lump-sum distribution option to participants who have not attained age 55 without offering such participants an annuity option, and

(C) any account maintained for a participant or beneficiary of such plan shall, for purposes of section 401(a)(9) of such Code, be treated as a retirement income account described in section 403(b)(9) of such Code.

(c) Eligible Organization.—For purposes of this section, the term "eligible organization" means any organization if, as of January 1, 2003—

(1) more than 1 church recognizes employment at the organization by a duly ordained, commissioned, or licensed minister as service in the exercise of the minister's ministry,

(2) at least 1 nationally or internationally recognized church association includes the organization (or its national or international representative body) in its directory of participating or founding organizations,

(3) such organization or national representative body thereof is part of an ecumenical movement (founded in the nineteenth century) to promote worldwide fellowship united by common loyalty to certain religious values,

(4) such organization's national representative body has chartered at least 1 organization that provides educational, recreational, social and religious support to the armed forces of the United States, and

(5) the organization has a retirement plan which is administered by an organization—

(A) which was established by State law by a special act of the legislature and subject to certain provisions of the State's insurance law,

(B) the principal purpose or function of which is the administration or funding of a plan or program for the provision of retirement benefits or welfare benefits, or both, for employees of the eligible organization,

(C) is treated as an entity exempt from tax under section 501(m) of the Internal Revenue Code of 1986 without regard to the application of subsection (a), and

(D) whose organizing documents are amended no later than January 1, 2006, to require that, for plan years beginning on or after such date, the greater of 2 trustees or 10 percent of the membership of its board of trustees be associated with a church.

For purposes of paragraph (5)(D), association with a church may include past or present service as an officer or board member of a church (within the meaning of section 3121(w)(3)(A) of such Code) or a church-controlled organization (within the meaning of section 3121(w)(3)(B) of such Code).

(d) Effective Date.—The provisions of this section shall apply to plan years beginning after December 31, 2003.

SA 3129. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike title VIII.

SA 3130. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 797, line 17, strike all through page 810, line 9.

SA 3131. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 773, line 4, strike all through page 827, line 14.

SA 3132. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Jumpstart Our Business Strength (JOBS) Act".

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—PROVISIONS RELATING TO REPEAL OF EXCLUSION FOR EXTRATERRITORIAL INCOME

Sec. 101. Repeal of exclusion for extraterritorial income.
Sec. 102. Deduction relating to income attributable to United States production activities.

TITLE II—INTERNATIONAL TAX PROVISIONS

Subtitle A—International Tax Reform

Sec. 201. 20-year foreign tax credit carryover; 1-year foreign tax credit carryback.
Sec. 202. Look-thru rules to apply to dividends from noncontrolled section 902 corporations.
Sec. 203. Foreign tax credit under alternative minimum tax.
Sec. 204. Recharacterization of overall domestic loss.
Sec. 205. Interest expense allocation rules.
Sec. 206. Determination of foreign personal holding company income with respect to transactions in commodities.

Subtitle B—International Tax Simplification

Sec. 211. Repeal of foreign personal holding company rules and foreign investment company rules.
Sec. 212. Expansion of de minimis rule under subpart F.
Sec. 213. Attribution of stock ownership through partnerships to apply in determining section 902 and 960 credits.
Sec. 214. Application of uniform capitalization rules to foreign persons.
Sec. 215. Repeal of withholding tax on dividends from certain foreign corporations.
Sec. 216. Repeal of special capital gains tax on aliens present in the United States for 183 days or more.

Subtitle C—Additional International Tax Provisions

Sec. 221. Active leasing income from aircraft and vessels.
Sec. 222. Look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company income rules.
Sec. 223. Look-thru treatment for sales of partnership interests.
Sec. 224. Election not to use average exchange rate for foreign tax paid other than in functional currency.
Sec. 225. Treatment of income tax base differences.
Sec. 226. Modification of exceptions under subpart F for active financing.
Sec. 227. United States property not to include certain assets of controlled foreign corporation.
Sec. 228. Provide equal treatment for interest paid by foreign partnerships and foreign corporations.
Sec. 229. Clarification of treatment of certain transfers of intangible property.
Sec. 230. Modification of the treatment of certain REIT distributions attributable to gain from sales or exchanges of United States real property interests.
Sec. 231. Toll tax on excess qualified foreign distribution amount.
Sec. 232. Exclusion of income derived from certain wagers on horse races and dog races from gross income of nonresident alien individuals.
Sec. 233. Limitation of withholding tax for Puerto Rico corporations.
Sec. 234. Report on WTO dispute settlement panels and the appellate body.
Sec. 235. Study of impact of international tax laws on taxpayers other than large corporations.
Sec. 236. Consultative role for Senate Committee on Finance in connection with the review of proposed tax treaties.

TITLE III—DOMESTIC MANUFACTURING AND BUSINESS PROVISIONS

Subtitle A—General Provisions

Sec. 301. Expansion of qualified small-issue bond program.
Sec. 302. Expensing of broadband Internet access expenditures.
Sec. 303. Exemption of natural aging process in determination of production period for distilled spirits under section 263A.
Sec. 304. Modification of active business definition under section 355.
Sec. 305. Exclusion of certain indebtedness of small business investment companies from acquisition indebtedness.
Sec. 306. Modified taxation of imported archery products.
Sec. 307. Modification to cooperative marketing rules to include value added processing involving animals.
Sec. 308. Extension of declaratory judgment procedures to farmers' cooperative organizations.
Sec. 309. Temporary suspension of personal holding company tax.
Sec. 310. Increase in section 179 expensing.
Sec. 311. Three-year carryback of net operating losses.

Subtitle B—Manufacturing Relating to Films

Sec. 321. Special rules for certain film and television productions.
Sec. 322. Modification of application of income forecast method of depreciation.

Subtitle C—Manufacturing Relating to Timber

Sec. 331. Expensing of certain reforestation expenditures.
Sec. 332. Election to treat cutting of timber as a sale or exchange.
Sec. 333. Capital gain treatment under section 631(b) to apply to outright sales by landowners.
Sec. 334. Modification of safe harbor rules for timber REITS.

TITLE IV—ADDITIONAL PROVISIONS

Subtitle A—Provisions Designed To Curtail Tax Shelters

Sec. 401. Clarification of economic substance doctrine.
Sec. 402. Penalty for failing to disclose reportable transaction.
Sec. 403. Accuracy-related penalty for listed transactions and other reportable transactions having a significant tax avoidance purpose.
Sec. 404. Penalty for understatements attributable to transactions lacking economic substance, etc.
Sec. 405. Modifications of substantial understatement penalty for nonreportable transactions.
Sec. 406. Tax shelter exception to confidentiality privileges relating to taxpayer communications.
Sec. 407. Disclosure of reportable transactions.
Sec. 408. Modifications to penalty for failure to register tax shelters.
Sec. 409. Modification of penalty for failure to maintain lists of investors.
Sec. 410. Modification of actions to enjoin certain conduct related to tax shelters and reportable transactions.
Sec. 411. Understatement of taxpayer's liability by income tax return preparer.
Sec. 412. Penalty on failure to report interests in foreign financial accounts.
Sec. 413. Frivolous tax submissions.
Sec. 414. Regulation of individuals practicing before the Department of Treasury.
Sec. 415. Penalty on promoters of tax shelters.
Sec. 416. Statute of limitations for taxable years for which required listed transactions not reported.
Sec. 417. Denial of deduction for interest on underpayments attributable to nondisclosed reportable and noneconomic substance transactions.
Sec. 418. Authorization of appropriations for tax law enforcement.

Subtitle B—Other Corporate Governance Provisions

Sec. 421. Affirmation of consolidated return regulation authority.
Sec. 422. Signing of corporate tax returns by chief executive officer.
Sec. 423. Denial of deduction for certain fines, penalties, and other amounts.
Sec. 424. Disallowance of deduction for punitive damages.
Sec. 425. Increase in criminal monetary penalty limitation for the underpayment or overpayment of tax due to fraud.

Subtitle C—Enron-Related Tax Shelter Provisions

Sec. 431. Limitation on transfer or importation of built-in losses.
Sec. 432. No reduction of basis under section 734 in stock held by partnership in corporate partner.
Sec. 433. Repeal of special rules for FASITs.
Sec. 434. Expanded disallowance of deduction for interest on convertible debt.
Sec. 435. Expanded authority to disallow tax benefits under section 269.
Sec. 436. Modification of interaction between subpart F and passive foreign investment company rules.

Subtitle D—Provisions To Discourage Expatriation

Sec. 441. Tax treatment of inverted corporate entities.
Sec. 442. Imposition of mark-to-market tax on individuals who expatriate.
Sec. 443. Excise tax on stock compensation of insiders of inverted corporations.
Sec. 444. Reinsurance of United States risks in foreign jurisdictions.

Sec. 445. Reporting of taxable mergers and acquisitions.

Subtitle E—International Tax

Sec. 451. Clarification of banking business for purposes of determining investment of earnings in United States property.
Sec. 452. Prohibition on nonrecognition of gain through complete liquidation of holding company.
Sec. 453. Prevention of mismatching of interest and original issue discount deductions and income inclusions in transactions with related foreign persons.
Sec. 454. Effectively connected income to include certain foreign source income.
Sec. 455. Recapture of overall foreign losses on sale of controlled foreign corporation.
Sec. 456. Minimum holding period for foreign tax credit on withholding taxes on income other than dividends.

Subtitle F—Other Revenue Provisions

PART I—FINANCIAL INSTRUMENTS

Sec. 461. Treatment of stripped interests in bond and preferred stock funds, etc.
Sec. 462. Application of earnings stripping rules to partnerships and S corporations.
Sec. 463. Recognition of cancellation of indebtedness income realized on satisfaction of debt with partnership interest.
Sec. 464. Modification of straddle rules.
Sec. 465. Denial of installment sale treatment for all readily tradeable debt.

PART II—CORPORATIONS AND PARTNERSHIPS

Sec. 466. Modification of treatment of transfers to creditors in divisive reorganizations.
Sec. 467. Clarification of definition of nonqualified preferred stock.
Sec. 468. Modification of definition of controlled group of corporations.
Sec. 469. Mandatory basis adjustments in connection with partnership distributions and transfers of partnership interests.

PART III—DEPRECIATION AND AMORTIZATION

Sec. 471. Extension of amortization of intangibles to sports franchises.
Sec. 472. Services contracts treated in the same manner as leases for rules relating to tax-exempt use of property.
Sec. 473. Class lives for utility grading costs.
Sec. 474. Expansion of limitation on depreciation of certain passenger automobiles.
Sec. 475. Consistent amortization of periods for intangibles.
Sec. 476. Limitation on deductions allocable to property used by governments or other tax-exempt entities.

PART IV—ADMINISTRATIVE PROVISIONS

Sec. 481. Clarification of rules for payment of estimated tax for certain deemed asset sales.
Sec. 482. Extension of IRS user fees.
Sec. 483. Doubling of certain penalties, fines, and interest on underpayments related to certain offshore financial arrangement.
Sec. 484. Partial payment of tax liability in installment agreements.
Sec. 485. Extension of customs user fees.
Sec. 486. Deposits made to suspend running of interest on potential underpayments.
Sec. 487. Qualified tax collection contracts.

PART V—MISCELLANEOUS PROVISIONS

Sec. 491. Addition of vaccines against hepatitis A to list of taxable vaccines.
Sec. 492. Recognition of gain from the sale of a principal residence acquired in a like-kind exchange within 5 years of sale.
Sec. 493. Clarification of exemption from tax for small property and casualty insurance companies.
Sec. 494. Definition of insurance company for section 831.
Sec. 495. Limitations on deduction for charitable contributions of patents and similar property.
Sec. 496. Repeal of 10-percent rehabilitation tax credit.
Sec. 497. Increase in age of minor children whose unearned income is taxed as if parent's income.

TITLE I—PROVISIONS RELATING TO REPEAL OF EXCLUSION FOR EXTRATERRITORIAL INCOME

SEC. 101. REPEAL OF EXCLUSION FOR EXTRATERRITORIAL INCOME.

(a) IN GENERAL.—Section 114 is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1)(A) Subpart E of part III of subchapter N of chapter 1 (relating to qualifying foreign trade income) is hereby repealed.

(B) The table of subparts for such part III is amended by striking the item relating to subpart E.

(2) The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 114.

(3) The second sentence of section 56(g)(4)(B)(i) is amended by striking "or under section 114".

(4) Section 275(a) is amended—

(A) by inserting "or" at the end of paragraph (4)(A), by striking "or" at the end of paragraph (4)(B) and inserting a period, and by striking subparagraph (C), and

(B) by striking the last sentence.

(5) Paragraph (3) of section 864(e) is amended—

(A) by striking:

"(3) TAX-EXEMPT ASSETS NOT TAKEN INTO ACCOUNT.—

"(A) IN GENERAL.—For purposes of"; and inserting:

"(3) TAX-EXEMPT ASSETS NOT TAKEN INTO ACCOUNT.—For purposes of", and

(B) by striking subparagraph (B).

(6) Section 903 is amended by striking "114, 164(a)," and inserting "164(a)".

(7) Section 999(c)(1) is amended by striking "941(a)(5),".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to transactions occurring after the date of the enactment of this Act.

(2) BINDING CONTRACTS.—The amendments made by this section shall not apply to any transaction in the ordinary course of a trade or business which occurs pursuant to a binding contract—

(A) which is between the taxpayer and a person who is not a related person (as defined in section 943(b)(3) of such Code, as in effect on the day before the date of the enactment of this Act), and

(B) which is in effect on September 17, 2003, and at all times thereafter.

(d) REVOCATION OF SECTION 943(e) ELECTIONS.—

(1) IN GENERAL.—In the case of a corporation that elected to be treated as a domestic corporation under section 943(e) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act)—

(A) the corporation may, during the 1-year period beginning on the date of the enactment of this Act, revoke such election, effective as of such date of enactment, and

(B) if the corporation does revoke such election—

(i) such corporation shall be treated as a domestic corporation transferring (as of such date of enactment) all of its property to a foreign corporation in connection with an exchange described in section 354 of such Code, and

(ii) no gain or loss shall be recognized on such transfer.

(2) EXCEPTION.—Subparagraph (B)(ii) of paragraph (1) shall not apply to gain on any asset held by the revoking corporation if—

(A) the basis of such asset is determined in whole or in part by reference to the basis of such asset in the hands of the person from whom the revoking corporation acquired such asset,

(B) the asset was acquired by transfer (not as a result of the election under section 943(e) of such Code) occurring on or after the 1st day on which its election under section 943(e) of such Code was effective, and

(C) a principal purpose of the acquisition was the reduction or avoidance of tax (other than a reduction in tax under section 114 of such Code, as in effect on the day before the date of the enactment of this Act).

(e) GENERAL TRANSITION.—

(1) IN GENERAL.—In the case of a taxable year ending after the date of the enactment of this Act and beginning before January 1, 2007, for purposes of chapter 1 of such Code, a current FSC/ETI beneficiary shall be allowed a deduction equal to the transition amount determined under this subsection with respect to such beneficiary for such year.

(2) CURRENT FSC/ETI BENEFICIARY.—The term "current FSC/ETI beneficiary" means any corporation which entered into one or more transactions during its taxable year beginning in calendar year 2002 with respect to which FSC/ETI benefits were allowable.

(3) TRANSITION AMOUNT.—For purposes of this subsection—

(A) IN GENERAL.—The transition amount applicable to any current FSC/ETI beneficiary for any taxable year is the phaseout percentage of the base period amount.

(B) PHASEOUT PERCENTAGE.—

(i) IN GENERAL.—In the case of a taxpayer using the calendar year as its taxable year, the phaseout percentage shall be determined under the following table:

2004	80
2005	80
2006	60.

(ii) SPECIAL RULE FOR 2003.—The phaseout percentage for 2003 shall be the amount that bears the same ratio to 100 percent as the number of days after the date of the enactment of this Act bears to 365.

(iii) SPECIAL RULE FOR FISCAL YEAR TAXPAYERS.—In the case of a taxpayer not using the calendar year as its taxable year, the phaseout percentage is the weighted average of the phaseout percentages determined under the preceding provisions of this paragraph with respect to calendar years any portion of which is included in the taxpayer's taxable year. The weighted average shall be determined on the basis of the respective portions of the taxable year in each calendar year.

(C) Short taxable year.—The Secretary shall prescribe guidance for the computation of the transition amount in the case of a short taxable year.

(4) Base period amount.—For purposes of this subsection, the base period amount is the FSC/ETI benefit for the taxpayer's taxable year beginning in calendar year 2002.

(5) FSC/ETI benefit.—For purposes of this subsection, the term "FSC/ETI benefit" means—

(A) amounts excludable from gross income under section 114 of such Code, and

(B) the exempt foreign trade income of related foreign sales corporations from property acquired from the taxpayer (determined without regard to section 923(a)(5) of such Code (relating to special rule for military property), as in effect on the day before the date of the enactment of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000).

In determining the FSC/ETI benefit there shall be excluded any amount attributable to a transaction with respect to which the taxpayer is the lessor unless the leased property was manufactured or produced in whole or in significant part by the taxpayer.

(6) Special rule for agricultural and horticultural cooperatives.—Determinations under this subsection with respect to an organization described in section 943(g)(1) of such Code, as in effect on the day before the date of the enactment of this Act, shall be made at the cooperative level and the purposes of this subsection shall be carried out in a manner similar to section 199(h)(2) of such Code, as added by this Act. Such determinations shall be in accordance with such requirements and procedures as the Secretary may prescribe.

(7) Certain rules to apply.—Rules similar to the rules of section 41(f) of such Code shall apply for purposes of this subsection.

(8) Coordination with binding contract rule.—The deduction determined under paragraph (1) for any taxable year shall be reduced by the phaseout percentage of any FSC/ETI benefit realized for the taxable year by reason of subsection (c)(2) or section 5(c)(1)(B) of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000, except that for purposes of this paragraph the phaseout percentage for 2003 shall be treated as being equal to 100 percent.

(9) Special rule for taxable year which includes date of enactment.—In the case of a taxable year which includes the date of the enactment of this Act, the deduction allowed under this subsection to any current FSC/ETI beneficiary shall in no event exceed—

(A) 100 percent of such beneficiary's base period amount for calendar year 2003, reduced by

(B) the FSC/ETI benefit of such beneficiary with respect to transactions occurring during the portion of the taxable year ending on the date of the enactment of this Act.

SEC. 102. DEDUCTION RELATING TO INCOME ATTRIBUTABLE TO UNITED STATES PRODUCTION ACTIVITIES.

(a) In General.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding at the end the following new section:

"SEC. 199. INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.

"(a) Allowance of Deduction.—

"(1) In general.—There shall be allowed as a deduction an amount equal to 9 percent of the qualified production activities income of the taxpayer for the taxable year.

"(2) Phasein.—In the case of taxable years beginning in 2003, 2004, 2005, 2006, 2007, or 2008, paragraph (1) shall be applied by substituting for the percentage contained therein the transition percentage determined under the following table:

"Taxable years beginning in:	The transition percentage is:
2003 or 2004	1
2005	2
2006	3
2007 or 2008	6.

"(b) Deduction Limited to Wages Paid.—

"(1) In general.—The amount of the deduction allowable under subsection (a) for any taxable year shall not exceed 50 percent of the W–2 wages of the employer for the taxable year.

"(2) W–2 wages.—For purposes of paragraph (1), the term 'W–2 wages' means the sum of the aggregate amounts the taxpayer is required to include on statements under paragraphs (3) and (8) of section 6051(a) with respect to employment of employees of the taxpayer during the taxpayer's taxable year.

"(3) Special rules.—

"(A) Pass-thru entities.—In the case of an S corporation, partnership, estate or trust, or other pass-thru entity, the limitation under this subsection shall apply at the entity level.

"(B) Acquisitions and dispositions.—The Secretary shall provide for the application of this subsection in cases where the taxpayer acquires, or disposes of, the major portion of a trade or business or the major portion of a separate unit of a trade or business during the taxable year.

"(c) Qualified Production Activities Income.—For purposes of this section—

"(1) In general.—The term 'qualified production activities income' means an amount equal to the portion of the modified taxable income of the taxpayer which is attributable to domestic production activities.

"(2) Reduction for taxable years beginning before 2013.—The amount otherwise determined under paragraph (1) (the 'unreduced amount') shall not exceed—

"(A) in the case of taxable years beginning before 2010, the product of the unreduced amount and the domestic/worldwide fraction, and

"(B) in the case of taxable years beginning in 2010, 2011, or 2012, an amount equal to the sum of—

"(i) the product of the unreduced amount and the domestic/worldwide fraction, plus

"(ii) the applicable percentage of an amount equal to the unreduced amount minus the amount determined under clause (i).

For purposes of subparagraph (B)(ii), the applicable percentage is 25 percent for 2010, 50 percent for 2011, and 75 percent for 2012.

"(d) Determination of Income Attributable to Domestic Production Activities.—For purposes of this section—

"(1) In general.—The portion of the modified taxable income which is attributable to domestic production activities is so much of the modified taxable income for the taxable year as does not exceed—

"(A) the taxpayer's domestic production gross receipts for such taxable year, reduced by

"(B) the sum of—

"(i) the costs of goods sold that are allocable to such receipts,

"(ii) other deductions, expenses, or losses directly allocable to such receipts, and

"(iii) a proper share of other deductions, expenses, and losses that are not directly allocable to such receipts or another class of income.

"(2) Allocation method.—The Secretary shall prescribe rules for the proper allocation of items of income, deduction, expense, and loss for purposes of determining income attributable to domestic production activities.

"(3) Special rules for determining costs.—

"(A) In general.—For purposes of determining costs under clause (i) of paragraph (1)(B), any item or service brought into the United States shall be treated as acquired by purchase, and its cost shall be treated as not less than its fair market value immediately after it entered the United States. A similar rule shall apply in determining the adjusted basis of leased or rented property where the lease or rental gives rise to domestic production gross receipts.

"(B) Exports for further manufacture.—In the case of any property described in subparagraph (A) that had been exported by the taxpayer for further manufacture, the increase in cost or adjusted basis under subparagraph (A) shall not exceed the difference between the value of the property when exported and the value of the property when brought back into the United States after the further manufacture.

"(4) Modified taxable income.—The term 'modified taxable income' means taxable income computed without regard to the deduction allowable under this section.

"(e) Domestic Production Gross Receipts.—For purposes of this section—

"(1) In general.—The term 'domestic production gross receipts' means the gross receipts of the taxpayer which are derived from—

"(A) any sale, exchange, or other disposition of, or

"(B) any lease, rental, or license of,

qualifying production property which was manufactured, produced, grown, or extracted in whole or in significant part by the taxpayer within the United States.

"(2) Special rules for certain property.—In the case of any qualifying production property described in subsection (f)(1)(C)—

"(A) such property shall be treated for purposes of paragraph (1) as produced in significant part by the taxpayer within the United States if more than 50 percent of the aggregate development and production costs are incurred by the taxpayer within the United States, and

"(B) if a taxpayer acquires such property before such property begins to generate substantial gross receipts, any development or production costs incurred before the acquisition shall be treated as incurred by the taxpayer for purposes of subparagraph (A) and paragraph (1).

"(f) Qualifying Production Property.—For purposes of this section—

"(1) In general.—Except as otherwise provided in this paragraph, the term 'qualifying production property' means—

"(A) any tangible personal property,

"(B) any computer software, and

"(C) any property described in section 168(f) (3) or (4), including any underlying copyright or trademark.

"(2) Exclusions from qualifying production property.—The term 'qualifying production property' shall not include—

"(A) consumable property that is sold, leased, or licensed by the taxpayer as an integral part of the provision of services, "(B) oil or gas,

"(C) electricity,

"(D) water supplied by pipeline to the consumer,

"(E) utility services, or

"(F) any film, tape, recording, book, magazine, newspaper, or similar property the market for which is primarily topical or otherwise essentially transitory in nature.

"(g) Domestic/Worldwide Fraction.—For purposes of this section—

"(1) In general.—The term 'domestic/worldwide fraction' means a fraction (not greater than 1)—

"(A) the numerator of which is the value of the domestic production of the taxpayer, and

"(B) the denominator of which is the value of the worldwide production of the taxpayer.

"(2) Value of domestic production.—The value of domestic production is the excess (if any) of—

"(A) the domestic production gross receipts, over

"(B) the cost of purchased inputs allocable to such receipts that are deductible under this chapter for the taxable year.

"(3) Purchased inputs.—

"(A) In general.—Purchased inputs are any of the following items acquired by purchase:

"(i) Services (other than services of employees) used in manufacture, production, growth, or extraction activities.

"(ii) Items consumed in connection with such activities.

"(iii) Items incorporated as part of the property being manufactured, produced, grown, or extracted.

"(B) Special rule.—Rules similar to the rules of subsection (d)(3) shall apply for purposes of this subsection.

"(4) Value of worldwide production.—

"(A) In general.—The value of worldwide production shall be determined under the principles of paragraph (2), except that—

"(i) worldwide production gross receipts shall be taken into account, and

"(ii) paragraph (3)(B) shall not apply.

"(B) Worldwide production gross receipts.—The worldwide production gross receipts is the amount that would be determined under subsection (e) if such subsection were applied without any reference to the United States.

"(h) Definitions and Special Rules.—

"(1) Application of section to pass-thru entities.—In the case of an S corporation, partnership, estate or trust, or other pass-thru entity—

"(A) subject to the provisions of paragraph (2) and subsection (b)(3)(A), this section shall be applied at the shareholder, partner, or similar level, and

"(B) the Secretary shall prescribe rules for the application of this section, including rules relating to—

"(i) restrictions on the allocation of the deduction to taxpayers at the partner or similar level, and

"(ii) additional reporting requirements.

"(2) Exclusion for patrons of agricultural and horticultural cooperatives.—

"(A) In general.—If any amount described in paragraph (1) or (3) of section 1385 (a)—

"(i) is received by a person from an organization to which part I of subchapter T applies which is engaged in the marketing of agricultural or horticultural products, and

"(ii) is allocable to the portion of the qualified production activities income of the organization which is deductible under subsection (a) and designated as such by the organization in a written notice mailed to its patrons during the payment period described in section 1382(d),

then such person shall be allowed an exclusion from gross income with respect to such amount. The taxable income of the organization shall not be reduced under section 1382 by the portion of any such amount with respect to which an exclusion is allowable to a person by reason of this paragraph.

"(B) Special rules.—For purposes of applying subparagraph (A), in determining the qualified production activities income of the organization under this section—

"(i) there shall not be taken into account in computing the organization's modified taxable income any deduction allowable under subsection (b) or (c) of section 1382 (relating to patronage dividends, per-unit retain allocations, and nonpatronage distributions), and

"(ii) the organization shall be treated as having manufactured, produced, grown, or extracted in whole or significant part any qualifying production property marketed by the organization which its patrons have so manufactured, produced, grown, or extracted.

"(3) Special rule for affiliated groups.—

"(A) In general.—All members of an expanded affiliated group shall be treated as a single corporation for purposes of this section.

"(B) Expanded affiliated group.—The term 'expanded affiliated group' means an affiliated group as defined in section 1504(a), determined—

"(i) by substituting '50 percent' for '80 percent' each place it appears, and

"(ii) without regard to paragraphs (2) and (4) of section 1504(b).

For purposes of determining the domestic/worldwide fraction under subsection (g), clause (ii) shall be applied by also disregarding paragraphs (3) and (8) of section 1504(b).

"(4) Coordination with minimum tax.—The deduction under this section shall be allowed for purposes of the tax imposed by section 55; except that for purposes of section 55, alternative minimum taxable income shall be taken into account in determining the deduction under this section.

"(5) Ordering rule.—The amount of any other deduction allowable under this chapter shall be determined as if this section had not been enacted.

"(6) Trade or business requirement.—This section shall be applied by only taking into account items which are attributable to the actual conduct of a trade or business.

"(7) Possessions, etc.—

"(A) In general.—For purposes of subsections (d) and (e), the term 'United States' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States.

"(B) Special rules for applying wage limitation.—For purposes of applying the limitation under subsection (b) for any taxable year—

"(i) the determination of W–2 wages of a taxpayer shall be made without regard to any exclusion under section 3401(a)(8) for remuneration paid for services performed in a jurisdiction described in subparagraph (A), and

"(ii) in determining the amount of any credit allowable under section 30A or 936 for the taxable year, there shall not be taken into account any wages which are taken into account in applying such limitation.

"(8) Coordination with transition rules.—For purposes of this section—

"(A) domestic production gross receipts shall not include gross receipts from any transaction if the binding contract transition relief of section 101(c)(2) of the Jumpstart Our Business Strength (JOBS) Act applies to such transaction, and

"(B) any deduction allowed under section 101(e) of such Act shall be disregarded in determining the portion of the taxable income which is attributable to domestic production gross receipts.".

(b) Minimum Tax.—Section 56(g)(4)(C) (relating to disallowance of items not deductible in computing earnings and profits) is amended by adding at the end the following new clause:

"(v) Deduction for domestic production.—Clause (i) shall not apply to any amount allowable as a deduction under section 199.".

(c) Clerical Amendment.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 199. Income attributable to domestic production activities.".

(d) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) Application of section 15.—Section 15 of the Internal Revenue Code of 1986 shall apply to the amendments made by this section as if they were changes in a rate of tax.

TITLE II—INTERNATIONAL TAX PROVISIONS

Subtitle A—International Tax Reform

SEC. 201. 20-YEAR FOREIGN TAX CREDIT CARRYOVER; 1-YEAR FOREIGN TAX CREDIT CARRYBACK.

(a) General Rule.—Section 904(c) (relating to carryback and carryover of excess tax paid) is amended—

(1) by striking "in the second preceding taxable year,", and

(2) by striking ", and in the first, second, third, fourth, or fifth" and inserting "and in any of the first 20".

(b) Excess Extraction Taxes.—Paragraph (1) of section 907(f) is amended—

(1) by striking "in the second preceding taxable year,",

(2) by striking ", and in the first, second, third, fourth, or fifth" and inserting "and in any of the first 20", and

(3) by striking the last sentence.

(c) Effective Date.—

(1) Carryback.—The amendments made by subsections (a)(1) and (b)(1) shall apply to excess foreign taxes arising in taxable years beginning after the date of the enactment of this Act.

(2) Carryover.—The amendments made by subsections (a)(2) and (b)(2) shall apply to excess foreign taxes which (without regard to the amendments made by this section) may be carried to any taxable year ending after the date of the enactment of this Act.

SEC. 202. LOOK-THRU RULES TO APPLY TO DIVIDENDS FROM NONCONTROLLED SECTION 902 CORPORATIONS.

(a) In General.—Section 904(d)(4) (relating to look-thru rules apply to dividends from noncontrolled section 902 corporations) is amended to read as follows:

"(4) Look-thru applies to dividends from noncontrolled section 902 corporations.—

"(A) In general.—For purposes of this subsection, any dividend from a noncontrolled section 902 corporation with respect to the taxpayer shall be treated as income described in a subparagraph of paragraph (1) in proportion to the ratio of—

"(i) the portion of earnings and profits attributable to income described in such subparagraph, to

"(ii) the total amount of earnings and profits.

"(B) EARNINGS AND PROFITS OF CONTROLLED FOREIGN CORPORATIONS.—In the case of any distribution from a controlled foreign corporation to a United States shareholder, rules similar to the rules of subparagraph (A) shall apply in determining the extent to which earnings and profits of the controlled foreign corporation which are attributable to dividends received from a noncontrolled section 902 corporation may be treated as income in a separate category.

"(C) SPECIAL RULES.—For purposes of this paragraph—

"(i) EARNINGS AND PROFITS.—

"(I) IN GENERAL.—The rules of section 316 shall apply.

"(II) REGULATIONS.—The Secretary may prescribe regulations regarding the treatment of distributions out of earnings and profits for periods before the taxpayer's acquisition of the stock to which the distributions relate.

"(ii) INADEQUATE SUBSTANTIATION.—If the Secretary determines that the proper subparagraph of paragraph (1) in which a dividend is described has not been substantiated, such dividend shall be treated as income described in paragraph (1)(A).

"(iii) COORDINATION WITH HIGH-TAXED INCOME PROVISIONS.—Rules similar to the rules of paragraph (3)(F) shall apply for purposes of this paragraph.

"(iv) LOOK-THRU WITH RESPECT TO CARRYOVER OF CREDIT.—Rules similar to subparagraph (A) also shall apply to any carryforward under subsection (c) from a taxable year beginning before January 1, 2003, of tax allocable to a dividend from a noncontrolled section 902 corporation with respect to the taxpayer. The Secretary may by regulations provide for the allocation of any carryback of tax allocable to a dividend from a noncontrolled section 902 corporation to such a taxable year for purposes of allocating such dividend among the separate categories in effect for such taxable year.".

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (E) of section 904(d)(1) is hereby repealed.

(2) Section 904(d)(2)(C)(iii) is amended by adding "and" at the end of subclause (I), by striking subclause (II), and by redesignating subclause (III) as subclause (II).

(3) The last sentence of section 904(d)(2)(D) is amended to read as follows: "Such term does not include any financial services income.".

(4) Section 904(d)(2)(E) is amended—

(A) by inserting "or (4)" after "paragraph (3)" in clause (i), and

(B) by striking clauses (ii) and (iv) and by redesignating clause (iii) as clause (ii).

(5) Section 904(d)(3)(F) is amended by striking "(D), or (E)" and inserting "or (D)".

(6) Section 864(d)(5)(A)(i) is amended by striking "(C)(iii)(III)" and inserting "(C)(iii)(II)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 203. FOREIGN TAX CREDIT UNDER ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—

(1) Subsection (a) of section 59 is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) Section 53(d)(1)(B)(i)(II) is amended by striking "and if section 59(a)(2) did not apply".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 204. RECHARACTERIZATION OF OVERALL DOMESTIC LOSS.

(a) GENERAL RULE.—Section 904 is amended by redesignating subsections (g), (h), (i), (j), and (k) as subsections (h), (i), (j), (k), and (l) respectively, and by inserting after subsection (f) the following new subsection:

"(g) RECHARACTERIZATION OF OVERALL DOMESTIC LOSS.—

"(1) GENERAL RULE.—For purposes of this subpart and section 936, in the case of any taxpayer who sustains an overall domestic loss for any taxable year beginning after December 31, 2006, that portion of the taxpayer's taxable income from sources within the United States for each succeeding taxable year which is equal to the lesser of—

"(A) the amount of such loss (to the extent not used under this paragraph in prior taxable years), or

"(B) 50 percent of the taxpayer's taxable income from sources within the United States for such succeeding taxable year,

shall be treated as income from sources without the United States (and not as income from sources within the United States).

"(2) OVERALL DOMESTIC LOSS DEFINED.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'overall domestic loss' means any domestic loss to the extent such loss offsets taxable income from sources without the United States for the taxable year or for any preceding taxable year by reason of a carryback. For purposes of the preceding sentence, the term 'domestic loss' means the amount by which the gross income for the taxable year from sources within the United States is exceeded by the sum of the deductions properly apportioned or allocated thereto (determined without regard to any carryback from a subsequent taxable year).

"(B) TAXPAYER MUST HAVE ELECTED FOREIGN TAX CREDIT FOR YEAR OF LOSS.—The term 'overall domestic loss' shall not include any loss for any taxable year unless the taxpayer chose the benefits of this subpart for such taxable year.

"(3) CHARACTERIZATION OF SUBSEQUENT INCOME.—

"(A) IN GENERAL.—Any income from sources within the United States that is treated as income from sources without the United States under paragraph (1) shall be allocated among and increase the income categories in proportion to the loss from sources within the United States previously allocated to those income categories.

"(B) INCOME CATEGORY.—For purposes of this paragraph, the term 'income category' has the meaning given such term by subsection (f)(5)(E)(i).

"(4) COORDINATION WITH SUBSECTION (f).—The Secretary shall prescribe such regulations as may be necessary to coordinate the provisions of this subsection with the provisions of subsection (f).".

(b) CONFORMING AMENDMENTS.—

(1) Section 535(d)(2) is amended by striking "section 904(g)(6)" and inserting "section 904(h)(6)".

(2) Subparagraph (A) of section 936(a)(2) is amended by striking "section 904(f)" and inserting "subsections (f) and (g) of section 904".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to losses for taxable years beginning after December 31, 2006.

SEC. 205. INTEREST EXPENSE ALLOCATION RULES.

(a) ELECTION TO ALLOCATE ON WORLDWIDE BASIS.—Section 864 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) ELECTION TO ALLOCATE INTEREST, ETC. ON WORLDWIDE BASIS.—For purposes of this subchapter, at the election of the worldwide affiliated group—

"(1) ALLOCATION AND APPORTIONMENT OF INTEREST EXPENSE.—

"(A) IN GENERAL.—The taxable income of each domestic corporation which is a member of a worldwide affiliated group shall be determined by allocating and apportioning interest expense of each member as if all members of such group were a single corporation.

"(B) TREATMENT OF WORLDWIDE AFFILIATED GROUP.—The taxable income of the domestic members of a worldwide affiliated group from sources outside the United States shall be determined by allocating and apportioning the interest expense of such domestic members to such income in an amount equal to the excess (if any) of—

"(i) the total interest expense of the worldwide affiliated group multiplied by the ratio which the foreign assets of the worldwide affiliated group bears to all the assets of the worldwide affiliated group, over

"(ii) the interest expense of all foreign corporations which are members of the worldwide affiliated group to the extent such interest expense of such foreign corporations would have been allocated and apportioned to foreign source income if this subsection were applied to a group consisting of all the foreign corporations in such worldwide affiliated group.

"(C) WORLDWIDE AFFILIATED GROUP.—For purposes of this paragraph, the term 'worldwide affiliated group' means a group consisting of—

"(i) the includible members of an affiliated group (as defined in section 1504(a), determined without regard to paragraphs (2) and (4) of section 1504(b)), and

"(ii) all controlled foreign corporations in which such members in the aggregate meet the ownership requirements of section 1504(a)(2) either directly or indirectly through applying paragraph (2) of section 958(a) or through applying rules similar to the rules of such paragraph to stock owned directly or indirectly by domestic partnerships, trusts, or estates.

"(2) ALLOCATION AND APPORTIONMENT OF OTHER EXPENSES.—Expenses other than interest which are not directly allocable or apportioned to any specific income producing activity shall be allocated and apportioned as if all members of the affiliated group were a single corporation. For purposes of the preceding sentence, the term 'affiliated group' has the meaning given such term by section 1504 (determined without regard to paragraph (4) of section 1504(b)).

"(3) TREATMENT OF TAX-EXEMPT ASSETS; BASIS OF STOCK IN NONAFFILIATED 10-PERCENT OWNED CORPORATIONS.—The rules of paragraphs (3) and (4) of subsection (e) shall apply for purposes of this subsection, except that paragraph (4) shall be applied on a worldwide affiliated group basis.

"(4) TREATMENT OF CERTAIN FINANCIAL INSTITUTIONS.—

"(A) IN GENERAL.—For purposes of paragraph (1), any corporation described in subparagraph (B) shall be treated as an includible corporation for purposes of section 1504 only for purposes of applying this subsection separately to corporations so described.

"(B) Description.—A corporation is described in this subparagraph if—

"(i) such corporation is a financial institution described in section 581 or 591,

"(ii) the business of such financial institution is predominantly with persons other than related persons (within the meaning of subsection (d)(4)) or their customers, and

"(iii) such financial institution is required by State or Federal law to be operated separately from any other entity which is not such an institution.

"(C) Treatment of bank and financial holding companies.—To the extent provided in regulations—

"(i) a bank holding company (within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)),

"(ii) a financial holding company (within the meaning of section 2(p) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(p)), and

"(iii) any subsidiary of a financial institution described in section 581 or 591, or of any such bank or financial holding company, if such subsidiary is predominantly engaged (directly or indirectly) in the active conduct of a banking, financing, or similar business,

shall be treated as a corporation described in subparagraph (B).

"(5) Election to expand financial institution group of worldwide group.—

"(A) In general.—If a worldwide affiliated group elects the application of this subsection, all financial corporations which—

"(i) are members of such worldwide affiliated group, but

"(ii) are not corporations described in paragraph (4)(B),

shall be treated as described in paragraph (4)(B) for purposes of applying paragraph (4)(A). This subsection (other than this paragraph) shall apply to any such group in the same manner as this subsection (other than this paragraph) applies to the pre-election worldwide affiliated group of which such group is a part.

"(B) Financial corporation.—For purposes of this paragraph, the term 'financial corporation' means any corporation if at least 80 percent of its gross income is income described in section 904(d)(2)(C)(ii) and the regulations thereunder which is derived from transactions with persons who are not related (within the meaning of section 267(b) or 707(b)(1)) to the corporation. For purposes of the preceding sentence, there shall be disregarded any item of income or gain from a transaction or series of transactions a principal purpose of which is the qualification of any corporation as a financial corporation.

"(C) Antiabuse rules.—In the case of a corporation which is a member of an electing financial institution group, to the extent that such corporation—

"(i) distributes dividends or makes other distributions with respect to its stock after the date of the enactment of this paragraph to any member of the pre-election worldwide affiliated group (other than to a member of the electing financial institution group) in excess of the greater of—

"(I) its average annual dividend (expressed as a percentage of current earnings and profits) during the 5-taxable-year period ending with the taxable year preceding the taxable year, or

"(II) 25 percent of its average annual earnings and profits for such 5-taxable-year period, or

"(ii) deals with any person in any manner not clearly reflecting the income of the corporation (as determined under principles similar to the principles of section 482),

an amount of indebtedness of the electing financial institution group equal to the excess distribution or the understatement or overstatement of income, as the case may be, shall be recharacterized (for the taxable year and subsequent taxable years) for purposes of this paragraph as indebtedness of the worldwide affiliated group (excluding the electing financial institution group). If a corporation has not been in existence for 5 taxable years, this subparagraph shall be applied with respect to the period it was in existence.

"(D) Election.—An election under this paragraph with respect to any financial institution group may be made only by the common parent of the pre-election worldwide affiliated group and may be made only for the first taxable year beginning after December 31, 2008, in which such affiliated group includes 1 or more financial corporations. Such an election, once made, shall apply to all financial corporations which are members of the electing financial institution group for such taxable year and all subsequent years unless revoked with the consent of the Secretary.

"(E) Definitions relating to groups.—For purposes of this paragraph—

"(i) Pre-election worldwide affiliated group.—The term 'pre-election worldwide affiliated group' means, with respect to a corporation, the worldwide affiliated group of which such corporation would (but for an election under this paragraph) be a member for purposes of applying paragraph (1).

"(ii) Electing financial institution group.—The term 'electing financial institution group' means the group of corporations to which this subsection applies separately by reason of the application of paragraph (4)(A) and which includes financial corporations by reason of an election under subparagraph (A).

"(F) Regulations.—The Secretary shall prescribe such regulations as may be appropriate to carry out this subsection, including regulations—

"(i) providing for the direct allocation of interest expense in other circumstances where such allocation would be appropriate to carry out the purposes of this subsection,

"(ii) preventing assets or interest expense from being taken into account more than once, and

"(iii) dealing with changes in members of any group (through acquisitions or otherwise) treated under this paragraph as an affiliated group for purposes of this subsection.

"(6) Election.—An election to have this subsection apply with respect to any worldwide affiliated group may be made only by the common parent of the domestic affiliated group referred to in paragraph (1)(C) and may be made only for the first taxable year beginning after December 31, 2008, in which a worldwide affiliated group exists which includes such affiliated group and at least 1 foreign corporation. Such an election, once made, shall apply to such common parent and all other corporations which are members of such worldwide affiliated group for such taxable year and all subsequent years unless revoked with the consent of the Secretary.".

(b) Expansion of Regulatory Authority.—Paragraph (7) of section 864(e) is amended—

(1) by inserting before the comma at the end of subparagraph (B) "and in other circumstances where such allocation would be appropriate to carry out the purposes of this subsection", and

(2) by striking "and" at the end of subparagraph (E), by redesignating subparagraph (F) as subparagraph (G), and by inserting after subparagraph (E) the following new subparagraph:

"(F) preventing assets or interest expense from being taken into account more than once, and".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 206. DETERMINATION OF FOREIGN PERSONAL HOLDING COMPANY INCOME WITH RESPECT TO TRANSACTIONS IN COMMODITIES.

(a) In General.—Clauses (i) and (ii) of section 954(c)(1)(C) (relating to commodity transactions) are amended to read as follows:

"(i) arise out of commodity hedging transactions (as defined in paragraph (4)(A)),

"(ii) are active business gains or losses from the sale of commodities, but only if substantially all of the controlled foreign corporation's commodities are property described in paragraph (1), (2), or (8) of section 1221(a), or".

(b) Definition and Special Rules.—Subsection (c) of section 954 is amended by adding after paragraph (3) the following new paragraph:

"(4) Definition and special rules relating to commodity transactions.—

"(A) Commodity hedging transactions.—For purposes of paragraph (1)(C)(i), the term 'commodity hedging transaction' means any transaction with respect to a commodity if such transaction—

"(i) is a hedging transaction as defined in section 1221(b)(2), determined—

"(I) without regard to subparagraph (A)(ii) thereof,

"(II) by applying subparagraph (A)(i) thereof by substituting 'ordinary property" or property described in section 1231(b)' for 'ordinary property', and

"(III) by substituting 'controlled foreign corporation' for 'taxpayer' each place it appears, and

"(ii) is clearly identified as such in accordance with section 1221(a)(7).

"(B) Treatment of dealer activities under paragraph (1)(C).—Commodities with respect to which gains and losses are not taken into account under paragraph (2)(C) in computing a controlled foreign corporation's foreign personal holding company income shall not be taken into account in applying the substantially all test under paragraph (1)(C)(ii) to such corporation.

"(C) Regulations.—The Secretary shall prescribe such regulations as are appropriate to carry out the purposes of paragraph (1)(C) in the case of transactions involving related parties.".

(c) Modification of Exception for Dealers.—Clause (i) of section 954(c)(2)(C) is amended by inserting "and transactions involving physical settlement" after "(including hedging transactions".

(d) Effective Date.—The amendments made by this section shall apply to transactions entered into after December 31, 2004.

Subtitle B—International Tax Simplification

SEC. 211. REPEAL OF FOREIGN PERSONAL HOLDING COMPANY RULES AND FOREIGN INVESTMENT COMPANY RULES.

(a) General Rule.—The following provisions are hereby repealed:

(1) Part III of subchapter G of chapter 1 (relating to foreign personal holding companies).

(2) Section 1246 (relating to gain on foreign investment company stock).

(3) Section 1247 (relating to election by foreign investment companies to distribute income currently).

(b) Exemption of Foreign Corporations From Personal Holding Company Rules.—

(1) In general.—Subsection (c) of section 542 (relating to exceptions) is amended—

(A) by striking paragraph (5) and inserting the following:

"(5) a foreign corporation,",

(B) by striking paragraphs (7) and (10) and by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively,

(C) by inserting "and" at the end of paragraph (7) (as so redesignated), and

(D) by striking "; and" at the end of paragraph (8) (as so redesignated) and inserting a period.

(2) Treatment of income from personal service contracts.—Paragraph (1) of section 954(c) is amended by adding at the end the following new subparagraph:

"(I) Personal service contracts.—

"(i) Amounts received under a contract under which the corporation is to furnish personal services if—

"(I) some person other than the corporation has the right to designate (by name or by description) the individual who is to perform the services, or

"(II) the individual who is to perform the services is designated (by name or by description) in the contract, and

"(ii) amounts received from the sale or other disposition of such a contract.

This subparagraph shall apply with respect to amounts received for services under a particular contract only if at some time during the taxable year 25 percent or more in value of the outstanding stock of the corporation is owned, directly or indirectly, by or for the individual who has performed, is to perform, or may be designated (by name or by description) as the one to perform, such services.".

(c) Conforming Amendments.—

(1) Section 1(h) is amended—

(A) in paragraph (10), by inserting "and" at the end of subparagraph (F), by striking subparagraph (G), and by redesignating subparagraph (H) as subparagraph (G), and

(B) by striking "a foreign personal holding company (as defined in section 552), a foreign investment company (as defined in section 1246(b)), or" in paragraph (11)(C)(iii).

(2) Section 163(e)(3)(B), as amended by this Act, is amended by striking "which is a foreign personal holding company (as defined in section 552), a controlled foreign corporation (as defined in section 957), or" and inserting "which is a controlled foreign corporation (as defined in section 957) or".

(3) Paragraph (2) of section 171(c) is amended—

(A) by striking ", or by a foreign personal holding company, as defined in section 552", and

(B) by striking ", or foreign personal holding company".

(4) Paragraph (2) of section 245(a) is amended by striking "foreign personal holding company or".

(5) Section 267(a)(3)(B), as amended by this Act, is amended by striking "to a foreign personal holding company (as defined in section 552), a controlled foreign corporation (as defined in section 957), or" and inserting "to a controlled foreign corporation (as defined in section 957) or".

(6) Section 312 is amended by striking subsection (j).

(7) Subsection (m) of section 312 is amended by striking ", a foreign investment company (within the meaning of section 1246(b)), or a foreign personal holding company (within the meaning of section 552)".

(8) Subsection (e) of section 443 is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(9) Subparagraph (B) of section 465(c)(7) is amended by adding "or" at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(10) Paragraph (1) of section 543(b) is amended by inserting "and" at the end of subparagraph (A), by striking ", and" at the end of subparagraph (B) and inserting a period, and by striking subparagraph (C).

(11) Paragraph (1) of section 562(b) is amended by striking "or a foreign personal holding company described in section 552".

(12) Section 563 is amended—

(A) by striking subsection (c),

(B) by redesignating subsection (d) as subsection (c), and

(C) by striking "subsection (a), (b), or (c)" in subsection (c) (as so redesignated) and inserting "subsection (a) or (b)".

(13) Subsection (d) of section 751 is amended by adding "and" at the end of paragraph (2), by striking paragraph (3), by redesignating paragraph (4) as paragraph (3), and by striking "paragraph (1), (2), or (3)" in paragraph (3) (as so redesignated) and inserting "paragraph (1) or (2)".

(14) Paragraph (2) of section 864(d) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(15)(A) Subparagraph (A) of section 898(b)(1) is amended to read as follows:

"(A) which is treated as a controlled foreign corporation for any purpose under subpart F of part III of this subchapter, and".

(B) Subparagraph (B) of section 898(b)(2) is amended by striking "and sections 551(f) and 554, whichever are applicable,".

(C) Paragraph (3) of section 898(b) is amended to read as follows:

"(3) United states shareholder.—The term 'United States shareholder' has the meaning given to such term by section 951(b), except that, in the case of a foreign corporation having related person insurance income (as defined in section 953(c)(2)), the Secretary may treat any person as a United States shareholder for purposes of this section if such person is treated as a United States shareholder under section 953(c)(1).".

(D) Subsection (c) of section 898 is amended to read as follows:

"(c) Determination of Required Year.—

"(1) In general.—The required year is—

"(A) the majority U.S. shareholder year, or

"(B) if there is no majority U.S. shareholder year, the taxable year prescribed under regulations.

"(2) 1-month deferral allowed.—A specified foreign corporation may elect, in lieu of the taxable year under paragraph (1)(A), a taxable year beginning 1 month earlier than the majority U.S. shareholder year.

"(3) Majority u.s. shareholder year.—

"(A) In general.—For purposes of this subsection, the term 'majority U.S. shareholder year' means the taxable year (if any) which, on each testing day, constituted the taxable year of—

"(i) each United States shareholder described in subsection (b)(2)(A), and

"(ii) each United States shareholder not described in clause (i) whose stock was treated as owned under subsection (b)(2)(B) by any shareholder described in such clause.

"(B) Testing day.—The testing days shall be—

"(i) the first day of the corporation's taxable year (determined without regard to this section), or

"(ii) the days during such representative period as the Secretary may prescribe.".

(16) Clause (ii) of section 904(d)(2)(A) is amended to read as follows:

"(ii) Certain amounts included.—Except as provided in clause (iii), the term 'passive income' includes, except as provided in subparagraph (E)(iii) or paragraph (3)(I), any amount includible in gross income under section 1293 (relating to certain passive foreign investment companies).".

(17)(A) Subparagraph (A) of section 904(g)(1), as redesignated by section 204, is amended by adding "or" at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(B) The paragraph heading of paragraph (2) of section 904(g), as so redesignated, is amended by striking "FOREIGN PERSONAL HOLDING OR".

(18) Section 951 is amended by striking subsections (c) and (d) and by redesignating subsections (e) and (f) as subsections (c) and (d), respectively.

(19) Paragraph (3) of section 989(b) is amended by striking ", 551(a),".

(20) Paragraph (5) of section 1014(b) is amended by inserting "and before January 1, 2005," after "August 26, 1937,".

(21) Subsection (a) of section 1016 is amended by striking paragraph (13).

(22)(A) Paragraph (3) of section 1212(a) is amended to read as follows:

"(3) Special rules on carrybacks.—A net capital loss of a corporation shall not be carried back under paragraph (1)(A) to a taxable year—

"(A) for which it is a regulated investment company (as defined in section 851), or

"(B) for which it is a real estate investment trust (as defined in section 856).".

(B) The amendment made by subparagraph (A) shall apply to taxable years beginning after December 31, 2004.

(23) Section 1223 is amended by striking paragraph (10) and by redesignating the following paragraphs accordingly.

(24) Subsection (d) of section 1248 is amended by striking paragraph (5) and by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(25) Paragraph (2) of section 1260(c) is amended by striking subparagraphs (H) and (I) and by redesignating subparagraph (J) as subparagraph (H).

(26)(A) Subparagraph (F) of section 1291(b)(3) is amended by striking "551(d), 959(a)," and inserting "959(a)".

(B) Subsection (e) of section 1291 is amended by inserting "(as in effect on the day before the date of the enactment of the Jumpstart Our Business Strength (JOBS) Act)" after "section 1246".

(27) Paragraph (2) of section 1294(a) is amended to read as follows:

"(2) Election not permitted where amounts otherwise includible under section 951.—The taxpayer may not make an election under paragraph (1) with respect to the undistributed PFIC earnings tax liability attributable to a qualified electing fund for the taxable year if any amount is includible in the gross income of the taxpayer under section 951 with respect to such fund for such taxable year.".

(28) Section 6035 is hereby repealed.

(29) Subparagraph (D) of section 6103(e)(1) is amended by striking clause (iv) and redesignating clauses (v) and (vi) as clauses (iv) and (v), respectively.

(30) Subparagraph (B) of section 6501(e)(1) is amended to read as follows:

"(B) Constructive dividends.—If the taxpayer omits from gross income an amount properly includible therein under section 951(a), the tax may be assessed, or a proceeding in court for the collection of such tax may be done without assessing, at any time within 6 years after the return was filed.".

(31) Subsection (a) of section 6679 is amended—

(A) by striking "6035, 6046, and 6046A" in paragraph (1) and inserting "6046 and 6046A", and

(B) by striking paragraph (3).

(32) Sections 170(f)(10)(A), 508(d), 4947, and 4948(c)(4) are each amended by striking "556(b)(2)," each place it appears.

(33) The table of parts for subchapter G of chapter 1 is amended by striking the item relating to part III.

(34) The table of sections for part IV of subchapter P of chapter 1 is amended by striking the items relating to sections 1246 and 1247.

(35) The table of sections for subpart A of part III of subchapter A of chapter 61 is amended by striking the item relating to section 6035.

(d) Effective Date.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2004, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 212. EXPANSION OF DE MINIMIS RULE UNDER SUBPART F.

(a) In General.—Clause (ii) of section 954(b)(3)(A) (relating to de minimis, etc., rules) is amended by striking "$1,000,000" and inserting "$5,000,000".

(b) Technical Amendments.—

(1) Clause (ii) of section 864(d)(5)(A) is amended by striking "$1,000,000" and inserting "$5,000,000".

(2) Clause (i) of section 881(c)(5)(A) is amended by striking "$1,000,000" and inserting "$5,000,000".

(c) Effective Date.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2004, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 213. ATTRIBUTION OF STOCK OWNERSHIP THROUGH PARTNERSHIPS TO APPLY IN DETERMINING SECTION 902 AND 960 CREDITS.

(a) In General.—Subsection (c) of section 902 is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

"(7) Constructive ownership through partnerships.—Stock owned, directly or indirectly, by or for a partnership shall be considered as being owned proportionately by its partners. Stock considered to be owned by a person by reason of the preceding sentence shall, for purposes of applying such sentence, be treated as actually owned by such person. The Secretary may prescribe such regulations as may be necessary to carry out the purposes of this paragraph, including rules to account for special partnership allocations of dividends, credits, and other incidents of ownership of stock in determining proportionate ownership.".

(b) Clarification of Comparable Attribution Under Section 901(b)(5).—Paragraph (5) of section 901(b) is amended by striking "any individual" and inserting "any person".

(c) Effective Date.—The amendments made by this section shall apply to taxes of foreign corporations for taxable years of such corporations beginning after the date of the enactment of this Act.

SEC. 214. APPLICATION OF UNIFORM CAPITALIZATION RULES TO FOREIGN PERSONS.

(a) In General.—Section 263A(c) (relating to exceptions) is amended by adding at the end the following new paragraph:

"(7) Foreign persons.—Except for purposes of applying sections 871(b)(1) and 882(a)(1), this section shall not apply to any taxpayer who is not a United States person if such taxpayer capitalizes costs of produced property or property acquired for resale by applying the method used to ascertain the income, profit, or loss for purposes of reports or statements to shareholders, partners, other proprietors, or beneficiaries, or for credit purposes.".

(b) Effective Date.—

(1) In general.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2004.

(2) Change in method of accounting.—In the case of any taxpayer required by the amendment made by this section to change its method of accounting for its first taxable year beginning after December 31, 2004—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account in such first year.

SEC. 215. REPEAL OF WITHHOLDING TAX ON DIVIDENDS FROM CERTAIN FOREIGN CORPORATIONS.

(a) In General.—Paragraph (2) of section 871(i) (relating to tax not to apply to certain interest and dividends) is amended by adding at the end the following new subparagraph:

"(D) Dividends paid by a foreign corporation which are treated under section 861(a)(2)(B) as income from sources within the United States.".

(b) Effective Date.—The amendment made by this section shall apply to payments made after December 31, 2004.

SEC. 216. REPEAL OF SPECIAL CAPITAL GAINS TAX ON ALIENS PRESENT IN THE UNITED STATES FOR 183 DAYS OR MORE.

(a) In General.—Subsection (a) of section 871 is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(b) Conforming Amendment.—Section 1441(g) is amended is amended by striking "section 871(a)(3)" and inserting "section 871(a)(2)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

Subtitle C—Additional International Tax Provisions

SEC. 221. ACTIVE LEASING INCOME FROM AIRCRAFT AND VESSELS.

(a) In General.—Section 954(c)(2) is amended by adding at the end the following new subparagraph:

"(D) Certain rents, etc.—

"(i) In general.—Foreign personal holding company income shall not include qualified leasing income derived from or in connection with the leasing or rental of any aircraft or vessel.

"(ii) Qualified leasing income.—For purposes of this subparagraph, the term 'qualified leasing income' means rents and gains derived in the active conduct of a trade or business of leasing with respect to which the controlled foreign corporation conducts substantial activity, but only if—

"(I) the leased property is used by the lessee or other end-user in foreign commerce and predominantly outside the United States, and

"(II) the lessee or other end-user is not a related person (as defined in subsection (d)(3)).

Any amount not treated as foreign personal holding income under this subparagraph shall not be treated as foreign base company shipping income.".

(b) Conforming Amendment.—Section 954(c)(1)(B) is amended by inserting "or (2)(D)" after "paragraph (2)(A)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2006, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 222. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY INCOME RULES.

(a) In General.—Subsection (c) of section 954, as amended by this Act, is amended by adding after paragraph (4) the following new paragraph:

"(5) Look-thru in the case of related controlled foreign corporations.—For purposes of this subsection, dividends, interest, rents, and royalties received or accrued from a controlled foreign corporation which is a related person (as defined in subsection (b)(9)) shall not be treated as foreign personal holding company income to the extent attributable or properly allocable (determined under rules similar to the rules of subparagraphs (C) and (D) of section 904(d)(3)) to income of the related person which is not subpart F income (as defined in section 952). The Secretary shall prescribe such regulations as may be appropriate to prevent the abuse of the purposes of this paragraph.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2004, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 223. LOOK-THRU TREATMENT FOR SALES OF PARTNERSHIP INTERESTS.

(a) In General.—Section 954(c) (defining foreign personal holding company income), as amended by this Act, is amended by adding after paragraph (5) the following new paragraph:

"(6) Look-thru rule for certain partnership sales.—

"(A) In general.—In the case of any sale by a controlled foreign corporation of an interest in a partnership with respect to which such corporation is a 25-percent owner, such corporation shall be treated for purposes of this subsection as selling the proportionate share of the assets of the partnership attributable to such interest. The Secretary shall prescribe such regulations as may be appropriate to prevent abuse of the purposes of this paragraph, including regulations providing for coordination of this paragraph with the provisions of subchapter K.

"(B) 25-percent owner.—For purposes of this paragraph, the term '25-percent owner' means a controlled foreign corporation which owns directly 25 percent or more of the capital or profits interest in a partnership. For purposes of the preceding sentence, if a controlled foreign corporation is a shareholder or partner of a corporation or partnership, the controlled foreign corporation shall be treated as owning directly its proportionate share of any such capital or profits interest held directly or indirectly by such corporation or partnership".

(b) Effective Date.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2004, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 224. ELECTION NOT TO USE AVERAGE EXCHANGE RATE FOR FOREIGN TAX PAID OTHER THAN IN FUNCTIONAL CURRENCY.

(a) In General.—Paragraph (1) of section 986(a) (relating to determination of foreign taxes and foreign corporation's earnings and profits) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

"(D) Elective exception for taxes paid other than in functional currency.—

"(i) In general.—At the election of the taxpayer, subparagraph (A) shall not apply to any foreign income taxes the liability for which is denominated in any currency other than in the taxpayer's functional currency.

"(ii) Application to qualified business units.—An election under this subparagraph may apply to foreign income taxes attributable to a qualified business unit in accordance with regulations prescribed by the Secretary.

"(iii) Election.—Any such election shall apply to the taxable year for which made and all subsequent taxable years unless revoked with the consent of the Secretary.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 225. TREATMENT OF INCOME TAX BASE DIFFERENCES.

(a) In General.—Paragraph (2) of section 904(d) is amended by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively, and by inserting after subparagraph (G) the following new subparagraph:

"(H) Treatment of income tax base differences.—

"(i) In general.—A taxpayer may elect to treat tax imposed under the law of a foreign country or possession of the United States on an amount which does not constitute income under United States tax principles as tax imposed on income described in subparagraph (C) or (I) of paragraph (1).

"(ii) Election irrevocable.—Any such election shall apply to the taxable year for which made and all subsequent taxable years unless revoked with the consent of the Secretary.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 226. MODIFICATION OF EXCEPTIONS UNDER SUBPART F FOR ACTIVE FINANCING.

(a) In General.—Section 954(h)(3) is amended by adding at the end the following:

"(E) Direct conduct of activities.—For purposes of subparagraph (A)(ii)(II), an activity shall be treated as conducted directly by an eligible controlled foreign corporation or qualified business unit in its home country if the activity is performed by employees of a related person and—

"(i) the related person is an eligible controlled foreign corporation the home country of which is the same as the home country of the corporation or unit to which subparagraph (A)(ii)(II) is being applied,

"(ii) the activity is performed in the home country of the related person, and

"(iii) the related person is compensated on an arm's-length basis for the performance of the activity by its employees and such compensation is treated as earned by such person in its home country for purposes of the home country's tax laws.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years of such foreign corporations beginning after December 31, 2004, and to taxable years of United States shareholders with or within which such taxable years of such foreign corporations end.

SEC. 227. UNITED STATES PROPERTY NOT TO INCLUDE CERTAIN ASSETS OF CONTROLLED FOREIGN CORPORATION.

(a) In General.—Section 956(c)(2) (relating to exceptions from property treated as United States property) is amended by striking "and" at the end of subparagraph (J), by striking the period at the end of subparagraph (K) and inserting a semicolon, and by adding at the end the following new subparagraphs:

"(L) securities acquired and held by a controlled foreign corporation in the ordinary course of its business as a dealer in securities if—

"(i) the dealer accounts for the securities as securities held primarily for sale to customers in the ordinary course of business, and

"(ii) the dealer disposes of the securities (or such securities mature while held by the dealer) within a period consistent with the holding of securities for sale to customers in the ordinary course of business; and

"(M) an obligation of a United States person which—

"(i) is not a domestic corporation, and

"(ii) is not—

"(I) a United States shareholder (as defined in section 951(b)) of the controlled foreign corporation, or

"(II) a partnership, estate, or trust in which the controlled foreign corporation, or any related person (as defined in section 954(d)(3)), is a partner, beneficiary, or trustee immediately after the acquisition of any obligation of such partnership, estate, or trust by the controlled foreign corporation.".

(b) Conforming Amendment.—Section 956(c)(2) is amended by striking "and (K)" in the last sentence and inserting ", (K), and (L)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2004, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 228. PROVIDE EQUAL TREATMENT FOR INTEREST PAID BY FOREIGN PARTNERSHIPS AND FOREIGN CORPORATIONS.

(a) In General.—Paragraph (1) of section 861(a) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) in the case of a foreign partnership in which United States persons do not hold directly or indirectly 20 percent or more of either the capital or profits interests, any interest not paid by a trade or business engaged in by the partnership in the United States and not allocable to income which is effectively connected (or treated as effectively connected) with the conduct of a trade or business in the United States.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 229. CLARIFICATION OF TREATMENT OF CERTAIN TRANSFERS OF INTANGIBLE PROPERTY.

(a) In General.—Subparagraph (C) of section 367(d)(2) is amended by adding at the end the following new sentence: "For purposes of applying section 904(d), any such amount shall be treated in the same manner as if such amount were a royalty.".

(b) Effective Date.—The amendment made by this section shall apply to amounts treated as received pursuant to section 367(d)(2) of the Internal Revenue Code of 1986 on or after August 5, 1997.

SEC. 230. MODIFICATION OF THE TREATMENT OF CERTAIN REIT DISTRIBUTIONS ATTRIBUTABLE TO GAIN FROM SALES OR EXCHANGES OF UNITED STATES REAL PROPERTY INTERESTS.

(a) In General.—Paragraph (1) of section 897(h) (relating to look-through of distributions) is amended by adding at the end the following new sentence: "Notwithstanding the preceding sentence, any distribution by a REIT with respect to any class of stock which is regularly traded on an established securities market located in the United States shall not be treated as gain recognized from the sale or exchange of a United States real property interest if the shareholder did not own more than 5 percent of such class of stock at any time during the taxable year.".

(b) Conforming Amendment.—Paragraph (3) of section 857(b) (relating to capital gains) is amended by adding at the end the following new subparagraph:

"(F) Certain distributions.—In the case of a shareholder of a real estate investment trust to whom section 897 does not apply by reason of the second sentence of section 897(h)(1), the amount which would be included in computing long-term capital gains for such shareholder under subparagraph (B) or (D) (without regard to this subparagraph)—

"(i) shall not be included in computing such shareholder's long-term capital gains, and

"(ii) shall be included in such shareholder's gross income as a dividend from the real estate investment trust.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 231. TOLL TAX ON EXCESS QUALIFIED FOREIGN DISTRIBUTION AMOUNT.

(a) In General.—Subpart F of part III of subchapter N of chapter 1 is amended by adding at the end the following new section:

"SEC. 965. TOLL TAX IMPOSED ON EXCESS QUALIFIED FOREIGN DISTRIBUTION AMOUNT.

"(a) Toll Tax Imposed on Excess Qualified Foreign Distribution Amount.—If a corporation elects the application of this section, a tax shall be imposed on the taxpayer in an amount equal to 5.25 percent of—

"(1) the taxpayer's excess qualified foreign distribution amount, and

"(2) the amount determined under section 78 which is attributable to such excess qualified foreign distribution amount.

Such tax shall be imposed in lieu of the tax imposed under section 11 or 55 on the amounts described in paragraphs (1) and (2) for such taxable year.

"(b) Excess Qualified Foreign Distribution Amount.—For purposes of this section—

"(1) In general.—The term 'excess qualified foreign distribution amount' means the excess (if any) of—

"(A) the aggregate dividends received by the taxpayer during the taxable year which are—

"(i) from 1 or more corporations which are controlled foreign corporations in which the taxpayer is a United States shareholder on the date such dividends are paid, and

"(ii) described in a domestic reinvestment plan which—

"(I) is approved by the taxpayer's president, chief executive officer, or comparable official before the payment of such dividends and subsequently approved by the taxpayer's board of directors, management committee, executive committee, or similar body, and

"(II) provides for the reinvestment of such dividends in the United States (other than as payment for executive compensation), including as a source for the funding of worker hiring and training, infrastructure, research and development, capital investments, or the financial stabilization of the corporation for the purposes of job retention or creation, over

"(B) the base dividend amount.

"(2) Base dividend amount.—The term 'base dividend amount' means an amount designated under subsection (c)(7), but not less than the average amount of dividends received during the fixed base period from 1 or more corporations which are controlled foreign corporations in which the taxpayer is a United States shareholder on the date such dividends are paid.

"(3) Fixed base period.—

"(A) In general.—The term 'fixed base period' means each of 3 taxable years which are among the 5 most recent taxable years of the taxpayer ending on or before December 31, 2002, determined by disregarding—

"(i) the 1 taxable year for which the taxpayer had the highest amount of dividends from 1 or more corporations which are controlled foreign corporations relative to the other 4 taxable years, and

"(ii) the 1 taxable year for which the taxpayer had the lowest amount of dividends from such corporations relative to the other 4 taxable years.

"(B) Shorter period.—If the taxpayer has fewer than 5 taxable years ending on or before December 31, 2002, then in lieu of applying subparagraph (A), the fixed base period shall include all the taxable years of the taxpayer ending on or before December 31, 2002.

"(c) Definitions and Special Rules.—For purposes of this section—

"(1) Dividends.—The term 'dividend' has the meaning given such term by section 316, except that the term shall include amounts described in section 951(a)(1)(B), but shall not include amounts described in sections 78 and 959.

"(2) Controlled foreign corporations and United States shareholders.—The term 'controlled foreign corporation' has the meaning given such term by section 957(a) and the term 'United States shareholder' has the meaning given such term by section 951(b).

"(3) Foreign tax credits.—The amount of any income, war, profits, or excess profit taxes paid (or deemed paid under sections 902 and 960) or accrued by the taxpayer with respect to the excess qualified foreign distribution amount for which a credit would be allowable under section 901 in the absence of this section, shall be reduced by 85 percent. No deduction shall be allowed under this chapter for the portion of any tax for which credit is not allowable by reason of the preceding sentence.

"(4) Foreign tax credit limitation.—For purposes of section 904, there shall be disregarded 85 percent of—

"(A) the excess qualified foreign distribution amount,

"(B) the amount determined under section 78 which is attributable to such excess qualified foreign distribution amount, and

"(C) the amounts (including assets, gross income, and other relevant bases of apportionment) which are attributable to the excess qualified foreign distribution amount which would, determined without regard to this section, be used to apportion the expenses, losses, and deductions of the taxpayer under section 861 and 864 in determining its taxable income from sources without the United States.

For purposes of applying subparagraph (C), the principles of section 864(e)(3)(A) shall apply.

"(5) Treatment of acquisitions and dispositions.—Rules similar to the rules of section 41(f)(3) shall apply in the case of acquisitions or dispositions of controlled foreign corporations occurring on or after the first day of the earliest taxable year taken into account in determining the fixed base period.

"(6) Treatment of consolidated groups.—Members of an affiliated group of corporations filing a consolidated return under section 1501 shall be treated as a single taxpayer for purposes of this section.

"(7) Designation of dividends.—Subject to subsection (b)(2), the taxpayer shall designate the particular dividends received during the taxable year from 1 or more corporations which are controlled foreign corporations in which it is a United States shareholder which are dividends excluded from the excess qualified foreign distribution amount. The total amount of such designated dividends shall equal the base dividend amount.

"(8) Treatment of expenses, losses, and deductions.—Any expenses, losses, or deductions of the taxpayer allowable under subchapter B—

"(A) shall not be applied to reduce the amounts described in subsection (a)(1), and

"(B) shall be applied to reduce other income of the taxpayer (determined without regard to the amounts described in subsection (a)(1)).

"(d) Election.—

"(1) In general.—An election under this section shall be made on the taxpayer's timely filed income tax return for the first taxable year (determined by taking extensions into account) ending 120 days or more after the date of the enactment of this section, and, once made, may be revoked only with the consent of the Secretary.

"(2) All controlled foreign corporations.—The election shall apply to all corporations which are controlled foreign corporations in which the taxpayer is a United States shareholder during the taxable year.

"(3) Consolidated groups.—If a taxpayer is a member of an affiliated group of corporations filing a consolidated return under section 1501 for the taxable year, an election under this section shall be made by the common parent of the affiliated group which includes the taxpayer and shall apply to all members of the affiliated group.

"(e) Regulations.—The Secretary shall prescribe such regulations as may be necessary and appropriate to carry out the purposes of this section, including regulations under section 55 and regulations addressing corporations which, during the fixed base period or thereafter, join or leave an affiliated group of corporations filing a consolidated return.".

(b) Conforming Amendment.—The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by adding at the end the following new item:

"Sec. 965. Toll tax imposed on excess qualified foreign distribution amount.".

(c) Effective Date.—The amendments made by this section shall apply only to the first taxable year of the electing taxpayer ending 120 days or more after the date of the enactment of this Act.

SEC. 232. EXCLUSION OF INCOME DERIVED FROM CERTAIN WAGERS ON HORSE RACES AND DOG RACES FROM GROSS INCOME OF NONRESIDENT ALIEN INDIVIDUALS.

(a) In General.—Subsection (b) of section 872 (relating to exclusions) is amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and inserting after paragraph (4) the following new paragraph:

"(5) Income derived from wagering transactions in certain parimutuel pools.—Gross income derived by a nonresident alien individual from a legal wagering transaction initiated outside the United States in a parimutuel pool with respect to a live horse race or dog race in the United States.".

(b) Conforming Amendment.—Section 883(a)(4) is amended by striking "(5), (6), and (7)" and inserting "(6), (7), and (8)".

(c) Effective Date.—The amendments made by this section shall apply to wagers made after the date of the enactment of this Act.

SEC. 233. LIMITATION OF WITHHOLDING TAX FOR PUERTO RICO CORPORATIONS.

(a) In General.—Subsection (b) of section 881 is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) Commonwealth of Puerto Rico.—If dividends are received during a taxable year by a corporation—

"(A) created or organized in, or under the law of, the Commonwealth of Puerto Rico, and

"(B) with respect to which the requirements of subparagraphs (A), (B), and (C) of paragraph (1) are met for the taxable year,

subsection (a) shall be applied for such taxable year by substituting '10 percent' for '30 percent'.".

(b) Withholding.—Subsection (c) of section 1442 (relating to withholding of tax on foreign corporations) is amended—

(1) by striking "For purposes" and inserting the following:

"(1) Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands.—For purposes", and

(2) by adding at the end the following new paragraph:

"(2) Commonwealth of Puerto Rico.—If dividends are received during a taxable year by a corporation—

"(A) created or organized in, or under the law of, the Commonwealth of Puerto Rico, and

"(B) with respect to which the requirements of subparagraphs (A), (B), and (C) of section 881(b)(1) are met for the taxable year,

subsection (a) shall be applied for such taxable year by substituting '10 percent' for '30 percent'.".

(b) Conforming Amendments.—

(1) Subsection (b) of section 881 is amended by striking "Guam and Virgin Islands Corporations" in the heading and inserting "Possessions".

(2) Paragraph (1) of section 881(b) is amended by striking "In general" in the heading and inserting "Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends paid after the date of the enactment of this Act.

SEC. 234. REPORT ON WTO DISPUTE SETTLEMENT PANELS AND THE APPELLATE BODY.

Not later than March 31, 2004, the Secretary of Commerce, in consultation with the United States Trade Representative, shall transmit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, regarding whether dispute settlement panels and the Appellate Body of the World Trade Organization have—

(1) added to or diminished the rights of the United States by imposing obligations or restrictions on the use of antidumping, countervailing, and safeguard measures not agreed to under the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade of 1994, the Agreement on Subsidies and Countervailing Measures, and the Agreement on Safeguards;

(2) appropriately applied the standard of review contained in Article 17.6 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade of 1994; or

(3) exceeded their authority or terms of reference under the Agreements referred to in paragraph (1).

SEC. 235. STUDY OF IMPACT OF INTERNATIONAL TAX LAWS ON TAXPAYERS OTHER THAN LARGE CORPORATIONS.

(a) STUDY.—The Secretary of the Treasury or the Secretary's delegate shall conduct a study of the impact of Federal international tax rules on taxpayers other than large corporations, including the burdens placed on such taxpayers in complying with such rules.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under subsection (a), including any recommendations for legislative or administrative changes to reduce the compliance burden on taxpayers other than large corporations and for such other purposes as the Secretary determines appropriate.

SEC. 236. CONSULTATIVE ROLE FOR SENATE COMMITTEE ON FINANCE IN CONNECTION WITH THE REVIEW OF PROPOSED TAX TREATIES.

Paragraph 1(j) of Rule XXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(3)(A) Notwithstanding any other rule of the Senate, the Committee on Foreign Relations shall consult with the Committee on Finance with respect to any proposed treaty on taxation prior to reporting such treaty to the Senate.

"(B) The Committee on Foreign Relations shall request in writing the views of the Committee on Finance with respect to any proposed treaty on taxation which is referred to the Committee on Foreign Relations. Not less than 120 days after the date on which such request is made, the Committee on Finance shall respond to such request in writing. If the Committee on Finance does not provide such written response during such 120 day period, the Committee on Finance shall be deemed to have waived the opportunity to submit such views.

"(C) The Committee on Foreign Relations shall consider the views submitted by the Committee on Finance and shall include such views in any report of the treaty to the Senate.".

TITLE III—DOMESTIC MANUFACTURING AND BUSINESS PROVISIONS

Subtitle A—General Provisions

SEC. 301. EXPANSION OF QUALIFIED SMALL-ISSUE BOND PROGRAM.

(a) IN GENERAL.—Subparagraph (F) of section 144(a)(4) (relating to $10,000,000 limit in certain cases) is amended to read as follows:

"(F) ADDITIONAL CAPITAL EXPENDITURES NOT TAKEN INTO ACCOUNT.—With respect to any issue, in addition to any capital expenditure described in subparagraph (C), capital expenditures of not to exceed $10,000,000 shall not be taken into account for purposes of applying subparagraph (A)(ii).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 302. EXPENSING OF BROADBAND INTERNET ACCESS EXPENDITURES.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 190 the following new section:

"SEC. 191. BROADBAND EXPENDITURES.

"(a) TREATMENT OF EXPENDITURES.—

"(1) IN GENERAL.—A taxpayer may elect to treat any qualified broadband expenditure which is paid or incurred by the taxpayer as an expense which is not chargeable to capital account. Any expenditure which is so treated shall be allowed as a deduction.

"(2) ELECTION.—An election under paragraph (1) shall be made at such time and in such manner as the Secretary may prescribe by regulation.

"(b) QUALIFIED BROADBAND EXPENDITURES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified broadband expenditure' means, with respect to any taxable year, any direct or indirect costs incurred during 2004 and properly taken into account for such taxable year with respect to—

"(A) the purchase or installation of qualified equipment (including any upgrades thereto), and

"(B) the connection of such qualified equipment to any qualified subscriber.

"(2) CERTAIN SATELLITE EXPENDITURES EXCLUDED.—Such term shall not include any costs incurred with respect to the launching of any satellite equipment.

"(3) LEASED EQUIPMENT.—Such term shall include so much of the purchase price paid by the lessor of qualified equipment subject to a lease described in subsection (c)(2)(B) as is attributable to expenditures incurred by the lessee which would otherwise be described in paragraph (1).

"(c) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—For purposes of this section—

"(1) IN GENERAL.—Qualified broadband expenditures with respect to qualified equipment shall be taken into account with respect to the first taxable year in which—

"(A) current generation broadband services are provided through such equipment to qualified subscribers, or

"(B) next generation broadband services are provided through such equipment to qualified subscribers.

"(2) LIMITATION.—

"(A) IN GENERAL.—Qualified expenditures shall be taken into account under paragraph (1) only with respect to qualified equipment—

"(i) the original use of which commences with the taxpayer, and

"(ii) which is placed in service, after December 31, 2003.

"(B) SALE-LEASEBACKS.—For purposes of subparagraph (A), if property—

"(i) is originally placed in service after December 31, 2003, by any person, and

"(ii) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in clause (ii).

"(d) SPECIAL ALLOCATION RULES.—

"(1) CURRENT GENERATION BROADBAND SERVICES.—For purposes of determining the amount of qualified broadband expenditures under subsection (a)(1) with respect to qualified equipment through which current generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified broadband expenditures shall be multiplied by a fraction—

"(A) the numerator of which is the sum of the number of potential qualified subscribers within the rural areas and the underserved areas which the equipment is capable of serving with current generation broadband services, and

"(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with current generation broadband services.

"(2) NEXT GENERATION BROADBAND SERVICES.—For purposes of determining the amount of qualified broadband expenditures under subsection (a)(1) with respect to qualified equipment through which next generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

"(A) the numerator of which is the sum of—

"(i) the number of potential qualified subscribers within the rural areas and underserved areas, plus

"(ii) the number of potential qualified subscribers within the area consisting only of residential subscribers not described in clause (i),

which the equipment is capable of serving with next generation broadband services, and

"(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with next generation broadband services.

"(e) DEFINITIONS.—For purposes of this section—

"(1) ANTENNA.—The term 'antenna' means any device used to transmit or receive signals through the electromagnetic spectrum, including satellite equipment.

"(2) CABLE OPERATOR.—The term 'cable operator' has the meaning given such term by section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

"(3) COMMERCIAL MOBILE SERVICE CARRIER.—The term 'commercial mobile service carrier' means any person authorized to provide commercial mobile radio service as defined in section 20.3 of title 47, Code of Federal Regulations.

"(4) CURRENT GENERATION BROADBAND SERVICE.—The term 'current generation broadband service' means the transmission of signals at a rate of at least 1,000,000 bits per second to the subscriber and at least 128,000 bits per second from the subscriber.

"(5) MULTIPLEXING OR DEMULTIPLEXING.—The term 'multiplexing' means the transmission of 2 or more signals over a single channel, and the term 'demultiplexing' means the separation of 2 or more signals previously combined by compatible multiplexing equipment.

“(6) NEXT GENERATION BROADBAND SERVICE.—The term ‘next generation broadband service’ means the transmission of signals at a rate of at least 22,000,000 bits per second to the subscriber and at least 5,000,000 bits per second from the subscriber.

“(7) NONRESIDENTIAL SUBSCRIBER.—The term ‘nonresidential subscriber’ means any person who purchases broadband services which are delivered to the permanent place of business of such person.

“(8) OPEN VIDEO SYSTEM OPERATOR.—The term ‘open video system operator’ means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

“(9) OTHER WIRELESS CARRIER.—The term ‘other wireless carrier’ means any person (other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband service to subscribers through the radio transmission of energy.

“(10) PACKET SWITCHING.—The term ‘packet switching’ means controlling or routing the path of any digitized transmission signal which is assembled into packets or cells.

“(11) PROVIDER.—The term ‘provider’ means, with respect to any qualified equipment—

“(A) a cable operator,

“(B) a commercial mobile service carrier,

“(C) an open video system operator,

“(D) a satellite carrier,

“(E) a telecommunications carrier, or

“(F) any other wireless carrier,

providing current generation broadband services or next generation broadband services to subscribers through such qualified equipment.

“(12) PROVISION OF SERVICES.—A provider shall be treated as providing services to 1 or more subscribers if—

“(A) such a subscriber has been passed by the provider’s equipment and can be connected to such equipment for a standard connection fee,

“(B) the provider is physically able to deliver current generation broadband services or next generation broadband services, as applicable, to such a subscriber without making more than an insignificant investment with respect to such subscriber,

“(C) the provider has made reasonable efforts to make such subscribers aware of the availability of such services,

“(D) such services have been purchased by 1 or more such subscribers, and

“(E) such services are made available to such subscribers at average prices comparable to those at which the provider makes available similar services in any areas in which the provider makes available such services.

“(13) QUALIFIED EQUIPMENT.—

“(A) IN GENERAL.—The term ‘qualified equipment’ means equipment which provides current generation broadband services or next generation broadband services—

“(i) at least a majority of the time during periods of maximum demand to each subscriber who is utilizing such services, and

“(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no deduction is allowed under subsection (a)(1).

“(B) ONLY CERTAIN INVESTMENT TAKEN INTO ACCOUNT.—Except as provided in subparagraph (C) or (D), equipment shall be taken into account under subparagraph (A) only to the extent it—

“(i) extends from the last point of switching to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier,

“(ii) extends from the customer side of the mobile telephone switching office to a transmission/receive antenna (including such antenna) owned or leased by a subscriber in the case of a commercial mobile service carrier,

“(iii) extends from the customer side of the headend to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or

“(iv) extends from a transmission/receive antenna (including such antenna) which transmits and receives signals to or from multiple subscribers, to a transmission/receive antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a satellite carrier or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

“(C) PACKET SWITCHING EQUIPMENT.—Packet switching equipment, regardless of location, shall be taken into account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of packet switching for current generation broadband services or next generation broadband services, but only if such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

“(D) MULTIPLEXING AND DEMULTIPLEXING EQUIPMENT.—Multiplexing and demultiplexing equipment shall be taken into account under subparagraph (A) only to the extent it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of multiplexing and demultiplexing packets or cells of data and making associated application adaptions, but only if such multiplexing or demultiplexing equipment is located between packet switching equipment described in subparagraph (C) and the subscriber’s premises.

“(14) QUALIFIED SUBSCRIBER.—The term ‘qualified subscriber’ means—

“(A) with respect to the provision of current generation broadband services—

“(i) any nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

“(ii) any residential subscriber residing in a dwelling located in a rural area or underserved area which is not a saturated market, and

“(B) with respect to the provision of next generation broadband services—

“(i) any nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

“(ii) any residential subscriber.

“(15) RESIDENTIAL SUBSCRIBER.—The term ‘residential subscriber’ means any individual who purchases broadband services which are delivered to such individual’s dwelling.

“(16) RURAL AREA.—The term ‘rural area’ means any census tract which—

“(A) is not within 10 miles of any incorporated or census designated place containing more than 25,000 people, and

“(B) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land.

“(17) RURAL SUBSCRIBER.—The term ‘rural subscriber’ means any residential subscriber residing in a dwelling located in a rural area or nonresidential subscriber maintaining a permanent place of business located in a rural area.

“(18) SATELLITE CARRIER.—The term ‘satellite carrier’ means any person using the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operating in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of such Code to establish and operate a channel of communications for distribution of signals, and owning or leasing a capacity or service on a satellite in order to provide such point-to-multipoint distribution.

“(19) SATURATED MARKET.—The term ‘saturated market’ means any census tract in which, as of the date of the enactment of this section—

“(A) current generation broadband services have been provided by a single provider to 85 percent or more of the total number of potential residential subscribers residing in dwellings located within such census tract, and

“(B) such services can be utilized—

“(i) at least a majority of the time during periods of maximum demand by each such subscriber who is utilizing such services, and

“(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no deduction is allowed under subsection (a)(1).

“(20) SUBSCRIBER.—The term ‘subscriber’ means any person who purchases current generation broadband services or next generation broadband services.

“(21) TELECOMMUNICATIONS CARRIER.—The term ‘telecommunications carrier’ has the meaning given such term by section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44)), but—

“(A) includes all members of an affiliated group of which a telecommunications carrier is a member, and

“(B) does not include a commercial mobile service carrier.

“(22) TOTAL POTENTIAL SUBSCRIBER POPULATION.—The term ‘total potential subscriber population’ means, with respect to any area and based on the most recent census data, the total number of potential residential subscribers residing in dwellings located in such area and potential nonresidential subscribers maintaining permanent places of business located in such area.

“(23) UNDERSERVED AREA.—The term ‘underserved area’ means—

“(A) any census tract which is located in—

“(i) an empowerment zone or enterprise community designated under section 1391, or

“(ii) the District of Columbia Enterprise Zone established under section 1400, or

“(B) any census tract—

“(i) the poverty level of which is at least 30 percent (based on the most recent census data), and

“(ii) the median family income of which does not exceed—

“(I) in the case of a census tract located in a metropolitan statistical area, 70 percent of the greater of the metropolitan area median family income or the statewide median family income, and

“(II) in the case of a census tract located in a nonmetropolitan statistical area, 70 percent of the nonmetropolitan statewide median family income.

"(24) UNDERSERVED SUBSCRIBER.—The term 'underserved subscriber' means any residential subscriber residing in a dwelling located in an underserved area or nonresidential subscriber maintaining a permanent place of business located in an underserved area.

"(f) SPECIAL RULES.—

"(1) PROPERTY USED OUTSIDE THE UNITED STATES, ETC., NOT QUALIFIED.—No expenditures shall be taken into account under subsection (a)(1) with respect to the portion of the cost of any property referred to in section 50(b) or with respect to the portion of the cost of any property specified in an election under section 179.

"(2) BASIS REDUCTION.—

"(A) IN GENERAL.—For purposes of this title, the basis of any property shall be reduced by the portion of the cost of such property taken into account under subsection (a)(1).

"(B) ORDINARY INCOME RECAPTURE.—For purposes of section 1245, the amount of the deduction allowable under subsection (a)(1) with respect to any property which is of a character subject to the allowance for depreciation shall be treated as a deduction allowed for depreciation under section 167.

"(3) COORDINATION WITH SECTION 38.—No credit shall be allowed under section 38 with respect to any amount for which a deduction is allowed under subsection (a)(1).".

(b) SPECIAL RULE FOR MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—Section 501(c)(12)(B) (relating to list of exempt organizations) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following:

"(v) from the sale of property subject to a lease described in section 191(c)(2)(B), but only to the extent such income does not in any year exceed an amount equal to the qualified broadband expenditures which would be taken into account under section 191 for such year if the mutual or cooperative telephone company was not exempt from taxation and was treated as the owner of the property subject to such lease.".

(c) CONFORMING AMENDMENTS.—

(1) Section 263(a)(1) (relating to capital expenditures) is amended by striking "or" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", or", and by adding at the end the following new subparagraph:

"(I) expenditures for which a deduction is allowed under section 191.".

(2) Section 1016(a) of such Code is amended by striking "and" at the end of paragraph (27), by striking the period at the end of paragraph (28) and inserting ", and", and by adding at the end the following new paragraph:

"(29) to the extent provided in section 191(f)(2).".

(3) The table of sections for part VI of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 190 the following new item:

"Sec. 191. Broadband expenditures.".

(d) DESIGNATION OF CENSUS TRACTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall, not later than 90 days after the date of the enactment of this Act, designate and publish those census tracts meeting the criteria described in paragraphs (16), (22), and (23) of section 191(e) of the Internal Revenue Code of 1986 (as added by this section). In making such designations, the Secretary of the Treasury shall consult with such other departments and agencies as the Secretary determines appropriate.

(2) SATURATED MARKET.—

(A) IN GENERAL.—For purposes of designating and publishing those census tracts meeting the criteria described in subsection (e)(19) of such section 191—

(i) the Secretary of the Treasury shall prescribe not later than 30 days after the date of the enactment of this Act the form upon which any provider which takes the position that it meets such criteria with respect to any census tract shall submit a list of such census tracts (and any other information required by the Secretary) not later than 60 days after the date of the publication of such form, and

(ii) the Secretary of the Treasury shall publish an aggregate list of such census tracts and the applicable providers not later than 30 days after the last date such submissions are allowed under clause (i).

(B) NO SUBSEQUENT LISTS REQUIRED.—The Secretary of the Treasury shall not be required to publish any list of census tracts meeting such criteria subsequent to the list described in subparagraph (A)(ii).

(e) OTHER REGULATORY MATTERS.—

(1) PROHIBITION.—No Federal or State agency or instrumentality shall adopt regulations or ratemaking procedures that would have the effect of eliminating or reducing any deduction or portion thereof allowed under section 191 of the Internal Revenue Code of 1986 (as added by this section) or otherwise subverting the purpose of this section.

(2) TREASURY REGULATORY AUTHORITY.—It is the intent of Congress in providing the election to deduct qualified broadband expenditures under section 191 of the Internal Revenue Code of 1986 (as added by this section) to provide incentives for the purchase, installation, and connection of equipment and facilities offering expanded broadband access to the Internet for users in certain low income and rural areas of the United States, as well as to residential users nationwide, in a manner that maintains competitive neutrality among the various classes of providers of broadband services. Accordingly, the Secretary of the Treasury shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 191 of such Code, including—

(A) regulations to determine how and when a taxpayer that incurs qualified broadband expenditures satisfies the requirements of section 191 of such Code to provide broadband services, and

(B) regulations describing the information, records, and data taxpayers are required to provide the Secretary to substantiate compliance with the requirements of section 191 of such Code.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures incurred after December 31, 2003.

SEC. 303. EXEMPTION OF NATURAL AGING PROCESS IN DETERMINATION OF PRODUCTION PERIOD FOR DISTILLED SPIRITS UNDER SECTION 263A.

(a) IN GENERAL.—Section 263A(f) of the Internal Revenue Code of 1986 (relating to general exceptions) is amended by adding at the end the following new paragraph:

"(5) EXEMPTION OF NATURAL AGING PROCESS IN DETERMINATION OF PRODUCTION PERIOD FOR DISTILLED SPIRITS.—For purposes of this subsection, the production period for distilled spirits shall be determined without regard to any period allocated to the natural aging process.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to production periods beginning after the date of the enactment of this Act.

SEC. 304. MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355.

(a) IN GENERAL.—Section 355(b) (defining active conduct of a trade or business) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULES RELATING TO ACTIVE BUSINESS REQUIREMENT.—

"(A) IN GENERAL.—For purposes of determining whether a corporation meets the requirement of paragraph (2)(A), all members of such corporation's separate affiliated group shall be treated as one corporation. For purposes of the preceding sentence, a corporation's separate affiliated group is the affiliated group which would be determined under section 1504(a) if such corporation were the common parent and section 1504(b) did not apply.

"(B) CONTROL.—For purposes of paragraph (2)(D), all distributee corporations which are members of the same affiliated group (as defined in section 1504(a) without regard to section 1504(b)) shall be treated as one distributee corporation.".

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 355(b)(2) is amended to read as follows:

"(A) it is engaged in the active conduct of a trade or business,".

(2) Section 355(b)(2) is amended by striking the last sentence.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply—

(A) to distributions after the date of the enactment of this Act, and

(B) for purposes of determining the continued qualification under section 355(b)(2)(A) of the Internal Revenue Code of 1986 (as amended by subsection (b)(1)) of distributions made before such date, as a result of an acquisition, disposition, or other restructuring after such date.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any distribution pursuant to a transaction which is—

(A) made pursuant to an agreement which was binding on such date of enactment and at all times thereafter,

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(3) ELECTION TO HAVE AMENDMENTS APPLY.—Paragraph (2) shall not apply if the distributing corporation elects not to have such paragraph apply to distributions of such corporation. Any such election, once made, shall be irrevocable.

SEC. 305. EXCLUSION OF CERTAIN INDEBTEDNESS OF SMALL BUSINESS INVESTMENT COMPANIES FROM ACQUISITION INDEBTEDNESS.

(a) IN GENERAL.—Section 514(c) (relating to acquisition indebtedness) is amended by adding at the end the following new paragraph:

"(10) CERTAIN INDEBTEDNESS OF SMALL BUSINESS INVESTMENT COMPANIES.—For purposes of this section, the term 'acquisition indebtedness' does not include any indebtedness incurred by a small business investment company licensed under the Small Business Investment Act of 1958 which is evidenced by a debenture—

"(A) issued by such company under section 303(a) of such Act, and

"(B) held or guaranteed by the Small Business Administration.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any indebtedness incurred after December 31, 2003, by a small business investment company described in section 514(c)(10) of the Internal Revenue Code of 1986 (as added by this section) with respect to property acquired by such company after such date.

SEC. 306. MODIFIED TAXATION OF IMPORTED ARCHERY PRODUCTS.

(a) Bows.—Paragraph (1) of section 4161(b) (relating to bows) is amended to read as follows:

“(1) Bows.—

“(A) In general.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any bow which has a peak draw weight of 30 pounds or more, a tax equal to 11 percent of the price for which so sold.

“(B) Archery equipment.—There is hereby imposed on the sale by the manufacturer, producer, or importer—

“(i) of any part or accessory suitable for inclusion in or attachment to a bow described in subparagraph (A), and

“(ii) of any quiver or broadhead suitable for use with an arrow described in paragraph (2),

a tax equal to 11 percent of the price for which so sold.”.

(b) Arrows.—Subsection (b) of section 4161 (relating to bows and arrows, etc.) is amended by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following:

“(3) Arrows.—

“(A) In general.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any arrow, a tax equal to 12 percent of the price for which so sold.

“(B) Exception.—In the case of any arrow of which the shaft or any other component has been previously taxed under paragraph (1) or (2)—

“(i) section 6416(b)(3) shall not apply, and

“(ii) the tax imposed by subparagraph (A) shall be an amount equal to the excess (if any) of—

“(I) the amount of tax imposed by this paragraph (determined without regard to this subparagraph), over

“(II) the amount of tax paid with respect to the tax imposed under paragraph (1) or (2) on such shaft or component.

“(C) Arrow.—For purposes of this paragraph, the term ‘arrow’ means any shaft described in paragraph (2) to which additional components are attached.”.

(c) Conforming Amendments.—Section 4161(b)(2) is amended—

(1) by inserting “(other than broadheads)” after “point”, and

(2) by striking “Arrows.—” in the heading and inserting “Arrow components.—”.

(d) Effective Date.—The amendments made by this section shall apply to articles sold by the manufacturer, producer, or importer after December 31, 2003.

SEC. 307. MODIFICATION TO COOPERATIVE MARKETING RULES TO INCLUDE VALUE ADDED PROCESSING INVOLVING ANIMALS.

(a) In General.—Section 1388 (relating to definitions and special rules) is amended by adding at the end the following new subsection:

“(k) Cooperative Marketing Includes Value-Added Processing Involving Animals.—For purposes of section 521 and this subchapter, the marketing of the products of members or other producers shall include the feeding of such products to cattle, hogs, fish, chickens, or other animals and the sale of the resulting animals or animal products.”.

(b) Conforming Amendment.—Section 521(b) is amended by adding at the end the following new paragraph:

“(7) Cross Reference.—

“For treatment of value-added processing involving animals, see section 1388(k).”.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 308. EXTENSION OF DECLARATORY JUDGMENT PROCEDURES TO FARMERS' COOPERATIVE ORGANIZATIONS.

(a) In General.—Section 7428(a)(1) (relating to declaratory judgments of tax exempt organizations) is amended by striking “or” at the end of subparagraph (B) and by adding at the end the following new subparagraph:

“(D) with respect to the initial classification or continuing classification of a cooperative as an organization described in section 521(b) which is exempt from tax under section 521(a), or”.

(b) Effective Date.—The amendments made by this section shall apply with respect to pleadings filed after the date of the enactment of this Act.

SEC. 309. TEMPORARY SUSPENSION OF PERSONAL HOLDING COMPANY TAX.

(a) In General.—Section 541 (relating to imposition of personal holding company tax) is amended by adding at the end the following new sentence: “The preceding sentence shall not apply with respect to any taxable year to which section 1(h)(11) (as in effect on the date of the enactment of this sentence) applies.”.

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 310. INCREASE IN SECTION 179 EXPENSING.

(a) In General.—Section 179(b)(2) (relating to reduction in limitation) is amended by inserting “50 percent of” before “the amount”.

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 311. THREE-YEAR CARRYBACK OF NET OPERATING LOSSES.

(a) In General.—Paragraph (1) of section 172(b) (relating to years to which loss may be carried) is amended by adding at the end the following new subparagraph:

“(I) Special rule for 2003.—In the case of a net operating loss for any taxable year ending during 2003, subparagraph (A)(i) shall be applied by substituting ‘3’ for ‘2’.”.

(b) Election To Disregard 3-Year Carryback.—Section 172 (relating to net operating loss deduction) is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

“(k) Election To Disregard 3-Year Carryback for Certain Net Operating Losses.—Any taxpayer entitled to a 3-year carryback under subsection (b)(1)(I) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(I). Such election shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.”.

(c) Temporary Suspension of 90 Percent Limit on Certain NOL Carryovers.—

(1) In general.—Section 56(d)(1)(A)(ii)(I) (relating to general rule defining alternative tax net operating loss deduction) is amended—

(A) by striking “or 2002” and inserting “, 2002, or 2003”, and

(B) by striking “and 2002” and inserting “, 2002, and 2003”.

(d) Technical Corrections.—

(1) Subparagraph (H) of section 172(b)(1) is amended by striking “a taxpayer which has”.

(2) Section 102(c)(2) of the Job Creation and Worker Assistance Act of 2002 (Public Law 107–147) is amended by striking “before January 1, 2003” and inserting “after December 31, 1990”.

(3)(A) Subclause (I) of section 56(d)(1)(A)(i) is amended by striking “attributable to carryovers”.

(B) Subclause (I) of section 56(d)(1)(A)(ii) is amended—

(i) by striking “for taxable years” and inserting “from taxable years”, and

(ii) by striking “carryforwards” and inserting “carryovers”.

(e) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to net operating losses for taxable years ending after December 31, 2002.

(2) Technical corrections.—The amendments made by subsection (d) shall take effect as if included in the amendments made by section 102 of the Job Creation and Worker Assistance Act of 2002.

(3) Election.—In the case of a net operating loss for a taxable year ending during 2003—

(A) any election made under section 172(b)(3) of such Code may (notwithstanding such section) be revoked before April 15, 2004, and

(B) any election made under section 172(k) (as added by this section) of such Code shall (notwithstanding such section) be treated as timely made if made before April 15, 2004.

Subtitle B—Manufacturing Relating to Films

SEC. 321. SPECIAL RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.

(a) In General.—Part VI of subchapter B of chapter 1 is amended by inserting after section 180 the following new section:

“SEC. 181. TREATMENT OF QUALIFIED FILM AND TELEVISION PRODUCTIONS.

“(a) Election To Treat Certain Costs of Qualified Film and Television Productions as Expenses.—

“(1) In general.—A taxpayer may elect to treat the cost of any qualified film or television production as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction.

“(2) Dollar limitation.—

“(A) In general.—The aggregate cost which may be taken into account under paragraph (1) with respect to each qualified film or television production shall not exceed $15,000,000.

“(B) Higher dollar limitation for productions in certain areas.—In the case of any qualified film or television production the aggregate cost of which is significantly incurred in an area eligible for designation as—

“(i) a low-income community under section 45D, or

“(ii) a distressed county or isolated area of distress by the Delta Regional Authority established under section 2009aa–1 of title 7, United States Code,

subparagraph (A) shall be applied by substituting ‘$20,000,000’ for ‘$15,000,000’.

“(b) Amortization of Remaining Costs.—

“(1) In general.—If an election is made under subsection (a) with respect to any qualified film or television production, that portion of the basis of such production in excess of the amount taken into account under subsection (a) shall be allowed as a deduction ratably over the 36-month period beginning with the month in which such production is placed in service.

"(2) NO OTHER DEDUCTION OR AMORTIZATION DEDUCTION ALLOWABLE.—With respect to the basis of any qualified film or television production described in paragraph (1), no other depreciation or amortization deduction shall be allowable.

"(c) ELECTION.—

"(1) IN GENERAL.—An election under subsection (a) with respect to any qualified film or television production shall be made in such manner as prescribed by the Secretary and by the due date (including extensions) for filing the taxpayer's return of tax under this chapter for the taxable year in which costs of the production are first incurred.

"(2) REVOCATION OF ELECTION.—Any election made under subsection (a) may not be revoked without the consent of the Secretary.

"(d) QUALIFIED FILM OR TELEVISION PRODUCTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified film or television production' means any production described in paragraph (2) if 75 percent of the total compensation of the production is qualified compensation.

"(2) PRODUCTION.—

"(A) IN GENERAL.—A production is described in this paragraph if such production is property described in section 168(f)(3). For purposes of a television series, only the first 44 episodes of such series may be taken into account.

"(B) EXCEPTION.—A production is not described in this paragraph if records are required under section 2257 of title 18, United States Code, to be maintained with respect to any performer in such production.

"(3) QUALIFIED COMPENSATION.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'qualified compensation' means compensation for services performed in the United States by actors, directors, producers, and other relevant production personnel.

"(B) PARTICIPATIONS AND RESIDUALS EXCLUDED.—The term 'compensation' does not include participations and residuals (as defined in section 167(g)(7)(B)).

"(e) APPLICATION OF CERTAIN OTHER RULES.—For purposes of this section, rules similar to the rules of subsections (b)(2) and (c)(4) of section 194 shall apply.

"(f) TERMINATION.—This section shall not apply to qualified film and television productions commencing after December 31, 2008.".

(b) CONFORMING AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 180 the following new item:

"Sec. 181. Treatment of qualified film and television productions.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified film and television productions (as defined in section 181(d)(1) of the Internal Revenue Code of 1986, as added by this section) commencing after the date of the enactment of this Act.

SEC. 322. MODIFICATION OF APPLICATION OF INCOME FORECAST METHOD OF DEPRECIATION.

(a) IN GENERAL.—Section 167(g) (relating to depreciation under income forecast method) is amended by adding at the end the following new paragraph:

"(7) TREATMENT OF PARTICIPATIONS AND RESIDUALS.—

"(A) IN GENERAL.—For purposes of determining the depreciation deduction allowable with respect to a property under this subsection, the taxpayer may include participations and residuals with respect to such property in the adjusted basis of such property for the taxable year in which the property is placed in service, but only to the extent that such participations and residuals relate to income estimated (for purposes of this subsection) to be earned in connection with the property before the close of the 10th taxable year referred to in paragraph (1)(A).

"(B) PARTICIPATIONS AND RESIDUALS.—For purposes of this paragraph, the term 'participations and residuals' means, with respect to any property, costs the amount of which by contract varies with the amount of income earned in connection with such property.

"(C) SPECIAL RULES RELATING TO RECOMPUTATION YEARS.—If the adjusted basis of any property is determined under this paragraph, paragraph (4) shall be applied by substituting 'for each taxable year in such period' for 'for such period'.

"(D) OTHER SPECIAL RULES.—

"(i) PARTICIPATIONS AND RESIDUALS.—Notwithstanding subparagraph (A), the taxpayer may exclude participations and residuals from the adjusted basis of such property and deduct such participations and residuals in the taxable year that such participations and residuals are paid.

"(ii) COORDINATION WITH OTHER RULES.—Deductions computed in accordance with this paragraph shall be allowable notwithstanding paragraph (1)(B) or sections 263, 263A, 404, 419, or 461(h).

"(E) AUTHORITY TO MAKE ADJUSTMENTS.—The Secretary shall prescribe appropriate adjustments to the basis of property and to the look-back method for the additional amounts allowable as a deduction solely by reason of this paragraph.".

(b) DETERMINATION OF INCOME.—Section 167(g)(5) (relating to special rules) is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and inserting after subparagraph (D) the following new subparagraph:

"(E) TREATMENT OF DISTRIBUTION COSTS.—For purposes of this subsection, the income with respect to any property shall be the taxpayer's gross income from such property.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

Subtitle C—Manufacturing Relating to Timber

SEC. 331. EXPENSING OF CERTAIN REFORESTATION EXPENDITURES.

(a) IN GENERAL.—So much of subsection (b) of section 194 (relating to amortization of reforestation expenditures) as precedes paragraph (2) is amended to read as follows:

"(b) TREATMENT AS EXPENSES.—

"(1) ELECTION TO TREAT CERTAIN REFORESTATION EXPENDITURES AS EXPENSES.—

"(A) IN GENERAL.—In the case of any qualified timber property with respect to which the taxpayer has made (in accordance with regulations prescribed by the Secretary) an election under this subsection, the taxpayer shall treat reforestation expenditures which are paid or incurred during the taxable year with respect to such property as an expense which is not chargeable to capital account. The reforestation expenditures so treated shall be allowed as a deduction.

"(B) DOLLAR LIMITATION.—The aggregate amount of reforestation expenditures which may be taken into account under subparagraph (A) with respect to each qualified timber property for any taxable year shall not exceed $10,000 ($5,000 in the case of a separate return by a married individual (as defined in section 7703)).".

(b) NET AMORTIZABLE BASIS.—Section 194(c)(2) (defining amortizable basis) is amended by inserting "which have not been taken into account under subsection (b)" after "expenditures".

(c) CONFORMING AMENDMENTS.—

(1) Section 194(b) is amended by striking paragraphs (3) and (4).

(2) Section 194(b)(2) is amended by striking "paragraph (1)" both places it appears and inserting "paragraph (1)(B)".

(3) Section 194(c) is amended by striking paragraph (4) and inserting the following new paragraphs:

"(4) TREATMENT OF TRUSTS AND ESTATES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), this section shall not apply to trusts and estates.

"(B) AMORTIZATION DEDUCTION ALLOWED TO ESTATES.—The benefit of the deduction for amortization provided by subsection (a) shall be allowed to estates in the same manner as in the case of an individual. The allowable deduction shall be apportioned between the income beneficiary and the fiduciary under regulations prescribed by the Secretary. Any amount so apportioned to a beneficiary shall be taken into account for purposes of determining the amount allowable as a deduction under subsection (a) to such beneficiary.

"(5) APPLICATION WITH OTHER DEDUCTIONS.—No deduction shall be allowed under any other provision of this chapter with respect to any expenditure with respect to which a deduction is allowed or allowable under this section to the taxpayer .".

(4) The heading for section 194 is amended by striking "**AMORTIZATION**" and inserting "**TREATMENT**".

(5) The item relating to section 194 in the table of sections for part VI of subchapter B of chapter 1 is amended by striking "Amortization" and inserting "Treatment".

(d) REPEAL OF REFORESTATION CREDIT.—

(1) IN GENERAL.—Section 46 (relating to amount of credit) is amended—

(A) by adding "and" at the end of paragraph (1),

(B) by striking ", and " at the end of paragraph (2) and inserting a period, and

(C) by striking paragraph (3).

(2) CONFORMING AMENDMENTS.—

(A) Section 48 is amended—

(i) by striking subsection (b),

(ii) by striking "this subsection" in paragraph (5) of subsection (a) and inserting "subsection (a)", and

(iii) by redesignating such paragraph (5) as subsection (b).

(B) The heading for section 48 is amended by striking "; **REFORESTATION CREDIT**".

(C) The item relating to section 48 in the table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by striking ", reforestation credit".

(D) Section 50(c)(3) is amended by striking "or reforestation credit".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to expenditures paid or incurred after the date of the enactment of this Act.

SEC. 332. ELECTION TO TREAT CUTTING OF TIMBER AS A SALE OR EXCHANGE.

Any election under section 631(a) of the Internal Revenue Code of 1986 made for a taxable year ending on or before the date of the enactment of this Act may be revoked by the taxpayer for any taxable year ending after such date. For purposes of determining whether the taxpayer may make a further election under such section, such election (and any revocation under this section) shall not be taken into account.

SEC. 333. CAPITAL GAIN TREATMENT UNDER SECTION 631(b) TO APPLY TO OUTRIGHT SALES BY LANDOWNERS.

(a) In General.—The first sentence of section 631(b) (relating to disposal of timber with a retained economic interest) is amended by striking "retains an economic interest in such timber" and inserting "either retains an economic interest in such timber or makes an outright sale of such timber".

(b) Conforming Amendments.—

(1) The third sentence of section 631(b) is amended by striking "The date of disposal" and inserting "In the case of disposal of timber with a retained economic interest, the date of disposal".

(2) The heading for section 631(b) is amended by striking "With a Retained Economic Interest".

(c) Effective Date.—The amendments made by this section shall apply to sales after the date of the enactment of this Act.

SEC. 334. MODIFICATION OF SAFE HARBOR RULES FOR TIMBER REITS.

(a) Expansion of Prohibited Transaction Safe Harbor.—Section 857(b)(6) (relating to income from prohibited transactions) is amended by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively, and by inserting after subparagraph (C) the following new subparagraph:

"(D) Certain sales not to constitute prohibited transactions.—For purposes of this part, the term 'prohibited transaction' does not include a sale of property which is a real estate asset (as defined in section 856(c)(5)(B)) if—

"(i) the trust held the property for not less than 4 years in connection with the trade or business of producing timber,

"(ii) the aggregate expenditures made by the trust, or a partner of the trust, during the 4-year period preceding the date of sale which—

"(I) are includible in the basis of the property (other than timberland acquisition expenditures), and

"(II) are directly related to operation of the property for the production of timber or for the preservation of the property for use as timberland,

do not exceed 30 percent of the net selling price of the property,

"(iii) the aggregate expenditures made by the trust, or a partner of the trust, during the 4-year period preceding the date of sale which—

"(I) are includible in the basis of the property (other than timberland acquisition expenditures), and

"(II) are not directly related to operation of the property for the production of timber, or for the preservation of the property for use as timberland,

do not exceed 5 percent of the net selling price of the property,

"(iv)(I) during the taxable year the trust does not make more than 7 sales of property (other than sales of foreclosure property or sales to which section 1033 applies), or

"(II) the aggregate adjusted bases (as determined for purposes of computing earnings and profits) of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the aggregate bases (as so determined) of all of the assets of the trust as of the beginning of the taxable year,

"(v) in the case that the requirement of clause (iv)(I) is not satisfied, substantially all of the marketing expenditures with respect to the property were made through an independent contractor (as defined in section 856(d)(3)) from whom the trust itself does not derive or receive any income, and

"(vi) the sales price of the property sold by the trust is not based in whole or in part on income or profits, including income or profits derived from the sale or operation of such property.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE IV—ADDITIONAL PROVISIONS

Subtitle A—Provisions Designed To Curtail Tax Shelters

SEC. 401. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) In General.—Section 7701 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) Clarification of Economic Substance Doctrine; Etc.—

"(1) General rules.—

"(A) In general.—In any case in which a court determines that the economic substance doctrine is relevant for purposes of this title to a transaction (or series of transactions), such transaction (or series of transactions) shall have economic substance only if the requirements of this paragraph are met.

"(B) Definition of economic substance.—For purposes of subparagraph (A)—

"(i) In general.—A transaction has economic substance only if—

"(I) the transaction changes in a meaningful way (apart from Federal tax effects) the taxpayer's economic position, and

"(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

In applying subclause (II), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

"(ii) Special rule where taxpayer relies on profit potential.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

"(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

"(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

"(C) Treatment of fees and foreign taxes.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

"(2) Special rules for transactions with tax-indifferent parties.—

"(A) Special rules for financing transactions.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

"(B) Artificial income shifting and basis adjustments.—The form of a transaction with a tax-indifferent party shall not be respected if—

"(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

"(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

"(3) Definitions and special rules.—For purposes of this subsection—

"(A) Economic substance doctrine.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

"(B) Tax-indifferent party.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

"(C) Exception for personal transactions of individuals.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

"(D) Treatment of lessors.—In applying paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease—

"(i) the expected net tax benefits with respect to the leased property shall not include the benefits of—

"(I) depreciation,

"(II) any tax credit, or

"(III) any other deduction as provided in guidance by the Secretary, and

"(ii) subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

"(4) Other common law doctrines not affected.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

"(5) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.".

(b) Effective Date.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 402. PENALTY FOR FAILING TO DISCLOSE REPORTABLE TRANSACTION.

(a) In General.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6707 the following new section:

"SEC. 6707A. PENALTY FOR FAILURE TO INCLUDE REPORTABLE TRANSACTION INFORMATION WITH RETURN OR STATEMENT.

"(a) Imposition of Penalty.—Any person who fails to include on any return or statement any information with respect to a reportable transaction which is required under section 6011 to be included with such return or statement shall pay a penalty in the amount determined under subsection (b).

"(b) Amount of Penalty.—

"(1) In general.—Except as provided in paragraphs (2) and (3), the amount of the penalty under subsection (a) shall be $50,000.

"(2) Listed transaction.—The amount of the penalty under subsection (a) with respect to a listed transaction shall be $100,000.

"(3) Increase in penalty for large entities and high net worth individuals.—

"(A) In general.—In the case of a failure under subsection (a) by—

"(i) a large entity, or

"(ii) a high net worth individual,

the penalty under paragraph (1) or (2) shall be twice the amount determined without regard to this paragraph.

"(B) Large entity.—For purposes of subparagraph (A), the term 'large entity' means, with respect to any taxable year, a person (other than a natural person) with gross receipts in excess of $10,000,000 for the taxable year in which the reportable transaction occurs or the preceding taxable year. Rules similar to the rules of paragraph (2) and subparagraphs (B), (C), and (D) of paragraph (3) of section 448(c) shall apply for purposes of this subparagraph.

"(C) High net worth individual.—For purposes of subparagraph (A), the term 'high net worth individual' means, with respect to a reportable transaction, a natural person whose net worth exceeds $2,000,000 immediately before the transaction.

"(c) Definitions.—For purposes of this section—

"(1) Reportable transaction.—The term 'reportable transaction' means any transaction with respect to which information is required to be included with a return or statement because, as determined under regulations prescribed under section 6011, such transaction is of a type which the Secretary determines as having a potential for tax avoidance or evasion.

"(2) Listed transaction.—Except as provided in regulations, the term 'listed transaction' means a reportable transaction which is the same as, or substantially similar to, a transaction specifically identified by the Secretary as a tax avoidance transaction for purposes of section 6011.

"(d) Authority To Rescind Penalty.—

"(1) In general.—The Commissioner of Internal Revenue may rescind all or any portion of any penalty imposed by this section with respect to any violation if—

"(A) the violation is with respect to a reportable transaction other than a listed transaction,

"(B) the person on whom the penalty is imposed has a history of complying with the requirements of this title,

"(C) it is shown that the violation is due to an unintentional mistake of fact;

"(D) imposing the penalty would be against equity and good conscience, and

"(E) rescinding the penalty would promote compliance with the requirements of this title and effective tax administration.

"(2) Discretion.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may be delegated only to the head of the Office of Tax Shelter Analysis. The Commissioner, in the Commissioner's sole discretion, may establish a procedure to determine if a penalty should be referred to the Commissioner or the head of such Office for a determination under paragraph (1).

"(3) No appeal.—Notwithstanding any other provision of law, any determination under this subsection may not be reviewed in any administrative or judicial proceeding.

"(4) Records.—If a penalty is rescinded under paragraph (1), the Commissioner shall place in the file in the Office of the Commissioner the opinion of the Commissioner or the head of the Office of Tax Shelter Analysis with respect to the determination, including—

"(A) the facts and circumstances of the transaction,

"(B) the reasons for the rescission, and

"(C) the amount of the penalty rescinded.

"(5) Report.—The Commissioner shall each year report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

"(A) a summary of the total number and aggregate amount of penalties imposed, and rescinded, under this section, and

"(B) a description of each penalty rescinded under this subsection and the reasons therefor.

"(e) Penalty Reported to SEC.—In the case of a person—

"(1) which is required to file periodic reports under section 13 or 15(d) of the Securities Exchange Act of 1934 or is required to be consolidated with another person for purposes of such reports, and

"(2) which—

"(A) is required to pay a penalty under this section with respect to a listed transaction,

"(B) is required to pay a penalty under section 6662A with respect to any reportable transaction at a rate prescribed under section 6662A(c), or

"(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction,

the requirement to pay such penalty shall be disclosed in such reports filed by such person for such periods as the Secretary shall specify. Failure to make a disclosure in accordance with the preceding sentence shall be treated as a failure to which the penalty under subsection (b)(2) applies.

"(f) Coordination With Other Penalties.—The penalty imposed by this section is in addition to any penalty imposed under this title.".

(b) Conforming Amendment.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6707 the following:

"Sec. 6707A. Penalty for failure to include reportable transaction information with return or statement.".

(c) Effective Date.—The amendments made by this section shall apply to returns and statements the due date for which is after the date of the enactment of this Act.

SEC. 403. ACCURACY-RELATED PENALTY FOR LISTED TRANSACTIONS AND OTHER REPORTABLE TRANSACTIONS HAVING A SIGNIFICANT TAX AVOIDANCE PURPOSE.

(a) In General.—Subchapter A of chapter 68 is amended by inserting after section 6662 the following new section:

"SEC. 6662A. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERSTATEMENTS WITH RESPECT TO REPORTABLE TRANSACTIONS.

"(a) Imposition of Penalty.—If a taxpayer has a reportable transaction understatement for any taxable year, there shall be added to the tax an amount equal to 20 percent of the amount of such understatement.

"(b) Reportable Transaction Understatement.—For purposes of this section—

"(1) In general.—The term 'reportable transaction understatement' means the sum of—

"(A) the product of—

"(i) the amount of the increase (if any) in taxable income which results from a difference between the proper tax treatment of an item to which this section applies and the taxpayer's treatment of such item (as shown on the taxpayer's return of tax), and

"(ii) the highest rate of tax imposed by section 1 (section 11 in the case of a taxpayer which is a corporation), and

"(B) the amount of the decrease (if any) in the aggregate amount of credits determined under subtitle A which results from a difference between the taxpayer's treatment of an item to which this section applies (as shown on the taxpayer's return of tax) and the proper tax treatment of such item.

For purposes of subparagraph (A), any reduction of the excess of deductions allowed for the taxable year over gross income for such year, and any reduction in the amount of capital losses which would (without regard to section 1211) be allowed for such year, shall be treated as an increase in taxable income.

"(2) Items to which section applies.—This section shall apply to any item which is attributable to—

"(A) any listed transaction, and

"(B) any reportable transaction (other than a listed transaction) if a significant purpose of such transaction is the avoidance or evasion of Federal income tax.

"(c) Higher Penalty for Nondisclosed Listed and Other Avoidance Transactions.—

"(1) In general.—Subsection (a) shall be applied by substituting '30 percent' for '20 percent' with respect to the portion of any reportable transaction understatement with respect to which the requirement of section 6664(d)(2)(A) is not met.

"(2) Rules applicable to assertion and compromise of penalty.—

"(A) In general.—Only upon the approval by the Chief Counsel for the Internal Revenue Service or the Chief Counsel's delegate at the national office of the Internal Revenue Service may a penalty to which paragraph (1) applies be included in a 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals. If such a letter is provided to the taxpayer, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

"(B) Applicable rules.—The rules of paragraphs (2), (3), (4), and (5) of section 6707A(d) shall apply for purposes of subparagraph (A).

"(d) Definitions of Reportable and Listed Transactions.—For purposes of this section, the terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).

"(e) Special Rules.—

"(1) Coordination with penalties, etc., on other understatements.—In the case of an understatement (as defined in section 6662(d)(2))—

"(A) the amount of such understatement (determined without regard to this paragraph) shall be increased by the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements for purposes of determining whether such understatement is a substantial understatement under section 6662(d)(1), and

"(B) the addition to tax under section 6662(a) shall apply only to the excess of the amount of the substantial understatement (if any) after the application of subparagraph (A) over the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements.

"(2) Coordination with other penalties.—

"(A) Application of fraud penalty.—References to an underpayment in section 6663 shall be treated as including references to a reportable transaction understatement and a noneconomic substance transaction understatement.

"(B) No double penalty.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6662B or 6663.

"(3) Special rule for amended returns.—Except as provided in regulations, in no event shall any tax treatment included with an amendment or supplement to a return of tax be taken into account in determining the amount of any reportable transaction understatement or noneconomic substance transaction understatement if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.

"(4) Noneconomic substance transaction understatement.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).

"(5) Cross reference.—

"For reporting of section 6662A(c) penalty to the Securities and Exchange Commission, see section 6707A(e).".

(b) Determination of Other Understatements.—Subparagraph (A) of section 6662(d)(2) is amended by adding at the end the following flush sentence:

"The excess under the preceding sentence shall be determined without regard to items to which section 6662A applies and without regard to items with respect to which a penalty is imposed by section 6662B.".

(c) Reasonable Cause Exception.—

(1) In general.—Section 6664 is amended by adding at the end the following new subsection:

"(d) Reasonable Cause Exception for Reportable Transaction Understatements.—

"(1) In general.—No penalty shall be imposed under section 6662A with respect to any portion of a reportable transaction understatement if it is shown that there was a reasonable cause for such portion and that the taxpayer acted in good faith with respect to such portion.

"(2) Special rules.—Paragraph (1) shall not apply to any reportable transaction understatement unless—

"(A) the relevant facts affecting the tax treatment of the item are adequately disclosed in accordance with the regulations prescribed under section 6011,

"(B) there is or was substantial authority for such treatment, and

"(C) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

A taxpayer failing to adequately disclose in accordance with section 6011 shall be treated as meeting the requirements of subparagraph (A) if the penalty for such failure was rescinded under section 6707A(d).

"(3) Rules relating to reasonable belief.—For purposes of paragraph (2)(C)—

"(A) In general.—A taxpayer shall be treated as having a reasonable belief with respect to the tax treatment of an item only if such belief—

"(i) is based on the facts and law that exist at the time the return of tax which includes such tax treatment is filed, and

"(ii) relates solely to the taxpayer's chances of success on the merits of such treatment and does not take into account the possibility that a return will not be audited, such treatment will not be raised on audit, or such treatment will be resolved through settlement if it is raised.

"(B) Certain opinions may not be relied upon.—

"(i) In general.—An opinion of a tax advisor may not be relied upon to establish the reasonable belief of a taxpayer if—

"(I) the tax advisor is described in clause (ii), or

"(II) the opinion is described in clause (iii).

"(ii) Disqualified tax advisors.—A tax advisor is described in this clause if the tax advisor—

"(I) is a material advisor (within the meaning of section 6111(b)(1)) who participates in the organization, management, promotion, or sale of the transaction or who is related (within the meaning of section 267(b) or 707(b)(1)) to any person who so participates,

"(II) is compensated directly or indirectly by a material advisor with respect to the transaction,

"(III) has a fee arrangement with respect to the transaction which is contingent on all or part of the intended tax benefits from the transaction being sustained, or

"(IV) as determined under regulations prescribed by the Secretary, has a disqualifying financial interest with respect to the transaction.

"(iii) Disqualified opinions.—For purposes of clause (i), an opinion is disqualified if the opinion—

"(I) is based on unreasonable factual or legal assumptions (including assumptions as to future events),

"(II) unreasonably relies on representations, statements, findings, or agreements of the taxpayer or any other person,

"(III) does not identify and consider all relevant facts, or

"(IV) fails to meet any other requirement as the Secretary may prescribe.".

(2) Conforming amendment.—The heading for subsection (c) of section 6664 is amended by inserting "for Underpayments" after "Exception".

(d) Conforming Amendments.—

(1) Subparagraph (C) of section 461(i)(3) is amended by striking "section 6662(d)(2)(C)(iii)" and inserting "section 1274(b)(3)(C)".

(2) Paragraph (3) of section 1274(b) is amended—

(A) by striking "(as defined in section 6662(d)(2)(C)(iii))" in subparagraph (B)(i), and

(B) by adding at the end the following new subparagraph:

"(C) Tax shelter.—For purposes of subparagraph (B), the term 'tax shelter' means—

"(i) a partnership or other entity,

"(ii) any investment plan or arrangement, or

"(iii) any other plan or arrangement,

if a significant purpose of such partnership, entity, plan, or arrangement is the avoidance or evasion of Federal income tax.".

(3) Section 6662(d)(2) is amended by striking subparagraphs (C) and (D).

(4) Section 6664(c)(1) is amended by striking "this part" and inserting "section 6662 or 6663".

(5) Subsection (b) of section 7525 is amended by striking "section 6662(d)(2)(C)(iii)" and inserting "section 1274(b)(3)(C)".

(6)(A) The heading for section 6662 is amended to read as follows:

"SEC. 6662. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERPAYMENTS.".

(B) The table of sections for part II of subchapter A of chapter 68 is amended by striking the item relating to section 6662 and inserting the following new items:

"Sec. 6662. Imposition of accuracy-related penalty on underpayments.
"Sec. 6662A. Imposition of accuracy-related penalty on understatements with respect to reportable transactions.".

(e) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 404. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) In General.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

"SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

"(a) Imposition of Penalty.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

"(b) Reduction of Penalty for Disclosed Transactions.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

"(c) Noneconomic Substance Transaction Understatement.—For purposes of this section—

"(1) In general.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

"(2) Noneconomic substance transaction.—The term 'noneconomic substance transaction' means any transaction if—

"(A) there is a lack of economic substance (within the meaning of section 7701(n)(1)) for the transaction giving rise to the claimed benefit or the transaction was not respected under section 7701(n)(2), or

"(B) the transaction fails to meet the requirements of any similar rule of law.

"(d) Rules Applicable To Compromise of Penalty.—

"(1) In general.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

"(2) Applicable rules.—The rules of paragraphs (2), (3), (4), and (5) of section 6707A(d) shall apply for purposes of paragraph (1).

"(e) Coordination With Other Penalties.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

"(f) Cross References.—

"(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

"(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e).".

(b) Clerical Amendment.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

"Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.".

(c) Effective Date.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 405. MODIFICATIONS OF SUBSTANTIAL UNDERSTATEMENT PENALTY FOR NONREPORTABLE TRANSACTIONS.

(a) Substantial Understatement of Corporations.—Section 6662(d)(1)(B) (relating to special rule for corporations) is amended to read as follows:

"(B) Special rule for corporations.—In the case of a corporation other than an S corporation or a personal holding company (as defined in section 542), there is a substantial understatement of income tax for any taxable year if the amount of the understatement for the taxable year exceeds the lesser of—

"(i) 10 percent of the tax required to be shown on the return for the taxable year (or, if greater, $10,000), or

"(ii) $10,000,000.".

(b) Reduction for Understatement of Taxpayer Due to Position of Taxpayer or Disclosed Item.—

(1) In general.—Section 6662(d)(2)(B)(i) (relating to substantial authority) is amended to read as follows:

"(i) the tax treatment of any item by the taxpayer if the taxpayer had reasonable belief that the tax treatment was more likely than not the proper treatment, or".

(2) Conforming amendment.—Section 6662(d) is amended by adding at the end the following new paragraph:

"(3) Secretarial list.—For purposes of this subsection, section 6664(d)(2), and section 6694(a)(1), the Secretary may prescribe a list of positions for which the Secretary believes there is not substantial authority or there is no reasonable belief that the tax treatment is more likely than not the proper tax treatment. Such list (and any revisions thereof) shall be published in the Federal Register or the Internal Revenue Bulletin.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 406. TAX SHELTER EXCEPTION TO CONFIDENTIALITY PRIVILEGES RELATING TO TAXPAYER COMMUNICATIONS.

(a) In General.—Section 7525(b) (relating to section not to apply to communications regarding corporate tax shelters) is amended to read as follows:

"(b) Section Not To Apply to Communications Regarding Tax Shelters.—The privilege under subsection (a) shall not apply to any written communication which is—

"(1) between a federally authorized tax practitioner and—

"(A) any person,

"(B) any director, officer, employee, agent, or representative of the person, or

"(C) any other person holding a capital or profits interest in the person, and

"(2) in connection with the promotion of the direct or indirect participation of the person in any tax shelter (as defined in section 1274(b)(3)(C)).".

(b) Effective Date.—The amendment made by this section shall apply to communications made on or after the date of the enactment of this Act.

SEC. 407. DISCLOSURE OF REPORTABLE TRANSACTIONS.

(a) In General.—Section 6111 (relating to registration of tax shelters) is amended to read as follows:

"SEC. 6111. DISCLOSURE OF REPORTABLE TRANSACTIONS.

"(a) In General.—Each material advisor with respect to any reportable transaction shall make a return (in such form as the Secretary may prescribe) setting forth—

"(1) information identifying and describing the transaction,

"(2) information describing any potential tax benefits expected to result from the transaction, and

"(3) such other information as the Secretary may prescribe.

Such return shall be filed not later than the date specified by the Secretary.

"(b) Definitions.—For purposes of this section—

"(1) Material advisor.—

"(A) In general.—The term 'material advisor' means any person—

"(i) who provides any material aid, assistance, or advice with respect to organizing, managing, promoting, selling, implementing, or carrying out any reportable transaction, and

"(ii) who directly or indirectly derives gross income in excess of the threshold amount for such aid, assistance, or advice.

"(B) Threshold amount.—For purposes of subparagraph (A), the threshold amount is—

"(i) $50,000 in the case of a reportable transaction substantially all of the tax benefits from which are provided to natural persons, and

"(ii) $250,000 in any other case.

"(2) Reportable transaction.—The term 'reportable transaction' has the meaning given to such term by section 6707A(c).

"(c) Regulations.—The Secretary may prescribe regulations which provide—

"(1) that only 1 person shall be required to meet the requirements of subsection (a) in cases in which 2 or more persons would otherwise be required to meet such requirements,

"(2) exemptions from the requirements of this section, and

"(3) such rules as may be necessary or appropriate to carry out the purposes of this section.".

(b) Conforming Amendments.—

(1) The item relating to section 6111 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

"Sec. 6111. Disclosure of reportable transactions.".

(2)(A) So much of section 6112 as precedes subsection (c) thereof is amended to read as follows:

"SEC. 6112. MATERIAL ADVISORS OF REPORTABLE TRANSACTIONS MUST KEEP LISTS OF ADVISEES.

"(a) In General.—Each material advisor (as defined in section 6111) with respect to any reportable transaction (as defined in section 6707A(c)) shall maintain, in such manner as the Secretary may by regulations prescribe, a list—

"(1) identifying each person with respect to whom such advisor acted as such a material advisor with respect to such transaction, and

"(2) containing such other information as the Secretary may by regulations require.

This section shall apply without regard to whether a material advisor is required to file a return under section 6111 with respect to such transaction.".

(B) Section 6112 is amended by redesignating subsection (c) as subsection (b).

(C) Section 6112(b), as redesignated by subparagraph (B), is amended—

(i) by inserting "written" before "request" in paragraph (1)(A), and

(ii) by striking "shall prescribe" in paragraph (2) and inserting "may prescribe".

(D) The item relating to section 6112 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

"Sec. 6112. Material advisors of reportable transactions must keep lists of advisees.".

(3)(A) The heading for section 6708 is amended to read as follows:

"SEC. 6708. FAILURE TO MAINTAIN LISTS OF ADVISEES WITH RESPECT TO REPORTABLE TRANSACTIONS.".

(B) The item relating to section 6708 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows:

"Sec. 6708. Failure to maintain lists of advisees with respect to reportable transactions.".

(c) Required Disclosure Not Subject to Claim of Confidentiality.—Subparagraph (A) of section 6112(b)(1), as redesignated by subsection (b)(2)(B), is amended by adding at the end the following new flush sentence:

"For purposes of this section, the identity of any person on such list shall not be privileged.".

(d) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to transactions with respect to which material aid, assistance, or advice referred to in section 6111(b)(1)(A)(i) of the Internal Revenue Code of 1986 (as added by this section) is provided after the date of the enactment of this Act.

(2) No claim of confidentiality against disclosure.—The amendment made by subsection (c) shall take effect as if included in the amendments made by section 142 of the Deficit Reduction Act of 1984.

SEC. 408. MODIFICATIONS TO PENALTY FOR FAILURE TO REGISTER TAX SHELTERS.

(a) In General.—Section 6707 (relating to failure to furnish information regarding tax shelters) is amended to read as follows:

"SEC. 6707. FAILURE TO FURNISH INFORMATION REGARDING REPORTABLE TRANSACTIONS.

"(a) In General.—If a person who is required to file a return under section 6111(a) with respect to any reportable transaction—

"(1) fails to file such return on or before the date prescribed therefor, or

"(2) files false or incomplete information with the Secretary with respect to such transaction,

such person shall pay a penalty with respect to such return in the amount determined under subsection (b).

"(b) Amount of Penalty.—

"(1) In general.—Except as provided in paragraph (2), the penalty imposed under subsection (a) with respect to any failure shall be $50,000.

"(2) Listed transactions.—The penalty imposed under subsection (a) with respect to any listed transaction shall be an amount equal to the greater of—

"(A) $200,000, or

"(B) 50 percent of the gross income derived by such person with respect to aid, assistance, or advice which is provided with respect to the listed transaction before the date the return including the transaction is filed under section 6111.

Subparagraph (B) shall be applied by substituting '75 percent' for '50 percent' in the case of an intentional failure or act described in subsection (a).

"(c) Certain Rules To Apply.—The provisions of section 6707A(d) shall apply to any penalty imposed under this section.

"(d) Reportable and Listed Transactions.—The terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).".

(b) Clerical Amendment.—The item relating to section 6707 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "tax shelters" and inserting "reportable transactions".

(c) Effective Date.—The amendments made by this section shall apply to returns the due date for which is after the date of the enactment of this Act.

SEC. 409. MODIFICATION OF PENALTY FOR FAILURE TO MAINTAIN LISTS OF INVESTORS.

(a) In General.—Subsection (a) of section 6708 is amended to read as follows:

"(a) Imposition of Penalty.—

"(1) In general.—If any person who is required to maintain a list under section 6112(a) fails to make such list available upon written request to the Secretary in accordance with section 6112(b)(1)(A) within 20 business days after the date of the Secretary's request, such person shall pay a penalty of $10,000 for each day of such failure after such 20th day.

"(2) Reasonable cause exception.—No penalty shall be imposed by paragraph (1) with respect to the failure on any day if such failure is due to reasonable cause.".

(b) Effective Date.—The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 410. MODIFICATION OF ACTIONS TO ENJOIN CERTAIN CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS.

(a) In General.—Section 7408 (relating to action to enjoin promoters of abusive tax shelters, etc.) is amended by redesignating subsection (c) as subsection (d) and by striking subsections (a) and (b) and inserting the following new subsections:

"(a) Authority To Seek Injunction.—A civil action in the name of the United States to enjoin any person from further engaging in specified conduct may be commenced at the request of the Secretary. Any action under this section shall be brought in the district court of the United States for the district in which such person resides, has his principal place of business, or has engaged in specified conduct. The court may exercise its jurisdiction over such action (as provided in section 7402(a)) separate and apart from any other action brought by the United States against such person.

"(b) Adjudication and Decree.—In any action under subsection (a), if the court finds—

"(1) that the person has engaged in any specified conduct, and

"(2) that injunctive relief is appropriate to prevent recurrence of such conduct,

the court may enjoin such person from engaging in such conduct or in any other activity subject to penalty under this title.

"(c) Specified Conduct.—For purposes of this section, the term 'specified conduct' means any action, or failure to take action, subject to penalty under section 6700, 6701, 6707, or 6708.".

(b) Conforming Amendments.—

(1) The heading for section 7408 is amended to read as follows:

"SEC. 7408. ACTIONS TO ENJOIN SPECIFIED CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS.".

(2) The table of sections for subchapter A of chapter 67 is amended by striking the item relating to section 7408 and inserting the following new item:

"Sec. 7408. Actions to enjoin specified conduct related to tax shelters and reportable transactions.".

(c) Effective Date.—The amendment made by this section shall take effect on the day after the date of the enactment of this Act.

SEC. 411. UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY INCOME TAX RETURN PREPARER.

(a) Standards Conformed to Taxpayer Standards.—Section 6694(a) (relating to understatements due to unrealistic positions) is amended—

(1) by striking "realistic possibility of being sustained on its merits" in paragraph (1) and inserting "reasonable belief that the tax treatment in such position was more likely than not the proper treatment",

(2) by striking "or was frivolous" in paragraph (3) and inserting "or there was no reasonable basis for the tax treatment of such position", and

(3) by striking "Unrealistic" in the heading and inserting "Improper".

(b) Amount of Penalty.—Section 6694 is amended—

(1) by striking "$250" in subsection (a) and inserting "$1,000", and

(2) by striking "$1,000" in subsection (b) and inserting "$5,000".

(c) Effective Date.—The amendments made by this section shall apply to documents prepared after the date of the enactment of this Act.

SEC. 412. PENALTY ON FAILURE TO REPORT INTERESTS IN FOREIGN FINANCIAL ACCOUNTS.

(a) In General.—Section 5321(a)(5) of title 31, United States Code, is amended to read as follows:

"(5) Foreign financial agency transaction violation.—

"(A) Penalty authorized.—The Secretary of the Treasury may impose a civil money penalty on any person who violates, or causes any violation of, any provision of section 5314.

"(B) Amount of penalty.—

"(i) In general.—Except as provided in subparagraph (C), the amount of any civil penalty imposed under subparagraph (A) shall not exceed $5,000.

"(ii) Reasonable cause exception.—No penalty shall be imposed under subparagraph (A) with respect to any violation if—

"(I) such violation was due to reasonable cause, and

"(II) the amount of the transaction or the balance in the account at the time of the transaction was properly reported.

"(C) Willful violations.—In the case of any person willfully violating, or willfully causing any violation of, any provision of section 5314—

"(i) the maximum penalty under subparagraph (B)(i) shall be increased to the greater of—

"(I) $25,000, or

"(II) the amount (not exceeding $100,000) determined under subparagraph (D), and

"(ii) subparagraph (B)(ii) shall not apply.

"(D) Amount.—The amount determined under this subparagraph is—

"(i) in the case of a violation involving a transaction, the amount of the transaction, or

"(ii) in the case of a violation involving a failure to report the existence of an account or any identifying information required to be provided with respect to an account, the balance in the account at the time of the violation.".

(b) Effective Date.—The amendment made by this section shall apply to violations occurring after the date of the enactment of this Act.

SEC. 413. FRIVOLOUS TAX SUBMISSIONS.

(a) Civil Penalties.—Section 6702 is amended to read as follows:

"SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

"(a) Civil Penalty for Frivolous Tax Returns.—A person shall pay a penalty of $5,000 if—

"(1) such person files what purports to be a return of a tax imposed by this title but which—

"(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

"(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

"(2) the conduct referred to in paragraph (1)—

"(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(B) reflects a desire to delay or impede the administration of Federal tax laws.

"(b) Civil Penalty for Specified Frivolous Submissions.—

"(1) Imposition of penalty.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

"(2) Specified frivolous submission.—For purposes of this section—

"(A) Specified frivolous submission.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

"(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(ii) reflects a desire to delay or impede the administration of Federal tax laws.

"(B) Specified submission.—The term 'specified submission' means—

"(i) a request for a hearing under—

"(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

"(II) section 6330 (relating to notice and opportunity for hearing before levy), and

"(ii) an application under—

"(I) section 6159 (relating to agreements for payment of tax liability in installments),

"(II) section 7122 (relating to compromises), or

"(III) section 7811 (relating to taxpayer assistance orders).

"(3) Opportunity to withdraw submission.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

"(c) Listing of Frivolous Positions.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

"(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

"(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.".

(b) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS BEFORE LEVY.—

(1) FRIVOLOUS REQUESTS DISREGARDED.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(2) PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.—Section 6330(c)(4) is amended—

(A) by striking "(A)" and inserting "(A)(i)";

(B) by striking "(B)" and inserting "(ii)";

(C) by striking the period at the end of the first sentence and inserting "; or"; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

"(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).".

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing".

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing", and

(2) in subsection (c), by striking "and (e)" and inserting "(e), and (g)".

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

"(e) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

"Sec. 6702. Frivolous tax submissions.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 414. REGULATION OF INDIVIDUALS PRACTICING BEFORE THE DEPARTMENT OF TREASURY.

(a) CENSURE; IMPOSITION OF PENALTY.—

(1) IN GENERAL.—Section 330(b) of title 31, United States Code, is amended—

(A) by inserting ", or censure," after "Department", and

(B) by adding at the end the following new flush sentence:

"The Secretary may impose a monetary penalty on any representative described in the preceding sentence. If the representative was acting on behalf of an employer or any firm or other entity in connection with the conduct giving rise to such penalty, the Secretary may impose a monetary penalty on such employer, firm, or entity if it knew, or reasonably should have known, of such conduct. Such penalty shall not exceed the gross income derived (or to be derived) from the conduct giving rise to the penalty and may be in addition to, or in lieu of, any suspension, disbarment, or censure of the representative.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to actions taken after the date of the enactment of this Act.

(b) TAX SHELTER OPINIONS, ETC.—Section 330 of such title 31 is amended by adding at the end the following new subsection:

"(d) Nothing in this section or in any other provision of law shall be construed to limit the authority of the Secretary of the Treasury to impose standards applicable to the rendering of written advice with respect to any entity, transaction plan or arrangement, or other plan or arrangement, which is of a type which the Secretary determines as having a potential for tax avoidance or evasion.".

SEC. 415. PENALTY ON PROMOTERS OF TAX SHELTERS.

(a) PENALTY ON PROMOTING ABUSIVE TAX SHELTERS.—Section 6700(a) is amended by adding at the end the following new sentence: "Notwithstanding the first sentence, if an activity with respect to which a penalty imposed under this subsection involves a statement described in paragraph (2)(A), the amount of the penalty shall be equal to 50 percent of the gross income derived (or to be derived) from such activity by the person on which the penalty is imposed.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to activities after the date of the enactment of this Act.

SEC. 416. STATUTE OF LIMITATIONS FOR TAXABLE YEARS FOR WHICH REQUIRED LISTED TRANSACTIONS NOT REPORTED.

(a) IN GENERAL.—Section 6501(c) (relating to exceptions) is amended by adding at the end the following new paragraph:

"(10) LISTED TRANSACTIONS.—If a taxpayer fails to include on any return or statement for any taxable year any information with respect to a listed transaction (as defined in section 6707A(c)(2)) which is required under section 6011 to be included with such return or statement, the time for assessment of any tax imposed by this title with respect to such transaction shall not expire before the date which is 1 year after the earlier of—

"(A) the date on which the Secretary is furnished the information so required; or

"(B) the date that a material advisor (as defined in section 6111) meets the requirements of section 6112 with respect to a request by the Secretary under section 6112(b) relating to such transaction with respect to such taxpayer.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years with respect to which the period for assessing a deficiency did not expire before the date of the enactment of this Act.

SEC. 417. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONDISCLOSED REPORTABLE AND NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 163 (relating to deduction for interest) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) INTEREST ON UNPAID TAXES ATTRIBUTABLE TO NONDISCLOSED REPORTABLE TRANSACTIONS AND NONECONOMIC SUBSTANCE TRANSACTIONS.—No deduction shall be allowed under this chapter for any interest paid or accrued under section 6601 on any underpayment of tax which is attributable to—

"(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

"(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions in taxable years beginning after the date of the enactment of this Act.

SEC. 418. AUTHORIZATION OF APPROPRIATIONS FOR TAX LAW ENFORCEMENT.

There is authorized to be appropriated $300,000,000 for each fiscal year beginning after September 30, 2003, for the purpose of carrying out tax law enforcement to combat tax avoidance transactions and other tax shelters, including the use of offshore financial accounts to conceal taxable income.

Subtitle B—Other Corporate Governance Provisions

SEC. 421. AFFIRMATION OF CONSOLIDATED RETURN REGULATION AUTHORITY.

(a) IN GENERAL.—Section 1502 (relating to consolidated return regulations) is amended by adding at the end the following new sentence: "In prescribing such regulations, the Secretary may prescribe rules applicable to corporations filing consolidated returns under section 1501 that are different from other provisions of this title that would apply if such corporations filed separate returns.".

(b) RESULT NOT OVERTURNED.—Notwithstanding subsection (a), the Internal Revenue Code of 1986 shall be construed by treating Treasury regulation §1.1502–20(c)(1)(iii) (as in effect on January 1, 2001) as being inapplicable to the type of factual situation in 255 F.3d 1357 (Fed. Cir. 2001).

(c) EFFECTIVE DATE.—The provisions of this section shall apply to taxable years beginning before, on, or after the date of the enactment of this Act.

SEC. 422. SIGNING OF CORPORATE TAX RETURNS BY CHIEF EXECUTIVE OFFICER.

(a) IN GENERAL.—Section 6062 (relating to signing of corporation returns) is amended by inserting after the first sentence the following new sentences: "The return of a corporation with respect to income shall also include a declaration signed by the chief executive officer of such corporation (or other such officer of the corporation as the Secretary may designate if the corporation does not have a chief executive officer), under penalties of perjury, that the chief executive officer ensures that such return complies with this title and that the chief executive officer was provided reasonable assurance of the accuracy of all material aspects of such return. The preceding sentence shall not apply to any return of a regulated investment company (within the meaning of section 851).".

(b) Effective Date.—The amendment made by this section shall apply to returns filed after the date of the enactment of this Act.

SEC. 423. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) In General.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

"(f) Fines, Penalties, and Other Amounts.—

"(1) In general.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law.

"(2) Exception for amounts constituting restitution.—Paragraph (1) shall not apply to any amount which the taxpayer establishes constitutes restitution for damage or harm caused by the violation of any law or the potential violation of any law. This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation.

"(3) Exception for amounts paid or incurred as the result of certain court orders.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

"(4) Certain nongovernmental regulatory entities.—An entity is described in this paragraph if it is—

"(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

"(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.".

(b) Effective Date.—The amendment made by this section shall apply to amounts paid or incurred after April 27, 2003, except that such amendment shall not apply to amounts paid or incurred under any binding order or agreement entered into on or before April 27, 2003. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained on or before April 27, 2003.

SEC. 424. DISALLOWANCE OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) Disallowance of Deduction.—

(1) In general.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended by adding at the end the following new paragraph:

"(2) Punitive damages.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).".

(2) Conforming amendments.—

(A) Section 162(g) is amended—

(i) by striking "If" and inserting:

"(1) Treble damages.—If", and

(ii) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively.

(B) The heading for section 162(g) is amended by inserting "or Punitive Damages" after "Laws".

(b) Inclusion in Income of Punitive Damages Paid by Insurer or Otherwise.—

(1) In general.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

"Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.".

(2) Reporting requirements.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

"(f) Section To Apply to Punitive Damages Compensation.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.".

(3) Conforming amendment.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 91. Punitive damages compensated by insurance or otherwise.".

(c) Effective Date.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SEC. 425. INCREASE IN CRIMINAL MONETARY PENALTY LIMITATION FOR THE UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.

(a) In General.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking "Any person who—" and inserting "(a) In General.—Any person who—", and

(2) by adding at the end the following new subsection:

"(b) Increase in Monetary Limitation for Underpayment or Overpayment of Tax Due to Fraud.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.".

(b) Increase in Penalties.—

(1) Attempt to evade or defeat tax.—Section 7201 is amended—

(A) by striking "$100,000" and inserting "$250,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "5 years" and inserting "10 years".

(2) Willful failure to file return, supply information, or pay tax.—Section 7203 is amended—

(A) in the first sentence—

(i) by striking "misdemeanor" and inserting "felony", and

(ii) by striking "1 year" and inserting "10 years", and

(B) by striking the third sentence.

(3) Fraud and false statements.—Section 7206(a) (as redesignated by subsection (a)) is amended—

(A) by striking "$100,000" and inserting "$250,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "3 years" and inserting "5 years".

(c) Effective Date.—The amendments made by this section shall apply to underpayments and overpayments attributable to actions occurring after the date of the enactment of this Act.

Subtitle C—Enron-Related Tax Shelter Provisions

SEC. 431. LIMITATION ON TRANSFER OR IMPORTATION OF BUILT-IN LOSSES.

(a) In General.—Section 362 (relating to basis to corporations) is amended by adding at the end the following new subsection:

"(e) Limitations on Built-In Losses.—

"(1) Limitation on importation of built-in losses.—

"(A) In general.—If in any transaction described in subsection (a) or (b) there would (but for this subsection) be an importation of a net built-in loss, the basis of each property described in subparagraph (B) which is acquired in such transaction shall (notwithstanding subsections (a) and (b)) be its fair market value immediately after such transaction.

"(B) Property described.—For purposes of subparagraph (A), property is described in this subparagraph if—

"(i) gain or loss with respect to such property is not subject to tax under this subtitle in the hands of the transferor immediately before the transfer, and

"(ii) gain or loss with respect to such property is subject to such tax in the hands of the transferee immediately after such transfer.

In any case in which the transferor is a partnership, the preceding sentence shall be applied by treating each partner in such partnership as holding such partner's proportionate share of the property of such partnership.

"(C) Importation of net built-in loss.—For purposes of subparagraph (A), there is an importation of a net built-in loss in a transaction if the transferee's aggregate adjusted bases of property described in subparagraph (B) which is transferred in such transaction would (but for this paragraph) exceed the fair market value of such property immediately after such transaction.".

"(2) Limitation on transfer of built-in losses in section 351 transactions.—

"(A) In general.—If—

"(i) property is transferred by a transferor in any transaction which is described in subsection (a) and which is not described in paragraph (1) of this subsection, and

"(ii) the transferee's aggregate adjusted bases of such property so transferred would (but for this paragraph) exceed the fair market value of such property immediately after such transaction,

then, notwithstanding subsection (a), the transferee's aggregate adjusted bases of the property so transferred shall not exceed the fair market value of such property immediately after such transaction.

"(B) Allocation of basis reduction.—The aggregate reduction in basis by reason of subparagraph (A) shall be allocated among the property so transferred in proportion to their respective built-in losses immediately before the transaction.

"(C) Exception for transfers within affiliated group.—Subparagraph (A) shall not apply to any transaction if the transferor owns stock in the transferee meeting the requirements of section 1504(a)(2). In the case of property to which subparagraph (A) does not apply by reason of the preceding sentence, the transferor's basis in the stock received for such property shall not exceed its fair market value immediately after the transfer.".

(b) Comparable Treatment Where Liquidation.—Paragraph (1) of section 334(b) (relating to liquidation of subsidiary) is amended to read as follows:

"(1) In general.—If property is received by a corporate distributee in a distribution in a complete liquidation to which section 332 applies (or in a transfer described in section 337(b)(1)), the basis of such property in the hands of such distributee shall be the same as it would be in the hands of the transferor; except that the basis of such property in the hands of such distributee shall be the fair market value of the property at the time of the distribution—

"(A) in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, or

"(B) in any case in which the liquidating corporation is a foreign corporation, the corporate distributee is a domestic corporation, and the corporate distributee's aggregate adjusted bases of property described in section 362(e)(1)(B) which is distributed in such liquidation would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation.".

(c) Effective Date.—The amendments made by this section shall apply to transactions after February 13, 2003.

SEC. 432. NO REDUCTION OF BASIS UNDER SECTION 734 IN STOCK HELD BY PARTNERSHIP IN CORPORATE PARTNER.

(a) In General.—Section 755 is amended by adding at the end the following new subsection:

"(c) No Allocation of Basis Decrease to Stock of Corporate Partner.—In making an allocation under subsection (a) of any decrease in the adjusted basis of partnership property under section 734(b)—

"(1) no allocation may be made to stock in a corporation (or any person which is related (within the meaning of section 267(b) or 707(b)(1)) to such corporation) which is a partner in the partnership, and

"(2) any amount not allocable to stock by reason of paragraph (1) shall be allocated under subsection (a) to other partnership property in such manner as the Secretary may prescribe.

Gain shall be recognized to the partnership to the extent that the amount required to be allocated under paragraph (2) to other partnership property exceeds the aggregate adjusted basis of such other property immediately before the allocation required by paragraph (2).".

(b) Effective Date.—The amendment made by this section shall apply to distributions after February 13, 2003.

SEC. 433. REPEAL OF SPECIAL RULES FOR FASITS.

(a) In General.—Part V of subchapter M of chapter 1 (relating to financial asset securitization investment trusts) is hereby repealed.

(b) Conforming Amendments.—

(1) Paragraph (6) of section 56(g) is amended by striking "REMIC, or FASIT" and inserting "or REMIC".

(2) Clause (ii) of section 382(l)(4)(B) is amended by striking "a REMIC to which part IV of subchapter M applies, or a FASIT to which part V of subchapter M applies," and inserting "or a REMIC to which part IV of subchapter M applies,".

(3) Paragraph (1) of section 582(c) is amended by striking ", and any regular interest in a FASIT,".

(4) Subparagraph (E) of section 856(c)(5) is amended by striking the last sentence.

(5)(A) Section 860G(a)(1) is amended by adding at the end the following new sentence: "An interest shall not fail to qualify as a regular interest solely because the specified principal amount of the regular interest (or the amount of interest accrued on the regular interest) can be reduced as a result of the nonoccurrence of 1 or more contingent payments with respect to any reverse mortgage loan held by the REMIC if, on the startup day for the REMIC, the sponsor reasonably believes that all principal and interest due under the regular interest will be paid at or prior to the liquidation of the REMIC.".

(B) The last sentence of section 860G(a)(3) is amended by inserting ", and any reverse mortgage loan (and each balance increase on such loan meeting the requirements of subparagraph (A)(iii)) shall be treated as an obligation secured by an interest in real property" before the period at the end.

(6) Paragraph (3) of section 860G(a) is amended by adding "and" at the end of subparagraph (B), by striking ", and" at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(7) Section 860G(a)(3), as amended by paragraph (6), is amended by adding at the end the following new sentence: "For purposes of subparagraph (A), if more than 50 percent of the obligations transferred to, or purchased by, the REMIC are originated by the United States or any State (or any political subdivision, agency, or instrumentality of the United States or any State) and are principally secured by an interest in real property, then each obligation transferred to, or purchased by, the REMIC shall be treated as secured by an interest in real property.".

(8)(A) Section 860G(a)(3)(A) is amended by striking "or" at the end of clause (i), by inserting "or" at the end of clause (ii), and by inserting after clause (ii) the following new clause:

"(iii) represents an increase in the principal amount under the original terms of an obligation described in clause (i) or (ii) if such increase—

"(I) is attributable to an advance made to the obligor pursuant to the original terms of the obligation,

"(II) occurs after the startup day, and

"(III) is purchased by the REMIC pursuant to a fixed price contract in effect on the startup day.".

(B) Section 860G(a)(7)(B) is amended to read as follows:

"(B) Qualified reserve fund.—For purposes of subparagraph (A), the term 'qualified reserve fund' means any reasonably required reserve to—

"(i) provide for full payment of expenses of the REMIC or amounts due on regular interests in the event of defaults on qualified mortgages or lower than expected returns on cash flow investments, or

"(ii) provide a source of funds for the purchase of obligations described in clause (ii) or (iii) of paragraph (3)(A).

The aggregate fair market value of the assets held in any such reserve shall not exceed 50 percent of the aggregate fair market value of all of the assets of the REMIC on the startup day, and the amount of any such reserve shall be promptly and appropriately reduced to the extent the amount held in such reserve is no longer reasonably required for purposes specified in clause (i) or (ii) of paragraph (3)(A).".

(9) Subparagraph (C) of section 1202(e)(4) is amended by striking "REMIC, or FASIT" and inserting "or REMIC".

(10) Section 1272(a)(6)(B) is amended by adding at the end the following new flush sentence:

"For purposes of clause (iii), the Secretary shall prescribe regulations permitting the use of a current prepayment assumption, determined as of the close of the accrual period (or such other time as the Secretary may prescribe during the taxable year in which the accrual period ends).".

(11) Subparagraph (C) of section 7701(a)(19) is amended by adding "and" at the end of clause (ix), by striking ", and" at the end of clause (x) and inserting a period, and by striking clause (xi).

(12) The table of parts for subchapter M of chapter 1 is amended by striking the item relating to part V.

(c) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall take effect on February 14, 2003.

(2) Exception for existing FASITs.—

(A) In general.—Paragraph (1) shall not apply to any FASIT in existence on the date of the enactment of this Act to the extent that regular interests issued by the FASIT before such date continue to remain outstanding in accordance with the original terms of issuance.

(B) Transfer of additional assets not permitted.—Except as provided in regulations prescribed by the Secretary of the Treasury or the Secretary's delegate, subparagraph (A) shall cease to apply as of the earliest date after the date of the enactment of this Act that any property is transferred to the FASIT.

SEC. 434. EXPANDED DISALLOWANCE OF DEDUCTION FOR INTEREST ON CONVERTIBLE DEBT.

(a) In General.—Paragraph (2) of section 163(l) is amended by striking "or a related party" and inserting "or equity held by the issuer (or any related party) in any other person".

(b) Capitalization Allowed With Respect to Equity of Persons Other Than Issuer and Related Parties.—Section 163(l) is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6) and by inserting after paragraph (3) the following new paragraph:

"(4) Capitalization allowed with respect to equity of persons other than issuer and related parties.—If the disqualified debt instrument of a corporation is payable in equity held by the issuer (or any related party) in any other person (other than a related party), the basis of such equity shall be increased by the amount not allowed as a deduction by reason of paragraph (1) with respect to the instrument.".

(c) Exception for Certain Instruments Issued by Dealers in Securities.—Section 163(l), as amended by subsection (b), is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7) and by inserting after paragraph (4) the following new paragraph:

"(5) Exception for certain instruments issued by dealers in securities.—For purposes of this subsection, the term 'disqualified debt instrument' does not include indebtedness issued by a dealer in securities (or a related party) which is payable in, or by reference to, equity (other than equity of the issuer or a related party) held by such dealer in its capacity as a dealer in securities. For purposes of this paragraph, the term 'dealer in securities' has the meaning given such term by section 475.".

(c) Conforming Amendments.—Paragraph (3) of section 163(l) is amended—

(1) by striking "or a related party" in the material preceding subparagraph (A) and inserting "or any other person", and

(2) by striking "or interest" each place it appears.

(d) Effective Date.—The amendments made by this section shall apply to debt instruments issued after February 13, 2003.

SEC. 435. EXPANDED AUTHORITY TO DISALLOW TAX BENEFITS UNDER SECTION 269.

(a) In General.—Subsection (a) of section 269 (relating to acquisitions made to evade or avoid income tax) is amended to read as follows:

"(a) In General.—If—

"(1)(A) any person or persons acquire, directly or indirectly, control of a corporation, or

"(B) any corporation acquires, directly or indirectly, property of another corporation and the basis of such property, in the hands of the acquiring corporation, is determined by reference to the basis in the hands of the transferor corporation, and

"(2) the principal purpose for which such acquisition was made is evasion or avoidance of Federal income tax,

then the Secretary may disallow such deduction, credit, or other allowance. For purposes of paragraph (1)(A), control means the ownership of stock possessing at least 50 percent of the total combined voting power of all classes of stock entitled to vote or at least 50 percent of the total value of all shares of all classes of stock of the corporation.".

(b) Effective Date.—The amendment made by this section shall apply to stock and property acquired after February 13, 2003.

SEC. 436. MODIFICATION OF INTERACTION BETWEEN SUBPART F AND PASSIVE FOREIGN INVESTMENT COMPANY RULES.

(a) Limitation on Exception From PFIC Rules for United States Shareholders of Controlled Foreign Corporations.—Paragraph (2) of section 1297(e) (relating to passive foreign investment company) is amended by adding at the end the following flush sentence:

"Such term shall not include any period if the earning of subpart F income by such corporation during such period would result in only a remote likelihood of an inclusion in gross income under section 951(a)(1)(A)(i).".

(b) Effective Date.—The amendment made by this section shall apply to taxable years of controlled foreign corporations beginning after February 13, 2003, and to taxable years of United States shareholders with or within which such taxable years of controlled foreign corporations end.

Subtitle D—Provisions to Discourage Expatriation

SEC. 441. TAX TREATMENT OF INVERTED CORPORATE ENTITIES

(a) In General.—Subchapter C of chapter 80 (relating to provisions affecting more than one subtitle) is amended by adding at the end the following new section:

"SEC. 7874. RULES RELATING TO INVERTED CORPORATE ENTITIES

"(a) Inverted Corporations Treated as Domestic Corporations.—

"(1) In general.—If a foreign incorporated entity is treated as an inverted domestic corporation, then, notwithstanding section 7701(a)(4), such entity shall be treated for purposes of this title as a domestic corporation.

"(2) Inverted domestic corporation.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

"(A) the entity completes after March 20, 2002, the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership,

"(B) after the acquisition at least 80 percent of the stock (by vote or value) of the entity is held—

"(i) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

"(ii) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, and

"(C) the expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

Except as provided in regulations, an acquisition of properties of a domestic corporation shall not be treated as described in subparagraph (A) if none of the corporation's stock was readily tradeable on an established securities market at any time during the 4-year period ending on the date of the acquisition.

"(b) Preservation of Domestic Tax Base in Certain Inversion Transactions to Which Subsection (a) Does Not Apply.—

"(1) In general.—If a foreign incorporated entity would be treated as an inverted domestic corporation with respect to an acquired entity if either—

"(A) subsection (a)(2)(A) were applied by substituting 'after December 31, 1996, and on or before March 20, 2002' for 'after March 20, 2002' and subsection (a)(2)(B) were applied by substituting 'more than 50 percent' for 'at least 80 percent', or

"(B) subsection (a)(2)(B) were applied by substituting 'more than 50 percent' for 'at least 80 percent',

then the rules of subsection (c) shall apply to any inversion gain of the acquired entity during the applicable period and the rules of subsection (d) shall apply to any related party transaction of the acquired entity during the applicable period. This subsection shall not apply for any taxable year if subsection (a) applies to such foreign incorporated entity for such taxable year.

"(2) Acquired entity.—For purposes of this section—

"(A) In general.—The term 'acquired entity' means the domestic corporation or partnership substantially all of the properties of which are directly or indirectly acquired in an acquisition described in subsection (a)(2)(A) to which this subsection applies.

"(B) Aggregation rules.—Any domestic person bearing a relationship described in section 267(b) or 707(b) to an acquired entity shall be treated as an acquired entity with respect to the acquisition described in subparagraph (A).

"(3) Applicable period.—For purposes of this section—

"(A) In general.—The term 'applicable period' means the period—

"(i) beginning on the first date properties are acquired as part of the acquisition described in subsection (a)(2)(A) to which this subsection applies, and

"(ii) ending on the date which is 10 years after the last date properties are acquired as part of such acquisition.

"(B) Special rule for inversions occurring before March 21, 2002.—In the case of any acquired entity to which paragraph (1)(A) applies, the applicable period shall be the 10-year period beginning on January 1, 2003.

"(c) Tax on Inversion Gains May Not Be Offset.—If subsection (b) applies—

"(1) In general.—The taxable income of an acquired entity (or any expanded affiliated group which includes such entity) for any taxable year which includes any portion of the applicable period shall in no event be less than the inversion gain of the entity for the taxable year.

"(2) Credits not allowed against tax on inversion gain.—Credits shall be allowed against the tax imposed by this chapter on an acquired entity for any taxable year described in paragraph (1) only to the extent such tax exceeds the product of—

"(A) the amount of the inversion gain for the taxable year, and

"(B) the highest rate of tax specified in section 11(b)(1).

For purposes of determining the credit allowed by section 901 inversion gain shall be treated as from sources within the United States.

"(3) Special rules for partnerships.—In the case of an acquired entity which is a partnership—

"(A) the limitations of this subsection shall apply at the partner rather than the partnership level,

"(B) the inversion gain of any partner for any taxable year shall be equal to the sum of—

"(i) the partner's distributive share of inversion gain of the partnership for such taxable year, plus

"(ii) income or gain required to be recognized for the taxable year by the partner under section 367(a), 741, or 1001, or under any other provision of chapter 1, by reason of the transfer during the applicable period of any partnership interest of the partner in such partnership to the foreign incorporated entity, and

"(C) the highest rate of tax specified in the rate schedule applicable to the partner under chapter 1 shall be substituted for the rate of tax under paragraph (2)(B).

"(4) Inversion gain.—For purposes of this section, the term 'inversion gain' means any income or gain required to be recognized under section 304, 311(b), 367, 1001, or 1248, or under any other provision of chapter 1, by reason of the transfer during the applicable period of stock or other properties by an acquired entity—

"(A) as part of the acquisition described in subsection (a)(2)(A) to which subsection (b) applies, or

"(B) after such acquisition to a foreign related person.

The Secretary may provide that income or gain from the sale of inventories or other transactions in the ordinary course of a trade or business shall not be treated as inversion gain under subparagraph (B) to the extent the Secretary determines such treatment would not be inconsistent with the purposes of this section.

"(5) Coordination with section 172 and minimum tax.—Rules similar to the rules of paragraphs (3) and (4) of section 860E(a) shall apply for purposes of this section.

"(6) Statute of limitations.—

"(A) In general.—The statutory period for the assessment of any deficiency attributable to the inversion gain of any taxpayer for any pre-inversion year shall not expire before the expiration of 3 years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may prescribe) of the acquisition described in subsection (a)(2)(A) to which such gain relates and such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

"(B) PRE-INVERSION YEAR.—For purposes of subparagraph (A), the term 'pre-inversion year' means any taxable year if—

"(i) any portion of the applicable period is included in such taxable year, and

"(ii) such year ends before the taxable year in which the acquisition described in subsection (a)(2)(A) is completed.

"(d) SPECIAL RULES APPLICABLE TO ACQUIRED ENTITIES TO WHICH SUBSECTION (b) APPLIES.—

"(1) INCREASES IN ACCURACY-RELATED PENALTIES.—In the case of any underpayment of tax of an acquired entity to which subsection (b) applies—

"(A) section 6662(a) shall be applied with respect to such underpayment by substituting '30 percent' for '20 percent', and

"(B) if such underpayment is attributable to one or more gross valuation understatements, the increase in the rate of penalty under section 6662(h) shall be to 50 percent rather than 40 percent.

"(2) MODIFICATIONS OF LIMITATION ON INTEREST DEDUCTION.—In the case of an acquired entity to which subsection (b) applies, section 163(j) shall be applied—

"(A) without regard to paragraph (2)(A)(ii) thereof, and

"(B) by substituting '25 percent' for '50 percent' each place it appears in paragraph (2)(B) thereof.

"(e) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) RULES FOR APPLICATION OF SUBSECTION (a)(2).—In applying subsection (a)(2) for purposes of subsections (a) and (b), the following rules shall apply:

"(A) CERTAIN STOCK DISREGARDED.—There shall not be taken into account in determining ownership for purposes of subsection (a)(2)(B)—

"(i) stock held by members of the expanded affiliated group which includes the foreign incorporated entity, or

"(ii) stock of such entity which is sold in a public offering or private placement related to the acquisition described in subsection (a)(2)(A).

"(B) PLAN DEEMED IN CERTAIN CASES.—If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (a)(2)(B) are met with respect to such domestic corporation or partnership, such actions shall be treated as pursuant to a plan.

"(C) CERTAIN TRANSFERS DISREGARDED.—The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

"(D) SPECIAL RULE FOR RELATED PARTNERSHIPS.—For purposes of applying subsection (a)(2) to the acquisition of a domestic partnership, except as provided in regulations, all partnerships which are under common control (within the meaning of section 482) shall be treated as 1 partnership.

"(E) TREATMENT OF CERTAIN RIGHTS.—The Secretary shall prescribe such regulations as may be necessary—

"(i) to treat warrants, options, contracts to acquire stock, convertible debt instruments, and other similar interests as stock, and

"(ii) to treat stock as not stock.

"(2) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group as defined in section 1504(a) but without regard to section 1504(b)(3), except that section 1504(a) shall be applied by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears.

"(3) FOREIGN INCORPORATED ENTITY.—The term 'foreign incorporated entity' means any entity which is, or but for subsection (a)(1) would be, treated as a foreign corporation for purposes of this title.

"(4) FOREIGN RELATED PERSON.—The term 'foreign related person' means, with respect to any acquired entity, a foreign person which—

"(A) bears a relationship to such entity described in section 267(b) or 707(b), or

"(B) is under the same common control (within the meaning of section 482) as such entity.

"(5) SUBSEQUENT ACQUISITIONS BY UNRELATED DOMESTIC CORPORATIONS.—

"(A) IN GENERAL.—Subject to such conditions, limitations, and exceptions as the Secretary may prescribe, if, after an acquisition described in subsection (a)(2)(A) to which subsection (b) applies, a domestic corporation stock of which is traded on an established securities market acquires directly or indirectly any properties of one or more acquired entities in a transaction with respect to which the requirements of subparagraph (B) are met, this section shall cease to apply to any such acquired entity with respect to which such requirements are met.

"(B) REQUIREMENTS.—The requirements of the subparagraph are met with respect to a transaction involving any acquisition described in subparagraph (A) if—

"(i) before such transaction the domestic corporation did not have a relationship described in section 267(b) or 707(b), and was not under common control (within the meaning of section 482), with the acquired entity, or any member of an expanded affiliated group including such entity, and

"(ii) after such transaction, such acquired entity—

"(I) is a member of the same expanded affiliated group which includes the domestic corporation or has such a relationship or is under such common control with any member of such group, and

"(II) is not a member of, and does not have such a relationship and is not under such common control with any member of, the expanded affiliated group which before such acquisition included such entity.

"(f) REGULATIONS.—The Secretary shall provide such regulations as are necessary to carry out this section, including regulations providing for such adjustments to the application of this section as are necessary to prevent the avoidance of the purposes of this section, including the avoidance of such purposes through—

"(1) the use of related persons, pass-thru or other noncorporate entities, or other intermediaries, or

"(2) transactions designed to have persons cease to be (or not become) members of expanded affiliated groups or related persons.".

(b) INFORMATION REPORTING.—The Secretary of the Treasury shall exercise the Secretary's authority under the Internal Revenue Code of 1986 to require entities involved in transactions to which section 7874 of such Code (as added by subsection (a)) applies to report to the Secretary, shareholders, partners, and such other persons as the Secretary may prescribe such information as is necessary to ensure the proper tax treatment of such transactions.

(c) CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 80 is amended by adding at the end the following new item:

"Sec. 7874. Rules relating to inverted corporate entities.".

(d) TRANSITION RULE FOR CERTAIN REGULATED INVESTMENT COMPANIES AND UNIT INVESTMENT TRUSTS.—Notwithstanding section 7874 of the Internal Revenue Code of 1986 (as added by subsection (a)), a regulated investment company, or other pooled fund or trust specified by the Secretary of the Treasury, may elect to recognize gain by reason of section 367(a) of such Code with respect to a transaction under which a foreign incorporated entity is treated as an inverted domestic corporation under section 7874(a) of such Code by reason of an acquisition completed after March 20, 2002, and before January 1, 2004.

SEC. 442. IMPOSITION OF MARK-TO-MARKET TAX ON INDIVIDUALS WHO EXPATRIATE.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2003, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

"(A) In general.—If a covered expatriate elects the application of this paragraph—

"(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

"(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

"(B) Requirements.—Subparagraph (A) shall not apply to an individual unless the individual—

"(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

"(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

"(iii) complies with such other requirements as the Secretary may prescribe.

"(C) Election.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

"(b) Election To Defer Tax.—

"(1) In general.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) Determination of tax with respect to property.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) Termination of postponement.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) Security.—

"(A) In general.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

"(B) Adequate security.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

"(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

"(5) Waiver of certain rights.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) Elections.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

"(7) Interest.—For purposes of section 6601—

"(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

"(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(c) Covered Expatriate.—For purposes of this section—

"(1) In general.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

"(2) Exceptions.—An individual shall not be treated as a covered expatriate if—

"(A) the individual—

"(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

"(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

"(d) Exempt Property; Special Rules for Pension Plans.—

"(1) Exempt property.—This section shall not apply to the following:

"(A) United states real property interests.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

"(B) Specified property.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

"(2) Special rules for certain retirement plans.—

"(A) In general.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

"(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

"(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

"(B) Treatment of subsequent distributions.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

"(C) Treatment of subsequent distributions by plan.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

"(D) Applicable plans.—This paragraph shall apply to—

"(i) any qualified retirement plan (as defined in section 4974(c)),

"(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

"(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

"(e) Definitions.—For purposes of this section—

"(1) Expatriate.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes citizenship, and

"(B) any long-term resident of the United States who—

"(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

"(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

"(2) Expatriation date.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

"(3) Relinquishment of citizenship.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

"(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(4) Long-term resident.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(f) Special Rules Applicable to Beneficiaries' Interests in Trust.—

"(1) In general.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

"(A) the individual shall not be treated as having sold such interest, “(B) such interest shall be treated as a separate share in the trust, and

“(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

“(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

“(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

“(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

“(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

“(i) paragraph (1) and subsection (a) shall not apply, and

“(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

“(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

“(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

“(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

“(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

“(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

“(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

“(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

“(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

“(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

“(E) TAX DEDUCTED AND WITHHELD.—

“(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

“(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

“(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

“(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

“(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

“(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

“(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

“(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

“(i) QUALIFIED TRUST.—The term ‘qualified trust’ means a trust which is described in section 7701(a)(30)(E).

“(ii) VESTED INTEREST.—The term ‘vested interest’ means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

“(iii) NONVESTED INTEREST.—The term ‘nonvested interest’ means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

“(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

“(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

“(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

“(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

“(B) OTHER DETERMINATIONS.—For purposes of this section—

“(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

“(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

“(I) the methodology used to determine that taxpayer's trust interest under this section, and

“(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

“(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

“(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

“(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

“(h) IMPOSITION OF TENTATIVE TAX.—

“(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

“(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

“(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

“(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

“(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

“(1) IMPOSITION OF LIEN.—

“(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

“(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

“(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

“(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

“(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

“(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section

6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

"(j) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) Inclusion in Income of Gifts and Bequests Received by United States Citizens and Residents From Expatriates.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

"(d) Gifts and Inheritances From Covered Expatriates.—

"(1) In general.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

"(2) Exceptions for transfers otherwise subject to estate or gift tax.—Paragraph (1) shall not apply to any property if either—

"(A) the gift, bequest, devise, or inheritance is—

"(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

"(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

"(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.".

(c) Definition of Termination of United States Citizenship.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(48) Termination of united states citizenship.—

"(A) In general.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) Dual citizens.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(d) Ineligibility for Visa or Admission to United States.—

(1) In general.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) Former citizens not in compliance with expatriation revenue provisions.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).".

(2) Availability of information.—

(A) In general.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(19) Disclosure to deny visa or admission to certain expatriates.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) Safeguards.—

(i) Technical amendments.—Paragraph (4) of section 6103(p) of the Internal Revenue Code of 1986, as amended by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 961), is amended by striking "or (17)" after "any other person described in subsection (l)(16)" each place it appears and inserting "or (18)".

(ii) Conforming amendments.—Section 6103(p)(4) (relating to safeguards), as amended by clause (i), is amended by striking "or (18)" after "any other person described in subsection (l)(16)" each place it appears and inserting "(18), or (19)".

(3) Effective dates.—

(A) In general.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(B) Technical amendments.—The amendments made by paragraph (2)(B)(i) shall take effect as if included in the amendments made by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 961).

(e) Conforming Amendments.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(g) Application.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after February 5, 2003.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) Application.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(F) Application.—This paragraph shall not apply to any expatriate subject to section 877A.".

(4)(A) Paragraph (1) of section 6039G(d) is amended by inserting "or 877A" after "section 877".

(B) The second sentence of section 6039G(e) is amended by inserting "or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))" after "877(a))".

(C) Section 6039G(f) is amended by inserting "or 877A(e)(2)(B)" after "877(e)(1)".

(f) Clerical Amendment.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(g) Effective Date.—

(1) In general.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after February 5, 2003.

(2) Gifts and bequests.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after February 5, 2003, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) Due date for tentative tax.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 443. EXCISE TAX ON STOCK COMPENSATION OF INSIDERS IN INVERTED CORPORATIONS.

(a) In General.—Subtitle D is amended by adding at the end the following new chapter:

"CHAPTER 48—STOCK COMPENSATION OF INSIDERS IN INVERTED CORPORATIONS

"Sec. 5000A. Stock compensation of insiders in inverted corporations entities.

"SEC. 5000A. STOCK COMPENSATION OF INSIDERS IN INVERTED CORPORATIONS.

"(a) Imposition of Tax.—In the case of an individual who is a disqualified individual with respect to any inverted corporation, there is hereby imposed on such person a tax equal to 20 percent of the value (determined under subsection (b)) of the specified stock compensation held (directly or indirectly) by or for the benefit of such individual or a member of such individual's family (as defined in section 267) at any time during the 12-month period beginning on the date which is 6 months before the inversion date.

"(b) Value.—For purposes of subsection (a)—

"(1) In general.—The value of specified stock compensation shall be—

"(A) in the case of a stock option (or other similar right) or any stock appreciation right, the fair value of such option or right, and

"(B) in any other case, the fair market value of such compensation.

"(2) Date for determining value.—The determination of value shall be made—

"(A) in the case of specified stock compensation held on the inversion date, on such date,

"(B) in the case of such compensation which is canceled during the 6 months before the inversion date, on the day before such cancellation, and

"(C) in the case of such compensation which is granted after the inversion date, on the date such compensation is granted.

"(c) Tax To Apply Only if Shareholder Gain Recognized.—Subsection (a) shall apply to any disqualified individual with respect to an inverted corporation only if gain (if any) on any stock in such corporation is recognized in whole or part by any shareholder by reason of the acquisition referred to in section 7874(a)(2)(A) (determined by substituting 'July 10, 2002' for 'March 20, 2002') with respect to such corporation.

"(d) Exception Where Gain Recognized on Compensation.—Subsection (a) shall not apply to—

"(1) any stock option which is exercised on the inversion date or during the 6-month period before such date and to the stock acquired in such exercise, if income is recognized under section 83 on or before the inversion date with respect to the stock acquired pursuant to such exercise, and

"(2) any specified stock compensation which is exercised, sold, exchanged, distributed, cashed out, or otherwise paid during such period in a transaction in which gain or loss is recognized in full.

"(e) Definitions.—For purposes of this section—

"(1) Disqualified individual.—The term 'disqualified individual' means, with respect to a corporation, any individual who, at any time during the 12-month period beginning on the date which is 6 months before the inversion date—

"(A) is subject to the requirements of section 16(a) of the Securities Exchange Act of 1934 with respect to such corporation, or

"(B) would be subject to such requirements if such corporation were an issuer of equity securities referred to in such section.

"(2) Inverted corporation; inversion date.—

"(A) Inverted corporation.—The term 'inverted corporation' means any corporation to which subsection (a) or (b) of section 7874 applies determined—

"(i) by substituting 'July 10, 2002' for 'March 20, 2002' in section 7874(a)(2)(A), and

"(ii) without regard to subsection (b)(1)(A).

Such term includes any predecessor or successor of such a corporation.

"(B) Inversion date.—The term 'inversion date' means, with respect to a corporation, the date on which the corporation first becomes an inverted corporation.

"(3) Specified stock compensation.—

"(A) In general.—The term 'specified stock compensation' means payment (or right to payment) granted by the inverted corporation (or by any member of the expanded affiliated group which includes such corporation) to any person in connection with the performance of services by a disqualified individual for such corporation or member if the value of such payment or right is based on (or determined by reference to) the value (or change in value) of stock in such corporation (or any such member).

"(B) Exceptions.—Such term shall not include—

"(i) any option to which part II of subchapter D of chapter 1 applies, or

"(ii) any payment or right to payment from a plan referred to in section 280G(b)(6).

"(4) Expanded affiliated group.—The term 'expanded affiliated group' means an affiliated group (as defined in section 1504(a) without regard to section 1504(b)(3)); except that section 1504(a) shall be applied by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears.

"(f) Special Rules.—For purposes of this section—

"(1) Cancellation of restriction.—The cancellation of a restriction which by its terms will never lapse shall be treated as a grant.

"(2) Payment or reimbursement of tax by corporation treated as specified stock compensation.—Any payment of the tax imposed by this section directly or indirectly by the inverted corporation or by any member of the expanded affiliated group which includes such corporation—

"(A) shall be treated as specified stock compensation, and

"(B) shall not be allowed as a deduction under any provision of chapter 1.

"(3) Certain restrictions ignored.—Whether there is specified stock compensation, and the value thereof, shall be determined without regard to any restriction other than a restriction which by its terms will never lapse.

"(4) Property transfers.—Any transfer of property shall be treated as a payment and any right to a transfer of property shall be treated as a right to a payment.

"(5) Other administrative provisions.—For purposes of subtitle F, any tax imposed by this section shall be treated as a tax imposed by subtitle A.

"(g) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) Denial of Deduction.—

(1) In general.—Paragraph (6) of section 275(a) is amended by inserting "48," after "46,".

(2) $1,000,000 limit on deductible compensation reduced by payment of excise tax on specified stock compensation.—Paragraph (4) of section 162(m) is amended by adding at the end the following new subparagraph:

"(G) Coordination with excise tax on specified stock compensation.—The dollar limitation contained in paragraph (1) with respect to any covered employee shall be reduced (but not below zero) by the amount of any payment (with respect to such employee) of the tax imposed by section 5000A directly or indirectly by the inverted corporation (as defined in such section) or by any member of the expanded affiliated group (as defined in such section) which includes such corporation.".

(c) Conforming Amendments.—

(1) The last sentence of section 3121(v)(2)(A) is amended by inserting before the period "or to any specified stock compensation (as defined in section 5000A) on which tax is imposed by section 5000A".

(2) The table of chapters for subtitle D is amended by adding at the end the following new item:

"Chapter 48. Stock compensation of insiders in inverted corporations.".

(d) Effective Date.—The amendments made by this section shall take effect on July 11, 2002; except that periods before such date shall not be taken into account in applying the periods in subsections (a) and (e)(1) of section 5000A of the Internal Revenue Code of 1986, as added by this section.

SEC. 444. REINSURANCE OF UNITED STATES RISKS IN FOREIGN JURISDICTIONS.

(a) In General.—Section 845(a) (relating to allocation in case of reinsurance agreement involving tax avoidance or evasion) is amended by striking "source and character" and inserting "amount, source, or character".

(b) Effective Date.—The amendments made by this section shall apply to any risk reinsured after April 11, 2002.

SEC. 445. REPORTING OF TAXABLE MERGERS AND ACQUISITIONS.

(a) In General.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6043 the following new section:

"SEC. 6043A. TAXABLE MERGERS AND ACQUISITIONS.

"(a) In General.—The acquiring corporation in any taxable acquisition shall make a return (according to the forms or regulations prescribed by the Secretary) setting forth—

"(1) a description of the acquisition,

"(2) the name and address of each shareholder of the acquired corporation who is required to recognize gain (if any) as a result of the acquisition,

"(3) the amount of money and the fair market value of other property transferred to each such shareholder as part of such acquisition, and

"(4) such other information as the Secretary may prescribe.

To the extent provided by the Secretary, the requirements of this section applicable to the acquiring corporation shall be applicable to the acquired corporation and not to the acquiring corporation.

"(b) Nominee Reporting.—Any person who holds stock as a nominee for another person shall furnish in the manner prescribed by the Secretary to such other person the information provided by the corporation under subsection (d).

"(c) Taxable Acquisition.—For purposes of this section, the term 'taxable acquisition' means any acquisition by a corporation of stock in or property of another corporation if any shareholder of the acquired corporation is required to recognize gain (if any) as a result of such acquisition.

"(d) Statements To Be Furnished to Shareholders.—Every person required to make a return under subsection (a) shall furnish to each shareholder whose name is required to be set forth in such return a written statement showing—

"(1) the name, address, and phone number of the information contact of the person required to make such return,

"(2) the information required to be shown on such return with respect to such shareholder, and

"(3) such other information as the Secretary may prescribe.

The written statement required under the preceding sentence shall be furnished to the shareholder on or before January 31 of the year following the calendar year during which the taxable acquisition occurred.".

(b) Assessable Penalties.—

(1) Subparagraph (B) of section 6724(d)(1) (relating to definitions) is amended by redesignating clauses (ii) through (xvii) as clauses (iii) through (xviii), respectively, and by inserting after clause (i) the following new clause:

"(ii) section 6043A(a) (relating to returns relating to taxable mergers and acquisitions),".

(2) Paragraph (2) of section 6724(d) is amended by redesignating subparagraphs (F) through (AA) as subparagraphs (G) through (BB), respectively, and by inserting after subparagraph (E) the following new subparagraph:

"(F) subsections (b) and (d) of section 6043A (relating to returns relating to taxable mergers and acquisitions).".

(c) Clerical Amendment.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6043 the following new item:

"Sec. 6043A. Returns relating to taxable mergers and acquisitions.".

(d) Effective Date.—The amendments made by this section shall apply to acquisitions after the date of the enactment of this Act.

Subtitle E—International Tax

SEC. 451. CLARIFICATION OF BANKING BUSINESS FOR PURPOSES OF DETERMINING INVESTMENT OF EARNINGS IN UNITED STATES PROPERTY.

(a) In General.—Subparagraph (A) of section 956(c)(2) is amended to read as follows:

"(A) obligations of the United States, money, or deposits with—

"(i) any bank (as defined by section 2(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)), without regard to subparagraphs (C) and (G) of paragraph (2) of such section), or

"(ii) any corporation not described in clause (i) with respect to which a bank holding company (as defined by section 2(a) of such Act) or financial holding company (as defined by section 2(p) of such Act) owns directly or indirectly more than 80 percent by vote or value of the stock of such corporation;".

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 452. PROHIBITION ON NONRECOGNITION OF GAIN THROUGH COMPLETE LIQUIDATION OF HOLDING COMPANY.

(a) IN GENERAL.—Section 332 is amended by adding at the end the following new subsection:

"(d) RECOGNITION OF GAIN ON LIQUIDATION OF CERTAIN HOLDING COMPANIES.—

"(1) IN GENERAL.—In the case of any distribution to a foreign corporation in complete liquidation of an applicable holding company—

"(A) subsection (a) and section 331 shall not apply to such distribution, and

"(B) such distribution shall be treated as a distribution to which section 301 applies.

"(2) APPLICABLE HOLDING COMPANY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'applicable holding company' means any domestic corporation—

"(i) which is a common parent of an affiliated group,

"(ii) stock of which is directly owned by the distributee foreign corporation,

"(iii) substantially all of the assets of which consist of stock in other members of such affiliated group, and

"(iv) which has not been in existence at all times during the 5 years immediately preceding the date of the liquidation.

"(B) AFFILIATED GROUP.—For purposes of this subsection, the term 'affiliated group' has the meaning given such term by section 1504(a) (without regard to paragraphs (2) and (4) of section 1504(b)).

"(3) COORDINATION WITH SUBPART F.—If the distributee of a distribution described in paragraph (1) is a controlled foreign corporation (as defined in section 957), then notwithstanding paragraph (1) or subsection (a), such distribution shall be treated as a distribution to which section 331 applies.

"(4) REGULATIONS.—The Secretary shall provide such regulations as appropriate to prevent the abuse of this subsection, including regulations which provide, for the purposes of clause (iv) of paragraph (2)(A), that a corporation is not in existence for any period unless it is engaged in the active conduct of a trade or business or owns a significant ownership interest in another corporation so engaged.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions in complete liquidation occurring on or after the date of the enactment of this Act.

SEC. 453. PREVENTION OF MISMATCHING OF INTEREST AND ORIGINAL ISSUE DISCOUNT DEDUCTIONS AND INCOME INCLUSIONS IN TRANSACTIONS WITH RELATED FOREIGN PERSONS.

(a) ORIGINAL ISSUE DISCOUNT.—Section 163(e)(3) (relating to special rule for original issue discount on obligation held by related foreign person) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) SPECIAL RULE FOR CERTAIN FOREIGN ENTITIES.—

"(i) IN GENERAL.—In the case of any debt instrument having original issue discount which is held by a related foreign person which is a foreign personal holding company (as defined in section 552), a controlled foreign corporation (as defined in section 957), or a passive foreign investment company (as defined in section 1297), a deduction shall be allowable to the issuer with respect to such original issue discount for any taxable year before the taxable year in which paid only to the extent such original issue discount is included during such prior taxable year in the gross income of a United States person who owns (within the meaning of section 958(a)) stock in such corporation.

"(ii) SECRETARIAL AUTHORITY.—The Secretary may by regulation exempt transactions from the application of clause (i), including any transaction which is entered into by a payor in the ordinary course of a trade or business in which the payor is predominantly engaged.".

(b) INTEREST AND OTHER DEDUCTIBLE AMOUNTS.—Section 267(a)(3) is amended—

(1) by striking "The Secretary" and inserting:

"(A) IN GENERAL.—The Secretary", and

(2) by adding at the end the following new subparagraph:

"(B) SPECIAL RULE FOR CERTAIN FOREIGN ENTITIES.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A), in the case of any amount payable to a foreign personal holding company (as defined in section 552), a controlled foreign corporation (as defined in section 957), or a passive foreign investment company (as defined in section 1297), a deduction shall be allowable to the payor with respect to such amount for any taxable year before the taxable year in which paid only to the extent such amount is included during such prior taxable year in the gross income of a United States person who owns (within the meaning of section 958(a)) stock in such corporation.

"(ii) SECRETARIAL AUTHORITY.—The Secretary may by regulation exempt transactions from the application of clause (i), including any transaction which is entered into by a payor in the ordinary course of a trade or business in which the payor is predominantly engaged and in which the payment of the accrued amounts occurs within 8½ months after accrual or within such other period as the Secretary may prescribe.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments accrued on or after the date of the enactment of this Act.

SEC. 454. EFFECTIVELY CONNECTED INCOME TO INCLUDE CERTAIN FOREIGN SOURCE INCOME.

(a) IN GENERAL.—Section 864(c)(4)(B) (relating to treatment of income from sources without the United States as effectively connected income) is amended by adding at the end the following new flush sentence:

"Any income or gain which is equivalent to any item of income or gain described in clause (i), (ii), or (iii) shall be treated in the same manner as such item for purposes of this subparagraph.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 455. RECAPTURE OF OVERALL FOREIGN LOSSES ON SALE OF CONTROLLED FOREIGN CORPORATION.

(a) IN GENERAL.—Section 904(f)(3) (relating to dispositions) is amending by adding at the end the following new subparagraph:

"(D) APPLICATION TO DISPOSITIONS OF STOCK IN CONTROLLED FOREIGN CORPORATIONS.—In the case of any disposition by a taxpayer of any share of stock in a controlled foreign corporation (as defined in section 957), this paragraph shall apply to such disposition in the same manner as if it were a disposition of property described in subparagraph (A), except that the exception contained in subparagraph (C)(i) shall not apply.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dispositions after the date of the enactment of this Act.

SEC. 456. MINIMUM HOLDING PERIOD FOR FOREIGN TAX CREDIT ON WITHHOLDING TAXES ON INCOME OTHER THAN DIVIDENDS.

(a) IN GENERAL.—Section 901 is amended by redesignating subsection (l) as subsection (m) and by inserting after subsection (k) the following new subsection:

"(l) MINIMUM HOLDING PERIOD FOR WITHHOLDING TAXES ON GAIN AND INCOME OTHER THAN DIVIDENDS ETC.—

"(1) IN GENERAL.—In no event shall a credit be allowed under subsection (a) for any withholding tax (as defined in subsection (k)) on any item of income or gain with respect to any property if—

"(A) such property is held by the recipient of the item for 15 days or less during the 30-day period beginning on the date which is 15 days before the date on which the right to receive payment of such item arises, or

"(B) to the extent that the recipient of the item is under an obligation (whether pursuant to a short sale or otherwise) to make related payments with respect to positions in substantially similar or related property.

This paragraph shall not apply to any dividend to which subsection (k) applies.

"(2) EXCEPTION FOR TAXES PAID BY DEALERS.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to any qualified tax with respect to any property held in the active conduct in a foreign country of a business as a dealer in such property.

"(B) QUALIFIED TAX.—For purposes of subparagraph (A), the term 'qualified tax' means a tax paid to a foreign country (other than the foreign country referred to in subparagraph (A)) if—

"(i) the item to which such tax is attributable is subject to taxation on a net basis by the country referred to in subparagraph (A), and

"(ii) such country allows a credit against its net basis tax for the full amount of the tax paid to such other foreign country.

"(C) DEALER.—For purposes of subparagraph (A), the term 'dealer' means—

"(i) with respect to a security, any person to whom paragraphs (1) and (2) of subsection (k) would not apply by reason of paragraph (4) thereof if such security were stock, and

"(ii) with respect to any other property, any person with respect to whom such property is described in section 1221(a)(1).

"(D) REGULATIONS.—The Secretary may prescribe such regulations as may be appropriate to carry out this paragraph, including regulations to prevent the abuse of the exception provided by this paragraph and to treat other taxes as qualified taxes.

"(3) EXCEPTIONS.—The Secretary may by regulation provide that paragraph (1) shall not apply to property where the Secretary determines that the application of paragraph (1) to such property is not necessary to carry out the purposes of this subsection.

"(4) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (5), (6), and (7) of subsection (k) shall apply for purposes of this subsection.

"(5) DETERMINATION OF HOLDING PERIOD.—Holding periods shall be determined for purposes of this subsection without regard to section 1235 or any similar rule.".

(b) CONFORMING AMENDMENT.—The heading of subsection (k) of section 901 is amended by inserting "ON DIVIDENDS" after "TAXES".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or accrued more than 30 days after the date of the enactment of this Act.

Subtitle F—Other Revenue Provisions

PART I—FINANCIAL INSTRUMENTS

SEC. 461. TREATMENT OF STRIPPED INTERESTS IN BOND AND PREFERRED STOCK FUNDS, ETC.

(a) In General.—Section 1286 (relating to tax treatment of stripped bonds) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) Treatment of Stripped Interests in Bond and Preferred Stock Funds, etc.—In the case of an account or entity substantially all of the assets of which consist of bonds, preferred stock, or a combination thereof, the Secretary may by regulations provide that rules similar to the rules of this section and 305(e), as appropriate, shall apply to interests in such account or entity to which (but for this subsection) this section or section 305(e), as the case may be, would not apply.".

(b) Cross Reference.—Subsection (e) of section 305 is amended by adding at the end the following new paragraph:

"(7) Cross reference.—

"For treatment of stripped interests in certain accounts or entities holding preferred stock, see section 1286(f).".

(c) Effective Date.—The amendments made by this section shall apply to purchases and dispositions after the date of the enactment of this Act.

SEC. 462. APPLICATION OF EARNINGS STRIPPING RULES TO PARTNERSHIPS AND S CORPORATIONS.

(a) In General.—Section 168(j) (relating to limitation on deduction for interest on certain indebtedness) is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following new paragraph:

"(8) Application to partnerships and S corporations.—

"(A) In general.—This subsection shall apply to partnerships and S corporations in the same manner as it applies to C corporations.

"(B) Allocations to certain corporate partners.—If a C corporation is a partner in a partnership—

"(i) the corporation's allocable share of indebtedness and interest income of the partnership shall be taken into account in applying this subsection to the corporation, and

"(ii) if a deduction is not disallowed under this subsection with respect to any interest expense of the partnership, this subsection shall be applied separately in determining whether a deduction is allowable to the corporation with respect to the corporation's allocable share of such interest expense.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 463. RECOGNITION OF CANCELLATION OF INDEBTEDNESS INCOME REALIZED ON SATISFACTION OF DEBT WITH PARTNERSHIP INTEREST.

(a) In General.—Paragraph (8) of section 108(e) (relating to general rules for discharge of indebtedness (including discharges not in title 11 cases or insolvency)) is amended to read as follows:

"(8) Indebtedness satisfied by corporate stock or partnership interest.—For purposes of determining income of a debtor from discharge of indebtedness, if—

"(A) a debtor corporation transfers stock, or

"(B) a debtor partnership transfers a capital or profits interest in such partnership,

to a creditor in satisfaction of its recourse or nonrecourse indebtedness, such corporation or partnership shall be treated as having satisfied the indebtedness with an amount of money equal to the fair market value of the stock or interest. In the case of any partnership, any discharge of indebtedness income recognized under this paragraph shall be included in the distributive shares of taxpayers which were the partners in the partnership immediately before such discharge.".

(b) Effective Date.—The amendment made by this section shall apply with respect to cancellations of indebtedness occurring on or after the date of the enactment of this Act.

SEC. 464. MODIFICATION OF STRADDLE RULES.

(a) Rules Relating to Identified Straddles.—

(1) In general.—Subparagraph (A) of section 1092(a)(2) (relating to special rule for identified straddles) is amended to read as follows:

"(A) In general.—In the case of any straddle which is an identified straddle—

"(i) paragraph (1) shall not apply with respect to identified positions comprising the identified straddle,

"(ii) if there is any loss with respect to any identified position of the identified straddle, the basis of each of the identified offsetting positions in the identified straddle shall be increased by an amount which bears the same ratio to the loss as the unrecognized gain with respect to such offsetting position bears to the aggregate unrecognized gain with respect to all such offsetting positions, and

"(iii) any loss described in clause (ii) shall not otherwise be taken into account for purposes of this title.".

(2) Identified straddle.—Section 1092(a)(2)(B) (defining identified straddle) is amended—

(A) by striking clause (ii) and inserting the following:

"(ii) to the extent provided by regulations, the value of each position of which (in the hands of the taxpayer immediately before the creation of the straddle) is not less than the basis of such position in the hands of the taxpayer at the time the straddle is created, and", and

(B) by adding at the end the following new flush sentence:

"The Secretary shall prescribe regulations which specify the proper methods for clearly identifying a straddle as an identified straddle (and the positions comprising such straddle), which specify the rules for the application of this section for a taxpayer which fails to properly identify the positions of an identified straddle, and which specify the ordering rules in cases where a taxpayer disposes of less than an entire position which is part of an identified straddle.".

(3) Unrecognized gain.—Section 1092(a)(3) (defining unrecognized gain) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) Special rule for identified straddles.—For purposes of paragraph (2)(A)(ii), the unrecognized gain with respect to any identified offsetting position shall be the excess of the fair market value of the position at the time of the determination over the fair market value of the position at the time the taxpayer identified the position as a position in an identified straddle."

(4) Conforming amendment.—Section 1092(c)(2) is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(b) Physically Settled Positions.—Section 1092(d) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(8) Special rules for physically settled positions.—For purposes of subsection (a), if a taxpayer settles a position which is part of a straddle by delivering property to which the position relates (and such position, if terminated, would result in a realization of a loss), then such taxpayer shall be treated as if such taxpayer—

"(A) terminated the position for its fair market value immediately before the settlement, and

"(B) sold the property so delivered by the taxpayer at its fair market value.".

(c) Repeal of Stock Exception.—

(1) In general.—Section 1092(d)(3) is repealed.

(2) Conforming amendment.—Section 1258(d)(1) is amended by striking "; except that the term 'personal property' shall include stock".

(d) Repeal of Qualified Covered Call Exception.—Section 1092(c)(4) is amended by adding at the end the following new subparagraph:

"(I) Termination.—This paragraph shall not apply to any position established on or after the date of the enactment of this subparagraph.".

(e) Effective Date.—The amendments made by this section shall apply to positions established on or after the date of the enactment of this Act.

SEC. 465. DENIAL OF INSTALLMENT SALE TREATMENT FOR ALL READILY TRADEABLE DEBT.

(a) In General.—Section 453(f)(4)(B) (relating to purchaser evidences of indebtedness payable on demand or readily tradeable) is amended by striking "is issued by a corporation or a government or political subdivision thereof and".

(b) Effective Date.—The amendment made by this section shall apply to sales occurring on or after the date of the enactment of this Act.

PART II—CORPORATIONS AND PARTNERSHIPS

SEC. 466. MODIFICATION OF TREATMENT OF TRANSFERS TO CREDITORS IN DIVISIVE REORGANIZATIONS.

(a) In General.—Section 361(b)(3) (relating to treatment of transfers to creditors) is amended by adding at the end the following new sentence: "In the case of a reorganization described in section 368(a)(1)(D) with respect to which stock or securities of the corporation to which the assets are transferred are distributed in a transaction which qualifies under section 355, this paragraph shall apply only to the extent that the sum of the money and the fair market value of other property transferred to such creditors does not exceed the adjusted bases of such assets transferred.".

(b) Liabilities in Excess of Basis.—Section 357(c)(1)(B) is amended by inserting "with respect to which stock or securities of the corporation to which the assets are transferred are distributed in a transaction which qualifies under section 355" after "section 368(a)(1)(D)".

(c) Effective Date.—The amendments made by this section shall apply to transfers of money or other property, or liabilities assumed, in connection with a reorganization occurring on or after the date of the enactment of this Act.

SEC. 467. CLARIFICATION OF DEFINITION OF NONQUALIFIED PREFERRED STOCK.

(a) In General.—Section 351(g)(3)(A) is amended by adding at the end the following: "Stock shall not be treated as participating in corporate growth to any significant extent unless there is a real and meaningful likelihood of the shareholder actually participating in the earnings and growth of the corporation.".

(b) Effective Date.—The amendment made by this section shall apply to transactions after May 14, 2003.

SEC. 468. MODIFICATION OF DEFINITION OF CONTROLLED GROUP OF CORPORATIONS.

(a) In General.—Section 1563(a)(2) (relating to brother-sister controlled group) is amended by striking "possessing—" and all that follows through "(B)" and inserting "possessing".

(b) Application of Existing Rules to Other Code Provisions.—Section 1563(f) (relating to other definitions and rules) is amended by adding at the end the following new paragraph:

"(5) Brother-sister controlled group definition for provisions other than this part.—

"(A) In general.—Except as specifically provided in an applicable provision, subsection (a)(2) shall be applied to an applicable provision as if it read as follows:

'(2) Brother-sister controlled group.—Two or more corporations if 5 or fewer persons who are individuals, estates, or trusts own (within the meaning of subsection (d)(2) stock possessing—

'(A) at least 80 percent of the total combined voting power of all classes of stock entitled to vote, or at least 80 percent of the total value of shares of all classes of stock, of each corporation, and

'(B) more than 50 percent of the total combined voting power of all classes of stock entitled to vote or more than 50 percent of the total value of shares of all classes of stock of each corporation, taking into account the stock ownership of each such person only to the extent such stock ownership is identical with respect to each such corporation.'

"(B) Applicable provision.—For purposes of this paragraph, an applicable provision is any provision of law (other than this part) which incorporates the definition of controlled group of corporations under subsection (a).".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 469. MANDATORY BASIS ADJUSTMENTS IN CONNECTION WITH PARTNERSHIP DISTRIBUTIONS AND TRANSFERS OF PARTNERSHIP INTERESTS.

(a) In General.—Section 754 is repealed.

(b) Adjustment to Basis of Undistributed Partnership Property.—Section 734 is amended—

(1) by striking ", with respect to which the election provided in section 754 is in effect," in the matter preceding paragraph (1) of subsection (b),

(2) by striking "(as adjusted by section 732(d))" both places it appears in subsection (b),

(3) by striking the last sentence of subsection (b),

(4) by striking subsection (a) and by redesignating subsections (b) and (c) as subsections (a) and (b), respectively, and

(5) by striking "**OPTIONAL**" in the heading.

(c) Adjustment to Basis of Partnership Property.—Section 743 is amended—

(1) by striking "with respect to which the election provided in section 754 is in effect" in the matter preceding paragraph (1) of subsection (b),

(2) by striking subsection (a) and by redesignating subsections (b) and (c) as subsections (a) and (b), respectively,

(3) by adding at the end the following new subsection:

"(c) Election To Adjust Basis for Transfers Upon Death of Partner.—Subsection (a) shall not apply and no adjustments shall be made in the case of any transfer of an interest in a partnership upon the death of a partner unless an election to do so is made by the partnership. Such an election shall apply with respect to all such transfers of interests in the partnership. Any election under section 754 in effect on the date of the enactment of this subsection shall constitute an election made under this subsection. Such election may be revoked by the partnership, subject to such limitations as may be provided by regulations prescribed by the Secretary.", and

(4) by striking "**OPTIONAL**" in the heading.

(d) Conforming Amendments.—

(1) Subsection (d) of section 732 is repealed.

(2) Section 755(a) is amended—

(A) by striking "section 734(b) (relating to the optional adjustment" and inserting "section 734(a) (relating to the adjustment", and

(B) by striking "section 743(b) (relating to the optional adjustment" and inserting "section 743(a) (relating to the adjustment".

(3) Section 761(e)(2) is amended by striking "optional".

(4) Section 774(a) is amended by striking "743(b)" both places it appears and inserting "743(a)".

(5) The item relating to section 734 in the table of sections for subpart B of part II of subchapter K of chapter 1 is amended by striking "Optional".

(6) The item relating to section 743 in the table of sections for subpart C of part II of subchapter K of chapter 1 is amended by striking "Optional".

(e) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to transfers and distributions made after the date of the enactment of this Act.

(2) Repeal of section 732(d).—The amendments made by subsections (b)(2) and (d)(1) shall apply to—

(A) except as provided in subparagraph (B), transfers made after the date of the enactment of this Act, and

(B) in the case of any transfer made on or before such date to which section 732(d) applies, distributions made after the date which is 2 years after such date of enactment.

PART III—DEPRECIATION AND AMORTIZATION

SEC. 471. EXTENSION OF AMORTIZATION OF INTANGIBLES TO SPORTS FRANCHISES.

(a) In General.—Section 197(e) (relating to exceptions to definition of section 197 intangible) is amended by striking paragraph (6) and by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively.

(b) Conforming Amendments.—

(1)(A) Section 1056 (relating to basis limitation for player contracts transferred in connection with the sale of a franchise) is repealed.

(B) The table of sections for part IV of subchapter O of chapter 1 is amended by striking the item relating to section 1056.

(2) Section 1245(a) (relating to gain from disposition of certain depreciable property) is amended by striking paragraph (4).

(3) Section 1253 (relating to transfers of franchises, trademarks, and trade names) is amended by striking subsection (e).

(c) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to property acquired after the date of the enactment of this Act.

(2) Section 1245.—The amendment made by subsection (b)(2) shall apply to franchises acquired after the date of the enactment of this Act.

SEC. 472. SERVICE CONTRACTS TREATED IN SAME MANNER AS LEASES FOR RULES RELATING TO TAX-EXEMPT USE PROPERTY.

(a) In General.—Section 168(h)(7) (defining lease) is amended by adding at the end the following: "Such term shall also include any service contract or other similar arrangement.".

(b) Lease Term.—Section 168(i)(3) (relating to lease term) is amended by adding at the end the following new subparagraph:

"(C) Special rule for service contracts.—In the case of any service contract or other similar arrangement treated as a lease under subsection (h)(7), the lease term shall be determined in the same manner as a lease.".

(c) Conforming Amendments.—Section 168(g)(3)(A) is amended—

(1) by inserting "(as defined in subsection (h)(7)" after "lease" the first place it appears, and

(2) by inserting "(as determined under subsection (i)(3))" after "term".

(d) Effective Date.—The amendments made by this section shall apply to leases and service contracts or other similar arrangements entered into after the date of the enactment of this Act.

SEC. 473. CLASS LIVES FOR UTILITY GRADING COSTS.

(a) Gas Utility Property.—Section 168(e)(3)(E) (defining 15-year property) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) initial clearing and grading land improvements with respect to gas utility property.".

(b) Electric Utility Property.—Section 168(e)(3) is amended by adding at the end the following new subparagraph:

"(F) 20-year property.—The term '20-year property' means initial clearing and grading land improvements with respect to any electric utility transmission and distribution plant.".

(c) Conforming Amendments.—The table contained in section 168(g)(3)(B) is amended—

(1) by inserting "or (E)(iv)" after "(E)(iii)", and

(2) by adding at the end the following new item:

"(F) .... 25".

(d) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 474. EXPANSION OF LIMITATION ON DEPRECIATION OF CERTAIN PASSENGER AUTOMOBILES.

(a) In General.—Section 179(b) (relating to limitations) is amended by adding at the end the following new paragraph:

"(6) Limitation on cost taken into account for certain passenger vehicles.—

"(A) In general.—The cost of any sport utility vehicle for any taxable year which may be taken into account under this section shall not exceed $25,000.

"(B) SPORT UTILITY VEHICLE.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The term 'sport utility vehicle' means any 4-wheeled vehicle which—

"(I) is manufactured primarily for use on public streets, roads, and highways,

"(II) is not subject to section 280F, and

"(III) is rated at not more than 14,000 pounds gross vehicle weight.

"(ii) CERTAIN VEHICLES EXCLUDED.—Such term does not include any vehicle which—

"(I) does not have the primary load carrying device or container attached,

"(II) has a seating capacity of more than 12 individuals,

"(III) is designed for more than 9 individuals in seating rearward of the driver's seat,

"(IV) is equipped with an open cargo area, or a covered box not readily accessible from the passenger compartment, of at least 72.0 inches in interior length, or

"(V) has an integral enclosure, fully enclosing the driver compartment and load carrying device, does not have seating rearward of the driver's seat, and has no body section protruding more than 30 inches ahead of the leading edge of the windshield.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 475. CONSISTENT AMORTIZATION OF PERIODS FOR INTANGIBLES.

(a) START-UP EXPENDITURES.—

(1) ALLOWANCE OF DEDUCTION.—Paragraph (1) of section 195(b) (relating to start-up expenditures) is amended to read as follows:

"(1) ALLOWANCE OF DEDUCTION.—If a taxpayer elects the application of this subsection with respect to any start-up expenditures—

"(A) the taxpayer shall be allowed a deduction for the taxable year in which the active trade or business begins in an amount equal to the lesser of—

"(i) the amount of start-up expenditures with respect to the active trade or business, or

"(ii) $5,000, reduced (but not below zero) by the amount by which such start-up expenditures exceed $50,000, and

"(B) the remainder of such start-up expenditures shall be allowed as a deduction ratably over the 180-month period beginning with the month in which the active trade or business begins.".

(2) CONFORMING AMENDMENT.—Subsection (b) of section 195 is amended by striking "AMORTIZE" and inserting "DEDUCT" in the heading.

(b) ORGANIZATIONAL EXPENDITURES.—Subsection (a) of section 248 (relating to organizational expenditures) is amended to read as follows:

"(a) ELECTION TO DEDUCT.—If a corporation elects the application of this subsection (in accordance with regulations prescribed by the Secretary) with respect to any organizational expenditures—

"(1) the corporation shall be allowed a deduction for the taxable year in which the corporation begins business in an amount equal to the lesser of—

"(A) the amount of organizational expenditures with respect to the taxpayer, or

"(B) $5,000, reduced (but not below zero) by the amount by which such organizational expenditures exceed $50,000, and

"(2) the remainder of such organizational expenditures shall be allowed as a deduction ratably over the 180-month period beginning with the month in which the corporation begins business.".

(c) TREATMENT OF ORGANIZATIONAL AND SYNDICATION FEES OR PARTNERSHIPS.—

(1) IN GENERAL.—Section 709(b) (relating to amortization of organization fees) is amended by redesignating paragraph (2) as paragraph (3) and by amending paragraph (1) to read as follows:

"(1) ALLOWANCE OF DEDUCTION.—If a taxpayer elects the application of this subsection (in accordance with regulations prescribed by the Secretary) with respect to any organizational expenses—

"(A) the taxpayer shall be allowed a deduction for the taxable year in which the partnership begins business in an amount equal to the lesser of—

"(i) the amount of organizational expenses with respect to the partnership, or

"(ii) $5,000, reduced (but not below zero) by the amount by which such organizational expenses exceed $50,000, and

"(B) the remainder of such organizational expenses shall be allowed as a deduction ratably over the 180-month period beginning with the month in which the partnership begins business.

"(2) DISPOSITIONS BEFORE CLOSE OF AMORTIZATION PERIOD.—In any case in which a partnership is liquidated before the end of the period to which paragraph (1)(B) applies, any deferred expenses attributable to the partnership which were not allowed as a deduction by reason of this section may be deducted to the extent allowable under section 165.".

(2) CONFORMING AMENDMENT.—Subsection (b) of section 709 is amended by striking "AMORTIZATION" and inserting "DEDUCTION" in the heading.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 476. LIMITATION ON DEDUCTIONS ALLOCABLE TO PROPERTY USED BY GOVERNMENTS OR OTHER TAX-EXEMPT ENTITIES.

(a) IN GENERAL.—Subpart C of part II of subchapter E of chapter 1 (relating to taxable year for which deductions taken) is amended by adding at the end the following new section:

"SEC. 470. DEDUCTIONS ALLOCABLE TO PROPERTY USED BY GOVERNMENTS OR OTHER TAX-EXEMPT ENTITIES.

"(a) GENERAL RULE.—The aggregate amount of deductions otherwise allowable to the taxpayer with respect to tax-exempt use property for any taxable year shall not exceed the aggregate amount of income includible in gross income of the taxpayer for the taxable year with respect to such property.

"(b) DISALLOWED DEDUCTION CARRIED TO NEXT YEAR.—Except as otherwise provided in this section, any deduction with respect to any tax-exempt use property which is disallowed under subsection (a) shall, subject to the limitation under subsection (a), be treated as a deduction with respect to such property in the next taxable year.

"(c) TAX-EXEMPT USE PROPERTY.—For purposes of this section—

"(1) IN GENERAL.—The term 'tax-exempt use property' has the meaning given such term by section 168(h), except that such section shall be applied without regard to paragraphs (2)(C)(ii) and (3).

"(2) SPECIAL RULES FOR SERVICE CONTRACTS AND SIMILAR ARRANGEMENTS.—If tangible property is subject to a service contract or other similar arrangement between a taxpayer (or any related person) and any tax-exempt entity, such contract or arrangement shall be treated in the same manner as if it were a lease for purposes of determining whether such property is tax-exempt use property under paragraph (1).

"(d) SPECIAL RULES.—

"(1) ALLOCABLE DEDUCTIONS.—Subsection (a) shall apply to—

"(A) any deduction directly allocable to any tax-exempt use property, and

"(B) a proper share of other deductions that are not directly allocable to such property.

"(2) PROPERTY CEASING TO BE TAX-EXEMPT USE PROPERTY.—If property of a taxpayer ceases to be tax-exempt use property in the hands of the taxpayer—

"(A) any unused deduction allocable to such property under subsection (b) shall only be allowable as a deduction for any taxable year to the extent of any net income of the taxpayer allocable to such property, and

"(B) any portion of such unused deduction remaining after application of subparagraph (A) shall, subject to the limitation of subparagraph (A), be treated as a deduction allocable to such property in the next taxable year.

"(3) DISPOSITION OF ENTIRE INTEREST IN PROPERTY.—If during the taxable year a taxpayer disposes of the taxpayer's entire interest in tax-exempt use property, rules similar to the rules of section 469(g) shall apply for purposes of this section.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the provisions of this section.".

(b) CONFORMING AMENDMENT.—The table of sections for subpart C of part II of subchapter E of chapter 1 is amended by adding at the end the following new item:

"Sec. 470. Deductions allocable to property used by governments or other tax-exempt entities.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to leases and service contracts or similar arrangements entered into after the date of the enactment of this Act.

PART IV—ADMINISTRATIVE PROVISIONS

SEC. 481. CLARIFICATION OF RULES FOR PAYMENT OF ESTIMATED TAX FOR CERTAIN DEEMED ASSET SALES.

(a) IN GENERAL.—Paragraph (13) of section 338(h) (relating to tax on deemed sale not taken into account for estimated tax purposes) is amended by adding at the end the following: "The preceding sentence shall not apply with respect to a qualified stock purchase for which an election is made under paragraph (10).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to transactions occurring after the date of the enactment of this Act.

SEC. 482. EXTENSION OF IRS USER FEES.

(a) IN GENERAL.—Section 7528(c) (relating to termination) is amended by striking "December 31, 2004" and inserting "September 30, 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests after the date of the enactment of this Act.

SEC. 483. DOUBLING OF CERTAIN PENALTIES, FINES, AND INTEREST ON UNDERPAYMENTS RELATED TO CERTAIN OFFSHORE FINANCIAL ARRANGEMENT.

(a) GENERAL RULE.—If—

(1) a taxpayer eligible to participate in—

(A) the Department of the Treasury's Offshore Voluntary Compliance Initiative, or

(B) the Department of the Treasury's voluntary disclosure initiative which applies to the taxpayer by reason of the taxpayer's underreporting of United States income tax liability through financial arrangements which rely on the use of offshore arrangements which were the subject of the initiative described in subparagraph (A), and

(2) any interest or applicable penalty is imposed with respect to any arrangement to which any initiative described in paragraph (1) applied or to any underpayment of Federal income tax attributable to items arising in connection with any arrangement described in paragraph (1),

then, notwithstanding any other provision of law, the amount of such interest or penalty shall be equal to twice that determined without regard to this section.

(b) DEFINITIONS AND RULES.—For purposes of this section—

(1) APPLICABLE PENALTY.—The term "applicable penalty" means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(2) VOLUNTARY OFFSHORE COMPLIANCE INITIATIVE.—The term "Voluntary Offshore Compliance Initiative" means the program established by the Department of the Treasury in January of 2003 under which any taxpayer was eligible to voluntarily disclose previously undisclosed income on assets placed in offshore accounts and accessed through credit card and other financial arrangements.

(3) PARTICIPATION.—A taxpayer shall be treated as having participated in the Voluntary Offshore Compliance Initiative if the taxpayer submitted the request in a timely manner and all information requested by the Secretary of the Treasury or his delegate within a reasonable period of time following the request.

(c) EFFECTIVE DATE.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

SEC. 484. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—

(1) Section 6159(a) (relating to authorization of agreements) is amended—

(A) by striking "satisfy liability for payment of" and inserting "make payment on", and

(B) by inserting "full or partial" after "facilitate".

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting "full" before "payment".

(b) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159, as amended by this Act, is amended by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively, and inserting after subsection (c) the following new subsection:

"(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

SEC. 485. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking "March 31, 2004" and inserting "September 30, 2013".

SEC. 486. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS.

(a) IN GENERAL.—Subchapter A of chapter 67 (relating to interest on underpayments) is amended by adding at the end the following new section:

"SEC. 6603. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS, ETC.

"(a) AUTHORITY TO MAKE DEPOSITS OTHER THAN AS PAYMENT OF TAX.—A taxpayer may make a cash deposit with the Secretary which may be used by the Secretary to pay any tax imposed under subtitle A or B or chapter 41, 42, 43, or 44 which has not been assessed at the time of the deposit. Such a deposit shall be made in such manner as the Secretary shall prescribe.

"(b) NO INTEREST IMPOSED.—To the extent that such deposit is used by the Secretary to pay tax, for purposes of section 6601 (relating to interest on underpayments), the tax shall be treated as paid when the deposit is made.

"(c) RETURN OF DEPOSIT.—Except in a case where the Secretary determines that collection of tax is in jeopardy, the Secretary shall return to the taxpayer any amount of the deposit (to the extent not used for a payment of tax) which the taxpayer requests in writing.

"(d) PAYMENT OF INTEREST.—

"(1) IN GENERAL.—For purposes of section 6611 (relating to interest on overpayments), a deposit which is returned to a taxpayer shall be treated as a payment of tax for any period to the extent (and only to the extent) attributable to a disputable tax for such period. Under regulations prescribed by the Secretary, rules similar to the rules of section 6611(b)(2) shall apply.

"(2) DISPUTABLE TAX.—

"(A) IN GENERAL.—For purposes of this section, the term 'disputable tax' means the amount of tax specified at the time of the deposit as the taxpayer's reasonable estimate of the maximum amount of any tax attributable to disputable items.

"(B) SAFE HARBOR BASED ON 30-DAY LETTER.—In the case of a taxpayer who has been issued a 30-day letter, the maximum amount of tax under subparagraph (A) shall not be less than the amount of the proposed deficiency specified in such letter.

"(3) OTHER DEFINITIONS.—For purposes of paragraph (2)—

"(A) DISPUTABLE ITEM.—The term 'disputable item' means any item of income, gain, loss, deduction, or credit if the taxpayer—

"(i) has a reasonable basis for its treatment of such item, and

"(ii) reasonably believes that the Secretary also has a reasonable basis for disallowing the taxpayer's treatment of such item.

"(B) 30-DAY LETTER.—The term '30-day letter' means the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals.

"(4) RATE OF INTEREST.—The rate of interest allowable under this subsection shall be the Federal short-term rate determined under section 6621(b), compounded daily.

"(e) USE OF DEPOSITS.—

"(1) PAYMENT OF TAX.—Except as otherwise provided by the taxpayer, deposits shall be treated as used for the payment of tax in the order deposited.

"(2) RETURNS OF DEPOSITS.—Deposits shall be treated as returned to the taxpayer on a last-in, first-out basis.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 67 is amended by adding at the end the following new item:

"Sec. 6603. Deposits made to suspend running of interest on potential underpayments, etc.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to deposits made after the date of the enactment of this Act.

(2) COORDINATION WITH DEPOSITS MADE UNDER REVENUE PROCEDURE 84–58.—In the case of an amount held by the Secretary of the Treasury or his delegate on the date of the enactment of this Act as a deposit in the nature of a cash bond deposit pursuant to Revenue Procedure 84-58, the date that the taxpayer identifies such amount as a deposit made pursuant to section 6603 of the Internal Revenue Code (as added by this Act) shall be treated as the date such amount is deposited for purposes of such section 6603.

SEC. 487. QUALIFIED TAX COLLECTION CONTRACTS.

(a) CONTRACT REQUIREMENTS.—

(1) IN GENERAL.—Subchapter A of chapter 64 (relating to collection) is amended by adding at the end the following new section:

"SEC. 6306. QUALIFIED TAX COLLECTION CONTRACTS.

"(a) IN GENERAL.—Nothing in any provision of law shall be construed to prevent the Secretary from entering into a qualified tax collection contract.

"(b) QUALIFIED TAX COLLECTION CONTRACT.—For purposes of this section, the term 'qualified tax collection contract' means any contract which—

"(1) is for the services of any person (other than an officer or employee of the Treasury Department)—

"(A) to locate and contact any taxpayer specified by the Secretary,

"(B) to request full payment from such taxpayer of an amount of Federal tax specified by the Secretary and, if such request cannot be met by the taxpayer, to offer the taxpayer an installment agreement providing for full payment of such amount during a period not to exceed 3 years, and

"(C) to obtain financial information specified by the Secretary with respect to such taxpayer,

"(2) prohibits each person providing such services under such contract from committing any act or omission which employees of the Internal Revenue Service are prohibited from committing in the performance of similar services,

"(3) prohibits subcontractors from—

"(A) having contacts with taxpayers,

"(B) providing quality assurance services, and

"(C) composing debt collection notices, and

"(4) permits subcontractors to perform other services only with the approval of the Secretary.

"(c) FEES.—The Secretary may retain and use an amount not in excess of 25 percent of the amount collected under any qualified tax collection contract for the costs of services performed under such contract. The Secretary shall keep adequate records regarding amounts so retained and used. The amount credited as paid by any taxpayer shall be determined without regard to this subsection.

"(d) NO FEDERAL LIABILITY.—The United States shall not be liable for any act or omission of any person performing services under a qualified tax collection contract.

"(e) APPLICATION OF FAIR DEBT COLLECTION PRACTICES ACT.—The provisions of the Fair

Debt Collection Practices Act (15 U.S.C. 1692 et seq.) shall apply to any qualified tax collection contract, except to the extent superseded by section 6304, section 7602(c), or by any other provision of this title.

"(f) Cross References.—

"(1) For damages for certain unauthorized collection actions by persons performing services under a qualified tax collection contract, see section 7433A.

"(2) For application of Taxpayer Assistance Orders to persons performing services under a qualified tax collection contract, see section 7811(a)(4).".

(2) Conforming amendments.—

(A) Section 7809(a) is amended by inserting "6306," before "7651".

(B) The table of sections for subchapter A of chapter 64 is amended by adding at the end the following new item:

"Sec. 6306. Qualified Tax Collection Contracts.".

(b) Civil Damages for Certain Unauthorized Collection Actions by Persons Performing Services Under Qualified Tax Collection Contracts.—

(1) In general.—Subchapter B of chapter 76 (relating to proceedings by taxpayers and third parties) is amended by inserting after section 7433 the following new section:

"SEC. 7433A. CIVIL DAMAGES FOR CERTAIN UNAUTHORIZED COLLECTION ACTIONS BY PERSONS PERFORMING SERVICES UNDER QUALIFIED TAX COLLECTION CONTRACTS.

"(a) In General.—Subject to the modifications provided by subsection (b), section 7433 shall apply to the acts and omissions of any person performing services under a qualified tax collection contract (as defined in section 6306(b)) to the same extent and in the same manner as if such person were an employee of the Internal Revenue Service.

"(b) Modifications.—For purposes of subsection (a)—

"(1) Any civil action brought under section 7433 by reason of this section shall be brought against the person who entered into the qualified tax collection contract with the Secretary and shall not be brought against the United States.

"(2) Such person and not the United States shall be liable for any damages and costs determined in such civil action.

"(3) Such civil action shall not be an exclusive remedy with respect to such person.

"(4) Subsections (c), (d)(1), and (e) of section 7433 shall not apply.".

(2) Clerical amendment.—The table of sections for subchapter B of chapter 76 is amended by inserting after the item relating to section 7433 the following new item:

"Sec. 7433A. Civil damages for certain unauthorized collection actions by persons performing services under a qualified tax collection contract.".

(c) Application of Taxpayer Assistance Orders to Persons Performing Services Under a Qualified Tax Collection Contract.—Section 7811 (relating to taxpayer assistance orders) is amended by adding at the end the following new subsection:

"(g) Application to Persons Performing Services Under a Qualified Tax Collection Contract.—Any order issued or action taken by the National Taxpayer Advocate pursuant to this section shall apply to persons performing services under a qualified tax collection contract (as defined in section 6306(b)) to the same extent and in the same manner as such order or action applies to the Secretary.".

(d) Ineligibility of Individuals Who Commit Misconduct To Perform Under Contract.—Section 1203 of the Internal Revenue Service Restructuring Act of 1998 (relating to termination of employment for misconduct) is amended by adding at the end the following new subsection:

"(e) Individuals Performing Services Under a Qualified Tax Collection Contract.— An individual shall cease to be permitted to perform any services under any qualified tax collection contract (as defined in section 6306(b) of the Internal Revenue Code of 1986) if there is a final determination by the Secretary of the Treasury under such contract that such individual committed any act or omission described under subsection (b) in connection with the performance of such services.".

(e) Effective Date.—The amendments made to this section shall take effect on the date of the enactment of this Act.

PART V—MISCELLANEOUS PROVISIONS

SEC. 491. ADDITION OF VACCINES AGAINST HEPATITIS A TO LIST OF TAXABLE VACCINES.

(a) In General.—Section 4132(a)(1) (defining taxable vaccine) is amended by redesignating subparagraphs (I), (J), (K), and (L) as subparagraphs (J), (K), (L), and (M), respectively, and by inserting after subparagraph (H) the following new subparagraph:

"(I) Any vaccine against hepatitis A.".

(b) Conforming Amendment.—Section 9510(c)(1)(A) is amended by striking "October 18, 2000" and inserting "May 8, 2003".

(c) Effective Date.—

(1) Sales, etc.—The amendments made by this section shall apply to sales and uses on or after the first day of the first month which begins more than 4 weeks after the date of the enactment of this Act.

(2) Deliveries.—For purposes of paragraph (1) and section 4131 of the Internal Revenue Code of 1986, in the case of sales on or before the effective date described in such paragraph for which delivery is made after such date, the delivery date shall be considered the sale date.

SEC. 492. RECOGNITION OF GAIN FROM THE SALE OF A PRINCIPAL RESIDENCE ACQUIRED IN A LIKE-KIND EXCHANGE WITHIN 5 YEARS OF SALE.

(a) In General.—Section 121(d) (relating to special rules for exclusion of gain from sale of principal residence) is amended by adding at the end the following new paragraph:

"(10) Property acquired in like-kind exchange.—If a taxpayer acquired property in an exchange to which section 1031 applied, subsection (a) shall not apply to the sale or exchange of such property if it occurs during the 5-year period beginning with the date of the acquisition of such property.".

(b) Effective Date.—The amendment made by this section shall apply to sales or exchanges after the date of the enactment of this Act.

SEC. 493. CLARIFICATION OF EXEMPTION FROM TAX FOR SMALL PROPERTY AND CASUALTY INSURANCE COMPANIES.

(a) In General.—Section 501(c)(15)(A) is amended to read as follows:

"(A) Insurance companies (as defined in section 816(a)) other than life (including interinsurers and reciprocal underwriters) if—

"(i) the gross receipts for the taxable year do not exceed $600,000, and

"(ii) more than 50 percent of such gross receipts consist of premiums.".

(b) Controlled Group Rule.—Section 501(c)(15)(C) is amended by inserting ", except that in applying section 1563 for purposes of section 831(b)(2)(B)(ii), subparagraphs (B) and (C) of section 1563(b)(2) shall be disregarded" before the period at the end.

(c) Conforming Amendment.—Clause (i) of section 831(b)(2)(A) is amended by striking "exceed $350,000 but".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 494. DEFINITION OF INSURANCE COMPANY FOR SECTION 831.

(a) In General.—Section 831 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) Insurance Company Defined.—For purposes of this section, the term 'insurance company' has the meaning given to such term by section 816(a)).".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 495. LIMITATIONS ON DEDUCTION FOR CHARITABLE CONTRIBUTIONS OF PATENTS AND SIMILAR PROPERTY.

(a) Deduction Allowed Only to the Extent of Basis.—Section 170(e)(1)(B) (relating to certain contributions of ordinary income and capital gain property) is amended by striking "or" at the end of clause (i), by adding "or" at the end of clause (ii), and by inserting after clause (ii) the following new clause:

"(iii) of any patent, copyright, trademark, trade name, trade secret, know-how, software, or similar property, or applications or registrations of such property,".

(b) Treatment of Contributions Where Donor Receives Interest.—Section 170(e) is amended by adding at the end the following new paragraph:

"(7) Special rules for contributions of patents and similar property where donor receives interest.—

"(A) Disallowance of deduction.—No deduction shall be allowed under this section with respect to a contribution of property described in paragraph (1)(B)(iii) if the taxpayer after the contribution has any interest in the property other than a qualified interest.

"(B) Contributions with qualified interest.—If a taxpayer after a contribution of property described in paragraph (1)(B)(iii) has a qualified interest in the property—

"(i) any payment pursuant to the qualified interest shall be treated as ordinary income and shall be includible in gross income of the taxpayer for the taxable year in which the payment is received by the taxpayer, and

"(ii) subsection (f)(3) and section 1011(b) shall not apply to the transfer of the property from the taxpayer to the donee.

"(C) Qualified interest.—For purposes of this paragraph—

"(i) In general.—The term 'qualified interest' means, with respect to any taxpayer, a right to receive from the donee a percentage (not greater than 50 percent) of any royalty payment received by the donee with respect to property described in paragraph (1)(B)(iii) (other than copyrights which are described in section 1221(a)(3) or 1231(b)(1)(C)) contributed by the taxpayer to the donee.

"(ii) Secretarial authority.—

"(I) In general.—Except as provided in subclause (II), the Secretary may by regulation or other administrative guidance treat as a qualified interest the right to receive other payments from the donee, but only if the donee does not possess a right to receive any payment (whether royalties or otherwise) from a third party with respect to the contributed property.

"(II) EXCEPTIONS.—The Secretary may not treat as a qualified interest the right to receive any payment which provides a benefit to the donor which is greater than the benefit retained by the donee or the right to receive any portion of the proceeds from the sale of the property contributed.

"(iii) LIMITATION.—An interest shall be treated as a qualified interest under this subparagraph only if the taxpayer has no right to receive any payment described in clause (i) or (ii)(I) after the earlier of the date on which the legal life of the contributed property expires or the date which is 20 years after the date of the contribution.".

(c) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Section 6050L(a) (relating to returns regarding certain dispositions of donated property) is amended—

(A) by striking "If" and inserting:

"(1) DISPOSITIONS OF DONATED PROPERTY.—If".

(B) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and

(C) by adding at the end the following new paragraph:

"(2) PAYMENTS OF QUALIFIED INTERESTS.—Each donee of property described in section 170(e)(1)(B)(iii) which makes a payment to a donor pursuant to a qualified interest (as defined in section 170(e)(7)) during any calendar year shall make a return (in accordance with forms and regulations prescribed by the Secretary) showing—

"(A) the name, address, and TIN of the payor and the payee with respect to such a payment,

"(B) a description, and date of contribution, of the property to which the qualified interest relates,

"(C) the dates and amounts of any royalty payments received by the donee with respect to such property,

"(D) the date and the amount of the payment pursuant to the qualified interest, and

"(E) a description of the terms of the qualified interest.".

(2) CONFORMING AMENDMENTS.—

(A) The heading for section 6050L is amended by striking "**CERTAIN DISPOSITIONS OF**".

(B) The item relating to section 6050L in the table of sections for subpart B of part III of subchapter A of chapter 61 is amended by striking "certain dispositions of".

(d) ANTI-ABUSE RULES.—The Secretary of the Treasury may prescribe such regulations or other administrative guidance as may be necessary or appropriate to prevent the avoidance of the purposes of section 170(e)(1)(B)(iii) of the Internal Revenue Code of 1986 (as added by subsection (a)), including preventing—

(1) the circumvention of the reduction of the charitable deduction by embedding or bundling the patent or similar property as part of a charitable contribution of property that includes the patent or similar property,

(2) the manipulation of the basis of the property to increase the amount of the charitable deduction through the use of related persons, pass-thru entities, or other intermediaries, or through the use of any provision of law or regulation (including the consolidated return regulations), and

(3) a donor from changing the form of the patent or similar property to property of a form for which different deduction rules would apply.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after October 1, 2003.

SEC. 496. REPEAL OF 10-PERCENT REHABILITATION TAX CREDIT.

Section 47 is amended by adding at the end the following new subsection:

"(e) TERMINATION.—This section shall not apply to expenditures described in subsection (a)(1) incurred in taxable years beginning after December 31, 2003.".

SEC. 497. INCREASE IN AGE OF MINOR CHILDREN WHOSE UNEARNED INCOME IS TAXED AS IF PARENT'S INCOME.

(a) IN GENERAL.—Section 1(g)(2)(A) (relating to child to whom subsection applies) is amended by striking "age 14" and inserting "age 18".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SA 3133. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, line 13, insert "section 453(a) of" after "by".

On page 60, line 3, insert "section 453(a) of" after "by".

On page 68, strike lines 10 through 14, and insert the following:

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2004, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

(2) SUBSECTION (c)(29).—The amendments made by subsection (c)(29) shall apply to disclosures of return or return information with respect to taxable years beginning after December 31, 2004.

On page 98, line 3, strike "September 24, 2004" and insert "December 31, 2004".

On page 98, between lines 3 and 4, insert the following:

SECTION 237. INTEREST PAYMENTS DEDUCTIBLE WHERE DISQUALIFIED GUARANTEE HAS NO ECONOMIC EFFECT.

(a) IN GENERAL.—Section 163(j)(6)(D)(ii) (relating to exceptions to disqualified guarantee) is amended—

(1) by striking "or" at the end of subclause (I),

(2) by striking the period at the end of subclause (II) and inserting ", or",

(3) by inserting after subclause (II) the following new subclause:

"(III) in the case of a guarantee by a foreign person, to the extent of the amount that the taxpayer establishes to the satisfaction of the Secretary that the taxpayer could have borrowed from an unrelated person without the guarantee.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to guarantees issued on or after the date of the enactment of this Act.

On page 125, line 25, strike "December 31, 2003" and insert "the date which is 30 days after the date of the enactment of this Act".

Beginning on page 135, line 17, strike all through page 136, line 2, and insert the following:

"(i) which is—

"(I) described in section 501(c)(3) or 501(c)(6) and is exempt from tax under section 501(a) and is organized and operated primarily to conduct research, or

"(II) organized and operated primarily to conduct research in the public interest (within the meaning of section 501(c)(3)),

On page 137, lines 18 and 19, strike "which is energy research".

On page 139, lines 9 and 10, strike "Energy Tax Incentives Act of 2003" and insert "Jumpstart Our Business Strength (JOBS) Act".

On page 14, line 18, of Senate amendment number 3118, as passed, strike "2" and insert "3".

On page 14, line 21, of Senate amendment number 3118, as passed, insert "for such taxable year" after "United States".

Beginning on page 212, line 9, strike all through page 213, line 3, and insert the following:

(1) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking "If" and inserting:

"(1) TREBLE DAMAGES.—If", and

(C) by adding at the end the following new paragraph:

"(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).".

(2) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting "OR PUNITIVE DAMAGES" after "LAWS".

On page 225, line 14, strike "paragraph (3)(A)" and insert "this subparagraph".

On page 228, line 1, strike "(c)" and insert "(d)".

On page 228, line 8, strike "(d)" and insert "(e)".

On page 230, line 17, add a period at the end.

On page 245, strike lines 5 through 7, and insert the following:

(1) IN GENERAL.—Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end the following new subsection:

On page 286, strike lines 6 through 10, and insert the following:

(1) Subparagraph (B) of section 6724(d)(1) (defining information return) is amended by redesignating clauses (ii) through (xviii) as clauses (iii) through (xix), respectively, and by inserting after clause (i) the following new clause:

On page 286, strike lines 14 through 18, and insert the following:

(2) Paragraph (2) of section 6724(d) (relating to definitions) is amended by redesignating subparagraphs (F) through (BB) as subparagraphs (G) through (CC), respectively, and by inserting after subparagraph (E) the following new subparagraph:

On page 301, line 7, strike "168(j)" and insert "163(j)".

On page 311, line 10, insert beginning double quotation marks before the beginning single quotation mark.

On page 311, line 14, insert beginning double quotation marks before the beginning single quotation mark.

On page 311, line 19, insert beginning double quotation marks before the beginning single quotation mark.

On page 345, strike lines 13 through 19, and insert the following:

"(c) Fees and Expenses.—The Secretary may retain and use—

"(1) an amount not in excess of 25 percent of the amount collected under any qualified tax collection contract for the costs of services performed under such contract, and

"(2) an amount not in excess of 25 percent of such amount collected for collection enforcement activities of the Internal Revenue Service.

The Secretary shall keep adequate records regarding amounts so retained and used. The amount credited as paid by any taxpayer shall be determined without regard to this subsection.

On page 346, between lines 4 and 5, insert the following:

"(f) Application of Section.—In no event may the term of any qualified tax collection contract extend beyond the date which is 5 years after the date of the enactment of this section.

On page 346, line 5, strike "(f)" and insert "(g)".

On page 349, between lines 11 and 12, insert the following:

(e) Biennial Report.—The Secretary of the Treasury shall biennially submit (beginning in 2005) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report with respect to qualified tax collection contracts under section 6306 of the Internal Revenue Code of 1986 (as added by this section) which includes—

(1) a complete cost benefit analysis,

(2) the impact of such contracts on collection enforcement staff levels in the Internal Revenue Service,

(3) the amounts collected and the collection costs incurred (directly and indirectly),

(4) an evaluation of contractor performance,

(5) a disclosure safeguard report in a form similar to that required under section 6103(p)(5) of such Code, and

(6) a measurement plan which includes a comparison of the best practices used by the private collectors with the Internal Revenue Service's own collection techniques) and mechanisms to identify and capture information on successful collection techniques used by the contractors which could be adopted by the Internal Revenue Service.

On page 349, line 12, strike "(e)" and insert "(f)".

Beginning on page 349, line 15, strike all through page 353, line 24; and insert the following:

SEC. 488. WHISTLEBLOWER REFORMS.

(a) In General.—Section 7623 (relating to expenses of detection of underpayments and fraud, etc.) is amended—

(1) by striking "The Secretary" and inserting "(a) In General.—The Secretary",

(2) by striking "and" at the end of paragraph (1) and inserting "or",

(3) by striking "(other than interest)", and

(4) by adding at the end the following new subsections:

"(b) Awards to Whistleblowers.—

"(1) In general.—If the Secretary proceeds with any administrative or judicial action described in subsection (a) based on information brought to the Secretary's attention by an individual, such individual shall, subject to paragraph (2), receive as an award at least 15 percent but not more than 30 percent of the collected proceeds (including penalties, interest, additions to tax, and additional amounts) resulting from the action (including any related actions) or from any settlement in response to such action. The determination of the amount of such award by the Whistleblower Office shall depend upon the extent to which the individual substantially contributed to such action.

"(2) Award in case of less substantial contribution.—

"(A) In general.—In the event the action described in paragraph (1) is one which the Whistleblower Office determines to be based principally on disclosures of specific allegations (other than information provided by the individual described in paragraph (1)) resulting from a judicial or administrative hearing, from a governmental report, hearing, audit, or investigation, or from the news media, the Whistleblower Office may award such sums as it considers appropriate, but in no case more than 10 percent of the collected proceeds (including penalties, interest, additions to tax, and additional amounts) resulting from the action (including any related actions) or from any settlement in response to such action, taking into account the significance of the individual's information and the role of such individual and any legal representative of such individual in contributing to such action.

"(B) Nonapplication of paragraph where individual is original source of information.—Subparagraph (A) shall not apply if the information resulting in the initiation of the action described in paragraph (1) was originally provided by the individual described in paragraph (1).

"(3) Appeal of award determination.—Any determination regarding an award under paragraph (1) or (2) shall be subject to the filing by the individual described in such paragraph of a petition for review with the Tax Court under rules similar to the rules under section 7463 (without regard to the amount in dispute) and such review shall be subject to the rules under section 7461(b)(1).

"(4) Application of this subsection.—This subsection shall apply with respect to any action—

"(A) against any taxpayer, but in the case of any individual, only if such individual's gross income exceeds $200,000 for any taxable year subject to such action, and

"(B) if the tax, penalties, interest, additions to tax, and additional amounts in dispute exceed $20,000.

"(5) Additional rules.—

"(A) No contract necessary.—No contract with the Internal Revenue Service is necessary for any individual to receive an award under this subsection.

"(B) Representation.—Any individual described in paragraph (1) or (2) may be represented by counsel.

"(C) Award not subject to individual alternative minimum tax.—No award received under this subsection shall be included in gross income for purposes of determining alternative minimum taxable income.

"(c) Whistleblower Office.—

"(1) In general.—There is established in the Internal Revenue Service an office to be known as the 'Whistleblower Office' which—

"(A) shall analyze information received from any individual described in subsection (b) and either investigate the matter itself or assign it to the appropriate Internal Revenue Service office,

"(B) shall monitor any action taken with respect to such matter,

"(C) shall inform such individual that it has accepted the individual's information for further review,

"(D) may require such individual and any legal representative of such individual to not disclose any information so provided,

"(E) may ask for additional assistance from such individual or any legal representative of such individual, and

"(F) shall determine the amount to be awarded to such individual under subsection (b).

"(2) Funding for office.—From the amounts available for expenditure under subsection (a), the Whistleblower Office shall be credited with an amount equal to the awards made under subsection (b). These funds shall be used to maintain the Whistleblower Office and also to reimburse other Internal Revenue Service offices for related costs, such as costs of investigation and collection.

"(3) Request for assistance.—

"(A) In general.—Any assistance requested under paragraph (1)(E) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under subparagraph (A). To the extent the disclosure of any returns or return information to the individual or legal representative is required for the performance of such assistance, such disclosure shall be pursuant to a contract entered into between the Secretary and the recipients of such disclosure subject to section 6103(n).

"(B) Funding of assistance.—From the funds made available to the Whistleblower Office under paragraph (2), the Whistleblower Office may reimburse the costs incurred by any legal representative in providing assistance described in subparagraph (A).".

(b) Effective Date.—The amendments made by this section shall apply to information provided on or after the date of the enactment of this Act.

On page 354, line 12, strike "May 8, 2003" and insert "the date of the enactment of the Jumpstart Our Business Strength (JOBS) Act".

. Beginning on page 355, line 17, strike all through page 357, line 24, and insert the following:

SEC. 493. MODIFICATION OF EXEMPTION FROM TAX FOR SMALL PROPERTY AND CASUALTY INSURANCE COMPANIES.

(a) Premiums as Percentage of Gross Receipts Increased.—Section 501(c)(15)(A)(i)(II) is amended by striking "50 percent" and inserting "60 percent".

(b) Limitation on Net Written Premiums Increased.—Section 831(b)(2) (relating to companies to which this subsection applies) is amended—

(1) by striking "$1,200,000" and inserting "$1,890,000", and

(2) by adding at the end the following new subparagraph:

"(C) Inflation adjustments.—

"(i) In general.—In the case of any taxable year beginning in a calendar year after 2005, the dollar amount in subparagraph (A)(i) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2004' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) Rounding.—If the amount in subparagraph (A)(i) as increased under clause (i) is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.".

(c) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2004.

(2) Transition rule for companies in receivership or liquidation.—In the case of a company or association which—

(A) for the taxable year which includes April 1, 2004, meets the requirements of section 501(c)(15)(A) of the Internal Revenue Code of 1986, as in effect for the last taxable year beginning before January 1, 2004, and

(B) on April 1, 2004, is in a receivership, liquidation, or similar proceeding under the supervision of a State court,

the amendments made by this section shall apply to taxable years beginning after the earlier of the date such proceeding ends (or, if later, December 31, 2004) or December 31, 2007.

Beginning on page 358, line 1, strike all through page 363, line 21, and insert the following:

SEC. 494. TREATMENT OF CHARITABLE CONTRIBUTIONS OF PATENTS AND SIMILAR PROPERTY.

(a) In General.—Section 170(e)(1)(B) (relating to certain contributions of ordinary income and capital gain property) is amended by striking "or" at the end of clause (i), by adding "or" at the end of clause (ii), and by inserting after clause (ii) the following new clause:

"(iii) of any patent, copyright, trademark, trade name, trade secret, know-how, software (other than software described in section 197(e)(3)(A)(i)), or similar property, or applications or registrations of such property,".

(b) Additional Deduction for Certain Contributions of Patents and Similar Property.—Section 170(e) is amended by adding at the end the following new paragraph:

"(7) Additional deduction for certain contributions of patents and similar property.—

"(A) In general.—In the case of a charitable contribution of any property described in paragraph (1)(B)(iii) (other than copyrights described in section 1221(a)(3) or 1231(b)(1)(C) or property contributed to or for the use of an organization described in paragraph (1)(B)(ii)), if—

"(i) the lesser of—

"(I) 5 percent of the fair market value of such property (determined at the time of such contribution), or

"(II) $1,000,000, exceeds

"(ii) the amount of such contribution as determined under paragraph (1),

then the amount of the charitable contribution of such property otherwise taken into account under this section shall equal the amount determined under clause (i).".

(c) Certain Donee Income From Intellectual Property Treated as an Additional Charitable Contribution.—Section 170 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Certain Donee Income From Intellectual Property Treated as an Additional Charitable Contribution.—

"(1) Treatment as additional contribution.—In the case of a taxpayer who makes a qualified intellectual property contribution, the deduction allowed under subsection (a) for each taxable year of the taxpayer ending on or after the date of such contribution shall be increased (subject to the limitations under subsection (b)) by the applicable percentage of qualified donee income with respect to such contribution which is properly allocable to such year under this subsection.

"(2) Qualified donee income.—For purposes of this subsection, the term 'qualified donee income' means any net income received by or accrued to the donee which is properly allocable to the qualified intellectual property.

"(3) Allocation of qualified donee income to taxable years of donor.—For purposes of this subsection, qualified donee income shall be treated as properly allocable to a taxable year of the donor if such income is received by or accrued to the donee for the taxable year of the donee which ends within or with such taxable year of the donor.

"(4) 10-year limitation.—Income shall not be treated as properly allocable to qualified intellectual property for purposes of this subsection if such income is received by or accrued to the donee after the 10-year period beginning on the date of the contribution of such property.

"(5) Benefit limited to life of intellectual property.—Income shall not be treated as properly allocable to qualified intellectual property for purposes of this subsection if such income is received by or accrued to the donee after the expiration of the legal life of such property.

"(6) Applicable percentage.—For purposes of this subsection, the term 'applicable percentage' means the percentage determined under the following table which corresponds to a taxable year of the donor ending on or after the date of the qualified intellectual property contribution:

"Taxable Year of Donor Ending On or After Date of Contribution:	Applicable Percentage:
1st or 2d	100
3rd	90
4th	80
5th	70
6th	60
7th	50
8th	40
9th	30
10th	20
11th or 12th	10.

"(7) Qualified intellectual property contribution.—For purposes of this subsection, the term 'qualified intellectual property contribution' means any charitable contribution of qualified intellectual property—

"(A) the amount of which taken into account under this section—

"(i) is reduced by reason of subsection (e)(1), or

"(ii) determined under subsection (e)(7), and

"(B) with respect to which the donor informs the donee at the time of such contribution that the donor intends to treat such contribution as a qualified intellectual property contribution for purposes of this subsection and section 6050L.

"(8) Qualified intellectual property.—For purposes of this subsection, the term 'qualified intellectual property' means property described in subsection (e)(1)(B)(iii) (other than copyrights described in section 1221(a)(3) or 1231(b)(1)(C) or property contributed to or for the use of an organization described in subsection (e)(1)(B)(ii)).

"(9) Other special rules.—

"(A) Application of limitations on charitable contributions.—Any increase under this subsection of the deduction provided under subparagraph (a) shall be treated for purposes of subsection (b) as a deduction which is attributable to a charitable contribution to the donee to which such increase relates.

"(B) Net income determined by donee.—The net income taken into account under paragraph (2) shall not exceed the amount of such income reported under section 6050L(b)(1).

"(C) Deduction limited to 12 taxable years.—Except as may be provided under subparagraph (D)(i), this subsection shall not apply with respect to any qualified intellectual property contribution for any taxable year of the donor after the 12th taxable year of the donor which ends on or after the date of such contribution.

"(D) Regulations.—The Secretary may issue regulations or other guidance to carry out the purposes of this subsection, including regulations or guidance—

"(i) modifying the application of this subsection in the case of a donor or donee with a short taxable year, and

"(ii) providing for the determination of an amount to be treated as net income of the donee which is properly allocable to qualified intellectual property in the case of a donee who uses such property to further a purpose or function constituting the basis of the donee's exemption under section 501 (or, in the case of a governmental unit, any purpose described in section 170(c)) and does not possess a right to receive any payment from a third party with respect to such property.".'

(d) Reporting Requirements.—Section 6050L (relating to returns relating to certain dispositions of donated property) is amended to read as follows:

"SEC. 6050L. RETURNS RELATING TO CERTAIN DONATED PROPERTY.

"(a) Dispositions of Donated Property.—

"(1) In general.—If the donee of any charitable deduction property sells, exchanges, or otherwise disposes of such property within 2 years after its receipt, the donee shall make a return (in accordance with forms and regulations prescribed by the Secretary) showing—

"(A) the name, address, and TIN of the donor,

"(B) a description of the property,

"(C) the date of the contribution,

"(D) the amount received on the disposition, and

"(E) the date of such disposition.

"(2) Definitions.—For purposes of this subsection—

"(A) Charitable deduction property.—The term 'charitable deduction property' means any property (other than publicly traded securities) contributed in a contribution for which a deduction was claimed under section 170 if the claimed value of such property (plus the claimed value of all similar items of property donated by the donor to 1 or more donees) exceeds $5,000.

"(B) Publicly traded securities.—The term 'publicly traded securities' means securities for which (as of the date of the contribution) market quotations are readily available on an established securities market.

"(b) Qualified Intellectual Property Contributions.—

"(1) In general.—Each donee with respect to a qualified intellectual property contribution shall make a return (at such time and in such form and manner as the Secretary may by regulations prescribe) with respect to each specified taxable year of the donee showing—

"(A) the name, address, and TIN of the donor,

"(B) a description of the qualified intellectual property contributed,

"(C) the date of the contribution, and

"(D) the amount of net income of the donee for the taxable year which is properly allocable to the qualified intellectual property (determined without regard to paragraph (9)(B) of section 170(m) and with the modifications described in paragraphs (4) and (5) of such section).

"(2) Definitions.—For purposes of this subsection—

"(A) In general.—Terms used in this subsection which are also used in section 170(m) have the respective meanings given such terms in such section.

"(B) Specified taxable year.—The term 'specified taxable year' means, with respect to any qualified intellectual property contribution, any taxable year of the donee any portion of which is part of the 10-year period beginning on the date of such contribution.

"(c) Statement to Be Furnished to Donors.—Every person making a return under subsection (a) or (b) shall furnish a copy of such return to the donor at such time and in such manner as the Secretary may by regulations prescribe.".

(e) Processing Fee.—Section 170, as amended by subsection (b), is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) Processing Fee.—In the case of a deduction allowed for any taxable year under this section with respect to a charitable contribution of any property described in subsection (e)(1)(B)(iii) (other than copyrights described in section 1221(a)(3) or 1231(b)(1)(C) or property contributed to or for the use of an organization described in subsection (e)(1)(B)(ii)), the taxpayer shall include, with the taxpayer's return of tax including such deduction, a fee equal to 1 percent of the amount of such deduction. Such fee shall be credited by the Secretary to the operations of the Exempt Organizations unit within the Internal Revenue Service.".

(f) Modification of Substantial Valuations Misstatement Penalty for Charitable Contributions of Property.—

(1) Substantial misstatements.—Section 6662(e)(1)(A) (relating to substantial valuation misstatements under chapter 1) is amended by inserting "(50 percent or more in the case of a charitable contribution of any property described in section 170(e)(1)(B)(iii))" after "200 percent or more".

(2) Gross misstatements.—Section 6662(h)(2)(A) (defining gross valuation misstatements) is amended by striking clause (ii) and inserting the following new clauses:

"(ii) '100 percent or more' for '50 percent or more',

"(iii) '25 percent or less' for '50 percent or less', and".

(g) Anti-Abuse Rules.—The Secretary of the Treasury—

(1) may prescribe such regulations or other guidance as may be necessary or appropriate to prevent the avoidance of the purposes of paragraphs (1)(B)(iii) and (7) of section 170(e) of the Internal Revenue Code of 1986 (as added by subsections (a) and (b)), including preventing—

(A) the circumvention of the reduction of the charitable deduction by embedding or bundling the patent or similar property as part of a charitable contribution of property that includes the patent or similar property,

(B) the manipulation of the basis of the property to increase the amount of the charitable deduction through the use of related persons, pass-thru entities, or other intermediaries, or through the use of any provision of law or regulation (including the consolidated return regulations), and

(C) a donor from changing the form of the patent or similar property to property of a form for which different deduction rules would apply, and

(2) shall prescribe guidance on appraisal standards for contributions of property described in section 170(e)(1)(B)(iii) of the Internal Revenue Code of 1986 (as added by this section).

(h) Effective Date.—The amendments made by this section shall apply to contributions made after the date of the enactment of this Act.

Beginning on page 363, line 22, strike all through page 364, line 3.

On page 420, strike lines 1 through 8, and insert the following:

"(A) In general.—The term 'motorsports entertainment complex' means a racing track facility which—

"(i) is permanently situated on land, and

"(ii) during the 36-month period following the first day of the month in which the asset is placed in service, is scheduled to host 1 or more racing events for automobiles (of any type), trucks, or motorcycles which are open to the public for the price of admission.

On page 421, at the end of line 9, add end quotation marks and a period.

On page 421, strike lines 10 through 20.

On page 421, line 24, strike "Act." and insert "Act and before January 1, 2008.".

On page 425, line 19, strike "45E" and insert "45D".

On page 425, line 20, strike "**45d**" and insert "**45e**".

On page 438, in the matter following line 22, strike "Native American new markets tax credit" and insert "New markets tax credit for Native American reservations".

On page 440, line 1, strike "(f)" and insert "(h)".

On page 484, line 4, strike "45F" and insert "45H".

On page 488, line 2, strike "grade" and insert "at grade".

On page 488, line 5, strike "rail" and insert "train".

On page 502, line 19, strike "3(20)" and insert "103(20)".

On page 502, line 20, strike "1974" and insert "1994".

On page 504, between lines 6 and 7, insert the following:

SEC. 639. CREDIT FOR INVESTMENT IN TECHNOLOGY TO MAKE MOTION PICTURES MORE ACCESSIBLE TO THE DEAF AND HARD OF HEARING.

(a) In General.—

(1) Allowance of credit.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 45T. EXPENDITURES TO PROVIDE ACCESS TO MOTION PICTURES FOR THE DEAF AND HARD OF HEARING.

"(a) General Rule.—For purposes of section 38, in the case of an eligible taxpayer, the motion picture accessibility credit for any taxable year shall be an amount equal to 50 percent of the qualified expenditures made by the eligible taxpayer during the taxable year.

"(b) Eligible Taxpayer.—For purposes of this section, the term 'eligible taxpayer' means a taxpayer who is in the business of—

"(1) showing motion pictures to the public in theaters, or

"(2) producing or distributing such motion pictures.

"(c) Qualified Expenditures.—For purposes of this section, the term 'qualified expenditures' means amounts paid or incurred by the taxpayer for the purpose of making motion pictures accessible to individuals who are deaf or hard of hearing through the use of captioning technology.

"(d) Basis Adjustment.—For purposes of this subtitle, if a credit is allowed under this section with respect to any property, the basis of such property shall be reduced by the amount of the credit so allowed.

"(e) No Double Benefit.—In the case of the credit determined under this section, no deduction or credit shall be allowed for such amount under any other provision of this chapter.".

'(2) Conforming amendments.—

(A) Section 38(b) (relating to general business credit), as amended by this Act, is amended by striking "plus" at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting ", plus", and by adding at the end the following new paragraph:

"(32) the motion picture accessibility credit determined under section 45T(a).".

(B) Subsection (a) of section 1016, as amended by this Act, is amended by striking "and" at the end of paragraph (38), by striking the period at the end of paragraph (39) and inserting ", and", and by adding at the end the following new paragraph:

"(40) in the case of property with respect to which a credit was allowed under section 45T, to the extent provided in section 45T(d).".

(b) Limitation on Carryback.—Section 39(d) (relating to transition rules) is amended by adding at the end the following new paragraph:

"(16) No carryback of motion picture accessibility credit before effective date.—No portion of the unused business credit for any taxable year which is attributable to the motion picture accessibility credit determined under section 45T may be carried to a taxable year beginning before January 1, 2004.".

(c) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 45S the following new item:

"Sec. 45T. Expenditures to provide access to motion pictures for the deaf and hard of hearing.".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

On page 504, line 14, insert ", as amended by this Act," after "income)".

On page 504, line 16, strike "(18)" and insert "(19)".

On page 522, line 17, strike "(18)" and insert "(19)".

On page 524, line 18, insert "or a claim made under section 1862(b)(3)(A) of the Social Security Act (42 U.S.C. 1395y(b)(3)(A))" after "Code".

On page 535, line 8, strike "December 31, 2003" and insert "December 31, 2001".

On page 557, between lines 9 and 10, insert the following:

SEC. 660. REPEAL OF APPLICATION OF BELOW-MARKET LOAN RULES TO AMOUNTS PAID TO CERTAIN CONTINUING CARE FACILITIES.

(a) In General.—Section 7872(c)(1) (relating to below-market loans to which section applies) is amended—

(1) by striking subparagraph (F), and

(2) by striking "(C), or (F)" in subparagraph (E) and inserting "or (C)".

(b) Full Exception.—Section 7872(g) (relating to exception for certain loans to qualified continuing care facilities) is amended—

(1) by striking "made by a lender to a qualified continuing care facility pursuant to a continuing care contract" in paragraph (1) and inserting "owed by a facility which on the last day of such year is a qualified continuing care facility, if such loan was

made pursuant to a continuing care contract and",

(2) by striking "increased personal care services or" in paragraph (3)(C),

(3) by adding at the end of paragraph (3) the following new flush sentence:

"The Secretary shall issue guidance which limits such term to contracts which provide to an individual or individual's spouse only facilities, care, and services described in this paragraph which are customarily offered by continuing care facilities.",

(4) by inserting "independent living unit" after "all of the" in paragraph (4)(A)(ii),

(5) by striking paragraphs (2) and (5),

(6) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively, and

(7) by striking "CERTAIN" in the heading thereof.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after 2004.

On page 559, strike lines 6 through 17, and insert the following:

SEC. 663. FREEZE OF PROVISIONS REGARDING SUSPENSION OF INTEREST WHERE SECRETARY FAILS TO CONTACT TAXPAYER.

(a) IN GENERAL.—Section 6404(g) (relating to suspension of interest and certain penalties where Secretary fails to contact taxpayer) is amended by striking "1-year period (18-month period in the case of taxable years beginning before January 1, 2004)" both places it appears and inserting "18-month period".

(b) EXCEPTION FOR GROSS MISSTATEMENT.—Section 6404(g)(2) (relating to exceptions) is amended by striking "or" at the end of subparagraph (C), by redesignating subparagraph (D) as subparagraph (E), and by inserting after subparagraph (C) the following new subparagraph:

"(D) any interest, penalty, addition to tax, or additional amount with respect to any gross misstatement; or".

(c) EXCEPTION FOR LISTED AND REPORTABLE TRANSACTIONS.—Section 6404(g)(2) (relating to exceptions), as amended by subsection (b), is amended by striking "or" at the end of subparagraph (D), by redesignating subparagraph (E) as subparagraph (F), and by inserting after subparagraph (D) the following new subparagraph:

"(E) any interest, penalty, addition to tax, or additional amount with respect to any reportable transaction or listed transaction (as defined in 6707A(c)); or".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2003.

(2) EXCEPTION FOR REPORTABLE OR LISTED TRANSACTIONS.—The amendments made by subsection (c) shall apply with respect to interest accruing after May 5, 2004.

Beginning on page 559, line 20, strike all through page 578, line 16, and insert the following:

SEC. 671. TREATMENT OF NONQUALIFIED DEFERRED COMPENSATION PLANS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 is amended by adding at the end the following new section:

"SEC. 409A. INCLUSION IN GROSS INCOME OF DEFERRED COMPENSATION UNDER NONQUALIFIED DEFERRED COMPENSATION PLANS.

"(a) RULES RELATING TO CONSTRUCTIVE RECEIPT.—

"(1) IN GENERAL.—

"(A) GROSS INCOME INCLUSION.—If at any time during a taxable year a nonqualified deferred compensation plan—

"(i) fails to meet the requirements of paragraphs (2), (3), (4), and (5), or

"(ii) is not operated in accordance with such requirements,

all compensation deferred under the plan for the taxable year and all preceding taxable years shall be includible in gross income for the taxable year to the extent not subject to a substantial risk of forfeiture and not previously included in gross income.

"(B) INTEREST AND ADDITIONAL TAX PAYABLE WITH RESPECT TO PREVIOUSLY DEFERRED COMPENSATION.—

"(i) IN GENERAL.—If compensation is required to be included in gross income under subparagraph (A) for a taxable year, the tax imposed by this chapter for the taxable year of inclusion shall be increased by the sum of—

"(I) the amount of interest determined under clause (ii), and

"(II) an amount equal to 10 percent of the compensation which is required to be included in gross income.

"(ii) INTEREST.—For purposes of clause (i), the interest determined under this clause for any taxable year is the amount of interest at the underpayment rate on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

"(2) DISTRIBUTIONS.—

"(A) IN GENERAL.—The requirements of this paragraph are met if the plan provides that compensation deferred under the plan may not be distributed earlier than—

"(i) except as provided in subparagraph (B)(i), separation from service (as determined by the Secretary),

"(ii) the date the participant becomes disabled (within the meaning of subparagraph (C)),

"(iii) death,

"(iv) a specified time (or pursuant to a fixed schedule) specified under the plan as of the date of the deferral of such compensation,

"(v) to the extent provided by the Secretary, a change in the ownership or effective control of the corporation, or in the ownership of a substantial portion of the assets of the corporation, or

"(vi) the occurrence of an unforeseeable emergency.

"(B) SPECIAL RULES.—

"(i) SEPARATION FROM SERVICE OF SPECIFIED EMPLOYEES.—In the case of specified employees, the requirement of subparagraph (A)(i) is met only if distributions may not be made earlier than 6 months after the date of separation from service. For purposes of the preceding sentence, a specified employee is a key employee (as defined in section 416(i)) of a corporation the stock in which is publicly traded on an established securities market or otherwise.

"(ii) CHANGES IN OWNERSHIP OR CONTROL.—In the case of a participant who is subject to the requirements of section 16(a) of the Securities Exchange Act of 1934, the requirement of subparagraph (A)(v) is met only if distributions may not be made earlier than 1 year after the date of the change in ownership or effective control.

"(iii) UNFORESEEABLE EMERGENCY.—For purposes of subparagraph (A)(vi)—

"(I) IN GENERAL.—The term 'unforeseeable emergency' means a severe financial hardship to the participant or beneficiary resulting from a sudden and unexpected illness or accident of the participant or beneficiary, the participant's or beneficiary's spouse, or the participant's or beneficiary's dependent (as defined in section 152(a)), loss of the participant's or beneficiary's property due to casualty, or other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the participant or beneficiary.

"(II) LIMITATION ON DISTRIBUTIONS.—The requirement of subparagraph (A)(vi) is met only if, as determined under regulations of the Secretary, the amounts distributed with respect to an emergency do not exceed the amounts necessary to satisfy such emergency plus amounts necessary to pay taxes reasonably anticipated as a result of the distribution, after taking into account the extent to which such hardship is or may be relieved through reimbursement or compensation by insurance or otherwise or by liquidation of the participant's or beneficiary's assets (to the extent the liquidation of such assets would not itself cause severe financial hardship).

"(C) DISABLED.—For purposes of subparagraph (A)(ii), a participant shall be considered disabled if the participant—

"(i) is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or can be expected to last for a continuous period of not less than 12 months, or

"(ii) is, by reason of any medically determinable physical or mental impairment which can be expected to result in death or can be expected to last for a continuous period of not less than 12 months, receiving income replacement benefits for a period of not less than 3 months under an accident and health plan covering employees of the participant's employer.

"(3) INVESTMENT OPTIONS.—The requirements of this paragraph are met if the plan provides that the investment options a participant may elect under the plan—

"(A) are comparable to the investment options which a participant may elect under the defined contribution plan of the employer which—

"(i) meets the requirement of section 401(a) and includes a trust exempt from taxation under section 501(a), and

"(ii) has the fewest investment options, or

"(B) if there is no such defined contribution plan, meet such requirements as the Secretary may prescribe (including requirements limiting such options to permissible investment options specified by the Secretary).

"(4) ACCELERATION OF BENEFITS.—The requirements of this paragraph are met if the plan does not permit the acceleration of the time or schedule of any payment under the plan, except as provided by the Secretary in regulations.

"(5) ELECTIONS.—

"(A) IN GENERAL.—The requirements of this paragraph are met if the requirements of subparagraphs (B) and (C) are met.

"(B) INITIAL DEFERRAL DECISION.—The requirements of this subparagraph are met if the plan provides that compensation for services performed during a taxable year may be deferred at the participant's election only if the election to defer such compensation is made during the preceding taxable year or at such other time as provided in regulations. In the case of the first year in which a participant becomes eligible to participate in the plan, such election may be made with respect to services to be performed subsequent to the election within 30 days after the date the participant becomes eligible to participate in such plan.

"(C) CHANGES IN TIME AND FORM OF DISTRIBUTION.—The requirements of this subparagraph are met if, in the case of a plan which permits under a subsequent election a delay in a payment or a change in the form of payment—

"(i) the plan requires that such election may not take effect until at least 12 months after the date on which the election is made,

"(ii) in the case an election related to a payment not described in clause (ii), (iii), or (vi) of paragraph (2)(A), the plan requires that the first payment with respect to which such election is made be deferred for a period of not less than 5 years from the date such payment would otherwise have been made, and

"(iii) the plan requires that any election related to a payment described in paragraph (2)(A)(iv) may not be made less than 12 months prior to the date of the first scheduled payment under such paragraph.

A plan shall be treated as failing to meet the requirements of this subparagraph if the plan permits more than 1 subsequent election to delay any payment.

"(b) RULES RELATING TO FUNDING.—

"(1) OFFSHORE PROPERTY IN A TRUST.—In the case of assets set aside (directly or indirectly) in a trust (or other arrangement determined by the Secretary) for purposes of paying deferred compensation under a nonqualified deferred compensation plan, such assets shall be treated for purposes of section 83 as property transferred in connection with the performance of services whether or not such assets are available to satisfy claims of general creditors—

"(A) at the time set aside if such assets are located outside of the United States, or

"(B) at the time transferred if such assets are subsequently transferred outside of the United States.

This paragraph shall not apply to assets located in a foreign jurisdiction if substantially all of the services to which the nonqualified deferred compensation relates are performed in such jurisdiction.

"(2) EMPLOYER'S FINANCIAL HEALTH.—In the case of a nonqualified deferred compensation plan, there is a transfer of property within the meaning of section 83 as of the earlier of—

"(A) the date on which the plan first provides that assets will become restricted to the provision of benefits under the plan in connection with a change in the employer's financial health, or

"(B) the date on which assets are so restricted.

"(3) INCOME INCLUSION FOR OFFSHORE TRUSTS AND EMPLOYER'S FINANCIAL HEALTH.—For each taxable year that assets treated as transferred under this subsection remain set aside in a trust or other arrangement subject to paragraph (1) or (2), any increase in value in, or earnings with respect to, such assets shall be treated as an additional transfer of property under this subsection (to the extent not previously included in income).

"(4) INTEREST ON TAX LIABILITY PAYABLE WITH RESPECT TO TRANSFERRED PROPERTY.—

"(A) IN GENERAL.—If amounts are required to be included in gross income by reason of paragraph (1) or (2) for a taxable year, the tax imposed by this chapter for such taxable year shall be increased by the sum of—

"(i) the amount of interest determined under subparagraph (B), and

"(ii) an amount equal to 10 percent of the amounts required to be included in gross income.

"(B) INTEREST.—For purposes of subparagraph (A), the interest determined under this subparagraph for any taxable year is the amount of interest at the underpayment rate on the underpayments that would have occurred had the amounts so required to be included in gross income by paragraph (1) or (2) been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such amounts are not subject to a substantial risk of forfeiture.

"(c) NO INFERENCE ON EARLIER INCOME INCLUSION.—Nothing in this section shall be construed to prevent the inclusion of amounts in gross income under any other provision of this chapter or any other rule of law earlier than the time provided in this section. Any amount included in gross income under this section shall not be required to be included in gross income under any other provision of this chapter or any other rule of law later than the time provided in this section.

"(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) NONQUALIFIED DEFERRED COMPENSATION PLAN.—The term 'nonqualified deferred compensation plan' means any plan that provides for the deferral of compensation, other than—

"(A) a qualified employer plan, and

"(B) any bona fide vacation leave, sick leave, compensatory time, disability pay, or death benefit plan.

"(2) QUALIFIED EMPLOYER PLAN.—The term 'qualified employer plan' means—

"(A) any plan, contract, pension, account, or trust described in subparagraph (A) or (B) of section 219(g)(5), and

"(B) any eligible deferred compensation plan (within the meaning of section 457(b)) of an employer described in section 457(e)(1)(A).

"(3) PLAN INCLUDES ARRANGEMENTS, ETC.—The term 'plan' includes any agreement or arrangement, including an agreement or arrangement that includes one person.

"(4) SUBSTANTIAL RISK OF FORFEITURE.—The rights of a person to compensation are subject to a substantial risk of forfeiture if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

"(5) TREATMENT OF EARNINGS.—References to deferred compensation shall be treated as including references to income (whether actual or notional) attributable to such compensation or such income.

"(6) EXCEPTION FOR NONELECTIVE DEFERRED COMPENSATION.—This section shall not apply to any nonelective deferred compensation to which section 457 does not apply by reason of section 457(e)(12), but only if such compensation is provided under a nonqualified deferred compensation plan which was in existence on May 1, 2004, and which was providing nonelective deferred compensation described in section 457(e)(12) on such date. If, after May 1, 2004, a plan described in the preceding sentence adopts a plan amemdment which provides a material change in the classes of individuals eligible to participate in the plan, this paragraph shall not apply to any nonelective deferred compensation provided under the plan on or after the date of the adoption of the amendment.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations—

"(1) providing for the determination of amounts of deferral in the case of a nonqualified deferred compensation plan which is a defined benefit plan,

"(2) relating to changes in the ownership and control of a corporation or assets of a corporation for purposes of subsection (a)(2)(A)(v),

"(3) exempting arrangements from the application of subsection (b) if such arrangements will not result in an improper deferral of United States tax and will not result in assets being effectively beyond the reach of creditors,

"(4) defining financial health for purposes of subsection (b)(2), and

"(5) disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.".

(b) APPLICATION OF GOLDEN PARACHUTE PAYMENT PROVISIONS.—Section 280G of such Code (relating to golden parachute payments) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) SPECIAL RULES FOR CERTAIN PAYMENTS FROM NONQUALIFIED DEFERRED COMPENSATION PLANS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, an applicable payment shall be treated as an excess parachute payment for purposes of this section and section 4999.

"(2) COORDINATION WITH OTHER PAYMENTS.—

"(A) APPLICABLE PAYMENTS WHICH ARE PARACHUTE PAYMENTS.—If any applicable payment is a parachute payment (determined without regard to subsection (b)(2)(A)(ii))—

"(i) except as provided in paragraph (4), this section shall be applied to such payment in the same manner as if this subsection had not been enacted, and

"(ii) if such application results in an excess parachute payment, any tax under section 4999 on the excess parachute payment shall be in addition to the tax imposed by reason of paragraph (1).

"(B) APPLICABLE PAYMENTS WHICH ARE NOT PARACHUTE PAYMENTS.—An applicable payment not described in subparagraph (A) shall be taken into account in determining whether any payment described in subparagraph (A) or any payment which is not an applicable payment is a parachute payment under subsection (b)(2).

"(3) APPLICABLE PAYMENT.—For purposes of this subsection, the term 'applicable payment' means any distribution (including any distribution treated as a parachute payment without regard to this subsection) from a nonqualified deferred compensation plan (as defined in section 409A(d)) which is made—

"(A) to a participant who is subject to the requirements of section 16(a) of the Securities Exchange Act of 1934, and

"(B) during the 1-year period following a change in the ownership or effective control of the corporation or in the ownership of a substantial portion of the assets of the corporation.

Such terms shall not include any distribution by reason of the death of the participant or the participant becoming disabled (within the meaning of section 409A(a)(2)(C)).

"(4) NO DOUBLE COUNTING.—Under regulations, proper adjustments shall be made in the application of this subsection to prevent a deduction from being disallowed more than once.".

(c) W-2 FORMS.—

(1) IN GENERAL.—Subsection (a) of section 6051 (relating to receipts for employees) is amended by striking "and" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", and", and by inserting after paragraph (12) the following new paragraph:

"(13) the total amount of deferrals under a nonqualified deferred compensation plan (within the meaning of section 409A(d)).".

(2) Threshold.—Subsection (a) of section 6051 is amended by adding at the end the following: "In the case of the amounts required to be shown by paragraph (13), the Secretary may (by regulation) establish a minimum amount of deferrals below which paragraph (13) does not apply.".

(d) Conforming and Clerical Amendments.—

(1) Section 414(b) is amended by inserting "409A," after "408(p),".

(2) Section 414(c) is amended by inserting "409A," after "408(p),".

(3) The table of sections for such subpart A is amended by adding at the end the following new item:

"Sec. 409A. Inclusion in gross income of deferred compensation under nonqualified deferred compensation plans.".

(e) Effective Date.—

(1) In general.—The amendments made by this section shall apply to amounts deferred in taxable years beginning after December 31, 2004.

(2) Earnings attributable to amount previously deferred.—The amendments made by this section shall apply to earnings on deferred compensation only to the extent that such amendments apply to such compensation.

(f) Guidance Relating to Change of Ownership or Control.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidance on what constitutes a change in ownership or effective control for purposes of section 409A of the Internal Revenue Code of 1986, as added by this section.

(g) Guidance Relating to Termination of Certain Existing Arrangements.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidance providing a limited period during which an individual participating in a nonqualified deferred compensation plan adopted on or before December 31, 2004, may, without violating the requirements of paragraphs (2), (3), (4), and (5) of section 409A(a) of the Internal Revenue Code of 1986 (as added by this section), terminate participation or cancel an outstanding deferral election with regard to amounts earned after December 31, 2004, if such amounts are includible in income as earned.

SEC. 672. PROHIBITION ON DEFERRAL OF GAIN FROM THE EXERCISE OF STOCK OPTIONS AND RESTRICTED STOCK GAINS THROUGH DEFERRED COMPENSATION ARRANGEMENTS.

(a) In General.—Section 83 (relating to property transferred in connection with performance of services) is amending by adding at the end the following new subsection:

"(i) Prohibition on Additional Deferral Through Deferred Compensation Arrangements.—If a taxpayer exchanges—

"(1) an option to purchase employer securities—

"(A) to which subsection (a) applies, or

"(B) which is described in subsection (e)(3), or

"(2) employer securities or any other property based on employer securities transferred to the taxpayer,

for a right to receive future payments, then, notwithstanding any other provision of this title, there shall be included in gross income for the taxable year of the exchange an amount equal to the present value of such right (or such other amount as the Secretary may by regulations specify). For purposes of this subsection, the term 'employer securities' includes any security issued by the employer.".

(b) Controlled Group Rules.—Section 414(t)(2) is amended by inserting "83(i)," after "79,".

(c) Effective Date.—The amendments made by this section shall apply to any exchange after December 31, 2004.

On page 581, strike lines 1 through 20, and insert the following:

SEC. 675. APPLICATION OF BASIS RULES TO EMPLOYER AND EMPLOYEE CONTRIBUTIONS ON BEHALF OF NONRESIDENT ALIENS.

(a) In General.—Section 72 (relating to annuities and certain proceeds of endowment and life insurance contracts) is amended by redesignating subsection (w) as subsection (x) and by inserting after subsection (v) the following new subsection:

"(w) Application of Basis Rules to Employer and Employee Contributions Made on Behalf of Nonresident Aliens.—

"(1) In general.—Notwithstanding any other provision of this section, for purposes of determining the portion of any distribution which is includible in gross income of a distributee who is a citizen or resident of the United States, the investment in the contract shall not include any applicable nontaxable contributions.

"(2) Applicable nontaxable contribution.—For purposes of this subsection, the term 'applicable nontaxable contribution' means any employer or employee contribution—

"(A) which was made with respect to compensation for labor or personal services by an employee who, at the time the services were performed, was a nonresident alien for purposes of the laws of the United States in effect at such time, but only if such compensation is treated as from sources without the United States, and

"(B) which was not subject to income tax under the laws of the United States or any foreign country.

"(3) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this subsection, including regulations treating contributions as not subject to tax under the laws of any foreign country where appropriate to carry out the purposes of this subsection.".

(b) Effective Date.—The amendments made by this section shall apply to distributions on or after the date of the enactment of this Act.

On page 596, strike lines 8 through 10, and insert the following:

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act.

On page 596, line 22, strike "Section 904(h)" and insert "Section 904(i), as redesignated by this Act,".

Beginning on page 598, line 17, strike all through 601, line 7, and insert the following:

(a) Amendments of ERISA.—

(1) Section 101(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(e)(3)) is amended by striking "Pension Funding Equity Act of 2004" and inserting "Jumpstart Our Business Strength (JOBS) Act".

(2) Section 403(c)(1) of such Act (29 U.S.C. 1103(c)(1)) is amended by striking "Pension Funding Equity Act of 2004" and inserting "Jumpstart Our Business Strength (JOBS) Act".

(3) Paragraph (13) of section 408(b) of such Act (29 U.S.C. 1108(b)(3)) is amended by striking "Pension Funding Equity Act of 2004" and inserting "Jumpstart Our Business Strength (JOBS) Act".

(b) Minimum Cost Requirements.—

(1) In general.—Section 420(c)(3)(E) is amended by adding at the end the following new clause:

"(ii) Insignificant cost reductions permitted.—

"(I) In general.—An eligible employer shall not be treated as failing to meet the requirements of this paragraph for any taxable year if, in lieu of any reduction of retiree health coverage permitted under the regulations prescribed under clause (i), the employer reduces applicable employer cost by an amount not in excess of the reduction in costs which would have occurred if the employer had made the maximum permissible reduction in retiree health coverage under such regulations. In applying such regulations to any subsequent taxable year, any reduction in applicable employer cost under this clause shall be treated as if it were an equivalent reduction in retiree health coverage.

"(II) Eligible employer.—For purposes of subclause (I), an employer shall be treated as an eligible employer for any taxable year if, for the preceding taxable year, the qualified current retiree health liabilities of the employer were at least 5 percent of the gross receipts of the employer. For purposes of this subclause, the rules of paragraphs (2), (3)(B), and (3)(C) of section 448(c) shall apply in determining the amount of an employer's gross receipts.".

(2) Conforming amendment.—Section 420(c)(3)(E) is amended by striking "The Secretary" and inserting:

"(i) In general.—The Secretary".

(3) Effective date.—The amendments made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

On page 606, line 18, insert ", as amended by section 882(c) of this Act," after "penalties)".

On page 606, line 21, strike "6717" and insert "6720a".

On page 607, line 18, insert ", as amended by section 882(c) of this Act," after "chapter 68".

On page 607, in the matter after line 20, strike "6717" and insert "6720A".

On page 608, line 4, insert ", as amended by this Act," after "vaccine)".

On page 608, line 6, strike "(M)" and insert "(N)".

On page 608, strike lines 8 through 11.

On page 612, line 10, strike the end quotation marks and second period.

On page 624, line 7, strike "or".

On page 624, line 11, strike the period and insert ", or".

On page 624, between lines 11 and 12, insert the following:

"(VI) the Tennessee Valley Authority.

On page 624, lines 13 and 14, strike "A person described in subparagraph (A)(ii)" and insert "A person described in subclause (I), (II), (III), (IV), or (V) of subparagraph (A)(ii)".

On page 625, between lines 21 and 22, insert the following:

"(D) Use by TVA.—

"(i) In general.—Notwithstanding any other provision of law, in the case of a person described in subparagraph (A)(ii)(VI), any credit to which subparagraph (A)(i) applies may be applied as a credit against the payments required to be made in any fiscal year under section 15d(e) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831n-

4(e)) as an annual return on the appropriations investment and an annual repayment sum.

“(ii) TREATMENT OF CREDITS.—The aggregate amount of credits described in subparagraph (A)(i) with respect to such person shall be treated in the same manner and to the same extent as if such credits were a payment in cash and shall be applied first against the annual return on the appropriations investment.

“(iii) CREDIT CARRYOVER.—With respect to any fiscal year, if the aggregate amount of credits described subparagraph (A)(i) with respect to such person exceeds the aggregate amount of payment obligations described in clause (i), the excess amount shall remain available for application as credits against the amounts of such payment obligations in succeeding fiscal years in the same manner as described in this subparagraph.

On page 625, line 22, strike “(D)” and insert “(E)”.

On page 626, line 3, strike “(E)” and insert “(F)”.

On page 626, line 8, strike “(g)” and insert “(f)”.

On page 627, line 14, insert “, as amended by this Act,” after “etc.)”.

On page 627, line 16, strike “30B” and insert “30C”.

On page 652, strike lines 2 through 17, and insert the following:

(1) Section 1016(a) is amended by striking “and” at the end of paragraph (31), by striking the period at the end of paragraph (32) and inserting “, and”, and by adding at the end the following new paragraph:

“(33) to the extent provided in section 30C(f)(4).”.

(2) Section 55(c)(2), as amended by this Act, is amended by inserting “30C(e),” after “30(b)(2),”.

(3) Section 6501(m) is amended by inserting “30C(f)(9),” after “30(d)(4),”.

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 30B the following new item:

“Sec. 30C. Alternative motor vehicle credit.”.

(c) EFFECTIVE DATE.—The amendments made by

On page 658, line 3, strike “30C” and insert “30D”.

On page 659, line 21, strike “30B” and insert “30C”.

Beginning on page 662, line 21, strike all through page 663, line 9, and insert the following:

(1) Section 1016(a), as amended by this Act, is amended by striking “and” at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting “, and”, and by adding at the end the following new paragraph:

“(34) to the extent provided in section 30D(f).”.

(2) Section 55(c)(2), as amended by this Act, is amended by inserting “30D(e),” after “30C(e),”.

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 30C the following new item:

“Sec. 30D. Clean-fuel vehicle refueling property credit.”.

(e) EFFECTIVE DATE.—The amendments made by

On page 665, line 7, strike “section 30B(d)(4)” and insert “section 30C(d)(4)”.

On page 670, line 12, insert “, as amended by this Act,” after the end parenthetical.

On page 670, line 14, strike “(k)” and insert “(l)”.

On page 702, line 3, strike “Section 904(h)” and insert “Section 904(i), as redesignated and amended by this Act,”.

On page 702, strike lines 8 through 15, and insert the following:

(1) Section 1016(a), as amended by this Act, is amended by striking “and” at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting “, and”, and by adding at the end the following new paragraph:

“(35) to the extent provided in section 25C(f), in the case of amounts with respect to which a credit has been allowed under section 25C.”.

On page 715, line 22, strike “(30)” and insert “(34)”.

On page 715, line 23, strike “(31)” and insert “(35)”.

On page 716, line 1, strike “(32)” and insert “(36)”.

On page 716, strike lines 9 through 15, and insert the following:

(4) Section 263(a)(1), as amended by this Act, is amended by striking “or” at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting “, or”, and by inserting after subparagraph (I) the following new subparagraph:

“(J) expenditures for which a deduction is allowed under section 179B.”.

On page 717, line 13, insert “, as amended by this Act,” after “rules)”.

On page 717, line 15, strike “(15)” and insert “(16)”.

On page 719, line 7, strike “(16)” and insert “(17)”.

On page 734, lines 16 and 17, strike “Section 904(h), as amended by this Act,” and insert “Section 904(i), as redesignated and amended by this Act,”.

On page 734, line 25, strike “(31)” and insert “(35)”.

On page 735, line 1, strike “(32)” and insert “(36)”.

On page 735, line 3, strike “(33)” and insert “(37)”.

Beginning on page 747, line 23, strike all through page 748, line 5, and insert the following:

(a) ALLOWANCE OF QUALIFYING ADVANCED CLEAN COAL TECHNOLOGY UNIT CREDIT.—Section 46 (relating to amount of credit), as amended by this Act, is amended by striking “and” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “, and”, and by adding at the end the following new paragraph:

“(3) the qualifying advanced clean coal technology unit credit.”.

On page 780, strike lines 16 through 21, and insert the following:

(a) IN GENERAL.—Section 168(e)(3)(C) (defining 7-year property), as amended by this Act, is amended by striking “and” at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

“(iii) any natural gas gathering line, and”.

On page 781, line 3, strike “(17)” and insert “(18)”.

On page 782, in the matter following line 2, strike “(C)(ii)” and insert “(C)(iii)”.

On page 783, line 22, strike the end quotation marks and second period.

On page 784, line 4, strike “(H)” and insert “(I)”.

On page 784, line 5, strike “(I)” and insert “(J)”.

On page 784, line 7, strike “(J)” and insert “(K)”.

On page 784, line 17, strike “(32)” and insert “(36)”.

On page 784, line 18, strike “(33)” and insert “(37)”.

On page 784, line 20, strike “(34)” and insert “(38)”.

On page 785, line 1, strike “(5)” and insert “(6)”.

On page 793, line 15, strike “(33)” and insert “(37)”.

On page 793, line 16, strike “(34)” and insert “(38)”.

On page 793, line 19, strike “(35)” and insert “(39)”.

On page 795, line 5, insert “, as amended by this Act,” after “production)”.

On page 805, line 3, strike the semicolon and insert a colon.

On page 805, line 8, insert “of subsection (f)” before “owned”.

On page 805, line 11, strike the end quotation marks and second period.

On page 807, line 2, insert “, as amended by this Act,” after “38(b)”.

On page 808, strike lines 8 through 12, and insert the following:

(G) Subsection (a) of section 772, as amended by this Act, is amended by striking paragraph (10) and by redesignating paragraphs (11) and (12) as paragraphs (10) and (11), respectively.

On page 810, strike lines 12 through 18, and insert the following:

(a) IN GENERAL.—Section 168(e)(3)(E) (defining 15-year property), as amended by this Act, is amended by striking “and” at the end of clause (iii), by striking the period at the end of clause (iv) and by inserting “, and”, and by adding at the end the following new clause:

“(v) any natural gas distribution line.”.

On page 810, in the matter after line 23, strike “(E)(iv)” and insert “(E)(v)”.

On page 814, line 5, strike “(18)” and insert “(19)”.

On page 818, strike lines 19 through 25, and insert the following:

(a) IN GENERAL.—Section 168(e)(3)(C) (defining 7-year property), as amended by this Act, is amended by striking “and” at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

“(iv) any Alaska natural gas pipeline, and”.

On page 819, line 5, strike “(18)” and insert “(19)”.

On page 820, line 2, strike “(C)(ii)” and insert “(C)(iii)”.

On page 820, in the matter following line 2, strike “(C)(iii)” and insert “(C)(iv)”.

On page 820, line 3, strike the beginning quotation marks.

On page 840, line 14, insert “, as amended by this Act,” after “modifications)”.

On page 840, line 17, strike “(18)” and insert “(20)”.

On page 849, line 20, strike “5211 and 5242” and insert “871 and 880”.

On page 855, lines 1 and 2, strike “, as amended by section 5101 of this Act,”.

On page 862, line 3, insert “, as amended by this Act,” after “credit)”.

On page 862, strike lines 10 through 19, and insert the following:

(1)(A) Section 87, as amended by this Act, is amended—

(i) by striking “and” at the end of paragraph (1),

(ii) by striking the period at the end of paragraph (2) and inserting “, and”,

(iii) by adding at the end the following new paragraph:

“(3) the biodiesel fuels credit determined with respect to the taxpayer for the taxable year under section 40B(a).”, and

(iv) by striking "**FUEL CREDIT**" in the heading and inserting "**AND BIODIESEL FUELS CREDITS**".

Beginning on page 862, line 24, strike all through page 863, line 5, and insert the following:

(2) Section 196(c), as amended by this Act, is amended by striking "and" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", and", and by adding at the end the following new paragraph:

"(13) the biodiesel fuels credit determined under section 40B(a).".

On page 872, strike lines 1 through 8, and insert the following:

(M) Subparagraph (B) of section 6724(d)(1), as amended by this Act, is amended by striking clause (xvi) and by redesignating clauses (xvii), (xviii), and (xix) as clauses (xvi), (xvii), and (xviii), respectively.

(N) Paragraph (2) of section 6724(d), as amended by this Act, is amended by striking subparagraph (X) and by redesignating subparagraphs (Y), (Z), (AA), (BB), and (CC) as subparagraphs (X), (Y), (Z), (AA), and (BB), respectively.

On page 878, line 8, strike "Penalty—" and insert "Penalty.—".

On page 883, line 7, strike "section 5211 of".

On page 883, lines 17 and 18, strike "section 5211 of".

On page 884, lines 6 and 7, strike "section 5221 of".

On page 885, lines 8 and 9, strike "section 5211 of".

On page 885, lines 21 and 22, strike "section 5221 of".

On page 886, line 18, strike "section 5232 of".

On page 888, line 10, strike "section 5232 of".

On page 889, line 13, strike "section 5241 of".

On page 890, line 11, strike "section 5241 of".

On page 890, line 16, strike the second period.

On page 890, line 18, strike "section 5242 of".

On page 890, line 22, strike the second period.

On page 891, line 22, strike "section 5242 of".

On page 892, line 17, strike "section 5242 of".

On page 895, lines 18 and 19, strike "section 5245 of".

On page 898, lines 20 and 21, strike "section 5102 of".

On page 902, lines 24 and 25, strike "section 5152 of".

On page 903, line 10, strike "section 5251 of".

On page 904, line 15, strike "section 5251 of".

On page 906, lines 12 and 13, strike ", as amended by section 5001 of this Act,".

On page 907, lines 12 and 13, strike ", as amended by section 5001 of this Act,".

On page 909, line 19, strike "section 5211 of".

On page 910, lines 20 and 21, strike "section 5211 of".

On page 912, lines 9 and 10, strike "section 5243 of".

On page 912, lines 12 through 14, strike "as added by section 5242 of this Act and redesignated by section 5243 of this Act" and insert "as added and redesignated by this Act".

On page 912, lines 20 and 21, strike "section 5241 of".

On page 912, line 24, strike the space after the beginning quotation marks.

On page 913, strike lines 1 and 2, and insert the following:

(II) in the heading, by inserting "OR REPORTABLE LIQUIDS" after "TAXABLE FUEL".

On page 913, line 5, strike "section 5241 of".

On page 914, line 8, strike "section 5252 of".

On page 919, strike lines 3 through 9, and insert the following:

"(C) Special rule for use by certain tax-exempt organizations.—For purposes of subparagraph (A), the use-based test shall be determined without regard to any use in a vehicle by an organization which is described in section 501(c) and exempt from tax under section 501(a).".

On page 931, after line 18, add the following:

SEC. 899B. CREDIT FOR QUALIFYING POLLUTION CONTROL EQUIPMENT.

(a) Allowance of Qualifying Pollution Control Equipment Credit.—Section 46 (relating to amount of credit), as amended by this Act, is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following new paragraph:

"(4) the qualifying pollution control equipment credit.".

(b) Amount of Qualifying Pollution Control Equipment Credit.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit), as amended by this Act, is amended by inserting after section 48A the following new section:

"SEC. 48B. QUALIFYING POLLUTION CONTROL EQUIPMENT CREDIT.

"(a) In General.—For purposes of section 46, the qualifying pollution control equipment credit for any taxable year is an amount equal to 15 percent of the basis of the qualifying pollution control equipment placed in service at a qualifying facility during such taxable year.

"(b) Qualifying Pollution Control Equipment.—For purposes of this section, the term 'qualifying pollution control equipment' means any technology installed in or on a qualifying facility to reduce air emissions of any pollutant regulated by the Environmental Protection Agency under the Clean Air Act, including thermal oxidizers, regenerative thermal oxidizers, scrubber systems, evaporative control systems, vapor recovery systems, flair systems, bag houses, cyclones, continuous emissions monitoring systems, and low nitric oxide burners.

"(c) Qualifying Facility.—For purposes of this section, the term 'qualifying facility' means any facility which produces not less than 1,000,000 gallons of ethanol during the taxable year.

"(d) Special Rule for Certain Subsidized Property.—Rules similar to section 48(a)(4) shall apply for purposes of this section.

"(e) Certain Qualified Progress Expenditures Rules Made Applicable.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this subsection.".

(c) Recapture of Credit Where Emissions Reduction Offset is Sold.—Paragraph (1) of section 50(a) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) Special rule for qualifying pollution control equipment.—For purposes of subparagraph (A), any investment property which is qualifying pollution control equipment (as defined in section 48B(b)) shall cease to be investment credit property with respect to a taxpayer if such taxpayer receives a payment in exchange for a credit for emission reductions attributable to such qualifying pollution control equipment for purposes of an offset requirement under part D of title I of the Clean Air Act.".

(d) Special Rule for Basis Reduction; Recapture of Credit.—Paragraph (3) of section 50(c) (relating to basis adjustment to investment credit property), as amended by this Act, is amended by inserting "or qualifying pollution control equipment credit" after "energy credit".

(e) Effective Date.—The amendments made by this section shall apply to property placed in service after December 31, 2003, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SA 3134. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, beginning with line 25, strike through line 3 on page 98 and insert the following:

"(a) Allowance of Deduction.—There shall be allowed as a deduction an amount equal to 9 percent of the qualified production activities income of the taxpayer for the taxable year.

"(b) Deduction Limited to Wages Paid.—

"(1) In general.—The amount of the deduction allowable under subsection (a) for any taxable year shall not exceed 50 percent of the W–2 wages of the employer for the taxable year.

"(2) W–2 wages.—For purposes of paragraph (1), the term 'W–2 wages' means the sum of the aggregate amounts the taxpayer is required to include on statements under paragraphs (3) and (8) of section 6051(a) with respect to employment of employees of the taxpayer during the taxpayer's taxable year.

"(3) Special rules.—

"(A) Pass-thru entities.—In the case of an S corporation, partnership, estate or trust, or other pass-thru entity, the limitation under this subsection shall apply at the entity level.

"(B) Acquisitions and dispositions.—The Secretary shall provide for the application of this subsection in cases where the taxpayer acquires, or disposes of, the major portion of a trade or business or the major portion of a separate unit of a trade or business during the taxable year.

"(c) Qualified Production Activities Income.—For purposes of this section—

"(1) In general.—The term 'qualified production activities income' means an amount equal to the portion of the modified taxable income of the taxpayer which is attributable to domestic production activities.

"(2) Reduction for taxable years beginning before 2013.—The amount otherwise determined under paragraph (1) (the 'unreduced amount') shall not exceed—

"(A) in the case of taxable years beginning before 2010, the product of the unreduced amount and the domestic/worldwide fraction, and

"(B) in the case of taxable years beginning in 2010, 2011, or 2012, an amount equal to the sum of—

"(i) the product of the unreduced amount and the domestic/worldwide fraction, plus

"(ii) the applicable percentage of an amount equal to the unreduced amount minus the amount determined under clause (i).

For purposes of subparagraph (B)(ii), the applicable percentage is 25 percent for 2010, 50 percent for 2011, and 75 percent for 2012.

"(d) Determination of Income Attributable to Domestic Production Activities.—For purposes of this section—

"(1) In general.—The portion of the modified taxable income which is attributable to domestic production activities is so much of the modified taxable income for the taxable year as does not exceed—

"(A) the taxpayer's domestic production gross receipts for such taxable year, reduced by

"(B) the sum of—

"(i) the costs of goods sold that are allocable to such receipts,

"(ii) other deductions, expenses, or losses directly allocable to such receipts, and

"(iii) a proper share of other deductions, expenses, and losses that are not directly allocable to such receipts or another class of income.

"(2) Allocation method.—The Secretary shall prescribe rules for the proper allocation of items of income, deduction, expense, and loss for purposes of determining income attributable to domestic production activities.

"(3) Special rules for determining costs.—

"(A) In general.—For purposes of determining costs under clause (i) of paragraph (1)(B), any item or service brought into the United States shall be treated as acquired by purchase, and its cost shall be treated as not less than its fair market value immediately after it entered the United States. A similar rule shall apply in determining the adjusted basis of leased or rented property where the lease or rental gives rise to domestic production gross receipts.

"(B) Exports for further manufacture.—In the case of any property described in subparagraph (A) that had been exported by the taxpayer for further manufacture, the increase in cost or adjusted basis under subparagraph (A) shall not exceed the difference between the value of the property when exported and the value of the property when brought back into the United States after the further manufacture.

"(4) Modified taxable income.—The term 'modified taxable income' means taxable income computed without regard to the deduction allowable under this section.

"(e) Domestic Production Gross Receipts.—For purposes of this section—

"(1) In general.—The term 'domestic production gross receipts' means the gross receipts of the taxpayer which are derived from—

"(A) any sale, exchange, or other disposition of, or

"(B) any lease, rental, or license of,

qualifying production property which was manufactured, produced, grown, or extracted in whole or in significant part by the taxpayer within the United States.

"(2) Special rules for certain property.—In the case of any qualifying production property described in subsection (f)(1)(C)—

"(A) such property shall be treated for purposes of paragraph (1) as produced in significant part by the taxpayer within the United States if more than 50 percent of the aggregate development and production costs are incurred by the taxpayer within the United States, and

"(B) if a taxpayer acquires such property before such property begins to generate substantial gross receipts, any development or production costs incurred before the acquisition shall be treated as incurred by the taxpayer for purposes of subparagraph (A) and paragraph (1).

"(f) Qualifying Production Property.—For purposes of this section—

"(1) In general.—Except as otherwise provided in this paragraph, the term 'qualifying production property' means—

"(A) any tangible personal property,

"(B) any computer software, and

"(C) any property described in section 168(f) (3) or (4), including any underlying copyright or trademark.

"(2) Exclusions from qualifying production property.—The term 'qualifying production property' shall not include—

"(A) consumable property that is sold, leased, or licensed by the taxpayer as an integral part of the provision of services,

"(B) oil or gas,

"(C) electricity,

"(D) water supplied by pipeline to the consumer,

"(E) utility services, or

"(F) any film, tape, recording, book, magazine, newspaper, or similar property the market for which is primarily topical or otherwise essentially transitory in nature.

"(g) Domestic/Worldwide Fraction.—For purposes of this section—

"(1) In general.—The term 'domestic/worldwide fraction' means a fraction (not greater than 1)—

"(A) the numerator of which is the value of the domestic production of the taxpayer, and

"(B) the denominator of which is the value of the worldwide production of the taxpayer.

"(2) Value of domestic production.—The value of domestic production is the excess (if any) of—

"(A) the domestic production gross receipts, over

"(B) the cost of purchased inputs allocable to such receipts that are deductible under this chapter for the taxable year.

"(3) Purchased inputs.—

"(A) In general.—Purchased inputs are any of the following items acquired by purchase:

"(i) Services (other than services of employees) used in manufacture, production, growth, or extraction activities.

"(ii) Items consumed in connection with such activities.

"(iii) Items incorporated as part of the property being manufactured, produced, grown, or extracted.

"(B) Special rule.—Rules similar to the rules of subsection (d)(3) shall apply for purposes of this subsection.

"(4) Value of worldwide production.—

"(A) In general.—The value of worldwide production shall be determined under the principles of paragraph (2), except that—

"(i) worldwide production gross receipts shall be taken into account, and

"(ii) paragraph (3)(B) shall not apply.

"(B) Worldwide production gross receipts.—The worldwide production gross receipts is the amount that would be determined under subsection (e) if such subsection were applied without any reference to the United States.

"(h) Definitions and Special Rules.—

"(1) Application of section to pass-thru entities.—In the case of an S corporation, partnership, estate or trust, or other pass-thru entity—

"(A) subject to the provisions of paragraph (2) and subsection (b)(3)(A), this section shall be applied at the shareholder, partner, or similar level, and

"(B) the Secretary shall prescribe rules for the application of this section, including rules relating to—

"(i) restrictions on the allocation of the deduction to taxpayers at the partner or similar level, and

"(ii) additional reporting requirements.

"(2) Exclusion for patrons of agricultural and horticultural cooperatives.—

"(A) In general.—If any amount described in paragraph (1) or (3) of section 1385 (a)—

"(i) is received by a person from an organization to which part I of subchapter T applies which is engaged in the marketing of agricultural or horticultural products, and

"(ii) is allocable to the portion of the qualified production activities income of the organization which is deductible under subsection (a) and designated as such by the organization in a written notice mailed to its patrons during the payment period described in section 1382(d),

then such person shall be allowed an exclusion from gross income with respect to such amount. The taxable income of the organization shall not be reduced under section 1382 by the portion of any such amount with respect to which an exclusion is allowable to a person by reason of this paragraph.

"(B) Special rules.—For purposes of applying subparagraph (A), in determining the qualified production activities income of the organization under this section—

"(i) there shall not be taken into account in computing the organization's modified taxable income any deduction allowable under subsection (b) or (c) of section 1382 (relating to patronage dividends, per-unit retain allocations, and nonpatronage distributions), and

"(ii) the organization shall be treated as having manufactured, produced, grown, or extracted in whole or significant part any qualifying production property marketed by the organization which its patrons have so manufactured, produced, grown, or extracted.

"(3) Special rule for affiliated groups.—

"(A) In general.—All members of an expanded affiliated group shall be treated as a single corporation for purposes of this section.

"(B) Expanded affiliated group.—The term 'expanded affiliated group' means an affiliated group as defined in section 1504(a), determined—

"(i) by substituting '50 percent' for '80 percent' each place it appears, and

"(ii) without regard to paragraphs (2) and (4) of section 1504(b).

For purposes of determining the domestic/worldwide fraction under subsection (g), clause (ii) shall be applied by also disregarding paragraphs (3) and (8) of section 1504(b).

"(4) Coordination with minimum tax.—The deduction under this section shall be allowed for purposes of the tax imposed by section 55; except that for purposes of section 55, alternative minimum taxable income shall be taken into account in determining the deduction under this section.

"(5) Ordering rule.—The amount of any other deduction allowable under this chapter shall be determined as if this section had not been enacted.

"(6) TRADE OR BUSINESS REQUIREMENT.—This section shall be applied by only taking into account items which are attributable to the actual conduct of a trade or business.

"(7) POSSESSIONS, ETC.—

"(A) IN GENERAL.—For purposes of subsections (d) and (e), the term 'United States' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States.

"(B) SPECIAL RULES FOR APPLYING WAGE LIMITATION.—For purposes of applying the limitation under subsection (b) for any taxable year—

"(i) the determination of W–2 wages of a taxpayer shall be made without regard to any exclusion under section 3401(a)(8) for remuneration paid for services performed in a jurisdiction described in subparagraph (A), and

"(ii) in determining the amount of any credit allowable under section 30A or 936 for the taxable year, there shall not be taken into account any wages which are taken into account in applying such limitation.

"(8) COORDINATION WITH TRANSITION RULES.—For purposes of this section—

"(A) domestic production gross receipts shall not include gross receipts from any transaction if the binding contract transition relief of section 101(c)(2) of the Jumpstart Our Business Strength (JOBS) Act applies to such transaction, and

"(B) any deduction allowed under section 101(e) of such Act shall be disregarded in determining the portion of the taxable income which is attributable to domestic production gross receipts.".

(b) MINIMUM TAX.—Section 56(g)(4)(C) (relating to disallowance of items not deductible in computing earnings and profits) is amended by adding at the end the following new clause:

"(v) DEDUCTION FOR DOMESTIC PRODUCTION.—Clause (i) shall not apply to any amount allowable as a deduction under section 199.".

(c) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 199. Income attributable to domestic production activities.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) APPLICATION OF SECTION 15.—Section 15 of the Internal Revenue Code of 1986 shall apply to the amendments made by this section as if they were changes in a rate of tax.

SA 3135. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE IX—NON-REVENUE PROVISIONS

SEC. 901. CUSTOMS SERVICES.

Section 13031(e)(1) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(e)(1)) is amended—

(1) by striking "(1) Notwithstanding section 451 of the Tariff Act of 1930 (19 U.S.C. 1451) or any other provision of law (other than paragraph (2))," and inserting:

"(1) IN GENERAL.—

"(A) SCHEDULED FLIGHTS.—Notwithstanding section 451 of the Tariff Act of 1930 (19 U.S.C. 1451) or any other provision of law (other than subparagraph (B) and paragraph (2)),"; and

(2) by adding at the end the following:

"(B) CHARTER FLIGHTS.—If a charter air carrier (as defined in section 40102(13) of title 49, United States Code) specifically requests that customs border patrol services for passengers and their baggage be provided for a charter flight arriving after normal operating hours at a customs border patrol serviced airport and overtime funds for those services are not available, the appropriate customs border patrol officer may assign sufficient customs employees (if available) to perform any such services, which could lawfully be performed during regular hours of operation, and any overtime fees incurred in connection with such service shall be paid by the charter air carrier.".

SA 3136. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . TAXATION OF CERTAIN SETTLEMENT FUNDS.

(a) IN GENERAL.—Subsection (g) of section 468B (relating to clarification of taxation of certain funds) is amended to read as follows:

"(g) CLARIFICATION OF TAXATION OF CERTAIN FUNDS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), nothing in any provision of law shall be construed as providing that an escrow account, settlement fund, or similar fund is not subject to current income tax. The Secretary shall prescribe regulations providing for the taxation of any such account or fund whether as a grantor trust or otherwise.'

"(2) EXEMPTION FROM TAX FOR CERTAIN SETTLEMENT FUNDS.—An escrow account, settlement fund, or similar fund shall be treated as beneficially owned by the United States and shall be exempt from taxation under this subtitle if—

"(A) it is established pursuant to a consent decree entered by a judge of a United States District Court,

"(B) it is created for the receipt of settlement payments as directed by a government entity for the sole purpose of resolving or satisfying one or more claims asserting liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980,

"(C) the authority and control over the expenditure of funds therein (including the expenditure of contributions thereto and any net earnings thereon) is with such government entity, and

"(D) upon termination, any remaining funds will be disbursed upon instructions by such government entity in accordance with applicable law.

For purposes of this paragraph, the term 'government entity' means the United States, any State or political subdivision thereof, the District of Columbia, any possession of the United States, and any agency or instrumentality of any of the foregoing.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SA 3137. Mr. GRAHAM of South Carolina submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. NEGOTIATIONS REGARDING CURRENCY VALUATION.

(a) FINDINGS.—Congress makes the following findings:

(1) The currency of the People's Republic of China, known as the yuan or renminbi, is artificially pegged at a level significantly below its market value. Economists estimate the yuan to be undervalued by between 15 percent and 40 percent or an average of 27.5 percent.

(2) The undervaluation of the yuan provides the People's Republic of China with a significant trade advantage by making exports less expensive for foreign consumers and by making foreign products more expensive for Chinese consumers. The effective result is a significant subsidization of China's exports and a virtual tariff on foreign imports.

(3) The Government of the People's Republic of China has intervened in the foreign exchange markets to hold the value of the yuan within an artificial trading range. China's foreign reserves are estimated to be over $350,000,000,000 as of September 2003, and have increased by over $110,000,000,000 in the last 12 months.

(4) China's undervalued currency, China's trade advantage from that undervaluation, and the Chinese Government's intervention in the value of its currency violates the spirit and letter of the world trading system of which the People's Republic of China is now a member.

(5) The Government of the People's Republic of China has failed to promptly address concerns or to provide a definitive timetable for resolution of these concerns raised by the United States and the international community regarding the value of its currency.

(6) Article XXI of the GATT 1994 (as defined in section 2(1)(B) of the Uruguay Round Agreements Act (19 U.S.C. 3501(1)(B))) allows a member of the World Trade Organization to take any action which it considers necessary for the protection of its essential security interests. Protecting the United States manufacturing sector is essential to the interests of the United States.

(b) NEGOTIATIONS AND CERTIFICATION REGARDING THE CURRENCY VALUATION POLICY OF THE PEOPLE'S REPUBLIC OF CHINA.—

(1) IN GENERAL.—Notwithstanding the provisions of title I of Public Law 106–286 (19 U.S.C. 2431 note), on and after the date that is 180 days after the date of enactment of this Act, unless a certification described in paragraph (2) has been made to Congress, in addition to any other duty, there shall be imposed a rate of duty of 27.5 percent ad valorem on any article that is the growth, product, or manufacture of the People's Republic of China, imported directly or indirectly into the United States.

(2) CERTIFICATION.—The certification described in this paragraph means a certification by the President to Congress that the People's Republic of China is no longer acquiring foreign exchange reserves to prevent the appreciation of the rate of exchange between its currency and the United States dollar for purposes of gaining an unfair competitive advantage in international trade. The certification shall also include a determination that the currency of the People's Republic of China has undergone a substantial upward revaluation placing it at or near its fair market value.

(3) ALTERNATIVE CERTIFICATION.—If the President certifies to Congress 180 days after the date of enactment of this Act that the People's Republic of China has made a good faith effort to revalue its currency upward placing it at or near its fair market value, the President may delay the imposition of the tariffs described in paragraph (1) for an additional 180 days. If at the end of the 180-day period the President determines that China has developed and started actual implementation of a plan to revalue its currency, the President may delay imposition of the tariffs for an additional 12 months, so that the People's Republic of China shall have time to implement the plan.

(4) NEGOTIATIONS.—Beginning on the date of enactment of this Act, the Secretary of the Treasury, in consultation with the United States Trade Representative, shall begin negotiations with the People's Republic of China to ensure that the People's Republic of China adopts a process that leads to a substantial upward currency revaluation within 180 days after the date of enactment of this Act. Because various Asian governments have also been acquiring substantial foreign exchange reserves in an effort to prevent appreciation of their currencies for purposes of gaining an unfair competitive advantage in international trade, and because the People's Republic of China has concerns about the value of those currencies, the Secretary shall also seek to convene a multilateral summit to discuss exchange rates with representatives of various Asian governments and other interested parties, including representatives of other G–7 nations.

SA 3138. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, between lines 11 and 12, insert the following:

SEC. 103. DEDUCTION FOR UNITED STATES PRODUCTION ACTIVITIES INCLUDES INCOME RELATED TO CERTAIN ARCHITECTURAL AND ENGINEERING SERVICES.

(a) IN GENERAL.—Paragraph (1) of section 199(e) (relating to domestic production gross receipts), as added by section 102, is amended to read as follows:

"(1) IN GENERAL.—

"(A) RECEIPTS FROM QUALIFYING PRODUCTION PROPERTY.—The term 'domestic production gross receipts' means the gross receipts of the taxpayer which are derived from—

"(i) any sale, exchange, or other disposition of, or

"(ii) any lease, rental, or license of,

qualifying production property which was manufactured, produced, grown, or extracted in whole or in significant part by the taxpayer within the United States.

"(B) RECEIPTS FROM CERTAIN SERVICES.—

"(i) IN GENERAL.—Such term also includes the applicable percentage of gross receipts of the taxpayer which are derived from any engineering or architectural services performed in the United States for construction projects in the United States.

"(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage shall be determined under the following table:

"In the case of any taxable year beginning in—	The applicable percentage is—
2004, 2005, 2006, 2007, or 2008	25
2009, 2010, 2011, or 2012	50
2013 or thereafter	100.

(b) LIMITATION OF EMPLOYER DEDUCTION FOR CERTAIN ENTERTAINMENT EXPENSES WITH RESPECT TO COVERED EMPLOYEES.—Paragraph (2) of section 274(e) (relating to expenses treated as compensation) is amended to read as follows:

"(2) EXPENSES TREATED AS COMPENSATION.—Expenses for goods, services, and facilities—

"(A) in the case of a covered employee (within the meaning of section 162(m)(3)), to the extent that the expenses do not exceed the amount of the expenses treated by the taxpayer, with respect to the recipient of the entertainment, amusement, or recreation, as compensation to such covered employee on the taxpayer's return of tax under this chapter and as wages to such covered employee for purposes of chapter 24 (relating to withholding of income tax at source on wages), and

"(B) in the case of any other employee, to the extent that the expenses are treated by the taxpayer, with respect to the recipient of the entertainment, amusement, or recreation, as compensation to such employee on the taxpayer's return of tax under this chapter and as wages to such employee for purposes of chapter 24 (relating to withholding of income tax at source on wages).".

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to taxable years ending after the date of the enactment of this Act, and section 15 of the Internal Revenue Code of 1986 shall apply to the amendment made by this subsection as if it were a change in the rate of tax.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to expenses incurred after the date of the enactment of this Act and before January 1, 2006.

SA 3139. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, between lines 11 and 12, insert the following:

SEC. 103. MANUFACTURER'S TAX EQUITY CREDIT AGAINST PAYROLL TAXES IN LIEU OF DEDUCTION.

(a) IN GENERAL.—Subchapter C of chapter 21 is amended by redesignating section 3128 as section 3129 and inserting after section 3127 the following new section:

"SEC. 3128. MANUFACTURER'S TAX EQUITY CREDIT.

"(a) GENERAL RULE.—In the case of a qualified manufacturer who elects application of this section for any taxable year, there shall be allowed a credit against the taxes imposed by this chapter during the taxable year an amount equal to 10 percent of qualified health benefit plan costs paid during the taxable year.

"(b) QUALIFIED MANUFACTURER.—For purposes of this section, the term 'qualified manufacturer' means any taxpayer 50 percent or more of whose gross receipts from activities performed within the United States during the taxable year were domestic production gross receipts (within the meaning of section 199(e)).

"(c) QUALIFIED HEALTH BENEFIT PLAN COSTS.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified health benefit plan costs' means any costs paid by the qualified manufacturer for a qualified health benefit plan with respect to qualified plan participants and their spouses and dependents (as defined by section 152), but only if the amount of costs paid by the qualified manufacturer is equal to or greater than 50 percent of the cost of coverage for such qualified plan participants under such plan.

"(2) QUALIFIED HEALTH BENEFIT PLAN.—The term 'qualified health benefit plan' means an employee welfare benefit plan (within the meaning of section 3(3) of the Employee Retirement Income Security Act of 1974) which provides health benefits.

"(3) QUALIFIED PLAN PARTICIPANTS.—The term 'qualified plan participants' means employees and former employees of the qualified manufacturer—

"(A) who participate in a qualified health benefit plan of the qualified manufacturer,

"(B) who are between the ages of 55 and 64, and

"(C)(i) in the case of a participant who is an employee of such qualified manufacturer during the taxable year, whose services for such qualified manufacturer for such year are performed predominantly in the United States, and

"(ii) in the case of a participant who is a former employee of such qualified manufacturer, whose services for such qualified manufacturer were performed predominantly in the United States during the period such participant was an employee.

"(d) DENIAL OF DEDUCTION FOR INCOME ATTRIBUTABLE TO UNITED STATES PRODUCTION.—No deduction shall be allowed under section 199 for any qualified manufacturer for any taxable year for which such qualified manufacturer elects the application of this section.

"(e) SPECIAL RULE FOR AFFILIATED GROUPS.—Rules similar to the rules of section 199(h)(3) shall apply for purposes of this section.".

(b) TRANSFER OF FUNDS.—The Secretary of the Treasury shall transfer from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of the trust funds under section 201 of the Social Security Act are not reduced as a result of the application of the amendment made by subsection (a).

(c) DETERMINATION OF BENEFITS.—In making any determination of benefits under title II of the Social Security Act and part A of title XVIII of such Act, the Commissioner of Social Security shall disregard the effect of the amendment made by subsection (a) on any individual's earnings record.

(d) CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 21 is amended by striking the last 2 items and inserting the following:

"Sec. 3128. Manufacturer's tax equity credit.
"Sec. 3129. Short title.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SA 3140. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE IX—OFFICE OF FEDERAL PROCUREMENT POLICY ACT IMPROVEMENTS

SEC. 901. PREFERENCE FOR DOMESTIC BIDDERS.

The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 43. PREFERENCE FOR DOMESTIC BIDDERS.

"(a) The head of an executive agency entering into a contract shall give preference to a company submitting an offer on the contract that manufactures in the United States the article, material, or supply for which the offer is solicited, if—

"(1) that company's offer is substantially the same as an offer made by a company that does not manufacture the article, material, or supply in the United States; or

"(2) that company is the only company that manufactures in the United States the article, material, or supply for which the offer is solicited.

"(b)(1) Not later than 60 days after the end of each fiscal year, the head of each executive agency shall submit to Congress a report on the acquisitions that were made of articles, materials, or supplies by such executive agency in that fiscal year from entities that manufacture the articles, materials, or supplies outside the United States.

"(2) The report for a fiscal year under paragraph (1) shall separately indicate the following information:

"(A) The dollar value of any articles, materials, or supplies that were manufactured outside the United States.

"(B) An itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.).

"(C) A summary of—

"(i) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

"(ii) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

"(3) The head of each executive agency submitting a report under paragraph (1) shall make the report publicly available by posting on an Internet website.".

SEC. 902. REQUIREMENTS FOR WAIVERS.

(a) PUBLIC INTEREST WAIVER UNDER BUY AMERICAN ACT.—Section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) is amended by adding at the end the following new subsection (e):

"(e) LIMITATION ON PUBLIC INTEREST WAIVER UNDER BUY AMERICAN ACT.—A determination under section 2(a) of the Buy American Act (41 U.S.C. 10a(a)) that it is not in the public interest to enter into a contract in accordance with such Act may not be made after a notice of solicitation of offers for the contract is published in accordance with this section and section 8(e) of the Small Business Act (15 U.S.C. 637(e)).".

(b) REQUIREMENTS UNDER BUY AMERICAN ACT.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 44. REQUIREMENTS UNDER BUY AMERICAN ACT.

"(a) USE OUTSIDE THE UNITED STATES.—(1) Section 2(a) of the Buy American Act (41 U.S.C. 10a(a)) shall apply without regard to whether the articles, materials, or supplies to be acquired are for use outside the United States if the articles, materials, or supplies are not needed on an urgent basis or if they are acquired on a regular basis.

"(2) In any case in which the articles, materials, or supplies are to be acquired for use outside the United States and are not needed on an urgent basis, before entering into a contract an analysis shall be made of the difference in the cost for acquiring the articles, materials, or supplies from a company manufacturing the articles, materials, or supplies in the United States (including the cost of shipping) and the cost for acquiring the articles, materials, or supplies from a company manufacturing the articles, materials, or supplies outside the United States (including the cost of shipping).

"(b) DOMESTIC AVAILABILITY.—The head of an executive agency may not make a determination under section 2(a) of the Buy American Act (41 U.S.C. 10a) that an article, material, or supply is not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of satisfactory quality, unless the head of that executive agency has conducted a study and, on the basis of such study, determined that—

"(1) domestic production cannot be initiated to meet the procurement needs; and

"(2) a comparable article, material, or supply is not available from a company in the United States.".

SEC. 903. DUAL-USE TECHNOLOGIES.

The head of an executive agency (as defined in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)) may not enter into a contract, nor permit a subcontract under a contract of the executive agency, with a foreign entity that involves giving the foreign entity plans, manuals, or other information related to a dual-use item or technology on the Commerce Control List unless approval for providing such plans, manuals, or information has been obtained in accordance with the provisions of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) and the Export Administration Regulations (15 C.F.R. part 730 et seq.).

SEC. 904. CLERICAL AMENDMENT.

The table of contents in section 1(b) of the Office of Federal Procurement Policy Act is amended by adding at the end the following new items:

"Sec. 43. Preference for domestic bidders.
"Sec. 44. Requirements under Buy American Act.".

SA 3141. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 557, between lines 9 and 10, insert the following:

SEC. 660. SENSE OF CONGRESS REGARDING THE WORLD TRADE ORGANIZATION DECISION ON INTERNET GAMBLING.

(a) FINDINGS.—Congress finds the following:

(1) Gambling through the Internet, which has grown rapidly, opens up the possibility of immediate, individual, 24-hour access in every home to the full range of wagering opportunities on sporting events or casino-like contests.

(2) The number of Internet gambling websites has increased from about 2 dozen to over 2,000 in the last 9 years, with an estimated $5,000,000,000 wagered over the Internet in 2003 alone.

(3) Internet gambling fosters criminal activity, as up to 90 percent of pathological gamblers commit crimes to pay off their wagering debts.

(4) The Department of State has noted that Internet gambling "represents yet another powerful vehicle for criminals to launder funds from illicit sources as well as to evade taxes" and the chief of the Federal Bureau of Investigation's Financial Crimes Section has testified that Internet gambling is a "haven for money laundering activities".

(5) There are Federal and State laws in the United States which restrict Internet gambling services, and these laws are consistent with the World Trade Organization obligations of the United States.

(6) The United States is currently involved in World Trade Organization proceedings in which the nation of Antigua and Barbuda has challenged these laws.

(7) A World Trade Organization panel has ruled, as a result of these proceedings, that the United States must allow access to the United States market by foreign Internet gambling businesses.

(8) The World Trade Organization is likely to authorize Antigua and Barbuda to impose tariffs on products from the United States unless the United States agrees to change its antigambling laws.

(9) The United States benefits from participating in international organizations such as the World Trade Organization, but the United States must also be vigilant about

protecting American interests when decisions by such organizations encroach upon United States sovereignty.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States disagrees with the decision of the World Trade Organization panel regarding the Internet gambling laws of the United States, and

(2) the United States should vigorously defend its right to enact legislation protecting United States interests against organized crime and money laundering and protecting the integrity of United States sporting events.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON FORESTRY, CONSERVATION AND RURAL REVITALIZATION

Mr. COCHRAN. Mr. President, I announce that the Subcommittee on Forestry, Conservation and Rural Revitalization of the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on May 11, 2004, in SD–628 at 10 a.m. The purpose of this hearing will be to examine conservation programs of the 2002 Farm Bill.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, I announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on May 13, 2004, in SD–106 at 10 a.m. The purpose of this hearing will be to conduct a review of the Commodity Futures Trading Commission regulatory issues. Dr. James E. Newsome, Chairman of the Commodity Futures Trading Commission, will testify before the committee.

UNANIMOUS CONSENT AGREEMENT—S. 1637

Mr. FRIST. Mr. President, I ask unanimous consent immediately following the period for morning business on Tuesday, the time until 12 noon be equally divided between the two leaders or their designees prior to the cloture vote on S. 1637, the FSC JOBS bill. I further ask consent that if cloture is invoked, notwithstanding the provisions of rule XXII, the Senate then proceed immediately to a vote in relation to the pending Cantwell amendment, No. 3114, with no amendment in order to the amendment prior to the vote. Further, I ask consent that if a point of order is raised and the motion to waive is subsequently agreed to, then the Cantwell amendment be agreed to.

Mr. REID. That is without any intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, MAY 11, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, May 11. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for up to 60 minutes, with the first half hour under the control of the Democratic leader or his designee, and the second half hour under the control of the majority leader or his designee; provided that following morning business, the Senate proceed to S. 1637, as under the previous order.

I further ask consent that the Senate recess from 12:30 p.m., or upon conclusion of the vote in relation to the Cantwell amendment, until 2:15 p.m. for the weekly party luncheons.

Mr. REID. Mr. President, as happens around here a lot of the time, the real substance of what we do does not appear out here. What we have done is extremely important. We should be able to finish this bill tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I appreciate the comments of the assistant Democratic leader. We made real progress over the course of the weekend and have a real understanding of how we will finish the bill in an orderly way. We will be working jointly to see, with the managers of the bill, it is finished tomorrow if at all possible.

PROGRAM

Mr. FRIST. Tomorrow, following morning business, the Senate will resume debate on the FSC JOBS bill. The vote on the motion to invoke cloture will be the first vote of the day. That vote will begin at noon. If cloture is invoked, we will then immediately proceed to a vote in relation to the Cantwell amendment regarding unemployment insurance.

Following disposition of the Cantwell amendment, we will continue to work through the remaining germane amendments to the bill. Additional votes, therefore, can be expected during tomorrow's session as we work toward completion of the JOBS bill sometime later tomorrow.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Tuesday, May 11, 2004, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate May 10, 2004:

THE JUDICIARY

THOMAS B. GRIFFITH, OF UTAH, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE PATRICIA M. WALD, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

RANDALL M. ASHMORE, 2297
ADAM G. BEARDEN, 4367
SCOTT T. BROWN, 3034
MICHAEL H. BRUMMETT, 1878
DREXEL G. DEFORD JR., 5433
DEAN E. DOERING, 6562
KIRK W. EDENS, 6400
ROBERT R. EDWARDS JR., 2523
LARRY T. EPPLER, 1984
MARK D. EVANS, 9418
KURTIS W. FAUBION, 0753
TIMOTHY L. FITZGERALD, 5850
JOHN A. GRAVES, 7330
D. SCOTT GUERMONPREZ, 5129
JASON T. HALL, 9215
KENNETH A. HILL, 2936
SCOTT J. HILMES, 9766
THOMAS M. HUNTER, 7474
BRIAN K. JEFFERSON, 7156
DAVID W. JOHNSON, 8553
CYNTHIA A. JONES, 6579
JEFFERY F. JONES, 4870
SHOMELA R. LABEE, 1312
HEATHER M. LANDON, 7290
THOMAS A. LERNER, 3919
CRAIG E. MAUCH, 4290
CHARLES J. MCCLOUD JR., 1485
JOSEPH B. MIRROW, 1953
CATHERINE M. NELSON, 5977
JOHN W. POWERS III, 2471
PATRICK S. REESE, 6962
STEVEN B. REESE, 5642
RICHARD J. REISER, 3147
ELMO J. ROBISON III, 9636
R. BRUCE ROEHM, 9936
RICHARD L. ROWE JR., 8929
PHILIP E. RUTLEDGE II, 7711
HERBERT C. SCOTT, 4507
JAMES A. SPERL, 8092
LUTHER W. SURRATT II, 5611
MARYELLEN M. WINKLER, 7161
JAMES O. WOOTEN, 7540

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

LOZANO NOEMI ALGARIN, 8764
BARBARA A. ANDERSON, 7096
BERNADETTE A. ANDERSON, 9188
BETTY L. ANDERSON, 5854
JANETTE L. BAGGETT, 9761
SUSAN F. BALL, 6917
SHERI L. BALLARD, 7018
LEOLYN A. BISCHEL, 4579
YOLANDA D. BLEDSOE, 0093
KEVIN J. BOHAN, 4525
KELLY J. BREITBACH, 2561
BEVERLY J. CANFIELD, 7147
KAREN L. CHURCH, 4065
KIMBERLY G. COLTMAN, 8113
DOUGLAS G. COOK, 9455
BARBARA M. COPPEDGE, 3297
MICHAEL A. DEBROECK, 4573
MARLA J. DEJONG, 6885
STEPHEN K. DONALDSON, 6381
TAMMY J. DOYLE, 0545
CARRIE L. DUNNE, 4532
STEVEN P. EBY, 3127
SUSAN M. FEDRO, 2701
DARLENE L. FOLEY, 6052
ANNETTE S. GABLEHOUSE, 7262
DANIEL E. GERKE, 2476
JERRY E. GLATTFELT, 6281
WILLIAM D. * GLOVER, 2875
PENELOPE F. GORSUCH, 9895
JERRY R. HARVEY JR., 8882
LYNN M. HARVEY, 6867
LISA M. HELMSGUBA, 7244
RHONDA D. HOLDER, 4975
MARY F. HORNBACK, 2562
CHERYL Y. HOWARD, 0792
MADELINE D. HOWELL, 1971
KARI W. HOWIE, 7692
SUSANNE M. HUMPHREYS, 9082
ROBERT G. HUNT, 5983
AMELIA L. HUTCHINS, 1051
BILLYE G. HUTCHISON, 3872
SUSAN JANO, 8103
TRACY J. KAESLIN, 7655
MARISSA KOCH, 5289
GUYLENE D. KRIEGHFLEMING, 2732
JULIE A. LEAL, 0946
LAURA A. LEIGHNER, 9004
JOHN R. LEITNAKER, 7084
LEIGH A. LINDQUIST, 2149
JANET K. LOGAN, 8703

BONNIE L. MACK. 9097
DEBORAH R. MARCUS. 4325
STEPHEN J. MAZER. 5677
MARY A. MCCUBBINS. 5225
CHARLES M. MCDANNALD III. 7700
BERNADETTE T. MCDERMOTT. 8759
WANDA J. MCFATTER. 5453
TERENCE J. MCMANUS. 1743
CAROL L. MCTAGGART. 8362
EDDIE T. MILLER. 5554
JODY D. MILLER. 5569
VIVIAN L. MILLER. 3162
GLENDA M. MITCHELL. 1718
MARGUERITE T. MITCHELL. 0251
ROBYN A. MITCHELL. 0161
DIANA R. MITTELSTEADT. 9589
ANNETTE MOORE. 7688
LOURDES D. R. MOORE. 5182
PATRICIA R. MOORE. 4961
LYNN P. MURPHY. 1288
MARY J. NACHREINER. 7077
ELEANOR C. NAZARSMITH. 4440
PATRICK R. ONEILL. 7973
BEVERLY D. OSTERMEYER. 9768
KAREN L. OTTINGER. 1430
BRENDA L. OWEN. 7923
JANE K. PALMISANO. 4696
CHRISTINE M. PETERS. 6198
DEAN L. PRENTICE. 7813
JAMES E. REINEKE. 3565
DOMINICA R. RICE. 7211
DIANE W. ROBINSON. 3831
JULIETTE ROBINSON. 2565
THERESA D. RODRIGUEZ. 3543
JODY L. SABATINO. 0520
KEVIN D. SCHARFF. 7422
LISA A. SCHMIDT. 2103
ROBIN L. SCHULTZE. 6024
KAREN L. SCLAFANI. 2636
JAMES L. SENN. 3464
KIMBERLY D. SEUFERT. 6290
LISA C. SHEEHAN. 5190
RYAN M. SHERCLIFFE. 8400
CHERRI L. SHIREMAN. 9547
WILLIAM L. SHOPP. 7543
LAWRENCE M. SHOVELTON. 1335
CONSTANCE L. * SMITH. 0544
GREGORY A. SMITH. 7260
PATRICIA A. SMITH. 8864
PETER A. SORENSEN. 8256
CARLA M. SPIKOWSKI. 4303
MARIA STANEK. 4696
SHARION L. STONEULRICH. 2516
JULIA G. STOSHAK. 9302
JAIME E. SUAREZ. 8736
DENISE M. TABARY. 1883
TAMMY R. TENACE. 6256
PATRICIA A. TOLES. 5251
CHERYL SCHARNELL TROCK. 8939
BARBARA A. TUITELE. 1275
CHRISTINE S. UEBEL. 3478
EUGENE J. J. WALL JR., 4685
JUDY L. WARD. 8000
NINA A. WATSON. 0492
LIDIA P. WEBB. 2855
MARY M. WHITEHEAD. 3507
PATRICK J. WILLIAMS. 9611
JANET L. WILSON. 6370
BARBARA L. WRIGHT. 3499

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10. U.S.C., SECTION 12203:

To be colonel

DONALD W. MYERS. 7346
TERRY W. SWAN. 4787

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10. U.S.C., SECTION 12203:

To be colonel

EDWARD L ALEXSONSHK. 2648
MATTHEW T ALLAIRE. 8063
TIMOTHY J ALLEN. 9644
TRISTAN K ATKINS. 4884
THOMAS N BAKER JR., 4119
DARRYL J BALCAO. 0342
JOHN K BEERS. 1129
DAVID L BENSON. 2880
ELLIOTT M BENSON. 5790
WILLIAM S BITTNER JR., 5173
GARY A BLACKHURST. 1855
RICHARD A BLAIN. 8969
FRANK E BLAKELY. 2754
STEVEN E BLANTON. 0200
RICHARD N BOPP JR., 6091
MARK W BORRESON. 8110
JEFFREY H BOTHEN. 6671
JOHN W BUCKLEY. 7658
THOMAS L BUCY. 3788
CHARLES D BULLOCK. 0094
ROGER D CAGLE. 4354
MICHAEL D CAREY. 1081
JOHN P CARPENTER. 5812
STEVEN W CARTER. 5164
EDWARD P CASTLE. 1498
CURTIS A CHAMBELLAN. 4679
JOE F CHARSAGUA. 1588
MARK L CHRISTENSEN. 0233
ROBERT R CHURCH. 0032
EDWARD S CLARK. 9369
TONY L CLARK. 2782
TODD C CONORMON. 1624
ROBERT L COONEY. 4575
ZANDREW F COVINGTON. 2726
JOHN R CRESWELL. 3685
JOHN R DABROWSKI. 0659
EDWARD L DAVIS. 2919
BARRY A DEFOOR. 8218
JAMES E DICKEY. 9852
JOHN M DOLAN. 7533
ROBERT L DOMENICI. 1474
TIMOTHY J DORN. 1440
JAMES H DOTY JR., 0343
STEVEN C EDGE. 5157
RICHARD C EDWARDS. 4806
DALE N EGGER. 6118
STEVEN J ELLIOTT. 0686
JONATHAN E FARNHAM. 0083
MARK S FENICE. 7059
HUGO J FISCHER. 4792
ERIC G FLAXMAN. 9926
LAWRENCE I FLEISHMAN. 8446
BURTON K FRANCISCO. 1289
EDWARD G FRIAR. 5548
WILLIAM E FULMER. 7288
RICHARD S GEBELEIN. 1665
ROBERT T GILBERT. 6102
ROBERT D GLOVER. 1696
THEODORE R GRAHL II. 4893
DARYL A GRAY. 8706
VERNON E GREENE JR., 6075
CARY C GRIFFITH. 8290
ROBIE B GRIGSBY. 9888
ANDREW M GRIMALDA. 5412
JAMES G HAMPTON JR., 5936
GRADY F HANNAH. 2429
RAYMOND L HAWKINS JR., 7591
JOHN A HEATH. 3777
CHRISTOPHER C HENES. 7484
EDMUND G HERALD. 3307
RONALD K HERRINGTON. 6492
CLAY E HICKS. 3733
LLOYD H HICKS. 2597
VINCENT T HITCHCOCK. 0786
PHILIP J HOFFMAN. 3500
PAUL C HOLTHAUS. 2222
JAY J HOOPER. 8822
DANIEL T HOSKINS. 0190
DANIEL P HUGHES. 7816
RANDY A HURTT. 1749
TIMOTHY A HYBART. 0619
JOHN L IRVIN JR., 0653
BYRON D JACKSON. 2993
JONATHAN R JACKSON. 4891
GERARD J JANOUSEK. 1267
MATTHEW E JANZE. 1148
BERNIE E JOHNSON. 2671
ROBERT W JOHNSON. 8233
ROBERT L JONES. 2460
ROGER L JONES. 0726
LOUIS M JURNEY JR., 7890
ANNA M KACZMARSKI. 3696
TIMOTHY J KADAVY. 2622
BOBBY H KALLAM. 3582
PETER T KARNOWSKI. 9229
MICHAEL C KAVANAUGH. 6353
GLENN A KESSELMAN. 1129
ROGER A KESSLER. 0983
KENNETH L KIELMAN. 6261
JENIFER S KILCULLEN. 2019
MALCOLM F KIRSOP. 0490
FRANK M KISLAN. 0945
GERRY L KITZHABER. 0421
ROBERT J KNIGHT. 1802
KATHERINE J KOBLINER. 5255
GREGORY J KOENDERS. 1989
CLARENCE R KOHS. 7405
KENNETH A KOON. 4443
ARTHUR D KOPPERSMITH. 1321
EDWARD J KORNISH. 1831
DENNIS E KUBENA. 1325
PETER M KUJAWSKI. 8077
THOMAS C KURASIEWICZ. 7547
THOMAS F LAMIE. 9117
DAVID N LANGLEY. 0745
GREGORY W LANGLEY. 1683
CLIFFORD B LAPETODA. 8070
DWAIN J LEBLEU. 0930
WENDY G LELAND. 4059
DAVID S LEO. 6180
PAUL R LEVEILLEE. 7134
MICHAEL C LEWIS. 0382
RICHARD L LITTLE. 5937
DAVID B LOBB. 8331
JONATHAN S LOCKWOOD. 4312
MICHAEL W LOFTIS. 2793
JOHN W LOGAN. 2632
DANIEL J LOUVIERE. 3978
DAVID J LUSARDI. 2988
JANET E LYNCH. 9039
KELLY Z LYNCH. 9417
JOHN L LYON. 1823
ROBERT T MACEACHERN. 0462
WILLIAM M MALOAN. 7701
ANGEL L MATOS. 6626
PHILIP K MCMILLAN. 0632
KEVIN L MCNEELY. 3782
THOMAS F MERIGAN JR., 1593
PHILIP K MILLER. 5918
RICHARD S MILLER. 8966
ROBERT H MILLER II. 2342
KENNETH M MOORE. 0127
SUSAN L NIEMETZ. 8010
MARY R NORRIS. 2758
JOSEPH G OCONNOR. 9673
STANLEY J OLIVERAS. 6672
DAVID W OSBORN. 2827
STEVEN A PALUMBO. 0538
EDGARDO PENA. 4946
VICTOR PEREZ. 6592
ROBERT A PIAZZA. 8960
MARVIN POLK. 2712
DALE R POMMERENING. 0976
CHERYL L POPPE. 5154
MARY C PRIBBLE. 7801
SAUL RANGEL. 1133
PRICE L REINERT. 0564
JACK F ROBINSON JR., 4719
TURNER A ROUSE. 8913
MICHAEL C RUDZINSKI. 6639
DAVID E RUNNER. 1610
BRYAN L SAUCERMAN. 4981
JOHN A SCOCOS. 1706
GARY M SHAFFER. 3422
WILLIAM P SHEA. 7261
WILLIAM W SMATHERS. 7667
LIONEL F SOLIS. 1548
JEFFREY L STUART. 2770
CHARLES M TERRILL. 2823
GUY E THOMAS. 0478
MARTIN L TITTLE. 3472
HAROLD TODDIE. 3221
DAVID A TOKUHISA. 1567
JAMES O TRENT. 1387
ROBERT L TUCKER JR., 2496
DAVID H TURK. 6497
JOHN V VANDERBLEEK. 6653
THOMAS G VAVERKA. 2260
NEIL A VESTERMARK. 1447
KEVIN D VOIGTS. 2572
JAMES C WAGNER. 3697
JOEL P WARD. 7261
STEVEN L WATKINS. 3462
SAMUEL H WELCH. 3051
DAVID A WEMHOFF. 2702
FREDERICK J WEST. 2785
ROBERT E WILLIAMS. 5354
MARIO F WOZNIAK. 8121
STEVEN E WUJCIAK. 1611
DUANE L ZEZULA. 1094
EDWARD M ZOELLER. 1300

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY CHAPLAINS AND FOR REGULAR APPOINTMENT UNDER TITLE 10. U.S.C., SECTIONS 531. 624. AND 3064:

To be major

SCOTT R. SHERRETZ. 2598

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10. U.S.C., SECTIONS 624 AND 3064:

To be major

ROBERT F. SETLIK. 3257

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10. U.S.C., SECTION 624:

To be lieutenant commander

SUSAN C. FARRAR. 2255

EXTENSIONS OF REMARKS

TRIBUTE TO MR. BILL CECIL

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 2004

Mr. ROGERS of Michigan. Mr. Speaker, I rise to recognize Bill Cecil, of Waverly Intermediate School in Lansing, who was chosen as Michigan's Teacher of the Year for 2003–2004. For the past 16 years, Mr. Cecil has been a dedicated and passionate educator and mentor for his students.

Mr. Cecil created the "Best Year Ever" program as a means of getting his students excited about the challenges and opportunities of a new school year. The program places an emphasis on working together as a team to achieve common goals, while stressing the importance of attitude, effort and attendance. Additionally, Mr. Cecil is a strong advocate of parental involvement in a child's success, and he encourages such participation within his classroom.

Mr. Cecil's positive attitude and tireless dedication to making a difference in the lives of his students makes him an ideal selection for Michigan's Teacher of the Year. Furthermore, his enthusiasm and creativity make him a model of success for students, parents and teachers across the country.

On behalf of my constituents of Michigan's Eighth Congressional District, I ask my colleagues to join with me in recognizing Bill Cecil for this well-deserved honor, Michigan's Teacher of the Year.

* * *

DEPLORING ABUSE OF PERSONS IN UNITED STATES CUSTODY IN IRAQ

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. TIAHRT. Mr. Speaker, Like all Americans, I am appalled and saddened at the recent reports and pictures out of Abu Ghraib prison in Iraq which show inexcusable treatment of Iraqi prisoners by a handful of American soldiers.

While these acts of humiliation apparently were committed by a very, very small number of our troops and contractors serving in Iraq, the image of our entire nation has been tarnished.

I believe Congress must closely examine these revelations of misconduct and those who are responsible, both directly and indirectly, should face swift and appropriate punishment.

Unfortunately, the damage they have done to America's standing in the Arab community and the world will take far longer to repair.

Mr. Speaker, I believe that the outstanding men and women of our armed forces in Iraq—nearly all of whom had absolutely no part in this reprehensible behavior—can indeed repair the damage that has been done by an irresponsible few. Every day these brave men and women courageously perform their duties with honor as part of our efforts to give the Iraqi people a lasting democracy.

Throughout our history, America has been known for its compassion, decency, and sense of fairness and I am confident that through a continued commitment to democracy and human rights not only in Iraq, but around the world, we will remain what Abraham Lincoln called "The Last Great Hope on Earth."

* * *

CODIFICATION OF TITLES 41 AND 46 OF THE UNITED STATES CODE

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 2004

Mr. SENSENBRENNER. Mr. Speaker, today I am introducing bills to complete the codification of titles 41 (Public Contracts) and 46 (Shipping) of the United States Code as positive law. This bill has been prepared by the Office of the Law Revision Counsel of the House of Representatives as a part of the responsibilities of that office to prepare and submit to the Committee on the Judiciary for enactment into positive law all titles of the United States Code. This bill makes no change in the substance of existing law.

Anyone interested in obtaining a copy of the bill and a description of the bill, containing a section-by-section summary, should contact the Office of the Law Revision Counsel, U.S. House of Representatives, H2–304 Ford House Office Building, Washington, D.C., 20505–6711. The telephone number is (202) 226–2411.

Persons wishing to comment on the bill should submit those comments to the Office of the Law Revision Counsel no later than 45 days after today's date.

* * *

PERSONAL EXPLANATION

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 2004

Mr. BACA. Mr. Speaker, on roll call vote nos. 147, 148, 159, 150, 151, and 152, for personal reasons, I was unable to be in the Chamber when the time elapsed on the vote.

Had I been able to vote, I would have voted "no" on roll call vote 147 and "aye" for roll call votes 148, 149, 150, 151, and 152.

IN HONOR OF THE SURVIVORS AND VICTIMS OF THE PONTIAN GENOCIDE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 2004

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the survivors and victims of the Pontian Genocide of 1915–1923.

Few Americans are aware of the Pontian Genocide, a bloody period of ethnic cleansing that erased a community of Hellenes that had lived in Pontus, along the southern coast of the Black Sea in what is now northern Turkey, for more than 3 millennia. In addition to overt acts of murder, the Turkish Government employed a deliberate strategy of displacing people, without taking measures for their survival, by exposing them to death, hunger, and illness.

During a bloody 8-year reign of terror, the Turkish Government orchestrated the killing or displacement of 353,000 Greeks, Armenians, and Assyrians who had been living in Pontus. Thousands of people were murdered outright. The rest were uprooted and forcibly marched across the Anatolian border, without food or other provisions, to the Syrian border. Roughly half of the people who were taken from their homes died or were murdered. Many women were raped. The survivors suffered extraordinary hardship as they made their way to Hellas and the Soviet Union. Today, they and their descendants live throughout the Greek diaspora.

Despite the huge number of people who died or were displaced, most of the world paid no attention to their suffering. The fact that so many people could be murdered or removed from their homes without facing any consequences empowered future genocidal regimes to take similar actions.

The suffering of the victims of the Pontian Genocide must never be forgotten. Only by remembering the horrors of the past can we hope to prevent a recurrence. On May 16, 2004, members of the Pan-Pontian Federation will pay solemn homage to the victims in the hope that acknowledgment and awareness of these shameful events will not only teach future generations, but also will help mankind prevent such crimes from being repeated.

Mr. Speaker, I ask my colleagues to join me in honoring the Pan-Pontian Federation as they honor the sacrifices and memory of their noble ancestors. May the victims of the Pontian Genocide rest in peace.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE EISENHOWER LEGACY

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 2004

Mr. PLATTS. Mr. Speaker, as the Member with the proud privilege of representing the 19th Congressional District, including Gettysburg, Pennsylvania, I have tremendous admiration and respect for this Nation's thirty-fourth President, Dwight D. Eisenhower.

When President Eisenhower left the White House in January of 1961, he and his wife Mamie settled down on their small farm in Gettysburg to enjoy their retirement together. This farm remains a popular tourist attraction today.

The former Supreme Commander of the Allied Troops on D–Day, Supreme Commander of NATO, and President of the United States passed away on March 28, 1969. On the 35th anniversary of this loss, John Burke Jovich, a Presidential Historian and constituent of the 19th Congressional District, wrote a remembrance of Ike that very effectively captured the character of this great American. I am honored to commend this article to my colleagues.

THE EISENHOWER LEGACY . . . REMEMBERING IKE ON 35TH ANNIVERSARY OF HIS DEATH

It seems that Americans have a funny way of remembering their past presidents. Last November 22nd, for example, the 40th anniversary of the assassination of President John F. Kennedy, our nation was barraged with television specials and print commemorations focusing on JFK's life and death. Even during the non-milestone years, there is always some public reminder of President Kennedy on the 22nd of November.

But do we remember the deaths of those presidents who served immediately before and after Kennedy? Do we bother to observe the death of Harry Truman each December, or Dwight Eisenhower in March, Lyndon Johnson in January, or Richard Nixon each May?

Of course not.

None of those presidents were assassinated. They did not die suddenly in office. And all four lived into their senior years and enjoyed the elder statesman status that comes with presidential longevity.

It was thirty-five years ago today, March 28, when Dwight David Eisenhower passed away at Walter Reed Army Hospital. As his wife, Mamie, held his hand in hers, he spoke his last words to her and their son, John: "I've always loved my wife. I've always loved my children. I've always loved my grandchildren. And I have always loved my country. I want to go; God take me."

Americans called him Ike. He was the commanding military figure of the 1940s, the dominant national leader of the '50s, and the respected elder statesman of the '60s. He had an enduringly handsome grin, and Mamie's curls were as much a trademark in her day as Farrah Fawcett's locks became twenty years later.

Over the years, several historians have made the mistake of discrediting Eisenhower's two administrations over his habit of relying heavily on the advisement of presidential aides. While Ike did not possess quite the persuasive personality of Franklin Roosevelt or the cajoling force of Lyndon Johnson's in-your-face prevalence, he worked equally hard to achieve his goals.

As president, Eisenhower worked diligently with the United Nations to end the Korean War shortly after taking office. He lobbied behind the scenes to put the brakes on Joe McCarthy's red-baiting hearings. Ike dispatched federal troops to Little Rock to allow black students to safely enroll at the all-white Central High. It was on Eisenhower's watch, not those of Kennedy and Johnson, upon which NASA was initially formed and the Mercury 7 Space Program established. And it was Ike, in his last nationally-televised address as president, who warned the American people about the eminent dangers of the military-industrial complex, a full three years prior to the Gulf of Tonkin Resolution and the tragic escalation of the Viet Nam War.

But perhaps the most crowning of all Eisenhower's achievements as president was his determined work with a Democratic Congress to establish this nation's interstate highway system, which today stretches some 42,000 miles across our land.

The idea for such a national undertaking occurred to Ike as a young first-ever Tank commander in the Army at Camp Colt (Gettysburg) during World War I. He witnessed what can happen when entire brigades of tanks and artillery became mired in mud or fell off impassable roads. He told fellow officers that if he ever achieved an important position in public service, one of his goals would be to create a magnificent system of highways for the convenience of all Americans.

Today, whenever you see one of those familiar blue and white signs adorned with five stars along the interstate that read, "Eisenhower Interstate System," think of Ike.

Dwight Eisenhower was not a perfect individual. But his affable and honorable disposition made him friends all his life. He was a brilliant military tactician and a gifted leader among men. But he was also very much a common man who preferred watching "Gunsmoke" on the back porch of his Gettysburg farmhouse while eating a TV dinner atop a tray, as opposed to hosting a formal dinner at the White House.

One of the classic stories about Eisenhower occurred one evening in Washington. The President picked up the telephone and asked the switchboard operator to please get Senator Young on the line. After a couple of minutes, the senator respectfully said, "Good evening, Mr. President."

"Hello, Milt, I want to touch base with you about the status of our Agricultural bill. These Democrats on that committee are holding this thing up and . . ."

The senator on the other end of the line attempted to interrupt Ike, saying, "But Mr. President . . ."

Eisenhower ignored him and kept on urging the senator to get fellow Republican senators together and "talk some sense to those Democrats about this legislation. . ."

The senator again tried to interrupt Ike, without success.

Finally, the senator raised his voice and said, "Mr. President, this is Senator Steve Young, not Senator Milt Young."

Stunned, Ike realized that the White House operator had mistakenly called the Democratic Senator Stephen Young from Ohio rather than the Republican Senator Milton Young from North Dakota.

Ike muttered, "Oh damn," and hung up.

Despite the error, Senator Young of Ohio continued to like Ike.

And so did America.

RECOGNIZING THE IMPORTANCE OF INCREASING AWARENESS OF AUTISM

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. HASTINGS of Florida. Mr. Speaker, according to the Autism Society of America, autism is the fastest growing developmental disability in the country. Growing at a rate of 10–17 percent every year, it is estimated that autism could affect a staggering four million Americans in the coming decade.

Despite these alarming figures, autism is an issue that is simply not getting enough attention. For whatever reason, society appears to be all too quick to overlook the matter. It is the duty of this House to ensure not only that autism research is intensified, but also that autism awareness is increased. H. Res. 605 addresses both of these key endeavors.

The cost of autism-related services such as evaluations, home programs, and therapies is expensive. Many families across the nation are having to bare the financial burden of these services with limited assistance. According to the Autism Society of America, the cost of lifelong care can be reduced by two thirds with early diagnosis and intervention. Therefore, in the long run, increased spending on early detection would, in fact, ease the financial burden of treating individuals with autism.

Autism is a so-called "spectrum disorder." Thus, it effects individuals to varying degrees of severity. Accordingly, early detection of autism would enable individuals with autism to receive the necessary attention and treatment to meet their respective needs. This, in turn, increases his or her chances of living with minimal disability related difficulties. Later in life, worker-training programs provide an additional and invaluable opportunity for individuals to get the necessary training to help them participate effectively in the workforce.

In conclusion, I reiterate my support for H. Res. 605, and urge all of my colleagues to support this important bill. We must all work together to curb the increase in autism and to raise awareness about the nature of the disability.

TRIBUTE TO KAITLIN ASHLEY KAZANJIAN

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 2004

Mr. MEEHAN. Mr. Speaker, I rise today to remember a young woman, Kaitlin Kazanjian, whose life was tragically ended on November 5, 2003, at the age of 16.

Kaitlin Ashley Kazanjian, a resident of Palm Beach Gardens, FL, with close ties to a prominent Greater Lowell family in my district, died as a result of injuries sustained in an automobile accident. Kaitlin Kazanjian was riding in the passenger seat of a classmate's automobile when control of the vehicle was lost and it crashed.

Kaitlin was born in Palm Beach Gardens, on April 22, 1987. Her parents, John and Joanne Natsios Kazanjian were proud of their daughter, not just for the cheerful girl she was, but also for the happiness she brought to them, as well as everyone who knew her. In addition to her parents, she is survived by a sister, Kristin Kazanjian, and a brother, John S. Kazanjian, both of Palm Beach Gardens.

For decades the Kazanjian family name has been synonymous with that of a hard-working family that has dedicated itself to the betterment of the Lowell, Massachusetts community. The intersection of Dutton and Fletcher Streets in Lowell, Massachusetts has long been identified with one of the Kazanjian family businesses. It was at this intersection, on December 20, 2003 that many members of the Kazanjian family and friends gathered to remember this beautiful girl and a horrible, tragic loss.

Kaitlin Kazanjian was taken from us too soon. Her sudden loss has devastated her family and friends. Despite this terrible tragedy, a wonderful outpouring of support has helped Kaitlin's loved ones cope and continue on with their lives.

On Friday, May 14, 2004, and each year following, the Kazanjian Family and friends will continue to honor the memory of Kaitlin with the establishment of the Kaitlin A. Kazanjian Charitable Foundation, which will benefit local charity organizations.

But the true tribute to Kaitlin will lie in the hearts of family and friends and the unflinching commitment to honor her life and preserve her legacy and memory.

DEPLORING ABUSE OF PERSONS IN UNITED STATES CUSTODY IN IRAQ

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. WAXMAN. Mr. Speaker, I rise in strong opposition to H. Res. 627.

We could have passed a resolution with unanimous support today. American abuses of Iraqi detainees at the Abu Ghraib prison are deplorable. They are inhumane. They are immoral. They are inimical to everything America stands for. We universally condemn them.

And there is also unanimous support that every perpetrator of these crimes must be punished, that their superiors must be held accountable, and that our government must ensure that such atrocities never happen again.

This resolution would not be on the floor today, and our international standing would not be in tatters, if the administration had acted differently. The administration's instinct to ignore bad news and suppress evidence of mistakes is fundamentally wrong. It is telling that just a few days ago, Defense Secretary Rumsfeld and General Myers, chairman of the Joint Chiefs of Staff, said that they hadn't even read Major General Taguba's March 9 damning report on the abuses.

This administration has failed the military, the American people, the Iraqi people, and the international community. A congressional investigation is critical to get to the bottom of this scandal and to attempt to salvage what is left of our standing in the world.

That is why H. Res. 627 is so disappointing. We were presented with a resolution that "urges" the Secretary of the Army to investigate abuses at Abu Ghraib prison and "reaffirms the need for Congress to be frequently updated."

This resolution asks the Bush administration to investigate itself. Yet this is an administration that does not even acknowledge mistakes, let alone accept responsibility to correct them. It has never found the person responsible for leaking the identity of a covert CIA agent to the press. It took no action against Lt. Gen. William G. Boykin, deputy under secretary of defense for intelligence and war-fighting, for his egregious anti-Muslim statements. It responded to Richard Clarke's revelations with an all-out assault on his character and reputation. To this day, the administration has not accounted for its use of bad intelligence to justify the war in Iraq, including the fabricated claims that Iraq attempted to obtain uranium from Niger.

In effect, this resolution abdicates Congress' institutional oversight responsibilities. This is a profound mistake. Just think how different our situation would be today if Congress had not relinquished its constitutional obligation to investigate the administration's many Iraq policy failures.

The resolution neatly concludes—without evidence—that only "a handful of individuals" are involved in prisoner abuse. But none of us knows how many individuals were involved or how high up the chain of command they go.

This resolution also fails to mention the two private companies, CACI International and Titan Corporation, which have contract employees at Abu Ghraib prison. According to accused soldiers, civilian contractors conducted interrogations and "urged military police . . . to take steps to make prisoners more responsive to questioning." One of the soldiers has claimed that civilian contractors were involved in an interrogation that left a prisoner dead. Military investigators have said that a CACI instructor was fired for allowing or instructing military police to "facilitate interrogations by setting [unauthorized] conditions." And in his damning report, Major General Antonio Taguba concluded that two CACI employees were among those "either directly or indirectly responsible for the abuse at Abu Ghraib."

Yet the resolution simply ignores these facts and the serious implications they raise.

Mr. Speaker, the Republican leadership could have achieved a unanimous vote in a constructive, bipartisan effort if it had chosen to. But instead it decided to put before the House a resolution asking this administration to hold itself accountable. That is simply the wrong approach.

Congress must accept its constitutional duties and conduct a thorough investigation. And we must work as hard as we can to try to begin to repair the damage that has been done.

IN HONOR OF SISTER JEANNE O'LAUGHLIN

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 2004

Mr. MEEK of Florida. Mr. Speaker, I rise to honor and recognize the achievements of a truly great and gifted leader in our community. On June 20, 2004, Sister Jeanne O'Laughlin will step down as president of Barry University. To the people in South Florida, that is almost like saying that the sun will rise from now on in the North, it is that big a change, because Sister Jeanne, as she is affectionately known to virtually everyone, has contributed so much to the best of who we are, and what we would like to become. I am proud to be a member of the board of directors of Barry University, so I have worked with Sister Jeanne and seen her work first-hand.

Sister Jeanne has served as Barry University's fifth president for the past 23 years. In 1981, she took over the helm of what was then Barry College, a small Catholic institution of higher learning in Miami Shores, FL, with 1,750 students. It was not long, however, until she brought her considerable power to bear on building up Barry College—not for the sake of construction, although construct she did. She added 38 buildings to the institution, doubled the number of academic schools, increased the number of students to over 9,000 and turned Barry into a full-fledged University—now the fourth largest private University in Florida.

She built up the University in order to meet specific and critical needs in our community and in our nation. She saw that there were increasing needs for highly trained health professionals; Sister Jeanne saw to if that Barry University met that need. She saw that minority students had trouble getting into college; she established programs at Barry to create new opportunities for them, making Barry one of the leading minority-graduating institutions in Florida. She also looked outside her campus and saw needs in the surrounding neighborhoods, and created curriculums and programs focused on the people living there.

Sister Jeanne will always be known for her commitment to issues she held dear, such as the advancement of women in education and in human rights at home and abroad. When three young Chinese women sought political asylum in South Florida, it was Sr. O'Laughlin who took up their cause and got the Immigration and Naturalization Service to withdraw its opposition to political asylum, thereby allowing the three young women to stay. And when young Haitian children needed sponsors to get out of government detention and into the community, Sister Jeanne was there to make that happen.

Sister Jeanne has chaired many charities and non-profits, and has used her fundraising skills to help countless organizations. A measure of her influence was her membership in the Non-Group in Miami, which was composed of the most important movers and shakers in the community. She held her own with the CEOs of billion-dollar corporations, just as she did with the parents of children in her neighborhood who needed health care but could not pay for it. Her honors and accolades are countless, and her accomplishments are extraordinary—mostly because she is so good and so great, that it is impossible to tell her no.

Sister Jeanne O'Laughlin was the engine that powered tremendous growth and expanded opportunity at Barry University, and has been a symbol of enlightened and integrity. As she now moves into a new period of her life, I wish her joy and happiness: I know she will be successful. Her involvement and contribution have left an indelible mark on Barry University, on all of South Florida, and indeed on everyone who ever had the good fortune of crossing her path.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 11, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 12

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to conduct a telecommunications policy review, focusing on a view from the industry.

SR–253

Environment and Public Works

To hold hearings to examine the environmental regulatory framework affecting oil refining and gasoline policy.

SD–406

Foreign Relations

To hold hearings to examine continuing challenges in Afghanistan.

SD–419

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2005 for the Department of Defense.

SH–216

Governmental Affairs

To continue hearings to examine tax payer dollars subsidizing diploma mills.

SD–342

Indian Affairs

To hold hearings to examine S. 1715, to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes.

SR–485

2 p.m.

Judiciary

To hold hearings to examine S. 2013, to amend section 119 of title 17, United States Code, to extend satellite home viewer provisions.

SD–226

MAY 13

9:30 a.m.

Judiciary

Constitution, Civil Rights and Property Rights Subcommittee

Business meeting to consider S.J. Res. 23, proposing an amendment to the Constitution of the United States providing for the event that one-fourth of the members of either the House of Representatives or the Senate are killed or incapacitated.

SD–226

Foreign Relations

To hold hearings to examine combating corruption in the multilateral development banks.

SD–419

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine Commodity Futures Trading Commission regulatory issues.

SD–106

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold hearings to examine causes, research and prevention of premature births.

SD–430

Judiciary

Business meeting to consider pending calendar business.

SD–226

Joint Economic Committee

To hold hearings to examine the costs of health services regulations.

SD–628

2:30 p.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine acquisition policy issues in review of the Defense Authorization Request for fiscal year 2005.

SR–222

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine social science data on the impact of marriage and divorce on children.

SR–253

Intelligence

Closed business meeting to consider certain intelligence matters.

SH–219

MAY 17

2 p.m.

Aging

To hold hearings to examine how the Equal Employment Opportunity Commission's recent rule affects retiree health benefits.

SD–628

MAY 18

9:30 a.m.

Foreign Relations

To hold hearings to examine the way ahead in Iraq.

SD–419

10 a.m.

Energy and Natural Resources

To hold hearings to examine implications of a recent change in reporting of small business contracts by the Department of Energy.

SD–366

Health, Education, Labor, and Pensions

Substance Abuse and Mental Health Services Subcommittee

To hold hearings to examine proposed legislation authorizing funds for the Substance Abuse and Mental Health Services Administration.

SD–430

Aging

To hold hearings to examine social security reform issues, and comparing the U.S. social security system with other nations'.

SD–628

MAY 19

9:30 a.m.

Foreign Relations

To continue hearings to examine the way ahead in Iraq.

SD–419

Health, Education, Labor, and Pensions

Business meeting to consider pending calendar items.

SD–430

10 a.m.

Banking, Housing, and Urban Affairs

To hold an oversight hearing to examine the International Monetary Fund and World Bank.

SD–538

Indian Affairs

Business meeting to consider pending calendar business; to be followed by a hearing to examine S. 1696, to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes.

SR–485

11:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

MAY 20

9:30 a.m.

Indian Affairs

To hold hearings to examine S. 2382, to establish grant programs for the development of telecommunications capacities in Indian country.

SR–485

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine prescription drug reimportation.

SD–430

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 1672, to expand the Timucuan Ecological and Historic Preserve, Florida, S. 1789 and H.R. 1616, bills to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, S. 1808, to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities, S. 2167, to establish the Lewis and Clark National Historical Park in the States of Washington and Oregon, and S. 2173, to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

SD–366

JUNE 2

9:30 a.m.

Foreign Relations

To hold hearings to examine the greater Middle East initiative.

SD–419

SEPTEMBER 21

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.

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SENATE—*Tuesday, May 11, 2004*

The Senate met at 9:47 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign Lord, whose fairness is intertwined with everything You do, You will right all wrongs and reward all loving service and suffering for Your sake. Thank You for each blessing You have given us. Surely You have been good to us, O Lord. You have revealed Yourself through Sacred Scripture, condensing Your thoughts and making them intelligible to humanity. You have cared enough to communicate with us in a clear and accessible way. Forgive us for our reluctance to read Your word and to meditate with listening hearts. Refresh, nourish, and teach our Senators Your thoughts that they may discover Your will and pattern for living and serving. Guide them today and give them Your peace. Help each of us to prove our gratitude for Your kindness by selfless service to those who need our love and care. We pray this in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will be in a period of morning business for up to 1 hour. The first half of that time will be under the control of the minority leader or his designee, and the second half of the time will be under the control of the majority side of the aisle.

Following this period of morning business, the Senate will resume consideration of S. 1637, the FSC/ETI JOBS bill. Under the agreement reached last night, today the debate until noon will be equally divided between both sides.

At noon, the Senate will conduct a rollcall vote on the motion to invoke cloture on the FSC/ETI JOBS legislation. If cloture is invoked, we will go immediately to a vote in relation to the pending Cantwell amendment regarding unemployment insurance.

Senators can, therefore, expect up to two votes beginning at 12 noon today. Following those votes, the Senate will stand in recess until 2:15 for the weekly policy luncheons to occur.

I ask unanimous consent that if cloture is invoked, the time during the recess count under the provisions of rule XXII.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I thank all Members who have allowed us to proceed in this fashion. We have worked on both sides to organize today so we can bring the FSC/ETI bill to closure. I believe we will invoke cloture and we will be able to bring the bill to conclusion, hopefully, later this afternoon or early this evening.

As I stated yesterday, there will be germane amendments, and we will debate them and vote on those; thus, we anticipate additional rollcall votes over the course of the day.

I mentioned several weeks ago, and again yesterday, that we plan to begin the IDEA legislation following the completion of the FSC/ETI JOBS bill and, thus, we have a lot of work to do. I want to encourage people to consider that as we bring the FSC/ETI bill to closure.

I also want to mention a concern that I have with the Executive Calendar. Last week, we were able to confirm some of the pending ambassadorial nominations on the calendar. But still, as you look at the calendar, there are 89 additional nominations that are available for Senate consideration. As we all know, some of these are controversial and, therefore, delay is not unexpected. But the vast majority of these nominations, including many of the judicial nominations, should be cleared unanimously.

I want to take this opportunity to remind my Senate colleagues of our responsibility—the Senate's responsibility—to consider these nominations and to allow them to begin their very important work for the United States of America.

In addition to the 33 judicial nominations, there are 8 additional ambassadorships to countries such as Sweden, Brazil, South Africa, Northern Ireland, and others. So, again, I want to take this moment to bring all of this to the Senate's attention. My colleagues may come to me and ask why we are not moving. It is time to move in that direction.

I have heard the comments of the Democratic leadership regarding their concern with the nominations, and I know there are underway a number of consultations and discussions regarding this process. As we move forward, I urge my colleagues to allow us to consider some of the many noncontroversial nominations that are available so that we can fill these positions.

Mr. President, I also want to comment on last night's action by thanking my colleagues for their unanimous support for S. Res. 356. This Senate resolution, which passed last night, condemns the abuse of Iraqi prisoners at the Abu Ghraib prison and urges a full and complete investigation to make sure that justice is served, and served in a fully transparent way.

The resolution also expresses the Senate's support for all Americans who are serving so nobly in Iraq to bring freedom, democracy, and the rule of law to that country.

The resolution expressed the sentiment and views of the Senate in a clear, firm, and bipartisan manner. In particular, it made clear our expectation that the Senate be kept apprised of the ongoing investigations being conducted in the Department of Defense and of the actions being taken to ensure that these incidents never occur again.

The resolution also made clear that the appropriate committees of the Senate will be exercising their oversight responsibilities to ensure these ends. This is not just the right thing to do; this is the Senate's duty and our obligation to the American people—indeed, to the victims, to the families, and to the Iraqi people.

The Senate has already acted quickly and deliberately to address the heinous actions perpetrated by a few at the Abu Ghraib prison. Last week, the Senate Select Committee on Intelligence held a closed-door session to hear from representatives of the intelligence community regarding the CIA's role. The Senate Armed Services Committee held a full hearing last Friday on this matter with the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and several other senior Defense Department officials appeared. Indeed, today, the Armed Services Committee is meeting again to receive testimony from Major General Taguba, who investigated and reported on the Abu Ghraib prison abuses.

We are also working in a bipartisan manner to address the issue of appropriate access to further evidence of the atrocities at Abu Ghraib. And at the leadership level on both sides of the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

aisle, we are working with the ranking member and chairman of the Armed Services Committee to establish a process whereby materials can be viewed. As well, it is likely that we will afford the Secretary of Defense another opportunity to answer questions from Senators in the near future.

I have also consulted with various committee chairmen about items that might be in their committee's jurisdiction as this investigation unfolds, so that the appropriate Senate tools are applied judicially to buttress the work of the executive branch in getting to the bottom of this scandal, no matter where it leads.

In closing, I ensure my colleagues and the American people that the Senate will continue to hold hearings and briefings and take other steps, as necessary, to ensure that justice is served, that preventive action is taken, that those responsible are held accountable, and that all of this is done in a very fair, deliberate, and open manner.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

ADVANCING THE AGENDA

Mr. DASCHLE. Mr. President, first, I express my support for the remarks just made by the majority leader with regard to the position of the Senate on a bipartisan basis regarding the tragedy involving prisoner abuse. I hope the limited debate that was devoted to the resolution last night will not be seen by anyone as minimizing our strong feelings and the unanimity with which we wanted to express those feelings through that resolution.

I appreciate the effort made by many of our colleagues who participated in the drafting of the resolution, and I am grateful for the strong show of support expressed through the resolution last night.

We condemn these acts. We apologize to the world community for the involvement of the United States in the humiliation and the extraordinary violation of human rights that we have witnessed with the photographs themselves. We also wanted to say again that we recognize this is the exception to U.S. military deportment, not the rule, and that the vast majority of military men and women have served admirably, served their country and the cause, have advanced the goal, and have deserved our commendation and thanks. I think it is critical that we keep that in balance. I hope that as we continue to conduct oversight properly, we maintain not only the interest in holding those at the lower ends of the military echelon accountable, but I would hope we would not allow anyone to use those directly involved, whose pictures are shown, as the scapegoats for everything else that happened. I still have yet to see the degree of accountability up and down the chain of command that I would think would go without question.

We will have a lot more to say about accountability, responsibility, and those in the higher echelons of Government and the military who themselves ought to be asked to account for their actions and their decisions. In that regard, I would hope we could continue to press for even more oversight as the Armed Services Committee is doing today. Someone proposed a select committee, a bipartisan, bicameral select committee to allow for a more thorough investigation in a collective way, rather than have the scores, I guess, of subcommittees and full committees on both sides of the Congress reviewing this material.

Perhaps one committee, which could be formed with the exclusive purpose of reviewing the facts and coming to some conclusion, may be of value. I am not proposing it today. I noted that others have made this suggestion, and I think it merits our consideration.

I know the majority leader also talked about nominations. Last week, we confirmed I believe it was 19 ambassadorial nominations and a number of other executive appointments. We will continue to work with our Republican colleagues, but as many have heard me say on countless occasions, this has to be reciprocal. We cannot be confirming nominations and dealing with the judicial appointments and all of the other things expected of us if the Democratic nominees continue to languish on the calendar and in the administration itself. We have over a dozen Democratic nominees who have not yet been given even vetting, much less the actual official nomination.

We will continue to work with our Republican colleagues and with the administration, but we have to be given the confidence that there will be reciprocity and some degree of appreciation for the need to move all nominees, regardless of political affiliation or of position.

There are two other issues I wish to talk about briefly. First of all, I wish to thank Judge Becker, who has been involved now for many months in helping the Senate find a resolution to the complicated, controversial, and complex array of challenges we face with regard to asbestos.

After the vote on asbestos a few weeks ago, Senator FRIST and I asked Judge Becker if he would be willing to engage in mediation to see if we can move forward on a number of the outstanding questions.

Judge Becker worked tirelessly for the last couple of weeks and met with Senator FRIST and me almost on a daily basis to provide us with his progress reports. We focused on claims values, projections, and the overall amount of the fund. Unfortunately, we were not able to move nearly as far as many of us would have hoped on the issue of claims values. Some movement I think was made but little on projections. Perhaps the greatest movement was made on the overall amount. Business came up a little bit, from 114, with a $10 billion contingency, to 116, with a $12 billion contingency. Labor came down from 154 to 134, with a $15 billion contingency.

I am deeply troubled by the insurance industry. The insurance industry again issued a statement in the form of a letter that said they will not support a legislative response to asbestos. Their intransigence was a major problem in bringing any kind of resolution to this matter.

I am not giving up. I am pleased that Senator FRIST has agreed to meet again this week to ensure that our discussions and perhaps our negotiations can continue as well. This is too important an issue simply to say we failed. We need to keep the pressure on. We need to find a way with which to resolve these three outstanding issues in particular: the overall funding level, the issue of claims values and appropriating the necessary values to circumstances, and then certainly our projections, how many people will definitely be affected, and how can we then come to some conclusion about the other outstanding questions involving existing cases as well as what happens if the fund runs out and is sunset.

Finally, let me just say later on today we will have a vote in relation to the FSC bill. It is a cloture vote. I urge my colleagues to support cloture today. This has been a long and unnecessarily complicated struggle. All we have wanted from the beginning was an opportunity to vote on a number of key amendments. We have had the vote now on overtime. We have had the vote on outsourcing. We intend to have a vote today on unemployment compensation and a number of other issues we felt were very important in the overall context of the creation of good jobs.

We are not finished. There will be other amendments offered to other vehicles, but, in large measure, because we held our position on cloture, we are now at a point where we have been able to protect our Members and offer the amendments we thought were most important. We will certainly work with our Republican friends to bring the debate to a close, deal with a number of still germane amendments that have to be addressed on FSC before we move on to other important legislative matters, including IDEA.

We hope to complete our work on FSC today; if not today, certainly tomorrow. We will then move on to other matters.

I yield the floor.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the Democratic leader or his designee, and the second half of the time under the control of the majority leader or his designee.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I yield myself 15 minutes from the time allotted to the Democratic side of the aisle.

The PRESIDENT pro tempore. The Senator is recognized for 15 minutes.

COVER THE UNINSURED WEEK

Mr. DURBIN. Mr. President, the preamble to our Constitution makes it clear what our responsibilities shall be and puts in order that first we provide for common defense and then promote the general welfare. A lot has been said on the floor of the Senate about our common defense, what is happening in Iraq and Afghanistan in our war on terrorism. It is an issue front and center for the American people, as it should be.

Considering that issue alone is to ignore our obvious requirement under the Constitution to also promote the general welfare. We need to look beyond the defense issue to the welfare of American citizens and look to specific items that concern them. This I can tell you with some degree of certainty.

Pick any State in this Union. Allow me or anyone to visit that State and meet with businesses large and small, and families, and ask them what they are worried about, what do they sit and talk about, what are the issues that give them caution about the future.

What I have found in Illinois, which is a fairly typical State, being rural and urban south and north and midwestern, as well as showing signs of big city with our city of Chicago, when I have visited with these businesses for the is that last several years—small and large businesses alike—their concern is the cost of health insurance. Over and over they say to me: Senator, we are glad you are out there. We are glad you are serving in the Senate. When are you going to start talking about issues that really count for us when it comes to our business and its costs?

This year we are going to make certain that we at least raise this issue in debate on the Senate floor, even if we will not raise a single bill to be considered in the Senate to deal with this issue and grapple with it.

This is "Cover the Uninsured Week" across the United States. An impressive coalition of individuals and groups have come forward. Former President Jimmy Carter, former President Gerald Ford, the AFL–CIO, the U.S. Chamber of Commerce, AARP, United Way, the Catholic Health Association, and the American Medical Association have all come forward this week and said: Do not overlook the obvious. Too many people in America do not have health insurance.

Mr. President, 44 million people in our country, 15.2 percent of our population, were uninsured in the year 2000—that was up from 14.6 percent the year before—the largest single-year increase in both number and rate of uninsured people in a decade.

When one wants to measure the strength of the economy and whether we are recovering, it is not enough to say a person has a job. Clearly the obvious question has to be asked: Does the job pay a decent wage? Is there any health insurance coverage involved in it?

We are finding the raw statistics of employment do not tell the whole story. Keep this in mind: More than 20 million working adults lacked health insurance in the year 2002 and the number is growing. These are not lazy people, stretched out on the couch watching soap operas and eating chocolate-covered cherries. These are people getting up every morning, getting the kids off to school, getting a little bit of lunch together, heading off to work, knowing full well if they start feeling bad, if they need to go to a doctor or a hospital, they have to pay for the whole thing out of their own pocket.

There are 20 million Americans without health insurance. Part of the reason is, of course, the cost of health insurance is outpacing inflation and workers' earnings. So if one is earning more money, it is not enough because the cost of health insurance is going up dramatically. Look at these charts, which show from 1996 a 14-percent increase in the cost of health insurance. I think that shows what we are faced with. Look on this chart at wages, which linger around 2 or 3 percent.

The cost of health insurance goes up dramatically. Premiums have outpaced inflation by 4½ times. For the last 6 years, health insurance premiums have increased more than wages. If we go to virtually any city in America and ask why workers are on strike, why they are involved in a long contract dispute, we will find the underlying cause is the cost of health insurance.

Over and over again, I cannot tell my colleagues how many times not only business owners but members of labor unions have said to me: It is breaking our back. We have a dollar more an hour for the next year and every darn penny of it is going to health insurance and we have less coverage.

This is the reality of what businesses and workers face across America, but it is not the reality of what we debate on the Senate floor.

I have had the honor to serve in this Chamber for almost 8 years and in that period of time there has been no—underline no—serious discussion of this issue. In that period of time since 1996, up go the costs of health insurance premiums, down goes the conversation on the Senate floor and in Congress about what we can do about it as a nation.

Since President Bush took office, the number of uninsured Americans has risen by almost 4 million people from 39.8 million in the year 2000 to 43.6 million in 2002, almost a 10-percent increase. Look at the average premiums, from $2,426 on an annual basis to $3,060 in the year 2002; a 26-percent increase in the health insurance premiums, and almost 10-percent increase in the number of people.

In his State of the Union Address, President Bush called for high quality, affordable health care for all Americans and argued we must work toward a system in which all Americans have a good insurance policy. Take a look at his budget. Rhetoric in a State of the Union Address is almost meaningless if the President's budget does not address it. Frankly, this budget does not. The President calls for a tax credit proposal but says before we can enact it we have to offset it with cuts in other areas.

I will tell my colleagues how impossible that is. As our defense budget goes up dramatically at historically high levels, as spending for homeland security goes up in our war on terror, as the national increase in costs for Social Security and Medicare goes up, the amount of money left over for everything else in our Government, education, health care, infrastructure, corrections, all of those things have been shrinking.

We face the largest deficit in the history of the United States of America under this administration, which has given us tax cuts in time of war, virtually unprecedented in American history, and the largest deficit in the history of the United States. So when the President says we will deal with health insurance with a tax credit proposal and we will offset it by cutting spending in domestic programs, frankly, it is an empty promise.

I will tell my colleagues what this means: A 55-year-old in America today buying health insurance as an individual is going to pay at least as high as $6,000 in annual premiums. If one is in an employer-based group, one might pay closer to $1,000 out of pocket. Now the President and many Republicans are coming forward with health savings accounts. Quite frankly, this is a very suspicious proposal. When one looks at the company that is behind health savings accounts, it turns out to be a very politically well-connected company. Originally, Golden Rule, which was out of Illinois and Indiana, became United Health Care and came up with health savings accounts, which frankly are not going to provide the relief America needs for our serious health insurance problems.

Then the administration has suggested something called association health plans. What that means is the health insurance for groups, small businesses, for example, would be exempt from State regulation and coverage requirements. What does that mean? Right now, insurance is a State responsibility. My State of Illinois, the State of Alaska, and the State of Iowa, all of the States, have insurance commissioners to make certain the companies selling health insurance are solvent.

If a company is going to sell health insurance in my State, they have to prove they have the money to back it up when the claims are filed.

The State association health plans that are now being suggested would be exempt from State regulation, so people will not be certain of the solvency of the companies involved. So what is that worth? A State health association plan with no guarantee of solvency could be worth nothing, and it has been worth nothing.

Secondly is coverage. In my State, we have requirements; if one wants to sell health insurance, here are the things they must cover. Let me give one example because it is a provision in Illinois law I added as a staff attorney many years ago. There was a time when one could sell a family health insurance policy in Illinois and exempt from coverage newborn infants for 30 days after they were born—a pretty smart provision from the insurance company point of view. The baby has a problem at birth, it can be very expensive. They said, if that happens, the family is on their own for 30 days.

We said, no way. If a company wants to sell health insurance in Illinois, they cover that baby from the moment of birth and everything that might happen. We required it in law. When a person goes to these association health plans, it would exempt this coverage requirement for newborn coverage, for mammograms, and for many of the things we consider essential for real health insurance coverage.

We asked the Secretary of Health and Human Services Tommy Thompson what about the state of health care in America? Do you not think we need to be concerned about uninsured people? Should we not move toward universal coverage? Here is what he said on February 3 of this year:

> Even if you don't have health insurance in America, you get taken care of. That could be defined as universal health care.

What does he mean? He means if someone sick shows up in an emergency room, they will not turn that person away. That is Secretary Thompson's view of universal health care and that is why this conversation is going nowhere in Washington, DC. This administration has no meaningful proposal to deal with the health insurance crisis in America. This Congress is afraid to act and has refused to address it. We have refused to address the No. 1 business and labor issue in America today.

In 2003, nearly half of uninsured adults postponed seeking medical care and over a third say they needed it but did not get it in the previous year. More than a third of the uninsured had a serious problem paying medical bills in the last year. The list goes on.

Uninsured people still have to do their best to pay, though. If a person shows up at a hospital and they are provided care, even if they have a low-paying job, they may find themselves being hounded for the payment to the hospital. That is not unusual.

I might add as a postscript, many of my colleagues in the House are raising questions as to why the uninsured person is charged dramatically more at a hospital than someone who is under an HMO or under a Medicaid plan. They are charged 600 to 700 percent above the charge of the low plans. I am speaking about people who have no money to pay.

Bertha Hardiman, who is a 60-year-old laundry worker in Chicago, makes $17,000 a year. She was sued by a Chicago hospital because of a $6,200 hospital bill. A law enforcement official showed up at her door with a summons. She worked out a payment plan. This 60-year-old lady is paying $200 a month, 15 percent of her monthly take-home pay.

A hospital in Champaign-Urbana in my State filed a collections lawsuit against Kara Atteberry, a 26-year-old single mother of two. They said she failed to pay $1,678 after treatment for a miscarriage. She is a waitress at a pizzeria. She was unable to get off work to go to the court hearing and a arrest warrant was issued. She turned herself in to the authorities because she didn't want to be facing the embarrassment of being arrested in front of her daughters. That is what happens in America when you are working at a low-wage job and you have a hospital bill of even $1,600 that you can't pay.

There is a better way. We have to first look at the obvious. Businesses are overwhelmingly looking for ways to save money on health care. This shows the number of businesses that have been shopping for new plans, the number of businesses that have changed health care plans, that are in a constant search to find affordable health insurance because, frankly, it is outstripping their ability to be profitable and to pay their workers.

How big an obstacle are health insurance costs in hiring? Take a look at this chart. When, you ask, is it not an obstacle for businesses in America? An obstacle? Look at the numbers: 71 percent of the businesses in 2000 said health insurance costs were an obstacle to hiring employees, 64 percent in the next year, 71 percent in the year 2002, and 78 percent in the year 2003.

I am glad my colleague Senator BLANCHE LAMBERT LINCOLN of Arkansas has come to the floor because she and I believe this conversation should not stop with a lot of complaints.

We ought to be moving forward in a constructive way. What we suggest is very basic. We think American businesses and workers should be entitled to the same health insurance opportunity to which Senators and Congressmen and Federal workers are entitled.

The Federal Employees Health Benefits Program is an amazing opportunity. We have the best health insurance in the world. Is it our own creation? No. We shop in the marketplace. Each year we have an open enrollment period for every Federal worker, to pick the best health insurance plan for their family. My choice in Illinois is seven to nine plans each year from which to pick, for my wife and myself. How much do we want to pay? What kind of coverage do we want? We go shopping as people shop for a car.

What we are suggesting is creating a pool of health insurance coverage for small businesses and groups around America, very similar to the Federal Employees Health Benefits Program. It would basically give these small businesses an opportunity to be part of a purchasing pool that is very large, to shop with individual private insurance companies, and to get the benefits of lower costs. We think this is a fair way to approach it. Senator LINCOLN will give more detail on that as she addresses the Senate this morning.

I yield the floor.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. REID. On my time, I ask a question of the Senator. I ask the Senator to comment through the Chair.

A lot of people think that doctors are getting fat in our modern society. The fact is, in Nevada—I am sure it is the same in Illinois and Arkansas—doctors are having a difficult time with the managed care programs and the mass numbers of uninsured.

So I ask, does my friend agree that we in this Congress are doing things not to help the physician himself? For example, we come to this floor often and talk about medical malpractice reform, setting caps. Half the doctors you talk to recognize that is not going to help them. But a program the Senator from Illinois has advocated, and I have joined with him, giving an incentive taxwise, a tax credit to a doctor for insurance premiums, they would love that because it would give them immediate help.

The point I am making is we have a health care crisis in this country and the physicians are part of it. They are not doing as well as I personally would like. Would the Senator agree with that?

Mr. DURBIN. I thank the Senator. In response to his question, let me tell you if I am sick or a member of my family is sick, and I look up from that gurney, I want to see the best and brightest physicians in America looking down at me, and I want them to feel they are being rewarded for many years of study and hard work. They are facing frustration today because HMOs are taking away their power to make medical decisions.

Second, I believe there are costs of practice, which include malpractice premiums. In my State, they are terrible. The increases in some areas are unbearable and physicians are retiring from practice. I do not believe putting a cap on the monetary recovery of innocent victims of malpractice is the answer.

As the Senator from Nevada has alluded, I think the way to approach this is to make sure we help these physicians pay for the malpractice premiums with a tax credit. Let us give them a helping hand. Let us recognize we need to do something about it. I think it is incumbent upon us in the Senate, with a leader who is a medical doctor, Senator FRIST, to come together on a bipartisan basis. We can do this. We can have good, affordable health care in America. We can start expanding insurance instead of reducing it. We are not going to have a jobless economic recovery and we are not going to have an economic recovery where people don't have health insurance, and have this country believe we are moving in the right direction.

Mr. REID. Mr. President, I yield 10 minutes to the Senator from Arkansas.

The PRESIDENT pro tempore. The Senator from Arkansas is recognized for 10 minutes.

Mrs. LINCOLN. Mr. President, I thank my colleagues from Illinois and Nevada for being here to talk about an issue critical to our country. I rise to speak about the same issue, the growing crisis of the uninsured here in our great country. I have devoted a great deal of time and energy during my career in public service to develop solutions to our health care crisis. I believe it is critical, as Senator DURBIN has mentioned, that we begin by dealing with this problem of the uninsured and doing it now.

This is an issue on which we can come together and work through our differences and produce a product that actually is not only going to provide a better quality of life for all Americans, but it is also going to be an enormous step in dealing with the economics and the budgetary concerns that we have in our country today.

One of our No. 1 employers in most of our communities in rural America are our health care providers. It is not just that the health care providers provide us with the quality of life and the medical care we need, but they are also a huge part of the economy in this country, if we can begin to work toward balancing that out and making sure we can predict what people's needs are going to be and where that payment is going to exist.

The fact is, the number of uninsured in our country is alarming and it must become more of a national priority. One of the ways we have noticed it tremendously in our State of Arkansas is the number of uninsured who serve in our Guard and Reserves. We have found they are uncovered until they are activated. It creates a huge national crisis in many instances because we can't call these individuals up until they meet military health specifications. Most of them are employed by small businesses, so they are not getting the health care they need.

The consequences of not addressing this problem are enormous, in terms of our Nation's physical and economic well-being. Right now, as many as 44 million Americans are uninsured. The vast majority, over 80 percent of the uninsured persons under the age of 65, are part of families where at least one family member is working. Many times, these individuals' jobs do not provide insurance or the coverage offered is too costly, given their limited incomes. Buying insurance on the individual market is unthinkable for many because the costs can be even higher in that marketplace.

In my home State of Arkansas and in other rural States, the health care crisis has its own special character. In Arkansas, over 400,000 lack health insurance. Given the scope of this problem in Arkansas and nationwide, we need to develop innovative solutions to ensure people get the coverage they need.

Why is access to health insurance so critical? Many believe even if people don't have access to insurance, that they still have their health care needs taken care of. I have no earthly idea where they come up with this misconception.

The truth is, without health insurance many Americans find themselves faced with a barrier to health care. Uninsured families have less access to important screenings, the state-of-the-art technology that we have so meticulously developed, and prescription drugs. Uninsured adults have a 25-percent greater mortality risk than adults with health care coverage. An estimated 18,000 deaths among people younger than 65 are attributed to the lack of health insurance coverage every year.

Uninsured adults with chronic conditions such as diabetes, cardiovascular disease, HIV infection, and mental illness have less access to preventive care and have worse clinical outcomes than insured patients. Uninsured adults negatively affect our health care providers and local economies, too.

Senator REID from Nevada brought up the issue of our health care providers who are trying desperately to provide needed medical care. A community's high rate of uninsurance can adversely affect the overall health status of the community, the financial stability of its health care institutions and its providers, and access to emergency departments and trauma centers. I can assure you hospitals in Arkansas will tell you how much uncompensated care jeopardizes the access to health care for the communities they serve.

The facts make it clear. People without health insurance don't have their health care needs taken care of. Those who lack health insurance don't get access to timely and appropriate health care. For Americans without health insurance, children and adults suffer worse health and die sooner than those who have health insurance.

It is clear the uninsured who have inadequate health care options tend to fend for themselves in the marketplace and with health care providers. Working families need help with this problem and they need it today. The lack of insurance also creates tremendous financial obstacles for working families. If an uninsured family member has serious health problems such as cancer or a heart attack, the bills can destroy the financial foundation of that entire family. Uninsured families are more likely to pay a higher percentage of their income for medical care, and often will have to borrow money from family members to cover medical expenses. The reality is debt from medical expenses often drives the uninsured into bankruptcy. In my home State of Arkansas, the No. 1 cause of bankruptcy is high medical bills.

Recently, I, along with Senator DURBIN, Senator CARPER, and Senator REID, introduced legislation in the Senate to help more Americans get access to health insurance coverage through their employers. We know that is the most logical place for them to access it.

Small businesses are the No. 1 source for jobs in Arkansas. What better way to help our economy than to help these small businesses offer affordable health care options. More than half of workers in firms under 100 people make less than $25,000 a year—$25,000 a year, and they don't even get the child tax credit when we don't make it refundable. Can't we at least do something about providing them some health care? A high proportion of businesses with low-wage workers are much less likely to offer insurance.

Our bill, The Small Employers Health Benefits Program Act, will provide the self-employed and the small businesses with a variety of private insurance plans. This approach would give these employers access to a larger purchasing pool and negotiated rates for health insurance. They would get more choice at lower costs—exactly what we as Federal employees get. The purchasing pool will be similar in the structure to the Federal Employees Health Benefit Program to which all Government employees across this great country have access.

This is a far cry from the associated health plans some folks here in Washington talk about. These other plans—AHPs—allow companies to cherry-pick only the healthiest workers, leaving a pool of the sickest and neediest without coverage. That is not a way to attack this problem. It is only going to drive up costs in the long run.

Our plan would provide more comprehensive coverage to a far greater number of workers. We have seen its success in what it provides to us and to our workers in the Federal Employees plan, not to mention all of the others who work in Federal Government across this land, from rural areas to urban areas.

We have seen the increase in our ability to offer them choice and better cost. If we can make health insurance more affordable for all of these workers through their employers—all of these small-business workers—we would not necessarily solve the problem of the uninsured, but we would certainly make an enormous dent in it.

Our plan would go a long way toward making health care more accessible for millions of workers and their families. After all, more than half of the private sector workers in the United States are employed by small businesses, and many of these businesses struggle with the cost of providing quality health coverage. That would go a long way toward helping to ease some of the anxiety and concerns people in this country are feeling. In my home State, 76 percent of businesses have fewer than 50 employees, so Arkansans would benefit greatly from this program.

I have heard from many of our small-business owners in Arkansas who have been forced to drop or reduce their employees' health coverage because of the high cost. But it is not just small businesses. Health care and health care costs in this country are the first item of business for anyone who comes into our offices to talk to us about their needs and concerns.

These small-business employers want to provide their employees with the best coverage possible because they recognize how valuable health insurance is as a tool for boosting recruitment, retention, and employee morale, not to mention their production. They are so much more productive when they have healthy people in their workforce.

Clearly, health insurance can play a vital role in the overall success of a small business. Our plan would help our small-business owners provide employees with health coverage at a much lower cost—a win-win situation for everyone.

With solutions such as this, health insurance plans for small businesses, we can ensure health coverage is a fundamental component of every American worker's economic security.

We must make the growing number of uninsured in our country a priority. It must be a priority we all embrace in the Senate. It is clear working families are not getting the health care they need. Let us come together and do something good for the hard-working folks in this country who can't afford health insurance today.

For those who can't get access to the most basic of preventive medicine, Congress needs to address this issue. The high cost of health care in the United States is giving other developed countries an advantage in keeping and attracting jobs.

For each car they build, DaimlerChrysler AG pays about $1,300 in employee health care costs. When they make a car in Canada, they pay hardly anything. That is why the Big Three automakers actually lobbied the Canadian Government to maintain their national health care system.

At a time when jobs are leaving our country, at a time when health care insurance premiums are rising by leaps and bounds and working families are feeling insecure about their jobs and health care coverage, Congress must do something, and we can do it now.

Mr. REID. Mr. President, when we finish with morning business, we will have about 15 minutes remaining to speak on the Cantwell amendment. All Senators who wish to speak on the Cantwell amendment should get over here at about 10 after 11. Time will be equally divided. That is the only opportunity to speak on the Cantwell amendment today prior to the vote.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Utah.

Mr. BENNETT. Mr. President, what is the time situation?

The PRESIDING OFFICER. The majority controls 30 minutes of morning business, and the time of the minority has expired.

Mr. BENNETT. Mr. President, I will claim such portion of that time as I may consume up to the 30 minutes.

The PRESIDING OFFICER. The Senator is recognized.

THE ECONOMY

Mr. BENNETT. Mr. President, a recent poll within the last couple of days had a fact I found truly extraordinary which I want to talk about. It says a very large percentage—maybe even a majority—of the people of America believe we are still in a recession. I find that extraordinary because the evidence in every area is highly to the contrary. The economy, if you will, is firing on all cylinders. Let me repeat some of the statistics I have given here before.

In the first quarter of this year, the economy grew at a 4.2 percent annual rate. Added to the growth in the 2 previous quarters, this means it has grown over 5 percent in the last 3 quarters, which is the best performance in 20 years.

Some say, Where are the jobs? We may have gross domestic product growth, but we don't have any jobs, so we are still in a recession.

How can we say that in view of the facts which are overwhelming? Within the last 8 months, we have increased 1.1 million jobs according to the payroll survey, and 1.3 million jobs according to the household survey. Every indication is the jobs are coming back, and they are coming back very strongly.

In a recession, you have layoffs. When you have layoffs, you have people who apply for unemployment compensation. Those are jobless claims. The level of jobless claims is at its lowest level in 20 years. How can we be in a recession when the jobless claim level is so up? How can people come to this conclusion?

We have a constant drumbeat in the media about how terrible things are.

I have inquired why certain media figures continue to ignore the actual figures, the facts. I am told with a shrug by some of the leaders in the media, it is all about ratings. They get better ratings on television programs if they rant about American jobs going overseas and about the economy being in terrible shape. If they scare people, for some reason, people seem to stay tuned in and they get higher ratings and a bigger audience.

We have a responsibility in this Chamber not to scare people. We have a responsibility to tell the truth. The truth about the economy is that it is doing well.

Let me review some charts I have presented before to reemphasize the facts, not to make any new argument. Apparently, the arguments made before are being ignored. So let's make it again until people understand the facts. Here is the historical perspective of economic growth. On the chart, the green line above the line represents quarters of activity. Naturally, there are four quarters for each year. The red lines below the line represent quarters when the economy shrank. By definition, a recession is when there are two successive quarters in red.

If we look back over history—and this goes back into the years of Jimmy Carter's Presidency—we see a lot of red in this period. There was a recession at the end of Jimmy Carter's Presidency and then another recession in the first years of Ronald Reagan's Presidency—the dreaded double dip that people talk about. We go into recession, we get some recovery, and we are right back into recession. That was one of the most difficult economic periods of our history. We survived it, we came through it, and we had a period following it of tremendous economic growth.

During this period we added to the size of the U.S. economy the equivalent of Germany. If we were talking companies, it would be as if the United States, a corporation, acquired Germany; all of it, and all of its profit and economic activity. We grew enough to add the total of Germany to the American economy in this period.

We cannot repeal the business cycle. Inevitably, no matter how well managers try to manage their affairs, something will happen, things will taper off, and we will have a correction. That is what recessions are; recessions are corrections of the excesses that preceded them. Plus, there can always be a recession from an external problem such as the oil shock that hit in the early 1970s. September 11 is something that could cause a recession and other factors. One can never anticipate that the upward trend will continue without a correction somewhere along the way. That hit in the middle of the Presidency of the first President Bush. By comparison to the earlier recession, it was mild. But it was not mild for people who lost their jobs. It was not mild for people who lost their homes or who had difficulties. But otherwise, by comparison, the amount of red below the line was nowhere near the amount of red that preceded it in a decade.

When we recovered from that recession—and the recovery began in the Presidency of the first President Bush—we began another period of prosperity. Overall, it was probably not as big as the prosperity that preceded it, but why quibble about small amounts. It was a period of good prosperity. We heard in the 2000 election it was the greatest economy in history. In fact, the red had shown up in the third quarter of 2000. The signal that this period of prosperity was over, that another recession was on its way, was already given before the election took place. The signal was correct.

After the election, we slipped into a recession that occurred in the last three quarters of 2001. However, we came out of it in the fourth quarter of 2001, and we have been in recovery ever since.

It is amazing to me that polls show that Americans think we are in a recession, when we are in this green period. This green demonstrates that we are going to do at least as well, if not better, than we did in this period—maybe even as well as we did in this period following this recession. This recession, by historic comparison, has been the shortest and the mildest that we have ever had in America.

For political reasons, it is being talked up as a disaster. I have heard in the Senate statements that this is the worst economy in 50 years. I have heard in the Senate that unemployment is the worst it has been since the days of Herbert Hoover. That is almost laughable. Unemployment in the Great Depression went over 25 percent. Unemployment in this recession and recovery topped out at 6.3.

Let's put that in historic perspective for a minute. Let me show what the unemployment rate has been in previous recessions. Here is the dreaded double dip we were talking about. Unemployment hit 10.8 percent, still less than half of what it was in the Great Depression, but it was tremendously difficult. I remember how difficult that was. Then it came down. We got the next recession, and unemployment peaked at 7.8 percent. Now, the peak of unemployment occurred during the recovery, not during the recession. The shaded period on the chart is the period of recession. Here it peaks as the recession ended, and here it peaked during the recovery. Now we came down and we had this recession once again; unemployment peaked during the recovery, but it peaked at 6.3 percent. If you put 6.3 percent across the chart and compare it to where it was in the previous recession, you say: Not bad, not bad at all.

But we are being told, again, this is the worst economy in 50 years because, where are the jobs? Now it is coming down. It is down to 5.6 percent. As I say, the jobs are coming back at the rate of a million in the last 8 months. So project the next 8 months, there is another million jobs. If they come back faster, they come back at the same level as they have been coming, we will have another million jobs in less than 8 months. I don't know what will happen, but I am pretty confident this will continue to come down.

The question is, Why does it take so long for the unemployment rate to come down once the recession is over? The answer is very clear. The business man or woman wants to be absolutely sure his or her business is, in fact, in recovery before he or she goes out and starts to hire. They are delaying hiring permanent workers until they are sure the recovery is in place. They use temporary workers. They use overtime on their existing workers until they are absolutely sure the recovery is in place. Then they start a permanent hiring. That has happened and the statistics are there and the facts are overwhelming. We are in recovery; the recovery is strong. It is robust; it has traction.

I can only assume it is for political reasons that people stand in the Senate and say: No, no, no, we are in the worst economy in 50 years. That simply is not true. It cannot be sustained.

As I listened to the rest of the rhetoric—and I will not repeat all of the statistics I have used in previous speeches because I want to talk about the philosophical basis, but let me make this point. There are those who believe the economy is a sum-zero game. By that I mean they believe that in order for one person to win, the other person must lose an equal amount.

Now, marbles is a sum-zero game. If we play marbles, and you win three, that means I will lose three; and we add your plus three to my minus three and we get zero. But in the economy, just because Adam gets a job, does not mean Benjamin has to lose his. In the economy, just because Charles gets rich, does not mean that Daniel had to be made poor. In the economy, it is possible for both to grow simultaneously. In the economy, just because jobs are growing in India does not mean they are shrinking in America. They can be growing both places. Indeed, that is what is going on.

I see my colleague from Texas wants to speak, and I will be happy to yield the floor and give her such time as she needs. But I want to leave with this one point, once again: In economic analysis, understand that the economy is not static. It is not an either/or. It is not a sum-zero game, a plus and a minus. The economy is constantly fluid. People are moving up and down the income ladder all the time.

We hear statistics about all the people at the bottom and how rich the people are at the top. If I may, in my own case, in my lifetime, I have been at the bottom and I have been at the top and I have gone back to the bottom and struggled back to the top. Statistically, there is no way to reflect that fact. Statistically, they look how rich the people at the top are getting, and look how poor the people at the bottom are, as if they are going to stay there all their lives.

This economy is strong. This recovery is real. No amount of political rhetoric to the contrary can change those facts.

With that, Mr. President, I yield the floor, but I plan to address this overall question of the fact that the economy is not a sum-zero game at some length in the future.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. There is 15 minutes.

Mrs. HUTCHISON. Thank you, Mr. President. I will yield 7½ minutes to the Senator from Mississippi. Before I do that, though, I do want to thank the Senator from Utah, the distinguished chairman of the Joint Economic Committee. He has been looking at the economy every month and really looking at that progress. I think you can see from his remarks that the trend is up on all fronts. All of us knew when the recovery was coming, it would not be a true recovery unless it had jobs with it. Now we are seeing the jobs coming online following the outstanding performance of the stock market, and now consumer confidence is up.

I think the distinguished Senator from Utah was on this trend for a long time before others were focusing on it. We certainly appreciate his leadership.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I join the Senator from Texas in thanking the Senator from Utah for the leadership and information he has been providing about what is happening with the economy, and helping us to understand all the data. As chairman of the Joint Economic Committee, he has been the most aggressive chairman I have seen in recent years. He is doing a fantastic job.

I would describe this economic recovery we are going through now as the "just say it ain't so recovery." When I listen to many of the speeches around Washington—and even out across the country in some areas—I sometimes get the feeling some people think that if you just keep saying the economy is not good, maybe it won't be. Only in Washington do you have that sort of perverse thinking, that too much good news about the economy is either not true or it is unhelpful.

Many people try to look at the stock market to assess whether the economy is doing well. Well, in the long term this may be true, but at some points in time, I think it is a reverse indicator of what is going on in the economy. Sometimes, bad news in the stock market is really good news. We saw that just yesterday. Because the economy is growing, because jobs are being created, because orders are going up, because manufacturing is going up, the stock market said: Wait a minute now. Maybe the economy is beginning to get a little too hot, and maybe the Federal Reserve System is going to have to raise the historically low interest rates a little bit. Oh, this must be bad news, so let's sell now.

So when the stock market reacts like that, you can bet good things are happening in the economy. The list of good economic news is very long and is growing.

I think a lot of credit should go to the Federal Reserve Chairman, Alan Greenspan. He has been careful in his language. Low interest rates have been fantastic for automobile sales and housing starts. The American dream is now available to more Americans than at any time in the history of this country. Americans have access to a variety of choices in homes. More and more people are owning their own home. Of course, a lot of the credit for this should go to the availability of quality housing, a good area of the economy. Home building is done by a lot of really good people who are very capable. But you have to acknowledge that low interest rates have really helped the housing sector.

I think credit should also go to the President for his leadership, and to the Congress. The President knew when he was sworn in that January in 2001, that we were already in a recession. We were already in one, it did not start then. The President came to the Congress and said: We have to do some things to encourage the economy to grow. One of the best ways to do that is to carefully cut taxes. We needed tax cuts that put money in the pockets of working Americans, and incentives for business and industry to create jobs. The Congress heard the President and passed tax cut legislation. We did it in 2001, 2002, and 2003.

Now, Mr. President, we are getting the benefit—the tremendous benefit—of those tax cuts because they boosted the economy when we needed it most. Just look at the numbers. If you have doubts about what is happening in the economy, look at the numbers published by the experts, not as cited by a Member of Congress.

For instance, with respect to jobs, the administration announced on May 7 that 288,000 net new jobs were created in April; and 308,000 were created the month before—over a half million jobs in 2 months. Since last August, an estimated 1.1 million jobs have been created. I think it is probably more like 1.3 million jobs when you take into account the Household Survey. But either way, that is a significant increase.

The national unemployment rate has edged down to 5.6 percent. I remember years ago, when I first came to Washington—I admit that was a long time ago, 30 or so years ago—6-percent unemployment was considered "full employment." Well, my attitude is, any unemployment is unacceptably high. But it is now down to 5.6 percent, falling .7 percentage points, from a peak of 6.3 percent in June of 2003. I believe it is going to continue to go in that direction, partly because manufacturing employment increased 21,000 jobs in April. The February and March job numbers were also corrected upward. So, manufacturing employment has risen for 3 consecutive months.

One of the most interesting statistics I have come across is that we have more Americans employed now than at any time in history. More Americans are working today than at any time in history. Is it enough? No. We want more, and we want better paying jobs with greater opportunities. But still, you have to say, the fact that more Americans are working than ever before is a very impressive statistic.

Weekly unemployment claims have fallen to their lowest level since the year 2000. The economy grew at a strong annual pace of 4.2 percent during the first quarter of 2004. I think, when the assessment is done, it will be adjusted upward to 4.5 percent. That is very strong growth. Most of the countries of the world would be delighted to have even half of that kind of growth.

Household spending continues to be strong. Retail sales are up. Consumer confidence is at the highest level in 3 months, and rising. In March, new housing construction surged to levels near those of December 2003, when we had the highest levels in almost 20 years. American companies are, across the board, reporting historic levels of growth. Productivity levels are up.

So the administration's policies have been working, and we are making great progress. Every economic statistic now is moving in a positive direction. Now, we also need to pay attention to making sure inflation does not creep in, while keeping interest rates as low as possible.

The downturn in the economy, our response to 9/11, the war in Afghanistan and Iraq, and additional expenditures for homeland security have contributed to deficits, but even that projection has fallen. Last year, we were told that the current fiscal year deficit would be more than $500 billion. Now it looks like it will be down to $417 billion. I think it may end up below that because the economy is growing. This is good news, but we have to continue to address the budget deficit problem. I think we are going to have to make some tough choices in the next couple of years to get the deficit back down to where it can be eliminated. I think deficits do matter. They will affect interest rates over a period of years if we ignore them.

One other thing. You might say, well, all right, that is good, but what have you done for me lately? What are you going to do to add to the growth we are trying to achieve? The Senate is doing it today. After fits and starts, four different attempts, we are going to get an international tax bill today. Hallelujah, a bill; an important bill, finally, after 3 years of ignoring the problem of increasing European tariffs on American exports.

Mr. President, this bill will create jobs and address the problem of the WTO ruling. It includes incentives for manufacturing jobs and manufacturing tax credits, and incentives to grow the energy sector of the economy. This is a jobs growth bill. I am glad we are going to get it done. I commend all of those Senators who were involved, including Finance Committee Chairman GRASSLEY and his ranking member, Senator BAUCUS from Montana.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, let me pick up where the Senator from Mississippi left off. What he has been saying about the economy and the figures out there is certainly accurate. The gloom and doom story we have heard over the last 6 months has all of a sudden gone quiet. The reason for that is the very reason the Senator from Mississippi spoke of: the tax incentives we put into place, the investments that are beginning to work, and unprecedented levels of hiring and job creation are underway.

There is something I come to speak about that is of growing concern to me, and I think to thousands of American consumers, if not millions, and the impact it could have on a growing economy, and that is energy and the cost of energy.

Yesterday, I came to the floor to speak on that issue. The senior Senator from Nevada, Mr. REID, came later to say I was unnecessarily, righteously indignant about the Energy bill. You are darn right I am righteous and sometimes indignant when the American consumer is paying $2 per gallon at the pump—and some more than that—and they should not have to be. But they are, and the reason is because the Senate has not acted. No, passing the Energy bill tomorrow is not going to bring the price of gas down at the pump. But if you are in a hole and it is getting deeper and you are still digging, you ought to stop digging. But we have not stopped digging. We have not put policy in place that would begin to fill in the hole that will get us into production and that won't be a major risk to this economy in pulling this growth down because the American consumer is going to have to rejuxtapose some of their budgets. If they are paying $400 or $500 a year more for gas at the pump, let alone the cost of electricity and home heating fuel, they are going to be spending less in the market, and that is just the consumer.

I get righteously indignant when the farmer in Idaho—or in Nevada for that matter—goes to the bank and gives his budget or her budget for the year, and they have not factored in a 30- or 40-percent cost of energy because diesel fuel went through the roof. The bill—if we pass it tomorrow—won't make a difference. The bill will encourage production of domestic oil. It will encourage the development of more natural gas. It will encourage and incentivize the building of necessary infrastructure, such as the Alaskan natural gas pipeline. It will encourage the use of renewable fuels such as ethanol. It will encourage more renewable energy. It will strengthen the future of the nuclear energy option. It will promote clean coal technology. It will promote hydrogen as a new technology for surface transportation. It will promote energy efficiency. It will increase the R&D on a variety of technologies. It will establish mandatory reliable rules for our electricity grid. It will promote investment and expansion of electricity.

No, it is going to take a while for this country to get back into production. But we have not placed the tools in the tool box to allow us to get back into production. So we have become increasingly reliant on foreign sources for our energy. On March 22 of this year, you were paying $1.74 at the pump. On April 4, you were paying $1.78. In May, you paid $1.84, and now you are paying $1.94—in some instances nearly $2, and in other States more than $2.

Some are suggesting that we ought to quit filling the Strategic Petroleum Reserve, that we ought to cut that off. That would not make a difference in the price of oil at this moment because we have lost the capacity to produce. We have to reinvest if we are going to gain that capacity.

Yes, the Saudis are being a bit duplicitous. They said here is our baseline and what we want, and we only need to make $28 on our barrel to fund our country's needs. They are making well over $30 today. Finally, just yesterday, the Saudi oil minister said the OPEC producers ought to increase the official output ceiling. Well, that statement alone knocked the price of crude oil off $1 and, slowly but surely, that will be felt back at the pumps again. What that echoes is that we are not seeing the price of energy improve in our country or determining the future of energy. The Saudi oil minister, by his statement alone, is making that decision and fixing the price, or impacting the price at the pump.

Why do we need a national energy policy? Here is another reason. From 1981 to 2003, we lost a huge chunk of our oil refining capacity. In 1981, we had 324 refineries. Today we have 149 refineries, and they are operating at between 92 percent to 94 percent capacity. The Clean Air Act, the cost of retrofitting, the regulations, and the ability to finance simply took us out of the market and brought down those refineries.

My time is up. The reality is this Senate ought to vote on a national energy bill, and it ought to vote now so we quit digging the hole deeper. Put the tools in the tool box and get this country back into production. And you are darn right I am righteous about it because I don't think our consumers ought to have to pay the bill.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

JUMPSTART OUR BUSINESS STRENGTH (JOBS) ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1637, which the clerk will report.

The journal clerk read as follows:

A bill (S. 1637) to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization findings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

Pending:

Cantwell/Voinovich Amendment No. 3114, to extend the Temporary Extended Unemployment Compensation Act of 2002.

The PRESIDING OFFICER. Under the previous order, the time until 12 p.m. shall be equally divided between the two leaders or their designees.

The Senator from Nevada is recognized.

Mr. REID. Mr. President, I assume each side would approximately have 25 minutes.

The PRESIDING OFFICER. Yes, 26.

Mr. REID. Mr. President, we will allocate that time with 10 minutes to the manager of the bill. There will be 5 minutes for Senator CANTWELL, 5 minutes for Senator VOINOVICH, and 5 minutes to Senator SARBANES.

The PRESIDING OFFICER. The Senator from Nevada, Mr. ENSIGN, is recognized.

Mr. ENSIGN. Mr. President, I rise to briefly talk about the underlying bill and the vote we are going to have on cloture, but mostly to discuss the Cantwell amendment related to the temporary extension of unemployment benefits.

Mr. President, we had a vote on a similar amendment earlier this year, but the amendment before us today was redrafted to reflect changes in high unemployment states. First I want to talk about whether we should extend unemployment benefits—a temporary extension of the Federal program—based on the current unemployment situation. Then I want to talk about some of the details of Senator CANTWELL's amendment and the changes that are in her amendment.

The employment picture in this country is looking up by all measures. In the past, employment was looking up according to the household survey, which is the survey that measures employment, including those who are self-employed, people who contract with the Government, and those on payrolls.

But, there are two surveys of employment. The payroll survey does not include people who are self-employed. It does not include small contractors who contract with the Government, and there are a lot of those people today. So the household survey is a more accurate survey of overall employment in this country.

In the past, the household survey and the payroll survey have paralleled each other. There really has not been a difference, so people mainly paid attention to one survey, the payroll survey.

In the past couple of years, we had a recession that was followed by a recovery. It has been called a jobless recovery. But, recessions always have a peak of jobless claims during periods of higher unemployment after recessions.

This is a chart of the last several recessions, and we can see the gray areas are the recessions. These dark lines are a measure of the unemployment rate. We can see after the recessions, either right at the end of the recessions or just after the recessions, we can see the peak in unemployment. This indicates there is always a lag in people being hired after recessions have ended. As the economy starts growing, people are still a bit unsettled in their businesses—Should we rehire people?—and so that peak of unemployment lags after recessions.

We have passed that peak. We had the recession. The recession occurred at the end of the year 2000 and going into the year 2001. We had this recession followed by a slow recovery. And then we had September 11 hit, which just decimated the economy in many areas, especially the tourist economy, as in my home State of Nevada. It was almost a double dip of a recession. The first dip starting at the end of 2000 and the second dip after September 11, 2001. So we did some things in the Senate to try to overcome that situation. Working with the President, we passed two different tax bills. Those tax bills have had a positive effect on the economy. The economy is recovering. It is still in a growth phase, and it is now moving into the hiring phase of the recovery. As you can tell from recent job numbers people are starting to say: You know what, we really do feel good about what is going on. And they are hiring additional employees.

One of the criticisms has been in the decline of manufacturing jobs. In the past these jobs were declining, and we were losing manufacturing jobs in the United States.

This chart shows manufacturing activity. We can see it down in 1991, it is coming up in 2000, and then, going into 2001, it takes a nosedive. Then in 2001, it came back up a little bit and took another nosedive. We can see in the year 2003 manufacturing jobs have increased by a very nice rate. So the manufacturing activity in the United States is coming back. That is a good sign, and we all welcome that.

The Cantwell amendment would extend temporary unemployment benefits through November, but this is not just a clean extension. The amendment also changes the "high unemployment" definition to make more States qualify for additional unemployment benefits. In other words, if her original amendment that we voted on a couple of months ago was enacted today, the only State that would qualify as a high unemployment State would be Alaska.

She redrafted her amendment to where it eliminates what is called a look-back provision, and that look-back provision is what helps determine whether States are high unemployment States. It compares their current unemployment rate to the rates in the previous 2 years.

The amazing thing about that look-back provision is that states with relatively low unemployment could qualify as a high unemployment state under this amendment. According to preliminary analyses of the Cantwell amendment the State of Idaho qualified as a high unemployment state with about a 4.5-percent unemployment rate. That is very low. My State is 4.4 percent, and it is hard to find employees. When the unemployment rate gets that low, it is hard to find employees. Under the Cantwell amendment, the State of Idaho could potentially qualify as a high unemployment State.

Last Friday, the statistics were revealed for last month, the month of April. The unemployment rate dropped to 5.6 percent, and 288,000 jobs, according to the payroll survey, were created. In March, 335,000 jobs were created. Just since the beginning of 2004, almost 900,000 jobs, according to the payroll survey—the one the other side has been talking about—almost 900,000 jobs have been added to the payrolls in the United States. It is the eighth consecutive month of job gains, according to the payroll survey. In that 8-month period, we have had 1.1 million jobs created.

The other thing we have to look at are jobless claims, in other words how many people actually applying for unemployment compensation. The initial jobless claims declined by 25,000 last week, and that was the lowest level since before the 2000 Presidential election.

Also, something that has been talked about on this floor is the number of long-term unemployed, people who have been on the unemployment rolls for a long time or have exhausted their benefits. That number dropped by 200,000. Not only are the unemployment numbers improving, but so is productivity.

I talked before about payroll versus household. I want to emphasize that because the payroll survey is now showing jobs being created.

By the way, this chart shows the 1.1 million jobs by month, and this is the payroll survey. Comparing the payroll with the household survey, in the past we can see how these two surveys parallel each other. But in the years 2000, 2001 and beyond—this is the period we were in the last couple of years—these actually diverge because there were more jobs added to the household survey than the payroll survey. The payroll survey is now starting to catch up.

Why would this occur? Why would the household survey, which measures self-employed people, be different than the payroll survey? The difference comes about because our economy is changing. During times of recession—and this is not unusual for people who cannot find jobs—they start their own companies. They become entrepreneurs, and sometimes it ends up being the best thing that ever happened to them because they start their own company and end up being more successful than they could ever have been working for somebody else. Senator BENNETT referred to his successes in starting businesses earlier today on the Senate floor.

In the last few years, more people than ever have started their own companies. As a matter of fact, 430,000 people now make their full-time living on e-Bay. That is just within the last couple of years. Those people are not measured in the payroll survey; they are only measured in the household survey.

The other side says those who are self-employed do not have jobs. As a matter of fact, the other side says there have been 3 million jobs lost since President Bush took office. That number is according to the payroll survey. The household survey shows 2 million jobs have been added because a lot of those people are now self-employed.

Before my tenure in the U.S. Senate, I was a veterinarian. I was self-employed. My job did not count, according to the other side of the aisle. They say that the household survey does not count. If you are self-employed, you know you are working; you think you have a job; you think that should count. It is an insult to those self-employed people not to count them in a survey of jobs. If we are really talking about jobs, we should have the most accurate reflection of jobs.

Even giving the other side of the aisle just the payroll survey, the payroll survey is improving. It is improving dramatically. Almost 900,000 jobs since the beginning of the year have been added to the payrolls of the United States, which begs the question: why should we extend the temporary extension of unemployment benefits program again?

When the Democrats controlled the White House, the House and the Senate, after the early 1990s recession, the unemployment rate was at 6.6 percent. At that time they said unemployment was low enough to end the program. We have not heard the other side address that issue. I have made this argument on the Senate floor many times this year, and we have not heard the other side address that. They controlled all three of those bodies and yet they saw the fact that 6.6 percent was low enough to end the program.

Fast-forward to today, the Republicans control the White House, the Senate, and the House, and now the Democrats say that, even though the unemployment rate is almost a full percentage point lower than when the

Democrats ended the program, now the unemployment is too high and we need to keep the temporary unemployment program going today.

I think that is disingenuous. It is saying while we were in control, 6.6 percent was low enough to end the program, but now the Republicans are in control, 5.6 percent is too high and we ought to keep the program going. They put out the statement from Alan Greenspan, who said we should keep the program going. Well, Alan Greenspan has also said that the biggest threat to our economic long-term growth is the deficit. The amendment that was offered by Senator CANTWELL costs almost a billion dollars a month. It is a 9-month extension, and it is an $9.5 billion price tag. That adds $9.5 billion to the deficit. We have already spent $32 billion on this program the last couple of years, which added $32 billion to the deficit. It comes right out of deficit spending.

I believe it is time to end the program. The States have money we gave them. We gave them $8 billion to address the problem of high unemployment in their States. Many States, including the State of Washington, have not used this money. Out of the $144 million the State of Washington received out of the $8 billion, they have only used about $1 million. So if the State of Washington cared about their unemployed, one would think they would use that money, but they have chosen not to use it. So I think we have fulfilled our obligation during the recession and post-recession when unemployment was high, but it is time to start worrying about the deficit. For those who talk about being deficit hawks, it is time to vote against this program.

Now I do not know whether this was done purposely or not, but in drafting this bill, the author of the amendment drafted it in such a way that it is retroactive to the first of the year. So that means if one is working today, but they were unemployed at the beginning of the year and would have qualified for TEUC at the beginning of the year, they actually would get a check from the Federal Government. I do not think that is the purpose of this program. The purpose of this program was to help those who really could not get a job.

The other reason I do not believe this program should be extended is, during times of economic growth, if one is having trouble getting a job it may mean that they have to move. Well, we are in times of economic growth, but the more comfortable we make it for people on unemployment insurance—in other words, when they are getting these unemployment benefits—the more comfortable we make it to stay on unemployment, the less incentive there is to go out and do what it takes to get a job. It is called personal responsibility.

I believe we are during that time of economic growth—I think all of the statistics show that—and it is time that we end this program and we vote down the Cantwell amendment. The Cantwell amendment violates the budget. We know that. That is why there is a budget point of order that is going to be raised against the Cantwell amendment. The vote we will have will be to waive the Budget Act so that we will deficit spend.

If we want to make sure those jobs are out there for the people who are unemployed today, we have to have a strong economy. Alan Greenspan says the biggest threat to our economy is the size of the deficit. Let us do something about the size of the deficit by voting down this $8 billion program.

I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask to be recognized for the time I have under the unanimous consent agreement.

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. BAUCUS. The ancient Theban poet Pindar wrote: "The test of any man lies in action."

That was a very provocative, very prescient, and very wise statement. The test of any man, or woman, lies in action.

Today that test will be for the Senate. Today we will test whether the Senate can act to create and keep good manufacturing jobs in America. Today we will test whether the Senate can act to end European tariffs that hobble American businesses, and today we will test whether the Senate can act to extend vital benefits to the nearly 1.5 million jobless Americans who have exhausted their unemployment benefits.

The coming cloture vote is the defining test for the JOBS bill. If the Senate cannot vote today to complete action on this bill, then the majority leader will move on to other business. Yes, in a perfect world every Senator would have the opportunity to offer and debate every amendment. In a perfect world, every amendment would get a vote. In a perfect world, every Senator would get home for family dinner at 6. But by the standards of the modern Senate, I believe the Senate has given this bill fair consideration.

Over the course of 5 separate weeks, we have considered 28 amendments and adopted 17 of them. I think that is a respectable record. The coming cloture vote is now the test of whether we can pass the JOBS bill. The coming cloture vote is also a test of whether Senators on this side of the aisle can take yes for an answer. We on this side demanded a vote on Senator HARKIN's overtime amendment, and the Senate did consider that amendment. The Senate adopted that amendment. We demanded a vote on Senator DODD's offshoring amendment, and the Senate did consider that amendment and the Senate adopted that amendment as well. We demanded a vote on Senator WYDEN's trade adjustment assistance amendment, and the Senate did consider that amendment but regrettably did not adopt it. However, Senators WYDEN, COLEMAN, and I intend to bring that effort back to the Senate on another day. And we demanded a vote on Senator CANTWELL's unemployment insurance amendment. Under the unanimous consent agreement governing this bill, in order to get a vote on the unemployment insurance amendment the Senate needs to invoke cloture.

If we invoke cloture, the Senate will consider that amendment, and I hope the Senate will also adopt it.

I believe that invoking cloture to get a vote on the Cantwell amendment is now a fair deal for Democrats, and I think we should take it. We should say, yes, for an answer. We should vote to invoke cloture so that we may vote on unemployment benefits.

After the cloture vote, the vote to waive the budget for Senator CANTWELL's amendment will be a test for the entire Senate. Our vote on the Cantwell amendment is a test as to whether we can respond to the record number of jobless workers who have exhausted their benefits. America's free and open market economy has yielded unparalleled growth and vitality. Part of the genius of our economy is that we allow the private sector the freedom to adjust rapidly to changing circumstances. It helps our country grow. That freedom and vitality comes also with disruption and pain for workers who lose their jobs in hard economic times like those we have had in the last 4 years.

When, nearly 70 years ago, Congress created the unemployment insurance program, our society struck a deal. American workers agreed to participate in open and volatile markets, and the Government agreed to cushion the blow when markets turned rough. Unemployment insurance is the result of a vital social compact.

In past recessions, Congress has acted to extend those benefits, and the evidence is that in this recession more workers are remaining unemployed much longer than in previous recessions.

The share of the unemployed who have been unemployed for more than 6 months has hit its highest level in more than 20 years. Federal Chairman Alan Greenspan said recently "an exceptionally high number" of unemployed are losing their unemployment benefits, and he supported resuming temporary Federal benefits, saying:

> I think it's a good idea largely because of the size of the degree of exhaustions.

Thus, the coming vote on the Cantwell amendment will test whether the Senate can respond to this human need, keep our social compact, and extend these needed unemployment benefits. Finally, this coming cloture vote will be a test of whether the Senate can work.

This bill began as a venture of Democrats and Republicans working together in the Finance Committee. Its major provision, the heart of the provision—tax cuts for American manufacturing—is really a Democratic priority. Democrats sought all along to create and keep good manufacturing jobs here in America. This bill advanced in the Finance Committee as a cooperative venture. The chairman of the Finance Committee and I, working together, included many of the provisions of the bill in response to the request of Senators on this side of the aisle—on both sides of the aisle, but especially on this side of the aisle. This bill reflects an open, democratic process.

Once we came to the Senate floor, we tried to ensure the Senate consider the maximum number of amendments. Now the Senate has considered 28 amendments and adopted 17 amendments. Even after the Senate invokes cloture, the Senate may still consider germane amendments and there are going to be several of them, and I believe the Senate will be able to take them up and deal with them postcloture.

The time for talk is coming to a close. Soon will be a time for action. The coming vote will be a test of whether the Senate can act. Let us act to advance this bill to create good manufacturing jobs here in America. Let us act to extend unemployment benefits to jobless workers who need them. Let us act to show we can at least work together in the spirit of that great poet Pindar, again, who said, "The test of any man lies in action."

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, what is the parliamentary situation right now?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. SARBANES. Mr. President, I rise in very strong support of the pending amendment offered by my very able colleague from Washington, Senator CANTWELL, and by my able colleague from Ohio, Senator VOINOVICH. I commend both of them for their work on this issue. I particularly want to underscore the determination and the perseverance Senator CANTWELL of Washington has shown in pressing this issue forward.

This amendment, simply put, seeks to reinstate the Temporary Extended Unemployment Insurance Benefits Program which lapsed at the end of 2003. Long-term unemployment, the very problem this program of temporarily extending unemployment insurance benefits is intended to deal with, is at near record levels. There are 1.8 million long-term unemployed workers in America today. That is, they have been unemployed for more than 26 weeks, the period that is traditionally covered by unemployment insurance benefits.

Some of my colleagues have argued we do not need to pass this amendment because jobs are beginning to pick up. They assert we have an unemployment rate lag, after the end of a recession.

We have not even recovered the jobs we have lost, as we now move out of this recession. This administration is the first administration since the Hoover administration not to produce a net gain of jobs in the course of its tenure. Long-term unemployed workers today constitute 22 percent of all unemployed workers. That level is near a 20-year high. It has been above 20 percent for the last 19 months—in other words, of the unemployed, this large a portion have been long-term unemployed. That is the longest such stretch since the Department of Labor began keeping such statistics in 1948.

It has been 37 months since the recession began. The economy has 1.6 million fewer jobs today than it did 37 months ago. In no other recession since the Great Depression has the economy failed to recreate all the jobs it lost after 37 months. We are still down 1.6 million fewer jobs than when the recession began 37 months ago. In every other recession other than the Great Depression, the economy had recreated all the jobs that had been lost within 31 months. I stress this to make the point that the job market has not strengthened adequately in order to take care of these people. Job growth is far too slow.

It is not as though the level of benefits that is being sought is historically excessive. In previous recessions we have passed extensions beyond what is contained in this amendment. When we had a recession from July of 1990 to March of 1991, we extended unemployment benefits until April of 1994. At the program's peak, benefits were available for 26 to 33 extra weeks. It was in the previous Bush administration that this took place.

It is not as though providing these benefits is not supported by prominent economists. Federal Reserve Chairman Greenspan testified before the Joint Economic Committee on April 21, only a few weeks ago, that re-instating the extended unemployment insurance program is "a good idea. I think it is a good idea, largely because of the size of the degree of exhaustions."

We built up this unemployment insurance trust fund to fund these benefits. The money is in there, paid for, for this very purpose. I urge my colleagues to support this amendment from my able colleagues from Washington and Ohio.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time? If no one yields time, it will be charged equally to both sides.

The Senator from Montana.

Mr. BAUCUS. I ask the Senator from Oklahoma if he wishes to speak. There are several speakers on this side. As I understand it, on the other side of the aisle, the time is divided between 10 and 15. If the Senator from Oklahoma has 15 minutes, now will be an appropriate time for him to speak.

Mr. NICKLES. We have 10.

Mr. BAUCUS. You have 9 minutes left. Now would be an appropriate time. We have a lot of speakers here—not a lot, three more.

Mr. NICKLES. Mr. President, I am happy to speak, but I don't believe the Senator from Washington has made her speech. Usually I would respond to her.

Mr. BAUCUS. Maybe you can set a precedent here.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I rise in opposition to the amendment of my friend Senator CANTWELL for a lot of reasons. This is not a simple extension, as Senator ENSIGN earlier said. This is an expansion. Yet despite the fact we have good economic news, despite the fact we had a report last month, 288,000 new jobs, before that, 300,000—700,000 jobs in the last 2 months—we want to not only extend temporary Federal unemployment compensation, we want an expansion.

Change the definition. I started looking at the amendment. I thought it was not very well drafted. It does a number of things. It is retroactive back to January. It expands benefits, and then it goes retroactive.

Let us say somebody is unemployed in January and February, but they get a good job in March. They would qualify for 8 weeks or maybe 10 weeks of benefits. Are we going to write them a check even though they have had a job for the last month or so? We have never done that.

What would that be if you were in the State of Massachusetts? It would be as much as $760 a week. For 10 weeks, that is $7,600—a lump sum, even though you may have a job that is paying over $80,000 a year.

That doesn't make sense. But it would be legal. It would actually happen, and it would cost Federal taxpayers probably in excess of $1 billion if that happened. That makes no sense whatsoever. But that is in the amendment.

The amendment also, as Senator ENSIGN explained, basically says for the high unemployment States we are going to change things so more States will qualify for high unemployment benefits. In other words, we are going to expand this program. Why? Because most of the States don't qualify for it because States that do qualify for the high unemployment Federal benefit have to have increasing unemployment. And, frankly, we don't have that. We have decreasing unemployment, including the State of Washington, in which I believe the unemployment rate is 6.1 percent. You have declining unemployment in almost every State. The trend is down. The trend is for more employment. We should be grateful for that.

Some people evidently want this program to be a permanent Federal program. But it is a Federal temporary program that has expired.

I am looking at the statistics we have used in the past. We discontinued this program for a couple of years when we had it in the early 1990s. We discontinued that program when the unemployment rate was 6.6 percent. Now the rate is down to 5.6 percent. We were well below the rates when we discontinued this program in 1994.

When we had a Federal temporary program in the early 1980s, we discontinued the program when the rate was 7.4 percent. In the mid-1970s—1975–1977—we discontinued the program when it was 6.8 percent. Now the rate is 5.6 percent, and we are saying let's discontinue it. Some people say let's continue it for everybody. It makes no sense let's not only extend it, but let's expand it. That is in this amendment.

Finally, this amendment is not paid for. I am amused by the number of people who say, Yes, we want deficit reduction. We want pay-go, and 51 Senators voted for pay-go. Senator FEINGOLD had an amendment to the Budget Resolution. I didn't support it. This is going to make it tough on taxes and people do not pay enough attention to it on spending. I hear all these people: No, we want pay-go.

We had an amendment last week on trade adjustment assistance. Of the 51 Members who supported the pay-go amendment to the Budget Resolution on the floor, only 3 voted to sustain the pay-go point of order I made on the floor—only 3—and 48 Members reversed themselves. In other words, they said we don't want pay-go when it comes to creating or expanding a new program like trade adjustment assistance.

Senator GRASSLEY had a bill last week, the Family Opportunity Act. It passed. A pay-go point of order could have been applied to this. A pay-go point of order will be applied, and I am going to make that pay-go point of order on this amendment.

I have tried to get cost estimates on this amendment. OMB estimates Senator CANTWELL's amendment costs $9.5 billion, and CBO estimates $9 billion. I don't have a letter from them because it is hard to compute how much this retroactive provision is going to cost. But I think it is fair to say it is a $9 billion program that is not paid for.

At the appropriate point, I will be making a budget pay-go point of order that this amendment, if it became law, would increase the deficit over the next 10 years by $9 billion. I urge my colleagues to vote against it.

The economic news is good news. There are almost 1 million new jobs this year. I think there are almost 900,000 new jobs in 2004 alone. There has been some positive, good news on the employment front. The unemployment rate is down.

When I was in the manufacturing business, if the unemployment rate was around 5 percent, it was almost full employment. I could hardly find people to work. Now the unemployment rate is 5.6 percent. It is going down. That is good news.

We don't need to reach back and extend the program that has already been going, I believe, for about 36 months at a cost of $32 billion. I think it would be a mistake.

At the appropriate point, I will be making a budget point of order and urge my colleagues to vote to sustain that point of order.

I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Ms. CANTWELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Ms. CANTWELL. Thank you, Mr. President.

Let me start off by correcting a few things my colleagues have said on the floor. This is a debate about 1.5 million people who have lost their jobs and have not been able to find work and have been without benefits.

To be clear, the unemployment program at the Federal level does not exist today. It was terminated as of the 31st of December. This isn't a continuation of a program that has been in place for the last several months. It has not been in place.

As it relates to the Clinton administration and the economic numbers, say we cut the program off in better economic times and worse economic times, the whole point of this debate is the fact the economy and job creation has not taken place at the level that would have employed the number of people who have lost their jobs starting with over 2.6 million people. While we have had some job growth, we have not totally recovered. While the Clinton administration cut off the program at a time of higher unemployment, they actually had net job growth. That is why they terminated the program. We are not in that same situation.

In fact, it is no wonder Alan Greenspan basically, before a House committee, came to the same conclusion and said if you have a large number of exhaustees it makes sense to go ahead and use the program to take care of those exhaustees.

So here is one of our chief economists saying, Yes, the Clinton administration did something different, and they did it differently because they had job creation and net job growth going on. We do not have net job growth going on.

My colleague mentioned Alan Greenspan and the deficit and what we need to do to take care of the deficit moving forward. Alan Greenspan, who is also very concerned about the deficit, said exactly this. The number of exhaustees alone will tell you it is time for us to go ahead and take this program and take care of those 1.5 million exhaustees because of their large number.

Let us talk about where we are going to spend money. I think that is the reason we are in this debate. Some of my colleagues said it is about the deficit. Let us take this bill, for example. Let's take the underlying bill and talk about what we are spending money on. The Congressional Budget Office estimates the cost of my amendment at $5.8 billion. If the Senator from Oklahoma can get a larger number——

Mr. NICKLES. Mr. President, will the Senator yield?

Ms. CANTWELL. I only have 5 minutes. I will be happy to yield after I finish speaking, if I have time.

Mr. NICKLES. I don't think the Senator is correct.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. The issue is this underlying bill has a lot of tax credits and programs to help corporate America. Many of them I support. But I think it is important for my colleagues to realize what is in this bill.

As opposed to the cost of taking care of the unemployment in America, there is $9 billion in here for the oil and gas industry; $2.2 billion for the clean coal industry; $2.8 billion for synthetic fuel. Actually, this particular program is under investigation by two different agencies. There are $2 billion for green bonds, which I say and Taxpayers for Common Sense say could still inadvertently go to a Hooters Restaurant. These two programs alone would pay for the unemployment benefit program.

We basically went ahead and authorized these in this legislation. I don't know where we found the money for those programs. Yet, we are taking money out of the unemployment insurance trust fund, a fund that is supposed to be paid into by employees, and somehow saying, out of the $13 billion that is there, we do not have enough money for working families who have lost their jobs through no fault of their own, but, yes, we have money—$2.8 billion—for synthetic fuels, even though we are investigating whether the money should be spent there, and we have $2 billion for green bonds that could end up going to a Hooters Restaurant. Where are the priorities of my colleagues? Where are the priorities in passing this kind of legislation when we know that American men and women need our help and support?

Like my colleagues, I know this economy will get better. I have actually helped create jobs in the private sector. It will recover. But that is not the debate. The debate is, we have terminated a program in December and we now have data and information that shows the economy has not picked up to the degree in the last several months to take care of that huge number of unemployed who have exhausted their benefits. While everyone is talking about whether the economy is better, executive salaries are up, corporate profits are up, but total jobs lost is the issue. We are in a better economic situation, but we are leaving the American worker behind.

I ask unanimous consent for an additional 30 seconds.

Mr. BAUCUS. I yield 1 of my minutes to the Senator from Washington.

Ms. CANTWELL. Mr. President, take last month's number. Say we had an average of 300,000 jobs created each month for the next 6 months. At the end of this program in October we would still be at a deficit. Even with 300,000 jobs created, we would still have over 112,000 people who had not gotten a job.

So the question is, What are we going to do for a stimulus in the meantime as we are going through this job creation exercise in America? Are we going to say these are the only programs we support, programs for the oil and gas industry, for synthetic fuels, for green bonds, for bourbon distributors, for horse racing, for archery manufacturers? Those are the things we will support and we will not support the American workers?

I ask my colleagues to think about our priorities and support the Cantwell-Voinovich amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I clarify something for my colleague's amendment on cost. Her proposal in February was estimated by CBO to be $5.4 billion, but that proposal expired in June. This one expires in November. This one is retroactive. The one in February was not. So we have many more months, and we also have the retroactive provision. We have estimates that this proposal will cost $9 billion. It is not paid for. I will make a budget point of order.

I reserve the remainder of my time.

Mr. REID. How much time do we have remaining?

The PRESIDING OFFICER. There is 5 minutes 45 seconds.

Mr. REID. Senator Voinovich is not here, so if the Senator from Washington wants to use the time, she may.

Ms. CANTWELL. I am happy to respond to the issues raised.

One point is important to make. I am happy to modify my amendment if this would help clarify. This is not retroactive for someone who has gotten a job. If you got a job in March and you would have qualified for January and February unemployment, you do not get unemployment benefits. This only takes care of individuals who have lost their job and have not found a job.

I am happy to modify the amendment. That is not the intent of the amendment. The intent is only to take care of people who are still unemployed.

Mr. NICKLES. The intention of the Senator from Washington may be that it is not retroactive, but your amendment is retroactive. With the amendment before the Senate, an individual could be out of work in January and February, get a job in March, and receive payments. Read the amendment. It is there. It is retroactive. It may not have been the Senator's intention, but it is the fact.

The amendment is unnecessary even if it is prospective, but it is not. As written, it is retroactive. This is the middle of May. By the time this would get through conference, it would be in June, July, or later. Yet this amendment says, let's go back to January. So if someone gets a job in between then, they would be entitled to receive payments. It is grossly irresponsible and all the more reason our colleagues should not support the amendment.

Ms. CANTWELL. As I said, that is not the intent of the legislation. To make the Senator from Oklahoma comfortable, I am happy to consider whatever language he wants to clarify that point. This is not about someone who has gotten a job in the last 7 months; it is about the fact that we terminated this program in December and the fact that there are 1.5 million Americans who are without benefits. They are, basically, defaulting on mortgages, going into bankruptcy, not being able to take care of their own health insurance or the health care insurance of their family.

It is about giving them access to a fund that was created for these very economic times and giving them support during these economic times. It is stimulus that, as I said, is just as worthy as the other programs—I would say more worthy than a lot of the programs in the underlying bill.

I am happy to correct this perception by the Senator from Oklahoma and clarify it in any way so we can get this particular issue off the table.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There is 3 minutes 40 seconds remaining.

Mr. BAUCUS. I will not use all that time.

I compliment Senator Cantwell. She has been dogged in her effort to bring up this amendment. I remember it was not too long ago when we were working, the chairman of the committee, Senator Grassley, and others in the leadership, to try to sequence amendments, to figure out how we would process this bill.

The Senator from Washington said she wanted to offer her amendment and we told her, absolutely she could. We were trying to work out some other amendments and asked if she could delay in pressing her amendment even though she had the right to offer it, and she said she would. She has been very good in, first, pushing to get her amendment passed and, second, working with Senators to try to figure out the very best circumstances under which her amendment could be brought up and passed.

It has been somewhat difficult because Senators on this side of the aisle have been standing up for her rights. This Senator, certainly, and the minority leader, Senator Daschle, are standing up very strongly for her rights. Senator Kennedy from Massachusetts also assisted her and worked with her to help get this amendment up.

There have been some Senators on the other side of the aisle who did not want to vote at all on Senator Cantwell's amendment, but she has persevered. She has done a great job representing people who are out of work and unemployed, especially for her State of Washington. That is why we are here today. Were it not for the perseverance of the Senator from Washington, it is problematic whether we would be at this point. We will have a vote first on cloture and then a vote on her amendment. I thank the Senator for that.

I reserve the remainder of my time.

Mr. REID. Is all time used on the side of the majority?

The PRESIDING OFFICER. The majority has 48 seconds.

Mr. REID. If the majority yields back their time, we will yield back ours.

Mr. GREGG. I yield back.

Mr. REID. We yield back.

Cloture Motion

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 381, S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

Bill Frist, Charles E. Grassley, Jon Kyl, Jim Bunning, Lindsey Graham, Mike Enzi, Trent Lott, Mitch McConnell, Craig Thomas, Orrin G. Hatch, Gordon Smith, Rick Santorum, Robert F. Bennett, John Ensign, Olympia J. Snowe, Kay Bailey Hutchison, Don Nickles.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 1637, the Jumpstart Our Business Strength (JOBS) Act, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 90, nays 8, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—90

Akaka
Alexander
Allard
Allen
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—8

Corzine
Feingold
Graham (FL)
Gregg
Hollings
Lautenberg
McCain
Sununu

NOT VOTING—2

Bayh
Kerry

The PRESIDING OFFICER. On this vote, the yeas are 90, the nays are 8. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3114

Mr. REID. I ask unanimous consent that prior to the next vote there be 2 minutes equally divided between proponents and opponents of the Cantwell amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. CLINTON. Mr. President, I rise today in strong support of the Cantwell-Voinovich amendment because it is the right thing to do for America's workers and the right thing to do for our economy. Although I am pleased that we are finally voting on this critical amendment, it saddens me that we are still talking about this issue. As many in this Chamber may remember, I worked with my colleagues, Senator FITZGERALD and Senator NICKLES, to craft an unemployment insurance extension as the first legislation passed by the 108th Congress. That was back in January of 2003. Now, I find myself feeling like its Groundhog Day.

A year and 5 months have gone by and times are still tough for the 8.2 million Americans who are out of work. Little over a month ago, on March 30, tens of thousands of Americans lost their unemployment benefits because the Government's temporary extension of unemployment insurance expired. Every week, 85,000 workers have been running out of benefits and 1.5 million have lost their benefits since January. Since President Bush took office, our country has lost over 2 million jobs.

I represent a State with one of the highest unemployment rates in the country. In March, New York State's unemployment rate was 6.5 percent. In New York City alone, unemployment has hovered around 8 percent since September 11, 2001. And, according to the Department of Labor, if New York City were a State, it would have the highest unemployment rate in the entire country. Almost 130,000 New Yorkers exhausted their unemployment insurance benefits between December of last year and today, none of whom qualified for Federal benefits.

Action to help New Yorkers—and all Americans—who are out of work is long overdue. That is why I am proud to cosponsor the Cantwell-Voinovich amendment. This amendment is virtually identical to a bill that I introduced with Senator GORDON SMITH in November of last year. The Cantwell-Voinovich legislation will do what my bill with Senator SMITH would have done: it will reinstate the Federal unemployment insurance program and probably every unemployed worker with an additional 13 weeks of benefits.

Ignoring the unemployed will not make them go away. In fact, today, despite Congress's inaction on this issue, long-term unemployment is at the highest level in recorded history. More than 2 million Americans have been our of work for 6 months or more, a higher percentage than ever before. According to the Children's Defense Fund, this represents an increase of 245 percent in the past 2 years alone. And if the past is any indication of the future, many of these jobs will never return. In past recessions, 50 percent of job loss is temporary, the other half is permanent. Economists estimate that today nearly 80 percent of job loss is permanent.

Permanent job loss isn't just a theoretical term. It is a father with a mortgage, a mother with car payments, and a young person with a college loan. We must never lose sight of that simple fact. While everyone wants to collect a paycheck, unemployment checks provide certainty in an economy that is anything but certain.

For months, administration officials have claimed that their tax package will grow the economy and create jobs. But the only thing it is certain to grow is our Nation's mounting debt. The last time their economic policies were enacted, Americans lost 2 million jobs. We cannot wait to see how this debate plays out while 10 million unemployed Americans struggle. They paid into this system—some for decades—and now, when they need those benefits the most, we should provide them.

It is long past time that we take care of unemployed workers in this country. We simply cannot keep repeating the past and let down American workers in these vulnerable and uncertain times. After all, Groundhog Day was officially February 2. And like more than 600,000 unemployed New Yorkers, I am ready to put it behind me.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, this next amendment is the Cantwell-Voinovich amendment which will say when it comes to our economy and producing jobs, the priority of the Senate ought to be taking care of those individuals who lost their jobs and lost their benefits.

This amendment is crystal clear. It only applies to people who have lost their benefits and are unemployed as of the enactment of this legislation, which means it only covers people who have lost their jobs and are unemployed. It is about whether we are going to say 1.5 million Americans are more a priority than simply passing this legislation with all the tax credits, all the incentives for various corporations in America, but leaving American workers out in the cold.

Thirteen billion dollars of the unemployment insurance trust fund should be enough security to give back to workers who have paid into this account and through no fault of their own are unemployed. So while this institution today is going to make decisions——

The PRESIDING OFFICER. The Senator's time has expired.

Ms. CANTWELL. I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I ask unanimous consent that both sides have 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. So the question is whether we are going to continue to make a priority these kinds of tax credits in this legislation and leave the American workers out in the cold. I urge my colleagues, let us do both. Let us help those who have been left behind and continue to try to create a more positive economy.

I urge people to support the Cantwell-Voinovich amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. How much time is remaining?

The PRESIDING OFFICER. There is 2 minutes.

Mr. ENSIGN. Mr. President, I will take 1 minute and then the Senator from Oklahoma will take 1 minute.

Mr. President, a couple of quick facts. First, when the Democrats were in control in the early 1990s, following the recession, we had this same program. They were in control of the White House, the House and the Senate. The unemployment rate was at 6.6 percent and they voted to stop the program, again, when the unemployment rate was at 6.6 percent. Today the unemployment rate is one point lower at 5.6 percent and, yet, now they want to extend the program. This, at the cost of $9 billion. If one is a deficit hawk and they are worried about the deficit, they should vote against the Cantwell amendment.

This amendment is also retroactive. In other words, if a person has a job now, qualified for TEUC after it expired, then this would apply to them. They would get a check from the Government for the time after January they were unemployed.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I urge my colleagues to vote for this budget point of order that I am going to raise because this amendment is retroactive. This amendment costs 67 percent more than the last time. It costs $9 billion and it is not paid for. I am going to make a pay-go point of order. We did this last week and most of the people who say they support pay-go voted to waive pay-go. We are going to give them another opportunity to sustain pay-go and make sure this amendment does not pass because it would increase the deficit by $9 billion.

The pending amendment offered by the Senator from Washington, Ms. CANTWELL, increases mandatory spending and if adopted would cause an increase in the deficit in excess of levels permitted in the most recently adopted budget resolution. Therefore, I raise a point of order against the amendment pursuant to section 505 of the H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I move to waive the relevant section of the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—59

Akaka
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
DeWine
Dodd
Dole
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Talent
Voinovich
Wyden

NAYS—40

Alexander
Allard
Allen
Bennett
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McConnell
Miller
Nickles
Roberts
Santorum
Sessions
Shelby
Stevens
Sununu
Thomas
Warner

NOT VOTING—1

Kerry

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

On this vote, the yeas are 59, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. REID. I move to reconsider the vote.

Mr. President, I ask unanimous consent that the following two amendments be in order subject to the following time limit beginning at 2:15; that the time be equally divided and controlled in the usual form: Senator MCCAIN for 60 minutes, and Senator HOLLINGS for 80 minutes. This has been cleared by both managers. I also ask unanimous consent that no other amendments be in order prior to the vote.

I don't have the number of the amendments, but they have been filed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:59 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

JUMPSTART OUR BUSINESS STRENGTH (JOBS) ACT—Continued

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 3129

Mr. MCCAIN. I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. GREGG, Mr. SUNUNU, and Mr. GRAHAM of Florida, proposes an amendment numbered 3129.

The amendment is as follows:

(Purpose: To strike provisions relating to energy tax incentives)

Strike title VIII.

Mr. MCCAIN. Mr. President, the amendment is rather straightforward. It strikes the energy tax provisions in this bill which are estimated to cost nearly $18 billion. I read from an April 19 article from the Washington Post:

> Congress's task seemed simple enough: Repeal an illegal $5 billion-a-year export subsidy and replace it with some modest tax breaks to ease the pain on United States exporters.

This article is entitled "Special-Interest Add-Ons Weigh Down Tax-Cut Bill."

> But out of that imperative has emerged one of the most complex, special-interest-riddled corporate tax bills in years, lawmakers, Senate aides and lobbyists say. The 930-page epic is packed with $170 billion in tax cuts aimed at cruise-ship operators, NASCAR track owners, bow-and-arrow makers, and Oldsmobile dealers, to name a few. There is even a $94 million break for a single hotel in Sioux City, Iowa. Even one of the tax lobbyists involved in drafting it conceded the bill "has risen to a new level of sleaze."

I agree with that lobbyist. This has risen to a new level of sleaze.

The lobbyist goes on to say:

> "I said a few months ago, any lobbyist worth his salt has something in this bill," said the lobbyist, who would only speak on condition of anonymity. "Now you see what I'm talking about."

The Wall Street Journal, Wednesday, May 5, in an article entitled "Export Tax Follies:"

> But instead of solving the problem, congressmen are engaging in one of their epic tax-bidding wars . . . including a $482 million sop to the insurance company, $189 million in "transitional assistance" for Oldsmobile dealers, and an $8 million tax break for makers of children's bow and arrows.
>
> Not only that . . . $15 billion in energy tax breaks were thrown in as an added sweetener. The Senate couldn't pass the energy bill as a stand alone measure, so he's looking for any shipwrecks that will sail this year. The measure includes an overhaul of tax treatment for ethanol and subsidies for "clean" fuels. . . .

Mr. President, there is an abundance of media coverage of this legislation. It reaches, as the lobbyist said, in my view, a new level of sleaze.

We have to consider what we are doing. We had a $170 billion tax break, which really is $170 billion that will not go into the U.S. Treasury. So Alan Greenspan, last week, says the greatest threat to our Nation's economy is the deficit, and that a free lunch you don't have to pay for hasn't been invented yet. Yet here we are with $170 billion worth of tax breaks, tacking on to it $18 billion in tax breaks on an energy bill that this body could not pass.

It is remarkable, with a half trillion deficit, and we are enacting new tax credits, for—guess who—the oil and gas industry in America which, the last time I checked, is doing pretty well.

The majority of my colleagues on this side of the aisle just voted against an extension of the unemployment benefits for Americans who remain unemployed and haven't profited by this reemerging and strengthening economy. My God, we won't give them an extension of their unemployment benefits. But if the ethanol people of Archer Daniels Midland need it, by God, we will give it to them. Mr. President, $170 billion in tax credits but no extension of unemployment benefits for people who have been out of work, it is a remarkable commentary.

Out of all the provisions that have been added to this bill since it was first brought to the floor of the Senate on March 3, I find the energy tax title the most egregious. That is why I am offering this amendment to strike it. What do these provisions have to do with the underlying bill? Nothing. What do they have to do with ensuring that tariffs that have been placed on our Nation's manufacturers since March 1 are lifted? The answer is nothing.

I understand how sweet this is—how sweet this is—for these lobbyists who are doing so well here in Washington. But if the Senate is to consider an energy tax incentive bill or an energy authorizing bill, we should be following regular order, bringing legislation to the Senate floor, and debating it in its own right. Instead, a 319-page energy tax title was incorporated without a vote.

The proponents of this bill contend it is "revenue neutral" and that all the tax cuts in the bill are paid for with offsets. How many times have we played that game? How many times have we used the same old offsets on the same old bills, and somehow, with all these offsets, we now have a half-trillion-dollar deficit? It is hard to imagine. For example, 66 provisions of offsets are identical to provisions that were included in the highway bill. So we are using the same offsets for the highway bill, the same offsets for the energy bill. And as some more pork comes rolling in here—squealing in here—we will probably use those same offsets again. I understand the duplicative offsets total about $5 billion. Of course, if these bills ever get to conference and conference agreements are reached, only one measure could include these offsets.

Again, the amendment I am offering would strike title VIII of the pending bill.

By the way, I have no illusion as to how this vote is going to turn out. The Senator from Michigan just came up to me and said: Well, don't take away my tax break. I want to take away every tax break, I say to the Senator from Michigan.

The oil and gas subsidies are estimated to cost about $5 billion and are illustrative of what TIME magazine referred to as the great energy scam on the American taxpayers. This graphic is from an investigative report on synthetic fuel credits which appeared in the October 2003 issue of TIME magazine. While synthetic fuel credits are only one indefensible part of this energy tax title, the entire oil and gas subtitle is a shameless scam that benefits the already enormously profitable oil and gas industries with little or no benefit to the American public.

I would like to highlight a few provisions that defy both fiscal and common sense. First, there is about $835 million provided to wealthy oil and gas corporations to write off the cost of looking for domestic oil and gas reserves. As if the oil and gas companies do not have sufficient incentives or resources of their own, we are going to make the taxpayers pay for the basic cost of doing business. This provision sweetens the already generous tax treatment and would allow businesses to recoup their costs for both successful and unsuccessful projects. So failure will be as financially sweet as success.

I suppose some of my colleagues may maintain that providing this opportunity for greater riches to oil and gas corporations could result in more supply for the American public. Well, the Energy Information Administration reports that such claims are not backed by the facts. According to a February 2004 EIA report, these subsidies do not impact supply. The EIA report states:

> The tax provision is expected to have a negligible impact on oil and gas production because . . . year-to-year cash flow can be at least 35 times larger than the tax value and consequently the provision is unlikely to appreciably sway drilling decisions.

In other words, these companies are too rich to pay attention to a paltry $835 million.

Another provision of this bill, which is perhaps even more egregious than picking up the tab for oil and gas exploration, would provide nearly $2 billion for the extension and modification of tax credits for producing fuel from a nonconventional source. "Nonconventional" is the operative word when we talk about synthetic fuels. There is nothing conventional about this so-called fuel, a creation of Congress in 1980. Now that this tax credit scam has been exposed by not only TIME but by our own IRS, Congress has no excuse to perpetuate this expensive hoax, which has cost the taxpayers $4 billion since 1999.

If there is anyone who does not know how synthetic fuel is made, the process conjures up images of Rumplestiltskin turning straw into gold, except in this case it is not turning something into anything different. But this is not a fairytale.

Here is how the process goes. First, you start with coal, and then, since IRS rules require a chemical change to occur, you must spray the coal with something other than water—usually it is diesel fuel or pine tar—and, magically, you now have a "synthetic fuel," which sounds better than "sprinkled" coal, I guess. The company then sells the coal to a user, such as a powerplant, for a slightly lower cost than untreated—or unsprinkled—coal and claims a huge tax credit for "manufacturing a synthetic fuel." If anyone missed a step of this miraculous process, it is coal, to sprayed coal, to gold.

I would like to show you how golden this tax credit can be. This graphic shows the reduced tax rate of one multinational hotel corporation that also produces synthetic fuel. This corporation is not the biggest beneficiary of the synthetic shelter, but it is illustrative of the point that one does not need to be in the oil or gas business to strike it rich with synthetic fuels.

The IRS has struggled mightily with this tax shelter that grows ever more expansive and expensive. It has undertaken two formal reviews of synthetic fuel production and testing facilities and concluded that there is not any synthetic fuel being produced. This remarkable finding is presented in a November 2003 IRS bulletin, and I quote:

> The Service believes that the processes approved under its long-standing ruling (that a synthetic fuel must differ significantly in chemical composition from the substance used to produce it) do not produce the level of chemical change required.

Incredibly it goes on to say:

> Nevertheless, the Service continues to recognize that many taxpayers and their investors have relied on its long-standing ruling to make investments.

So basically the IRS is going to give this lucrative hoax a "wink and a nod" while it waits for Congress to end this sham, which is very unlikely.

Another objectional provision would provide subsidies for the highly profitable gas production method called coalbed methane. According to the Department of Energy, coalbed methane accounted for 57 percent of the growth in U.S. natural gas production between 1990 and 1999. Coalbed methane wells are proliferating in western coalfields and wherever else coalbeds exist, without a tax incentive.

As you can see from these tables, the number of wells drilled in the Powder River Basin in Wyoming has skyrocketed. The tremendous growth in production from 1993 to 2002, with 10,718 wells in this Wyoming field, occurred without a tax credit, and the BLM expects that another 40,000 new wells will be drilled in this area over the next decade. So I think it is clear that this industry has not been waiting around for taxpayer dollars.

If any of my colleagues believe that by making a very profitable industry even more profitable, these tax breaks will help increase gas supply and bring down prices, they are wrong. According to the Congressional Research Service:

> [V]irtually all of the added gas output (from coalbed methane) has substituted for domestic conventional gas rather than imported petroleum, meaning that the credit has basically not achieved its underlying policy objective of enhancing energy security.

In other words, the gas industry has turned from conventional production to coalbed methane with its higher margin of profitability without an increase in total supply.

Additionally, the Congressional Research Service found:

> that from an economic perspective, the Sec. 29 credits compound distortions in the energy markets rather than correcting for preexisting distortions due to pollution, oil import dependence, "excessive" market risk, and other factors.

Therefore, one must ask, what is the American public actually receiving from these tax incentives? Economic distortions which translate into higher gas prices. I am certain my colleagues do not want to perpetuate the perverse price effect of this tax credit.

In the Western U.S., most lands operate on the doctrine of "split estates" with different owners of the surface property rights and underlying mineral rights. As the number of coalbed methane wells has skyrocketed, the conflicts with thousands of property owners has intensified. That is due to the extensive environmental damage caused by coalbed methane production, which involves pumping massive volumes of groundwater to release the methane held by hydraulic pressure.

Clean coal. The energy tax title would provide an estimated $1.6 billion for the so-called clean coal program. Since 1984, the Department of Energy has already invested $1.8 billion in the clean coal program to "explore technologies," making it the largest environmental technology development effort the Federal Government has ever conducted. But we cannot stop there. This bill would provide an additional $1.6 billion toward the development of still more clean coal technologies. Before we require the taxpayers to pay even more for this program, should we not first consider what we have received in return for the first $1.8 billion?

According to the Department of Energy, the $1.8 billion worth of investments went to Bechtel, Westinghouse, General Electric, Texaco, and other companies that produced technology patents and products that have been sold around the world, generating billions of dollars for these companies. Besides the enormous profits these companies made by using taxpayer dollars for their research and development, serious deficiencies in the program explain why a new project has not been added in the last 5 years, and why this program should not be funded again.

One of the primary goals of the clean coal program was to produce technologies that scrub emissions from powerplants that result in cleaner air. However, according to a 2001 GAO report, new technologies produced from the $1.8 billion allocated for new clean air technologies have "limited potential for achieving nationwide emission reductions when used at existing coal-burning facilities."

The clean coal program management shows more deficiencies. The GAO reports many of the clean coal technology demonstration programs have shown severe problems in meeting costs, schedule, and performance goals.

Biomass. Nestled within the provisions of this bill is one of the more ironic and bizarre U.S. policies to be considered. Under the false guise of exploring environmentally friendly alternative energy sources, this bill extends and expands a subsidy offered to facilities that burn animal droppings. I realize a handful of States are facing legitimate environmental challenges stemming from massive amounts of poultry manure and need to find a way to manage the toxic substances that are a byproduct of these droppings. I favor determining the most effective method of addressing this environmental concern within the proper land management context. However, it would be ironic indeed if, in ordinary to satisfy the need for a clean, renewable energy source, the Senate passes legislation subsidizing the burning of animal droppings, a process which has been found to emit toxic heavy metals such as lead, mercury, and arsenic.

No less green an organization than Friends of the Earth opposes burning these droppings as an energy source because the process "cause[s] serious environment and community health problems." Moreover, EPA studies have suggested these facilities have the potential to cause more air pollution than a coal plant. On top of all this, these facilities drive up prices on natural fertilizers used on American farms, actually detracting from an environmentally friendly farming process that requires no Government subsidy.

Why on earth are we wasting valuable money on such a ridiculous, irrational program, especially when such dire financial and energy needs are facing this country today?

Another interesting provision concerns the proposed Alaska natural gas pipeline. There is a good deal of support for this new pipeline from Alaska to the lower 48 States, but to what extent are we willing to mortgage the Federal budget to help ensure its reality? The energy tax title would provide a huge subsidy to the natural gas companies proposing the construction of the Alaska natural gas pipeline. In the case of a drop in the price of natural gas, the energy title establishes a price floor—how many manufacturers in America would like to have a price floor for their product?—of $1.35 per thousand cubic feet. If the market price falls below that amount, the Federal Government would have to pay the difference to the private companies for a maximum benefit of 52 cents per thousand cubic feet. The credit would be in effect for the next 25 years. Even the conferees on the energy conference committee refused to include this provision in its final agreement on H.R. 6, which, considering the wasteful special interest giveaways included, should make one wonder about the merits of this provision.

I could go on and on about this bill. I could cite many examples, such as dog-track owners and all the other provisions. But this is probably the most egregious we have and it is quite remarkable. It is a very unfortunate way of doing business, because if we establish this precedent of tacking on anything we want to legislation that is totally irrelevant, then I fear the process has broken down even more badly than I first suspected.

Let me again put this in the context of the environment in which we exist today. This bill, which was designed to provide $5 billion in order to satisfy our European friends' concerns, has now grown into a $170 billion "Christmas tree" of goodies for every conceivable special interest. When we are running multitrillion-dollar surpluses, I guess you could argue it wasn't such a bad idea.

Last week Alan Greenspan said the greatest danger to America's economy is these burgeoning multitrillion-dollar deficits. We have never enacted tax cuts while we are in a war. If one thing has been made abundantly clear, it is the cost of the Iraq war is going to be incredibly high—far higher than we ever anticipated. Around here, it is business as usual—well, it is not business as usual; this is probably about the worst I have seen.

I won't say the worst because I probably could think of something. It is as bad as anything I have ever seen. We have no fiscal discipline in this body, and our kids are going to pay a very high price for it. When the bow-and-arrow manufacturers and all of the other things that are stuffed into this, such as horse and dog-track owners, and all of the others—cars, automobiles, Oldsmobiles, all of these things are now amassing. I urge my colleagues to vote for the amendment.

I yield the floor.

Mr. GRASSLEY. Mr. President, Senator McCAIN has filed a motion to strike all of the Energy tax provisions from the JOBS bill. Senator McCAIN has a right to his opinion, but I overwhelmingly disagree with his opinion and I urge all of my fellow Senators to vote "No" on this amendment.

In order to secure our country's economic and national security, we need to have a balanced energy plan that protects the environment, supports the needs of our growing economy, and reduces our dependence on foreign sources of energy.

Every man, woman and child in the United States is a stakeholder when it comes to developing a responsible, balanced, stable, long-term energy policy.

The events of September 11 have made very clear to Americans how important it is to enhance our energy independence. We can no longer afford to allow our dangerous reliance on foreign sources of oil to continue.

But "wait" we do, and we do it well. It has been over 10 years since we have passed energy legislation.

And if we wait until we get that "perfect" bill, the wait will be forever.

Today, we have the opportunity to correct that because we have added all of the Energy Tax provisions to this JOBS bill. Our energy tax provisions obviously are not perfect. And to those who complain about various provisions, I say, so what do we do? Do nothing? Wait for the "perfect" bill?

These provisions may not be perfect but let me tell you what we do have. We have energy tax provisions that were crafted from inception in a bipartisan manner. From the beginning, both Democrat and Republican staffs from both Finance and Energy Committees worked side by side to craft a fair and balanced energy tax package.

I may not personally believe in every one of these provisions, but the process has worked to craft an energy tax package that is good for all 50 States and all forms of energy production, both renewables and traditional oil and gas and conservation and energy efficiency.

Some of the amendments pending on this bill suggest the energy tax provisions will pick winners and losers. Is that true? Am I OK with that?

The answer is a definite "yes." Remember, the winners we pick in this bill are all Americans, all of whom have a stake in reducing our dependence upon foreign energy. We do this by favoring domestic producers over foreign producers.

It is well past time to get serious about implementing energy efficiency and conservation efforts, investing in alternative, renewable fuels and improving domestic production of traditional resources.

As you know, Mr. President, I support a comprehensive energy policy consisting of conservation efforts, development of renewable and alternative energy resources, and domestic produotion of traditional sources of energy.

And we will have an opportunity under Senator DOMENICI's leadership to address the energy policy issues at a later date, but for now we will only be considering the energy tax provisions.

As my colleagues well know, I have long been a supporter of alternative and renewable sources of energy as a way of protecting our environment and increasing our energy independence.

I strongly support the production of renewable domestic fuels, particularly ethanol and biodiesel. As domestic, renewable sources of energy, ethanol and biodiesel can increase fuel supplies, reduce our dependence on foreign oil, and increase our national and economic security.

As Chairman of the Senate Finance Committee, I continue to work closely with the ranking member, Senator BAUCUS, to defend an energy tax title that strikes a good balance between conventional energy sources, alternative and renewable energy, and conservation.

Among others, it includes provisions for the development of renewable sources of energy such as wind and biomass, incentives for energy efficient appliances and homes, and incentives for the production of non-conventional sources of traditional oil and gas.

I believe the energy tax provisions included in the JOBS bill does a good job to address our Nation's energy security in a balanced and comprehensive way.

I am also pleased that with the JOBS bill we have finally gotten to a point to address this important issue that has such a direct impact on our national and economic security.

For the sake of our children and our grandchildren, we must implement conservation efforts, invest in alternative and renewable energy, and improve development and production of domestic oil and natural gas resources. And we need all of the energy tax provisions to be included in the JOBS bill. I urge you to vote "no" on Senator McCAIN's effort.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, we have so many Members on this side who want to speak in opposition to the amendment, as well as Senators on the other side, but we are quite restricted as to the time to allocate. First, I will begin with Senator BUNNING, 4 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I rise in strong opposition to the McCain amendment. We need these energy tax provisions now more than ever. The price of energy has risen sharply and is only expected to keep going up and up.

The average price of a gallon of unleaded gasoline now is $1.84 a gallon. Natural gas prices are 70 percent higher than they were a year ago. Coal prices are up 30 percent since last year. These high prices are affecting Americans' pocketbooks at a time when our economy is on the rise.

If Congress does nothing to encourage more production, Americans will continue to struggle financially and our economic recovery will evaporate.

The energy tax package in the JOBS bill will help our country meet its future energy needs and will help kick our economy into gear.

Whether you are a Republican or a Democrat, we all know we need more production. Having a cheap, ready supply of energy is now more critical than ever to our economy. These tax incentives in this bill are crafted to help this production supply. Striking them from the bill will only lead to higher prices and more energy inflation.

The energy tax incentives will also mean more jobs and more money in Americans' wallets. I am certain every single Senator has talked to his or her constituents recently about the need for the economy to create more jobs. It is a staple of the Presidential race. It is what the American people are talking about. We know the energy incentives in this bill will induce and boost industries like the coal community in my State and put people to work.

There is nothing wrong with that. Passing this bill and these energy amendments will give us all a chance to put our money where our mouth is.

Congress has been playing political football with an energy bill for years now. I think it is time to end the game. Many of us would prefer to pass a stand-alone energy bill. We have been trying and trying, with no effect. But for one reason or another, this bill has not passed, and this is probably our last and best shot to pass changes that will make a difference right away to our Nation and to our economy.

Finally, and most importantly, this is a national security issue. We all talk the talk when it comes to promoting America's energy independence and reducing our reliance on foreign oil and sources of energy. Here is a chance to actually do something about that. By beating this amendment and passing the base bill, we will provide a significant boost to domestic energy production.

We have a lot of problems in Iraq, but we cannot bury our head in the sand. We have to recognize that continuing to rely on energy supplies from that part of the world is a threat to our national security. We cannot change that overnight. We can start taking the first steps now by passing the energy tax provisions and stepping up domestic production.

I urge a "no" vote on the McCain amendment. As a member of both the Energy Committee and the Finance Committee, I helped write the energy incentives in this bill. The incentives are good legislation and will help our economy. Our workers and our country need this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield 4 minutes to the Senator from Michigan, Ms. STABENOW.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I also rise to oppose this amendment. I first wish to thank those involved in the underlying bill and the tax bill for focusing on major provisions for manufacturing. I thank both the Senator from Iowa, the chairman, and the Senator from Montana, for their leadership on this bill.

These tax credits in this bill relate directly to support for manufacturing. It is very important that the energy tax credits for consumers that are in this bill be passed so that we can lower purchase prices for vehicles and energy-efficient appliances and be able to help build market demand for more efficient, environmentally beneficial cars, appliances, and other products.

Many of these credits are for consumers to help lower the prices because we know until there is a large demand and large production, the prices initially will be high. That is the reason for the hybrid vehicle tax credit for consumers, alternative fuel vehicle credits for consumers, and fuel cell credits.

The Federal Government must partner with American businesses and consumers to encourage the development, purchase, and use of energy-efficient technologies, and that is what is done through these energy tax credits.

All of us want our automobiles to be more fuel efficient—and certainly, as we look at the skyrocketing gas prices, this has never been more clear—so we can be less reliant on foreign sources of energy as well, but we need to be doing those things that will encourage the production of alternative fuel vehicles to move us away from that dependency on foreign sources of energy.

U.S. automakers have already invested hundreds of millions of dollars in developing better, cleaner technologies. For example, a hybrid version of the Ford Escape SUV, which has a fuel economy of 40 miles per gallon, will be available to consumers the end of this summer. It is very important that we put this in place as part of supporting that new effort. A hybrid electric version of the GM Sierra full-size pickup truck will also be available to consumers this year. And DaimlerChrysler will be producing a hybrid version of the Dodge Ram pickup truck starting this year as well.

These moves into alternative fuel vehicles are part of the way we move away from foreign oil dependence. We need to partner to help create that market and help give consumers the ability to purchase these vehicles in order to make them available. Developing fuel cells and other more fuel-efficient technologies really does require a partnership with the Federal Government and with industry. In order to achieve maximum fuel efficiency, the Federal Government must take the role as partner, along with our companies, engineers, and workers, to make this happen. That is what the energy tax credits for fuel-efficient vehicles in this bill do.

I should also indicate that it is necessary to invest in infrastructure, such as hydrogen refueling stations, to support the development of fuel cell technology. Again, there are tax credits in this bill that allow that to happen.

There are other important provisions, of course, for ethanol, of which I am very supportive, as well as the efforts to address energy-efficient appliances. Again, we have consumer tax credits in this bill to help encourage the purchase and the development of energy-efficient appliances as well as items related to the home.

Mr. President, I will strongly oppose this amendment, and I hope my colleagues will join in a bipartisan way to defeat it.

Mr. BAUCUS. Mr. President, I yield 3 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague from Montana. As always, he is generous in yielding to other Members on these issues. I also join the previous two speakers in opposing the amendment of the Senator from Arizona.

The energy tax incentives that are part of this bill is a package of incentives that we reported out of the Finance Committee and added to the Energy bill essentially in the same form we have in the 107th Congress, and we have done it again in the 108th Congress. It is my strong belief that there is broad bipartisan support in the Senate for this set of energy tax provisions.

I cannot tell you that every single one of them is exactly as I would want it to be, but there are incentives to encourage more use of renewable energy, to encourage continued production of oil and gas and increase production in some cases, to provide incentives for a shift toward more use of hybrid cars and advance vehicles. All of those items are positive.

As far as renewable energy is concerned, one very important provision contained in this bill that relates to my State and many States is the extension of the tax credit—1.8 cents per kilowatt hour tax credit—for wind energy and other types of renewable energy. There are many wind energy projects that are ready to go around this country; people are waiting to see whether Congress will go ahead and extend this production tax credit for renewable energy that covers them. I think this is a good policy. We need to do that as part of this bill.

There are other provisions that provide incentives for energy-efficient homes, energy-efficient commercial buildings. They provide incentives for efficient appliances, smart meters which consumers can use to reduce their use of energy. There are a great many provisions in this bill that I believe would be useful and would move us in the right direction.

This is not a silver bullet. This does not solve our energy problems. I do not want to represent that to anyone. These are, on balance, very positive actions that we can take, and this clearly, in my mind, is some of the most useful language that we are proposing to enact as part of this overall bill.

Mr. President, I appreciate the chance to speak. I appreciate my colleagues allowing me to go ahead of them, particularly the Senator from Idaho, who yielded time to me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield 4 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I thank the Senator from Montana.

Mr. President, the Senator from Arizona, in his amendment, suggests to those of us listening and to those who might be observing us on C–SPAN that the oil industry is the most profitable industry in the country and somehow we are subsidizing them beyond reality or respect.

Let me tell you what the oil industry did this last quarter.

Their net earnings went up .6 percent to 6.9 percent. That was their net earnings. It is much more profitable owning a Starbucks on the street corner than it is to own a major oil company in America today. He did not say that the profit margins of the banking industry are 19.6 percent return on investment.

So let us get real and, most importantly, let us be honest.

Let's talk about section 29, the synthetic fuels. What was just represented by the Senator from Arizona is not in this bill. What is in this bill, if one deals with synthetics, is there has to be a reduction in the stocks and the NO_X by 20 percent or there has to be a reduction in mercury by 20 percent to qualify for the tax credits in this provision. That is the reality of what we are talking about.

If we want to get America producing again, if we want to satisfy the consumer who in anger paid over $2 at the pump today, then we have to incentivize an investment community to get back into the business of producing.

Fifteen years ago, there were 325 refineries in America. Today, there are less than 125. Why? Too much regulation, too much cost, going offshore. How do we get them back? Incentivize them to come home; incentivize them to begin to produce in this country. Because of Government regulations and costs, they either go offshore to produce or they quit producing.

America's refineries today are at 94-percent capacity. What this tax incentive does is incentivizes our country to get back into the business of producing.

Want to incentivize offshore deep oil drilling? When we did that for the gulf a decade ago, production went up 500 percent. Why? Because it was terribly expensive to drill out there, and so we said if they drill out there and if they find oil, they can write this off.

Our country relies on almost 30 percent of our capacity now in the gulf and in the deep waters. It worked for America and it worked for America's consumers.

So to suggest we are doing something wrong is not representing the reality of the energy sector of this country today as a piece of our economy and our willingness to incentivize it. That is why we are here. That is why this provision is in the FSC bill and that is why the McCain amendment ought to be rejected.

I yield the floor.

VISIT TO THE SENATE BY MEMBERS OF SUMMIT OF NATIONAL CONGRESSES OF THE AMERICAS ON FREEDOM OF THE PRESS

Mr. STEVENS. Mr. President, I ask the Senate to permit me the honor of introducing to the Senate Members of National Congresses of the Americas who are here in Washington for a conference on the freedom of the press. I have representatives of the National Congresses of the Americas from Argentina, Senator Guillermo Jenefes, Senate, and Representative Carlos Federico Ruckauf, Congressman, House of Representatives; Bolivia, Senator Alfonso Cabrera, Senate, and Representative Oscar Sandoval Moron, House of Representatives; Brazil, Senator Helio Costa, Senate, and Representative Celso Russomanno, House of Representatives; Chile, Senator Andres Zaldivar Larrain, Ex-President of the Senate, Senator Alberto Espina Otero, Senate, and Representative Pablo Lorenzini, President of the House of Representatives; Colombia, Representative Alonso Rafael Acosta Osio, President of the House of Representatives; Costa Rica, Representative Mario Redondo Poveda, Ex-President of the National Congress; the Dominican Republic, George Andres Lopez Hilario, Senate Meetings Coordinator; Ecuador, Representative Jaime Estrada Bonilla, National Congress, and Representative Pedro J. Valverde Rubira, National Congress; El Salvador, Representative Ciro Cruz Zepeda Pena, President, National Congress, Representative Ileana Rogel, National Congress, and Representative Francisco Merino Lopez, National Congress; Guatemala, Representative Ruben Dario Morales, First Vice President, National Congress; Honduras, Representative Samuel Bogran Prieto, Vice President, National Congress, and Representative Gilberto Goldstein, National Congress; Jamaica, Deika Morrison, Senator and Minister of State, and Michael Anthony Peart, Speaker of the House of Representatives; Mexico, Representative Francisco Arroyo Vierya, Vice Presidente, House of Representatives; Nicaragua, Representative Carlos Noguera Pastora, President, National Congress; Paraguay, Senator Modesto Luis Guggiari, Senate, and Representative Rafael Filizzola, House of Representatives; Peru, Representative Carlos Almeri Veramendi, National Congress, and Representative Enith Chuquival Saavedra, National Congress; United States, Senator TED STEVENS, Senate Pro-Tempore, U.S. Senate; Uruguay, Senator Luis Hierro Lopez, Senate President and Vice President of Uruguay, and Representative Jose Amorin Batlle, President, House of Representatives; and Venezuela, Ricardo Antonio Gutierrez Briceno, First Vice President, National Congress.

RECESS

Mr. STEVENS. I ask unanimous consent that the Senate stand in recess for not to exceed 5 minutes so Members might greet my friends from the Congresses of the Americas.

There being no objection, the Senate, at 2:53 p.m., recessed until 2:57 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

JUMPSTART OUR BUSINESS STRENGTH (JOBS) ACT—Continued

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I yield 5 minutes to the senior Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. First, I thank the chairman and the ranking member for their kindness and generosity as we work on this bill. I am speaking now of the energy tax parts of this bill. The rest of it is the jurisdiction of the Finance Committee, and they essentially have done that. We have helped with the energy provisions because we were trying to put together a comprehensive energy package.

It is good that in the Senate, after one Senator talks and states his position, there is an opportunity for somebody else to state their position, and I want to do that because actually earlier today the distinguished Senator from Arizona talked about a bill that I do not even recognize, talked about things wrong with this bill that I am not even sure are in this bill, but certainly failed to mention anything that is good about it. So I would like to talk about some of the good parts.

It is estimated that this part of the bill will create 650,000 jobs. Those jobs will be in construction and the operation of infrastructure vital to the energy security of this country. Tax provisions will allow us to build an Alaska pipeline, which is supported by the Senate and will bring us American-owned gas all the way from Alaska. It will not do any environmental damage, and in the next 5 years we will add substantially to our inventory of natural gas.

The package provides incentives for electricity produced from clean coal. If there is anything that we need in America, it is a vital, growing, prospering energy grid in the United States. We have to have a stronger energy grid if we are going to have a stronger America. Everybody says that. This bill provides for incentives so that will happen.

Third, this package puts incentives in for biomass, geothermal, and solar.

Last, but not least, we have the renewables. We have wind energy that is to break and come through in large quantity. It is all stopped now until this bill passes and the incentives in this bill are adopted.

If you have a major solar energy facility, construction is stopped until this bill is produced. Then that will grow faster than any renewable we have ever had. In addition, clean coal technology is applied so that we can have other alternatives for the production of electricity. If there is anything we need, it is alternatives. Clean coal will be an alternative.

If we tell the world we are producing alternatives, they will believe we are worried and they will believe we can do something for ourselves, instead of continuing to put our hands out and rely upon foreign sources of energy.

There are tax provisions related to the restructuring of the electricity industry that are being imposed by the Federal Energy Regulatory Commission. It is absolutely imperative that if the Government forces utilities to sell assets as part of deregulation, it will not also turn around and punish utilities for those sales through the Tax Code.

Some of the critical incentives in this package that will encourage domestic oil and gas production are in this bill. We know it. Everybody who has studied it knows it. There may be some provisions that Senators do not like because when you put a package together you just cannot have everybody liking everything. But I submit, to come here with a Time magazine that was talking about a different bill and a different time—there are things that are alluded to that are not in this bill—is truly not something the Senate should bank on with reference to whether they vote for this. They ought to vote for this. It is half an energy package and it is better than none.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 5 minutes.

Mr. THOMAS. Mr. President, we are dealing with an issue that is probably the most important that we have before us, in terms of jobs, in terms of meeting the needs in this country. We are dealing with an issue we have talked about for 2 years or more. We have finally come up with some solutions. This is an issue that has already been on the floor that passed with 58 positive votes. The Senator from Arizona indicated it hasn't been discussed or talked about or voted on. That is absolutely not the case. It has been, and that is where we are.

There are two major issues involved. I am not going to get into the details. We are creating a policy for our future energy needs. As we look around at our families and our businesses and everything we do, there is nothing that affects our lives all day long more than energy. Whether it is lights, whether it is air-conditioning, whether it is heat, whether it is cars, whether it is receiving goods in your community, that all takes energy. So we are developing a policy, not necessarily for what is going to happen next week or next year, but down the road, where are we going to be?

The second portion deals with some of the issues that are troublesome now: The price of fuel, and the idea we are going to run short on some of the kinds of fuel we are using. All those things are there. This was part of an energy bill. It is not all of it, but it is a good part of it that we have worked on for a very long time. It is backed up by the facts. Unfortunately, to say we talked about no facts, here that is not true. This is a broad policy, for one thing, that deals with alternative sources of energy. It deals with renewables, the cleanliness of coal, with pipelines. It deals with all those things that are so important to do this job.

One thing that always strikes me, probably because we in Wyoming are the largest coal producer in the country, is that coal is the largest fossil fuel resource that we have available to us. At the same time, some other things have been easier. All the electric-generating plants over the last 15 years use natural gas. Natural gas can be used for many things where coal really is only available for this purpose, coal and nuclear. But we want to make coal energy clean so the air will be clean. This is what this bill does. It allows us to use that fuel most available to us and have it for the future.

We have been taking a look at energy usage, and what strikes us is that consumption continues to go up at a rather fast rate. We are using more in our cars; we have bigger homes; we are doing things so that consumption of energy goes up. But the production level is going down. If that doesn't create some kind of crisis in the future, I don't know what possibly could.

It was mentioned, and it should be mentioned again, that this is a jobs bill. That is really what we are trying to do. We can create more jobs in this particular provision, not only immediate jobs for the development of nuclear powerplants or power lines or coal mines or whatever, but the jobs created for other industries, of course, have to have energy available for them.

The amendment proposed here certainly would do away with one of the most important things we have done for a good long time, something we have worked on for a good long time, something that not only deals immediately with problems but addresses the future of our families, yours and ours, and jobs. So we ought not pass this amendment. I urge my colleagues to vote against it.

I yield the floor.

Mr. GRASSLEY. Mr. President, the press and some in this body have unfairly defined this legislation as a "porky" tax bill. There have been articles in all the major papers following that line of attack.

One Member of the leadership on the other side said on April 20 he is worried that the sheer amount of tax breaks in the bill could end up impeding its progress. "They've loaded this truck up and the tires are about to explode," he said, calling the efforts to pile sweeteners onto the bill "haphazard."

That Member went on and cautioned, "any time you load it up as vigorously as they have, you create as many problems as you solve."

Well, let's talk about the so-called "porky" provisions in this bill. It is a bit irritating that the complaints come from folks who say they support the bill. Every provision in the bill is the result of a joint recommendation of myself and Senator BAUCUS. We responded to requests from every Senator, including those who are critical of the bill.

I guess I would ask anyone, including the critics a question. That question would be, "Are you willing to throw aside the provision you asked us to put in the bill?" Are you willing to go back to your constituents and tell them you don't think their interest has merit?

I don't think I will hear any of the critics respond yes. I haven't had any takers yet and don't think I will by the time the bill's done.

Let's look at the bigger picture.

This bill has about $60 billion dedicated to the replacement of the FSC/ETI benefit. This bill has another $40 billion dedicated to international tax reforms to make our domestic manufacturers more competitive overseas.

There is another roughly $20 billion in domestic manufacturing incentives, including the research and development tax credit.

Some of that package deals with issues such as the unfair tax on bows and arrows which has a domestic job impact. There's another $8 billion dealing with the extenders, including a permanent tax credit directed at hiring hard-to-place workers. There's another $10 billion dealing with housing, rural areas, hard hit urban areas, Indian tribes, and other sectors of our economy. We're directing resources at economic development, plain and simple.

Finally, there's another almost $20 billion for the bipartisan Finance Committee energy incentives package which has passed the Senate twice.

All of this is offset with corporate loophole closers and measures aimed at curtailing tax shelters. The dollars involved in the much-criticized provisions are very small—perhaps less than 3 percent of the total cost of the bill. Members and the "big city" press need to keep their eyes on the ball: ending the euro tax and helping domestic manufacturers.

Senator Daniel Patrick Moynihan responded to the New York Times regarding the 1997 bipartisan tax relief bill. The press had made much of a few narrow provisions, such as a provision to provide tax relief for parachuter trainees. There is an excise tax on air travel. The tax is meant to apply to commercial travel. Read literally, the tax applied to parachute training flights even though those flights are not commercial transportation.

Senator Moynihan described the Finance Committee provisions that were designed to deal with these inequities this way: "You will never see representative government more specific than in the Senate Finance Committee . . . It's a form of accommodation, and in between you think about the national interest, because there are things we all share."

Like the 1997 tax relief bill, the bill before us includes a number of provisions that, at face value, may seem to be trivial. It is important to keep in mind, however, that each of these provisions was added in response to specific requests from fellow Senators who are looking out for the vital interests of their constituents. That is what representative government is all about.

The Federal tax system is vast. It touches virtually every aspect of life. From birth to grave. There are excise taxes to fund our airports and highways. There is a corporate and individual income tax to fund defense and general welfare. There are payroll taxes to fund Social Security and Medicare benefits. There is an unemployment payroll tax to fund unemployment benefits.

Now, when you go through this bill, you can find some provisions that involve animal manure or windmills. If you don't look beyond the superficial humor of the subject matter, you can have a lot of fun. Of course, big city papers like to make fun of these rural provisions. I always have to remind these folks that food doesn't grow in supermarkets. It grows on farms. The byproducts of those farms can give us clean energy. What's so bad about that?

Part of what we hear out in the heartland is get us some insurance that jobs are coming back. Especially, they say, in the area of manufacturing. The economy is coming back. The U.S. economy, the mightiest in the history of the planet, is adding jobs at a healthy rate. The people want an insurance policy.

Growing jobs in our diverse economy is not a cookie cutter exercise. This bill has general policies for the most part. Some are proactive, like the manufacturing deduction. Others are reactive, like responding to the Euro tax. Still others are particular. They may relate to small isolated communities or a single industry. When you take a look you'll find a common thread through nearly all of them: job creation.

That is what this bill is all about. Creating jobs, plain and simple.

Mr. FEINGOLD. Mr. President, I would like to express my support for the amendment offered by the senior Senator from Arizona, Mr. MCCAIN, to strike the energy tax title from the Foreign Sales Corporation bill. I recognize the need for a comprehensive energy policy and incentives for alternative energy development. I also believe that the tax package offered by the Senator from Iowa and the Senator from Montana was more balanced than the energy tax title from the H.R. 6. energy conference report. However, I am disappointed that the energy tax title in the FSC/ETI bill did not extend these tax credits in a more fiscally responsible way.

I support many of the tax credits in this legislation, such as extension of the wind energy producer credit. The wind energy tax credit is an important step in the continued effort to increase our energy security and to decrease our reliance on carbon-based energy sources. Wisconsin has a lot to offer in this area. I support tradeable tax credits for rural cooperatives, and the other provisions that would specifically benefit rural cooperatives and small renewable fuel producers. I also support many of the other provisions that increase energy efficiency and promote renewable fuels and alternative energy sources.

The energy tax title as written, however, will cost from $15–20 billion dollars. The oil and gas incentive section would cost taxpayers $6.5 billion and allows companies to deduct the costs of mineral exploration and marginal oil wells. The nuclear power incentives total $1 billion, and the so-called "clean coal" incentive is $2.2 billion. In addition to these credits to mature industries, the "non-conventional fuel credit" that supports the synfuels industry and coalbed methane industry would cost the taxpayers an additional $2.5 billion. According to a Time magazine article entitled "The Great Energy Scam," some plants merely spray newly mined coal with diesel fuel or pine-tar resin to qualify for the synfuel tax credit. We also need to consider the detrimental environmental impacts of these tax breaks. A proposed coalbed methane project in Wyoming, for example, could draw on 1 billion gallons of groundwater a day and would benefit from this provision.

I remain committed to supporting legislation to encourage alternative energy research and production. In terms of overall energy policy, I believe we must develop cleaner, more efficient energy sources and promote conservation. We need a comprehensive energy policy, but it must be balanced and fiscally responsible. I believe that we can meet these goals, but unfortunately, this energy tax title falls short of that goal. Therefore, I support the McCain amendment to strike it from the bill.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. How much time remains on our side?

The PRESIDING OFFICER. The opposition has 6 minutes 44 seconds, and the proponents have 8 minutes 30 seconds.

Mr. BAUCUS. I yield 3 minutes 22 seconds to the Senator from Delaware, and 3 minutes 22 seconds to the Senator from Alaska following the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 3 minutes 22 seconds.

Mr. CARPER. I thank the Senator for yielding me 3 minutes 22 seconds.

Mr. President, as we gather for this debate, about 60 percent of the oil we use in this country comes from other places. We are importing all that oil. It adds to a huge trade deficit, about $500 billion and growing. About a third of that trade deficit is related to the importation of oil.

We have the opportunity with the energy provisions that are part of this bill to do some good things with respect to energy independence in this country. We have the opportunity to urge people to buy more energy-efficient cars, trucks, and vans. We have the opportunity to nurture an automotive industry which will provide fuel-cell-powered vehicles that will provide for vehicles that are powered by a combination of electric and internal combustion—maybe a combination of diesel and electric. We have the opportunity to provide incentives for people to use solar energy more frequently and more effectively, to use geothermal energy more effectively, more broadly. We have the opportunity to encourage people to use wind power as a source of electricity, and other forms of energy, through this bill.

Some would say we ought to have a comprehensive energy bill, and these elements ought to be part of the comprehensive energy bill. I will tell you I don't know if we are going to have a chance to debate a comprehensive energy bill. We do have the opportunity today to encourage solar energy, wind power, fuel cells, hybrid vehicles, and we have a chance to do this today.

About 100 miles from here there are fields on the Delmarva Peninsula—in Delaware, Maryland, and Virginia—where we are growing soybeans. We use soybeans in my part of America to feed the chickens. We take the hull and we feed the chickens and raise more chickens in Delaware, I think, than anyplace in the country. We use the corn we raise to feed the chickens. We have a lot of soybean oil we don't know what to do with, and one of the things we figured out to do is take soybean oil and mix it with diesel fuel—80-percent diesel, 20-percent soybean oil—and we use it to power our DelDOT vehicles in the State of Delaware. We use it to power more farm equipment in the State of Delaware that is diesel power.

It works, it is energy efficient, and it is environmentally friendly. People tell me it smells like french fries.

That is one of the things we are more likely do with this bill. The intent and encouragement of this bill is to reduce our dependence on foreign oil and move to biofuels, including soy diesel. Good results come out of using soybeans for this purpose. It reduces our reliance on foreign oil, it is environmentally friendly, and it gives the folks who are raising soybeans—whether it is Delaware, Idaho, or any other place—the opportunity to have another market for their commodity. That is good for farmers, actually paying them to grow a commodity rather than paying them not to do that. This makes a whole lot of sense.

I wish the Senator from Arizona in offering his amendment had focused on section 29. That is a more narrowly crafted amendment. My hope is this will be defeated and we may reconsider it and come back to address that.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, we talk about energy all the time. There is a certain, not confusion but a real consternation about what is going on in the Senate right now and why we can't get specific provisions of the Energy bill through the Senate.

We understand energy in Alaska, whether it is gas or whether it is oil, whether it is renewable energy or thermal. What we have before us is an opportunity to make some of the energy policy a reality in the country.

Last week I had the opportunity to testify before the House Subcommittee on Energy and Air Quality about the proposed Alaskan natural gas pipeline. I talked about the role which this pipeline can play in meeting the needs of some very critical areas in the country—specifically, our national security, the health of our economy, job creation, and achieving and maintaining a healthy environment for ourselves and our families.

Whether we are talking about the creation of hundreds of thousands of jobs across the Nation from this project or providing a secure and stable domestic supply of energy, whether it is providing the critical feedstock we have heard about on the floor here today at a reasonable price for the chemical, agricultural, and other important sectors of the economy or providing an abundance of clean-burning, environmentally friendly fuel, there is no doubt about it, this project is not only in the best interests of Alaska, my State, but across the entire country.

As we talk about the project in Alaska, it has been suggested with the price of natural gas as it is, we don't need to have the incentives that are included in this legislation before us right now. With the specific proposals which are pending, why do we need the incentive? Yes, in fact, the proposals are out there, but they will tell you we need the assistance. They have stressed the necessity of Congress enacting the fiscal incentives contained in this bill in order for construction of the pipeline to go forward.

We need these provisions to achieve all of the positives a gas pipeline has to offer. It is essentially a futures contract with the American people. We provide the incentive to build the pipeline and you will receive all the benefits the gas pipeline has to offer. The Alaska natural gas pipeline is one of those rare examples of a project that is a win from every perspective. It helps us achieve our environmental goals, it helps the economy by creating a great number of good-paying jobs, and it enhances our national security. But if the McCain amendment is adopted and the energy tax provisions are stripped from this bill, the relief Alaska's natural gas can provide remains stuck in the ground.

I urge my colleagues to oppose the McCain amendment and retain the financial incentives needed to construct the Alaska natural gas pipeline.

I thank the Chair. I yield the floor.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that all time be yielded.

The PRESIDING OFFICER. Without objection, it is so ordered. All time is yielded.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The results was announced—yeas 13, nays 85, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—13

Biden
Boxer
Corzine
Dodd
Feingold
Graham (FL)
Gregg
Hollings
Kennedy
Kyl
Lautenberg
McCain
Sununu

NAYS—85

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Daschle
Dayton
DeWine
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—2

Edwards
Kerry

The amendment (No. 3129) was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that following the disposition of the Hollings amendment, the next amendments to be offered are the following in the order provided: Senator KYL, No. 3127, 60 minutes equally divided; Senator LANDRIEU, 60 minutes equally divided; Senator LEVIN, 20 minutes equally divided; further, that there be no second-degree amendments in order to the amendments prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, as has been ordered, after the Hollings amendment, there are three more. I am not sure any votes are needed on the three amendments the chairman just mentioned, by Senators KYL, LANDRIEU, and LEVIN. We have times, but we are trying to work with the Senators. For example, it is my understanding that the Kyl amendment will be offered and withdrawn. We may be able to work out the others as well. Nevertheless, that is the order.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senators from Pennsylvania, the senior and the junior Senators, have 5 minutes apiece to discuss something very personal to their State.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania, Mr. SANTORUM, is recognized.

MURDER IN IRAQ

Mr. SANTORUM. Mr. President, I rise today to talk about a death in Iraq. There has been a lot of death in Iraq. We can all come to the floor and give a story about a brave man or woman who sacrificed their life for freedom in that country. Today I rise to talk about not a soldier who has bravely fought in battle over there but a civilian who was brutally murdered by a group of al-Qaida terrorists. We are now seeing this displayed on our television screens across America.

This civilian's name is Berg, Nicholas Berg. He is 26 years old, from West Chester, PA, outside of Philadelphia. As described by an AP article that came across my desk, a group of five al-Qaida terrorists, one of them purporting to be Abu Musab al-Zarqawi, the No. 2 man of the Islamic terrorist group, wearing ski masks and scarfs, standing over Mr. Berg, who had just given a statement as to who he was and where he was from. They read a statement and then proceeded to push this man on his side and to cut off his head with a large knife, and then they held the head out before the camera.

If anybody wants to know what we are fighting and why we are fighting this war on terror, this is a very good example of it. Those who have seen the tape on television have described it as revolting and sickening, and I will describe it as an outrage to the civilized world, and one to which we must strongly condemn and respond. We must continue to respond as aggressively as possible in rooting out these terrorist cells and going after them where they are. Where they are, in this case, is in Iraq. This occurred in Iraq. He was a civilian contractor working in Iraq. His body was found a couple of days ago on a bridge in Iraq.

First and foremost, I express my sympathy to his parents, Michael and Suzanne, who I know have gone through a very harrowing experience over the past couple of months when they didn't know where their son was on more than one occasion. They did not know his whereabouts for the past month. And to find out about this tragedy, the loss of their son, in such a violent and horrific way and to not know until, I am sure, seeing it on television and hearing it described, is a nightmare for any parent.

The Bergs certainly have my prayers and I know all in this Chamber share the sorrow.

The PRESIDING OFFICER. The Senator from Pennsylvania, Mr. SPECTER, is recognized.

Mr. SPECTER. Mr. President, I join my colleague, Senator SANTORUM, in expressing sympathy for the parents and family of Mr. Nick Berg, who was the victim of a brutal assassination. Actually, it was a decapitation.

It is hard to express the shock of this kind of barbaric conduct. It is subhuman what they did—taking a video of this man, who identifies himself, identifies his mother, his father, his siblings, and then, in view of the video, they decapitate him, with the anguish of a man being brutally murdered. It is just subhuman conduct.

We ought to put on notice these murderers, assassins, that whatever it takes, the civilized world will bring them to justice. The news reports are that they were wearing masks and hoods to conceal their identities. I have seen investigations succeed even where people were wearing masks and hoods. They will talk about it, or someone will talk about it. In a cruel, barbaric world, this conduct descends to new levels.

This incident will unleash as intensive a manhunt as has ever been witnessed, with the United States leading the way—obviously, because it is an American citizen from a Philadelphia suburban town. We will be joined by all of the civilized world in bringing these malefactors, these perpetrators to justice. Just because they are wearing hoods, because their identities are disguised, doesn't mean they cannot be identified and apprehended. I know every last thing will be done to bring them to justice.

And then, beyond the identification of these specific assassins, these specific terrorists will renew our determination, which is already at the 100-percent level, to bring the terrorists to justice. They already murdered thousands of Americans on September 11, 2001, and Iraq is a magnet for terrorists from all over the area.

This underscores the necessity to confront the terrorists in Iraq. If we don't confront them there, we will be doing it again in the United States.

This is an incident which will receive enormous attention to try to determine the perpetrators and to bring them to justice.

There are some other matters which have been suggested as to Mr. Nick Berg's being in custody, one report taken into custody by the Iraqis and held by U.S. military personnel. I am advised a lawsuit was started, and then Mr. Berg was released. We are now making an effort to identify the attorneys in the matter to try to get some background before we talk to the parents and the relatives of the victim of this atrocious conduct.

There is also a question of bringing back the remains of Mr. Berg. We shall do our best to facilitate that and to help the family.

This atrocity is obviously going to receive widespread attention. In a cruel, brutal world, this descends to new depths.

Again, our sympathy to the parents. We will pursue the matter to bring these specific perpetrators to justice and to bring the terrorists to justice, generally.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 3134

(Purpose: To strike the international tax provisions that are unrelated to the FSC/ETI repeal and eliminate the phase-in of the deduction for qualified production activities income)

Mr. HOLLINGS. Mr. President, I call up my amendment No. 3134 and ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 3134.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. There are 40 minutes to each side.

Mr. HOLLINGS. I thank the distinguished Chair.

Mr. President, the underlying bill gives a 5-percent domestic manufacturing deduction to the manufacturing industry. Of course, that is woefully insufficient. My amendment would provide a full 9-percent domestic manufacturing deduction.

The underlying bill slowly phases in the domestic manufacturing provision over a 5-year period, but instantly it gets the full effect of the overseas industry, the outsourcing. They immediately get some tax breaks over the period of the bill covering some 39, almost 40 billion bucks.

Can you imagine that? Here is a bill entitled—this is the committee report—the Jump-Start Our Business Strength, JOBS, Act. It jump-starts the jobs in Shanghai and Guadalajara and not in Philadelphia, PA, I can tell you that right now.

What my amendment does is provide the right incentives. It eliminates the tax breaks for corporations that have moved American jobs offshore and gives those tax breaks to the employers of jobs in America today.

I wish to thank, first, the distinguished ranking member, Senator BAUCUS, of our Finance Committee and his outstanding staff. They have been very helpful in trying to make this amendment not only relevant but budget neutral. I am not sure about its budget neutrality, but I am told now we do have a relevant amendment. If we have to get into the arcane discussion with respect to budget neutrality, I will be glad to join it.

I want to get to the point. We are still in a post-World War II culture, what they call up here an environment or pedigree. What happened was, after World War II, we had our finest hour with the Marshall plan. We sent money overseas. We sent expertise overseas. We sent equipment overseas. In the cold war, capitalism defeated communism. It worked. All during that almost 50-year period since World War II, we all enjoyed it because we fudged when it came to trade. We treated fair trade more or less as foreign aid, but we knew what we were doing. We had to sacrifice a certain amount of our industry, our jobs, our economic strength to prevail in this cold war.

Now what has occurred is the competition has regeared, they have rebuilt, they have industrialized, and they have become outlandishly competitive. And here amidst a trade war, we hear those in the national Congress running around and saying: Woo, we might start a trade war; free trade, free trade, I am for free trade, when they know free trade is like dry water. There is no such thing. If you trade, you are trading something, you are swapping an article with various countries, free trade, but we know that is not going to come to pass.

The example we set of a capitalistic free market and our endeavor in the last 50 years, the Japanese did not follow suit. They have the financing, they have the subsidies, they have the nontariff barriers, and we have yet to get into downtown Tokyo with American sales. Come on, quit kidding each other. It worked that way for Japan. Korea followed. And now China is following the same Japanese pattern of restricted and competitive trade, not free trade.

Today we are in real trouble. We are losing jobs like gangbusters overseas. We have lost 68,000 jobs in the little State of South Carolina in the last 3 years, over 3 million jobs nationally. I can tell you, 58,000 of those jobs are our textile jobs, and they are not going to be replaced. You can put all this statistical information from the Federal Reserve and Greenspan about how we are creating jobs, but they are not coming to South Carolina.

As Abraham Lincoln said some years ago: The dogmas of the quiet path are inadequate to the stormy present. As our case is new, we must think anew, we must act anew, we must disenthrall ourselves, and then working together we can save our Nation. That is the reason for this amendment.

One does not put up an amendment to this finance bill with hope. The chairman of the Finance Committee knows there are not going to be any amendments. But we might be able to disenthrall our colleagues because the country has to develop a competitive trade policy in order to subsist and survive.

I can point out survival in the very beginning of this Nation started with Alexander Hamilton. Of course, I will not read the book—Ron Chernow's "Alexander Hamilton." They will not give me that much time, but I recommend to everyone this particular edition. You will find the mother country, England, prevented manufacture in the Colonies, later the United States of America. In fact, they arrested and jailed anyone with any manufacturing talent who would move from England to the Colonies.

We had a veritable struggle in the earliest days, and we had just barely 1 hour of freedom when the mother country said: Under this David Ricardo doctrine of comparative advantage, we will trade with you what you produce best and you trade back with us what we produce best.

As a result, Alexander Hamilton wrote his famous treatise, "Report on Manufacturers." I will not read that and put it in the RECORD, but I will say in a phrase exactly what Hamilton told the Brits: Bug off. He told the Brits, we are not going to remain your colony, shipping you our timber, iron ore, rice, cotton, indigo, and natural resources, and importing the manufactured articles and remaining a banana republic; we are going to build up our own manufacturing.

It caused me to listen to our friend Akio Morita, the former head of Sony. Some 20 years ago in Chicago, while lecturing third world countries, he said you have to develop a strong manufacturing sector in order to become a nation state. Then he pointed to me and said: Senator, that world power that loses its manufacturing capacity will cease to be a world power.

It is economic strength that counts in this terrorism war. It is diplomacy. It is negotiation. It is not military strength. We have to disenthrall ourselves and realize when we are going around talking about we might start a trade war, it was Hamilton himself and the United States of America some 228 years ago that started the trade war.

The very first bill—well, Pat Moynihan used to correct me on that. He said the first was a resolution for the United States Seal. So let's say the second bill that passed this Congress in its history on July 4, 1789, was a tariff bill, protectionism, a 50-percent tariff on 60 different articles. We started a trade war.

When Abraham Lincoln was President, they were going to build a transcontinental railroad. They said, we are going to get the steel from England. President Lincoln said, we are going to build our own steel plants, and he put import restrictions on that British steel and we built the steel plants.

When Franklin Roosevelt was President in the darkest days of the Depression, we did not practice any comparative advantage. He put on the most successful initiative ever with import quotas and subsidies for America's agriculture. That farm crowd that is now heading up our Finance Committee gets $180 billion worth of all kinds of subsidies. Then they run around here and tell this poor little textile Senator, protectionism, protectionism, you are going to start a trade war.

We do not get a subsidy. We do not have those things the farmers have. I favor what the farmers have, I say in the same breath. I vote for it because I think it is a very successful program.

President Eisenhower, in the mid-1950s, put on oil import quotas. Yes, John F. Kennedy—I sat there with Andy Hatcher and we would grind out the mimeograph machine—and we got the seven-point Kennedy textile program of restrictions on textile imports in 1961.

Who else other than Ronald Reagan, the best of the best, he put import quotas on steel, machine tools, semiconductors, motorcycles. Last night, I was near Myrtle Beach and they told me there were 100,000 motorcyclists—I think I ran into 99,000 of them out on the highway—but do my colleagues remember what old Ronnie Reagan did? He started a trade war of motorcycles. He put a 50-percent import tariff on motorcycles. Harley Davidson now has recovered its health and we have them all running up and down the beach at Myrtle Beach, SC. So do not come now and tell me about starting a trade war.

We have had that trade war and we know simply and clearly what happens. I want to read starting on page 20 of "Theodore Rex" by Edmund Morris, because this is so interesting. I will read what protectionism did at the turn of the century, this is under Teddy Roosevelt, when we did not have an income tax. For the first 100 and some years, we financed this great United States of America with protectionism. I am trying to get that through so this crowd will wake up and quit pulling off this charade of the multinationals, because that is who we are facing. We are facing the U.S. Chamber of Commerce, the Business Roundtable, the National Association of Manufacturers, the Conference Board, the United Federation of Independent Businesses. The newspapers make a majority of their money on retail advertising and grind out this free trade, free trade, do not let us start a trade war.

Well, here is what the trade war gave us:

> This first year of the new century found her worth twenty-five billion dollars more than her nearest rival, Great Britain, with a gross national product more than twice that of Germany and Russia. The United States was already so rich in goods and services that she was more self-sustaining than any industrial power in history. . . .
>
> More than half of the world's cotton, corn, copper, and oil flowed from the American cornucopia, and at least one-third of all steel, iron, silver, and gold.

Here we are having trouble manufacturing steel. We were exporting one-third of the world's steel.

> Even if the United States were not so blessed with raw materials, the excellence of her manufactured products guaranteed her dominance of world markets. Current advertisements in British magazines gave the impression that the typical Englishman woke to the ring of an Ingersoll alarm, shaved with a Gillette razor, combed his hair with Vaseline tonic, buttoned his Arrow shirt, hurried downstairs for Quaker Oats, California Figs and Maxwell House coffee, commuted in a Westinghouse tram (body by Fisher), rose to his office in an Otis elevator, and worked all day with his Waterman pen under the efficient glare of Edison light bulbs. "It only remains," one Fleet Street wag suggested, "for [us] to take American coal to Newcastle." Behind the joke lay real concern: the United States was already supplying beer to Germany, pottery to Bohemia, and oranges to Valencia.
>
> As a result of this billowing surge in productivity, Wall Street was awash with foreign capital. Carnegie calculated that America could afford to buy the entire United Kingdom, and settle Britain's national debt in the bargain. For the first time in history, transatlantic money currents were thrusting more powerfully westward than east. Even

> the Bank of England had begun to borrow money on Wall Street. New York City seemed destined to replace London as the world's financial center.

Well, in the year 2004, we are broke. We have come from the greatest creditor nation to the greatest debtor nation. The Japanese are financing over $460 billion of my deficit. The Chinese are financing my debt—not me financing any other country like we started with protectionism. The Chinese have over $200 billion of my deficit. We will end up this year in September, in a few short months, with a deficit that will approximate $700 billion.

We are spending around $2 billion a day more than we are taking in. Can you imagine that? In the early 1980s when I talked about budget matters, I spoke about how it took us 200 years of our history to get to $1 trillion in debt. The cost of the Revolution, the Civil War, Spanish-American War, World War I, World War II, Korea War, Vietnam War—it took us 200 years and the cost of all the wars to reach a $1 trillion debt.

In the last 3½ years—because we don't want to pay for our war and want to give tax breaks instead—we have already piled up $2 trillion in debt; $2 trillion in the last 3½ years.

This crowd has to sober up. We have to get hold of ourselves. We have to disenthrall ourselves and we have to start competing. Remember, it is our standard of living. That is the most frustrating thing around here. Here we add on these requirements: the minimum wage, Social Security, Medicare, Medicaid, plant closing notice, parental leave, safe working place, safe machinery, the old age act, the discrimination act, and this act and that act—all of that goes into the cost of production. It is not just the minimum wage; it is our high standard of living. Every Republican and every Democrat favors clean air and clean water. So we are not going back on our standard of living. So fundamentally we have to protect, and that is the fundamental role of Government.

I will never forget when we swore in President Ronald Reagan for his second term. It was inclement weather and we did it in the Rotunda. He raised his hand to preserve, protect, and defend. We came back and we were debating trade, and we said: Oh, we don't want to protect, we don't want to protect. The fundamental oath that we take as public servants is to protect. We have the Army to protect us from enemies without, the FBI to protect us from enemies within. We have Social Security to protect us from old age, Medicare to protect us from ill-health; clean air, clean water—antitrust laws to protect the freedom of the market. We can go right on down the list. Are we going to pass a wonderful high standard of living and then run around like ninnies hollering: Wait a minute, wait a minute, free trade, free trade. We don't want to start protectionism—they get that garbage from the Business Roundtable and the U.S. Chamber of Commerce.

I talk as one having received all of their awards. In 1992, I was man of the year of the National Chamber of Commerce. By 1998 they were sending out leaflets against me. So I speak advisedly. That crowd is not any longer interested in Main Street America. They are interested in Main Street Beijing. That is where you make the money, and the country can go to hell as far as they are concerned. So it is our duty to protect the economy and open up the markets and everything else like that.

Don't tell us more about retrain, retrain, retrain. I continually hear that. Oh, we have to retrain. I went through another little town yesterday, Andrews, SC. It brings to mind Oneida. I brought that plant in. They make little T-shirts. They closed to go to Mexico. At the time of closure they had 487 employees. The average age was 47 years.

We have done it, Senator, your way. We have retrained them and we have 487 highly skilled computer operators. Are you going to hire the 47-year-old highly skilled computer operator or the 21-year-old highly skilled computer operator? You are not going to take on the retirement, the pension cost of the 47-year-old. You are not going to take on the health cost of the 47-year-old. You are going to get the 21-year-old. So don't tell me about retraining.

We have the most productive economy—that is what Alan Greenspan says. He is sobering up himself. He came down here with this administration saying we were paying down too much debt. "We are paying down too much debt." He sanctioned all these tax cuts. Now he says debt and deficits matter, and he is worried about interest rates now and everything else of that kind, and paying bills.

It is time we speak out as much as we can, early on, so we will know exactly where we stand. Where we stand is that we have to reorganize—begin to organize, I should say—our trade effort, not just the Department of Commerce, but a Department of Trade and Commerce. I have been serving for almost 38 years on what was originally the Committee of Foreign and Interstate Commerce because article I section 8 says that Congress—not the President, not the Supreme Court—but the Congress of the United States shall regulate foreign commerce.

But, instead, it is over in the hands of a deep six group known as the Finance Committee. What they do is they work out their little deals. You might get a stadium, you might get a courthouse, you might get any kind of visions of sugarplums dancing in their head.

Forget about trade. They put on fast track. After they make their deal, the vote is fixed. Then it comes to the floor of the most deliberative body that cannot, under fast track, deliberate. And we enjoy it. We have tied our hands with fast track because we don't want to take the responsibility. That is what the polls will tell you: Don't say you are for or against, just say you are concerned.

So we say we are concerned and we keep getting reelected and the country goes to hell in an economic hand pot. I can tell you right now we are in real trouble, and we have to disenthrall.

What happens is that we need to organize a Department of Trade and Commerce, take that special Trade Representative, put it under that Secretary, do away with the International Trade Commission, which is a fix. You can find the damage done by the International Trade Administration over in Commerce. Then you go over to the Commission and they find out—oh, there is never any injury because you have growth. The GNP now is 3 or 4 percent, so there is no injury. So we keep sending the jobs out of the country like gangbusters, and we ought to do away with that particular fix of the Finance Committee. Then come in and get an Attorney General—an assistant, let's say, to enforce the trade laws.

Many a trade lawyer in this city has gone all the way to the Supreme Court and found out that, well, politically it is set aside. It was that way in the Zenith case, when they were gathered around the Cabinet table and President Reagan walked in and he said: I have to take care of Nakasone. We are going to have to reverse that decision, after 3 years and millions of dollars of legal costs.

So we ought to put in, like we have for antitrust, like we have for equal employment—we have to put in an Assistant Attorney General to enforce those laws, get the Customs agents, and finally when we get right down to it, do like the others do, play their game. If you are going to sell it here, you have to make it here. Isn't that wonderful? That is exactly what China really controls.

They said, if you want to sell it here you have to make it here. I haven't gotten them that far along, I am just trying to flex their minds so we will get away from this trade war and protectionism nonsense, so we can put in a competitive trade policy and save our industrial backbone.

Mr. President, how much time do I have remaining? My distinguished colleague from Florida, Mr. BOB GRAHAM, wants to be heard.

The PRESIDING OFFICER (Mr. CHAFEE). There is 12 minutes.

Mr. HOLLINGS. Let me yield at this time to the proponents and the distinguished leadership of our Finance Committee. I retain the remainder of our time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume.

Senator HOLLINGS asks us to take $39 billion of international reforms and put it towards more domestic manufacturing relief.

I have told my colleagues so many times I shouldn't have to repeat it. But this bill is all about encouraging domestic manufacturing.

The level of spending in this bill is already over three to one in favor of domestic issues. We dedicate over $75 billion to domestic manufacturing relief.

FSC/ETI currently benefits manufacturing by $50 billion. Obviously, you can see this bill is a much stronger commitment to manufacturing than the old FSC/ETI bill we are replacing. We have already accelerated the phase-in of the manufacturing tax rate. That is thanks to a bipartisan amendment by Senator BUNNING and Senator STABENOW. We have modified the transition rules to provide stronger relief in transition for manufacturing companies which presently get the old FSC/ETI benefits this bill replaces.

I hope it is easy for my colleagues to conclude that there is very little to be gained by the amendment proposed by the Senator from South Carolina.

It is time we had our rational discussion of the international reforms in this JOBS bill because we have been spending so much time on nongermane amendments. The amendment before us is not one of those nongermane amendments but it has kept us from discussing so much which is very basic with this legislation. Maybe people think there is no reason to discuss it because this bill was built from the ground up in a bipartisan way, coming out of our committee on a very overwhelming vote of 9 to 2.

I think Members will be surprised to learn that some of our international tax rules actually harm the domestic operations of U.S. companies. When foreign income is brought home, the United States allows an offset against U.S. tax for any foreign taxes paid on that income. That is why it is called the foreign tax credit. Foreign tax credits ensure that we do not double tax foreign earnings. Accordingly, the foreign tax credit plays a vital role in preserving the international competitiveness of our companies.

In the Tax Reform Act of 1986, Congress enacted a provision that causes foreign tax credits to expire every 5 years. That was done for a reason that is not very well justified because it is often used around here—to make that 1986 tax bill revenue neutral.

Some claim this is a good rule because it forces foreign earnings to be repatriated within 5 years. But that conclusion does not comport with reality. The reason companies don't bring back foreign earnings is because of double taxation. That is what occurs with foreign tax credits expiring.

I will give you an example. A U.S. company sets up new operations in Poland to serve Eastern Europe at this time when Eastern Europe is being integrated with the European Union. That happened last week. For the next 8 years in this hypothetical—quite reasonably—it takes all of the capital generated by the Polish subsidiary to expand the company's presence in Eastern Europe. At the end of 8 years, it finally has some extra cash which it can send home.

What happens? It discovers the taxes it paid to Poland from years 1 through 3 are no longer eligible for the foreign tax credit because they are more than 5 years old. The Polish tax rate is 28 percent. This means if a company repatriates those early earnings, it will pay combined Polish and U.S. taxes of 63 percent. It is really almost confiscatory. That means, of course, the money is not coming home for reinvestment in the United States. We lose the benefit.

If those early tax credits had not expired, the United States would actually pick up some tax revenues. The subsidiary would owe the difference between the 28-percent Polish rate and the 35-percent U.S. rate. That happens to be a gain of 7 percentage points of taxation into our U.S. Treasury from that company.

To ensure that double taxation no longer occurs, our JOBS bill extends the carry-forward period for foreign tax credits from 5 years to 20 years. Twenty years is the amount of time companies have to utilize net operating losses. It is only appropriate, then, that the key mechanism for avoiding double taxation should have the same shelf life.

Our JOBS bill mostly fixes problems in the foreign tax credit area. The only time a company benefits from a foreign tax credit is when it brings that money home.

To repeat a very elementary point, foreign tax credits are a benefit to that company only when that company brings foreign earnings home for reinvestment. When the credit expires, this impedes capital mobility because of double taxation, and it blocks reinvestment of foreign earnings in the United States.

Another example of guaranteed double taxation is our rule that only allows 90 percent of a company's AMT to be offset with foreign tax credits. This rule guarantees that the company will be double taxed on 10 percent of the alternative minimum tax. The JOBS bill allows what is common sense—a 100-percent offset.

To give you a real-life example of how these two changes will help U.S. operations make investments in America and create jobs in America, the largest American manufacturer in this example of a particular automobile part is bringing dividends back from its profitable foreign operations to cover losses in its U.S. operations. Their U.S. losses, when combined with the foreign dividends to fund the U.S. operations, has created huge unused foreign tax credits with a 5-year expiration period. Because of their ongoing U.S. losses, it is unlikely these credits will be used within those 5 years.

This company also has a growing alternative minimum tax because their foreign tax credits can only be offset by 95 percent of their AMT liability.

The limit is creating an annual alternative minimum tax liability because the additional 10 percent of the AMT cannot be offset with the foreign taxes that have already been paid on that income. The company is guaranteed to incur double tax on foreign earnings brought back to support the U.S. operation. This may be unbelievable to anyone listening, but this is actually happening under U.S. tax laws.

The company's foreign competitors in the United States are not equally hindered in the same way by the 90-percent alternative minimum tax, foreign tax credit limit. If a foreign competitor loses money, they get a 20-year U.S. net operating loss compared to the 5-year foreign tax credit carryforward. Our Tax Code, then, is harming a company that has operations in all 50 States and employs 38,000 people in 16 different manufacturing facilities.

This example shows why the 20-year foreign tax credit carryforward and the repeal of the 90-percent AMT foreign tax credit limits are in this very important jobs in manufacturing bill. The current rules harm U.S. operations and we need to fix it.

I also have some comments on another provision, the interest allocation provisions, to give another example of how our international rules harm U.S. operations. As I said earlier, foreign tax credits can only offset foreign income; they cannot offset income from U.S. activities. In determining the amount of foreign income, certain U.S. expenses, such as interest expense, are partially allocated to foreign income. This is used in calculating the amount of foreign tax credit a U.S. company is allowed to claim on its return. The United States arbitrarily allocates U.S. interest expense to foreign earnings, but the foreign government does not recognize that interest expense for its tax purposes. It is as if the interest expense somehow disappears into the clear air.

The interest allocation rules artificially reduce the foreign tax credits that can be used, and when the credits cannot be used the credits expire. It may surprise many Senators to hear that our interest allocation rules create a competitive disadvantage for U.S. multinationals that try to expand their operations into the United States and maybe do not get expanded here.

A portion of the interest expense on debt incurred to invest in the United States is allocated to foreign source income. A foreign corporation making the same U.S. investment is not impacted by these interest allocation rules. It gets to fully deduct the interest costs within the United States and thereby has a lower cost of capital than a U.S. company making that same investment. Therefore, the interest allocation rules actually work against U.S. multinational companies that invest in the United States. It has put some at a competitive disadvantage with foreign companies operating in the United States. I hope this is very clear, that this is not the right thing for the U.S. Tax Code to do to foreign manufacturers. Why should we encourage international competition in the United States against our own domestic manufacturer?

We have Senators demonizing the JOBS bill international provisions. This gives me an opportunity to emphasize once again how anything gets done in the Senate—only in a bipartisan way. This is a bipartisan bill. Democrats and Republicans agree to everything in this bill, and the international provisions we agreed to were provisions that actually help U.S. job creation and help our own economic growth.

I ask the Senate to support Senator BAUCUS and this Senator in this bipartisan bill. I hope Members will not buy the distortion. None of the international changes caused jobs to go offshore. Just the opposite. These were selected to bring the foreign money back for real investment in the United States, creating jobs in the United States, creating manufacturing jobs in the United States because this is a manufacturing bill. These changes level the playing field between the United States and foreign companies operating inside the United States. They were specifically selected because they tend to help U.S.-based manufacturers more than other sectors of our economy.

The entire JOBS bill is geared towards creating jobs in manufacturing—jobs in the United States, not overseas—because American manufacturing overseas does not benefit from this bill.

It is quite simple. These are the only kinds of international provisions we could ever get bipartisan agreement on because it is so obvious. It is so obvious, it came 19-2 out of our committee. We should not allow international rules to remain in place if they harm U.S. operation. Once again, we are talking about commonsense international tax reform. In fact, if anyone wants to condemn this bill, it is that maybe we do not do anything radical in this bill. We just fix problems. We fix problems with current law. We fix problems with current law that happens to be harming U.S. domestic interests.

So I ask Members to vote against the amendment of the distinguished Senator from South Carolina.

I yield the floor.

Mr. HOLLINGS. Mr. President, I yield 8 minutes to the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, we are here for two fundamental reasons. One, we are here to remove from our Tax Code a provision that has been declared illegal by the World Trade Organization, and certain industries in America are now being sanctioned for that illegal provision.

We would not be here debating an international tax law change but for the fact that the WTO declared illegal our system of encouraging U.S. manufacturers to export. I don't think any Member would challenge that statement. These international tax changes are totally being carried by the need to eliminate this WTO-offending sanctions-creating provision.

There is a second step we ought to be taking. We ought to remove the incentive for U.S. firms to take jobs from the United States overseas. There are a lot of incentives that are already out there. There are incentives of lower labor costs, lower environmental standards, lower standards in terms of human rights. All of those are already in place. However, we do not need to be giving a further economic incentive to move jobs out of the United States.

Let me state briefly what I believe we ought to be thinking about as we consider this matter. Just a couple of hours ago, as I was walking to the Capitol, I ran into a large group of folks. I stopped and asked them who they were. They were machinists from Wichita, KS. Do you know what they told me? In Wichita, KS, machinists used to be 27,000 strong. Do you know how many they have in Wichita today? Only 16,000. Eleven thousand jobs have left Wichita from that one union. I asked, where did the jobs go? Did they disappear? No longer producing airplanes? No, the 11,000 jobs are still in place, but they just happen to be in places such as China, India, Brazil, and other countries which are now building the airplanes that used to be built in Wichita.

When I told that group of Wichita machinists why, in part, those jobs had left Wichita to go offshore, they were stunned. So let me tell the Senate what I told the Wichita machinists. We have a fancy provision in the international tax law called "deferral." In fact, this Senate voted about 20 years ago to repeal this deferral. But that effort failed.

"Deferral" basically means the income earned by the foreign subsidiary of a U.S. multinational is not subject to tax. They do have to pay whatever their local taxes are to China or India, but they do not pay any tax to the U.S. Government.

Do you know what that costs us every year in lost revenue for our Government? According to the Treasury Department, it costs us $11 billion a year. That is the incentive we are giving. That $11 billion, incidentally, is about what it would take to do two things we debate a lot around here: fully fund the No Child Left Behind law and fully fund our veterans program.

Over the years, this benefit has produced substantial savings to American corporations. Let me give you a few examples. Citigroup has saved, on an accumulated basis, $6 billion as a result of this provision; ExxonMobil, $22 billion; Hewlett-Packard, $14 billion; IBM, $18 billion.

Aside from taking advantage of this extremely generous tax break, which creates a positive incentive to move jobs from the United States overseas, every one of those firms appears on Lou Dobbs' "Exporting America" list. Every one of the firms that is getting this tremendous benefit is doing what the benefit is designed to do, which is to encourage the relocation of jobs outside the United States of America.

So in light of that, what are we doing in this bill to reduce or eliminate the incentive for jobs to leave America? Do you know what we are doing? We are increasing it by $3.7 billion per year.

I respect greatly and consider Senator GRASSLEY to be one of my friends who I most respect and admire in the Senate, but I wish he were here to answer this question. If this bill does not give greater incentives to American firms to leave America and move jobs offshore, why does it cost us $3.7 billion? Why are we going to have an additional revenue loss of that magnitude other than the fact that we are encouraging jobs that would not otherwise have left America to do so and, therefore, create more of this deferral tax benefit?

But it does not end there, as with my friends from Wichita. There is a second provision. It has the fancy name "repatriation." What does that mean? That means after a company has deferred paying U.S. taxes on the $18 or $14 or $22 billion they have accumulated, and they finally decide, "Well, I want to move some of it back to the United States," for whatever purpose, we are now going to say for 1 year they can do that, not at the same tax rate they would have paid had they kept those jobs in the United States—which is approximately 35 percent—they are going to be able to move that money back to the United States at 5.25 percent, which is approximately an 85-percent benefit, tax gift over what they would have paid had they kept those same jobs at home.

What is this going to cost us? What is the difference between a 35-percent and a 5.25-percent tax rate? Well, the cost to the Federal Treasury is going to be approximately $16 billion in the year this window is opened.

Now the proponents of this window are going to say: Oh, this is a temporary window. We are going to shut that thing tight after 1 year. Friends, I would be willing to make a substantial wager of Florida oranges that once this window gets in the tax law, it is going to be like all those other tax practices that were supposed to be temporary.

I say to the Senator, do you remember when the President came down here in 2001 and said: "I want you to pass all these tax benefits, but they are only going to be temporary so we can stimulate the economy"? Now what is the President's tax plan? To make all those temporary taxes permanent.

What do you think is going to be his tax plan when it gets to be 2005, if he is still the occupant of 1600 Pennsylvania Avenue? He will be down here wanting to make this window a permanently open window.

I could not imagine, at a time when we are so concerned with the loss of jobs, we would pass legislation that would create even additional incentives for American jobs to pick up—maybe on aircraft made by Americans in Wichita, KS—and fly away to other lands.

We should support Senator HOLLINGS' amendment. And then we should vote no on final passage of this bill.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. There is 3½ minutes.

Mr. HOLLINGS. Mr. President, I yield whatever time I have to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I am going to support the amendment to strike this section. I do that because the Senator from South Carolina is absolutely right. So is the Senator from Florida. The fact is, there are several provisions that incentivize the movement of U.S. jobs overseas. At a time when we are trying to create new jobs in this country, to say to companies—which, by the way, have moved their jobs overseas already—"Repatriate your income to this country now, and we will give you a 5.25-percent tax rate," how about a 5.25-percent tax rate for every American? How about a 5.25-percent tax rate for those who live in North Dakota or South Carolina or Florida?

Why should we provide incentives for companies that want to move their jobs overseas? I have talked at length about Huffy bicycles. They are gone. They are now made in China. They used to be made in the United States. Radio Flyer, the little red wagons, they are gone. They used to be made in the United States. Those little red wagons are now made in China. The U.S. taxpayers provide an incentive for those companies to close their U.S. plants, fire their workers, and move their jobs overseas.

Now this bill comes to the floor of the Senate and says to those companies that moved their jobs overseas: We will give you a good deal. Repatriate some of that money, and we will lower your tax rate to 5.25 percent. Well, that sends a signal to everybody that when you decide next to move your jobs overseas to access lower labor costs, at some point in the future somebody will get behind a closed door and come up with this goofy idea that they will reduce your tax rate again—maybe to 5.25 percent, maybe to 1.25 percent. How about zero?

My question is this: If it is good enough for these companies, why is a 5.25-percent tax rate not good enough for every American? Why is it not good enough for working families?

But the Senator from South Carolina has it right. We ought not, in any circumstance, provide any additional incentive to move more American jobs overseas. They are moving overseas to access lower labor costs and less restrictions with respect to safe plants and environmental restrictions. Why on Earth would we want to give them a tax benefit as they leave this country? This makes no sense to me.

There are some provisions in the international tax section which I think are all right. But there are some that are, in my judgment, a colossal waste of money and fundamentally the wrong incentive with respect to American jobs. Because of that, because of this pernicious provision that reduces the tax rate to 5.25 percent for the repatriation of earnings for those that have already moved their jobs overseas, I am going to support the amendment that is offered by the Senator from South Carolina. He is right on track.

As you know, we had a vote a few days ago on my amendment that would have done more than this amendment, essentially. My amendment was taking out of existing law the provision that encourages companies to move overseas. The Senator from South Carolina supported that. The Senator from South Carolina now says they are creating a new piece of legislation that, in the long run, will have even more incentive to move American jobs overseas. He says: Let's stop that. Let's not do that. I agree with him completely. I think the Senator from South Carolina does a service to this Chamber by offering this amendment. I intend to support his amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I say to the Senator, if you do not have any more time, then I will yield back my time and we can then vote.

Mr. HOLLINGS. Good.

Mr. GRASSLEY. Is that OK?

Mr. HOLLINGS. Yes.

Mr. GRASSLEY. Mr. President, I yield back all time on this side.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 3134. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Arizona (Mr. McCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 23, nays 74, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—23

Akaka
Byrd
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Kennedy
Kohl
Leahy
Levin
Mikulski
Reed
Reid
Rockefeller
Sarbanes

NAYS—74

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Corzine
Craig
Crapo
Daschle
DeWine
Dole
Domenici
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Johnson
Kyl
Landrieu
Lautenberg
Lieberman
Lincoln
Lott
Lugar
McConnell
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Roberts
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—3

Edwards
Kerry
McCain

The amendment (No. 3134) was rejected.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I have a unanimous consent request that has been cleared on both sides. I ask unanimous consent the pending Kyl amendment be recalled.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senator from Texas, Mrs. HUTCHISON, have 2 minutes for an amendment that she wants to offer.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3138

Mrs. HUTCHISON. Mr. President, I call up amendment No. 3138 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] for herself, Mr. SMITH, and Ms. LANDRIEU, proposes an amendment numbered 3138.

Mrs. HUTCHISON. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make certain engineering and architectural services eligible for the deduction relating to income attributable to United States production activities and to limit an employer's deduction for entertainment expenses of covered employees to the amount which the employee includes in income)

On page 35, between lines 11 and 12, insert the following:

SEC. 103. DEDUCTION FOR UNITED STATES PRODUCTION ACTIVITIES INCLUDES INCOME RELATED TO CERTAIN ARCHITECTURAL AND ENGINEERING SERVICES.

(a) IN GENERAL.—Paragraph (1) of section 199(e) (relating to domestic production gross receipts), as added by section 102, is amended to read as follows:

"(1) IN GENERAL.—

"(A) RECEIPTS FROM QUALIFYING PRODUCTION PROPERTY.—The term 'domestic production gross receipts' means the gross receipts of the taxpayer which are derived from—

"(i) any sale, exchange, or other disposition of, or

"(ii) any lease, rental, or license of,

qualifying production property which was manufactured, produced, grown, or extracted in whole or in significant part by the taxpayer within the United States.

"(B) RECEIPTS FROM CERTAIN SERVICES.—

"(i) IN GENERAL.—Such term also includes the applicable percentage of gross receipts of the taxpayer which are derived from any engineering or architectural services performed in the United States for construction projects in the United States.

"(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage shall be determined under the following table:

"In the case of any taxable year beginning in—	**The applicable percentage is—**
2004, 2005, 2006, 2007, or 2008	25
2009, 2010, 2011, or 2012	50
2013 or thereafter	100.

(b) LIMITATION OF EMPLOYER DEDUCTION FOR CERTAIN ENTERTAINMENT EXPENSES WITH RESPECT TO COVERED EMPLOYEES.—Paragraph (2) of section 274(e) (relating to expenses treated as compensation) is amended to read as follows:

"(2) EXPENSES TREATED AS COMPENSATION.—Expenses for goods, services, and facilities—

"(A) in the case of a covered employee (within the meaning of section 162(m)(3)), to the extent that the expenses do not exceed the amount of the expenses treated by the taxpayer, with respect to the recipient of the entertainment, amusement, or recreation, as compensation to such covered employee on the taxpayer's return of tax under this chapter and as wages to such covered employee for purposes of chapter 24 (relating to withholding of income tax at source on wages), and

"(B) in the case of any other employee, to the extent that the expenses are treated by the taxpayer, with respect to the recipient of the entertainment, amusement, or recreation, as compensation to such employee on the taxpayer's return of tax under this chapter and as wages to such employee for purposes of chapter 24 (relating to withholding of income tax at source on wages).".

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to taxable years ending after the date of the enactment of this Act, and section 15 of the Internal Revenue Code of 1986 shall apply to the amendment made by this subsection as if it were a change in the rate of tax.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to expenses incurred after the date of the enactment of this Act and before January 1, 2006.

Mrs. HUTCHISON. Mr. President, this is an amendment that is a matter of fairness and equity. It is cosponsored by Senator LANDRIEU, Senator SMITH, and myself. It is to put one sector that was in the original FSC/ETI coverage back into the bill. It is architects and engineers. We know there has been a huge outsourcing of professional jobs overseas. This is becoming more common. Our architectural and engineering firms are particularly vulnerable to foreign competition. This amendment is a pared-down amendment that would give them some of the tax deduction back. It is the only sector that was originally covered that is not covered in the bill before us.

My amendment would phase in the coverage over a 10-year period. It is offset, so there will be no cost. It is a matter of fairness. We should not lose our engineering and architectural jobs in this country. They have lost 31 percent of their margins in the last year.

I hope we will be able to agree to this amendment. It is a matter of simple equity. I believe with this phased-in tax deduction we will have an incentive to do our designing and engineering in our country, for buildings that are in our country. This is not applied to buildings built overseas, only buildings built in our country.

I urge the adoption of the amendment, but if it needs to be set aside for further consideration——

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent the amendment by the Senator from Texas be temporarily set aside so the Senator from Louisiana may offer her amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3123

(Purpose: To improve the credit for Ready Reserve-National Guard employees, to provide a credit for replacement employees of Ready Reserve-National Guard employees called to active military duty, and for other purposes)

Ms. LANDRIEU. Mr. President, I appreciate the opportunity to speak for just a few minutes on a very important amendment to this underlying bill, an amendment I offer on behalf of Senator MURRAY, Senator JOHNSON, Senator CANTWELL, Senator CORZINE, Senator KERRY, Senator DURBIN, and Senator DODD. They offer this amendment with me. It is an amendment I understand the chairman and ranking member have looked at and both support. In just a moment, I want to ask each of them, if they would, to make some comments about this amendment. We have to dispose of it one way or the other in the next few minutes. We may not need a rollcall vote. I understand their wishes to move through this bill, but I am anxious to hear from the chairman and the ranking member about the importance of making sure this amendment is carried through the process.

This amendment has to do with the Guard and Reserve and the people who employ them stateside. It has to do with our responsibility as a government—or our obligation, if you will, our commitment to the concept of a total force that relies, now, heavily on our Guard and Reserve. This amendment provides some much-needed tax relief to patriotic employers who try to help fill the pay gap between what a man or a woman might earn when they are stateside at their regular job—and then they put on the uniform to defend us and to fight this war that we are engaged with today.

There are maybe 1,000, maybe 2,000, good, compelling stories I could share with you about our current situation.

But let me begin by saying the underlying bill moves around about $120 billion. The underlying bill doesn't cost the Treasury because we are raising some fees and taxes and modifying others.

AMENDMENT NO. 3123

(Purpose: To improve the credit for Ready Reserve-National Guard employees, to provide a credit for replacement employees of Ready Reserve-National Guard employees called to active military duty, and for other purposes)

Ms. LANDRIEU. Mr. President, I call up amendment No. 3123.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Louisiana [Ms. LANDRIEU], for herself, Mrs. MURRAY, Mr. JOHNSON, Ms. CANTWELL, Mr. CORZINE, Mr. KERRY, Mr. DURBIN, and Mr. DODD, proposes an amendment numbered 3123.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Ms. LANDRIEU. Mr. President, the underlying bill moves around about $120 billion in tax relief, tax increases, changes in our Tax Code to hopefully increase employment opportunities, increase and strengthen employment across the board, and strengthen our economy here and abroad. That is the intention of the underlying bill.

This amendment moves around only $2 billion of that $120 billion. Every Senator could come here and argue that section A is more important than section C or section D. But I can tell you that, to my knowledge, this is the only section of $120 billion that deals specifically with tax credits for guys and gals who are putting on the uniforms, who are not working for the pay but are working because of their patriotism, and working in some of the most horrific and very difficult situations. The least we can do while we are debating a tax bill is to provide some much needed relief.

I could give you 2,000 stories. Because time is short, let me give you 2.

This is a family from Louisiana. It is the subject of an article. There were hundreds of articles written. This one happens to be from the Washington Post. Kathy Kiely did a beautiful job of writing this article. She starts off:

> Drastic pay cuts. Bankruptcy. Foreclosed homes. They aren't exactly the kind of challenges that members of America's military reserves sign up for when they volunteered to serve their country.
>
> But for many, the biggest threat to the home front isn't Saddam Hussein or Osama bin Laden. It's the bill collector.

Janet Wright is from Louisiana.

Kathy Kiely writes:

> Janet Wright says she "sat down and cried" when she realized how little money she and her children, Adelia, 5, and Carolyn, 2, would have to live on when her husband was sent to the Mideast. In his civilian job with an environmental cleanup company, Russell Wright makes $60,000 a year—twice what he'll be paid as a sergeant in the Marine Forces Reserve. Back in Hammond, LA, his wife, who doesn't have a paying job, is pouring the kids more water and less milk. She is trying to accelerate Carolyn's potty training schedule to save on diapers.

Let me ask: Could we do a little better for our Guard and Reserve members who have to take a cut in pay to serve in the military for us? They knew the responsibilities when they signed on to the Guard and Reserve. They understood their commitment to training. They understood their commitment to their monthly responsibilities. And, yes, they understood it wasn't going to be a "paid vacation," but because our policy in Congress is relying on their work and relying on them for longer periods of time than either they or, I might add, at least according to the generals who have testified before the Armed Services Committee, we anticipated, the least we could do in a tax bill is to give them some minimal relief.

This amendment helps families just like the Wright family in Hammond, LA, by allowing the employer to pay the difference between the $30,000 that this Marine Reserve officer will earn when he is serving our country and putting himself in harm's way, and if they pay that gap up to $30,000—it is not mandatory; it is voluntary. Many of our companies, but not all, are doing it for obvious reasons. There is a strain particularly on small businesses. But for those employers that—and I note Boeing is a good example of a very large employer with a wonderful policy, and much better, I might add, than our own Government which today has refused to adopt this policy. But at least there are some employers out there that are doing more than hanging the flag and saying the Pledge of Allegiance. They are actually taking out their checkbook in a very patriotic manner and keeping their Guard and Reserve families whole. The least we could do is give them a 50-percent tax credit, which is what our amendment does.

Let me read another example. I have 2,000; I am only going to read 2.

This is a firefighter from the Pacific coast. He earned a decent living before being called up in 2002, but active duty meant a $700 or a $1,000 a month pay cut and some very painful choices. He said:

> My wife said "We cannot live here anymore. It is too expensive."

He said he rented a 12,100 square foot home. He moved the whole family into a two-bedroom apartment where his wife has to sleep on a couch.

I understand we all have to make sacrifices. Most certainly the men and women who sign up for our All-Volunteer Force don't sign up because they think they are going on vacation or for the pay or the benefits. They sign up because they are patriotic. They believe in the ideals of this country.

When we are passing a $120 billion bill, if we can't take $2 billion or $3 billion or $4 billion and support the hundreds of thousands of men and women who are away from their jobs stateside and away from their businesses—not 3 months, not 12 months but 18 months under very tough conditions—so their children don't have to drink more water in their cereal in the morning and the wives have to sleep on couches, I think we can do better.

That is why I have waited for several months actually to offer this amendment and to have support from both sides of the aisle.

There is a cap on the credit. So the cost is very reasonable. We have taken the necessary precautions to make sure this amendment is affordable.

According to DOD, 98 percent of the reservists have a pay gap. Sometimes it is only $1,000 a month. Sometimes it could be $500 a month. But in some cases it is more than that. But 98 percent have pay gaps under $30,000.

This amendment will cover almost the entire Guard and Reserve population. Our Guard and Reserve on deployment would not have to worry about their bills being paid and could focus on the job before them, and do it well, as the vast majority of them do day in and day out, night in and night out.

That basically is what amendment does.

There is also a replacement worker tax credit for small businesses, many of which would be affected in the State of the Presiding Officer, with 50 employees or less. It is not just helping to fill the pay gap for employers that continue to pay the salaries, but it also gives some help to small business owners that in many instances take the brunt from their service, particularly when it is extended.

I will end my remarks. I see some of my colleagues on the floor who may want to add some comments.

This affects thousands of people in all of our States. I am proud our Guard and Reserve are right there stepping up on the front lines.

We have an outstanding Guard and Reserve unit. In about a month, we will have over 5,000, almost 6,000, men and women serving in Iraq; again, some of them for much longer periods of time than they were initially told.

I understand the chairman is prepared to accept the amendment. But before I waive my right to a recorded vote, I would like to have some comments from the chairman, who has negotiated this bill beautifully through this process. If he could, I would like for him to comment about the importance of this amendment and the outlook for keeping this amendment in the conference report as we move this bill to the President's desk for his signature.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Iowa.

Mr. GRASSLEY. Madam President, I can comment very positively about the motivation behind the amendment, and the good policy of giving equity to people who are called away from jobs and away from family to go to a far-off land to defend America in a war against terrorism and doing it in a way that has never been done for guardsmen and reservists to this extent, I think going back to the Korean war. What we are doing now has not been done for a long period of time.

The Senator from Louisiana needs to be complimented on her efforts to recognize that and, particularly, to recognize that through employers who show very patriotic fervor in cooperating in this whole program.

I can say that very positively about the amendment of the Senator from Louisiana. She is asking me to predict what might happen in conference. It is very difficult to do that. I have a reputation for defending the position of the Senate and working as best I can to work through this. Obviously, I cannot make any promises to the Senator from Louisiana.

Ms. LANDRIEU. I can appreciate that. I appreciate the comments of the chairman. He has shown himself to be a great leader, a man of his word. I know he will uphold and fight for our position.

I think it would be a real shame to move a $120 billion tax bill through this Congress at this time and have not a part of it specifically directed to some of the men and women who are carrying the greatest burden right now.

I know our businesspeople of all sizes and shapes are contributing to the overall economy and creating jobs, but there would not be any country to create jobs for if it were not for the men and women in uniform who protect us here and abroad.

I appreciate the remarks of the chairman.

I ask unanimous consent to have printed in the RECORD three articles involving enlisted reservists of the National Guard, and a letter from the National Guard Association that represents thousands of current and retired guardsmen and reservists.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES,
Washington, DC, May 10, 2004.

Hon. MARY LANDRIEU,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LANDRIEU: On behalf of the membership of the National Guard Association of the United States (NGAUS), thank you for your unwavering support of the men and women of the National Guard. Today, there are more than 94,000 National Guard personnel serving on active duty in support of the global war on terrorism. These men and women, who are serving in harm's way, contribute over 40% of our fighting force in the Global War on Terrorism. This number also reflects those personnel serving abroad and away from their families, communities, and employers.

Members of the National Guard must take time off from their civilian employment to perform military duties. Increased operational tempo dictates that National Guard and Reserve Component members must be placed on active duty ever more frequently. This increased operational tempo places additional financial burdens on employers, to a much greater extent than in past years. We at NGAUS believe employers should not be expected to bear the increased financial burdens that increased Guard deployments place on them.

Assisting employers with a tax credit provides them the ability to inject those funds back into their businesses in order to offset the effects of the temporary loss of their National Guard employees.

The National Guard Association of the United States urges the Members of the United States Senate to support your efforts to recognize the civic duty of those employers who, in the face of financial constraint, continue to support their National Guard employees.

Sincerely,

RICHARD C. ALEXANDER,
Major General (Ret.), AUS,
President.

[From the San Mateo County Times, Dec. 18, 2003]

WAR CARRIES A HIDDEN COST; RESERVISTS' "PAY GAP" OFTEN FORCES DIFFICULT CHOICES ON FAMILIES

(By Justin Jouvenal)

PACIFICA.—Scott Hellesto endured snipers and artillery fire, but one of the most difficult battles during the Navy reservist's service in Iraq came on the homefront—losing his three-bedroom home.

The Pacifica firefighter had earned a decent living before being called up in January 2002, but active duty meant a $700- to $1,000-a-month pay cut—and some painful choices. "My wife said, 'We can't live here anymore, it's too expensive,'" Hellesto said of his rented 2,100-square-foot home in Antioch. "So we moved the whole family into a two-bedroom apartment, where my wife had to sleep on the couch."

This "pay gap" is a hidden cost of war that likely affects thousands of the state's reservists and National Guard troops as they transition from more lucrative civilian jobs to active duty. It is an extra burden for families already dealing with the pain of separation and the stress of having a loved one in a combat zone.

"There's fewer Christmas gifts and other cuts," said Lt. Col. Terry Knight, a California National Guard spokesman. "Often you have a spouse left behind that ends up getting a second job."

The pay gap has become especially difficult for reservists and National Guard troops since the 2001 terrorist attacks, as more are serving and many are going for longer stints on active duty.

About 10,000 California National Guard troops have been deployed since 9/11—the largest mobilization since the Korean War. About 4,000 are currently on active duty, including 1,600 in Iraq. They earn between $1,700 and $2,800 a month.

Hellesto, who served with the 23rd Marines Echo Company, swept into Iraq with the first wave of troops last March. He made it to Nasariyah and helped secure a Baghdad neighborhood on April 9, the day the statue of Saddam Hussein fell in Iraq's capital.

"I saw the best and the worst of humanity," Hellesto said.

He ran missions as a decoy to draw out Saddam's Fedayeen soldiers and withstood SCUD missile alerts. Hellesto also recalls with warmth the Iraqi soccer star who gave him his gold medal from the Asian Games because Hellesto cared for the man's son.

Hellesto said he doesn't want people to think he is bitter about his service—he said he knew what he was getting into and would do it again. Still, the financial strain was difficult.

He said he could hear the edge in his wife Michelle's voice when he would secretly call home on a satellite phone supplied by a Fox News reporter.

"Sometimes, I wondered what I got my family into," Hellesto said.

Hellesto was able to get by with a little help from his friends and family. He turned to fellow firefighters for help when he was buying Christmas gifts for his three children last year.

The apartment—he dubbed it the "shoebox"—was in a rough neighborhood, and someone slashed the tires and broke a window on his truck last spring. Fortunately, a friend of Hellesto's was able to pay to fix up the truck.

Scott Hellesto was called to active duty in January 2002. He served at Camp Pendleton outside San Diego for a year, before his tour of duty was extended and he was sent to Iraq.

Like many companies and local governments, the city of Pacifica kept up Hellesto's regular salary and health benefits for the first five months he was on active duty, but after that, he was on his own.

Michelle Hellesto had to go on the Navy's health plan, which meant giving up the family doctors. She also had to get government assistance to pay for formula for her children.

"It put a strain on us; it was like supporting two households when he was done at Camp Pendleton," she said. "We couldn't have done it without the help of friends and family."

Hellesto estimated that about 30 to 40 percent of the reserves he served with were in the same financial bind, but the pay gap does not affect every soldier. Many earn more on active duty than they do in their civilian jobs.

The National Guard Association estimates about a third of the Guard earn less on active duty than in their civilian jobs, while another third earn more.

Congressman Tom Lantos, D-San Mateo, introduced a bill in March that would close the gap for some troops. Specifically, the bill would entitle a reservist who is also a federal employee and on active duty for more than 30 days to receive the difference between his military and civilian pay.

The bill also would give state and local governments strong incentives to make up the pay and give private companies tax breaks if they continue to pay employees while they are on active duty.

The bill is currently before the House Subcommittee on Civil Service and Agency Organization. The U.S. Senate passed a pay-gap provision for federal employees, but it was cut out of the final version of a supplemental appropriations bill.

"It is a heavy enough sacrifice to pick up and go to Iraq," Lantos said. "There is no reason to have a financial hardship as well."

Fortunately for Hellesto, his financial burden has eased. After returning home in July, he was able to work overtime to get his family's finances back on track. He recently bought a home in Antioch and has a fourth child on the way.

But he knows things could change quickly again.

"If they asked me to go back today, I would do it," Hellesto said. "But if I didn't get my per diem allowance, I would have to sell my house."

[From the Silicon Valley/San Jose Business Journal, Apr. 26, 2004]

He Helped Rebuild Iraq, Now He Must Rebuild His Business

(By Timothy Roberts)

When Army Reservist Michael Malone left his new bride and his home in San Jose for Iraq 16 months ago, his computer business had seven employees and an office on Taylor Street. Today the employees of Star Technologies are gone, and his business partner and he have the furniture from their vacated office stacked in their garages.

He's still in business, but struggling.

"The world came crashing down," says Mr. Malone, "and he (partner Erik Johnson) had to try to hold it up like Atlas."

Says Mr. Johnson: "First we had the tech bust, then the impact from 9/11 and then Mike got call up. That was a whole lot of blows one right after the other".

Reservists know they may be called to action at any time, but with military resources stretched thin in Iraq and Afghanistan, the Pentagon is increasingly relying on the reserves to make up for shortages in the regular, volunteer forces. The 34-year-old Mr. Malone, who has served in the reserves for 16 years and holds the rank of captain, anticipated a short-term assignment.

"It's one of the challenges of being a small-business owner," he said of his Army Reserve commitment. "You plan for it—just not for 16 months."

Naval Reservist Frank Jewett, a small business consultant with Compass Consulting Group in San Jose, is expecting to head overseas for training soon, but wonders if he won't also be deployed for something more than training.

"You have to have a plan," says Mr. Jewett, who is also the vice president of the Board of Trustees of West Valley-Mission College. "You need to talk with your employer and make sure they will support you."

Some companies in the Valley have recently expanded their support of reservists. Up until the war on terrorism, Intel offered full salary to reservists for 30 days a year. Now it offers 180 days a year of full pay. It also has expanded child care benefits, says spokesman Mark Pettinger.

But the challenge to small businesses became apparent in the late 1990s, when the military began to tap the reserves for troop commitments in the Balkans. In 1999, Congress created the Military Reservists Economic Injury Disaster Loan to be offered by the U.S. Small Business Administration. Business owners with essential employees returning from active duty have 90 days from the reservist's discharge to apply for up to $1.5 million offered at what is now 2.7 percent interest.

The first loans were made in Aaugust 2001. When reserve units were called up for the war in Afghanistan, the loan program was expanded to include reservists from that and subsequent wars.

Since then the SBA has made $114.5 million in such loans, although according to the SBA's Western District office only $1.2 million in loans has been made to Californians. Only 11 loans have been issued to small businesses with California addresses. The only address close to Silicon Valley is in Watsonville.

"We've had this program since 2001, and frankly that's not a whole lot of loans for three years," says SBA spokesman Karl Whittington in the Sacramento office, which handles disaster loans for the Western states.

Mr. Malone went to the University of Washington to earn a degree in mathematics on a ROTC scholarship. He was committed to at least eight years of reserve service. Liking the camaraderie of what he describes as the "entrepreneurs and go-getters" among the troops, he stayed in for twice that long. He serves in the 1397 Terminal Transport Brigade, which is based in Mare Island, although he was assigned to the 368 Engineer Battalion, based in Londenderry, N.H., in Iraq.

Mr. Malone started Star Technologies in 1995 with Mr. Johnson. They began with tech support and later expanded to include Web hosting, a move that helped give them a steady source of revenue. In 2000, a client came to them and asked them to solve a problem: keeping track of real estate appraisals. With that inquiry, Star Technologies launched into software development and created eAppraisal Flow.

Today, however, Mr. Malone is focused on just getting word out that Star Technology is still around and looking for customers. He just joined the San Jose Silicon Valley Chamber of Commerce and has been making visits to small businesses to offer his Web hosting and tech support services.

"You have to talk to people," he says. "That's how you get business."

In his spare time he's giving thought to designing a battle-ready lap-top computer that would allow officers to connect to secure and standard networks at the same time and provide position data with map overlays.

He still likes the Army, although with a new wife and three children from a previous marriage and a business to rebuild, he's not eager for any more overseas assignments.

"If Uncle Sam calls again, I'll go," says Capt. Malone. "But it would be the last time—if it's any time soon—because I have to rebuild my business."

[From USA Today, Apr. 22, 2003]

Reservists Under Economic Fire

(By Kathy Kiely)

WASHINGTON.—Drastic pay cuts. Bankruptcy. Foreclosed homes. They aren't exactly the kind of challenges that members of America's military reserves signed up for when they volunteered to serve their country.

But for many, the biggest threat to the home front isn't Saddam Hussein or Osama bin Laden. It's the bill collector.

Four in 10 members of the National Guard or reserves lose money when they leave their civilian jobs for active duty, according to a Pentagon survey taken in 2000. Of 1.2 million members, 223,000 are on active duty around the world.

Concern is growing in Congress, and several lawmakers in both parties have introduced legislation to ease the families' burden.

Janet Wright says she "sat down and cried" when she realized how little money she and her children, Adelia, 5, and Carolyn, 2, would have to live on when her husband was sent to the Middle East. In his civilian job with an environmental cleanup company, Russell Wright makes $60,000 a year—twice what he'll be paid as a sergeant in the Marine Forces Reserve. Back in Hammond, LA, his wife, who doesn't have a paying job, is pouring the kids more water and less milk. She is trying to accelerate Carolyn's potty training schedule to save on diapers.

She doesn't know how long she'll have to pinch pennies. Like his fellow reservists, Russell Wright has been called up for one year. he could be sent home sooner, or the military could exercise its option to extend his tour of duty for a second year. Even so, Janet Wright considers her family lucky: She can still pay the mortgage, and the children's pediatrician accepts Tricare, the military health plan.

Ray Korizon, a 23-year veteran with the Air Force Reserve and an employee of the Federal Aviation Administration, says his income will also be cut in half if his unit ships out. Korizon, who lives in Schaumburg, IL, knows the financial costs of doing his patriotic duty from bitter experience. Before the Persian Gulf War in 1991, he owned a Chicago construction company with 26 employees. He was sent overseas for six months and lost the business.

Still, he never considered leaving the reserve. Korizon says he enjoys the work and the camaraderie. But he worries about whether his two kids can continue to see the same doctor when he shifts to military health coverage. "It's hard to go out and do the job you want to do when you're worried about things back home," he says.

Once regarded as "weekend warriors," they have become an integral part of U.S. battle plans. Call-ups have been longer and more frequent.

"The last time you'd see this type of mobilization activity was during World War II," says Maj. Charles Kohler of the Maryland National Guard. Of the Maryland Guard's 8,000 members, 3,500 are on active duty. Kohler knows several who are in serious financial trouble. One had to file for bankruptcy after a yearlong deployment, during which his take-home pay fell by two-thirds.

Stories like that are the result of a shift in military policy. Since the end of the Cold War, the ranks of the full-time military have been reduced by one-third. The Pentagon has increasingly relied on the nation's part-time soldiers. More than 525,000 members of the Guard and reserves have been mobilized in the 12 years since the Persian Gulf War. For the previous 36 years, the figure was 199,877.

The end of fighting in Iraq isn't likely to lessen the pressure on the Guard and reserves. They'll stay on with the regular military in a peacekeeping role. Nobody knows how long, but in Bosnia, Guard members and reservists are on duty seven years after the mission began.

Korizon, who maintains avionics systems on C–130 cargo planes, has been told his Milwaukee-based reserve unit may be called up for humanitarian missions.

Some of the specialists who are in the greatest demand—physicians and experts in biological and chemical agents—command six-figure salaries in civilian life. The average pay for a midlevel officer is $50,000 to $55,000.

"They were prepared to be called up. They were prepared to serve their country," Sen. Barbara Mikulski, D–Md., says. "They were not prepared to be part of a regular force and be away from home 200 to 300 days a year."

Concerns are growing on Capitol Hill. As the nation's reliance on the Guard and reserves has increased, "funding for training and benefits simply have not kept up," says Republican Sen. Saxby Chambliss of Georgia, a member of the Armed Services Committee.

The General Accounting Office, Congress' auditing arm, is studying pay and benefits for Guard members and reservists. A report is due in September. Meanwhile, members of Congress are pushing several bills to ease the burden:

Closing the pay gap. Some employers make up the difference in salary for reservists on active duty. But many, including the federal government do not. A bill sponsored by Democratic Sens. Mikulski, Dick Durbin of Illinois and Mary Landrieu of Louisiana would require the federal government to make up lost pay. Landrieu is doing that for one legislative aide who has been called up for active duty.

She has also introduced a bill to give private employers a 50% tax credit if they subsidize reservists' salaries.

Closing the health gap. Once on active duty, reservists, Guard members and their families are covered by Tricare.

But for the 75% of reserve and guard families living more than 50 miles from military treatment facilities, finding physicians who participate in Tricare can be difficult.

A measure sponsored by Sen. Mike DeWine, a Republican from Ohio, would give reservists and Guard members the option of making Tricare their regular insurer or having the federal government pay premiums for their civilian health insurance while they are on active duty. Several senior Democrats, including Senate Minority Leader Tom Daschle of South Dakota and Sen. Edward Kennedy of Massachusetts, support the idea.

Keeping creditors at bay. The Soldiers and Sailors Relief Act caps interest rates on mortgages, car payments and other debts owed by military personnel at 6% while they are on active duty. But Sen. Lindsey Graham, a South Carolina Republican who is the Senate's only reservist, says the act doesn't apply to debts that are held in the name of a spouse who is not a member of the military. He plans to introduce legislation to cover spouses.

Despite a groundswell of support for troops, none of the bills is assured of passage. There's concern among some administration officials about the cost of some of the proposals. In addition, some at the Pentagon think morale would be hurt if some reservists end up with higher incomes than their counterparts in the regular ranks.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I compliment the Senator from Louisiana. This is a very important amendment. The reservists clearly, particularly under the current circumstances, deserve at least the provision suggested by the Senator from Louisiana. The Senator can be assured this Senator will fight vigorously for her amendment in conference. It is a very important amendment.

Madam President, I believe there is no more debate on this amendment.

The PRESIDING OFFICER. Do the parties yield back all time?

Mr. BAUCUS. All time is yielded back.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.

• Mr. KERRY. Mr. President, the continuing activation of military reservists to serve in Iraq and the war on terror has imposed a tremendous burden on many of our country's businesses, especially our small businesses. Too many small businesses, when their employees are asked to leave their jobs and serve the Nation, are unable to continue operating successfully and face severe financial difficulties, even bankruptcy. That is why I am pleased to join Senator LANDRIEU to provide all American businesses with a tax credit to help them continue to pay their employees who are called to active duty and to help small businesses temporarily replace reservists who are called up.

This amendment expands upon the Small Business Military Reservist Tax Credit Act that I introduced last year which provides help to small businesses in paying the difference in salary for their reservist employees called up to active duty. My legislation, S. 1595, also provided a tax credit to help small businesses cover the cost of temporarily replacing that employee while he or she is serving our Nation.

I worked with Senator LANDRIEU to develop this amendment which honors all patriotic employers who continue to pay the salaries of their employees who are members of the National Guard and Reserve and are called up to active duty in the war on terror in Afghanistan, Iraq and elsewhere. I believe this amendment will encourage all employers, especially small businesses, to pay their reservist employees when they face a reduction in salary due to their activation. Employers who continue to pay their reservists will be eligible to receive a tax credit up to $15,000 of the wages they pay to members of the Guard and Reserve for as long as the reservist is on active duty status. The JOBS Act, which we seek to amend, only provides a tax credit for reservists on active duty status for 1 year and does not provide any assistance for small businesses to help temporarily replace their reservists. I believe this approach is insufficient and that our amendment is needed to help reservists for each day of their service to our Nation and to provide important assistance to small businesses.

I am very pleased that Senator LANDRIEU has included provision of my bill to help small businesses cover the cost of temporarily replacing the reservist employee while he or she is serving our Nation. Today, many small employers are currently having a difficult time hiring temporary workers to replace their employees who have been called up to active duty in the national Guard or Reserve. The United Sates Chamber of Commerce estimates that 70 percent of military reservists called to active duty work in small- or medium-size companies. The Landrieu-Kerry amendment will provide a tax credit of 50 percent up to $6,000 to help small employers defray the costs of hiring a worker to replace a guardsman or reservist who has been called up to active duty. Small manufacturers will be eligible for a tax credit of 50 percent up to $10,000 to assist in hiring a temporary worker.

To fight our wars and meet our military responsibilities, the United States supplements its regular, standing military with reservists, citizen soldiers who serve nobly. Not since World War II have so many National Guard members been called to serve abroad. President Bush authorized the activation of up to 1 million military reservists for up to 2 years of active duty. Today, there are about 170,000 reserves on active duty in the war against terrorism—nearly half of the more than 350,000 called to duty since the attacks of September 11, 2001. Many are serving admirably around the world, performing critical wartime functions in Iraq, Afghanistan, and elsewhere. Our Nation does not go into battle without members of the National Guard and Reserve, and we are all grateful for their service.

Just this week, the Bush administration authorized the activation of an additional 47,000 reservists. The extension will cause significant economic difficulties for the reservists, their families and their employers that are left behind. Beyond the hardship of leaving their families, their homes and their regular employment, more than 41 percent of military reservists and National Guard members face a pay cut when they are called for active duty in our Armed Forces. Many if these reservists have families who depend upon that paycheck to survive and can least afford a substantial reduction in pay.

The large number of reservists being called up to active duty has hurt many small businesses across the Nation and may impact the number who are willing to re-enlist in the National Guard and Reserve in the future. In January, the Commission of the Army Reserve, Lt. General James R. Helmly, warned of a recruiting-retention crisis in the future for the National Guard and Reserve. A recent U.S. military questionnaire of returning Army National Guard soldiers projected a resignation rate of double what it was back in November 2001. From October to December 2003, almost one-quarter of the Guard members who have had the opportunity to re-enlist have opted not to do so. Recently, the U.S. Army developed a plan to pay reservists up to $10,000 to re-enlist to stop a developing problem.

That is why the Federal Government must take action to help businesses weather the loss of an employee to active duty and protect employees and their families from suffering a pay cut to serve our Nation. It is imperative that we help families of reservists maintain their standard of living while their loved one serves our Nation. We must also ensure that the cost of that service does not force businesses into financial ruin. We must ensure that our great tradition of citizen soldiers does not fade or cease because of the effect that service has on work and family. The Landrieu-Kerry amendment will help achieve their important goals and I urge my colleagues to vote in favor of this amendment.●

Mr. McCAIN. Mr. President, we continue to be increasingly reliant on the men and women of our Reserve forces and National Guard. In fact, 40 percent of all the ground troops in Iraq and Afghanistan are composed of National Guard and Reserve forces as well as nearly all of the ground forces in Kosovo, Bosnia, and the Sinai. Many of these soldiers, sailors, airmen, and marines leave behind friends, families, and careers to defend our Nation. Accordingly, it is the responsibility of policy makers to ensure we look after the needs of our patriots.

Many reservists that are called to active duty end up making less money with the military than they did in their civilian job. This drop in pay has placed a hardship on many of the men and women serving in the Reserve components who are called to active duty. When the military calls reservists and guardsmen to active duty, the last thing our Nation wants is to hurt the reservist's families as a result. This amendment is designed to address this problem by allowing private companies to pay the difference between the servicemember's Reserve pay and his civilian pay. If the employer chooses to pay this benefit, the Federal Government will give the company a tax credit of 50 percent of the difference in pay, up to $3,000.

Our Nation's reservists and guardsmen are an amazing resource of experience, knowledge and dedication. If we are going to continue to rely on our citizen soldiers, we must make sure that they receive their fair share of benefits and that their families are provided for in their absence. I will always support responsible legislation that accomplishes this important goal.

The PRESIDING OFFICER. The question is on agreeing to the Landrieu amendment.

The amendment (No. 3123) was agreed to.

AMENDMENT NO. 3138

Mr. BAUCUS. I call for regular order with regard to the Hutchison amendment.

The PRESIDING OFFICER. That is the regular order. Is there further debate on the amendment?

Mr. BAUCUS. I believe there is no further debate.

The PRESIDING OFFICER. The question is on agreeing to the Hutchison amendment.

The amendment (No. 3138) was agreed to.

Mr. GRASSLEY. I ask unanimous consent Senators HATCH and PRYOR be added as cosponsors to the Hutchison amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I move to reconsider the vote on the previous two amendments en bloc.

Mr. GRASSLEY. I move to lay the motions on the table en bloc.

The motions to lay on the table en bloc were agreed to.

Mr. GRASSLEY. I promised the Senator from South Carolina we would have a little colloquy on an issue he was concerned about. Could we do that right now?

Mr. NICKLES. Sure.

Mr. GRASSLEY. I ask the Senator from South Carolina be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM of South Carolina. I thank Senator GRASSLEY.

CHINESE CURRENCY

I rise today to express my deep concern about the Chinese government's continued manipulation of its currency. In my mind, the Chinese government's adherence to a currency valuation system that does not rest on market-based principles is wrong and constitutes an unfair competitive advantage. It is time for the unfair valuation of the yuan to stop. I understand the administration has taken steps to address the problem and some progress has been made. But this is a serious problem. Clearly more needs to be done.

Mr. GRASSLEY. As Chairman of the Senate Finance Committee, I join my colleague from South Carolina in expressing concern about the way in which the Chinese currency is valued. I certainly agree that it is a serious problem that needs to be taken seriously. A fairly valued currency is in China's own long-term interests, and is key for moving to a market driven economy. I was pleased to hear that Secretary Snow was assured that interim steps are being taken and that progress in this area will continue.

Mr. GRAHAM. I appreciate the fact that the Chairman recognizes the serious nature of this problem. Unfair manipulation of currency cannot be tolerated. I would like to see additional progress on this issue in the next 60 to 90 days. If progress is not forthcoming, I hope the Chairman would join me in supporting Senate hearings. However, these hearings should only be the first step. Should China fail to make substantial progress and the Senate fail to address this issue substantively, appropriate and responsible legislation may then be necessary, and I reserve the right to attach our China currency amendment to any available legislation that comes before the Senate.

Mr. GRASSLEY. I do appreciate the importance of this issue. If we do not see substantial progress toward adoption of a market-based currency valuation system, I would support Senate hearings at the appropriate time.

Mr. GRAHAM. I thank the Senator from Iowa, and look forward to working with him to continue to pressure the Chinese government to adopt a market-based currency valuation system.

SECTION 29

Mr. SANTORUM. Mr. President, my amendment, cosponsored by Senators VOINOVICH and DEWINE, extends the Section 29 credit to new coke facilities to encourage the construction of new facilities. This provision is important because the U.S. currently produces below the domestic demand for coke, and the situation will likely worsen in the future. Much of the country's coke capacity is over 20 years old, and most existing ovens are near the end of their useful lives. I understand that the Finance Committee chairman, Senator GRASSLEY, prefers to address this issue during conference and not at this time. I thank the chairman for his commitment to this provision and urge his strong support for extending the Section 29 credit to new coke facilities in conference.

Mr. GRASSLEY. Mr. President, I would like to thank the Senator from Pennsylvania for his commitment to the Section 29 extension to new coke facilities. Although I am supportive of the provision, the most appropriate time to address it is during the conference. I look forward to working with Senator SANTORUM and the two Senators from Ohio to include this amendment in the conference report.

PRIVACY

Mr. BAUCUS. Mr. President, my colleague from New York and my colleague from Minnesota have filed a noteworthy amendment to the Jumpstart Our Business Strength Act, S. 1637. The amendment raises the very important issue of how in this global economy we can protect the privacy of personally identifiable information that is transmitted abroad. Senator CLINTON and her staff have worked diligently with me and my staff to find a way for the Senate to address these issues. The amendment raises significant issues that I believe will benefit from being made part of any appropriate hearing this session in the Finance Committee. They have graciously recognized the importance of moving forward on the JOBS bill. That is why I have agreed to invite Senators CLINTON and DAYTON to testify on this issue during the Senate Finance Committee's hearing on offshoring. My hope is that we will schedule that hearing soon.

Mrs. CLINTON. Mr. President, I compliment my colleague from Montana for his legislative skill and determination in managing the JOBS bill on this side of the aisle. I also thank him for the patience and consideration he and his staff have shown in working with me on the Clinton-Dayton privacy amendment. I and my colleague Senator DAYTON look forward to testifying on this issue in front of the Finance Committee because it is vitally important to maintain the privacy of our constituents and Americans throughout the Nation.

NEW MARKETS TAX CREDIT AND ECONOMIC SUBSTANCE DOCTRINE

Mr. ROCKEFELLER. Mr. President, I would like to enter into a colloquy with my good friend, Senator BAUCUS, regarding the economic substance provision of the Jumpstart Our Business Strength, JOBS Act, S. 1637.

I ask my colleague to explain what, if any, impact the codification of economic substance doctrine would have on the new markets tax credit.

As my colleague knows, the new markets tax credit, NMTC, was signed into law in 2000 and is the largest Federal economic development initiative to be authorized in 15 years. The credit promises to spur some $15 billion in new private sector investment in economic development activity in poor communities throughout the country.

The idea behind the credit is that there are good viable business and economic development opportunities in poor communities that lack access to capital. The NMTC is designed to address this capital gap by providing the incentive of a Federal tax credit to individuals or corporations that invest in Community Development Entities, CDEs, working in these communities.

While many of the businesses that receive financing through the credit will present good business opportunities, it is possible that some projects, because of their market, will present only limited economic return on top of the credit. In many cases, the investor's chief incentive will be the tax benefit available through the new markets tax credit.

There is some concern among investors and potential NMTC investors that legislation crafted to codify the economic substance doctrine and curtail transactions that are simply motivated by tax incentives would apply to and have negative impact on the NMTC.

With $2.5 billion in new markets tax credits having been allocated to CDEs around the country and another $3.5 billion expected to be awarded within the next several months, it is critical that the investor markets get some clarification on this issue.

The NMTC holds great promise for communities throughout West Virginia where economic revitalization and business development are sorely needed. It is my understanding that the economic substance doctrine contained in S. 1637 does not apply and I would appreciate my colleague's comments on this issue.

Mr. BAUCUS. I appreciate the comments of the Senator and share his commitment to the new markets tax credit.

The Senator is correct. The intent of the economic substance provision in the JOBS bill is clearly to uphold and protect congressionally mandated tax benefits while curtailing unintended abuses of the tax code. I assure the Senator that the new markets tax credit would not be adversely affected by this provision.

As the Senator knows, our intent in codifying the economic substance doctrine is to curtail the use of abusive tax shelters that have no economic substance or business purpose other than reducing the Federal tax liability of the taxpayer. This is clearly not the case of the new markets tax credit.

We attempted to clarify the intent of this provision in the Finance Committee report, 108–192, in a footnote that states:

> If tax benefits are clearly contemplated and expected by the language and purpose of the relevant authority it is not intended that the tax benefit be disallowed if the only reason for the disallowance is that the transaction fails to meet the economic substance doctrine as defined in this provision.

The report also specifically identifies the low income housing tax credit and the historic rehabilitation credit as examples of tax benefits that would not be taken into account in measuring potential tax benefits. These credits were noted as examples of the types of tax benefits that would not be considered in applying the economic substance doctrine.

The new markets tax credit was authorized with the clear intent of using a tax subsidy to attract private investors to business and economic development opportunities in poor communities—investment opportunities that otherwise might not be able to secure such investment capital. It is our intent that the NMTC be treated like the LIHTC and the HRTC and protected as a congressionally mandated tax benefit.

CANADIAN SOFTWOOD LUMBER DISPUTE

Mr. SMITH. I came to the floor today to introduce an amendment to the FSC/ETI bill relating to the U.S. approval of NAFTA panel decisions. The handling of the current case before the NAFTA panel regarding Canadian softwood lumber imports gives me cause for concern. There are substantial allegations that one panelist judging the case is, at the same time, appearing as a private lawyer in two other antidumping cases before the International Trade Commission which involve similar issues as the Canadian lumber case. This creates at the very least the appearance of impropriety and a conflict of interest. Indeed, the USTR has taken the position that the panelist is in violation of the code established to prevent conflicts of interest involving panelists. However, it seems that Canada has been able to block any action to remove this panelist from the case.

This situation is unacceptable and indicates that fundamental reform of the NAFTA panel process is required. We cannot allow NAFTA panelists with a conflict of interest to rule in these cases, especially since their rulings are equivalent to a Federal Court order. At the very least, such panel decisions should be subject to Presidential review before being implemented. I have an amendment that would implement such a review procedure. However, while this is an urgent matter that affects the outcome of the largest trade case in U.S. history, I recognize that the Senate is close to completing the FSC/ETI bill. I do not want to beleaguer that eventuality, so I am willing to withdraw this amendment, and agree instead to work with my colleagues, particularly on the Senate Finance Committee, to have this issue firmly addressed by the Senate in the near future.

Mr. BAUCUS. I want to join my colleague from Oregon in support of this amendment, which cannot be considered for inclusion in the legislation at hand. I concur that action must be taken to ensure the integrity of the Chapter 19 Panel Process. There is a clear breakdown of due process with respect to Chapter 19. The decision by the NAFTA Panel to reject the UTC's injury analysis in the softwood lumber dispute between the U.S. and Canada proves to me that the credibility of the NAFTA Panel process is in serious jeopardy. By imposing an impossible standard for proving "material injury", this NAFTA Panel seems to be saying that it will reject any antidumping or counterveiling duty in any circumstance. If the ANFTA dispute panel process wants to maintain its credibility, the panelists themselves must respect the limits of their responsibility. No country will allow the dispute panel process to undermine the integrity of perfectly valid trade remedies. Action must be taken to address this situation, and I can give my colleague my assurance that I will work to find an opportunity for the Senate to consider his amendment in the near future.

Mr. CRAIG. I want to echo the concerns my colleagues from Oregon and Montana have on this issue. Resolution of the Canadian softwood lumber dispute has gone on far too long. Meanwhile our domestic industry continues to suffer from subsidized and dumped Canadian lumber.

Mr. CHAMBLISS. The forestry industry is important to the State of Georgia. Let's take a look at the facts: Georgia's total land area covers 36.8 million acres of which 66 percent of that is forested; my home State has the sixth largest percentage of forested lands in the country which is twice the national average; and, commercial forest land in Georgia covers approximately 23.8 million acres, more than any other state. Georgia's forest industry generates 177,000 jobs where employees directly or indirectly work in industries supporting forest products manufacturing.

This is why I sponsored a resolution in the House of Representatives in 2001 that highlighted the problems associated with the importation of unfairly subsidized Canadian lumber and urged the administration to vigorously enforce U.S. trade laws with regard to the importation of Canadian lumber. One of my highest priorities has been to see this trade issue resolved and limit the injuries caused to the U.S. timber and lumber industries by the importation of unfairly traded lumber.

Today, Georgia's forestry industry is in serious jeopardy. That is why I echo the comments of my colleagues regarding the conflict of interest involving a NAFTA Panelist who will be hearing the Canadian Softwood Lumber case. This case is very important to the future of Georgia's forestry industry. This issue and the need to reform the NAFTA panel process must be handled in an expedient manner. I urge my colleagues to address this issue as soon as possible.

Mr. SMITH. I thank my colleagues. This is a critical matter that the Senate needs to exercise its oversight responsibilities upon. If this issue cannot be addressed in the very near future, my colleagues and I will have no choice but to bring this amendment back to the floor on another bill to have an forthright discussion about ensuring the constitutionally afforded due process U.S. citizens and interests must have in NAFTA disputes. I also want to applaud the administration in particular the U.S. Trade Representative, as well as the International Trade Commission, for acting steadfastly to enforce U.S. trade law. But their efforts are being thwarted by the current NAFTA Panel rules. This must be changed.

Mr. SMITH. I would like to engage the Senator from Iowa in a colloquy regarding section 102 of the bill in order to clarify the Senator's intentions.

Mr. GRASSLEY. I would be pleased to engage in a colloquy with the Senator from Oregon.

Mr. SMITH. I want to thank you for your strong leadership on this very important piece of legislation and call your attention to one specific provision in S. 1637 known as the domestic production activities deduction. As you know, your bill includes a provision that allows for a deduction for income from manufacturing done in the United States. However, as I understand, the provisions phases in the deduction much more slowly for companies that also manufacture abroad. At a time when American manufacturing jobs are leaving our country in record numbers, we need to support all companies that employ Americans, not penalize them. I know that we agree that multinational companies should not be penalized merely because they also manufacture abroad. Thus, I would like to clarify that it is your intent to urge your colleagues during the Senate/House conference deliberations on this bill to eliminate this penalty in the final bill that is sent to the President for his signature.

Mr. GRASSLEY. The Senator is correct. It is my intent to urge my colleagues to minimize this penalty in the final bill that is sent to the President for his signature.

INCOME FORECAST METHOD PROVISION

Mr. BREAUX. Mr. President, I would like to engage in a brief colloquy with the distinguished chairman and ranking member of the Finance Committee, Senator GRASSLEY and Senator BAUCUS, regarding a provision in the bill that provides needed clarification and helps to insure an accurate reflection of taxpayers' income.

The provision I refer to resolves certain uncertainties that have arisen recently regarding the proper application of the income forecast method, which is the predominant cost recovery method for films, videotapes, and sound recordings. The provision merely reinforces the continued efficacy of existing case law and longstanding industry practice. For example, the provision clarifies that, for purposes of the income forecast method, the anticipated costs of participations and residuals may be included in a property's cost basis at the beginning of the property's depreciable life. This was the holding of the Ninth Circuit in Transamerica Corporation v. U.S. (1993). The provision also clarifies that the Tax Court's holding in Associated Patentees v. Comm., 4 TC 979 (1945), remains valid law. Thus, taxpayers may elect to deduct participations and residuals as they are paid. Finally, the provision clarifies that the income forecast formula is calculated using gross income, without reduction for distribution costs.

I would like to confirm my understanding with Senator GRASSLEY and Senator BAUCUS that by providing these clarifications and eliminating uncertainty the provision was intended to put to reset needless and costly disputes.

Mr. GRASSLEY. I am happy to confirm the understanding of the distinguished Senator from Louisiana. The provision was adopted to provide needed clarifications in order to eliminate the uncertainties that have arisen regarding the proper application of the income forecast method. I believe the disputes that have arisen regarding the mechanics of the income forecast formula are extremely unproductive and an inefficient use of both taxpayer and limited tax administration resources. By adopting these clarifications, I believe the committee intended to end any disputes and prevent any further waste of both taxpayer and Government resources in resolving these disputes. Any existing disputes should be resolved expeditiously in a manner consistent with the clarifications included in the bill.

Mr. BAUCUS. I agree with the distinguished chairman of the Finance Committee, Senator GRASSLEY. The disputes resulting from any uncertainty regarding the proper application of the income forecast method are extremely unproductive and wasteful. To avoid further waste, resolution of any disputes must be resolved in a manner consistent with the clarifications contained in the bill.

Mr. BREAUX. I thank both of my distinguished colleagues for this important clarification. I hope this puts to rest any uncertainty and wasteful disputes regarding the proper application of the income forecast method.

KIDDIE TAX

Mr. FRIST. In February of this year, a constituent wrote me to express his concerns about the negative impact expansion of the "kiddie tax" would have upon his family, and more specifically his quadriplegic daughter. His daughter's assets are in a trust administered by an independent third party trust department of an investment firm. The assets were awarded to his daughter by a court by law pursuant to a settlement agreement after she suffered from injuries at birth. The assets in his daughter's trust are to be used to provide her income after she should have been able to move into the work force. The funds will help pay for medical care and personal caregiver services.

The situation is described in more detail in a letter to me from my constituent, Mr. Gary Domm. At this time, I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GARY W. DOMM, CFP,
Germantown, TN, February 10, 2004.

Subject: The planned continuation of the U.S. "Kiddie Tax" laws until age 18. How Tennessee Individual Income Tax is more fair. Enough is Enough!

Attention: Legislative Staff.

Dr. BILL FRIST, MD,
Memphis, TN

DEAR DR. FRIST: As you are surely aware, the Internal Revenue Code has a provision taxing unearned income of children under age 14 at their parents upper tax rates. This regulation is often referred to as the "Kiddie Tax." Obviously, the whole theory behind this law is to stop investments from being transferred to the children at a lower tax rate by the parents or maybe grandparents. Fair enough. However, the law as interpreted in a court case in 1992, said that it did not matter what the source or the purpose of those assets were. This is a court ruling that needs to be overturned by legislation. If the "Kiddie Tax" is suppose to be a tax on assets transferred from relatives, then it should be administered in that way but not applied to all unearned income owned by children.

My quadriplegic daughter, who can not speak and will always be dependent on full time care, is subject to the "Kiddie Tax" law. My wife and I would be considered to have above average income, both earned and unearned. Therefore my daughter's unearned income is taxed at a much higher tax rate than if she was the child of lower income parents. My daughter's assets are in a trust administered by an independent third party trust department of an investment firm. These assets were awarded to my daughter by a court of law. My daughter's assets were never mine or under the control of relatives. I probably need not mention that the federal trust tax rates are even higher so there is no benefit to these assets being taxed instead in a trust tax return.

In my case, the assets in my daughter's trust are to provide her income after she should have been able to move into the work force under normal circumstances. They will pay for her medical care, personal caregiver services, and other expenses that most people do not have to endure until late in life but certainly not for their entire life. My wife and I rarely request reimbursement of expenses from these assets for the extra care that our daughter requires. Our plan is to financially provide for our daughter until she is at least 21 years old. Yet, my daughter's assets are not allowed to grow based on their own tax level. They are instead subjected to usurious tax rates rather than progressively higher tax rates as the income increases.

The State of Tennessee has had an exemption to state income tax since the mid 1990's on unearned income derived from assets for a quadriplegic person. Apparently, the state recognized that people that are disabled and incapable of ever working, need a tax break in order not to be more dependent on government and its agencies.

It is my understanding that Congress is now considering extending the age for the "Kiddie Tax Law" until age 18. Enough is enough. I have waited patiently for my daughter to reach the age of 14. She will be 14 this year and will no longer be subject to being taxed at a rate higher than her income level. That is, unless Congress changes the laws.

In my case, leaving the "Kiddie Tax" regulations alone would solve my problem, but that would avoid collecting the extra tax dollars for four more years on families that have transferred wealth to their children. My problem can also be solved by removing the "Kiddie Tax" in the case of quadriplegics and other people that will never be able to work and support themselves. The federal tax laws need to consider the Tennessee tax regulations and provide exemptions where needed. I have no doubt that if my daughter could, she would gladly give away her investments in exchange for a normal life. Instead the government is subjecting her investment income to highest taxes just because of her parents.

Correcting this injustice will not gain many votes politically, but I am sure you can see that it is the right thing to do. I am more than willing to discuss this by telephone with anyone who wishes more specific information. Being a Tennessee resident and senator, I am sure you can obtain copies of the exemption regulations for the state. It is item 3, under the exemption section in the rules mailed with the Tennessee tax forms. Also the exemption box is clearly shown on the first page of the Tennessee Tax Return.

Sincerely,

GARY DOMM.

Mr. FRIST. According to Mr. Domm, current tax law permits taxation of this unearned trust income in excess of $1,600 at the child's tax rate upon the child's 14th birthday. Up until the age of 14, the income was taxed at the parent's rate of taxation. This year, Mr. Domm's daughter will turn 14 and will no longer be subject to a tax rate higher than her income level.

Unfortunately, however, a proposed change in S. 1637 would call for taxing any unearned income in excess of $1,600 at the parent's income tax rate until the age of 18 instead of 14. I ask my colleague from Iowa, is that accurate?

Mr. GRASSLEY. Yes.

Mr. FRIST. Thank you for confirming that, Mr. Chairman. I believe that it would be good policy to provide some type of exemption to this so called "kiddie tax" for Mr. Domm's daughter and others like her. That way, we encourage independence and self-sufficiency and do not penalize individuals who have already had to overcome tremendous obstacles. Based on that assumption, Mr. Chairman, would you be willing to work with me and my staff to create an exemption from this tax for Mr. Domm's daughter and others similarly situated?

Mr. GRASSLEY. I agree with the Senator from Tennessee that such an exception to the "kiddie tax" would be good public policy. I commit to you that my staff will work with the Treasury Department, the Social Security Administration and your staff during conference negotiations to craft language that addresses Mr. Domm's concerns but also contains solid anti-abuse language. My hope is that we could place such language in the final version of S. 1637 or another appropriate tax bill.

Mr. FRIST. I thank the Chairman for that commitment both personally and on behalf of my constituent.

BROWNFIELD REVITALIZATION

Mr. LAUTENBERG. Mr. President, I rise to engage several of my colleagues in a colloquy regarding an important provision in the manager's substitute amendment to S. 1637. Section 641 of the manager's amendment was filed by me as an amendment to S. 1637, and it was co-sponsored by Senators CHAFEE, DOLE and LIEBERMAN.

The language of my amendment is based on S. 1936, the Brownfield Revitalization Act of 2003, a bipartisan bill that was introduced last year by Senator BAUCUS and cosponsored by Senators INHOFE, DOLE and ROCKEFELLER. However, the version of my amendment that is included in the manager's substitute contains several modifications which improve it.

My amendment relieves tax-exempt entities that invest in, clean up, and then re-sell certain brownfield properties from an obscure but significant provision in the Internal Revenue Code.

First, what is a "brownfield?" There are various definitions of this term. In the Federal Superfund law, a "brownfield" is defined as "real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant."

My own State of New Jersey uses a different definition. It defines a "brownfield" as "any former or current commercial or industrial site that is currently vacant or underutilized and on which there has been, or there is suspected to have been, a discharge of a contaminant."

Brownfields are not necessarily highly contaminated sites. Often, they are moderately or lightly contaminated industrial and commercial sites that could be productively re-used if they were cleaned up. In fact, the perception of contamination might be the only thing holding back a brownfield site from redevelopment.

Reuse of a brownfield site is desirable because it preserves an open "greenfield" and can provide an economic stimulus to an inner city or close-in suburban area.

Our colleague, Senator DOLE, is fully aware of how serious the problem of brownfields is across the nation.

Mrs. DOLE. Mr. President, the North Carolina Department of Environment and Natural Resources estimates that there are tens of thousands of potential brownfield sites in North Carolina. To date 44 of these sites have $600 million in committed private investment which was raised with less than $500,000 in Federal funds. These 44 sites represent a good step forward to address this issue; however, there are many more steps necessary before we can declare victory. The critical component to this equation is the greater availability of private capital. Currently, the State of North Carolina has 55 more brownfield sites in the pipeline for remediation and the availability of private capital will be essential to this effort.

The Nation's mayors have estimated that there are half a million brownfield sites in the United States. Others have said that there may be as many as a million such sites. EPA, in an analysis conducted with George Washington University, has estimated that remediation costs for all brownfield sites in the country exceed $650 billion. The Chamber of Commerce estimates that, at the current rate of cleanup, it could take ten thousand years to clean up all these sites.

According to Environmental Defense, a leading environmental group, New York City alone has over 4000 acres of vacant industrial lands, the equivalent of almost four Central Parks' worth of land lying unused in the core of our largest metropolitan area.

That is why I am a strong supporter of legislation to make available greater sums of private capital to brownfield remediation efforts. This is why I am proud to join with my colleagues, especially Senators LAUTENBERG, CHAFEE, LIEBERMAN and JEFFORDS to support this proposal to allow non-profits to invest in brownfield remediation efforts. I yield back to Senator LAUTENBERG.

Mr. LAUTENBERG. In fact, in my own State of New Jersey, the Department of Environmental Protection oversees ten thousand potential brownfield sites, but admits that many more sites may exist in the State that have not yet been identified.

I ask Senator LIEBERMAN if he is aware of any barriers in our Tax Code that may be hindering the remediation of brownfields sites.

Mr. LIEBERMAN. As my colleagues know, much has been done at both the national and State levels, including our own States, to help clean up contaminated brownfield properties. However, the Federal Tax Code contains a potential roadblock.

Section 512 of the Internal Revenue Code establishes an unrelated business income tax, or UBIT, on the income that a tax-exempt entity derives from a trade or business that is not substantially related to its exempt purpose.

The UBIT applies to gains from the sale or exchange of property held primarily for sale to customers in the ordinary course of such a trade or business. The UBIT also applies to gains from the sale or exchange of any debt-financed property.

These UBIT provisions have reduced the economic attractiveness of investments in remediation and redevelopment of the nation's brownfield sites by tax-exempt entities like university endowments and private pension funds.

According to the Chamber of Commerce, tax-exempt entities hold about $7 trillion in financial assets. This is a very large pot of money that could be tapped for brownfield cleanups.

Mr. LAUTENBERG. This large potential funding source for brownfields remediation is what my amendment will address by removing one barrier to brownfields redevelopment.

My amendment allows tax-exempt entities to invest in brownfield sites without the risk of incurring UBIT liability, provided that certain conditions are met.

First, the appropriate State environmental agency must certify that the property is a brownfield site within the meaning of the Federal Superfund definition.

The amendment does not set up a new certification procedure for this purpose, but rather piggybacks on a process already in place under section 198 of the Tax Code to provide tax incentives for commercial brownfield developers. In fact, another provision of the manager's substitute amendment extends section 198 through the end of 2005.

Second, the remediation effort must be a significant one. It must cost more than $550,000, or 12 percent of the fair market value of the site, determined as if the site were not contaminated. By establishing relatively high thresholds for eligibility, the amendment excludes incidentally contaminated property and focuses new capital investment at sites that are most in need of assistance.

Third, the site must be cleaned up to comply with all environmental laws and regulations.

Finally, after the cleanup the state environmental agency or EPA must certify that the property is no longer a brownfield site. In requesting such a certification, the tax-exempt entity must attest that the anticipated future uses of the property are more economically productive or environmentally beneficial than the previous use of the property. The tax-exempt entity must also attest that it has given public notice of its request for certification.

Senator JEFFORDS, the ranking member on the Environment and Public Works Committee, has been very helpful in developing modifications to this amendment. Could the Senator from Vermont describe the modifications we have made that are designed to prevent abuse?

Mr. JEFFORDS. I am happy to fully support this amendment, as modified. There are three significant modifications:

First, a savings clause has been added to make clear that this amendment to the Tax Code has no impact on anyone's liability under the Superfund statute or any other Federal or State environmental law. Just because a tax-entity receives a tax certification signifying that it is not subject to the UBIT tax does not mean that it can avoid environmental liability.

Second, the amendment has been modified to include a definition of "substantially complete." An entity is eligible for a tax certification if its remedial actions at a brownfield site are complete or substantially complete. As originally drafted, the amendment did not include a definition of the key term "substantially complete." This could have created a loophole that allowed entities to get a tax advantage without fully cleaning up a property. The modification we have made fixes this problem by borrowing EPA's definition of "construction complete" from the Superfund program to define this term.

The third modification expands the public notice provision that was already in the amendment. It makes clear that not only must there be public notice, there must also be a meaningful opportunity for public comment. In addition, it makes clear the agency that makes the tax certification, whether EPA or a State agency, must respond to any significant public comments.

In addition, the amendment has been carefully drafted to prevent abuse. For example, the taxpayer cannot be the party that caused the pollution and cannot be otherwise related to the polluter. In addition, all transactions, such as purchase and sale of the property, must be made at arms-length with parties unrelated to the taxpayer.

Mr. LAUTENBERG. I thank the Senator for that explanation and for his help in crafting the amendment. As I mentioned earlier, my amendment is based on S. 1936, a bipartisan bill introduced by Senator BAUCUS last year. That legislation was endorsed by groups as diverse as the Chamber of Commerce, Environmental Defense, the National Taxpayers Union, and the U.S. Conference of Mayors. I yield the floor.

ENERGY TAX INCENTIVES

Mrs. LINCOLN. Mr. President, I want to congratulate Chairman GRASSLEY and Senator BAUCUS on their decision to include a package of energy tax incentives in this bill. These tax incentives will promote the future development and production of renewable fuels, which we hope one day will lessen our dependency on foreign oil.

The package of energy tax incentives now before us was first reported by the Finance Committee last year as part of H.R. 6, the Energy Tax Policy Act of 2003, and the Senate considered H.R. 6 in July of 2003. During floor debate of that legislation, I raised two concerns that I hoped would be addressed in the House-Senate conference of the energy bill. Chairman GRASSLEY agreed with my points and assured me he would use his best efforts to resolve these matters. True to his word, as always, the chairman addressed my concerns in the conference version of H.R. 6. But as we all know, the conference version of H.R. 6 failed to gain enough votes to pass the Senate.

Now, the chairman has decided to move a text that is essentially the same finance Committee package of energy tax incentives, not the conference version of the bill, as part of the FSC/ETI bill. One of my concerns, relating to the definition of a landfill gas facility, has been resolved by virtue of the fact that the provision in the Finance Committee package has been dropped. But the other concern remains. So now again, I feel compelled to raise this concern, and once again, request the chairman's assistance to address it in a House-Senate conference. So please bear with me again while I explain my concerns for the record.

On February 11 of 2003, I introduced S. 358, the Capturing Landfill Gas for

Energy Act of 2003. The bill is cosponsored by Senators SANTORUM and HATCH and would provide a credit under either Section 29 or 45 of the tax code for the production of energy from landfill gas, or LFG.

In the past, Congress recognized the importance of LFG for energy diversity and national security by providing a Section 29 credit in 1980 and extending it for nearly two decades. However, the Finance Committee bill before us fails to recognize the importance of LFG in its creation of a new Section 45 credit. In contrast, the President proposed a generous Section 29 credit for LFG, and the House has passed a Section 45 credit for LFG as part of its energy bill. Both of these proposals would provide meaningful tax incentives to encourage the collection and use of LFG. Thus, this version of energy tax incentives falls well short of recognizing the importance of dealing with LFG, and I urge the chairman to address this shortfall in the House-Senate conference by affording the same incentive for LFG that other renewable energy sources are given under the final legislation.

The potential energy and environmental benefits of future LFG projects are substantial, but they will be lost if we do not provide adequate provisions to support project development. I want to thank Chairman GRASSLEY and Senator BAUCUS for their past work and support in addressing these important concerns. Further, I hope and request that they once again work with me to make sure Americans garner all of these important benefits.

Mr. GRASSLEY. Mr. President, I want to assure Senator LINCOLN that I will continue to work with her to make sure adequate incentives for LFG are included in any final package from the upcoming House-Senate conference. Her concerns are my concerns as well. She has stated them well and I will devote my best efforts to resolving them as we move forward on discussions and deliberations with the House of Representatives.

CAR PROVISION

Mr. BAUCUS. Mr. President, I raise an issue with regard to the car donation provision included in the JOBS bill. Under the provision donors are limited to deducting the actual sale price of the vehicle that is donated to charity, unless the charity uses the car, in which case donors a get fair market value deduction. This is a good rule. It will cut out abuse of this charitable giving device, and make it easier for donors to comply with the tax law. However, I am also concerned about the potential for charities that intentionally sell/transfer donated vehicles at a low or no cost to low-income recipients as part of a charitable program to be unintentionally hampered from doing so. I believe the law is written in such a way that if the car is given by the charity to a low income family, or used for parts to repair a different car, there is no sale that triggers the sales proceeds limit, and the donor gets a fair market value deduction. I agree with some folks' suggestions that the sales to needy families case does not fit within the "use by the charity" rules as presently drafted. But trying to modify the proposal to move away from the sale bright line rule can be tricky, and I fear we would be opening up the proposal to abuse. I pledge to charities that do sell cars to low-income or needy individuals at reduced prices as part of a charitable program, that we will expand regulatory authority during conference or a preconference period with the House to permit Treasury to issue rules excepting certain sales from the sales proceeds limit and certain reporting rules if the sale furthers a charitable purpose.

Mr. GRASSLEY. I agree with your concerns, Senator BAUCUS, and I also am in favor of giving Treasury this expanded authority.

IRS FREE FILE PROGRAM

Mr. ALLEN. Mr. President, I commend the chairman and ranking member of the Finance Committee, Senators GRASSLEY and BAUCUS, for their work on the Tax Administration Good Government Act. The legislation provides taxpayer safeguards, streamlines tax administration, and simplifies the tax code. I do have some concern with one provision in the bill. Specifically, the bill also includes a provision on the IRS Free File Program. The Free File Program is the result of a public-private partnership agreement between the IRS and the Free File Alliance, LLC, a group of tax software companies managed by the Council for the Electronic Revenue Communication Advancement, CERCA. It is important to continue to promote these types of public-private partnerships and it is my hope that we can work together on this provision as we move to conference with the House of Representatives.

Mr. GRASSLEY. I thank the Senator from Virginia. The IRS Free File Program is a direct result of the goal that Congress set for the IRS to have 80 percent of returns filed electronically by 2007. The partnership agreement calls for the Free File Alliance to provide free tax preparation and filing to at least 60 percent of all taxpayers or approximately 78 million individuals who file an individual tax return. Each participating software company has its own eligibility requirements. The eligibility requirements ensure that lower income, disadvantaged and under-served taxpayers benefit from the free file program with the Free File Alliance, LLC. The provision in the bill was intended to ensure that the taxpayers participating in the Free File Program were affirmatively consenting to solicitation for other products or services. I look forward to working with him to ensure that we continue to promote such public-private partnerships.

Mr. BAUCUS. I agree with Chairman GRASSLEY. It is our intent with the Free File provision to protect the integrity of our voluntary tax system by providing lower income, disadvantaged and under-served taxpayers the ability to meet their filing obligation without subjecting themselves to unwanted marketing. I also commit to work with Senator ALLEN as we conference with the House.

Mr. ALLEN. I thank the chairman and ranking member.

CONTINUING CARE FACILITIES

Mr. GRAHAM of Florida. Mr. President, I want to thank the chairman and ranking member of the Finance Committee, Senators GRASSLEY and BAUCUS, for including a provision that I supported as part of the Tax Administration Good Government Act to level the playing field for residents of qualified continuing care retirement communities.

Continuing care retirement communities, or CCRCs, are the oldest form of seniors housing in America, dating back to the late 1800s—offering a variety of living arrangements and services to accommodate residents of all levels of physical ability and health. The goal of a CCRC is to accommodate changing lifestyle preferences and health care needs. In general, CCRCs make independent living, assisted living, and skilled nursing available all on one campus. The CCRC approach offers residents the pyschological and financial security of knowing that, should they require increased levels of care, it is readily available at one location. As a private pay option, CCRCs also play an important role in the Nation's long-term care delivery system because very few, if any, CCRC residents will ever require Medicaid funding for their long-term care.

Mr. GRASSLEY. I thank the Senator from Florida for his comments. This is a provision that I have also supported. The provision included in the bill will go a long way for those seniors who live in the affected CCRCs. I also want to clarify one point with Senator BAUCUS. It is my understanding that the purpose of the amendment is to bring the tax treatment of those CCRCs described in section 7872(g) into alignment with the treatment that has historically been afforded to those CCRCs that are not described in section 7872(g). In other words, there is no intent to alter the treatment that the IRS has historically provided for CCRCs that are not described in section 7872(g). I am committed to working with Senator GRAHAM as we move this legislation forward.

Mr. BAUCUS. I agree with the chairman. There is no intent to alter the treatment that the IRS has historically provided for CCRCs that are not described in section 7872(g). This is a critical point that could affect a large number of seniors. We do not want there to be any misunderstanding on this issue since the immediate consequences could be significant—with large numbers of seniors potentially having to pay additional taxes. I also know that Senator MIKULSKI has expressed an interest in this provision. I give my commitment to both Senators GRAHAM and MIKULSKI to work with them on this provision as we go to conference with the House.

Mr. GRAHAM of Florida. I thank the chairman and ranking member for clarifying the intent of this provision.

Mr. BURNS. Mr. President, I rise today to discuss one small piece of this legislation which will make a big difference in rural States such as Montana. I am talking about the broadband expensing provision, which would encourage broadband providers to extend their networks to underserved areas, and to upgrade their networks to "next-generation" speeds so that they can deliver a full complement of voice, video and data services. We have been working on this legislation since 2000—Senator ROCKEFELLER, Senator BAUCUS, Senator GRASSLEY, Senator CLINTON. There are a lot of us who feel strongly about this issue. It has passed the Senate twice now, but, unfortunately, we have been unable to persuade our friends on the other side of the Capitol to support it. So I want to thank the Finance Committee for including it again in this bill, and I am going to push my colleagues on the House side to get behind it this time because it is very important. It is important for rural areas, for underserved inner city areas, for education, for health care, for energy savings, for a whole list of reasons. And I want to say this. It is fitting for this broadband incentive to be included in the FSC/ETI bill because this provision will have a big effect on international competitiveness. We are hearing a lot about "offshore outsourcing" these days, and broadband is a response to that. If we have a robust high-speed network all over this country, companies will not need to send jobs to India—we can do them in Montana, and in Iowa, and in West Virginia, and in communities all across the nation where costs are lower. So this is about providing an infrastructure that makes us more productive, just as the Interstate highway system, and rural electrification, and the transcontinental railroad all made the Nation more productive. Broadband is a key infrastructure of the 21st century, and we need to construct it as quickly as possible. I believe this provision will help do that, and I look forward to working with my colleagues to ensure its enactment this year.

Mr. ROCKEFELLER. Mr. President, I am extremely pleased at the progress that the Senate has made this week on the legislation before us, known as the JOBS Act. Like most of my colleagues, I support this bill, because I believe that Congress must respond to the increasingly difficult competitive position of our manufacturing industry. I urge my colleagues to continue working on this bill, debate and vote on the relatively few remaining amendments, and then pass this bill.

For generations, American manufacturing has been a tremendous source of pride and a ladder to the middle class. Unfortunately, over the last 3 years, the manufacturing sector of our economy has suffered disproportionately and millions of good jobs have been lost. Tomorrow the Labor Department will announce new statistics on employment for the month of April. I understand that many experts expect tomorrow's news to be positive. And certainly, we were all very glad to hear that 308,000 jobs had been created in March.

A couple months of strong job growth should not lull this Congress into believing that the manufacturing sector is enjoying a healthy recovery. Indeed, in March no new manufacturing jobs were created at all. Nationwide almost 3 million manufacturing jobs have been lost since January 2001. In my home State of West Virginia, more than 10,000 manufacturing jobs have disappeared in that time.

Regardless of tomorrow's news, this Congress must stay focused on the task at hand. We must eliminate the European tariffs that are currently imposed on many of our goods, and we must enact a fair tax policy that will shore up our manufacturing base. The JOBS Act is accomplishes these goals.

The JOBS Act repeals the foreign sales corporation/extraterritorial income provisions in our current tax code in order to comply with the ruling of the World Trade Organization. Regardless of whether I agree with the obligations that the WTO has ascribed to the U.S., I believe that Congress must act quickly to resolve this impasse and restore good trade relations with Europe. Because repealing these provisions would impose a new tax burden on American manufacturers just at a time when they are already struggling to compete globally, the JOBS Act would create a new deduction for our manufacturers to reduce the cost of doing business in the U.S. In that regard, this legislation is very similar to a bill I introduced last year, the Security America's Factory Employment Act. I know that many of the CEOs in my home state find it difficult to offer good wages, provide health insurance and retirement benefits, pay taxes, and still make a reasonable profit. Passing the JOBS Act will dramatically reduce the tax burden these businesses face, helping them succeed and grow.

Indeed, while the name of this legislation is certainly awkward, the Jumpstart Our Business Strengths Act, the acronym JOBS is fitting. There are a number of very promising provisions in this bill that can offer hope to struggling businesses and the millions of Americans looking for work. In addition to lowering the tax rate on domestic manufacturing operations, this bill extends valuable tax provisions on which American companies depend.

For example, this legislation would improve and extend the research and development tax credit. By spurring investment in innovation this tax credit helps our companies stay competitive and helps keep exciting, well paid jobs in the U.S. The bill also extends tax incentives for the hiring of those who might otherwise depend on public assistance. The work opportunities tax credit and the welfare to work tax credit have been extraordinarily successful, and Congress should ensure that businesses can continue to use them.

I am also very pleased to have worked with my colleagues to provide assistance to companies that are subject to alternative minimum tax obligations by enabling them to take advantage of the legitimate tax benefits of bonus depreciation and general business credits even if their AMT liability would otherwise prevent such benefits. While I wish we could have made this provision even more substantial, this assistance creates incentives for companies to invest in new projects and purchase new equipment in—other words, it helps those companies contribute to our economic recovery.

Another key to our Nation's economic vitality is technological development and deployment. When the Senate Finance Committee considered the JOBS Act last fall, I was very pleased that the committee accepted my amendment to provide tax incentives for the deployment of cutting edge broadband technology. The United States currently ranks eleventh in the world in broadband availability. Millions of Americans, especially in rural areas, do not have access to broadband. We must remedy this situation so that everyone can benefit from activities such as telemedicine, telecommuting, and distance learning. Widespread broadband technology is critical to increasing our productivity and keeping America competitive with nations that offer technology-savvy workforces. I thank my colleagues who have worked with me to include the broadband tax incentives in this legislation, and I look forward to getting these provisions enacted this year.

I am gratified also that the managers of this bill and the leaders on both sides of the aisle have seen their way to including the energy tax provisions that many of us in the Senate have been working to enact for many years. In particular, I am happy to see the Senate working to pass, once again, meaningful incentives to promote the development of clean coal technologies and the expanded development of oil and gas from nonconventional sources. These particular incentives are crucial to meeting our Nation's future energy needs, and I cannot emphasize adequately how important they are to my state of West Virginia.

As the high price of gasoline at the pump continues to set new records, the inclusion of new incentives for the use of alternative fuels and the vehicles that use them are especially timely. I am proud to have worked for many years with a bipartisan group of Senators on these provisions, and I join them in hoping our action on the JOBS Act will lead, finally, to their enactment.

I have been a long-time advocate for a responsible energy policy for this nation. I am frustrated that the current political mindset of some in the House leadership prevents us from getting a final comprehensive bill that can pass the Senate. Still, I am pleased that the Senate has again demonstrated with these tax provisions, including important incentives for energy efficiency and conservation, the genuine bipartisan consensus the country needs to secure our energy supply and lessen our dependence on foreign sources of energy.

Because of the many important provisions I have described, I am looking forward to supporting this bill. As can be said about almost all legislation, this bill is not perfect. Rather it is the result of compromises. I was very disappointed that my colleagues did not agree to add Trade Adjustment Assistance for service workers or to improve the health care tax credit available to workers who lose their job as a result of our trade policies. In addition, I do not believe it is good policy to allow companies who have deliberately avoided U.S. taxes by keeping their profits overseas to now enjoy a tax break on repatriated income. Yet, on balance, this legislation will be beneficial for our manufacturing companies and our economy as a whole.

We have made substantial progress this week. I look forward to voting on the few remaining amendments, including a very worthy proposal to extend unemployment benefits for those workers who have been hardest hit in this economy. I urge my colleagues to continue to make progress on this legislation and work with our counterparts in the House of Representatives so that we can send this to the President.

Mr. FEINGOLD. Mr. President, while I strongly supported a timely finish to debate on this measure, I voted against the motion to invoke cloture on S. 1637. The debate over the past few days leading up to this vote has made it clear that the total time needed to consider the amendments remaining on this measure totaled less than 2 hours. So there was no need to invoke cloture on this legislation. Unfortunately, cloture does mean that critical amendments, including my own amendment to strengthen our Buy American law, would no longer be in order.

To be clear, I do not support delaying consideration of the underlying bill. As I indicated to both leaders, I was willing to enter into a short time agreement for consideration of my amendment, and I understand that others who were offering amendments were also willing to limit the time on their amendments. But cloture not only limits the time available to debate this bill, it also means that the Senate will not be able to consider my amendment, as well as other worthy proposals that relate directly to the loss of manufacturing jobs that has wracked so many communities in Wisconsin and across the country.

Mr. KENNEDY. Mr. President, all of us are pleased by Department of Labor reports showing that the economy has finally had two months of good job growth. It is welcome news. However, that news must be viewed as part of the overall economic picture. Job growth is still far behind what President Bush predicted when his tax cuts were enacted last summer—two million jobs behind. Employment in the manufacturing sector is still anemic. The pace at which American jobs are being shifted overseas is still accelerating.

Working men and women in America are facing an economic crisis which threatens their job security and their families' well-being. Since the beginning of 2001, there has been a net loss of nearly two and a half million private sector jobs. In prior economic downturns, most of the job loss was the result of temporary layoffs. As the economy picked up, workers returned to their old jobs. Unfortunately, that is no longer the case. Economists tell us that most of the millions of jobs lost in the last three years are gone for good. With each job lost, a family is placed in jeopardy. We must look behind the statistics to the people who, through no fault of their own, are now facing hardship and uncertainty.

Unfortunately, the Bush administration's response to these people has been weak and ineffective. Huge tax cuts heavily skewed to the wealthy, and rosy predictions that have consistently proven false. Long term unemployment has nearly tripled under President Bush. Unemployed workers remain without jobs longer than at any time in the last 20 years. Nor is there any basis to conclude that the hemorrhaging of jobs in the manufacturing sector is at an end. And the relatively small number of new jobs that are being created pay, on average, 21 percent less than the jobs that have been lost. The Republican strategy of tax breaks for the rich and platitudes for the public will not solve the ongoing economic crisis. We need new leaders who will give us a new economic plan.

The so-called JOBS bill which the Senate is finally considering does not provide that new economic plan. Rather, it is a hodge-podge of unrelated and sometimes inconsistent provisions. Some of them—principally the new deduction for domestic manufacturing and the extension of the research and development tax credit—will help to create jobs. However, there are many other provisions in the bill which could actually make the job loss worse.

This legislation is really schizophrenic. On the one hand, it creates over $65 billion in new tax benefits for domestic manufacturers to help them maintain, and hopefully add, jobs here at home. On the other hand, it provides nearly $40 billion in new and expanded tax breaks for companies doing business abroad. Many of these international provisions will actually make the exporting of American jobs more financially attractive to multinational corporations.

Providing assistance to domestic manufacturers is the right thing to do. We have lost more manufacturing jobs in the last three years than in the preceding twenty years—a net loss of nearly 3 million jobs since 2000. This is a genuine crisis for working families across America. They are looking to us for help, and we owe them a strong, unambiguous response.

Unfortunately, the legislation as reported from the Finance Committee does not provide that strong, unambiguous response that American workers are looking for. It contains deep internal contradictions which will seriously hamper its effectiveness in preserving domestic manufacturing jobs.

Providing more tax breaks for multinational corporations is the wrong thing to do. It's more than the loss of $40 billion in tax revenue that could be used for many better purposes that is troubling. What is most disturbing is the fact that many of these international provisions will actually encourage companies to shift even more American jobs to low wage countries.

The international provisions should be removed from the bill, and the tax dollars saved should be used to increase the tax benefits for domestic manufacturing.

It is outrageous that this bill proposes to expand the value of the foreign tax credits which multinational corporations receive. Under the legislation, these companies would pay even less in U.S. taxes on the profits they earn from their business abroad than they do today—$40 billion less. This will create further incentives for them to move jobs abroad, undermining the intent of the legislation.

From the perspective of preserving American jobs, one of the worst features of corporate tax law is a special tax subsidy for multinationals known as "deferral." If a U.S. company moves its operations abroad, it can defer paying U.S. taxes on the profits it makes overseas until the company chooses to send those profits back to America.

In essence, it allows the corporation to decide when it will pay the taxes it owes to the U.S. Government. That is a luxury that companies making products and providing services here at home do not have. This is an enormous competitive advantage which the tax code gives to companies doing the wrong thing—eliminating American jobs—over companies doing the right thing—preserving jobs in the United States.

We should be eliminating this special tax break for multinationals. Instead, this bill proposes to expand it. It makes changes in the deferral rules which will actually encourage companies to keep profits earned on foreign transactions abroad longer. As a result, the return of working capital to the U.S. will be delayed even further, and the payment of corporate taxes owed to the public Treasury will be postponed even longer.

This legislation would extend from 5 years to 20 years the amount of time which a foreign tax credit can be carried forward. Often it is concern about losing foreign tax credits which leads a corporation to return foreign earned profits to the United States. By extending the carry forward period to 20 years, corporations will lose one of the strongest incentives to bring the money home. The bill also narrows what is known as Subpart F, which currently prevents the deferral of American taxation on the profits from certain types of passive investment income. It would change Subpart F to allow deferral of income from investment activities, such as commodity hedging transactions and aircraft and vessel leasing. The location of these activities can be easily manipulated for tax avoidance purposes. The bill also removes limitations on the use of foreign tax credits against the corporate alternative minimum tax, and allows companies to take advantage of foreign interest payments to make their foreign tax credits even larger. All of these provisions move the tax code further in the wrong direction, increasing the profitability of shifting jobs abroad.

If enacted, these provisions greatly enhancing the value of foreign tax credits will inevitably lead to the export of more American jobs. That is not just my opinion. Let me cite a statement from the Finance Committee Democratic staff's analysis of the bill:

> [A] dollar of taxes paid today is more costly than a dollar paid next year. Thus, on a present value basis, deferral represents significant tax savings—and the savings are greater the longer taxes are deferred. Accordingly, as a general matter, the tax burden on investment abroad is lower than on identical investment in the United States in any case where the tax rate imposed by the foreign host government is lower than the U.S. tax rate on identical investment. As a consequence, deferral poses an incentive for U.S. firms to invest abroad in low-tax countries.

Creating "an incentive for U.S. firms to invest abroad in low-tax countries"—worth billions of dollars—just what we should not be doing, making an already bad situation for American workers worse!

Not surprisingly, the proponents of this legislation all want to talk about the tax benefits it will provide for domestic manufacturers, helping them pressure American jobs. However, the multi-national tax breaks in Title II will seriously undercut that goal. They will cost jobs, reducing the net benefit that American workers receive from this bill. Our corporate tax laws should be rewritten to increase the cost of exporting jobs and decrease the cost of maintaining jobs in America. Title II does the opposite. These international provisions should be removed from the bill, and the tax dollars saved should be used to make the tax benefits for domestic manufacturing more robust. That would truly make this legislation a JOBS bill we could all be proud of.

Mrs. FEINSTEIN. Mr. President, I rise in favor of the Jumpstart Our Business Strength (JOBS) Act.

This is far from a perfect bill.

But without this legislation, U.S. companies will face increasing tariffs as a result of a World Trade Organization ruling that determined that significant portions of our Federal tax code ran counter to international trade laws.

Additionally, I voted for it because on balance it provides important tax relief for California businesses and labor protections for California workers.

This bill will: effectively provide a 3 percent tax cut for manufacturers; give manufacturers a 50 percent tax credit for the cost of adding jobs; extend the research tax credit through 2005; protect hundreds of thousands of workers from cuts in Federal overtime protections; prevent the Federal Government from spending taxpayer dollars on contracts with companies that use foreign labor when there are domestic alternatives; provide a tax credit for companies which produce energy by using underbrush and other potentially hazardous fuels found in our forests; provide a tax credit for consumers who buy hybrid vehicles; and protect the California film industry and the jobs it creates.

Since January 2001, California has lost 350,000 manufacturing sector jobs.

A 3 percent tax cut for manufacturers, coupled with a 50 percent tax credit for the cost of adding new jobs, will help us create more jobs in California.

The research tax credit will also help California, potentially more than any other State. Productivity growth in recent years has been driven by the combination of new technology and investments in capital goods, research and development, workers, and public infrastructure.

To continue this pattern of growth, the focus must now be on providing incentives to companies that invest, innovate, and create the new capital and knowledge that drive the U.S. economy.

Since its enactment in 1981, the research tax credit has provided a powerful and effective incentive for firms to increase research spending.

The tax credit lowers the cost of conducting research in the United States.

This credit makes a real difference in the amount of research undertaken and jobs created in the U.S.

I also support the Harkin amendment which was adopted as part of this legislation. This amendment will prevent the White House from implementing changes in existing overtime laws that reduce the number of workers protected by labor laws.

Last year the White House proposed redefining the job descriptions of millions of workers, thereby eliminating their right to Federal overtime protection.

After many in this chamber raised serious concerns over such a change, the administration released final rules that made a significant, yet insufficient, change to those draft rules.

Unless we act, these rules will take effect later this year.

If the Department of Labor's own numbers are correct, then more the 117,000 individuals could lose overtime protection. If they are wrong, it could be millions.

These rule changes would wipe out overtime pay protections and increase work hours. In California alone, several hundred thousand workers could lose their Federal overtime protection. However, State law will continue to protect most workers from the most harmful effects of this rule change.

But, some public employees and many in the film industry won't be so lucky.

Although most workers in California will maintain their right to overtime through protections granted by State law, the rule change represents a movement in the wrong direction when it comes to protecting working families.

I also support provisions in the bill that will prevent the Federal Government from spending taxpayer money on contracts that use labor located outside of the United States.

Although our Nation has entered a period of economic recovery with significant productivity gains in the last several quarters—it is clear that a great deal of this productivity comes from two things: 1. downsizing of employees, and 2. outsourcing—turning to foreign labor in foreign countries.

In the past decade, General Electric sent 10,000 information services jobs to India; Electronic Data Systems exported 13,800 jobs to several nations; Microsoft spent $100 million on a new call center in the Philippines; and Citigroup and Bank of America both sent software development jobs to India.

And while corporate earnings are up and the stock market remains high, we are continuing to lose service sector and manufacturing jobs.

I realize that many firms benefit greatly from outsourcing, but it damages the long term health of our communities unless we vigorously support new job growth.

We must give companies incentives to keep jobs here, and we must ensure that taxpayer money is not used to subsidize outsourcing.

This legislation will also help protect our environment by providing tax credits that encourage companies to produce energy by using underbrush and other hazardous fuels from our forests.

By providing an incentive to companies to remove these hazardous fuels from our forests, we will reduce the chance of forest fires in the western United States and provide much needed energy to this region of the Nation.

Additionally, this bill contains tax credits directly to consumers who purchase hybrid vehicles. These vehicles reduce air pollution and cut ozone in California.

Having said this, however, I recognize that there are significant problems with this bill.

For instance, it is clear that multinational corporations are not paying their fair share of taxes.

This bill allows companies to bring foreign-earned profits back into the United States at a greatly reduced tax rate—reduced from the current 35 percent to 5.25 percent. This is half as much as the lowest personal tax rate paid by individuals—10 percent.

Under an amendment which I sponsored with Senator BREAUX, companies would have been allowed to bring foreign-earned profits back to this country at the reduced 5.25 percent rate provided that they use those repatriated profits for activities that promote job growth or benefit employees.

Sadly, a lobbying effort by large multinational companies helped to defeat that amendment.

What is disturbing about this provision is that an unconscionable number of American companies are taking advantage of loopholes in U.S. tax law and paying no taxes.

According to a recent Government Accounting Office report, entitled "Comparison of the Reported Tax Liabilities of Foreign and U.S. Controlled Corporations, 1996–2000", 61 percent of U.S.-controlled corporations and 71 percent of foreign-owned corporations operating in the U.S. reported no tax liability during the period studied.

This means that approximately two-thirds of all companies operating in the U.S. paid absolutely no corporate income taxes between 1996 and 2000.

This is stunning.

Corporate tax receipts used to account for a much greater percentage of Federal revenues than they currently do.

According to the Brookings Institution, in 1945, income taxes from corporations accounted for 35.4 percent of Federal receipts. In 1970, income taxes from corporations accounted for only 17 percent of Federal revenues.

Today, however, corporate income taxes account for only 7.8 percent of Federal revenues.

This means that corporations are paying a smaller percentage of taxes than they have in the past five decades.

We have got to change the way we tax corporations in America. We have got to provide incentives to encourage corporate responsibility.

Corporations have got to worry about more than just the bottom line. They have got to become good corporate citizens. Unfortunately, this bill does not do enough to encourage that kind of corporate responsibility.

Going forward, I will seek to return balance to our tax system.

The middle class is being squeezed, while multi-nationals continue to outsource jobs and receive tax breaks for doing it.

Nevertheless, I will vote to protect California workers by helping to foster an environment where manufacturers can hire again. I will support research and development in our labs and factories. And, I will support protecting overtime protections for California citizens.

This is by no means a perfect bill.

But taken as a whole, I believe it is worthy of passage.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I wish to make a few comments regarding the bill.

First, I compliment my colleagues, Senator GRASSLEY and Senator BAUCUS. We will be successful in passing a bill today. I compliment them for it. I believe we have been on this bill for about 14 days, maybe 15 days. They have considered hundreds of amendments. In my opinion, this bill has gotten pretty expensive and I want to talk about it a little bit.

Senator KYL and I voted against the bill reported out of the Finance Committee primarily because the committee-reported bill had a differential rate for manufacturers than other corporations. It said manufacturers should have a rate of 32 percent and other corporations have a rate of 35 percent.

Prior to my coming to the Senate, I ran a manufacturing company. I should be saying, Thank you very much. I may be going back to a manufacturing company. So maybe I should say, Thank you very much. But this is terrible tax policy. The Senate and the Congress, if it becomes law, will regret it.

Members might say, Why is that? First, who is a manufacturer? You would think it would be very obvious who is a manufacturer but, frankly, it is not. The only thing that is certain out of this bill, there will be lots and lots of lobbyists lining up to be defined as manufacturers because if you are defined as a manufacturer, you get a 10-percent lower rate than all the other corporations. As a matter of fact, the bill defines manufacturers as, obviously, manufacturers, but also agriculture. So I have a lot of wheat farmers in Oklahoma who will now be manufacturers—software producers, movie producers. Now architects and engineers are going to have a lot of people asking they be defined as manufacturers.

Maybe manufacturing employment will rise as a result of people redefining themselves as manufacturing, but other than that, I am not sure it makes sense.

We also have a lot of large corporations that do a lot of things. They may have a manufacturing division but they also have services or they also have financials. Probably one of the biggest beneficiaries dollarwise in this bill, it is my guess, would be a company such as General Electric or maybe it would be a company such as Boeing or a big manufacturer. But General Electric, I would guess their financial services are bigger than their manufacturing.

We will say for part of your corporation you get a corporate rate of 32 percent, but the rest of your corporation gets 35 percent. Guess what. Where you allocate those expenses will make a difference in your bottom line. You could have an enormous amount of internal complexity trying to decide, Should this be allocated to manufacturing? Should it be allocated to our financial services? Should it be allocated to our maintenance services? And if you make a mistake, you cannot only be audited, but you can be fined. But there is a great incentive to crowd as much income, as much profit into the manufacturing sector, and as much expenses into the nonmanufacturing sector.

With the complexity of it—albeit we are all trying to help manufacturers, and I think maybe this is very well intended—I think it is faulty economic policy.

Canada tried a differential rate, a lower rate, for manufacturers than other corporations, and they did it in 1982. They repealed it in 2001. I will make a statement on the floor: If this becomes law, we will repeal it. Congress will repeal it at some point, because our colleagues are going to hear from people in the field that it does not work, or that they have been audited and the complexity is too much.

The Treasury Department made these comments:

> Taxpayers will be required to devote substantial additional resources to meeting their tax responsibilities. . . .The resulting costs will reduce significantly the benefits of the proposal. . . .
>
> It will be difficult, if not impossible, for the IRS to craft simplified provisions tailored to small businesses. . . .
>
> Significant additional IRS resources will be needed to administer the [manufacturing deduction] provision. . . .
>
> By distinguishing "production" from other activities, the provision places considerable tension on defining terms and designing anti-abuse rules.

In other words, I have heard lots and lots of people say they are for tax simplicity. This is just the opposite, and we are going to regret it. I want people to know that. I would like for them to know it before it becomes law so we do not make a mistake, because I believe it will be a mistake.

I asked the Congressional Budget Office for the economic analysis of this. I would love for the sponsors of the amendment to know this. CBO estimates the efficiency gains to the economy are $4 to $7 billion per year from an across-the-board rate cut. In other words, if we are going to cut corporate taxes, let's cut all corporate taxes the same. You could probably do that to a rate of about 33 percent or maybe 33.5 percent or something. But all corporations would be taxed the same.

We have always taxed all corporations the same. To have a differential rate for manufacturing is a mistake. CBO says the cost—well, I will finish that. They say: The gains to the economy are $4 to $7 billion per year from an across-the-board rate cut. That is $40 to $70 billion over the next 10 years. That is a significant amount, given the fact the entire bill was $110 billion. Now that was $110 billion when we reported it out of committee. The bill now moves around not $110 billion, not $120 billion, but $170 billion. It is a big bill. It adds a lot of miscellaneous provisions. A lot of them, in this Senator's opinion, should not be in the bill.

I hope and expect to be a conferee, and I will tell our conferees, I will always work with my colleague from Iowa because I have great respect for him. I think the differential rate is a mistake. I also think there are a lot of extraneous provisions that were put into the bill that should not be that are bad tax policy, and maybe they need to be reviewed very closely before they become law.

I plan on being pretty active in the conference, to try to accept amendments that make sense, to try to make us more competitive, to try to avoid the fines and the penalties and the tariffs that are being imposed by the EU. I very much agree with the objective of the bill. Let's avoid those penalties. Let's not get in a trade war. Let's not have countervailing tariffs. But let's not add a bunch of junk to the tax policy.

The table of contents, when the bill passed the Finance Committee, was about 5½ pages. The table of contents usually has about 15 or maybe 20 amendments on a page. There are now about 11 or 12 pages on the table of contents. In other words, this bill has hundreds of provisions and a lot of them have nothing to do with manufacturing. A lot of them have nothing to do with being compliant with WTO, being compliant with trying to eliminate trade tariffs that are imposed on the United States.

So again, I regret I could not support the bill when it came out of the Finance Committee. I know it is going to pass by a big margin today. I compliment the sponsors of the amendment, Senator GRASSLEY and Senator BAUCUS. I compliment them for their work and patience and tenacity in getting us here. I look forward to working with them in conference to hopefully make a better bill, compliant with WTO, something we can afford, and something that will not add 1,000 pages to the IRS Code.

I yield the floor.

Mr. GRASSLEY. Madam President, Senators KYL and NICKLES say that a lower rate just for manufacturing is "bad tax policy and is virtually without precedent in our history."

Well, this is just wrong and the evidence is staring them in the face. FSC/ETI itself is a tax cut for manufacturing. FSC/ETI keeps U.S. manufacturing competitive by lowering tax rates on exports. Manufacturers could lower their rates by 3 to 8 points.

The Joint Committee on Taxation says that 89 percent of all FSC/ETI benefits go to manufacturing companies. The Kyl-Nickles Treasury proposal would take money from FSC/ETI and spread it to other industry sectors.

Kyl-Nickles will be a $50 billion tax increase on manufacturing. It will not send the FSC/ETI repeal money back to manufacturing. It is mathematically impossible for their proposal to work any other way.

We know that tax increases do not create jobs. So why would Senator KYL and NICKLES increase manufacturing taxes by $50 billion?

There are other reasons why we did not go the route of the Kyl-Nickles approach. First, their top-level rate cut would only go to the biggest corporations in America. It would not go to family-held S corporations, partnerships, or smaller corporations.

Under the Finance Committee bill, all manufacturers in America, regardless of size, get a 3-point rate cut, including S corporations and partnerships.

S corporations and partnerships benefit under current FSC/ETI law, so the Kyl-Nickles bill takes a benefit away from them and gives it to large corporations.

Kyl-Nickles claim that a manufacturing tax cut "penalizes all other U.S. businesses." I think just the opposite is true. The manufacturing sector should not be a revenue offset to give investment bankers a tax cut. Kyl-Nickles claim that our definition of manufacturing is too difficult to understand. But the definition we use in the JOBS Act is the same definition used for both FSC and ETI. It covers property that is manufactured, produced, grown or extracted within the United States.

This definition is 20 years old, but suddenly no one understands what it means. We did confirm that manufacturing includes computer software, films, and processed agricultural goods. Kyl-Nickles claim that these are special interest definitions of manufacturing. However, all of these activities qualified as manufacturing under the FSC/ETI rules, which have been in place for 20 years.

We also ensured that farm co-ops get the same benefit that they do under current law.

In response to our energy crisis, we provided that refining oil pulled from American wells would qualify as manufacturing.

They claim it is too difficult to allocate income and expenses in determining the amount of manufacturing income. But for 20 years, Treasury has had administrative pricing rules on its books that tell taxpayers how to allocate expenses in figuring FSCETI benefits. Our JOBS bill grants Treasury broad latitude to revise the cost allocation rules, based on existing tax principles.

Kyl-Nickles also claims that Canada recently gave up a similar manufacturing rate cut because it did not work. This is not correct. For many years, Canada had a special lower rate for their manufacturing sector. Canada created their manufacturing rate cut in reaction to the U.S. creating FSC back in 1982. They reduced their rate on manufacturing so they could stay competitive with the U.S. Canada recently repealed that provision because they reduced all their corporate rates to the lower manufacturing rate.

Canada did not repeal their manufacturing rate cut because of its complications. Canada ended their manufacturing regime because it worked so well, that they extended it to all sectors. But when Canada reduced their overall tax rates, they did not do so at the expense of their manufacturing sector.

We put together a strong bipartisan bill, with a 19-to-2 vote out of committee, that will cut our manufacturing tax rate this very year. There is no purpose in blocking such a strong bipartisan bill. These days, is it rare that we can reach such strong agreement on anything.

Mr. President, the CBO report says the flat corporate rate cut would yield slightly more long-term growth than the JOBS bill. But the reason has nothing to do with our manufacturing tax cut.

CBO says the antitax shelter provisions and Senator SMITH'S and Senator ENSIGN'S homeland reinvestment provisions are the cause.

CBO says that because we shut down shelters, corporations' taxes won't be as low and, therefore, their long-term growth is not as high.

CBO also concludes that Senators SMITH'S and ENSIGN'S temporary 1-year rate cut won't help in the long-term.

The CBO concludes that a flat rate cut could be more "efficient" than a manufacturing rate cut. So what do they mean by "efficient"? They said it means that a manufacturing rate cut would cause more capital to flow into the manufacturing sector.

So I have to ask, what is the problem?

I thought tax cuts were designed to increase capital investment. Isn't that what we want for manufacturing?

If we increase taxes on manufacturing, then capital should flow out of the manufacturing sector. Is that what we want?

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 3120, AS MODIFIED

Mr. LEVIN. Madam President, I ask unanimous consent that our amendment No. 3120 at the desk be modified and called up.

The PRESIDING OFFICER. Is there objection to the amendment being modified?

Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. COLEMAN, and Mr. HARKIN, proposes an amendment numbered 3120, as modified.

Mr. LEVIN. Madam President, I ask unanimous consent that further reading of the amendment, as modified, be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To restrict the use of abusive tax shelters to inappropriately avoid Federal taxation, and for other purposes)

On page 204, strike lines 3 through 15, and insert the following:

SEC. 415. PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS.

(a) PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS.—Section 6700 (relating to promoting abusive tax shelters, etc.) is amended—

(1) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively,

(2) by striking "a penalty" and all that follows through the period in the first sentence of subsection (a) and inserting "a penalty determined under subsection (b)", and

(3) by inserting after subsection (a) the following new subsections:

"(b) AMOUNT OF PENALTY; CALCULATION OF PENALTY; LIABILITY FOR PENALTY.—

"(1) AMOUNT OF PENALTY.—The amount of the penalty imposed by subsection (a) shall not exceed 100 percent of the gross income derived (or to be derived) from such activity by the person or persons subject to such penalty.

"(2) CALCULATION OF PENALTY.—The penalty amount determined under paragraph (1) shall be calculated with respect to each instance of an activity described in subsection (a), each instance in which income was derived by the person or persons subject to such penalty, and each person who participated in such an activity.

"(3) LIABILITY FOR PENALTY.—If more than 1 person is liable under subsection (a) with respect to such activity, all such persons shall be jointly and severally liable for the penalty under such subsection.

"(c) PENALTY NOT DEDUCTIBLE.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be deductible by the person who is subject to such penalty or who makes such payment.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to activities after the date of the enactment of this Act.

On page 207, strike lines 1 through 18, and insert the following:

SEC. 419. PENALTY FOR AIDING AND ABETTING THE UNDERSTATEMENT OF TAX LIABILITY.

(a) IN GENERAL.—Section 6701(a) (relating to imposition of penalty) is amended—

(1) by inserting "the tax liability or" after "respect to," in paragraph (1),

(2) by inserting "aid, assistance, procurement, or advice with respect to such" before "portion" both places it appears in paragraphs (2) and (3), and

(3) by inserting "instance of aid, assistance, procurement, or advice or each such" before "document" in the matter following paragraph (3).

(b) AMOUNT OF PENALTY.—Subsection (b) of section 6701 (relating to penalties for aiding and abetting understatement of tax liability) is amended to read as follows:

"(b) AMOUNT OF PENALTY; CALCULATION OF PENALTY; LIABILITY FOR PENALTY.—

"(1) AMOUNT OF PENALTY.—The amount of the penalty imposed by subsection (a) shall not exceed 100 percent of the gross income derived (or to be derived) from such aid, assistance, procurement, or advice provided by the person or persons subject to such penalty.

"(2) CALCULATION OF PENALTY.—The penalty amount determined under paragraph (1) shall be calculated with respect to each instance of aid, assistance, procurement, or advice described in subsection (a), each instance in which income was derived by the person or persons subject to such penalty, and each person who made such an understatement of the liability for tax.

"(3) LIABILITY FOR PENALTY.—If more than 1 person is liable under subsection (a) with respect to providing such aid, assistance, procurement, or advice, all such persons shall be jointly and severally liable for the penalty under such subsection.".

(c) PENALTY NOT DEDUCTIBLE.—Section 6701 is amended by adding at the end the following new subsection:

"(g) PENALTY NOT DEDUCTIBLE.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be deductible by the person who is subject to such penalty or who makes such payment.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to activities after the date of the enactment of this Act.

Mr. LEVIN. Madam President, I am offering this amendment along with our colleague, Senator COLEMAN. I understand the amendment has been cleared now on both sides of the aisle. I very much appreciate the effort that has been put into this matter by Senator GRASSLEY and Senator BAUCUS. They have been battling abusive tax shelters for years now, and it is a privilege to join them in this fight by providing the IRS with stronger enforcement tools.

Abusive tax shelters are undermining the integrity of our tax system, robbing the Treasury of tens of billions of dollars each year, and shifting the tax burden from high income corporations and individuals onto the backs of the middle class.

The bill before us contains a host of important reforms to combat abusive tax shelters, including codifying and strengthening the definition of when a shelter has "economic substance." But there is an area where the underlying bill falls short and unnecessarily so. That's on the penalties for the people who design and sell the abusive shelters. The bill sets the penalty at 50 percent of the fees earned by these promoters, meaning they get to keep half of their ill-gotten gains.

That is the provision that our amendment addresses, but we significantly toughen this provision in a way which I think this body will totally approve.

The amendment I originally filed proposed raising the penalty on abusive tax shelter promoters and those who aid or abet tax evasion to 150 percent. Today we have reached a compromise, agreeing to set the penalty at 100 percent, which will ensure that those who peddle abusive tax shelters will not get to keep a single penny of their ill-gotten gains.

The issue is whether when you have an abusive tax shelter, one which robs the Treasury of millions of dollars, the people who cook up those tax shelters are going to be penalized in any significant way. Will the accountants or the lawyers or the investment bankers—the people who design these deceptive and sham tax shelters, which are abusive and have no economic purpose, except to avoid taxes—will they be deterred from doing this? And if they do it, will they be penalized, at least to the extent of having their ill-gotten gains being taken back from them? That is the issue.

The current law is like a slap on the wrist. It is like a parking ticket. These abusive tax shelters, which have been designed by the banks and the accounting firms, and which have made them millions of dollars, result in a maximum fine of $1,000 under current law.

What our amendment does is say, if you design and promote an abusive tax shelter which has no economic substance and you are found responsible for doing that, the IRS can get all of your fee that is ill-gotten and wrongfully obtained for cooking up that tax shelter—not $1,000 of the fee, not half of the fee, as was originally proposed in the bill, but the entire fee is going to be recoverable by the IRS.

We can take a quick look at one of these tax shelters. This is called Flagstaff. I am not going to try to explain what that tax shelter you are looking at does. It is obviously inexplicable. It has all of this mumbo jumbo, all of these boxes and arrows that were intended by JP Morgan Chase to create an impression of economic activity when there was none. That is what this bowl of spaghetti is all about: to create a sham impression that there was some economic substance to these transactions when, in fact, there was no economic substance. They were cooked up in order to create the appearance of economic substance and, thereby, obtain a tax deduction for them.

The question is, when that happens, whether we are going to say to these firms that design these tax shelters for Enron, or for whoever: We are not going to let you, the designers, the perpetrators—who are called aiders and abettors in the law, but are really the promoters of the tax shelters—we are not going to let you keep those ill-gotten fees. We are going to recover those for the Treasury of the United States.

That is the only real deterrent we have.

I want to quickly show how some of these firms analyze these fees they get. Again, we are talking about millions of dollars in fees. These are cookie-cutter tax shelters that are designed and sold by the hundreds to people who can use a tax deduction for, usually, their capital gains, but are not engaged in economic activity which would justify the non-payment of tax on these capital gains.

This is what KPMG did when analyzing one of their phony tax shelters: First, they look at the financial exposure to the firm. It is minimal. So what they are saying is: Hey, we can engage in this. We can get away with it because there is no financial exposure.

> . . . we conclude that the penalties would be no greater than $14,000 per $100,000 in KPMG fees. . . . For example, our average deal would result in KPMG fees of $360,000 with a maximum penalty exposure of only $31,000.

They do a cost-benefit analysis.

They cook up and design an abusive tax shelter and then say: Now should we really go with this? Shall we peddle this, promote it, look for people who can benefit from it, sell it for hundreds of thousands of dollars and take the risk that we will be caught? Because what happens if we are caught? We are going to be paying a few thousand dollars in penalties and making $100,000. Our maximum exposure, our financial exposure, is minimal.

That is what this amendment changes.

Last November, the Permanent Subcommittee on Investigations, on which Senator COLEMAN is the chairman and I am the ranking member, held hearings that provided an inside look at how respected accounting firms, banks, investment advisors, and lawyers have become high-powered engines behind the design and sale of abusive tax shelters.

These hearings were the culmination of a year-long investigation into abusive tax shelters, which first began by pulling the curtain away from one of Enron's sham tax transactions. At the November hearings, we released a report by my subcommittee staff on four case histories of abusive tax shelters developed and marketed by KPMG. At the hearings themselves, we heard from a number of accounting firms, banks, investment firms, and others.

One of the key findings of the subcommittee investigation was that it was not taxpayers visiting their tax advisors that provided the engine for the creation of abusive tax shelters, but rather hordes of tax advisors cooking up one complex scheme after another, and then peddling them to potential customers. There are legitimate tax shelters and abusive ones. The abusive shelters are marked by one characteristic: there is no real economic or business rationale other than a tax reduction. We found the abusive shelters being packaged up as generic "tax products" with boiler-plate legal and tax opinions, followed by elaborate marketing schemes to peddle these products to literally thousands of taxpayers across the country.

It is the insight gained during our close look at these shelters that led me and Senator COLEMAN to introduce the Tax Shelter and Tax Haven Reform Act, S. 2210. While the Levin-Coleman bill addresses a wide range of tax shelter issues, our amendment focuses on one key issue: the woefully inadequate penalties that are now on the books for the tax shelter promoters who concoct and peddle abusive shelters.

Existing tax shelter penalties are a joke. They provide no deterrent at all. The story begins with Enron, and I think the Enron scandal has shown us one reason this amendment is so important. The Flagstaff example I talked about earlier was designed to save Enron more than $60 million in taxes. The whole scam was built around a sham $1 billion loan that was issued to Enron but was repaid in nanoseconds, and then used to claim various tax benefits as well as creating a false impression of profits on the balance sheet. JP Morgan Chase designed and sold this concoction to Enron for more than $5 million. After Enron collapsed and this scam came to light, we learned that JP Morgan had sold the same abusive tax shelter to at least one other company as well.

Under Section 6700 of the tax code prohibiting the promotion of abusive tax shelters, JP Morgan was subject to a whopping $1,000 penalty. Let me repeat: For one tax shelter which was abusive because it was a sham and a deception, JP Morgan Chase's ill-gotten gain from one company, Enron, was $5 million. Its penalty exposure to the IRS under current law was $1,000.

As IRS Commissioner Mark Everson said when he testified at our tax shelter hearings, the current tax shelter promoter penalty is "chump change." To continue quoting Commissioner Everson: "We need significantly increased penalties to hit the promoters who don't get the message where it counts, in their wallets."

Our tax shelter investigation found some fascinating documents as well, including one I have shown here today in the KPMG memo that shows a particular tax shelter promoter performing a specific cost-benefit analysis when deciding whether or not to take the risk of peddling an abusive shelter. The third paragraph of this KPMG memo says:

> First, the financial exposure to the Firm is minimal. Based upon our analysis of the applicable penalty sections, we conclude that the penalties would be no greater than $14,000 per $100,000 in KPMG fees. . . . For example, our average deal would result in KPMG fees of $360,000 with a maximum penalty exposure of only $31,000.

The fact that all KPMG could lose if caught was a small part of its fee was a driving consideration in KPMG's decision to take the risk. This memo is proof that weak penalties encourage tax shelters and that tough penalties would deter them. Congress needs to enact meaningful, tough penalties to deter promoters from pocketing any gains from designing and peddling abusive tax shelters. We need to deter folks from making a cost-benefit analysis that encourages the promotion of a tax shelter they know is not likely to withstand scrutiny.

Our amendment would do just that by strengthening penalties for promoting abusive tax shelters.

Our amendment focuses on two key penalties. The first is the penalty for promoting an abusive tax shelter under Tax Code section 6700. The second is the penalty for aiding and abetting tax evasion under Tax Code section 6701. It would increase the penalty for both types of misconduct.

Currently, the penalty under section 6700 of the Tax Code is the lesser of $1,000 or 100 percent of the promoter's gross income derived from the prohibited tax shelter. That means in most cases, the maximum fine is $1,000. That figure is laughable, when many abusive tax shelters are selling for $100,000 or

$250,000 apiece. Our investigation uncovered tax shelters that were sold for millions each. The Enron tax avoidance scam sold for more than $5 million. We also saw instances in which the same so-called tax product was sold to more than 100 clients. A $1,000 fine is like a parking ticket for raking in millions illegally.

The bill before us is an improvement over the status quo, but an unnecessarily modest one. It would increase the penalty for promoting an abusive tax shelter to 50 percent of the promoters' gross income from the prohibited tax shelter. Why should anyone who pushes an abusive tax shelter—an illegal tax shelter that robs our Treasury of much needed revenues—get to keep half of his ill-gotten gains? And what deterrent effect is created by a penalty that allows promoters to keep half of their fees if caught, and all of them if they are not? That half-hearted penalty is not tough enough to do the job that needs to be done.

At the very least, a meaningful penalty for those who peddle abusive tax shelters must ensure that the tax shelter promoter does not profit from its wrongdoing. It must require the wrongdoer to disgorge every penny of the income obtained from selling the shelter. Our amendment would do just that.

My original amendment would have gone further. It would have created a maximum penalty equal to 150 percent of the promoter's gross income from the prohibited tax shelter. Under that penalty, the first 100 percent would have forced the disgorgement of the ill-begotten gains, and the remaining 50 percent would have imposed what I consider to be an actual penalty on top of that. But today, our amendment does not go that far. It stops at 100 percent. While that is not as tough as called for in the Levin-Coleman bill, it is a reasonable compromise and will ensure that those who promote abusive tax shelters will lose 100 percent of their ill-gotten gains.

The underlying bill has the same problem in the way it addresses many professional firms the accountants, law firms, banks, and investment advisors that aid and abet the use of abusive tax shelters and enable taxpayers to carry out abusive tax schemes. The underlying bill takes the same half-hearted approach of denying only 50 percent of the gross income obtained by the aider and abettor, and allowing the wrongdoer to keep half of its ill-gotten gains. Just as we do with tax shelter promoters, our amendment would raise the penalty under tax code section 6701 to 100 percent of the aider or abettor's gross income, thereby denying them 100 percent of their ill-gotten gains. In addition, our amendment would make an important change to section 6701 itself by eliminating a provision which limits the penalty to persons who prepare tax returns. Instead, our amendment would apply the penalty to all wrongdoers who knowingly aid and abet the understatement of tax liability, not just tax return preparers.

Finally, while I am pleased that today we have reached agreement to accept a 100 percent penalty, I would like to take this opportunity to observe that penalties that cause wrongdoers to not only disgorge their ill-gotten gains, but also pay a monetary fine on top of that are fair and provide a meaningful deterrent.

There is no reason why those who concoct and peddle these shenanigans should get off any easier than the taxpayers who use them. Just last week the IRS came out with an initiative to allow taxpayers who used a tax shelter known as "Son of Boss" to come clean. This tax shelter was marketed beginning in the late 1990s and was one of the tax shelters we looked at during our investigation. Under the terms of the IRS initiative, taxpayers are required to come forward and pay 100 percent of the tax they tried to escape. On top of that, the IRS can impose a penalty that ranges up to an additional 40 percent. That means the taxpayer faces up to a 140 percent penalty.

Son of Boss is a hellaciously complicated tax shelter that was dreamed up and carried out by tax shelter promoters and other professionals. The taxpayers who bought this shelter have to cough up 100 percent plus. It is only fair that the tax shelter promoters who made so many millions of dollars in profit on these schemes should do no less.

It is also important to realize that Congress has frequently set penalties for corporate misconduct and financial crimes that require wrongdoers to disgorge 100 percent of their ill-gotten gains plus pay a penalty on top of that, and courts have upheld those penalties as both constitutional and enforceable. For example, under current law, violation of the federal securities laws results in 100% disgorgement plus a civil fine of up to 100 percent, for a total civil penalty equal to 200 percent. In the special case of insider trading, violations result in 100 percent disgorgement plus a civil fine of up to 300 percent, for a total civil penalty equal to 400 percent. Manipulation of commodity markets results in a civil fine of up to 300 percent. False claims submitted to the Federal Government result in a civil fine of up to 300 percent. Even the tax code has penalties of this magnitude; for example, personally profiting from a charity results in a civil fine of up to 200 percent.

Men and women in our military are putting their lives on the line every day for our nation. To make sure we can provide them with the resources they need, all Americans need to contribute their fair share in taxes. While the bill before us improves the tax shelter penalties over current law, we can and should do much better. We need penalties that truly deter those who make a profit from peddling abusive tax shelters and aiding and abetting tax evasion, not penalties that would allow the promoters to keep half of their ill-gotten gains.

It is long past time to stop in their tracks the shelter abusers and the promoters who push them. This amendment would send the message to promoters that their tax schemes are unfair and unpatriotic. Again, I appreciate the bill managers accepting it into the bill.

I also thank Senator COLEMAN for being such a strong advocate of this approach, putting in the law a real deterrent to end these abusive tax shelters which have cost the Treasury and the average taxpayers of this country, who have to share the burden, so many tens of billions of dollars. That is now hopefully going to end.

Again, I thank the chairman and ranking member of the Finance Committee for the way they have worked with us to adopt this amendment.

The PRESIDING OFFICER (Mr. ALEXANDER). Who yields time?

Mr. LEVIN. I yield the balance of my time to my friend from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I commend my friend, the Senator from Michigan, for his leadership in protecting the interests of all taxpayers by originally bringing to light the nature of these abusive tax shelters. I had the opportunity to work with him to make a difference, to help shape this amendment.

I also thank Chairman GRASSLEY and Senator BAUCUS for accepting this amendment and for their leadership on this issue. I am glad the Senator from Michigan didn't try to explain and walk through all the details of his chart of these sham tax shelters. The bottom line is very clear: The Government gets ripped off. The taxpayers get ripped off. These abusive tax shelters were established for the purpose of avoiding tax liability. Those who suffer are all the taxpayers. By this amendment, by substantially increasing the penalties, by putting some real deterrent in place, I believe public trust in our laws will be restored.

In November, as chairman of Permanent Subcommittee on Investigations, I held two hearings on abusive tax shelters. The permanent subcommittee spent one year investigating the tax shelter industry. It became clear to the subcommittee that some tax avoidance schemes are clearly abusive. These abusive shelters relied on sham transactions with no financial or economic utility other than to manufacture tax benefits.

According to GAO, abusive tax shelters robbed the Treasury of $85 billion over 6 years. The use of these tax shelters exploded during the high flying

1990s, when many firms were awash in cash and more concerned with generating fees than being compliant with the Code. The lure of millions of dollars in fees clearly played a role in the decision on the part of tax professionals to drive a Brinks truck through any purported tax loophole.

Abusive tax shelters require accountants and financial advisors who develop and structure transactions to take advantage of loopholes in the tax law. Lawyers provide the cookie-cutter tax opinions deeming the transactions to be legal. Bankers provide loans with little or no risk. Yet the amount of the loan creates a multimillion-dollar tax loss.

This became a game. Otherwise reputable professionals were able to earn huge profits by providing services that offered a veneer of legitimacy to the transactions. The parties were careful to hide the transaction from IRS detection by failing to register and failing to provide lists of clients who used the transactions to the IRS.

It was clear to the subcommittee that the promoters of these tax shelters failed to register with the IRS partly because the penalties for failing to register were so low compared to expected profits. As my colleague from Michigan noted, with the risk-benefit ratio, it was worth avoiding the law because if you got caught it didn't matter; you made so much money. The penalties were so little that you took the risk of avoiding the law. In fact, the benefits were great.

This amendment changes that. Current provisions of the JOBS bill provide for increased penalties to address abusive tax shelters. However, I agree with Senator LEVIN that even stronger penalties are needed. The provision to substantially increase penalties to promoters who manufacture these sham transactions so they must give back all of their ill-gotten gains is vital to restoring the integrity of our tax laws and deterring future avoidance.

This amendment also increases the amount of penalties for persons who knowingly aid and abet a taxpayer in understating their tax liability. Current law and the JOBS bill only apply this penalty to tax return preparers. We now get the aiders and abettors. However, the close collaboration between the lawyers, accountants, financial advisors, and banks requires us to apply penalties to all material aiders and abettors, not just those who prepare the tax returns.

This is not a victimless crime. It is not the Government that loses the money. It is the people of America, average working families who will bear the brunt of lost revenue so that a handful of lawyers and accountants and their clients can manipulate legitimate business practices to make a profit. Abusive transactions are used to avoid detection by the IRS. This amendment sends a clear message that this Congress intends to put an end to abusive sham transactions.

With the passage of this amendment, the price to be paid for participating and for promoting abuse will be very steep indeed—all of your profits.

I am appreciative that the managers have joined me in supporting this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I urge adoption of the Levin-Coleman modified amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 3120, as modified.

The amendment (No. 3120) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMBASSADORIAL APPOINTMENTS

Mr. REID. Mr. President, I was in the Chamber this morning when the distinguished Senator from Tennessee, the majority leader, complained about our holding up—the Democrats, the minority—appointments to our ambassadorial corps. I thought that doesn't sound right, but I wanted to make sure I had my facts right, even though I had a tremendous impulse to say: Mr. Leader, you are just wrong.

After having looked at the facts, I can say now: Mr. Leader, you were wrong this morning.

This is an important issue. I have been fortunate to have started off in the House of Representatives, and being on the Foreign Affairs Committee, one of my assignments was to travel. I have had the good fortune of being able to travel, in the more than two decades I have been in Congress, all over the world. I am tremendously impressed with the places I go, where we have young men and women who serve, as Senator DODD did. I think he went to the Dominican Republic. We have had other examples, but that is the only one I know of people who served in the Peace Corps. This is a wonderful organization. They do wonderful things for the country. I admire so much what they do.

But there is no one I admire as much as our career Foreign Service officers, our diplomatic corps. They do such wonderful work, without any notoriety at all. So any time we talk about our State Department, our diplomatic corps, I want to defend them. So I know this is an important issue raised by the majority leader this morning. But I thought it would be important for me to respond to some of the current concerns I have heard expressed this morning.

I was on the Senate floor last Thursday, and I was pleased that the Senate confirmed 20 Ambassadors that day, including the Ambassador to Iraq, Ambassador Negroponte, whose assignment will begin after June 30 of this year. His nomination was completed with near record speed, given that he was confirmed 1 week after he was nominated by the President of the United States. The other 19 Ambassadors confirmed that day were confirmed less than a week after they were reported out of the Foreign Relations Committee. That is remarkably good work.

By confirming these 19, the Senate filled 3 vacant U.S. Embassies. We had hoped to confirm other career Foreign Service officers that day. For example, Nepal—I have been there. There are very important events going on in that country now that we have an Ambassador there. As we know, this has been a site of considerable violence.

Unfortunately, I have been advised that the objection to the confirmation of James Frances Moriarity, of Virginia, a career Foreign Service officer, doesn't come from us; it comes from the majority, meaning this Embassy will continue to be vacant for the foreseeable future.

At the moment, I am told by the State Department that out of the nearly 170 Embassies we have around the world, 8 are vacant. So that means 162 of the 170 are filled. Eight are vacant, meaning they have no confirmed Ambassador. The President has chosen not to fill two of them. So now we are down to six. We have two that are too dangerous to fill, for reasons that are apparent—what is going on in the world. That knocks us down to four. One is awaiting action in the Foreign Relations Committee. The Republicans objected to filling another. The last two, Sweden and Finland, are vacant because President Bush's political appointees—not career Foreign Service officers, which I have no objection to because we need a mix—his political appointees decided they could not stand being there much longer and they left.

So my dear friend, for whom I have so much respect, the majority leader, better have his staff give him better facts because he is absolutely, totally wrong, for the reasons I have just indicated.

Last week, some of our friends on the majority side noted that the vacancies send a negative signal to these countries. Let the President move with dispatch to fill them then.

I also hope the President will work out another problem. We have Ambassadors who have been confirmed by the Senate to posts around the world, but they are not doing their work in the countries to which they were sent. They have been sent to Iraq. Ambassadors assigned to the Philippines, Kuwait, and Bahrain are in Iraq, not in the countries to which they were assigned. I know it is important that they help out in Iraq, but that is not the way it should be. At least, it should not be that people are complaining about these Ambassadors not having jobs and the ambassadorial corps being empty and that we are holding it up.

I recognize the jobs these men are doing in Iraq are important. The things they are performing in Iraq are obviously important or they would not have been sent there. But don't complain about the minority holding up Ambassadors because we are not, for the simple math I have given you. So I hope we can consider the whole picture and not come to the floor and complain and cry and whine about the Ambassadors not being confirmed because of us. It is simply not true.

If there is other business to come before the Senate, I will withhold suggesting the absence of a quorum.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 3133

Mr. GRASSLEY. Mr. President, I ask unanimous consent to call up amendment No. 3133 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 3133.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. Is there further debate on the amendment?

If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 3133) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. Mr. President, I think this is going pretty well now. We expect a vote around 6:30.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3040, AS MODIFIED

Mr. GRASSLEY. Mr. President, on behalf of Senator NICKLES, I call up amendment No. 3040 and send a modification to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. NICKLES, proposes an amendment numbered 3040, as modified.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To treat electric transmission property as 15-year property)

At the end of title VIII, add the following:

SEC. . ELECTRIC TRANSMISSION PROPERTY TREATED AS 15-YEAR PROPERTY.

(a) In General.—Subparagraph (E) of section 168(e)(3) (relating to classification of certain property), as amended by this Act, is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and by inserting ", and", and by adding at the end the following new clause:

"(v) any section 1245 property (as defined in section 1245(a)(3)) used in the transmission at 69 or more kilovolts of electricity for sale the original use of which commences with the taxpayer after the date of the enactment of this clause.".

(b) Alternative System.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(iv) the following:

"(E)(v) .... 30".

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act and prior to July 1, 2006.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we have looked at this amendment on this side, and we are agreeable that this amendment should be adopted.

Mr. GRASSLEY. On this side, too.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3040), as modified, was agreed to.

Mr. BAUCUS. I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3143

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 3143.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. GRASSLEY. I ask for consideration of the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 3143) was agreed to.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays on the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass? The clerk will call the roll.

Mr. McCONNELL. I announce that the Senator from Arizona (Mr. McCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The result was announced—yeas 92, nays 5, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—92

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed (RI)
Reid (NV)
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe

Specter
Stabenow
Stevens
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—5

Graham (FL)
Gregg
Hollings
Kyl
Sununu

NOT VOTING—3

Edwards
Kerry
McCain

The bill (S. 1637), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. GRASSLEY. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. TALENT). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, now that this bill has finally passed the Senate, I take the opportunity to thank several people.

First and foremost, I thank Senator BAUCUS. I am very certain we would not be here without his good work and his cooperation. In fact, as I have said so many times in speeches, this whole effort started when Senator BAUCUS was chairman of the committee in the last Congress. He held hearings and started this process going. He has not only cooperated and put in good work during this Congress, but it all started under his leadership.

I also need to thank all the other members of the Finance Committee for their time and energy in making this bill a reality. I thank my staff on the Finance Committee: Mark Prater, chief tax counsel, and the other tax counsels, Ed McClellan, Elizabeth Paris, Dean Zerbe, Christy Mistr, and John O'Neill as well as John's predecessor, Diann Howland. These individuals, along with Adam Freed, the staff assistant for the tax team, have been real workhorses for the committee, keeping the lights burning long into the night to make this bill possible.

For the record, as evidence of the work effort, this bill was introduced on the day Hurricane Isabel blew into town. Because of hard work, the markup of the bill occurred in a calm environment.

I also thank the trade staff, particularly Everett Eissenstat, chief Trade Counsel, and his team of David Johanson, Stephen Schaefer, Daniel Shepherdson, and Zach Paulsen. I also thank Carrie Clark who recently left our trade staff. Thanks also needs to be paid to our administrative staff, including Carla Martin, Amber Williams, Geoff Burrell, and Mark Blair. From my personal staff, I thank Sherry Kuntz and Leah Shimp. Also helpful were our Finance Committee press team of Jill Kozeny and Jill Gerber, known around the committee as the "Jills." Lastly, on my side, I thank Kolan Davis and Ted Totman, the Committee's staff director and deputy staff director for riding herd on all this work.

In addition, this bipartisan bill would not have been possible without close work and cooperation at the staff level. I appreciate and thank the minority staff for their good work. I particularly note Russ Sullivan, Democratic Staff Director, as well as Pat Heck, Democratic Chief Tax Counsel, Matt Stokes, Matt Jones, Matt Genasci, Judy Miller, Jon Selib, Liz Leibschutz, Matt Stanton, Dawn Levy, and Anita Horn Rizek. In addition, I thank Tim Punke and his trade team, along with John Angell, Bill Dauster, and Mike Evans, former Deputy Staff Director, for their time and energy.

I extend my thanks also to George Yin and his staff at the Joint Committee on Taxation for providing their extensive knowledge and guidance to this effort. I particularly point out the good work of Ray Beeman, David Noren, and Brian Meighan. Brian recently left Joint Tax for the private sector.

I also thank Acting Assistant Secretary for Tax Policy, Gregory Jenner, and his staff for their assistance on the so-called SILOs tax shelter provision of this bill.

I thank the majority leader, Senator BILL FRIST, and his leadership staff for all their assistance. The majority leader backed me and Senator BAUCUS all the way on this bill. We would not have the result today but for the majority leader's patience, determination, and dedication. It was tough going at times, but he and I knew we would get the right result. From Senator FRIST's staff, I thank Lee Rawls, Eric Ueland, Rohit Kumar, and Libby Jarvis.

I also thank our Senate leadership team and their staffs, especially our able whip, Senator MCCONNELL.

Finally, my thanks go to Jim Fransen, Mark Mathiesen, Mark McGunagle, and their capable staff at Legislative Counsel for taking our ideas and drafting them into statutory language.

I would like to tell them all to go home and get a good night's rest because the bill has been a very long time working its way through the Senate.

Now, I urge our friends in the other body to pass a companion bill. Hopefully, when that bill passes the House, our friends in the Senate Democratic leadership will not resist our efforts to go to conference. Every month of delay is another month where the Euro tax ratchets up another percentage point on our products going to Europe.

I thank everyone for their cooperation in allowing us to get to this point this evening. This, of course, is not the final step in the process. The House has not passed their version of the FSC legislation. I anticipate the House will send a bill to the Senate at some point. When that happens, I hope we will be able to proceed to conference so that we are able to get a final product.

I appreciate the assistance of Senator BAUCUS throughout this process and hope we will be able to send a bill to committee.

ORDER OF PROCEDURE

Mr. President, following Senator BAUCUS's remarks, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I am very proud of the Senate. The Senate worked its will through a very involved and complex tax bill. I might add—I don't have the final figures here, but in the case of first impression, this probably is one of the largest tax bills the Senate has taken up and passed, outside of reconciliation—we don't know yet—in maybe a decade, or maybe close to two decades.

I say that because of the importance of protecting Senators' rights. I know this sounds like a little inside baseball, but when I say "outside reconciliation," all of us in the Senate know this means the bill was taken up under the usual Senate process, which means Senators have the right to offer amendments, have the right to speak as long as they can stand on their own two feet, and have the rights Senators usually have in taking up bills. Whereas, if this were to be taken up under the process we call "reconciliation," then amendments would have to be passed very easily; that is, there is no right for extended debate. Germaneness rules do not apply; that is, unless cloture is invoked.

So the main point I want to make is that the Senate has done a good job. The Senate has taken up a very complicated, very large tax bill, and done it the way the Senate should ordinarily do business; that is, outside of reconciliation. We are responsible. We can do it. We did it.

I very much thank my good friend and colleague, the chairman of the Finance Committee, who led us in a way to help make that happen. He basically did it by being so gracious, by being so fair. He has a reputation, we all know, of being one of the most honest and fair persons you would ever have the privilege to meet, not only in the Senate but in life. His credibility is unquestioned. That is a substantial reason why we were able to pass such a messy bill outside reconciliation. I thank my friend for his leadership, for his friendship, and for all he has done.

I also especially thank Senator REID of Nevada. We all know Senator REID is probably one of the masters of the floor. He knows procedure, and his main goal is to get things done. He, too, is a man whose word is his bond.

He is invaluable here. If not for the efforts of not only the chairman but Senator REID, I am not so sure we would be here today. He has done a super job.

It is also very appropriate to thank a lot of my staff, and Senator GRASSLEY's staff, and many others, which I will do. But before I do that, I would like to do something a little bit differently and thank some people who helped me with this bill; that is, the people I talked with back home who provided ideas on how to structure the FSC/ETI replacement bill in a way that made the most sense for our manufacturers, not only throughout the country but in my home State of Montana.

This was a great chance for me to learn even more about manufacturing in my State, by going to manufacturers in my State and saying: What do we need? What can we do to help make this happen?

Let me give you a few examples.

The timber industry, for example, has faced very tough economic times during the last several years. In the years 2000 and before, many of these businesses paid very high taxes on solid profits.

So a provision in this bill will permit businesses in industries with cyclical profits to smooth out their tax rates. This is accomplished by permitting a loss to be carried back for up to 5 years. That will help a lot.

I thank Jim Hurst at Owens & Hurst, a small timber company located in Eureka, MT, for helping us better understand the economics of the timber business. The JOBS bill will help this company and many other companies that have very cyclical incomes.

I might add, too, that the people at Mountain Harvest Pizza Crust Company, from Billings—that does not sound like a huge American manufacturing company but they are extremely important to Montana, to Billings, and to me—helped educate me about the challenges of rising costs facing small businesses, and about how the cost of health care was getting to be too much to handle.

I might say, too, not all exporters are large corporations. We learned this from Sun Mountain Sports in Missoula. They are an S corporation. They export golf bags and other sports equipment. They are just the kind of company we want to stay strong so they can keep those manufacturing jobs here in the U.S. and so they can continue to export overseas.

Because of discussions with many small businesses such as Mountain Harvest Pizza Crust and Sun Mountain Sports, I made sure that every manufacturer would get this deduction. So we in the Finance Committee produced a bill that gives a deduction not only to C corporations but to S corporations, to partnerships, and to sole proprietorships so they all could have help and not be left behind by this legislation. The tax relief they are getting in this bill will help defray those and other rising costs.

Again, by consulting with the people at home, we were able to realize what the FSC/ETI replacement bill should be. It should not be just for big C corporations—those are large, publicly held corporations—but, rather, for any organization that manufactures, including proprietorships, small businesses, et cetera.

I also thank the people at CHS—that is Central Harvest—who showed us the role that cooperatives play in rural America and helped us better understand the importance of making this tax deduction pass through to the members of cooperatives. Agricultural cooperatives are a crucial part of the economy of my State and a lot of the West, and, I might add, a lot of other rural parts of America.

CHS helped to make sure their important contributions were not overlooked in this bill. I wanted, as I said, the bill to include all American manufacturers, and I have made sure the bill includes the agricultural cooperatives that are so important to so many States.

Also, I thank Elvie Miller at Mountain Meadow Log Homes, who talked to us about how integral good research and design is to their business. Frankly, with the addition of the amendment by the Senator from Texas, we were able to add that provision.

I also want to thank Leland Griffin and the good folks at Montana Refining Company in Great Falls. They pointed out that under the export credit this bill will repeal, oil refining operations are not eligible for tax benefits. But Montana Refining pointed out that if we are converting the laws to a manufacturing deduction, then it should cover oil and gas refining operations. Those operations are manufacturing. They take raw material, crude oil, and convert it to a usable product—gasoline and other petroleum products. I offered an amendment in committee to include refining operations in the definition of manufacturing.

All of these companies, and many more, were invaluable in passing such a strong bill in the Senate. I thank them. I thank them very much for adding their part to this bill. Were it not for their very valuable contributions, this legislation would not be as good.

I also thank a lot of people from my office. I don't have the whole list. There are so many of them. If we turned the camera over, we could see them lined up against the wall over there. Starting with Brian Pomper on the far right, he does a very good job, handles a lot of trade work. We have Pat Heck over there; Russ Sullivan; Matt Genasci; Liz Liebschutz, Matt Stokes, Jon Selib. We have Scott Landes there in the corner, Simon Chabel, many others. Wendy Carrey is there; Mac Campbell. They are our folks. They do the work. My guess is that if I talk much longer, they are going to fall asleep, they are so tired. We all very much appreciate, deeply appreciate what they do.

I have often said that the most noble human endeavor is service—service to church, to community, to mankind, service to whatever makes the most sense to us as human beings. A lot of us who run for public office get some of the psychic rewards of service. We see our names in newspapers and on TV. Usually that is good, not always but usually.

However, the folks who work in the Senate, on Joint Tax and elsewhere, work harder. And they don't get public recognition for what they do. They are the real servants. They are the ones who really provide the most noble kind of service. I know I speak for everyone listening, for everyone else who stops and thinks about these things if only for a nanosecond, when I say how true that last statement is. They are the most wonderful folks. I take my hat off to all of them.

I yield the floor.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I, too, congratulate Chairman GRASSLEY and Senator BAUCUS for their great work in moving this JOBS bill to completion. I certainly express the hope that once the House acts, we will be able to go to conference in the normal way that legislation is handled and get this important piece of legislation on the President's desk at the earliest possible time to prevent further penalties from being levied against our companies here in the United States.

AMENDMENT NO. 3143, AS MODIFIED

Mr. GRASSLEY. Mr. President, I ask unanimous consent, notwithstanding the adoption of amendment No. 3143, that the modification which is at the desk be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3143), as modified, was agreed to, as follows:

"(ii) there shall be disregarded any item of income or gain from a transaction or series of transactions a principal purpose of which is the qualification of a person as a person described in this paragraph.

"(C) RELATED PERSON.—For purposes of this paragraph, the term 'related person' has the meaning given such term by section 954(d)(3).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

On page 335, strike lines 4 through 10, and insert the following:

(2) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this section shall apply to taxable years beginning after January 31, 2004, with respect to leases entered into on or before November 18, 2003.

Mr. SMITH. Mr. President, I rise today to praise the Senate for its passage of S. 1637, the Jumpstart Our Business Strength Act, which includes my provision lowering the corporate tax rate on repatriated profits. In one short year, this provision will bring $400 billion into our economy. This money is going to create over 650,000 new jobs and get our economy moving again. At the same time, it's going to help reduce the federal deficit.

I believe this is one of the most important provisions of the JOBS Act regarding job growth and strengthening our economy. This provision would require that repatriated funds be reinvested in the United States for hiring workers and worker training, infrastructure, R&D, capital investment, or financial stabilization for the purposes of job retention or creation. It is my understanding that the concept of financial stabilization, for this purpose, encompasses use of the repatriated funds to repay debt of the U.S. parent corporation. Use of these funds to pay down debt is a qualified use for purposes of the provision. In fact, debt repayment will strengthen U.S. corporate balance sheets, which will improve a company's ability to employ and hire workers.

I thank the chairman for his strong support of this repatriation provision and look forward to swift action by the House.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Virginia is recognized.

IRAQI PRISONERS

Mr. WARNER. Mr. President, the distinguished majority leader, Senator DASCHLE, Senator LEVIN, and I have been working with the Department of Defense regarding additional photos relative to the tragic case of the treatment of Iraqi prisoners by U.S. personnel, military and otherwise. We have reached a decision with the total cooperation of the Department of Defense whereby those pictures will be brought to Senate S-407 tomorrow. There will be a representative from the Department there to help Members work their way through such pictures as they wish to examine from 2 to 5, at which time the pictures and everything will be returned to the Department since the Department will maintain constant custody of those, that evidentiary material throughout the time.

I ask unanimous consent the letter Senator LEVIN and I have sent to the Department regarding viewing and inspection of this material—all Senators are eligible, no staff—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE
COMMITTEE ON ARMED SERVICES,
Washington, DC, May 11, 2004.

Hon. DONALD H. RUMSFELD,
Secretary of Defense, Washington, DC.

DEAR MR. SECRETARY: We request the Department of Defense provide the Committee on Armed Services an opportunity to review the photos and videos regarding the abuse of prisoners at Abu Ghraib prison in Iraq. Further, it is our intent to extend this opportunity to all Members of the United States Senate.

These materials should be brought to the Senate for review, but will remain under the control of the Defense Department. At no time will the Committee, the Senate, or any Member or employee thereof, take custody of, or assume responsibility for, these materials. A Defense Department official will return these materials to the Pentagon after the materials have been reviewed by Members, subject to our subsequent recall if necessary.

Committee staff will coordinate the details of this request directly with your office.

Sincerely,
CARL LEVIN,
Ranking Member
JOHN W. WARNER,
Chairman.

TRIBUTE TO RICHARD C. CRAWFORD

Mr. FRIST. Mr. President, I rise today to pay tribute to Richard C. Crawford who retires June 1 following a career devoted to public power, in the Tennessee Valley, that spans four decades. Mr. Crawford's retirement as president and chief executive officer of the Tennessee Valley Public Power Association, and before that as a vice president for the Tennessee Valley Authority, brings to a close a distinguished career of advocacy for public power.

Dick Crawford's contributions to public power are recognized not only in Tennessee and in the Tennessee Valley region, but across the entire country. While at TVA he was responsible for technological improvements to the utility's transmission system that resulted in enhanced electric reliability. He was also a leader in the development TVA's highly acclaimed energy conservation and efficiency programs, which were modeled by other electric utilities around the Nation. He worked with distributors of TVA power to overhaul the power contracts and helped introduce innovative pricing and economic development products, including one of the first and largest real-time pricing programs, and incentive rates to help attract industry to the Tennessee Valley.

Mr. Crawford's contributions to public power continued when he joined the staff of TVPPA in 1994. Initially, he served as director of power supply services before becoming acting executive director, and later president and chief executive officer. The knowledge he gained at TVA about the Valley's unique power supply needs and the distributors who deliver the power to the Valley's 8.3 million consumers made him a perfect choice to head TVPPA during a critical time in its history.

With a strong belief in public power, Mr. Crawford worked tirelessly to reestablish critical relationships and reopen communication doors. Under his leadership, TVPPA embarked on aggressive programs in governmental relations, communication, and education and training. In addition, he has spearheaded efforts to secure additional power supply options for distributors. Working with his board of directors, he successfully revamped TVPPA's dues structure and established additional levels of membership that expand the reach of public power.

Throughout his career, he has received the support of his family, including wife, Lane, daughter, Angela, and grandson, Blake.

Honoring Dick Crawford in this way serves as a lasting tribute, just as his engineering and technical skills are a lasting gift to power consumers in the Tennessee Valley. I thank him for his service, and I wish him all the best in his retirement.

60TH ANNIVERSARY OF THE USS "YF-415" TRAGEDY

Mr. KENNEDY. Mr. President, as the official dedication of the world War II Memorial approaches, I welcome this opportunity to honor the sacrifice of the courageous men who lost their lives close to home in a tragic accident in 1944, fourteen miles off the coast of Massachusetts during the war.

Sixty years ago today, the 9-member crew of the Navy ship USS *YF-415* and 21 men from the Hingham Ammunition Depot were disposing of condemned ammunition and explosives off the coast. Tragically, while performing their mission, the ordnance on the ship caught fire, setting off the ammunition for nearly 40 minutes. The ship and 17 lives were lost.

The vessel lay on the ocean floor until the summer of 2003, when amateur divers discovered its remnants. They informed the Navy of the location, but too many years has passed, and the Navy salvage team was unable to find any trace of the missing men.

Now as the Nation prepares to honor all who served our country so bravely during World War II, it is fitting on this day to remember the men who lost their lives in that tragedy 60 years ago. I express my deepest condolences to the family members who have suffered so long because of that tragedy so close to home and to all of us in Massachusetts.

I would like to add the names of these men to the RECORD so that all may recognize their sacrifice: William J. Bradley, Adell Braxton, Joseph F. Burke, Raymond N. Carr, Truman S. Chittick, George M. Cook, James Cox, Jr., Freddie Edwards, Jr., F. E. Federle, James S. Griffin, Charles R. Harris, Raymond L. Henry, Julian Jackson, Yee M. Jin, Mike Peschunka, Vernon Smith, and James B. Turner.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

In Montgomery County, MD, in 2001, Robert Lucas alleged that he killed Monsignor Thomas Wells, a local priest, after the victim was sexually aggressive toward him. Lucas contends that his "killing rage" resulted from feelings of "anger, shame and humiliation." The victim bled to death as a result of stab wounds.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

EXPLANATION OF ABSENCE

Mr. BAYH. Mr. President, I was not present for the rollcall vote No. 87 on the motion to invoke cloture on S. 1637 today because of my participation in the Senate Armed Services Committee hearing on the mistreatment of Iraqi detainees. However, I wish to state for the record that I would have voted in favor of the motion to invoke cloture had I been present.

DEDICATION OF THE PYRAMID OF REMEMBRANCE

Mr. VOINOVICH. Mr. President, this morning, at Arlington National Cemetery, I was honored to join Congressman STEVE LATOURETTE, LTG Richard A. Cody, Superintendent of Arlington Cemetery John Metzler and students and faculty from Riverside High School for the dedication of the Pyramid of Remembrance, a living memorial paying tribute to American soldiers who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations.

The unveiling of this historic memorial today came as a result of the dedication and hard work of motivated young people at Riverside High School in Painesville, OH and their teacher, Dr. Mary Porter. More than one decade ago, in October 1993, these high school students watched in horror as a U.S. soldier in Somalia was dragged through the streets of Mogadishu. The students—concerned that there was not a memorial in our Nation's Capital to honor members of the Armed Forces who lost their lives during peacekeeping missions such as the one in Somalia—felt compelled to take action.

These students spearheaded a campaign to establish a Pyramid of Remembrance in Washington, DC. The students not only proposed the memorial, they also created a private nonprofit foundation to raise the money to construct the memorial. The community in Painesville pulled together, providing legal counsel for the students and private donations to help fund the project. Due in part to the strong support of this Ohio community, the proposed national Pyramid of Remembrance has been erected at no cost to U.S. taxpayers.

There has been considerable discussion regarding the Pyramid of Remembrance since it was first proposed by the students of Riverside High School and introduced in the House of Representatives in 1996.

On October 17, 2002, Senator MIKE DEWINE jonied me in introducing legislation in the Senate for the first time to authorize the creation of the Pyramid of Remembrance. We re-introduced this legislation on January 30, 2003, taking into account recommendations made by the National Park Service, and the Senate Subcommittee on National Parks conducted a hearing to examine the legislation on June 3, 2003.

In addition to consideration in the United States Congress, the National Capital Memorial Commission which is charged with overseeing monument construction in Washington, DC, conducted hearings about the proposed Pyramid of Remembrance in April 2001. The Commission recommended that the memorial be constructed on Defense Department land, possibly at Fort McNair. The commissioners also noted that such a memorial would indeed fill a void in our Nation's military monuments.

I agree with the commissioners' findings. I, too, believe that this memorial is a fitting addition to our Nation's Capital to honor those who have lost their lives while serving in the United States military, and I am proud that it has now come to fruition.

On May 6, 1999, I spoke on the Senate floor in honor of two brave American soldiers—CWO Kevin L. Reichert and CWO David A. Gibbs—who lost their lives when their Apache helicopter crashed into the Albanian mountains during a training exercise on May 5, 1999, as U.S. troops joined with our NATO allies in a military campaign against Slobodan Milosevic. As I remarked at the time, the United States owes Kevin, David and so many other service members a debt of gratitude that we will never be able to repay, for they have paid the ultimate sacrifice. As the Bible says in John, chapter 15:13:

> Greater love has no man than this, that a man lay down his own life for his friends.

The Pyramid of Remembrance honors individuals such as David Gibbs and Kevin Reichert. It also honors the memory of the 17 service members who lost their lives when the USS *Cole* was attacked on October 12, 2000, and the American soldiers who lost their lives during the terrorist attacks against the Pentagon and the World Trade Center on September 11, 2001.

This memorial is dedicated to the brave men and women who have given their lives so that we may know freedom. I was deeply moved by words spoken this morning by Dr. Mary Porter, the teacher at Riverside High School who inspired these students to take action. She said:

> And so this memorial is for you, SSG William Cleveland. They dragged your body through the streets of Mogadishu, but they could not destroy your spirit . . . for you and for all those who have lost their lives in places like Somalia, Bosnia and Iraq and in training accidents and acts of terrorism: we celebrate your spirit. We recognize your sacrifice. We honor your effort to establish peace. This monument represents our eternal gratitude for your sacrifice, but it also represents hope for a future where human beings on this planet can live in peace and without fear.

The patriotism, dedication, and vision of the students at Riverside High School are commendable. Their action shows maturity, leadership and passion for their country that Americans of all ages should emulate. I support and applaud the work these students have done to establish the Pyramid of Remembrance, as well as the efforts of community members who have provided ongoing guidance and support to help the students turn their vision into reality.

I believe it is our duty to honor American men and women in uniform who have lost their lives while serving their country, whether in peacetime or during war, and this memorial, which will remain and grow at Arlington National Cemetery, will ensure that the sacrifice made by so many is always remembered by our grateful Nation.

THREATS TO AFFORDABLE HOUSING AND THE SECTION 8 VOUCHER PROGRAM

Mr. LEAHY. Mr. President, today I express my extreme disappointment with the administration's recent announcement on Fiscal Year 2004 Section 8 voucher renewals that threatens to end a long standing commitment to fully fund all Section 8 vouchers in use. Coupled with its budget proposal for Fiscal Year 2005 that would slash funding for Section 8, the Bush administration has given the Nation's communities ample reason to be concerned about the future of the Housing Choice Voucher Program.

The Section 8 voucher program has been the cornerstone of Federal housing policy for nearly 30 years. The program provides the Nation's most vulnerable families with vouchers to help them cover the cost of modest apartments and homes in the private market. It serves more than 2 million families nationwide who are trying to make ends meet. In my home State of Vermont it helps nearly 6,000 households—more than 60 percent of them are elderly or disabled members and 24 percent of them are working families.

Unfortunately the administration has chosen to shortchange the program in a way that will almost guarantee that the poorest of families lose their support. They recently announced the intention to move from a funding formula based on the actual cost of vouchers to a model that calculates voucher costs based on last year's costs, pegged to a regional rent inflation index—which may or may not reflect local market conditions—and despite the fact that they may have access to more recent and accurate data on voucher costs.

The new formula does not take into consideration potential changes in personal incomes, and it does not provide definitive safeguards for public housing authorities—PHAs—that have seen rising voucher costs over the last year or that will be unable to meet their obligations to voucher holders once this policy is enacted. What I find even more troubling is that HUD will apply this formula retroactively, leaving many public housing authorities shortchanged by millions of anticipated dollars.

Without the necessary funds to support all vouchers they have issued, many PHAs are either going to have to scale back subsidies or revoke vouchers completely. Already we are seeing the effects. PHAs are starting to realize massive gaps in their budgets. They are considering course corrections to plug these holes and in some cases have stopped accepting additional applicants for the Section 8 waiting list. If the administration's policy is carried out, it will be the first time since 1974 that the Federal Government walks away from our commitment to honor all authorized voucher contracts.

This new policy goes against the intent and will of Congress. We made it clear in the Fiscal Year 2004 Omnibus Appropriations Bill that the Department of Housing and Urban Development—HUD—should do everything in their power to ensure that all vouchers were fully funded, and we gave HUD the resources and tools they needed to do so. The Appropriations Committee added more than $1 billion dollars to the administration's request for Section 8 vouchers, we gave HUD access to a central reserve fund to supplement voucher payments in the event that costs exceeded expectations, and the Senate passed sense of the Senate language reaffirming our commitment to the voucher program and to those that it serves. The intention of Congress could not have been clearer.

As a member of the VA-HUD appropriations subcommittee, I am not without concern for the rising cost of the Section 8 program, and I understand the need to look for creative solutions to contain those costs. But this new funding formula is irresponsible and shortsighted. Simply serving fewer people, or people with higher incomes—the almost certain outcome of this approach—is the wrong response to the rising cost of Section 8. Instead, we should be looking at measures to reduce the cost of housing and to raise the average wage. We should look at policies which will enable families to afford a place to live without Federal assistance.

This new ruling is contrary to the administration's own goal to eliminate chronic homelessness in 10 years and will put a strain on other support services such as homeless care providers who are already stretched beyond their means. If it is not reevaluated, it will leave thousands of families nationwide at risk of losing their housing. It lacks specificity needed for PHAs to accurately predict how they are going to be affected and leaves considerable discretion to the department of how to interpret renewals.

This announcement fell on a housing community already reeling from the news that the administration wants to cut $1.6 billion dollars from the program in the next Fiscal Year and convert Section 8 into a block grant program. If this proposal goes through, an additional 250,000 people could be faced with the loss of their housing assistance. My home State of Vermont would lose more than $4 million in anticipated funds and could be forced to cut nearly 740 low-income, elderly and disabled families out of the program.

This is the wrong time to walk away from some of our Nation's most vulnerable populations. I find it outrageous that the President can stand behind policies that threaten the safety and wellbeing of thousands of American families while continuing to advocate for corporate tax cuts and tax cuts for the wealthiest Americans. There is a fiscal crisis in this county, of that I am sure. Our Federal debt continues to rise and the Federal treasury continues to shrink, but it is not caused by the modest assistance we give families on Section 8.

This program has proven itself to be one of the most cost-effective housing programs. This was confirmed by two separate reports in 2002—one by the General Accounting Office, and reinforced by the Millennial Housing Commission. It has been shown to have positive effects on families and children, many of whom are able to move out of high poverty areas to areas of lower poverty and lower crime rats and better schools. Studies have shown that it helps promote success in the workplace performance—by providing reliable housing while families are trying to get established, many of whom have moved off welfare.

We cannot expect low-income families to improve their situations, hold steady jobs and move out of poverty if they do not have access to reliable, safe and affordable housing. We cannot expect the elderly and the disabled who are on meager fixed incomes to fend for themselves in rental markets that have spiraled out of the reach of even moderate-income families. Section 8 provides temporary assistance to those who need it. It helps families avoid the choice between a roof over their heads or food on the table.

Congress gave the HUD the resources they needed to fully fund all vouchers under contract, and I would expect them to use those resources. This is not the place to try and reap meager savings to make up for a Federal deficit caused by questionable tax cuts and irresponsible fiscal policies.

I urge the administration to reevaluate this policy and to restore our commitment to the Section 8 program.

MEDICAL RESIDENCY PROGRAM

Mr. BINGAMAN. Mr. President, I once again raise my concerns with Section 207 of the Pension Funding Equity Act that passed the Senate on April 8 and was signed into law on April 10. This provision grants a retroactive antitrust exemption to the graduate medical education residency matching program, a subject that is entirely unrelated to the pension bill and never received a full consideration by the normal processes of this body.

My concerns about that provision are simple. First, I do not think that exemptions from this nation's antitrust laws should be lightly given. Second, I think the process by which this exemption was given—without any opportunity for hearing before the appropriate committees or full and real consideration by this body—was improper. Finally, I am concerned about the correct interpretation of the language as to the scope of the immunity.

As I stated in the floor debate on the pension bill, I believe that the language of subsection 207(b)(3) makes clear that the exemption from the antitrust laws granted by this legislation is limited; and that if there is a claim of price-fixing—which is prohibited by section one of the Sherman Act—then the provisions of subsection 207(b)(2) do not apply.

Even though my right to file an amendment was reserved on this bill, I have now lost that right as my amendment is no longer in order now that cloture has been invoked. Having lost this right, I will seek a future opportunity to raise this issue before this body.

PRIMARY IMMUNE DEFICIENCY DISEASES

Ms. LANDRIEU. Mr. President, I take this opportunity to focus attention on primary immune deficiency diseases, PIDD, a problem that affects thousands of people across our Nation. Primary immune deficiency diseases are genetic disorders in which part of the body's immune system is missing or does not function properly. The World Health Organization recognizes more than 150 primary immune diseases that affect as many as 50,000 people in the United States. Fortunately, 70 percent of PIDD patients are able to maintain their health through regular infusions of a plasma product know as intravenous immunoglobulin. IGIV helps bolster the immune system and provides critical protection against infection and disease.

I am familiar with primary immune deficiencies because one of my constituents and long-time Shreveport, LA, residents, Gail Nelson, is a PIDD patient. Gail and her husband Syd Nelson have become tireless advocates for the primary immune deficiency community as volunteers for the Immune Deficiency Foundation. IDF is the Nation's leading organization dedicated to improving the quality of life for PIDD patients.

Recently, the foundation entered into a historic research partnership with the National Institute of Allergy and Infectious Diseases at the National Institutes of Health. The establishment of the US Immunodeficiency Network represents the most significant advancement in primary immune deficiency research in our Nation's history. I was pleased to work with the Nelsons, the foundation, and my colleagues in the Senate to make this research consortium a reality.

Despite the recent progress in PIDD research, the average length of time between the onset of symptoms in a patient and a definitive diagnosis of PIDD is 9.2 years. In the interim, those afflicted may suffer repeated and serious infections and possibly irreversible damage to internal organs. Thus, it is critical that we raise awareness about these illnesses within the general public and the health care community.

I commend the Immune Deficiency Foundation and Gail and Syd Nelson for their leadership in this area, and I am proud to join them in raising awareness of these diseases. I encourage my colleagues to work with us to help improve the quality of life for PIDD patients and their families.

ADDITIONAL STATEMENTS

IOWA WOMEN AGAINST HEART DISEASE AND STROKE

• Mr. GRASSLEY. Mr. President, today I rise to acknowledge women in Iowa who are taking a stand against heart disease and stroke. Many people assume that cardiovascular disease is a man's disease. The truth is, it has claimed more lives of women since 1984.

Nationwide, 8 million women are living with heart disease. Thirteen percent of women age 45 and over have had a heart attack.

As a survivor of breast cancer, my wife Barbara knows the fears of many women. Heart disease, just like cancer, is scary and real. It is up to women around the world to educate their friends, mothers, and sisters about the disease. Women in Iowa are doing it this week.

I commend every woman in Iowa for being an advocate for a very good cause. The campaign to educate all women about the major risk factors of heart disease and about heart-healthy behavior will positively impact the lives of many families. Women in Iowa should not underestimate their personal risk, and they should know what they can do to beat the disease.

In Congress, I have worked to increase funding for the National Institutes of Health. The NIH is one of the world's foremost medical research centers, and the Federal focal point for medical research in the United States.

I am keenly aware of the overall benefits of biomedical research to the health care system, and to those with heart disease.

In fact, the NIH has set out to develop a national public awareness and outreach campaign to convey the message that heart disease is the number one killer of American women and that it can be successfully prevented and treated.

Six years ago, we set out to double the funding for the NIH. We followed through with our promise. As a result, the NIH now funds nearly 10,000 more research grants and can support the training of over 1,500 more scientists each year.

This is good news for women everywhere. The increase in funding is a step in the right direction, but we can't give up. It will take all of us to stop the leading cause of death in our state.•

OREGON HEALTH CARE HERO

• Mr. SMITH. Mr. President, I rise today to recognize an outstanding Oregon leader who has been a health care hero for Oregon's seniors. Barbara Arazio has served on the Oregon Board of Nursing Home Examiners for 18 years, mentoring nursing home administrators and ensuring quality care for vulnerable Oregon seniors.

When Oregonians find that one of their loved-ones is in need of skilled nursing care, they want assurances that the highest quality care will be provided in a safe environment. Because of Barbara's diligence and hard work, our families have that peace of mind. Barbara has played a central role in helping nursing homes not only comply with, but exceed the State standards for nursing facilities.

The level of service at each Oregon nursing facility is driven by its leadership. Barbara has trained nursing home administrators and continually worked with them to make sure that residents have access to the best health care and facilities. In fact, the quality of life at Oregon care centers, from the activities, to the meals, to the well-trained staff, can be traced back to Barbara's caring hand.

As Barbara embarks on her well earned retirement, she will be greatly missed by the administrators, staff and residents of Oregon's long term care system. She has touched many lives and is truly a Health Care Hero for Oregon.•

MR. BASEBALL, RICHARD A. SAUGET, TURNS 60

• Mr. DURBIN. Mr. President, I rise today to honor Richard A. Sauget, an outstanding citizen, community leader, business entrepreneur, husband, father, and grandfather. His distinguished contributions and accomplishments have improved the economic prosperity, social welfare, and individual lives of so many people in Southwestern Illinois and the St. Louis region.

Richard A. Sauget was born on April 21, 1944. He was raised by his parents, Vincent and Estelle Sauget, in the Village of Sauget, which was founded by Rich's grandfather, Leo. Rich continues to reside in Sauget with his wife, Judee. The Sauget family was one of the first to settle in the area. Rich and Judee have five children, three grandchildren, and one grandchild on the way. His Catholic faith and family have always been his priorities.

After graduating with a B.A. from the University of Notre Dame and a M.A. from St. Mary's University, Rich began a successful professional baseball career. He played baseball with the Atlanta Braves and San Francisco Giants. During his career, he served as a backup for Joe Torre and a catcher for the great Satchel Paige.

Rich Sauget continues to be involved in baseball. Starting with the Sauget

Wizards, a semi-professional team in the Mon-Clair Baseball League, Rich brought professional-level baseball to Southwestern Illinois. Today, his passion is the Gateway Grizzlies Baseball Team, a team he founded. Rich, a managing partner of the Grizzlies, was the driving force in designing and building the new Grizzlies GMC stadium in 2002. By the way, the Gateway Grizzlies won the Frontier League Championship in 2003.

Rich serves on several prominent sports association boards, including the St. Louis Sports Commission, Southwestern Illinois Officials Organization, the St. Louis Professional Baseball Scouts Association, and is the current president of the Frontier Professional Baseball League.

In addition to his sports accomplishments, Rich has been a highly-successful business entrepreneur. He is the founder and president of East County Enterprises, Inc., a real estate management company that has been in business for more than 35 years. East County Enterprises manages various properties in several Southwestern Illinois communities. The company has provided job opportunities and generated business growth in the region.

Rich Sauget is a dedicated community leader with a strong commitment to service. He has volunteered a great deal of time to the economic development of the St. Louis Metropolitan area by serving on many prominent boards, including the St. Louis Regional Chamber and Growth Association, the Leadership Council of Southwestern Illinois, the St. Louis Regional Business Council, the St. Louis Lambert Airport Commission, and the Missouri Historical Society Board. He is the Chairman of the St. Clair County Building Commission which oversees the development of MidAmerica St. Louis Airport.

For years, Rich has emphasized the importance of bringing together and developing the entire St. Louis region as one united community, including a highly-integrated airport transportation system. His vision includes the eventual formation of a Regional Airport Authority to provide the St. Louis region with more efficient passenger, cargo, and maintenance services.

As chairman of the board of Touchette Regional Hospital and a member of the board of Kenneth Hall Hospital, Rich has been instrumental in the development and expansion of healthcare services to low income families, specifically underprivileged women and children, in the Southwestern Illinois region.

To further serve the Southwestern Illinois/St. Louis region, Rich has been working to develop a strong business leadership group, Archview Communities Economic Development Corporation. Archview is designed to enhance economic, social, and business development opportunities by facilitating partnerships between government programs, local municipalities, the area's healthcare network, the local education system, and many regional business owners.

It should also be noted that both Rich and Judee Sauget are involved in many charitable organizations in Illinois and Missouri.

Richard A. Sauget leads by example and sets a very high standard for all of us to follow. I congratulate him for his impressive accomplishments and heartfelt service to his community and look forward to many more years of working with him.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

NOTIFICATION OF AN EXECUTIVE ORDER BLOCKING THE PROPERTY OF CERTAIN PERSONS AND PROHIBITING THE EXPORT OF CERTAIN GOODS TO SYRIA—PM 76

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have issued an Executive Order (order) in which I declared a national emergency with respect to the threat constituted by certain actions of the Government of Syria. Further, in accordance with subsection 5(b) of the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (SAA), Public Law 108–175, this message also constitutes the report of my exercise of the waiver authority pursuant to that statute.

On December 12, 2003, I signed into law the SAA in order to strengthen the ability of the United States to effectively confront the threat to U.S. national security posed by Syria's support for terrorism, its military presence in Lebanon, its pursuit of weapons of mass destruction, and its actions to undermine U.S. and international efforts with respect to the stabilization and reconstruction of Iraq. These policies by the Government of Syria directly threaten regional stability and undermine the U.S. goal of a comprehensive Middle East peace. Despite many months of diplomatic efforts to convince the Government of Syria to change its behavior, Syria has not taken significant, concrete steps to address the full range of U.S. concerns, which were clearly conveyed by Secretary of State Powell to Syrian President Asad in May 2003. I find the actions, policies, and circumstances described above sufficiently grave to constitute a threat to the national security, foreign policy, and economy of the United States, and thus have declared a national emergency to address that threat.

In implementation of subsection 5(a) of the SAA, in the order I directed that action be taken to prohibit the export to Syria of products of the United States other than food and medicine, including but not limited to items on the United States Munitions List or Commerce Control List, and I prohibited commercial air services between Syria and the United States by aircraft of any air carrier owned or controlled by Syria, as well as certain non-traffic stops by such aircraft.

It is important to the national security interests of the United States, however, that certain discrete categories of exports continue in order to support activities of the United States Government and United Nations agencies, to facilitate travel by United States persons, for certain humanitarian purposes, to help maintain aviation safety, and to promote the exchange of information. Also, it is important to U.S. national security interests that aviation-related sanctions take into account humanitarian and diplomatic concerns as well as the international obligations of the United States.

Accordingly, I have waived the application of subsections 5(a)(1) and 5(a)(2)(A) of the SAA to permit the export and reexport of: products in support of activities of the United States Government to the extent that such exports would not otherwise fall within my constitutional authority to conduct the Nation's foreign affairs and protect national security; medicines on the Commerce Control List and medical devices; aircraft parts and components for purposes of flight safety; exports and reports consistent with the 5(a)(2)(D) waiver outlined below; information and informational materials, as well as telecommunications equipment and associated items to promote the free flow of information; certain software and technology; products in support of United States operations; and, certain exports and reexports of a temporary nature. These items are further identified in the Department of Commerce's General Order No. 2, as issued consistent with my order. I have also waived the application of subsection 5(a)(2)(D) to permit the following with respect to aircraft of any air carrier owned or controlled by Syria: takeoffs or landings of such aircraft when chartered by the Government of Syria to transport Syrian government officials to the United States on official Syrian government business; takeoffs or landings for non-traffic stops of such aircraft that are not engaged in scheduled international air services; takeoffs and landings associated with an emergency; and overflights of U.S. territory.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 11, 2004.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7451. A communication from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fees for Official Inspection and Official Weighing Services" (RIN0580–AA80) received on May 10, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7452. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pine Shoot Beetle; Additions to Quarantined Areas" (Doc. No. 03–102–2) received on May 10, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7453. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Veterinary Diagnostic Services User Fees" (Doc. No. 00–024–2) received on May 10, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7454. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Orchids of the Genus Phalaenopsis from Taiwan in Growing Media" (Doc. No. 98–035–3) received on May 10, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7455. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt; Compensation for Custom Harvesters in Northern Texas" (Doc. No. 03–052–1) received on May 10, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7456. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Highly Pathogenic Avian Influenza: Additional Restrictions" (Doc. No. 04–011–1) received on May 10, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7457. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Procedures for Reestablishing a Region as Free of a Disease" (Doc. No. 02–001–2) received on May 10, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7458. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Extra Long Staple Cotton Outside Storage and Strength Adjustment for Loan" (RIN0560–AH03) received on May 10, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7459. A communication from the Assistant to the Board of Governors of the Federal Reserve System, Division of Banking Supervision and Regulation, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Interim Capital Treatment of Consolidated Asset-Backed Commercial Paper Program Assets; Extension" (Doc. No. 1156) received on May 10, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7460. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency declared in Executive Order 12978 of October 21, 1995 with respect to significant narcotics traffickers centered in Columbia; to the Committee on Banking, Housing, and Urban Affairs .

EC–7461. A communication from the Under Secretary for Emergency Preparedness and Response, Federal Emergency Management Agency, transmitting, pursuant to law, a report relative to funding for the State of Connecticut as a result of the record/near record snowfall on December 5–7, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–7462. A communication from the Under Secretary for Emergency Preparedness and Response, Federal Emergency Management Agency, transmitting, pursuant to law, a report relative to funding for the Commonwealth of Massachusetts as a result of the record/near record snowfall on December 5–7, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–7463. A communication from the Acting General Counsel, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 69 FR 10927" (44 CFR Part 67) received on May 10, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7464. A communication from the Acting General Counsel, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 69 FR 10924" (44 CFR Part 67) received on May 10, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7465. A communication from the Acting General Counsel, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 69 FR 10923" (Doc. # FEMA–D–7553) received on May 10, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7466. A communication from the Under Secretary for Industry and Security, transmitting, pursuant to law, a report relative to foreign policy-based export controls on exports of protective and detection equipment and components not specifically designed for military use; to the Committee on Banking, Housing, and Urban Affairs.

EC–7467. A communication from the Acting Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Alternative to 96-hour Rule for Critical Access Hospitals"; to the Committee on Health, Education, Labor, and Pensions.

EC–7468. A communication from the Acting Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Hospitals Overhead and Supervisory Physician Components of Direct Medical Education Costs"; to the Committee on Health, Education, Labor, and Pensions.

EC–7469. A communication from the Acting Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, a report relative to rule 67 FR 13416 that described the payment system that CMS was proposing for LTCHs; to the Committee on Health, Education, Labor, and Pensions.

EC–7470. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Medical Nutrition Therapy"; to the Committee on Health, Education, Labor, and Pensions.

EC–7471. A communication from the Secretary of Labor, transmitting, pursuant to law, the first report of the President's National Hire Veterans Committee; to the Committee on Health, Education, Labor, and Pensions.

EC–7472. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Prescription Drug Marketing Act of 1987; Prescription Drug Amendments of 1992; Policies, Requirements, and Administrative Procedures; Delay of Effective Date; Correction" (RIN0905–AC81) received on May 10, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7473. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on May 10, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7474. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on May 10, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7475. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in

Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on May 10, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7476. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Human Cells, Tissues, and Cellular and Tissue-Based Products: Establishment Registration and Listing" (Doc. No. 97N–484R) received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7477. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Human Cells, Tissues, and Cellular and Tissue-Based Products; Establishment Registration and Listing; Correction" (Doc. No. 97N–484R) received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7478. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Change of Name; Technical Amendment" received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7479. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Drug Labeling; Sodium Labeling for Over-the-Counter Drugs; Technical Amendment; Termination of Delay of Effective Date; Compliance Dates" (Doc. No. 90N–0309) received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7480. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Drug Labeling: Orally Ingested Over-the-Counter Drug Products Containing Calcium, Magnesium, and Potassium" (Doc. No. 1995N–0254) received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7481. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Change of Address; Technical Amendment" received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7482. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Hematology and Pathology Devices; Classification of the Factor V Leiden DNA Mutation Detection Systems Devices" (Doc. No. 2004P–0044) received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7483. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Prescription Drug User Fee Act reauthorization; to the Committee on Health, Education, Labor, and Pensions.

EC–7484. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Food Labeling and Indirect Food Additives; Technical Amendment" received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7485. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Application of 30-month Stays on Approval of Abbreviated New Drug Applications and Certain New Drug Applications Containing a Certification That a Patent Claiming the Drug Is Invalid or Will Not Be Infringed; Technical Amendment" (Doc. No. 2003N–0417) received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7486. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Medical Device Reports; Reports of Corrections and Removals; Establishment Registration and Device Listing: Premarket Approval Supplements; Quality System Regulation; Importation of Electronic Products; Technical Amendment" received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7487. A communication from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Direct Loan Program" (RIN1840–AC84) received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7488. A communication from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Impact Aid Discretionary Construction Program" (RIN1810–AA96) received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7489. A communication from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Institutional Elig. Under the HEA of 1965; Patricia Roberts Harris Fellowship Prog.; Student Assistance Gen. Prov.; Fed. Perkins Loan Prog.; FWS Prog.; FSEOG; FFELP; Wm. D. Ford FDL Prog.; Fed. Pell Grant Prog.; and National Early Intervention Scholarship and Partnership Program" (RIN1840–AC47) received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7490. A communication from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Smaller Learning Communities Program" (RIN1830–ZA04) received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7491. A communication from the Acting Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, a report relative to the Proposed Prospective Payment System Methodology for Psychiatric Hospitals and Units; to the Committee on Health, Education, Labor, and Pensions.

EC–7492. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the Department's Commercial Activities Inventory for Fiscal Year 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–7493. A communication from the Senior Regulatory Officer, Wage and Hour Division, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees, 29 CFR Part 541" (RIN1215–AA14) received on April 27, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7494. A communication from the Assistant General Counsel for Regulatory Services, Office of Vocational and Adult Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Community Technology Centers Program" (RIN1830–ZA05) received on April 27, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7495. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Kentucky Regulatory Program" (KY–244–FOR) received on May 10, 2004; to the Committee on Energy and Natural Resources.

EC–7496. A communication from the Assistant Secretary for Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Federal Oil Valuation" (RIN1010–AD04) received on May 10, 2004; to the Committee on Energy and Natural Resources.

EC–7497. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Notice of Availability of 'Award of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency's FY 2004 Appropriations Act' " received on May 10, 2004; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WARNER, from the Committee on Armed Services, without amendment:

S. 2400. An original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes (Rept. No. 108–260).

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 994. A bill to protect human health and the environment from the release of hazardous substances by acts of terrorism (Rept. No. 108–261).

By Mr. WARNER, from the Committee on Armed Services, without amendment:

H.R. 3104. To provide for the establishment of separate campaign medals to be awarded to members of the uniformed services who participate in Operation Enduring Freedom and to members of the uniformed services who participate in Operation Iraqi Freedom.

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 441. A bill to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouses in that county.

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 2286. A bill to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia.

By Mr. WARNER, from the Committee on Armed Services, without amendment:

S. 2401. An original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

From the Committee on Armed Services, without amendment:

S. 2402. An original bill to authorize appropriations for fiscal year 2005 for military construction, and for other purposes.

By Mr. WARNER, from the Committee on Armed Services, without amendment:

S. 2403. An original bill to authorize appropriations for fiscal year 2005 for defense activities of the Department of Energy, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WARNER:

S. 2400. An original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. WARNER:

S. 2401. An original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. WARNER:

S. 2402. An original bill to authorize appropriations for fiscal year 2005 for military construction, and for other purposes; placed on the calendar.

By Mr. WARNER:

S. 2403. An original bill to authorize appropriations for fiscal year 2005 for defense activities of the Department of Energy, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. MILLER:

S. 2404. A bill entitled the "Fairness in School Discipline Act of 2004"; to the Committee on the Judiciary.

By Mr. MILLER:

S. 2405. A bill entitled the "Restoring Authority to Schools Act of 2004"; to the Committee on the Judiciary.

By Mrs. CLINTON:

S. 2406. A bill to promote the reliability of the electric transmission grid through the Cross-Sound Cable; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 2407. A bill to clarify the intellectual property rights of the United States Olympic Committee; to the Committee on the Judiciary.

By Mr. BURNS:

S. 2408. A bill to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH (for himself, Mr. AKAKA, Ms. COLLINS, Mr. LIEBERMAN, and Mr. DURBIN):

S. 2409. A bill to provide for continued health benefits coverage for certain Federal employees, and for other purposes; to the Committee on Governmental Affairs.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 2410. A bill to promote wildland firefighter safety; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself, Mr. DEWINE, Mr. DASCHLE, Mr. MCCAIN, Mr. HOLLINGS, Mr. WARNER, Mr. LEVIN, Ms. COLLINS, Mr. SARBANES, Mr. SPECTER, Mr. BIDEN, Ms. SNOWE, Mr. KENNEDY, Mr. GRAHAM of South Carolina, Mr. ROCKEFELLER, Mr. SMITH, Mr. HARKIN, Mr. GREGG, Mr. LIEBERMAN, Mr. JEFFORDS, Mr. DURBIN, Ms. MIKULSKI, Mr. BAUCUS, Mr. SCHUMER, Mr. REID, Mrs. CLINTON, Mr. INOUYE, Mr. LEAHY, Mr. JOHNSON, Mr. KERRY, Mr. BINGAMAN, Mr. LAUTENBERG, Mr. CORZINE, Mr. REED, Mr. CARPER, and Mr. DAYTON):

S. 2411. A bill to amend the Federal Fire Prevention and Control Act of 1974 to provide financial assistance for the improvement of the health and safety of firefighters, promote the use of life saving technologies, achieve greater equity for departments serving large jurisdictions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CAMPBELL (for himself, Mr. DODD, and Mr. BIDEN):

S. Con. Res. 106. A concurrent resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 202

At the request of Mr. DEWINE, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 202, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income that deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 453

At the request of Mrs. HUTCHISON, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 453, a bill to authorize the Health Resources and Services Administration and the National Cancer Institute to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services.

S. 875

At the request of Mr. NELSON of Nebraska, his name was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 983

At the request of Mr. CHAFEE, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1368

At the request of Mr. LEVIN, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1544

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1544, a bill to provide for datamining reports to Congress.

S. 1566

At the request of Mr. CORZINE, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1566, a bill to improve fire safety by creating incentives for the installation of automatic fire sprinkler systems.

S. 1666

At the request of Mr. COCHRAN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1666, a bill to amend the Public Health Service Act to establish comprehensive State diabetes control and prevention programs, and for other purposes.

S. 1737

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1737, a bill to amend the Clayton Act to enhance the authority of the

Federal Trade Commission or the Attorney General to prevent anticompetitive practices in tightly concentrated gasoline markets.

S. 1909

At the request of Mr. COCHRAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1909, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 2088

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2088, a bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes.

S. 2249

At the request of Mr. LIEBERMAN, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2249, a bill to amend the Stewart. B. McKinney Homeless Assistance Act to provide for emergency food and shelter.

S. 2351

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2351, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes.

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2351, supra.

S. 2352

At the request of Mr. ENSIGN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2352, a bill to prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes.

S. 2363

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

S. 2370

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2370, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 2372

At the request of Mr. CORZINE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2372, a bill to amend the Trade Act of 1974 regarding identifying trade expansion priorities.

S. 2383

At the request of Mr. DAYTON, his name was added as a cosponsor of S. 2383, a bill to amend title 10, United States Code, to require the registration of contractors' taxpayer identification numbers in the Central Contractor Registry database of the Department of Defense, and for other purposes.

S.J. RES. 36

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S.J. Res. 36, a joint resolution approving the renewal of import restrictions contained in Burmese Freedom and Democracy Act of 2003.

S. RES. 324

At the request of Mr. SARBANES, his name was added as a cosponsor of S. Res. 324, a resolution expressing the sense of the Senate relating to the extraordinary contributions resulting from the Hubble Space Telescope to scientific research and education, and to the need to reconsider future service missions to the Hubble Space Telescope.

AMENDMENT NO. 3120

At the request of Mr. LEVIN, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 3120 proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

AMENDMENT NO. 3123

At the request of Ms. LANDRIEU, the names of the Senator from Washington (Mrs. MURRAY), the Senator from South Dakota (Mr. JOHNSON), the Senator from Washington (Ms. CANTWELL), the Senator from New Jersey (Mr. CORZINE), the Senator from Massachusetts (Mr. KERRY), the Senator from Illinois (Mr. DURBIN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 3123 proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

AMENDMENT NO. 3129

At the request of Mr. GREGG, his name was added as a cosponsor of amendment No. 3129 proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

At the request of Mr. SUNUNU, his name was added as a cosponsor of amendment No. 3129 proposed to S. 1637, supra.

At the request of Mr. GRAHAM of Florida, his name was added as a cosponsor of amendment No. 3129 proposed to S. 1637, supra.

AMENDMENT NO. 3138

At the request of Mr. SMITH, his name was added as a cosponsor of amendment No. 3138 proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3138 proposed to S. 1637, supra.

At the request of Mr. GRASSLEY, the names of the Senator from Utah (Mr. HATCH) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 3138 proposed to S. 1637, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON:

S. 2406. A bill to promote the reliability of the electric transmission grid through the Cross-Sound Cable; to the Committee on Energy and Natural Resources.

Mrs. CLINTON. Mr. President, I rise to introduce a legislation to restore operation of the Cross Sound Cable.

I was dismayed to learn last Friday that the Secretary of Energy had issued an order that effectively shut down the Cross Sound Cable. The cable had been operating since Secretary Abraham issued an order directing that the cable be turned on almost immediately after the August 14, 2003 blackout.

I believe that last Friday's decision is shortsighted, and I am extremely concerned that it will put Long Island at immediate risk of power failures as we enter the summer peak demand months.

The Cross Sound Cable has provided proven reliability benefits at a time when a shortage of generation and transmission facilities continues to exist on Long Island and in Southern New England. The Cross Sound Cable transmitted 300 MW of power over the Blackout weekend, enough to turn on the power in about 300,000 homes on Long Island. Since beginning full-time operation on September 1, 2003, the

Cross Sound Cable has transmitted nearly one-half million megawatt-hours of electricity to help provide sufficient power to prevent more blackouts or brownouts on the island.

Additionally, the extra power from the Cable makes more power available on Long Island to export over another submarine cable into Southwestern Connecticut when needed, thereby making the regional power grid more resilient. The independent grid operators have successfully tested sending power over the Cross Sound Cable to Long Island and then simultaneously sending power from Western Long Island over another submarine cable to Southwest Connecticut. During a severe cold spell in January, Long Island Power Authority was prepared to send 200 mw of power over Cross Sound Cable to help Connecticut if needed. Over the short- to long-term, the Cable thus allows excess New York-generated power to be transmitted to Connecticut to help prevent blackouts and brownouts.

In addition, the vital role of the Cross Sound Cable was confirmed in the final report of the U.S.-Canada Task Force on the Blackout. The blackout report concludes that "[r]eactive power problems were a significant factor in the August 14 outage, and they were also important elements in several of the earlier outages . . ." During the August 14 blackout, the Cross Sound Cable provided critical reactive power to Long Island and Connecticut to help stabilize the system. Cross Sound has responded to and corrected 17 unanticipated reactive power problems such as lightning strikes and equipment failures. CONVEX, the Connecticut arm of the independent transmission system operator, ISO-New England, has relied on Cross Sound to provide reactive power for voltage support on a preventive basis 84 times. Cross Sound Cable is currently the only operating cable system in Connecticut and Long Island capable of providing dynamic reactive power support during sensitive energy demand periods.

Nearly every day now, the Cable operates under the direction of CONVEX to provide voltage support to Connecticut.

In summary, the Cross Sound Cable has provided reliability benefits at a time when a transmission and generation shortage persists in the region. I strongly believe that this critical energy link between New England and New York should remain operational until all reliability studies required by the Blackout Task Force are completed and all of the resulting recommendations are implemented to prevent further large-scale blackouts in this region. Until all of these steps occur, I believe that an emergency situation clearly continues to exist.

That is why I am introducing this legislation today. In essence, the legislation overrides the order issue by Secretary Abraham on May 7, 2004, reinstates his order of August 28, 2003, and provides that that later order shall remain in effect unless rescinded by an Act of Congress. This would turn the cable back on and leave it on until Congress determines it is appropriate to shut it down. That day may indeed come, but for now, we are facing the prospect of power outages on Long Island as we head into the peak-demand months of the summer.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill ordered to be printed in the RECORD, as follows:

S. 2406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CROSS-SOUND CABLE ORDER.

Notwithstanding Department of Energy Order No. 202-03-4, issued by the Secretary of Energy on May 7, 2004, or any other provision of law, Department of Energy Order No. 202-03-2, issued by the Secretary of Energy on August 28, 2003, is reinstated effective on the date of enactment of this Act and shall remain in effect unless rescinded by Act of Congress.

By Mr. CAMPBELL:

S. 2407. A bill to clarify the intellectual property rights of the United States Olympic Committee; to the Committee on the Judiciary.

Mr. CAMPBELL. Mr. President, I am introducing an amendment to the Ted Stevens Olympic and Amateur Sports Act that will serve to protect the limited resources available to the United States Olympic Committee ("USOC") to support America's Olympic athletes. This amendment would not expand the protections afforded to the USOC under existing law, but would clarify the broad scope of the existing statutory language that guarantees the USOC's exclusive right to commercial use of Olympic marks and terminology in the United States. Congress originally granted these rights to the USOC so that the USOC, through its licensing and sponsorship program, would have the ability to raise funds privately to support United States athletes and programs. Unauthorized use of Olympic marks and terminology by third parties dilutes the value of these marks and terminology and diminishes the USOC's ability to fulfill the mission mandated by Congress. This amendment will help ensure that the USOC can devote more of its resources to assisting athletes as opposed to funding legal actions necessary to prevent foreign or domestic entities from circumventing the broad statutory rights granted to the USOC.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Support Our Olympic Athletes Act of 2004".

SEC. 2. CLARIFICATION OF INTELLECTUAL PROPERTY RIGHTS OF UNITED STATES OLYMPIC COMMITTEE.

Chapter 2205 of title 36, United States Code (commonly referred to as the "Ted Stevens Olympic and Amateur Sports Act"), is amended in section 220506(c)(3) by inserting "the words 'Olympik', 'Olympick', 'Olympika', 'Olympicka', 'Olympica', or 'Olympikus'," after "the words described in subsection (a)(4) of this section,".

By Mr. BURNS:

S. 2408. A bill to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana; to the Committee on Energy and Natural Resources.

Mr. BURNS. Mr. President, this bill adjusts the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in Montana.

For the Helena and Lolo National Forests, these adjustments are necessary to continue the community-based Blackfoot Community Project. This community-driven project is a collaborative effort supported by local residents, elected officials, State and Federal agencies, and others who care about the future of the Blackfoot River Valley.

The project will eventually result in the future ownership and management of nearly 88,000 acres of land in the Blackfoot River watershed. The project will protect the rural lifestyle of a large, intact landscape that supports agriculture, timber harvesting, recreation, and natural resources that are important both locally and nationally.

The project will provide a model for forest management in the west, by creating a private-public partnership to manage a portion of the Blackfoot watershed as a community forest for sustainable timber products and other natural resources benefits. The local community has requested Forest Service acquisition of certain parcels outside the existing National Forest Boundary to ensure continued public uses of these lands including public access for recreation, hunting, livestock grazing, and watershed protection. The end result of this boundary adjustment Forest service will be consolidated ownership and improved forest management.

The boundary adjustment on the Beaverhead-Deerlodge National Forest reflects changes in the Forest as a result of the Watershed conservation project completed in 2003. About 11,000 acres of the Watershed Property that is currently adjacent to the proclaimed Forest will be more accurately classified as existing within the Forest boundary. The Forest Service purchased the property in partnership with the Rocky Mountain Elk Foundation. The County Commissioners, local public, and conservation and sportsman's groups supported the project.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 2410. A bill to promote wildland firefighter safety; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Mr. President, I rise today to introduce the Wildland Firefighter Safety Act of 2004, along with my colleague Senator MURRAY, the senior Senator from Washington State. Earlier today, the Senate Energy and Natural Resources Committee on which I serve held a hearing regarding the outlook for the 2004 fire season. I join many of my colleagues, who are very concerned about what appears to be yet another year of devastating drought throughout the West, and the hazards this could pose in terms of increased fire risk and threats to public safety.

However, we in Washington State recognize the importance of an issue that is often overlooked in discussions of fire preparedness. This is the topic of wildland firefighter safety, and it's an issue that we care deeply about because a horrible tragedy occurred in our state in July 2001, when four young Washington firefighters lost their lives at the Thirtymile Fire. I come to the floor to introduce this legislation today, because we cannot forget the lives that were lost—and the families that are still grieving—as a result of the Thirtymile tragedy. What's more, we cannot allow the Forest Service and our Federal firefighting agencies to repeat the mistakes that the agencies themselves admit resulted in these avoidable deaths. Unfortunately, the recently-issued findings of the Occupational Safety and Health Administration (OSHA)—stemming from the Cramer Fire that killed two Idaho firefighters just last summer—indicate to me that the lessons of Thirtymile are not being completely heeded. This is simply unacceptable.

Many of my colleagues, particularly those from the West, are probably aware of the fact that every summer, we send thousands of our constituents—many of them brave young men and women, college students on summer break—into harm's way to protect our Nation's rural communities and public lands. These men and women serve our nation bravely. Since 1910, more than 900 wildland firefighters have lost their lives in the line of duty. According to the U.S. Forest Service, a total of 30 firefighters across this Nation perished in the line of duty just last year, during the 2003 fire season.

These firefighters represented a mix of Federal and State employees, volunteers and independent contractors. And they lost their lives for an array of reasons. We all realize that fighting fires on our nation's public lands is an inherently dangerous business. But what we cannot and must not abide are the preventable deaths—losing firefighters because rules were broken, policies ignored and no one was held accountable.

I have already mentioned the Thirtymile tragedy that pushed this issue to the fore in the State of Washington. On July 10, 2001, near Winthrop in Okanogan County, in the midst of the second worst drought in the history of our State, the Thirtymile fire burned out of control.

Four courageous young firefighters were killed. Their names: Tom Craven, 30 years old; Karen FitzPatrick, 18; Jessica Johnson, 19; and Devin Weaver, 21.

Sadly, as subsequent investigations revealed, these young men and women did not have to die. In the words of the Forest Service's own report on the Thirtymile fire, the tragedy "could have been prevented." At that time, I said that I believe we in Congress and management within the firefighting agencies have a responsibility to ensure that no preventable tragedy like Thirtymile fire ever happened again.

I'd like to thank my colleague Senator BINGAMAN, the distinguished Ranking Member of the Senate Energy Committee, as well as Senator WYDEN, who was then chair of the Subcommittee on Public Lands and Forests. In the wake of the Thirtymile Fire, they agreed to convene hearings on precisely what went wrong that tragic day. We heard from the grief-stricken families.

In particular, the powerful testimony of Ken Weaver—the father of one of the lost firefighters—put into focus precisely what's at stake when we send these men and women into harm's way.

I can think of no worse tragedy that a parent to confronting the loss of a child, especially when that loss could have been prevented by better practices on the part of federal agencies.

At that Senate Energy Committee hearing, we also discussed with experts and the Forest Service itself ways in which we could improve the agency's safety performance. And almost a year to the day after those young people lost their lives, we passed a bill—ensuring an independent review of tragic incidents such as Thirtymile that led to unnecessary fatalities.

Based on subsequent briefings by the Forest Service, revisions to the agency's training and safety protocols, and what I've heard when I have visited with firefighters over the past two years, I do believe the courage of the Thirtymile families to stand up and demand change has had a positive impact on the safety of the young men and women who are preparing to battle blazes as wildland firefighters.

Yet, I'm deeply saddened by the fact that it's clear we haven't done nearly enough.

In July 2003—two years after Thirtymile—two more firefighters perished, this time at the Cramer Fire within Idaho's Salmon-Challis National Forest. Jeff Allen and Shane Heath were killed when the fire burned over an area where they were attempting to construct a landing spot for firefighting helicopters. Certainly some 28 others lost their lives fighting wildfires last year, and we must recognize the sacrifice and grief befalling their families.

After the Thirtymile Fire, however, I told the Weavers and the Cravens, the families of Karen FitzPatrick and Jessica Johnson that I believed we owed it to their children to identify the causes and learn from the mistakes that were made in the Okanogan, to make wildland firefighting safer for those who would follow. That is why the findings associated with the Cramer Fire simply boggle my mind.

We learned at Thirtymile that all ten of the agencies' Standing Fire Orders and many of the 18 Watch Out Situations—the most basic safety rules—were violated or disregarded. The same thing happened at Cramer, where Heath and Allen lost their lives two years later.

After the Thirtymile Fire, OSHA conducted an investigation and levied against the Forest Service fire citations for Serious and Willful violations of safety rules. It was eerie, then, when just this March OSHA concluded its investigation of Cramer. The result: another five OSHA citations, for Serious, Willful and Repeat violations. Reading through the list of causal and contributing factors for Cramer and putting them next to those associated with the Thirtymile fire, my colleagues would be struck by the many disturbing similarities. Even more haunting are the parallels between these lists and the factors cited in the investigation of 1994's South Canyon Fire on Storm King Mountain in Colorado. It's been 10 years since those 14 firefighters lost their lives on Storm King Mountain—and yet, the same mistakes are being made over and over again.

Let me repeat: This is not acceptable. The firefighters we send into harm's way this year—and the ones we've already lost—deserve better.

Training, leadership and management problems have been cited in all of the incidents I've discussed. Frankly, I have believed since the Thirtymile tragedy that the Forest Service has on its hands a cultural problem. What can we do, from the legislative branch, to provide this agency with enough motivation to change? I believe the first step we can take is to equip ourselves with improved oversight tools, so these agencies know that Congress is paying attention. Today I'm introducing legislation—the Wildland Firefighter Safety Act of 2004—that would do just that.

I believe this is a modest yet important proposal. It was already passed once by the Senate, as an amendment to last year's Healthy Forests legislation. However, I was disappointed that it was not included in the conference version of the bill. But it is absolutely clear to me—particularly in light of OSHA's review of the Cramer Fire—that these provisions are needed now more than ever.

First, the Wildland Firefighter Safety Act of 2004 will require the Secretaries of Agriculture and Interior to track the funds the agencies expend for firefighter safety and training.

Today, these sums are lumped into the agencies' "wildfire preparedness" account. But as I have discussed with various officials in hearings before the Senate Energy and Natural Resources Committee, it is difficult for Congress to play its rightful oversight role—ensuring that these programs are funded in times of wildfire emergency, and measuring the agencies' commitment to these programs over time—without a separate break-down of these funds.

Second, this legislation will require the Secretaries to report to Congress annually on the implementation and effectiveness of its safety and training programs.

I assure my colleagues who have not spent time dwelling on this issue that the maze of policy statements, management directives and curricula changes associated with federal firefighter training is dizzying and complicated. The agencies have a responsibility to continually revise their policies in the face of new science and lessons learned on the fire line. Meanwhile, Congress has the responsibility to ensure needed reforms are implemented. As such, I believe that Congress and the agencies alike would benefit from an annual check-in on these programs. I would also hope that this would serve as a vehicle for an ongoing and healthy dialogue between the Senate and agencies on these issues.

Third, my bill would stipulate that Federal contracts with private firefighting crews require training consistent with the training of Federal wildland firefighters. It would also direct those agencies to monitor compliance with this requirement. This is important not just for the private contractor employees' themselves—but for the Federal, State and tribal employees who stand shoulder-to-shoulder with them on the fire line.

This is actually quite a complex issue about which many of us are just beginning to learn. With the severity of fire seasons throughout the country over the past two years—and notwithstanding the Clinton Administration's efforts to hire a significant number of new firefighters as part of the National Fire Plan—the number of private contract crews hired by the agencies to help with fire suppression has tripled since 1998. According to Oregon Department of Forestry estimates, the number of contract crews at work has grown from 88 in 1998 to 300 this year—with 95 percent based in the Pacific Northwest.

In general, these contract crews have grown up in former timber communities and provide important jobs—especially given the fact the agencies themselves do not at this juncture have the resources to fight the fires entirely on their own. And many of these contractors have been in operation for a decade or more and boast stellar safety records.

Nevertheless, as the number of—and need for—contractors has grown, there are more and more tales of unscrupulous employers that take advantage of workers and skirt training and safety requirements. This is a growing concern for U.S. Forest Service employees and State officials. Last summer, the Seattle Times wrote a detailed feature on the issue, quoting internal Forest Service memos as well as evidence from the field.

I ask unanimous consent that this article be printed in the RECORD.

Among the contractor practices cited in the Seattle Times article: breaking safety rules and failing to warn other crews on the fire line; falsifying or forging firefighting credentials and ignoring training requirements; hiring illegal immigrants that cannot understand fire line commands—and committing various labor abuses; and rotating a single crew from fire to fire for 50 straight days—while Federal firefighters are not allowed to work more than 14 or 21 days in a row.

The article quoted from a November 2002 memo written by Joseph Ferguson, a deputy incident commander for the Forest Service: "If we don't improve the quality and accountability of this program, we are going to kill a bunch of firefighters . . . Although there were two or three good to excellent crews on each fire, that was offset by 20 to 30 that were hardly worth having," Ferguson added. "It was apparent that training for most of these crews had been done poorly or not at all."

Paul Broyles, who heads a safety committee for the National Interagency Fire Center added that private crews he has seen have varied from "fantastic to a he[ck] of a lot less than good and some were real safety concerns." He noted that while State government and feds were trying to crack down on violations associated with documentation, "the assumption is, where there's one problem, there's probably more."

The Wildland Firefighter Safety Act of 2004 is a modest beginning in addressing the challenges posed by integrating private and Federal contract crews—and doing it in a manner that maximizes everyone's safety on the fire line.

I understand that the Federal and State agencies are already attempting to push contractors in this direction—and this provision will bolster that momentum.

And so, I hope my colleagues will support this simple legislation. Ultimately, the safety of our Federal firefighters is a critical component of how well prepared our agencies are to deal with the threat of catastrophic wildfire.

Congress owes it to the families of those brave firefighters we send into harm's way to provide oversight of these safety and training programs.

We owe it to our Federal wildland firefighters, their families and their State partners—and to future wildland firefighters.

The Wildland Firefighter Safety Act of 2004 will provide this body with the additional tools it needs to do the job. Thank you.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Seattle Times, July 20, 2003]

RISKY BUSINESS: GROWTH OF PRIVATE FIRE CREWS WORRIES FOREST OFFICIALS. SOME FEAR TRAINING AND SAFETY ARE COMPROMISED BY BURGEONING USE OF CONTRACT FIREFIGHTERS

(By Craig Welch)

CREWUCH VALLEY, OKANOGAN COUNTY.—While the Forest Service was retooling safety training after the deaths of four firefighters in this rugged valley two years ago, a new danger was quietly mushrooming in the woods.

Private businesses eager to get into the increasingly lucrative wildfire-fighting industry were breaking rules, skirting training and falsifying records to send inexperienced men and women to battle blazes, according to government records. Some churned out crews that fell asleep on the fire line or couldn't understand commands in English. Others arrived hours late to fires that then ballooned out of control.

Private crews are now essential in the West's battle against flames a war once fought primarily by government employees. The number of private 20-person firefighting crews sent by companies that contract with the government to fight fires around the nation more than tripled since 1998, from 88 to 301 this year. About 95 percent of those crews are based in the Northwest.

But some federal officials worry the quality varies dramatically from experienced, well-respected contractors to crews that present significant safety concerns.

And government oversight has struggled to keep pace.

The problem grew so acute last year that Joseph Ferguson, a deputy incident commander for the Forest Service, wrote in an internal memo in November: "If we don't improve the quality and accountability of this program, we are going to kill a bunch of firefighters."

Last year's fire season was a record breaker, scorching 6.9 million acres and costing $1.6 billion to fight.

With a new fire season under way, officials are still working to week out contractors and private trainers who cut corners and put employees or other firefighters in harm's way. Several private crew operators are also urging the government to crack down on problem contractors.

In May, in a first-of-a-kind action, a regional firefighting group composed of federal and state agencies suspended a Twisp-based contractor from training any more pacific Northwest firefighters. Employees of Charles "Bill" Hoskin, who has trained hundreds of private firefighters, told investigators that Hoskin put firefighters through a required 32-hour training course in 12 hours.

He was accused of teaching Spanish-speaking firefighters with instructors who spoke only English, of selling red cards the photo ID that shows carriers have met requirements to be a firefighter to people he had not trained, and of giving firefighters bogus fitness tests.

Hoskin, former chief of the Twisp rural volunteer fire department, has denied all charges of improper action and says he will be vindicated.

Last month, Rue Forest Contracting, of Mill City, Ore., agreed to $25,000 in fines after 23 of its firefighters were found with forged or phony training credentials. Investigators believe some were sent to fires with no training at all. Owner Larry Rue's attorney declined comment.

Last year, the Oregon Department of Forestry, which oversees fire contractors for Oregon and Washington under an interagency agreement, cited 45 private crews for various violations and banned 13 from firefighting for up to a month.

The reason: Firefighters showed up late to fires, skipped safety briefings, drank or used drugs at fire camp, engaged in sexual harassment, had falsified training records or were part of a crew with no English-speaking leaders, according to the department.

Oregon labor officials, meanwhile, said they were investigating 30 private firefighter-training or pay violations at any one time last year.

Ferguson, the Forest Service incident commander who fought fires in Oregon, Utah and Colorado, complained in his November memo that Northwest private crews in 2002 were "the worst we've ever seen."

"Although there were two or three good to excellent crews on each fire, that was offset by 20 to 30 that were hardly worth having," Ferguson wrote. "It was apparent that training for most of these crews had been done poorly or not at all.

Bill Lafferty, head of Oregon's fire program, oversees most of the country's private 20-person "hand crews." He's beefing up enforcement but admitted that "we really don't know the magnitude of the cheaters in the system."

"We're struggling as best we can," he said. "But we're barely scratching the surface."

On a recent 90-degree day, firefighter Dustin Washburn, 21, rolled a boulder from the charred dirt and saw smoke rise from smoldering embers. He attacked it with a pulaski, an axlike firefighting tool, smothering the fire.

This 20-person private hand crew was trying to douse hotspots on portions of a 34,000-acre blaze that still burns in the Chewuch River high country in Okanogan County.

"Who was working this area?" asked Myron Old Elk, the crew leader for a private unit of Oregon-based Ferguson Management. "Get over here. It's still hot."

Private crews typically dig lines, knock down spot fires or burn areas to reduce fuels. They're supposed to get the same training as government crews.

Many, such as this Ferguson unit, are run by respected, experienced hands. Old Elk has fought fires for a dozen years. Private Ferguson Management crews have battled blazes since 1981.

"Myron's great," said Lonnie Click, a supervisor on this roiling blaze. "If he doesn't understand directions, he'll ask, then double-ask, until he gets it exactly right."

But the industry has grown so quickly that some new companies supply firefighters however they can.

Contractors have hired illegal immigrants and paid them under the table, or deducted so much for food and incidentals that some earned only 50 cents in a two-week pay period, according to Oregon's Bureau of Labor and Industries. Underage firefighters "borrowed" Social Security numbers to fake certification.

FEAST OR FAMINE

Firefighters aren't allowed to work more than 14 or 21 days in a row without a rest day, but some private firefighters have rotated from fire to fire for 50 days straight, according to Forest Service memos. A crew removed from one Oregon fire for poor safety ratings last year showed up two weeks later on a nearby fire.

"There's a lot of money to be made here, and when there's a lot of money at stake, people figure out angles," said Scott Coleman, owner of Oregon's Skookum Reforestation, which for decades has provided contract crews.

The nation's private wildfire firms have grown out of Oregon's logging, tree-planting and forestry labor pool. As a result, Oregon now manages the bulk of them.

For years, it was feast or famine. New contractors started after busy fire years, then disbanded during slow ones.

But wildfires had grown increasingly unruly in the 1990s, just as federal agencies had downsized their own crews. So the government increasingly has turned to contractors.

After 2000, when firefighting help was enlisted from as far away as New Zealand, more contractors, including several from Washington, saw opportunity. Contractors typically charge the government $22 to $36 an hour per worker. The contractor buys vehicles, equipment and clothing, provides training and pays firefighters from $9 to $18 per hour.

NEW EMPHASIS ON TRAINING

Last year, 270 20-person private crews in the Northwest were paid $91 million. Several companies grossed $1 million apiece.

"Overhead can be enormous, but if you have a good fire season and get sent out a lot, you bet there's profit in it," said Coleman, vice president of the National Wildfire Association, which has pushed to weed out unscrupulous contractors. "But if you don't train someone well, you're basically endangering his life."

Five federal agencies the Forest Service, National Parks, Bureau of Land Management, Fish and Wildlife Service and Bureau of Indian Affairs fight fires.

The agencies renewed efforts to make safety the top priority after 14 Forest Service firefighters were trapped by flames during the July 2001 Thirty Mile fire in the Chewuch Valley. Jessica Johnson, Karen FitzPatrick, Devin Weaver and Tom Craven were asphyxiated by superheated gases after deploying their shelters.

Investigators determined crew leaders violated all 10 standard safety rules. The agency put new emphasis on training, communication, spotting hazardous situations and handling emergencies.

But among new private crews, training issues can be even more basic. Firefighters have bought fire IDs from former firefighters and spliced in their own photographs.

"Just yesterday, I got a call from a woman who wanted to verify that I'd trained these two guys who had '03 dates on heir certification," said Harry Winston, who trains contract firefighters through First Strike Environmental in Oregon. "I hadn't. They'd scratched out '02 on their red cards and put in this year's date."

Don Land, who worked for Hoskin, the suspended contract trainer, was made an "engine boss" a person who operates a wildland firetruck without any training, according to the state Bureau of Labor and Industries.

Land was released from prison after a three-year sentence in 2001. He said that Hoskin hired him for the fire season. Land said he had not completed the required training and lacked even a driver's license, but was given the job of an engine boss.

The state accused Hoskin of giving his students answers to written tests and allowing them to use a 5-pound weight in a fitness test that requires hiking with a 45-pound pack.

Hispanic crews now make up half of the Northwest's private firefighters, and contractors have been disciplined for sending crews with no English speakers to fires a potential hazard when communicating risk.

New rules require crew and squad leaders to speak both English and the language of the crew. But an internal Forest Service memo suggested that bilingual leaders on Oregon's Tiller Complex fires last year appeared to be there mainly for their language skills. Five crew bosses confessed to not understanding their leadership responsibilities.

Paul Broyles, who heads a safety committee for the National Interagency Fire Center, said the private crews he's seen varied from "fantastic to a hell of a lot less than good and some were real safety concerns."

A contract crew on an Oregon fire Broyles worked last year was stationed to make sure a rolling inferno stayed behind a fire line. Instead, the crew watched as flames crossed the line, never informing a nearby elite "hotshot" crew of the danger headed its way, he said.

The state and the federal government are strengthening oversight and tightening controls on documentation, said Broyles. Still, he said, "the assumption is, where there's one problem, there're probably more."

This year, Oregon plans to investigate private crews more heavily. The state now inspects training classes and expects to hire new compliance officers.

But much of the training is designed to be self-policing.

Wildfire contractors form associations, which sign agreements with federal and state agencies. The association then guarantees that contractors meet regulations.

Of eight such associations, some are vastly more qualified than others, said Ed Daniels, who oversees Oregon's certification and training.

Qualifications to form an association: "Thirty-five dollars and a pen to sign a memorandum of understanding," he said.

Hoskin was president of his association.

By Mr. DODD (for himself, Mr. DeWine, Mr. Daschle, Mr. McCain, Mr. Hollings, Mr. Warner, Mr. Levin, Ms. Collins, Mr. Sarbanes, Mr. Specter, Mr. Biden, Ms. Snowe, Mr. Kennedy, Mr. Graham of South Carolina, Mr. Rockfeller, Mr. Smith, Mr. Harkin, Mr. Gregg, Mr. LIEBERMAN, Mr. JEFFORDS, Mr. DURBIN, Ms. MIKULSKI, Mr. BAUCUS, Mr. SCHUMER, Mr. REID, Mrs. CLINTON, Mr. INOUYE, Mr. LEAHY, Mr. JOHNSON, Mr. KERRY, Mr. BINGAMAN, Mr. LAUTENBERG, Mr. CORZINE, Mr. REED, Mr. CARPER, and Mr. DAYTON):

S. 2411. A bill to amend the Federal Fire Prevention and Control Act of 1974 to provide financial assistance for the improvement of the health and safety of firefighters, promote the use of life saving technologies achieve greater equity for departments serving large jurisdictions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DODD. Mr. President, I rise today with Senator DEWINE and 34 cosponsors to introduce the Assistance to Firefighters Act of 2004, which will revitalize the FIRE Act grant program for an additional six years.

Senator DEWINE and I authored the original FIRE Act four years ago. It has been a tremendous success, helping fire departments throughout our Nation purchase firefighting equipment as well as train firefighters. Nationwide, nearly $2 billion has been appropriated for FIRE Act grants throughout the country.

A report last year by the Federal Government found that 99 percent of grant recipients were satisfied with the FIRE Act's ability to meet the needs of their department. In addition, 97 percent of the participants reported that it had "a positive impact on their ability to handle fire and fire-related incidents." The report concluded that "overall, the results of our survey and our analysis reflect that the Assistance to Firefighters Grant program was highly effective in improving the readiness and capabilities of firefighters across the Nation." The FIRE Act grant initiative is truly a success story.

It is important to remember that the defenders of our Nation are not dressed only in combat fatigues. They wear firefighter uniforms. They risk their lives to keep us safe just like our troops overseas, and we all appreciate their efforts greatly.

The fire service has men and women who are willing to do whatever it takes to get their jobs done. As a country, we are fortunate to have first-rate firefighters throughout the Nation, but they are underfunded, understaffed, undertrained, and underequipped to deal with many emergencies that may arise. According to a national Needs Assessment study of the U.S. Fire Service published in December 2002, most fire departments lack the necessary resources and training to properly handle terrorist attacks and large-scale emergencies. A June 2003 Council of Foreign Relations report authored by former Senator Warren Rudman further underscored this issue when it concluded that "if the Nation does not take immediate steps to better identify and address the urgent needs of emergency responders, the next terrorist incident could have an even more devastating impact than the September 11 attacks."

The responsibilities of America's firefighters have also changed. They have certainly come a long way from the "bucket brigades" in colonial America, where two rows of people would stretch form the town well to the fire, passing buckets of water back and forth until the fire was extinguished.

Today, firefighters must do more. They still have their traditional responsibilities of extinguishing fires, delivering emergency medical services, and ensuring that fire codes are obeyed. Now the fire service has new homeland security responsibilities, such as responding to biological and chemical threats.

The reality, however, is that cash-strapped States and cities simply do not have the resources needed to single-handedly safeguard their populations. Nor do they have the fiscal reserves necessary to deal with heightened warning levels for any extended period of time.

According to the aforementioned U.S. Fire Service's 2002 national Needs Assessment study, most fire departments lack the necessary resources and training to properly handle terrorist attacks and large-scale emergencies. The study found that: Using local personnel, only 11 percent of fire departments can handle a rescue at a collapse of a building with 50 occupants. Nearly half of all fire departments consider such an incident beyond their scope.

Using local personnel, only 13 percent of fire departments can handle a hazardous material incident involving chemical and/or biological agents with 10 injuries. Only 21 percent have a written agreement to direct the use of non-local resources to handle the situation.

An estimated 40 percent of fire department personnel involved in hazardous material response lack formal training in those duties, most of them serving smaller communities.

Finally, an estimated 60 to 75 percent of fire departments do not have enough fire stations to achieve widely used response time guidelines. Many fire departments often fail to respond to fires with sufficient personnel to safely initiate an interior attack on a structural fire.

These statistics are startling. The threats to which firefighters are expected to respond have far outgrown the ability of local governments to equip firefighters to do what these dangerous times require them to do. This situation demands continued action by the Senate to address these concerns, which is why Senator DEWINE and I are introducing this legislation to further strengthen the FIRE Act grant initiative for the future.

Our bill builds on the recommendations given to us last February by the paid and volunteer fire services. First, we are authorizing $5.85 billion over the next six years for FIRE Act grant assistance. This amount represents a substantial increase over current law.

Second, we are both increasing the size of the awards and making the grants more equitable. Presently, the maximum amount of an award is $750,000, regardless of the size and type of department. For a large department, this cap has caused some difficulties because departments in smaller communities get a substantially larger share of the funds per capita. Our legislation will increase the size of the awards for large jurisdictions to $2.25 million, a threefold increase. For jurisdictions between 500,000 and one million people, the cap will be $1.5 million. For jurisdictions less than 500,000, the maximum award will be $1 million. The bill also empowers the Secretary of Homeland Security to waive these caps in instances of extraordinary need.

Third, we have restructured the matching requirements of current law. We have heard from the fire services that the current matching requirement imposed on local jurisdictions in many instances exceeds the funds available in their budgets. Our bill will reduce the non-Federal matching requirement from 30 percent to 20 percent for departments serving populations of more than 50,000 people. It will also cut the match by one-third for departments serving communities between 20,000 and 50,000 people, and by one-half for departments serving 20,000 or fewer residents.

Finally, we have enhanced the fire safety and fire prevention programs under the FIRE Act, and we have made volunteer, non-profit emergency medical service (EMS) providers that serve municipalities with separate fire and EMS departments eligible for FIRE Act grants. In addition, we tackle the leading cause of firefighter death in the line of duty—heart attacks—by creating an incentive for fire departments to acquire life-saving automated external defibrillator equipment for every first-due emergency vehicle.

These are some of the provisions in the legislation that Senator DEWINE and I are introducing. We look forward to working constructively with the other body in the coming months to fashion legislation that the entire fire service can support.

I am concerned, however, about a provision in the House bill that would seem to disadvantage paid fire departments over volunteer fire departments. This provision would prohibit a paid fire department from receiving FIRE Act assistance if it includes in its collective bargaining agreement a clause prohibiting its firefighters from serving as volunteer firefighters in another jurisdiction.

This provision would needlessly put Congress in the awkward position of dictating to local fire departments not only how to manage themselves, but what issues they can and cannot bargain over in their contract. The consequences of such a provision would be far-reaching. In fact, I am unaware of any other Federal grant initiative that imposes a limitation of such as this on collective agreements.

Of course, there are larger issues also at stake—namely, the fact that the Federal government does not provide for firefighters to bargain collectively. Where bargaining does occur, it exists because firefighters have won the right at the state or local level. In fact, I have strongly supported separate legislation currently pending before Congress that would grant each and every firefighter the right to discuss workplace issues with their employer. It would therefore be inconsistent if firefighters are told what issues over which they can or cannot bargain at the same time that it is the current policy of the Federal Government that it is up to the states whether they can bargain in the first place. How can collective bargaining rights be restricted when they are not even granted?

The legislation that Senator DEWINE and I are introducing does not include the House provision, because we are committed to ensuring that all firefighters are treated fairly, and have an equal opportunity to obtain the assistance they need to do their jobs safely.

In closing, it is important to recall the vital role that firefighters have played in American history since its earliest days. In fact, firefighting can be linked to some of our Nation's most illustrious personages. Benjamin Franklin established the first volunteer fire department in Philadelphia in 1735. George Washington himself was a volunteer firefighter across the Potomac River in Alexandria, Virginia, and he imported the first fire engine from England in 1765.

Of course, on September 11, 2001, 343 members of the New York Fire Department made the ultimate sacrifice in their efforts to save thousands of lives trapped in the World Trade Center. The role played by those firefighters who died in the line of duty on that tragic day made our Nation proud. We will never allow their noble sacrifice to be forgotten.

On that day and on every other day, they are the first ones in and the last ones out. They risk their own lives to save the lives of others. They stare danger in the face because they know they have a duty to fulfill.

The Congress has a duty to the fire service as well, and to the citizens of our Nation who need the protection of the fire service. I look forward to working with my colleagues in the coming months to ensure that this important bipartisan homeland security legislation is enacted into law.

Mr. DEWINE. Mr. President, each day, we entrust our lives and the safety of our families, friends, and neighbors to the capable hands of the brave men and women in our local police departments. These individuals are willing to risk their lives and safety out of a dedication to their citizens and their commitment to public service.

We ask local firefighters to risk no less than their lives, as well, every time they respond to an emergency fire alarm, a chemical spill, or as we saw on September 11, terrorist attacks. We ask them to risk their lives responding to the nearly 2 million reports of fire that they receive on an annual basis. Every 18 seconds while responding to fires, we expect them to be willing to give their lives in exchange for the lives of our families, neighbors and friends. One hundred firefighters lost their lives in 2002 in the line of duty, and nearly 450 lost their lives in 2001. The unyielding commitment these individuals have made to public safety surely deserves an equally strong commitment from the Federal Government.

In 2000, Congress affirmed the value of having a properly trained, equipped and staffed fire service by passing the Firefighter Investment and Response Enhancement (FIRE) Act—legislation that Senator DODD and I introduced, along with Congressmen PASCRELL, WELDON, and many others, on the House side. In the 4 years since the FIRE Act become law, fire departments have made significant progress in terms of filling the substantial needs outlined in the National Fire Protection Association's "needs assessment." To date, Congress has appropriated nearly $2 billion for the FIRE Act program. Virtually every penny of that amount has gone directly to local fire departments through FIRE grants to provide firefighter personal protective equipment, training to ensure more effective firefighting practices, breathing apparatus, new firefighting vehicles, emergency medical services supplies, fire prevention programs, and other important uses. The direct nature of the FIRE Act grant program—funds literally go straight from the Federal Government to local fire departments—is an extremely important aspect of the law, particularly in light of the difficulties we are seeing with other homeland security grant programs getting money to flow directly to the intended recipients.

FIRE Act grants are awarded based on a competitive, peer-review process that helps ensure that the most important needs are filled first and that funding will be used in an effective manner. I am proud to note that 86 of Ohio's 88 counties have received FIRE Act funding up to this point and that the fire service in my home State is much better prepared to respond to emergencies as a result. The bottom line is this: The FIRE Act program has proven to be an extremely valuable tool for fire-based first responders.

The time has come to reauthorize this important legislation—to build upon the successes of the original FIRE Act and to refine the program where improvements can be made. Just as we did in 2000, Senator DODD and I have come together, along with the support of several national fire service organizations, to introduce a bill to reauthorize the FIRE Act. Our bill focuses on four central themes. First, we take steps to make the grant program more accessible for fire departments serving small, rural communities and to eliminate barriers to participation faced by departments serving heavily populated jurisdictions. Second, we codify changes made in program administration since its transfer to the recently created Department of Homeland Security. Third, the bill increases the emphasis within the program on life-saving Emergency Medical Services and technologies. And fourth, we evaluate the program through a series of reports to help ensure that resources are targeted to the areas of greatest need. These priorities have been developed jointly with the fire service, and represent a means to strengthen the FIRE Act program for years to come.

First, our new legislation would help the FIRE act program be more accessible for fire departments serving the very largest and smallest jurisdictions in America. Our experience over the past 4 years has been that a number of features in the program make participation difficult for departments serving these populations. Career fire departments, most of which serve populations well in excess of 50,000, have been receiving only a small percentage of the total grants thus far. After consulting with the fire service organizations, fire chiefs in my home State of Ohio, and officials administering the program at the Department of Homeland Security, we've found that there are two main reasons why this has been the case.

First, matching requirements for large departments, currently fixed at 30 percent, have been particularly difficult to meet. Second, current law dictates that departments—whether they serve a large city, such as Cleveland and have numerous fire stations, or a small town, such as Cedarville, OH and have only one station—are eligible for the exact same level of funding each year: $750,000. These two elements of the current program have caused a number of large fire departments to forego applying for FIRE grants. With respect to smaller, often volunteer-based departments serving populations of 20,000 or less, budgets are often so limited that meeting the current match is simply not possible. Many of these departments struggle with even the most basic needs, such as having an adequate number of staff available to respond to a structure fire.

Our bill addresses each of these problems in a simple and straightforward fashion. Specifically, the bill would reduce matching requirements by one third for departments serving communities of 50,000, and by the one half for departments serving 20,000 or fewer residents in order to encourage increased participation by these departments. The bill also would restructure caps on grant amounts to reflect population served, with up to $2,250,000 for departments serving one million or more, $1,500,000 for departments serving between 500,000 and one million, and $1,000,000 for departments serving fewer than 500,000 residents. Together, these two changes would go a long way toward increasing the accessibility of the program for the very largest and smallest departments in the United States.

The second major component of our bill has to do with the transfer of the FIRE Act administration from the Federal Emergency Management Administration (FEMA) to the Department of Homeland Security (DHS). When FEMA's functions were transferred into the DHS, the FIRE grant program, along with the U.S. Fire Administration, also were transferred to DHS. As part of that transfer, formal administration of the FIRE grant program has been delegated to the Department to the Office of Domestic Preparedness (ODP), which oversees all DHS grant programs. While the U.S. Fire Administration—the real fire experts within the Federal Govenment—remains involved, we need to take steps to formalize the management of the program following the transfer to DHS.

There are a number of reasons for solidifying program administration in law, chief among them being the ability of fire departments across our Nation to plan for the future, and the ability to ensure an ongoing role for fire experts in the process. First, our bill gives the Secretary of Homeland Security overall authority for the program. This just makes sense given the Secretary's current home within ODP. Additionally, the bill would codify in law practices currently in use by ODP—peer review by experts from national fire service organizations, a formal role for the U.S. Fire Administration, and collaborative meetings to recommend grant criteria.

These steps would benefit the program for years to come and would help bring stability to the increasingly mature FIRE grant program. Perhaps more importantly, formalizing the role of the U.S. Fire Administrator and national fire service organizations would help resolve a fundamental tension between the mission of the FIRE Act program (to improve firefighting and EMS resources nationwide for all hazards) and the mission of its caretaker, ODP (to focus on terrorism prevention and response).

It makes sense for ODP, as the central clearinghouse for grant program within DHS, to manage the FIRE grant program. Equally so, it makes sense to build features into the program which would help ensure that the FIRE grant program will remain dedicated solely to the fire and emergency medical services (EMS) communities and will not be diluted over time into a generic terrorism-prevention program. Our bill carefully strikes this balance.

The third major focus of this reauthorization bill is on finding ways to improve safety and to save lives. We do this in a number of ways. First, we've teamed up with national fire service organizations to incorporate firefighter safety research into the fire prevention and safety set-aside program. This new research, supported by a 20 percent increase in funds for the prevention and safety set-aside, would help reduce the number of firefighter fatalities each year and would dramatically improve the health and welfare of firefighters nationwide.

Second, we place an increased emphasis on Emergency Medical Services. In most communities, the fire department is the chief provider for all emergency services, including EMS. To illustrate this point, a 2002 National Fire Protection Association study indicates that fire departments received more than seven times as many calls for EMS assistance as they did for fires. When our family members, neighbors, and friends need immediate medical help, we turn to EMS providers, and we rely on this help to be as effective and timely as possible. It is our duty in structuring the FIRE grant program, then, to do everything we can to give EMS squads the assistance they need to carry out this important mission.

Despite the overwhelming ratio of EMS calls to fire calls, the FIRE grant program has not adequately reflected the importance of EMS over the past few years, with about 1 percent of all grants going specifically for EMS purposes. While there is no question that a number of other grants have indirectly benefited EMS and that departments do invest their own money into this service, more can and should be done through the FIRE Act to boost our EMS capabilities nationwide. To accomplish this goal, we do a number of things in the reauthorization bill, including specifically including fire-based EMS professionals in the peer review process and allowing EMS grant requests to be combined with those for equipment and training.

Additionally, we include language to incorporate independent, non-profit EMS squads into the FIRE grant program for the first time. While our work with national fire service organizations on this particular provision has been productive and is ongoing, its intent is clear—and that is to try to bring the emphasis within the FIRE grant program on EMS closer to the level of demand in the field for this life-saving service. I am pleased that we have this language in the bill and believe that through debate here in committee, and perhaps on the Senate floor, we can find an even better solution for increasing support for EMS.

Third, we create a new incentive program within the FIRE Act that encourages departments to invest in life-saving automated external defibrillator (AED) devices. These devices are capable of dramatically reducing the number one cause of firefighter death in the line of duty—heart attacks. Our incentive program essentially says to fire departments that if you equip each of your firefighting vehicles with a defibrillator unit, we'll give you a one-time discount on your matching requirement. Congress has expressed, time and again, strong support for getting these devices out to communities through various grant programs. It is our hope that we can maintain that commitment by extending support for life-saving defibrillator technologies to fire departments across the country.

Fourth, we eliminate a burdensome and unintended matching requirement for fire prevention grants. These grants generally go to non-profit organizations, such as National SAFE KIDS, to provide for fire safety awareness campaigns, smoke detector installations in low-income housing, and other important prevention efforts. Though no match was required in the first few years of the program, a recent legal opinion from the Office of Domestic Preparedness has reversed course and instituted a 10 percent match for grantees. This unanticipated requirement, which is extremely difficult for non-profits with limited capital, has had a debilitating effect on the prevention program and needs to be eliminated. Our bill does just that.

Together, these common-sense features of our reauthorization bill would dramatically improve the safety of our communities, as well as the firefighters who bravely serve them.

The fourth section of this reauthorization bill centers on a comprehensive review of the FIRE grant program. This review, to be conducted in part by the National Fire Protection Association, and in part by the General Accounting Office (GAO), seeks to evaluate the program with an eye toward ensuring that resources are targeted to the areas of greatest need. A similar study by the National Fire Protection association conducted shortly after passage of the initial FIRE Act was extremely helpful as far as identifying the nature of the fire service needs. Ultimately, this part of the bill is about making sure that the billions of taxpayer dollars authorized by this legislation are used in the most responsible and effective manner possible.

Our bill is a good bill. It is comprehensive and collaboratively drafted with input from fire and emergency services experts from across the country. The National Safe Kids Campaign, the International Association of Fire Fighters, the International Association of Fire Chiefs, the National Volunteer Fire Council, the International Association of Arson Investigators, the International Society of Fire Service Instructors, and the National Fire Protection Association, among others, all support our legislation. I am proud to introduce this bill with my friend and colleague from Connecticut and look forward to working to ensure that the Federal Government increases its commitment to the men and women who make up our local fire departments. We owe them and their service and dedication nothing less than our full support.

Mr. McCAIN. Mr. President, I am pleased to join Senators DODD and DEWINE and my other colleagues in introducing the Assistance to Firefighters Act of 2004, which will reauthorize the Assistance to Firefighters Grant Program. This program, which is also know as the FIRE Grant program, addresses a critical need by ensuring that our Nation's firefighters have adequate funding for training and equipment to deal with the many hazards that they face.

As Chairman of the authorizing committee of jurisdiction, I am familiar with the success of the Assistance to Firefighters Grant Program. Funding under the FIRE grant program is provided directly to local jurisdictions. Applications undergo a competitive, merit-based process, which helps to ensure that funding is spent responsibily and productively. The grant program includes a matching requirement to ensure that the local community is committed to spending the grant. It also includes a "maintenance of expenditures" provision to ensure that the grant will supplement, not replace, local firefighting funds. In addition, the program ensures that new technology that is bought with FIRE Grant funds meet standards set by voluntary consensus organizations, so that local fire departments will buy effective equipment.

For Fiscal Year 2004, the program received over 20,000 applications from local fire departments across the country. These requests totaled approximately $2.3 billion. The program also received around 20,000 applications in 2001, 2002, and 2003, which clearly demonstrates the need and importance of this program to the firefighting community.

The Assistance to Firefighters Grant program recipients use such funds to help meet their basic needs. The uses for these grants include: personal protection and firefighting equipment; training; firefighting vehicles; fire prevention campaigns; fire code enforcement; and arson detection and prevention. I would like to emphasize that these grants are dedicated to improving the local response to "all-hazards," including natural disasters, structural fires, and acts of terrorism.

I thank my colleagues for their leadership on this issue, and urge the Senate to support passage of this legislation this year. As we have witnessed recently, our Nation's fire services face a myriad of threats, and we should work to ensure that they are adequately trained and equipped to meet them.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 106—URGING THE GOVERNMENT OF UKRAINE TO ENSURE A DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS FOR THE PRESIDENTIAL ELECTION ON OCTOBER 31, 2004

Mr. CAMPBELL (for himself, Mr. DODD, and Mr. BIDEN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 106

Whereas the establishment of a democratic, transparent, and fair election process for the 2004 presidential election in Ukraine and of a genuinely democratic political system are prerequisites for that country's full integration into the Western community of nations as an equal member, including into organizations such as the North Atlantic Treaty Organization (NATO);

Whereas the Government of Ukraine has accepted numerous specific commitments governing the conduct of elections as a participating State of the Organization for Security and Cooperation in Europe (OSCE), including provisions of the Copenhagen Document;

Whereas the election on October 31, 2004, of Ukraine's next president will provide an unambiguous test of the extent of the Ukrainian authorities' commitment to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas this election takes place against the backdrop of previous elections that did not fully meet international standards and of disturbing trends in the current pre-election environment;

Whereas it is the duty of government and public authorities at all levels to act in a manner consistent with all laws and regulations governing election procedures and to ensure free and fair elections throughout the entire country, including preventing activities aimed at undermining the free exercise of political rights;

Whereas a genuinely free and fair election requires a period of political campaigning conducted in an environment in which neither administrative action nor violence, intimidation, or detention hinder the parties, political associations, and the candidates from presenting their views and qualifications to the citizenry, including organizing supporters, conducting public meetings and events throughout the country, and enjoying unimpeded access to television, radio, print, and Internet media on a non-discriminatory basis;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote and the right to seek and acquire information upon which to make an informed vote, free from intimidation, undue influence, attempts at vote buying, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas a genuinely free and fair election requires government and public authorities to ensure that candidates and political parties enjoy equal treatment before the law and that government resources are not employed to the advantage of individual candidates or political parties;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections, multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote-counting in all areas of the country;

Whereas increasing control and manipulation of the media by national and local officials and others acting at their behest raise grave concerns regarding the commitment of the Ukrainian authorities to free and fair elections;

Whereas efforts by the national authorities to limit access to international broadcasting, including Radio Liberty and the Voice of America, represent an unacceptable infringement on the right of the Ukrainian people to independent information;

Whereas efforts by national and local officials and others acting at their behest to impose obstacles to free assembly, free speech, and a free and fair political campaign have taken place in Donetsk, Sumy, and elsewhere in Ukraine without condemnation or remedial action by the Ukrainian Government;

Whereas numerous substantial irregularities have taken place in recent Ukrainian parliamentary by-elections in the Donetsk region and in mayoral elections in Mukacheve, Romny, and Krasniy Luch; and

Whereas the intimidation and violence during the April 18, 2004, mayoral election in Mukacheve, Ukraine, represent a deliberate attack on the democratic process: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) acknowledges and welcomes the strong relationship formed between the United States and Ukraine since the restoration of Ukraine's independence in 1991;

(2) recognizes that a precondition for the full integration of Ukraine into the Western community of nations, including as an equal member in institutions such as the North Atlantic Treaty Organization (NATO), is its establishment of a genuinely democratic political system;

(3) expresses its strong and continuing support for the efforts of the Ukrainian people to establish a full democracy, the rule of law, and respect for human rights in Ukraine;

(4) urges the Government of Ukraine to guarantee freedom of association and assembly, including the right of candidates, members of political parties, and others to freely assemble, to organize and conduct public events, and to exercise these and other rights free from intimidation or harassment by local or national officials or others acting at their behest;

(5) urges the Government of Ukraine to meet its Organization for Security and Cooperation in Europe (OSCE) commitments on democratic elections and to address issues previously identified by the Office of Democratic Institutions and Human Rights (ODIHR) of the OSCE in its final reports on the 2002 parliamentary elections and the 1999 presidential elections, such as illegal interference by public authorities in the campaign and a high degree of bias in the media;

(6) urges the Ukrainian authorities to ensure—

(A) the full transparency of election procedures before, during, and after the 2004 presidential elections;

(B) free access for Ukrainian and international election observers;

(C) multiparty representation on all election commissions;

(D) unimpeded access by all parties and candidates to print, radio, television, and Internet media on a non-discriminatory basis;

(E) freedom of candidates, members of opposition parties, and independent media organizations from intimidation or harassment by government officials at all levels via selective tax audits and other regulatory procedures, and in the case of media, license revocations and libel suits, among other measures;

(F) a transparent process for complaint and appeals through electoral commissions and within the court system that provides timely and effective remedies; and

(G) vigorous prosecution of any individual or organization responsible for violations of election laws or regulations, including the application of appropriate administrative or criminal penalties;

(7) further calls upon the Government of Ukraine to guarantee election monitors from the ODIHR, other participating States of the OSCE, Ukrainian political parties, candidates' representatives, nongovernmental organizations, and other private institutions and organizations, both foreign and domestic, unobstructed access to all aspects of the election process, including unimpeded access to public campaign events, candidates, news media, voting, and post-election tabulation of results and processing of election challenges and complaints; and

(8) pledges its enduring support and assistance to the Ukrainian people's establishment of a fully free and open democratic system, their creation of a prosperous free market economy, their establishment of a secure independence and freedom from coercion, and their country's assumption of its rightful place as a full and equal member of the Western community of democracies.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3142. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 3140 submitted by Mr. Feingold and intended to be proposed to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table.

SA 3143. Mr. GRASSLEY proposed an amendment to the bill S. 1637, supra.

TEXT OF AMENDMENTS

SA 3142. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 3140 submitted by Mr. Feingold and intended to be proposed to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, insert after line 14 the following:

(5) National security exemption.—Subsection (a) shall not apply to any procurement for national security purposes entered into by:

(A) the Department of Defense or any agency or entity thereof;

(B) the Department of the Army, the Department of the Navy, the Department of the Air Force, or any agency or entity of any of the military departments;

(C) the Department of Homeland Security;

(D) the Department of Energy or any agency or entity thereof, with respect to the national security programs of that Department; or

(E) any element of the intelligence community.

SA 3143. Mr. GRASSLEY proposed an amendment to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; as follows:

On page 26, between lines 2 and 3, insert:

"(3) Gross receipts from use of films and video tape.—In the case of any qualifying production property which is property described in section 168(f)(3) produced in whole or in significant part by the taxpayer within the United States (determined after application of paragraph (2)), domestic production gross receipts shall include gross receipts derived by the taxpayer from the use of the property by the taxpayer.

On page 27, between lines 2 and 3, insert the following flush sentence:

Subparagraph (F) shall not apply to property described in section 168(f)(3) to the extent of the gross receipts from the use of the property to which subsection (e)(3) applies (determined after application of this sentence).

On page 34, strike lines 8 through 17, and insert:

"(9) Separate application to films and videotape.—

"(A) In general.—In the case of qualifying production property described in section 168(f)(3), the deduction under this section shall be determined separately with respect to qualified production activities income of the taxpayer allocable to each of the following markets with respect to such property:

"(i) Theatrical.

"(ii) Broadcast television (including cable, foreign, pay-per-view, and syndication).

"(iii) Home video.

"(B) Rules for separate determination.—Except as provided in subparagraph (C)—

"(i) any computation required to determine the amount of the deduction with respect to any of the markets described in subparagraph (A) shall be made by only taking into account items properly allocable to such market, including the computation of qualified production activities income, modified taxable income, and the domestic/worldwide fraction, and

"(ii) such items shall not be taken into account in determining the deduction with respect to either of the other 2 markets or with respect to qualified production activities income of the taxpayer not allocable to any of such markets.

"(C) Wage limitation.—This paragraph shall not apply for purposes of subsection (b) and subsection (b) shall be applied after the application of this paragraph."

On page 5, of the Senate amendment number 3118, as passed, at the end of line 13, add the following: "For purposes of determining LEED certification as required under this clause, points shall be credited by using the following:

"(I) For wood products, certification under the Sustainable Forestry Initiative Program and the American Tree Farm System.

"(II) For renewable wood products, as credited for recycled content otherwise provided under LEED certification.

"(III) For composite wood products, certification under standards established by the American National Standards Institute, or such other voluntary standards as published in the Federal Register by the Administrator of the Environmental Protection Agency.

On page 6, strike lines 20 and 21, of the Senate amendment number 3118, as passed, and insert the following:

"(II) Compliance with certification standards cited under clause (i).

Beginning on page 12, line 10, of the Senate amendment number 3118, as passed, strike all through page 16, line 10, and insert the following:

SEC. . SUBSTANTIAL PRESENCE TEST REQUIRED TO DETERMINE BONA FIDE RESIDENCE IN UNITED STATES POSSESSIONS.

(a) Substantial Presence Test.—

(1) In General.—Subpart D of part III of subchapter N of chapter 1 (relating to possessions of the United States) is amended by adding at the end the following new section:

"SEC. 937. BONA FIDE RESIDENT.

"For purposes of this subpart, section 865(g)(3), section 876, section 881(b), paragraphs (2) and (3) of section 901(b), section 957(c), section 3401(a)(8)(C), and section 7654(a), the term 'bona fide resident' means a person who satisfies a test, determined by the Secretary, similar to the substantial presence test under section 7701(b)(3) with respect to Guam, American Samoa, the Northern Mariana Islands, Puerto Rico, or the Virgin Islands, as the case may be.".

(2) Conforming Amendments.—

(A) The following provisions are amended by striking "during the entire taxable year" and inserting "for the taxable year":

(i) Paragraph (3) of section 865(g).

(ii) Subsection (a) of section 876(a).

(iii) Paragraphs (2) and (3) of section 901(b).

(iv) Subsection (a) of section 931.

(v) Paragraphs (1) and (2) of section 933.

(B) Section 931(d) is amended by striking paragraph (3).

(C) Section 932 is amended by striking "at the close of the taxable year" and inserting "for the taxable year" each place it appears.

(3) CLERICAL AMENDMENT.—The table of sections of subpart D of part III of subchapter N of chapter 1 is amended by adding at the end the following new item:

"Sec. 937. Bona fide resident.".

(b) REPORTING REQUIREMENTS FOR BONA FIDE RESIDENTS OF THE VIRGIN ISLANDS.—Paragraph (2) of section 932(c) (relating to treatment of Virgin Islands residents) is amended to read as follows:

"(2) FILING REQUIREMENTS.—

"(A) IN GENERAL.—Notwithstanding paragraph (4), each individual to whom this subsection applies for the taxable year shall file an income tax return for the taxable year with—

"(i) the Virgin Islands, and

"(ii) the United States.

"(B) FILING FEE.—The Secretary shall charge a processing fee with respect to the return filed under subparagraph (A)(ii) of an amount appropriate to cover the administrative costs of the requirements of subparagraph (A)(ii) and the enforcement of the purposes of subparagraph (A)(ii).".

(c) PENALTIES.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 is amended by adding at the end the following new section:

"SEC. 6717. FAILURE OF VIRGIN ISLANDS RESIDENTS TO FILE RETURNS WITH THE UNITED STATES.

"(a) PENALTY AUTHORIZED.—The Secretary may impose a civil money penalty on any person who violates or causes any violation of, the requirements of section 932(c)(2)(A)(ii).

"(b) AMOUNT OF PENALTY.—

"(1) IN GENERAL.—Except as provided in subsection (c), the amount of any civil penalty imposed under subsection (a) shall not exceed $5,000.

"(2) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under subsection (a) with respect to any violation if such violation was due to reasonable cause and the taxpayer acted in good faith.

"(c) WILLFUL VIOLATIONS.—In the case of any person willfully violating, or willfully causing any violation of, any requirement of section 932(c)(2)(A)(ii)—

"(1) the maximum penalty under subsection (b)(1) shall be increased to $25,000 and

"(2) subsection (b)(2) shall not apply.".

(2) CLERICAL AMENDMENT.—The table of sections for Part I of subchapter B of chapter 68 is amended by adding at the end the following new item:

"Sec. 6717. Failure of Virgin Islands residents to file returns with the United States.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

On page 185, line 10, insert "insuring," before "or".

On page 287, beginning with line 10, strike all through page 288, line 3, and insert:

"(A) obligations of the United States, money, or deposits with persons described in paragraph (4);".

(b) ELIGIBLE PERSONS.—Section 956(c) (relating to exceptions to definition of United States property) is amended by adding at the end the following new paragraph:

"(4) FINANCIAL SERVICES PROVIDERS.—

"(A) IN GENERAL.—For purposes of paragraph (2)(A), a person is described in this paragraph if at least 80 percent of the person's income is income described in section 904(d)(2)(C)(ii) (and the regulations thereunder) which is derived from persons who are not related persons.

"(B) SPECIAL RULES.—For purposes of subparagraph (A)—

"(i) all related persons shall be treated as 1 person in applying the 80-percent test, and

"(ii) there shall be disregarded any item of income or gain from a transaction or series of transactions a principal purpose of which is the qualification of a person as a person described in this paragraph.

"(C) RELATED PERSON.—For purposes of this paragraph, the term 'related person' has the meaning given such term by section 954(d)(3).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

On page 335, strike lines 4 through 10, and insert the following:

(2) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this section shall apply to taxable years beginning after March 31, 2004, with respect to leases entered into on or before November 18, 2003.

On page 422, line 21, strike "$10,000,000" and insert "$25,000,000".

On page 557, between lines 9 and 10, insert the following:

SEC. ___. GOLD, SILVER, PLATINUM, AND PALLADIUM TREATED IN THE SAME MANNER AS STOCKS AND BONDS FOR MAXIMUM CAPITAL GAINS RATE FOR INDIVIDUALS.

(a) IN GENERAL.—Section 1(h)(5) (relating to definition of collectibles gain and loss) is amended—

(1) by striking "(as defined in section 408(m) without regard to paragraph (3) thereof)" in subparagraph (A) thereof, and

(2) by adding at the end the following new subparagraph:

"(C) COLLECTIBLE.—For purposes of this paragraph, the term 'collectible' has the meaning given such term by section 408(m), except that in applying paragraph (3)(B) thereof the determination of whether any bullion is excluded from treatment as a collectible shall be made without regard to the person who is in physical possession of the bullion."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2003.

SEC. ___. INCLUSION OF PRIMARY AND SECONDARY MEDICAL STRATEGIES FOR CHILDREN AND ADULTS WITH SICKLE CELL DISEASE AS MEDICAL ASSISTANCE UNDER THE MEDICAID PROGRAM.

(a) OPTIONAL MEDICAL ASSISTANCE.—

(1) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (a)—

(i) by striking "and" at the end of paragraph (26);

(ii) by redesignating paragraph (27) as paragraph (28); and

(iii) by inserting after paragraph (26), the following:

"(27) subject to subsection (x), primary and secondary medical strategies and treatment and services for individuals who have Sickle Cell Disease; and"; and

(B) by adding at the end the following:

"(x) For purposes of subsection (a)(27), the strategies, treatment, and services described in that subsection include the following:

"(1) Chronic blood transfusion (with deferoxamine chelation) to prevent stroke in individuals with Sickle Cell Disease who have been identified as being at high risk for stroke.

"(2) Genetic counseling and testing for individuals with Sickle Cell Disease or the sickle cell trait to allow health care professionals to treat such individuals and to prevent symptoms of Sickle Cell Disease.

"(3) Other treatment and services to prevent individuals who have Sickle Cell Disease and who have had a stroke from having another stroke.".

(2) RULE OF CONSTRUCTION.—Nothing in subsections (a)(27) or (x) of section 1905 of the Social Security Act (42 U.S.C. 1396d), as added by paragraph (1), shall be construed as implying that a State medicaid program under title XIX of such Act could not have treated, prior to the date of enactment of this Act, any of the primary and secondary medical strategies and treatment and services described in such subsections as medical assistance under such program, including as early and periodic screening, diagnostic, and treatment services under section 1905(r) of such Act.

(b) FEDERAL REIMBURSEMENT FOR EDUCATION AND OTHER SERVICES RELATED TO THE PREVENTION AND TREATMENT OF SICKLE CELL DISEASE.—Section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396b(a)(3)) is amended—

(1) in subparagraph (D), by striking "plus" at the end and inserting "and"; and

(2) by adding at the end the following:

"(E) 50 percent of the sums expended with respect to costs incurred during such quarter as are attributable to providing—

"(i) services to identify and educate individuals who are likely to be eligible for medical assistance under this title and who have Sickle Cell Disease or who are carriers of the sickle cell gene, including education regarding how to identify such individuals; or

"(ii) education regarding the risks of stroke and other complications, as well as the prevention of stroke and other complications, in individuals who are likely to be eligible for medical assistance under this title and who have Sickle Cell Disease; plus".

(c) DEMONSTRATION PROGRAM FOR THE DEVELOPMENT AND ESTABLISHMENT OF SYSTEMIC MECHANISMS FOR THE PREVENTION AND TREATMENT OF SICKLE CELL DISEASE.—

(1) AUTHORITY TO CONDUCT DEMONSTRATION PROGRAM.—

(A) IN GENERAL.—The Administrator, through the Bureau of Primary Health Care and the Maternal and Child Health Bureau, shall conduct a demonstration program by making grants to up to 40 eligible entities for each fiscal year in which the program is conducted under this section for the purpose of developing and establishing systemic mechanisms to improve the prevention and treatment of Sickle Cell Disease, including through—

(i) the coordination of service delivery for individuals with Sickle Cell Disease;

(ii) genetic counseling and testing;

(iii) bundling of technical services related to the prevention and treatment of Sickle Cell Disease;

(iv) training of health professionals; and

(v) identifying and establishing other efforts related to the expansion and coordination of education, treatment, and continuity of care programs for individuals with Sickle Cell Disease.

(B) GRANT AWARD REQUIREMENTS.—

(i) GEOGRAPHIC DIVERSITY.—The Administrator shall, to the extent practicable, award grants under this section to eligible entities located in different regions of the United States.

(ii) PRIORITY.—In awarding grants under this subsection, the Administrator shall give priority to awarding grants to eligible entities that are—

(I) Federally-qualified health centers that have a partnership or other arrangement with a comprehensive Sickle Cell Disease treatment center that does not receive funds from the National Institutes of Health; or

(II) Federally-qualified health centers that intend to develop a partnership or other arrangement with a comprehensive Sickle Cell Disease treatment center that does not receive funds from the National Institutes of Health.

(2) ADDITIONAL REQUIREMENTS.—An eligible entity awarded a grant under this subsection shall use funds made available under the grant to carry out, in addition to the activities described in paragraph (1)(A), the following activities:

(A) To facilitate and coordinate the delivery of education, treatment, and continuity of care for individuals with Sickle Cell Disease under—

(i) the entity's collaborative agreement with a community-based Sickle Cell Disease organization or a nonprofit entity that works with individuals who have Sickle Cell Disease;

(ii) the Sickle Cell Disease newborn screening program for the State in which the entity is located; and

(iii) the maternal and child health program under title V of the Social Security Act (42 U.S.C. 701 et seq.) for the State in which the entity is located.

(B) To train nursing and other health staff who provide care for individuals with Sickle Cell Disease.

(C) To enter into a partnership with adult or pediatric hematologists in the region and other regional experts in Sickle Cell Disease at tertiary and academic health centers and State and county health offices.

(D) To identify and secure resources for ensuring reimbursement under the medicaid program, State children's health insurance program, and other health programs for the prevention and treatment of Sickle Cell Disease.

(3) NATIONAL COORDINATING CENTER.—

(A) ESTABLISHMENT.—The Administrator shall enter into a contract with an entity to serve as the National Coordinating Center for the demonstration program conducted under this subsection.

(B) ACTIVITIES DESCRIBED.—The National Coordinating Center shall—

(i) collect, coordinate, monitor, and distribute data, best practices, and findings regarding the activities funded under grants made to eligible entities under the demonstration program;

(ii) develop a model protocol for eligible entities with respect to the prevention and treatment of Sickle Cell Disease;

(iii) develop educational materials regarding the prevention and treatment of Sickle Cell Disease; and

(iv) prepare and submit to Congress a final report that includes recommendations regarding the effectiveness of the demonstration program conducted under this subsection and such direct outcome measures as—

(I) the number and type of health care resources utilized (such as emergency room visits, hospital visits, length of stay, and physician visits for individuals with Sickle Cell Disease); and

(II) the number of individuals that were tested and subsequently received genetic counseling for the sickle cell trait.

(4) APPLICATION.—An eligible entity desiring a grant under this subsection shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

(5) DEFINITIONS.—In this subsection:

(A) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Health Resources and Services Administration.

(B) ELIGIBLE ENTITY.—The term "eligible entity" means a Federally-qualified health center, a nonprofit hospital or clinic, or a university health center that provides primary health care, that—

(i) has a collaborative agreement with a community-based Sickle Cell Disease organization or a nonprofit entity with experience in working with individuals who have Sickle Cell Disease; and

(ii) demonstrates to the Administrator that either the Federally-qualified health center, the nonprofit hospital or clinic, the university health center, the organization or entity described in clause (i), or the experts described in paragraph (2)(C), has at least 5 years of experience in working with individuals who have Sickle Cell Disease.

(C) FEDERALLY-QUALIFIED HEALTH CENTER.—The term "Federally-qualified health center" has the meaning given that term in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B)).

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $10,000,000 for each of fiscal years 2005 through 2009.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) take effect on the date of enactment of this Act and apply to medical assistance and services provided under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) on or after that date.

Beginning on page 558, line 1, strike all through page 559, line 5.

On page 930, after line 18, add the following:

TITLE IX—OFFICE OF FEDERAL PROCUREMENT POLICY ACT IMPROVEMENTS

SEC. 901. REPORT ON ACQUISITIONS OF GOODS FROM FOREIGN SOURCES.

(a) REPORT.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 43. REPORT ON ACQUISITIONS OF GOODS FROM FOREIGN SOURCES.

"(a) Not later than 60 days after the end of each fiscal year, the head of each executive agency shall submit to Congress a report on the acquisitions that were made of articles, materials, or supplies by such executive agency in that fiscal year from entities that manufacture the articles, materials, or supplies outside the United States.

"(b) The report for a fiscal year under subsection (a) shall separately indicate the following information:

"(1) The dollar value of any articles, materials, or supplies that were manufactured outside the United States.

"(2) An itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.).

"(3) A summary of—

"(A) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

"(B) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

"(c) The head of each executive agency submitting a report under subsection (a) shall make the report publicly available by posting on an Internet website.

"(d) Subsection (a) shall not apply to any procurement for national security purposes entered into by—

"(1) the Department of Defense or any agency or entity thereof;

"(2) the Department of the Army, the Department of the Navy, the Department of the Air Force, or any agency or entity of any of the military departments;

"(3) the Department of Homeland Security;

"(4) the Department of Energy or any agency or entity thereof, with respect to the national security programs of that Department; or

"(5) any element of the intelligence community.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Office of Federal Procurement Policy Act is amended by adding at the end the following new item:

"Sec. 43. Report on acquisitions of goods from foreign sources.".

(c) COMMERCE DEPARTMENT REPORT.—Not later than 60 days after the end of each fiscal year ending after the date of the enactment of this Act, the Secretary of Commerce shall submit to Congress and make publicly available by posting on an Internet website a report on the acquisitions by foreign governments of articles, materials, or supplies that were manufactured or extracted in the United States in that fiscal year. Such report shall indicate the dollar value of such articles, materials, or supplies.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, May 12, 2004, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 1715, the Department of Interior Tribal Self-Governance Act of 2003.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources:

The hearing will be held on Tuesday, May 18, at 10 a.m. in Room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to evaluate implications of a recent change in reporting of small business contracts by the Department of Energy. This change has the effect of increasing the number of small business contracts issued directly by the Department and decreasing the number of contracts issued by the Department's Management and Operating contractors.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Dr. Pete Lyons at 202-224-5861 or Shane Perkins at 202-224-7555.

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, May 19, at 2:30 p.m. in Room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 900, a bill to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the pertinent irrigation districts; S. 1876, a bill to authorize the Secretary of the Interior to convey certain lands and facilities of the Provo River Project; S. 1957, a bill to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes; S. 2304 and H.R. 3209, bills to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project; S. 2243, a bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska; H.R. 1648, a bill to authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuma Project, California, to the Carpinteria Valley Water District and the Montecito Water District; and H.R. 1732, a bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Williamson County, Texas, Water Recycling and Reuse Project, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Kellie Donnelly at 202-224-9360, Nate Gentry at 202-224-2179, Erik Webb at 202-224-4756, or Shane Perkins at 202-224-7555.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on May 11, 2004, at 9:30 a.m. and 2:30 p.m., in open session, to continue to receive testimony on allegations of mistreatment of Iraqi prisoners.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 11, 2004, at 2:30 p.m. on Smoking in the Movies.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I ask unanimous consent that the committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, May 11 at 10:00 a.m.

The purpose of this hearing is to gain an understanding of the impacts and costs of last year's fires and then look forward to the potential 2004 fire season. The hearing will give all committee members a solid understanding of the problems faced last year and what problems the agencies and the land they oversee may face this next season, including aerial fire fighting assets and crew, and overhead availability.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 11, 2004 at 10:00 a.m. to hold a hearing on Saving Lives: The Deadly Intersection of AIDS & Hunger.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, May 11, 2004, at 10:30 a.m. for a hearing titled "Bogus Degrees and Unmet Expectations: Are Taxpayer Dollars Subsidizing Diploma Mills?" (Day One).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing entitled "Breakthroughs in Alzheimer's Research: News You Can Use" during the session of the Senate on Tuesday, May 11, 2004 at 10:00 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Terrorism, Technology and Homeland Security be authorized to meet to conduct a hearing on "Rapid Bio-Terrorism Detection and Response" on Tuesday, May 11, 2004 at 9:30 a.m. in Dirksen 226.

Witness List:

Panel I: Dr. Paul Keim, Director Northern Arizona University, Flagstaff, AZ; Dr. Harvey W. Meislin, Director, Arizona Emergency Medicine Research Center, Tucson, AZ; Dr. David A. Relman, Associate Professor of Medicine, Stanford University, Palo Alto, CA; and Dr. Jeffrey Trent, President, Translational Genomics Research Institute, Phoenix, AZ.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTRY, CONSERVATION, AND RURAL REVITALIZATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Forestry, Conservation and Rural Revitalization of the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Tuesday, May 11, 2004. The purpose of this hearing will be to examine the conservation programs of the 2002 Farm Bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, MAY 12, 2004

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, May 12. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for up to 60 minutes, with the first half hour under the control of the majority leader or his designee, and the second half hour under the control of the minority leader or his designee; provided that following morning business, the Senate begin consideration of S. 1248, the IDEA reauthorization bill as provided under the previous order.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, through you to the distinguished majority whip, we have completed this bill. It has been a long struggle. Everybody is happy that it is done. We also are going to pass the IDEA bill within the next couple of days. I see no reason we couldn't also complete the mental health parity legislation. I spoke with Senator DOMENICI and our leader. There is no reason we couldn't do that in a very short time period, a matter of just an hour or two. The only thing we are waiting on is the Senator from New Hampshire, Mr. GREGG, who has an amendment that deals with the scope of the bill. That is the only amendment people have indicated they want to deal with. As soon as we see that, we can agree on a time for that. This would be a remarkable week if we could complete three major pieces of legislation.

Mr. McCONNELL. I say to my friend from Nevada, it certainly would be good to be able to complete more legislation in the Senate. We are actively working on the bill that the Senator referred to, hoping to get that cleared on this side. I hope that will be possible.

Mr. REID. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, tomorrow following morning business, the Senate will begin consideration of the IDEA reauthorization bill. Under the previous agreement, there are up to eight amendments in order, in addition to the managers' amendment. The chairman and ranking member of the HELP Committee will be here tomorrow morning to begin working through these amendments. I would inform all Senators that rollcall votes are expected throughout the day as the Senate works toward passage of that important bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:28 p.m., adjourned until Wednesday, May 12, 2004, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 11, 2004:

DEPARTMENT OF DEFENSE

JOSEPH F. BADER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2007, VICE JESSIE M. ROBERSON, TERM EXPIRED.

DEPARTMENT OF COMMERCE

BRETT T. PALMER, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE BRENDA L. BECKER.

FEDERAL TRADE COMMISSION

DEBORAH P. MAJORAS, OF VIRGINIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE UNEXPIRED TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2001, VICE TIMOTHY J. MURIS, RESIGNED.

DEPARTMENT OF THE TREASURY

TIMOTHY S. BITSBERGER, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE BRIAN CARLTON ROSEBORO, RESIGNED.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

JAMES R. KUNDER, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE WENDY JEAN CHAMBERLIN.

DEPARTMENT OF EDUCATION

CRAIG T. RAMEY, OF WEST VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF TWO YEARS. (NEW POSITION)

CENTRAL INTELLIGENCE

LARRY C. KINDSVATER, OF VIRGINIA, TO BE DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE FOR COMMUNITY MANAGEMENT, VICE JOAN AVALYN DEMPSEY, RESIGNED.

HOUSE OF REPRESENTATIVES—*Tuesday, May 11, 2004*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PENCE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 11, 2004.

I hereby appoint the Honorable MIKE PENCE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER) for 5 minutes.

CALLING FOR THE RESIGNATION OF THE SECRETARY OF DEFENSE

Mr. GEORGE MILLER of California. Mr. Speaker, Vice President CHENEY has told the Nation that people ought to get off Secretary Rumsfeld's case and let him do his job. President Bush has called him "really good" and "superb" in the last week alone.

There are many reasons why Mr. Rumsfeld should resign from his position as Secretary of Defense. It is not just because he engaged in a cover-up in keeping the atrocities at the Abu Ghraib Prison from the Congress of the United States when he had full knowledge about it, but it is also his incompetency to appreciate and understand the political firestorm that would be set off across the Islamic and Arab world by the humiliation that was taking place, or even the suffering and the humiliation that Americans would feel when they saw these out-of-control soldiers engaging in that conduct.

But it is also because he is reigning over the most incompetent and mismanaged occupation of the country of Iraq, because his arrogance would not allow him to pay attention to those prestigious institutions and people who had actual experience in peacekeeping and restoring democracy to countries, who had done it without taking casualties of American soldiers. They pushed ahead with an inadequate number of resources in terms of soldiers and equipment; they pushed ahead with inadequate resources in terms of paying for this, and for the force protection, his number one responsibility, the force protection of our soldiers.

Because of his actions and because of his rush to war, as the Pentagon Joint Chiefs of Staff study tells us in Lessons Learned, they failed to provide for the protection of these soldiers. More recently, that failure has been translated by the Pentagon to say because of improper equipment for the personal protection of soldiers, because of the improper kind of mix of equipment in terms of non-armored Humvees, one out of four of the casualties was unnecessary, had we been properly prepared with the proper equipment, the training, for our soldiers. One out of four of the casualties was unnecessary, according to the Pentagon, another reason why Secretary Rumsfeld should resign.

HEALTH CARE AND AMERICAN PROSPERITY

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Texas (Mr. DELAY) is recognized during morning hour debates.

Mr. DELAY. Mr. Speaker, this week, the House will make history, taking up the first of eight components of the most ambitious and forward-looking economic agenda in a generation. For the next 8 weeks, the House will debate and pass legislation that will begin the process of remaking our economy for the new century.

Rather than treating individual policy initiatives in a vacuum, the American Careers Initiative takes a comprehensive approach, treating health care, energy, education, taxes, regulation and lawsuit abuse reform as parts of a broader economic agenda.

For the next 2 months, the House will focus on one of the eight components of the Careers Initiative each week, starting tomorrow with Health Care Security.

First, we will pass legislation to reform medical malpractice liability laws to protect good doctors, nurses, and hospitals from predatory trial lawyers and their abusive lawsuits, lowering the cost of health care.

Second, we will pass the Small Business Health Fairness Act, which will allow small businesses to enjoy the same economies of scale now used by large corporations, organizations, and labor unions in their health plans.

Third, we will make Flexible Spending Accounts even more flexible, by allowing account owners to hold on to some of their unspent health savings year to year or even roll some of that money into a new health savings account.

We will do all of these things not simply because they are good health care policies, but because they make for greater economic policies.

By reducing the threat of abusive lawsuits, more doctors will continue to see patients and thereby help to reduce the crisis in health care access. By allowing small businesses to reduce the cost of employee health insurance, those businesses will in turn use their savings to invest in new products and hire new employees. And by expanding the utility of Flexible Spending Accounts, we will promote more health care competition and help Americans save money on their insurance costs.

All of these new policies will help break down the barriers between the American people and the affordable quality health care that they demand. And they will also break down the barriers between them and the thriving competitive and prosperous 21st-century economy that they deserve.

FULFILLING OUR DUTY

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Maryland (Mr. HOYER) is recognized during morning hour debates for 5 minutes.

Mr. HOYER. Mr. Speaker, before I discuss the legislation that will be considered on the floor this week, I want to comment briefly on the continuing revelations about the abuse of Iraqi detainees in American custody and the need for vigorous congressional oversight through full and open committee hearings.

I could not disagree with my friend, the majority leader, more when he says the idea of a congressional investigation is like, and I quote, "saying we need an investigation every time there is police brutality on the street."

The abuse of Iraqi detainees, as we are learning, is, unfortunately, not isolated, and responsibility extends up

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and down the military chain of command. We must not abdicate our constitutional responsibility as an independent, coequal branch of government, as some Members of the other body have stated.

For example, the Senate majority leader is quoted today in Congressional Quarterly as saying, "The Senate will continue to do its duty. We had several hearings last week. We will continue to maintain a close watch on the unfolding situation." In fact, they are having hearings this week.

This shocking episode demands a full and open inquiry. It demands a bipartisan approach. I urge the Republican leadership to work with this side of the aisle in getting to the bottom of these abuses, in holding the responsible parties accountable and ensuring that it never happens again. The world expects no less, and we should expect no less ourselves.

Now, Mr. Speaker, while the other body exercises vigorous oversight, this body will consider a Republican bill that will actually increase the budget deficit, which is projected at more than half a trillion dollars this year alone, and three health care bills that would do virtually nothing to help the uninsured.

This Republican majority is not responding to America's needs. We can, we must, do better.

The Republican bill to make the 10 percent income tax bracket permanent could win overwhelming, perhaps unanimous, support if it were paid for. Instead, it would add an estimated $218 billion to the national debt. Our children and grandchildren will pay that debt.

The Democratic substitute, in contrast, is paid for. Unfortunately, Republican leaders believe that tax cuts are a freebie. In fact, the chairman of the House Committee on the Budget, the gentleman from Iowa (Mr. NUSSLE), said in March, and I quote, "We don't believe that you should have to pay for tax cuts."

It is that mathematically challenged philosophy, that denial of reality that continues to stall negotiations on the 2005 budget. House Republicans refuse to pay for tax cuts. House Democrats, a bipartisan majority of the Senate and the chairman of the Federal Reserve, Mr. Greenspan, fully support pay-as-you-go budget rules. In fact, if my Republican friends missed the comment of Chairman Greenspan last week, let me repeat it. He said, "The free lunch has still not been invented."

This week, the Republican leadership will also put three health care bills on the floor, apparently in recognition of Cover the Uninsured Week.

Today in America, the richest, most powerful Nation on the face of the Earth, 44 million Americans do not have health insurance; and that figure has increased by 4 million since President Bush took office. Yet none of the Republican health care bills directly addresses this growing problem.

We have already passed two of these three bills, on medical liability and associated health plans, almost in exactly the same form; so we are simply repeating that which we have already done, presumably for political purposes as opposed to substance. The third, on Flexible Savings Accounts, would mostly benefit those who are already insured.

House Democrats, by comparison, will introduce three health care bills this week that, together, would provide health insurance for more than half of the 44 million uninsured. These bills are aimed, Mr. Speaker, at three growing groups of uninsured: those with low income, retirees, and small businesses and the self-employed.

I say to my friends on the Republican side, our constituents did not send us here to pretend to legislate, to repeatedly pass legislation so that it could go to the Senate. They sent us here to solve problems and fulfill our duty. This week, there is ample evidence that we are doing neither.

DOUBLE STANDARDS APPLIED REGARDING TERRORISM

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from North Carolina (Mr. COBLE) is recognized during morning hour debates for 5 minutes.

Mr. COBLE. Mr. Speaker, the infamous Iraqi prison photographs with which we are so familiar portray deplorable scenes for which we will apologize. I am concerned that these inappropriate practices occurred, but I am further concerned regarding the double standards that many countries apply regarding terrorism, and I will discuss that in detail herewith.

Much attention has been directed, Mr. Speaker, against America regarding the Iraqi prison matter; but comparatively speaking, little has been expressed against the terrorists.

Who will apologize or express concern for the 9/11 attack and the 3,000 innocent lives lost?

Who will apologize for the first attack to the World Trade Center and subsequent attacks upon our embassies and the U.S.S. *Cole*?

Who will apologize for the recent deadly explosion in Spain?

Who will apologize regarding hostages who were mutilated and hanged from a bridge while onlookers gleefully applauded and laughed obscenely?

These questions are rhetorical, Mr. Speaker, because no apologies are forthcoming, and many do not appear to be concerned about it.

I am told that the majority of Iraqis wanted Saddam removed from power, but they were unwilling and were incapable of doing the job themselves because they feared Saddam and knew the pain and torture he was capable of inflicting upon them.

Incidentally, Mr. Speaker, Saddam's rape rooms are no longer open for business, nor are Saddam's torture chambers. Why do we hear virtually nothing about the rape rooms and the torture chambers having been shut down? They are shut down because America, Great Britain, and coalition members stepped forward and Saddam retreated to his spider hole where he was captured.

Some in Iraq embrace us as liberators, while others, including terrorists from beyond Iraq, reject us as occupiers.

□ 1245

The closer Iraq approaches freedom and democracy, the more impediments and barriers the terrorists will erect.

When the government is handed over to the Iraqi Council on 30 June, many have declared, oh, the Americans must never leave because civil unrest may erupt. Well, I agree, we cannot abruptly depart, but Iraq needs to step up to the plate on 30 June.

Mr. Speaker, there is an expression uttered in the rural South to indicate appropriate timing. This expression is called "high time." So I say today it is high time for Iraq to accept responsibility and express a willingness to govern and stand up to terrorism. If they want us to leave, they can show the world they are capable of governing responsibly. They can show the world they have the fortitude to avoid intimidation by terrorists and the evil practices they dispense.

I am not suggesting that America become the rigid, inflexible, fully supportive rod for the Iraqi spine or backbone, but rather serve as a brace or splint to permit and encourage independent function. I firmly believe that day will come, Mr. Speaker. I pray it will be sooner rather than later.

AMERICA'S UNINSURED

The SPEAKER pro tempore (Mr. PENCE). Pursuant to the order of the House of January 20, 2004, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, this week Republicans begin an 8-week public relations campaign in an attempt to sell their special interest agenda to all Americans. Unfortunately, when Americans look beyond all the rhetoric, they will see the Republican proposals do nothing for the middle class. The so-called "Hire Our Workers" campaign begins this week with Republicans highlighting three pieces of legislation that they say will help the uninsured find insurance and middle class Americans better afford health care. But, Mr. Speaker, the Republican public relations effort is necessary because their health care proposals do no such thing.

This week is "Cover the Uninsured Week." But unfortunately, nothing the Republican Congress is proposing will help the more than 44 million Americans without health insurance gain any insurance. As health care costs continue to increase way above the rate of inflation, the Republicans' health care proposals this week do nothing to help those Americans struggling to pay these ever-increasing prices.

The three health care bills that Republicans are offering this week are simply a ruse. Furthermore, each of these pieces of legislation has already been passed by the Republican majority and each of these bills have been proven to increase health costs, dismantle the employer-sponsored health insurance base, and increase the number of uninsured Americans.

Republicans will claim their Association Health Plan legislation will lower rates and provide greater access to insurance, but the reality is that AHP legislation would result in less health care access and dramatic increases in premiums for State insurance-based employers. AHPs would fragment and destabilize the small group market, resulting in higher premiums for many small businesses. And the Republican legislation would also allow employers to "cherry-pick," attracting younger, healthier individuals to join AHPs, while leaving older, sicker individuals in the traditional insurance market which results in increased premiums for the remaining pool.

Mr. Speaker, the Republican Health Savings Account legislation creates a tax-favored savings provision with no income limitations. The main reason Republicans want to pass this bill is to create a new tax shelter for the healthy and wealthy while, at the same time, threatening higher health insurance premiums for everyone else.

The Republican PR machine will claim this legislation helps the uninsured by providing a tax credit that would allow the uninsured to set aside up to $2,000, tax free, in a new health savings account to supposedly help pay for health insurance. But unfortunately, it is highly unlikely that most uninsured Americans will be able to take advantage of this program, because they have an extremely difficult time saving $2,000 a year for health care.

Mr. Speaker, the final component of the Republican agenda is medical liability reform. Republicans will claim that this legislation will address the sky-rocketing costs of health care, but Republicans are doing nothing to address spiraling insurance premiums for doctors. The nonpartisan Congressional Budget Office concluded that "Malpractice costs account for a very small fraction of total health care spending; even a very large reduction in malpractice costs would have a relatively small effect on total health plan premiums."

If Republicans truly want to help the uninsured and underinsured, they should set aside their rhetoric and pass three pieces of legislation introduced by the Democrats. First, the Family Care Act expands Medicaid and SCHIP to provide affordable coverage to about 7.5 million working parents. Second, the Medicare Early Access Act provides coverage to 3.5 million people who are over the age of 55, but not yet eligible for Medicare, by allowing them to purchase Medicare coverage. And third, the Small Business Health Insurance Act creates a 50 percent tax credit to help small businesses with the costs of health care.

These Democratic proposals not only offer significant reductions in the ranks of the uninsured, but also rein in spiraling health care costs to our Nation.

Mr. Speaker, Americans deserve results here on the House floor. It is unfortunate that for the next 8 weeks, all they are going to get from the Republican majority is more political spin.

COVER THE UNINSURED WEEK

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized during morning hour debates for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, in this Cover the Uninsured week, I rise to say that our health care system in this country is falling short on promise and contributing to disabling illness and premature death of the people it is supposed to serve. The picture is worse for African Americans who, for almost every illness, are impacted more severely and disproportionately, in some cases more than all other minorities combined. Every day in this country there are at least 200 African American deaths which could and should have been prevented.

The current strongly held-to "cost containment" paradigm, while it sounds good on the surface, has obviously not worked. We now have double digit increases in premiums in an industry that was to rein in costs. What it did instead was create a multi-tiered system of care, both within managed care and without. Those at the lowest rungs of the system got and continue to get sicker. The sicker, and the more costly, were and are still being dropped, and those who are sickest were and remain locked out entirely.

In 2003, health care spending rose to $1.7 trillion, or an average of almost $5,000 per person. As a percentage of the gross domestic product, it grew from 13.1 percent in 1999 to 15.2 percent in 2002. National health care expenditures are expected to reach $2.8 trillion in 2011.

These health care costs are driven by, among other things, lack of preventive care, poor disease management, the consequent use of high-cost care, and the cost burden of uncompensated care.

A recent study by the Kaiser Family Foundation found that the uninsured are 30 to 50 percent more likely to be hospitalized for an avoidable condition, the average cost of which in 2002 was estimated to be about $3,300. Close to 93 percent of the uninsured report having a more difficult time getting access to primary care and, therefore, are coming first to emergency rooms. About 97 percent of them report having medical conditions that have persisted or worsened because of a lack of early intervention or preventive care.

To add insult to injury, these uninsured individuals are also often penalized by being charged higher fees for health care services and not given the discounts afforded insured patients. A Health Affairs article published in 2000 entitled "Gouging the Medically Uninsured" found that an uninsured patient paid up to twice as much as the insured patient. A New York Times article titled "Medical Fees Are Often Higher For Patients Without Insurance" cited examples of uninsured patients being charged up to 7 times more for a gynecological exam.

Mr. Speaker, lack of health insurance is a major factor in the escalating costs of health care and it affects minority populations more than others. Over a third of Latinos are uninsured, the highest rate among all groups studied, and 2½ times higher than the rate for whites. Nearly a quarter of African Americans and about one fifth of Asian Americans and Pacific Islanders have no health coverage.

Uninsured rates are lower among Native Americans only due to their ability to receive services through the Indian Health Service, which represents a set of federally provided health services as opposed to coverage, yet the level of care for them leaves much to be desired as well.

It is because of these and many other grave health statistics that we are asking Congress to pass comprehensive health care reform, understanding that none of the diseases causing disparities can be successfully managed without sustained universal access to health care.

This week, the Democrats will introduce three bills to do just that: the Family Care Act, the Medicare Early Access Act, and the Small Business Health Insurance Promotion Act. There are also other bills that have already been introduced, of which I am proud to be a cosponsor, by the gentleman from Michigan (Mr. CONYERS), the gentlewoman from California (Ms. LEE), the gentleman from Maryland (Mr. CUMMINGS), and the gentleman from Washington (Mr. MCDERMOTT).

This week we will take up H.R. 660, the Association Health Plan proposal, which poses, in my opinion, a serious threat to our existing employer-based health insurance system. It would exempt small employer plans from important State regulatory protections, and there is no reason to believe that eliminating these protections will help small employers expand coverage.

Instead, AHPs will be able to design services to cover industries and sectors with the healthiest employees and leave out small businesses with older or sicker workers, those who most need coverage. This ability to cherry-pick would drive up the cost of coverage for small businesses with less healthy profiles of workers who will then be left in the insurance pool by themselves. AHPs would be able to offer less generous benefit packages in order to bring down the costs of coverage. The CBO has already estimated that 80 percent of workers would be worse off under AHPs.

In closing, I urge my colleagues to put politics aside in addressing the issue of coverage as well as in malpractice reform, and the other health care bills we will be considering this week. Let us not opt for the short-term fix that is really no fix at all. Let us not support proposals that do not provide substantive remedies for these problems which affect the life and death of those we represent. And, above all, let us commit ourselves, this week and always, to do no harm.

DISTURBING EVENTS AND DISTURBING REMARKS

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Florida (Mr. MEEK) is recognized during morning hour debates for 5 minutes.

Mr. MEEK of Florida. Mr. Speaker, I must say that I was not only quite disturbed, but concerned about the President's remarks yesterday at the Pentagon, and it goes as so: "Mr. Secretary, thank you for your hospitality and thank you for your leadership. You are courageously leading our Nation in a war against terror. You are doing a superb job. You are a strong Secretary of Defense, and our Nation owes you a great debt of gratitude."

I must say that it is good to give commendations and thumbs up when it is time to give a thumbs up. But in the light of what is going on in the Department of Defense right now and in light of congressional hearings that are ongoing in the other body, I think the question mark of our true sincerity, being against the pictures, being against the acts that were carried out on individuals that were being questioned by members of our military in prison in Iraq, that I could say that the statements that are made by the Commander in Chief and also statements that are made by Secretary Rumsfeld and others could and will stimulate additional terrorism.

Now, to say that you are leading our Nation against terror, well, that question is the question of the week and of the month. As the Pentagon admits, Secretary Rumsfeld and General Myers, that we have had knowledge of the ungodly acts that took place in mid-January, and that it was reported from Central Command that this was a big deal, this was a big deal, and that Secretary Rumsfeld and General Myers both admit that they meet 3 to 4 times, maybe 5, using Secretary Rumsfeld's number, a day, and that they meet with the President at least once a week to talk about what is going on in the Pentagon; that anyone that might have seen or heard about these pictures or the acts that were being carried out, that they did not rise to the level of the Presidency of the United States.

Not only were these pictures and this investigation that the Pentagon had within the Pentagon, but the fact that it was not shared with the American people is even further disturbing.

□ 1300

Some folks say, well, Members of Congress are upset because they were not told. We are representatives of the people of the United States of America. Serving on the Committee on Armed Services, seeing week after week Pentagon brass coming before us, Secretary Rumsfeld coming before us and never once mention that something fundamentally wrong, we are investigating it, is going on in Saddam Hussein's prison in Iraq, not only the prison that the President spoke of as it relates to the terror and rape and things of that nature that were going on in that particular prison but including the Secretary of State and Secretary Rumsfeld, he mentioned 18,000 cases that are being heard by the Pentagon a year, 18,000. Well, 18,000 in that particular prison, not 18,000 in the theater of war.

One may say, well, if the Secretary steps down, then the terrorists win. I beg to differ. I feel that it will stop terrorists from recruiting young men and women to carry out acts of terror against Americans abroad and here on the homeland. It will show a true commitment of the fact that we are taking an about-face on what took place.

Some of my colleagues have shared with us that there are six or seven individuals at fault here. I hope that is the case, but I can tell my colleagues that there is a building tide of evidence that proves different. Contractors, we may very well have to bring CEOs of companies before Congress to ask them what role did they have over commanding our American troops. That is disturbing in itself, the fact that a whole branch of our military or the Army unit that was over this particular prison was not trained for doing what they had to do; the fact that we knew and that the Pentagon was called in mid-January to say this was a big deal, not a little deal but a big deal; the fact that we were not informed. I will tell my colleagues the reason why Congress was not informed was because we would not have tolerated the suppression of this information.

At the highest levels of our military, it is very, very important that this information is shared with the American people. At the highest levels of our military, including the Secretary of Defense, it is very important he shares this information.

I will tell my colleagues, let us not stand and say things that will stimulate terrorism. Let us not take one step forward and three steps back.

So, Mr. Speaker, I hope that the House continues to move forth. I, for one, feel that Secretary Rumsfeld stepping down will save American lives and will allow our Pentagon to move forward the courts martial that are before it.

ELIMINATE THE "YES, BUT" MENTALITY

The SPEAKER pro tempore (Mr. PENCE). Pursuant to the order of the House of January 20, 2004, the gentleman from California (Mr. ISSA) is recognized during morning hour debates for 5 minutes.

Mr. ISSA. Mr. Speaker, I came to the well today because I am starting to hear something that I think the American people do not want to hear, and that is, that these terrible things were done by a few individuals in Iraq, but. All too often I am hearing the word "but" creeping in.

Mr. Speaker, last night I was listening to Michael Savage. Hundreds of stations around the country carry this man, and he was not just saying "yes, but." He was saying, well, these people are Muslim; Islam is a religion of war, and we have to understand they have always been involved in war and they only understand violence and they only understand this. This is why Saddam had these torture chambers because that is the only way to make them understand.

When I heard that said on national radio, I realized that the "yes, but" cannot be tolerated here on the House floor or in the other body or on K Street or on the other end of Pennsylvania Avenue.

Mr. Speaker, I think it is extremely important that we in this body today eliminate that "yes, but" mentality. There is no "yes." We must be above torture. We must be above violating the Geneva Conventions, but we must understand that these individuals may not be "conventional combatants." Mr. Speaker, that is not the way America stands for freedom. It is not the way we were brought up. There is no "but" after "yes."

Yes, we will honor the Geneva Conventions. Yes, every soldier, sailor and

Marine in Iraq, in Guantanamo, in Afghanistan and around the world understands or should understand that we hold them to a standard that we would want for ourselves, not the standard that the other side may subject us to. No matter what happens anywhere in the world to Americans, not in Somalia, not in Iraq, not in Afghanistan and not in the Twin Towers of New York, justifies us treating other human beings in a way differently than we would want to be treated.

Mr. Speaker, to me this is the most important message for America to send. Mr. Speaker, I hope in this body, at least from this time forward, there will be no "but" after "yes." We hold Americans to high standards.

RHETORIC OF WAR CRUSADE

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Washington (Mr. MCDERMOTT) is recognized during morning hour debates for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, the previous speakers have talked about the attitude of the American soldier and the American public, and the rhetoric of war is what really gets us to where we are today in the situation in Iraq. When you dehumanize people, you can then do anything to them.

It is my firm belief that this attitude starts at the very top. When we have someone who leads us who says that the leader of the other country is Hitler, raising all those images of a Holocaust and all the rest, or talks about the issues of being on a crusade, which raises all the issues of the various crusades that went through the Middle East back in the 11th and 12th century, we realize that the stage is being set psychologically for everyone in this country.

I was reading the British press. One of their articles started, "The media in this country is politely shocked at photos of Iraqis being tortured and humiliated by U.S. and British troops. A BBC1 news presenter says the picture seem to have been "merely mementos.'" Something one would laugh about in the family and then paste in the family album.

Now, those young people, and I have been watching the hearings over in the Senate, the effort to limit this and say it is just seven or eight young people and perhaps a couple of lieutenants up the line but really it is a rogue operation, is simply not true. It runs all the way to the top.

The decisions here have to be signed off. Anybody who has been in the military knows about the chain of command, and somebody does not sign off down at the lieutenant level and not bother to send it up to the captain or to the colonel or to the general. They all go up the line. They have all been signed off, one way or another, or somebody at the top said here is a blank check, do whatever you want, which of course they would deny. They would never say that, but then how do you explain that this behavior went on through this period of time?

Another excuse that I hear thrown around here is that, well, they are not as bad as Saddam. Look what Saddam did. Well, since when is our standard Saddam Hussein? That clearly is not the standard by which we operate; but unfortunately, the attitude of the people who took us into this, the neo-cons in the administration, right next to the President, couple of them, Ken Adelman, Paul Wolfowitz, have spoken of snakes. If you want to talk about Iraqi people as snakes, I guess you can, but you pay a price in your own soul when you think of another human being as a snake or you talk about going over and draining the swamps in uncivilized parts of the world.

The Arabs invented arithmetic. They invented the zero. They were some of the earliest astronomers. Do not tell me they have no civilization. But when you start to dehumanize them and put them down at this low, low level, then you send the message out verbally, nonverbally, whether it is in a memo, whether it is in written form, whether it is how you talk to your troops, you are giving permission to do what was done and to take pictures.

Now, you do not take pictures of this to take home to your family album. Those pictures were done to humiliate. Everybody says, wait a minute, let me comb my hair before I have my picture taken. Everybody knows what a picture does because it grabs the moment in a way that you cannot change it. So when you take a picture of one of these events, you know what you are doing. You are doing it because somebody told you to do it or somewhere you have got the idea that what you were doing was already one- or the other. Either that was an order to take those pictures, or else the atmosphere was such that people felt that they could take these pictures.

We have a moment here in this country in which we can examine our own souls and our own hearts about how we let this happen. We all bear responsibility for it. Our leadership from the top on down, they always dehumanized.

I remember during the Vietnam War, we had a lot of names for people who were from Vietnam, not very nice names. You would not use them today; and when that starts happening at the top, it goes down and we cannot end with putting seven soldiers in the brig. That will not be justice.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 12 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

In scriptural times, when the psalms were still being written, and their original melodies were being sung, Your people, O Lord, would gather at the city's gates to hear the news and sort out matters of justice.

Lord God, be present in the assembly of the House of Representatives today. Here is the sampling of this Republic. Here the laws of the United States are made. Here is the gate that protects, yet ushers in an understanding of who we are as a Nation and how we interact with others. Where there is vision and no action, it is only a daydream. When there is action and no vision, it is a nightmare. So grant your people wisdom once again.

For we have been warned: "Unless the Lord build the house, they labor in vain who build it. Unless the Lord guard the city, in vain does the guard keep vigil. It is vain for you to work day and night only to gain immediate satisfaction when the Lord blesses his beloved even while they sleep."

Grant us wisdom that we may be Your beloved now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. LAMPSON) come forward and lead the House in the Pledge of Allegiance.

Mr. LAMPSON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PEACE TO KASHMIR

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to draw attention to the issue of Kashmir and an important report that was just released and should arrive at each House office this week. The continued courageous leadership of Prime Minister Vajpayee of India and President Musharraf of Pakistan is vital in moving forward to bring an end to the suffering of the Kashmiri people. I visited the region in January; and the suffering of the people is horrific, all in the midst of a land of great beauty. It is time for this tragic suffering to end.

I would like to recommend this report to my colleagues. The report offers over 60 recommendations for progress in bringing peace to Kashmir, including an end to the use of rape as a weapon of war, promoting education for Kashmiri children and others.

Until the Kashmiri issue is settled, the stability, security, and economic viability of South Asia and the international community are at risk.

AMERICA NEEDS ECONOMICALLY RESPONSIBLE SOLUTIONS

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise today to ask how the Republicans will provide health care to millions of uninsured and unemployed Americans through the majority's Hire Our Workers program. American families are facing over 2 million jobs lost since January 2001, outsourcing of jobs overseas by companies that do not seem to care about hard-working Americans, and a political party that has dropped the ball on education, seniors, and health care.

It is ironic, then, that the acronym of the Republican plan is H-O-W. Tell me, Mr. Speaker, how do they plan to provide affordable health care to 8.5 million uninsured children? How do they plan to explain the Robert Woods Johnson Foundation report that one in four Texans have no health insurance? It is high time we ditch these short-term fixes and instead focus on long-term, economically responsible solutions for hard-working Americans.

EXPRESSING APPRECIATION FOR OUR TROOPS

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, I felt it necessary to come down to the floor today and express my appreciation for the service of our Secretary of Defense, Donald Rumsfeld. More than any other cabinet Secretary, Secretary Rumsfeld has made himself available to this body and its various committees.

Over the past year, I have traveled twice to Iraq, once in August and once in February. I have talked to the young men and women who are working hard in harsh and dangerous conditions. They have a keen sense of mission. They understand why they are there and what they are set to accomplish.

Mr. Speaker, they deserve no less than the continuing leadership of a visionary and a brilliant tactician such as Secretary Rumsfeld.

STOP SCAPEGOATING ENLISTED PERSONNEL

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, because we are Americans, I believe that this question should be asked: If another sovereign nation in the name of war held prisoners of war who happened to be Americans, and unfolding before our eyes were the heinous and horrific pictures that we have seen, would it be accepting if the head of that sovereign nation stood before his or her people and said that the ultimate person of responsibility was doing a superb job?

I am saddened by the comments of the administration because Secretary Rumsfeld has violated his duty. He is in dereliction of duty having not informed the Congress or the President when he first heard. He is also in dereliction of his duty because the enlisted man that will be tried, a scapegoat, was a mechanic being used as a military police. That is a decision of Secretary Rumsfeld.

It is time for a clean sweep; and he must go along with the Deputy Secretary, Paul Wolfowitz. The world must understand that we are sorry for the horrific acts and stop scapegoating the enlisted personnel.

AMERICAN TROOPS WORKING TO IMPROVE IRAQ

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, while we are all appalled and outraged by the actions of a few soldiers, let us not forget there are 135,000 honorable American troops, along with 23,000 courageous coalition partners, working day and night in Iraq to improve the Iraqis' quality of life. These fine men and women in uniform have built and repaired schools, reopened thousands of run-down hospitals and clinics, restored and improved electricity and water supplies, and put a new currency in place.

The positive progress which I saw firsthand last month in Iraq has been astounding, despite daily terrorist attacks that seek to prevent democracy from taking root. The terrorists know that if freedom prevails in Iraq that it will spell the beginning of the end of their quest for tyrannical hold on the Middle East. Yet their desperate attempts will fail, and the American military will continue their noble work to make sure that Iraqis live in a free Iraq to protect American families from future acts of terrorism.

In conclusion, may God bless our troops, and we will never forget September 11.

FAILURE FROM THE VERY TOP

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, American soldiers are serving with honor, and we stand behind them. We are grateful for their patriotism, courage and sacrifice, and we continue to support them as they finish their dangerous mission. The disgraceful acts in the Iraqi prisons have endangered our troops and made their mission more difficult to accomplish. They have endangered our chance to succeed in Iraq, and they have endangered our national security.

Reports of mistreatment have been available for a year and a half at least, yet the Bush administration failed to take them seriously. These abuses occurred because soldiers were put into situations they were not trained for and for which they did not have proper supervision. This is a failure from the very top, and it is time for the President and Secretary Rumsfeld to stop shifting the blame and take responsibility. Congress must conduct a full and open investigation.

COMMEMORATING TENNESSEE APPAREL CORPORATION

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, today I rise to commemorate the long-standing commitment of the Tennessee Apparel Corporation to the people of Waynesboro and Tullahoma, Tennessee.

From this company's earliest days in 1901 when it was known as the Sanders Manufacturing Company through its 100-year anniversary and beyond, the Tennessee Apparel Corporation has been at the forefront of supplying our troops with the clothing they need. From dress uniforms to cold-weather gear, Tennessee Apparel has been there for our American fighting men and women. In the last 100 years, they produced nearly 50 million military items. With approximately 480 employees in middle Tennessee, the Tennessee Apparel Corporation provides a tremendous service to our State and our Nation. God's blessing on these fine men and women.

CLEAN HOUSE

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, the world is watching and waiting. As bad as it is, things will get much worse if the President and the Pentagon continue to hope it will go away. We need new leadership and a new policy right now. Release every photograph and every videotape. Get it all out in the open. America's only hope for restoring credibility is to demonstrate with its actions, not words, that we will face the truth and punish everyone responsible. We have not done that. All these "I am sorries" are not working.

Instead, the administration has launched another ill-conceived offensive to save one of its own. We can see it on television today as they testify before the Senate Committee on Armed Services. Throw some soldiers overboard and hope the world believes they acted alone.

Mr. Speaker, by all accounts, the soldiers arrived in Iraq as good, decent people. Who thinks that now, either of the soldiers or America?

Clean house, from the top down, not just Mr. Rumsfeld. I see them greasing the skids; the President is 1,000 percent behind him. There are some other people that ought to go with him: Wolfowitz and a few others.

JOBS, CAFE AND KERRY

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, last Friday we received more outstanding news on the economy. In April, 288,000 new jobs were created, and that is on top of the 337,000 jobs created in March. And in April, nearly 10 percent of those jobs were in the manufacturing sector. All of this is great news for America and especially good news for my home State of Michigan.

With our manufacturing sector coming back, we cannot allow JOHN KERRY to enact his unreasonable auto fuel economy standards. According to the United Auto Workers, Senator KERRY's CAFE proposal would force the Big Three to curtail production of larger vehicles and cause substantial job losses. They have estimated as many as 100,000 jobs. The UAW has said that the proposal would lead to additional outsourcing of jobs.

Mr. Speaker, Senator KERRY's proposal would be a disaster for Michigan just at the time our economy is coming back. We must stay on the pro-growth, pro-job path being pursued by President Bush and the Republican majority, not the job-killing, additional-outsourcing path proposed by Senator KERRY.

□ 1415

COVER THE UNINSURED WEEK

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, Americans should be confident that they have access to quality health care. So I support the resolution, H.R. 99, promoted by the gentleman from Michigan (Mr. CONYERS) which gives guidance to provide insurance to all Americans.

Over the past 3 years, 3.8 million Americans lost their health insurance and 43 million Americans are now uninsured. Health insurance premiums have increased almost 50 percent since the beginning of the Bush administration and four times faster than workers' earnings last year.

In a related issue, minority groups often encounter major obstacles in obtaining health care. Minority groups are less likely to have health insurance and are less likely to receive the appropriate health care services. The Health Care Equality and Accountability Act of 2003 would go far in lifting the shadow of health disparities that fall not only on minority communities but on all Americans. Also, this legislation would make quality health care more affordable, providing coverage for parents and young adults who are currently uninsured.

JOBS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, this week the Republican majority here in Congress will begin an 8-week public relations initiative in which they will attempt to draw attention away from their dismal economic record. Instead, House Republicans will do their best to show Americans they are working hard to pass legislation that will put Americans back to work and ease the economic concerns of middle-class Americans. Unfortunately, Republicans are spending more time coming up with names for this new PR effort than actually writing new legislation that might really support their rhetoric.

Republicans are desperate to hide the reality that their economic policies have permitted job losses at levels not seen since the Great Depression. If Republicans really wanted results, they would join us in a bipartisan effort to pass commonsense measures to create jobs. Unfortunately, all the American people are going to get over the next 8 weeks is more Republican spin.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

TOMOCHICHI UNITED STATES COURTHOUSE

Mr. LaTOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2523) to designate the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the "Tomochichi United States Courthouse".

The Clerk read as follows:

H.R. 2523

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 125 Bull Street in Savannah, Georgia, shall be known and designated as the "Tomochichi United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Tomochichi United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LaTOURETTE) and the gentleman from California (Mr. HONDA) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LaTOURETTE).

Mr. LaTOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2523 was introduced by the gentleman from Georgia (Mr. BURNS), a distinguished member of the Subcommittee on Economic Development, Public Buildings and Emergency Management, and it designates the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the Tomochichi United States Courthouse.

Tomochichi was a Creek Indian leader, living in what we now know as the Savannah River basin in the early part of the 18th century. In 1733, when General James Oglethorpe arrived leading a group of English settlers at what was to become the new colony of Georgia, they were offered friendship by the Creek chief and assistance in the creation of the new English colony of Savannah. In 1734, Tomochichi traveled with Oglethorpe to England to approve a treaty between the Creek and the English. The friendship between Oglethorpe and Tomochichi endured until Tomochichi's death in 1739 and is regarded by historians as being the key reason for the survival of the Savannah colony. Tomochichi was laid to rest in what is now Wright Square in the city of Savannah.

I encourage my colleagues to join me in supporting this resolution honoring an important person in the history of Savannah.

Mr. Speaker, I reserve the balance of my time.

Mr. HONDA. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2523 is a bill to designate the U.S. courthouse located at 125 Bull Street, Savannah, Georgia, as the Tomochichi United States Courthouse. The bill was introduced by the gentleman from Georgia (Mr. BURNS).

In 1650, Chief Tomochichi was born in the small village of Coweta along the Chattahoochee River to the Creek Indian tribe. While he was the chief of the Yamacraw Indians he became a friend of James Oglethorpe, the English settler and leader of the settlers of the fledgling colony in Georgia. He supported Oglethorpe's plan for a new English colony in Georgia to be called Savannah.

Tomochichi was a great warrior, possessing both good judgment and wisdom. As repayment for his sound advice and trusted friendship, Oglethorpe took Tomochichi, his wife, his nephew. And other Indian chiefs to England for 4 months. When Tomochichi died in 1736, Oglethorpe was one of his pallbearers. He is buried in Wright Square, the site of the courthouse to be named in his honor. Tomochichi's actions helped ensure the successful settlement of Georgia and earned him a place in Georgian history. His hospitality is legendary even today. It is most fitting his contributions to American history are honored by this designation.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Georgia (Mr. BURNS), the author of this resolution.

Mr. BURNS. Mr. Speaker, I thank the gentleman for his support of this legislation.

There are many Members of this body that deserve my State's appreciation for bringing this long overdue bill to the floor, honoring a great American, a great Native American and a great Georgian, Tomochichi. The gentleman from Ohio (Mr. LATOURETTE), chairman of the Subcommittee on Economic Development, Public Buildings and Emergency Management, and subcommittee ranking member, the gentlewoman from the District of Columbia (Ms. NORTON) were both instrumental in helping this bill advance quickly to the floor. I thank them for their bipartisan support. The gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) should be credited with moving the legislation swiftly so that we can bring closure to a long overdue need in my State and in my district. I believe unanimous approval by this body to be of particular importance to the nature of this bill.

This bill renames the Federal courthouse in my district the Tomochichi United States Courthouse. A glance at who this leader was will indicate his accomplishments and quickly demonstrate why his name deserves the eternal respect of his fellow Georgians and Americans.

Mr. Speaker, I believe Chief Tomochichi, the Mico, or chief, of the Yamacraw nation to be the cofounder of my State of Georgia. This bill will do much to reawaken the memory of a great man in the hearts of both Georgians and all Americans for restoring our honor by recognizing his service to the beginnings of our great Nation.

The English general, James Oglethorpe, first launched Savannah on the Savannah River in 1733. He founded the British colony there and he met Tomochichi as he came up the bluff at what is now the city of Savannah. Unlike the tragic history of conflict between settlers and Native Americans in other colonies, Tomochichi brought lifelong friendship to the infant colony, granting the settlers permission to peacefully settle in the Savannah region. Among Savannahians, as has been pointed out, the hospitality that Tomochichi showed these young settlers is legendary. But Tomochichi's gifts to our State were just beginning.

Thanks to his diplomatic skills, this Yamacraw leader was instrumental in convincing the other Creek tribes in the immediate vicinity to accept the fledgling colony of Georgia. Without his political leadership, Georgia may well have perished in its infancy, with a hostile Spanish administration in what is now Florida, intent on turning Native Americans against English settlers.

Tomochichi and his family then traveled to England where they met with the King and the Archbishop of Canterbury. Upon his return to Georgia, Tomochichi successfully lobbied his new neighbors to establish the first missionary school among the Lower Creeks, recognizing that education was the key to the future as these two cultures became intertwined.

Tomochichi passed away at around 93 years of age on October 5, 1739, at what we used to call the Yamacraw Indian Village, just upstream from Savannah. But before he died, he requested that his body be buried in Savannah among his new friends. He was buried with full military honors in the largest public ceremony of the day, with cannons firing a final salute and his old friend General Oglethorpe serving as a pallbearer. His body was laid to rest in the center of the city's main square at the time, later to become Wright Square, with a traditional Indian burial mound atop his grave. A century and a half later in the 1880s, some shortsighted city officials allowed the mound to be removed and another statue placed on the site. Admirers of the great chieftain responded by placing an inscribed granite boulder in honor of Tomochichi a few feet from his remains, but to this day many believe that we owe our old friend much more.

Today this body can help restore the honor and respect due this great American by renaming the Federal courthouse in Savannah, Georgia, as the Tomochichi Federal Courthouse. I urge my colleagues to support H.R. 2523.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 2523, a bill to designate the United States Courthouse located at 125 Bull Street in Savannah, Georgia as the Tomochichi United States Courthouse.

Chief Tomochichi was born to the Creek Indian Tribe in 1650 in the small village of Coweta, along the Chattahoochee River. He became the Chief of the Yamacraw Indians and was integral to the success of the Georgia Colony.

Tomochichi enjoyed a reputation as a great warrior who possessed sound judgment and wisdom. In 1773, Chief Tomochichi encountered James Oglethorpe, the English settler who founded the Georgia colony. Tomochichi and the Yamacraw greeted the English settlers warmly, and Tomochichi supported Oglethorpe's plan to settle a new English colony in Savannah, Georgia. He aided the plans for the settlement and smoothed relations with the Creek and other nearby Indian Tribes. Tomochichi also warned Oglethorpe about-unfriendly tribes. As repayment for his advice and good counsel, Oglethorpe took Tomochichi, his wife, his nephew, and other Indian Chiefs to England where they stayed for four months.

When Tomochichi died in 1739, he was buried at Wright Square in downtown Savannah. Oglethorpe served as one of the pallbearers and gave Tomochichi full military honors at his funeral. The Federal courthouse to be named in Tomochichi's honor is located in this same square.

Tomochichi's friendship with the English settlers helped the Georgia colony develop in peace, and his hospitality is legendary even today. It is most fitting that his contributions to Georgia and to American history are honored by this designation. I urge my colleagues to support H.R. 2523.

Mr. HONDA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I urge the passage of this important resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 2523.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2523.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AUTHORIZING USE OF CAPITOL GROUNDS FOR DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 389) authorizing the use of the Capitol Grounds for the D.C. Special Olympics Law Enforcement Torch Run.

The Clerk read as follows:

H. CON. RES. 389

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR D.C. SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN.

On June 4, 2004, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 2004 District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the "event") may be run through the Capitol Grounds as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from California (Mr. HONDA) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 389 authorizes the use of the Capitol grounds for the 19th Annual Law Enforcement Torch Run which benefits the District of Columbia Special Olympics. The torch will cross the Capitol grounds on June 4, 2004.

For 31 years, Special Olympics D.C. has provided sports training for citizens with developmental disabilities. Athletic competition provides athletes with increased confidence and self-esteem and allows them to demonstrate courage and experience the joy of sport. There are now more than 2,000 Special Olympics athletes in the District of Columbia. This event is the largest public awareness campaign for the Special Olympics. Last year over 85,000 law enforcement officers from 35 countries participated in the torch run. It is my hope that this trend will continue. The sponsors of the event work with the Architect of the Capitol and the United States Capitol Police to comply with all applicable regulations relating to the use of the Capitol grounds.

I encourage my colleagues to join the law enforcement community in supporting the Special Olympics and join me in supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HONDA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this event needs little introduction. 2004 marks the 37th anniversary of the D.C. Special Olympics. The torch relay event is a traditional part of the opening ceremonies for the Special Olympics which take place at Gallaudet University in the District of Columbia. Each year approximately 2,500 Special Olympians compete in over a dozen events and more than 1 million children and adults with special needs participate in Special Olympic worldwide programs. The event is supported by literally thousands of volunteers from the District and the region.

The goal of the games is to help bring mentally challenged individuals into the larger society under conditions whereby they are accepted and respected. Confidence and self-esteem are the building blocks for these Olympic games. I enthusiastically support this resolution and the very worthwhile endeavor of the Special Olympics. I urge support for H. Con. Res. 389.

Mr. OBERSTAR. Mr. Speaker, the District of Columbia Special Olympics is the premier event in the region that highlights the athletic accomplishments of disabled children and young adults. Thanks to the tenacity of Eunice Kennedy Shriver and her family, thousands of special Olympians see their self-confidence, self-esteem, and health increase by participating in these games.

The goal of the games is to help bring mentally disabled individuals into the larger society under conditions where they are accepted and respected. Confidence and self-esteem are the building blocks for these Olympic games. Better health, coordination, and lasting friendships are the results of participation.

Law enforcement officers, who are part of the extensive volunteer network that supports the games, carry the Olympic torch across the Capitol Grounds through the District of Columbia to Gallaudet University.

These games are a wonderful expression of inclusiveness and a confirmation of individual contribution. I enthusiastically support this resolution and the very worthwhile endeavor of the Special Olympics.

I urge support for H. Con. Res. 389.

Mr. HONDA. Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I urge the adoption of the concurrent resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 389.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Con. Res. 389.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

☐ 1430

SENSE OF HOUSE THAT DEPARTMENT OF DEFENSE SHOULD RECTIFY MILITARY POSTAL SYSTEM DEFICIENCIES

Mr. FORBES. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 608) expressing the sense of the House of Representatives that the Department of Defense should rectify deficiencies in the military postal system to ensure that members of the Armed Forces stationed overseas are able to receive and send mail in a timely manner as well as receive and send election ballots in time to be counted in the 2004 elections.

The Clerk read as follows:

H. RES. 608

Whereas the members of the Armed Forces who are currently serving in very dangerous regions of the world deserve a modernized military postal system capable of improving the delivery and tracking of mail to United States forces serving in remote locations;

Whereas the current system relies on outmoded and labor intensive manual sorting processes that result in undue delays and the inability of the Department of Defense to track mail and determine the timeliness of mail delivery;

Whereas the manual sorting of mail intended for deployed members of the Armed Forces unnecessarily requires hours of labor from many troops, which could be used for other, more critical, duties if automation were used;

Whereas the very least our Nation can do for the members of our Armed Forces who are deployed halfway around the world and risking their lives to protect our freedoms is to ensure that they are able to receive the comfort of a letter from those waiting at home;

Whereas mail destined for deployed members of the Armed Forces that is delayed for long periods of time, or not delivered at all, negatively affects the morale of our deployed forces and their families at home;

Whereas the members of our Armed Forces have an unquestionable right to vote in the upcoming election, and the military postal system must not disenfranchise any military absentee voters because of delays in transmitting voting materials;

Whereas with the current military postal system it is not possible to determine the rate of "Undeliverable as Addressed" mail, it is therefore not possible to guarantee that all United States forces wishing to vote will be able to do so;

Whereas according to the recent General Accounting Office Report entitled "Operation Iraqi Freedom: Long-standing Problems Hampering Mail Delivery Need to be Resolved," many of the same problems that plagued the military postal system during Operation Desert Storm have continued unabated and are now being experienced in Operation Iraqi Freedom, more than 12 years later;

Whereas according to the same General Accounting Office report, the Department of Defense does not have the ability to adequately assess the timeliness of mail and election ballot delivery because it does not have a reliable, accurate system in place;

Whereas according to the same General Accounting Office report, more than half of sampled members of the Armed Forces were dissatisfied with mail delivery, many waiting 4 weeks or longer to receive mail;

Whereas recent samplings of mail intended for deployed members of the Armed Forces shows that a percentage far exceeding the standard set for domestic mail is "Undeliverable as Addressed" and indicates that a large portion of our deployed troops are not receiving their mail;

Whereas the Military Postal Service Agency does not have the authority to formulate and effectively implement a joint service solution to the mail problems in the Iraq Theatre and the Department of Defense has not appointed a single agency to address military postal matters;

Whereas the recent court action in the United States District Court for the Middle District of Pennsylvania, which granted the government's request to extend Pennsylvania's deadline for receipt of ballots from qualified overseas voters, correctly recognizes that mail operations can significantly impact voting rights and, in addition, is sufficient forewarning that the military mail system needs to be resolved before the next election; and

Whereas for at least 52 years, reformers have been attempting to improve the ability of the members of our Armed Forces to vote, as evidenced by a letter from President Harry S. Truman to Congress, dated from 1952, which clearly echoes the challenges we face: "Many of those in uniform are serving overseas, or in parts of the country distant from their homes. They are unable to return to their States either to register or to vote. Yet these men and women who are serving their country and in many cases risking their lives, deserve above all others to exercise the right to vote in this election year. At a time when these young people are defending our country and its free institutions, the least we at home can do is to make sure that they are able to enjoy the rights they are being asked to fight to preserve.": Now, therefore, be it

Resolved, That it is the sense of House of Representatives that—

(1) it is in the interest of the United States to immediately resolve long-standing military mail delivery problems so that our troops may receive mail from their families when they most need it;

(2) it is in the interest of the United States to immediately resolve long-standing military mail delivery problems so that our troops are not disenfranchised in the 2004 election;

(3) the Secretary of Defense should establish a system that expedites the delivery of election ballots to the members of our Armed Forces so that they may be counted in the election;

(4) the Secretary of Defense should establish a system that accurately tracks military postal transit times; and

(5) the House of Representatives stands ready to assist in resolving these issues.

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentleman from Virginia (Mr. FORBES) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. FORBES).

GENERAL LEAVE

Mr. FORBES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. FORBES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the face of insurgencies in Fallujah and other hot spots in Iraq, what is it that keeps our soldiers fighting for freedom and democracy?

In addition to the trials of war, our soldiers in Iraq wake up with the same problems every other American has. Their lives at home did not stop when they received their orders to ship out. They are mothers and fathers. They have elderly parents to care for. They have bills to pay and college educations to worry about for their children. These soldiers are concerned about how their children are doing in school. They wonder what the score of the last Little League game was, and they question whether they can make that car payment, just like many of us. Only they do all this halfway around the world in a combat zone.

And yet day after day, month after month, our service members wake up, put on their uniform, and they diligently do their duty. Every day they make this sacrifice, knowing they are risking their lives to protect our freedoms and spread democracy. The reason they do this is because they know they are building a safer Iraq and, simply put, a safer Iraq means a safer America for their families.

Ask these soldiers what they look forward to the most and what keeps them steadfast, and they will tell us it is news from home. It is the news from a graduation they were unable to attend, an update on a sick friend, a baby picture of their child's first step. Yet many are not getting this news or are getting it far after it was mailed by their loved ones. A General Accounting Office report received last month found that of a survey of over 100 service members in Iraq, more than half reported they were dissatisfied with mail delivery.

The report, issued in response to over 300 congressional and White House inquiries, also found the same problems that plagued the military postal system during Operation Desert Storm have continued unabated and are now being experienced in Operation Iraqi Freedom, more than 12 years later.

The Department of Defense does not have the ability to adequately assess the timeliness of mail and election ballot delivery because it does not yet have a reliable, accurate system in place.

More than half of sampled members of the Armed Forces were dissatisfied with mail delivery, many waiting 4 weeks or longer to receive mail.

The Military Postal Service Agency does not have the authority to formulate and effectively manipulate and implement a joint service solution to the mail problems in the Iraq Theater, and the Department of Defense has not appointed a single agency to address all of these military postal matters.

This is just unacceptable at this time. The very least we should be able to offer those soldiers fighting for democracy is the comfort of a note from those waiting at home. Mail that is delayed for long periods of time, or not delivered at all, negatively affects the morale of not only our deployed forces but also their families at home. Children at home need to hear why Mommy or Daddy is so far away. Husbands and wives need to hear of each others' love and support. The American public needs to hear the true stories of what we are doing in Iraq. It is now, while resolve against terrorism is being tested, that our deployed troops are in most need of mail from their loved ones.

This is not just a morale problem, however. November is coming and in less than 7 months, ballots for the general election will be mailed out all over the country to our troops all over the world.

If we fail to take action, we will again see the voting problems of the 2000 election. Our men and women on the front lines have unquestionably earned the right to express their views on the direction our Nation should take this November. They should have the same confidence of any other American that their ballot will reach the ballot box. It would be an enormous disservice to fail to count the voices of the very individuals fighting for democracy.

This is not a new problem. We saw it in Operation Desert Storm. It was evident early in the war in Iraq, and we are seeing it now. It is vitally important to the success of our mission and to the strength of our democracy that we correct this problem.

Mr. Speaker, House Resolution 608 seeks to do the following: call on the Department of Defense to immediately address the longstanding military mail delivery problems by implementing a joint task force to resolve the problem; recommend that the Secretary of Defense establish a system to expedite military ballots for the November 2004, election; call on the Secretary of Defense to establish a system to accurately track military postal transit times.

There are three important reasons why we need to pass this resolution today. First, we need to send a message to the Pentagon that it is time to take care of this problem. The problem has existed for 52 years, and we need to send a message that we need to fix it today. Second, our troops in Iraq need to know that we think that it is important that they get their mail and equally important that their family members know that we care about their loved ones and that they get their mail. And third, we need to make certain that our electoral system is not just for Americans who happen to be near the ballot box, but that our troops on the front lines deserve to vote as much as any other American.

To guarantee that our military men and women in Iraq receive their mail will require shifting priorities. It will require the dedicated cooperation and swift action of many. But if we can root out Saddam Hussein, if we can rebuild a nation of terror into a nation of freedom, then we can get the troops the news they need from home. It is up to the Department of Defense to fix this longstanding problem, but we stand ready to help. We stand behind our troops and behind our military families, and we stand ready to help them stay the course.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 608 introduced by the gentleman from Virginia (Mr. FORBES). I would like to recognize the gentleman for his work and interest in ensuring that our military service members stationed overseas are afforded the right to vote.

I would also like to take this opportunity to recognize the gentlwoman from New York (Mrs. MALONEY) and the gentlewoman from Connecticut (Ms. DELAURO), who joined with me in cosponsoring House Resolution 608. The postal service is an integral part of the American existence and something that we often take for granted. To the men and women in uniform serving overseas, however, it is a vital connection to home, and they treasure the ability to send and receive packages and letters.

This resolution, Mr. Speaker, draws attention to the continuing problem of ensuring that members of the Armed Forces stationed overseas have access to mail and that they will be able to send in their election ballots in a timely manner. It would be a real shame if our servicemen and women who are fighting to bring democracy to places like Afghanistan and Haiti were themselves denied the opportunity to cast their own vote in November due to a postal delay.

The 2000 Presidential election brought to the Nation's attention the voting barriers that service members and other Americans stationed or living overseas face in the electoral process. Service members living and deployed abroad often find it difficult to exercise their right to vote. Problems with mail delivery, requirements for valid ballots, and just obtaining information is a serious challenge, particularly for those who may be deployed on a submarine for 6 months or are stationed in remote areas around the world.

To ensure that voting rights of service members and Americans serving and living abroad were protected, Congress implemented a number of improvements to the voting process several years ago. The law was changed to improve the system and enhance the opportunity for overseas service members to participate in the electoral process. For example, clarification was provided on voting assistance programs; annual reviews of the effectiveness and compliance by the Department of Defense Inspector General are required; the importance of voting assistance officers was stressed; military personnel have been afforded guaranteed residency; voter registration and absentee ballot application procedures were simplified; and authority for service members to use a single application for all subsequent elections was provided.

However, Mr. Speaker, this year's annual review by the Department of Defense Inspector General found that while improvements have been made, opportunities exist to improve the DOD voting assistance program. The IG found that the Services need to continue to provide command emphasis and improve oversight of the program, as problems still remain.

The General Accounting Office, or more commonly referred to as GAO, also recently conducted a review of the mail delivery to troops serving in Operation Iraqi Freedom and found that while some improvements have been made, many, many of the same difficulties the mail system faced during the first Gulf War, over a decade ago, still exist today. For example, GAO found that problems still exist in conducting joint service mail operations and that inadequate training and late deployments, as well as inadequate postal facilities, equipment, and transportation, have had an adverse impact on the delivery of mail. My constituents often have particular difficulty getting mail delivered as the regular service to Guam is lengthy and erratic. In the field there is often confusion as to whether Guam is included in domestic mail rates, which of course it is.

I had one soldier e-mail me from Iraq, telling me he was made to pay for postage while everyone else was able to mail for free. These are the kinds of inconsistencies that the military postal service should examine and rectify.

While challenges still remain for overseas and military voters, it is interesting to note that absentee service members consistently vote at a higher rate than those eligible in the United States. However, it is vitally important that we ensure that those who volunteer to serve our Nation in uniform are able to exercise one of their most basic rights, and that, Mr. Speaker, is the right to vote.

As a member of the Total Force Subcommittee, I also want to reassure my colleagues that the subcommittee shares the concerns that are raised in this resolution, and we will address these issues in the defense authorization that will be marked up tomorrow.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. FORBES. Mr. Speaker, I thank the gentlewoman for her work on this resolution and her support today.

Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. HEFLEY), the distinguished chairman of the Readiness Subcommittee of the House Committee on Armed Services.

Mr. HEFLEY. Mr. Speaker, I thank the gentleman from Virginia (Mr. FORBES) for yielding me this time.

Mr. Speaker, I rise today in support of House Resolution 608. Few things boast morale in a war zone more than receiving a card, a letter, or a care package from a loved one from back home. And, unfortunately, as more and more men and women in uniform are deployed in support of operations in Afghanistan and Iraqi Freedom, we are hearing countless stories of delays in service members receiving their mail.

On March 24 of this year, the General Accounting Office testified that some of the problems that existed during Operation Desert Storm in 1991 are occurring now in Iraq and Afghanistan. According to the GAO, the current system of delivering mail to service members relies on outmoded and labor-intensive manual sorting processes that result in undue delays. Furthermore, the Department of Defense is unable to track mail and determine the timeliness of deliveries. And since we have known of the problem for so long and we have not gotten it fixed, it tells me that it is not a very high priority of the Department of Defense; and I think that is what this resolution does, is tell the Department of Defense we think this is important and it ought to be a higher priority.

Compounding this situation is the issue of service members serving in war zones that are not able to vote, and we have heard other speakers before me talk about this, but it is serious and it is important. Currently 29 States require absentee ballots to be mailed and returned to the U.S. Postal Service. Since these service members will not be able to utilize fax machines or the Internet to send their ballots, and given the delays in the Department of Defense's mail service, there is a real possibility of a repeat of the military absentee ballot fiasco of the 2000 general election. The potential disenfranchisement of military voters is simply unacceptable.

Mr. Speaker, House Resolution 608 would require the Secretary of Defense to establish a system that expedites the delivery of election ballots to members of the Armed Forces.

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Additionally, H. Res. 608 would require the Secretary of Defense to establish a mail delivery system that accurately tracks military postal transmit times, ensuring servicemembers will not have to wait weeks or months to receive a long-awaited letter or package from home.

Mr. Speaker, this is a problem that must be fixed now, both for the morale of the troops and to ensure that our service men and women are given every opportunity to exercise the voting rights they serve to defend. This is why I rise today in support of H. Res. 608.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish at this time to urge my colleagues to support H. Res. 608. I do want to take this opportunity to thank the distinguished gentleman from Virginia (Mr. FORBES) for sponsoring this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. FORBES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I can just tell you this afternoon that if you asked any soldier, sailor, airman or Marine serving in the Iraq theater what is most important to the morale and welfare of our forces, the answer you will get from them, and you are likely to hear, is mail from home.

The very least our Nation can do for our servicemembers who are deployed halfway around the world risking their lives to protect our freedoms is to ensure that they are able to receive the comfort of a letter from those waiting at home. Now is when our deployed troops need to get mail from their loved ones most.

A recent Chicago Tribune article from May 6 gives real-life examples of why that is so important. One volunteer with Support our Troops Illinois knows the military postal service well. She has mailed out over 2,000 care packages to deployed servicemembers. Now, many of them are stacked up on her front doorstep because they were "undeliverable." She said of the service that she has gotten from the military postal system, "It is disappointing, because we know how much of a morale boost mail can give the guys."

Another recent news article stated that the Marines look forward to the nightly mail call because for most it is the only way they can receive a word from home. The article goes on to quote a Marine who says, "My wife sent me seven boxes, and I've only received one." He went on to say that "the first letter I received from my wife was number six. Since then, I have received five and seven, but I have no idea what happened to the rest."

Mail that is delayed for long periods of time or not delivered at all negatively affects the morale of not only our deployed forces, but also their families at home. We owe it to our deployed troops to immediately improve the military postal system so that these problems do not continue. We heard from the gentleman from Colorado the importance of getting this fixed for the voting issues that will come up.

Mr. Speaker, I will just close by telling you that this is a problem that began the year I was born. In 1952 a letter from President Harry S. Truman to Congress clearly echoed the challenges that we face still today. He said this: "Many of those in uniform are serving overseas, or in parts of the country distant from their homes. They are unable to return to their States, either to register or to vote. Yet these men and women who are serving their country and in many cases risking their lives deserve above all others to exercise the right to vote in the election year. At a time when these young men and women are defending our country and its free institutions, the least we at home can do is to make sure that they are able to enjoy the rights they are being asked to fight to preserve."

Mr. Speaker, it is time to pass this resolution and to correct this problem. I urge my colleagues to support the resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 608 which states that it is in the interest of the United States to immediately resolve longstanding military mail delivery problems so that our Armed Forces may properly receive their mail and that their participation in the 2004 elections be ensured. Proper mail delivery is a hallmark of our nation, it a form of infrastructure that allows our nation to communicate freely. Therefore, we cannot allow our Armed Forces to have a mail delivery system that is in any way inferior to the one provided to all other Americans.

I want to thank Representative FORBES of the Armed Services Committee for bringing this matter to the floor. There are many reasons why proper mail delivery is essential for our Armed Forces. The most evident reason is that the members of our Armed Forces deserve to know that their correspondence is secure. The transmittal and receipt of mail is the most basic link that our brave men and women fighting abroad have to their loved ones back home. Often, due to the rigors of their duty, mail is the only form of communication our soldiers have access to. Furthermore, our Armed Forces often have lives back home that they leave to fight abroad. This means they have affairs they must put in order and again the mail is the most commonly used way to attend to these affairs. Of course, it is more difficult to ensure proper mail delivery to our Armed Forces since many of them are stationed abroad and often in places of conflict. However, while ensuring proper mail delivery to our Armed Forces is more difficult, it is far from impossible. Indeed, it is frustrating that while private mail delivery companies can guarantee international delivery of packages within a matter of a few days we cannot ensure proper delivery of mail to our men and women fighting abroad.

Perhaps more disturbing than the idea of personal correspondence being mishandled, is the idea that members of our Armed Forces could effectively be excluded from participating in the upcoming elections because of a questionable mail delivery system. Members of the Armed Forces stationed abroad must vote by absentee ballots, which require proper mail delivery in order to guarantee that those votes are counted. Especially after witnessing the closely contested 2000 Presidential elections in which absentee ballots played a major role, it is inconceivable that we would allow a weakness in the system to continue. Just like every other American, members of our Armed Forces, both foreign and domestic, have a right to know that both their mail and their ballot are secure and accounted for.

It is time that we fully modernize the system being used to deliver and receive mail to our Armed Forces. The current system is often unreliable and highly labor intensive. In fact, the current system does not even allow us to know how much mail goes undelivered. Our Armed Forces deserve better; furthermore, they need a better system, for the effective flow of communication is essential in all sectors and the Armed Forces are no different. It is time that we help create a more modern and effective postal system for our Armed Forces.

Mr. FORBES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Virginia (Mr. FORBES) that the House suspend the rules and agree to the resolution, H. Res. 608.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. FORBES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MARY ANN COLLURA POST OFFICE BUILDING

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3939) to redesignate the facility of the United States Postal Service located at 14–24 Abbott Road in Fair Lawn, New Jersey, as the "Mary Ann Collura Post Office Building".

The Clerk read as follows:

H.R. 3939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The facility of the United States Postal Service located at 14–24 Abbott Road in Fair Lawn, New Jersey, and known as the Fair Lawn Main Post Office, shall be known and designated as the "Mary Ann Collura Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the "Mary Ann Collura Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3939.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3939. This legislation is naming a post office in Fair Lawn, New Jersey, after Officer Mary Ann Collura. She was the first woman to serve as an officer in the Fair Lawn Police Department. H.R. 3939 fittingly honors the tremendous service of an individual fallen peace officer.

Officer Collura was an outstanding 18-year veteran of the Fair Lawn Police Department and a respected community role model. On April 17, 2003, Officer Collura was called in to back up fellow officers involved in a chase with three young men in a car. The chase fatally ended outside a Fair Lawn church as one of the men shot Officer Collura in the chest after she pursued the men on foot. The assailant then stole Officer Collura's patrol car and drove over her body as he made his escape.

Mr. Speaker, everyone in the Fair Lawn area who knew Officer Collura knew she served her community with the highest esteem. Earlier this spring, as steps were being taken to ensure a proper memorial for Officer Collura, the local journal, the Fair Lawn News, quoted a local resident who emotionally said, "I knew her. She was superior as an officer and as a person."

Mr. Speaker, Officer Collura's heartbreaking story even attracted President Bush's attention. At the Peace Officers' Memorial Day Service outside this Capitol last year on May 15, the President mentioned Officer Collura as a law enforcement officer who tragically lost her life in the past year.

The President cited a quote from one of Officer Collura's fellow officers, who later said about her, "There are probably 100 cops like this who did everything right and still have their names on the wall," of the National Law Enforcement Memorial. The Officer went on to say, "You put your faith in the hands of God every day when you go out there."

Mr. Speaker, the wicked events of April 17, 2003, remind all of us of the dangers of police work. Officers of the peace, like Mary Ann Collura, earn our perpetual respect each and every day for their brave efforts to protect all of us.

This post office naming will posthumously commemorate Officer Mary Ann Collura's service to our Nation. Unquestionably, this is a highly warranted honor, and I strongly urge all Members to support the bill's passage.

Mr. Speaker, I commend the distinguished gentleman from New Jersey (Mr. ROTHMAN) for his meaningful work on H.R. 3939.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 3939, legislation naming the postal facility in Fair Lawn, New Jersey, after Mary Ann Collura. This measure was introduced by the gentleman from New Jersey (Mr. ROTHMAN) on March 11, 2004, and unanimously reported by our committee on April 1, 2004. It enjoys the support and cosponsorship of the entire New Jersey delegation.

Officer Mary Ann Collura was a dedicated police officer, a woman who made a difference in her hometown of Fair Lawn, New Jersey. According to news accounts, Mary Ann had wanted to become a police officer since junior high school. She was 25 when she joined the force, and served for 18 years until her tragic death.

On April 17, 2003, Officer Collura was fatally shot while helping a fellow officer arrest three suspects after a car chase.

Officer Collura was an active and devoted member of the Fair Lawn Police Department. She loved her work and looked forward to helping those in need. Designating the post office in Fair Lawn, New Jersey, is an excellent way to honor the memory of Officer Mary Ann Collura.

Mr. Speaker, I commend my colleague for sponsoring this measure and urge swift passage of this bill.

Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, this Saturday, May 15, nearly 20,000 peace officers are expected to gather in Washington D.C. to honor their fallen comrades for National Peace Officers Memorial Day. In keeping with this sentiment today, this body will pay tribute to one of the 166 police officers killed annually in the line of duty.

By redesignating the Fair Lawn post office as the Mary Ann Collura Post Office Building, we honor the life of Officer Mary Ann Collura and the extraordinary sacrifice she made to protect her community.

I would like to thank my esteemed colleague, the gentleman from New Jersey (Mr. ROTHMAN), for introducing this legislation. This legislation has special significance for me because Officer Collura was the aunt of my campaign manager, Scott Snyder. After having had the opportunity to hear Scott speak about his aunt, I have greater appreciation for this extraordinary woman and how tragic it is she has been taken from this world far too soon.

Though I have never had the opportunity to meet her, I am humbled by the remarkable life she led. One family member remarked to me, "Mary Ann was a 6-foot tall female cop who loved motorcycles and taught me how to throw a baseball. But when I look in the mirror and see our resemblance, I can't help but judge myself against her standards, knowing that if I come close, that means I have achieved something great with my own life."

Through the thousands of stories that have been told about her deeds and personality, the one ringing truth is that she represented a person we all long to be. She was the kind of warm person that could light up faces with a smile, the virtuous type that viewed everyone around her as a potential friend, and the forgiving type of person that can truly see the best in the worst of us. She accomplished this without even knowing, without the official commitment or the sacred vows. She lived from her heart.

Over the course of her career, Officer Collura had received numerous rewards, including a departmental Meritorious Service Award and the Hackensack University Medical Center EMS Excellence Award for her life-saving skills. Furthermore, she had received numerous commendation letters from the community for her prompt, courteous, and thoughtful service.

After dutifully serving for 18 years on the Fair Lawn Police Department, Officer Collura was fatally shot on April 17, 2003, in the line of duty. She was only 43 years old.

Mary Ann did not begin a life of aiding others when she became a police officer. She became a police officer so she could make a living doing what she really had already done, being our protector. For those who knew her, Mary Ann lived by her own rules; and though her death tore deep in the hearts of so many people who continue to grieve, it was her way: on the job, protecting her fellow officers and protecting all of us.

Thanks to the courageous acts of people like Officer Mary Ann Collura, countless Americans can go about their daily lives in a freer and safer society. Police Officer Collura's tragic death should serve as a reminder to all of us how fortunate we are to have such heroic individuals looking over us.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from the Ninth District of New Jersey (Mr. ROTHMAN), the author of this legislation.

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman from Illinois for yielding me time. I thank our chairman, the gentleman from Virginia (Mr. TOM DAVIS), and I thank our ranking member, the gentleman from California (Mr. WAXMAN), for moving this bill so expeditiously through the House. And I thank our fellow Senators from the other body for their cosponsoring of my legislation in that body as well.

I rise in support of H.R. 3939, a bill to rename the main post office in Fair Lawn, New Jersey, the town I live in, within my district, as the Mary Ann Collura Post Office.

It has been a year since we lost Mary Ann, who served on the Fair Lawn Police Force for 18 years. She was the first female police officer in Fair Lawn history. She was killed in the line of duty on April 17, 2003.

Mary Ann was backing up another police officer from the district of the gentleman from New Jersey (Mr. PASCRELL), Steven Farrell, who was in the course of arresting three men charged with robbery following a car chase that ended outside a church in Fair Lawn, New Jersey.

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It was at that point that Officer Farrell was wounded and Officer Collura was fatally wounded.

Throughout her life, as the gentleman from New Jersey (Mr. PALLONE) so eloquently said, Mary Ann embodied what is best about the people in our communities in New Jersey, and perhaps in all of America. She was kind, she was generous, she was courageous, she was a pioneer, and she was a person who truly cared about her community. She was the kind of a police officer who all the kids in the school system knew they could go to if they had a problem, especially a problem that they felt uncomfortable talking to their teachers or their parents about. She was a pioneer. She grew up always wanting to be a police officer, and when she got sworn in, it was the happiest, most proud day of her life. There was no obstacle that would stand in her way. She was going to protect the people of Fair Lawn, New Jersey.

She had this special desire, among many other things, innovations of hers, to protect kids during Halloween. So she spearheaded the effort to give each child in Fair Lawn, New Jersey a glow stick so that while they were walking through the streets trick-or-treating, they could be seen by people driving their cars and perhaps their parents following somewhat behind since, of course, it is very embarrassing, as my children say, to be walking with your own children, or have your own parents walking with you. That led, as a matter of fact, to my reintroducing a bill to move daylight savings time one week later after Halloween so that kids could trick-or-treat in an extra hour of daylight.

But it was Mary Ann's love for her community and love for those children that put forth that particular effort and made her a mentor, a mentor to young police officers, men and women, who saw her as a true leader.

She loved motorcycles, and the day after her memorial service, 2,500 police officers, and others, 2,500 motorcyclists rode through Fair Lawn, New Jersey in honor of Mary Ann Collura. It was a sight to behold.

To commemorate the life of Mary Ann Collura and her outstanding service to the people of the community of Fair Lawn, New Jersey, I introduced legislation to rename the Fair Lawn Post Office the Mary Ann Collura Post Office at Fair Lawn, New Jersey, so that when future generations who never had the privilege of knowing her or never read the stories about her, when a child walks into the post office in the future with their mom or their dad, they would say, Mommy or Daddy, why is this plaque here? Who was Mary Ann Collura? And then the story of Mary Ann Collura, her bravery, her great service to the people of Fair Lawn would be retold from generation to generation and onward ever forward, because she truly was a great role model, not just for young women, but for everyone.

As we come together to celebrate National Police Week and National Peace Officers Memorial Day this Thursday, we remember that in life and death, Mary Ann Collura and so many other fallen officers remind us of a difference that one person can make in making this world a safer and better place. We know that Mary Ann is looking down upon us from heaven, and that while Fair Lawn and the people of Fair Lawn may have lost one of their bravest protectors, they have gained and the world has gained another angel.

Mr. Speaker, I urge my colleagues to vote for this piece of legislation, and I know that the gentleman from New Jersey (Mr. PASCRELL) joins with me and will have some remarks as well.

Mrs. MILLER of Michigan. Mr. Speaker, I have no other speakers at this time, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from New Jersey (Mr. PASCRELL) from the Eighth District.

Mr. PASCRELL. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time.

Mr. Speaker, I rise to speak in very strong support of H.R. 3939. This bill is to redesignate a postal facility in Fair Lawn, New Jersey in honor of Mary Ann Collura, a wonderful, wonderful woman who I knew personally, a brave officer who was shot down in the line of duty while protecting her hometown and coming to the assistance of another police officer from another town. She was in every sense of the word a first responder all the time, every day.

I want to congratulate my neighboring Congressman, the gentleman from New Jersey (Mr. ROTHMAN), on moving this forward.

Mary Ann Collura defied the odds. She lived her dream by becoming Fair Lawn's first female law enforcement officer. She set her mind to doing it, and she did it.

Officer Collura was a credit to her community, partly because she broke the mold by becoming that first female police officer, and partly because she served an impressive 18 years. But her greatest quality was her attachment and proven dedication to the community of Fair Lawn. She grew up there. She knew that community, and she loved it, and they loved her. No citizen can ask for more from their community police officers.

This was a woman whose service was not restricted by the hours that she worked. When Mary Ann Collura was in Fair Lawn, on duty or not on duty, the public could depend on her vigilance. Many in my town of Patterson knew all about how she cared. We even called her "Ma."

Some of my favorite stories about Mary Ann's heroism revolve around her willingness to face fires. Though she was not a firefighter, Mary Ann had that firefighter instinct, was never hesitant to enter a burning building in order to protect her community. She once saved an elderly woman that was trapped in a burning house following a cooking accident.

On April 17, 2003, the day Mary Ann was killed, she was assisting an officer from Clifton, New Jersey, police officer Steven Farrell. Once the apprehended suspect left the district and reached Fair Lawn, the suspect abandoned his car and started to run by foot. Officer Farrell and Officer Collura attempted to pursue and arrest the suspect. Four shots were fired, both officers were shot, but it was Officer Collura who suffered fatal wounds.

Mary Ann Collura's story is humbling. I will never forget the help that she lent to Officer Farrell and the Clifton Police Department. Officer Collura made the ultimate sacrifice to ensure the safety of her loving community, and it is for this that we honor her.

Naming a post office after Officer Collura is only a small token of our deep appreciation. It is my hope that the redesignation will provide that her name and inspiring story will always be remembered.

Mr. Speaker, I urge the House to pass this fitting tribute to Officer Collura. As the story that the gentleman from New Jersey (Mr. ROTHMAN) shared with me earlier this afternoon, someday in the future, that little child will be walking past this Post Office with his parents and will ask, what is that name all about, and the parents will know and will tell the story of Mary Ann Collura.

God bless her and her family, and God bless this Congress.

Mr. DAVIS of Illinois. Mr. Speaker, it is clear from the comments of my colleagues from New Jersey that Mary Ann Collura is indeed a legend in her community and surrounding areas.

Mr. Speaker, we have no further speakers, and I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I have been touched as well by all of the comments about Mary Ann Collura. Sometimes an incident happens like that in a State and in the Nation that touches everybody and, certainly, naming this Post Office after this fantastic American is an appropriate thing.

Mr. Speaker, I urge all of the Members to support the passage of H.R. 3939.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PUTNAM). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 3939.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DR. MIGUEL A. NEVAREZ POST OFFICE BUILDING

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4299) to designate the facility of the United States Postal Service located at 410 South Jackson Road in Edinburg, Texas, as the "Dr. Miguel A. Nevarez Post Office Building".

The Clerk read as follows:

H.R. 4299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF DR. MIGUEL A. NEVÁREZ POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 410 South Jackson Road in Edinburg, Texas, shall be known and designated as the "Dr. Miguel A. Nevárez Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dr. Miguel A Nevárez Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Government Reform, I rise in support of H.R. 4299 that designates a post office in Edinburg, Texas as the "Dr. Miguel A. Nevarez Post Office Building." All of the members of the Texas State delegation have cosponsored this important legislation.

Mr. Speaker, Dr. Miguel Nevarez has been president of the University of Texas-Pan American in Edinburg for the last 23 years. In 1981, Dr. Nevarez inherited a small university of only 8,000 students. But today, UT-Pan American boasts more than 15,000 students and 600 faculty members. Dr. Nevarez's 23 years of service makes him the longest-serving Hispanic university or college president in the entire Nation.

A distinguished educator, Dr. Nevarez is a vice-chair of the Council of Public University Presidents and Chancellors, and he is a member of the American Council of Education and the American Association of State Colleges and Universities.

Mr. Speaker, Dr. Nevarez retires this Friday, May 14. President Nevarez led his final spring commencement exercises just last weekend, as over 1,200 students from UT-Pan American received their degrees. House passage of this legislation will provide Dr. Nevarez and his family with a timely honor for his contributions to all past, current, and future students of UT-Pan American.

Mr. Speaker, I urge all Members to support H.R. 4299.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 4299, legislation naming a postal facility in Edinburg, Texas after Dr. Miguel A. Nevarez.

This measure, which was introduced by the gentleman from Texas (Mr. HINOJOSA) on May 6, 2004 enjoys the support and cosponsorship of the Texas delegation.

Dr. Miguel A. Nevarez has served as President of the University of Texas-Pan American for 23 years. The University of Texas-Pan American is the leading institution serving underserved and underrepresented students in the south Texas community. The university is home to a high concentration of Hispanic students. Currently Hispanic enrollment is 87 percent of the student body.

Throughout his tenure as president of the university, Dr. Nevarez has made a difference in his community and profession by providing and improving higher educational opportunities to south Texas residents. For his efforts, Dr. Nevárez has received numerous accolades. He was named Outstanding Educator by President Reagan in 1985, and has worked closely with many United States Presidents on education reform and Hispanic education initiatives.

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Dr. Nevarez has testified in Congress on the contributions of America's Hispanic-serving institutions. He has been named one of the 100 Influential Hispanics by Hispanic Business Magazine and has been credited with creating a Hispanic middle class in south Texas.

Dr. Miguel A. Nevarez is retiring this year. By way of recognizing his many years of dedicated service, the university is hosting a special dinner on May 14, 2004, in his honor.

Mr. Speaker, I am proud to join my colleague, the gentleman from Texas (Mr. HINOJOSA), in honoring the enormous educational and professional contributions of Dr. Nevarez. Designating the post office in Edinburg, Texas, is an excellent way to pay tribute to Dr. Miguel A. Nevarez.

I urge swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, we have no other speakers at this moment, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Texas (Mr. HINOJOSA), the sponsor of this bill, from the 15th Congressional District of Texas.

Mr. HINOJOSA. Mr. Speaker, I rise to urge my colleagues to support H.R. 4299, a bill that will rename the post office in Edinburg, Texas, home of the University of Texas Pan American, in honor of Dr. Miguel A. Nevarez. I want to thank the gentleman from Virginia (Chairman TOM DAVIS) and the gentleman from California (Ranking Member WAXMAN) for their assistance in bringing this legislation to the floor so quickly.

I want to congratulate and thank one of the great modern heroes of south Texas, Dr. Miguel A. Nevarez, my good friend, who is retiring this year from the presidency of the University of Texas Pan American.

Dr. Miguel A. Nevarez has presided over a sea change in south Texas. His leadership of the University of Texas Pan American has transformed the region. In fact, he laid the infrastructure that will transform south Texas.

Dr. Nevarez has guided this institution from the days when this was still a position called Associate Dean of Men and only 8,000 students, many in remedial education, to today when UTPA is a full-fledged research institution, offering 56 undergraduate programs, 42 master's programs and three doctoral programs. Today, in 2004, UTPA enrolls over 15,000 students.

The growth and development of south Texas are inextricably linked to the growth and development of UTPA. Dr. Nevarez has risen to the challenge and has made south Texas and its south Texans proud. He has mentored faculties, students, and administrators. He has built the capacity of the institution both physically and intellectually. UTPA is one of the most beautiful and well-equipped campuses in the State of Texas, and it is on the cutting edge in new research and technologies.

As UTPA has matured, so has south Texas. This is a dynamic region with dramatic growth in population and jobs in all areas of economic activity; and UTPA, with Dr. Nevarez as the university president, is at the center of it all. This is his legacy.

Furthermore, Dr. Nevarez has been the longest-serving Hispanic president of a college or university. He was one of the pioneers that paved the way for Federal support for Hispanic-serving institutions. His leadership and advocacy on behalf of HSIs helped create a specific designation in the 1998 higher education reauthorization. This designation has resulted in increased Federal funding by all Federal agencies for HSIs nationwide. These colleges and universities open the doors of higher education to half of the Latinos attending college in the country.

Dr. Nevarez's leadership has laid the foundation for the educational advancement of the fastest-growing, largest minority group in the country, Hispanic Americans. Raising the level of educational attainment for the Hispanic community is of paramount importance to our future security and prosperity.

I want to also acknowledge and recognize Dr. Nevarez's family. First, his beautiful wife Blanca Medina Nevarez who has been a very loving and strong supporter of her husband. Second, I have seen his three children, Miguel III, Annette and Marc, who have had to share their father with so many people. His duties and responsibilities may have kept him from participating in some important family gatherings, but rest assured that his family's sacrifices have not gone unnoticed. I thank them for supporting Miguel's efforts.

I am happy for my friend. He has earned his retirement. He has given so much of himself to the great State of Texas, to the Hispanic community, and to our great Nation. His efforts and his accomplishments will long be remembered. The post office in Edinburg, Texas, an all-American city, shall bear the name of Dr. Miguel A. Nevarez. He is ready to pass the mantle of leadership for UTPA and south Texas as we move into the 21st century; and thanks to him, we are ready.

Que Dios le bendiga! May God bless you.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Texas (Mr. DOGGETT), a representative from the 10th Congressional District of Texas.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me the time.

Though we honor the life's work of Dr. Miguel Nevarez by designating a post office with his name, his real legacy is reflected in the lives and the careers of the students that he has helped for over a quarter of a century with his leadership and service, mostly as president of UT Pan American.

Dr. Nevarez is the first Hispanic president of UT Pan Am and the longest seated Hispanic president of any four-year institution of higher learning. He has a total of over 30 years of service to UT Pan Am, including his tenure as a professor in the education department, associate dean of men, vice president for student and university affairs and, of course, as president and leader of the university.

Dr. Nevarez has repeatedly been recognized for his leadership, including being named one of the "100 Most Influential Hispanics in America" and as one of the "50 Most Influential Hispanics in Business Technology." His commitment to education has fundamentally and forever changed not only the Rio Grande Valley but elsewhere across our Nation as UT Pan Am graduates have assumed positions of leadership.

It is not surprising to any of us who have worked with Dr. Nevarez that, after a much-deserved sabbatical, he will be returning to work with Dr. Velma Menchaca and the outstanding faculty of the Department of Educational Leadership. There, he will return to teaching, and he will be working primarily with the doctoral and master's programs involving higher education, organizational behavior and organizational management, programs that came into being through his leadership as the president at UT Pan American.

Just as the commencements that we are celebrating across America represent both an end and a beginning, so does this announcement by Dr. Nevarez. The opportunity is there for us to step up to the challenge of giving students all the education for which each is willing to work. We can honor this legacy of Dr. Nevarez not only by the quite appropriate naming of a post office down the street in his honor, but by giving our public institutions of higher learning the financial support that they need to do the job to which he has dedicated his life, and particularly, in preparing our students for quality jobs upon graduation, by giving them the financial assistance that they deserve.

With the overwhelming majority of students at UT Pan American qualifying for student financial assistance, but with too many unable to receive the assistance that they need at current funding levels, it would be particularly appropriate to honor Dr. Nevarez with the further tribute of extending and expanding that financial assistance. I believe that we must double the maximum amount of Pell Grants in order to achieve that objective.

Dr. Nevarez already has the grateful thanks of a community that he has served for decades. Today, as we designate this post office with his name, this body, the United States Congress, affirms our gratitude for his life's work in service, not just to the Rio Grande Valley but to our entire Nation in developing the leaders who will guide our country in the future.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, let me take this opportunity also to rise on behalf of the Texas delegation and congratulate the gentleman from Texas (Mr. HINOJOSA) and the gentleman from Texas (Mr. DOGGETT) on these efforts.

Let me share with my colleagues that H.R. 4299, which designates the facility of the United States Post Office that will be located at 410 South Jackson Road in Edinburg, Texas, as the Dr. Miguel A. Nevarez Post Office Building, is fitting and proper.

Let me just say that I had the opportunity to serve in the Texas House for 11 years in the higher education committee; and during that period of time, I had the opportunity to work with the doctor there, and there is no doubt that his tenacity, his perseverance, and his dedication were displayed.

I also want to take this opportunity to congratulate him on the efforts not only at Pan Am but in higher education throughout Texas. During that period of time, we have found ourselves in Texas in the crossroads of lacking a lot of resources, and one way was to start capping enrollment and was to begin to expand the opportunities for south Texas; and I know Dr. Nevarez was there for us as a whole, making sure that those opportunities were there.

When we started to sue the State of Texas during that time, he was there to make sure that we followed through; and the results of those efforts resulted in a piece of legislation that allowed opportunities for the expansion not only at Texas Pan Am but also the 4-year institution at Brownsfield, the 4-year institution at Downtown San Antonio, the 4-year institution at Corpus Christi, the 4-year institution at Laredo, the expansion at A&I in Kingsville and others.

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And he played a significant role in those efforts.

So I rise today in support of the naming of the United States Post Office for Dr. Miguel Nevarez and to congratulate his service.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume to advise my colleague that I have no further requests for time. I would simply congratulate the gentleman for his introduction of the bill and urge its passage.

Mr. Speaker, I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I urge all Members to support the passage of H.R. 4299. I also understand that Dr. Nevarez will actually be an honoree at a dinner reception on Friday night in McAllen, Texas. And certainly on behalf of all the Members of this body, I want to thank and wish Dr. Nevarez the very best in his retirement, and I specifically want to thank the gentleman from Texas (Mr. HINOJOSA) for introducing this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PUTNAM). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 4299.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS AND IDEALS OF PEACE OFFICERS MEMORIAL DAY

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 622) supporting the goals and ideals of Peace Officers Memorial Day.

The Clerk read as follows:

H. RES. 622

Whereas the well-being of all people of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 957,500 law enforcement personnel, the highest amount ever in the United States, serve their fellow citizens as guardians of peace;

Whereas peace officers are on the front line in preserving the right of the children of the United States to receive an education in a crime-free environment, a right that is all too often threatened by the insidious fear caused by violence in schools;

Whereas 145 peace officers across the Nation were killed in the line of duty during 2003, well below the decade-long average of 166 deaths annually, and a major drop from 2001 when 230 officers were killed, including 72 officers in the September 11th terrorist attacks;

Whereas every year, 1 out of every 9 peace officers is assaulted, 1 out of every 25 peace officers is injured, and 1 out of every 4,400 peace officers is killed in the line of duty;

Whereas section 136 of title 36, United States Code, requests that the President issue each year a proclamation designating May 15 as Peace Officers Memorial Day in honor of Federal, State, and local officers killed or disabled in the line of duty; and

Whereas on May 15, 2004, more than 20,000 peace officers are expected to gather in Washington, D.C. to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Peace Officers Memorial Day to honor Federal, State, and local peace officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Res. 622, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 622 supports the goals and the ideals of Peace Officers Memorial Day. This Saturday, May 15, is Peace Officers Memorial Day, a day that serves as an important remembrance of Federal, State, and local law enforcement officials who were killed or disabled in the line of duty during the past year.

According to the text of the resolution, 145 peace officers were killed during 2003. Mr. Speaker, remarkably, nearly 1 million Americans serve their country in some law enforcement capacity today. Their daily professions remain inherently dangerous, therefore all Americans must recognize and cherish their contributions to our liberty and to our security.

Mr. Speaker, this week is National Police Week, which occurs each year during the calendar week in which Peace Officers Memorial Day falls. Thousands of law enforcement personnel and their families will attend several events in the Washington, D.C. area during this week, culminating with the 23rd annual National Peace Officers Memorial Day services at noon on Saturday, May 15, at the west front of this revered building, the United States Capitol building.

We all owe our Nation's peace officers a tremendous debt of gratitude for their commitment to the safety of every citizen. Therefore, today, I am pleased the House is considering House

Resolution 622 during this meaningful and somber week for those who defend our homeland.

Mr. Speaker, I highly commend the gentleman from Colorado (Mr. HEFLEY) for shepherding House Resolution 622 to the floor today. Primarily, I wish to thank him for his work to recognize the sacrifices of the men and women of American law enforcement.

This is a solemn piece of legislation, and I encourage every Member of the House to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, each day, police officers nobly protect our families, friends, and neighbors from crime. While it is impossible to suitably thank these brave Americans for the tremendous sacrifices they make, we pause to salute them for their courage, dedication, and service, and to pay our respects to those who have fallen in the line of duty. Peace officers work to improve the quality of life for all of us. For that, they deserve our sincere appreciation and our respect.

Every year, one out of every nine peace officers is assaulted, one out of every 25 is injured, and one out of every 4,400 is killed. In the last year alone, 145 police officers were killed in the line of duty. And while this number reflects a decrease in officers killed, each death is a tragedy and a loss to the community, and especially to the families.

Sergeant Philip J. O'Reilly of Chicago was killed in an automobile accident while on patrol at 5 a.m. Sunday, March 16, 2003. Sergeant O'Reilly was assigned to the Foster Avenue Police District and had been with the Chicago Police Department for 16 years. He is survived by his wife, six children, and seven siblings.

Sergeant O'Reilly's fellow officers remember him as a devoted officer, a tremendous father, and a great man. It is our duty as Americans to honor the service of men and women like Sergeant O'Reilly who made the ultimate sacrifice so that we may all sleep a little easier at night knowing that our community and our world is a safer place.

On Saturday, May 20, Sergeant O'Reilly's name will be among the 362 fallen officers who will be officially added to a memorial at a candlelight vigil. I support the goals and ideals of Police Officers Memorial Day to honor Federal, State, and local peace officers killed or disabled in the line of duty. And I call upon the people of the United States to observe such a day with appropriate ceremonies and respect.

You can never give more than your life, and these men and women give the very best of what they have.

Mr. Speaker, I reserve the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. HEFLEY), the sponsor of this resolution.

Mr. HEFLEY. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I thank the gentleman from Virginia (Mr. TOM DAVIS) for pushing this through in time for the actual memorial.

Mr. Speaker, I rise today to honor the more than 20,000 peace officers from around the country who will come to Washington, D.C. this next week, and in fact all the peace officers, the 1 million or so peace officers of one kind or another throughout the Nation. They are coming for National Police Week to commemorate the lives, as we have already heard, the 145 peace officers who died last year in the line of duty.

Today, we recognize May 15 as National Peace Officers Memorial Day and pay tribute to the commitment, sacrifice, and public safety services these officers provide for all Americans on a daily basis.

As we all know, September 11, 2001 stands out as one of the most tragic days in American history. On that fateful Tuesday, we lost 72 police officers, the largest loss of law enforcement personnel in a single day in our Nation's history. While September 11 offered an extreme glimpse of law enforcement's services and sacrifice, similar acts of heroism, individual acts of heroism and valor, are performed every day in every community by police officers across our great Nation.

Last year, more than 145 officers are killed in the line of duty nationwide, and, thankfully, these police officers killed last year is well below the decade-long average of 166 deaths, and slightly less than in 2002. The deaths have decreased in each of the last 2 years, and, hopefully, this is a lasting trend.

Peace officers in every community have an admirable record of services and sacrifice, yet too many Americans lack true understanding and appreciation, I feel, of law enforcement's work. That is why I worked a few years ago to help establish the National Law Enforcement Museum in Washington, D.C., and this week, 362 names of brave men and women will be added to the memorial, 145 from 2003 and 217 from prior years.

Unlike most other jobs, peace officers face unprecedented risks while bravely protecting our communities and our freedoms. I hope my colleagues will join me today in paying tribute to our Nation's fallen officers and expressing our gratitude for the work these men and women perform.

We feel very strongly here in the Congress, I think, about paying honor to the brave men and women in uniform. And when we say that, we usually mean those that serve in the Armed Services of our country. But there are other brave men and women in uniform we need to pay tribute to, and that is why I offer this resolution today.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume. I would simply congratulate the gentleman from Colorado for his introduction of this legislation and urge its passage.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume, and I also want to thank the gentleman from Colorado for his work on House Resolution 622. It is a great piece of legislation, and I urge its adoption.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the well-being of all people of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel. More than 957,500 law enforcement personnel, the highest amount ever in the United States, serve their fellow citizens as guardians of peace.

Peace officers are on the front line in preserving the right of the children of the United States to receive an education in a crime-free environment, a right that is all too often threatened by the insidious fear caused by violence in schools. 145 peace officers across the Nation were killed in the line of duty during 2003, well below the decade-long average of 166 deaths annually, and a major drop from 2001 when 230 officers were killed, including 72 officers in the September 11 terrorist attacks.

As chair of the Congressional Children's Caucus, I express my deep appreciation for what the Peace Officers do support the children of America, by focusing on crimes against our children. Every year, 1 out of every 9 peace officers is assaulted, 1 out of every 25 peace officers is injured, and 1 out of every 4,400 peace officers is killed in the line of duty.

On May 15, 2004, more than 20,000 peace officers are expected to gather in Washington, D.C. to join with the families of their recently fallen comrades to honor those comrades and all others who went before them. I am pleased to be joined by my colleagues in the House of Representatives to support the goals and ideals of Peace Officers Memorial Day to honor Federal, State, and local peace officers killed or disabled in the line of duty. Also, I want to call upon the people of the United States to observe such a day with appropriate ceremonies and respect.

Mr. EMANUEL. Mr. Speaker, today I rise in strong support of House Resolution 622, "Supporting the Goals and Ideals of Peace Officers Memorial Day." Now more than ever our nation relies on the valor and commitment of our peace officers to protect our families and communities each day and in times of crisis. I am privileged to know many fine police officers, including my Uncle Les, a dedicated and long time officer with the Chicago Police Department.

Last year, 145 police officers were killed in the line of duty. While this is a significant drop from previous years, the death of any officer is a tragedy and loss felt deeply in our communities. I join with my colleagues in honoring the memory and sacrifices of these heroes, and I applaud the continued service of law enforcement and all public safety workers who face danger every day to protect our streets and our schools.

As Members of Congress, we have a responsibility to support our nation's law enforcement officers and supply them with all of the tools and resources they need to ensure their safety and ours. Our support means action, not just empty rhetoric. The men and women in blue have asked us to take action on renewing the 1994 Assault Weapons Ban, set to expire on September 13th. Indeed, a broad coalition of law enforcement advotates, including the membership of the International Association of Chiefs of Police, the National Association of Police Organizations, the International Brotherhood of Police Officers, and the American Probation and Parole Association are among many others who have urged Congress to pass an extension of this legislation, which has proven an effective and lifesaving law. To date, their call for this common sense remedy to gun crimes has gone unanswered.

These organizations and the police officers they represent support the ban because it works. Before the 1994 Assault Weapons ban, one in five police officers killed in the line of duty were attacked with assault weapons. The year after the ban passed, that figure dropped to zero. This single statistic speaks volumes for its effectiveness. Another case in point: In 1991, assault weapons were used in eight percent all gun crimes. By 2003 it was only one percent. If we allow the ban to expire, our peace officers will be subjected to the proliferation of assault weapons and their lives will be needlessly placed in greater danger.

This past Sunday—Mothers Day 2003—thousands of women gathered on the west lawn of the Capitol to mourn the death of children lost to gun violence. This coming Saturday, 20,000 peace officers will gather at the same place to remember their fallen brothers and sisters. What better way to express our support for them than by renewing the assault weapons ban. I believe Congress should go a step further by closing the gun show loophole and enacting sensible safety protections. We owe it to the families of our fallen heroes to pass these life-savings measures.

Mr. Speaker, I thank the Gentleman from Colorado for introducing this important resolution, and I urge my colleagues to vote for it. I also urge the leadership to bring the Assault Weapons Ban to the floor for a vote. That would be the most meaningful and effective demonstration of our support and to honor America's peace officers and their invaluable role in the safety of our families and communities.

Mr. MILLER of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and agree to the resolution, H. Res. 622.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING AND HONORING THE TENTH ANNIVERSARY OF VIETNAM HUMAN RIGHTS DAY

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and agree to resolution (H. Res. 613) recognizing and honoring the tenth anniversary of Vietnam Human Rights Day.

The Clerk read as follows:

H. RES. 613

Whereas May 11, 2004, is the 14th anniversary of the issuance of the Manifesto of the Non-Violent Movement for Human Rights in Vietnam and the tenth anniversary of Vietnam Human Rights Day, as designated on May 11, 1994, by Public Law 103–258;

Whereas Vietnam Human Rights Day recognizes the important contributions of the author of the Manifesto, Dr. Nguyen Dan Que, and uncounted numbers of innocent Vietnamese, including religious leaders and ethnic minorities who have been tortured, imprisoned, or held under house arrest by the Socialist Republic of Vietnam because of their nonviolent struggle for freedom and human rights;

Whereas the Manifesto, which calls upon Hanoi to respect basic human rights, accept a multiparty system, and restore the right of the Vietnamese people to choose their own form of government through free and fair elections, reflects the will and aspirations of the people of Vietnam;

Whereas the leaders of the Socialist Republic of Vietnam are expanding diplomatic and trade relations with the rest of the world; and

Whereas the United States, as leader of the free world, has a special responsibility to safeguard freedom and promote the protection of human rights throughout the world: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors and recognizes the 10th anniversary of Vietnam Human Rights Day;

(2) supports the designation of a "Vietnam Human Rights Day"; and

(3) urges all Americans to share in this commemoration so as to have a greater appreciation of the role Vietnam Human Rights Day has played in helping to defend and further the liberties and freedom of all Vietnamese people.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H. Res. 613, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 10 years ago, the Congress designated May 11, 1994, as Vietnam Human Rights Day through a joint resolution that became Public Law 103–258. The resolution was introduced in response to the issuance of the Manifesto of the Nonviolent Movement For Human Rights in Vietnam. That manifesto, written by the great human rights leader Dr. Nguyen Dan Que, intended to push pressure on the Socialist regime in Hanoi to respect the human rights of all Vietnamese citizens.

This is the tenth anniversary of the Vietnam Human Rights Day, which is the focus of House Resolution 622, before us today. The distinguished chairman of the Committee on Government Reform, the gentleman from Virginia (Mr. TOM DAVIS), brought forth this important resolution, and I commend him for introducing this important measure.

Mr. Speaker, while progress has been made in the fight for a free and democratic Vietnam, the regime there continues to imprison, to attack, torture, kill, and otherwise persecute many of those who publicly express their views. This resolution aims to generate valuable awareness to Hanoi's uncivilized treatment of political dissidents, and I am pleased the House is considering it this afternoon.

Mr. Speaker, it is easy to take for granted our Nation's priceless freedoms of speech and expression and, conversely, to lose track of the reality that countless people around the world in fact pay a great price to express their view. On its tenth anniversary, the principles of Vietnam Human Rights Day continue to act as an important defense of the liberties and freedoms of the Vietnamese people.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 613 and commend the gentleman from Virginia (Mr. TOM DAVIS), chairman of the Committee on Government Reform, for his introduction of this legislation.

Mr. Speaker, as an American, I take great pride when I see that nations value human rights. It brings me a great deal of joy to stand before you on the anniversary of Vietnam Human Rights Day and to honor the nation of

Vietnam for its commitment to human rights. Ten years ago, in Hanoi, a brilliant man by the name of Dr. Nguyen Dan Que wrote a manifesto that called upon the people of Vietnam to respect human rights, to accept a multiparty system, and to restore the right of the Vietnamese people to choose their own form of government through free and fair elections.

Today we honor that manifesto, as well as the many innocent people who were tortured, imprisoned, or held captive against their will for their peaceful protests against oppression by the Socialist Republic of Vietnam.

Those of us in the United States were reminded last week that we are not perfect. In fact, we are far from it. Because we are imperfect, it is important that we recognize the struggles other nations have undertaken in the pursuit of freedom so that we may never forget what a special privilege freedom is.

I stand before my colleagues today as a Member of this honorable body to honor and to recognize the tenth anniversary of Vietnam Human Rights Day and to urge all Americans to share in this commemoration so that we may all have a greater appreciation of the role that Vietnam Human Rights Day has played in helping to shape, defend, and to further the liberties and freedom of all Vietnamese people.

Mr. Speaker, I reserve the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Virginia (Mr. TOM DAVIS), the distinguished chairman of the Committee on Government Reform.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise today to support H. Res. 613, recognizing and honoring the tenth anniversary of Vietnam Human Rights Day.

Vietnam Human Rights Day serves as an important commemoration of the extensive struggle the Vietnamese people have endured for many years in their ongoing fight for basic human rights and freedom.

☐ 1545

Ten years ago, the United States ended its trade embargo with Vietnam and normalized relations with Hanoi. While the U.S. continues to open diplomatic relations with Vietnam, we must remember that many issues remain unresolved, including human rights violations, lack of religious freedom, and government corruption.

I traveled to Vietnam in 1998 to learn about these issues firsthand, as well as to raise these concerns with high-level officials. In addition, the large Vietnamese-American community in the 11th district, which I represent, continues to update me on continuing concerns.

As a member of the Vietnam Caucus, I am dedicated to promoting awareness and public policy debates among the U.S. Congress, the American public, and the international community about the greater need for fundamental human rights in the Socialist Republic of Vietnam.

House Resolution 613 recognizes the important contributions made by Nguyen Dan Que, the author of the Manifesto of the Non-Violent Movement for Human Rights, and uncounted numbers of innocent Vietnamese for their nonviolent struggles for freedom and human rights.

Dr. Que is one of the most vocal advocates for freedom, democracy, and human rights in Vietnam. Since 1975, Dr. Que has refused to leave Vietnam, and he has turned down an offer to resettle in the United States or to live in exile. He has consciously chosen to stay in Vietnam to speak out and defend human dignity and the rights of all Vietnamese people. He is a profile of courage.

The Vietnamese Communist government has arrested Dr. Que three times for his unrelenting pursuit of human dignity and freedom. He has been imprisoned off and on for nearly 20 years, beginning in 1978 through the present. During Dr. Que's captivity, he was imprisoned without trial, tortured, beaten, and put into solitary confinement in chains, accused of trying to overthrow the government, charged with espionage, and is now being held in strict incommunicado.

Undaunted, during his time he remained the strongest voice inside Vietnam for equality and dignity. On May 11, 1990, Dr. Que founded the Nonviolent Movement For Human Rights, issuing a manifesto that appealed to individuals and groups inside Vietnam and throughout the world for support of his moderate, nonviolent struggle to establish human rights for all Vietnamese people.

The arrests of Dr. Que, along with many others, demonstrate the ongoing human rights abuses and lack of religious freedom in Vietnam. We must continue to bring attention to these issues, generate pressure on Vietnamese officials, and hold the Vietnamese Government accountable.

It is only through the hard work and effort of individuals such as Dr. Que and the support of the international community that we can bring an end to human rights abuses and religious persecution in Vietnam. My resolution urges all Americans to share in the commemoration of Vietnam Human Rights Day and to have a greater appreciation of the role it has played in helping to defend and further the liberties and freedom of all Vietnamese people.

I am hopeful H. Res. 613 will serve as a small stepping stone towards the ultimate liberation and freedom of the Vietnamese people. However, at the least, I believe it will bring much needed additional awareness to the atrocities committed by the Socialist Republic of Vietnam every day on its own citizens. I urge my colleagues to join me in the passage of this important resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in support of House Resolution 613, the resolution which recognizes the 10th anniversary of Vietnam Human Rights Day, which is today, May 11. I thank the gentleman from Virginia (Mr. TOM DAVIS) for sponsoring this resolution and allowing me to be an original cosponsor; and I am proud to share with the gentleman membership in the Vietnam Caucus, along with the gentlewoman from California (Ms. LOFGREN) and the gentleman from New Jersey (Mr. SMITH). The initiatives of the caucus, including this bill, are examples of what we can accomplish when we decide to work together in a bipartisan manner.

Mr. Speaker, I represent the largest Vietnamese community in the world outside of Vietnam in Orange County, California. It is fitting then to speak on the House floor about this anniversary of Vietnam Human Rights Day. More importantly, it is the 14-year anniversary of the Manifesto of the Nonviolent Movement For Human Rights. This was written by a courageous and bright man, Dr. Nguyen Dan Que. I have had the pleasure of meeting Dr. Que. In fact, I went to his home in 1998 when I was in Vietnam. As we were meeting, his home all locked up, the military police came to the home to try to get me out of there. Of course we had locked up the house, and we continued our conversation.

One of the things that Dr. Que said to me was that it was important for America and Americans to continue to push for human rights in Vietnam. What type of human rights are we talking about here? Well, the right to assemble as we do here today, that is not allowed in Vietnam. The right to choose your own God and the way you want to worship that God, that is not allowed. You have to only do it through the official church or churches that the state of Vietnam approves. The right to free press. Every piece of paper written to be distributed must be done by the state in Vietnam. In fact, when I was meeting with the cardinal of the Catholic Church of Vietnam, he said one of the things that he cannot do is to hand out a newsletter to people that come to church on Sunday. The right to collectively bargain one's labor for decent wages and a decent place to work.

All of these things are not allowed in Vietnam, and this is what Dr. Que speaks to. He speaks to the human rights issues within Vietnam. I guess the most important thing that Dr. Que said to me that day in 1998 was that the reason we need to keep pushing for human rights in Vietnam is that it inspires and it gives hope and it gives courage to those within Vietnam who are fighting for basic human rights. Religious leaders like the Venerable Tic Kwzug Doh; a geologist like Gizug; and General Do, whom I had an opportunity to meet with, who had been a former communist and understood what was going on in the country and decided he would speak out; and, yes, Dr. Que.

Mr. Speaker, these are just a few of the dissidents within Vietnam who speak every day; and yet each and every one has been imprisoned, either taken away without charges or with false charges, or imprisoned in house arrest.

I hope today we will vote this unanimously to send a strong message that human rights are important in every country, and in particular for those who have not seen them for a long time.

Mr. DAVIS of Illinois. Mr. Speaker, I just also note that yesterday was my father's 93rd birthday, and I take this opportunity to wish him a happy 93rd birthday, and I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to be here today to recognize, House Resolution 613, recognizing and honoring the tenth anniversary of Vietnam Human Rights Day. H. Res. 613 observes the fourteenth anniversary of the issuance Manifesto of the Non-Violent movement for Human Rights.

Vietnam Human Rights Day serves as an important commemoration of the extensive struggle that Vietnamese have endured for many years, in their ongoing fight for basic human rights.

H. Res. 613 recognizes the important contributions made by Dr. Nguyen Dan Que, the author of the Manifesto, and uncounted numbers of innocent Vietnamese, including religious leaders and ethnic minorities who have been tortured, imprisoned, or held under house arrest by the Socialist Republic of Vietnam because of their nonviolent struggle for freedom and human rights.

This measure urges all Americans to share in this commemoration so as to have a greater appreciation of the role Vietnam Human Rights Day has played in helping to defend and further the liberties and freedom of all Vietnamese people.

These arrests demonstrate the increasing human rights abuses and lack of religious freedom and free speech in Vietnam. As we consider our ongoing economic relations with Vietnam, our goal in Congress must be to continue to bring attention to these issues, generate pressure on Vietnamese officials, and hold the Vietnamese government accountable.

We all realize that U.S. economic relations with Vietnam have improved in recent years. In 1994, the United States lifted its trade embargo with Vietnam and normalized relations with Hanoi. However, I will continue to fight for better human rights for all Vietnamese people and the right for families from Vietnam to reunite with their families in America.

H. Res. 613 indicates how far Vietnam has come in its struggle for human rights. This is an anniversary that deserves to truly be celebrated.

Ms. LOFGREN. Mr. Speaker, during the month of May, we celebrate Asian Pacific American Heritage to commemorate the contributions Asian Pacific Americans have made to the fabric of our communities and to this nation as a whole. I could easily spend this month, and longer, describing the tremendous accomplishments of Asian Pacific Americans.

However, today is the tenth anniversary of Vietnam Human Rights Day and we sadly must recognize that Vietnam has not come far enough in respecting the human rights of its citizens.

Just one month ago, on Easter Week, Human Rights Watch reported that peaceful protests by indigenous minority Christian Montagnards turned violent when police used tear gas, electric truncheons, and water cannons on protestors. Reports indicate that police arrested several individuals, many whose whereabouts are currently unknown. Worse yet are reports of torture, police beatings, and deaths associated with this crackdown on the Montagnards.

Today, my colleagues, Congressman CHRIS SMITH, TOM DAVIS, LORETTA SANCHEZ and I are introducing a Congressional resolution recognizing the countless number of innocent Vietnamese "who have been tortured, imprisoned, or held under house arrest by the Socialist Republic of Vietnam."

Also today, Congressman SMITH is leading an effort, with over 100 cosponsors, to pass House Concurrent Resolution 378 to call on Vietnam to immediately release Father Thaddeus Nguyen Van Ly and condemn the "violations of freedom of speech, religion, movement, association, and the lack of due process afforded to individuals in Vietnam."

Ten years ago, the Congress and the Senate passed a resolution designating today, May 11th, as Vietnam Human Rights Day, recognizing that "the United States, as the leader of the free world, has a special responsibility to safeguard freedom and promote the protection of human rights throughout the world."

Unfortunately, President Bush and his Administration have not heeded that responsibility to safeguard human rights. Although this Administration tells me they are "deeply troubled by the restrictions that the government of Vietnam places on its citizens' freedom of expression, as well as other human rights," this Administration has been initiating a new friendly relationship with the communist regime in Vietnam without demanding protection of human rights as a condition of our friendship.

The Bush Administration's hypocrisy and apathetic attitude towards human rights is unacceptable. As long as the people of Vietnam are oppressed, abused, and imprisoned, our President should first demand protection of human rights before getting friendly with a communist regime that oppresses its people.

On this 10th Anniversary of Vietnam Human Rights Day, I urge our President to condemn the Socialist Republic of Vietnam for violating human rights and I call on the Vietnamese government to protect the human rights of its citizens.

Mrs. MILLER of Michigan. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PUTNAM). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER of Michigan) that the House suspend the rules and agree to the resolution, H. Res. 613.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING CONTRIBUTIONS OF PEOPLE OF INDIAN ORIGIN TO UNITED STATES AND BENEFITS OF WORKING TOGETHER WITH INDIA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 352) recognizing the contributions of people of Indian origin to the United States and the benefits of working together with India towards promoting peace, prosperity, and freedom among all countries of the world.

The Clerk read as follows:

H. CON. RES. 352

Whereas India is the largest democratic country in the world and enjoys a close and mutual friendship with the United States based on common values and common interests;

Whereas people of Indian origin who have for decades immigrated to the United States have made extraordinary contributions to the United States, helping to make the United States a more efficient and prosperous country;

Whereas these contributions have spanned disciplines ranging from science, technology, business development, and public service, to social justice, philanthropy, literature, and the arts;

Whereas generations of doctors and nurses of Indian origin have attended to the sick in large cities as well as in rural regions of the United States that are otherwise underserved;

Whereas people of Indian origin have designed defense systems that protect United States naval ships while at sea, and have contributed to engineering, designing, and participating in the United States space shuttle program, at great personal sacrifice;

Whereas people of Indian origin have invented many of the technologies that power the computer and the internet, have created and directed laboratories that produced significant breakthroughs in modern medicine, and have taught at, and are leaders of, many United States institutions of higher learning;

Whereas people of Indian origin have made invaluable contributions to the vitality and viability of the United States economy through creative entrepreneurship and leadership in both large and small businesses;

Whereas people of Indian origin have shared and integrated their rich culture into the fabric of American daily life;

Whereas trade with India integrates a democratic country of more than one billion people into the flow of commerce, offering the United States a large and rapidly growing market and unlocking vast reservoirs of talent;

Whereas the United States is India's largest trading partner and a major source of foreign direct investment and foreign institutional investment in India;

Whereas United States exports to India are growing at 25 percent, making India one of the fastest growing foreign markets for United States goods and services;

Whereas India's industrial tariffs have fallen from 150 percent in 1988 to a peak rate of 20 percent today;

Whereas United States exports to India will accelerate as India continues reducing tariffs and instituting liberalization measures in its trade and investment regime, thereby expanding the trade relationship of the two countries and bringing mutual benefits;

Whereas India has been a key partner in the war against terrorism;

Whereas India and the United States have agreed to increase cooperation in the areas of nuclear activities, civilian space programs, high-technology trade, and missile defense;

Whereas multi-faceted cooperation between India and the United States will strengthen the bonds of friendship and commerce between the two countries, lead to the peaceful use of space technology, and increase global stability and security; and

Whereas United States efforts, whether in combating global HIV/AIDS, pursuing nuclear non-proliferation, promoting democracy, enhancing stability of the world economy, eliminating poverty, fighting terrorism, and expanding and strengthening global trade, will be more effective and successful with India as a strategic partner: Now therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) honors the contributions of people of Indian origin to the Untied States, and

(2) is committed to working together with India towards promoting peace, prosperity, and freedom among all countries of the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Con. Res. 352 recognizes the contributions of people of Indian origin to the United States and the benefits of working together with India toward promoting peace, prosperity and freedom among all countries of the world. This is a noncontroversial resolution which was easily approved by the Committee on International Relations. It points out the many areas and disciplines to which Americans of Indian origin have contributed to a stronger America. Indeed, in communities throughout the U.S., we can find Indian Americans who are active citizens participating in all avenues of life. America is strengthened by ethnic diversity and a climate of achievement and progress.

This measure points out the ever-growing relationship between India and the United States and the benefits to each country resulting from increases in trade, cultural exchange, and the sharing of democratic values. This is indicative of U.S. relationships with the other countries of South Asia. These relationships are evolving; and we should encourage this progress, not only for the individual benefits to each country in the region but because it supports the collective goals of regional stability and economic development. I urge a strong "aye" vote on this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution and thank the gentleman from Nebraska (Mr. BEREUTER); the chairman of the subcommittee, the gentleman from Iowa (Mr. LEACH); the gentleman from American Samoa (Mr. FALEOMAVAEGA), the ranking member; and the gentleman from Illinois (Chairman HYDE) for bringing this important resolution before us. And I particularly want to commend my neighbor and colleague, the gentlewoman from California (Ms. MILLENDER-MCDONALD), for introducing this very important resolution. She has been a true leader on Indian-Americas issues, and we are all grateful to her.

Mr. Speaker, America is a Nation of immigrants and is the world's preeminent power because of the diversity of its people and the strength each ethnic group has brought to our Nation. It is hard to think of an ethnic group that has made such an enormous contribution to our Nation in such a short period of time as America's more than a million and a half citizens of Indian descent. In business, in science, in academia, in medicine, Indian Americans have assumed leadership roles; and they have given back to the communities in which they live.

In the field of medicine alone, our Nation is blessed to have over 35,000 Indian-American physicians, many of whom work with residents of rural and inner city communities. Another 10,000 Indian-Americans are currently in medical school or are working as interns. Indian-Americans have also made enormous contributions to the economy of our country, and to my district in particular. Technology firms in Silicon Valley depend heavily on the brain power of our Indian-Americans. Over 300,000 Indian-Americans are working in cutting-edge technology firms, and they play a critical role in generating new start-up companies.

In academia, more than 5,000 Indian-Americans today serve as faculty members at institutions of higher learning. Two Americans of Indian ancestry have been awarded the Nobel Prize, one in medicine, one in physics.

In the cultural world, millions of Americans have relied upon self-help books and spiritual teachings of men like Deepak Chopra or enjoyed the cinematic productions of M. Night Shyamalam.

☐ 1600

Of course, Mr. Speaker, we all remember the unique contribution and sacrifice made by Dr. Kalpana Chawla, the first Indian American to fly in the U.S. space shuttle. While Dr. Chawla perished in the horrendous Columbia shuttle disaster, we must never forget her enormous contributions to science and to our space program.

Indian Americans have also worked to further develop the political, economic and security ties between the United States and India. These ties between our nations are unbreakable. After all, the world's largest democracy and the world's oldest have much in common. India has become a vital American ally in the fight against global terrorism. In the same manner that the United States and India have forged strong economic and commercial links, so too have we strengthened our partnership for peace and our collaboration to battle terrorist groups who wish to destroy freedom and democracy both in India and the United States.

Mr. Speaker, we currently have over 75,000 Indians studying at our institutions of higher learning. I have no doubt that these young Indian men and women will be the next generation of leadership in India's political, economic and cultural worlds. Their experience in the United States will ensure positive relations between our two great nations for generations to come.

Mr. Speaker, I urge all of our colleagues to support H. Con. Res. 352.

Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I thank the gentleman from California for yielding me this time. I rise in strong support of this resolution honoring the contributions of Indian Americans in the United States and honoring our strong U.S.-India relations. As a cosponsor of this bill, I urge all of my colleagues to support this much-needed and well-deserved legislation.

As the founder and former cochair of the Congressional Caucus on India and Indian Americans, I have for a number of years advocated on behalf of my Indian American constituents and worked toward creating stronger U.S.-India policies.

India is the largest democracy in the world and shares common ideologies with the United States which has led to our natural relationship as allies. India has also been an important ally in the war against terrorism and has historically served as the key stabilizing force in the volatile south Asia region. Our economic, political, and defense relations with India are now more important than ever and I am pleased that our cooperation in the areas of nuclear activities, civilian space programs, high-technology trade, and missile defense continue to grow.

In addition, people of Indian origin who have emigrated to the U.S. serve as an outstanding community within American society. 1.8 million strong, their contributions are tremendous and span fields such as engineering, technology, business development, health and medical care, public service, social justice, education, philanthropy, literature and the arts. Whether it is combating domestic and global HIV/AIDS, pursuing nuclear nonproliferation, promoting democracy, advocating for health and education rights, enhancing stability of the world economy, eliminating poverty, fighting terrorism or expanding and strengthening global trade, Indian Americans are on the forefront and these goals can be achieved by maintaining India as a strategic partner.

Again, I urge my colleagues to vote "yes" on H. Con. Res. 352 in an effort to honor the contributions of the Indian Americans and to commit to working together with India in promoting global peace and prosperity.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from New York (Mr. CROWLEY), a member of the Committee on International Relations.

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me this time. I rise in support of H. Con. Res. 352. As the cochair of the Caucus on India and Indian Americans and the representative of the second largest concentration of Indian Americans in the United States, I would like to speak in strong support of the gentlewoman from California's resolution recognizing the contributions of people of Indian origin to the United States and the benefits of working together with India. I know firsthand the contributions that Indian Americans are making to the United States because of my close relationship with my constituents and the Indian-American community across the country.

One Indian American that many Members may not know is the first and only Indian American ever elected to Congress. His name was Dalip Singh Saund. Congressman Saund first came to the United States to study at the University of California where he received his master's and Ph.D. Even with Congressman Saund's high level of education, he had little job opportunity because of the prejudice that existed against Asians at that time. Despite the prejudice that existed, Congressman Saund went on to become politically active, to give something back to his community and was influential in working with Congress to pass the Luce-Cellar Act which was signed into law by President Truman in 1946. This act gave Asian Indians the right to become naturalized citizens.

Congressman Saund was elected to the House of Representatives in 1952, just 6 years after his work to secure citizenship for Indian Americans. He served as a distinguished Congressman from California for three terms before he suffered a stroke during his campaign for a fourth term in the House. This is just one Indian American that has made a major contribution to the United States.

I would like to thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for introducing this resolution. I am proud to be supportive of it and an original sponsor of it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I appreciate the opportunity to be here this afternoon, and I want to especially thank my good friend, the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her work in bringing us together here to recognize the contributions of people of Indian origin to the United States and the benefits of working together with India.

Mr. Speaker, there are vital Indian-American communities in Texas. In fact, Texas's Indian-American community is one of the leading ethnic groups in my home State, and its members have made important contributions to the local economy and culture.

As the largest immigrant group other than Mexicans, Indians account for 4.3 percent of North Texas's foreign-born population. Indian immigrants in this area come from all over the subcontinent, but especially the western Gujarat province.

Many of Texas' Indian-Americans are professionals who play key roles in sectors like the technology industry and the field of medicine. Many others are business owners.

About 1 million Indian-Americans live in the United States. Many Americans assume that Indian-Americans, because they are often well-educated, do not face the same problems as other minorities. They are wrong. In many parts of this country Indian-Americans are victims of hate crimes and racial harassment. They are victims of discrimination in business and in education. We in Congress cannot allow people who come to this country seeking out the American Dream to be victimized or subjected to bigotry.

Indian-Americans are proud of the tremendous strides their homeland has made. By the year 2050 India will be the most populous democratic country in the world. India and the United States today represent the greatest democracies on the face of the earth: the oldest and the largest.

The United States is also one of India's largest trading partners. India's economy has been advancing rapidly, with a large stock market and strong high-tech enterprises like aircraft, a computer industry, and its own space program. We must promote greater understanding between the United States and India, particularly in the economic, political and cultural areas.

Mr. Speaker, again I would like to take this opportunity to express my gratitude and appreciation to the Indian-American community. I know my colleagues join us in recognizing the profound contributions Indian-Americans have made to American society and their descendants throughout the world.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to begin by commending Congresswoman MILLENDER-MCDONALD for introducing this bipartisan bill. H. Con. Res. 352 recognizes the contributions of people of Indian origin to the United States and the benefits of working together with India towards promoting peace, prosperity, and freedom among all countries of the world.

As the world's 2nd most populous nation and the largest democracy in the world, India and the United States have forged a long-lasting friendship. For the past month, peoples from all over the country of India went to the polls and marked their choice for Parliament. This act of citizenship shows India's neighbors, and nations across the world, that democracy works. Reports indicate that over 50 percent of the population voted in this year's elections.

India shows us that the commitment to democracy is strong and that the ties between India and the United States are even stronger. The everlasting bond that is forged by the 1.7 million Indian-Americans living in the United States is a shinning example of our commitment to one another. Indian-Americans lead thriving lives in communities throughout the U.S.—the contributions to our society demonstrate the resilience and fervor of the Indian-American spirit. It is that spirit that holds the future between our two nations together.

Mr. Speaker, following the September 11th cowardly and evil terrorist attacks on the United States, Indian Prime Minister Vajpayee offered to cooperate with the Bush Administration "in the investigation of this crime and to strengthen our partnership." The following day, the Indian Cabinet Committee on Security voted unanimously to offer the United States the use of Indian facilities for any U.S. military operation in pursuit of the perpetrators of the terrorist attacks.

Secretary of Defense Rumsfeld states that, "the United States and India share important interests in fighting terrorism. . . ."

In the past two years, the United States and India have held numerous joint exercises involving all military branches. Last September U.S. and Indian special forces soldiers held a two-week joint exercise in Ladakh near the India-China border, and the largest-ever

"Malabar 2003" joint naval exercises off the southern coast of India that included an American nuclear submarine.

In the 2002 report of the National Security Strategy of the United States, the White House made the following statement: "The United States has undertaken a transformation in this bilateral relationship with India based on a conviction that U.S. interests require a strong relationship with India. We are the two largest democracies, committed to political freedom protected by representative government. India is moving towards greater economic freedom as well. We have a common interest in the free flow of commerce, including through the vital sea-lanes of the Indian Ocean. Finally, we share an interest in fighting terrorism and in creating a strategically stable Asia." I could not agree more.

Another great example of this fruitful bond is the fact that trade between India and the United States has shown a healthy growth in recent years. Last year, U.S. exports and imports from India totaled $5.0 billion and $13.1 billion, making India the 24th largest U.S. export market and the 18th largest supplier of U.S. imports. With a GDP of $390 billion and an annual growth rate of 6.8 percent, India is not only an important ally in defense, but also a key ally in international trade. Bilateral trade now stands at around $15 billion, with software exports at another $3 billion—emphasizing the true relationship between our two countries.

As the world comes together and joins forces to help its people, I am positive that the strong ties between India and the United States will serve as an example of fruitful and positive bilateral relations.

Mr. Speaker, H. Con Res. 352 is truly fitting. I stand here and pay special recognition to the proud and resilient people of Indian origin in the United States. Their devotion and hard work have brought great prosperity to countless communities in the United States. I am proud to be cosponsor of this bill and proudly congratulate all peoples of Indian origin for their perseverance.

Mr. VISCLOSKY. Mr. Speaker, it is my honor to rise today to join my colleagues in recognizing the many contributions made by people of Indian descent and in celebrating the strong allegiance we share with the nation of India. In Northwest Indiana, like the rest of the Nation, Indian-Americans have shown themselves to be leaders in every field and in every endeavor. It is my pleasure to join today in expressing my admiration and gratitude to these Americans, as well as my hopes that our relationship with India remains strong and productive.

As a proud member of the Congressional Caucus on India and Indian Americans, I am well aware of the importance of our nation's commitment to cooperation. It is the strength of this commitment that will lead us both toward our mutual goals of peace, prosperity, and freedom among all countries of the world. We stand shoulder to shoulder with the government of India in combating the challenges facing the international community.

While the nation of India has been a trusted friend in international affairs, people of Indian descent who have chosen to immigrate to this Nation have consistently contributed to our prosperity at home. Through their participation in the U.S. space shuttle program, their technological contributions that power the computer and the Internet, and their significant breakthroughs in modern medicine, Indian Americans have helped to make the United States the world leader in countless fields. Furthermore, Indian-Americans teach at, and are leaders of, many U.S. institutions of higher learning, thus passing on their legacy to our future world leaders.

In my home district of Northwest Indiana the contributions of the Indian-American community are no less great. I would like to name but a few of the outstanding leaders, educators, and citizens who help to make the Indiana First such wonderful place. Doctors Bharat Barai, Panna Barai, Vijay Gupta, Padma Neelaveni, Vijay Dave, Shaun Kondamuri, Avtar Dhindsa, Beno Sikand, Harish Shah, Vidya Kora, Jagdish Patel, Kalpna Patel, Ravi Kanakamedela and Sandhya Kanakamedela have given tirelessly of their selves to serve our community and improve the health and well-being of my constituents.

Mr. Speaker, at this time, I ask you and my other distinguished colleagues to join me in recognizing and paying tribute to India and Indian-Americans. Again, I express my hopes for continued cooperation between our nations, and my gratitude for the role that Indian-Americans have played in making this Nation great.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I urge a strong, unanimous vote for the resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HAYES). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 352.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

RECOGNIZING 50 YEARS OF RELATIONS BETWEEN THE UNITED STATES GOVERNMENT AND THE EUROPEAN UNION

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 577) recognizing 50 years of relations between the United States Government and the European Union, as amended.

The Clerk read as follows:

H. RES. 577

Whereas on May 9, 1950, 6 countries of Europe, committed to promoting a united Europe, founded the European Coal and Steel Community (ECSC), which has evolved into the European Union (EU);

Whereas in November 1953 the United States sent its first diplomatic observers to the European Coal and Steel Community;

Whereas in 1954 the High Authority of the European Coal and Steel Community commissioned the United States law firm of Clearly and Gottlieb to open an Information Office in Washington, District of Columbia, thus establishing the first official presence of the precursor to the European Union in the United States;

Whereas on November 18, 2003, Secretary of State Colin Powell, while in Brussels, Belgium, dedicating a plaque commemorating 50 years of cooperation between the United States and the European Union stated that "the United States embraces the European Union as a global partner for peace and security . . . and that the world's best hope for meeting [global] challenges still rests, in large part, on a deep, broad, and lasting partnership between Europe and the United States";

Whereas although differences of opinion have existed on a broad array of issues over the past 50 years, there remains an important foundation of shared values across the Atlantic which reaffirms that the current strengths and common interests of the United States and the European Union far outweigh the differences;

Whereas an effective political partnership between the United States and the European Union has continued to develop over the past 50 years in many areas of vital common interest which has resulted in the United States and European Union consistently and effectively working together for prosperous, stable, and democratic world;

Whereas the events of the past several years, including the events of September 11, 2001, have increased the need for forceful and coordinated strategic cooperation between the United States and the European Union on economic, trade, and domestic and foreign security matters;

Whereas the economic foundations for the United States-European Union partnership are a central and irreversible reality of the world economy;

Whereas to effectively manage the United States-European Union partnership, closer institutional linkages and other mechanisms to facilitate more direct and continuous United States-European Union dialogue are necessary; and

Whereas in May 2004, an event commemorating 50 years of relations between the United States and the European Union will take place in Washington, District of Columbia: Now, therefore, be it

Resolved, That the House of Representatives—

(1) celebrates the 50th anniversary of relations between the United States and the European Union;

(2) commends the United States mission to the European Union and the mission of the European Commission to the United States for the professional representation of the interests of the United States and European Union over the past 50 years;

(3) recognizes that continued cooperation between the United States and the European Union is essential to resolving international disputes, promoting peace, expanding global economic opportunity, combating global threats, and being prepared to respond to unforeseen events; and

(4) encourages enhanced United States-European Union strategic discussion and institutional cooperation, including increased discussions between representatives of the United States Congress and the European Parliament through the Transatlantic Legislator's Dialogue.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 577, as amended. I would note for my colleagues that two amendments were made to the original text of this resolution. One more precisely addresses the history of the EU and one notes that an event at the Department of State regarding the anniversary has now taken place.

Mr. Speaker, 53 years ago, in an effort to rebuild and integrate a war-devastated economic system throughout Europe, six nations of Europe came together and signed the European Coal and Steel Community treaty (ECSC) in Paris on April 18, 1951. Since then, the coal and steel community has evolved to become what we now refer to as the European Union. In 1953, the United States government sent its first diplomatic observers to the European Coal and Steel Community and one year later, in 1954, the High Authority of the ECSC established its first official presence in the United States. This resolution which we have under consideration today recognizes 50 years of formal relationship between the United States and the European Union.

Mr. Speaker, relations with Europe have been an integral part of our own history. The importance of that relationship became even more clear as the Euro-Atlantic community entered the postwar period in 1945. During that period and throughout the Cold War, the United States and Europe developed a strong set of shared values, common interests, mutual political goals, and fully integrated economies. The cooperation which has developed between the United States and Europe has resulted in an effective partnership which has met the global challenges of building a peaceful, secure, democratic and prosperous world.

Yet as we all know, the relationship has not always been cordial. We have had our differences of opinion on many issues. The relationship has had what some might consider "defining moments." But as we have seen over these past 50 years, the melding of our common interests and the strength of our partnership has far outweighed the differences we have encountered.

Last November, the U.S. Mission in Brussels, led by Ambassador Rockwell Schnabel, held an event to kick off the 50th anniversary of relations between the United States and the European Union. Secretary of State Colin Powell attended the ceremony and dedicated a plaque commemorating the anniversary. In his statement, the Secretary noted that the "United States embraces the European Union as a global partner for peace and security and that the world's best hope for meeting global challenges still rests, in large part, on a deep, broad and lasting partnership between Europe and the United States."

Last week, on May 6, a similar event was held here in Washington at the Department of State which continued the celebration. One difference between the November event and this month's event is the fact that by virtue of the enlargement of the European Union which took place on May 1, the celebration here in Washington was with 25 nations of Europe rather than 15. As we welcome those 10 new members of the European Union, we welcome the opportunity to develop an even stronger partnership with the EU and its member states.

Mr. Speaker, in closing, H. Res. 577 recognizes the 50th anniversary of U.S.-EU relations. It reaffirms the importance of cooperation between the United States and Europe. It encourages closer institutional linkages in order to facilitate a more direct and continuous dialogue with Europe and its union. Finally, the resolution supports an enhanced dialogue between this institution, the Congress, and our colleagues in the European Parliament.

I urge the adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution and I yield myself such time as I may consume.

I want to commend the gentleman from Nebraska (Mr. BEREUTER), chair of the Subcommittee on Europe, for this excellent resolution. I also want to thank our colleagues who played a role in bringing this resolution forward: the gentleman from Florida (Mr. WEXLER), the ranking member of the subcommittee; the gentlewoman from Virginia (Mrs. JO ANN DAVIS), chair of the Transatlantic Legislators Dialogue, the gentleman from Massachusetts (Mr. DELAHUNT), and the gentlewoman from California (Ms. LEE).

Mr. Speaker, May 1, 2004, was a historic day. Ten days ago, the European Union expanded to a total of 25 member countries with the addition of 10 new member states to the European Union. This was the largest expansion in the organization's almost half a century of history. Most remarkably, 8 of the 10 countries became new members of the European Union that were formerly members of the Soviet bloc. Having seen on countless occasions firsthand the trials and challenges these countries faced in the 50 years following the Second World War, I am personally delighted and encouraged at the prospects that this new union will give to these countries.

The 10 new member states bring an additional 75 million citizens to the European Union. The population of the European Union, as we all know, now surpasses that of our own country. The economic output of the 25-member European Union is very near to our own. With open and free borders, common economic policies and shared security objectives, the new European Union can and will become an even stronger economic and political force globally.

Mr. Speaker, this expansion of the European Union extends the zone of economic and political stability and security hundreds of miles to the east.

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It anchors the new member states in an economic and political union that is committed to democratic values and respect for civil and human rights and the rule of law.

The new member countries which were formerly part of the Soviet sphere have had more limited experience with democratic governments and the free market economy. Their participation in the EU will provide new experience and a stronger commitment to these vital values that we share with the European Union.

Mr. Speaker, while the effects of this EU expansion will be different for every one of the new member states, it is clear that there is potential benefit for the United States in this historic development. We in the Congress welcome this new expansion of the European Union, and we reaffirm our desire to continue the positive relationship that we have had with the European Union and its predecessor organizations over the last half century.

The U.S.-European relationship is critical to stability and security throughout the globe. To the extent that we cooperate and work together, the entire world will be a safer and more prosperous place. But to the extent that our political and economic relations are in disarray, the entire world will suffer.

Mr. Speaker, in the economic sphere I call upon the united European Union, and particularly the new member states as well as our own government, to focus our relations on working together to resolve the trade and economic differences that occasionally divide us. Our economic ties are far too important to be dominated by minor disputes.

In the political and security sphere, it is critical that we cooperate in dealing with the threat of terrorism and the challenges that face all of our societies. I urge all member countries of the European Union to work with the United States to assure that our significant mutual interests take precedence over less important irritants that have strained our relations in recent times.

Mr. Speaker, our resolution welcomes a historic change in the European Union. We in the United States stand to gain much from this change, and we should all welcome it. I urge all of my colleagues to support H. Res. 577.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, to the chairman and the ranking member I want to thank them for bringing this resolution to the floor. I have had a chance to speak in a Special Order and tie the EU expansion also to NATO expansion. And what it does is it brings a Europe whole, united, and free; and I think it brings great opportunity for the world, stability in the region, the ability for the European Union countries to help be more active in their backyard as they have committed to bolster their ability to respond based upon the Petersburg task but also a commitment to NATO in the Article V self-defense relationship that makes the transatlantic nations so important. It ties the North American continent to Europe in a stronger fabric that I think will really benefit the Nation and democratic institutions for years to come.

As we know, there are constant threats to democracy and liberty around the world. So I think I speak for many of our colleagues who will get a chance to either vocally vote "yes" or to do it through a registered vote by saying wherever democracy, liberty, freedom, the rule of law prevail, we as a country and as a world are stronger because of that.

So I, too, want to welcome the new members to the EU. I also want to applaud the old members for their reaching out and the invitation for these new members; and I want to tie that to the great self-defense organization that we know and have loved for so long, which is the North Atlantic Treaty Organization. That transatlantic link will serve us both well from now and into the future.

I want to applaud the ranking member; I want to applaud the chairman. And I thank the chairman for yielding me this time.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I was listening to the distinguished gentleman from California, I was thinking how remarkable this must look to him in particular since as a boy and a young man, he grew up in a very different part of Europe and a different kind of system in Hungary and what a contribution the gentleman has made. I recall in my second or third term, I became, fortunately, a member of what we then called the U.S. House-European Parliamentary Exchange, and the gentleman was the chairman for all of those years in which his party was in the majority; and I remember the outstanding leadership and education he gave this Member in those years.

And I think back to how remarkable it is for all of us, but perhaps especially for the gentleman, that the line drawn across Europe at Yalta which brought down the Iron Curtain to which Winston Churchill referred. It separated the countries that had been a part of a whole, and now gradually we have seen that curtain lifted and we have a united Europe.

Just this morning I had a chance to examine a proposed welcome from one of our Slovak parliamentary colleagues, Josef Banas. Mr. Banas was preparing his welcome to our spring meeting of the NATO Parliamentary Assembly, which will be in their capital city, Bratislava, Slovakia, over the Memorial Day recess to drive his point home how much things have changed and how much joy is in his country as one of the 10 new members of the European Union, one of the seven new members of NATO.

He talked about his mother, who has lived and is yet living in a small village near Bratislava. She was born in that village before World War I, and he was tracing how many different countries and different political systems she has lived under in her time, even though she has never moved from that village. It has been that kind of remarkable change in Central Europe which we have witnessed in the years since World War I, but especially remarkable changes since World War II.

I want to thank the gentleman for his leadership all these years on European issues, and I want to say that I am enthusiastic about the current leadership, both Democrat and Republican, on what is now called, and I am still having a hard time with the new name, the Transatlantic Legislative Dialogue. And the gentlewoman from Virginia (Mrs. JO ANN DAVIS) has a statement which will be submitted under General Leave. She would have liked to have been here today to participate in this dialogue, and I very much wish the gentleman well as he continues this dialogue with European parliamentarians.

Mr. LANTOS. Mr. Speaker, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from California.

Mr. LANTOS. Mr. Speaker, let me first thank him for his most generous observations, and let me again say how deeply we will miss his enormous contributions to this body as he assumes new and bigger responsibilities.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for his kind remarks, and I know that Europe will be in good hands. That is why I am moving my focus to a different continent.

Mr. LINDER. Mr. Speaker, today, the House will debate H. Res. 577, a resolution recognizing 50 years of relations between the United States and the European Union. I hope the House overwhelmingly approves this resolution.

The U.S. and EU not only have shared values and an indisputable friendship, but also shared global responsibilities. Responsibilities that are grave in light of the terrorist threat facing our world today. The U.S. and EU must continue to work together to root out terrorism around the world, and seek to promote peace and stability. I am pleased to note that members of the EU and the U.S. are currently working alongside each other in both Afghanistan and Iraq to combat terrorism, and to ensure that these countries successfully make the transition toward democracy.

In addition to our shared interest in promoting global security, the U.S. and the EU share economic interests. The U.S. and the EU have the largest bilateral trading and investment relationship in the world with transatlantic flows of trade and investment amounting to roughly $1 billion a day.

Mr. Speaker, President Bush has stated that strong ties between America and Europe are essential to peace and the prosperity of the world. I believe that both sides will remain committed to fostering the relationship so that together the U.S. and the EU can promote their common goals and interests in the world much more effectively.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise in support of H. Res. 577 noting the 50th Anniversary of formal relations between the United States and the European Union.

Fifty years ago the United States government sent its first diplomatic representatives to what was then the European Coal and Steel Community because the U.S. Government was fully supportive of the integration of Europe's economic systems as a way to help rebuild a war-torn continent. One year later, in 1954, the High Representative of the Coal and Steel Community opened an office here in Washington.

In November, the United States Mission in Brussels held a ceremony marking the beginning of the anniversary. Last week, a similar ceremony was held at the State Department to continue the celebration. H. Res. 577 reminds us that over these past five decades, we and Europe have worked to develop a common bond based on values, shared views of the need to promote democracy and market reform and a commitment to stability and peace throughout the world. As our Europe Subcommittee Chairman has said, the relationship has not always been easy or friendly. We have had some serious disagreements. Nevertheless, it should be clear to this House that a strong and mature transatlantic relationship is critical to the long-term political, economic and security interests of the United States. It is also clear that one of the central ingredients to a successful transatlantic partnership is a stable, integrated and dynamic Europe.

Recently, I traveled to Europe with a delegation of our House Colleagues to participate in the Transatlantic Legislators' Dialogue. Our meetings with our Colleagues from the European Parliament were frank, but cordial. It reaffirmed the need for continuous dialogue and understanding of how we each view those common challenges which face us and how we should respond. I appreciate the fact that H. Res. 577 notes that the TLD is an important aspect of this U.S.-EU relationship.

Mr. Speaker, in conclusion, I want to remind my Colleagues that on Saturday, May 1st, we witnessed yet another historic event in the evolution of the European Union. On that day 10 new nations of Europe joined the European Union. What began just fifty-three years ago as a Union of 6 has now become a Union of 25. As the U.S. Chairman of the Transatlantic Legislators' Dialogue, I look forward to meeting and working with the Parliamentarians of these newest members who soon take their seats in the European Parliament and who will be part of the next fifty years of U.S.-UE relations.

I urge adoption of this Resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of this symbolic and commemorative resolution that speaks to our commitment to the establishment of continued and ever-growing ties with the European Union (E.U.). Especially given the dangers that plague the international community as a whole, it is important that we do everything we can to break bread with our international partners to form alliances against those who threaten to do our families harm.

The European Union and the United States are the two largest economies in the world and jointly account for about half the entire world economy. The E.U. and the U.S. have also the largest bi-lateral trading and investment relationship. Transatlantic trade and investment amount to around $1 billion a day, and jointly, our global trade accounts for almost 40 percent of world trade. By working together, the U.S. and the E.U. can promote their common goals and interests in the world much more effectively.

According to information gathered by the European Community's Trade Directorate General, the United States and the European Union have had the most prolific commercial relationship in the world and have been each other's largest trade and investment partners. In 2002, E.U. exports to the United States were estimated at $227.9 billion, representing 24.1 percent of total E.U. exports. E.U. imports from the United States totaled $166.1 billion, representing 17.7 percent of total E.U. imports.

Investment of E.U. firms in U.S. markets has been growing consistently. In fact, direct investments in the U.S. amounted to $863 billion in 2002. Together, both nations employ about 4 million respectively.

In a similar trend, American investment in the E.U. totaled $700 billion in 2002. The initiation of the Economic and Monetary Union on January 1, 1999 improved and facilitated American investment by providing a maturing Single Market.

The relationship between the E.U. and the U.S. exists even on a nation-to-state level. In December 2001, the European Union Center, one of 15 such Centers in the entire U.S., was established at Texas A&M University and was supported by funding from the European Commission to form a Network of European Union Centers.

The Department of Homeland Security (DHS) launched its Container Security Initiative (CSI) in the area of maritime security after the attacks of 9/11. Our main concern was the possibility of containers being used for terrorist attacks either against ports of the United States or against a participant in maritime transport. As a first step, the U.S. has invited about twenty mega-ports worldwide to join this initiative.

As a Member of the House Select Committee on Homeland Security, I applaud the fact that the U.S. has signed declarations of principle (bi-lateral agreements) on the application of its Container Security Initiative (CSI) in individual ports with eight E.U. Member States—the Netherlands, Belgium, France, Germany, Italy, Spain, United Kingdom and Sweden. These bilateral agreements propose to shortly involve the stationing of U.S. customs officials in many of the ports that have significant container traffic to the United States.

In terms of formal agreements between the E.U. and the U.S., the two have executed the Transatlantic Declaration, the New Transatlantic Agenda, and the Transatlantic Economic Partnership.

The Transatlantic Declaration was adopted by the U.S. and the E.U. in 1990. This document set forth principles for greater E.U.-U.S. cooperation and consultation in economy, education, science, and culture.

In 1995, the New Transatlantic Agenda (NTA) and the E.U.-U.S. Joint Action Plan were adopted. The NTA and the Joint Action Plan stimulated partnership and cooperation under four areas: promoting peace and stability, democracy and development around the world; responding to global changes; contributing to the expansion of world trade and fostering closer ties; and building bridges across the Atlantic.

The Transatlantic Economic Partnership (TEP) was executed at the London summit in May 1998. The TEP is an extension of the spirit and premise behind the NTA. It includes both multilateral and bilateral elements. Bilaterally the purpose is to tackle technical barriers to trade. The purpose of the second part is to stimulate further multilateral liberalization—by joining forces on international trade issues. An innovative aspect of the proposal is to integrate labor, business, environmental and consumer issues into the process. It is, however, too early to say what will come out of this partnership.

Mutual commitment to "full and equal partnership" in economic, political, and security matters was the hallmark of the Bonn Declaration adopted by both nations at the 21 June 1999 E.U.-U.S. summit held in June 1999 in Bonn. The Bonn Declaration outlines how the E.U. and the U.S. want to shape their relationship over the next decade and is embedded in the NTA process.

The record of joint efforts to strengthen the economic, social, and diplomatic ties between the European Union and the United States demonstrates that we can do even better. I commend my colleague Mr. BEREUTER for his efforts and leadership in bringing this important resolution to the Floor. It will help to improve our record even more through its representation of the voice of Congress.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HAYES). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, H. Res. 577, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CALLING ON THE GOVERNMENT OF SOCIALIST REPUBLIC OF VIETNAM TO RELEASE FATHER THADDEUS NGUYEN VAN LY

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 378) calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thaddeus Nguyen Van Ly, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 378

Whereas in February 2001, Father Thaddeus Nguyen Van Ly, a Roman Catholic priest was formally invited to testify before the United States Commission on International Religious Freedom but was denied permission to leave the Socialist Republic of Vietnam and thus, instead, submitted written testimony critical of Vietnam which was read into the Commission record on February 13, 2001;

Whereas Father Ly's testimony before the Commission documents numerous specific actions of the Government of Vietnam against religious freedom which he classified as collectively being "extremely cruel" and requiring a "non-violent and persistent campaign" to achieve full religious freedom for all people in Vietnam;

Whereas Father Ly has been detained by the Government of Vietnam since February 2001, when it placed Father Ly under administrative detention—as a direct response to his testimony, branding him a traitor for "slandering" the Communist party and "distorting" the religious policy of the Government of Vietnam;

Whereas the Government of Vietnam issued a second decree suspending Father Ly's ability to "carry on any religious responsibility and functions" and later formally removed Father Ly from his church, detained him, and denied him access to adequate legal counsel;

Whereas on October 19, 2001, the Thua Thien Hue Provincial People's Court convicted Father Ly of all charges after a one day, closed trial, without the benefit of counsel and sentenced him to two years in prison for violating the terms of his administrative detention, thirteen years in prison for "damaging the Government's unity policy", and 5 years of administrative probation upon release from prison;

Whereas after pleas from United States Government officials and the world community Father Ly's sentence was reduced by 5 years;

Whereas in June 2001, Father Ly's nephews Nguygen Vu Viet, age 27, and Nguyen Truc Cuong, age 36, and his niece Nguyen Thi Hoa, age 44, were arrested for allegedly being in contact and receiving support from organizations in the United States concerning the religious situation in Vietnam and disseminating information concerning the detention of Father Ly;

Whereas after their cases generated much concern in Congress, Nguyen Thi Hoa, Nguyen Vu Viet and Nguyen Truc Cuong all have been or are expected to be released shortly;

Whereas on November 27, 2003, the United Nations Working Group on Arbitrary Detention issued Opinion No. 20/2003 stating "the Group is convinced that [Father Ly] has been arrested and detained only for his opinions . . . [and] the deprivation of the liberty of Father Thaddeus Nguyen Van Ly is arbitrary, as being in contravention of Article 19 of the Universal Declaration of Human Rights and of Article 19 of the International Covenant on Civil and Political Rights";

Whereas Father Ly has been deprived of his basic human rights by being denied his ability to exercise freedom of opinion and expression; and

Whereas the arbitrary imprisonment and the violation of the human rights of citizens of Vietnam are sources of continuing, grave concern to Congress;

Whereas continuing concerns regarding human rights in Vietnam were recently highlighted by large demonstrations in the Central Highlands on April 10 and 11, 2004, in which thousands of Montagnards gathered on Easter weekend to protest their treatment by the Government of Vietnam, including the confiscation of tribal lands and ongoing restrictions on religious activities; and

Whereas although the Government of Vietnam has attempted to control information about the April 2004 protests and access to the Central Highlands, reputable human rights organizations have reported that the protests were met with a violent response and that many demonstrators were arrested, injured, or are in hiding, and that others were killed: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress—

(A) condemns and deplores the arbitrary detention of Father Thaddeus Nguyen Van Ly by the Government of the Socialist Republic of Vietnam and calls for his immediate and unconditional release;

(B) condemns and deplores the violations of freedom of speech, religion, movement, association, and the lack of due process afforded to individuals in Vietnam;

(C) strongly urges the Government of Vietnam to consider the implications of its actions for the broader relationship between the United States and the Socialist Republic of Vietnam, including the impact on trade relations;

(D) urges the Government of Vietnam to allow unfettered access to the Central Highlands by foreign diplomats, the international press, and nongovernmental organizations; and

(E) condemns the extent of the violence used against Montagnard protesters on April 10 and 11, 2004, and the use of any violence against peaceful protests and demonstrations; and

(2) it is the sense of Congress that the United States—

(A) should make the immediate release of Father Ly a top concern;

(B) should continue to urge the Government of Vietnam to comply with internationally recognized standards for basic freedoms and human rights;

(C) should make it clear to the Government of Vietnam that the detention of Father Ly and other persons and the infliction of human rights violations on these individuals are not in the interest of Vietnam because they create obstacles to improved bilateral relations and cooperation with the United States; and

(D) should reiterate the deep concern of the United States regarding the continued imprisonment of Father Ly, and other persons whose human rights are being violated, and discuss their legal status and immediate humanitarian needs with the Government of Vietnam.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Government of Vietnam likes to say that Vietnam is a country, not a war. It is a catchy little self-evident phrase that some Members of Congress picked up during the bilateral trade agreement debate, as if to suggest that the debate was somehow about the Vietnam War, which it was not, instead of Vietnam's shameful present-day human rights record, which it was.

Of course Vietnam is a country, to which I respond: behave like an honorable country. Live up to their word as a signatory to numerous human rights covenants, including the international covenant on political and civil rights. Stop bringing dishonor and shame to their government by abusing their own people.

Mr. Speaker, according to the U.S. State Department report, the "Report on Human Rights Practices for 2003": "The Government's human rights record remained poor, and it continued to commit serious abuses." Rather than repress and jail, harass, intimidate, and torture, the government should recognize and reflect the innate goodness of the Vietnamese people, a kind, gentle, compassionate people who deserve better, much better.

Take the case of Father Ly. In February 2001, Father Thaddeus Nguyen Van Ly submitted written testimony to the United States Commission on International Religious Freedom for a hearing at which he was invited to testify. He was not able to testify in person, but submitted written testimony which I will include in its entirety in the RECORD.

Because this brave Catholic priest told the truth, spoke the truth to power, the Government of Vietnam persecuted and cruelly mistreated him; and he is now serving a 10-year prison sentence, and he has been in prison for 3 of those years. Amnesty International calls Father Ly a prisoner of conscience, and even the U.N. Working Group on Arbitrary Detention has condemned his detention.

I think it is worth focusing just for a moment on his testimony, which was incisive and compelling; and I quote it in part: "Since their victory of April 30, 1975," Father Ly wrote, "the Vietnamese Communists have extended its oppressive policy toward the different religions of South Vietnam. Laws and decrees have been promulgated to confine, restrict, or ban religious activities. The government has falsely accused clergy members and lay people as a pretext to detain and imprison those who protest its oppressive policy, or those who teach catechism, lead a church choir, or join a seminary. They have been banished to concentration camps for years. This policy has been ongoing," he writes, "for nearly 50 years.

"The government has used many ruses," he continues to write, "to divide and politicize the Cao Dai, Catholic and Protestant Churches; to split the Buddhist Church in two, the Unified Buddhist Church of Vietnam and the Buddhist Church of Vietnam; and to set up the puppet Hoa Hao Buddhist Committee of Representatives, which consists of mainly Communist cadres, to claim leadership over 5 million Hoa Hao Buddhists. The government has requisitioned for its arbitrary use numerous facilities and properties belonging to different Churches."

Father Ly continues to write: "With regard to the Catholic Church, the Communists have severely restricted her fundamental rights," and he points out and lays out some 10 different instances, including the fact that the government still keeps many priests, clergy members, and lay people in prison or under house arrest.

Father Ly continues to say: "Faced with this extremely cruel policy of the

Vietnamese Communist Government to strangle religions, the Churches in Vietnam have unceasingly demanded religious freedom. Their nonviolent and persistent campaign will continue until the Vietnamese people have full religious freedom, which anyone else in the civilized world has."

□ 1630

This campaign has, as he points out, the following objectives. This is number one. This is Father Ly's testimony:

"Number one: the government must fully respect the right of all citizens to true religious freedom and the right of churches to select, train and appoint their own priests, clergy members and dignitaries. The government must stop its practice of listing the religious affiliation of citizens on their identity cards and personal documents so that no citizen be discriminated against and be able to freely practice his or her faith.

"Number two," Father Ly writes: "The government must return all facilities and properties it has confiscated or requisitioned from the churches, even when the documentary evidence of ownership was lost in the war, if local people can confirm the rightful ownership of these facilities.

"Number three: the government must abandon the ruses and schemes it has used to oppress and destroy religions. Its interference in church affairs must cease. Committees created by the government but dressed up as religious institutions in order to serve the government's anti-religion policy must be disbanded.

"Number four: the government must unconditionally release all clergy members, priests, officials and dignitaries of the churches and lay people who are currently in prison or under administrative detention because of their faith.

"Number five: the government must fully respect every and each article of the International Covenant on Civil and Political Rights, of which the Vietnamese Communist Government became a signatory on September 24, 1982."

Finally, Father Ly writes, "However, for as long as the Vietnamese Communists keep their dogmatic and totalitarian rule and disregard the fundamental freedoms of the people as I have presented above," he goes on to say, "by trading with Vietnam the U.S. and other countries only strengthen the Communists' grips on power."

Again, I would like his full statement read by Members, because it is a very strong and compelling bit of testimony.

These are the words of Father Ly. He is now in prison 3 years of a 10-year prison term.

The resolution we are considering today, Mr. Speaker, has over 100 cosponsors and I believe, we believe, will send a strong message to the leaders of Hanoi to free Father Ly and that the ongoing systematic abuses of human rights must cease and that they will not be tolerated.

H. Con. Res. 378 also condemns, and this amendment we are offering with the language today, the brutal crackdown against the Montagnard. Largely ignored by the American press, Vietnam crushed thousands of Montagnard in the Central Highlands on April 10 and 11. In classic dictatorship style and brutality, many Montagnard, who were protesting the confiscation of tribal lands and ongoing restrictions on religious activities, were beaten and there are reports that some were killed. This comes on the heels of another brutal crackdown against the Montagnard in December of 2001 that has resulted in the closing of over 400 churches.

I would just point out to my colleagues that there are also attempts to coerce people to renounce their faith, renunciation of faith. According to Ambassador John Hanford, our Ambassador At Large For Religious Freedom, there are approximately 100,000 Montagnards who were pressured to renounce their faith. I am happy to say that most resisted, but 100,000 within the last few months and years have been pressured to say "no" to their faith in Christ.

H. Con. Res. 378 also urges the government of Vietnam to allow unfettered access to the Central Highlands, where all of this is going on, by foreign diplomats, the international press and nongovernmental organizations, and condemns the extent of the violence used against, as I said, the Montagnard protestors.

Mr. Speaker, finally, human rights have gotten worse, not better, since the Bilateral Trade Agreement with Vietnam of 2001. We must not remain silent while the government of Vietnam continues to persecute religious and political dissidents and ethnic minorities. As a matter of fact, I believe strongly that Vietnam should be branded a Country of Particular Concern, a CPC country, pursuant to the provisions of the International Religious Freedom Act.

We care deeply, Democrats and Republicans, Mr. Speaker. We care deeply about the people of Vietnam and respect and honor their legitimate aspirations to be free. Why does not Hanoi?

Mr. Speaker, I include for the RECORD the written testimony of Reverend Thaddeus Nguyen Van Ly before the U.S. Commission on International Religious Freedom.

TESTIMONY OF REV. THADDEUS NGUYEN VAN LY

Ladies and gentlemen, it is a great honor to be perhaps the first Vietnamese Roman Catholic priest living under a communist regime to testify before your Commission at a location that represents the ideals of democracy. I would like to send my greetings of the New Millennium to you and to the people of the United States.

In the opening statement of the Declaration of Independence of the Democratic Republic of Vietnam on September 2, 1945, Ho Chi Minh tried to win your nation's support by solemnly quoting the second paragraph of Declaration of Independence of the United States: "All men are created equal. They are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness."

In less than 250 years since her independence, your country has become the shining example of freedom and independence—anyone who wants to know what freedom and independence are only needs to visit your country and her people.

As an eyewitness living in Communist Vietnam for more than 25 years, I would like to boldly and frankly present my ideas on three issues as your invitation letter has suggested.

I. THE REALITIES OF THE RELIGIONS IN VIETNAM IN THE NEW MILLENNIUM

In order to achieve independence, liberty and happiness for the Vietnamese people, Ho Chi Minh chose Communism. This is a fundamental contradiction because Communism calls for a dictatorial regime that does not tolerate the concept of true liberty. Freedom of religion will be absent for as long as the Vietnamese government hangs on to its Communist ideology.

Since their victory of April 30, 1975, the Vietnamese Communists have extended its oppressive policy toward the different religions to South Vietnam. Laws and decrees have been promulgated to confine, restrict, or ban religious activities. The government has falsely accused clergy members and lay people as a pretext to detain and imprison those who protest its oppressive policy, or those who teach catechism, lead a church choir, or join a seminary. They are banished to concentration camps for years. This policy has been on-going for nearly 50 years (from 1954 to 2001).

The government has used many ruses to divide and politicize the Cao Dai, Catholic and Protestant Churches; to split the Buddhist Church in two—the United Buddhist Church of Vietnam (UBCV) and the Buddhist Church of Vietnam (BCV); and to set up the puppet Hoa Hao Buddhist Committee of Representatives, which consists of mainly Communist cadres, to claim leadership over five million Hoa Hoa Buddhists. The government has requisitioned for its arbitrary use numerous facilities and properties belonging to the different Churches.

With regard to the Catholic Church, the communists have severely restricted her fundamental rights. The many petitions issued by the Catholic Bishops Conference of Vietnam (CBCV) since 1980 have unmasked the Government's policy. This I have analyzed in my Ten-Point Proclamation released on November 24, 1994 and the follow-up proclamation dated November 24, 2000, which I have sent to your Commission. Following is the summary of the points made in those two statements.

1. The Vietnamese Communists have brutally interfered with CBCV's authority to organize its annual Pastoral Assembly: the Bishops must apply for permission to organize and the Assembly's agenda must be preexamined by the Government. After the Assembly, the minutes must be submitted to the Government. All reports from the Assembly must be vetted by the Government before they can be released to the Catholic community and the public.

2. The Vietnamese communists have brutally interfered with CBCV's authority to appoint bishops and ordain of priests. The Holy

See had to negotiate with the Vietnamese Government for years on each bishop appointment. The Government often rejects candidates selected by the Church and only accepts those they are pleased with. The Government counts on The Vatican having to yield eventually so as to prevent excessive harm to dioceses facing extended absence of a bishop. The dioceses of Hung Hoa, Hai Phong, and Bui Chu . . . have not had a bishop for more than eight years and The Vatican is not allowed to appoint any.

Anyone intending to join a seminary of any candidate for priesthood elected by the Church must have the approval of and their background examined by the Public Security Police. These candidates must prove their docility and show no sign of resisting the regime. The police give special preference to those agreeing to serve as informants for the Government within the seminary. An applicant's chance would increase if he can afford to bribe the authorities. Applicants having family members who worked for defunct Republic of Vietnam or holding nonconformist views stand no chance of being approved for admission into a seminary or priesthood regardless of their qualifications and moral virtues and regardless of the Church's support. I know many young men who have repeatedly passed the Church-administered entrance exam with top scores but have not been approved for admission into any seminary. Any bishop intending to ordain a seminarian into priesthood or to assign a priest to a mission must ask for permission and negotiate with the Government in a protracted process, which in some cases has taken nearly 20 years without results. The approval criteria imposed by the Government has nothing to do with the moral quality that the Church requires of candidates for priesthood. As a result, the number of newly ordained priests has drastically decreased and is currently insufficient to meet the Church's pastoral needs. Aging priests die or retire without successors. Many priests in rural regions have to minister more than ten parishes, all distant from each other. There is hardly normal religious life in these parishes. It is very difficult for priests to change their residence for new assignments.

3. Groups of faithful in new economic zones or in remote areas are anxious to have mass for Christmas and Easter each year but their most basic spiritual need is rarely met. The atheist Government wants these people not to think of religion, which it considers harmful and dangerous.

4. A Mass that brings together the faithful from different places and priests desiring to say mass in places other than their usual assigned location must have prior government permission.

5. The Government still keeps many priests, clergy members, and lay people in prison or under house arrest. (Committee for Religious Freedom in Vietnam has made this list available to your Commission.)

6. The Government brutally violates the Church's freedom of the press. No local or national publication of the Church is allowed. As a result, The Church cannot fulfill its evangelical duties. Before 1975, there were more than a dozen Catholic newspapers and magazines in South Vietnam. Today there are only two weekly magazines, Cong Giao & Dan Toc (The Catholics & The People) and Nguoi Cong Giao Viet Nam (The Vietnamese Catholics), which are created and financed by the Government. CBCV's only publication is the newsletter Ban Tin Hiep Thong (The Communion News), of which the first six issues were "illegal." The Government gave the Church temporary permission to publish issues 7–9 from February to September 2000. In October 2000, the government rescinded its permission and discontinued this only publication of The Church. There is no freedom of speech in my country. Churches of course have none. This kind of statement that I am presenting to you cannot be circulated in Vietnam because no photocopying store or printing shop would dare to reproduce it. Nobody dares to keep it, fearing for his own life and the safety of his family. Those who dare must be prepared for martyrdom. In fact, on February 7 the public security police searched two of my assistants and found a floppy disk containing a draft of this statement. These two brave young men were detained overnight at the police station for extensive questioning.

7. The Government forces all students from all grades and in college to study and love Socialism while in fact nobody likes to teach or study it. Only the three million communist party members and the five million members of the Communist League of Youth should study this ideology if they still believe in it. Forcing the entire Vietnamese nation to study a bankrupt ideology that has caused them so much suffering is outright unconscionable.

8. The Communist Government has, since 1954 in North Vietnam and since 1975 in South Vietnam, seized or requisitioned thousands upon thousands of Church facilities used for education, charity, and medical service. Consequently the Church has no means to train seminarians, providing education and human services to the poor, the sick, the handicapped and the orphans, and it is extremely difficult for Church members to deliver service in a government facility. For example, the Pius X Papal Institute in Da Lat, run by the Jesuits, had been an outstanding college for priesthood formation until its confiscation in 1976 by the Government, which turned it into a training school for Communist cadres. The Hoan Thien Minor Seminary at 11 Dong Da, Hue, offering high school-level training to seminarians, was taken by force by the Government in December 1979; all three priests teaching at the seminary and more than 80 seminarians were evicted. These are but a few examples.

Faced with this extremely cruel policy of the Vietnamese Communist Government to strangle religions, the Churches in Vietnam have unceasingly demanded religious freedom. Their non-violent and persistent campaign will continue until the Vietnamese people have full religious freedom, which anyone else in the civilized world has. This campaign has the following objectives.

1. The Government must fully respect the right of all citizens to true religious freedom and the right of Churches to select, train, and appoint their own priests, clergy members and dignitaries. The Government must stop its practice of listing the religious affiliation of citizens on their identity cards and personal documents so that no citizen will be discriminated against and be able to freely practice his or her faith.

2. The Government must return all facilities and properties it has confiscated or requisitioned from the Churches, even when documentary evidence of ownership was lost in the war if local people can confirm the rightful owner of these facilities and properties.

3. The Government must abandon the ruses and schemes it has used to oppress and destroy religions. Its interference in Church affairs must cease. Committees created by the government but dressed up as religious institutions in order to serve the Government's antireligion policy must be disbanded.

4. The Government must unconditionally release all clergy members, priests, officials and dignitaries of the Churches and lay people who are currently in prison or under administrative detention because of their faith.

5. The Government must fully respect every and each article of the International Covenant on Civil and Political Rights, of which the Vietnamese Communist Government became a signatory on September 24, 1982.

II. EFFECTS OF THE BILATERAL TRADE AGREEMENT ON HUMAN RIGHTS AND RELIGIOUS FREEDOM IN VIETNAM

I am only a priest, not a specialist in economics and politics. I speak as a Vietnamese citizen with a deep love for my country and my people.

Vietnam needs the Bilateral Trade Agreement (BTA) for her economic development. In principle I dearly want my country to have the trust of other countries, among them the United States, so that my country may achieve prosperity and my people may have a better life and fully realize their potentials.

However, for as long as the Vietnamese Communists keep their dogmatic and totalitarian rule and disregard the fundamental freedoms of the people as I have presented above, by trading with Vietnam the United States and other countries would only strengthen the Communists' grips on power; the BTA may end up benefiting only the governing minority while prolonging the suffering of the entire people; the vast majority of the common people like us may at best receive small crumbs trickling down from the top but in return must endure our fate of the exploited and disenfranchised for so much longer.

In regard to the ratification of the BTA, I urgently warn the US Congress not to trust the Vietnamese Communists' promise of good faith. The United States and many other countries have had bitter experiences dealing with their broken promises in the past.

The Vietnamese Communists have signed many international accords and agreements on human rights but have never intended to respect them. Their intention is to deceive the international community. For example, Vietnam became signatory to the International Covenant on Civil and Political Rights in 1982 but does not abide by Articles 18 and 19 of this covenant which call for the respect for the freedoms of thought, speech, and religion. If international human rights institutions allow themselves to fall victim to such deception, they will contribute to the following dire consequences: (1) the Vietnamese Government will exploit their signing the document to falsely claim that there are human rights in Vietnam; (2) these international institutions will lose their credibility as they prove to be so easily deceived; and (3) these institutions unknowingly prolong the Communist oppression of the Vietnamese people—this in fact constitutes a major crime against my people.

Therefore, if the United States and other countries truly sympathize with my ill-fated people and truly care about human rights, especially the right to religious freedom, of the Vietnamese people, you must not help the Communist Government prolong its totalitarian rule. Instead, the United States and other countries should suspend all agreements harmful to the Vietnamese people and do everything in your capacity to put pressure on the Vietnamese Government to allow freedom and democracy to dawn on our country.

III. WHAT CAN BE DONE TO HELP IMPROVE FREEDOM OF RELIGION IN VIETNAM IN THE NEAR TERM, AND IN THE LONG TERM?

The Vietnamese Communists have idolized Ho Chi Minh, turning him into a "god" and creating a new religion revolving around him. The Communist Government wants to suppress all other religions and replace them with this new religion in order to unify the Vietnamese people behind it. In fact, Ho Chi Minh had made significant contributions to our national struggle for independence but at the same time had committed serious crimes against the Vietnamese people. One basic endeavor that the international community needs to undertake is to unravel the harmful myths woven by the Communists around this historical figure.

In the short term, the United States and other countries should help the Churches in Vietnam achieve greater independence from the government, should show by example how freedom of religion is respected in the free world, and should expose the oppression that the Vietnamese Government has imposed on the Churches. At first, the Vietnamese Communists may feel that such independence would clash with its totalitarian power but with time it may realize that the power to control and interfere with Church affairs, such as the appointment of priests, should have never been theirs to start with.

The Vietnamese people will not enjoy religious freedom for as long as the Communist regime remains in place. Therefore if the United States and other countries truly desire to see the return of religious freedom to the Vietnamese people, they will need to create favorable conditions for the early demise of the Communist regime.

Ladies and gentlemen,

This is a precious opportunity to speak on behalf of my people, of the different Churches, and of the Catholic Church in particular. I would like to extend my gratitude to you, to the U.S. Congress, and the American people, including some two million Vietnamese-Americans, for having given me such an opportunity.

May God bless you, your families, your colleagues, the American people, and your beautiful country. Thank you.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution.

Mr. Speaker, first I want to commend my good friend, the gentleman from New Jersey (Mr. SMITH), for his leadership on Vietnam human rights issues and, indeed, on being the most indefatigable and passionate advocate of human rights in this body.

As the political security and economic relationship between the United States and Vietnam become increasingly complex, we must never forget the continued absence of internationally recognized human rights in Vietnam.

Mr. Speaker, Father Ly, the subject of this resolution, is a Vietnamese Catholic priest. Three years ago, he was invited by the International Religious Freedom Commission to give testimony related to religious freedom in Vietnam. Since the Vietnamese Government denied Father Ly permission to leave his country, he submitted written testimony for the record. In this testimony, Father Ly outlined the lack of religious freedom in Vietnam and urged his fellow Vietnamese citizens to continue to struggle, nonviolently, for their rights.

He was subsequently sentenced to 15 years in prison after a 1-day closed trial in which he was denied adequate legal counsel. Father Ly was convicted of slandering the Communist Party and distorting the religious policy of the government of Vietnam.

Subsequently, Mr. Speaker, the United Nations Working Group stated that Father Ly was arrested and detained only for his opinions, and the deprivation of the liberty of Father Ly is arbitrary and contravenes the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Mr. Speaker, as we meet here today, Father Ly continues to remain in prison because he had the courage of his convictions and he refused to whitewash the continued lack of religious freedom in Vietnam. Our resolution urges his immediate release from prison, a call for justice long overdue.

It is my strong hope that the Vietnamese Government will receive this wake-up call through the passage of our resolution. While large numbers of Vietnamese Catholics continue to attend services each Sunday, the Vietnamese Government prohibits the church from training enough priests to meet the growing demand for clerics. The Vietnamese Government has also refused to compensate the church fully for expropriated church property, and it prohibits the church from expanding its activities to help the poor in Vietnam.

Mr. Speaker, I urge all of my colleagues to show their concern about the continued unjust imprisonment of Father Ly and the lack of religious freedom in Vietnam by supporting strongly our resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. COX), the chairman of the Select Committee on Homeland Security.

Mr. COX. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, we are here on the floor to demand of the communist government of Vietnam that Father Ly immediately be released, unconditionally. Father Ly's only offense is that he is a Catholic priest who sought to minister to the spiritual needs of his countrymen and countrywomen in Vietnam. For this offense, he has been in prison for the last 3 years, and the communist government of Vietnam expects that he will serve the full decade of his sentence.

This is, of course, an affront to human rights. It is also an affront to the United States, because it was the U.S. Commission on International Religious Freedom that solicited Father Ly's testimony. They asked that Father Ly testify in person. He was willing to do so; but, of course, the communist government of Vietnam forbade him from doing so. So Father Ly then submitted written testimony, and it is on the basis of that written testimony that he was convicted. That is why he is now in jail.

Never has there been a clearer path from freedom to imprisonment than in this case. We can read the entirety of his offense. What he said, in response to questions from the United States, is that there is not religious freedom in Vietnam. He said that the government of Vietnam had stripped all churches of their independence and freedom. For speaking this truth, Father Ly is now expected to spend a decade in a communist prison.

It was 1 month after he wrote this testimony and sent it to the United States that he was arrested. Indeed, he was arrested while he was saying mass. He was on the alter before a congregation. Six hundred policemen of the Vietnamese communist government surrounded the church, stormed it, and dragged him off. Of course, the Vietnamese Government provided him no legal representation, no consultation whatsoever; and not surprisingly, on October 19 of that same year, Father Thaddeus Nguyen Van Ly was sentenced to this seemingly indefinite time in prison, 15 years originally. He has already spent 3 years. Now he is going to get a 10-year sentence.

Father Ly is no stranger to repression at the hands of the Vietnamese dictatorship. Since 1977, the government has repeatedly harassed him, repeatedly arrested him, and repeatedly jailed him for his advocacy of religious freedom.

So the Congress today calls for the immediate and unconditional release of Father Ly. But we also recognize that he is not alone. He represents the struggle of all of those citizens of Vietnam who are fighting for freedom and for democracy.

Another piece of legislation to address that struggle is the Vietnam Human Rights Act, H.R. 1587, which I hope the House will soon consider. This legislation will prohibit nonhumanitarian assistance to the government of Vietnam, it will support the efforts of human rights and democracy advocates there, and it will help us work to overcome the government's jamming of Radio Free Asia and their Vietnamese broadcast. It will help resettle refugees and require an annual State Department report on the progress towards freedom and democracy in Vietnam, or the lack of it.

This resolution that is before us today, of which I am an initial cosponsor, is, therefore, a call to action. It is a call, of course, upon the Vietnamese Government to act; but it is also our call to action. The Vietnamese Government and other dictatorships around the globe must come to realize that oppression does not go unnoticed, that the Congress and the President will continue to fight for those like Father Ly who seek meaningful change in their country.

Mr. Speaker, I am very, very proud to join the gentleman from New Jersey (Chairman SMITH) and the gentleman from California (Mr. LANTOS) in supporting this resolution, and I am very proud of the stands for human rights that this Congress will soon take.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend and distinguished colleague, the gentlewoman from California (Ms. LORETTA SANCHEZ), a champion of human rights.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in strong support of H. Con. Res. 378, a resolution which calls for the immediate and unconditional release of Catholic Father and human rights champion Thaddeus Nguyen Van Ly. I thank my colleague, the gentleman from New Jersey (Mr. SMITH), for bringing this resolution to the floor. I am proud to be an original cosponsor of the bill, and I am proud to work with him on the bipartisan Vietnam Caucus.

On this day, the 10th anniversary of Vietnam Human Rights Day and the 14th anniversary of the Vietnamese Manifesto of Nonviolent Movement For Human Rights, there can be nothing more appropriate action for this Congress than to pass this resolution about Father Ly. Why would that be? Well, we as Members of the United States Congress have a special responsibility, for, you see, it was testimony to this Congress, to this Nation, that Father Ly gave us that put him behind bars.

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In fact, we brought forward that testimony in a human rights caucus hearing on religious freedoms in Vietnam, or, should I say, the lack of religious freedom in Vietnam. So we have a particular responsibility to let the world know and to put pressure on the Vietnamese Government with respect to Father Ly's incarceration.

In reaction to Father Ly's defense of human rights and his pronouncements on the need for religious freedom and nonviolent resistance, the Government of Vietnam branded him a traitor, a traitor, and prohibited him from carrying out his religious duties as a priest and sentenced him to 10 years of prison for "damaging the government's unit policy."

The imprisonment of Father Ly is not only a violation of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights, it is a direct attack on each and every one of us who value human rights.

Mr. Speaker, I thank the gentleman from New Jersey, and I thank the gentleman from California for being such a strong supporter of human rights in the world, and I urge my colleagues to support this important resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. AKIN), and I thank him for his support on human rights in general and human rights in Vietnam in particular.

Mr. AKIN. Mr. Speaker, it is a pleasure to be able to join my colleagues today and to add my support for House Concurrent Resolution 378 calling for the immediate and unconditional release of father Thadeus Nguyen Van Ly.

Father Ly has peacefully campaigned for more than 30 years for religious freedom in his country, and he has called on the officials of that nation of Vietnam to allow churches to appoint their own leadership and to stop listing people's religious affiliation on their I.D. card, and to return property that was confiscated from the churches to those particular denominations and faiths.

Now, recently, Father Ly, as we have heard, has been sentenced to 15 years of solitary confinement, a very serious sentence, for merely advocating people having the right for free religious expression. That sentence has been mitigated by 5 years, still a 10-year sentence. In the brief time that he had to speak to his own family, he made the following statement: "My duty and my conscience required me to fight for the freedom of our church. If I had realized those terrifying situations for our church and had not done anything, I would have been guilty before God. Now I think I have accomplished my duty, I do not feel sorry for myself."

Father Ly, though he lives on the other side of the world, is in a sense a brother of each of ours. This is a personal affront that the Government of Vietnam has stood against those people who have the courage to allow people to express their own personal consciences.

It is particularly appropriate in this Chamber and at this time for us to recall the words of Madison on the subject of property. When property was discussed by our founders, they did not think so much of a piece of land or even of possession, but they thought of the property first and foremost and closest to the heart of all true lovers of freedom: It was the property of our own convictions, the property of our own soul, the property to be able to express our opinion and our devotion to whichever God it is that we would worship. And it is this fundamental, fundamental, heartfelt core of American belief which binds us to freedom-fighters all over the world and which calls us to strong condemnation of the Government of Vietnam, that they would trample people's right to worship and freedom under their feet with total disregard, and would lock a champion of freedom like this away for 10 years, away from his family, and harassing his family.

So I strongly add my support to the gentleman and his resolution, H. Con. Res. 378.

Mr. LANTOS. Mr. Speaker, we have no additional requests for time, and I yield back the balance of our time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HAYES). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 378, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 378, the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RECOGNIZING THE 60TH ANNIVERSARY OF THE SERVICEMEN'S READJUSTMENT ACT OF 1944

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 91) recognizing the 60th anniversary of the Servicemen's Readjustment Act of 1944.

The Clerk read as follows:

H.J. RES. 91

Whereas on June 22, 1944, President Franklin D. Roosevelt signed into law the Servicemen's Readjustment Act of 1944, commonly known as the GI Bill of Rights;

Whereas the GI Bill of Rights provided education and training benefits to more than 7,800,000 United States veterans and subsequent Acts have provided those benefits to more than 21,500,000 United States veterans;

Whereas the GI Bill of Rights provided unemployment benefits, small business loans, and job counseling services to assist veterans with the transition from military service to civilian employment;

Whereas the GI Bill of Rights is credited with contributing to the robust recovery of the United States post-World War II economy, and is largely recognized as one of the most successful domestic programs of the United States;

Whereas the GI Bill of Rights, and subsequent Acts, established home loan programs for United States veterans which, since 1944, have guaranteed more than 17,500,000 loans, totaling aggregate loan amounts of more than $800,000,000,000, providing home ownership opportunities to millions of United States veterans and their families; and

Whereas the GI Bill of Rights, and subsequent Acts, have been recognized by political, business, sociocultural, and educational leaders as landmark pieces of legislation which have collectively contributed to the development of the United States middle class: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) supports the recognition of the 60th anniversary of the Servicemen's Readjustment Act of 1944, and

(2) requests the President to issue a proclamation calling on the people of the United States to observe the 60th anniversary of the Servicemen's Readjustment Act of 1944 with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 91 would recognize the 60th anniversary of the Servicemen's Readjustment Act of 1944, popularly known as the GI Bill of Rights, arguably America's most successful domestic program ever.

In the decade following World War II, more than 2 million eligible men and women went to college using the GI Bill educational benefits. The result was an American workforce enriched by 450,000 engineers, 238,000 teachers, 91,000 scientists, 67,000 doctors, 22,000 dentists, and another 1 million college-educated men and women. It is estimated that another 5 million men and women received other schooling or job training on the GI Bill, helping to create the modern middle class.

The original GI Bill exceeded all expectations and had enormous benefits beyond the immediate benefits given to our deserving war veterans. College enrollment grew dramatically in 1947. GI Bill enrollees accounted for almost half of the total college population, resulting in a need for more and larger colleges and universities. In New Jersey, Rutgers University saw its admissions grow from a pre-war high of 7,000 to almost 16,000 during the postwar decades.

Mr. Speaker, economic philosopher Peter Drucker looking at the GI Bill's historical impact noted "The GI Bill of Rights, and the enthusiastic response on the part of America's veterans, signaled the shift to a knowledge society. In this society, knowledge is the primary resource for individuals and the economy overall."

In fact, Mr. Speaker, a Veterans Administration study in 1965 showed that due to the increased earning power of GI Bill college graduates, Federal Government income tax revenues rose by more than $1 billion annually; and in less than 20 years, the $14 billion cost of the original program had been recovered. Further, the home loan portion of the original GI Bill of Rights was so successful that it is credited with creating the suburbs in America. Before the GI Bill, the great majority of Americans were renters. Now, most Americans live in their own homes.

Most importantly, the GI Bill transformed the working men and women of America, giving millions new opportunities they could only dream of before it was enacted.

Mr. Speaker, building upon this success of the original GI Bill, Congress approved a second education bill known as the Veterans Readjustment Assistance Act of 1952 during the Korean War, and then a third bill, the Veterans Readjustment Benefits Act of 1966 during the Vietnam War, and a fourth bill, the Veterans Educational Assistance Program for the post-Vietnam War era.

Finally, in 1985, Congress approved today's Montgomery GI Bill, or the MGIB, which was designed not only to help veterans transition into the workforce through education and training, but also to support the all-volunteer Armed Forces. All totaled, over 20 million men and women have used the VA educational benefits in the various programs since the first GI Bill in 1944.

Furthermore, the use of educational benefits as a recruitment tool has been one of the most spectacularly successful of all tools given to our Nation's military recruiters.

Mr. Speaker, when I was first elected chairman of the House Committee on Veterans' Affairs in January of 2001, the GI Bill needed to be updated. As a result of inflation and rising higher education costs, the monthly educational benefit was estimated to cover less than two-thirds of what would be required for a veteran student to attend a 4-year public college as a commuter student. GI Bill utilization rates were down under 50 percent, as far too many veterans concluded they simply could not afford to attend college or job training programs using GI Bill benefits.

With good, solid, bipartisan support in the House and Senate, along with a coalition of education and veterans leaders, I introduced the comprehensive legislation, H.R. 1291, the Veterans Education and Benefits Expansion Act of 2001, now Public Law 107-103, which dramatically increased Montgomery GI Bill benefits. Signed by President Bush in December of 2001, this legislation boosted the total lifetime Montgomery GI educational benefit from $24,192 in December of 2001 to $35,460 today, an increase of $11,268, which goes directly towards education and job training for qualified veterans. This number is about a 46 percent increase when it was phased in over 3 years.

Already, the number of GI Bill users has risen dramatically by over 24,000 in the first full year of the higher benefit levels, from 289,894 in 2001 to 323,165 in 2002, an 11.5 percent increase after 3 years of declined usage. So in other words, it was going in the opposite direction in terms of utilization. That now has ratcheted upwards.

In addition to benefit increases over the past 4 years, Congress has also made dozens of other improvements to the GI Bill program through 32 separate provisions of law, including accelerated GI Bill payments for short-term, intensive, high-technology courses; two major increases in chapter 35 benefits for veterans' surviving spouses and their dependents; protection against loss of GI benefits resulting from mobilizations and deployments; use of the GI Bill for entrepreneurship courses offered through the Small Business Development Centers; and use of benefits for licensing and credentialing.

And, later this week, I am happy to say, Mr. Speaker, the Subcommittee on Benefits of the Committee on Veterans Affairs, chaired very admirably by the gentleman from South Carolina (Mr. BROWN), is poised to mark up H.R. 1716, the Veterans Earn and Learn Act, which I introduced along with my good friend and colleague, the gentleman from Illinois (Mr. EVANS), to modernize the VA's on-the-job training and apprenticeship programs.

Mr. Speaker, the late author Michael J. Bennett in his book, "The GI Bill and the Making of Modern America" wrote: "The GI Bill was the legislation that made the United States the first overwhelmingly middle-class Nation in the world. It was the law that worked, the law whose unexpected consequences were even more than its intended purposes."

I am pleased to join with the gentleman from Maine (Mr. MICHAUD), the prime sponsor of this resolution, and many others in writing this resolution, and I strongly encourage all of my colleagues to support it. Let us have all of America celebrate a remarkable legacy that continues to give, a legacy given to us by the visionaries who crafted it, and the World War II veterans who converted its opportunities into the American dream.

Mr. Speaker, I reserve the balance of my time.

□ 1700

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of House Joint Resolution 91, and I encourage my colleagues to do the same. This joint resolution commemorates the 60th anniversary of the Servicemen's Readjustment Act of 1944, commonly known as the GI Bill of Rights.

On June 22, 1944, President Franklin Roosevelt signed into law the GI Bill of Rights establishing what many believed to be one of the most socially progressive and economically effective legislative measures ever passed by the United States Congress.

Former Senator Dale Bumpers of Arkansas has stated that he "considers it to be the best single investment the Federal Government has ever made."

A noted author, James Michener, said of the GI bill that he "judged the law one of the two or three finest Congress has ever passed since our Constitution took effect."

A congressional research study found that for every dollar invested in the GI bill, the country recouped between $5 and $12 through revenue generated by veterans taking advantage of the program's benefits.

Mr. Speaker, it is interesting to note that the GI Bill of Rights was originally drafted as an economic stimulus package, not necessarily as an education program. The GI bill benefits originally included education and training; loan guarantees for homes, small businesses and farms; unemployment pay of $20 a week for up to 52 weeks; and job training services.

Many social and political leaders of the day remembered the high unemployment, homelessness, and frustration faced by World War I veterans upon their return to a country in the throes of a deep economic recession. These leaders wanted to avoid the regrettable Bonus March on Washington of 1932, and they understood that nearly double the number of World War II veterans would return than after World War I.

It was essential to our Nation's welfare that action be taken to assist veterans' transition back into civilian life. What they did not realize was how popular and effective the education benefits were going to be under the new law.

Of the approximately 16 million individuals who served in World War II, the GI Bill of Rights provided nearly 7.8 million veterans with education and training benefits; 2.2 million veterans chose to study at the college and university level; and by 1947, half of all college students were veterans.

This influx changed the face of higher education. No longer was college limited to the upper class. Former servicemembers of all socio-economic classes, races, and religions broke open the doors of higher education, including nearly 60,000 women. The Greatest Generation went to college.

World War II veterans also had a tremendous effect on the housing market. With the assistance of the GI bill home loan benefit, many veterans purchased homes. By 1955, approximately 4 million home loans had been granted, and veterans and their families owned nearly 20 percent of all new homes built.

This housing boom allowed FDR's administration to stave off a post-war recession. The unemployment benefits, small business and farm loans, job training services, and education benefits allowed the Greatest Generation to successfully transition from soldiers to civilian leaders.

By 1956, the year the original GI bill expired, the Federal Government had invested over $14 billion in the program, and the veterans of our Nation made good on that investment. The Department of Veterans Affairs estimated that the increase in tax revenue of World War II veterans alone was several times the amount appropriated for the benefit.

Mr. Speaker, the GI Bill of Rights was unquestionably one of the greatest legislative accomplishments. It was a catalyst for the development of the United States middle class and provided our Greatest Generation with an opportunity to succeed. Indeed, the impact of the original GI bill continues today.

Subsequent related acts have provided education and training benefits to more than 21.5 million veterans and guaranteed more than 17.5 million home loans to veterans and their families. I know very well that the GI Bill of Rights and subsequent acts have provided many generations of veterans in the State of Maine quality benefits and an opportunity to succeed.

Mr. Speaker, it is fitting that today we come together in this great body to recognize and celebrate the 60th anniversary of the GI Bill of Rights. I encourage all Members to recognize the importance and power of this law and to continue to work together to provide our veterans the quality benefits that they earned through their service to our Nation.

This joint resolution deserves the support of all Members.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. BROWN), the distinguished chairman of our Subcommittee on Benefits.

Mr. BROWN of South Carolina. Mr. Speaker, I thank the gentleman from New Jersey for yielding me the time.

Mr. Speaker, I join with the gentleman from Maine (Mr. MICHAUD) and the gentleman from Illinois (Mr. EVANS) and the gentleman from New Jersey (Mr. SMITH) in asking my colleagues to support House Joint Resolution 91.

This resolution would recognize through ceremonies and other educational activities the 60th anniversary of the World War II GI Bill of Rights, probably the most successful domestic legislation this Chamber has ever written.

History tells us that much of America's post-World War II motivation was concern over another depression. When 12 million of our demobilized troops came home to an uncertain economy as the mills of war stopped grinding and the United States undertook a massive rebuilding effort in Western Europe and Japan, our great Nation showed remarkable vision.

The Congress gave veterans an opportunity to go to college, sort of an economic cubby hole for them, as we transformed our economy from one of wartime to one of peacetime focus.

Our fellow Americans who selflessly saved the world from tyranny and dictatorship excelled in college because they were already veterans of what author Michael Bennett has referred to as "America's most demanding prep school," the wartime military. World war II veterans attended college and other forms of training in droves, some 7.8 million strong under the GI bill.

Disciplined by duty and enlightened by experience, World War II veterans changed America's higher education dramatically because they did something that was very unusual in an agrarian-based economy: they went to school year around. James Conant, former president of Harvard, noted that former GIs are the best students Harvard has ever had.

Veterans took our economy to new heights of prosperity. In fact, economists credit the veterans themselves with repaying the $14.5 billion cost of the World War II GI bill. By 1960, they paid it off through the additional taxes on their increased earning power as doctors, teachers, engineers, entrepreneurs, civil servants and leaders of business, industry and labor.

Mr. Speaker, this resolution is about their inspiring story. I urge my colleagues to support House Joint Resolution 91.

Mr. MICHAUD. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. EVANS), the ranking member of the committee.

Mr. EVANS. Mr. Speaker, I rise in support of this resolution, and I want to thank the chairman of the full committee for bringing it to the floor today, and I want to thank the chairman of our subcommittee and the Democratic side for their hard work in bringing this together and this important resolution that I hope this House will pay close attention to.

Mr. Speaker, the Servicemen's Adjustment Act of 1944, or as most people call it, the act of the GI Bill of Rights, was signed into law by President Franklin Delano Roosevelt nearly 60 years ago on June 22, 1944. The Nation was fighting World War II in the Pacific and the European theaters, and the civilian population came together like no other time in our history to support the war effort on the home front. It truly was the Greatest Generation of our veterans.

This joint resolution is a timely tribute to one of the most important legislative measures passed into law, and the men and women who returned home to build and strengthen our economy and our society. The GI Bill of Rights sets the standard for how all other comparable legislation should be measured.

Because of it, millions of young soldiers returning from the war went to college, an opportunity unimaginable to many before. In fact, just from the chairman's home State, Peter Rodino attended an institution as a result of the GI bill. Richard Nixon, John Kennedy, I guess John Kennedy did not need as much help with the resources that he had, but it has helped dozens of other people. So that the majority of the Congress in the year 1946 was comprised of World War II veterans, and I just think it shows us how good it is.

I stand before my colleagues as one recipient who used my GI bill benefits for education and for housing opportunities. So I am very thankful, and I think the Nation should be proud of itself for doing something so right at that important time.

Mr. Speaker, I stand before my colleagues, like so many other veterans, as a beneficiary. That is why I support this joint resolution, and I urge my colleagues to support this measure to commemorate the 60th anniversary of the GI Bill of Rights, and I want to thank Sonny Montgomery for making sure that we had this review and he with us today, if not in his presence, in our prayers and thoughts.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. SIMMONS), the distinguished chairman of our Subcommittee on Health.

Mr. SIMMONS. Mr. Speaker, I thank the distinguished chairman of the Committee on Veterans' Affairs, the gentleman from New Jersey, for extending to me time; and I rise in support of House Joint Resolution 91, which supports the recognition of the 60th anniversary of the Servicemen's Readjustment Act of 1944, more popularly known as the GI bill, which transformed our country immediately after World War II and brought the American dream to life.

It is my understanding that during an emergency meeting of the American Legion leadership in 1943, Harry Colmery, a former national commander, crafted the initial draft of the GI bill on hotel stationery at the Mayflower Renaissance Hotel. President Franklin Roosevelt signed the GI bill on June 22, 1944.

The bill put the dream of a college education within grasp of all of the veterans who came back from World War II who had served 90 days or more, and they qualified for up to $500 per term for vocational school or for college.

In my home State of Connecticut, at the University of Connecticut, over 8,000 students enrolled during the period 1946 to 1947, four times the number registered in the period shortly preceding the war.

When we think, Mr. Speaker, of the GI bill, we should not just think of the Greatest Generation. We should think of the many tens of thousands of veterans who since that time have taken advantage of the GI bill; veterans, like myself, returning from service in Vietnam and seeking additional education and then also my wife and I coming here to Washington, D.C., in the early 1970s and looking for a house to buy and appealing to the GI bill to assist us so that not only the dream of an education and the dream of a better job but the dream of homeownership came home to us because of the GI bill.

It makes me proud, Mr. Speaker, to be a life member of the American Legion, knowing that it was the American Legion that initiated this incredible transforming program for America's veterans.

I am excited to join my colleagues from the Committee on Veterans' Affairs here today to celebrate the 60th anniversary of this wonderful piece of legislation, and I thank my colleague, the gentleman from Maine (Mr. MICHAUD), specifically for introducing this resolution.

Mr. MICHAUD. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman from Maine (Mr. MICHAUD) for his leadership on this and join with my colleagues in calling for this resolution, which commemorates the 60th anniversary of the GI Bill of Rights.

As the speakers before said, this is a perfect example of responsible and progressive government, and it was truly an economic stimulus package of far-reaching impact. Many authorities indicate that passage of this GI Bill of Rights paid for itself many times over and largely contributed to the post-World War II economic recovery.

Millions of veterans were helped in their transition from soldier to citizen through unemployment compensation, education benefits, and down payment on houses.

The chairman of the committee referred to the creation of the modern middle class. I can well remember after my father volunteered in World War II, the working-class family that I was a part of had to move in with relatives and was renting a very small apartment.

□ 1715

After he came home, I remember 55 years later the incredible feeling of being able to move into our own home for the first time in our lives. With a few thousand dollars down payment, and with the new homes that were constructed by Levitt in New York, the American dream was made possible for working-class families, such as my own, with the help of the GI Bill of Rights. I will tell you that having a sense of your own home was incredibly beneficial to my own family.

So it is appropriate as we approach the 60th anniversary of the bill's enactment that we look back and celebrate the accomplishments of the greatest generation. I would hope also that as we think about this GI bill, we look forward as well. We must honor the sacrifices of the men and women who make up the greatest generation, I think, by investing in the current generation of servicemen and women and provide them the necessary resources so they can succeed and continue the legacy of this greatest generation.

There are a lot of ways to do that. The chairman of the committee, the ranking member of the committee, have bills, for example, to make mandatory the funding of our health care system rather than rely on the appropriations process each year, where we fall behind, further and further, on the adequate health treatment of our veterans. We must get this on to a mandatory funding kind of scheme so we can give our veterans the health care they deserve.

The education provided for in the GI bill that we are celebrating today must be improved upon. We have tried to take steps forward, but right now it pays only $985 a month to veterans who are attending college. And that does not go too far. There is legislation, such as H.R. 1713, the Montgomery GI Bill Improvements Act, that returns the GI bill to its original intent that we are celebrating today by providing full tuition to a public institution of higher learning, and books, fees, and a living stipend for veterans who are students.

Interestingly enough, did my colleagues know there is one group in World War II who were denied their rights under this GI bill that we are celebrating today? The Merchant Marines. The Merchant Mariners of World War II did not come under this bill we are celebrating. They suffered the highest casualty rate of any of the branches of service, and we might say have become the forgotten service. No legislation was passed by this Congress to address their needs until 1988, when they too were granted a watered-down version of the GI Bill of Rights.

I have legislation, H.R. 3721, it is called The Belated Thank You to the Merchant Mariners of World War II, which will grant them compensation to partially, because we can never really make up for it, the 40 years they went without benefits that we are celebrating today, benefits that could have provided them, too, with an education and a home loan and a small business loan.

Other steps that we can take. We have a discharge petition number 8 sitting beside me that would help widows of veterans to achieve some measure of dignity in their old age. Those widows of servicemen and servicewomen who paid years into the Survivors Benefit Program will only get 35 percent of the retirement pension when they reach age 62. This is not sufficient for people to live on. This is not a sufficient thank-you for those who have been part of a family that have contributed to our Armed Forces and to our Nation's security.

So let us think as we celebrate the 60th anniversary of the GI Bill of Rights and celebrate that wonderful act, let us rededicate ourselves to the task that we have today. Let us honor past veterans by truly honoring present and future veterans in the best way possible by living up to the promises made by a grateful Nation.

Mr. SMITH of New Jersey. Mr. Speaker, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I thank my good friend and the chairman, the gentleman from New Jersey (Mr. SMITH), and my colleague on the Committee on Veterans' Affairs, the gentleman from Maine (Mr. MICHAUD), for his great leadership as the ranking member of the Subcommittee on Benefits.

Mr. Speaker, 60 years ago this June, President Franklin D. Roosevelt signed into law one of the most extensive veterans packages to date: the Servicemen's Readjustment Act of 1944, commonly known as the GI Bill of Rights.

While our troops were fighting in World War II, the Department of Labor estimated that after the war 15 million men and women who had been serving in the Armed Services would be unemployed. To reduce the possibility of postwar depression, a series of programs for educating and training American troops were designed and recommended to Congress by the American Legion.

Although some felt that the GI bill was too expensive and would lower standards in education, the Congress quickly passed the measure. Now the GI Bill of Rights is credited with contributing to the strong recovery of the United States post-World War II economy, and is recognized as one of the most successful domestic programs in the United States.

The GI bill put higher education within the reach of millions of World War II veterans. Starved for students during World War II, college campuses were suddenly overcrowded. The percentage of college-aged men and women grew. Students who had previously been told they were not college material were able to rise to the academic challenge. And most important, the GI bill accelerated the number of college-educated Americans.

In the last 60 years, more than 21 million veterans have been able to take advantage of the benefit included in the GI Bill of Rights. Another important provision of the GI bill was the billions of dollars provided to veterans to purchase homes and to start small businesses. These loans allowed the majority of Americans to transform from renters to homeowners, and the backbone of our economy, America's small businesses, prospered.

The GI Bill of Rights has been amended several times through the years, but the goal has remained the same, providing our veterans with a variety of benefits. And for this we thank those who allowed and who had the vision to pass forth this particular piece of legislation. And we thank our veterans for their service.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume, and, in closing, I do want to thank the good gentleman from New Jersey (Mr. SMITH), the chair of the committee, as well as the ranking member, the gentleman from Illinois (Mr. EVANS), and the chair of the Subcommittee on Benefits, the gentleman from South Carolina (Mr. BROWN), for all the hard work that they do dealing with veterans' issues, as well as staff on both sides of the aisle. They work very well together. I do want to thank staff on both sides of the aisle for their hard work in making sure we do what is right for the veterans here in this country.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if I could finally thank the gentleman from Maine (Mr. MICHAUD) for his sponsorship of this resolution. It is very timely and extremely appropriate. I thank him for his work on the subcommittee and, of course, thank the gentleman from Illinois (Mr. EVANS), our ranking member, for all of his cooperation. We do things in partnership, and it is greatly appreciated, and I think the veterans benefit from that kind of bipartisanship.

The gentleman from Connecticut (Mr. SIMMONS) made the point, and I think it was very well taken, about the great role the American Legion played in drafting this legislation. At the time, there was talk of maybe giving a $500 bonus to the returning GIs. Then out of the blue, pretty much, Harry Colmery, who was the American Legion National Commander in 1936, a World War I veteran, crafted, as the subcommittee chairman pointed out, on Mayflower stationery this fine concept and practically wrote the GI bill at the Mayflower Hotel. It was quickly grasped by Members of Congress and the President as an extraordinarily good idea, and it really did create the modern-day middle class.

One of the things I do when I wear my international affairs hat, as chairman of the Commission on Security and Cooperation in Europe, is to strongly encourage the Eastern European countries, the Russians and others, that if you want a stable middle class, this landmark legislation crafted by the American Legion, and certainly pushed through to completion by the Congress at the end of the world war, is the way to go. It is historic and truly landmark legislation that has profound positive implications and consequences.

I think recognizing it the way we are today is very proper and fitting, and again I want to thank the gentleman from Maine (Mr. MICHAUD) for that.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HAYES). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the joint resolution, H.J. Res. 91.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MICHAUD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE VETERANS WHO SERVED DURING WORLD WAR II, THE AMERICANS WHO SUPPORTED THE WAR, AND CELEBRATING THE COMPLETION OF THE NATIONAL WORLD WAR II MEMORIAL

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 409), recognizing with humble gratitude the more than 16,000,000 veterans who served in the United States Armed Forces during World War II and the Americans who supported the war effort on the home front and celebrating the completion of the National World War II Memorial on the National Mall in the District of Columbia.

The Clerk read as follows:

H. CON. RES. 409

Whereas the National World War II Memorial on the National Mall in the District of Columbia will be the first national memorial to both recognize the courage, bravery, and unselfish dedication of the members of the United States Armed Forces who served in World War II and those who served on the home front and acknowledge the commitment and achievement of the entire American people in that conflict;

Whereas World War II veteran Roger Durbin of Berkey, Ohio, first proposed the construction of a National World War II memorial, and Congresswoman Marcy Kaptur of Ohio introduced legislation to establish the memorial in the District of Columbia to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war;

Whereas, in Public Law 103–32 (107 Stat. 90; 40 U.S.C. 8903 note), approved May 25, 1993, Congress authorized the American Battle Monuments Commission, an independent Federal agency, to design and construct the memorial;

Whereas the location selected as the site for the memorial, the Rainbow Pool site on the National Mall at the east end of the Reflecting Pool between the Lincoln Memorial and the Washington Monument, was dedicated on November 11, 1995;

Whereas, in an open competition, the American Battle Monuments Commission selected Friedrich St. Florian as the design architect for the memorial, and his final architectural design was approved by the Commission of Fine Arts, the National Capital Planning Commission, and the Secretary of Interior;

Whereas the late Representative Bob Stump of Arizona, who served as Chairman of the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives, sponsored several measures to expedite the funding and construction of the memorial, which were enacted as sections 601, 602, and 603 of Public Law 106–117 and Public Law 107–11;

Whereas after eight years of planning, six years of public deliberation, and four years of fund raising, construction began on the memorial in September 2001;

Whereas the memorial would not have been possible without the efforts and dedication of National Chairman Senator Robert J. Dole and National Co-Chairman Frederick W. Smith, who were instrumental in raising over $194,000,000 for the construction of the memorial;

Whereas these generous contributions came from hundreds of thousands of individual Americans, as well as corporations, foundations, veterans groups, fraternal and professional organizations, States, communities, and schools;

Whereas actor Tom Hanks, the Advertising Council, and the History Channel played a key role in increasing public awareness of the heroic achievements of American World War II veterans and the war effort and in raising support for the memorial;

Whereas President George W. Bush will formally dedicate the memorial on May 29, 2004;

Whereas the memorial will be a monument to the selfless sacrifice and undaunted courage of the members of the United States Armed Forces who served in World War II and a place of remembrance to honor the more than 400,000 American servicemen and servicewomen who died in that conflict defending the United States; and

Whereas the memorial will be a source of inspiration for current and future generations of Americans, giving visitors to the memorial a new appreciation for the accomplishments of America's World War II generation, which united in the quest to free the world from tyranny: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes with humble gratitude the more than 16,000,000 veterans who served in the United States Armed Forces during World War II and the Americans who supported the war effort on the home front and celebrates the completion of the National World War II Memorial on the National Mall in the District of Columbia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Ohio (Mr. RYAN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. MORAN), the prime sponsor of the resolution.

Mr. MORAN of Kansas. Mr. Speaker, I thank the chairman very much for yielding me this time and for his leadership not only on this issue today, the previous one, but all the many things he does on behalf of our country's veterans. I am delighted to join him as a member of his committee here today on a resolution that I introduced, H. Con. Res. 409, which recognizes the men and women who served during World War II, those who died defending our freedom, and the millions of Americans who supported the effort on the home front.

This resolution also celebrates the completion of the National World War II Memorial here in our Nation's Capital, on the Mall between the Washington Monument and the Lincoln Memorial, which will be dedicated on May 29. Veterans who served in World War II and their families have made a tremendous sacrifice for this country, and I am proud to be involved in honoring those men and women with this memorial.

I am also proud to be from a State that has been home to many prominent members of our military, including the gentleman just described in the previous bill, Mr. Colmery, who was a Kansan, and who wrote out the GI Bill of Rights on a napkin here in Washington, D.C. But also two that come to mind today, General Dwight D. Eisenhower, from Abilene, Kansas, and Senator Robert J. Dole of Russell, Kansas.

General Eisenhower rose quickly through the ranks of the military, and during World War II he achieved the rank of a five-star general. He served as the Commander of Allied Forces in our landing in North Africa in November of 1942, and on D-Day he served as Supreme Allied Commander of our troops that began the battle for Europe. General Eisenhower's dedication and sacrifice made a significant difference and brought about the freedoms that we enjoy today as Americans.

A soldier from Russell, Kansas, Second Lieutenant Bob Dole, also fought for freedom and served under General Eisenhower's command. Second Lieutenant Dole served in World War II in the Allied liberation of Northern Italy and was twice wounded and decorated for heroic achievements.

Both General Eisenhower and Senator Dole achieved greatness on the battlefield and in public service. Senator Dole is recognized in this resolution for his contribution in making the National World War II Memorial possible. Through his fundraising efforts as the national chairman, Senator DOLE played a crucial role in raising more than $195 million in private money pledges to construct this memorial.

All in all, Kansas is proud to be home of approximately 40,000 World War II veterans, and I am honored to be here today to pay tribute to them and to recognize the contribution they made for me and my family and for all those Americans who fought for our great country.

□ 1730

I am honored to be serving in Congress with a number of World War II veterans, my colleagues, the gentleman from North Carolina (Mr. BALLENGER), the gentleman from Michigan (Mr. DINGELL), the gentleman from Texas (Mr. HALL), the gentleman from New York (Mr. HOUGHTON), the gentleman from Illinois (Mr. HYDE), and the gentleman from Ohio (Mr. REGULA), a group of men who fought the battles of World War II who now serve with distinction in the United States Congress. I would also like to acknowledge the gentlewoman from Ohio (Ms. KAPTUR), who with her foresight and commitment over many years brought about the legislation that establishes this memorial honoring our World War II veterans.

Mr. Speaker, I put my tennis shoes on today and walked to the World War II Memorial this afternoon. It is a tremendous tribute to our Nation's veterans. If it has the impact it had upon me this afternoon, it will be a fitting memorial to those who served our country so well.

In fact, my father, another Kansan, an 89-year-old former staff sergeant from World War II, received a call from his son today, something I have never said before to my dad, Dad, I love you, I am proud of you, I thank you for your service to our country, you are to be honored as a World War II veteran at this memorial, and it means a lot to me and my family to know you and others, all who served like you, have made a difference so important to all the rest of us.

So I am proud to sponsor H. Con. Res. 409, and I thank the Committee on Veterans' Affairs and the Committee on Resources for their support of this resolution, and I ask my colleagues and all fellow Americans to join me in recognizing the contributions and sacrifices of our Nation's veterans, the contributions they have made to protect this Nation and defend our way of life, and acknowledge all those who made the World War II memorial possible.

Mr. RYAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 409. This important resolution recognizes the service and sacrifice of our World War II veterans, the domestic contributions of Americans in support of the allied victory, and celebrates the completion of the National World War II Memorial located on the National Mall here in Washington, D.C.

I thank the gentleman from Kansas (Mr. MORAN) for his work on this resolution, as well as all of my colleagues who assisted in its drafting. I especially thank the gentlewoman from Ohio (Ms. KAPTUR) for all of her work and perseverance to ensure the establishment of the National World War II Memorial and for her hard work on behalf of the many veterans in the great State of Ohio.

Most importantly, I thank and express my gratitude to all of the World War II veterans. Without their efforts and sacrifice, this world would be a quite different place. This resolution is indeed important and appropriate as we prepare to dedicated the National World War II Memorial. Not only does it recognize the heroic veterans of World War II, but it also commends the individual and collective contributions that American citizens have made on the homefront in support of the Nation's war effort. This memorial that we will soon dedicate and celebrate will stand before us as a reminder of the great sacrifices and the great triumphs of the Greatest Generation.

I am proud and humble to represent the 17th Congressional District of the State of Ohio where many veterans of World War II reside. This resolution is for them and all of those who have fought to protect this great country, and I thank them.

Mr. Speaker, I support this measure, and I urge all Members to do the same.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I first thank the gentleman from Kansas (Mr. MORAN) for sponsoring this important resolution and for his touching remarks and great work on behalf of the Nation's veterans. It is appreciated by this chairman and many others.

I also want to say I rise in strong support of this resolution which celebrates the completion of the National World War II Memorial on the National Mall here in Washington. More than 16 million Americans served in the armed forces, including my own father who saw horrific action in New Guinea, and he ended up in the Philippines at the end of the war. Very, very rarely would he even talk about it unless my brothers and I really prodded him for details. He finally wrote a lot of it out, which makes for some very disturbing but important reading for any son or daughter who had a father who fought in World War II.

This great memorial will crown that achievement because certainly all of our fathers and mothers who participated in the war effort, whether here at home or abroad or in any way who were a part of that great effort, know that without them we would have been, unfortunately, perhaps saluting the Nazi salute or been part of Imperial Japan; and we know the terrible things that they did during World War II.

This is a fitting tribute I think to the peacemakers, the men and women who answered the call and did so so gallantly. More than 400,000 of our GIs lost their lives in World War II. As I said, virtually every American rose to the challenge, and that is why they are the Greatest Generation, as said Tom Brokaw.

This is the first national memorial built to honor all of the dedicated Americans who served during World War II. It stands as a monument to the spirit, sacrifice, and commitment of the American people to the defense of the Nation and really the defense of the world, because without intervention of the United States and the great leadership of Presidents Roosevelt and then Truman, the world would have been lost to tyranny.

Someone said freedom is not free, and nothing could have been more appropriately said by that generation in standing up against tyranny.

This resolution recognizes the leadership of Bob Stump, who as chairman of the Committee on Veterans' Affairs and the Committee on Armed Services, authored legislation to expedite the funding and construction of the memorial. Bob's family must certainly be proud of his role in expediting this memorial and his own valiant service during World War II.

It also recognizes the good work of the gentlewoman from Ohio (Ms. KAPTUR) in helping to bring this memorial about. In 1993, we all know Congress passed legislation that authorized the American Battle Monuments Commission, an independent Federal agency, to design and to construct a memorial. After years of planning, public deliberation and fundraising, construction began in September of 2001. Funded primarily with extensive private contributions, the memorial is located within tennis-shoe distance, according to the gentleman from Kansas (Mr. MORAN), at the east end of the Reflecting Pool between the Lincoln Memorial and the Washington Monument. This prominent location is commensurate with the historical importance and lasting significance of World War II to America and to the world.

On May 29, nearly 59 years after the end of World War II, President Bush will dedicate this fitting memorial, and this ceremony may well be the last large gathering of World War II veterans, and it will be very well attended, I am sure.

Mr. Speaker, I thank the gentleman from Kansas (Mr. MORAN) for sponsoring this timely resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New Jersey (Mr. SMITH) for his leadership and for the gentleman's work on the previous resolution on Vietnam human rights today, and also those people who fought in the past for our freedoms that we have today.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman from Ohio (Mr. RYAN) for yielding me this time on this important resolution, and I thank the gentleman from Kansas (Mr. MORAN) for deciding to do this, because it is extremely important.

Mr. Speaker, for over 50 years America's Greatest Generation has been waiting for a memorial to call their own. Although we have many great monuments in our Nation's capital, we lacked a tribute to one of our country's most defining moments. It is with great honor that I stand before this body today to pay tribute to the more than 60 million veterans who served in the United States Armed Forces during World War II. Among them was my father-in-law, Daniel Pena, and many more, relatives and uncles and cousins. I also pay tribute to those Americans who supported the war effort in the home front.

After 8 years of planning, 6 years of public discussion, 4 years of fund-raising and 3 years of construction, we can finally say America's Greatest Generation has won their final battle to have a national monument commemorating their many sacrifices.

It is estimated that our country suffers the loss of more than 1,000 World War II veterans each day. Many of these veterans were new soldiers with very little fighting experience. Many of them were teenagers. All of them were heroes. During this time, Americans were willing to set aside their differences in order to defeat tyranny. The building of this national monument is another way for us to show America's Greatest Generation that their sacrifice was not done in vain.

During Memorial Day weekend, the largest gathering of World War II veterans since 1954 is expected to visit our

Nation's capital for the official dedication of the World War II Memorial. Similarly, veterans throughout the country will gather at their local VFWs and American Legion halls to pay respect to the local World War II veterans. As these gatherings occur, it is my hope that Congress continues to support all veterans by providing them with adequate health care and services. It is the least we can do for the Greatest Generation before us.

Mr. SMITH of New Jersey. Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. EVANS), and a personal friend of mine.

Mr. EVANS. Mr. Speaker, although no resolution or parade will ever be able to express our appreciation enough to our World War II veterans, this resolution is indeed an honorable effort.

Mr. Speaker, the World War II era was a decisive time for our Nation and the world. Sixteen million American men and women served in uniform, and many more came together at home to support the war effort. The men and women of the Greatest Generation, along with our allies around the world, stood up and turned back fascist tyranny and extremism in Japan.

The World War II memorial soon to be dedicated on the National Mall in Washington, D.C. will be the culmination of many efforts. Its dedication will provide us an opportunity to revisit the history and sacrifices that our World War II veterans made, the civilian home-front efforts, celebrate the American spirit and high ideals. I support this resolution and urge my colleagues to do the same.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Speaker, I rise today to support H. Con. Res. 409, a resolution in recognition of the veterans of World War II and celebrate the completion of the National World War II Memorial.

As one of the 12 Members of Congress who is a veteran of World War II, I am proud and pleased that our Nation will be dedicating this World War II memorial on May 29. The memorial is a beautiful and solemn tribute to the 16 million men and women who served, the 400,000 Americans who died, and the millions who supported the war effort at home.

Ours has been called the Greatest Generation, but in reality our parents were the great ones because they survived two wars and a depression, and understood the importance of work and sacrifice. They instilled in the World War II generation a sense of duty that mobilized our country into action and ultimate victory.

While we are engaged in wars overseas, it is fitting I think to pause and remember the selfless sacrifice and the courage of the members of the United States armed services. Like the men and women currently serving, soldiers' valiant efforts in World War II helped secure the freedoms we enjoy today and secured America's leadership throughout the world.

This will be a monument not only for the World War II generation, but also for our children and our grandchildren. I am hopeful that Americans will visit this site for years to come and take time to honor those throughout the ages who answered the call to duty. They did not seek war, but rather yearned for peace and for liberty.

□ 1745

Mr. RYAN of Ohio. Mr. Speaker, I yield 5 minutes to the gentlewoman from Ohio (Ms. KAPTUR) who initiated this whole process.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Ohio very much for yielding time and am pleased to join with him, the gentleman from Kansas (Mr. MORAN) and all the other Members of this body who have sponsored this wonderful resolution to officially now recognize the contributions of the American people to the victory of liberty over tyranny in World War II.

Of course, there will be major Memorial Day celebrations in our country on May 29, indeed the entire week prior, and during that weekend to especially commemorate this Memorial's dedication. I come to the floor this evening to pay honor and tribute to the 16 million Americans who literally bequeathed freedom to us, as well as to all those who served on the home front. If you go down to the memorial today, which has taken 17 years to complete, it is really very poignant to talk to family members who are strolling through the plaza. I met a family last week, a son pushing his father, a World War II veteran, in a wheelchair. All the memories and all of the history come rushing at us. This idea began in 1987 in a place called Jerusalem Township, in the Trustees hall, at the Annual Lucas Township Trustees' fish fry when a wonderful veteran by the name of Roger Durbin approached me. Actually, he shouted at me across the room and said, "Congresswoman Kaptur, Why is there no World War II memorial in Washington, D.C. where I can bring my grandchildren so they understand the reasons that we fought and how the world was changed? From that moment until May 29, now nearly two decades later, every effort was put forward to properly represent the enormous contribution of the 20th century in bequeathing freedom to the next generation.

This memorial will sit between the Washington Monument, representing the founding of our Republic in the 18th century, and the Lincoln Memorial, representing the preservation of the Union in the 19th. This sits between them is a beautiful, reflective, peaceful expression, including waterfalls and 4,000 stars, each representing 100 of those who lost their lives for us and for the cause of freedom. As the tourists have begun coming through, now they tell me at the rate of 5,000 per day, it will be one of the most visited memorials. It is also the most important memorial in our nation's Capital representing the 20th century's most profound achievement. It is located where it belongs, right there on our Mall of Democracy.

And so we prepare for these great patriotic celebrations. Our deepest regret as we celebrate this moment is that so many of those who fought and those who served on the homefront will not be there with us. I also know that every single veteran or their family members who will come here on May 29 will first think not of themselves but of their comrades and their family members and their friends who are not here, and who will not be able to be here.

I just want the American people to know that as we pass this resolution today, I want to acknowledge the presence in our Chamber today of the gentleman from Illinois (Mr. EVANS) and the gentleman from New Jersey (Mr. SMITH), both involved in the Committee on Veterans' Affairs from the very beginning of our service here. I want to acknowledge Congressman Sonny Montgomery and Congressman Bob Stump. Bob has passed. Sonny I know will be with us. Both were key chairs of the Committee on Veterans' Affairs when we passed the two key parts of legislation that made this memorial possible. It took 10 Congresses to get this job done, two decades to get this job done right. Other members who helped in their capacities as committee chairs were Bill Clay of Missouri who is retired, Henry Gonzalez of Texas who has passed, and Esteban Torres of California, who assisted us on the bill related to the coinage, that is, the minting of three coins that raised the initial $7 million to help us begin the architectural and engineering studies. Speaker Jim Wright and Congressman Jack Brooks, both war veterans themselves when we first introduced this legislation back during the 1980s. And in the other body Senators John Glenn, now retired, and Senator Strom Thurmond who has passed, and of course Senators Bob Dole and JOHN WARNER.

All of these individuals were a part of those early years. Let me mention also Congressman John Grotberg of Illinois, who preceded the current Speaker in this institution, and was so important in helping us bridge the partisan line here to expedite these bills' passage. To his wife and to his family, I wish to assure that he is mentioned respectfully in our proceedings here today.

I also wanted to mention to all veterans who may be listening, and to their families, that as part of this memorial, in fact right adjacent to it, there is going to be in perpetuity, run by our Department of Interior, a veterans' legacy section where you can place the name of your loved one, whether they served in battle or here on the home front. So families can take that information and help record for history of what their loved one did doing World War II. When you enter the site, there is a facility being operated by the Department of Interior with three computer terminals now where families of our country can tell the whole story of America's participation.

This has taken a long time. But we look forward to the moment on May 29 when this entire Nation will say "Our thank you to the most unselfish generation in American history . . . a grateful Nation remembers."

Mr. RYAN of Ohio. Mr. Speaker, I yield 30 seconds to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Speaker, I would like to recognize the gentlewoman from Ohio for her work on this legislation. It was 20 years ago. We were both freshmen. She has stuck with this issue and pounded away. I am so proud of her and what she represents. It really tells me what kind of job she is doing as a Congresswoman. I thank the gentlewoman. Just so all the veterans in our country know that she made it happen more than anybody else.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. EVANS. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, let me just say that the gentleman from Illinois is a combat veteran. I am not. I have many in my family who have been, including those who served in World War II. I have the highest respect for the gentleman from Illinois. If anyone represents perseverance and honesty and integrity in this institution, it is he. It is my privilege to serve with him.

Mr. EVANS. I thank the gentlewoman.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself 1 minute. I would like to thank the gentleman from California (Mr. POMBO) chairman of the Committee on Resources, which also has jurisdiction, for allowing this resolution to be considered on the floor in such a timely fashion.

I include the following letter from the Committee on Resources as part of the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, May 5, 2004.

Hon. CHRISTOPHER H. SMITH,
Chairman, Committee on Veterans' Affairs, Cannon House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I understand that the Committee on Veterans' Affairs wishes to schedule for rapid Floor consideration H. Con. Res. 409, recognizing with humble gratitude the more than 16,000,000 veterans who served in the United States Armed Forces during World War II and the Americans who supported the war effort on the home front and celebrating the completion of the National World War II Memorial on the National Mall in the District of Columbia. This bill was referred primarily to your committee and additionally to the Committee on Resources.

I have reviewed the legislation and have no objection to its consideration. In fact, I have asked the author to add me as a cosponsor before the bill is voted on by the House of Representatives. Therefore, I have no objection to the Committee on Resources being discharged from further consideration of the bill. Of course, this action should not be construed as waiving the Committee on Resources' jurisdiction over the bill or as precedent for other bills. In addition, if a conference on H. Con. Res. 409 should become necessary, I ask that you support my request to have the Committee on Resources be represented on the conference. Finally, because no bill report will be prepared on the legislation, I ask that you include this letter and any reply in the Congressional Record during consideration of H. Con. Res. 409.

I congratulate you and Mr. Moran for producing a timely and thoughtful bill and I look forward to working with you again on other matters of mutual interest.

Sincerely,

RICHARD W. POMBO,
Chairman.

Mr. Speaker, I yield back the balance of my time.

Mr. RYAN of Ohio. Mr. Speaker, I yield myself 30 seconds just to say that as a Member of this body who arrived here at 29 years old, a member of the generation or two to follow the greatest generation, I would just like to thank all of the veterans who gave us this great system that we have, where young men and young women from all over this country can run for office and get voted on by their community to come down here and represent their views. We have a tremendous system here that was achieved by great sacrifice from those who came before us. Again, I thank everyone who has brought forth this particular resolution and the World War II Memorial that we will be celebrating here in the next few weeks.

Mr. KIND. Mr. Speaker, I rise in support of H. Con. Res. 409, which recognizes the 16 million Americans who served in the Armed Forces during World War II and the millions more who supported them at home. As the dedication of the National World War II Memorial and the 60th anniversary of D–Day approach, our country will rightfully be thinking of those Americans who bravely gave or risked their lives to a great cause.

I remain in awe of this generation, of men who accepted the call to travel around the world to spend years fighting in the Asian and Pacific theaters, and of women who kept the country running by assuming jobs in factories, growing victory gardens, and serving overseas in the Women's Army Auxiliary Corps and other capacities.

It has been my good fortune to spend some time with veterans and their families in my home district of western Wisconsin, and I always enjoy hearing their stories of wartime. In fact, it was the experience of listening to my uncle, a World War II veteran, that inspired me to introduce legislation creating the Veterans Oral History Project. Almost 4 years after becoming public law, the Veterans History Project at the Library of Congress has collected 16,000 stories and is working at a feverish pace to collect more everyday. This living legacy is testament to the millions of Americans who sacrificed so much during World War II.

Now, almost 60 years after the end of the war, a monument has at last been built in our Nation's Capital that pays tribute to the generation that fought and won World War II. The monument, set in the middle of the National Mall between the Lincoln Memorial and Washington Monument, will remind all visitors to the city that World War II was the defining event of the 20th century and the seminal point for what is often and aptly called "the Greatest Generation."

Mr. SMITH of Michigan. Mr. Speaker, H. Con. Res. 409 resolves that Congress recognizes with humble gratitude the more than 16 million veterans who served in the United States Armed Forces during World War II and the Americans who supported the war effort on the home front and celebrates the completion of the National World War II Memorial on the National Mall in the District of Columbia.

The National World War II Memorial on the National Mall in the District of Columbia will be the first national memorial to both recognize the courage, bravery, and unselfish dedication of the members of the United States Armed Forces who served in World War II and those who served on the home front and acknowledge the commitment and achievement of the entire American people in that conflict. Many of my family and friends that served in World War II suggested to me some kind of a National World War II memorial. I join with my friend Congresswoman MARCY KAPTUR of Ohio who introduced legislation to establish the memorial in the District of Columbia to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

Congress authorized the American Battle Monuments Commission to design and construct the memorial. The location selected as the site for the memorial, the Rainbow Pool site on the National Mall at the east end of the Reflecting Pool between the Lincoln Memorial and the Washington Monument, was dedicated on November 11, 1995. In an open competition, the American Battle Monuments Commission selected Friedrich St. Florian as the design architect for the memorial, and his final architectural design was approved by the Commission of Fine Arts, the National Capital Planning Commission, and the Secretary of the Interior.

The late Representative Bob Stump of Arizona, who served as Chairman of the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives, sponsored several measures to expedite the funding and construction of the memorial, which were enacted. After 8 years of planning, 6 years of public deliberation, and 4 years of fund raising, construction began on the memorial in September 2001.

The memorial would not have been possible without the efforts and dedication of National Chairman Senator Robert J. Dole and National Co-Chairman Frederick W. Smith, who were instrumental in raising over $194,000,000 for the construction of the memorial. These generous contributions came from hundreds of thousands of individual Americans, as well as corporations, foundations, veterans groups, fraternal and professional organizations, States, communities, and schools. Actor Tom Hanks, the Advertising Council, and the History Channel played a key role in increasing public awareness of the heroic achievements of American World War II veterans and the war effort and in raising support for the memorial. President George W. Bush will formally dedicate the memorial on May 29, 2004.

The memorial will be a monument to the selfless sacrifice and undaunted courage of the members of the United States Armed Forces who served in World War II as well as a tribute to their families and most Americans that joined in the war effort. It is a place of remembrance to honor the more than 400,000 American servicemen and servicewomen who died in that conflict defending the United States. The memorial will be a source of inspiration for current and future generations of Americans, giving visitors to the memorial a new appreciation for the accomplishments of America's World War II generation, which united in the quest to free the world from tyranny.

It is with great respect that I strongly support this resolution.

SMITH ANNOUNCES VETERANS HISTORY PROJECT

WASHINGTON, DC.—Congressman Nick Smith announced a special initiative today, encouraging citizens to participate in the Veterans History Project, which is an effort by Congress and the Library of Congress to collect audio- and video-taped interviews of veterans, or civilians who served in support of the war effort, along with other first-hand materials such as photographs, diaries, and letters.

"As we approach Memorial Day, I would like to invite all of my constituents to get involved in the Veterans History Project," Smith said. "I encourage families, friends, historians, teachers, senior care workers, and students to participate and volunteer to interview a veteran."

On Monday, Congressman Smith sat down with James Cox, a WWII veteran, to conduct an interview for the Veterans History Project. Cox served with the famed 30th Infantry Division. The 30th opened the way for General Patton's 3rd Army to drive into Brittany and on to Brest, and was kept in the forefront all the way into Belgium, Holland and Germany. The interview is being aired on cable public service channels. Congressman Smith will be interviewing someone from each county in the 7th District to raise awareness about the Veterans History Project.

"The Veterans History Project is important, not only to preserve the experiences and memories of our nation's veterans, but also to bring families and communities together. Grandchildren should interview their grandparents, students should interview community members, and veterans should interview each other."

The Veterans History Project was enacted in October of 2000. Oral histories and documents collected through this project will be part of the national Veterans History Project Collection at the Library of Congress.

Interview kits are available at Congressman Smith's office in Battle Creek and Jackson. People who have questions about the Veterans History Project should contact the Congressman's office or go to the home page of Congressman Smith's Web site at: www.house.gov/nicksmith, which has a link to the Veterans History Project in the "Quick Links" section. Completed interviews can then be sent to Congressman Smith's office which will then be submitted to the Library of Congress.

Mr. RYAN of Ohio. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMMONS). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 409.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. RYAN of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Con. Res. 409.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 55 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MURPHY) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on three motions to suspend the rules previously postponed. Votes will be taken in the following order:

H.R. 4299, by the yeas and nays;

House Resolution 622, by the yeas and nays; and

House Resolution 577, by the yeas and nays.

The remaining votes will be taken later in the week.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

DR. MIGUEL A. NEVAREZ POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4299.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan. (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 4299, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 28, as follows:

[Roll No. 153]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen

Frost
Gallegly
Garrett (NJ)
Gephardt
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—28

Brown, Corrine
Buyer
Carter
DeMint
Dingell
Edwards
Gerlach
Gonzalez
Green (WI)
Hoeffel
Isakson
John
Kingston
Kucinich
Lipinski
Maloney
McNulty
Mollohan
Murtha
Reyes
Rohrabacher
Souder
Stark
Strickland
Stupak
Sweeney
Tauzin
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MURPHY) (during the vote). Members are advised there are 2 minutes remaining in which to vote.

□ 1855

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF PEACE OFFICERS MEMORIAL DAY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 622.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and agree to the resolution, H. Res. 622, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 29, as follows:

[Roll No. 154]

YEAS—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Waters

Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—29

Brown, Corrine
Buyer
Carter
Davis (TN)
DeMint
Dingell
Edwards
Feeney
Gerlach
Gonzalez
Green (WI)
Hoeffel
John
Kingston
Kucinich
Lipinski
Maloney
McNulty
Mollohan
Murtha
Reyes
Rohrabacher
Souder
Stark
Strickland
Stupak
Sweeney
Tauzin
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1904

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING 50 YEARS OF RELATIONS BETWEEN THE UNITED STATES GOVERNMENT AND THE EUROPEAN UNION

The SPEAKER pro tempore (Mr. MURPHY). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 577, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, H. Res. 577, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 397, nays 7, not voting 29, as follows:

[Roll No. 155]

YEAS—397

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

Akin
Johnson, Sam
Jones (NC)
LaHood
Miller (FL)
Musgrave
Paul

NOT VOTING—29

Blackburn
Brown, Corrine
Buyer
Carter
DeMint
Dingell
Edwards
Gerlach
Gonzalez
Green (WI)
Hoeffel
John
Kingston
Kucinich
Lipinski
Lynch
McNulty
Mollohan
Murtha
Reyes
Rohrabacher
Souder
Stark
Strickland
Stupak
Sweeney
Tauzin
Visclosky
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MURPHY) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1921

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DEMINT. Mr. Speaker, I was absent during rollcall votes 153, 154, and 155. Had I been present, I would have voted "yea" on each of those rollcall votes.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON S. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005

Mr. POMEROY. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on S. Con. Res. 95, Concurrent Resolution on the Budget For Fiscal Year 2005.

The form of the motion is as follows:

> Mr. Pomeroy moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the concurrent resolution S. Con. Res. 95 be instructed to agree to the pay-as-you-go enforcement provisions within the scope of the conference regarding direct spending increases and tax cuts in the House and Senate. In complying with this instruction, such managers shall be instructed to recede to the Senate on the provisions contained in section 408 of the Senate concurrent resolution (relating to the pay-as-you-go point of order regarding all legislation increasing the deficit as a result of direct spending increases and tax cuts).

BLOCKING PROPERTY OF CERTAIN PERSONS AND PROHIBITING EXPORT OF CERTAIN GOODS TO SYRIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–184)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have issued an Executive Order (order) in which I declared a national emergency with respect to the threat constituted by certain actions of the Government of Syria. Further, in accordance with subsection 5(b) of the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (SAA), Public Law 108–75, this message also constitutes the report on my exercise of the waiver authority pursuant to that statute.

On December 12, 2003, I signed into law the SAA in order to strengthen the ability of the United States to effectively confront the threat to U.S. national security posed by Syria's support for terrorism, its military presence in Lebanon, its pursuit of weapons of mass destruction, and its actions to undermine U.S. and international efforts with respect to the stabilization and reconstruction of Iraq. These policies by the Government of Syria directly threaten regional stability and undermine the U.S. goal of a comprehensive Middle East peace. Despite many months of diplomatic efforts to convince the Government of Syria to change its behavior, Syria has not taken significant, concrete steps to address the full range of U.S. concerns, which were clearly conveyed by Secretary of State Powell to Syrian President Asad in May 2003. I find the actions, policies, and circumstances described above sufficiently grave to constitute a threat to the national security, foreign policy, and economy of the United States, and thus have declared a national emergency to address that threat.

In implementation of subsection 5(a) of the SAA, in the order I directed that action be taken to prohibit the export to Syria of products of the United States other than food and medicine, including but not limited to items on the United States Munitions List or Commerce Control List, and I prohibited commercial air services between Syria and the United States by aircraft of any air carrier owned or controlled by Syria, as well as certain non-traffic stops by such aircraft.

It is important to the national security interests of the United States, however, that certain discrete categories of exports continue in order to support activities of the United States Government and United Nations agencies, to facilitate travel by United States persons, for certain humanitarian purposes, to help maintain aviation safety, and to promote the exchange of information. Also, it is important to U.S. national security interests that aviation-related sanctions take into account humanitarian and diplomatic concerns as well as the international obligations of the United States.

Accordingly, I have waived the application of subsections 5(a)(1) and 5(a)(2)(A) of the SAA to permit the export and reexport of: products in support of activities of the United States Government to the extent that such exports would not otherwise fall within my constitutional authority to conduct the Nation's foreign affairs and protect national security; medicines on the Commerce Control List and medical devices; aircraft parts and components for purposes of flight safety; exports and reexports consistent with the 5(a)(2)(D) waiver outlined below; information and informational materials, as well as telecommunications equipment and associated items to promote the free flow of information; certain software and technology; products in support of United Nations operations; and, certain exports and reexports of a temporary nature. These items are further identified in the Department of Commerce's General Order No. 2, as issued consistent with my order. I have also waived the application of subsection 5(a)(2)(D) to permit the following with respect to aircraft of any air carrier owned or controlled by Syria: takeoffs or landings of such aircraft when chartered by the Government of Syria to transport Syrian government officials to the United States on official Syrian government business; takeoffs or landings for non-traffic stops of such aircraft that are not engaged in scheduled international air services; takeoffs and landings associated with an emergency; and overflights of U.S. territory.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 11, 2004.*

CALLING FOR RESIGNATIONS DOES NATION DISSERVICE

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, Secretary of Defense Rumsfeld led this Nation through two wars. There was a minimum loss of life on both sides. He was effective and provided freedom for millions of men, women, and children. General Kimmitt in January reported that there were problems at a prison, ordered immediate investigations under the rule of law. Unfortunately, someone released pictures to the press and blew it out of proportion.

There is a lot of anger from all Americans and many Arabs, but I think in the long run the world is going to see what a free nation is capable of. A rule of law, justice, is it perfect? No. But it is the best we have in any part of the world.

We will bring the guilty forward in punishment, and there will be probably more than the original six that will be tried. When we come out of this, we will be stronger, and those calling for the resignation of the Secretary, I think, do this Nation great disservice.

HONORING ASIAN PACIFIC AMERICANS

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I wanted to do a Special Order today that I will not be able to do, but I join the gentleman from California (Mr. HONDA) and the rest of my colleagues on the occasion of Asian American Heritage Month. During this month, we celebrate the important contributions Asian Pacific Americans have made to our great country.

The gentleman from California (Mr. HONDA) is head of the Asian Pacific Caucus, and the gentleman has helped all of us learn more about the concerns and issues facing Asian Americans and the Pacific Islander community, and I salute the gentleman's work on these issues.

More importantly, I thank every Asian American for the extraordinary contribution they have made to this country. I have a list which I will not have time to read, but it will be included in the RECORD.

Mr. Speaker, suffice it to say I am pleased that the gentleman from California (Mr. HONDA) took out this very appropriate Special Order to honor Asian Americans during Asian American Heritage Month.

TRUTH WILL PREVAIL

(Mr. WELDON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, on Thursday afternoon for 2½ hours, I met with one of our soldiers from the unit that was assigned to the prison in Baghdad. I can tell Members that as this story unfolds, we will continue to be vigilant in prosecuting not just those soldiers who were involved, but those superiors who in some cases ordered our soldiers to do the acts that they were asked to do and to also be involved in the oversight. We will hold these individuals responsible, and we will seek and obtain justice.

But, Mr. Speaker, I also rise to pay tribute to a neighbor of mine, who lived less than 15 minutes from my home by the name of Nick Berg who we just learned in the past several days was brutalized in the most unbelievable way imaginable by those same people over in Iraq who expect us to treat those perpetrators of crimes in the prison with justice.

I also rise to pay tribute to Tali Hatuel, an Israeli who was gunned down, along with her four children and her unborn child, in the most despicable way. Truth and justice will prevail. I just wish that were the case on both sides both with al Qaeda as well as with our own troops.

COMMEMORATING ASIAN PACIFIC HERITAGE MONTH

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, I rise today to also commemorate Asian Pacific American Heritage Month and to celebrate the lives and accomplishments of Asian Pacific Americans in U.S. history.

I want to thank the gentleman from California (Mr. HONDA) and the gentleman from American Samoa (Mr. FALEOMAVAEGA), the new chair and vice chair of the Congressional Asian Pacific American Caucus, for organizing this Special Order. And in particular, I want to recognize the contributions of Korean-Americans in my district and commend them for their tireless work in improving the City of Los Angeles.

Mr. Speaker, today Asian Americans continue to gain new ground in even greater social and political representation. As we commemorate and celebrate the crucial role of Asian Pacific Americans and the role they have played in the development of this Nation, we must work harder to improve their lives and opportunities for 12.5 million Asian Pacific Americans who are still confronted with daily prejudices, discrimination, and economic inequalities.

ECONOMIC REMEDIES

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, last week President Bush took one of his bus trips through the State of Ohio trying to argue for his economic policy. Ohio is a State that has lost 170,000 manufacturing jobs. Virtually every month during the Bush administration, we have lost manufacturing jobs. One out of six manufacturing jobs in the State of Ohio has disappeared since President Bush took office. His answer always is more tax cuts for the wealthiest people in our society with the hope some will maybe trickle down and create jobs. That has not worked. His other answer is more trade agreements like NAFTA that shift jobs overseas.

Instead, Congress should extend unemployment benefits for the 1 million American workers whose benefits have expired, and Congress should pass the Crane-Rangel bill which gives incentives to those companies that manufacture in the United States, not continue to give big corporate tax breaks to the largest companies in the world who send jobs to China and send jobs to Mexico.

□ 1930

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CHOCOLA). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CALLING FOR RENEWAL OF ASSAULT WEAPONS BAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, Sunday was Mother's Day. An awful lot of us were down here in Washington to kick off the next several months on going to so many different States to remind people that September 13, the assault weapons ban will expire. In many ways it was great seeing people I have met over the last several years, people from California, Oregon, Washington, New York, Jersey, Connecticut, people that gave up Mother's Day to come down and to be here today and tomorrow to lobby Members of Congress to remind their legislators they want the assault weapons ban kept in place. One of the saddest things was talking to so many friends that I have met over the years, those that have lost their children, their husbands, their wives, and yet they are still out there fighting.

We know that reducing gun violence in this country will always be a tough fight. But the one thing I heard constantly, Why are we letting the assault weapons ban expire? It is going to be up to the million moms across this country. I happen to think the dads and the grandfathers, the husbands and wives, should certainly be out there. We have every national police organization behind us. They do not want to see the assault weapons ban expire. Yet when the White House was asked about what they were going to do about the assault weapons ban, the answer came back, NO comment. That is a far cry from what was said during the last campaign when President Bush said he would sign the bill if it came to his desk.

I know it is an inside Washington thing, but to get a bill on the desk, it actually has to be brought up here on the floor so we can vote on it. That is where the American people have to come into play. The American people have to start e-mailing, they have to start faxing their Representatives and say we want to keep the assault weapons ban in place. That is the only way that we can put pressure on this House to make sure it is coming up for a vote.

I happen to think that when our police officers start going to all their local legislators and their Senators, that we are going to see a change in the tide. I know we do things here at the last minute on the House floor. I accept that. But I have to tell you, when there is only 125 days left to make sure that the assault weapons ban stays in place and only 50 days before an election, I think the American people's voices should be heard.

I am a great believer in one person can make a difference. It was gratifying to see so many people from around the country down here in Washington. When you multiply that and multiply that throughout the Nation, we can make a difference. I always hear from the American people that it makes no difference what we do down in Washington, that they have no voice. I say that is wrong. Do you know how many votes pass in this House by one vote or fail by one vote? Over in the other body today, unemployment insurance failed by one vote. The assault weapons bill going back when it first passed, it passed by one vote. One vote does count. One vote means a lot.

Sixty-six percent of gun owners believe that the assault weapons ban should be renewed. Seventy-six percent of the American people believe the assault weapons ban should be kept in place. May I remind our people out there, the guns we are talking about are AK-47s, Uzis, the guns unfortunately that we see in the war every day. Do we actually want them back in our communities? Do we want them in our streets? In our schoolyards? Have we not seen enough gun violence in this country that we would want to put these weapons of mass destruction back out on the streets? I do not understand this. This is not taking away anyone's right to own a gun. Talk to hunters across the country; they do not hunt with these guns.

So what is the holdup here? They are back on their old rhetoric, saying the bill never worked. Talk to the police officers across this country and they will say the bill does work. May I remind everybody why we passed an assault weapons ban in the first place?

Because too many of our police officers were being mowed down. Get out there and let your voices be heard. We can make a difference.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members that they are not to refer to actions of the other body.

DROUGHT IS A NATURAL DISASTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, as many people know, we frequently talk on the floor here about the state of the economy. However, it seems to me that much of this criticism is unfounded. We currently have historically low interest rates. Inflation is at 1.9 percent which, again, is almost at an all-time low. Economic growth is exceptional, 12 percent in the fourth quarter. Productivity increase is the highest in the last 40 years. And recently we have heard that government revenues are increasing, which means that we may have $100 billion less deficit than was originally forecast.

The majority of the criticism seems to focus on joblessness which currently stands at 5.6 percent of American workers and is decreasing. This is certainly a figure we would like to see better, like to see it improved. But I would like to point out, Mr. Speaker, that in the decade of the 1970s the average unemployment rate was 6.2 percent; during the 1980s, it was 7.3 percent; during the 1990s it was 5.8 percent. So for that 30-year stretch from 1970 to 2000, we averaged 6.4 percent unemployment. Today it is at 5.6 percent. In April we added 280,000 payroll jobs. We have added 867,000 since January, and 1.1 million since last August.

Those who decry the overall strength of the economy would appear to be in error. My thesis is that this is the strongest economy in the world and is generally doing quite well. However, Mr. Speaker, one segment of the economy is currently very troubled. I would like to point to the graphic here which I think illustrates this. Currently the dark areas, the red, the yellow, the brown and the deep brown are areas of drought in the country. This would be bad enough if it was just this year, but this is something that has been ongoing now for 5 years. Throughout that area, those who are raising dry land crops have had practically no crop at all. The reservoirs which are used for irrigation are now down to 25, 30 percent. Many of them will run dry within a year.

I think it is important that we look at what is happening to the farm economy. This is a natural disaster. We sometimes readily provide assistance for fires, for floods, for tornadoes or hurricanes but not for drought. I guess the argument is that somehow a drought comes on slowly so it is not a natural disaster. But as far as those people living in this part of the world are concerned, it certainly is a natural disaster.

One reason sometimes we are reluctant to give assistance for the drought is because it is assumed that there is a lot of money in the farm bill, that farmers are being taken care of maybe too well. I would like to call attention again to another graphic here which illustrates that the farm bill has really been functioning in a way that many people have not anticipated. The projected costs in 2002 were $14.3 billion. In actuality it cost $13.2 billion. In 2003 the projected costs were $18.6 billion. Instead it cost $12.1 billion, a saving of roughly $6.5 billion less than projected. In 2004 the projection was $17.5 billion and now it looks like it is projected to come in at about $10.1 billion. Out of a $50 billion expenditure that was predicted, we are actually going to spend about $35 billion.

The point is that we would hope that maybe out of that $15 billion shortfall that we think is certainly good for the country and good for the taxpayer, that maybe at least some of that, a little bit of that could go back to those who have really labored under this drought.

Mr. Speaker, I would like to close by urging Congress not to ignore the largest ongoing natural disaster facing the United States today, which is the extended drought, and I would also like to hope that Congress would not fail to appreciate those who provide the world's best, the safest, and the cheapest food supply of any place on this planet.

NATIONAL COVER THE UNINSURED WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, this week marks National Cover the Uninsured Week where we focus our attention on the many health care problems confronting Americans without health insurance. This evening I returned to Washington from Houston after participating in a symposium, at St. Joseph's Christus Hospital, on the uninsured. St. Joseph's and Sisters of Charity have for decades served both the uninsured and the insured in the Houston area. Some of the most innovative and lifesaving research and treatment developments are being discovered in our backyard. The problem is that too many of our neighbors cannot access these lifesaving treatments because they lack health insurance.

Currently 31.2 percent of adult Texans are living without health insurance, more than any other State in this country. The growing number of uninsured in this country is truly a problem for all Americans. The uninsured often use the emergency room as their primary source of health care, which increases health care costs for all Americans. Americans without health insurance are less likely to seek preventive health care and only get care once their health problems reach emergency proportions. In fact, nearly 40 percent of the uninsured adults skip a recommended medical test and half of those people have not received care for a serious health problem in the last year.

I hope that Cover the Uninsured Week will result in a renewed debate about the serious health care problems that we face in our country and the actions we must take to ensure Americans access to quality health care. But we are increasingly going in the wrong direction. Uninsured, particularly children, have taken such a huge cut in the children's health care initiative program, the CHIPs program. I know in my State of Texas alone we have lost at least 107,000 children from CHIPs because of State budget problems. I am sure that problem is around the country with all our States.

As we have learned in the past, a rush to enact flawed policy is arguably just as bad as enacting no policy at all. A prime example is the new Medicare discount drug cards that are giving our seniors too little benefits and too many frustrations. This card was created from a flawed Medicare prescription drug bill that does not provide prescription drug coverage until 2006 and creates a huge gap in coverage forcing seniors to pay all their drug costs between $2,250 to $3,600.

Therefore, it is no surprise that I had doubts about our seniors' ability to utilize this first step, the discount drug card. I worried about seniors' access to information about the various cards and their ability to get reliable data from which to make an informed decision. Yet with great fanfare, Medicare released a Web site to provide just this information and allow seniors to compare the drug prices offered by the cards. That is precisely where the confusion began. The Houston Chronicle recently published an article detailing just how confusing this drug card is for seniors. In fact, the author found that the drug card was more confusing than preparing your income taxes or dealing with an insurance company regarding a hospital bill. I think this article sheds important light on the frustrations seniors are facing right now. I submit this article for printing in the RECORD.

[From the Houston Chronicle, May 4, 2004]

MEDICARE DRUG DISCOUNT CARDS EXPLAINED, SORT OF

(By Jim Shea)

The first thing seniors need to find out about the new Medicare prescription drug discount cards is if they are eligible.

This will not be easy.

Doing your taxes is easy.

Trying to straighten out a hospital bill with the insurance company is easy.

Explaining the infield-fly rule is easy.

Figuring out if you qualify for a discount card is, well, let me try to put it in context.

Beginning this week, seniors who are thinking of applying for the card can call for information. To handle the anticipated volume, the government has hired 1,000 "benefit advisers."

This sounds pretty good until you do the math:

Problem: How many times does 1,000 (government bureaucrats) go into 12.5 million (confused Medicare recipients who may call)?

Answer: Enough times to boost "death by on-hold music" to the top of the mortality charts.

Next, let's explore the matter of choosing which of the 28 government-approved private companies you should get your discount card from.

To make this choice, the government suggests you compare such things as drug availability and price before signing with a provider.

Seems like reasonable advice, except for one little hitch.

The discount card company you join is under no restriction to maintain the price that enticed you to join in the first place. In fact, it doesn't even have to guarantee it will continue to carry the drugs you need.

In private business this practice is known as bait and switch. In Republican-controlled Washington these days, it is known as a benefit.

If this provision seems a little one-sided, a little too big-business friendly, consider this: Even if you are baited and switched and generally hosed all over, you are prohibited from moving to another discount card company until your mandatory one-year commitment is up.

I mean, you get better terms from the Gambinos.

In fairness, seniors at the low-income end of the spectrum who manage to escape the registration process without contracting a terminal case of phone ear will benefit from the program. They qualify for an annual subsidy of $600, which if they are smart, they will use to purchase round-trip bus tickets to drug-stores in Canada.

Seniors at the high-income end of the spectrum, who own the right stocks, will also make out well.

To everyone else, let me just say that if you can't get your questions answered, give me a call and I will explain the following:

The first thing to know about the infield-fly rule is that it only applies if there are less than two outs and . . .

The first problem with the Medicare Web site is that a large number of senior citizens do not enjoy or are not proficient with the Internet. Frankly, I do not blame them for being skeptical about providing sensitive financial information such as their monthly income or other indicators of their financial situation. Yet even if our seniors are willing to go through all the steps on the Medicare Web site, the information generated is too confusing to help our seniors make a truly informed choice regarding their discount drug card. My staff and I attempted to put together a simple document to help seniors in our district easily understand the choices before them, yet it did not take long for us to realize there is nothing simple about this card.

□ 1945

One zip code in my district had 12 participating cards; yet a neighboring zip code under the Web site had zero participating cards. It is hard enough for a senior to determine what cards serviced their zip code. For example, a senior would also have to figure out if her pharmacy accepted that card and if her drugs were considered preferred under that card. If that is not difficult enough, then that senior would have to compare that card to all the other cards in her area, for example, the one that had 12 with the neighboring zip code that had zero.

Unfortunately, the story gets worse for our seniors. After spending the time, energy, and brain power to choose the best card, seniors are not even guaranteed that the companies will continue to maintain the cost that is on that Web site or access to those particular drugs that the seniors have looked for and they need. The company is under no obligation to maintain its advertised prices or even carry the drugs that they need. If they start losing too much money on a particular drug, they can just cease to offer that coverage during the year. And while all these private companies get escape clauses, Medicare beneficiaries are forced to stay with each card for at least a year.

In the end I am afraid we will learn the hard way that this discount drug card is just as bad a deal as the Medicare drug bill that created it.

THE WAR AGAINST THE TERRORISTS

The SPEAKER pro tempore (Mr. CHOCOLA). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I have been watching television like all of my colleagues over the past few days and we are all very disappointed and disgruntled, upset, whatever one wants to call it, about the pictures that we have seen of prisoners in Iraq, and it is really tragic that those sorts of things happen in war. But we have had wars in the past where these things have happened. We had My Lai in Vietnam. We even had a problem in the Revolutionary War where other generals were calling for the resignation of George Washington because they had not won any victories because they had made so many mistakes. And of course they have Valley Forge. He crossed the Delaware, attacked the Hessians at Trenton, and he became a big hero, and we all know that he became the father of our country because of the successes of the Revolutionary War.

There are tragedies in all wars, but what we must not lose sight of is we are in a world war against terrorists. Over 3,000 Americans lost their lives in the World Trade Center. We saw in Fallujah Americans being burned and dragged through the streets and hung up by terrorists. Just these last couple of days we saw an American, an innocent American civilian, who was just working over there, having his head cut off, and they said it was because of the pictures. The terrorists said it was because of the pictures that were shown about what happened in the prisons in Iraq. The fact of the matter is they have been perpetrating these terrorist acts on and on and on because they want to defeat us and our way of life. And we must not let that happen.

And then I hear my colleagues criticizing the President and the Secretary of Defense over and over and over again saying, oh, my gosh, they are making mistakes; they should be doing this and that and the other thing. The fact of the matter is we do not need 535 would-be commander in chiefs. And that is what we see around here, people second-guessing everything that is going on.

As a matter of fact, we are winning the war in Iraq. We are winning the war in Afghanistan. The terrorists are on the defensive. And we must not send any signals to them whatsoever that they have a chance to win this sort of thing. And that is what I am afraid many of my colleagues are doing.

President Bush is doing a very good job. Donald Rumsfeld, as Secretary of Defense, is doing an outstanding job. And we need to stand with them and with our troops in the field and not be casting aspersions on every single thing that goes wrong over there. In war mistakes are made, and we are going to see more mistakes in this war. But we are winning it and we are going to win it as long as we have people like President Bush and Don Rumsfeld at the helm. And I hope my colleagues will think about that before they start shooting off their mouths in the future.

PRESCRIPTION DRUG DISCOUNT CARDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, my disagreement with Secretary Rumsfeld began 2 years ago, 1½ years ago, when it was clear when Members of this Congress, in this House, and both parties were calling on the President and the

Secretary of Defense to provide body armor for our soldiers, many of whom did not have body armor, with demands that they put armor on the underbellies and the doors of Humvees; still are not fully done and Americans have died because of it. That is the first major criticism of the Secretary of Defense and the President, something that they should have stopped what they were doing to take care of the safety of our men and women in Iraq.

Mr. Speaker, last week enrollment began for the President's prescription drug discount card. They became available through the Medicare bill passed last year. What we could have done in this body is simply to have given a card like this, a Medicare card to every senior, and said this card will get them a significant 50, 60, 70 percent discount in their prescription drugs because we could have set our system up the way Canada does. The Secretary of the Center for Medicaid and Medicare Services, the director, could have negotiated directly with the drug companies on behalf of 40 million Medicare beneficiaries, got a discount similar to what they have in every nation in the world, given this discount card to every senior, and they could have gotten a discount the way the Canadians get and the French get and the Germans and the Israelis and the Japanese, a 50, 60, 70 percent discount. Instead. the President wanted to privatize Medicare. He wanted to privatize these prescription drug cards, these discounts cards.

So what do we have? Beginning last week in my State of Ohio, there will be 50 cards available. I am not making this up. They need to select one of these 50 cards if they are a senior. This card may have a discount for Fosamax. This card may have a discount for Zoloft. This card may have a discount for Vioxx. This card may have a discount for something else. Maybe a 22 percent discount here, a 12 percent discount here. They have got to figure that out as a senior. They have got to look at all 50 of these cards and figure out where it makes the most sense to get a discount and which card makes the most sense for them. After they take one of these cards, they will be paying $30 and have this card for the year. The problem is the card seller, several of whom are big contributors to the President, and they are going to make a lot of money, these cards, but the prescription drug card seller, after they have chosen the card, can change the discount and can change the drug formulary in the drugs which are covered.

One might wonder why the President and why my friends on the other side of the aisle, instead of choosing one card and getting a 50 or 60 percent discount, would make seniors look at 50 cards and try to figure out the best 10 or 15 percent discount that they are going to get. One might wonder why would the President, why would the Republican leadership choose to do that. It has got a whole lot to do with the way this Congress operates. The word on the street is the drug industry is going to give $100 million to the President's reelection campaign. The drug industry and the insurance industry have already contributed millions of dollars to the Republican leadership, to the gentleman from Texas (Mr. DeLay) and the gentleman from Illinois (Speaker Hastert) and Republican leadership, millions of dollars to President Bush. In fact, a nonpartisan study said that this bill will mean $150 billion more in subsidies to the drug industry, in additional profits to the drug industry, and a $46 billion direct subsidy to the insurance industry, $46 billion coming out of taxpayers' pockets, going directly to the insurance industry, $46 billion.

We could take that $46 billion and divide it among the 39 million Medicare beneficiaries and they would each get a $1,100 drug benefit just from that alone. Instead, Republican leadership gives us these cards and gives the insurance industry a $46 billion subsidiary. And do my colleagues know what? While the drug benefit program does not go into effect until 2006, the insurance industry, the HMOs, already got their payment on March 1, their first payment.

Mr. Speaker, we could have done this right and done a regular prescription drug program through Medicare with a good discount. Instead, the President and the Republican leadership have again done the bidding of the drug industry, again have done the bidding of the insurance industry, again have done the bidding of these companies that make these discount cards.

It is outrageous, Mr. Speaker, that instead of doing Medicare right and preserving the Medicare that we know and that this country likes and that seniors have benefited from, we have privatized this system. We have confused seniors, and we have let the drug industry and the insurance industry write this legislation, benefit from that legislation, and cash in on this legislation.

WE MUST SUPPORT OUR TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. Pearce) is recognized for 5 minutes.

Mr. PEARCE. Mr. Speaker, first of all, in response, I found a different case from my constituents. The first woman who signed up for one of the drug cards, Mr. Speaker, was 85. She had a monthly cost of $409, and after the card was given and she was able to navigate her way through it, her cost was $13.61. Mr. Speaker, that hardly sounds like the drug industry is going to get a payoff.

Mr. Speaker, I, like many, am profoundly disappointed in the photos and the actions of a handful of our soldiers, but I do not for one moment mistake the actions of a few to be representative of the many.

On the floor of this House, Mr. Speaker, I have heard my colleagues from the other side of the aisle say that the war being fought in Iraq cannot be won and is, in fact, "unwinnable." And yet with straight faces these same colleagues say that they support our troops.

They have short memories, Mr. Speaker. They say they support our troops, and yet some of them earnestly voted against providing our troops with the very resources they need in the field, fighting not only for our liberty but for the freedoms of others.

Mr. Speaker, the words and actions of these individuals do not indicate support for our troops, and I find it profoundly disappointing when some show such blatant disregard, dishonor, and disrespect for our troops. Some of my colleagues have made such comments without concern for the impact that it has on the morale of our troops who are currently fighting in Iraq as well as those who are poised to go to Iraq.

Is this Election Year rhetoric and the partisan banter part of the Democrats' winnable strategy in Iraq? The bottom line is that some Members of the other party have become representative for retreat and appeasement. Mr. Speaker, appeasement and retreat has not worked in the past and will not work in the future with the terrorists. Mr. Speaker, we must win this war on terror. The stakes are too great for the future of humanity.

I went to Iraq late last year and personally visited with our soldiers. The young men in this picture and the young women that I met, those are the soldiers in Iraq who are an all-volunteer force who are fighting so that our children and grandchildren do not have to live in a world where there is daily fear of terrorism. These men and women deserve the thanks of a grateful Nation and a grateful world. They deserve to have our unwavering support for their unwavering belief in liberty and their understanding of freedom.

Since the American people will not hear these stories on the evening news, Mr. Speaker, I am here tonight to share true stories of astonishing bravery, courage, compassion, valor, and steel nerve. Mr. Speaker, I am talking about our soldiers and what they have done for America, Iraq, Afghanistan, and the entire world.

The soldiers of the 101st Airborne Division have been working to make Iraq secure but also have been putting time and effort into helping towns and villages with their "Operation Helping Hands" program. With "Operation Helping Hands," our soldiers donate their own money to help provide families with food and health care necessities. Brigade Commander Colonel Ben

Hodges came up with the idea of helping the poor families in the area. They have collected several thousand dollars, which goes a long way toward helping many Iraqi families.

Mr. Speaker, our troops are compassionate. They are helping Iraqi families in a way that they have never been helped before. Soldiers are often out in Iraq communities to provide medical care and humanitarian assistance. A small, impoverished village about 10 miles from Baghdad was recently paid a visit by personnel from the Medical Civic Action Program. This program sends doctors and medics out to provide free medical care on a regular basis. Because of conditions under Saddam Hussein, soldiers are treating diseases we rarely see here at home such as tuberculosis, hepatitis, and polio.

Mr. Speaker, we should also be proud of our troops for fighting for women's rights. For the first time in history, women in Mosul, Iraq were able to join the rest of the world in celebrating International Women's Day. The day recognizes coordinated efforts of women everywhere for equal rights and political and economic equality.

The People's Assembly Building was rededicated as the Center for Iraqi Women. The center will serve as a meeting place for all women of Iraq where they can share ideas, offer training, coordinate communications, and build a safer homeland.

And in Mosul, Iraqi police say they are grateful to the soldiers from the U.S. Army's 503rd Military Police Battalion for their assistance in rebuilding police stations. Coalition forces helped to renovate several police stations and enabled the Iraqi police officers to protect their fellow citizens. There are more than 1,600 policemen who have trained from scratch in an 8-week training program.

Mr. Speaker, these are the stories of our young men and women in Iraq. These are the stories of the people who are fighting for freedom and fighting to rebuild a country. Mr. Speaker, the war on terror must be won.

The new Iraqi Army is growing. In early March, more than 1,000 recruits of the 4th Battalion graduated from the nine-week basic training program.

These are our soldiers stories. There are hundreds, perhaps thousands more. I am proud of our soldiers and want to say "thank you." These are not the stories that you will hear on the news, or in the newspapers—nor will you hear them during election year rhetoric.

A U.S. soldier evacuated an Iraqi woman, Farha Abed Saad for medical treatment after she had been harmed by the thugs who wish to rob Iraqis of their right to freedom. "Thank God, you have come here to Iraq and make us free," said Ms. Saad, kissing a soldier's hands. "When I see you, I see my own sons! Thank you, thank you."

It is a sad day, Mr. Speaker, when some in this city who routinely ignore the great accomplishments of our soldiers only to politicize the war at their expense.

We will win this war on terror, Mr. Speaker, there is no other option. This IS a winnable war—and we must stand behind our policy and our troops with a firm resolve.

A world controlled by terrorists is not acceptable. If the United States of America cannot defeat terrorism, who in the world can? We will continue to fight against Al-Qaeda and Al-Qaeda affiliated groups—like the one who viciously beheaded 26-year-old Nick Berg. Nick Berg was a civilian who voluntarily went to Iraq to help rebuild Iraqi communication antennas. And my prayers are with his family.

After 9–11, Mr. Speaker, America was called to a new destiny. Our destiny is to defeat terrorism and tyranny. Amid the towers of American tragedy, Mr. Speaker, emerged our soldiers as towers of American strength.

And they shall have my eternal gratitude.

☐ 2000

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4275, PERMANENT EXTENSION OF 10-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–483) on the resolution (H. Res. 637) providing for consideration of the bill (H.R. 4275) to amend the Internal Revenue Code of 1986, to permanently extend the 10-percent individual income tax rate bracket, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4279, PROVIDING FOR DISPOSITION OF UNUSED HEALTH BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS; H.R. 4280, HEALTH EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTHCARE (HEALTH) ACT OF 2004; AND H.R. 4281, SMALL BUSINESS HEALTH FAIRNESS ACT OF 2004

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–484) on the resolution (H. Res. 638) providing for consideration of the bill (H.R. 4279) to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements; for consideration of the bill (H.R. 4280) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; and for consideration of the bill (H.R. 4281) to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees, which was referred to the House Calendar and ordered to be printed.

A FAILURE OF LEADERSHIP AT THE HIGHEST LEVELS

The SPEAKER pro tempore (Mr. CHOCOLA). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, in response to the gentleman who spoke earlier in the well about casting aspersions on Donald Rumsfeld and others in the Bush administration, I will not cast aspersions. I called for his resignation earlier; and if I have time at the end, I will go into those again.

But I am going to read from the Army Times, not exactly a bastion of Democrats or liberalism.

"Editorial: A Failure of Leadership At the Highest Levels.

"Around the halls of the Pentagon, a term of caustic derision has emerged for the enlisted soldiers at the heart of the furor over the Abu Ghraib prison scandal: The six morons who lost the war.

"Indeed, damage done to the U.S. military and the nation as a whole by the horrifying photographs of U.S. soldiers abusing Iraqi detainees at the notorious prison is incalculable.

"But the folks at the Pentagon are talking about the wrong morons.

"There is no excuse for the behavior displayed by soldiers in the now infamous pictures, and an even more damning report by Major General Antonio Taguba. Every soldier involved should be ashamed.

"But while responsibility begins with the six soldiers facing criminal charges, it extends all the way up the chain of command, to the highest reaches of the military hierarchy and its civilian leadership.

"The entire affair is a failure of leadership from start to finish. From the moment they are captured, prisoners are hooded, shackled and isolated. The message to the troops: anything goes.

"In addition to the scores of prisoners who were humiliated and demeaned, at least 14 have died in custody in Iraq and Afghanistan. The Army has ruled at least two of these homicides. This is not the way a free people keeps its captives or wins the hearts and minds of a suspicious world.

"How tragically ironic that the American military, which was welcomed to Baghdad by the euphoric Iraqi people a year ago as a liberating force and ended 30 years of tyranny, would today stand guilty of dehumanizing torture in the same Abu Ghraib prison used by Saddam Hussein's henchmen.

"One can only wonder why the prison wasn't razed in the wake of the invasion as a symbolic stake through the heart of the Baathist regime.

"Army commanders in Iraq bear responsibilities for running a prison where there was no legal advisor to the commander, no ultimate responsibility taken for the care and treatment of the prisoners.

"General Richard Myers, chairman of the Joint Chiefs, also shares in the shame. Myers asked '60 Minutes II' to hold off reporting news of the scandal because it could put U.S. troops at risk. But when the report was aired, a week later, Myers still hadn't read Taguba's report, which had been completed in March; Defense Secretary Donald Rumsfeld also failed to read the report until after the scandal broke in the media.

"But then, of course, it was too late.

"Myers, Rumsfeld and their staffs failed to recognize the impact the scandal would have, not only in the United States, but around the world.

"If their staffs failed to alert Myers and Rumsfeld, shame on them. But shame, too, on the chairman and Secretary, who failed to inform even President Bush.

"He was left to learn of the explosive scandal from media reports instead of from his own military leaders.

"On the battlefield, Myers and Rumsfeld's errors would be called lack of situational awareness, a failure that amounts to professional negligence.

"To date, the Army has moved to court-martial the six soldiers suspected of abusing Iraqi detainees and has reprimanded six others.

"Brigadier General Karpinski, who commanded the MP brigade that ran Abu Ghraib, has received a letter of admonishment and also faces possible disciplinary action.

"That is good, but not enough.

"This was not just a failure of leadership at the local command level. This was a failure that ran straight to the top. Accountability here is essential, even if that means relieving top leaders from duty in a time of war."

That is from the Army Times, the May 17, 2004, issue.

I called earlier for Secretary Rumsfeld's resignation, as had others, because of the jiggered intelligence about the weapons of mass destruction and the so-called links that did not exist with terrorist groups with this regime, the fact that they ignored intelligence reports and plans drawn up by the State Department, and concerns about post-war occupation of Iraq, about the number of troops necessary to prevent looting, the downward spiral that could begin with looting, the fact that the troops did not have body armor, armored Humvees.

That is all because they were not ordered, not because there was not enough money. They were not ordered. Rumsfeld did not think they would need them, in his arrogance.

And today he talks about troops as fungible, and he reigns over a Defense Department that has wasted billions, while the troops are lacking basics. And he is the guy at whose desk the buck stops when prisoners are abused, as says the Army Times, not just a progressive Democrat from Oregon.

* * *

WHAT AMERICA HAS ACCOMPLISHED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, we all demonstrated our righteous indignation over what took place in the Abu Ghraib prison in Iraq, and we are horrified by it. But I would like to take just a few minutes to share the transcript of the Fox News Sunday program hosted by Chris Wallace, in which he talked about the positive accomplishments.

He said on Sunday, "As many of you may know, we thought the ABC News program, 'Nightline,' made a mistake last week, listing all the brave men and women who died in Iraq but without providing the context of what they died for. So we have said that we would put together our own tribute, our own list of what these brave men and women have built in Iraq.

"A couple of points before we begin. Some of you have written saying that we're pushing the White House agenda. As you saw in the last segment, there are plenty of hard questions to ask about the Bush administration's policy in Iraq, and we will keep asking them.

"There were also times this week when you couldn't help but wonder about putting on the good news from Iraq, as we saw those ugly pictures from the Abu Gharib prison. But the more we thought about it, what better time to talk about what the vast majority of our troops are doing there? What better time to try to make sense of the sacrifice of the 767 men and women who have died in Iraq?

"We call our tribute, 'What We've Accomplished.'"

Chris Wallace went on to say, "First, ending the brutal regime of Saddam Hussein. Ending the systematic torture and murder of hundreds of thousands of Iraqis. Since Saddam was overthrown, investigators have found dozens of mass graves in which more than 300,000 Iraqis were buried.

"Ending the theft of billions of dollars from the Iraqi people," Wallace goes on to say. "Since 1991, Saddam built 48 palaces, at a time when his regime said it did not have the sources to build housing. And an investigation has found Saddam stole more than $11 billion from the U.N.'s Oil for Food program.

"Ending the threat that weapons of mass destruction will be developed and used. Since the invasion, U.S. inspectors have not found WMD, but during its time in power, Saddam's regime manufactured chemical and biological weapons and, at one point, actively pursued nuclear weapons.

"Second, quality of life. Daily life has improved dramatically for the average Iraqi since the fall of Saddam, but it has come at a cost. These three soldiers were killed last July while they guarded a hospital at Baquba.

"Under the old regime, little money was spent on education and there was no schedule for maintaining school facilities. So far, 2,500 schools have been renovated, with another 800 to be finished soon."

Then the voice of an Iraqi female saying, "They put in electricity for us and a fan for us so we could get some air, and I say thanks to God."

An Iraqi child says, "Before, the school was dirty and not clean and even the bathroom was not good. This year, they made a new bathroom for us and they changed the building and painted it well."

Chris Wallace goes on to say, "What children are learning in school has also changed. Before the war, the government fired teachers for not following the party line. Almost 9 million new math and science textbooks have been printed and distributed. Old books were filled with pro-Saddam propaganda.

"And here are U.S. troops handing out knapsacks full of school supplies in Samarra. This just days after those four American contractors were killed and their bodies mutilated in Fallujah.

"Major progress has also been made in health care. Under Saddam, the Ministry of Health spent $16 million a year. The current budget is almost $1 billion. The health care system is now open to all Iraqis, with 30 percent more people using the facilities. Doctors who used to get $20 a month now earn up to $180. Modern medication, such as cancer drugs, are now available, something unheard of during Saddam Hussein's years.

"Last Sunday, these five Navy Seabees were killed in the Sunni triangle while on assignment rebuilding schools and medical facilities for the Iraqis.

"Third, human rights. Since the end of Saddam Hussein, a fully functioning legal and judicial system has been developed. More than 600 judges are working in courtrooms across the country. Iraqis charged with crimes now have rights that would have been laughed at under the old regime: the right to remain silent when they're arrested; the right to a fair, speedy and open trial; the right to a defense lawyer at all stages of the process.

"Iraqis now enjoy freedom of speech. Street protests against the United States occupation are now routine in Baghdad, something that in the past would have earned these demonstrators imprisonment or death.

"There is also something approaching freedom of the press. Under Saddam all newspapers were controlled by the government."

Here was a woman that was a reporter for 27 years. She said, "Before, we write as they tell us to write. Now we write what we believe."

Mr. Speaker, I include the rest of the transcript for the RECORD.

WALLACE: Now, 120 papers are being published, some of them critical of the U.S. The coalition has shut down only two papers, which it said were inciting violence.

This is another sign of new freedom: Internet cafes. Before, few people had access to computers, fewer still to the government-monitored Internet. Now people can communicate, get information or sound off in Web blogs.

And here's more technology that was banned under Saddam Hussein: satellite dishes. Now more than one-third of Iraqi households receive news from around the world by way of these dishes.

Finally, the economy and infrastructure. There's a new currency in Iraq. Gone are those ever-present pictures of Saddam in a country that used to have two weak currencies, there is now one stable form of money.

Iraq's most important resource, oil, is showing a strong revival. Production now exceeds pre-war levels, averaging half a million barrels a day more than when Saddam was forced from power.

Still, gasoline shortages have meant that U.S. soldiers often have to guard filing stations to prevent looting. Private First Class Jason Wright from the 101st Airborne Division was killed by a drive-by shooter as he protected Iraqis who were buying gas.

One crucial area that has seen solid improvement is basic utilities. After years of neglect, Iraqis have electricity for only part of the day. By this summer, the average Iraqi will have electricity for 16 hours a day, 40 percent above pre-war levels. Under Saddam, only half of the country had access to clean drinking water. Now extensive renovations of water plants have brought cleaner water to more people, almost 15 million, on a more reliable basis.

Before the war, few areas had proper sewage facilities. One example of what soldiers are doing on the ground is in Mosul, where a neighborhood was swamped with raw sewage for 17 years. The U.S. Army spent $40,000 to hire local workers, and the problem is fixed.

Improvements in the infrastructure are widespread. Here are some key examples. Baghdad airport now has 43 passenger flights a day, including regular commercial service to Jordan.

And look at something as simple as phone service. Under Saddam, cell phones were a luxury, reserved only for top party and government officials. Now, more than 340,000 Iraqis have cell phones, and business is booming.

There's one other big difference: When Iraqis make a call now, they say no one is listening in.

IRAQI MALE: I call him now on the phone. Now we can discuss anything. We are not—I am not afraid to say anything.

WALLACE: As we struggled to put all of this together, we were astonished by all that our troops have accomplished. And we'll keep an eye out so we can update you on some of the ways our troops are making life better for so many Iraqis.

Mr. DREIER. Mr. Speaker, we have seen tremendous improvements. We can see that a great deal has been accomplished. As we have seen suffering that so many have gone through, we are enjoying tremendous success.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2660, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004.

The form of the motion is as follows:

Mr. George Miller of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2660 be instructed to insist on reporting an amendment to prohibit the Department of Labor from using funds under the Act to implement any portion of a regulation that would make any employee ineligible for overtime pay who would otherwise qualify for overtime pay under regulations under section 13 of the Fair Labor Standards Act in effect September 3, 2003, except that nothing in the amendment shall affect the increased salary requirements provided in such regulations as specified in section 541 of title 29 of the Code of Federal Regulations, as promulgated on April 23, 2004.

GROWING CONCERN ABOUT ALARMING LANGUAGE USED TO DEMEAN THOSE QUESTIONING AMERICAN POLICY IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, millions of Americans throughout this country share my growing concern about the alarming language being used to demean anyone raising questions about American policy in Iraq. But we have been there before.

We have endured the excesses and the shame of the Palmer Raids, of McCarthyism, of J. Edgar Hoover, and Nixon's Enemies List. It is a sad, but historical, fact that in these times of national crisis and stress, some resort to challenging not merely the ideas of our fellow citizens, but their character, their integrity, and even their patriotism.

Some would prefer that we ignore such blasphemy, that we treat such exaggerated rhetoric with the indifference it deserves. I respectfully disagree. I believe that we have learned a sad lesson from history of this and other countries that ignoring vicious political slurs encourages further abuse and undermines free speech and open debate.

We have substantial disagreements about the wisdom of our course in Iraq. Those who disagree with our policies include highly decorated veterans, intelligence experts, some of our closest allies and millions of our constituents, a growing number every day.

And yet, when a widely respected Member of the House, an honored veteran who has been a staunch supporter of the defense community through 30 years of congressional service, offered a somber analysis about the misdirection of our Iraqi effort, he was denounced by other Members as conducting "a calculated and a craven political stunt."

Now, the author of that statement has a tendency towards loose language and personal invective, and most people do not take his words too seriously. I do, because he is the majority leader.

He was speaking about our distinguished colleague, the gentleman from Pennsylvania (Mr. MURTHA.) He called him "craven." The gentleman from Pennsylvania (Mr. MURTHA), craven?

Craven is a strong word. It means gutless. It means spineless. It means cowardly, weak, fearful. It is a word that should never be used by a Member of Congress to describe another, and could never be used to describe the gentleman from Pennsylvania (Mr. MURTHA).

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The gentleman from Pennsylvania (Mr. MURTHA) joined the Marine Corps during the Korean War. He volunteered to serve in Vietnam, while those who accuse him managed to avoid military service. He is the first combat Vietnam veteran elected to Congress. He retired from the Marine Corps Reserves in 1990 and has been awarded the Navy Distinguished Service Medal and the USO's Spirit of Hope Award for his many services to the men and women in the military.

To even suggest that his impassioned and difficult statement about the course of the war in Iraq was a "political stunt" is to insult a distinguished veteran and Congressman, and I denounce it in the strongest terms.

But the voices of hysteria did not stop there.

Now we are told that those expressions of concern about the misdirection of the Iraqi campaign demonstrated that "the national Democratic Party declared its surrender on the war on terror." Democrats were accused of giving "aid and comfort to the enemy," according to another Republican Member who never served in combat.

Let every American understand the meaning of these words: It does not matter who you are, if you have worn the uniform of your country, if you have risked your life in combat; to those who use these words on the floor of the House, it does not matter. Challenge the policies of the Bush administration and House Republicans in Iraq, and you are "giving aid comfort to the enemy." You are surrendering to terrorism.

In other words, you are a traitor. That is what these Republican Members would suggest about Members of Congress.

Well, according to the latest poll, 60 percent of the American public think the situation in Iraq is out of control. Have we become a Nation of traitors in the eyes of the Republican leaders of this institution?

Mr. Speaker, this disgraceful, demeaning, and insulting rhetoric has no place in the Congress, it has no place in America, and it should be denounced by every Member of this House, regardless of party and regardless of one's position on Iraq. The day we lose our ability to voice our heartfelt views without having our patriotism demeaned is a dangerous day for democracy.

Some may argue that these are just the voices of an extreme, though powerful few. Some say it is just partisan politics. That is not the case. We have been here before.

Two years ago, the patriotism of Senator Max Cleland was challenged, a man who served in Vietnam and left three of his limbs there; a man who served honorably as the Secretary of Veterans' Affairs and as a United States Senator. Apparently he did not lose enough limbs to prove his patriotism to those who attacked him, those who sought multiple deferments in the same war that cost Max Cleland his limbs. Those attacks cost him an election, too.

This year, the vicious attacks are leveled, as we knew that they would be, against Senator JOHN KERRY, who volunteered in Vietnam while others used their connections and deferments to avoid service. Senator KERRY earned three Purple Hearts, a Silver Star, and a Bronze Star, but now his patriotism is also challenged. Evidently, Senator KERRY's wounds were not deep enough for some of his critics.

And now, the gentleman from Pennsylvania (Mr. MURTHA) is the target of this disgraceful, venal slander.

It is time to stop.

Americans deserve, and they want, an honest discussion on the issues, not a vicious assault on the integrity and the patriotism of distinguished men who carry their wounds of war.

WHERE IS THE OUTRAGE?

The SPEAKER pro tempore (Mr. CHOCOLA). Under a previous order of the House, the gentleman from Pennsylvania (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY. Mr. Speaker, earlier this afternoon, like so many Americans and citizens of the world, I watched the news with disgust as they announced the beheading of Pennsylvanian Nick Berg, a young man, 26 years old, who was working in Iraq as a civilian. Somehow, Abu Musab Zarqawi and other al Qaeda decided it was time to show us, once again, their version of justice which, to we Americans, is more of what we call murder.

Repeatedly, the stations talked about this and then cut back and forth to hearings taking place here on Capitol Hill to review the hearings about the Abu Ghraib prison and the terrible behavior of several soldiers there.

I was struck by the idea that while the actions of the soldiers in the prison were reprehensible and that they should face court-martial, I am also wondering where is the outrage about the murder of an American citizen? Where was the outrage also about the four contractors who were killed, their bodies mutilated, drawn and quartered and hung and burned? Where was the outrage about the terrorists living in Iraq and showing us the way that they see the world: innocent citizens who had no trial, because no trial could be held, because they committed no crime.

But it continues to give us a flavor of what we are up against when we note how terrorists view Americans and view Western culture and the world. Whether or not we are in Iraq, whether or not we are in Afghanistan, they will continue to perpetrate their war to kill us; not because they want land, not because they are seeking economic gains, but simply because they feel they are on a mission to kill anyone who is Western, who is from America, who is Christian or Jewish, and they will not stop until they have killed us or we have killed them.

But let us not forget who Abu Musab Zarqawi is. He is not just someone who appeared on television today.

World history tells us that in 1999, Zarqawi planned a terrorist attack for the millennial celebration in Jordan. The Radisson Hotel in Aman and other American, Israeli, and Christian cites were targeted. The plot was discovered before it was carried out, and Zarqawi escaped before he could be indicted.

In 2000, Zarqawi went to Afghanistan where he oversaw a terrorist training camp. He also specialized in chemical and biological weapons.

In 2001 Zarqawi was sentenced to 15 years for his terrorist plots in Jordan. However, since he escaped before he was arrested, he has not served any of his term.

In October 2001, after the Taliban lost control of Afghanistan, Zarqawi fled to Iran with a wounded leg. While he was there, Zarqawi dispatched two Palestinians and a Jordanian who entered Turkey, and then they were supposed to go to Israel to conduct bombing attacks.

In February of 2002, the three terrorists who were sent by Zarqawi were caught in Turkey.

Then in May of 2002, Zarqawi traveled to Iraq; yes, Iraq. He had his leg amputated and had a prosthetic limb to replace it.

From May through July of 2002, Zarqawi spent time recovering in Baghdad and, at the same time, several extremists also came to Baghdad and established a base of operations.

In the late summer of 2002, Zarqawi traveled to Lebanon to meet with leaders of Hezbollah, another terrorist group.

And then in October of 2002, Lawrence Foley, a United States official with the Agency For International Development was assassinated, and after some arrests were made of the actual shooters in December of 2002, Zarqawi was linked to the plot by providing the murder weapons.

In early 2003, Zarqawi returned to the Ansar al-Islam camp in northern Iraq. Other terrorists who have trained in this particular camp have plotted chemical attacks with various toxins in Britain, France, Georgia, and Chechnya.

In January 2003, several terrorists were arrested in Britain for planning to put the toxin ricin in the military food supply. These terrorists were linked to Zarqawi. He continues on with his murderous ways.

It is important to note that as this history tells us that indeed this terrorist was plotting in Iraq, this terrorist was working in Iraq to train other terrorists. But where is the outrage? Where is the outrage among us?

Instead, we talk on and on, snipe back and forth, point fingers, call each side names on both sides of the aisle, trying to score political points instead of trying to achieve peace; looking at polling numbers, and not working on policy.

It is time that we lay these things to rest and look at the outrage and look at the ties that bind us and say, this is why we are fighting terrorism. It is to stop the murders, and it is to ask ourselves where is the outrage of their behavior.

MISMANAGEMENT IN IRAQ THREATENS AMERICAN TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

Mr. WYNN. Mr. Speaker, the scandal at Abu Ghraib prison is indeed a stain on our national honor and a grave disservice to the brave men and women of our Armed Forces. More importantly, it is a threat to their safety in the field, as these despicable pictures have increased the fury of our opponents as they fight against us.

Only two items I think reflect in any form or fashion of positive sense for the United States. Actions speak louder than words. Two things may be positive actions. First, the apology of the President and the Secretary of Defense, in a rare display not of humility, but at least of a sense of concern for the feelings of others around the world and, in particular, in the Muslim world. This was a good thing. Second, and I think this is very important, the serious congressional hearings and investigations that are underway now are shedding a great deal of light on the scope and nature of abuses. We are showing the world how we respond when our misdeeds are uncovered, and that is a great example of our democracy: public, transparent hearings and investigations. Compare this, then, with the barbaric terrorists who hide behind masks when they commit acts of terrorism, assassination and, most recently, beheading.

However, unfortunately, apologies and investigations are not enough. The Taguba report says we have in this country a failure of leadership at the highest levels. I find it ironic in this context, then, that the President says that Mr. Rumsfeld, Secretary Rumsfeld is a superb leader. I beg to differ.

First, Secretary Rumsfeld was a party to false and misleading prewar intelligence and analysis. There are no WMDs, weapons of mass destruction, and we have not been viewed as liberators. I am someone who put aside partisanship based on representations made by this administration that there were, indeed, legitimate threats to our security.

Second, we find that Secretary Rumsfeld engaged in inadequate planning for postwar transition. We simply do not have enough troops. Not just Democrats are saying this. Experienced retired generals have said, almost unanimously, we do not have enough troops to do the job that we are required to do.

What about winning the hearts and minds of the Iraqis? We are losing. We are actually creating recruiting posters for terrorists, because the Iraqis have not seen us as liberators, they have seen us as an oppressive force. This administration has not done the things that would convince the Iraqi people that we are there to do them good.

One minute the Baathists are out, the next minute the same old Baathist generals are back in. How does that work for an administration that describes Secretary Rumsfeld as a superb leader?

This is the same Secretary Rumsfeld that set aside the Geneva Conventions and then wonders why we are having this problem at Abu Ghraib. Well, he set the tone. This administration and Secretary Rumsfeld bear the responsibility for inadequate planning of confinement facilities and for inadequately training our military police.

We heard one of our colleagues on the Republican side talk about all of the great accomplishments that our troops have done. Unfortunately, those accomplishments are undermined by this scandal and these outrageous pictures of sexual abuse of prisoners at the hands of our own troops.

What about the role of military intelligence in directing Army MPs to "set the conditions" and "soften them up?" This too falls at the feet of Secretary Rumsfeld. This is a great disservice to our men and women in the field.

Not only is this prisoner abuse a disgrace, it is the kind of behavior that we condemn on human rights grounds in other countries such as Cuba and other Third World countries. I am sure those countries now understandably scoff at our high-minded words.

We have created tremendous anger and hostility towards the United States by the Iraqi people and around the world. This will make the job of bringing stability to Iraq much more difficult.

What is to be done? First, we must hold those up the chain of command accountable. One of the things that concerns me as we review this scandal is that a few sergeants and privates are being made scapegoats for a failure of leadership at the highest level.

Second, since we are about to turn over sovereignty to the Iraqis, perhaps now would be a good time to invite them in as a show of good faith and let them serve as observers, those who have been properly screened, in the prisons to say that yes, we are not only turning over sovereignty, we have nothing to hide.

Finally, we need more troops. The generals have said it, the Democrats have said it. Most people realize we have not managed this war well. More troops would help us do a better job and help ultimately to protect our troops.

IRAQ OIL FOR FOOD PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. COLE) is recognized for 5 minutes.

Mr. COLE. Mr. Speaker, I rise today to address what I believe to be important facts about the United Nations Oil for Food Program with Iraq and how it ultimately was corrupted by Saddam Hussein with the aid and willing cooperation of allies from the international community.

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In addressing this issue, Mr. Speaker, a few simple facts should be reiterated.

In February of 2000, President Clinton's administration registered their dissatisfaction with Saddam Hussein's government when he complained that approximately $2 billion was spent to build nine lavish palaces and import liquor and cigarettes under the Oil for Food program.

During the postwar occupation, some very serious allegations have been made regarding people and corporations who circumvented the Oil for Food program by receiving illicit payments from oil surcharges. Among those implicated were U.N. officials administering the Oil for Food program. This was first reported by Al Mada, an independent Iraqi newspaper. Some people and organizations who have been accused have been confirmed in this account to have violated the program. Others have so far denied it.

Mr. Speaker, it is clear that a tremendous number of companies signed oil exploration contracts with Iraq that would ultimately have served to undermine any remaining viability of the Oil for Food program. Not surprisingly, the companies predominantly seemed to have come from countries which opposed the liberation of Iraq.

Just this March, the General Accounting Office testified before our own Committee on Financial Services that it believed that Saddam Hussein's regime increased its revenues through illicit activities in the Oil for Food program by approximately $10.1 billion between 1997 and 2002. These funds were spent to oppress the Iraqi people and provide a lavish lifestyle for the regime's rulers.

Mr. Speaker, the facts are clear. Saddam Hussein engaged in an ongoing circumvention of the Oil for Food program, flouted the U.N. resolutions, persecuted his own people, and was engaged in widespread corruption. He was assisted in these activities by a number of companies and perhaps countries, as well as people within the U.N. bureaucracy itself. This is just one more example that gives credibility to our campaign to remove the regime of terror and replace it with one that truly represents the Iraqi people.

Mr. Speaker, thanks to the Oil for Food program, Iraq was able to successfully advance its foreign policy by offering future contracts to companies for oil exploration, thus receiving a buy-in from other countries, bolstering Saddam Hussein's legitimacy.

The Oil for Food program was suspended just before Operation Iraqi Freedom began on March 19, 2003. The U.N. staff in Iraq departed on March 28, 2003. As U.N. forces moved north towards Baghdad, the U.N. Security Council adopted Resolution 1472, restarting the program's operations, empowering the United Nations to take direct control of all aspects of the program, and directing the United Nations to set priorities on the delivery of already contracted supplies. This actually enhanced U.N. authority and then was later extended on June 3, 2003, a remarkable usurpation of power given the record of the U.N. up to that time administering the program.

On May 22, 2003, Resolution 1483 was adopted, lifting sanctions on Iraq and providing for the phasing out of the Oil for Food program's ongoing operations within 6 months. In accordance with the resolution, the program was terminated on November 21, 2003, and was taken over by the U.S. occupation authority, the Coalition Provisional Authority.

Mr. Speaker, my colleagues can be assured that the CPA is now more effectively delivering food and resources to the people of Iraq than Saddam Hussein ever did. Today, Iraqi resources are being used for the Iraqi people for the first time in decades. Our achievements are impressive in this area and should demonstrate our commitment to the people of Iraq.

Mr. Speaker, before I close, I would once again call for a full and thorough investigation of the expenditures of all funds involved in the Oil for Food program. The corruption was so deep in the Saddam Hussein administration and in those countries, companies and international institutions that propped up the regime, I am convinced that we will not like what we discover.

IRAQ ABUSES MAY GO UNPUNISHED

The SPEAKER pro tempore (Mr. CHOCOLA). Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, I would ask you to suspend your emotions for a moment and look closely at the pictures from Iraq. The Americans appear to be dressed about the same, but there is one major difference. Some of the photos include U.S. soldiers and U.S. civilian contractors. In fact, in one photo the civilian contractors are turned away from the camera. Maybe they were trying to protect themselves. From what?

Some of the U.S. soldiers involved will face a military court martial. The civilian contractors will not face a military court or an Iraqi court or an American court. Civilian contractors involved may not face any punishment thanks to the Pentagon.

Secretary Rumsfeld outsourced the President's war. He outsourced the checks and balances. He outsourced the chain of command. He outsourced due process.

The Pentagon wrote an order that specifically protects civilian contractors from prosecution in Iraq for crimes committed under the umbrella of official duties, and if a civilian contractor commits a crime while off duty in Iraq, U.S. Administrator Paul Bremer has to agree in writing to local prosecution. Does that sound like the United States? Is this the model of democracy we are trying to install in Iraq? Does this sound like adhering to the Geneva Convention?

Last week, the Attorney General rushed to the microphones to tell America that he can prosecute civilians implicated in Iraqi crimes, but the Attorney General neglected to tell the American people that not a single FBI agent has been dispatched to Iraq to investigate. Not one. When two U.S. embassies were bombed in Africa during the Clinton administration, 900 FBI agents went to the scene. The Attorney General says he will wait until the Pentagon finishes its investigation. What is he waiting for?

The International Red Cross has been sounding the alarm for over a year, but the administration and its war machine turned a deaf ear and a deaf eye to what was happening. Now the United States and every soldier is paying the price for benign neglect.

Civilians were given authority to interrogate, clearly using any and all means. Civilians had some mission control over U.S. soldiers, and they exploited this control.

Civilians were immune from local prosecution and immune from military chain of command. We know there has been torture and likely even murder; yet some soldiers were involved, but we cannot stop there and pretend that is the end of it.

There are thousands of civilian contractors in Iraq. We owe it to every good and decent American soldier to get to the worst black mark in military history. We must know what role, secret or otherwise, the civilians were playing in the war. What else were they given besides protection? What secret orders are they carrying out? Who is accountable for the civilians? What assurances will the Iraqi people have that any civilian implicated will be brought to justice? How can we say that we stand for freedom if we let the criminals go free?

The U.S. military told the administration before the war that hundreds of thousands of troops would be needed. The administration refused to listen. Instead, the administration deployed a hand-over strategy concerning Iraq. The administration handed over critical duties to people outside the military and then protected them.

The administration keeps talking about handing over Iraq on June 30. They have already handed over to the wrong people. We need to get back in control of what is going on in Iraq. This administration has got to come clean on what those contractors were hired to do, by whom, and who supervises them.

Are there bosses in Virginia that run those companies? Are they exempt, too? Is nobody responsible for the interrogations that went on in that prison or in the other prisons in Iraq?

These are the questions that must be answered by this administration, and I am afraid that if Mr. Rumsfeld does not want to do it, he is going to have to go.

CURRENT AFFAIRS AND SMART SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise today with a heavy, heavy heart. When we turn on the television or the radio or open a newspaper, what we hear and what we read is the great sadness that accompanies the deaths of so very many people around our world.

Reading the newspaper this week, we read that the lives of innocent men, women, and children are being taken in such disparate places as Sudan and Uganda in Africa; Israel, the Palestinian territories and Iraq in the Middle East; Haiti in the Caribbean; Chechnya and Afghanistan in Asia; and countless others places around the world.

Today, another distressing event took place, the beheading of an American civilian in Iraq, a video of which was posted on a militant Islamic Web site. This was a man who ventured to Iraq to help with the rebuilding of its infrastructure, a man whose only crime was traveling to an unstable country, thinking he might be able to make a contribution in the midst of all the chaos. He was 26 years old. This is a terrible tragedy.

But we are no longer surprised to hear that tragedies of this sort are occurring every day around the world. No country is immune. No group of people can avoid the misfortune that is accompanied by simply existing, by simply being alive in today's world.

In Haiti, for example, hundreds of innocent people have died of starvation. They are so hungry they are eating cakes made of butter, salt, water and mud. Mud. Yet here in the United States we do not act.

The gentlewoman from California (Ms. LEE) has introduced a sensible resolution that would establish comprehensive health systems in Haiti. Despite the amount of news coverage that Haiti has received these last few months, less than 10 percent of this House has signed on to the gentlewoman from California's (Ms. LEE) important legislation.

We watch, as we did during the catastrophic Armenian genocide of the early 1900s and during the Holocaust of the 1940s. We make claims of never again, but then we sit back and watch as these events occur again and again and again.

Is this the way humans are going to live out their lives on this Earth? Are we not destined for more? Are we not better than the sum of all these innocent deaths? Can we not address the economic gap between rich and poor, between rich countries and poor countries, between rich individuals and poor individuals?

There has to be a better course for humankind than the one we are currently on; and there is, one that emphasizes brains instead of brawn, one that is consistent with the best American values.

I have introduced legislation to create a SMART security platform for the 21st century. SMART stands for Sensible Multilateral American Response to Terrorism. SMART treats wars as an absolute last resort. It fights terrorism with a stronger intelligence and multilateral partnerships. It controls the spread of weapons of mass destruction with a renewed commitment to nonproliferation, and it aggressively invests in the development of impoverished nations with an emphasis on women's health and education.

The Bush doctrine has been tried, and it has failed. It is time for a new national security strategy. SMART security defends America by relying on the very best of America: our commitment to peace, our commitment to freedom, our compassion for the people of the world and our capacity for multilateral leadership.

SMART security is tough, pragmatic, and patriotic. SMART security is smart, and it will keep America safe.

CONGRATULATING ST. JOSEPH'S HOSPITAL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to take the opportunity to, first of all, congratulate St. Joseph's Hospital in Houston, Texas, in this week of acknowledging the uninsured for a briefing this morning to emphasize the numbers of uninsured in my community, in Houston, Texas, that draws our attention to the 44 million who are uninsured around the Nation. I would only say that is it not tragic that we have made choices that do not allow us to effectively provide the resources for our Nation and those within it.

□ 2045

And then I would like to acknowledge the World Food Program, because they feed 110 million people in 82 countries. It would be wonderful if we could focus our attentions on feeding the hungry and ensuring that those who need to be insured are.

St. Joseph's Hospital opened for the first time since Hurricane Allison in Houston, Texas, in 2001, their emergency room. But we are most glad they are a hospital with a conscience who are prepared and willing to sacrifice and work hard so that the doors of their hospital can be open to those who are in need.

This week, we will proceed with debates on a number of health policy initiatives. Unfortunately, I think they play right into the hands of politics and politicians. Frankly, we have individuals, children, the elderly and others who are sick and uninsured, and we need to do something about it, which would be full insurance and coverage for all Americans so that we can rise to the level that is not with shame.

I speak about choices this evening, Mr. Speaker, because it is imperative that we continue to raise the consciousness not only of our colleagues but the American people. I have often said that we can debate, as we are supposed to debate in the halls of Congress and on the floor of this House, because democracy is the underpinning of what these two Houses are about, the House and the Senate, and the three branches of government. But I ask the American people, where is your outrage? This morning I asked if your prisoners of war were held in a sovereign nation and the abuse that was shown over the last couple of days were rendered unto those who carried American citizenship, where would be your outrage?

Would you accept the fact that enlisted men and women, no matter whether they were from North Korea or some other country, was sufficient to answer the question of how these young men and women were put in the position of being the only ones that would find themselves before courts of law and the military court of justice? Or would you express such outrage that you would suggest it went to the highest levels of government?

I ask that question because I believe that is what we find ourselves in today. Let me remind you of what has happened. The human rights record of the United States is now in question. The United States foreign relations and policy is now in question. Adjudication under the Uniform Code of Military Justice is now in question. The separation of powers is now in question under the Constitution. Adherence to and respect for international law is now in question because of the Geneva Convention. The state of national security of the United States is now in question. The safety of Americans is now in question. The very fact that we have military personnel now endangered by our acts is now in question.

Today, tragically, one more mother and one more father lost a young man who had gone to Iraq simply to do good, to participate in the rebuilding of Iraq. We saw the horrific and terrible indication that he was murdered in a most intolerable way. What can we say about this, other than the fact that the pictures that have been distributed all over the world have contributed to America's demise, with people suggesting that we have lost our high moral ground.

I know the American people have not lost that position in this world. We are defenders of peace. We view the importance of life over death and peace over war. So, I say to the President and to this administration, it goes to the very highest levels of government. We are required by the world's sentiment and what is right to be done, which is for the removal of all of those who have been engaged, from the very lowest to the very highest, Secretary Rumsfeld, Deputy Secretary Paul Wolfowitz and others who may be included in this, whether they are at the very highest levels of military personnel. We must begin the healing.

Secretary Powell has to be heard on the international arena to begin to bring nations together. Condemnation must be loud, and punitive measures must be swift. I ask that this Congress not shun its responsibility. Shame on us if we do not investigate this in the Committee on the Judiciary, the Committee on International Relations, and the Permanent Select Committee on Intelligence. And these hearings must be open to the people of the world and the American public.

Yes, we are going to hold an international crime trial, but that is not enough, Mr. Speaker.

And as I close, is it not worthwhile to investigate the three women? Were they intimidated, were they stigmatized, did they feel they had to go along with the boys? What is happening to women who are in combat?

Shame on us, Mr. Speaker, if we do not investigate this and bring this to a point where the world knows that we are ashamed and we are moving forward to clear the slate and fight this war so that we can bring about the peace.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. HONDA) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. HONDA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the subject of my Asian Pacific American Heritage Month.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HONDA. Mr. Speaker, I rise today to recognize the Asian American and Pacific Islander community and commemorate Asian Pacific American Heritage Month.

Before I begin, I would like to recognize the gentleman from Oregon (Mr. WU) former chair of the Congressional Asian Pacific American Caucus, or better known as CAPAC, for his leadership, as well as the current vice chair of the caucus, the gentleman from American Samoa (Mr. FALEOMAVAEGA).

As chair of CAPAC, I am proud to stand here to honor the accomplishments and diversity of the Asian American and Pacific Islander community.

In 1978, my good friend Norman Mineta and Representative Frank Horton from New York, along with Hawaii's Senators DANIEL INOUYE and Spark Matsunaga, first introduced the first resolution establishing Asian Pacific American Heritage Week to recognize the ongoing contributions to our Nation of the API population.

The first 10 days of May were chosen to coincide with two important anniversaries, the arrival in the United States of the first Japanese immigrants on May 7, 1843, and the completion of the transcontinental railroad on May 10, 1869. In 1992, the month of May was designated as Asian Pacific Heritage Month. I take great pride to see the celebration of our community expand from 10 days to a month.

For centuries, America has been enriched by our diverse and rapidly growing API communities and by the contributions that Native Hawaiians, Chamorros, and Samoans have made in their ancestral homelands. The first API settlement in this country dates to 1763, when Filipinos escaped imprisonment aboard Spanish galleons and established a community near New Orleans. Chinese and Japanese immigrants, likewise, started communities in Hawaii and California, where they sought labor and agricultural opportunities.

From the time of these settlements, APIs have experienced dual currents of discrimination and assimilation. In the difficult times, APIs were singled out for persecution by such acts as the Exclusion Laws of 1882 and 1924, and the Alien Land Act of 1913, which prohibited API property ownership.

This year, 2004, marks the 62nd-year anniversary of President Franklin D. Roosevelt's signing of Executive Order 9066 on February 19, 1942. President Franklin Delano Roosevelt signed Executive Order 9066, pursuant to which 120,000 Japanese Americans and legal resident aliens were incarcerated in internment camps during World War II. Many of these families lost their property and possessions during the several years they were jailed behind barbed wires.

In order to learn the important lessons from our own history, I sponsored House Resolution 56, which sets aside a "Day of Remembrance" in memory of the relocation and internment policies of World War II. This year, House Resolution 56 was passed due to the support from my fellow colleagues here in Congress and support from community groups throughout the country.

I realize we need to learn from our own history. It is more important than ever to speak up against unjust policies. Also it is more important than ever to educate Americans of the Japanese American experience during World War II, as well as the experience of other groups, like Japanese Latin Americans and certain German and Italian Americans. We must remember that the decision to issue the order was shaped by racial prejudice, war hysteria, and a failure of political leadership.

At the newly opened Manzanar National Historic Site Interpretive Center at the Manzanar War Relocation Center, we have the opportunity to explore our past and reflect. Additionally, these past few days, the Enemy Alien Files Consortium has set up their exhibit in the Rayburn foyer. This traveling exhibition, featuring photographs, objects, documents, artifacts, art forms and oral history excerpts examines the little-known history of Italian, German, and Japanese immigrants in the U.S. and from Latin America who were classified as enemy aliens during World War II.

Over 31,000 of these enemy aliens were apprehended, detained, and thousands interned based on suspicion and the potential dangerousness they posed to the U.S. national security. The internees were held without charges for indefinite duration and without trial. These internees, including many American-born children and spouses, languished in Army and Department of Justice camps throughout the USA.

Mr. Speaker, I would like to now yield to the gentlewoman from California (Ms. Linda Sánchez) to speak to this particular item.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I thank my colleague, the gentleman from California (Mr. HONDA) for all of his leadership.

Today, I am proud to join him and to join Asian Pacific Americans in commemorating the 27th anniversary of APA Heritage Month. This month allows us to recognize the tremendous contributions the Asian Pacific American community has made to our State and to our Nation.

It is fitting, then, to remind others of important APA legislation. For instance, H.R. 677, the Filipino Veterans Equity Act, which would provide U.S. veterans benefits to World War II veterans of the organized military forces of the Commonwealth of the Philippines and the Philippine Scouts who fought for the U.S. and its allies. These veterans deserve to be recognized for the service they provided to our Nation in a time of need.

It is also a good time to bring attention to H.R. 333, which would amend the Higher Education Act of 1965 to authorize grants for higher education institutions serving Asian Americans and Pacific Islanders. This important bill would open doors for many underserved APA communities.

I am extremely proud my home State of California has the largest Asian American population of any State in America, and I am also extremely proud to represent a region of Los Angeles County that includes many members of the Asian Pacific American community. The diversity represented by the different APA communities of our region is a source of strength in our local economy, our culture, and the education we can provide our children.

Asian Pacific Americans are contributing to every aspect of American life, from business and government to sports, science, research and the arts. I am proud that the political landscape in my district reflects this diversity.

I want to take two seconds to recognize two important female city councilwomen in my district from the APA community: Laura Lee, of the City of Cerritos, and Michiko Oyama, of the Hawaiian Gardens City Council. They are pioneers in California's 39th District. They are smart, tough, compassionate leaders and great role models for all Americans.

As we recognize the many contributions of the Asian Pacific American community during this month, let us also celebrate where the APA community is going and the future impact it will have on our country. I urge all Americans to remember their important contributions to our country not only today but every day. The Asian Pacific American community, like the many diverse immigrant communities in this country, makes our country richer and stronger, and to them I am grateful.

□ 2100

Ms. SOLIS. Mr. Speaker, I would like to acknowledge the good work of the gentleman from California (Mr. HONDA), who has done an outstanding job in representing the concerns of the Asian Pacific Islander community. I was very proud to have the gentleman be part of a very instrumental conference that we held in Los Angeles on health care access. It was a tricaucus effort, and it was the first time the Hispanic Caucus, the Black Caucus, and the Asian Caucus came together in Los Angeles and started to talk about the health care disparities that affect our communities. It has been a pleasure working with the gentleman here in the House; and as a former colleague in the State Assembly in Sacramento, California, I had the pleasure of working with the gentleman there. He continues to shine a bright light here in the House, reflecting all the concerns and needs and issues that we need to pay close attention to.

As a Member representing the 32nd Congressional District, which I believe is the second largest community concentration of Asian Pacific Islanders, there are over 120,000 individuals who represent various Asian communities that live in my district, I have been very, very blessed to represent them for the past several years in any capacity as assembly woman, a State senator, and now as their Congressperson.

I want to tell Members how important it is to help build leadership amongst our community there. I am proud to represent one of the cities which is 70 percent Asian, Monterey Park, known as Little Taipei, which has one of the few city councils which has a majority of Asians.

One of the first assemblywomen came out from Monterey Park City Council, and that is the Honorable Judy Choo, who now serves on the very powerful appropriations committee in the State of California. I am proud to be a part of her accomplishments also in our district.

I want to say also it is very important to be reminded of the many contributions that Asian Americans have made. I am proud that now that my district has been somewhat redistricted, even in new parts of my district, for example in a city known as West Covina, that the Asian population there grew from 4 percent in 1980 to now 23 percent. We have a very distinguished councilman who sits on that city council, and that is Ben Wong, who is also representing our interests very well there, and someone who has been very politically active in making sure that diversity is encompassed and embraced by everyone.

That is why I have a particular joy in being here tonight to help promote the contributions that this community has made in so many ways, and so much is not reported in our history books. I had the pleasure of visiting just a few weeks ago some gentlemen who were actually represented in one of the major battlefields that we were involved in World War II, and these were the Japanese Americans that served in the Armed Forces as a part of the 442nd Infantry Regimental Combat Team. There was still two or three of my members alive in my district. I was very proud that we could present them with their awards and honors and pay tribute to what they bring to our history here that often goes unreported.

As I close my comments, I want to thank our colleagues here that represent a part of the Asian Caucus, and they are so open and willing that even myself, as a member of the Hispanic community, is welcomed as a member in that caucus. I feel very privileged to continue to work with them to see that our issues are in the forefront here in Congress, and that we represent the interests and needs of all of our communities. I thank the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Speaker, I would like to say to the gentlewoman, in spite of the growth of the Asian American communities, rather than feel threatened, the gentlewoman embraces them; and I think that is why the gentlewoman has been such a welcomed leader for political leadership in our country.

Mr. Speaker, I yield to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I rise today in honor of Asian Pacific American Heritage Month and to recognize the great contributions of Asian and Pacific Island Americans to our Nation. I, too, as the previous speaker said, am very proud to represent the territory of Guam in the Pacific, and I want to thank the gentleman from California (Mr. HONDA), the chairman, for his sterling leadership. Ever since I have come to Congress, I have noted he is out there working hard for the Asian Pacific recipients and the representatives from the various areas, as has the gentleman from American Samoa (Mr. FALEOMAVAEGA), the vice chair of the Asian Pacific American Caucus. I thank them for their efforts on behalf of our communities.

Asian and Pacific Islanders are contributing in every aspect of American life, from business to education, government, public relations, the military, sports, entertainment and the arts. In each of these professions, we find prominent Asian and Pacific Islander Americans making their mark. The late congresswoman, Mrs. Patsy Mink, was a champion of women's rights and a leader in social justice who worked tirelessly to provide opportunity to the poor and disenfranchised. Today her legacy lives on and inspires many to remain strong in their convictions.

With her award-winning book, "A Single Shard," children's author and Korean American, Linda Sue Park, has instilled important lessons of honesty, integrity, hard work, and perseverance in millions of children.

My predecessors, the Congressmen Antonio Won Pat, Ben Blaz, and Robert Underwood, faithfully served the people of Guam; and they have served as an inspiration to a generation of Chamorros.

Our communities have embraced America as our new homeland, and our unique cultures have survived and continued to thrive because America has come to know and appreciate how our contributions have enriched our Nation.

Today, as we celebrate "Freedom For All, a Nation We Call Our Own," and as our military operations to win the war against terrorism continue to hold national attention, we are reminded of the sacrifices made to ensure our freedom. No one can doubt the patriotism of Asians and Pacific Islanders who have served this country with pride and distinction, and many without the benefit of citizenship.

Let us honor the 21 Asian American World War II veterans from the 100th Infantry Battalion and the 442nd Regimental Combat Team who were awarded the Medal of Honor for extraordinary heroism and bravery on the battlefield.

I especially want to remember those who have given their lives to protect our freedom, including Army Specialist Christopher Wesley, Lieutenant Michael Vega, and Sergeant Eddie Chen, soldiers from Guam who were killed in Iraq. We are saddened by their deaths, but their courage is an inspiration to all of us.

This year the people of Guam will be commemorating the 60th anniversary of our liberation from enemy occupation by U.S. Armed Forces during World War II. As the only American territory with a civilian population occupied by the enemy during World War II, they risked their lives to protect American soldiers from capture and endured great hardship and suffering. I want to recognize the people of Guam for their steadfast loyalty during these trying times.

As we celebrate Asian Pacific American Heritage Month, let us remember and honor all of the contributions of Asian Pacific Islanders. Let us appreciate the cultural diversity, the patriotism, and the communities that make our Nation so great.

Mr. HONDA. Mr. Speaker, I thank the gentlewoman from Guam for raising the profile of Guamanians in the history and the patriotism of this country.

Mr. Speaker, I yield to the gentlewoman from California (Ms. LEE), the Congresswoman from Oakland.

Ms. LEE. Mr. Speaker, first let me just say tonight that I also rise to celebrate Asian Pacific American Heritage Month, which commemorates the significant contributions of Asian Pacific Americans throughout our country's history.

I would just like to take a moment and especially thank the gentleman from California (Mr. HONDA), the leader of our Asian Pacific American Caucus, for organizing this Special Order this evening and also for the gentleman's consistent leadership on so many issues which affect not only the Asian Pacific American community, but the entire country and the entire world. I thank the gentleman for his leadership and for making sure that we stay on point.

Let me say tonight that I, too, honor the memory and the legacy of a very good friend, a great woman who left this Earth much, much too soon, the first woman of color to serve in the House of Representatives, our great sister, Congresswoman Patsy Takemoto Mink. She made such an impact in this body, and tonight as we celebrate Asian Pacific American Heritage Month, I want to just remind us of Patsy's great legacy.

Also, I would like to recognize the contributions of Asian Pacific Americans in my district, the 9th Congressional District of California, the East Bay of Northern California, and really commend everyone for their dedicated service and vision in making life better for those in our community and our Nation.

Asian Americans and Pacific Islanders have long played a crucial role in the life and the history of the East Bay. The region's identity has been profoundly shaped by its place on the Pacific Rim. However, today Asian Pacific Americans still face a wide variety of challenges, including access to educational opportunities and community resources.

I specifically want to talk about three great organizations in my own district that are working to strip down the language and educational barriers that isolate far too many Asian Americans and Pacific Islanders today. They are the Asian Immigrant Women Advocates, Oakland Asian Students Educational Services, and Asian Health Services.

First, the Asian Immigrant Women Advocates has been providing resources to low-income Asian immigrant women workers for over 20 years. They work with women workers employed in the garment industry, in hotels, in restaurants, and other low-wage industries in the Bay Area. Every day they stimulate positive change and empower disenfranchised women through education, leadership development, and collective action so they can fight for dignity and justice in their working place and for enhanced and more rational, fairer, and more equitable living conditions.

Secondly, the Oakland Asian Students Educational Services motivates youth who have limited access to maximize their potential through education and social support. OASES provides personalized academic support and enrichment programs for youth from the first grade through their high school graduations. Through OASES, students take technology classes to gain computer skills and are tutored in areas such as math, science and, social studies. Recent young immigrants who face linguistic and social barriers in their schools can also receive language support. With so many social, educational, and economic challenges, health and access to quality care is also a major concern.

Now the four leading causes of death among Asian Americans and Pacific Islander women are cancer, heart disease, stroke, and unintentional injuries. That is why the work of the third organization that I would like to highlight tonight, the East Bay Consortium of Health Care Centers, their work is critical, especially as being part of the Asian Health Services.

Asian Health Services is a comprehensive community health center that provides medical care, health education, insurance counseling, and client advocacy to the underserved Asian and Pacific Islander population in Alameda County. Serving the community since 1974, they now provide medical services to 15,000 patients annually. Their staff of 150, which includes 18 doctors and physician assistants and 23 nurses, is bilingual in nine languages. In addition to providing high-quality health care, AHS is home to the Language and Cultural Access program, a medical interpretation and translation service, and Community Voices for Immigrant Health, a health policy development program.

As Members may know, recent immigrants face many obstacles today. Organizations like these help their clients to conquer these barriers. I want to salute them tonight for their achievements and congratulate them for a job well done and a job that continues to soar on behalf of our community.

□ 2115

In addition, as part of Asian Pacific American Heritage Month, I believe that it is also very important to celebrate the accomplishments of prominent Asian American leaders in our community. Let me just recognize Oakland City Council members Jean Quan and Henry Chang and Danny Wan. Also our supervisor, Alice Lai Bitker and one of the most powerful persons in the California legislature, our majority leader Wilma Chan. They work daily to enhance the quality of life for Asian Americans and Pacific Islanders, also for our entire community, the States and the entire Nation. For this, I am deeply grateful.

Finally, I want to recognize a hero for many of us, someone who has profoundly affected the lives of all Americans, Professor Ronald Takaki. Professor Takaki is a foremost thinker in the field of multicultural education and ethnic studies. He has been a professor in Asian American studies at the University of California Berkeley for more than 30 years. His research and teaching have shed light on the vast contributions that Asian Americans have made to the history, to the culture, and to the achievements of our country.

Professor Takaki believes that the study of multiculturalism results in a more accurate understanding of who we are as Americans. The grandson of Japanese immigrants to Hawaii, Professor Takaki cites the moral vision of Martin Luther King, Jr. and the civil rights movement as the stimulus for his study of race in America. Since then, much of the core curriculum in ethnic studies has grown from his own wide-ranging original research. In 1984, he was a founder of Berkeley's Ph.D. program in ethnic studies, the first of its kind in America. Professor Takaki is retiring this year from the University of California Berkeley and tonight I want to honor him for his vast contributions to bettering our society and in championing diversity and minority rights in our country.

Mr. Speaker, tonight in conclusion, as a proud member of the Congressional Asian Pacific American Caucus, I am pleased to join the gentleman from California tonight. I want to thank him again for organizing this Special Order. As we commemorate and as we celebrate the crucial role that Asian Americans and Pacific Islanders have played and continue to play in the development of this Nation, we must also recognize at the same time the unique needs and challenges of the 13.1 million Asian Pacific Americans in the United States and work towards supporting efforts to improve their future. I again thank the gentleman for his leadership and his friendship.

Mr. HONDA. I thank the gentlewoman from California, and I appreciate her sharing the work that the community-based organizations are doing for the community in order for the members of the community to be able to access and be full participants in our country.

Mr. Speaker, I yield to the gentlewoman from California (Mrs. NAPOLITANO), another great leader.

Mrs. NAPOLITANO. Mr. Speaker, I thank my colleague and dear friend, the gentleman from California. I rise to honor, recognize, and celebrate Asian Pacific American Heritage Month and thank my friend for making us aware that all of us are immigrants to the United States and that we need to work together to be able to forge a better partnership for the betterment of the whole of the United States.

I have the privilege of representing a large and diverse community of Asian Pacific Americans in my California 38th District. As part of the Congressional Hispanic Caucus leadership and a member of the Congressional Asian Pacific American Caucus, I extend my gratitude to the gentleman from California, chair of CAPAC, for organizing this Special Order and for bringing us together to recognize and celebrate this very special evening.

This month, the members of the Congressional Hispanic Caucus pay tribute to Asian Pacific Americans, especially, as we have heard, our great deceased friend, Patsy Takemoto Mink. We also have a great leader in the United States in Transportation Secretary Norm Mineta who has been a great friend to all of us and made a very heavy impact in transportation for the whole of the United States.

The last day of this month is Memorial Day. I extend my appreciation to all Asian Pacific Americans who have died in combat and also to the more than 60,000 Asian Pacific Americans currently on active duty in the armed services. For over two centuries, Asian Pacific Americans have helped to strengthen and define America. In the 1700s, Filipino immigrants fled from Spanish oppression and settled in Louisiana. In the mid-1800s, Chinese immigrants were actively recruited to work on the transcontinental railroad, a vital line for early settlers in the West. In the face of discrimination, many

Chinese and Japanese workers continued immigrating to Hawaii and California in the late 1800s to work long hours in agriculture long before other immigrants. Despite playing a critical role in the United States westward expansion, believe it or not, laws were passed to exclude Asians from citizenship. Today immigration policy is still fraught with some of the same systemic problems and hypocrisy early Asian Pacific immigrants encountered.

Last week the gentleman from Illinois (Mr. GUTIERREZ) introduced H.R. 4262, an immigration reform bill that addresses the needs of the immigrant community labor organizations and business groups. It fixes many of the systemic problems and honors the hard work of today's immigrants, all immigrants, including Asian Pacific Americans, provides better security for our country and gives the framework for managing future immigration.

I have the highest regard for the determination and entrepreneurship and the spirit of these Asian Pacific immigrants. They have one of the highest levels of self-employment in the U.S. It is even higher than their American-born counterparts. America must pass an immigration policy that respects their hard work and the jobs that they bring to the United States.

As a community, Asian Pacific Americans have never forgotten the struggles of those who came before us. The Tri-PAC which the Asian Pacific American Caucus, the Hispanic Caucus, and the Congressional Black Caucus have formed have been working together and will continue to work together to better the very, very hard issues that face our different communities. We have had the privilege to work with our friends in the Congressional Asian Pacific American Caucus, CAPAC, to make the path smoother for those who come after us. The members of the Congressional Hispanic Caucus look forward to continuing to work with CAPAC on improving minority health, increasing education resources, and working for real immigration reform for all those that need it in this great country of ours.

Mr. HONDA. I thank the gentlewoman from California. Let me also comment and thank her for her leadership in helping this country understand how diverse and how colorful this country is.

Mr. Speaker, I yield to the charismatic gentleman from Hawaii (Mr. CASE).

Mr. CASE. Mr. Speaker, our country is obviously going through times of great difficulty, but it is vital in such times that we pause to reflect on all that is good in our country, that we reflect upon the glue of our country, what holds us together. In that context, I am very pleased to join the gentleman from California, a most worthy and passionate advocate for our people, and my other colleagues on the Congressional Asian Pacific American Caucus on commemorating Asian Pacific American Heritage Month. I stand here as the proud Representative of my Second District of Hawaii, the most ethnically diverse district in the most ethnically diverse State of our country.

In my Hawaii, out of a total population of 1.2 million, over half are comprised of Asian and Pacific Islanders. And so as we commemorate Asian Pacific American Heritage Month, I want to reflect on the history of Hawaii, not just because I am immensely proud of our history but also because I believe very strongly that we remain a beacon for where this country is going and what this country can be in the area of ethnic contributions and ethnic diversity.

Of course among our country's original Pacific Islanders were and are the indigenous peoples of Hawaii, the native Hawaiians. They came from elsewhere in Polynesia in the early centuries A.D. and built one of the most amazing societies that this world has ever seen. The circumstances under which their kingdom gave way to the Republic of Hawaii remain controversial and far reaching, the subject even today of vital legislation to reaffirm the special relationship between our government and native Hawaiians everywhere. But what is unquestioned is that our indigenous peoples, like other Asians and Pacific Islanders, have seen a remarkable and deeply moving renaissance in their own culture and ethnic pride that has not even begun to approach its zenith.

Modern Western contact in 1778 started Hawaii on the journey to ethnic and cultural diversity, a journey on which we are still embarked. As our economy turned to large-scale agriculture and we saw many foreign workers come in, we saw the Chinese come in beginning in 1852, Japanese in 1868, Portuguese in 1878, Puerto Ricans in 1901, Koreans in 1904, Filipinos in 1907. Today we continue in Hawaii to attract immigrants to our shores, including Vietnamese, Laotians and Cambodians from southeast Asia and other Pacific Islander groups including Tongans, Samoans, Fijians, Maori, Chamorros, Marshallese, Palauans and other Micronesians, Polynesians and Melanesians.

Today Hawaii's Asian and Pacific Islander community counts all of these as valuable members of our society. My own congressional district is home to many, including the largest number of native Hawaiian and Filipino populations of any other district in the country. So it is no surprise that Hawaii leads our country in interracial marriages, including my own, where the undisputed head of my household's family originated in the great country of Japan a century ago. More than one-third of married couples and more than one-half of unmarried couples are interracial. More than 50 percent of the children born in Hawaii nowadays, including my own, are interracial. So you can see that in Hawaii, we live Asian Pacific American Month every month. We are proud of our API community, their contributions to our national and international life. For example, of the 33 Asian and Pacific American Members of Congress ever elected, seven have been from Hawaii, including Prince Jonah Kuhio Kalanianaole, Senator DANIEL KEN INOUYE, Senator Hiram Leong Fong, Senator Spark Masayuki Matsunaga, Congresswoman Patsy Takemoto Mink, Senator DANIEL KAHIKINA AKAKA and Congresswoman Patricia Fukuda Saiki.

We have boasted a few firsts at the gubernatorial level. The first Governor of Japanese ancestry, George Ariyoshi. The first Governor of native Hawaiian ancestry, John Waihee. The first Governor of Filipino ancestry, Governor Ben Cayetano. We have seen today in the halls of Congress the incredible contributions of a patriot, Major General Antonio Taguba, a Leilehua High grad from Hawaii and a proud member of our Filipino community. And, of course, former General Eric Shinseki, 34th Chief of Staff, U.S. Army, of Kauai.

Like everywhere else in our country we have tragically given thousands of the lives of our sons and daughters, including from the Asian and Pacific American community for the cause of freedom. The exploits of the 442nd Regimental Combat Team remain legendary, but more recently we have seen the tragedy, the tragedy of the loss in Iraq of Maui native Sergeant First Class Kelly Bolor and Big Island native Wesley Batalona.

In sports we have seen Michelle Wie, a 14-year-old Hawaii high school freshman referred to as the Tiger Woods of women's golf. We have seen Benny Agbayani in baseball, Duke Kahanamoku and Rell Sunn in surfing, Ben Villaflor in boxing, Tommy Kono in weightlifting. Ellison Onizuka gave his life for the cause of science. Miss Universe Brooke Lee. Miss America Angela Baraquio. In music, Braddah Iz, Israel Kamakawiwo'ole. In Hollywood Kelly Hu, Jason Scott Lee, Tia Carrera. In sumo, Takamiyama, Akebono, Musashimaru and Konishiki. In civil rights, Bruce Yamashita. And, of course, how could we end the night without mentioning Camille Velasco and more recently Jasmine Trias? If you want to show your support for Asian and Pacific Americans, tonight you know what number to call on what TV show right about now. Jasmine just finished singing.

Mr. Speaker, this is just some of what our proud Asian and Pacific American community offers our country and world. We are deeply committed to sharing with our fellow

Asian and Pacific American community nationwide a bright future. I have only the utmost thanks and respect for the gentleman from California (Mr. HONDA) again for his leadership and for my other colleagues, not just in the APA community caucus here but on all of the other ethnic minority caucuses. Together we are working for a much brighter, a much better, a much more vibrant and diverse and amazing culture and future that lies in front of us here in this country.

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I thank him and bid him a warm mahalo.

Mr. HONDA. Mahalo. Mr. Speaker, I yield to the gentleman from Hawaii (Mr. ABERCROMBIE) to round out the great State of Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman for the opportunity to speak here this evening on Asian Pacific American Heritage Month Special Order. Mr. Speaker, I rise today with my colleagues on the congressional Asian Pacific American Caucus to recognize Asian Pacific American Heritage Month. As a member of the caucus's executive committee, I want to honor the many achievements and contributions of more than 11 million Americans of Asian and Pacific Islander descent in our country.

As has been mentioned by the gentleman from Hawaii (Mr. CASE), back in 1978 my friends and colleagues, Senator DANIEL K. INOUYE, former Senator Spark Matsunaga, former Representative Frank Horton, and former Representative Norm Mineta, helped establish the first 10 days of May as Asian Pacific American Heritage Week. Fast forward to the 102nd Congress: legislation establishing the entire month of May as Asian Pacific American Heritage Month was signed into law.

The congressional district I represent is composed of approximately 70 percent Asian Americans and Pacific Islanders. There is a special strength and resilience embodied in Hawaii's unique cultural mix. We have chosen to be defined by our diversity rather than divided by our differences. That resolve to work together with Aloha can serve as an example for the rest of the country and I might say, Mr. Speaker, for the world.

For those of us from the State of Hawaii, there is something missing in this year's heritage month celebration, however: the dynamic presence of our colleague Patsy Takemoto Mink. Patsy fought all her life for social and economic justice. Throughout nearly 50 years of public service, she championed America's most deeply held values: equality, fairness, and, above all, honesty. Her courage, her willingness to speak out and champion causes that others might shun resulted in tremendous contributions in the fields of civil rights and education. She has earned an honored place in the history of the United States House of Representatives as the co-author of title IX, which guarantees equality for women in education programs. Every single woman in this Nation who today has access to equal opportunity in education and by extension in virtually every other field of endeavor owes a debt to Patsy Mink.

She was one of the pioneers who transformed Hawaii and transformed the Nation. Whenever any of us felt some sense of discouragement, whenever any of us felt some sense of despair or feeling we could not succeed, it was only required for Patsy to come into the room to change the atmosphere. Patsy Mink had the capacity to make dead air move. Patsy Mink, this little dynamo from Hawaii, was a giant in her heart and in her commitment. I miss her every day. I measure all I do by her unfailing standard of integrity.

She would be the first to say while we can look at Asian Pacific American Heritage Month as a time to recognize and celebrate many individual accomplishments, we must also take action. The other members of Hawaii's congressional delegation and I are working every day to respond to the issues raised by people of Hawaii and the Nation. I hope I can work productively to resolve them, always remembering that our Nation should be defined by our diversity rather than be divided by our differences. I thank the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Speaker, I thank the gentleman from Hawaii (Mr. ABERCROMBIE), and he makes Hawaiians very proud; and we are privileged to have him as one of our members of CAPAC, and I always look toward him to understand how to deliver a speech eloquently.

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman for yielding to me, and I am very proud to be here as one of Hawaii's answers to affirmative action this evening.

Mr. HONDA. Mr. Speaker, I was hoping he would say that.

Mr. Speaker, I too would like to extend my gratitude to the patriotic men and women serving our country and the military including the 60,813 Asian American and Pacific Islanders serving on active duty in the U.S. armed services as well as the 20,066 in the Reserves and National Guard. I also commend the 351,000 API veterans. Last week I had the privilege to meet a young soldier, Army Specialist Bermanis of the Army's 82nd Airborne Division. He was presented with the Bronze Star, a Purple Heart for Meritorious Conduct in Operation Iraqi Freedom. On July 16, 2003, the award presentation ceremony took place bedside at Walter Reed Army Medical Center where he was convalescing from grave injuries. Specialist Bermanis and a fellow soldier were on guard duty in southern Baghdad when they sustained an attack by rocket-propelled grenades on June 10, 2003. His fellow soldier died instantly, and Specialist Bermanis lost both his legs and his left hand.

Specialist Bermanis hails from Pohnpei in the Federated States of Micronesia. Officials from the Federated States of Micronesia and the U.S. Government had visited him at Walter Reed and praised him for his courage and exemplary service. A senior U.S. official commended Specialist Bermanis's service as representative of the Federated States of Micronesia citizens' commitment to the security of the United States and Pacific region.

Mr. Speaker, this month also affords us time to reflect on the various social needs that exist in the API community. Today there are 12.8 million APIs, which represents 4.5 percent of the U.S. population. Between 1990 and 2000, the community grew nationally by 72 percent.

APIs are one of the fastest growing populations in the country. The API community in this country encompasses 49 ethnicities speaking over 100 languages and dialects. The population enriches our culture linguistically through a range of languages, such as Japanese, Chinese, Samoan, Thai, Vietnamese, Hmong, Cambodian, Micronesian, and Korean.

Our linguistic diversity has contributed greatly to American society. It has allowed us to exercise international leadership economically and politically. According to the U.S. Census Bureau, slightly less than half of the 7 million API who speak a language other than English at home report that they speak English "very well." We need to better address the educational and health care needs of all limited-English proficiency students, children, and adults.

Additionally, data is a cross-cutting issue. Lack of data impacts our understanding of the health problems in our communities as well as the problem of access and quality. Adequate data collection continues to be a challenge for the API community. Although we are often mistaken to be a homogenous group, our community is extremely diverse in ethnicities and languages. Aggregating such a large and diverse group makes it difficult to understand the unique problems faced by the individual ethnicities.

This year as chair of CAPAC, I have looked into these and other critical issues within the API community. Through our CAPAC task forces, we have targeted such goals as eliminating racial ethnic health disparities, enacting comprehensive immigration reform, fighting to create jobs, and providing educational opportunities for the underserved.

CAPAC has had the privilege to work with our colleagues in the Congressional Black Caucus, the Congressional

Hispanic Caucus, and the Congressional Native American Caucus to advance dialogue on these important issues.

I yield to the gentleman from American Samoa (Mr. FALEOMAVAEGA), the vice chairman of CAPAC, a Member of the Congress for many years, a leader and a person who represents American Samoa.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman from California (Mr. HONDA) for yielding to me and not only for his leadership but as chairman of the Asian Pacific American Caucus and for him to request this Special Order to allow Members of this institution to pay tribute and to recognize the contributions of our Asian Pacific American community to our Nation.

I think with some sense of perspective in history, Mr. Speaker, when we talk about the Asian Pacific American region, we talk about all those countries that comprise Asia as a region as well as those Pacific Island nations. The Asian Pacific region constitutes two-thirds of the world's population. This region also has six of the 10 largest armies in the world. The U.S. commercial and trade relations with this Asian Pacific region far exceeds other regions of world. In fact, the U.S. trade with the Asian Pacific region is twice that of Europe alone. As I recall, Senator INOUYE once made the observation that for each 747 that flies across the Atlantic, four 747s fly between the Asian Pacific region and our Nation.

Americans whose roots are from the Asian Pacific region are over 13 million strong and among the fastest growing demographic group in the United States today.

Permit me to share with my colleagues an overview of some of the contributions that Asian Pacific Americans have given to our Nation. Just 3 months ago, a world renowned Chinese American physicist, Dr. Chien-Shiung Wu, perhaps little known to the average American, passed away quietly in her home in New York. For decades she dedicated her life to the study of beta decay. She was born in Shanghai, and in her youth studied with Nobel Laureate E.O. Lawrence, the inventor of the cyclotron at U.C.-Berkeley, where Dr. Wu also received her doctorate degree in physics. For some 30 years, Dr. Wu taught physics at Columbia University. In 1957 she won the Nobel Prize in physics for her work on emission of electrons from radioactive nuclei. I think there are approximately 10 other Nobel Laureates who are of Asian Pacific ancestry in the field of physics, mathematics, and chemistry.

A couple of years ago, Time Magazine featured as its Man of the Year Dr. David Ho. Dr. Ho is a Chinese American who was born and raised in Taiwan. His family moved to the United States when he was a young man, and he is now a leading scientist in the field of medicine and has been recognized for his research efforts to find a cure for HIV/AIDS.

For several decades now, Dr. Makio Murayama, a Japanese American, conducted vital research in the United States that laid the groundwork for combating sickle-cell anemia. In 1973 Dr. Leo Esaki, a Japanese American as well, was awarded the Nobel Prize in physics for his electron tunneling theories. And in the field of engineering, few have matched the architectural masterpieces created by the genius of Chinese American I.M. Pei.

In the fields of law and finance, the names of prominent Asian Pacific American corporate leaders and legal scholars are too numerous to mention. One need only to read our Nation's top newspapers and periodicals to document that Asian Pacific American students, both in secondary schools and universities, are among the brightest minds our Nation offers to the world. We have every expectation that they now and will in the future contribute their talents and expertise to solve major issues and problems now confronting our Nation today.

In the fields of entertainment and sports, the late Chinese American kung-fu martial arts expert Bruce Lee captivated movie audiences around the world by destroying the common stereotype of the passive, quiet Asian Pacific American male. Now another sports and movie icon is moving his way through the movie industry and is believed to be the heir apparent to Sylvester Stallone and Arnold Schwarzenegger, Governor Arnold Schwarzenegger. His name is Dwayne Johnson, commonly known today as the Rock. The Rock is a former World Wrestling Federation champion wrestler and has completed his third movie. First it was The Scorpion King, then The Rundown, and now Walking Tall. And just a unique thing about the Rock, Mr. Speaker, is that his father is African American and of European descent, but his mother is pure Samoan Polynesian. Now just about every Samoan claims kinship with the Rock, including myself, Mr. Speaker.

When we talk about sports, for example, golf, Mr. Speaker, it is ironic that the two best golfers in the world are of Asian Pacific descent. Tiger Woods's mother is Thai. Vijay Singh from the island of Fiji is of Asian descent. And as mentioned earlier by my colleagues from the State of Hawaii, we have a new Tiger Woods among the women's professional golfers, and this is a 14-year-old junior golfer from the State of Hawaii. She is Michelle Wie.

About 4 decades ago, Mr. Speaker, a native Hawaiian named Duke Kahanamoku shocked the world by winning the Olympic gold medal for the United States in swimming, followed by Dr. Sammy Lee, a Korean American, who also won the Olympic gold medal in high diving. Dr. Lee told me during the 1988 Olympics in Korea that in his day, because he was nonwhite, he was not allowed to train along with his fellow Olympic American athletes.

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So he had to become creative by performing high dives off cliffs and tall trees. Despite all this, he still won the gold medal for our country.

And what can you say about Greg Louganis, the Samoan American, perhaps the best high diver ever in the world. Dr. Lee, who was his former teacher, I asked him in Korea, "Why is it that Greg Louganis is such a fantastic high diver?" He said, "ENI, look at his legs. Because of the power that he gets from his legs," this high diver named Greg Louganis, "he is able to perform more difficult tricks in his routines when he does this." I think everybody knows that Greg Louganis has been the greatest diver ever known to the world.

Let's talk about the National Football League. We have had Asian-Pacific Americans who have also made All-Pro: Charles Ane with the Detroit Lions, Rockney Freitous with the Detroit Lions; Luther Elliss; and the perennial All-Pro, Junior Seau, formerly with the San Diego Chargers, now with the Miami Dolphins. We have Jesse Sapolu with the Forty-Niners and Dan Saleaumua with the Kansas City Chiefs, and also Jim Nicholson, also formerly with the Kansas City Chiefs.

We also have Asian-Pacific Americans who are making their mark on history, not in our country, but in Southeast Asia. About 20 years ago, an 18-year-old Samoan kid named Saleva'a Atisanoe, then weighing only 384 pounds was an All-State football player who had intended to play college football. While walking Waikiki Beach with his buddies, he was immediately brought to the attention of the famous Native Hawaiian sumo wrestler and teacher, Jesse Kuhaulua—or Takamyama—as he was known throughout Japan.

After convincing Saleva'a's parents to have their son try sumo wrestling as an optional sport, Takamyama brought this Samoan young man to Japan. Saleva'a left with only a little lavalava and a t-shirt on his back and started a training program so rigorous and demanding that very few foreigners make it through the first 6 months.

Saleva'a told me that he trained every day for 6 or 7 hours. His body took every form of pain and physical punishment including stretching, pushing, pulling. If you want to know how rigorous the training is and what a sumo wrestler has to do in order to be successful in this ancient sport, let me just say that a 500 pound man must be able to do the splits just like a seasoned ballerina dancer does at an opera concert.

Saleva'a's name was later changed to Konishiki, and he weighed in at 570 pounds and at six feet in height. Konishiki took the entire sumo wrestling world to a different level. His successes in winning his matches within 2 years usually would take most sumo wrestlers 5 years to achieve. Although he achieved the second highest level in sumo, which was Ozeki, Konishiki became a household name throughout Japan, and was forerunner to two other Polynesian sumo wrestlers who eventually became Yokozuma or grand champion.

Indeed, two Americans of Polynesian descent scaled even greater heights by attaining the highest status—Yokozuna or Grand Champion—in this ancient Japanese sport of sumo wrestling. A Native Hawaiian, Chad Rowen, or Akebono as he is known in Japan became Yokozuma. Of course, he weighed about 500 pounds and stood six feet eight inches tall. The other was Samoan-Tongan American Peitani Fiamalu also known as Musashimaru. He tipped the scale at 550 pounds and stood six feet four inches.

Mr. Speaker, if I may, I would like to now direct my attention to another area in our Nation's history, where Members of our Asian Pacific American community were severely challenged. As a Vietnam veteran, it would be ludicrous for me not to say something to honor and respect the hundreds of thousands of Asian Pacific Americans who served then and now in all the branches of the U.S. Armed Forces.

As a former member of the U.S. Army's Reserve unit known today as the 100th Battalion and 442nd Infantry Combat Group, I would be remiss if I did not tell you about the contributions of the tens of thousands of Japanese American soldiers who volunteered to fight our Nation's enemies in Europe in World War II.

Some of us may not be aware of the fact that after the surprise attack on Pearl Harbor on December 7, 1941, by the Imperial Army of Japan, there was such a public outcry for an all-out war against Japan, and days afterwards our President and the Congress formally declared war.

But caught in this crossfire were hundreds of thousands of Americans, Americans, mind you, who just happened to be of Japanese ancestry. Our national government immediately implemented a policy whereby over 100,000 Americans of Japanese ancestry were forced to live in what then called relocation camps, but actually in my opinion they were more like prison camps or concentration camps. Their lands, homes and properties were confiscated without due process of law.

Mr. Speaker, it is also a time in our Nation's history when there was so much hatred and bigotry and racism placed against our Japanese American community. Yet, despite all this, leaving their wives, their parents and brothers and sisters behind barbed wire fences in these prison camps, the White House accepted the request of tens of thousands of Japanese Americans who volunteered to join the Army.

As a result of this request for service, two combat units were organized. One was known as the 100th Battalion, also known as the Purple Heart Battalion; and the other was known as the 442nd Infantry Combat Group. Both were sent to fight in Europe.

In my humble opinion, Mr. Speaker, history speaks for itself in documenting that none have shed their blood more valiantly for our Nation than the Japanese American soldiers who served in these two combat units while fighting enemy forces in Europe in World War II.

The military records of the 100th Battalion and 442nd Infantry are without equal. These Japanese Americans suffered an unprecedented casualty rate of 314 percent, and received over 18,000 individual decorations, many of them awarded posthumously, for bravery and courage in the field of battle.

For your information, Mr. Speaker, 52 Distinguished Service Crosses were awarded to these two units. 560 Silver Stars and 9,480 Purple Hearts were awarded to the Japanese American soldiers of the 100th Battalion and 442nd Infantry Group. However, I find it unusual that only one Medal of Honor was given.

Nonetheless, the 442nd Combat Group emerged as the most decorated combat unit of its size in the history of the United States Army. In fact, Mr. Speaker, President Truman was so moved by their bravery in the field of battle, as well as that of the contributions of African American soldiers World War II, that President Truman issued an executive ordered to desegregate all branches of the Armed Forces.

It was while fighting in Europe that Senator INOUYE lost his arm while engaged in battle against two German machine gun posts. As a result of his valor, Senator INOUYE was awarded the Distinguished Service Cross.

Four years ago, a congressional mandate was issued calling for review of the military records of these two combat units, and I was privileged to attend the White House ceremony where President Clinton presented 19 Congressional Medals of Honor to the Japanese Americans of these two units. Senator INOUYE was one of the recipients of the Medal of Honor.

The fact of the matter is, Mr. Speaker, these Japanese-Americans paid their dues in blood to protect our Nation from its enemies and it is a shameful black mark on the history of our country that when the patriotic survivors of the 100th Battalion and 442nd Infantry returned to the United States, many were reunited with their parents, brothers and sisters who were locked-up behind barbed-wire fences, living in prison camps—and could not even get a haircut in downtown San Francisco because they looked Japanese—despite the fact that they, too, were Americans.

My dear friend and former colleague and now U.S. Secretary of Transportation, Norman Mineta, and Congressman BOB MATSUI from Sacramento remember well the early years of their lives in these prison camps. Secretary Mineta told that one of the interesting features of these prison camps were postings of machine gun nests all around the camp—and everyone was told that these machine guns were posted to protect them against rioters or whatever. But then Secretary Minea observed—if these machine guns are posted to guard us, why is it that they are all directed inside the prison camp compound and not outside?

Mr. Speaker, I submit that the wholesale and arbitrary abolishment of the constitutional rights of these loyal Japanese-Americans should forever serve as a reminder and testament that this must never be allowed to occur again. When this miscarriage of justice unfolded during WWII, Americans of German and Italian ancestry were not similarly jailed en masse. Some declare that our treatment of Japanese Americans during WWII was an example of outright racism and bigotry in its ugliest form. After viewing recently the Holocaust Museum in Washington, I understand better why the genocide of some 6 million Jews has prompted the cry, "Never Again, Never Again!" Likewise, I sincerely hope that mass internments on the basis of race alone will never again darken the history of our great Nation.

To those that say, well, that occurred decades ago, I say we must continue to be vigilant in guarding against such evil today. Not long ago, we had the case of Bruce Yamashita, a Japanese-American from Hawaii who was discharged from the Marine Corps officer training program in an ugly display of racial discrimination. Marine Corps superiors taunted Yamashita with ethnic slurs and told him, "We don't want your kind around here. Go back to your own country." The situation was made worse by the Commandant of the Marine Corps, a four star general, who appeared on television's "Sixty Minutes" and stated, "Marine officers who are minitories do not shoot, swim or use compasses as well as white officers." The Commandant later apologized for his remarks, but it was a little too late.

After years of perseverance and appeals, Mr. Yamashita was vindicated after proving he was the target of vicious racial harassment during his officer training program. The Secretary of the Navy's investigation into whether minorities were deliberately being discourage from becoming officers resulted in Bruce Yamashita receiving his commission as a captain in the Marine Corps.

Mr. Speaker, I am also greatly disturbed by media coverage in recent years involving illegal political campaign contributions made by a small minority of the Asian-Pacific American Community. The media has implied that the Asian Pacific American community as a whole is suspect and corrupt and I find this racial scapegoating to be repugnant and morally objectionable. Playing-up fears of the "Asian Connection" serves to alienate Asian-Pacific Americans from participating in our political process.

When Americans raise money, it is called gaining political power. But when Asian-Pacific Americans begin to participate, we are accused of being foreigners trying to inflilrate the mainstream of our Nation's political system. On this note, remember the Oklahoma City bombing incident? Americans of Arab descent were immediately targeted and investigated as terrorists by local and Federal law enforcement agencies. An Anglo turned out to be the bomber which leads me to say that it is wrong to stereotype and this type of negative stereotyping must and should not continue.

In conclusion, I think Bruce Yamashita's case and the hysteria surrounding Asian-Pacific American political contriibutions bear implications not just for the military and the media but for our society as a whole. It begs the question, how long do we as Asian Pacific Americans and other minorities have to be considered as lesser Americans?

I applaud Captain Yamashita and others like him who have spoken out to ensure that racial discrimination is not tolerated. During this month, as we recognize the diverse experiences and contributions our Asian-Pacific American community has made to our great Nation, I would hope that we will take inspiration from the examples I have shared with you this evening.

Mr. Speaker, when I envision America, I don't see a melting pot designed to reduce and remove racial differences. The America I see is a brilliant rainbow—a rainbow of ethnicities and cultures, with each ethnic group proudly contributing in its own distinctive and unique way—making America better for now and generations to come. Asian-Pacific Americans wish to find a just and equitable place in our society that will allow them—like all Americans—to grow, to succeed, to achieve and to contribute to the advancement of the great Nation.

This is why I would like to close my remarks by asking all of us here tonight, what is America all about? I think it could not have been said better than on the steps of the Lincoln Memorial in the summer of 1963 when an African-American minister named Martin Luther King Jr. poured out his heart and soul to every American who could bear his voice, when he uttered these words.

"I have a dream. My dream is that one day my children will be judged not by the color of their skin, but by the content of their character."

That is what I believe American is all about.

Mr. HONDA. Mr. Speaker, reclaiming my time, I would like to comment on the White House initiative that was initiated by the past administration of President Clinton. It is now in its fifth year, and the initiative suffers from neglect by the current administration.

Executive Order 13216 authorizing the initiative and its corresponding Advisory Commission expired on June 7, 2003; and since that time, both the initiative and the commission have laid dormant.

The commission is mandated to develop, monitor, and coordinate Federal efforts to improve API participation in government programs, foster research and data collection for API populations and sub-populations, and increase public and private sector involvement in improving the health and well-being of the API community.

API citizens deserve the coordination of services that the commission can facilitate.

In conclusion, Mr. Speaker, I wanted to recognize also among other names, the gentleman from California (Mr. MATSUI), a member of the Democratic leadership, and Governor Locke, the first API elected as a Governor in the lower 48 States.

Mr. Speaker, I would like to close by indicating that in this country, we have participated in the functioning of this country in every aspect of society, having athletes, both professional and amateur; we have had Nobel Prize winners; teachers and scholars. We are thankful for this time to share information regarding the Asian Pacific Islanders in this great country and the islands that our Members come from.

Ms. PELOSI. Mr. Speaker, for centuries, American has been enriched by our diverse and rapidly growing Asian American and Pacific Islander communities, and by the contributions that Native Hawaiians, Chamorros, and Samoans have made in their ancestral homelands. Since the 1700s, when Filipino immigrants settled in the Louisiana bayou and Chinese and Japanese immigrants worked the sugarcane fields of Hawaii, Asian American and Pacific Islander communities have worked hard to call America their home.

In the face of prejudice and poverty, interment and exclusion, the Asian American and Pacific Islander community has always remained strong in spirit, proud of its heritage, and committed to making progress. Today, there are 11 million Asian American and Pacific Islanders in the United States, tracing roots to nearly 50 different countries and ethnic groups, each with distinct cultures, traditions, and histories.

The achievement of the community demonstrates the critical role of civic participation in making the American Dream a reality. With more than 200 Asian American and Pacific Islanders running for elected office in the U.S. last year alone, the community's participation in politics ensures that its concerns are addressed at the highest levels of government.

This Asian Pacific American Heritage Month, we salute such pioneers as Prince Jonah Kuhio Kalanianaole, who is 1903 became the first Native Hawaiian/Pacific Islander to serve in Congress; Dilip Singh Saund, who in 1956 became the first Asian American elected to Congress; Hiram Leong Fong, who in 1959 became the first Asian American Senator; and my dear friend Patsy Mink, who in 1964 became the first Asian American woman elected to Congress.

We also celebrate the political leadership of Asian Americans and Pacific Islanders today. As the Leader of the Democrats in the House of Representatives, I am proud to work in the Democratic leadership with Congressman ROBERT MATSUI of California, the highest ranking Asian American in congressional history. We are both proud to lead the only truly diverse caucus in the Congress, which includes our great Congressional Asian Pacific American Caucus (CAPAC). Under the leadership of Congressman MIKE HONDA of California, CAPAC has promoted greater understanding in Congress of the concerns of the Asian American and Pacific Islander community. CAPAC is fighting for educational opportunities for our children, for better access to health care including an end to minority health disparities, for real immigration reform, and to grow the economy and create good-paying jobs.

This Asian Pacific American Heritage Month, we take pride in our history and the promise of our future and we rededicate ourselves to the fight to make the American Dream a reality for all.

Mr. HOYER. Mr. Speaker. Today I join my distinguished friend from California, Mr. HONDA, and the rest of my colleagues on the occasion of Asian Pacific American Heritage Month.

During this month, we recognize and celebrate the important contributions Asian Pacific Americans have made to our great country.

Mr. HONDA, as the leader of the Congressional Asian Pacific American Caucus, has helped all of us learn more about the concerns and issues facing the Asian American and Pacific Islander Community and I salute his work on these issues.

I would also like to commend the leadership of Representative ROBERT MATSUI, who has devoted his time and energy not just to the excellent representation of his constituents, but also to assisting the Democratic Caucus as chairman of the Democratic Congressional campaign committee.

Mr. Speaker, this year's theme, "Freedom for all, a nation we can call our own", speaks to both the hopes and the challenges Asian Pacific Americans face in America.

Asian Pacific American families, whether they have lived in this country for generations, or have recently emigrated, have worked as farmers, teachers, and business people, pioneering in the sciences and arts, and serving with distinction on the battlefield.

But achieving the American dream is not always easy for any group of immigrants seeking to establish roots in the United States.

Asian Pacific Americans have fought to overcome discrimination, language and cultural barriers, and even internment by their own government.

Today the Asian Pacific American Community is rightly proud of their rich heritage and the innumerable contributions they have made to the development of our nation.

During the last century, as America's frontier expanded west, hundreds of thousands of Asian citizens worked to build the first transcontinental railroad.

And Chinese and Japanese immigrants answered the need for laborers and agriculture workers in California and Hawaii.

The descendants of these settlers are now leaders in virtually every industry in the United States, from medical research to music education to professional athletics.

In fact, Asian Pacific Americans have the highest proportion of college graduates of any race or ethnic group.

Mr. Speaker, there are now more than 11 million Asian American and Pacific Islanders in America, comprising 5 percent of the total U.S. population.

Over 213,000 Asian Pacific Americans live in my home state of Maryland.

Immigrants from the countries of Asia and native peoples of Hawaii and the Pacific Islands form one of the fastest growing minority groups in the United States today.

And Asian Pacific Americans have the most diverse background of any minority population, tracing their roots to almost 50 different countries and ethnic groups.

The impressive list of notable Asian Pacific Americans is far too lengthy to read here.

To name just a few: First, The Honorable Patsy Mink, the first Asian Pacific American woman elected to Congress, who many of us had the honor to know.

Prince Jonah Kuhio Kalanianole, who in 1903 was the first native Hawaiian and Pacific Islander to serve in Congress.

Maya Lin, the accomplished architect, whose striking memorial to those killed in Vietnam lies close by on the National Mall.

Yo-Yo Ma, the internationally acclaimed cellist.

Tiger Woods and Michelle Kwan, both young champion athletes.

Charles Wang, chairman emeritus of Computer Associates and co-owner of the New York Islanders.

Jerry Yang, who co-founded Yahoo.com in his 20s.

In every profession, it seems, Asian Pacific Americans have made their mark.

Mr. Speaker, let me again say that it gives me great pleasure today to recognize the significant advances and contributions made by the Asian Pacific American Community to our country during Asian Pacific Heritage Month.

Mr. MATSUI. Mr. Speaker, we commemorate Asian and Pacific American (APA) Heritage Month to acknowledge the tremendous achievements of Asian and Pacific Americans and honor their contributions to our families, communities and our nation.

The Asian and Pacific American community has played a vital role in the development of the United States since the first immigrants came to the United States in the 1700's. Today, over 11 million Asian and Pacific Americans live in the U.S., making extraordinary contributions to every aspect of American life. From David Ho, who has performed breakthrough work on AIDS research, to Maya Lin, the architect who designed the Vietnam Memorial; from the lyrical musings of novelist Amy Tan, to the sublime skills of Tiger Woods, the gifts of the APA community have changed the fabric of American society.

The APA community has also changed America's political landscape and I commend all of the APA organizations across America for enhancing the voice of APAs in the political and social arena. Their tireless efforts inspire others to achieve their dreams. All Americans, regardless of their ethnic background and heritage, benefit from their work.

Not only is the APA community working today to improve their families and communities, but they also understand the role of history in teaching future generations. As we celebrate APA Heritage Month this year, we also commemorate the opening of the Manzanar National Historic Site and Interpretive Center in Independence, California. Manzanar was the first interment camp created by Executive Order 9066 and was the site where 11,000 of the more than 120,000 American citizens of Japanese ancestry were uprooted from their homes and communities and interned in 1942. The new Manzanar Center is a critical component in recognizing and understanding the events of the past so that we Americans may maintain our country's fundamental commitment to freedom, democracy, and individual rights. I would like to thank the thousands of individuals who made this project a reality.

Asian and Pacific Americans are as diverse as each of the traditions and cultures they represent. The strength of this diversity and the commitment of all Americans to a shared set of values unites our nation as we work toward a common future. As we celebrate APA Heritage Month, we reflect on the past successes and struggles of the APA community, the diversity that binds us together, and the work we can all do together to make the American dream a reality for all people.

Mr. SCHIFF. Mr. Speaker, I rise today to commemorate May 2004 as National Asian Pacific American Heritage Month.

I am proud to represent the 29th Congressional District of California, a diverse and thriving area of our country where hundreds of thousands have come to raise their children and devote their talents to the community at large. Some of these families have been in the United States for many generations; others are newly arrived. But all of these Americans enrich the fabric of our society with unyielding patriotism and selfless devotion to their neighbors.

The 29th District is home to one of the largest Asian American and Pacific Islander populations in Southern California; almost one-fourth of my constituents are of Asian Pacific heritage. Notable among them are Assemblywoman Judy Chu, Assemblywoman Carol Liu, Asian Youth Center Executive Director May To and Alhambra Chamber of Commerce Board Member Gary Yamauchi; countless Southern Californians enjoy a better quality of life from the leadership provided by these public servants.

It is certainly timely and appropriate to honor Asian Americans and Pacific Islanders in the same month as the dedication of the National World War II Memorial in Washington. The foundation of that memorial was enshrined by the courage and gallantry of the 442nd Regimental Combat Team—Japanese American soldiers who formed the most decorated unit in U.S. military history. I cannot help but think that the fountains and reflecting pool of this new Memorial symbolically contain not only the tears of joy of millions freed from the chains of racism and imperialism, but also the tears of sadness of more than 110,000 Japanese Americans wrongly interned during the war. The deprivation of their liberty while their children were fighting for freedom in Europe is a story of injustice that should be long told to all American children.

But the military service of Asian Americans and Pacific Islanders to the United States actually began long ago. In fact, many soldiers of Asian descent fought bravely in the Civil War, only later to be denied the opportunity for citizenship by the draconian Chinese Exclusion Act of 1882. When the United States was at its most divided and imperiled, these noble individuals took to battlefields far from their home of birth to protect the promise of the American dream for future generations. I am proud to be a sponsor of H.J. Res. 45, which would posthumously proclaim these soldiers as honorary citizens of the United States.

The various ethnicities, cultures and nationalities that compose the Asian American and Pacific Islander communities are bright stars in the wonderous evening sky that is our country. I thank and congratulate the many Asian Americans and Pacific Islanders for allowing us to share in their rich heritage.

Ms. LOFGREN. Mr. Speaker, over 100 Members of Congress work together in the Congressional Asian Pacific American Caucus to promote Asian Pacific American issues and concerns, led by my long-time friend and colleague, Congress MIKE HONDA.

Today and throughout the month of May, we celebrate the many contributions Asian Pacific Americans have made to the fabric of our communities and to this Nation as a whole.

In this Congress, there are five Asian Pacific Americans serving our Nation and their communities as members of the House of Representatives and two Asian Pacific Americans serving in the Senate.

In the field of science and technology, Asian Pacific Americans have long contributed to our country, from Ellison Onizuka, the first Asian-American in space, to Flossi Wong-Staal and Dr. David D. Ho, for their work on HIV and AIDS. Moreover, several Asian Pacific Americans have received Nobel Prizes for their accomplishments in science and technology.

Hundreds of thousands of Asian Pacific Americans have also loyally served our Nation in the military willing to give their life for the United States of America. Asian Pacific American veterans of the Armed Forces number 284,000.

In sports, Asian Pacific Americans have helped bring home Olympic gold medals for the United States, including the first woman to win gold medals in the ten and three meter diving events—Filipina American Victoria Manalo Draves.

Although it is important for us to celebrate Asian Pacific American heritage this month, we must not forget the plight that Asian Pacific Americans endure despite the community's many accomplishments.

The pitfalls of immigration law and the backlog of immigration applications continue to prevent many Asian pacific American families from reuniting for several years.

We must also not forget the APA community suffers from greater poverty than non-Hispanic Whites, especially in the Hmong, Laotian, Cambodian, and Vietnamese American communities.

We must work to ensure that Asian Pacific Americans are appropriately counted when our government collects date that will be used to understand the needs of the APA community.

We must make every effort to invite Asian Pacific Americans to participate in government to ensure that our government meets the needs of the APA community.

In commemoration of Asian Pacific American Heritage Month, I honor the contributions of millions of Asian Pacific Americans who have contributed to our Nation and who I am sure will continue to contribute in the future. But while I celebrate this month, I also renew my pledge to address the issues affecting Asian Pacific Americans around the country.

Ms. WATSON. Mr. Speaker, I rise today to commemorate Asian Pacific American Heritage Month and to celebrate the lives and accomplishments of Asian Pacific Americans in

U.S. history. I want to thank Congressman HONDA and Congressman ENI FALEOMAVAEGA, the new Chair and Vice Chair of the Congressional Asian Pacific American Caucus, for organizing this special order. In particular, I want to recognize the contributions of Korean Americans in my district and commend them for their tireless work in improving the city of Los Angeles.

Last month this chamber unanimously approved legislation that I sponsored to designate a U.S. Post Office in the Koreatown section of my district be named the "Dosan Ahn Chang Ho Post Office." Dosan Ahn Chang Ho, who spent his formative years in the United States, is credited by many as the spiritual father of modern, independent, democratic Korea. During his stay in Los Angeles, at the beginning of the 20th century, he worked to unite the Korean-American community, founding schools and cultural organizations, and helping improve living and working conditions for his fellow Korean Americans. I am proud to be the sponsor of this legislation and grateful to the House for paying this timely tribute to a great Korean American.

Mr. Speaker, the contributions of Asian Pacific Americans to the growth and success of this great nation can never be overstated. The history of their struggle and triumph in the United States must be re-told. We need to remember that it was the Chinese immigrants who toiled in the mines during the California Gold Rush of the 1800s and helped construct the transcontinental railroad in the 1860s. And we can never forget how Americans of Japanese ancestry were placed in internment camps during World War II, one of the saddest and most notorious chapters in our nation's history.

I also want to take this opportunity to share with you the rich and diverse history of Korean immigration to Los Angeles. Although a small number of Koreans had immigrated to the United States at the beginning of the twentieth century, major waves of Korean migration to America did not occur until Congress passed the 1965 Immigration Act abolishing the quota system that had restricted the numbers of Asians allowed to enter this country. Since then, Korea has become one of the top five countries of origin of emigrants to the United States.

Among the more than one million Korean Americans today, roughly 33 percent are settled in California, making it the state with the largest Korean American population. Today, Los Angeles is home to the largest concentration of Koreans outside of Korea, roughly 160,000 people. Located in my district, Koreatown is the hub of the Korean community and vital to our local economy. It is fabled that from the establishment of a single Korean store at the corner of Olympic Boulevard and Hobart Street in 1969 emerged today's Koreatown, which stretches from Beverly Boulevard and Pico Boulevard to the north and south and Hoover and Crenshaw on the east and west. Although 68 percent of the people living within these boundaries are Latinos, Korean Americans are the predominant business owners, and the area serves as a cultural, business, and social center for not just Korean Americans but all of Los Angeles.

Indeed, for the past four decades, the district that I represent has thrived with the contribution of Koreatown. The willingness of Korean-American merchants to sacrifice for their future generations by working extremely long hours and overcoming linguistic and cultural barriers has led to many successful enterprises crucial to the growth of our local economy. For example, today Korean Americans own 46 percent of small grocery markets, and 45 percent of one-hour photo shops in Southern California, all of which demonstrate the critical role Korean Americans play in our communities. The Hanmi Bank, located on Wilshire Blvd., has become a major financial institution in the Korean-American community as well as to others in the greater Los Angeles area.

Mr. Speaker, today Asian Pacific Americans continue to gain new grounds in ever greater social and political representation. As we commemorate and celebrate the crucial role Asian-Pacific Americans have played in the development of this Nation, we also must work harder to improve the lives and opportunities for the 12.5 million Asian Pacific Americans today, who are still confronted daily with prejudice, discrimination, and economic inequalities. The 1992 Los Angeles civil disturbances, in the aftermath of the Rodney King verdict, is one such tragic example that illustrates the need for continued dialogue and understanding.

Nationally, Asian Pacific Americans continue to experience a crisis in health and health care disparity and face unique challenges in education, immigration, and economic development. It is very disappointing to me that this Administration has failed to renew the Advisory Commission on Asian Americans and Pacific Islanders and the White House Initiative on Asian American and Pacific Islanders (AAIPs) in the Department of Health and Human Services (HHS). As a member of Congress I will continue to fight to ensure that our government address the needs of Asian Pacific Americans. Let's work to renew the American Dream for many future generations of Asian Pacific Americans to come.

Mr. HONDA. Mr. Speaker, I yield back the balance of my time.

REPLACING THE INTERNAL REVENUE SERVICE WITH A NATIONAL SALES TAX

The SPEAKER pro tempore (Mr. CHOCOLA). Under the Speaker's announced policy of January 7, 2003, the gentleman from Georgia (Mr. LINDER) is recognized for 60 minutes as the designee of the majority leader.

Mr. LINDER. Mr. Speaker, I would like to add my voice to those of my friends in the Asian Pacific community for honoring those who have served.

I would like to spend the next hour talking a little bit about the economy and what we can do to even improve it more. We should be grateful for the growth we have seen. Four years ago, we saw the dot-com bust that cost $5 trillion in value for shareholders, we saw the beginnings of corporate fraud, which have been dealt with, and we saw a downturn in the economy which is causing losses of jobs.

President Bush, to his credit, stood tough by a decision to leave people more of the money they earn in their own pockets, and had several important tax cuts; and the American people, not government, not Congress, not us, but the American people have turned around an economy to create a boom that is going on right now, with 600,000 jobs created just in the last 2 months.

The American people deserve the credit for that, but there is still one anchor on the neck of the economy. The biggest drag on the neck of the economy is the IRS. 230 years ago, Adam Smith wrote that the market was the invisible hand of the economy. I agree with that. And 230 years later, we can say that the visible foot on the throat of the economy is the IRS code.

We spend 6.9 billion man-hours just filling out IRS paperwork. At $20 an hour, which is a $40,000-a-year job, that is $240 billion lost.

Corporate leaders tell us they spend more calculating the tax implications of a business decision. A friend of mine who was on a board of directors came back from a meeting of one of the Fortune 100 companies, and he said, "We spent 80 percent of the entire meeting calculating the tax implications of a business decision. We should be thinking about our shareholders, our employees and our customers, and not the government." We believe we spend more than 6.9 billion man-hours just calculating that.

Studies have shown that we lose 18 percent of our economy to people making decisions for tax reasons instead of economic reasons. That is a $180 billion loss.

All of this is to say the following: the American people spend upwards of $500 billion a year to comply with a code to send in just four times that much to the government. And who pays it? The consumer. This is not rich corporate America or investing America. All of the bills of corporate America are paid by the final consumer, who cannot pass those costs on. The consumer picks up the entire tab.

We have studies that show for a small business to collect $100, comply with the Tax Code, remit that $100 to the Federal Government, it costs them $724. This is not an efficient way to raise our revenues.

It is time for the IRS to go away, it is time for the income tax to go away, and H.R. 25 will do just that. H.R. 25, which has tonight I think 49 cosponsors, would abolish all taxes on income, the corporate income tax, the personal income tax, the payroll tax.

Seventy-five percent of America pays more in payroll taxes than they do in income taxes. It would get rid of the gift tax, the estate tax, the capital gains tax, the Alternative Minimum Tax for a one-time-at-the-checkout retail sales tax.

Americans would pay taxes when they choose, as much as they choose, by how they choose to spend. And to untax essentials. We would not define them; that is a political operation that would be fought in the halls here. Nor would we follow you around to make sure you spend on essentials. That is a police operation we cannot afford.

We would use the government's definition of poverty-level spending, which is that spending necessary for a given size household to buy their essentials. It is determined every January by the Department of HHS. For my mother that is $9,500 a year. For my daughter and son-in-law and four grandsons, that is $30,000 a year. For George and Laura Bush and their two daughters, that is $24,500 a year.

Their check at the beginning of every month would totally rebate the tax consequence of spending up to the poverty line. Beyond that, we are all discretionary spenders, and we all pay the same.

Over the last 9 years, Americans for Fair Taxation has raised privately and spent $25 million on economic research, market research, spreading the word. The most compelling study we have is from Dale Jurgensen, who is the head of economics at Harvard, that says today, 22 percent of what you spend at retail is the imbedded cost to the IRS.

Twenty-two percent of what we pay for at the checkout counter is paying the tax bills of America. If you take a loaf of bread that has been touched by a seed company, a farmer, a combine operation, a trucking company, a processing company, a bakery, a cardboard manufacturer, a distribution company, a retail outlet, the people who make tractors and plows, all of those companies have income tax costs and payroll tax costs, and accountants and attorneys to avoid the tax costs, and the consumer pays it. The consumer pays everything. And when you think about it, there is no mechanism for a business to pay a bill, other than through price.

In 41 years, my wife and I have built six businesses. We always looked for that "secret drawer" where the money just kind of piles up and you help yourself to it to pay your tax bill and your payroll taxes. It is not there.

Our patients, when I was a dentist, our customers in business, paid our labor cost, our light bill, our rent and our tax bill; and our studies say that the tax component in the price system is 22 percent of what you spend.

We say abolish that system, repeal the Tax Code, let competition quickly work that out of the system and replace it with an imbedded 23 percent, a frank and transparent tax. It will fund the government at the current level, but you get to keep your whole check, and you will all be voluntary taxpayers, as I said earlier, paying taxes when you choose, as much as you choose, by how you choose to spend.

What will happen in the world? The first year we will have a 26 percent increase in exports. That is good for jobs, corporate profits and good for America. The first year you will have a 78 percent increase in capital investment.

We know in a study done from 1945 to 1995, that every time we increase capital spending, we increase real take-home wages in exactly the same proportion because workers are more productive.

We have overseas somewhere between $500 billion and $1 trillion floating around in Euro dollar markets because it is cheaper to borrow at 6 percent than to repatriate those dollars at 35 percent, and it is easier to spend them overseas at no tax consequences.

All of that money would come home. All that money would come home and put new liquidity into our economy and create jobs. We know it costs $100,000 to create one job in all America. All of that money would come to job creation.

We have seen studies that suggest that every major international corporation that is domiciled overseas, in Europe or Japan or Latin America, if we had no tax on capital or labor, every one of those corporations would build their next plant in the United States.

□ 2200

We know that DaimlerChrysler really wanted to be ChryslerDaimler; they really wanted to be in New York City, but the crushing way we treat capital in America with our tax system led them to Stuttgart.

We have a Social Security system and a Medicare system that is destined for collapse. A very recent study by Larry Kotlikoff from Boston College says that the 75-year unfunded liability in Social Security and Medicare; that is to say, promises we have made for retirees in that period of time for which there is no money set aside and will not be any, a shortfall, in today's dollars, not inflated dollars, but today's dollars, the 75-year unfunded liability to those programs is $51 trillion.

To put that in perspective, if you started a business on the day Jesus Christ was born and lost $1 million a day through yesterday it would take another 720 years to lose $1 trillion. In 75 years, we are going to have a shortfall of $51 trillion in those programs. The entire wealth of America, that is everything we own of value, our cars, our homes, our retirement programs, and our shares, including Bill Gates and Warren Buffett. The entire wealth of America is $43.8 trillion. If we were to take everything away from every American and apply the value to the shortfall in those funds, in those two programs, we would cover 80 percent of the shortfall.

We say fund Social Security and Medicare out of the sales tax, go from 138 million workers paying into the system to 300 million Americans buying every day, paying into the system, plus 51 million visitors to our shores, and fund Social Security and Medicare off the overall size of the economy as opposed to the number of people working in it or the amount we are willing to tax those workers, and we would double the revenues to those categories in 15 years by doubling the size of the economy in 15 years, well before we need to do so.

We hear a lot of talk from people, in our Treasury Department particularly, that a tax of that amount would cause evasion of an enormous scale. My response to them is twofold. Number one, we are already paying this; it is just hidden. The cost of living is going to be about the same, but we will keep our whole check. But more importantly, currently, all you have to do to evade taxes is to lie on your tax return, put down the wrong numbers, sign it, send it in, and the chances are that nobody will know. You have a less than 1 percent chance of being audited. Under our system, you are going to have to have somebody cooperate with you, conspire with you to cheat. Now, I do not know how many friends you have that are willing to go to jail for you. I have none. I have none. It is going to be tougher to cheat on this system, because it is going to take two to do so.

Secondly, on the evasion issue, the IRS currently tells us that they collect 75 percent of the taxes that they know are owed. They are unwilling to guess how large the underground economy is, because no one knows. Well, 6 or 8 months ago a book came out on this issue by an economist who said that three pieces of the underground economy, pornography, illegal drugs, and illegal labor, those three pieces comprise a $1 trillion economy, untaxed.

Under our system, if they wanted to buy that loaf of bread or a new house or a new car, they would pay their fair share. Always in these discussions in politics, it comes down to who is going to win and who is going to lose. My argument has been consistent: Everybody is a winner. If you can become a voluntary taxpayer and be untaxed on essentials, everybody wins. If we can give you a tax system that gives you in a free society the privilege of anonymity, no one should know as much about it as their government does, you are a winner. But in point of fact, the people coming out the best in this system are people living at or below the poverty level who are currently losing 22 percent of their purchasing power to the current system. They will have a huge increase in purchasing power.

Frankly, this is a tax on accumulated wealth. The left should love this idea. If you pay taxes on your earnings, you pay taxes on building a business, you pay capital gains tax when you sell it, this system is going to tax you one more time when you or your heirs spend the money. They should love that.

To those who have accumulated wealth, I would just say this: You are already paying this tax. But what do you think is going to happen to your nest egg if all the world's investors are going to invest in our economy with no tax consequences? I do not know, but I can tell my colleagues of two nationally known names who manage money and say, I do not know what the value of the Dow Jones would be at when you pass this bill, but in 2 years it will have doubled. All the trillions in the world would be in our economy, buying our shares, increasing the value of the nest egg, and creating jobs.

There are all kinds of reasons to do this, most important of which is freedom, giving you the freedom to make your own decisions and not be under a corrosive system. But right now, as the Secretary of the Treasury told me, this would make us the largest magnet for capital and jobs in history.

So I suggest to my colleagues, several of them who have not signed this bill, to sign it. I suggest to you that if you want to create jobs, the way to do it is to get the tax off capital and labor and the jobs would come. For the very reason today jobs are going overseas because of the Tax Code, they would come flocking to our shores tomorrow. And let us move on and build our economy.

I yield to the gentleman from Georgia.

Mr. COLLINS. Mr. Speaker, I appreciate the gentleman from Georgia yielding, and I want to thank him, too, for bringing this event here tonight, this opportunity to speak on the fair tax, as well as introducing the fair tax bill into the House of Representatives. I am also pleased that our two colleagues in the other body have also introduced the same legislation over there.

I have the opportunity to speak quite often to large groups and people who are very interested in the tax system, particularly the change in the tax system. But I am asked a lot of questions and I just thought maybe we might go through some of those questions here tonight, if the gentleman does not mind.

The gentleman mentioned the rebate. This is for the necessities in life. Just exactly how would the rebate work? How is it structured and how would it work? Who receives the rebate? What do they have to have in order to receive the rebate?

Mr. LINDER. Mr. Speaker, first of all, the IRS would be gone. Our Treasury Department would have several thousand people contracting with the States to do the collecting. Forty-five States are already collecting sales tax. They have mechanisms in place to judge whether there is fraud involved.

We would contract with the States to collect the money and we would pay them a quarter of a percent for everything they brought in for doing so, just as we would pay the retailer a quarter of a percent for collecting it. Every household in the State would sign up with that State once a year or, if they had children during the year, sign up again, and list the numbers of people in the household and their Social Security numbers so we do not have people living in every household. And then the Social Security department, which currently sends out about 45,000 checks a month, would handle the rebate.

We envision the rebate to be nothing more than a computer click. This government is moving dramatically toward getting rid of checks, moving just to electronic transfers which are a nickel or a dime to make instead of the cost of taking postage and envelopes. So we think that every household will do nothing more than a computer click to put enough money in their account previous to the first day of the month; previously on spending it, that would totally untax them in terms of spending up to the poverty level.

Mr. COLLINS. Well, if I understood the gentleman right, it is based on a Social Security number and being a resident of the United States?

Mr. LINDER. A resident of the United States and a resident of that State.

Mr. COLLINS. Well, does the gentleman think that 23 percent as a fair tax is a comparable tax, equivalent to bringing in the revenues that we currently receive from the income tax, or does the gentleman think it would bring in more revenue and would it generate a stronger economy?

Mr. LINDER. Mr. Speaker, the 23 percent was calculated in 1995, and since we have had significant tax cuts since then, it may be less than 23 percent. We have to go back to the committees that the gentleman deals with on the Committee on Ways and Means to have new studies done on that.

But in 1995 it was revenue neutral, which means it brings in exactly the same amount of money as the current system does.

But let us point out that the average income-earner today spends 28 percent of their income to the withholding of the IRS, of the Tax Code, and another 8 percent roughly for their Social Security and Medicare. So as an individual spending, I would rather give up 23 percent of what I spend than 34 percent of what I earn. It will encourage great earnings and great savings.

Mr. COLLINS. Mr. Speaker, in relation to that, we hear a lot about the whole exemption for interest on deductibles. I think the gentleman's numbers are very interesting and I think they would work the same way in the home deduction, would they not?

Mr. LINDER. Mr. Speaker, realtors would come in my office and say, we need the deductibility of home interest to calculate if they can afford to buy a house. My response has always been a little bit flip. I say, well, if you think that the deductibility of mortgage interest sells your houses, double the interest rate and you will sell twice as many houses. Well, it does not work that way. In fact, two-thirds of America uses a short form and does not use deductions anyway.

Secondly, what really sells houses is whether an individual has enough take-home pay at the end of the month to make that house payment. Currently, according to our studies, 28 percent of the cost of a new house is the embedded cost to the IRS. There are thousands of business entities that touch all the products that go into a new house, and each of them has tax costs. We think that 28 percent of the cost of that house is the embedded cost to the IRS. Under our system, it would be 23 percent of the cost of a house, so the house would be less expensive.

Secondly, if you are making $60,000 a year, you are currently taking home $3,800 a month to make the payment. Under our system, you would take home $5,000 a month, so you could make the payment easier. We also believe, our studies show that interest rates would decline by about 30 percent. So for that one-third of us that uses deductibility of home interest, you lose that, but you will not have anything to deduct against, because you will not have any income tax.

Mr. COLLINS. So you actually would have more take-home pay, pay a less percentage in tax under the fair tax than you would under the current income tax system, even without a mortgage deduction?

Mr. LINDER. Mr. Speaker, the average income-earner, paying the 28 percent withholding and their share of the 8 percent of the payroll tax, would have a 56 percent increase in take-home pay the next day.

Mr. COLLINS. What about the one section of the Tax Code that seems to be the most abused section that you hear about and is reported to us in the Committee on Ways and Means, which is the earned income tax credit; How would this affect that?

Mr. LINDER. My understanding is, and the gentleman from Georgia could tell better than me, we spend about $34 billion a year on the earned income tax credit.

The reason it was put into place many years ago was to relieve people at lower income, $17,000 to $23,000 or $24,000 a year from the payroll tax. These people do not pay income taxes, so they are not paying for the military or the parks or the Justice Department or the FBI, and the earned income tax credit relieves them of paying for their own retirement. Nine billion dollars of that $34 billion is considered to be fraud.

Under our system, since nobody will have a payroll tax, there will be no reason to have an earned income tax, an earned income tax credit, and we will save a ton of money.

Mr. COLLINS. Mr. Speaker, one last question, and I receive this question quite often too, and it deals with trade. We hear a lot about outsourcing and insourcing and, fortunately, we have more insourcing jobs today than we have outsourcing, and I think it has a lot to do with the American workforce and the work ethics, the reason companies from abroad are locating here and working our people, but they are headquartered in their country of origin, which means that is where they will pay their tax. I think it has a lot to do with our tax codes and the treatment.

But how does the gentleman think this will affect us to be competitive in the world market in trade?

Mr. LINDER. Well, as the gentleman knows, most of the companies support their governments largely on the value-added tax, which is a consumption tax.

□ 2215

We rebate that tax to the companies that export overseas so they come to America more competitive because they do not have much of a tax component in the tax system.

Under our system, we will be selling goods and services under the global economy, 22 percent less on average, making the same profits; but our imports to our shores will be taxed at the retail checkout counter exactly the same as the domestic competition and will be perfectly neutral, although I think we will be more competitive if we can totally get the tax component out of the tax system.

Mr. COLLINS. I believe prior to the income tax, our revenues did come from tariffs and excise taxes which dealt with trade. I fully agree with my colleague. I think it would be an excellent opportunity for our workforce in America to become more competitive with workforces in other parts of the world and would make us more competitive in the world market because we then would have a way to take all of the tax costs out of production of goods and service, whether we use them domestically or whether we export them; and it would be added back to any product that we imported, making it more fair and giving us not an advantage, but a more level playing field to be able to trade and compete in the world market.

I appreciate the gentleman's time and efforts.

Mr. LINDER. Mr. Speaker, I would yield to the gentleman from Texas.

Mr. BRADY of Texas. Mr. Speaker, I appreciate the gentleman from Georgia's leadership with this issue. I have to be honest, I have been real excited about this chance to talk about the fair tax because I think it really is the future of America.

Let me just preface my remarks with the events of today. I was commuting from Texas to Washington. As I got off the plane, I learned today about American Nick Berg's murder by his al Qaeda captives. It took a great deal of air out of my balloon today just because of the barbarism of it all, and I think it is important for America to understand, for terrorists, for our enemies, this is not retaliation. It is routine.

We have seen it in the beheading of Daniel Pearl and the mutilation of American workers. Yet again today, America is not to forget who we are fighting and how serious they are to defeat us. We have to unite in this test of wills against international terrorism because if we do not prevail, if we back off, if we lose our backbone, I do not believe any nation, any country, any community will be safe again; and I hope Nick Berg's family and friends understand how heavy a heart we all have tonight. And in our discussion of how to improve America, it is one of the reasons why Nick went over to Iraq in the first place.

Mr. LINDER. I thank the gentleman for those comments.

Mr. BRADY of Texas. Mr. Speaker, let me say, too, I serve on the Committee on Ways and Means and like the gentleman from Georgia (Mr. COLLINS) have seen firsthand just how horrible a Tax Code we have. I knew it was bad before going on the committee. I had no idea just how horrible and burdensome it is.

It is just impossible to comply with. It takes so much energy out of our economy. It is so complex; there are so many loopholes. You have got a secretary of a corporation who could be paying more than the CEO, and that is just not right.

It seems to me, too, that we tax all the good attributes of Americans, people who go to school to learn a skill, those who get married, those who start a family, go to work, start a business, invest for the future, save for retirement, build up a farm or a business to pass down to their kids. Those are the people we tax the most, regulate the most through our Tax Code. It seems to me people are smart, and when you tax them, punish them for doing the right thing, they start thinking about doing something else.

The fair tax, which my colleague is the leader of, I think reverses all that; and instead of taxing investment and hard work and savings, it taxes consumption and does it one time, at its final place of consumption. It does not tax used items. It does not tax business, buying something else from a business to create a product. It taxes it one time, and while at first I think for a lot of Americans you say we are going to have a 23 cent sales tax, their first reaction is a big gasp. Then you start talking about can you imagine if you kept all of your paycheck, not some of it, all of your paycheck, because I have got 23 percent coming out of my paycheck already. A lot of people seem to have the same.

Then can you imagine that when you go to the grocery store and buy a loaf of bread or you go to the auto dealership and buy a car or to a Realtor and buy a home, which we all cherish, can you imagine not paying the high prices in that product from all the taxes built up, from the cars, everyone who manufactures and builds the homes and constructs the lights and does the electrical items in there, and we pay the price of their taxes?

At a home, people who lay the foundation, who frame the house up, the plumbers, electricians, every part of their bill adds on the taxes they have to pay; and ultimately, my wife and I have to pay that.

Can you imagine not having to pay those extra prices? Then can you imagine that the person next to you in the grocery store pays the same amount that you do? There is no loophole. There is no exemption. There is no special treatment for people. All Americans pay the same amount.

I know, too, that, one, we are going to see prices go down, and people often say, well, I am not sure businesses would lower the price. Well, they do not have a choice. In America, consumers are king. All you need to do is go on the Internet and search for anything you want from a car to a toaster. My wife wanted a reciprocating saw, of all things, for Mother's Day, probably one of the strangest Mother's Day gifts I have given. We could search down to the penny throughout the country. There is intense competition and businesses are going to have to lower their prices to meet our consumer demand.

We are going to see a boost in the economy; and as the gentleman from Georgia (Mr. COLLINS) said, for the first time we are going to take this tax off of American products being sold overseas, and it is going to be placed on products coming into America. So for the first time, other countries are going to pay a share of the taxation here in America. We are going to create jobs, and we are going to capture that underground economy.

Then the final point is on Social Security and Medicare. This is probably, besides reforming Social Security to transition to traditional retirement accounts, which we have to do for our young people. I think the only way we can fund Social Security for our seniors is to go off the payroll tax, which is declining, fewer and fewer workers for more and more seniors. We are reaching a crisis point, and put it on something stable and growing like sales tax, which as the gentleman said will triple the amount of Americans paying into preserving Social Security.

Mr. LINDER. Reclaiming my time, on that point, people have said to me over the years, well, will people quit consuming? The studies that we have shown from 1945 to 1995 is that the consumption economy is a very steady predictor of economic activity. People will spend so much. The biggest downturn it has had since 1945 was 3 percent in the 1970s and early 1980s.

The income economy is very volatile. We are seeing collections right now down 20 percent because of layoffs and no corporate profits; and yet if we were on the consumption economy, the revenues would have increased in 13 of the last 14 quarters because the economy grows.

This is a predictable thing to build retirement programs on. We know it is going to grow. We know if we fund the programs off the overall size of the economy, as opposed to the number of people working in it, we will be able to fund those programs.

The gentleman is right, and you study it in your committee on a regular basis. This system is destined for collapse.

Mr. BRADY of Texas. It really is, and I think as more Americans examine the fair tax, the more they get excited about it because I am convinced, as you are, that our kids do not have to live under the same complex, burdensome income tax code we have. The fact that the IRS is so deeply involved in our lives and our businesses' lives, that does not have to happen. There is no one that says that has to be part of American life.

In fact, our traditions and our principles are just the opposite. We ought to have the freedom to choose, and we should do it not based on what the Tax Code encourages us to do, as the gentleman pointed out, whether it is in the board room or in our living rooms, but what do we need and how are we going to choose to use our money.

I will close with this. We have other Members here who are excited about this proposal as well, but I leave with the thought that we would push power out of Washington and give it back to the people, let them make their choices based on their decisions, and I know the gentleman and I believe the same thing. Given the choice between government and people, I have more faith in people to make the right decisions about their American dream than we do; and I think the fair tax gives them that power, gives them the economic boost and ensures that we have jobs and important programs like Social Security forever.

So I applaud the gentleman's leadership on this issue.

Mr. LINDER. I thank the gentleman, and I yield to the gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Speaker, I thank the gentleman for yielding.

I would like to add my thanks to the gentleman from Georgia (Mr. LINDER) for bringing this significant and important concept to the American people. It is time we have a change. The IRS has been a burden on all of us for too many years, and the fair tax offers us an opportunity to right a wrong that is long overdue.

I think it is interesting, if we look back historically, that when our Founding Fathers first developed the Constitution, an income tax was illegal. It was barred. It was not even accepted. It was universally disdained, and the wisdom of our Founding Fathers in the Constitution, article I, section 9, said, "No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken."

In 1787 they said no income tax. What happened? What happened?

Well, it appears that later on in the 1894 time frame, Congress came along and decided that they were going to tax income. They were going to suggest that we needed to generate some revenue and that we were going to unfortunately have to address this issue with an income tax; and Mr. Speaker, the income tax was a whopping 2 percent, 2 percent, flat tax. Two percent on incomes over $4,000, $4,000.

Mr. LINDER. Which is about the top 2 percent of incomes.

Mr. BURNS. Absolutely. So what we are going to do is tax only those people who make over $4,000, a king's ransom at that time, and unfortunately, at least for the Congress, they were trying to use the existing Constitution. Because of its vagueness, the Supreme Court overturned it, said an income tax is unconstitutional. That led to the constitutional amendment in 1909 that fundamentally changed our tax system that we now struggle with today.

So I think it is interesting that if we went back to our Founding Fathers, they recognized the dangers of an income tax, and here we are in 2004 trying to say America, wake up. It is time.

Again, I thank the gentleman from Georgia for this visionary approach and the work that he has done in this environment, but we have talked about criminals and tax cheats and illegals who have an underground economy. Help the American people understand the challenge that we face just in that underground economy. Help them understand the numbers.

Mr. LINDER. There are 8 to 12 million people living in the shadows of our life doing jobs in America that other people are not doing. You could not get a crop out of the ground in your district without some of these folks. You cannot build a house in north Georgia without some of these folks; but the biggest concern that I run into among my constituents is that they think they are not paying anything for their fair share. I think if they were paying every time they bought a loaf of bread and they were paying their share to the government, attitudes would change.

There is no question we need to find these folks and identify them, and as President Bush has suggested, know who they are; when the job is over, send them back. But if the American people knew they were equally supporting the cost of government every time they bought a loaf of bread, I think the attitudes would change.

I think your point is right.

Mr. BURNS. Mr. Speaker, I think it is important for the American people to understand that our current tax system does not provide all of those in our Nation the opportunity to contribute to our society; and the fair tax, a consumption-based tax, does just that. We all participate in a fair and equitable manner.

One of the biggest areas of concern is in the area of health care and in the need to support Medicare and our Social Security retirement system and all of the things that are an essential part of what we are as America; but this fair tax, this tax would eliminate an income tax, Social Security tax, all Federal withholding taxes, is that correct?

Mr. LINDER. There would be no taxes on income whatsoever.

Mr. BURNS. One hundred percent of your gross income would be your net.

Mr. LINDER. Let me just address an issue you raised that is kind of interesting and it is a bit arcane.

Health care. We made a decision in the 1940s to allow corporations to deduct health care insurance and not have it treated as income to the employees, and so the first dollar of third-party coverage has really caused the abuse of the system.

I was with a corporation where we had a huge health care debate in 1994, and they proudly told me that they spend $1,000 per employee per month on the health care.

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I said, "You ought to be ashamed of that." Because they were funding everything from fertility treatments to the grave, and hair transplants and everything in between. Under our system, that benefit, the value of that premium would be taxed as a personal consumption. And if I worked for that company that was spending $1,000 a month for me, I would start saying, "I do not need that fertility treatment or hair transplant. I do not need AIDS coverage. I want this, this, and this, and I am willing to pay the tax on the provision of those services." And then I think we would have, for the first time since 1946 or 1947, American citizens shopping for and selecting their coverage benefits, and they would bring some sanity to the health care world.

Mr. BURNS. Mr. Speaker, if the gentleman will continue to yield, I think he is 100 percent right. One of the biggest challenges we face is the uninsured and the working uninsured, those individuals who would like insurance but, unfortunately, their incomes are taxed before they have the opportunity to buy the insurance. And if they are fortunate enough to have insurance coverage through an employer, there are certain incentives for the employer then to not be taxed on the contribution they make to their employees' insurance coverage.

When we look at the current system, the current income tax system we have, I understand we are talking a 22 percent increase in the cost of everything we produce; is that correct?

Mr. LINDER. That is what we are currently paying for at retail.

Mr. BURNS. That is what we are currently paying for. So that means that Mexico and Brazil and the European Union and even Red China have a 22 percent advantage.

Mr. LINDER. Absolutely.

Mr. BURNS. An advantage over everything we produce.

Mr. LINDER. If we could lower the cost of production in Florida of fruits and vegetables by 15 percent, Latin America could not compete with us. If we could lower it by 20 percent, we would blow them out of town.

Mr. BURNS. It is about fairness. It is about a fair, competitive, global environment. And right now the current income tax system is putting us at a severe disadvantage. The fair tax would relieve that, make that playing field more level, and more reasonable on an ongoing basis.

I am always amazed at the simplicity and the obviousness of a fair tax, a tax based on consumption. And again I will go back to our Founding Fathers and point out that they saw this even then. Even in the late 1700s, they recognized that taxing income was the wrong thing to do; that we need as a Nation to incentivize development and progress and investment and opportunity. Unfortunately, our current tax system does not provide those incentives.

Mr. Speaker, I would like to thank the gentleman for his leadership. I would like to thank him for his determination in ensuring that this message is brought to the American people and to this Congress. It is time we had a full debate. It is time that we had a full vetting of this issue, full discussions, and ultimately a vote in this body and certainly in the body across the way in the Senate. But, ultimately, the American people will benefit if they will understand the opportunities given within this fair tax proposal.

Mr. Speaker, I rise to support the legislation of my friend and colleague Congressman JOHN LINDER of Georgia, the Fair Tax Act.

As this bill would enact a major and historic change in our system of federal taxation—one which would significantly alter the functioning of our economy—I think it important to review how we got to the system of income tax that we have today.

The founders of this country barred the federal government from enacting income taxes in the Constitution proper.

"No Capitation, or other direct, Tax shall be laid, unless in proportion to the Census or Enumeration herein before directed to be taken."—U.S. Constitution, Article 1, Section 9 (1787).

We need to consider the full implication of the importance of this ban being placed where it was in our Constitution.

All of the liberties outlined in our famous Bill of Rights—the right of free speech, worship, the right to bear arms, the right against unreasonable search and seizure—all were added to the Constitution after-the-fact, as Amendments.

Many of the founders felt that the Bill of Rights was unnecessary, as the Constitution didn't give the federal government the power to control the mentioned liberties to start with.

The primary authors were legal and policy purists. They thought it would be redundant and confusing to add Amendments barring the federal government from doing what it had no legal authority to do.

They also sensed more than a little danger to their liberties by doing so, since whatever freedoms and protections were not specifically addressed might be considered up for grabs by future power-hungry bureaucrats.

Without going on for hours concerning the original debate over the Bill of Rights, I believe most historians will agree on the essence of the discussion.

The winning side argued that if the provisions really weren't necessary, then it wouldn't hurt to add them, just to reinforce the fact that the federal government had no power to tamper with these rights.

The point of bringing this up is that the Founders of our nation, those who devised our entire system of government, actually argued with great passion over whether to pass the revered Bill of Rights, which are now copied and emulated worldwide as detailing the basic rights of mankind.

Yet these same founders had no such question over an income tax.

They were so fundamentally opposed to the concept it was banned by universal agreement, specifically, in the First Article of the Constitution itself.

Did our Founders view the income tax as a greater threat to liberty than the lack of a Bill of Rights? I believe they did, and that's why we find that ban in our original Constitution.

The governmental powers necessary to enforce an income tax, and the individual rights and freedoms implied and detailed in our Constitution, simply cannot logically co-exist.

The Constitution gave no power to the government to conduct unreasonable search and seizure, but that power would have been implied as a necessary enforcement tool to collect an income tax. The only way income taxes can be enforced is through opening every home in America to search both physically and electronically.

The Constitution gave no power to the government to force people to be a witness against themselves. But that power would have been implied as a necessary enforcement tool to collect an income tax. Every American would have to be required to file potentially incriminating documents to prove their income.

Further, a tax on income threatened to turn Americans against each other, and ultimately destroy our free-market economy, and all our liberties in the process.

All those with smaller incomes could be tempted to use their democratic vote to simply seize the incomes of anyone with more money than themselves. In short order there would be no financial incentive for anyone to seek to create new wealth, and our economy would be identical to the former Soviet Union's—poverty for all.

In addition, there would be no natural check on excessively high and confiscatory tax rates.

Many of the founders, who were strong advocates of the principles of Natural Law, felt that all governmental systems should have natural restraints built into their structure.

Alexander Hamilton wrote in Federalist Paper 22 in 1787:

> It is a signal advantage of taxes on articles of consumption that they contain in their own nature a security against excess. . . .
>
> If duties are too high, they lessen the consumption; the collection is eluded; and the product to the Treasury is not so great as when they are confined within proper and moderate bounds.

If we fund our government with taxes paid equally by all, every American is infinitely aware of tax increases and high rates.

They have within their individual power the ability to legally avoid or lessen those taxes by spending as little as possible.

That's precisely why unfortunately a big-spending peacetime Congress in 1894 tried to adopt an income tax as a way to raise taxes, without the majority of the voters feeling it.

They came up with a two percent flat tax on incomes over $4,000, which was a very large income at the time, and argued that the restriction in the Constitution was sufficiently vague to allow their pernicious scheme to survive.

Within a year, the Supreme Court held income tax unconstitutional as an unapportioned direct tax.

But the spending appetite of an industrial-age Congress could not be whetted by the wisdom of the founders. In one of the few cases in history of Congress rising to overturn a Supreme Court decision, Congress passed an Amendment in 1909 to reverse the foundational decision of Jefferson, Hamilton, Madison, and Jay.

By 1913, a sufficient number of states having been persuaded that this new tax would only affect a tiny percentage of Americans with extreme wealth—and not their voters—had brought the sixteenth amendment into law, and removed all limitations on the imposition of federal income taxes.

"The Congress shall have the power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."—16th Amendment to the Constitution as passed by Congress in 1909, and ratified by the states in 1913.

Congress immediately passed a federal income tax with low rates that affected only a few people with very high incomes. In the early days, it was considered a status symbol to have to pay income tax, as only the wealthiest had to pay.

But over time, the rates changed to shift the burden increasingly to lower income Americans, to a point in recent years in which people at the lowest incomes still pay high federal taxes, and the middle class shouldered the largest share of out-of-control federal spending.

We reversed a little of that with the tax cuts this Congress has enacted since 1994, but not nearly enough. In fact, just as the founders envisioned, it has become increasingly difficult to enact any significant reform, as the cry immediately arises, "tax breaks for the rich."

This evil system has indeed pitted American against American.

But it has done far more damage than even the moral decay based on economic envy envisioned by our founders.

It is now undermining our health care system, our manufacturing base, even our ability to feed and clothe our families.

It is allowing criminals, tax cheats, and illegal immigrants to live tax-free lives of opulence, while middle-income, two-wage earner families, no longer can save for their children's college or their own retirement.

And it has created a federal agency—the Internal Revenue Service—that far too often has shown sniveling contempt for the basic natural rights of mankind, when dealing with their fellow Americans.

We have created an income tax system which adds 22 percent to the cost of every thing we make in this country—a whopping 22 percent advantage in international trade for Mexico, Brazil, Europe, and most notably, Red China. Dump this tax, and our sorely-pressed manufacturing and agribusiness sectors can once again start competing on a semi-level field.

Illegal immigrants enter our country, earn cash, and pay no taxes, as they report to no one, leaving law-abiding native-born citizens and legal immigrants to pick up their tab.

Drug dealers and pimps earn fortunes tax-free, leaving single-parent working class homes to pay their share of our federal tax burden.

The very wealthiest Americans, and the wealthiest corporations—a legal entity which did not even exist during our Founder's Day—can and do avoid paying any federal taxes through the system of credits and write-offs created over the decades since 1913, as incentives for any number of things former Congress's at one time or another wished to encourage.

Nowhere have those income tax incentives wreaked more havoc than in health care.

Corporate America is given a free tax ride on everything they spend on health insurance, while the waitress making $25,000 and having to buy her own policy is taxed on her premiums.

As a matter of fact, she's taxed on what she spends directly on health care, up to seven-and-a-half percent of her income, while the corporate executive making $100 million a year gets his top-of-the-line, zero deductible health insurance benefits tax-free.

All while the tax-subsidized health insurance industry subsidizes the spiraling cost of health care, driving more and more middle-income Americans into the ranks of the uninsured, with second rate care at best.

We inherited this system of travesty and tragedy. We should remember how it came about—by a foolish Congress overriding the foundational principles laid down at our Nation's birth.

That foundation was built of the carefully constructed tenets of republican democracy, designed to overcome the historical failure of previous systems of direct democracy.

Every other attempt down through history came unraveled once the populace learned they could vote themselves largesse at the expense of others.

Our founders protected us against that evil, with one of the only direct restrictions in our Constitution.

The Congress of 1909, a Congress of a new century, faced conditions they believed outdated the quaint freedoms held in such high regard by the first Congress. So they robbed us of that political inheritance.

We are a Congress of a new century as well, and I believe our great challenge is the restoration of the individual freedoms and protections of our Constitution, in the face of new and challenging national and global economic conditions.

Freedom and fairness is never outdated. Surely, economic conditions and needs change from one generation to the next.

But I believe it is the duty of this body to faithfully and accurately translate the historic freedoms of this Nation into the economic language of the day—not to cast aside the very principles to which we owe our national wealth.

Mr. Speaker, Congressman LINDER's bill restores the freedoms that have lain trampled and forgotten for nearly a century.

It will provide the economic seed for a rebirth of American manufacturing, farming, health care, and fairness.

It will begin the healing process from the injury and division sown in the past by pitting Americans against each other, resulting in devastating economic damage among those with the least.

Mr. Speaker, this bill deserves consideration at every committee level, and it deserves a fair vote in this body and the Senate. I urge my fellow Members to support that consideration, and support this bill.

Mr. LINDER. Mr. Speaker, I would now like to yield to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I appreciate the gentleman yielding to me and to the contributions of my colleagues here tonight on this subject matter.

It occurs to me as I listen to the gentlemen from Georgia, the offices that I can go to and always get the right price on a small complimentary bag of peanuts, that a person would have to be nuts not to go for this program. And you all know that in Georgia. It is endemic down there. You have had campaigns on it politically and you know the public in Georgia understands how important it is to eliminate the IRS and go to a consumption tax.

We will get most of the questions answered here tonight, but the balance of the questions can be answered at fairtax.org on the Web.

Mr. LINDER. I thank the gentleman for that.

Mr. KING of Iowa. Mr. Speaker, when I put out that Web page, it is important to go there and take a look. There is always another question and another question.

Myself, I would like to announce how I got to this position. It is almost 25 years ago. The gentleman from Georgia (Mr. BURNS) addressed how simple and obvious it is. Twenty-five years ago, I got audited one too many times. That one too many times caused me to go back to work fuming after all the time I had lost and money that I had lost, and I still to this day believe I filed everything exactly correctly and honestly and legally. But I went back to work and started with the premise I want to eliminate the Internal Revenue Service and I want to eliminate the Internal Revenue Code.

I did not think too much about how to do it, I just wanted to get rid of it. So I looked at how do we replace that, how do we replace the revenue stream? And there is only one way, and that is a fair tax, a national consumption tax on sales and service. We have heard about that here tonight.

The simplicity of it is impressive. And after weeks and weeks of working this through, answering these devil's advocate questions that I asked of myself, and trying to find people around my neighborhood in 1980 that could answer this, and my colleagues that could answer this, and no one had been thinking about it. They looked at me and said, well, that sounds like a good idea, Steve, but we never heard of that before, therefore it must not have a lot of credibility.

I finally concluded they must know something intuitively about this that was wrong with it that I could not begin to comprehend, so I set it on the side shelf of my mind. I always kept it there as something to think about, but I moved along.

In 1993, I picked up a book and the title was "Fire the IRS," written by Dan Pilla, a former IRS agent. He had done all the research and compiled all the data that I had speculated on myself, and that book clicked with me just exactly.

So I will take you back to the biggest reason why I think we need to eliminate the IRS, and that is this over $1 trillion anchor we drag through our economy. These numbers go back to references in 1985 dollars in Dan Pilla's book. He took the dollars that we have to fund the IRS with, the dollars that we pay our tax preparers, the dollars we pay some people to compile the numbers to go to our tax preparers, and then pay ourselves about $10 an hour to sit up most of the night on the 14th of

April, and then the dollars we spend to enforce the Internal Revenue Code. We also go through the litigation process.

And then add to that the cost to our economy of people who make a decision that they are not going to risk any more sweat or any more capital or any more equity, and to try to earn more money for that year because the tax risk is too high. So they make a decision they are going to pick up their golf clubs or their fishing pole, or spend a little more time with their family and not make that extra sales call, not work those extra overtime hours.

Add all those dollars up that I have described; the disincentive dollars to the actual literal cost, and those 1985 dollars were $720 billion a year. Billion with a B. And if you index that for inflation, that number rolls up to over $1 trillion a year. That is trillion with a T.

And no one, no one has an equation that can evaluate the positive impact on our economy when you take those millions of people that are now working in the regulatory sector, enforcing the IRS and keeping the books and putting the data in. All those bright, creative, productive people out there that are producing something in the nonproductive sector of the economy. They will go find something to do. They are creative. They will come out of that nonproductive sector of the economy and they will do something in the productive sector. They will produce a good or a service that has a value that also is a multiplier in our economy. And that contribution today cannot yet be measured.

So we have this anchor of over $1 trillion. Then, when you add to that the part we cannot measure, it is an anchor that is substantially over $1 trillion to our economy. To give you an idea of the magnitude of that, in 1992, when Bill Clinton was elected President, he called for the United States Congress to issue a $30 billion economic incentive plan. Some will remember that request that the President made, because we needed to jump-start the economy, by his argument.

Well, Congress negotiated that $30 billion request down to $17 billion, and then he decided, well, that is not enough to make a difference and so he decided to drop the proposal. But it was an idea like we would consider AmeriCorps to be today; make-work projects where you put borrowed money into the hands of people that would be spent in the economy to stimulate the economy.

Well, if $30 billion made a difference to this economy, at least in theory in 1992, borrowed money, think what over $1 trillion injected into our economy in the real productive sector of the economy would do. Not borrowed money, real money, multiplied not just one time borrowed at $30 billion but every year over $1 trillion. We cannot, with our normal on-the-street minds, comprehend the contribution to this economy, the jobs that would create.

And when we look around the world and we see where we stand with this Nation, this economy that is growing thanks to the President's jobs and growth plan, but we are also seeing a balance of trade that is a minus $503 billion a year, and we are seeing our industrial base slide off to overseas where they are paying 68 cents an hour, and they are buying lathes and punch presses and training their people to run them.

Those jobs will be hard to get back, but we get to discount 22 percent on average of everything we sell to these foreign countries when we untax our companies that are producing export products as well as our domestically consumed products. That discount keeps us in that market longer and it holds our industrial jobs here in this country longer. That is good for our blue collar jobs and that is good for the sector of our economy that is starting to decline.

And on the other side of this coin, on the high-tech side, we incent capital formation. We no longer punish productivity or capital formation or savings. So when we untax corporations, businesses, your wages, income of all kinds, interest income, dividend income, pension income, no tax on Social Security income, we untax all of that, and we untax also inheritance tax, that means there is an incentive for capital formation. It will not be sewn into a mattress, it will be invested in something that returns on its investment. And that return will result in increased productivity of the American worker.

So whether that money goes into research and development or capital investment so we get more technology in our factories and in our plants, or whether it goes into higher education, or whether entrepreneurs are able to borrow that money and roll that into a new business, all of these things may be temporarily delayed gratification for the retailers, not much, maybe a little, but in the end it is more money in their pockets.

So when I look at the things we are up against here, this idea ultimately makes so much good sense. Every time I take this Rubik's cube of H.R. 25, or you can find out about it at fairtax.org, and I turn it around and I look at it another way and another way, it looks better, and better, and better. It makes so much sense that I am just going to illustrate the two sectors of the economy that need to take a look at this thing and actually be convinced.

One of them are the retailers. They have a study out, and the gentleman from Georgia (Mr. LINDER) and I have sat with people on that study. I think the study shows that about 5 years down the road, there is maybe a half percent decline in total gross retail sales. The premise on that study, it is a 5-year-old-study, by the way, or 4½ anyway, some of those premises I will take issue with. I think it starts with a pessimistic base.

Even if they are right, and I disagree with them, but even if they are right, is $1 trillion in the economy not more than enough to overcome that? They assume that money is not going to come out of research and development or higher education.

Mr. LINDER. If the gentleman will yield for a moment, Mr. Speaker, their own study, because the gentleman and I have met with them, shows the economy will grow faster under this system than the current system.

Mr. KING of Iowa. The economy will grow faster.

So when we look at it from that perspective, there are easy answers for the retailers. More money in the hands of people. They will spend that money.

The other question out there is the one that has to do with large investments, annuities, life insurance, and those kinds of issues. And at first I will say the tax structure around those kinds of investments is a tax structure that has been built and evolved around our income tax system. It is a distortion. It is more akin to something today that is not really economic reality. And I think we can take our $1 trillion and inject it into our economy and find a way to transition our way through making adjustments through annuities, life insurance, and those other kinds of long-term investments and tax deductible investments.

And by the way, another concern will be the dollars that go into charitable contributions. Statistics show that 70 percent of the charitable contributions are not itemized deductions anyway. People find a good cause and put their dollars in there without regard to the tax.

Mr. LINDER. Mr. Speaker, I am so glad the gentleman raised that point. I want to throw one thing in here. Seventy-four percent of the money that goes to not-for-profits come from businesses they run. Universities sell hats and mugs, the Red Cross sells blood. Eighteen percent comes from the checks we write, and the rest comes from interest earned on interest-bearing accounts.

People do not give money away to charities just for tax reasons. The great fortunes that have been given away, the Goulds, the Fricks, the Melons, the Carnegies, were given away before 1913. Carnegie funded 2,437 libraries before the Tax Code came into effect. People with a lot of money give it away because they like to give it away.

In 1980, when the value of a charitable contribution's margin was a 70 percent deduction, we gave $48 billion to charity. Over several tax changes since then, the value of charitable giving has dramatically declined, and last year we gave nearly $200 billion to charities. People give money away if they have more money. If they have more money in their pocket, we will put more money in their pocket.

Mr. KING of Iowa. Mr. Speaker, if the gentleman will continue to yield, that is the answer to charitable contributions.

There is an answer to every single aspect of this. Every time we look at this Rubik's cube it looks better and better and better.

Also, the corporations that have moved offshore to avoid the taxes in United States of America will come back to this country, many of them, and other corporations will move to the United States. An example would be Ireland. They untaxed corporations in Ireland for a period of 10 years, and they ended up with 560 American corporations domiciled in that little island of 4 million people. So imagine multiplying this across this huge continent of almost 300 million people.

□ 2245

Mr. LINDER. Mr. Speaker, let me close with one point, and that is 47 percent of America does not pay any income taxes today. They pay payroll taxes, but we have a huge bias that is a dangerous bias in my judgment because people who do not pay taxes are disproportionate beneficiaries of government, and they want more government and more taxes because they think they do not pay them.

I want a tax system that is so fair and equal that the next time we decide we want a tax increase, my mother is willing to pay it. We had two tax increases in 1990, both promised at the top 2 percent; it works its way through the system, and we all pay. I want a system that everyone sees they are the ones paying the taxes, and they are the beneficiary.

Mr. COLLINS. Mr. Speaker, a recent study by the National Association of Manufacturers said a long-term solution to being competitive in the world market is to change the income tax system, to replace the income tax system. This is a question that Lou Dobbs asked me about 2 weeks ago when I was on the "Lou Dobbs Tonight Show" talking about the fair tax: Do you really think this can happen and how?

Mr. LINDER. We hear from everyone, and you talk about it, and people say it will never happen. This town responds to our constituents, and if the American people want this to pass, it will pass. There is no organized opposition to it. If the American people catch on, it will pass. But one thing that I have learned over the last 6 years on this issue, and I have been on several hundred talk radio shows, I have been in many States, the American people are so far ahead of the politicians on this it is scary. Politicians have no idea how close the American people are to throwing them out over this issue. The American people want the simplicity of it, the fairness of it, and they want it to be equal.

All of the polling and focus groups we did, they want everybody treated the same. Half of the people in the focus groups thought they were the only ones paying taxes, and everybody else had a deal. They want everybody treated the same. Cab drivers want wealthy people treated the same because they want to be wealthy one day, and they want to be treated exactly the same.

I believe there is a confluence of events occurring. The Social Security and Medicare crisis is going to force us to make some tough decisions. The fact that our revenues are not dependable, when under the sales tax and the growing economy, would not only be dependable, we may not even be facing deficits, and the projected long-term growth of the economy of a significant percentage above what we can do now. And lastly, we cannot continue to compete in a global economy with such a large tax component in our price system.

These various things are coming to bear on our economy, and I believe the American people will catch on to this. As the gentleman knows in Georgia, he cannot run for office without discussing it. We need to do that in all of the States. I believe the American people will move this country, and it will take them to move the politicians. Politicians are, more than anything, followers. They want to know where the country is going, and they want to get in front of the parade, wherever it is. We are looking for some leaders, and the American people will show the way. Yes, it will happen.

Mr. COLLINS. Mr. Speaker, I concur that the American people will drive this issue. That is the reason it is important that the gentleman from California (Mr. THOMAS) holds hearings in the Committee on Ways and Means. Let us vet it and let the people understand it, and I think the people will respond to Members of Congress, and we will have action taken on this issue.

I was offered the cushy job of being the IRS commissioner about 2 years ago, but I turned it down. I chose not to join them; I want to end them. In order to do that, we have to abolish the income tax, and that will end the IRS as we know it today. I appreciate the gentleman's effort, and I am 110 percent behind you.

Mr. LINDER. Mr. Speaker, I thank all Members who have participated tonight and continue the fight. This will happen.

30-SOMETHING CAUCUS REPORTS

The SPEAKER pro tempore (Mr. CHOCOLA). Under the Speaker's announced policy of January 7, 2003, the gentleman from Ohio (Mr. RYAN) is recognized for half the time until midnight, approximately 36 minutes.

Mr. RYAN of Ohio. Mr. Speaker, we are here on our second weekly 30-something working group, and I am joined by the gentleman from Florida (Mr. MEEK). We started this last week on Tuesday. Every Tuesday night we are going to come here and talk about issues facing the young people, not only in our own communities in Florida or in the State of Ohio, not only young people who are at universities or private schools throughout the country, but people who are in their 20s, in their 30s and the kinds of challenges they are facing in society here today.

As Members can see, the gentlewoman from California (Ms. PELOSI), who we would like to thank for the opportunity to do this, sponsoring the 30-something working group, we are going to ask young people, and you do not have to be 30, you can be 20, 40, 50, to contact us by e-mail at 30somethingdems@mail.house.gov, and we will repeat the mailing address later, but just to talk about issues that are facing young students, young people today.

Last week we talked for about an hour about the challenges that are facing young people with summer jobs, student loans, Pell grants, and issues related to getting into college, having access to college, having access to higher education in this country. The majority of the discussion we talked about last week revolved around the priorities of the country. As we sit in this Chamber late on a Tuesday night, the issue again is priorities.

We just want to communicate to young people today that there is active participation in this democracy in which young people who think that democracy does not matter, who think that their vote does not count, who think that somehow they cannot participate in the system, we are here to tell them that they can, and they do have an opportunity to participate in this system; and for two young people like the gentleman from Florida (Mr. MEEK) and myself and several others who are here, have gotten to this establishment, this institution, the United States Congress, through the help of a lot of young people. You can either say no, reject the system, you can say no, we do not have an opportunity to talk, we do not have an opportunity for our voice to be heard, or you can say, yes. Yes, we can participate in the system; we can participate in our democracy.

I heard some of the gentlemen before us talk about how the democratic process works and how people will, if given the opportunity, they will dictate what kind of government we get and what kind of government as citizens we receive; but it has to be active participation.

We are here to say we believe, and I know I believe passionately and have spoken on the House floor and I know the gentleman from Florida (Mr. MEEK) has also participated in these discussions, that we believe that the priorities of this institution over the last year, year and a half, several years, have not represented the interests of young people. The Republican Party has controlled the House since 1994. They have controlled the Senate for a good portion of the years since then. They have controlled the White House for the last 3½ years; and the agenda for young people, the agenda for students has not been addressed. As we talked about last week, our discussion had a lot to do with Pell grants and access to college.

The question that we want to present to young people today, tonight, is: Do you agree with the priorities that this administration has established for you? Do you agree with trillions of dollars of tax cuts over the next 10 years? Do you agree with borrowing money to pay for the deficits that we have today in order to give tax cuts primarily to the top 1 and 2 percent? I know the gentleman from Florida (Mr. MEEK), who has been very active in this discussion, has agreed with the majority of us on the Democratic side that we believe that money would be better spent balancing our budget, making sure we have fiscal responsibility in the country, and making sure we make the proper investments. We believe that some of those investments, and it would be misleading to say all of those investments, but a good portion or many of those investments should be made to our young people.

Mr. MEEK of Florida. Mr. Speaker, I want to say that the gentleman from Ohio (Mr. RYAN) has hit the nail on the head. I am glad we are here with our 30-something working group; and we are also joined by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), as she was last week. We are showing a level of consistency; and just from last week, I hold in my hand, almost like the David Letterman Top 10, just some of the e-mails sent in from individuals who saw us here talking about issues not only facing college students, but also facing working families in America that are concerned about how they are going to pay back the second mortgage that they have taken out to allow their children to be educated, and also to students that are now working in student work study to try to pay for college. But they know they have loans that are under attack here in this Congress and the banking community is coming with a new scheme to have them pay more in interest rates rather than have a fixed low rate. I will talk about the e-mails later.

But first, I could not help but look at rockthevote.com before I walked over here, and I can tell Members something that is very, very disturbing. We talk about direct democracy and young people being part of the process to correct the issues that we are here to talk about tonight, health care; and in many locations throughout the country and in some States, students are being told that they cannot register to vote on their college campus.

This is very, very disturbing because it violates Federal law for a State to say you cannot vote, and if you are going to be on a college campus, the University of Ohio, whatever the case may be, if they are there, they are in school, they may register to vote. I would encourage parents and students that care about higher education, care about tuition costs, Pell grants and care about making sure that we have the workforce for the future to lead our country, I encourage them to go to rockthevote.com so they can learn more about this voter suppression.

Mr. Speaker, I am from Florida, and we cannot wait until the last minute to inform not only parents who want their children to be politically active.

Mr. RYAN of Ohio. Mr. Speaker, on that point, we have many kids in school surrounded by their peers who want to participate in the process, who are campaigning for a certain candidate or referendum on a State ballot, but they are from another State. How do they register to vote? I remember being from Ohio, and I went to school in Bowling Green which is across the State, how do you get registered to vote? Should it be by absentee ballot? You have to send a formal letter and you have exams, and you are trying to balance your duties at school to try to achieve a better life; and it becomes a very complicated process, instead of saying register to vote where your school is and being able to participate in the process.

There are many instances where we have a college or university in a congressional district that is controlled by a Member of Congress or a party that is not representative of the people who are at that university, where if all of those kids would be able to register to vote at that university, they would swing a congressional election.

□ 2300

Mr. MEEK of Florida. If I can, I just want to make sure that the listeners that are listening to us right now and also Members of the House, I would definitely urge them, because they should lead in this fight. Direct democracy is important, being able to do away with voter apathy. I do not believe that the folks that are not voting, that it is all voter apathy. It is voter access. I want to read something to you: Under Federal law, college students have the legal right to vote where their residence may be and that is at schools. The Supreme Court established this right in 1979. Yet 25 years later, many local elected officials across the country have not gotten the message. They are rejecting the voter registration applications of students claiming that they are not permanent residents in their community, but the Supreme Court has already said that this concept of permanent is not relevant to students. We have to get that word out.

I would say to the parents that are listening to us tonight, your children can vote in the fall elections. Where will they be in late August or September? They are going to be in school. Where are they going to be in November? They are going to be in school. We have to make sure their voices are heard.

Mr. RYAN of Ohio. Go to rockthevote.com. Or, if the C–SPAN cameras can come in here, 30somethingdems@mail.house.gov. Send us some e-mails. We received a bunch just from last week, our first week here. Send us some e-mails. Let us know what you think, what your issues are so we can develop a students' bill of rights in order to advocate.

I would like to welcome a great new Member of our freshman class the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. It is really great to be here. We are also joined by another colleague of ours, the gentleman from Alabama (Mr. DAVIS). Just to catch the tail end of your conversation, I wanted to say that there seems to be something wrong when people are advocating that young people get involved in politics and express their opinions and vote, and you have 18- to 35-year-olds who want to do just that and then the rules are set up in such a way that make it nearly impossible for them to participate. There is something wrong with a democracy that does not embrace making it easier for folks to participate in the political process and exercise their right to be heard.

Not to get off topic, but one of the things that I wanted to talk about a little bit this evening is a subject that is troubling not just for students, for a lot of young adults all across America, folks that may have graduated from college and been out in the workforce for several years, but that is the need for access to health care. I can remember myself when I was at UCLA law school right after I graduated, there was this intense pressure to find a job, and I had this fear during the period when I was studying for my bar exam, I had this fear because I was not covered by any health insurance, this fear that if I did not get a job quickly after taking the bar, that I was pretty much going to be on my own where health care was concerned. I was fortunate in that when I graduated from law school, I graduated in a somewhat healthy economy and there were quite a number of employment opportunities that presented themselves.

But today students are not so lucky. They are graduating from universities and the job market is very dismal for them. Not only does that mean that they are going to have to struggle without having an income after they graduate and the thought of student loans on top of it, but chances are they probably will not be covered by any type of health care. As we rapidly approach the months of May and June, a lot of college students are going to be graduating and finding themselves in the situation that I have just described.

I know of one particular instance in which a female college student recently shared a story with me regarding her personal hardship where health care was concerned. She is about to graduate from college in California and just received a scare by testing positive for an ovarian cyst. She does not know where to turn. She does not have any idea where she is going to get the money to pay for the necessary procedures; and if this situation is not bad enough because she is a student, currently some of the things are covered by student health, but imagine if she had just graduated and were covered by no health insurance whatsoever, she might not even be aware of the situation that she is in because she might not have gone to the doctor to be tested. I am sure she is not alone in that situation.

I do not know what it is about young people, and to young people that may be watching this, I say you absolutely have a right to affordable and accessible health care. Do not think because you are young that that is one of the dues that you have to pay. You absolutely should have access to affordable health care. Do not sell yourself short and do not demand anything less. Do not think that because you are young, the government can ignore you. You have an opportunity. You have a voice. Exercise it. You have an opportunity to try to shape the policy that this Nation abides by. Be vocal about that.

We have seen the number of people who are uninsured in this country continue to rise. That is just not the people that are uninsured, but there are many people who are underinsured, which means they have very superficial health care benefits; they are not really meaningful, they have high premiums, they have high deductibles. That means that people have just one more worry as they are starting out and embarking on what should be the rest of their lives and a positive experience.

Four years ago, the President promised us action on health care but every year since then, more and more Americans have lost their health insurance. It is particularly dramatic in young people. Young adults comprise a disproportionately large share of the Nation's uninsured. Despite only representing 15 percent of the population, young adults account for 30 percent of those who go without health care in our country.

It is a shame that an industrialized, modern society, supposedly the greatest country in the world, cannot find a way to make sure that every person in this country has access to health care. Those of you who are listening, all of us here on the floor tonight that are talking about these issues that impact young folks, we are fighting like crazy to try to make sure that big HMOs and pharmaceutical companies are not the ones that are receiving the benefits of the health care policy that we pass in this House. We are urging that 12 million young adults who currently find themselves without access to health care, to get involved politically, talk to your Representatives, let them know how critical this issue is for you.

Mr. DAVIS of Alabama. I thank the gentlewoman, and let me certainly thank my colleagues from Ohio and Florida for their vision in putting this hour together and for making it a regular part of the congressional calendar and the congressional schedule. As I listened to the three of you before I had a chance to participate in this dialogue, something struck me. I am normally one who tends to be resistant to too many political analyses that rest on generation. I am one of these people who thinks that people try to load a whole lot of analytical content into that term when it should not always be there, but this is something that occurs to me from listening to all three of you. Maybe because we are new to this body, maybe because all four of us are relatively new to public life, maybe because all four of us are still young people, we still have a sense of the possible. We still have a sense of how the power in this institution and the power in this government can still be used to make better the lives of some of our people.

Sometimes when I listen to our friends and our colleagues on the other side of the aisle, I honestly think one of the most fundamental differences is that they do not have a very strong sense of the possible. They pretty much want to take this country as we found it. They want to take the divisions in this country as we found them, and they are pretty much happy to get by with that. Maybe what separates us as younger Democrats and as Democrats is that we have a profound sense of what is possible.

As I listened to the gentlewoman from California and I think about health care in this country, we do have an enormous amount still to do. One day some historian is going to look back at the fact that 4 years ago, we had a $122 billion surplus, and we somehow did not manage to spend a dime of it on providing health insurance for working Americans who need it, who are playing by the rules, who are doing everything that the system demands of them, and yet they somehow do not have health insurance. We had a $122 billion surplus and could not spend any of that largesse on addressing the problem of the uninsured. Here we are 3 years later, we have a $521 billion, and climbing, deficit. We are spending all of that money, and we are still not spending a dime of it on addressing the problem of the working uninsured. That is something that a lot of the young people who I hope are listening in their college classroom and in their college dorms tonight will hold us accountable for. That we have had an opportunity to spend an enormous amount of the Treasury in this country, and we have never touched this problem.

Understand something very basic about the problem of the uninsured. Sometimes when we listen to the debate, we almost think that the uninsured are all poor people. This is the reality. A significant number of people who are uninsured are people who are working and people who are earning between $50,000 and $75,000. Not poor by any stretch of the imagination. A lot of these are people who are working as young lawyers. They are people who are working as young legal assistants. They are people who by no means are what we think of as being on the margins of society.

□ 2310

So I would simply make this point tonight when we talk about the obligation that we have as young leaders, one of the most fundamental obligations that we have is to maybe finish some of the business that some other people have left for us, to maybe find some way to deal with some of these problems that have been sitting and festering. Forty-two million Americans are uninsured. That means 42 million Americans are essentially one health crisis away from seeing their financial security wiped out.

Again, my sense of the possible leads me to think that we can do something about that, and my sense of the possible leads me to believe that if we do not address this problem and we simply let it fester, that we are going to wake up one day in America, in this wonderful land of opportunity and we are going to see that we can split in two and become two Americas. We become one America for people who are well endowed and people who are wealthy. We become one America for those who are without.

And I will close on this point. A lot of us are institutional lawyers. The gentlewoman from California (Ms. LINDA T. SÁNCHEZ) I know is an attorney who practiced very ably in California. Unfortunately, in our profession as lawyers, we kind of accept the fact that the more money one has, the better legal service they can get. It is just something that we accept.

When it comes to accounting, as we are just finishing the tax season, the quality of one's bank account determines the quality of the accountants that they get. I hope that we never let ourselves lapse into a world where the quality of one's health and their capacity to fight the ravages of disease is a function of how much money they have got, because if we ever enter that kind of a world, we have entered a world that is fundamentally less fair than what we have had and we have entered a world that is less generous than what we need it to be.

And I would just in conclusion say this: I know that all four of us are fans of Robert F. Kennedy and the vision that he had for America. He was fond of saying, when he concluded a lot of his speeches, "Some men see things as they are and say why? I see things that never were and say why not?" And I think that is our challenge as young Democrats, not just to see the things in this country that trouble us and raise our hands and say why, but to see a better and fairer world and to say why not?

Mr. RYAN of Ohio. Mr. Speaker, the gentleman was extremely articulate in his analysis of the situation that we are in, and I think he is right, that a lot of us that are here, and I have seen many Members who are just a few years older than us, have maintained that attitude that say this institution and politics in general is about what can be for the rest of society.

We have talked a little bit about health care, and I think there are two ways to look at this. I think both are very valuable, but the one is we need to cover people because it is a justice issue. It is an issue where we all believe that every person in America should have adequate health care regardless of one's wealth, period, end of story. That should not be a debate that we are having in the 21st century in America.

And as we provide health care for young people, we are beginning to educate them on the way to behave, the way to treat themselves, the way to be more healthy, so that when they are in the Medicare program one day, that they are not costing us as much money as they would have cost us had they not had the education that they had at a young age.

This should not be just about providing health care coverage. This should also be about teaching wellness in our schools, whether it is through Leave No Child Behind or some other Federal program that we have, but to make sure we are teaching people at a very young age how wellness is the best way to approach life. That is one.

And then the second reason is an economic argument. Imagine if we were providing health care to manufacturers here today. Young kids graduate from school. They go and they work. Maybe they do not even go to college. They go get a 2-year degree, run the new machines, have a technical degree, and they have health care. Imagine the burden that would be released from those people who were owning small manufacturing shops and the money that they would save that they could put back into their business to create economic wealth in the country again.

So this is an investment that I think when we want the government to invest money, we say we want to get the best bang for the buck. We get a justice issue solved, and we also want to get economic development and assist small businesses in a way that they have not been assisted under the current regime that we have here in the United States.

Mr. MEEK of Florida. Mr. Speaker, if I can, I just want to mention I am so glad that the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is here and also the gentleman from Alabama (Mr. DAVIS). The gentleman from Alabama (Mr. DAVIS) represents a rural part and a very poor part of Alabama, and I have heard him on many other occasions, not only in the Committee on the Budget, share the stories of his constituents, and I just want to steal from that for a minute.

I represent Miami and also South Broward County, and it is a very urban area. I will share with my colleagues that not only with the educational institutions that we have there, we have children or we have young people that are gambling on health care. They do not have health care because they cannot afford health care, and they are what I call emergency room health care. As we speak right now, some mother or father has to take their child into an emergency room because they do not have health care coverage. They are working. They are not at home eating a bag of chips and drinking some sort of soda saying that, well, I do not want to work. They go to work every day. These individuals are walking into emergency rooms for their health care. Then we wonder why our health care cost is so high. Why do we have a pill in the hospital, Tylenol, that costs $10?

Mr. RYAN of Ohio. Mr. Speaker, so in essence we do have universal health care in the country but it is through the emergency room.

Mr. MEEK of Florida. Mr. Speaker, I do not want to start talking, but the first thing we instituted in Iraq was universal health care. So I do not want to bounce back and forth, but the gentleman from Alabama is on the Committee on the Budget, and I am glad we have a diversity because I know the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is on the Committee on the Judiciary and the gentleman from Ohio is on the Committee on Armed Services along with me, and I am on the Select Committee on Homeland Security; but really where the rubber meets the road is how we set our budget here, and then how we are setting up future generations and even this generation for failure. Can the gentleman from Alabama talk a little bit about that? Because I am so glad he is here and he is knowledgeable on the issue.

Mr. DAVIS of Alabama. Mr. Speaker, I thank the gentleman for raising the issue. One of the interesting things that we often hear in this town and we hear it from the other side of the aisle is we cannot justify their commitment, we are told, by the amount of money that we are spending. A lot of our colleagues and friends on the Republican side of the aisle say we care very deeply about health care, we care very deeply about education, we are just not spending a lot of money on those things and one cannot judge our commitment by that.

Most American families, I think, realize that people spend money on the things they value. They do that in their homes and they do that in the United States Congress. We are steadily walking away from commitments that are decades-long commitments to improving the quality of our educational system, improving the quality of health care. We made a commitment, or our predecessors did, because none of us were here. Not a single one of us voted on Leave No Child Behind. But before we got here in this institution, this House passed a bill called Leave No Child Behind and made a commitment to improve education in this country. That commitment has never been funded adequately. It has never been funded to set the original vision that was laid out.

And on health care, the prescription drug bill that all four of us voted against, incidentally, last November, this is a bill which has an enormous price tag. It is a bill that will leave large numbers of seniors still without prescription drug coverage. And in so many areas, and this is what is striking I think to a lot of our constituents, they hear about the obligations we are undertaking abroad. They hear about the commitment that we are making to improve the lives of people around the world. What they do not see is a commensurate commitment here at home.

And I think we have to recognize that if we want our country to move forward, if we want to fix a firmer and better foundation for our people, that is a matter of resources. It is incredible that we have run up a $521 billion deficit and we have left so many national problems untouched. Now we know why. It is because we have made it a priority to cut taxes by $3 trillion over the last 3 years. We know why, because we have made a commitment to engage in so many crises around the world when there are festering crises here at home. We know why. It is because we frankly have not had our priorities straight in this institution.

I strongly believe that we have to identify the unfinished business of America, and as we move into this congressional and Presidential election, maybe there is one very clear and simple challenge we ought to issue to our colleagues and ideological opponents on the other side of the aisle.

□ 2320

A very simple question: They are fixated on fixing the world and remaking the world. We have to be fixated on remaking America. Because what are we fighting for abroad? If we are fighting for anything, it is for a vision of the promise of democracy. Well, if we believe in that promise of democracy and we believe that the promise of democracy means expanded opportunity, then surely we have to fight for that here at home.

All of us, I know, have a great deal of admiration for John F. Kennedy. John F. Kennedy was a great Democratic President who believed that we can be bold in asserting our interests around the world, but that we can be equally bold in asserting our vision here at home.

You would almost think you could not have it both ways. You would almost think you could not do both of those things, if you listened to some people in this town. We have to have enough confidence and enough belief in the better powers of our government and the better angels of our nature to try to transform America.

I will make this last point. There is a reason, I believe, why so many of our people are disengaged and not voting; why so many young people, why so many Americans who are struggling economically do not even want to participate. It is because they often do not hear this institution speaking to their values. They often do not hear their needs and their concerns being addressed.

They turn on the TV at 10 o'clock at night and hear us talking about a fair tax that is never going to be, some kind of a complicated esoteric tax thing that is never going to happen. They turn on the television in the middle of the day and they hear us talking about renaming bridges and post offices. They turn on the TV late at night and they hear us talking about cutting veterans benefits, the day we went to war in Iraq. So much of what they hear us say in this institution does not resonate, it does not seem a part of their lives.

I think if we want to get people to vote, if we want to get people engaged, then they need to hear something of themselves in this place. They need to hear something of the echoes that are going all around American living rooms echoing in this chamber.

It is a very real question of relevance, making the things that our people care about a part of our priorities in setting government.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I just want to make this one observation: When I was young I played sports and inevitably was plagued with injuries from time to time, and my mother once told me something, and I hate to admit when my mother was right, but she was so right.

Mr. RYAN of Ohio. Do not do it.

Ms. LINDA T. SÁNCHEZ of California. Mom, here goes. She said, "You do not feel it now because you are young. You have energy, you are strong, you recover quickly and you think you are indestructible. But when you get older, these injuries are going to come back to haunt you."

I do not particularly consider myself very old, but it is true. As somebody in my thirties, my soccer ankle that I broke three different times playing bothers me.

For young people who do not have access to health care, who do not have access to treatments and medicines that can help prevent a minor injury from becoming a severe injury down the road, or prevent a mild form of a disease or an illness from becoming something full-blown, the sole thing standing between them and some kind of chronic illness or really devastating health problem is early access to preventive medicine and early access to medicine and to therapies that are going to help them.

Again, it is kind of hard to think when you are 18 years old that you are going to be old and sick and frail one day, but if you do not have access to health care and you cannot get a head start and make sure that you get yearly visits so that you are checked out for any potential conditions, that is a potential that is a very real potential down the line.

So, for young folks, again, I cannot stress this enough. I think sometimes we think, well, we are young, we are just starting out, we do not have the dream job that we are hoping for, but I am working full-time to put myself through school or working full-time right now and have no health care benefits or very minimal health care benefits. You deserve better. Again, you need to exercise your voice and make sure that you are getting better.

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time, as we are wrapping up here, I want to thank the gentleman from Florida, the gentlewoman from California and the gentleman from Alabama.

I want to take this opportunity to say e-mail us, 30-SomethingDems at mail.house.gov, and check out rockthevote.com for the voter suppression.

I just want to read a couple e-mails real quickly that we received last week. Melanie from Maryland said that she heard us last week. It almost brought her to tears, that people in the Congress were actually talking about her.

Amy from Abilene Christian University wrote. And there was also one other student who called and said he never watched C-SPAN, but ended up watching it for 45 minutes last week to watch "Gregory Meeks, Tim Ryan and one other guy." That "one other guy" was the gentleman from Florida (Mr. MEEK).

We will be back next Tuesday. Drop an e-mail to us. We are going to continue to have this dialogue and make sure that the students and 20-somethings and 30-somethings of this country are represented in the United States Congress.

PROVIDING HEALTH CARE FOR ALL AMERICANS

The SPEAKER pro tempore (Mr. CHOCOLA). Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. BURGESS) is recognized until midnight.

Mr. BURGESS. Mr. Speaker, I appreciate being invited here to be part of the youth leadership hour of tonight's session of the House of Representatives.

There were some interesting comments from the other side of the aisle. I am actually here to talk tonight about health care. Certainly the concept of voting where you live is one that I endorse, and always have. I have several universities in my district, and in fact the NAACP awarded a college chapter at the University of North Texas an award for their program of Live Here, Vote Here that they ran last year, and I certainly salute them in their efforts.

But let us talk a little bit more about health care. Maybe we can talk a little more in depth about health care. I believe the gentleman from Alabama, if I am quoting him right, said that his group had a profound sense of what is possible. Well, let us spend some time talking about what is indeed possible; what is doable right now, this year, even though it is an election year.

Mr. Speaker, I was on the plane coming back from my district in Texas back to the Nation's Capital today. I picked up a copy of the Fort Worth Star Telegram at the airport, and the headline above the fold was "Firms Offer Plan for Uninsured Workers."

Now, there is a novel concept. Here is a consortium of large companies. "More than 50 of the country's largest employees said Monday that they will band together to offer health insurance to workers who would otherwise not qualify, offering coverage up to 4 million uninsured workers and their dependents by next year. The companies include major Tarrant County employers; American Airlines, Lockheed Martin, Bell Helicopter, as well as McDonald's, Sears Roebuck, Home Depot, Ford Motor and General Electric."

I will not read the entire article, but the article goes on to say that "uninsured workers tend to delay medical treatment and avoid cheaper preventative care, seeking expensive emergency room treatment." We know that emergency health care is some of the most expensive health care in the world. We know this is a huge driver in the cost of overall health care spending.

So here are these large companies back in Texas, many in my district, who are recognizing that the cost of the uninsured is a major cost driver for health insurance, and these companies are banding together to provide a type of coverage available to their employees, who otherwise would not have health insurance available to them. I think this is an example of the type of innovative, consumer-driven approach that we are seeing in health care.

One of the really disappointing things to me, to listen to the dialogue I just heard on the other side, actually goes back to an article written by Mr. Brownstein of the Los Angeles Times last December, where he said there are only two ways to pay for health care in this country. One is private, employer-based insurance, and the other is for the government, State or Federal Government, to pay for the cost of health insurance.

That completely ignores the cost of uncompensated care. As a physician, I know I probably gave away much more in medical care than any of these young lawyers will ever give away in legal fees. But there is a tremendous amount of care that is just simply uncompensated in this country, and that needs to be calculated into the overall expensing of health care.

But the other area that was completely ignored in Ronald Brownstein's article last December was those individuals who pay for health care themselves. We did a great thing in this Congress last December with the passage of the Medicare Modernization Act, that the other side seemed to not care for. But the creation of Health Savings Accounts in that Medicare Modernization Act will allow more people to bring their own dollars into the health care system and spend their own dollars in the health care system.

□ 2330

Mr. Speaker, I believe that people, given the option of spending their own money in the health care system, will be wiser consumers of health care and, ultimately, that too will bring down the cost of health care.

Let me just say a word about HSAs, or the old term for them was a medical savings account. I had a medical savings account myself for 5 years prior to coming to Congress. In fact, it was kind of a surprise to me that I could not continue my medical savings account when I arrived in Congress, but because of the restrictions placed on medical savings accounts, they are only available to people who are self-employed or who are employed in small groups. So as a member of this body, I had to take the type of insurance that was offered to everyone else in the Federal Government.

But we have made some improvements. With the advent of HSAs last December, many, many more people are going to have this type of insurance available to them and be able to save for their own health care. It is going to give more Americans health care coverage portability, and it is going to promote savings and wealth generation.

Mr. Speaker, in January, the President came here and in his State of the Union address talked about his health care initiatives. Now, Morton Kondracke writes for a magazine or a newspaper up here called Roll Call and it is generally no friend of the administration. In fact, he made a comment in his column the week after the State of the Union address: Usually the only time Republicans ever pay attention to the social needs of ordinary Americans is when Democrats force them to do so. But he did at least allow that President Bush talked about health care in his State of the Union message.

Now, he was not very complimentary of President Bush, but President Bush talked about 3 initiatives in his State of the Union message that could bring down the numbers of the uninsured, and when the gentleman from Alabama (Mr. DAVIS) talks about the art of the possible or having the vision of being able to do what is possible now, these 3 things do not involve any heavy lifting, they are all within our grasp right now.

One of the things that President Bush talked about, of course, was the HSA and how good it was that that was part of the Medicare Modernization Act. The President also proposed, as a corollary to HSAs, making a catastrophic insurance policy available to any worker who wanted it, and allowing them to deduct the cost of that insurance policy from their personal income taxes, the same as a corporation or business can do if it buys insurance for an employee. This would mean, if we combine that catastrophic insurance policy with a health savings account, that anyone who paid income taxes who did not have health insurance would no longer have an excuse not to have health insurance. And, Mr. Kondracke estimated that 7 percent of the 43 million uninsured would indeed have access to insurance under that scenario.

There was another proposal outlined by President Bush in that State of the Union address and that was a bill that we passed in this House almost a year ago, in June of 2003, H.R. 660, called association health plans. Association health plans probably will not by themselves bring down the number of uninsured that dramatically, but it will certainly keep that curve from continuing upward the way it has for the last 7 or 8 years.

Association health plans, again, were passed by this body last June. It has languished over in the Senate and it is certainly time that that bill receive some more attention and get moving over there. In Mr. Kondracke's tally, he estimated that another 2 million people would be benefited by the passage of association health plans.

Finally, a bill that has not passed this House, but one that certainly deserves our attention, are what are called tax credits for the uninsured. Tax credits are perhaps the best and most immediate way to help the so-called working poor; that is, individuals who are out there working and earning a living, do not earn enough money to pay income tax, so they would not benefit from a health savings account necessarily, but do not receive health insurance as a benefit of their employment. This would provide for fully refundable prepaid tax credits that would give low-income individuals and their families immediate purchasing power. In other words, Mr. Speaker, it is not a tax refund; it is a tax prefund. It would be available to those families at the beginning of the year only to pay for their health insurance needs.

Mr. Kondracke in his Roll Call piece estimated that again, this would provide coverage for another 4 million people, but he did allow that this group is perhaps two-thirds of the actual group that is counted as the uninsured, so his estimate may have been a little bit low. But by combining all of Mr. Kondracke's numbers last January, we come up with a figure of 10 million people covered with health insurance who are not currently covered. Mr. Speaker, that is almost 25 percent of the current uninsured in this country who could be covered right now, this year, if we could simply take up and complete the work that we started last year and get association health plans, full deductibility for catastrophic insurance premiums, and tax credits for the uninsured; if we would take that up and pass that this year, those 10 million people would enjoy the benefits of insurance and, as a consequence of that, health care costs would come down.

I wanted to make reference to an article that appeared in yesterday's Christian Science Monitor. The title of the article was "A Better Way to Pay For Health Care" by Jonathan Decker, a correspondent for the Christian Science Monitor. It is datelined out of Washington. He starts out, It is rare when a government program actually earns heaps of praise from a taxpayer.

Mr. Decker is talking, of course, about the health savings accounts that were passed by this body last November in the Medicare Modernization Act. He goes on to say that HSAs are the latest method for controlling health care costs and represent a kind of a 401(k) for health care expenses. Since the beginning of the year, the accounts have been available to people underage 65 who have a qualifying health insurance plan with a deductible of at least $1,000 for individual coverage and $2,000 for family coverage. Individuals can dip into their plans to cover out-of-pocket health care costs up to $5,000 a year and $10,000 a year for families.

He goes on to say, What makes HSAs so attractive to many is that the money in the accounts can be spent tax-free on health care, and the funding can be provided by companies, their employees, or both.

Mr. Speaker, it just goes to point out the power of these so-called medical IRAs, these medical 401(k)s that will increase in wealth.

The thing is, the folks on the other side tonight were talking about some of the fundamental differences between Republicans and Democrats. Republicans like to own things. We like to be in charge. And if you own your own health care dollars, how much more in control are you when you become ill, when you go to the hospital, when you go to the doctor. It is a sense of power that I, for one, would not want to relinquish to the Federal Government for an entirely government-run health care system, as some have suggested.

The tax credits for the uninsured have been introduced in this body in a bill called the SAVE Act, Securing Access, Value and Equality in Health Care. This bill provides an immediate tax credit to individuals and families toward the purchase of health insurance. The credit will be $1,000 for individuals, $2,000 for married couples, and $500 for each dependent, up to $3,000 per family; also, an additional credit of up to 50 percent will be available to families that need insurance with higher premiums. The SAVE Act is a way to turn a costly, unwieldy bureaucratic health care system into a more personal, affordable, and accessible health care system.

Mr. Speaker, we heard earlier this evening from a group that was talking about fundamental tax reform, and they spoke about it quite eloquently and they talked about the cost of embedded taxation in anything we buy.

Well, in health care, there is another hidden embedded cost that we oftentimes do not acknowledge or do not talk about, and that is the embedded cost of our medical justice system, or our medical liability system. Medical liability reform has been a big part of the agenda of this Congress, this Republican Congress this year. Again, we may notice a recurrent theme here. We passed that bill over a year ago, and we are still awaiting some action 400 feet across the rotunda on that. We certainly hope to see that action happen some time this year.

There is a direct cost, of course, for medical liability insurance. But one of the more pernicious aspects from what has happened with our medical justice system in this country with the runaway expenses associated with the medical justice system or the medical liability system, it leads doctors and hospitals to practice what is called defensive medicine. In other words, if I am called to see a patient in the middle of the night and something goes wrong down the road, am I going to look good if this case goes to court. So if you are called to see a patient in the middle of the night and they are complaining of a headache, it may not be anything too serious but, on the other hand, if it did turn out to be that brain tumor and you missed the diagnosis, it is going to look dreadful down the road in court, so let us go ahead and get the cat scan, and it leads to the type of environment where you tend to order every test, you tend to do every procedure to make certain that you are not one day involved in one of those dreadful medical liability suits.

□ 2340

The embedded cost of defensive medicine in our system is significant. There was a study done at Stanford University in 1996, so this is 8 years ago now, almost a decade ago, and these dollar figures would probably be higher if the study was done today. It was estimated the cost to the Medicare system alone of defensive medicine equated to approximately $50 billion a year.

Mr. Speaker, we were criticized for passing a prescription drug benefit last year that cost $400 billion over 10 years or $40 billion a year. The cost of defensive medicine is more than the cost of providing the prescription drug benefit to our seniors.

Let me finish up tonight with talking about the Medicare Modernization Act since the other side did seem to feel that perhaps this was not a wise thing that we did, and they all freely admitted that they voted against it. I do not think that was a wise vote, and I will tell you during the course of this why I do not think that was wise.

I think the Medicare Modernization Act that we passed here last November was, in fact, a significant piece of legislation. It provided that missing link, that thing that had been missing from Medicare since its inception back in 1965 when another Texan was President, President Lyndon Johnson, and signed that bill into law.

Back in 1965, the major health expenditures that a senior might face were if they had to have surgery, if they had to have an operation or they got a serious illness such as pneumonia or had an abscess and had to be treated in hospital with IV antibiotics for several days. Those were the types of serious cost problems that a senior could run into the mid-1960s. We did not have much in the way of prescription drugs back then. Oh, we had steroids and antibiotics, and some people argued those two were interchangeable or at least used interchangeably back then, but look at what we can do now.

The world has changed so much in the 21st century, and the ability to cure, without surgery or without a hospitalization, by the use of modern day pharmaceuticals is nothing short of astounding.

So, again, not having a prescription drug coverage in the Medicare program, gosh, we were paying $280 billion or we are paying $280 billion a year for our seniors on Medicare, for those 40 million people, 40 million Americans who are on Medicare, but we are not getting value for our dollar. This program, providing a prescription drug benefit for the first time, allows us to be able to treat things on the front end and get value for that dollar.

It is not just in the realm of prescription drugs. Yes, it is cheaper to treat illness; to treat the diabetes when it is merely a problem of a chemical abnormality with broad sugar before the retinal damage occurs, before the kidney damage occurs, before the vascular damage that leads to an amputation occurs. We are going to go do that and much more under this Medicare bill.

Every senior who enrolls in the new Medicare program after January 2006 will have a Welcome-to-Medicare physical. Health screenings will be included as part of the Medicare program. Chronic illnesses, such as adult onset diabetes, elevated blood pressure, heart disease, patients will have disease management programs available to them, and health outcomes will be monitored in a much more proactive way.

Unfortunately, when the Congressional Budget Office scored the cost on the Medicare Modernization Act that we passed last November, they could not take any of those things into account. I find it interesting that someone who is running for President has proposed a health care bill where these same types of things will be included, and yet that individual now says that because he is adding disease management and health screenings, his plan is going to cost $278 billion less. I read that in the Washington Post last Friday.

The fact is that this is a good program. It was passed by this Congress. It is choice-based, it is consumer-driven, and it is affordable.

One of the most exciting things to me is we are seeing the roll-out of the prescription drug discount card in just a few weeks, on June 1. Already you can go to medicare.gov or if you are a senior you can call 1-800-MEDICARE. All you need to know, calling 1-800-MEDICARE, if you will benefit from getting one of these prescription drug discount cards, the only information you are going to need to give to the people on the other end of the telephone or be able to type into the Internet is your ZIP code and which medications you are currently taking and the dosages of those medications. This is going to be a powerful tool that develops over the next 18 months as that database is assembled. For the first time, seniors can go to the Internet or go to that 800 number, say I live in this part of the country, I am on this medication and this is the medication and currently I am spending this much money on my medicine; would I benefit from your prescription drug discount card, and in 18 months time would I benefit from the prescription drug program when it does roll out January 1, 2006?

I am really looking forward to having that type of information at the fingertips of seniors. For heaven's sake, we are consumers, if we are nothing else in this country, and we are good consumers. We are cautious consumers. We compare prices every day. We compare prices for airplane tickets. We compare prices for cruises. We will be able to compare prices for prescription drugs on-line and be able to make the best decisions for ourselves. Again, it puts the senior, it puts the patient in the driver's seat, not the Federal Government.

In fact, I think former Speaker Gingrich talked about a time where you would just simply go to a travel-type site and type in your medication, and companies would be able to compete for your business real-time, on-line, and how powerful would that be.

One of the most important things about the prescription drug discount card is that it is going to be available. It is immediate help that is available to every senior, regardless of income, but those seniors who are at the 135 percent of the Federal poverty level will also receive an additional $600 subsidy for the remainder of this year and for next year, and in fact, if that $600 subsidy is not consumed this year, it will roll over to next year. So, essentially, a $1,200 subsidy will be available over the next 18 months time.

I have had people ask me what if I take this prescription drug discount card and then I do not want to go into the Medicare prescription drug program when it rolls out in 2006? You do not have to. It is fully flexible. It is fully your choice to do so, and if you do not take the prescription drug discount card when it is offered this June, you have not lost the ability to go into the Medicare prescription drug program, if, indeed, it is to your benefit January 1, 2006.

Mr. Speaker, we did hear again a lot from the other side just before I came on this evening. I was particularly concerned that the comment was made that the Republican side of the aisle is walking away from its commitments. I would submit to you nothing is further from the truth, and in fact, if they want to talk about the art of the possible, we can cover one-quarter of the uninsured this year with no heavy lifting, simply by getting some activity 400 feet to the West of the Capitol building and having both sides of this House take up the health credits for the uninsured and the full deductibility of catastrophic health insurance before this term ends at the conclusion of this year.

Mr. Speaker, I know it has been a long day for all of us. So, with that, I will conclude my remarks.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McNULTY (at the request of Ms. PELOSI) for today on account of a family emergency.

Mr. REYES (at the request of Ms. PELOSI) for today and the balance of the week on account of a family health issue.

Mr. STUPAK (at the request of Ms. PELOSI) for today on account of family reasons.

Mr. KINGSTON (at the request of Mr. DELAY) for today on account of personal reasons.

Mr. ROHRABACHER (at the request of Mr. DELAY) for today on account of caring for his newborn children.

Mr. TAUZIN (at the request of Mr. DELAY) for today and the balance of the week on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McDERMOTT) to revise and extend their remarks and include extraneous material):

Mrs. McCARTHY of New York, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MEEK of Florida, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. MILLENDER-McDONALD, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material):

Mr. GUTKNECHT, for 5 minutes, May 13.

Mr. MORAN of Kansas, for 5 minutes, May 17.

Mr. BURTON of Indiana, for 5 minutes, today and May 12, 13, and 14.

Mr. PEARCE, for 5 minutes, today and May 12.

Mr. DREIER, for 5 minutes, today.

Mr. HENSARLING, for 5 minutes, May 12.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. MURPHY, for 5 minutes, today.

Mr. COLE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SMITH of New Jersey and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $746.25.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 12, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8058. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-419, "Practice of Naturopathic Medicine Licensing Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on the Judiciary.

8059. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-420, "Mount Vernon Triangle Business Improvement District Temporary Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on the Judiciary.

8060. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-04-006] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8061. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Portland, Maine, Tow of Rig Pride Rio de Janeiro

[CGD01-04-010] (RIN: 1625-AA00) received April 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8062. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Indian River, Cocoa Village Mardi Gras, Cocoa, FL [COTP Jacksonville 04-001] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8063. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Severe Ice Conditions, Buzzards Bay, Massachusetts [CGD01-04-011] (RIN: 1625-AA97) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8064. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Presidential Visit, Boston, MA [CGD01-04-028] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8065. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Eustis, Eustis, FL [COTP Jacksonville 04-002] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8066. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Military Ocean Terminal Sunny Point and Lower Cape Fear River, Brunswick County, NC [CGD05-03-205] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8067. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ohio River mile marker 374.5 to mile marker 867.5 [COTP Louisville, KY 03-035] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8068. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ohio River Mile 600.7 to 609.0, Louisville, KY [COTP Louisville-04-001] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8069. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-03-215] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8070. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-03-216] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8071. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mississippi Sound, Pascagoula, MS [COTP Mobile-03-025] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8072. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hampton Roads, Elizabeth River, Intracoastal Waterway, Virginia. [CGD05-04-001] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8073. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Orange Beach, AL [COTP Mobile-03-026] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8074. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hampton Roads, Elizabeth River, Intracoastal Waterway, Virginia [CGD05-04-004] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8075. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Presidential Visit to Gulfport, MS [COTP Mobile-03-028] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8076. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones, Pascagoula Ship Channel, MS; Mobile Ship Channel, AL; Pensacola and Escambia Bay, and Choctawhatchee and East Bay, FL [COTP Mobile-03-033] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8077. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-04-005] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8078. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; ICW from Pensacola, FL to Panama City, FL, Mobile Bay, Pensacola Bay, Escambia Bay, Pascagoula Ship Channel, Bayou Casotte Channel, Choctawhatchee Bay [COTP Mobile-03-034] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8079. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-026] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8080. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Escambia River Mile 0.0, U.S. 90 Bridge, Pensacola, FL [COTP Mobile-04-002] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8081. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-029] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8082. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hathaway Highway 98 Bridge, Panama City, FL [COTP Mobile-04-003] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8083. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-030] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8084. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Old St. George Island Bridge, Apalachicola Bay, FL [COTP Mobile-04-004] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8085. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; US 90 Bridge, Escambia River, Pensacola, FL [COTP Mobile-04-005] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8086. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hathaway Highway 98 Bridge, Panama City, FL [COTP Mobile-04-006] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8087. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; U.S. Mililtary Submerged Vehicle Recovery Operation, Outer Apra Harbor, Guam [COTP Guam 04-005] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8088. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-031] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8089. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; U.S. Navy Underwater Detonation Operation, Agat Bay, Guam [COTP Guam 04-004] (RIN: 1625-AA00) Recieved April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8090. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-032] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8091. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-033] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8092. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-04-034] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8093. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-04-036] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8094. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-042] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8095. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-04-006] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8096. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-044] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8097. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-04-007] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8098. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-045] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8099. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-04-008] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8100. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-046] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8101. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patapsco River; Baltimore, Maryland [CGD05-04-048] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8102. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, Washington, D.C. and Arlington and Fairfax Counties, Virginia [CGD05-04-014] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8103. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-04-050] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8104. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ice Conditions, Upper Potomac River and its tributaries, Maryland and Virginia [CGD05-04-020] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8105. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-04-023] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8106. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Raccoon Creek, New Jersey [CGD05-04-056] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8107. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-04-025] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8108. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulations, Blair and Sitcum Waterways, Commencement Bay, Puget Sound, Washington and SS CAPE ORLANDO, SS CAPE ISABELA, SS CAPE INSCRIPTION [CGD13-04-006] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8109. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patapsco River; Baltimore, Maryland [COTP Baltimore 04-001] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8110. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Charleston Harbor, Cooper River, S.C. [COTP Charleston-04-018] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8111. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Charleston, SC [COTP Charleston 04-034] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8112. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway Mile Marker 539, Ingleside, TX [COTP Corpus Christi-03-007] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8113. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Corpus Christi Ship Channel, Port Aransas, TX [COTP Corpus Christi-04-001] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8114. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; University of Miami Crew Regatta, Indian Creek, Miami Beach, FL [CGD07-04-016] (RIN: 1625-AA08) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8115. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; U.S. Navy Underwater Detonation Operation North of Glass Breakwater, Guam [COTP Guam 04-003] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8116. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Miami Beach Winter Sprints, Miami, FL [CGD07-04-004] (RIN: 1625-AA08) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8117. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; USCGC ALDER (WLB 216) Launch, Menominee River, Marinette, Wisconsin. [CGD09-04-002] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8118. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Department of Homeland Security Anniversary Boat Parade, Port of Miami, Miami, FL [CGD07-04-020] (RIN: 1625-AA08) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8119. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Captain of the Port Detroit Zone, Renaissance Center. [CGD09-04-007] (RIN: 2115-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3879. A bill to authorize appropriations for the Coast Guard for fiscal year 2005, to amend various laws administered by the Coast Guard, and for other purposes; with amendments (Rept. 108–482). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 637. Resolution providing for consideration of the bill (H.R. 4275) to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate bracket (Rept. 108–483). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 638. Resolution providing for consideration of the bill (H.R. 4279) to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements; for consideration of the bill (H.R. 4280) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on health care delivery system; and for consideration of the bill (H.R. 4281) to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small business with respect to medical care for their employees (Rept. 108–484). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HUNTER (for himself and Mr. COX):

H.R. 4322. A bill to provide for the establishment of the headquarters for the Department of Homeland Security in the District of Columbia, to require the transfer of administrative jurisdiction over the Nebraska Avenue Naval Complex in the District of Columbia to serve as the location for the headquarters, to facilitate the acquisition by the Department of the Navy of suitable replacement facilities, and for other purposes; to the Committee on Armed Services.

By Mr. HUNTER (for himself, Mr. SKELTON, and Mr. TOM DAVIS of Virginia):

H.R. 4323. A bill to amend title 10, United States Code, to provide rapid acquisition authority to the Secretary of Defense to respond to combat emergencies; to the Committee on Armed Services.

By Mr. TOM DAVIS of Virginia (for himself, Mrs. JO ANN DAVIS of Virginia, and Mr. MURPHY):

H.R. 4324. A bill to amend title 5, United States Code, to eliminate the provisions limiting certain election opportunities available to individuals participating in the Thrift Savings Plan, and for other purposes; to the Committee on Government Reform.

By Ms. BALDWIN (for herself, Mr. TIERNEY, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. CONYERS, Ms. LEE, Ms. JACKSON-LEE of Texas, and Mr. OBEY):

H.R. 4325. A bill to guarantee for all Americans quality, affordable, and comprehensive health insurance coverage; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS:

H.R. 4326. A bill to authorize an outpatient clinic to be established in Denton, Texas, for the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. CLAY (for himself, Mr. AKIN, Mr. GEPHARDT, Mr. SKELTON, Ms. MCCARTHY of Missouri, Mr. GRAVES, Mr. BLUNT, Mrs. EMERSON, and Mr. HULSHOF):

H.R. 4327. A bill to designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, as the "Vitilas 'Veto' Reid Post Office Building"; to the Committee on Government Reform.

By Mr. FORBES:

H.R. 4328. A bill to suspend temporarily the duty on 3-Cyclohexene-1-carboxylic acid, 6-[(di-2-propenylamino)carbonyl]-,(1R,6R)-rel-, reaction products with pentafluoroiodoethane-tetrefluoroethylene telomer, ammonium salt; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 4329. A bill to suspend temporarily the duty on Glycine, N,N-Bis[2-hydroxy-3-(2-propenyloxy)propyl]-, monosodium salt, reaction products with ammonium hydroxide and pentafluoroiodoethane-tetrafluoroethylyene telomer; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 4330. A bill to suspend temporarily the duty on 5,5-bis[(y,w-perfluoroC4-20alkylthio)methyl]-2-hydroxy-2-oxo -1,3,2-dioxaphosphorinane, ammonium salt and 2,2-bis[(y,w-perfluoroC4-20alkylthio)methyl]-3-hydroxy proply phosphate, di-ammonium salt and Di-[2,2-bis[(y,w-perfluoroC4-20alkylthio)methyl]]-3-hydroxy proply phosphate, ammonium salt and 2,2-bis[(y,w-perfluoroC4-20alkylthio)methyl]-1,3-di-(dihydro genphosphate)-propane, tetra-ammonium salt; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 4331. A bill to suspend temporarily the duty on 1(3H)-Isobenzofuranone, 3,3-bis(2-methyl-1-octyl-1H-indol-3-yl)-; to the Committee on Ways and Means.

By Mr. GIBBONS (for himself, Mr. PORTER, and Ms. BERKLEY):

H.R. 4332. A bill to provide for the proper development of Federal lands in Clark County, Nevada, to best promote public welfare and economic development consistent with surrounding airport usage; to the Committee on Resources.

By Ms. HOOLEY of Oregon (for herself, Mr. STENHOLM, Mr. CASE, Mr. EMANUEL, Mr. GRIJALVA, Mr. FARR, Mr. HOEFFEL, Mr. MCINTYRE, Mr. DEFAZIO, Mr. SANDLIN, Mr. TOWNS, and Ms. LEE):

H.R. 4333. A bill to provide for homeland security grant coordination and simplification, and for other purposes; to the Committee on Homeland Security (Select), and in addition to the Committees on Transportation and Infrastructure, the Judiciary, Energy and Commerce, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY (for herself and Mr. SWEENEY):

H.R. 4334. A bill to establish a Tick-Borne Disorders Advisory Committee, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself, Mr. KING of New York, and Mr. ISRAEL):

H.R. 4335. A bill to amend the Public Health Service Act to provide for a program of screenings and education regarding children with sudden cardiac arrhythmia syndromes; to the Committee on Energy and Commerce.

By Ms. NORTON:

H.R. 4336. A bill to amend part C of title XVIII of the Social Security Act to prohibit the operation of the Medicare comparative cost adjustment (CCA) program in the District of Columbia; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PEARCE:

H.R. 4337. A bill to amend title 49, United States Code, relating to the assurance required of owners and operators of airports with respect to long-term leases for construction of hangars; to the Committee on Transportation and Infrastructure.

By Mr. PLATTS (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. AKIN, Mr. GREEN of Wisconsin, Mr. ROSS, Mr. BARRETT of South Carolina, and Mr. GRIJALVA):

H.R. 4338. A bill to amend the Internal Revenue Code of 1986 to provide that the credit for adoption expenses shall be permanent and to repeal the 5-year limitation on carryforwards of unused credit; to the Committee on Ways and Means.

By Mr. PLATTS (for himself, Mr. FROST, Mr. WYNN, Mr. GREEN of Wisconsin, Mr. WELDON of Pennsylvania, and Mr. ROGERS of Kentucky):

H.R. 4339. A bill to amend the Internal Revenue Code of 1986 to allow volunteer firefighters a deduction for personal safety clothing; to the Committee on Ways and Means.

By Mr. SWEENEY (for himself and Mr. McNulty):

H.R. 4340. A bill to require investigations by institutions of higher education of violent felonies occurring on campus; to the Committee on Education and the Workforce.

By Mr. YOUNG of Alaska (for himself and Mr. Oberstar):

H. Con. Res. 420. Concurrent resolution applauding the men and women who keep America moving and recognizing National Transportation Week; to the Committee on Transportation and Infrastructure.

By Mr. McGOVERN (for himself and Mr. Leach):

H. Res. 636. A resolution expressing the sense of the House of Representatives encouraging the active engagement of the United States in world affairs and urging the Secretary of State to coordinate with implementing partners to create an online database of international exchange programs and related opportunities; to the Committee on International Relations.

By Mr. SESSIONS:

H. Res. 637. A resolution providing for consideration of the bill (H.R. 4275) to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate bracket.

By Ms. PRYCE of Ohio:

H. Res. 638. A resolution providing for consideration of the bill (H.R. 4279) to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements; for consideration of the bill (H.R. 4280) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; and for consideration of the bill (H.R. 4281) to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. Goss and Mr. Sessions.

H.R. 63: Mr. Simmons.

H.R. 66: Mr. Simmons.

H.R. 117: Mr. Terry.

H.R. 218: Mr. Chandler.

H.R. 371: Mr. Abercrombie, Mr. Holden, Mr. Dicks, and Ms. Lee.

H.R. 450: Mr. Michaud.

H.R. 463: Mr. McCotter.

H.R. 504: Mr. Moran of Virginia.

H.R. 770: Ms. Jackson-Lee of Texas.

H.R. 857: Ms. Jackson-Lee of Texas.

H.R. 996: Mr. Boozman, Mr. Feeney, Mr. Boswell, Mr. Bonner, Mr. Graves, and Mr. Hostettler.

H.R. 997: Mr. Hefley.

H.R. 1057: Mr. Bishop of Utah, Mr. Hinchey, and Mr. Snyder.

H.R. 1101: Mr. Cooper.

H.R. 1120: Mr. Boswell.

H.R. 1231: Mr. Stark.

H.R. 1258: Ms. DeGette.

H.R. 1288: Mr. Ross and Mr. Ruppersberger.

H.R. 1306: Mr. Clay.

H.R. 1414: Mr. Udall of Colorado.

H.R. 1478: Mr. Ruppersberger.

H.R. 1613: Mr. Rangel, Mr. Acevedo-Vilá, Mr. Ortiz, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Ms. Majette, Mr. Reyes, and Mr. Ford.

H.R. 1653: Mr. DeMint.

H.R. 1735: Mrs. Lowey, Mr. Udall of Colorado, Mr. Calvert, and Ms. Schakowsky.

H.R. 1811: Mr. McCotter and Ms. Norton.

H.R. 1935: Mr. Schiff.

H.R. 1981: Mr. Acevedo-Vilá.

H.R. 2213: Ms. Solis.

H.R. 2323: Mr. McHugh.

H.R. 2404: Mr. Young of Florida.

H.R. 2490: Ms. Woolsey.

H.R. 2525: Ms. Linda T. Sánchez of California.

H.R. 2728: Mr. Barrett of South Carolina.

H.R. 2729: Mr. Barrett of South Carolina.

H.R. 2730: Mr. Barrett of South Carolina.

H.R. 2731: Mr. Barrett of South Carolina.

H.R. 2759: Mr. Langevin.

H.R. 2773: Ms. Millender-McDonald, Ms. Bordallo, Mr. Green of Texas, and Ms. Jackson-Lee of Texas.

H.R. 2801: Mr. McDermott, Ms. Watson, and Mr. Filner.

H.R. 2821: Mr. Bartlett of Maryland and Mrs. Wilson of New Mexico.

H.R. 2929: Mr. Gonzalez.

H.R. 2933: Mr. Osborne.

H.R. 2967: Mr. Miller of North Carolina.

H.R. 3000: Ms. Norton.

H.R. 3103: Mr. Shays.

H.R. 3309: Mr. Faleomavaega and Mr. Pastor.

H.R. 3313: Mr. DeMint, Mr. Hunter, Mr. Herger, Mr. Pombo, Mr. Hall, and Mr. Kingston.

H.R. 3352: Mr. Holt.

H.R. 3378: Mr. Engel, Mr. Crenshaw, and Mr. Blumenauer.

H.R. 3424: Mr. Weiner, Ms. Watson, and Mr. Green of Texas.

H.R. 3425: Mr. Kind, Ms. Kaptur, and Mr. Delahunt.

H.R. 3459: Ms. DeLauro, Mr. Nadler, and Mr. Frank of Massachusetts.

H.R. 3473: Mrs. Cubin, Mr. Smith of Texas, and Mr. Holden.

H.R. 3474: Mr. Burr and Mr. Foley

H.R. 3545: Mr. Rangel.

H.R. 3573: Mr. Burton of Indiana.

H.R. 3582: Mr. Watt.

H.R. 3602: Mr. Baker, Mr. McDermott, and Mr. Platts.

H.R. 3609: Mr. Crane.

H.R. 3615: Ms. Berkley, Mr. Markey, Mr. Wynn, Ms. Kaptur, Mr. Emanuel, Ms. Lofgren, and Mr. Wexler.

H.R. 3716: Mr. Costello, Mr. Miller of Florida, and Mr. Coble.

H.R. 3739: Mr. Foley.

H.R. 3777: Mr. Hoekstra.

H.R. 3779: Mr. Wexler.

H.R. 3795: Ms. Millender-McDonald, Mr. Gonzalez, Mr. Osborne, and Mr. Menendez.

H.R. 3798: Mr. Udall of Colorado.

H.R. 3802: Mr. Davis of Illinois and Mr. Abercrombie.

H.R. 3815: Mr. Kildee and Mr. Green of Texas.

H.R. 3831: Mr. Ferguson.

H.R. 3832: Mr. Sherman.

H.R. 3849: Mr. Smith of Washington and Mr. Udall of New Mexico.

H.R. 3880: Mrs. Miller of Michigan.

H.R. 3881: Mr. Miller of North Carolina, Mr. Langevin, Mr. Udall of New Mexico, Mr. Gonzalez, Mr. Snyder, Mrs. Davis of California, Mr. Israel, Mrs. McCarthy of New York, Mr. McIntyre, Ms. Kaptur, Mr. Rodriguez, and Mr. Hastings of Florida.

H.R. 3927: Mr. Rothman.

H.R. 3951: Mr. Berry.

H.R. 3952: Ms. Ginny Brown-Waite of Florida, Mr. Ney, and Mr. Burgess.

H.R. 3956: Mr. Weiner.

H.R. 3963: Mrs. Lowey.

H.R. 3965: Mr. Lantos, Ms. Carson of Indiana, Mr. Wynn, Ms. Schakowsky, Ms. Lofgren, Mr. Pomeroy, Mr. Green of Texas, and Mr. Acevedo-Vilá.

H.R. 3974: Ms. Lee.

H.R. 3980: Mr. Goodlatte.

H.R. 3988: Mr. Jefferson, Ms. Lee, Mr. Rodriguez, Mr. Meeks of New York, and Mr. Gutierrez.

H.R. 4011: Mr. Ballenger, Mr. Honda, and Mr. Evans.

H.R. 4039: Mr. Jones of North Carolina, Mr. Rodriguez, Mr. Brady of Pennsylvania, and Mr. Weldon of Pennsylvania.

H.R. 4057: Mrs. Biggert.

H.R. 4067: Mr. Lantos, Mr. Fattah, Mr. Clay, and Ms. Schakowsky.

H.R. 4101: Mr. Case, Mr. Sabo, and Mr. Blumenauer.

H.R. 4155: Mr. Bishop of New York, Mr. Lampson, Mr. Nadler, and Mrs. Maloney.

H.R. 4156: Mr. McDermott.

H.R. 4182: Mr. Levin and Mr. Menendez.

H.R. 4187: Mr. Bradley of New Hampshire.

H.R. 4204: Mr. Acevedo-Vilá.

H.R. 4205: Mrs. Bono.

H.R. 4206: Mr. Boehlert and Mr. Holt.

H.R. 4233: Mr. Ruppersberger and Mr. Alexander.

H.R. 4235: Mr. McNulty and Mr. Wexler.

H.R. 4260: Mr. Acevedo-Vilá, Ms. Bordallo, Mr. Pallone, Mr. Case, and Mr. Sanders.

H.R. 4275: Mr. McCotter, Mr. Wolf, Mr. Sensenbrenner, Mr. Weldon of Florida, Mr. Green of Wisconsin, Mr. Bartlett of Maryland, Mr. Boozman, Mr. Ryan of Wisconsin, Mr. Jones of North Carolina, Mr. Souder, Mr. Gilchrest, Mr. Weller, Mr. Forbes, Mr. Beauprez, Mr. Gillmor, Mr. Terry, Mr. Isakson, Mr. Miller of Florida, Mr. Boehlert, Mr. Rogers of Alabama, Mrs. Capito, Ms. Hart, Mr. Knollenberg, Mr. Boehner, Mr. Pence, Mr. Keller, and Mr. Putnam.

H.R. 4279: Mrs. Miller of Michigan, Mr. Crane, Mr. McInnis, Mr. Sam Johnson of Texas, Mrs. Capito, Mr. Gingrey, Mr. McCotter, Mr. Boehner, Mrs. Biggert, Mr. Paul, Mr. Miller of Florida, and Mr. Cantor.

H.R. 4280: Mr. Shays, Mrs. Biggert, Mrs. Miller of Michigan, Mr. Crane, Mr. Burton of Indiana, Mr. Sam Johnson of Texas, Mr. Shuster, Mr. McInnis, Mrs. Capito, Mr. Gingrey, Mr. Burns, Mr. Burgess, Mr. Murtha, Mr. Pitts, Mr. Boehner, Mr. Keller, Mr. Goode, and Mr. Hayworth.

H.R. 4281: Mr. Shays, Mr. Kolbe, Mrs. Miller of Michigan, Mr. Crane, Mr. Ballenger, Mr. Greenwood, Mrs. Capito, Mrs. Blackburn, Mr. Pearce, Mr. McInnis, Mr. Burgess, and Mr. Keller.

H.R. 4284: Mr. Hayworth.

H.R. 4295: Mr. Moran of Kansas.

H.R. 4313: Ms. Schakowsky, Mr. Neal of Massachusetts, and Mr. Kucinich.

H.J. Res. 62: Mr. Rangel.

H.J. Res. 91: Mr. Dingell, Mr. Rodriguez, and Mr. McCotter.

H.J. Res. 93: Mr. Skelton.

H. Con. Res. 247: Mr. Baker.

H. Con. Res. 257: Ms. Corrine Brown of Florida and Mr. Burgess.

H. Con. Res. 311: Mr. King of New York.

H. Con. Res. 319: Mr. Honda and Mr. Gordon.

H. Con. Res. 356: Mr. Brady of Pennsylvania.

H. Con. Res. 363: Mr. Gallegly.

H. Con. Res. 366: Mrs. Davis of California, Ms. Eddie Bernice Johnson of Texas, Mr. Moran of Virginia, and Mr. Smith of New Jersey.

H. Con. Res. 381: Mr. Bradley of New Hampshire, Mr. Andrews, and Mr. Rothman.

H. Con. Res. 392: Ms. Linda T. Sánchez of California, Mr. Lewis of Georgia, Mr. Holt, Mr. Rangel, Mr. Allen, and Mrs. Christensen.

H. Con. Res. 403: Mr. Udall of Colorado, Mr. Evans, and Mr. Schiff.

H. Con. Res. 409: Mr. McCotter, Mr. Kind, Mr. Radanovich, and Ms. Ros-Lehtinen.

H. Con. Res. 410: Mr. Payne.

H. Con. Res. 414: Mr. Ryun of Kansas, Mr. Cox, Mr. Cantor, Mr. Tom Davis of Virginia, and Mr. Brown of South Carolina.

H. Res. 103: Mr. McCotter.

H. Res. 142: Mr. Honda.

H. Res. 466: Mr. Case and Mr. Rothman.

H. Res. 550: Mr. Price of North Carolina, Mr. Capuano, Mr. Davis of Illinois, Mr. Doyle, Ms. Eshoo, Mr. Dingell, and Mr. Bell.

H. Res. 573: Mr. Levin, Mr. Kildee, Mr. Camp, Mr. McCotter, Mrs. Maloney, Mr. Stupak, Mr. Conyers, and Mr. Dingell.

H. Res. 596: Mr. Hunter.

H. Res. 604: Mr. McGovern, Mr. Rodriguez, Mr. Cramer, and Mr. Lantos.

H. Res. 608: Mr. Goode, Mr. Schrock, Mr. Johnson of Illinois, Mr. Ney, Mr. Boozman, Mr. Vitter, Ms. DeLauro, Mr. Hayes, Mr. Miller of Florida, Mr. Rogers of Alabama, Mr. Doolittle, Ms. Harris, Mr. Porter, Mr. Burns, Mr. Gingrey, Mr. Smith of New Jersey, Mrs. Jo Ann Davis of Virginia, Ms. Bordallo, Mr. Royce, Mr. DeMint, Mr. Cox, Mr. Jones of North Carolina, Mr. McCotter, Mr. Ferguson, Mr. Bartlett of Maryland, and Mr. Petri.

H. Res. 612: Mr. Schrock and Mrs. Jo Ann Davis of Virginia.

H. Res. 613: Mr. Moran of Virginia, Mr. Rohrabacher, Mr. Royce, and Mr. Wolf.

H. Res. 615: Ms. Berkley, Mr. Norwood, Mr. Burr, Mr. Filner, Mr. King of New York, and Mr. Brown of South Carolina.

H. Res. 616: Mr. King of New York.

H. Res. 617: Mr. Smith of New Jersey, Mr. Chandler, Mr. Engel, Mr. Berman, Mr. Wexler, Mr. Chabot, Mr. Shimkus, Mr. Burton of Indiana, Mr. McNulty, Mr. Sherman, Ms. Berkley, Mr. Norwood, Mr. King of New York, Mr. Brown of South Carolina, and Mr. Saxton.

H. Res. 622: Mr. Porter.

H. Res. 625: Mr. Cox.

H. Res. 626: Mr. Grijalva and Mr. Brady of Pennsylvania.

EXTENSIONS OF REMARKS

A PROCLAMATION IN MEMORY OF DANIEL J. BOORSTIN

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. NEY. Mr. Speaker, I hereby offer my heartfelt condolences to the family and friends of Daniel Boorstin upon the death of this outstanding human being.

Daniel Boorstin was born October 1, 1914. Along with his numerous roles as husband, teacher, innovator, and leader, Dr. Boorstin served as the Librarian of Congress from 1975 to 1987.

Dr. Boorstin will certainly be remembered by those who knew him as a brilliant scholar, accomplished historian, and devotee of the written word. Dr. Boorstin founded the Library's Center for the Book which promotes reading and literacy both nationally and internationally.

Dr. Boorstin's devotion to both family and his work embody the excellence displayed throughout his life. His life and love gave joy to all who knew him.

While I understand how words cannot express our grief at this time, I offer this token of profound sympathy to the family and friends of Dr. Daniel Boorstin.

TRIBUTE TO SPARKMAN HIGH SCHOOL'S "WE THE PEOPLE" COMPETITION TEAM

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. CRAMER. Mr. Speaker, I rise today to congratulate a group of young men and women from North Alabama who finished fourth in the National "We the People: The Citizen and the Constitution" Competition.

These young scholars from Sparkman High School have worked tirelessly for this competition and have gained a deep knowledge and understanding of the fundamental principles and values of our Constitution. I want to congratulate these students on this outstanding achievement.

The "We the People" program, administered by the Center for Civic Education, provides students with a working knowledge of the U.S. Constitution, Bill of Rights, and the principles of democratic government. The 3-day national competition is modeled after hearings in the U.S. Congress. The hearings consist of oral presentations by high school students before a panel of constitutional scholars. The students' testimony is followed by a period of questioning by the judges to explore their depth of understanding and ability to apply their constitutional knowledge.

These students have built an excellent academic foundation that will enable them to achieve a broader understanding of our nation and our system of government. It is inspiring to see these young people advocate the fundamental principles of our government and that the next generation of leaders believe and understand these principles.

Mr. Speaker, this group of high school seniors has accomplished more and gone farther in this competition than any previous group from the State of Alabama. With great pleasure, I rise today to congratulate this great achievement.

HONORING THE RIGHT REVEREND JOHN HURST ADAMS AND HIS WIFE, DR. DOLLY DESSELLE ADAMS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, to appropriately honor the Right Reverend John Hurst Adams and his beloved wife, Dr. Dolly Desselle Adams, upon his retirement as the Senior Bishop of the African Methodist Episcopal Church's Eleventh Episcopal District which comprises the state of Florida and the Bahamas. I'd like to submit for the RECORD the following letter to the St. Mark African Methodist Episcopal Church.

Again, the people of Dallas join me in saluting Bishop John Hurst and Dr. Dolly Adams, and wishing them Godspeed.

The BISHOP JOHN HURST ADAMS CELEBRATION COMMITTEE,
Attention: The Reverend Doctor Samuel L. Green, Sr., St. Mark African Methodist Episcopal Church, Orlando, Florida.

DEAR CELEBRATION COMMITTEE: I congratulate the Right Reverend John Hurst Adams, and his beloved wife, Dr. Dolly Desselle Adams, upon his retirement as the Senior Bishop of the African Methodist Episcopal Church's Eleventh Episcopal District comprising the state of Florida and the Bahamas.

As a minister of the AME Church, as a preacher of the Gospel, and as an educator, Bishop Adams has served both the community of God and the community of man. Credited with initiating 70 congregations, Bishop Adams is a modern-day apostle. Because the Spirit of the Lord was upon him, Bishop Adams has played an instrumental role in transforming the souls and the minds of untold thousands.

From 1972 until 1980, the Right Reverend Adams served as the Presiding Bishop of the Tenth Episcopal District, which comprises the entire state of Texas. In this capacity, he devoted all of his energies to ministering to the spiritual, intellectual, physical and emotional needs of parishioners, converts, churchgoers, the un-churched, the lost, and those on the edge of the church.

The citizens of Dallas are forever indebted to Bishop Adams and Dr. Adams for their leadership of Paul Quinn College and their stewardship of the venerable institution of higher education located in Dallas. As its President from 1956–1962, the Right Reverend John Hurst Adams put his distinctive touch on the college.

During his helmsmanship as the Chairman of the Board of Trustees at Paul Quinn College, he raised it to the highest Heights of excellence. The college, which was founded in 1872 by the African Methodist Episcopal Church, was doubly blessed by the presence of the Adamses on its campus.

As the Dean of Students at Paul Quinn College, Dr. Dolly Adams not only changed the lives of students, she also changed the lives of all around her. This veteran educator served in the Woman's Missionary Society for nearly three decades. Dr. Adams supervised the Tenth Episcopal District of Texas. She also served as the National President of Links, Inc. and was accordingly named one of the "100 Most Influential Black Americans" by Ebony magazine.

It is an understatement to say that Bishop Adams and Dr. Adams will be greatly missed. Our lives are richer and our hopes are brighter because of their contributions. This godly couple has served as a source of inspiration for others.

Each of them has given their "utmost for His Highest." The couple can truly say as the Apostle Paul famously said, "I have fought a good fight, I have finished my course, I have kept the faith: Henceforth there is laid up for me a crown of righteousness, which the Lord, the righteous judge, shall give me at that day: and not to me only, but unto all them also that love his appearing."

Although they are retiring from active ministry, they will not recede from our memories. I will enter an official statement into the Congressional Record highlighting his lifelong accomplishments of Bishop John Hurst Adams and honoring his retirement. Once it is printed, I will be happy to forward you a copy to your attention. Again, the people of Dallas join me in saluting Bishop John Hurst and Dr. Dolly Adams, and wishing them Godspeed.

Sincerely,

EDDIE BERNICE JOHNSON.

HONORING THE FLINT JOURNAL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today to congratulate Genesee County's oldest business, the Flint Journal, on the grand opening of the newspaper's new Press and Distribution Center. To commemorate this event, the Flint Journal will host a special business reception on May 11, 2004 and a community open house on May 23, 2004.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Flint Journal was founded in 1876 by Mr. Charles Fellows. The Flint Journal began as a weekly newspaper until it began daily publishing in 1883. The Journal provided national and world news to its readers via the Associated Press beginning in 1908.

In 1911, Mr. Fellows sold the newspaper to Booth Publishing. In 1922, the first Sunday edition was produced. The daily circulation of the Flint Journal passed 100,000 in 1961.

For the past 80 years, The Flint Journal has been located in their main building, which was designed by the noted architect, Albert Kahn. In 1954, an addition was completed where the printing of the paper has taken place for half a century. In October of 2002, the Flint Journal, as part of its commitment to continuing to provide superior newspaper coverage of world and local events, broke ground on a new multi-million dollar state-of-the-art Press and Distribution center. The center was completed in the early part of 2004 and is located in downtown Flint, Michigan. The Press and Distribution Center is a 75,000 square-foot, six-story facility designed by Dario Design of Framington, Massachusetts.

Symbols of past and present are represented in the new building's design. On the glass of the press hall, the main part of the Press and Distribution center, are 12 etched design elements from the old building. The designs are of printers' marks from the early days of mechanical printing; an eagle, symbolizing vigilance; a lantern, for knowledge; and a beehive, for industry. The design also includes figures that represent typesetting—a medieval craftsman with tweezers, setting type for a book, and for engraving, an old man etching symbols with a stylus. Charles Wollitz, an artist for the Journal, designed 26 artistic tiles for the building exterior to symbolize some of the communities served by the Journal.

The Flint Journal along with its experienced and dedicated staff is committed to bringing quality news stories to the people of Genesee County. I am confident that with the modernization of their printing and distribution center, they will be even more effective in delivering stories and editorials that will not only inform, but will also inspire the communities which they serve.

Mr. Speaker, as the Member of Congress representing Flint, MI, I ask my colleagues in the 108th Congress to please join me in congratulating the Flint Journal on the opening of their new Press and Distribution center and in wishing them the best in future success.

CONGRATULATING FIRST PRESBYTERIAN CHURCH ON THEIR 150TH ANNIVERSARY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate First Presbyterian Church of Columbia, CA, on the occasion of celebrating 150 years of dedication and service to the needs of the community. The church is holding numerous anniversary events throughout 2004, culminating in the observance of the actual founding on December 19.

The First Presbyterian Church was founded during the Gold Rush in 1854 and is one of California's oldest Presbyterian churches. The first pastor, John Brodt, started out with 15 worshipers and together they organized the church in the gold mining camp of Columbia. The historic church of the 49ers is located in Tuolumne County and has been a landmark in the restored mining town of Columbia, which has been a California State Historic Park since 1945.

Over the years, the church has had many renowned pastors. Henry Palmer delivered a eulogy in 1866 to then recently assassinated President Abraham Lincoln to a crowd of over 1,000 worshipers. Pastor Hugh Furneaux was designated "Shepherd of the Hill" by regional newspaper editors because of his efforts to go to remote camps with his two donkeys to deliver inspirational messages.

Today, First Presbyterian Church is the only regular place of worship in Columbia offering weekly services. The church also offers a variety of other services to the community including: music ministry, youth ministry, adult bible study, preschool, parish nursing, small groups, Presbyterian women ministries, and interfaith social services.

Mr. Speaker, it is my pleasure to congratulate the First Presbyterian Church of Columbia, CA on the occasion of their 150th anniversary. I urge my colleagues to join me in wishing First Presbyterian Church many more years of continued success.

RECOGNIZING THE CONTRIBUTIONS OF REVEREND DR. GEORGE E. McRAE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. MEEK of Florida. Mr. Speaker, I rise to recognize the contributions of one of our community's most remarkable leaders, the Rev. Dr. George E. McRae, Pastor of Mt. Tabor Missionary Baptist Church in Miami, Florida. I know Rev. McRae well, because he is my Pastor.

On Friday, May 14, 2004, at the Sheraton Biscayne Bay Hotel in Miami, the members of our congregation will honor Rev. McRae, for his 15-year service to our church and its surrounding neighborhoods.

Historic milestones and countless awards characterize Rev. McRae's pastoral service, including his recent designation as President of the Florida General Baptist Convention. Yet perhaps the one achievement of his many achievements that says the most about his values and priorities is his establishment of a community-based non-profit organization called MOVERS, or Minorities Overcoming the Virus Through Education, Responsibility and Spirituality. MOVERS is designed to meet the needs of lower income people with few options who are afflicted with the HIV/AIDS virus and other sexually transmitted diseases, and their families. Over the years, Rev. McRae and his dedicated staff have taken few resources and done much good.

The 17th Congressional District of Florida is so honored to bear witness to the consecration of this Man of God to works of charity. The timeliness of his wisdom and the focus of his sensitivity guide us in committing ourselves to the well being of the less fortunate, the voiceless and the underrepresented. By establishing MOVERS, he has made it his mission to courageously stand by this mission of mercy, thus evoking his calling to bring to everyday life the Gospel's good news of healing and reconciliation.

Rev. McRae is a man of great faith who has come to define the role of the church in its stewardship over the voiceless and the disenfranchised members of society. It is something analogous to the role of Dr. Martin Luther King, Jr., as he resiliently struggled through the harrowing challenges of racial equality and the demands for simple justice and equal opportunity for all.

The timeliness of his common sense and the courage of his conviction serve to strengthen and guide us at a time when our community needs someone to put in perspectives the agony and pain of people without resources or options who need help with problems that are much bigger than they can handle alone.

While Rev. McRae will be honored by the members of the Mt. Tabor congregation, this fitting but symbolic ceremony is but one small measure of the genuine respect and thanks that people in Miami feel for his contributions to our community. Our collective pride in sharing his friendship is only exceeded by our gratitude for all that he continues to do on our behalf. Indeed, this is the remarkable legacy for which we will honor Dr. McRae. We are fortunate to have a man of his compassion, intelligence, caring and energy, and I want to express to him the thanks and best wishes of everyone in our community.

A PROCLAMATION RECOGNIZING ADAM M. ELLIOTT

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. NEY. Mr. Speaker:

Whereas, Adam Elliott has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Adam Elliott has shared his time and talent with the community in which he resides; and

Whereas, Adam Elliott has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Adam Elliott must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 548 and the entire 18th Congressional District in congratulating Adam Elliott as he receives the Eagle Scout Award.

TRIBUTE TO COLONEL JOHN B. SMITH

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. CRAMER. Mr. Speaker, I rise today to recognize Col. John B. Smith upon his retirement after 30 years of outstanding service in the United States Army.

Colonel Smith has distinguished himself during his military service in challenging and diverse assignments. Throughout his remarkable career, he has been recognized and decorated for his ability to lead by example, encourage excellence from his peers and subordinates, and consistently produce outstanding results at all levels of command.

Mr. Speaker, for the last 2 years, Colonel Smith has served in the position of Chief of Staff for the U.S. Army Aviation and Missile Command. In that position, Colonel Smith was vital in efforts to advance Redstone Arsenal. In addition, his leadership has been critical to our Nation's defense by helping to ensure the Army's readiness and technological superiority for the future. I commend Colonel Smith for energizing a diverse staff toward a common purpose and inspiring them to achieve their goals.

Mr. Speaker, on behalf of the people of North Alabama, I congratulate Colonel Smith for his 30 years of service to our country and wish him well in his retirement.

COMMENDING DAVID LEESON AND CHERYL DIAZ MEYER OF THE DALLAS MORNING NEWS STAFF, WINNERS OF 2004 PULITZER PRIZE FOR BREAKING NEWS PHOTOGRAPH

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to congratulate two great journalists, David Leeson and Cheryl Diaz Meyer of the Dallas Morning News, who were recently awarded the 2004 Pulitzer Prize for Breaking News Photography.

We Texans saw blood spill, tears shed, and conflict unfold in the trenches of Iraq through their camera lens.

Mr. Leeson, who was with the U.S. Army's Third Infantry Division for 6 weeks, captured an image of an Iraqi rolling out of a vehicle engulfed in flames, only to be shot by an American soldier; Ms. Meyer photographed a gripping scene of American troops risking their lives to save a wounded civilian.

The Pulitzer is Leeson's first. He had been a Pulitzer finalist three other times. The Iraq war is the 11th major conflict Leeson has covered. He has also produced work on the apartheid in South Africa, a portion of the gulf war and flooding in southeast Texas.

It was the first Pulitzer for Ms. Meyer also, a news photographer since 2000. In late 2001, she traveled to Afghanistan to photograph the war on terrorism and its effects to topple the oppressive Taliban regime. She has received numerous awards for her body of work there including the John Faber Award from the Overseas Press Club. In April 2002, Ms. Meyer traveled to the Philippines and Indonesia where she photographed Muslim and Christian extremism and the violence caused by religious hatred.

Mr. Speaker, I also congratulate the Dallas Morning News' entire staff for their seventh Pulitzer.

Mr. Leeson and Ms. Meyer, I commend you for this great accomplishment. Keep capturing those shots because they are worth thousand words.

HONORING THE BAY REGIONAL EMS UNITS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today to acknowledge the Bay Regional EMS units of Bay City, Michigan for their tireless efforts and dedication in providing life sustaining treatment, and transportation of the sick for 31 years. On May 16, 2004, during National EMS week, the community will join together to honor these men and women during a special presentation ceremony to be held at the main EMS station in Bay City, Michigan.

The Bay Regional EMS, formerly known as the Bay Medical Center EMS, started in 1973. In 1978 it added the Advanced Life Support (Paramedic) service units. There are currently eleven Advanced Life Support units within the fleet. The EMS Units are based out of four stations, which are located in downtown Bay City, Bangor Township (2 units) and Hampton Township. Bay Regional Medical Center employs thirty-eight paramedics, and twelve EMT/Dispatchers who respond to approximately 11,000 emergency and non-emergency transports annually. The Bay Regional EMS Paramedic units are the best in its class. They were among the first responding units to the Wenona Hotel fire, the Bay City fireworks festival explosion, and the motor vessel *Jupitor* explosion and fire. Aside from their duties as paramedics and EMT/Dispatchers, they also provide Medical First Responder level, EMT-Basic level, EMT-Specialist level, and Paramedic level licensure programs, as well as community CPR/AED classes and informational events within the Bay County Schools. The service also provides coverage for special events throughout the Bay County area, including all levels of EMS coverage at no cost for Bay City Central and Essexville Garber football games.

Mr. Speaker, as a Member of Congress, I ask my colleagues in the 108th Congress to please join me in recognizing the Bay Regional EMS units for their outstanding professionalism, attention to detail, and unwavering commitment to assisting all those in need of medical care.

HONORING 2004 STANISLAUS MEDICAL SOCIETY PHYSICIAN OF THE YEAR DR. J. CARL HORNBERGER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Dr. J. Carl Hornberger on the occasion of receiving the Stanislaus Medical Society John Darroch Memorial Award for Physician of the Year. A ceremony honoring Dr. Hornberger will be held at the Stanislaus Medical Society Annual Dinner Meeting on Thursday, May 27, 2004.

Dr. Carl Hornberger received his MD from the University of Rochester. He completed his Medical Internship, Residency, and Traineeship in Cardiology at the National Heart Institute: University Hospitals of Cleveland, OH. Carl has been practicing medicine for 55 years and has been an active Internal Medicine Physician with Gould Medical Group in Modesto since 1955.

Carl's care and concern for the community and medicine are reflected in the wide variety of leadership roles he has held for the Stanislaus Medical Society and the Stanislaus Foundation for Medical Care. He has served as president for both boards and for the United Foundations of California. Carl has been chair of the bioethics committee at Memorial Medical Center in Modesto since 1997. Dr. Hornberger describes bioethics as, "all issues regarding quality patient care. It's the recognition that patients are in a dependent position, they are scared, they don't know what is going on. Bioethics is about the realm of care for people who are dependent and in need of care, how you are spoken to, how you are treated." Carl says the thing about doctoring he enjoys most is patient contact.

Mr. Speaker, I rise today to recognize Dr. J. Carl Hornberger for his excellence and dedication as a physician. I invite my colleagues to join me in wishing Carl many years of continued success.

IN RECOGNITION OF CAPTAIN JIM JENNINGS FOR HIS 35 YEARS OF SERVICE TO THE CONCORD POLICE DEPARTMENT

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mrs. TAUSCHER. Mr. Speaker, I rise to pay tribute to Captain Jim Jennings, who is retiring from the city of Concord Police Department after 35 years of serving the residents of Concord as well as the larger community.

Captain Jennings was born in Placerville and is a life-long resident of California. He married his wife Jennifer in 1970 and they have spent 34 wonderful years together.

Captain Jennings' public service career began even before his time with the Concord Police Department. He served in the U.S. Army in Vietnam from 1967 to 1968. During his service, he received several commendations and medals for his work.

Captain Jennings was hired as a patrolman with the Concord Police Department in May 1969. His distinguished career of public service includes serving on the board of directors of the Peace Offers Research Association of California. For 8 years, he also served as the organization's president.

In 1992, he collaborated with the Contra Costa County Superior Court to develop a protocol that law enforcement officials could follow to handle weapons seized from individuals. This protocol is now followed by all law enforcement agencies in Contra Costa County.

In 1994, Captain Jennings was honored for his on-the-scene help to prevent an individual from jumping to his death. During the following year, he was responsible for creating the Concord Police Department's Northern District Field Office. More than 1,000 individuals attended the Field Office's Grand Opening, demonstrating the widespread public support for his work.

For 35 years, Captain Jennings has served the Concord Police Department and surrounding community. His hard work has improved the safety of the city as well as bettered the overall quality of life for all members of the community. I am proud to commend him today for his leadership, dedication, and commitment to the people of the city of Concord.

THE 350TH ANNIVERSARY OF NORTHAMPTON, MASSACHUSETTS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. NEAL of Massachusetts. Mr. Speaker, it is my esteemed privilege to honor the city of Northampton, MA, and its residents as they celebrate the 350th anniversary of its European settlement in 2004. This occasion presents a wonderful opportunity for this community rich in history to reflect on its achievements, to celebrate its quality of life, and to join in ensuring this legacy for future generations.

Northampton was founded in 1654 on lands previously known as "Nonotuck" or "Norwottuck." This fertile Connecticut River Valley has been inhabited for more than 10,000 years by native peoples who began their agricultural industry. The fur trade was later established in the 1630s, upon the arrival of the Europeans. Once beavers grew scarce, the Pocumtuck and Mohican leaders began transferring lands to pay off debts to traders. Northampton became an established trade and marketing center in the 18th century.

Present day citizens of Northampton are proud to follow in the footsteps of an esteemed heritage. Famous Northampton native Jonathan Edwards sparked the religious revival of the Great Awakening in the 1740s with his enthused ministry. This historic city produced heroes such as General Seth Pomeroy of the Revolutionary War who was a delegate from Northampton to the First and Second Provincial Congresses, a major general in the Massachusetts Militia and fought at Bunker Hill. There was much economic unrest following the Revolutionary War that led to Daniel Shay leading his rebellion before the Constitutional Convention. Caleb Strong, who was a delegate to the Convention, became Massachusetts' first senator and an 11-term governor.

The dawn of the 19th century welcomed new economic opportunities. The New Haven canal promised to be profitable, however, the beginning of the American Railroad system and the shareholders failure to recoup their investments prevented this from thriving. Northampton provided an enriching environment for many industries, including education, with the foundation of the Northampton Association of Education and Industry. This association combined a radical abolitionism with a communally owned and operated silk mill, including members such as Sojourner Truth, William Lloyd Garrison, and Frederick Douglas in its inner circle.

Northampton continues to thrive in education. George Bancroft established the Round Hill School in 1823. Author George Washington Cable founded the Home Culture Clubs in 1884. The Hill Institute created one of the first kindergartens in the United States. The prestigious Smith College was founded here in 1871, and the North Hampton Law School claims such alumni as Franklin Pierce.

Probably one of the most famous natives is former President Calvin Coolidge, who took office in 1923. Described by Jenny Lind as the "paradise of America," she was one of many who were drawn to the beauty of Northampton. Other famous visitors over the centuries include famous poet Ralph Waldo Emerson, Marquis de La Fayette, and Henry James who chose Northampton as the setting of his first novel. Artist Thomas Cole captured its beauty in art and called the city "picturesque." Also poet Sylvia Plath found inspiration in Northampton. Sylvester Graham, a diet and health food enthusiast, hails from Northampton as well and is the inventor of the Graham cracker. Also Lydia Maria Child, an abolitionist, poet and writer, was born in Medford in 1802.

Northampton prides itself on its long and distinguished past, and its claim as one of the oldest cities in the United States. With such prominent and influential figures dotting its rich history, it is evident as to why Northampton is such a thriving and vivacious city today.

A PROCLAMATION HONORING NATIONAL MORTGAGE BROKER DAY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. NEY. Mr. Speaker:

Whereas mortgage brokers originate two out of three residential home loans in the United States;

Whereas mortgage brokers have played a key role over the last 30 years in helping to raise the nation's homeownership rate to an historically high level of over 68 percent;

Whereas mortgage brokers are an integral component of the national housing market that has played a critical role in bolstering the American economy;

Whereas mortgage brokers are typically family-owned, small businesses employing 360,000 Americans at 44,000 firms with deep roots in their local communities;

Whereas mortgage brokers work every day to provide home financing options and resources to Americans in under-served low-to-moderate income and minority communities;

Whereas mortgage brokers help millions of Americans realize the dream of homeownership each year;

Therefore, I join with my colleagues in urging that June 7, 2004 be designated "National Mortgage Broker Day", as a tribute to the mortgage broker industry, which for more than 30 years has provided new homeownership and financing opportunities for millions of American families enabling them to build equity that can be passed on to future generations.

IN MEMORY OF REV. TRACY CARROLL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. SKELTON. Mr. Speaker, I have the regrettable duty to inform the House of the death of Rev. Tracy Allen Carroll of Camdenton, MO.

Reverend Carroll was born in St. Joseph, Missouri, and was raised in Des Moines, Iowa, where he was baptized at the Park Avenue Christian Church. He attended Northwest Christian College in Eugene, OR, where he met Colleen Troxell, whom he married in 1980. In Eugene, Reverend Carroll was ordained at the Allison Park Christian Church after earning his Masters of Divinity from Brite Divinity School at Texas Christian University in Fort Worth, TX, in 1988.

Reverend Carroll served many communities in Oregon and Texas, and arrived in Missouri to minister to the people of Cape Girardeau and Camdenton. He also spent a year in Tokyo, Japan, and served as chaplain at the Edna Galdney Maternity Home and Adoption Agency in Fort Worth, TX.

Reverend Carroll's compassion extended beyond the doors of his congregation. Benefiting from his many philanthropic activities in the Camdenton area were the LAMB House, Camdenton Manor, Citizens Against Domestic Violence, Missouri Mental Health Association, Helping Hands Shelter, Habitat for Humanity, and the Salvation Army. He was also the volunteer mediator for the Missouri Bar Association, a position he filled from the program's inception in 1991.

As you no doubt recall, on January 29, 2003, Reverend Carroll served as Guest Chaplain for the House of Representatives. I know we all found wisdom and guidance in his words that day.

Mr. Speaker, Reverend Carroll will be missed. His care and compassion touched many people, probably more than he ever knew. His life of service is an example to us all. I know my fellow Members of the House will join me in extending heartfelt condolences to his wife, Colleen; his son, Nathaniel; his daughter, Tabitha; and the rest of his family and friends.

RECOGNIZING VALUABLE CONTRIBUTIONS OF MILITARY IMPACTED SCHOOLS, TEACHERS, ADMINISTRATION, AND STAFF FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION OF MILITARY CHILDREN

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of House Resolution 598, a bill recognizing the valuable contributions of military impacted schools, teachers, administration, and staff to the education of military children.

Approximately 750,000 children of Active Duty Armed Forces members attend public or Department of Defense schools here at home and around the world. While no student lacks his or her share of difficulties, being the child of active-duty personnel comes with its own unique uncertainties regarding seemingly simple matters like where one's family lives year to year and how often mom or dad is away from home. I am aware that military service comes with particular hardships, and the children of military personnel often experience a measure of those difficulties. In the extreme, children may have to deal with the death of a parent in a far-away country; or, less troubling but difficult nonetheless, moving from base to base as one or both parents are reassigned.

Especially distinctive are the schools that serve students on military bases overseas. These students grow up in a foreign environment far from home and in a country where they may not speak the native language. The Department of Defense schools there provide a sense of home for these children and a network of adults to look after their educational needs.

Schools that serve children of military families have a special mission, then, to pay careful attention to the effects of world affairs and military deployments on their students. The teachers and faculty at these schools provide an outstanding service, affording students a safe and reassuring environment.

Military impacted schools provide superior counseling services to children, staff, and families of military personnel. From the death of a parent to a reassignment to a new community, school counselors serve as linchpins for students struggling through new and trying circumstances.

Mr. Speaker, I join my colleagues in commending the efforts of military impacted schools to provide a safe and nurturing environment for children to learn and mature. These teachers, administrators, and other support staff play a pivotal role in supporting the brave men and women of our Armed Forces. I urge my colleagues to support the passage of this bill.

HONORING LANCE CORPORAL ANTHONY P. ROBERTS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. CASTLE. Mr. Speaker, I rise today in honor of a brave young marine who died Tuesday, April 6, 2004, due to hostile fire in Al Anbar Province, Iraq. United States Marine Lance Corporal Anthony P. Roberts was a proud marine who gave his life, along with a dozen of his fellow soldiers, helping the Second Battalion of the Fourth Marine Regiment secure the Iraqi city of Ramadi.

At only 18 years of age, Anthony was an inspirational young Delawarean who graduated from Middletown High School in June of 2003, where he had been a cadet first lieutenant in the Air Force Junior ROTC program. Only a short time after successfully completing boot camp at Parris Island, South Carolina, Anthony dutifully accepted service in Iraq, where he was an honorable defender of liberty at the epicenter of the war on terror.

A few weeks ago, I had the honor of attending Anthony's funeral, where I learned that during his short life, Anthony was a patriotic American who enjoyed music and spending time with friends and family. Like his father, a military veteran who died several years ago, Anthony made the choice to serve his country. In making this choice, Anthony bravely defended the rights and lives of others. The youngest of three children, Anthony will be deeply missed by his mother and two sisters, his friends, teachers, and fellow soldiers.

Mr. Speaker, it is my sincere privilege to honor the life of a proud marine and heroic representative of the state of Delaware. Lance Corporal Anthony Roberts deserves our gratitude and respect.

PERSONAL EXPLANATION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. DEMINT. Mr. Speaker, I was absent during rollcall votes 147, 148, 149, 150, 151, and 152. Had I been present, I would have voted "yea" on each of those rollcall votes.

REGARDING COSPONSORSHIP OF H.R. 4061

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Ms. LEE. Mr. Speaker, I rise today in regards to H.R. 4061, the Assistance for Orphans and Vulnerable Children Act of 2004, which passed the House International Relations Committee by unanimous consent on March 31.

Last week the International Relations Committee filed House Report 108–479.

Because House rules prohibit the addition of additional cosponsors to a bill once the committee report has been filed, I am not able to formally add six Members of Congress as cosponsors of this legislation.

I ask that the record show that Mr. OLVER of Massachusetts, Mr. WELDON of Pennsylvania, Mr. GILLMOR of Ohio, Ms. HART of Pennsylvania, Mr. HOLT of New Jersey, and Mr. CROWLEY of New York are in support of my bill and should be considered by this body as cosponsors of H.R. 4061.

TRIBUTE TO LIEUTENANT GENERAL JAMES E. SHERRARD III

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to our country are exceptional. This country has been fortunate to have dedicated individuals who willingly and unselfishly give their time and talent and make this country a safer and better place to live. Lieutenant General James E. Sherrard III is one of these individuals. Today, May 11, 2004, we should pause to honor him on the occasion of his retirement from the U.S. Air Force on May 31, 2004, after nearly 39 years of service.

Lieutenant General Sherrard was a distinguished graduate of the University of Mississippi's Reserve Officer Training Corps program and entered active duty in July of 1965. After flight school at Moody Air Force Base in Georgia, he became an instructor pilot at Sheppard Air Force Base in Texas and Eglin Auxiliary Field 3 in Florida. In September 1977, Lieutenant General Sherrard became the operations squadron for a C–130E squadron at Willow Grove Air Reserve Facility in Pennsylvania. Following this tour, he became the Assistant Deputy Commander, later, Deputy Commander for Operations of the 459th Tactical Airlift Wing at Andrews Air Force Base in Maryland.

Since 1981, Lieutenant General Sherrard has commanded at the Group, Wing, and Air Force level including the 910th Tactical Airlift Group in Youngstown, Ohio, the 440th Tactical Airlift Wing at Billy Mitchell Field, Wisconsin, the 433rd Military Airlift Wing at Kelly Air Force Base, Texas, the 4th Air Force at McClellan Air Force Base, California, the 22nd Air Force at Dobbins Reserve Base in Georgia, and currently as the Chief of Air Force Reserve and Commander of the Air Force Reserve Command. He has accumulated more than 5,000 hours of flight time and has flown numerous aircraft including the T–41, T–37, T–38, C–130A/B/E/H, AC–130A, C–141B, and C–5A/B.

Throughout his distinguished career Lieutenant General Sherrard has received over 20 major awards and decorations including the Distinguished Service Medal; Legion of Merit;

Meritorious Service Medal with three oak leaf cluster; Air Force Commendation Medal; Air Force Outstanding Unit Award with silver and bronze oak leaf clusters; Air Force Organizational Excellence Award with two oak leaf clusters; Combat Readiness Medal with two oak leaf clusters; National Defense Service Medal with bronze star; and the Armed Forces Reserve Medal with hourglass. In addition to his dedication to his military career, Lieutenant General Sherrard is a member of the Air Force Association, the Reserve Officer Association, the Order of the Daedalians and the Airlift and Tanker Association.

Lieutenant General Sherrard's tireless passion for service to country and community has contributed immensely to the betterment of our nation's military and to the security of this nation. I am honored and proud to call him a fellow American and friend. I know that speaking for citizens across this country, I am grateful for his service and salute him as he moves on to the next chapter of his life.

A PROCLAMATION RECOGNIGING MICHAEL Z. ZVOLENSKY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. NEY. Mr. Speaker:

Whereas, Michael Zvolensky has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Michael Zvolensky has shared his time and talent with the community in which he resides; and

Whereas, Michael Zvolensky has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Michael Zvolensky must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 358 and the entire 18th Congressional District in congratulating Michael Zvolensky as he receives the Eagle Scout Award.

100TH BIRTHDAY OF MRS. HELEN SNELL CHEEL

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to acknowledge the 100th birthday of Mrs. Helen Snell Cheel of Ho-Ho-Kus, NJ. Mrs. Cheel is the daughter of the late Honorable Bertrand H. Snell, minority leader of the House of Representatives from 1931–1938 and Congressman for 24 years from the 31st District of New York. Mrs. Cheel is also the great aunt of my Connecticut staff member, Elizabeth J. Buell.

Mr. Speaker, Mrs. Cheel is a remarkable, independent woman. Her friendships, keen intellect, sense of humor, infectious laugh, unwavering generosity and ability to live in the present have served her well for 100 years. At a time when few women attended college, Mrs. Cheel earned a B.S. in Music Education from Columbia University. She married the late Harold W. Cheel, an engineer, successful architect and developer of Cheelcroft in Ho-Ho-Kus, NJ.

Mr. Speaker, Mrs. Cheel has been recognized on many occasions for her lifelong philanthropic endeavors and her community service. She has been a standard-bearer, true friend and proud supporter of Clarkson University in Potsdam, NY, the Emma Willard School in Troy, NY, and the Valley Hospital in Ridgewood, NJ. She has served on the boards of many local and regional organizations and institutions. I wish to recognize Mrs. Cheel and congratulate her on her 100th birthday.

ALAMEDA CORRIDOR REPAYS FEDERAL LOAN AHEAD OF SCHEDULE

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Ms. HARMAN. Mr. Speaker, last Thursday, the Alameda Corridor Transportation Authority (ACTH) paid, in full, the balance of the federal loan that financed construction of improved access for cargo container traffic from the Port of Los Angeles and Long Beach. I congratulate the Authority for retiring this debt 28 years ahead of schedule.

Approved by Congress as part of the 1997 Transportation Appropriations Act, the loan provided crucial support for the $2.4 billion construction project. Together, the Ports of Los Angeles and Long Beach comprise the largest port complex in the United States, handling more than 40 percent of the Nation's imports. Last year, for example, the Port of Los Angeles, which I represent in part, handled more than 7.1 million cargo containers a 17½-percent increase over the previous year.

Moving these containers safely and efficiently from both ports to points east is a Herculean task. The Alameda Corridor, which opened in April 2002 on time and within budget, comprises railroad and highway improvements and, in particular, a 20-mile grade-separated rail line that relieves congestion and mitigates the impact of cargo container movement on neighboring communities.

Financing of the Alameda Corridor would not have succeeded if it were not for the persuasive bipartisan efforts of the entire Los Angeles congressional delegation. On many occasions, I joined then-Representative Steve Horn, who represented the Port of Long Beach, Representatives JERRY LEWIS and LUCILLE ROYBAL-ALLARD and the late-Representative Julian Dixon, key members of the appropriations committee, and my colleagues JUANITA MILLENDER-MCDONALD and DAVID DREIER, in pressing for enactment of the federal loan at key points in the legislative process.

I also want to praise Secretary of Transportation Norman Mineta for his leadership as Secretary and as both the chairman and ranking member of the House Public and Transportation Committee during his tenure in the House. His unfailing support of this project has not gone unnoticed or unappreciated.

Mr. Speaker, with cargo volume forecasted to dramatically increase as a result of the worldwide economic recovery, the Ports of Los Angeles and Long Beach are poised to take advantage of increased trade from the Pacific Rim. The Alameda Corridor project demonstrated the constructive roles both the federal and local governments can play in meeting the needs of expensive, complex but nonetheless important projects for moving containers to markets overseas and elsewhere. Indeed, plans are already underway to extend the Corridor eastward—a plan I strongly support and which will further enhance the economy of southern California and the Nation.

My congratulations to the Alameda Corridor Transportation Authority, and to all the individuals and local officials who supported this project, for a job well done.

IN HONOR AND REMEMBRANCE OF DANIEL THOMPSON, POET LAUREATE OF CUYAHOGA COUNTY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Daniel Thompson, Poet Laureate of Cuyahoga County, OH. Daniel Thompson passed away last week after a 2-year battle with cancer. Through his words as a poet and his deeds as a tireless advocate for the homeless, the hungry, and people on the streets, Daniel Thompson set an example for his community.

Daniel's public readings were held as often in jazz clubs, junkyards, and jailhouses as they were in bookstores, cafes, and other ordinary venues. His poetry, often humorous and playful, conveyed messages about our times and inspired our thoughts and actions. He was a frequent contributor to the "Homeless Grapevine, "Cleveland's monthly street newspaper sold by homeless vendors. His poem, "A New Beautitude," was published in the March–April 2004 issue of the Grapevine:

Walking to starlight
In a dark season:
I hear a new beatitude, America
Listen
Blessed are the homeless
For they shall inherit the street
The sidewalks, the bushes
The cold, cold ground
Whatever falls from heaven
Pennies of rain, of snow
Any spare change of weather
Day-old manna
The donut and the hole
The donut, the hole in the sock
In the sole of the shoe
And in the cold, cold ground
And O I almost forgot, America
This, too, from you
The cold eye of the stranger . . .

But it was not just Daniel's words, but also his deeds that will be missed. He frequently brought food and water to Cleveland's homeless and he petitioned city and county officials to install public drinking fountains for people living on the streets. He marched with Martin Luther King in Chicago and as a freedom rider in the deep south in the early 1960s where he was targeted by an angry mob in North Carolina in 1961.

Mr. Speaker, please join me in honor and remembrance of Daniel Thompson. Like other poets hailing from Cleveland such as Langston Hughes, Hart Crane, and d.a. levy, Daniel has a place in our community's literary history. And as a citizen, Daniel Thompson will long be remembered for his advocacy, sympathy, and soul. But his presence on Cleveland's streets will be sorely missed.

HONORING THE AMERICAN LUNG ASSOCIATION ON ITS 100 YEAR ANNIVERSARY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. WAXMAN. Mr. Speaker, I rise today to pay tribute to the American Lung Association on the occasion of its 100th year anniversary. Over the past century, the American Lung Association has played a vital role in protecting public health and shaping public policy in this country and worldwide. We all live in a safer and healthier world thanks to the diligent efforts of the American Lung Association and its many staff and volunteers.

The American Lung Association developed the Nation's very first public health campaign, and it has been on the forefront of public health ever since. I have had the great privilege of working closely with representatives of the American Lung Association for more than 20 years, and I have seen first hand their role in shaping national policy to improve public health. As the former chair of the Health and Environment Subcommittee, I frequently heard testimony from American Lung Association witnesses who provided important information regarding a wide range of health issues—ranging from the devastating health effects of tobacco to the importance of curbing asthma to the fight for clean air.

For more than 40 years, the American Lung Association has been the leader in the battle against tobacco-related lung disease. The association played a critical role in the shaping of the 1990s settlement between the tobacco industry and the states. When the industry proposed a weak settlement with state attorneys general in 1997, the American Lung Association stepped forward to oppose granting immunity to the tobacco companies. That courageous stand made way for the development of an improved settlement that had a real effect on tobacco control efforts.

The American Lung Association has brought an important public health perspective to the fight against air pollution. In the 1990s, the association led the battle for tougher ozone and particulate standards under the Clean Air Act. And more recently, over the past 3 years, the American Lung Association has focused attention on challenging EPA plans to weaken Clean Air Act requirements. These efforts to preserve and strengthen the Clean Air Act have enabled all Americans to breathe more freely.

From tobacco control to air pollution prevention to asthma research to continuing efforts to eradicate tuberculosis, the American Lung Association has made key contributions to this country. It is my pleasure to salute the association on its anniversary and ask my colleagues to join with me. We all owe the association a debt of gratitude for its work, and I look forward to seeing what it can achieve in the century to come.

BATTLE ROYAL

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. SMITH of New Jersey. Mr. Speaker, the Washington Post recently published a very interesting and revealing story by Peter Baker that describes how the authoritarian government of Uzbekistan has allowed a personal family dispute with an American citizen from New Jersey to spill over into the realms of international diplomacy. The problem has gotten so bad that the government of Uzbekistan is now abusing one of the most important international institutions used to fight crime and apprehend terrorists—the Interpol Red Notice system.

Mr. Mansur Maqsudi is an American citizen who lives in New Jersey. Shortly after Mr. Maqsudi asked his wife Gulnora Karimova—who happens to be the daughter of Uzbekistan President Islam Karimov—for a divorce in July of 2002, she left their home in New Jersey to Uzbekistan and illegally brought along their two young children (both of whom are American citizens). In defiance of a U.S. custody order and a U.S. arrest warrant against Ms. Karimova, Mr. Maqsudi has been denied the right to visit his children for more than 2½ years.

The vendetta waged by the Government of Uzbekistan against this American citizen has grown into far more than a mere child-custody dispute. Three of Mansur's family relatives in Uzbekistan were—and still are—imprisoned on nebulous charges. Despite their eligibility for a general amnesty, they remain in captivity. Twenty-four other relatives were deported from Uzbekistan at gunpoint in the middle of the night in the dead of winter into a war zone in Afghanistan.

Then his family's businesses in Tashkent were expropriated and seized without just compensation (or any compensation in some cases). Flimsy criminal charges were then filed against him, his brother, and his father (all of whom are American citizens). Most outside observers of Uzbek politics, including the U.S. State Department in testimony before Congress, have concluded that these charges were political and not supported with valid evidence.

The Uzbek government then placed all three U.S. citizens on the Interpol Red Notice list. Fortunately, the U.S. Government has studied these cases and decided not to act on any of them because the evidence was so weak. However, when any of those listed travels abroad, they are subjected to the risk of arrest and even possible extradition to Uzbekistan. Instead of focusing law enforcement efforts on apprehending real criminals and terrorists, the bogus Red Notices issued by Uzbekistan are now diverting scarce police attention towards the furtherance of a personal family feud.

This is an outrage, Mr. Speaker. I urge the Executive Branch of our Government to make it clear to Uzbek President Karimov that his country's status as an ally in the War against Terror does not give him carte blanche to totally disregard the 2002 bilateral agreement between the United States and Uzbekistan and abuse the rights of American citizens.

The Interpol Red Notice system is a critical element in the War on Terrorism. And yet here, the Government of Uzbekistan is pulling at the loose threads which make up the fabric of an entire international system that has worked well for years. The end result of Uzbekistan's actions will cause more governments around the world to question the legitimacy of other countries' Red Notice submissions. Countries will now have to decide which arrest warrants to obey, and which warrants to ignore. To the extent that member countries fill the system with garbage warrants that are purely political and violate Article 3 of the Interpol Constitution, it undermines the respect and reciprocity that are at the very heart of Interpol's effectiveness. Interpol is far too important in the fight against drug traffickers, terrorists, and criminals to allow it to be undermined by autocratic regimes who want to harass their political and personal enemies around the world.

I believe the issues at stake in this family dispute go way beyond child custody and divorce. The very heart of a major international institution that is vital to the War on Terrorism is being openly challenged. Nations that flagrantly violate Article 3 of the Interpol Constitution—like Uzbekistan is doing in this particular case—need to pay some kind of diplomatic penalty for doing so. If countries can undermine Interpol at will and without penalty, reproach, or criticism, what is to prevent the system from being flooded with political Red Notices issued by repressive regimes against their enemies? How do we avoid nations refusing to honor each others' requests?

[From the Washington Post, Apr. 13, 2004]

Battle Royal—The Daughter of Uzbekistan's President Took Her Children and Ran, Opening a Custody War That Has Entangled Two New Allies

(By Peter Baker)

Moscow.—The day she left for good, she packed up her things and decamped from their New Jersey home with her two children, two nannies, two bodyguards and a driver.

On a table she left a note for her husband. She mentioned an old movie playing on cable—"The War of the Roses," the 1989 dark comedy featuring Michael Douglas and Kathleen Turner as hate-driven spouses whose divorce turns into an orgy of revenge. She jotted down the time the show would air and pointedly suggested he watch.

Whether that was prophecy or threat, a war soon broke out. It turns out that divorcing Gulnora Karimova, known as "the Uzbek princess," is no simple matter. Her father is Islam Karimov, president of Uzbekistan and autocrat nonpareil, who rules over a repressive Central Asian country where prisoners have been boiled alive. He also happens to be a key ally in America's war on terrorism.

Karimova took the kids in 2001 and has been ducking an arrest warrant issued by a New Jersey judge ever since, hiding out in Moscow, where she knows officials won't cross her father. As for her husband, Mansur Maqsudi, an Afghan American businessman, he has learned the price of crossing his powerful father-in-law. Since Maqsudi and his wife split up, the Uzbek government has effectively taken away his Coca-Cola bottling plant, imprisoned three of his relatives and deported 24 more of them at gunpoint to war-torn Afghanistan.

"She said if I do divorce her she was going to destroy my family, destroy my business and make sure I could never see my kids," Maqsudi, 37, says by telephone from New Jersey. "And if you look at it, that's exactly what happened."

Karimova, 31, offers the mirror-opposite interpretation. She only stayed with Maqsudi so long, she says, because she feared he would use a breakup against her family politically. "He said that it would be a huge scandal and all this would come to your father and his name would be abused," she says. "I never want to disappoint my father."

This tabloid drama threatens to complicate U.S. relations with its important new friend in a volatile region. The State Department, Justice Department, Internal Revenue Service, Interpol and various courts, embassies and congressional committees have all been drawn into the fray. Teams of American lobbyists have been recruited to fight the ground war. As New Jersey Superior Court Judge Deanne M. Wilson said at a court hearing last year, "This is not just a garden-variety custody case."

The allegations fly back and forth—kidnapping, tax evasion, forgery, smuggling, embezzlement, blackmail, money laundering and fraud. She accuses him of illegally selling Saddam Hussein's oil. He accuses her of shipping Uzbek girls to prostitution rings in Dubai. She describes him as a moralistic Muslim who once warned her she would burn in Hell for wearing a bikini. He depicts her as a spoiled rich girl who partied until the middle of the night, stumbling home drunk.

"It was a simple question of divorce," she says, in a considerable understatement, "but it was politicized from the very beginning."

NO FAIRY-TALE ROMANCE

She slips into the restaurant, statuesque and fashion-model thin, wearing boots a bit too stylish for the Russian snow and a skirt a bit too short for the Russian winter. Her bodyguard, tall and imposing, checks out the room in an instant, then discreetly disappears.

She rarely does interviews. Only after months of negotiations brokered by her father's foreign minister does she finally agree to talk, in hopes of rebutting the most sensational allegations flying around Washington that can only hurt her father's ties with the world's only superpower.

In person, Gulnora Karimova does not come across as the hardhearted, domineering figure her husband's partisans depict. "That's not me," she insists over tea. Speaking softly, she presents herself as a Harvard-educated diplomat and businesswoman, albeit one with a black belt in karate. She tells the story of her marriage and its collapse from the standpoint of a hurt woman.

The two met at her birthday party in Tashkent, the Uzbek capital, in July 1991. Karimova was turning 19. "The world had just opened up for me," she recalls. "I'd just graduated from school and started the university, and everything was sort of pink skies." Mansur Maqsudi was 24, an Afghan native who immigrated to the United States as a child and became a naturalized citizen. "He was from a different world, he spoke a different language," she says.

It wasn't much of a romance. They met in person only one other time before they got married, the night he asked for her hand. Maqsudi insisted their parents negotiate the marriage, she recalls, and declined at first to share a drink to celebrate. They married in Tashkent a month later, in November 1991, followed by a reception she now describes as "quite boring." A week later, they went to New Jersey, where they married again.

As she was starting a new life, so was her homeland. Uzbekistan was emerging from the wreckage of the Soviet Union as an independent state, and her father, the republic's Communist boss, made a seamless transition to president of the new nation within weeks of Karimova's wedding.

An arid, cotton-producing country where Tamerlane once ruled a mighty empire, Uzbekistan with its 25 million people is the most populous and politically muscular of the five Central Asian states. Tashkent still feels Soviet, a well-ordered, uninspiring capital filled with drab, boxy apartment buildings and barely a taste of the dynamic new economy of far-away Moscow.

Under President Karimov, it has also become a terrifying place for some people, particularly observant Muslims who eschew government-controlled mosques. While Gulnora Karimova was at Harvard in 1999, a radical group called the Islamic Movement of Uzbekistan set off bombs in Tashkent that killed 16 people. Her father's secular government cracked down on political Islam, targeting even ordinary Muslims whose only crime appeared to be wearing a beard as a sign of faith.

About 7,000 people remain in prison for political or religious beliefs, and often they are beaten, choked, raped and punished with electric shocks, according to the State Department's human rights report. A U.N. special rapporteur has concluded that "torture or similar ill treatment is systematic." Human Rights Watch has found "human rights abuses on a massive scale."

At the notorious Jaslyk prison camp, built for religious prisoners in a desert where temperatures rise to 120 degrees, two men were submerged in boiling water and killed in 2002. The 62-year-old mother of one was arrested after protesting her son's death and sentenced to six years of hard labor for "attempted encroachment on the constitutional order." After an international outcry, Uzbekistan released her in February just hours before a visit by Secretary of Defense Donald Rumsfeld.

Rather than snuff out Islamic extremism, however, Karimov's tactics may have only radicalized more young Muslims. A series of suicide bombings and other attacks two weeks ago left 47 people dead, a wave of violence tied by the government to al Qaeda-trained Uzbeks.

Karimova offers no apologies for her father. "He came from the strong old system with his own views, with his own standpoint and with his own rules of the game. So you can argue about new vision, new ability, but he is a professional and I prefer to think about him as a professional," she says. "Some people might like it, some people might not. But in the situation where we are geopolitically and geographically . . . you have to be strong to be able to rule."

MEET THE IN-LAWS

The newlyweds split their time between New Jersey and the presidential residence in Tashkent. A year after the wedding they had a son, Islam, named for his grandfather. A few years later, a daughter, Iman, came along.

Maqsudi's place in the presidential family certainly didn't hurt his expanding business empire. Soon he was running the lucrative Coca-Cola bottling factory in Uzbekistan as well as other enterprises.

But from the beginning, there were problems with the in-laws.

Two or three times a week, she says, they would go to his mother's house, where Karimova found traditional Afghan family life stultifying. "It was really difficult because I was from a small family and used to more open relations, and in their family it's more like, if this one talks, you are not supposed to talk, that one is a relative of this relative, you are not supposed to speak with the aunt."

At New Year's, the most festive holiday in former Soviet republics, the Maqsudis barely celebrated. "They sat on the floor and ate on the floor," she says. When midnight came and no one got excited, "I sat and cried next to the TV."

If she found his family too quiet, he found hers too noisy. "When you argued with him," Maqsudi says, referring to President Karimov, "the loudest would win the argument. It wasn't about facts, it wasn't about arguments. It was about who could shout the loudest."

As he describes it, the Karimovs were flush with power and money. In the office next to the president's bedroom, Maqsudi says, was a five-foot safe. He walked in once, Maqsudi says, and "I saw the first lady sitting on the floor counting a lot of cash."

During a trip to London, he says, Karimova decided to buy $230,000 worth of jewels. "I told Gulnora this is very expensive," he says. "She said she could buy them herself . . . She unzipped her bag and pulled out a few hundred thousands dollars, cash. I was shocked. I asked her, 'Where did you get this?' She said, 'Oh, it's from my mother.'"

For all the money, Karimova grew restless. "I was crying nonstop," she says. "Imagine, you sit all day alone, and with my very active life, when I used to go not just to the university but for languages, sport—I was dying." That's not how Maqsudi remembers it. "She would come home at 3 in the morning, sometimes drunk. Sometimes she wouldn't remember where she was."

Finally, she enrolled in Harvard for graduate studies on Central Asia. She says she had to persuade him to let her go back to school. He says he hoped "it would have a positive impact" and end her partying ways, but it didn't. They fought over other things. "I was not supposed to swim in the pool with my son because I was in a separate swimming suit," she says, meaning a bikini. "And he was, like, 'If you ever enter this swimming pool, you are not my son. And she will be burnt [in Hell] and you be burnt.'. . . He would make my son swim in a T-shirt."

Maqsudi angrily denies this. "Was she drunk that morning when you saw her?" he asks. "Was she sober? Honestly, these comments are so ridiculous, they don't deserve a reply." He says he objected to his wife's skimpy swimwear only when the hired help was around. "Gulnora was swimming with a G-string, not even a bathing suit, and these two bodyguards were lying there sunbathing."

But he rejects the implication that he is a religious fundamentalist. To prove it, Maqsudi e-mails pictures of his son scampering around outside without a shirt and another showing his wife in a virtually see-through shirt, noting her visible nipples. "I go to tailgate parties on Sundays to New York Jets football games," Maqsudi adds. "That should cover that."

In the summer of 2001, they were in Tashkent and preparing to head back to New Jersey, but the end was near. "The last months we were completely leading our own lives," she says. "It was clear that we were strangers by that time."

"That," he says, "was when all hell broke loose."

THE BREAKUP

Maqsudi knew it was serious when his wife's bodyguards had him pinned against the wall. It was July and Karimova was furious. She had taken the children to Six Flags Great Adventure amusement park in New Jersey in a chauffeured car from the Uzbek U.N. delegation, only to discover at the ticket booth that her husband had canceled her credit cards. "When I came back home, he was there having tea as always in a big room with a happy face looking at us," she recalls. "I said that we could not carry on. That was the end."

Maqsudi acknowledges suspending the credit cards. "Every time Gulnora and I would have an argument, her retaliation—I guess she learned it from watching TV—she would put $20,000 to $30,000 in shopping charges on the credit cards."

As the fight escalated, he says, her bodyguards blocked him from leaving. "They had me cornered in a room and Gulnora was threatening, saying whatever she could at the time. She was throwing things around the room." He managed to bolt, spent the night at his mother's house and came home for a few hours the next morning to play with the children while Karimova slept. "That was the last time I saw the kids," he says. A few hours later, she telephoned from the airport as she and the children were leaving the country.

He says it was child abduction and a New Jersey court agrees. She denies it. "He knew perfectly that I was leaving with the kids," she says. He considered her note about "The War of the Roses" a threat. She says she only meant they should avoid the craziness that consumed the movie characters. "I wrote it with tears," she says. "It was a very personal letter."

Within days, Maqsudi's Afghan emigre family in Tashkent felt repercussions. A cousin and an uncle were arrested and thrown into prison. Maqsudi's businesses were raided, workers at his Coke plant harassed, the firms eventually confiscated. By October 2001, another uncle was behind bars. His parents were strip-searched at the airport.

Then one night in December, security forces raided three family houses and rounded up 24 relatives at gunpoint, including Maqsudi's 85-year-old grandmother, an Uzbek citizen. The relatives, nearly all women and children, were driven 13 hours to the Afghan border and dumped on the other side.

"They said, 'None of you will live in this country. This is our country,'" Maqsudi says.

Karimova denies any involvement and says that officials may have simply taken advantage of the moment because Maqsudi's family had long flouted passport requirements. "Most of his relatives—and there were a lot of them—did not have proper papers," she says. If it were her choice, she added, "I could have deported them later. I would have been much more sophisticated."

Both of the estranged spouses went to court. An Uzbek judge granted Karimova a divorce, while a New Jersey jurist granted one to Maqsudi. Maqsudi faces arrest if he sets foot in Uzbekistan and Karimova if she sets foot in the United States. Since both warrants are filed with Interpol, neither can safely travel to Europe. "A civilized divorce," Danny DeVito's character says in "The War of the Roses," "is a contradiction in terms."

THE LARGER RELATIONSHIP

In recent months, both sides in the Uzbek divorce war have enlisted lobbyists and lawmakers in Washington to hurl charges and deflect countercharges. Karimova's camp accuses Maqsudi's firms of import-export shenanigans and various illegal practices. The most sensational allegation is that Maqsudi family companies snipped oil from Iraq while Saddam Hussein was in charge.

One key witness for Karimova, however, was former Maqsudi employee Farhod Inogambaev, who has since fled Uzbekistan and recanted his statements. "Everything was lies," he says now in an interview from New Jersey.

After her separation from her husband, Karimova sent for him, Inogambaev says, and told him, "Forget about Mansur. Now let's do business together." Afraid for his family, he says, he went to work for her. She sent over men to have him swear out affidavits against her estranged husband. "I blindly signed, I blindly typed whatever they said. I just wanted them to leave me."

Not only does Inogambaev now disavow the charges, he also alleges that Karimova siphoned tens of millions of dollars out of Uzbekistan through various channels, including her own Citibank account. And he claims that she took over a tourism firm that arranges visas for Uzbek travelers and used it to control the flow of Uzbek prostitutes to Dubai.

Karimova dismisses the allegations, calling them "more than crazy and more than stupid," and contends that Inogambaev only "says that for money."

Maqsudi's Washington lobbyists, led by Richard A. Zimmer, a Republican former congressman from New Jersey, have gained some traction. Rep. Shelley Berkley (D–Nev.) raised the Interpol arrest warrant against Maqsudi during an October hearing, calling it "an abuse of power by the Uzbek president." In February, Rep. Christopher Smith (R–N.J.) asked Secretary of State Colin Powell to look into the prostitution allegations, saying, "We ought to be following it up very rigorously."

On the other side, Rep. Curt Weldon (R–Pa.) has taken up Karimova's cause, requesting that Attorney General John Ashcroft investigate allegations made against Maqsudi in Uzbekistan.

Asked about the case in private, uncomfortable U.S. officials decline to say much. For the record, they call it "an international child abduction case" and say they have told Tashkent "that these issues are unnecessary irritants in the U.S.-Uzbek relationship," according to a written State Department response to congressional inquiries last year.

Uzbek officials appear no more eager to talk about it. "It's a very complicated issue, and I think we should be very sensitive in touching this very delicate issue," Foreign Minister Sadyk Safayev said in an interview in Tashkent last fall. The two countries' relationship has burdens enough. The United States wants to keep the military base it opened in Uzbekistan after the terrorist attacks of Sept. 11, 2001. Yet under increasing pressure from human rights groups, the Bush administration warned recently that it may cut off financial aid if Karimov's record does not improve.

It's possible the question may ultimately fall to his daughter. Analysts in Tashkent suspect that the 66-year-old president is ill and speculate that Karimova is positioning herself to succeed him. Others assume she is setting herself up in business with assets abroad in case the family has to flee.

Maqsudi believes that his ex-wife has the ambition to try to take over the country. "She's tasted power and what power can bring in Uzbekistan," he says. "At times I would say to her, when we would have arguments, 'You're drunk with your father's power.' They don't want to relinquish or give up the power they have."

WILLIAM T. ROBINSON III HONORED BY THE GREATER CINCINNATI REGION OF THE NATIONAL CONFERENCE FOR COMMUNITY AND JUSTICE AT ITS 60TH ANNIVERSARY AWARDS DINNER

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. PORTMAN. Mr. Speaker, I rise today to recognize a friend and effective community leader, William T. Robinson III, who will be honored for his distinguished service to our community by the Greater Cincinnati Region of the National Conference for Community and Justice (NCCJ) at its 60th Anniversary Awards Dinner on May 27, 2004.

Bill has been a dedicated community volunteer for more than thirty years. He has served NCCJ as Board Member, Treasurer, Co-Chair and is currently Board Member Emeritus. He has also taken a leadership role in his profession as President of the Kentucky Bar Association; founding Chair of the Kentucky IOLTA Fund; President of the Kentucky Bar Foundation; and Co-Founder and President of the Salmon P. Chase College of Law American Inn of Court.

At the national level, Bill's service is exceptional. He is currently Treasurer-Elect of the American Bar Association (ABA). Previously, Bill has been Chair of the ABA's Finance Committee, and a Member of the Executive Committee of the Board of Governors. He has also served as State Delegate to the ABA Nominating Committee; President of the National Caucus of State Bar Associations; Member of the Executive Committee of the National Conference of Bar Presidents; and Chairman of the ABA's Standing Committee on Bar Activities and Services and the ABA's Standing Committee on Substance Abuse. He is an invited Fellow of the International Society of Barristers; a Fellow of the American Academy of Appellate Lawyers; and a Sustaining Member of the American Bar Foundation.

Bill has been critically involved in our region's growth and economic development. Currently, he serves as Vice Chair of the Board of Directors of the Cincinnati/Northern Kentucky International Airport and Chair of its Finance Committee. He co-founded the Metropolitan Growth Alliance of Greater Cincinnati, and serves as Vice Chair for Economic Development for the Greater Cincinnati Chamber of Commerce, Chair of the Partnership for Greater Cincinnati, and a Founding Board Member and Secretary/Treasurer of the Tri-County Economic Development Commission.

Bill's community involvement also includes service as Advisory Trustee of the National Underground Railroad Freedom Center; and a board member of the Cincinnati Institute of Fine Arts; the Cincinnati Symphony Orchestra; the Dan Beard Council of the Boy Scouts; and Mount St. Joseph College.

His previous awards are impressive: the Cincinnati Jewish Committee's Judge Learned Hand Human Relations Award; the Greater Cincinnati Foundation's Jacob E. Davis Volunteer Leadership Award; the Cincinnati Bar Association's Themis Award; and the Governor's Economic Development Award for Kentucky.

Bill is Member-In-Charge of the Greater Cincinnati offices of Greenebaum Doll & McDonald PLLC. He and his wife, Joan, have two sons and one granddaughter.

All of us in Greater Cincinnati thank Bill for his untiring dedication to our area, and congratulate him on receiving this honor from an organization where he has played an important leadership role.

A TRIBUTE IN HONOR OF 2004 LEGRAND SMITH SCHOLARSHIP WINNER RENEE ELIZABETH BURDICK, OF BATTLE CREEK, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Renee Elizabeth Burdick, winner of the 2004 LeGrand Smith Scholarship. This award is given to young adults who have demonstrated their true commitment to playing an important role in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Renee is being honored for demonstrating the same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Renee is an exceptional student at Harper Creek High School. Aside from her perfect 4.0 grade point average, she possesses an outstanding record of achievement in high school. She is a member of the National Honor Society and Youth Engaged in Service. Renee also excels in several mediums of art, including pottery.

On behalf of the United States Congress, I am proud to join her many admirers in extending our highest praise and congratulations to Renee Elizabeth Burdick for her selection as winner of the 2004 LeGrand Smith Scholarship. This honor not only recognizes her efforts, but represents a testament to the parents, teachers, and other individuals whose personal interest, strong support, and active participation contributed to her success. To this remarkable young woman, we extend our most heartfelt good wishes for all her future endeavors.

TRIBUTE TO TRI-COUNTY HEAD START DIRECTOR ORION FLOWERS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to Tri-County Head Start Director Orion Flowers, who is approaching the end of a long and distinguished career of public service. A dedicated and committed individual, Orion has served the communities and children of southwest Michigan for over 30 years. Through his leadership as Director, Orion helped the program grow from serving 100 to 1026 children.

Since becoming Head Start Director in 1970, Orion devotedly and selflessly committed himself to the betterment of countless families. Orion is widely known for his extensive charity and dedication to local individuals and the community as a whole. He spent a career devoted to improving the lives of the citizens of southwest Michigan, and the area is forever in his debt. There is no question that Orion's dedication and contributions to the Tri-County will be missed.

One example of Orion's diligent work occurred in the early 1970's, when he initiated a program whereby children would come to a Mobile Unit for classes. In conjunction with that, a Home Based program began where a Home Visitor would go into a family's home to assist parents in teaching their children an array of subjects and concerns. Remarkably the Mobile Unit and Home Based concepts are still in use today.

Many words come to mind as one reflects upon Orion Flower's public service to our community. He is selfless, generous, giving, caring, humble . . . the list goes on. Our community is in debt to Orion Flowers for his continued public service since 1970. I wish him and his family all the best in retirement. Orion's contributions to our community have been many, and we are all better off because of his service. He will be truly missed by the folks in southwest Michigan.

HONORING THE ACCOMPLISHMENTS OF MR. J.J. AMARO

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. RODRIGUEZ. Mr. Speaker, I rise today to recognize Mr. J.J. Amaro, a great friend who has distinguished himself as a civil and community leader. As a member of the San Antonio Water System Board of Trustees since 1994, Mr. Amaro has provided our local water supply company and the San Antonio community with outstanding service and dedication. He has been the voice of many who for too many years had no voice.

During Mr. Amaro's decade of tenure, the San Antonio Water System has enjoyed an unparalleled period of innovation and has become a model for water systems across the country while maintaining low water rates for consumers. Mr. Amaro and the board created a 50-year master plan that was approved in 1998 to provide for San Antonio's steeply growing population. Importantly, he has worked with the board to bring water resources to people and neighborhoods long overlooked in our city's history.

By implementing new technologies, the San Antonio Water System has developed premier water recycling programs as well as an aquifer storage and recovery system to protect this precious resource. In addition, he has helped SAWS protect the Edwards Aquifer—the principal source of our drinking water—by implementing regulations and purchasing 9,000 acres within the recharge zone. In recognition of these improvements, this utility has earned numerous awards for environmental excellence, quality engineering designs, and public education programs.

While the San Antonio Water System has benefited immensely from Mr. Amaro's expertise, other organizations have also been fortunate to have his generous assistance. Mr. Amaro serves as a board member for the St. Peter/St. Joseph Children's Home and the United Negro College Fund.

On May 12, 2004, colleagues, friends and family will gather together to recognize J.J. Amaro's leadership and numerous hours of community service on behalf of the people of San Antonio. It is a pleasure to recognize and thank Mr. Amaro for his many contributions and public service. I ask the Members of the House of Representatives to join me in honoring this gentleman on his retirement from the San Antonio Water System Board of Trustees and wish Mr. J.J. Amaro and his family all the best on this special day.

HONORING BRUNO BETTEGA FOR HIS 50 YEARS OF VOLUNTEER FIREFIGHTER SERVICE.

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to pay tribute to a man who's selfless and tireless dedication has been a tremendous service to the community where he lives.

Bruno Bettega has dedicated fifty years of his life as a volunteer firefighter for the Northvale Volunteer Fire Department in Northvale, NJ. Even more amazingly, at age 92, Bruno still plays an active role in the department and is their oldest active member.

During Mr. Bettega's half-century of service he has participated in numerous supportive roles. Bruno is also a member of the Northvale Fire Department Exempt Fireman's Association.

Volunteer fire departments perform a sometimes thankless, but absolutely imperative service to the communities they protect. The lives of our family and friends are in their hands and they do a truly commendable job keeping each and everyone of us safe.

Bruno Bettega should be regarded as nothing less than a hero to his community. I urge all my colleagues to join with me in celebrating his achievements and thanking him for all that he has done.

PRESCRIPTION DRUG REIMPORTATION IS UNAVOIDABLE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. BEREUTER. Mr. Speaker, this Member wishes to submit, for the CONGRESSIONAL RECORD, an editorial from the Omaha World-Herald edition of May 6, 2004, which recognizes that prescription drug reimportation is inevitable. Clearly, American consumers should not be forced to pay the world's highest prices for the medicines they need. We must open the drug markets so Americans can obtain the prescription drugs they need when they need them most and at affordable prices. This Member commends this editorial to his colleagues.

"YES" TO DRUGS FROM CANADA

The Bush administration has adamantly resisted allowing Americans to legally import substantially cheaper prescription drugs from foreign countries. Therefore, a top official's apparent capitulation on Tuesday was a surprise.

Health and Human Services Secretary Tommy Thompson, long a chief player in barring entrance to lower-cost medicines from Canada and elsewhere, said Tuesday that legalizing imports was inevitable. Congress will almost certainly pass legislation this year, he said. What's more, he will advise President Bush to sign it.

"Inevitable" is a good word; a recent Associated Press poll showed that two-thirds of the people surveyed wanted the government to make it easier to get cheaper drugs from foreign countries. Many already do: An estimated 2 million American senior citizens have illegally purchased U.S.-made drugs from Canadian pharmacies.

In Canada, drugs can cost less than half what they do in this country. This is because drug manufacturers load all research and similar costs onto U.S. buyers. Other governments, by contrast, regulate drug prices.

Thompson, backed by President Bush, most congressional Republicans and the pharmaceutical industry, has staunchly resisted importation. He has maintained that the safety of drugs that have been out of American hands can't be assured.

In accepting reality, though, Thompson bristled with caution. Legalizing foreign imports will be expensive, Thompson said—his department will have to increase inspections of foreign pharmaceutical plants and of the drugs as they enter this country, negating some of the savings consumers might expect.

Then, too, the Congressional Budget Office predicted minimal savings for consumers. The limited availability of drugs for import, added insurance costs and similar economic factors would mean savings of only about $40 billion over 10 years, or 1 percent, the federal agency suggested.

In addition, several drug companies have already acted to shut down supplies to Canadian pharmacies that resell to U.S. customers. That kind of marketing tactic could become more widespread and hence further limit imports. Our companies might simply demand increased prices from other governments.

Thompson's recognition of reality was a relief for many people who have spent years battering the administration's stone wall on this issue. That wall has been damaged but not breached. Americans will need to press their elected representatives to devise, pass and ensure implementation of reasonable, responsible legislation.

The current situation, as Thompson recognized, is untenable. Some kind of reimportation will almost certainly become law. But, for the millions of Americans whom it could benefit, whether they realize any savings will be in the details.

INTRODUCTION OF A BILL TO PROHIBIT THE OPERATION OF THE MEDICARE COMPARATIVE COST ADJUSTMENT PROGRAM IN THE DISTRICT OF COLUMBIA

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Ms. NORTON. Mr. Speaker, today, I am pleased to introduce a bill to prevent the District of Columbia from becoming a test case for the privatization of Medicare. A Medicare comparative cost demonstration project under part C of Title XVIII of the Social Security Act was a part of the new Medicare prescription drug law. My bill is one of several introduced by members of Congress designed to prevent the federal government from making a particular district one of the six testing grounds for the entire country.

The Medicare prescription drug legislation, signed into law on December 8, 2003, contained a little-noticed but crucial provision designed to lead to the privatization of Medicare. Section 214(a) of the Medicare bill established up to six "premium support" demonstration projects starting in 2010. These demonstration projects will provide health care vouchers for private insurance to eligible Medicare beneficiaries. As a result, Medicare will compete directly against private plans in offering services to older Americans.

I strongly oppose the voucher approach because seniors who choose to remain or must remain in the traditional fee-for-service plan will pay significantly higher premiums than they pay now. The private plans will be able to cherry pick the healthiest and youngest seniors to enroll in their plans while turning away older, sicker people. Traditional Medicare, therefore, will have very high costs and premiums because it will not be able to spread the burden over the larger and most diverse pool of seniors. This "competition" proposal is stacked to portray Medicare as inefficient and expensive in order to give the program's critics the manufactured evidence to get the privatization result they want from a premium pool of cherry picked seniors.

The Medicare law did not specify where the demonstration projects will take place, but said they will be in 6 metropolitan statistical areas to be determined by the Secretary of Health and Human Services. This experiment is the result of a compromise that was necessary to keep the privatized vouchers from going nationwide immediately. The determination to privatize Medicare and Social Security remains a goal of the Republican Congress and of President Bush, however. Like others who have filed similar bills, my bill says count the District of Columbia out.

DIANNE DUNKELMAN HONORED BY THE GREATER CINCINNATI REGION OF THE NATIONAL CONFERENCE FOR COMMUNITY AND JUSTICE AT ITS 60TH ANNIVERSARY AWARDS DINNER

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. PORTMAN. Mr. Speaker, I rise today to recognize Dianne Dunkelman, an accomplished and dedicated community volunteer, who will be honored for her distinguished service to our community at the Greater Cincinnati Region of the National Conference for Community and Justice's (NCCJ) 60th Anniversary Awards Dinner on May 27, 2004.

Dianne's extraordinary volunteer service for women's health, the arts, and social services has been recognized throughout the nation. She founded Speaking of Women's Health in 1995 as a way to raise funds for public television. Through her leadership as CEO, she inspired the expansion of Speaking of Women's Health to a national foundation with more than 40 events nationwide, two national minority health initiatives: Universal Sisters for African American women and Hablando de la salud de la mujer for Latino women, a national in-store health initiative at Wal-Mart stores, and a weekly television program on the Lifetime network, Lifetime's Speaking of Women's Health.

Dianne is a leading advocate of helping women understand and recognize their health care options, and she recruited celebrities such as Florence Henderson, Mary Wilson and Valerie Simpson to help spread the message to other women.

She has already received numerous awards, including the Athena Award from the Columbia University Partnership for Women's Health; 2003 Distinguished Women's Award from Northwood University; Cincinnati Enquirer's Woman of the Year Award; YWCA's Career Women of Achievement Award; and the Charles Vaughan Award for her work with Cincinnati's PBS affiliate WCET Channel 48.

All of us in Greater Cincinnati thank Dianne for her service to our community and congratulate her on receiving this prestigious honor.

A TRIBUTE IN HONOR OF 2004 LEGRAND SMITH SCHOLARSHIP WINNER MICHAEL JAMES HOROSKO, OF CONCORD, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence he has compiled in academics, leadership, and community service, that I salute Michael James Horosko, winner of the 2004 LeGrand Smith Scholarship. This award is given to young adults who have demonstrated their true commitment to playing an important role in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Michael is being honored for demonstrating the same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Michael is an exceptional student at Concord High School. Aside from his perfect 4.0 grade point average, Michael possesses an outstanding record of achievement in high school. He has played football for four years and was named academic all-state. Notable among his many activities is his participation in Quiz Bowl, National Honor Society, and S.A.D.D. Michael is also Vice President of his graduating class.

On behalf of the United States Congress, I am proud to join his many admirers in extending our highest praise and congratulations to Michael James Horosko for his selection as winner of the 2004 LeGrand Smith Scholarship. This honor not only recognizes his efforts, but represents a testament to the parents, teachers, and other individuals whose personal interest, strong support, and active participation contributed to his success. To this remarkable young man, we extend our most heartfelt good wishes for all his future endeavors.

TRIBUTE TO MS. BRITTANY POTTS OF PORTAGE, MICHIGAN

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to Ms. Brittany Potts of Portage, Michigan, who won the 2004 National VFW Voice of Democracy broadcast scriptwriting contest. This great educational achievement also serves as a wonderful patriotic statement of Brittany's dedication and responsibility to our country. I am very proud to honor Brittany and her commitment to our nation's future.

Each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct a Voice of Democracy audio/essay competition designed to give high school students the opportunity to voice their opinion on their responsibility to our country. Brittany, a sophomore at Portage Central High School, was one of 59 students, out of more than 80,000 participants, who received a national scholarship. Brittany's insightful response of her commitment to the betterment of our great country serves as a reminder to all, of the immense power and responsibility we all have. I look forward to hearing of the great many achievements that Brittany has before her. It pleases me to honor the magnificent dedication of Brittany and to submit her script into the RECORD.

HONORING THE TEXAS CHILDREN'S CHOIR

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. RODRIGUEZ. Mr. Speaker, it is always an honor to recognize outstanding children's organizations and their wonderful accomplishments. Today, I rise to honor the Texas Children's Choir from San Antonio, Texas for being the only American children's choir invited to perform at the commemoration of the 60th Anniversary of D-Day at Normandy.

For the past 10 years, the Texas Children's Choir has provided military and civilian children an opportunity to showcase their musical talents. These children are among an elite number of choirs who have had the distinction of singing and inspiring audiences at the National Cathedral, the U.S. Capitol, Notre Dame, Disney World and Opryland. I am proud to have them represent both San Antonio and the nation at this momentous World War II anniversary.

I would like to recognize the choir's director, Dr. Thomas Hardaway, for his leadership and commitment to teaching children music, discipline, and teamwork. Dr. Hardaway recognizes that children are America's most valuable resource and, as such, they must have guidance to develop their skills and learn the value of civic service.

Most importantly, I would like to recognize the students of the Texas Children's Choir who have practiced diligently to obtain success. I am proud of their efforts, and I know they will continue to succeed in their future endeavors, including the lifelong pursuit of education and music.

I ask my fellow Representatives to join me in recognizing the Texas Children's Choir and to thank the children and their families for the sacrifices they have made to travel to Normandy, France so as to honor our World War II veterans.

PAYING TRIBUTE TO U.S. ARMY STAFF SERGEANT ERIC PETTY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to the life and memory of U.S. Army Staff Sergeant Eric Petty, who honorably devoted his life to defending the freedoms of our nation. A member of the 1st Battalion, 35th Armor Regiment, 1st Armored Division, Eric was recently killed while guarding a weapons cache in Salman Al Habb, near Baghdad. His story is one of honor, selflessness and sacrifice. As we mourn the loss of an American patriot and hero, I think it is appropriate to call the attention of this body of Congress, and this nation, to the sacrifice that Eric made on behalf of a grateful nation.

Honoring his father's service to our nation, Eric was a junior in high school when he joined the Army where his father had served as a warrant officer. He was a well-known figure in Grand Junction, Colorado, serving as a U.S. Army recruiter in my hometown for three years. Eric could have stayed on as a recruiter, but his deep love for his country and his sense of duty led him to take a position where he could be placed on the front lines. When his unit was attacked while guarding a large cache of ammunition, he ordered all of his soldiers to get into their vehicles, and was the last one to get in when he was shot. If it were not for his heroism and leadership, many more soldiers would have lost their lives.

Mr. Speaker, U.S. Army Staff Sergeant Eric Petty will be sorely missed. Although we grieve over the loss of this incredible individual, we can take comfort knowing his sacrifice was made while fulfilling his dream of serving our nation. I would like to extend my heartfelt respects to his beloved wife Kimberly, son Colton, parents, family and friends as they mourn his passing. It is my honor to pay tribute to the life of Eric Petty before this body of Congress and this nation.

IN HONOR OF MOSHE DWORKIN

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the memory of Moshe Dworkin for his years of service and dedication to the Jewish community. Mr. Dworkin passed away on Sunday, April 25, 2004, in Cambridge, Massachusetts at the age of 68.

Mr. Dworkin was raised by a loving family that taught him to take great pride in Jewish culture and his Jewish heritage. He began his professional career as a teacher in the Detroit United Hebrew Schools alongside his mother. Following his graduate studies, Mr. Dworkin became involved at the University of Minnesota's Herzl Camp, where he served as director and touched the lives of Zionist children from across the Midwest.

Mr. Dworkin took great pride in always working, professionally and as a volunteer, on issues relating to Israel and the Jewish community. Founder and president of M. Dworkin & Co., Mr. Dworkin served as a publishing consultant for many major Jewish organizations, including the World Jewish Congress, Jewish National Fund, and the Anti-Defamation League. He also was the founding publisher of Moment Magazine, which today is the largest independent Jewish magazine in America, with a circulation of 65,000.

Mr. Dworkin was not only an active member in the Jewish community, but a leader. He served for several years as president of the

National Jewish Book Council, and as president of the UJA–Federation, chairing the Jewish Community Relations Council. Mr. Dworkin was also a long-time member and past vice president of the B'nai Zion, and, along with his wife, was among one of the founding families of the Solomon Schechter Day School of Bergen County.

Mr. Dworkin received his bachelor's degree from Wayne State University. He also held a Master's Degree from the University of Minnesota in Political Science. Mr. Dworkin is survived by his wife, Susan, sister, Alezah Weinberg, two sons, Benjamin and Aaron, and daughter, Jenny.

Today, I ask my colleagues to join me in honoring the life of Moshe Dworkin for his dedicated service to the Jewish community. His leadership, countless contributions, and passion will be truly missed.

HONORING CHARLOTTE R. OTTO AS SHE RECEIVES THE AMERICAN JEWISH COMMITTEE CINCINNATI CHAPTER'S 2004 HUMAN RELATIONS AWARD

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. PORTMAN. Mr. Speaker, I rise today to recognize Charlotte R. Otto, a good friend, constituent and dedicated community volunteer, who will receive the American Jewish Committee Cincinnati Chapter's 2004 Human Relations Award on May 17, 2004. She will be honored for her exemplary professional accomplishments and her commitment to, and vision of, a better downtown Cincinnati.

Charlotte is currently the global external relations officer for the Procter & Gamble Company, responsible for the company's worldwide media relations; consumer affairs; government and community relations; product publicity; shareholder communications; and corporate contributions.

A leader in the economic development of downtown Cincinnati, Charlotte has held key positions with Downtown Cincinnati, Inc.; the Greater Cincinnati Chamber of Commerce; the Greater Cincinnati Convention and Visitor's Bureau; and the Port of Cincinnati Development Authority. She has also championed Cincinnati's arts, chairing the board of Cincinnati Playhouse in the Park, and served on the boards of the Arts & Cultural Council of Greater Loveland and the Cincinnati Fire Museum.

During her tenure at Procter & Gamble, Charlotte has compiled an impressive record. She joined the company in 1976 in brand management, and then spent thirteen years in the advertising division managing such leading brands as Bounty, Pert and Sure. She moved to Public Affairs in 1989 and was named a Vice President in 1991 and Senior Vice President in 1996.

Throughout her career, Charlotte established many impressive "firsts." She is Procter & Gamble's first female corporate officer, the first woman elected to a business group, the Commonwealth Club, and one of the first women board members of the Queen City Club. She is also a member of the YWCA Academy of Career Women of Achievement, and is a director of the Royal Bank Financial Group of Canada.

Charlotte received a B.A. in Consumer Affairs and an M.S. in Management from Purdue University.

All of us in Greater Cincinnati congratulate Charlotte on receiving this prestigious honor.

A TRIBUTE IN HONOR OF 2004 LEGRAND SMITH SCHOLARSHIP WINNER MATTHEW CHARLES WIXSON, OF ALBION, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence he has compiled in academics, leadership and community service, that I salute Matthew Charles Wixson, winner of the 2004 LeGrand Smith Scholarship. This award is given to young adults who have demonstrated their true commitment to playing an important role in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Matthew is being honored for demonstrating the same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Matthew is an exceptional student at Concord High School. Aside from being at the top of his class academically, Matthew possesses an outstanding record of achievement in high school. He has run Varsity Track for four years and Varsity Cross Country for two years. Notable among his many school activities is his participation in Quiz Bowl, National Honor Society, and S.A.D.D. Matthew is also Treasurer for his graduating class.

On behalf of the United States Congress, I am proud to join his many admirers in extending our highest praise and congratulations to Matthew Charles Wixson for his selection as winner of the 2004 LeGrand Smith Scholarship. This honor not only recognizes his efforts, but represents a testament to the parents, teachers, and other individuals whose personal interest, strong support, and active participation contributed to his success. To this remarkable young man, we extend our most heartfelt good wishes for all his future endeavors.

IN HONOR OF DELPHINE METCALF-FOSTER

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in congratulating Ms. Delphine Metcalf-Foster on the occasion of her election as State Commander of the California Disabled American Veterans.

Delphine Metcalf-Foster was recently elected Commander of the California Disabled American Veterans, the first female to hold this position in the organization's 81 year history. Before that she was the Senior Vice Commander and Junior Vice Commander of the California Disabled American Veterans; again the first woman to hold these positions. As you will soon understand, Ms. Metcalf-Foster is a remarkable woman, a remarkable American and a great asset to her community and our country.

Ms. Metcalf-Foster retired from the Army Reserve as a First Sergeant after 21 years of service, including as a combat veteran in the Gulf War/Desert Storm/Desert Shield 12 years ago. She is a recipient of a Bronze Star. Delphine retired from the Department of the Navy at the Alameda Naval Air Station as a Quality Assurance Specialist after 20 years. She has an Associate of Arts degree in psychology and a Bachelor of Arts degree in Liberal Studies from Sonoma State University (SSU). She is also active with the Women's Army Corps (WAC) and a member of the Veterans of Foreign Wars.

First Sergeant Metcalf-Foster has been awarded the following decorations and medals: Army Commendation Medal, Army Achievement Medal (10c), National Defense Service Medal, Armed Forces Reserve Medal, Army Reserve Component Achievement Medal, Southwest Asia Service Medal, Bronze Star, NCO Professional Development Ribbon-3, Army Service Ribbon, Overseas Ribbon, and the Army Label Button.

Ms. Metcalf-Foster's work with the Disabled American Veterans includes positions as the Past Chapter 21 Commander, the Past District 1 Commander, the Past Department Commander's Aide for the North, and the Past National Commander's Aide.

In 2003 Ms. Metcalf-Foster agreed to join a Veterans Advisory Board that I formed with Congresswoman ELLEN TAUSCHER to help us stay in close contact with veterans in our districts. Delphine has been very helpful to us in that role.

In addition to her current position with the California Disabled American Veterans, Ms. Metcalf-Foster is also Adjutant for Chapter 21, attends Graduate School at Sonoma State University, volunteers as a mentor for teen mothers, speaks at history classes at SSU regarding women in the military, and is the annual speaker at Solano College during Women's History Month. She is married to Jimmie S. Foster Sr., is the mother of three, grandmother of six including Sgt. Jacare Hogan who just returned from Iraq after a 13-month tour, and great-grandmother of two. She lives in Vallejo.

Mr. Speaker, it is appropriate that we recognize Ms. Metcalf-Foster for her service to her country, her many remarkable contributions to her fellow veterans and her community, and that we wish her well in her new position as Commander of the California Disabled American Veterans.

STATEMENT OF JOHAN SCHÖLVINCK, DIRECTOR, DIVISION FOR SOCIAL POLICY AND DEVELOPMENT DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS, UNITED NATIONS ON "INTERNATIONAL DISABILITY RIGHTS: THE PROPOSED UN CONVENTION" BEFORE THE CONGRESSIONAL HUMAN RIGHTS CAUCUS, MARCH 30, 2004

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. LANTOS. Mr. Speaker, on March 30th, the Congressional Human Rights Caucus held a groundbreaking Members' Briefing entitled, "International Disability Rights: The Proposed UN Convention." This discussion of the global situation of people with disabilities was intended to help establish disability rights issues as an integral part of the general human rights discourse. The briefing brought together the human rights community and the disability rights community, and it raised awareness in Congress of the need to protect disability rights under international law to the same extent as other human rights through a binding UN convention on the rights of people with disabilities.

Our expert witnesses included Deputy Assistant Secretary of State Mark P. Lagon; the Permanent Representative of the Republic of Ecuador to the United Nations, Ambassador Luis Gallegos; the United Nations Director of the Division for Social Policy and Development in the Department of Economic and Social Affairs, Johan Schölvinck; the distinguished former Attorney General of the United States, former Under-Secretary General of the United Nations and former Governor of Pennsylvania, the Honorable Dick Thornburgh; the President of the National Organization on Disability (NOD), Alan A. Reich; Kathy Martinez, a member of the National Council on Disabilities (NCD); and a representative of the United States International Council on Disabilities (USCID) and Executive Director of Mental Disability Rights International, Eric Rosenthal.

As I had announced earlier, I intend to place the important statements of our witnesses in the CONGRESSIONAL RECORD, so that all of my colleagues may profit from their expertise, and I ask that the statement of Mr. Schölvinck be placed at this point in the CONGRESSIONAL RECORD.

PRESENTATION BY JOHAN SCHÖLVINCK

Mr. Chairman, thank you for inviting me to this historic briefing on the proposed UN Convention on the Rights and Dignity of Persons with Disabilities. It is an honour and a pleasure being here with you.

I will confine my remarks to describe the situation faced by persons with disabilities in developing countries. I believe that the disheartening picture that will emerge from what I am about to say will be further proof of the need for a UN Convention.

First let me cite some statistics: 80 percent of people with disabilities and their families live in a developing country. Between 400 and 500 million people living in a developing country have a disability.

Persons with disabilities are often trapped in a cycle of poverty and exclusion. For 150 million of them, disability has been caused by malnutrition and contagious diseases while conflicts and war accounts for a few millions, As many as 1 in 5 of the poorest people have a disability.

These are staggering figures.

Furthermore, persons with disabilities are frequently cut off from employment opportunities and suffer unemployment rates far higher than that of the non-disabled workforce. In many developing countries, it is estimated that 80 percent or more of the disabled are unemployed, which further contributes to their high incidence of poverty and social exclusion.

While persons with disabilities also face similar challenges in developed countries the situation is far worse in developing countries where both disability benefits and vocational rehabilitation services may be virtually nonexistent. In such cases, the disabled are often left dependent, destitute and despairing. Given the relatively small size of the formal labour market in most developing countries, particularly in rural areas where many of the disabled live, opportunities for integration of persons with disabilities through employment largely rest on informal work, particularly self-employment. Unfortunately, persons with disabilities are often denied loans by banks and lenders.

Improving the living conditions of persons with disabilities in developing countries is an overlooked developmental challenge. As James Wolfensohn, the President of the World Bank once said, "unless disabled people are brought into the development mainstream, it will be impossible to cut poverty in half by 2015 as agreed to by more than 180 world leaders at the United Nations Millennium Summit in September 2000". So is the goal to give every girl and boy the chance to achieve a primary education by the same date.

Every child is unique and has a fundamental right to education. Yet in developing countries, only a small minority of disabled children is in school. Less than 10 percent of children with disabilities attend formal education and over 9 in 10 are illiterate. When denied the basic right of education, disabled people become severely restricted in terms of their economic, social and political opportunities as well as the prospects for their personal development. Without an education it is more difficult to secure a job, particularly one that pays a decent wage, to participate actively and fully in the community and to have a meaningful voice in policy making, especially on issues that directly concern the affected population.

Given the dynamics of disability and health, access to adequate health care services is essential for the promotion of independent living for the disabled. Health services play a critical role in the prevention, diagnosis and treatment of illnesses and conditions which can cause physical, psychological and intellectual impairments. Yet for the majority of persons with disabilities living in developing countries, poverty precludes access to these vital services—either because health care facilities and practitioners are not sufficiently available, or there are not enough funds to purchase needed medications and devices. Particularly dramatic is, beyond the lack of orthopedic surgeons, the greatly insufficient number of medical rehabilitation centers to help people adapt to disabling conditions. According to the World Health Organization, at most only 5 percent of the disabled in developing countries have access to rehabilitation services.

The potential for enhancing the possibility of persons with disabilities to carry on independent lives rests on the integration of the disabled into the general community, rather than placing them in exclusionary institutions or relegating them into "colonies" of disabled. Community Based Rehabilitation programmes, which are in the process of becoming fairly well established in industrialized countries tend to be part and parcel of these strategies, but remain rare in developing countries.

In developing countries, persons with disabilities are often excluded from the mainstream of the society, discriminated against and denied their human rights. Violations of the human rights of persons with disabilities are seldom addressed in society. Many disability legislation and policies are based on the assumption that persons with disabilities are simply not able to exercise the same rights as non-disabled persons. Consequently, the situation of persons with disabilities is often addressed in terms of rehabilitation and social services. In many countries, existing provisions do not provide for the rights of disabled persons in all their aspects—that is, political, civil, economic, social and cultural rights—on an equal basis with persons without disabilities. Furthermore, anti-discrimination laws often have weak enforcement mechanisms, thereby denying opportunities for persons with disabilities to participate on the basis of equality in social life and development.

Mr. Chairman, the adoption of the UN Convention will not provide a magic wand in overcoming the dismal conditions faced by persons with disabilities in developing countries. However, without such an instrument their chances of becoming fully integrated in their societies will remain infinitely difficult to attain.

YVONNE ROBERTSON HONORED BY THE GREATER CINCINNATI REGION OF THE NATIONAL CONFERENCE FOR COMMUNITY AND JUSTICE AT ITS 60TH ANNIVERSARY AWARDS DINNER

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. PORTMAN. Mr. Speaker, I rise today to recognize Yvonne Robertson, a friend, constituent and outstanding community volunteer, who will be honored for her distinguished service to our community at the Greater Cincinnati Region of the National Conference for Community and Justice's (NCCJ) 60th Anniversary Awards Dinner on May 27, 2004.

Yvonne has dedicated over 30 years of community service as an active volunteer. As a former educator, she has focused much of her community service on youth. Yvonne has served on the boards of Cincinnati's School for Creative and Performing Arts; the Adolescent Clinic; the Greater Cincinnati Scholarship Foundation; and the Greater Cincinnati Youth Collaborative. In addition, she is the Immediate Past President of Advocates for Youth Education, which grants need-based college scholarships to area students.

Yvonne has a special interest in social service organizations. She was the first chair of The Gathering, a day long conference for African American women centered on personal, spiritual, social, health and work related issues. She chaired the Negro Spiritual Festival, and has been a trustee of the Cincinnati chapter of the Red Cross; the Cerebral Palsy Center; and Family Services of Cincinnati.

Active locally and nationally in arts organizations, Yvonne was appointed national director of the arts for The Links, an international women's service organization, and during her tenure established a collaboration with the Smithsonian Institution. She has also served as trustee for the Cincinnati Ballet; the Cincinnati Symphony Orchestra; and the Cincinnati Playhouse in the Park.

All of us in Greater Cincinnati thank Yvonne for all she has done to make our community a better place, and we congratulate her on receiving this prestigious award.

CONGRATULATING THE BOB JONES ACADEMY MOCK TRIAL TEAM

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. DEMINT. Mr. Speaker, it is a privilege to congratulate the Bob Jones Academy Mock Trial team for winning the Championship at the National High School Mock Trial Competition in Orlando, Florida. The team represented their families, school, and State in an outstanding way and are an example of excellence, dedication, and teamwork to the country. I am very proud of their achievement.

Success is never achieved alone, and I would like to extend congratulations to the families, friends, and teachers who share in this moment as well. Principal, Dr. David Fisher, and head coach, Mr. Michael Murphy, as well as his assistants Miss Ruth Hindman, Mr. Allen Fretwell, and Mr. Chuck Nicholas share in this honor by their investments in preparing the team.

For over 75 years, Bob Jones Academy has maintained a tradition of excellence in Christian education with a faculty committed to preparing young lives—both in mind and character—to serve Christ in all walks of life. Ashleigh Millard, Matt Miller, Daniel Hindman, Ben Adams, Kerry Weigand, Richie Patton, Elizabeth Sowers, Emily Sowers, Alex George, Betsy Apelian, and Daniel Nickerson continue this tradition of excellence.

RECOGNIZING FRANCES WILLIAMS PRESTON FOR HER CONTRIBUTIONS TO MUSIC AND HER SERVICE TO THE COMMUNITY

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. COOPER. Mr. Speaker, I rise today to recognize one of popular music's most effective and accomplished champions, Frances Williams Preston, on the occasion of her retirement. Ms. Preston, whom Fortune magazine has called "one of the true powerhouses in the pop music industry," steps down this year after 18 years as President and CEO of Broadcast Music, Inc. (BMI). And while her daily presence as the leader of BMI will be missed, she will no doubt continue to make her mark on the industry that she has come to lead.

Since entering the music business through the mailroom of WSM Radio in Nashville forty years ago, Ms. Preston's passion for music and acumen for business have shaped the art both in Nashville and nationwide. Tapped by BMI to open its Nashville office in 1958, Ms. Preston oversaw the growth of an industry giant which now employs 400 people in Nashville and thousands all over the globe. Under Ms. Preston's leadership, BMI became a driving force in Nashville's music scene, helping songwriters make a living doing what they loved, much as she did, herself. And although she eventually left Music City for New York in 1986 to take the helm of BMI's national and international operations, she has always remained an active fan and supporter of Nashville music and Southern artists.

Ms. Preston's numerous awards and commendations barely do justice to her lifetime of achievement, yet she retires as one of the most decorated individuals the music industry has ever seen. Ms. Preston has received nearly every honor available to a music industry executive, including a Trustees Grammy in 1998, and membership in the Country Music, Gospel Music, and Broadcasting & Cable Halls of Fame. Her three honorary degrees include one from the Berkelee College of Music, and she has received more than two dozen national awards recognizing her leadership and ingenuity. Esquire Magazine's designation of Ms. Preston as "the most influential and powerful person in country music" is typical of the respectful and admiring treatment she deservedly receives in the press.

Her expertise on songwriters' issues has also made Ms. Preston an effective and valuable resource on Capitol Hill, to the equal benefit of both her "constituents" and of lawmakers, and her influence has been broadly felt in the law of intellectual property. Over the years, policymakers in all levels of government have sought her counsel, including Tennessee Governor Winfield Dunn, Vice-President Al Gore, and President Jimmy Carter.

Despite her many accolades from the music industry, Ms. Preston still considers her community contributions to be among her greatest achievements. Her proudest accomplishment, she says, was her pivotal role in creating the Frances Williams Preston Research Laboratories at the Vanderbilt-Ingram Cancer Center. In addition to her numerous board memberships and community leadership roles, Ms. Preston was the first woman board member of the Nashville Chamber of Commerce, and the first woman Rotarian in Tennessee. It is a person of commendable character who looks back on a star-filled life to see her community service as the highlight of it all.

On behalf of the Fifth District of Tennessee, I applaud Frances Williams Preston's contributions to music, business, her community, and our Nation, and I wish her a happy and healthy retirement.

CONGRATULATING MR. TONY BENNETTI ON HIS RETIREMENT FROM THE SANTA CLARA VALLEY WATER DISTRICT

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Ms. LOFGREN. Mr. Speaker, Mr. Anthony C. Bennetti is retiring from the Santa Clara Valley Water District as General Counsel to the Board of Directors. During his service, he played an important role in resolving legal issues with the California State Water Project and the Central Valley Project. During his tenure, he helped to secure needed financing for the capital expansion of water utility infrastructure for Santa Clara County.

Prior to his service with the Santa Clara Valley Water District, Mr. Bennetti served as Acting City Attorney and Senior Assistant City Attorney for the City of Palo Alto, California, and Senior Deputy City Attorney for the City of San Jose, California. In all, he has contributed over 24 years of public service to the State of California. The community thanks him for his years of service and congratulates him and the Water District upon his retirement.

OLDER AMERICANS MONTH

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. KIND. Mr. Speaker, I rise today in celebration of our seniors. May is Older Americans Month, and I commend communities around the country for the special work they are doing to honor senior citizens.

The theme of Older Americans Month for 2004 is "Aging Well, Living Well." Every day I see examples of seniors in my district in western Wisconsin who are indeed aging and living well. Eighty-year-old constituents who continue to work every day stop by my office to discuss issues that impact their businesses; grandparents tell me about the hours they spend each week volunteering at The Boys and Girls Club or other sites; and seniors faithfully show up at town hall meetings, asking questions, sharing opinions, and demonstrating their knowledge of what goes on here in Washington.

It is especially fitting to celebrate seniors this month as we prepare for the dedication of the World War II Memorial. More than perhaps any other event, World War II will long define the heroism, patriotism and strength of what is aptly called "the greatest generation." Sixteen million Americans served in the armed forces during the war. Millions more served at home by growing victory gardens, collecting scrap metal, and taking factory jobs to support the troops overseas and keep the country running. Men who had never left their home states were shipped halfway around the world to serve in the Asian and Pacific theaters. And women who had never held jobs outside the home took work in factories, offices, and on faraway battlefields. Nearly sixty years after the conclusion of this war, the stories of these brave men and women remain moving.

After serving and sacrificing on the war front and the home front, this generation then returned home to construct the interstate highway system, explore outer space, and see America through an unprecedented era of growth and improvement. Clearly, we can never adequately thank this generation for what they have done. No words can express how grateful we are for the milestones—surviving the Great Depression, winning World War II—or for those everyday struggles and sacrifices that go largely unrecorded.

The seniors throughout our country—the retired schoolteachers, the millions of veterans, the farmers and all those who helped make our country great—deserve more thanks than we can give them. I am glad, though, that we have this month to recognize the generation that defined America in the 20th Century and continues to impact us all today.

HOMAGE TO MR. EDWARD LEON "SHINE" JESSUP

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. TANNER. Mr. Speaker, I rise today to pay homage to a legend in my hometown of Union City, Tennessee, Mr. Edward Leon "Shine" Jessup.

Shine is being honored for his 40 years of service as an employee of the W. R. Case Company. But he has done so much more in his life. He was born on November 30, 1918, graduated from high school in 1936 and enlisted in the Army Air Corps in January of 1942. He entered the Aviation Cadet Program and went to Cadet Pilot Training in Arkansas and onto the Advanced Program. He got his wings in 1943 and was sent to the Overseas Training Unit.

Stationed at Rackheath, England, First Lieutenant Jessup flew a B–24, named "Mis-B-Havin" on 30 missions as an 8th Air Force Lead Crew Pilot. In February of 1945 he was stationed at Randolph Field in Texas where he taught cadets until June.

He received the Distinguished Flying Cross three times, the Air Medal five times, the ETO Ribbon, the Good Conduct Ribbon several times as well as various other ribbons.

He married Aurelia McGuire on May 1, 1943, in Jonesboro, Arkansas. They had two children—Linda Jo Jessup Jennings and Edward Leon Jessup, Jr.

After leaving the Army in 1945, "Shine" began his career as a salesman for Shapleigh Hardware Company in Waycross, Georgia. After a year in Georgia, he transferred back to Union City. He worked for Shapleigh until 1960 when he took a job with Witte Hardware until 1964. It was in that year that he began his career with the W. R. Case Company with whom he has been associated for the last 40 years.

Shine Jessup has contributed much to his community, his state and his country. As we dedicate the World War II Memorial this month here in Washington, D.C., I rise to pay honor to a very special veteran, and a long time friend of mine and my entire family, Shine Jessup.

SENATE—*Wednesday, May 12, 2004*

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Wise Creator, the One who made heaven and Earth and all that is in them, thank You for the honor of being made in Your image, personally formed by You for Your glory. Deliver us from pride or false modesty, as we give You credit for our abilities and live for Your glory.

Thank You, Lord, for our weaknesses and inadequacies and even our pain and distresses. You have allowed these in our lives that they may contribute to Your higher purposes. Please don't remove the mountains in our lives, but give us the strength to climb them.

Shower Your grace upon our Senators today and make them more than sufficient for these grand and awful times. Help them to walk humbly with You, as You bless and strengthen them. Lord, tend to the sick, give rest to the weary, and soothe the suffering. We pray this in Your wonderful name.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 12, 2004.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. BROWNBACK thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, I will take a couple of minutes to lay out the schedule for today. This morning, the Senate will have a period of morning business for up to 60 minutes. Last night's orders provided that the first 30 minutes will be controlled by the majority and the final 30 minutes will be controlled by the minority.

Following morning business, the Senate will begin consideration of IDEA, the Individuals with Disabilities Education reauthorization bill, S. 1248. We will consider that bill under a previously agreed to order, which provides for a limited number of amendments per side. Chairman GREGG will be here to manage the bill on this side.

I expect there will be votes throughout the course of the day in relation to those amendments. We should be able to complete our work on this bill either late today or early tomorrow.

This morning, I wanted to again comment on the Executive Calendar and the mounting number of nominations. It is an important issue and important to our Nation and to the way we are viewed around the world. So I want to review the process again. I mentioned yesterday morning some of the specific pending ambassadorial nominations awaiting our action, in addition to the 32 judicial nominations. I know the distinguished assistant Democratic leader mentioned these ambassador nominations later in the day yesterday. Again, I want to restate what I mentioned yesterday morning. There are eight nominations for ambassadorships that are pending on the calendar. These nominations have been presented, have gone through committee, and are simply awaiting action on the floor of the Senate. It is not one, two, three, four, or five—it is eight. That includes ambassadorships to Sweden, Brazil, Finland, Romania, South Africa, Nepal, Poland, and Northern Ireland.

I know of a concern at this time by a Member on our side of the aisle with respect to one of these eight nominees; however, I don't believe there are concerns on either side of the aisle with respect to the remaining seven nominations. So we are prepared to confirm these other nominations and allow them to begin their important work for the United States of America, the work that awaits them at their posts in the countries I mentioned. Each one of these is important and significant. We are ready to move with them.

I do want to restate the intention of bringing it to the Senate floor yesterday, and that was that we need to work together on the nominations. It is really as simple as that. Eight nominations have gone through the entire vetting process up to this point, and they are simply awaiting action here on the floor of the Senate. We are prepared to confirm seven of those eight today.

I will also mention that this is true with respect to a number of judges. We have 32 pending judicial nominations as well. Ultimately, once we figure out some way to allow these nominations to be considered, I am confident that most, or many, are going to receive unanimous votes if this body is just given the opportunity to vote.

I guess my point is, as I look at the 8 nominations and the 32 nominations, I urge my colleagues not to take this sort of blanket or scorched earth policy of not letting anybody through at all. We need to be reasonable and we need to work together on these nominations. If there is a concern, and if there are certain nominations that are not being considered, there are a lot of different ways we can get attention to those individuals. But this sort of blanket holding things back is something we need to address.

I hope the nominations, many of which are probably cleared on both sides, are not held hostage by a few. On this side of the aisle, we are prepared to consider the ambassadors, we are prepared to consider the judges, and we are prepared to vote on the chairmen of a whole range of committees, such as the Consumer Products Safety Commission, HUD nominations, and the list goes on. It is time for good faith and it is time to do our constitutional duty. These nominations are sent to us to be voted upon.

ABUSE OF IRAQI PRISONERS

Mr. FRIST. Mr. President, I want to also mention that yesterday the Senate Armed Services Committee held a day-long hearing to learn more about the abuse of the Iraqi prisoners at the Abu Ghraib prison. Many of us did not see all of the testimony, but we were able to review it over the course of the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

day. The committee received detailed testimony from Major General Antonio Taguba, the senior officer who investigated and reported on the Abu Ghraib prison abuses, and from a range of other Defense Department officials.

Today, the Intelligence Committee will be holding a closed hearing to explore matters under their jurisdiction related to these incidents. As we know, both committees met last week in a similar fashion. This afternoon, from 2 to approximately 5 o'clock, in S. 407, there will be an opportunity for all Senators to review photographs and evidence related to the prisoner abuse scandal. We will have the opportunity to view them. They will be there from 2 p.m. to 5 p.m. in S-407, after which they will be returned.

As I stated yesterday, it is our expectation that the Senate will be apprised of the ongoing investigations being conducted by the Department of Defense and of all the actions being taken to ensure these incidents never occur again.

To that end, I simply wish to reflect my perspective that the Defense Department has been very responsive to our requests. Secretary Rumsfeld, General Myers, and their senior aides have updated us as events have unfolded, and they have been attentive to the Senate's requests and to their needs.

As the President said the other day, Secretary Rumsfeld—I agree with the President—has done a superb job as Secretary of Defense in very trying and challenging times. I am confident he is taking action to address these deplorable acts in a deliberate manner, in a transparent manner, and is taking all measures to ensure that these acts will never occur again.

EXTENDING CONDOLENCES TO THE FAMILY OF NICHOLAS BERG

Mr. FRIST. Mr. President, I wish to extend my condolences to the family of Nicholas Berg who, as we all know, was murdered yesterday in Iraq by kidnappers. We grieve for him, and we grieve for his family.

At the same time, the actions of his murderers are a reminder to us of what all our soldiers on a daily basis are undergoing. We must endeavor to bring these terrorists to justice as we work to bring democracy, peace, and the rule of law to Iraq.

Let us keep in mind all of this in the days and weeks ahead, which will be very challenging times for us all.

PASSAGE OF FSC/ETI

Mr. FRIST. Mr. President, I wish to comment, because I did not have the opportunity last night, on the FSC/ETI JOBS bill that was passed last night after a long time on the floor and after a number of amendments, an approximately equal number considered from the Republican and Democratic side. It is a real achievement for this body. It was passed, and it is critical to accelerating jobs and production of jobs in this country.

The bill we passed will bring our trade and tax laws into compliance with our trade agreements finally. As many of my colleagues know, the Europeans are already imposing tariffs on our exports. That Euro tax started in March at 5 percent, and until we act—we have acted in the Senate, and now the House must act, but we must act as a Congress—these will increase 1 percent each month if we do not act.

I do want to mention the energy provisions that are part of this bill that were added on the Senate floor—too many for me to refer to now but provisions such as tax credits for the production of electricity from renewable sources, such as wind and solar. It contains tax incentives to promote the production and use of alternative fuels motor vehicles using natural gas. It includes added incentives to promote the use of clean coal and advanced clean coal technology. There are important incentives to increase the supply of natural gas, and the list goes on.

The Senate has acted, and I look forward to the House passing its version of this legislation so that the House and Senate can go to conference and we can produce a conference bill without much delay and bring it back to the Senate.

There is a lot going on in the Senate both on and off the floor. I appreciate the cooperation of my colleagues as we move America forward.

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

AMBASSADORIAL NOMINATIONS

Mr. DASCHLE. Mr. President, this morning the distinguished majority leader made some comments regarding ambassadorial nominations. This is an important issue, and I thought I would take a minute to talk about it and respond to some of the concerns we heard expressed on the floor over the last several days.

Last Thursday, I was pleased the Senate confirmed 20 ambassadors, including Ambassador Negroponte for the tough assignment in Iraq after June 30. I note Ambassador Negroponte's nomination was completed with near record speed, given that he was confirmed 1 week after he was nominated by the President. The other 19 ambassadors were confirmed less than a week after they were reported out of the Foreign Relations Committee.

By confirming those 19, the Senate filled three vacant U.S. Embassies. We had hoped to confirm other career Foreign Service officers for the vacancies that exist, including the Embassy in Nepal, which has been the site of some considerable violence over the last several months. Unfortunately, I am told there is still an objection to his confirmation from the Republican side, meaning the Embassy will continue to be vacant for the foreseeable future.

At the moment, I am told the State Department has nearly 170 Embassies around the world. Eight are currently vacant, meaning they have no confirmed ambassador. Of those eight, the President has chosen not to fill two of them, and two are currently too dangerous to fill. One is awaiting action in the Foreign Relations Committee, and the Republicans are objecting to another. The last two, in Sweden and Finland, are vacant because the political appointees who previously served in those posts did not serve out the terms they were committed to serve.

Last week, several of our Republican friends noted that the vacancies send a negative signal to these countries. I hope the President will move with dispatch to fill these vacancies as soon as possible. I also hope the President will work with us to address another problem: Ambassadors pulled out of the duties for which they were confirmed so that they can assume assignments in or related to Iraq.

Here are three examples. Our Ambassador to the Philippines has not been in Manila for the last several months, even though that country, which is hosting American forces that are training Filipino forces, just went through a tight national election. Our Ambassador to Kuwait is resident in Baghdad. And our Ambassador to the Bahrain has been in Iraq since February.

That is not to say these jobs they are performing in Iraq are not important; they are. But if we are going to come to the floor and call attention to problems filling vacancies in the diplomatic corps, we ought to be sure we are considering the whole picture.

MEDICARE PRESCRIPTION DRUG DISCOUNT CARD

Mr. DASCHLE. Mr. President, this morning in the New York Times, there was yet another reminder of the great difficulty seniors are having in dealing with the Medicare prescription drug discount card, so-called. I noticed with some amusement a number of our colleagues on the other side of the aisle came to the floor highly critical of those of us who have expressed skepticism and concern about the drug card. Some have even expressed the belief that our motivation in coming to the floor to talk about these shortcomings in the drug card and the prescription drug benefit were politically motivated.

The New York Times has an article this morning quoting people who have nothing to do with politics. The title of the article is "73 Options for Medicare Plan Fuel Chaos, Not Prescriptions."

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 12, 2004]

73 OPTIONS FOR MEDICARE PLAN FUEL CHAOS, NOT PRESCRIPTION

(By John Leland)

When Mildred Fruhling and her husband lost their prescription drug coverage in 2001, they suddenly faced drug bills of $7,000 a year. Mrs. Fruhling, now 76, began scrambling to find discounts on the Internet, by mail order, from Canada and through free samples from her doctors.

"It's the only way I can continue to have some ease in my retirement," she said.

Last week, when the federal government rolled out a new discount drug program, Mrs. Fruhling studied her options with the same thoroughness. What she found, she said, was confusion: 73 competing drug discount cards, each providing different savings on different medications, and all subject to change.

"I personally feel I can do better on my own," she said. But she added, "At this point, I don't think anyone can make an evaluation."

Even before they go into effect on June 1, the cards—which are approved by Medicare but offered by various companies and organizations—have been the subject of heated political debate, an AARP advertising campaign about how confusing they are and anxious speculation from those they are supposed to help. Among retirees of different income groups interviewed last week, the initial reaction was incomprehension.

"Even the person who came to explain it to us didn't understand it," said Mary Shen, 77, at the Whittaker Senior Center on Manhattan's Lower East side. "It's not fair to expect seniors, who have enough difficulties already, to have to figure this out."

Shirley Brauner, 75, pushed a metal walker through the center's lunchroom. "All I've got to say is they confuse the elderly, including me," she said. "I'm furious. They're taking advantage of the seniors. How can the seniors understand it?"

The prescription drug discount cards are a prelude to the Medicare Prescription Drug, Improvement and Modernization Act, which will provide broad drug coverage starting in 2006. The federal government projects that 7.3 million of Medicare's 41 million participants will sign up for the cards.

Those who wish to do so, however, face the daunting task of choosing the right card.

"What it's like is a bunch of confusion," said Katharine Roberts, 77, who said she had not been to a movie in six years, in part because of her drug expenses. "You might find you really need three cards, and you can only choose one."

The cards are a 19-month stopgap measure to provide discounts of 10 percent to 25 percent for Medicare participants who have no other prescription drug coverage. In addition, low-income participants are eligible for subsidies of $600 a year.

The Department of Health and Human Services approved 28 companies or organization to issue cards; among them are AARP, insurance companies and health maintenance organizations. Cards cost up to $30 a year. Each card provides different discounts on different drugs, and is accepted by different pharmacies. Participants can choose only one.

To help people sort through the options, Medicare and a company called DestinationRx set up a database on its Web site, medicare.gov, that lists the prices charged under various plans for whatever medications a user types in. People can get similar help by telephone at 1–800–MEDICAR. But some providers complained that the prices on the site were inaccurate, and some cards are not listed at all.

For many retirees, it is too much.

"I'm 85, do I have to go through this nonsense?" asked Florence Daniels, a retired engineer who said she received less than $1,000 a month from Social Security, of which she paid $179 a month for supplemental medical insurance. She gets drugs through a New York State program, which provides any prescription for $20 or less. To make ends meet and afford her drugs, she said she bought used clothing and put off buying new glasses. Some of her friends travel by bus to Canada to buy drugs; others do without, she said.

Ms. Daniels did not use the government Web site to compare drug cards, in part because she cannot afford a computer. "I'm trying to absorb all the information, but it's ridiculous," she said. "Not just ridiculous, it's scary. If there was a single card and it was administered by Medicare, and it got the cost of drugs down—wonderful, marvelous. But with these cards, the only thing we know is that we'll have to pay money to other people to administer what we can get and can't get."

The discount program, which is financed largely by the cards' sponsors, reflects the Bush administration's desire to open Medicare to market principles without allowing participants to import drugs from other countries, which many Democrats favored.

Mark B. McClellan, an administrator at the Center for Medicare and Medicaid Services, said the complexity of the plan encouraged competition. "We're seeing more plans offering better benefits," he said, estimating that people will be able to save 15 percent or more using the cards.

But the complexity of choices will keep many people away from the program, said Marilyn Moon, director of health at the American Institutes for Research, a nonprofit research organization in Washington.

Often, the discount provided by the cards is not as good as what people can get from exiting state programs, union plans or consumer groups, said Robert M. Hayes, president of the Medicare Rights Center, a nonprofit organization that helps individuals with Medicare problems.

Sydney Bild, 81, a retired doctor in Chicago, compared the discount cards with the prices he paid ordering his drugs by mail from Canada. Dr. Bild pays $4,000 to $5,000 for year for five medications. When he checked the government Web site, he said the best plans were about 50 percent to 60 percent higher than what he was paying.

But Dr. Bild said his main objection to the new plans was that companies could change prices on drugs, or change the drugs covered. Medicare requires plans to cover only one drug in each of 209 common categories. Consumers can change cards only once a year. Committing to a card is "like love—it's a sometime thing," Dr. Bild said "What if I chose one? They could drop my drugs two weeks later."

Companies began soliciting customers for their discount drug cards last week. When the first pamphlets arrived at Beverly Lowy's home in New York City, Ms. Lowy said, she looked at them carefully. She does not have drug coverage and last year spent about $3,000 on prescription drugs. but the more brochures she read, Ms. Lowy said, the less clear things became.

"You really have to be a rocket scientist," Ms. Lowy, 71, said. "It takes time, energy, and you don't even save money. I thought, 'This one is offering this, this one is offering that.' Finally I decided this isn't for me."

At the Leonard Covello Senior Center in East Harlem, the new cards seemed opaque. Ramon Velez, 72, a retired taxi driver, said he had watched AARP advertisements in which people read the dense language of the federal Medicare bill.

"I was laughing at the people in the ads, but it's true," Mr. Velez said "Everyone's confused."

Mr. Velez receives $763 a month from Social Security, and often skips his psoriasis medication because he cannot afford the $45 co-payment under his Blue Cross/Blue Shield plan. He wondered if the new drug cards could save him money.

"But it's very confusing," he said "I'd go to the Social Security office to ask about the cards, but I don't think they'd know."

Alejandro Sierra, 67 a retired barber, paced around the center's pool table. Mr Sierra takes six medications for diabetes and complications from cataracts and colon cancer, and sometimes skips a medication because he cannot afford it.

"I'm interested in the cards," he said. "But I can't figure it out on the computer, because I can't see."

Carlos Lopez, the director of the center, said the cards had so far produced little but anxiety. Mr. Lopez asked participants to bring any applications to him before signing them, and warned them about people selling phony cards.

"They're not nervous, but concerned," he said. "They feel, why now? Why do I suddenly need a card for medications?"

Mr. DASCHLE. Mr. President, to excerpt from this article, it talks about:

> Last week, when the federal government rolled out a new discount drug program, Mrs. Fruhling—

Mildred Fruhling studied her options with the same thoroughness with which she has been reviewing all of this now for some time. "What she found," according to the article, "was confusion: 73 competing drug discount cards, each providing different savings on different medications, and all subject to change."

Quoting Mrs. Fruhling:

> "I personally feel I can do better on my own," she said. But she added, "At this point, I don't think anyone can make an evaluation."

The article goes on to say:

> Even before they go into effect on June 1, the cards—which are approved by Medicare but offered by various companies and organizations—have been the subject of heated political debate, an AARP advertising campaign about how confusing they are and anxious speculation from those they are supposed to help.
>
> Among retirees of different income groups interviewed last week, the initial reaction was incomprehensible.

It goes on to quote Mrs. Florence Daniels, a retired engineer who gets less than $1,000 a month from Social Security. She did not use the Government Web site that is currently available to compare drug cards, in part because she cannot afford a computer. She states:

> I'm trying to absorb all the information, but it's ridiculous. Not just ridiculous, it's scary. If there was a single card and it was administered by Medicare, and it got the cost of drugs down, wonderful, marvelous. But with these cards, the only thing we know is that we'll have to pay money to other people to administer what we can get and what we can't get.

Sidney Bild is another retiree quoted in the article, a retired doctor in Chicago. He compared the drug discount cards with prices he paid ordering his drugs by mail from Canada. Dr. Bild pays $4,000 to $5,000 a year for five medications. When he checked the Government Web site, he said the best plans were about 50 to 60 percent higher than he was paying.

At the Leonard Covello Senior Center in East Harlem, the article quotes another senior, Ramon Velez, a 72-year-old taxi driver who is retired. He said:

> I was laughing at the people in the ads [that I have seen on television] but it's true. Everyone's confused.

That summarizes what many of us have expressed now for some time. People are confused. They are terribly frustrated. They are anxious. They do not want to have to deal with 73 different options and there is chaos as a result. Unfortunately, the Congress had an opportunity to side with seniors or side with the drug companies, and clearly this is a drug company benefit, this is a drug company program. It has nothing to do with helping seniors.

COVER THE UNINSURED

Mr. DASCHLE. Mr. President, this week is "Cover the Uninsured Week." Today, and for the rest of this week, in all 50 States and the District of Columbia, Americans will take part in nearly 1,500 public events to call attention to the growing number of Americans without health insurance and the growing price they, and all of us, pay for the gaping holes in America's health care safety net.

The nonpartisan campaign is co-chaired by former Presidents Gerald Ford and Jimmy Carter and supported by a diverse coalition of organizations representing business owners, union members, educators, health consumers, hospitals, health insurers, physicians, nurses, religious leaders and others. It is also endorsed by several former Surgeons General and Health and Human Services Secretaries from both Republican and Democratic administrations.

This is the second "Cover the Uninsured Week." Unfortunately, the problem has only gotten worse in the last year. Last year, nearly 44 million Americans, including 8.5 million children, had no health insurance. That is more than 15 percent of all Americans. Tens of millions more Americans were uninsured for at least part of the year. In my State, South Dakota, 12 percent of the people have no health insurance.

Most uninsured Americans go to work every day. In fact, many work two or three jobs. But their employers do not offer health coverage, or they cannot afford the premiums and other costs. And they cannot afford to buy private coverage on their own. So they, and their families, live with the daily dread that one serious illness or accident would wipe them out financially.

Last summer, I received an e-mail from a father who lives every day with that fear. He lives in South Dakota. He and his wife asked me not to use their names or the name of her employer because they do not want to risk losing her job and the very meager health benefits it provides.

This couple has two children, both in high school. When the father e-mailed me last summer, he had just spent hours in a hospital emergency room. He went to the hospital because he thought he might be having a heart attack. He ended up leaving without seeing a doctor because he was afraid he might end up with a medical bill he could not pay.

He said that his chest pains started around midnight on a Saturday night. He asked his son, the only other person at home at the time, to take him to the hospital. Before he left home, the father grabbed a file folder containing his last 5 years' worth of tax returns. Why did he do this?

Two years earlier, his son had been hit by a car, and the family ended up with $34,000 in medical bills. The father did not want anyone at the hospital to think he was trying to take advantage of them when he warned them that he would not be able to pay another huge medical bill. After they arrived at the hospital, the father sat in the waiting room for 3 hours waiting to talk to someone in the hospital's business department. Before he accepted any treatment, he wanted to be sure it was not going to bankrupt his family.

But there was no one in the business office in the middle of the night on a weekend. So he sat there for 3 hours, clutching his tax returns, and praying that he was not having a heart attack. Finally, a nurse came out, spoke to him for a few minutes, and told him he was probably just having a panic attack. So he went home. To this day, he does not know if what he suffered was a panic attack or a mild heart attack. He still has not seen a doctor.

This man and his family are not even counted among the nearly 44 million Americans without health insurance. They used to have family health coverage through his employer, but 3 years ago, that company moved out of State. He has been self-employed ever since. Now, they get their health insurance through his wife's job.

I hear, as I heard on the floor yesterday, from some of our colleagues that in this country, thank goodness, we never have to ration health insurance. If this is not rationing health care, health insurance, I do not know what is. What does one call it when a person sits at midnight on a Saturday night with 5 years of tax records to prove they do not have the ability to pay and then walk out not knowing if they had a heart attack. Tell someone today that is not rationing health care. A family income for this particular family is about $13,000.

Two years ago, this family paid $2,800 in premiums for family coverage and another $5,800 out of pocket for medical costs that weren't covered—$8,600 in all. Their family income that year was about $13,000.

This is what that father wrote to me in his e-mail last summer:

> Our family hasn't seen a dentist for over 3 years. I haven't seen a dentist in nearly 10 years. Simply cannot pay the cost. My son needs glasses. My wife has a broken tooth. I haven't seen a doctor in 15 years.
>
> We all work hard and play by the rules and cannot make ends meet. The last three years have been devastating to us. We will probably lose our house because we cannot afford to keep it up. We are a sad case and getting more depressed every day. I am embarrassed and ashamed to even talk about it. I just wanted you to know about the suffering many of us are enduring.

Recently, a woman wrote a long letter to a paper in my State, the Eagle Butte News, about her sister. As a Native American, her sister was theoretically guaranteed free health care from the United States Government, through the Indian Health Service.

Last June, the sister went to see an IHS doctor because of severe stomach pains. The doctor told her she had a bacterial infection and sent her home with an antibiotic. A month later, the pain was so intense she could no longer eat. When she went to IHS clinics, she was given a shot for pain and some antacids and told there was no money to send her to a specialist. By October, she had lost 70 pounds. Last November, she finally saw a different doctor and got an accurate diagnosis. By then, her stomach cancer was inoperable. She died on April 7.

In her letter to the editor, her sister wrote:

> She was prepared to accept her fate, which she did bravely and with courage. But I am not going to accept her death quietly because her life was cut short and I don't want to see others suffer the same fate that she did.

As terrible as these stories are, these people are technically among the lucky ones. The father who sent me that e-mail has what amounts to catastrophic health coverage through his wife's job. American Indians are promised health care by the Federal Government, even though that promise is routinely broken.

The nearly 44 million uninsured Americans have even less than that. None of us should accept this quietly.

The lack of health insurance has devastating consequences for uninsured individuals, for families, and for our Nation as a whole. According to the National Institute of Medicine:

Children and adults without health insurance are less likely to receive preventive care and early diagnosis of illness. They live sicker and die younger than those with insurance.

Eighteen thousand Americans a year die prematurely because of lack of health insurance.

Families suffer emotionally and financially when even one member is uninsured.

Communities suffer as the cost of uncompensated care is shifted onto doctors, hospitals and taxpayers.

The Nation suffers economically. The Institute of Medicine estimates that lack of health insurance costs America between $65 billion and $130 billion a year in lost productivity and other costs.

The National Institute of Medicine has called for universal health coverage for all Americans by 2010. Democrats have been leading the fight for universal health coverage in America for decades. We created Medicare.

We welcome Republicans' concern about the rising number of Americans without health insurance, and we want to work with them to find solutions. But the proposals offered by the President and congressional Republicans will not work.

A recent study concluded that the President's proposals would only reduce the number of uninsured Americans by between 2.1 and 2.4 million people out of the 44 million who have no health insurance. That is not even as many people as have lost their health coverage during his administration. We have to think bigger, for if we "cover the uninsured" at that rate, we will continue to lose ground.

Moreover, some of the President's ideas would actually make matters worse. According to CBO, the President's plan to create "association health plans" would decrease the number of uninsured Americans by only about 600,000 people—600,000 out of nearly 44 million. But it would increase premiums for 80 percent of employees of small businesses. It would also exempt "association health plans" from important State regulations, including solvency requirements and other protections.

The administration's proposed health care tax credit is far too low to help most people who need help. It also ignores two fundamental problems: Premiums for individual health care coverage are far too high for most Americans, and, if you are not young and in good health, you may not be able to purchase an individual health insurance policy at any price.

Health savings accounts are no solution, either. They are a tax shelter that primarily benefit the healthy and the wealthy—those who are least likely to be uninsured. A new study by an M.I.T. expert released just this week concludes that the President's health savings account proposal would actually increase the number of uninsured Americans by 350,000—and cost taxpayers $25 billion. There are better ideas.

After that father sent me that e-mail, we told him about the CHIP program. Today, his two children have health insurance through that program.

In the words of that South Dakota father:

> The CHIP program is a tremendous safety net for families. At least now, when my children are sick, I can take them to the doctor. It takes some of the fear away. And, when you walk in to the doctor's office or the hospital and show them that card, they treat you like a human being.

The CHIP program is working. We should continue it—and our other successful Federal health care programs—and ensure they are adequately funded.

We recently introduced a bill that could significantly reduce the number of uninsured Americans and help small business owners create new jobs at the same time. The Small Business Health Tax Credit—S. 2245—would provide small businesses with tax credits to cover up to 50 percent of the cost of their employees' health insurance. Businesses with 36 to 50 workers would get a tax credit worth 30 percent of their employee health care costs. Companies with 26 to 35 workers would get a 40-percent tax credit. And companies with 25 or fewer employees would get the full 50-percent tax credit. This is a far more generous tax credit than what small businesses can claim now.

Business owners and entrepreneurs are working hard to make a profit—but their profits are being eaten up by out-of-control health care costs.

Finally, later this morning, my colleagues and I are going to announce a bold new commitment that will enable the Federal Government to offer every American access to quality health care at an affordable price within 2 years. We look forward to working with our Republican colleagues to make that commitment a reality.

I recently received another letter from a woman in South Dakota. She wrote:

> I have noticed that gas stations continue to place spare-change jars on counters for fundraisers, and small towns often hold pancake breakfasts for the same reason. However, rather than raising money for band trips and sports, they are increasingly for a local uninsured person's health care.

There are better ways. Working together, we can tap the spirit of community and compassion those spare-change jars represent, and we can find ways to ensure that every American is able to see a doctor when he or she is sick.

We do not have to be the only major industrialized nation in the world that fails to guarantee health care for all its citizens. We can do better, and none of us should rest until we do.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina.) Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, the first half of the time under the control of the majority leader or his designee, the second half of the time under the control of the Democratic leader or his designee.

The Senator from Wyoming.

HEALTH INSURANCE

Mr. THOMAS. Mr. President, I would like to take the first 10 minutes of our 30 minutes and talk a little bit about the uninsured and talk a little bit about insurance, of course. I am pleased this is uninsured week, that we are focusing on that problem of uninsured folks. I think it is a great thing that we ought to be doing. There are some alternatives that we can pursue.

I have been particularly involved in the rural health care aspect, being from Wyoming where, of course, almost all of our health care is rural health care. We have had good results in our Medicare bill that was passed last year. We have equity pay for the providers in that bill. We have assistance for those serving underserved areas. We have a number of things that are very necessary. I am pleased they are there.

We have been focusing on Medicare, of course, because that is the Government's responsibility directly. We have made some good progress on that. Among other things, we seek to help seniors with pharmaceutical costs. We have a program out there. I am a little disappointed the minority leader is nothing but critical of it. It is out there and we ought to be trying to make it work now rather than trying to oppose it for political reasons. I think that is a mistake.

There are opportunities out there for the elderly to enjoy a considerable amount of assistance, particularly low-income people, with the $600 assistance in addition to a 20-percent reduction. The fact that there are 70 cards out there—all you have to do is call 1-800-Medicare and get the advice that is necessary to do it. I wish we could support something instead of totally always being critical.

In any event, we have worked on those, and I think it is time that we look, now, at the broader aspects of health care. That includes many other things. We have a great system. We have probably the best health care system in the world. However, if that system gets in the position where access is limited by the costs, then of course we are not making it possible for everyone to participate. That is really where we are.

The costs of health care have increased substantially. There are lots of reasons for that. One of them is the new equipment that is being used, which everybody wants to take advantage of, of course, because it is the high-tech stuff.

Another reason, obviously, is the liability problem we have tried to address on the floor a number of times, and we have not been able to move past the obstructionism on the other side. The liability problem not only results in the cost of the liability insurance going up, but it also results in having more testing, more specialists, more costly health care simply to avoid the opportunities that people might have to sue. So there are a lot of things.

I had the opportunity not long ago to talk to the management of one of the largest hospitals we have in Wyoming. It was interesting when the financial officer broke down the situation with regard to the funding. First, he talked about the billing level, which, of course, is quite above the cost level because they need to bill some more than it costs to make up for those who do not pay. But the point was, they broke down the number of people who were there, the number there in Medicare, the number there on Medicaid, the number that had their own insurance, the number that were uninsured, and the emergency ones. Part of the problem is Medicare is not paying the full cost, Medicaid does not pay much of the cost at all, so then you get to the uninsured and, of course, many of them do not pay, are not able to pay at all, and you have the emergencies, so what happens? It goes to those of us who have insurance.

As I go about my State talking to people, I hear more about the cost of health insurance than anything else that you talk about in a town meeting. It is largely because of some of those shifts there.

As has been pointed out, we have over 40 million Americans who do not have health insurance, and that is unacceptable. We need to do something about that. The cost of health care—of course we ought not to forget that continues to grow almost unchecked. It has grown to $1.6 trillion in 2002, a 9.3-percent increase over the previous year. You cannot keep having a 10-percent increase in these costs and yet be able to deal with them. The health care cost portion of the gross national product in 2002 was nearly 15 percent, up from 14 percent the year before.

This is part of it that we ought not forget—the cost of health care. We ought to look at the costs as well as who is going to pay. Unfortunately, that is about all we ever talk about—who is going to pay. There is more to it than that. These rates cannot continue to grow at that rate.

We have had a considerable amount of planning in our State with respect to the uninsured. We had a group—I am glad there has been a task force here, and we have about 14 percent of our people in Wyoming who are uninsured.

It is largely because of the cost. We have a number of things, however, that have been suggested which I think we ought to take a look at. There are some important special recommendations.

We could expand public programs such as Medicaid and CHIP. The minority leader was just talking about the CHIP program and why it should be such a surprise since it has been there for a good long time. It is one that the States participate in funding. We need to do that. It needs to be funded at the full level by the States.

We need to provide a buy-in option for public programs so people have an opportunity to buy into these programs that now exist. We need to increase the reimbursement for public programs. They are not paying their share. Therefore, private insurance goes up, and those people who can't afford it or even come close to affording it are even less likely because it has gone up more.

We need to target tax credits and Federal subsidies. I think tax credits are valuable. That would allow people to take a higher crisis sort of a policy.

Community health centers that deal with people who aren't able to have insurance and need help is an excellent way to deal with this.

Of course, we need to do something to help participation of employer-sponsored programs. That is not the only answer because a lot of people are self-employed.

Of course, we also need to push for personal responsibility for health. An interesting program has been talked about in Wyoming. It is a group called the "Be Well Program." They would deal with employer groups that cover their employees. The employees would sign an agreement to keep up their own health, to exercise, and do some of the things that we all talk about and which not everyone does. That would be a condition of being insured. It is already in a couple of contracts.

There are a lot of things to do, and the task force has a number of ideas. I think we need to move forward to try to do some things. Most of us I don't believe favor a socialist program where the Government runs all of the health care programs. That is evidently not the kind of thing we want to have because all of the Canadians would come here.

But, nevertheless, there needs to be a program that gives an opportunity for people to fully participate. I am delighted that we are moving forward with it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, thank you for recognizing me. I came out on the floor to talk for a few minutes about the health care task force, and particularly about association health plans or small business health plans.

I am very pleased that we are talking about the health care task force report. I want to talk a little bit about the drug discount card in part because I think it is important that we talk about it. I want my senior citizens to be aware of this benefit and to use it. I think it is something everyone ought to consider. For many of them, it is going to be the relief they have been looking for many years.

I want to say that it is hard for me to understand these attacks which are occurring on a fundamental level against the discount card. Without question, this card is going to provide relief to tens and tens of thousands of people who have been choosing between the other necessities of life and their prescription drugs.

There are 200,000 senior citizens in the State of Missouri today who are buying prescription drugs entirely out of pocket. It is not very good for them for two reasons: In the first place, they are buying entirely out of pocket. They are paying for it entirely on their own. In the second place, they are paying the highest price entirely on their own. When they walk into the pharmacy to get prescription drugs, they are facing the prescription drug companies alone. They are not part of a broader pool that has purchasing power and is able to negotiate a discount over the sticker price of the drugs. So they are paying the highest price, and they are paying it entirely out of pocket. Many of them are the poorest senior citizens. As a result, they do not get the prescription drugs. They get sick, or they take every other pill.

I have talked personally to scores of people like that over the years. I had a hearing of the Aging Committee that Senator GREGG was kind enough to let me hold in Missouri. I had senior citizens come and testify.

Everybody in the Senate is familiar with this. This discount card is going to provide relief. Seniors are going to have access to a variety of cards that will give them discounts off the prescription drugs. For lower income senior citizens, those receiving retirement of less than $1,000 a month, they will get $600 from the Government toward the price of the discounted drugs. The average price, which it is for prescription drugs, for senior citizens is about $1,400 a year for prescription drugs. That person in Missouri right now is paying the entire $1,400 out of pocket, and probably more than that since they are paying the highest price. With a card, they will go into the pharmacy, the pharmacist will swipe the card through the machine and say: For your Lipitor, which was costing you $80 a month, under this card it costs you $65 a month. The first $600 of that this year the Government is paying for it. Instead of paying $1,400, which you couldn't pay—they get nothing, is what it comes down to—they end up getting a $200 or a $300 discount, and the Government pays $600 off of that, and they can afford not to get sick anymore.

I think that is pretty important.

I understand the concerns on the other side of the aisle that this bill isn't Government-dominated enough. I recognize that. They are saying basically this is federally subsidized, but they are buying the prescription drugs from private organizations. That is not a good thing. It is true. This is federally subsidized, but we are buying the prescription drugs from private companies.

There is a word for a Federal health care plan that pays for health care costs of senior citizens so that they can go to private companies and get health care services or goods. Do you know what the word for that is? Medicare. That is what Medicare is. When Medicare was set up in 1965, the Government could have gone on and done what it has done with the VA health care system—buy or build new hospitals, hire physicians, and run the whole thing as a Government organization. We didn't do that. What we did instead was set up a system where we would pay for the cost of Federal health care, but seniors would have a choice of private providers if they wanted. That is what this prescription drug plan is about, what it is modeled after.

It is going to help tens of thousands of people in my State of Missouri at a minimum.

I hope we can get behind it and make it work as well as we can possibly make it work.

Let me switch now to talk a little bit about the health care task force which addresses another huge problem; that is, the rising cost of health insurance premiums.

There are a number of things in this health care task force report. I recommend it to every Member of the Senate.

One of the key things about it is that it is designed to attack the trends in the system which are driving those costs up. I really like this. It is time for us to stop concentrating on how we can keep feeding this beast and start getting the beast on a leash, if you will.

It is fine to subsidize the cost of health care for people who can't afford it. I certainly support it. I just talked about prescription drug costs. But we also need to bring down the costs of health care. There are a lot of things in this report that are designed to do that.

Liability reform is one of them. Another is the emphasis in the report on the use of information technology, which is very important. Health care is behind in information technology. If we can get the same kind of architecture of technology in health care that we have in other parts of the economy, we have the potential to save tens of billions of dollars.

There is important regulatory reform in the bill that will lower cost.

I met with a bunch of nurses and nursing students at Southeastern Missouri University and asked them what their big concerns were about health care. I was really surprised. The thing that bothers them the most is the amount of time they have to spend in filling out forms to comply with the oversight of one group or another. It is very demoralizing, and it raises costs.

The task force also includes associated health plans, which I want to talk about briefly.

Of the people who are uninsured—there are about 43 million—two-thirds either own a small business, work for a small business, or are a dependent of someone who owns or works for a small business. We can ask ourselves, why is that? Is it because small businesspeople are more chintzy than big businesspeople? Small businesspeople and farmers do not care about their employees as much as the larger businesses? They do not want to buy health care? That is one possibility. But I don't think it is true.

The reason many of these people, working people who work for small businesses, are not getting health insurance is that costs for buying health insurance are higher for small businesses than they are for bigger businesses because the administrative costs cannot be spread across as big a pool. The costs of getting health insurance for someone who runs a small business are about three times per employee what they are for someone who runs a big business.

Small business health plans allow small businesspeople to pool together through a national trade association and get health insurance as part of a big national pool.

My brother owns a Little Tavern restaurant. It is a great place. I have talked about it before in the Senate. If anyone is ever in the St. Louis area and wants a good hamburger, give me a call and I will give a recommendation. My brother has a little restaurant. He could join the National Restaurant Association and become like a little division of a big company. He would get health insurance then as part of a 10,000, 20,000 or 30,000-person pool, the same as the employees of Anheuser-Busch, which is located in St. Louis, or the employees of Hallmark, which is located in Kansas City. It will lower his costs 10 to 20 percent by reducing the administrative costs. It would not cost the taxpayers anything because we are not feeding that beast with tax dollars. We are empowering people to put the beast on a leash to reduce costs that are driving up health insurance premiums without adding anything to quality or accessibility.

There is no reason we should not do this. I am pleased it was included in the task force report. We worked on it. I hope we can get it, along with the other things in this report.

We have to remember that as the Democratic leader was saying, if Americans are working and do not have health insurance, or they have health insurance and these costs continue to go up, this is the No. 1 thing employees worry about as far as their job is concerned. I have had a lot of folks in the last recession—and I am pleased we are coming out of this now—who lost jobs and said to me, We have families; we have to get our health insurance back. It is very difficult to provide it when premiums go up and up and up all the time.

We can do something about it. There are a number of different ideas out there. Many of them are in this task force report. I commend it to the Senate. It is time to get these things done. We can all come down here and talk about stories back home of people who are suffering because of this situation. We need to get something done. It would be a huge step forward if we all said we are going to sit down as a group, we will work something out, we will agree beforehand we will not filibuster everything because we do not like this particular aspect of the package or that particular aspect of the package. We are not going to take small things we disagree with in a bill and treat them as if there is some enormous attempt by people—whom we disagree with honestly—to do something that is venal or wrong. These problems are big enough to solve if we try to stick together and agree where we can agree and disagree reasonably where we do disagree. They will be impossible to solve if everything becomes a subject of some kind of a political attack.

I appreciate the time of the Senate and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I commend the Senator from Missouri for his advocacy on the part of his constituents and, indeed, all the American people, to make sure more have access to good quality health care.

I will talk about the work of the task force created by Majority Leader FRIST, which was chaired by Senator JUDD GREGG of New Hampshire. This work, over the last number of months, promised a lot in terms of new ideas and new approaches. It will help make sure health care is accessible to more Americans.

It is amazing, but we spend in this country somewhere between $1.4 trillion and $1.7 trillion on health care. That is a lot of money, even in Washington. Most people cannot even get their minds around what $1 trillion is.

I promise you, I cannot. But I do know that is an enormous amount of money.

If we ask people who should know about it, they will say there is enough money in the health care delivery system in the United States of America to make sure everyone has access to health care. The problem is what we call sometimes a "health care system" is not a system but a patchwork of different delivery methods. It is a local taxing jurisdiction, hospital districts, using property taxes in some States, of course supplemented by other taxes, and of course there is Federal Government-provided health care available, partially, at least, through the CHIPS Program, through Medicaid and through Medicare.

We do know there is a tremendous challenge to make sure everyone in this country has access to good quality health care. Those who do not have health insurance represent one of the biggest challenges. One of the things we have learned is this is not so much a challenge of getting everyone insurance. The real question is, How do we make sure everyone has access? Even for those who do not have health care insurance, we need to make sure they have access to health care.

Right now the irony is the Federal Government has already gotten into this area and mandated if you have nowhere else to turn for health care, you know you can always show up at the local emergency room at your hospital and get that health care provided. If you cannot pay for it, it is provided without charge to the patient. The problem is, in many major metropolitan areas on any given Friday or Saturday night, when the demands on the emergency room are great, many emergency rooms are on divert status, which means they cannot take anymore patients because they are full.

However, 80 percent of those people being treated in emergency rooms could be and should be more humanely, more efficiently, and less expensively provided health care in some other setting—in a clinic, for example.

One of the most amazing things about our health care delivery system in our country, while we do compensate—although some argue it is not as generous as it should be—we do compensate health care providers for providing health care to people after they are sick, we do a pretty lousy job of trying to give people access to what they need in order to prevent their getting sick.

We have made good strides forward with the Medicare bill we passed last year to provide prescription drugs to many seniors who did not have that. Of course, this Medicare discount drug card Senator TALENT talked about is an interim step that leads to the full implementation of that program in a couple of years when the vast infrastructure can be created to deliver that system.

For example, for someone who has not previously had access to a drug like Lipitor, one of the statin drugs—and there are a number of them; that is just one trade name—that perhaps can prevent someone from having to have more expensive, invasive, and dangerous surgery, either bypass surgery or angioplasty or perhaps placement of a stent, or something that costs a lot of money to treat if the basic cause that could be prevented is left untreated through the use of prescription drugs.

We have made a great step forward to broaden the number of people, to increase the number of people preventive measures are available to. That is smart. We ought to continue along that trend.

Mr. President, I ask to be reminded when I have 1 minute remaining of my time.

One of the things I believe is a great safety net in this country, that I have come to learn about and see used so well in my State, is federally qualified community health centers. The great thing about community health centers is they provide clinical—that is, non-emergency room—access to health care in your neighborhood, where you pay based on a sliding scale, based upon your ability to pay. These are actually designated health centers by the Federal Government. They have access to a number of important programs, for example, the Federal 340B Discount Pricing Program. This task force recommends that program be expanded to more people, so we can bring down the price of prescription drugs.

But these community health centers provide, on a sliding scale, access to care in one's local community, which I think is very important. I was told by the head of Parkland Hospital, one of the largest public hospitals in Dallas, TX, for example, that people show up in the emergency room to have a baby, where they have no health insurance. Because they have no health insurance, and may never have seen a doctor before they show up in the emergency room, the risk of injury to that baby—either it being born prematurely or some other health risk—goes up exponentially.

Even though they do not receive any income for it, Parkland Hospital routinely provides prenatal care for mothers, on a free basis, even though they do not get a penny paid by that pregnant mom. One reason is because they know the cost of 1 day in the neonatal intensive care unit at the Parkland Hospital costs about $10,000. Now, of course, I would like to say we would do that from our sheer desire to see healthy babies, but, unfortunately, money drives access.

My point is, in this instance what Parkland Hospital, in Dallas County, has decided to do in a way to help control costs is to ensure more healthy babies are born who do not need access to the neonatal intensive care unit, as they provide free prenatal care to these pregnant moms. But community health centers can make sure this pregnant mom has access to somewhere other than the emergency room of the hospital in which to get that important prenatal care.

We also would increase, as part of this task force report, the number of medical volunteers by extending critical Federal tort claims act liability coverage. This is an area that I think is very important.

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. CORNYN. That is very important because the medical liability crisis in this country does not only hurt doctors and hospitals, but it hurts patients who are denied access to health care. One of the issues we have to deal with—I know the leader has brought it up several times, and we have been unable to get 60 votes to get an up-or-down vote on the merits of the legislation—is medical liability reform.

Whether it is increasing access to specialty care, increasing the number of federally qualified community health clinics, increasing access to prescription drugs by extending the Federal 340B Program, or creating an exemption so religiously sponsored health systems can create community health systems, integrated health systems, we have to do something about this crisis in this country. It is a crisis of access, not only of insurance. But I think we are well on our way to a good start.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Mr. President, how much time is remaining on the side of the Democrats?

The PRESIDING OFFICER. There is 20 minutes.

Mr. REID. Mr. President, I yield 5 minutes to the Senator from Oregon, Mr. WYDEN, and 15 minutes to Senator STABENOW.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

HEALTH CARE

Mr. WYDEN. Mr. President, I have always believed health care policy needs to be bipartisan, and needs to be ideas driven. So as we talk about health care, I come to the floor to mention an idea our colleague Senator KERRY has talked about which I think is especially promising for small business.

The reality is, a very high percentage of the uninsured work in small businesses. These small businesses are dying to cover their people. The owners of those small businesses do not get up in the morning and say: We want to be rotten to our workers in not giving coverage. They are dying to figure out ways to help their small businesses.

Senator KERRY has come up with an idea that I think is really innovative. He has said, given the fact resources are scarce, that dollars for trying to address the uninsured, the needs of our small businesses, are restricted, we ought to target those dollars where they are needed the most. He has proposed the Federal Government, with respect to small business, concentrate on instances where there are very large bills, bills above $50,000. He would have the Federal Government step in and pick up about 75 percent of those costs. The premiums that would be charged employers and their workers could be trimmed about 10 percent in this fashion.

We know it has been documented that those who are particularly in need of assistance when they face these very high bills are a very large proportion of the health care costs in America. These health care costs are particularly punitive for the small businesses. Small businesses are always walking on economic tightropes. If one employee at a small business gets sick, this can devastate the entire budget of the company for not just health care coverage but the entire coverage of the business.

I am very pleased Senator KERRY has brought forward this idea. I think it is one that can be supported in a bipartisan way. The Congress, over the years, has tried to look at ways to strengthen the employer-based system of coverage. I think we all understand if you are talking about starting scores of new programs, that would be very difficult at this time. I also do not think it is warranted at a time when we are spending $1.7 trillion on health care. If you divide that up by 270 million Americans, it comes to more than $17,000 for a family of 4. So we are spending a lot of money.

The challenge now is to really zero in on areas where the Government can be best utilized. I think Senator KERRY's proposal with respect to trying to deal with the costs of individuals who work at small businesses with very high bills is particularly appropriate at this time. It is something I think could be built in a bipartisan way.

I will have more to say about this and other proposals in the days ahead. But as we come to the floor and talk—Democrats and Republicans—about health care, I think we ought to make our policies bipartisan. We ought to make them ideas driven. The kind of idea that has been outlined by Senator KERRY with respect to the needs of individuals who work at small businesses with very large bills is the kind of thinking that would make a difference now. It is cost effective. I think it warrants support on a bipartisan basis.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WYDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I rise to lament the fact that we have made no progress in reducing the uninsured since 2001. This is an issue we all need to be working together on because it affects everyone we represent, every family, every business. In fact, nearly 4 million more people are uninsured today than the day this administration took office.

We need to light a fire. We need to have a sense of urgency about getting this done for people. We can do much better than we are doing. We live in the United States of America. We are the greatest, the richest country on the face of the Earth. When we have the will, we can make great things happen. That is what we need to do here.

We enacted Social Security in 1935. This program now serves as our universal retirement, life insurance, and disability insurance system for millions of people. A generation later we passed Medicare, our Nation's universal health plan for seniors and the disabled. Even though I am very concerned about the recent law that we passed and whether it is a step backward—and I believe it is—the fact is, we put in place in 1965 a policy based on a set of values that said, if you are 65 or older, if you are disabled, you are going to receive health care.

Interestingly, at that time, if we go back and read the record, this was viewed as a compromise, a first step. Originally in 1960, what was being debated was health care for everyone. Then when there was not the support to pass that, the compromise was to start with older Americans and with the disabled, to provide health care first to them and then to open it up to all of our citizens. Yet today we are not seeing that happening. It is now time to go the last mile. We need to make sure all Americans have the same access to health insurance that we do in the Senate.

As most colleagues know, approximately 80 percent of the people who don't have health insurance are working—one job, two jobs, three jobs, working very hard to care for their families. They have jobs. They go to work. They play by the rules. Unfortunately, health insurance is so expensive, they can't afford it or the business they work for can't afford it. We need to value the hard work these people are doing. We need to recognize and ensure that if they work for a living, they have the health insurance they need for themselves and their families.

Regrettably, this administration has been basically silent on the uninsured. When members of the administration do speak, they are negative and pessimistic about providing access to affordable health care for all Americans. For example, in January of this year, the National Academy of Sciences said that the President and Congress should work to achieve health insurance coverage for all Americans by 2010. That is a worthy goal, although I would argue too far into the future.

What was the response? The administration's top health official, Health and Human Services Secretary Tommy Thompson said universal health coverage is "not realistic . . . I don't think, administratively or legislatively, it's feasible."

Then 2 months later Secretary Thompson went on to minimize the Nation's uninsured problem by saying:

> Even if you don't have health insurance in America, you get taken care of. That could be defined as universal health care.

In other words, just go to the emergency room to get your health care coverage.

In fact, too many people are doing that now. Sometimes you can just get taken care of, but by the time an uninsured patient reaches the emergency room, it is often too late to provide lifesaving health care. Many of the uninsured forgo less costly preventative care and early treatments, getting sicker as what money they have goes for the rent, the car, the kids, and food.

Hospitals in Michigan indicate they have provided over $1 billion in health care for the uninsured, uncompensated care this last year. Think what we could do if we could capture that $1 billion and put it into a system that worked on the front end, that kept people healthy, that provided preventive care, that made sure they could see the doctor in his office or her office rather than having to wait for the emergency room.

We can do better than this in the greatest country in the world. I do not think we should throw in the towel. We should not say we can't do it, it is not feasible. It is time to create the will. The fact is, we can do it, if we pick the right priorities. We can do the same thing we did when we passed Social Security and Medicare—two great American success stories that have provided economic security for people as they grow older and retire and health care for older Americans and the disabled. In my book, that was all about values, about what is important. This certainly is equally important. We should be optimistic. We should join all other modern countries and make sure all Americans have access to affordable health insurance.

One of the reasons more and more families can't get health care is because the costs are spiraling out of control. In fact, from 2000 to 2003, the average annual cost of premiums doubled, making health insurance out of reach for more and more middle-income families and small businesses. In 3 years, the costs have doubled. Medical problems, in fact, were a factor in nearly half of all nonbusiness bankruptcy filings. Overall, health care costs have gone up nearly 14 percent last year. Meanwhile, workers' earnings increased by only 3 percent. You can see the hole people find themselves in.

This is the fifth year in a row premiums outpaced earnings. We all know that one of the reasons health care costs have escalated so fast is the spiraling price of prescription drugs. I have talked frequently about this. I speak about it and focus on it because it is such a driver for the costs of health care and health insurance.

What has Congress done to fix this problem? Unfortunately, absolutely nothing. In fact, the new Medicare law failed to do anything to lower prescription drug prices. At the same time approximately 3 million retirees will actually lose their prescription drug coverage under this new law. This bill actually takes us backward instead of forward.

The only major health care coverage initiative this administration has proposed is actually for the Iraqi people. Our country has made a commitment to moving forward with universal health coverage for all Iraqi citizens. We have provided $950 million to build hospitals and clinics in Iraq.

Please do not misunderstand what I am saying. I certainly want to be supportive of efforts to provide health care in Iraq.

What about us? What about Americans? I also want to help American families who are working hard every day, playing by the rules in this great country, and struggling to pay their bills and care for their families. I think we can help both the people of Iraq and Americans at the same time. It is our moral obligation, I believe, to make sure we are helping American families as well as others.

Mr. President, working families deserve access to affordable care for themselves and for their families. It is going to take leadership to accomplish this. The administration has had almost 4 years to take action, and it has not.

I believe it is time for bold change. I believe that when we are looking at the price of prescription drugs, we need to take out that provision in the new Medicare law that says Medicare cannot negotiate for group discounts. That is pretty basic. We know that one of the main ways you are able to lower prescription drug prices, or the price of any product, is to be able to get a group discount. Everybody knows that. Yet, in this new Medicare law, Medicare is specifically prohibited from doing that. Who benefits from that? Certainly not the taxpayers, certainly not American seniors or the disabled, and American families certainly don't benefit from that. The prescription drug industry benefits from that. What we have seen under the new Medicare law, rather than providing lower prices for people, we have 40 million seniors who are being locked into paying top dollar, and that makes absolutely no sense.

We can do something about that. We can make changes in the Medicare law so it works for people. We can also lower prices immediately by simply allowing the local pharmacists at the local drugstores in America to be able to do business with pharmacists in Canada or other countries, where they can provide FDA-approved drugs and processes and bring the prescription drugs—actually made in America—back to America so we can get the same deal everybody else gets around the world.

We have a wonderful, bipartisan bill that has been put together. I am hopeful that we will bring it to the Senate floor as soon as possible and that we are able to pass what is called reimportation of prescription drugs and lower prices. I am very hopeful and I am proud to be a cosponsor of Senator DASCHLE's effort and vision to say that, by 2006, we are going to make a commitment that every American has access at least to the same level of health care that we receive. This is one of the few instances where employees—elected officials—have better health care and benefits than the employers. It is time to turn that around. It is time to make a commitment.

Medicare, after it was passed, was put together in 1 year. We have great American ingenuity. If we are bold and have a vision and have a right priority, we can make sure that a year from now we are talking about the implementation of health insurance for everyone that is affordable and available to every single American.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. All time has been yielded. Morning business is closed.

INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 1248, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1248) to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Individuals with Disabilities Education Improvement Act of 2003".

[TITLE I—AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

[SEC. 101. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

[Parts A through D of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) are amended to read as follows:

["PART A—GENERAL PROVISIONS

["SEC. 601. SHORT TITLE; TABLE OF CONTENTS; FINDINGS; PURPOSES.

["(a) SHORT TITLE.—This Act may be cited as the 'Individuals with Disabilities Education Act'.

["(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

["PART A—GENERAL PROVISIONS

["Sec. 601. Short title; table of contents; findings; purposes.
["Sec. 602. Definitions.
["Sec. 603. Office of Special Education Programs.
["Sec. 604. Abrogation of State sovereign immunity.
["Sec. 605. Acquisition of equipment; construction or alteration of facilities.
["Sec. 606. Employment of individuals with disabilities.
["Sec. 607. Requirements for prescribing regulations.
["Sec. 608. State administration.
["Sec. 609. Report to Congress

["PART B—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES

["Sec. 611. Authorization; allotment; use of funds; authorization of appropriations.
["Sec. 612. State eligibility.
["Sec. 613. Local educational agency eligibility.
["Sec. 614. Evaluations, eligibility determinations, individualized education programs, and educational placements.
["Sec. 615. Procedural safeguards.
["Sec. 616. Monitoring, technical assistance, and enforcement.
["Sec. 617. Administration.
["Sec. 618. Program information.
["Sec. 619. Preschool grants.

["PART C—INFANTS AND TODDLERS WITH DISABILITIES

["Sec. 631. Findings and policy.
["Sec. 632. Definitions.
["Sec. 633. General authority.
["Sec. 634. Eligibility.
["Sec. 635. Requirements for statewide system.

[“Sec. 636. Individualized family service plan.
[“Sec. 637. State application and assurances.
[“Sec. 638. Uses of funds.
[“Sec. 639. Procedural safeguards.
[“Sec. 640. Payor of last resort.
[“Sec. 641. State Interagency Coordinating Council.
[“Sec. 642. Federal administration.
[“Sec. 643. Allocation of funds.
[“Sec. 644. Authorization of appropriations.

[“PART D—NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES

[“Sec. 650. Findings and purpose.

[“SUBPART 1—STATE PERSONNEL PREPARATION AND PROFESSIONAL DEVELOPMENT GRANTS

[“Sec. 651. Purpose; definition; program authority.
[“Sec. 652. Eligibility and collaborative process.
[“Sec. 653. Applications.
[“Sec. 654. Use of funds.
[“Sec. 655. Authorization of appropriations.

[“SUBPART 2—SCIENTIFICALLY BASED RESEARCH, TECHNICAL ASSISTANCE, MODEL DEMONSTRATION PROJECTS, AND DISSEMINATION OF INFORMATION

[“Sec. 660. Purpose.
[“Sec. 661. Administrative provisions.
[“Sec. 662. Research to improve results for children with disabilities.
[“Sec. 663. Technical assistance, demonstration projects, dissemination of information, and implementation of scientifically based research.
[“Sec. 664. Personnel development to improve services and results for children with disabilities.
[“Sec. 665. Studies and evaluations.

[“SUBPART 3—SUPPORTS TO IMPROVE RESULTS FOR CHILDREN WITH DISABILITIES

[“Sec. 670. Purposes.
[“Sec. 671. Parent training and information centers.
[“Sec. 672. Community parent resource centers.
[“Sec. 673. Technical assistance for parent training and information centers.
[“Sec. 674. Technology development, demonstration, and utilization; and media services.
[“Sec. 675. Authorization of appropriations.

[“SUBPART 4—INTERIM ALTERNATIVE EDUCATIONAL SETTINGS, BEHAVIORAL SUPPORTS, AND WHOLE SCHOOL INTERVENTIONS

[“Sec. 681. Purpose.
[“Sec. 682. Definition of eligible entity.
[“Sec. 683. Program authorized.
[“Sec. 684. Program evaluations.
[“Sec. 685. Authorization of appropriations.

[“(c) FINDINGS.—Congress finds the following:

[“(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.

[“(2) Before the date of the enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94-142), the educational needs of millions of children with disabilities were not being fully met because—

[“(A) the children did not receive appropriate educational services;

[“(B) the children were excluded entirely from the public school system and from being educated with their peers;

[“(C) undiagnosed disabilities prevented the children from having a successful educational experience; or

[“(D) a lack of adequate resources within the public school system forced families to find services outside the public school system.

[“(3) Since the enactment and implementation of the Education for All Handicapped Children Act of 1975, this Act has been successful in ensuring children with disabilities and the families of such children access to a free appropriate public education and in improving educational results for children with disabilities.

[“(4) However, the implementation of this Act has been impeded by low expectations, and an insufficient focus on applying replicable research on proven methods of teaching and learning for children with disabilities.

[“(5) Over 25 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by—

[“(A) having high expectations for such children and ensuring their access to the general education curriculum in the regular classroom to the maximum extent possible in order to—

[“(i) meet developmental goals and, to the maximum extent possible, the challenging expectations that have been established for all children; and

[“(ii) be prepared to lead productive and independent adult lives, to the maximum extent possible;

[“(B) strengthening the role and responsibility of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children at school and at home;

[“(C) coordinating this Act with other local, educational service agency, State, and Federal school improvement efforts, including improvement efforts under the Elementary and Secondary Education Act of 2001, in order to ensure that such children benefit from such efforts and that special education can become a service for such children rather than a place where they are sent;

[“(D) providing appropriate special education and related services, and aids and supports in the regular classroom, to such children, whenever appropriate;

[“(E) supporting high-quality, intensive preservice preparation professional development for all personnel who work with children with disabilities in order to ensure that such personnel have the skills and knowledge necessary to improve the academic achievement and functional performance of children with disabilities, including the use of scientifically based instructional practices, to the maximum extent possible;

[“(F) providing incentives for whole-school approaches, scientifically based early reading programs, positive behavioral interventions and supports, and prereferral intervention to reduce the need to label children as disabled in order to address their learning and behavioral needs;

[“(G) focusing resources on teaching and learning while reducing paperwork and requirements that do not assist in improving educational results; and

[“(H) supporting the development and use of technology, including assistive technology devices and assistive technology services, to maximize accessibility for children with disabilities.

[“(6) While States, local educational agencies, and educational service agencies are primarily responsible for providing an education for all children with disabilities, it is in the national interest that the Federal Government have a supporting role in assisting State and local efforts to educate children with disabilities in order to improve results for such children and to ensure equal protection of the law.

[“(7) A more equitable allocation of resources is essential for the Federal Government to meet its responsibility to provide an equal educational opportunity for all individuals.

[“(8)(A) The Federal Government must be responsive to the growing needs of an increasingly more diverse society.

[“(B) America's ethnic profile is rapidly changing. In the year 2000, 1 of every 3 persons in the United States was a member of a minority group or was limited English proficient.

[“(C) Minority children comprise an increasing percentage of public school students.

[“(D) With such changing demographics, recruitment efforts for special education personnel should focus on increasing the participation of minorities in the teaching profession.

[“(9)(A) The limited English proficient population is the fastest growing in our Nation, and the growth is occurring in many parts of our Nation.

[“(B) Studies have documented apparent discrepancies in the levels of referral and placement of limited English proficient children in special education.

[“(C) This poses a special challenge for special education in the referral of, assessment of, and services for, our Nation's students from non-English language backgrounds.

[“(10)(A) Greater efforts are needed to prevent the intensification of problems connected with mislabeling and high dropout rates among minority children with disabilities.

[“(B) More minority children continue to be served in special education than would be expected from the percentage of minority students in the general school population.

[“(C) African-American children are over identified as having mental retardation and emotional disturbance at rates greater than their white counterparts.

[“(D) In the 1998–1999 school year, African-American children represented just 14.8 percent of the population aged 6 through 21, but comprised 20.2 percent of all children with disabilities.

[“(E) Studies have found that schools with predominately Caucasian students and teachers have placed disproportionately high numbers of their minority students into special education.

[“(11)(A) As the number of minority students in special education increases, the number of minority teachers and related services personnel produced in colleges and universities continues to decrease.

[“(B) The opportunity for minority individuals, organizations, and Historically Black Colleges and Universities to participate fully in awards for grants and contracts, boards of organizations receiving funds under this Act, and peer review panels, and in the training of professionals in the area of special education is essential if we are to obtain greater success in the education of minority children with disabilities.

[“(d) PURPOSES.—The purposes of this title are—

[“(1)(A) to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment, further education, and independent living;

[“(B) to ensure that the rights of children with disabilities and parents of such children are protected; and

[“(C) to assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities;

[“(2) to assist States in the implementation of a Statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families;

[“(3) to ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting systemic-change activities; coordinated research and personnel preparation; coordinated technical assistance, dissemination, and support; and technology development and media services; and

[“(4) to assess, and ensure the effectiveness of, efforts to educate children with disabilities.

[“SEC. 602. DEFINITIONS.

[“Except as otherwise provided, as used in this Act:

[“(1) ASSISTIVE TECHNOLOGY DEVICE.—The term ‘assistive technology device’ means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability.

[“(2) ASSISTIVE TECHNOLOGY SERVICE.—The term ‘assistive technology service’ means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

[“(A) the evaluation of the needs of such child, including a functional evaluation of the child in the child’s customary environment;

[“(B) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by such child;

[“(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;

[“(D) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

[“(E) training or technical assistance for such child, or, where appropriate, the family of such child; and

[“(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of such child.

[“(3) CHILD WITH A DISABILITY.—

[“(A) IN GENERAL.—The term ‘child with a disability’ means a child—

[“(i) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (hereinafter referred to as ‘emotional disturbance’), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and

[“(ii) who, by reason thereof, needs special education and related services.

[“(B) CHILD AGED 3 THROUGH 9.—The term ‘child with a disability’ for a child aged 3 through 9 (or any subset of that age range, including ages 3 through 5), may, at the discretion of the State and the local educational agency, include a child—

[“(i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in 1 or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and

[“(ii) who, by reason thereof, needs special education and related services.

[“(4) CORE ACADEMIC SUBJECT.—The term ‘core academic subject’ has the meaning given the term in section 9101(11) of the Elementary and Secondary Education Act of 1965.

[“(5) EDUCATIONAL SERVICE AGENCY.—The term ‘educational service agency’—

[“(A) means a regional public multiservice agency—

[“(i) authorized by State law to develop, manage, and provide services or programs to local educational agencies; and

[“(ii) recognized as an administrative agency for purposes of the provision of special education and related services provided within public elementary schools and secondary schools of the State; and

[“(B) includes any other public institution or agency having administrative control and direction over a public elementary school or secondary school.

[“(6) ELEMENTARY SCHOOL.—The term ‘elementary school’ means a nonprofit institutional day or residential school that provides elementary education, as determined under State law.

[“(7) EQUIPMENT.—The term ‘equipment’ includes—

[“(A) machinery, utilities, and built-in equipment, and any necessary enclosures or structures to house such machinery, utilities, or equipment; and

[“(B) all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture; printed, published, and audio-visual instructional materials; telecommunications, sensory, and other technological aids and devices; and books, periodicals, documents, and other related materials.

[“(8) EXCESS COSTS.—The term ‘excess costs’ means those costs that are in excess of the average annual per-student expenditure in a local educational agency during the preceding school year for an elementary school or secondary school student, as may be appropriate, and which shall be computed after deducting—

[“(A) amounts received—

[“(i) under part B of this title;

[“(ii) under part A of title I of the Elementary and Secondary Education Act of 1965; and

[“(iii) under parts A and B of title III of that Act; and

[“(B) any State or local funds expended for programs that would qualify for assistance under any of those parts.

[“(9) FREE APPROPRIATE PUBLIC EDUCATION.—The term ‘free appropriate public education’ means special education and related services that—

[“(A) have been provided at public expense, under public supervision and direction, and without charge;

[“(B) meet the standards of the State educational agency;

[“(C) include an appropriate preschool, elementary school, or secondary school education in the State involved; and

[“(D) are provided in conformity with the individualized education program required under section 614(d).

[“(10) HIGHLY QUALIFIED; CONSULTATIVE SERVICES.—

[“(A) HIGHLY QUALIFIED.—The term ‘highly qualified’, when used with respect to any special education teacher teaching in a State, means a teacher who—

[“(i)(I) meets the definition of that term in section 9101(23) of the Elementary and Secondary Education Act of 1965, including full State certification as a special education teacher through a State approved special education teacher preparation program (including certification obtained through State or local educational agency approved alternative routes); or

[“(II) has passed a State special education licensing examination and holds a license to teach special education in such State,

except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State’s statute on public charter schools; and

[“(ii) does not have certification or licensure requirements waived on an emergency, temporary, or provisional basis;

[“(iii) if the teacher provides only consultative services to a regular education teacher with respect to a core academic subject, the special education teacher shall meet the standards for subject knowledge and teaching skills described in section 9101(23) of the Elementary and Secondary Education Act of 1965 that apply to elementary school teachers; and

[“(iv) if the teacher provides instruction in a core academic subject to middle or secondary students who are performing at the elementary level, the teacher shall meet the standards for subject knowledge and teaching skills described in section 9101(23) of the Elementary and Secondary Education Act of 1965 that apply to elementary school teachers.

[“(B) CONSULTATIVE SERVICES.—As used in subparagraph (A)(iii), the term ‘consultative services’ means—

[“(i) consultation on adapting curricula, using positive behavioral supports and interventions, and selecting appropriate accommodations, and does not include direct instruction of students; or

[“(ii) teaching in collaboration with a regular education teacher or teachers who is or are highly qualified in the core academic subjects being taught.

[“(11) INDIAN.—The term ‘Indian’ means an individual who is a member of an Indian tribe.

[“(12) INDIAN TRIBE.—The term ‘Indian tribe’ means any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaska Native village or regional village corporation (as defined in or established under the Alaska Native Claims Settlement Act).

[“(13) INDIVIDUALIZED EDUCATION PROGRAM.—The term ‘individualized education program’ or ‘IEP’ means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with section 614(d).

[“(14) INDIVIDUALIZED FAMILY SERVICE PLAN.—The term ‘individualized family service plan’ has the meaning given such term in section 636.

[“(15) INFANT OR TODDLER WITH A DISABILITY.—The term ‘infant or toddler with a disability’ has the meaning given such term in section 632.

[“(16) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’—

[“(A) has the meaning given such term in section 101 (a) and (b) of the Higher Education Act of 1965; and

[“(B) also includes any community college receiving funding from the Secretary of the Interior under the Tribally Controlled College or University Assistance Act of 1978.

[“(17) LOCAL EDUCATIONAL AGENCY.—

[“(A) The term ‘local educational agency’ means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools or secondary schools.

[“(B) The term includes—

[“(i) an educational service agency, as defined in paragraph (4); and

[“(ii) any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

[“(C) The term includes an elementary school or secondary school funded by the Bureau of Indian Affairs, but only to the extent that such inclusion makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

[“(18) NATIVE LANGUAGE.—The term ‘native language’, when used with respect to an individual of limited English proficiency, means the language normally used by the individual, or in the case of a child, the language normally used by the parents of the child.

[“(19) NONPROFIT.—The term ‘nonprofit’, as applied to a school, agency, organization, or institution, means a school, agency, organization, or institution owned and operated by 1 or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

[“(20) OUTLYING AREA.—The term ‘outlying area’ means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

[“(21) PARENT.—The term ‘parent’—

[“(A) includes a legal guardian; and

[“(B) except as used in sections 615(b)(2) and 639(a)(5), includes an individual assigned under either of those sections to be a surrogate parent.

[“(22) PARENT ORGANIZATION.—The term ‘parent organization’ has the meaning given such term in section 671(g).

[“(23) PARENT TRAINING AND INFORMATION CENTER.—The term ‘parent training and information center’ means a center assisted under section 671 or 672.

[“(24) RELATED SERVICES.—The term ‘related services’ means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school health services, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

[“(25) SECONDARY SCHOOL.—The term ‘secondary school’ means a nonprofit institutional day or residential school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12.

[“(26) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.

[“(27) SPECIAL EDUCATION.—The term ‘special education’ means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including—

[“(A) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

[“(B) instruction in physical education.

[“(28) SPECIFIC LEARNING DISABILITY.—

[“(A) IN GENERAL.—The term ‘specific learning disability’ means a disorder in 1 or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

[“(B) DISORDERS INCLUDED.—Such term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

[“(C) DISORDERS NOT INCLUDED.—Such term does not include a learning problem that is primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

[“(29) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

[“(30) STATE EDUCATIONAL AGENCY.—The term ‘State educational agency’ means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary schools and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

[“(31) SUPPLEMENTARY AIDS AND SERVICES.—The term ‘supplementary aids and services’ means aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with section 612(a)(5).

[“(32) TRANSITION SERVICES.—The term ‘transition services’ means a coordinated set of activities for a child with a disability (as defined in paragraph (3)(A)) that—

[“(A) is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child’s movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

[“(B) is based on the individual child’s needs, taking into account the child’s capacity, preferences, and interests; and

[“(C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

[“SEC. 603. OFFICE OF SPECIAL EDUCATION PROGRAMS.

[“(a) ESTABLISHMENT.—There shall be, within the Office of Special Education and Rehabilitative Services in the Department of Education, an Office of Special Education Programs, which shall be the principal agency in such Department for administering and carrying out this Act and other programs and activities concerning the education of children with disabilities.

[“(b) DIRECTOR.—The Office established under subsection (a) shall be headed by a Director who shall be selected by the Secretary and shall report directly to the Assistant Secretary for Special Education and Rehabilitative Services.

[“(c) VOLUNTARY AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary is authorized to accept voluntary and uncompensated services in furtherance of the purposes of this Act.

[“SEC. 604. ABROGATION OF STATE SOVEREIGN IMMUNITY.

[“(a) IN GENERAL.—A State shall not be immune under the 11th amendment to the Constitution of the United States from suit in Federal court for a violation of this Act.

[“(b) REMEDIES.—In a suit against a State for a violation of this Act, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as those remedies are available for such a violation in the suit against any public entity other than a State.

[“(c) EFFECTIVE DATE.—Subsections (a) and (b) apply with respect to violations that occur in whole or part after the date of enactment of the Education of the Handicapped Act Amendments of 1990.

[“SEC. 605. ACQUISITION OF EQUIPMENT; CONSTRUCTION OR ALTERATION OF FACILITIES.

[“(a) IN GENERAL.—If the Secretary determines that a program authorized under this Act will be improved by permitting program funds to be used to acquire appropriate equipment, or to construct new facilities or alter existing facilities, the Secretary is authorized to allow the use of those funds for those purposes.

[“(b) COMPLIANCE WITH CERTAIN REGULATIONS.—Any construction of new facilities or alteration of existing facilities under subsection (a) shall comply with the requirements of—

[“(1) appendix A of part 36 of title 28, Code of Federal Regulations (commonly known as the ‘Americans with Disabilities Accessibility Guidelines for Buildings and Facilities’); or

[“(2) appendix A of subpart 101–19.6 of title 41, Code of Federal Regulations (commonly known as the ‘Uniform Federal Accessibility Standards’).

[“SEC. 606. EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.

[“The Secretary shall ensure that each recipient of assistance under this Act makes positive efforts to employ and advance in employment qualified individuals with disabilities in programs assisted under this Act.

[“SEC. 607. REQUIREMENTS FOR PRESCRIBING REGULATIONS.

[“(a) In General.—The Secretary may issue such regulations as are necessary to ensure that there is compliance with this Act.

[“(b) Protections Provided to Children.—The Secretary may not implement, or publish in final form, any regulation prescribed pursuant to this Act that—

[“(1) violates or contradicts any provision of this Act; and

[“(2) procedurally or substantively lessens the protections provided to children with disabilities under this Act, as embodied in regulations in effect on July 20, 1983 (particularly as such protections related to parental consent to initial evaluation or initial placement in special education, least restrictive environment, related services, timelines, attendance of evaluation personnel at individualized education program meetings, or qualifications of personnel), except to the extent that such regulation reflects the clear and unequivocal intent of the Congress in legislation.

[“(c) Public Comment Period.—The Secretary shall provide a public comment period of not less than 60 days on any regulation proposed under part B or part C of this Act on which an opportunity for public comment is otherwise required by law.

[“(d) Policy Letters and Statements.—The Secretary may not issue policy letters or other statements (including letters or statements regarding issues of national significance) that—

[“(1) violate or contradict any provision of this Act; or

[“(2) establish a rule that is required for compliance with, and eligibility under, this Act without following the requirements of section 553 of title 5, United States Code.

[“(e) Explanation and Assurances.—Any written response by the Secretary under subsection (d) regarding a policy, question, or interpretation under part B of this Act shall include an explanation in the written response that—

[“(1) such response is provided as informal guidance and is not legally binding;

[“(2) when required, such response is issued in compliance with the requirements of section 553 of title 5, United States Code; and

[“(3) such response represents the interpretation by the Department of Education of the applicable statutory or regulatory requirements in the context of the specific facts presented.

[“(f) Correspondence From Department of Education Describing Interpretations of This Act.—

[“(1) In general.—The Secretary shall, on a quarterly basis, publish in the Federal Register, and widely disseminate to interested entities through various additional forms of communication, a list of correspondence from the Department of Education received by individuals during the previous quarter that describes the interpretations of the Department of Education of this Act or the regulations implemented pursuant to this Act.

[“(2) Additional information.—For each item of correspondence published in a list under paragraph (1), the Secretary shall—

[“(A) identify the topic addressed by the correspondence and shall include such other summary information as the Secretary determines to be appropriate; and

[“(B) ensure that all such correspondence is issued, where applicable, in compliance with the requirements of section 553 of title 5, United States Code.

[“SEC. 608. STATE ADMINISTRATION.

[“(a) Rulemaking.—Each State that receives funds under this Act shall—

[“(1) ensure that any State rules, regulations, and policies relating to this Act conform to the purposes of this Act; and

[“(2) identify in writing to its local educational agencies and the Secretary any such rule, regulation, or policy as a State-imposed requirement that is not required by this Act and Federal regulations.

[“(b) Support and Facilitation.—State rules, regulations, and policies under this Act shall support and facilitate local educational agency and school-level systemic reform designed to enable children with disabilities to meet the challenging State student academic achievement standards.

“SEC. 609. REPORT TO CONGRESS.

[“The Comptroller General shall conduct a review of Federal, State, and local requirements to determine which requirements result in excessive paperwork completion burdens for teachers, related services providers, and school administrators, and shall report to Congress not later than 18 months after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003 regarding such review along with strategic proposals for reducing the paperwork burdens on teachers.

[“PART B—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES

[“SEC. 611. AUTHORIZATION; ALLOTMENT; USE OF FUNDS; AUTHORIZATION OF APPROPRIATIONS.

[“(a) Grants to States.—

[“(1) Purpose of grants.—The Secretary shall make grants to States and the outlying areas, and provide funds to the Secretary of the Interior, to assist them to provide special education and related services to children with disabilities in accordance with this part.

[“(2) Maximum amount.—The maximum amount available for awarding grants under this part for any fiscal year is—

[“(A) the total number of children with disabilities in the 2002–2003 school year in the States who received special education and related services and who were—

[“(i) aged 3 through 5, if the State was eligible for a grant under section 619; and

[“(ii) aged 6 through 21; multiplied by

[“(B) 40 percent of the average per-pupil expenditure in public elementary schools and secondary schools in the United States; adjusted by

[“(C) the rate of change in the sum of—

[“(i) 85 percent of the change in the nationwide total of the population described in (d)(3)(A)(i)(II); and

[“(ii) 15 percent of the change in the nationwide total of the population described in (d)(3)(A)(i)(III).

[“(b) Outlying Areas and Freely Associated States.—

[“(1) Funds reserved.—From the amount appropriated for any fiscal year under subsection (i), the Secretary shall reserve not more than 1 percent, which shall be used—

[“(A) to provide assistance to the outlying areas in accordance with their respective populations of individuals aged 3 through 21; and

[“(B) to provide each of the freely associated States grants that do not exceed the level each such freely associated State received for fiscal year 2003 under this part, but only if the freely associated State meets the requirements of section 611(b)(2)(C) as such section was in effect on the day before the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003.

[“(2) Special rule.—The provisions of Public Law 95–134, permitting the consolidation of grants by the outlying areas, shall not apply to funds provided to the outlying areas or the freely associated States under this section.

[“(3) Definition.—As used in this subsection, the term ‘freely associated States’ means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

[“(c) Secretary of the Interior.—From the amount appropriated for any fiscal year under subsection (i), the Secretary shall reserve 1.226 percent to provide assistance to the Secretary of the Interior in accordance with subsection (i).

[“(d) Allocations to States.—

[“(1) In general.—After reserving funds for studies and evaluations under section 665, and for payments to the outlying areas, the freely associated States, and the Secretary of the Interior under subsections (b) and (c) for a fiscal year, the Secretary shall allocate the remaining amount among the States in accordance with this subsection.

[“(2) Special rule for use of fiscal year 1999 amount.—If a State received any funds under this section for fiscal year 1999 on the basis of children aged 3 through 5, but does not make a free appropriate public education available to all children with disabilities aged 3 through 5 in the State in any subsequent fiscal year, the Secretary shall compute the State's amount for fiscal year 1999, solely for the purpose of calculating the State's allocation in that subsequent year under paragraph (3) or (4), by subtracting the amount allocated to the State for fiscal year 1999 on the basis of those children.

[“(3) Increase in funds.—If the amount available for allocations to States under paragraph (1) for a fiscal year is equal to or greater than the amount allocated to the States under this paragraph for the preceding fiscal year, those allocations shall be calculated as follows:

[“(A) Allocation of increase.—

[“(i) In general.—Except as provided in subparagraph (B), the Secretary shall allocate for the fiscal year—

[“(I) to each State the amount the State received under this section for fiscal year 1999;

[“(II) 85 percent of any remaining funds to States on the basis of the States' relative populations of children aged 3 through 21 who are of the same age as children with disabilities for whom the State ensures the availability of a free appropriate public education under this part; and

[“(III) 15 percent of those remaining funds to States on the basis of the States' relative populations of children described in subclause (II) who are living in poverty.

[“(ii) Data.—For the purpose of making grants under this paragraph, the Secretary shall use the most recent population data, including data on children living in poverty, that are available and satisfactory to the Secretary.

[“(B) Limitations.—Notwithstanding subparagraph (A), allocations under this paragraph shall be subject to the following:

[“(i) Preceding year allocation.—No State's allocation shall be less than its allocation under this section for the preceding fiscal year.

[“(ii) MINIMUM.—No State's allocation shall be less than the greatest of—

[“(I) the sum of—

[“(aa) the amount the State received under this section for fiscal year 1999; and

[“(bb) ⅓ of 1 percent of the amount by which the amount appropriated under subsection (i) for the fiscal year exceeds the amount appropriated for this section for fiscal year 1999;

[“(II) the sum of—

[“(aa) the amount the State received under this section for the preceding fiscal year; and

[“(bb) that amount multiplied by the percentage by which the increase in the funds appropriated for this section from the preceding fiscal year exceeds 1.5 percent; or

[“(III) the sum of—

[“(aa) the amount the State received under this section for the preceding fiscal year; and

[“(bb) that amount multiplied by 90 percent of the percentage increase in the amount appropriated for this section from the preceding fiscal year.

[“(iii) MAXIMUM.—Notwithstanding clause (ii), no State's allocation under this paragraph shall exceed the sum of—

[“(I) the amount the State received under this section for the preceding fiscal year; and

[“(II) that amount multiplied by the sum of 1.5 percent and the percentage increase in the amount appropriated under this section from the preceding fiscal year.

[“(C) RATABLE REDUCTION.—If the amount available for allocations under this paragraph is insufficient to pay those allocations in full, those allocations shall be ratably reduced, subject to subparagraph (B)(i).

[“(4) DECREASE IN FUNDS.—If the amount available for allocations to States under paragraph (1) for a fiscal year is less than the amount allocated to the States under this section for the preceding fiscal year, those allocations shall be calculated as follows:

[“(A) AMOUNTS GREATER THAN FISCAL YEAR 1999 ALLOCATIONS.—If the amount available for allocations is greater than the amount allocated to the States for fiscal year 1999, each State shall be allocated the sum of—

[“(i) the amount the State received under this section for fiscal year 1999; and

[“(ii) an amount that bears the same relation to any remaining funds as the increase the State received under this section for the preceding fiscal year over fiscal year 1999 bears to the total of all such increases for all States.

[“(B) AMOUNTS EQUAL TO OR LESS THAN FISCAL YEAR 1999 ALLOCATIONS.—

[“(i) IN GENERAL.—If the amount available for allocations under this paragraph is equal to or less than the amount allocated to the States for fiscal year 1999, each State shall be allocated the amount the State received for fiscal year 1999.

[“(ii) RATABLE REDUCTION.—If the amount available for allocations under this paragraph is insufficient to make the allocations described in clause (i), those allocations shall be ratably reduced.

[“(e) STATE-LEVEL ACTIVITIES.—

[“(1) STATE ADMINISTRATION.—

[“(A) IN GENERAL.—For the purpose of administering this part, including paragraph (3), section 619, and the coordination of activities under this part with, and providing technical assistance to, other programs that provide services to children with disabilities—

[“(i) each State may reserve not more than the maximum amount the State was eligible to reserve for State administration for fiscal year 2003 or $800,000 (adjusted by the cumulative rate of inflation since fiscal year 2003 as measured by the percentage increase, if any, in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor), whichever is greater; and

[“(ii) each outlying area may reserve not more than 5 percent of the amount the outlying area receives under subsection (b) for any fiscal year or $35,000, whichever is greater.

[“(B) PART C.—Funds reserved under subparagraph (A) may be used for the administration of part C, if the State educational agency is the lead agency for the State under that part.

[“(C) CERTIFICATION.—Prior to expenditure of funds under this paragraph, the State shall certify to the Secretary that the arrangements to establish responsibility for services pursuant to section 612(a)(12)(A) are current.

[“(2) OTHER STATE-LEVEL ACTIVITIES.—

[“(A) IN GENERAL.—For the purpose of providing State-level activities, each State may reserve for each of the fiscal years 2004 and 2005, not more than 10 percent of the amount that remains after subtracting the amount reserved under paragraph (1) from the amount of the State's allocation under subsection (d) for fiscal years 2004 and 2005, respectively. For fiscal years 2006, 2007, 2008, and 2009, the State may reserve the maximum amount the State was eligible to reserve under the preceding sentence for fiscal year 2005 (adjusted by the cumulative rate of inflation since fiscal year 2005 as measured by the percentage increase, if any, in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor).

[“(B) REQUIRED ACTIVITIES.—Funds reserved under subparagraph (A) shall be used to carry out the following activities:

[“(i) For monitoring, enforcement and complaint investigation.

[“(ii) To establish and implement the mediation processes required by section 615(e)(1), including providing for the costs of mediators and support personnel;

[“(iii) To fund the State protection and advocacy system, or other legal organizations that have expertise in—

[“(I) dispute resolution and due process;

[“(II) efforts to educate families regarding due process;

[“(III) voluntary mediation; and

[“(IV) the opportunity to resolve complaints.

[“(C) AUTHORIZED ACTIVITIES.—Funds reserved under subparagraph (A) may be used to carry out the following activities:

[“(i) To provide technical assistance, personnel development and training.

[“(ii) To support paperwork reduction activities, including expanding the use of technology in the IEP process.

[“(iii) To assist local educational agencies in providing positive behavioral interventions and supports and mental health services for children with disabilities.

[“(iv) To improve the use of technology in the classroom by children with disabilities to enhance learning.

[“(v) To support the development and use of technology, including universally designed technologies and assistive technology devices, to maximize accessibility to the general curriculum for students with disabilities.

[“(vi) Development and implementation of transition programs, including coordination of services with agencies involved in supporting the transition of students with disabilities to post-secondary activities.

[“(vii) To assist local educational agencies in meeting personnel shortages.

[“(viii) To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.

[“(ix) Alternative programming for children who have been expelled from school, and services for children in correctional facilities, children enrolled in State-operated or State-supported schools, and children in charter schools.

[“(x) To support the development and provision of appropriate accommodations for children with disabilities, or the development and provision of alternate assessments that are valid and reliable for assessing the performance of children with disabilities, in accordance with sections 1111(b) and 6111 of the Elementary and Secondary Education Act of 1965.

[“(3) LOCAL EDUCATIONAL AGENCY RISK POOL.—

[“(A) IN GENERAL.—For the purpose of assisting local educational agencies (and charter schools that are local educational agencies) in addressing the needs of high-need children and the unanticipated enrollment of other children eligible for service under this part, each State shall reserve for each of the fiscal years 2004 through 2009, 2 percent of the amount that remains after subtracting the amount reserved under paragraph (1) from the amount of the State's allocation under subsection (d) for each of the fiscal years 2004 through 2009, respectively, to—

[“(i) establish a high-cost fund; and

[“(ii) make disbursements from the high-cost fund to local educational agencies in accordance with this paragraph.

[“(B) REQUIRED DISBURSEMENTS FROM THE FUND.—Each State educational agency shall make disbursements from the fund established under subparagraph (A) to local educational agencies to pay the percentage, described in subparagraph (D), of the costs of providing a free appropriate public education to high-need children.

[“(C) APPLICATION.—A local educational agency that desires a disbursement under this subsection shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include assurances that funds provided under this paragraph shall not be used to pay costs that otherwise would be reimbursable as medical assistance for a child with a disability under the State medicaid program under title XIX of the Social Security Act.

[“(D) DISBURSEMENTS.—

[“(i) IN GENERAL.—A State educational agency shall make a disbursement to a local educational agency that submits an application under subparagraph (C) in an amount that is equal to 75 percent of the costs that are in excess of 4 times the average per-pupil expenditure in the United States or in the State where the child resides (whichever average per-pupil expenditure is lower) associated with educating each high need child served by such local educational agency in a fiscal year for whom such agency desires a disbursement.

[“(ii) APPROPRIATE COSTS.—The costs associated with educating a high need child under clause (i) are only those costs associated with providing direct special education and related services to such child that are identified in such child's appropriately developed IEP.

[“(E) LEGAL FEES.—The disbursements under subparagraph (D) shall not support legal fees, court costs, or other costs associated with a cause of action brought on behalf of such child to ensure a free appropriate public education for such child.

[“(F) PERMISSIBLE DISBURSEMENTS FROM REMAINING FUNDS.—A State educational agency may make disbursements to local educational agencies from any funds that are remaining in the high cost fund after making the required disbursements under subparagraph (D) for a fiscal year for the following purposes:

[“(i) To pay the costs associated with serving children with disabilities who moved into the areas served by such local agencies after the budget for the following school year had been finalized to assist the local educational agencies in providing a free appropriate public education for such children in such year.

[“(ii) To compensate local educational agencies for extraordinary costs, as determined by the State, of any children eligible for services under this part due to—

[“(I) unexpected enrollment or placement of children eligible for services under this part; or

[“(II) a significant underestimate of the average cost of providing services to children eligible for services under this part.

[“(G) REMAINING FUNDS.—Funds reserved under subparagraph (A) in any fiscal year but not expended in that fiscal year pursuant to subparagraph (D) or subparagraph (F) shall—

[“(i) be allocated to local educational agencies pursuant to subparagraphs (D) or (F) for the next fiscal year; or

[“(ii) be allocated to local educational agencies in the same manner as funds are allocated to local educational agencies under subsection (f).

[“(H) ASSURANCE OF A FREE APPROPRIATE PUBLIC EDUCATION.—Nothing in this section shall be construed—

[“(i) to limit or condition the right of a child with a disability who is assisted under this part to receive a free appropriate public education pursuant to section 612(a)(1) in a least restrictive environment pursuant to section 612(a)(5); or

[“(ii) to authorize a State educational agency or local educational agency to indicate a limit on what is expected to be spent on the education of a child with a disability.

[“(I) MEDICAID SERVICES NOT AFFECTED.—Disbursements provided under this subsection shall not be used to pay costs that otherwise would be reimbursable as medical assistance for a child with a disability under the State medicaid program under title XIX of the Social Security Act.

[“(J) DEFINITIONS.—In this paragraph:

[“(i) AVERAGE PER-PUPIL EXPENDITURE.—The term ‘average per-pupil expenditure’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

[“(ii) HIGH-NEED CHILD.—The term ‘high-need’, when used with respect to a child with a disability, means a child with a disability for whom a free appropriate public education in a fiscal year costs more than 4 times the average per-pupil expenditure for such fiscal year.

[“(K) SPECIAL RULE FOR RISK POOL AND HIGH-NEED ASSISTANCE PROGRAMS IN EFFECT AS OF JANUARY 1, 2003.—Notwithstanding the provisions of subparagraphs (A) through (J), a State may use funds reserved pursuant to this paragraph for administering and implementing a placement neutral cost-sharing and reimbursement program of high-need, low-incidence, emergency, catastrophic, or extraordinary aid to local educational agencies that provides services to students eligible under this part based on eligibility criteria for such programs that were operative on January 1, 2003.

[“(4) INAPPLICABILITY OF CERTAIN PROHIBITIONS.—A State may use funds the State reserves under paragraphs (1), (2), and (3) without regard to—

[“(A) the prohibition on commingling of funds in section 612(a)(17)(B); and

[“(B) the prohibition on supplanting other funds in section 612(a)(17)(C).

[“(5) REPORT ON USE OF FUNDS.—As part of the information required to be submitted to the Secretary under section 612, each State shall annually describe how amounts under this section—

[“(A) will be used to meet the requirements of this Act; and

[“(B) will be allocated among the activities described in this section to meet State priorities based on input from local educational agencies.

[“(f) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

[“(1) SUBGRANTS REQUIRED.—Each State that receives a grant under this section for any fiscal year shall distribute any funds the State does not reserve under subsection (e) to local educational agencies (including public charter schools that operate as local educational agencies) in the State that have established their eligibility under section 613 for use in accordance with this part.

[“(2) PROCEDURE FOR ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

[“(A) PROCEDURE.—For each fiscal year for which funds are allocated to States under subsection (d), each State shall allocate funds under paragraph (1) as follows:

[“(i) BASE PAYMENTS.—The State shall first award each local educational agency described in paragraph (1) the amount the local educational agency would have received under this section for fiscal year 1999, if the State had distributed 75 percent of its grant for that year under section 611(d) as section 611(d) was then in effect.

[“(ii) ALLOCATION OF REMAINING FUNDS.—After making allocations under clause (i), the State shall—

[“(I) allocate 85 percent of any remaining funds to those local educational agencies on the basis of the relative numbers of children enrolled in public and private elementary schools and secondary schools within the local educational agency’s jurisdiction; and

[“(II) allocate 15 percent of those remaining funds to those local educational agencies in accordance with their relative numbers of children living in poverty, as determined by the State educational agency.

[“(3) REALLOCATION OF FUNDS.—If a State educational agency determines that a local educational agency is adequately providing a free appropriate public education to all children with disabilities residing in the area served by that local educational agency with State and local funds, the State educational agency may reallocate any portion of the funds under this part that are not needed by that local educational agency to provide a free appropriate public education to other local educational agencies in the State that are not adequately providing special education and related services to all children with disabilities residing in the areas served by those other local educational agencies.

[“(g) DEFINITIONS.—For the purpose of this section—

[“(1) the term ‘average per-pupil expenditure in public elementary schools and secondary schools in the United States’ means—

[“(A) without regard to the source of funds—

[“(i) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the 50 States and the District of Columbia; plus

[“(ii) any direct expenditures by the State for the operation of those local educational agencies; divided by

[“(B) the aggregate number of children in average daily attendance to whom those local educational agencies provided free public education during that preceding year; and

[“(2) the term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

[“(h) USE OF AMOUNTS BY SECRETARY OF THE INTERIOR.—

[“(1) PROVISION OF AMOUNTS FOR ASSISTANCE.—

[“(A) IN GENERAL.—The Secretary of Education shall provide amounts to the Secretary of the Interior to meet the need for assistance for the education of children with disabilities on reservations aged 5 through 21 who are enrolled in elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior. The amount of such payment for any fiscal year shall be equal to 80 percent of the amount allotted under subsection (c) for that fiscal year.

[“(B) CALCULATION OF NUMBER OF CHILDREN.—In the case of Indian students aged 3 through 5 who are enrolled in programs affiliated with the Bureau of Indian Affairs (hereafter in this subsection referred to as ‘BIA’) schools, and that are required by the States in which such schools are located to attain or maintain State accreditation, and which schools had such accreditation prior to the date of enactment of the Individuals with Disabilities Education Act Amendments of 1991, the school shall be allowed to count those children for the purpose of distribution of the funds provided under this paragraph to the Secretary of the Interior. The Secretary of the Interior shall be responsible for meeting all of the requirements of this part for these children, in accordance with paragraph (2).

[“(C) ADDITIONAL REQUIREMENT.—With respect to all other children aged 3 through 21 on reservations, the State educational agency shall be responsible for ensuring that all of the requirements of this part are implemented.

[“(2) SUBMISSION OF INFORMATION.—The Secretary of Education may provide the Secretary of the Interior amounts under paragraph (1) for a fiscal year only if the Secretary of the Interior submits to the Secretary of Education information that—

[“(A) demonstrates that the Department of the Interior meets the appropriate requirements, as determined by the Secretary of Education, of sections 612 (including monitoring and evaluation activities) and 613;

[“(B) includes a description of how the Secretary of the Interior will coordinate the provision of services under this part with local educational agencies, tribes and tribal organizations, and other private and Federal service providers;

[“(C) includes an assurance that there are public hearings, adequate notice of such hearings, and an opportunity for comment afforded to members of tribes, tribal governing bodies, and affected local school boards before the adoption of the policies, programs, and procedures described in subparagraph (A)

[“(D) includes an assurance that the Secretary of the Interior will provide such information as the Secretary of Education may require to comply with section 618;

[“(E) includes an assurance that the Secretary of the Interior and the Secretary of Health and Human Services have entered into a memorandum of agreement, to be provided to the Secretary of Education, for the coordination of services, resources, and personnel between their respective Federal, State, and local offices and with State and local educational agencies and other entities to facilitate the provision of services to Indian children with disabilities residing on or near reservations (such agreement shall provide for the apportionment of responsibilities and costs including, but not limited to, child find, evaluation, diagnosis, remediation or therapeutic measures, and (where appropriate) equipment and medical or personal supplies as needed for a child to remain in school or a program); and

[“(F) includes an assurance that the Department of the Interior will cooperate with the Department of Education in its exercise of monitoring and oversight of this application, and any agreements entered into between the Secretary of the Interior and other entities under this part, and will fulfill its duties under this part. Section 616(a) shall apply to the information described in this paragraph.

[“(3) Payments for education and services for Indian children with disabilities aged 3 through 5.—

[“(A) In general.—With funds appropriated under subsection (i), the Secretary of Education shall make payments to the Secretary of the Interior to be distributed to tribes or tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act) or consortia of the above to provide for the coordination of assistance for special education and related services for children with disabilities aged 3 through 5 on reservations served by elementary schools and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payments under subparagraph (B) for any fiscal year shall be equal to 20 percent of the amount allotted under subsection (c).

[“(B) Distribution of funds.—The Secretary of the Interior shall distribute the total amount of the payment under subparagraph (A) by allocating to each tribe or tribal organization an amount based on the number of children with disabilities ages 3 through 5 residing on reservations as reported annually, divided by the total of those children served by all tribes or tribal organizations.

[“(C) Submission of information.—To receive a payment under this paragraph, the tribe or tribal organization shall submit such figures to the Secretary of the Interior as required to determine the amounts to be allocated under subparagraph (B). This information shall be compiled and submitted to the Secretary of Education.

[“(D) Use of funds.—The funds received by a tribe or tribal organization shall be used to assist in child find, screening, and other procedures for the early identification of children aged 3 through 5, parent training, and the provision of direct services. These activities may be carried out directly or through contracts or cooperative agreements with the BIA, local educational agencies, and other public or private nonprofit organizations. The tribe or tribal organization is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

[“(E) Biennial report.—To be eligible to receive a grant pursuant to subparagraph (A), the tribe or tribal organization shall provide to the Secretary of the Interior a biennial report of activities undertaken under this paragraph, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year, and the estimated number of children needing services during the 2 years following the year in which the report is made. The Secretary of the Interior shall include a summary of this information on a biennial basis in the report to the Secretary of Education required under this subsection. The Secretary of Education may require any additional information from the Secretary of the Interior.

[“(F) Prohibitions.—None of the funds allocated under this paragraph may be used by the Secretary of the Interior for administrative purposes, including child count and the provision of technical assistance.

[“(4) Plan for coordination of services.—The Secretary of the Interior shall develop and implement a plan for the coordination of services for all Indian children with disabilities residing on reservations covered under this Act. Such plan shall provide for the coordination of services benefiting these children from whatever source, including tribes, the Indian Health Service, other BIA divisions, and other Federal agencies. In developing the plan, the Secretary of the Interior shall consult with all interested and involved parties. The plan shall be based on the needs of the children and the system best suited for meeting those needs, and may involve the establishment of cooperative agreements between the BIA, other Federal agencies, and other entities. The plan shall also be distributed upon request to States, State and local educational agencies, and other agencies providing services to infants, toddlers, and children with disabilities, to tribes, and to other interested parties.

[“(5) Establishment of advisory board.—To meet the requirements of section 612(a)(20), the Secretary of the Interior shall establish, under the BIA, an advisory board composed of individuals involved in or concerned with the education and provision of services to Indian infants, toddlers, children, and youth with disabilities, including Indians with disabilities, Indian parents or guardians of such children, teachers, service providers, State and local educational officials, representatives of tribes or tribal organizations, representatives from State Interagency Coordinating Councils under section 641 in States having reservations, and other members representing the various divisions and entities of the BIA. The chairperson shall be selected by the Secretary of the Interior. The advisory board shall—

[“(A) assist in the coordination of services within the BIA and with other local, State, and Federal agencies in the provision of education for infants, toddlers, and children with disabilities;

[“(B) advise and assist the Secretary of the Interior in the performance of the Secretary's responsibilities described in this subsection;

[“(C) develop and recommend policies concerning effective inter- and intra-agency collaboration, including modifications to regulations, and the elimination of barriers to inter- and intra-agency programs and activities;

[“(D) provide assistance and disseminate information on best practices, effective program coordination strategies, and recommendations for improved educational programming for Indian infants, toddlers, and children with disabilities; and

[“(E) provide assistance in the preparation of information required under paragraph (2)(D).

[“(6) Annual reports.—

[“(A) In general.—The advisory board established under paragraph (5) shall prepare and submit to the Secretary of the Interior and to Congress an annual report containing a description of the activities of the advisory board for the preceding year.

[“(B) Availability.—The Secretary of the Interior shall make available to the Secretary of Education the report described in subparagraph (A).

[“(i) Authorization of Appropriations.—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated such sums as may be necessary.

[“SEC. 612. STATE ELIGIBILITY.

[“(a) In General.—A State is eligible for assistance under this part for a fiscal year if the State submits a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meets each of the following conditions:

[“(1) Free appropriate public education.—

[“(A) In general.—A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school.

[“(B) Limitation.—The obligation to make a free appropriate public education available to all children with disabilities does not apply with respect to children—

[“(i) aged 3 through 5 and 18 through 21 in a State to the extent that its application to those children would be inconsistent with State law or practice, or the order of any court, respecting the provision of public education to children in those age ranges; and

[“(ii) aged 18 through 21 to the extent that State law does not require that special education and related services under this part be provided to children with disabilities who, in the educational placement prior to their incarceration in an adult correctional facility—

[“(I) were not actually identified as being a child with a disability under section 602(3); or

[“(II) did not have an individualized education program under this part.

[“(2) Full educational opportunity goal.—The State has established a goal of providing full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal.

[“(3) Child find.—

[“(A) In general.—All children with disabilities residing in the State, including children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

[“(B) CONSTRUCTION.—Nothing in this Act requires that children be classified by their disability so long as each child who has a disability listed in section 602 and who, by reason of that disability, needs special education and related services is regarded as a child with a disability under this part.

[“(4) INDIVIDUALIZED EDUCATION PROGRAM.—An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with section 614(d).

[“(5) LEAST RESTRICTIVE ENVIRONMENT.—

[“(A) IN GENERAL.—To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

[“(B) ADDITIONAL REQUIREMENT.—

[“(i) IN GENERAL.—A State funding mechanism shall not result in placements that violate the requirements of subparagraph (A), and a State shall not use a funding mechanism by which the State distributes funds on the basis of the type of setting in which a child is served that will result in the failure to provide a child with a disability a free appropriate public education according to the unique needs of the child as described in the child's IEP.

[“(ii) ASSURANCE.—If the State does not have policies and procedures to ensure compliance with clause (i), the State shall provide the Secretary an assurance that the State will revise the funding mechanism as soon as feasible to ensure that such mechanism does not result in such placements.

[“(6) PROCEDURAL SAFEGUARDS.—

[“(A) IN GENERAL.—Children with disabilities and their parents are afforded the procedural safeguards required by section 615.

[“(B) ADDITIONAL PROCEDURAL SAFEGUARDS.—Procedures to ensure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of children with disabilities will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.

[“(7) EVALUATION.—Children with disabilities are evaluated in accordance with subsections (a) through (c) of section 614.

[“(8) CONFIDENTIALITY.—Agencies in the State comply with section 617(c) (relating to the confidentiality of records and information).

[“(9) TRANSITION FROM PART C TO PRESCHOOL PROGRAMS.—Children participating in early-intervention programs assisted under part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(8). By the third birthday of such a child, an individualized education program or, if consistent with sections 614(d)(2)(B) and 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 637(a)(8).

[“(10) CHILDREN IN PRIVATE SCHOOLS.—

[“(A) CHILDREN ENROLLED IN PRIVATE SCHOOLS BY THEIR PARENTS.—

[“(i) IN GENERAL.—To the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary schools and secondary schools in the school district served by a local educational agency, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the following requirements, unless the Secretary has arranged for services to those children under subsection (f):

[“(I) Amounts to be expended for the provision of those services (including direct services to parentally placed children) by the local educational agency shall be equal to a proportionate amount of Federal funds made available under this part.

[“(II) Such services may be provided to children with disabilities on the premises of private, including religious, schools, to the extent consistent with law.

[“(III) Each local educational agency shall maintain in its records and provide to the State educational agency the number of children evaluated under this paragraph, the number of children determined to be a child with a disability, and the number of children served under this subsection.

[“(ii) CHILD-FIND REQUIREMENT.—

[“(I) IN GENERAL.—The requirements of paragraph (3) of this subsection (relating to child find) shall apply with respect to children with disabilities in the State who are enrolled in private, including religious, elementary schools and secondary schools. Such child find process shall be conducted in a comparable time period as for other students attending public schools in the local educational agency.

[“(II) EQUITABLE PARTICIPATION.—The child find process shall be designed to ensure the equitable participation of parentally placed private school children and an accurate count of such children.

[“(III) ACTIVITIES.—In carrying out this clause, the local educational agency, or where applicable, the State educational agency, shall undertake activities similar to those activities undertaken for its public school children.

[“(IV) COST.—The cost of carrying out this clause, including individual evaluations, may not be considered in determining whether a local education agency has met its obligations under clause (i).

[“(V) COMPLETION PERIOD.—Such child find process shall be completed in a time period comparable to that for other students attending public schools served by the local educational agency.

[“(iii) CONSULTATION.—To ensure timely and meaningful consultation, a local educational agency, or where appropriate, a State educational agency, shall consult, with representatives of children with disabilities parentally placed in private schools, during the design and development of special education and related services for these children, including consultation regarding—

[“(I) the child find process and how parentally placed private school children suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process;

[“(II) the determination of the proportionate share of Federal funds available to serve parentally placed private school children with disabilities under this paragraph, including the determination of how the proportionate share of those funds were calculated;

[“(III) the consultation process among the school district, private school officials, and parents of parentally placed private school children with disabilities, including how such process will operate throughout the school year to ensure that parentally placed children with disabilities identified through the child find process can meaningfully participate in special education and related services;

[“(IV) how, where, and by whom special education and related services will be provided for parentally placed private school children, including a discussion of alternate service delivery mechanisms, how such services will be apportioned if funds are insufficient to serve all children, and how and when these decisions will be made; and

[“(V) how, if the local educational agency disagrees with the views of the private school officials on the provision of services through a contract, the local educational agency shall provide to the private school officials a written explanation of the reasons why such the local educational agency chose not to use a contractor.

[“(iv) WRITTEN AFFIRMATION.—When timely and meaningful consultation as required by this section has occurred, the local educational agency shall obtain a written affirmation signed by the representatives of participating private schools, and if such officials do not provide such affirmations within a reasonable period of time, the local educational agency shall forward the documentation of the consultation process to the State educational agency.

[“(v) COMPLIANCE.—

[“(I) IN GENERAL.—A private school official shall have the right to complain to the State educational agency that the local educational agency did not engage in consultation that was meaningful and timely, or did not give due consideration to the views of the private school official.

[“(II) PROCEDURE.—If the private school official wishes to complain, the official shall provide the basis of the noncompliance with this section by the local educational agency to the State educational agency, and the local educational agency shall forward the appropriate documentation to the State educational agency. If the private school official is dissatisfied with the decision of the State educational agency, such official may complain to the Secretary by providing the basis of the noncompliance with this section by the local educational agency to the Secretary, and the State educational agency shall forward the appropriate documentation to the Secretary.

[“(vi) PROVISION OF EQUITABLE SERVICES.—

[“(I) DIRECT SERVICES.—To the extent practicable, the local educational agency shall provide direct services to children with disabilities parentally placed in private schools.

[“(II) DIRECTLY OR THROUGH CONTRACTS.—A public agency may provide special education and related services directly or through contracts with public and private agencies, organizations, and institutions.

[“(III) SECULAR, NEUTRAL, NONIDEOLOGICAL.—Special education and related services provided to children with disabilities attending private schools, including materials and equipment, shall be secular, neutral, and nonideological.

[“(vii) PUBLIC CONTROL OF FUNDS.—The control of funds used to provide special education and related services under this section, and title to materials, equipment, and property purchased with those funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer the funds and property.

[“(B) CHILDREN PLACED IN, OR REFERRED TO, PRIVATE SCHOOLS BY PUBLIC AGENCIES.—

[“(i) IN GENERAL.—Children with disabilities in private schools and facilities are provided special education and related services, in accordance with an individualized education program, at no cost to their parents, if such children are placed in, or referred to, such schools or facilities by the State or appropriate local educational agency as the means of carrying out the requirements of this part or any other applicable law requiring the provision of special education and related services to all children with disabilities within such State.

[“(ii) STANDARDS.—In all cases described in clause (i), the State educational agency shall determine whether such schools and facilities meet standards that apply to State and local educational agencies and that children so served have all the rights the children would have if served by such agencies.

[“(C) PAYMENT FOR EDUCATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS WITHOUT CONSENT OF OR REFERRAL BY THE PUBLIC AGENCY.—

[“(i) IN GENERAL.—Subject to subparagraph (A), this part does not require a local educational agency to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if that agency made a free appropriate public education available to the child and the parents elected to place the child in such private school or facility.

[“(ii) REIMBURSEMENT FOR PRIVATE SCHOOL PLACEMENT.—If the parents of a child with a disability, who previously received special education and related services under the authority of a public agency, enroll the child in a private elementary school or secondary school without the consent of or referral by the public agency, a court or a hearing officer may require the agency to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the agency had not made a free appropriate public education available to the child in a timely manner prior to that enrollment.

[“(iii) LIMITATION ON REIMBURSEMENT.—The cost of reimbursement described in clause (ii) may be reduced or denied—

[“(I) if—

[“(aa) at the most recent IEP meeting that the parents attended prior to removal of the child from the public school, the parents did not inform the IEP Team that they were rejecting the placement proposed by the public agency to provide a free appropriate public education to their child, including stating their concerns and their intent to enroll their child in a private school at public expense; or

[“(bb) 10 business days (including any holidays that occur on a business day) prior to the removal of the child from the public school, the parents did not give written notice to the public agency of the information described in division (aa);

[“(II) if, prior to the parents' removal of the child from the public school, the public agency informed the parents, through the notice requirements described in section 615(b)(3), of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the child available for such evaluation; or

[“(III) upon a judicial finding of unreasonableness with respect to actions taken by the parents.

[“(iv) EXCEPTION.—Notwithstanding the notice requirement in clause (iii)(I), the cost of reimbursement—

[“(I) shall not be reduced or denied for failure to provide such notice if—

[“(aa) the school prevented the parent from providing such notice; or

[“(bb) the parents had not received notice, pursuant to section 615, of the notice requirement in clause (iii)(I); and

[“(II) may, in the discretion of a court or a hearing officer, not be reduced or denied for failure to provide such notice if—

[“(aa) the parent is illiterate and cannot write in English; or

[“(bb) compliance with clause (iii)(I) would likely have resulted in physical or serious emotional harm to the child.

[“(11) STATE EDUCATIONAL AGENCY RESPONSIBLE FOR GENERAL SUPERVISION.—

[“(A) IN GENERAL.—The State educational agency is responsible for ensuring that—

[“(i) the requirements of this part are met; and

[“(ii) all educational programs for children with disabilities in the State, including all such programs administered by any other State or local agency—

[“(I) are under the general supervision of individuals in the State who are responsible for educational programs for children with disabilities; and

[“(II) meet the educational standards of the State educational agency.

[“(B) LIMITATION.—Subparagraph (A) shall not limit the responsibility of agencies in the State other than the State educational agency to provide, or pay for some or all of the costs of, a free appropriate public education for any child with a disability in the State.

[“(C) EXCEPTION.—Notwithstanding subparagraphs (A) and (B), the Governor (or another individual pursuant to State law), consistent with State law, may assign to any public agency in the State the responsibility of ensuring that the requirements of this part are met with respect to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons.

[“(12) OBLIGATIONS RELATED TO AND METHODS OF ENSURING SERVICES.—

[“(A) ESTABLISHING RESPONSIBILITY FOR SERVICES.—The Chief Executive Officer of a State or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in subparagraph (B) and the State educational agency, in order to ensure that all services described in subparagraph (B)(i) that are needed to ensure a free appropriate public education are provided, including the provision of such services during the pendency of any dispute under clause (iii). Such agreement or mechanism shall include the following:

[“(i) AGENCY FINANCIAL RESPONSIBILITY.—An identification of, or a method for defining, the financial responsibility of each agency for providing services described in subparagraph (B)(i) to ensure a free appropriate public education to children with disabilities, provided that the financial responsibility of each public agency described in subparagraph (B), including the State Medicaid agency and other public insurers of children with disabilities, shall precede the financial responsibility of the local educational agency (or the State agency responsible for developing the child's IEP).

[“(ii) CONDITIONS AND TERMS OF REIMBURSEMENT.—The conditions, terms, and procedures under which a local educational agency shall be reimbursed by other agencies.

[“(iii) INTERAGENCY DISPUTES.—Procedures for resolving interagency disputes (including procedures under which local educational agencies may initiate proceedings) under the agreement or other mechanism to secure reimbursement from other agencies or otherwise implement the provisions of the agreement or mechanism.

[“(iv) COORDINATION OF SERVICES PROCEDURES.—Policies and procedures for agencies to determine and identify the interagency coordination responsibilities of each agency to promote the coordination and timely and appropriate delivery of services described in subparagraph (B)(i).

[“(B) OBLIGATION OF PUBLIC AGENCY.—

[“(i) IN GENERAL.—If any public agency other than an educational agency is otherwise obligated under Federal or State law, or assigned responsibility under State policy, pursuant to subparagraph (A), or pursuant to an agreement under paragraph (C), to provide or pay for any services that are also considered special education or related services (such as, but not limited to, services described in section 602(1) relating to assistive technology devices, 602(2) relating to assistive technology services, 602(24) relating to related services, 602(31) relating to supplementary aids and services, and 602(32) relating to transition services) that are necessary for ensuring a free appropriate public education to children with disabilities within the State, such public agency shall fulfill that obligation or responsibility, either directly or through contract or other arrangement pursuant to subparagraph (A).

[“(ii) REIMBURSEMENT FOR SERVICES BY PUBLIC AGENCY.—If a public agency other than an educational agency fails to provide or pay for the special education and related services described in clause (i), the local educational agency (or State agency responsible for developing the child's IEP) shall provide or pay for such services to the child. Such local educational agency or State agency is authorized to claim reimbursement for the services from the public agency that failed to provide or pay for such services and such public agency shall reimburse the local educational agency or State agency pursuant to the terms of the interagency agreement or other mechanism described in subparagraph (A)(i) according to the procedures established in such agreement pursuant to subparagraph (A)(ii).

[“(C) SPECIAL RULE.—The requirements of subparagraph (A) may be met through—

[“(i) State statute or regulation;

[“(ii) signed agreements between respective agency officials that clearly identify the responsibilities of each agency relating to the provision of services; or

[“(iii) other appropriate written methods as determined by the Chief Executive Officer of the State or designee of the officer and approved by the Secretary through the review and approval of the State's plan pursuant to this section.

[“(13) PROCEDURAL REQUIREMENTS RELATING TO LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing.

[“(14) PERSONNEL STANDARDS.—

[“(A) IN GENERAL.—The State educational agency has established and maintains standards to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.

[“(B) RELATED SERVICES PERSONNEL AND PARAPROFESSIONALS.—The standards under subparagraph (A) include standards for related services personnel and paraprofessionals that—

[“(i) are consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services; and

[“(ii) allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services under this part to children with disabilities.

[“(C) STANDARDS FOR SPECIAL EDUCATION TEACHERS.—The standards described in subparagraph (A) shall ensure that each special education teacher in the State who teaches in an elementary, middle, or secondary school is highly qualified not later than the 2006–2007 school year.

[“(D) POLICY.—In implementing this section, a State shall adopt a policy that includes a requirement that local educational agencies in the State take measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education and related services under this part to children with disabilities.

[“(15) PERFORMANCE GOALS AND INDICATORS.—The State—

[“(A) has established goals for the performance of children with disabilities in the State that—

[“(i) promote the purposes of this Act, as stated in section 601(d);

[“(ii) are the same as the State's definition of adequate yearly progress, including the State's objectives for progress by children with disabilities, under section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965;

[“(iii) address drop out rates, as well as such other factors as the State may determine; and

[“(iv) are consistent, to the extent appropriate, with any other goals and standards for children established by the State;

[“(B) has established performance indicators the State will use to assess progress toward achieving the goals described in subparagraph (A), including measurable annual objectives for progress by children with disabilities under section 1111(b)(2)(C)(v)(II)(cc) of the Elementary and Secondary Education Act of 1965; and

[“(C) will annually report to the Secretary and the public on the progress of the State, and of children with disabilities in the State, toward meeting the goals established under subparagraph (A).

[“(16) PARTICIPATION IN ASSESSMENTS.—

[“(A) IN GENERAL.— All children with disabilities are included in all general State and districtwide assessment programs and accountability systems, including assessments and accountability systems described under section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations, alternate assessments where necessary, and as indicated in their respective individualized education programs.

[“(B) ACCOMMODATION GUIDELINES.—The State (or, in the case of a districtwide assessment, the local educational agency) has developed guidelines for the provision of appropriate accommodations.

[“(C) ALTERNATE ASSESSMENTS.—

[“(i) IN GENERAL.—The State (or, in the case of a districtwide assessment, the local educational agency) has developed and implemented guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in regular assessments under subparagraph (B) as indicated in their respective individualized education programs.

[“(ii) REQUIREMENTS FOR ALTERNATE ASSESSMENTS.—The guidelines under clause (i) shall provide for alternate assessments that—

[“(I) are aligned with the State's challenging academic content and academic achievement standards; or

[“(II) measure the achievement of students against alternate academic achievement standards that are aligned with the State's academic content standards.

[“(iii) CONDUCT OF ALTERNATIVE ASSESSMENTS.—The State conducts the alternate assessments described in this subparagraph.

[“(D) REPORTS.—The State educational agency (or, in the case of a districtwide assessment, the local educational agency) makes available to the public, and reports to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the following:

[“(i) The number of children with disabilities participating in regular assessments, and the number of those children who were provided accommodations in order to participate in those assessments.

[“(ii) The number of children with disabilities participating in alternate assessments described in subparagraph (C)(ii)(I).

[“(iii) The number of children with disabilities participating in alternate assessments described in subparagraph (C)(ii)(II).

[“(iv) The performance of children with disabilities on regular assessments and on alternate assessments (if the number of children with disabilities participating in those assessments is sufficient to yield statistically reliable information and reporting that information will not reveal personally identifiable information about an individual student), compared with the achievement of all children, including children with disabilities, on those assessments.

[“(E) UNIVERSAL DESIGN.—The State educational agency (or, in the case of a districtwide assessment, the local educational agency) shall, to the extent possible, use universal design principles in developing and administering any assessments under this paragraph.

[“(17) SUPPLEMENTATION OF STATE, LOCAL, AND OTHER FEDERAL FUNDS.—

[“(A) EXPENDITURES.—Funds paid to a State under this part will be expended in accordance with all the provisions of this part.

[“(B) PROHIBITION AGAINST COMMINGLING.—Funds paid to a State under this part will not be commingled with State funds.

[“(C) PROHIBITION AGAINST SUPPLANTATION AND CONDITIONS FOR WAIVER BY SECRETARY.—Except as provided in section 613, funds paid to a State under this part will be used to supplement the level of Federal, State, and local funds (including funds that are not under the direct control of State or local educational agencies) expended for special education and related services provided to children with disabilities under this part and in no case to supplant such Federal, State, and local funds, except that, where the State provides clear and convincing evidence that all children with disabilities have available to them a free appropriate public education, the Secretary may waive, in whole or in part, the requirements of this subparagraph if the Secretary concurs with the evidence provided by the State.

[“(18) MAINTENANCE OF STATE FINANCIAL SUPPORT.—

[“(A) IN GENERAL.—The State does not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year.

[“(B) REDUCTION OF FUNDS FOR FAILURE TO MAINTAIN SUPPORT.—The Secretary shall reduce the allocation of funds under section 611 for any fiscal year following the fiscal year in which the State fails to comply with the requirement of subparagraph (A) by the same amount by which the State fails to meet the requirement.

[“(C) WAIVERS FOR EXCEPTIONAL OR UNCONTROLLABLE CIRCUMSTANCES.—The Secretary may waive the requirement of subparagraph (A) for a State, for 1 fiscal year at a time, if the Secretary determines that—

[“(i) granting a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State; or

[“(ii) the State meets the standard in paragraph (17)(C) for a waiver of the requirement to supplement, and not to supplant, funds received under this part.

[“(D) SUBSEQUENT YEARS.—If, for any year, a State fails to meet the requirement of subparagraph (A), including any year for which the State is granted a waiver under subparagraph (C), the financial support required of the State in future years under subparagraph (A) shall be the amount that would have been required in the absence of that failure and not the reduced level of the State's support.

[“(E) REGULATIONS.—

[“(i) IN GENERAL.—The Secretary shall, by regulation, establish procedures (including objective criteria and consideration of the results of compliance reviews of the State conducted by the Secretary) for determining whether to grant a waiver under subparagraph (C)(ii).

[“(ii) TIMELINE.—The Secretary shall publish proposed regulations under clause (i) not later than 6 months after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003, and shall issue final regulations under clause (i) not later than 1 year after such date of enactment.

[“(19) PUBLIC PARTICIPATION.—Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities.

[``(20) State advisory panel.—

[``(A) In general.—The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.

[``(B) Membership.—Such advisory panel shall consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, that is representative of the State population and that is composed of individuals involved in, or concerned with, the education of children with disabilities, including—

[``(i) parents of children with disabilities ages birth through 26;

[``(ii) individuals with disabilities;

[``(iii) teachers;

[``(iv) representatives of institutions of higher education that prepare special education and related services personnel;

[``(v) State and local education officials;

[``(vi) administrators of programs for children with disabilities;

[``(vii) representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;

[``(viii) representatives of private schools and public charter schools;

[``(ix) at least 1 representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities; and

[``(x) representatives from the State juvenile and adult corrections agencies.

[``(C) Special rule.—A majority of the members of the panel shall be individuals with disabilities ages birth through 26 or parents of such individuals.

[``(D) Duties.—The advisory panel shall—

[``(i) advise the State educational agency of unmet needs within the State in the education of children with disabilities;

[``(ii) comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;

[``(iii) advise the State educational agency in developing evaluations and reporting on data to the Secretary under section 618;

[``(iv) advise the State educational agency in developing corrective action plans to address findings identified in Federal monitoring reports under this part; and

[``(v) advise the State educational agency in developing and implementing policies relating to the coordination of services for children with disabilities.

[``(21) Suspension and expulsion rates.—

[``(A) In general.—The State educational agency examines data to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities—

[``(i) among local educational agencies in the State; or

[``(ii) compared to such rates for nondisabled children within such agencies.

[``(B) Review and revision of policies.—If such discrepancies are occurring, the State educational agency reviews and, if appropriate, revises (or requires the affected State or local educational agency to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards, to ensure that such policies, procedures, and practices comply with this Act.

[``(22) Instructional materials.—

[``(A) In general.—The State adopts the national instructional materials accessibility standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities in a timely manner after the publication of the standard by the Secretary in the Federal Register.

[``(B) Purchase requirement.—Not later than 2 years after the date of the enactment of the Individuals with Disabilities Education Improvement Act of 2003, the State educational agency, when purchasing instructional materials for use in public elementary and secondary schools within the State, requires the publisher of the instructional materials, as a part of any purchase agreement that is made, renewed, or revised, to prepare and supply electronic files containing the contents of the instructional materials using the national instructional materials accessibility standard.

[``(C) Definition.—For purposes of this paragraph, the term `instructional materials' means printed textbooks and related core materials that are written and published primarily for use in elementary school and secondary school instruction and are required by a State educational agency or local educational agency for use by pupils in the classroom.

[``(b) State Educational Agency as Provider of Free Appropriate Public Education or Direct Services.—If the State educational agency provides free appropriate public education to children with disabilities, or provides direct services to such children, such agency—

[``(1) shall comply with any additional requirements of section 613(a), as if such agency were a local educational agency; and

[``(2) may use amounts that are otherwise available to such agency under this part to serve those children without regard to section 613(a)(2)(A)(i) (relating to excess costs).

[``(c) Exception for Prior State Plans.—

[``(1) In general.—If a State has on file with the Secretary policies and procedures that demonstrate that such State meets any requirement of subsection (a), including any policies and procedures filed under this part as in effect before the effective date of the Individuals with Disabilities Education Improvement Act of 2003, the Secretary shall consider such State to have met such requirement for purposes of receiving a grant under this part.

[``(2) Modifications made by state.—Subject to paragraph (3), an application submitted by a State in accordance with this section shall remain in effect until the State submits to the Secretary such modifications as the State determines necessary. This section shall apply to a modification to an application to the same extent and in the same manner as this section applies to the original plan.

[``(3) Modifications required by the Secretary.—If, after the effective date of the Individuals with Disabilities Education Improvement Act of 2003, the provisions of this Act are amended (or the regulations developed to carry out this Act are amended), there is a new interpretation of this Act by a Federal court or a State's highest court, or there is an official finding of noncompliance with Federal law or regulations, then the Secretary may require a State to modify its application only to the extent necessary to ensure the State's compliance with this part.

[``(d) Approval by the Secretary.—

[``(1) In general.—If the Secretary determines that a State is eligible to receive a grant under this part, the Secretary shall notify the State of that determination.

[``(2) Notice and hearing.—The Secretary shall not make a final determination that a State is not eligible to receive a grant under this part until after providing the State—

[``(A) with reasonable notice; and

[``(B) with an opportunity for a hearing.

[``(e) Assistance Under Other Federal Programs.—Nothing in this title permits a State to reduce medical and other assistance available, or to alter eligibility, under titles V and XIX of the Social Security Act with respect to the provision of a free appropriate public education for children with disabilities in the State.

[``(f) By-Pass for Children in Private Schools.—

[``(1) In general.—If, on the date of enactment of the Education of the Handicapped Act Amendments of 1983, a State educational agency was prohibited by law from providing for the equitable participation in special programs of children with disabilities enrolled in private elementary schools and secondary schools as required by subsection (a)(10)(A), or if the Secretary determines that a State educational agency, local educational agency, or other entity has substantially failed or is unwilling to provide for such equitable participation, then the Secretary shall, notwithstanding such provision of law, arrange for the provision of services to such children through arrangements which shall be subject to the requirements of such subsection.

[``(2) Payments.—

[``(A) Determination of amounts.—If the Secretary arranges for services pursuant to this subsection, the Secretary, after consultation with the appropriate public and private school officials, shall pay to the provider of such services for a fiscal year an amount per child that does not exceed the amount determined by dividing—

[``(i) the total amount received by the State under this part for such fiscal year; by

[``(ii) the number of children with disabilities served in the prior year, as reported to the Secretary by the State under section 618.

[``(B) Withholding of certain amounts.—Pending final resolution of any investigation or complaint that may result in a determination under this subsection, the Secretary may withhold from the allocation of the affected State educational agency the amount the Secretary estimates will be necessary to pay the cost of services described in subparagraph (A).

[``(C) Period of payments.—The period under which payments are made under subparagraph (A) shall continue until the Secretary determines that there will no longer be any failure or inability on the part of the State educational agency to meet the requirements of subsection (a)(10)(A).

[``(3) Notice and hearing.—

[``(A) In general.—The Secretary shall not take any final action under this subsection until the State educational agency affected by such action has had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why such action should not be taken.

[``(B) Review of action.—If a State educational agency is dissatisfied with the Secretary's final action after a proceeding under subparagraph (A), such agency may, not later than 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based the Secretary's action, as provided in section 2112 of title 28, United States Code.

[“(C) REVIEW OF FINDINGS OF FACT.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

[“(D) JURISDICTION OF COURT OF APPEALS; REVIEW BY UNITED STATES SUPREME COURT.—Upon the filing of a petition under subparagraph (B), the United States court of appeals shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

[“SEC. 613. LOCAL EDUCATIONAL AGENCY ELIGIBILITY.

[“(a) IN GENERAL.—A local educational agency is eligible for assistance under this part for a fiscal year if such agency submits a plan that provides assurances to the State educational agency that the local educational agency meets each of the following conditions:

[“(1) CONSISTENCY WITH STATE POLICIES.—The local educational agency, in providing for the education of children with disabilities within its jurisdiction, has in effect policies, procedures, and programs that are consistent with the State policies and procedures established under section 612.

[“(2) USE OF AMOUNTS.—

[“(A) IN GENERAL.—Amounts provided to the local educational agency under this part shall be expended in accordance with the applicable provisions of this part and—

[“(i) shall be used only to pay the excess costs of providing special education and related services to children with disabilities;

[“(ii) shall be used to supplement State, local, and other Federal funds and not to supplant such funds; and

[“(iii) shall not be used, except as provided in subparagraphs (B) and (C), to reduce the level of expenditures for the education of children with disabilities made by the local educational agency from local funds below the level of those expenditures for the preceding fiscal year.

[“(B) EXCEPTION.—Notwithstanding the restriction in subparagraph (A)(iii), a local educational agency may reduce the level of expenditures where such reduction is attributable to—

[“(i) the voluntary departure, by retirement or otherwise, or departure for just cause, of special education personnel;

[“(ii) a decrease in the enrollment of children with disabilities;

[“(iii) the termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the State educational agency, because the child—

[“(I) has left the jurisdiction of the agency;

[“(II) has reached the age at which the obligation of the agency to provide a free appropriate public education to the child has terminated; or

[“(III) no longer needs such program of special education; or

[“(iv) the termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

[“(C) TREATMENT OF FEDERAL FUNDS IN CERTAIN FISCAL YEARS.—

[“(i) 8 PERCENT RULE.—Notwithstanding clauses (ii) and (iii) of subparagraph (A), a local educational agency may treat as local funds, for the purposes of such clauses, not more than 8 percent of the amount of funds the local educational agency receives under this part.

[“(ii) 40 PERCENT RULE.—Notwithstanding clauses (ii) and (iii) of subparagraph (A), for any fiscal year for which States are allocated the maximum amount of grants pursuant to section 611(a)(2), a local educational agency may treat as local funds, for the purposes of such clauses, not more than 40 percent of the amount of funds the local educational agency receives under this part, subject to clause (iv).

[“(iii) EARLY INTERVENING PREREFERRAL SERVICES.—

[“(I) 8 PERCENT RULE.—If a local educational agency exercises authority pursuant to clause (i), the 8 percent funds shall be counted toward the percentage and amount of funds that may be used to provide early intervening prereferral services pursuant to subsection (f).

[“(II) 40 PERCENT RULE.—If a local educational agency exercises authority pursuant to clause (ii), the local educational agency shall use an amount of the 40 percent funds from clause (ii) that represents 15 percent of the total amount of funds the local educational agency receives under this part, to provide early intervening prereferral services pursuant to subsection (f).

[“(iv) SPECIAL RULE.—Funds treated as local funds pursuant to clause (i) or (ii) may be considered non-Federal or local funds for the purposes of—

[“(I) clauses (ii) and (iii) of subparagraph (A); and

[“(II) the provision of the local share of costs for title XIX of the Social Security Act.

[“(v) PROHIBITION.—If a State educational agency determines that a local educational agency is unable to establish and maintain programs of free appropriate public education that meet the requirements of this subsection, then the State educational agency shall prohibit the local educational agency from treating funds received under this part as local funds under clause (i) or (ii) for that fiscal year, but only if the State educational agency is authorized to do so by the State constitution or a State statute.

[“(vi) REPORT.—For each fiscal year in which a local educational agency exercises its authority pursuant to this paragraph and treats Federal funds as local funds, the local educational agency shall report to the State educational agency the amount of funds so treated and the activities that were funded with such funds.

[“(D) SCHOOLWIDE PROGRAMS UNDER TITLE I OF THE ESEA.—Notwithstanding subparagraph (A) or any other provision of this part, a local educational agency may use funds received under this part for any fiscal year to carry out a schoolwide program under section 1114 of the Elementary and Secondary Education Act of 1965, except that the amount so used in any such program shall not exceed—

[“(i) the number of children with disabilities participating in the schoolwide program; multiplied by

[“(ii)(I) the amount received by the local educational agency under this part for that fiscal year; divided by

[“(II) the number of children with disabilities in the jurisdiction of that agency.

[“(3) PERSONNEL DEVELOPMENT.—The local educational agency shall ensure that all personnel necessary to carry out this part are appropriately and adequately prepared, consistent with the requirements of section 612(a)(14) of this Act and section 2122 of the Elementary and Secondary Education Act of 1965.

[“(4) PERMISSIVE USE OF FUNDS.—

[“(A) USES.—Notwithstanding paragraph (2)(A) or section 612(a)(17)(B) (relating to commingled funds), funds provided to the local educational agency under this part may be used for the following activities:

[“(i) SERVICES AND AIDS THAT ALSO BENEFIT NONDISABLED CHILDREN.—For the costs of special education and related services, and supplementary aids and services, provided in a regular class or other education-related setting to a child with a disability in accordance with the individualized education program of the child, even if 1 or more nondisabled children benefit from such services.

[“(ii) EARLY INTERVENING SERVICES.—To develop and implement comprehensive, coordinated, early intervening educational services in accordance with subsection (f).

[“(B) CASE MANAGEMENT AND ADMINISTRATION.—A local educational agency may use funds received under this part to purchase appropriate technology, for recordkeeping, data collection, and related case management activities of teachers and related services personnel providing services described in the individualized education program of children with disabilities, that is necessary to the implementation of such case management activities.

[“(5) TREATMENT OF CHARTER SCHOOLS AND THEIR STUDENTS.—In carrying out this part with respect to charter schools that are public schools of the local educational agency, the local educational agency—

[“(A) serves children with disabilities attending those charter schools in the same manner as the local educational agency serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the local educational agency has a policy or practice of providing such services on the site to its other public schools; and

[“(B) provides funds under this part to those charter schools on the same basis, including proportional distribution based on relative enrollment of children with disabilities, and at the same time, as the local educational agency distributes State, local, or a combination of State and local, funds to those charter schools under the State's charter school law.

[“(6) PURCHASE OF INSTRUCTIONAL MATERIALS.—Not later than 2 years after the date of the enactment of the Individuals with Disabilities Education Improvement Act of 2003, the local educational agency, when purchasing instructional materials for use in public elementary schools or secondary schools served by the local educational agency, requires the publisher of the instructional materials, as a part of any purchase agreement that is made, renewed, or revised, to prepare and supply electronic files containing the contents of the instructional materials using the national instructional materials accessibility standard described in section 612(a)(22).

[“(7) INFORMATION FOR STATE EDUCATIONAL AGENCY.—The local educational agency shall provide the State educational agency with information necessary to enable the State educational agency to carry out its duties under this part, including, with respect to paragraphs (15) and (16) of section 612(a), information relating to the performance of children with disabilities participating in programs carried out under this part.

[‘‘(8) PUBLIC INFORMATION.—The local educational agency shall make available to parents of children with disabilities and to the general public all documents relating to the eligibility of such agency under this part.

[‘‘(b) EXCEPTION FOR PRIOR LOCAL PLANS.—

[‘‘(1) IN GENERAL.—If a local educational agency or State agency has on file with the State educational agency policies and procedures that demonstrate that such local educational agency, or such State agency, as the case may be, meets any requirement of subsection (a), including any policies and procedures filed under this part as in effect before the effective date of the Individuals with Disabilities Education Improvement Act of 2003, the State educational agency shall consider such local educational agency or State agency, as the case may be, to have met such requirement for purposes of receiving assistance under this part.

[‘‘(2) MODIFICATION MADE BY LOCAL EDUCATIONAL AGENCY.—Subject to paragraph (3), an application submitted by a local educational agency in accordance with this section shall remain in effect until the local educational agency submits to the State educational agency such modifications as the local educational agency determines necessary.

[‘‘(3) MODIFICATIONS REQUIRED BY STATE EDUCATIONAL AGENCY.—If, after the effective date of the Individuals with Disabilities Education Improvement Act of 2003, the provisions of this Act are amended (or the regulations developed to carry out this Act are amended), there is a new interpretation of this Act by Federal or State courts, or there is an official finding of noncompliance with Federal or State law or regulations, then the State educational agency may require a local educational agency to modify its application only to the extent necessary to ensure the local educational agency's compliance with this part or State law.

[‘‘(c) NOTIFICATION OF LOCAL EDUCATIONAL AGENCY OR STATE AGENCY IN CASE OF INELIGIBILITY.—If the State educational agency determines that a local educational agency or State agency is not eligible under this section, then the State educational agency shall notify the local educational agency or State agency, as the case may be, of that determination and shall provide such local educational agency or State agency with reasonable notice and an opportunity for a hearing.

[‘‘(d) LOCAL EDUCATIONAL AGENCY COMPLIANCE.—

[‘‘(1) IN GENERAL.—If the State educational agency, after reasonable notice and an opportunity for a hearing, finds that a local educational agency or State agency that has been determined to be eligible under this section is failing to comply with any requirement described in subsection (a), the State educational agency shall reduce or shall not provide any further payments to the local educational agency or State agency until the State educational agency is satisfied that the local educational agency or State agency, as the case may be, is complying with that requirement.

[‘‘(2) ADDITIONAL REQUIREMENT.—Any State agency or local educational agency in receipt of a notice described in paragraph (1) shall, by means of public notice, take such measures as may be necessary to bring the pendency of an action pursuant to this subsection to the attention of the public within the jurisdiction of such agency.

[‘‘(3) CONSIDERATION.—In carrying out its responsibilities under paragraph (1), the State educational agency shall consider any decision made in a hearing held under section 615 that is adverse to the local educational agency or State agency involved in that decision.

[‘‘(e) JOINT ESTABLISHMENT OF ELIGIBILITY.—

[‘‘(1) JOINT ESTABLISHMENT.—

[‘‘(A) IN GENERAL.—A State educational agency may require a local educational agency to establish its eligibility jointly with another local educational agency if the State educational agency determines that the local educational agency will be ineligible under this section because the local educational agency will not be able to establish and maintain programs of sufficient size and scope to effectively meet the needs of children with disabilities.

[‘‘(B) CHARTER SCHOOL EXCEPTION.—A State educational agency may not require a charter school that is a local educational agency to jointly establish its eligibility under subparagraph (A) unless the charter school is explicitly permitted to do so under the State's charter school law.

[‘‘(2) AMOUNT OF PAYMENTS.—If a State educational agency requires the joint establishment of eligibility under paragraph (1), the total amount of funds made available to the affected local educational agencies shall be equal to the sum of the payments that each such local educational agency would have received under section 611(f) if such agencies were eligible for such payments.

[‘‘(3) REQUIREMENTS.—Local educational agencies that establish joint eligibility under this subsection shall—

[‘‘(A) adopt policies and procedures that are consistent with the State's policies and procedures under section 612(a); and

[‘‘(B) be jointly responsible for implementing programs that receive assistance under this part.

[‘‘(4) REQUIREMENTS FOR EDUCATIONAL SERVICE AGENCIES.—

[‘‘(A) IN GENERAL.—If an educational service agency is required by State law to carry out programs under this part, the joint responsibilities given to local educational agencies under this subsection shall—

[‘‘(i) not apply to the administration and disbursement of any payments received by that educational service agency; and

[‘‘(ii) be carried out only by that educational service agency.

[‘‘(B) ADDITIONAL REQUIREMENT.—Notwithstanding any other provision of this subsection, an educational service agency shall provide for the education of children with disabilities in the least restrictive environment, as required by section 612(a)(5).

[‘‘(f) EARLY INTERVENING SERVICES.—

[‘‘(1) IN GENERAL.—A local educational agency may not use more than 15 percent of the amount such agency receives under this part for any fiscal year, less any amount treated as local funds pursuant to subsection (a)(2)(C), if any, in combination with other amounts (which may include amounts other than education funds), to develop and implement comprehensive, coordinated, early intervening educational services, which may include interagency financing structures, for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade 3) who have not been identified as needing special education or related services but who require additional academic and behavioral support to succeed in a general education environment.

[‘‘(2) ACTIVITIES.—In implementing comprehensive, coordinated, early intervening educational services under this subsection, a local educational agency may carry out activities that include—

[‘‘(A) professional development (which may be provided by entities other than local educational agencies) for teachers and other school staff to enable such personnel to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software;

[‘‘(B) providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction; and

[‘‘(C) developing and implementing interagency financing structures for the provision of such services and supports.

[‘‘(3) CONSTRUCTION.—Nothing in this subsection shall be construed to either limit or create a right to a free appropriate public education under this part.

[‘‘(4) REPORTING.—Each local educational agency that develops and maintains comprehensive, coordinated, early intervening educational services with funds made available for this subsection, shall annually report to the State educational agency on—

[‘‘(A) the number of children served under this subsection; and

[‘‘(B) the number of children served under this subsection who are subsequently referred to special education.

[‘‘(5) COORDINATION WITH CERTAIN PROJECTS UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Funds made available to carry out this subsection may be used to carry out comprehensive, coordinated, early intervening educational services aligned with activities funded by, and carried out under, the Elementary and Secondary Education Act of 1965 if such funds are used to supplement, and not supplant, funds made available under the Elementary and Secondary Education Act of 1965 for the activities and services assisted under this subsection.

[‘‘(g) DIRECT SERVICES BY THE STATE EDUCATIONAL AGENCY.—

[‘‘(1) IN GENERAL.—A State educational agency shall use the payments that would otherwise have been available to a local educational agency or to a State agency to provide special education and related services directly to children with disabilities residing in the area served by that local educational agency, or for whom that State agency is responsible, if the State educational agency determines that the local educational agency or State agency, as the case may be—

[‘‘(A) has not provided the information needed to establish the eligibility of such agency under this section;

[‘‘(B) is unable to establish and maintain programs of free appropriate public education that meet the requirements of subsection (a);

[‘‘(C) is unable or unwilling to be consolidated with 1 or more local educational agencies in order to establish and maintain such programs; or

[‘‘(D) has 1 or more children with disabilities who can best be served by a regional or State program or service delivery system designed to meet the needs of such children.

[‘‘(2) MANNER AND LOCATION OF EDUCATION AND SERVICES.—The State educational agency may provide special education and related services under paragraph (1) in such manner and at such locations (including regional or State centers) as the State agency considers appropriate. Such education and services shall be provided in accordance with this part.

[“(h) State Agency Eligibility.—Any State agency that desires to receive a subgrant for any fiscal year under section 611(f) shall demonstrate to the satisfaction of the State educational agency that—

[“(1) all children with disabilities who are participating in programs and projects funded under this part receive a free appropriate public education, and that those children and their parents are provided all the rights and procedural safeguards described in this part; and

[“(2) the agency meets such other conditions of this section as the Secretary determines to be appropriate.

[“(i) Disciplinary Information.—The State may require that a local educational agency include in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child and transmit such statement to the same extent that such disciplinary information is included in, and transmitted with, the student records of nondisabled children. The statement may include a description of any behavior engaged in by the child that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the child and other individuals involved with the child. If the State adopts such a policy, and the child transfers from 1 school to another, the transmission of any of the child's records shall include both the child's current individualized education program and any such statement of current or previous disciplinary action that has been taken against the child.

[“(j) State Agency Flexibility.—

[“(1) Treatment of federal funds in certain fiscal years.—If a State educational agency pays or reimburses local educational agencies within the State for not less than 80 percent of the non-Federal share of the costs of special education and related services, or the State is the sole provider of free appropriate public education or direct services pursuant to section 612(b), then the State educational agency, notwithstanding sections 612(a) (17) and (18) and 612(b), may treat funds allocated pursuant to section 611 as general funds available to support the educational purposes described in paragraph (2) (A) and (B).

[“(2) Conditions.—A State educational agency may use funds in accordance with paragraph (1) subject to the following conditions:

[“(A) 8 percent rule.—A State educational agency may treat not more than 8 percent of the funds the State educational agency receives under this part as general funds to support any educational purpose described in the Elementary and Secondary Education Act of 1965, needs-based student or teacher higher education programs, or the non-Federal share of costs of title XIX of the Social Security Act.

[“(B) 40 percent rule.—For any fiscal year for which States are allocated the maximum amount of grants pursuant to section 611(a)(2), a State educational agency may treat not more than 40 percent of the amount of funds the State educational agency receives under this part as general funds to support any educational purpose described in the Elementary and Secondary Education Act of 1965, needs-based student or teacher higher education programs, or the non-Federal share of costs of title XIX of the Social Security Act, subject to subparagraph (C).

[“(C) Requirement.—A State educational agency may exercise its authority pursuant to subparagraph (B) only if the State educational agency uses an amount of the 40 percent funds from subparagraph (B) that represents 15 percent of the total amount of funds the State educational agency receives under this part, to provide, or to pay or reimburse local educational agencies for providing, early intervening prereferral services pursuant to subsection (f).

[“(2) Prohibition.—Notwithstanding subsection (a), if the Secretary determines that a State educational agency is unable to establish, maintain, or oversee programs of free appropriate public education that meet the requirements of this part, then the Secretary shall prohibit the State educational agency from treating funds allocated under this part as general funds pursuant to paragraph (1).

[“(3) Report.—For each fiscal year for which a State educational agency exercises its authority pursuant to paragraph (1) and treats Federal funds as general funds, the State educational agency shall report to the Secretary the amount of funds so treated and the activities that were funded with such funds.

[“SEC. 614. EVALUATIONS, ELIGIBILITY DETERMINATIONS, INDIVIDUALIZED EDUCATION PROGRAMS, AND EDUCATIONAL PLACEMENTS.

[“(a) Evaluations and Reevaluations.—

[“(1) Initial evaluations.—

[“(A) In general.—A State educational agency, other State agency, or local educational agency shall conduct a full and individual initial evaluation in accordance with this paragraph and subsection (b), before the initial provision of special education and related services to a child with a disability under this part.

[“(B) Request for initial evaluation.—Consistent with subparagraph (D), either a parent of a child, or a State educational agency, other State agency, or local educational agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.

[“(C) Procedures.—Such initial evaluation shall consist of procedures—

[“(i) to determine whether a child is a child with a disability (as defined in section 602(3)) within 60 days of receiving parental consent for the evaluation, or, if the State has established a timeframe within which the evaluation must be conducted, within such timeframe; and

[“(ii) to determine the educational needs of such child.

[“(D) Parental consent.—

[“(i) In general.—The agency proposing to conduct an initial evaluation to determine if the child qualifies as a child with a disability as defined in section 602(3) (A) or (B) shall obtain an informed consent from the parent of such child before the evaluation is conducted. Parental consent for evaluation shall not be construed as consent for placement for receipt of special education and related services.

[“(ii) Refusal.—If the parents of such child refuse consent for the evaluation, the agency may continue to pursue an evaluation by utilizing the mediation and due process procedures under section 615, except to the extent inconsistent with State law relating to parental consent.

[“(iii) Refusal or failure to consent.—If the parent of a child does not provide informed consent to the receipt of special education and related services, or the parent fails to respond to a request to provide the consent, the local educational agency shall not be considered to be in violation of the requirement to make available a free appropriate public education to the child.

[“(2) Reevaluations.—

[“(A) In general.—A local educational agency shall ensure that a reevaluation of each child with a disability is conducted in accordance with subsections (b) and (c)—

[“(i) if the local educational agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or

[“(ii) if the child's parents or teacher requests a reevaluation.

[“(B) Limitation.—A reevaluation conducted under subparagraph (A) shall occur—

[“(i) not more than once a year, unless the parent and the local educational agency agree otherwise; and

[“(ii) at least once every 3 years, unless the parent and the local educational agency agree that a reevaluation is unnecessary.

[“(b) Evaluation Procedures.—

[“(1) Notice.—The local educational agency shall provide notice to the parents of a child with a disability, in accordance with subsections (b)(3), (b)(4), and (c) of section 615, that describes any evaluation procedures such agency proposes to conduct.

[“(2) Conduct of evaluation.—In conducting the evaluation, the local educational agency shall—

[“(A) use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent, that may assist in determining—

[“(i) whether the child is a child with a disability; and

[“(ii) the content of the child's individualized education program, including information related to enabling the child to be involved in and progress in the general curriculum, or for preschool children, to participate in appropriate activities;

[“(B) not use any single procedure, measure, or assessment as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and

[“(C) use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

[“(3) Additional requirements.—Each local educational agency shall ensure that—

[“(A) tests and other evaluation materials used to assess a child under this section—

[“(i) are selected and administered so as not to be discriminatory on a racial or cultural basis;

[“(ii) are provided and administered, to the extent practicable, in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally;

[“(iii) are used for purposes for which the assessments or measures are valid and reliable;

[“(iv) are administered by trained and knowledgeable personnel; and

[“(v) are administered in accordance with any instructions provided by the producer of such tests;

[“(B) the child is assessed in all areas of suspected disability; and

[“(C) assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.

[“(4) Determination of eligibility.—Upon completion of administration of tests and other evaluation materials—

["(A) the determination of whether the child is a child with a disability as defined in section 602(3) shall be made by a team of qualified professionals and the parent of the child in accordance with paragraph (5); and

["(B) a copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent.

["(5) SPECIAL RULE FOR ELIGIBILITY DETERMINATION.—In making a determination of eligibility under paragraph (4)(A), a child shall not be determined to be a child with a disability if the determinant factor for such determination is—

["(A) lack of scientifically based instruction in reading;

["(B) lack of instruction in mathematics; or

["(C) limited English proficiency.

["(6) SPECIFIC LEARNING DISABILITIES.—

["(A) IN GENERAL.—Notwithstanding section 607, when determining whether a child has a specific learning disability as defined in section 602, a local educational agency shall not be required to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning.

["(B) ADDITIONAL AUTHORITY.—In determining whether a child has a specific learning disability, a local educational agency may use a process that determines if the child responds to scientific, research-based intervention.

["(c) ADDITIONAL REQUIREMENTS FOR EVALUATION AND REEVALUATIONS.—

["(1) REVIEW OF EXISTING EVALUATION DATA.—As part of an initial evaluation (if appropriate) and as part of any reevaluation under this section, the IEP Team described in subsection (d)(1)(B) and other qualified professionals, as appropriate, shall—

["(A) review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based assessments, and observations, and teacher and related services providers observations; and

["(B) on the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine—

["(i) whether the child has a particular category of disability, as described in section 602(3), or, in case of a reevaluation of a child, whether the child continues to have such a disability;

["(ii) the present levels of performance and educational needs of the child;

["(iii) whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and

["(iv) whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the individualized education program of the child and to participate, as appropriate, in the general curriculum.

["(2) SOURCE OF DATA.—The local educational agency shall administer such tests and other evaluation materials as may be needed to produce the data identified by the IEP Team under paragraph (1)(B).

["(3) PARENTAL CONSENT.—Each local educational agency shall obtain informed parental consent, in accordance with subsection (a)(1)(D), prior to conducting any reevaluation of a child with a disability, except that such informed parental consent need not be obtained if the local educational agency can demonstrate that the local educational agency had taken reasonable measures to obtain such consent and the child's parent has failed to respond.

["(4) REQUIREMENTS IF ADDITIONAL DATA ARE NOT NEEDED.—If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child is or continues to be a child with a disability the local educational agency—

["(A) shall notify the child's parents of—

["(i) that determination and the reasons for the determination; and

["(ii) the right of such parents to request an assessment to determine whether the child is or continues to be a child with a disability; and

["(B) shall not be required to conduct such an assessment unless requested by the child's parents.

["(5) EVALUATIONS BEFORE CHANGE IN ELIGIBILITY.—

["(A) IN GENERAL.—Except as provided in subparagraph (B), a local educational agency shall evaluate a child with a disability in accordance with this section before determining that the child is no longer a child with a disability.

["(B) EXCEPTION.—

["(i) IN GENERAL.—The evaluation described in subparagraph (A) shall not be required before the termination of a child's eligibility under this part due to graduation from secondary school with a regular diploma, or to exceeding the age eligibility for a free appropriate public education under State law.

["(ii) SUMMARY OF PERFORMANCE.—For a child whose eligibility under this part terminates under circumstances described in clause (i), a local educational agency shall provide the child with a summary of the child's academic achievement and functional performance, which shall include any further recommendations on how to assist the child in meeting the child's postsecondary goals.

["(d) INDIVIDUALIZED EDUCATION PROGRAMS.—

["(1) DEFINITIONS.—As used in this title:

["(A) INDIVIDUALIZED EDUCATION PROGRAM.—

["(i) IN GENERAL.—The term 'individualized education program' or 'IEP' means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this section and that includes—

["(I) a statement of the child's present levels of academic achievement and functional performance, including—

["(aa) how the child's disability affects the child's involvement and progress in the general curriculum; or

["(bb) for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

["(II) a statement of measurable annual goals, including academic and functional goals, designed to—

["(aa) meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general curriculum; and

["(bb) meet each of the child's other educational needs that result from the child's disability;

["(III) a statement of how the child's progress toward the annual goals described in subclause (II) will be measured, including through the use of quarterly or other periodic reports, concurrent with the issuance of report cards, that delineate the progress the child is making toward meeting the annual goals;

["(IV) a statement of the special education and related services, and supplementary aids and services, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child—

["(aa) to advance appropriately toward attaining the annual goals;

["(bb) to be involved in and make progress in the general curriculum in accordance with subclause (I) and to participate in extracurricular and other nonacademic activities; and

["(cc) to be educated and participate with other children with disabilities and nondisabled children in the activities described in this paragraph;

["(V) an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in subclause (IV)(cc);

["(VI)(aa) a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and districtwide assessments consistent with section 612(a)(16)(A); and

["(bb) if the IEP Team determines that the child shall take an alternate assessment on a particular State or districtwide assessment of student achievement, a statement of why—

["(AA) the child cannot participate in the regular assessment; and

["(BB) the particular alternate assessment selected is appropriate for the child;

["(VII) the projected date for the beginning of the services and modifications described in subclause (IV), and the anticipated frequency, location, and duration of those services and modifications; and

["(VIII) beginning not later than the first IEP to be in effect when the child is 14, and updated annually thereafter—

["(aa) appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills;

["(bb) the transition services (including courses of study) needed by the child to reach those goals, including services to be provided by other agencies when needed; and

["(cc) beginning at least 1 year before the child reaches the age of majority under State law, a statement that the child has been informed of the child's rights under this title, if any, that will transfer to the child on reaching the age of majority under section 615(m).

["(ii) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require—

["(I) that additional information be included in a child's IEP beyond what is explicitly required in this section; and

["(II) the IEP Team to include information under 1 component of a child's IEP that is already contained under another component of such IEP.

["(B) INDIVIDUALIZED EDUCATION PROGRAM TEAM.—The term 'individualized education program team' or 'IEP Team' means a group of individuals composed of—

["(i) the parents of a child with a disability;

["(ii) at least 1 regular education teacher of such child (if the child is, or may be, participating in the regular education environment);

[“(iii) at least 1 special education teacher, or where appropriate, at least 1 special education provider of such child;

[“(iv) a representative of the local educational agency who—

[“(I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

[“(II) is knowledgeable about the general curriculum; and

[“(III) is knowledgeable about the availability of resources of the local educational agency;

[“(v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);

[“(vi) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

[“(vii) whenever appropriate, the child with a disability.

[“(C) IEP TEAM ATTENDANCE.—

[“(i) ATTENDANCE NOT NECESSARY.—A member of the IEP Team shall not be required to attend an IEP meeting, in whole or in part, if the parent of a child with a disability and the local educational agency agree that the attendance of such member is not necessary because no modification to the member's area of the curriculum or related services is being modified or discussed in the meeting.

[“(ii) EXCUSAL.—A member of the IEP Team may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if—

[“(I) the parent and the local educational agency consent to the excusal; and

[“(II) the member submits input into the development of the IEP prior to the meeting.

[“(2) REQUIREMENT THAT PROGRAM BE IN EFFECT.—

[“(A) IN GENERAL.—At the beginning of each school year, each local educational agency, State educational agency, or other State agency, as the case may be, shall have in effect, for each child with a disability in its jurisdiction, an individualized education program, as defined in paragraph (1)(A).

[“(B) PROGRAM FOR CHILD AGED 3 THROUGH 5.—In the case of a child with a disability aged 3 through 5 (or, at the discretion of the State educational agency, a 2-year-old child with a disability who will turn age 3 during the school year), an individualized family service plan that contains the material described in section 636, and that is developed in accordance with this section, may serve as the IEP of the child if using that plan as the IEP is—

[“(i) consistent with State policy; and

[“(ii) agreed to by the agency and the child's parents.

[“(3) DEVELOPMENT OF IEP.—

[“(A) IN GENERAL.—In developing each child's IEP, the IEP Team, subject to subparagraph (C), shall consider—

[“(i) the strengths of the child;

[“(ii) the concerns of the parents for enhancing the education of their child;

[“(iii) the results of the initial evaluation or most recent evaluation of the child; and

[“(iv) the academic, developmental, and functional needs of the child.

[“(B) CONSIDERATION OF SPECIAL FACTORS.—The IEP Team shall—

[“(i) in the case of a child whose behavior impedes the child's learning or that of others, provide for positive behavioral interventions and supports, and other strategies to address that behavior;

[“(ii) in the case of a child with limited English proficiency, consider the language needs of the child as such needs relate to the child's IEP;

[“(iii) in the case of a child who is blind or visually impaired—

[“(I) provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child; and

[“(II) consider, when appropriate, instructional services related to functional performance skills, orientation and mobility, and skills in the use of assistive technology devices, including low vision devices;

[“(iv) in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel, and access to the general curriculum and instruction at the child's academic level in the child's language and communication mode; and

[“(v) consider whether the child requires assistive technology devices and services.

[“(C) REQUIREMENT WITH RESPECT TO REGULAR EDUCATION TEACHER.—A regular education teacher of the child, as a member of the IEP Team shall, to the extent appropriate, participate in the development of the IEP of the child, including the determination of appropriate positive behavioral interventions and supports, and other strategies, and the determination of supplementary aids and services, program modifications, and support for school personnel consistent with paragraph (1)(A)(i)(IV).

[“(D) AGREEMENT.—In making changes to a child's IEP after the annual IEP meeting for a school year, the parent of a child with a disability and the local educational agency may agree not to convene an IEP meeting for the remainder of the school year, and instead develop a written document to amend or modify the child's current IEP.

[“(E) CONSOLIDATION OF IEP TEAM MEETINGS.—To the extent possible, the local educational agency shall encourage the consolidation of reevaluations of a child with IEP Team meetings for the child.

[“(4) REVIEW AND REVISION OF IEP.—

[“(A) IN GENERAL.—The local educational agency shall ensure that, subject to subparagraph (B), the IEP Team—

[“(i) reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and

[“(ii) revise the IEP as appropriate to address—

[“(I) any lack of expected progress toward the annual goals and in the general curriculum, where appropriate;

[“(II) the results of any reevaluation conducted under this section;

[“(III) information about the child provided to, or by, the parents, as described in subsection (c)(1)(B);

[“(IV) the child's anticipated needs; or

[“(V) other matters.

[“(B) REQUIREMENT WITH RESPECT TO REGULAR EDUCATION TEACHER.—A regular education teacher of the child, as a member of the IEP Team, shall, consistent with paragraph (1)(C), participate in the review and revision of the IEP of the child.

[“(5) THREE-YEAR IEP.—

[“(A) DEVELOPMENT OF 3-YEAR IEP.—The local educational agency may offer a child with a disability who has reached the age of 18, the option of developing a comprehensive 3-year IEP. With the consent of the parent, when appropriate, the IEP Team shall develop an IEP, as described in paragraphs (1) and (3), that is designed to serve the child for the final 3-year transition period, which includes a statement of—

[“(i) measurable goals that will enable the child to be involved in and make progress in the general education curriculum and that will meet the child's transitional and postsecondary needs that result from the child's disability; and

[“(ii) measurable annual goals for measuring progress toward meeting the postsecondary goals described in clause (i).

[“(B) REVIEW AND REVISION OF 3-YEAR IEP.—

[“(i) REQUIREMENT.—Each year the local educational agency shall ensure that the IEP Team—

[“(I) provides an annual review of the child's IEP to determine the child's current levels of progress and determine whether the annual goals for the child are being achieved; and

[“(II) revises the IEP, as appropriate, to enable the child to continue to meet the measurable transition goals set out in the IEP.

[“(ii) COMPREHENSIVE REVIEW.—If the review under clause (i) determines that the child is not making sufficient progress toward the goals described in subparagraph (A), the local educational agency shall ensure that the IEP Team provides a review, within 30 calendar days, of the IEP under paragraph (4).

[“(iii) PREFERENCE.—At the request of the child, or when appropriate, the parent, the IEP Team shall conduct a review of the child's 3-year IEP under paragraph (4) rather than an annual review under subparagraph (B)(i).

[“(6) FAILURE TO MEET TRANSITION OBJECTIVES.—If a participating agency, other than the local educational agency, fails to provide the transition services described in the IEP in accordance with paragraph (1)(A)(i)(VIII), the local educational agency shall reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in that program.

[“(7) CHILDREN WITH DISABILITIES IN ADULT PRISONS.—

[“(A) IN GENERAL.—The following requirements shall not apply to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons:

[“(i) The requirements contained in section 612(a)(16) and paragraph (1)(A)(i)(V) (relating to participation of children with disabilities in general assessments).

[“(ii) The requirements of items (aa) and (bb) of paragraph (1)(A)(i)(VII) (relating to transition planning and transition services), do not apply with respect to such children whose eligibility under this part will end, because of their age, before they will be released from prison.

[“(B) ADDITIONAL REQUIREMENT.—If a child with a disability is convicted as an adult under State law and incarcerated in an adult prison, the child's IEP Team may modify the child's IEP or placement notwithstanding the requirements of sections 612(a)(5)(A) and 614(d)(1)(A) if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

[“(e) Educational Placements.—Each local educational agency or State educational agency shall ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child.

[“(f) Alternative Means of Meeting Participation.—When conducting IEP Team meetings and placement meetings pursuant to this section, the parent of a child with a disability and a local educational agency may agree to use alternative means of meeting participation, such as video conferences and conference calls.

[“SEC. 615. PROCEDURAL SAFEGUARDS.

[“(a) Establishment of Procedures.—Any State educational agency, State agency, or local educational agency that receives assistance under this part shall establish and maintain procedures in accordance with this section to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of free appropriate public education by such agencies.

[“(b) Types of Procedures.—The procedures required by this section shall include—

[“(1) an opportunity for the parents of a child with a disability to examine all records relating to such child and to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child, and to obtain an independent educational evaluation of the child;

[“(2) procedures to protect the rights of the child whenever the parents of the child are not known, the agency cannot, after reasonable efforts, locate the parents, or the child is a ward of the State, including the assignment of an individual (who shall not be an employee of the State educational agency, the local educational agency, or any other agency that is involved in the education or care of the child) to act as a surrogate for the parents;

[“(3) written prior notice to the parents of the child, in accordance with subsection (c)(1), whenever the local educational agency—

[“(A) proposes to initiate or change; or

[“(B) refuses to initiate or change,

the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child;

[“(4) procedures designed to ensure that the notice required by paragraph (3) is in the native language of the parents, unless it clearly is not feasible to do so;

[“(5) an opportunity for mediation in accordance with subsection (e);

[“(6) an opportunity for either party to present complaints with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child;

[“(7)(A) procedures that require either party, or the attorney representing a party, to provide due process complaint notice in accordance with subsection (c)(2) (which shall remain confidential)—

[“(i) to the other party, in the complaint filed under paragraph (6), and forward a copy of such notice to the State educational agency; and

[“(ii) that shall include—

[“(I) the name of the child, the address of the residence of the child, and the name of the school the child is attending;

[“(II) a description of the nature of the problem of the child relating to such proposed initiation or change, including facts relating to such problem; and

[“(III) a proposed resolution of the problem to the extent known and available to the party at the time; and

[“(B) a requirement that a party may not have a due process hearing until the party, or the attorney representing the party, files a notice that meets the requirements of subparagraph (A)(ii);

[“(8) a requirement that the local educational agency shall send a prior written notice pursuant to subsection (c)(1) in response to a parent's due process complaint notice under paragraph (7) if the local educational agency has not sent such a prior written notice to the parent regarding the subject matter contained in the parent's due process complaint notice; and

[“(9) procedures that require the State educational agency to develop a model form to assist parents in filing a complaint and due process complaint notice in accordance with paragraphs (6) and (7), respectively.

[“(c) Notification Requirements.—

[“(1) Content of prior written notice.—The prior written notice of the local educational agency required by subsection (b)(3) shall include—

[“(A) a description of the action proposed or refused by the agency;

[“(B) an explanation of why the agency proposes or refuses to take the action;

[“(C) a description of any other options that the agency considered and the reasons why those options were rejected;

[“(D) a description of each evaluation procedure, test, record, or report the agency used as a basis for the proposed or refused action;

[“(E) a description of any other factors that are relevant to the agency's proposal or refusal;

[“(F) a statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and

[“(G) sources for parents to contact to obtain assistance in understanding the provisions of this part.

[“(2) Due process complaint notice.—

[“(A) In general.—The due process complaint notice required under subsection (b)(7)(A) shall be deemed to be sufficient unless the party receiving the notice notifies the hearing officer in writing that the party believes the notice has not met the requirements of that subsection.

[“(B) Timing.—The party sending a hearing officer notification under subparagraph (A) shall send the notification within 20 days of receiving the complaint.

[“(C) Determination.—Within 5 days of receipt of the notification provided under subparagraph (B), the hearing officer shall make a determination on the face of the notice of whether the notification meets the requirements of subsection (b)(7)(A).

[“(d) Procedural Safeguards Notice.—

[“(1) In general.—A copy of the procedural safeguards available to the parents of a child with a disability shall be given to the parents only 1 time a year, except that a copy also shall be given to the parents—

[“(A) upon initial referral or parental request for evaluation;

[“(B) upon registration of a complaint under subsection (b)(6);

[“(C) at any individualized education program meeting required in accordance with subsection (k)(1); and

[“(D) upon request by a parent.

[“(2) Contents.—The procedural safeguards notice shall include a full explanation of the procedural safeguards, written in the native language of the parents, unless it clearly is not feasible to do so, and written in an easily understandable manner, available under this section and under regulations promulgated by the Secretary relating to—

[“(A) independent educational evaluation;

[“(B) prior written notice;

[“(C) parental consent;

[“(D) access to educational records;

[“(E) opportunity to present complaints, including the time period in which to make those complaints;

[“(F) the child's placement during pendency of due process proceedings;

[“(G) procedures for students who are subject to placement in an interim alternative educational setting;

[“(H) requirements for unilateral placement by parents of children in private schools at public expense;

[“(I) mediation;

[“(J) due process hearings, including requirements for disclosure of evaluation results and recommendations;

[“(K) State-level appeals (if applicable in that State);

[“(L) civil actions, including the time period in which to file such actions; and

[“(M) attorney's fees.

[“(e) Mediation.—

[“(1) In general.—Any State educational agency or local educational agency that receives assistance under this part shall ensure that procedures are established and implemented to allow parties to disputes involving any matter, including matters arising prior to the filing of a complaint pursuant to subsection (b)(6), to resolve such disputes through a mediation process.

[“(2) Requirements.—Such procedures shall meet the following requirements:

[“(A) The procedures shall ensure that the mediation process—

[“(i) is voluntary on the part of the parties;

[“(ii) is not used to deny or delay a parent's right to a due process hearing under subsection (f), or to deny any other rights afforded under this part; and

[“(iii) is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

[“(B) Opportunity to meet with a disinterested party.—A local educational agency or a State agency may establish procedures to offer to parents who choose not to use the mediation process, an opportunity to meet, at a time and location convenient to the parents, with a disinterested party who is under contract with—

[“(i) a parent training and information center or community parent resource center in the State established under section 671 or 672; or

[“(ii) an appropriate alternative dispute resolution entity,

to encourage the use, and explain the benefits, of the mediation process to the parents.

[“(C) List of qualified mediators.—The State shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services.

[“(D) Costs.—The State shall bear the cost of the mediation process, including the costs of meetings described in subparagraph (B).

[“(E) Scheduling and location.—Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

[“(F) Written mediation agreement.—An agreement reached by the parties to the dispute in the mediation process shall be set forth in a written mediation agreement that is enforceable in any State court of competent jurisdiction or in a district court of the United States.

[“(G) Mediation discussions.—Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings, and the parties to the mediation process may be required to sign a confidentiality pledge prior to the commencement of such process.

[“(f) Impartial Due Process Hearing.—

[“(1) In general.—

[“(A) Hearing.—Whenever a complaint has been received under subsection (b)(6) or (k), the parents or the local educational agency involved in such complaint shall have an opportunity for an impartial due process hearing, which shall be conducted by the State educational agency or by the local educational agency, as determined by State law or by the State educational agency.

[“(B) Opportunity to resolve complaint.—

[“(i) Preliminary meeting.—Prior to the opportunity for an impartial due process hearing under subparagraph (A), the local educational agency shall convene a meeting with the parents and the IEP Team—

[“(I) within 15 days of receiving notice of the parents’ complaint;

[“(II) which shall include a representative of the public agency who has decisionmaking authority on behalf of such agency; and

[“(III) which may not include an attorney of the local educational agency unless the parent is accompanied by an attorney; and

[“(IV) where the parents of the child discuss their complaint, and the specific issues that form the basis of the complaint, and the local educational agency is provided the opportunity to resolve the complaint,

unless the parents and the local educational agency agree in writing to waive such meeting, or agree to use the mediation process described in subsection (e).

[“(ii) Hearing.—If the local educational agency has not resolved the complaint to the satisfaction of the parents within 15 days of the receipt of the complaint, the due process hearing may occur, and all of the applicable timelines for a due process hearing under this part shall commence.

[“(iii) Written settlement agreement.—In the case that an agreement is reached to resolve the complaint at such meeting, the agreement shall be set forth in a written settlement agreement that is enforceable in any State court of competent jurisdiction or in a district court of the United States and signed by both the parent and a representative of the public agency who has decisionmaking authority on behalf of such agency.

[“(2) Disclosure of evaluations and recommendations.—

[“(A) In general.—Not less than 5 business days prior to a hearing conducted pursuant to paragraph (1), each party shall disclose to all other parties all evaluations completed by that date, and recommendations based on the offering party’s evaluations, that the party intends to use at the hearing.

[“(B) Failure to disclose.—A hearing officer may bar any party that fails to comply with subparagraph (A) from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

[“(3) Limitations on hearing.—

[“(A) Person conducting hearing.—A hearing officer conducting a hearing pursuant to paragraph (1)(A) shall, at a minimum—

[“(i) not be—

[“(I) an employee of the State educational agency or the local educational agency involved in the education or care of the child; or

[“(II) a person having a personal or professional interest that conflicts with the person’s objectivity in the hearing;

[“(ii) possess a fundamental understanding of this Act, Federal and State regulations pertaining to this Act, and interpretations of this Act by State and Federal courts;

[“(iii) possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and

[“(iv) possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice.

[“(B) Subject matter of hearing.—The party requesting the due process hearing shall not be allowed to raise issues at the due process hearing that were not raised in the notice filed under subsection (b)(7), unless the other party agrees otherwise.

[“(C) Rule of construction.—Nothing in this section shall be construed to preclude a parent from filing a separate due process complaint on an issue separate from a due process complaint already filed.

[“(D) Statute of limitations.—A parent or public agency shall request an impartial due process hearing within 2 years of the date the parent or public agency knew or should have known about the alleged action that forms the basis of the complaint, or, if the State has an explicit time limitation for requesting such a hearing under this part, in such time as the State law allows.

[“(E) Exception to the statute of limitations.—The statute of limitations described in subparagraph (D) shall not apply if the parent was prevented from requesting the hearing due to—

[“(i) failure of the local educational agency to provide prior written or procedural safeguards notices;

[“(ii) false representations that the local educational agency was attempting to resolve the problem forming the basis of the complaint; or

[“(iii) the local educational agency’s withholding of information from parents.

[“(F) Decision of hearing officer.—

[“(i) In general.—Subject to clause (ii), a decision made by a hearing officer shall be made on substantive grounds based on a determination of whether the child received a free appropriate public education.

[“(ii) Procedural issues.—In matters alleging a procedural violation, a hearing officer may find that a child did not receive a free appropriate public education only if the procedural inadequacies—

[“(I) compromised the child’s right to an appropriate public education;

[“(II) seriously hampered the parents’ opportunity to participate in the process; or

[“(III) caused a deprivation of educational benefits.

[“(iii) Enforceability.—A decision made by the hearing officer is enforceable in any State court of competent jurisdiction or in a district court of the United States, unless either party appeals such decision under the provision of subsection (g) or (i)(2).

[“(G) Rule of construction.—Nothing in this section shall be construed to affect the right of a parent to file a complaint with the State educational agency.

[“(g) Appeal.—If the hearing required by subsection (f) is conducted by a local educational agency, any party aggrieved by the findings and decision rendered in such a hearing may appeal such findings and decision to the State educational agency. Such State educational agency shall conduct an impartial review of such decision. The officer conducting such review shall make an independent decision upon completion of such review.

[“(h) Safeguards.—Any party to a hearing conducted pursuant to subsection (f) or (k), or an appeal conducted pursuant to subsection (g), shall be accorded—

[“(1) the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;

[“(2) the right to present evidence and confront, cross-examine, and compel the attendance of witnesses;

[“(3) the right to a written, or, at the option of the parents, electronic verbatim record of such hearing; and

[“(4) the right to a written, or, at the option of the parents, electronic findings of fact and decisions, which findings and decisions—

[“(A) shall be made available to the public consistent with the requirements of section 617(c) (relating to the confidentiality of data, information, and records); and

[“(B) shall be transmitted to the advisory panel established pursuant to section 612(a)(20).

[“(i) Administrative Procedures.—

[“(1) In general.—

[“(A) Decision made in hearing.—A decision made in a hearing conducted pursuant to subsection (f) or (k) shall be final, except that any party involved in such hearing may appeal such decision under the provisions of subsection (g) and paragraph (2).

[“(B) Decision made at appeal.—A decision made under subsection (g) shall be final, except that any party may bring an action under paragraph (2).

[“(2) Right to bring civil action.—

[“(A) In general.—Any party aggrieved by the findings and decision made under subsection (f) or (k) who does not have the right to an appeal under subsection (g), and any party aggrieved by the findings and decision under this subsection, shall have the right to bring a civil action with respect to the complaint presented pursuant to this section, which action may be brought in any State court of competent jurisdiction or in a district court of the United States, without regard to the amount in controversy.

[“(B) Limitation.—The party bringing the action shall have 90 days from the date of the decision of the hearing officer to bring such an action, or, if the State has an explicit time limitation for bringing such action under this part, in such time as the State law allows.

[“(C) Additional requirements.—In any action brought under this paragraph, the court—

[“(i) shall receive the records of the administrative proceedings;

[“(ii) shall hear additional evidence at the request of a party; and

[“(iii) basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

[“(3) Jurisdiction of district courts; attorneys’ fees.—

[“(A) In general.—The district courts of the United States shall have jurisdiction of actions brought under this section without regard to the amount in controversy.

["(B) AWARD OF ATTORNEYS' FEES.—In any action or proceeding brought under this section, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the parents of a child with a disability who is the prevailing party.

["(C) DETERMINATION OF AMOUNT OF ATTORNEYS' FEES.—Fees awarded under this paragraph shall be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded under this subsection.

["(D) PROHIBITION OF ATTORNEYS' FEES AND RELATED COSTS FOR CERTAIN SERVICES.—

["(i) IN GENERAL.—Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding under this section for services performed subsequent to the time of a written offer of settlement to a parent if—

["(I) the offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than 10 days before the proceeding begins;

["(II) the offer is not accepted within 10 days; and

["(III) the court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement.

["(ii) IEP TEAM MEETINGS.—Attorneys' fees may not be awarded relating to any meeting of the IEP Team unless such meeting is convened as a result of an administrative proceeding or judicial action, or, at the discretion of the State, for a mediation described in subsection (e).

["(iii) OPPORTUNITY TO RESOLVE COMPLAINTS.—A meeting conducted pursuant to subsection (f)(1)(B)(i) shall not be considered—

["(I) a meeting convened as a result of an administrative hearing or judicial action; or

["(II) an administrative hearing or judicial action for purposes of this paragraph.

["(E) EXCEPTION TO PROHIBITION ON ATTORNEYS' FEES AND RELATED COSTS.—Notwithstanding subparagraph (D), an award of attorneys' fees and related costs may be made to a parent who is the prevailing party and who was substantially justified in rejecting the settlement offer.

["(F) REDUCTION IN AMOUNT OF ATTORNEYS' FEES.—Except as provided in subparagraph (G), whenever the court finds that—

["(i) the parent, or the parent's attorney, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy;

["(ii) the amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience;

["(iii) the time spent and legal services furnished were excessive considering the nature of the action or proceeding; or

["(iv) the attorney representing the parent did not provide to the local educational agency the appropriate information in the notice of the complaint described in subsection (b)(7)(A),

the court shall reduce, accordingly, the amount of the attorneys' fees awarded under this section.

["(G) EXCEPTION TO REDUCTION IN AMOUNT OF ATTORNEYS' FEES.—The provisions of subparagraph (F) shall not apply in any action or proceeding if the court finds that the State or local educational agency unreasonably protracted the final resolution of the action or proceeding or there was a violation of this section.

["(j) MAINTENANCE OF CURRENT EDUCATIONAL PLACEMENT.—Except as provided in subsection (k)(4), during the pendency of any proceedings conducted pursuant to this section, unless the State or local educational agency and the parents otherwise agree, the child shall remain in the then-current educational placement of such child, or, if applying for initial admission to a public school, shall, with the consent of the parents, be placed in the public school program until all such proceedings have been completed.

["(k) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—

["(1) AUTHORITY OF SCHOOL PERSONNEL.—

["(A) IN GENERAL.—School personnel under this section may order a change in the placement of a child with a disability who violates a code of student conduct to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives are applied to children without disabilities).

["(B) ADDITIONAL AUTHORITY.—If school personnel seek to order a change in placement that would exceed 10 school days and the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability pursuant to subparagraph (C), the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which the procedures would be applied to children without disabilities, except as provided in section 612(a)(1).

["(C) MANIFESTATION DETERMINATION.—

["(i) IN GENERAL.—Except as provided in subparagraphs (A) and (D), within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the IEP Team shall review all relevant information in the student's file, any information provided by the parents, and teacher observations, to determine—

["(I) if the conduct in question was the result of the child's disability; or

["(II) if the conduct in question resulted from the failure to implement the IEP or develop and implement behavioral interventions as required by section 614(d)(3)(B)(i).

["(ii) MANIFESTATION.—If the IEP Team determines that either subclause (I) or (II) of clause (i) is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

["(D) SPECIAL CIRCUMSTANCES.—In cases where a child carries or possesses a weapon at school or a school function, possesses or uses drugs or sells or solicits the sale of drugs while at school or a school function, or has committed serious bodily injury upon another person while at school or at a school function, school personnel may remove a student to an interim alternative educational setting for not more than 45 school days, without regard to whether the behavior is determined to be a manifestation of the child's disability.

["(E) SERVICES.—A child with a disability who is removed from the child's current placement under subparagraph (B) or (D) shall—

["(i) continue to receive educational services pursuant to section 612(a)(1), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and

["(ii) receive behavioral intervention services as described in section 614(d)(3)(B)(i) designed to address the behavior violation so that the violation does not recur.

["(2) DETERMINATION OF SETTING.—The alternative educational setting shall be determined by the IEP Team.

["(3) APPEAL.—

["(A) IN GENERAL.—The parent of a child with a disability who disagrees with any decision regarding disciplinary action, placement, or the manifestation determination under this subsection may request a hearing.

["(B) AUTHORITY OF HEARING OFFICER.—

["(i) IN GENERAL.—If a parent of a child with a disability disagrees with a decision as described in subparagraph (A), the hearing officer may determine whether the decision regarding such action was appropriate.

["(ii) CHANGE OF PLACEMENT ORDER.—A hearing officer under this section may order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

["(4) PLACEMENT DURING APPEALS.—When a parent requests a hearing regarding a disciplinary procedure described in paragraph (1)(B) or challenges the interim alternative educational setting or manifestation determination—

["(A) the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in paragraph (1)(B), whichever occurs first, unless the parent and the State or local educational agency agree otherwise; and

["(B) the State or local educational agency shall arrange for an expedited hearing which shall occur within 20 school days of the date the hearing is requested.

["(5) PROTECTIONS FOR CHILDREN NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES.—

["(A) IN GENERAL.—A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violates a code of student conduct, may assert any of the protections provided for in this part if the local educational agency had knowledge (as determined in accordance with this paragraph) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

["(B) BASIS OF KNOWLEDGE.—A local educational agency shall be deemed to have knowledge that a child is a child with a disability if, before the behavior that precipitated the disciplinary action occurred—

["(i) the parent of the child has expressed concern in writing (unless the parent is illiterate or has a disability that prevents compliance with the requirements contained in this clause) to personnel of the appropriate educational agency that the child is in need of special education and related services;

["(ii) the parent of the child has requested an evaluation of the child pursuant to section 614;

["(iii) the teacher of the child, or other personnel of the local educational agency, has expressed concern about a pattern of behavior demonstrated by the child, to the director of special education of such agency or to other administrative personnel of the agency; or

[“(iv) the child has engaged in a pattern of behavior that should have alerted personnel of the local educational agency that the child may be in need of special education and related services.

[“(C) Exception.—A local educational agency shall not be deemed to have knowledge that the child has a disability if the parent of the child has not agreed to allow an evaluation of the child pursuant to section 614.

[“(D) Conditions that apply if no basis of knowledge.—

[“(i) In general.—If a local educational agency does not have knowledge that a child is a child with a disability (in accordance with subparagraph (B) or (C)) prior to taking disciplinary measures against the child, the child may be subjected to disciplinary measures applied to children without disabilities who engaged in comparable behaviors consistent with clause (ii).

[“(ii) Limitations.—If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under paragraph (1), the evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with this part, except that, pending the results of the evaluation, the child shall remain in the educational placement determined by school authorities.

[“(6) Referral to and action by law enforcement and judicial authorities.—

[“(A) Construction.—Nothing in this part shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

[“(B) Transmittal of records.—An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.

[“(7) Definitions.—For purposes of this subsection, the following definitions apply:

[“(A) Drug.—The term ‘drug’—

[“(i) means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)); and

[“(ii) does not include such a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

[“(B) Weapon.—The term ‘weapon’ has the meaning given the term ‘dangerous weapon’ under section 930(g)(2) of title 18, United States Code.

[“(C) Serious bodily injury.—The term ‘serious bodily injury’ has the meaning given the term ‘serious bodily injury’ under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

[“(l) Rule of Construction.—Nothing in this title shall be construed to restrict or limit the rights, procedures, and remedies available under the Constitution, the Americans with Disabilities Act of 1990, title V of the Rehabilitation Act of 1973, or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under such laws seeking relief that is also available under this part, the procedures under subsections (f) and (g) shall be exhausted to the same extent as would be required had the action been brought under this part.

[“(m) Transfer of Parental Rights at Age of Majority.—

[“(1) In general.—A State that receives amounts from a grant under this part may provide that, when a child with a disability reaches the age of majority under State law (except for a child with a disability who has been determined to be incompetent under State law)—

[“(A) the public agency shall provide any notice required by this section to both the individual and the parents;

[“(B) all other rights accorded to parents under this part transfer to the child;

[“(C) the agency shall notify the individual and the parents of the transfer of rights; and

[“(D) all rights accorded to parents under this part transfer to children who are incarcerated in an adult or juvenile Federal, State, or local correctional institution.

[“(2) Special rule.—If, under State law, a child with a disability who has reached the age of majority under State law, who has not been determined to be incompetent, but who is determined not to have the ability to provide informed consent with respect to the educational program of the child, the State shall establish procedures for appointing the parent of the child, or if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of eligibility of the child under this part.

[“SEC. 616. MONITORING, TECHNICAL ASSISTANCE, AND ENFORCEMENT.

[“(a) Federal and State Monitoring.—

[“(1) In general.—The Secretary shall—

[“(A) monitor implementation of this Act through—

[“(i) oversight of the States' exercise of general supervision, as required in section 612(a)(11); and

[“(ii) the system of indicators, described in subsection (b)(2);

[“(B) enforce this Act in accordance with subsection (c); and

[“(C) require States to monitor implementation of this Act by local educational agencies and enforce this Act in accordance with paragraph (3) of this subsection and subsection (c).

[“(2) Focused monitoring.—The primary focus of Federal and State monitoring activities described in paragraph (1) shall be on improving educational results and functional outcomes for all children with disabilities, while ensuring compliance with program requirements, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.

[“(3) Monitoring priorities.—The Secretary shall monitor, and shall require States to monitor, the following priority areas:

[“(A) Provision of a free appropriate public education in the least restrictive environment.

[“(B) Provision of transition services, as defined in section 602(32).

[“(C) State exercise of general supervisory authority, including the effective use of complaint resolution and mediation.

[“(D) Overrepresentation of racial and ethnic groups in special education and related services, to the extent the overrepresentation is the result of inappropriate policies, procedures, and practices.

[“(4) Permissive areas of review.—The Secretary may examine other relevant information and data, including data provided by States under section 618, and data from the State's compliance plan under subsection (b)(2)(C).

[“(b) Indicators.—

[“(1) System.—The Secretary shall implement and administer a system of required indicators as described in paragraph (2) that measures the progress of States in improving their performance under this Act.

[“(2) Indicators.—

[“(A) In general.—Using the performance indicators established by States under section 612(a)(15), the Secretary shall review—

[“(i) the performance of children with disabilities in the State on assessments, including alternate assessments, dropout rates, and graduation rates, which for purposes of this paragraph means the number and percentage of students with disabilities who graduate with a regular diploma within the number of years specified in a student's IEP; and

[“(ii) the performance of children with disabilities in the State on assessments, including alternate assessments, dropout rates, and graduation rates, as compared to the performance and rates for all children.

[“(B) Secretary's assessment.—Based on that review and a review of the State's compliance plan under subparagraph (C), the Secretary shall assess the State's progress in improving educational results for children with disabilities.

[“(C) State compliance plan.—Not later than 1 year after the date of the enactment of the Individuals with Disabilities Education Improvement Act of 2003, each State shall have in place a compliance plan developed in collaboration with the Secretary. Each State's compliance plan shall—

[“(i) include benchmarks to measure continuous progress on the priority areas described in subsection (a)(3);

[“(ii) describe strategies the State will use to achieve the benchmarks; and

[“(iii) be approved by the Secretary.

[“(3) Data collection and analysis.—The Secretary shall—

[“(A) review the data collection and analysis capacity of States to ensure that data and information determined necessary for implementation of this subsection is collected, analyzed, and accurately reported to the Secretary; and

[“(B) provide technical assistance to improve the capacity of States to meet these data collection requirements.

[“(c) Compliance and Enforcement.—

[“(1) In general.—The Secretary shall examine relevant State information and data annually, to determine whether the State is making satisfactory progress toward improving educational results for children with disabilities using the indicators described in subsection (b)(2)(A) and the benchmarks established in the State compliance plan under subsection (b)(2)(C), and is in compliance with the provisions of this Act.

[“(2) Lack of satisfactory progress by a State.—

[“(A) In general.—If after examining data, as provided in subsection (b)(2) (A) and (C), the Secretary determines that a State failed to make satisfactory progress in meeting the indicators described in subsection (b)(2)(A) or has failed to meet the benchmarks described in subsection (b)(2)(C) for 2 consecutive years after the State has developed its compliance plan, the Secretary shall notify the State that the State has failed to make satisfactory progress, and shall take 1 or more of the following actions:

[“(i) Direct the use of State level funds for technical assistance, services, or other expenditures to ensure that the State resolves the area or areas of unsatisfactory progress.

[“(ii) Withhold not less than 20, but not more than 50, percent of the State's funds for State administration and activities for the fiscal year under section 611(e), after providing the State the opportunity to show cause why the withholding should not occur, until the Secretary determines that sufficient progress has been made in improving educational results for children with disabilities.

[“(B) ADDITIONAL SECRETARIAL ACTION.—If, at the end of the 5th year after the Secretary has approved the compliance plan that the State has developed under subsection (b)(2)(C), the Secretary determines that a State failed to meet the benchmarks in the State compliance plan and make satisfactory progress in improving educational results for children with disabilities pursuant to the indicators described in subsection (b)(2)(A), the Secretary shall take 1 or more of the following actions:

[“(i) Seek to recover funds under section 452 of the General Education Provisions Act.

[“(ii) After providing reasonable notice and an opportunity for a hearing to the State educational agency involved, withhold, in whole or in part, any further payments to the State under this part pursuant to subsection (c)(5).

[“(iii) After providing reasonable notice and an opportunity for a hearing to the State educational agency involved, refer the matter for appropriate enforcement action, which may include referral to the Department of Justice.

[“(iv) Pending the outcome of any hearing to withhold payments under clause (ii), the Secretary may suspend payments to a recipient, suspend the authority of the recipient to obligate Federal funds, or both, after such recipient has been given reasonable notice and an opportunity to show cause why future payments or authority to obligate Federal funds should not be suspended.

[“(C) SUBSTANTIAL NONCOMPLIANCE.—Notwithstanding subparagraph (B), at any time that the Secretary determines that a State is not in substantial compliance with any provision of this part or that there is a substantial failure to comply with any condition of a local agency's or State agency's eligibility under this part, the Secretary shall take 1 or more of the following actions:

[“(i) Request that the State prepare a corrective action plan or improvement plan if the Secretary determines that the State should be able to correct the problem within 1 year.

[“(ii) Identify the State as a high-risk grantee and impose special conditions on the State's grant under this part.

[“(iii) Require the State to enter into a compliance agreement under section 457 of the General Education Provisions Act, if the Secretary has reason to believe that the State cannot correct the problem within 1 year.

[“(iv) Recovery of funds under section 452 of the General Education Provisions Act.

[“(v) After providing reasonable notice and an opportunity for a hearing to the State educational agency involved, withhold, in whole or in part, any further payments to the State under this part.

[“(vi) After providing reasonable notice and an opportunity for a hearing to the State educational agency involved, refer the matter for appropriate enforcement action, which may include referral to the Department of Justice.

[“(vii) Pending the outcome of any hearing to withhold payments under clause (v), the Secretary may suspend payments to a recipient, suspend the authority of the recipient to obligate Federal funds, or both, after such recipient has been given reasonable notice and an opportunity to show cause why future payments or authority to obligate Federal funds should not be suspended.

[“(3) EGREGIOUS NONCOMPLIANCE.—At any time that the Secretary determines that a State is in egregious noncompliance or is willfully disregarding the provisions of this Act, the Secretary shall take such additional enforcement actions as the Secretary determines to be appropriate from among those actions specified in paragraph (2)(C), and, additionally, may impose 1 or more of the following sanctions upon that State:

[“(A) Institute a cease and desist action under section 456 of the General Education Provisions Act.

[“(B) Refer the case to the Office of the Inspector General.

[“(4) REPORT TO CONGRESS.—The Secretary shall report to Congress within 30 days of taking enforcement action pursuant to paragraph (2) (B) or (C), or (3), on the specific action taken and the reasons why enforcement action was taken.

[“(5) NATURE OF WITHHOLDING.—If the Secretary withholds further payments under paragraphs (2)(B)(ii) and (2)(C)(v), the Secretary may determine that such withholding will be limited to programs or projects, or portions thereof, affected by the failure, or that the State educational agency shall not make further payments under this part to specified local educational agencies or State agencies affected by the failure. Until the Secretary is satisfied that there is no longer any failure to make satisfactory progress as specified in paragraph (2)(B), or to comply with the provisions of this part, as specified in paragraph (2)(C), payments to the State under this part shall be withheld in whole or in part, or payments by the State educational agency under this part shall be limited to local educational agencies and State agencies whose actions did not cause or were not involved in the failure, as the case may be. Any State educational agency, State agency, or local educational agency that has received notice under paragraph (2)(B) or (2)(C) shall, by means of a public notice, take such measures as may be necessary to bring the pendency of an action pursuant to this subsection to the attention of the public within the jurisdiction of such agency.

[“(6) JUDICIAL REVIEW.—

[“(A) IN GENERAL.—If any State is dissatisfied with the Secretary's final action with respect to the eligibility of the State under section 612, such State may, not later than 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings upon which the Secretary's action was based, as provided in section 2112 of title 28, United States Code.

[“(B) JURISDICTION; REVIEW BY UNITED STATES SUPREME COURT.—Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

[“(C) STANDARD OF REVIEW.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

[“(d) DIVIDED STATE AGENCY RESPONSIBILITY.—For purposes of this section, where responsibility for ensuring that the requirements of this part are met with respect to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons is assigned to a public agency other than the State educational agency pursuant to section 612(a)(11)(C), the Secretary, in instances where the Secretary finds that the failure to comply substantially with the provisions of this part are related to a failure by the public agency, shall take appropriate corrective action to ensure compliance with this part, except that—

[“(1) any reduction or withholding of payments to the State shall be proportionate to the total funds allotted under section 611 to the State as the number of eligible children with disabilities in adult prisons under the supervision of the other public agency is proportionate to the number of eligible individuals with disabilities in the State under the supervision of the State educational agency; and

[“(2) any withholding of funds under paragraph (1) shall be limited to the specific agency responsible for the failure to comply with this part.

[“(e) STATE AND LOCAL MONITORING.—

[“(1) IN GENERAL.—The State educational agency shall monitor and enforce implementation of this Act, implement a system of monitoring the benchmarks in the State's compliance plan under subsection (b)(2)(C), and require local educational agencies to monitor and enforce implementation of this Act.

[“(2) ADDITIONAL ENFORCEMENT OPTIONS.—If a State educational agency determines that a local educational agency is not meeting the requirements of this part, including the benchmarks in the State's compliance plan, the State educational agency shall prohibit the local educational agency from treating funds received under this part as local funds under section 613(a)(2)(C) for any fiscal year.

[“SEC. 617. ADMINISTRATION.

[“(a) RESPONSIBILITIES OF SECRETARY.—The Secretary shall—

[“(1) cooperate with, and (directly or by grant or contract) furnish technical assistance necessary to, a State in matters relating to—

[“(A) the education of children with disabilities; and

[“(B) carrying out this part; and

[“(2) provide short-term training programs and institutes.

[“(b) RULES AND REGULATIONS.—In carrying out the provisions of this part, the Secretary shall issue regulations under this Act only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements of this Act.

[“(c) CONFIDENTIALITY.—The Secretary shall take appropriate action, in accordance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g), to assure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary and by State and local educational agencies pursuant to this part.

[“(d) PERSONNEL.—The Secretary is authorized to hire qualified personnel necessary to carry out the Secretary's duties under subsection (a) and under sections 618, 661, and 664, without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates, except that not more than 20 such personnel shall be employed at any 1 time.

[“(e) MODEL FORMS.—Not later than the date that the Secretary publishes final regulations under this Act, to implement amendments made by the Individuals with Disabilities Education Improvement Act of 2003, the Secretary shall publish and disseminate widely to States, local educational agencies, and parent and community training and information centers—

[“(1) a model IEP form;

[“(2) a model form of the notice of procedural safeguards described in section 615(d); and

[“(3) a model form of the prior written notice described in section 615 (b)(3) and (c)(1) that is consistent with the requirements of this part and is sufficient to meet such requirements.

[“SEC. 618. PROGRAM INFORMATION.

[“(a) IN GENERAL.—Each State that receives assistance under this part, and the Secretary of the Interior, shall provide data each year to the Secretary of Education on—

[“(1)(A)—the number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, and disability category, who are receiving a free appropriate public education;

[“(B) the number and percentage of children with disabilities, by race, ethnicity, and limited English proficiency status who are receiving early intervention services;

[“(C) the number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, and disability category, who are participating in regular education;

[“(D) the number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, and disability category, who are in separate classes, separate schools or facilities, or public or private residential facilities;

[“(E) the number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, and disability category, who, for each year of age from age 14 through 21, stopped receiving special education and related services because of program completion or other reasons, and the reasons why those children stopped receiving special education and related services;

[“(F) the number and percentage of children with disabilities, by race, and ethnicity, who, from birth through age 2, stopped receiving early intervention services because of program completion or for other reasons;

[“(G)(i) the number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, and disability category, who are removed to an interim alternative educational setting under section 615(k)(1);

[“(ii) the acts or items precipitating those removals; and

[“(iii) the number of children with disabilities who are subject to long-term suspensions or expulsions;

[“(H) the incidence and duration of disciplinary actions by race, ethnicity, limited English proficiency status, and disability category, of children with disabilities, including suspensions of 1 day or more;

[“(I) the number and percentage of children with disabilities who are removed to alternative educational settings or expelled as compared to children without disabilities who are removed to alternative educational settings or expelled;

[“(J) the number of due process complaints filed under section 615 and the number of hearings conducted;

[“(K) the number of hearings requested under section 615(k) and the number of changes in placements ordered as a result of those hearings;

[“(L) the number of hearings requested under section 615(k)(3)(B) and the number of changes in placements ordered as a result of those hearings; and

[“(M) the number of mediations held and the number of settlement agreements reached through such mediations;

[“(2) the number and percentage of infants and toddlers, by race, and ethnicity, who are at risk of having substantial developmental delays (as defined in section 632), and who are receiving early intervention services under part C; and

[“(3) any other information that may be required by the Secretary.

[“(b) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to States to ensure compliance with the data collection and reporting requirements under this Act.

[“(c) DISPROPORTIONALITY.—

[“(1) IN GENERAL.—Each State that receives assistance under this part, and the Secretary of the Interior, shall provide for the collection and examination of data to determine if significant disproportionality based on race is occurring in the State with respect to—

[“(A) the identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3);

[“(B) the placement in particular educational settings of such children; and

[“(C) the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

[“(2) REVIEW AND REVISION OF POLICIES, PRACTICES, AND PROCEDURES.—In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of such children, in accordance with paragraph (1), the State or the Secretary of the Interior, as the case may be, shall provide for the review and, if appropriate, revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of this Act.

[“SEC. 619. PRESCHOOL GRANTS.

[“(a) IN GENERAL.—The Secretary shall provide grants under this section to assist States to provide special education and related services, in accordance with this part—

[“(1) to children with disabilities aged 3 through 5, inclusive; and

[“(2) at the State's discretion, to 2-year-old children with disabilities who will turn 3 during the school year.

[“(b) ELIGIBILITY.—A State shall be eligible for a grant under this section if such State—

[“(1) is eligible under section 612 to receive a grant under this part; and

[“(2) makes a free appropriate public education available to all children with disabilities, aged 3 through 5, residing in the State.

[“(c) ALLOCATIONS TO STATES.—

[“(1) IN GENERAL.—The Secretary shall allocate the amount made available to carry out this section for a fiscal year among the States in accordance with paragraph (2) or (3), as the case may be.

[“(2) INCREASE IN FUNDS.—If the amount available for allocations to States under paragraph (1) is equal to or greater than the amount allocated to the States under this section for the preceding fiscal year, those allocations shall be calculated as follows:

[“(A) ALLOCATION.—

[“(i) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall—

[“(I) allocate to each State the amount the State received under this section for fiscal year 1997;

[“(II) allocate 85 percent of any remaining funds to States on the basis of the States' relative populations of children aged 3 through 5; and

[“(III) allocate 15 percent of those remaining funds to States on the basis of the States' relative populations of all children aged 3 through 5 who are living in poverty.

[“(ii) DATA.—For the purpose of making grants under this paragraph, the Secretary shall use the most recent population data, including data on children living in poverty, that are available and satisfactory to the Secretary.

[“(B) LIMITATIONS.—Notwithstanding subparagraph (A), allocations under this paragraph shall be subject to the following:

[“(i) PRECEDING YEARS.—No State's allocation shall be less than its allocation under this section for the preceding fiscal year.

[“(ii) MINIMUM.—No State's allocation shall be less than the greatest of—

[“(I) the sum of—

[“(aa) the amount the State received under this section for fiscal year 1997; and

[“(bb) ⅓ of 1 percent of the amount by which the amount appropriated under subsection (j) for the fiscal year exceeds the amount appropriated for this section for fiscal year 1997;

[“(II) the sum of—

[“(aa) the amount the State received under this section for the preceding fiscal year; and

[“(bb) that amount multiplied by the percentage by which the increase in the funds appropriated under this section from the preceding fiscal year exceeds 1.5 percent; or

[“(III) the sum of—

[“(aa) the amount the State received under this section for the preceding fiscal year; and

[“(bb) that amount multiplied by 90 percent of the percentage increase in the amount appropriated under this section from the preceding fiscal year.

[“(iii) MAXIMUM.—Notwithstanding clause (ii), no State's allocation under this paragraph shall exceed the sum of—

[“(I) the amount the State received under this section for the preceding fiscal year; and

[“(II) that amount multiplied by the sum of 1.5 percent and the percentage increase in the amount appropriated under this section from the preceding fiscal year.

[“(C) RATABLE REDUCTIONS.—If the amount available for allocations under this paragraph is insufficient to pay those allocations in full, those allocations shall be ratably reduced, subject to subparagraph (B)(i).

[“(3) DECREASE IN FUNDS.—If the amount available for allocations to States under paragraph (1) is less than the amount allocated to the States under this section for the preceding fiscal year, those allocations shall be calculated as follows:

[“(A) ALLOCATIONS.—If the amount available for allocations is greater than the amount allocated to the States for fiscal year 1997, each State shall be allocated the sum of—

[“(i) the amount the State received under this section for fiscal year 1997; and

[“(ii) an amount that bears the same relation to any remaining funds as the increase the State received under this section for the preceding fiscal year over fiscal year 1997 bears to the total of all such increases for all States.

[“(B) If the amount available for allocations under this paragraph is equal to or less than the amount allocated under this section to the States for fiscal year 1997, each State shall be allocated the amount the State received for that year, ratably reduced, if necessary.

[“(d) RESERVATION FOR STATE ACTIVITIES.—

[“(1) IN GENERAL.—Each State may reserve not more than the amount described in paragraph (2) for administration and other State-level activities in accordance with subsections (e) and (f).

[“(2) AMOUNT DESCRIBED.—For each fiscal year, the Secretary shall determine and report to the State educational agency an amount that is 25 percent of the amount the State received under this section for fiscal year 1997, cumulatively adjusted by the Secretary for each succeeding fiscal year by the lesser of—

[“(A) the percentage increase, if any, from the preceding fiscal year in the State's allocation under this section; or

[“(B) the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

[“(e) STATE ADMINISTRATION.—

[“(1) IN GENERAL.—For the purpose of administering this section (including the coordination of activities under this part with, and providing technical assistance to, other programs that provide services to children with disabilities) a State may use not more than 20 percent of the maximum amount the State may reserve under subsection (d) for any fiscal year.

[“(2) ADMINISTRATION OF PART C.—Funds described in paragraph (1) may also be used for the administration of part C of this Act, if the State educational agency is the lead agency for the State under that part.

[“(f) OTHER STATE-LEVEL ACTIVITIES.—Each State shall use any funds the State reserves under subsection (d) and does not use for administration under subsection (e)—

[“(1) for support services (including establishing and implementing the mediation process required by section 615(e)), which may benefit children with disabilities younger than 3 or older than 5 as long as those services also benefit children with disabilities aged 3 through 5;

[“(2) for direct services for children eligible for services under this section;

[“(3) for activities at the State and local levels to meet the performance goals established by the State under section 612(a)(15) and to support implementation of the State plan under subpart 1 of part D if the State receives funds under that subpart; or

[“(4) to supplement other funds used to develop and implement a statewide coordinated services system designed to improve results for children and families, including children with disabilities and their families, but not more than 1 percent of the amount received by the State under this section for a fiscal year.

[“(g) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

[“(1) SUBGRANTS REQUIRED.—Each State that receives a grant under this section for any fiscal year shall distribute all of the grant funds that the State does not reserve under subsection (d) to local educational agencies in the State that have established their eligibility under section 613, as follows:

[“(A) BASE PAYMENTS.—The State shall first award each local educational agency described in paragraph (1) the amount that agency would have received under this section for fiscal year 1997 if the State had distributed 75 percent of its grant for that year under section 619(c)(3), as such section was then in effect.

[“(B) ALLOCATION OF REMAINING FUNDS.—After making allocations under subparagraph (A), the State shall—

[“(i) allocate 85 percent of any remaining funds to those local educational agencies on the basis of the relative numbers of children enrolled in public and private elementary schools and secondary schools within the local educational agency's jurisdiction; and

[“(ii) allocate 15 percent of those remaining funds to those local educational agencies in accordance with their relative numbers of children living in poverty, as determined by the State educational agency.

[“(2) REALLOCATION OF FUNDS.—If a State educational agency determines that a local educational agency is adequately providing a free appropriate public education to all children with disabilities aged 3 through 5 residing in the area served by that agency with State and local funds, the State educational agency may reallocate any portion of the funds under this section that are not needed by that local educational agency to provide a free appropriate public education to other local educational agencies in the State that are not adequately providing special education and related services to all children with disabilities aged 3 through 5 residing in the areas the other local educational agencies serve.

[“(h) PART C INAPPLICABLE.—Part C of this Act does not apply to any child with a disability receiving a free appropriate public education, in accordance with this part, with funds received under this section.

[“(i) DEFINITION.—For the purpose of this section, the term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

[“(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2004 through 2009.

[“PART C—INFANTS AND TODDLERS WITH DISABILITIES

[“SEC. 631. FINDINGS AND POLICY.

[“(a) FINDINGS.—Congress finds that there is an urgent and substantial need—

[“(1) to enhance the development of infants and toddlers with disabilities, to minimize their potential for developmental delay, and to recognize the significant brain development which occurs during a child's first 3 years of life;

[“(2) to reduce the educational costs to our society, including our Nation's schools, by minimizing the need for special education and related services after infants and toddlers with disabilities reach school age;

[“(3) to maximize the potential for individuals with disabilities to live independently in society;

[“(4) to enhance the capacity of families to meet the special needs of their infants and toddlers with disabilities; and

[“(5) to enhance the capacity of State and local agencies and service providers to identify, evaluate, and meet the needs of all children, particularly minority, low-income, inner city, and rural children.

[“(b) POLICY.—It is the policy of the United States to provide financial assistance to States—

[“(1) to develop and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency system that provides early intervention services for infants and toddlers with disabilities and their families;

[“(2) to facilitate the coordination of payment for early intervention services from Federal, State, local, and private sources (including public and private insurance coverage);

[“(3) to enhance State capacity to provide quality early intervention services and expand and improve existing early intervention services being provided to infants and toddlers with disabilities and their families; and

[“(4) to encourage States to expand opportunities for children under 3 years of age who would be at risk of having substantial developmental delay if they did not receive early intervention services.

[“SEC. 632. DEFINITIONS.

[“As used in this part:

[“(1) AT-RISK INFANT OR TODDLER.—The term ‘at-risk infant or toddler’ means an individual under 3 years of age who would be at risk of experiencing a substantial developmental delay if early intervention services were not provided to the individual.

[“(2) COUNCIL.—The term ‘council’ means a State interagency coordinating council established under section 641.

[“(3) DEVELOPMENTAL DELAY.—The term ‘developmental delay’, when used with respect to an individual residing in a State, has the meaning given such term by the State under section 635(a)(1).

[“(4) EARLY INTERVENTION SERVICES.—The term ‘early intervention services’ means developmental services that—

[“(A) are provided under public supervision;

[“(B) are provided at no cost except where Federal or State law provides for a system of payments by families, including a schedule of sliding fees;

[“(C) are designed to meet the developmental needs of an infant or toddler with a disability in any 1 or more of the following areas:

[“(i) physical development;

[“(ii) cognitive development;

[“(iii) communication development;

[“(iv) social or emotional development; or

[“(v) adaptive development;

[“(D) meet the standards of the State in which the services are provided, including the requirements of this part;

[“(E) include—

[“(i) family training, counseling, and home visits;

[“(ii) special instruction;

[“(iii) speech-language pathology and audiology services;

[“(iv) occupational therapy;

[“(v) physical therapy;

[“(vi) psychological services;

[“(vii) service coordination services;

[“(viii) medical services only for diagnostic or evaluation purposes;

[“(ix) early identification, screening, and assessment services;

[“(x) health services necessary to enable the infant or toddler to benefit from the other early intervention services;

[“(xi) social work services;

[“(xii) vision services;

[“(xiii) assistive technology devices and assistive technology services; and

[“(xiv) transportation and related costs that are necessary to enable an infant or toddler and the infant's or toddler's family to receive another service described in this paragraph;

[“(F) are provided by qualified personnel, including—

[“(i) special educators;

[“(ii) speech-language pathologists and audiologists;

[“(iii) occupational therapists;

[“(iv) physical therapists;

[“(v) psychologists;

[“(vi) social workers;

[“(vii) nurses;

[“(viii) nutritionists;

[“(ix) family therapists;

[“(x) orientation and mobility specialists; and

[“(xi) pediatricians and other physicians;

[“(G) to the maximum extent appropriate, are provided in natural environments, including the home, and community settings in which children without disabilities participate; and

[“(H) are provided in conformity with an individualized family service plan adopted in accordance with section 636.

[“(5) INFANT OR TODDLER WITH A DISABILITY.—The term ‘infant or toddler with a disability’—

[“(A) means an individual under 3 years of age who needs early intervention services because the individual—

[“(i) is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in 1 or more of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development; or

[“(ii) has a diagnosed physical or mental condition which has a high probability of resulting in developmental delay; and

“(B) may also include, at a State's discretion, at-risk infants and toddlers.

[“SEC. 633. GENERAL AUTHORITY.

[“The Secretary shall, in accordance with this part, make grants to States (from their allotments under section 643) to assist each State to maintain and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency system to provide early intervention services for infants and toddlers with disabilities and their families.

[“SEC. 634. ELIGIBILITY.

[“In order to be eligible for a grant under section 633, a State shall demonstrate to the Secretary that the State—

[“(1) has adopted a policy that appropriate early intervention services are available to all infants and toddlers with disabilities in the State and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State; and

[“(2) has in effect a statewide system that meets the requirements of section 635.

[“SEC. 635. REQUIREMENTS FOR STATEWIDE SYSTEM.

[“(a) IN GENERAL.—A statewide system described in section 633 shall include, at a minimum, the following components:

[“(1) A definition of the term ‘developmental delay’ that—

[“(A) will be used by the State in carrying out programs under this part; and

[“(B) covers, at a minimum, all infants and toddlers with—

[“(i) a developmental delay of 35 percent or more in 1 of the developmental areas described in section 632(5)(A)(i); or

[“(ii) a developmental delay of 25 percent or more in 2 or more of the developmental areas described in section 632(5)(A)(i).

[“(2) A State policy that is in effect and that ensures that appropriate early intervention services are available to all infants and toddlers with disabilities and their families, including Indian infants and toddlers and their families residing on a reservation geographically located in the State.

[“(3) A timely, comprehensive, multidisciplinary evaluation of the functioning of each infant or toddler with a disability in the State, and a family-directed identification of the needs of each family of such an infant or toddler, to appropriately assist in the development of the infant or toddler.

[“(4) For each infant or toddler with a disability in the State, an individualized family service plan in accordance with section 636, including service coordination services in accordance with such service plan.

[“(5) A comprehensive child find system, consistent with part B, including a system for making referrals to service providers that includes timelines and provides for participation by primary referral sources.

[“(6) A public awareness program focusing on early identification of infants and toddlers with disabilities, including the preparation and dissemination by the lead agency designated or established under paragraph (10) to all primary referral sources, especially hospitals and physicians, of information for parents on the availability of early intervention services, and procedures for determining the extent to which such sources disseminate such information to parents of infants and toddlers.

[“(7) A central directory that includes information on early intervention services, resources, and experts available in the State and research and demonstration projects being conducted in the State.

[“(8) A comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources with respect to the basic components of early intervention services available in the State, which comprehensive system may include—

[“(A) implementing innovative strategies and activities for the recruitment and retention of early education service providers;

[“(B) promoting the preparation of early intervention providers who are fully and appropriately qualified to provide early intervention services under this part;

[“(C) training personnel to work in rural and inner-city areas; and

[“(D) training personnel to coordinate transition services for infants and toddlers served under this part from an early intervention program under this part to preschool or other appropriate services.

[“(9) Subject to subsection (b), policies and procedures relating to the establishment and maintenance of standards to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including the establishment and maintenance of standards which are consistent with any State-approved or recognized certification, licensing, registration, or other comparable requirements which apply to the area in which such personnel are providing early intervention services, except that nothing in this part (including this paragraph) shall be construed to prohibit the use of paraprofessionals and assistants who are appropriately trained in accordance with State law, regulation, or written policy, to assist in the provision of early intervention services under this part to infants and toddlers with disabilities.

[“(10) A single line of responsibility in a lead agency designated or established by the Governor for carrying out—

[“(A) the general administration and supervision of programs and activities receiving assistance under section 633, and the monitoring of programs and activities used by the State to carry out this part, whether or not such programs or activities are receiving assistance made available under section 633, to ensure that the State complies with this part;

[“(B) the identification and coordination of all available resources within the State from Federal, State, local, and private sources;

[“(C) the assignment of financial responsibility in accordance with section 637(a)(2) to the appropriate agencies;

[“(D) the development of procedures to ensure that services are provided to infants and toddlers with disabilities and their families under this part in a timely manner pending the resolution of any disputes among public agencies or service providers;

[“(E) the resolution of intra- and interagency disputes; and

[“(F) the entry into formal interagency agreements that define the financial responsibility of each agency for paying for early intervention services (consistent with State law) and procedures for resolving disputes and that include all additional components necessary to ensure meaningful cooperation and coordination.

[“(11) A policy pertaining to the contracting or making of other arrangements with service providers to provide early intervention services in the State, consistent with the provisions of this part, including the contents of the application used and the conditions of the contract or other arrangements.

[“(12) A procedure for securing timely reimbursements of funds used under this part in accordance with section 640(a).

[“(13) Procedural safeguards with respect to programs under this part, as required by section 639.

[“(14) A system for compiling data requested by the Secretary under section 618 that relates to this part.

[“(15) A State interagency coordinating council that meets the requirements of section 641.

[“(16) Policies and procedures to ensure that, consistent with section 636(d)(5) to the maximum extent appropriate, early intervention services are provided in natural environments unless a specific outcome cannot be met satisfactorily for the infant or toddler in a natural environment.

[“(b) POLICY.—In implementing subsection (a)(9), a State may adopt a policy that includes making ongoing good-faith efforts to recruit and hire appropriately and adequately trained personnel to provide early intervention services to infants and toddlers with disabilities, including, in a geographic area of the State where there is a shortage of such personnel, the most qualified individuals available who are making satisfactory progress toward completing applicable coursework necessary to meet the standards described in subsection (a)(9), consistent with State law within 3 years.

[“SEC. 636. INDIVIDUALIZED FAMILY SERVICE PLAN.

[“(a) Assessment and Program Development.—A statewide system described in section 633 shall provide, at a minimum, for each infant or toddler with a disability, and the infant's or toddler's family, to receive—

[“(1) a multidisciplinary assessment of the unique strengths and needs of the infant or toddler and the identification of services appropriate to meet such needs;

[“(2) a family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler; and

[“(3) a written individualized family service plan developed by a multidisciplinary team, including the parents, as required by subsection (e), including a description of the appropriate transition services for the child.

[“(b) Periodic Review.—The individualized family service plan shall be evaluated once a year and the family shall be provided a review of the plan at 6-month intervals (or more often where appropriate based on infant or toddler and family needs).

[“(c) Promptness After Assessment.—The individualized family service plan shall be developed within a reasonable time after the assessment required by subsection (a)(1) is completed. With the parents' consent, early intervention services may commence prior to the completion of the assessment.

[“(d) Content of Plan.—The individualized family service plan shall be in writing and contain—

[“(1) a statement of the infant's or toddler's present levels of physical development, cognitive development, communication development, social or emotional development, and adaptive development, based on objective criteria;

[“(2) a statement of the family's resources, priorities, and concerns relating to enhancing the development of the family's infant or toddler with a disability;

[“(3) a statement of the measurable outcomes expected to be achieved for the infant or toddler and the family, including, as appropriate, pre-literacy and language skills, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the outcomes is being made and whether modifications or revisions of the outcomes or services are necessary;

[“(4) a statement of specific early intervention services necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, and method of delivering services;

[“(5) a statement of the natural environments in which early intervention services will appropriately be provided, including a justification of the extent, if any, to which the services will not be provided in a natural environment;

[“(6) the projected dates for initiation of services and the anticipated length, duration, and frequency of the services;

[“(7) the identification of the service coordinator from the profession most immediately relevant to the infant's or toddler's or family's needs (or who is otherwise qualified to carry out all applicable responsibilities under this part) who will be responsible for the implementation of the plan and coordination with other agencies and persons, including transition services; and

[“(8) the steps to be taken to support the transition of the toddler with a disability to preschool or other appropriate services.

[“(e) Parental Consent.—The contents of the individualized family service plan shall be fully explained to the parents and informed written consent from the parents shall be obtained prior to the provision of early intervention services described in such plan. If the parents do not provide consent with respect to a particular early intervention service, then only the early intervention services to which consent is obtained shall be provided.

[“SEC. 637. STATE APPLICATION AND ASSURANCES.

[“(a) Application.—A State desiring to receive a grant under section 633 shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. The application shall contain—

[“(1) a designation of the lead agency in the State that will be responsible for the administration of funds provided under section 633;

[“(2) a designation of an individual or entity responsible for assigning financial responsibility among appropriate agencies;

[“(3) information demonstrating eligibility of the State under section 634, including—

[“(A) information demonstrating to the Secretary's satisfaction that the State has in effect the statewide system required by section 633; and

[“(B) a description of services to be provided to infants and toddlers with disabilities and their families through the system;

[“(4) if the State provides services to at-risk infants and toddlers through the system, a description of such services;

[“(5) a description of the uses for which funds will be expended in accordance with this part;

[“(6) a description of the State policies and procedures that require the referral for early intervention services of a child under the age of 3 who—

[“(A) is involved in a substantiated case of child abuse or neglect; or

[“(B) is identified as affected by illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure;

[“(7) a description of the procedure used to ensure that resources are made available under this part for all geographic areas within the State;

[“(8) a description of State policies and procedures that ensure that, prior to the adoption by the State of any other policy or procedure necessary to meet the requirements of this part, there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of infants and toddlers with disabilities;

[“(9) a description of the policies and procedures to be used—

[“(A) to ensure a smooth transition for toddlers receiving early intervention services under this part to preschool, other appropriate services, or exiting the program, including a description of how—

[“(i) the families of such toddlers will be included in the transition plans required by subparagraph (C); and

[“(ii) the lead agency designated or established under section 635(a)(10) will—

[“(I) notify the local educational agency for the area in which such a child resides that the child will shortly reach the age of eligibility for preschool services under part B, as determined in accordance with State law;

[“(II) in the case of a child who may be eligible for such preschool services, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency at least 90 days (and at the discretion of all such parties, not more than 6 months) before the child is eligible for the preschool services, to discuss any such services that the child may receive; and

[“(III) in the case of a child who may not be eligible for such preschool services, with the approval of the family, make reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for children who are not eligible for preschool services under part B, to discuss the appropriate services that the child may receive;

[“(B) to review the child's program options for the period from the child's third birthday through the remainder of the school year; and

[“(C) to establish a transition plan, including, as appropriate, steps to exit from the program; and

[“(10) such other information and assurances as the Secretary may reasonably require.

[“(b) Assurances.—The application described in subsection (a)—

[“(1) shall provide satisfactory assurance that Federal funds made available under section 643 to the State will be expended in accordance with this part;

[“(2) shall contain an assurance that the State will comply with the requirements of section 640;

[“(3) shall provide satisfactory assurance that the control of funds provided under section 643, and title to property derived from those funds, will be in a public agency for the uses and purposes provided in this part and that a public agency will administer such funds and property;

[“(4) shall provide for—

[“(A) making such reports in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this part; and

[“(B) keeping such reports and affording such access to the reports as the Secretary may find necessary to ensure the correctness and verification of the reports and proper disbursement of Federal funds under this part;

[“(5) provide satisfactory assurance that Federal funds made available under section 643 to the State—

[“(A) will not be commingled with State funds; and

[“(B) will be used so as to supplement the level of State and local funds expended for infants and toddlers with disabilities and their families and in no case to supplant those State and local funds;

[“(6) shall provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to ensure proper disbursement of, and accounting for, Federal funds paid under section 643 to the State;

[“(7) shall provide satisfactory assurance that policies and procedures have been adopted to ensure meaningful involvement of underserved groups, including minority, low-income, and rural families, in the planning and implementation of all the requirements of this part; and

[“(8) shall contain such other information and assurances as the Secretary may reasonably require by regulation.

[“(c) Standard for Disapproval of Application.—The Secretary may not disapprove such an application unless the Secretary determines, after notice and opportunity for a hearing, that the application fails to comply with the requirements of this section.

[“(d) Subsequent State Application.—If a State has on file with the Secretary a policy, procedure, or assurance that demonstrates that the State meets a requirement of this section, including any policy or procedure filed under part C, as in effect before the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003, the Secretary shall consider the State to have met the requirement for purposes of receiving a grant under this part.

[“(e) Modification of Application.—An application submitted by a State in accordance with this section shall remain in effect until the State submits to the Secretary such modifications as the State determines necessary. This section shall apply to a modification of an application to the same extent and in the same manner as this section applies to the original application.

[“(f) Modifications Required by the Secretary.—The Secretary may require a State to modify its application under this section, but only to the extent necessary to ensure the State's compliance with this part, if—

[“(1) an amendment is made to this Act, or a Federal regulation issued under this Act;

[“(2) a new interpretation of this Act is made by a Federal court or the State's highest court; or

[“(3) an official finding of noncompliance with Federal law or regulations is made with respect to the State.

[“SEC. 638. USES OF FUNDS.

[“In addition to using funds provided under section 633 to maintain and implement the statewide system required by such section, a State may use such funds—

[“(1) for direct early intervention services for infants and toddlers with disabilities, and their families, under this part that are not otherwise funded through other public or private sources;

[“(2) to expand and improve on services for infants and toddlers and their families under this part that are otherwise available;

[“(3) to provide a free appropriate public education, in accordance with part B, to children with disabilities from their third birthday to the beginning of the following school year; and

[“(4) in any State that does not provide services for at-risk infants and toddlers under section 637(a)(4), to strengthen the statewide system by initiating, expanding, or improving collaborative efforts related to at-risk infants and toddlers, including establishing linkages with appropriate public or private community-based organizations, services, and personnel for the purposes of—

[“(A) identifying and evaluating at-risk infants and toddlers;

[“(B) making referrals of the infants and toddlers identified and evaluated under subparagraph (A); and

[“(C) conducting periodic follow-up on each such referral to determine if the status of the infant or toddler involved has changed with respect to the eligibility of the infant or toddler for services under this part.

“SEC. 639. PROCEDURAL SAFEGUARDS.

[“(a) Minimum Procedures.—The procedural safeguards required to be included in a statewide system under section 635(a)(13) shall provide, at a minimum, the following:

[“(1) The timely administrative resolution of complaints by parents. Any party aggrieved by the findings and decision regarding an administrative complaint shall have the right to bring a civil action with respect to the complaint in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. In any action brought under this paragraph, the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and, basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

[“(2) The right to confidentiality of personally identifiable information, including the right of parents to written notice of and written consent to the exchange of such information among agencies consistent with Federal and State law.

[“(3) The right of the parents to determine whether they, their infant or toddler, or other family members will accept or decline any early intervention service under this part in accordance with State law without jeopardizing other early intervention services under this part.

[“(4) The opportunity for parents to examine records relating to assessment, screening, eligibility determinations, and the development and implementation of the individualized family service plan.

[“(5) Procedures to protect the rights of the infant or toddler whenever the parents of the infant or toddler are not known or cannot be found or the infant or toddler is a ward of the State, including the assignment of an individual (who shall not be an employee of the State lead agency, or other State agency, and who shall not be any person, or any employee of a person, providing early intervention services to the infant or toddler or any family member of the infant or toddler) to act as a surrogate for the parents.

[“(6) Written prior notice to the parents of the infant or toddler with a disability whenever the State agency or service provider proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or placement of the infant or toddler with a disability, or the provision of appropriate early intervention services to the infant or toddler.

[“(7) Procedures designed to ensure that the notice required by paragraph (6) fully informs the parents, in the parents' native language, unless it clearly is not feasible to do so, of all procedures available pursuant to this section.

[“(8) The right of parents to use mediation in accordance with section 615, except that—

[“(A) any reference in the section to a State educational agency shall be considered to be a reference to a State's lead agency established or designated under section 635(a)(10);

[“(B) any reference in the section to a local educational agency shall be considered to be a reference to a local service provider or the State's lead agency under this part, as the case may be; and

[“(C) any reference in the section to the provision of free appropriate public education to children with disabilities shall be considered to be a reference to the provision of appropriate early intervention services to infants and toddlers with disabilities.

[“(b) Services During Pendency of Proceedings.—During the pendency of any proceeding or action involving a complaint by the parents of an infant or toddler with a disability, unless the State agency and the parents otherwise agree, the infant or toddler shall continue to receive the appropriate early intervention services currently being provided or, if applying for initial services, shall receive the services not in dispute.

[“SEC. 640. PAYOR OF LAST RESORT.

[“(a) Nonsubstitution.—Funds provided under section 643 may not be used to satisfy a financial commitment for services that would have been paid for from another public or private source, including any medical program administered by the Secretary of Defense, but for the enactment of this part, except that whenever considered necessary to prevent a delay in the receipt of appropriate early intervention services by an infant, toddler, or family in a timely fashion, funds provided under section 643 may be used to pay the provider of services pending reimbursement from the agency that has ultimate responsibility for the payment.

[“(b) Reduction of Other Benefits.—Nothing in this part shall be construed to permit the State to reduce medical or other assistance available or to alter eligibility under title V of the Social Security Act (relating to maternal and child health) or title XIX of the Social Security Act (relating to Medicaid for infants or toddlers with disabilities) within the State.

[“SEC. 641. STATE INTERAGENCY COORDINATING COUNCIL.

[“(a) Establishment.—

[“(1) In general.—A State that desires to receive financial assistance under this part shall establish a State interagency coordinating council.

[“(2) Appointment.—The council shall be appointed by the Governor. In making appointments to the council, the Governor shall ensure that the membership of the council reasonably represents the population of the State.

[“(3) Chairperson.—The Governor shall designate a member of the council to serve as the chairperson of the council, or shall require the council to so designate such a member. Any member of the council who is a representative of the lead agency designated under section 635(a)(10) may not serve as the chairperson of the council.

[“(b) Composition.—

[“(1) In general.—The council shall be composed as follows:

[“(A) Parents.—At least 20 percent of the members shall be parents of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities. At least 1 such member shall be a parent of an infant or toddler with a disability or a child with a disability aged 6 or younger.

[“(B) Service providers.—At least 20 percent of the members shall be public or private providers of early intervention services.

[“(C) State legislature.—At least 1 member shall be from the State legislature.

[“(D) Personnel preparation.—At least 1 member shall be involved in personnel preparation.

[“(E) Agency for early intervention services.—At least 1 member shall be from each of the State agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families and shall have sufficient authority to engage in policy planning and implementation on behalf of such agencies.

[“(F) Agency for preschool services.—At least 1 member shall be from the State educational agency responsible for preschool services to children with disabilities and shall have sufficient authority to engage in policy planning and implementation on behalf of such agency.

[“(G) State Medicaid Agency.—At least 1 member shall be from the agency responsible for the State medicaid program.

[“(H) Head Start Agency.—At least 1 representative from a Head Start agency or program in the State.

[“(I) Child Care Agency.—At least 1 representative from a State agency responsible for child care.

[“(2) Other Members.—The council may include other members selected by the Governor, including a representative from the Bureau of Indian Affairs, or where there is no BIA-operated or BIA-funded school, from the Indian Health Service or the tribe or tribal council.

[“(c) Meetings.—The council shall meet at least quarterly and in such places as the council determines necessary. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

[“(d) Management Authority.—Subject to the approval of the Governor, the council may prepare and approve a budget using funds under this part to conduct hearings and forums, to reimburse members of the council for reasonable and necessary expenses for attending council meetings and performing council duties (including child care for parent representatives), to pay compensation to a member of the council if the member is not employed or must forfeit wages from other employment when performing official council business, to hire staff, and to obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions under this part.

[“(e) Functions of Council.—

[“(1) Duties.—The council shall—

[“(A) advise and assist the lead agency designated or established under section 635(a)(10) in the performance of the responsibilities set forth in such section, particularly the identification of the sources of fiscal and other support for services for early intervention programs, assignment of financial responsibility to the appropriate agency, and the promotion of the interagency agreements;

[“(B) advise and assist the lead agency in the preparation of applications and amendments thereto;

[“(C) advise and assist the State educational agency regarding the transition of toddlers with disabilities to preschool and other appropriate services; and

[“(D) prepare and submit an annual report to the Governor and to the Secretary on the status of early intervention programs for infants and toddlers with disabilities and their families operated within the State.

[“(2) Authorized Activity.—The council may advise and assist the lead agency and the State educational agency regarding the provision of appropriate services for children from birth through age 5. The council may advise appropriate agencies in the State with respect to the integration of services for infants and toddlers with disabilities and at-risk infants and toddlers and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services in the State.

[“(f) Conflict of Interest.—No member of the council shall cast a vote on any matter that is likely to provide a direct financial benefit to that member or otherwise give the appearance of a conflict of interest under State law.

[“SEC. 642. FEDERAL ADMINISTRATION.

[“Sections 616, 617, and 618 shall, to the extent not inconsistent with this part, apply to the program authorized by this part, except that—

[“(1) any reference in such sections to a State educational agency shall be considered to be a reference to a State's lead agency established or designated under section 635(a)(10);

[“(2) any reference in such sections to a local educational agency, educational service agency, or a State agency shall be considered to be a reference to an early intervention service provider under this part; and

[“(3) any reference to the education of children with disabilities or the education of all children with disabilities shall be considered to be a reference to the provision of appropriate early intervention services to infants and toddlers with disabilities.

[“SEC. 643. ALLOCATION OF FUNDS.

[“(a) Reservation of Funds for Outlying Areas.—

[“(1) In general.—From the sums appropriated to carry out this part for any fiscal year, the Secretary may reserve not more than 1 percent for payments to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands in accordance with their respective needs.

[“(2) Consolidation of funds.—The provisions of Public Law 95-134, permitting the consolidation of grants to the outlying areas, shall not apply to funds those areas receive under this part.

[“(b) Payments to Indians.—

[“(1) In general.—The Secretary shall, subject to this subsection, make payments to the Secretary of the Interior to be distributed to tribes, tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act), or consortia of the above entities for the coordination of assistance in the provision of early intervention services by the States to infants and toddlers with disabilities and their families on reservations served by elementary schools and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payment for any fiscal year shall be 1.25 percent of the aggregate of the amount available to all States under this part for such fiscal year.

[“(2) Allocation.—For each fiscal year, the Secretary of the Interior shall distribute the entire payment received under paragraph (1) by providing to each tribe, tribal organization, or consortium an amount based on the number of infants and toddlers residing on the reservation, as determined annually, divided by the total of such children served by all tribes, tribal organizations, or consortia.

[“(3) Information.—To receive a payment under this subsection, the tribe, tribal organization, or consortium shall submit such information to the Secretary of the Interior as is needed to determine the amounts to be distributed under paragraph (2).

[“(4) Use of funds.—The funds received by a tribe, tribal organization, or consortium shall be used to assist States in child find, screening, and other procedures for the early identification of Indian children under 3 years of age and for parent training. Such funds may also be used to provide early intervention services in accordance with this part. Such activities may be carried out directly or through contracts or cooperative agreements with the BIA, local educational agencies, and other public or private nonprofit organizations. The tribe, tribal organization, or consortium is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

[“(5) Reports.—To be eligible to receive a grant under paragraph (2), a tribe, tribal organization, or consortium shall make a biennial report to the Secretary of the Interior of activities undertaken under this subsection, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year, and the estimated number of children needing services during the 2 years following the year in which the report is made. The Secretary of the Interior shall include a summary of this information on a biennial basis to the Secretary of Education along with such other information as required under section 611(h)(3)(E). The Secretary of Education may require any additional information from the Secretary of the Interior.

[“(6) Prohibited uses of funds.—None of the funds under this subsection may be used by the Secretary of the Interior for administrative purposes, including child count, and the provision of technical assistance.

[“(c) State Allotments.—

[“(1) In general.—Except as provided in paragraphs (2) and (3) from the funds remaining for each fiscal year after the reservation and payments under subsections (a) and (b), the Secretary shall first allot to each State an amount that bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States.

[“(2) Minimum allotments.—Except as provided in paragraph (3), no State shall receive an amount under this section for any fiscal year that is less than the greater of—

[“(A) ½ of 1 percent of the remaining amount described in paragraph (1); or

[“(B) $500,000.

[“(3) Ratable reduction.—

[“(A) In general.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under this subsection for such year, the Secretary shall ratably reduce the allotments to such States for such year.

[“(B) Additional funds.—If additional funds become available for making payments under this subsection for a fiscal year, allotments that were reduced under subparagraph (A) shall be increased on the same basis the allotments were reduced.

[“(4) Definitions.—For the purpose of this subsection—

[“(A) the terms 'infants' and 'toddlers' mean children under 3 years of age; and

[“(B) the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

[“(d) Reallotment of Funds.—If a State elects not to receive its allotment under subsection (c), the Secretary shall reallot, among the remaining States, amounts from such State in accordance with such subsection.

[“SEC. 644. AUTHORIZATION OF APPROPRIATIONS.

[“For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2009.

[“PART D—NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES

[“SEC. 650. FINDINGS.

[“Congress finds the following:

[“(1) The Federal Government has an ongoing obligation to support activities that contribute to positive results for children with disabilities, enabling them to lead productive and independent adult lives.

[“(2) Systemic change benefiting all students, including children with disabilities, requires the involvement of States, local educational agencies, parents, individuals with disabilities and their families, teachers and other service providers, and other interested individuals and organizations to develop and implement comprehensive strategies that improve educational results for children with disabilities.

[“(3) State educational agencies, in partnership with local educational agencies, parents of children with disabilities, and other individuals and organizations, are in the best position to improve education for children with disabilities and to address their special needs.

[“(4) An effective educational system serving students with disabilities should—

[“(A) maintain high academic achievement standards and clear performance goals for children, consistent with the standards and expectations for all students in the educational system, and provide for appropriate and effective strategies and methods to ensure that all children with disabilities have the opportunity to achieve those standards and goals;

[“(B) clearly define, in objective, measurable terms, the school and post-school results that children with disabilities are expected to achieve; and

[“(C) promote transition services as described in section 602(32) and coordinate State and local education, social, health, mental health, and other services, in addressing the full range of student needs, particularly the needs of children with disabilities who need significant levels of support to participate and learn in school and the community.

[“(5) The availability of an adequate number of qualified personnel is critical to serve effectively children with disabilities, to assume leadership positions in administration and direct services, to provide teacher training, and to conduct high quality research to improve special education.

[“(6) High quality, comprehensive professional development programs are essential to ensure that the persons responsible for the education or transition of children with disabilities possess the skills and knowledge necessary to address the educational and related needs of those children.

[“(7) Models of professional development should be scientifically based and reflect successful practices, including strategies for recruiting, preparing, and retaining personnel.

[“(8) Continued support is essential for the development and maintenance of a coordinated and high quality program of research to inform successful teaching practices and model curricula for educating children with disabilities.

[“(9) A comprehensive research agenda should be established and pursued to promote the highest quality and rigor in special education research, and to address the full range of issues facing children with disabilities, parents of children with disabilities, school personnel, and others.

[“(10) Training, technical assistance, support, and dissemination activities are necessary to ensure that parts B and C are fully implemented and achieve high quality early intervention, educational, and transitional results for children with disabilities and their families.

[“(11) Parents, teachers, administrators, and related services personnel need technical assistance and information in a timely, coordinated, and accessible manner in order to improve early intervention, educational, and transitional services and results at the State and local levels for children with disabilities and their families.

[“(12) Parent training and information activities assist parents of a child with a disability in dealing with the multiple pressures of parenting such a child and are of particular importance in—

[“(A) playing a vital role in creating and preserving constructive relationships between parents of children with disabilities and schools by facilitating open communication between the parents and schools; encouraging dispute resolution at the earliest possible point in time; and discouraging the escalation of an adversarial process between the parents and schools;

[“(B) ensuring the involvement of parents in planning and decisionmaking with respect to early intervention, educational, and transitional services;

[“(C) achieving high quality early intervention, educational, and transitional results for children with disabilities;

[“(D) providing such parents information on their rights, protections, and responsibilities under this Act to ensure improved early intervention, educational, and transitional results for children with disabilities;

[“(E) assisting such parents in the development of skills to participate effectively in the education and development of their children and in the transitions described in section 602(32);

[“(F) supporting the roles of such parents as participants within partnerships seeking to improve early intervention, educational, and transitional services and results for children with disabilities and their families; and

[“(G) supporting such parents who may have limited access to services and supports, due to economic, cultural, or linguistic barriers.

[“(13) Support is needed to improve technological resources and integrate technology, including universally designed technologies, into the lives of children with disabilities, parents of children with disabilities, school personnel, and others through curricula, services, and assistive technologies.

[“Subpart 1—State Personnel Preparation and Professional Development Grants

[“SEC. 651. PURPOSE; DEFINITION; PROGRAM AUTHORITY.

[“(a) PURPOSE.—The purpose of this subpart is to assist State educational agencies in reforming and improving their systems for personnel preparation and professional development in early intervention, educational, and transition services in order to improve results for children with disabilities.

[“(b) DEFINITION.—In this subpart the term ‘personnel’ means special education teachers, general education teachers, principals, administrators, related services personnel, paraprofessionals, and early intervention personnel serving infants, toddlers, preschoolers, or children with disabilities.

[“(c) PROGRAM AUTHORITY.—

[“(1) COMPETITIVE GRANTS.—

[“(A) IN GENERAL.—For any fiscal year for which the amount appropriated under section 655 is less than $100,000,000, the Secretary is authorized to award grants, on a competitive basis, to State educational agencies to carry out the activities described in the State plan submitted under section 654.

[“(B) PRIORITY.—The Secretary may give priority to awarding grants under subparagraph (A) to State educational agencies that—

[“(i) have the greatest personnel shortages; or

[“(ii) demonstrate the greatest difficulty meeting the requirements of section 615(a)(14).

[“(C) MINIMUM.—The Secretary shall make a grant to each State educational agency selected under subparagraph (A) in an amount for each fiscal year that is—

[“(i) not less than $500,000, nor more than $2,000,000, in the case of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

[“(ii) not less than $80,000 in the case of an outlying area.

[“(D) INCREASES.—The Secretary may increase the amount described in subparagraph (C) to account for inflation.

[“(E) FACTORS.—The Secretary shall set the amount of each grant under subparagraph (A) after considering—

[“(i) the amount of funds available for making the grants;

[“(ii) the relative population of the State or outlying area;

[“(iii) the types of activities proposed by the State or outlying area;

[“(iv) the alignment of proposed activities with section 612(a)(15);

[“(v) the alignment of proposed activities with the plans and applications submitted under sections 1111 and 2112, respectively, of the Elementary and Secondary Education Act of 1965; and

[“(vi) the use, as appropriate, of scientifically based activities.

[“(2) FORMULA GRANTS.—

[“(A) IN GENERAL.—For any fiscal year for which the funds appropriated under section 655 are equal to or greater than $100,000,000, the Secretary shall—

[“(i) reserve from such funds an amount sufficient to continue to make payments for the fiscal year in accordance with the terms of each multi-year grant awarded under paragraph (1) for which the grant period has not ended; and

[“(ii) use the remainder of such funds to award grants to State educational agencies, from allotments under subparagraph (B), to enable the State educational agencies to award contracts and subgrants, on a competitive basis, to carry out the authorized activities described in section 654.

[“(B) ALLOTMENT.—Except as provided in subparagraph (C), from the remainder of funds described in subparagraph (A)(ii) for a fiscal year, the Secretary shall make an allotment to each State educational agency in an amount that bears the same relation to such remainder as the amount of funds the State received under section 611(d)(3) for the preceding fiscal year bears to the amount of funds received by all States under such section for the preceding fiscal year.

[“(C) MINIMUM ALLOTMENT.—The amount of any State educational agency’s allotment under this paragraph for any fiscal year shall not be less than ¼ of 1 percent of the amount made available under this part for such year.

["SEC. 652. ELIGIBILITY AND COLLABORATIVE PROCESS.

["(a) ELIGIBLE APPLICANTS.—A State educational agency may apply for a grant under this subpart for a grant period of not less than 1 year and not more than 5 years.

["(b) PARTNERS.—

["(1) IN GENERAL.—In order to be considered for a grant under this subpart, a State educational agency shall establish a partnership with local educational agencies and other State agencies involved in, or concerned with, the education of children with disabilities, including institutions of higher education and the State agencies responsible for administering part C, child care, and vocational rehabilitation.

["(2) OTHER PARTNERS.—In order to be considered for a grant under this subpart, a State educational agency shall work in partnership with other persons and organizations involved in, and concerned with, the education of children with disabilities, which may include—

["(A) the Governor;

["(B) parents of children with disabilities ages birth through 26;

["(C) parents of nondisabled children ages birth through 26;

["(D) individuals with disabilities;

["(E) parent training and information centers or community parent resource centers;

["(F) community based and other nonprofit organizations involved in the education and employment of individuals with disabilities;

["(G) general and special education teachers, paraprofessionals, related services personnel, and early intervention personnel;

["(H) the State advisory panel established under part B;

["(I) the State interagency coordinating council established under part C;

["(J) institutions of higher education within the State;

["(K) individuals knowledgeable about vocational education;

["(L) the State agency for higher education;

["(M) the State vocational rehabilitation agency;

["(N) public agencies with jurisdiction in the areas of health, mental health, social services, and juvenile justice;

["(O) other providers of professional development that work with infants, toddlers, preschoolers, and children with disabilities; and

["(P) other individuals.

["SEC. 653. APPLICATIONS.

["(a) IN GENERAL.—

["(1) SUBMISSION.—A State educational agency that desires to receive a grant under this subpart shall submit to the Secretary an application at such time, in such manner, and including such information as the Secretary may require.

["(2) STATE PLAN.—The application shall include a plan that identifies and addresses the State and local needs for the professional development of administrators, principals, and teachers, as well as individuals who provide direct supplementary aids and services to children with disabilities, and that—

["(A) is designed to enable the State to meet the requirements of section 612(a)(14);

["(B) is based on an assessment of State and local needs that identifies critical aspects and areas in need of improvement related to the preparation, ongoing training, and professional development of personnel that serve infants, toddlers, preschoolers, and children with disabilities within the State, including—

["(i) current and anticipated personnel vacancies and shortages; and

["(ii) the number of preservice programs; and

["(C) is integrated and aligned, to the maximum extent possible, with State plans and activities under the Elementary and Secondary Education Act of 1965, the Rehabilitation Act of 1973, and the Higher Education Act of 1965, as appropriate.

["(3) REQUIREMENT.—The State application shall contain an assurance that the State educational agency shall carry out each of the strategies described in subsection (b)(4).

["(b) ELEMENTS OF STATE PERSONNEL PREPARATION AND PROFESSIONAL DEVELOPMENT PLAN.—Each professional development plan shall—

["(1) describe a partnership agreement that is in effect for the period of the grant, which agreement shall specify—

["(A) the nature and extent of the partnership described in section 652(b) and the respective roles of each member of the partnership; and

["(B) how the State will work in partnership with other persons and organizations involved in, and concerned with, the education of children with disabilities, including the respective roles of each of the persons and organizations;

["(2) describe how the strategies and activities described in paragraph (4) will be coordinated with other public resources (including part B and part C funds retained for use at the State level for personnel and professional development purposes) and private resources;

["(3) describe how the State will align its professional development plan under this subpart with the plan and application submitted under sections 1111 and 2112, respectively, of the Elementary and Secondary Education Act of 1965;

["(4) describe what strategies the State will use to address the professional development and personnel needs identified under subsection (a)(2) and how those strategies will be implemented, including—

["(A) a description of the preservice and inservice programs and activities to be supported under this subpart that will provide personnel with the knowledge and skills to meet the needs of, and improve the performance and achievement of, infants, toddlers, preschoolers, and children with disabilities; and

["(B) how such strategies shall be integrated, to the maximum extent possible, with other activities supported by grants funded under this part, including those under section 664;

["(5) provide an assurance that the State will provide technical assistance to local educational agencies to improve the quality of professional development available to meet the needs of personnel who serve children with disabilities;

["(6) provide an assurance that the State will provide technical assistance to entities that provide services to infants and toddlers with disabilities to improve the quality of professional development available to meet the needs of personnel serving such children;

["(7) describe how the State will recruit and retain highly qualified teachers and other qualified personnel in geographic areas of greatest need;

["(8) describe the steps the State will take to ensure that poor and minority children are not taught at higher rates by teachers who are not highly qualified; and

["(9) describe how the State will assess, on a regular basis, the extent to which the strategies implemented under this subpart have been effective in meeting the performance goals described in section 612(a)(15).

["(c) PEER REVIEW.—

["(1) IN GENERAL.—The Secretary shall use a panel of experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications for grants under section 651(c)(1).

["(2) COMPOSITION OF PANEL.—A majority of a panel described in paragraph (1) shall be composed of individuals who are not employees of the Federal Government.

["(3) PAYMENT OF FEES AND EXPENSES OF CERTAIN MEMBERS.—The Secretary may use available funds appropriated to carry out this subpart to pay the expenses and fees of panel members who are not employees of the Federal Government.

["(d) REPORTING PROCEDURES.—Each State educational agency that receives a grant under this subpart shall submit annual performance reports to the Secretary. The reports shall describe the progress of the State in implementing its plan and analyzing the effectiveness of the State's activities under this subpart.

["SEC. 654. USE OF FUNDS.

["(a) PROFESSIONAL DEVELOPMENT ACTIVITIES.—A State educational agency that receives a grant under this subpart shall use the grant funds to support activities in accordance with the State's plan described in section 653, including 1 or more of the following:

["(1) Carrying out programs that provide support to both special education and regular education teachers of children with disabilities, such as programs that—

["(A) provide teacher mentoring, team teaching, reduced class schedules and case loads, and intensive professional development; and

["(B) use standards or assessments for guiding beginning teachers that are consistent with challenging State student academic achievement and functional standards and with the requirements for professional development as defined in section 9101(34) of the Elementary and Secondary Education Act of 1965.

["(2) Encouraging and supporting the training of special education and regular education teachers and administrators to effectively utilize and integrate technology—

["(A) into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability;

["(B) to enhance learning by children with disabilities; and

["(C) to effectively communicate with parents.

["(3) Providing professional development activities that—

["(A) improve the knowledge of special education and regular education teachers concerning—

["(i) the academic and developmental or functional needs of students with disabilities; or

["(ii) effective instructional strategies, methods, and skills, and the use of State academic content standards and student academic achievement and functional standards, and State assessments, to improve teaching practices and student academic achievement; and

["(B) improve the knowledge of special education and regular education teachers and principals and, in appropriate cases, paraprofessionals, concerning effective instructional practices and that—

[“(i) provide training in how to teach and address the needs of students with different learning styles;

[“(ii) involve collaborative groups of teachers and administrators;

[“(iii) provide training in methods of—

[“(I) positive behavior interventions and supports to improve student behavior in the classroom;

[“(II) scientifically based reading instruction, including early literacy instruction;

[“(III) early and appropriate interventions to identify and help children with disabilities;

[“(IV) effective instruction for children with low incidence disabilities;

[“(V) successful transitioning to postsecondary opportunities; and

[“(VI) using classroom-based techniques to assist children prior to referral for special education;

[“(iv) provide training to enable special education and regular education teachers and principals to work with and involve parents in their child's education, including parents of low income and limited English proficient children with disabilities;

[“(v) provide training for special education, regular education, principals, and related services personnel in planning, developing, and implementing effective and appropriate IEPs; and

[“(vi) providing training to meet the needs of students with significant health, mobility, or behavioral needs prior to serving such students;

[“(C) train administrators, principals, and other relevant school personnel in conducting effective IEP meetings; and

[“(D) develop and enhance instructional leadership skills of principals.

[“(4) Developing and implementing initiatives to promote the recruitment and retention of highly qualified special education teachers, particularly initiatives that have been proven effective in recruitment and retaining highly qualified teachers, including programs that provide—

[“(A) teacher mentoring from exemplary special education teachers, principals, or superintendents;

[“(B) induction and support for special education teachers during their first 3 years of employment as teachers, respectively; or

[“(C) incentives, including financial incentives, to retain special education teachers who have a record of success in helping students with disabilities.

[“(5) Carrying out programs and activities that are designed to improve the quality of personnel who serve children with disabilities, such as—

[“(A) innovative professional development programs (which may be provided through partnerships that include institutions of higher education), including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy, which professional development shall be consistent with the definition of professional development described in section 9101(34) of the Elementary and Secondary Education Act of 1965; and

[“(B) development and use of proven, cost effective strategies for the implementation of professional development activities, such as through the use of technology and distance learning.

[“(b) Other Activities.—A State educational agency that receives a grant under this subpart shall use the grant funds to support activities in accordance with the State's plan described in section 653, including 1 or more of the following:

[“(1) Reforming special education and regular education teacher certification (including recertification) or licensing requirements to ensure that—

[“(A) special education and regular education teachers have—

[“(i) the training and information necessary to address the full range of needs of children with disabilities across disability categories; and

[“(ii) the necessary subject matter knowledge and teaching skills in the academic subjects that they teach;

[“(B) special education and regular education teacher certification (including recertification) or licensing requirements are aligned with challenging State academic content standards; and

[“(C) special education and regular education teachers have the subject matter knowledge and teaching skills, including technology literacy, necessary to help students meet challenging State student academic achievement and functional standards.

[“(2) Programs that establish, expand, or improve alternative routes for State certification of special education teachers for highly qualified individuals with a baccalaureate or master's degree, including mid-career professionals from other occupations, paraprofessionals, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective special education teachers.

[“(3) Teacher advancement initiatives for special education teachers that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.

[“(4) Developing and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified special education teachers.

[“(5) Reforming tenure systems, implementing teacher testing for subject matter knowledge, and implementing teacher testing for State certification or licensing, consistent with title II of the Higher Education Act of 1965.

[“(6) Funding projects to promote reciprocity of teacher certification or licensing between or among States for special education teachers, except that no reciprocity agreement developed under this paragraph or developed using funds provided under this subpart may lead to the weakening of any State teaching certification or licensing requirement.

[“(7) Developing or assisting local educational agencies to serve children with disabilities through the development and use of proven, innovative strategies to deliver intensive professional development programs that are both cost effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.

[“(8) Developing, or assisting local educational agencies in developing, merit based performance systems, and strategies that provide differential and bonus pay for special education teachers.

[“(9) Supporting activities that ensure that teachers are able to use challenging State academic content standards and student academic and functional achievement standards, and State assessments for all children with disabilities, to improve instructional practices and improve the academic achievement of children with disabilities.

[“(10) Coordinating with, and expanding centers established under, section 2113(c)(18) of the Elementary and Secondary Education Act of 1965 to benefit special education teachers.

[“(c) Contracts and Subgrants.—Each such State educational agency—

[“(1) shall award contracts or subgrants to local educational agencies, institutions of higher education, parent training and information centers, or community parent resource centers, as appropriate, to carry out its State plan under this subpart; and

[“(2) may award contracts and subgrants to other public and private entities, including the lead agency under part C, to carry out such plan.

[“(d) Use of Funds for Professional Development.—A State educational agency that receives a grant under this subpart shall use—

[“(1) not less than 75 percent of the funds the State educational agency receives under the grant for any fiscal year for activities under subsection (a); and

[“(2) not more than 25 percent of the funds the State educational agency receives under the grant for any fiscal year for activities under subsection (b).

[“(e) Grants to Outlying Areas.—Public Law 95–134, permitting the consolidation of grants to the outlying areas, shall not apply to funds received under this subpart.

[“SEC. 655. AUTHORIZATION OF APPROPRIATIONS.

[“There are authorized to be appropriated to carry out this subpart such sums as may be necessary for each of the fiscal years 2004 through 2009.

[“Subpart 2—Scientifically Based Research, Technical Assistance, Model Demonstration Projects, and Dissemination of Information

[“SEC. 660. PURPOSE.

[“The purpose of this subpart is—

[“(1) to provide Federal funding for scientifically based research, technical assistance, model demonstration projects, and information dissemination to improve early intervention, educational, and transitional results for children with disabilities; and

[“(2) to assist State educational agencies and local educational agencies in improving their education systems.

[“SEC. 661. ADMINISTRATIVE PROVISIONS.

[“(a) Comprehensive Plan.—

[“(1) In general.—After receiving input from interested individuals with relevant expertise, the Secretary shall develop and implement a comprehensive plan for activities carried out under this subpart (other than activities assisted under sections 662 and 665) in order to enhance the provision of early intervention, educational, related and transitional services to children with disabilities under parts B and C. The plan shall be coordinated with the agenda developed pursuant to section 662(d) and shall include mechanisms to address early intervention, educational, related service and transitional needs identified by State educational agencies in applications submitted for State program improvement grants under subpart 1.

[“(2) Public comment.—The Secretary shall provide a public comment period of at least 60 days on the plan.

[“(3) Distribution of funds.—In implementing the plan, the Secretary shall, to the extent appropriate, ensure that funds are awarded to recipients under this subpart to carry out activities that benefit, directly or indirectly, children with the full range of disabilities and of all ages.

[“(4) Reports to congress.—The Secretary shall annually report to Congress on the Secretary's activities under this subpart, including an initial report not later than 12 months after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003.

[“(b) ELIGIBLE APPLICANTS.—

[“(1) IN GENERAL.—Except as otherwise provided in this subpart, the following entities are eligible to apply for a grant, contract, or cooperative agreement under this subpart:

[“(A) A State educational agency.

[“(B) A local educational agency.

[“(C) A public charter school that is a local educational agency under State law.

[“(D) An institution of higher education.

[“(E) Any other public agency.

[“(F) A private nonprofit organization.

[“(G) An outlying area.

[“(H) An Indian tribe or a tribal organization (as defined under section 4 of the Indian Self-Determination and Education Assistance Act).

[“(I) A for-profit organization.

[“(2) SPECIAL RULE.—The Secretary may limit the entities eligible for an award of a grant, contract, or cooperative agreement to 1 or more categories of eligible entities described in paragraph (1).

[“(c) SPECIAL POPULATIONS.—

[“(1) APPLICATION REQUIREMENT.—In making an award of a grant, contract, or cooperative agreement under this subpart, the Secretary shall, as appropriate, require an applicant to meet the criteria set forth by the Secretary under this subpart and demonstrate how the applicant will address the needs of children with disabilities from minority backgrounds.

[“(2) REQUIRED OUTREACH AND TECHNICAL ASSISTANCE.—Notwithstanding any other provision of this Act other than paragraph (1), the Secretary shall reserve at least 1 percent of the total amount of funds made available to carry out this subpart for 1 or both of the following activities:

[“(A) To provide outreach and technical assistance to Historically Black Colleges and Universities, and to institutions of higher education with minority enrollments of at least 25 percent, to promote the participation of such colleges, universities, and institutions in activities under this subpart.

[“(B) To enable Historically Black Colleges and Universities, and the institutions described in subparagraph (A), to assist other colleges, universities, institutions, and agencies in improving educational and transitional results for children with disabilities.

[“(C) RESERVATION OF FUNDS.—The Secretary may reserve funds made available under this subpart to satisfy the requirements of subparagraphs (A) and (B).

[“(d) PRIORITIES.—The Secretary, in making an award of a grant, contract, or cooperative agreement under this subpart, may, without regard to the rulemaking procedures under section 553(a) of title 5, United States Code, limit competitions to, or otherwise give priority to—

[“(1) projects that address 1 or more—

[“(A) age ranges;

[“(B) disabilities;

[“(C) school grades;

[“(D) types of educational placements or early intervention environments;

[“(E) types of services;

[“(F) content areas, such as reading; or

[“(G) effective strategies for helping children with disabilities learn appropriate behavior in the school and other community based educational settings;

[“(2) projects that address the needs of children based on the severity or incidence of their disability;

[“(3) projects that address the needs of—

[“(A) low achieving students;

[“(B) underserved populations;

[“(C) children from low income families;

[“(D) limited English proficient children;

[“(E) unserved and underserved areas;

[“(F) rural or urban areas;

[“(G) children whose behavior interferes with their learning and socialization;

[“(H) children with reading difficulties; or

[“(I) children in charter schools;

[“(4) projects to reduce inappropriate identification of children as children with disabilities, particularly among minority children;

[“(5) projects that are carried out in particular areas of the country, to ensure broad geographic coverage;

[“(6) projects that promote the development and use of universally designed technologies, assistive technology devices, and assistive technology services to maximize children with disabilities' access to and participation in the general curriculum; and

[“(7) any activity that is authorized in this subpart or subpart 3.

[“(e) APPLICANT AND RECIPIENT RESPONSIBILITIES.—

[“(1) DEVELOPMENT AND ASSESSMENT OF PROJECTS.—The Secretary shall require that an applicant for, and a recipient of, a grant, contract, or cooperative agreement for a project under this subpart—

[“(A) involve individuals with disabilities or parents of individuals with disabilities ages birth through 26 in planning, implementing, and evaluating the project; and

[“(B) where appropriate, determine whether the project has any potential for replication and adoption by other entities.

[“(2) ADDITIONAL RESPONSIBILITIES.—The Secretary may require a recipient of a grant, contract, or cooperative agreement under this subpart to—

[“(A) share in the cost of the project;

[“(B) prepare the research and evaluation findings and products from the project in formats that are useful for specific audiences, including parents, administrators, teachers, early intervention personnel, related services personnel, and individuals with disabilities;

[“(C) disseminate such findings and products; and

[“(D) collaborate with other such recipients in carrying out subparagraphs (B) and (C).

[“(f) APPLICATION MANAGEMENT.—

[“(1) STANDING PANEL.—

[“(A) IN GENERAL.—The Secretary shall establish and use a standing panel of experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications under this subpart (other than applications for assistance under sections 662 and 665) that, individually, request more than $75,000 per year in Federal financial assistance.

[“(B) MEMBERSHIP.—The standing panel shall include, at a minimum—

[“(i) individuals who are representatives of institutions of higher education that plan, develop, and carry out high quality programs of personnel preparation;

[“(ii) individuals who design and carry out scientifically based research targeted to the improvement of special education programs and services;

[“(iii) individuals who have recognized experience and knowledge necessary to integrate and apply scientifically based research findings to improve educational and transitional results for children with disabilities;

[“(iv) individuals who administer programs at the State or local level in which children with disabilities participate;

[“(v) individuals who prepare parents of children with disabilities to participate in making decisions about the education of their children;

[“(vi) individuals who establish policies that affect the delivery of services to children with disabilities;

[“(vii) parents of children with disabilities ages birth through 26 who are benefiting, or have benefited, from coordinated research, personnel preparation, and technical assistance; and

[“(viii) individuals with disabilities.

[“(C) TERM.—Unless approved by the Secretary due to extenuating circumstances related to shortages of experts in a particular area of expertise or for a specific competition, no individual shall serve on the standing panel for more than 3 consecutive years.

[“(2) PEER REVIEW PANELS FOR PARTICULAR COMPETITIONS.—

[“(A) COMPOSITION.—The Secretary shall ensure that each sub panel selected from the standing panel that reviews applications under this subpart (other than sections 662 and 665) includes—

[“(i) individuals with knowledge and expertise on the issues addressed by the activities authorized by this subpart; and

[“(ii) to the extent practicable, parents of children with disabilities ages birth through 26, individuals with disabilities, and persons from diverse backgrounds.

[“(B) FEDERAL EMPLOYMENT LIMITATION.—A majority of the individuals on each sub panel that reviews an application under this subpart (other than an application under sections 662 and 665) shall be individuals who are not employees of the Federal Government.

[“(3) USE OF DISCRETIONARY FUNDS FOR ADMINISTRATIVE PURPOSES.—

[“(A) EXPENSES AND FEES OF NON-FEDERAL PANEL MEMBERS.—The Secretary may use funds made available under this subpart to pay the expenses and fees of the panel members who are not officers or employees of the Federal Government.

[“(B) ADMINISTRATIVE SUPPORT.—The Secretary may use not more than 1 percent of the funds made available to carry out this subpart to pay non-Federal entities for administrative support related to management of applications submitted under this subpart.

[“(4) AVAILABILITY OF CERTAIN PRODUCTS.—The Secretary shall ensure that recipients of grants, cooperative agreements, or contracts under this subpart and subpart 3 make available in formats that are accessible to individuals with disabilities any products developed under such grants, cooperative agreements, or contracts that the recipient is making available to the public.

[“(g) PROGRAM EVALUATION.—The Secretary may use funds made available to carry out this subpart to evaluate activities carried out under this subpart.

[“(h) MINIMUM FUNDING REQUIRED.—

[“(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall ensure that, for each fiscal year, at least the following amounts are provided under this subpart to address the following needs:

[“(A) $12,832,000 to address the educational, related services, transitional, and early intervention needs of children with deaf-blindness.

[“(B) $4,000,000 to address the postsecondary, vocational, technical, continuing, and adult education needs of individuals with deafness.

[“(C) $4,000,000 to address the educational, related services, and transitional needs of children with an emotional disturbance and those who are at risk of developing an emotional disturbance.

[“(2) Ratable reduction.—If the total amount appropriated to carry out sections 662, 664, and 674 for any fiscal year is less than $130,000,000, the amounts listed in paragraph (1) shall be ratably reduced.

[“(i) Eligibility for Financial Assistance.—No State or local educational agency, or other public institution or agency, may receive a grant or enter into a contract or cooperative agreement under this subpart that relates exclusively to programs, projects, and activities pertaining to children aged 3 through 5, inclusive, unless the State is eligible to receive a grant under section 619(b).

[“SEC. 662. RESEARCH TO IMPROVE RESULTS FOR CHILDREN WITH DISABILITIES.

[“(a) National Center for Special Education Research.—

[“(1) Establishment.—

[“(A) In general.—There is established, in the Institute of Education Sciences established under section 111 of the Education Sciences Reform Act of 2002 (hereinafter in this section referred to as ‘the Institute’), the National Center for Special Education Research.

[“(B) Mission.—The mission of the National Center for Special Education Research (hereafter in this section referred to as the ‘Center’) shall be to—

[“(i) sponsor research to expand knowledge and understanding of the needs of infants, toddlers, and children with disabilities in order to improve the developmental, educational, and transitional results of such individuals;

[“(ii) sponsor research to improve services provided under, and support the implementation of, this Act; and

[“(iii) evaluate the implementation and effectiveness of this Act in coordination with the National Center for Education Evaluation.

[“(2) Commissioner.—The Center shall be headed by a Commissioner for Special Education Research (hereinafter in this section referred to as ‘the Commissioner’). The Commissioner shall be appointed by the Director of the Institute (hereinafter in this section referred to as ‘the Director’) in accordance with section 117 of the Education Sciences Reform Act of 2002. The Commissioner shall have substantial knowledge of the Center's activities, including a high level of expertise in the fields of research, research management, and the education of children with disabilities.

[“(3) Applicability of education sciences reform act of 2002.—Parts A and E of the Education Sciences Reform Act of 2002, and the standards for peer review of applications and for the conduct and evaluation of research under sections 133(a) and 134 of such Act, respectively, shall apply to the Secretary, the Director, and the Commissioner in carrying out this section.

[“(4) Grants, contracts, and cooperative agreements.—In carrying out the duties under this part, the Director may award grants to, or enter into contracts or cooperative agreements with, eligible entities.

[“(b) Authorized Activities.—Activities that may be carried out under this section include research activities to—

[“(1) improve services provided under this Act in order to improve academic achievement, functional outcomes, and educational results for children with disabilities;

[“(2) identify scientifically based educational practices that support learning and improve academic achievement, functional outcomes, and educational results for all students with disabilities;

[“(3) examine the special needs of preschool aged children, infants, and toddlers with disabilities, including factors that may result in developmental delays;

[“(4) identify scientifically based related services and interventions that promote participation and progress in the general education curriculum and general education settings;

[“(5) improve the alignment, compatibility, and development of valid and reliable assessments, including alternate assessments as described in section 1111(b) of the Elementary and Secondary Education Act of 1965;

[“(6) examine State content standards and alternate assessments for students with significant cognitive impairment in terms of academic achievement, individualized instructional need, appropriate education settings, and improved post-school results;

[“(7) examine the educational, developmental, and transitional needs of children with high incidence and low incidence disabilities;

[“(8) examine the extent to which overidentification and underidentification of children with disabilities occurs, and the causes thereof;

[“(9) improve reading and literacy skills of children with disabilities;

[“(10) examine and improve secondary and postsecondary education and transitional outcomes and results for children with disabilities;

[“(11) examine methods of early intervention for children with disabilities who need significant levels of support;

[“(12) examine and incorporate universal design concepts in the development of standards, assessments, curricula, and instructional methods as a method to improve educational and transitional results for children with disabilities;

[“(13) improve the preparation of personnel who provide educational and related services to children with disabilities to increase the academic achievement of students with disabilities;

[“(14) examine the excess costs of educating a child with a disability and expenses associated with high cost special education and related services; and

[“(15) help parents improve educational results for their children, particularly related to transition issues.

[“(c) Standards.—The Commissioner shall ensure that activities assisted under this section—

[“(1) conform to high standards of quality, integrity, accuracy, validity, and reliability;

[“(2) are carried out in conjunction with the standards for the conduct and evaluation of all research and development established by the National Center for Education Research; and

[“(3) are objective, secular, neutral, and nonideological, and are free of partisan political influence, and racial, cultural, gender, regional, or disability bias.

[“(d) Plan.—The Commissioner shall propose to the Director a research plan, developed in collaboration with the Assistant Secretary for Special Education and Rehabilitative Services, that—

[“(1) is consistent with the priorities and mission of the Institute of Education Sciences and the mission of the Special Education Research Center;

[“(2) shall be carried out, updated, and modified, as appropriate;

[“(3) is consistent with the purpose of this Act;

[“(4) contains an appropriate balance across all age ranges and types of children with disabilities;

[“(5) provides for research that is objective and uses measurable indicators to assess its progress and results;

[“(6) is coordinated with the comprehensive plan developed under section 661; and

[“(7) provides that the research conducted under this part is relevant to special education practice and policy.

[“(e) Applications.—An eligible entity that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

[“(f) Dissemination.—The Center shall—

[“(1) synthesize and disseminate, through the National Center for Education Evaluation and Regional Assistance, the findings and results of special education research conducted or supported by the Center; and

[“(2) assist the Director in the preparation of a biennial report, as described in section 119 of the Education Sciences Reform Act of 2003.

[“(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2004 through 2009.

[“SEC. 663. TECHNICAL ASSISTANCE, DEMONSTRATION PROJECTS, DISSEMINATION OF INFORMATION, AND IMPLEMENTATION OF SCIENTIFICALLY BASED RESEARCH.

[“(a) In General.—From amounts made available under section 675, the Secretary, on a competitive basis, shall award grants to, or enter into contracts or cooperative agreements with, eligible entities to provide technical assistance, carry out model demonstration projects, disseminate useful information, and implement activities that are supported by scientifically based research.

[“(b) Required Activities.—The Secretary shall support activities to improve services provided under this Act, including the practices of professionals and others involved in providing such services to children with disabilities, that promote academic achievement and functional performance to improve educational results and functional outcomes for children with disabilities through—

[“(1) implementing effective strategies that are conducive to learning and for addressing inappropriate behavior of students with disabilities in schools, including strategies to prevent children with emotional and behavioral problems from developing emotional disturbances that require the provision of special education and related services;

[“(2) improving the alignment, compatibility, and development of valid and reliable assessment methods, including alternate assessment methods and evaluation methods, for assessing adequately yearly progress as described in section 1111(b)(2)(B) of the Elementary and Secondary Education Act of 1965;

[“(3) providing information to both regular education teachers and special education teachers to address the different learning styles and disabilities of students;

[“(4) disseminating innovative, effective, and efficient curricula, materials (including those that are universally designed), instructional approaches, and strategies that—

[“(A) support effective transitions between educational settings or from school to post-school settings;

[“(B) support effective inclusion of students with disabilities in general education settings, especially students with low-incidence disabilities; and

[“(C) improve educational and transitional results at all levels of the educational system in which the activities are carried out and, in particular, that improve the progress of children with disabilities, as measured by assessments within the general education curriculum involved; and

[“(5) demonstrating and applying scientifically-based findings to facilitate systematic changes related to the provision of services to children with disabilities.

[“(c) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this section include activities to improve services provided under this Act, including the practices of professionals and others involved in providing such services to children with disabilities, that promote academic achievement and functional outcomes to improve results for children with disabilities through—

[“(1) applying and testing research findings in typical service settings to determine the usability, effectiveness, and general applicability of those findings in such areas as improving instructional methods, curricula, and tools, such as textbooks and media;

[“(2) demonstrating and applying scientifically-based findings to facilitate systemic changes related to the provision of services to children with disabilities, in policy, procedure, practice, and the training and use of personnel;

[“(3) supporting and promoting the coordination of early intervention, education, and transitional services for children with disabilities with services provided by health, rehabilitation, and social service agencies;

[“(4) promoting improved alignment and compatibility of general and special education reforms concerned with curriculum and instructional reform, and evaluating of such reforms;

[“(5) enabling professionals, parents of children with disabilities, and other persons, to learn about, and implement, the findings of scientifically based research and effective practices developed in model demonstration projects, relating to the provision of services to children with disabilities;

[“(6) disseminating information relating to successful approaches to overcoming systemic barriers to the effective and efficient delivery of early intervention, educational, and transitional services, to personnel who provide services to children with disabilities;

[“(7) assisting States and local educational agencies with the process of planning systemic changes that will promote improved early intervention, educational, and transitional results for children with disabilities;

[“(8) promoting change through a multi-State or regional framework that benefits States, local educational agencies, and other participants in partnerships that are in the process of achieving systemic-change outcomes;

[“(9) focusing on the needs and issues that are specific to a population of children with disabilities, such as providing single-State and multi-State technical assistance and in-service training—

[“(A) to schools and agencies serving deaf-blind children and their families;

[“(B) to programs and agencies serving other groups of children with low-incidence disabilities and their families; and

[“(C) to address the postsecondary education needs of individuals who are deaf or hard-of-hearing;

[“(10) demonstrating models of personnel preparation to ensure appropriate placements and services for all students with disabilities and to reduce disproportionality in eligibility, placement, and disciplinary actions for minority and limited English proficient children; and

[“(11) disseminating information on how to reduce racial and ethnic disproportionalities.

[“(d) BALANCE AMONG DISABILITIES AND AGE RANGES.—In carrying out this section, the Secretary shall ensure that there is an appropriate balance across all age ranges and disabilities.

[“(e) LINKING STATES TO INFORMATION SOURCES.—In carrying out this section, the Secretary may support projects that link States to technical assistance resources, including special education and general education resources, and may make research and related products available through libraries, electronic networks, parent training projects, and other information sources.

[“(f) APPLICATIONS.—

[“(1) IN GENERAL.—An eligible entity that desires to receive a grant, or to enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

[“(2) CONTENTS.—The Secretary may, as appropriate, require eligible entities to demonstrate that the projects described in their applications are supported by scientifically based research that has been carried out in conjunction with the standards for the conduct and evaluation of all research and development established by the National Center for Education Research.

[“(3) PRIORITY.—As appropriate, the Secretary shall give priority to applications that propose to serve teachers and school personnel directly in the school environment or that strengthen State and local agency capacity to improve instructional practices of personnel to improve educational results for children with disabilities in the school environment.

[“SEC. 664. PERSONNEL DEVELOPMENT TO IMPROVE SERVICES AND RESULTS FOR CHILDREN WITH DISABILITIES.

[“(a) IN GENERAL.—The Secretary, on a competitive basis, shall award grants to, or enter into contracts or cooperative agreements with, eligible entities—

[“(1) to help address State identified needs for highly qualified personnel in special education, related services, early intervention, transition, and regular education, to work with children with disabilities, consistent with the needs identified in the State plan described in section 653(a)(2) and the standards described in section 612(a)(14);

[“(2) to ensure that those personnel have the necessary skills and knowledge, derived from practices that have been determined, through scientifically based research, to be successful in serving those children;

[“(3) to encourage increased focus on academics and core content areas in special education personnel preparation programs;

[“(4) to ensure that regular education teachers have the necessary skills and knowledge to provide instruction to students with disabilities in the regular education classroom;

[“(5) to ensure that all special education teachers teaching in core academic subjects are highly qualified;

[“(6) to ensure that preservice and in-service personnel preparation programs include training in—

[“(A) the use of new technologies;

[“(B) the area of early intervention, educational, and transition services;

[“(C) effectively involving parents; and

[“(D) positive behavior supports; and

[“(7) to provide high-quality professional development for principals, superintendents, and other administrators, including training in—

[“(A) instructional leadership;

[“(B) behavioral supports in the school and classroom;

[“(C) paperwork reduction;

[“(D) promoting improved collaboration between special education and general education teachers;

[“(E) assessment and accountability;

[“(F) ensuring effective learning environments; and

[“(G) fostering positive relationships with parents.

[“(b) PERSONNEL DEVELOPMENT; AUTHORIZED ACTIVITIES.—

[“(1) IN GENERAL.—In carrying out this section, the Secretary shall support activities to prepare personnel, including activities for the preparation of personnel who will serve children with high-incidence and low-incidence disabilities, consistent with the objectives described in subsection (a).

[“(2) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this subsection include the following:

[“(A) Supporting collaborative personnel preparation activities undertaken by institutions of higher education, local educational agencies, and other local entities—

[“(i) to improve and reform their existing programs, to support effective existing programs, to support the development of new programs, and to prepare teachers and related services personnel—

[“(I) to meet the diverse needs of children with disabilities for early intervention, educational, and transitional services; and

[“(II) to work collaboratively in regular classroom settings; and

[“(ii) to incorporate best practices and scientifically based research about preparing personnel—

[“(I) so the personnel will have the knowledge and skills to improve educational results for children with disabilities; and

[“(II) to implement effective teaching strategies and interventions to prevent the misidentification, overidentification, or underidentification of children as having a disability, especially minority and limited English proficient children.

[“(B) Developing, evaluating, and disseminating innovative models for the recruitment, induction, retention, and assessment of highly qualified teachers to reduce shortages in personnel.

[“(C) Providing continuous personnel preparation, training, and professional development designed to provide support and ensure retention of teachers and personnel who teach and provide related services to children with disabilities.

[“(D) Developing and improving programs for paraprofessionals to become special education teachers, related services personnel, and early intervention personnel, including interdisciplinary training to enable the paraprofessionals to improve early intervention, educational, and transitional results for children with disabilities.

[“(E) Demonstrating models for the preparation of, and interdisciplinary training of, early intervention, special education, and general education personnel, to enable the personnel to acquire the collaboration skills necessary to work within teams and to improve results for children with disabilities, particularly within the general education curriculum.

[“(F) Promoting effective parental involvement practices to enable the personnel to work with parents and involve parents in the education of such parents' children.

[“(G) Promoting the transferability, across State and local jurisdictions, of licensure and certification of teachers and administrators working with such children.

[“(H) Developing and disseminating models that prepare teachers with strategies, including positive behavioral interventions, for addressing the conduct of children with disabilities that impedes their learning and that of others in the classroom.

[“(I) Developing and improving programs to enhance the ability of general education teachers, principals, school administrators, and school board members to improve results for children with disabilities.

[“(J) Supporting institutions of higher education with minority enrollments of at least 25 percent for the purpose of preparing personnel to work with children with disabilities.

[“(K) Preparing personnel to work in high need elementary schools and secondary schools, including urban schools, rural schools, and schools operated by an entity described in section 7113(d)(1)(A)(ii) of the Elementary and Secondary Education Act of 1965; and schools that serve high numbers or percentages of limited English proficient children.

[“(L) Developing, evaluating, and disseminating innovative models for the recruitment, induction, retention, and assessment of new, qualified teachers, especially from groups that are underrepresented in the teaching profession, including individuals with disabilities.

[“(c) Low Incidence Disabilities; Authorized Activities.—

[“(1) In general.—In carrying out this section, the Secretary shall support activities, consistent with the objectives described in subsection (a), that benefit children with low incidence disabilities.

[“(2) Authorized activities.—Activities that may be carried out under this subsection include activities such as the following:

[“(A) Preparing persons who—

[“(i) have prior training in educational and other related service fields; and

[“(ii) are studying to obtain degrees, certificates, or licensure that will enable the persons to assist children with low incidence disabilities to achieve the objectives set out in their individualized education programs described in section 614(d), or to assist infants and toddlers with low incidence disabilities to achieve the outcomes described in their individualized family service plans described in section 636.

[“(B) Providing personnel from various disciplines with interdisciplinary training that will contribute to improvement in early intervention, educational, and transitional results for children with low incidence disabilities.

[“(C) Preparing personnel in the innovative uses and application of technology, including universally designed technologies, assistive technology devices, and assistive technology services—

[“(i) to enhance learning by children with low incidence disabilities through early intervention, educational, and transitional services; and

[“(ii) to improve communication with parents.

[“(D) Preparing personnel who provide services to visually impaired or blind children to teach and use Braille in the provision of services to such children.

[“(E) Preparing personnel to be qualified educational interpreters, to assist children with low incidence disabilities, particularly deaf and hard of hearing children in school and school related activities, and deaf and hard of hearing infants and toddlers and preschool children in early intervention and preschool programs.

[“(F) Preparing personnel who provide services to children with significant cognitive disabilities and children with multiple disabilities.

[“(3) Definition.—As used in this section, the term ‘low incidence disability’ means—

[“(A) a visual or hearing impairment, or simultaneous visual and hearing impairments;

[“(B) a significant cognitive impairment; or

[“(C) any impairment for which a small number of personnel with highly specialized skills and knowledge are needed in order for children with that impairment to receive early intervention services or a free appropriate public education.

[“(4) Selection of recipients.—In selecting recipients under this subsection, the Secretary may give preference to eligible entities submitting applications that include 1 or more of the following:

[“(A) A proposal to prepare personnel in more than 1 low incidence disability, such as deaf and blindness.

[“(B) A demonstration of an effective collaboration with an eligible entity and a local educational agency that ensures recruitment and subsequent retention of highly qualified personnel to serve children with disabilities.

[“(C) A proposal to address the personnel and professional development needs in the State, as identified in section 653(a)(2).

[“(5) Preparation in use of braille.—The Secretary shall ensure that all recipients of assistance under this subsection who will use that assistance to prepare personnel to provide services to visually impaired or blind children that can appropriately be provided in Braille will prepare those individuals to provide those services in Braille.

[“(d) Leadership Preparation; Authorized Activities.—

[“(1) In general.—In carrying out this section, the Secretary shall support leadership preparation activities that are consistent with the objectives described in subsection (a).

[“(2) Authorized activities.—Activities that may be carried out under this subsection include activities such as the following:

[“(A) Preparing personnel at the graduate, doctoral, and postdoctoral levels of training to administer, enhance, or provide services to improve results for children with disabilities.

[“(B) Providing interdisciplinary training for various types of leadership personnel, including teacher preparation faculty, administrators, researchers, supervisors, principals, related services personnel, and other persons whose work affects early intervention, educational, and transitional services for children with disabilities.

[“(e) Enhanced Support and Training for Beginning Special Educators; Authorized Activities.—

[“(1) In general.—In carrying out this section, the Secretary shall support personnel preparation activities that are consistent with the objectives described in subsection (a).

[“(2) Authorized activities.—Activities that may be carried out under this subsection include—

[“(A) enhancing and restructuring an existing program or developing a preservice teacher education program, to prepare special education teachers, at colleges or departments of education within the institution of higher education, by incorporating an additional 5th year clinical learning opportunity, field experience, or supervised practicum into a program of preparation and coursework for special education teachers; or

[“(B) Creating or supporting professional development schools that provide—

[“(i) high quality mentoring and induction opportunities with ongoing support for beginning special education teachers; or

[“(ii) inservice professional development to veteran special education teachers through the ongoing exchange of information and instructional strategies.

[“(3) Eligible partnerships.—Eligible recipients of assistance under this subsection are partnerships—

[“(A) that shall consist of—

[“(i) 1 or more institutions of higher education with special education personnel preparation programs;

[“(ii) 1 or more local educational agencies; and

[“(iii) in the case of activities assisted under paragraph (2)(B), an elementary school or secondary school; and

[“(B) that may consist of other entities eligible for assistance under this part, such as a State educational agency.

[“(4) Priority.—In awarding grants or entering into contracts or cooperative agreements under this subsection, the Secretary shall give priority to partnerships that include local educational agencies that serve—

[“(A) high numbers or percentages of low-income students; or

[“(B) schools that have failed to make adequate yearly progress toward enabling children with disabilities to meet academic achievement standards.

[“(f) Training To Support General Educators; Authorized Activities.—

[“(1) In general.—In carrying out this section, the Secretary shall support personnel preparation activities that are consistent with the objectives described in subsection (a).

[“(2) Authorized activities.—Activities that may be carried out under this subsection include—

[“(A) high quality professional development for general educators that develops the knowledge and skills, and enhances the ability, of general educators to—

[“(i) utilize classroom-based techniques to identify students who may be eligible for special education services, and deliver instruction in a way that meets the individualized needs of children with disabilities through appropriate supports, accommodations, and curriculum modifications;

[“(ii) utilize classroom-based techniques, such as scientifically based reading instruction;

[“(iii) work collaboratively with special education teachers and related services personnel;

[“(iv) implement strategies, such as positive behavioral interventions—

[“(I) to address the behavior of children with disabilities that impedes the learning of such children and others; or

[“(II) to prevent children from being misidentified as children with disabilities;

[“(v) prepare children with disabilities to participate in statewide assessments (with and without accommodations) and alternative assessment, as appropriate;

[“(vi) develop effective practices for ensuring that all children with disabilities are a part of all accountability systems under the Elementary and Secondary Education Act of 1965;

[“(vii) work with and involve parents of children with disabilities in their child's education;

[“(viii) understand how to effectively construct IEPs, participate in IEP meetings, and implement IEPs; and

[“(ix) in the case of principals and superintendents, be instructional leaders and promote improved collaboration between general educators, special education teachers, and related services personnel; and

[“(B) release and planning time for the activities described in this subsection.

[“(3) ELIGIBLE PARTNERSHIPS.—Eligible recipients of assistance under this subsection are partnerships—

[“(A) that shall consist of—

[“(i) 1 or more institutions of higher education with special education personnel preparation programs;

[“(ii) 1 or more local educational agencies; and

[“(B) that may consist of other entities eligible for assistance under this part, such as a State educational agency.

[“(g) APPLICATIONS.—

[“(1) IN GENERAL.—Any eligible entity that desires to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

[“(2) IDENTIFIED STATE NEEDS.—

[“(A) REQUIREMENT TO ADDRESS IDENTIFIED NEEDS.—Any application under subsection (b), (c), (d), (e), or (f) shall include information demonstrating to the satisfaction of the Secretary that the activities described in the application will address needs identified by the State or States the applicant proposes to serve, consistent with the needs identified in the State plan described in section 653(a)(2).

[“(B) COOPERATION WITH STATE EDUCATIONAL AGENCIES.—Any applicant that is not a local educational agency or a State educational agency shall include in the application information demonstrating to the satisfaction of the Secretary that the applicant and 1 or more State educational agencies have engaged in a cooperative effort to carry out and monitor the project to be assisted.

[“(3) ACCEPTANCE BY STATES OF PERSONNEL PREPARATION REQUIREMENTS.—The Secretary may require applicants to provide assurances from 1 or more States that such States—

[“(A) intend to accept successful completion of the proposed personnel preparation program as meeting State personnel standards for serving children with disabilities or serving infants and toddlers with disabilities; and

[“(B) need personnel in the area or areas in which the applicant proposes to provide preparation, as identified in the States' comprehensive systems of personnel development under parts B and C.

[“(h) SELECTION OF RECIPIENTS.—

[“(1) IMPACT OF PROJECT.—In selecting award recipients under this section, the Secretary shall consider the impact of the proposed project described in the application in meeting the need for personnel identified by the States.

[“(2) REQUIREMENT FOR APPLICANTS TO MEET STATE AND PROFESSIONAL STANDARDS.—The Secretary shall make grants and enter into contracts and cooperative agreements under this section only to eligible applicants that meet State and professionally recognized standards for the preparation of special education and related services personnel, if the purpose of the project is to assist personnel in obtaining degrees.

[“(3) PREFERENCES.—In selecting recipients under this section, the Secretary may give preference to institutions of higher education that are—

[“(A) educating regular education personnel to meet the needs of children with disabilities in integrated settings;

[“(B) educating special education personnel to work in collaboration with regular educators in integrated settings; and

[“(C) successfully recruiting and preparing individuals with disabilities and individuals from groups that are underrepresented in the profession for which the institution of higher education is preparing individuals.

[“(i) SERVICE OBLIGATION.—Each application for funds under subsections (b), (c), (d), and (e) shall include an assurance that the applicant will ensure that individuals who receive a scholarship under the proposed project will subsequently provide special education and related services to children with disabilities for a period of 1 year for every year for which assistance was received, or repay all or part of the cost of that assistance, in accordance with regulations issued by the Secretary.

[“(j) SCHOLARSHIPS.—The Secretary may include funds for scholarships, with necessary stipends and allowances, in awards under subsections (b), (c), (d), and (e).

[“(k) DEFINITIONS.—In this section the term 'personnel' means special education teachers, general education teachers, principals, administrators, related services personnel, paraprofessionals, and early intervention personnel serving infants, toddlers, preschoolers, or children with disabilities.

[“(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2004 through 2010.

[“SEC. 665. STUDIES AND EVALUATIONS.

[“(a) STUDIES AND EVALUATIONS.—

[“(1) DELEGATION.—The Secretary shall delegate to the Director of the Institute for Education Sciences responsibility to carry out this section.

[“(2) ASSESSMENT.—The Secretary shall, directly or through grants, contracts, or cooperative agreements awarded on a competitive basis, assess the progress in the implementation of this Act, including the effectiveness of State and local efforts to provide—

[“(A) a free appropriate public education to children with disabilities; and

[“(B) early intervention services to infants and toddlers with disabilities, and infants and toddlers who would be at risk of having substantial developmental delays if early intervention services were not provided to them.

[“(b) NATIONAL ASSESSMENT.—

[“(1) IN GENERAL.—The Secretary shall carry out a national assessment of activities carried out with Federal funds under this Act in order—

[“(A) to determine the effectiveness of this Act in achieving its purposes;

[“(B) to provide timely information to the President, Congress, the States, local educational agencies, and the public on how to implement this Act more effectively; and

[“(C) to provide the President and Congress with information that will be useful in developing legislation to achieve the purposes of this Act more effectively.

[“(2) CONSULTATION.—The Secretary shall plan, review, and conduct the national assessment under this subsection in consultation with researchers, State practitioners, local practitioners, parents of children with disabilities, and other appropriate individuals.

[“(3) SCOPE OF ASSESSMENT.—The national assessment shall assess the—

[“(A) implementation of programs assisted under this Act and the impact of those programs on addressing the developmental, educational, and transitional needs of, and improving the academic achievement and functional outcomes of, children with disabilities to enable the children to reach challenging developmental goals and challenging State academic content standards based on State academic assessments, including alternative assessments;

[“(B) types of programs and services that have demonstrated the greatest likelihood of helping students reach the challenging State academic content standards and developmental goals;

[“(C) implementation of the personal preparation professional development activities assisted under this Act and the impact on instruction, student academic achievement, and teacher qualifications to enhance the ability of special education teachers and regular education teachers to improve results for children with disabilities; and

[“(D) effectiveness of schools, local educational agencies, States, and other recipients of assistance under this Act, in achieving the purposes of this Act in—

[“(i) improving the academic achievement of children with disabilities and their performance on regular statewide assessments, and the performance of children with disabilities on alternate assessments;

[“(ii) improving the participation rate of children with disabilities in the general education curriculum;

[“(iii) improving the transitions of children with disabilities at natural transition points;

[“(iv) placing and serving children with disabilities, including minority children, in the least restrictive environment appropriate;

[“(v) preventing children with disabilities, especially children with emotional disturbances and specific learning disabilities, from dropping out of school;

[“(vi) addressing the reading and literacy needs of children with disabilities;

[“(vii) coordinating services provided under this Act with each other, with other educational and pupil services (including preschool services), and with health and social services funded from other sources;

[“(viii) improving the participation of parents of children with disabilities in the education of their children;

[“(ix) resolving disagreements between education personnel and parents through alternate dispute resolution activities including mediation and voluntary binding arbitration; and

[“(x) reducing the misidentification of children, especially minority and limited English proficient children.

[“(4) INTERIM AND FINAL REPORTS.—The Secretary shall submit to the President and Congress—

[“(A) an interim report that summarizes the preliminary findings of the national assessment not later than 3 years after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003; and

[“(B) a final report of the findings of the assessment not later than 5 years after the date of enactment of the Individual with Disabilities Education Improvement Act of 2003.

[“(c) STUDY ON ENSURING ACCOUNTABILITY FOR STUDENTS WITH SIGNIFICANT DISABILITIES.—The Secretary shall carry out a national study or studies to examine—

[“(1) the criteria that States use to determine eligibility for alternate assessments and the number and type of children who take those assessments;

[“(2) the validity and reliability of alternate assessment instruments and procedures;

[“(3) the alignment of alternate assessments with State academic content and achievement standards or with alternate academic achievement standards; and

[“(4) the use and effectiveness of alternate assessments in appropriately measuring student progress and outcomes specific to individualized instructional need.

[“(d) ANNUAL REPORT.—The Secretary shall provide an annual report to Congress that—

[“(1) summarizes the research conducted under section 662;

[“(2) analyzes and summarizes the data reported by the States and the Secretary of the Interior under section 618;

[“(3) summarizes the studies and evaluations conducted under this section and the timeline for their completion;

[“(4) describes the extent and progress of the national assessment; and

[“(5) describes the findings and determinations resulting from reviews of State implementation of this Act.

[“(e) AUTHORIZED ACTIVITIES.—In carrying out this subsection, the Secretary may support objective studies, evaluations, and assessments, including studies that—

[“(1) analyze measurable impact, outcomes, and results achieved by State educational agencies and local educational agencies through their activities to reform policies, procedures, and practices designed to improve educational and transitional services and results for children with disabilities;

[“(2) analyze State and local needs for professional development, parent training, and other appropriate activities that can reduce the need for disciplinary actions involving children with disabilities;

[“(3) assess educational and transitional services and results for children with disabilities from minority backgrounds, including—

[“(A) data on—

[“(i) the number of minority children who are referred for special education evaluation;

[“(ii) the number of minority children who are receiving special education and related services and their educational or other service placement;

[“(iii) the number of minority children who graduated from secondary programs with a regular diploma in the standard number of years; and

[“(iv) the number of minority children who drop out of the educational system; and

[“(B) the performance of children with disabilities from minority backgrounds on State assessments and other performance indicators established for all students;

[“(4) measure educational and transitional services and results of children with disabilities served under this Act, including longitudinal studies that—

[“(A) examine educational and transitional services and results for children with disabilities who are 3 through 17 years of age and are receiving special education and related services under this Act, using a national, representative sample of distinct age cohorts and disability categories; and

[“(B) examine educational results, transition services, postsecondary placement, and employment status of individuals with disabilities, 18 through 21 years of age, who are receiving or have received special education and related services under this Act; and

[“(5) identify and report on the placement of children with disabilities by disability category.

[“(f) RESERVATION FOR STUDIES AND TECHNICAL ASSISTANCE.—

[“(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of this Act, the Secretary may reserve not more than ½ of 1 percent of the amount appropriated under parts B and C for each fiscal year to carry out this section, of which $3,000,000 shall be available to carry out subsection (c).

[“(2) MAXIMUM AMOUNT.—For the first fiscal year for which the amount described in paragraph (1) is at least $40,000,000, the maximum amount the Secretary may reserve under paragraph (1), is $40,000,000. For each subsequent fiscal year, the maximum amount the Secretary may reserve under paragraph (1) is $40,000,000, increased by the cumulative rate of inflation since the fiscal year described in the previous sentence.

[“(3) USE OF MAXIMUM AMOUNT.—In any fiscal year described in paragraph (2) for which the Secretary reserves the maximum amount described in that paragraph, the Secretary shall use at least ½ of the reserved amount for activities under subsection (d).

[“Subpart 3—Supports To Improve Results for Children With Disabilities

[“SEC. 670. PURPOSES.

[“The purposes of this subpart are to ensure that—

[“(1) children with disabilities and their parents receive training and information on their rights, responsibilities, and protections under this Act, in order to develop the skills necessary to cooperatively and effectively participate in planning and decision making relating to early intervention, educational, and transitional services;

[“(2) parents, teachers, administrators, early intervention personnel, related services personnel, and transition personnel receive coordinated and accessible technical assistance and information to assist them in improving early intervention, educational, and transitional services and results for children with disabilities and their families; and

[“(3) appropriate technology and media are researched, developed, and demonstrated, to improve and implement early intervention, educational, and transitional services and results for children with disabilities and their families.

[“SEC. 671. PARENT TRAINING AND INFORMATION CENTERS.

[“(a) PROGRAM AUTHORIZED.—The Secretary may award grants to, and enter into contracts and cooperative agreements with, parent organizations to support parent training and information centers to carry out activities under this section.

[“(b) REQUIRED ACTIVITIES.—Each parent training and information center that receives assistance under this section shall—

[“(1) provide training and information that meets the needs of parents of children with disabilities living in the area served by the center, particularly underserved parents and parents of children who may be inappropriately identified, to enable their children with disabilities to—

[“(A) meet developmental and functional goals, and challenging academic achievement goals that have been established for all children; and

[“(B) be prepared to lead productive independent adult lives, to the maximum extent possible;

[“(2) serve the parents of infants, toddlers, and children with the full range of disabilities described in section 602(3);

[“(3) assist parents to—

[“(A) better understand the nature of their children's disabilities and their educational, developmental, and transitional needs;

[“(B) communicate effectively and work collaboratively with personnel responsible for providing special education, early intervention, transition services, and related services;

[“(C) participate in decisionmaking processes and the development of individualized education programs under part B and individualized family service plans under part C;

[“(D) obtain appropriate information about the range, type, and quality of options, programs, services, technologies, and research based practices and interventions, and resources available to assist children with disabilities and their families in school and at home;

[“(E) understand the provisions of this Act for the education of, and the provision of early intervention services to, children with disabilities; and

[“(F) participate in school reform activities;

[“(4) in States where the State elects to contract with the parent training and information center, contract with State educational agencies to provide, consistent with subparagraphs (B) and (D) of section 615(e)(2), individuals who meet with parents to explain the mediation process to the parents;

[“(5) assist parents in resolving disputes in the most expeditious and effective way possible, including encouraging the use, and explaining the benefits, of alternative methods of dispute resolution, such as the mediation process described in section 615(e);

[“(6) assist parents and students with disabilities to understand their rights and responsibilities under this Act, including those under section 615(m) on the student's reaching the age of majority;

[“(7) assist parents to understand the availability of, and how to effectively use, procedural safeguards under this Act;

[“(8) assist parents in understanding, preparing for, and participating in, the process described in section 615(f)(1)(B);

[“(9) network with appropriate clearinghouses, including organizations conducting national dissemination activities under section 663, and with other national, State, and local organizations and agencies, such as protection and advocacy agencies, that serve parents and families of children with the full range of disabilities described in section 602(3); and

[“(10) annually report to the Secretary on—

[“(A) the number and demographics of parents to whom the center provided information and training in the most recently concluded fiscal year;

[“(B) the effectiveness of strategies used to reach and serve parents, including underserved parents of children with disabilities; and

[“(C) the number of parents served who have resolved disputes through alternative methods of dispute resolution.

[“(c) Optional Activities.—A parent training and information center that receives assistance under this section may provide information to teachers and other professionals to assist the teachers and professionals in improving results for children with disabilities.

[“(d) Application Requirements.—Each application for assistance under this section shall identify with specificity the special efforts that the parent organization will undertake—

[“(1) to ensure that the needs for training and information of underserved parents of children with disabilities in the area to be served are effectively met; and

[“(2) to work with community based organizations.

[“(e) Distribution of Funds.—

[“(1) In general.—The Secretary shall—

[“(A) make at least 1 award to a parent organization in each State for a parent training and information center which is designated as the statewide parent training and information center; or

[“(B) in the case of a large State, make awards to multiple parent training and information centers, but only if the centers demonstrate that coordinated services and supports will occur among the multiple centers.

[“(2) Selection requirement.—The Secretary shall select among applications submitted by parent organizations in a State in a manner that ensures the most effective assistance to parents, including parents in urban and rural areas, in the State.

[“(f) Quarterly Review.—

[“(1) Meetings.—The board of directors of each parent organization that receives an award under this section shall meet at least once in each calendar quarter to review the activities for which the award was made.

[“(2) Continuation award.—When an organization requests a continuation award under this section, the board of directors shall submit to the Secretary a written review of the parent training and information program conducted by the organization during the preceding fiscal year.

[“(g) Definition of Parent Organization.—As used in this section, the term ‘parent organization’ means a private nonprofit organization (other than an institution of higher education) that has a board of directors—

[“(1) the majority of whom are parents of children with disabilities ages birth through 26;

[“(2) that includes—

[“(A) individuals working in the fields of special education, related services, and early intervention; and

[“(B) individuals with disabilities;

[“(3) the parent and professional members of which are broadly representative of the population to be served; and

[“(4) has as its mission serving families of children and youth with disabilities who—

[“(A) are ages birth through 26; and

[“(B) have the full range of disabilities described in section 602(3).

[“SEC. 672. COMMUNITY PARENT RESOURCE CENTERS.

[“(a) In General.—The Secretary may award grants to, and enter into contracts and cooperative agreements with, local parent organizations to support parent training and information centers that will help ensure that underserved parents of children with disabilities, including low income parents, parents of children with limited English proficiency, and parents with disabilities, have the training and information the parents need to enable the parents to participate effectively in helping their children with disabilities—

[“(1) to meet developmental and functional goals, and challenging academic achievement goals that have been established for all children; and

[“(2) to be prepared to lead productive independent adult lives, to the maximum extent possible.

[“(b) Required Activities.—Each community parent resource center assisted under this section shall—

[“(1) provide training and information that meets the training and information needs of parents of children with disabilities proposed to be served by the grant, contract, or cooperative agreement;

[“(2) carry out the activities required of parent training and information centers under paragraphs (2) through (9) of section 671(b);

[“(3) establish cooperative partnerships with the parent training and information centers funded under section 671; and

[“(4) be designed to meet the specific needs of families who experience significant isolation from available sources of information and support.

[“(c) Definition.—As used in this section, the term ‘local parent organization’ means a parent organization, as defined in section 671(g), that—

[“(1) has a board of directors the majority of whom are parents of children with disabilities ages birth through 26 from the community to be served; and

[“(2) has as its mission serving parents of children with disabilities who—

[“(A) are ages birth through 26; and

[“(B) have the full range of disabilities described in section 602(3).

[“SEC. 673. TECHNICAL ASSISTANCE FOR PARENT TRAINING AND INFORMATION CENTERS.

[“(a) In General.—The Secretary may, directly or through awards to eligible entities, provide technical assistance for developing, assisting, and coordinating parent training and information programs carried out by parent training and information centers receiving assistance under sections 671 and 672.

[“(b) Authorized Activities.—The Secretary may provide technical assistance to a parent training and information center under this section in areas such as—

[“(1) effective national coordination of parent training efforts, which includes encouraging collaborative efforts among award recipients under sections 671 and 672;

[“(2) dissemination of information, scientifically based research, and research based practices and interventions;

[“(3) promotion of the use of technology, including universal designed technologies, assistive technology devices, and assistive technology services;

[“(4) reaching underserved populations;

[“(5) including children with disabilities in general education programs;

[“(6) facilitation of transitions from—

[“(A) early intervention services to preschool;

[“(B) preschool to elementary school;

[“(C) elementary school to secondary school; and

[“(D) secondary school to postsecondary environments; and

[“(7) promotion of alternative methods of dispute resolution, including mediation.

[“SEC. 674. TECHNOLOGY DEVELOPMENT, DEMONSTRATION, AND UTILIZATION; AND MEDIA SERVICES.

[“(a) In General.—The Secretary, on a competitive basis, shall award grants to, and enter into contracts and cooperative agreements with, eligible entities to support activities described in subsections (b) and (c).

[“(b) Technology Development, Demonstration, and Use.—

[“(1) In general.—In carrying out this section, the Secretary shall support activities to promote the development, demonstration, and use of technology.

[“(2) Authorized activities.—The following activities may be carried out under this subsection:

[“(A) Conducting research on and promoting the demonstration and use of innovative, emerging, and universally designed technologies for children with disabilities, by improving the transfer of technology from research and development to practice.

[“(B) Supporting research, development, and dissemination of technology with universal design features, so that the technology is accessible to the broadest range of individuals with disabilities without further modification or adaptation.

[“(C) Demonstrating the use of systems to provide parents and teachers with information and training concerning early diagnosis of, intervention for, and effective teaching strategies for, young children with reading disabilities.

[“(D) Supporting the use of Internet-based communications for students with cognitive disabilities in order to maximize their academic and functional skills.

[“(c) Educational Media Services; Optional Activities.—In carrying out this section, the Secretary may support—

[“(1) educational media activities that are designed to be of educational value in the classroom setting to children with disabilities;

[“(2) providing (A) video description, (B) open captioning, (C) closed captioning of television programs, videos, or other materials appropriate for use in the classroom setting, or (D) news (but news only until September 30, 2006), when such services are not provided by the producer or distributor of such information, materials, or news, including programs and materials associated with new and emerging technologies, such as CDs, DVDs, video streaming, and other forms of multimedia;

[“(3) distributing materials described in paragraphs (1) and (2) through such mechanisms as a loan service; and

[“(4) providing free educational materials, including textbooks, in accessible media for visually impaired and print disabled students in elementary schools and secondary schools.

[“(d) Applications.—Any eligible entity that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

[“(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2004 through 2009.

[“SEC. 675. AUTHORIZATION OF APPROPRIATIONS.

[“There are authorized to be appropriated to carry out sections 671, 672, 673, and 663 such sums as may be necessary for each of the fiscal years 2004 through 2009.

[“Subpart 4—Interim Alternative Educational Settings, Behavioral Supports, and Whole School Interventions

“SEC. 681. PURPOSE.

[“The purpose of this subpart is to authorize resources to foster a safe learning environment that supports academic achievement for all students by improving the quality of interim alternative educational settings, providing more behavioral supports in schools, and supporting whole school interventions.

[“SEC. 682. DEFINITION OF ELIGIBLE ENTITY.

[“In this subpart, the term ‘eligible entity’ means—

[“(1) a local educational agency; or

[“(2) a consortium consisting of a local educational agency and 1 or more of the following entities:

[“(A) another local educational agency;

[“(B) a community-based organization with a demonstrated record of effectiveness in helping special needs students with behavioral challenges succeed;

[“(C) an institution of higher education;

[“(D) a mental health provider; or

[“(E) an educational service agency.

[“SEC. 683. PROGRAM AUTHORIZED.

[“The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities—

[“(1) to establish or expand behavioral supports and whole school behavioral interventions by providing for effective, research-based practices, including—

[“(A) comprehensive, early screening efforts for students at risk for emotional and behavioral difficulties;

[“(B) training for school staff on early identification, prereferral, and referral procedures;

[“(C) training for administrators, teachers, related services personnel, behavioral specialists, and other school staff in whole school positive behavioral interventions and supports, behavioral intervention planning, and classroom and student management techniques;

[“(D) joint training for administrators, parents, teachers, related services personnel, behavioral specialists, and other school staff on effective strategies for positive behavioral interventions and behavior management strategies that focus on the prevention of behavior problems;

[“(E) developing or implementing specific curricula, programs, or interventions aimed at addressing behavioral problems;

[“(F) stronger linkages between school-based services and community-based resources, such as community mental health and primary care providers; or

[“(G) using behavioral specialists, related services personnel, and other staff necessary to implement behavioral supports; or

[“(2) to improve interim alternative educational settings by—

[“(A) improving the training of administrators, teachers, related services personnel, behavioral specialists, and other school staff (including ongoing mentoring of new teachers);

[“(B) attracting and retaining a high quality, diverse staff;

[“(C) providing for on-site counseling services;

[“(D) utilizing research-based interventions, curriculum, and practices;

[“(E) allowing students to use instructional technology that provides individualized instruction;

[“(F) ensuring that the services are fully consistent with the goals of the individual student’s IEP;

[“(G) promoting effective case management and collaboration among parents, teachers, physicians, related services personnel, behavioral specialists, principals, administrators, and other school staff;

[“(H) promoting interagency coordination and coordinated service delivery among schools, juvenile courts, child welfare agencies, community mental health providers, primary care providers, public recreation agencies, and community-based organizations; or

[“(I) providing for behavioral specialists to help students transitioning from interim alternative educational settings reintegrate into their regular classrooms.

[“SEC. 684. PROGRAM EVALUATIONS.

[“(a) REPORT AND EVALUATION.—Each eligible entity receiving a grant under this subpart shall prepare and submit annually to the Secretary a report on the outcomes of the activities assisted under the grant.

[“(b) BEST PRACTICES ON WEB SITE.—The Secretary shall make available on the Department’s web site information for parents, teachers, and school administrators on best practices for interim alternative educational settings, behavior supports, and whole school intervention.

[“SEC. 685. AUTHORIZATION OF APPROPRIATIONS.

[“There are authorized to be appropriated to carry out this subpart $50,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.”.

[TITLE II—REHABILITATION ACT OF 1973

[SEC. 201. FINDINGS.

[Section 2(a) of the Rehabilitation Act of 1973 (29 U.S.C. 701(a)) is amended—

[(1) in paragraph (5), by striking “and” at the end;

[(2) in paragraph (6), by striking the period and inserting “; and”; and

[(3) by adding at the end the following:

[“(7) there is a substantial need to improve and expand services for students with disabilities under this Act.”.

[SEC. 202. DEFINITIONS.

[Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) is amended—

[(1) by redesignating paragraphs (35) through (39) as paragraphs (36) through (40), respectively;

[(2) in subparagraph (A)(ii) of paragraph (36) (as redesignated in paragraph (1)), by striking “paragraph (36)(C)” and inserting “paragraph (37)(C)”; and

[(3) by inserting after paragraph (34) the following:

[“(35)(A) The term ‘student with a disability’ means an individual with a disability who—

[“(i) is not younger than 14 and not older than 21;

[“(ii) has been determined to be eligible under section 102(a) for assistance under this title; and

[“(iii)(I) is eligible for, and is receiving, special education under part B of the Individuals with Disabilities Education Act (29 U.S.C. 1411 et seq.); or

[“(II) is an individual with a disability, for purposes of section 504.

[“(B) The term ‘students with disabilities’ means more than 1 student with a disability.”.

[SEC. 203. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.

[Section 100 of the Rehabilitation Act of 1973 (29 U.S.C. 720) is amended—

[(1) by redesignating subsection (d) as subsection (e); and

[(2) by inserting after subsection (c) the following:

[“(d) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR SERVICES TO STUDENTS WITH DISABILITIES.—In addition to any funds appropriated under subsection (b)(1), there are authorized to be appropriated such sums as may be necessary for fiscal years 2004 through 2009 to carry out programs and activities under sections 101(a)(25)(B) and 103(b)(6).”.

[SEC. 204. STATE PLAN.

[(a) ASSESSMENT AND STRATEGIES.—Section 101(a)(15) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(15)) is amended—

[(1) in subparagraph (A)(i)—

[(A) in subclause (II), by striking “and” at the end;

[(B) in subclause (III), by adding “and” at the end; and

[(C) by adding at the end the following:

[“(IV) students with disabilities, including their need for transition services;”; and

[(2) in subparagraph (D)—

[(A) by redesignating clauses (iii), (iv), and (v) as clauses (iv), (v), and (vi), respectively; and

[(B) by inserting after clause (ii) the following:

[“(iii) the methods to be used to improve and expand vocational rehabilitation services for students with disabilities, including the coordination of services designed to facilitate the transition of such students from the receipt of educational services in school to the receipt of vocational rehabilitation services under this title.”.

[(b) SERVICES FOR STUDENTS WITH DISABILITIES.—Section 101(a) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)) is amended by adding at the end the following:

[“(25) SERVICES FOR STUDENTS WITH DISABILITIES.—The State plan shall provide an assurance satisfactory to the Secretary that the State—

[“(A) has developed and implemented strategies to address the needs identified in the assessment described in paragraph (15), and achieve the goals and priorities identified by the State, to improve and expand vocational rehabilitation services for students with disabilities on a statewide basis in accordance with paragraph (15); and

[“(B) will use funds appropriated under section 100(d) to carry out programs or activities designed to improve and expand vocational rehabilitation services for students with disabilities that—

[“(i) facilitate the transition of the students with disabilities from the receipt of educational services in school, to the receipt of vocational rehabilitation services under this title, including, at a minimum, those services specified in the interagency agreement required in paragraph (11)(D);

[“(ii) improve the achievement of post-school goals of students with disabilities, including improving the achievement through attendance at meetings regarding individualized education programs developed under section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414);

[“(iii) provide vocational guidance, career exploration services, and job search skills and strategies and technical assistance to students with disabilities;

[“(iv) support the provision of training and technical assistance to State and local educational agency and designated State agency personnel responsible for the planning and provision of services to students with disabilities; and

[“(v) support outreach activities to students with disabilities who are eligible for, and need, services under this title.”.

[SEC. 205. SCOPE OF SERVICES.

[Section 103 of the Rehabilitation Act of 1973 (29 U.S.C. 723) is amended—

[(1) in subsection (a)(15), by inserting ", including services described in clauses (i) through (iii) of section 101(a)(25)(B)" before the semicolon; and

[(2) in subsection (b), by striking paragraph (6) and inserting the following:

["(6)(A)(i) Consultation and technical assistance services to assist State and local educational agencies in planning for the transition of students with disabilities from school to post-school activities, including employment.

["(ii) Training and technical assistance described in section 101(a)(25)(B)(iv).

["(B) Services for groups of individuals with disabilities who meet the requirements of clauses (i) and (iii) of section 7(35)(A), including services described in clauses (i), (ii), (iii), and (v) of section 101(a)(25)(B), to assist in the transition from school to post-school activities.".

[SEC. 206. STANDARDS AND INDICATORS.

[Section 106(a) of the Rehabilitation Act of 1973 (29 U.S.C. 726(a)) is amended by striking paragraph (1)(C) and all that follows through paragraph (2) and inserting the following:

["(2) MEASURES.—The standards and indicators shall include outcome and related measures of program performance that—

["(A) facilitate the accomplishment of the purpose and policy of this title;

["(B) to the maximum extent practicable, are consistent with the core indicators of performance, and corresponding State adjusted levels of performance, established under section 136(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(b)); and

["(C) include measures of the program's performance with respect to the transition to post-school activities, and achievement of the post-school goals, of students with disabilities served under the program.".]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Individuals with Disabilities Education Improvement Act of 2003".

SEC. 2. ORGANIZATION OF THE ACT.

This Act is organized into the following titles:

TITLE I—AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

TITLE II—AMENDMENTS TO THE REHABILITATION ACT OF 1973

TITLE III—NATIONAL CENTER FOR SPECIAL EDUCATION RESEARCH

TITLE IV—COMMISSION ON UNIVERSAL DESIGN AND THE ACCESSIBILITY OF CURRICULUM AND INSTRUCTIONAL MATERIALS

TITLE I—AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

SEC. 101. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Parts A through D of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) are amended to read as follows:

"PART A—GENERAL PROVISIONS

"SEC. 601. SHORT TITLE; TABLE OF CONTENTS; FINDINGS; PURPOSES.

"(a) SHORT TITLE.—This Act may be cited as the 'Individuals with Disabilities Education Act'.

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"PART A—GENERAL PROVISIONS

"Sec. 601. Short title; table of contents; findings; purposes.
"Sec. 602. Definitions.
"Sec. 603. Office of Special Education Programs.
"Sec. 604. Abrogation of State sovereign immunity.
"Sec. 605. Acquisition of equipment; construction or alteration of facilities.
"Sec. 606. Employment of individuals with disabilities.
"Sec. 607. Requirements for prescribing regulations.
"Sec. 608. State administration.
"Sec. 609. Report to Congress.

"PART B—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES

"Sec. 611. Authorization; allotment; use of funds; authorization of appropriations.
"Sec. 612. State eligibility.
"Sec. 613. Local educational agency eligibility.
"Sec. 614. Evaluations, eligibility determinations, individualized education programs, and educational placements.
"Sec. 615. Procedural safeguards.
"Sec. 616. Monitoring, technical assistance, and enforcement.
"Sec. 617. Administration.
"Sec. 618. Program information.
"Sec. 619. Preschool grants.

"PART C—INFANTS AND TODDLERS WITH DISABILITIES

"Sec. 631. Findings and policy.
"Sec. 632. Definitions.
"Sec. 633. General authority.
"Sec. 634. Eligibility.
"Sec. 635. Requirements for statewide system.
"Sec. 636. Individualized family service plan.
"Sec. 637. State application and assurances.
"Sec. 638. Uses of funds.
"Sec. 639. Procedural safeguards.
"Sec. 640. Payor of last resort.
"Sec. 641. State Interagency Coordinating Council.
"Sec. 642. Federal administration.
"Sec. 643. Allocation of funds.
"Sec. 644. Authorization of appropriations.

"PART D—NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES

"Sec. 650. Findings.

"SUBPART 1—STATE PERSONNEL PREPARATION AND PROFESSIONAL DEVELOPMENT GRANTS

"Sec. 651. Purpose; definition; program authority.
"Sec. 652. Eligibility and collaborative process.
"Sec. 653. Applications.
"Sec. 654. Use of funds.
"Sec. 655. Authorization of appropriations.

"SUBPART 2—SCIENTIFICALLY BASED RESEARCH, TECHNICAL ASSISTANCE, MODEL DEMONSTRATION PROJECTS, AND DISSEMINATION OF INFORMATION

"Sec. 660. Purpose.
"Sec. 661. Administrative provisions.
"Sec. 662. Research to improve results for children with disabilities.
"Sec. 663. Technical assistance, demonstration projects, dissemination of information, and implementation of scientifically based research.
"Sec. 664. Personnel development to improve services and results for children with disabilities.
"Sec. 665. Studies and evaluations.

"SUBPART 3—SUPPORTS TO IMPROVE RESULTS FOR CHILDREN WITH DISABILITIES

"Sec. 670. Purposes.
"Sec. 671. Parent training and information centers.
"Sec. 672. Community parent resource centers.
"Sec. 673. Technical assistance for parent training and information centers.
"Sec. 674. Technology development, demonstration, and utilization; and media services.
"Sec. 675. Accessibility of instructional materials.
"Sec. 676. Authorization of appropriations.

"SUBPART 4—INTERIM ALTERNATIVE EDUCATIONAL SETTINGS, BEHAVIORAL SUPPORTS, AND WHOLE SCHOOL INTERVENTIONS

"Sec. 681. Purpose.
"Sec. 682. Definition of eligible entity.
"Sec. 683. Program authorized.
"Sec. 684. Program evaluations.
"Sec. 685. Authorization of appropriations.

"(c) FINDINGS.—Congress finds the following:

"(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.

"(2) Before the date of the enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94–142), the educational needs of millions of children with disabilities were not being fully met because—

"(A) the children did not receive appropriate educational services;

"(B) the children were excluded entirely from the public school system and from being educated with their peers;

"(C) undiagnosed disabilities prevented the children from having a successful educational experience; or

"(D) a lack of adequate resources within the public school system forced families to find services outside the public school system.

"(3) Since the enactment and implementation of the Education for All Handicapped Children Act of 1975, this Act has been successful in ensuring children with disabilities and the families of such children access to a free appropriate public education and in improving educational results for children with disabilities.

"(4) However, the implementation of this Act has been impeded by low expectations, and an insufficient focus on applying replicable research on proven methods of teaching and learning for children with disabilities.

"(5) Over 25 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by—

"(A) having high expectations for such children and ensuring their access to the general education curriculum in the regular classroom to the maximum extent possible in order to—

"(i) meet developmental goals and, to the maximum extent possible, the challenging expectations that have been established for all children; and

"(ii) be prepared to lead productive and independent adult lives, to the maximum extent possible;

"(B) strengthening the role and responsibility of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children at school and at home;

"(C) coordinating this Act with other local, educational service agency, State, and Federal school improvement efforts, including improvement efforts under the Elementary and Secondary Education Act of 1965, in order to ensure that such children benefit from such efforts and that special education can become a service for

such children rather than a place where they are sent;

"(D) providing appropriate special education and related services, and aids and supports in the regular classroom, to such children, whenever appropriate;

"(E) supporting high-quality, intensive preservice preparation and professional development for all personnel who work with children with disabilities in order to ensure that such personnel have the skills and knowledge necessary to improve the academic achievement and functional performance of children with disabilities, including the use of scientifically based instructional practices, to the maximum extent possible;

"(F) providing incentives for whole-school approaches, scientifically based early reading programs, positive behavioral interventions and supports, and prereferral interventions to reduce the need to label children as disabled in order to address their learning and behavioral needs;

"(G) focusing resources on teaching and learning while reducing paperwork and requirements that do not assist in improving educational results; and

"(H) supporting the development and use of technology, including assistive technology devices and assistive technology services, to maximize accessibility for children with disabilities.

"(6) While States, local educational agencies, and educational service agencies are primarily responsible for providing an education for all children with disabilities, it is in the national interest that the Federal Government have a supporting role in assisting State and local efforts to educate children with disabilities in order to improve results for such children and to ensure equal protection of the law.

"(7) A more equitable allocation of resources is essential for the Federal Government to meet its responsibility to provide an equal educational opportunity for all individuals.

"(8) Parents and schools should be given expanded opportunities to resolve their disagreements in positive and constructive ways.

"(9) Teachers, schools, local educational agencies, and States should be relieved of irrelevant and unnecessary paperwork burdens that do not lead to improved educational outcomes.

"(10)(A) The Federal Government must be responsive to the growing needs of an increasingly more diverse society.

"(B) America's ethnic profile is rapidly changing. In the year 2000, 1 of every 3 persons in the United States was a member of a minority group or was limited English proficient.

"(C) Minority children comprise an increasing percentage of public school students.

"(D) With such changing demographics, recruitment efforts for special education personnel should focus on increasing the participation of minorities in the teaching profession.

"(11)(A) The limited English proficient population is the fastest growing in our Nation, and the growth is occurring in many parts of our Nation.

"(B) Studies have documented apparent discrepancies in the levels of referral and placement of limited English proficient children in special education.

"(C) This poses a special challenge for special education in the referral of, assessment of, and services for, our Nation's students from non-English language backgrounds.

"(12)(A) Greater efforts are needed to prevent the intensification of problems connected with mislabeling and high dropout rates among minority children with disabilities.

"(B) More minority children continue to be served in special education than would be expected from the percentage of minority students in the general school population.

"(C) African-American children are identified as having mental retardation and emotional disturbance at rates greater than their white counterparts.

"(D) In the 1998–1999 school year, African-American children represented just 14.8 percent of the population aged 6 through 21, but comprised 20.2 percent of all children with disabilities.

"(E) Studies have found that schools with predominately Caucasian students and teachers have placed disproportionately high numbers of their minority students into special education.

"(13)(A) As the number of minority students in special education increases, the number of minority teachers and related services personnel produced in colleges and universities continues to decrease.

"(B) The opportunity for minority individuals, organizations, and Historically Black Colleges and Universities to participate fully in awards for grants and contracts, boards of organizations receiving funds under this Act, and peer review panels, and in the training of professionals in the area of special education is essential if we are to obtain greater success in the education of minority children with disabilities.

"(14) As the graduation rates for children with disabilities continue to climb, providing effective transition services to promote successful post-school employment or education is an important measure of accountability for children with disabilities.

"(d) PURPOSES.—The purposes of this title are—

"(1)(A) to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment, further education, and independent living;

"(B) to ensure that the rights of children with disabilities and parents of such children are protected; and

"(C) to assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities;

"(2) to assist States in the implementation of a Statewide, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families;

"(3) to ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting systemic-change activities; coordinated research and personnel preparation; coordinated technical assistance, dissemination, and support; and technology development and media services; and

"(4) to assess, and ensure the effectiveness of, efforts to educate children with disabilities.

"SEC. 602. DEFINITIONS.

"Except as otherwise provided, as used in this Act:

"(1) ASSISTIVE TECHNOLOGY DEVICE.—The term 'assistive technology device' means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the post-surgical maintenance, programming, or replacement of such device, or an external device connected with the use of a surgically implanted medical device (other than the costs of performing routine maintenance and monitoring of such external device at the same time the child is receiving other services under this Act).

"(2) ASSISTIVE TECHNOLOGY SERVICE.—The term 'assistive technology service' means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

"(A) the evaluation of the needs of such child, including a functional evaluation of the child in the child's customary environment;

"(B) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by such child;

"(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;

"(D) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

"(E) training or technical assistance for such child, or, where appropriate, the family of such child; and

"(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of such child.

"(3) CHILD WITH A DISABILITY.—

"(A) IN GENERAL.—The term 'child with a disability' means a child—

"(i) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (hereinafter referred to as 'emotional disturbance'), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and

"(ii) who, by reason thereof, needs special education and related services.

"(B) CHILD AGED 3 THROUGH 9.—The term 'child with a disability' for a child aged 3 through 9 (or any subset of that age range, including ages 3 through 5), may, at the discretion of the State and the local educational agency, include a child—

"(i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in 1 or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and

"(ii) who, by reason thereof, needs special education and related services.

"(4) CORE ACADEMIC SUBJECT.—The term 'core academic subject' has the meaning given the term in section 9101(11) of the Elementary and Secondary Education Act of 1965.

"(5) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency'—

"(A) means a regional public multiservice agency—

"(i) authorized by State law to develop, manage, and provide services or programs to local educational agencies; and

"(ii) recognized as an administrative agency for purposes of the provision of special education and related services provided within public elementary schools and secondary schools of the State; and

"(B) includes any other public institution or agency having administrative control and direction over a public elementary school or secondary school.

"(6) ELEMENTARY SCHOOL.—The term 'elementary school' means a nonprofit institutional day or residential school that provides elementary education, as determined under State law.

"(7) EQUIPMENT.—The term 'equipment' includes—

"(A) machinery, utilities, and built-in equipment, and any necessary enclosures or structures to house such machinery, utilities, or equipment; and

"(B) all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture; printed, published, and audio-visual instructional materials; telecommunications, sensory, and other technological aids and devices; and books, periodicals, documents, and other related materials.

"(8) EXCESS COSTS.—The term 'excess costs' means those costs that are in excess of the average annual per-student expenditure in a local educational agency during the preceding school year for an elementary school or secondary school student, as may be appropriate, and which shall be computed after deducting—

"(A) amounts received—

"(i) under part B of this title;

"(ii) under part A of title I of the Elementary and Secondary Education Act of 1965; and

"(iii) under parts A and B of title III of that Act; and

"(B) any State or local funds expended for programs that would qualify for assistance under any of those parts.

"(9) FREE APPROPRIATE PUBLIC EDUCATION.—The term 'free appropriate public education' means special education and related services that—

"(A) have been provided at public expense, under public supervision and direction, and without charge;

"(B) meet the standards of the State educational agency;

"(C) include an appropriate preschool, elementary school, or secondary school education in the State involved; and

"(D) are provided in conformity with the individualized education program required under section 614(d).

"(10) HIGHLY QUALIFIED.—The term 'highly qualified' means the following:

"(A) ALL SPECIAL EDUCATION TEACHERS.—When used with respect to any public elementary school or secondary school special education teacher teaching in a State, means that the teacher holds at least a bachelor's degree and that—

"(i) the teacher has obtained full State certification as a special education teacher through a State-approved special education teacher preparation program (including certification obtained through alternative routes to certification) or other comparably rigorous methods, or passed the State teacher special education licensing examination, and holds a license to teach in the State as a special education teacher, except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State's public charter school law;

"(ii) the teacher has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

"(iii) the teacher demonstrates knowledge of special education and the teaching skills necessary to teach children with disabilities.

"(B) NEW ELEMENTARY SCHOOL SPECIAL EDUCATION TEACHERS.—When used with respect to a special education elementary school teacher who is new to the profession, means that the teacher demonstrated, by passing a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-required certification or licensing test or tests in reading, writing, mathematics, and other areas of the basic elementary school curriculum).

"(C) NEW MIDDLE SCHOOL AND SECONDARY SCHOOL SPECIAL EDUCATION TEACHERS.—When used with respect to a special education middle school or secondary school teacher who is new to the profession, means that the teacher has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by—

"(i) passing a rigorous State academic subject test in each of the academic subjects in which the teacher teaches (which may consist of a passing level of performance on a State-required certification or licensing test or tests in each of the academic subjects in which the teacher teaches); or

"(ii) successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing.

"(D) VETERAN SPECIAL EDUCATION TEACHERS.—When used with respect to an elementary school, middle school, or secondary school special education teacher who is not new to the profession, means that the teacher has—

"(i) met the applicable standard in subparagraph (B) or (C), which includes an option for a test; or

"(ii) has demonstrated competence in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation for special education teachers that—

"(I) is set by the State for both grade-appropriate academic subject matter knowledge and special education teaching skills;

"(II) is aligned with challenging State academic content and student academic achievement standards and developed in consultation with special education teachers, core content specialists, teachers, principals, and school administrators;

"(III) provides objective, coherent information about the teachers' attainment of knowledge of core content knowledge in the academic subjects in which a teacher teaches;

"(IV) is applied uniformly to all special education teachers who teach in the same academic subject and the same grade level throughout the State;

"(V) takes into consideration, but is not based primarily on, the time the teacher has been teaching in the academic subject;

"(VI) is made available to the public on request; and

"(VII) may involve multiple objective measures of teacher competency.

"(E) TEACHERS PROVIDING CONSULTATIVE SERVICES.—

"(i) IN GENERAL.—Notwithstanding subparagraphs (B) through (D), when used with respect to a special education teacher who provides only consultative services to a highly qualified regular education teacher (as the term highly qualified is defined in section 9101(23) of the Elementary and Secondary Education Act of 1965), means that the teacher meets the requirements of subparagraph (A).

"(ii) CONSULTATIVE SERVICES.—As used in clause (i), the term 'consultative services' means services that adjust the learning environment, modify instructional methods, adapt curricula, use positive behavior supports and interventions, and select and implement appropriate accommodations to meet the needs of individual children.

"(F) EXCEPTION.—Notwithstanding subparagraphs (B) through (D), when used with respect to a special education teacher who teaches more than 1 subject, primarily to middle school and secondary school-aged children with significant cognitive disabilities, means that the teacher has demonstrated subject knowledge and teaching skills in reading, mathematics, and other areas of the basic elementary school curriculum by—

"(i) passing a rigorous State test (which may consist of passing a State-required certification or licensing test or tests in those areas); or

"(ii) demonstrating competency in all the academic subjects in which the teacher teaches, based on a high objective uniform State standard as described in subparagraph (D)(ii).

"(11) INDIAN.—The term 'Indian' means an individual who is a member of an Indian tribe.

"(12) INDIAN TRIBE.—The term 'Indian tribe' means any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaska Native village or regional village corporation (as defined in or established under the Alaska Native Claims Settlement Act).

"(13) INDIVIDUALIZED EDUCATION PROGRAM.—The term 'individualized education program' or 'IEP' means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with section 614(d).

"(14) INDIVIDUALIZED FAMILY SERVICE PLAN.—The term 'individualized family service plan' has the meaning given such term in section 636.

"(15) INFANT OR TODDLER WITH A DISABILITY.—The term 'infant or toddler with a disability' has the meaning given such term in section 632.

"(16) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education'—

"(A) has the meaning given such term in section 101 (a) and (b) of the Higher Education Act of 1965; and

"(B) also includes any community college receiving funding from the Secretary of the Interior under the Tribally Controlled College or University Assistance Act of 1978.

"(17) LIMITED ENGLISH PROFICIENT.—The term 'limited English proficient' has the meaning given the term in section 9101(25) of the Elementary and Secondary Education Act of 1965.

"(18) LOCAL EDUCATIONAL AGENCY.—

"(A) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools or secondary schools.

"(B) The term includes—

"(i) an educational service agency, as defined in paragraph (5); and

"(ii) any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

"(C) The term includes an elementary school or secondary school funded by the Bureau of Indian Affairs, but only to the extent that such inclusion makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

"(19) NATIVE LANGUAGE.—The term 'native language', when used with respect to an individual of limited English proficiency, means the language normally used by the individual, or in the case of a child, the language normally used by the parents of the child.

"(20) NONPROFIT.—The term 'nonprofit', as applied to a school, agency, organization, or institution, means a school, agency, organization, or institution owned and operated by 1 or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(21) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands,

Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(22) Parent.—The term 'parent'—

"(A) includes a legal guardian; and

"(B) except as used in sections 615(b)(2) and 639(a)(5), includes an individual assigned under either of those sections to be a surrogate parent.

"(23) Parent Organization.—The term 'parent organization' has the meaning given such term in section 671(g).

"(24) Parent Training and Information Center.—The term 'parent training and information center' means a center assisted under section 671 or 672.

"(25) Related Services.—The term 'related services' means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school health services, counseling services, including rehabilitation counseling, orientation and mobility services, travel training instruction, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children. The term does not include a medical device that is surgically implanted, or the post-surgical maintenance, programming, or replacement of such device, or an external device connected with the use of a surgically implanted medical device (other than the costs of performing routine maintenance and monitoring of such external device at the same time the child is receiving other services under this Act).

"(26) Secondary School.—The term 'secondary school' means a nonprofit institutional day or residential school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12.

"(27) Secretary.—The term 'Secretary' means the Secretary of Education.

"(28) Special Education.—The term 'special education' means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including—

"(A) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

"(B) instruction in physical education.

"(29) Specific Learning Disability.—

"(A) In General.—The term 'specific learning disability' means a disorder in 1 or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

"(B) Disorders Included.—Such term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

"(C) Disorders Not Included.—Such term does not include a learning problem that is primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

"(30) State.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

"(31) State Educational Agency.—The term 'State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary schools and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

"(32) Supplementary Aids and Services.—The term 'supplementary aids and services' means aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with section 612(a)(5).

"(33) Transition Services.—The term 'transition services' means a coordinated set of activities for a child with a disability (as defined in paragraph (3)(A)) that—

"(A) is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

"(B) is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and

"(C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

"SEC. 603. OFFICE OF SPECIAL EDUCATION PROGRAMS.

"(a) Establishment.—There shall be, within the Office of Special Education and Rehabilitative Services in the Department of Education, an Office of Special Education Programs, which shall be the principal agency in such Department for administering and carrying out this Act and other programs and activities concerning the education of children with disabilities.

"(b) Director.—The Office established under subsection (a) shall be headed by a Director who shall be selected by the Secretary and shall report directly to the Assistant Secretary for Special Education and Rehabilitative Services.

"(c) Voluntary and Uncompensated Services.—Notwithstanding section 1342 of title 31, United States Code, the Secretary is authorized to accept voluntary and uncompensated services in furtherance of the purposes of this Act.

"SEC. 604. ABROGATION OF STATE SOVEREIGN IMMUNITY.

"(a) In General.—A State shall not be immune under the 11th amendment to the Constitution of the United States from suit in Federal court for a violation of this Act.

"(b) Remedies.—In a suit against a State for a violation of this Act, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as those remedies are available for such a violation in the suit against any public entity other than a State.

"(c) Effective Date.—Subsections (a) and (b) apply with respect to violations that occur in whole or part after the date of enactment of the Education of the Handicapped Act Amendments of 1990.

"SEC. 605. ACQUISITION OF EQUIPMENT; CONSTRUCTION OR ALTERATION OF FACILITIES.

"(a) In General.—If the Secretary determines that a program authorized under this Act will be improved by permitting program funds to be used to acquire appropriate equipment, or to construct new facilities or alter existing facilities, the Secretary is authorized to allow the use of those funds for those purposes.

"(b) Compliance With Certain Regulations.—Any construction of new facilities or alteration of existing facilities under subsection (a) shall comply with the requirements of—

"(1) appendix A of part 36 of title 28, Code of Federal Regulations (commonly known as the 'Americans with Disabilities Accessibility Guidelines for Buildings and Facilities'); or

"(2) appendix A of subpart 101–19.6 of title 41, Code of Federal Regulations (commonly known as the 'Uniform Federal Accessibility Standards').

"SEC. 606. EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.

"The Secretary shall ensure that each recipient of assistance under this Act makes positive efforts to employ and advance in employment qualified individuals with disabilities in programs assisted under this Act.

"SEC. 607. REQUIREMENTS FOR PRESCRIBING REGULATIONS.

"(a) In General.—In carrying out the provisions of this Act, the Secretary shall issue regulations under this Act only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements of this Act.

"(b) Protections Provided to Children.—The Secretary may not implement, or publish in final form, any regulation prescribed pursuant to this Act that—

"(1) violates or contradicts any provision of this Act; and

"(2) procedurally or substantively lessens the protections provided to children with disabilities under this Act, as embodied in regulations in effect on July 20, 1983 (particularly as such protections related to parental consent to initial evaluation or initial placement in special education, least restrictive environment, related services, timelines, attendance of evaluation personnel at individualized education program meetings, or qualifications of personnel), except to the extent that such regulation reflects the clear and unequivocal intent of the Congress in legislation.

"(c) Public Comment Period.—The Secretary shall provide a public comment period of not more than 90 days on any regulation proposed under part B or part C of this Act on which an opportunity for public comment is otherwise required by law.

"(d) Policy Letters and Statements.—The Secretary may not issue policy letters or other statements (including letters or statements regarding issues of national significance) that—

"(1) violate or contradict any provision of this Act; or

"(2) establish a rule that is required for compliance with, and eligibility under, this Act without following the requirements of section 553 of title 5, United States Code.

"(e) Explanation and Assurances.—Any written response by the Secretary under subsection (d) regarding a policy, question, or interpretation under part B of this Act shall include an explanation in the written response that—

"(1) such response is provided as informal guidance and is not legally binding;

"(2) when required, such response is issued in compliance with the requirements of section 553 of title 5, United States Code; and

"(3) such response represents the interpretation by the Department of Education of the applicable statutory or regulatory requirements in the context of the specific facts presented.

"(f) Correspondence From Department of Education Describing Interpretations of This Act.—

"(1) In General.—The Secretary shall, on a quarterly basis, publish in the Federal Register, and widely disseminate to interested entities through various additional forms of communication, a list of correspondence from the Department of Education received by individuals during the previous quarter that describes the interpretations of the Department of Education of

this Act or the regulations implemented pursuant to this Act.

"(2) ADDITIONAL INFORMATION.—For each item of correspondence published in a list under paragraph (1), the Secretary shall—

"(A) identify the topic addressed by the correspondence and shall include such other summary information as the Secretary determines to be appropriate; and

"(B) ensure that all such correspondence is issued, where applicable, in compliance with the requirements of section 553 of title 5, United States Code.

"SEC. 608. STATE ADMINISTRATION.

"(a) RULEMAKING.—Each State that receives funds under this Act shall—

"(1) ensure that any State rules, regulations, and policies relating to this Act conform to the purposes of this Act; and

"(2) identify in writing to its local educational agencies and the Secretary any such rule, regulation, or policy as a State-imposed requirement that is not required by this Act and Federal regulations.

"(b) SUPPORT AND FACILITATION.—State rules, regulations, and policies under this Act shall support and facilitate local educational agency and school-level systemic reform designed to enable children with disabilities to meet the challenging State student academic achievement standards.

"SEC. 609. REPORT TO CONGRESS.

"The Comptroller General shall conduct a review of Federal, State, and local requirements relating to the education of children with disabilities to determine which requirements result in excessive paperwork completion burdens for teachers, related services providers, and school administrators, and shall report to Congress not later than 18 months after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003 regarding such review along with strategic proposals for reducing the paperwork burdens on teachers.

"PART B—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES

"SEC. 611. AUTHORIZATION; ALLOTMENT; USE OF FUNDS; AUTHORIZATION OF APPROPRIATIONS.

"(a) GRANTS TO STATES.—

"(1) PURPOSE OF GRANTS.—The Secretary shall make grants to States and the outlying areas, and provide funds to the Secretary of the Interior, to assist them to provide special education and related services to children with disabilities in accordance with this part.

"(2) MAXIMUM AMOUNT.—The maximum amount available for awarding grants under this section for any fiscal year is—

"(A) the total number of children with disabilities in the 2002–2003 school year in the States who received special education and related services and who were—

"(i) aged 3 through 5, if the State was eligible for a grant under section 619; and

"(ii) aged 6 through 21; multiplied by

"(B) 40 percent of the average per-pupil expenditure in public elementary schools and secondary schools in the United States; adjusted by;

"(C) the rate of change in the sum of—

"(i) 85 percent of the change in the nationwide total of the population described in subsection (d)(3)(A)(i)(II); and

"(ii) 15 percent of the change in the nationwide total of the population described in subsection (d)(3)(A)(i)(III).

"(b) OUTLYING AREAS AND FREELY ASSOCIATED STATES.—

"(1) FUNDS RESERVED.—From the amount appropriated for any fiscal year under subsection (i), the Secretary shall reserve not more than 1 percent, which shall be used—

"(A) to provide assistance to the outlying areas in accordance with their respective populations of individuals aged 3 through 21; and

"(B) to provide each freely associated State a grant in the amount that such freely associated State received for fiscal year 2003 under this part, but only if the freely associated State meets the applicable requirements of this part, as well as the requirements of section 611(b)(2)(C) as such section was in effect on the day before the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003.

"(2) SPECIAL RULE.—The provisions of Public Law 95–134, permitting the consolidation of grants by the outlying areas, shall not apply to funds provided to the outlying areas or the freely associated States under this section.

"(3) DEFINITION.—As used in this subsection, the term 'freely associated States' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(c) SECRETARY OF THE INTERIOR.—From the amount appropriated for any fiscal year under subsection (i), the Secretary shall reserve 1.226 percent to provide assistance to the Secretary of the Interior in accordance with subsection (i).

"(d) ALLOCATIONS TO STATES.—

"(1) IN GENERAL.—After reserving funds for studies and evaluations under section 665, and for payments to the outlying areas, the freely associated States, and the Secretary of the Interior under subsections (b) and (c) for a fiscal year, the Secretary shall allocate the remaining amount among the States in accordance with this subsection.

"(2) SPECIAL RULE FOR USE OF FISCAL YEAR 1999 AMOUNT.—If a State received any funds under this section for fiscal year 1999 on the basis of children aged 3 through 5, but does not make a free appropriate public education available to all children with disabilities aged 3 through 5 in the State in any subsequent fiscal year, the Secretary shall compute the State's amount for fiscal year 1999, solely for the purpose of calculating the State's allocation in that subsequent year under paragraph (3) or (4), by subtracting the amount allocated to the State for fiscal year 1999 on the basis of those children.

"(3) INCREASE IN FUNDS.—If the amount available for allocations to States under paragraph (1) for a fiscal year is equal to or greater than the amount allocated to the States under this paragraph for the preceding fiscal year, those allocations shall be calculated as follows:

"(A) ALLOCATION OF INCREASE.—

"(i) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall allocate for the fiscal year—

"(I) to each State the amount the State received under this section for fiscal year 1999;

"(II) 85 percent of any remaining funds to States on the basis of the States' relative populations of children aged 3 through 21 who are of the same age as children with disabilities for whom the State ensures the availability of a free appropriate public education under this part; and

"(III) 15 percent of those remaining funds to States on the basis of the States' relative populations of children described in subclause (II) who are living in poverty.

"(ii) DATA.—For the purpose of making grants under this paragraph, the Secretary shall use the most recent population data, including data on children living in poverty, that are available and satisfactory to the Secretary.

"(B) LIMITATIONS.—Notwithstanding subparagraph (A), allocations under this paragraph shall be subject to the following:

"(i) PRECEDING YEAR ALLOCATION.—No State's allocation shall be less than its allocation under this section for the preceding fiscal year.

"(ii) MINIMUM.—No State's allocation shall be less than the greatest of—

"(I) the sum of—

"(aa) the amount the State received under this section for fiscal year 1999; and

"(bb) ⅓ of 1 percent of the amount by which the amount appropriated under subsection (i) for the fiscal year exceeds the amount appropriated for this section for fiscal year 1999;

"(II) the sum of—

"(aa) the amount the State received under this section for the preceding fiscal year; and

"(bb) that amount multiplied by the percentage by which the increase in the funds appropriated for this section from the preceding fiscal year exceeds 1.5 percent; or

"(III) the sum of—

"(aa) the amount the State received under this section for the preceding fiscal year; and

"(bb) that amount multiplied by 90 percent of the percentage increase in the amount appropriated for this section from the preceding fiscal year.

"(iii) MAXIMUM.—Notwithstanding clause (ii), no State's allocation under this paragraph shall exceed the sum of—

"(I) the amount the State received under this section for the preceding fiscal year; and

"(II) that amount multiplied by the sum of 1.5 percent and the percentage increase in the amount appropriated under this section from the preceding fiscal year.

"(C) RATABLE REDUCTION.—If the amount available for allocations under this paragraph is insufficient to pay those allocations in full, those allocations shall be ratably reduced, subject to subparagraph (B)(i).

"(4) DECREASE IN FUNDS.—If the amount available for allocations to States under paragraph (1) for a fiscal year is less than the amount allocated to the States under this section for the preceding fiscal year, those allocations shall be calculated as follows:

"(A) AMOUNTS GREATER THAN FISCAL YEAR 1999 ALLOCATIONS.—If the amount available for allocations is greater than the amount allocated to the States for fiscal year 1999, each State shall be allocated the sum of—

"(i) the amount the State received under this section for fiscal year 1999; and

"(ii) an amount that bears the same relation to any remaining funds as the increase the State received under this section for the preceding fiscal year over fiscal year 1999 bears to the total of all such increases for all States.

"(B) AMOUNTS EQUAL TO OR LESS THAN FISCAL YEAR 1999 ALLOCATIONS.—

"(i) IN GENERAL.—If the amount available for allocations under this paragraph is equal to or less than the amount allocated to the States for fiscal year 1999, each State shall be allocated the amount the State received for fiscal year 1999.

"(ii) RATABLE REDUCTION.—If the amount available for allocations under this paragraph is insufficient to make the allocations described in clause (i), those allocations shall be ratably reduced.

"(e) STATE-LEVEL ACTIVITIES.—

"(1) STATE ADMINISTRATION.—

"(A) IN GENERAL.—For the purpose of administering this part, including paragraph (3), section 619, and the coordination of activities under this part with, and providing technical assistance to, other programs that provide services to children with disabilities—

"(i) each State may reserve not more than the maximum amount the State was eligible to reserve for State administration for fiscal year 2003 or $800,000 (adjusted by the cumulative rate of inflation since fiscal year 2003 as measured by the percentage increase, if any, in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor), whichever is greater; and

"(ii) each outlying area may reserve not more than 5 percent of the amount the outlying area *receives under subsection (b) for any fiscal year or $35,000, whichever is greater.*

"(B) PART C.—Funds reserved under subparagraph (A) may be used for the administration of part C, if the State educational agency is the lead agency for the State under that part.

"(C) CERTIFICATION.—Prior to expenditure of funds under this paragraph, the State shall certify to the Secretary that the arrangements to establish responsibility for services pursuant to section 612(a)(12)(A) are current as of the date of submission of the certification.

"(2) OTHER STATE-LEVEL ACTIVITIES.—

"(A) STATE-LEVEL ACTIVITIES.—

"(i) IN GENERAL.—For the purpose of carrying out State-level activities, each State may reserve for each of the fiscal years 2004 and 2005, not more than 10 percent of the amount that remains after subtracting the amount reserved under paragraph (1) from the amount of the State's allocation under subsection (d) for fiscal years 2004 and 2005, respectively. For fiscal years 2006, 2007, 2008, and 2009, the State may reserve the maximum amount the State was eligible to reserve under the preceding sentence for fiscal year 2005 (adjusted by the cumulative rate of inflation since fiscal year 2005 as measured by the percentage increase, if any, in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor).

"(ii) SMALL STATE ADJUSTMENT.—Notwithstanding clause (i), in the case of a State for which the maximum amount reserved for State administration under paragraph (1) is not greater than $800,000 (as adjusted pursuant to paragraph' (1)(A)(i)), the State may reserve for the purpose of carrying out State-level activities for each of the fiscal years 2004 and 2005, not more than 12 percent of the amount that remains after subtracting the amount reserved under paragraph (1) from the amount of the State's allocation under subsection (d) for fiscal years 2004 and 2005, respectively. For each of the fiscal years 2006, 2007, 2008, and 2009, each such State may reserve for such purpose the maximum amount the State was eligible to reserve under the preceding sentence for fiscal year 2005 (adjusted by the cumulative rate of inflation since fiscal year 2005 as measured by the percentage increase, if any, in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor).

"(B) REQUIRED ACTIVITIES.—Funds reserved under subparagraph (A) shall be used to carry out the following activities:

"(i) For monitoring, enforcement and complaint investigation.

"(ii) To establish and implement the mediation, processes required by section 615(e)(1), including providing for the costs of mediators and support personnel;

"(iii) To support the State protection and advocacy system to advise and assist parents in the areas of—

"(I) dispute resolution and due process;

"(II) voluntary mediation; and

"(III) the opportunity to resolve complaints.

"(C) AUTHORIZED ACTIVITIES.—Funds reserved under subparagraph (A) may be used to carry out the following activities:

"(i) For support and direct services, including technical assistance, personnel preparation, and professional development and training.

"(ii) To support paperwork reduction activities, including expanding the use of technology in the IEP process.

"(iii) To assist local educational agencies in providing positive behavioral interventions and supports and mental health services for children with disabilities.

"(iv) To improve the use of technology in the classroom by children with disabilities to enhance learning.

"(v) To support the development and use of technology, including universally designed technologies and assistive technology devices, to maximize accessibility to the general curriculum for children with disabilities.

"(vi) Development and implementation of transition programs, including coordination of services with agencies involved in supporting the transition of students with disabilities to post-secondary activities.

"(vii) To assist local educational agencies in meeting personnel shortages.

"(viii) To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.

"(ix) Alternative programming for children who have been expelled from school, and services for children in correctional facilities, children enrolled in State-operated or State-supported schools, and children in charter schools.

"(x) To support the development and provision of appropriate accommodations for children with disabilities, or the development and provision of alternate assessments that are valid and reliable for assessing the performance of children with disabilities, in accordance with sections 1111(b) and 6111 of the Elementary and Secondary Education Act of 1965.

"(3) LOCAL EDUCATIONAL AGENCY RISK POOL.—

"(A) IN GENERAL.—For the purpose of assisting local educational agencies (and charter schools that are local educational agencies) in addressing the needs of high-need children and the unanticipated enrollment of other children eligible for services under this part, each State shall reserve for each of the fiscal years 2004 through 2009, 2 percent of the amount that remains after subtracting the amount reserved under paragraph (1) from the amount of the State's allocation under subsection (d) for each of the fiscal years 2004 through 2009, respectively, to—

"(i) establish a high-cost fund; and

"(ii) make disbursements from the high-cost fund to local educational agencies in accordance with this paragraph.

"(B) REQUIRED DISBURSEMENTS FROM THE FUND.—

"(i) IN GENERAL.—Each State educational agency shall make disbursements from the fund established under subparagraph (A) to local educational agencies to pay the percentage, described in subparagraph (D), of the costs of providing a free appropriate public education to high-need children.

"(ii) SPECIAL RULE.—If funds reserved for a fiscal year under subparagraph (A) are insufficient to pay the percentage described in subparagraph (D) to assist all the local educational agencies having applications approved under subparagraph (C), then the State educational agency shall ratably reduce the amount paid to each local educational agency that receives a disbursement for that fiscal year.

"(C) APPLICATION.—A local educational agency that desires a disbursement under this subsection shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include assurances that funds provided under this paragraph shall not be used to pay costs that otherwise would be reimbursable as medical assistance for a child with a disability under the State medicaid program under title XIX of the Social Security Act.

"(D) DISBURSEMENTS.—

"(i) IN GENERAL.—A State educational agency shall make a disbursement to a local educational agency that submits an application under subparagraph (C) in an amount that is equal to 75 percent of the costs that are in excess of 4 times the average per-pupil expenditure in the United States or in the State where the child resides (whichever average per-pupil expenditure is lower) associated with educating each high need child served by such local educational agency in a fiscal year for whom such agency desires a disbursement.

"(ii) APPROPRIATE COSTS.—The costs associated with educating a high need child under clause (i) are only those costs associated with providing direct special education and related services to such child that are identified in such child's appropriately developed IEP.

"(E) LEGAL FEES.—The disbursements under subparagraph (D) shall not support legal fees, court costs, or other costs associated with a cause of action brought on behalf of such child to ensure a free appropriate public education for such child.

"(F) PERMISSIBLE DISBURSEMENTS FROM REMAINING FUNDS.—A State educational agency may make disbursements to local educational agencies from any funds that are remaining in the high cost fund after making the required disbursements under subparagraph (D) for a fiscal year for the following purposes:

"(i) To pay the costs associated with serving children with disabilities who moved into the areas served by such local agencies after the budget for the following school year had been finalized to assist the local educational agencies in providing a free appropriate public education for such children in such year.

"(ii) To compensate local educational agencies for extraordinary costs, as determined by the State, of any children eligible for services under this part due to—

"(I) unexpected enrollment or placement of children eligible for services under this part; or

"(II) a significant underestimate of the average cost of providing services to children eligible for services under this part.

"(G) REMAINING FUNDS.—Funds reserved under subparagraph (A) in any fiscal year but not expended in that fiscal year pursuant to subparagraph (D) or subparagraph (F) shall—

"(i) be allocated to local educational agencies pursuant to subparagraphs (D) or (F) for the next fiscal year; or

"(ii) be allocated to local educational agencies in the same manner as funds are allocated to local educational agencies under subsection (f).

"(H) ASSURANCE OF A FREE APPROPRIATE PUBLIC EDUCATION.—Nothing in this section shall be construed—

"(i) to limit or condition the right of a child with a disability who is assisted under this part to receive a free appropriate public education pursuant to section 612(a)(1) in a least restrictive environment pursuant to section 612(a)(5); or

"(ii) to authorize a State educational agency or local educational agency to indicate a limit on what is expected to be spent on the education of a child with a disability.

"(I) MEDICAID SERVICES NOT AFFECTED.—Disbursements provided under this subsection shall not be used to pay costs that otherwise would be reimbursable as medical assistance for a child with a disability under the State medicaid program under title XIX of the Social Security Act.

"(J) DEFINITIONS.—In this paragraph:

"(i) AVERAGE PER-PUPIL EXPENDITURE.—The term 'average per-pupil expenditure' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(ii) HIGH-NEED CHILD.—The term 'high-need', when used with respect to a child with a disability, means a child with a disability for whom a free appropriate public education in a fiscal year costs more than 4 times the average per-pupil expenditure for such fiscal year.

"(K) SPECIAL RULE FOR RISK POOL AND HIGH-NEED ASSISTANCE PROGRAMS IN EFFECT AS OF JANUARY 1, 2003.—Notwithstanding the provisions

of subparagraphs (A) through (J), a State may use funds reserved pursuant to this paragraph for administering and implementing a placement-neutral cost-sharing and reimbursement program of high-need, low-incidence, emergency, catastrophic, or extraordinary aid to local educational agencies that provides services to students eligible under this part based on eligibility criteria for such programs that were operative on January 1, 2003.

"(4) INAPPLICABILITY OF CERTAIN PROHIBITIONS.—A State may use funds the State reserves under paragraphs (1), (2), and (3) without regard to—

"(A) the prohibition on commingling of funds in section 612(a)(17)(B); and

"(B) the prohibition on supplanting other funds in section 612(a)(17)(C).

"(5) REPORT ON USE OF FUNDS.—As part of the information required to be submitted to the Secretary under section 612, each State shall annually describe how amounts under this section—

"(A) will be used to meet the requirements of this Act; and

"(B) will be allocated among the activities described in this section to meet State priorities based on input from local educational agencies.

"(6) FLEXIBILITY IN USING FUNDS FOR PART C.—Any State eligible to receive a grant under section 619 may use funds made available under paragraph (1)(A), subsection (f)(3), or section 619(f)(5) to develop and implement a State policy jointly with the lead agency under part C and the State educational agency to provide early intervention services (which shall include an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills) in accordance with part C to children with disabilities who are eligible for services under section 619 and who previously received services under part C until such children enter, or are eligible under State law to enter, kindergarten.

"(f) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

"(1) SUBGRANTS REQUIRED.—Each State that receives a grant under this section for any fiscal year shall distribute any funds the State does not reserve under subsection (e) to local educational agencies (including public charter schools that operate as local educational agencies) in the State that have established their eligibility under section 613 for use in accordance with this part.

"(2) PROCEDURE FOR ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

"(A) PROCEDURE.—For each fiscal year for which funds are allocated to States under subsection (d), each State shall allocate funds under paragraph (1) as follows:

"(i) BASE PAYMENTS.—The State shall first award each local educational agency described in paragraph (1) the amount the local educational agency would have received under this section for fiscal year 1999, if the State had distributed 75 percent of its grant for that year under section 611(d) as section 611(d) was then in effect.

"(ii) ALLOCATION OF REMAINING FUNDS.—After making allocations under clause (i), the State shall—

"(I) allocate 85 percent of any remaining funds to those local educational agencies on the basis of the relative numbers of children enrolled in public and private elementary schools and secondary schools within the local educational agency's jurisdiction; and

"(II) allocate 15 percent of those remaining funds to those local educational agencies in accordance with their relative numbers of children living in poverty, as determined by the State educational agency.

"(3) REALLOCATION OF FUNDS.—If a State educational agency determines that a local educational agency is adequately providing a free appropriate public education to all children with disabilities residing in the area served by that local educational agency with State and local funds, the State educational agency may reallocate any portion of the funds under this part that are not needed by that local educational agency to provide a free appropriate public education to other local educational agencies in the State that are not adequately providing special education and related services to all children with disabilities residing in the areas served by those other local educational agencies.

"(g) DEFINITIONS.—For the purpose of this section—

"(1) the term 'average per-pupil expenditure in public elementary schools and secondary schools in the United States' means—

"(A) without regard to the source of funds—

"(i) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the 50 States and the District of Columbia; plus

"(ii) any direct expenditures by the State for the operation of those local educational agencies; divided by

"(B) the aggregate number of children in average daily attendance to whom those local educational agencies provided free public education during that preceding year; and

"(2) the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(h) USE OF AMOUNTS BY SECRETARY OF THE INTERIOR.—

"(1) PROVISION OF AMOUNTS FOR ASSISTANCE.—

"(A) IN GENERAL.—The Secretary of Education shall provide amounts to the Secretary of the Interior to meet the need for assistance for the education of children with disabilities on reservations aged 5 through 21 who are enrolled in elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior. The amount of such payment for any fiscal year shall be equal to 80 percent of the amount allotted under subsection (c) for that fiscal year.

"(B) CALCULATION OF NUMBER OF CHILDREN.—In the case of Indian students aged 3 through 5 who are enrolled in programs affiliated with the Bureau of Indian Affairs (hereafter in this subsection referred to as 'BIA') schools, and that are required by the States in which such schools are located to attain or maintain State accreditation, and which schools had such accreditation prior to the date of enactment of the Individuals with Disabilities Education Act Amendments of 1991, the school shall be allowed to count those children for the purpose of distribution of the funds provided under this paragraph to the Secretary of the Interior. The Secretary of the Interior shall be responsible for meeting all of the requirements of this part for these children, in accordance with paragraph (2).

"(C) ADDITIONAL REQUIREMENT.—With respect to all other children aged 3 through 21 on reservations, the State educational agency shall be responsible for ensuring that all of the requirements of this part are implemented.

"(2) SUBMISSION OF INFORMATION.—The Secretary of Education may provide the Secretary of the Interior amounts under paragraph (1) for a fiscal year only if the Secretary of the Interior submits to the Secretary of Education information that—

"(A) demonstrates that the Department of the Interior meets the appropriate requirements, as determined by the Secretary of Education, of sections 612 (including monitoring and evaluation activities) and 613;

"(B) includes a description of how the Secretary of the Interior will coordinate the provision of services under this part with local educational agencies, tribes and tribal organizations, and other private and Federal service providers;

"(C) includes an assurance that there are public hearings, adequate notice of such hearings, and an opportunity for comment afforded to members of tribes, tribal governing bodies, and affected local school boards before the adoption of the policies, programs, and procedures described in subparagraph (A);

"(D) includes an assurance that the Secretary of the Interior will provide such information as the Secretary of Education may require to comply with section 618;

"(E) includes an assurance that the Secretary of the Interior and the Secretary of Health and Human Services have entered into a memorandum of agreement, to be provided to the Secretary of Education, for the coordination of services, resources, and personnel between their respective Federal, State, and local offices and with State and local educational agencies and other entities to facilitate the provision of services to Indian children with disabilities residing on or near reservations (such agreement shall provide for the apportionment of responsibilities and costs including, but not limited to, child find, evaluation, diagnosis, remediation or therapeutic measures, and (where appropriate) equipment and medical or personal supplies as needed for a child to remain in school or a program); and

"(F) includes an assurance that the Department of the Interior will cooperate with the Department of Education in its exercise of monitoring and oversight of this application, and any agreements entered into between the Secretary of the Interior and other entities under this part, and will fulfill its duties under this part.

"(3) APPLICABILITY.—Section 616(a) shall apply to the information described in this paragraph.

"(4) PAYMENTS FOR EDUCATION AND SERVICES FOR INDIAN CHILDREN WITH DISABILITIES AGED 3 THROUGH 5.—

"(A) IN GENERAL.—With funds appropriated under subsection (i), the Secretary of Education shall make payments to the Secretary of the Interior to be distributed to tribes or tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act) or consortia of the above to provide for the coordination of assistance for special education and related services for children with disabilities aged 3 through 5 on reservations served by elementary schools and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payments under subparagraph (B) for any fiscal year shall be equal to 20 percent of the amount allotted under subsection (c).

"(B) DISTRIBUTION OF FUNDS.—The Secretary of the Interior shall distribute the total amount of the payment under subparagraph (A) by allocating to each tribe or tribal organization an amount based on the number of children with disabilities ages 3 through 5 residing on reservations as reported annually, divided by the total of those children served by all tribes or tribal organizations.

"(C) SUBMISSION OF INFORMATION.—To receive a payment under this paragraph, the tribe or tribal organization shall submit such figures to the Secretary of the Interior as required to determine the amounts to be allocated under subparagraph (B). This information shall be compiled and submitted to the Secretary of Education.

"(D) Use of funds.—The funds received by a tribe or tribal organization shall be used to assist in child find, screening, and other procedures for the early identification of children aged 3 through 5, parent training, and the provision of direct services. These activities may be carried out directly or through contracts or cooperative agreements with the BIA, local educational agencies, and other public or private nonprofit organizations. The tribe or tribal organization is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

"(E) Biennial report.—To be eligible to receive a grant pursuant to subparagraph (A), the tribe or tribal organization shall provide to the Secretary of the Interior a biennial report of activities undertaken under this paragraph, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year, and the estimated number of children needing services during the 2 years following the year in which the report is made. The Secretary of the Interior shall include a summary of this information on a biennial basis in the report to the Secretary of Education required under this subsection. The Secretary of Education may require any additional information from the Secretary of the Interior.

"(F) Prohibitions.—None of the funds allocated under this paragraph may be used by the Secretary of the Interior for administrative purposes, including child count and the provision of technical assistance.

"(5) Plan for coordination of services.—The Secretary of the Interior shall develop and implement a plan for the coordination of services for all Indian children with disabilities residing on reservations covered under this Act. Such plan shall provide for the coordination of services benefiting these children from whatever source, including tribes, the Indian Health Service, other BIA divisions, and other Federal agencies. In developing the plan, the Secretary of the Interior shall consult with all interested and involved parties. The plan shall be based on the needs of the children and the system best suited for meeting those needs, and may involve the establishment of cooperative agreements between the BIA, other Federal agencies, and other entities. The plan shall also be distributed upon request to States, State and local educational agencies, and other agencies providing services to infants, toddlers, and children with disabilities, to tribes, and to other interested parties.

"(6) Establishment of advisory board.—To meet the requirements of section 612(a)(20), the Secretary of the Interior shall establish, under the BIA, an advisory board composed of individuals involved in or concerned with the education and provision of services to Indian infants, toddlers, children, and youth with disabilities, including Indians with disabilities, Indian parents or guardians of such children, teachers, service providers, State and local educational officials, representatives of tribes or tribal organizations, representatives from State Interagency Coordinating Councils under section 641 in States having reservations, and other members representing the various divisions and entities of the BIA. The chairperson shall be selected by the Secretary of the Interior. The advisory board shall—

"(A) assist in the coordination of services within the BIA and with other local, State, and Federal agencies in the provision of education for infants, toddlers, and children with disabilities;

"(B) advise and assist the Secretary of the Interior in the performance of the Secretary's responsibilities described in this subsection;

"(C) develop and recommend policies concerning effective inter- and intra-agency collaboration, including modifications to regulations, and the elimination of barriers to inter- and intra-agency programs and activities;

"(D) provide assistance and disseminate information on best practices, effective program coordination strategies, and recommendations for improved educational programming for Indian infants, toddlers, and children with disabilities; and

"(E) provide assistance in the preparation of information required under paragraph (2)(D).

"(7) Annual reports.—

"(A) In general.—The advisory board established under paragraph (6) shall prepare and submit to the Secretary of the Interior and to Congress an annual report containing a description of the activities of the advisory board for the preceding year.

"(B) Availability.—The Secretary of the Interior shall make available to the Secretary of Education the report described in subparagraph (A).

"(i) Authorization of Appropriations.—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated such sums as may be necessary.

"SEC. 612. STATE ELIGIBILITY.

"(a) In General.—A State is eligible for assistance under this part for a fiscal year if the State submits a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meets each of the following conditions:

"(1) Free appropriate public education.—

"(A) In general.—A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school.

"(B) Limitation.—The obligation to make a free appropriate public education available to all children with disabilities does not apply with respect to children—

"(i) aged 3 through 5 and 18 through 21 in a State to the extent that its application to those children would be inconsistent with State law or practice, or the order of any court, respecting the provision of public education to children in those age ranges; and

"(ii) aged 18 through 21 to the extent that State law does not require that special education and related services under this part be provided to children with disabilities who, in the educational placement prior to their incarceration in an adult correctional facility—

"(I) were not actually identified as being a child with a disability under section 602(3); or

"(II) did not have an individualized education program under this part.

"(C) State flexibility.—A State that provides early intervention services in accordance with part C to a child who is eligible for services under section 619, is not required to provide such child with a free appropriate public education.

"(2) Full educational opportunity goal.—The State has established a goal of providing full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal.

"(3) Child find.—

"(A) In general.—All children with disabilities residing in the State, including children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

"(B) Construction.—Nothing in this Act requires that children be classified by their disability so long as each child who has a disability listed in section 602 and who, by reason of that disability, needs special education and related services is regarded as a child with a disability under this part.

"(4) Individualized education program.—An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with section 614(d).

"(5) Least restrictive environment.—

"(A) In general.—To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

"(B) Additional requirement.—

"(i) In general.—A State funding mechanism shall not result in placements that violate the requirements of subparagraph (A), and a State shall not use a funding mechanism by which the State distributes funds on the basis of the type of setting in which a child is served that will result in the failure to provide a child with a disability a free appropriate public education according to the unique needs of the child as described in the child's IEP.

"(ii) Assurance.—If the State does not have policies and procedures to ensure compliance with clause (i), the State shall provide the Secretary an assurance that the State will revise the funding mechanism as soon as feasible to ensure that such mechanism does not result in such placements.

"(6) Procedural safeguards.—

"(A) In general.—Children with disabilities and their parents are afforded the procedural safeguards required by section 615.

"(B) Additional procedural safeguards.—Procedures to ensure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of children with disabilities will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.

"(7) Evaluation.—Children with disabilities are evaluated in accordance with subsections (a) and (b) of section 614.

"(8) Confidentiality.—Agencies in the State comply with section 617(c) (relating to the confidentiality of records and information).

"(9) Transition from part C to preschool programs.—Children participating in early-intervention programs assisted under part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(8). By the third birthday of such a child, an individualized education program or, if consistent with sections 614(d)(2)(B) and 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10).

"(10) CHILDREN IN PRIVATE SCHOOLS.—

"(A) CHILDREN ENROLLED IN PRIVATE SCHOOLS BY THEIR PARENTS.—

"(i) IN GENERAL.—To the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary schools and secondary schools in the school district served by a local educational agency, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the following requirements, unless the Secretary has arranged for services to those children under subsection (f):

"(I) Amounts to be expended for the provision of those services (including direct services to parentally placed children) by the local educational agency shall be equal to a proportionate amount of Federal funds made available under this part.

"(II) Such services may be provided to children with disabilities on the premises of private, including religious, schools, to the extent consistent with law.

"(III) Each local educational agency shall maintain in its records and provide to the State educational agency the number of children evaluated under this paragraph, the number of children determined to be children with disabilities, and the number of children served under this subsection.

"(ii) CHILD-FIND REQUIREMENT.—

"(I) IN GENERAL.—The requirements of paragraph (3) of this subsection (relating to child find) shall apply with respect to children with disabilities in the State who are enrolled in private, including religious, elementary schools and secondary schools. Such child find process shall be conducted in a comparable time period as for other students attending public schools in the local educational agency.

"(II) EQUITABLE PARTICIPATION.—The child find process shall be designed to ensure the equitable participation of parentally placed private school children and an accurate count of such children.

"(III) ACTIVITIES.—In carrying out this clause, the local educational agency, or where applicable, the State educational agency, shall undertake activities similar to those activities undertaken for its public school children.

"(IV) COST.—The cost of carrying out this clause, including individual evaluations, may not be considered in determining whether a local education agency has met its obligations under clause (i).

"(iii) CONSULTATION.—To ensure timely and meaningful consultation, a local educational agency, or where appropriate, a State educational agency, shall consult, with representatives of children with disabilities who are parentally placed in private schools, during the design and development of special education and related services for these children, including consultation regarding—

"(I) the child find process and how parentally placed private school children suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process;

"(II) the determination of the proportionate share of Federal funds available to serve parentally placed private school children with disabilities under this paragraph, including the determination of how the proportionate share of those funds were calculated;

"(III) the consultation process among the school district, private school officials, and parents of parentally placed private school children with disabilities, including how such process will operate throughout the school year to ensure that parentally placed children with disabilities identified through the child find process can meaningfully participate in special education and related services;

"(IV) how, where, and by whom special education and related services will be provided for parentally placed private school children, including a discussion of alternate service delivery mechanisms, how such services will be apportioned if funds are insufficient to serve all children, and how and when these decisions will be made; and

"(V) how, if the local educational agency disagrees with the views of the private school officials on the provision of services through a contract, the local educational agency shall provide to the private school officials a written explanation of the reasons why the local educational agency chose not to provide services through a contract.

"(iv) WRITTEN AFFIRMATION.—When timely and meaningful consultation as required by this section has occurred, the local educational agency shall obtain a written affirmation signed by the representatives of participating private schools, and if such officials do not provide such affirmations within a reasonable period of time, the local educational agency shall forward the documentation of the consultation process to the State educational agency.

"(v) COMPLIANCE.—

"(I) IN GENERAL.—A private school official shall have the right to complain to the State educational agency that the local educational agency did not engage in consultation that was meaningful and timely, or did not give due consideration to the views of the private school official.

"(II) PROCEDURE.—If the private school official wishes to complain, the official shall provide the basis of the noncompliance with this section by the local educational agency to the State educational agency, and the local educational agency shall forward the appropriate documentation to the State educational agency. If the private school official is dissatisfied with the decision of the State educational agency, such official may complain to the Secretary by providing the basis of the noncompliance with this section by the local educational agency to the Secretary, and the State educational agency shall forward the appropriate documentation to the Secretary.

"(vi) PROVISION OF EQUITABLE SERVICES.—

"(I) DIRECT SERVICES.—To the extent practicable, the local educational agency shall provide direct services to children with disabilities parentally placed in private schools.

"(II) DIRECTLY OR THROUGH CONTRACTS.—A public agency may provide special education and related services directly or through contracts with public and private agencies, organizations, and institutions.

"(III) SECULAR, NEUTRAL, NONIDEOLOGICAL.—Special education and related services provided to children with disabilities attending private schools, including materials and equipment, shall be secular, neutral, and nonideological.

"(vii) PUBLIC CONTROL OF FUNDS.—The control of funds used to provide special education and related services under this section, and title to materials, equipment, and property purchased with those funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer the funds and property.

"(B) CHILDREN PLACED IN, OR REFERRED TO, PRIVATE SCHOOLS BY PUBLIC AGENCIES.—

"(i) IN GENERAL.—Children with disabilities in private schools and facilities are provided special education and related services, in accordance with an individualized education program, at no cost to their parents, if such children are placed in, or referred to, such schools or facilities by the State or appropriate local educational agency as the means of carrying out the requirements of this part or any other applicable law requiring the provision of special education and related services to all children with disabilities within such State.

"(ii) STANDARDS.—In all cases described in clause (i), the State educational agency shall determine whether such schools and facilities meet standards that apply to State and local educational agencies and that children so served have all the rights the children would have if served by such agencies.

"(C) PAYMENT FOR EDUCATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS WITHOUT CONSENT OF OR REFERRAL BY THE PUBLIC AGENCY.—

"(i) IN GENERAL.—Subject to subparagraph (A), this part does not require a local educational agency to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if that agency made a free appropriate public education available to the child and the parents elected to place the child in such private school or facility.

"(ii) REIMBURSEMENT FOR PRIVATE SCHOOL PLACEMENT.—If the parents of a child with a disability, who previously received special education and related services under the authority of a public agency, enroll the child in a private elementary school or secondary school without the consent of or referral by the public agency, a court or a hearing officer may require the agency to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the agency had not made a free appropriate public education available to the child in a timely manner prior to that enrollment.

"(iii) LIMITATION ON REIMBURSEMENT.—The cost of reimbursement described in clause (ii) may be reduced or denied—

"(I) if—

"(aa) at the most recent IEP meeting that the parents attended prior to removal of the child from the public school, the parents did not inform the IEP Team that they were rejecting the placement proposed by the public agency to provide a free appropriate public education to their child, including stating their concerns and their intent to enroll their child in a private school at public expense; or

"(bb) 10 business days (including any holidays that occur on a business day) prior to the removal of the child from the public school, the parents did not give written notice to the public agency of the information described in division (aa);

"(II) if, prior to the parents' removal of the child from the public school, the public agency informed the parents, through the notice requirements described in section 615(b)(3), of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the child available for such evaluation; or

"(III) upon a judicial finding of unreasonableness with respect to actions taken by the parents.

"(iv) EXCEPTION.—Notwithstanding the notice requirement in clause (iii)(I), the cost of reimbursement—

"(I) shall not be reduced or denied for failure to provide such notice if—

"(aa) the school prevented the parent from providing such notice; or

"(bb) the parents had not received notice, pursuant to section 615, of the notice requirement in clause (iii)(I); and

"(II) may, in the discretion of a court or a hearing officer, not be reduced or denied for failure to provide such notice if—

"(aa) the parent is illiterate and cannot write in English; or

"(bb) compliance with clause (iii)(I) would likely have resulted in physical or serious emotional harm to the child.

“(11) STATE EDUCATIONAL AGENCY RESPONSIBLE FOR GENERAL SUPERVISION.—

“(A) IN GENERAL.—The State educational agency is responsible for ensuring that—

“(i) the requirements of this part are met; and

“(ii) all educational programs for children with disabilities in the State, including all such programs administered by any other State or local agency—

“(I) are under the general supervision of individuals in the State who are responsible for educational programs for children with disabilities; and

“(II) meet the educational standards of the State educational agency.

“(B) LIMITATION.—Subparagraph (A) shall not limit the responsibility of agencies in the State other than the State educational agency to provide, or pay for some or all of the costs of, a free appropriate public education for any child with a disability in the State.

“(C) EXCEPTION.—Notwithstanding subparagraphs (A) and (B), the Governor (or another individual pursuant to State law), consistent with State law, may assign to any public agency in the State the responsibility of ensuring that the requirements of this part are met with respect to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons.

“(12) OBLIGATIONS RELATED TO AND METHODS OF ENSURING SERVICES.—

“(A) ESTABLISHING RESPONSIBILITY FOR SERVICES.—The Chief Executive Officer of a State or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in subparagraph (B) and the State educational agency, in order to ensure that all services described in subparagraph (B)(i) that are needed to ensure a free appropriate public education are provided, including the provision of such services during the pendency of any dispute under clause (iii). Such agreement or mechanism shall include the following:

“(i) AGENCY FINANCIAL RESPONSIBILITY.—An identification of, or a method for defining, the financial responsibility of each agency for providing services described in subparagraph (B)(i) to ensure a free appropriate public education to children with disabilities, provided that the financial responsibility of each public agency described in subparagraph (B), including the State Medicaid agency and other public insurers of children with disabilities, shall precede the financial responsibility of the local educational agency (or the State agency responsible for developing the child’s IEP).

“(ii) CONDITIONS AND TERMS OF REIMBURSEMENT.—The conditions, terms, and procedures under which a local educational agency shall be reimbursed by other agencies.

“(iii) INTERAGENCY DISPUTES.—Procedures for resolving interagency disputes (including procedures under which local educational agencies may initiate proceedings) under the agreement or other mechanism to secure reimbursement from other agencies or otherwise implement the provisions of the agreement or mechanism.

“(iv) COORDINATION OF SERVICES PROCEDURES.—Policies and procedures for agencies to determine and identify the interagency coordination responsibilities of each agency to promote the coordination and timely and appropriate delivery of services described in subparagraph (B)(i).

“(B) OBLIGATION OF PUBLIC AGENCY.—

“(i) IN GENERAL.—If any public agency other than an educational agency is otherwise obligated under Federal or State law, or assigned responsibility under State policy pursuant to subparagraph (A), to provide or pay for any services that are also considered special education or related services (such as, but not limited to, services described in section 602(1) relating to assistive technology devices, 602(2) relating to assistive technology services, 602(25) relating to related services, 602(32) relating to supplementary aids and services, and 602(33) relating to transition services) that are necessary for ensuring a free appropriate public education to children with disabilities within the State, such public agency shall fulfill that obligation or responsibility, either directly or through contract or other arrangement pursuant to subparagraph (A) or an agreement pursuant to subparagraph (C).

“(ii) REIMBURSEMENT FOR SERVICES BY PUBLIC AGENCY.—If a public agency other than an educational agency fails to provide or pay for the special education and related services described in clause (i), the local educational agency (or State agency responsible for developing the child’s IEP) shall provide or pay for such services to the child. Such local educational agency or State agency is authorized to claim reimbursement for the services from the public agency that failed to provide or pay for such services and such public agency shall reimburse the local educational agency or State agency pursuant to the terms of the interagency agreement or other mechanism described in subparagraph (A)(i) according to the procedures established in such agreement pursuant to subparagraph (A)(ii).

“(C) SPECIAL RULE.—The requirements of subparagraph (A) may be met through—

“(i) State statute or regulation;

“(ii) signed agreements between respective agency officials that clearly identify the responsibilities of each agency relating to the provision of services; or

“(iii) other appropriate written methods as determined by the Chief Executive Officer of the State or designee of the officer and approved by the Secretary.

“(13) PROCEDURAL REQUIREMENTS RELATING TO LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing.

“(14) PERSONNEL STANDARDS.—

“(A) IN GENERAL.—The State educational agency has established and maintains standards to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.

“(B) RELATED SERVICES PERSONNEL AND PARAPROFESSIONALS.—The standards under subparagraph (A) include standards for related services personnel and paraprofessionals that—

“(i) are consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services;

“(ii) ensure that related services personnel who deliver services in their discipline or profession meet the requirements of clause (i) and have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

“(iii) allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services under this part to children with disabilities.

“(C) STANDARDS FOR SPECIAL EDUCATION TEACHERS.—

“(i) IN GENERAL.—The standards described in subparagraph (A) shall ensure that each person employed as a special education teacher in the State who teaches in an elementary, middle, or secondary school is highly qualified not later than the end of the 2006–2007 school year.

“(ii) COMPLIANCE.—Notwithstanding paragraphs (2) and (3) of section 1119(a) of the Elementary and Secondary Education Act of 1965, for purposes of determining compliance with such paragraphs—

“(I) the Secretary, the State educational agency, and local educational agencies shall apply the definition of highly qualified in section 602(10) to special education teachers; and

“(II) the State shall ensure that all special education teachers teaching in core academic subjects within the State are highly qualified (as defined in section 602(10)) not later than the end of the 2006–2007 school year.

“(iii) PARENTS’ RIGHT TO KNOW.—In carrying out section 1111(h)(6) of the Elementary and Secondary Education Act of 1965 with respect to special education teachers, a local educational agency shall—

“(I) include in a response to a request under such section any additional information needed to demonstrate that the teacher meets the applicable requirements of section 602(10) relating to certification or licensure as a special education teacher; and

“(II) apply the definition of highly qualified in section 602(10) in carrying out section 1111(h)(6)(B)(ii).

“(D) POLICY.—In implementing this section, a State shall adopt a policy that includes a requirement that local educational agencies in the State take measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education and related services under this part to children with disabilities.

“(E) RULE OF CONSTRUCTION.—Notwithstanding any other individual right of action that a parent or student may maintain under this part, nothing in this subsection shall be construed to create a right of action on behalf of an individual student for the failure of a particular State educational agency or local educational agency staff person to be highly qualified, or to prevent a parent from filing a complaint about staff qualifications with the State educational agency as provided for under this part.

“(15) PERFORMANCE GOALS AND INDICATORS.—The State—

“(A) has established goals for the performance of children with disabilities in the State that—

“(i) promote the purposes of this Act, as stated in section 601(d);

“(ii) are the same as the State’s definition of adequate yearly progress, including the State’s objectives for progress by children with disabilities, under section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965;

“(iii) address graduation rates and drop out rates, as well as such other factors as the State may determine; and

“(iv) are consistent, to the extent appropriate, with any other goals and standards for children established by the State;

“(B) has established performance indicators the State will use to assess progress toward achieving the goals described in subparagraph (A), including measurable annual objectives for progress by children with disabilities under section 1111(b)(2)(C)(v)(II)(cc) of the Elementary and Secondary Education Act of 1965; and

“(C) will annually report to the Secretary and the public on the progress of the State, and of children with disabilities in the State, toward meeting the goals established under subparagraph (A).

“(16) PARTICIPATION IN ASSESSMENTS.—

“(A) IN GENERAL.— All children with disabilities are included in all general State and districtwide assessment programs and accountability systems, including assessments and accountability systems described under section

1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations, alternate assessments where necessary, and as indicated in their respective individualized education programs.

"(B) ACCOMMODATION GUIDELINES.—The State (or, in the case of a districtwide assessment, the local educational agency) has developed guidelines for the provision of appropriate accommodations.

"(C) ALTERNATE ASSESSMENTS.—

"(i) IN GENERAL.—The State (or, in the case of a districtwide assessment, the local educational agency) has developed and implemented guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in regular assessments under subparagraph (B) as indicated in their respective individualized education programs.

"(ii) REQUIREMENTS FOR ALTERNATE ASSESSMENTS.—The guidelines under clause (i) shall provide for alternate assessments that—

"(I) are aligned with the State's challenging academic content and academic achievement standards; and

"(II) if the State has adopted alternate academic achievement standards permitted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, measure the achievement of children with disabilities against those standards.

"(iii) CONDUCT OF ALTERNATIVE ASSESSMENTS.—The State conducts the alternate assessments described in this subparagraph.

"(D) REPORTS.—The State educational agency (or, in the case of a districtwide assessment, the local educational agency) makes available to the public, and reports to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the following:

"(i) The number of children with disabilities participating in regular assessments, and the number of those children who were provided accommodations in order to participate in those assessments.

"(ii) The number of children with disabilities participating in alternate assessments described in subparagraph (C)(ii)(I).

"(iii) The number of children with disabilities participating in alternate assessments described in subparagraph (C)(ii)(II).

"(iv) The performance of children with disabilities on regular assessments and on alternate assessments (if the number of children with disabilities participating in those assessments is sufficient to yield statistically reliable information and reporting that information will not reveal personally identifiable information about an individual student), compared with the achievement of all children, including children with disabilities, on those assessments.

"(E) UNIVERSAL DESIGN.—The State educational agency (or, in the case of a districtwide assessment, the local educational agency) shall, to the extent feasible, use universal design principles in developing and administering any assessments under this paragraph.

"(17) SUPPLEMENTATION OF STATE, LOCAL, AND OTHER FEDERAL FUNDS.—

"(A) EXPENDITURES.—Funds paid to a State under this part will be expended in accordance with all the provisions of this part.

"(B) PROHIBITION AGAINST COMMINGLING.—Funds paid to a State under this part will not be commingled with State funds.

"(C) PROHIBITION AGAINST SUPPLANTATION AND CONDITIONS FOR WAIVER BY SECRETARY.—Except as provided in section 613, funds paid to a State under this part will be used to supplement the level of Federal, State, and local funds (including funds that are not under the direct control of State or local educational agencies) expended for special education and related services provided to children with disabilities under this part and in no case to supplant such Federal, State, and local funds, except that, where the State provides clear and convincing evidence that all children with disabilities have available to them a free appropriate public education, the Secretary may waive, in whole or in part, the requirements of this subparagraph if the Secretary concurs with the evidence provided by the State.

"(18) MAINTENANCE OF STATE FINANCIAL SUPPORT.—

"(A) IN GENERAL.—The State does not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year.

"(B) REDUCTION OF FUNDS FOR FAILURE TO MAINTAIN SUPPORT.—The Secretary shall reduce the allocation of funds under section 611 for any fiscal year following the fiscal year in which the State fails to comply with the requirement of subparagraph (A) by the same amount by which the State fails to meet the requirement.

"(C) WAIVERS FOR EXCEPTIONAL OR UNCONTROLLABLE CIRCUMSTANCES.—The Secretary may waive the requirement of subparagraph (A) for a State, for 1 fiscal year at a time, if the Secretary determines that—

"(i) granting a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State; or

"(ii) the State meets the standard in paragraph (17)(C) for a waiver of the requirement to supplement, and not to supplant, funds received under this part.

"(D) SUBSEQUENT YEARS.—If, for any year, a State fails to meet the requirement of subparagraph (A), including any year for which the State is granted a waiver under subparagraph (C), the financial support required of the State in future years under subparagraph (A) shall be the amount that would have been required in the absence of that failure and not the reduced level of the State's support.

"(19) PUBLIC PARTICIPATION.—Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities.

"(20) STATE ADVISORY PANEL.—

"(A) IN GENERAL.—The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.

"(B) MEMBERSHIP.—Such advisory panel shall consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, that is representative of the State population and that is composed of individuals involved in, or concerned with, the education of children with disabilities, including—

"(i) parents of children with disabilities ages birth through 26;

"(ii) individuals with disabilities;

"(iii) teachers;

"(iv) representatives of institutions of higher education that prepare special education and related services personnel;

"(v) State and local education officials;

"(vi) administrators of programs for children with disabilities;

"(vii) representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;

"(viii) representatives of private schools and public charter schools;

"(ix) at least 1 representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities; and

"(x) representatives from the State juvenile and adult corrections agencies.

"(C) SPECIAL RULE.—A majority of the members of the panel shall be individuals with disabilities ages birth through 26 or parents of such individuals.

"(D) DUTIES.—The advisory panel shall—

"(i) advise the State educational agency of unmet needs within the State in the education of children with disabilities;

"(ii) comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;

"(iii) advise the State educational agency in developing evaluations and reporting on data to the Secretary under section 618;

"(iv) advise the State educational agency in developing corrective action plans to address findings identified in Federal monitoring reports under this part; and

"(v) advise the State educational agency in developing and implementing policies relating to the coordination of services for children with disabilities.

"(21) SUSPENSION AND EXPULSION RATES.—

"(A) IN GENERAL.—The State educational agency examines data to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities—

"(i) among local educational agencies in the State; or

"(ii) compared to such rates for nondisabled children within such agencies.

"(B) REVIEW AND REVISION OF POLICIES.—If such discrepancies are occurring, the State educational agency reviews and, if appropriate, revises (or requires the affected State or local educational agency to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards, to ensure that such policies, procedures, and practices comply with this Act.

"(22) ACCESS TO INSTRUCTIONAL MATERIALS.—

"(A) IN GENERAL.—The State adopts the national Instructional Materials Accessibility Standard described in section 675(a) for the purposes of providing instructional materials to blind persons or other persons with print disabilities in a timely manner after the publication of the standard in the Federal Register.

"(B) PREPARATION AND DELIVERY OF FILES.—Not later than 2 years after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003, a State educational agency, as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials, enters into a written contract with the publisher of the print instructional materials to—

"(i) prepare, and on or before delivery of the print instructional materials, provide to the National Instructional Materials Access Center, established pursuant to section 675(b), electronic files containing the contents of the print instructional materials using the Instructional Materials Accessibility Standard; or

"(ii) purchase instructional materials from a publisher that are produced in or may be rendered in the specialized formats described in section 675(a)(4)(C).

"(C) ASSISTIVE TECHNOLOGY.—In carrying out subparagraph (B), the State educational agency, to the maximum extent possible, shall work collaboratively with the State agency responsible for assistive technology programs.

"(b) STATE EDUCATIONAL AGENCY AS PROVIDER OF FREE APPROPRIATE PUBLIC EDUCATION OR DIRECT SERVICES.—If the State educational agency provides free appropriate public education to children with disabilities, or provides direct services to such children, such agency—

"(1) shall comply with any additional requirements of section 613(a), as if such agency were a local educational agency; and

"(2) may use amounts that are otherwise available to such agency under this part to serve those children without regard to section 613(a)(2)(A)(i) (relating to excess costs).

"(c) EXCEPTION FOR PRIOR STATE PLANS.—

"(1) IN GENERAL.—If a State has on file with the Secretary policies and procedures that demonstrate that such State meets any requirement of subsection (a), including any policies and procedures filed under this part as in effect before the effective date of the Individuals with Disabilities Education Improvement Act of 2003, the Secretary shall consider such State to have met such requirement for purposes of receiving a grant under this part.

"(2) MODIFICATIONS MADE BY STATE.—Subject to paragraph (3), an application submitted by a State in accordance with this section shall remain in effect until the State submits to the Secretary such modifications as the State determines necessary. This section shall apply to a modification to an application to the same extent and in the same manner as this section applies to the original plan.

"(3) MODIFICATIONS REQUIRED BY THE SECRETARY.—If, after the effective date of the Individuals with Disabilities Education Improvement Act of 2003, the provisions of this Act are amended (or the regulations developed to carry out this Act are amended), there is a new interpretation of this Act by a Federal court or a State's highest court, or there is an official finding of noncompliance with Federal law or regulations, then the Secretary may require a State to modify its application only to the extent necessary to ensure the State's compliance with this part.

"(d) APPROVAL BY THE SECRETARY.—

"(1) IN GENERAL.—If the Secretary determines that a State is eligible to receive a grant under this part, the Secretary shall notify the State of that determination.

"(2) NOTICE AND HEARING.—The Secretary shall not make a final determination that a State is not eligible to receive a grant under this part until after providing the State—

"(A) with reasonable notice; and

"(B) with an opportunity for a hearing.

"(e) ASSISTANCE UNDER OTHER FEDERAL PROGRAMS.—Nothing in this title permits a State to reduce medical and other assistance available, or to alter eligibility, under titles V and XIX of the Social Security Act with respect to the provision of a free appropriate public education for children with disabilities in the State.

"(f) BY-PASS FOR CHILDREN IN PRIVATE SCHOOLS.—

"(1) IN GENERAL.—If, on the date of enactment of the Education of the Handicapped Act Amendments of 1983, a State educational agency was prohibited by law from providing for the equitable participation in special programs of children with disabilities enrolled in private elementary schools and secondary schools as required by subsection (a)(10)(A), or if the Secretary determines that a State educational agency, local educational agency, or other entity has substantially failed or is unwilling to provide for such equitable participation, then the Secretary shall, notwithstanding such provision of law, arrange for the provision of services to such children through arrangements which shall be subject to the requirements of such subsection.

"(2) PAYMENTS.—

"(A) DETERMINATION OF AMOUNTS.—If the Secretary arranges for services pursuant to this subsection, the Secretary, after consultation with the appropriate public and private school officials, shall pay to the provider of such services for a fiscal year an amount per child that does not exceed the amount determined by dividing—

"(i) the total amount received by the State under this part for such fiscal year; by

"(ii) the number of children with disabilities served in the prior year, as reported to the Secretary by the State under section 618.

"(B) WITHHOLDING OF CERTAIN AMOUNTS.—Pending final resolution of any investigation or complaint that may result in a determination under this subsection, the Secretary may withhold from the allocation of the affected State educational agency the amount the Secretary estimates will be necessary to pay the cost of services described in subparagraph (A).

"(C) PERIOD OF PAYMENTS.—The period under which payments are made under subparagraph (A) shall continue until the Secretary determines that there will no longer be any failure or inability on the part of the State educational agency to meet the requirements of subsection (a)(10)(A).

"(3) NOTICE AND HEARING.—

"(A) IN GENERAL.—The Secretary shall not take any final action under this subsection until the State educational agency affected by such action has had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why such action should not be taken.

"(B) REVIEW OF ACTION.—If a State educational agency is dissatisfied with the Secretary's final action after a proceeding under subparagraph (A), such agency may, not later than 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based the Secretary's action, as provided in section 2112 of title 28, United States Code.

"(C) REVIEW OF FINDINGS OF FACT.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(D) JURISDICTION OF COURT OF APPEALS; REVIEW BY UNITED STATES SUPREME COURT.—Upon the filing of a petition under subparagraph (B), the United States court of appeals shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"SEC. 613. LOCAL EDUCATIONAL AGENCY ELIGIBILITY.

"(a) IN GENERAL.—A local educational agency is eligible for assistance under this part for a fiscal year if such agency submits a plan that provides assurances to the State educational agency that the local educational agency meets each of the following conditions:

"(1) CONSISTENCY WITH STATE POLICIES.—The local educational agency, in providing for the education of children with disabilities within its jurisdiction, has in effect policies, procedures, and programs that are consistent with the State policies and procedures established under section 612.

"(2) USE OF AMOUNTS.—

"(A) IN GENERAL.—Amounts provided to the local educational agency under this part shall be expended in accordance with the applicable provisions of this part and—

"(i) shall be used only to pay the excess costs of providing special education and related services to children with disabilities;

"(ii) shall be used to supplement State, local, and other Federal funds and not to supplant such funds; and

"(iii) shall not be used, except as provided in subparagraphs (B) and (C), to reduce the level of expenditures for the education of children with disabilities made by the local educational agency from local funds below the level of those expenditures for the preceding fiscal year.

"(B) EXCEPTION.—Notwithstanding the restriction in subparagraph (A)(iii), a local educational agency may reduce the level of expenditures where such reduction is attributable to—

"(i) the voluntary departure, by retirement or otherwise, or departure for just cause, of special education personnel;

"(ii) a decrease in the enrollment of children with disabilities;

"(iii) the termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the State educational agency, because the child—

"(I) has left the jurisdiction of the agency;

"(II) has reached the age at which the obligation of the agency to provide a free appropriate public education to the child has terminated; or

"(III) no longer needs such program of special education; or

"(iv) the termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

"(C) TREATMENT OF FEDERAL FUNDS IN CERTAIN FISCAL YEARS.—

"(i) 8 PERCENT RULE.—Notwithstanding clauses (ii) and (iii) of subparagraph (A), a local educational agency may treat as local funds, for the purposes of such clauses, not more than 8 percent of the amount of funds the local educational agency receives under this part.

"(ii) 40 PERCENT RULE.—Notwithstanding clauses (ii) and (iii) of subparagraph (A), for any fiscal year for which States are allocated the maximum amount of grants pursuant to section 611(a)(2), a local educational agency may treat as local funds, for the purposes of such clauses, not more than 40 percent of the amount of funds the local educational agency receives under this part, subject to clause (iv).

"(iii) EARLY INTERVENING SERVICES.—

"(I) 8 PERCENT RULE.—If a local educational agency exercises authority pursuant to clause (i), the 8 percent funds shall be counted toward the percentage and amount of funds that may be used to provide early intervening educational services pursuant to subsection (f).

"(II) 40 PERCENT RULE.—If a local educational agency exercises authority pursuant to clause (ii), the local educational agency shall use an amount of the 40 percent funds from clause (ii) that represents 15 percent of the total amount of funds the local educational agency receives under this part, to provide early intervening educational services pursuant to subsection (f).

"(iv) SPECIAL RULE.—Funds treated as local funds pursuant to clause (i) or (ii) may be considered non-Federal or local funds for the purposes of—

"(I) clauses (ii) and (iii) of subparagraph (A); and

"(II) the provision of the local share of costs for title XIX of the Social Security Act.

"(v) REPORT.—For each fiscal year in which a local educational agency exercises its authority pursuant to this subparagraph and treats Federal funds as local funds, the local educational agency shall report to the State educational agency the amount of funds so treated and the activities that were funded with such funds.

"(D) SCHOOLWIDE PROGRAMS UNDER TITLE I OF THE ESEA.—Notwithstanding subparagraph (A) or any other provision of this part, a local educational agency may use funds received under this part for any fiscal year to carry out a schoolwide program under section 1114 of the Elementary and Secondary Education Act of 1965, except that the amount so used in any such program shall not exceed—

"(i) the number of children with disabilities participating in the schoolwide program; multiplied by

"(ii)(I) the amount received by the local educational agency under this part for that fiscal year; divided by

"(II) the number of children with disabilities in the jurisdiction of that agency.

"(3) PERSONNEL DEVELOPMENT.—The local educational agency shall ensure that all personnel necessary to carry out this part are appropriately and adequately prepared, consistent with the requirements of section 612(a)(14) of this Act and section 2122 of the Elementary and Secondary Education Act of 1965.

"(4) PERMISSIVE USE OF FUNDS.—

"(A) USES.—Notwithstanding paragraph (2)(A) or section 612(a)(17)(B) (relating to commingled funds), funds provided to the local educational agency under this part may be used for the following activities:

"(i) SERVICES AND AIDS THAT ALSO BENEFIT NONDISABLED CHILDREN.—For the costs of special education and related services, and supplementary aids and services, provided in a regular class or other education-related setting to a child with a disability in accordance with the individualized education program of the child, even if 1 or more nondisabled children benefit from such services.

"(ii) EARLY INTERVENING SERVICES.—To develop and implement coordinated, early intervening educational services in accordance with subsection (f).

"(B) ADMINISTRATIVE CASE MANAGEMENT.—A local educational agency may use funds received under this part to purchase appropriate technology for recordkeeping, data collection, and related case management activities of teachers and related services personnel providing services described in the individualized education program of children with disabilities, that is needed for the implementation of such case management activities.

"(5) TREATMENT OF CHARTER SCHOOLS AND THEIR STUDENTS.—In carrying out this part with respect to charter schools that are public schools of the local educational agency, the local educational agency—

"(A) serves children with disabilities attending those charter schools in the same manner as the local educational agency serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the local educational agency has a policy or practice of providing such services on the site to its other public schools; and

"(B) provides funds under this part to those charter schools on the same basis, including proportional distribution based on relative enrollment of children with disabilities, and at the same time, as the local educational agency distributes State, local, or a combination of State and local, funds to those charter schools under the State's charter school law.

"(6) PURCHASE OF INSTRUCTIONAL MATERIALS.—Not later than 2 years after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003, a local educational agency, when purchasing print instructional materials, acquires these instructional materials in the same manner as a State educational agency described in section 612(a)(22).

"(7) INFORMATION FOR STATE EDUCATIONAL AGENCY.—The local educational agency shall provide the State educational agency with information necessary to enable the State educational agency to carry out its duties under this part, including, with respect to paragraphs (15) and (16) of section 612(a), information relating to the performance of children with disabilities participating in programs carried out under this part.

"(8) PUBLIC INFORMATION.—The local educational agency shall make available to parents of children with disabilities and to the general public all documents relating to the eligibility of such agency under this part.

"(9) RECORDS REGARDING MIGRATORY CHILDREN WITH DISABILITIES.—The local educational agency shall cooperate in the Secretary's efforts under section 1308 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6398) to ensure the linkage of records pertaining to migratory children with a disability for the purpose of electronically exchanging, among the States, health and educational information regarding such children.

"(b) EXCEPTION FOR PRIOR LOCAL PLANS.—

"(1) IN GENERAL.—If a local educational agency or State agency has on file with the State educational agency policies and procedures that demonstrate that such local educational agency, or such State agency, as the case may be, meets any requirement of subsection (a), including any policies and procedures filed under this part as in effect before the effective date of the Individuals with Disabilities Education Improvement Act of 2003, the State educational agency shall consider such local educational agency or State agency, as the case may be, to have met such requirement for purposes of receiving assistance under this part.

"(2) MODIFICATION MADE BY LOCAL EDUCATIONAL AGENCY.—Subject to paragraph (3), an application submitted by a local educational agency in accordance with this section shall remain in effect until the local educational agency submits to the State educational agency such modifications as the local educational agency determines necessary.

"(3) MODIFICATIONS REQUIRED BY STATE EDUCATIONAL AGENCY.—If, after the effective date of the Individuals with Disabilities Education Improvement Act of 2003, the provisions of this Act are amended (or the regulations developed to carry out this Act are amended), there is a new interpretation of this Act by Federal or State courts, or there is an official finding of noncompliance with Federal or State law or regulations, then the State educational agency may require a local educational agency to modify its application only to the extent necessary to ensure the local educational agency's compliance with this part or State law.

"(c) NOTIFICATION OF LOCAL EDUCATIONAL AGENCY OR STATE AGENCY IN CASE OF INELIGIBILITY.—If the State educational agency determines that a local educational agency or State agency is not eligible under this section, then the State educational agency shall notify the local educational agency or State agency, as the case may be, of that determination and shall provide such local educational agency or State agency with reasonable notice and an opportunity for a hearing.

"(d) LOCAL EDUCATIONAL AGENCY COMPLIANCE.—

"(1) IN GENERAL.—If the State educational agency, after reasonable notice and an opportunity for a hearing, finds that a local educational agency or State agency that has been determined to be eligible under this section is failing to comply with any requirement described in subsection (a), the State educational agency shall reduce or shall not provide any further payments to the local educational agency or State agency until the State educational agency is satisfied that the local educational agency or State agency, as the case may be, is complying with that requirement.

"(2) ADDITIONAL REQUIREMENT.—Any State agency or local educational agency in receipt of a notice described in paragraph (1) shall, by means of public notice, take such measures as may be necessary to bring the pendency of an action pursuant to this subsection to the attention of the public within the jurisdiction of such agency.

"(3) CONSIDERATION.—In carrying out its responsibilities under paragraph (1), the State educational agency shall consider any decision made in a hearing held under section 615 that is adverse to the local educational agency or State agency involved in that decision.

"(e) JOINT ESTABLISHMENT OF ELIGIBILITY.—

"(1) JOINT ESTABLISHMENT.—

"(A) IN GENERAL.—A State educational agency may require a local educational agency to establish its eligibility jointly with another local educational agency if the State educational agency determines that the local educational agency will be ineligible under this section because the local educational agency will not be able to establish and maintain programs of sufficient size and scope to effectively meet the needs of children with disabilities.

"(B) CHARTER SCHOOL EXCEPTION.—A State educational agency may not require a charter school that is a local educational agency to jointly establish its eligibility under subparagraph (A) unless the charter school is explicitly permitted to do so under the State's charter school law.

"(2) AMOUNT OF PAYMENTS.—If a State educational agency requires the joint establishment of eligibility under paragraph (1), the total amount of funds made available to the affected local educational agencies shall be equal to the sum of the payments that each such local educational agency would have received under section 611(f) if such agencies were eligible for such payments.

"(3) REQUIREMENTS.—Local educational agencies that establish joint eligibility under this subsection shall—

"(A) adopt policies and procedures that are consistent with the State's policies and procedures under section 612(a); and

"(B) be jointly responsible for implementing programs that receive assistance under this part.

"(4) REQUIREMENTS FOR EDUCATIONAL SERVICE AGENCIES.—

"(A) IN GENERAL.—If an educational service agency is required by State law to carry out programs under this part, the joint responsibilities given to local educational agencies under this subsection shall—

"(i) not apply to the administration and disbursement of any payments received by that educational service agency; and

"(ii) be carried out only by that educational service agency.

"(B) ADDITIONAL REQUIREMENT.—Notwithstanding any other provision of this subsection, an educational service agency shall provide for the education of children with disabilities in the least restrictive environment, as required by section 612(a)(5).

"(f) EARLY INTERVENING SERVICES.—

"(1) IN GENERAL.—A local educational agency may not use more than 15 percent of the amount such agency receives under this part for any fiscal year, less any amount treated as local funds

pursuant to subsection (a)(2)(C), if any, in combination with other amounts (which may include amounts other than education funds), to develop and implement coordinated, early intervening educational services, which may include interagency financing structures, for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade 3) who do not meet the definition of a child with a disability under section 602(3) but who need additional academic and behavioral support to succeed in a general education environment.

"(2) ACTIVITIES.—In implementing coordinated, early intervening educational services under this subsection, a local educational agency may carry out activities that include—

"(A) professional development (which may be provided by entities other than local educational agencies) for teachers and other school staff to enable such personnel to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software;

"(B) providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction; and

"(C) developing and implementing interagency financing structures for the provision of such services and supports.

"(3) CONSTRUCTION.—Nothing in this subsection shall be construed to either limit or create a right to a free appropriate public education under this part.

"(4) REPORTING.—Each local educational agency that develops and maintains coordinated, early intervening educational services with funds made available for this subsection, shall annually report to the State educational agency on—

"(A) the number of children served under this subsection; and

"(B) the number of children served under this subsection who are subsequently referred to special education.

"(5) COORDINATION WITH CERTAIN PROJECTS UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Funds made available to carry out this subsection may be used to carry out coordinated, early intervening educational services aligned with activities funded by, and carried out under, the Elementary and Secondary Education Act of 1965 if such funds are used to supplement, and not supplant, funds made available under the Elementary and Secondary Education Act of 1965 for the activities and services assisted under this subsection.

"(6) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003, the Comptroller General shall conduct a study on the types of services provided to children served under this subsection, and shall submit a report to Congress regarding the study.

"(g) DIRECT SERVICES BY THE STATE EDUCATIONAL AGENCY.—

"(1) IN GENERAL.—A State educational agency shall use the payments that would otherwise have been available to a local educational agency or to a State agency to provide special education and related services directly to children with disabilities residing in the area served by that local educational agency, or for whom that State agency is responsible, if the State educational agency determines that the local educational agency or State agency, as the case may be—

"(A) has not provided the information needed to establish the eligibility of such agency under this section;

"(B) is unable to establish and maintain programs of free appropriate public education that meet the requirements of subsection (a);

"(C) is unable or unwilling to be consolidated with 1 or more local educational agencies in order to establish and maintain such programs; or

"(D) has 1 or more children with disabilities who can best be served by a regional or State program or service delivery system designed to meet the needs of such children.

"(2) MANNER AND LOCATION OF EDUCATION AND SERVICES.—The State educational agency may provide special education and related services under paragraph (1) in such manner and at such locations (including regional or State centers) as the State agency considers appropriate. Such education and services shall be provided in accordance with this part.

"(h) STATE AGENCY ELIGIBILITY.—Any State agency that desires to receive a subgrant for any fiscal year under section 611(f) shall demonstrate to the satisfaction of the State educational agency that—

"(1) all children with disabilities who are participating in programs and projects funded under this part receive a free appropriate public education, and that those children and their parents are provided all the rights and procedural safeguards described in this part; and

"(2) the agency meets such other conditions of this section as the Secretary determines to be appropriate.

"(i) DISCIPLINARY INFORMATION.—The State may require that a local educational agency include in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child and transmit such statement to the same extent that such disciplinary information is included in, and transmitted with, the student records of nondisabled children. The statement may include a description of any behavior engaged in by the child that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the child and other individuals involved with the child. If the State adopts such a policy, and the child transfers from 1 school to another, the transmission of any of the child's records shall include both the child's current individualized education program and any such statement of current or previous disciplinary action that has been taken against the child.

"(j) STATE AGENCY FLEXIBILITY.—

"(1) TREATMENT OF FEDERAL FUNDS IN CERTAIN FISCAL YEARS.—If a State educational agency pays or reimburses local educational agencies within the State for not less than 80 percent of the non-Federal share of the costs of special education and related services, or the State is the sole provider of free appropriate public education or direct services pursuant to section 612(b), then the State educational agency, notwithstanding sections 612(a) (17) and (18) and 612(b), may treat funds allocated pursuant to section 611 as general funds available to support the educational purposes described in paragraph (2) (A) and (B).

"(2) CONDITIONS.—A State educational agency may use funds in accordance with paragraph (1) subject to the following conditions:

"(A) 8 PERCENT RULE.—A State educational agency may treat not more than 8 percent of the funds the State educational agency receives under this part as general funds to support any educational purpose described in the Elementary and Secondary Education Act of 1965, needs-based student or teacher higher education programs, or the non-Federal share of costs of title XIX of the Social Security Act.

"(B) 40 PERCENT RULE.—For any fiscal year for which States are allocated the maximum amount of grants pursuant to section 611(a)(2), a State educational agency may treat not more than 40 percent of the amount of funds the State educational agency receives under this part as general funds to support any educational purpose described in the Elementary and Secondary Education Act of 1965, needs-based student or teacher higher education programs, or the non-Federal share of costs of title XIX of the Social Security Act, subject to subparagraph (C).

"(C) REQUIREMENT.—A State educational agency may exercise its authority pursuant to subparagraph (B) only if the State educational agency uses an amount of the 40 percent funds from subparagraph (B) that represents 15 percent of the total amount of funds the State educational agency receives under this part, to provide, or to pay or reimburse local educational agencies for providing, early intervening prereferral services pursuant to subsection (f).

"(2) PROHIBITION.—Notwithstanding subsection (a), if the Secretary determines that a State educational agency is unable to establish, maintain, or oversee programs of free appropriate public education that meet the requirements of this part, then the Secretary shall prohibit the State educational agency from treating funds allocated under this part as general funds pursuant to paragraph (1).

"(3) REPORT.—For each fiscal year for which a State educational agency exercises its authority pursuant to paragraph (1) and treats Federal funds as general funds, the State educational agency shall report to the Secretary the amount of funds so treated and the activities that were funded with such funds.

"SEC. 614. EVALUATIONS, ELIGIBILITY DETERMINATIONS, INDIVIDUALIZED EDUCATION PROGRAMS, AND EDUCATIONAL PLACEMENTS.

"(a) EVALUATIONS AND REEVALUATIONS.—

"(1) INITIAL EVALUATIONS.—

"(A) IN GENERAL.—A State educational agency, other State agency, or local educational agency shall conduct a full and individual initial evaluation in accordance with this paragraph and subsection (b), before the initial provision of special education and related services to a child with a disability under this part.

"(B) REQUEST FOR INITIAL EVALUATION.—Consistent with subparagraph (D), either a parent of a child, or a State educational agency, other State agency, or local educational agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.

"(C) PROCEDURES.—Such initial evaluation shall consist of procedures—

"(i) to determine whether a child is a child with a disability (as defined in section 602(3)) within 60 days of receiving parental consent for the evaluation, or, if the State has established a timeframe within which the evaluation must be conducted, within such timeframe; and

"(ii) to determine the educational needs of such child.

"(D) PARENTAL CONSENT.—

"(i) IN GENERAL.—The agency proposing to conduct an initial evaluation to determine if the child qualifies as a child with a disability as defined in section 602(3) (A) or (B) shall obtain an informed consent from the parent of such child before the evaluation is conducted. Parental consent for evaluation shall not be construed as consent for placement for receipt of special education and related services.

"(ii) REFUSAL.—If the parents of such child refuse consent for the evaluation, the agency may continue to pursue an evaluation by utilizing the mediation and due process procedures under section 615, except to the extent inconsistent with State law relating to parental consent.

"(iii) REFUSAL OR FAILURE TO CONSENT.—If the parent of a child does not provide informed consent to the receipt of special education and related services, or the parent fails to respond to a request to provide the consent, the local educational agency shall not be considered to be in

violation of the requirement to make available a free appropriate public education to the child for the failure to provide the special education and related services for which the local educational agency requests such informed consent.

“(2) REEVALUATIONS.—

“(A) IN GENERAL.—A local educational agency shall ensure that a reevaluation of each child with a disability is conducted in accordance with subsections (b) and (c)—

“(i) if the local educational agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or

“(ii) if the child's parents or teacher requests a reevaluation.

“(B) LIMITATION.—A reevaluation conducted under subparagraph (A) shall occur—

“(i) not more than once a year, unless the parent and the local educational agency agree otherwise; and

“(ii) at least once every 3 years, unless the parent and the local educational agency agree that a reevaluation is unnecessary.

“(b) EVALUATION PROCEDURES.—

“(1) NOTICE.—The local educational agency shall provide notice to the parents of a child with a disability, in accordance with subsections (b)(3), (b)(4), and (c) of section 615, that describes any evaluation procedures such agency proposes to conduct.

“(2) CONDUCT OF EVALUATION.—In conducting the evaluation, the local educational agency shall—

“(A) use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent, that may assist in determining—

“(i) whether the child is a child with a disability; and

“(ii) the content of the child's individualized education program, including information related to enabling the child to be involved in and progress in the general curriculum, or for preschool children, to participate in appropriate activities;

“(B) not use any single procedure, measure, or assessment as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and

“(C) use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

“(3) ADDITIONAL REQUIREMENTS.—Each local educational agency shall ensure that—

“(A) tests and other evaluation materials used to assess a child under this section—

“(i) are selected and administered so as not to be discriminatory on a racial or cultural basis;

“(ii) are provided and administered, to the extent practicable, in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally;

“(iii) are used for purposes for which the assessments or measures are valid and reliable;

“(iv) are administered by trained and knowledgeable personnel; and

“(v) are administered in accordance with any instructions provided by the producer of such tests;

“(B) the child is assessed in all areas of suspected disability; and

“(C) assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.

“(4) DETERMINATION OF ELIGIBILITY.—Upon completion of administration of tests and other evaluation materials—

“(A) the determination of whether the child is a child with a disability as defined in section 602(3) shall be made by a team of qualified professionals and the parent of the child in accordance with paragraph (5); and

“(B) a copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent.

“(5) SPECIAL RULE FOR ELIGIBILITY DETERMINATION.—In making a determination of eligibility under paragraph (4)(A), a child shall not be determined to be a child with a disability if the determinant factor for such determination is—

“(A) lack of scientifically based instruction in reading;

“(B) lack of instruction in mathematics; or

“(C) limited English proficiency.

“(6) SPECIFIC LEARNING DISABILITIES.—

“(A) IN GENERAL.—Notwithstanding section 607(b), when determining whether a child has a specific learning disability as defined in section 602(29), a local educational agency shall not be required to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning.

“(B) ADDITIONAL AUTHORITY.—In determining whether a child has a specific learning disability, a local educational agency may use a process that determines if the child responds to scientific, research-based intervention as a part of the evaluation procedures described in paragraphs (2) and (3).

“(c) ADDITIONAL REQUIREMENTS FOR EVALUATION AND REEVALUATIONS.—

“(1) REVIEW OF EXISTING EVALUATION DATA.—As part of an initial evaluation (if appropriate) and as part of any reevaluation under this section, the IEP Team described in subsection (d)(1)(B) and other qualified professionals, as appropriate, shall—

“(A) review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based assessments, and observations, and teacher and related services providers observations; and

“(B) on the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine—

“(i) whether the child has a particular category of disability, as described in section 602(3), or, in case of a reevaluation of a child, whether the child continues to have such a disability;

“(ii) the present levels of performance and educational needs of the child;

“(iii) whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and

“(iv) whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the individualized education program of the child and to participate, as appropriate, in the general curriculum.

“(2) SOURCE OF DATA.—The local educational agency shall administer such tests and other evaluation materials and procedures as may be needed to produce the data identified by the IEP Team under paragraph (1)(B).

“(3) PARENTAL CONSENT.—Each local educational agency shall obtain informed parental consent, in accordance with subsection (a)(1)(D), prior to conducting any reevaluation of a child with a disability, except that such informed parental consent need not be obtained if the local educational agency can demonstrate that the local educational agency had taken reasonable measures to obtain such consent and the child's parent has failed to respond.

“(4) REQUIREMENTS IF ADDITIONAL DATA ARE NOT NEEDED.—If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child is or continues to be a child with a disability, the local educational agency—

“(A) shall notify the child's parents of—

“(i) that determination and the reasons for the determination; and

“(ii) the right of such parents to request an assessment to determine whether the child is or continues to be a child with a disability; and

“(B) shall not be required to conduct such an assessment unless requested by the child's parents.

“(5) EVALUATIONS BEFORE CHANGE IN ELIGIBILITY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a local educational agency shall evaluate a child with a disability in accordance with this section before determining that the child is no longer a child with a disability.

“(B) EXCEPTION.—

“(i) IN GENERAL.—The evaluation described in subparagraph (A) shall not be required before the termination of a child's eligibility under this part due to graduation from secondary school with a regular diploma, or to exceeding the age eligibility for a free appropriate public education under State law.

“(ii) SUMMARY OF PERFORMANCE.—For a child whose eligibility under this part terminates under circumstances described in clause (i), a local educational agency shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

“(d) INDIVIDUALIZED EDUCATION PROGRAMS.—

“(1) DEFINITIONS.—As used in this title:

“(A) INDIVIDUALIZED EDUCATION PROGRAM.—

“(i) IN GENERAL.—The term ‘individualized education program’ or ‘IEP’ means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this section and that includes—

“(I) a statement of the child's present levels of academic achievement and functional performance, including—

“(aa) how the child's disability affects the child's involvement and progress in the general curriculum; or

“(bb) for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

“(II) a statement of measurable annual goals, including academic and functional goals, designed to—

“(aa) meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general curriculum; and

“(bb) meet each of the child's other educational needs that result from the child's disability;

“(III) a description of how the child's progress toward meeting the annual goals described in subclause (II) will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;

“(IV) a statement of the special education and related services, and supplementary aids and services, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child—

“(aa) to advance appropriately toward attaining the annual goals;

“(bb) to be involved in and make progress in the general curriculum in accordance with subclause (I) and to participate in extracurricular and other nonacademic activities; and

“(cc) to be educated and participate with other children with disabilities and nondisabled children in the activities described in this paragraph;

“(V) an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in subclause (IV)(cc);

“(VI)(aa) a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and districtwide assessments consistent with section 612(a)(16)(A); and

“(bb) if the IEP Team determines that the child shall take an alternate assessment on a particular State or districtwide assessment of student achievement, a statement of why—

“(AA) the child cannot participate in the regular assessment; and

“(BB) the particular alternate assessment selected is appropriate for the child;

“(VII) the projected date for the beginning of the services and modifications described in subclause (IV), and the anticipated frequency, location, and duration of those services and modifications; and

“(VIII) beginning not later than the first IEP to be in effect when the child is 14, and updated annually thereafter—

“(aa) appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills;

“(bb) the transition services (including courses of study) needed by the child to reach those goals, including services to be provided by other agencies when needed; and

“(cc) beginning at least 1 year before the child reaches the age of majority under State law, a statement that the child has been informed of the child's rights under this title, if any, that will transfer to the child on reaching the age of majority under section 615(m).

“(ii) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require—

“(I) that additional information be included in a child's IEP beyond what is explicitly required in this section; and

“(II) the IEP Team to include information under 1 component of a child's IEP that is already contained under another component of such IEP.

“(B) INDIVIDUALIZED EDUCATION PROGRAM TEAM.—The term ‘individualized education program team’ or ‘IEP Team’ means a group of individuals composed of—

“(i) the parents of a child with a disability;

“(ii) at least 1 regular education teacher of such child (if the child is, or may be, participating in the regular education environment);

“(iii) at least 1 special education teacher, or where appropriate, at least 1 special education provider of such child;

“(iv) a representative of the local educational agency who—

“(I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

“(II) is knowledgeable about the general curriculum; and

“(III) is knowledgeable about the availability of resources of the local educational agency;

“(v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);

“(vi) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

“(vii) whenever appropriate, the child with a disability.

“(C) IEP TEAM ATTENDANCE.—

“(i) ATTENDANCE NOT NECESSARY.—A member of the IEP Team shall not be required to attend an IEP meeting, in whole or in part, if that member, the parent of a child with a disability, and the local educational agency agree that the attendance of such member is not necessary because no modification to the member's area of the curriculum or related services is being modified or discussed in the meeting.

“(ii) EXCUSAL.—A member of the IEP Team may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if—

“(I) that member, the parent, and the local educational agency consent to the excusal; and

“(II) the member submits input into the development of the IEP prior to the meeting.

“(iii) WRITTEN AGREEMENT AND CONSENT REQUIRED.—A parent's agreement under clause (i) and consent under clause (ii) shall be in writing.

“(2) REQUIREMENT THAT PROGRAM BE IN EFFECT.—

“(A) IN GENERAL.—At the beginning of each school year, each local educational agency, State educational agency, or other State agency, as the case may be, shall have in effect, for each child with a disability in its jurisdiction, an individualized education program, as defined in paragraph (1)(A).

“(B) PROGRAM FOR CHILD AGED 3 THROUGH 5.—In the case of a child with a disability aged 3 through 5 (or, at the discretion of the State educational agency, a 2-year-old child with a disability who will turn age 3 during the school year), an individualized family service plan that contains the material described in section 636, and that is developed in accordance with this section, may serve as the IEP of the child if using that plan as the IEP is—

“(i) consistent with State policy; and

“(ii) agreed to by the agency and the child's parents.

“(3) DEVELOPMENT OF IEP.—

“(A) IN GENERAL.—In developing each child's IEP, the IEP Team, subject to subparagraph (C), shall consider—

“(i) the strengths of the child;

“(ii) the concerns of the parents for enhancing the education of their child;

“(iii) the results of the initial evaluation or most recent evaluation of the child; and

“(iv) the academic, developmental, and functional needs of the child.

“(B) CONSIDERATION OF SPECIAL FACTORS.—The IEP Team shall—

“(i) in the case of a child whose behavior impedes the child's learning or that of others, provide for positive behavioral interventions and supports, and other strategies to address that behavior;

“(ii) in the case of a child with limited English proficiency, consider the language needs of the child as such needs relate to the child's IEP;

“(iii) in the case of a child who is blind or visually impaired—

“(I) provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child; and

“(II) consider, when appropriate, instructional services related to functional performance skills, orientation and mobility, and skills in the use of assistive technology devices, including low vision devices;

“(iv) consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and

“(v) consider whether the child requires assistive technology devices and services.

“(C) REQUIREMENT WITH RESPECT TO REGULAR EDUCATION TEACHER.—A regular education teacher of the child, as a member of the IEP Team shall, to the extent appropriate, participate in the development of the IEP of the child, including the determination of appropriate positive behavioral interventions and supports, and other strategies, and the determination of supplementary aids and services, program modifications, and support for school personnel consistent with paragraph (1)(A)(i)(IV).

“(D) AGREEMENT.—In making changes to a child's IEP after the annual IEP meeting for a school year, the parent of a child with a disability and the local educational agency may agree not to convene an IEP meeting for the purposes of making such changes, and instead may develop a written document to amend or modify the child's current IEP.

“(E) CONSOLIDATION OF IEP TEAM MEETINGS.—To the extent possible, the local educational agency shall encourage the consolidation of reevaluations of a child with IEP Team meetings for the child.

“(4) REVIEW AND REVISION OF IEP.—

“(A) IN GENERAL.—The local educational agency shall ensure that, subject to subparagraph (B), the IEP Team—

“(i) reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and

“(ii) revise the IEP as appropriate to address—

“(I) any lack of expected progress toward the annual goals and in the general curriculum, where appropriate;

“(II) the results of any reevaluation conducted under this section;

“(III) information about the child provided to, or by, the parents, as described in subsection (c)(1)(B);

“(IV) the child's anticipated needs; or

“(V) other matters.

“(B) REQUIREMENT WITH RESPECT TO REGULAR EDUCATION TEACHER.—A regular education teacher of the child, as a member of the IEP Team, shall, consistent with paragraph (1)(C), participate in the review and revision of the IEP of the child.

“(5) THREE-YEAR IEP.—

“(A) DEVELOPMENT OF 3-YEAR IEP.—The local educational agency may offer a child with a disability who has reached the age of 18, the option of developing a comprehensive 3-year IEP. With the consent of the parent, when appropriate, the IEP Team shall develop an IEP, as described in paragraphs (1) and (3), that is designed to serve the child for the final 3-year transition period, which includes a statement of—

“(i) measurable goals that will enable the child to be involved in and make progress in the general education curriculum and that will meet the child's transitional and postsecondary needs that result from the child's disability; and

“(ii) measurable annual goals for measuring progress toward meeting the postsecondary goals described in clause (i).

“(B) REVIEW AND REVISION OF 3-YEAR IEP.—

“(i) REQUIREMENT.—Each year the local educational agency shall ensure that the IEP Team—

"(I) provides an annual review of the child's IEP to determine the child's current levels of progress and determine whether the annual goals for the child are being achieved; and

"(II) revises the IEP, as appropriate, to enable the child to continue to meet the measurable transition goals set out in the IEP.

"(ii) COMPREHENSIVE REVIEW.—If the review under clause (i) determines that the child is not making sufficient progress toward the goals described in subparagraph (A), the local educational agency shall ensure that the IEP Team provides a review, within 30 calendar days, of the IEP under paragraph (4).

"(iii) PREFERENCE.—At the request of the child, or when appropriate, the parent, the IEP Team shall conduct a review of the child's 3-year IEP under paragraph (4) rather than an annual review under subparagraph (B)(i).

"(6) FAILURE TO MEET TRANSITION OBJECTIVES.—If a participating agency, other than the local educational agency, fails to provide the transition services described in the IEP in accordance with paragraph (1)(A)(i)(VIII), the local educational agency shall reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in that program.

"(7) CHILDREN WITH DISABILITIES IN ADULT PRISONS.—

"(A) IN GENERAL.—The following requirements shall not apply to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons:

"(i) The requirements contained in section 612(a)(16) and paragraph (1)(A)(i)(V) (relating to participation of children with disabilities in general assessments).

"(ii) The requirements of items (aa) and (bb) of paragraph (1)(A)(i)(VIII) (relating to transition planning and transition services), do not apply with respect to such children whose eligibility under this part will end, because of their age, before they will be released from prison.

"(B) ADDITIONAL REQUIREMENT.—If a child with a disability is convicted as an adult under State law and incarcerated in an adult prison, the child's IEP Team may modify the child's IEP or placement notwithstanding the requirements of sections 612(a)(5)(A) and 614(d)(1)(A) if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

"(e) EDUCATIONAL PLACEMENTS.—Each local educational agency or State educational agency shall ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child.

"(f) ALTERNATIVE MEANS OF MEETING PARTICIPATION.—When conducting IEP Team meetings and placement meetings pursuant to this section, the parent of a child with a disability and a local educational agency may agree to use alternative means of meeting participation, such as video conferences and conference calls.

"SEC. 615. PROCEDURAL SAFEGUARDS.

"(a) ESTABLISHMENT OF PROCEDURES.—Any State educational agency, State agency, or local educational agency that receives assistance under this part shall establish and maintain procedures in accordance with this section to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of free appropriate public education by such agencies.

"(b) TYPES OF PROCEDURES.—The procedures required by this section shall include—

"(1) an opportunity for the parents of a child with a disability to examine all records relating to such child and to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child, and to obtain an independent educational evaluation of the child;

"(2) procedures to protect the rights of the child whenever the parents of the child are not known, the agency cannot, after reasonable efforts, locate the parents, or the child is a ward of the State, including the assignment of an individual (who shall not be an employee of the State educational agency, the local educational agency, or any other agency that is involved in the education or care of the child) to act as a surrogate for the parents;

"(3) written prior notice to the parents of the child, in accordance with subsection (c)(1), whenever the local educational agency—

"(A) proposes to initiate or change; or

"(B) refuses to initiate or change,

the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child;

"(4) procedures designed to ensure that the notice required by paragraph (3) is in the native language of the parents, unless it clearly is not feasible to do so;

"(5) an opportunity for mediation in accordance with subsection (e);

"(6) an opportunity for either party to present complaints with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child;

"(7)(A) procedures that require either party, or the attorney representing a party, to provide due process complaint notice in accordance with subsection (c)(2) (which shall remain confidential)—

"(i) to the other party, in the complaint filed under paragraph (6), and forward a copy of such notice to the State educational agency; and

"(ii) that shall include—

"(I) the name of the child, the address of the residence of the child, and the name of the school the child is attending;

"(II) in the case of a homeless child or youth (within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), available contact information for the child and the name of the school the child is attending;

"(III) a description of the nature of the problem of the child relating to such proposed initiation or change, including facts relating to such problem; and

"(IV) a proposed resolution of the problem to the extent known and available to the party at the time; and

"(B) a requirement that a party may not have a due process hearing until the party, or the attorney representing the party, files a notice that meets the requirements of subparagraph (A)(ii);

"(8) a requirement that the local educational agency shall send a prior written notice pursuant to subsection (c)(1) in response to a parent's due process complaint notice under paragraph (7) if the local educational agency has not sent such a prior written notice to the parent regarding the subject matter contained in the parent's due process complaint notice; and

"(9) procedures that require the State educational agency to develop a model form to assist parents in filing a complaint and due process complaint notice in accordance with paragraphs (6) and (7), respectively.

"(c) NOTIFICATION REQUIREMENTS.—

"(1) CONTENT OF PRIOR WRITTEN NOTICE.—The prior written notice of the local educational agency required by subsection (b)(3) shall include—

"(A) a description of the action proposed or refused by the agency;

"(B) an explanation of why the agency proposes or refuses to take the action;

"(C) a description of any other options that the agency considered and the reasons why those options were rejected;

"(D) a description of each evaluation procedure, test, record, or report the agency used as a basis for the proposed or refused action;

"(E) a description of any other factors that are relevant to the agency's proposal or refusal;

"(F) a statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and

"(G) sources for parents to contact to obtain assistance in understanding the provisions of this part.

"(2) DUE PROCESS COMPLAINT NOTICE.—

"(A) IN GENERAL.—The due process complaint notice required under subsection (b)(7)(A) shall be deemed to be sufficient unless the party receiving the notice notifies the hearing officer and the other party in writing that the receiving party believes the notice has not met the requirements of that subsection.

"(B) TIMING.—The party sending a hearing officer notification under subparagraph (A) shall send the notification within 20 days of receiving the complaint.

"(C) DETERMINATION.—Within 5 days of receipt of the notification provided under subparagraph (B), the hearing officer shall make a determination on the face of the notice of whether the notification meets the requirements of subsection (b)(7)(A), and shall immediately notify both parties in writing of such determination.

"(D) PARENT'S AMENDED NOTICE OF COMPLAINT.—

"(i) IN GENERAL.—A parent may amend the parent's due process complaint notice only if—

"(I) the public agency consents in writing to such amendment and is given the opportunity to resolve the complaint through a meeting held pursuant to subsection (f)(1)(B); or

"(II) the hearing officer grants permission, but may do so only before a due process hearing occurs.

"(ii) APPLICABLE TIMELINE.—The applicable timeline for a due process hearing under this part shall recommence at the time the party files an amended notice.

"(d) PROCEDURAL SAFEGUARDS NOTICE.—

"(1) IN GENERAL.—A copy of the procedural safeguards available to the parents of a child with a disability shall be given to the parents only 1 time a year, except that a copy also shall be given to the parents—

"(A) upon initial referral or parental request for evaluation;

"(B) upon registration of a complaint under subsection (b)(6); and

"(C) upon request by a parent.

"(2) CONTENTS.—The procedural safeguards notice shall include a full explanation of the procedural safeguards, written in the native language of the parents, unless it clearly is not feasible to do so, and written in an easily understandable manner, available under this section and under regulations promulgated by the Secretary relating to—

"(A) independent educational evaluation;

"(B) prior written notice;

"(C) parental consent;

"(D) access to educational records;

"(E) the opportunity to present and resolve complaints, including—

"(i) the time period in which to make a complaint;

"(ii) the opportunity for the agency to resolve the complaint; and

"(iii) the availability of mediation;

"(F) the child's placement during pendency of due process proceedings;

"(G) procedures for students who are subject to placement in an interim alternative educational setting;

"(H) requirements for unilateral placement by parents of children in private schools at public expense;

"(I) due process hearings, including requirements for disclosure of evaluation results and recommendations;

"(J) State-level appeals (if applicable in that State);

"(K) civil actions, including the time period in which to file such actions; and

"(L) attorney's fees.

"(e) MEDIATION.—

"(1) IN GENERAL.—Any State educational agency or local educational agency that receives assistance under this part shall ensure that procedures are established and implemented to allow parties to disputes involving any matter, including matters arising prior to the filing of a complaint pursuant to subsection (b)(6), to resolve such disputes through a mediation process.

"(2) REQUIREMENTS.—Such procedures shall meet the following requirements:

"(A) The procedures shall ensure that the mediation process—

"(i) is voluntary on the part of the parties;

"(ii) is not used to deny or delay a parent's right to a due process hearing under subsection (f), or to deny any other rights afforded under this part; and

"(iii) is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

"(B) OPPORTUNITY TO MEET WITH A DISINTERESTED PARTY.—A local educational agency or a State agency may establish procedures to offer to parents and schools who choose not to use the mediation process, an opportunity to meet, at a time and location convenient to the parents, with a disinterested party who is under contract with—

"(i) a parent training and information center or community parent resource center in the State established under section 671 or 672; or

"(ii) an appropriate alternative dispute resolution entity,

to encourage the use, and explain the benefits, of the mediation process to the parents.

"(C) LIST OF QUALIFIED MEDIATORS.—The State shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services.

"(D) COSTS.—The State shall bear the cost of the mediation process, including the costs of meetings described in subparagraph (B).

"(E) SCHEDULING AND LOCATION.—Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

"(F) WRITTEN MEDIATION AGREEMENT.—An agreement reached by the parties to the dispute in the mediation process shall be set forth in a written mediation agreement that is enforceable in any State court of competent jurisdiction or in a district court of the United States.

"(G) MEDIATION DISCUSSIONS.—Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings, and the parties to the mediation process may be required to sign a confidentiality pledge prior to the commencement of such process.

"(f) IMPARTIAL DUE PROCESS HEARING.—

"(1) IN GENERAL.—

"(A) HEARING.—Whenever a complaint has been received under subsection (b)(6) or (k), the parents or the local educational agency involved in such complaint shall have an opportunity for an impartial due process hearing, which shall be conducted by the State educational agency or by the local educational agency, as determined by State law or by the State educational agency.

"(B) OPPORTUNITY TO RESOLVE COMPLAINT.—

"(i) PRELIMINARY MEETING.—Prior to the opportunity for an impartial due process hearing under subparagraph (A), the local educational agency shall convene a meeting with the parents and the IEP Team—

"(I) within 15 days of receiving notice of the parents' complaint;

"(II) which shall include a representative of the public agency who has decisionmaking authority on behalf of such agency;

"(III) which may not include an attorney of the local educational agency unless the parent is accompanied by an attorney; and

"(IV) where the parents of the child discuss their complaint, and the specific issues that form the basis of the complaint, and the local educational agency is provided the opportunity to resolve the complaint,

unless the parents and the local educational agency agree in writing to waive such meeting, or agree to use the mediation process described in subsection (e).

"(ii) HEARING.—If the local educational agency has not resolved the complaint to the satisfaction of the parents within 15 days of the receipt of the complaint, the due process hearing may occur, and all of the applicable timelines for a due process hearing under this part shall commence.

"(iii) WRITTEN SETTLEMENT AGREEMENT.—In the case that an agreement is reached to resolve the complaint at such meeting, the agreement shall be set forth in a written settlement agreement that is—

"(I) signed by both the parent and a representative of the public agency who has decisionmaking authority on behalf of such agency; and

"(II) enforceable in any State court of competent jurisdiction or in a district court of the United States.

"(2) DISCLOSURE OF EVALUATIONS AND RECOMMENDATIONS.—

"(A) IN GENERAL.—Not less than 5 business days prior to a hearing conducted pursuant to paragraph (1), each party shall disclose to all other parties all evaluations completed by that date, and recommendations based on the offering party's evaluations, that the party intends to use at the hearing.

"(B) FAILURE TO DISCLOSE.—A hearing officer may bar any party that fails to comply with subparagraph (A) from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

"(3) LIMITATIONS ON HEARING.—

"(A) PERSON CONDUCTING HEARING.—A hearing officer conducting a hearing pursuant to paragraph (1)(A) shall, at a minimum—

"(i) not be—

"(I) an employee of the State educational agency or the local educational agency involved in the education or care of the child; or

"(II) a person having a personal or professional interest that conflicts with the person's objectivity in the hearing;

"(ii) possess a fundamental understanding of this Act, Federal and State regulations pertaining to this Act, and interpretations of this Act by State and Federal courts;

"(iii) possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and

"(iv) possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice.

"(B) SUBJECT MATTER OF HEARING.—The party requesting the due process hearing shall not be allowed to raise issues at the due process hearing that were not raised in the notice filed under subsection (b)(7), unless the other party agrees otherwise.

"(C) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude a parent from filing a separate due process complaint on an issue separate from a due process complaint already filed.

"(D) TIMELINE FOR REQUESTING HEARING.—A parent or public agency shall request an impartial due process hearing within 2 years of the date the parent or public agency knew or should have known about the alleged action that forms the basis of the complaint, or, if the State has an explicit time limitation for requesting such a hearing under this part, in such time as the State law allows.

"(E) EXCEPTION TO THE STATUTE OF LIMITATIONS.—The statute of limitations described in subparagraph (D) shall not apply if the parent was prevented from requesting the hearing due to—

"(i) failure of the local educational agency to provide prior written or procedural safeguards notices;

"(ii) false representations that the local educational agency was attempting to resolve the problem forming the basis of the complaint; or

"(iii) the local educational agency's withholding of information from parents.

"(F) DECISION OF HEARING OFFICER.—

"(i) IN GENERAL.—Subject to clause (ii), a decision made by a hearing officer shall be made on substantive grounds based on a determination of whether the child received a free appropriate public education.

"(ii) PROCEDURAL ISSUES.—In matters alleging a procedural violation, a hearing officer may find that a child did not receive a free appropriate public education only if the procedural inadequacies—

"(I) compromised the child's right to an appropriate public education;

"(II) seriously hampered the parents' opportunity to participate in the process; or

"(III) caused a deprivation of educational benefits.

"(iii) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to preclude a hearing officer from ordering a local educational agency to comply with procedural requirements under this section.

"(G) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the right of a parent to file a complaint with the State educational agency.

"(g) APPEAL.—If the hearing required by subsection (f) is conducted by a local educational agency, any party aggrieved by the findings and decision rendered in such a hearing may appeal such findings and decision to the State educational agency. Such State educational agency shall conduct an impartial review of such decision. The officer conducting such review shall make an independent decision upon completion of such review.

"(h) SAFEGUARDS.—Any party to a hearing conducted pursuant to subsection (f) or (k), or an appeal conducted pursuant to subsection (g), shall be accorded—

"(1) the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;

"(2) the right to present evidence and confront, cross-examine, and compel the attendance of witnesses;

"(3) the right to a written, or, at the option of the parents, electronic verbatim record of such hearing; and

"(4) the right to a written, or, at the option of the parents, electronic findings of fact and decisions, which findings and decisions—

"(A) shall be made available to the public consistent with the requirements of section 617(b) (relating to the confidentiality of data, information, and records); and

"(B) shall be transmitted to the advisory panel established pursuant to section 612(a)(20).

"(i) ADMINISTRATIVE PROCEDURES.—

"(1) IN GENERAL.—

"(A) DECISION MADE IN HEARING.—A decision made in a hearing conducted pursuant to subsection (f) or (k) shall be final, except that any party involved in such hearing may appeal such decision under the provisions of subsection (g) and paragraph (2).

"(B) DECISION MADE AT APPEAL.—A decision made under subsection (g) shall be final, except that any party may bring an action under paragraph (2).

"(2) RIGHT TO BRING CIVIL ACTION.—

"(A) IN GENERAL.—Any party aggrieved by the findings and decision made under subsection (f) or (k) who does not have the right to an appeal under subsection (g), and any party aggrieved by the findings and decision under this subsection, shall have the right to bring a civil action with respect to the complaint presented pursuant to this section, which action may be brought in any State court of competent jurisdiction or in a district court of the United States, without regard to the amount in controversy.

"(B) LIMITATION.—The party bringing the action shall have 90 days from the date of the decision of the hearing officer to bring such an action, or, if the State has an explicit time limitation for bringing such action under this part, in such time as the State law allows.

"(C) ADDITIONAL REQUIREMENTS.—In any action brought under this paragraph, the court—

"(i) shall receive the records of the administrative proceedings;

"(ii) shall hear additional evidence at the request of a party; and

"(iii) basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

"(3) JURISDICTION OF DISTRICT COURTS; ATTORNEYS' FEES.—

"(A) IN GENERAL.—The district courts of the United States shall have jurisdiction of actions brought under this section without regard to the amount in controversy.

"(B) AWARD OF ATTORNEYS' FEES.—In any action or proceeding brought under this section, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the parents of a child with a disability who is the prevailing party.

"(C) DETERMINATION OF AMOUNT OF ATTORNEYS' FEES.—Fees awarded under this paragraph shall be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded under this subsection.

"(D) PROHIBITION OF ATTORNEYS' FEES AND RELATED COSTS FOR CERTAIN SERVICES.—

"(i) IN GENERAL.—Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding under this section for services performed subsequent to the time of a written offer of settlement to a parent if—

"(I) the offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than 10 days before the proceeding begins;

"(II) the offer is not accepted within 10 days; and

"(III) the court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement.

"(ii) IEP TEAM MEETINGS.—Attorneys' fees may not be awarded relating to any meeting of the IEP Team unless such meeting is convened as a result of an administrative proceeding or judicial action, or, at the discretion of the State, for a mediation described in subsection (e).

"(iii) OPPORTUNITY TO RESOLVE COMPLAINTS.—A meeting conducted pursuant to subsection (f)(1)(B)(i) shall not be considered—

"(I) a meeting convened as a result of an administrative hearing or judicial action; or

"(II) an administrative hearing or judicial action for purposes of this paragraph.

"(E) EXCEPTION TO PROHIBITION ON ATTORNEYS' FEES AND RELATED COSTS.—Notwithstanding subparagraph (D), an award of attorneys' fees and related costs may be made to a parent who is the prevailing party and who was substantially justified in rejecting the settlement offer.

"(F) REDUCTION IN AMOUNT OF ATTORNEYS' FEES.—Except as provided in subparagraph (G), whenever the court finds that—

"(i) the parent, or the parent's attorney, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy;

"(ii) the amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience;

"(iii) the time spent and legal services furnished were excessive considering the nature of the action or proceeding; or

"(iv) the attorney representing the parent did not provide to the local educational agency the appropriate information in the notice of the complaint described in subsection (b)(7)(A),

the court shall reduce, accordingly, the amount of the attorneys' fees awarded under this section.

"(G) EXCEPTION TO REDUCTION IN AMOUNT OF ATTORNEYS' FEES.—The provisions of subparagraph (F) shall not apply in any action or proceeding if the court finds that the State or local educational agency unreasonably protracted the final resolution of the action or proceeding or there was a violation of this section.

"(4) PARENTS REPRESENTING THEIR CHILDREN IN COURT.—Subject to subsection (m), and notwithstanding any other provision of Federal law regarding attorney representation (including the Federal Rules of Civil Procedure), a parent of a child with a disability may represent the child in any action under this part in Federal or State court, without the assistance of an attorney.

"(j) MAINTENANCE OF CURRENT EDUCATIONAL PLACEMENT.—Except as provided in subsection (k)(4), during the pendency of any proceedings conducted pursuant to this section, unless the State or local educational agency and the parents otherwise agree, the child shall remain in the then-current educational placement of such child, or, if applying for initial admission to a public school, shall, with the consent of the parents, be placed in the public school program until all such proceedings have been completed.

"(k) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—

"(1) AUTHORITY OF SCHOOL PERSONNEL.—

"(A) IN GENERAL.—School personnel under this section may order a change in the placement of a child with a disability who violates a code of student conduct to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives are applied to children without disabilities).

"(B) ADDITIONAL AUTHORITY.—If school personnel seek to order a change in placement that would exceed 10 school days and the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability pursuant to subparagraph (C), the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which the procedures would be applied to children without disabilities, except as provided in section 612(a)(1).

"(C) MANIFESTATION DETERMINATION.—

"(i) IN GENERAL.—Except as provided in subparagraphs (A) and (D), within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the IEP Team shall review all relevant information in the student's file, any information provided by the parents, and teacher observations, to determine—

"(I) if the conduct in question was the result of the child's disability; or

"(II) if the conduct in question resulted from the failure to implement the IEP or to implement behavioral interventions as required by section 614(d)(3)(B)(i).

"(ii) MANIFESTATION.—If the IEP Team determines that either subclause (I) or (II) of clause (i) is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

"(D) SPECIAL CIRCUMSTANCES.—In cases where a child—

"(i) carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency; or

"(ii) knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school or a school function under the jurisdiction of a State or local educational agency; or

"(iii) has committed serious bodily injury upon another person while at school or at a school function under the jurisdiction of a State or local educational agency,

school personnel may remove a student to an interim alternative educational setting for not more than 45 school days, without regard to whether the behavior is determined to be a manifestation of the child's disability.

"(E) NOTIFICATION.—Not later than the date on which the decision to take disciplinary action is made, the local educational agency shall notify the parents of that decision, and of all procedural safeguards accorded under this section.

"(F) SERVICES.—A child with a disability who is removed from the child's current placement under subparagraph (B) or (D) shall—

"(i) continue to receive educational services pursuant to section 612(a)(1), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and

"(ii) receive behavioral intervention services as described in section 614(d)(3)(B)(i), and a functional behavioral assessment (but only if the local educational agency did not conduct such an assessment before the violation occurred), designed to address the behavior violation so that the violation does not recur.

"(2) DETERMINATION OF SETTING.—The alternative educational setting shall be determined by the IEP Team.

"(3) APPEAL.—

"(A) IN GENERAL.—The parent of a child with a disability who disagrees with any decision regarding disciplinary action, placement, or the manifestation determination under this subsection, or a local educational agency that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request a hearing.

"(B) AUTHORITY OF HEARING OFFICER.—

"(i) IN GENERAL.—If a parent of a child with a disability disagrees with a decision as described in subparagraph (A), the hearing officer may determine whether the decision regarding such action was appropriate.

"(ii) CHANGE OF PLACEMENT ORDER.—A hearing officer under this section may order a *change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.*

“(4) PLACEMENT DURING APPEALS.—When a parent requests a hearing regarding a disciplinary procedure described in paragraph (1)(B) or challenges the interim alternative educational setting or manifestation determination—

“(A) the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in paragraph (1)(B), whichever occurs first, unless the parent and the State or local educational agency agree otherwise; and

“(B) the State or local educational agency shall arrange for an expedited hearing, which shall occur within 20 school days of the date the hearing is requested.

“(5) PROTECTIONS FOR CHILDREN NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES.—

“(A) IN GENERAL.—A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violates a code of student conduct, may assert any of the protections provided for in this part if the local educational agency had knowledge (as determined in accordance with this paragraph) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

“(B) BASIS OF KNOWLEDGE.—A local educational agency shall be deemed to have knowledge that a child is a child with a disability if, before the behavior that precipitated the disciplinary action occurred—

“(i) the parent of the child has expressed concern in writing (unless the parent is illiterate or has a disability that prevents compliance with the requirements contained in this clause) to personnel of the appropriate educational agency that the child is in need of special education and related services;

“(ii) the parent of the child has requested an evaluation of the child pursuant to section 614;

“(iii) the teacher of the child, or other personnel of the local educational agency, has expressed concern about a pattern of behavior demonstrated by the child, to the director of special education of such agency or to other administrative personnel of the agency; or

“(iv) the child has engaged in a pattern of behavior that should have alerted personnel of the local educational agency that the child may be in need of special education and related services.

“(C) EXCEPTION.—A local educational agency shall not be deemed to have knowledge that the child has a disability if the parent of the child has not agreed to allow an evaluation of the child pursuant to section 614.

“(D) CONDITIONS THAT APPLY IF NO BASIS OF KNOWLEDGE.—

“(i) IN GENERAL.—If a local educational agency does not have knowledge that a child is a child with a disability (in accordance with subparagraph (B) or (C)) prior to taking disciplinary measures against the child, the child may be subjected to disciplinary measures applied to children without disabilities who engaged in comparable behaviors consistent with clause (ii).

“(ii) LIMITATIONS.—If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under paragraph (1), the evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with this part, except that, pending the results of the evaluation, the child shall remain in the educational placement determined by school authorities.

“(6) REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES.—

“(A) CONSTRUCTION.—Nothing in this part shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

“(B) TRANSMITTAL OF RECORDS.—An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.

“(7) DEFINITIONS.—For purposes of this subsection, the following definitions apply:

“(A) CONTROLLED SUBSTANCE.—The term ‘controlled substance’ means a drug or other substance identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

“(B) ILLEGAL DRUG.—The term ‘illegal drug’ means a controlled substance but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

“(C) WEAPON.—The term ‘weapon’ has the meaning given the term ‘dangerous weapon’ under section 930(g)(2) of title 18, United States Code.

“(D) SERIOUS BODILY INJURY.—The term ‘serious bodily injury’ has the meaning given the term ‘serious bodily injury’ under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

“(l) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to restrict or limit the rights, procedures, and remedies available under the Constitution, the Americans with Disabilities Act of 1990, title V of the Rehabilitation Act of 1973, or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under such laws seeking relief that is also available under this part, the procedures under subsections (f) and (g) shall be exhausted to the same extent as would be required had the action been brought under this part.

“(m) TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY.—

“(1) IN GENERAL.—A State that receives amounts from a grant under this part may provide that, when a child with a disability reaches the age of majority under State law (except for a child with a disability who has been determined to be incompetent under State law)—

“(A) the public agency shall provide any notice required by this section to both the individual and the parents;

“(B) all other rights accorded to parents under this part transfer to the child;

“(C) the agency shall notify the individual and the parents of the transfer of rights; and

“(D) all rights accorded to parents under this part transfer to children who are incarcerated in an adult or juvenile Federal, State, or local correctional institution.

“(2) SPECIAL RULE.—If, under State law, a child with a disability who has reached the age of majority under State law, who has not been determined to be incompetent, but who is determined not to have the ability to provide informed consent with respect to the educational program of the child, the State shall establish procedures for appointing the parent of the child, or if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of eligibility of the child under this part.

“(n) E-MAIL.—A parent of a child with a disability may elect to receive notices required under this section by e-mail communication, if the public agency makes such option available.

“SEC. 616. MONITORING, TECHNICAL ASSISTANCE, AND ENFORCEMENT.

“(a) FEDERAL AND STATE MONITORING.—

“(1) IN GENERAL.—The Secretary shall—

“(A) monitor implementation of this Act through—

“(i) oversight of the States' exercise of general supervision, as required in section 612(a)(11); and

“(ii) the system of indicators, described in subsection (b)(2); and

“(B) enforce this Act in accordance with subsection (c); and

“(C) require States to monitor implementation of this Act by local educational agencies and enforce this Act in accordance with paragraph (3) of this subsection and subsection (c).

“(2) FOCUSED MONITORING.—The primary focus of Federal and State monitoring activities described in paragraph (1) shall be on improving educational results and functional outcomes for all children with disabilities, while ensuring compliance with program requirements, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.

“(3) MONITORING PRIORITIES.—The Secretary shall monitor, and shall require States to monitor, the following priority areas:

“(A) Provision of a free appropriate public education in the least restrictive environment.

“(B) Provision of transition services, as defined in section 602(33).

“(C) State exercise of general supervisory authority, including the effective use of complaint resolution and mediation.

“(D) Overrepresentation of racial and ethnic groups in special education and related services, to the extent the overrepresentation is the result of inappropriate policies, procedures, and practices.

“(4) PERMISSIVE AREAS OF REVIEW.—The Secretary may examine other relevant information and data, including data provided by States under section 618, and data from the State's compliance plan under subsection (b)(2)(C).

“(b) INDICATORS.—

“(1) SYSTEM.—The Secretary shall implement and administer a system of required indicators as described in paragraph (2) that measures the progress of States in improving their performance under this Act.

“(2) INDICATORS.—

“(A) IN GENERAL.—Using the performance indicators established by States under section 612(a)(15), the Secretary shall review—

“(i) the performance of children with disabilities in the State on assessments, including alternate assessments, dropout rates, and graduation rates, which for purposes of this paragraph means the number and percentage of students with disabilities who graduate with a regular diploma within the number of years specified in a student's IEP; and

“(ii) the performance of children with disabilities in the State on assessments, including alternate assessments, dropout rates, and graduation rates, as compared to the performance and rates for all children.

"(B) SECRETARY'S ASSESSMENT.—Based on that review and a review of the State's compliance plan under subparagraph (C), the Secretary shall assess the State's progress in improving educational results for children with disabilities.

"(C) STATE COMPLIANCE PLAN.—Not later than 1 year after the date of the enactment of the Individuals with Disabilities Education Improvement Act of 2003, each State shall have in place a compliance plan developed in collaboration with the Secretary. Each State's compliance plan shall—

"(i) include benchmarks to measure continuous progress on the priority areas described in subsection (a)(3);

"(ii) describe strategies the State will use to achieve the benchmarks; and

"(iii) be approved by the Secretary.

"(D) PUBLIC REPORTING AND PRIVACY.—

"(i) IN GENERAL.—After the Secretary approves a State's compliance plan under subparagraph (C), the State shall use the benchmarks in the plan and the indicators described in this subsection to analyze the progress of each local educational agency in the State on those benchmarks and indicators.

"(ii) REPORT.—The State shall report annually to the public on each local educational agency's progress under clause (i), except where doing so would result in the disclosure of personally identifiable information about individual children or where the available data is insufficient to yield statistically reliable information.

"(3) DATA COLLECTION AND ANALYSIS.—The Secretary shall—

"(A) review the data collection and analysis capacity of States to ensure that data and information determined necessary for implementation of this subsection is collected, analyzed, and accurately reported to the Secretary; and

"(B) provide technical assistance to improve the capacity of States to meet these data collection requirements.

"(c) COMPLIANCE AND ENFORCEMENT.—

"(1) IN GENERAL.—The Secretary shall examine relevant State information and data annually, to determine whether the State is making satisfactory progress toward improving educational results for children with disabilities using the indicators described in subsection (b)(2)(A) and the benchmarks established in the State compliance plan under subsection (b)(2)(C), and is in compliance with the provisions of this Act.

"(2) LACK OF SATISFACTORY PROGRESS BY A STATE.—

"(A) IN GENERAL.—If after examining data, as provided in subsection (b)(2) (A) and (C), the Secretary determines that a State failed to make satisfactory progress in meeting the indicators described in subsection (b)(2)(A) or has failed to meet the benchmarks described in subsection (b)(2)(C) for 2 consecutive years after the State has developed its compliance plan, the Secretary shall notify the State that the State has failed to make satisfactory progress, and shall take 1 or more of the following actions:

"(i) Direct the use of State level funds for technical assistance, services, or other expenditures to ensure that the State resolves the area or areas of unsatisfactory progress.

"(ii) Withhold not less than 20, but not more than 50, percent of the State's funds for State administration and activities for the fiscal year under section 611(e), after providing the State the opportunity to show cause why the withholding should not occur, until the Secretary determines that sufficient progress has been made in improving educational results for children with disabilities.

"(B) ADDITIONAL SECRETARIAL ACTION.—If, at the end of the 5th year after the Secretary has approved the compliance plan that the State has developed under subsection (b)(2)(C), the Secretary determines that a State failed to meet the benchmarks in the State compliance plan and make satisfactory progress in improving educational results for children with disabilities pursuant to the indicators described in subsection (b)(2)(A), the Secretary shall take 1 or more of the following actions:

"(i) Seek to recover funds under section 452 of the General Education Provisions Act.

"(ii) After providing reasonable notice and an opportunity for a hearing to the State educational agency involved, withhold, in whole or in part, any further payments to the State under this part pursuant to subsection (c)(5).

"(iii) After providing reasonable notice and an opportunity for a hearing to the State educational agency involved, refer the matter for appropriate enforcement action, which may include referral to the Department of Justice.

"(iv) Pending the outcome of any hearing to withhold payments under clause (ii), the Secretary may suspend payments to a recipient, suspend the authority of the recipient to obligate Federal funds, or both, after such recipient has been given reasonable notice and an opportunity to show cause why future payments or authority to obligate Federal funds should not be suspended.

"(C) SUBSTANTIAL NONCOMPLIANCE.—Notwithstanding subparagraph (B), at any time that the Secretary determines that a State is not in substantial compliance with any provision of this part or that there is a substantial failure to comply with any condition of a local agency's or State agency's eligibility under this part, the Secretary shall take 1 or more of the following actions:

"(i) Request that the State prepare a corrective action plan or improvement plan if the Secretary determines that the State should be able to correct the problem within 1 year.

"(ii) Identify the State as a high-risk grantee and impose special conditions on the State's grant under this part.

"(iii) Require the State to enter into a compliance agreement under section 457 of the General Education Provisions Act, if the Secretary has reason to believe that the State cannot correct the problem within 1 year.

"(iv) Recovery of funds under section 452 of the General Education Provisions Act.

"(v) After providing reasonable notice and an opportunity for a hearing to the State educational agency involved, withhold, in whole or in part, any further payments to the State under this part.

"(vi) After providing reasonable notice and an opportunity for a hearing to the State educational agency involved, refer the matter for appropriate enforcement action, which may include referral to the Department of Justice.

"(vii) Pending the outcome of any hearing to withhold payments under clause (v), the Secretary may suspend payments to a recipient, suspend the authority of the recipient to obligate Federal funds, or both, after such recipient has been given reasonable notice and an opportunity to show cause why future payments or authority to obligate Federal funds should not be suspended.

"(3) EGREGIOUS NONCOMPLIANCE.—At any time that the Secretary determines that a State is in egregious noncompliance or is willfully disregarding the provisions of this Act, the Secretary shall take such additional enforcement actions as the Secretary determines to be appropriate from among those actions specified in paragraph (2)(C), and, additionally, may impose 1 or more of the following sanctions upon that State:

"(A) Institute a cease and desist action under section 456 of the General Education Provisions Act.

"(B) Refer the case to the Office of the Inspector General.

"(4) REPORT TO CONGRESS.—The Secretary shall report to Congress within 30 days of taking enforcement action pursuant to paragraph (2) (B) or (C), or (3), on the specific action taken and the reasons why enforcement action was taken.

"(5) NATURE OF WITHHOLDING.—If the Secretary withholds further payments under paragraphs (2)(B)(ii) and (2)(C)(v), the Secretary may determine that such withholding will be limited to programs or projects, or portions thereof, affected by the failure, or that the State educational agency shall not make further payments under this part to specified local educational agencies or State agencies affected by the failure. Until the Secretary is satisfied that there is no longer any failure to make satisfactory progress as specified in paragraph (2)(B), or to comply with the provisions of this part, as specified in paragraph (2)(C), payments to the State under this part shall be withheld in whole or in part, or payments by the State educational agency under this part shall be limited to local educational agencies and State agencies whose actions did not cause or were not involved in the failure, as the case may be. Any State educational agency, State agency, or local educational agency that has received notice under paragraph (2)(B) or (2)(C) shall, by means of a public notice, take such measures as may be necessary to bring the pendency of an action pursuant to this subsection to the attention of the public within the jurisdiction of such agency.

"(6) JUDICIAL REVIEW.—

"(A) IN GENERAL.—If any State is dissatisfied with the Secretary's final action with respect to the eligibility of the State under section 612, such State may, not later than 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings upon which the Secretary's action was based, as provided in section 2112 of title 28, United States Code.

"(B) JURISDICTION; REVIEW BY UNITED STATES SUPREME COURT.—Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(C) STANDARD OF REVIEW.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(d) DIVIDED STATE AGENCY RESPONSIBILITY.—For purposes of this section, where responsibility for ensuring that the requirements of this part are met with respect to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons is assigned to a public agency other than the State educational agency pursuant to section 612(a)(11)(C), the Secretary, in instances where the Secretary finds that the failure to comply substantially with the provisions of this part are related to a failure by the public agency, shall take appropriate corrective action to ensure compliance with this part, except that—

"(1) any reduction or withholding of payments to the State shall be proportionate to the total funds allotted under section 611 to the State as the number of eligible children with disabilities in adult prisons under the supervision of the other public agency is proportionate to the number of eligible individuals with disabilities in the State under the supervision of the State educational agency; and

"(2) any withholding of funds under paragraph (1) shall be limited to the specific agency responsible for the failure to comply with this part.

"(e) STATE AND LOCAL MONITORING.—

"(1) IN GENERAL.—The State educational agency shall monitor and enforce implementation of this Act, implement a system of monitoring the benchmarks in the State's compliance plan under subsection (b)(2)(C), and require local educational agencies to monitor and enforce implementation of this Act.

"(2) ADDITIONAL ENFORCEMENT OPTIONS.—If a State educational agency determines that a local educational agency is not meeting the requirements of this part, including the benchmarks in the State's compliance plan, the State educational agency shall prohibit the local educational agency from treating funds received under this part as local funds under section 613(a)(2)(C) for any fiscal year.

"SEC. 617. ADMINISTRATION.

"(a) RESPONSIBILITIES OF SECRETARY.—The Secretary shall—

"(1) cooperate with, and (directly or by grant or contract) furnish technical assistance necessary to, a State in matters relating to—

"(A) the education of children with disabilities; and

"(B) carrying out this part; and

"(2) provide short-term training programs and institutes.

"(b) CONFIDENTIALITY.—The Secretary shall take appropriate action, in accordance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g), to assure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary and by State and local educational agencies pursuant to this part.

"(c) PERSONNEL.—The Secretary is authorized to hire qualified personnel necessary to carry out the Secretary's duties under subsection (a) and under sections 618, 661, and 664, without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates, except that not more than 20 such personnel shall be employed at any 1 time.

"(d) MODEL FORMS.—Not later than the date that the Secretary publishes final regulations under this Act, to implement amendments made by the Individuals with Disabilities Education Improvement Act of 2003, the Secretary shall publish and disseminate widely to States, local educational agencies, and parent and community training and information centers—

"(1) a model IEP form;

"(2) a model individualized family service plan (IFSP) form;

"(3) a model form of the notice of procedural safeguards described in section 615(d); and

"(4) a model form of the prior written notice described in section 615 (b)(3) and (c)(1) that is consistent with the requirements of this part and is sufficient to meet such requirements.

"SEC. 618. PROGRAM INFORMATION.

"(a) IN GENERAL.—Each State that receives assistance under this part, and the Secretary of the Interior, shall provide data each year to the Secretary of Education and the public on—

"(1)(A) the number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who are receiving a free appropriate public education;

"(B) the number and percentage of children with disabilities, by race, gender, and ethnicity, who are receiving early intervention services;

"(C) the number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who are participating in regular education;

"(D) the number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who are in separate classes, separate schools or facilities, or public or private residential facilities;

"(E) the number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who, for each year of age from age 14 through 21, stopped receiving special education and related services because of program completion (including graduation with a regular secondary school diploma), or other reasons, and the reasons why those children stopped receiving special education and related services;

"(F) the number and percentage of children with disabilities, by race, gender, and ethnicity, who, from birth through age 2, stopped receiving early intervention services because of program completion or for other reasons;

"(G)(i) the number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who are removed to an interim alternative educational setting under section 615(k)(1);

"(ii) the acts or items precipitating those removals; and

"(iii) the number of children with disabilities who are subject to long-term suspensions or expulsions;

"(H) the incidence and duration of disciplinary actions by race, ethnicity, limited English proficiency status, gender, and disability category, of children with disabilities, including suspensions of 1 day or more;

"(I) the number and percentage of children with disabilities who are removed to alternative educational settings or expelled as compared to children without disabilities who are removed to alternative educational settings or expelled;

"(J) the number of due process complaints filed under section 615 and the number of hearings conducted;

"(K) the number of hearings requested under section 615(k) and the number of changes in placements ordered as a result of those hearings;

"(L) the number of hearings requested under section 615(k)(3)(B)(ii) and the number of changes in placements ordered as a result of those hearings; and

"(M) the number of mediations held and the number of settlement agreements reached through such mediations;

"(2) the number and percentage of infants and toddlers, by race, and ethnicity, who are at risk of having substantial developmental delays (as defined in section 632), and who are receiving early intervention services under part C; and

"(3) any other information that may be required by the Secretary.

"(b) DATA REPORTING.—The data described in subsection (a) shall be reported by each State at the school district and State level in a manner that does not result in the disclosure of data identifiable to individual children.

"(c) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to States to ensure compliance with the data collection and reporting requirements under this Act.

"(d) DISPROPORTIONALITY.—

"(1) IN GENERAL.—Each State that receives assistance under this part, and the Secretary of the Interior, shall provide for the collection and examination of data to determine if significant disproportionality based on race is occurring in the State with respect to—

"(A) the identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3);

"(B) the placement in particular educational settings of such children; and

"(C) the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

"(2) REVIEW AND REVISION OF POLICIES, PRACTICES, AND PROCEDURES.—In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of such children, in accordance with paragraph (1), the State or the Secretary of the Interior, as the case may be, shall provide for the review and, if appropriate, revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of this Act.

"SEC. 619. PRESCHOOL GRANTS.

"(a) IN GENERAL.—The Secretary shall provide grants under this section to assist States to provide special education and related services, in accordance with this part—

"(1) to children with disabilities aged 3 through 5, inclusive; and

"(2) at the State's discretion, to 2-year-old children with disabilities who will turn 3 during the school year.

"(b) ELIGIBILITY.—A State shall be eligible for a grant under this section if such State—

"(1) is eligible under section 612 to receive a grant under this part; and

"(2) makes a free appropriate public education available to all children with disabilities, aged 3 through 5, residing in the State.

"(c) ALLOCATIONS TO STATES.—

"(1) IN GENERAL.—The Secretary shall allocate the amount made available to carry out this section for a fiscal year among the States in accordance with paragraph (2) or (3), as the case may be.

"(2) INCREASE IN FUNDS.—If the amount available for allocations to States under paragraph (1) is equal to or greater than the amount allocated to the States under this section for the preceding fiscal year, those allocations shall be calculated as follows:

"(A) ALLOCATION.—

"(i) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall—

"(I) allocate to each State the amount the State received under this section for fiscal year 1997;

"(II) allocate 85 percent of any remaining funds to States on the basis of the States' relative populations of children aged 3 through 5; and

"(III) allocate 15 percent of those remaining funds to States on the basis of the States' relative populations of all children aged 3 through 5 who are living in poverty.

"(ii) DATA.—For the purpose of making grants under this paragraph, the Secretary shall use the most recent population data, including data on children living in poverty, that are available and satisfactory to the Secretary.

"(B) LIMITATIONS.—Notwithstanding subparagraph (A), allocations under this paragraph shall be subject to the following:

"(i) PRECEDING YEARS.—No State's allocation shall be less than its allocation under this section for the preceding fiscal year.

"(ii) MINIMUM.—No State's allocation shall be less than the greatest of—

"(I) the sum of—

"(aa) the amount the State received under this section for fiscal year 1997; and

"(bb) ⅓ of 1 percent of the amount by which the amount appropriated under subsection (j) for the fiscal year exceeds the amount appropriated for this section for fiscal year 1997;

"(II) the sum of—

"(aa) the amount the State received under this section for the preceding fiscal year; and

"(bb) that amount multiplied by the percentage by which the increase in the funds appropriated under this section from the preceding fiscal year exceeds 1.5 percent; or

"(III) the sum of—

"(aa) the amount the State received under this section for the preceding fiscal year; and

"(bb) that amount multiplied by 90 percent of the percentage increase in the amount appropriated under this section from the preceding fiscal year.

"(iii) MAXIMUM.—Notwithstanding clause (ii), no State's allocation under this paragraph shall exceed the sum of—

"(I) the amount the State received under this section for the preceding fiscal year; and

"(II) that amount multiplied by the sum of 1.5 percent and the percentage increase in the amount appropriated under this section from the preceding fiscal year.

"(C) RATABLE REDUCTIONS.—If the amount available for allocations under this paragraph is insufficient to pay those allocations in full, those allocations shall be ratably reduced, subject to subparagraph (B)(i).

"(3) DECREASE IN FUNDS.—If the amount available for allocations to States under paragraph (1) is less than the amount allocated to the States under this section for the preceding fiscal year, those allocations shall be calculated as follows:

"(A) ALLOCATIONS.—If the amount available for allocations is greater than the amount allocated to the States for fiscal year 1997, each State shall be allocated the sum of—

"(i) the amount the State received under this section for fiscal year 1997; and

"(ii) an amount that bears the same relation to any remaining funds as the increase the State received under this section for the preceding fiscal year over fiscal year 1997 bears to the total of all such increases for all States.

"(B) If the amount available for allocations under this paragraph is equal to or less than the amount allocated under this section to the States for fiscal year 1997, each State shall be allocated the amount the State received for that year, ratably reduced, if necessary.

"(d) RESERVATION FOR STATE ACTIVITIES.—

"(1) IN GENERAL.—Each State may reserve not more than the amount described in paragraph (2) for administration and other State-level activities in accordance with subsections (e) and (f).

"(2) AMOUNT DESCRIBED.—For each fiscal year, the Secretary shall determine and report to the State educational agency an amount that is 25 percent of the amount the State received under this section for fiscal year 1997, cumulatively adjusted by the Secretary for each succeeding fiscal year by the lesser of—

"(A) the percentage increase, if any, from the preceding fiscal year in the State's allocation under this section; or

"(B) the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

"(e) STATE ADMINISTRATION.—

"(1) IN GENERAL.—For the purpose of administering this section (including the coordination of activities under this part with, and providing technical assistance to, other programs that provide services to children with disabilities) a State may use not more than 20 percent of the maximum amount the State may reserve under subsection (d) for any fiscal year.

"(2) ADMINISTRATION OF PART C.—Funds described in paragraph (1) may also be used for the administration of part C of this Act, if the State educational agency is the lead agency for the State under that part.

"(f) OTHER STATE-LEVEL ACTIVITIES.—Each State shall use any funds the State reserves under subsection (d) and does not use for administration under subsection (e)—

"(1) for support services (including establishing and implementing the mediation process required by section 615(e)), which may benefit children with disabilities younger than 3 or older than 5 as long as those services also benefit children with disabilities aged 3 through 5;

"(2) for direct services for children eligible for services under this section;

"(3) for activities at the State and local levels to meet the performance goals established by the State under section 612(a)(15);

"(4) to supplement other funds used to develop and implement a statewide coordinated services system designed to improve results for children and families, including children with disabilities and their families, but not more than 1 percent of the amount received by the State under this section for a fiscal year; or

"(5) to provide early intervention services (which shall include an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills) in accordance with part C to children with disabilities who are eligible for services under this section and who previously received services under part C until such children enter, or are eligible under State law to enter, kindergarten.

"(g) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

"(1) SUBGRANTS REQUIRED.—Each State that receives a grant under this section for any fiscal year shall distribute all of the grant funds that the State does not reserve under subsection (d) to local educational agencies in the State that have established their eligibility under section 613, as follows:

"(A) BASE PAYMENTS.—The State shall first award each local educational agency described in paragraph (1) the amount that agency would have received under this section for fiscal year 1997 if the State had distributed 75 percent of its grant for that year under section 619(c)(3), as such section was then in effect.

"(B) ALLOCATION OF REMAINING FUNDS.—After making allocations under subparagraph (A), the State shall—

"(i) allocate 85 percent of any remaining funds to those local educational agencies on the basis of the relative numbers of children enrolled in public and private elementary schools and secondary schools within the local educational agency's jurisdiction; and

"(ii) allocate 15 percent of those remaining funds to those local educational agencies in accordance with their relative numbers of children living in poverty, as determined by the State educational agency.

"(2) REALLOCATION OF FUNDS.—If a State educational agency determines that a local educational agency is adequately providing a free appropriate public education to all children with disabilities aged 3 through 5 residing in the area served by that agency with State and local funds, the State educational agency may reallocate any portion of the funds under this section that are not needed by that local educational agency to provide a free appropriate public education to other local educational agencies in the State that are not adequately providing special education and related services to all children with disabilities aged 3 through 5 residing in the areas the other local educational agencies serve.

"(h) PART C INAPPLICABLE.—Part C of this Act does not apply to any child with a disability receiving a free appropriate public education, in accordance with this part, with funds received under this section.

"(i) DEFINITION.—For the purpose of this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary.

"PART C—INFANTS AND TODDLERS WITH DISABILITIES

"SEC. 631. FINDINGS AND POLICY.

"(a) FINDINGS.—Congress finds that there is an urgent and substantial need—

"(1) to enhance the development of infants and toddlers with disabilities, to minimize their potential for developmental delay, and to recognize the significant brain development which occurs during a child's first 3 years of life;

"(2) to reduce the educational costs to our society, including our Nation's schools, by minimizing the need for special education and related services after infants and toddlers with disabilities reach school age;

"(3) to maximize the potential for individuals with disabilities to live independently in society;

"(4) to enhance the capacity of families to meet the special needs of their infants and toddlers with disabilities; and

"(5) to enhance the capacity of State and local agencies and service providers to identify, evaluate, and meet the needs of all children, particularly minority, low-income, inner city, and rural children.

"(b) POLICY.—It is the policy of the United States to provide financial assistance to States—

"(1) to develop and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency system that provides early intervention services for infants and toddlers with disabilities and their families;

"(2) to facilitate the coordination of payment for early intervention services from Federal, State, local, and private sources (including public and private insurance coverage);

"(3) to enhance State capacity to provide high quality early intervention services and expand and improve existing early intervention services being provided to infants and toddlers with disabilities and their families; and

"(4) to encourage States to expand opportunities for children under 3 years of age who would be at risk of having substantial developmental delay if they did not receive early intervention services.

"SEC. 632. DEFINITIONS.

"As used in this part:

"(1) AT-RISK INFANT OR TODDLER.—The term 'at-risk infant or toddler' means an individual under 3 years of age who would be at risk of experiencing a substantial developmental delay if early intervention services were not provided to the individual.

"(2) COUNCIL.—The term 'council' means a State interagency coordinating council established under section 641.

"(3) DEVELOPMENTAL DELAY.—The term 'developmental delay', when used with respect to an individual residing in a State, has the meaning given such term by the State under section 635(a)(1).

"(4) EARLY INTERVENTION SERVICES.—The term 'early intervention services' means developmental services that—

"(A) are provided under public supervision;

"(B) are provided at no cost except where Federal or State law provides for a system of payments by families, including a schedule of sliding fees;

"(C) are designed to meet the developmental needs of an infant or toddler with a disability in any 1 or more of the following areas:

"(i) physical development;

"(ii) cognitive development;

"(iii) communication development;

"(iv) social or emotional development; or

"(v) adaptive development;

"(D) meet the standards of the State in which the services are provided, including the requirements of this part;

"(E) include—

"(i) family training, counseling, and home visits;

"(ii) special instruction;

"(iii) speech-language pathology and audiology services, and sign language and cued language services;

"(iv) occupational therapy;

"(v) physical therapy;

"(vi) psychological services;

"(vii) service coordination services;

"(viii) medical services only for diagnostic or evaluation purposes;

"(ix) early identification, screening, and assessment services;

"(x) health services necessary to enable the infant or toddler to benefit from the other early intervention services;

"(xi) social work services;

"(xii) vision services;

"(xiii) assistive technology devices and assistive technology services; and

"(xiv) transportation and related costs that are necessary to enable an infant or toddler and the infant's or toddler's family to receive another service described in this paragraph;

"(F) are provided by qualified personnel, including—

"(i) special educators;

"(ii) speech-language pathologists and audiologists;

"(iii) teachers of the deaf;

"(iv) occupational therapists;

"(v) physical therapists;

"(vi) psychologists;

"(vii) social workers;

"(viii) nurses;

"(ix) nutritionists;

"(x) family therapists;

"(xi) orientation and mobility specialists;

"(xii) vision specialists, including opthamologists and optometrists; and

"(xiii) pediatricians and other physicians;

"(G) to the maximum extent appropriate, are provided in natural environments, including the home, and community settings in which children without disabilities participate; and

"(H) are provided in conformity with an individualized family service plan adopted in accordance with section 636.

"(5) INFANT OR TODDLER WITH A DISABILITY.—The term 'infant or toddler with a disability'—

"(A) means an individual under 3 years of age who needs early intervention services because the individual—

"(i) is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in 1 or more of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development; or

"(ii) has a diagnosed physical or mental condition which has a high probability of resulting in developmental delay; and

"(B) may also include, at a State's discretion—

"(i) at-risk infants and toddlers; and

"(ii) children with disabilities who are eligible for services under section 619 and who previously received services under this part until such children enter, or are eligible under State law to enter, kindergarten.

"SEC. 633. GENERAL AUTHORITY.

"The Secretary shall, in accordance with this part, make grants to States (from their allotments under section 643) to assist each State to maintain and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency system to provide early intervention services for infants and toddlers with disabilities and their families.

"SEC. 634. ELIGIBILITY.

"In order to be eligible for a grant under section 633, a State shall demonstrate to the Secretary that the State—

"(1) has adopted a policy that appropriate early intervention services are available to all infants and toddlers with disabilities in the State and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State; and

"(2) has in effect a statewide system that meets the requirements of section 635.

"SEC. 635. REQUIREMENTS FOR STATEWIDE SYSTEM.

"(a) IN GENERAL.—A statewide system described in section 633 shall include, at a minimum, the following components:

"(1) A definition of the term 'developmental delay' that—

"(A) will be used by the State in carrying out programs under this part; and

"(B) covers, at a minimum, all infants and toddlers with—

"(i) a developmental delay of 35 percent or more in 1 of the developmental areas described in section 632(5)(A)(i); or

"(ii) a developmental delay of 25 percent or more in 2 or more of the developmental areas described in section 632(5)(A)(i).

"(2) A State policy that is in effect and that ensures that appropriate early intervention services are available to all infants and toddlers with disabilities and their families, including Indian infants and toddlers and their families residing on a reservation geographically located in the State.

"(3) A timely, comprehensive, multidisciplinary evaluation of the functioning of each infant or toddler with a disability in the State, and a family-directed identification of the needs of each family of such an infant or toddler, to appropriately assist in the development of the infant or toddler.

"(4) For each infant or toddler with a disability in the State, an individualized family service plan in accordance with section 636, including service coordination services in accordance with such service plan.

"(5) A comprehensive child find system, consistent with part B, including a system for making referrals to service providers that includes timelines and provides for participation by primary referral sources.

"(6) A public awareness program focusing on early identification of infants and toddlers with disabilities, including the preparation and dissemination by the lead agency designated or established under paragraph (10) to all primary referral sources, especially hospitals and physicians, of information for parents on the availability of early intervention services, and procedures for determining the extent to which such sources disseminate such information to parents of infants and toddlers.

"(7) A central directory that includes information on early intervention services, resources, and experts available in the State and research and demonstration projects being conducted in the State.

"(8) A comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources with respect to the basic components of early intervention services available in the State, which comprehensive system may include—

"(A) implementing innovative strategies and activities for the recruitment and retention of early education service providers;

"(B) promoting the preparation of early intervention providers who are fully and appropriately qualified to provide early intervention services under this part;

"(C) training personnel to work in rural and inner-city areas; and

"(D) training personnel to coordinate transition services for infants and toddlers served under this part from an early intervention program under this part to preschool or other appropriate services.

"(9) Policies and procedures relating to the establishment and maintenance of standards to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including the establishment and maintenance of standards which are consistent with any State-approved or recognized certification, licensing, registration, or other comparable requirements which apply to the area in which such personnel are providing early intervention services, except that nothing in this part (including this paragraph) shall be construed to prohibit the use of paraprofessionals and assistants who are appropriately trained in accordance with State law, regulation, or written policy, to assist in the provision of early intervention services under this part to infants and toddlers with disabilities.

"(10) A single line of responsibility in a lead agency designated or established by the Governor for carrying out—

"(A) the general administration and supervision of programs and activities receiving assistance under section 633, and the monitoring of programs and activities used by the State to carry out this part, whether or not such programs or activities are receiving assistance made available under section 633, to ensure that the State complies with this part;

"(B) the identification and coordination of all available resources within the State from Federal, State, local, and private sources;

"(C) the assignment of financial responsibility in accordance with section 637(a)(2) to the appropriate agencies;

"(D) the development of procedures to ensure that services are provided to infants and toddlers with disabilities and their families under this part in a timely manner pending the resolution of any disputes among public agencies or service providers;

"(E) the resolution of intra- and interagency disputes; and

"(F) the entry into formal interagency agreements that define the financial responsibility of each agency for paying for early intervention services (consistent with State law) and procedures for resolving disputes and that include all additional components necessary to ensure meaningful cooperation and coordination.

"(11) A policy pertaining to the contracting or making of other arrangements with service providers to provide early intervention services in the State, consistent with the provisions of this part, including the contents of the application used and the conditions of the contract or other arrangements.

"(12) A procedure for securing timely reimbursements of funds used under this part in accordance with section 640(a).

"(13) Procedural safeguards with respect to programs under this part, as required by section 639.

"(14) A system for compiling data requested by the Secretary under section 618 that relates to this part.

"(15) A State interagency coordinating council that meets the requirements of section 641.

"(16) Policies and procedures to ensure that, consistent with section 636(d)(5) to the maximum extent appropriate, early intervention services are provided in natural environments unless a specific outcome cannot be met satisfactorily for the infant or toddler in a natural environment.

"(b) FLEXIBILITY TO SERVE CHILDREN 3 YEARS OF AGE TO UNDER 6 YEARS OF AGE.—

"(1) IN GENERAL.—A statewide system described in section 633 may include a State policy, developed and implemented jointly by the lead agency and the State educational agency, under which parents of children with disabilities who are eligible for services under section 619 and previously received services under this part, may choose the continuation of early intervention services (which shall include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills) for such children under this part until such children enter, or are eligible under State law to enter, kindergarten.

"(2) REQUIREMENTS.—If a statewide system includes a State policy described in paragraph (1), the statewide system shall ensure—

"(A) that parents of infants or toddlers with disabilities (as defined in section 632(5)(A)) provide informed written consent to the State, before such infants and toddlers reach 3 years of age, as to whether such parents intend to choose the continuation of early intervention services pursuant to this subsection for such infants or toddlers;

"(B) that the State policy will not affect the right of any child served pursuant to this subsection to instead receive a free appropriate public education under part B;

"(C) that parents of children served pursuant to this subsection are provided with annual notice—

"(i) of such parents' right to elect services pursuant to this subsection or under part B; and

"(ii) fully explaining the differences between receiving services pursuant to this subsection and receiving services under part B, including—

"(I) the types of services available under both provisions;

"(II) applicable procedural safeguards under both provisions, including due-process protections and mediation or other dispute resolution options; and

"(III) the possible costs, if any (including any fees to be charged to families as described in section 632(4)(B)) to parents under both provisions;

"(D) that the conference under section 637(a)(9)(A)(ii)(II), the review under section 637(a)(9)(B), and the establishment of a transition plan under section 637(a)(9)(C) occur not less than 90 days (and at the discretion of the parties to the conference, not more than 9 months) before each of the following:

"(i) the time the child will first be eligible for services under part B, including under section 619; and

"(ii) if the child is receiving services in accordance with this subsection, the time the child will no longer receive those services;

"(E) the continuance of all early intervention services outlined in the child's individualized family service plan under section 636 while any eligibility determination is being made for services under this subsection;

"(F) that services provided pursuant to this subsection include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills and are provided in accordance with an individualized family service plan under section 636; and

"(G) the referral for evaluation for early intervention services of a child below the age of 3 who experiences a substantiated case of exposure to violence or trauma.

"(3) REPORTING REQUIREMENT.—If a statewide system includes a State policy described in paragraph (1), the State shall submit to the Secretary, in the State's report under section 637(b)(4)(A), a report on—

"(A) the percentage of children with disabilities who are eligible for services under section 619 but whose parents choose for such children to continue to receive early intervention services under this part; and

"(B) the number of children who are eligible for services under section 619 who instead continue to receive early intervention services under this part.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require a provider of services under this part to provide a child served under this part with a free appropriate public education.

"(5) AVAILABLE FUNDS.—If a statewide system includes a State policy described in paragraph (1), the policy shall describe the funds (including an identification as Federal, State, or local funds) that will be used to ensure that the option described in paragraph (1) is available to eligible children and families who provide the consent described in paragraph (2)(A), including fees to be charged to families as described in section 632(4)(B).

"SEC. 636. INDIVIDUALIZED FAMILY SERVICE PLAN.

"(a) ASSESSMENT AND PROGRAM DEVELOPMENT.—A statewide system described in section 633 shall provide, at a minimum, for each infant or toddler with a disability, and the infant's or toddler's family, to receive—

"(1) a multidisciplinary assessment of the unique strengths and needs of the infant or toddler and the identification of services appropriate to meet such needs;

"(2) a family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler; and

"(3) a written individualized family service plan developed by a multidisciplinary team, including the parents, as required by subsection (e), including a description of the appropriate transition services for the child.

"(b) PERIODIC REVIEW.—The individualized family service plan shall be evaluated once a year and the family shall be provided a review of the plan at 6-month intervals (or more often where appropriate based on infant or toddler and family needs).

"(c) PROMPTNESS AFTER ASSESSMENT.—The individualized family service plan shall be developed within a reasonable time after the assessment required by subsection (a)(1) is completed. With the parents' consent, early intervention services may commence prior to the completion of the assessment.

"(d) CONTENT OF PLAN.—The individualized family service plan shall be in writing and contain—

"(1) a statement of the infant's or toddler's present levels of physical development, cognitive development, communication development, social or emotional development, and adaptive development, based on objective criteria;

"(2) a statement of the family's resources, priorities, and concerns relating to enhancing the development of the family's infant or toddler with a disability;

"(3) a statement of the measurable outcomes expected to be achieved for the infant or toddler and the family, including, as appropriate, preliteracy and language skills, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the outcomes is being made and whether modifications or revisions of the outcomes or services are necessary;

"(4) a statement of specific early intervention services necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, and method of delivering services;

"(5) a statement of the natural environments in which early intervention services will appropriately be provided, including a justification of the extent, if any, to which the services will not be provided in a natural environment;

"(6) the projected dates for initiation of services and the anticipated length, duration, and frequency of the services;

"(7) the identification of the service coordinator from the profession most immediately relevant to the infant's or toddler's or family's needs (or who is otherwise qualified to carry out all applicable responsibilities under this part) who will be responsible for the implementation of the plan and coordination with other agencies and persons, including transition services; and

"(8) the steps to be taken to support the transition of the toddler with a disability to preschool or other appropriate services.

"(e) PARENTAL CONSENT.—The contents of the individualized family service plan shall be fully explained to the parents and informed written consent from the parents shall be obtained prior to the provision of early intervention services described in such plan. If the parents do not provide consent with respect to a particular early intervention service, then only the early intervention services to which consent is obtained shall be provided.

"SEC. 637. STATE APPLICATION AND ASSURANCES.

"(a) APPLICATION.—A State desiring to receive a grant under section 633 shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. The application shall contain—

"(1) a designation of the lead agency in the State that will be responsible for the administration of funds provided under section 633;

"(2) a certification to the Secretary that the arrangements to establish financial responsibility for services provided under this part pursuant to section 640(b) are current as of the date of submission of the certification;

"(3) information demonstrating eligibility of the State under section 634, including—

"(A) information demonstrating to the Secretary's satisfaction that the State has in effect the statewide system required by section 633; and

"(B) a description of services to be provided to infants and toddlers with disabilities and their families through the system;

"(4) if the State provides services to at-risk infants and toddlers through the system, a description of such services;

"(5) a description of the uses for which funds will be expended in accordance with this part;

"(6) a description of the State policies and procedures that require the referral for evaluation for early intervention services of a child under the age of 3 who—

"(A) is involved in a substantiated case of child abuse or neglect; or

"(B) is identified as affected by illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure;

"(7) a description of the procedure used to ensure that resources are made available under this part for all geographic areas within the State;

"(8) a description of State policies and procedures that ensure that, prior to the adoption by the State of any other policy or procedure necessary to meet the requirements of this part, there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of infants and toddlers with disabilities;

"(9) a description of the policies and procedures to be used—

"(A) to ensure a smooth transition for toddlers receiving early intervention services under this part (and children receiving those services

under section 635(b)) to preschool, other appropriate services, or exiting the program, including a description of how—

"(i) the families of such toddlers and children will be included in the transition plans required by subparagraph (C); and

"(ii) the lead agency designated or established under section 635(a)(10) will—

"(I) notify the local educational agency for the area in which such a child resides that the child will shortly reach the age of eligibility for preschool services under part B, as determined in accordance with State law;

"(II) in the case of a child who may be eligible for such preschool services, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency at least 90 days (and at the discretion of all such parties, not more than 9 months) before the child is eligible for the preschool services, to discuss any such services that the child may receive; and

"(III) in the case of a child who may not be eligible for such preschool services, with the approval of the family, make reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for children who are not eligible for preschool services under part B, to discuss the appropriate services that the child may receive;

"(B) to review the child's program options for the period from the child's third birthday through the remainder of the school year; and

"(C) to establish a transition plan, including, as appropriate, steps to exit from the program; and

"(10) such other information and assurances as the Secretary may reasonably require.

"(b) ASSURANCES.—The application described in subsection (a)—

"(1) shall provide satisfactory assurance that Federal funds made available under section 643 to the State will be expended in accordance with this part;

"(2) shall contain an assurance that the State will comply with the requirements of section 640;

"(3) shall provide satisfactory assurance that the control of funds provided under section 643, and title to property derived from those funds, will be in a public agency for the uses and purposes provided in this part and that a public agency will administer such funds and property;

"(4) shall provide for—

"(A) making such reports in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this part; and

"(B) keeping such reports and affording such access to the reports as the Secretary may find necessary to ensure the correctness and verification of the reports and proper disbursement of Federal funds under this part;

"(5) provide satisfactory assurance that Federal funds made available under section 643 to the State—

"(A) will not be commingled with State funds; and

"(B) will be used so as to supplement the level of State and local funds expended for infants and toddlers with disabilities and their families and in no case to supplant those State and local funds;

"(6) shall provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to ensure proper disbursement of, and accounting for, Federal funds paid under section 643 to the State;

"(7) shall provide satisfactory assurance that policies and procedures have been adopted to ensure meaningful involvement of underserved groups, including minority, low-income, and rural families, in the planning and implementation of all the requirements of this part; and

"(8) shall contain such other information and assurances as the Secretary may reasonably require by regulation.

"(c) STANDARD FOR DISAPPROVAL OF APPLICATION.—The Secretary may not disapprove such an application unless the Secretary determines, after notice and opportunity for a hearing, that the application fails to comply with the requirements of this section.

"(d) SUBSEQUENT STATE APPLICATION.—If a State has on file with the Secretary a policy, procedure, or assurance that demonstrates that the State meets a requirement of this section, including any policy or procedure filed under part C, as in effect before the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003, the Secretary shall consider the State to have met the requirement for purposes of receiving a grant under this part.

"(e) MODIFICATION OF APPLICATION.—An application submitted by a State in accordance with this section shall remain in effect until the State submits to the Secretary such modifications as the State determines necessary. This section shall apply to a modification of an application to the same extent and in the same manner as this section applies to the original application.

"(f) MODIFICATIONS REQUIRED BY THE SECRETARY.—The Secretary may require a State to modify its application under this section, but only to the extent necessary to ensure the State's compliance with this part, if—

"(1) an amendment is made to this Act, or a Federal regulation issued under this Act;

"(2) a new interpretation of this Act is made by a Federal court or the State's highest court; or

"(3) an official finding of noncompliance with Federal law or regulations is made with respect to the State.

"SEC. 638. USES OF FUNDS.

"In addition to using funds provided under section 633 to maintain and implement the statewide system required by such section, a State may use such funds—

"(1) for direct early intervention services for infants and toddlers with disabilities, and their families, under this part that are not otherwise funded through other public or private sources;

"(2) to expand and improve on services for infants and toddlers and their families under this part that are otherwise available;

"(3) to provide a free appropriate public education, in accordance with part B, to children with disabilities from their third birthday to the beginning of the following school year;

"(4) with the written consent of the parents, to continue to provide early intervention services under this part to children with disabilities from their 3rd birthday to the beginning of the following school year, in lieu of a free appropriate public education provided in accordance with part B; and

"(5) in any State that does not provide services for at-risk infants and toddlers under section 637(a)(4), to strengthen the statewide system by initiating, expanding, or improving collaborative efforts related to at-risk infants and toddlers, including establishing linkages with appropriate public or private community-based organizations, services, and personnel for the purposes of—

"(A) identifying and evaluating at-risk infants and toddlers;

"(B) making referrals of the infants and toddlers identified and evaluated under subparagraph (A); and

"(C) conducting periodic follow-up on each such referral to determine if the status of the infant or toddler involved has changed with respect to the eligibility of the infant or toddler for services under this part.

"SEC. 639. PROCEDURAL SAFEGUARDS.

"(a) MINIMUM PROCEDURES.—The procedural safeguards required to be included in a statewide system under section 635(a)(13) shall provide, at a minimum, the following:

"(1) The timely administrative resolution of complaints by parents. Any party aggrieved by the findings and decision regarding an administrative complaint shall have the right to bring a civil action with respect to the complaint in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. In any action brought under this paragraph, the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and, basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

"(2) The right to confidentiality of personally identifiable information, including the right of parents to written notice of and written consent to the exchange of such information among agencies consistent with Federal and State law.

"(3) The right of the parents to determine whether they, their infant or toddler, or other family members will accept or decline any early intervention service under this part in accordance with State law without jeopardizing other early intervention services under this part.

"(4) The opportunity for parents to examine records relating to assessment, screening, eligibility determinations, and the development and implementation of the individualized family service plan.

"(5) Procedures to protect the rights of the infant or toddler whenever the parents of the infant or toddler are not known or cannot be found or the infant or toddler is a ward of the State, including the assignment of an individual (who shall not be an employee of the State lead agency, or other State agency, and who shall not be any person, or any employee of a person, providing early intervention services to the infant or toddler or any family member of the infant or toddler) to act as a surrogate for the parents.

"(6) Written prior notice to the parents of the infant or toddler with a disability whenever the State agency or service provider proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or placement of the infant or toddler with a disability, or the provision of appropriate early intervention services to the infant or toddler.

"(7) Procedures designed to ensure that the notice required by paragraph (6) fully informs the parents, in the parents' native language, unless it clearly is not feasible to do so, of all procedures available pursuant to this section.

"(8) The right of parents to use mediation in accordance with section 615, except that—

"(A) any reference in the section to a State educational agency shall be considered to be a reference to a State's lead agency established or designated under section 635(a)(10);

"(B) any reference in the section to a local educational agency shall be considered to be a reference to a local service provider or the State's lead agency under this part, as the case may be; and

"(C) any reference in the section to the provision of free appropriate public education to children with disabilities shall be considered to be a reference to the provision of appropriate early intervention services to infants and toddlers with disabilities.

"(b) SERVICES DURING PENDENCY OF PROCEEDINGS.—During the pendency of any proceeding or action involving a complaint by the parents of an infant or toddler with a disability, unless the State agency and the parents otherwise agree, the infant or toddler shall continue to receive the appropriate early intervention services currently being provided or, if applying for initial services, shall receive the services not in dispute.

“SEC. 640. PAYOR OF LAST RESORT.

“(a) NONSUBSTITUTION.—Funds provided under section 643 may not be used to satisfy a financial commitment for services that would have been paid for from another public or private source, including any medical program administered by the Secretary of Defense, but for the enactment of this part, except that whenever considered necessary to prevent a delay in the receipt of appropriate early intervention services by an infant, toddler, or family in a timely fashion, funds provided under section 643 may be used to pay the provider of services pending reimbursement from the agency that has ultimate responsibility for the payment.

“(b) OBLIGATIONS RELATED TO AND METHODS OF ENSURING SERVICES.—

“(1) ESTABLISHING FINANCIAL RESPONSIBILITY FOR SERVICES.—

“(A) IN GENERAL.—The Chief Executive Officer of a State or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency and the State educational agency, in order to ensure—

“(i) the provision of, and financial responsibility for, services provided under this part; and

“(ii) such services are consistent with the requirements of section 635 and the State's application pursuant to section 637, including the provision of such services during the pendency of any dispute.

“(B) CONSISTENCY BETWEEN AGREEMENTS OR MECHANISMS UNDER PARTS B AND D.—The Chief Executive Officer of a State or designee of the officer shall ensure that the terms and conditions of such agreement or mechanism are consistent with the terms and conditions of the State's agreement or mechanism under section 612(a)(12).

“(2) REIMBURSEMENT FOR SERVICES BY PUBLIC AGENCY.—

“(A) IN GENERAL.—If a public agency other than an educational agency fails to provide or pay for the services pursuant to an agreement required under paragraph (1) the local educational agency or State agency (as determined by the Chief Executive Officer or designee) shall provide or pay for the provision of such services to the child.

“(B) REIMBURSEMENT.—Such local educational agency or State agency is authorized to claim reimbursement for the services from the public agency that failed to provide or pay for such services and such public agency shall reimburse the local educational agency or State agency pursuant to the terms of the interagency agreement or other mechanism required under paragraph (1).

“(3) SPECIAL RULE.—The requirements of paragraph (1) may be met through—

“(A) State statute or regulation;

“(B) signed agreements between respective agency officials that clearly identify the responsibilities of each agency relating to the provision of services; or

“(C) other appropriate written methods as determined by the Chief Executive Officer of the State or designee of the officer and approved by the Secretary through the review and approval of the State's application pursuant to section 637.

“(c) REDUCTION OF OTHER BENEFITS.—Nothing in this part shall be construed to permit the State to reduce medical or other assistance available or to alter eligibility under title V of the Social Security Act (relating to maternal and child health) or title XIX of the Social Security Act (relating to Medicaid for infants or toddlers with disabilities) within the State.

“SEC. 641. STATE INTERAGENCY COORDINATING COUNCIL.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—A State that desires to receive financial assistance under this part shall establish a State interagency coordinating council.

“(2) APPOINTMENT.—The council shall be appointed by the Governor. In making appointments to the council, the Governor shall ensure that the membership of the council reasonably represents the population of the State.

“(3) CHAIRPERSON.—The Governor shall designate a member of the council to serve as the chairperson of the council, or shall require the council to so designate such a member. Any member of the council who is a representative of the lead agency designated under section 635(a)(10) may not serve as the chairperson of the council.

“(b) COMPOSITION.—

“(1) IN GENERAL.—The council shall be composed as follows:

“(A) PARENTS.—At least 20 percent of the members shall be parents of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities. At least 1 such member shall be a parent of an infant or toddler with a disability or a child with a disability aged 6 or younger.

“(B) SERVICE PROVIDERS.—At least 20 percent of the members shall be public or private providers of early intervention services.

“(C) STATE LEGISLATURE.—At least 1 member shall be from the State legislature.

“(D) PERSONNEL PREPARATION.—At least 1 member shall be involved in personnel preparation.

“(E) AGENCY FOR EARLY INTERVENTION SERVICES.—At least 1 member shall be from each of the State agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families and shall have sufficient authority to engage in policy planning and implementation on behalf of such agencies.

“(F) AGENCY FOR PRESCHOOL SERVICES.—At least 1 member shall be from the State educational agency responsible for preschool services to children with disabilities and shall have sufficient authority to engage in policy planning and implementation on behalf of such agency.

“(G) STATE MEDICAID AGENCY.—At least 1 member shall be from the agency responsible for the State medicaid program.

“(H) HEAD START AGENCY.—At least 1 representative from a Head Start agency or program in the State.

“(I) CHILD CARE AGENCY.—At least 1 representative from a State agency responsible for child care.

“(J) AGENCY FOR HEALTH INSURANCE.—At least 1 member shall be from the agency responsible for the State regulation of health insurance.

“(2) OTHER MEMBERS.—The council may include other members selected by the Governor, including a representative from the Bureau of Indian Affairs, or where there is no BIA-operated or BIA-funded school, from the Indian Health Service or the tribe or tribal council.

“(c) MEETINGS.—The council shall meet at least quarterly and in such places as the council determines necessary. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

“(d) MANAGEMENT AUTHORITY.—Subject to the approval of the Governor, the council may prepare and approve a budget using funds under this part to conduct hearings and forums, to reimburse members of the council for reasonable and necessary expenses for attending council meetings and performing council duties (including child care for parent representatives), to pay compensation to a member of the council if the member is not employed or must forfeit wages from other employment when performing official council business, to hire staff, and to obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions under this part.

“(e) FUNCTIONS OF COUNCIL.—

“(1) DUTIES.—The council shall—

“(A) advise and assist the lead agency designated or established under section 635(a)(10) in the performance of the responsibilities set forth in such section, particularly the identification of the sources of fiscal and other support for services for early intervention programs, assignment of financial responsibility to the appropriate agency, and the promotion of the interagency agreements;

“(B) advise and assist the lead agency in the preparation of applications and amendments thereto;

“(C) advise and assist the State educational agency regarding the transition of toddlers with disabilities to preschool and other appropriate services; and

“(D) prepare and submit an annual report to the Governor and to the Secretary on the status of early intervention programs for infants and toddlers with disabilities and their families operated within the State.

“(2) AUTHORIZED ACTIVITY.—The council may advise and assist the lead agency and the State educational agency regarding the provision of appropriate services for children from birth through age 5. The council may advise appropriate agencies in the State with respect to the integration of services for infants and toddlers with disabilities and at-risk infants and toddlers and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services in the State.

“(f) CONFLICT OF INTEREST.—No member of the council shall cast a vote on any matter that is likely to provide a direct financial benefit to that member or otherwise give the appearance of a conflict of interest under State law.

“SEC. 642. FEDERAL ADMINISTRATION.

“Sections 616, 617, and 618 shall, to the extent not inconsistent with this part, apply to the program authorized by this part, except that—

“(1) any reference in such sections to a State educational agency shall be considered to be a reference to a State's lead agency established or designated under section 635(a)(10);

“(2) any reference in such sections to a local educational agency, educational service agency, or a State agency shall be considered to be a reference to an early intervention service provider under this part; and

“(3) any reference to the education of children with disabilities or the education of all children with disabilities shall be considered to be a reference to the provision of appropriate early intervention services to infants and toddlers with disabilities.

“SEC. 643. ALLOCATION OF FUNDS.

“(a) RESERVATION OF FUNDS FOR OUTLYING AREAS.—

“(1) IN GENERAL.—From the sums appropriated to carry out this part for any fiscal year, the Secretary may reserve not more than 1 percent for payments to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands in accordance with their respective needs.

“(2) CONSOLIDATION OF FUNDS.—The provisions of Public Law 95–134, permitting the consolidation of grants to the outlying areas, shall not apply to funds those areas receive under this part.

“(b) PAYMENTS TO INDIANS.—

“(1) IN GENERAL.—The Secretary shall, subject to this subsection, make payments to the Secretary of the Interior to be distributed to tribes, tribal organizations (as defined under section 4 of the Indian Self-Determination and Education

Assistance Act), or consortia of the above entities for the coordination of assistance in the provision of early intervention services by the States to infants and toddlers with disabilities and their families on reservations served by elementary schools and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payment for any fiscal year shall be 1.25 percent of the aggregate of the amount available to all States under this part for such fiscal year.

"(2) ALLOCATION.—For each fiscal year, the Secretary of the Interior shall distribute the entire payment received under paragraph (1) by providing to each tribe, tribal organization, or consortium an amount based on the number of infants and toddlers residing on the reservation, as determined annually, divided by the total of such children served by all tribes, tribal organizations, or consortia.

"(3) INFORMATION.—To receive a payment under this subsection, the tribe, tribal organization, or consortium shall submit such information to the Secretary of the Interior as is needed to determine the amounts to be distributed under paragraph (2).

"(4) USE OF FUNDS.—The funds received by a tribe, tribal organization, or consortium shall be used to assist States in child find, screening, and other procedures for the early identification of Indian children under 3 years of age and for parent training. Such funds may also be used to provide early intervention services in accordance with this part. Such activities may be carried out directly or through contracts or cooperative agreements with the BIA, local educational agencies, and other public or private nonprofit organizations. The tribe, tribal organization, or consortium is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

"(5) REPORTS.—To be eligible to receive a grant under paragraph (2), a tribe, tribal organization, or consortium shall make a biennial report to the Secretary of the Interior of activities undertaken under this subsection, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year, and the estimated number of children needing services during the 2 years following the year in which the report is made. The Secretary of the Interior shall include a summary of this information on a biennial basis to the Secretary of Education along with such other information as required under section 611(h)(3)(E). The Secretary of Education may require any additional information from the Secretary of the Interior.

"(6) PROHIBITED USES OF FUNDS.—None of the funds under this subsection may be used by the Secretary of the Interior for administrative purposes, including child count, and the provision of technical assistance.

"(c) STATE ALLOTMENTS.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), from the funds remaining for each fiscal year after the reservation and payments under subsections (a), (b), and (e), the Secretary shall first allot to each State an amount that bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States.

"(2) MINIMUM ALLOTMENTS.—Except as provided in paragraph (3), no State shall receive an amount under this section for any fiscal year that is less than the greater of—

"(A) ½ of 1 percent of the remaining amount described in paragraph (1); or

"(B) $500,000.

"(3) RATABLE REDUCTION.—

"(A) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under this subsection for such year, the Secretary shall ratably reduce the allotments to such States for such year.

"(B) ADDITIONAL FUNDS.—If additional funds become available for making payments under this subsection for a fiscal year, allotments that were reduced under subparagraph (A) shall be increased on the same basis the allotments were reduced.

"(4) DEFINITIONS.—For the purpose of this subsection—

"(A) the terms 'infants' and 'toddlers' mean children under 3 years of age; and

"(B) the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(d) REALLOTMENT OF FUNDS.—If a State elects not to receive its allotment under subsection (c), the Secretary shall reallot, among the remaining States, amounts from such State in accordance with such subsection.

"(e) RESERVATION FOR STATE BONUS GRANTS.—The Secretary shall reserve 10 percent of the amount by which the amount appropriated under section 644 for any fiscal year exceeds $434,159,000 to make allotments to States that are carrying out the policy described in section 635(b), in accordance with the formula described in subsection (c)(1) without regard to subsections (c) (2) and (3).

"SEC. 644. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2009.

"PART D—NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES

"SEC. 650. FINDINGS.

"Congress finds the following:

"(1) The Federal Government has an ongoing obligation to support activities that contribute to positive results for children with disabilities, enabling them to lead productive and independent adult lives.

"(2) Systemic change benefiting all students, including children with disabilities, requires the involvement of States, local educational agencies, parents, individuals with disabilities and their families, teachers and other service providers, and other interested individuals and organizations to develop and implement comprehensive strategies that improve educational results for children with disabilities.

"(3) State educational agencies, in partnership with local educational agencies, parents of children with disabilities, and other individuals and organizations, are in the best position to improve education for children with disabilities and to address their special needs.

"(4) An effective educational system serving students with disabilities should—

"(A) maintain high academic achievement standards and clear performance goals for children with disabilities, consistent with the standards and expectations for all students in the educational system, and provide for appropriate and effective strategies and methods to ensure that all children with disabilities have the opportunity to achieve those standards and goals;

"(B) clearly define, in objective, measurable terms, the school and post-school results that children with disabilities are expected to achieve; and

"(C) promote transition services and coordinate State and local education, social, health, mental health, and other services, in addressing the full range of student needs, particularly the needs of children with disabilities who need significant levels of support to participate and learn in school and the community.

"(5) The availability of an adequate number of qualified personnel is critical to serve effectively children with disabilities, to assume leadership positions in administration and direct services, to provide teacher training, and to conduct high quality research to improve special education.

"(6) High quality, comprehensive professional development programs are essential to ensure that the persons responsible for the education or transition of children with disabilities possess the skills and knowledge necessary to address the educational and related needs of those children.

"(7) Models of professional development should be scientifically based and reflect successful practices, including strategies for recruiting, preparing, and retaining personnel.

"(8) Continued support is essential for the development and maintenance of a coordinated and high quality program of research to inform successful teaching practices and model curricula for educating children with disabilities.

"(9) A comprehensive research agenda should be established and pursued to promote the highest quality and rigor in special education research, and to address the full range of issues facing children with disabilities, parents of children with disabilities, school personnel, and others.

"(10) Training, technical assistance, support, and dissemination activities are necessary to ensure that parts B and C are fully implemented and achieve high quality early intervention, educational, and transitional results for children with disabilities and their families.

"(11) Parents, teachers, administrators, and related services personnel need technical assistance and information in a timely, coordinated, and accessible manner in order to improve early intervention, educational, and transitional services and results at the State and local levels for children with disabilities and their families.

"(12) Parent training and information activities assist parents of a child with a disability in dealing with the multiple pressures of parenting such a child and are of particular importance in—

"(A) playing a vital role in creating and preserving constructive relationships between parents of children with disabilities and schools by facilitating open communication between the parents and schools; encouraging dispute resolution at the earliest possible point in time; and discouraging the escalation of an adversarial process between the parents and schools;

"(B) ensuring the involvement of parents in planning and decisionmaking with respect to early intervention, educational, and transitional services;

"(C) achieving high quality early intervention, educational, and transitional results for children with disabilities;

"(D) providing such parents information on their rights, protections, and responsibilities under this Act to ensure improved early intervention, educational, and transitional results for children with disabilities;

"(E) assisting such parents in the development of skills to participate effectively in the education and development of their children and in the transitions described in section 673(b)(6);

"(F) supporting the roles of such parents as participants within partnerships seeking to improve early intervention, educational, and transitional services and results for children with disabilities and their families; and

"(G) supporting such parents who may have limited access to services and supports, due to economic, cultural, or linguistic barriers.

"(13) Support is needed to improve technological resources and integrate technology, including universally designed technologies, into

the lives of children with disabilities, parents of children with disabilities, school personnel, and others through curricula, services, and assistive technologies.

"Subpart 1—State Personnel Preparation and Professional Development Grants

"SEC. 651. PURPOSE; DEFINITION; PROGRAM AUTHORITY.

"(a) PURPOSE.—The purpose of this subpart is to assist State educational agencies in reforming and improving their systems for personnel preparation and professional development in early intervention, educational, and transition services in order to improve results for children with disabilities.

"(b) DEFINITION.—In this subpart, the term 'personnel' means special education teachers, regular education teachers, principals, administrators, related services personnel, paraprofessionals, and early intervention personnel serving infants, toddlers, preschoolers, or children with disabilities, except where a particular category of personnel, such as related services personnel, is identified.

"(c) COMPETITIVE GRANTS.—

"(1) IN GENERAL.—Except as provided in subsection (d), for any fiscal year for which the amount appropriated under section 655, that remains after the Secretary reserves funds under subsection (e) for the fiscal year, is less than $100,000,000, the Secretary shall award grants, on a competitive basis, to State educational agencies to carry out the activities described in the State plan submitted under section 653.

"(2) PRIORITY.—In awarding grants under paragraph (1), the Secretary may give priority to State educational agencies that—

"(A) are in States with the greatest personnel shortages; or

"(B) demonstrate the greatest difficulty meeting the requirements of section 612(a)(14).

"(3) MINIMUM.—The Secretary shall make a grant to each State educational agency selected under paragraph (1) in an amount for each fiscal year that is—

"(A) not less than $500,000, nor more than $4,000,000, in the case of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

"(B) not less than $80,000 in the case of an outlying area.

"(4) INCREASES.—The Secretary may increase the amounts under in paragraph (3) to account for inflation.

"(5) FACTORS.—The Secretary shall set the amount of each grant under paragraph (1) after considering—

"(A) the amount of funds available for making the grants;

"(B) the relative population of the State or outlying area;

"(C) the types of activities proposed by the State or outlying area;

"(D) the alignment of proposed activities with section 612(a)(14);

"(E) the alignment of proposed activities with the State plans and applications submitted under sections 1111 and 2112, respectively, of the Elementary and Secondary Education Act of 1965; and

"(F) the use, as appropriate, of scientifically based activities.

"(d) FORMULA GRANTS.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), for the first fiscal year for which the amount appropriated under section 655, that remains after the Secretary reserves funds under subsection (e) for the fiscal year, is equal to or greater than $100,000,000, and for each fiscal year thereafter, the Secretary shall allot to each State educational agency, whose application meets the requirements of this subpart, an amount that bears the same relation to the amount appropriated as the amount the State received under section 611(d) for that fiscal year bears to the amount of funds received by all States (whose applications meet the requirements of this subpart) under section 611(d) for that fiscal year.

"(2) MINIMUM ALLOTMENTS FOR STATES THAT RECEIVED COMPETITIVE GRANTS.—

"(A) IN GENERAL.—The amount allotted under this subsection to any State that received a competitive multi-year grant under subsection (c) for which the grant period has not expired shall be at least the amount specified for that fiscal year in the State's grant award document under that subsection.

"(B) SPECIAL RULE.—Each such State shall use the minimum amount described in subparagraph (A) for the activities described in its competitive grant award document for that year, unless the Secretary approves a request from the State to spend the funds on other activities.

"(3) MINIMUM ALLOTMENT.—The amount of any State educational agency's allotment under this subsection for any fiscal year shall not be less than—

"(A) the greater of $500,000 or ½ of 1 percent of the total amount available under this subsection for that year, in the case of each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

"(B) $80,000, in the case of an outlying area.

"(e) CONTINUATION AWARDS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this subpart, from funds appropriated under section 655 for each fiscal year, the Secretary shall reserve the amount that is necessary to make a continuation award to any State (at the request of the State) that received a multi-year award under this part (as this part was in effect on the day before the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003), to enable the State to carry out activities in accordance with the terms of the multi-year award.

"(2) PROHIBITION.—A State that receives a continuation award under paragraph (1) for any fiscal year may not receive any other award under this subpart for that fiscal year.

"SEC. 652. ELIGIBILITY AND COLLABORATIVE PROCESS.

"(a) ELIGIBLE APPLICANTS.—A State educational agency may apply for a grant under this subpart for a grant period of not less than 1 year and not more than 5 years.

"(b) PARTNERS.—

"(1) IN GENERAL.—In order to be considered for a grant under this subpart, a State educational agency shall establish a partnership with local educational agencies and other State agencies involved in, or concerned with, the education of children with disabilities, including institutions of higher education and the State agencies responsible for administering part C, child care, and vocational rehabilitation programs.

"(2) OTHER PARTNERS.—In order to be considered for a grant under this subpart, a State educational agency shall work in partnership with other persons and organizations involved in, and concerned with, the education of children with disabilities, which may include—

"(A) the Governor;

"(B) parents of children with disabilities ages birth through 26;

"(C) parents of nondisabled children ages birth through 26;

"(D) individuals with disabilities;

"(E) parent training and information centers or community parent resource centers funded under sections 671 and 672, respectively;

"(F) community based and other nonprofit organizations involved in the education and employment of individuals with disabilities;

"(G) personnel as defined in section 651(b);

"(H) the State advisory panel established under part B;

"(I) the State interagency coordinating council established under part C;

"(J) individuals knowledgeable about vocational education;

"(K) the State agency for higher education;

"(L) public agencies with jurisdiction in the areas of health, mental health, social services, and juvenile justice;

"(M) other providers of professional development that work with infants, toddlers, preschoolers, and children with disabilities; and

"(N) other individuals.

"(3) REQUIRED PARTNER.—If State law assigns responsibility for teacher preparation and certification to an individual, entity, or agency other than the State educational agency, the State educational agency shall—

"(A) include that individual, entity, or agency as a partner in the partnership under this subsection; and

"(B) ensure that any activities the State will carry out under this subpart that are within that partner's jurisdiction (which may include activities described in section 654(b)) are carried out by that partner.

"SEC. 653. APPLICATIONS.

"(a) IN GENERAL.—

"(1) SUBMISSION.—A State educational agency that desires to receive a grant under this subpart shall submit to the Secretary an application at such time, in such manner, and including such information as the Secretary may require.

"(2) STATE PLAN.—The application shall include a plan that identifies and addresses the State and local needs for the personnel preparation and professional development of administrators, principals, and teachers, as well as individuals who provide direct supplementary aids and services to children with disabilities, and that—

"(A) is designed to enable the State to meet the requirements of section 612(a)(14) and section 635(a) (8) and (9);

"(B) is based on an assessment of State and local needs that identifies critical aspects and areas in need of improvement related to the preparation, ongoing training, and professional development of personnel that serve infants, toddlers, preschoolers, and children with disabilities within the State, including—

"(i) current and anticipated personnel vacancies and shortages; and

"(ii) the number of preservice programs; and

"(C) is integrated and aligned, to the maximum extent possible, with State plans and activities under the Elementary and Secondary Education Act of 1965, the Rehabilitation Act of 1973, and the Higher Education Act of 1965.

"(3) REQUIREMENT.—The State application shall contain an assurance that the State educational agency will carry out each of the strategies described in subsection (b)(4).

"(b) ELEMENTS OF STATE PERSONNEL PREPARATION AND PROFESSIONAL DEVELOPMENT PLAN.—Each professional development plan under subsection (a)(2) shall—

"(1) describe a partnership agreement that is in effect for the period of the grant, which agreement shall specify—

"(A) the nature and extent of the partnership described in section 652(b) and the respective roles of each member of the partnership, including the partner described in section 652(b)(3) if applicable; and

"(B) how the State will work with other persons and organizations involved in, and concerned with, the education of children with disabilities, including the respective roles of each of the persons and organizations;

"(2) describe how the strategies and activities described in paragraph (4) will be coordinated with other public resources (including part B and part C funds retained for use at the State

level for personnel and professional development purposes) and private resources;

"(3) describe how the State will align its professional development plan under this subpart with the plan and application submitted under sections 1111 and 2112, respectively, of the Elementary and Secondary Education Act of 1965;

"(4) describe what strategies the State will use to address the professional development and personnel needs identified under subsection (a)(2) and how those strategies will be implemented, including—

"(A) a description of the preservice and inservice programs and activities to be supported under this subpart that will provide personnel with the knowledge and skills to meet the needs of, and improve the performance and achievement of, infants, toddlers, preschoolers, and children with disabilities; and

"(B) how such strategies shall be integrated, to the maximum extent possible, with other activities supported by grants funded under this part, including those under section 664;

"(5) provide an assurance that the State will provide technical assistance to local educational agencies to improve the quality of professional development available to meet the needs of personnel who serve children with disabilities;

"(6) provide an assurance that the State will provide technical assistance to entities that provide services to infants and toddlers with disabilities to improve the quality of professional development available to meet the needs of personnel serving such children;

"(7) describe how the State will recruit and retain highly qualified teachers and other qualified personnel in geographic areas of greatest need;

"(8) describe the steps the State will take to ensure that poor and minority children are not taught at higher rates by teachers who are not highly qualified; and

"(9) describe how the State will assess, on a regular basis, the extent to which the strategies implemented under this subpart have been effective in meeting the performance goals described in section 612(a)(15).

"(c) PEER REVIEW.—

"(1) IN GENERAL.—The Secretary shall use a panel of experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications for grants under section 651(c)(1).

"(2) COMPOSITION OF PANEL.—A majority of a panel described in paragraph (1) shall be composed of individuals who are not employees of the Federal Government.

"(3) PAYMENT OF FEES AND EXPENSES OF CERTAIN MEMBERS.—The Secretary may use available funds appropriated to carry out this subpart to pay the expenses and fees of panel members who are not employees of the Federal Government.

"(d) REPORTING PROCEDURES.—Each State educational agency that receives a grant under this subpart shall submit annual performance reports to the Secretary. The reports shall describe the progress of the State in implementing its plan and analyze the effectiveness of the State's activities under this subpart.

"SEC. 654. USE OF FUNDS.

"(a) PROFESSIONAL DEVELOPMENT ACTIVITIES.—A State educational agency that receives a grant under this subpart shall use the grant funds to support activities in accordance with the State's plan described in section 653, including 1 or more of the following:

"(1) Carrying out programs that provide support to both special education and regular education teachers of children with disabilities and principals, such as programs that—

"(A) provide teacher mentoring, team teaching, reduced class schedules and case loads, and intensive professional development; and

"(B) use standards or assessments for guiding beginning teachers that are consistent with challenging State student academic achievement and functional standards and with the requirements for professional development as defined in section 9101(34) of the Elementary and Secondary Education Act of 1965.

"(2) Encouraging and supporting the training of special education and regular education teachers and administrators to effectively use and integrate technology—

"(A) into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability;

"(B) to enhance learning by children with disabilities; and

"(C) to effectively communicate with parents.

"(3) Providing professional development activities that—

"(A) improve the knowledge of special education and regular education teachers concerning—

"(i) the academic and developmental or functional needs of students with disabilities; or

"(ii) effective instructional strategies, methods, and skills, and the use of State academic content standards and student academic achievement and functional standards, and State assessments, to improve teaching practices and student academic achievement;

"(B) improve the knowledge of special education and regular education teachers and principals and, in appropriate cases, paraprofessionals, concerning effective instructional practices and that—

"(i) provide training in how to teach and address the needs of children with different learning styles and children with limited English proficiency;

"(ii) involve collaborative groups of teachers and administrators;

"(iii) provide training in methods of—

"(I) positive behavioral interventions and supports to improve student behavior in the classroom;

"(II) scientifically based reading instruction, including early literacy instruction;

"(III) early and appropriate interventions to identify and help children with disabilities;

"(IV) effective instruction for children with low incidence disabilities;

"(V) successful transitioning to postsecondary opportunities; and

"(VI) using classroom-based techniques to assist children prior to referral for special education;

"(iv) provide training to enable personnel to work with and involve parents in their child's education, including parents of low income and limited English proficient children with disabilities;

"(v) provide training for special education personnel and regular education personnel in planning, developing, and implementing effective and appropriate IEPs; and

"(vi) providing training to meet the needs of students with significant health, mobility, or behavioral needs prior to serving such students; and

"(C) train administrators, principals, and other relevant school personnel in conducting effective IEP meetings.

"(4) Developing and implementing initiatives to promote the recruitment and retention of highly qualified special education teachers, particularly initiatives that have been proven effective in recruitment and retaining highly qualified teachers, including programs that provide—

"(A) teacher mentoring from exemplary special education teachers, principals, or superintendents;

"(B) induction and support for special education teachers during their first 3 years of employment as teachers; or

"(C) incentives, including financial incentives, to retain special education teachers who have a record of success in helping students with disabilities.

"(5) Carrying out programs and activities that are designed to improve the quality of personnel who serve children with disabilities, such as—

"(A) innovative professional development programs (which may be provided through partnerships that include institutions of higher education), including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy, which professional development shall be consistent with the definition of professional development in section 9101(34) of the Elementary and Secondary Education Act of 1965; and

"(B) the development and use of proven, cost effective strategies for the implementation of professional development activities, such as through the use of technology and distance learning.

"(6) Carrying out programs and activities that are designed to improve the quality of early intervention personnel, including paraprofessionals and primary referral sources, such as—

"(A) professional development programs to improve the delivery of early intervention services;

"(B) initiatives to promote the recruitment and retention of early intervention personnel; and

"(C) interagency activities to ensure that personnel are adequately prepared and trained.

"(b) OTHER ACTIVITIES.—A State educational agency that receives a grant under this subpart shall use the grant funds to support activities in accordance with the State's plan described in section 653, including 1 or more of the following:

"(1) Reforming special education and regular education teacher certification (including recertification) or licensing requirements to ensure that—

"(A) special education and regular education teachers have—

"(i) the training and information necessary to address the full range of needs of children with disabilities across disability categories; and

"(ii) the necessary subject matter knowledge and teaching skills in the academic subjects that they teach;

"(B) special education and regular education teacher certification (including recertification) or licensing requirements are aligned with challenging State academic content standards; and

"(C) special education and regular education teachers have the subject matter knowledge and teaching skills, including technology literacy, necessary to help students with disabilities meet challenging State student academic achievement and functional standards.

"(2) Programs that establish, expand, or improve alternative routes for State certification of special education teachers for highly qualified individuals with a baccalaureate or master's degree, including mid-career professionals from other occupations, paraprofessionals, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective special education teachers.

"(3) Teacher advancement initiatives for special education teachers that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.

"(4) Developing and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified special education teachers.

"(5) Reforming tenure systems, implementing teacher testing for subject matter knowledge, and implementing teacher testing for State certification or licensing, consistent with title II of the Higher Education Act of 1965.

"(6) Funding projects to promote reciprocity of teacher certification or licensing between or among States for special education teachers, except that no reciprocity agreement developed under this paragraph or developed using funds provided under this subpart may lead to the weakening of any State teaching certification or licensing requirement.

"(7) Developing or assisting local educational agencies to serve children with disabilities through the development and use of proven, innovative strategies to deliver intensive professional development programs that are both cost effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.

"(8) Developing, or assisting local educational agencies in developing, merit based performance systems, and strategies that provide differential and bonus pay for special education teachers.

"(9) Supporting activities that ensure that teachers are able to use challenging State academic content standards and student academic and functional achievement standards, and State assessments for all children with disabilities, to improve instructional practices and improve the academic achievement of children with disabilities.

"(10) When applicable, coordinating with, and expanding centers established under, section 2113(c)(18) of the Elementary and Secondary Education Act of 1965 to benefit special education teachers.

"(c) CONTRACTS AND SUBGRANTS.—Each such State educational agency—

"(1) shall award contracts or subgrants to local educational agencies, institutions of higher education, parent training and information centers, or community parent resource centers, as appropriate, to carry out its State plan under this subpart; and

"(2) may award contracts and subgrants to other public and private entities, including the lead agency under part C, to carry out such plan.

"(d) USE OF FUNDS FOR PROFESSIONAL DEVELOPMENT.—A State educational agency that receives a grant under this subpart shall use—

"(1) not less than 75 percent of the funds the State educational agency receives under the grant for any fiscal year for activities under subsection (a); and

"(2) not more than 25 percent of the funds the State educational agency receives under the grant for any fiscal year for activities under subsection (b).

"(e) GRANTS TO OUTLYING AREAS.—Public Law 95–134, permitting the consolidation of grants to the outlying areas, shall not apply to funds received under this subpart.

"SEC. 655. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart such sums as may be necessary for each of the fiscal years 2004 through 2009.

"Subpart 2—Scientifically Based Research, Technical Assistance, Model Demonstration Projects, and Dissemination of Information

"SEC. 660. PURPOSE.

"The purpose of this subpart is—

"(1) to provide Federal funding for scientifically based research, technical assistance, model demonstration projects, and information dissemination to improve early intervention, educational, and transitional results for children with disabilities; and

"(2) to assist State educational agencies and local educational agencies in improving their education systems.

"SEC. 661. ADMINISTRATIVE PROVISIONS.

"(a) COMPREHENSIVE PLAN.—

"(1) IN GENERAL.—After receiving input from interested individuals with relevant expertise, the Secretary shall develop and implement a comprehensive plan for activities carried out under this subpart (other than activities assisted under section 665 and subpart 3) in order to enhance the provision of early intervention, educational, related and transitional services to children with disabilities under parts B and C. The plan shall be coordinated with the plan developed pursuant to section 177(c) of the Education Sciences Reform Act of 2002 and shall include mechanisms to address early intervention, educational, related service and transitional needs identified by State educational agencies in applications submitted for State Personnel and Professional Development grants under subpart 1 and for grants under this subpart.

"(2) PUBLIC COMMENT.—The Secretary shall provide a public comment period of at least 60 days on the plan.

"(3) DISTRIBUTION OF FUNDS.—In implementing the plan, the Secretary shall, to the extent appropriate, ensure that funds are awarded to recipients under this subpart, subpart 3, and subpart 4 to carry out activities that benefit, directly or indirectly, children with the full range of disabilities and of all ages.

"(4) REPORTS TO CONGRESS.—The Secretary shall annually report to Congress on the Secretary's activities under this subpart, subpart 3, and subpart 4, including an initial report not later than 12 months after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003.

"(b) ELIGIBLE APPLICANTS.—

"(1) IN GENERAL.—Except as otherwise provided in this subpart, the following entities are eligible to apply for a grant, contract, or cooperative agreement under this subpart:

"(A) A State educational agency.

"(B) A local educational agency.

"(C) A public charter school that is a local educational agency under State law.

"(D) An institution of higher education.

"(E) Any other public agency.

"(F) A private nonprofit organization.

"(G) An outlying area.

"(H) An Indian tribe or a tribal organization (as defined under section 4 of the Indian Self-Determination and Education Assistance Act).

"(I) A for-profit organization.

"(2) SPECIAL RULE.—The Secretary may limit the entities eligible for an award of a grant, contract, or cooperative agreement to 1 or more categories of eligible entities described in paragraph (1).

"(c) SPECIAL POPULATIONS.—

"(1) APPLICATION REQUIREMENT.—In making an award of a grant, contract, or cooperative agreement under this subpart, subpart 3, and subpart 4, the Secretary shall, as appropriate, require an applicant to meet the criteria set forth by the Secretary under this subpart and demonstrate how the applicant will address the needs of children with disabilities from minority backgrounds.

"(2) OUTREACH AND TECHNICAL ASSISTANCE.—Notwithstanding any other provision of this Act, the Secretary shall reserve at least 1 percent of the total amount of funds made available to carry out this subpart, subpart 3, or subpart 4 for 1 or both of the following activities:

"(A) To provide outreach and technical assistance to Historically Black Colleges and Universities, and to institutions of higher education with minority enrollments of at least 25 percent, to promote the participation of such colleges, universities, and institutions in activities under this subpart.

"(B) To enable Historically Black Colleges and Universities, and the institutions described in subparagraph (A), to assist other colleges, universities, institutions, and agencies in improving educational and transitional results for children with disabilities.

"(d) PRIORITIES.—The Secretary, in making an award of a grant, contract, or cooperative agreement under this subpart, subpart 3, or subpart 4, may, without regard to the rulemaking procedures under section 553(a) of title 5, United States Code, limit competitions to, or otherwise give priority to—

"(1) projects that address 1 or more—

"(A) age ranges;

"(B) disabilities;

"(C) school grades;

"(D) types of educational placements or early intervention environments;

"(E) types of services;

"(F) content areas, such as reading; or

"(G) effective strategies for helping children with disabilities learn appropriate behavior in the school and other community based educational settings;

"(2) projects that address the needs of children based on the severity or incidence of their disability;

"(3) projects that address the needs of—

"(A) low achieving students;

"(B) underserved populations;

"(C) children from low income families;

"(D) limited English proficient children;

"(E) unserved and underserved areas;

"(F) rural or urban areas;

"(G) children whose behavior interferes with their learning and socialization;

"(H) children with reading difficulties;

"(I) children in charter schools; or

"(J) children who are gifted and talented;

"(4) projects to reduce inappropriate identification of children as children with disabilities, particularly among minority children;

"(5) projects that are carried out in particular areas of the country, to ensure broad geographic coverage;

"(6) projects that promote the development and use of universally designed technologies, assistive technology devices, and assistive technology services to maximize children with disabilities' access to and participation in the general education curriculum; and

"(7) any activity that is authorized in this subpart or subpart 3.

"(e) APPLICANT AND RECIPIENT RESPONSIBILITIES.—

"(1) DEVELOPMENT AND ASSESSMENT OF PROJECTS.—The Secretary shall require that an applicant for, and a recipient of, a grant, contract, or cooperative agreement for a project under this subpart, subpart 3, or subpart 4—

"(A) involve individuals with disabilities or parents of individuals with disabilities ages birth through 26 in planning, implementing, and evaluating the project; and

"(B) where appropriate, determine whether the project has any potential for replication and adoption by other entities.

"(2) ADDITIONAL RESPONSIBILITIES.—The Secretary may require a recipient of a grant, contract, or cooperative agreement under this subpart, subpart 3, or subpart 4 to—

"(A) share in the cost of the project;

"(B) prepare any findings and products from the project in formats that are useful for specific audiences, including parents, administrators, teachers, early intervention personnel, related services personnel, and individuals with disabilities;

"(C) disseminate such findings and products; and

"(D) collaborate with other such recipients in carrying out subparagraphs (B) and (C).

"(f) APPLICATION MANAGEMENT.—

"(1) STANDING PANEL.—

"(A) IN GENERAL.—The Secretary shall establish and use a standing panel of experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications under this subpart (other than applications for assistance under section 665), subpart 3, and subpart

4 that, individually, request more than $75,000 per year in Federal financial assistance.

"(B) MEMBERSHIP.—The standing panel shall include, at a minimum—

"(i) individuals who are representatives of institutions of higher education that plan, develop, and carry out high quality programs of personnel preparation;

"(ii) individuals who design and carry out scientifically based research targeted to the improvement of special education programs and services;

"(iii) individuals who have recognized experience and knowledge necessary to integrate and apply scientifically based research findings to improve educational and transitional results for children with disabilities;

"(iv) individuals who administer programs at the State or local level in which children with disabilities participate;

"(v) individuals who prepare parents of children with disabilities to participate in making decisions about the education of their children;

"(vi) individuals who establish policies that affect the delivery of services to children with disabilities;

"(vii) parents of children with disabilities ages birth through 26 who are benefiting, or have benefited, from coordinated research, personnel preparation, and technical assistance; and

"(viii) individuals with disabilities.

"(C) TERM.—Unless approved by the Secretary due to extenuating circumstances related to shortages of experts in a particular area of expertise or for a specific competition, no individual shall serve on the standing panel for more than 3 consecutive years.

"(2) PEER REVIEW PANELS FOR PARTICULAR COMPETITIONS.—

"(A) COMPOSITION.—The Secretary shall ensure that each sub panel selected from the standing panel that reviews applications under this subpart (other than section 665), subpart 3, and subpart 4 includes—

"(i) individuals with knowledge and expertise on the issues addressed by the activities authorized by the relevant subpart; and

"(ii) to the extent practicable, parents of children with disabilities ages birth through 26, individuals with disabilities, and persons from diverse backgrounds.

"(B) FEDERAL EMPLOYMENT LIMITATION.—A majority of the individuals on each sub panel that reviews an application under this subpart (other than an application under section 665), subpart 3, and subpart 4 shall be individuals who are not employees of the Federal Government.

"(3) USE OF DISCRETIONARY FUNDS FOR ADMINISTRATIVE PURPOSES.—

"(A) EXPENSES AND FEES OF NON-FEDERAL PANEL MEMBERS.—The Secretary may use funds made available under this subpart, subpart 3, and subpart 4 to pay the expenses and fees of the panel members who are not officers or employees of the Federal Government.

"(B) ADMINISTRATIVE SUPPORT.—The Secretary may use not more than 1 percent of the funds made available to carry out this subpart, subpart 3, or subpart 4 to pay non-Federal entities for administrative support related to management of applications submitted under this subpart.

"(4) AVAILABILITY OF CERTAIN PRODUCTS.—The Secretary shall ensure that recipients of grants, cooperative agreements, or contracts under this subpart, subpart 3, and subpart 4 make available in formats that are accessible to individuals with disabilities any products developed under such grants, cooperative agreements, or contracts that the recipient is making available to the public.

"(g) PROGRAM EVALUATION.—The Secretary may use funds made available to carry out this subpart, subpart 3, and subpart 4 to evaluate activities carried out under this subpart.

"(h) MINIMUM FUNDING REQUIRED.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall ensure that, for each fiscal year, at least the following amounts are provided under this subpart and subpart 3 to address the following needs:

"(A) $12,832,000 to address the educational, related services, transitional, and early intervention needs of children with deaf-blindness.

"(B) $4,000,000 to address the postsecondary, vocational, technical, continuing, and adult education needs of individuals with deafness.

"(C) $4,000,000 to address the educational, related services, and transitional needs of children with an emotional disturbance and those who are at risk of developing an emotional disturbance.

"(2) RATABLE REDUCTION.—If the total amount appropriated to carry out this subpart, subpart 3, and part E of the Education Sciences Reform Act of 2002 for any fiscal year is less than $130,000,000, the amounts listed in paragraph (1) shall be ratably reduced.

"(i) ELIGIBILITY FOR FINANCIAL ASSISTANCE.—No State or local educational agency, or other public institution or agency, may receive a grant or enter into a contract or cooperative agreement under this subpart that relates exclusively to programs, projects, and activities pertaining to children aged 3 through 5, inclusive, unless the State is eligible to receive a grant under section 619(b).

"SEC. 662. RESEARCH COORDINATION TO IMPROVE RESULTS FOR CHILDREN WITH DISABILITIES.

"The Secretary shall coordinate research carried out under this subpart with research carried out under part E of the Education Sciences Reform Act of 2002.

"SEC. 663. TECHNICAL ASSISTANCE, DEMONSTRATION PROJECTS, DISSEMINATION OF INFORMATION, AND IMPLEMENTATION OF SCIENTIFICALLY BASED RESEARCH.

"(a) IN GENERAL.—From amounts made available under section 675, the Secretary, on a competitive basis, shall award grants to, or enter into contracts or cooperative agreements with, eligible entities to provide technical assistance, carry out model demonstration projects, disseminate useful information, and implement activities that are supported by scientifically based research.

"(b) REQUIRED ACTIVITIES.—The Secretary shall support activities to improve services provided under this Act, including the practices of professionals and others involved in providing such services to children with disabilities, that promote academic achievement and functional performance to improve educational results and functional outcomes for children with disabilities through—

"(1) implementing effective strategies that are conducive to learning and for addressing inappropriate behavior of students with disabilities in schools, including strategies to prevent children with emotional and behavioral problems from developing emotional disturbances that require the provision of special education and related services;

"(2) improving the alignment, compatibility, and development of valid and reliable assessment methods, including alternate assessment methods and evaluation methods, for assessing adequately yearly progress as described in section 1111(b)(2) of the Elementary and Secondary Education Act of 1965;

"(3) providing information to both regular education teachers and special education teachers to address the different learning styles and disabilities of students;

"(4) disseminating information on innovative, effective, and efficient curricula, materials (including those that are universally designed), instructional approaches, and strategies that—

"(A) support effective transitions between educational settings or from school to post-school settings;

"(B) support effective inclusion of students with disabilities in general education settings, especially students with low-incidence disabilities; and

"(C) improve educational and transitional results at all levels of the educational system in which the activities are carried out and, in particular, that improve the progress of children with disabilities, as measured by assessments within the general education curriculum involved; and

"(5) demonstrating and applying scientifically-based findings to facilitate systematic changes related to the provision of services to children with disabilities.

"(c) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this section include activities to improve services provided under this Act, including the practices of professionals and others involved in providing such services to children with disabilities, that promote increased academic achievement and enhanced functional outcomes for children with disabilities through—

"(1) supporting and promoting the coordination of early intervention, education, and transitional services for children with disabilities with services provided by health, rehabilitation, and social service agencies;

"(2) promoting improved alignment and compatibility of general and special education reforms concerned with curriculum and instructional reform, and evaluating of such reforms;

"(3) enabling professionals, parents of children with disabilities, and other persons, to learn about, and implement, the findings of scientifically based research and effective practices relating to the provision of services to children with disabilities;

"(4) disseminating information relating to successful approaches to overcoming systemic barriers to the effective and efficient delivery of early intervention, educational, and transitional services, to personnel who provide services to children with disabilities;

"(5) assisting States and local educational agencies with the process of planning systemic changes that will promote improved early intervention, educational, and transitional results for children with disabilities;

"(6) promoting change through a multi-State or regional framework that benefits States, local educational agencies, and other participants in partnerships that are in the process of achieving systemic change;

"(7) focusing on the needs and issues that are specific to a population of children with disabilities, such as providing single-State and multi-State technical assistance and in-service training—

"(A) to schools and agencies serving deaf-blind children and their families;

"(B) to programs and agencies serving other groups of children with low-incidence disabilities and their families;

"(C) to address the postsecondary education needs of individuals who are deaf or hard-of-hearing; and

"(D) to schools and personnel providing special education and related services for children with autism spectrum disorders;

"(8) demonstrating models of personnel preparation to ensure appropriate placements and services for all students with disabilities and to reduce disproportionality in eligibility, placement, and disciplinary actions for minority and limited English proficient children: and

"(9) disseminating information on how to reduce racial and ethnic disproportionalities.

“(d) BALANCE AMONG DISABILITIES AND AGE RANGES.—In carrying out this section, the Secretary shall ensure that there is an appropriate balance across all age ranges and disabilities.

“(e) LINKING STATES TO INFORMATION SOURCES.—In carrying out this section, the Secretary may support projects that link States to technical assistance resources, including special education and general education resources, and may make research and related products available through libraries, electronic networks, parent training projects, and other information sources.

“(f) APPLICATIONS.—

“(1) IN GENERAL.—An eligible entity that desires to receive a grant, or to enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(2) CONTENTS.—The Secretary may, as appropriate, require eligible entities to demonstrate that the projects described in their applications are supported by scientifically based research that has been carried out in conjunction with the standards for the conduct and evaluation of all research and development established by the National Center for Education Research under sections 133 and 134 of the Education Sciences Reform Act of 2002.

“(3) PRIORITY.—As appropriate, the Secretary shall give priority to applications that propose to serve teachers and school personnel directly in the school environment or that strengthen State and local agency capacity to improve instructional practices of personnel to improve educational results for children with disabilities in the school environment.

“SEC. 664. PERSONNEL DEVELOPMENT TO IMPROVE SERVICES AND RESULTS FOR CHILDREN WITH DISABILITIES.

“(a) IN GENERAL.—The Secretary, on a competitive basis, shall award grants to, or enter into contracts or cooperative agreements with, eligible entities for 1 or more of the following:

“(1) To help address the needs identified in the State plan described in section 653(a)(2) for highly qualified personnel, as defined in section 651(b), to work with infants, toddlers, or children with disabilities, consistent with the standards described in section 612(a)(14).

“(2) To ensure that those personnel have the necessary skills and knowledge, derived from practices that have been determined, through scientifically based research, to be successful in serving those children.

“(3) To encourage increased focus on academics and core content areas in special education personnel preparation programs.

“(4) To ensure that regular education teachers have the necessary skills and knowledge to provide instruction to students with disabilities in the regular education classroom.

“(5) To ensure that all special education teachers are highly qualified.

“(6) To ensure that preservice and in-service personnel preparation programs include training in—

“(A) the use of new technologies;

“(B) the area of early intervention, educational, and transition services;

“(C) effectively involving parents; and

“(D) positive behavioral supports.

“(7) To provide high-quality professional development for principals, superintendents, and other administrators, including training in—

“(A) instructional leadership;

“(B) behavioral supports in the school and classroom;

“(C) paperwork reduction;

“(D) promoting improved collaboration between special education and general education teachers;

“(E) assessment and accountability;

“(F) ensuring effective learning environments; and

“(G) fostering positive relationships with parents.

“(b) PERSONNEL DEVELOPMENT; AUTHORIZED ACTIVITIES.—

“(1) IN GENERAL.—In carrying out this section, the Secretary shall support activities to prepare personnel, including activities for the preparation of personnel who will serve children with high-incidence and low-incidence disabilities, consistent with the objectives described in subsection (a).

“(2) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this subsection include the following:

“(A) Supporting collaborative personnel preparation activities undertaken by institutions of higher education, local educational agencies, and other local entities—

“(i) to improve and reform their existing programs, to support effective existing programs, to support the development of new programs, and to prepare teachers, principals, administrators, and related services personnel—

“(I) to meet the diverse needs of children with disabilities for early intervention, educational, and transitional services; and

“(II) to work collaboratively in regular classroom settings; and

“(ii) to incorporate best practices and scientifically based research about preparing personnel—

“(I) so the personnel will have the knowledge and skills to improve educational results for children with disabilities; and

“(II) to implement effective teaching strategies and interventions to prevent the misidentification, overidentification, or underidentification of children as having a disability, especially minority and limited English proficient children.

“(B) Developing, evaluating, and disseminating innovative models for the recruitment, induction, retention, and assessment of highly qualified teachers to reduce teachers shortages.

“(C) Providing continuous personnel preparation, training, and professional development designed to provide support and ensure retention of teachers and personnel who teach and provide related services to children with disabilities.

“(D) Developing and improving programs for paraprofessionals to become special education teachers, related services personnel, and early intervention personnel, including interdisciplinary training to enable the paraprofessionals to improve early intervention, educational, and transitional results for children with disabilities.

“(E) Demonstrating models for the preparation of, and interdisciplinary training of, early intervention, special education, and general education personnel, to enable the personnel to acquire the collaboration skills necessary to work within teams and to improve results for children with disabilities, particularly within the general education curriculum.

“(F) Promoting effective parental involvement practices to enable the personnel to work with parents and involve parents in the education of such parents' children.

“(G) Promoting the transferability, across State and local jurisdictions, of licensure and certification of teachers, principals, and administrators working with such children.

“(H) Developing and disseminating models that prepare teachers with strategies, including positive behavioral interventions, for addressing the conduct of children with disabilities that impedes their learning and that of others in the classroom.

“(I) Developing and improving programs to enhance the ability of general education teachers, principals, school administrators, and school board members to improve results for children with disabilities.

“(J) Supporting institutions of higher education with minority enrollments of at least 25 percent for the purpose of preparing personnel to work with children with disabilities.

“(K) Preparing personnel to work in high need elementary schools and secondary schools, including urban schools, rural schools, and schools operated by an entity described in section 7113(d)(1)(A)(ii) of the Elementary and Secondary Education Act of 1965, and schools that serve high numbers or percentages of limited English proficient children.

“(L) Developing, evaluating, and disseminating innovative models for the recruitment, induction, retention, and assessment of new, highly qualified teachers, especially from groups that are underrepresented in the teaching profession, including individuals with disabilities.

“(M) Developing and improving programs to train special education teachers to develop an expertise in autism spectrum disorders.

“(c) LOW INCIDENCE DISABILITIES; AUTHORIZED ACTIVITIES.—

“(1) IN GENERAL.—In carrying out this section, the Secretary shall support activities, consistent with the objectives described in subsection (a), that benefit children with low incidence disabilities.

“(2) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this subsection include activities such as the following:

“(A) Preparing persons who—

“(i) have prior training in educational and other related service fields; and

“(ii) are studying to obtain degrees, certificates, or licensure that will enable the persons to assist children with low incidence disabilities to achieve the objectives set out in their individualized education programs described in section 614(d), or to assist infants and toddlers with low incidence disabilities to achieve the outcomes described in their individualized family service plans described in section 636.

“(B) Providing personnel from various disciplines with interdisciplinary training that will contribute to improvement in early intervention, educational, and transitional results for children with low incidence disabilities.

“(C) Preparing personnel in the innovative uses and application of technology, including universally designed technologies, assistive technology devices, and assistive technology services—

“(i) to enhance learning by children with low incidence disabilities through early intervention, educational, and transitional services; and

“(ii) to improve communication with parents.

“(D) Preparing personnel who provide services to visually impaired or blind children to teach and use Braille in the provision of services to such children.

“(E) Preparing personnel to be qualified educational interpreters, to assist children with low incidence disabilities, particularly deaf and hard of hearing children in school and school related activities, and deaf and hard of hearing infants and toddlers and preschool children in early intervention and preschool programs.

“(F) Preparing personnel who provide services to children with significant cognitive disabilities and children with multiple disabilities.

“(3) DEFINITION.—As used in this section, the term ‘low incidence disability’ means—

“(A) a visual or hearing impairment, or simultaneous visual and hearing impairments;

“(B) a significant cognitive impairment; or

“(C) any impairment for which a small number of personnel with highly specialized skills and knowledge are needed in order for children with that impairment to receive early intervention services or a free appropriate public education.

“(4) SELECTION OF RECIPIENTS.—In selecting recipients under this subsection, the Secretary

may give preference to eligible entities submitting applications that include 1 or more of the following:

"(A) A proposal to prepare personnel in more than 1 low incidence disability, such as deafness and blindness.

"(B) A demonstration of an effective collaboration with an eligible entity and a local educational agency that promotes recruitment and subsequent retention of highly qualified personnel to serve children with disabilities.

"(5) PREPARATION IN USE OF BRAILLE.—The Secretary shall ensure that all recipients of assistance under this subsection who will use that assistance to prepare personnel to provide services to visually impaired or blind children that can appropriately be provided in Braille will prepare those individuals to provide those services in Braille.

"(d) LEADERSHIP PREPARATION; AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—In carrying out this section, the Secretary shall support leadership preparation activities that are consistent with the objectives described in subsection (a).

"(2) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this subsection include activities such as the following:

"(A) Preparing personnel at the graduate, doctoral, and postdoctoral levels of training to administer, enhance, or provide services to improve results for children with disabilities.

"(B) Providing interdisciplinary training for various types of leadership personnel, including teacher preparation faculty, administrators, researchers, supervisors, principals, related services personnel, and other persons whose work affects early intervention, educational, and transitional services for children with disabilities.

"(e) ENHANCED SUPPORT AND TRAINING FOR BEGINNING SPECIAL EDUCATORS; AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—In carrying out this section, the Secretary shall support personnel preparation activities that are consistent with the objectives described in subsection (a).

"(2) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this subsection include—

"(A) enhancing and restructuring an existing program or developing a preservice teacher education program, to prepare special education teachers, at colleges or departments of education within the institution of higher education, by incorporating an additional 5th year clinical learning opportunity, field experience, or supervised practicum into a program of preparation and coursework for special education teachers; or

"(B) Creating or supporting professional development schools that provide—

"(i) high quality mentoring and induction opportunities with ongoing support for beginning special education teachers; or

"(ii) inservice professional development to veteran special education teachers through the ongoing exchange of information and instructional strategies.

"(3) ELIGIBLE PARTNERSHIPS.—Eligible recipients of assistance under this subsection are partnerships—

"(A) that shall consist of—

"(i) 1 or more institutions of higher education with special education personnel preparation programs; and

"(ii) 1 or more local educational agencies; and

"(iii) in the case of activities assisted under paragraph (2)(B), an elementary school or secondary school; and

"(B) that may include other entities eligible for assistance under this part, such as a State educational agency.

"(4) PRIORITY.—In awarding grants or entering into contracts or cooperative agreements under this subsection, the Secretary shall give priority to partnerships that include local educational agencies that serve—

"(A) high numbers or percentages of low-income students; or

"(B) schools that have failed to make adequate yearly progress toward enabling children with disabilities to meet academic achievement standards.

"(f) TRAINING TO SUPPORT GENERAL EDUCATORS; AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—In carrying out this section, the Secretary shall support personnel preparation activities that are consistent with the objectives described in subsection (a).

"(2) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this subsection include—

"(A) high quality professional development for general educators that develops the knowledge and skills, and enhances the ability, of general educators to—

"(i) use classroom-based techniques to identify students who may be eligible for special education services, and deliver instruction in a way that meets the individualized needs of children with disabilities through appropriate supports, accommodations, and curriculum modifications;

"(ii) use classroom-based techniques, such as scientifically based reading instruction;

"(iii) work collaboratively with special education teachers and related services personnel;

"(iv) implement strategies, such as positive behavioral interventions—

"(I) to address the behavior of children with disabilities that impedes the learning of such children and others; or

"(II) to prevent children from being misidentified as children with disabilities;

"(v) prepare children with disabilities to participate in statewide assessments (with or without accommodations) and alternate assessments, as appropriate;

"(vi) develop effective practices for ensuring that all children with disabilities are a part of all accountability systems under the Elementary and Secondary Education Act of 1965;

"(vii) work with and involve parents of children with disabilities in their child's education;

"(viii) understand how to effectively construct IEPs, participate in IEP meetings, and implement IEPs; and

"(ix) in the case of principals and superintendents, be instructional leaders and promote improved collaboration between general educators, special education teachers, and related services personnel; and

"(B) release and planning time for the activities described in this subsection.

"(3) ELIGIBLE PARTNERSHIPS.—Eligible recipients of assistance under this subsection are partnerships—

"(A) that consist of—

"(i) 1 or more institutions of higher education with special education personnel preparation programs; and

"(ii) 1 or more local educational agencies; and

"(B) that may include other entities eligible for assistance under this part, such as a State educational agency.

"(g) APPLICATIONS.—

"(1) IN GENERAL.—Any eligible entity that desires to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) IDENTIFIED STATE NEEDS.—

"(A) REQUIREMENT TO ADDRESS IDENTIFIED NEEDS.—Any application under subsection (b), (c), (d), (e), or (f) shall include information demonstrating to the satisfaction of the Secretary that the activities described in the application will address needs identified by the State or States the applicant proposes to serve, consistent with the needs identified in the State plan described in section 653(a)(2).

"(B) COOPERATION WITH STATE EDUCATIONAL AGENCIES.—Any applicant that is not a local educational agency or a State educational agency shall include in the application information demonstrating to the satisfaction of the Secretary that the applicant and 1 or more State educational agencies or local educational agencies have engaged in a cooperative effort to carry out and monitor the project to be assisted.

"(3) ACCEPTANCE BY STATES OF PERSONNEL PREPARATION REQUIREMENTS.—The Secretary may require applicants to provide assurances from 1 or more States that such States intend to accept successful completion of the proposed personnel preparation program as meeting State personnel standards for serving children with disabilities or serving infants and toddlers with disabilities.

"(h) SELECTION OF RECIPIENTS.—

"(1) IMPACT OF PROJECT.—In selecting award recipients under this section, the Secretary shall consider the impact of the proposed project described in the application in meeting the need for personnel identified by the States.

"(2) REQUIREMENT FOR APPLICANTS TO MEET STATE AND PROFESSIONAL STANDARDS.—The Secretary shall make grants and enter into contracts and cooperative agreements under this section only to eligible applicants that meet State and professionally recognized standards for the preparation of special education and related services personnel, if the purpose of the project is to assist personnel in obtaining degrees.

"(3) PREFERENCES.—In selecting recipients under this section, the Secretary may give preference to institutions of higher education that are—

"(A) educating regular education personnel to meet the needs of children with disabilities in integrated settings;

"(B) educating special education personnel to work in collaboration with regular educators in integrated settings; and

"(C) successfully recruiting and preparing individuals with disabilities and individuals from groups that are underrepresented in the profession for which the institution of higher education is preparing individuals.

"(i) SERVICE OBLIGATION.—Each application for funds under subsections (b), (c), (d), and (e) shall include an assurance that the applicant will ensure that individuals who receive assistance under the proposed project will subsequently provide special education and related services to children with disabilities for a period of 1 year for every year for which assistance was received, or repay all or part of the cost of that assistance, in accordance with regulations issued by the Secretary.

"(j) SCHOLARSHIPS.—The Secretary may include funds for scholarships, with necessary stipends and allowances, in awards under subsections (b), (c), (d), and (e).

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2004 through 2009.

"SEC. 665. STUDIES AND EVALUATIONS.

"(a) STUDIES AND EVALUATIONS.—

"(1) DELEGATION.—The Secretary shall delegate to the Director of the Institute for Education Sciences responsibility to carry out this section, other than subsections (d) and (f).

"(2) ASSESSMENT.—The Secretary shall, directly or through grants, contracts, or cooperative agreements awarded on a competitive basis, assess the progress in the implementation of this Act, including the effectiveness of State and local efforts to provide—

"(A) a free appropriate public education to children with disabilities; and

"(B) early intervention services to infants and toddlers with disabilities, and infants and toddlers who would be at risk of having substantial developmental delays if early intervention services were not provided to them.

"(b) NATIONAL ASSESSMENT.—

"(1) IN GENERAL.—The Secretary shall carry out a national assessment of activities carried out with Federal funds under this Act in order—

"(A) to determine the effectiveness of this Act in achieving its purposes;

"(B) to provide timely information to the President, Congress, the States, local educational agencies, and the public on how to implement this Act more effectively; and

"(C) to provide the President and Congress with information that will be useful in developing legislation to achieve the purposes of this Act more effectively.

"(2) CONSULTATION.—The Secretary shall plan, review, and conduct the national assessment under this subsection in consultation with researchers, State practitioners, local practitioners, parents of children with disabilities, and other appropriate individuals.

"(3) SCOPE OF ASSESSMENT.—The national assessment shall assess the—

"(A) implementation of programs assisted under this Act and the impact of those programs on addressing the developmental, educational, and transitional needs of, and improving the academic achievement and functional outcomes of, children with disabilities to enable the children to reach challenging developmental goals and challenging State academic content standards based on State academic assessments, including alternate assessments;

"(B) types of programs and services that have demonstrated the greatest likelihood of helping students reach the challenging State academic content standards and developmental goals;

"(C) implementation of the personnel preparation and professional development activities assisted under this Act and the impact on instruction, student academic achievement, and teacher qualifications to enhance the ability of special education teachers and regular education teachers to improve results for children with disabilities; and

"(D) effectiveness of schools, local educational agencies, States, and other recipients of assistance under this Act, in achieving the purposes of this Act in—

"(i) improving the academic achievement of children with disabilities and their performance on regular statewide assessments, and the performance of children with disabilities on alternate assessments;

"(ii) improving the participation rate of children with disabilities in the general education curriculum;

"(iii) improving the transitions of children with disabilities at natural transition points;

"(iv) placing and serving children with disabilities, including minority children, in the least restrictive environment appropriate;

"(v) preventing children with disabilities, especially children with emotional disturbances and specific learning disabilities, from dropping out of school;

"(vi) addressing the reading and literacy needs of children with disabilities;

"(vii) coordinating services provided under this Act with each other, with other educational and pupil services (including preschool services), and with health and social services funded from other sources;

"(viii) improving the participation of parents of children with disabilities in the education of their children;

"(ix) resolving disagreements between education personnel and parents through alternate dispute resolution activities including mediation; and

"(x) reducing the misidentification of children, especially minority and limited English proficient children.

"(4) INTERIM AND FINAL REPORTS.—The Secretary shall submit to the President and Congress—

"(A) an interim report that summarizes the preliminary findings of the national assessment not later than 3 years after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003; and

"(B) a final report of the findings of the assessment not later than 5 years after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003.

"(c) STUDY ON ENSURING ACCOUNTABILITY FOR STUDENTS WITH SIGNIFICANT DISABILITIES.—The Secretary shall carry out a national study or studies to examine—

"(1) the criteria that States use to determine eligibility for alternate assessments and the number and type of children who take those assessments;

"(2) the validity and reliability of alternate assessment instruments and procedures;

"(3) the alignment of alternate assessments with State academic content and achievement standards or with alternate academic achievement standards; and

"(4) the use and effectiveness of alternate assessments in appropriately measuring student progress and outcomes specific to individualized instructional need.

"(d) ANNUAL REPORT.—The Secretary shall provide an annual report to Congress that—

"(1) summarizes the research conducted under section 662;

"(2) analyzes and summarizes the data reported by the States and the Secretary of the Interior under section 618;

"(3) summarizes the studies and evaluations conducted under this section and the timeline for their completion;

"(4) describes the extent and progress of the national assessment; and

"(5) describes the findings and determinations resulting from reviews of State implementation of this Act.

"(e) AUTHORIZED ACTIVITIES.—In carrying out this section, the Secretary may support objective studies, evaluations, and assessments, including studies that—

"(1) analyze measurable impact, outcomes, and results achieved by State educational agencies and local educational agencies through their activities to reform policies, procedures, and practices designed to improve educational and transitional services and results for children with disabilities;

"(2) analyze State and local needs for professional development, parent training, and other appropriate activities that can reduce the need for disciplinary actions involving children with disabilities;

"(3) assess educational and transitional services and results for children with disabilities from minority backgrounds, including—

"(A) data on—

"(i) the number of minority children who are referred for special education evaluation;

"(ii) the number of minority children who are receiving special education and related services and their educational or other service placement;

"(iii) the number of minority children who graduated from secondary programs with a regular diploma in the standard number of years; and

"(iv) the number of minority children who drop out of the educational system; and

"(B) the performance of children with disabilities from minority backgrounds on State assessments and other performance indicators established for all students;

"(4) measure educational and transitional services and results of children with disabilities served under this Act, including longitudinal studies that—

"(A) examine educational and transitional services and results for children with disabilities who are 3 through 17 years of age and are receiving special education and related services under this Act, using a national, representative sample of distinct age cohorts and disability categories; and

"(B) examine educational results, transition services, postsecondary placement, and employment status of individuals with disabilities, 18 through 21 years of age, who are receiving or have received special education and related services under this Act; and

"(5) identify and report on the placement of children with disabilities by disability category.

"(f) STUDY.—The Secretary shall study, and report to Congress regarding, the extent to which States adopt policies described in section 635(b)(1) and on the effects of those policies.

"(g) RESERVATION FOR STUDIES AND EVALUATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of this Act, the Secretary may reserve not more than ½ of 1 percent of the amount appropriated under parts B and C for each fiscal year to carry out this section, of which not more than $3,000,000 shall be available to carry out subsection (c).

"(2) MAXIMUM AMOUNT.—The maximum amount the Secretary may reserve under paragraph (1) for any fiscal year is $40,000,000, increased by the cumulative rate of inflation since fiscal year 2003.

"Subpart 3—Supports To Improve Results for Children With Disabilities

"SEC. 670. PURPOSES.

"The purposes of this subpart are to ensure that—

"(1) children with disabilities and their parents receive training and information on their rights, responsibilities, and protections under this Act, in order to develop the skills necessary to cooperatively and effectively participate in planning and decision making relating to early intervention, educational, and transitional services;

"(2) parents, teachers, administrators, early intervention personnel, related services personnel, and transition personnel receive coordinated and accessible technical assistance and information to assist them in improving early intervention, educational, and transitional services and results for children with disabilities and their families; and

"(3) appropriate technology and media are researched, developed, and demonstrated, to improve and implement early intervention, educational, and transitional services and results for children with disabilities and their families.

"SEC. 671. PARENT TRAINING AND INFORMATION CENTERS.

"(a) PROGRAM AUTHORIZED.—The Secretary may award grants to, and enter into contracts and cooperative agreements with, parent organizations to support parent training and information centers to carry out activities under this section.

"(b) REQUIRED ACTIVITIES.—Each parent training and information center that receives assistance under this section shall—

"(1) provide training and information that meets the needs of parents of children with disabilities living in the area served by the center, particularly underserved parents and parents of children who may be inappropriately identified, to enable their children with disabilities to—

"(A) meet developmental and functional goals, and challenging academic achievement goals that have been established for all children; and

"(B) be prepared to lead productive independent adult lives, to the maximum extent possible;

"(2) serve the parents of infants, toddlers, and children with the full range of disabilities described in section 602(3);

"(3) assist parents to—

"(A) better understand the nature of their children's disabilities and their educational, developmental, and transitional needs;

"(B) communicate effectively and work collaboratively with personnel responsible for providing special education, early intervention services, transition services, and related services;

"(C) participate in decisionmaking processes and the development of individualized education programs under part B and individualized family service plans under part C;

"(D) obtain appropriate information about the range, type, and quality of options, programs, services, technologies, and research based practices and interventions, and resources available to assist children with disabilities and their families in school and at home;

"(E) understand the provisions of this Act for the education of, and the provision of early intervention services to, children with disabilities; and

"(F) participate in school reform activities;

"(4) in States where the State elects to contract with the parent training and information center, contract with State educational agencies to provide, consistent with subparagraphs (B) and (D) of section 615(e)(2), individuals who meet with parents to explain the mediation process,to the parents;

"(5) assist parents in resolving disputes in the most expeditious and effective way possible, including encouraging the use, and explaining the benefits, of alternative methods of dispute resolution, such as the mediation process described in section 615(e);

"(6) assist parents and students with disabilities to understand their rights and responsibilities under this Act, including those under section 615(m) on the student's reaching the age of majority;

"(7) assist parents to understand the availability of, and how to effectively use, procedural safeguards under this Act;

"(8) assist parents in understanding, preparing for, and participating in, the process described in section 615(f)(1)(B);

"(9) establish cooperative partnerships with community parent resource centers funded under section 672;

"(10) network with appropriate clearinghouses, including organizations conducting national dissemination activities under section 663, and with other national, State, and local organizations and agencies, such as protection and advocacy agencies, that serve parents and families of children with the full range of disabilities described in section 602(3); and

"(11) annually report to the Secretary on—

"(A) the number and demographics of parents to whom the center provided information and training in the most recently concluded fiscal year;

"(B) the effectiveness of strategies used to reach and serve parents, including underserved parents of children with disabilities; and

"(C) the number of parents served who have resolved disputes through alternative methods of dispute resolution.

"(c) Optional Activities.—A parent training and information center that receives assistance under this section may provide information to teachers and other professionals to assist the teachers and professionals in improving results for children with disabilities.

"(d) Application Requirements.—Each application for assistance under this section shall identify with specificity the special efforts that the parent organization will undertake—

"(1) to ensure that the needs for training and information of underserved parents of children with disabilities in the area to be served are effectively met; and

"(2) to work with community based organizations.

"(e) Distribution of Funds.—

"(1) In general.—The Secretary shall—

"(A) make at least 1 award to a parent organization in each State for a parent training and information center which is designated as the statewide parent training and information center; or

"(B) in the case of a large State, make awards to multiple parent training and information centers, but only if the centers demonstrate that coordinated services and supports will occur among the multiple centers.

"(2) Selection requirement.—The Secretary shall select among applications submitted by parent organizations in a State in a manner that ensures the most effective assistance to parents, including parents in urban and rural areas, in the State.

"(f) Quarterly Review.—

"(1) Meetings.—The board of directors of each parent organization that receives an award under this section shall meet at least once in each calendar quarter to review the activities for which the award was made.

"(2) Continuation award.—When an organization requests a continuation award under this section, the board of directors shall submit to the Secretary a written review of the parent training and information program conducted by the organization during the preceding fiscal year.

"(g) Definition of Parent Organization.—As used in this section, the term 'parent organization' means a private nonprofit organization (other than an institution of higher education) that—

"(1) has a board of directors—

"(A) the majority of whom are parents of children with disabilities ages birth through 26;

"(B) that includes—

"(i) individuals working in the fields of special education, related services, and early intervention; and

"(ii) individuals with disabilities;

"(C) the parent and professional members of which are broadly representative of the population to be served; and

"(2) has as its mission serving families of children and youth with disabilities who—

"(A) are ages birth through 26; and

"(B) have the full range of disabilities described in section 602(3).

"SEC. 672. COMMUNITY PARENT RESOURCE CENTERS.

"(a) In General.—The Secretary may award grants to, and enter into contracts and cooperative agreements with, local parent organizations to support parent training and information centers that will help ensure that underserved parents of children with disabilities, including low income parents, parents of children with limited English proficiency, and parents with disabilities, have the training and information the parents need to enable the parents to participate effectively in helping their children with disabilities—

"(1) to meet developmental and functional goals, and challenging academic achievement goals that have been established for all children; and

"(2) to be prepared to lead productive independent adult lives, to the maximum extent possible.

"(b) Required Activities.—Each community parent resource center assisted under this section shall—

"(1) provide training and information that meets the training and information needs of parents of children with disabilities proposed to be served by the grant, contract, or cooperative agreement;

"(2) carry out the activities required of parent training and information centers under paragraphs (2) through (9) of section 671(b);

"(3) establish cooperative partnerships with the parent training and information centers funded under section 671; and

"(4) be designed to meet the specific needs of families who experience significant isolation from available sources of information and support.

"(c) Definition.—As used in this section, the term 'local parent organization' means a parent organization, as defined in section 671(g), that—

"(1) has a board of directors the majority of whom are parents of children with disabilities ages birth through 26 from the community to be served; and

"(2) has as its mission serving parents of children with disabilities who—

'(A) are ages birth through 26; and

"(B) have the full range of disabilities described in section 602(3).

"SEC. 673. TECHNICAL ASSISTANCE FOR PARENT TRAINING AND INFORMATION CENTERS.

"(a) In General.—The Secretary may make an award to 1 parent organization (as defined in section 671(g)) that receives assistance under section 671 to enable the parent organization to provide technical assistance for developing, assisting, and coordinating parent training and information programs carried out by parent training and information centers receiving assistance under sections 671 and 672.

"(b) Authorized Activities.—The Secretary may provide technical assistance to a parent training and information center under this section in areas such as—

"(1) effective national coordination of parent training efforts, which includes encouraging collaborative efforts among award recipients under sections 671 and 672;

"(2) dissemination of information, scientifically based research, and research based practices and interventions;

"(3) promotion of the use of technology, including universally designed technologies, assistive technology devices, and assistive technology services;

"(4) reaching underserved populations;

"(5) including children with disabilities in general education programs;

"(6) facilitation of transitions from—

"(A) early intervention services to preschool;

"(B) preschool to elementary school;

"(C) elementary school to secondary school; and

"(D) secondary school to postsecondary environments; and

"(7) promotion of alternative methods of dispute resolution, including mediation.

"(c) Regional Parent Centers.—The recipient of the award described in section 673(a) shall establish no fewer than 4 regional centers from the parent training and information centers and community parent resource centers receiving assistance under sections 671 and 672 for the purpose of carrying out the authorized activities described in subsection (b). These regional centers shall be selected on the basis of the center's—

"(1) willingness to be a regional parent center;

"(2) demonstrated expertise in the delivery of required parent training and information center activities described in section 671(b);

"(3) demonstrated capacity to deliver the authorized activities described in subsection (b);

"(4) history of collaboration with other parent training and information centers, community

parent resource centers, regional resource centers, clearinghouses, and other projects; and

“(5) geographic location.

“(d) COLLABORATION WITH THE RESOURCE CENTERS.—The recipient of the award described in subsection (a), in conjunction with the regional parent centers described in subsection (c), shall develop collaborative agreements with the geographically appropriate Regional Resource Center to further parent and professional collaboration.

“SEC. 674. TECHNOLOGY DEVELOPMENT, DEMONSTRATION, AND UTILIZATION; AND MEDIA SERVICES.

“(a) IN GENERAL.—The Secretary, on a competitive basis, shall award grants to, and enter into contracts and cooperative agreements with, eligible entities to support activities described in subsections (b) and (c).

“(b) TECHNOLOGY DEVELOPMENT, DEMONSTRATION, AND USE.—

“(1) IN GENERAL.—In carrying out this section, the Secretary shall support activities to promote the development, demonstration, and use of technology.

“(2) AUTHORIZED ACTIVITIES.—The following activities may be carried out under this subsection:

“(A) Conducting research on and promoting the demonstration and use of innovative, emerging, and universally designed technologies for children with disabilities, by improving the transfer of technology from research and development to practice.

“(B) Supporting research, development, and dissemination of technology with universal design features, so that the technology is accessible to the broadest range of individuals with disabilities without further modification or adaptation.

“(C) Demonstrating the use of systems to provide parents and teachers with information and training concerning early diagnosis of, intervention for, and effective teaching strategies for, young children with reading disabilities.

“(D) Supporting the use of Internet-based communications for students with cognitive disabilities in order to maximize their academic and functional skills.

“(c) EDUCATIONAL MEDIA SERVICES; OPTIONAL ACTIVITIES.—

“(1) IN GENERAL.—In carrying out this section, the Secretary shall support—

“(A) educational media activities that are designed to be of educational value in the classroom setting to children with disabilities;

“(B) providing video description, open captioning, or closed captioning, that is appropriate for use in the classroom setting, of—

“(i) television programs;

“(ii) videos;

“(iii) other materials, including programs and materials associated with new and emerging technologies, such as CDs, DVDs, video streaming, and other forms of multimedia; or

“(iv) news (but only until September 30, 2006);

“(C) distributing materials described in subparagraphs (A) and (B) through such mechanisms as a loan service; and

“(D) providing free educational materials, including textbooks, in accessible media for visually impaired and print disabled students in elementary schools and secondary schools.

“(2) LIMITATION.—The video description, open captioning, or closed captioning described in paragraph (1)(B) shall only be provided when the description or captioning has not been previously provided by the producer or distributor, or has not been fully funded by other sources.

“(d) APPLICATIONS.—Any eligible entity that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2004 through 2009.

“SEC. 675. ACCESSIBILITY OF INSTRUCTIONAL MATERIALS.

“(a) INSTRUCTIONAL MATERIALS ACCESSIBILITY STANDARD.—

“(1) ACCESSIBILITY STANDARD.—Not later than 180 days after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003, the Secretary shall, by rulemaking, promulgate an Instructional Materials Accessibility Standard which shall constitute the technical standards to be used by publishers for the preparation of electronic files for States under section 612(a)(22).

“(2) RELATIONSHIP TO OTHER LAWS.—For purposes of this section:

“(A) AUTHORIZED ENTITY.—Notwithstanding the provisions of section 106 of title 17, United States Code, it is not an infringement of copyright for an authorized entity to reproduce or to distribute copies of the electronic files described in section 612(a)(22)(B), containing the contents of the print instructional materials using the Instructional Materials Accessibility Standard, if such copies are used solely for reproduction or distribution of the contents of such print instructional materials in specialized formats designed exclusively for use by the blind or other persons with print disabilities.

“(B) PUBLISHER.—Notwithstanding the provisions of section of 106 of title 17, United States Code, it is not an infringement of copyright for a publisher to create and distribute copies of the electronic files described in section 612(a)(22)(B), containing the contents of the print instructional materials using the Instructional Material Accessibility Standard, if such copies are used solely for reproduction or distribution of the contents of such print instructional materials in specialized formats designed exclusively for use by the blind or other persons with print disabilities.

“(C) COPIES.—Copies of the electronic files containing the contents of the print instructional materials using the Instructional Materials Accessibility Standard shall be made in compliance with the provisions of section 121(b) of title 17, United States Code, regarding the reproduction and distribution of copyrighted print instructional materials in specialized formats.

“(3) DEFINITIONS.—In this section:

“(A) INSTRUCTIONAL MATERIALS ACCESSIBILITY STANDARD.—The term ‘Instructional Materials Accessibility Standard’ means the technical standards described in paragraph (2), to be used in the preparation of electronic files suitable and used solely for efficient conversion into specialized formats.

“(B) BLIND OR OTHER PERSONS WITH PRINT DISABILITIES.—The term ‘blind or other persons with print disabilities’ means children served under this Act and who may qualify in accordance with the Act entitled “An Act to provide books for the adult blind”, approved March 3, 1931 (2 U.S.C. 135a; 46 Stat. 1487) to receive books and other publications produced in specialized formats.

“(C) SPECIALIZED FORMATS.—The term ‘specialized formats’ has the meaning given the term in section 121(c)(3) of title 17, United States Code, and for the purposes of this section, includes synthesized speech, digital audio, and large print.

“(D) PRINT INSTRUCTIONAL MATERIALS.—The term ‘print instructional materials’ means printed textbooks and related printed core materials that are written and published primarily for use in elementary school and secondary school instruction and are required by a State educational agency or local educational agency for use by pupils in the classroom.

“(E) AUTHORIZED ENTITY.—The term ‘authorized entity’ has the meaning given the term in section 121(c)(1) of title 17, United States Code.

“(4) APPLICABILITY.—This section shall apply to print instructional materials published and copyrighted after the date on which the final rule establishing the Instructional Materials Accessibility Standard is published in the Federal Register.

“(b) NATIONAL INSTRUCTIONAL MATERIALS ACCESS CENTER.—

“(1) ESTABLISHMENT.—Not later than 2 years after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003, the Secretary shall establish a center, to be known as the National Instructional Materials Access Center, which shall coordinate the acquisition and distribution of print instructional materials prepared in the Instructional Materials Accessibility Standard described in subsection (a)(2).

“(2) RESPONSIBILITIES.—The duties of the National Instructional Materials Access Center are the following:

“(A) To receive and maintain a catalog of print instructional materials made available under section 612(a)(22) and section 613(a)(6).

“(B) To provide authorized entities with access to such print instructional materials, free of charge, in accordance with such terms and procedures as the National Instructional Materials Access Center may prescribe.

“(C) To develop, adopt, and publish procedures to protect against copyright infringement and otherwise to administratively assure compliance with title 17, United States Code, with respect to the print instructional materials provided under section 612(a)(22) and section 613(a)(6).

“(3) CONTRACT AUTHORIZED.—To assist in carrying out paragraph (1), the Secretary shall award, on a competitive basis, a contract renewable on a biennial basis with a nonprofit organization, or with a consortium of such organizations, determined by the Secretary to be best qualified to carry out the responsibilities described in paragraph (2). The contractor shall report directly to the Assistant Secretary for Special Education and Rehabilitative Services.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary.

“SEC. 676. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out sections 671, 672, 673, and 663 such sums as may be necessary for each of the fiscal years 2004 through 2009.

“Subpart 4—Interim Alternative Educational Settings, Behavioral Supports, and Whole School Interventions

“SEC. 681. PURPOSE.

“The purpose of this subpart is to authorize resources to foster a safe learning environment that supports academic achievement for all students by improving the quality of interim alternative educational settings, providing more behavioral supports in schools, and supporting whole school interventions.

“SEC. 682. DEFINITION OF ELIGIBLE ENTITY.

“In this subpart, the term ‘eligible entity’ means—

“(1) a local educational agency; or

“(2) a consortium consisting of a local educational agency and 1 or more of the following entities:

“(A) another local educational agency;

“(B) a community-based organization with a demonstrated record of effectiveness in helping children with disabilities who have behavioral challenges succeed;

“(C) an institution of higher education;

“(D) a mental health provider; or

"(E) an educational service agency.

"SEC. 683. PROGRAM AUTHORIZED.

"The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities—

"(1) to establish or expand behavioral supports and whole school behavioral interventions by providing for effective, research-based practices, including—

"(A) comprehensive, early screening efforts for students at risk for emotional and behavioral difficulties;

"(B) training for school staff on early identification, prereferral, and referral procedures;

"(C) training for administrators, teachers, related services personnel, behavioral specialists, and other school staff in whole school positive behavioral interventions and supports, behavioral intervention planning, and classroom and student management techniques;

"(D) joint training for administrators, parents, teachers, related services personnel, behavioral specialists, and other school staff on effective strategies for positive behavioral interventions and behavior management strategies that focus on the prevention of behavior problems;

"(E) developing or implementing specific curricula, programs, or interventions aimed at addressing behavioral problems;

"(F) stronger linkages between school-based services and community-based resources, such as community mental health and primary care providers; or

"(G) using behavioral specialists, related services personnel, and other staff necessary to implement behavioral supports; or

"(2) to improve interim alternative educational settings by—

"(A) improving the training of administrators, teachers, related services personnel, behavioral specialists, and other school staff (including ongoing mentoring of new teachers);

"(B) attracting and retaining a high quality, diverse staff;

"(C) providing for on-site counseling services;

"(D) using research-based interventions, curriculum, and practices;

"(E) allowing students to use instructional technology that provides individualized instruction;

"(F) ensuring that the services are fully consistent with the goals of the individual student's IEP;

"(G) promoting effective case management and collaboration among parents, teachers, physicians, related services personnel, behavioral specialists, principals, administrators, and other school staff;

"(H) promoting interagency coordination and coordinated service delivery among schools, juvenile courts, child welfare agencies, community mental health providers, primary care providers, public recreation agencies, and community-based organizations; or

"(I) providing for behavioral specialists to help students transitioning from interim alternative educational settings reintegrate into their regular classrooms.

"SEC. 684. PROGRAM EVALUATIONS.

"(a) Report and Evaluation.—Each eligible entity receiving a grant under this subpart shall prepare and submit annually to the Secretary a report on the outcomes of the activities assisted under the grant.

"(b) Best Practices on Website.—The Secretary shall make available on the Department's website information for parents, teachers, and school administrators on best practices for interim alternative educational settings, behavior supports, and whole school intervention.

"SEC. 685. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart $50,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

TITLE II—AMENDMENTS TO THE REHABILITATION ACT OF 1973

SEC. 201. FINDINGS.

Section 2(a) of the Rehabilitation Act of 1973 (29 U.S.C. 701(a)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(7) there is a substantial need to improve and expand services for students with disabilities under this Act.".

SEC. 202. DEFINITIONS.

Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) is amended—

(1) by redesignating paragraphs (35) through (39) as paragraphs (36), (37), (38), (40), and (41), respectively;

(2) in subparagraph (A)(ii) of paragraph (36) (as redesignated in paragraph (1)), by striking "paragraph (36)(C)" and inserting "paragraph (37)(C)";

(3) by inserting after paragraph (34) the following:

"(35)(A) The term 'student with a disability' means an individual with a disability who—

"(i) is not younger than 14 and not older than 21;

"(ii) has been determined to be eligible under section 102(a) for assistance under this title; and

"(iii)(I) is eligible for, and is receiving, special education under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); or

"(II) is an individual with a disability, for purposes of section 504.

"(B) The term 'students with disabilities' means more than 1 student with a disability."; and

(4) by inserting after paragraph (38) the following:

"(39) The term 'transition services expansion year' means—

"(A) the first fiscal year for which the amount appropriated under section 100(b) exceeds the amount appropriated under section 100(b) for fiscal year 2004 by not less than $100,000,000; and

"(B) each fiscal year subsequent to that first fiscal year.".

SEC. 203. STATE PLAN.

(a) Assessment and Strategies.—Section 101(a)(15) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(15)) is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (II), by striking "and" at the end;

(B) in subclause (III), by adding "and" at the end; and

(C) by adding at the end the following:

"(IV) in a transition services expansion year, students with disabilities, including their need for transition services;"; and

(2) in subparagraph (D)—

(A) by redesignating clauses (iii), (iv), and (v) as clauses (iv), (v), and (vi), respectively; and

(B) by inserting after clause (ii) the following:

"(iii) in a transition services expansion year, the methods to be used to improve and expand vocational rehabilitation services for students with disabilities, including the coordination of services designed to facilitate the transition of such students from the receipt of educational services in school to the receipt of vocational rehabilitation services under this title or to postsecondary education or employment;".

(b) Services for Students With Disabilities.—Section 101(a) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)) is amended by adding at the end the following:

"(25) Services for Students With Disabilities.—The State plan for a transition services expansion year shall provide an assurance satisfactory to the Secretary that the State—

"(A) has developed and implemented strategies to address the needs identified in the assessment described in paragraph (15), and achieve the goals and priorities identified by the State, to improve and expand vocational rehabilitation services for students with disabilities on a statewide basis in accordance with paragraph (15); and

"(B) from funds reserved under section 110A, shall carry out programs or activities designed to improve and expand vocational rehabilitation services for students with disabilities that—

"(i) facilitate the transition of the students with disabilities from the receipt of educational services in school, to the receipt of vocational rehabilitation services under this title, including, at a minimum, those services specified in the interagency agreement required in paragraph (11)(D);

"(ii) improve the achievement of post-school goals of students with disabilities, including improving the achievement through participation in meetings regarding individualized education programs developed under section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414);

"(iii) provide vocational guidance, career exploration services, and job search skills and strategies and technical assistance to students with disabilities;

"(iv) support the provision of training and technical assistance to State and local educational agency and designated State agency personnel responsible for the planning and provision of services to students with disabilities; and

"(v) support outreach activities to students with disabilities who are eligible for, and need, services under this title.".

SEC. 204. SCOPE OF SERVICES.

Section 103 of the Rehabilitation Act of 1973 (29 U.S.C. 723) is amended—

(1) in subsection (a), by striking paragraph (15) and inserting the following:

"(15) transition services for students with disabilities, that facilitate the achievement of the employment outcome identified in the individualized plan for employment, including, in a transition services expansion year, services described in clauses (i) through (iii) of section 101(a)(25)(B);"; and

(2) in subsection (b), by striking paragraph (6) and inserting the following:

"(6)(A)(i) Consultation and technical assistance services to assist State and local educational agencies in planning for the transition of students with disabilities from school to post-school activities, including employment.

"(ii) In a transition services expansion year, training and technical assistance described in section 101(a)(25)(B)(iv).

"(B) In a transition services expansion year, services for groups of individuals with disabilities who meet the requirements of clauses (i) and (iii) of section 7(35)(A), including services described in clauses (i), (ii), (iii), and (v) of section 101(a)(25)(B), to assist in the transition from school to post-school activities.".

SEC. 205. STANDARDS AND INDICATORS.

Section 106(a) of the Rehabilitation Act of 1973 (29 U.S.C. 726(a)) is amended by striking paragraph (1)(C) and all that follows through paragraph (2) and inserting the following:

"(2) Measures.—The standards and indicators shall include outcome and related measures of program performance that—

"(A) facilitate the accomplishment of the purpose and policy of this title;

"(B) to the maximum extent practicable, are consistent with the core indicators of performance, and corresponding State adjusted levels of performance, established under section 136(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(b)); and

"(C) include measures of the program's performance with respect to the transition to postschool activities, and achievement of the postschool goals, of students with disabilities served under the program.".

SEC. 206. RESERVATION FOR EXPANDED TRANSITION SERVICES.

The Rehabilitation Act of 1973 is amended by inserting after section 110 (29 U.S.C. 730) the following:

"SEC. 110A. RESERVATION FOR EXPANDED TRANSITION SERVICES.

"(a) RESERVATION.—From the State allotment under section 110 in a transition services expansion year, each State shall reserve an amount calculated by the Commissioner under subsection (b) to carry out programs and activities under sections 101(a)(25)(B) and 103(b)(6).

"(b) CALCULATION.—The Commissioner shall calculate the amount to be reserved for such programs and activities for a fiscal year by each State by multiplying $50,000,000 by the percentage determined by dividing—

"(1) the amount allotted to that State under section 110 for the prior fiscal year; by

"(2) the total amount allotted to all States under section 110 for that prior fiscal year.".

SEC. 207. CONFORMING AMENDMENT.

Section 1(b) of the Rehabilitation Act of 1973 is amended by inserting after the item relating to section 110 the following:

"Sec. 110A. Reservation for expanded transition services.".

TITLE III—NATIONAL CENTER FOR SPECIAL EDUCATION RESEARCH

SEC. 301. NATIONAL CENTER FOR SPECIAL EDUCATION RESEARCH.

(a) AMENDMENT.—The Education Sciences Reform Act of 2002 (20 U.S.C. 9501 et seq.) is amended—

(1) by redesignating part E as part F; and

(2) by inserting after part D the following:

"PART E—NATIONAL CENTER FOR SPECIAL EDUCATION RESEARCH

"SEC. 175. ESTABLISHMENT.

"(a) ESTABLISHMENT.—There is established in the Institute a National Center for Special Education Research.

"(b) MISSION.—The mission of the National Center for Special Education Research (in this part referred to as the 'Special Education Research Center') is—

"(1) to sponsor research to expand knowledge and understanding of the needs of infants, toddlers, and children with disabilities in order to improve the developmental, educational, and transitional results of such individuals;

"(2) to sponsor research to improve services provided under, and support the implementation of, the Individuals with Disabilities Education Act; and

"(3) to evaluate the implementation and effectiveness of the Individuals with Disabilities Education Act in coordination with the National Center for Education Evaluation and Regional Assistance.

"(c) APPLICABILITY OF EDUCATION SCIENCES REFORM ACT OF 2002.—Parts A and F, and the standards for peer review of applications and for the conduct and evaluation of research under sections 133(a) and 134, respectively, shall apply to the Secretary, the Director, and the Commissioner in carrying out this part.

"SEC. 176. COMMISSIONER FOR SPECIAL EDUCATION RESEARCH.

"The Special Education Research Center shall be headed by a Commissioner for Special Education Research (in this part referred to as 'the Special Education Research Commissioner') who shall have substantial knowledge of the Special Education Research Center's activities, including a high level of expertise in the fields of research, research management, and the education of children with disabilities.

"SEC. 177. DUTIES.

"(a) GENERAL DUTIES.—The Special Education Research Center shall carry out research activities under this part consistent with the mission described in section 175(b), such as activities that—

"(1) improve services provided under the Individuals with Disabilities Education Act in order to improve—

"(A) academic achievement, functional outcomes, and educational results for children with disabilities; and

"(B) developmental outcomes for infants and toddlers;

"(2) identify scientifically based educational practices that support learning and improve academic achievement, functional outcomes, and educational results for all students with disabilities;

"(3) examine the special needs of preschool aged children, infants, and toddlers with disabilities, including factors that may result in developmental delays;

"(4) identify scientifically based related services and interventions that promote participation and progress in the general education curriculum and general education settings;

"(5) improve the alignment, compatibility, and development of valid and reliable assessments, including alternate assessments, as required by section 1111(b) of the Elementary and Secondary Education Act of 1965;

"(6) examine State content standards and alternate assessments for students with significant cognitive impairment in terms of academic achievement, individualized instructional need, appropriate education settings, and improved post-school results;

"(7) examine the educational, developmental, and transitional needs of children with high incidence and low incidence disabilities;

"(8) examine the extent to which overidentification and underidentification of children with disabilities occurs, and the causes thereof;

"(9) improve reading and literacy skills of children with disabilities;

"(10) examine and improve secondary and postsecondary education and transitional outcomes and results for children with disabilities;

"(11) examine methods of early intervention for children with disabilities, including children with multiple or complex developmental delays;

"(12) examine and incorporate universal design concepts in the development of standards, assessments, curricula, and instructional methods as a method to improve educational and transitional results for children with disabilities;

"(13) improve the preparation of personnel, including early intervention personnel, who provide educational and related services to children with disabilities to increase the academic achievement and functional performance of students with disabilities;

"(14) examine the excess costs of educating a child with a disability and expenses associated with high cost special education and related services;

"(15) help parents improve educational results for their children, particularly related to transition issues; and

"(16) address the unique needs of children with significant cognitive disabilities.

"(b) STANDARDS.—The Commissioner of Special Education Research shall ensure that activities assisted under this section—

"(1) conform to high standards of quality, integrity, accuracy, validity, and reliability;

"(2) are carried out in conjunction with the standards for the conduct and evaluation of all research and development established by the National Center for Education Research; and

"(3) are objective, secular, neutral, and nonideological, and are free of partisan political influence, and racial, cultural, gender, regional, or disability bias.

"(c) PLAN.—The Commissioner of Special Education Research shall propose to the Director a research plan, developed in collaboration with the Assistant Secretary for Special Education and Rehabilitative Services, that—

"(1) is consistent with the priorities and mission of the Institute and the mission of the Special Education Research Center;

"(2) is carried out, updated, and modified, as appropriate;

"(3) is consistent with the purpose of the Individuals with Disabilities Education Act;

"(4) contains an appropriate balance across all age ranges and types of children with disabilities;

"(5) provides for research that is objective and uses measurable indicators to assess its progress and results;

"(6) is coordinated with the comprehensive plan developed under section 661 of the Individuals with Disabilities Education Act; and

"(7) provides that the research conducted under part D of the Individuals with Disabilities Education Act is relevant to special education practice and policy.

"(d) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—In carrying out the duties under this section, the Director may award grants to, or enter into contracts or cooperative agreements with, eligible entities.

"(e) APPLICATIONS.—An eligible entity that wishes to receive a grant, or enter into a contract or cooperative agreement, under this part shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

"(f) DISSEMINATION.—The Special Education Research Center shall—

"(1) synthesize and disseminate, through the National Center for Education Evaluation and Regional Assistance, the findings and results of special education research conducted or supported by the Special Education Research Center; and

"(2) assist the Director in the preparation of a biennial report, as described in section 119.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2004 through 2009.".

(b) CONFORMING AMENDMENTS.—

(1) EDUCATION SCIENCES REFORM ACT OF 2002.—The Education Sciences Reform Act of 2002 (20 U.S.C. 9501 et seq.) is amended—

(C) in section 111(b)(1)(A) (20 U.S.C. 9511(b)(1)(A)), by inserting "and special education" after "early childhood education".

(B) in section 111(c)(3) (20 U.S.C. 9511(c)(3))—

(i) in subparagraph (B), by striking "and" after the semicolon;

(ii) in subparagraph (C), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(D) the National Center for Special Education Research (as described in part E).";

(C) in section 115(a) (20 U.S.C. 9515(a)), by striking "including those" and all that follows through "such as" and inserting "including those associated with the goals and requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), such as"; and

(D) in section 116(c)(4)(A)(ii) (20 U.S.C. 9516(c)(4)(A)(ii) is amended by inserting "special education experts," after "early childhood experts,".

(2) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Section 1117(a)(3) of the Elementary and Secondary Education Act of 1965 (20

U.S.C. 6317(a)(3)) is amended by striking "part E" and inserting "part D".

(c) TRANSITION PROVISIONS.—

(1) ORDERLY TRANSITION.—Notwithstanding any other provision of law, the Secretary of Education shall take such steps as are necessary to provide for the orderly transition to, and implementation of, part E of the Education Science Reform Act of 2002, as enacted by subsection (a), from research activities carried out under section 672 of the Individuals with Disabilities Education Act (as such section was in effect on the day before the date of enactment of this Act).

(2) CONTINUATION OF AWARDS.—The Secretary of Education shall continue research awards made under section 672 of the Individuals with Disabilities Education Act (as such section was in effect on the day before the date of enactment of this Act) that are in effect on the day before the date of enactment of this Act in accordance with the terms of those awards.

(d) EFFECTIVE DATES.—Notwithstanding any other provision of law—

(1) the amendments made by subsections (a) and (b) of this section shall take effect on October 1, 2004; and

(2) section 672 of the Individuals with Disabilities Education Act (as such section was in effect on the day before the date of enactment of this Act) shall remain in effect through September 30, 2004.

TITLE IV—COMMISSION ON UNIVERSAL DESIGN AND THE ACCESSIBILITY OF CURRICULUM AND INSTRUCTIONAL MATERIALS

SEC. 401. COMMISSION ON UNIVERSAL DESIGN AND THE ACCESSIBILITY OF CURRICULUM AND INSTRUCTIONAL MATERIALS.

(a) ESTABLISHMENT AND PURPOSE.—

(1) ESTABLISHMENT.—There is established a Commission (hereafter in this section referred to as the "Commission") to study, evaluate, and make appropriate recommendations to the Congress and to the Secretary on universal design and accessibility of curriculum and instructional materials for use by all children, with a particular focus on children with disabilities, in elementary schools and secondary schools.

(2) PURPOSE.—The purpose of the Commission is—

(A) to survey the issues related to improving access to curriculum and instructional materials for children with disabilities, with and without assistive technologies;

(B) to study the benefits, current or potential costs, and challenges of developing and implementing a standard definition of the term universal design as a means to achieve accessibility of curriculum and instructional materials, and as the Commission determines necessary, to recommend a definition for the term universal design, or other terms, taking into consideration educational objectives, investment of resources, state of technology, and effect on development of curriculum and instructional materials;

(C) to examine issues related to the need for and current availability and accessibility of curriculum and instructional materials for use in elementary schools and secondary schools by children with disabilities, gaps in or conflicts among relevant technical standards, educational quality, availability of instructional materials, technical standards, intellectual property rights, and the economic and technical feasibility of implementing any recommended definitions; and

(D) to provide the Congress and the Secretary, not later than 24 months after the date of enactment of this Act, the report described in subsection (d).

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 21 members, of which—

(A) 3 members shall be appointed by the Majority Leader of the Senate;

(B) 2 members shall be appointed by the Minority Leader of the Senate;

(C) 3 members shall be appointed by the Speaker of the House of Representatives;

(D) 2 members shall be appointed by the Minority Leader of the House;

(E) 8 members shall be appointed by the Secretary including representatives of States, local educational agencies, publishers of instructional material, individuals with disabilities, technical standard setting bodies, and authorized entities as defined in section 121(c)(1) of title 17, United States Code; and

(F) 3 members shall be appointed by the Registrar of Copyrights.

(2) EXPERTISE OF COMMISSIONERS.—All members of the Commission shall be individuals who have been appointed on the basis of technical qualifications, professional expertise, and demonstrated knowledge and shall include at least 4 representatives of each of the following:

(A) publishers of instructional materials, including of textbooks, software, and other print, electronic, or digital curricular materials;

(B) elementary and secondary education, including teachers, special educators, and State and local education officials or administrators;

(C) researchers in the fields of disabilities, technology, and accessible media;

(D) experts in intellectual property rights; and

(E) advocates of children with disabilities, including parents of blind, visually impaired, deaf, hearing impaired, physically challenged, cognitively impaired, or learning disabled, or representatives of organizations that advocate for such children.

(3) DATE.—The appointment of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(4) PERIOD OF APPOINTMENT AND VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(5) INITIAL MEETING.—Not later than 45 days after the date on which all members of the Commission have been appointed, the Commission shall hold the Commission's first meeting.

(6) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(7) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(8) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a chairperson and vice chairperson from among the members of the Commission.

(c) DUTIES OF THE COMMISSION.—The Commission shall study and make recommendations to Congress and the Secretary regarding—

(1) the purposes of the Commission described in subsection (a)(2);

(2) priority topics for additional research;

(3) the availability and accessibility of curricula and instructional materials, including print, software, CD-ROM, video, and Internet, for use in elementary schools and secondary schools by children with disabilities, including—

(A) the numbers of affected children with disabilities, by grade, age, and type of disability;

(B) the technical and other means by which such materials are made accessible, such as assistive technologies, electronic versions, large print, closed captioning, video description, and Braille, and any conflicts between relevant technical standards by which instructional materials are made accessible;

(C) the steps taken by State and local educational agencies to support accessibility, including through State adoption and procurement policies, the acquisition and integration of assistive technology, and any State and local requirements or standards;

(D) timeliness of receipt of such materials by children with disabilities; and

(E) continued barriers to access to such materials; and

(4) the potential and likely effects of providing accessible or universally designed materials for all students in elementary schools and secondary schools, with a particular focus on children with disabilities, including—

(A) an analysis of the current and potential costs to develop and provide accessible instructional materials, with and without specialized formats, to publishers, States, local educational agencies, schools, and others, broken down by—

(i) type of disability, including physical, sensory, and cognitive disability;

(ii) type of instructional materials, including by grade and by basal and supplemental materials; and

(iii) type of media, including print, electronic, software, web-based, audio, and video; and

(B) an analysis of the effects of any recommended definitions regarding—

(i) the availability and quality of instructional materials for nondisabled students, and innovation in the development and delivery of these materials;

(ii) State learning content standards that are media-, skill-, or pedagogically-based and may therefore be compromised;

(iii) prices of instructional materials and the impact of the definitions on State and local budgets; and

(iv) intellectual property rights in connection with the development, distribution, and use of curriculum and instructional materials.

(d) PUBLIC HEARINGS.—As part of the study conducted under this subsection, the Commission shall hold public hearings, including through the use of the Internet or other technologies, for the purposes referred to in subsection (a).

(e) REPORT.—

(1) INTERIM REPORT.—Not later than 12 months after the establishment of the Commission, the Commission shall provide to the Secretary and Congress an interim report on the Commission's activities during the Commission's first year and any preliminary findings.

(2) FINAL REPORT.—Not later than 24 months after the establishment of the Commission, the Commission shall submit a report to the Secretary and Congress that shall contain—

(A) recommendations determined necessary regarding definitions of the terms described in subsection (a)(2)(B);

(B) recommendations for additional research; and

(C) a detailed statement of the findings and conclusions of the Commission resulting from the study of the issues identified in subsection (a)(2)(C).

(f) POWERS OF THE COMMISSION.—

(1) AUTHORITY OF COMMISSION.—The Commission may hold such hearings, convene and act at such times and places, take such testimony, and receive such evidence, as the Commission considers necessary to carry out the responsibilities of the Commission.

(2) USE OF MAIL.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(3) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(4) COMPENSATION.—Except as provided in paragraph (5), each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(5) PER DIEM.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(6) EMPLOYMENT AND COMPENSATION OF EMPLOYEES.—Except as otherwise provided in this section and consistent with section 3161 of title 5, United States Code, the Chairperson may appoint, fix the compensation of, and terminate an executive director and such additional employees as may be necessary to enable the Commission to perform the Commission's duties.

(7) DETAILING OF FEDERAL EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(8) TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(g) TERMINATION OF THE COMMISSION.—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits its final report under subsection (e)(2).

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There are authorized to be appropriated $750,000 for fiscal year 2004, and such sums as necessary for fiscal year 2005 to carry out the provisions of this section.

(2) AVAILABILITY.—Any sums appropriated under the authorization contained in this subsection shall remain available, without fiscal year limitation, until expended.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that following the opening statements by the two managers, Senator HARKIN be recognized to offer his amendment regarding funding. I further ask that immediately upon the reporting of that amendment, it be temporarily set aside and the I be recognized to offer a first-degree amendment regarding funding; provided further, that there be 2 hours of debate equally divided between the two managers, or their designees, to debate both first-degree amendments concurrently. I ask also that following that debate, the Senate proceed to a vote in relationship to my amendment, to be followed by a vote in relationship to the Harkin amendment, with no second-degree amendments in order to either amendment.

Finally, I ask unanimous consent that no further amendments relating to funding be in order to the bill, and that there be 2 minutes of debate equally divided between the votes, and that the votes begin at 1:45 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I ask the Senator to modify the consent agreement to say that the time from now until 1:45 be equally divided between the two sides. It is more than 2 hours.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I see my friend and colleague from Iowa, who will be offering an extremely important amendment dealing with the funding issue for the special needs education program. As he is gathering his papers, I want to say to our colleagues in the Senate that this legislation represents the best effort of our committee, which is truly bipartisan.

I pay tribute to Senator GREGG, our chairman, for his leadership in helping bring all of the members together on this legislation. We virtually have a unanimous committee recommendation. We have a few public policy issues, which appropriately the Senate will address, and then we will move ahead.

Many times around this institution we wonder how it functions and works. I think recognizing the extraordinary challenges that so many of these children are facing has sort of brought out the best of our Members.

I thank our chairman, and I thank all of my colleagues on my side who took great interest and great involvement in this issue. I will go into greater detail as we go through the process.

I always pay tribute to my friend and colleague from Iowa, Senator HARKIN, who has had a special leadership role in issues involving the disabled and handicapped since the time he has been in the Senate. I always thank him, as well as the rest of our colleagues.

As we move through the course of the morning, we will have a more detailed description of what is in the legislation and the importance of the support of this institution.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I join the senior Senator from Massachusetts. I specifically thank the senior Senator from Massachusetts for his cooperation and the cooperation of the entire committee.

This is a bill that is 90 percent agreed to. There are some public policy issues we are going to debate on the floor, specifically on the process of funding this bill. It is a very strong step forward in the area of addressing the needs of children who have special needs, basically focused on making sure there is less bureaucracy and more care, that teachers have more flexibility and parents have more involvement, and that there is less litigation and more results.

Kids who have special needs, rather than just being put through a process of checking off boxes, are actually given the opportunity to learn, and we have accountability standards for that learning.

It is a very good bill. We will get into more depth on its substance as we move forward. I appreciate the courtesy of the Senator from Iowa for moving expeditiously his amendment, along with one of the amendments I will be offering, one of the primary issues that needs to be addressed on the floor. I look forward to him offering his amendment. I will offer mine, and we will get into the substance of that debate.

Mr. HARKIN. Mr. President, the Individuals with Disabilities Education Act is a landmark civil rights law that has had a powerfully positive impact on millions of Americans.

Before moving to the substance of my remarks, I would like to thank the chairman of our committee, the Senator from New Hampshire, Mr. GREGG, and the ranking member, my friend from Massachusetts, Senator KENNEDY, for their dedicated work on this bill. The reauthorization of a bill of this size is a considerable undertaking, and I want to recognize the excellent work of Annie White of Senator GREGG's staff, and Connie Garner of Senator KENNEDY's staff, along with many other committee staff who have worked so hard on this reauthorization.

Let me take a moment to put the Individuals with Disabilities Act in historical context. IDEA was passed almost three decades ago, in 1975, the year after I was first elected to the House of Representatives. So I have watched the progress of this law since its inception. I am proud of what IDEA has achieved. No question, we have further to go to achieve equal educational opportunity for children with disabilities. But we have made tremendous progress since 1975.

We must not forget that, prior to the early 1970s, children with disabilities were routinely kept out of school. More than 1 million children were excluded entirely from their local public schools, and more than half of all children with disabilities in the United States did not receive appropriate educational services. If they did get an education, it was often in segregated schools or institutional settings.

But in the early 1970s, that began to change. Two landmark cases, PARC v. Commonwealth of Pennsylvania in

1971, and Mills v. Board of Education in 1972 established that children with disabilities had the right to an equal opportunity for education under the fourteenth amendment to the Constitution.

In 1975, Congress wrote IDEA for two reasons. First, we fleshed out the substance and details of what was required to achieve equality for children with disabilities. Congress specified critical protections for parents and children to transform the constitutional requirement into a practical reality throughout the country. While we still have further to go, I believe that we have made major progress since the days when 1 million children were entirely excluded from school. The latest figures available indicate that some 6.6 million children are receiving services under IDEA.

A second important purpose of IDEA was to help States meet their constitutional obligations. And here we have fallen far short of our goals. When IDEA was passed, the Federal Government pledged to help with 40 percent of the excess costs of special education. At the present time, we are funding less than 20 percent of these costs. I will have more to say about this later when I offer an amendment along with my friend and colleague, the senior Senator from Nebraska.

I think it is important to keep fixed in our minds these two historic purposes of IDEA, because these purposes must inform our discussion over the next few days here in the Senate. The protections that we wrote into the law to ensure opportunity for all continue to be critical today. And the need for Federal help to meet states' obligation also continues to be critical to realizing the full promise of this law.

These matters are vitally important because the education that a child receives has a profound impact on his or her future. This is true for all children, whether or not they have disabilities.

IDEA is a critical cornerstone of the Federal Government's commitment to ensuring equality for individuals with disabilities. When we passed the landmark Americans with Disabilities Act in 1990, we said that this Nation's four great goals for individuals with disabilities are equal opportunity, full participation, independent living and economic self-sufficiency. These same goals are referenced in IDEA. Obviously, a quality education is essential to achieving all four of these goals.

These may be broad goals, but they are not abstractions. To the contrary, they have enormous practical, nitty-gritty consequences for individuals with disabilities. They have the power to transform individual lives.

On that score, I want to tell you about my good friend, Danny Piper from Ankeny, IA. Tragically, Danny died in a car accident more than a year ago, but he left behind a legacy of friends, family, and personal achievement.

From an early age, Danny's parents insisted that he be educated with his peers. He was an integral part of his school community, performing in the school play and active in a variety of school activities. Once, after he testified before my subcommittee on the ADA, I asked him how testifying before Congress compared to being in the school play. He answered, "Not so bad."

Danny went on to finish high school and get a job. I spent one day with him on the job at Osco drugstore, where he worked everyday. He showed me the ropes—how to correctly stock the shelves, how to load the cardboard box machine to avoid getting hurt, and so on. We had lunch together, too. It was a day I will always cherish.

Danny had what we want for all of our children—a fulfilling life of independence and dignity. He lived with a friend in an apartment. He worked every day. This is what IDEA is all about. It is why I strongly support the protections this law provides—and why it is time for the Federal Government to fully fund the act.

We have a long way to go to ensure that all children have access to a quality education, and the opportunities that come with it. This reauthorization correctly emphasizes enforcement of the act. I thank my friend from Massachusetts for his leadership on this issue. This bill contains provisions that require states to meet compliance benchmarks. It specifies that the Secretary and the States must take action if there is a consistent failure to provide an appropriate education to children with disabilities.

The bill also ensures that a child's individualized education program, known as an IEP, provides services up front to ensure that a child succeeds. So each child will have access to the behavioral health services that will ensure a good experience for the child and his or her classmates. Getting that plan in place in the first place, rather than after any problems occur, is critical to making this law work for everyone.

The bill has several important provisions to assist deaf children get the education that they need to succeed. It specifies that interpreters are a related service required under the act, and it preserves critical access to captioning for deaf and hard-of-hearing students. These provisions are very important to me because, as many of you know, my brother Frank was deaf. These are the kinds of services that would have made a huge difference for Frank. So I am especially proud to support these provisions in the reauthorization.

This bill also maintains all of the early intervention and preschool education programs that get children off on the right foot so they can achieve in school.

As we debate this reauthorization, let's be guided by the vision that IDEA is an investment in children's lives and futures. We are investing money at the front end—with early intervention, with interpreters, with behavioral health and other related services. And the return on that investment is productive, independent, taxpaying citizens. We get individuals who are prepared to go on to higher education, to gainful employment, and to independent living in our communities.

But we have to make investments in order to get the results we want. We have to ensure that schools provide the appropriate education required by the law. And we have to meet our commitment to help local public schools by, at long last, providing them with full Federal funding IDEA. As I said, IDEA was passed in 1975. It has been almost three decades, and we are not even half way toward meeting our original commitment to pay 40 percent of the excess costs of special education.

I will be offering an amendment later with my friend, the senior Senator from Nebraska, to remedy this longstanding failure of the Federal Government. Over the years, we have talked again and again about full funding. I say to my colleagues that its time for us not just to talk the talk, but to walk the walk. It is time to make good on the critical investment of federal funds that we pledged over 30 years ago.

I will have more to say on this later. For now, I conclude by noting that IDEA is about the kind of country we want America to be. We must fully fund the act, and we must renew our commitment to its cornerstone protections. Only then will every child in America have the opportunity not only to dream, but to make his or her dreams a reality.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 3144

Mr. HARKIN. Mr. President, I send an amendment to the desk on behalf of myself and Senator HAGEL and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. HAGEL, Mr. KENNEDY, Ms. COLLINS, Mr. JEFFORDS, Mr. COLEMAN, Mrs. CLINTON, Mr. ROBERTS, Ms. MIKULSKI, Mr. DODD, Mr. REED, Ms. STABENOW, Mr. LEVIN, Mr. ROCKEFELLER, Mr. CORZINE, Mr. SCHUMER, Mr. WARNER, and Ms. MURKOWSKI, proposes an amendment numbered 3144.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend part B of the Individuals with Disabilities Education Act to reach full Federal funding of such part in 6 years, and for other purposes)

In section 611 of the Individuals with Disabilities Education Act (as amended by section 101 of the bill) strike subsection (i) and insert the following:

"(i) FUNDING.—

"(1) IN GENERAL.—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated—

"(A) $12,268,000,000 or the maximum amount available for awarding grants under subsection (a)(2), whichever is lower, for fiscal year 2005, and, there are hereby appropriated $2,200,000,000 for fiscal year 2005, which shall become available for obligation on July 1, 2005 and shall remain available through September 30, 2006, except that if the maximum amount available for awarding grants under subsection (a)(2) is less than $12,268,000,0000, then the amount appropriated in this subparagraph shall be reduced by the difference between $12,268,000,000 and the maximum amount available for awarding grants under subsection (a)(2);

"(B) $14,468,000,000 or the maximum amount available for awarding grants under subsection (a)(2), whichever is lower, for fiscal year 2006, and, there are hereby appropriated $4,400,000,000 for fiscal year 2006, which shall become available for obligation on July 1, 2006 and shall remain available through September 30, 2007, except that if the maximum amount available for awarding grants under subsection (a)(2) is less than $14,468,000,000, then the amount appropriated in this subparagraph shall be reduced by the difference between $14,468,000,000 and the maximum amount available for awarding grants under subsection (a)(2);

"(C) $16,668,000,000 or the maximum amount available for awarding grants under subsection (a)(2), whichever is lower, for fiscal year 2007, and, there are hereby appropriated $6,600,000,000 for fiscal year 2007, which shall become available for obligation on July 1, 2007 and shall remain available through September 30, 2008, except that if the maximum amount available for awarding grants under subsection (a)(2) is less than $16,668,000,000, then the amount appropriated in this subparagraph shall be reduced by the difference between $16,668,000,000 and the maximum amount available for awarding grants under subsection (a)(2);

"(D) $18,868,000,000 or the maximum amount available for awarding grants under subsection (a)(2), whichever is lower, for fiscal year 2008, and, there are hereby appropriated $8,800,000,000 for fiscal year 2008, which shall become available for obligation on July 1, 2008 and shall remain available through September 30, 2009, except that if the maximum amount available for awarding grants under subsection (a)(2) is less than $18,868,000,000, then the amount appropriated in this subparagraph shall be reduced by the difference between $18,868,000,000 and the maximum amount available for awarding grants under subsection (a)(2);

"(E) $21,068,000,000 or the maximum amount available for awarding grants under subsection (a)(2), whichever is lower, for fiscal year 2009, and, there are hereby appropriated $11,000,000,000 for fiscal year 2009, which shall become available for obligation on July 1, 2009 and shall remain available through September 30, 2010, except that if the maximum amount available for awarding grants under subsection (a)(2) is less than $21,068,000,000, then the amount appropriated in this subparagraph shall be reduced by the difference between $21,068,000,000 and the maximum amount available for awarding grants under subsection (a)(2); and

"(F) the maximum amount available for awarding grants under subsection (a)(2) for fiscal year 2010 and each succeeding fiscal year, and, there are hereby appropriated for each such year an amount equal to the maximum amount available for awarding grants under subsection (a)(2) for the fiscal year for which the determination is made minus $10,068,000,000, which shall become available for obligation on July 1 of the fiscal year for which the determination is made and shall remain available through September 30 of the succeeding fiscal year.

"(2) REAUTHORIZATION.—Nothing in this subsection shall be construed to prevent or limit the authority of Congress to reauthorize the provisions of this Act.

AMENDMENT NO. 3145

Mr. GREGG. Mr. President, I ask that my amendment be called up.

The PRESIDING OFFICER. The pending amendment will be set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 3145.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize appropriations for part B of the Individuals with Disabilities Education Act)

On page 443, strike lines 3 and 4, and insert the following:

there are authorized to be appropriated—
"(1) $12,358,376,571 for fiscal year 2005;
"(2) $14,648,647,143 for fiscal year 2006;
"(3) $16,938,917,714 for fiscal year 2007;
"(4) $19,229,188,286 for fiscal year 2008;
"(5) $21,519,458,857 for fiscal year 2009;
"(6) $23,809,729,429 for fiscal year 2010;
"(7) $26,100,000,000 for fiscal year 2011; and
"(8) such sums as may be necessary for fiscal year 2012 and each succeeding fiscal year.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I am joined by my colleague from Nebraska, Senator HAGEL, and many others to offer an amendment that will ensure at long last the Congress meets its commitment it made almost 30 years ago. At that time, we told children with disabilities, their families, schools, and States that the Federal Government would pay 40 percent of the extra cost of special education. We have never lived up to that commitment. In fact, we are not even halfway there.

This is really about the credibility of the Congress. It is about the credibility of each and every one of us. We tell our children all the time to keep your promises, do what you say you are going to do. We teach them if they do not follow through, other people will be hurt. Yet the Congress has not kept its word. We have not done what we have told children, parents, schools, and States we would do, and people have been hurt as a result.

People are harmed every time parents of children with disabilities are pitted against parents with children without disabilities for a limited pot of funds. They are harmed every time a family opts not to ask for what their child truly needs because they have been told it costs too much and other children will suffer. They are harmed every time a school district struggles to provide educational opportunities for all its students.

Congress had two purposes when it passed the predecessor to IDEA in 1975. First, we wanted to codify the constitutional obligation to provide education to all children, including those with disabilities. There had been several Federal court cases, including the PARC case in Pennsylvania and the Mills case in DC, that challenged the exclusion of kids with disabilities from public schools. These cases held that if schools do provide for public education of their kids, then they must educate all children. So Congress passed a law, and we spelled out what schools have to do to meet these constitutional obligations.

The other purpose of the law was to provide financial support for the education of children with disabilities. Congress recognized that serving additional students would cost substantially more money, and it committed to paying 40 percent of the excess costs of special education, which is known as the full funding amount.

Almost 30 years later, we are reauthorizing this bill, and I say to my friends and colleagues that we need to think about what we originally wanted to do and promised to do. We wanted to show Federal support for the principle that all children deserve a quality education, and we wanted to help State and local governments meet the costs involved. The amendment of Senator HAGEL and I will help us at long last to achieve these goals.

Recent history leaves no doubt that discretionary increases will not get us to full funding. The charade is over. Educators, parents, children, and State and local government officials all know that we need mandatory increases. Promised increases on the discretionary side will not get us to full funding. They have not worked for 29 years; they will not work now.

If Members of this body are still not convinced that we need mandatory full funding, they only have to look at the past 2 years. This chart shows that, in 2003, President Bush proposed a $1 billion increase for IDEA. The Senate increased it to $2.3 billion. And the final tally was $1.3 billion.

Last year, it was the same story. President Bush wanted a $650 million increase. The Senate went up to $2.2 billion, and we came down to $1.2 billion, actually less of an increase than we had the year before.

Again this year President Bush asked for $1 billion, and we do not know how it will come out next year. We can look at the last 2 years and say probably the same thing will happen again.

The reason is simple, there are a lot of other important education programs that also need money. The President has consistently shortchanged the No Child Left Behind Act, especially title I. There simply has not been enough discretionary money to meet our obligations on IDEA while also funding programs to help schools meet the mandate of the No Child Left Behind Act. So special education funding gets squeezed.

Again, we are on track for a similar situation this year. The President, as I said, has proposed $1 billion for IDEA. The Senate budget resolution includes the same amount. So, according to the Congressional Research Service, we will never reach full funding if we increase IDEA at the rate of $1 billion a year under current law.

Under the revised funding formula in S. 1248, we will not reach full funding until fiscal year 2028, nearly a quarter century from now, 53 years after Congress first committed to that goal and made that promise. A child born today would not see full funding of IDEA during his or her entire education. That is unacceptable.

Fully funding IDEA within 6 years, as we do in our amendment, takes $2.2 billion a year, not $1 billion as the President has proposed.

Where is the additional money from IDEA going to come from this year if we do not use mandatory funding? Do my colleagues want to cut title 1? Do we want to cut afterschool centers? Do we want to cut teacher training? The money simply is not there in the President's budget to find $2.2 billion a year for special education unless we use mandatory funding.

My colleague from Nebraska, Senator HAGEL, and I have been trying to meet this goal for a long time now. We came close once before.

When the No Child Left Behind Act passed the Senate, this body agreed unanimously to mandate increases for IDEA until we reached full funding in 6 years. But strong opposition from the President and the House leadership thwarted the will of the Senate. At that time, we were told in conference to wait until reauthorization of IDEA took place. Well, here we are. We are reauthorizing IDEA.

So again I want to make this point very clear. Two years ago, this Senate unanimously approved mandatory funding for IDEA. It was only taken out in conference. It was taken out saying we have to wait until the reauthorization of IDEA. Well, as I said, we are on the reauthorization of IDEA right now and that is why Senator HAGEL and I and others are proposing this amendment.

We have waited long enough; children with disabilities and their parents have waited long enough; schools have waited long enough and, quite frankly, our property taxpayers have waited long enough.

Back home, I have heard from parents, school administrators, teachers, State legislators, chambers of commerce, taxpayers' associations, and others about the need to fully fund IDEA. I am sure every Senator in this body has heard the same thing from his or her own constituents. These voices are unanimous in support of mandatory full funding because they know that is the only way we are ever going to reach that.

Mandatory funding is also widely supported by all of the national disability and education groups. During this reauthorization, the education and disability communities disagreed on a lot of issues, but they are unanimous and united on mandatory funding.

This chart shows a list of all of those who are in support. There are 36 organizations that are members of the Consortium of Citizens with Disabilities Education Task Force, plus 38 organizations that are part of the IDEA Funding Coalition.

The National Governors Association also has a clear position supporting mandatory full funding. To quote the joint policy of the NGA and the Council of Chief State School Officers:

> Mandatory full funding of the Federal share of IDEA is essential.

They further state:

> Congress should do the following: Provide mandatory full funding at the federally committed level of 40 percent of the average per pupil expenditure.

The Governors support mandatory full funding because they know how much it will mean to each of their States. I have a chart that shows how much more each State will get under the amendment Senator HAGEL and I are proposing as compared to what they would get if it is not supported. Again, I am not going to run through every State, but it is here for Senators to look at it if they would like. I urge each of my colleagues to look up their own State.

My own State of Iowa stands to gain $2 billion over 10 years under this amendment, an increase of $460 million over what they would get with the annual $1 billion increases.

I will talk for a minute about the investments IDEA funding pays for. It pays for the teachers who help children learn. It pays for occupational and physical therapy to help children grow stronger. It pays for interpreters and captioning for deaf and hard-of-hearing students, and Braille materials that allow blind children to read their textbooks. It pays for the behavioral health services that allow children with mental health needs to succeed. It pays for assistive technology, for example, software that helps a blind child use the classroom materials, or augmentative communication devices that help kids with cerebral palsy communicate with their teachers and their peers.

IDEA is an investment in children's lives and in their future. We are investing money at the front end with early intervention, with interpreters, with behavioral health and other related services. The return on that investment is productive, independent, taxpaying citizens. We get individuals who are prepared to go on to higher education, to gainful employment, and to independent living in their communities.

The unemployment rate for people with disabilities right now is about 70 percent. That is right, 70 percent. IDEA is critical to ensuring that we bring that rate down and increase the number of individuals with disabilities who are working.

Our House colleague, former Congressman Tony Coelho, always liked to say people with disabilities are the one group that really wants to pay taxes. They want to work. They want to have the opportunity to contribute to our society and economy.

IDEA has also cut down on the number of children who have to live in institutions. Dr. Charlie Lakin of the University of Minnesota estimates $6.5 billion a year is saved on institutional costs by making it possible for children with disabilities to live in their own homes and communities. The true value of this is impossible to measure in dollars. How does one measure the value of keeping a family together?

In closing, when Congress first passed this law in 1975, we created a beacon of hope for children who previously had none. We said to children with disabilities and their parents that all children deserve educational opportunity, all children deserve to take part in the American dream, all children deserve to look forward to having a home and a job when they grow up. To that end, we made a pledge to these children and their parents. We promised the Federal Government would pay its fair share of the costs, up to 40 percent on average per-pupil expense, to ensure this dream becomes a reality.

Today, nearly three decades later, it is time for Congress to make good on that commitment. So I urge my colleagues to vote yes on the amendment offered by Senator HAGEL, this Senator from Iowa, and so many others.

I see my colleague and cosponsor of the amendment, Senator HAGEL. He is a great leader on this issue. I yield to him at this time.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I thank my colleague, the distinguished Senator from Iowa, for his years of effort and leadership and focus on this issue.

I rise this morning to join with Senator HARKIN in introducing this amendment to S. 1248, the Individuals With

Disabilities Education Act, IDEA, reauthorization. Our amendment will provide mandatory increases in funding of $2.2 billion per year to fully fund part B of the IDEA Program over the next 6 years.

This amendment will allow us to reach our Federal funding commitment to IDEA by fiscal year 2010 and fulfill our nearly 30-year-old Federal commitment to the States, our schools, our children with disabilities.

In 1975, Congress guaranteed children with disabilities the right to a free and appropriate public education. This means whatever the cost, States and local school districts are mandated by Federal law to provide necessary services to educate a child with a disability. Congress understood this Federal mandate would be costly. As a result, Congress agreed over 30 years ago to provide States with 40 percent of the cost of educating these children. Unfortunately, States have been bearing the bulk of the costs associated with IDEA for this time. States have upheld their part of the deal. Congress has not. This is why Senator HARKIN and I and others believe mandatory funding is warranted for the IDEA Program.

IDEA is one of the largest unfunded mandates imposed on the States. As a matter of fact, I recall in a speech on the Senate floor earlier this year the junior Senator from Tennessee, the former Governor of Tennessee, Mr. ALEXANDER, talking about unfunded mandates that he dealt with in his 8 years as Governor of Tennessee. He pointed out specifically that IDEA was one of those unfunded mandates.

Everyone in this body has heard from their Governors, school boards, administrators, teachers and parents about the importance of this issue. Unfortunately, instead of making IDEA funding a priority, Congress continues to pass new education programs that require more money, more resources, and more responsibility from the States. So we continue to force down upon the States, more unfunded mandates. Even though the purpose is noble, the cause is right, and we say on the floor of the Congress that we will help, we will provide those resources and those funds—in the case of IDEA, for 30 years we have not done that. We have not fulfilled the statutory commitments that we made to the States and the school districts—and ultimately to our children.

For the past 7 years, I have worked on a bipartisan basis with Senators HARKIN, DODD, KENNEDY, JEFFORDS, WARNER, COLLINS, CHAFEE, SNOWE, COLEMAN, ROBERTS, and others to accomplish this task. Three years ago, as was noted by my distinguished colleague from Iowa, the Senate agreed to an amendment that Senator HARKIN and I offered to the No Child Left Behind Act. The amendment provided mandatory funding for the IDEA program. Unfortunately, this amendment was removed during a House-Senate conference in 2001.

Today we have another opportunity to show the Senate's support for mandatory IDEA funding by passing the Harkin-Hagel amendment. Although we have had great success in increasing IDEA appropriations from $2.3 billion in fiscal year 1996 to $10.1 billion in fiscal year 2004, we still have a long way to go before meeting our total Federal IDEA funding responsibilities. The cost of special education is high. We understand that. But it is the thing that is most important for the parents, the teachers, and the children. By underfunding the Federal Government's portion of IDEA, States and local school districts are forced to pick up the additional costs, adding to their already heavy tax burdens.

Our amendment has nothing to do with expanding the Federal role. It has nothing to do with expanding the Federal role in education. It is about meeting the existing commitments of the Federal Government under the current law.

While I share the same budgetary concerns as others in this body—we all must share those concerns and act as prudent, wise stewards of the people's money—I remind my colleagues that despite our recent progress on IDEA, we are still only about halfway to meeting our Federal obligation that we made to the people of this country 30 years ago. We are not now meeting those statutory commitments. Although we made budget promises year after year, we continue to fail in meeting our annual discretionary funding goals for IDEA.

Last year the Senate adopted a budget amendment that would have increased IDEA funds by $2.2 billion in fiscal year 2004. Unfortunately, we came up $1 billion short, even though we had passed it in the Senate, by the time we finished the appropriations process. This is just another example of why mandatory funding is absolutely necessary to fulfill the commitment of Congress to IDEA. Meeting our Federal commitment to IDEA would help school districts fund additional education priorities such as facility improvements, teacher salaries, and purchasing upgraded hardware and software for the classroom.

On another point that needs some clarification, the Harkin-Hagel amendment, this amendment that we debate this morning, would not take away the authority of Congress to reauthorize this program. There seems to be some misunderstanding about that issue. In fact, our amendment includes language that states that nothing shall prevent future reauthorizations.

I urge my colleagues to vote today to fulfill America's commitment to IDEA funding. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield at least 7 minutes to the Senator from Vermont, my friend and colleague who has spent a great part of his life and career in the Senate on educational issues, and especially on this particular issue. It is important that we hear his voice. I yield 7 minutes—more time if he so desires.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, it was many years ago the Senator from Massachusetts and I sat on the committee that designed this bill and passed it with all the expectations of it being fulfilled. But we still are a long ways from that.

I support the bipartisan Harkin-Hagel amendment to S. 1248, the Individuals with Disabilities Education Improvement Act of 2003.

This amendment would fully fund the Federal share of special education within 6 years, and finally meet the commitment that Congress made in 1975 when the original IDEA law was enacted.

And although I am supporting this amendment, I must admit that my emotions are mixed.

That is because we have been trying to accomplish this task for 29 years, and for 29 years we have failed. Quite simply, this should have been done a long time ago, and it pains me that we are still debating this issue.

In 1975 I was a member of the House-Senate conference committee that authored the Education for All Handicapped Children Act.

This came after courts across this country ruled that State and Federal constitutions obliged schools to provide all children with a free and appropriate education.

At that time, we in the Congress enacted a funding schedule for the Federal Government's share IDEA dollars.

We calculated the cost of educating a disabled child to be about twice that of a non-disabled child. Based on that calculation, we committed the Federal Government to pay 40 percent of the national per-pupil expenditure for each disabled child's education.

The schedule was for the Federal Government to pay 5 percent by 1978; 10 percent by 1979; 20 percent by 1980, 30 percent by 1981; and 40 percent by 1982.

Currently, we are not even meeting the 1980 allocation of 20 percent. In fact, we are only providing states with 18.6 percent of the costs. This is a disgrace.

And according to the Congressional Research Service, if we continue increasing funding at a rate of one billion dollars each year, we will never reach our goal of 40 percent set in 1975.

Every dollar that the Federal Government fails to provide must be supplied by the State and local governments, which usually translates to higher property taxes.

For communities that often struggle to pass school budgets, our failure to meet our promise may fuel resentment against families that already have enough to deal with in raising a child with special needs.

In many small towns, such as those in Vermont, Iowa, and Nebraska, a single child with severe disabilities can have a significant impact on a school's budget.

Yet even though the Federal Government has broken its promise year after year, great progress has been made and the States and local school districts deserve a lot of the credit for providing quality education to so many children.

It is long overdue that we here in the Congress stand up to our responsibility to support all of our children, schools and communities.

If 29 years has shown us anything, it is that our children do not benefit from hollow promises.

The underlying bill is a solid piece of bipartisan legislation. There are some compromises on difficult issues such as how children are disciplined. But none of these issues addressed in the bill is as important as the subject of the amendment—fully funding IDEA and treating the annual funding increases as mandatory spending.

Although I am supporting this amendment, I am deeply troubled that some may consider the funding mechanism being proposed here is a gimmick since the current $10 billion Federal allocation will remain as discretionary spending in the language before us. If we are successful in passing this amendment—and I hope we will be—the integrity of the amendment will only be upheld if the current $10 billion continues to be used only for IDEA.

Further, that $10 billion must remain $10 billion and not be reduced and used for non-IDEA programming. As important as it is to vote for this amendment before us, it is equally important to commit to protecting the level of funding.

I urge my colleagues to support the amendment. The time is long overdue for fulfilling our promise.

I have a question for the Senator from Iowa, the sponsor of the amendment.

As we have discussed, the amendment before this body makes IDEA funding increases mandatory. The Senator from Iowa is a member of the Appropriations Committee and a ranking member of the subcommittee that overseas IDEA spending. Is it the understanding of the Senator from Iowa that the current discretionary allocation for IDEA, which is $10 billion, will continue to be dedicated only to IDEA programming and not reduced if this amendment is agreed to?

Mr. HARKIN. Mr. President, if the Senator will yield, I respond by saying to my friend from Vermont that I appreciate his question. I want to assure him that, as he knows, I am committed to fully funding IDEA. This amendment—I know I can speak for my colleague from Nebraska also—presumes that the discretionary rates will remain dedicated to special education, and I am fully confident that will be the case.

I have been on the Appropriations Committee now for 20 years and on the subcommittee that funds IDEA. My experience in 20 years is that it has never been cut. Maybe it has not been added to much, but I have never known anyone to try to cut it. Right now, Senator SPECTER is the chair of that subcommittee. I want to assure the Senator that no one has any intention of cutting IDEA. Those of us on committee would resist that. Again, Senator GREGG is also on the subcommittee, and I assume he doesn't want to cut IDEA either. There has not been a cut in IDEA funding in 25 years. There will not be any now on the discretionary account.

Mr. JEFFORDS. I thank the Senator for that commitment and understanding.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 3 minutes.

Mrs. MURRAY. Mr. President, I rise in support of the amendment to fully fund IDEA offered by Senator HARKIN and Senator HAGEL.

Nearly 30 years ago the Federal Government made a commitment of equal opportunity to our Nation's children with disabilities. With that commitment, we promised that the Federal Government would uphold its end of the bargain and pay 40 percent of the average per-student cost for every special education student. Today, however, the Federal Government is paying less than 19 percent of that cost.

Over the past couple of years, IDEA has received significant increases but, according to the Congressional Research Service, at increases of $1 billion each year, the Federal Government will never fulfill its promise of funding at 40 percent. Further, if annual increases were $1 billion plus inflation, we would not reach the promised level of 40 percent until 2035, more than 30 years from now.

The Harkin-Hagel amendment increases IDEA funding over 8 years by $2 billion per year through mandatory funding. Mandatory funding is what it is going to take because local schools today are already struggling with the requirements of the No Child Left Behind Act, the lack of promised Federal funding, and the dismal financial picture still facing many of our States and local governments. It is going to take real funding through mandatory spending to make up for all of those gaps.

This gap in special education funding, by the way, doesn't just hurt disabled students; it hurts their classmates as well because we are forcing schools to make difficult decisions with regard to which kids get funding. In order to make up for the Federal funding shortfall, many school districts have been forced to take money from their general education budget, which affects every single student. I know we can do better for America's disabled students. Let us not make them wait another 30 years to fully fund this law.

I urge my colleagues to fulfill the promise of IDEA and support the Hagel-Harkin amendment.

Thank you, Mr. President. I yield the floor.

Mr. KENNEDY. Mr. President, we have a number of other speakers. I yield myself 6 minutes.

First of all, I congratulate the Senator from Iowa for his perseverance in ensuring that this issue would be brought to the floor of the Senate so the Senate can have an opportunity to vote on this very important question that makes an enormous difference to hundreds of thousands—millions—of our fellow citizens, primarily the parents but certainly the children who will also be affected. I commend him for his doggedness and perseverance in pursuing what is basically a fundamental civil right.

The holdings by the courts of this country have said under the equal protection laws that these children need to have the kind of necessary and reasonable accommodation they are entitled to under our Federal Constitution; therefore, we have the responsibility to make sure they are going to be protected and they are going to receive these kinds of educational opportunities.

As my good friend from Vermont pointed out, he has made special education one of his real priorities in this institution. Over the course of his very distinguished career, he has added immeasurably to the scope and understanding of the realization of the education for needy children with special needs in this country. But he remembers, as I do, when we were trying to provide—going back to 1965 when we passed the Elementary and Secondary Education Act—some funding for special needs children. Over a period of years, we enhanced that funding to try to provide some help for special needs children. But all of that changed dramatically after we had the court decisions that interpreted the Equal Protection Clause to ensure that we were going to have to make sure children with special needs were going to be able to have educational opportunities.

We passed the IDEA bill. What was the rational here in the U.S. Congress?

What was the rational with the President at that particular time? It was a general recognition that to educate a special needs child, it was going to cost effectively double what it costs to normally educate a child in this country. It is going to cost double that—double of that in my State of Massachusetts. It varies slightly from different States, but, nonetheless, we recognized that it was going to be effectively doubled. That was the best estimate. That was the testimony cited. It was the judgment and the decision that the Congress was going to help and assist the States and local communities. We ensure over 80 percent of the funds provided in this program go to the local community. There is some money that can be retained at the State level in terms of training programs and coordination of various services, but this program was driven to the local level to help offset the additional burdens that taxpayers would have in local communities.

As we all know, one of the extraordinary demands we have seen in small and large communities is when a family has a special needs child who takes the extra services. They go to those town meetings and we find out who is going to end up paying for those needs. In my own State, even with the IDEA, it only offsets 8 percent of the education program. We will come back to that later. However, it is only 8 percent. The greatest percent, 50 percent, is raised at the local level in local taxes. So we have services that will be necessary for special needs children, causing particular hardships on small communities because of these additional expenditures.

When we fail in the Senate to provide that 40 percent, so often, particularly now when we have scarce resources, we see the kind of tension that is taking place between parents who have children who do not have disabilities and want to see the educational opportunities enhanced and those who have special needs and want to make sure their children are going to be covered. It brings enormous tension in local communities, neighbors struggling against neighbors.

We made the judgment and decision in 1979 when we passed the first IDEA act. At that time, we were only covering 2 million of the disabled children. Generally, it was considered to be 4.5 million children. The States were covering 2 million children. There were 37 States that had IDEA-type legislation, but by and large, we were not providing help and assistance to these children, even though too often we saw the situation where these children were effectively being warehoused, pushed off into basements, pushed off into attics, pushed off into remote areas.

The idea they were getting a benefit of any education defied the imagination.

We decided we were going to encourage the States, and the way to encourage the States was to indicate that we at the national level were going to be in partnership with the States, and most importantly, in partnership with local communities. That is where this commitment lies, with the local communities, the local towns. They pay the greatest percent of this burden. We were going to work with those local communities to help offset the expenditures.

We made a commitment that it was going to be 40 percent of that additional cost. That is the basis of the argument for the 40 percent—why it is 40 percent and not 50 percent, why it was not 100 percent. We wanted to be a partner. This is what the decision was. That was a decision and a judgment relied on by States and by local communities all across this country. That is a commitment and pledge that has not been kept.

As result of the fact we have not kept that commitment, local communities have been making up the difference and seeing their taxes rise to try to offset the challenges that local communities will face when they have special needs children. That is the issue we are trying to address today.

Today, we know we are fulfilling 19 percent of the challenge. The Congressional Research Service says, under the President's program, the way the administration is going, it would never be reached with increases of $1 billion a year. It will never be reached.

Senator HARKIN and Senator HAGEL have said we have committed ourselves to doing this. We ought to meet our responsibilities and provide these resources which are so necessary and can make such an important difference.

With the legislation before the Senate, with all of the changes—and I will wait to go over those various changes made in the legislation, that we now will support and the contrast from 1997—we have brought this legislation up to where it can make an extraordinary difference, will make an extraordinary difference for those special needs children.

Now, people can ask, Where are you going to get the resources and where are you going to get the money given the kinds of challenges we are facing?

I just saw on the business page of the Washington Post, on Tuesday, May 4, "The Federal Deficit Likely to Narrow by $100 Billion." That is this year alone. The Harkin amendment would take $2.2 billion out of that $100 billion that they expect this year over the other predictions. That is the responsible way.

I will not take the time now to go through the favorable comments that those in the Treasury and the Budget Committee have made in terms of what they are expecting regarding the windfall. It is a matter of priority. It seems to me, if we will have a $100 billion windfall that will come over the course of the summer, we ought to be able to afford $2.2 billion to meet our responsibilities to local communities all across this country that are trying to meet their responsibilities to educate children who have special needs. That is the issue.

I have great respect for my colleague and friend, the chairman of our committee. I am going to vote in favor of his amendment that will increase the authorization. If we increase the authorization, we are able to get the funding for that program, we would get to that 40 percent over a 7-year period, but, unfortunately, in terms of the authorization with the No Child Left Behind Act, we have seen what is actually appropriated and what is authorized are going in different directions.

It seems to me, if we are serious in trying to meet the needs of special needs children, we have the ability with this legislation, which will make the greatest difference in the world to special needs children in this country, that understands the importance of early intervention, understands the importance of transition, has brought into place changes in terms of the discipline, brings in other kinds of agencies so they will involve themselves. It involves the local school community to a greater extent, with greater flexibility, but still has strong accountability.

We have a very important piece of legislation. This can make an extraordinary difference. I hope our colleagues and friends will pay heed to the opportunities we have with the Harkin-Hagel amendment. It can make a very important difference. This is an obligation we have. We ought to meet the obligations we have made to families across this country. They are being hard pressed and particularly hard pressed now when many of the States are cutting back their support in terms of education funds. The burden is falling increasingly on these families.

We have an opportunity. With this positive news that is coming, we ought to make sure we support the Harkin-Hagel amendment and meet our responsibilities to special needs children.

I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, I yield myself such time as I may need.

Mr. President, first of all, I, once again, thank the members of the committee for assisting in pulling together a bill which is a very positive piece of legislation in the area of special education. We all understand the historical development of special education. It has been outlined quite adequately and well by the Senator from Massachusetts, the fact that for many years these children were put in special rooms or put in the basement and left there to basically be warehoused, for all intents and purposes.

Then, with the passage of the special education law back in 1976, that all changed, and these kids ended up having an opportunity, a shot at decent education, and, where mainstreaming came into play, we tried to get them into the classroom, and to the extent they could not be in the classroom, they would get high-quality care.

I have had a personal involvement in this issue for a long time. I chaired, was the president of, and a member of the board of directors, of a very excellent center for special needs children, which is an educational facility, not a hospital, called the Crotched Mountain Rehabilitation Center, in New Hampshire. I was basically very active in that center for many years, until the mid to late 1980s. So it is an issue that concerns me a lot.

I want to make sure these kids get adequate care and adequate education. This bill makes giant strides toward addressing some of the problems that have evolved over the years relative to special needs students, especially as we attempt to reduce the amount of bureaucracy and paperwork that teachers for special needs children specifically have to handle.

It is estimated that some teachers for special needs children—probably even a majority—spend almost a day and a half of every week essentially doing paperwork to maintain the lesson plans and the planning process and making sure all the different regulatory activity is addressed relative to their jobs, instead of actually being with the child and doing the classroom work that is so important. So this bill tries to address that.

It also tries to address the excessive litigiousness that has occurred over the years relative to special needs children, trying to reduce that, and getting us out of the courtroom and back into the classroom with these kids. It is a very important factor.

It also addresses the question of discipline. This has been a problem. It tries to give teachers and school officials a little more control, significantly more control, in how they manage their classrooms and dealing with children who are, unfortunately, disruptive, but does it without uniquely penalizing a child whose disruption is a function of their problem which they may have which gives them special needs. So I think we reach a balance that is very constructive.

The bill is a positive step forward in trying to make the special education laws more responsive to the outpouring of concerns we heard from school teachers, administrators, and parents across the country, but especially, in my case, from New Hampshire. So we are trying to address and improve the law to make it more efficient and effective.

We focus it now more on accountability. We want to make sure these children learn to the extent they are capable of learning. Rather than just going through a series of checking off boxes because this has been done and that has been done, what we want to know is, are there results? We try to adjust the process to focus on results versus bureaucracy and input. So that is the goal of this bill.

It is a good piece of legislation. It is bipartisan, as has been mentioned. The issues which remain are significant, but they are not the core of the bill. The core of the bill is how it addresses the needs of that child.

One of the major issues, obviously, that remains is how we fund this legislation. This has been a primary concern of mine since I was elected. When I had the good fortune to serve as Governor of New Hampshire, I believed that the single largest unfunded requirement the Federal Government was putting on us, outside of some of the environmental requirements, was this issue of how we paid for special education. I did come here with the intention, and have, I believe, had reasonable impact on getting those dollars up, getting the Federal dollars up, the commitment up. It has been a long and very difficult road, but it has been a road where significant success has been accomplished also.

I do not think we should ignore the fact that we have dramatically increased funding in the special education accounts. In fact, if you look at the special education funding accounts, I believe you will find they are, as a percentage—obviously, not in gross dollars, but as a percentage—the fastest growing funding area in the Federal Government, and have been in that arena for the last 4 years during this President's time, and even prior to that since the Republicans took over the Senate.

I think it is important we refer to some of the history of what was happening, and how we have increased funding in these accounts. First off, in 1996, when we Republicans retook control of the Senate, myself and other Members of the Senate, including Senator LOTT and Senator SPECTER, decided to make it an absolute priority. In fact, it became S. 1 at that time, the first bill we introduced, that we would increase the funding for special education programs.

We started a process of increasing the commitment to funding to those programs, which was significant. This chart reflects that increase. We have gone from $2.3 billion—and each one of these increases represents very substantive and dramatic increases. By the way, almost $1 billion a year, since 1996, on a compounded basis, has been going into the special education accounts. So we went from $2.3 billion, when we started this aggressiveness—and I would like to think I was one of the initiators of this, as was Senator JEFFORDS at the time—and have now moved it up to $11.3 billion.

As a percentage, in 1996, when we started, the Federal Government was paying maybe 6 percent of the cost of special needs children. Now we are paying about 20 percent of the cost of special needs children.

I think it is very important in the context of the debate to put this in perspective relative to what the commitments made by the Clinton administration were during this time because what happened during this period was that, actually, President Clinton did not send up any budgets which increased special education funding until the last 2 years of his administration. In fact, he was flat-funding special education throughout his administration, for all intents and purposes. It was not until the Republican Senate insisted that dollars be put into special education, and we increased the funding by $1 billion a year, as I mentioned, starting in 1996, that President Clinton actually responded to that, and in the last 2 years of his administration started to put funds into this account.

If you look at it by year, you will notice essentially the Clinton administration's funding levels were basically flat. If you look at our funding, you will see that it increased dramatically during this period. In fact, in gross terms, over the 8 years of the Clinton administration, his commitment to special education was $29 billion. In the first 4 years of the Bush administration, the increase is $38 billion. So just in a period of 4 years, President Bush has dramatically increased—almost by 50 percent—the total increases which were made to special education funding during the 8 years of President Clinton's administration.

This reflects the fact that once the Presidency changed, and President Bush came into office, there was actually even an acceleration of funding into the special education accounts beyond what was occurring when we had a Republican Senate and a Democratic President and the Republican Senate was pushing the issue. Now we had an actual President who was in agreement with accelerating special education funding, and we accelerated that funding rather dramatically.

President Bush, in every budget he has brought forward since becoming President, has proposed an increase of at least $1 billion—and that is a compounded number—so that we have seen this rather dramatic increase in funding from the administration over this period of time which has led to this huge increase—significant increase—which, as I said, is one of the fastest growing percentages in the Federal budget, if not the fastest growing percentage in the Federal budget of funding for any account. And that has occurred in the special education accounts.

In fact, when I looked at Senator HARKIN's chart, I found it interesting that at least he gave credit to the fact that the President was increasing funding $1 billion a year—$1 billion a year; $1 billion on top of $1 billion. That was not enough to reach the goals that we had hoped to reach. But it was those big increases that he was reflecting there. And it is ironic that that would be attacked, that the President would be attacked for only increasing funding $1 billion a year—"only," using the term from the other side—only increasing funding $1 billion a year and $1 billion the next year which is $2 billion, and a billion dollars the next year which is $3 billion, that he would be attacked for that. When the Democrats controlled the Senate and the Democrats controlled the Presidency, they flat-funded this account. When President Clinton was President and we controlled the Senate, we had to really pull teeth to get the funding up. Now we have a President who has been actively promoting the expansion of funding in these accounts, aggressively and rather dramatically expanding it, and what do we hear from the other side: You are only doing $3 billion, $1 billion 1 year, $1 billion on top of that, $1 billion the next year. It is a little inconsistent, to say the least, if not a touch hypocritical to make that statement in the context of the last time the budget was actually under their control.

In fact, if you go back to the last time Senator HARKIN was the appropriating chairman—there was a period here where the Democratic Party did control the Senate, while President Bush was President, has been President. During that period Senator HARKIN brought forward an appropriation, when he had control over the appropriations accounts that deal with special education, which did not come anywhere near the number which he now claims should have been funded. He is claiming the funding increase should have been $2.2 billion a year under his own chart. That is what he is saying.

Under his budget, as he brought it out—actually he never brought it at the floor of the Senate. It was passed through committee. They never actually brought a budget to the floor and they never brought an appropriations bill to the floor. Under his appropriations bill as it passed out of his committee, I believe his number was $875 million that he had for an increase in the account. It might have been $1 billion. Whatever it was, it was less than the full funding he now says has to be given or should have been given, even during that time under his own charge, to special education.

So there is a disconnect. When they are in charge, when they control the Presidency, when they control the Senate, they flat-fund special education. When they control the Presidency and we control the Senate, we have to pull teeth to get their President to send up a budget that increases special education. When they control the Senate and we control the Presidency, they send out an appropriations bill which is at least $1 billion less than what they claim we should be doing. There is, to say the least, a disconnect.

The fact is under this President we have seen the fastest growth in special education funding that has occurred in the history of the accounts. We have seen growth in special education funding in 4 years of $38 billion by President Bush as compared with $29 billion over 8 years of the Clinton administration.

I believe when we make the case on this side of the aisle that we are committed to special education funding, that we are doing what we think is reasonable and capable within the context of this budget process—remember, we are running a deficit—to fund special education, where we are giving it the single biggest increases of any account in the Federal Government year after year after year on a percentage basis, that we come to this argument with significant credibility on our commitment to fund special education and fund it aggressively.

That brings us to the substance of the debate on the amendment today. What Senator HARKIN has proposed is we take prospective payments to special education accounts and make them mandatory. Remember, this creates a whole new concept of how we fund things around here. This is a brand new idea—and not a very good one—which suggests we create a new highway where you are going to have discretionary accounts funding the vast majority of the spending, and then you are going to put on top of the discretionary accounts, like a layer cake, a mandatory account. This creates some pretty significant problems.

The first problem it creates is it creates a new mandatory account. Mandatory accounts are not a good idea when you are running a deficit because they basically mean you do not set priorities. We as a government, when you are running a $300 billion deficit, maybe more, $400 billion—according to Senator KENNEDY, we are going to save $100 billion this year, so maybe we are down to $300 billion or we may be at $400 billion—but when you are running this type of deficit, we as a government have some responsibility to our constituents to be responsible and to make choices, to prioritize needs.

We, as the Senate, have historically prioritized special education very highly, at least whenever the Republicans have controlled the Senate. And we have asked for what would amount to a pathway to full funding by 2010. We have put in Senate proposals that have represented that approximately $2.2 billion in annual increases. We have done it the right way. We have, when we have done that, cut other accounts. When we have passed these increases in our budget proposals that have been at $2.2 billion, we have reduced other accounts to offset those increases. That is the priority we should set as a government.

But when you set up a mandatory account, you basically ignore priorities and you essentially say, let's add the money to the deficit, which is exactly what the Senator from Massachusetts is suggesting. That is a different approach. It doesn't happen to be our approach on this side of the aisle.

We think fiscal responsibility requires, especially in a time when we are running a deficit, that you set priorities. We believe we have shown, beyond any question on the facts, with these dramatic increases in special education funding, which we have done under Republican Presidents, under a Republican Senate, that in a competition for funds, special education wins and has won and will continue to win.

So to set up a mandatory account is a mistake, especially when you are running a deficit. It also creates a couple of other problems. One is that under the rules of the Senate, when you set up a mandatory account, you must reduce discretionary accounts dollar for dollar for that mandatory account. That is our budget rule. So as a practical matter, it is very possible that unless we decide to waive that budget item, we will actually end up reducing the discretionary spending that is committed toward special education, the $11 billion, in order to fund the mandatory spending. And we will probably end up or we potentially could end up, because this bill calls for $2 billion of mandatory spending, with a $2 billion reduction in discretionary spending so you would level-fund the mandatory. You would level-fund special education if the budget rules kick in the way they are written.

The practical effect would be there would be no net gain for special education funding, or it would be very limited. So this becomes a bit of an illusory term, when you are using mandatory and you merge it with discretionary accounts. If it were pure mandatory, I guess you could argue the funding would occur. But under our rules, it is not going to be pure mandatory. It is going to be this new hybrid, this layer cake, half mandatory, half discretionary.

The practical implication under our rules is you have to reduce dollar for dollar the discretionary accounts by the mandatory increase. What does that mean? Zero increase for special education, if these rules are applied in their present form.

There is another problem this creates, this new hybrid animal. For example, if we accept the fact the mandatory money is coming through and that the discretionary accounts are not reduced—in other words, say we waive this budget rule—we will create a scenario where the appropriators—of which I happen to be one and am very proud, and we do a wonderful job, but as an appropriator, I will tell you what I am thinking. I am thinking I just got $2 billion I don't have to spend on this discretionary account. I can put it somewhere else. Basically you are not guaranteeing this money at all. What you are doing is you are creating more dollar availability for the appropriator who has that discretionary account to use in some other area.

That is the distinct potential here because there is no—let us call it "maintenance of effort" language in this amendment for the Appropriations Committee. So as a practical matter, you don't resolve the problem this way. The only way you resolve the problem is to do it straight up, which is to say we should fund this account on a glidepath toward full funding, which is what the Senate has said.

We should use our appropriations authority and keep that discretion within the appropriations authority to accomplish that. We should set the priorities so that special education gets fully funded. That is what my amendment does. It sets up the authorization levels to allow the Appropriations Committee to proceed down that path.

Why do I think it will occur? Well, primarily because of the history here, which is that when we as Republicans control the Senate—and now we have a Republican President—we are making these huge increases in the special education accounts. So the alternative that we presented here is the more fiscally responsible way to do this. I think it is the more practical way to get to the ends at which we are aimed.

You can throw out this term "mandatory." When you go home to your town meetings, it resonates well. I don't deny that for a second. But it is illusory when it is used in conjunction with the discretionary funding accounts and when used in conjunction with the budget rules as presently structured in the Senate. It literally means nothing. The only thing that is going to accomplish full funding for special education is the willingness of the Senate and the House, hopefully, which has not joined us in the past, to assert the $2.2 billion increase and move down that road and protect ourselves in conference with the House.

To pass the Harkin amendment may make us feel good politically, but it creates bad policy and doesn't accomplish our goals, which is to get full funding of special education. That is why I have put forward this alternative, which I think is a much more constructive approach.

I reserve our time and yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Delaware is recognized.

Mr. CARPER. Madam President, I ask to be recognized for 3 minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. CARPER. Madam President, as a former Governor for Delaware and chairman of the National Governors Association, for a long time I have supported full funding for IDEA. In fact, when Senator GREGG was Congressman GREGG, we served together in the House, and we talked about full funding for IDEA. We talked about the Government's commitment to 40 percent of the funding for special education and that we weren't coming close to it. Today, we are actually making progress in getting closer to that number. We are about halfway there. We have a good way to go. Senator HARKIN's and Senator HAGEL's amendment will take us where we need to go.

I rise to say I would like to be able to offer an amendment to the Harkin-Hagel amendment, but I cannot do it. Under the unanimous consent agreement, this pay-go amendment is precluded. Since I cannot offer it, I ask unanimous consent that this amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(Purpose: To pay for mandatory full funding of part B of the Individuals with Disabilities Education Act by restoring the top income tax rate to its pre-2001 level)

At the end add the following:

SEC. ___. RESTORATION OF HIGHEST INCOME TAX RATE TO PRE-2001 LEVEL.

(a) IN GENERAL.—The last column in the table contained in section 1(i)(2) of the Internal Revenue Code of 1986 (relating to reductions in rates after June 30, 2001) is amended by striking "35.0%" and inserting "39.6%".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

Mr. CARPER. Madam President, I printed this amendment for Senator CHAFEE, myself, and Senator FEINGOLD, who have been among the champions for the pay-go principle. I think if things are worth doing, we ought to pay for them. If it is worth investing more money in our efforts in Iraq, we ought to pay for it. If it is worth funding special education, we ought to pay for that. I think that argument goes for both meritorious causes.

The thing about pay-go is that it calls for a 60-vote margin in order to bust the budget and the caps. We used to operate under these guidelines throughout the 1990s, when we went from huge deficits to balancing the budget.

Pay-go lapsed in 2001. We need to restore it. One of the issues being discussed and debated now in the conference on the budget resolution is whether to reestablish the pay-go principle. It ought to be restored and reestablished.

Today, rather than being denied the opportunity to offer this amendment because of the procedures we are operating under, we would be able to cite the Budget Act pay-go principles and automatically have a 60-vote procedure before us. Having said that, we are operating under a rule that will—in this instance at least—require 60 votes, so that threshold of a 60-vote supermajority will apply even without pay-go.

I will vote for this amendment. I just wish we had the pay-as-you-go principle in place so we would not be denied the opportunity to offer this amendment and we could offer it routinely. That is what I wanted to say today. I especially thank Senator BAUCUS who was in line ahead of me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I ask to speak for 5 minutes in favor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I thank my friend from Delaware. I agree with him. I believe we should have pay-go principles in the Senate. I hope the Budget Committee adopts pay-go. I think it would be a dereliction of duty not to. I also support his view on this amendment.

For the last 10, 15 minutes I have heard a lot of complaints against the Clinton administration, against Democrats, how they have not really helped special education. One can use that argument and point the finger, playing one party against the other. I have all kinds of data that resoundingly refute the allegations made by the chairman of the committee. It is just not accurate. But I will not get into that. That is not why we are here.

We are not here to blame and say who is doing a better job, Republicans or Democrats. People back home don't care two hoots about that. They care about whether we are doing our job as a body. I submit that we are not doing our job with respect to providing the dollars for special education. I don't know about you, Madam President, but when I am in my State, I hear constantly from school districts, school administrators, about how pressed they are and their inability to meet costs and the cost increases.

As you well know, we have in America a system where elementary and secondary education is paid for basically by taxpayer dollars, property taxes. That is what it comes down to. People are stressed, with the economy not doing too well in our States. School levies are not going through. People cannot pay more property taxes to support anything. They would love to support their schools, but they cannot afford it.

Costs for school districts in Montana have gone up over 1,000 percent in the last 20 years; that is for special education and elementary education in general. That is the cost increase. School districts in Montana—and I daresay most school districts across the country—are facing this. What do we do about it?

As you know, Madam President, back in 1975, Congress passed a law—IDEA—regarding special education. What did that law provide? It provided for ramping up 40 percent payment of IDEA, of special education costs. That was the law in 1975. Beginning in 1978, there would be a 5-percent increase; in 1979, 10 percent of the funding; in 1980, 20 percent would be paid; up to 1982 when 40 percent—the full amount—of special education costs would be provided for by Uncle Sam. That was back in 1975 when that statute was passed.

Here we are in 2004, and I think we are only at 18 percent. We have not made good on our promise. We are way off base. So a lot of the data we have heard about a 365-percent increase is misleading. You can do anything with statistics. Those statistics start from a very low base, and I am just telling you what the law is. The law was that back in 1975 we would ramp it up to 40 percent by 1982. That is why it is our failure to do so. We are only at 18 percent; that is all we come up with. With costs going up so much at home, that is why I believe the Harkin approach makes sense. We need mandatory increases up to 2014—not discretionary, because it has been discretionary. And when the President is given discretion what has happened? Virtually nothing.

Sure, we are getting some increases, just a little bit, but it is virtually nothing. Congress always finds a way, Presidents always find a way, not to spend money on education. Other things seemingly are more important.

If we do not pass the Harkin amendment, mark my words, there is no way we are ever going to get up even close to 40 percent. We are not going to get up to 25 percent by the year 2014. It is not going to happen. It is only going to happen if we keep our feet to the fire and force the President and the Congress to come up with the promise that we should fulfill. We should fulfill it because we made that promise.

I ask for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. That is a promise we made. We should live up to our promise. No. 2, we are coming nowhere near living up to our promise. No. 3, costs are going up dramatically in all our States for special education, and we are not helping address that. And No. 4 is the tremendous importance of education in this country. We are competing worldwide with elementary and high school students in Pusan, Korea, in Czechoslovakia, high schools and elementary schools all around the world. Education is going to be the key to America's economic success in the future. It is going to have to be education. It cannot be anything else.

We need to educate our kids. We ought to set priorities for educating our kids rather than spending money elsewhere.

We have a lot of programs on which I do not think money should be spent. I think most Americans think our priorities are a little askew and that we should spend more on education, helping our kids, than we are thus far.

I heard the argument, well, gee, if it is mandatory, first, that is not necessary. That is the main argument to be made. I have shown how necessary it is.

The second argument I hear is, well, it is illusory, that perhaps the discretionary portion will not be provided. That is a false statement. First, we are talking about the very worst case scenario. The mandatory portion will be provided for. It is possible that the discretionary portion may not be provided for by Congress. That is possible. The very worst possible situation is that we only get the mandatory increase under this amendment, but sure as I am standing here, my colleagues know doggoned well that Congress is not going to provide the discretionary money, too.

We are talking about education, and with the mandatory increase provided for we are certainly going to provide for the discretionary portion, too. This amendment is a no-brainer. It is clear to this Senator this amendment must and should pass, for the sake of our kids. We have a duty on the face of this Earth, I believe a moral obligation, to leave this place in as good a shape or better shape than we found it. Clearly, that includes making sure our kids, special education students, are in as good a shape or better shape than we had when we were being educated, particularly given the competitive forces in the world.

I strongly urge the passage of this amendment.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I thank Senator JUDD GREGG for his leadership on this issue. When I came to the Senate some years ago, there was no greater champion for IDEA funding by the Federal Government or improving IDEA than Senator GREGG. He has maintained that and he continues to be an expert, as my colleagues can tell when they hear him speak about it.

We have made tremendous progress since I came to the Senate in funding special education. We have seen the numbers, how much they have increased since 1996, and we will continue to make progress. We have gone from 7 percent of the funding for this education program for our schools around the country to almost 20 percent. We are going to keep on increasing that.

The legislation we have before us today, however, unanimously came out of our HELP Committee, of which I am a member. It was a product of a lot of hard work and hours and hours of discussion. There are a number of provisions in the bill that I would like to see improved and strengthened. Maybe some on the other side think it could be improved more, but we hammered out this agreement because we need to move this bill forward. We need to increase funding, once again significantly, for IDEA. We need to give more control and make a better commitment to the practical application of the law.

The special education bill was enacted in 1975 with the goal of encouraging schools to mainstream students with disabilities, keep them in the normal classroom where possible and give special treatment where necessary.

States that follow Federal rules receive federal financial assistance, and in 2002, 6.5 million students were served through IDEA. Schools have responded to this challenge positively, and they are expending very large sums of money to meet the goals of this law. In fact, I remember distinctly several years ago the school board superintendent of a county in Vermont testifying that 40 percent of his county's budget for that school system went to the IDEA program.

In recent years, the President and Congress have increased the federal investment in this program. If the President's proposed budget is enacted, IDEA funding will have increased 376 percent since 1996, 8 years ago.

I have been repeatedly told, however, when I travel in my State, and I made this a special project of mine, that this funding is not the only problem. Repeatedly I have been told there are things bigger and more important than funding. One teacher who had been working in special education for many years, who is very bright and has a master's degree, told me: Jeff, we are not looking out for our children. We have lost sight of what is good for the students. What we are doing is filling out paperwork and keeping our sight on the lawyers. It is threatening the integrity of the system, and we are not focusing on how to help each individual child achieve their highest and best skills.

The paperwork procedures are burdensome to a significant degree. I have asked them about it. Too often teachers and principals are faced with a literal maze of regulations and laws that must be met before a disruptive child can be removed from a classroom. Too often school districts are forced to spend thousands of dollars on attorneys and litigation costs that could be avoided if the parties simply sat down and discussed the issues rather than forcing the disputes to court. These problems not only distract our dedicated educators from the core mission of teaching our children, they cause stress and confrontation that can be avoided if common sense were applied.

I have received letters from hundreds of teachers in my State, from parents and educators, who are concerned about the current management of this system. The frustration, the anger, and the compassion in these letters are powerful.

I have also visited schools across the State of Alabama and heard firsthand from educators about the problems the current law creates for students, parents, and teachers. I go into schools and I ask them to tell me what the problems are, what frustrates them the most. Almost universally special education, IDEA, comes up as one of the top examples of a program they believe is micromanaged from Washington, does not allow teachers who love children to be able to have the freedom to help those children in the best way possible. They have told me that problems with the current law are going to drive them out of the profession. They are going to leave the profession over these frustrations. They have dedicated their lives to improving the welfare of disabled children.

A veteran special education teacher wrote me this:

> I consider myself on the front lines of the ongoing battles that take place on a daily basis in our Nation's schools. I strongly believe that the current IDEA law fuels these struggles. The law, though well intended, has become one of the single greatest obstacles that educators face in our fight to provide all of our children with a quality education delivered in a safe environment. I have dedicated my life to helping children with special needs. However, at times my frustration has been so high that I have literally gotten in my car to leave—

Leave the profession, she means—

> but my moral responsibilities to the children I have in my class have kept me there. The law must be reformed now. As my grandmother said, "right is right and wrong is wrong" and to enable the current system to continue is just wrong.

Another 32-year special education veteran wrote:

> If IDEA is not revised to be less restrictive and burdensome, we might as well as kiss public education good-bye. If changes are not made, we will have one of the largest teaching shortages on record. In the past I have had 5 to 10 college students coming to me in the spring to apply for positions. This year I have none. Most are fearful of entering the special education field because of the threat of litigation brought about by IDEA.

They are afraid of being sued. The regulations are complex and there are a group of lawyers and specialists in this who descend on the system on a regular basis. So it is time for a change and Congress should be leading the charge for positive change, to make it better.

I have a number of other letters from teachers and students who fear for their safety every day. They feel handcuffed by the current rules and feel overwhelmed with the requirements of the current law. I believe it will be a tragedy if we lose proven, dedicated teachers because of the shortcomings of a Federal law that is not adequately fulfilling its purposes.

I saw a poll recently, I think in the State of Washington, of special education teachers. An astounding number said they did not expect to be in the profession in 5 years. This is the reason that is occurring.

President Bush has recognized the importance of the IDEA law, and the need to bring real reform to the system. In order to get an accurate picture, the President appointed a commission to review the law and provide recommendations. The commission held 13 hearings and meetings throughout the Nation and listened to the concerns and comments of parents and teachers, principals, and so forth. Over 100 expert witnesses and more than 175 parents, teachers, students with disabilities, and others addressed the commission. Hundreds have provided letters and written statements.

The commission distilled this information into a set of principles that were used during the reauthorization process. First, decrease the emphasis on compliance with procedure and increase the emphasis on results. That means decrease paperwork and that kind of thing, and ask whether children are benefitting to the maximum extent by the special efforts we are expending.

Second, simplify the law's burdensome due process requirements, which create inordinate amounts of paperwork, limit the ability of schools to properly discipline children with disabilities for inappropriate behavior, and intensify adversity between parents and schools. This is a big problem. Put two children in a classroom, one a disabled child, that child has substantially greater expectation of not receiving the same discipline as another child for the same offense. Sometimes the disability is totally unconnected to the discipline problem that shows up in a classroom.

A child who sells drugs, for instance. That behavior is very unlikely to be a part or product of the disability and that child should be disciplined as other children where that makes sense, and under the appropriate rules of the school.

Third, reduce misidentification of students, which has fueled growing IDEA costs. Too many students are being placed in IDEA programs who do not need to be there, and that is not good for the children and it is not good for the school system.

Finally, increase the role of parents in determining the most appropriate setting for their child's education.

This legislation does much to achieve those principles. It reflects a balanced approach that, as I said, was voted out of our committee unanimously.

On the question of discipline, that is something I have talked a lot about and our committee has worked on it. We didn't make big changes in the bill that came out of committee. We made some changes. We made some improvements in the law that I think certainly will put us on a more rational basis and will help reduce excessive litigation.

One of the things, for example, is this: Before a lawsuit is filed and a school board has to go to court, they have to be notified specifically of what it is the school is alleged to have done improperly with regard to their child, and the school board has a chance to correct it. What we are finding is lawsuits have been filed all over the country, schools have been taken to court at great expense, and by the time they finish the litigation not only do they have to pay their own attorneys, not only are their own principals and teachers called out of classrooms to testify and prepare for trial, but they have to pay the costs of the plaintiffs' attorney if one thing they did was wrong. They may make eight allegations, but if they are wrong in any way and are found liable, then they have to pay the child's attorney.

We need to figure out how we can avoid some of this litigation. It is money out of the pocket of the school system. It is money not being spent to educate children but to litigate in court, and sometimes these cases cost hundreds of thousands of dollars in expenses for school systems. Nearly 8 in 10 teachers say there are persistent troublemakers in the school who need to be removed and we have created a system that is so complex and so litigious it is not working and it is driving up costs in an unwise way.

I will offer some more comments for the RECORD, but I will conclude by saying this: Special education is a big program in America today. This Congress, this Senate is increasing funding steadily for this program. We need to continue to do that and need to continue to reach toward that commitment Congress made before I came here to pay 40 percent of that cost. I think we should do that and we should be on the road to that.

However, as Senator GREGG knows—who is the senior member of the Budget Committee also and knows how things work here in reality—this is a weird deal, to mix and match discretionary and mandatory spending. In fact, we are criticized substantially in this body for going toward mandatory spending for too many programs. In fact, most objective observers in Congress believe that has diminished the ability of Congress to set priorities and accomplish good things for our children. We do not need to put this in mandatory spending. We need to continue the steady goals and progress we have made to reach the highest level of funding, reach the full funding we are committed to do.

I believe we can do that. I believe this bill is a tremendous step in the right direction toward that goal. I will continue to work for it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BAUCUS. On behalf of Senator KENNEDY, I yield 4 minutes to the Senator from New Jersey.

Mr. CORZINE. Madam President, like many of my colleagues I rise in strong support of the Harkin-Hagel amendment to require full funding of IDEA, providing these increases over 6 years on a mandatory basis. It is straightforward. I think it is absolutely necessary. As a number of my colleagues have said, there is nothing that strikes more at the heart of my dialog with my constituents and those who are involved in the educational system than getting to full funding on IDEA. It is absolutely essential.

Before I go into some of the reasons, I also want to say how pleased I am with the work of the committee, for taking up this legislation, structuring it, and moving it forward, and with reform, but also for including some things I think were essential. There are provisions that were added at our request with regard to making funds available to improve programs for autism spectrum disorder, which is a very significantly growing, recognized disability many children are facing. We need to have funding in addressing it, particularly the early childhood elements.

I am also pleased the committee was willing to work with us to clarify parents' rights to represent their children in due process hearings.

I think it makes a huge difference as we go forward in making sure all of our children are represented. But my main point is it is not enough to say we all embrace dealing with special education. This program is drastically underfunded, and it is posing a significant burden on the citizens of my State and across our Nation.

It gets at the heart of the tax question. We put down what I think is a terrific legislative initiative in 1975 to deal with disabilities among children and to improve their educational opportunity. But we also put down an objective that we were going to move to 40 percent of the average funding for each child with disabilities. We are nowhere close. I think it is 18.5 percent or so. We are way behind. That is why it is mandatory to step it up over the next 6 years. It is so important. It is real common sense.

I have to tell you in my home State of New Jersey, school budgets are capped at only 3 percent annual growth per year. When the spending on special education goes up more, we end by accommodating mandates which are required by cutting other costs in our educational system. We set up a horrific dynamic in our local communities. The only other out on that is local property taxes, which at least in my State are the highest in the Nation, and we are already extraordinarily burdened by them. That is true across the country.

It is absolutely essential that we get to full funding. The difference in 2004 versus where we are today and where we would be if we had fully funded 40 percent is almost $300 million—$320 million. $319 million is what we are going to receive, and $641 million is what we would have received if we had full funding. It is a huge difference on the tax base in our community.

I cannot tell you that there is any other issue which generates more heat because it sets neighbor against neighbor in the school districts about how they have to make tough choices, or it forces us to go to the taxpayer and raise local property tax burdens which are already extraordinarily high in my State. But it is also true in other places.

I have an example of a situation in New Jersey where an individual talks about her son whose needs are being addressed in special education but also reflecting what it has translated into not only for her son but to the special education programs and the rising burden on individual property taxes. It is setting up a system of failure and conflict in our communities. That is unacceptable.

We need to accept our responsibility here in Washington to fulfill our pledge and our promise to move to that 40 percent so we don't have these dynamics. It is time it happened.

I fully support and compliment the distinguished Senator from Iowa. I hope my colleagues will support this amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, we are going to hear a lot of rhetoric today. I want people to know exactly what it is about.

I will be opposing Senator HARKIN's amendment. I will be supporting Senator GREGG's amendment. Senator GREGG's amendment will actually work us toward achieving the goal of full funding for IDEA. It is not a political statement. We have been having this debate for some time. There hasn't been the kind of progress any of us would like to have on it, but there has been steady progress. There has been more steady progress since this President and Senator GREGG have been working on this issue.

During the 8 years President Clinton was in office, the increase in part B funds was $1.4 billion. Under this President—a much shorter time—it has been $3.7 billion. That is reality versus rhetoric.

I want to make a few comments about the bill as a whole because we haven't had a chance to actually debate that. I want to point out how bipartisan the reauthorization was that came out of committee, how well people worked on it, worked on it together, resolved differences and made it possible for it to come to the floor and now to pass the floor in a relatively short time, I hope, so we hopefully can have a conference committee and work out any differences with the House and get this legislation into place.

This reauthorization is past due. I am pleased the Senate has begun consideration of S. 1248, the Individuals With Disabilities Education Improvement Act of 2003. There are few issues as important as the education of our Nation's youth. Making sure all children receive a good education has been a longstanding goal of this body. I am pleased the committee was able to reach unanimous support of the underlying bill, and I hope this body will act quickly to agree to this important legislation and send it to conference.

Since Congress first began providing State grant funding for the education of disabled students in 1966, the process for ensuring every disabled student receives a free, appropriate public education has been refined and improved from one reauthorization to the next. I believe this legislation is another important step in that process.

While there are many improvements to the law in this legislation, I want to highlight four changes which I feel are most important to my home State of Wyoming.

First, there is an increased emphasis on early identification and intervention. Wyoming currently uses the model that identifies students as disabled once they fall more than two grade levels behind. Many States use the same method, or a method called the IQ discrepancy test. Both of these models tend to limit the positive effects that timely services will have on a student's growth. Unfortunately, States are compelled to use these models because of the requirements that exist in Federal law.

This bill provides for a set-aside of part B funds that can be used for services such as tutoring or other special assistance to students who are at risk of being identified as needing special education. That will help these students meet their potential.

Research by the President's Commission on Special Education and the National Research Council has identified important benefits to providing early educational intervention. They suggest early educational intervention can reduce the number of children referred to special education.

That research also shows students receiving early educational intervention and who are referred to special education frequently require less intensive services.

I believe this is an important step toward ensuring that other disabled students receive the services they need without placing children in the special education programs unnecessarily. By using funds for early intervention services, schools will be able to provide services in a very seamless fashion to students with disabilities or students who may be unnecessarily referred to special education programs.

Second, this legislation addresses the needs of rural States by clearly defining what is a highly qualified teacher. Under the No Child Left Behind Act, which received large bipartisan support in Congress, all teachers in public elementary and secondary schools must meet the highly qualified teacher standard.

In rural States such as Wyoming, many teachers, including special education teachers, are responsible for multiple subjects. In my home State, they are sometimes responsible for multiple grades as well. The legislation we are considering would work hand in hand with the No Child Left Behind Act to help address the concerns of teachers in this challenging position.

This bill requires every disabled child to be taught by a highly qualified teacher, but it also maintains State flexibility to determine what constitutes highly qualified. The only requirement is that special education teachers have an undergraduate degree and be fully certified as special education instructors, and that the students have a chance to be taught by an instructor who is highly qualified in the subject area. The bill does not even require that be the same person.

In many schools, disabled students are placed in classrooms with their non-disabled peers, and they receive instructions from more than one teacher. Students with disabilities would be instructed in the appropriate subject area by a highly qualified teacher who has demonstrated mastery of the subject, but they would also receive support from a teacher who meets the highly qualified standard for special education. It is a very important distinction.

For teachers who are responsible for both the special education and the content area, this legislation preserves the flexibility of the State that was created under No Child Left Behind to define what constitutes a highly qualified teacher.

I continue to be impressed that more than 95 percent of Wyoming teachers meet the highly qualified teacher standard, including its special educators.

This legislation will support the commitment of States such as Wyoming with a 95-percent rate to place a highly qualified teacher in every classroom, whether it is a special education classroom or not.

The third point of the bill, that I want to address is that this legislation makes improvements to the disciplinary system that operates under current law. A concern I have heard from parents and educators is that the discipline of students with disabilities has led to the creation of a two-tier disciplinary system. Students with disabilities are treated differently from their peers because it is required by law.

I don't believe that is in the best interest of these students when we are asking, for academic purposes, that we place them in the least restrictive environment. It is inconsistent to say we would treat disabled students as we treat their peers until they are in need of discipline. Disabled students are able to learn responsibility just like their peers. We should give them a chance to learn the same kind of responsibility we expect of other students.

Many parents I talk with about discipline are concerned that we not allow teachers to discipline disabled students too harshly. I agree. I think everyone agrees. I support the bill we are considering because it preserves protections for disabled students, like the protection that schools must abide by the manifest determination standard, which requires schools to determine if the student's disability led to the behavior—that is a key—if the student's disability led to the behavior.

This bill also preserves the rights of parents to question the school's decision. I also believe this legislation makes significant improvements in permitting teachers and school administrators to properly discipline students with disabilities when a need is identified.

Schools are given a margin of flexibility to remove disabled students from their classroom when a dangerous situation presents itself. The school is still accountable to the parent, however, and must make every effort to return the student to the classroom as soon as possible.

Finally, I wish to highlight the issue of State flexibility. For years, local educational agencies have been permitted to use flexibility with their funding. As the Federal Government increases its commitment to funding special education programs, local districts in most States are able to shift funding into other priorities. Traditionally, their funding has not even been limited in its use to educational purposes.

This flexibility has never benefitted Wyoming. That is because Wyoming has decided to use an alternative financing method for its special education programs.

Instead of the State passing Federal funding on to the local districts, Wyoming retains the bulk of the funding at the State level and reimburses districts for their special education expenses. Part of the reason for this approach is we do not pay for our education with property taxes as most States do. We use mineral taxes, which come from a few spots in the State. This system has worked in Wyoming for several reasons, including the help it provides to shield local districts from the cost of services for severely disabled students.

Some of the districts in Wyoming are so small that a single student with a severe disability would require all of the funding available to that district to be spent on a single student. That would threaten the services to other children with disabilities and subject the district to due process hearings under the law.

Instead, Wyoming has elected to use its allocations under part B of the special education program as reimbursements. Even very small districts can confidently provide services to students with disabilities with the understanding that the State will reimburse them for those services.

Even though the system is much more effective at providing services to students with disabilities, the lack of flexibility in the use of Federal funding has tied the hands of the State's administrators who would like to use the funding for early identification and other educational programs. The irony is, if Wyoming were to operate their special education programs differently, and less effectively, they would enjoy much more flexibility with their funding. Right now in Wyoming, families of students with disabilities are moving from other States to enroll their children in Wyoming schools because we have done so well at meeting their needs. Even though our programs are among the best in the region—and, I argue, among the best in the country—Wyoming is penalized for doing a good job just because we do it differently than Federal law suggests we do it.

The phrase "one size fits all" has been used a lot in the Senate lately on the subject of education. But at the risk of abusing the term, this is a perfect example of a one-size-fits-all program that does not fit Wyoming. If Wyoming were to pursue a less effective model of providing services to students with disabilities, the State could use more flexibility. Instead, because the State decided to use a system that places the needs of the students first, we are denied the same flexibility provided every other State.

The legislation we are considering now would address this concern. It would allow States that are responsible for the largest share of non-Federal special education funding to enjoy more flexibility at the State level. It is important to note that this flexibility is only applied to educational programs so no State can drain funding away from its educational programs for other purposes. The funding has to be used in conjunction with State educational efforts.

This is a critical piece of legislation, and one I feel strongly about retaining both in this legislation and the bill that is produced by the conference process.

Those are the four main points of the actual legislation. That is legislation, again, that we unanimously supported out of the Health, Education, Labor and Pensions Committee—that is no small achievement. It is important we move forward in the process. That is what we are doing now.

Of course, we are debating two amendments, the Harkin amendment and the Gregg amendment, which will each be voted on this afternoon. I will make a few comments in support of the Gregg amendment to fully fund the IDEA program.

According to assumptions in the Senate budget resolution this body passed earlier this year, we will have increased spending by 75 percent from 2001 levels. The Gregg amendment builds on those increases and sets us on a path to reach full funding by 2011. That is a very realistic path, one that we can do, one that we can slightly accelerate. It is not just a statement but something that can happen.

I have heard colleagues comment that we can do anything with statistics. That is a common perception. But if my colleagues would rather look at the real dollars, we spend more now on education than we ever have in this country at the Federal level. Right now, under the assumptions of the fiscal year 2005 budget, we will be at 20 percent of the share of Federal special education. The Gregg amendment would take us to the 40-percent mark in 7 years. That is the mark we have in the original legislation.

I have mentioned, again, that happened in 1966. We are at a higher level now than we have ever been. It is pretty remarkable since it took over 30 years to get to 20 percent, but most of the progress that has occurred has occurred under this President in the past 4 years.

I want to make it clear, we are closer to full funding now than we ever have been in the history of this IDEA program. To get there within 7 years is within reach, but we should not be confused that mandatory spending is the right solution. I can hear the Members who made previous speeches saying: No, no, this is not mandatory. The way I read it, it is mandatory. But even if it were not mandatory, I am not aware of a program, particularly not this program, where we reduced spending. Whatever level we take it to at this moment is where it will stay. Then we will fight to show we are more concerned than anyone else in raising the revenues in the future.

So we need to have a rational, realistic, and regular approach to raising the level of IDEA funding until we can come in compliance with the 40 percent that we promised.

We have made significant progress in the past 4 years toward full funding under the current administration and congressional leadership. There is no reason to assume we will not continue to make significant progress in the near future.

I want to mention again that under the previous President, during his 8 years, we increased part B funding $1.4 billion. Under this President, in 3 years we have increased it $3.7 billion.

I have to point out, under the previous administration we were funding during a surplus. We were funding in period of growth, not a recession. We were not funding during a time of terrorism. We were not funding during a time of war in Afghanistan. We were not funding during a time of war in Iraq. We were funding during a surplus, and we did not meet that 40-percent goal.

Now, when we have severe budget constraints, there is a political statement that says: Give it all to them. And then there is a balanced approach that Senator GREGG has that says: Let's grow it and really get it done and quit making the political statements on it.

We have an opportunity to advance IDEA and to advance the funding on it. I know we will take advantage of both.

I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER (Mr. HAGEL). Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from Massachusetts has 17 minutes 40 seconds remaining.

Mr. KENNEDY. How much time is on the other side?

The PRESIDING OFFICER. The other side has 25 minutes 15 seconds.

Mr. KENNEDY. Mr. President, I yield 7 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I did not hear that. The Senator from Massachusetts yielded me?

The PRESIDING OFFICER. The Senator from Iowa is yielded 7 minutes.

Mr. HARKIN. I thank the Presiding Officer. I did not hear that.

Mr. President, first, I would like to respond to my friend from New Hampshire who was in the Chamber earlier, and maybe some others, who talked about the GOP record. He had a chart that said Republicans have done more any way you slice it, and then went on to say that President Bush is attacked for increasing spending by $1 billion a year.

I want to address that with my friend from New Hampshire in the Chamber. I never attacked President Bush for this. I have not heard anyone on this side attack Republicans or President Bush for this. In the 30 years we have been discussing, amending, and fashioning disability policy in the Senate and the Congress, it has never been a partisan issue. It was not when we first did IDEA. It was not when we did the Americans with Disabilities Act. We may disagree on funding and stuff and how we do it, but I have never known it to be a partisan issue. I have purposely not attacked the President, the Republicans, or anyone else for this. No one on our side has on this point, and we are not attacking anyone.

So I refuse to look upon this as any kind of partisan issue. You can go back and look at who did what when, and all that, but what I want to focus on is the here and now. Where are we now? What did Congress promise? What kind of situation are we in? Let's look at the future.

I am sorry somebody is trying to put this in a partisan framework. It has never been that way. It has always been a bipartisan issue. We ought to continue on that approach. Yes, we can disagree on whether or not it would be discretionary or mandatory, but not on a partisan basis.

I want to talk also about the mix of mandatory and discretionary. There has been some talk that this is some kind of—I heard it said—"weird mix" of mandatory and discretionary money. We have done that before. We have the childcare block grant. We have safe and stable families. We have some NIH funding. I have come up with this right now. There are probably a lot more programs for which we have both mandatory and discretionary funding.

Also, my friend from New Hampshire said there is some kind of budget rule—I did not get this clear—that means our amendment would result in a reduction in discretionary spending. That is absolutely not so. It is only so if you move money from discretionary to mandatory.

That is not what we are doing. We are adding money over and above discretionary. So there is no cut in any discretionary funding. So what the Senator from New Hampshire says is just not so.

I responded earlier to a question from Senator JEFFORDS that on the discretionary side we have never cut funding for IDEA, and we are not going to do so in the future.

Now, the Gregg amendment before us simply authorizes more money. But we have been doing that for 30 years—30 years—and we are still only at 19 percent of the 40 percent we had promised. The Gregg amendment does not change one thing. It does not change a thing—nothing. Kids, families, and schools will still be sold short.

Now, if anyone wants to know what authorizations mean around here, I would just use a statement from the Senator from New Hampshire that he made last September on a Byrd amendment. The Senator from New Hampshire himself said:

> Now, let's go to another issue, this concept that the authorized level has to be funded. This is a very unusual concept for Congress because for all intents and purposes Congress does not fund anything to the authorized level.

The Senator then went on to say: Authorizations simply are statements of intent, purpose, and good will.

Well, that is exactly what the Gregg amendment is. It is a statement of intent and good will, but it does not do anything. The Senator from New Hampshire himself said we do not fund to authorized levels. And that is all he has done, just raised the authorized level. It does not do one thing. If we want to meet our obligations and fulfill our promise, we have to adopt the Hagel and Harkin amendment to provide for mandatory funding.

Mr. President, let's get off all this talking about money and stuff and shifting it around. Listen to what Julie Reynolds said. She runs the Parent Training and Information Center in Iowa. She said to me that families and kids with disabilities are unfairly blamed for the shortfalls in schools. Parents are told not to ask for what the child needs because it costs too much. Parents are told their children with disabilities take away resources from other kids.

Families with kids with disabilities are not to blame. If there is anyone to blame, it is us in Congress for shirking our responsibilities for 30 years and not meeting that 40-percent level.

I am hopeful the Senate will step to the plate. I repeat, 2 years ago, this Senate unanimously—unanimously—adopted the same amendment that the Senator from Nebraska and I are offering today to provide for full mandatory funding up to that 40-percent level. Unanimously we adopted it. It was cut out in conference, and we were told we should come back when IDEA is reauthorized. Well, reauthorization is here. I hope the Senate will speak again with that same forceful voice.

Mr. President, I yield the floor and reserve the time I may have.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SUNUNU. Mr. President, I ask unanimous consent that I be allowed to yield myself time from the majority side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I rise in support of the Gregg amendment and in opposition to the Hagel-Harkin amendment.

I begin by commending the leadership of my State's senior Senator, Mr. JUDD GREGG, on this issue. IDEA and special education funding is an issue that has been a hallmark of the leadership provided by Senator GREGG in New Hampshire and across the country.

In New Hampshire we still fund education locally. That is one of the reasons we have had historically such a strong school system. That means people really understand the shortfalls, the problems associated with education funding.

In New Hampshire people have recognized we have not done our job as a Congress and as a nation in funding the original commitment made well over 20 years ago to support IDEA and special education.

Since 1996, we have made enormous steps forward, again, under the leadership of Senator GREGG, Senator JEFFORDS, and others in this body, Congressman CHARLES BASS in the House, working on the Budget Committee, where I was privileged to serve as well. We have increased funding $8.7 billion for IDEA since 1996, increased funding $4.7 billion since 2001. That is the kind of leadership on meeting a funding obligation that had not been seen in this Congress in 20 years under Democratic support. I think that, to use a phrase, is putting our collective money where our mouth is, recognizing that IDEA funding needs to be a priority for American education.

The President's leadership on this issue has been outstanding. Those on the other side of the aisle might not like to admit this, but it is hard to argue with the budgets that President Bush has sent up where IDEA funding is concerned. There have been historic increases year after year since President Bush took office, increases in commitments in funding for special education that put the prior administration's budget requests to shame. That needs to be recognized as well as part of the debate.

We have a lot more work to do. Senator GREGG has outlined the need to continue these funding increases and, in the 2005 budget, that commitment is there, continuing the fight to meet our funding obligations. But putting the spending on autopilot, creating a new area of mandatory funding is not the solution.

Even more to the point, to the Harkin amendment, this new idea where only the increases are mandatory is effectively a shell game, where current funding is left as discretionary, only the increases are mandatory. Under our current budget resolution and the 2005 budget resolution, these mandatory funding increases would require a dollar-for-dollar cut in other discretionary programs, of course, that are not specified in this legislation. That is simply wrong.

Placing funding on autopilot rarely, if ever, is the answer to the problems that we wrestle with in Congress. Even more problematic, this amendment falls short on oversight. Throwing the funding on autopilot removes Congress from its oversight responsibility. Most everyone who has followed the debate on this program recognizes that more needs to be done to make sure the program works better for those parents and children who are truly in need of the program's benefits.

Second, the Harkin amendment enables Congress to avoid setting priorities. That is simply wrong. It enables Congress to put the funding on autopilot, this mandatory spending idea, and then not have to make sometimes very tough but important choices around funding priorities. I ask my colleagues on the other side whether they have ever voted for amendments that actually reallocate appropriations from other programs in the Department of Education or anywhere else in the Labor-Education bill and put it into additional discretionary special education funding, much less offered such an amendment? It is not always an easy vote to take, but it is a vote that I have taken in the House to actually stand up and say: Given a current level of spending, whatever our budget is, I am willing to vote to take funding from one program and put it into special education because we recognize that it is the most important funding priority we could have at the Federal level where education is concerned. I am willing to stand up and take that vote.

I am anxious to see whether the authors of this amendment bring other amendments to the Senate floor in the appropriations process that reallocate those funds. It is always easy to come to the Senate floor with an amendment that adds $2 billion or $3 billion or $4 billion or $5 billion, increasing the deficit without regard. It is a lot tougher to come to the floor with an amendment that moves funding from one area to another and show that we are willing to set priorities and make sometimes difficult choices we are elected to make when we come to serve in the Senate.

I believe putting this spending on autopilot takes us away from that commitment to make tough choices and set priorities. That is why I will not support the Hagel-Harkin amendment and will stand with Senator GREGG and the important work he is trying to do as chairman of our Education and Health Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand we have 10 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts has 10 minutes 30 seconds remaining.

Mr. KENNEDY. Mr. President, I yield myself 4 ½ minutes.

I join with my friend and colleague, Senator HARKIN, in making sure that this body understands, and our friends all across the country, that this really isn't a partisan issue. I, quite frankly, commend the fact that we had an increase in IDEA funding, and I give tribute to the Senator from New Hampshire for that increase in funding. It is true that under President Clinton we had the expansion, moving toward smaller class size, afterschool programs. We had enhancement of teacher training and other kinds of factors in terms of the previous administration. But there is no question that there has been an increase in IDEA funding. We grant that.

As Senator HARKIN has pointed out, the issue is what are we going to do in the future. This discussion is really at a rather significant time in our American history because next Monday we celebrate the 50th anniversary of Brown v. Board of Education, one of the most important judgments in terms of knocking down walls of discrimination in our country, recognizing that we were going to knock down the walls of discrimination on the basis of race.

Now for 29 years we knock down the walls of discrimination on special needs children, but we still have not fulfilled the requirement and the opportunity that presents. That is what the Harkin amendment is all about.

Pass the Harkin amendment and we meet that responsibility, and we meet that obligation in 6 years. That is what we do.

I am going to vote for the Gregg amendment that says he will increase the authorization. I am for it. If that is what passes, I will be there with Senator HARKIN and with Senator HAGEL battling to get the increased appropriations, but let's do it right. Why have we held these families up?

I have four books here, a foot and a half tall, with individual life stories that represent families and special needs children who are trying to make it in the United States. The question is, are we going to meet our responsibility? We have from newspaper reports now that we are going to have a bonus of $100 billion this June, $100 billion more. The Harkin amendment says, let's take $2.2 billion of that and commit it to these families right here who are struggling and trying to make it every single day.

Let me read from a typical letter, and it is replicated by the thousands. This is from Carla Leone of Arlington, MS:

> I have a 15-year-old son with Tourette Syndrome and associated disorders who is on an IEP,

—an individual education program—

> as well as a daughter in "regular" education. I had to quit my job in order to obtain special education services from the school district for my son—it was a full-time, complex job. First, the school didn't want to identify him as needing an IEP, then there was a several-year battle over what services he needed, and then once they agreed to services, there were a lot of problems with the school failing to provide the services (a common problem with implementation of IEPs).
>
> The basis for the problem is lack of funding, which pits regular education against special education, and gives the school major impetus from keeping the kids from being identified as needing special education . . . and most importantly fund this heretofore unfunded mandate.

That could not be any more clear or compelling. We ought to not only think of the children but of their mothers and fathers. That is what this is about. Certainly, this is a question of priority. We in this country cannot afford to not meet what we committed. This body committed to this. The House of Representatives committed to it. A previous administration committed to help those families all over the country. We are only reaching half of that commitment now.

The Harkin amendment will make sure we meet our responsibilities to all of them. What could be a better opportunity, a better priority? Money isn't everything, Mr. President, but it is an indication of a nation's priorities. That is what we have the opportunity to have in the Senate. That is why I believe the Harkin amendment should be approved.

I withhold the remainder of our time.

Mr. SUNUNU. Mr. President, I yield the Senator from Virginia 6 minutes.

Mr. WARNER. Mr. President, I ask unanimous consent that I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PICTURES OF THE PRISONER ABUSE IN IRAQ

Mr. WARNER. Mr. President, I wish to address my colleagues with regard to the pictures of prisoner abuse in Iraq which will be sent up by the Department of Defense and will be available for all Members to review in room S-407 in 45 minutes.

Bottom line, I urge all Senators to avail themselves of the opportunity to examine this body of evidence. While I have not seen it specifically, it has been described to me. It is, in my judgment, another distasteful, nevertheless factual, part of this tragic incident regarding the allegations and the facts that document abuse by uniformed people of the U.S. Armed Forces against Iraqi prisoners. At 2 p.m., I urge your attendance.

I thank the leadership for their assistance in this matter. Yesterday, I contacted Senator FRIST and suggested that he and I and Senator DASCHLE and Senator LEVIN sit down and make the arrangements regarding these photos, and those arrangements were concluded late yesterday. The pictures will be brought up. They will remain in the custody at all times of the Department of Defense, and then they will be returned to the Department at the conclusion of our meeting.

Speaking just for myself, my guidelines as I look at these pictures are how I am obligated to address my constituents and indeed share my views with colleagues. These are the guideposts I will follow. First, at the hearing of the Armed Services—the first hearing on May 7—with Secretary Rumsfeld and the Chairman of the Joint Chiefs, as chairman, I was privileged to ask the first question. This is my question to General Myers:

> I would anticipate that you have consulted with your colleagues, not only the Joint Chiefs, but particularly in Central Command, and you are making, or have made, or will continue to make an assessment of the possible increase in risk to the men and women of the Armed Forces, the personal increase in risk to them, and indeed their colleagues in the coalition forces, regarding the release of these photos, and this story continues to reflect very deeply on the thinking and actions of other people.

We learned yesterday of the tragic event of the Berg family having lost that individual. You not only have to consider men and women in uniform, but that brave bunch of contractors who are taking a certain amount of risk to help rebuild the infrastructure in Iraq and to assist the men and women in the Armed Forces in carrying out their missions.

General Myers replied very clearly:

> Absolutely, we will. And we should not underestimate that impact.

Further, he said:

> I think we have a lot of troops in Iraq right now, after talking to General Smith and others, that are probably walking with—I mean, they're involved in combat, but they're walking with their head just a bit lower right now because they have to bear the brunt of what their colleagues up in Abu Ghraib did.

That is straight talk. We have had good, straight talk from the Secretary of Defense and all the witnesses in the course of our hearings. I commend the Department of Defense, from the President on down, for the manner in which they are dealing with this situation. That is my principal statement.

Second, we are a nation which operates on the rule of law. The Department of the Army and the Department of Defense are bringing accountability to those who allegedly have perpetrated these situations. That trial process must go forward in such a way that the release of these photos does not adversely impact or jeopardize their rights. It is for that reason that I simply say to my colleagues that I think we have to be extremely cautious as we finish our work this afternoon, and then fulfill our obligation, in verbalizing—the pictures cannot be copied—our own interpretations and meaning of these photos, so as not to incite anger, in any way further, against our forces or others working in the cause of freedom. That is my view.

Further, I think caution should be used so as not to jeopardize under the

Uniform Code of Military Justice and such other laws—and others may be brought to bear in accountability—in any way to jeopardize those trials. This Nation is a nation of laws. We are a strong democracy.

Secretary Rumsfeld, in his opening remarks, said:

> Mr. Chairman, I know you join me today in saying to the world, judge us by our actions, watch how Americans, watch how a democracy deals with wrongdoing and with scandal and the pain of acknowledging and correcting our mistakes and our own weaknesses. And then, after they have seen America in action, then ask those who teach resentment and hatred of America if our behavior doesn't give lie to the falsehood and the slander they speak about our people and about our way of life . . . Ask them if the willingness of Americans to acknowledge their own failures before humanity doesn't light the world as surely as the great ideas and beliefs that made this nation a beacon of hope and liberty for all who strive to be free.

The strength of America will be brought to bear as we address these problems in our military and go about handling this situation under the rule of law and holding those accountable. That shows the strength of a democracy. I think that is very important.

There is a Privacy Act which, in the minds of some lawyers, protects these pictures in a certain way from public disclosure.

So I simply counsel Senators—to the extent the executive branch has a responsibility to deal with future distribution of these pictures—to err on the side of caution. I think it would not be wise at this time to publish them. I believe the time to publish such photos should be during the course of the trials when the prosecution has a right to bring out certain photographs, the defense has a right to go and bring out other photographs, so you will have a balance of interests as to the photographs that are made public. Those trials will be public. At that time, no one could accuse the United States, for whatever reason, having released these photos earlier, of either jeopardizing the trial or trying to influence public opinion. Those procedures would be in accordance with the procedures of the Uniform Code of Military Justice.

Sadness, I know, fills the heart of all Americans regarding this episode in the otherwise very proud history of our military. Going back more than 200 years in our Republic, and looking forward, today 99.99 percent of the men and women in uniform are carrying out their missions in accordance with our finest traditions. They are going into harm's way, taking risks, and performing their missions. We must think of them. That is very much on my mind, and I hope it is in the minds of others as we look at this.

The Berg case has a specific reference to that heinous crime being committed to avenge the treatment of the prisoners in that prison. That is why I think further release at this time of these photographs, indeed, would put on another layer, but basically I don't think it will contribute materially to a further understanding of this tragic problem, to the extent that it overrides the other concerns of the safety of our forces, the safety of the civilian backup infrastructure, and the need for these trials to go forward in such a manner that no one can contest the integrity of the Department of Defense and the Army as they proceed to address this and hold those responsible accountable.

Mr. President, I suggest that the release of this material, which is not before the Senate—I repeat, we do not have custody of the photos—be considered by the executive branch—and perhaps wiser minds than I have a different perspective, but in the end, I counsel all caution as we verbalize our own views and understanding of these pictures, and as the executive branch moves forward with a decision regarding release.

I yield the floor.

Mrs. CLINTON. Mr. President, I rise today in support of the Harkin-Hagel Amendment which will meet the funding promises in the Individuals with Disabilities in Education Act, IDEA.

Almost three decades ago when Congress passed IDEA, this legislative body understood the additional costs that would be associated with providing an appropriate education to children with disabilities. Congress agreed back then that this fiscal responsibility should not fall entirely on the States and local communities. It decided the Federal Government would pick up at least 40 percent of the total cost of educating these children.

This promise was made nearly 30 years ago. Yet Congress has never fulfilled it. The Harkin-Hagel amendment, which has strong bipartisan support, will right this wrong by ensuring the Federal Government provides its fair share of the cost to educate all children with disabilities. That is why I am proud to cosponsor it.

The funds provided by this amendment will ensure that every child with special needs receives a free, appropriate public education. Today, all over New York and the Nation, children with special needs are being shortchanged because schools are wrestling to fulfill the competing demands on their budgets. Deficits are rising and State budgets are shrinking. And the funds provided by these amendments are crucial to ensuring all children receive a world-class education.

The Republican substitute for this amendment keeps funding for IDEA discretionary, which does not guarantee full funding. As we have seen with funding for No Child Left Behind, authorizations are an empty promise with this administration and the Republicans in Congress in control.

According to a report issued by the National Education Association last month, States and schools received only $18.6 billion of the $26.8 billion in Federal money authorized under the law during the last fiscal year. This amount falls significantly short of the total cost to implement No Child Left Behind, which, according to the NEA, will reach $41.8 billion this year. As one example of the high cost of NCLB, the Ohio Department of Education released a study last month estimating that the State will spend about $1.5 billion a year—more than twice as much as it now gets from the Federal Government to fund NCLB. And a recent Phi Delta Kappan article reported that public K-12 spending needs to rise by at least 20 to 35 percent to meet the goals of NCLB—an increase of $85 to $150 billion a year.

We cannot allow IDEA to continue on the same path as NCLB. Mandatory spending is the only way to ensure that Congress will actually fund the real costs associated with meeting these requirements so that our children and their families do not shoulder this burden.

Now more than ever, our school districts desperately need this support as they grapple with deep budget cuts and rising student enrollments. It is unconscionable for Congress to stand by and continue to fail to meet its funding commitments while schools in New York and across the Nation are laying off teachers, cutting critical classes and eliminating academic services.

Let me paint the picture of what is happening in school districts in some school districts in New York.

The Buffalo School district, where 80 percent of students come from families that are at or below the poverty index, is facing a $9.7 million cut in its education budget. To balance its budget, the Buffalo School District has had to lay off approximately 700 school personnel, cut vital services to students, and close down 5 schools this year. These choices will ultimately lower the quality of education for all of the 44,000 students enrolled in Buffalo schools, including the 9,266 students with disabilities.

However, this issue is not about budget cuts. It is about broken promises.

The Harkin-Hagel amendment says simply—the Federal Government's going to keep its word. It ensures that children with disabilities receive the programs and services they need to learn by providing the 40 percent of the cost that was promised back in 1973.

These funds mean children with special needs will achieve at higher levels and transition into the workforce as productive citizens. It guarantees the resources to recruit qualified personnel, provide teacher training and ongoing professional development and provide supplementary services to effectively educate these children.

Schools need actual resources to provide these services, not empty promises.

Before the passage of IDEA, children with disabilities received woefully inadequate schooling or no schooling at all. Each year Congress fails to live up to its commitment to adequately invest in IDEA our schools fall further behind in meeting their special education costs and our parents of children with disabilities have to fight harder to ensure their children receive appropriate educational services.

Children with special needs and their families should not have to shoulder this burden. We must do better by our children and their parents. I therefore urge my colleagues to vote yes on the Harkin-Hagel amendment.

Ms. COLLINS. Mr. President, I am pleased to be a cosponsor of the Harkin-Hagel amendment to fully fund the Federal share of the individuals with Disabilities Education Act. This proposal is long overdue and will help every school district in Maine.

IDEA is based on two fundamental principles: First, that all disabled children are entitled to a free and appropriate public education; and, second, to the maximum extent possible, these children should be educated alongside their nondisabled peers.

To help States achieve these principles, in 1975 Congress authorized funding at 40 percent of the average per pupil expenditure. Unfortunately, this funding level has never been realized, leaving States with insufficient resources and jeopardizing the achievement of IDEA's worthy goals.

In 1996, the year I was first elected to the Senate, the Federal Government provided only $2.3 billion for IDEA funding, about 7 percent of the promised level. Through our efforts in the Senate, IDEA funding has steadily climbed, reaching nearly $10.1 billion in fiscal year 2004, an increase of more than 300 percent. Despite this considerable progress, current IDEA funding still represents only half of the original 40 percent promised by Congress. This is an unfunded mandate that affects every State in the Nation.

Over the years, this shortfall in IDEA funding has placed a tremendous financial strain on communities in providing these services, and in particular, on small rural towns, such as those in Maine. According to recent CRS estimates, if IDEA were fully funded, Maine would receive approximately $104 million in part B funding, an increase of approximately $56 million over current levels.

While the shortfalls affecting Maine and other States are startling, they fail to convey the crushing financial blow which can result to a small community when a medically fragile, high-cost child with special needs locates there.

In these cases, school systems are often forced to cut back in services to all children in an attempt to meet their legal obligations. Unfortunately, this can result in resentment of these special needs children by members of their own community.

During my time in the Senate, I have consistently supported efforts to fully fund IDEA. In 2001, during Senate consideration of No Child Left Behind, I was pleased to join Senators HAGEL and HARKIN in sponsoring another amendment to fully fund IDEA. Although the amendment passed the Senate, unfortunately, it was removed during conference with the House.

After over 2 years of work, we now have before us a bill to reauthorize IDEA. S. 1248 has strong bipartisan support and reflects a bipartisan commitment to make the improvements necessary to ensure better educational services for disabled students.

For example, it contains modifications designed to improve parental involvement, to resolve conflicts more effectively and without litigation, and to reduce unnecessary paperwork. With these reforms in place, it is time for Congress to step up and meet its funding obligations under IDEA.

Our amendment would provide crucial resources necessary to support communities and special education students throughout the country. Specifically, it would provide mandatory funding increases of $2.2 billion each year for the next 6 years to reach full funding by 2010, and then maintain full funding in subsequent years.

I urge my colleagues to join us in support of this amendment. Let's make this the year where we finally make good on the promise to fully fund IDEA.

Mr. REED. Mr. President, I rise in strong support and as a cosponsor of the Harkin-Hagel amendment to provide mandatory full funding for the Individuals with Disabilities Education Act, IDEA.

This amendment will provide mandatory increases in funding of $2.2 billion per year for the next 6 years and help us meet the needs of the approximately 6.5 million children served under IDEA.

Without full funding, we cannot realize the true promise of this law—a free, appropriate public education for all children with disabilities.

Living up to this commitment is not just an important goal; it is a necessity if we are to ensure that all children have an opportunity to succeed. Likewise, we must provide schools with the resources they need to make this happen.

When IDEA was first adopted in 1975, Congress committed to paying 40 percent of the cost of providing special education services. Sadly, after 28 years, we are only at 19 percent.

The President's fiscal year 2005 budget fails to fully fund IDEA, proposing to increase IDEA by only $1 billion—an amount that falls far short of our commitment. Across this country, there is growing frustration over the lack of education resources. The No Child Left Behind Act has only exacerbated such frustrations.

Our school districts are striving to provide a high quality education for all children but don't have the adequate resources to do the job.

As a result, parents of children with disabilities, who only want to ensure their child gets the education they deserve and need, are forced to fight for the very programs and services to make that possible.

For too long, we have forced school districts and schools to pit children against children.

For too long, we have forced parents of children with disabilities to battle principals, schools districts, and other parents for limited educational resources.

Schools urgently need the resources to fulfill the promise of IDEA, and they deserve better than this.

Our schools—and the students with disabilities that they teach—also deserve highly qualified and skilled educators.

For special educators, regular educators, principals, and others who provide education and related services to students with disabilities the need for action is clear:

47 percent of students with disabilities, ages 6–21, spend 79 percent or more of their time in regular classes.

98 percent of school districts report meeting the growing demand for special education teachers as a top priority.

An estimated 600,000 special education students are taught by unqualified or underqualified teachers nationwide.

Each year about one-third of special education program faculty openings are unfilled.

The Personnel Excellence for Students with Disabilities Act, which I introduced last year, seeks to address this critical area of need—ensuring that all students with disabilities are served by highly qualified and skilled teachers, education personnel and related service providers.

I am pleased that many of the provisions of my bill have been incorporated into S. 1248.

Together, we can ensure that children with disabilities have access to a high-quality, free, appropriate public education, and that the law truly reflects the needs of parents, teachers, principals, and related personnel.

Governors, State legislators, superintendents, principals, teachers, and parents are all unified in support of mandatory full funding of IDEA.

Now, instead of the empty votes and broken promises of the past, another opportunity to meet our commitment is upon us. I urge my colleagues to vote for the Harkin-Hagel amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Massachusetts has 5½ minutes remaining, and the other side has 9½ minutes remaining.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I presume the Senator from Iowa wants to close.

Mr. HARKIN. Yes.

Mr. GREGG. I have no problem with that.

We have talked a lot about, and I think debated rather extensively, the issue of what the proper way to fund this bill is. Again, I think our track record on funding is strong and reflects a very deep and aggressive commitment to getting the money that is necessary to address special needs children.

While we are discussing this bill and there is some attention on the bill, I did want to, however, mention—and I know we are going to discuss it later on—this commitment in this bill. There are a couple of items which are very important. The first is the commitment to go to basically an accountability system which looks at what a student learns versus what the procedure may have been to teach them. Rather than checking inputs, we are interested in outputs. We are interested in whether a special needs child is actually improving their academic ability.

This bill changes the focus of how we view the plans that are developed for children. It eliminates the very burdensome and unreasonable 813 procedural checklist that States have to follow in order to be deemed in compliance with IDEA. This type of checklist, in our opinion, was excessive bureaucracy and counterproductive to the basic goal, which is to get a child in the classroom and teach them to the fullness of their capabilities. So I think it makes significant progress in that area.

It also addresses a number of other issues, but specifically the overidentification of children into special needs. This is a real problem, excessive coding of children. It is especially a problem in minority communities where quite often children simply get coded because they do not have the skills when they get to school to be competitive with their peers and make a presentation on an IQ test which is adequate. This bill takes the IQ test and deemphasizes it as a way for coding these children and rather allows a variety of different proposals which came out of an extensive study in this area, the Commission on Excellence in Special Education, to be used for the purposes of deciding whether a child should be moved into the special education classification.

It is critical that we get control over this coding area because in some school systems upwards of 30 percent of the kids are being coded, and this is clearly inappropriate. It means the resources which should be focused on the children who really need assistance are being spread to a lot of kids who maybe are being coded because it is the easiest way to handle them and to move them through the system, not necessarily for their benefit but for the benefit of the administration of the school system. So we have tried to address that issue.

I happen to see that specific issue of overcoding as probably being the biggest problem we have in the whole structure of special education because not only does it mean that resources are spread too thin, but equally important, it means kids end up being stigmatized unfortunately early on with a special education status which affects their educational experience for the rest of their schooling, and that is not good for them if they did not need that sort of assistance.

Thirdly, it basically continues to move the goalpost. It is virtually impossible for us to get the full funding if every time we start to move toward full funding the goalposts of what full funding means get moved down the field further. That is what happens when there is this excessive coding.

So it has a debilitating effect not only relative to the child's experience but also on the ability of the school system to get the funds where they need to be and also on the basis of how we are going to get enough funds into the school systems to meet our commitments. So this is a big issue. I think it is one that we have tried to address. We obviously have not solved the problem, but we have at least moved down the road toward addressing the issue in a constructive and bipartisan way in this bill.

So with those two points being made, I will reserve the remainder of my time and turn to the Senator from Iowa to close. If the Senator from Iowa is the last speaker, we will simply run the clock until we get to the time for the vote.

Mr. KENNEDY. I yield the remaining time to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank Senator GREGG for his generosity in letting me close the debate. I also thank the Senator from New Hampshire and the Senator from Massachusetts for putting together a good bill. This is a good bill, except for the funding. There is a lot of good in this bill, and the Senator from New Hampshire and the Senator from Massachusetts have worked together, as we all have, to come together with a nonpartisan approach.

As I have said, this is the way we ought to deal with disability issues. We have in our long history, and we have continued that again in this bill, too.

When this Congress passed the Americans with Disabilities Act 14 years ago, we stated four goals. For people with disabilities we wanted equal opportunity, full participation, independent living, and economic self-sufficiency. Those were basically the same goals of the Individuals with Disabilities Education Act. We now see people working more in our society, people with disabilities being employed on jobs, but the basis of it all is education. That is where it starts.

If families with kids with disabilities are not getting the supportive services and the kind of teacher training that is needed to be able to teach kids with disabilities, if they do not have the materials, say, in Braille for kids who are blind, or interpreters for kids who are deaf, or if they do not have some mental health providers who can help kids who have perhaps mental problems in school, then all of the promises of the Americans with Disabilities Act is for naught because these kids will not get the education they need that will give them equal opportunity, full participation, independent living, and economic self-sufficiency.

The occupant of the Chair, my colleague and cosponsor of this amendment, Senator HAGEL, stated in his comments earlier about this being an unfunded mandate. This is one of the largest unfunded mandates that we have in our country. We hear about it all the time from the schools, from the parents, from the school boards. We have mandated that they must provide these services and then we said we are going to provide up to 40 percent. That was 30 years ago, and we are only at 19 percent.

So we have to ask ourselves about our priorities. This is an unfunded mandate. We made a promise; we have not kept the promise. Some say but the Harkin-Hagel amendment will add to the deficit. Well, it will add $2 billion on a budget next year of $2.3 trillion—less than one-tenth of 1 percent. When one looks at the whole national debt of $8 trillion, we are talking about a minuscule amount. For that minuscule amount, it means kids will get the services they need.

It means we will have more Danny Pfiffers, the young man I knew in Iowa who went to school, who was mainstreamed, the manager of his football team, acted in a school play. Danny suffered from Downs Syndrome. He got out of school. He got a job. He lived by himself. He was a taxpayer. This is what we want. It saves our society countless dollars in the long run, but even more important than that it enriches Danny Pfiffer's life, and it will enrich more kids' lives.

We have waited too long to make good on our promise. Now is the time to do it. It has to do with priorities. It has to do with integration. It has to do with all of us living together, sharing and caring about one another. We are all better off as a society when kids with disabilities are educated and mainstreamed in our public schools.

Lastly, the Gregg amendment will be the first vote. I do not see anything wrong with the Gregg amendment. It is authorization as a statement of intent, purpose, and goodwill. To quote my friend from New Hampshire who used the words to describe authorization last year, there is nothing wrong with it.

The Senator from New Hampshire is authorizing more money. That is fine, but it does not add one nickel to this unfunded mandate.

So the Gregg amendment is fine as a statement of purpose and good will and intention, but statements of purpose and intention and good will do not get the funds out to meet our obligation.

We said 30 years ago we would provide up to 40 percent. We are at 19 percent. This is the vote that will say to the families of kids with disabilities, we are going to meet our commitments and fund this unfunded mandate.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I ask unanimous consent that we now proceed to a vote. I ask for the yeas and nays, and we will yield back the remainder of our time.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HARKIN. Mr. President, I ask unanimous consent to add Senator PRYOR as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second? There is a sufficient second.

Mr. KENNEDY. Could we ask consent that be for both of the amendments?

The PRESIDING OFFICER. Is there objection pertaining to the yeas and nays on both?

Mr. GREGG. I intend to make a point of order on the second amendment. That will not be of prejudice to us?

The PRESIDING OFFICER. It will not be prejudicial. Without objection, it is so ordered.

The question is on agreeing to the amendment No. 3145. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Pennsylvania (Mr. SANTORUM) is necessarily absent.

Mr. REID. I announce that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Mr. SUNUNU). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—96

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—1

Nickles

NOT VOTING—3

Hollings
Kerry
Santorum

The amendment (No. 3145) was agreed to.

Mr. KENNEDY. I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3144

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote on the Harkin amendment, on which the yeas and nays have been ordered.

The Senator from Iowa.

Mr. HARKIN. Mr. President, we just voted—I did, and so many of us—to say we want to get more money into special education. That is what the Gregg amendment says, that we want to increase authorizations.

Right now, under present law, we can do whatever we want because it authorizes such sums as necessary. The Senator from New Hampshire put in there specific amounts, but it does not add one nickel to special education.

The next amendment, the Hagel and Harkin amendment, does that. It adds real money in mandatory spending, $2.2 billion a year for 6 years to get to that 40-percent level we promised 30 years ago.

This is one of the biggest unfunded mandates we have in our country. It is time that Congress lives up to the promise we made 30 years ago to help fund special education.

I ask for an aye vote on the Harkin-Hagel amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this Congress and this President have an exceptional track record on increasing funding for special education—over $1 billion a year, on a cumulative basis.

The issue of how you fund special education is a priority, and we have shown a commitment to that priority. It should be done within the context of setting priorities. Putting it into a mandatory account would take it out of the ability of this Congress to have the priority-setting process which is appropriate.

Furthermore, the way this amendment is structured, it might actually end up leading to a cut in discretionary funding in the special education accounts because of the uniqueness of our budget rules.

But, in any event, I make a point of order against the amendment. The pending amendment No. 3144, offered by the Senator from Iowa, increases direct spending in excess of the allocation to the HELP Committee under the most recently adopted budget resolution, H. Con. Res. 91, the concurrent resolution on the budget for fiscal year 2004. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Budget Act.

The PRESIDING OFFICER. A point of order is made.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I move to waive the relevant portions of the Budget Act to permit the consideration of my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Pennsylvania (Mr. SANTORUM) is necessarily absent.

Mr. REID. I announce that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 41, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—56

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Hagel
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu

Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Warner
Wyden

NAYS—41

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McConnell
Miller
Nickles
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Voinovich

NOT VOTING—3

Hollings
Kerry
Santorum

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3146

Mrs. CLINTON. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 3146.

Mrs. CLINTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Department of Education to participate in the long-term child development study authorized under the Children's Health Act of 2000)

At the end of the bill, add the following:

TITLE V—MISCELLANEOUS

SEC. 501. AMENDMENT TO CHILDREN'S HEALTH ACT OF 2000.

Section 1004 of the Children's Health Act of 2000 (42 U.S.C. 285g note) is amended—

(1) in subsection (b), by striking "Agency" and inserting "Agency, and the Department of Education"; and

(2) in subsection (c)—

(A) in paragraph (2), by striking "and" after the semicolon;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) be conducted in compliance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g), including the requirement of prior parental consent for the disclosure of any education records, except without the use of authority or exceptions granted to authorized representatives of the Secretary of Education for the evaluation of Federally-supported education programs or in connection with the enforcement of the Federal legal requirements that relate to such programs.".

Mrs. CLINTON. Mr. President, I rise in support of my amendment to the Individuals with Disabilities Education Act that is being considered today. Before I get into the amendment, I thank the chairman and the ranking member of the committee, Senators GREGG and Kennedy, for all their hard work in bringing this bill to the floor. It has been a long and, at times, I know a tedious process.

The issues inherent in this bill are complicated, and I respect the strong effort of both Senators GREGG and KENNEDY to work together in a bipartisan fashion to move the process forward. I also thank their two key staff members, Connie Garner for Senator KENNEDY and Annie White for Senator GREGG, because they have worked extraordinarily hard and diligently to ensure that this legislation, which affects millions of children with disabilities, will be reauthorized and will improve the lives of so many of these children and their families.

I also thank Senators GREGG and KENNEDY for being supportive of this amendment.

My amendment is very simple and straightforward but I think very important. It proposes to make the Department of Education a key partner in the development and execution of the National Children's Study.

The National Children's Study will be the most important study of children with disabilities ever undertaken. It will provide a comprehensive examination of the effects of environmental influences, as well as many other factors affecting growth and development, from birth until age 21. The overarching goal of this study is to give us information to enable us to improve the health and well-being of our children and, in particular, what more can be done to prevent, treat, ameliorate, and cure disabilities.

The National Children's Study was authorized by the Children's Health Act of 2000. All of the key Federal departments with jurisdiction over children's health and welfare, including the National Institute of Child Health and Human Development, the National Institute of Environmental Health Sciences, the Centers for Disease Control and Prevention, and the Environmental Protection Agency, are sponsors and partners in the completion of this critical study.

It is absolutely essential that these agencies work together, but missing from the list is the Department of Education. Despite the fact that children in our country spend 6 to 8 hours or more in school, the Department of Education is not one of the agencies explicitly included as a participant in the national children's study.

I believe this study has the potential to provide significant value, but it will be missing a critical source of information if the Department of Education is not a full partner.

Two studies that I would remind my colleagues of, that are similar to what we are attempting to do with this national children's study, is the Framingham study that followed a number of people in Framingham, MA, for a very long period of time. From that, we learned all kinds of information about heart attacks, cancers, and other factors that affect our health. Similarly the nurses study which followed several thousand nurses gave us other useful information.

So now we are trying to provide this information, based on very well run studies, to not only parents but practitioners, public officials, and others.

The participation of the Department of Education will ensure that school records can be, with appropriate permission, incorporated into the findings. Why is that important? Because only schools have information about children's educational outcomes, about special education classifications and the special services that children are receiving. Without this critical piece of information, the study would be incomplete.

The Department also needs to be a key player in order to get in on the ground floor of the planning for this study. We need to make sure that the educational component is considered from the very beginning.

It is also possible, through this amendment and the inclusion of the Department of Education, to compare how different States and schools classify children with disabilities. Currently, every State has a different standard for how they classify children with disabilities. That makes it very difficult, if not impossible, for researchers and advocates to compare data on children with disabilities across State lines. It is also very frustrating for parents who may live in one State where their child is classified as special education and eligible for services but because of a job change or other reason for a move, they move to another State where that is no longer the case.

If the national children's study were to collect data directly from schools on children's disabilities and how they are classified, we would have valuable information that I think would be very informative for our States and local school districts, as well as parents and others.

In addition to all of these reasons, the participation of the Department of Education will help us better understand how environmental factors are associated with the development of disabilities in childhood.

Every single day children are exposed to environmental hazards. They are exposed in their homes, neighborhoods, communities, and even in their schools. It is important that we begin to understand how to figure out what it is that we need to prevent in order to deal with the increasing numbers of children classified as in need of special education.

I want to thank a number of groups that have supported this amendment, including the Council for Exceptional Children, and Easter Seals, the National Education Association, the Parents Support Network of New York, the Children and Adults with Attention Deficit/Hyperactivity Disorder, National Arc, the Council for Occupational Therapists, the Learning Disabilities Association of America, and the Consortium for Citizens with Disabilities, which is a national disability organization that is a coalition of 100 groups.

I ask unanimous consent that the letters of support on behalf of this amendment be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

The American Occupational
Therapy Association, Inc.,
Bethesda, MD, April 22, 2004.
Hon. Hillary Rodham Clinton,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Dear Senator Clinton: the American Occupational Therapy Association (AOTA) is writing in support of your amendment to S. 1248 that would expand the federal agency participants in the National Children's Study. Authorized by the Children's Health Act of 2000 (Pub. L. 106–310), this longitudinal study will investigate the effects of environmental influences on the health and development of children. Your amendment would add the U.S. Department of Education as a participating agency in the study.

AOTA agrees that there is a need for a long term comprehensive examination of children's health, development and well-being. Occupational therapists have long recognized the influence of the environmental context on children's ability to participate in everyday activities, or occupations, at school, at home and in the community. In fact, this is one of the hallmarks of occupational therapy.

AOTA believes with you that the study should include relevant data about children's learning and educational experiences and how that learning is affected by environmental factors. Without including education and educational outcomes in the comprehensive study, children's "development" cannot be fully and completely assessed. The addition of the Department of Education and its various areas of expertise will enable the study to develop a more accurate view of the child and provide for the inclusion of valuable school-based data that is already available from our Nation's schools.

Thank you for introducing this important modification to the National Children's Study. Please do not hesitate to let us know if we can provide any additional assistance.

Sincerely,
Christina Metzler,
Director, Federal Affairs Department.

Council for Exceptional Children,
Arlington, VA, May 11, 2004.
Hon. Hillary Rodham Clinton,
U.S. Senate, Russell Senate Office Building, Room 476, Washington, DC.

Dear Senator Clinton: The Council for Exceptional Children (CEC) is the largest professional organization of teachers, administrators, parents, and others concerned with the education of children with disabilities, giftedness, or both. CEC supports your amendment to S. 1248, the Individuals with Disabilities Education Act to include the Department of Education as one of the participants in the National Children's Study. As you know, the Children's Health Act of 2000 (Pub. L. 106-310) authorized the study of environmental influences on the health and development of children.

The National Children's Study will provide the most comprehensive examination to date of the effects of environmental influences on the health and development of children, from birth until age 21, across the United States. The overarching goal of the study is to improve the health and well-being of all children, although children with disabilities will be a special focus of the investigation. The National Children's Study will be one of, if not the, richest resources for answering questions related to children with disabilities' health and development and will form the basis of child health guidance, interventions, and policy for generations to come. Yet schools, where children spend more time than any place other than their homes, are not integrated into this investigation. It is important that the Department of Education participate in this study. CEC recommends that assurances be in place that provide for sufficient resources for the Department of Education to participate in the study.

Thank you for championing this important addition to the National Children's Study. For more information, please contact me at *debz@cec.sped.org*; 703–264–9406 or Dan Blair, Senior Director for Public Policy at *danb@cec.sped.org*; 703–264–9403.

Sincerely,
Deborah A. Ziegler,
Associate Executive Director,
Policy and Communication Services.

Coalition for Equity
in Special Education,
Washington, DC, May 10, 2004.
Members of the U.S. Senate:

Dear Senator: We write to you on behalf of our coalition of private and religious school-affiliated organizations to urge members of the Senate to support S. 1248—the reauthorization of the Individuals with Disabilities Education Act (IDEA) as it is considered on the floor this week. Because IDEA impacts elementary and secondary schools, completing work on it is essential to ensure implementation in the next school year.

All schools that serve learning disabled and other children with disabilities have a strong stake in the reauthorization of IDEA and we are very pleased that we have worked with Senators of both political parties to strengthen IDEA to better meet the special education needs of children enrolled by their parents in our schools. While issues of importance to our communities still exist, we are most eager to have Congress complete action on this legislation so that it may be signed by the President and its benefit to our communities implemented in the next school year. Thus, we urge you to support S. 1248's final passage as well as the appointment of conferees and the immediate convening of a conference committee.

As you are aware, a unanimous consent agreement limiting the number of amendments to be offered on S. 1248 has already been entered into. We hope you will take this major step toward better serving America's special needs children this year. Many thanks for all of your work on behalf of America's children, including children attending private and religious schools.

Rev. William F. Davis,
OSFS,
Deputy Secretary for Schools, U.S. Conference of Catholic Bishops.
Nathan Diament,
Director, Institute for Public Affairs, Union of Orthodox Jewish Congregations.

April 7, 2004.
Hon. Hillary Rodham Clinton,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Dear Senator Clinton: Children & Adults with Attention-Deficit/Hyperactivity Disorder (CHADD) is writing to support your efforts to provide an amendment to the Individuals with Diabetes Education Act (IDEA) that will expand the participants in the National Children's Study. The Children's Health Act of 2000 (Pub. L. 106–310) authorized the study of environmental influences on the health and development of children. The Amendment would add the U.S. Department of Education as one of the participating organizations in the study. CHADD supports this amendment.

CHADD is intimately involved in the area of the relationship of children's health and their educational outcomes. The Centers for Disease Control and Prevention (CDC) funded CHADD's National Resource Center on AD/HD that was established to both be the national clearinghouse for science-based information on AD/HD and encourage and disseminate research on AD/HD's prevalence and treatment. The linkage between health and learning is of paramount importance to both this aspect of our mission and most other aspects as well. A May 2002 CDC Study (CDC Vital and Health Statistics) documented that over 50 percent of the children with AD/HD had a co-occurring learning disability. Without including education and educational outcomes in the comprehensive study, children's "development" cannot be fully assessed.

The outline of the National Children's Study represents a very expansive view of "environmental influences" and these must include these found within the school and related areas. The inclusion of the Department of Education and its various areas of expertise will enable the study to take a much more complete view of the child and provide for the inclusion of valuable school-based data that is already provided from the Nations schools.

Thank you for introducing this import modification to the National Children's Study.

Further information on this issue is available from Stephen Spector, CHADD's Director of Public Policy who can be reached at 301–306–7070, extension 109.

Respectfully submitted,
E. Clarke Ross, D.P.A.,
Chief Executive Officer.

Mrs. CLINTON. Over the last several years, I have become even more concerned about how the environment affects a child's health and cognitive development. I think we have a lot of work to do to understand this and then to act on it. We know that 25 years of research and experience with developmental disabilities has demonstrated the increasing threat that these disabilities pose to our children's learning and also to the costs and expenses borne by families, school districts, and other public agencies around our country.

Since 1977, enrollment in special education programs for children with learning disabilities has doubled, and 12 million children under the age of 18 are now diagnosed with a developmental learning or behavioral disability. Now, obviously some of that is due to our greater understanding and our willingness to admit that these kinds of disabilities exist, but there are other reasons as well.

A National Academy of Sciences study suggests that 28 percent of developmental disabilities are caused by environmental hazards. A recent study in the New England Journal of Medicine showed that even low levels of lead exposure can reduce a child's IQ by as much as 7.4 points. For many children, this literally could mean the difference between being developmentally disabled or not.

According to a General Accounting Office study, almost half of all children in our country attend schools with at least one unsatisfactory environmental condition. I have seen a lot of those in my own travels. I have seen horrible mold conditions. I have seen exposed dust and building materials. I have seen schools that were built over toxic waste dumps. It goes on and on.

We also know that one of the most prevalent environmental health problems is poor indoor air quality. According to recent studies, that is present in nearly half of our 115,000 schools. Almost a quarter of these schools have inadequate heating, ventilation, and air-conditioning systems, and about 21,000 have faulty roofs.

Now, poor indoor air quality severely aggravates allergies, asthma, and other infections and respiratory diseases. It is something we know more and more about but actually still have a lot of work to do.

I have worked to address these problems through legislation that crosses different jurisdictional lines. I introduced the act to prevent developmental disabilities in education, which has evolved into the amendment we have before us today. I have strongly supported the 12 centers for children's environmental health and disease prevention research funded by our Government because they are focusing on issues that are so critically important, such as studying the potential environmental causes of autism, a condition that we know is increasing.

We are looking at new ways of researching, identifying, treating, and ultimately preventing autism and other diseases that may or may not have an environmental link. We just do not know enough yet.

Similarly, I have proposed a general health tracking bill that would coordinate pollution and contamination data with disease data so we can learn more about the possible links between the two. I am not one who thinks there are as many different problems as one can imagine depending upon the environmental condition, but I think common sense tells us that there are a good number of them. Right now we do not know which. We cannot give good information to parents about how best to protect their children.

In the No Child Left Behind Act, a provision that I championed called the Healthy, High-Performance Schools Program was adopted. That would assist States in creating and disseminating information and technical assistance to our neediest schools to help them improve indoor air quality and energy efficiency, and we know it can make a difference.

In Greenwich, NY, a school renovation project left cement and construction dust all over the buildings, fiberglass exposed in the library, paint fumes in the elementary classrooms, heavy equipment and jackhammers outside, and electric wires and pipes exposed. In another New York school, a parent of an asthmatic child was so upset by the child's repeated absences because of being exposed to the toxic chemicals that were used in the installation of a gym floor.

These are just two of the multitude of examples that argue for us learning more about what we are doing inside our schools to perhaps better control these problems so that, if we cannot eliminate them, certainly the information will help us to decrease the health problems from which these children suffer.

I hope this amendment will be a real encouragement for the National Children's Study because it is one of the most important research studies we can undertake in our country.

As I said, the Framingham Heart Study, which has been going on now for 50 years, has yielded remarkable advances in the prevention of heart disease. The Nurses Health Study that began in 1976 has given women invaluable information about how to protect our health. The National Children's Study is the same. It will give us so much help, trying to figure out what we should do in the public health arena in our schools and in our homes.

I am hopeful we will fully fund this National Children's Study because it is important that we begin the hard work of getting answers to many of the questions my constituents ask me.

We need an additional $15 million for this study to be carried out. These are critical funds. I hope we will be able to appropriate them. This amendment will enable the study to take advantage of the expertise in the Department of Education and particularly zero in on the needs of children with disabilities.

I thank my colleagues for their support. I appreciate their strong advocacy on behalf of this reauthorization of the bill and in particular this amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the amendment would call for the inclusion of the United States Department of Education in a consortium of Federal agencies that are working on a study regarding environmental influences on children's health and development, which may result in developmental disorders in these children.

This consortium, which is to be headed by the Director of the National Institute of Child Health and Human Development, also includes the Centers for Disease Control and Prevention and the Environmental Protection Agency.

This amendment ensures that, should any collection of information from the study involve student education records, parents must provide prior consent before the information is released. This ensures compliance with the Family Educational Rights and Privacy Act of 1974) (20 U.S.C. 1232g) (FERPA) and comports with the federal policy of preserving parental consent.

Quite simply, information in records maintained by schools about individual children should not be accessible by the CDC, or Federal agencies, or their contractors without the knowledge and prior consent of those children's parents.

We appreciate the amendment of the Senator from New York. It is constructive and positive and we are willing to accept it.

I ask unanimous consent that the amendment of the Senator from New York be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3146) was agreed to.

Mrs. CLINTON. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I will take a moment to thank the Senator from New York for offering this amendment. She is quite right. This longitudinal study that will be done with regard to children's health will be the most important work outside the Academy of Sciences' work that will be done on the development of children's brains and what early intervention means, in terms of their educational capabilities.

There are a lot of different factors such as bus fumes, asbestos in the schools, lead paint in the playgrounds, let alone lead paint in the walls. There are a series of different issues regarding mental health and a wide range of different areas affecting children and children's health.

The fact the Department of Education was not included was a major oversight. The amendment of the Senator from New York addresses that. It is very welcome. It will make that study a much more comprehensive and accurate reflection of where children are in our society. I thank her for offering it.

We all know that what happens during a child's early years can mean the difference between lifelong success and lifelong struggle. Good nutrition, a nurturing home, a healthy and safe neighborhood, and countless other factors provide children with the foundation from which they grow into a productive adulthood.

But for too many children, the basic elements of a healthy start are missing. Children whose environments are lacking or even dangerous are at much higher risk of developing disabilities—disabilities that can be prevented if we understand more about the factors at play. That is why the Children's Health Act of 2000, and its study on child development, is so important.

But, as the Senator from New York has pointed out, the study has a major flaw. It is incomplete because the Department of Education is not included as a partner and school experiences are not examined. This study cannot put together the puzzle of child development when this crucial piece of every child's life is missing. The Senator from New York's amendment puts the final piece into place.

Including the Department of Education in this study is just common sense. School is a child's primary environment outside the home. From early childhood through adolescence, children spend a majority of their day in a classroom.

In fact, the school environment may be even more important for children with disabilities. Most disabilities are diagnosed in school, and most special education services are provided there. What happens for disabled children in schools has a tremendous lasting effect.

The Department of Education has data to share with the study's other partners that is critical to capturing every aspect of disabled children's development. When this data is being shared, the amendment is careful to protect children's educational privacy rights.

The more we know about how a child's environment impacts developmental disorders, the more we can do to prevent them and ensure that all children grow to be healthy adults. This study, and the Department of Education's participation in it, will provide us with important information for years to come.

I applaud the Senator from New York for her advocacy on this issue and on so many other issues concerning the health of our Nation's children. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 3147

Mr. GREGG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself, Mr. ENZI and Mr. GRASSLEY, proposes an amendment numbered 3147.

Mr. GREGG. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for attorneys' fees)

On page 558, strike lines 7 through 12, and insert the following:

"(B) AWARD OF ATTORNEYS' FEES.—

"(i) IN GENERAL.—In any action or proceeding brought under this section, the court, in its discretion, may award reasonable attorneys' fees as part of the costs—

"(I) to a prevailing party who is the parent of a child with a disability;

"(II) to a prevailing party who is a State educational agency or local educational agency against the attorney of a parent who files a complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of a parent who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or

"(III) to a State educational agency or local educational agency against the attorney of a parent, or against the parent, if the parent's complaint or subsequent cause of action was presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

"(ii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to affect section 432 of the District of Columbia Appropriations Act, 2004.

Mr. GRASSLEY. Mr. President, I rise in support of the Gregg amendment to provide a little more equity to school districts in the often overly litigious world of special education.

Currently, IDEA only allows parents who are prevailing parties to collect attorney's fees. Even if the school district prevails in court, it must pay its attorneys out of its own budget. Under the Gregg amendment, this would still be the case in vast majority of cases.

The Gregg amendment does not cap attorney's fees allowed under IDEA and it is not even a straight "loser pays" provision.

The Gregg amendment simply provides that State or local education agencies may be awarded attorney's fees, at the judges discretion, only in those very limited cases where the parent's case is—"frivolous, unreasonable, or without foundation, or the parent continued to litigate even after it became clear that the case was frivolous" or—if the parent's complaint was "presented for any improper purpose."

This is a very strict standard and is based on existing laws and precedents.

This strikes me as a very limited, reasonable amendment.

I should mention that in Iowa, we do not have a great many due process hearings and they rarely go to court. In fact, Iowa is a model of dispute resolution in the area of special education. It also helps that Iowa schools generally provide an excellent education to all students.

However, I have heard from many Iowa educators that the Federal IDEA law is too litigious. School districts often find themselves at a disadvantage when trying to prove that they have done right by a child. School districts find that it is usually easier and cheaper to give in to parents' demands rather than to go to court, even if school officials are convinced they have acted properly.

I am not suggesting we tip the scales the other way so that parents of disabled children are less able to advocate for the education they feel their children need.

The standard in the Gregg amendment is strict enough that it would still be to the advantage of school districts to settle all but the most egregious, frivolous complaints.

This amendment would not discourage any parent from pursuing any legitimate complaint, even if the parent might ultimately lose the case.

Parents must be able to defend the right of their child to a free, appropriate public education, even in court if necessary. However, frivolous due process complaints under IDEA abuse the rights of parents and hurt children.

When a school district must spend money to defend against frivolous cases, it drains funds away from needed services for other disabled children.

This amendment also protects parents from unscrupulous attorneys who would prey on parents when they are most vulnerable by encouraging them to litigate or prolong litigation in order to collect fees.

The law should protect children, not the pockets of trial lawyers.

Again, this amendment would in no way limit or discourage parents from pursuing legitimate complaints against a school district if they feel their child's school has not provided a free, appropriate public education. It would simply give school districts a little relief from abuses of the due process rights found in IDEA and ensure that our taxpayer dollars go toward educating children, not lining the pockets of unscrupulous trial lawyers.

Mr. GREGG. Mr. President, IDEA currently allows only parents who are "prevailing parties" in disputes to collect attorney's fees, in the court's discretion. The law does not permit school districts that prevail in a case to recover their attorney's fees. In most cases, this is the right policy, as we do no want to discourage parents from seeking redress when they believe their child is not getting what is promised under IDEA.

However, there are sometimes cases where the parent's case was frivolous, unreasonable, or without foundation, or the parent continued to litigate the case even after it became clear that the case was frivolous. Or, there are sometimes situations where a parent or their attorney files a number of complaints and requests for due process hearings, triggering the school district to spring into action to prepare for the hearing. The parent subsequently drops the complaint, but the school has spent considerable time and money preparing for the hearing; a closer look at the facts reveals that the complaints were not filed for any proper purpose, but instead were done to harass or retaliate against the school district.

In these limited instances, school districts should be able to recover their attorney's fees.

This amendment makes such a change to the law. The amendment provides that a court, in its discretion, may award reasonable attorney's fees to a school district if the parent's complaint or subsequent cause of action is frivolous, unreasonable, or without foundation, or the parent continued to litigate after it clearly became so, or was presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

The legal standards in this amendment are not new concepts, but are based upon well-established laws.

The first part of the amendment comes from the U.S. Supreme Court case of Christiansburg Garment Co. v. EEOC 1978, which involved an employment discrimination claim under title vii of the civil rights act of 1964. Christiansburg held that a plaintiff which brings an action that is frivolous, unreasonable, or without foundation may be held liable for the prevailing defendant's attorney's fees. It is fair to apply this same standard in IDEA. In fact, a 1985 senate labor and human resources committee report on the predecessor of idea stated the committee's intent

> to adopt the policy of christiansburg garment company v. eeoc, which is that a party which brings an action that is 'frivolous, unreasonable, or without foundation' may be held liable for the prevailing defendant's attorney fees.

It is important to note that this is a very high standard and prevailing defendants are rarely able to meet it and obtain a reimbursement of their attorney's fees. The Supreme Court has said: to award attorney fees to defendants in a civil rights suit, the plaintiff's action must be meritless in the sense that it is groundless or without foundation; the fact that plaintiff may ultimately lose his case is not in itself sufficient justification for fee award.

Finally, case law directs courts to consider the financial resources of the plaintiff in awarding attorney's fees to a prevailing defendant.

The second provision in the amendment—that relates to bringing lawsuits for an improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation—comes from another well-established Federal law: Federal Rule of Civil Procedure 11.

In interpreting this language from Rule 11, courts must apply an objective standard of reasonableness to the facts of the case.

Let me give you some examples of frivolous or improper lawsuits, where the school districts had no recourse.

In *DeLeon Indepen. Sch. Dist.* v. *Seth B.*, 4:CV–00–1770–Y (N.D. Tex. 2001), a school district asked for injunctive relief against a parent who had filed seven requests for due process hearings over the course of 2 years. The school district asserted that the parent required the school district to convene at least 20 IEP meetings during that time, and claimed that the parent had abused her entitlements under IDEA by filing repeated requests for hearings and later canceling or refusing to attend. The school district further alleged that it had spent over $154,000 in attorney's fees and costs to defend the parents' filings. The court held that the IDEA law did not give the court subject matter jurisdiction to provide the school's requested relief.

We heard from a small district with an annual budget of $10,000,000. At the end of the 2001 school year an IEP student graduated and failed to pass an exam for entrance into a postsecondary trade school. The parents sued the district demanding among other things $1 million in lost future wages because the school had allegedly failed to address his learning needs sufficiently for him to get into the trade school. The district believed that it followed all legal requirements properly for full parent cooperation and agreement during the child's years in school. A decision was made to settle for $140,000 spread over four years partially in fear of consequences if a court battle ended in favor of the parents. A demand of one million dollars would have the effect putting the district into a negative fund balances and the risk of no longer being able to function.

A director of pupil personnel with special education responsibility reports:

> Next month I will go to Federal court with an attorney who is seeking fees for a recent Due Process Hearing. The District prevailed on 100 percent of the issues, not even a hand slap was given to the District. Why are we going to Federal Court? Because the attorney wants fees and the only way he can get them is threaten Federal court and hope we settle the fees versus the cost of Federal court.

She described the situation as blackmail.

One principal says:

> Attorneys that drag out a hearing for weeks, do so because once the attorney fees equal the post of the placement, the case gets resolved. I was involved in a case 9 years ago in which an aggressive attorney insisted on a 10 day evidentiary hearing. When it was clear the hearing officer had no control over the hearing, the district caved to the parents' position and wrote a settlement agreement.

But the worst example of egregious conduct comes from a suburban school district with over 33,000 students and 1,600 teachers. I will come to that in a minute.

Mr. President, we need to have a mechanism to protect schools in the rare instances in which the complaint filed against them is frivolous, or when litigation is being used to harass or retaliate against the school district.

This amendment is fair and reasonable. It would apply established legal principles and standards to protect defendants from burdensome litigation having no legal or factual basis.

The intent of this amendment is not to discourage parents from using the procedural safeguards under IDEA to bring complaints against school districts. And I don't believe this amendment will do that.

However, other Federal attorney fee statutes—(e.g., title vii of the civil rights act and section 1983 claims)—allow prevailing defendants to ask for attorneys' fees in egregious instances. Why can't we allow for the same mechanism under IDEA?

We want Government dollars targeted for IDEA to go to special education services for children with disabilities—not for school districts to pay attorney's fees to defend themselves in frivolous law suits.

This amendment will not chill representation—it does not put a new dollar limit on attorney's fees. Rather, this amendment is intended to give school districts some relief in those rare situations where a parent has abused their due process rights.

Let me tell you about the most egregious example of frivolous, groundless behavior against a school.

I know of a suburban school district with over 33,000 students and 1,600 teachers. Noted for excellence, student performance, and distinguished programs, this district has received local, State, and national recognition.

Within this district, "Mrs. X," as I will call her for privacy reasons, has two children attending the schools in the district: a high school-age son, identified as a special education student, and a middle school regular education daughter.

In May of 1998, the district settled a playground injury claim brought by Mrs. X resulting from her daughter's fall from monkey bars. That incident has been followed by the most egregious and long-standing abuse of every form of complaint, fair hearing, and litigation processes.

In summary, Mrs. X has filed complaints with the office of civil rights, tort liability suits, and multiple district internal personnel complaints—ranging from senior district personnel "dishonesty" to a substitute teacher leaving the door open in her son's room. Mrs. X currently has six suits filed in Federal Court against the district—the Board of Education Trustees, the Assistant Superintendent, the Executive Director of Special Education, the Program Specialist, the Director of Special Education, the Deputy Superintendent, the Superintendent, the Attorney retained by the district; nine hearing officers; the U.S. Department of Education Office for Civil Rights, Region IX; and the California Department of Education Superintendent of Schools.

As difficult and vexatious as these proceedings may be, by far the most expensive and draining of all of Mrs. X's actions are those resulting from her rights under the IDEA. Since June 1998, she has filed 15 complaints and fair hearing requests. These demands are accompanied by a daily barrage of letters, faxes, and telephone voice messages left for various District employees. Because of IDEA requirements, these need a timely response.

The District has spent $195,000 on attorney's fees to defend against these cases.

In November 2001, the District office began a log these communications so that the level of harassment and disruptions to the organization could be documented. Since that time, 828 communications have been sent to District personnel, representing well over 2,440 pages.

Currently, one of the District's program specialists devotes the majority of her time handling the issues generated by this one parent. This detracts from the District's ability to deal with the urgent and legitimate special education needs of students and parents.

Here is the list of the due process filings by Mrs. X. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Case No. 1 filed: June 30, 1998. Issue(s): Denial of FAPE 1997-98. Resolution: Settled by agreement at mediation.

Case No. 2 filed: December 26, 1998. Issue(s): Untimely IEP. Resolution: Settled by mediated agreement at the hearing by hearing officer.

Case No. 3 filed: March 28, 1999. Issue(s): Denial of FAPE 1997-98 and 1998-99. Resolution: District prevailed on all issues on hearing officer determination.

Case No. 4 filed: February 10, 2000. Issue(s): Denial of FAPE by placement at certain school. Resolution: District Prevailed on all issues on hearing officer determination.

Case No. 5 filed: August 23, 2000. Issue(s): Denial of FAPE by placement at certain school. Resolution: Settled by mediated agreement at hearing, by hearing officer.

Case No. 6 filed: April 2, 2001. Issue(s): Denial of FAPE 2000-2001. Resolution: District prevailed on all issues except occupational therapy assessment, on hearing officer determination.

Case No. 7 filed: November 5, 2001. Issues(s): Placement, services, goals for 2001-2002. Resolution: Settled by mediated agreement at hearing.

Case No. 8 filed: May 7, 2002. Issue(s): Denial of FAPE for 8th grade year (2001-2002). Resolution: Withdrawn by parent.

Case No. 9 filed: May 29, 2002. Issue(s): Eight issues concerning FAPE in 2001-2002. Resolution: Dismissed in its entirety by hearing officer.

Case No. 10 filed: July 24, 2002. Issue(s): FAPE for 2002-2003 and assessment in occupational therapy and physical therapy. Resolution: District prevailed on all issues but occupational therapy goal inclusion, on hearing officer determination.

Case No. 11 filed: February 24, 2003. Issue(s): Denial of FAPE at January 17, 2003 IEP meeting. Resolution: District prevailed on all issues on hearing officer determination.

Case No. 12 filed: March 3, 2003. Issue(s): Timeliness of District's functional analysis assessment. Resolution: Dismissed in its entirety by hearing officer.

Case No. 13 filed: August 27, 2003. Issue(s): Denial of FAPE by failing to allow communication with WHS. Resolution: District prevailed on hearing officer determination.

Case No. 14 filed: September 5, 2003. Issue(s): District denied special ed. eligibility. Resolution: Withdrawn by parent before hearing.

Case No. 15 filed: January 16, 2004. Issue(s): Author of vision therapy goals on 9/18/02 IEP. Resolution: Dismissed in its entirety by hearing officer.

Mr. GREGG. Through all this IDEA litigation, the school district has never been able to collect its attorney's fees in defending any of these cases.

And because there is no disincentive or negative consequences of filing complaint after complaint, making call after call, flooding the district with thousands of pages of documents, Mrs. X has continued her actions against the district.

Now, we know that this example is the rare exception—however, we need to do something to help protect schools against frivolous, egregious behavior, which drains resources away from providing special education and related services to children with disabilities.

The District writes:

> The purpose of IDEA is to protect the interests of special education students. It would be in this interest to guard against the egregious and vexatious behavior of a very small minority of parents whose actions negatively impact the ability of a school district to provide service to all special education students.

Mr. President, that is exactly what this amendment is designed to do.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I rise today in support of this amendment because no one wants to see our courts abused by frivolous cases and everyone wants to see less IDEA litigation.

While I can support preventing abuses of our legal system, I cannot stand by and listen to a debate that unfairly characterizes the majority of parents and the majority of attorneys as eager to sue schools. This could not be further from the truth—and the record needs to be set straight.

No parent wants to have confrontation with their child's school. Despite what has been said on the Senate floor today, every parent would rather be a partner in their children's education instead of an adversary. However, there are times that a parent has no choice but to right for their disabled child's educational rights. There are times when a school's violation of the law is so extreme, or when a school refuses over and over to do the right thing, that a parent's only recourse is to seek help from the legal system.

Parents facing this challenge need the help of attorneys who can represent the best interests of their child. But for too many low- and middle-income families the cost of an attorney is simply out of reach. That is why the IDEA requires schools that violate the law to pay the legal fees of parents. Without these provisions, the cost of an attorney to advocate for a disabled child's educational rights can mean a family must sacrifice another child's college education or even their home.

For example, the Hannagan family from Florida has been seeking an appropriate education for their disabled daughter for 5 years. They owe $90,000 in legal fees and have had to get a second mortgage on their home, mortgage their parent's home, and use up all of their credit cards.

Or take the Bonney family from Missouri who also had to fight to guarantee their disabled son's right to an appropriate education. Even though they asked to go to mediation instead of court, the school refused. As a result, they have had to mortgage three properties—two of which had already been paid off—in order to cover $100,000 in legal fees.

The IDEA give parents a fighting chance to get the education their children need without bankrupting the family.

Schools claim that, because IDEA helps families in this way, they are being overrun by IDEA lawsuits and costs. But the reality is different from the rhetoric.

The vast majority of IDEA parents do not file cases, and the vast majority of schools are not being sued. National data showing that IDEA litigation is extremely rare. A 2003 GAO study shows that nationally there were only 5 due process hearings per 10,000 special education students. A 2003 Department of Education national study shows that 94 percent of districts had no dispute cases go to due process hearings. But some will argue that a single lawsuit is one too many because IDEA cases are extraordinarily expensive. Again—this is not true.

The national data on the cost of solving IDEA problems paints a very different picture. According to a Department of Education study, only a fraction of IDEA funds are spent on solving problems. In 2000, $50 billion of State, Federal, and local funds were spent on special education. Only .3 percent of that total went to school expenses for mediation, due process hearings, and court cases. With over 6 million students served by IDEA, the cost of dispute resolution was only $24 per student nationally.

Mr. President, I have listened to the debate today. I have listened while supporters of this amendment describe rapid attorneys waiting to pounce on schools. You would think that high-priced attorneys are lined up around the block to take schools to court. This simply is not true.

Most parents don't have access to any attorney, or must rely on low-cost legal aid. And data from surveys shows that even this help is in short supply.

Mr. President, 55 percent of the States lack sufficient low-cost or free attorney services in their State. Only 686 low-cost or free attorneys regularly take IDEA cases. This is about 1 attorney for every 10,000 special education students. Eight States have 5 or fewer attorneys in the entire State. One State had no free or low-cost attorneys in the entire State who take IDEA cases with so few attorneys available to help parents, families face two grave and unpleasant choices: represent their child in due process alone or allow the school to continue violating their child's rights.

Those parents who have the courage to go it alone face schools that are well represented. State data shows that in 2003 schools were much more likely to bring an attorney to a hearing than parents were. In California, parents had attorneys only 21 percent of the time while schools had attorneys 42 percent of the time. In Missouri, parents had attorneys only 60 percent of the time while schools had attorneys 87 percent of the time. In Connecticut, parents had attorneys only 65 percent of the time while schools had attorneys 95 percent of the time. In Illinois, parents had attorneys only 35 percent of the time while schools had attorneys 91 percent of the time. In New York, parents had attorneys only 31 percent of the time while schools had attorneys 100 percent of the time.

How can anyone look at this data and say that schools are at a disadvantage in the legal system? How can anyone look at this data and say that parents and their attorneys are the problem? It is parents who continue to be at a disadvantage when it comes to the IDEA.

For example, Sheila, the mother of a disabled child from Oklahoma, wrote me about her fight for her son's right to an appropriate education. Her case took 3½ years because the school district hired not one but four attorneys to fight her. The district subpoenaed dozens of witnesses in order to question her integrity, instead of focusing on the real issue: how to help this severely autistic child as he grew older and his needs became more serious.

I want nothing more than to reduce IDEA due process and spare families and schools the toll it takes on them. I agree that the ideal number of IDEA cases would be zero, and the ideal cost of IDEA litigation would be zero dollars because every dollar that goes to a parent's or school's attorney is a dollar that does not go to a classroom. So I can support this amendment to deter bad cases that waste time and money.

But I cannot agree with anyone who says that litigation is the result of demanding parents or greedy lawyers. It is not a result of IDEA attorney's fee provisions. Litigation is a direct result of a school's failure to comply with the law. So long as schools continue to fail disabled students, parents will continue to be the enforcers of the law. This amendment cannot change that.

The real solution to the so-called IDEA litigation problem is to hold schools accountable for providing every disabled child with an appropriate education. This bill delivers meaningful enforcement for the first time in the history of the IDEA and this will go further to reduce litigation than any change to attorney's fees. Anyone who supports this amendment—anyone who supports reducing IDEA litigation—should also support stronger enforcement.

Instead of focusing the debate on parents and their attorneys, I urge my colleagues to focus on fulfilling the promise of an appropriate education made by the Congress nearly 30 years ago.

I thank the Senator for working with us on this issue. It is enormously important. I think we have worked out a very satisfactory solution. I thank the Senator and hope the Senate will accept the amendment.

Mrs. HUTCHISON. Mr. President, I commend the Senator from New Hampshire for his work on the Individuals with Disabilities Education Act, IDEA, reauthorization bill. In particular, I appreciate his amendment to address the issue of attorneys' fees. I agree wholeheartedly that every child should be adequately represented, but we must ensure people do not take advantage of the system. As a member, and former chairman, of the DC Appropriations Subcommittee, I became aware of how the District of Columbia Public Schools has experienced large numbers of lawsuits filed against it under IDEA and had to pay millions in attorneys' fees.

In an effort to keep these expenditures under control, the District of Columbia Appropriations Acts for fiscal years 1999, 2000 and 2001 limited the amount of appropriated funds that could be paid to prevailing parties for attorneys' fees. However, in fiscal year 2002 these caps were lifted. It quickly became clear this was a mistake.

After lifting the cap, the number of special education related administrative hearings increased in one year by 20 percent. In 2002, the city received 2,750 hearing requests, up from 1,500 3 years earlier. The backlog of assessments increased significantly and the backlog of hearings tripled. Attorneys' fees as a percentage of total special education spending tripled to almost 6 percent, increasing by $10 million in 1 year.

The problem in DC was uniquely egregious. There are numerous instances in which DC had to pay outrageous sums. In one case a lawyer charged $43,500 for a case that was settled and never actually went to a hearing. On other occasions when the case was settled prior to a hearing ever being held, lawyers charged as much as $22,000. Some firms apparently have split one case into multiple hearings, rather than addressing them in a single complaint, in order to generate excess fees. In addition, the DC Auditor issued a report in May 2003, on legal fees paid in relation to special education and concluded that certain law firms had relationships with advocacy groups that appear to have been unethical or illegal.

Clearly, some people have been using a system intended to help children in need of special education assistance for their personal gain. The rule that allows parents to receive payment to cover attorneys' fees when they win is intended to ensure parents who may not have the means can get representation. It is not intended to be a cash cow for attorneys, soaking up money that would otherwise be spent on educating children.

Mr. GREGG. Will the Senator yield?

Mrs. HUTCHISON. I am happy to yield.

Mr. GREGG. It is clear something was wrong, because DC has accounted for 40 percent of all IDEA administrative due process hearing requests in the country but has less than one-quarter of a percent of the U.S. population. During 2000–2002, DC public schools received 7,883 due process hearing requests, more than the entire State of California, and the vast majority of hearings have been for procedural and implementation issues, which often could be handled outside of the hearing process.

Mrs. HUTCHISON. I thank the Senator. The Federal Government has a particular interest in this issue for DC because of its constitutional responsibility to oversee the Nation's Capital and because it provides approximately twice as much in education funding, in percentage terms, for DC as for the country overall.

In FY2003, we reinstated attorney fee caps, and they have been successful in curbing the problem. In FY03, DCPS saved $4.4 million, or 30 percent, due to the attorneys' fees cap. Based on those savings, DCPS was able to create 550 new classroom seats at 50 schools during the 2003–2004 school year to serve children with special needs, including children with autism, students who are hearing or vision impaired, mentally retarded, learning disabled or emotionally disabled, and early childhood special education students. The conflicts of interests between attorneys and companies providing special education services also appear to have ended as a result of this law.

FY04 savings from the cap can again be reinvested into capacity building. In the 2004–2005 school year, DCPS expects to create 450 additional classroom seats with the savings.

While the changes made by Senator GREGG's amendment make good sense for most of the country, I believe in extreme circumstances, such as in DC caps may be necessary. That is why I supported clarifying in the amendment that the measures for which I have fought so hard with the support of the school board president to protect DC are not intended to be replaced by this provision.

Mr. GREGG. I thank the Senator from Texas for her work on this issue. I agree that the District of Columbia is a unique situation and understand it has required unusual actions to ensure the rights under the IDEA law are not abused.

Mr. ENZI. Mr. President, I rise in support of the amendment offered by Senator GREGG on attorney's fees. I am concerned about the effect frivolous lawsuits are having on the ability of our schools to provide services to special education students. Schools with limited resources, particularly small or rural schools, are especially vulnerable to the financial impact a frivolous complaint can have on scarce resources and limited funds.

I believe an important part of the debate on this amendment should focus on the practical impact that frivolous complaints have on the provision of services to students with disabilities.

When Federal funding was originally established for services to students with disabilities it was meant to be used for services, not for legal fees. I believe that is still the case. Unfortunately, some frivolous lawsuits against schools are having the effect of diverting funds from necessary services.

There are documented cases where schools have spent hundreds of thousands of dollars battling frivolous complaints that were filed under IDEA. As my colleague from New Hampshire has pointed out, there is one instance of a school spending $154,000 over a 2-year period to address seven complaints from the same parent. Another school spent $195,000 on complaints from one parent.

In Wyoming, $154,000 is more than some school district's entire special education administrative budget. It is very difficult to imagine successfully providing services to children with disabilities when faced with this kind of legal obligation to defend frivolous lawsuits.

The piece of the puzzle that get overlooked is that school districts do not have unlimited funds. If a school district spends $154,000 on legal fees defending a frivolous lawsuit, that is $154,000 that does not get spent on educational purposes.

I do not want to leave anyone with the impression that I think all complaints filed under IDEA are frivolous. We are talking about a very small minority of complaints, probably less than 1 percent.

Still, even though the number of frivolous complaints may not be significant to the big picture, but the cost to schools can be very significant.

A second major point I would like to make is that frivolous complaints undermine the effort of Congress to "fully fund" IDEA.

The issue of "full funding" for IDEA has received a lot of attention and we have been discussing it on the floor in this body as it relates to the underlying bill. I have never understood "full funding" to mean that the Federal Government should fully fund the legal fees for schools to resolve complaints under IDEA.

The "full funding" of IDEA that I am familiar with is the Federal goal of providing 40 percent of the cost of special education services to students. No one that I hear speaking of full funding talks about lawsuits, they talk about services to children.

Unfortunately, schools do not have the luxury of ignoring complaints, however frivolous they may be. They must assume that every complaint filed with be upheld and prepare accordingly. That diverts funds from other educational services.

Once the complaint is filed, the school must find a way to pay for the legal services it will require, and local education funding is the only pool of resources available to school districts.

This means local education will suffer when a frivolous lawsuit is filed, because the school will have to divert funds away from other priorities, even special education services, to pay for the cost of resolving the complaint.

This body should not overlook the fact that frivolous lawsuits are diverting limited resources away from services, eroding the effect of increased Federal appropriations.

This amendment would create a simple protection to defend schools from frivolous lawsuits and help retain Federal funds in proper streams to provide services for disabled students.

Parents filing legitimate complaints would not be liable for attorney's fees. The standard set by this amendment is higher than the standard currently followed by the courts in civil rights cases.

Some will argue that this amendment infringes on the rights of parents to pursue a complaint against a school district. That is not the case at all. This amendment simply provides a means for school districts to avoid the unnecessary costs of defending themselves from a frivolous lawsuit.

Legitimate complaints under IDEA would not be affected. Even complaints that could be considered marginally frivolous would not be affected. Only those complaints that meet a high standard of frivolity would be met with approved sanctions by the courts.

I believe this is a reasonable approach to an important issue and one that the Senate should be able to accept without objection.

Mr. GREGG. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3147) was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

AMENDMENT NO. 3148

Mrs. MURRAY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Washington [Mrs. MURRAY], for herself, Mr. DEWINE, and Mr. FEINGOLD, proposes an amendment numbered 3148.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mrs. MURRAY. Mr. President, I rise this afternoon to offer a bipartisan amendment with Senators DEWINE and FEINGOLD to ensure that our country's most vulnerable disabled students can reach their full potential.

Today the Senate is discussing the IDEA, the Individuals With Disabilities Education Act. It is a bill that is based on the American principle of equal opportunity. IDEA recognizes that students have a civil right to a free, appropriate public education even if they have special needs that require additional resources. We still have a long way to go to meet the Federal Government's promise to fund 40 percent of special education, and we are working on that challenge.

In the meantime, we need to address the unique needs facing three groups of disabled students, and I am honored to join with Senators DEWINE and FEINGOLD in offering this bipartisan amendment.

Our amendment makes small but very important changes to IDEA to ensure that disabled students who are homeless or who live in foster homes or who have their education disrupted because of their family's military service get the help they need. I thank the following organizations for their help and support of this amendment: The National Association for the Education of Homeless Children and Youth, the Military Family Education Coalition, STOMP, the Specialized Training of Military Parents, the National Association of Federally Impacted Schools, Children's Defense Fund, the National Education Association, the National PTA, the National Court Appointed Special Advocates Association, the Council for Exceptional Children, and the Consortium for Citizens with Disabilities Education Task Force.

The consortium represents more than 70 national disability organizations, including the American Occupational Authority Association, the ARC, United Cerebral Palsy Association, Easter Seals, the Higher Education Consortium for Special Education and Teacher Education Division, and the Children and Adults with Attention-Deficit/Hyperactivity Disorder Association.

All of those organizations understand the challenges facing our most vulnerable children, and all of them support this bipartisan amendment.

Congress has a long and proud tradition of supporting and protecting educational opportunities for our most vulnerable young people. It is what we did when we passed the Elementary and Secondary Education Act in 1965. It is what we did when we created Head Start. And it is what we did when we started giving out Pell grants. It is time for us to step up once again and make the changes needed to make IDEA work for homeless and foster children with disabilities and children with disabilities in military families.

I take just a minute to describe the special challenges facing these children and how our amendment will help them. Let me start with foster children. Today in America there are nearly 500,000 children in foster care. Thirty percent of them are in special education. We know foster children often do not function as well in school because of their experiences. Foster children have usually been separated from their biological families because of child abuse or neglect. That can leave both emotional and physical marks for life. Given the shortage of foster parents in our country, children in foster care are often shuttled between many different homes and schools.

One young man shared with me his story of living in more than 100 homes throughout his childhood. Often, every new home means enrolling in a new school. And every new school means starting over again and getting the support and services they need.

In addition to frequent absences and transfers, foster children often do not have parents to advocate for their educational needs. Almost every parent whose child has a disability will tell you that their role as advocate for their child directly impacts the quality of the education their child receives. Without a parent to advocate for them, foster children can languish for years with unrecognized disabilities or insufficient services to help them succeed in school. These experiences can leave children in foster care without the education and support to lead functional, productive lives.

I will share the true story of two foster children in New York City who need the help this amendment provides. Eric and his sister Joanna have been in foster care for 6 years. They have been in four different foster homes and each home was in a different borough. Each time they moved to a new home they were taken out of school in the middle of the school year. Frequently, they were not reenrolled in their new schools for weeks or months, and their records were not transferred from school to school.

Both Eric and Joanna have learning disabilities. Each time they arrived in a new school, the teachers did not know they needed special education services. So over the years, Eric and Joanna missed months of school and have only occasionally received needed services.

Upon their last move to a foster home in Queens, Eric's new high school refused to enroll him because he was 16 and he had no credits. The Advocates for Children assisted Eric and Joanna's case worker in enrolling both students in school after they had been out of school for 3 months. Their advocates also secured records from 2 years ago that show that Eric had obtained 10 credits and passed a regent's exam. Because their records were never transferred, Eric had been placed in the ninth grade for the third time. Eric's current guidance counselor was informed at school and Eric's records are being transferred.

Our amendment helps disabled foster children such as Eric and Joanna by ensuring that their records follow them from school to school quickly and that they have an advocate who is on their side in developing an education plan.

Let me turn to another group of students our amendment will help. Homeless children in our country also face significant hurdles to succeed in school, and these hurdles are higher for homeless children who have disabilities. The Urban Institute estimates that 1.35 million children experience homelessness each year. A high proportion of homeless children with disabilities also need special education services. Yet many have trouble getting the help they need. Children experiencing homelessness are diagnosed with learning disabilities at twice the rate of other children. They suffer from emotional or behavioral problems that interfere with learning at almost three times the rate of other children. These mental and emotional difficulties often begin at birth as infants who are homeless have higher rates of low birthweight and need special care immediately after birth, four times as often as other children.

Like other children and youth surviving in extreme poverty, homeless children and youth face appalling living conditions. Many of these horrific conditions directly contribute to physical, mental, and emotional disabilities.

For example, students experiencing homelessness often suffer from poor nutrition, inadequate health care, higher rates of other health problems, and severe emotional stress related to conditions of extreme poverty and instability.

Unfortunately, even though homeless children suffer from disabilities at a disproportionate rate, children who are homeless are underserved by special education programs. A recent study of children in homeless shelters in Los Angeles found that while 45 percent of the children met the criteria for special education evaluation, only 22 percent had ever received special education testing or placement.

In 2000, 50 percent of States reporting data to the U.S. Department of Education reported that students in homeless situations had difficulties accessing special education programs.

Children who experience homelessness desperately need stability in their lives. But they cannot stay in the same school or even the same district long enough for the individualized education plan to be developed and implemented.

In addition, like foster children, some homeless youth have no legal guardian to watch out for their educational needs and to advocate for their special interests or their best interests. I share the story of a young girl in Virginia our amendment would help. She is a 13-year-old girl. Her mother fled domestic violence. Over the course of 2 years they moved to temporary living situations in several school districts. The girl suffered extreme trauma and was hospitalized on two occasions. The hospital evaluations clearly show that she qualified for special education, and her mother had requested special education services from several school districts. However, because they moved around, no school ever completed the evaluation process. Each successive school started the process from the very beginning. Even when the girl attended a single school for several months, the school did not complete the evaluation process. Instead, it chose to wait it out until the family moved again.

Finally, the girl's mother found a special education attorney to take on her case.

Our amendment would help students like her by ensuring that homeless students have continuous educational services no matter how many times they are forced to move.

Finally, I turn to a third group of disabled students whose special circumstances are often overlooked. Children in military families often experience disruptions in their education because they move frequently. According to the Military Child Education Coalition, 13 percent of children in military families receive special education services or other special support. Further, children in military families move an average of every 2 to 3 years. That translates into attending six to nine schools from kindergarten until high school graduation. Children with disabilities in these highly mobile families need consistent services so they do not fall further behind each time they move.

Especially in times of war, and when parents are serving our country on extended tours of duty, children in military families need support and stability in their lives and in their education.

I would like to share some of the words I received from military families across the country who support my amendment. I received a letter from Natalie Cyphers of McGuire Air Force Base in New Jersey. Natalie writes:

> Thank you for your consideration of military families with special needs children. My husband is active duty Air Force and we have a 14-year-old with mild cognitive deficiency. I find one of the hardest parts of our son's education occurs every time we move.
>
> It is difficult to implement the current IEP and often the educators do not realize the importance of continuity for our children.
>
> Any assistance in these situations would be helpful to all of us.

That is from Natalie Cyphers at McGuire Air Force Base in New Jersey.

I also received a letter from Kristina Rice of Boise, ID. Kristina is a parent of a disabled child and a case manager for children with disabilities. She wrote:

> The members of highly-mobile military families who suffer most educationally are children with disabilities as transitions are more difficult, and levels of service vary greatly from state to state.
>
> Evaluation processes are cumbersome, expensive and time-consuming, and the children being served do not have the time to wait while new teachers and service providers try to re-create a picture of their needs and re-determine eligibility.
>
> Once several months have gone by without adequate services, a child may regress so far that he or she can lose a whole school year. [The] suggestions in this amendment are practical, fair, and necessary.
>
> Military families already sacrifice enough to serve our country. They do not need the added burden of delayed services for their children.

That is from Kristina Rice, of Boise, ID.

These stories reflect just a few of the many disabled students who this amendment will help.

So, again, specifically, our amendment will help students who change schools or school districts by ensuring that all students receive continued special education services when they transfer schools.

Our amendment ensures that records are transferred quickly so students do not waste critical time.

Our amendment increases opportunities for early evaluation and intervention for homeless and foster infants and toddlers with disabilities, and for children with disabilities in military families.

Our amendment also ensures that these vulnerable children are represented on the State policy committees that decide their future.

In addition, our amendment expands the definition of "parent" to include relatives or other caregivers who are equipped to make sound decisions in a child's best interest when there is no biological parent available to do so. Finally, our amendment improves the coordination of services and information so educational and social services agencies can work together more efficiently to help these students.

As we reauthorize IDEA, we have an obligation to pay extra attention to these children and to provide the resources and support they need. The real test of how we treat children in America is measured in how we treat the most vulnerable among us. This amendment gives us a chance to do the right thing.

I urge the Senate to join with more than 70 national disability, military family, foster, homeless, and education organizations in supporting the bipartisan Murray-DeWine amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my friend and colleague from Washington for her attention to this issue that can make a major difference to many families with special needs children, recognizing the increased mobility of our population, and, most particularly, the needs of those in the military who are moving through the school systems in different parts of our Nation in increasing numbers, and also giving special focus and attention to the too many Americans and American families who are homeless and have some special needs.

So I rise in support of this amendment because it will ensure that the disabled children who change schools will continue to get the services they need.

America is increasingly a mobile society. The demands of our economy and shifts in our culture mean Americans will move to new communities during their lives. Today, it is unlikely that a child will stay in the same school district or even the State, for that matter, throughout their school years.

Families and schools do all they can to make the transition easier for children when they move from place to place, but many children still have a difficult adjustment to make in their new home and school. This is especially true for students with disabilities.

Disabled children are extremely likely to have problems when they leave one school for another. Sometimes they have difficulty with change because of their disability, but more often it is because their new school does not provide them with the services they need. Because each State and school district does things differently, disabled students who move often wait months for their new school to provide them with special education.

In the life of a disabled child—in the life of any child—missing a few days, let alone a few months, of instruction is a huge loss. Many disabled children actually lose skills they have already gained when they go without the services they need for any length of time. These children are already struggling in school and fall further and further behind.

Imagine what it is like, then, for a disabled child with a parent serving in the military. Imagine what it is like for a disabled child who is homeless or in foster care. It is one step forward and two steps back every time they change schools.

The amendment offered by the Senator from Washington will help solve this problem by guaranteeing that disabled students who move do not have to wait. It guarantees that disabled students do not go without special education during the time it takes for the school and the parents to decide how best to meet the child's needs.

Will this be difficult for some schools to do? Certainly. Every school does it differently, and the flexibility in this amendment recognizes this fact. There will be times that a student moves to a district that is not ready to provide all of the services he or she needs. But a disabled child's education—a disabled child's future—should not suffer because the school needs time to get prepared.

As the Senator from Washington has explained, this amendment also makes numerous changes to the IDEA that will improve special education for disabled children who are homeless or in foster care. Although children who are homeless are four times more likely to have delayed development than other children, they have a more difficult time accessing special education. These children are truly more vulnerable. They are the vulnerable of the vulnerable. I applaud the Senator for her tireless efforts on their behalf.

This amendment will make it easier for schools to provide disabled homeless and foster children with the services they need, and will smooth the transition for all disabled children who move to new schools.

Mr. President, this recognizes the reality; that is, we are in a mobile society. Children are moving. Families are moving. In a bill that is dealing with special needs children, not to recognize that issue would be an omission. I think the Senator has made some excellent recommendations.

We still have some work to do in terms of working through this issue, but it does seem to me that she has identified an extremely important area of need, and one to which we should attend. So I thank her for bringing it to the attention of the Senate.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we have agreed to accept this amendment. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 3148) was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PHOTOS OF IRAQI PRISONER ABUSE

Mr. WARNER. Mr. President, at 2 o'clock today, the Department of Defense delivered to S–407 material relating to the issue of mistreatment by Americans in uniform and perhaps others under contract against the prisoners in a prison in Iraq. Several hundred of these photos have been shown to a large group of Senators.

The Department of Defense prepared a document as guidance for Senators as to how hopefully they will handle their knowledge of these photos as they relate their responsibilities to their constituents and others in giving their views.

I ask unanimous consent to print in the RECORD a letter Senator LEVIN and I, in our capacity as chairman and ranking member of the Armed Services Committee, wrote to the Department of Defense with regard to the transmission of these documents.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> U.S. SENATE,
> COMMITTEE ON ARMED SERVICES,
> *Washington, DC, May 11, 2004.*
>
> Hon. DONALD H. RUMSFELD,
> *Secretary of Defense,*
> *Pentagon, Washington, DC.*
>
> DEAR MR. SECRETARY: We request the Department of Defense provide the Committee on Armed Services an opportunity to review the photos and videos regarding the abuse of prisoners at Abu Ghraib prison in Iraq. Further, it is our intent to extend this opportunity to all Members of the United States Senate.
>
> These materials should be brought to the Senate for review, but will remain under the control of the Defense Department. At no time will the Committee, the Senate, or any Member or employee thereof, take custody of, or assume responsibility for, these materials. A Defense Department official will return these materials to the Pentagon after the materials have been reviewed by Members, subject to our subsequent recall if necessary.
>
> Committee staff will coordinate the details of this request directly with your office.
>
> Sincerely,
> CARL LEVIN,
> *Ranking Member.*
> JOHN W. WARNER,
> *Chairman.*

Mr. WARNER. Mr. President, I would like to read the material that was provided to Senators. It is entitled "White Paper For Persons Who Have Viewed The Detainee Abuse Photos."

> The Privacy Act prohibits the disclosure of "any record which is contained in a system of records" to "any person or to another agency," except with "prior written consent of the individual to whom the record pertains." 5 U.S.C. Section 552a(b). The statute applies only to records about U.S. citizens or permanent resident aliens ("U.S. nationals").
>
> The Iraqi detainee abuse photos and videos . . .

—we saw some video—

> were collected by and are maintained in the files of the military criminal investigative organization in the [Department of Defense]. The photos are subject to the Privacy Act to the extent they disclose the identities of U.S. nationals.
>
> Any release of the photos to persons outside the [Department of Defense] (with very limited exceptions concerning releases to Congress and certain Executive Branch officials) would risk liability under the Privacy Act.

That liability in this sentence is to the Department of Defense. I ask unanimous consent to print in the RECORD the pertinent sections of the Privacy Act.

> (b) CONDITIONS OF DISCLOSURE.—No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be—
>
> (9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

Mr. WARNER. There are certain exceptions as it relates to the Congress of the United States. Senators should read this and draw their own conclusions from it.

> Any description of the photos (or any particular photo) that would reveal the identity of a U.S. national depicted in the photos would also risk liability under the Privacy Act.
>
> To the extent that any description of the photos is offered at all, it should be limited to generic statements about the conduct depicted in the photos without any reference that would tend to reveal the identity of any U.S. national involved in the conduct photographed.
>
> The disclosure of photographs or detainees could constitute a violation of the Geneva Conventions, which provide that such persons shall be protected "against insults and public curiosity."

As I stated earlier today, speaking for myself, I believe very strongly these photographs should not be made public. That is not a decision that is up to the Senate or the Congress but to other authorities in the executive branch. I believe it could possibly endanger the men and women of the Armed Forces as they are serving valiantly and at great risk, not only in Iraq and Afghanistan but other areas of the world.

Secondly, this Nation is founded on the rule of law. We are proceeding—I say we, the Department of Defense, and they are to be commended—carefully within the rule of law as it relates to this evidence and the trials which will be forthcoming of those who will be brought to justice by virtue of the Uniform Code of Military Justice. At those trials, they will be public. At those trials, such portions of these photos as a prosecutor deems necessary can be released and put into the public domain. As well, the defense counsel, likewise, through discovery can determine such photos that might in some way enhance the defense in that case. It is not as if there will be no public disclosure. It is the time and the circumstances under which that disclosure is made.

Again, the credibility of the country is being examined in connection with these tragic incidents that have taken place, tragic incidents against a background of 99.99 percent of the men and women of the U.S. military performing all over the world at this very minute at personal risk but in the cause of freedom, to protect this Nation and our allies. I firmly believe the guidelines are out there certainly for colleagues. I have given you my best counsel on this. Here are the rules prescribed by the Department. I think it is in the best interest that we all, in a very calm, collected manner, continue to address this issue.

The Committee on Armed Services has concluded two hearings. At this moment the Committee on Intelligence, of which I am also a member, is conducting a hearing. Speaking for the Senate, and I believe the House, the proper oversight is being administered. The Appropriations Committee likewise addressed this issue in some context today. The Government of our Nation, the executive and the legislative branch together—I find total cooperation with the Department of Defense—is doing the best we know how to protect the interests of our Nation and protect the men and women of the Armed Forces and protect all others in this set of very tragic circumstances.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from Virginia for his extraordinary leadership in the Senate, especially with the extremely difficult issues in our country today. We are very fortunate to have him as chairman of the Armed Services Committee.

Mr. WARNER. Mr. President, I thank my good friend and colleague. I am privileged also to serve on his committee.

Mr. GREGG. We are fortunate to have him on our committee also. That is an extra plus. But his leadership on issues protecting our Nation is second to none.

AMENDMENT NO. 3149

Mr. GREGG. Mr. President, I send to the desk an amendment on behalf of Senator SANTORUM.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. SANTORUM, proposes an amendment numbered 3149.

Mr. GREGG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a paperwork reduction demonstration)

Amend section 609 of the Individuals with Disabilities Education Act, as amended by section 101 of the bill, to read as follows:

“SEC. 609. PAPERWORK REDUCTION.

“(a) REPORT TO CONGRESS.—The Comptroller General shall conduct a review of Federal, State, and local requirements relating to the education of children with disabilities to determine which requirements result in excessive paperwork completion burdens for teachers, related services providers, and school administrators, and shall report to Congress not later than 18 months after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003 regarding such review along with strategic proposals for reducing the paperwork burdens on teachers.

“(b) PAPERWORK REDUCTION DEMONSTRATION.—

“(1) PILOT PROGRAM.—

“(A) PURPOSE.—The purpose of this subsection is to provide an opportunity for States to identify ways to reduce paperwork burdens and other administrative duties that are directly associated with the requirements of this Act, in order to increase the time and resources available for instruction and other activities aimed at improving educational and functional results for children with disabilities.

“(B) AUTHORIZATION.—

“(i) IN GENERAL.—In order to carry out the purpose of this subsection, the Secretary is authorized to grant waivers of statutory requirements of, or regulatory requirements relating to, this part for a period of time not to exceed 4 years with respect to not more than 20 States based on proposals submitted by States to reduce excessive paperwork and noninstructional time burdens that do not assist in improving educational and functional results for children with disabilities.

“(ii) EXCEPTION.—The Secretary shall not waive any statutory requirements of, or regulatory requirements relating to, applicable civil rights requirements.

“(iii) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

“(I) affect the right of a child with a disability to receive a free appropriate public education under this part; and

“(II) permit a State or local educational agency to waive procedural safeguards under section 615.

“(C) PROPOSAL.—

“(i) IN GENERAL.—A State desiring to participate in the program under this subsection shall submit a proposal to the Secretary at such time and in such manner as the Secretary may reasonably require.

“(ii) CONTENT.—The proposal shall include—

“(I) a list of any statutory requirements of, or regulatory requirements relating to, this part that the State desires the Secretary to waive or change, in whole or in part; and

“(II) a list of any State requirements that the State proposes to waive or change, in whole or in part, to carry out a waiver granted to the State by the Secretary.

“(D) TERMINATION OF WAIVER.—The Secretary shall terminate a State's waiver under this subsection if the Secretary determines that the State—

“(i) has failed to make satisfactory progress in meeting the indicators described in section 616; or

“(ii) has failed to appropriately implement its waiver.

“(2) REPORT.—Beginning 2 years after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003, the Secretary shall include in the annual report to Congress submitted pursuant to section 426 of the Department of Education Organization Act information related to the effectiveness of waivers granted under paragraph (1), including any specific recommendations for broader implementation of such waivers, in—

“(A) reducing—

“(i) the paperwork burden on teachers, principals, administrators, and related service providers; and

“(ii) noninstructional time spent by teachers in complying with this part;

“(B) enhancing longer-term educational planning;

“(C) improving positive outcomes for children with disabilities;

“(D) promoting collaboration between IEP Team members; and

“(E) ensuring satisfaction of family members.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that immediately following morning business on Thursday, May 13, the Senate resume consideration of the pending IDEA bill and there then be 30 minutes equally divided with respect to the pending Santorum amendment No. 3149; provided further that there be one relevant second-degree amendment in order to the amendment and it be offered by Senator BINGAMAN; further, that the amendment be limited to the same time limitation of the first degree. I further ask unanimous consent that the only other amendment in order be a Gregg-Kennedy managers' amendment to be agreed upon by both managers.

I further ask consent that following disposition of the above amendments there be an additional 20 minutes of debate equally divided between the two managers for closing remarks, and following that time the provisions of the previous order remain in effect.

The PRESIDING OFFICER (Mr. CORNYN). Is there objection? Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. While the distinguished Senator from New Hampshire is on the floor, we could finish this bill before noon if things worked out right. I say, through the Chair to my friend, I spoke yesterday to the senior Senator from New Mexico, Mr. DOMENICI. He is interested, as are a number of other Senators, in moving forward on the mental health parity legislation. This may be the window that we can do that, and I say that because what we have been waiting on is a proposed amendment dealing with the scope of that matter from the distinguished chairman of the HELP Committee. I ask my friend if he has an idea when that might be ready because that is all that is holding up going to our legislation, as I understand it.

Mr. GREGG. Mr. President, I have tried to be very cooperative with the Senator from New Mexico and certainly he has tried to be cooperative with me. This has been an issue that has involved not only our body but the House and the White House. I have actually agreed that this language not go through our committee, which I think is a very generous act on our part, not having it to mark up in committee and allowing it to move directly to the floor. Of course, before we can draft our amendment we actually have to see the language of the Senator from New Mexico. We have not seen it.

As soon as we get his language, we will be able to probably put together our amendment. The understanding is we are going to move promptly at that time because I understand Senator DOMENICI wants this moved, and I respect him. He certainly has made a huge commitment in this area and I want to try to expedite it and be constructive in this initiative.

Mr. REID. As with all things in life, communication is everything, and I think this communication has been most helpful. I will do everything I can to get the distinguished chairman a copy of the proposed amendment as soon as possible. As I said, this would be an opportunity to do that. As I said last night in closing, this will have been a good week for us. We have been able to finish the FSC bill. We are going to be able to finish this IDEA legislation tomorrow, and if we can do the mental health parity, that would be three very important pieces of legislation in 1 week. For us in the Senate, that says a lot.

Mr. GREGG. Mr. President, if we could add the confirmation of some of the judges who have been waiting for months, that would make this a good week.

Mr. REID. Mr. President, I say in response to my friend, we have confirmed 173. I think we are in a position to do more. Although there are some negotiations going on dealing with recess appointments, as soon as that matter is resolved—and I think it can be with a matter of a phone call from the White House—we could move forward and set up votes on maybe not all the judges but a lot of them.

Mr. GREGG. Unless there is further business, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I will speak on the underlying bill for 15 minutes.

I wanted to take this opportunity to come to the floor and speak for a minute about the important subject of education and, in particular, special education, which we refer to around here as IDEA. We authorize this very important piece of legislation every 5 or 6 years. In the midst of all that is going on with Iraq and with our debate over tax policy regarding the economy, some would not consider this the most important issue before us. But for our students, our families, and for our educators, in particular, it is a very important issue.

I say on the eve of our commemorating the 50th anniversary of the Brown v. Board of Education decision, it is appropriate that we would spend a couple of days in the Senate and in Congress speaking about an issue that really does affect millions of our families. I know people in Louisiana are very concerned about special education.

I commend the chairman and the ranking member for bringing us a bill that, in the midst of all of this rancorous debate and gridlock—some of it, from my perspective, deserved because there are some things that our side doesn't want to move forward, so we appropriately stop those actions. Nonetheless, in the midst of all of this, we should take some time to work in a bipartisan way to move the agenda of special education and make some very needed improvements. I also commend the administration and the commission that worked very hard to try to outline for us a focus regarding special education. Some of the findings of the recent study that was concluded are worth repeating. They were mentioned earlier on the floor.

I want to say again how important I think the work of this commission was when they noted that we as a Congress, as the educational leaders, should focus more on student outcomes. We have been, since we created this provision of the law in 1975, in my mind—and I think the Chair shares this opinion—too much focused on the process of making sure that each of our special needs students and their families and schools were following things step by step, paper trail by paper trail, and taking our eyes off the outcomes. What do we want these students, who are called special needs students—but they are just students who need special attention. Every student needs special attention, and some students because of where they start, with challenges or disabilities, need extra attention. I know that is true in Louisiana.

We have been, for these 30 years or so, too wrapped up in the process and not focused on the outcome. Are we, in fact, teaching children to read at grade level? Are we, in fact, intervening in the case of gross neglect or abuse to make sure that the proper outcome is that the abuse and neglect is stopped and children are placed in an environment that is more suitable to their needs, or are we focused on process, such as if the pink slip was turned in on time to match the yellow slip, or if the money was appropriately recorded. I am proud that study is moving up toward outcome and results.

I also want to say that the study has been good about suggesting to us—and this bill outlines some of the new thoughts—that we should be focused on prevention. Yes, we want to identify our students who need special attention, but if we could put in place better teaching techniques, early intervention strategies that would prevent young children from being labeled as special education, not only would that be better for the student, it would be better for the parents, the school districts, and it would also save the taxpayers some money. Today, taxpayers would like to save money where and when they can.

The third finding I thought worth noting was that we should begin to embrace more fully the concept that we only have one educational system for all of our children. We don't have, and should not have, a two-tiered system or separate system—one for "regular" children and one for "special needs" children. They are all our children. They all need special attention. But special education, or IDEA, is to give added resources—we, in Louisiana, call that "lagniappe," a little extra—to a certain group of students who might need it because of their physical or emotional or mental circumstance.

Those are the three very important findings of the commission. I commend our leadership for helping us to focus on that. Let us not focus so much on the process, let us focus on the outcomes. Are we succeeding with these children? Let us not just continue to label children as the need arises, but let's focus on preventing the labeling at the earliest stage. Let us stop talking about two separate systems and realize that we are talking about one system and embrace that notion.

There are four other short points I want to make regarding the underlying bill and, in general, they are positive comments.

There has been great concern in Louisiana about the issue of discipline in our schools, and I think rightfully so. We want to support our teachers and our administrators. We want to empower them to make good choices about maintaining an atmosphere of discipline in a school so all children can learn.

If 1, 2, or 3 children are disruptive—it only takes 1—but if 1 child is disruptive in a classroom, it wrecks the opportunity for those other 25, 20, 18, 15—whatever the number is—children to learn, and it robs them of an opportunity to have a full and productive day.

Because our laws have been perhaps not as carefully written as possible, maybe our regulations have been too onerous, and perhaps some court decisions have led us to a place where in America today—and I know in Louisiana because my teachers and superintendents tell me: Senator, we are afraid to discipline a child. We are afraid of a lawsuit. Or we don't know where to stand on this issue.

As an example, as hard to believe as this is—and I am going to submit for the RECORD information to document it—we actually had an incident a couple years ago where two students—I know those listening will find this hard to believe—actually burned down a school, and because they were labeled special education children, the actions taken against them were not what you and I would think would be appropriate in that they were basically allowed to go to a temporary school because they burned down the original school. People of that community did not think they could take appropriate action because they were prevented by some Federal law or regulation.

I am happy to say, in large measure that discipline issue is addressed in this bill. That is why I am happy to support it. We can now, under this new bill, suspend or expel a child with no questions asked and no hearings necessary for bombs, guns, drugs, or bodily injury to another student or a teacher. Then for issues that are not as clear as bombs, guns, drugs, and bodily injury to a student or teacher, there is a more streamlined process that does not get everybody tied up in legal knots and provides discipline in the classroom, in the hallways, in the gym, and in other places in the school environment so that learning can take place. I commend this leadership.

Perhaps we do not go as far as I would have liked on this issue. I know the Senator from Alabama, Mr. SESSIONS, and I have talked about even going further than this bill. But at least this is a step in the right direction to return discipline and empower our teachers to take appropriate actions.

Let me be quick to say, we do not want any child who is suffering from a physical injury or disability, particularly if a child is deaf or visually impaired, to suffer in any inappropriate way by disciplines that might come. But it has gotten out of hand in the sense that our regulations have tied the hands of our principals, superintendents, and teachers. We have addressed that situation.

On the labeling issue, we have made some progress. I am going to put up a chart in a few moments to show that we have a long way to go.

One of the other issues is funding. This bill gives us a new authorization level. It does not give us a funding level. This is where I want to express some disappointment.

We just had a vote to authorize this bill at $13.5 billion for 2002, $16 billion for 2003, $18.5 billion for 2004, and $20.5 billion for 2005. But the numbers appropriated are $20 million for 2002, 11.69 for 2003, 12.34 for 2004, and 13.3 for 2005.

There is a difference between authorized levels and appropriated levels. For No Child Left Behind and IDEA, authorized levels are promised levels. Authorized levels are what we promise to fund; appropriated levels are actually what we do.

For today, this is a serious issue, and there is a serious differential. If we were truly funding IDEA the way we promised when we initially created it and the way we continue to promise each time we authorize it, Louisiana, just our State, would be getting an additional $240 million a year.

With 15 percent of our total population labeled as "special education," and with one out of every four children in poverty and with two out of three African-American children in poverty in our State, this $240 million would go a long way to helping us correct the inequities, to close the achievement gap, and to provide a quality education for all of our children.

When we add the shortfall in IDEA with the shortfall in No Child Left Behind, it comes to an astonishing $440 million shortfall for Louisiana alone. I have not calculated the shortfall for Maine. I am sure the Presiding Officer, because she is a leader in this issue, is familiar with what that number would be. For the large States, such as California, Florida, and Texas, it would have to be millions of dollars short because Louisiana, with only 4 percent of the Nation's population, is short $450 million.

With $440 million, we could do a lot better job helping every child in Louisiana learn to read at an early age and live up to the call of the special education report that says an ounce of prevention is worth a pound of cure. If we could prevent the labeling and teach children to read at age 6, 7, or 8, it would go a long way to preventing the labeling of "special education."

Let me go to this chart that will show my point. There are almost 3 million children who are identified around the country as special education children. I am almost getting uncomfortable using that term because the more we use it, the more people get the idea that these children are damaged goods, that there is something wrong with these children. They have special needs. I think it was the Senator from Maryland, Ms. MIKULSKI, who said it so beautifully: That might be true, but what these children really need is special attention.

I give my daughter special attention every night. I read to her for almost 30 minutes, and I try to do it every night. She needs special attention, and I try to provide that because she is at a critical stage of learning to read.

Most of these children who are in special education, as you can see, the vast majority of them, have speech or language disabilities. That is not to say there is something wrong with their God-given, innate intelligence. There is nothing wrong with the way God made their brain or fashioned it. He actually did a magnificent job. But we have not done our job as they grow to be little humans teaching them speech or language. So they come to school underprepared. Not mentally retarded, not visually impaired, not deaf, not autistic, but they just have difficulty speaking and with language.

Madam President, as you know, we are learning so much about the early brain development of children from 0 to 3. We understand how critical it is as parents raising our own children to look directly in the eyes of a child, to speak with clear diction, to actually show them how to speak and to talk to children, and to have a conversation with them, even if they are unable to speak but just hearing the language.

So many of our children from poor and disadvantaged backgrounds and some children from actually wealthier backgrounds who are neglected, but in large measure from poor and disadvantaged backgrounds, come to school not hearing the language properly, not having been spoken to in a direct way. So they start out at a tremendous disadvantage.

In criticism of this administration and our actions here, if we would put our money where our mouth is and start funding early childhood education, which could be done through either funding No Child Left Behind fully so States have choices about where to spend their money—in large measure, they could spend it on early childhood education—or fully funding IDEA, we could eliminate 80 percent of the children because we could catch their speech or language earlier with effective programs.

How do I know this? Because we are doing it in Louisiana. Our superintendent, even being short of Federal dollars, even after the years we promised to give the money and we have not, has taken the bull by the horns with our Governor and our board of elementary and secondary education and with State dollars are creating what we call Louisiana Four, LA Four.

We are trying to identify every 4-year-old in our State who needs help, who wants help. It is voluntary. Children are not forced to go to school at 4 years old, but for the parents who do want to enroll their child in a quality education, with parental involvement, we are providing our own State money. Just think what we could do with $440 million. The results are astonishing.

Children who are taught to read at the earliest ages and given the basics of phonics and language avoid being labeled as special education. So then we could focus our attention on those children who really are challenged by things that, in large measure, are out of our control.

The jury is still out on autism. We are not sure what causes autism. We do not believe, with all the studies I have read, that it is anything that is caused by human activity or inactivity. It seems to be a brain malfunctioning or a nerve malfunctioning. As I said, we are not clear yet on the research. Such a small percentage of the children who are in special education are autistic and that is an appropriate place for them to be, because autistic children have real special needs. It takes skill to educate and deal with them.

Deafness and blindness, obviously, bring their own challenges.

Traumatic brain injury, our children are sometimes in accidents, sometimes it is a birth defect, but we can hardly even see this graph because it is such a small percentage of children.

If we could take care of children coming to school unprepared, which is in our power to do, if we could take care of speech and language impairment, and if we would properly diagnosis mental retardation—and I am convinced, because I have seen studies that indicate we are not accurately identifying or overidentifying children who are mentally retarded, in other words saying they are mentally retarded but they are not really; we are just testing them in that way or making that judgment when really they have been grossly neglected and abused and their IQ is perfectly fine. Our testing measures are just not what they need to be. If we could take care of speech or language ability, which is in our control, we would dramatically reduce the number of children who would need this special intervention and therefore do a better job of educating them, reducing labeling, reducing the cost to the taxpayer, and making our children and their families much more satisfied. We would not be labeling them and putting that moniker on their back for their life.

When children are labeled and told they are special education, most children receive that as there is something wrong with them. They lower their own expectations for themselves.

I will conclude on a couple of points. I guess having low expectations from your parents is very difficult to deal with. If one has a notion about themselves and their parents did not go to college or they did not finish high school, they set low expectations. Also, having low expectations from one's teachers is difficult, but the most difficult expectation to overcome is if someone has low expectations of themselves. That is almost impossible to overcome.

When we put labels on our children unnecessarily at an early age, thinking we are helping them but we are actually hurting them, those children lower their own expectations for themselves. That is very damaging to them and to our society.

So let us do a better job of intervening early. The best way to do that is to better use the funding we have and to demand of ourselves full funding for special education and No Child Left Behind.

The final point I wish to mention is this bill again focuses on outcomes. Leave No Child Behind also attempts to focus on outcomes. That is where we have to stay the course.

There are some who are suggesting that testing is too high stakes. Well, I say to them that life is a pretty high stakes game and nothing we do is worth doing if it cannot be measured.

All action that we undertake, in almost every aspect of our life, is measurable. So schools, in their outcomes, in their processes, can be measured. We are on the road and let us stay the course. Of course, it would be helpful, and I think imperative, that we fund these efforts.

In conclusion, we have made great progress with this bill. We have taken some good steps in the area of stronger discipline. We are trying to address the discrepancy in funding, although we are still short in this effort. We still are overlabeling our children when early prevention would do so much.

I thank the Members for allowing me to speak on behalf of the thousands of teachers in Louisiana and our families that are greatly concerned. We see some hope in this underlying legislation that we are moving in the right direction.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Madam President, whenever I hear the distinguished Senator from Louisiana speak, I think of the wonderful weekend I had in New Orleans. We were working with her on some projects. She wanted me to look at some projects that were funded in the Energy and Water Subcommittee that I have had the pleasure of chairing and being the ranking member on over the years. I have been in New Orleans on other occasions to be a tourist, but this was the first time I had ever gone there to work.

I had wanted to see New Orleans for years. One of the things I told the Senator I wanted to see was these great pumps. New Orleans is below sea level, and to keep it dry their pumps go 24 hours a day. They are big pumps. I had read an article in the Smithsonian Magazine about these old, old pumps that had not been changed since before the turn of the century that still keep New Orleans dry.

So I had the pleasure of going there and seeing something that I wanted to see. The place where these big old pumps were was as clean as a restaurant.

We then went to a big lake where I was——

Ms. LANDRIEU. Lake Pontchartrain.

Mr. REID. Yes, Lake Pontchartrain, and I was so educated. For decades, they had been taking the shells from crustaceans out of the bottom of that lake and using them to pave roads around the city of New Orleans. They finally stopped as a matter of law, but in my mind I could not imagine there could be that many shells. Anyway, it was a wonderful trip.

It was highlighted by my trip to Senator LANDRIEU's childhood home. We took a vehicle there. They were doing a lot of construction in the area. Her mother and father live in the same home that she and I think 9 of her 10 siblings were raised. She was raised in quite a small home, and the famous Moon Landrieu, who had served as mayor of New Orleans and cabinet secretary, was there making and cooking candy.

My payoff for going to New Orleans was I got candy from the great Moon Landrieu that I took home to my wife. Of course, one could see in the Landrieus the pride for their famous daughter. Last year she gave a speech that is one of the finest speeches I have ever heard. It was not long after that that I sent a copy of her speech on the Senate floor to her mom and dad. The next time I saw them, you could just see the pride they have telling me about the speech Senator LANDRIEU had given. They were so proud of her.

So any time I hear her speak, I cannot take out of my mind from where she came and what a great contribution she makes to the Senate.

Ms. LANDRIEU. If the Senator will yield for a moment, I thank the Senator for those kind remarks. The Senator is invited to come back any time for that famous Moon Landrieu peanut brittle. I am motivated to speak on the floor about this particular subject because in our household our parents helped to educate nine of us on a shoestring budget. It became such a passion of mine, as I could see how that has helped each of us to go forward in our lives and to see what it had done for my father and mother. They both came from families where only one grandparent had gone to college. In my father's case, neither of his parents even went to high school. So when I come to the floor—I know you graduated from that large school of yours, with eight in the graduating class—you can appreciate the importance of the work regarding education, fighting hard to make sure every family is like the Landrieu family or Reid family—at least having a chance for a good education.

If we write good laws and policies, it happens. If we don't, it doesn't.

I thank the Senator for those comments and I am happy to share my few thoughts about the underlying bill.

Mr. CORZINE. Mr. President, I will take a few minutes to talk about an epidemic that affects not only children in my home state of New Jersey, but 1 in 250 children across the Nation—autism spectrum disorder (ASD). I have been working closely with groups such as Parents of Autistic Children and the New Jersey Center for Outreach and Community Services for the Autism Community (NJCOSAC) to address the staggering number of children who have been diagnosed with ASD. In fact, I introduced legislation, the TEACH Act, S. 1422, which highlights the needs of autistic children by bringing more qualified teachers into the classroom, helping families receive the support and services they need for their children, and helping ensure vocational programs to assist people with autism transition from school to work are functioning as intended.

With autism diagnoses skyrocketing, we must continue to make every effort to expand the quality and accessibility of treatments for children with ASD. That is why I am happy to report that some provisions of the TEACH Act have been included in the Senate reauthorization of IDEA, S. 1248. S. 1248 contains provisions making funds available to develop and improve programs using cutting-edge research in order to provide in-service training to schools and personnel who teach children with ASD. These funds will ensure quality professional development for special education teachers through the use of scientifically based research on the treatment of autism.

With the demand for services grossly outpacing the supply of specially trained teachers and therapists, these provisions are critical to increasing the number of special education teachers qualified to teach children diagnosed with ASD. Expanding access to treatment, especially at an early age, is essential to improving the outcomes for children affected by ASD.

I thank Connie Garner and the entire HELP Committee for their assistance in getting this important language in the bill. I look forward to continuing to work with my colleagues and the autism community to ensure that all children with ASD have access to early intervention by quality teachers trained in providing the most effective treatments.

Mr. President, I also wish to mention a small but important part of this IDEA reauthorization that is crucial to parents of children with disabilities. I have had the privilege of working closely with Maura Collinsgru and the Parent Information Center of New Jersey to ensure the rights of parents to represent their children in due process hearings without an attorney. I am happy to report that S. 1248 includes language clarifying this right so that parents can be effective advocates for their children.

I would like to mention one New Jersey case in particular that highlights the issue of parental rights in due process hearings. In Collinsgru v. Palmra Board of Education, Robert and Maura Collinsgru were denied the right to represent their son, Francis Robert and Maura Collinsgru were denied the right to represent their son, Francis Collinsgru, during due process hearings. Far from an isolated case, the decision could have broad implications that could be detrimental to families of children with disabilities.

As we know, parents' access to attorneys is already very limited. Not only are there very few attorneys willing to take IDEA cases, but there are even fewer who actually specialize in IDEA. Moreover, of those attorneys who do specialize in IDEA, most are already overloaded with cases. Finally, the cost of many of these attorneys is prohibitively expensive, especially for parents who are caring for a disabled child. Attorney's fees are an extra cost that they often cannot afford. With so few available attorneys, therefore, it is essential that parents have the right to stand up for their children in court when faced with an injustice in the system.

I would like to take this time to thank Connie Garner for the HELP Committee for her help in getting this language included in the bill. Her efforts have made it possible for parents to retain their right to due process and help their children receive the services they deserve.

LEGISLATIVE COMPROMISE

Mr. REID. One of my favorite stories is a story about David Selznik, the great movie producer. He is the man who produced the movie "Gone With The Wind." As he had made the movie, at that time they had in Hollywood something called the Hays Commission. It was in effect a committee of censorship. They looked at the movie and made a determination that he would have to strike from the movie the words, "Frankly, my dear, I don't give a damn." But Selznik thought that was an important part of his movie and he would not back down. So they were at loggerheads. Would the movie be able to go forward? Because without the Hays Commission stamp of approval, the movie could not go forward. So they made a compromise. They said: We will compromise this. You can go ahead, you can keep those words, "Frankly, my dear, I don't give a damn," but if you keep that in the movie you are going to be assessed a fine of $15,000, and $15,000 was a lot of money then, even as it is now. But Selznik agreed to pay that. And that, of course, is one of the most memorable lines in the history of Hollywood.

The reason I mention that is Selznik and the Hays Commission realized that in life there is a time to fight and a time to compromise. The compromise worked out well in this instance.

Compromise, in our business, being legislators, should not be a dirty word. Legislation is the art of compromise, the art of building consensus.

Gerald Ford, whom I met when I was a young Lieutenant Governor and he was Vice President of the United States, was such a nice man. When I did meet him, the first big shot I met, shaking his hand, he sent me an autographed picture. My two little children at the time, when the picture came in, drew all over this picture as if it were a coloring book. But we got the colors off of it as much as we could. It was always smudged. I still have that picture.

Anyway, that is off the subject. But Gerald Ford was so nice—what a nice man. The reason I mention Gerald Ford today is because he said something I believe so strongly. He said, "Compromise is the oil that makes governments go." I believe that. I see the Presiding Officer here—she, on a number of occasions, has been the key person in allowing us to get things done because she has been willing to compromise, in effect, break from the pack and say this is what I need to do.

None of us should compromise our principles, but we should be willing to work together, to seek solutions we can live with for the good of the country. I have been in Congress now more than two decades and I have learned the way you get legislation done in this Congress and in the Senate specifically is when people work together and are willing to compromise.

I have had the good fortune in the years I have been a legislator to have, on the State level and on the Federal level, legislation I have produced that is now law. But there is not a single piece of legislation I have ever written that is as I wrote it. It has all been changed. That is what you have to do to get things done. If people are—and I use this term, not in the true sense of the word—so principled they are not willing to get anything changed, they are not going to get anything done very often.

I know that to be a legislator you have to be willing to compromise. There are some who say this is not right. Some say you have a majority, you should always be able to get your way. Our Founding Fathers didn't believe that. The majority, you see, doesn't need a Constitution to protect them. The majority can get what they want wherever they are. The Constitution of the United States was written to protect minorities. Our Founding Fathers created a government of checks and balances. They wanted the majority to have power, but not all of it.

That is why, for example, we have an electoral college system. The electoral college system creates some unfairness in the minds of people. The result of the last Presidential election is the person who got fewer votes is now President of the United States. But that is our system and the system is so embedded in our minds and our consciences that following that very bitter election, where there was a dispute in Florida that was decided by the U.S. Supreme Court—following that election, which was decided by the Supreme Court, there wasn't any civil unrest. There were no riots, no tires burned, no windows broken in buildings. It was decided by virtue of the fact that we have a Constitution.

In the electoral college system, the person who gets the most votes doesn't always win. Why? Because we have to take care of small States, States such as Maine and Nevada.

The Senate was also designed to protect the rights of the minority. I was talking to my friend Senator ENZI, the Senator from the State of Wyoming. I said: MIKE, how is Wyoming doing populationwise? Is it growing? He said: No, we still can't break 500,000.

But, you see, MIKE ENZI, from a State that has fewer than 500,000 people, has the same power as a Senator from the State of Nevada which has 2.3 or 2.4 million people. MIKE ENZI has the same power as someone from the State of California which I think has 34 million people, or some large number such as that. MIKE ENZI has the same power as DIANNE FEINSTEIN and BARBARA BOXER by virtue of the fact that we have a constitutional system that gives a Senator that power.

One Senator has tremendous power. We have heard of the famous holds. You can have something come to the Senate and a Senator can individually call and say, you know, I am not going to let this move. You are not going to get unanimous consent on this. I stop it.

That is why it takes 60 votes, not 51, not 50, not 59—60 votes to cut off debate, a so-called filibuster.

I realize the party I represent has 49 Senators in the Senate. The majority has 51. There was a time, just a short time ago, when it was 50–50, and had it not been for the untimely death of Paul Wellstone it would be 50–50 now.

So we have a Senate that is so closely divided now, by the smallest of margins, but we all represent this country. Democrats, 49 of us, 51 Republicans, we all represent approaching 300 million people in addition to what we are obligated to do to represent our individual States.

While we recognize the right of the majority to set the agenda, we on the minority side also believe the rights of the minority shouldn't be trampled. That means not excluding us from conference committees.

David Broder, a long-time syndicated columnist who is nonpartisan and fair, recently wrote about the exclusion of Democrats from conference committees in Congress this year. He wrote:

> These conferences are no longer the representative bodies they once were. Under the current Republican control of the House and Senate, Democrats are routinely excluded from the discussions after the ceremonial opening day. The real negotiations involve only top Republicans in Congress and representatives of the White House.

These conference committees have not only disregarded the views of Democratic Senators, but they have disregarded the views of the Senate itself.

On a number of issues, conferees appointed by the Senate leadership have gone against the will of this body.

Am I making things up? No. Let us talk about a few of them.

Media ownership: What is this all about? The decision was made in legislative session that you couldn't have more than a certain percentage of ownership of a media market by votes on both sides—House and Senate. In fact, when it went to the full committee when we were included in these meetings at that time, the full conference voted to maintain the position we had in the Senate. The conference committee was ended, and sure enough we get on the Senate floor and they have taken that out because the White House told them to. That has never been done before.

Another example, overtime pay. This was an issue where the administration wanted to change the way overtime is paid in this country. It affects 8 million people. On this side, we said it shouldn't be done. We voted accordingly and were joined by friends on the other side of the aisle. The House voted by a large majority to have their conferees do what the Senate did on this vote. On the floor, it was stripped from the conference.

Pensions: Senator DASCHLE agreed to allow the conference to go forward. Of course, that didn't turn out as well as it was represented it would. That doesn't mean that everything should have gone exactly the way it came out of here. Of course not. But that is an example of what is happening in conferences.

Another example is an amendment we agreed to that said when you are buying meat you should know from where it comes. People are entitled to know that. Where is the beef that you are eating coming from? Both bodies said, yes, that is a great idea. In conference, it was taken from the bill.

The Senate voted for these things and the conferees disregarded the votes of the Senate—not individual Senators, they disregarded the voice of the American people. That is whom we represent.

We have to be able to work together for the good of the American people. That is what the people want us to do.

We have done very well this week. We were able to pass the FSC bill. It was a struggle. We got votes on overtime, on unemployment compensation, and we passed this most important bill. Tomorrow, we are going to pass the IDEA legislation which is very important. I hope tomorrow we can also get to the mental health parity legislation. It is my understanding that Senator DOMENICI has given his legislation to the chairman of the HELP Committee. Senator GREGG has that now, and hopefully we are in a position to have an agreement to work on this legislation in the near future.

We have to work together for the good of the people. I understand that being in the majority confers power, but with that power comes the responsibility to make sure the views of Senators are respected and the rights of the minority are not trampled.

We all have a responsibility to work together. But I believe those who control the agenda have the greatest duty to seek compromise and consensus. That is part of leadership. You have to know when to reach out and meet people at least halfway.

I think what we have heard around here far too often is obstructionism. I hope no one is deliberately trying to obstruct the business of our country. I don't think that is the case, but without compromise the Senate simply doesn't function.

President Gerald Ford—this nice man—was right. Compromise is the oil that keeps government running. But I believe that today our government needs an oil change and maybe even a lube job. We have to look under the hood and make the proper adjustments to get the engine running smoothly again in the Senate.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On October 7, 2001, in Palm Spring, CA, Eric Bridge told police he was robbed and beaten unconscious by four men who chased him from a downtown bar after accusing him of being gay and hurling anti-gay slurs at him. Bridge was treated for cuts and bruises at a local medical center and released. The victim said he was not gay but believes he was targeted based on perception.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. By passing this legislation and changing current law, we can change hearts and minds as well.

PROPOSED 90-DAY DELAY IN FEC RULEMAKING

Mr. McCAIN. Mr. President, I am joined on the floor today by my good friend from Wisconsin, Senator FEINGOLD, to speak briefly about a recent recommendation by the general counsel of the Federal Election Commission, FEC, to delay the 527 rulemaking another 90 days. Additionally, we would like to express support for an excellent bipartisan proposal by two members of the FEC to resolve the issue of 527 groups spending illegal soft money to influence Federal elections. As my colleagues know, the problem of 527 groups raising and spending soft money has somehow become a very contentious and partisan issue. That is unfortunate, because it need not be, and the Toner/Thomas proposal proves the point.

As my colleagues know, the general counsel of the FEC made a recommendation yesterday to delay the 527 rulemaking which the commission is to rule on tomorrow. This is a terrible idea. There is simply no reason for the commission to continue fiddling while Rome burns. The commissioners need to decide the 527 issue tomorrow, on schedule, without more pointless delays. Everyday, 527 groups whose purpose is to influence the presidential election are breaking the law. They are spending millions of dollars in soft money to influence Federal elections in plain violation of the Federal Election Campaign Act of 1974, which the commission has failed to enforce for a generation. And these groups are now using the FEC inaction to blow a hole in the soft money ban upheld by the Supreme Court.

In the middle of an election cycle, the FEC is considering taking a pass on the most critical issue on its plate. If they do, it will be just one more example of the agency's utter inability to enforce election law. My colleague, TRENT LOTT, recently said he was considering hearings on FEC reform, and if this absurd delay happens, I think we may be talking about hearings sooner rather than later. The FEC is responsible for the start of soft money in the first place. They must not get away with it again.

This is particularly galling because the main reason the general counsel office gives for its delay—the size and complexity of the rulemaking, and the possible impact on 501(c) organizations—is a canard. There is an excellent, bipartisan proposal on the table from Commissioners Toner and Thomas that would deal with the 527s in a simple, straightforward way. With their proposal, the commission has the perfect opportunity to prove they can uphold the election laws that were passed by Congress more than 25 years ago, signed by the President, and upheld by the Supreme Court. It may sound a little odd to be excited at the prospect of a Federal agency properly upholding existing law, but in the case of the FEC, it would be something of a new phenomenon.

There is absolutely nothing in the general counsel's rationale for delaying action here that justifies refusing to act now to fix the FEC's absurd allocation regulations that are being used to spend 98 percent soft money to influence the presidential election. The general counsel's recommendation provides no excuse for failing to act tomorrow on the portion of the Toner/Thomas proposal that would fix the allocation rules and correct the FEC's mistake in adopting them, a mistake made clear by the Supreme Court decision McConnell v. FEC. The only conclusion that can be reached if action to correct the allocation rules is rejected by the FEC is that the commission wants to protect and license the illegal use by 527 groups of soft money to finance partisan voter mobilization efforts to influence the 2004 presidential election.

The bipartisan proposal by Commissioner Michael Toner, a Republican, and Commissioner Scott Thomas, a Democrat provides a clear, effective and immediate solution to the soft money problems that have arisen with these 527 groups. The FEC is supposed to meet tomorrow to consider this proposal, and I strongly urge them to adopt the proposal and seize this opportunity to enforce the law.

First, I note that their proposal would explicitly apply only to 527 political committees, and not to 501(c) nonprofit groups, which should take care of the concerns of those in the nonprofit community that the FEC would overreach, and affect their own important work. That is simply no longer an issue, and the commission can act tomorrow, rather than waiting around until a more convenient moment to enforce the law.

The Toner/Thomas proposal deals with what we believe to be the two main problems with the 527 groups. First, their plan would fix the commission's absurd allocation rules, which control the mix of soft and hard money these groups can spend. Under the current rules, 527s can simply claim that they're involved in both Federal and State elections, even though they're obviously and admittedly clearly working for the sole purpose of defeating or electing a presidential candidate. That claim, and the absurd FEC rules that currently exist, has led one such 527 group to use 98 percent soft money for their partisan vote mobilization activities to influence the presidential election and only 2 percent hard money. That is an obvious circumvention of the longstanding Federal Election Campaign Act, FECA, as well as the new ban on soft money in Federal elections, and a hole in the dike that absolutely must be plugged.

The Toner/Thomas plan would deal with this by simply requiring groups involved in partisan voter mobilization activities in Federal elections to use a minimum of 50 percent hard money to pay for those activities. that straightforward, easy to understand rule will have the effect of substantially limiting the amount of soft money a 527 group can use on these activities, and I believe it is an effective way to deal with the problem at this time.

The second issue the two commissioners' plan would address is the use of soft money by these 527 groups to run attack ads attacking and promoting presidential candidates. These groups are claiming that they are exempt from the normal Federal rules prohibiting the use of soft money to fund such ads because they are not political committees under FEC rules. In essence, these political organizations are claiming that as long as their ads do not use words like "vote for" or "vote against," they can spend as much soft money as they please attacking and promoting Federal candidates.

That argument is simply absurd, even though the FEC's failure to properly enforce the law has allowed it to gain currency over the years. In order to qualify for their 527 tax status, these organizations have to meet the IRS test of being groups that are "organized and operated primarily" to influence elections. And under the Federal Election Campaign Act, which has been around since 1974, groups that have a primary purpose of influencing Federal elections and raise or spend $1,000 to do so have to register as political committees and comply with Federal campaign finance laws. 527 political groups have sprung up in this election with the clear and sole purpose of influencing the presidential election. Under existing laws and Supreme Court rulings these groups can run whatever ads they want—but they have to register as Federal political committees and they do have to abide by the same Federal campaign finance rules as all other political committees and candidates have to play by, and pay for those ads with hard money.

The Toner/Thomas proposal clears up this issue by correctly deeming any organization operating as a political group under section 527 of the tax code to have a "major purpose" of influencing Federal elections, unless the group falls within certain specified exemptions. This common-sense approach simply corrects the FEC failure to properly interpret the law in the past as it applies to 527 groups. It makes it clear that 527 political groups that have a major purpose to influence

Federal elections and spend more than $1,000 to influence a Federal election have to comply with Federal campaign finance rules, regardless of whether their communications contain express advocacy.

Again, we have a golden opportunity here to fix an emerging problem before it gets out of hand. The Commission should take this rare opportunity to show they can do their job in a bipartisan way. They should approve the Toner/Thomas proposal on Thursday.

Mr. FEINGOLD. Mr. President, like Senator MCCAIN, I see this rulemaking on 527s quite simply as a test of the FEC's willingness to enforce the law. As we have noted many times, the Supreme Court in the McConnell v. FEC decision concluded that the FEC improperly interpreted federal election law and allowed the growth of the soft money loophole that made necessary our 7-year reform effort.

We have been watching the agency closely since the Bipartisan Campaign Reform Act was signed into law in March 2002, looking for signs that it will not repeat its past mistakes. For the most part, we have been sorely disappointed. The announcement yesterday that the FEC general counsel's office wants the commission to delay action on the rulemaking for 90 days is the latest example of this agency's failure to carry out its responsibilities.

It is important to remember that the issues the FEC has been considering recently arise not under the Bipartisan Campaign Reform Act that we passed a few short years ago, but rather under the Federal Election Campaign Act of 1974. The question of whether an organization is a political committee subject to the Federal election laws is sometimes a complicated question, but it is not a new one.

The McConnell decision made it clear that the FEC's previous approach, which was to allow 527s to avoid registering as political committees if they didn't use "express advocacy," was wrong. The FEC needs to enforce the law so that groups whose major purpose is to influence Federal elections are subject to the Federal election laws.

I believe that when an organization tells the IRS that its primary purpose is to influence candidate elections in order to qualify for 527 status, it should not in most cases be able to turn around and tell the FEC that its major purpose is not to influence elections. To me, that just doesn't make sense.

It is unfortunate that the FEC initially approached this issue in a way that frightened legislative advocacy groups into thinking that they might become political committees and have to completely change their fundraising and operations. It is also unfortunate that the nonprofit community in opposing the erroneous FEC proposals took the position that nothing should be done about 527s that are very much involved in election activities but are seeking to operate outside of the election laws.

Senator MCCAIN and I, working with Representatives SHAYS and MEEHAN, our reform partners in the House, filed comments with the FEC arguing that there are narrow and targeted things that the FEC should do to protect the integrity of the election laws, without affecting legitimate 501(c)s. A bipartisan proposal announced recently by Commissioners Michael Toner and Scott Thomas takes this approach.

The Toner-Thomas proposal addresses only 527 organizations. It does not change the regulations that apply to 501(c)s. In addition, the proposal would change the allocation rules that apply to 527s that have both a Federal and a nonfederal account. It simply cannot be a correct interpretation of the law that an organization that has publicly declared that it will carry out partisan voter mobilization activities in battleground states this fall can use 98 percent soft money to pay for those activities. The Toner-Thomas proposal would require that at least half of the expenditures on these activities come from a hard money account. That certainly makes sense given that the groups themselves proclaim that their purpose is to influence the presidential election.

But now, the FEC's general counsel has proposed that the FEC delay its vote on the rulemaking for 90 days. This will only assure that the FEC will do nothing about 527s until after the 2004 elections. That is not an acceptable result. It is crucial that the FEC act now. It should adopt the Toner-Thomas proposal, but at the very least, it should modify the allocation rules applicable to 527s doing voter mobilization. There is absolutely no reason to postpone action on that issue.

I hope that some day it will not be a cause for celebration when the agency charged with enforcing the election laws look like it might actually do its job. Unfortunately, the FEC has not been an effective agency, and this latest proposed delay only confirms that it may not be up to the task that Congress has given it. Senator MCCAIN and I have introduced legislation to replace the FEC with a very different regulatory agency. I was pleased to read this week that the chairman of the Rules Committee agrees that the Senate should take a very hard look at the FEC and consider legislation to fundamentally change it.

For now, however, we will be watching closely to see how the FEC deals with the challenge of the 527s. I once again commend the Senator from Arizona for his dedication to this cause.

HEALTH CARE AND THE UNINSURED

Mr.VOINOVICH. Mr. President, I rise to speak today about the dilemma this Nation is facing regarding access to quality, affordable health care. Next to the economy, it is the greatest domestic challenge facing our Nation. In fact, the rising cost of health care is a major part of what is hurting our competitiveness in the global marketplace.

Throughout my career in public service, health care has been one of my top legislative priorities. Unfortunately, despite increased spending on public and private health care programs, millions of Americans are without health care coverage. Although, my State of Ohio has one of the lowest percentages of uninsured.

The statistics are overwhelming. For the fourth year in a row, health care spending grew faster than the rest of the U.S. economy in 2003. The average cost of family coverage was $9,018, with employees covering 27 percent, or $2,412, of the cost. During that same period of time, the average family's contribution to their health insurance increased 16 percent.

Total spending on health care is now approximately $1.6 trillion or $5,440 for every man, woman and child in the United States, which translates into almost 15 percent of our GDP—the largest share ever.

If we look at this in an international context, the statistics become even more glaring. Per capita health care spending in the United States continues to exceed other nations. In its May 2004 issue, "Health Affairs" reports that the Swiss spent only 68 percent as much as the United States per capita on health care in 2001. Even more troubling, Canada spent as little as 57 percent as much as the U.S. Both nations have a lower number of uninsured citizens than the United States.

Despite all the spending some 44 million Americans—15 percent of the population—had no health insurance at some point last year. This number has increased steadily. In 2000, that number was 39.8 million. In 2002 it was 43.6 million. In 2 years, the country added almost four million uninsured individuals.

Just this week, the Cincinnati Enquirer told the story of Yolanda Webb, who left her Hamilton County, OH, job to begin her own cosmetic business. However, after opening her own shop, she realized that due to a chronic condition she was diagnosed with 20 years ago, a health insurance policy would cost her $800 a month. Unfortunately, this is an expense she can not afford and as a result, Ms. Webb is one of the 200,000 people in just the greater Cincinnati area that lives without health insurance coverage.

In addition, with increased costs, employers are facing difficult options. A poll of over 3,200 employers conducted by the Kaiser Family Foundation indicates that 56 percent of large firms increased employees' share of health costs in 2001. I have consistently heard from employers throughout Ohio that they want to continue to offer health insurance for their employees, but it hurts their ability to be competitive in the global market.

In light of these startling statistics, I was eager to join my colleagues on the Senate Republican Health Care Task Force to provide some solutions for dealing with these trends.

I have been in this situation before. As Governor of Ohio, I had to work creatively to expand coverage and deal with increasing health care costs for a growing number of uninsured Ohioans. I am happy to report that we were able to make some progress toward reducing the number of uninsured during my time as the head of the State by negotiating with the state unions to move to managed care; by controlling Medicaid costs to the point where from 1995 to 1998, due to good stewardship and management, Ohio ended up underspending on Medicaid without harming families; and implementing the S–CHIP program to provide coverage for uninsured children. In fact, I recently learned from the Cuyahoga Commissioners that in our county, 98 percent of eligible children are currently enrolled in this program.

Learning from this experience, I was especially encouraged by Senator FRIST and Senator GREGG's commitment to solving the national health care crisis and applaud their decision to form the Senate task force to explore the issue. I am convinced that my colleagues and I have been able to identify some very viable and immediate solutions for reversing the trend of the growing uninsured and for dealing with the rapid increase in the cost of quality health care coverage.

We can make this a reality by addressing the underlying factors that are contributing to dramatic increase in health care costs and the subsequent reduction in access to quality care. I have worked hard in the past on this issue, and am pleased that the package the task force released this week addresses the biggest factors driving health care costs.

The first is medical lawsuit reform. I have been concerned about this issue for quite some time—in fact, since my days as Governor of Ohio. I wish we had the outpouring of support for medical liability reform six years ago that I see now. In 1996, I essentially had to pull teeth in the Ohio Legislature to pass my tort reform bill.

I signed it into law in October 1996. Three years later, the Ohio Supreme Court ruled it unconstitutional, and if that law had withstood the Supreme Court's scrutiny, Ohioans wouldn't be facing the medical access problems they are facing today: doctors leaving their practice, patients unable to receive the care they need and costs of health insurance going through the roof.

Continuing down this path, during my time in the Senate, I worked with the American Tort Reform Association to produce a study that captured the impact of this crisis on Ohio's economy. In Ohio, the litigation crisis costs every Ohioan $636 per year, and every Ohio family of four $2,544 per year. These are alarming numbers! In these economic times, families can not afford to pay $2,500 for the lawsuit abuse of a few individuals.

The Medical Liability Monitor ranked Ohio among the top five States for premium increases in 2002. OHIC Insurance Co., among the largest medical liability insurers in the State, reports that average premiums for Ohio doctors have doubled over the last 3 years.

In a very real sense, I have heard from young physicians in Ohio who tell me they are considering relocating to a place where the ability to practice medicine is better and the liability situation is more stable. A friend of mine shared with me a letter from an OB-GYN in Dublin, OH, who had decided to retire from his practice. He wrote the following to his patients:

> On June 17, 2003, I received my professional liability insurance rate quote for the upcoming year; and it is 64% higher than last year's rate. I have seen my premiums almost triple during the past two years, despite never having had a single penny paid out on my behalf in twenty seven years as a physician. Even worse, during this time the insurance company has reduced the amount of coverage that I can purchase from $5 million to only $1 million, while jury verdicts have skyrocketed, often exceeding $3–4 million. If I were to purchase this policy, I would be putting all of my family's personal assets at risk every time that I delivered a baby or performed surgery. I refuse to do that.
>
> I have therefore decided to retire from private practice on July 31, 2003, the final day of my current liability insurance policy. This is not a decision that I take lightly, but unfortunately it has become necessary. For many of you, I have been part of your life for years. I have delivered your babies, and helped you through some of life's most difficult challenges. It has truly been an honor."

And for those of my colleagues who think medical liability reform is a State issue, I would ask them to read a letter, which I submitted for the record on February 24, 2004, and see how the medical liability crisis transcends State lines—particularly my friends from the neighboring state of West Virginia. Our Ohio physicians, who practice along the border, are feeling the effects of their proximity to West Virginia and its favorable plaintiff's verdicts. They are feeling these effects in their increasing insurance premiums. And unfortunately, Ohio's physicians are not alone.

And it is not only doctors crossing State borders to find better insurance rates—it is patients as well. Citizens living along the thousands of miles of State borders very often obtain their medical care across that line. Federal action is appropriate and critically necessary. Even more so because this crisis affects Federal health care programs, including Medicare and Medicaid.

Overall, the cost of this crisis to the economy is quite staggering. There is evidence that physicians are now practicing medicine "defensively" in order to protect themselves from lawsuits. In fact, a March 3, 2003 report by the Department of Health and Human Services calculated the practice of defensive medicine costs the United States a total of between $70–126 billion a year and estimates that the cost for the Federal Government alone is between $35 and $56 billion.

As a cosponsor of the HEALTH Act, the Patients First Act, The Healthy Mothers and Babies Access to Care Act, and the Pregnancy and Trauma Care Access Protection Act, I will continue to work with my colleagues to find a way strike a delicate balance between the rights of aggrieved parties to bring lawsuits and receive rapid and fair compensation and the rights of society to be protected against frivolous lawsuits and outrageous rewards for noneconomic damages that are disproportionate to compensating the injured and made at the expense of society as a whole.

We can no longer allow unchecked, excessive litigation to continue to drive up the cost of health care and limit access for so many Americans.

Beyond medical lawsuit reform, the task force has identified another way to limit the rapid increase in health care costs, that is to reduce regulations and paperwork requirements that burden out nation's health care providers.

Whether due to Federal privacy regulations or insurance requirements, this is an important issue to providers in Ohio. Last November, I visited a small hospital in the southern part of my State, Marietta Memorial Hospital, to discuss health care reform. At this meeting, I spent some time discussing the administrative process the hospital was required to follow in order to treat the patients that come through their doors each day.

The hospital provided me with a binder full of paperwork that was completed, in this case, for a total hip replacement procedure on an elderly patient. As you can see, Mr. President, this 72 page binder is full of more than 50 forms that either the hospital or the patient and their family were required to complete, some time multiple times, in order to for the patient to receive treatment.

This is a big enough challenge for large hospital groups, but for small providers like Marietta Memorial with just 204 beds and 90 physicians, this paperwork and regulatory demand can be crippling.

For this reason, I worked with the task force to include in our reform package ways to limit bureaucratic demands. We believe that this could save our Nation approximately $47 billion without risking patient safety, privacy or the quality of health care.

In addition, the task force found that there were ways to increase hospital's and provider's use of technology to lower their costs and eliminate duplicative test and procedures. Fortunately, President Bush has taken a huge step forward in this area and has created a new position at the Department of Health and Human Services to coordinate the Nation's health information technology efforts. I am pleased that Secretary Thompson recognized the importance of and the immediate need to develop standards that help to create electronic medical records and other technology efforts.

I have no doubt these standards when implemented will help improve quality and cost efficiency of care and will eventually help hospitals, especially smaller hospitals like Marietta Memorial, reduce duplicative costs and services to their patients and improve the quality of the care they can provide.

These are only some of the ways we can act immediately to put an end to the increase in health care costs and reduce the number of Americans that find themselves without quality health care coverage.

However, these are steps that will only provide interim relief.

Like I said, health care reform has always been one of my top priorities and I have been studying this issue for some time. In the past 2 years, I have met with experts and other interested parties to get the full picture of the state of health care in the United States and learn about possible efforts for reform. I have discussed reform proposals with individuals as diverse as former Ohio Congressman Bill Gradison to John Sweeney, President of the AFL–CIO to Dr. Donald Palmisano, President of the American Medical Association, to Stuart Butler with the Heritage Foundation.

And over the past year and a half, I have been traveling throughout my State of Ohio and have held 14 roundtables to specifically discuss health care reform with employers and employees, business and labor leaders, the uninsured and the underinsured.

In fact, in Ohio I have even formed my own health care task force made up of representatives from physician and other provider groups, small and large employers, labor, policy experts, and others who have an interest in reforming our current health care environment. Together we have analyzed a variety of popular health care reform proposals to increase access to health insurance coverage. And what I have heard even from my most conservative friends—is that this health care system is broken.

People are telling me we need to think about plowing new ground. I agree and believe we have to reevaluate the way we are spending the $1.6 trillion that is dedicated to health care in this county. We need to look at the big picture and determine how we can realign our system to more efficiently provide quality health care that maintains choices and responsibility for consumers.

This, of course, will not happen overnight and, as a result, I am encouraged by and supportive of some of the interim and immediate solutions proposed by the Senate Task Force. My colleagues and I have taken a step in the right direction toward identifying immediate changes that will bring down the prices people are paying for their health care today, help those who have insurance retain it at reasonable rates, and expand access to affordable insurance for those who are currently uninsured and underinsured.

Should I have the opportunity to serve my fellow Ohioans for an additional 6 years, reforming our Nation's health care system will be my highest priority.

ASSISTANCE TO FIREFIGHTERS ACT

Mr. ROCKEFELLER. Mr. President, I am proud today to cosponsor S. 2411, the Assistance to Firefighters Act of 2004. This legislation, introduced by my colleagues Senators DODD and DEWINE, would reauthorize the FIRE Act grant program through 2010, as well as make a number of improvements to the existing program. This legislation will improve the ability of firefighters across to the country to do their jobs more safely and effectively.

Four years ago, I was proud to be an original cosponsor of the Firefighter Investment and Response Enhancement (FIRE) Act, which has generated nearly $2 billion in grants since the program was enacted. It has provided critical dollars enabling fire departments to pay for the purchase of new equipment, to better train their personnel, and to establish fire prevention campaigns. Although this is a notable step forward, in West Virginia, and throughout the country, fire departments remain seriously underfunded. I hope my colleagues will agree that much more needs to be done before we can feel comfortable about the level of preparedness of our firefighters.

In West Virginia, almost every single one of our approximately 460 fire departments is undermanned and without the necessary equipment they need to do their jobs. I worry, as I'm sure many of my colleagues do, that communities could find themselves in the unacceptable position of being ill-prepared to respond to an emergency. Very few towns and cities in West Virginia can afford to hire and train more firefighters, or to purchase new firefighting equipment without additional Federal assistance.

I will bet most of my colleagues would be surprised at the number of volunteers who currently make up the majority of our Nation's fire service. Volunteers compose nearly 75 percent of all firefighters nationwide. That percentage is much higher in rural States like West Virginia, where 95 percent of our firefighting personnel are volunteers. We rely on firefighters in most communities to assist us not only to put out fires, but also in cases of natural disasters, car accidents, hazardous material spills, and this mostly volunteer fire service would be called upon to respond to any acts of terrorism that might occur. Additional firefighters are needed, as well as an immediate infusion of new and better equipment so that they can do their jobs more effectively. Currently there are not enough portable radios or breathing apparatus equipment, and many departments lack the resources needed for proper vehicle maintenance. Reauthorizing the FIRE Act grant program will allow fire departments to hire more full-time personnel and further alleviate the costs of maintaining up-to-date equipment and training.

After 4 years, there are many facets of the program that need updating to reflect the learning process both Congress and the Fire Service we have undergone. This bill would make several improvements to the existing law that reflect the changing nature of the world we live in today and acknowledge that there are better and more efficient ways to administer the program. The measure would align the FIRE Act with new standards in Federal emergency management put in place since the creation of the Department of Homeland Security. It also lowers the matching funds requirement by a third for fire departments serving communities of 50,000 residents, and cut requirements in half for communities of 20,000 people or fewer, in order to lessen current budget strains. It would also open up funding to nonprofit Emergency Medical Service units not affiliated with fire departments. Right now, only EMS units attached to fire departments are eligible for funding. This provision in particular will improve the safety and security of West Virginians, where many of our EJMS units are independent of the local fire department.

I agree with the statements that have been made by virtually every Member of Congress that the world we live in today sits in stark contrast to that of the one we knew prior to the tragedies of September 11, 2001. Probably no group knows this better than the dedicated firefighters who place themselves in harm's way every time they respond to a call. Fortunately, we have an opportunity here to demonstrate that we recognize the importance of the work these firefighters do, and help them to protect us by quickly enacting this bill.

The Assistance to Firefighters Act of 2004 would translate directly into saved lives and will increase the safety of West Virginians and Americans in communities across this country. I encourage my colleagues to join me in supporting this important legislation.

MUTUAL FUND REFORM ACT OF 2004

Mr. McCAIN. Mr. President, I am pleased to join my colleague from Illinois, Senator FITZGERALD, and several other members of the Senate in sponsoring S. 2059, the Mutual Fund Reform Act of 2004.

Mutual funds traditionally have been seen as safe havens for long-term investments. This perception of mutual funds as secure investment vehicles has certainly contributed to the industry's grow. Two decades ago, the mutual fund industry was relatively small; only a small percentage of Americans invested in mutual funds, and the assets of the industry were $115 billion. Today, the mutual fund industry has $7.5 trillion in assets, over 90 million investors, and more than 10,000 funds.

Unfortunately, as the industry has grown, some mutual fund managers and boards of directors have ignored their most basic role as fiduciaries. Recent State and Federal investigations have revealed trading irregularities at several of funds, including many that are well known. These scandals have shed light on the disregard shown by many mutual fund managers and directors for the individuals who invest their hard-earned money in mutual funds. They have also drawn attention to inflated mutual fund fees that often are not in the best interests of mutual fund shareholders and too frequently are not properly disclosed to such shareholders.

The Mutual Fund Reform Act would improve the integrity of the mutual fund industry by restoring investors' trust in the mutual fund managers and boards that are responsible for investing much of our citizens' household, college, and retirement savings. Most importantly, the act would strengthen the governance of mutual funds by, among other things, ensuring that mutual fund company boards would be truly independent and empowered. In addition, the act would establish disclosure requirements designed to provide mutual fund investors with a clearer picture of fund management and fund fees.

I thank Senator FITZGERALD for introducing this important bill, and I urge my colleagues to support this legislation in order to further encourage investor confidence in the mutual fund industry and in our capital markets.

ADDITIONAL STATEMENTS

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

WHY WE'RE IN IRAQ

• Mr. HOLLINGS. Mr. President, I recently wrote a guest column on "Why We're in Iraq" for The State in Columbia, SC. I want to share it with my colleagues, and ask that the May 7 article be printed in the RECORD.

The article follows.

"WHY WE'RE IN IRAQ"

(By Ernest F. Hollings)

With 760 dead in Iraq and more than 3,000 maimed for life, folks continue to argue over why we are in Iraq—and how to get out.

Now everyone knows what was not the cause of this war. Even President Bush acknowledges that Saddam Hussein had nothing to do with 9/11. Listing the 45 countries where al Qaeda was operating on Sept. 11 (70 cells in the United States), the State Department did not list Iraq.

Richard Clarke, in "Against All Enemies," tells how the United States had not received any threat of terrorism for 10 years from Saddam at the time of our invasion. On page 231, John McLaughlin of the CIA verifies this to Paul Wolfowitz. In 1993 President Clinton responded to Saddam's attempt on the life of President George Herbert Walker Bush by putting a missile down Saddam's intelligence headquarters in Baghdad. Not a big kill, but Saddam got the message: Monkey around with the United States and a missile lands on his head.

Of course there were no weapons of mass destruction. Israel's intelligence, Mossad, knows what's going on in Iraq. It is the best. It has to know; Israel's survival depends on knowing. Israel long since would have taken us to the weapons of mass destruction if there were any, or if they had been removed. With Iraq no threat, why invade a sovereign country? The answer: President Bush's policy to secure Israel.

Led by Richard Perle, Paul Wolfowitz and Charles Krauthammer, for years there has been a domino school of thought that the way to guarantee Israel's security is to spread democracy in the area. Wolfowitz wrote: "The United States may not be able to lead countries through the door of democracy, but where that door is locked shut by a totalitarian deadbolt, American power may be the only way to open it up." And on another occasion: Iraq as "the first Arab democracy . . . would cast a very large shadow, starting with Syria and Iran but across the whole Arab world."

Three weeks before invasion President Bush stated: "A new regime in Iraq would serve as a dramatic and inspiring example for freedom for other nations in the region."

Every president since 1947 has made a futile attempt to help Israel negotiate peace. But no leadership has surfaced among the Palestinians that can make a binding agreement. President Bush realized his chances at negotiation were no better. He came to office imbued with one thought—re-election. Bush felt tax cuts would hold his crowd together and spreading democracy in the Mideast to secure Israel would take the Jewish vote from the Democrats.

You don't come to town and announce your Israel policy is to invade Iraq. But George W. Bush, as stated by former Secretary Paul O'Neill and others, started laying the groundwork to invade Iraq days after inauguration. And, without any Iraq connection to 9/11, within weeks he had the Pentagon outlining a plan to invade Iraq. He was determined.

President Bush thought taking Iraq would be easy. Wolfowitz said it would take only seven days. Cheney believed we would be greeted as liberators. But Cheney's man, Ahmed Chalabi, made a mess of the de-Baathification of Iraq by dismissing Republican Guard leadership and Sunni leaders, who soon joined with the insurgents.

Worst of all, we tried to secure Iraq with too few troops. In 1966 in South Vietnam with a population of 16.5 million, Gen. William .C. Westmoreland with 535,000 U.S. troops was still asking for more. In Iraq with a population of 24.6 million, Gen. John Abizaid with only 135,000 troops can barely secure the troops, much less the country. If the troops are there to fight, they are too few. If there to die, they are too many.

To secure Iraq we need more troops at least 100,000 more. The only way to get the United Nations back in Iraq is to make the country secure. Once back, the French, Germans and others will join with the United Nations to take over.

With President Bush's domino policy in the Mideast gone awry, he keeps shouting "War on Terror." Terrorism is a method, not a war. We don't call the Crimean War, with the Charge of the Light Brigade, the Cavalry War. Or World War II the Blitzkrieg War. There is terrorism in Ireland against the Brits. There is terrorism in India and in Pakistan. In the Mideast, terrorism is a separate problem to be defeated by diplomacy and negotiation, not militarily.

Here, might does not make right—right makes might. Acting militarily, we have created more terrorism than we have eliminated.•

BOYD STEWART: IN MEMORIUM

• Mrs. BOXER. Mr. President, I honor and share with my colleagues the memory of a very special man, Boyd Stewart of Marin County, who died April 17, 2004. He was 101 years old.

Boyd Stewart was born at the Old Cottage Hospital in San Rafael in 1903. He grew up in a time when students rode horses to school. His family ran a cattle ranch in Nicasio and then moved it to Olema while Boyd was growing up. After 3 years at Stanford University, he came back to the ranch when his father passed away and managed it for the rest of his adult life.

Boyd Stewart deeply felt the need to preserve open space for future generations, and he knew it could be done in a way that was compatible with agriculture. He was instrumental in the creation of Point Reyes National Seashore and the Golden Gate National Recreation Area. Concerned about the loss of farmland to urban development, in the 1960s he advocated the controversial idea that the Federal Government buy West Marin ranches for inclusion in the park and lease them back to the ranchers. His family's ranch transferred ownership to the National Park Service in 1970.. For decades he remained committed to his convictions, often in the face of opposition from powerful forces.

Mr. Stewart served as a leading member of the Marin County Farm Bureau for more than 80 years. He also sat on the boards of the West Marin Chamber of Commerce and the Marin Humane Society. A cattle rancher by profession, he was given the Marin Humane Society's Humane Man of the Century award. Two years ago, Boyd Stewart was honored with the California Excellence in Range Management Award, along with his daughter, Jo Ann Stewart, and his granddaughter, Amanda Wisby, who continue to run the Stewart family ranch today.

Boyd was a dynamic figure in West Marin. My staff and I always knew we could call on him for invaluable information and sound advice. He was the leading expert on West Marin agriculture, to whom agriculture commissioners turned for advice and information. His presence and his accomplishments in preserving Marin open space were greater than any other single person in Marin County in the last century. He was also a deeply-loved member of the Marin community and a wonderful, unique man with a clear mind and steady presence who will be deeply missed. We take comfort in knowing that countless future generations will benefit from his courage, his vision and his leadership. •

CONGRATULATIONS TO KEVIN CONWAY

• Mr. BUNNING. Mr. President, I pay tribute and congratulate Kevin Conway of Lexington, KY, on his reception of the Star of Life Award given to him by the American Ambulance Association.

Mr. Conway has dedicated himself to the emergency response community of Lexington. As an employee of Rural/Metro Ambulance, Mr. Conway has made a difference in people's lives. However, what has set him apart has been his initiative as operations manager to turn Rural/Metro Ambulance into a State-recognized paramedic and CPR education facility. Mr. Conway also represents or works with many different local and State government EMS organizations. Prior to his work at Rural/Metro Ambulance, Mr. Conway was an Army Ranger. After his completion of active duty, he joined the Army Reserve as a senior drill sergeant.

The citizens of Kentucky are fortunate to have the leadership of Kevin Conway. His example of dedication, hard work, and compassion should be an inspiration to all throughout the Commonwealth. He has my most sincere appreciation for this work, and I look forward to his continued service to Kentucky.•

CHEMISTS WORKING COOPERATIVELY

• Mr. DURBIN. Mr. President, I rise today to share with my colleagues news of a truly historic conference of Middle Eastern chemists held December 6 through 11, 2003, in Malta. Chemists from Egypt, Iran, Israel, Jordan, Kuwait, Lebanon, the Palestinian Authority, Saudi Arabia, Turkey, and United Arab Emirates gathered in Malta to attend the conference, which was entitled: "Frontiers of Chemical Sciences: Research and Education in the Middle East." The conference was chaired by Dr. Zafra Lerman of Columbia College Chicago. The purpose of the conference was to bring scientists from Middle Eastern countries together under the same roof to work on different issues of common concern.

The Malta Conference was a phenomenal success. The multinational exchange of ideas and information led to the creation of new partnerships in the areas of science and education. The conference was so effective that all the participants involved agreed upon the need for a second conference, tentatively scheduled for 2005.

The Malta Conference permitted participating scientists to address important scientific issues pertinent to the future of the Middle East, but it did more than that. All areas within the Middle East were represented, demonstrating there are some issues that can bring everyone together around a common goal of improving our world and society. This meeting reinforced the fact that the advancement of scientific research and education are vital forces for all nations of the world, and it demonstrated that science and education can help nations that are distrustful of each other to reach across borders and work cooperatively to address common concerns.

The conference chairperson, Dr. Lerman, is the distinguished Professor of Science and Public Policy and head of the Institute for Science Education and Science Communication at Columbia College Chicago. Dr. Lerman received her Ph.D. in chemistry from the Weizmann Institute of Science in Israel. She founded and chaired the Department of Science and Mathematics at Columbia College, where she developed an innovative approach to teaching science to non-science majors which received international recognition. Dr. Lerman is active professionally with national and international associations in the fields of science, science education, and scientific freedom and human rights. For 15 years, she has chaired the national American Chemical Society Subcommittee on Scientific Freedom and Human Rights. She also serves as Vice-Chair for Chemistry for the Board of the Committee of Concerned Scientists and chairs the International Activities Committee of the American Chemical Society, in addition to numerous other positions.

Dr. Lerman has received the Presidential Award for Excellence in Science, Mathematics, and Engineering Mentoring and is a 1998 Kilby Award Laureate for extraordinary contributions to society through science, technology, invention, innovation, and education. In February 2001, she was elected a Fellow of the American Association for the Advancement of Science.

I hope my colleagues will join me in congratulating Dr. Lerman and the organizers and delegates of the conference for their superb work. This event serves as a shining example of the progress available to nations that make the effort to promote understanding and cooperation.

I ask that Dr. Lerman's summary of the conference be printed in the RECORD.

The summary follows.

SUMMARY OF MALTA CONFERENCE

From 6 to 11 December, 2003, chemists from Egypt, Iran, Israel, Jordan, Kuwait, Lebanon, Palestinian Authorities, Saudi Arabia, Turkey, and United Arab Emirates gathered in Malta to attend the conference "Frontiers of Chemical Sciences: Research and Education in the Middle East."

The success of this conference tells us that science and scientific research are not just methods of improving the human condition but can also be ways of crossing illusive national and political barriers that bar effective collaboration among neighbors. The invited participants included presidents of universities, members of the respective countries' national academies of science, and a former minister of science. By engaging a stunning array of world-class scientists from the Middle East, as well as selected scientists from England, France, Germany, South Africa, Taiwan, and the U.S., the resulting discussion broadly enriched our understanding of specific scientific issues important to the area's future. The fact that all segments of the Middle East were represented suggests that there are fundamental scientific issues that connect us all.

Six Nobel Laureates served as working group leaders on subjects of common interest to Middle Eastern countries. The subjects of these working groups included: "Environment, Water and Renewable Energy," "Research and New Methodologies in Science Education," "Cultural Heritage and Preservation of Antiquities," "The Use of the Synchrotron to Facilitate Research in the Middle East (SESAME Project)," among others. Participants committed themselves to continue working together after the conference via e-mail and through smaller regional meetings. Among suggestions offered for future topics were: nanotechnology, computational chemistry, and solar energy.

All participants wrote that the conference organization was excellent, that the conference exceeded their expectations, and that the opportunity to work with the Nobel laureates was especially appreciated and it led to stimulating and informed discussion. 100% of the participants felt that a second conference, probably in 2005, would be needed.

All indicated that they would want to attend and that they would recommend it to their colleagues. Most expressed willingness to participate in the organization of such an event.

A joint proposal between Israeli and Palestinian participants in the Malta conference was written on water purification and submitted to USAID–MERC.

One of the conference working groups, which concentrated on the synchrotron being built in Jordan (supported by UNESCO) for all the Middle East scientists, raised the urgent need for scientists trained in the use of a synchrotron. Dr. Yuan T. Lee, the Nobel Laureate who is science advisor to the President of Taiwan, offered during the conference three full scholarships for scientists from the Middle East to spend a year learning to use the synchrotron in Taiwan. An agreement is already signed, and the selection of the three Middle Eastern scientists is in progress.

The President of the Technion (Israel Institute of Technology) offered to provide three full Technion scholarships for any interested student from an Arabic country.

A group of Palestinian participants met in February with their Israeli colleagues in the Weizmann Institute of Science. As a result, an agreement was signed for Palestinian students to study for MSc and PhD at the Weizmann Institute of Science; a committee is now working on financial arrangements needed to run the program.

One of the Israeli participants has been invited to present a lecture in Egypt. All the Egyptian participants expressed their interest in attending his lecture; some extended additional invitations for him to visit and present seminars at their institutions.

Dr. Roald Hoffmann, one of the American Nobel laureates, offered to run an intensive workshop in a Middle East location for graduate students from all the participating countries. This idea was accepted quite favorably by the participants; the location is now being discussed.

Ultimately, all the participants agreed that science is, indeed, a shared language between them all, and that the things they have in common are more numerous than the differences that separate them. The desire among the participants to continue the collaborations and to meet again is proof that the conference succeeded in overcoming barriers heretofore perceived as insurmountable.●

TRIBUTE TO SISTER JEANNE O'LAUGHLIN

● Mr. NELSON of Florida. Mr. President, I honor a wonderful leader and inspirational person, Sister Jeanne O'Laughlin. Sister Jeanne is retiring as President of Barry University in Miami Shores, FL, after more than 20 years as its president and more than 50 years as an educator. Under her tenure the student population at Barry more than quadrupled and became co-ed and diverse, the budget grew tenfold, the campus added 38 new buildings and Barry became the fourth largest private university in Florida.

But, Sister Jeanne is more than just a president or professor, she is a fixture of the Miami community, a tireless advocate for the indigent and less fortunate and a prolific fundraiser. She has been honored by the Pope and selected for Presidential Commissions. She was the first female member of the Orange Bowl Committee and the Non-Group, chaired the Victory Foundation for the Homeless, the Miami Coalition for a Safe and Drug-Free Community, the Religious Task Force for We Will Rebuild and the Miami Blue-Ribbon Aviation Panel. And in the name of Barry University she would take on any challenge or bet even if it meant singing and dancing.

When important decisions or events were happening in Miami she was there. Many will remember that she rescued three Chinese women from political prosecution and pushed for 14 months for their political asylum request to be accepted.

Her tireless devotion to Barry, her infectious spirit and devotion to making the world a better place one good deed at a time, make Sister Jeanne a truly remarkable person. I am honored to know her.●

DUPONT DELISLE

● Mr. LOTT. Mr. President, this month DuPont Chemical and the people of the Mississippi Gulf Coast region together celebrate the 25th anniversary of the DuPont Chemical Plant in DeLisle, MS. DuPont began manufacturing in DeLisle in 1979 and in 1991 underwent an expansion. The plant now employs over 1,000 people who are residents of both Mississippi and Louisiana. These employees are the No. 1 reason the plant has achieved some very impressive production rates. In fact, its high productivity levels have made the DuPont DeLisle plant the second largest titanium dioxide producing plant in the world. This is truly cause for the plant's employees, management and all local residents to be proud.

The plant's success over the past 25 years is directly attributable to the partnership between DuPont DeLisle and the city of DeLisle, the Mississippi gulf coast region, and the State of Mississippi. The local community and State maintain a strong interest in supporting the plant and ensuring its continued success, while the plant and its employees work to give back to and improve the local community. For example, over the years DuPont DeLisle and its employees have worked in cooperation with the Mississippi Gulf Coast Community College to offer extensive on-site operator training in electrical, machine shop, and computer skills. In addition, employees have conducted American Red Cross blood drives and United Way campaigns, donated equipment to local schools and fire departments, and participated in State and local organizations that are focused on improving Mississippi's workforce.

In addition to their work in the community, the plant's employees have strived to make it the best. As a result, the plant today is the top performer in its business group organization. DuPont DeLisle also work 4 times more safely than comparable industrial plants in the chemical industry using OSHA measurements. In fact, in October 2003, DuPont DeLisle employees exceeded their previous all-time safety record and early this year completed a full year without a single injury requiring medical treatment. These are truly significant accomplishments by employees who are obviously dedicated and committed to their employees' safety.

As one can see, DuPont in DeLisle has been good for the Mississippi economy by creating and sustaining high paying technical jobs. For the past 25 years, Mississippi has been proud to call itself home to this plant and we look forward to our continued partnership for the next 25 years. Congratulations to DuPont DeLisle and its local and State partners on this most noteworthy anniversary.●

MESSAGE FROM THE HOUSE

At 11:48 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4299. An act to designate the facility of the United States Postal Service located at 410 South Jackson Road in Edinburg, Texas, as the "Dr. Miguel A. Nevarez Post Office Building".

H.R. 3939. An act to redesignate the facility of the United States Postal Service located at 14–24 Abbott Road in Fair Lawn, New Jersey, as the "Mary Ann Collura Post Office Building".

H.R. 2523. An act to designate the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the "Tomochichi United States Courthouse".

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 389. Concurrent resolution authorizing the use of the Capitol Grounds for the D.C. Special Olympics Law Enforcement Torch Run.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2523. An act to designate the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the "Tomochichi United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 3939. An act to redesignate the facility of the United States Postal Service located at 14–24 Abbott Road in Fair Lawn, New Jersey, as the "Mary Ann Collura Post Office Building"; to the Committee on Governmental Affairs.

H.R. 4299. An act to designate the facility of the United States Postal Service located at 410 South Jackson Road in Edinburg, Texas, as the "Dr. Miguel A. Nevarez Post Office Building"; to the Committee on Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7498. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period October 1, 2003 through March 31, 2004; ordered to lie on the table.

EC–7499. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Decrease of the Commercial Trip Limit for Atlantic Group Spanish Mackerel off the Florida East Coast" received on May 10, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7500. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Revise Regulations Requiring Seabird Avoidance Measures in the Hook-and-Line Groundfish Fisheries of the Bering Sea and Aleutian Islands Management Area (BSAI) and Gulf of Alaska (GOA) and in the Pacific Halibut Fishery in the U.S. Convention Waters Off Alaska" received on May 10, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7501. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement 2004 Harvest Specifications for Gulf of Alaska Groundfish" (ID111703E) received on May 10, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7502. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fishery Closure; Prohibiting Directed Fishing for Pollock in Statistical Area 620 of the Gulf of Alaska (GOA)" (ID031504A) received on May 10, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7503. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area: [CGD09–03–287], Regulated Navigation Area; USCG Station Port Huron, Port Huron, Michigan, Lake Huron" (RIN1625–AA11) received on May 10, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7504. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations (Including 2 Regulations): [CGD11–03–006], [CGD07–03–166]" (RIN1625–AA09) received on May 10, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7505. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: [CGD01–03–025], Coast Guard Fire Island, Fire Island, NY" (RIN1625–AA00) received on May 10, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7506. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations (Including 5 Regulations): [CGD01–04–040], [COTP Memphis 04–002], [CGD09–04–012], [CGD01–04–035], [CGD05–04–081]" (RIN1625–AA00) received on May 10, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7507. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations (Including 6 Regulations): [CGD08–04–017], [CGD01–04–039], [CGD07–04–021], [CGD08–04–016], [CGD13–04–004], [CGD07–04–019]" (RIN1625–AA09) received on May 10, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7508. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Update of Rules on Aids to Navigation Affecting Buoys, Sound Signals, International Rules at Sea, Communications Procedures, and Large Navigational Buoys, [USCG–2001–10714]" (RIN1625–AA34) received on May 10, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7509. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model Otter DHC–3 Airplanes Doc. No. 2000–CE–73" (RIN2120–AA64) received on May 10, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7510. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Burkhardt Grob Luft-Und Raumfhart GmbH & Co. KG Models G103, Twin Astir, G103 Twin II, G103 Twin III Acro, and G103 Twin III Sailplanes; Doc. No. 2003–CE–61" (RIN2120–AA64) received on May 10, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7511. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes; Doc. No. 2001–NM–288" (RIN2120–AA64) received on May 10, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7512. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Schempp-Hirth Flugzeugbau GmbH Models Ventus–2a, Ventus–2b, Discus–2a, and Discus–2b Sailplanes; Doc. No. 2003–CE–59" (RIN2120–AA64) received on May 10, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7513. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Glasflugel Models Mosquito and Club Libelle 20 Sailplanes; Doc. No. 2003–CE–62" (RIN2120–AA64) received on May 10, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7514. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Goodrich Avionics Systems, Inc. TAWS8000 Terrain Awareness Warning System Doc. No. 2003–CE–47" (RIN2120–AA64) received on May 10, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7515. A communication from the Chairman, Office of Proceedings, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Electronic Filing Option for Certain Documents" (STB Ex. Parte No. 651) received on May 10, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7516. A communication from the Acting Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, transmitting, pursuant to law, a report relative to the Administration's actions relating to third generation wireless devices; to the Committee on Commerce, Science, and Transportation.

EC–7517. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, transmitting, pursuant to law, the report of a rule entitled "Removal of 'National Security' Controls From, and Imposition of 'Regional Stability' Controls on, Certain Items on the Commerce Control List" (RIN0694–AC54) received on May 10, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7518. A communication from the Acting Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Small Grants Programs; Availability of Funds" (RIN0693–ZA54) received on May 10, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7519. A communication from the Acting Under Secretary and Acting Director, Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Revision of Patent Term Extension and Patent Term Adjustment Provisions" (RIN0651–AB71) received on May 10, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7520. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Aruba, Democratic Republic of the Congo, East Timor, and Netherlands Antilles to the Export Administration Regulations" (RIN0694–AC83) received on May 10, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7521. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Performance Period Limitations" (RIN2700–AC94) received on May 10, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7522. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, a report relative to the immunity of a private responder from liability for criminal and civil penalties for the incidental take of a protected species while carrying out oil spill response actions; to the Committee on Commerce, Science, and Transportation.

EC–7523. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Agency's negative disbursements for the Clean Water Act during fiscal years 1998, 1999, and 2000; to the Committee on Environment and Public Works.

EC–7524. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, a report relative to emergency response plans for small and medium community water systems; to the Committee on Environment and Public Works.

EC–7525. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, a report relative to the award of grants for drinking water security; to the Committee on Environment and Public Works.

EC–7526. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, a report entitled "Local Limits Development Guidance"; to the Committee on Environment and Public Works.

EC–7527. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, a report entitled "Operating Rules and Guidelines for State/Regional CWA Recognition Awards Managers"; to the Committee on Environment and Public Works.

EC–7528. A communication from the Assistant Secretary for Civil Works, Department of the Army, transmitting, pursuant to law, a report relative to the construction of ecosystem restoration and recreation improvements along the Wolf River, Memphis, Tennessee; to the Committee on Environment and Public Works.

EC–7529. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Losses Reported from Inflated Basis Assets from Leasing Stripping Transaction" (UIL9226.01–00) received on May 10, 2004; to the Committee on Finance.

EC–7530. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Application of Section 265(a) to Corporate Groups with Broker Members" (Rev. Rul. 2004–47) received on May 10, 2004; to the Committee on Finance.

EC–7531. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Capital Gain Dividends of RICs and REITs" (Notice 2004–39) received on May 10, 2004; to the Committee on Finance.

EC–7532. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Revision to Qualified Amended Return Regulations" (Notice 2004–38) received on May 10, 2004; to the Committee on Finance.

EC–7533. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Deduction for Interest on Qualified Education Loans" (TD9125) received on May 10, 2004; to the Committee on Finance.

EC–7534. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Son of Boss Settlement Initiative" (Ann. 2004–46) received on May 10, 2004; to the Committee on Finance.

EC–7535. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 704(b) and Capital Account Revaluations" (RIN1545–BB10) received on May 10, 2004; to the Committee on Finance.

EC–7536. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Use of Statistical Sampling Under 274(n)" (Rev. Proc. 2004–29) received on May 10, 2004; to the Committee on Finance.

EC–7537. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of major defense equipment sold commercially under a contract in the amount of $14,000,000 to Israel; to the Committee on Foreign Relations.

EC–7538. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of major defense articles or defense services sold commercially under a contract in the amount of $100,000,000 to Japan; to the Committee on Foreign Relations.

EC–7539. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of major defense articles or defense services sold commercially under a contract in the amount of $50,000,000 to the Republic of Korea; to the Committee on Foreign Relations.

EC–7540. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of major defense articles or defense services sold commercially under a contract in the amount of $100,000,000 to Australia; to the Committee on Foreign Relations.

EC–7541. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements other than treaties; to the Committee on Foreign Relations.

EC–7542. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to an agreement with the Republic of the Marshall Islands on subsidiary Fiscal Procedures and Federal Programs and Services Agreements; to the Committee on Foreign Relations.

EC–7543. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the President's determination and exercising of a waiver authority with regard to the prohibition on military assistance provided for in section 2007(a) of the American Servicemembers' Protection Act of 2002; to the Committee on Foreign Relations.

EC–7544. A communication from the Director, Office of the Federal Register, transmitting, pursuant to law, the report of a rule entitled "Price Changes to Federal Register Publications" (RIN3095–AB35) received on May 5, 2004; to the Committee on Governmental Affairs.

EC–7545. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Annual Program Performance Report covering Fiscal Year 2003; to the Committee on Governmental Affairs.

EC–7546. A communication from the Senior Vice President, Potomac Electric Power Company, transmitting, pursuant to law, the Balance Sheet of Potomac Electric Power Company; to the Committee on Governmental Affairs.

EC–7547. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC–7548. A communication from the Chief Financial Officer, Office of the Secretary of Transportation, transmitting, pursuant to law, a report relative to the Department of Transportation's Performance and Accountability Report for Fiscal Year 2003.

EC–7549. A communication from the Administrator, Environmental Protection Agency, transmitting the report of the Office of Inspector General for the period from April 1, 2003 through September 30, 2003; to the Committee on Governmental Affairs.

EC–7550. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Agency Use of Appropriated Funds for Child Care Costs for Lower Income Employees" (RIN3206–AJ77) received on May 10, 2004; to the Committee on Governmental Affairs.

EC–7551. A communication from the Inspector General, Department of Defense, transmitting, pursuant to law, the report of the Office of Inspector General inventory of commercial and inherently governmental activities for fiscal year 2003; to the Committee on Governmental Affairs.

EC–7552. A communication from the Chairman, Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Program Performance Report for Fiscal Year 2003; to the Committee on Governmental Affairs.

EC–7553. A communication from the Director, National Science Foundation, transmitting, the Foundation's Fiscal Year 2003 Management and Performance Highlights; to the Committee on Governmental Affairs.

EC–7554. A communication from the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, transmitting, pursuant to law, a report entitled "Managing Information Collection—Information Collection Budget of the United States Government"; to the Committee on Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

*William A. Chatfield, of Texas, to be Director of Selective Service.

*Jerald S. Paul, of Florida, to be Principal Deputy Administrator, National Nuclear Security Administration.

*Mark Falcoff, of Califronia, to be a Member of the National Security Education Board for a term of four years.

*Dionel M. Aviles, of Maryland, to be Under Secretary of the Navy.

*Tina Westby Jonas, of Virginia, to be Under Secretary of Defense (Comptroller).

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BOND (for himself and Mr. TALENT):

S. 2412. To expand Parents as Teachers programs and other programs of early childhood home visitation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mrs. LINCOLN, Mr. DASCHLE, Mr. LAUTENBERG, Ms. STABENOW, Mr. KENNEDY, and Mrs. CLINTON):

S. 2413. A bill to amend title XVIII of the Social Security Act to provide for the automatic enrollment of medicaid beneficiaries for prescription drug benefits under part D of such title, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM of South Carolina (for himself and Mr. DORGAN):

S. 2414. A bill to establish a commission to review Federal inmate work opportunities; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CAMPBELL (for himself, Mr. DURBIN, Mr. BOND, Mr. HOLLINGS, Mr. KERRY, Mr. BUNNING, Mr. BIDEN, Mrs. MURRAY, Mrs. LINCOLN, Ms. LANDRIEU, Mr. GRASSLEY, Mr. DOMENICI, Ms. COLLINS, Mr. BURNS, Mr. INHOFE, Mr. TALENT, Mr. BENNETT, Mr. JOHNSON, Mr. LUGAR, Ms. CANTWELL, Mr. CRAPO, Mr. DASCHLE, Mr. DAYTON, Mr. CORZINE, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. COCHRAN, Mr. SMITH, Mr. FEINGOLD, Mr. ALLEN, Mr. INOUYE, Mr. ENZI, Mr. LIEBERMAN, Mr. WYDEN, and Mr. DODD):

S. Res. 357. A resolution designating the week of August 8 through August 14, 2004, as "National Health Center Week"; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. GRAHAM of Florida, Mr. KENNEDY, Ms. STABENOW, Mr. KERRY, Mr. DURBIN, Mr. CORZINE, Mr. LAUTENBERG, Mrs. MURRAY, Mr. INOUYE, Mr. DAYTON, Mr. JOHNSON, Mr. LEVIN, Mr. WYDEN, Mr. EDWARDS, Mrs. BOXER, Mr. FEINGOLD, Mr. JEFFORDS, Mr. BINGAMAN, and Mr. LEAHY):

S. Res. 358. A resolution expressing the sense of the Senate that no later than December 31, 2006, legislation should be enacted to provide every individual in the United States with the opportunity to purchase health insurance coverage that is the same as, or is better than, the health insurance coverage available to members of Congress, at the same or lower rates; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COLEMAN:

S. Res. 359. A resolution designating the week of April 11 through April 17, 2004, as "Free Enterprise Education Week"; considered and agreed to.

By Mr. LIEBERMAN:

S. Con. Res. 107. A concurrent resolution recognizing the significance of the 30th anniversary of the American Association for the Advancement of Science, Congressional Science and Engineering Fellowship Program, and reaffirming the commitment of Congress to support the use of science in governmental decision-making through such program considered and agreed to.

By Mr. LIEBERMAN (for himself, Mrs. LINCOLN, and Mr. WYDEN):

S. Con. Res. 108. A concurrent resolution supporting the goals and ideals of Tinnitus Awareness Week; considered and agreed to.

ADDITIONAL COSPONSORS

S. 983

At the request of Mr. CHAFEE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 985

At the request of Mr. DODD, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1036

At the request of Mr. ALLARD, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1036, a bill to provide for a multi-agency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes.

S. 1420

At the request of Mr. CRAIG, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1420, a bill to establish terms and conditions for use of certain Federal land by outfitters and to facilitate public opportunities for the recreational use and enjoyment of such land.

S. 1645

At the request of Mr. CRAIG, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1645, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 1726

At the request of Mr. ALEXANDER, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1726, a bill to reduce the preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1734

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1734, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to expand or add coverage of pregnant women under the medicaid and State children's health insurance programs, and for other purposes.

S. 1755

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1755, a bill to amend the Richard B. Russell National School Lunch Act to provide grants to support farm-to-cafeteria projects.

S. 1792

At the request of Mr. DOMENICI, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1792, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 1867

At the request of Mr. JEFFORDS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1867, a bill to amend the Solid Waste Disposal Act to encourage greater recycling of certain beverage containers through the use of deposit refund incentives.

S. 1909

At the request of Mr. COCHRAN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1909, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1934

At the request of Mr. NICKLES, the name of the Senator from Texas (Mrs.

HUTCHISON) was added as a cosponsor of S. 1934, a bill to establish an Office of Intercountry Adoptions within the Department of State, and to reform United States laws governing intercountry adoptions.

S. 2062

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2062, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 2212

At the request of Ms. COLLINS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2212, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries.

S. 2237

At the request of Mr. LEAHY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2237, a bill to amend chapter 5 of title 17, United States Code, to authorize civil copyright enforcement by the Attorney General, and for other purposes.

S. 2275

At the request of Ms. MIKULSKI, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2275, a bill to amend the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) to provide for homeland security assistance for high-risk nonprofit organizations, and for other purposes.

S. 2318

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2318, a bill to expand upon the Department of Defense Energy Efficiency Program required by section 317 of the National Defense Authorization Act of 2002 by authorizing the Secretary of Defense to enter into energy savings performance contracts, and for other purposes.

S. 2351

At the request of Ms. COLLINS, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2351, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes.

S. 2363

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

S. 2376

At the request of Mr. BUNNING, the names of the Senator from Illinois (Mr. FITZGERALD), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 2376, a bill to amend the Internal Revenue Code of 1986 to repeal the scheduled restrictions in the child tax credit, marriage penalty relief, and 10 percent rate bracket, and for other purposes.

S. RES. 349

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 349, a resolution recognizing and honoring May 17, 2004, as the 50th anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka.

AMENDMENT NO. 3114

At the request of Ms. CANTWELL, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Mr. SARBANES), the Senator from New Jersey (Mr. CORZINE) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 3114 proposed to S. 1637 , a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

AMENDMENT NO. 3123

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of amendment No. 3123 proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mrs. LINCOLN, Mr. DASCHLE, Mr. LAUTENBERG, Ms. STABENOW, Mr. KENNEDY, and Mrs. CLINTON):

S. 2413. A bill to amend title XVIII of the Social Security Act to provide for the automatic enrollment of medicaid beneficiaries for prescription drug benefits under part D of such title, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, today I am introducing legislation entitled the "Medicare Assurance of Rx Transitional Assistance Act of 2004" with Senators LINCOLN, DASCHLE, LAUTENBERG, STABENOW, KENNEDY, and CLINTON. The bill would assure that all 700,000 low-income seniors and people with disabilities who are currently enrolled in a Medicare Savings Program (MSP) receive the $600 in transitional assistance in 2005 and 2006 available to them through passage of last year's Medicare prescription drug bill.

On April 2, 2004, I wrote a letter with 10 other senators to Health and Human Services Department Secretary Tommy Thompson urging his department to automatically enroll all MSP beneficiaries, which are those low-income people currently enrolled in State Medicaid programs to assist them with Medicare out-of-pocket expenses, into a Medicare drug discount card in order to receive the $600 subsidy available under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA).

In light of the fact that there is growing evidence that the savings offered via the drug discount card may be either minimal or illusory, the only clear benefit is the $600 in transitional assistance that is offered to individuals whose income is less than $12,569 this year or to married couples whose income is less than $16,862. For those MSP beneficiaries who do not have prescription drug coverage, they clearly meet the income criteria under the act and their automatic enrollment is the only way to assure that they will receive the $600 subsidy that was intended for them.

When the prescription drug bill was passed, the administration claimed that they would enroll 65 percent of those eligible for the $600 in transitional assistance into the drug discount card. According to the Centers for Medicare and Medicaid Services, or CMS, the agency expects a total of 5 million of the 7 million eligible to enroll, including 29,000 of the estimated 45,000 in New Mexico who would be eligible. Under CMS's assumptions, these beneficiaries would save a total of $5 billion nationally and $35 million in New Mexico over the 2-year period.

Unfortunately, due to a poor advertising campaign which has been criticized by the General Accounting Office where ads have run in Capitol Hill newspapers such as Roll Call and The Hill, which are not normally subscribed to by low-income senior citizens or people with disabilities, very few people even know the $600 subsidy exists. According to a recent national survey by the Kaiser Family Foundation, only 18 percent of senior citizens are aware that the low-income transitional assistance program was included in the Medicare prescription drug bill. It is hard to believe that 65 percent of those eligible will enroll when less than one-fifth of them even know it exists.

Fortunately, CMS has already laid the groundwork for auto-enrollment, as just two weeks ago the agency issued guidance for how state pharmacy assistance programs, or SPAPs, can automatically enroll their members who have income below 135 percent of poverty in the low-income assistance. Second, CMS created a standardized enrollment form for low-income assistance to be accepted by all companies offering Medicare drug discount cards. Now, CMS can take a third step to automatically enroll MSP members who do not have prescription drug coverage.

Although I believe CMS has the authority to take this third step on its own, the legislation I am introducing today would clarify and ensure low-income seniors and people with disabilities receive the transitional assistance promised them by the Administration and Congress. As the Medicare Rights Center asks, "Given their definite eligibility and clear need for help to pay for their prescription drugs, why not save these people and the government the hassle of application and automatically enroll them?"

Some in CMS have argued that this might somehow limit the "choice" of a low-income Medicare beneficiary. this stated concern is inaccurate, however. As the Medicare Rights Center adds, "Nothing would prevent members of MSPs from voluntarily enrolling in the low-income assistance and picking a drug discount card before automatic enrollment began. Even once enrolled in the transitional assistance, individuals would enjoy access to the same broad range of prescription drugs, since the $600 in annual assistance is not limited to the medicines on any specific card's formulary."

As for the value of having the "choice" of choosing among the 73 competing drug cards, that is far less valuable than insuring that people get the $600 subsidy. According to a story in this morning's New York Times entitled "73 Options for Medicare Plan Fuel Chaos, Not Prescriptions," that highlights that for many retirees the plethora of discount cards is complicated, overwhelming, and not too helpful. Florence Daniels, an 85 year-old retired engineer, says she cannot use the government website to compare drug costs because she cannot afford a computer. She said, "I'm trying to absorb all the information, but it's ridiculous. Not just ridiculous, it's scary. If there was a single card and it was administered by Medicare, and it got the cost of drugs down—wonderful, marvelous. But with these cards, the only thing we know is that we'll have to pay money to other people to administer what we can get and can't get."

The interim final rule made available on December 10, 2003, describes a process where low-income Medicare beneficiaries will have to apply for assistance with one of the newly established drug discount cards. There are a number of low-income seniors and people with disabilities that are very sick, have cognitive and mental illnesses, and do not have access to or comfort with the Internet. Many will wrongly slip through the cracks and fail to get the $600 subsidy that they could benefit from unless we act.

In such cases, if an individual has not enrolled for whatever reason, it begs the question as to what "choice" automatic enrollment would take away at that point? Many low-income seniors or the disabled will not even be aware of the drug cards or the $600 subsidy for which they qualify.

As a result, by mid-August, either CMS or the states should take the affirmative step of automatically enrolling them into the program. If we fail to assist them in this manner, what is really lost is not "choice" but the $1,200 in real prescription drug assistance that they qualify for and could receive. As a Kaiser Family Foundation study last year indicated, Medicare beneficiaries with no drug coverage were nearly three times more likely than people with drug coverage to forego needed prescription drugs.

While CMS has estimated that 65 percent of the eligible low-income beneficiaries will sign up, that goal will not be met unless some proactive steps are taken. Our goal should be to leave none of our Nation's low-income seniors and people with disabilities behind. Anything less should be considered unacceptable.

While some of the proponents of the drug discount card have been critical of those that have questioned whether the drug discount card offers real discounts, they needlessly have tried to make this a partisan issue when it is not. There are legitimate and important public policy questions as to how effective the prescription drug discount card will be.

However, no matter whether you think the card offers real savings or not, everybody should be able to agree on the point that the $600 subsidy should be provided to as many low-income Medicare beneficiaries as possible.

As a result, I once again call upon the Administration to take this important step itself. If it fails to do so, I hope that congressional leadership will see fit to move this legislation as quickly as possible. There is over $1 billion in prescription drug assistance for many of our Nation's most vulnerable citizens at stake.

I ask unanimous consent that the text of the April 2, 2004, letter to Secretary Thompson, today's New York Times article I cited in my statement, and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 2, 2004.

Hon. TOMMY THOMPSON,
Secretary, Department of Health and Human Services, Washington, DC.

DEAR MR. SECRETARY: As the Administration prepared to implement the new prescription drug card, we urge CMS to use a combination of provisions in the new Medicare prescription drug law to make an immediate, major and dramatic improvement in the level of help for low-income Medicare beneficiaries.

Specifically, we urge you to use the authority in the new law to automatically enroll all current Medicare Savings Program (MSP) beneficiaries (QMB, SLMB, and QI-1 individuals) in the transitional assistance and special transitional assistance programs, thus making these individuals automatically eligible for the $600 per year in low-income discount card assistance without requiring a separate time-consuming and inefficient enrollment process. Under this proposal, the current MSP beneficiaries would be told about the new discount cards serving their area and asked to make a selection by mailing a postcard back. If the MSP beneficiary does not make a selection, they can be assigned at random to a plan serving their area.

Despite years of work and millions of dollars spent on outreach, the level of participation in the MSP programs is very low. The millions of eligible low-income Medicare beneficiaries who are not enrolled in the MSP program miss out on the Part A and Part B deductible, co-pay, and premium assistance provided by these MSP programs. In 2004, this assistance is worth a minimum of $799 and for Qualified Medicare Beneficiaries who live on incomes under 100 percent of the poverty level, it can easily be worth much more than that.

The interim final rule made available on December 10, 2003, describes a system where low-income Medicare beneficiaries will have to apply for assistance with one of the new endorsed discount card companies. This is a population of seniors and people with disabilities that is often very sick, that often has cognitive and mental illnesses, and that often does not have access to or comfort with the Internet. In short, it is a very difficult population to reach out to and enroll in a new program.

By automatically enrolling the MSP population, about 700,000 individuals will be immediately enrolled. The millions of dollars in outreach, education, and paperwork expenses thus saved can be used to target and outreach to: (1) those eligible beneficiaries not currently in the MSP programs; and (2) to the 2.5 million low-income who live on incomes below 135 percent of poverty but who do not qualify for MSP. Hopefully, when those eligible for the MSP who are not currently enrolled are signing up for the prescription drug discount card program, they can also be enrolled in the MSP.

Mr. Secretary, you have estimated that 65 percent of the eligible beneficiaries will sign up for thé low-income assistance. You goal should be to leave none of our nation's low-income seniors and people with disabilities behind. Anything less should be considered unacceptable.

Thank you for your consideration of this important request.

Sincerely,

Jeff Bingaman, John F. Kerry, Joseph I. Lieberman, Debbie Stabenow, Charles E. Schumer, Tom Harkin, Blanche L. Lincoln, Ron Wyden, Christopher J.

Dodd, Hillary Rodham Clinton, Barbara A. Mikulski.

[From the New York Times, May 12, 2004]

73 OPTIONS FOR MEDICARE PLAN FUEL CHAOS, NOT PRESCRIPTIONS

(By John Leland)

When Mildred Fruhling and her husband lost their prescription drug coverage in 2001, they suddenly faced drug bills of $7,000 a year. Mrs. Fruhling, now 76, began scrambling to find discounts on the Internet, by mail order, from Canada and through free samples from her doctors.

"It's the only way I can continue to have some ease in my retirement," she said.

Last week, when the federal government rolled out a new discount drug program, Mrs. Fruhling studied her options with the same thoroughness. What she found, she said, was confusion: 73 competing drug discounts cards, each providing different savings on different medications, and all subject to change.

"I personally feel I can do better on my own," she said. But she added, "At this point, I don't think anyone can make an evaluation."

Even before they go into effect on June 1, the cards—which are approved by Medicare but offered by various companies and organizations—have been the subject of heated political debate, and AARP advertising campaign about how confusing they are and anxious speculation from those they are supposed to help. Among retirees of different income groups interviewed last week, the initial reaction was incomprehension.

"Even the person who came to explain it to us didn't understand it," said Mary Shen, 77, at the Whittaker Senior Center on Manhattan's Lower East Side. "It's not fair to expect seniors, who have enough difficulties already, to have to figure this out."

Shirley Brauner, 75, pushed a metal walker through the center's lunchroom. "All I've got to say is they confuse the elderly, including me," she said. "I'm furious. They're taking advantage of the seniors. How can the seniors understand it?"

The prescription drug discount cards are a prelude to the Medicare Prescription Drug, Improvement and Modernization Act, which will provide broad drug coverage starting in 2006. The federal government projects that 7.3 million of Medicare's 41 million participants will sign up for the cards.

Those who wish to do so, however, face the daunting task of choosing the right card.

"What it's like is a bunch of confusion," said Katharine Roberts, 77, who said she had not been to a movie in six years, in part because of her drug expenses. "You might find you really need three cards, and you can only choose one."

The cards are a 19-month stopgap measure to provide discounts of 10 percent to 25 percent for Medicare participants who have no other prescription drug coverage. In addition, low-income participants are eligible for subsidies of $600 a year.

The Department of Health and Human Services approved 28 companies or organizations to issue cards; among them are AARP, insurance companies and health maintenance organizations. Cards cost up to $30 a year. Each card provides different discounts on different drugs, and is accepted by different pharmacies. Participants can choose only one.

To help people sort through the options, Medicare and a company called DestinationRx set up a database on its Web site, medicare.gov, that lists the prices charged under various plans for whatever medications a user types in. People can get similar help by telephone at 1-800-MEDICAR. But some providers complained that the prices on the site were inaccurate, and some cards are not listed at all.

For many retirees, it is too much.

"I'm 85, do I have to go through this nonsense?" asked Florence Daniels, a retired engineer who said she received less than $1,000 a month from Social Security, of which she paid $179 a month for supplemental medical insurance. She gets drugs through a New York State program, which provides any prescription for $20 or less. To make ends meet and afford her drugs, she said she bought used clothing and put off buying new glasses. Some of her friends travel by bus to Canada to buy drugs; others do without, she said.

Ms. Daniels did not use the government Web site to compare drug cards, in part because she cannot afford a computer. "I'm trying to absorb all the information, but it's ridiculous," she said. "Not just ridiculous, it's scary. If there was a single card and it was administered by Medicare, and it got the cost of drugs down—wonderful, marvelous. But with these cards, the only thing we know is that we'll have to pay money to other people to administer what we can get and can't get."

The discount program, which is financed largely by the cards' sponsors, reflects the Bush administration's desire to open Medicare to market principles without allowing participants to import drugs from other countries, which many Democrats favored.

Mark B. McClellan, an administrator at the Center for Medicare and Medicaid Services, said the complexity of the plan encouraged competition. "We're seeing more plans offering better benefits," he said, estimating that people will be able to save 15 percent or more using the cards.

But the complexity of choices will keep many people away from the program, said Marilyn Moon, director of health at the American Institutes for Research, a nonprofit research organization in Washington.

Often, the discount provided by the cards is not as good as what people can get from existing state programs, union plans or consumer groups, said Robert M. Hayes, president of the Medicare Rights Center, a nonprofit organization that helps individuals with Medicare problems.

Sydney Bild, 81, a retired doctor in Chicago, compared the discount cards with the prices he paid ordering his drugs by mail from Canada. Dr. Bild pays $4,000 to $5,000 a year for five medications. When he checked the government Web site, he said the best plans were about 50 percent to 60 percent higher than what he was paying.

But Dr. Bild said his main objection to the new plans was that companies could change prices on drugs, or change the drugs covered. Medicare requires plans to cover only one drug in each of 209 common categories. Consumers can change cards only once a year. Committing to a card is "like love—it's a something thing," Dr. Bild said. "What if I chose one? They could drop my drugs two weeks later."

Companies began soliciting customers for their discount drug cards last week. When the first pamphlets arrived at Beverly Lowy's home in New York City, Ms. Lowy said, she looked at them carefully. She does not have drug coverage and last year spent about $3,000 on prescription drugs. But the more brochures she reads, Ms. Lowy said, the less clear things became.

"You really have to be a rocket scientists," Ms. Lowy, 71, said. "It takes time, energy, and you don't even save money. I thought, 'This one is offering this, this one is offering that.' Finally I decided this isn't for me."

At the Leonard Covello Senior Center in East Harlem, the new cards seemed opaque. Ramon Velez, 72, a retired taxi driver, said he had watched AARP advertisements in which people read the dense language on the federal Medicare bill.

"I was laughing at the people in the ads, but it's true," Mr. Velez said. "Everyone's confused."

Mr. Velez received $763 a month from Social Security, and often skips his psoriasis medication because he cannot afford the $45 co-payment under this Blue Cross/Blue Shield plan. He wondered if the new drug cards could save him money.

"But it's very confusing," he said. "I'd go to the Social Security office to ask about the cards, but I don't think they'd know."

Alejandro Sierra, 67, a retired barber, paced around the center's pool table. Mr. Sierra takes six medications for diabetes and complications from cataracts and colon cancer, and sometimes skips a medication because he cannot afford it.

"I'm interested in the cards," he said. "But I can't figure it out on the computer, because I can't see."

Carlos Lopez, the director of the center, said the cards had so far produced little but anxiety. Mr. Lopez asked participants to bring any applications to him before signing them, and warned them about people selling phony cards.

"They're not nervous, but concerned," he said. "They feel, why now? Why do I suddenly need a card for medications?"

S. 2413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Assurance of Rx Transitional Assistance Act of 2004".

SEC. 2. AUTOMATIC ENROLLMENT OF MEDICAID BENEFICIARIES ELIGIBLE FOR MEDICARE PRESCRIPTION DRUG BENEFITS.

(a) AUTOMATIC ENROLLMENT OF BENEFICIARIES RECEIVING MEDICAL ASSISTANCE FOR MEDICARE COST-SHARING UNDER MEDICAID.—Section 1860D-14(a)(3)(B)(v) (42 U.S.C. 1395w-114(a)(3)(B)(v)) is amended to read as follows:

"(v) TREATMENT OF MEDICAID BENEFICIARIES.—Subject to subparagraph (F), the Secretary shall provide that part D eligible individuals who are—

"(I) full-benefit dual eligible individuals (as defined in section 1935(c)(6)) or who are recipients of supplemental security income benefits under title XVI shall be treated as subsidy eligible individuals described in paragraph (1); and

"(II) not described in subclause (I), but who are determined for purposes of the State plan under title XIX to be eligible for medical assistance under clause (i), (iii), or (iv) of section 1902(a)(10)(E), shall be treated as being determined to be subsidy eligible individuals described in paragraph (1).".

(b) ASSURANCE OF TRANSITIONAL ASSISTANCE UNDER DRUG DISCOUNT CARD PROGRAM.—

(1) IN GENERAL.—Section 1860D-31(b)(2)(A) of the Social Security Act (42 U.S.C. 1395w-141(b)(2)(A)) is amended by adding at the end the following new sentence: "Subject to subparagraph (B), each discount card eligible individual who is described in section 1860D-

14(a)(3)(B)(v) shall be considered to be a transitional assistance eligible individual.".

(2) AUTOMATIC ENROLLMENT OF MEDICAID BENEFICIARIES.—Section 1860D–31(c)(1) of the Social Security Act (42 U.S.C. 1395w–141(c)(1)) is amended by adding at the end the following new subparagraph:

"(F) AUTOMATIC ENROLLMENT OF CERTAIN BENEFICIARIES.—

"(i) IN GENERAL.—Subject to clause (ii), the Secretary shall—

"(I) enroll each discount card eligible individual who is described in section 1860D–14(a)(3)(B)(v), but who has not enrolled in an endorsed discount card program as of August 15, 2004, in an endorsed discount card program selected by the Secretary that serves residents of the State in which the individual resides; and

"(II) notwithstanding paragraphs (2) and (3) of subsection (f), automatically determine that such individual is a transitional assistance eligible individual (including whether such individual is a special transitional assistance eligible individual) without requiring any self-certification or subjecting such individual to any verification under such paragraphs.

"(ii) OPT-OUT.—The Secretary shall not enroll an individual under clause (i) if the individual notifies the Secretary that such individual does not wish to be enrolled and be determined to be a transitional assistance eligible individual under such clause before the individual is so enrolled.".

(3) NOTICE OF ELIGIBILITY FOR TRANSITIONAL ASSISTANCE.—Section 1860D–31(d) of the Social Security Act (42 U.S.C. 1395w–141(d)) is amended by adding at the end the following new paragraph:

"(4) NOTICE OF ELIGIBILITY TO MEDICAID BENEFICIARIES.—Not later than July 15, 2004, each State or the Secretary (at the option of each State) shall mail to each discount card eligible individual who is described in section 1860D–14(a)(3)(B)(v), but who has not enrolled in an endorsed discount card program as of July 1, 2004, a notice stating that—

"(A) such individual is eligible to enroll in an endorsed discount card program and to receive transitional assistance under subsection (g);

"(B) if such individual does not enroll before August 15, 2004, such individual will automatically enrolled in an endorsed discount card program selected by the Secretary unless the individual notifies the Secretary that such individual does not wish to be so enrolled;

"(C) if the individual is enrolled in an endorsed discount card program during 2004, the individual will be permitted to change enrollment under subsection (c)(1)(C)(ii) for 2005; and

"(D) there is no obligation to use the endorsed discount card program or transitional assistance when purchasing prescription drugs.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 101 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2071).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 357—DESIGNATING THE WEEK OF AUGUST 8 THROUGH AUGUST 14, 2004, AS "NATIONAL HEALTH CENTER WEEK"

Mr. CAMPBELL (for himself, Mr. DURBIN, Mr. BOND, Mr. HOLLINGS, Mr. KERRY, Mr. BUNNING, Mr. BIDEN, Mrs. MURRAY, Mrs. LINCOLN, Ms. LANDRIEU, Mr. GRASSLEY, Mr. DOMENICI, Ms. COLLINS, Mr. BURNS, Mr. INHOFE, Mr. TALENT, Mr. BENNETT, Mr. JOHNSON, Mr. LUGAR, Ms. CANTWELL, Mr. CRAPO, Mr. DASCHLE, Mr. DAYTON, Mr. CORZINE, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. COCHRAN, Mr. SMITH, Mr. FEINGOLD, Mr. ALLEN, Mr. INOUYE, Mr. ENZI, Mr. LIEBERMAN, Mr. WYDEN, and Mr. DODD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 357

Whereas community, migrant, public housing, and homeless health centers are nonprofit, community owned and operated health providers and are vital to the Nation's communities;

Whereas there are more than 1,000 such health centers serving 15,000,000 people in over 3,500 communities in every State and territory, spanning urban and rural communities in all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands;

Whereas these health centers have provided cost-effective, high-quality health care to the Nation's poor and medically underserved (including the working poor, the uninsured, and many high-risk and vulnerable populations), acting as a vital safety net in the Nation's health delivery system, meeting escalating health needs, and reducing health disparities;

Whereas these health centers provide care to individuals in the United States who would otherwise lack access to health care, including 1 of every 8 uninsured individuals, 1 of every 9 Medicaid beneficiaries, 1 of every 7 people of color, and 1 of every 9 rural Americans;

Whereas these health centers and other innovative programs in primary and preventive care reach out to over 621,000 homeless individuals and more than 709,000 migrant and seasonal farm workers;

Whereas these health centers make health care responsive and cost effective by integrating the delivery of primary care with aggressive outreach, patient education, translation, and enabling support services;

Whereas these health centers increase the use of preventive health services such as immunizations, Pap smears, mammograms, and glaucoma screenings;

Whereas in communities served by these health centers, infant mortality rates have been reduced between 10 and 40 percent;

Whereas these health centers are built by community initiative;

Whereas Federal grants provide seed money that empowers communities to find partners and resources and to recruit doctors and needed health professionals;

Whereas Federal grants on average form 25 percent of such a health center's budget, with the remainder provided by State and local governments, Medicare, Medicaid, private contributions, private insurance, and patient fees;

Whereas these health centers are community oriented and patient focused;

Whereas these health centers tailor their services to fit the special needs and priorities of communities, working together with schools, businesses, churches, community organizations, foundations, and State and local governments;

Whereas these health centers contribute to the health and well-being of their communities by keeping children healthy and in school and helping adults remain productive and on the job;

Whereas these health centers engage citizen participation and provide jobs for over 70,000 community residents; and

Whereas designating the week of August 8 through August 14, 2004, as "National Health Center Week" would raise awareness of the health services provided by health centers: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of August 8 through August 14, 2004, as "National Health Center Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

Mr. CAMPBELL. Mr. President, today I am submitting a resolution declaring the week of August 8, 2004, as a National Health Center Week dedicated to raising awareness of health services provided by community, migrant, public housing, and homeless health centers. I am pleased to be joined in this effort by Senator DURBIN and 31 of our colleagues.

The resolution expresses the sense of Congress that these health centers contribute to the health and well-being of their communities by keeping children healthy and in school and helping adults remain productive and on the job.

The resolution also recognizes health centers for providing cost-effective, high-quality health care to the Nation's poor and medically underserved, and by acting as a vital safety net in the Nation's health delivery system. These nonprofit, community-based centers are performing a vital service to our country's more vulnerable populations and they are to be commended for their efforts.

Health centers throughout the country have a 30-year history of success. Studies continue to show that the centers effectively and efficiently improve our Nation's health.

Last year, the community health centers in my State of Colorado provided care to 372,000 patients, and 41 percent of those patients were children under the age of 19. Of the patients seen in Colorado in 2003, 45 percent had no health insurance, 30 percent were Medicaid recipients and 87 percent had family incomes less than $36,200 a year for a family of four. Community health centers are truly America's healthcare safety net.

I believe it is important that we support and honor this nationwide network of community based providers.

That is why I urge my colleagues to act quickly on this legislation. Let's show our community health center network that we value its significant contribution to the health of our citizens by declaring the week of August 8, 2004, a National Health Center Week.

SENATE RESOLUTION 358—EXPRESSING THE SENSE OF THE SENATE THAT NO LATER THAN DECEMBER 31, 2006, LEGISLATION SHOULD BE ENACTED TO PROVIDE EVERY INDIVIDUAL IN THE UNITED STATES WITH THE OPPORTUNITY TO PURCHASE HEALTH INSURANCE COVERAGE THAT IS THE SAME AS, OR IS BETTER THAN, THE HEALTH INSURANCE COVERAGE AVAILABLE TO MEMBERS OF CONGRESS, AT THE SAME OR LOWER RATES

Mr. DASCHLE (for himself, Mr. GRAHAM of Florida, Mr. KENNEDY, Ms. STABENOW, Mr. KERRY, Mr. DURBIN, Mr. CORZINE, Mr. LAUTENBERG, Mrs. MURRAY, Mr. INOUYE, Mr. DAYTON, Mr. JOHNSON, Mr. LEVIN, Mr. WYDEN, Mr. EDWARDS, Mrs. BOXER, Mr. FEINGOLD, Mr. JEFFORDS, Mr. BINGAMAN, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 358

Whereas the number of uninsured people in the United States has grown to 43,600,000, an increase of 3,800,000 since 2000;

Whereas nearly 20 percent of uninsured Americans are children;

Whereas 8 out of 10 uninsured people in the United States come from working families;

Whereas members of racial and ethnic minority groups at all income levels are more likely to be uninsured than their white counterparts;

Whereas the United States is the only major industrialized country that does not guarantee health care to all of its citizens;

Whereas the United States has the highest health care spending per capita, but consistently scores near the bottom in infant mortality and life expectancy when compared with other developed, high-income countries;

Whereas those without insurance are more likely to go without necessary medical care and preventive services;

Whereas millions of Americans who have insurance coverage are underinsured;

Whereas the Institute of Medicine has estimated that the lost economic value of uninsurance is between $65,000,000,000 and $130,000,000,000 each year, and the Kaiser Family Foundation has concluded that uninsured Americans could incur nearly $41,000,000,000 in health care treatment in 2004;

Whereas the financial consequences of uninsurance are disastrous for families, as demonstrated by a recent study that found medical problems were a factor in 45 percent of all non-business bankruptcy filings;

Whereas employer-based insurance premiums grew 13.9 percent between 2002 and 2003, the third consecutive year of double-digit increases;

Whereas a recent study by the Commonwealth Fund concluded that small employers that provide health insurance to their employees pay more but receive less for their money while suffering faster increases in premiums and steeper jumps in deductibles than large firms;

Whereas public programs such as medicare, medicaid, the State Children's Health Insurance Program, the Indian Health Service, the Veterans Health Administration, and TRICARE, play a critical role in providing coverage for millions of Americans, but are often underfunded;

Whereas the market for individual insurance policies is extremely expensive and allows for discrimination based on health status, age, and gender; and

Whereas members of Congress and their families have the opportunity to select among many benefit choices and to purchase high quality, group health insurance coverage at reasonable rates: Now, therefore, be it

Resolved, That it is the sense of the Senate that no later than December 31, 2006, legislation should be enacted to provide every individual in the United States with the opportunity to purchase health insurance coverage that is the same as, or is better than, the health insurance coverage available to members of Congress, at the same or lower rates.

SENATE RESOLUTION 359—DESIGNATING THE WEEK OF APRIL 11 THROUGH APRIL 17, 2004, AS "FREE ENTERPRISE EDUCATION WEEK"

Mr. COLEMAN submitted the following resolution; which was considered and agreed to:

S. RES. 359

Whereas the United States values the free enterprise system as its basic economic system;

Whereas the elementary schools and secondary schools of the United States should strive to educate their students about the importance of the free enterprise system;

Whereas an understanding of the free market system by the youth of the United States is necessary to the United States' long-term economic growth;

Whereas companies, student organizations, and teachers in the United States are willing and able to participate in educating young people about free markets and opportunities; and

Whereas many organizations, such as Students in Free Enterprise, have developed programs to teach and encourage entrepreneurship among students: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of April 11 through April 17, 2004, as "Free Enterprise Education Week";

(2) encourages schools and businesses in the United States to educate students about the free enterprise system; and

(3) requests that the President issue a proclamation calling on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs.

SENATE CONCURRENT RESOLUTION 107

Mr. LIEBERMAN submitted the following concurrent resolution; which was considered and agreed to:

Whereas Congress hosted the first American Association for the Advancement of Science (AAAS) Congressional Science and Engineering Fellows in 1973;

Whereas the AAAS Congressional Science and Engineering Fellowship Program was the first to provide an opportunity for Ph.D.-level scientists and engineers to learn about the policymaking process while bolstering the technical expertise available to members of Congress and their staff;

Whereas members of Congress hold the AAAS Congressional Science and Engineering Fellowship Program in high regard for the substantial contributions that AAAS Congressional Science and Engineering Fellows have made, serving both in personal offices and on committee staff;

Whereas Congress is increasingly involved in public policy issues of a scientific and technical nature, and recognizes the need to develop additional in-house expertise in the areas of science and engineering;

Whereas more than 800 individuals have held AAAS Congressional Science and Engineering Fellowships since 1973;

Whereas the AAAS Congressional Science and Engineering Fellows represent the full range of physical, biological, and social sciences and all fields of engineering;

Whereas the AAAS Congressional Science and Engineering Fellows bring to Congress new insights and ideas, extensive knowledge, and perspectives from a variety of disciplines;

Whereas the AAAS Congressional Science and Engineering Fellows learn about legislative, oversight, and investigative activities through assignments that offer a wide array of responsibilities;

Whereas AAAS Congressional Science and Engineering Fellowships provide an opportunity for scientists and engineers to transition into careers in government service; and

Whereas many former AAAS Congressional Science and Engineering Fellows return to their disciplines and share knowledge with students and peers to encourage more scientists and engineers to participate in informing government processes: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the significance of the 30th anniversary of the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program;

(2) acknowledges the value of over 30 years of participation in the legislative process by the AAAS Congressional Science and Engineering Fellows; and

(3) reaffirms its commitment to support the use of science in governmental decisionmaking through the AAAS Congressional Science and Engineering Fellowship Program.

SENATE CONCURRENT RESOLUTION 108—SUPPORTING THE GOALS AND IDEALS OF TINNITUS AWARENESS WEEK

Mr. LIEBERMAN (for himself, Mrs. LINCOLN, and Mr. WYDEN) submitted the following concurrent resolution; which was considered and agreed to:

Whereas 50,000,000 individuals in the United States have experienced tinnitus, the perception of noises or ringing in the ears and head when no external sound source is present;

Whereas 12,000,000 individuals in the United States experience tinnitus to an incessant and debilitating degree, such that the sounds in their ears and heads never abate, forcing them to seek assistance from a health care professional;

Whereas tinnitus is frequently caused by exposure to loud noises in the workplace, where an estimated 30,000,000 individuals in the United States are exposed to injurious levels of noise each day, and where noise-induced hearing loss is the most common occupational injury;

Whereas tinnitus is also caused by exposure to loud noises in recreational settings, where levels of sound can reach traumatic levels, and where individuals frequently are not aware that temporary ringing in the ears can become permanent after continued exposure to loud levels of sound;

Whereas in many cases, simply wearing proper hearing protection would protect individuals from damaging their hearing;

Whereas many individuals with tinnitus are told that the only solution to their condition is to learn to live with it, even though treatments for tinnitus are available that can help reduce the stress of the incessant ringing and increase the coping skills and quality of life for individuals who experience this condition; and

Whereas the American Tinnitus Association has designated the week beginning May 15, 2004, as the first National Tinnitus Awareness Week, in order to raise public awareness and to further its mission to silence tinnitus through education, advocacy, research, and support: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of National Tinnitus Awareness Week, as designated by the American Tinnitus Association;

(2) encourages interested groups and affected persons to promote public awareness of tinnitus, the dangers of loud noise, and the importance of hearing protection for all individuals; and

(3) commits to continuing its support of innovative hearing health research through the National Institutes of Health, particularly through the National Institute on Deafness and Other Communication Disorders, so that treatments for tinnitus can be refined and a cure for tinnitus can be discovered.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3144. Mr. HARKIN (for himself, Mr. Hagel, Mr. Kennedy, Ms. Collins, Mr. Jeffords, Mr. Coleman, Mrs. Clinton, Mr. Roberts, Ms. Mikulski, Mr. Dodd, Mr. Reed, Ms. Stabenow, Mr. Levin, Mr. Rockefeller, Mr. Corzine, Mr. Schumer, Mr. Warner, Ms. Murkowski, Mr. Johnson, Mrs. Lincoln, and Mr. Pryor) proposed an amendment to the bill S. 1248, to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

SA 3145. Mr. GREGG proposed an amendment to the bill S. 1248, supra.

SA 3146. Mrs. CLINTON proposed an amendment to the bill S. 1248, supra.

SA 3147. Mr. GREGG (for himself, Mr. Enzi, and Mr. Grassley) proposed an amendment to the bill S. 1248, supra.

SA 3148. Mrs. MURRAY (for herself, Mr. DeWine, and Mr . Feingold) proposed an amendment to the bill S. 1248, supra.

SA 3149. Mr. GREGG (for Mr. Santorum) proposed an amendment to the bill S. 1248, supra.

TEXT OF AMENDMENTS

SA 3144. Mr. HARKIN (for himself, Mr. Hagel, Mr. Kennedy, Ms. Collins, Mr. Jeffords, Mr. Coleman, Mrs. Clinton, Mr. Roberts, Ms. Mikulski, Mr. Dodd, Mr. Reed, Ms. Stabenow, Mr. Levin, Mr. Rockefeller, Mr. Corzine, Mr. Schumer, Mr. Warner, Ms. Murkowski, Mr. Johnson, Mrs. Lincoln, and Mr. Pryor) proposed an amendment to the bill S. 1248, to reauthorize the Individuals with Disabilities Education Act, and for other purposes; as follows:

In section 611 of the Individuals with Disabilities Education Act (as amended by section 101 of the bill) strike subsection (i) and insert the following:

"(i) Funding.—

"(1) In general.—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated—

"(A) $12,268,000,000 or the maximum amount available for awarding grants under subsection (a)(2), whichever is lower, for fiscal year 2005, and, there are hereby appropriated $2,200,000,000 for fiscal year 2005, which shall become available for obligation on July 1, 2005 and shall remain available through September 30, 2006, except that if the maximum amount available for awarding grants under subsection (a)(2) is less than $12,268,000,0000, then the amount appropriated in this subparagraph shall be reduced by the difference between $12,268,000,000 and the maximum amount available for awarding grants under subsection (a)(2);

"(B) $14,468,000,000 or the maximum amount available for awarding grants under subsection (a)(2), whichever is lower, for fiscal year 2006, and, there are hereby appropriated $4,400,000,000 for fiscal year 2006, which shall become available for obligation on July 1, 2006 and shall remain available through September 30, 2007, except that if the maximum amount available for awarding grants under subsection (a)(2) is less than $14,468,000,000, then the amount appropriated in this subparagraph shall be reduced by the difference between $14,468,000,000 and the maximum amount available for awarding grants under subsection (a)(2);

"(C) $16,668,000,000 or the maximum amount available for awarding grants under subsection (a)(2), whichever is lower, for fiscal year 2007, and, there are hereby appropriated $6,600,000,000 for fiscal year 2007, which shall become available for obligation on July 1, 2007 and shall remain available through September 30, 2008, except that if the maximum amount available for awarding grants under subsection (a)(2) is less than $16,668,000,000, then the amount appropriated in this subparagraph shall be reduced by the difference between $16,668,000,000 and the maximum amount available for awarding grants under subsection (a)(2);

"(D) $18,868,000,000 or the maximum amount available for awarding grants under subsection (a)(2), whichever is lower, for fiscal year 2008, and, there are hereby appropriated $8,800,000,000 for fiscal year 2008, which shall become available for obligation on July 1, 2008 and shall remain available through September 30, 2009, except that if the maximum amount available for awarding grants under subsection (a)(2) is less than $18,868,000,000, then the amount appropriated in this subparagraph shall be reduced by the difference between $18,868,000,000 and the maximum amount available for awarding grants under subsection (a)(2);

"(E) $21,068,000,000 or the maximum amount available for awarding grants under subsection (a)(2), whichever is lower, for fiscal year 2009, and, there are hereby appropriated $11,000,000,000 for fiscal year 2009, which shall become available for obligation on July 1, 2009 and shall remain available through September 30, 2010, except that if the maximum amount available for awarding grants under subsection (a)(2) is less than $21,068,000,000, then the amount appropriated in this subparagraph shall be reduced by the difference between $21,068,000,000 and the maximum amount available for awarding grants under subsection (a)(2); and

"(F) the maximum amount available for awarding grants under subsection (a)(2) for fiscal year 2010 and each succeeding fiscal year, and, there are hereby appropriated for each such year an amount equal to the maximum amount available for awarding grants under subsection (a)(2) for the fiscal year for which the determination is made minus $10,068,000,000, which shall become available for obligation on July 1 of the fiscal year for which the determination is made and shall remain available through September 30 of the succeeding fiscal year.

"(2) Reauthorization.—Nothing in this subsection shall be construed to prevent or limit the authority of Congress to reauthorize the provisions of this Act.

SA 3145. Mr. GREGG proposed an amendment to the bill S. 1248, to reauthorize the Individuals with Disabilities Education Act, and for other purposes; as follows:

On page 443, strike lines 3 and 4, and insert the following:

there are authorized to be appropriated—

"(1) $12,358,376,571 for fiscal year 2005;
"(2) $14,648,647,143 for fiscal year 2006;
"(3) $16,938,917,714 for fiscal year 2007;
"(4) $19,229,188,286 for fiscal year 2008;
"(5) $21,519,458,857 for fiscal year 2009;
"(6) $23,809,729,429 for fiscal year 2010;
"(7) $26,100,000,000 for fiscal year 2011; and
"(8) such sums as may be necessary for fiscal year 2012 and each succeeding fiscal year.

SA 3146. Mrs. CLINTON proposed an amendment to the bill S. 1248, to reauthorize the Individuals with Disabilities Education Act, and for other purposes; as follows:

At the end of the bill, add the following:

TITLE V—MISCELLANEOUS

SEC. 501. AMENDMENT TO CHILDREN'S HEALTH ACT OF 2000.

Section 1004 of the Children's Health Act of 2000 (42 U.S.C. 285g note) is amended—

(1) in subsection (b), by striking "Agency" and inserting "Agency, and the Department of Education"; and

(2) in subsection (c)—

(A) in paragraph (2), by striking "and" after the semicolon;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) be conducted in compliance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g), including the requirement of prior parental consent for the disclosure of any education records, except without the use of authority or exceptions granted to authorized representatives of the Secretary of Education for the evaluation of Federally-supported education programs or in connection with the enforcement of the Federal legal requirements that relate to such programs.".

SA 3147. Mr. GREGG (for himself, Mr. Enzi, and Mr. Grassley) proposed an amendment to the bill S. 1248, to reauthorize the Individuals with Disabilities Education Act, and for other purposes; as follows:

On page 558, strike lines 7 through 12, and insert the following:

"(B) AWARD OF ATTORNEYS' FEES.—

"(i) IN GENERAL.—In any action or proceeding brought under this section, the court, in its discretion, may award reasonable attorneys' fees as part of the costs—

"(I) to a prevailing party who is the parent of a child with a disability;

"(II) to a prevailing party who is a State educational agency or local educational agency against the attorney of a parent who files a complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of a parent who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or

"(III) to a State educational agency or local educational agency against the attorney of a parent, or against the parent, if the parent's complaint or subsequent cause of action was presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

"(ii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to affect section 432 of the District of Columbia Appropriations Act, 2004.

SA 3148. Mrs. MURRAY (for herself, Mr. DEWINE, and Mr. FEINGOLD) proposed an amendment to the bill S. 1248, to reauthorize the Individuals with Disabilities Education Act, and for other purposes; as follows:

In section 602 of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), strike paragraph (22) and insert the following:

"(22) PARENT.—

"(A) IN GENERAL.—The term 'parent'—

"(i) means—

"(I) a natural or adoptive parent of a child;

"(II) a guardian (but not the State if the child is a ward of the State);

"(III) an individual acting in the place of a natural or adoptive parent, including a grandparent, stepparent, or other relative with whom the child lives or an individual who is legally responsible for the child's welfare; or

"(IV) except as used in sections 615(b)(2) and 639(a)(5), an individual assigned under either of those sections to be a surrogate parent; and

"(ii) in the case of a homeless child who is not in the physical custody of a parent or guardian, includes a related or unrelated adult with whom the child is living or other adult jointly designated by the child and the local educational agency liaison for homeless children and youths (designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act), in addition to other individuals permitted by law.

"(B) FOSTER PARENT.—Unless State law prohibits a foster parent from acting as a parent, the term 'parent' includes a foster parent if—

"(i) the natural or adoptive parents' authority to make educational decisions on the child's behalf has been extinguished under State law; and

"(ii) the foster parent—

"(I) has an ongoing, long-term parental relationship with the child;

"(II) is willing to make the educational decisions required of parents under this Act; and

"(III) has no interest that would conflict with the interests of the child.

In section 602 of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

"(34) CHILD WITH A DISABILITY IN A MILITARY FAMILY.—The term 'child with a disability in a military family' means a child with a disability who has a parent who is a member of the Armed Forces, including a member of the National Guard or Reserves.

"(35) HOMELESS CHILDREN.—The term 'homeless children' has the meaning given the term 'homeless children and youths' in section 725 of the McKinney-Vento Homeless Assistance Act.

"(36) WARD OF THE STATE.—The term 'ward of the State' means a child who, as defined by the State where the child resides, is a foster child, a ward of the State or is in the custody of a public child welfare agency.

In section 612(a)(3)(A) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), strike "disabilities attending" and insert "disabilities who are homeless children or are wards of the State and children with disabilities attending".

In section 612(a)(20)(B)(i) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), strike the semicolon at the end and insert ", including not less than 1 foster parent of a child with disabilities who is a ward of the State, not less than 1 grandparent or other relative who is acting in the place of a natural or adoptive parent, and not less than 1 representative of children with disabilities in military families;".

In section 612(a)(20)(B)(v) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), strike the semicolon at the end and insert ", including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act;".

In section 612(a)(20)(B) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

"(xi) representatives from the State child welfare agency; and

"(xii) a representative of wards of the State who are in foster care, such as an attorney for children in foster care, a guardian ad litem, a court appointed special advocate, or a judge.

In section 614(a)(1)(D) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), after clause (iii) insert the following:

"(iv) EXCEPTION FOR WARDS OF THE STATE.—The agency shall not be required to obtain an informed consent from the parents of a child for an initial evaluation to determine whether the child is a child with a disability if such child is a ward of the State and is not residing with the child's parent and consent has been given by an individual who has appropriate knowledge of the child's educational needs, including the judge appointed to the child's case or the child's attorney, guardian ad litem, or court appointed special advocate.

In section 614(b)(3) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

"(D) assessments of children with disabilities, including homeless children with disabilities who are wards of the State, and children with disabilities in Military families, who transfer from 1 school district to another school district in the same academic year, are—

"(i) coordinated with such children's prior and subsequent schools as necessary to ensure timely completion of full evaluations; and

"(ii) completed within time limits—

"(I) established for all students by Federal law or State plans; and

"(II) that computes the commencement of time from the date on which such children are first referred for assessments in any local educational agency.

In section 614(d)(1)(B) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

"(viii) if the child is a ward of the State, another individual with appropriate knowledge of the child's educational needs, such as a foster parent, a relative with whom the child lives who acts as a parent to the child, an attorney for the child, a guardian ad litem, a court appointed special advocate, a judge, or an education surrogate.

In section 614(d)(2) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

"(C) PROGRAM FOR CHILDREN WHO TRANSFER SCHOOL DISTRICTS.—

"(i) IN GENERAL.—In the case of a child with a disability, including a homeless child with a disability or a child with a disability who is a ward of the state, or a child with a disability in a military family, who transfers school districts within the same academic year, who enrolls in a new school and who had an IEP that was in effect in the same or another State, the local educational agency, State educational agency, or other State agency, as the case may be, shall immediately provide such child with a free appropriate public education, including comparable services identified in the previously held IEP and in consultation with the parents until such time as the local educational agency, State educational agency, or other State agency, as the case may be, adopts the previously held IEP or develops, adopts, and implements a new IEP that is consistent with Federal and State law.

"(ii) TRANSMITTAL OF RECORDS.—To facilitate the transition for a child described in clause (i), the new school in which the child enrolls shall immediately request the child's records from the previous schools in which the child was enrolled and the previous schools in which the child was enrolled shall immediately transmit to the new school, upon such request, the IEP and supporting documents and any other records relating to the provision of special education or related services to the child.

In section 614(e) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following: "Decisions regarding the educational placement of a child with a disability who is a homeless child shall comply with the requirements described under section 722(g)(3) of the McKinney-Vento Homeless Assistance Act.".

In section 615(a) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), insert ", including children with disabilities who are wards of the State," after "children with disabilities".

In section 615(b)(2) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), strike "or the child is a ward of the State" and insert "the child is a ward of the State, or the child is a homeless child who is not in the physical custody of a parent or guardian".

In section 615(b)(2) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), insert "in accordance with subsection (o)" after "surrogate for the parents".

In section 615(b)(7)(A)(ii)(I) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), strike "residence of the child," and insert "residence of the child (or available contact information in the case of a homeless child),".

In section 615(b) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

"(10) procedures to protect the rights of the child whenever the child is a ward of the State, including procedures that preserve the rights of the natural or adoptive parent to make the decisions required of parents under this Act (unless such rights have been extinguished under State law) but that permit a child who is represented in juvenile court by an attorney, guardian ad litem, or another individual, to have such attorney, guardian ad litem, or other individual present in any meetings, mediation proceedings, or hearings provided under this Act.

In section 615(l) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), strike "disabilities," and insert "disabilities, or under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act or parts B and E of title IV of the Social Security Act,".

In section 615 of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

"(o) Surrogate Parent.—

"(1) Assignment.—The assignment of a surrogate under subsection (b)(2) shall take place not more than 30 days after either of the following takes place:

"(A) The child is referred to the local educational agency for an initial evaluation to determine if the child is a child with a disability.

"(B) There is a determination made by the agency that the child needs a surrogate parent because the child's parent cannot be identified, the child becomes a ward of the State, or, despite reasonable efforts to do so, the agency cannot discover the whereabouts of the parent of the child.

"(2) Requirements of surrogate.—An individual may not be assigned to act as a surrogate for the parents under subsection (b)(2) unless the individual—

"(A) signs a written form agreeing to make the educational decisions required of parents under this Act;

"(B)(i) has the knowledge and skills necessary to ensure adequate representation of the child; or

"(ii) agrees to be trained as an educational surrogate; and

"(C) has no interests that would conflict with the interests of the child.

"(3) Foster parent as surrogate.—A foster parent of a child may be assigned to act as a surrogate for the parents of such child under subsection (b)(2) if the foster parent—

"(A) has an ongoing, long-term parental relationship with the child;

"(B) agrees to make the educational decisions required of parents under this Act;

"(C) agrees to be trained as an educational surrogate; and

"(D) has no interest that would conflict with the interests of the child.

In section 631(a)(5) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), insert ", and infants and toddlers in foster care" after "rural children".

In section 634(1) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), insert ", infants or toddlers with disabilities who are homeless children, infants or toddlers with disabilities who are wards of the State, and infants or toddlers with disabilities who have a parent who is a member of the Armed Forces, including a member of the National Guard or Reserves" after "located in the State".

In section 635(a)(6) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), strike "hospitals and physicians" and insert "hospitals, physicians, homeless family shelters, medicaid and State child health insurance program enrollment offices, health and mental health clinics, public schools in low-income areas serving low-income children, staff in State and local child welfare agencies, judges, and base commanders or their designees".

In section 635(a) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

"(17) A procedure to ensure that early intervention services and evaluations are available to infants or toddlers with disabilities who are—

"(A) homeless children; and

"(B) wards of the State or in foster care, or both.

In section 635 of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

"(c) Construction.—Nothing in subsection (a)(5) shall be construed to alter the responsibility of a State under title XIX of the Social Security Act with respect to early and periodic screening, diagnostic, and treatment services (as defined in section 1905(r) of such Act).

In section 637(a) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

"(11) a description of policies and procedures to ensure that infants or toddlers with disabilities who are homeless children and their families and infants or toddlers with disabilities who are wards of the State have access to multidisciplinary evaluations and early intervention services.

In section 637(b)(7) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), strike "low-income, and rural families" and insert "low-income, homeless, and rural families and children with disabilities who are wards of the State".

In section 641(b)(1)(A) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), strike the period at the end and insert ", not less than one other member shall be a foster parent of a child with a disability, not less than one other member shall be a grandparent or other relative acting in the place of a natural or adoptive parent of a child with a disability, and not less than 1 other member shall be a representative of children with disabilities in military families.".

In section 641(b)(1) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

"(K) Office of the coordinator of education of homeless children and youth.—Not less than 1 representative designated by the Office of Coordinator for Education of Homeless Children and Youths.

"(L) State child welfare agency.—Not less than 1 representative from the State child welfare agency responsible for foster care.

"(M) Representative of foster children.—Not less than 1 individual who represents the interests of children in foster care and understands such children's education needs, such as an attorney for children in foster care, a guardian ad litem, a court appointed special advocate, a judge, or an education surrogate for children in foster care.

In section 661(d)(3) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

"(K) children with disabilities served by local educational agencies that receive payments under title VIII of the Elementary and Secondary Education Act of 1965;

"(L) children with disabilities who are homeless children or children with disabilities who are wards of the State;

In section 661(d) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

"(8) projects that provide training in educational advocacy to individuals with responsibility for the needs of wards of the State, including foster parents, grandparents and other relatives acting in the place of a natural or adoptive parent, attorneys for children in foster care, guardians ad litem, court appointed special advocates, judges, education surrogates, and children's caseworkers.

SA 3149. Mr. GREGG (for Mr. Santorum) proposed an amendment to the bill S. 1248, to reauthorize the Individuals with Disabilities Education Act, and for other purposes; as follows:

Amend section 609 of the Individuals with Disabilities Education Act, as amended by section 101 of the bill, to read as follows:

"SEC. 609. PAPERWORK REDUCTION.

"(a) Report to Congress.—The Comptroller General shall conduct a review of Federal, State, and local requirements relating to the education of children with disabilities to determine which requirements result in excessive paperwork completion burdens for teachers, related services providers, and school administrators, and shall report to Congress not later than 18 months after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003 regarding such review along with strategic proposals for reducing the paperwork burdens on teachers.

"(b) Paperwork Reduction Demonstration.—

"(1) Pilot program.—

"(A) Purpose.—The purpose of this subsection is to provide an opportunity for States to identify ways to reduce paperwork burdens and other administrative duties that are directly associated with the requirements of this Act, in order to increase the time and resources available for instruction and other activities aimed at improving educational and functional results for children with disabilities.

"(B) Authorization.—

"(i) In general.—In order to carry out the purpose of this subsection, the Secretary is authorized to grant waivers of statutory requirements of, or regulatory requirements relating to, this part for a period of time not to exceed 4 years with respect to not more than 20 States based on proposals submitted by States to reduce excessive paperwork and noninstructional time burdens that do not assist in improving educational and functional results for children with disabilities.

"(ii) Exception.—The Secretary shall not waive any statutory requirements of, or regulatory requirements relating to, applicable civil rights requirements.

"(iii) Rule of construction.—Nothing in this subsection shall be construed to—

"(I) affect the right of a child with a disability to receive a free appropriate public education under this part; and

"(II) permit a State or local educational agency to waive procedural safeguards under section 615.

"(C) Proposal.—

"(i) In general.—A State desiring to participate in the program under this subsection shall submit a proposal to the Secretary at such time and in such manner as the Secretary may reasonably require.

"(ii) Content.—The proposal shall include—

"(I) a list of any statutory requirements of, or regulatory requirements relating to, this part that the State desires the Secretary to waive or change, in whole or in part; and

"(II) a list of any State requirements that the State proposes to waive or change, in whole or in part, to carry out a waiver granted to the State by the Secretary.

"(D) Termination of waiver.—The Secretary shall terminate a State's waiver under this subsection if the Secretary determines that the State—

"(i) has failed to make satisfactory progress in meeting the indicators described in section 616; or

"(ii) has failed to appropriately implement its waiver.

"(2) Report.—Beginning 2 years after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003, the Secretary shall include in the annual report to Congress submitted pursuant to section 426 of the Department of Education Organization Act information related to the effectiveness of waivers granted under paragraph (1), including any specific recommendations for broader implementation of such waivers, in—

"(A) reducing—

"(i) the paperwork burden on teachers, principals, administrators, and related service providers; and

"(ii) noninstructional time spent by teachers in complying with this part;

"(B) enhancing longer-term educational planning;

"(C) improving positive outcomes for children with disabilities;

"(D) promoting collaboration between IEP Team members; and

"(E) ensuring satisfaction of family members.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 12, 2004, at 9:30 a.m. on Telecommunications Policy Review: A View from Industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a full committee hearing to examine the environmental regulatory framework affecting oil refining and gasoline policy. The hearing is to be held Wednesday, May 12, 2004 at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 12, 2004 at 9:30 a.m. to hold a hearing on Afghanistan—Continuing Challenges.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, May 12, 2004, at 10 a.m. for a hearing titled "Bogus Degrees and Unmet Expectations: Are Taxpayer Dollars Subsidizing Diploma-Mills?" (Day Two).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, May 12, 2004, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 1715, the Department of Interior Tribal Self-Governance Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, May 12, 2004 at 2:00 p.m. on "The Satellite Home Viewer Extension Act" in the Dirksen Senate Office Building Room 226.

Panel I: David O. Carson, General Counsel, U.S. Library of Congress Copyright Office, Washington, DC; Charles W. Ergen, Founder and Chairman, EchoStar Communications Corporation, Littlewood, CO; Bruce T. Reese, President and Chief Executive Officer, Bonneville International Corporation, Salt Lake City, UT; Eddy W. Hartenstein, Vice Chairman and Board Member, The DIRECTV Group, In., El Segundo, CA; Fritz Attaway, Executive Vice President and Washington General Counsel, Motion Picture Association of America, Inc., Washington, DC; John King, President and Chief Executive Officer, Vermont Public Television, Colchester, VT.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 12, 2004 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CORNYN. I ask unanimous consent that Meredith Mino, a member of my staff who does not currently have floor privileges, be admitted to the floor for the duration of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that Christian Weeks and Elizabeth Jordan, interns on my staff, have access to the floor during consideration of S. 1248.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Jeremy Buzzell and Sandra Licon, detailees on my staff, be granted floor privileges for the duration of the debate on S. 1248, the Individuals with Disabilities Education Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that a fellow in Senator Reed's office, Erica Swanson, be granted the privilege of the floor during debate on S. 1248.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, I ask unanimous consent for Tori Brescoll, a fellow in my office, to have access to the floor during the consideration of S. 1248.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING USE OF THE CAPITOL GROUNDS FOR THE NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. FRIST. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H. Con. Res 388 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the concurrent resolution by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 388) authorizing the use of the Capitol grounds for the National Peace Officers' Memorial Service.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 388) was agreed to.

AUTHORIZING USE OF THE CAPITOL GROUNDS FOR THE DC SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 389, which is at the desk.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

A concurrent resolution (H. Con. Res 389) authorizing the use of the Capitol grounds for the DC Special Olympics Law Enforcement Torch Run.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 389) was agreed to.

FREE ENTERPRISE EDUCATION WEEK

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 359, which was submitted earlier today by Senator COLEMAN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 359) designating the week of April 11 through April 17, 2004, as "Free Enterprise Education Week".

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 359) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 359

Whereas the United States values the free enterprise system as its basic economic system;

Whereas the elementary schools and secondary schools of the United States should strive to educate their students about the importance of the free enterprise system;

Whereas an understanding of the free market system by the youth of the United States is necessary to the United States' long-term economic growth;

Whereas companies, student organizations, and teachers in the United States are willing and able to participate in educating young people about free markets and opportunities; and

Whereas many organizations, such as Students in Free Enterprise, have developed programs to teach and encourage entrepreneurship among students: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of April 11 through April 17, 2004, as "Free Enterprise Education Week";

(2) encourages schools and businesses in the United States to educate students about the free enterprise system; and

(3) requests that the President issue a proclamation calling on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs.

30TH ANNIVERSARY OF THE AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 107, which was submitted earlier today by Senator LIEBERMAN.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 107) recognizing the significance of the 30th anniversary of the American Association for the Advancement of Science, Congressional Science and Engineering Fellowship Program, and reaffirming the commitment of Congress to support the use of science in governmental decision-making through such program.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 107) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 107

Whereas Congress hosted the first American Association for the Advancement of Science (AAAS) Congressional Science and Engineering Fellows in 1973;

Whereas the AAAS Congressional Science and Engineering Fellowship Program was the first to provide an opportunity for Ph.D.-level scientists and engineers to learn about the policymaking process while bolstering the technical expertise available to members of Congress and their staff;

Whereas members of Congress hold the AAAS Congressional Science and Engineering Fellowship Program in high regard for the substantial contributions that AAAS Congressional Science and Engineering Fellows have made, serving both in personal offices and on committee staff;

Whereas Congress is increasingly involved in public policy issues of a scientific and technical nature, and recognizes the need to develop additional in-house expertise in the areas of science and engineering;

Whereas more than 800 individuals have held AAAS Congressional Science and Engineering Fellowships since 1973;

Whereas the AAAS Congressional Science and Engineering Fellows represent the full range of physical, biological, and social sciences and all fields of engineering;

Whereas the AAAS Congressional Science and Engineering Fellows bring to Congress new insights and ideas, extensive knowledge, and perspectives from a variety of disciplines;

Whereas the AAAS Congressional Science and Engineering Fellows learn about legislative, oversight, and investigative activities through assignments that offer a wide array of responsibilities;

Whereas AAAS Congressional Science and Engineering Fellowships provide an opportunity for scientists and engineers to transition into careers in government service; and

Whereas many former AAAS Congressional Science and Engineering Fellows return to their disciplines and share knowledge with students and peers to encourage more scientists and engineers to participate in informing government processes: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the significance of the 30th anniversary of the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program;

(2) acknowledges the value of over 30 years of participation in the legislative process by the AAAS Congressional Science and Engineering Fellows; and

(3) reaffirms its commitment to support the use of science in governmental decision-making through the AAAS Congressional Science and Engineering Fellowship Program.

TINNITUS AWARENESS WEEK

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 108, which was submitted earlier today by Senator LIEBERMAN.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 108) supporting the goals and ideals of Tinnitus Awareness Week.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 108) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 108

Whereas 50,000,000 individuals in the United States have experienced tinnitus, the perception of noises or ringing in the ears and head when no external sound source is present;

Whereas 12,000,000 individuals in the United States experience tinnitus to an incessant and debilitating degree, such that the sounds in their ears and heads never abate, forcing them to seek assistance from a health care professional;

Whereas tinnitus is frequently caused by exposure to loud noises in the workplace, where an estimated 30,000,000 individuals in the United States are exposed to injurious levels of noise each day, and where noise-induced hearing loss is the most common occupational injury;

Whereas tinnitus is also caused by exposure to loud noises in recreational settings, where levels of sound can reach traumatic levels, and where individuals frequently are not aware that temporary ringing in the ears can become permanent after continued exposure to loud levels of sound;

Whereas in many cases, simply wearing proper hearing protection would protect individuals from damaging their hearing;

Whereas many individuals with tinnitus are told that the only solution to their condition is to learn to live with it, even though treatments for tinnitus are available that can help reduce the stress of the incessant ringing and increase the coping skills and quality of life for individuals who experience this condition; and

Whereas the American Tinnitus Association has designated the week beginning May 15, 2004, as the first National Tinnitus Awareness Week, in order to raise public awareness and to further its mission to silence tinnitus through education, advocacy, research, and support: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of National Tinnitus Awareness Week, as designated by the American Tinnitus Association;

(2) encourages interested groups and affected persons to promote public awareness of tinnitus, the dangers of loud noise, and the importance of hearing protection for all individuals; and

(3) commits to continuing its support of innovative hearing health research through the National Institutes of Health, particularly through the National Institute on Deafness and Other Communication Disorders, so that treatments for tinnitus can be refined and a cure for tinnitus can be discovered.

ORDERS FOR THURSDAY, MAY 13, 2004

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Thursday, May 13. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business for up to 60 minutes, with the first half under the control of the Democratic leader or his designee and the second half hour under the control of the majority leader or his designee; provided that following morning business, the Senate resume consideration of S. 1248, the IDEA reauthorization bill, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow following morning business, the Senate will resume consideration of the Individuals with Disabilities Education Act reauthorization bill. Earlier today, we secured an agreement for finishing the IDEA bill tomorrow.

There is one outstanding issue that may require a vote or two, but it is also possible that the language will be worked out.

We, therefore, expect a vote on passage of the IDEA reauthorization bill by around 12 to 12:30 tomorrow. Additional votes are anticipated tomorrow, as the Senate may consider other Legislative or Executive Calendar items that can be cleared for action.

We have a number of Members working on a range of issues, including bioshield and the mental health parity bill. I have repeated our desire to move some of the pending nominations. That is a priority that we must begin to address as well.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:31 p.m., adjourned until Thursday, May 13, 2004, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, May 12, 2004*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LAHOOD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 12, 2004.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Cynthia L. Hale, Pastor, Ray of Hope Christian Church, Decatur, Georgia, offered the following prayer:

Gracious God, Creator, Redeemer and Sustainer of all life. In the words of the Psalmist, "When I consider Your heavens, the work of Your hands, the moon and the stars which You have set in place, what is man and woman that You are mindful of them? You made them a little lower than the heavenly beings. You made them ruler over the works of Your hands."

God, You have given each of the persons assembled in this place the ability and the authority to govern this great Nation of ours. You have positioned them to set policy for the provision and protection of the people. You have designated these men and women to make decisions for the continued liberty and justice for all.

Now, God, grant them wisdom. Give them the courage this day to govern with Your grace and for Your glory. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Washington (Mr. NETHERCUTT) come forward and lead the House in the Pledge of Allegiance.

Mr. NETHERCUTT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND DR. CYNTHIA L. HALE, PASTOR, RAY OF HOPE CHRISTIAN CHURCH, DECATUR, GEORGIA

(Ms. MAJETTE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MAJETTE. Mr. Speaker, I am pleased this morning to welcome the Reverend Dr. Cynthia L. Hale, Senior Pastor of the Ray of Hope Christian Church in Decatur, Georgia. Pastor Hale is a 1979 graduate of Duke University's School of Divinity and she was ordained that same year. She has been the Pastor of the Ray of Hope Christian Church for 18 years. The church is known to all of us in my district affectionately as "The Ray."

Pastor Hale has been a good steward of the resources that God has entrusted to her. She has helped countless people be able to continue their lives and to grow in faith and strength. She has been a mentor and a friend to me over the years.

Mr. Speaker, I am truly blessed, we are all truly blessed, to have her here with us this morning.

APPRECIATING ALL COMPANIES, BOTH FOREIGN AND DOMESTIC, THAT WANT TO DO BUSINESS IN THE UNITED STATES

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, in April it was reported that employers added 288,000 jobs to the payroll, including 21,000 in the manufacturing sector. Progress is being made. The outsourcing-insourcing debate then has waned a little bit.

But I want to highlight Richland County in Illinois, 16,000 people in the community of Olney, that has 8,000. They actively pursue and ask for international business to come. In fact they are home for companies from Germany, Austria, Japan, Belgium, Switzerland and the Netherlands. These international companies located in rural Illinois provide high wages and great benefits to their citizens.

We should be appreciative of all companies that create jobs, both U.S. companies and international companies, that want to do business in the United States.

TIMING OF RED CROSS CONCERNS

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, reading the Wall Street Journal yesterday, which I read more than some suspect, I was told that the Red Cross had complained to Secretary of State Colin Powell about the prison abuses and torture and other embarrassments for months, which was a new revelation to me.

But today the Baltimore Sun says, and here it is, "Powell says Bush was informed of Red Cross concerns and that he had been fully informed in general terms about complaints made by the Red Cross and others over ill-treatment of detainees in custody."

Now, this is not about privates and corporals. And, by the way, the woman in charge of the camp said that she was put under pressure.

AL QAEDA CONNECTION, ZARQAWI, CONTINUES TO HARM AMERICA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday the world was shocked by a video depicting the savage beheading of an American civilian by Iraq's al Qaeda connection, Abu Musab al Zarqawi.

It is time to put an end to the intentional denial that al Qaeda had no connection with Saddam Hussein. Secretary of State Colin Powell warned the U.N. in February 2003 that after the victory in Afghanistan, al Qaeda operatives set up new camps in Iraq, led by Osama bin Laden's lieutenant, Zarqawi, who was allowed free operation in Baghdad by Saddam Hussein.

Since then, Zarqawi has led al Qaeda within Iraq to bomb the U.N. headquarters in Baghdad and to attempt the killing last month of 80,000 in Jordan with chemical weapons. Additionally, in his letter to al Qaeda leadership, Zarqawi admitted to masterminding the daily attacks in Iraq.

We are fighting al Qaeda terrorists in Iraq as part of the global war on terror. Yet, despite our enemy's savagery, our brave troops will fight and win this war to protect American families.

In conclusion, may God bless our troops, and we will never forget September 11.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

COVER THE UNINSURED WEEK

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, today I rise in support of the goals of Cover the Uninsured Week. In California, 1 out of every 5 of our uninsured population is a child under the age of 18.

This week, the House leadership has scheduled votes that would help big insurance companies. Instead, Congress should be taking action to ensure that no child has to skip needed health care checkups and is not left behind.

We should pass the Family Care Act to provide working families and children with health insurance. The bill could cover approximately 7.5 million low-income parents and improve health care coverage.

We should also pass the Health Care Equality and Accountability Act, H.R. 3459, which would both provide expanded health coverage and eliminate racial and ethnic health care disparities. More than one-third of Latinos and 19 percent of Asian Pacific islanders lack health insurance.

We must come together to combat our uninsured crisis. Together, we can make sure that every family has access to high quality and affordable health care.

PROVIDING THE SECURITY OF AFFORDABLE HEALTH INSURANCE

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, in response to the gentlewoman that just spoke, there is another alternative that we can talk about as well, because throughout the country, small business owners face a problem, because they cannot afford to offer their employees health insurance.

The Small Business Health Fairness Act, H.R. 4281, which we are going to debate this week, helps to resolve health care benefit concerns for small businesses and their employees. Through Association Health Plans, small businesses will have the ability to secure affordable health care contracts. Uninsured employees will receive the security of affordable health insurance.

Here is something that I think is significant: Out of the 44 million uninsured Americans, so called, about 25 million of them are people in small businesses, either the dependents or the employees themselves.

The price of health care benefits has risen by 12 percent this year alone. Escalating health care premiums makes it nearly impossible for small business owners to afford to offer health care benefits to their employees.

H.R. 4281 will make health insurance a reality for small businesses. I strongly urge my colleagues to support this bill.

PROVIDING HEALTH CARE FOR ALL AMERICANS

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Mr. Speaker, every American should be confident that whether they lose their job, change jobs, get sick or just grow old, they should be able to find affordable, reliable health care.

We know how to do this. I agree with the gentleman on the other side of the aisle. We have the ultimate association health plan available. We could make every American eligible for the Federal Employees Benefit Plan at their own expense. That would be the ultimate in the association health care plan. We can also make people over 55 eligible for Medicare. We can make low-income working families eligible for Medicaid.

We know how to provide health care coverage for the American people. If we are going to do this, we also know that we have to provide a fair, reasonably priced pharmaceutical product to these same people. We cannot continue to allow the drug manufacturers to rob the American people.

COMMEMORATING THE 50TH ANNIVERSARY OF BROWN v. BOARD OF EDUCATION

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, next Monday, May 17, 2004, marks the 50th anniversary of the Supreme Court's decision in Brown versus the Board of Education. On this historic day, the Supreme Court issued a definitive interpretation of the 14th amendment to the Constitution, stating that the discriminatory nature of racial segregation is a violation of the 14th amendment.

Although 50 years have come and gone, this decision continues to have a profound effect upon our society. It has permanently altered the conventional social structure in traditionally segregated areas and has outlawed discrimination.

Although the celebration next Monday bears the name of Reverend Oliver Brown, it will be a celebration of all those who fought to rid our society of the practice of separate and unequal public schooling.

I would like to thank the Members of Congress who voted for the legislation which established the commission to commemorate the 50th anniversary of this historic decision, and I would also like to thank especially Cheryl Brown Henderson, the granddaughter of plaintiff Oliver Brown, along with the members of the Brown Commission, for the work in making this celebration a reality.

I am grateful for the small part I played. I encourage our colleagues to join us in celebration on this day.

CONGRESS SHIRKING ITS RESPONSIBILITY

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, this last month has been a hard month: Hard for our soldiers in Iraq as we lost more lives than any previous month; it was hard on the people of that troubled country; and it was hard on the American public as citizens of conscience and people who are footing the bill. It has also been hard on Congress.

I personally believe the Speaker and the chair of the key committees to be people of conscience, and they must be terribly embarrassed as the world sees what happens when Congress shirks its responsibility to set policy, control spending and provide oversight.

It is as sad as it is outrageous that Congress and the President of the United States find out at the same time as millions of people around the world about the unconscionable abuses in Iraqi prisons.

Now, the President will have to settle with Donald Rumsfeld as to why he has been kept out of the loop, but we in Congress have only ourselves to blame if we continue to avoid being a constructive partner, making sure that these abuses stop.

ENCOURAGING THE RELEASE OF PHOTOGRAPHS OF IRAQI PRISONER ABUSE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, despite the horrendous acts of a few American soldiers at Abu Ghraib prison, we are winning the war in Iraq. We are investigating and punishing those among our own engaged in wrongdoing. And as the brutality and desperation of yesterday's beheading of an American attest, our enemies know they are losing.

While I support freedom for the good people of Iraq, I support President Bush and Secretary Rumsfeld, I respectfully encourage the administration to bring an end to the lurid parade of photographs leaking their way into the national media by immediately releasing all photographic records of abuse of prisoners by American personnel.

Abraham Lincoln said it best: "Give the people the facts, and the Republic will be saved." In this case, Mr. Speaker, the republic that we save may be that free and democratic republic of Iraq in the 21st century.

□ 1015

ASK QUESTIONS OR STUPID THINGS HAPPEN

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, since April 1, 42 days, the House has been in session 12 of those 42 days; and in that period of time, we have lost 171 of our fellow citizens, bringing the total to 772.

While that was happening, what has Congress done? We have named eight post offices, recognized the Garden Club of America, recognized the importance of music education, and authorized the use of the Capitol grounds for the Soap Box Derby. That is what Congress has done in the last 42 days, 12 days working; that is what we have done while we have lost loved ones in this country.

Our constituents are asking the whys and the hows of this war. They want us to get the answers. We have a constitutional responsibility, the checks and balances, to ask those questions. It is imperative that we do that.

President Kennedy once said, "To govern is to choose." We can name post offices, or we can ask the hard questions about the direction of our Nation. We may even be able to do both.

MURDER OF NICK BERG

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, yesterday we were reminded of who the real enemies are in Iraq. A video was released showing the brutal murder of a young man from Pennsylvania, 26 years old, a small businessman who was there to help rebuild Iraq. I offer my deepest condolences to his family and friends, and I join with my colleagues to call for bringing these terrorists to justice.

The fact is, Nick Berg's murder comes from the same terrorist extremists as the September 11 attacks. It was not about revenge; it was about intimidation. They brutally murdered an innocent civilian on camera so that the world could see it and tremble. These terrorists will use any convenient excuse to take innocent life if they believe it will advance their agenda.

Mr. Speaker, yesterday's murder should not shake us. It should steel our resolve to do the right thing in Iraq, and it should remind us that there can be no negotiating with an enemy who hates freedom, despises human rights, and uses any excuse to brutally murder innocent civilians.

SUPPORT SALES TAX DEDUCTIBILITY

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, once again, the House appears to be in an all-tax-cuts-all-the-time mode all over again.

By listening to the talk coming from this body, one would want to believe that we really want tax fairness for all Americans. Last week we had the opportunity to amend a part of the Tax Code which unfairly penalizes residents of States with no local or State income tax, and we did not. Unfortunately, we did not get it right last week, but luckily we have another chance to fix the problem today.

I hope that my colleagues will support allowing sales-tax deductibility for residents of States with no sales or State or local income taxes so that the hard-working residents, like people in my State of Texas and many others, get the same benefits given to almost all other Americans. Should we not be looking for ways to create equity and fairness for all of our citizens and not always seemingly helping just a few?

Let us pass this sales-tax deductibility amendment and take a true step toward equity.

MEDICARE AND PRESCRIPTION DRUG CARDS

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, when Senator CHUCK HAGEL and I drafted the drug discount card 3 years ago, we realized at the time that it would be a very important tool for seniors to save money on their prescription drugs. It is the reason so many people join Costco, or Price Club, and so many millions of America's seniors have joined AARP, for discounts, because they save money. It is simple, it is effective, and last Monday, on May 3, when we rolled out the drug discount card as part of the Medicare legislation, over 400,000 seniors called the 1–800 Medicare number to inquire about the plan.

Interestingly enough, almost every national chain, be they a grocery store or a pharmacy, advertised that they would be offering a drug discount card. It is simple. It is easy. It is convenient. And it allows seniors the choices that they deserve: to buy from their local pharmacist, their drugstore, their Costco, their Price Club, you name it.

Medicare should be simple. Seniors 65 and older deserve discounts on their drug cards, their drug and pharmaceutical usage. They are receiving it under this legislation.

SEND THE PRESIDENT BACK TO TEXAS

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, with everything going wrong for our war President in Iraq, it would be easy to overlook another tragedy confronting the United States.

Almost 44 million people are uninsured in this country; they go without health care and hope they do not get sick. The vast majority of these people come from families where one person works full-time.

By our actions, we are forcing Americans to choose between food and health care. That is not a choice. That is a cruel reality perpetuated by this administration.

The administration pretends every American has health care because there are emergency rooms, and we have a cabinet Secretary who says so, knowingly misleading the American people, and we wonder why the world questions our moral leadership.

Almost 44 million Americans do not have health care, and we can change that. Bills have been brought before the Congress for years, but the administration ignores them. We are going to deal with two useless ones today.

Every other industrialized country offers affordable health care except us. We could change it today, but we will not under this administration. We are going to have to have an election and send the President back to Texas.

LOWERING THE NUMBER OF THE UNINSURED

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I hesitate to disagree with my fellow representative; but, Mr. Speaker, the President's program and the House program this week is going to find a solution for the uninsured for health care. Small businesses are dropping health plans because they cannot afford it.

This week, the House is going to take up the Small Business Health Fairness Act, and it will allow small businesses that would otherwise be unable to afford health insurance to join together to form association health plans which, by the way, is one of those things that we have had out there for a long time and needs to be passed. It will insure more people with quality care at lower rates.

Another important step today will be lowering the cost of health care by putting consumers in the driver's seat through health savings plans. Those plans give more people options when it comes to their health insurance, and they are a great part of lowering the cost of health care and helping to lower the number of uninsured.

Mr. Speaker, we are moving forward in this Congress, and we are going to move forward on these issues today for a better America.

LIVING UP TO THE PROMISE OF EDUCATION FUNDING

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise today to call on the Bush administration and this Congress to live up to its promise on education.

Despite the White House's media event this week, the administration's own budget request for next year would cut $9.4 billion from the President's own No Child Left Behind Act. In the first 3 years under this new law, this administration has shorted America's schools by $27 billion. That is a pretty poor record and a failure of leadership.

This week, the White House claimed that the States have billions of dollars of unspent Federal education funds, as if there is a stack of money sitting on some bureaucrat's shelf. As the only former State school chief serving in this Congress, I can tell my colleagues that nothing could be farther from the truth. School officials are struggling to fill countless unmet needs for funding, and this administration's failure to provide our needed education funds is a crushing burden.

Democrats have a better way. I have introduced legislation to require full funding for No Child Left Behind. Democrats support school construction and helping local leaders build new schools, relieve overcrowding, reduce class sizes, and improve security. We must make sure every public school works to educate our children to meet the needs of the 21st century.

In conclusion, Mr. Speaker, Congress needs to live up to its promises made on education.

WE NEED NATIONAL UNITY

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, the Democrats are proud of saying, which they say often, that they oppose the war, but support the troops. That is kind of like saying the tank is not empty, but the car is out of gas. It just does not make any sense. How do you support the troops if you are opposed to what they are doing?

Of course, then again, the statements by their party leader said, I voted "yes" before I voted "no" on the supplemental appropriations bill that would have given the troops the armor and the ammunition and the food and the supplies they need, but that is Democrat thinking.

When the statue of Saddam Hussein was being pulled down and celebrated, the gentlewoman from California (Ms. PELOSI) said, well, we could have pulled that statue down for a lot less money. I am sure the U.N. would have gotten around to it eventually through their, what, another resolution? We did 17; maybe one more resolution and the statue would have come on down.

Mr. Speaker, winning a war is not easy, and when you have leading Democrats saying the war is unwinnable, it sends a very bad signal to the troops whom they allege to support. That is not what we need.

Right now what we need is unity, national unity, getting behind the cause, getting behind the soldier in the foxhole. Let us think of him and put politics aside.

PROVIDING HEALTH CARE FOR ALL AMERICANS

(Mr. KENNEDY of Rhode Island asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Rhode Island. Mr. Speaker, so much is in the news these days, it is hard for us to keep sight of any one thing; but as a great Nation, we ought to be able to do more than one thing at one time. One of the things we ought to be doing is taking care of our people in this country when it comes to delivering to them health care insurance.

We talk every day about how there are 44 million Americans who are uninsured, but what are we actually doing about it?

I often hear from my constituents who say to me, Congressman, if you had to worry about your health insurance the way we have to worry about our health insurance every single day of the week, if you had to worry about your child the way we have to worry about our children, you would have health insurance for all Americans tomorrow.

Yet, we have Members of Congress who are coming here on the floor and saying that they are for health insurance. They say they are not for government insurance, no, no, they are against that, and yet name me one Member of Congress that does not sign up for the government-paid program in this Congress.

That is the hypocrisy we see in this Congress, not a Congress that is actually interested in the people's health care, but only their own.

DEPARTMENT OF JUSTICE INVESTIGATION OF THE MURDER OF EMMETT TILL

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, 2 days ago, the Department of Justice announced that it would be forming a partnership with the State of Mississippi to investigate the 1955 murder of 14-year-old Emmett Till. As I heard the news, two thoughts ran through my mind. On the one hand, as the Member of Congress who introduced a resolution, a bipartisan resolution calling upon the Justice Department to investigate Emmett's murder, I feel a sense of relief. On the other hand, four words come to my mind: it is about time.

Mr. Speaker, many of us regard the murder of Emmett Till and the subsequent sham Jim Crow trial that acquitted Emmett's murderers as a mockery, as a miscarriage of justice, and as the single motivational spark for the civil rights movement. Young Emmett's savage murder and his open funeral casket made international news, and it galvanized African Americans and others interested in the cause of civil rights to take matters into their own hands and to demand basic human rights to which all citizens are entitled.

Mr. Speaker, I believe that now maybe Ms. Till-Mobley and Emmett Till can begin to rest in peace.

GIVE SENIORS THE HEALTH CARE BENEFITS THEY DESERVE

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I rise this morning, after having listened to Washington Journal, wherein the head of the Medicare-Medicaid program said, seniors are now, in fact, in a program with this discount drug card where they can pool their resources and get lower prices for their drugs.

If that is what we are doing with the discount drug card, why, in fact, did the legislation itself not allow the Secretary of Health and Human Services to seek best prices on prescription drugs for seniors?

I say, as we talk about covering the uninsured this week, we ought to be covering our seniors. They ought to have a prescription drug benefit that gives them one card without all of this complication where they have to ruffle through cards, ruffle through the Internet when they do not even have access to be able to determine what is the best way for them to get their prescription drugs.

Cover seniors. Give them the benefit they have worked for; give them the benefit they deserve.

HEALTHY TROOPS ACT

(Mr. BISHOP of Georgia asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. BISHOP of Georgia. Mr. Speaker, as I speak today, more than 170,000 of our servicemen and -women are serving in harm's way in Iraq and Afghanistan.

□ 1030

We are grateful for their service. We owe these brave men and women the best that we have to offer. At a minimum, we owe them what they were promised. I am talking about medical exams before and after we send them into combat.

A 1997 law requires the DOD to perform comprehensive pre- and post-deployment medical examinations on all deployed troops, including National Guard and Reservists. DOD has unilaterally decided to define these exams not as was intended, as a hand's-on examination by a doctor, but as a self-administered survey to determine if a service member is fit for combat or if he or she suffered as a result of war.

It is beyond irresponsible to base the health of our troops on their individual ability to self-diagnose. Therefore, today, I am introducing legislation to require the Department of Defense to comply with the 1997 law and guarantee each of our men and women will receive an actual clinical examination before and after they are deployed.

Today, I request my colleagues to join me and support the Healthy Troops Act. We owe our troops that much.

MEDICARE

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute.)

Ms. PRYCE of Ohio. Mr. Speaker, beginning May 3, seniors across the country can take the first steps towards a much-needed prescription drug benefit when they enroll in the new Medicare prescription drug discount card.

The plan gives seniors the power of choice. Seniors will select from a host of prescription discount drug cards and choose the best option suited to their very own needs. On average, seniors will save 10 to 25 percent on their prescriptions.

Not only that, but choice encourages competition. Private companies will be making their prices available for seniors to compare. This, in turn, will foster new, lower prices in an effort to secure seniors' business. We already see this happening. By giving the seniors the choices they need, we also give them lower prices.

Mr. Speaker, the Medicare prescription drug coverage card is long overdue. I am proud of Republicans for providing a viable solution to America's seniors, and I encourage seniors across the country to take advantage of these added benefits.

EXTEND UNEMPLOYMENT BENEFITS

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, last week President Bush came through my State, the State of Ohio, in a bus trip to argue and defend his economic policies which have inflicted great damage on my State.

We have lost, since President Bush took office, 177,000 manufacturing jobs. One out of every six manufacturing jobs in Ohio has simply disappeared since President Bush took office. We have lost 200 jobs every single day of the Bush administration, and the President's answer is more tax cuts for the rich, hoping it trickles down and creates some jobs. That has not worked.

His other answer is more trade agreements like NAFTA, which frankly have shifted all too many jobs to China and Mexico.

Instead, Congress should extend the unemployment benefits for those workers who are trying to find jobs, 50,000 in Ohio, a million across the country, who are trying to find jobs, who have lost their jobs.

Extend unemployment benefits and pass the Crane-Rangel bipartisan bill which will give incentives to companies that manufacture in this country, rather than to give incentives and tax breaks to the President's biggest contributors, those corporations which shift jobs overseas.

OUTRAGE AND DISAPPOINTMENT OVER CRISIS IN IRAQ

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, I rise to express my outrage and disappointment over the crisis in Iraq.

I must start by condemning, in the strongest possible terms, the brutal decapitation of Nicholas Berg. The act was unconscionable, and I join all of my colleagues in sending my deepest sympathies to his family and loved ones.

What kind of climate allows for such unbelievable, gruesome acts? What kind of climate are we creating with the abuses at Abu Ghraib?

Secretary Rumsfeld has dismissed the Geneva Convention. That sends the wrong message. That message clearly, however, stuck.

The horrifying photographs of the abuses in Abu Ghraib are symptoms of a much larger failure of leadership.

Earlier this week, President Bush said that Secretary Rumsfeld is doing a superb job. Of course, that is the same President who communicated that the mission in Iraq was accomplished over 12 months and 500 American lives ago.

Nothing is superb about this situation, and little has been accomplished. The buck stops with the Commander in Chief, and so does the responsibility for the disaster we now face.

PROVIDING FOR CONSIDERATION OF H.R. 4279, PROVIDING FOR DISPOSITION OF UNUSED HEALTH BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS; H.R. 4280, HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTHCARE (HEALTH) ACT OF 2004; AND H.R. 4281, SMALL BUSINESS HEALTH FAIRNESS ACT OF 2004

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 638 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 638

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4279) to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4280) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit.

SEC. 3. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4281) to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; (2) the amendment in the nature of a substitute printed in part B of the report of the Committee on Rules, if offered by Representative Kind of Wisconsin or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 4. (a) In the engrossment of H.R. 4279, the Clerk shall—

(1) await the disposition of H.R. 4280 and H.R. 4281;

(2) add the respective texts of H.R. 4280 and H.R. 4281, as passed by the House, as new matter at the end of H.R. 4279;

(3) conform the title of H.R. 4279 to reflect the addition of the text of H.R. 4280 or H.R. 4281 to the engrossment;

(4) assign appropriate designations to provisions within the engrossment; and

(5) conform provisions for short titles within the engrossment.

(b) Upon the addition of the text of H.R. 4280 or H.R. 4281 to the engrossment of H.R. 4279, H.R. 4280 or H.R. 4281 (as the case may be) shall be laid on the table.

(c) If H.R. 4279 is disposed of without reaching the stage of engrossment as contemplated in subsection (a), H.R. 4280 shall be treated in the manner specified for H.R. 4279 in subsections (a) and (b), and only H.R. 4281 shall be laid on the table.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my colleague and friend, the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 638 provides for separate consideration of three different measures. The rule provides that when these measures are agreed to, each will be engrossed as one bill and sent to the other body.

Mr. Speaker, this week communities across this country are participating in activities associated with Cover the Uninsured Week. Why? Well, because almost 44 million Americans have zero health insurance.

These 44 million Americans live in sleepy towns and bustling towns all across America in each and every one of our districts. They are children and adults. They are families. The majority are hardworking men and women just trying to make a living, provide for their families and offer their children opportunities they may never have had.

Yet nearly 44 million of our constituents are living every day without health insurance coverage. They are living without the security of knowing that they have a family doctor to call upon when they are sick and when it comes to time for their annual checkup. They are living without the security of knowing that when their child is ill, whether it is just a bad bug or a life-threatening ailment, they can access emergency care or see a specialist.

Without a doubt, the major reason people do not have health insurance is because they simply cannot afford it. In fact, 71 percent of the uninsured forego health insurance because of the cost.

As I have come to find, for every 1 percent increase in health insurance premiums, 300,000 more individuals go without health insurance. Whether in the halls of Congress, at the Washington think tanks, among not-for-profit organizations, in the boardrooms of businesses or at the corner coffee shops, everyone is talking about what they believe is the remedy to one of the toughest questions ever asked: How do we stop sky-rocketing health insurance costs and get more people insured?

Quite frankly, I think we have talked long enough. Mr. Speaker, it is time we place on the table the best market-based solutions to provide more Americans with access to quality and affordable health care. So here we are.

Today and tomorrow, this House will debate and consider three legislative solutions. These steps in the right direction will address this larger challenge by focusing on the three major pieces to the puzzle: access, quality and affordability.

The rule we are debating today will allow us to consider legislation to improve upon and strengthen flexible spending accounts, address the sky-rocketing costs of medical liability insurance, and allow small businesses to join together through association health plans.

As I begin to talk in greater detail about each of these initiatives, they may sound rather familiar to my colleagues and to those watching C-SPAN this morning. That is because the House has already considered each of these initiatives in one way, shape or form already, but so far they are going nowhere in the other body. So let us give them one more opportunity.

The first part of our health security plan will improve upon and strengthen flexible spending accounts or FSAs. FSAs allow workers to put money from their paychecks into an account, tax free, to pay for health care expenses. Employees spend this money on health services, giving them responsibility over their own health care decisions and spending.

While FSAs are a great concept and have worked well under current law, the money contributed by employees have actually forfeited to the employer at the end of the year if it is not used. That means use it or lose it.

Our plan would allow up to $500 of that money to be carried over into the following year. If an employee gets to keep $500 in unused money, they will have a greater incentive to make wise decisions about their spending.

Mr. Speaker, we see a barrier standing in the way of access to quality and affordable health care so we are trying to knock it down. It is a solution.

In the second part of our plan, we will revisit a critical initiative to address a growing and dangerous problem in our legal system that impacts each and every one of us, if not today, then tomorrow or in the future. I am talking about our medical liability system, a system that must be reformed if health care in America is to remain affordable.

The medical liability crisis in America is virtually everywhere, but one of the places that we are seeing the most frightening and tangible effects of this crisis is in the area of prenatal care and delivery. This crisis is turning the very necessary treatment of prenatal care into a luxury, sometimes totally unavailable to far too many women.

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It is estimated that about one in 10 obstetricians nationwide have actually stopped delivering babies. The crisis is most acute in rural areas where obstetricians are already in short supply. In my State of Ohio, professional liability insurance premiums have increased by 60 percent in the past 2 years. Sixty percent. According to a recent survey, more than 58 percent of responding Ohio OB-GYNs have been forced to make changes to their practice, such as quitting obstetrics all together, retiring, or relocating because of the unaffordability and unavailability of medical liability insurance. Fifty-eight percent of Ohio's obstetricians.

These statistics reflect the reality of real people in our cities and towns who are cutting back their practices or closing up all together. Just last month, an article ran in my local paper about a baby doctor in Columbus, Ohio, facing the prospect of a third year in which he and his OB-GYN partners have seen their malpractice insurance rise by 40 percent or more. He is leaving his practice to teach residents at the local hospital. His two other partners are leaving too, one to an early retirement and the other to Utah, where she will not have to pay malpractice premiums as large as the ones in Ohio. They say they do not have a choice, they have to leave. Together, just this one practice will leave 4,500 patients looking for new doctors. That is 4,500 women who have relied on these talented doctors for years, in just this single practice, with no one to turn to. One of these women is 7 months pregnant with her fourth child. At 7 months along, she is looking for another doctor to deliver her baby.

This example is not uncommon to my State. It is not only affecting the doctors who currently practice, but it is affecting future doctors and patients. Recently, the chairman of an OB-GYN residency department in Ohio said he is even unable to train future OB-GYNs. He said that due to high liability premiums, it is difficult to find faculty to teach obstetrics residents. When counseling his students, he encourages them to still choose obstetrics as a profession, but now he offers a warning: just pick the right State, a State with good medical liability reforms. He also said in the past 2 years not a single one of his OB–GYN residents set up practice in Ohio.

The strides our country has made in reducing maternal and infant mortality rates through quality prenatal care are now being jeopardized. Across America, too many expectant moms are foregoing essential prenatal care, and they are asking, who will deliver my baby? I am concerned that without a change, the future of pregnant women's health is in serious jeopardy.

The American people are fed up with abusive personal injury practices, aggravating frivolous lawsuits, and a health care system that is getting more expensive and less accessible as a result. That is why we are here today. That is why we must pass this important initiative. The Congressional Budget Office estimates that when our plan is enacted, premiums for medical malpractice insurance ultimately would be an average of 25 to 30 percent less than they are now.

Mr. Speaker, we see a barrier standing in the way of access to quality and affordability in health care, so we are trying to knock it down. It is a solution.

And the third piece of our puzzle will help address skyrocketing health care costs where they hurt the most, small businesses. When you consider that small businesses employ 50 percent of employees across our country, it is troubling to learn that 60 percent of the uninsured work for small businesses. They are uninsured because small business owners cannot afford to pay the cost of health insurance for their workers. The Small Business Health Fairness Act brings the benefits enjoyed by corporate America to these small businesses.

This important initiative will allow small businesses to create association health plans, or AHPs. AHPs will enable small businesses to join together through existing trade associations to purchase health insurance for their workers at a lower cost than what is available to them now. It is the wholesale strength-in-numbers approach that will allow these groups of small businesses to band together to negotiate for lower prices on health insurance than individual employees could secure on their own.

AHPs will save small businesses an average of 13 percent on their employee health care costs, which means more small business employees will have access to affordable health care coverage. And there is no question that 13 percent will be better spent by employers expanding their businesses by hiring unemployed Americans.

Mr. Speaker, once again we see a barrier stand in the way of access to quality and affordable health care, so we are trying to knock it down. Once again, it is a solution.

We have laid our common-sense solutions on the table, and now it is time to put them to work. I urge my colleagues to join me in implementing these critical initiatives that will help control the cost of health care in this country.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, two wrongs do not make a right, and three wrongs do not make a right, and passing bad legislation a second and third time will not make it a good bill. And I do not believe the Senate is going to like it a bit better. As a matter of fact, if the problem is the United States Senate, the other body, it would seem to me that we could take the bill over to the other body and find out exactly what the problem is and not take the time of the House over and over passing a bill that will go nowhere.

Last year, the House considered and passed the legislation that is identical to two of the bills considered under the rule, and I do not believe the people of this great Nation sent us here to change the number on a bill and pass it again during the same Congress.

Instead of playing these legislative games, we should be working on the grave issues that face this country. Americans are out of work, the Federal deficit is reaching all-time highs, American troops are in even greater danger in Iraq, the serious abuses of Iraqi prisoners and the failure to find weapons of mass destruction in Iraq should be aggressively investigated, and our hard-earned reputation and relationships throughout the world are in a shambles. So why, Mr. Speaker, are we on the floor of the people's House doing the same thing we did last year?

Why are we wasting valuable time reconsidering the bills that were passed and sent to the other body? The bills do nothing to help the more than 40 million uninsured Americans. It is shameful, with so many issues facing this Nation, that so many pieces of good legislation languish while we waste valuable floor time on bills that have already been passed and are not expired.

Why are we not considering bipartisan legislation to expand access to preventive health care services and to education programs that help to reduce unintended pregnancies, reduce infections of sexually transmitted diseases? And why are we not considering legislation that would allow children of deployed servicemembers to remain at their public schools in the event of a temporary residences change? Why do we not consider legislation to keep law enforcement uniforms out of the hands of criminals and terrorists? Why are we not on the floor debating and passing important bipartisan genetic nondiscrimination legislation?

This replay game is not even an effort to improve the earlier work. The bills are not new and improved. Last year's medical malpractice legislation was considered under a closed rule, and this year the same malpractice legislation is subject to a closed rule. In the Committee on Rules hearing on each of the medical malpractice bills, Democrats offered a total of 39 amendments. Zero were made in order. Last year, the rule on the association health plans, the AHP bill, was restrictive, allowing only one amendment. This year, the same AHP bill with a new number is subject to a restrictive rule and again only one amendment is made in order.

I make the point again, Mr. Speaker, there is no change in the bill that has already passed the House.

Mr. Speaker, it does not help the millions of uninsured Americans at all. The wealthy are able to take advantage of the health savings accounts, but the poor are not. The uninsured will continue to be the uninsured.

H.R. 4281 suffers from the same fatal maladies as last year's bill creating the AHPs. The Congressional Budget Office found that under this proposal, now this is very important, the Congressional Budget Office found that under the proposal passed that the premiums would increase for 80 percent of workers in small firms, and that 100,000 of the sickest workers would lose coverage all together.

The bill would eliminate the protection of over 1,000 State consumer protection laws and vital State oversight. AHPs are likely to destabilize the health insurance market. Over 850 organizations oppose this legislation, including the National Governors' Association, the National Conference of State Legislators, and the National Association of Insurance Commissioners.

The cure offered by the same medical malpractice bill is worse than the disease. Just like last year's bill, the bill ignores the major player in rising malpractice insurance premiums: the insurance corporations. Why we do that, I do not know; but they are continually left out of this equation. Proponents want to blame the jury awards for rising insurance premiums, but a study by Americans for Insurance Reform reported that rising insurance premiums are in no way tied to jury awards.

Nothing in the bill requires the insurance corporations to lower premiums for medical malpractice insurance. Nothing in this bill requires the insurance companies to pass along to the physicians any savings the corporations might gain from this legislation. And, disappointingly, nothing in this bill gets rid of incompetent doctors.

Statistics say that 5 percent of doctors are responsible for 54 percent of all medical malpractice claims paid. Logic cries out that those 5 percent of doctors be dealt with. Now, this legislation punishes injured patients with valuable claims against negligent or reckless physicians and allows repeatedly reckless doctors to continue to practice medicine. We should weed out the 5 percent of physicians causing most of the harm and who force the insurance to pay again and again for their mistakes.

We should stop playing games and consider legislation that will really help patients and that will really aid the doctors in providing quality health care. What we need is a reasonable regulation of the insurance industry, aggressive removal of bad doctors, and affordable prescription drugs.

Mr. Speaker, my concern goes beyond this obvious waste of time and resources and the poor substance of these three bills. Once again, the House is denied the opportunity to engage in full and open debate. Members are being muzzled. This abuse of process is becoming the norm rather than the exception.

Excluding H. Res. 638, the Committee on Rules has produced 22 rules this year: one open rule, 14 restrictive, five closed, and two procedurals. Debate is narrowed and stifled. Amendments and policy alternatives routinely are made out of order and not allowed on the floor. The body is elected to deliberate and debate, but the process is becoming much less democratic and much less deliberative.

This abuse of power and process harms this institution and does nothing to help the over 40 million Americans without health care insurance. Reconsideration and repassage of these bills is a meaningless exhibition of political theater, and I urge my colleagues to vote "no" on this rule so the House can get down to some serious work on behalf of the American people.

I must also say, Mr. Speaker, that I am particularly aggrieved at the portion of this bill that allows the pharmaceutical companies and the producers of medical devices to get off without being sued.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 2 minutes to the gentlewoman from West Virginia (Mrs. CAPITO), who has such a passion for health care concerns for her constituents.

Mrs. CAPITO. Mr. Speaker, I wish to speak about the medical liability reform bill.

Being from a State like West Virginia, we have been in crisis for many years, and I am exceedingly frustrated that we are not able to pass this bill and get it to the President for signature. We have passed this bill seven times, while our colleagues in the other Chamber have not acted on this. As a result, we are a Nation faced with torts gone wild.

Mr. Speaker, the medical liability crisis our Nation is faced with is not a recent development. It has been an ever-present problem of varying degrees over the last 3 decades. Some States, like California, have been proactive and enacted tort reforms 3 decades ago. The California reforms, commonly referred to as MICRA, resulted in significantly limiting the increase in medical liability premiums as compared to the rest of the Nation.

The other States' premiums have risen over three times as much as those in California. Doctors are retiring, moving, and throwing up their hands in frustration across this land. Access, affordability, and quality of our health care is at stake.

Mr. Speaker, some State legislatures have acted recently to change their respective tort law system for medical liability claims. I am proud to say my own State of West Virginia has been a leader in this. However, this much-needed reform is now vulnerable to judicial review and can be ruled unconstitutional.

Other States, like Pennsylvania, are specifically prohibited by their State constitution from considering such reforms. Mr. Speaker, this is why a Federal reform is so desperately needed. This reform will defer to State tort law where it is present, but will serve as a backstop for States where the respective State supreme court rules against the new laws.

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Mr. Speaker, it is time to take control of the health care costs that are spiraling out of control due to a legal system gone wild. Our Nation's health care is at risk.

Ms. SLAUGHTER. Mr. Speaker, I yield 6½ minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentlewoman for yielding me this time. I am almost a little embarrassed to be here today. This country is dealing with serious problems in Iraq, this country is dealing with serious unemployment problems. In Ohio, we have lost 1 out of 6 manufacturing jobs. This country is facing incredible confusion with the new Medicare bill and seniors are sorting through 50 Medicare cards to get a 10 or 15 percent discount while drug prices go up 15 or 20 percent a year, yet we are here today to debate issues which have already passed in the House and bills that clearly will not make a dent in the problem of the uninsured, the 40 some million uninsured.

Instead of debating proven solutions, solutions that we know will work, but solutions that just might, they just might hurt the drug industry and the insurance industry, they might be bills the insurance companies do not like, instead of working on bills that expand access to health insurance, the Republican leadership has chosen to pat itself on the back. They are frittering away the Cover the Uninsured Week by reconsidering bills which have already passed this House, bills that cater to the insurance industry, some of the biggest contributors to President Bush and the Republican Party, bills that give away the Federal Treasury to the drug industry, industries that give tens of millions of dollars to Republican leadership and to President Bush, and bills that help the HMO industry by sheltering them from liability.

These bills will not necessarily reduce the number of uninsured, but we know they will undermine hard-fought State insurance laws, they will cover some small number of employers at the expense of others, they will provide tax shelters to people who already have coverage, and they will perpetuate the type of high-deductible coverage that actually discourages people from seeking preventive care.

Republican leadership will spend this week, Cover the Uninsured Week, trying to cull out the uninsured issue so they can hand out more tax breaks to their HMO and insurance companies and prescription drug company contributors and butter up more of their campaign contributors.

The President's budget does not spend a dime on the uninsured, but it will cut $24 million from the Medicaid program, clearly a program that works and which has helped millions of America's elderly and poor families.

The President's plan will increase the number of uninsured. My Republican colleagues would also cut the Medicaid program by billions, stripping health insurance coverage from the most vulnerable among us.

So let me see, the Republican bills protect the drug companies and the HMOs from harm they cause their patients, they destabilize the entire small group insurance market to buck State insurance laws, and they give tax breaks to the already insured. I am sure none of this has anything to do with the fact this is an election year. President Bush is out raising $200 million, Republican leadership is trying to equal that amount of money, and so much of it comes from the drug industry, the insurance industry and the HMOs.

Now, this is my Republican friend's response to the fact that 43 million people in this country are uninsured. It is outrageous that we are voting for a second time on these issues. It is not just futile; frankly, it is shameful.

The other side of the aisle were talking about the malpractice crisis for physicians which is very real in many places. The gentlewoman from New York said this bill has liability protections, not just helping the doctors but for the drug industry?

Ms. SLAUGHTER. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentlewoman from New York.

Ms. SLAUGHTER. Not only for the drug industry, Mr. Speaker, but for the people who manufacture medical devices. I know that is hard to believe, given that the drug companies just cleaned up from the Medicare bill passed here, but they are indemnified in this bill if the FDA has approved what they are doing.

Mr. Speaker, this is the same FDA that just last week threw science overboard and declined to approve a drug that has been found safe in 36 countries and by 24 of 29 scientists that studied it for the FDA. I do not trust the FDA anymore. But the FDA gives it approval, and then says citizens will have no recourse.

Mr. BROWN of Ohio. So to make sure I understand this, the FDA, the same FDA that has begun to throw overboard science, the same FDA that is clamping down on Americans going to Canada for less expensive drugs, the same FDA that approves prescription drugs, if they approve them, this FDA which is way too controlled by the drug industry, which is controlled and influenced by the drug industry, if they approve a new drug, even if that drug is found to be unsafe and injures hundreds of thousands of people, there is no liability? There is no way to bring suit?

Ms. SLAUGHTER. Mr. Speaker, if the gentleman would continue to yield, there is no punitive damage; none. In addition to that, just last week it was reported that science in the United States is falling considerably behind. We are no longer the leaders. This is the same leading by this FDA. I am very sorry to see that in this bill, and I believe most Americans will not approve it being in this bill. Frankly, I hope the Senate will again refuse to take it up.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, buttressed by our colleagues in the other body who are holding all these bills hostages, certainly they would like to have us give up, but when 58 percent of the OB–GYNs in Ohio are changing or leaving their practices, it is exactly the right time to turn up heat on these bills, and that is exactly what we are doing.

Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am appalled at some of the rhetoric going on around here. The FDA is doing a good job. The FDA is controlling drugs. I have seen drugs out of Canada that are not good, so I think they are doing a good job.

Mr. Speaker, I want to say I am here today to support the rule for H.R. 4280, the Small Business Health Fairness Act. The state of health care in America is reaching a crisis level. Costs continue to escalate annually at unprecedented rates. Our employers are being forced to drop health care coverage. This disproportionately affects small businesses burdened with shopping for health insurance in the costly small group markets. Large employers bring bargaining clout to the table when they work with insurance companies. Small businesses have fewer employees, and thus have little or no bargaining power. Not only that, but large employers and unions are exempt from burdensome State mandates already. These mandates dictate what health plans must cover and vary from State to State. Small employers do not have that luxury.

We know that more than 60 percent of the uninsured Americans either work for a small business or are dependent upon someone who does. The clear course of action here is to help our small businesses afford health coverage by giving them those same opportunities that unions and large businesses have. Association health plans or AHPs do just that. Small businesses would be able to group together in bona fide trade associations. AHPs would then be able to use economies of scale to their advantage and provide more affordable health care for working families while avoiding administrative costs of State mandates. According to the CBO, AHPs would save small business owners and their employees as much as 25 percent on their health insurance.

I was pleased to see that the Senate task force on the uninsured included association health plans in their report just this week. They are not the only solution to the uninsured in America, but they are certainly an important part of any solution. This is a bipartisan bill. The time to act is now. I urge a yes vote on the rule and on the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, the previous gentleman would not yield to my colleague, but it is the FDA's own assistant commissioner, Mr. Hubbard, who said they have seen no unsafe drugs from Canada but have found adulterated drugs in our relatively unregulated secondary wholesale market. So the gentleman is wrong on that. He said he has seen them. He ought to contact the FDA.

Mr. Speaker, there is some room for agreement here. There is a problem in the affordability of insurance, health insurance for many Americans and businesses, medical malpractice insurance for many doctors. But guess what? It has spilled over into car insurance, homeowners insurance, personal liability insurance. It seems to be a big crisis in the health insurance industry. And is it that there is this whole new tide of claims in these areas? No, it is because the industry mismanaged its funds.

It is an industry that is exempt from antitrust laws of the United States of America. They can and do collude to fix prices, redline people, and choose who they want to cover and who they do not. So they are sticking it to the docs and the American people and American businesses who buy health insurance in all lines of insurance.

So one logical thing to do would be to subject the health insurance industry to the same rules that every other industry in the United States of America has to follow, make them follow antitrust laws, do not allow them to collude to set prices. But since they are such generous contributors to the other side of the aisle and to the President, oh, no, we are not going to make them like other industries, we are not going to make them competitive, let us give them a little gift here. We are going to go after other ways of dealing with this problem.

Of course, the other way of dealing with this problem is exactly the same bill passed by the House of Representatives last year which is not going to pass the Senate. So why are we here today? We are here today because they want to remind their political contributors they did this last year and they can do it again this year. The Senate is not going to do it. They do not want to really legislate. They do not want to come up with compromises that might pass.

There is a problem in affordability and access. There is a problem for both citizens and for docs to get the health insurance that they need. We are losing specialties. All those things are true, but their conclusion is to bail out their friends, the HMOs, the pharmaceutical companies, the insurance industry, not to help the docs, because there is not going to be a bill, and not to help the American people get affordable health insurance.

Mr. Speaker, there are better ways to deal with this problem. A number of States have adopted things that are called soft caps. The bill the other side of the aisle is trying to pass here today was brought up by initiative petition in my State. We hear people in America want this legislation. Guess what? In my State, which I think is a pretty good cross-section, the initiative for hard caps at $250,000 when people saw the egregious things that happen to some people through negligence, was rejected 4 to 1. The other side of the aisle is telling us the American people want this solution. No, the American people want access to their doctors, and they want access to affordable health insurance. But the other side is not going to do either of those things today because it would go against the economic interests of some of their most generous political contributors.

This is identical to legislation passed in the House of Representatives last year, but here we are doing it again for political purposes, not legislative purposes.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Speaker, Washington State is facing a health care crisis because medical liability lawsuits have run amok. We are one of 19 States in the country that is in a health care crisis. We have lost 500 doctors because they could not afford medical liability insurance in my State. What this means is women who are seeking an OB-GYN in some of our communities cannot find one to deliver their babies. That is a crisis. Emergency rooms are not able to stay open 24 hours a day; that is a crisis. We are losing doctors to Idaho, right across the line from my State.

As a member of the Medical Malpractice Crisis Task Force, I am pleased to support H.R. 4280, the Health Act, and pleased to support the rule. It is the right thing to do. There is every reason in the world that critics of any reform can try to give to mask the concept that we have to address the issue of medical liability reform first. We will not do that until we pass a bill in this House and we pass a bill in the other body so there can be communication and discussion and resolution of this problem.

□ 1115

To do nothing does not solve the problem, Mr. Speaker. So I am pleased that this HEALTH Act is being brought up again. We have to make sure we establish again and again and again the commitment of the House to medical liability reform, because doctors, hospitals, nurses, and patients are at risk if we do not change this system, modify this system, reform this system with a commonsense proposal that will lower costs and premiums so that doctors can stay in business. The damage that is being done here is that we are losing very good physicians and hospitals are at risk, risking closing, and also nurses are leaving the practice. They are going elsewhere because they are concerned about the liability insurance that they cannot get in States like mine. I urge my colleagues, vote for this measure, vote again in this House to pass it. Then let us urge the other body to adopt the same sort of commonsense reform. We can do that. I urge my colleagues to support the rule and the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, first let me thank the gentlewoman from New York for yielding me this time. I was listening to her comments. I just want to concur in that this is a very unusual process. Once again we are not going to have full debate and the opportunity to offer amendments. Although we might be getting used to it because it seems to be the norm around here, we should never be silent as to how this is wrong. We should have an opportunity to offer amendments. We should have an opportunity for an open process. We should have an opportunity to debate a bill on its merits. And we are not going to get that chance.

Mr. Speaker, let me mention just two matters that affect the people that I represent in Maryland and the reason I took this time. First, I agree with the previous speaker on this side of the aisle that we should be doing something to bring down the cost of prescription medicines in this country. That is why I will vote against ordering the previous question, because I think we should have a debate on the floor dealing with the cost of medicines which is still the number one problem that I hear when I go to my town hall meetings. The second issue deals with these association health plans. I went to the Committee on Rules and asked for an amendment that would exempt States from these association health plans if the State requested it and they had a small-market reform which already provided help for their small businesses. In my State of Maryland, the adoption of the association health plans will actually be counterproductive. There will be fewer companies that will be offering health care benefits than there are today. That is why Governor Ehrlich has opposed that plan and many other Governors around the Nation have done the same. But I am not even going to have an opportunity to offer that amendment that would give the States the opportunity to continue their initiative. After all, I thought we believed in States rights here and the ability of States to be able to move forward with initiatives to cover their uninsured. But no, this bill works just the opposite. That is why many of our States we have heard from would oppose the association health plans in the way that it is currently drafted.

Mr. Speaker, I regret that the Committee on Rules did not allow that amendment to be made in order nor did they allow any amendment to be made in order. That is not the way that we should be operating in this body. It does not speak to the democratic process. Therefore, I would oppose the rule.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Florida (Mr. WELDON), who, as a doctor, has personal knowledge of how this stuff works.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentlewoman for yielding me this time. Yes, I do confess to being a doctor. I practiced medicine for 15 years before I was elected to the House of Representatives. I still see patients. I see them once a month. I want to address the issue in this rule of medical malpractice reform. A lot of people when they debate the issues surrounding the need for medical malpractice reform and reining in all of these plaintiffs' attorneys who are advertising on television, a lot of focus is on the size of the judgments and the costs, the legal fees associated with this system. But the real burden on our health care system is the high cost of defensive medicine.

What is defensive medicine? I can tell you exactly what defensive medicine is because I practiced it for 15 years. I spent daily between $300 and $3,000 a day unnecessarily. Primary care providers; they do not like to talk about this because it gets them in trouble with their insurance companies, not with their medical malpractice insurance companies but with the Blue Cross/Blue Shields and the Aetnas. The executives of those companies, if they hear doctors saying that they are spending money unnecessarily, they get very upset and they try to clamp down on it.

But how does it work? You come in and you have a headache, you have just lost your job or you have got problems at home. You order a CAT scan, anyway, just because you are worried that you might miss something. And you see the next patient and you are worried about this. Some of you may listen to me and say, oh, this is just rhetoric, this is just hot air. This has been studied scientifically. They studied it in California. They studied it before and after the medical malpractice reforms went through. They discovered that just in the Medicare plan alone that for one diagnosis of heart disease, we are probably spending in excess of $600 million a year unnecessarily just within Medicare, just within one disease, because of defensive medicine.

They passed medical malpractice reform in California. They looked at a reduction in costs with no increased incidence of complications, what we call morbidity and mortality. In other words, quality stayed the same and costs went down. The only way to explain that, the researchers said, is a reduction in defensive medicine. What does this mean? This means if you want to save Medicare money so we can afford prescription drugs, pass medical malpractice reform. If you want to reduce the number of uninsured, pass medical malpractice reform. If you want to reduce the cost of health insurance for American businesses so they can be more competitive in the international marketplace, pass medical malpractice reform.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 1 minute. CBO reports that proponents of limiting malpractice liability argue greater savings in health care, possible through reductions in practice of defensive medicine. However, the defensive medicine is motivated less by liability than by the physicians, by the money it generates for them. And on the basis of existing studies and its own research, the Congressional Budget Office says savings from reducing defensive medicine would be very small.

Also, there is no evidence that restriction on tort liability reduced medical spending.

Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time. I rise in strong support of the motion of the gentleman from Texas (Mr. FROST) to move the previous question and allow a vote on the two bills that are essential to lowering health care costs and helping Americans afford their prescription drugs.

I would like to note the irony that today in the House of Representatives we are dealing with health care, the Senate is dealing with health care, and Senator KERRY is dealing with the issue of the uninsured and health care. The only person missing from this debate is the President of the United States, who still lacks an agenda as it relates to health care.

As we are focusing on health care costs, for the last 6 years the cost of prescription drugs in this country have gone up on average 18 percent. This year alone they are going to go up 18 percent. They are projected to go up next year 20 percent. That is five times the rate of inflation. The two bills that this motion would bring up on the floor would make an immediate and lasting impact on the cost of prescription drugs that our seniors are being asked to pay and our taxpayers are being asked to also pay. People from around the world come to America for their medical care. Yet Americans are forced to go around the world for their medications. That is wrong, and we can do better.

Just recently, the CEOs of Walgreens and CVS now came out in favor of allowing people to buy their drugs in Canada and in Europe. Secretary of Health and Human Services Tommy Thompson, who has opposed it, now supports allowing Americans to buy their prescription drugs in Canada and in Europe. The Secretary of Health and Human Services uses Lipitor. Where is that made? Ireland. The difference between that Lipitor that he buys and the people in Canada and Europe is that in the United States that costs 67 percent more here in the United States than it does in Europe and Canada, yet it is made from the same factory in Ireland and we import it into this country. It is distributed worldwide from one country.

Last year alone we imported $14.5 billion worth of prescription drugs. They are safe. The only thing different with those drugs from anywhere else in the world is those drugs here in the United States at our pharmacy cost 50 to 60 percent more here in the United States than they do in Canada and in Europe. It is high time we bring competition and choice to market and bring prices down. This legislation would allow us to do that.

In addition to that, half the States in the country now have legislation or some ability allowing people to buy prescription drugs in Canada and Europe. Congress has passed this on a bipartisan basis. It is not a Democrat-Republican issue. It is between right versus wrong. It is high time we bring this legislation back up and give people real financial relief from a cost where inflation is running 2 percent, prescription drug costs are running close to 20 percent each year for the last 6 years. It is time we bring competition to bear on the market and allow prices to drop through choice and through competition.

I would hope that my colleagues on the other side, given that 83 Members voted for this, allow this legislation to bear so we can finally force the other Chamber to allow prescription drugs prices to be driven down. This is about cost, cost, cost. When somebody tells you it is not about money, it is about money. The prescription drug companies have a hold on this Congress. It is time we break the hold and allow the voices of our constituents to be heard and the pressure on their wallets to be relieved.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I may have misheard my colleague earlier when I thought she said that CBO estimates on the premiums for medical malpractice insurance would be very small. If that is the case, I am sorry, but let me just let the record stand that CBO estimates predict that under this very act, premiums for medical malpractice insurance ultimately would be an average of 25 to 30 percent below what they are under current law. Twenty-five to 30 percent below the premiums that we have currently is not a small amount. It is very, very significant.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, let me yield myself 1 minute to respond to my colleague who did misunderstand what I was saying. The speaker had said that practicing defensive medicine was one of the reasons that the costs were so high. What the CBO has said was that defensive medicine is motivated less by liability concerns than the income it generates for the physician. On the basis of CBO's own studies and research, they believe that savings from reducing defensive medicine would be very small.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I have been on the floor yesterday as well as earlier today essentially pointing out that the Republicans who have now said that this is the week of the uninsured, that somehow this is the week they are going to pass legislation to help the uninsured are, in fact, doing nothing of the kind. We face a health care crisis in this country. It is a crisis that is based primarily on cost because the cost of health care keeps going up and also because more and more people have no health insurance. Nothing that is being presented in these bills today and tomorrow is going to do anything major to bring costs down for the patients or for those people who are now uninsured.

I oppose the rule because I think there should be an opportunity to bring up some Democratic measures that would do exactly that, reduce the costs of health care and also cover more people. Specifically, I know it has already been mentioned with regard to cost, is the idea of reimportation from Canada and other countries. We all know that that saves the consumer money. Why not let us have an opportunity to bring that up? The Republicans are wrong in not allowing it to be brought up.

Secondly, let us amend the Medicare prescription drug bill so that we can have negotiated price reductions. Let the Medicare agency, let the Federal Government negotiate prices to bring prices down. This is what other countries do. This is what we do with our VA and with our military. It is a way of lowering costs. But beyond that for the uninsured, allow us as Democrats to bring up other measures. We have a measure that would allow the nearly elderly, those who are over 55, not yet eligible for Medicare, to buy into the Medicare program so that they can be insured. That is the second largest group around this country that have no health insurance right now.

In addition to that, we have a very successful bipartisan program called S-CHIP that insures a lot of the kids around this country who were uninsured. Let us amend that bill. Let us bring up an amendment that would allow us to expand the S-CHIP program to cover the parents of the kids. These are people that are working, they are lower-income but they are working, and they cannot get health insurance on the job.

Let us also address the problem that small businesses have. The Democrats have another proposal, a piece of legislation that would increase what small businesses can do in terms of tax deductions if they provide health care for their employees. The Republicans do not allow us to do this. They are doing nothing to deal with the crisis of health care in terms of cost and the uninsured.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I will be asking for a "no" vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will allow the House to add two more important health-related bills to this multibill rule.

□ 1130

Since we are revoting on health initiatives that have already passed the House in some form in this Congress, I think we should take this opportunity to consider two other very important pieces of healthcare-related legislation. My amendment would allow for the consideration of a bipartisan drug reimportation legislation. If the purpose of this rule and these bills is to restate our commitment to House-passed health-related matters, this bill certainly deserves to be included. It has been passed several times. Drug reimportation legislation would provide relief for millions of Americans including the over 40 million uninsured. The House overwhelmingly passed similar legislation last year but it is worth considering again, now that the Secretary of Health and Human Services has said that he supports reimporting drugs from Canada.

The second bill would amend the Medicare Prescription Drug Act to provide for negotiation of fair prices for Medicare prescription drugs. I cannot think of a more important correction to the Medicare prescription drug bill than fixing the irresponsible language in that bill that prohibits the Federal Government from negotiating lower prices for prescription drugs for our Nation's senior citizens.

Let me emphasize that a "no" vote on the previous question will not stop consideration of the three bills already covered by the rule. It will allow the House to add these two important health bills to this multibill rule. However, a "yes" vote will block Members from considering two more critical health initiatives. Again, I urge a "no" vote on the previous question.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I cannot stress enough the importance of moving forward with these solution-based initiatives. We have a chance here now to make a difference in the lives of hardworking Americans across this great Nation. So let us put a stop to the politicizing of the plight of the uninsured. Let us help the small business owners insure their employees. Let us help Americans have more say about how their health care dollars are spent. Let us help these pregnant women and their babies who have no doctors to deliver them and care for them. Let us help the 58 percent of OB-GYNs in Ohio that have to leave or change their practices than stay in the profession they have chosen.

Mr. Speaker, I urge my colleagues in the strongest way to support this rule and the underlying legislation.

Mr. COSTELLO. Mr. Speaker, I rise today to oppose the rule that refuses to allow for an open debate or the ability to offer amendments to the medical malpractice legislation brought to the floor today by the Republican leadership.

We have a medical malpractice crisis in downstate Illinois. Doctors are leaving the area at an alarming rate.

There is not a simple solution to this complex problem. Some believe that restricting or capping damages that victims of malpractice receive alone will solve the problem. Others believe that placing restrictions on the insurance industry is the answer. There have been many studies on the issue reaching conflicting conclusions on the cause of the problem or the solution.

However, one thing is clear. If we do not have the ability to put all of the issues on the table for consideration, and if we do not have the ability to debate each issue and offer amendments on medical malpractice legislation, we will not be able to solve the problem.

The bill before us today is identical to the bill passed by the House that has been tied up in the Senate for months. The bill restricts or caps damages that a victim of malpractice can receive. However, the bill does nothing to restrict premiums that insurance companies can charge doctors or health care providers. It does nothing to stop or restrict the frivolous lawsuits that clog our court system and the bill does nothing to establish an alternative arbitration system to settle claims outside of the court system.

If we are serious about finding real solutions to the crisis rather than scoring political points, the Republican leadership should allow for open debate on all points of view and allow members to offer amendments to the bill to be considered and vote them up or down.

Unfortunately, they have restricted debate on the bill and have refused to allow any amendments to be offered, debated or considered. It is—take it or leave it as is with little debate and no amendments—no room to compromise.

I will vote no on the closed rule prohibiting amendments and restricting debate, and I will vote to recommit the bill so that we can come back to the floor with a bill that fully addresses all issues putting everything on the table for consideration and adoption.

I urge my colleagues to join me.

Mrs. CHRISTENSEN. Mr. Speaker, the House today considered a rule providing for the consideration of three bills that are intended to solve our nation's insurance crisis which has reached epidemic proportions. Today, an estimated 43 million in the United States have no health insurance. About 60 percent of those, approximately 24 million, are employed by a small business or are a member of a family whose income derives in some way from a small business. The skyrocketing prices of malpractice liability is driving insurance premiums up and making it impossible for employers of 500 or less individuals to afford the high cost of health care.

The bills being debated today while seeking to address these issues does so unfortunately, by providing the wrong solutions. Today, the House will once again bring up a bill to create Associated Health Plans (AHP). Providing a permanent solution to the uninsured is critical to our nation's economy because Small Businesses, the engine of our nation's economic growth because they create about 75 percent of new jobs in America, deserve a sound and permanent solution to the affordable health care.

Mr. Speaker I oppose the rule that will control the disposition of these bills primarily because it does not provide for Democrats to include their measures in solving the issue of the uninsured. The proposed rule only makes in order a substitute amendment and not an amendment to the underlying bill. Stacking the deck against the Democratic efforts to ensure that the legislation has a sense of balance and accurate in addressing the need of the American people.

Additionally, Mr. Speaker, I must also express my displeasure with the majority's efforts to address the current malpractice crisis. As a former family doctor I am fully aware of the feeling many doctors have about being forced out of practice by very high insurance premiums. The Republican bill, H.R. 4280 does not address the problem, however.

According to the Institute of Medicine, "At least 44,000 and perhaps as many as 98,000 Americans die in hospitals each year as a result of medical errors. Deaths due to preventable adverse events exceed the deaths attributable to motor vehicle accidents (43,458), breast cancer (42,297) or AIDS (16,516)." The IOM estimates annual costs to the economy of medical errors between $17 billion and $29 billion. Congress would better serve the public with legislation that promotes patient safety, rather than overriding state-law deterrents that help prevent patient deaths and injuries.

Instead of reducing the costs of medical malpractice and defective products, the majority's approach would shift costs onto injured individuals, their families, voluntary organizations and taxpayers. Not only are the provisions unfair to victims, they also sacrifice the principles of market economics and private property long professed by the bill's conservative advocates.

Furthermore, punitive damages are rarely awarded in medical malpractices cases, but the threat of punitive damages is important to deterring reckless disregard for patient safety by HMOs, nursing homes, and drug and medical device manufacturers. The $250,000 cap on non-economic damages awards are for non-economic loss (pain and suffering resulting from injuries such as lost child-bearing ability, disfigurement, and paralysis) compensate for the human suffering caused by medical negligence and defective medical products.

These damages generally account for 35 to 40 percent of a jury's award. Typically, such damages exceed $250,000 only in cases of NAIC Level 6 injury severity or higher—that is cases involving permanent significant injuries. Thus, the cap will not affect patients with minor injuries; instead, it targets only victims of injuries such as deafness, blindness, loss of limb or organ, paraplegia, or severe brain damage. Since the cap makes no allowance for inflation, its arbitrary limits become more unjust as each day passes.

I implore my colleagues to reject this rule and H.R. 4280 and support the Conyers-Dingle substitute. The Democratic substitute does not restrict the rights of injured patients who file meritorious claims. It requires certification, with civil penalties, that a pleading is not frivolous, factually inaccurate or designed to harass. It includes a 3-year statute of limitation; establishes an alternative dispute resolution process; limits suits for punitive damages; and applies 50% of awards from any punitive damages to a patient safety fund at HHS. Finally, it requires insurance companies to develop a plan to give 50% of their savings to reductions in medical malpractice rates for doctors.

The Democratic substitute also addresses the causes of rising medical malpractice insurance rates by creating a new commission to evaluate the causes of the malpractice premium crisis and recommend solutions, including a medical reinsurance program, risk distribution among health providers and other changes that might avoid such increases in the future.

Because experience has shown that capping damages will not lower malpractice insurance rates for doctors, the Democratic substitute promotes competition in the marketplace so doctors can get lower insurance rates. The five states with the highest malpractice insurance premiums in the country in 2002 already had damage caps. Only insurance reform will help bring down rates. The Democratic substitute specifically requires the newly created commission to study various insurance reform proposals, particularly repealing the medical malpractice insurance exemption under the McCarran-Ferguson Act (which would foster competition).

Mr. Speaker, we need a real malpractice relief, I urge my colleagues to put partisan gamesmanship aside and pass health legislation that our nation is so badly in need of.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 638 RULE FOR H.R. 4279, H.R. 4280, & H.R. 4281

Strike section 4 and insert the following:

"Sec. 4. That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider a bill consisting of the text of H.R. 2427, to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes, as passed by the House. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; (2) an amendment in the nature of a substitute if offered by Representative Dingell of Michigan or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

"Sec. 5. That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3672) to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; (2) an amendment in the nature of a substitute if offered by Representative Dingell of Michigan or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

Sec. 6.(a) In the engrossment of H.R. 4279, the Clerk shall—

1. await the disposition of all the bills contemplated in sections 2–5;

2. add the respective texts of all the bills contemplated in sections 2–5, as passed by the House, as new matter at the end of H.R. 4279;

(3) conform the title of H.R. 4279 to reflect the addition to the engrossment of the text of all the bill contemplated in sections 2–5 that have passed the House;

(4) assign appropriate designations to provisions within the engrossment; and

(5) conform provisions for short title within the engrossment.

(b) Upon the addition of the text of the bills contemplated in sections 2–5 that have passed the House to the engrossment of H.R. 4279, such bills shall be laid on the table.

(c) If H.R. 4279 is disposed of without reaching the stage of engrossment as contemplated in subsection (a), the bill contemplated in section 2–5 that first passes the House shall be treated in the manner specified for H.R. 4279 in subsections (a) and (b), and all other bills contemplated in sections 2–5 that have passed the House shall be laid on the table.

Ms. PRYCE of Ohio. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PROVIDING FOR CONSIDERATION OF H.R. 4275, PERMANENT EXTENSION OF 10-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 637 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 637

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4275) to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate bracket. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

The resolution before us is a modified closed rule, the standard rule used for considering tax bills. It provides for 1 hour of debate in the House to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

It also provides for consideration of the amendment in the nature of a substitute printed in the Committee on Rules report accompanying the resolution, if offered by the gentleman from New York (Mr. RANGEL) or his designee, which shall be considered as read and shall be separately debatable for 1 hour equally divided and controlled by the proponent and an opponent.

Finally, the rule waives all points of order against the amendment printed in the report, and it provides one motion to recommit with or without instructions.

Mr. Speaker, the legislation that we will be considering this week, H.R. 4275, the 10 percent tax bracket permanent extension bill, is very important to me, to my party, to the American taxpayers, and I believe this country. I support this legislation to fulfill a promise made by our great President, George W. Bush, and the Republican Party that was begun in 2001 when the 107th Congress overwhelmingly passed H.R. 1836, President Bush's visionary plan to provide American workers with comprehensive tax relief.

Among other things, the President's bold 2001 tax plan created a new 10 percent tax bracket, enabling millions of American families to keep more of their hard-earned money. In the period immediately preceding Congress' passing the President's tax proposal, between 1986 and 2000 the lowest tax rate available to these American workers was 15 percent.

The tax relief this new bracket provides to middle-class taxpayers has proven to be very beneficial to our economy and for hardworking families all across the United States. As a result, in 2003 Congress passed H.R. 2, another tax cut championed by President Bush that accelerated the phase-in of an expanded 10 percent tax bracket, increasing the amount of taxable family income that will be subject to this new lower rate. Under this bill the income eligible for this tax rate went up to $14,000 from $12,000, and up to $7,000 from $6,000 for singles.

Unfortunately, because this tax cut language was written as a compromise with the Senate. If Congress fails to pass my bill and permanently extend the 10 percent tax bracket, in 2005, 2006, and 2007 the bracket will shrink back to $12,000 and $6,000 for singles, increasing again briefly and then disappearing forever in 2011 to satisfy the arcane Senate budgetary rule.

If this were allowed to happen, it would mean that some 22 million low-income filers whose tax liability is contained wholly within the tax bracket of 10 percent would immediately be shouldered with a 50 percent income tax increase. I believe that this kind of tax increase on working-class Americans is simply unacceptable. My legislation offers a simple solution to prevent this major tax increase on middle-class families from occurring. It maintains and adjusts for inflation the size of the 10 percent bracket at $14,000 for married couples, $7,000 for singles, and makes this bracket a permanent part of the Tax Code.

If H.R. 4275 is not enacted, it would mean that 73 million tax returns, representing almost 150 million individual Americans, will be hit with a higher tax bill next year, and these taxpayers will face an average income tax increase of over $2,400 over the next decade. It would mean that those 22 million lower-income workers would be pushed into a higher tax bracket, including over 1.7 million hardworking Texans from my State who struggle every day to make ends meet. Congress should not and cannot allow this massive tax increase to occur, and my legislation would prevent this antigrowth scenario from happening.

No other provision of the 2001 Bush tax cut has benefited taxpayers more broadly than the creation of this 10 percent bracket. Studies have shown that the benefits for this provision overwhelmingly flow to lower-and middle-income married earners between the ages of 25 and 54. These are precisely the people that this legislation will help, and I urge all of my colleagues to support this important tax measure on behalf of all American taxpayers.

This week's vote on H.R. 4275 will provide the kind of broad-based middle-class tax relief to which the Republican Party is strongly committed and so am I.

Mr. Speaker, I urge my colleagues to vote with me in supporting this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. SCOTT) for a brief personal privilege matter.

(By unanimous consent, Mr. SCOTT of Georgia was allowed to speak out of order.)

MOURNING THE PASSING OF GLORIA AARON

Mr. SCOTT of Georgia. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding to me, for being kind and generous for this moment.

Mr. Speaker, I rise really with a heart of sorrow. I rise to ask to be excused from voting so that I may be able to attend a funeral for my wife's sister, my sister-in-law, Gloria Aaron in Mobile, Alabama, who passed on Mother's Day weekend, Saturday. The funeral will be tomorrow and the wake this evening.

Of course, voting is paramount and most important to us here and I wanted to make sure it is a part of the RECORD as to why I will miss voting.

And while I am here, Mr. Speaker, I would like to say just one word about Gloria Aaron. She was more than just a sister-in-law. She was a sister, very strong in her faith and belief in God, worked very hard in the church in Mobile at Morning Star Baptist Church. She leaves a mother, Estelle Aaron; one sister, my wife, Alfredia; two brothers, James and Hank Aaron. Our family are deeply in remorse. I thank the Speaker for giving me this opportunity. And of course for Gloria, she indeed fought that good fight. She kept the faith. She finished her course, and I am sure that there is a crown of righteousness in heaven for Gloria Aaron.

I thank the gentleman from Texas for yielding, and I thank the Congress.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. FROST. Mr. Speaker, I am pleased to join the gentleman from Texas (Mr. SESSIONS) today in support of H.R. 4275, legislation to make the expanded 10 percent tax bracket permanent. In my district in north Texas and across America, scores of families work hard every day to make ends meet. By passing this bill, we will provide some much-needed tax relief to these hard-working Americans.

But I must admit, Mr. Speaker, I find it very odd that some Members of this House would champion the tax relief bill before us today when they have also at nearly every opportunity voted against other measures that would have provided significant economic benefits to a great many middle-class taxpayers. I am talking about measures like providing additional tax relief by reinstating the State sales tax deduction and ensuring overtime pay for America's police and firefighters.

I think it is important to consider these sorts of measures now, Mr. Speaker, because many of our constituents are suffering from the recent recession and the outsourcing of good American jobs overseas.

Do not get me wrong, Mr. Speaker, we all want to provide tax relief to our constituents. I voted last week in favor of the bill to provide relief from the Alternative Minimum Tax. I voted the week before to permanently eliminate the marriage tax penalty, and I will vote today to make the expanded tax bracket permanent. The bill on the floor today is a good bill and it is the very least we can do to help families in the country, but I think the American people deserve better than our least effort.

Others may be happy to limit our efforts to help American families to this bill, but I am not, Mr. Speaker. We can improve this bill by amending the rule to allow for the consideration of H.R. 720, a bill introduced by the gentleman from Texas (Mr. BRADY). His bill will reinstate the sales tax deduction so that citizens of States without income taxes may deduct their sales taxes from their Federal tax bill. This is a very important issue for many Americans, including my constituents in North Texas who do not pay a State income tax but have been plagued by high sales taxes which may rise even higher if some in the Texas legislature have their way.

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Our State comptroller has estimated that the average Texas family would save about $300 a year on their Federal taxes under the bill offered by the gentleman from Texas (Mr. BRADY).

Last week, I attempted to bring a similar measure up for consideration, but that effort was defeated on a straight party-line vote.

This is a bipartisan issue, Mr. Speaker, and I want to give the entire House an opportunity to vote on a bipartisan bill. H.R. 720 has 78 cosponsors, 47 Republicans and 31 Democrats. I have cosponsored the bill, the gentleman from Texas who is managing today's rule on the other side of the aisle has cosponsored the bill, and dozens of other well-respected Members from both parties have cosponsored the bill. As a matter of fact, Mr. Speaker, the Republican leadership indicated last week that they too support this bill.

So why do we not vote on it? Is this about politics, or is it about tax relief? Last week, Republicans defeated my amendment and said it was about politics. Well, here is a Republican bill that has strong bipartisan support and will provide millions of families with $300 a year in tax relief.

The American people deserve to find out today whether the majority party will put partisan politics aside for just a minute to pass this badly needed tax relief. I bet our constituents just cannot wait to see how their elected Representatives will vote on this issue.

In the coming weeks, I hope we will have more opportunities to help more families. But in the meantime, if Members are serious about helping their constituents, they will not only vote to extend the 10 percent tax bracket permanently, they will also vote today to defeat the previous question and allow us to consider H.R. 720, to reinstate the sales tax deduction. It is a Republican bill with Democratic support. As my colleagues realize, a no vote will be a vote against tax cuts.

Mr. Speaker, at this point I would like to insert several things in the Record. I am inserting a special report from Carole Keeton Rylander, the Texas Comptroller of Public Accounts. In this report she says, "Restoration of the IRS sales tax deduction should be one of Texas' main priorities in Congress. The current discriminatory treatment of Texas taxpayers is taking $701 million out of Texas pockets and costing our State more than 16,000 jobs."

I would also at this point, Mr. Speaker, insert in the record a statement by my colleague, the gentleman from Texas (Mr. Brady), that he presented when he introduced this legislation. "Washington should treat all States equally," Mr. Brady says. "A broad bipartisan group pushes Congress to end bias against sales tax States."

[Special Report, March 2002]

Restoration of the IRS Sales Tax Deduction Should Be One of Texas' Main Priorities in Congress

(By Carole Keeton Rylander)

Currently, the citizens of Texas and eight other states are discriminated against because they cannot take any tax deduction comparable to the state and local income tax deductions enjoyed by the citizens of 41 other states and the District of Columbia. In an attempt to alleviate this disparity, Comptroller Rylander proposes to restore much of the federal sales and motor vehicle sales tax deductions that citizens of Texas were last able to itemize on their federal income tax returns for the 1986 tax year.

The Comptroller's plan would grant taxpayers in all states the option of deducting either their state and local sales and motor vehicle sales taxes or their state and local individual income taxes on their Form 1040. While such an option would not fully restore the original deduction, which allowed deductions for sales as well as income taxes, it would go a long way to restoring fundamental equity for taxpayers in those states that no not impose income taxes on their residents, and at minimal cost to the federal budget.

There is already legislation before Congress that closely tracks the Comptroller's plan. Last year, Representative Brian Baird (D–Washington) introduced H.R. 322, and Sen. Fred Thompson (R–Tennessee) introduced a similar bill, S. 291, in the Senate. Both bills would grant taxpayers in all states the option of itemizing a deduction for either their sales (including motor vehicle sales) taxes or income taxes paid, but not for both. Both bills would limit the deduction to a specific amount prescribed in a table (individualized for each state) providing deductible amounts by family size and income group. Taxpayers, however, would not have the option of deducting actual taxes paid, as they had in 1986 and before. The main difference between the bills is that H.R. 322 refers to state sales taxes, while S. 291 refers to state and local sales taxes. The Senate version also would allow the deduction against the Alternative Minimum Tax. H.R. 322 boasts among its 58 co-sponsors 18 Texans; S. 291 is co-sponsored by both Texas senators.

Texans lost their sales tax deductions in the last-minute deal-making behind the Tax Reform Act of 1986. Before passage of the Tax Reform Act of 1986 (TRA86), all individuals were allowed to take separate income tax deductions for their payments of state and local sales taxes and motor vehicle sales taxes. For the sales tax, they were allowed to deduct either the actual amount paid, or they could use an optional sales tax table that provided deductible amounts for each state (based on its rate and base) by income group and family-size. For example, a family of four with an income of $33,000 was allowed to deduct $306 in state sales taxes in Texas, but $508 in Tennessee; and in both instances, taxpayers were allowed to include an additional amount for local taxes paid.

TRA86 was designed to simplify the federal income tax by eliminating many deductions, exemptions and credits while increasing personal exemptions and standard deductions and lowering and compressing tax rates. The deduction of state and local sales taxes was one of the last (and most contentious) items considered by the Senate, but the final efforts to restore at least some vestige of the deduction, led in part by Sen. Phil Gramm, ultimately failed. The argument put forth by members from the states that retained their state and local income tax deduction was that the losses attributable to the repeal of the sales tax deduction would be more than made up for by the increased personal exemption, and that the sales tax deduction only benefited the rich, because lower-income groups are less likely to itemize.

The Comptroller's plan could be put in place for less than 1 percent of the costs of existing state and local tax deductions. The March 26, 2001 cost estimate provided by the Joint Committee on Taxation estimated that H.R. 322 would decrease federal receipts by $23.1 billion over the 10-year period 2002–2011. The annual costs were expected to average $2.0 billion for the first three years, rising incrementally thereafter. Putting the federal cost in perspective, the 1999 cost for the current deduction for state and local income and property taxes was $268.9 billion. As such, reinstatement would produce an increased cost to the federal government of 0.8 percent.

The Comptroller's plan could be put in place with virtually no increase in complexity. Although the sales tax deductions were eliminated in part for reasons of tax simplification, the proposed legislation before Congress would add only one more line to Schedule A, for those taxpayers electing to itemize on their Form 1040. Even if actual taxes paid were allowed to be deducted there would be an addition of only two lines: one for general sales taxes paid, and one for motor vehicle sales taxes paid.

Equity and fairness demand that tax discrimination against Texans be eliminated. Reinstatement of the deduction for sales taxes would eliminate the fundamental disparity created by TRA86, when citizens in states with a personal income tax were permitted to deduct such taxes, but citizens in states without an income tax had no corresponding deduction. The net effect of this disparity is that Texans, as well as the citizens of the eight other states without a general individual income tax pay a greater percentage of taxes to the federal government than do citizens living in their neighboring states with income taxes. In other words, the federal tax law currently treats the same individual differently solely on the basis of residence. Providing individuals in all states the choice to deduct one or the other of their sales or income taxes would restore equity and fairness for all U.S. citizens at minimal cost.

The Comptroller's plan would put more money in Texans' pockets. As with everything else in the IRS Code, the devil is in the details, and even subtle differences in proposed legislation can have major revenue implications, making any revenue estimates of the ultimate legislation difficult. Assuming that the federal legislation fairly and accurately portrayed Texans' sales tax and motor vehicle sales tax payments, restoration of the sales tax deduction could be expected to save Texans—in the aggregate—on the order of $568.7 million (if only state sales taxes were exempted) to $701.3 million (if state and local sales taxes were exempted) in the 2002 Tax Year. The corresponding average savings per itemizing Texas household would be $231 and $284.

While the deduction only would go to taxpayers who itemized their deductions, more Texans at lower income levels would find it to their benefit to itemize. Right now, only one in five tax returns filed by Texans itemizes deductions, compared to almost one in three nationwide. The chief reason for this is that citizens of 41 states and the District of Columbia enjoy a deduction that is not available to Texans. Restoration of the deduction for sales taxes paid would go a long way towards bringing Texas closer to the national average. In other words, the availability of the deduction would benefit not only those who currently itemize, but an additional number of slightly lower-income households that would find it to their benefit to itemize.

The Comptroller's plan would create more jobs, economic growth, and state tax receipts with absolutely no state tax or spending increase. Keeping as much as $701.3 million in the hands of Texas taxpayers would provide a significant boost to the state economy. Assuming that the legislation passed this year and that the deduction could be taken on income taxes filed in 2003 for the 2002 Tax Year, the tax savings could be expected to generate 16,180 new Texas jobs, $590 million in new Texas investment, and $874 million in increased Texas Gross State Product in 2003. The increased economic activity in turn could be expected to boost general revenue by $66.5 million in the three-year period 2003–05. Most of this revenue would come from increased sales and motor vehicle sales tax collections.

The Comptroller's plan promises a win-win situation for all Texans, even those who do not itemize. To the extent that keeping more Texas income in Texas, where it belongs, instead of sending it off to Washington, all Texans would benefit from the increased employment opportunities and investment. In fact, it is difficult to find a downside for Texas to the reinstatement of the sales tax deduction.

The Comptroller's plan would be a straight-up win for the state, a victory for tax equity among the states, and it would provide a desirable, welcome boost to restoring statewide economic and revenue growth.

SALIENT FEATURES

Legislation tracking the Comptroller's plan would cost the federal government somewhere between $2.0 to $2.5 billion per year—less than 1 percent of the $268.9 billion 1999 deduction for state and local income and property taxes.

Texans would save as much as $701 million, or $284 per itemizing household on their 2002 taxes.

The estimated tax savings would be expected to generate 16,180 new Texas jobs, $590 million in new Texas investment, and $874 million in increased Gross State Product in 2003.

The increased economic activity could be expected to boost 2003–04 general revenue-related state tax receipts for the three-year period 2003–05 by $66.5 million.

Assuming that the federal legislation fairly and accurately portrayed Texans' sales tax and motor vehicle sales tax payments, a family of four with an income of $60,000 would be able to deduct an additional $1,015 to calculate taxable income, and a single mother of one with a total income of $35,000 could deduct an additional $641.

The current system discriminates against Texans and the citizens of other states that have opted to finance their budgets without personal income taxes. The Comptroller's plan is necessary to restore fairness and equity in the treatment of those state taxpayers who currently do not benefit from the tax deductions enjoyed by the citizens of the other 41 states and the District of Columbia.

[February 12, 2003]

"WASHINGTON: TREAT ALL STATES EQUALLY"

(Press Release by Congressman Kevin Brady)

BROAD BIPARTISAN GROUP PUSHES CONGRESS TO END BIAS AGAINST SALES TAX STATES

WASHINGTON, D.C.—U.S. Representative Kevin Brady (R–TX), a member of the tax writing Ways and Means Committee in the U.S. House of Representatives, introduced legislation, The Sales Tax Equity Act, in Congress today that would treat Texans the same way others in America are treated when it comes to paying federal income tax.

Brady's bill jointly introduced with a bipartisan group of congressional legislators, restores the sales tax deduction Congress repealed in 1986. Specifically, the act would allow taxpayers to deduct either their state and local sales tax from their federal tax return.

"When tax time comes around each April, taxpayers in Texas and seven other states are discriminated against merely because we live in a state that wisely chooses not to burden families with a state income tax," notes Bardy. "Taxpayers in 42 states are allowed to deduct a portion of their state income taxes. But states like ours that rely upon sales taxes are discriminated against."

"Americans should not be punished merely because of where they live. States should be free to choose how to fund their government without pressure from Washington. Uncle Sam's bias toward the income tax is unfair and needs to end."

Texas Comptroller Carol Keeton Strayhorn estimates the average Texas family would save just under $300 a year on their federal taxes. Supported also by Governor Rick Perry, The Sales Tax Equity Act would provide an economic boost by creating over 16,000 new jobs, $590 million in new investments, and $874 million in increased gross state product in Texas.

So that families don't need to keep a shoe box of sales receipts, under Brady's bill the Internal Revenue Service would establish average deduction tables based on filing status, number of dependents, adjusted gross income and rates of state, and local general sales taxes. The tables, which taxpayers could opt for, are indexed for inflation.

The bipartisan delegation announcing the legislation at a news conference today in Washington include: Barbara Cubin (R–Wyoming), Brian Baird (D–WA), Zach Wamp (R–TN), Mark Foley (R–FL), Jim Cooper (D–TN) and Marsha Blackburn (R–TN). The group is pushing to include the measure in President Bush's Jobs & Growth tax relief package, noting that the measure will help stimulate consumer spending, restores fairness and helps low and middle-income taxpayers.

"Sales taxes add up for a family over the year," says Brady. "This is an issue of fairness and of reducing the federal tax burden."

"Another merit is this benefit taxpayers in every state because it gives them the option of deducting whichever state tax is higher, sales or income. That is a welcome tax relief option", says Brady.

Other members of the Texas delegation supporting The Sales Tax Equity Act include: Sam Johnson (R) Gene Green (D) Michael Burgess (R); Eddie Bernice Johnson (D); John Carter (R); Max Sandlin (D); Ron Paul (R); Ralph Hall (D); Martin Frost (D); Henry Bonilla (R) and Silvestre Reyes (D).

States without a state income tax include: Texas, Florida, Tennessee, South Dakota, Nevada, Washington, Wyoming, and Alaska. The bipartisan Joint Committee on Taxation estimates the measure will provide $29 billion of tax relief over the next decade.

Mr. Speaker, it is clear that the legislation being offered today by the majority is good legislation, and I support the legislation. It is also clear that there is bipartisan support for the bill offered by the gentleman from Texas (Mr. BRADY) to permit a deduction of State sales taxes in those States that do not have an income tax. It is a wrong that should be righted, and I hope this House will make in order a vote on the bill offered by the gentleman from Texas (Mr. BRADY) at the same time we take up the bill offered by the gentleman from Texas (Mr. SESSIONS).

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have great respect for what the gentleman was arguing here about this sales tax bill. It is something where the gentleman from Texas (Mr. BRADY) has been joined with by the gentleman from Washington (Mr. BAIRD), as they have worked for a long, long time. I recall probably a full year ago where I was approached by both these gentleman about being a cosponsor of this important legislation.

The fact of the matter is today we are here to consider this 10 percent bill. Last week we considered other tax bills. Next week we will consider more tax bills. These are being done in such a way that would allow us a chance to talk about the importance of these, not only to taxpayers, but to the middle class of this country. It is my attempt and desire, just as it is with the gentleman from Washington (Mr. BAIRD) and the gentleman from Texas (Mr. BRADY), to continue working with the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), on the correct bill, the bill that he will support, the bill that will come to the floor, that bill that will pass, the bill that will provide this opportunity for all the taxpayers of these States. I believe it is some 17 States that currently have this problem as it relates to sales tax as a result of those States not having an income tax.

Today we are here for H.R. 4275 because it does the right thing for middle-class wage earners on this 10 percent tax bracket, and I am proud of what we are doing. I think anytime we can join in talking about on the floor of the House a bipartisan approach to lowering taxes, increasing the opportunity for people to have more money, more take-home pay, more opportunity, it is always good.

I have been an advocate of this for a long time. I do not think we should tax savings or investment in this country. That is not a part of what this is about today. We are talking about lowering the tax bracket, making it permanent, doing the right thing. I applaud those people that come to the floor and support this, because it is a great idea that we ought to make permanent.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is interesting, my colleague from Texas talks about the legislation and, well, we will do that in all due time and all due course, in terms of the righting of the wrong that was committed 18 years ago. The sales tax deduction for my State and for six other States, it is not 17, it is 7, was eliminated by this Congress in 1986, 18 years ago.

Only a few bills come out of the Committee on Ways and Means, only a few favored bills, so we have to take the opportunity to present this very important piece of legislation on the floor today and to give the House an opportunity to vote to right this wrong on the question of the deductibility of State sales tax. There are no other opportunities to present this to the House. That is why we are presenting it today. I hope that the House will give us the opportunity to right that wrong.

Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I would like to thank my colleague from the great State of Texas for his leadership on this. The gentleman from Texas (Mr. FROST) has been a steadfast advocate of correcting this injustice for many years, and I appreciate working with him.

Mr. Speaker, I also respect also my colleague on the other side of the aisle because I know he cares about this. But at the end of the day today, we will have had an opportunity to vote to at least restore fairness to our citizens.

When we go back home, we cannot very well say to them "it is a procedural matter," because it is also a procedural matter that every year when they fill out their taxes and they itemize their deductions, they have to put a zero; they have to say because our State chooses sales tax over income tax, as is their right, we are not able to deduct our sales taxes the way the States with income taxes can.

It is a procedural matter that costs our taxpayers hundreds of dollars every single year that they could use for their families. It is a procedural matter that costs my State $500 million every year.

The gentleman from Texas (Mr. SESSIONS) was right: We have passed a number of tax bills over the last few years in this Congress. We have had multiple opportunities, had the majority Members chosen to put their people over their partisanship. But they have declined.

Here is another opportunity. There was one last week. How many weeks are we going to say to our constituents that you go to the back of the line again? We have lowered the tax rates on millionaires in this country. We have refused to fight for tax fairness by insisting that the people of our States be allowed their deductions. So millionaires, not just millionaires, but people earning $1 million a year in income, were put at the front of the line. Our States have been told again and again, you go to the back of the line.

It is going to happen again today, I fear, and it does not have to. To my good friends on the other side of the aisle, we have worked and we should work in a bipartisan way, because the Tax Code does not say Republicans or Democrats or Independents get to deduct or do not get to deduct their sales tax. It just says all of you who have a sales tax do not get to deduct it.

But at the end of the day, on a procedural vote, we are going to bypass yet another opportunity, and bypassing that opportunity over the last several years has cost our taxpayers thousands of dollars.

When I ask my friends, when are you going to say to your leadership, we insist at long, long last that our constituents be treated fairly in the Tax Code? When are you going to say that? Because we have said it to our leadership.

It is going to be in the Democratic bill. It has been in prior Democratic bills. We have brought it up before the Committee on Rules, with almost unanimous no votes on the other side, with few exceptions. We cannot get the help on the other side.

My colleague, the gentleman from Texas (Mr. FROST), has been a steadfast advocate. He brought this issue up last week, and I am grateful he did. We didn't get a single yes vote from the other side. We did not get a single vote. Here it is again, and I wager we will not get a single vote yet again.

At some point, the citizens of our States are going to catch on and they are going to say, for all this talk about tax cuts, why do you keep leaving us out? Because your leadership is putting you in a position that says, time and time and time and time again, you must vote with us and not with your constituents. And it is not your leadership who elected you, it is your constituents.

The gentleman from Texas (Mr. FROST) has been responsive to his constituents. He has said we need to bring this up now, and we have the opportunity to do that now.

I would just ask my colleagues, you know as well as I do the only way we get this to happen is to make this part of a larger bill. We do need to provide relief for low and mid-income families in the Tax Code, but we also need to provide relief for the families in our States who have suffered too long under this injustice.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman not only for his articulation of the wonderful merits of fairness in our Tax Code, fairness for all the people in all the States. I accept the opportunity for my colleague, the gentleman from Texas (Mr. FROST) to reiterate there are 7 States that this impacts, and I appreciate his bringing that to light and respect that.

I would tell you that today, this is about the 10 percent bracket. This is a very specific request that we are making to the House of Representatives today that will be with the other requests that we are making on the parts of the Bush tax plan to make them permanent.

It makes me proud to know that we in the House of Representatives are together on these issues, about their importance of people who are back home, people who are struggling, people who are trying to make ends meet, people who are trying to make sure they provide for their families and do those things which are necessary to their own dreams. It makes me happy, and I am very proud.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have a good piece of legislation before us today that I intend to support. I think most Members of the House will support it. My only request is that, at the same time, we provide equity and justice to the residents of seven States who were denied that equity and justice in 1986.

Now, I know my colleague is a relatively junior Member and was not here in 1986 when that legislation was voted on, but I was here, and I voted against the legislation that denied the residents of my State the opportunity to deduct their sales tax, when residents of New York and California and other States could deduct their State income tax.

I feel very strongly about this issue, Mr. Speaker. As Members of this House, we can do so much to lend a helping hand to our constituents. Today we have a chance to do something good for millions of American families. We can pass the bill to make the extended 10 percent tax bracket permanent, and then we can also immediately consider the Brady legislation, H.R. 720, to restore the sales tax deduction for citizens of Texas, Florida and other States lacking a State income tax.

Now, as I mentioned earlier, last week I attempted to bring to the floor a similar bill to reinstate the sales tax deduction, but the Republican leadership indicated a preference for the Brady bill. So now we have a chance to consider the legislation that Republicans preferred. It does not matter to me which bill we consider. This is a bipartisan issue, with wide support on both sides of the aisle.

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I just want to get it done.

So today, Mr. Speaker, to get it done, I urge a "no" vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will allow the House to vote on H.R. 720.

Let me be clear, Mr. Speaker. Voting "no" on the previous question will not prevent this House from voting on the underlying bill. It will simply allow for the consideration of H.R. 720. A "yes" vote, however, will deny the House the chance to even consider the issue of reinstating the sales tax deduction.

The American people deserve to know where their elected representatives stand on the issue of restoring the sales tax deduction. This is not a partisan issue, and this is not a political issue. This is about whether the citizens of Texas and other States should have to pay for the privilege of living there. I hope Members realize it today, and I hope their votes reflect this as well.

I urge a "no" vote on the previous question and ask unanimous consent that the text of the amendment be printed in the CONGRESSIONAL RECORD immediately before the vote.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

We have graciously provided Members this wonderful opportunity to hear about the debate of H.R. 4275, providing each other, both parties, an opportunity for Members to hear about an agreement that we believe that this initiative that was begun by President Bush of this 10 percent tax bracket, one that has now become available, one which we need to make permanent, is the question that is before us today on the floor. We have vetted this process. We have done those right things. We have gone through the committees. We have done this with numerous tax bills, and we will wish to continue doing that also.

We have an abiding faith in the taxpayer, that special interest group of the Republican Party, the people who get up and go to work, people who make their lives work, people who care about their kids, people who create jobs and opportunity, people who do things because they love their country and they want America to be the strongest, with opportunity and bettering people's lives.

That is part of what this H.R. 4275 is about. It is about bettering people's lives. It is a political consideration that our President, George W. Bush, floated to us years ago. It is about us as Members of Congress hearing that call, seeing people back home who relish this opportunity not to have it taken away. That is the importance of this body. This body is able to debate the issues, is able to bring them forth, is able to talk about them. And that is what is so evident about this great Nation, a majority rule.

Mr. Speaker, I would say to my colleagues, I too wish we had lots of other things that would be a part of this bill for tax relief. Today is a day when we will stand up and say we are going to make sure that this 10 percent bracket will be permanent for all taxpayers. I am proud of what we are doing. I ask each of my colleagues to support this rule, this underlying legislation, and the opportunity which I believe will be tomorrow to debate this fully on the floor of the House of Representatives and, once again, give a victory to the taxpayers of this country.

The material previously referred to by Mr. FROST is as follows:

PREVIOUS QUESTION FOR H. RES. 637; RULE ON H.R. 4275—MAKING THE 2003 CHANGES TO THE 10% TAX BRACKET PERMANENT

In the resolution strike "and (3)" and insert the following:

"(3) the amendment printed in Sec. 2 of this resolution if offered by Representative Brady of Texas or a designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall separately debatable for 60 minutes equally divided and controlled by the proponent and an opponent; and (4)"

Sec. 2. The amendment referred to in (3) follows:

At the end of the bill add the following new section:

SEC. 2. DEDUCTION OF STATE AND LOCAL GENERAL SALES TAXES IN LIEU OF STATE AND LOCAL INCOME TAXES.

(a) IN GENERAL.—Subsection (b) of section 164 of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end the following:

"(5) GENERAL SALES TAXES.—For purposes of subsection (a)—

"(A) ELECTION TO DEDUCT STATE AND LOCAL SALES TAXES IN LIEU OF STATE AND LOCAL INCOME TAXES.—

"(i) IN GENERAL.—At the election of the taxpayer for the taxable year, subsection (a) shall be applied—

"(I) without regard to the reference to State and local income taxes,

"(II) as if State and local general sales taxes were referred to in a paragraph thereof, and

"(III) without regard to the last sentence.

"(B) DEFINITION OF GENERAL SALES TAX.—The term 'general sales tax' means a tax imposed at one rate with respect to the sale at retail of a broad range of classes of items.

"(C) SPECIAL RULES FOR FOOD, ETC.—In the case of items of food, clothing, medical supplies, and motor vehicles—

"(i) the fact that the tax does not apply with respect to some or all of such items shall not be taken into account in determining whether the tax applies with respect to a broad range of classes of items, and

"(ii) the fact that the rate of tax applicable with respect to some or all of such items is lower than the general rate of tax shall not be taken into account in determining whether the tax is imposed at one rate.

"(D) ITEMS TAXED AT DIFFERENT RATES.—Except in the case of a lower rate of tax applicable with respect to an item described in subparagraph (C), no deduction shall be allowed under this paragraph for any general sales tax imposed with respect to an item at a rate other than the general rate of tax.

"(E) COMPENSATING USE TAXES.—A compensating use tax with respect to an item shall be treated as a general sales tax. For purposes of the preceding sentence, the term 'compensating use tax' means, with respect to any item, a tax which—

"(i) is imposed on the use, storage, or consumption of such item, and

"(ii) is complementary to a general sales tax, but only if a deduction is allowable under this paragraph with respect to items sold at retail in the taxing jurisdiction which are similar to such item.

"(F) SPECIAL RULE FOR MOTOR VEHICLES.—In the case of motor vehicles, if the rate of tax exceeds the general rate, such excess shall be disregarded and the general rate shall be treated as the rate of tax.

"(G) SEPARATELY STATED GENERAL SALES TAXES.—If the amount of any general sales tax is separately stated, then, to the extent that the amount so stated is paid by the consumer (other than in connection with the consumer's trade or business) to the seller, such amount shall be treated as a tax imposed on, and paid by, such consumer.

"(H) AMOUNT OF DEDUCTION TO BE DETERMINED UNDER TABLES.—

"(i) IN GENERAL.—The amount of the deduction allowed under this paragraph shall be determined under tables prescribed by the Secretary.

"(ii) REQUIREMENTS FOR TABLES.—The tables prescribed under clause (i)—

"(I) shall reflect the provisions of this paragraph,

"(II) shall be based on the average consumption by taxpayers on a State-by-State basis, as determined by the Secretary, taking into account filing status, number of dependents, adjusted gross income, and rates of State and local general sales taxation, and

"(III) need only be determined with respect to adjusted gross incomes up to the applicable amount (as determined under section 68(b)).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the "ayes" appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 637 will be followed by 5-minute votes, if ordered, on adopting House Resolution 637, ordering the previous question on House Resolution 638, and adopting House Resolution 638.

The vote was taken by electronic device, and there were—yeas 221, nays 203, not voting 9, as follows:

[Roll No. 156]

YEAS—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr

Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson

Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts

Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)

Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Engel
Eshoo
Etheridge

Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)

Jefferson
Jenkins
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)

Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders

Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—9

Burton (IN)
Davis (FL)
DeFazio

DeMint
Gallegly
John

McNulty
Reyes
Tauzin

□ 1230

Messrs. WYNN, JENKINS, DOGGETT and RUSH changed their vote from "yea" to "nay."

Mr. SOUDER changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4279, PROVIDING FOR DISPOSITION OF UNUSED HEALTH BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS; H.R. 4280, HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTHCARE (HEALTH) ACT OF 2004; AND H.R. 4281, SMALL BUSINESS HEALTH FAIRNESS ACT OF 2004

The SPEAKER pro tempore. The pending business is the question of ordering the previous question on House Resolution 638 on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 202, not voting 9, as follows:

[Roll No. 157]

YEAS—222

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest

Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne

Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra

Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd

Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case

Chandler
Clay
Clyburn
Conyers
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson. E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller. George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez. Linda T.
Sanchez. Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—9

Cooper
Davis (FL)
DeMint
Emerson
Gallegly
McNulty
Reyes
Tauzin
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LaHood) (during the vote). There are 2 minutes remaining in this vote.

☐ 1238

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the "ayes" appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 203, not voting 6, as follows:

[Roll No. 158]

AYES—224

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis. Jo Ann
Davis. Tom
Deal (GA)
DeLay
Diaz-Balart. L.
Diaz-Balart. M.
Doolittle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson. Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller. Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown. Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

DeMint
Dunn
Gutknecht
McNulty
Reyes
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

☐ 1245

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. George Miller of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2660 be instructed to insist on reporting an amendment to prohibit the Department of Labor from using funds under the Act to implement any portion of a regulation that would make any employee ineligible for overtime pay who would otherwise qualify for overtime pay under regulations under section 13 of the Fair Labor Standards Act in effect September 3, 2003, except that nothing in the amendment shall affect the increased salary requirements provided in such regulations as specified in section 541 of title 29 of the Code of Federal Regulations, as promulgated on April 23, 2004.

☐ 1245

MOTION TO TABLE OFFERED BY MR. DE LAY

Mr. DELAY. Mr. Speaker, I offer a preferential motion.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the motion.

The Clerk read as follows:

Mr. DELAY moves that the motion to instruct be laid on the table.

PARLIAMENTARY INQUIRY

Mr. GEORGE MILLER of California. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) will state it.

Mr. GEORGE MILLER of California. Mr. Speaker, if a motion to table this motion on overtime pay prevails, will it have the effect of prohibiting the House Members from even discussing the administration's overtime pay rules at this time?

The SPEAKER pro tempore. The motion will not be before the House if the motion is tabled.

Mr. GEORGE MILLER of California. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GEORGE MILLER of California. Mr. Speaker, so to be clear, that means that the body will not be debating overtime pay today; is that the impact of the motion to table, to deny us a vote on the overtime pay?

The SPEAKER pro tempore. If the motion to table were adopted, the motion of the gentleman from California (Mr. GEORGE MILLER) would not be before the House.

The question is on the motion offered by the gentleman from Texas (Mr. DELAY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GEORGE MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table the motion to instruct, if the motion to table is adopted, will be followed by a 5-minute vote on suspending the rules and adopting H. Res. 608.

The vote was taken by electronic device, and there were—ayes 222, noes 205, not voting 6, as follows:

[Roll No. 159]

AYES—222

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—205

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

DeMint
English
McNulty
Reyes
Ross
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1307

Mr. DEUTSCH changed his vote from "aye" to "no."

Mr. GILLMOR changed his vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SENSE OF HOUSE THAT DEPARTMENT OF DEFENSE SHOULD RECTIFY MILITARY POSTAL SYSTEM DEFICIENCIES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 608.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. FORBES) that the House suspend the rules and agree to the resolution, H. Res. 608, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 12, as follows:

[Roll No. 160]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart. L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller. Gary
Miller. George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez. Linda T.
Sanchez. Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

DeMint
Gutierrez
Issa
Larson (CT)
Lipinski
McNulty
Oberstar
Regula
Reyes
Sessions
Tauzin
Tiahrt

□ 1315

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ISSA. Mr. Speaker, on rollcall No. 160 I was unavoidably detained. Had I been present, I would have voted "yea."

PROVIDING FOR DISPOSITION OF UNUSED HEALTH BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS

Mr. McCRERY. Mr. Speaker, pursuant to House Resolution 638, I call up the bill (H.R. 4279) to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BONILLA). Pursuant to House Resolution 638, the bill is considered read for amendment.

The text of H.R. 4279 is as follows:

H.R. 4279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISPOSITION OF UNUSED HEALTH BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.

(a) In General.—Section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following:

"(h) Contributions of Certain Unused Health Benefits.—

"(1) In general.—For purposes of this title, a plan or other arrangement shall not fail to be treated as a cafeteria plan solely because qualified benefits under such plan include a health flexible spending arrangement under which not more than $500 of unused health benefits may be—

"(A) carried forward to the succeeding plan year of such health flexible spending arrangement, or

"(B) to the extent permitted by section 106(d), contributed by the employer to a health savings account (as defined in section 223(d)) maintained for the benefit of the employee.

"(2) Health flexible spending arrangement.—For purposes of this subsection, the term 'health flexible spending arrangement' means a flexible spending arrangement (as defined in section 106(c)) that is a qualified benefit and only permits reimbursement for expenses for medical care (as defined in section 213(d)(1), without regard to subparagraphs (C) and (D) thereof).

"(3) Unused health benefits.—For purposes of this subsection, with respect to an employee, the term 'unused health benefits' means the excess of—

"(A) the maximum amount of reimbursement allowable to the employee for a plan year under a health flexible spending arrangement, over

"(B) the actual amount of reimbursement for such year under such arrangement.".

(b) Effective Date.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2003.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment printed in part A of House Report 108–484, if offered by the gentleman from New York (Mr. RANGEL) or his designee, which shall be considered read, and shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Louisiana (Mr. McCRERY) and the gentleman from California (Mr. STARK) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from Louisiana (Mr. McCRERY).

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 4279, a bill that would update flexible spending arrangements, known as FSAs, to allow up to $500 of unused health benefits to be carried forward to next year's FSA or transferred to a health savings account. Flexible spending arrangements allow employees to set aside money in an employer-established benefit plan that can be used on a tax-free basis to meet their out-of-pocket health care expenses during the year. However, under current law, any money remaining in the FSA at the end of the year must be returned to the employer.

Nearly 37 million private sector employees have access to an FSA. However, only 18 percent of eligible employees take advantage of the pretax health care spending provided by flexible spending arrangements. Many employees cite the fear of forfeiting unused funds as the primary reason why they elect not to participate in an FSA. Those employees who do participate in an FSA often underfund their account rather than risk losing the funds at the end of the year.

Let me expound on that for just a minute because what happens in most flexible spending arrangements is that the employee chooses to take part of his monthly income, set it aside into one of these flexible spending arrangements, and that income that he removes from his paycheck is basically tax-free income, and that is a good thing. The employee likes that. However, it is still his income. And if he is afraid that he will lose some of that income at the end of the year because he has not used it for the specified purpose in the account, then of course that employee is going to be very reluctant to set aside that money.

This use-it-or-lose-it rule does more, though, than discourage widespread participation. It can also lead to perverse incentives such as encouraging people to spend money on health care products and services that they do not necessarily need. In other words, at the end of the year, if there is money left in the account, the employee's incentive is to go out and get an extra pair of sunglasses or whatever it is and spend that money, and that in turn drives up demand, drives up the price of health care for everybody.

H.R. 4279 provides greater flexibility and consumer choice. The bill would allow up to $500 of unused funds at the end of the year to be carried forward in that flexible spending arrangement for use in the next year, or that employee could begin a new HSA, a health savings account, and put up to $500 into that health savings account.

I believe this bill will encourage greater participation in flexible spending arrangements and, to a lesser extent, participation in health savings account benefit plans because people will not be afraid of losing their hard-earned money. The Joint Committee on Taxation estimates that approximately 76 percent of current FSA participants will take advantage of the rollover option each year.

Through this legislation, we can expand access to health care for millions of Americans by making it easier for them to save for their health care costs. This bill would also reduce end-of-the-year excess spending and overuse of health care services, allowing FSA participants to benefit from the prudent use of their health care resources.

Mr. Speaker, I should point out that a nearly identical FSA rollover option was approved by the Committee on Ways and Means as part of H.R. 2351 on June 19, 2003. The provision passed this House last year as part of the Medicare Modernization Act.

Reducing health costs and increasing access to health care are worthy goals that every Member of Congress should support. H.R. 4279 takes an important step in that direction; so I encourage my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

I stand here in just abject wonder at having 2 hours and 10 minutes to debate this bill over which there is very little controversy, a few dollars here and there; and I was going to ask the gentleman from Louisiana if he might accept a unanimous consent request that we cut the time in half, spend the first hour on this bill and spend the second hour debating whether or not Rumsfeld ordered the torture of prisoners in Iraq, and then we might have some more fun at least in the 2 hours we have got.

Does the gentleman agree?

Mr. McCRERY. I object, Mr. Speaker.

Mr. STARK. Mr. Speaker, it is kind of sad that this bill was not worked out in committee because the differences, which I will describe shortly, are simple and there could have been a compromise, it appears to me, and certainly we have a substitute which will come up and we, I think, have to discuss both.

Let us start out by suggesting that I would like to agree with the distinguished gentleman from Louisiana that it is probably a good idea to not encourage people to spend foolishly, to buy two extra pair of eyeglasses or go out for an extra shot of Botox or something at the end of the year just to use up the money in their flexible spending account.

The problem, and where we would disagree, is that the gentleman's bill is not paid for, and this does push us further into debt; and our bill and the differences, and we have some, is paid for. If the gentleman wanted to say let us compromise right now and pay for half of it, we could get this done in 15 minutes. I am easy. But that is basically our difference. The Republican bill creates more of a deficit, and it does discourage people from spending foolishly at the end of the year and it costs, what, 8 billion bucks over 10.

Therein is the major difference. I would like to discuss one minor difference which is complex and which our substitute drops. The gentleman from Louisiana, the Republican bill, allows members of a flexible spending account to transfer money into a health savings account. The only problem with that is that, insofar as the regulations appear now, one cannot have a flexible spending account and a health savings account at the same time, so that to transfer the money from the flexible spending account into the health savings account, they have to drop their flexible spending account, and then the next year they would not have 500 bucks to transfer.

I mean, it is a way to encourage, or perhaps force, people into dropping a flexible spending account and move into a health savings account. I am not sure that was his intention, but that is the reality. And there is almost no one who would qualify to transfer money, the $500, say, from the flexible spending account into a health savings account. As a matter of fact, it is scored at 20 million bucks over 10 years; so if it is $20 at maybe 1 million people who would use it, and if our purpose is to encourage health savings accounts, I would suggest to the gentleman that that is a separate debate and perhaps not really pertinent to the question of whether we should allow people this carryover and repeal the use-it-or-lose-it provision. Had we had a chance to mark this up in committee and work it out in some detail, I think we could have worked out a system, perhaps brought two bills to the floor.

The bill, I know, and I hate to be critical, but I know it is introduced as a centerpiece of the week for the uninsured, and I am afraid that this bill does nothing for the uninsured. We cannot have a flexible spending account and not have access to insurance. So we really are not dealing with the uninsured here. People who have flexible spending accounts, as a matter of fact, probably have very generous and good health insurance coverage. So it is somewhat disingenuous, and that is the harshest thing I can think of, to suggest that this is going to have any effect or impact in Cover the Uninsured Week.

So if I could summarize just for a moment, there is a part of the bill which would help people and prevent them from frivolous spending from their flexible spending accounts. We concur in that, and our substitute includes that. Our major difference is, and we could have a vote, is it worth increasing the deficit by $8.5 billion. We have some simple ways to pay for that. For instance, not letting corporations reincorporate offshore and avoid Federal income tax on their corporate income, a theory that has some bipartisan support.

There are some egregious loopholes that were dreamed up mostly by the Enron Corporation, which we also closed. I do not think anybody would suggest that those loopholes ought to continue. So in a minimal way, we changed the Tax Code to make this, and it is a principle, we ought to pay for things that we are providing, and that is it. We would leave the health savings account portion out. We would allow people to transfer the $500 and carry it forward so they would not have a use-it-or-lose-it, and we would pay for it. Other than that I do not know what we could find to disagree about for the next 2 hours, but in my inimitable way I will be just as disagreeable as the gentleman from Louisiana would like me to be.

Mr. Speaker, I reserve the balance of my time.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for his complimentary remarks about expanding, making more versatile the flexible spending arrangements. And I would not disagree with him on his comments about HSAs to the extent that I would agree that this legislation is not designed to encourage HSAs. That is not the intent of this legislation, at least not my intent as the author. My intent is, though, to make it convenient for employees who just may be in a firm that decides to create HSAs, give them kind of a head start on funding their HSA. I agree with the gentleman there will not be many instances of that in the near future; but in those few instances that there may be and an employee has $500 left over in his account, I see no reason why he should not be able to take advantage of using that money, transferring it to the employer's new choice of health insurance for his employees, an HSA.

Mr. STARK. Mr. Speaker, will the gentleman yield?

Mr. McCRERY. I yield to the gentleman from California.

Mr. STARK. Mr. Speaker, if I were to stipulate to the gentleman from Louisiana that we keep the HSA portion, would the gentleman agree to pay for it or some of it here, and we will have a compromise right now?

Mr. McCRERY. Mr. Speaker, I believe we will state our objections to the substitute during the appropriate debate time on the substitute. So I would regretfully reject the gentleman's kind offer at this time.

Mr. STARK. Mr. Speaker, I thank the gentleman.

Mr. McCRERY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman for yielding me this time.

I have been trying for some years now to push this concept, a bill that I introduced a number of years ago. With the knowledge that we have got, I do not know, maybe 37 million Americans who do have access to these flexible spending accounts, and I think many of us here probably know someone who does, maybe a spouse, if he or she is employed in the private sector, but the problem is that over half of these individuals do not utilize their access to FSAs because of this use-it-or-lose-it provision that we are trying to eliminate through this measure here today. And as we know, currently, the employer and the employee can set aside money before taxes into this flexible spending account and then that money can be used just like cash to pay for out-of-pocket medical expenses and insurance copayments and doctors' visits and even child care. The downside is that if they do not spend their money at the end of the year, they lose it, and it goes back to their employer.

I originally introduced this bill as a consequence of a conversation I had 4 years ago with my wife, who came home with yet another pair of glasses, and Marie said she purchased them not because she needed them necessarily. She liked them, but she said she did not want to lose the money in her FSA and her employer said that if she does not spend it, this money will revert back to the company.

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So the rules governing FSAs force workers who have put in money to match the money put in by their employer to scurry around at the end of the year and wastefully spend their health care dollars, just so they do not have to forfeit it.

I do not know how many of you have seen the TV ads that run each December talking up medical procedures, reminding people to spend their unused FSA dollars. Now, that is a wasteful procedure. What is worse here is over half of the employees who are eligible do not sign up in the first place because they do not want to lose their money. So this use-it-or-lose-it is the worst type of economic incentive. It discourages savings and, instead, encourages frivolous, needless spending.

So this initiative that I have introduced and has been picked up by the committee will allow workers to roll over up to $500 of their own money back into their FSA at the end of the year, or, as mentioned, put it into a recently created Health Savings Account. I think it is a commonsense solution that will give peace of mind and let employees save for future expenses.

I encourage the Senate to take immediate action on this important legislation. We have pushed this for some years. We need to get it through the process, because FSAs are a commonsense, free market approach that allows people to take more control over their health care dollars. The use-it-or-lose-it provision must go.

Mr. STARK. Mr. Speaker, I am pleased to yield 6 minutes to the distinguished gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank my colleague and friend from California for yielding me time.

Mr. Speaker, let us make sure that we do not confuse our colleagues or anyone who might be watching this on what we are talking about.

First, flexible spending accounts, most people who have insurance, health insurance through an employer, are eligible to, pretax, ahead of time, declare how much they think they are going to spend out of pocket that will not be reimbursed by their employer's health plan. That way, you are using money that has not yet been taxed to pay for some of these services, a copayment that you may have for a service that you receive, or vision or dental benefits that are not covered completely under your health care plan where you pay out of pocket.

Those out-of-pocket costs, if you have a flexible spending account and you bank money in that account at the beginning, you can then use that money, you can bring down the account, and use that money, pre-tax, to pay for your out-of-pocket costs for your health services that are not covered by your employer's health care plan. A great idea, pretax dollars to pay for health care services. That is fine.

Then the notion under the current law, that if you have money in that account and you do not spend it down through your out-of-pocket expenditures to reimburse yourself for those out-of-pocket expenditures, by the end of the year anything left over you lose. So you have to calculate how much you think you are going to end up spending out of pocket beyond what your employer's health care plan would provide, and then hope you spend it all.

Some folks find themselves in a position where they still have money left over in this flexible spending account at the end of the year, and they lose that. That is a calculated risk.

This proposal to try to allow some flexibility in that use-it-or-lose-it rule says you could carry over a certain sum, I think it is about $500, into the next year. So let us say you used up all but $200 in your flexible spending account; rather than lose it at the end of this year, you would get to carry that over into next year's flexible spending account. So then you would be able to go ahead and budget based on what you think your needs will be next year.

A great idea. What is the problem? There are two.

First, you got to ask the question, why complicate such a simple, straightforward, and sensible idea to allow us to carry forward a portion of that flexible spending account money to the next year and to modify that use-it-or-lose-it rule? Why then complicate it by saying, by the way, which are going to let you send it over to what are called HSAs, these health savings accounts which are principally accounts which help wealthy folks or healthy folks when it comes to getting access to health care, because these HSAs give you money you can use later on to buy these catastrophic care plans for health care, which, for the most part, the only folks who can afford to do that, whether healthwise afford or monetarily afford, are people who are very wealthy or very healthy, because they do not have to worry about trying to find a health care plan, because they figure they are 25 years old, they are not going to die, or they have so much money they can pay for whatever services they need, or they have enough health care through other types of plans or insurance.

HSAs do not help the bulk of Americans. So why complicate this issue on a practical idea on giving us some flexibility on the spending accounts, the flexible spending accounts.

The second problem, there are 8.4 billion reasons in the second problem. $8.4 billion is the cost this bill. The reason those $8.4 billion are 8.4 billion reasons there is a problem with this is we are $400 billion-plus in deficit this year for the Federal budget.

So it is something different if you are talking about a Federal budget that is balanced and saying we are going to spend $8.4 billion more, because this bill does not tell us how we are going to pay for it.

So this is not a case where we are saying, well, the budget is balanced at the Federal level. We are taking care of all of our expenses. We are taking care of the needs of the soldiers in Iraq, which, by the way, the President just told us he needs another $25 billion as a down payment. That is not saying that is going to cover the cost. That is a down payment.

We are being told in the education committees they are cutting the amounts of money we are spending for our kids in schools.

We are told the that the President's budget proposes cuts in veterans services, for people who have served in our Armed Forces and are now veterans.

We are told in health care, believe it or not, the proposal in the House is to cut Medicaid spending for aged, blind, and disabled individuals in this country more than $2 billion.

So were we talking about a balanced Federal budget, a proposal that costs $8.4 billion and does not tell us how it is going to pay for itself, you may want to think about whether we should do that or not. But when you are $400 billion in debt, the largest Federal deficit we have ever seen in the history of this country, to talk about not paying for this is crazy. Especially when it comes to education, veterans services, other health care programs, this Congress is requiring that there be a pay-for for any proposal that costs money.

One more time: If I want to increase health care services to aged individuals, poor seniors in this country, I have to find a way to pay for that proposal before it can get through this House. If I want to increase spending for our schools and all the children that go to our schools today, I have to find something to pay for that proposal before it can get through this House. But this proposal, as sensible as it might sound, does not need that. Especially when you add the part about sending money off to these HSAs, to these health savings accounts, which help wealthy and healthy individuals, it makes very little sense.

So a good idea, complicated by bad ideas within it, makes it very tough. That has sort of marked this whole session of Congress, and I hope we find a way to be more sensible about moving forward with ideas. The Democratic substitute addresses this, and I hope that we can vote for the Democratic substitute.

Mr. MCCRERY. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. RAMSTAD), a distinguished member of the Committee on Ways and Means.

Mr. RAMSTAD. Mr. Speaker, I thank the chairman for yielding me time, and I rise as a strong supporter and cosponsor of this important legislation.

Mr. Speaker, it only makes common sense to allow workers to carry forward unspent funds in their flexible spending accounts to the following year or to allow workers to roll the funds into a new health savings account.

This change is really long overdue. Flexible spending accounts are an important vehicle to help workers and their families save pretax dollars for medical expenses. Because of the tax savings, families can actually save up to 30 percent of the cost of out-of-pocket health care expenses by setting aside a portion of their income in a flexible spending account.

American families, families back home in Minnesota, know only too well that out-of-pocket expenses for health care have been rising at an astonishing rate. In fact, the cost for the average worker and their family has spiked over 100 percent since 1998, with no end in sight.

In spite of the skyrocketing health care costs and the significant tax savings associated with the FSAs, relatively few workers choose to take advantage of this vehicle to save for health care costs. The reason for that is simple: This stupid, arcane, absurd use-it-or-lose-it rule. This rule, this use-it-or-lose-it rule, makes absolutely no sense at all.

As absurd as it is, Mr. Speaker, workers are required to forfeit all unspent funds remaining in their FSA accounts at the end of the plan year. This use-it-or-lose-it rule is totally counterproductive, and it is a huge gamble to families, especially low- and middle-income families who can least afford to guess wrong and lose the unspent funds.

So what is happening is rather than facing that loss, many families with these FSAs rush to spend money at the end of the year, as my colleague previously expressed, often on high-cost medical items. How can we tolerate such a bizarre rule that actually discourages prudent spending on health care? It is time to end the use-it-or-lose-it rule.

Mr. Speaker, Ceridian Corporation, which is the leading administrator of FSAs for employers and is based in my district in Bloomington, Minnesota, estimates that while some 25 million, listen to this, 25 million American workers and their families are eligible to participate in health care FSAs, fewer than 20 percent actually choose to participate. It is obvious why. People do not want to take this gamble, and they are not impressed; in fact, they are discouraged by the use-it-or-lose-it rule.

This bill, which I applaud the gentleman from Louisiana (Chairman MCCRERY) for bringing to the floor today, is very similar to legislation I introduced over 3 years ago, and thanks to the leadership of the gentleman from Louisiana (Mr. MCCRERY), it is finally here today.

So it is high time, Mr. Speaker, that we address this important, unfinished business. It is time to help millions of workers and their families better afford rising medical costs. It is also time to prevent the wasteful end-of-year spending the use-it-or-lose-it rule now promotes.

I urge my colleagues to support this sensible and balanced reform. We have got to pass this legislation here today, and encourage the other body to follow suit.

Again, I thank the gentleman from Louisiana (Chairman MCCRERY).

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to inquire of the gentleman from Louisiana, it is my understanding that you could use a flexible savings account to, for example, pay for abortion if your employer's health care plan did not provide that benefit. Is that not true?

Mr. MCCRERY. Mr. Speaker, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Louisiana.

Mr. MCCRERY. Mr. Speaker, a flexible spending account, health flexible spending accounts can be used for any health care expenses incurred by the employee.

Mr. STARK. Mr. Speaker, reclaiming my time, there is nothing in this bill that would prohibit a woman from using the benefits of the flexible savings account for an abortion; is that correct?

Mr. MCCRERY. Yes, sir.

Mr. STARK. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me time and for a very thoughtful substitute. But I might associate myself with his earlier remarks.

There are such important issues of the moment that are confronting us today, the abuse of prisoners in Iraq, the tragic loss of life of Mr. Berg, and the need to be able to provide for safe passage and safe conditions of our United States military.

I almost feel somewhat shortchanged by discussing this legislation, as important as it is, because I think there is necessary leadership that is needed on crucial issues facing America, the peace and security of Iraq and the peace and security of our military.

But even though this bill has good intentions, let me argue that this bill is only an added burden on America's financial pocketbook. It costs $8 billion. It is unpaid for with the bill on the floor.

The substitute is paid for, but when we add what I have heard in many of our metaphors, we add insult to injury by costing $21 million extra. We, frankly, have veterans who are not able to get in veterans hospitals, and this bill, which serves really no purpose, it will actually undermine the health insurance benefits received by millions of Americans. It is confusing and complex. It makes a mess of a system that needs to be fine-tuned, not destroyed.

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The majority of Americans already receive health care through employers, though 44 million are uninsured. That is what I would like to be doing here, is finding a way to provide insurance for the uninsured. I would like to be able to find a guaranteed prescription drug benefit for seniors and not have them use something that is confusing.

This one will offer a tax break, another tax break when we are needing monies to ensure the peace in Iraq, monies to keep veterans hospitals open, monies to get a guaranteed prescription drug benefit.

It sounds good. This coverage has a deductible of over $1,000, and it sounds good; but think about it. The bill will serve to encourage businesses to cut your health insurance programs or raise deductibles for their employees. Low- to moderate-income employees and those who are uninsured pay all kinds of taxes, payroll taxes, sales taxes, property taxes. However, they tend not to pay enough income taxes to take advantage of this new Republican give-to-the-rich scheme or get-what-you-can, or give-to-those-who-already-have.

Mr. Speaker, I would simply ask that we support the substitute, a paid-for program, and we do not give an extra gift of $21 million that is unpaid for. Maybe after we do this, we can get to the floor of the House and find out how we can provide peace and security in Iraq, how we can stop the abuse that is going on, bring our soldiers not in harm's way, but away from harm's way, provide for seniors and those who are uninsured. I believe that is the right way to go.

Because, Mr. Speaker, let me say this. In my very district, there is a veterans hospital where I have to meet veterans every day who are asking why they are denied services at the hospital. And just as a note that we should bring to the attention of our colleagues, it is because we have a means test for allowing you to go to the veterans hospital and get your medical needs taken care of. If you make a certain amount, the door is closed.

My belief is, this Congress's obligation to veterans and those who enter the United States military is that we should continue our promise, and that is the promise that services will always be there. How can we do so if this legislation not only costs money and not be paid for, but adds an extra $21 million for the health savings account? It would be far preferable to support the substitute which clearly pays for it, does not extend it to a health savings account, provides for creativity and flexibility, which I support, but focuses our attention on paying for those needs that are necessary to take care of those who cannot take care of themselves.

Mr. Speaker, I ask my colleagues to oppose H.R. 4279 and vote for the substitute.

It used to be that the most challenging part of my job here was finding meaningful ways of improving quality of life for the people in my district. Now it seems the most challenging part is trying to figure out how the Republican leadership will next try to deny those same people the lives they and their families deserve. Today's bill is one of the more creative approaches I have seen by the Republicans to advance their goals of giving their rich political donors big tax cuts, and denying the poor and middle classes healthcare and the services they need.

This bill serves no one that really needs it, and will actually undermine the health insurance benefits received by millions of Americans now. It is confusing and complex, and makes a mess of a system that needs to be fine-tuned, not destroyed. The majority of Americans now receive health insurance through employers. This bill will offer a tax break to people who do not have health insurance coverage, and those whose coverage has a deductible of over $1,000. It sounds good, until you think about it. This bill will serve to encourage businesses to cut their health insurance programs, or raise deductibles on their employees. Low- to moderate-income employees and those who are uninsured pay all kinds of taxes: payroll taxes, sales taxes, property taxes. However, they tend to not pay enough income taxes to take advantage of this new Republican-give-to-the-rich scheme. So the exact people who are now being left out of our healthcare system, and who need relief, are being left out of this bill.

The underlying goal of this bill is to dismantle the employer-based health insurance system that the chairman of the Ways and Means Committee hates. He has stated that he does not like employer-based health insurance because it shields people from the cost of healthcare and thus enables people to use health care too much. I don't see that Americans have made themselves too healthy. I want to increase access to care not decrease it, so I will vote against this bill.

Not only is this a bad bill, it is an expensive one. It will cost $71 billion over the next 10 years—all money borrowed from our children and granchildren. In the later years of the budget window, this bill will cost in excess of $10 billion per year, and will accelerate just at the time when the baby boom generation retires, denying resources to meet our commitments to the Social Security and Medicare systems.

Again, it seems this bill was crafted to specifically target and destroy the elements of our healthcare system that people know and trust—Medicare and employer-sponsored coverage—and use the savings to give to CEOs, the healthy, and the wealthy. It is not surprising to find that due to the structure of this bill, the same people whose children were denied the benefits of a child tax credit will also not receive any benefits from this bill.

Of course they will be allowed to help pay the interest on the booming debt that it adds to.

I will oppose this bill and encourage my colleagues to do the same.

Mr. MCCRERY. Mr. Speaker, I would inform the gentleman from California that I now have two speakers that request time on my side, in addition to my closing. So I just wanted to let him know.

Mr. STARK. Mr. Speaker, if the gentleman will yield, I will then reserve my time and precede his closing and try and warm up the audience for what I know will be eloquent remarks.

Mr. MCCRERY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I rise in support of the flexible spending arrangements. I am often baffled in this House when I have the opportunity to listen to the debate. We are talking about policy that will be far-reaching. Flexible spending accounts, flexible arrangements, medical savings accounts, health savings accounts are all plans that give flexibility and discretion to employers and employees. They give power, economic power, to employers and employees.

This is a much larger issue than how much this may cost this year because, ultimately, it will save the government money. Ultimately, it will save individuals money. And, ultimately, it will save employers money which, in the long run, will mean that more people will be likely to access health care through their employer. That will, by the way, save the government some money.

One of the first things I heard about as a candidate for Congress was from one of the employers in one of the communities I represent. And he said to me, I want you to pay close attention to the law around medical savings accounts, flexible spending arrangements, the kinds of things that are supposed to be flexible for benefits for employees to give them economic power, but are not, because there are too many limits on them.

Today's bill removes one of those limits, or at least significantly reduces it, and that is this perverse incentive to quickly spend any of the unused money in the flexible spending arrangement, the use-it-or-lose-it rule. We change that today; and we say to the employee, if you do not need to use that health care right now, you do not need to. You do not need to waste the money. You can roll that over to next year; and if something happens next year that you need it, you can use it. And if you do not need it next year, you can roll it over. Does that not just make sense? Should we not in Congress be the ones who are providing the flexibility and the options to the employee, not putting crazy limits on them?

This is a great bill, and we should go even farther than this and allow employers and employees to work together to provide more options for them to provide health care for their families, not fewer. Fewer limits, more options and, ultimately, more opportunity for employers to provide health care. Ultimately, it will provide opportunity for us to put downward pressure on the costs of health care, also downward pressure on the costs of health insurance, because there will be more competition, more flexibility, more opportunity, and more coverage. More coverage is ultimately what we want, and this bill will help us get there.

Mr. Speaker, I commend the gentleman from Louisiana (Chairman McCRERY); I commend the members of the Committee on Ways and Means for moving this forward. Because that employer back home, he is not by himself. He wants to continue to provide good and flexible health benefits for his employees. They are like family to him. Most of the employers in my district are small employers. They want to provide health care. It has become so expensive in what people traditionally thought of, they cannot afford it. With flexible arrangements they can, and they can continue to provide it into the future.

Mr. STARK. Mr. Speaker, I reserve the balance of my time.

Mr. McCRERY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman for yielding me this time. I appreciate the opportunity to say a few words about this issue of H.R. 4279.

I am a former employer. I started a business in 1975; and I met payroll for 28 years, 1,400-and-some consecutive weeks. I was one of the first employers in my industry to provide health insurance for my employees. It was a difficult thing to do because of all of the Federal constraints that made it difficult for a small business to compete with large business. This is rooted back in World War II when there were wage and price controls, and employers that tried to find a way to offer additional benefits or wages to their employees were able to deduct health insurance benefits for them as an expense and then offer that as a quasi-raise or in the form of a benefit, an increase in compensation for their employees.

The legacy of that remains today in Federal law. We have legislation that continually makes it difficult to have the flexibility necessary for businesses to work with their employees so that they can have a legitimate health care plan. We have had to find ways around Federal regulation to do that. H.R. 4279 helps us so that we do not have to jump around that one or find another way to get things done.

I remember a Congressman coming into my district in the early 1980s making a pitch for a national health care act. And I remember in that room of about 80 people, in the end I was the only one of the employers in the room that provided health insurance for my employees, and I remember fighting off that effort of going for a national health care because we need more individual responsibility so that we have more individual decisions made, in the vision of Adam Smith and the invisible hand.

We have today evolved into a health care system that has more and more HMOs, fewer and fewer entities making decisions about more and more people, to the point where the patients now have gotten the mindset more of sheep of submitting themselves to the process rather than making decisions on their health insurance and on their health care. H.R. 4279, again, short-circuits some of that, gives us a little more freedom and puts flexibility into the process.

I remember when the previous President was elected in 1992 and the First Lady came out with a plan that many of us have described as the Hillary Care Plan. I have that flow chart on my wall in my office in Iowa that scares me half to death as an employer looking at a national health care act versus individual flexibility. We have two choices here, and the people that are against this bill are the ones that are preserving what they can of the opportunity to build a Federal health care Canadian-style plan.

Mr. Speaker, H.R. 4279 helps us get more decisions in the hands of more people so that they make their individual decisions in an efficient fashion, the way that the gentlewoman from Pennsylvania (Ms. HART) described. It gets rid of that perverse incentive of spending the money at the end of the year because you cannot roll those dollars over.

So I applaud the authors of this bill, the people who worked so hard on it. I appreciate the opportunity to speak in favor of H.R. 4279.

Mr. STARK. Mr. Speaker, I yield 6 minutes to the gentleman from Washington (Mr. McDERMOTT), as we are blessed with his late arrival.

Mr. McDERMOTT. Mr. Speaker, it is always good to come out here and talk about an important issue. We have had a wartime President who has wanted to talk about war: I am a wartime President, I am doing this, I am doing that. I wish we had a domestic President who would occasionally think about what needs to be done on the domestic scene.

This particular little bill is what they are going to hold out for their evidence that they care about domestic health problems in this country.

Now, I do not know; it would be laughable if it was not so sad that this is the only bill that they can come up with. I know my good friend, the gentleman from Louisiana, knows, he and I share the desire for everyone to be covered in this country, and the only thing that separates us is how to do it. And for this to be offered as one of the ways that we are going to make it easier is simply, well, they will have to say they have passed something. I think it is called the flexible savings and health savings account rollover. That will be a title that will certainly sound like they did something.

The idea of health savings accounts goes against the basic issue here in how we ought to be dealing with health care. We do not have any problem in thinking that we should do fire departments collectively. We do not call them socialistic or whatever. They do not look to Canada for how to run a fire department. We started that in 1754, and police departments and roads and schools, all of those issues we deal with together. But in health care we say, hey, baby, you are on your own. You and you and you and you and you, you are on your own.

Now, if you have a job that takes care of you, oh, well, you are lucky; you have the plastic, you are in good shape in the lottery. I have a piece of plastic in my pocket. Everybody has one in their pocket or in their purse, and that plastic keeps you in the game. But God forbid that you do not have a piece of plastic.

Now, the answer for those 40 million people in this country who do not have plastic is, well, why do you not have a health savings account? Yes, that is a good idea. You can take your money, and you can put it in that health savings account and buy yourself a $10,000 deductible program and everything that comes up you can use the money out of the health savings account to pay for it, and it will work wonderfully.

The problem with this whole thing is the idea that people have $4,500, or whatever the number is, to put into their health savings account is nonsense, and it puts people on their own.

The idea of putting people on their own works very well for some people in this society, people who are rich. I mean, golly, if you are the head of Enron, you have a few extra dollars, you can just throw it into a health savings account; and if you happen to have a little problem that takes your life in some direction that costs a lot of money, well, you can take it out of your pocket. But all of those employees that were working for Enron that suddenly got dumped out in the street because crooks were running the business, they do not have anything. They could have their health savings account. Maybe it would cover, maybe it would not, but where are they going after that? Enron is not coming back, so after the first year, okay, where are you going to go?

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How do you cover yourself in a situation when you are out there alone? The individual market in this country is a mess. No one can afford it because they can look at each one of you and say, well, you look to me like you have the possibility of X, Y and Z and we are going to charge you $1,000 a month.

The average person has trouble taking that kind of insurance. So having this savings account, I put that $4,500 in I did not have, I put that in there and then I get sick.

I had a friend who went in the hospital with a heart attack. He was in the hospital 2 days, and the hospital bill alone was $10,000. So it could happen to anybody. Any Member of the Congress, anybody on the street can end up in the hospital and spend that deductible just like that. Where do they have the money to pay for it? I do not know how they are going to get some of it out of this health savings account.

Now, this bill is predicated on the idea that they will never get sick and that at the end of the year they are going to have some money left. The idea is at the end of the year you have not been sick so you have got this money laying in your account so you can roll it over into the next year. Well, that is a nice idea. It would probably help maybe 15, 20 people in this country, maybe even 1,000, but it does absolutely nothing for 40 million people out there with no health insurance, and this is why this is a joke.

We will pass it, of course. Nobody is going to vote against it. Well, I do not know, some might, but the fact is that it is not dealing with the problem that faces us, and if our war President would pay a little more attention to the domestic and not cut taxes everywhere in sight, we would have some money.

Part of the problem is what is happening at the State now, because even Medicaid is going away, lots of States do not even put senior citizens into their Medicaid program. Only 34 States have a Medicaid spend-down for seniors.

This country is in a mess, and this bill does not do anything.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

I want to commend the last speaker, the gentleman from Washington, for his efforts year after year in trying to solve the problems in our health care system. I disagree with him occasionally on how we should do that, but I think he is well-intentioned and certainly deserves credit for his efforts.

However, his comments about the Enron employees, I cannot help but stand up and point out to him that had those employees had HSAs, instead of Enron providing first-dollar coverage insurance, they would still have insurance today. They would have their HSAs because they are fully portable and an employee can take an HSA from job to job. If he loses his job, he can use what is in his HSA to pay premiums on a new health insurance policy. So I just wanted to point out to the gentleman that those employees would have been a lot better off if they had HSAs rather than the Enron-provided health insurance.

Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman for his comments and I would close just briefly.

I believe that the Enron employee would not have insurance. He would have some money in that health savings account, but when Enron folded up, the insurance went along with Enron. He could go into the private market and try and buy something.

I would just like to repeat, if I may, that this really does nothing to cover the uninsured. So, if this is Cover the Uninsured Week, we are burning up a couple of valuable hours that we could be discussing how to cover the uninsured with this bill.

The principal disagreement that we had with the bill is that it is not paid for, and we will offer, subsequently to closing this debate, a substitute where we pay for it in very patriotic and simple ways. It is not a lot of money but it is a principle that we Democrats have long adhered to, and that is, that we ought to pay for the wonderful things that are available to us in this country and not put the burden on our children and grandchildren.

So, having said that, and without fear of contradiction that I probably have more children and grandchildren than the combined audience here, I can qualify, if the Speaker will allow me, as an expert in that area. And maybe I am a little touchy about it, but will conclude our debate on this and I appreciate the gentleman from Louisiana. Next time I hope we can resolve these differences in our committee and come to the floor, as we did in the good old days, with a unified approach to Medicare and health insurance problems.

Mr. Speaker, I yield back the balance of my time.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

The bill before us today is a very simple bill. It will provide employees, whose employers give them the opportunity to participate in flexible spending arrangements, more flexibility to utilize those arrangements and, indeed, encourage employees to do just that, and if they have money left in their account at the end of the year, under the bill, up to $500 can be rolled over into their next year's flexible spending arrangements or rolled into a new health savings account, thereby avoiding the discouraging factor in the law today of use it or lose it.

Right now, today, if there is money left over at the end of the year, the money goes back to the employer. That is why employees do not want to participate because they do not want to lose part of their income, and that is understandable. It is kind of silly that Federal law would dictate that.

We are trying to correct that today. It is very simple. I urge the Members to vote in favor of this good bill today.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). All time for debate on the bill has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STARK

Mr. STARK. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. Is the gentleman the designee of the gentleman from New York (Mr. RANGEL)?

Mr. STARK. I am.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Part A amendment in the nature of a substitute printed in House Report No. 108–484 offered by Mr. STARK:

Strike all after the enacting clause and insert the following:

TITLE I—DISPOSITION OF UNUSED HEALTH BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS

SEC. 101. DISPOSITION OF UNUSED HEALTH BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.

(a) In General.—Section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following:

"(h) Contributions of Certain Unused Health Benefits.—

"(1) In general.—For purposes of this title, a plan or other arrangement shall not fail to be treated as a cafeteria plan solely because qualified benefits under such plan include a health flexible spending arrangement under which not more than $500 of unused health benefits may be carried forward to the succeeding plan year of such health flexible spending arrangement.

"(2) Health flexible spending arrangement.—For purposes of this subsection, the term 'health flexible spending arrangement' means a flexible spending arrangement (as defined in section 106(c)) that is a qualified benefit and only permits reimbursement for expenses for medical care (as defined in section 213(d)(1), without regard to subparagraphs (C) and (D) thereof).

"(3) Unused health benefits.—For purposes of this subsection, with respect to an employee, the term 'unused health benefits' means the excess of—

"(A) the maximum amount of reimbursement allowable to the employee for a plan year under a health flexible spending arrangement, over

"(B) the actual amount of reimbursement for such year under such arrangement.".

(b) Effective Date.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2003.

TITLE II—ENRON-RELATED TAX SHELTER PROVISIONS

SEC. 201. LIMITATION ON TRANSFER OR IMPORTATION OF BUILT-IN LOSSES.

(a) In General.—Section 362 of the Internal Revenue Code of 1986 (relating to basis to corporations) is amended by adding at the end the following new subsection:

"(e) Limitations on Built-In Losses.—

"(1) Limitation on importation of built-in losses.—

"(A) In general.—If in any transaction described in subsection (a) or (b) there would (but for this subsection) be an importation of a net built-in loss, the basis of each property described in subparagraph (B) which is acquired in such transaction shall (notwithstanding subsections (a) and (b)) be its fair market value immediately after such transaction.

"(B) Property described.—For purposes of subparagraph (A), property is described in this subparagraph if—

"(i) gain or loss with respect to such property is not subject to tax under this subtitle in the hands of the transferor immediately before the transfer, and

"(ii) gain or loss with respect to such property is subject to such tax in the hands of the transferee immediately after such transfer.

In any case in which the transferor is a partnership, the preceding sentence shall be applied by treating each partner in such partnership as holding such partner's proportionate share of the property of such partnership.

"(C) Importation of net built-in loss.—For purposes of subparagraph (A), there is an importation of a net built-in loss in a transaction if the transferee's aggregate adjusted bases of property described in subparagraph (B) which is transferred in such transaction would (but for this paragraph) exceed the fair market value of such property immediately after such transaction.

"(2) Limitation on transfer of built-in losses in section 351 transactions.—

"(A) In general.—If—

"(i) property is transferred by a transferor in any transaction which is described in subsection (a) and which is not described in paragraph (1) of this subsection, and

"(ii) the transferee's aggregate adjusted bases of such property so transferred would (but for this paragraph) exceed the fair market value of such property immediately after such transaction,

then, notwithstanding subsection (a), the transferee's aggregate adjusted bases of the property so transferred shall not exceed the fair market value of such property immediately after such transaction.

"(B) Allocation of basis reduction.—The aggregate reduction in basis by reason of subparagraph (A) shall be allocated among the property so transferred in proportion to their respective built-in losses immediately before the transaction.

"(C) Exception for transfers within affiliated group.—Subparagraph (A) shall not apply to any transaction if the transferor owns stock in the transferee meeting the requirements of section 1504(a)(2). In the case of property to which subparagraph (A) does not apply by reason of the preceding sentence, the transferor's basis in the stock received for such property shall not exceed its fair market value immediately after the transfer.".

(b) Comparable Treatment Where Liquidation.—Paragraph (1) of section 334(b) of such Code (relating to liquidation of subsidiary) is amended to read as follows:

"(1) In general.—If property is received by a corporate distributee in a distribution in a complete liquidation to which section 332 applies (or in a transfer described in section 337(b)(1)), the basis of such property in the hands of such distributee shall be the same as it would be in the hands of the transferor; except that the basis of such property in the hands of such distributee shall be the fair market value of the property at the time of the distribution—

"(A) in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, or

"(B) in any case in which the liquidating corporation is a foreign corporation, the corporate distributee is a domestic corporation, and the corporate distributee's aggregate adjusted bases of property described in section 362(e)(1)(B) which is distributed in such liquidation would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation.".

(c) Effective Dates.—

(1) In general.—The amendment made by subsection (a) shall apply to transactions after the date of the enactment of this Act.

(2) Liquidations.—The amendment made by subsection (b) shall apply to liquidations after the date of the enactment of this Act.

SEC. 202. NO REDUCTION OF BASIS UNDER SECTION 734 IN STOCK HELD BY PARTNERSHIP IN CORPORATE PARTNER.

(a) In General.—Section 755 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(c) No Allocation of Basis Decrease to Stock of Corporate Partner.—In making an allocation under subsection (a) of any decrease in the adjusted basis of partnership property under section 734(b)—

"(1) no allocation may be made to stock in a corporation (or any person which is related (within the meaning of section 267(b) or 707(b)(1)) to such corporation) which is a partner in the partnership, and

"(2) any amount not allocable to stock by reason of paragraph (1) shall be allocated under subsection (a) to other partnership property in such manner as the Secretary may prescribe.

Gain shall be recognized to the partnership to the extent that the amount required to be allocated under paragraph (2) to other partnership property exceeds the aggregate adjusted basis of such other property immediately before the allocation required by paragraph (2).".

(b) Effective Date.—The amendment made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 203. EXPANDED DISALLOWANCE OF DEDUCTION FOR INTEREST ON CONVERTIBLE DEBT.

(a) In General.—Paragraph (2) of section 163(l) of the Internal Revenue Code of 1986 is amended by inserting "or equity held by the issuer (or any related party) in any other person" after "or a related party".

(b) Capitalization Allowed With Respect to Equity of Persons Other Than Issuer and Related Parties.—Section 163(l) of such Code is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6) and by inserting after paragraph (3) the following new paragraph:

"(4) Capitalization allowed with respect to equity of persons other than issuer and related parties.—If the disqualified debt instrument of a corporation is payable in equity held by the issuer (or any related party) in any other person (other than a related party), the basis of such equity shall be increased by the amount not allowed as a deduction by reason of paragraph (1) with respect to the instrument.".

(c) Exception for Certain Instruments Issued by Dealers in Securities.—Section 163(l) of such Code, as amended by subsection (b), is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7) and by inserting after paragraph (4) the following new paragraph:

"(5) Exception for certain instruments issued by dealers in securities.—For purposes of this subsection, the term 'disqualified debt instrument' does not include indebtedness issued by a dealer in securities (or a related party) which is payable in, or by reference to, equity (other than equity of the issuer or a related party) held by such dealer in its capacity as a dealer in securities. For purposes of this paragraph, the term 'dealer in securities' has the meaning given such term by section 475.".

(d) Conforming Amendments.—Paragraph (3) of section 163(l) of such Code is amended—

(1) by striking "or a related party" in the material preceding subparagraph (A) and inserting "or any other person", and

(2) by striking "or interest" each place it appears.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued after the date of the enactment of this Act.

SEC. 204. EXPANDED AUTHORITY TO DISALLOW TAX BENEFITS UNDER SECTION 269.

(a) IN GENERAL.—Subsection (a) of section 269 of the Internal Revenue Code of 1986 (relating to acquisitions made to evade or avoid income tax) is amended to read as follows:

"(a) IN GENERAL.—If—

"(1)(A) any person or persons acquire, directly or indirectly, control of a corporation, or

"(B) any corporation acquires, directly or indirectly, property of another corporation and the basis of such property, in the hands of the acquiring corporation, is determined by reference to the basis in the hands of the transferor corporation, and

"(2) the principal purpose for which such acquisition was made is evasion or avoidance of Federal income tax,

then the Secretary may disallow such deduction, credit, or other allowance. For purposes of paragraph (1)(A), control means the ownership of stock possessing at least 50 percent of the total combined voting power of all classes of stock entitled to vote or at least 50 percent of the total value of all shares of all classes of stock of the corporation.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to stock and property acquired after the date of the enactment of this Act.

SEC. 205. MODIFICATION OF INTERACTION BETWEEN SUBPART F AND PASSIVE FOREIGN INVESTMENT COMPANY RULES.

(a) LIMITATION ON EXCEPTION FROM PFIC RULES FOR UNITED STATES SHAREHOLDERS OF CONTROLLED FOREIGN CORPORATIONS.—Paragraph (2) of section 1297(e) of the Internal Revenue Code of 1986 (relating to passive foreign investment company) is amended by adding at the end the following flush sentence:

"Such term shall not include any period if the earning of subpart F income by such corporation during such period would result in only a remote likelihood of an inclusion in gross income under section 951(a)(1)(A)(i).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of controlled foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders with or within which such taxable years of controlled foreign corporations end.

TITLE III—PREVENTION OF CORPORATE EXPATRIATION TO AVOID UNITED STATES INCOME TAX

SEC. 301. PREVENTION OF CORPORATE EXPATRIATION TO AVOID UNITED STATES INCOME TAX.

(a) IN GENERAL.—Paragraph (4) of section 7701(a) of the Internal Revenue Code of 1986 (defining domestic) is amended to read as follows:

"(4) DOMESTIC.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'domestic' when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulations.

"(B) CERTAIN CORPORATIONS TREATED AS DOMESTIC.—

"(i) IN GENERAL.—The acquiring corporation in a corporate expatriation transaction shall be treated as a domestic corporation.

"(ii) CORPORATE EXPATRIATION TRANSACTION.—For purposes of this subparagraph, the term 'corporate expatriation transaction' means any transaction if—

"(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly substantially all of the properties held directly or indirectly by a domestic corporation, and

"(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation.

"(iii) LOWER STOCK OWNERSHIP REQUIREMENT IN CERTAIN CASES.—Subclause (II) of clause (ii) shall be applied by substituting '50 percent' for '80 percent' with respect to any nominally foreign corporation if—

"(I) such corporation does not have substantial business activities (when compared to the total business activities of the expanded affiliated group) in the foreign country in which or under the law of which the corporation is created or organized, and

"(II) the stock of the corporation is publicly traded and the principal market for the public trading of such stock is in the United States.

"(iv) PARTNERSHIP TRANSACTIONS.—The term 'corporate expatriation transaction' includes any transaction if—

"(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly properties constituting a trade or business of a domestic partnership,

"(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former partners of the domestic partnership or related foreign partnerships (determined without regard to stock of the acquiring corporation which is sold in a public offering related to the transaction), and

"(III) the acquiring corporation meets the requirements of subclauses (I) and (II) of clause (iii).

"(v) SPECIAL RULES.—For purposes of this subparagraph—

"(I) a series of related transactions shall be treated as 1 transaction, and

"(II) stock held by members of the expanded affiliated group which includes the acquiring corporation shall not be taken into account in determining ownership.

"(vi) OTHER DEFINITIONS.—For purposes of this subparagraph—

"(I) NOMINALLY FOREIGN CORPORATION.—The term 'nominally foreign corporation' means any corporation which would (but for this subparagraph) be treated as a foreign corporation.

"(II) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group (as defined in section 1504(a) without regard to section 1504(b)).

"(III) RELATED FOREIGN PARTNERSHIP.—A foreign partnership is related to a domestic partnership if they are under common control (within the meaning of section 482), or they shared the same trademark or tradename."

(b) EFFECTIVE DATES.—The amendment made by this section shall apply to taxable years beginning after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 638, the gentleman from California (Mr. STARK) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Our Democratic substitute addresses a real issue of concern with respect to flexible spending accounts in the use-it-or-lose-it rule.

We agree with the author of this legislation that it is unwise to create an incentive for people to spend foolishly or frivolously for a benefit that they might lose, and we have the Washington Business Group and 50 major corporate members are clear on the issue. They want the changes and they want the money carried over into FSAs. The position is shared by their employees. There is some question, and nobody really has raised it previously, as to putting this money into health savings accounts, but because that is such a minor issue it could be overlooked.

The real question here is whether we should pay for this. And it will be expensive. It is $8 billion. That is money that could be used in many programs, education programs, environmental programs, health programs, and it is a principle to which we are dedicated, and that is that we would like to expand health care in this country, but we have never offered a plan that we will not pay for. And I find it sometimes difficult when my opponents across the aisle will not even give us a plan that costs nothing.

My Republican friends are opposed to expanding COBRA benefits. They are very expensive for people, but some 40 million people have used them since we wrote that bill on a bipartisan basis to expand COBRA benefits until a person gets another job or until they mature into Medicare. Costs zip, nothing, nada. It costs the employer nothing. Why do we object to expanding COBRA benefits? Just because it is a government plan and obviously people on the other side of the aisle do not like the government helping people unless they are very rich, of course.

So here we have just another example of not a bad piece of legislation. It could use some improvement, but it is a freebie and will predominantly benefit people in good jobs, with good health insurance and expand another tax loophole.

It is a modest one, but it is a principle. Left unchecked, we would soon have almost no tax revenue in this country at all, a position which the Club For Growth would applaud, but I am sure that those of us who are on the Federal salary or those people who are defending us now in Iraq would object to.

So I hope that we could reverse this disastrous rush to the bottom of debt and begin to be responsible in how we legislate by paying for these provisions. We will hear more later from my colleagues on the really very useful ways that it will help our economy if, in fact, we did pay for this bill under the provisions of our Democratic substitute.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCRERY. Mr. Speaker, I rise to claim the time in opposition, and I yield myself such time as I may consume.

Before I get into the specifics of objections to the "pay fors" on the Democratic substitute, I would point out to the gentleman from California that it was under the leadership of this committee and on a bipartisan basis 2 years ago to, in fact, expand COBRA in the Trade Adjustment Assistance Act whereby we, the government, now will pay up to I believe 65 percent of the premium for someone's COBRA benefits when they are unemployed due to trade adjustments. So, in fact, I agree with the gentleman that we should indeed encourage people to continue their health insurance when they become unemployed, and we have endeavored to do that with taxpayer dollars.

With respect to the bill at hand and the substitute offered by the gentleman from California, it is true that most of the cost of the bill is paid for; not all the cost of the bill, but most of the cost of the bill is paid for by the minority's substitute, but the manner they choose to pay for this health care benefit I think is quite objectionable.

About half, in fact, maybe a little over half, of the revenue that would be produced by the Democratic substitute is produced by a retroactive application of a change in the law which would affect companies that made a determination which was legal 30 or 40 years ago. And I do not know of anyone who thinks that that is a fair result, to impose suddenly a penalty on a company that in good faith operated under a law 30 or 40 years ago and have been operating that way ever since. So I would hope that this body would not suddenly choose to use a punitive, retroactive change in the law to penalize companies operating in good faith for decades under the United States Tax Code.

So that is the most objectionable part of their "pay for." The other parts simply amount to a tax increase on business in this country. Those changes, in fact, could result, and it has been estimated by Treasury and testified to by Treasury officials, that these changes in the Democratic substitute would actually encourage foreign takeover of United States companies, and I do not think that is the result we want in this body for the American people or for American companies.

So, Mr. Speaker, while I may have some sympathy for the minority's desire to pay for legislation, I think the manner they have chosen to pay for this particular bill is ill-advised, and I would hope that this House would reject the substitute and pass the underlying bill.

Mr. Speaker, I reserve the balance of my time.

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Mr. STARK. Mr. Speaker, I yield myself such time as I may consume, before I recognize the distinguished gentleman from Massachusetts, to remind my good friend from Louisiana that the tax provisions in our substitute were recommended by the bipartisan, bicameral Joint Committee on Taxation; and these provisions have already passed on a bipartisan basis in the other body.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Massachusetts (Mr. NEAL) 2 minutes for economic logic and 2 minutes for righteous indignation, for a total of 4 minutes.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from California (Mr. STARK) for yielding me this time.

One of the problems here in having a dialogue is that sometimes the facts do not square with the dialogue. Now, the gentleman from Louisiana (Mr. MCCRERY) is one of the better people in this House; a good Member of the Congress and a very nice guy to work with. But where is the sympathy for those companies that stayed here? What about those companies that pay their taxes every day? What about those who did not attempt to escape in the dark of night to Bermuda for the purpose of avoiding American corporate taxes? Where is the sympathy for them? Their competitors can go offshore with a phony post office box for $27,000 a year, and then they avoid any share of the burden that the rest of the American taxpayers face for financing small things like Social Security and Medicare and paying for this war in Iraq and Afghanistan.

I would like to put this issue in front of those 134,000 troops in Iraq for a vote and see where we go on that issue. We hear about these companies that have been gone for 30 or 40 years. Let us get something straight, Tyco has been gone since 1997, Ma and Pa Tyco, that avoid paying $400 million a year in corporate taxes. Tell that to the parents of those men and women and wives and husbands of those men and women in Iraq and Afghanistan.

We make it sound as though these companies are under great duress when they avoid paying corporate taxes. I would ask this for the listening audience today as well. What do you think the IRS would do to you on Monday if you got up and said as an individual that you were going to Bermuda for the purpose of denying American citizenship, but only for the real purpose of avoiding your share of taxes in America? That is what we are asking today.

This is a decent proposal that is before us. All we are saying on our side is let us discuss how you pay for it. That is the important reminder for all of us.

The Rangel substitute with flexible spending accounts is not only a popular employee benefit because it allows pretax dollars to be used for dependent care expenses or medical expenditures not covered by insurance, but in fact, except for the staff of this Republican-run House, most of the employees of the Federal Government have had the opportunity to indeed utilize FSAs.

But today we could be debating whether FSAs might even be more flexible, allowing employees to roll over unused funds from one year to the next. But the leadership has decided that once again we are going to come to the aid of their favorite constituency, the healthy and the wealthy. We never have time in this institution to take up anything that might be of benefit to middle-income taxpayers, to the working poor of this country every day who do not have any health benefits; but we find plenty of time for the purpose of cutting taxes for the wealthiest Americans.

And let me just go back to this subject again, and I hope people are paying attention in this sense: we are now fighting two wars, and the answer of this Congress to two wars: three tax cuts. We are going to come in with a $25 billion request now because we all know what the real cost of that incursion into Iraq is going to be, not only in terms of human life but, just as importantly, in terms of the financial burden it will be to the American people. So we roll it out in small increments.

We should begin to pay for some of these initiatives that come through this House. By the way, that used to be the historic position the Republican Party adopted. Today, it is borrow and spend.

The Rangel substitute would allow workers to roll over their FSA money from one year to the next without any budget impact that is negative. But because this benefit costs money, the Rangel substitute would pay for it by closing down a loophole.

All I ask is this, Mr. Speaker. If the position that I have adopted on these companies that go to Bermuda is so bad, why is it that almost 2½ years later the majority will not give me an up-or-down vote in this institution? Put this in front of the body here. Square it with those men and women in Iraq. Close down this Bermuda loophole, and let everybody pay what they are supposed to pay.

Mr. Speaker, I rise today in support of the Rangel substitute. Flexible Spending Accounts have proven to be a popular employee benefit, allowing pre-tax collars to be used for dependent care expenses or medical expenditures not covered by insurance. In fact, except for the staff of this Republican-run House, most of the employees of the federal government have had the opportunity to utilize FSA's. Today, we could have been debating whether FSA's should be even more flexible—allowing employees to roll-over unused funds from one year to the next. However, the leadership has decided to instead to once again prop-up its favorite tax shelter for healthy workers.

The Rangel substitute would allow workers to roll over FSA money from one year to the next and would do so without any negative budget impact.

Because this tax benefit costs money, the Rangel substitute would pay for this worker benefit by closing the loophole allowing former American companies to move their headquarters offshore for tax avoidance.

Corporate expatriation accounts for $5 billion in lost taxpayer revenue over the next decade. Today, we debate a substitute that shows us exactly what we could be doing with that money: providing greater employee benefits. Why should the workers of America be supporting corporate tax dodgers? Consider that in 1997, Tyco renounced its corporate citizenship and changed its mailing address to Bermuda to avoid paying nearly $400 million a year in U.S. taxes.

While many in the House have expressed outrage since this loophole was first exposed two years ago, the Leadership has done nothing but cement the loophole with legislation protecting Tyco and those that have already left.

Since I first filed the bipartisan Corporate Patriot Enforcement Act to end this tax subsidy, these corporate expatriates have enjoyed almost one billion dollars in U.S. federal government contracts annually, 70 percent of which are defense or homeland security related. Our colleagues in the Senate have passed as recently as yesterday legislation to close this loophole affecting those that are considering the island tax havens and those that are already exploiting this loophole. But in this Congress, we wait.

For those that profess to care about the exploding budget deficit, for those that claim to hear Chairman Greenspan's warning about the harm this historical budget deficit is doing to our economy, you must at some point decide that bills that pile on more federal debt are wrong. I urge my colleagues to support the fiscally responsible Rangel substitute, which makes the corporate tax cheats and those that forsake America in a time of war pay for improving benefits for American workers.

Mr. McCRERY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. ENGLISH), a member of the Committee on Ways and Means.

Mr. ENGLISH. Mr. Speaker, it has been fascinating to appear several times on the floor during recent weeks to hear the debate on tax bills that seem to lurch in the direction of Iraq and wander all over the public policy landscape. I would like to bring the debate today back to the core issue of the bill that is before us and whether the substitute is actually an improvement on it, and I would argue that it is not.

Mr. Speaker, the underlying bill that we have before us today would provide increased medical security, not as my friend, the gentleman from Massachusetts, has suggested, for the wealthiest Americans, but for many American workers. When flexible spending accounts are offered by an employer, their tax-preferred nature offers a powerful incentive for workers to contribute to and grow these accounts. Unfortunately, current law perversely influences these incentives by pushing workers who have built up an FSA to spend the money in the account if they have not used it by the end of the year.

This use-it-or-lose-it policy defeats the positive benefits of an FSA, which is why many eligible workers have chosen not to open FSAs. When workers use the hard-earned dollars they have contributed themselves or earned from their employers, they will ask more questions, further inform themselves, and become better consumers, for example, of health care products. If they lose these dollars at the end of the year by simply not having the necessity for them instead of becoming better health care consumers, they become, in a sense, over-users of health care.

Through allocating $500 of unused FSA funds to be carried forward or rolled over into a health savings account, FSAs and HSAs can thrive and become the practical vehicles they were intended to be for working families who want to manage their own health care.

It is important to point out that the substitute, unlike the underlying bill, does not allow the unused funds to be transferred to the new HSAs. This is an essential component of the legislation because it encourages the HSAs, which embody similar pro-consumer and pro-worker principles as the FSAs.

Employers are just beginning to offer HSAs, so now is not the time to discourage a health savings account, but to promote it. Let us not take a step backwards by passing the substitute. It is bad policy, it is poorly thought through, and I think that we ought to be looking at how we can provide workers with more opportunities to have these kinds of accounts, not fewer.

These are not the wealthiest people in America. These are people who want the opportunity to manage their own health care, to manage their own resources; and we are giving them an opportunity to accumulate more of those resources in this bill.

Mr. STARK. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I visited with a group of small business people from Texas this morning who came to discuss, among other things, their concerns about being able to provide health coverage for themselves and for their employees. Their stories were very similar to ones I have heard while visiting with small retailers in Phaw and in Mission, Texas, and in talking with musicians in Austin, Texas—that we have a growing crisis in this country in trying to ensure that working Americans can get the health protection and the health insurance access that they need.

As I talked with them, one of the concerns that I raised was this need versus another one that is also the tragic result of the misleadership of this administration and this Republican Congress. They are driving our country into an economic ditch with the largest deficit in the history of America last year, to be surpassed this year, and to be exceeded in the future under a broken economic scheme.

In fact, the deficits are rising at such a rate that our Republican colleagues are continually coming to ask for an increase in the debt ceiling. They will have to do it again in the very near future. I think they probably need to keep an extension ladder in this House so that they can continue raising the ceiling upward, up to what will become $10 trillion or $11 trillion. That is trillion with a "T" that they will be raising the debt ceiling to as a result of their misguided economic policies and their willingness to give tax break after tax break to those at the top of the economic ladder without paying for it. They get it for free.

Today, we have another example of that. We have an example of an unwillingness to consider the cost and the burden on future generations of Americans and the adverse effect on our economy of continuing to incur more and more debt, as has been true in the past, by adding more and more tax breaks.

So we have come forward with a substitute and said that if you are going to make these changes—even though this is probably not the most efficient way to deliver health care and there are much preferable approaches—but if you are going to do this, at least pay for it. Do not add more and more to the national debt.

And we have done it in very reasonable ways. One is to deal with something that Republicans in this House would like to forget about as just ancient history: the scandal called Enron, the scandal that led to so much trouble for our economy and to a reduction in the public's confidence in our economic marketplace.

Enron manipulated our tax laws. In fact, as The Washington Post reported last year, Enron was turning its tax department into a profit center. Its senior executives, along with leading accounting, banking, and legal advisers were seeking to manipulate tax laws through complex concealed transactions. These were transactions that involved things like synthetic leases. These were transactions that, as one of their people reported, were so intentionally complicated it would take a year or more to construct a single deal.

Well, we have adopted in this substitute very modest proposals, recommended by the Joint Committee on Taxation and approved overwhelmingly in the United States Senate, to do something about those Enron tax abuses. What has the House of Representatives done in the two years since these abuses were disclosed? Absolutely nothing. The Senate was willing to look at the tax returns of Enron to see how these manipulations occurred, but the House Committee on Ways and Means was afraid to look under that rock because it knew the scandal it would find. They have been unwilling to address this problem.

The same is true of the unpatriotic corporations that retreat to Bermuda or Barbados, who basically say that they do not want to pay their fair share of our homeland security and defense. Oh, yes, they are proud of our flag when they want our fighting men and women defending their position. They are so proud of our flag when they are being defended by our Armed Forces. They are so proud of our flag when they want to do business with the United States Government.

Some of these same unpatriotic corporations come and ask for hundreds of millions of tax dollars in government contracts. In fact, one contracts with the Internal Revenue Service. Another one contracts with the Department of Homeland Security. On the one hand they will not pay their fair share of taxes, but they sure want all the tax money they can get in contracts with the government.

We have a proposal to pay for health care through reforms to prevent another Enron scandal and through reforms that simply ask for a level playing field. Those corporations that want the protection of the American flag ought to be willing to pay their fair share.

The Committee on Ways and Means and the Republican leadership in the House will never make these needed changes unless they are forced to do it through proposals just like this. They feel so comfortable with the Enron philosophy that a tax department is a profit center that they will continue to defend these abuses.

I ask your support for the substitute.

□ 1430

Mr. STARK. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, there was a story in yesterday's Detroit News, Michigan's uninsureds swells by 100,000 last year to 1.2 million people. I do not see how this bill will reduce that amount at all. This is supposed to be the week where we pay attention to the uninsured, but this bill really does not do that. It really turns away from them. I think we very much need to keep that in mind. That is the first point.

Secondly, it allows the transfer to savings accounts which really can become a dodge to escape taxation altogether. Even though it is a small amount of this, it is a serious mistake. We do not need more tax shelters in our Tax Code. We should not be feeding any moneys whatsoever into those shelters. This is what this bill in part does.

My third point, the gentleman from Louisiana (Mr. McCRERY) works very hard on tax issues and knows the Tax Code well. I think this is a good payfor. I think it is really irresponsible to bring another bill forth to this floor and not pay one dime. It is going to add $8 billion plus to our deficit.

And the last aspect of this is the following: If they do not like this pay-for, come up with their own, but do not come here without anything to say as to how it will be paid for except by our children and our grandchildren. I support the substitute.

Mr. McCRERY. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN), a distinguished member of the Committee on Ways and Means.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me this time and for bringing attention to this issue.

I want to make three points. Number one, we are hearing all of this hue and cry against allowing people to roll their flexible spending accounts $500 a year over into the next year. There is a reason why it is important to allow a person to roll their money over from one year to the next: We are not getting the kind of consumer activity and consumer reforms we want in health care when we deny an employee the ability to keep the money in their account from one year to the next. What ends up happening with the flexible spending account is when there is a balance at the end of the year, the employee goes and buys a couple pairs of eyeglasses, gets their teeth cleaned a couple of times, more money is spent and it props up health care inflation.

What this reform does, it lets the employee know this is their money. More importantly, what this bill does and what the Rangel substitute denies is the ability to roll over $500 from their flexible spending account into a health savings account. They say this health savings account is a new tax shelter.

Mr. Speaker, what a health savings account does is it lets people spend money on health care tax free. We can deduct the cost of health insurance on corporate tax rates when corporations pay for health care for their employees; why cannot employees and individuals deduct the cost of their health care expenditures on their income taxes? That is what HSAs do.

Take a look at what health savings accounts have already produced, only having been in law since January 1; 37 percent of all health savings accounts sold went to people who previously were uninsured; 18 percent of those people had preexisting conditions, people who had sicker risk profiles. And 47 years old was the median age of a person who bought health savings accounts.

So to the critics that said only wealthy, only young, only insured people would be buying HSAs, all of that is being proven untrue with the results that are taking place today in the marketplace. But more importantly is the fact that the Mercer Study just did a survey and they noted that 73 percent of all firms in America who offer their employees health insurance are considering giving an additional option of health insurance through a health savings account by 2006. By denying your employees the ability to take the money that is in their flexible spending account, which is controlled by the employer, and put it in their own account, which goes to the employee, is simply saying you are not going to let the employers give this money to the employee and be part of the employee's property.

It is very important that we allow the employees to keep this money and use this money for their own health insurance and to do so tax free so we end the bias in the Tax Code right now that is against giving people the ability to spend money on health care on a tax-free basis. This is how we get the employee and the consumer back into the business of buying health care.

I urge rejection of the Rangel substitute and adoption of the base bill.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to suggest to the gentleman from Wisconsin (Mr. RYAN) that we do not on this side have any objection to the rollover. We think it is a good idea, and all we would suggest is that we have to pay for it. That is the only difference.

Mr. RYAN of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Is the gentleman opposed to rolling over the FSA money into an HSA?

Mr. STARK. Actually, I am opposed to it in general, but I offer to the gentleman from Louisiana (Mr. McCRERY) that we would accept that if he would pay for half of the bill. That is compromise.

Mr. RYAN of Wisconsin. The vote we are faced with, the Rangel substitute, is denying people the ability to keep this money. It denies people the ability to put their FSA money into an HSA.

Mr. STARK. It only denies the HSA, which they think is going to be a small number. There is still time to negotiate.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in support of the Rangel substitute. Like the underlying bill, the substitute permits up to $500 of unused benefits in the employee's health flexible spending arrangement to be carried forward to the employee's FSA account for the next plan year. However, this substitute does not permit unused benefits to be contributed to an employee's health savings account, which in fact we know to be a tax shelter for the healthy and for the wealthy.

This substitute is paid for, which is the principal reason why we have this substitute and why we are opposed to the underlying amendment, not by driving us deeper into debt. How do we pay for it? We eliminate the tax benefits that corporations receive when they reincorporate overseas for the express purposes of avoiding U.S. income taxes. They do not want to pay taxes to the United States of America. These so-called corporate expatriates, they enjoy all of the benefits of corporate citizenship in America. They look like U.S. companies, their stock is principally traded in the United States, and their physical assets are protected by our Armed Forces. They just refuse to pay for the benefits as every other American citizen or other companies do.

Countless companies engage in this practice: PriceWaterhouse Coopers Consulting, Accenture, Tyco, Foster Wheeler, the list goes on and on. These companies go to Bermuda, Barbados, the Cayman Islands. These are great vacation spots, particularly for companies who want to live tax free.

Many of us have worked for years to end this practice only to be turned back again and again by the Republican leadership which has time and again given their approval to corporations who continue to avoid living up to their obligations as citizens. Two years ago, this House voted overwhelmingly, 318 to 110, to pass an amendment that I offered to the Homeland Security Act that would have prohibited corporate expatriates from receiving Federal contracts from the Department of Homeland Security. The other body followed suit; unanimously, I may add. Even the President spoke out in favor of ending this practice. But in the dark of night, this Republican leadership gutted the amendment, a bipartisan amendment, defying the will of the President and both Chambers of the Congress. Now that contracting ban is, for all intents and purposes, meaningless.

What happens is we have a company that goes offshore, pays no taxes, takes jobs and technology with them, and then what they want to do is to be considered for millions and billions of dollars in taxpayer dollars from the Department of Energy, the Department of Defense, the Department of Homeland Security; that is what is happening, but they pay no taxes in the United States of America.

With this substitute we say, no more. At a time when we have brave men and women putting their lives on the line across the world, we will put patriotism before profit. And some of those companies that we are talking about are reaping the benefits today in Iraq while our young men and women are dying in Iraq. At a time when we have seen the greatest fiscal reversal in this country, a $5.6 trillion surplus has become a $3 trillion deficit, we are saying with this amendment that we have a moral obligation to pay our bills and not pass them on to our children and our children's children.

Mr. Speaker, I support this substitute. It is the right thing to do. It is the responsible thing to do. Support the Rangel substitute.

Mr. McCRERY. Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to close the debate on our side for our substitute. My belief is these two tax provisions, modest as they are, regardless of the underlying bill, are good tax policy and ought to be considered if for no other reason than that they correct some serious inequities in our Tax Code which have been described by previous speakers.

We are very close to a compromise with our friends on the other side of the aisle. Our substitute would eliminate the health savings account issue. But as I said, it is possible to reinstate that in conference, and if the gentleman would like to support our substitute, we could do the patriotic thing, we could provide good tax policy, we could pay for a very good idea, and we could walk out, arm in arm, saying we have helped a few people, we have paid for it, and we have brought patriotism and corporate responsibility to some of our recalcitrant corporate friends who are not doing their share.

I would urge that this substitute does no harm to the underlying philosophy of the bill of the gentleman from Louisiana (Mr. MCCRERY). It does add to the coffers of our Nation when it is so desperately needed. This money is contributed by those corporations whose actions are I believe indefensible, and particularly at this time of grave national emergency.

I would not want to suggest that anybody who votes against our substitute is unpatriotic, but I would suggest that it certainly is helpful for our troops and the American economy to support the Rangel substitute.

Mr. Speaker, I yield back the balance of my time.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while I would relish the opportunity to walk out of the Chamber arm in arm with the gentleman from California (Mr. STARK) in complete agreement on a compromise on this legislation, I am afraid that the ill-advised tax changes contained in the gentleman's substitute would likely result in increased takeover of American corporations by foreign companies, so I will not be able to do that; but perhaps another day.

This substitute admits that the underlying policy in the bill under consideration is appropriate, that is allowing employees to roll over up to $500 at the end of the year into next year's flexible spending arrangement. They do object to rolling money over into a health savings account, but the other part of the substitute which makes dramatic changes in tax policy in this country I think are indeed ill-advised, and I would urge this House to reject that.

I just want to go over a couple of things that have been mentioned by previous speakers, one of whom said we are now experiencing the largest deficit in the history of the country. Of course, he is speaking in nominal terms, not in real terms. In fact, the appropriate measurement of a deficit is against the national income: what percent of our national income is the deficit. And the deficit we are running now is not even close to the largest deficit in history measured in those terms.

□ 1445

He also said the economy is in the ditch, or something like that. No, the economy was in the ditch in 2000, but we have succeeded in dragging the economy out of the ditch thanks to the three tax cuts that another gentleman mentioned earlier. We now have a very vibrant, growing economy. We now see jobs being created at a remarkable clip for the last 2 months, so I would disagree with the gentleman's characterization of the economy being in the ditch. In fact, it is very much alive, and we hope it will continue that way.

The subject of American companies moving offshore is indeed a delicate one and one that we would like to address. In fact, we do address that unfortunate phenomenon in a bill that passed the Committee on Ways and Means back in 2002 and a different version was just passed yesterday by the Senate, and we will have another opportunity to address it here in the House. Since we introduced that bill and passed it through the Committee on Ways and Means in 2002, there has not been a single company that has gone offshore. So the remedy that we prescribed for this deplorable action by some American companies we believe to be the correct remedy, the good tax policy remedy, and it is already working even though we have not even passed it. We just passed it through the Committee on Ways and Means. I would urge this House to reject the ill-advised course of action in the substitute and instead look forward to voting on a much more progressive treatment of that problem which will not encourage foreign takeover of American companies.

Mr. Speaker, while again I commend the minority on supporting the major provision of the underlying bill, I am afraid we must ask for a rejection of their substitute.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). All time for debate has expired.

Pursuant to House Resolution 638, the previous question is ordered on the bill and on the amendment in the nature of a substitute offered by the gentleman from California (Mr. STARK).

The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. STARK).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. STARK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 230, not voting 6, as follows:

[Roll No. 161]

AYES—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—230

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

DeMint
Kolbe
Regula
Reyes
Simmons
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN) (during the vote). Members are advised there are 2 minutes remaining.

☐ 1515

Messrs. WELLER, CARSON of Oklahoma, FEENEY, KINGSTON, and LUCAS of Kentucky changed their vote from "aye" to "no."

Messrs. TANNER, PASTOR, and LARSON of Connecticut changed their vote from "no" to "aye."

So the amendment in the nature of substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. STARK

Mr. STARK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. QUINN). Is the gentleman opposed to the bill?

Mr. STARK. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Stark moves to recommit the bill H.R. 4279 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following new section:

SEC. 2. SOCIAL SECURITY AND MEDICARE TRUST FUNDS HELD HARMLESS.

Nothing in this Act shall be construed as affecting the amount of transfers to any trust fund established by title II or XVIII of the Social Security Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. STARK) is recognized for 5 minutes in support of his motion to recommit.

Mr. STARK. Mr. Speaker, during the past several hours we have had a good debate on this bill, and I think we have agreed to some of the basic principles that the flexible savings accounts should allow a reduction of the use-it-or-lose-it rule. We had attempted to offer a compromise to get our Republican colleagues to just pay for half of the bill, which was turned down. And the bill has, indeed, many supporters.

But what we have seen during the course of this current administration is indirectly a complete raid on the Social Security and Medicare Trust Funds. Basically, the Republicans have spent all of the surplus in Social Security and Medicare, and that, in my opinion, is indefensible. Whether we agree about flexible savings accounts or medical savings accounts is not the issue. This bill directly, specifically, transfers out of the trust funds $3.4 billion. The Republicans are raiding the Social Security and Medicare Trust Funds.

Now, that may not sound like a lot to my colleagues across the aisle, but to the people who depend on Social Security and Medicare, the idea that they are stealing money out of the Medicare and Social Security Trust Funds blatantly, I think they will find offensive.

This reduction in receipts should not be permitted to occur. It will not harm this bill. The bill will go forward exactly as the distinguished gentleman from Louisiana has outlined it and has prevailed. The only difference is our motion to recommit asks us all to stand up and take the pledge to protect Social Security and Medicare and its trust funds for all of those who depend on their benefits in this country.

This bill takes care of well-employed, well-insured individuals. This does not help any uninsured people at all. It gives an additional benefit to people with first-class medical insurance. Why then should we spoil an otherwise decent bill by taking the first step to destroy Medicare and Social Security for people who are unable to get health insurance? That is wrong.

We have all committed to protect Social Security and Medicare. You cannot oppose this motion to recommit and say you are protecting it. You are stealing almost $3.5 billion over the next 10 years out of these trust funds.

To support our motion to recommit would merely say find it someplace else; take it out of general revenues, take it out of trade, take it out of anything, but do not take it out of the hard-earned benefits that our senior citizens are entitled to. This could be the first step toward destroying the financial viability of Medicare and Social Security.

If you vote for our motion to recommit, you are standing up and suggesting that you will protect the trust funds that underlie Social Security and Medicare. If you vote against it, you are saying, "We don't care. Take the seniors' money. What the heck. We can spend it. We have spent everybody else's money. We have spent our grandkids' money."

I ask you, out of compassion, those of us who are seniors might not be able to get a job anyplace else if I am not reelected. My Social Security, please do not steal it. Do not make my little children go out and get an extra paper route to take care of me in my dotage. We need this. Our parents need it. We must protect our children.

So, to repeat, the bill will go through exactly as the Republicans have crafted it; but if you vote for our motion to recommit, you get the added benefit of saying to every senior in your district, I stood up and protected your Social Security and Medicare benefits by protecting the trust funds to which this money would go.

Mr. Speaker, I urge support for the motion to recommit.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, I hope you all enjoyed that ride through very dark woods. Now let me explain what is really going on.

Return with me to 1945. We were in the middle of a war and a decision was made which affects us profoundly today. There was a choice of increasing wages or there was an idea that we can snooker workers not to ask for more wages if we create a procedure in which employers offer fringe benefits for which they will get a tax break.

Today, a dollar in wages competes against a dollar in fringe benefits. A dollar in wages is taxed 100 percent. A dollar in fringe benefits does not affect the worker or the employer. We created a system that puts a premium on going for fringe benefits over wages.

The argument the gentleman from California just made is based on that concept. He has a letter from Joint Tax that says if you create this fringe benefit, flexible spending accounts, in which up to $500 of the employee's tax deferred structure is allowed to roll over in the employee-controlled structure as an incentive to keep down the fringe benefit costs, there is a possibility that these will be successful.

What happens if they are successful? The dollar in wages is not paid, the dollar in fringe benefits is paid, and the payroll tax, which otherwise would have gone into the Social Security Trust Fund from the wages foregone, is what he is talking about; not enough to modify the trust fund one iota over the year in terms of true impact on the Social Security Trust Fund.

It happens with every decision we make in here in choosing either wages or fringe benefits. This is worse than a red herring. What it does is commit you to say that any change that would save dollars in the larger picture, for example incorporating individuals' own decision-making in health care where they actually have an investment, rather than having $5,000 worth of fringe benefits in which they are taking care of themselves, do not get any benefit out of it, and at the end of the year they go get eyeglass frames because they are trying to get money back out of the fringe benefits; the system we have constructed today, that if in fact this is successful and you save total money because somebody decides they want to make a prudent decision and a couple of hundred dollars roll over into the flexible savings account, Joint Tax has said that couple of hundred dollars that is in the flexible spending account may have been paid out in wages, which means you then lose the payroll taxes in terms of the difference between the two.

The overall cost to the economy, the society, and the taxpayers is less. It is a minor accounting procedure which you can not even see. And that is the black wood he took you through to buy the concept that anytime you want to make an improvement in the overall structure of society, taxes and Social Security, you have taken the pledge not to have anything happen.

Do not take this pledge. Understand what they are trying to do to you. Reject this gimmick and simply say, look at the larger overall society benefit, and do not put on the green eyeshade and do not let them tell you that somehow this is going to impact the Social Security Trust Fund. In the long run, people helping make their own decisions saves money, it does not cost money.

Vote no on the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. STARK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes, if ordered, on passage of H.R. 4279 and adoption of H. Con. Res. 352.

The vote was taken by electronic device, and there were—ayes 202, noes 224, not voting 7, as follows:

[Roll No. 162]

AYES—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee

Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NOES—224

Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Aderholt
DeMint
Owens
Reyes
Scott (GA)
Tauzin
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1547

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

☐ 1545

The SPEAKER pro tempore (Mr. LATHAM). The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McCRERY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 273, nays 152, not voting 8, as follows:

[Roll No. 163]

YEAS—273

Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McKeon
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (CO)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—152

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gephardt
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hoeffel
Holt
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lynch
Markey
Marshall
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre

McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Woolsey

NOT VOTING—8

Aderholt
DeMint
Obey
Radanovich
Reyes
Scott (GA)
Tauzin
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1555

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING CONTRIBUTIONS OF PEOPLE OF INDIAN ORIGIN TO UNITED STATES AND BENEFITS OF WORKING TOGETHER WITH INDIA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 352.

The clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 352, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 2, answered "present" 2, not voting 14, as follows:

[Roll No. 164]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Johnson, Sam
Paul

ANSWERED "PRESENT"—2

DeFazio
Sanders

NOT VOTING—14

Buyer
Cubin
DeMint
Duncan
Feeney
Istook
Kennedy (RI)
Miller, George
Rangel
Reyes
Roybal-Allard
Scott (GA)
Tauzin
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1606

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McCRERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject matter of H.R. 4279.

The SPEAKER pro tempore (Mr. LATHAM). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTHCARE (HEALTH) ACT OF 2004

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 638, I call up the bill (H.R. 4280) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 4280 is as follows:

H.R. 4280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2004".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—

(1) EFFECT ON HEALTH CARE ACCESS AND COSTS.—Congress finds that our current civil justice system is adversely affecting patient access to health care services, better patient care, and cost-efficient health care, in that the health care liability system is a costly and ineffective mechanism for resolving claims of health care liability and compensating injured patients, and is a deterrent to the sharing of information among health care professionals which impedes efforts to improve patient safety and quality of care.

(2) EFFECT ON INTERSTATE COMMERCE.—Congress finds that the health care and insurance industries are industries affecting interstate commerce and the health care liability litigation systems existing throughout the United States are activities that affect interstate commerce by contributing to the high costs of health care and premiums for health care liability insurance purchased by health care system providers.

(3) EFFECT ON FEDERAL SPENDING.—Congress finds that the health care liability litigation systems existing throughout the United States have a significant effect on the amount, distribution, and use of Federal funds because of—

(A) the large number of individuals who receive health care benefits under programs operated or financed by the Federal Government;

(B) the large number of individuals who benefit because of the exclusion from Federal taxes of the amounts spent to provide them with health insurance benefits; and

(C) the large number of health care providers who provide items or services for which the Federal Government makes payments.

(b) PURPOSE.—It is the purpose of this Act to implement reasonable, comprehensive, and effective health care liability reforms designed to—

(1) improve the availability of health care services in cases in which health care liability actions have been shown to be a factor in the decreased availability of services;

(2) reduce the incidence of "defensive medicine" and lower the cost of health care liability insurance, all of which contribute to the escalation of health care costs;

(3) ensure that persons with meritorious health care injury claims receive fair and adequate compensation, including reasonable noneconomic damages;

(4) improve the fairness and cost-effectiveness of our current health care liability system to resolve disputes over, and provide compensation for, health care liability by reducing uncertainty in the amount of compensation provided to injured individuals; and

(5) provide an increased sharing of information in the health care system which will reduce unintended injury and improve patient care.

SEC. 3. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

The time for the commencement of a health care lawsuit shall be 3 years after the date of manifestation of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first. In no event shall the time for commencement of a health care lawsuit exceed 3 years after the date of manifestation of injury unless tolled for any of the following—

(1) upon proof of fraud;

(2) intentional concealment; or

(3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

Actions by a minor shall be commenced within 3 years from the date of the alleged manifestation of injury except that actions by a minor under the full age of 6 years shall be commenced within 3 years of manifestation of injury or prior to the minor's 8th birthday, whichever provides a longer period. Such time limitation shall be tolled for minors for any period during which a parent or guardian and a health care provider or health care organization have committed fraud or collusion in the failure to bring an action on behalf of the injured minor.

SEC. 4. COMPENSATING PATIENT INJURY.

(a) UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.—In any health care lawsuit, nothing in this Act shall limit a claimant's recovery of the full amount of the available economic damages, notwithstanding the limitation in subsection (b).

(b) ADDITIONAL NONECONOMIC DAMAGES.—In any health care lawsuit, the amount of noneconomic damages, if available, may be as much as $250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same injury.

(c) NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.—For purposes of applying the limitation in subsection (b), future noneconomic damages shall not be discounted to present value. The jury shall not be informed about the maximum award for noneconomic damages. An award for noneconomic damages in excess of $250,000 shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law. If separate awards are rendered for past and future noneconomic damages and the combined awards exceed $250,000, the future noneconomic damages shall be reduced first.

(d) FAIR SHARE RULE.—In any health care lawsuit, each party shall be liable for that party's several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party's percentage of responsibility. Whenever a judgment of liability is rendered as to any party, a separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

SEC. 5. MAXIMIZING PATIENT RECOVERY.

(a) COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants. In particular, in any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant's damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity. In no event shall the total of all contingent fees for representing all claimants in a health care lawsuit exceed the following limits:

(1) 40 percent of the first $50,000 recovered by the claimant(s).

(2) 33⅓ percent of the next $50,000 recovered by the claimant(s).

(3) 25 percent of the next $500,000 recovered by the claimant(s).

(4) 15 percent of any amount by which the recovery by the claimant(s) is in excess of $600,000.

(b) APPLICABILITY.—The limitations in this section shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution. In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section. The requirement for court supervision in the first two sentences of subsection (a) applies only in civil actions.

SEC. 6. ADDITIONAL HEALTH BENEFITS.

In any health care lawsuit involving injury or wrongful death, any party may introduce evidence of collateral source benefits. If a party elects to introduce such evidence, any opposing party may introduce evidence of any amount paid or contributed or reasonably likely to be paid or contributed in the future by or on behalf of the opposing party to secure the right to such collateral source benefits. No provider of collateral source benefits shall recover any amount against the claimant or receive any lien or credit against the claimant's recovery or be equitably or legally subrogated to the right of the claimant in a health care lawsuit involving injury or wrongful death. This section shall apply to any health care lawsuit that is settled as well as a health care lawsuit that is resolved by a fact finder. This section shall not apply to section 1862(b) (42 U.S.C. 1395y(b)) or section 1902(a)(25) (42 U.S.C. 1396a(a)(25)) of the Social Security Act.

SEC. 7. PUNITIVE DAMAGES.

(a) IN GENERAL.—Punitive damages may, if otherwise permitted by applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer. In any health care lawsuit where no judgment for compensatory damages is rendered against such person, no punitive damages may be awarded with respect to the claim in such lawsuit. No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages. At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(1) whether punitive damages are to be awarded and the amount of such award; and

(2) the amount of punitive damages following a determination of punitive liability.

If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(b) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—

(1) FACTORS CONSIDERED.—In determining the amount of punitive damages, if awarded, in a health care lawsuit, the trier of fact shall consider only the following—

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) MAXIMUM AWARD.—The amount of punitive damages, if awarded, in a health care lawsuit may be as much as $250,000 or as much as two times the amount of economic damages awarded, whichever is greater. The jury shall not be informed of this limitation.

(c) NO PUNITIVE DAMAGES FOR PRODUCTS THAT COMPLY WITH FDA STANDARDS.—

(1) IN GENERAL.—

(A) No punitive damages may be awarded against the manufacturer or distributor of a medical product, or a supplier of any component or raw material of such medical product, based on a claim that such product caused the claimant's harm where—

(i)(I) such medical product was subject to premarket approval, clearance, or licensure by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such medical product which caused the claimant's harm or the adequacy of the packaging or labeling of such medical product; and

(II) such medical product was so approved, cleared, or licensed; or

(ii) such medical product is generally recognized among qualified experts as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable Food and Drug Administration regulations, including without limitation those related to packaging and labeling, unless the Food and Drug Administration has determined that such medical product was not manufactured or distributed in substantial compliance with applicable Food and Drug Administration statutes and regulations.

(B) RULE OF CONSTRUCTION.—Subparagraph (A) may not be construed as establishing the obligation of the Food and Drug Administration to demonstrate affirmatively that a manufacturer, distributor, or supplier referred to in such subparagraph meets any of the conditions described in such subparagraph.

(2) LIABILITY OF HEALTH CARE PROVIDERS.—A health care provider who prescribes, or who dispenses pursuant to a prescription, a medical product approved, licensed, or cleared by the Food and Drug Administration shall not be named as a party to a product liability lawsuit involving such product and shall not be liable to a claimant in a class action lawsuit against the manufacturer, distributor, or seller of such product. Nothing in this paragraph prevents a court from consolidating cases involving health care providers and cases involving products liability claims against the manufacturer, distributor, or product seller of such medical product.

(3) PACKAGING.—In a health care lawsuit for harm which is alleged to relate to the adequacy of the packaging or labeling of a drug which is required to have tamper-resistant packaging under regulations of the Secretary of Health and Human Services (including labeling regulations related to such packaging), the manufacturer or product seller of the drug shall not be held liable for punitive damages unless such packaging or labeling is found by the trier of fact by clear and convincing evidence to be substantially out of compliance with such regulations.

(4) EXCEPTION.—Paragraph (1) shall not apply in any health care lawsuit in which—

(A) a person, before or after premarket approval, clearance, or licensure of such medical product, knowingly misrepresented to or withheld from the Food and Drug Administration information that is required to be submitted under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or section 351 of the Public Health Service Act (42 U.S.C. 262) that is material and is causally related to the harm which the claimant allegedly suffered; or

(B) a person made an illegal payment to an official of the Food and Drug Administration for the purpose of either securing or maintaining approval, clearance, or licensure of such medical product.

SEC. 8. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) IN GENERAL.—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding $50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments. In any health care lawsuit, the court may be guided by the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) APPLICABILITY.—This section applies to all actions that have not been first set for trial or retrial before the effective date of this Act.

SEC. 9. DEFINITIONS.

In this Act:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.—The term "alternative dispute resolution system" or "ADR" means a system that provides for the resolution of health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) CLAIMANT.—The term "claimant" means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) COLLATERAL SOURCE BENEFITS.—The term "collateral source benefits" means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, or any service, product or other benefit provided or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers' compensation law;

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;

(C) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income disability benefits; and

(D) any other publicly or privately funded program.

(4) COMPENSATORY DAMAGES.—The term "compensatory damages" means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. The term "compensatory damages" includes economic damages and noneconomic damages, as such terms are defined in this section.

(5) CONTINGENT FEE.—The term "contingent fee" includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(6) ECONOMIC DAMAGES.—The term "economic damages" means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(7) HEALTH CARE LAWSUIT.—The term "health care lawsuit" means any health care liability claim concerning the provision of health care goods or services or any medical product affecting interstate commerce, or any health care liability action concerning the provision of health care goods or services or any medical product affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim. Such term does not include a claim or action which is based on criminal liability; which seeks civil fines or penalties paid to Federal, State, or local government; or which is grounded in antitrust.

(8) HEALTH CARE LIABILITY ACTION.—The term "health care liability action" means a civil action brought in a State or Federal Court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on

which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(9) HEALTH CARE LIABILITY CLAIM.—The term "health care liability claim" means a demand by any person, whether or not pursuant to ADR, against a health care provider, health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, including, but not limited to, third-party claims, cross-claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services or medical products, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(10) HEALTH CARE ORGANIZATION.—The term "health care organization" means any person or entity which is obligated to provide or pay for health benefits under any health plan, including any person or entity acting under a contract or arrangement with a health care organization to provide or administer any health benefit.

(11) HEALTH CARE PROVIDER.—The term "health care provider" means any person or entity required by State or Federal laws or regulations to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(12) HEALTH CARE GOODS OR SERVICES.—The term "health care goods or services" means any goods or services provided by a health care organization, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, or treatment of any human disease or impairment, or the assessment or care of the health of human beings.

(13) MALICIOUS INTENT TO INJURE.—The term "malicious intent to injure" means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(14) MEDICAL PRODUCT.—The term "medical product" means a drug, device, or biological product intended for humans, and the terms "drug", "device", and "biological product" have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321) and section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)), respectively, including any component or raw material used therein, but excluding health care services.

(15) NONECONOMIC DAMAGES.—The term "noneconomic damages" means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(16) PUNITIVE DAMAGES.—The term "punitive damages" means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider, health care organization, or a manufacturer, distributor, or supplier of a medical product. Punitive damages are neither economic nor noneconomic damages.

(17) RECOVERY.—The term "recovery" means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys' office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(18) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 10. EFFECT ON OTHER LAWS.

(a) VACCINE INJURY.—

(1) To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this Act does not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this Act in conflict with a rule of law of such title XXI shall not apply to such action.

(2) If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this Act or otherwise applicable law (as determined under this Act) will apply to such aspect of such action.

(b) OTHER FEDERAL LAW.—Except as provided in this section, nothing in this Act shall be deemed to affect any defense available to a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. 11. STATE FLEXIBILITY AND PROTECTION OF STATES' RIGHTS.

(a) HEALTH CARE LAWSUITS.—The provisions governing health care lawsuits set forth in this Act preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this Act. The provisions governing health care lawsuits set forth in this Act supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this Act; or

(2) prohibits the introduction of evidence regarding collateral source benefits, or mandates or permits subrogation or a lien on collateral source benefits.

(b) PROTECTION OF STATES' RIGHTS AND OTHER LAWS.—(1) Any issue that is not governed by any provision of law established by or under this Act (including State standards of negligence) shall be governed by otherwise applicable State or Federal law.

(2) This Act shall not preempt or supersede any State or Federal law that imposes greater procedural or substantive protections for health care providers and health care organizations from liability, loss, or damages than those provided by this Act or create a cause of action.

(c) STATE FLEXIBILITY.—No provision of this Act shall be construed to preempt—

(1) any State law (whether effective before, on, or after the date of the enactment of this Act) that specifies a particular monetary amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, regardless of whether such monetary amount is greater or lesser than is provided for under this Act, notwithstanding section 4(a); or

(2) any defense available to a party in a health care lawsuit under any other provision of State or Federal law.

SEC. 12. APPLICABILITY; EFFECTIVE DATE.

This Act shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this Act, except that any health care lawsuit arising from an injury occurring prior to the date of the enactment of this Act shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

SEC. 13. SENSE OF CONGRESS.

It is the sense of Congress that a health insurer should be liable for damages for harm caused when it makes a decision as to what care is medically necessary and appropriate.

The SPEAKER pro tempore. Pursuant to House Resolution 638, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes; and the gentleman from Texas (Mr. BARTON) and the gentleman from Ohio (Mr. BROWN) each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4280, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the national medical insurance crisis, driven by unlimited lawsuits, is devastating our Nation's health care system to the detriment of patients everywhere. Medical professional liability insurance rates have soared, causing major insurers to either drop coverage or raise premiums to unaffordable levels. Doctors are being forced to abandon patients and practices or to retire early, particularly in high-risk specialties, such as emergency medicine, brain surgery, and obstetrics and gynecology. Women are particularly hard hit, as are low-income and rural neighborhoods.

H.R. 4280, the HEALTH Act, is modeled after California's highly successful health care litigation reforms enacted in 1975 and known under the acronym MICRA. California's reforms, which are included in the HEALTH Act, include reasonable limits on unquantifiable damages, limits on the contingency fees lawyers can charge, and authorization for defendants to introduce evidence to prevent double recoveries. The HEALTH Act also includes provisions creating a fair share rule, by which damages are allocated fairly in direct proportion to fault; reasonable guidelines on the award of punitive damages; and a safe harbor from punitive damages for products that meet applicable FDA safety requirements.

Information provided by the National Association of Insurance Commissioners shows that since 1975, premiums paid outside of California increased at five times the rate they increased in California. The Congressional Budget Office has concluded "under the HEALTH Act, premiums for medical malpractice insurance ultimately would be an average of 25 percent to 35 percent below what they would be under current law." If California's legal reforms were implemented nationwide, we could spend billions of dollars more annually on patient care, meaning helping sick people get better.

We all recognize that injured victims should be adequately compensated for their injuries, but too often in this debate we lose sight of the larger health care picture. This country is blessed with the finest health care technology in the world. It is blessed with the finest doctors in the world. People are smuggled into this country for a chance at life and healing, the best chance that they have in the world. The Department of Health and Human Services issued a report recently that includes the following amazing statistics: during the past half century, death rates among children and adults up to age 24 were cut in half, and the infant mortality rate plummeted 75 percent. Mortality among adults between the ages of 25 and 64 fell nearly as much, and dropped among those 65 years and older by a third. In 2000, Americans enjoyed the longest life expectancy in our history, almost 77 years.

These amazing statistics just did not happen. There are faces behind the statistics, and they are our doctors. These statistics happen because America produces the best health care technology and the best doctors to use it. But now there are fewer and fewer doctors to use that miraculous technology or to use that technology where their patients are. We have the best brain scanning and best brain operation devices in history and fewer and fewer neurosurgeons to use them.

Unlimited lawsuits are driving doctors out of the healing profession. They are making us all less safe, all in the name of unlimited lawsuits and the personal injury lawyers' lust for their cut of unlimited awards for unquantifiable damages. But when someone gets sick or is bringing a child into the world, and we cannot call the doctor, who will we call? When you pick up the phone and call the hospital because someone you love has suffered a brain injury, and you are told, sorry, lawsuits made it too expensive for brain surgeons to practice here, who will save your loved one? You cannot call a lawyer. A lawyer cannot perform brain surgery.

We all need doctors. And we, as our Nation's representatives, have to choose, right here and today. Do we want the abstract ability to sue a doctor for unlimited, unquantifiable jackpot damage awards when doing so means that there will be no doctors to treat ourselves and our loved ones in the first place? Of course not. So on behalf of all 287 million Americans, all of whom are patients, let us pass this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

My colleagues, it is slightly incredible that with all the pressing legislative challenges facing us today, we have nothing better to do than redebate and revote the same tired medical malpractice proposals that have been brought forward by a conservative Congress over the last decade. This is the fifth time in 14 months that we have had this bill before the House of Representatives. Sooner or later somebody is going to get it, that this bill is not likely ever to go anywhere because it insults the commonsense health care needs of the American people.

Now, how can you put so many bad things in one bill? Let me explain how devious this thing can get. The bill before us would first supersede the law in every State in the Union, and these are states-righters over here, to cap noneconomic damages, to cap punitive damages, to cap attorneys' fees for those lawyers that would represent the poor, to reduce the statute of limitations, to eliminate joint and several liability and eliminate the collateral source rule. All in one bill. Six incredible things.

Embarrassed? No, I do not think they are. Rather than helping, when this Nation faces a national health care system crisis of growing proportions, instead of helping Americans that seek health care remedies and remedies for bad medical practice, and to help the medical profession itself, the bill before us does none of that; but it does enrich the insurance companies of America, the HMOs of this country, and the manufacturers and distributors of medical products, which sometimes are defective, as well as the pharmaceuticals that might be involved, too.

In other words, all the bad, unpleasant negative parts of our health care system are being protected. And who do we do it at the expense of? The innocent victims of medical malpractice, particularly women and children and the elderly poor.

I am embarrassed that this measure is on the floor for the sixth time in 14 months.

It's amazing to me that with all of the pressing problems facing us today, the Majority has nothing better to do than redebate and revote the same tired old medical malpractice proposals they have been pushing for the last ten years. In fact, this is the fifth time the Congress has voted on this bill in the past 14 months.

The bill before us today would supersede the law in all 50 states to cap non-economic damages, cap and limit punitive damages, cap attorney's fees for poor victims, shorten the statute of limitations, eliminate joint and several liability, and eliminate collateral source.

Rather than helping doctors and victims, the bill before us pads the pockets of insurance companies, HMOs, and the manufacturers and distributors of defective medical products and pharmaceuticals. And it does so at the expense of innocent victims, particularly women, children, the elderly and the poor.

We need to cut the charades and get to the heart of the problem. The insurance industry is a good place to start. We have seen in the past that the insurance industry goes through boom and bust cycles, with premiums ebbing and flowing as companies enter and exit the market and investment income rises and falls. We also know from past experience that the insurance industry—which is exempt from the antitrust laws—is not immune from collusion, price fixing and other anticompetitive problems.

It is also clear that the legislative solution largely focused on limiting victims rights available under our state tort system will do little other than increase the incidence of medical malpractice—already the third leading cause of preventable death in our nation. In other words, by limiting liability, we will increase incentives for misconduct.

Under this proposal, Congress would be saying to the American people that we don't care if you lose your ability to bear children, we don't care if you are forced to live in excruciating pain for the remainder of your life, and we don't care if you are permanently disfigured or crippled. The majority in this bill would limit recovery in tens of thousands of these cases, regardless of their merits.

The proposed new statue of limitations takes absolutely no account of the fact that many injuries caused by malpractice or faulty drugs take years or even decades to manifest themselves. Under the proposal, a patient who is negligently inflicted with HIV-infected blood and develops AIDS six years later would be forever barred from filing a liability claim.

The so-called periodic payment provisions are nothing less than a federal installment plan for HMO's. The bill would allow insurance companies teetering on the verge of bankruptcy to delay and then completely avoid future financial obligations. And they would have no obligation to pay interest on amounts they owe their victims.

And guess who else gets a sweetheart deal under this legislation? The drug companies. The producers of killer devices like the Dalkon Shield, the Cooper-7 IUD, high absorbency tampons linked to toxic shock syndrome, and silicone gel implants all would have completely avoided billions of dollars in damages had this bill been law.

Nearly 100,000 people die in this country each and every year from medical malpractice. At a time when 5 percent of the health care professionals cause 54 percent of all medical malpractice injuries, the last thing we need to do is exacerbate this problem while ignoring the true causes of the medical malpractice crisis in America. I urge my colleagues to reject this anti-patient, anti-victim legislation.

Mr. Speaker, I reserve the balance of my time.

□ 1615

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say before I give my prepared statement that I too am embarrassed that this issue is on the floor for the sixth time in so many months because the other body is yet to do anything about it. It is past time that we should have passed this and the other body should have passed it, and we should have all attended a signing ceremony with the President of the United States so we can bring some medical malpractice reform to the health care providers of our country.

We are facing a crisis in this country, and I do not use that term lightly, that dramatically affects our efforts to improve access to high-quality, affordable health care. Doctors in at least 19 States are facing astronomical increases in their medical malpractice insurance premiums. They have had their premiums doubled, and in some cases tripled. A hostile liability environment has forced doctors to stop performing certain procedures. In my own congressional district, I know of doctors who have retired because they cannot afford the medical malpractice insurance to continue their practices.

This means as there are fewer doctors to provide health care, patients are going to be left with fewer treatment options. Fewer OB-GYNs means less preventive health care for women. It means less regular screenings for reproductive cancers, high blood pressure, infections and other health risks, and less preventive care means higher health care costs down the road.

As insurance premiums continue to skyrocket, doctors will look to cut back on or eliminate care for higher-risk patients such as the uninsured. This will also affect how we recruit new doctors. Our country already has a difficult time providing access to high-quality health care in many underserved areas. We already lack a true health care marketplace where patients can shop freely for health care services and have a direct say about which doctor they will see. We do not need to make these problems worse, we need to fix them.

The bill before us would begin the effort to fix them. The medical liability crisis is driving doctors out of the practice of medicine. Even if you have health insurance, what is it worth if there is no doctor available to treat you? It is not right that our courts have become a legal lotto system rather than a fair system that judges meritorious claims.

We all agree if a patient is injured through malpractice or negligence, that patient should be compensated fairly for his injuries; but that is not happening today. Injured patients have to wait on average 5 years before a medical injury case is complete. Adding insult to injury, patients lose on average almost 60 percent of their compensation to attorneys and the courts.

Even though 60 percent of medical malpractice claims against doctors are dropped or dismissed, we all pay the price. According to HHS, the direct cost of malpractice insurance and the indirect cost from defensive medicine raises the Federal Government's health care share of the cost by at least $28 billion a year.

H.R. 4280 will help all Americans. It speeds recovery for injured patients who truly deserve compensation. It removes the perverse incentives in our current medical liability system that force doctors to look at patients as potential lawsuits. It will encourage employers to increase the scope of their health insurance benefits, and it will allow for greater investment in lifesaving technologies which help make America's health care system the best in the world.

This legislation encompasses the best policy that can actually fix the medical malpractice crisis. It is high time for this legislation to become law.

Again, I share the concerns of the gentleman from Michigan (Mr. CONYERS) that we have had to vote on this a number of times on the House floor. The problem is not that the House is continuing to vote on it, the problem is that the other body will not bring it up for a vote. I hope that we can pass it today and get the other body to bring it up and we can go to a signing ceremony with the President of the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Virginia (Mr. SCOTT) from the Committee on the Judiciary, and that he may control that time.

The SPEAKER pro tempore (Mr. SWEENEY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I appreciate the comments of the gentleman from Texas (Mr. BARTON), the chairman of the Committee on Energy and Commerce, who explains to us why this keeps coming up, and he refers charitably to the other body.

The other body for the last 10 years has been controlled by the gentleman's party. The last 10 years. The present head of the Senate is not only a Member of the gentleman's party, but he is a medical doctor.

I ask the gentleman, what could he and I do together to help the other body get the message here?

Mr. BARTON of Texas. Mr. Speaker, how much time remains for each side?

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 15 minutes remaining, the gentleman from Virginia (Mr. SCOTT) has 16 minutes remaining; the gentleman from Texas (Mr. BARTON) has 6 minutes remaining, and the gentleman from Ohio (Mr. BROWN) has 10 minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS) to engage in a colloquy.

Mr. CONYERS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I share the frustration that the gentleman has with the other body. If we could work together to get Members from the other body on both sides of the aisle to vote for cloture, and as the gentleman well knows, regardless of who controls the other body, it takes 60 votes to agree to limit debate, and a fair number of Members of the gentleman's party in the other body have failed to vote for cloture on this issue. I would be happy to work with the gentleman to work for cloture to bring the bill up.

Mr. CONYERS. I would be interested; and is the gentleman interested in the six points that I just raised that make this bill problematic? We cannot work together on two different bills.

Mr. BARTON of Texas. Mr. Speaker, if the gentleman would continue to yield, if we can at least let some bill come up for a vote, we can solve this in conference. The policy difference can be worked out in conference, but unless there is a conference with the other body, there is not going to be anything to work out.

Mr. CONYERS. Mr. Speaker, it is my experience in conferences the lights frequently go out and measures get substituted and all kinds of weird things go on. Let us do this in broad daylight, with everybody looking and listening. Conferences have not been the way the democratic process has been enhanced in my career in Congress, sir.

Mr. BARTON of Texas. Mr. Speaker, if the gentleman would continue to yield, the conference mechanism may not be as perfect as it should be, but it is a mechanism where policy differences can be worked on.

Mr. CONYERS. Mr. Speaker, could I recommend that the gentleman and I and my chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), perhaps we can enter into an informal colloquy with some of the leaders in the other body and see if we can end this constant repetition of what is going on here in the House today.

Mr. BARTON of Texas. Mr. Speaker, I am interested in doing that.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to confine their remarks to factual references to the other body and avoid characterizations of Senate action or inaction, remarks urging Senate action or inaction, or references to particular Senators.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I share the consternation of the gentleman from Michigan (Mr. CONYERS). In this country we are facing problems in Iraq, yet this House does nothing. We are listening to seniors say please fix the Medicare discount card program bill; this House does nothing. We are hearing from people in my State of Ohio that we have lost 200 jobs every day in the Bush administration; we are doing nothing about that. We will not extend unemployment benefits or anything else. We are hearing people talk about drug prices being one-half and one-third in Canada what they are here; we are not doing anything about that. We have lost so much manufacturing in this country, 1 out of 7 manufacturing jobs has simply disappeared since George Bush took office.

Yet for the fifth time in 14 months, as the gentleman from Michigan said, we are debating a medical malpractice bill that does not do anything about medical malpractice. I support malpractice reform, as most Members of this body do, but I oppose this bill.

The Republicans lay the blame for rising medical malpractice premiums on the victims of medical malpractice. The bill does not have one provision acknowledging the insurance industry's accountability for skyrocketing premiums, not one provision to keep the insurance industry accountable.

Insurers have tripled their investment in the stock market over the past 10 years, now they are trying to recoup their losses from doctors and premiums from hospitals and other medical providers, and from patients. Insurers lowballed their rates to attract new customers, and then they went overboard and depleted their reserves. That is not our fault, that is not the patients' fault or doctors' fault. Rates have to exceed costs to stabilize those reserves, and the recklessness on the part of insurers is clearly a factor in the recent rate spikes.

Democrats have repeatedly tried to negotiate with the Republican majority on this issue. We asked the majority to consider insurance reforms; they absolutely refused even to talk about it. We asked the majority to subpoena insurance company records so we really could understand and get to the bottom of the rate spikes and so we could be sure we were solving the real problems; the Republicans refused to even talk about it.

There were avenues we could take to stabilize medical malpractice premiums: reinsurance pools, rate bands, loss ratio requirements, reserve requirements, and improved transparency, but the insurance industry opposes these changes. The insurance industry gives a lot of money to President Bush and the Republican leadership, so the Republican leadership does not even consider these insurance company issues. This bill assumes the insurance industry's business decisions play no role in setting premiums. It is always the patient's fault.

In the Committee on Energy and Commerce and in the Subcommittee on Health, I had an amendment that said whatever money we save from the caps has to go towards lower premiums for doctors and hospitals. Because the insurance industry gives a lot of money to Republicans, it was voted down on behalf of the insurance industry on a party-line vote.

This bill is doomed to fail, even if it would become law, and the proof is in California. California has had damage caps since the 1970s. It now has the most stringent caps in the country; but caps alone did nothing. They were a colossal failure in California. Premiums for medical malpractice were higher than the national average. They were growing faster than the national average.

□ 1630

Eventually, California recognized its mistake and implemented a set of malpractice insurance reforms. Since then, premiums have moderated. But this bill does not emulate California's successes. It only imitates California's mistakes.

It is bad enough the bill ignores the failure of a cap-only approach. It takes another swipe at patients with a cap system that says the same injury causes more harm in dollar terms if it happens to a CEO than it does if it happens to his gardener. Like its predecessor, this bill contains provisions wholly unrelated to the medical malpractice issue. It says HMOs that deny patients needed medical care cannot be held accountable, yet HMOs continue to post robust profits, earning $6 billion in the first 9 months of 2003, a 52 percent increase over last year.

This bill says drug companies who sell medicine with toxic side effects are not responsible. Yet they are protecting the drug industry which has been the most profitable industry in America for 20 years running. And the bill says manufacturers of defective medical equipment get a free pass. They are doing all right, too.

In this bill, businesses are never at fault, patients are greedy, the U.S. Congress knows better than a jury of your peers in your community, and State laws are just cast aside without a second thought. If my friends in this body really wanted malpractice reform, if they really wanted to help doctors deal with these outrageous premiums they are paying, they would not use this bill to help their drug company contributors, they would not use this bill to help their insurance company contributors, they would not use this bill to help their HMO contributors. That is what this bill is all about.

At a time when the public is calling for greater corporate accountability, this bill turns on the public itself and says injured patients, not the system that is designed to protect them, are at fault. This is not reform. It is callous injustice.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, America's health care system is facing a malpractice abuse crisis. This single issue has driven up costs, it has increased the number of uninsured, and it has forced health providers out of our rural areas. Doctors are facing mounting costs. The sky-high noneconomic damage awards, which end up lining the pockets of the powerful trial lawyer lobby, are responsible for many of the elements that are plaguing this system.

Most of our medical liability claims, up to 70 percent, do not result in any payments to the patients. The lawyers' fees account for 40 percent or more of these multimillion-dollar payouts. The effect is clear. The lawsuits and the trial lawyers force this situation with enormous insurance rates. They then charge you and me and businesses across the country higher prices.

Employers can attest to what the high cost of health care is doing to them. They hurt when they cannot afford to offer coverage to their workers. Our rural communities understand this issue. The family doctor who grew up with them there in the town is disappearing. They are being squeezed out by this vicious cycle. This should be an easy vote. It is common sense, and it is going to help save rural health care and save lives.

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania (Mr. GREENWOOD) control the balance of my time.

The SPEAKER pro tempore (Mr. SWEENEY). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Speaker, once again Republicans are attempting to pass ineffective anticonsumer legislation that caps medical malpractice awards at $250,000. The habitual Republican response to the malpractice crisis, punish the victims. This bill fails to reduce medical malpractice costs. In States that recently capped medical malpractice awards, the rates have not gone down as promised. In Florida, which capped rates last year, one insurer requested an inconceivable 45 percent increase in rates.

Mr. Speaker, why not look at the root cause of this health care emergency and adopt desperately needed insurance reform? I urge my colleagues to vote against this shortsighted measure and support real insurance reform which protects victims and provides relief to doctors and health care providers.

Mr. GREENWOOD. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. COX), the coauthor of this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. COX).

The SPEAKER pro tempore. The gentleman from California (Mr. COX) is recognized for 2 minutes.

Mr. COX. Mr. Speaker, this is Cover the Uninsured Week, organized by patients, physicians and hospitals to promote access to care to all Americans. They are calling on Congress to act. We are here to answer that call. We are here today because patients are losing. They are losing their access to care. Many have already lost it. The General Accounting Office has confirmed it. In at least 10 percent of these United States, sky-high medical liability costs are preventing patients from getting emergency surgery. They are preventing expectant mothers from having access to doctors to deliver their babies.

It has been 10 years since I first wrote this legislation that is now the Greenwood-Cox bill before us today. In that time, the number of medical lawsuits has risen 25 percent. The median damage award for medical lawsuits against hospitals, physicians and nurses right now is rising 43 percent per year. In some States, liability insurance premiums are rising 100 percent or more for so-called high-risk specialties, high risk because of the lawsuits, not because of the medical procedures involved, such as general surgery, 130 percent; internal medicine 130 percent; and obstetrics, OB–GYN, 165 percent. The money for these lawsuits comes directly from our health care system. Doctors and hospitals now spend more on liability insurance than they do on medical equipment.

The bill before the House today will ensure that patients have access to the medical care that they need. It is based on our law in California where I come from that was enacted by a Democratic legislature and signed by a Democratic Governor, and it works.

In our State since these reforms have taken place, California's health liability insurance premiums in constant dollars have fallen by 40 percent. This while we are having crises in other States. Injured patients in California receive more compensation and receive it more quickly than in the United States as a whole. They receive a greater share of the recoveries in these lawsuits. California does not suffer from the flight of doctors or the closure of emergency rooms because we have the reforms in this bill. This bill balances the interests of billionaire lawyers and middle-class patients. It is time that patients have access to the care that they need.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I rise today in opposition to not only this bill but the package of bills. In all honesty, in this bill people do not get sued for malpractice in Federal court typically. It is in State court. Like the State of California, the States can deal with that issue.

I rise in opposition to these bills simply because we have more important pressing needs of our health care system, the fact that 44 million Americans are without health insurance. This week is National Cover the Uninsured Week; and coming from the great State of Texas, I find it alarming that over 30 percent of Texans are without health insurance.

My hometown, Houston, is the home of the world-class Texas Medical Center. Yet without health insurance, too many Texans do not have access to lifesaving medical research and treatments performed at the medical center. Tackling this country's health care problems does not call for the unsuccessful piecemeal approach that we are considering this week. Passing these three bills would just be like rearranging the deck chairs on the Titanic. Our focus needs to be on providing all Americans with health insurance so that they will get the preventive care needed to keep them healthy and out of the emergency rooms. That is the way to keep health care costs down.

Unfortunately, policies enacted by this Congress and the States have taken health care in the wrong direction. Our fiscal policies have starved the States of crucial health care funding. State cuts in the CHIP program in Texas have dropped almost 170,000 children, and there is no way to ensure that our children get health care. To get our country's health care system out of this ditch, we have to stop digging. Let us give our children a healthy start and re-enroll them in CHIP. Let us also make sure that their parents can have access to the same care. In other words, pass legislation here to create a CHIP for parents. In my home State of Texas, that policy option alone would provide 67 percent of these parents with health insurance.

The uninsured in this country too often fall through the cracks of our health care system. For the health of our Nation, we must provide Americans with health insurance, not last year's ideas that these bills give them.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman for yielding me this time.

Mr. Speaker, not too long ago I got on an airplane ride. Across the aisle from me was a young woman holding her 7- or 8-month-old daughter. This young woman was also an OB-GYN. She began to talk to me about the practice that she has invested in had a 600 percent increase in the premiums in one single year. That is the worst I have heard of, but there are many out there that run 200, 300, 400 percent increases in premiums.

I represent a part of the State of Iowa. Iowa is last in the Nation in Medicare reimbursement rates. Now we are seeing an increase in medical malpractice premiums. Good things do come out of California. This is a good idea. It is a good model, and it is a good pattern. I am happy to follow the lead of the gentleman from California (Mr. COX) on this issue. We are losing access to health care in Iowa because of the cost of premiums, because Medicare reimbursement rates are the last in the Nation. Our issue is access to health care. We must reform this practice. Three percent of the gross domestic product of the United States of America is being consumed by litigation. Here is a place to start. I would like to do very much more.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, this bill does nothing to improve the system. It does nothing to deal with the insurance rates and the increases in premiums, but it does deny victims compensation when they are victims of malpractice. I think it may be helpful to go a little section by section to see what is actually in the bill to see how it actually does what some of the people are talking about.

Section 3, for example, is entitled "Encouraging Speedy Resolution of Claims.". Mr. Speaker, injured parties do not need encouragement to get a speedy resolution of the claim. This section only invalidates bona fide claims that are filed after a set deadline. It also creates a confusing matrix because some State deadlines are preempted. Others are not. And so you have that confusing matrix of deadlines and may even miss the deadline by mistake.

Section 4 is called "Compensating Patient Injury." Actually, that is the section which limits compensation to innocent victims. It also has what is called the "fair share rule." I think most States, but at least Virginia and many States, allow a victim to collect all of the damages from one defendant. That defendant can then seek contribution from others involved. In practice, that contribution is worked out in advance by who pays for what insurance.

This so-called fair share requires the victim not only to prove a separate case against each and every defendant who may be involved but it also requires the plaintiff to decide and prove what percentage each one owes. Often the plaintiff does not know what happened. All they know is they are a victim of malpractice. This provision will require the plaintiff to have a separate case and pay for the expenses of separate cases against each and every person. Otherwise they may be afflicted with the "empty chair defense" where everybody in the courtroom starts pointing to an empty chair and says somebody else had 10 percent or 20 percent.

Section 5 is "Maximizing Patient Recovery." Actually, that is a provision that limits attorneys' fees making it likely that a plaintiff will not even be able to hire a lawyer. You do not hear any victims groups clamoring for limitation on attorneys' fees. The defendants are not affected by the plaintiff attorneys' fees. They do not pay the plaintiff attorneys' fees. If the award is $100,000 and the plaintiff's attorney charges 50 percent, the defendant pays $100,000. If the lawyer charges 25 percent, still $100,000. If the lawyer does not charge anything at all, just the same, $100,000. The only way that this will help malpractice premiums is if the plaintiff cannot bring the bona fide case at all, cannot bring the case because they cannot hire a lawyer with the fees. That is not fair. It is even more likely when you have this fair share thing where the lawyer has to have five and six cases in the same case.

There is another provision called "Additional Health Benefits." That is a provision that says if the victim has health insurance, the benefit of that health insurance goes to the one who committed the malpractice. In Virginia and many other States, if you have health insurance, you benefit. In other States, the health insurance company can get its money back after the case is settled because the malpractice recovery will pay the health expenses. Presumably under that case, the premiums will be lower. But in this bill, the benefit goes to the one who committed the malpractice. This bill is so bizarre that if you are working for a self-insured employer who is obligated to pay the health expenses of an employee and that employee is a victim of malpractice and runs up a $50,000 hospital bill, the business has to pay that $50,000 bill even though the one committing the malpractice is fully insured and could have paid. I cannot wait for some small businesses to come to us and ask why they had to pay the bill as a result of malpractice.

Mr. Speaker, there is another provision under "Punitive Damages." This bill provides that if a jury finds by the preponderance of the evidence that the doctor acted with malicious intent to intentionally injure a patient, not just recklessly negligent, acted with malicious intent to injure, that is not enough under the bill, because the evidence does not have to be just by the preponderance of the evidence; it has to be by clear and convincing evidence.

Mr. Speaker, this bill will not help injured victims of malpractice, and it is unlikely to reduce premiums. A chart of States in order of the costs of malpractice premiums shows some States at the top with caps, some with caps at the bottom, some with caps in the middle. There is no pattern to the chart. They are all over the place. The caps apparently did not make any difference at all.

We have heard a lot about the doctor shortage. This is not limited to doctors. This tort reform bill affects the health care provider, a health care organization, an HMO, manufacturer, distributor, supplier, marketer, promoter, a seller of a medical product regardless of the theory of liability on which the claim is based. This does not help victims. It probably will not even reduce premiums.

Mr. Speaker, I would hope that we would defeat the bill so that it will not be enacted. That has been the judgment of the United States Congress for the last 14 months. I hope it is still the judgment of the United States Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. GREENWOOD. Mr. Speaker, I yield myself 2 minutes.

This bill is on the floor for one reason and one reason alone. That reason is that across this country there is a crisis. The crisis is that the cost of medical malpractice insurance is so expensive that trauma centers have to close, that obstetricians cannot deliver babies anymore, that neurosurgeons cannot preserve lives, that orthopedic surgeons cannot do what they are supposed to do. It is a crisis. It also so happens that if this bill is passed, it will, according to the CBO, reduce the cost of medical malpractice insurance by 25 percent which will go a long way to solving that crisis.

It also has some side benefits. By making the cost of medical malpractice insurance less expensive, it makes the cost of health care less expensive which means that more employers can offer more of their employees insurance.

□ 1645

In fact, according to the CBO, 3.9 million Americans who do not have health care today would get health care just because we passed this bill. We ought to do it. Another side benefit, according to the CBO, is that because these costs are built into the costs of Medicaid and Medicare, we would save $15 million in those programs over the next 10 years, which we could apply to real important health care needs.

The gentleman from Michigan (Mr. CONYERS) has said we are passing this bill on the floor, it is never going to pass in the Senate. This bill went to the Senate and Majority Leader FRIST made a motion to consider the bill, and the Democrats objected to the consideration of the bill, to even having the debate. And then when it came time to vote on whether to have that debate, the Democrats voted no, we do not want to even debate this bill. So one can debate the fine points. One can say I have a better way to solve this problem or another Senator can say I do not like the cap here or I do not like this aspect of it. The most deliberative body on the face of the Earth is supposed to come to the floor of the Senate with their ideas, with their amendments, and engage in a debate. Instead, all that they have done is obstruct.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY). The Chair will once again remind Members to confine their remarks to factual references to the other body and avoid characterizations of Senate action or inaction, remarks urging Senate action or inaction, or references to particular Senators.

Mr. BROWN of Ohio. Mr. Speaker, I yield the balance of my time to the gentlewoman from Colorado (Ms. DEGETTE).

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, every so often in this body, I think it is important to talk about facts. Instead of legislating by an anecdote, I would like to actually look at some facts today.

Those on the other side would have us believe that limiting patients' access to the courts will relieve high malpractice insurance premiums. But the fact is there has been no increase in the rate of malpractice claims filed in recent years, and the fact is the average payout has remained steady for a decade. The fact is that California, the State that has been most successful in curbing malpractice costs, only did so after passing a voter initiative that also reformed the insurance system.

Despite this evidence, proponents of this bill continue to represent it as relief for physicians. In reality, it is a bald effort by the insurance industry to pass off their costs on already suffering patients. This bill will disproportionately affect women, low-income individuals, and children because the caps on noneconomic damages will affect them. Since they do not make a lot of money, they will not have a lot of economic damages to be awarded by the courts.

Real people will suffer a second injustice under this legislation, people like Heather Lewinski, who came before our committee and testified, a 17-year-old girl who suffered permanent facial disfigurement at the hands of a plastic surgeon who lied to her and her family. And this young woman came before us and said her greatest fear was she would never have a date. People like Linda McDougal. This is Linda McDougal in this poster right here. Linda McDougal's breasts were amputated after she had been misdiagnosed with cancer, and here she is today. She was completely fine. And the family of Jesica Santillan, a little girl who died because the hospital failed to ensure that the heart and lungs she was about to receive would be compatible with her blood type. Her family will be denied just compensation for her suffering.

If we really wanted to fix the crisis that is plaguing our Nation's doctors, we should take a good look at the insurance industries, as we heard from my colleague from Ohio. Instead, we are considering a bill that is akin to curing a headache by amputating an arm. Arbitrarily limiting patients' rights is not fair, and it will not solve the problem.

Let me talk for a minute about some of the anecdotes upon which we are basing this legislation. We heard that obstetrics wards were closing down because of liability insurance premiums. The example given by the AMA said that Pennsylvania's Jefferson Health System closed its obstetrics ward because of this reason, but 2 years later this obstetrics ward is still up and running and accepting new patients. In May, 2003, the AMA said that a group of 10 neurosurgeons in Washington State had been dropped by their malpractice insurer. As of 2004, the group is doing just fine and taking new patients. Finally, in January 2004, just a few months ago, President Bush said there was a doctor in Arkansas who stopped delivering babies because of rising insurance costs. That turned out to be completely untrue.

If there is a problem here, let us let the States fix it. Let us not put it on people like Linda McDougal.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, what the gentlewoman from Colorado did not tell us is what is not getting media attention, and that is that doctors are closing up their practices. When the Committee on the Judiciary heard testimony on this issue, the wife of a man named Tony Dyess came and spoke. Mr. Dyess was involved in an automobile accident. He had a spinal cord injury, and because there were no neurosurgeons left in southern Mississippi, it took 6 hours to airlift him to a hospital in Louisiana that has some better medical liability laws, and the golden hour for neurosurgery had passed; and as a result Tony Dyess is a quadriplegic simply because malpractice insurance costs chased the neurosurgeons out of southern Mississippi.

This is an issue of access to health care, and we cannot have liability insurance costs force doctors to close their practices and not have access to people who need doctors and need them desperately.

Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I rise today in strong support of H.R. 4280. This country's health care system and its providers are currently faced with a crisis in regards to medical liability coverage; and, in fact, my home State of Pennsylvania unfortunately leads the way. Our doctors are leaving or retiring, and currently only 4 percent of physicians practicing in Pennsylvania are under the age of 35. Students graduating from our medical schools are choosing not to stay in Pennsylvania to practice medicine. The largest hospital in my district, the Altoona Hospital, their malpractice insurance has gone from in 2000 $1 million a year to $2.7 million in 2003; $1.7 million, and not a penny of it is going to improve care to the patients and the people of my district.

This real increasing threat to patients' access to quality care cannot be ignored. The medical liability system in this country is in desperate need of reform. So I urge my colleagues to vote "yes" on H.R. 4280.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I will enter into the RECORD an article from the Morning Call newspaper in Pennsylvania, and I will just read the first sentence. April 23, 2004, "The chairman of the Pennsylvania Medical Society acknowledged Thursday to State lawmakers that the doctors group lacks statistical evidence to support its 3-year claim that doctors are leaving the State in large numbers."

The whole article will be introduced.

I have the GAO study that was cited June, 2003; and let me just read a couple of points out of it:

"Multiple factors have contributed to the recent increases in medical malpractice premiums in seven States we analyzed. First, since 1998 insurers' losses on medical malpractice claims have increased rapidly in some States," and they "found that the increased losses appeared to be the greatest contributor to increased premium rates, but a lack of comprehensive data at the national and State levels on insurers' medical malpractice claims and the associated losses prevented us from fully analyzing the composition and causes of those losses.

"Second, from 1998 through 2001, medical malpractice insurers experienced decreases in their investment income as interest rates fell on the bonds that generally make up around 80 percent of these insurers' investment portfolios.

" . . . a decrease in investment income meant that income from insurance premiums had to cover a larger share of insurers' costs. Third, during the 1990s, insurers competed vigorously for medical malpractice business, and several factors, including high investment returns, permitted them to offer prices that in hindsight, for some insurers, did not completely cover their ultimate losses on that business. As a result of this, some companies became insolvent or voluntarily left the market, reducing the downward competitive pressure on premium rates that had existed through the 1990s."

I say that to say that there are a number of factors that have caused the premiums to go up that have nothing to do with the medical malpractice situation or the laws in medical malpractice and that this bill may or may not have anything to do with future premiums.

[From the Morning Call, April 23, 2004]

DOCTORS CAN'T PROVE THINNING RANKS

(By John M.R. Bull)

HARRISBURG.—The chairman of the Pennsylvania Medical Society acknowledged Thursday to state lawmakers that the doctors group lacks statistical evidence to support its three-year claim that doctors are leaving the state in large numbers.

"Some data sources show an 800-doctor gain," internist Daniel Glunk of Williamsport testified before the House Insurance Committee. "The problem is no one has definitive numbers . . . and that there is conflicting data."

That number includes 1,000 medical residents. If those aren't counted, he said, there would be a net loss of 200 doctors out of 35,500 since 2002.

"How can the medical society, if you can't agree on the numbers, continue to tout that doctors are leaving" said Rep. Thomas Tangretti, D-Westmoreland, his voice rising in apparent anger. "You've run ads saying will the last doctor please turn off the X-ray machine."

"You've been frightening people, particularly senior citizens, and now we find it was all probably wrong-headed and disingenuous," Tangretti said, getting louder. "Before you continue to frighten people about access to health care, you better get your numbers right. It's an outrage."

Other lawmakers voiced irritation at his testimony; delivered four days after The Morning Call published new and previously undisclosed figures—some of them from the medical society itself—that make clear doctors are not leaving in large numbers.

For three years, the doctors lobby has insisted that doctors, particularly specialists who perform high-risk procedures, are leaving the state in droves, putting patient care in jeopardy.

Among other tactics, the medical society has promoted a list of 1,700 "disappearing doctors'' as proof there are fewer physicians in Pennsylvania.

The Morning Call revealed Sunday that new state Insurance Department numbers show doctors have not left the state in waves. There were 35,474 doctors in 2002, as determined by the number who paid their state-mandated supplemental insurance. Now the figure is at least 34,997.

The newest number includes doctors who have applied to the Insurance Department for a piece of $230 million in state tax dollars recently appropriated to offset their rising malpractice premiums, along with a separate list of doctors who had primary insurance coverage at the end of last year but who haven't yet applied for state money.

That total doesn't include doctors who might have moved to Pennsylvania in the last year, might not be in Insurance Department records yet, and who might not know the state has money set aside for them.

In one of several criticisms of The Morning Call's work, the medical society has contended it might be misleading to compare 2002 figures to a list of individual doctors who recently applied for state money and others known to have malpractice insurance at the end of last year. But society officials have not publicly explained why that could be the case.

The new Insurance Department figures show no appreciable reduction in the number of high-risk specialists, a maximum reduction of 56 out of 4,700 since 2002. The medical society has admitted it has separate statistics that show a reduction of only 16 specialists—defined as neurosurgeons, general surgeons, orthopedic surgeons and ob-gyns—during that time frame.

''This a matter of credibility,'' Rep. Nick Micozzie, R-Delaware, chairman of the House Insurance Committee, said after the hearing. ''We've been hearing for three years now that doctors are leaving in large numbers and there is a shortage.''

''I go into my doctor's office and there's a sign that says ''Call Nick Micozzie to Save Our Doctors,'' he said. ''Well, saving our doctors is a different issue than claiming doctors are leaving in large numbers.''

In reference to the three-year campaign, Glunk told the committee that anecdotal evidence indicates there aren't enough of some kind of specialists in some parts of the state, and that not enough young doctors are choosing to move to Pennsylvania.

For three years, the medical society and its associated group, Politically Active Physicians Association, have waged an intensive public relations and lobbying campaign to convince legislators and their constituents that doctors are fleeing the state en masse.

The effort was triggered by medical malpractice premiums that started soaring in 2001 and continue to climb. Rather than pay prices that doubled seemingly overnight, some doctors did indeed depart, others altered their practices to avoid high-risk procedures.

As a result, lawmakers have enacted a series of court reforms sought by doctors as a way to drive down the rising premiums. A new cigarette tax raises roughly $230 million a year to help doctors afford malpractice premiums. Applications for that money are being processed now.

Doctors continue to demand a cap on jury awards on pain and suffering damages in malpractice lawsuits and have threatened to leave the state if they don't get them.

On Thursday, Glunk told the panel of lawmakers that the disappearing doctors list is not actually a list of doctors who disappeared. It is more of a list of doctors who might have been impacted by rising malpractice rates and who might have retired, moved, or curtailed their practices as a result, he explained.

The list makes no mention of doctors who have relocated to Pennsylvania since 2002, lawmakers noted.

''Naturally people leave their profession. You don't count doctors coming in,'' said Rep. Tony DeLuca, D-Pittsburgh told Glunk. ''If you don't have accurate statistics on the number of doctors, how can we tell? How can we make policy like that?''

Lawmakers from both parties say the list—created and maintained by Donna Rovito, the wife of an Allentown physician—has been used extensively as a lobbying tool to support doctor claims.

Democratic House leaders Thursday called for a moratorium on any more medical malpractice reforms until lawmakers ascertain whether doctors are leaving the state in large numbers, and whether the medical society deliberately misled lawmakers.

''The data they repeatedly cite, and which served as the basis for legislative action in the last two years, appears to be seriously inaccurate and part of a deceptive campaign,'' said Rep. Mike Veon, D-Beaver, the House Minority Whip. ''We want the real numbers and there should be no further action until the deficiencies of the data are corrected and we know the truth.''

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The Chair advises Members that the gentleman from Wisconsin (Mr. SENSENBRENNER) has 9 minutes remaining, the gentleman from Virginia (Mr. SCOTT) has 6 minutes remaining, and the gentleman from Pennsylvania (Mr. GREENWOOD) has 1 minute remaining.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of the underlying legislation. I want to compliment both the chairman of the Committee on the Judiciary, and the Committee on the Judiciary itself, as well as the chairman of the Committee on Energy and Commerce, and the Committee on Energy and Commerce itself, for bringing this legislation forward. This is critically needed legislation.

We face a crisis in this country in health care because of a runaway tort system. But the specific point I want to make goes to the next step in this process. Under current law, a law called EMTALA, passed by this Congress in 1986, millions of dollars' worth of free health care is provided at our Nation's emergency rooms across the country. It is provided because we have decided that someone who presents himself to an emergency room should not be denied that care, and so they must be screened and they must be initially treated and they must be stabilized. And I think that is a fair and balanced social policy which says that we in this country do not want anyone to go without health care; and clearly that is an important, appropriate policy that we have adopted.

But I think there is an unintended consequence of that law. The law says that this care must be provided by doctors and hospitals for free of these emergency rooms, but it does not provide that they have to provide their own malpractice insurance to cover that, and yet the current law says if they are sued for malpractice in such circumstances, they must pay the damages.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself 30 seconds.

During the debate, we have talked about how much debate is going on. I just point out that this debate is on a closed rule so that we cannot offer amendments to the bill. We have to take it or leave it. There are a lot of improvements that could be made if we have a full and open debate. That is not happening today because the majority passed a closed rule prohibiting any amendments to the bill.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The Chair will advise Members that the order of closure will be the gentleman from Pennsylvania (Mr. GREENWOOD) followed by the gentleman from Virginia (Mr. SCOTT) followed by the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Speaker, I thank the gentleman for yielding me this time.

Health care providers in my district need relief. Doctors, nurses, and hospitals all are struggling to shoulder the burden of the escalating cost of medical malpractice insurance.

Many regions of the country have been hit especially hard by this medical liability crisis, and doctors are leaving my district in suburban Chicago and moving to Wisconsin or Indiana to practice where medical malpractice insurance costs significantly less.

I certainly do not want them to go, but I understand why they are leaving or why some are choosing to retire early. The price of medical malpractice insurance has made it cost prohibitive for physicians to practice. It is not just doctors either. Hospitals, many of which struggle every year to keep solvent, have been hit especially hard. I am confident that the House will pass H.R. 4280, and I encourage all of my colleagues to support it; but it is time for the other body to act and pass this bill. Congress's inaction to address the medical liability crisis is driving doctors out of all of our districts.

The time has come to address this problem and pass the HEALTH Act.

□ 1700

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. SHADEGG. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from Arizona.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding. I apologize for the rather disjointed nature of this presentation.

Mr. Speaker, the point I wanted to make is we under EMTALA require doctors and hospitals to provide free health care in our emergency rooms. That may be appropriate as public policy, but the unfair context is that while forcing them to provide this free care, if they in fact are alleged to have committed malpractice, either the hospital or the doctor while providing free health care, they are on the hook for that alleged malpractice.

It seems to me only fair that if we are going to force doctors and hospitals to provide free health care to anyone who presents at an emergency room, then we should either cover the cost of their medical liability arising out of that, which I have proposed in an amendment and in separate legislation, providing that free EMTALA care would come under the Federal Torts Claims Act or we should grant immunity.

It seems to me to add insult to injury to say to a doctor at a hospital, you must provide free health care to anyone who presents at your emergency room and you must pay for the substantive cost of that health care, but that in addition to that, you must cover the medical liability that arises out of it.

That is in fact driving doctors away from emergency rooms and imposing unfair costs on both emergency rooms and emergency room doctors, and I hope the Congress will consider that legislation in the near future.

Mr. SCOTT of Virginia. Mr. Speaker, I yield the balance of my time to the gentlewoman from Texas (Ms. JACKSON-LEE).

The SPEAKER pro tempore (Mr. SWEENEY). The gentlewoman from Texas is recognized for 5½ minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, to the distinguished gentleman from Virginia and to my ranking member and colleagues on the floor, this reminds me of deja vu and here we go again.

I am reminded that we were here on the floor of the House not very long ago dealing with the catastrophe of medical malpractice insurance and the desire to deny access to the courthouse. I am reminded as well that we had the good conscience, if you will, to have a vigorous debate.

Now we are on the floor of the House with exactly 1 hour, no opportunity for a substitute, it is my understanding, in combined time between the Committee on Energy and Commerce and the Committee on the Judiciary, two very important committees as it relates to dealing with the medical malpractice question.

We also seemingly are not confronted by the reality of life. More and more Americans are uninsured, some 44 million. Today we have spent time trying to address the question of whether or not we can insure those Americans. Yet we come today with an overall one-shoe-fits-all Federal legislative initiative rather than allowing, first of all, the possibility that each State address their own concerns.

This bill, in essence, is a bill that will take away the rights. For example, parents who lose a child due to a tragedy like the one in North Carolina recently, where the wrong heart and lung were placed in a young girl, they do not lose any money, they lose part of their souls. But now we are going to tell them that their child was only worth $250,000 in noneconomic damages for all of their pain and suffering. We are being told we are going to do this to such devastated families in order to enable our doctors to keep treating patients.

Well, let me say this: I would rather stand on the side of those who access the courthouse.

H.R. 4280 calls for a protracted statute of limitations in which a plaintiff may file a claim. Such a restrictive statute of limitations cuts off legitimate claims. A reduced statute of limitations shortens the time that injured patients and their families have to file claims.

This provision is ultimately designed to eliminate claims for diseases with long incubation periods. That means, for example, that if a patient contracted HIV–AIDS from tainted blood but the symptoms of HIV did not present itself for at least 5 years, which is often the ease, there would be no remedy that this Congress would allow because this enacted 2-year statute of limitations.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Michigan (Mr. DINGELL) had an alternative that speaks more to the accrual of a right of action. Therefore, a person who upon reasonable knowledge would not know that they had contracted a condition such as HIV, would still have a right to action.

The bill before us today also provides arbitrary and discriminatory caps on noneconomic damages that will hurt those patients with the most serious injuries. Proponents of medical malpractice reform want to limit noneconomic damages to $250,000 in the aggregate, regardless of the number of parties responsible for a patient's injury and regardless of the number of parties against whom an action is brought.

Noneconomic damages compensate injured patients for very real injuries such as the loss of a limb, loss of sight, permanent infertility or even the loss of a child. Damage caps have a tremendously negative impact on the permanently or catastrophically injured person who is more in need of financial protection, for only the most seriously injured receive damage awards greater than the cap. Even the AMA has testified that caps affect only those cases involving severe injury where the victim faces the greatest need for compensation.

I include those remarks in the RECORD so that I can speak to the physicians who are listening today, hopefully to understand that this is not a battle with you. This is not a battle between patients and physicians. This is not a battle between those of us who oppose caps on noneconomic damages and statutory limitations and what is a bad medical malpractice bill. This is not a battle.

What it is to say is, frankly, this. We all have a part in contributing to good health care. This medical malpractice legislation does not contribute to good health care. What it simply says is those who have the least will get the least, primarily when it comes to dealing with catastrophic illnesses which may ruin their life forever, which provide an economic burden on their caretakers forever, which in essence does not provide the necessary punitive measures for those who have done wrong.

We realize that there are good doctors, and we support that. My question is, let me have a full study again of all the insurance companies who can tell me that their premiums will go down because of this legislation.

We have passed a legislative initiative in Texas, and to defend themselves for such a horrible bill, we have had a number of editorials saying how things have gotten better. We still have uninsured children in Texas, we still have people injured in Texas without the proper benefits, and we have not seen a decrease in insurance premiums as well.

This is a bad medical initiative, if that is what it is supposed to be. To doctors, we promote all of the legislative initiatives to help you be good doctors. We are supportive of decreasing the insurance premiums that put you out of business, better Medicaid and Medicare regulations, but we are not supportive of a legislative initiative that does nothing but tear up the Constitution, undermine our values, and does not save lives.

I ask my colleagues to vote against this.

Mr. Speaker, I was enormously disappointed with the rule that was issued on this bill and call on my colleagues to defeat the underlying bill as well. We have a health care crisis on our hands. We need to work together in a democratic fashion to address it: to improve access to care, to protect patients, to ensure that good physicians can afford to continue treating those patients, and to decrease frivolous lawsuits. Last year in March we fought to defeat a bill, H.R. 5, which sought to reform tort law to the detriment of patients, physicians, patients, and injured plaintiffs. The underlying identical bill is before us today and it seeks to do the same thing. The Ranking Member of the House Judiciary Mr. CONYERS and Mr. DINGELL offered a substitute during the Rules Committee hearing that would have ensured that these concerns were addressed. Not a single one of those excellent ideas will be even considered today.

What in the name of God and Country is our Democracy coming to when on the Floor of the House of Representatives, there is not a single chance to debate and vote on one of many ideas that could save lives and rescue our floundering health care system?

I hate the idea of putting a price tag on human life, or a value on pain and suffering. However, we all know that malpractice premiums are outrageously high in some regions and for some specialties of medicine. I understand that some physicians are actually going out of business because the cost of practicing is too high and that we run the risk of decreasing access to healthcare if we do not find a way to decrease malpractice insurance premiums.

However, it would be doubly tragic if we did compromise the ability of patients suffering from medical negligence from seeking recourse in our courts, and did not achieve any meaningful decrease in malpractice premiums. Therefore, I considered offering three amendments yesterday that would require that all malpractice insurance companies make a reasonable estimate each year of the amount of money they save each year through the reduction in claims brought about by this Act. Then they would need to ensure that at least 50 percent of those savings be passed down in the form of decreased premiums for the doctors they serve.

I shared this concept with doctors and medical associations down in Texas, and they were very enthusiastic, because this amendment would ensure that we do what, I am being told, this bill is supposed to do—lower premiums for doctors.

Without my provision, this bill could easily end up being nothing more than heartbreak for those dealing with loss, and a giant gift to insurance companies. Parents who lose a child due to a tragedy like the one in North Carolina recently where the wrong heart and lung were placed in a young girl—they don't lose any money—they lose a part of their souls. We are going to tell them that their child was only worth $25,000 in non-economic damages for all of their pain and suffering. We are being told that we are going to do this to such devastated families, in order to enable our doctors to keep treating patients.

H.R. 4280 calls for a protracted statute of limitations in which a plaintiff may file a claim. Such a restrictive statute of limitations cuts off legitimate claims. A reduced statute of limitations shortens the time that injured patients and their families have to file claims. This provision is ultimately designed to eliminate claims for diseases with long incubation periods. That means, for example, that if a patient contracted HIV from tainted blood, but the symptoms of HIV did not present for at least five years—which often is the case—there would be no remedy if Congress enacted a two-year statute of limitations.

Mr. CONYERS and Mr. DINGELL had an alternative that speaks more to the accrual of a right of action. Therefore, a person who, upon reasonable knowledge, would not know that they had contracted a condition such as HIV, would still have a right of action.

The bill before us today also provides arbitrary and discriminatory caps on non-economic damages that will hurt those patients with the most serious injuries. Proponents of medical malpractice reform want to limit non-economic damages to $250,000 in the aggregate, regardless of the number of parties responsible for a patient's injury and regardless of the number of parties against whom an action is brought. Non-economic damages compensate injured patients for very real injuries—such as the loss of a limb, the loss of sight, permanent infertility or even the loss of a child. Damage caps have a tremendously negative impact on the permanently or catastrophically injured who are most in need of financial protection for only the most seriously injured receive damage awards greater than the cap. Even the AMA has testified that caps affect only those cases involving severe injury where the victim faces the greatest need for compensation. When damages caps leave such victims unable to meet the costs associated with their injuries, the government is often left footing the bill with taxpayer dollars.

Non-economic damage caps are unfair to women. Capping non-economic damages, while at the same time preserving full compensation for economic loss, such as lost wages and lost salary, shamefully devalues the worth of homemakers and stay-at-home moms. Moreover, by protecting medical device manufacturers specifically, the bill favors the makers of those very products—such as the Dalkon Shield and Copper 7 intrauterine devices—that have caused devastating harm to women.

Medical malpractice in the United States is a very real problem with devastating consequences. We hear about countless medical horror stories, whether involving a botched surgery, a mix-up in the medical records, an unnecessary amputation, or the discovery of medical objects inside patients.

I offer a few case studies to illustrate the terrible downward trend that we can expect with the passage of this ill-crafted bill:

Sandra Katada of McKinney, Texas: During the birth of Sandra's daughter Alexandra, the doctor contorted and stretched Alexandra's spine, destroying her nerves and leaving her partially paralyzed. The doctor applied so much force that, in addition to the spinal injury, which would prove fatal, the baby's elbow was broken and pulled from its socket. Some of the damaged spinal nerves were responsible for stimulating the growth of her rib cage. But because the nerves were damaged, her ribs did not expand, and when the rest of her body grew over the next several months she suffocated inside her small rib cage. Alexandra died on Valentine's Day, 1994, at age 8-months-old. The Katadas's settled the case against the doctor for the insurance company's policy limits, $1 million.

A Dallas Morning News investigation found that two other babies in this doctor's care had died in the 3 years before the Katada's and another died after their baby died. In one of those cases, by the time the parents found out that this doctor had caused their baby's injuries, it was too late to go to court because the 2-year statute of limitations had run out. All the families complained to the Texas Medical Board about this doctor but he is still practicing.

Dylan Malone of Everett, WA: Dylan's son Ian suffered severe brain damage at birth after a doctor used a drug to induce labor that the manufacturer explicitly warned should not be used for that purpose. Ian cannot hold his head up, suck, swallow or gag properly and requires 16 hours of nursing care per day. He eats through a feeding tube in his abdomen, breathes with a ventilator, takes medication daily to prevent seizures and needs a sedative to sleep. The family sued the doctor, who already had a number of medical malpractice cases filed against him. The Malone case is still pending.

I will not vote for H.R. 4280, because as it is, it does nothing to decrease the premiums our nation's physicians are burdened with. It does nothing to decrease the number of frivolous lawsuits. It does nothing to decrease the amount of malpractice being inflicted upon the American people, by bad doctors who are jeopardizing the lives of their patients, and driving up the insurance costs of their colleagues. And it does nothing to protect the rights of those suffering in the wake of an act of medical negligence. H.R. 4280 does nothing to respond to these problems of rampant medical malpractice. I reiterate that the substitute offered by Mr. CONYERS and Mr. DINGELL at the hearing before the Rules Committee was a more prudent alternative. Our colleagues on the other side of the aisle wish to shove this bill down the feeding tubes of the helpless and sickly patients who sit and suffer from a health care system that seeks to pad the pockets of insurance companies.

I strongly oppose H.R. 4280 and I urge my colleagues to join me.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, the gentlewoman from Texas is right. We did do a similar bill statewide in Texas and it passed last September, and it really has provided physicians in the State of Texas a significant amount of relief from the high cost of liability premiums.

My last year in active practice was 2002, and I paid $19,000 a year in obstetrics and gynecology for that privilege. If I had bought that insurance in 2003, it would have increased to $45,000. This year, had I purchased that same insurance policy, it would have been back down to $25,000, obviously a significant increase.

But we really are not talking about the cost of a liability premium for a doctor, we are talking about the embedded cost of an unfair medical justice system on our entire medical system, and we can no longer afford to pay that price.

A study done at Stanford University in 1996 showed that if you remove the cost of defensive medicine from Medicare, you would save $50 billion a year. That would pay for our prescription drug benefit, whether the CBO or the OMB does the figures.

Mr. GREENWOOD. Mr. Speaker, I yield myself the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 2 minutes.

Mr. GREENWOOD. Mr. Speaker, I would like to read from two letters. The first is from Engel, Smith & Associates, an obstetrics and gynecology practice, a letter written to their patients.

"It is with great sadness that we are writing to inform you of the plan to close in its present configuration the Engle, Smith & Associates obstetrics and gynecology practice. We have diligently tried over the past several months to find an alternative solution as we struggle with this decision. Unfortunately, the practice environment for physicians in our specialty has become so difficult that we have no choice but to dramatically change the way in which we provide care.

"We, like many of our colleagues in high-risk specialties such as obstetrics, have a crisis situation because our malpractice insurance premiums have more than doubled in the past 2 years. These increases are being driven primarily by skyrocketing jury awards in Pennsylvania, which have been forcing both insurance companies and physicians out of business."

Here is the impact on patients, a letter to me.

"I am a Pennsylvania native. I was born and raised in the Philadelphia area, an area that used to be known for excellent medical care. Eight months ago, I again found a wonderful OB–GYN office. The doctors are wonderful, respectful and well-educated and overall just great. They delivered my beautiful baby girl for me, and I could not have been happier with their care. I referred my sister, who is currently pregnant and due in a few short weeks. She too, is satisfied with them.

"Two weeks ago we were outraged to discover that they were closing the doors at the end of May 2002. My sister, who has been going to their office for all her prenatal care visits, cannot even have her after-delivery exam by the doctor who delivers her first child. I will not be able to return to them for subsequent health care or even normal GYN care.

"This is an outrage. It is also the second physician's office I have been to in the last couple of years that has been forced to close due to medical liability costs. Another office that I was aware of closed as well for the same reason. I cannot even switch to see them, because they no longer exist within our State. I do not know who I can go to even now. No other OB–GYN physicians practice in my area anymore."

Mr. Speaker, this is the face of the medical malpractice crisis. This is the bill that will resolve that crisis. We believe that this legislation will solve the crisis in the near term for malpractice insurers, for doctors and for patients, and, in the long run, for 3.9 million Americans, give them health care that they do not have today.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 4 minutes.

Mr. SENSENBRENNER. Mr. Speaker, during the course of the debate we have heard a string of red herrings from people who do not wish this bill to pass. I would like to rebut those from the study that the General Accounting Office made on the whole topic of our medical liability crisis.

First, as the gentleman from Pennsylvania (Mr. GREENWOOD) has eloquently stated, patient access to care is being harmed. He recounted the case of a pregnant woman who went to at least two OB/GYN practices to get a doctor to deliver her baby and was told that as a result of the medical liability crisis, they were shutting down the doors to their practice.

The GAO confirmed instances in the five States selected for study where actions taken by physicians in response to malpractice pressures have reduced access to services affecting emergency surgery and newborn deliveries. When the baby comes, you cannot wait. When someone has an accident and needs emergency surgery, you cannot wait. And if the malpractice insurance crisis closes down those practices, people are going to be harmed, and they will die, and this bill will stop that.

Secondly, doctors do practice defensive medicine. The GAO report found that in response to rising premiums, "the fear of litigation research indicates that physicians practice defensive medicine in certain clinical situations, thereby contributing to health care costs."

The gentleman from Texas (Mr. BURGESS) said that if unnecessary defensive medicine does not have to be practiced by reforming our liability laws, Medicare alone will save $50 billion a year, which is more than enough to pay for the prescription drug benefit, whether it is by the GAO study or the OMB study.

Third, insurers are not to blame for skyrocketing premiums. The gentleman from Ohio (Mr. BROWN) seemed to think they are.

□ 1715

But the GAO found that insurers are not to blame. The report states that insurer "profits are not increasing, indicating that insurers are not charging and profiting from excessively high premium rates," and that "in most States the insurance regulators have the authority to deny premium rate increases they deem excessive."

Fourth, rising litigation awards are the problem, not insurer investments. What did the GAO say? The GAO found that losses on medical malpractice claims which make up the largest part of insurers' costs appear to be the primary driver of rate increases in the long run.

"Since 1998, insurers' losses on medical malpractice claims have increased rapidly in some States. However, none of the studied companies experienced a net loss on investments, at least through 2001, the most recent year such data were available. Additionally, almost no medical malpractice insurers overall experienced net investment losses from 1997 to 2001." So much for that red herring.

Finally, liability reform does have a real impact. The GAO concludes that data indicate that rates of growth in malpractice premiums and claims payments have been slower on average in States that enacted certain caps on damages for pain and suffering, referred to as noneconomic damage caps, than in States with more limited reforms and that average per capita payments for malpractice claims against all physicians tended to be lower on average in States with noneconomic damage caps than in States with limited reforms.

This bill is a good one, and it ought to be passed.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in opposition to out-of-control medical malpractice premiums but also in opposition to H.R. 4280. Once again, we are being asked to vote on a bill that claims to be a solution to a very real problem but which will simply not do the job of lowering premiums. Once again, we are being asked to vote on legislation that ignores the major component in the medical malpractice insurance crisis—insurance.

A study of the medical malpractice situation in my State of Illinois found last year that there was little, if any, correlation between medical sea -HMOOsmalpractice payments and medical malpractice premiums. The Americans for Insurance Reform report found that the amount of jury awards and settlements has actually declined since 1991, below the rate of medical inflation. In constant dollars, the amount of medical malpractice jury awards and settlements per doctor has decreased over the past decade in Illinois.

As providers in my State know all too well, their medical malpractice premiums are going in the opposite direction. Instead of tracking payouts, they are tracking economic conditions and insurance company investment decisions. Imposing arbitrary caps on non-economic damages—which would especially limit potential payments to injured infants and senior citizens—is not the answer when the problem is poor investment choices by insurance companies and economic conditions.

As a member of the Energy and Commerce Committee, I had the opportunity to participate in hearings on H.R. 5, last year's medical malpractice bill. We never heard a medical malpractice insurer testify that passage of that bill would lower premiums or that the Federal government should even be allowed to track the effects on medical malpractice premiums if H.R. 5 were to pass. That failure was no surprise given multiple statements made by medical malpractice insurance company officials before State legislatures around the country, that tort reform will not lower rates. Even Sherman Joyce, president of the American Tort Reform Association, has said that "We wouldn't tell you or anyone that the reason to pass tort reform would be to reduce insurance rates." Victor Schwartz, general counsel of ATRA, has said, "(M)any tort reform advocates do not contend that restricting litigation will lower insurance rates, and "I've never said that in 30 years."

Caps won't make medical malpractice premiums affordable but there are other proposals that would make a real difference in providing affordable coverage. As a member of the House Medical Malpractice Crisis Task Force, I had hoped that we would take the opportunity to explore those opportunities instead of being presented with the same bill that we voted on last year, the same bill that the insurance industry itself says won't lower premiums.

Here are many ideas that I believe are worthy of consideration but that, unfortunately, are not included in H.R. 4280. We know that insurance reform in California requiring a premium rollback and improving review had a positive impact in lowering medical malpractice premiums—after tort reform did not. We could have created a Commission on Medical Malpractice Insurance to investigate the real causes for premium increases and consider solutions such as mandatory loss-ratio requirements, experience rating, and a Federal reinsurance mechanism. We could have established a certification mechanism to make sure that cases are meritorious, expand Rule 11 sanctions for anyone who falsifies information as part of that process, and encourage arbitration while requiring that savings are passed through by insurers in the form of lower premiums. We could have repealed the McCarran-Ferguson Act that shields medical malpractice insurers from Federal antitrust laws. We could have provided a tax deduction to help health care providers and professionals faced with sharp premium increases.

Instead of considering those initiatives, we are being asked to once again pass legislation that restricts the rights of injured patients and their families to seek legal remedies, not just against doctors, but against HMOs and other insurers, nursing homes, medical labs, drug companies, medical device manufacturers and others. For the first time, the Federal government would intrude on what has always been a State authority to take away consumer rights. Yet, the insurance industry itself refuses to say whether doing so will have the effect of lowering rates. It is the wrong answer to a very real problem.

In the future, I hope that we will be given the chance to look at ways to address insurances industry practices and reduce the incidences of medial malpractice by improving health care quality. In the meantime, we should reject this bill.

Mr. STARK. Mr. Speaker, I rise in strong opposition to H.R. 4280, legislation that would undermine the right of patients and their families to seek appropriate compensation and penalties when they, or a loved one, are harmed or even killed by an incompetent health care provider.

At best, this bill is a wrong-headed approach to the problem of rising malpractice health insurance costs. At worst, it is designed to protect bad doctors, HMOs, and other health care providers from being held accountable for their actions. Either way, this bill is harmful to consumers and should be defeated.

The most ludicrous aspect of this debate today is the fact that it is completely unnecessary. The House already passed this exact same legislation last March and there is no need for us to be here debating it again.

The only reason that Republicans are bringing up this bill today is that it is "Cover the Uninsured Week" and they have no real proposals to help cover the uninsured. So, they are trotting out medical malpractice reform so they can have another vote that doctors appreciate and they can again blame the Senate for not taking action on the legislation. It is political showmanship pure and simple—it has no other meaning.

This bill is identical to H.R. 5 which was passed last year, so if my comments look familiar, it is because I am raising the exact same points in opposition.

The Republican Leadership has once again brought forth a bill that favors their special interests at the expense of patients and quality health care. Doctors, hospitals, HMOs, health insurance companies, nursing homes, and other health care providers would all love to see their liability risk reduced. Unfortunately, this bill attempts to achieve that goal solely on the backs of America's patients. I said, "attempts to achieve that goal" intentionally.

Despite the rhetoric from the other side, there is absolutely nothing in H.R. 4280 that guarantees a reduction in medical malpractice premiums. There is not one line to require that the medical malpractice insurance industry—in exchange for capping their liability—return those savings to doctors and other providers they insure through lower malpractice premiums. To quote one of many economists on this matter, Frank A. Sloan, an economics professor from Duke, recently said, "If anyone thinks caps on pain and suffering are going to work miracles overnight, they're wrong." In fact, the outcome of this bill could have zero impact on lowering malpractice premiums and instead go into the pocketbooks of the for-profit medical malpractice industry. Of course, the bill's proponents avoid mentioning that very real possibility.

Proponents of this bill also like to say that they are taking California's successful medical malpractice laws and putting them into effect for the Nation. This is also hyperbole. California did not simply institute a $250,000 cap on medical malpractice awards. The much more important thing California did was to institute unprecedented regulation of the medical malpractice insurance industry. This regulation limits annual increases in premiums and provides the Insurance Commissioner with the power and the tools to disapprove increases proposed by the insurance industry. It is this insurance regulation that has maintained lower medical malpractice premiums. Yet, the bill before us does absolutely nothing to regulate the insurance industry at all.

Supporters of this bill would have you believe that medical malpractice lawsuits are driving health care costs through the roof. In fact, for every $100 spent on medical care in 2000, only 56 cents can be attributed to medical malpractice costs—that's one half of one percent. In addition, a recent report by the Congressional Budget Office highlights the same fact. Specifically the report states, "Malpractice costs amounted to an estimated $24 billion in 2002, but that figure represents less than 2 percent of overall health care spending. Thus, even a reduction of 25 percent to 30 percent in malpractice costs would lower health care costs by only about 0.4 top 0.5 percent, and the likely effect on health insurance premiums would be comparably small." So, supporters are spreading false hope that capping medical malpractice awards will reduce the costs of health care in our country by any measurable amount. It won't.

What supporters of this bill really do not want you to understand is how bad this bill would be for consumers. The provisions of this bill would prohibit juries and courts from providing awards they believe reasonably compensate victims for the harm that has been done to them.

H.R. 4280 caps non-economic damages. By setting an arbitrary $250,000 cap on this portion of an award, the table is tilted against seniors, women, children, and people with disabilities. Medical malpractice awards break down into several categories. Economic damages are awarded based on how one's future income is impacted by the harm caused by medical malpractice. There are no caps on this part of the award. But, by capping non-economic damages, this bill would artificially and arbitrarily lower awards for those without tremendous earning potential. This means that a housewife or a senior would get less than a young, successful businessman for identical injuries. Is that fair? I don't think so.

The limits on punitive damages are severe. Punitive damages are seldom awarded in malpractice cases, but their threat is an important deterrent. And, in cases of reckless conduct that cause severe harm, it is irresponsible to forbid such awards.

The issue of rising malpractice insurance costs is a real concern. I support efforts by Congress to address that problem. That is why I would have voted for the Democratic alternative legislation that Reps. CONYERS and DINGELL brought to the Rules Committee last night. Unlike H.R. 4280, the Dingell/Conyers alternative would not benefit the malpractice insurance industry at the expense of America's patients. Instead, it addresses the need for medical malpractice insurance reform—learning from the experience of California—to rein in increasing medical malpractice premiums. Rather than enforcing an arbitrary $250,000 cap, the bill makes reasonable tort reforms that address the problems in the malpractice arena—penalties for frivolous lawsuits and enacting mandatory mediation to attempt to resolve cases before they go to court. It also requires the insurance industry to project the savings from these reforms and to dedicate these savings to reduced medical malpractice premiums for providers. The Dingell/Conyers bill (H.R. 1219) is a real medical malpractice reform bill that works for doctors and patients alike.

The Democratic alternative bill is such a good bill that the Republican leadership refused to let it be considered on the House floor today. They were afraid that if Members were given a choice between these two bills, they would have voted for the Democratic bill. Once again the House Republican leadership has used their power to control the rules to stymie democratic debate.

Medical malpractice costs are an easy target. My Republican colleagues like to simplify it as a fight between America's doctors and our Nation's trial lawyers. That is a false portrayal. Our medical malpractice system provides vital patient protection.

The bill before us drastically weakens the effectiveness of our Nation's medical malpractice laws. I urge my colleagues to join me in voting against this wrong-headed and harmful approach to reducing the cost of malpractice premiums. It is the wrong solution for America's patients and their families.

Mr. KIND. Mr. Speaker, my home State of Wisconsin has sensible medical malpractice laws that make the State attractive to doctors and safe for patients. The components of this successful law include a cap on non-economic damages of $442,000, which is indexed annually for inflation; a requirement that all providers carry malpractice insurance; and a victims' compensation fund.

The victims' compensation fund is a unique entity that has served both patients and health care providers well. The fund operates by collecting contributions from Wisconsin health care providers and paying the victims once an award has been determined. The physicians are liable only for the first $1 million in an award. If the award exceeds $1 million, the compensation fund will pay the remainder of the award. For several years now, this system has served the State well. Like many of my colleagues, I believe that we need sensible malpractice reform, and were the bill before us today similar to Wisconsin's system, I would be proud to support it.

Unfortunately, H.R. 4280 is vastly different from Wisconsin law and goes too far in defending negligence and not far enough in protecting patients. The legislation goes beyond medical malpractice law by including provisions regarding pharmaceutical and medical devices and completely exempts from liability medical device makers and distributors as well as pharmaceutical companies, as long as the product complies with FDA standards. These provisions would have no effect on medical malpractice insurance rates. Instead, they would leave victims with little recourse and render them unable to hold pharmaceutical companies and the makers of defective medical products accountable for faulty or unsafe products.

Another problem with H.R. 4280 is that it overrides some State laws. While the bill would not override Wisconsin's own cap on non-economic damages, it would supersede our State laws regarding statute of limitations, attorney's fees, and the criteria for punitive damages. This bill is a one-size-fits-all solution that is not right for Wisconsin.

The successful components of Wisconsin's medical malpractice laws could be the basis for a much better bill. Wisconsin law protects patients and keeps physicians in business. These laws are threatened, however, by the current proposal. Therefore, I oppose H.R. 4280 and ask my colleagues to defeat the bill, revisit the issue, and create a more sensible plan that will protect patients and help doctors.

Mrs. BIGGERT. Mr. Speaker, I rise today in strong support of H.R. 4280, the HEALTH Act.

My home State of Illinois is in the midst of a crisis. Will County, part of which I represent, no longer has any practicing neurosurgeons. A recent survey found that 11 percent of OB/GYNs no longer practice obstetrics in Illinois. And more than half of OB/GYNs in the State are considering dropping their obstetrics practice entirely in the next two years due to medical liability concerns.

Women and children are the first to suffer in a crisis like this. As a mother and a grandmother, I don't want to see pregnant women driving to another State because they can't find an OB-GYN in their own area. I don't want to see injured children transported miles away from their homes because there are no pediatric neurosurgeons left to treat head injuries. And I don't want to see health insurance premiums climb so high that employers can no longer afford to provide benefits to their workers. We need reform and we need it now.

Mr. STENHOLM. Mr. Speaker, I rise in strong support of H.R. 4280. Health care costs have been increasing dramatically over the past decade, while insurance has become prohibitively expensive for over 40 million Americans.

There are a number of factors which have contributed to the skyrocketing cost of health care, and the costs associated with medical malpractice are one factor.

This Country's tort system encourages litigation and large awards in medical malpractice suits, which has led to high malpractice insurance rates and increased health care costs through the practice of defensive medicine.

Last year, my state of Texas enacted reforms of our medical malpractice system in order to avert a growing health crisis in the Texas health-care system. Too many lawsuits against health-care providers were driving up the cost of practicing medicine, resulting in reduced access to affordable health care.

There are early signs that the reforms enacted in Texas have helped improve access to affordable health care. Essentially, every doctor in Texas is either paying less malpractice premiums today or avoiding scheduled increase in premiums.

The bill before us today contains the same proven reforms that will translate directly into increased access to affordable health care for all Americans.

Without Federal legislation, the exodus of physicians from the practice of medicine will continue, especially in high-risk specialties, and patients across the country will find it increasingly difficult to obtain affordable health care.

In rural areas, we are particularly sensitive to the impact malpractice insurance costs have in discouraging physicians from locating in rural communities, leaving residents without health care.

Here in Washington, if an obstetrician decides to stop delivering babies because the malpractice insurance costs are too great, the yellow pages will still list hundreds of other choices of physician care for expectant parents. In rural communities, the same physician decision may well mean that young couples must entirely uproot and relocate to urban centers just so they can have a family.

The ultimate result of this legislation will be greater protections for quality health care, keeping precious health care dollars in direct care rather than feeding our legal system, and buttressing access to care for all Americans.

Medical malpractice reform isn't a magic bullet that will solve the problems of skyrocketing health care costs by itself, but it is one part of the larger process of reforming our health care system to control costs and improve access to health care.

Ms. HARMAN. Mr. Speaker, I am a strong supporter of California's Medical Injury Compensation Reform Act—or MICRA. With it, California charted a bold and creative course toward responsible medical malpractice reform.

In my view, the entire country would do well to follow California's lead, and it makes sense to have Federal legislation on the subject. But this particular bill includes the very same flaws contained in legislation I opposed last year—and I cannot support it.

H.R. 4280 is overly broad, and the cap on punitive and noneconomic awards is not indexed and does not reflect its current value.

While H.R. 4280 adopts the structure of MICRA, it is weighed down by restrictions on certain causes of action against HMOs, nursing homes, and insurance companies—areas in which California has enacted significant protections for patients. And the $250,000 cap on punitive and noneconomic awards must be adjusted upward.

In the past, I voted for other medical liability legislation. I did so with the hope and expectation that improvements would be made in conference with the Senate to narrow its egregious provisions or that, in re-introducing the bill, these changes would be made.

Mr. Speaker, once again the closed process by which we are considering medical malpractice reform belies any desire by the majority to make the improvements I and many others believe are necessary.

As the daughter and sister of medical doctors, I understand the chilling affect unlimited medical liability awards have on the practice of medicine.

But I cannot support H.R. 4280 in its present form, and I urge the leadership to postpone a vote on this legislation to open up what has thus far been a closed process and incorporate the ideas of members like myself who support common-sense medical liability reform.

Medical professionals should be able to practice in a climate of certainty, and patients should be charged reasonable rates for quality care. This is what I support for every community in the country. This is not what H.R. 4280, in its present form, delivers.

Mr. DINGELL. Mr. Speaker, what we are witnessing today is a sorry spectacle. We are voting on the same bill the House already voted on a little over a year ago. The one difference is that there is a new bill number. And, in those 14 months that have passed, our Republican colleagues have not changed one line in their bill to respond to the problems of increasing insurance costs to the doctors while protecting injured patients.

Instead, they are sticking with the same legislation, legislation they know will not pass the Senate. A bill they know will trample on the rights of legitimate patients, and will provide unprecedented protections to HMOs, the real beneficiaries of this legislation. This legislation is the exact opposite of the Patients' Bill of Rights, which would have provided real protections to doctors and patients alike in the struggle against cookie-cutter medicine foisted upon them by HMOs, if the Republicans had not successfully defeated it.

Let's be clear, this Republican bill does nothing to end frivolous lawsuits, just responsible ones. The bill limits awards for honest claims. It imposes new hurdles on aggrieved patients. And the bill does nothing to address the real problem—skyrocketing insurance premiums sending profits directly into the coffers of those companies.

I would like to point out that this bill is brought up during "Cover the Uninsured Week." To say that shielding HMOs from lawsuits will help cover the uninsured is a huge stretch for even the most vivid imagination.

If the Republican leadership was really interested in helping those without healthcare insurance, they would take up legislation like the bills democrats introduced today—the FamilyCare Act and the Medicare Early Buy-in—and build upon existing successful insurance programs to give families dependable, affordable coverage. And they would take up the Small Business Health Insurance Promotion Act which targets small businesses with real subsidies to purchase solid insurance products.

Democratic proposals take us forward, providing meaningful coverage without trampling the rights of consumers, eroding protections, or causing millions to lose their existing coverage. The Republican bill, and the other bills we will see this week, pay lip service to helping consumers, while richly rewarding the health insurance company allies.

Mr. SANDLIN. Mr. Speaker, I rise today just as I did almost exactly 14 months ago in strong opposition to the so-called HEALTH Act. Of course, today, we are spending the valuable time and limited resources of the American people debating the HEALTH Act of 2004, which, ironically, is precisely the same—virtually word-for-word—as the HEALTH Act of 2003, legislation this House already passed.

Mr. Speaker, it is as if the leadership of this House is being guided by the wisdom of that great American philosopher, Yogi Berra, who once said, "It's déjà vu all over again." Apparently, the Republican leadership of the House is at a loss as to how to fix the very real problems our nation is facing, so we find ourselves here in the People's House deliberating legislation that we have already considered and passed.

I don't know about the rest of the Members of this House, but I am pretty confident that my constituents in East Texas would consider our action on this flawed legislation to be a profound waste of time and money even in the best of times.

However, Mr. Speaker, these are not the best of times for our Nation. The fact is the United States is facing difficult times at home and abroad. Today, as a Nation, we have 135,000 military personnel on the ground in Iraq fighting a shadowy and lethal insurgency and struggling to bring stability to a troubled part of the globe. The United States remains in serious danger of terrorist attacks at home with vulnerabilities in our ports and other infrastructure in desperate need of improved security. Many of our first responders—the very front line of defense for our hometowns—lack interoperable communications and other resources critical to their success.

Mr. Speaker, today, almost 9 million Americans are unemployed, including almost 3 million manufacturing jobs that have been lost during the past three years. Our Nation has accumulated a national debt of over $7 trillion—more and more of which is owned to foreign nations, including China. Despite our burgeoning debt, the House Republican leadership refuses even to acknowledge a problem, refuses to adopt sensible "pay-as-you-go" rules that recognize the very real cost of both spending increases and tax cuts, and insists on budgets with larger and larger deficits, including a deficit in excess of $360 billion in FY 2005 alone.

Mr. Speaker, as we complete our work during "Cover the Uninsured Week," almost 44 million Americans—15 percent of all Americans—have no health insurance. That number includes almost 8 million children. Almost 44 million Americans have no health insurance, despite the fact that the vast majority of them have full-time jobs.

So, Mr. Speaker, we have a health care crisis in this country that demands a solution. Nevertheless, to paraphrase President Reagan, "here we go again." Instead of working on real solutions to cover the uninsured and to solve the many other very real and immediate problems the country faces, today, we are spending the People's time and money to consider again legislation we have already passed.

Mr. Speaker, our nation's health care providers—our doctors, our nurses, our hospitals and nursing homes—are confronting skyrocketing medical malpractice insurance premiums. They need relief now. What they don't need is the warmed over illusory promise of relief that the HEALTH Act represents.

The HEALTH Act will not provide the relief American physicians, hospitals and other health care providers need. It didn't do anything to reduce escalating medical liability insurance premiums when we passed it last March; legislation like it has not done anything to reduce premiums in the many states that already have enacted damage caps; and it will not magically result in reduced premiums if it passes the House again today.

The simple fact is that claims from the Republican leadership that limiting liability for medical negligence will cure the healthcare cost crisis are without merit. Focusing solely on limiting malpractice liability, without insurance reform, does nothing to reduce the ever increasing costs of medical malpractice insurance. Damage caps such as those in H.R. 4280 do accomplish one thing: they boost insurers' profits. With damage caps, malpractice insurers win at the expense of physicians, nurses, hospitals and other health care providers.

Mr. Speaker, last year, after we last considered the HEALTH Act, my home state of Texas enacted comprehensive tort "reform" legislation strikingly similar to the HEALTH Act we considered and passed in March 2003 and that we consider again today. During the long debate on that legislation, proponents of the damage cap legislation repeatedly assured opponents that imposition of liability limitations would lead to dramatic medical liability insurance premium decreases.

Not surprisingly, however, the imposition of damage caps did not have the predicted effect. To the contrary, all but one medical malpractice insurance carriers in Texas proposed increases in physician premiums. Consequently, malpractice insurance premiums for physicians are reported to have risen an average of 12 percent statewide despite the damage caps. For Texas hospitals and nursing homes, the news was even worse—an average proposed increase of 20 percent. Moreover, the only carrier reported to offer reduced premiums provided a rate reduction that fell far short of even recapturing the dramatic premium increases it imposed on physicians during the past three years.

In Texas, as in other states with caps, the evidence does not support the rhetoric; those who suggest the HEALTH Act or its ilk as a panacea simply fail to make their case. Clearly, old line thinking and the "reform" embodied in the HEALTH Act will not cure what ails the system and will not reduce premiums.

Mr. Speaker, 14 months ago, I stood on the floor of this House and called on my colleagues to stand up for the doctors and stand up for the hospitals. Because the House Republican leadership has seen fit to conduct debate on that same legislation, I suppose I am on solid ground reiterating what I said then.

Mr. Speaker, malpractice premiums are choking America's physicians, and H.R. 4280 is nothing but a sham because H.R. 4280 does not mention one time, from front to back, soup to nuts, does not ever even mention malpractice premiums. We need to do something about those premiums for the doctors. We need to do it now. We need to do it today. H.R. 4280 will not do it.

And how about frivolous lawsuits? Frivolous lawsuits need to be stopped. If a suit is filed with no basis in law or in fact, it should be dismissed at the cost of the plaintiff, and he plaintiff should be sanctioned. But what does H.R. 4280 say about frivolous lawsuits? It does not say one thing. That is a shame. That is outrageous.

We are only talking about benefits for insurance companies. We are talking about caps. The only people protected are insurance carriers. The only people celebrating today are executives in tall buildings owned by insurance companies.

H.R. 4280 is not good for doctors; it is not good for hospitals; it is not good for patients. Let us stand up for them. Let us do the right thing.

Mr. Speaker, the HEALTH Act was not progress in March 2003, and it's not progress now.

Apparently, the House Republican leadership wants to prove that Yogi Berra was wrong when he said, "The future ain't what it used to be." In the U.S. House of Representatives, the future appears to be exactly what it used to be. And that's a real shame and a tragic disservice to the People who sent us to this great House.

I urge my colleagues to vote "no" on H.R. 4280.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SWEENEY). All time for debate has expired.

Pursuant to House Resolution 638, the bill is considered read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONYERS. Yes, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Conyers moves to recommit the bill H.R. 4280 to the Committee on the Judiciary and the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medical Malpractice and Insurance Reform Act of 2004".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—LIMITING FRIVOLOUS MEDICAL MALPRACTICE LAWSUITS

Sec. 101. Statute of limitations.
Sec. 102. Health care specialist affidavit.
Sec. 103. Sanctions for frivolous actions and pleadings.
Sec. 104. Mandatory mediation.
Sec. 105. Limitation on punitive damages.
Sec. 106. Use of savings to benefit providers through reduced premiums.
Sec. 107. Definitions.
Sec. 108. Applicability.

TITLE II—INDEPENDENT ADVISORY COMMISSION ON MEDICAL MALPRACTICE INSURANCE

Sec. 201. Establishment.
Sec. 202. Duties.
Sec. 203. Report.
Sec. 204. Membership.
Sec. 205. Director and staff; experts and consultants.
Sec. 206. Powers.
Sec. 207. Authorization of appropriations.

TITLE I—LIMITING FRIVOLOUS MEDICAL MALPRACTICE LAWSUITS

SEC. 101. STATUTE OF LIMITATIONS.

(a) IN GENERAL.—A medical malpractice action shall be barred unless the complaint is filed within 3 years after the right of action accrues.

(b) ACCRUAL.—A right of action referred to in subsection (a) accrues upon the last to occur of the following dates:

(1) The date of the injury.

(2) The date on which the claimant discovers, or through the use of reasonable diligence should have discovered, the injury.

(3) The date on which the claimant becomes 18 years of age.

(c) APPLICABILITY.—This section shall apply to any injury occurring after the date of the enactment of this Act.

SEC. 102. HEALTH CARE SPECIALIST AFFIDAVIT.

(a) REQUIRING SUBMISSION WITH COMPLAINT.—No medical malpractice action may be brought by any individual unless, at the time the individual brings the action (except as provided in subsection (b)(1)), it is accompanied by the affidavit of a qualified specialist that includes the specialist's statement of belief that, based on a review of the available medical record and other relevant material, there is a reasonable and meritorious cause for the filing of the action against the defendant.

(b) EXTENSION IN CERTAIN INSTANCES.—

(1) IN GENERAL.—Subject to paragraph (2), subsection (a) shall not apply with respect to an individual who brings a medical malpractice action without submitting an affidavit described in such subsection if, as of the time the individual brings the action, the individual has been unable to obtain adequate medical records or other information necessary to prepare the affidavit.

(2) DEADLINE FOR SUBMISSION WHERE EXTENSION APPLIES.—In the case of an individual who brings an action for which paragraph (1) applies, the action shall be dismissed unless the individual (or the individual's attorney) submits the affidavit described in subsection (a) not later than 90 days after obtaining the information described in such paragraph.

(c) QUALIFIED SPECIALIST DEFINED.—In subsection (a), a "qualified specialist" means, with respect to a medical malpractice action, a health care professional who is reasonably believed by the individual bringing the action (or the individual's attorney)—

(1) to be knowledgeable in the relevant issues involved in the action;

(2) to practice (or to have practiced) or to teach (or to have taught) in the same area of health care or medicine that is at issue in the action; and

(3) in the case of an action against a physician, to be board certified in a specialty relating to that area of medicine.

(d) CONFIDENTIALITY OF SPECIALIST.—Upon a showing of good cause by a defendant, the court may ascertain the identity of a specialist referred to in subsection (a) while preserving confidentiality.

SEC. 103. SANCTIONS FOR FRIVOLOUS ACTIONS AND PLEADINGS.

(a) SIGNATURE REQUIRED.—Every pleading, written motion, and other paper in any medical malpractice action shall be signed by at least 1 attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party. Each paper shall state the signer's address and telephone number, if any. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.

(b) CERTIFICATE OF MERIT.—(1) A medical malpractice action shall be dismissed unless the attorney or unrepresented party presenting the complaint certifies that, to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances,—

(A) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(B) the claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and

(C) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation and discovery.

(2) By presenting to the court (whether by signing, filing, submitting, or later advocating) a pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances—

(A) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(B) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and

(C) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are reasonable based on a lack of information or belief.

(c) MANDATORY SANCTIONS.—

(1) FIRST VIOLATION.—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated, the court shall find each attorney or party in violation in contempt of court and shall require the payment of costs and attorneys fees. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit, and sanctions plus interest, upon the person in violation, or upon both such person and such person's attorney or client (as the case may be).

(2) SECOND VIOLATION.—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated and that the attorney or party with respect to which the determination was made has committed one previous violation of subsection (b) before this or any other court, the court shall find each such attorney or party in contempt of court and shall require the payment of costs and attorneys fees, and require such person in violation (or both such person and such person's attorney or client (as the case may be)) to pay a monetary fine. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit and sanctions plus interest, upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

(3) THIRD VIOLATION.—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated and that the attorney or party with respect to which the determination was made has committed more than one previous violation of subsection (b) before this or any other court, the court shall find each such attorney or party in contempt of court, refer

each such attorney to one or more appropriate State bar associations for disciplinary proceedings, require the payment of costs and attorneys fees, and require such person in violation (or both such person and such person's attorney or client (as the case may be)) to pay a monetary fine. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit, and sanctions plus interest, upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

SEC. 104. MANDATORY MEDIATION.

(a) IN GENERAL.—In any medical malpractice action, before such action comes to trial, mediation shall be required. Such mediation shall be conducted by one or more mediators who are selected by agreement of the parties or, if the parties do not agree, who are qualified under applicable State law and selected by the court.

(b) REQUIREMENTS.—Mediation under subsection (a) shall be made available by a State subject to the following requirements:

(1) Participation in such mediation shall be in lieu of any alternative dispute resolution method required by any other law or by any contractual arrangement made by or on behalf of the parties before the commencement of the action.

(2) Each State shall disclose to residents of the State the availability and procedures for resolution of consumer grievances regarding the provision of (or failure to provide) health care services, including such mediation.

(3) Each State shall provide that such mediation may begin before or after, at the option of the claimant, the commencement of a medical malpractice action.

(4) The Attorney General, in consultation with the Secretary of Health and Human Services, shall, by regulation, develop requirements with respect to such mediation to ensure that it is carried out in a manner that—

(A) is affordable for the parties involved;

(B) encourages timely resolution of claims;

(C) encourages the consistent and fair resolution of claims; and

(D) provides for reasonably convenient access to dispute resolution.

(c) FURTHER REDRESS AND ADMISSIBILITY.—Any party dissatisfied with a determination reached with respect to a medical malpractice claim as a result of an alternative dispute resolution method applied under this section shall not be bound by such determination. The results of any alternative dispute resolution method applied under this section, and all statements, offers, and communications made during the application of such method, shall be inadmissible for purposes of adjudicating the claim.

SEC. 105. LIMITATION ON PUNITIVE DAMAGES.

(a) IN GENERAL.—Punitive damages may not be awarded in a medical malpractice action, except upon proof of—

(1) gross negligence;

(2) reckless indifference to life; or

(3) an intentional act, such as voluntary intoxication or impairment by a physician, sexual abuse or misconduct, assault and battery, or falsification of records.

(b) ALLOCATION.—In such a case, the award of punitive damages shall be allocated 50 percent to the claimant and 50 percent to a trustee appointed by the court, to be used by such trustee in the manner specified in subsection (d). The court shall appoint the Secretary of Health and Human Services as such trustee.

(c) EXCEPTION.—This section shall not apply with respect to an action if the applicable State law provides (or has been construed to provide) for damages in such an action that are only punitive or exemplary in nature.

(d) TRUST FUND.—

(1) IN GENERAL.—This subsection applies to amounts allocated to the Secretary of Health and Human Services as trustee under subsection (b).

(2) AVAILABILITY.—Such amounts shall, to the extent provided in advance in appropriations Acts, be available for use by the Secretary of Health and Human Services under paragraph (3) and shall remain so available until expended.

(3) USE.—

(A) Subject to subparagraph (B), the Secretary of Health and Human Services, acting through the Director of the Agency for Healthcare Research and Quality, shall use the amounts to which this subsection applies for activities to reduce medical errors and improve patient safety.

(B) The Secretary of Health and Human Services may not use any part of such amounts to establish or maintain any system that requires mandatory reporting of medical errors.

(C) The Secretary of Health and Human Services shall promulgate regulations to establish programs and procedures for carrying out this paragraph.

(4) INVESTMENT.—

(A) The Secretary of Health and Human Services shall invest the amounts to which this subsection applies in such amounts as such Secretary determines are not required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

(B) Any obligation acquired by the Secretary in such Secretary's capacity as trustee of such amounts may be sold by the Secretary at the market price.

SEC. 106. USE OF SAVINGS TO BENEFIT PROVIDERS THROUGH REDUCED PREMIUMS.

(a) IN GENERAL.—Notwithstanding any other provision of this title, a provision of this title may be applied by a court to the benefit of a party insured by a medical malpractice liability insurance company only if the court—

(1) determines the amount of savings realized by the company as a result; and

(2) requires the company to pay an amount equal to the amount of such savings to a trustee appointed by the court, to be distributed by such trustee in a manner that has the effect of benefiting health care providers insured by the company through reduced premiums for medical malpractice liability insurance.

(b) DEFINITION.—For purposes of this section, the term "medical malpractice liability insurance company" means an entity in the business of providing an insurance policy under which the entity makes payment in settlement (or partial settlement) of, or in satisfaction of a judgment in, a medical malpractice action or claim.

SEC. 107. DEFINITIONS.

In this title, the following definitions apply:

(1) ALTERNATIVE DISPUTE RESOLUTION METHOD.—The term "alternative dispute resolution method" means a method that provides for the resolution of medical malpractice claims in a manner other than through medical malpractice actions.

(2) CLAIMANT.—The term "claimant" means any person who alleges a medical malpractice claim, and any person on whose behalf such a claim is alleged, including the decedent in the case of an action brought through or on behalf of an estate.

(3) HEALTH CARE PROFESSIONAL.—The term "health care professional" means any individual who provides health care services in a State and who is required by the laws or regulations of the State to be licensed or certified by the State to provide such services in the State.

(4) HEALTH CARE PROVIDER.—The term "health care provider" means any organization or institution that is engaged in the delivery of health care services in a State and that is required by the laws or regulations of the State to be licensed or certified by the State to engage in the delivery of such services in the State.

(5) INJURY.—The term "injury" means any illness, disease, or other harm that is the subject of a medical malpractice action or a medical malpractice claim.

(6) MANDATORY.—The term "mandatory" means required to be used by the parties to attempt to resolve a medical malpractice claim notwithstanding any other provision of an agreement, State law, or Federal law.

(7) MEDIATION.—The term "mediation" means a settlement process coordinated by a neutral third party and without the ultimate rendering of a formal opinion as to factual or legal findings.

(8) MEDICAL MALPRACTICE ACTION.—The term "medical malpractice action" means an action in any State or Federal court against a physician, or other health professional, who is licensed in accordance with the requirements of the State involved that—

(A) arises under the law of the State involved;

(B) alleges the failure of such physician or other health professional to adhere to the relevant professional standard of care for the service and specialty involved;

(C) alleges death or injury proximately caused by such failure; and

(D) seeks monetary damages, whether compensatory or punitive, as relief for such death or injury.

(9) MEDICAL MALPRACTICE CLAIM.—The term "medical malpractice claim" means a claim forming the basis of a medical malpractice action.

(10) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and any other territory or possession of the United States.

SEC. 108. APPLICABILITY.

(a) IN GENERAL.—Except as provided in section 104, this title shall apply with respect to any medical malpractice action brought on or after the date of the enactment of this Act.

(b) FEDERAL COURT JURISDICTION NOT ESTABLISHED ON FEDERAL QUESTION GROUNDS.—Nothing in this title shall be construed to establish any jurisdiction in the district courts of the United States over medical malpractice actions on the basis of section 1331 or 1337 of title 28, United States Code.

TITLE II—INDEPENDENT ADVISORY COMMISSION ON MEDICAL MALPRACTICE INSURANCE

SEC. 201. ESTABLISHMENT.

(a) FINDINGS.—The Congress finds as follows:

(1) The sudden rise in medical malpractice premiums in regions of the United States can threaten patient access to doctors and other health providers.

(2) Improving patient access to doctors and other health providers is a national priority.

(b) ESTABLISHMENT.—There is established a national commission to be known as the "Independent Advisory Commission on Medical Malpractice Insurance" (in this title referred to as the "Commission").

SEC. 202. DUTIES.

(a) IN GENERAL.—(1) The Commission shall evaluate the effectiveness of health care liability reforms in achieving the purposes specified in paragraph (2) in comparison to the effectiveness of other legislative proposals to achieve the same purposes.

(2) The purposes referred to in paragraph (1) are to—

(A) improve the availability of health care services;

(B) reduce the incidence of "defensive medicine";

(C) lower the cost of health care liability insurance;

(D) ensure that persons with meritorious health care injury claims receive fair and adequate compensation; and

(E) provide an increased sharing of information in the health care system which will reduce unintended injury and improve patient care.

(b) CONSIDERATIONS.—In formulating proposals on the effectiveness of health care liability reform in comparison to these alternatives, the Commission shall, at a minimum, consider the following:

(1) Alternatives to the current medical malpractice tort system that would ensure adequate compensation for patients, preserve access to providers, and improve health care safety and quality.

(2) Modifications of, and alternatives to, the existing State and Federal regulations and oversight that affect, or could affect, medical malpractice lines of insurance.

(3) State and Federal reforms that would distribute the risk of medical malpractice more equitably among health care providers.

(4) State and Federal reforms that would more evenly distribute the risk of medical malpractice across various categories of providers.

(5) The effect of a Federal medical malpractice reinsurance program administered by the Department of Health and Human Services.

(6) The effect of a Federal medical malpractice insurance program, administered by the Department of Health and Human Services, to provide medical malpractice insurance based on customary coverage terms and liability amounts in States where such insurance is unavailable or is unavailable at reasonable and customary terms.

(7) Programs that would reduce medical errors and increase patient safety, including new innovations in technology and management.

(8) The effect of State policies under which—

(A) any health care professional licensed by the State has standing in any State administrative proceeding to challenge a proposed rate increase in medical malpractice insurance; and

(B) a provider of medical malpractice insurance in the State may not implement a rate increase in such insurance unless the provider, at minimum, first submits to the appropriate State agency a description of the rate increase and a substantial justification for the rate increase.

(9) The effect of reforming antitrust law to prohibit anticompetitive activities by medical malpractice insurers.

(10) Programs to facilitate price comparison of medical malpractice insurance by enabling any health care provider to obtain a quote from each medical malpractice insurer to write the type of coverage sought by the provider.

(11) The effect of providing Federal grants for geographic areas that have a shortage of one or more types of health providers as a result of the providers making the decision to cease or curtail providing health services in the geographic areas because of the costs of maintaining malpractice insurance.

SEC. 203. REPORT.

(a) IN GENERAL.—The Commission shall transmit to Congress—

(1) an initial report not later than 180 days after the date of the initial meeting of the Commission; and

(2) a report not less than each year thereafter until the Commission terminates.

(b) CONTENTS.—Each report transmitted under this section shall contain a detailed statement of the findings and conclusions of the Commission.

(c) VOTING AND REPORTING REQUIREMENTS.—With respect to each proposal or recommendation contained in the report submitted under subsection (a), each member of the Commission shall vote on the proposal or recommendation, and the Commission shall include, by member, the results of that vote in the report.

SEC. 204. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members appointed by the Comptroller General of the United States.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The membership of the Commission shall include individuals with national recognition for their expertise in health finance and economics, actuarial science, medical malpractice insurance, insurance regulation, health care law, health care policy, health care access, allopathic and osteopathic physicians, other providers of health care services, patient advocacy, and other related fields, who provide a mix of different professionals, broad geographic representations, and a balance between urban and rural representatives.

(2) INCLUSION.—The membership of the Commission shall include the following:

(A) Two individuals with expertise in health finance and economics, including one with expertise in consumer protections in the area of health finance and economics.

(B) Two individuals with expertise in medical malpractice insurance, representing both commercial insurance carriers and physician-sponsored insurance carriers.

(C) An individual with expertise in State insurance regulation and State insurance markets.

(D) An individual representing physicians.

(E) An individual with expertise in issues affecting hospitals, nursing homes, nurses, and other providers.

(F) Two individuals representing patient interests.

(G) Two individuals with expertise in health care law or health care policy.

(H) An individual with expertise in representing patients in malpractice lawsuits.

(3) MAJORITY.—The total number of individuals who are directly involved with the provision or management of malpractice insurance, representing physicians or other providers, or representing physicians or other providers in malpractice lawsuits, shall not constitute a majority of the membership of the Commission.

(4) ETHICAL DISCLOSURE.—The Comptroller General of the United States shall establish a system for public disclosure by members of the Commission of financial or other potential conflicts of interest relating to such members.

(c) TERMS.—

(1) IN GENERAL.—The terms of the members of the Commission shall be for 3 years except that the Comptroller General of the United States shall designate staggered terms for the members first appointed.

(2) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(3) COMPENSATION.—Members of the Commission shall be compensated in accordance with section 1805(c)(4) of the Social Security Act.

(4) CHAIRMAN; VICE CHAIRMAN.—The Comptroller General of the United States shall designate at the time of appointment a member of the Commission as Chairman and a member as Vice Chairman. In the case of vacancy of the Chairmanship or Vice Chairmanship, the Comptroller General may designate another member for the remainder of that member's term.

(5) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet at the call of the Chairman.

(B) INITIAL MEETING.—The Commission shall hold an initial meeting not later than the date that is 1 year after the date of the enactment of this title, or the date that is 3 months after the appointment of all the members of the Commission, whichever occurs earlier.

SEC. 205. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

Subject to such review as the Comptroller General of the United States deems necessary to assure the efficient administration of the Commission, the Commission may—

(1) employ and fix the compensation of an Executive Director (subject to the approval of the Comptroller General) and such other personnel as may be necessary to carry out its duties;

(2) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies;

(3) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Commission;

(4) make advance, progress, and other payments which relate to the work of the Commission;

(5) provide transportation and subsistence for persons serving without compensation; and

(6) prescribe such rules and regulations as it deems necessary with respect to the internal organization and operation of the Commission.

SEC. 206. POWERS.

(a) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman, the head of that department or agency shall furnish that information to the Commission on an agreed upon schedule.

(b) DATA COLLECTION.—In order to carry out its functions, the Commission shall—

(1) utilize existing information, both published and unpublished, where possible, collected and assessed either by its own staff or under other arrangements made in accordance with this section;

(2) carry out, or award grants or contracts for, original research and experimentation, where existing information is inadequate; and

(3) adopt procedures allowing any interested party to submit information for the Commission's use in making reports and recommendations.

(c) ACCESS OF GENERAL ACCOUNTING OFFICE TO INFORMATION.—The Comptroller General of the United States shall have unrestricted access to all deliberations, records, and nonproprietary data of the Commission, immediately upon request.

(d) PERIODIC AUDIT.—The Commission shall be subject to periodic audit by the Comptroller General of the United States.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this title for each of fiscal years 2004 through 2008.

(b) REQUESTS FOR APPROPRIATIONS.—The Commission shall submit requests for appropriations in the same manner as the Comptroller General of the United States submits requests for appropriations, but amounts appropriated for the Commission shall be separate from amounts appropriated for the Comptroller General.

Amend the title so as to read: "A bill to limit frivolous medical malpractice lawsuits, to reform the medical malpractice insurance business in order to reduce the cost of medical malpractice insurance, to enhance patient access to medical care, and for other purposes.".

Mr. CONYERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes in support of his motion.

Mr. CONYERS. Mr. Speaker, this motion is being offered by me and the dean of the Congress, the gentleman from Michigan (Mr. DINGELL). We are offering this motion to recommit to attack the heart of the medical malpractice crisis. Rather than limiting the rights of legitimate malpractice victims, as the bill before us would do, our motion would logically and directly address the problems of frivolous lawsuits and insurance industry abuses.

Title I addresses the problem of frivolous lawsuits. It would require that both an attorney and a health care specialist submit an affidavit that the claim is warranted before malpractice action can be brought and imposes strict sanctions for attorneys who make frivolous pleadings. But it provides also for mandatory mediation, a uniform statute of limitations, and a narrowing of the requirements for punitive damage claims. Finally, insurers would be required to dedicate at least 50 percent of any savings resulting from the litigation reforms to reduce the premiums that medical professionals pay.

Unlike the majority's bill before us, this motion is limited to licensed physicians and health professionals for malpractice cases only. It does not include lawsuits against HMOs, insurance companies, nursing homes, and drug and device manufacturers.

The second part of this motion to recommit, title II, establishes a national commission to evaluate the rising insurance premiums and the causes for why that is occurring. The commission would consider, among other things, whether the McCarran-Ferguson Antitrust exemption for medical malpractice insurers should be reconsidered and possibly repealed and study the potential benefits of providing a Federal medical malpractice insurance program where insurance was unavailable or unaffordable.

This same commission, 15-person commission appointed by the Comptroller General, would also consider government-sponsored grant programs to give direct assistance to areas facing a shortage of health care providers, as well as to send physicians to trauma centers that are in danger of closing because of rising premiums. Finally, it would consider alternative means of reducing medical errors and increasing patient safety.

So support this motion to recommit. It is good policy. It changes the whole line of unbelievably reactionary legislation that has come out of this House on this subject before now. It is time for a change. We want to limit frivolous lawsuits, and this would give us an opportunity to examine the real causes of the medical malpractice insurance crisis.

The SPEAKER pro tempore. Does the gentleman from Wisconsin (Mr. SENSENBRENNER) rise in opposition to the motion?

Mr. SENSENBRENNER. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, yes, it is time for a change, and it is time for a real change. This motion to recommit does not provide a real change, and it should be defeated. It should be defeated because it contains zero legal protections for doctors beyond current law.

Legal reforms are essential to solving the current crisis in the medical professional liability insurance area and increasing access of health care to all. Here is what the president of the National Association of Insurance Commissioners said: "To date, insurance regulators have not seen evidence that suggests medical malpractice insurers have engaged or are engaging in price-fixing, bid-rigging, or market allocation. The evidence points to rising loss costs and defense costs associated with litigation as the principal drivers of medical malpractice rates."

The underlying bill, and not the motion to recommit, is the only proven legislative solution to the current crisis. According to the CBO, under H.R. 4280 "premiums for medical malpractice insurance ultimately would be an average of 25 to 30 percent below what they would be under current law."

The motion to recommit, on the other hand, besides including zero legal protections for doctors beyond current law, sets up an advisory commission to study a problem that is already patently obvious to the most casual observer and to report back sometime in the future when even more patients will have lost access to essential medical care.

Opponents of the bill claim there is no enforcement mechanism to make sure that medical professional liability rates go down. That is completely false. An enforcement mechanism already exists throughout all 50 States, namely, State insurance commissioners who are required by State law to turn down rates that are excessive, unfairly discriminatory, or otherwise unjustified. On the other hand, the motion to recommit creates a system of price controls linked to savings that without the legal protections in this bill will be nonexistent. Without legal reforms, there will be no cost savings, and the motion to recommit contains zero legal protections beyond the current law.

Along with creating a commission to further study a problem that is obvious, the motion simply throws more Federal money at it. H.R. 4280, on the other hand, contains solid legal reforms that have been proven successful over 28 years in California and will save billions of dollars in taxpayers' funds, according to the CBO. The choice is clear: oppose the motion to recommit, support H.R. 4280, and let us make sure that doctors are there to care for the 287 million Americans.

Mr. Speaker, I urge defeat of this motion and passage of the bill.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes, if ordered, on passage of H.R. 4280, adoption of H. Con. Res. 378, and adoption of H. Con. Res. 409.

The vote was taken by electronic device, and there were—yeas 193, nays 231, not voting 9, as follows:

[Roll No. 165]

YEAS—193

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—231

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Isakson
Issa
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Brown-Waite, Ginny
DeMint
Hyde
Istook
Lantos
Lowey
Reyes
Scott (GA)
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1748

Ms. McCOLLUM changed her vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, on rollcall No. 165, I was unavoidably detained. Had I been present, I would have voted "no."

The SPEAKER pro tempore (Mr. SWEENEY). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GREENWOOD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 229, noes 197, not voting 7, as follows:

[Roll No. 166]

AYES—229

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, M.
Dooley (CA)
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Isakson
Issa
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton

Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)

Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)

Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Coble
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frost
Gephardt
Gonzalez
Green (TX)

Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)

Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

DeMint
Hyde
Lantos

Lowey
Reyes
Scott (GA)

Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1800

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H. CON. RES. 414, EXPRESSING SENSE OF CONGRESS THAT ALL AMERICANS OBSERVE THE 50TH ANNIVERSARY OF BROWN v. BOARD OF EDUCATION WITH A COMMITMENT TO CONTINUING AND BUILDING ON THE LEGACY OF BROWN

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that it shall be in order at any time without intervention of any point of order to consider House Concurrent Resolution 414;

The concurrent resolution shall be considered as read for amendment; and the previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion or demand for a division of the question excepted: (1) 30 minutes of debate on the concurrent resolution equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

☐ 1800

CALLING ON THE GOVERNMENT OF SOCIALIST REPUBLIC OF VIETNAM TO RELEASE FATHER THADDEUS NGUYEN VAN LY

The SPEAKER pro tempore (Mr. SWEENEY). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 378, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 378, as amended, on which the yeas and nays are ordered.

Without objection, the remaining two votes in this series will be 5-minute votes.

There was no objection.

The vote was taken by electronic device, and there were—yeas 424, nays 1, not voting 8, as follows:

[Roll No. 167]

YEAS—424

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger

Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis

Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell

Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)

Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)

Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds

Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—8

Abercrombie
DeMint
Hyde
Lantos
Lowey
Reyes
Scott (GA)
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1809

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE VETERANS WHO SERVED DURING WORLD WAR II, THE AMERICANS WHO SUPPORTED THE WAR, AND CELEBRATING THE COMPLETION OF THE NATIONAL WORLD WAR II MEMORIAL

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 409.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 409, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 11, as follows:

[Roll No. 168]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Cantor
DeMint
Hyde
Lantos
Lowey
Otter
Reyes
Scott (GA)
Stenholm
Tauzin
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1817

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. OTTER. Mr. Speaker, unfortunately I missed the vote on H. Con. Res. 409 "Recognizing with humble gratitude the more than 16,000,000 veterans who served in the United States Armed forces during World War II and the Americans who supported the war effort on the home front and celebrating the completion of the National World War II Memorial on the National Mall in the District of Columbia". Had I been present I would have voted for this bill.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2660, the fiscal year 2004 Labor-HHS appropriations bill.

The form of the motion is as follows:

Mr. George Miller of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2660 be instructed to insist on reporting an amendment to prohibit the Department of Labor from using funds under the Act to implement any portion of a regulation that would make any employee ineligible for overtime pay who would otherwise qualify for overtime pay under regulations under section 13 of the Fair Labor Standards Act in effect September 3, 2003, except that nothing in the amendment shall affect the increased salary requirements provided in such regulations as specified in section 541 of title 29 of the Code of Federal Regulations, as promulgated on April 23, 2004.

MOTION TO INSTRUCT CONFEREES ON S. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005

Mr. POMEROY. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore (Mr. SWEENEY). The Clerk will report the motion.

The Clerk read as follows:

Mr. Pomeroy moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the concurrent resolution S. Con. Res. 95 be instructed to agree to the pay-as-you-go enforcement provisions within the scope of the conference regarding direct spending increases and tax cuts in the House and Senate. In complying with this instruction, such managers shall be instructed to recede to the Senate on the provisions contained in section 408 of the Senate concurrent resolution (relating to the pay-as-you-go point of order regarding all legislation increasing the deficit as a result of direct spending increases and tax cuts).

The SPEAKER pro tempore. Pursuant to rule XXII, the gentleman from North Dakota (Mr. POMEROY) and the gentleman from Iowa (Mr. NUSSLE) each will control 30 minutes.

The Chair recognizes the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we know that we have a very large problem facing this Congress: we cannot pass a budget. We have got a budget that has passed the House, a budget that has passed the Senate, but an absolute train wreck in conference committee with neither side indicating any indication to reach compromise and finish the budget process.

The motion that we have before us, we believe, unlocks this problem. It would have the House pass the motion to instruct conferees relative to the PAYGO requirement, a requirement I will explain more fully in a moment. This passed the Senate and is now, I believe, the key to getting this resolved, will we have the PAYGO budget enforcement provision as part of the budget. Quite frankly, it appears very possible that without embracing some kind of bipartisan step toward budget discipline along the pay-as-you-go requirement, this House, this Congress, will not be able to pass a budget. Obviously, with the President, the Senate and the House in one-party control, one would not expect that that would be the result, but that is the result without some movement toward budget discipline.

Why has budget discipline become so central to the budget debate? I have got some charts that illustrate in very painful fashion what has happened to the Federal budget during the last 3½ years. This chart captures the skyrocketing deficit from years 2002 to projected end of year 2004. What we see is a budget spinning entirely out of control, an absolute hemorrhage of red ink with Congress now spending more than $1 billion a day more than it takes in. This all accumulates in the national debt, a soaring burden for our country and the next generation.

If that chart captured the whole story, it would be very dangerous and frightening. I hate to tell you this, but the story is actually worse than that. Because of budget rules, the full exploding nature of the tax cuts which throw our budget even more radically out of budget occurs after the measurement period of this budget debate. This chart captures that. The budget before us covers the first 5 years. What happens in the next 5 reveals the dirty little secret of their budget plan, skyrocketing red ink, a budget more out of balance than ever before, just at the period of time baby boomers leave the workforce, move into retirement, each one carrying a guarantee from the Federal Government that Social Security will be paid, that Medicare will be paid.

Knowing how many baby boomers there are relative to the rest of the population, the obvious thing for this country to do is pre-position and improve the fiscal condition of this country so that we are ready to take the tremendous hit entitlement spending will bring when baby boomers retire.

My colleagues can see what we are doing: exactly the opposite. It is fiscal lunacy as we borrow in ever-radical fashion just before baby boomers retire. The long-term trend here, assuming the administration budget policies, AMT reform and the ongoing war costs take us to a national debt situation of $14.8 trillion by the year 2014. The debt service cost on that alone is $400 billion, just in interest costs. So this is a very, very serious problem. It is a fiscal catastrophe that has been foisted upon this country. The only thing to do is to begin to deal with it.

This is not the first time the country has had budget problems. It is not the first time we have had people of good will trying to reach across a partisan aisle and come up with some answers. The pay-as-you-go requirement, in fact, that is before the House with this motion was initiated in a budget conference convened by President George Bush, not this President George Bush, his father, George H.W. Bush. They came upon a fairly basic budget enforcement mechanism. In light of not wanting to make the budget situation any worse, they agreed that a pay-as-you-go requirement would apply.

What does that mean? That means if you spend more, you are going to have to find the money to pay for it. You are going to have to either cut spending, or you are going to have to raise revenue. Also on the revenue side, if you cut taxes and reduce the inflow of revenue, you are going to have to deal with it. You are going to have to show at that time where the spending cuts are going to come that offset the revenue loss or what other revenue increases you would have to offset that revenue loss. This was ultimately adopted in a bipartisan vote in 1990. Many believed it was an extraordinarily important contribution to national budget discipline. Chairman Alan Greenspan spoke about the need to get such tools back in the budget process in his testimony to Congress just within recent weeks.

After the 1990 agreement, this thing started to show that it really could work. The budget picture continued to improve. In the budget vote of 1993, the budget votes thereafter, the bipartisan balanced budget agreement of 1997, the pay-as-you-go requirement was affirmed no fewer than two additional times by bipartisan votes of Congress. There is some confusion, I believe, raised by some of the arguments that I have heard coming from majority leadership that those early pay-as-you-go requirements were not applicable to the revenue side. That was misinformation. I have the language of the earlier pay-as-you-go requirements with me, and I am prepared to debate on the floor of this House the applicability of those earlier pay-as-you-go requirements to the motion before us. The motion is the same. And so to my friends in the majority who are inclined to look at this very carefully, thinking about their earlier votes back in 1995 and 1997 in favor of the pay-as-you-go requirement, I am telling you that you have done this before, and now we need to do it again. We need to do it again worse than ever in light of the budget situation.

That is the motion we have before us. This motion has had two very close votes. When it was offered by the gentleman from California (Mr. THOMPSON) last spring, it was a tie vote, 209–209. Last week, a similarly very close vote on an identical motion brought by the gentleman from Kansas (Mr. MOORE), that one failing 208–215, although we have been informed that some of those voting late in the balloting against this bill were led to believe that the motion before us was different than the pay-as-you-go requirement they had voted for in the 90s.

Let the record be very clear on this. The motion before us on this pay-as-you-go requirement would reinstate the same pay-as-you-go requirement that we had in the 90s that many of my colleagues have voted for before. We have got a situation where we are going to leave our children with this as the legacy, or we are going to have to come to some kind of awakening and recognize it is time for us in a bipartisan way to begin to assault this monster. The way to do it is by reinstating budget discipline.

For that reason, I urge very careful consideration of the motion I have put before us.

Mr. Speaker, I reserve the balance of my time.

Mr. NUSSLE. Mr. Speaker, I yield myself such time as I may consume.

I have been doing a little research over on this side. Again for the third time in a row, the minority rushes to the floor with a breathless motion on fiscal catastrophe, as it was announced, and how if we vote for tax cuts without paying for them, all sorts of red ink will be used on charts all over America. My goodness, you had to almost ruin a printer to print all that red ink on that poster. It is fascinating to me that someone who would be so concerned, so breathlessly concerned about the fiscal catastrophe that awaits the United States if, in fact, you vote for taxes without paying for them would, as I have discovered in roll call No. 144, which was just voted on here, let us see, May 5, where the gentleman who just spoke voted for just such a proposition. He voted for tax cuts without paying for them. And now he rushes down here to the floor saying it is an important principle of fiscal sanity to pay as you go.

I know another principle and that is actions speak louder than words. In this instance, the actions of the gentleman voting not only on May 5, and that is what I was doing some more research on, not only on May 5 did he do that and joined 109 Democratic colleagues doing the exact same thing, wringing their hands at home, decrying tax cuts, trying to talk down the economy and telling how tax cuts are the bane of our existence and yet put out the same press release that day voting in favor of tax cuts and how that was so important to families and small businesses and I am sure the word "farmer" may have even been used in the gentleman's press release.

Then I discovered that on April 28, in a roll call vote, No. 138, I see yet again the gentleman from North Dakota voted in favor of tax cuts without paying for them. Once again I wonder, paying as you go, if that is such an important principle, why would the gentleman's actions, not his words, his words, of course, are we should pay for these things. We are facing a fiscal catastrophe, the gentleman just said. Yet he comes to the floor and votes not once but twice, and I am just wondering how the gentleman will vote tomorrow on tax cuts to make sure that we do not have a tax increase at the end of this year for the 10 percent bracket, the bill that I believe is going to be on the floor tomorrow. I wonder if the gentleman is going to vote for making sure that that tax is not increased on his farmers and small businesspeople. Many of them probably are similar to mine in my small towns and my small counties in Iowa. My guess is that he is not only going to vote the way he did the other two times in favor of cutting taxes without paying for them twice before, but I would bet he is going to do it tomorrow.

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And I know why. Because the gentleman is going to argue that that is good for the economy, and he is right; and that it is good for those small business people, and he is right; and that it actually does create jobs, and he is right; and that it is unfair to tax families with children, to have an automatic snap-back tax increase at the end of the year, and he would be correct; and that it is unfair to penalize people who are married; and he would be correct. And so again the puzzlement occurs to this gentleman and so many others why it is that he says on one day pay as you go, but come to the floor on the next day and say, but I really did not mean it for those tax bills that I am in favor of that help my constituents. And it would suggest to me that maybe there is a new saying and it is, "Do as I say, not as I do."

So we have a situation here yet again, the third time that the exact same motion comes to the floor, and I am wondering if this is not for political purposes that you would on one instance say you have to pay for them and on another instance vote for those exact same tax relief bills as they come to the floor.

The economy is just now finally starting to come off the ground from where it has been, starting to create jobs, starting to see that jobless rate come down and people go back to work. And I know that there are many of my friends on the other side that are just desperately hanging on to any possible bad news about the economy because they know they are losing that issue politically for the fall election, and so they are desperately holding on to the last vestiges of that issue.

But I would suggest that what is good for our economy and our constituents now is to not have an automatic tax increase, that it does in itself pay for itself with the increase of economic development that is happening in our country. In fact, this year alone, CBO projected a $35 billion increase from one year to the next, paying for those tax cuts with the economic growth.

Oh, a lot of red has come to the floor. Another big red chart has come to the floor. Let us see how the gentleman who is about to speak voted. I can do that research pretty quickly. Oh, interesting, the gentleman from Virginia with another chart on the floor with a lot of red voted in favor of those same tax bills, not paying for them but voting for them, and I will bet I can find a press release telling his constituents how important those tax cuts were as we face this fall's election.

I have a suspicion that this is a political vote, and I would encourage my colleagues to treat it as such.

Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I consume.

To have the effort to break loose the budget stalemate in conference committee by having our House pass something similar to what the Senate in a bipartisan vote passed is a serious effort. Obviously they are taking it pretty seriously. They have the chairman of the Committee on the Budget on the floor. And rather than rebut the rather painful underlying reality about the Nation slipping into what would almost appear to be an irreversible hemorrhage of red ink, in very bellicose and sarcastic tones, he wants to point at individual votes and accuse other Members of hypocrisy. I guess that is kind of a refuge when they do not have arguments on the issue, let us blow a little smoke, let us have a little fun, let us throw a little political rhetoric around. But this deserves so much more than that.

I would say to my friend from Iowa, it is not ruining printers that concerns me, it is ruining the Nation. And I really do believe that the red ink that we are generating and continuing in escalating fashion as the baby boomers move into retirement is a dire threat to the future of our country. I believe that you have already put us on a path, with you serving in your leadership as position as Committee on the Budget chairman, working with the administration, working with the Senate Budget Committee, to diminish the prospects of our children by so undermining the fiscal strength of our country.

Mr. NUSSLE. Mr. Speaker, will the gentleman yield?

Mr. POMEROY. I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Speaker, I only have one question. Why would he vote to cut taxes on one day without paying for them and then come to the floor with a motion the very next day saying he does not have to pay for those taxes?

Mr. POMEROY. Mr. Speaker, reclaiming my time, the gentleman has been most selective in the votes he has cited because I want to tell him, as he knows already, but tell my colleagues that I supported a budget that had the tax cuts mentioned and had them fully offset and paid for, bringing the budget to balance by the year 2008. That was the Democrat alternative, and that is what I voted for. And in addition, we have offered specific substitutes to each of the tax cuts he referenced, and those substitute motions which had the paid-for alternative have been voted down.

I believe there is a merit to those particular tax cut proposals, and I believe that the process is best served by moving them forward, moving them forward hopefully to be resolved ultimately in conference committee in a paid-for manner. So that is what is at stake with my votes. But really there is a whole lot broader issue to discuss on the floor right now, and that is not the voting record on two isolated votes, although I do fully offset in other votes that I have cast on those particular subject matters, but much more over the fiscal situation facing this country.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from North Dakota (Mr. POMEROY) for yielding me this time.

I do feel motivated to respond to my friend from Iowa's comments. I am sure it was not he that suggested there is hypocrisy on our side, but I want to make the record clear, because 2 weeks ago, Mr. Speaker, the Democrats voted 187 to 10 in favor of a fully paid-for marriage penalty tax bill. Last week Democrats voted 196 to 5 in favor of a fully paid-for alternative minimum tax relief bill.

The only way you got us to vote for those tax cuts was after you rejected our very aggressive efforts to pay for those. You recall we got that vote, we took it to a vote, and overwhelmingly the Democrats voted to pay for those tax cuts, and we only voted otherwise after you rejected our ability to pay for them.

But I need to remind my good friend whom I have served with now for several years on the Committee on the Budget that in 1997, the gentleman from Iowa (Mr. NUSSLE) voted for pay-go as applied to tax cuts. In fact, in 1997, the gentleman voted twice along with virtually all of the House Republicans for pay-go to apply to tax cuts. So when he suggests that we are acting inconsistently, and we would not use the word "hypocritically," but I do think "inconsistently" is a proper term when it is applied to the facts of the matter, and again in 1999, the gentleman will recall the Nussle-Cardin budget process bill which required that we have on-budget balancing for tax cuts.

Now, today what we are trying to do is to behave responsibly, fiscally responsibly, because we are looking at the facts, not at any far-flown projections. We are looking at the facts. And the facts tell us that after President Clinton's balanced budget amendment, which passed without any Republican votes, we actually turned our backs on deficit spending, got all the way up to the point where we had a surplus, the green, of course, which the gentleman from Iowa (Mr. NUSSLE), I guess it appears, perhaps was intimidated by some of these colors because they are in stark contrast to some of the rhetoric we have been hearing. This is the fact: During the Clinton administration, there had been a trajectory, right up to surplus, change of administrations, and look what this policy has done all the way down. I mean one would not want a ski slope that steep.

The point is that our policy worked, and it is because we had pay-go applied to spending and to tax cuts. What we have here, clearly, if you want to stop spending, stop the spending. We are saying stop both. If you are not willing to stop the spending, and you obviously have not been, because once the Bush administration came in, there goes the spending on an upward trajectory and there goes the revenue on a downward trajectory. The problem is this is not sustainable.

You say that this is going to balance out, but the fact is it has not. And we have to look at the reality, the real experience. These policies are not working. If you want to cut spending, cut spending and then we can work with you. But right now the reality is unless we apply pay-go to tax cuts as well as spending, this line of deficit is going to continue to decline because we will not have the revenues to pay for the spending that you insist on, and that spending clearly has been going up in an unrestrained fashion.

Mr. NUSSLE. Mr. Speaker, I yield myself 30 seconds.

I do not recall the gentleman from Virginia standing with me on that Nussle-Cardin plan. I appreciate the rendition of history, but I wish he would have voted for that bill as well. I do not think any of the Members on the floor here today voted for that. It would have been a beautiful thing.

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Speaker, I think I did. Does the gentleman have the names?

Mr. NUSSLE. I do not, Mr. Speaker. Let us do some checking on that.

Mr. MORAN of Virginia. Mr. Speaker, I think he needs to do a little research on that.

Mr. NUSSLE. Mr. Speaker, there were so few who did, it would have stuck out like a sore thumb. That was not one of my finest hours, I would have to say.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the chairman of the Committee on the Budget for yielding me this time.

I am delighted today to be able to talk about the motion to instruct. I am on that budget conference, and I would assure my friend from North Dakota, who spoke earlier, that we are very close to having a budget agreement. The pay-go point of order he is offering tonight, he is saying, is to enable us to move forward with the budget. I can just tell him I think there are other ways to move forward that are much more constructive. This motion to instruct, in my view, goes too far and does not go far enough.

With regard to spending, which the gentleman from Virginia has just stated is the major problem, and I could not agree with him more, it does not go far enough. Why would we want a budget point of order? Why would we not want a law? By having a law, we have a discipline that will actually work to control spending. It would have the force of law. And I do not know why the gentleman would not prefer what was reported out of the Committee on the Budget and what this House will be taking up after the budget is passed, which is a budget process reform that actually has a law. So on the spending side, it should be stronger.

On the tax side, we have a philosophical difference, and we have talked about some inconsistencies here. Yes, it is true that not only did a couple of gentlemen on the floor vote for tax relief as recently as this week, without paying for that tax relief, but the majority of Democrats voted for it, including some who are on the floor tonight who have not been part of the debate yet. Others did not vote for it, and those are the ones who are smiling.

But it is a philosophical difference as to whether spending and tax relief should be both subject to the same pay-go standards. I think they should not be, and I say this for a very simple reason. Tax relief is put in place and has been put in place in 2001, 2002, and 2003 in order to stimulate the economy. Some tax relief is better than other tax relief. We can argue about which tax relief is better. But the proof is in the pudding, as they say, and the pudding is fresh.

We know right now, based on what CBO told us on May 6, that is, earlier this month, and what they told us in March, that even though this tax relief was put in place, even though we reduced taxes on the American people, on small businesses, on investors, guess what is happening? Revenues are increasing, they are not decreasing. If they can point to some spending that has those same characteristics, or spending in general that does, I might feel differently about it. But I do not know how we can come to this floor time and time again and put up the charts and say tax relief is the reason we are in deficits. It is not. Even if we did all the tax relief in 2001, 2002, 2003, put it together, we still would be in deficit because of spending and because of the economy.

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The economy was the biggest problem, the economy going down and revenue going down because of it. And second was spending. Yes, we spent too much. On the other hand, we had some real needs, including increasing our military spending to respond to the war on terrorism, including spending, we were told, over $100 billion just to respond to 9/11. The tragic loss of life also required a tremendous amount of Federal revenue. Now today in Iraq, yes, we have increased spending for those purposes. But tax relief was not the reason we are in deficits.

The irony is, it is the reason we are making progress against the deficit. CBO has just told us again within the last week, they believe the revenues this year will be $30 billion or $40 billion or so greater than projected. Revenues are going up, not down. Because of tax relief, revenues are going up, because the economy is growing in response to the tax relief.

Economists right, left, and center will tell you this tax relief which was passed by this Congress had the effect of helping on consumer spending, more money in people's pockets; on helping on investment, corporate profits; therefore more revenue coming into this economy, more capital gains revenue.

So it is a philosophical difference, and that philosophical difference will be played out again tonight on this motion, as it has been played out over the years in this House.

The final point I would like to make with regard to whether we should put pay-go rules on taxes as we should on spending is to look back at recent history. My friend from Virginia talked about the 1993 agreement. Let us talk about the 1997 budget agreement that was called the balanced budget agreement that actually got us out of red ink.

There was tax relief from that agreement, by the way. There was also a commitment by this House to restrain spending. The Republicans controlled the House and the Senate. Republicans decided, working with Democrats in a bipartisan way, we would control spending together, and we stood down here on the floor of this House and we pounded our chest and we said within 5 or 6 years we will have a balanced budget. I did the same.

That would have been 2002, maybe 2003. Within a couple of years, we had a balanced budget, and within 3 years we had surpluses. Why? Because, by restraining spending, by growing the economy through smart tax relief, we grew, we grew out of the deficit.

That is what we want to do again. We want to grow out of this deficit. We want to restrain spending, very important, and pay-go ought to apply to spending for that purpose, and we want to put smart tax relief on the floor of the House for an up-or-down vote. It is not like it is not subject to some procedure here or some discipline. It is subject to the discipline of the House and the Senate and getting through a conference and being signed into law by the President.

But by restraining spending and by growing the economy, we believe we can make progress on the deficit. We believe we can reduce the deficit in half by 3 or 4 or 5 years, depending on how much spending we can reduce and how the economy grows. And we believe the pay-go rules ought to apply, and apply even more aggressively than is proposed tonight to spending, but not take away the opportunity for us to have meaningful tax relief, to be able to grow this economy, which after all was the solution to getting us into surpluses back in the 1990s and into 2000.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would respond quickly. By omitting the revenue side of the equation in a pay-as-you-go requirement, you literally leave out a critical component of what drives the budget. This might straighten out the gentleman's history here.

Revenues have plunged as a result of the earlier tax cuts, the lowest percentage of GDP since the year 1950. As revenues plunge, you get yourself into deficit.

Can you imagine a family trying to balance their household budget saying, you know, we are going to have to get hold of this. We are going to have to cut spending, cut our family spending. Then, at the same time, saying, but, you know, we are working a little too hard, so I am going to take more vacation. I am only going to work part-time, because the revenue side, we are not going to deal with the revenue side, we are just dealing with the spending side.

That is as much lunacy as what is proposed in terms of dealing only with pay-as-you-go on spending and leaving off consideration of the revenue.

To put it in another way, revenues have plunged very significantly over the past 3 years. Revenue has declined 12 percent. So this business of we are going to cut taxes and get more revenue as the economy grows has not been demonstrated.

There has been one area of growth, one very predictable area of growth; the deficit has grown to the largest level in the history of the country. And if there is a budget deal coming out of the conference committee, it is going to have an increase in borrowing authorization for this country, and we are told it might exceed borrowing authority in the amount of $10 trillion, debt we will pass on to our children.

We will have a better way to further explain that.

Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, my good friend from Iowa is such a good Member, and I really hate to review the bidding here, but last time I looked, Republicans had the Presidency, and they had control of the Senate and they had control of the House, and, if I am not mistaken, the Federal law says that on the 15th of April you are supposed to pass a budget.

Now, if we give you all the cards, for heaven's sake, can you people not work it out? Do you have to keep fighting among yourselves? I mean, here we are, and all we are asking you is to go along with that other body.

Now, I know that the gentleman is not a bad person, and I do not like to bring up this stuff about how we have voted for this. You know, you pick on guys, these other guys who voted for tax cuts. Look for me in that list.

Mr. NUSSLE. Mr. Speaker, if the gentleman will yield, I am looking here. I do not see "MCDERMOTT" anywhere on the list.

Mr. MCDERMOTT. Mr. Speaker, reclaiming my time, we finally got one up here that the gentleman is not going to call a hypocrite, is he? I do not mean that consistency is the hobgoblin of small minds. I know that one has to be flexible when one is the chairman, because the gentleman voted for pay-go many times and said it was a good idea, and the gentleman from Virginia (Mr. MORAN) got out here and gave the gentleman all that evidence.

But the fact is that what we are talking about here is, you know, there are a lot of people sitting out there watching this, and they go down to the grocery store and they have a $20 bill and they say, well, I am going to buy some groceries here. So they buy what they can get with $20. That is the way a lot of people operate in this world.

But the Republicans, ever since they have taken over this House, in fact you did it under Reagan, we tried this Laffer curve business and all that and went into this great big deficit, and it took Clinton to get us out. For all you want to say about Bill Clinton, he did dig us out of your mess from the Reagan years. You did not learn anything from that.

So you decided let us get out our favorite two credit cards and you said, well, we got Social Security, we got a whole lot of money over there in that one, and we got a whole lot over here in the Medicare one. Let us just spend off these credit cards like wildfire. That is where you get those red blotches on the graphs.

Now, the people out there, they do not understand why it is you do not want to pay as you go. Who do you think is going to pay off these credit cards? Do you think maybe it is the Democrats who are going to pay it off when we take over next time? Our job will be, how do we dig ourselves out of the hole you put us in?

We are just trying to lay the groundwork for saying, hey, look, we know we are going to be in charge soon, or hope so, or, if God wills. You know, under God we do not know what will happen, but we may wind up in charge. And you have spent our credit cards into such a mess, we will have to do something.

We cannot keep spending, because people are getting older. There are a lot of those baby-boomers that are coming up, and they are expecting that the money that was in the account that you have been borrowing from is going to be there for them, and they are going to find out it is empty. We are going to be caught with digging us out of the hole.

Now, you may think it is funny, and you may enjoy this ride, but I will tell you something: When the baby-boomers get to be senior citizens, you are going to have a price to pay, because all this profligate spending is going to come home to roost.

I think it just makes sense to adopt this resolution and go with the Senate. They are very smart over there; oh, very smart.

Mr. NUSSLE. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Iowa for yielding me time.

Mr. Speaker, I want to point out and expand on a point that the gentleman from Washington just brought up, and that is about the Federal deficit. He talked about the future obligations that are part of our Federal deficit. If you look at all the red ink we have seen on the charts and you look at today's Federal deficit, we are not talking about the same thing as what we have in our outstanding debt.

There is a lot of confusion between the deficit, which is how much money we spend versus how much money we take in, and then the national debt, which is when we start talking about baby-boomers, then you start talking about the impact of the national debts.

Right now, our national debt is around $7 trillion. About half of that is publicly held debt. The other half is future obligations. So when we look at all that red ink and get up to $14 trillion, a lot of that is future obligations. It is Social Security for every individual in elementary school today. It is Medicare for every person that is in day care today. It is those people that exist today that at some point are going to be part of public law and they are going to qualify for Social Security, for Medicare, for the prescription drug plan. And that is some of that red ink you are seeing out there. So I think we need to distinguish between publicly held debt and future obligations.

The concept of pay-go which is being pushed by the Senate is really fundamentally flawed economic policy. It makes an underlying assumption that if you reduce revenue by $1 for tax relief, you are going to have a $1 reduction in Federal revenue; a $1 reduction in taxes equals a $1 reduction in Federal revenue.

But we know from history that is not true. In fact, if you looked at the 1980s, in 1980 the Federal revenue was about half a trillion dollars per year. Reagan, under his leadership, we passed the largest tax decrease at that point in history, and what happened over the next decade is revenue doubled. The Federal revenue by 1990 was $1.1 trillion.

Even under the plan that was shown under the so-called Clinton surplus, the Clinton surplus was even preceded by tax relief. He signed tax cuts into law. One of them was capital gains. When we reduced capital gains from 28 percent to 18 percent, we actually had an increase in Federal revenue, not a dollar-for-dollar reduction, $1 tax versus $1 reduction in Federal revenue.

So the fundamental policy of pay-go is flawed. If you have tax relief, three things happen: Tax relief provides a little more money in somebody's pocket. They either save it, spend it, or invest it. If they spend it, that is a demand for goods and jobs. That is good for the economy. If they save it, it provides money for home mortgages. That means more building, more jobs, a good thing. The third thing is they invest it. If they invest it, that means capital for companies to expand and hire more workers. So all three things that come out of tax relief are good, fundamental economic policy.

But if you have this Keynesian economic view buried in this pay-go provision, then you think the Federal Government drives the economy and not the free market system. That is fundamentally flawed. It is the free market system that makes America great.

When you increase taxes, you limit that; and when you reduce taxes, you increase the ability for Americans to do the right thing with their money, and that means more Federal money.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, that is a very interesting bit of economic history there, but I would put forward a different view. Which economy worked best, the economy of the nineties, when you had pay as you go, or the economy of this decade, so far a very stalling, disappointing economy?

Mr. Speaker, I yield 4 minutes to my friend, the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I thank my colleague from North Dakota for yielding me time.

Mr. Speaker, since everybody wants to talk about the 1997 plan and what we did, just so we can all have a rendezvous with the record here, in fact we cut taxes on middle-class families with the introduction of the $500-per-child tax cut for people making $100,000 or less. We increased spending in higher education. We created the Children's Health Insurance Program, a $24 billion program for the children of uninsured parents who worked. We invested more dollars in environmental cleanup. We made long-term investments in the health of this country, which is in health care, education, and the environment. We expanded charter schools up to $2,000.

So we in fact paid for those spendings because they were good investments. We reduced the deficit down to a balanced budget, and we cut taxes for middle-class and working class families.

What we did not do was say every tax cut is good and every spending increase is bad. Some tax cuts are good. The $500 per child, which was the introduction in 1997, was a very good tax cut.

□ 1900

In 1993 we cut taxes on working families with the doubling of the earned income tax credit, which was originally created by Ronald Reagan in the 1983 budget.

So, in fact, not all tax cuts are bad; but when you have a tax cut for corporate jets and yet you put a squeeze on middle-class families, those are bad choices. As President Kennedy once said, to govern is to choose. When you make investments, not all spending by government is good; there is a lot of waste. But when you invest in uninsured children of working parents, 10 million of them who finally get health care and you pay for it, you are a better country and those are good investments.

When you expand the investments in opening the doors of college education, doubling the size of Pell grants as we did in 1997, that is a good thing. When we provided for middle-class families a tax deduction for a college education, we created the lifetime learning, the HOPE scholarship for continuing learning, those are good tax cuts. They led an investment boom, an economic boom which all incomes enjoyed, not just the top 1 percent, as is happening now.

So to compare what happened in 1997, to think fondly of your memory, we increased our investments and government spending in the areas of health care, education, and the environment, we cut taxes for middle-class families, and used the rule of putting our fiscal house in order. And all of those investments, all of those tax cuts started with the notion that we had to have a balanced budget.

The difference today is our tax cuts are skewed not to middle-class families, not to working families; they are skewed towards people who make money from money where the burden on people who work for a living are carrying more of the tax burden than those who do not.

So not all tax cuts are good and not all spending is good. We have to make choices based on an economic strategy.

Today, we have had the most anemic wage growth for middle-class families: 1 percent. College costs this year went up 14 percent; last year, 10 percent; and the year before that, 11 percent. Health care costs have gone up by a third, and people's savings have lost their net value by $200 billion in the last 2 years. That is the economic condition of our middle-class families, and we need an economic strategy that puts our fiscal house in order, reflects the priorities that American families are facing by making sure we invest in health care, invest in education, invest in the environment, and give middle-class families, rather than corporate jets, which your budget and your economic plan does, give middle-class families the type of tax cuts they deserve because they are trying to raise their children. That is where we should invest our limited dollars.

This PAYGO rule begins by putting the budget of the Federal Government back in order, as the gentleman from Iowa (Chairman NUSSLE) voted for in 1997 and made sure every tax cut was paid for, made sure every investment in spending was paid for. Those were good economic times. They created 22 million jobs. We need to go back to that strategy. It was good in 1997, and it will be good in 2004.

Mr. NUSSLE. Mr. Speaker, I yield myself such time as I may consume.

Let me start by saying that I am sure, because I know the gentleman from Illinois to be a very honorable Member and friend, and I am sure all of those facts that he just cited were true about 1997 and the economy of the 1990s. Let us just assume for a moment that they are. It was peacetime. I mean, does the gentleman think there is a difference between the 1990s and the period of the 2000s since what happened when we inherited the Clinton recession of 2000 and the attacks on the World Trade Center and the Pentagon of 2001, and the war with Afghanistan and now Iraq? Does the gentleman think there is just a little bit of difference between the 1990s and this next century that we are in? Maybe just a little. Maybe just a smidgen, it might be different.

And even though we found all sorts of spending priorities during the 1990s, education and the environment that the gentleman talked about, it is interesting that during those 1990s, we did not seem to find the priority of national defense or intelligence or homeland security, or a prescription drug benefit for seniors.

All of that time that President Clinton was working on all of these great policies of growing the size of government, taking more money out of the pockets of families with that huge tax increase of 1993, during all of that expansion of government, not once during that time could there be found the priorities of defense, intelligence, homeland security, and a drug benefit for seniors.

So I understand that there were different priorities back then. It was a different decade. We were at peace. We are now at war. This is not a time to raise taxes on the American family. We are just now coming out of a recession. This is not the time to raise taxes on business. We are now finally getting back on our feet; and it is not the time to say to people, we need more of your money. This is exactly the time, exactly the time to say that those tax cuts should be predictable, they should be permanent, people should be able to bank on them, they should be able to plan for their futures, they should be able to make decisions that affect their families and their small businesses and their farms without having the peril of somebody coming to the floor and suggesting now, for some reason, that we have to start paying for tax cuts, and then voting just the opposite when the actual tax cut comes to the floor for a vote.

It is interesting that on one hand they say we should pay for tax cuts and then the actual vote; and boy, I know they are kind of tricky, because just that vote, that specific vote on tax cuts, when that vote comes to the floor, they seem to be very interested in voting for that tax bill.

Let me just review some things, though, because I know my friends on the Democratic side are very interested in talking down the economy. They are interested in saying, those tax cuts have not worked. I want to tell my colleagues that the tax cuts have worked. Let us just review a few things.

Payroll employment increased by 288,000 jobs in April. We have the most people working in America at any time in our history, today. More people are working in America today than at any time in our history. Manufacturing employment increased by 37,000 jobs over the last 3 months alone. It was the best 3-month period since those boom days of the 1990s, since 1998; the best 3-month period since 1998. Unemployment was down to 5.6 percent in April from its high of 6.3 percent last June. Unemployment insurance claims have fallen to their lowest level in 3½ years since we inherited that Clinton recession of 2000.

Real growth in the economy, which is measured by our gross domestic product, was at 4.2 percent at an annual rate for the first quarter of 2004, following an 8.2 percent growth in the third quarter. It is the highest quarterly rate in over 2 decades, and the last 6 months have been the fastest growth in over 20 years. Manufacturing activity soared at the end of 2003 and into the beginning of 2004, registering its highest pace in 20 years.

So keep talking about the bad economy, keep using it as a political issue, keep trying to talk down the marketplace, keep trying to deliver all that bad news, because it is not here. People are going back to work. The economy is improving. People are making things. Because as my friend, the gentleman from Kansas, said, they have the money to spend. We are not taking it out here in Washington.

It is interesting that when Democrats come to the floor and they say pay as you go, guess what? They are not the ones willing to pay. When they say pay as you go, it means there is a tax increase buried some place, there is a secret tax plan that is available for anyone to look at, and it is called tax the rich. Well, hold on to your wallets, folks, because they think you are rich, and they are coming after you. And every single time they talk about taxing people, they are talking about taxing you. They are talking about taxing people who are married. They are talking about families with children. They are talking about small businesses that are creating the most jobs.

Mr. Speaker, that is what we are concerned about when we say this is not the time to raise taxes and this is not the time to talk about paying as you go, because these tax relief packages that we have passed are getting the economy back on its feet and revenue, as a result, is coming into the Federal Government. We are receiving more revenue into the Federal Government than we are allowing people to keep in their pockets through these tax cuts that we are promoting on the floor.

Mr. Speaker, I know it is working. And the reason I know it is working is because 102 Democrats voted for them. They know, including the gentleman from North Dakota, who voted on April 28 to cut taxes without paying for them, because he knows, he knows what that means to the economy of North Dakota. He knows what it means to the economy of Iowa. He knows what it means to the economy of the

United States. He knows where jobs are created. I know that because I have served with him every year he has served in the Congress, and I know the gentleman understands that that is how jobs are created. That is why he voted for these things.

I do not argue with the fact that he votes for them. What I am concerned about is that the leadership has forced the gentleman to come down here with a political issue. The last two gentlemen have failed in their attempts to try a political issue on the floor, and so now they roll out the gentleman from North Dakota.

But the gentleman from North Dakota, I know, is smarter than that, because on May 5 he voted to cut taxes without paying for them, because he knows that you do not have to pay for some of these tax cuts, because they generate economic activity. They generate that economic activity in farms and small businesses, putting people back to work; and as a result of those people back to work, they pay into the Federal Government in taxes as taxpayers, and the result is more revenue coming into the Federal Government. The gentleman knows that. That is why he votes consistently to reduce taxes.

I just wish that he would stop trying to tie our hands for the future; trying to tie our hands, just as the economy is getting back on its feet, blaming tax cuts for all the red ink when we know because of two wars, when we know because of the gut-punch of 9–11, when we know because of the bail-out of the economic crisis that occurred after the terrorists attacks, that we know because of huge increases for defense and homeland security, appropriately so, to protect the country, we have had to borrow money. We borrowed money deliberately, at a time with interest rates being very low, to do two important things: make sure that our country was protected and make sure that our economy could get back on its feet and start growing again.

Well, our country is protected and continues to be protected; and we will all do whatever it takes to make sure it continues to be protected. But we also have to make sure that it continues to grow, because while we can be secure in our border, we also have to be secure around the kitchen tables of North Dakota and Iowa and the rest of the country. We want to make sure those families who are faced with sometimes much more perplexing issues than what we face here in Congress, like how am I going to pay for college; and how am I going to pay for the health care bills; and how am I going to deal with clothing my kids when I have been out of work for a little while, those are important issues that they face, and we want to make sure they have all of the resources necessary in order to make those important decisions around their kitchen tables with their families.

The only way to do that is to continue the policy which has worked, which has gotten our economy back on its feet, and will continue to work if we allow it to do so, without being hamstrung by a special Senate rule that only stands in the way of making sure that those tax cuts can be predictable, that they can be permanent, and they can continue the job of making sure the economy grows.

Let us vote down this special rule that will only cause tax increases in the future, and let us support the underlying budget which controls spending, which grows the economy, and which makes sure our country is protected. That is the budget we need to pass. We do not need to have a Senate rule, a rule from the other body to tie our hands for tax reform, tax relief, tax simplification in the future. That is what the gentleman, unfortunately, and probably inadvertently, would accomplish if, in fact, this plan passed. He wants to continue to support tax cuts; so do we. We want the economy to continue to grow, and the only way to do that is to vote down this motion to instruct.

Mr. Speaker, I yield back the balance of my time.

□ 1915

Mr. POMEROY. Mr. Speaker, I yield myself such time as required to close and I will speak from the other podium.

I thank my friend from Iowa, the chairman of the Committee on the Budget, for joining in this spirited debate, but to any one of our colleagues watching, there is something that we know for sure and that is that bluster does not cover facts. Energetic presentation of lots and lots of stuff does not mask an economic record reflected in these charts.

This is what has happened to the deficit during the last 2 years, and this is where we are going over the next 10 years.

Now, what we are seeking with this motion is budget enforcement ability to try and level out this deeply alarming trend line on national debt. Pay-as-you-go means that if you spend more, you have got to cut somewhere else; or if you cut taxes, you have got to cut spending and show where you do it; or if you cut taxes, you have got to raise taxes somewhere else. It has all got to work out in a zero-sum game. You cannot continue to make the budget situation worse.

We can get lost in the economics and the numbers, but I think it is helpful to just think of it this way. We pay as you go now, or our kids pay when we go later, because these things are not balancing out. Representations that tax cuts are producing more revenue are not at all borne out. The Federal revenues from individual income taxes in the year 2000 was $1.4 trillion. The 2004 estimate is $765 billion, almost down a quarter.

As you have revenues fall so precipitously, you have had the debt line grow so significantly. We have had some job numbers thrown out. The fact is we are down 1.6 million jobs. This administration is the first administration on track to have a net loss of jobs since Herbert Hoover was President, but those are issues for another day.

Let us just understand that if you like the economy of the 1990s better than the economy we have seen this decade, realize that throughout the 1990s we had pay-as-you-go budget enforcement, which meant we were trying to get a handle on national debt. We have absolutely lost our way when it comes to fiscal sanity, and that is why we have had this explosion of debt, a deficit leading to debt, and we have got to get our hands around it.

So I believe that if this House took the step of instructing conferees to go with what the Senate has passed, and that is a bipartisan vote to embrace this pay-as-you-go requirement, we can once again get on track. This has been the very issue that has received bipartisan agreement in the past, 1990, 1995, 1997, and now it is time in 2004 for us to do it once again.

It is time for us to do this for our children. We put pay-as-you-go in the budget or it is you pay when we go to our children. As a father of an 8- and a 10-year old back home in Bismarck, North Dakota, I know we owe them a good deal better than this, a very unstable fiscal situation just when baby boomers retire and start drawing on Medicare and Social Security. We could turn this around, and passing this motion is the place to do it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CHOCOLA). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from North Dakota (Mr. POMEROY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. POMEROY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the Special Order of the gentleman from Michigan (Mr. STUPAK).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ORDER OF BUSINESS

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent to take my 5 minute Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, I rise again as part of the Washington Waste Watchers, a Republican working group dedicated to rooting out the rampant waste, fraud, and abuse in the Federal Government.

Despite a major economic recovery underway, rising employment, new jobs and historic rates of home ownership, Democrats keep demanding that we take away the tax relief, take away the tax relief that is responsible for this unparalleled growth in our economy, the tax relief that is bringing down the unemployment.

The tax relief, if it were a line item in the budget, amounts to 1 percent, 1 percent of the $28.3 trillion 10-year spending plan approved last year. In other words, 99 percent of our fiscal challenges are on the spending side. And, Mr. Speaker, that is where we need to focus our attention, and by any measure, spending is out of control in Washington.

For only the fourth time in the history of our Nation, the Federal Government is now spending $20,000 per household. Mr. Speaker, it is up from just $16,000 just 5 years ago, representing the largest expansion of the Federal Government in 50 years.

We have a spending problem, not a taxing problem, and now is not the time to raise taxes again on American families and small businesses, as Democrats seek to do. Instead, it is time to take the trash out in Washington. Let me give my colleagues just a few examples of typical waste, fraud, and abuse in government that we found just this week.

The Interior Department's Inspector General discovered that the Bureau of Indian Affairs accepted inflated school enrollment estimates that resulted in the construction of schools that were larger than required. The Bureau spent $37 million for unneeded school space and has future plans to spend an additional $74 million for even more excess school space. This wasteful use of our tax dollars occurred because the Bureau had not developed or implemented simple policies to count students. And yet Democrats want to raise our taxes to pay for even more of this? One hundred and eleven million dollars of the American people's hard-earned money down the drain. That is enough money to outfit 3,700 Humvees in Iraq with armor plating.

Additionally, the Department of Transportation's Inspector General stated that if the Department simply imposed better oversight on projects from start to finish and aggressively fought gas-tax evasion, the Department could save billions of dollars. In fact, if the efficiency with which the Federal Government and the States invested $700 billion in highway projects was improved by only 1 percent, an additional $7 billion would be available, and that could fund 8 out of the 15 active major highway projects today.

This is especially relevant because the House voted recently to approve a $284 billion highway bill that will force Congress to either increase the deficit or raise gas taxes to pay for it.

Next, Mr. Speaker, just this week the GAO announced that the government paid $169,000 in fees to unaccredited schools for bogus graduate degrees for Federal employees. I mean, that is a blatant violation of Federal law. The General Accounting Office said this amount was actually an understatement and that it is impossible to verify the true cost of this fraud because the Federal agencies do not have systems to verify academic degrees and because they do not accurately account for these expenses. In fact, the Department of Health and Human Services, when asked by the General Accounting Office to verify expenses on degrees, said they could not produce them because they maintain such large volumes of information in five different accounting systems.

One hundred sixty-nine thousand dollars on bogus degrees. That is enough money to protect over 100 of our American soldiers in Iraq with Kevlar vests.

Mr. Speaker, the list goes on and on and on; so does the waste, the fraud, the abuse and the duplication, and this has been going on for decades.

The problem is, we now have over 10,000 Federal programs spread across 5- to 600 agencies with little accountability to anyone, and when you just scratch the surface a little bit, what you discover is that so many of these programs routinely waste 5, 10, even 20, 25 percent of their taxpayer-funded budgets, and have for decades.

Republicans are working hard to root out this senseless waste of American tax dollars, but too many of our Democrat colleagues keep fighting us every step of the way. Last year, our Committee on the Budget approved a budget asking for authorizing committees to identify 1 percent of waste, fraud and abuse, just 1 percent. Yet the Democrat leaders ridiculed and reviled our efforts. One Democrat leader termed it "a senseless and irresponsible exercise."

Mr. Speaker, I am sure that most Americans disagree. With the Nation at war and with a large budget deficit, there is no better time to root out this waste, fraud and abuse than now, because when it comes to Federal programs it is not how much money Washington spends that counts, it is how Washington spends the money.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent to replace the gentleman from Ohio (Mr. BROWN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

RESPONSE TO THE WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, well, that was interesting. Now if only the Republicans controlled the White House, the House of Representatives and the Senate, they would take care of this waste, fraud and abuse at the agencies.

Many of the things the gentleman talked about are due to administrative mismanagement. If only George Bush was a Republican and they controlled the White House. Whoops. He is and they do. If only they controlled the House of Representatives. Well, they do; and the Senate. They control the entire Federal Government, and he comes up here and talks about the waste, fraud and abuse that he would eliminate if only they were in charge. Well, they are in charge. Why do they not eliminate it?

They never bring bills to the floor to deal with waste, fraud and abuse. He talked about a few things that could provide a little bit of help for the troops. Let me talk about things that could provide a lot for the troops.

Comanche helicopters, a scandal that has been going on starting with the Democratic administration and Republican Congress but continued under the Republican administration; $9 billion wasted. Finally canceled. No products. How many Humvees and sets of armor could we buy for that? Tens of thousands, hundreds of thousands of sets of armor and armored Humvees which, guess what, Donald Rumsfeld did not order. That is why we do not have them, not because there is not enough money in the Pentagon budget.

They did not order what we needed to protect our troops because they did not predict what would happen because Rumsfeld would not read the reports from the State Department intelligence folks and from the CIA. He had Ahmed Chalabi, his favorite convicted felon from Jordan, who was feeding him information that he was paid to give, that he admitted was false.

Then there is the $2 billion Crusader cannon, canceled. No product. How many sets of armored Humvees could be we buy for $2 billion?

Then, of course, the $100 billion Star Wars fantasy. The Republican majority and the President want to spend $10 billion this year to deploy a missile defense system that does not work, according to the Pentagon itself; is untested, cannot even intercept a missile on a trajectory without decoys; $10 billion. Twice what we will spend defending all the borders and all the ports of the United States of America against the real threats, the new threats, the terrorist threats that these people are ignoring because they are worried that some suicidal maniac is going to shoot one missile at the United States, like Kim Jong Il who does not have any missiles that can reach the United States, and have this country instantly incinerated.

□ 1930

That is not the threat. The threat is a tanker, a freighter, a truck coming across the border, or something being smuggled in some other way. But we are doing nothing to protect against that. We are going to spend the money. Why? Because the defense contractors are making a bundle, and then they turn around and give a cut to the Republicans to help keep them in the majority, just like the pharmaceutical industry I talked about earlier today.

So it is just kind of pathetic, people standing up here saying, I'm a wastewatcher, and if my party was in charge," oops, they are. "If my party had the Senate," oops, they do. "If my party had the White House," oops, they do. And you are doing nothing about it. Well, do something about it. The minority cannot stop you.

Please, do not give us that. The American people are not quite stupid enough to believe that the minority in the House, who is trampled over day in and day out, is stopping the Republicans from taking those steps. You are not even trying, because a lot of your buddies are making money on that stuff.

NEW RECORD SET BY PRESIDENT BUSH

Mr. DEFAZIO. Mr. Speaker, I came to talk about something else. I do not have much time left now, but I wanted to talk about a new record that has been set by the Bush administration.

Congratulations to George Bush and his economic team; they have set yet another record. They told us last year, if only the dollar dropped in value, well, that was all that was hurting our manufacturing. It did not have to do with their totally failed trade policies and the outsourcing of American jobs. It was just that the dollar was a little too high.

Well, the dollar dropped catastrophically. It was at a record low just a month ago, and guess what happened during that month? The U.S. ran a record trade deficit. So their theory does not seem to quite work. But we are still outsourcing jobs at a record rate. The dollar has come back a little. That might even make the deficit worse yet again. Their theories have not panned out.

We have a failed trade policy in the United States of America. We are losing our manufacturing base, our technology base. China is stealing our technology, stealing it from small companies in my district; and the Bush administration will not file a single complaint. Not one. They say, let us get China into the WTO, then they will have to follow the rules. Okay, well let us enforce the rules. Oh, no, we cannot enforce the rules.

We are not going to file complaints against China. It might upset our friends, the Chinese. Our friends the Chinese are dealing in weapons, they are dealing with terrorists on sophisticated manned pads that can shoot down airliners, they are dealing in nuclear technology to terrorist nations. Our friends, the Chinese. The Bush administration says, if we only embrace them a little tighter, they will come around. Yeah, right, after they get all our money, all our jobs, and all our technology, they will come around?

I am just getting tired of these excuses: that if only they were in charge, they would do better. We have a failed trade policy, and what has this President proposed? More of the same.

Now, I have to admit Bill Clinton had a failed trade policy, too; but he copied his from George Bush who copied it from Ronald Reagan, and I opposed all of them as I oppose this.

Let us bring jobs back home to America. We need a new trade policy, and we need a little honesty around here instead of a bunch of whatever.

REMEMBER THE MISSION IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. PEARCE) is recognized for 5 minutes.

Mr. PEARCE. Mr. Speaker, as we consider the implications of the debate about the photographs that our news media has been putting on the front pages and on the TV screens, it is important that we begin to calm down and to take a look at what we are doing and to remember why we are in Iraq.

Frankly, as we hear the discussions about having the President impeached and the Secretary of Defense resign, it is important for us to remember that 9-11 changed everything. So soon we forget, Mr. Speaker. 9-11 is the day that innocent civilians in this country went to work in the morning expecting they would come home to their families that night. 9-11 was the day that this body convened for its normal business. 9-11 was the day soccer moms became security moms, worried about the safety of their children in the streets. And President Bush said that he would fight terror; that if you harbored a terrorist, you were a terrorist; if you funded a terrorist, you were a terrorist; if you allowed them to pass through your country, you were a terrorist. And, Mr. Speaker, he has been solid and resolute about that commitment.

No matter how despicable the acts of our soldiers in Abu Ghraib prison, they remain the actions of just a few. They do not reflect the majority opinion. They do not reflect American values, and they do not reflect what is going on in Iraq. Because there are magnificent tales of sacrifice and commitment going on in Iraq.

For those people who wonder why the Secretary of Defense should not step down, it has not been that long ago, Mr. Speaker, that we saw Rodney King in those famous videos where members of the Los Angeles Police Department were beating him. That circumstance did not reflect the policemen in L.A. any more than our current actions reflect our soldiers in Iraq. To put it in perspective, we should have, if we want equivalent actions, have called for the Governor of California to step down.

Secretary Rumsfeld is a tremendous political and military leader. If we look at the advances and the accomplishments that have occurred, to suggest change at this point in this war begins to seem irresponsible. Al Qaeda is completely uprooted and on the move. Thousands of al Qaeda members are dead or in prison. The Taliban is gone from Afghanistan. Saddam Hussein sits in a prison cell. We have over 40 of his top officials in prison cells awaiting trial. Libya has begun to give up its weapons of mass destruction, its nuclear weapons. Pakistan worked with us on the Afghanistan border fighting terror. Worldwide, we are seeing terrorists captured and imprisoned by the network of people on the side of good and against evil.

Mr. Speaker, Secretary Rumsfeld is greatly responsible for the actions that are positive and that show that we are winning the war on terror. And to suggest that he step down is irresponsible.

But we must also consider what it is going to take to win this war on terror. It is going to take valor, valor like that of Pat Tilghman, who gave up a lucrative career to go serve his country. It is going to take sacrifice, like a young helicopter pilot from my district who died in a night crash in Afghanistan. It is going to take courage, because this is going to be a long fight, Mr. Speaker. And if we are going to run right now, I will guarantee you that we will not win this war on terror, and that every American life will be affected. And those soccer moms who became security moms will have been justified in their fears, and they will have been let down by the leadership of this country, many of whom are calling for the President to come back home and to leave that fight.

Mr. Speaker, we owe it to the people of this country and to the free people in the entire world to stand our ground and to fight and to have the resolute intent to see that this war on terror is won. Mr. Speaker, I cast my lot on the side of those people who will fight this war, who will see that liberty triumphs over tyranny and over terrorism.

A TALE OF TWO ECONOMIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, the past 3 years show a tale of two economies and an unprecedented redistribution of wealth in this country resulting in one economy for middle-class families and one for the special interests.

While there is a profits boom for corporations and a compensation boom for the CEOs, there is a growing wage and benefits recession for the middle class. To those who say redistribution of wealth is wrong, I agree. I say redistributing the wealth to the wealthy is wrong and bad economics.

The tale of two economies is a contrast fueled by executive compensation that too often bears no relation to performance and regressive tax policies that punish work and reward wealth, creating an upside-down economy that has shifted the tax burden from wealth to work, burdening middle-class families already facing skyrocketing health care costs, skyrocketing and rising tuition costs, job uncertainty, and retirement insecurity.

While this administration creates tax loopholes for corporate jet use and has reduced the audits of millionaires, it is auditing hundreds of thousands of people and families earning $30,000 or less. This is the essence of class warfare. And as the famed investment adviser, Mr. Buffet, once said, "There is class warfare and my class is winning."

A report this week, recently out and reported by Bloomberg in the Chicago Tribune showed U.S. corporate profits have increased by 87 percent between the third quarter of 2001 and the end of 2003. Compensation for the average CEO got a big raise of 8.7 percent while salaried employees have seen an anemic increase of 1.5 percent. That is the lowest salary and wage growth since World War II in the beginning of an "economic boom."

Bill McDonough, the former chairman of the New York Fed, and now chairman of the Public Accounting Oversight Board, describes the gap between CEO and worker pay as "immoral." That is his quote. And the New York Fed is not a bastion of liberalism. He notes that in 1980, CEO pay was 40 times higher than the average salaried employee and now is 500 times higher. He sums it up, and I quote, "I know a lot of CEOs from 1980, and I can assure you the CEOs of 2000 are not 10 times better."

The performance of Ken Lay from Enron, Dennis Kozlowski of Tyco, and Bernie Ebbers of WorldCom bear his statement out. At every turn the administration tells us the economy is coming along. That may be true in the executive suites and board rooms, but the other economy has created the largest income disparities in this Nation.

David Rosenberg, chief economist at Merrill Lynch, one of the leading investment banking firms on Wall Street, said, and I quote, "The income from the recovery has been locked up in the corporate sector. We have had a redistribution of income to the corporate sector."

This redistribution has been accelerated by the President's economic and tax policies. A study cited by The New York Times this week found that Americans are being taxed more than twice as heavily on earnings from work as they are on investment income, even though more than half of all investment goes to the wealthiest 5 percent of taxpayers.

While this administration has been cutting taxes, the rest of working America have been literally going from paycheck to paycheck and having a tax increase. As paychecks have often been effectively frozen for many, what has happened to their lives? Health care costs have gone up from $6,500 for a family of four in 2001 to $9,000 today. College tuition costs have gone up 10 percent in 2001, 10 percent in 2002, and 14 percent in 2003. $180 billion worth of retirement securities locked in 401(k)s have lost their net value.

We have literally put a squeeze on the middle-class family, and what we have today is the end of the middle class as we know it.

As President Bush seeks reelection, he can say he kept his commitment to the top 1 percent of America. The other 99 percent has not made out quite so well. This administration has two books, two sets of values, two sets of priorities, and a single economic strategy that divides the country along class. Compared to how Americans view their futures, we cannot deny the middle-class families the same dreams of affordable health care, quality education, a safe place to live that the most fortunate in this country have today.

A government that pays no heed to the yawning gap between rich and the middle class does it at its own peril.

As Louis Brandeis, a famous Supreme Court Justice, once said, "We can either have democracy in this country or we can have great wealth concentrated in the hands of a few, but we cannot have both."

DOUBLE STANDARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise now to speak on a double standard. Yesterday, the world learned of a young brave man from Philadelphia named Nick Berg. Nick Berg was a 26-year-old man who was in Iraq looking for work with the reconstruction and helping to lend a hand to the people in that country.

But a gruesome video, posted on a radical fundamentalist site, shows this young man, Nick Berg, bound in an orange jumpsuit with five hooded al Qaeda operatives standing behind him. One of those operatives read a prepared statement, pulled a large knife from his pocket, proceeded to push his head to the ground, and then with five strokes of the knife, decapitated Nick Berg and then held the head up to the camera.

I tell you, Mr. Speaker, my thoughts and my prayers go to Nick Berg's family and friends.

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I honestly cannot imagine what the family is going through right now and how they must feel, but this act by al Qaeda is a reminder of the evil we face in this world, and it should reinforce this country's determination to win this war against terror.

Yet another concern in the tragic death of Nick Berg is the lack of any forceful response and condemnation from the European nations or the Arab community over this incident.

The worldwide broadcast of the photos of Iraqi prisoners has brought forth outrage by Americans and Iraqis alike, but not surprisingly, the anti-Americans who are already on the radio exploiting that incident as an opportunity to condemn America and Americans, further promoting this double standard of which I speak. Yes, a small number of American soldiers committed crimes against Iraqi prisoners. Those soldiers should be and will be tried and punished accordingly.

However, while explaining our anger over these crimes and our will to punish these people rightfully when found appropriately guilty, calling for the resignation of a Secretary or even appearing over-apologetic for actions at the prison, I think it is a mistake and plays into the hands of the double standard.

The anti-American left, in this country and elsewhere, forever remembers every single American misdeed while forgetting every anti-American and every anti-human atrocity that the terrorists have taken against those who oppose any one of their causes.

Mr. Speaker, what of the media outlets? They detail the outrage of Iraqis based on the images of a few soldiers' crimes against prisoners. They are the same media outlets that showed no remorse, no outrage whatsoever a few years ago, for the thousands of lives that Saddam Hussein killed using his mass graves, nor when the Iraqi crowds in Fallujah burned and mutilated four American contractors and then hung their corpses from a bridge, there was no outrage or remorse.

A while back in an article, Eason Jordan from CNN, he admitted that his network had deliberately covered up and ignored Saddam Hussein's atrocities and they did that just so they could stay on TV. This policy of caution by CNN is not reflected in their current coverage of the charges against American soldiers.

Although the actions against the Iraqi prisoners are unacceptable, they are not part of the standard procedure here in the United States or in the military treatment of our prisoners. Although al Qaeda states that their actions against Nick Berg are in retaliation for the crimes taken against these prisoners, their actions by al Qaeda in reality are typical of al Qaeda and all their affiliates. Their previous acts of violence against Americans serve as a testament to that fact, such as the attacks of September 11 and the slaying of a Wall Street Journal reporter, Daniel Pearl.

Mr. Speaker, make no mistake, the slaying of Nick Berg was about a war against the West in general, and America in particular, and we should firmly stand on our commitment to our American morals and values and denounce anti-American acts. However, while we publicly uncover crimes committed by some members of our military against Iraqi prisoners, we should not play into this double standard set by various media outlets, the European community and the Arab community, and the American left where America is condemned and the brutality, terror, and the cold-blooded acts of murder of innocent people by terrorists is left unreported and without condemnation.

As these recent actions show, the terrorists are not bound by any moral conscience. America must maintain its strength and its resolve to win this war on terror.

EXCHANGE OF SPECIAL ORDER TIME

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Maryland (Mr. WYNN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

AFFIRMING DEMOCRACY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, the debate over the war in Iraq should not be derailed by the tragedy overwhelming the Berg family. That would be a victory against America that al Qaeda is hoping for. No Republican or Democrat should do or say anything except that we are profoundly sorry for their loss. The country and Congress must remain focused on those responsible for the abuses at the Abu Ghraib prison.

The administration would have us believe that the abuses were the work of a few rogue soldiers, but accounts from some of those directly involved tell a different story. Today's Washington Post and other media worldwide are reporting on interviews and testimony given by soldiers. A private seen in the photos told the news media she was "just following orders." The general in charge of the prison says she was confronted by a superior and told "my way or the hard way."

From the Middle East, a 16-year-old Iraqi alleges he was subjected to a mock execution in front of his family.

Mr. Speaker, I will include for the RECORD several news accounts.

The military commanders and civilians at the Pentagon cannot agree on who was in charge and what policies were approved. That is what happened in a scandal before. History gets rewritten. Memories fade as if on cue.

From the little Congress has been able to learn in the last few days, one thing is clear: the story keeps changing. This has the look and the feel of a cover-up. The tactic is a well-known one around here: Find some scapegoats; send out surrogates to decry every call for a full and impartial investigation; act and speak like scandal is no big deal.

The American people have seen a cover-up in the past by another Republican administration, and the American people refuse to accept anything less than full disclosure and the truth. It was true for the Nixon administration, it will be true for the Bush administration.

We do not have time to wait for the truth to trickle out, but we certainly cannot show the world that the government leaks are how America finds the truth. These abuses will not go away, no matter how many speeches the majority leader makes trying to divert the attention of the American people. These abuses will not go away until we back our words with deeds and bring justice to everyone involved. Privates do not set policy, they follow orders. This scandal goes deeper and higher than the Congress, and the American people have been told so far.

The Australian newspapers carry the story "Rumsfeld Approved Harsh Interrogation." We need to know the truth, and that means we conduct the most vigorous and independent investigation ever undertaken. An investigation must begin at the top where policies were set and command decisions were made. The investigation must be widened to include Afghanistan and Guantanamo. People outside the reach of the administration should conduct an investigation.

This scandal has shaken this Nation to its core. It is a scandal being televised around the world every hour of every day. Virtually no one on the face of the earth has not seen or heard about the photographs and the atrocities. Yet some of the administration insist things are not so bad. Every time a Republican steps up to the podium to undertake damage control, the words echo around the world, and the words ring hollow.

Every attempt to act like this is no big deal undermines leaders in both parties who are trying to show the world that America does understand the meaning of justice and responsibility. Like it or not, and I certainly do not, we have to meet this head on. Words like torture, humiliation, and murder do apply. We have no choice but to shine the light of free and democratic society into the darkness of the scandal, whatever the outcome.

No one is above the law in America and we must show the world that the rule of law prevails in this country. It is not enough for the administration to say it will not happen again when the American people do not know how it happened in the first time. It is not enough to speak an apology on one hand, and then send Republicans to the podium to act as if we were somehow permitted an injustice now and then.

Freedom does not come easy, and freedom does not come with exceptions. It is not enough to name a few low-level soldiers and pretend we have addressed the issue. Administration surrogates are sent to the podium to paint Democrats, the news media, and anyone who dares to disagree as unpatriotic. The message around the world is America will do what it damn well pleases, anywhere in the world, illegal, immoral; sorry, world, we are immune.

We cannot and we must not send that message.

The administration cannot spin-doctor its way out of the crisis. The world simply will not allow it. We cannot spin the inhumanity displayed in 1,000 pictures. No words can mitigate the humiliation. The war in Iraq is longer about affirming democracy in a far-off land. Now the war in Iraq is about affirming democracy in the United States.

[From The Age, May 13, 2004]

RUMSFELD APPROVED "HARSH" INTERROGATION

(By Julian Borger)

A list of two types of interrogation techniques: one is basic and for all prisoners; the other is much tougher and requires approval.

U.S. Defence Secretary Donald Rumsfeld approved the use of "harsh" interrogation techniques at Guantanamo Bay, including stripping detainees naked, making them hold "stress" positions and depriving them of sleep, a Pentagon official has confirmed.

Stephen Cambone, the under-secretary of defence for intelligence, also said severe interrogation techniques, including the use of dogs to intimidate prisoners, had been approved by military commanders in Iraq.

But Mr. Cambone, Mr. Rumsfeld's top intelligence official, insisted that all U.S. soldiers in Iraq were under orders to obey the Geneva Convention. He denied that the U.S. military leadership had helped create a climate for prison abuse.

Mr. Cambone was speaking at a Senate hearing to investigate the torture scandal at Abu Ghraib prison near Baghdad, and to determine whether the seven low-ranking guards facing courts martial for physical and sexual abuse of prisoners were following orders.

Revealing the interrogation methods allowed in Iraq, the Senate Armed Services Committee released a single page titled "Interrogation Rules of Engagement", listing two categories of measures.

The first showed basic techniques approved for all detainees, while the second involved tougher measures that required approval by Lieutenant-General Ricardo Sanchez, commander of U.S. forces in Iraq. Among the items on the second list were stress positions for up to 45 minutes, sleep deprivation for up to 72 hours and use of muzzled dogs.

Mr. Cambone said the Bush Administration's policy has been to apply the Geneva Convention to the interrogation and other treatment of detainees in Iraq, but several senators expressed doubts about whether some of the listed techniques conformed with international limits.

Major-General Antonio Taguba, who wrote a damning army report on abuse at Abu Ghraib, told the committee he found no evidence "of a policy or a direct order given to these soldiers to conduct what they did".

However, he said the scandal was a result of "failure of leadership . . . lack of discipline, no training whatsoever and no supervision", and he criticised a command decision to put the jail under the control of a military intelligence unit.

Critics have argued that Mr. Rumsfeld's decision to suspend Geneva Convention safeguards for prisoners at Guantanamo Bay, and the transfer to Iraq of interrogation techniques used there, helped create the conditions for the Abu Ghraib scandal, even if no order was issued to use torture.

"The despicable actions described in General Taguba's report not only reek of abuse, they reek of an organised effort and methodical preparation for interrogation," Democrat Senator Carl Levin said.

According to Senator Levin, an unpublished annexe to the Taguba report stated that "sleep management, sensory deprivation, isolation longer than 30 days and dogs" were described as a "permissible technique for use in the Iraqi theatre" on condition that the commanding general gave approval "prior to employment".

Mr. Cambone said the techniques had been approved by U.S. commanders in Iraq, not by the Pentagon.

However, he confirmed that Mr. Rumsfeld had last year approved a new set of techniques, but insisted on being asked for permission each time this "stress matrix" was used.

General Taguba stood by his inquiry's finding that military police jailers should not have been involved in conditioning Iraqi detainees for interrogation, even as Mr. Cambone disputed that conclusion.

Mr. Cambone said that the military policy and military intelligence needed to work closely to gain as much intelligence as possible from the prisoners.

Mr. Cambone also said that General Taguba misinterpreted the November order, which he said only put the intelligence unit in charge of the prison facility, not of the military guards.

While General Taguba depicted the abuses at the prison as the acts of a few soldiers under a fragmented and inept command, he also said that "they were probably influenced by others, if not necessarily directed specifically by others".

His report called for an inquiry into the culpability of intelligence officers, which is still under way.

The unusual public sparring between a two-star army general and one of Mr. Rumsfeld's most trusted aides cast a spotlight on the confusing conditions at the prison last year when the worst abuses occurred, as well as the sensitive issue of whether the Pentagon's thirst for better intelligence to combat Iraqi insurgents contributed to the climate there.

I WAS FORCED TO ABUSE INMATES, SAYS U.S. SOLDIER

An American soldier photographed mocking naked Iraqi prisoners has claimed she was told to pose for the pictures by senior officers.

Pte Lynndie England, 21, faces a court martial over the pictures of abuse in the Abu Ghraib prison in Baghdad which included her holding a dog lead tied to the neck of a naked Iraqi inmate.

She was also shown laughing with a cigarette in her mouth while pointing at the genitals of naked prisoners.

However, Pte England claimed in an interview with the American television network CBS, the first broadcaster to show the abuse pictures, that she was forced to take part in the humiliation of prisoners.

"I was instructed by persons in higher rank to stand there, hold this leash," she said. "And they took a picture and that's all I know."

She also admitted that prisoners had suffered worse abuse, but refused to elaborate on the advice of her lawyer.

Pte England, who is being held in custody at Fort Bragg, North Carolina, said she had been told that the abuse was helping to stop attacks on American soldiers by Iraqi insurgents.

Pte England's lawyer, Giorigo Ra'Shadd, claimed that some of the abuse at the prison was orchestrated by CIA agents. "The spooks took over the jail," he said. "Everything about that command was wacky."

Military officials have admitted that intelligence agents did interview inmates at the prison, and a military intelligence officer was put in charge of Abu Ghraib last November.

However, Maj Gen Antonio Taguba, whose report into the abuse was leaked last week, told the U.S. Senate yesterday that he had found no evidence of senior officers or intelligence officers ordering the abuse.

Pte England, who is four months pregnant, has been charged with maltreating prisoners together with six other soldiers from the 372nd Military Police Company. She faces up to 15 years in prison if found guilty.

No date has been set for her hearing, but Specialist Jeremy Sivits, 24, will face a court martial in Baghdad next week.

SUPPORT LAW ENFORCEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, I am proud to stand here tonight in the well in personal support of our law enforcement officers, all of them all across the United States. Along with our military members serving so bravely in harm's way overseas, our law enforcement officers deserve high recognition and a special place in our hearts for their service in the name of security and safety.

With this being National Police Week and Saturday, May 15, being National Peace Officer's Memorial Day, I think it is important for us to pause to recognize the noble duty performed by our peace officers. I recognize the special difficulties that come with being both a crime fighter and a keeper of public safety. I cannot imagine the hazards faced by these brave men and women every day. Not only do law enforcement officers fight crime, they work tirelessly, night and day, to prevent crime from happening in the first place.

According to the National Law Enforcement Officers Memorial Fund, 145 law enforcement officers were killed in the line of duty in 2003. On average, more than 58,066 law enforcement officers are assaulted each year, resulting in some 16,494 serious injuries. We have all witnessed frightening scenes and events where no one else would want to go, but the first people who respond to these incidents and accidents are the police. To me that encapsulates the honorable service of our Nation's police officers. They go places that most folks want to avoid.

In fact, just today an alert in the Rayburn House Office Building notified us of a suspicious substance that was found. I admired the officers of the Capitol Police who were there to cordon off a corridor during this alert. I thank God that the alert proved negative, but the mission and duties of all law enforcement officers were brought into sharp relief, and at that moment I was thankful for the protection of us in this body of the Capitol Police.

Fighting crime is not an easy job, and I am certainly not a police officer, but I think I am safe in that assertion. It is a scary job with a lot of danger, but the brave men and women of law enforcement take up the banner of justice and safety for us all. We should be very proud of that.

Mr. Speaker, a tremendous amount of our homeland security falls on the shoulders of local police officers. Our police are the ones who investigate and apprehend suspects who would unleash terror in our homeland. They are the ones we look to for protection and safety against the tragedy of crime and disaster.

Mr. Speaker, any investment that we make in public safety is a winning proposition. There is a great need to support law enforcement not only through our words but through our actions.

Coming from a rural area, I know all too well the challenges faced by people who do not live in or near major cities. There is a unique set of circumstances that confront our rural law enforcement officers every day. That is why I am pleased to join my friend, the gentleman from Oklahoma (Mr. CARSON) by cosponsoring H.R. 4276, the Rural Safety Law Enforcement Improvement Act. This is good legislation that not only goes a long way to making rural communities safer, but helps to heal some of the damage caused by drug abuse. Rural areas suffer from the same problems that urban and suburban areas do, but the rural areas must make do with fewer resources.

Mr. Speaker, I am fully committed to honoring and providing for our law enforcement officers from all regions of our Nation. I am hopeful that we all remember them not just during National Police Week but year around. They provide immeasurable service to us and I hope that we remember them when it really counts.

To all law enforcement officers, I thank you and may God continue to bless you and your families.

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IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for 5 minutes.

Mr. HOEFFEL. Mr. Speaker, we should have no more talk about resignations. We should not talk about Donald Rumsfeld resigning his office. We should not let him resign his office. He ought to be fired. He ought to be fired, and George Tenet ought to be fired. I do not know that there has ever been two Cabinet Secretaries in the history of this Nation that have given their President more bad information, more bad intelligence, more bad advice than Don Rumsfeld and George Tenet. And while the President is at it, he ought to clean house at the Pentagon. He ought to get rid of Paul Wolfowitz and Doug Feith, all of the architects of this failed policy in Iraq.

It is astonishing to me that the President is so loyal to people who have given him such bad advice. If you look back on the failures in Iraq, and I speak as one who voted in favor of the military authority that the President sought a year and a half ago, I voted "yes" because I believed we had to disarm Saddam Hussein of weapons of mass destruction. I am now convinced that I was misled, that the Congress was misled, that the people of this country were misled.

And you look back on the failures of intelligence and planning and advice from George Tenet and Don Rumsfeld and the list is very long. The weapons of mass destruction have not been found. The intelligence was bad coming from George Tenet, and the intelligence was hyped by Don Rumsfeld and the other civilian leadership of the Pentagon. Don Rumsfeld tried to do this war on the cheap. We did not send enough troops over there. General Shinseki said we needed several hundred thousand troops. He was virtually run out of the Army for saying so. He was right. We have got 135,000 troops in Iraq today, and we have not secured the country. The country is not secure. Clearly more security is needed. We tried to do this on the cheap without enough troops, without enough armor.

The troops left their armor at home, and our soldiers have been sitting ducks killed by roadside bombs that armored personnel carriers and tanks would not have to worry about but unprotected Humvees, which is what our troops have been given, do have to worry about.

There was no plan to deal with the looting. There was no plan to deal with the violent insurgency that has come up. We were told by Don Rumsfeld we would be greeted as liberators. Instead, we have become occupiers. Donald Rumsfeld believed Ahmed Chalabi and the other leaders of the Iraqi National Congress. Chalabi, one of the great four-flushers of all time. You ask me what a four-flusher is. I am not sure. It is a phrase my grandfather used to use. I think it has something to do with having four cards to a flush and that you cannot trust a guy who is a four-flusher. Well, that is Ahmed Chalabi. He is a spinner. He has not given us good advice. But our leadership believed him in the Pentagon and we have paid a heck of a price because of it. We have no notion of how long we are going to stay or any notion of how much we must pay.

And now the prison abuse scandal has come. Clearly, the privates and the sergeants were completely wrong in the steps they took and they need to be punished, but I do not think the accountability stops with them. It goes up the chain of command. Because the training was inadequate; the supervision was inadequate. There has been no accountability in the chain of command at this point. Secretary Rumsfeld did not listen to the International Red Cross who apparently started complaining about this a year ago. He did not listen to the Secretary of State who began complaining to the Pentagon and to Mr. Rumsfeld several months ago. The Secretary of Defense did not read the report that he ordered. And he did not even tell the President. He did not even tell the President.

We do not need to stay the course in Iraq, Mr. Speaker. We need to change the course in Iraq. We are not winning. We want to create a stable and peaceful Iraq with a representative self-government, hopefully a democracy. There can be no reconstruction without security. There can be no transfer of authority and government without security. There can be no elections without security. There can be no democracy without security. And there is no security in Iraq today. We cannot stay the course. We must change the course.

We have three choices. We can pull out, declare victory, or say it does not matter and pull out; and I think that would be a great mistake. We cannot leave Iraq worse than we found it. We did get rid of a murderous tyrant, and I am glad we did, but we cannot leave Iraq in shambles. We can stay the course, but we are not winning. We won the military victory, but we are not winning the peace. Or we can mobilize more troops, international troops from NATO and Arab nations preferably, our troops if necessary, in order to stabilize that country and achieve our goals.

REACTION TO CYPRUS REFERENDUM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, last month the Greek Cypriot majority on the island nation of Cyprus overwhelmingly rejected a U.N. plan that forced them to put too much faith in the government of Turkey. Mr. Speaker, let us be clear. The Greek Cypriot people did not reject reunification of Cyprus. They rejected a proposal by U.N. Secretary-General Kofi Annan, a proposal they determined was not in the best interests of their nation as it prepared to join the European Union.

After the Annan plan was defeated, Cypriot President Papadopoulos said, "I should emphasize that the Greek Cypriots have not rejected the solution of the Cyprus problem. They are not turning their backs on their Turkish Cypriot compatriots.'' President Papadopoulos once again called upon Greek Cypriots and Turkish Cypriots to work together for a united Cyprus. Both the United Nations and the Bush administration must realize that the Greek Cypriots are still dedicated to reunification, but they were simply not willing to accept a plan that forced them to accept the good will of the Turkish Government.

Mr. Speaker, before last month's vote, I voiced concern over some of the provisions included in the final Annan plan. I think the overall vote shows who benefited most from this plan, the Turkish Cypriot people and Turkey. I met with the Secretary-General in March to express my concerns with some of the proposals he was planning to include in his final plan. During that meeting, I strongly recommended that the United Nations maintain a presence on the island as long as the Turkish Army remained there.

The Secretary-General assured me that U.N. forces would remain on the island for a considerable amount of time, but his final plan allowed Turkish troops to stay indefinitely without an international presence. This was simply unacceptable. Like most Greek Cypriots, I was extremely worried about the actions Turkish troops would take with the absence of a neutral international presence to keep them in line. I was also concerned that Turkey would not abide by the final agreement and its troops would contribute to further instability and insecurity.

Mr. Speaker, the Annan plan should have called for the removal of all foreign troops and should have eliminated the right of foreign powers to unilaterally intervene in Cyprus. Greek Cypriots were concerned that the plan did not contain ironclad provisions for the implementation of the agreement, especially for those provisions where Turkey's cooperation was necessary. The Cypriots were forced to take the Turkish Government at its word that occupied land would be returned to its rightful owners 3 to 5 years down the line. The Cypriots were forced to take the Turkish Government at its word that the Turkish Parliament would ratify the treaty. And, as I have said, the Cypriots were forced to believe that Turkey would remove its troops according to the timetable in the Annan plan and were forced to deal with the fact that Turkish troops will remain in Cyprus forever with Turkey having the unilateral right to intervene at any time.

Greek Cypriots were also concerned that the Annan plan denied the majority of the Greek Cypriot refugees the right of return to their homes in safety. They were also concerned the plan imposed on them the liability to pay large claims for the loss of use of properties in the Turkish occupied area.

Mr. Speaker, all of these concerns led to the rejection of the Annan plan by the Greek Cypriots in the referendum. But as the Greek Cypriot President said, the Greek Cypriots are not turning their backs on the Turkish Cypriots. Greek Cypriots will continue to hold out hope that a common future for all Cypriots within the European Union will eventually be a reality, but it must happen without any third parties, like the Turkish Government, dictating that future.

SMART SECURITY AND IRAQI PRISONERS OF WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I was absolutely outraged last week when along with the rest of the world I learned that U.S. service members and private American contractors in Iraq had abused and tortured Iraqi prisoners of war and had forced them to commit heinous sexual acts. War is devastating, it is terrifying, but even in war there is no place for actions such as these. The abuse inflicted by a few soldiers is causing much ill will around the world. What is worse, I feel it will further embolden our enemies to commit acts of terrorism against the United States and horrific acts of abuse against our own troops should they be captured.

But almost equally reprehensible was the response of our Commander in Chief to the abuses that took place at Abu Ghraib, the prison in Iraq. Instead of claiming full responsibility for the actions of members of the United States military, President Bush expressed his regrets that the abuses had occurred while distancing himself from those abuses. At another time, President Harry Truman did not try to distance himself from abuses that occurred during his watch. In his January 1953 farewell address to the American people, President Truman made an important assertion in that regard, saying, and I quote, ``The President, whoever he is, has to decide. He can't pass the buck to anybody. No one else can do the deciding for him. That's his job.'' President Truman is also the person who made famous the quote, ``The buck stops here.'' President Bush would be well served to take notice of this quotation which Harry Truman thought was so important that he kept it as a sign on his desk in the Oval Office.

Mr. Speaker, the buck does not stop with the young woman who was photographed holding an Iraqi prisoner on a leash. The buck does not stop with Brigadier General Jannice Karpinski, the U.S. general in charge of running the prisons in Iraq. The buck does not stop with Lieutenant General Ricardo Sanchez, one of the highest-ranking military officers in Iraq. The buck does not even stop with Donald Rumsfeld, the Secretary of Defense. The buck stops with the Commander in Chief. At the moment, that happens to be George W. Bush. That is where the buck stops. Remember what Harry Truman said at his 1953 farewell address. He said the President cannot pass the buck to anybody.

There has to be a better way, because the Bush doctrine of unilateralism and passing the buck within his own administration has been tried and it has failed. It is time for a new national security strategy, one that emphasizes brains instead of brawn, one that is consistent with the best American values. I have introduced legislation to create a SMART security platform for the 21st century, H. Con. Res. 392. SMART stands for ``sensible, multilateral American response to terrorism.'' SMART treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships. It controls the spread of weapons of mass destruction with a renewed commitment to nonproliferation. And it aggressively invests in the development of impoverished nations with an emphasis on women's health and education.

Remember, the buck stops with the Commander in Chief, the President of the United States. No more passing the buck, Mr. President. Instead, let us rely on the very best of America, our commitment to peace and freedom, our compassion for the people of the world and our capacity for multilateral leadership. Let us be smart. Let us be smart about our future. SMART security is tough, it is pragmatic, it is patriotic, and it will keep America safe.

RECOGNIZING THE INVALUABLE CONTRIBUTIONS MADE BY PEOPLE OF INDIAN ORIGIN TO THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I come to the House floor tonight to speak on House Concurrent Resolution 352, legislation that I am proud to have introduced which gives much deserved recognition to the many invaluable contributions made by the people of Indian origin to the United States. Since the earliest days of our Republic, citizens of Indian origin have emigrated to our Nation in the pursuit of freedom and prosperity for themselves and their families. As American citizens, they have integrated into American society, and they have made extraordinary contributions to the United States, helping to make our Nation a more efficient and prosperous country.

□ 2015

Indian Americans greatly value education and have made many significant contributions in the fields of law, science, technology, business development, public service, literature, and the arts, just to name a few. They are our doctors; over 35,000 of them practice medicine in the United States. And they are our astronauts, professors, and business leaders.

There are over 2 million Indian Americans today who proudly call America their home, and they have become woven into the economic growth and social fabric of our Nation.

This resolution also honors the long history of democracy in India, the most populous democracy in the world; and it reaffirms our Nation's commitment to working with India towards our mutual interest of global peace, prosperity, and freedom. India and its 1 billion citizens greatly value the close relationship that exists between the United States and their country, and they continue to strengthen their ties with us based on their shared value and shared security concerns.

The United States and India are strategic partners; and as the Speaker knows, India was one of the first countries to offer the United States its support following the tragic September 11 attacks. And today India remains one of our closest allies in the war on terrorism.

We must continue to increase trade and cooperative economic efforts with India and together strive to increase prosperity among all nations of the world. As two democracies working together, we can make dreams become a reality.

I also want to recognize the efforts of Dr. Krishna Reddy, president of the Indian American Friendship Council, for his efforts in building and promoting strong bonds of friendship between Indian Americans and all Americans.

Finally, this resolution acknowledges the benefits of working together with India towards promoting global peace, prosperity, and freedom. Once again, I am proud to have introduced this resolution, and I am very pleased that the House of Representatives has passed it overwhelmingly today. I thank my colleagues for that. Doing so sends a clear message to both the United States and India that we share common values, honor contributions from both sides, and treasure our mutual friendship.

H. CON. RES. 352

Whereas India is the largest democratic country in the world and enjoys a close and mutual friendship with the United States based on common values and common interests;

Whereas people of Indian origin who have for decades immigrated to the United States have made extraordinary contributions to the United States, helping to make the United States a more efficient and prosperous country;

Whereas these contributions have spanned disciplines ranging from science, technology, business development, and public service, to social justice, philanthropy, literature, and the arts;

Whereas generations of doctors and nurses of Indian origin have attended to the sick in large cities as well as in rural regions of the United States that are otherwise underserved;

Whereas people of Indian origin have designed defense systems that protect United States naval ships while at sea, and have contributed to engineering, designing, and participating in the United States space shuttle program, at great personal sacrifice;

Whereas people of Indian origin have invented many of the technologies that power the computer and the internet, have created and directed laboratories that produced significant breakthroughs in modern medicine, and have taught at, and are leaders of, many United States institutions of higher learning;

Whereas people of Indian origin have made invaluable contributions to the vitality and viability of the United States economy through creative entrepreneurship and leadership in both large and small businesses;

Whereas people of Indian origin have shared and integrated their rich culture into the fabric of American daily life;

Whereas trade with India integrates a democratic country of more than one billion people into the flow of commerce, offering the United States a large and rapidly growing market and unlocking vast reservoirs of talent;

Whereas the United States is India's largest trading partner and a major source of foreign direct investment and foreign institutional investment in India;

Whereas United States exports to India are growing at 25 percent, making India one of the fastest growing foreign markets for United States goods and services;

Whereas India's industrial tariffs have fallen from 150 percent in 1988 to a peak rate of 20 percent today;

Whereas United States exports to India will accelerate as India continues reducing tariffs and instituting liberalization measures in its trade and investment regime, thereby expanding the trade relationship of the two countries and bringing mutual benefits;

Whereas India has been a key partner in the war against terrorism;

Whereas India and the United States have agreed to increase cooperation in the areas of nuclear activities, civilian space programs, high-technology trade, and missile defense;

Whereas multi-faceted cooperation between India and the United States will strengthen the bonds of friendship and commerce between the two countries, lead to the peaceful use of space technology, and increase global stability and security; and

Whereas United States efforts, whether in combating global HIV/AIDS, pursuing nuclear non-proliferation, promoting democracy, enhancing stability of the world economy, eliminating poverty, fighting terrorism, and expanding and strengthening global trade, will be more effective and successful with India as a strategic partner: Now therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) honors the contributions of people of Indian origin to the Untied States, and

(2) is committed to working together with India towards promoting peace, prosperity, and freedom among all countries of the world.

THE MURDER OF EMMETT TILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

Mr. RUSH. Mr. Speaker, I rise this evening to speak on the Justice Department's recently announced initiative to partner with the State of Mississippi in investigating the brutal murder of Emmett Till in the sham Jim Crow trial that subsequently acquitted the perpetuators of this heinous crime.

Given the significance of this tragedy in American history, I accepted the Justice Department's announcement with mixed feelings. On the one hand, I felt relief. But on the other hand, I thought to myself it is about time. This investigation should have been conducted at least 49 years ago.

On August 28, 1955, in Money, Mississippi, Roy Bryant and his half brother J.W. Milam kidnapped 14-year-old Emmett Till from his uncle's home where he was staying for the summer. Bryant and Milam brutally beat Emmett Till, took him to the edge of the Tallahatchie River, shot him in the head, fastened a large metal fan used for ginning cotton to his neck with barbed wire, and pushed the body into the river. Emmett Till's body washed ashore some 3 days later.

Emmett's mother, Mamie Till, insisted on leaving her dead son's casket open at the funeral on the south side of Chicago. She did not let the coroner alter Emmett's deformed face, and for 3 days his casket lay open for anyone and for everyone to see. Photographs of Emmett's body were published in newspapers and magazines around the world. And after an all-white, all-male jury acquitted Bryant and Milam for the murder, the world became outraged.

Two years later, Milam and Bryant subsequently and candidly, and truthfully I might add, admitted their crime to Look Magazine and went into exact detail on how they committed their heinous crime.

A hundred days after the murder of Emmett Till, Rosa Parks refused to give up her seat on a bus in Montgomery, Alabama, and the American civil rights movement was born. In the aftermath of the trial, Mamie Till begged the Justice Department and President Eisenhower to investigate her son's death, but her pleas were ignored.

Almost 50 years later, on February 10, 2004, I introduced a bipartisan congressional resolution, H. Con. Res. 360, calling upon the Justice Department to investigate the murder of Emmett Till and the sham trial that acquitted Bryant and Milam. Fifty-four Members of the House of Representatives, including the entire Congressional Black Caucus, cosponsored my resolution with the hopes that Ms. Mamie Till-

Mobley, who died in January of last year, could finally realize her profound wish that Emmett's murder be investigated. It is too bad that she is not alive today to see the commencement of this investigation.

The facts of this case are beyond dispute. The murder of Emmett Till has been the subject of numerous historical accounts, including a high-profile documentary on PBS's "American Experience" series, a recently published book on Mamie Till-Mobley, and a yet-to-be-released documentary by a young African American film-maker who has been working on this project for some 9 years. Many of us regard the cruel and senseless tragedy of Emmett Till as the spark that ignited the civil rights movement. However, notwithstanding the facts in the history books, the official account of the murder of Emmett Till delineates Bryant and Milam as innocent men who were acquitted in a fair trial. Worse, it is still possible that other co-conspirators in this crime are still alive.

Mr. Speaker, I call upon the Justice Department to do a thorough job and leave no stone unturned. If there was official misconduct by Federal or local officials, they should not be immune to any possible prosecution. Not only was Emmett Till's senseless and savage murder a crime, but the subsequent official trial that freed Milam and Bryant was also a crime.

According to yesterday's edition of the Chicago Tribune, witnesses are now surfacing that suggest others may have been involved in the murder. Though Milam and Bryant were the two criminals on trial, some witnesses say they saw up to five men with flashlights and guns at the scene of the crime. It is important that the Justice Department investigate these possible leads and others as they go forward with Mississippi and county officials.

Bryant and Milam have since died, but justice is never too late. While we will never be able to erase this inhumane and cruel episode from the annals of American history, we can certainly set the record straight. Not only may coconspirators to the crime and trial still be alive, we can also have an official public account of what exactly happened. Reopening an investigation of a civil rights era murder is hardly unprecedented: the murder of Medgar Evers and the bombing of the 16th Street Baptist Church in Birmingham, AL, where four innocent young, black girls were killed are two cases upon which federal authorities reopened investigations resulting in arrests, prosecutions and convictions. Emmett Till deserves no less.

I call upon the Justice Department to do a thorough job and leave no stone unturned. If there was official misconduct by federal and/or local officials, they should not be immune to any possible prosecution. Not only was Emmett Till's senseless and savage murder a crime, but the subsequent official trial that freed Milam and Bryant was also a crime. Everyone and anyone who was involved in this criminal injustice should be fair game under a quality criminal investigation.

IRAQ AND BRINGING JOBS BACK TO AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Kansas (Mr. TIAHRT) is recognized for 60 minutes as the designee of the majority leader.

Mr. TIAHRT. Mr. Speaker, tonight I am going to spend a little bit of time talking about how we are going to bring jobs back into America. But before I get to that topic, I want to mention a little bit about Iraq and the situation over there currently.

There has been a lot of handwringing in Washington, D.C. over what has happened in the Abu Ghraib prison. It was a horrible scandal that was wrong, it was sick, and we must hold those people who are responsible accountable. Court martials are currently going on. They will be open public prosecutions. There will be quick and severe punishment, and I think it is necessary that we get all of those responsible.

Recently in a hearing, I was able to listen to Major General Tagabu, who underwent the investigation; and he found that there is no documented approval of these actions. Quite the opposite. Everything that is documented within the Department of Defense says just the opposite. The Geneva rules and conventions will be followed. Proper procedures of handling prisoners will be followed. But yet in that prison, and it is an isolated case, there was a lack of training, there was lack of supervision, there was poor discipline among the troops; and the result was what we have seen in the media recently, including photos and videotapes that are available. But this situation will be corrected, and there is no coverup.

I think there is a silver lining in this dark cloud, though, that has been surrounding Iraq. The 130,000-plus troops that are in Iraq have been doing exemplary work. They have been carrying out their duty with great respect to the Iraqi people, and they have focused on the enemies of those people who hate democracy in the Middle East. They have done their job without shame, and they have conducted themselves in a professional manner. The leadership in Iraq has done an excellent job, as has the leadership in the Pentagon.

It is probably likely that the Secretary of Defense does not know how many traffic tickets were issued to members of the military this past week. There is a lot going on around the globe with approximately 3 million Americans in uniform. But yet when this was discovered, he acted quickly and sternly and brought this to the forefront. I think Secretary Rumsfeld needs to continue in that position. He is the right man for this time. He is the right man for the job. We need his clear thinking and his firm leadership.

Now I would like to move on to careers for the 21st century, but I want to go into a little bit of history before we get into some specifics about how we are going to bring jobs back into America. Our economy has been suffering lately. In 1999, we suffered a tech bust, and we saw the stock market drop $7 trillion in value and money came out of our economy. In November of 2000, it was the technical start of our recession, which was one of the shortest recessions in history.

But then on September 11, 2001, terrorists attacked America, and they plunged our economy into a deeper recession. But then we responded here in Washington, D.C. with tax relief. People did one of three things when they got a little extra money in their pocket. They either spent that money, which was a demand for goods and it is helping our economy respond; or they saved that money, which allowed money available for home mortgages, and we have seen one of the biggest expansions in the home market in recent history; or they invested it.

When that money was invested, corporations have then taken that money and built new plants and now are hiring people. In fact, in the month of April, jobs increased by 288,000. Over the last 2 months, there has been an increase of 600,000 jobs. Since last September, there has been an increase of 1.1 million jobs to our economy. In fact, today there are more Americans working than ever before in the history of our Nation. Today, according to the Department of Commerce and Dr. Kathleen Cooper, who is responsible for the 7,000 employees that collect this data, she tells us that today there are more Americans working than ever before in the history of our Nation.

But we can do better. What we want in America is high-quality, high-paying jobs; and here is how we are going to get there. One of the things that I found out when I was talking to local manufacturers in the Wichita area is that it is not about wages. The problem we are having with bringing jobs back to America is not about wages. In fact, the CEO of Raytheon Corporation in Wichita, Kansas told me that after he was working on an attempt to hold our wire harness manufacturing jobs for Raytheon in Wichita, Kansas, he worked with the union that came up with the best solution possible. He finally came to the conclusion that if his wages were zero, he would still have to do something about the excessive cost that he is facing.

Today, I met with a CEO of Converge Corporation. He told me that if he was going to build a building in America or build a building in the Philippines or in India, the costs are about the same. He convinced me that what we need to do to control costs and bring jobs in America is not about overhead.

So it is not about wages. It is not about overhead. It is about costs that are out of control for the CEOs, for the people who keep and create jobs here in America.

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Now, what are these costs? Where do they come from? Well, over the last generation, Congress, with good intentions, has passed legislation that has ended up with disastrous results.

The results have been that we have increased costs that cannot be controlled by the people who keep and create jobs, by the employers, by small business employers, by large corporations. Because it is things that are controlled by Congress. The CEOs and the small businessmen and the entrepreneurs and those who hire people cannot have a vote. The votes occur right on the floor of the House of Representatives.

Well, it is time that we change that environment. We have divided these costs into eight separate issues, and this week we started the first of 8 weeks to deal with these costs so we can bring back jobs into America. The eight issues are health care security; bureaucratic red tape termination; lifelong learning; trade fairness and opportunity; tax relief and simplification; energy self-sufficiency and security; research and development; and ending lawsuit abuse and litigation management.

Health care security we will come back to, because that is the issue we are dealing with this week. But let me give you a little snippet of what we are going to deal with in weeks to come.

Next week we will be dealing with bureaucratic red tape termination. Over the last generation, Congress has put many agencies in place that have forced continuation of an increase in paperwork to be submitted, and it has become unrealistic, impractical, and an unnecessary environment that includes OSHA mandates; that is, Occupational Safety and Health Agency, OSHA mandates, and they are driving our industries and small businesses and health care systems to a grinding halt.

According to the National Association of Manufacturers, 12 percent of the cost of any product made in America is dealing with bureaucratic red tape.

Energy cost, we wonder why we have $2 gasoline today. Well, our bureaucratic red tape has imposed regulations that cause our limited oil manufacturers to try to make boutique gasolines that are being shifted through limited pipelines, so we come up with temporary shortages. This week we have $1.95 gas in Wichita, Kansas. So we have to deal with the bureaucratic red tape.

Following that, we are going to deal with lifelong learning. We are going to talk about job training and retraining so that we can have a highly skilled workforce. Now, our public school system has given generations of Americans the tools to pursue their dreams, and it can certainly help prepare boys and girls for the demands of a new century.

But we must focus on those areas that are going to be in demand for us to stay in the lead. We must concentrate on science and engineering careers. Our bachelor programs and the production rates of scientists and engineers are among the lowest in the world today in America, and we must change that.

The next issue we are going to deal with is trade, fairness, and opportunity. We need to have a fair deal in the world market. We need to make sure that our exports are treated the same as everyone else treats exports. We should have equalizing tax rates. We should ensure balanced tariffs, and we should prevent currency manipulation. And we have to stop other countries from targeting certain industries here in America.

One example in Wichita, Kansas, is a company that builds handtrucks. Right now we are encouraging the Commerce Department to take up with the nation of China their attempt to try to force out handtruck manufacturers in America by flooding the market with undercost handtrucks.

The same is with auto lift equipment, that equipment that lifts up automobiles so it can be worked on in gas stations and auto repair shops, that is being targeted by China as well. That needs to be corrected.

The next issue we are going to deal with is tax relief and simplification. Right now we do not have a fair playing field for American industries. Our tax costs end up buried in our products and it drives up the cost of our products, and there is a way we can pull out some of those costs.

We also need to encourage the right incentives, like accelerated depreciation. That concept of accelerated depreciation will in fact get more products built and sold within America and it will help bring jobs back to America.

But we need equity in our Tax Code. We ought to look at something like the fair tax that is being proposed by the gentleman from Georgia (Mr. LINDER). It is a national sales tax that would give us great trade advantages. We would eliminate income taxes. When we move a car or something built in America overseas, that tax would stop at the border and we would make ourselves 22 to 25 percent more competitive.

The week following that, we are going to deal with energy self-sufficiency and security. We are going to talk about why we have $2 gas. We are going to talk about stabilizing our energy system. We are going to talk about creating 700,000 jobs in America and strengthening our businesses.

Following that we are going to deal with research and development. America has always been in the lead. It has a history of attracting the brightest minds in the world and creating some of the best concepts and ideas. But we are seeing a reduction in the number of papers submitted about research. We are seeing less money being available for research and development in America, and we need to change that around by providing incentives so we can apply knowledge into the public market and disseminate the technology that we develop.

The last week, the eighth week, we are going to deal with ending lawsuit abuse and litigation management. We have become a litigious society.

Our Nation was built on justice and our courts were structured to protect Americans, but that objective has become warped over the years. It has warped to the point where our legal system actually attacks our citizens and our way of life.

We have come to the point where the United States Congress has had to step in and prevent food companies from being sued, and distributors and restaurants from being sued, so that they are not liable for somebody eating too many cheeseburgers. It is amazing that we have come to this point, but litigation has turned against us and turned against our economy. It has driven up costs and it has driven jobs overseas.

If we could make some simple changes, a drastic change would be loser pays. It is the system that is prevalent in Europe today. They do not have the same high cost of litigation we have in America. Loser pays would be the obvious solution. If that is not achievable, then we ought to outlaw frivolous lawsuits and return the court's attention to upholding the laws of the land.

One commonsense change that is part of our history is the statute of repose that was put in place in 1994 by Congress. The result in the aircraft industry, what it did basically was limit liability for single-engine aircraft to 18 years. In other words you could not sue them for design flaws after 18 years. For heavy jets it was 23 years. You could not sue the manufacturers for design flaws after 23 years. I mean, if an airplane can fly for 18 years, you would think all the design flaws would be out of it. I do.

But anyway, the statute of repose created 4,000 jobs in south central Kansas. It increased the working population of aerospace manufacturing in that area by 15 percent, and it restarted a single-engine production line in Independence, Kansas. That same concept can be applied to other manufacturing in America, and it can see a parallel increase in jobs.

So, let us go back to health care security, the issue we are dealing with this week. I have got some charts that I think illustrate very closely the point we are dealing with.

In this first chart, we have a lady standing at the door and we have a stork delivering a pizza. He says, "I used to deliver babies, but the insurance got too expensive." So he can no longer deliver babies anymore, he is delivering pizza.

This chart shows the States in America where a medical liability crisis exists, sort of a national view. The white States are the six States that have taken care of their medical malpractice laws and are currently in a pretty good situation. The 19 States in trouble are the ones in red. That is where health care costs have dramatically gotten out of control.

Here is a good example between a yellow State, which is showing some problem signs but not there yet, and a red State. We have Kansas, where I am from, the Fourth District of Kansas, and then we have Missouri right next door, a red State, or a State in crisis.

In that State, in Kansas City, where we have Kansas City, Missouri, and Kansas City, Kansas, the physicians in Kansas City, Missouri, had a white-coat flight day, where they walked across the State line to emphasize the point that if you do not deal with medical liability costs, you are going to lose physicians. And physicians have been migrating, closing their offices in Kansas City, Missouri, and opening them up in Overland Park and other places on the Kansas side where they have better protection for the liability crisis in medical malpractice.

Time magazine, they emphasized the problem in one of their issues. It shows a physician's white coat with a tie, and no one inside the shirt or the jacket. It says, "The doctor is out. Why so many patients are losing their doctors to the rising cost of malpractice."

It gives how much it costs. For a neurosurgeon, the annual cost for medical malpractice is $71,200. How many surgeries does he have to perform just to pick up the cost of his insurance? For OB-GYN, the average is $56,546. How many babies have to be delivered just to pay the liability insurance? Emergency physicians, $53,500; orthopedic surgeon, $38,000; general surgeon, $36,354. It has become a crisis in America, and what we are seeing, because that crisis is signs like this where at Phoenix Memorial Hospital the emergency room was closed.

It has also has found its way into our manufacturing process, and, again, it is part of the problem that is driving jobs overseas. You know, in America today, we have seen some jobs come in, insourcing jobs. For example, BMW is now manufacturing automobiles in America and exporting them to Germany. Honda builds automobiles here; Toyota, Mazda, a lot of other companies build cars, like GM, Ford and Saturn. But this is a typical, average automobile in America.

Well, how much of that car does it take to cover the cost of health care for the auto manufacturers? Again, this is just a typical auto manufacturer.

If you look at the cost, the cost buried into the cost of every automobile is about $1,300 on an average and up. Thirteen hundred dollars. Now, that is the cost of the wheels and the tires and the frame of the automobile. So, this much of an automobile showed in the lower left-hand corner, right-hand corner on your television screen, to those here in the House floor, that frame which is the outside of the car and the wheels and the tires, that is the costs that are buried into health care.

If you extracted the health care costs, you would have the frame left over with the motor and the undercarriage and the seats and the dashboard and all of that, but you would not have the outside of the car and you would not have the tires. It is an expensive proposition to cover the cost of health care. And that is part of the reason why it has been excluded, or it has been driving up costs and driving jobs overseas.

The Kansas Hospital Association tells me that if we cannot revise some of the problems they are having with paperwork, today the costs they are absorbing are the equivalent of what they provide in health care. In other words, for every hour of health care they provide, it requires an hour of paperwork to comply with all these health care burdens that have been placed on them.

We have also been seeing a lot of escalating jury awards that have been very difficult in providing, and we talked about that with the Time magazine article. It has required a lot of additional costs for physicians, and that has increased the cost of health care. And there has been very little means for us to control those costs.

The problems have been, financially, percentage-wise they have increased just in 2003 by 12 percent or more. That is the fifth consecutive year of double-digit increases, and it has doubled the health care costs for employers since 1999.

By decreasing these costs, we could see an increase in jobs in America. With each percentage point rise in health care insurance costs, it increases the number of uninsured people in America by 300,000 people, according to the Congressional Budget Office. That means that if we can hold down costs, we will see less uninsured people in America.

Medical liability insurance premiums have increased 505 percent since 1976, and that has driven many doctors out of the profession, closing some specialty practices in entire regions and placing an unnecessary financial burden on the Nation and its employers.

The average jury award now is $3.5 million, which is up by more than 70 percent since 1995. The increasing cost of insuring doctors against petty lawsuits is severely reducing the quality and access of America's top-rate health care.

We have got a lot of problems to deal with here. One of the statistics I wanted to bring out here is the National Association of Manufacturers. They have calculated the benefit it costs for American companies, and it puts us at a 5.5 percent disadvantage compared to our nine largest trading partners.

Not only is the United States spending more on health care annually, but 7.7 percent of our gross domestic product goes into health care from our private sector. That is effectively matched by the public sector, so it is now 14 percent of our gross domestic product.

We have been blessed with the best health care system. We must make it affordable and available to all of us.

So we have come up with three specific pieces of legislation this week. I have joining me this evening the gentleman from Minnesota (Mr. KENNEDY), and he is going to talk to us about his view of the issues that we are facing to make health care more affordable and help us to bring jobs back.

I yield to the gentleman from Minnesota.

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Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from Kansas; and I thank him for his passion for keeping jobs here in America, for growing jobs in America, for understanding what it takes to have that happen.

As I go around my district and talk to businesses that are growing those jobs, health care costs are one of the top issues that they talk about to us. The gentleman has hit right on many of the key issues of medical malpractice driving doctors out of practice, getting them to do what they would tell you is unnecessary practices, just to make sure that they are covered in case something happens. We are going to get into talking about health savings accounts and flexible savings accounts and how we can really help individuals better control costs, and how association health plans can help associations of businesses that do not really have a good program available to them provide that to their many, many employees.

Mr. Speaker, there are two different ways that people think about how do we control costs long term. Some would suggest that we need to move towards a single-payer plan where one government entity is paying all of the health care costs across the country. We know what that looks like. That looks like government rationing. That looks like standing in a queue and waiting forever to get a basic procedure. We see that up in Canada. Canadians come down here to America to get their health care because they know what that looks like.

What we are talking about here is empowering individuals, putting individuals and their relationship with their doctor in charge of their health care, having them control the decision, having them have the say and the knowledge and the ultimate give-and-take on how to move forward. I look forward to talking about how each of the things we are talking about here really addresses that issue.

Mr. TIAHRT. Mr. Speaker, if the gentleman would continue to contribute here, the gentleman is from Minnesota, up there bordering Canada. I have heard reports from our northern cities like Seattle, Minneapolis, Detroit, Buffalo, that we see an influx of Canadians coming in to get the health care coverage that has been denied them in Canada because their socialized health care system is rationed. They have to wait too long for procedures, or that procedure simply is not available because of their age or weight restrictions.

Has the gentleman noticed that occurring in Minnesota?

Mr. KENNEDY of Minnesota. Mr. Speaker, that is absolutely the case. Health care will be allocated by some means. If it is totally free, totally available in a single-payer plan, then the government will come up with restrictions. We have too much today, even in this country, of government deciding to ration what they are going to pay for health care, ration the procedures, and having businesses make too many of those decisions.

One of the most beautiful things that we have done to advance health care empowerment of individuals is the health savings accounts that we passed as part of the Medicare reform last year. What this does is if you have a high deductible plan, a minimum of $1,000 per person, $2,000 per couple, it can be up to over $2,500 per person, $5,000 per couple, you can put that amount away, tax-free, into an account, use it for health expenditures tax-free. If you do not use it, you can roll it over, earn interest on it tax-free, and build up a nest egg that you can use in your senior years. But what this means is that rather than some impersonal party getting the bill that you never see for your health care costs, you can know what it costs, shop for the best price, and make decisions.

The best example I have is the young woman that helps me in my office on health care matters said that she once twisted her knee, and they had an MRI done. That MRI costs $1,500, and they found nothing. And she said, you know, if I had a health savings account and that was my $1,500 being spent, I might have had a simple x-ray done; and if nothing was broken, I would walk on it for a week before I decided I was going to spend another $1,500.

It is those types of decisions made over and over again that will affect health care costs; and we have seen when these types of programs have been put in place in businesses, they have dramatically reduced costs while, at the same time, they are giving individuals better care and better control over their care.

Mr. TIAHRT. Mr. Speaker, I think that the gentleman would agree that we need to have more transparency in the cost of health care so that consumers can make better decisions; also, so that physicians can make better decisions.

One of the gentlemen that I spoke with is a physician who has retired from running a surgical group. He said when he was just a surgeon, he would order a lot of tests because he thought they were good data points for him to sort of mull over and make a decision, and he gave me the example of an x-ray and an MRI. He said, quite often, you need one or the other and occasionally, you need both; but for most information, especially in his type of work, he thought that an MRI is the most productive for him, but on occasions, x-rays. He said that it was very difficult for him to determine where these costs were going until he started looking down as the manager of this surgical group and saying, what are driving my costs? He realized that all his doctors did the same thing that he used to do. They would order every possible test as data points whether they were necessary or not, and that transparency for him made him tighten up his procedures and lower the costs of health care. I think if consumers had good, clear transparency in the costs that were involved, they also would make good decisions, and health savings accounts would help consumers have more control over their health care.

Before we go on to these three bills that we are going to deal with this week as part of this Health Care Security Act, I wanted to mention my firsthand experience and how it relates to why I think socialized medicine or a single-paid plan would not be right for this country, because it does end up in the rationing of health care.

My father is 85 years old. I am very proud of him. He is a World War II veteran. He served in Heiwajima during World War II. A year ago January he had trouble with his heart and went in for open heart surgery. It was a difficult month. He spent 3 weeks in the hospital. It was touch-and-go for a couple of weeks. We worried about it a great deal. But he came out very strong, and we still have him today. He is very active, and he travels still frequently and is a productive member of our society. But he would not have received that health care treatment had he lived in Canada. He would have been above the age of eligibility for open heart surgery. Even if he was within the age requirements, right now the wait is 6 to 8 months for open heart surgery in Canada. Can my colleague imagine somebody who has had a borderline heart condition or even a heart attack and they say, well, yes, we know you had a heart attack and if you can hold on for another 6 months, we will get you right in.

That is why they have people crossing the border and coming to America to get health care, because it is the only place that it can be provided. And because of that, because of our excellent health care system we have today, I still have my father. I get to talk with him on the phone, I get to see him on holidays, and I get to gain the wisdom that he is passing on to me and on to my children. It is because of our health care system that I still have him.

Mr. KENNEDY of Minnesota. Mr. Speaker, I can tell my colleague that the health savings accounts let your father and your family be in control.

If a young person starts out and they are putting away the maximum amount you can into a health savings account and they live a healthy life and they spend their money frugally for health care costs, they can build up a pretty significant nest egg by the time they get to be your father's age. When you talk to people approaching their senior years, making sure they can have that control over their medical life and make the medical decisions that they want to are vitally important to them.

That is what I think these health savings accounts will do, ultimately. If they can build up $100,000 or $200,000 of a nest egg over a lifetime, they can make the decisions and have the resources for whatever the health care plan is saying to get that kind of treatment. If they have to go into some type of senior care rather than being forced to spend their way to poverty before we do anything in terms of long-term care, they can work with their children and say, hey, listen, I have this nest egg, so that you can buy the services I need, buy home health care and take care of me, and here is the resources for it.

So I think the flexibility, combined with the market-based services availability we have here in America, is vitally important.

I would also say, if you look to controlling costs, which is what we are talking about here with growing jobs and getting these costs under control, if you look at the growth in costs that we have experienced, whether you are a public or private plan, they are straight up. But if you look at what it is for cosmetic surgery, which is about the most personal and invasive surgery there is, those costs are almost flat.

Now, why are they flat? They are flat because the market is involved. If you look at Lasik eye surgery, the costs are down, because you have both the combination of the market and technology bringing that down. That makes everyone's costs more affordable. That makes our jobs more competitive here in America, and it makes whatever surgery you or your father are going to be having later on in life something that is more likely to be within their means. It is a great move forward, and a step that we are building on with the steps we are taking this week.

Mr. TIAHRT. Mr. Speaker, the gentleman makes a very good point about where the free market is involved we see no increase in health care costs. Dr. Greg Ganske, who was elected in 1994 to the United States House of Representatives from Iowa and now is back in private practice, told one of our other classmates from the class of the 104th Congress that right now, when somebody has selective surgery, and he is a plastic surgeon, when they have selective surgery, they call around to get three or four quotes. He said, we all know in Des Moines, Iowa, who is charging what because we hear it from our customers. And because of that, the growth in costs for plastic surgery has been flat over the years. If you compare that to the health care costs that are managed by these big insurance companies, by Medicare, by Medicaid, which is managed by the government, then we see a continual increase in costs.

So we have a situation where health care costs that are available for small businesses, for example, are going up 12 percent per year for the last 6 years. They have doubled since 1999, and it is a continuous increase, much faster than the rate of inflation; and yet where the free market is involved, then we see a reduction in the growth and sometimes it is very flat.

Mr. KENNEDY of Minnesota. Mr. Speaker, we have also added other things in the Medicare bill that we just passed to get us going in this direction. We have strong incentives and encouragement for health care providers to do electronic prescriptions so that we not only have quality because we cannot always read the doctor's signature, but we have the ability to have a travelocity.com approach to getting that prescription. We also have strong incentives and requirements for increased quality reporting; and what we ultimately need to get to is, like you would with any other kind of product you are buying, where you can see it, call it up on the Internet: I am looking for this type of procedure, here is the ranking of the providers in my area, here is what each of them is costing, here is what the quality ratings are on them. Because if I were to look for this podium and want to buy a podium, the market offers me an endless variety of podiums and sizes, colors, styles, shapes, materials in every single product category imaginable except where we try to keep the market out, such as in education, in transportation, frankly, and in health care.

We have got to take away the barriers to providing quality, affordable services to our people, and that is exactly what we have done with the reforms that were part of the Medicare prescription drug bill. It is exactly what we are talking about in the additional reforms we are going to be passing this week in the House.

Mr. TIAHRT. Mr. Speaker, to illustrate the transparency that we have been talking about and what impact it has and the free market on prices, we have some places where you can buy drugs over the Internet and elsewhere and the prices they were on selected prescriptions.

This chart that I am holding in my hand is based on prices as of May 4. We can see some of these red lines very clearly where they extend out here for about $1,400 per year is the cost of those prescriptions.

After 1 week of having transparency and visibility in the marketplace, the shift is very dramatic. The same set of companies, Walgreen, Costco.com, drugstore.com, et cetera, what the free market has done is reduced the prices on the top line, which is the Primary Care Alliance, the costs were nearly $1,400. Now, because of transparency in the free market system, it is down to $1,000, a 40 percent reduction. We can see all of the costs are now coming into line, and that is the impact of transparency and the impact of the free market system.

I think that what we can say safely is that when we have the ability for people to make market decisions, they will make good decisions.

□ 2100

They will bring costs down. In this case, it is prescription drugs, but also it occurs in health care costs. I think that is very important.

Mr. KENNEDY of Minnesota. Mr. Speaker, I would just compare this to how you get your auto insurance. When you buy auto insurance, your auto insurance does not cover filling up with gas. It does not cover the oil change. It does not cover the car wash. It does not cover a whole lot of things.

It covers when you have a major accident and you have a major expenditure, and because of that car insurance, although when you have four teenagers like myself it can be pretty steep, it still has not had the type of increases that we have seen in health care.

We need to have a similar type of approach with what the health savings accounts provide which is basically saying we have catastrophic coverage. You and your employer, either one of you, or your family members, can contribute to the health savings account. You are going to spend those dollars. You are going to shop for the cheapest place for nonemergency service for health care, just like you would shop for the cheapest place for gas which, oh, by the way, if we got this energy bill passed, as my colleague mentioned, would be lower, and this is the type of thing that we need do.

I would just say that one of the things we are doing this week is loosening up the restrictions on flexible savings accounts, and flexible savings accounts are similar to a health savings account, but they are employer offered. They allow cafeteria plans, put in their pretax, but they are not really used because it is a use it or lose it.

We have allowed the rollover option in health savings accounts. Why was it use it or lose it? It is use it or lose it because those that want to have a single-payer government plan know how powerful this approach can be, wanted to limit that. So we are allowing people that have flexible savings accounts offered through their employer. If they do not use it all, be able to roll over $500 to the next year or take $500 out and invest it in their own personal health savings account that they can carry with them wherever they go, and given that the average 32-year-old has been at seven or nine different employers in their life, having that portable plan that is with you always should be a great comfort and a great benefit to them.

Mr. TIAHRT. We have under our Health Security Act this week three phases. It is a 3-point plan.

The first part of the plan is called the Small Business Health Fairness Act. It allows for consolidated risk pools. The House plan allows small businesses to create these association health care plans, and it gives them the opportunity to join together, through existing trade associations, to purchase health care insurance for their workers at a lower cost, and that is because 60 percent of the nearly 44 million uninsured Americans are employed at small businesses today and/or they are dependent on someone who is employed by one of the small businesses.

By allowing the creation of association health plans, we will significantly decrease the number of uninsured in America. The plan establishes eligibility requirements so that all AHPs, or association health plans, are required to offer fully insured or self-insured benefits certified by the U.S. Department of Labor. It encourages broad participation and coverage by prohibiting discrimination against any kind of certain high-risk individual.

It increases the bargaining power. Small businesses will see increased bargaining power with health care providers, more freedom from costly State-mandated packages and lower overhead costs by as much as 30 percent.

Insurers selling directly to small employers typically incur administrative costs of 20 to 25 percent. Under the plan that the Republicans have here in the House, AHPs will save small businesses an average of 13 percent on their employee health care costs.

AHPs also cover specific diseases, maternal and newborn hospitalization, and mental health issues. It requires that AHPs be financially responsible and have strong reserves, strong enough to fund any potential costs and other obligations.

So, one of the first things we are dealing with the short version is AHPs as they are known by, but really, it is the Small Business Health Fairness Act.

Mr. KENNEDY of Minnesota. These AHPs, or association health plans, are a critical link in lowering the uninsured. Just repeating what you said, 60 percent of the uninsured are employed by companies that really have a hard time getting availability of health insurance. By the time you sell to that small company, it is, as you mentioned, a very high overhead cost.

So many of these would want to pool together, provide a plan that is tailored for the type of employees they have, and lower their cost in a bargaining pool.

Who would these associations be? These associations are like we just had the Realtors in visiting us today. The major issue they spoke to me about, saying Realtors are a lot of times independent contractors with some umbrella firm. They need to have negotiated lower prices that can combine this with the health savings accounts very nicely, but they need it to be able to offer insurance to Realtors.

Look at restaurants that have a wide variety of full-time and part-time employees. They could tailor a plan specifically for those, again meshed with a health savings account.

So these are the types of plans that are going to really help to let more small businesses offer insurance.

One of the things that is important to point out is I know the gentleman from Kansas represents a rural State and has significant parts of his district which are rural, just as I have. A lot of times in those rural areas, they do not really have options. In our State in Minneapolis-St. Paul, there are multiple health plans available, and there are three or four or five, or significant options and several other smaller options; but if we get out into small-town U.S.A, you do not have a lot of options.

This really has even a stronger benefit for those small businesses operating in the rural areas that can combine themselves with an association health plan that goes across State borders, pools businesses of character. And it just does not need to be businesses; this could be a religious organization, a nonprofit organization, a community service organization. The Lion's Club, of which I belong, could do an association health plan for Lion's Club members.

It opens up the amount of people participating, thinking about how can we offer services to those with a commonality. Having more options is exactly what we need if we are going to really grab control of these health care costs and reduce the number of people that are uninsured.

Mr. TIAHRT. Mr. Speaker, the second point of our plan and the way we are going to help reduce health care costs in America is called flexible spending accounts. That allows an employee to have some flexibility in his health care. It allows workers to direct their employers to deduct money from their paychecks to be placed in a flexible spending account. It is tax free, and it is to pay for health care expenses that they may incur during the year.

Employers are not restricted based on the size of their business on whether or not they offer FSAs as their choice interpreted so that employees are restricted by whether or not their employer offers the option. There are no health insurance requirements for the workers to open up an FSA. There is no minimum or maximum contribution limits. Money can be drawn from an FSA to pay most medical expenses. That money may not be used for long-term care or health insurance premiums, but it is a tax benefit to the employees. Workers could save on their taxes because the amount committed to an FSA is subtracted from their wages before taxes are applied.

There are long-term coverage advantages. Thirty-seven million employees in America have access to FSAs, but few take advantage of them today because they have a use-it-or-lose-it rule. Currently, if you do not use the money that an employee puts into an FSA, that money is forfeited to an employer, and it is a huge disadvantage or two disadvantages. Quite often we will see employees will not get into it because of that.

Number two, they will get to the end of the year and they will see that money going back to the employer so they will have selective surgeries or they will have botox or something they do not really need, and again, it is driving up health care costs.

But under the plan, up to $500 of unused funds in this new plan can be carried forward each year on an FSA and allow them to continue to invest in their future. If they do not use it, it is available for them in the future. Alternatively, up to $500 of unused funds can be rolled over to a health savings account for eligible individuals.

So there are some real advantages to these FSAs. Because employees will have their money at stake, they will be more selective on the health care they receive. We will have less frivolous visits to emergency rooms or to physicians. I think people will start to use home remedies a little more. Right now, there is a tremendous amount of information on the Internet. All you have got to do is put in health care into some of the search engines on the Internet and you can find a lot of Internet Web sites that you can get information on. And I think people will start to use those to reduce their health care costs, save money, lower their taxes; and again, this is part of our plan to lower the cost of health care so we can attract jobs back into America.

The last of the 3-point plan is medical liability reform. This includes a speedy resolution of claims. Instead of having health care claims drag on and on, there is a fair accountability. The plan waives the degree of fault so that a person with 1 percent of the blame is not forced to pay 100 percent of the damages. This component eliminates the incentives to look for deep pockets, making one party unfairly responsible for another party's negligence.

This also has maximum patient recovery. It empowers the courts to maximize patient awards by ensuring that an unjust portion of the patient's recovery is not misdirected to his or her attorney. The plan prohibits attorneys from pocketing large percentages of an injured patient's award. The award is to go to the patient, not the attorney.

Full compensation for patients' injuries are allowed. There are reasonable limits on punitive and noneconomic damages. There are flexibility for States that already have enacted damage caps. It respects those States' ability to enact these caps and enforce the damage caps.

It also has experts predict significant positive change from the reform. The plan would decrease premiums for medical malpractice insurance by an average of 25 to 30 percent according to the Congressional Budget Office.

The Joint Economic Committee study asserts that the number of Americans with health insurance would increase by 3.9 million if medical liability reform is passed. Specifically, the plan places reasonable limits on malpractice that would save from $60 to $100 billion each year and that would not have to be buried back into the rates.

It would allow American business to expand their operations through hiring, and it enacts sensible liability reform that would save American taxpayers at least $30 billion annually by reducing the Federal health care spending.

I showed you the map earlier of the States. The white States, again, who are currently okay on this map, and California is one of the white States. They have enacted medical liability reform. They are a great model for it. The Nation's medical liability premiums have increased by 505 percent since 1976. California's has only increased by 167 percent since it passed its medical malpractice reforms in 1975.

An OB–GYN in California pays about $57 annually for liability insurance while OB–GYNs in the crisis States, like Pennsylvania shown in the red over here, and Florida and Ohio, all in red, they pay about $100,000 a year annually.

What it means to be a medical liability crisis State, these 19 States that are depicted in red, in Pennsylvania, Philadelphia's Methodist Hospital announced it would stop delivering babies and discontinue its prenatal program for low-income women.

In Florida, women are facing waiting lists for 4 months before being able to get an appointment for a mammogram because at least six mammogram centers in south Florida alone have stopped offering the procedure as a result of increased medical liability insurance premiums. This trend is troubling. There are a growing number of older people and less and less people are being provided with mammograms, according to Jolean McPherson, a Florida spokeswoman for the American Cancer Society.

In Arizona, a baby was born on the side of the road after a mother had passed her community hospital where the insurance crisis had closed the maternity ward.

In Nevada, more than 30 Las Vegas obstetricians have closed their practices in recent months, leaving the city with about 85 obstetricians to deliver more than 23,000 babies in the next year. Kathryn Moore, the director of the State Legislation for the American College of Obstetricians and Gynecologists said, "If I was a woman planning a family in Las Vegas, I'd be very concerned. I would certainly think twice about starting a family."

Well, we want families to start in Las Vegas, and we think it is unfair that 85 obstetricians are going to have to handle approximately 23,000 births next year.

We need to do something about that, and what we have passed tonight, as a matter of fact, in the House is medical liability reform, and it is the first step on the road to lowering health care costs and bringing jobs back into America.

I think it is very clear that if you cannot support these three measures, you are turning your back on the people who want jobs in America, high-quality, high-paying jobs. The only way we are going to bring them back is lower health care costs. We cannot do it by socialized medicine. We know that does not work. We can do it by our Health Care Security Act, by lowering the costs, bringing jobs back into America.

□ 2115

Mr. KENNEDY of Minnesota. Mr. Speaker, I would also say to my colleague that, unfortunately, what we see here too much on this floor and what we hear is anger and complaining about health care costs going up, they are being harder for the average family to afford. We agree, but we do not hear very often, unfortunately, except with the great dialogue we have had here tonight, about what the solutions are. And I would like particularly my fellow Members from the other side of the aisle to talk about what their solutions are, talk about how you are going to control costs.

The uninsured is a huge issue. Besides growing jobs, each one of these proposals reduces the level of the uninsured. This is really the most effective way for us to reduce the uninsured.

I would also suggest one more piece in the puzzle, which includes my Fair Care Act, which I have introduced and am pleased to have 127 other Members joining me on. And if we think about it, right now, the uninsured can go into a hospital and get care; but it is through the most expensive vehicle possible, the emergency room, through the EMTALA law. We could provide for that service at one-fifth the cost in a community clinic, if we had an individual on some base level of insurance at least, and probably address the underlying problem of that cost much more efficiently, and let people live a healthier life by letting us also do a better job of controlling costs.

Because what happens when an uninsured comes into a hospital and is not paying for it? It ultimately layers onto the premiums for the insured and increases their costs. As my friend from Kansas mentioned, when the cost goes up more on the insured, it creates a vicious, vicious cycle. My bill, to allow for a $1,000 credit per person, $500 per child, up to $3,000 for a family, refundable tax credit so they can get that insurance, pay for that insurance policy directly, is another piece of this puzzle.

And as we think about the uninsured side, we need to recognize that we have, just as we have in education, left too many of the disadvantaged behind. Thirty-five percent of Hispanic households are uninsured; 18 percent of African American households, with only 11 percent of white. There is a disparity in who is hurting, and we need to address them.

While we address the uninsured, we also get control of costs. By getting control of costs, we make American jobs more competitive, and we keep American jobs here. And I think it is also important as we look off on the horizon at how do we control the long-term deficit, how do we control the long-term liabilities that we have, the unfunded liabilities in Medicare and Medicaid are significant. The number one variable that will determine how we control those will be to help control health care costs.

These measures that we have proposed, that we have talked about tonight will not just lower the uninsured, will not just grow jobs here in America, but will get long-term costs under control so we can control that deficit, which again will help make for a stronger economy now and in the future.

So I thank my friend from Kansas for bringing this very important topic to the floor.

Mr. TIAHRT. In summary, Mr. Speaker, we have over the last generation watched Congress continually raise barriers for us to keep and create jobs in America. We have found out by investigating this that we could develop these problems into eight categories, eight issues that we are going to deal with.

The problem is not Benedict Arnold CEOs. They only have a couple of costs they can control, and that is wages and overhead. And the problem is not the wages, because most of them want to have high-quality employees they want to pay high wages to. They want to attract the best and the brightest. The problem is not overhead. We found out it costs the same to build a building in India, in the Philippines, or in America. It is Congress. The problem is in Congress and what we have done over the last generation to continually put barriers in the way for people to keep and create jobs.

We have started with these eight issues. We are starting this week with health care security. We talked about the three plans that we are dealing with this week, including medical malpractice reform, association health plans, and what was the other one?

Mr. KENNEDY of Minnesota. The flexible savings accounts and the ability to roll those over.

Mr. TIAHRT. Flexible savings accounts, correct. Next week we are moving on to bureaucratic red tape termination, because we found out that the cost of complying with bureaucratic red tape in America is about 12 percent of every manufactured product. If we can cut that in half, we would be 5 percent more competitive.

We are going to deal with life-long learning so that we have high-skilled, high-trained workers. We need to get more science and technical and engineering graduates.

Then we are going to deal with trade fairness and opportunity. We must have fairly applied trade agreements. We must open up new markets, but we have to overcome monetary manipulations by other countries and by unfair trade practices by other countries. And we are going to deal with that.

Then we will move on to tax relief and simplification and figure a way to pull the cost of taxes that are buried into our products out of it so that we are more competitive.

Then we will deal with energy self-sufficiency and security. We are going to present legislation that will create 700,000 jobs in America. We are going to deal with research and development so that we can continue to be innovative and bring new ideas to the world and more jobs to America.

Then we are going to deal with ending lawsuit abuse and litigation so that we can lower the cost of liability insurance, limit liability so we can create new jobs, and, again, bring workers back into America.

The lines are very clear. Congress over the last generation has created these barriers. The people who employ workers cannot vote on this. They cannot reduce these barriers. They cannot remove these barriers. Only the Members of Congress can remove these barriers, and so we must deal with them.

This is the debate we should be having today. This is the debate we need to have so that we can remove the barriers and bring workers back into America, bring jobs back into America, high-quality, high-paying jobs. We call it "Careers for the 21st Century" because we want people to be able to pursue their dreams, pursue the career that they desire the most.

So we are going to complete health care security this week and next week move on to bureaucratic red tape. And if you cannot support these issues, it is my firm belief that you cannot support bringing jobs back into America, because these are clearly the barriers to bringing jobs back. They are barriers faced by every small businessman I talk to. They are barriers faced by even the large employers. They know this is what is controlling their costs. They want to pay high wages and build buildings and have their plants here in America, but they cannot reduce these costs: health care security, bureaucratic red tape, life-long learning, trade fairness and opportunity, tax relief, energy self-sufficiency, research and development, and ending lawsuit abuse.

If we can overcome these barriers, we will bring jobs back into America. That is the plan the Republicans have in the House.

Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. KENNEDY) for joining me this evening. I think we have covered some good territory. We have covered the topic, I think, very well, and next week we will move on to bureaucratic red tape.

PETROLEUM PRICES AND THE TRADE DEFICIT

The SPEAKER pro tempore (Mr. CHOCOLA). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, today the United States Department of Commerce announced a record U.S. trade deficit of over $46 billion for just the month of March as imports coming into our country swamped our exports going out. That means more good U.S. jobs are being off-shored to China, to India, to Latin America, jobs everywhere but here in the United States.

Since this President took office, 2,740,000 more people in this country have lost their jobs; and we have record trade deficits, as these numbers indicate today, record budget deficits, unemployment, people who cannot get unemployment benefits, and soaring gas prices at the pump. It sounds to me like we are trading away America's economic independence.

This chart describes the trade deficits keep growing year after year after year as we keep losing our good jobs. This year it is projected over one-half trillion dollars in trade deficit. The numbers today confirm this.

One of the interesting aspects of the numbers today is the trade deficit related to petroleum, imported petroleum, which has grown by $1.3 billion more imports into our country since February, with rising prices. In fact, the new record trade deficit increased by one-third due to our trade deficit related to petroleum. Every time an American goes to the gas pump and spends one dollar, 54.5 cents goes out of this country. Saudi Arabia gets 7.5 cents, Mexico gets about 6.5 cents, Canada gets 6.5 cents, Venezuela 6.25 cents, Iraq gets nearly .5 cents, and a penny goes to Kuwait.

Over years and months, this totals billions of dollars of wealth draining out of this economy. Today, our trade deficit for petroleum is over $12.5 billion a month. Imagine if we were investing those dollars in ourselves here at home in new energy industries, which we are not.

Becoming energy independent at home could yield the strongest impetus to job creation that this Nation has seen since we began to move to launch a Moon shot nearly 40 years ago.

This evening, I would like to insert into the RECORD an excellent editorial done by Paul Craig Roberts entitled "Disaster Lurks in April Jobs Numbers." He says there is no good news in the April payroll data because disaster lurks in the job numbers. The U.S. Labor Department is becoming Third World in character. He says the troubling pattern is that despite a massive trade deficit that pours $500 billion of our money into foreign pockets, the U.S. economy cannot create jobs in the export or import competitive sectors. The U.S. economy is creating domestic service jobs only, and that cannot create real wealth.

The 280,000 private sector jobs created in April break out as follows: over half were in temporary work. As the prior Special Order had to do with health insurance, believe me, there are no health benefits associated with temporary work. There were 34,000 American hired, but as waitresses and bartenders, lucky to make the minimum wage and lucky if they have any health insurance at all.

Since January 2001, the United States has lost nearly 3 million jobs. We can tick them off, and we will submit them for the record: in wood products, 50,000 lost jobs; in computer and electronic products, which was supposed to save us, over 536,000 jobs; in transportation equipment, similar losses; in petroleum and coal products, another 10,000 more lost jobs. And the service jobs that are partly trying to replace them simply cannot replace the hundreds and hundreds of thousands of jobs lost in tradeable services, including telecommunications, computer services, bookkeeping, architecture, and engineering. This leaves the U.S. economy with 2.2 million fewer private sector jobs at the end of April, this year than existed 3 years ago.

Once free trade was a reasoned policy, hopefully based on sound analysis. But today it is an ideology that hides labor arbitrage. Because of the low cost of foreign labor, U.S. firms produce offshore for U.S. customers, bring their products in here, and then wipe out U.S. jobs. Where does this leave Americans? It leaves them in the lowest paid domestic service jobs.

Mr. Speaker, these types of trade deficits are sapping America's wealth and our strength. It is time to change the policies, starting here in Washington, D.C., and begin to move free trade into fair trade, or the American people are going to continue to suffer the hemorrhage of wealth and jobs out of this society.

So, here we go again. Sometimes it feels like a broken record. The administration touts trade deals. The president negotiates more deals in secret. The Congress gets an up or down vote. The agreement goes into effect. Trade surpluses turn to deficits. More good jobs are lost. Small deficits reach record deficits. When are we going to learn?

The American people have learned and, unfortunately, they are paying the price. Since this President took office, 2.74 million people have lost their jobs. Not many of those are corporate executives. When THEY go, they go with massive severance packages. What are we giving to America's working families? Record trade deficits, budget deficits, unemployment and soaring prices at the gas pumps. That does not sound like a fair trade. Sounds like we are trading away our economic independence.

Let's just take a look at three of our trading partners. Before NAFTA we had a trade surplus with Mexico and a small deficit with Canada. After the signing of NAFTA, companies skipped town from U.S. cities to exploit the workers across the border. Who wins? Not the working families of the U.S. with little hope for the future. Not the families forced off their land in Mexico only to crowd into the cities and maquiladora zone. In fact, companies are skipping right over the Mexican workshops for the next lowest common denominator—China.

Boy did we hear great promises about the Chinese marketplace and its one billion consumers. Strangely enough, the most recent trade statistics put China's trade deficit for one month at over $10 billion. That is just for one month. What is the administration doing to shore up our economic security? Are they pursuing limits on China's manipulation of currency? No. Are they willing to stand up for workers in the U.S. and China by officially pressing the government of China to address atrocious workplace conditions? No. They have grand plans of talking to the Chinese. All of that talking has taken us to record setting deficits. That is not what most Americans would call a plan for economic independence.

When it comes to oil, there is not much of a difference—unless you count the media reports that the Saudis have promised to lower the price of oil in time for the elections. Are we going to stake our energy independence on the whims of the Saudis? Does not sound like a good idea to me.

The Department of Commerce today issued a release that announced "The deficit increased $3.8 billion from February to $46 billion in March as imports increased more than exports." Fairly typical jargon from this Administration. What they fail, and I repeat fail to mention is that the trade deficit related to petroleum has grown by $1.3 billion since February. The new record trade deficit increased by one third due to our trade deficit related to petroleum. Let me repeat myself because this is the key, the new record trade deficit increased by one third due to our trade deficit related to petroleum. That is $1.3 billion more that was drained out of our nation and sent to the nations of OPEC.

The $5.6 billion trade deficit with oil-producing countries, including Saudi Arabia and Venezuela, is the highest on record. For every dollar that an American spends at the gas pump 54.49 cents goes out of the country, Saudi Arabia gets 7.35 cents of that dollar, Mexico 6.57 cents, Canada 6.52 cents, Venezuela 6.26 cents, Iraq 4.96 cents, and 1.03 cents go to Kuwait.

Today our trade deficit for petroleum is over $12.5 billion a month. That is an increase of over $1.3 billion from the previous month. The average price of imported crude oil rose to $30.64 a barrel in March, the highest since February 1983, today the price of crude peaked at $40.92, this is only 23 cents less than the all time record.

The United States annually consumes roughly 7,171,885,000 barrels of petroleum. (164 billion gallons of vehicle fuels and 5.6 billion gallons of heating oil) In 2001, 55.4 percent of these fuels were imported, part of a total $358.2 billion trade deficit with the rest of the world. Since 1983, the United States importation of petroleum and its derivatives has nearly quadrupled, rising from 1.21 billion barrels in 1983 to 4.65 billion barrels in 2003.

In 2003 the total deficit for trade of petroleum between the United States and the rest of the world totaled $120.5 billion. Our total trade deficit for 2003 was only $489.9 billion. That means if we as a nation were energy independent we would cut our trade deficit by one quarter annually. If we were truly energy independent it would mean we would have the creation of jobs, be a step closer to a trade surplus, real urban revitalization and rural development, and wealth being generated right here at home as opposed to increasingly exporting our jobs, capital and wealth.

Becoming energy independent here at home would yield the strongest job creation this Nation has experienced since we landed a man on the moon. Just focusing more effort in agricultural fuels production would produce growing economic security here at home.

Continued dependence upon imported sources of oil means our Nation is strategically vulnerable to disruptions in our oil supply. Renewable biofuels domestically produced directly replace imported oil.

Increased use of renewable biofuels would result in significant economic benefits to rural and urban areas and also reduce the trade deficit.

According to the Department of Agriculture, a sustained annual market of 100 million gallons of biodiesel alone would result in $170 million in increased income to farmers.

Farmer-owned biofuels production has already resulted in improved income for farmers, as evidenced by the experience with State-supported rural development efforts in Minnesota where prices to corn producers have been increased by $1.00 per bushel.

Biofuels hold the potential to address our dependence on foreign energy sources immediately. With agricultural surpluses, commodity prices have reached record lows; concurrently world petroleum prices have reached record highs and are expected to continue rising as global petroleum reserves are drawn down over the next 25 years. It also is clear that economic conditions are favorable to utilize domestic surpluses of biobased oils to enhance the Nation's energy security.

In the short term, biofuels can supply at least one-fifth of current United States fuel demand using existing technologies and capabilities. Additional plant research, newer processing and distribution technologies, and placing additional acres under cultivation can yield even greater results.

Biofuels can be used with existing petroleum infrastructure and conventional equipment.

The use of grain-based ethanol reduces greenhouse gas emissions from 35 to 46 percent compared with conventional gasoline. Biomass ethanol provides an even greater reduction.

The American Lung Association of Metropolitan Chicago credits ethanol-blended reformulated gasoline with reducing smog-forming emissions by 25 percent since 1990.

Ethanol reduces tailpipe carbon monoxide emissions by as much as 30 percent. Ethanol reduces exhaust volatile organic compounds emissions by 12 percent. Ethanol reduces toxic emissions by 30 percent. Ethanol reduces particulate emissions, especially fine-particulates that pose a health threat to children, senior citizens, and those with respiratory ailments.

Biodiesel contains no sulfur of aromatics associated with air pollution.

The use of biodiesel provides a 78.5 percent reduction in CO2 emissions compared to petroleum diesel and when burned in a conventional engine provides a substantial reduction of unburned hydrocarbons, carbon monoxide, and particulate matter.

Mr. Speaker, I submit herewith for the RECORD the article I referred to earlier:

DISASTER LURKS IN APRIL JOBS NUMBERS

(By Paul Craig Roberts)

There is no good news in the April payroll data released last Friday by the Bureau of Labor Statistics. Disaster lurks in the jobs numbers: the U.S. labor market is becoming Third World in character.

The April jobs data show a continuation of the troubling pattern established in recent years. Despite a massive trade deficit that pours $500 billion annually into foreign hands, the U.S. economy cannot create jobs in the export or import-competitive sectors of the economy. The U.S. economy can only create jobs in non-tradable domestic services-jobs that cannot be located offshore or performed by foreigners via the Internet.

The 280,000 private sector jobs created in April break out as follows: 104,000 were hired as temps and in administrative and waste services, 34,000 were hired as waitresses and bartenders, 30,000 were hired in health care and social assistance, 29,000 in wholesale and retail trade, 21,000 in manufacturing (half of which are in fabricated metal products), 20,000 plumbers, electricians and specialty contractors, 10,000 hired by membership associations, 10,000 in legal, architectural and engineering services, 8,000 in management and technical consulting, and 4,000 in real estate.

The vast majority of these jobs do not require a college degree. One can only wonder what will become of the June graduating class.

Since January 2001, the U.S. has lost 2.7 million manufacturing jobs. Job loss by sector: wood products 50,000, nonmetallic mineral products, 61,000, primary metals, 145,000, fabricated metal products, 272,000, machinery 300,000, computer and electronic products, 536,000, electrical equipment and appliances 136,000, transportation equipment 209,000, furniture and related products 97,000, misc. manufacturing 79,000, food manufacturing 53,000, beverages and tobacco products 13,000, textile mills 128,000, textile product mills 33,000, apparel 172,000, leather and allied products 18,000, paper and paper products 90,000, printing and related support activities 137,000, petroleum and coal products 10,000, chemicals 79,000, plastics and rubber products 125,000.

Since January 2001, financial activities created 247,000 jobs, and nontradable domestic services (education services, healthcare and social assistance, leisure and hospitality, and membership associations) created 2,026,000 jobs.

These service jobs were offset by 302,000 lost jobs in retail, 261,000 lost jobs in transport and warehousing, 124,000 lost jobs in management of enterprises, and 1,222,000 lost jobs in tradable services such as telecommunications, ISPs, search portals, and data processing, accounting and bookkeeping, architecture and engineering, computer systems design, and business support services.

That leaves a net increase of 488,000 jobs in domestic services created during the past 3 and one quarter years. Offsetting these jobs with 2.7 million lost manufacturing jobs, leaves the U.S. economy with 2.2 million fewer private sector jobs at the end of April 2004 than existed in January 2001.

Once free trade was a reasoned policy based in sound analysis. Today it is an ideology that hides labor arbitrage. Because of the low cost of foreign labor, U.S. firms product offshore for their U.S. customers. The high speed Internet permits people from all over the world to compete against Americans for knowledge jobs in the U.S. Consequently, the "New Economy" is being outsourced even faster than the old manufacturing economy.

Where does this leave Americans? It leaves them in low-pay domestic services. As the BLS 10-year job forecast made clear, 7 of the 10 areas that are forecast to create the most jobs do not require any university education—definitely not the picture of a high-tech economy.

Why then will Americans attend universities? Will Wal-Mart require an MBA to stock its shelves? Will nursing homes want their patients bathed by engineers?

Obviously, education and retraining are not answers to job loss from US employers substituting foreign labor for American labor.

One does not have to be an economic genius to understand what is happening. Capital is most productive where labor is most abundant, and labor is most productive where capital is most abundant.

Thus, we see US capital flowing to Asia where labor is cheapest, and Asian labor flowing via the Internet to the US where capital is abundant.

US labor loses both ways. Products Americans used to make are now made offshore, and the Internet lets foreigners compete against Americans in the US labor market.

An engineer in Boston, Seattle, Atlanta, or Los Angeles cannot compete with an Internet hire in India, China, or Eastern Europe, because the cost of living in the US is much higher. The Boston engineer cannot work for the Indian salary, because his mortgage debt and grocery prices will not adjust downward with the salary.

The man in the street has no difficulty comprehending this simple fact, but for ideologues, free trade is a virtue—regardless of the harm done to American labor and the US economy.

NATIONAL COVER THE UNINSURED WEEK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentlewoman from Wisconsin (Ms. BALDWIN) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Ms. BALDWIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

Ms. BALDWIN. Mr. Speaker, I rise today in the midst of National Cover the Uninsured Week to draw attention to the 43.6 million Americans who do not have health insurance and the millions more who are underinsured.

□ 2130

Ms. BALDWIN. Mr. Speaker, our Nation is in the midst of an escalating health care crisis. As health care costs soar, it becomes increasingly difficult for Americans to obtain comprehensive and affordable health care. Our current health care system is failing not only the 43.6 million Americans who are uninsured, but also the millions more who do not receive comprehensive health care. We can no longer turn our backs while millions more lose access to health care. The lack of comprehensive and affordable health care affects every single congressional district in every State.

To highlight this issue this evening and its real impact that Americans are experiencing, I have invited my colleagues to join me in sharing letters and thoughts, but letters particularly from our constituents who have had difficulty obtaining and affording comprehensive health care. I think it is really important that their voices are heard in this debate.

I would like to begin with just a few letters from my district in Wisconsin that express real people's difficulties in dealing with the ever-rising cost of health care.

Jen, from Oregon, Wisconsin, starts, "Please help. I cannot find affordable health insurance. My husband works for a small employer that cannot afford to provide medical insurance. We have a tiny 2-bedroom home, a car payment and a 2-month-old baby. We choose to live very modestly in order to provide the margin to pay for health insurance, but the cheapest premium I could find was $200 per month with a $3,350 deductible, and there are no maternity benefits. The amount is heartbreaking. There is no money to pay for clothes, let alone emergencies. If I worked full time for the health insurance, there would not be enough to pay for day care and somebody else would be raising my baby.

"It simply is not right that people in our society lack medical coverage when every other First World country provides for all of their citizens. Plus, how many people are underinsured? Also, our businesses are starting to go bankrupt just trying to maintain their health care benefits.

"Something has to change. Would you please help all of us as soon as possible?"

Next is from David, from Cross Plains, Wisconsin. David writes, "My wife and I have been self-employed for over 18 years, and have paid thousands of dollars for health insurance premiums. As of a few months ago, we had to drop out and are now without health insurance. The cost is completely out of reach. In fact, it is nuts. Now that I am 50 years old, it is not a matter of if I will have health problems, it is when.

"Tammy, we will lose everything we have worked for. So much for the American dream. We now look forward to dying broke and homeless. I still work 60 hours a week at my print shop and can only hope that I drop dead in front of my press some night so I will not be a burden to society."

Emily from Stoughton, Wisconsin writes, "I am writing to you to express my utter frustration at the status of the United States health care system. It is my opinion that it is rapidly failing, and many, many people are finding themselves paying staggering monthly premiums and getting substantially fewer benefits every year.

"My husband runs a small business, less than 10 employees, and our family is being financially penalized for offering group health insurance to seven workers, two of which have had some significant health care needs in the last year. These two employees, just by getting illnesses not in their control, have jacked up our monthly premium by a staggering amount. It seems to us that offering health insurance is an ethical responsibility of ours as employers, yet our family still must pay a ridiculously escalating sum monthly just because of these two employees with unexpected health problems. In addition, I am routinely getting surprised upon regular visits to dentists, eye doctors, et cetera, to find we have no coverage at all from our HMO when only 1 year ago we had full coverage for these services.

"Thanks for letting me vent. I feel powerless and at times hopeless."

Before I continue with some additional letters from my congressional district, I am delighted to be joined this evening by one of my colleagues, the gentleman from Ohio (Mr. BROWN), a member of the Committee on Energy and Commerce, a tireless advocate for health care.

Mr. BROWN of Ohio. Mr. Speaker, the gentlewoman from Wisconsin has fought as hard as anybody in this body for universal health care for people who play by the rules, pay their taxes, most of whom have jobs and simply have been left out of this system, left out because this Congress, this President, do not seem to care.

We had 40 million people uninsured 3 years ago; today that number is 44 million. Of those people who do have insurance, many of them are underinsured. Many do not have a decent drug benefit. Many seniors do not have a good drug benefit, and this Congress has either done nothing or moved backwards as they have tried to privatize Medicare and tried medical savings accounts and other kinds of Rube Goldberg ways to try to provide health insurance, when in fact most of what they are trying to do is enrich the drug companies and the insurance companies.

We are also joined by the gentleman from Ohio (Mr. STRICKLAND) and the gentleman from New Jersey (Mr. PALLONE). My State of Ohio has 1.2 million people without health insurance, and 85 percent of those who lose their jobs also lose their health insurance. In Ohio, as much of the Great Lakes States, particularly Wisconsin, Michigan, Pennsylvania, Minnesota, those States have suffered dramatically because of high unemployment, because of large numbers of job layoffs. In Ohio, we have lost one-sixth of our manufacturing jobs since President Bush took office. We lose 200 jobs every day, and about 170 of those people lose their health insurance, yet this Congress sits on its thumbs and does nothing about it.

But these are numbers, and I want to share some stories of people to put life situations to these numbers so people really see what this means.

Joseph from North Ridgeville writes, "Something has to be done about health care. We are going in the wrong direction. I cannot even think about retirement because of the cost of health insurance in Ohio. I am in Local 546, and a lot of us feel the same way. I am not sure how long I am going to have a job, to make matters worse. Sorry to complain."

Mr. Speaker, he writes, "Sorry to complain." This is a gentleman who works hard, plays by the rules, pays his taxes. He does not have the health insurance he needs. His employer, it sounds like, is doing the best they can, and Joseph says sorry to complain. If people are playing by the rules, this society needs to do better. Joseph also does not want to be a burden on society.

Judith from Medina writes, "We are currently without any health care coverage because the company where my husband works raised the monthly premium so high we could not afford it. It was either health care or food. So many people are finding themselves in this predicament now that something must be done on a national level.

"Surely Congress can come up with some kind of help for those of us in this situation before it is too late and before something tragic happens to us. We could lose our home and be out on the street if a catastrophic disease hit one of us. Please, please make this a priority. So many need help. What will the insurance companies do when so few can afford their coverage that most cancel? What will happen to the health care system in this country then? Please give this top priority. I believe it is vital to this Nation. Thank you." That letter was from Judith of Medina, Ohio.

Again, this family plays by the rules. They are working hard, and our government simply has not stepped up and fulfilled its obligation to them to make health care a right, not just a privilege.

Thomas from Cuyahoga Falls in my district writes, "Representative BROWN, I have a question. I have a full-time job, a wife and children. My employer does not offer health care benefits. I cannot afford to purchase coverage on my own. What can I do? Please let me know what the government is trying to do to remedy this problem. I am sure I am not the only one dealing with this. Thank you very much for your time."

All these letters suggest, first of all, great hardship that people face, great risk people face if they get a catastrophic illness, and they underscore the point that we are the only Nation in the world, as wealthy as we are as a country, we are the only Nation in the world that does not provide health care to all of its citizens. We are the only Nation in the world that allows drug companies to charge whatever they want to charge.

Our government's response is more tax cuts for the richest people in the country. President Bush's tax program gives a person making $1 million a $123,000 tax cut, yet they cannot provide insurance to Thomas of Cuyahoga Falls, Judith of Medina, Joseph of North Ridgeville, and all of the people that the gentlewoman from Wisconsin (Ms. BALDWIN) mentioned in Wisconsin.

We give huge tax breaks to the wealthiest people, we spend $1.5 billion in Iraq setting up a health care system there, and my friends on the other side of the aisle and the President simply turn their backs on these people who are playing by the rules. These are people who work and have full-time jobs that are trying to raise their family, and we do not help.

What we ought to do is four things. First of all, we should extend unemployment benefits to the 1 million workers in this country and the 50,000 workers in the districts of the gentleman from Ohio (Mr. STRICKLAND) and my district who have lost their unemployment. They are working, they have lost their jobs and they are trying to find jobs, and their unemployment insurance expired.

Second, we should do the Medicare buy-in bill to allow people 55 to 64 who do not have insurance for whatever reason, to allow them to buy into Medicare.

Third, we need to work on the children's health insurance program. There are 8.5 million children in this country who do not have health insurance. In most cases, their parents have jobs at companies like Wal-Mart and places like McDonald's and places that do not do health insurance, even though the companies are making billions of dollars, in the case of Wal-Mart.

And then last, fourth, we need to pass the legislation we introduced today to give small businesses incentives to insure their employees.

Those three bills, the unemployment extension we have pushed and pushed and pushed. The majority and the President have stopped it dead in its tracks. The other three bills were introduced today by the gentleman from Texas (Mr. SANDLIN), the gentleman from California (Mr. STARK), the gentleman from New Jersey (Mr. PALLONE), myself, and a whole host of others. We should move quickly on those bills as the number of unemployed workers in this country who have lost their jobs is way too high and too many people who have lost their jobs have lost their health insurance.

It is discouraging, but worse than that, it is outrageous that we as a country, as rich as we are, simply will not take care of those who play by the rules, pay their taxes, contribute to their communities, and we do not do anything about their health insurance.

Ms. BALDWIN. Mr. Speaker, I thank the gentleman for sharing his constituent's words as well as his own to this critical debate. I must note that the gentleman points out that we are the only industrialized Nation in the world that does not offer health care to all of its citizens.

I was listening to the Special Order which occurred the hour before this, where Members from the majority were talking about nations with universal health care plans and berating them for rationing care. I cannot imagine how anyone believes that a system where 43.6 million people are uninsured, and many more underinsured, we are clearly rationing care here in this country and need to step up to the plate and address that.

I am delighted to be joined by another one of my colleagues whose work on the issue of health care I admire so greatly. The gentleman from New Jersey (Mr. PALLONE) is also a member of the Committee on Energy and Commerce. Day and night, the gentleman works on the issue of health care.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman from Wisconsin (Ms. BALDWIN). I know that both of us are involved with the Democrats' health care task force. One of the things that we work on is trying to come up with some solutions in dealing with the problem of the uninsured. As was pointed out, the number of the uninsured continues to go up. The gentleman from Ohio (Mr. BROWN) said it was 40 million a few years ago, now it is up to 44, 45 million. The number continues to grow.

I do not like to criticize the Republican side of the aisle unnecessarily, but I am amazed by the fact that our two colleagues who were here earlier were so convinced that other countries do not have the solution. Statements were made about how national health insurance does not work, yet the reality is, as my colleague from Wisconsin mentioned, in fact it does work.

☐ 2145

I am not saying that we are advocating that. I would love to see national health insurance. I know that is not realistic politically, we are not going to get it; but to suggest that somehow these other countries, whatever country you mention, France, Great Britain, Canada, Italy, all of Western Europe, every developed country really, other than the United

States, has some form of national health insurance.

The one thing I would stress, too, is I think when people talk about national health insurance, they get the impression that somehow that means that the government is going to run the hospitals or salary the doctors or something like that. That is not what national health insurance is all about. National health insurance just means that everybody has health insurance. People can have thousands of different policies, but it would be wonderful if we could say that everybody has health insurance. We are not saying, I am not saying certainly that the government would run the system, but they would at least guarantee that everybody has some form of health insurance. But that is not going to happen, that is not going to happen in the near future, so I do not want to really stress that today.

I also heard my colleagues on the Republican side talk about community clinics or community health centers. The amazing thing about the Republicans is that they are in the majority and they act as if they are running for office and if they get in, they are going to implement these policies. They neglect to point out that they are in the majority, that the President is a Republican, the other body, the Senate, is majority Republican, there is a significant Republican majority here. So if they think these policies are so wonderful, why do they not pass them? The reason is because they do not have a consensus. In other words, they cannot get all the Republicans or a majority of their own party to agree on these three bills that they brought up today.

They have characterized this week as Cover the Uninsured Week. They basically have three bills that are on the House floor. One deals with associated health plans; the other Republican bill is the health savings account legislation; finally, the medical malpractice legislation. Every one of these things has already been passed in this House in pretty much the same form last year. Again, they are in the majority. I think these bills are terrible. I refuse to vote for any of them, but if they think they are so wonderful, then what is the the big holdup? Pass it here, send it over to the other Republican body, send it to the Republican President, it becomes law. That is the way we operate.

The problem is these proposals do not actually help the uninsured. They are bad proposals that will probably result in more people being uninsured, and that is why they cannot get most of the Republicans or enough Republicans to pass them. There is a certain amount of disbelief on my part when I listen to what they say.

The other thing is they talked about the community clinics. I have to go back to that. Again, if you believe that community clinics or health centers are a way of dealing with people who do not have health insurance, I do not. I think they serve an important role. I would rather see everybody have health insurance; but certainly if everyone does not, as my Republican colleagues mentioned, somebody could go to a community health clinic or health center. These places are grossly underfunded. A few weeks ago when we had our break around Easter and Passover, I had a gathering, a forum at a community health center in Asbury Park which is in my district. They are so grossly underfunded. They try to accommodate everybody, but they cannot.

One of the things that was particularly egregious was dental care. We know how there is no dental care, and there are long lines. They do not even have the dental clinic there. It is at another location. There were long lines of people that cannot get in. The Republicans are in the majority. If they think community health clinics are the answer, why do they not just appropriate money so that they can accommodate more people or we can have more of them? I do not want to just totally discredit them, but when I hear these statements, and I hear this banter about how this is Cover the Uninsured Week, the bottom line is it is just a ruse.

I want to just talk about each of these bills that they say is going to address the problems of the uninsured. They claim that the associated health plan legislation, which I think was voted on today, that that is going to lower rates and provide greater access to insurance. The reality is that the associated health plan legislation would result in less health care access and dramatic increases in premiums for State insurance-based employers. Associated health plans would fragment and destabilize the small group market resulting in higher premiums for many small businesses. The Republican legislation would allow employers to cherry-pick, attracting younger, healthier individuals to join associated health plans while leaving older, sicker individuals in the traditional insurance market which results in increased premiums for the remaining pool.

One of the things that everyone knows about health insurance is that the more people you have in the pool and the more varied they are, young or old or sick or healthy, then the more it works. I do not want to get into all the details of that, but that is just the reality of insurance. What this associated health plan does, is break the pool and there is cherry-picking of the younger and healthier and leaving the others outside. So it just does not work. It makes the situation worse.

The second thing they mentioned is the Republican health savings account legislation. I think that is up tomorrow. That creates a tax-favored saving provision with no income limitations. The main reason Republicans want to pass this bill is to create a new tax shelter for the healthy and wealthy while at the same time threatening higher health insurance premiums for everyone else. Under this bill, basically you get a tax credit that would allow you to set aside up to $2,000 tax-free in a new health savings account to supposedly help pay for health insurance, but unfortunately it is practically impossible for someone who is uninsured, who inherently does not have a lot of money, to be able to take advantage of the program because they would have an extremely difficult time saving $2,000 a year for health care. Again, it is not practical.

The last one, and I do not want to spend a lot of time on it, was the medical liability reform. I agree that we need to address the rising cost of medical liability insurance, but what does it have to do with the uninsured? How is passing that going to do anything? The nonpartisan Congressional Budget Office concluded, and I quote, "that even a very large reduction in malpractice costs would have a relatively small effect on total health plan premiums." It is not going to help the uninsured. It is not even going to reduce costs in any significant way for the patient. It is addressed to the physicians. That is certainly a good cause but it is not going to help the cost for the patient or result in any more people being insured. I later want to talk maybe a little bit about some of the Democratic proposals. I know that my colleague from Ohio did that.

Ms. BALDWIN. I too share the gentleman's passion for creating a system where everybody in this country has health insurance. I guess I agree that the short-term prospects are dim, especially given this administration, this majority. But I do have some hopefulness, because frankly I think that the voices of 44 million Americans cannot be silenced and ultimately will lead to that political change that we are seeking. Along that line, I would like to share the words of a few more of my constituents. I want to share the words of Roger from Waunakee, Wisconsin. He writes:

"I'm a baby boomer that was rejected for health care. The explanation was vague, so I'm taking efforts to address it and resolve it but I'm frustrated with the realization of flaws in our health care system. At 54 years old, I'm healthy enough to exercise year round and race competitively in triathlons but not risk-free enough for the insurance companies. My wife is also healthy but she has so many riders on her coverage that her policy is almost worthless. An issue that may haunt us is what I call use it or lose it. Our main problem appears to be that we once had insurance and used it to stay healthy.

Our claims were very small, much smaller than our annual fees but the insurance companies are using the knowledge that we learned about staying healthy as a logic to reject us. I normally don't like to see government getting into private matters, but health insurance does not appear to be a private matter anymore. We could easily pay out of pocket for the health costs we've incurred. We just wanted protection for potential major losses but now we're being rejected because of that."

Aside from frustration with the higher cost of health care, thousands of other constituents write to me about the trouble they have finding an insurer to cover them.

Susan from Baraboo, Wisconsin, writes:

"I am writing you today regarding health coverage for single people with no children. As of this time, I feel that I am left out of the loop in regards to this topic. I am 42 and last September I was diagnosed with breast cancer. In January of this year, the company I worked for informed us that they would be closing down. I was laid off in December while I was out due to my cancer treatment. I have been searching for health care elsewhere because my COBRA will be going up. I am on unemployment, and I am barely able to pay the $244.76 for coverage now. I cannot get insurance because of the breast cancer. The health insurance risk-sharing plan, HIRSP, the Wisconsin State program, is too expensive for me to get coverage since they want 4 months of premium up front and they only cover some things. What are single people supposed to do? We do not qualify for any government assistance because we are single. I cannot go without insurance. There are no programs to help us out. So when you are working on health care in the House, please remember that there are other single people out there also in my shoes. I am at a crossroads because I have no avenue for assistance when it comes to health care. Come November, I will be unable to get coverage when I need it at this point in my life."

Florita of Madison, Wisconsin, writes:

"I am a divorced parent and am having difficulty obtaining health care coverage for my young adult son. My son, now 19, was dropped from my group HMO and this was based on his age and not being a full-time student. His employer offers a health care plan but there is a 1-year waiting period. When I tried to apply for individual coverage for him through my current HMO, my son was rejected because they needed more detailed information on his health status. When I telephoned them and discussed his recent diagnosis of high cholesterol and the medication prescribed to control it, I learned that this alone would make him ineligible for coverage. I learned from other insurers that he would have been rejected in that he had high blood pressure, migraines, obesity, et cetera. In other words, the HMOs deny applicants for the conditions that are quite common for a large segment of the population. This entire situation frustrates me. The government provides free health care for prisoners, but law-abiding, hardworking citizens are either denied health care coverage by the major HMOs, often for ridiculous reasons, or are drained financially if lucky enough to find individual coverage due to the high deductibles and premiums, coupled with dental, prescription and optical costs that are not even covered in these plans. Health care has become a for-profit business at the expense of people's health. All citizens, regardless of their income, should not be denied full health care."

At this point I would like to yield again to the gentleman from New Jersey to share some of the remarks from his constituents.

Mr. PALLONE. I want to thank the gentlewoman again. I actually do have two letters that I wanted to bring to your attention. By way of background, though, I did want to say, obviously many of us do believe as I do that we should have national health insurance. One of the letters actually addresses that. I would like to read it now. But I would also point out that there are ways of dealing with the uninsured in a more piecemeal fashion to expand options for the uninsured that would cover a great deal of those 44 million Americans. And so whether or not you agree, as I do, that we should have national health insurance or you want to look at this in a more piecemeal fashion, either way certainly would be better than what the Republican majority is proposing because I think that their solutions really are no solution at all. But I did want to read this one letter. I am not going to mention the names of my constituents because I did not get permission, so I am just going to read some sections. This is from a gentleman who is an advocate of national health insurance. He writes a very good letter.

He says:

"I ask that you give some thought for national health insurance to cover every American citizen. We as a Nation are ranked 37th out of 191 countries as far as medical health care. Our country is considered one of the wealthiest in the world. That being the case, why shouldn't every American citizen have medical, dental, and prescription drug coverage? A recent study by the prestigious Institute of Medicine said 18,000 Americans die each year because they don't have health insurance. Myself, I wonder how many die because they don't have adequate health coverage because they can't afford the better coverage. Some can't afford to pay for their medication, glasses and other needs. I find it disgraceful that should you fall very ill or need extended health care or have to be treated for a terminal illness, all personal property and assets you work hard for all your life will be taken away from you and your loved ones. No other industrialized nation rations out health care to the degree as the United States does."

The letter goes on, but I think that last point is particularly apt, given what our Republican colleagues said earlier this evening and I will read that section again from this letter: "No other industrialized nation rations out health care to the degree as the United States does." For those Republicans that say that other countries are rationing health care, we do it more than anybody else because we have so many uninsured.

The second letter that I have I think is particularly significant because this person is a small business owner.

□ 2200

And as we know, one of the Democratic bills that we introduced today and that we wanted to have considered as an alternative to the Republican bill is the Small Business Health Insurance Act which creates a 50 percent tax credit to help small businesses with the costs of health care, which I think would be very significant; but again I would point out that under the rules of the House with the Republican majority, we were not allowed today to bring up this bill, which is what we wanted to do. We did not have that option.

But in any case I will say this is from Christine, I will not give her full name, one of my constituents. And again I am not going to read the whole letter but I will read some parts of it.

She says: "Dear Congressman PALLONE: I am writing to you to make you aware of the desperate situation in which my husband and I find ourselves. Included in this letter you will find a copy of a newspaper article from the Star Ledger." Let me explain that this newspaper article in the Star Ledger, which is the largest newspaper in the State of New Jersey, basically talks about the State License Beverage Association which had a health plan to cover member restaurants and taverns but essentially went belly up. I do not know all the details, but if people read the Star Ledger article, it simply stopped paying out benefits because it did not have the money to do so, which I think highlights again how difficult it is for small businesses to provide coverage even through their trade association.

But let me go on about what Christine says. She says: "This is most upsetting to us, as my husband was released from the hospital, after suffering a heart attack and subsequent angioplasty the day before we read this article" in the Star Ledger. "I cannot imagine what his bills will be.

"For a year prior to reading this" Star Ledger "article, we have been trying to find out why our doctor bills and hospital bills are not being paid. We receive letters and telephone calls from collection agencies. We never got a straight answer from the New Jersey License Beverage Association. We are told to resubmit the bills. Our premiums of $868 per month were paid in full, without exception. We also pay a $500 deductible per person, per year. That amount is for the most basic coverage; no dental or eye care. In addition, our plan is a 70/30 plan, which means we pay a co-pay each visit plus 30 percent of the rest of the bill." We can see that this is not really the best of plans, but this is all they had. When we are seeing cardiac specialists, this 30 percent can be hundreds of dollars. Being restaurant owners, we know this amount of money is more than many people who work for large corporations pay, but we know it is what we have to pay to take care of ourselves.

"In addition to being without health coverage through New Jersey License Beverage Association, we now have to try to find a new health coverage plan. This task will not be an easy one. My husband and I are both in our 50s and have a number of health problems or, as they say, 'preexisting conditions.' Health insurance plans do not like to see these words. They are reluctant to take on customers who may cost them money right away.

"Please look into this matter. Where did our money go, if not to pay our doctor bills? How can we possibly be held responsible for over a year's worth of doctor bills when we have paid our premiums?" And they go on.

And, again, the problem is real. The problem faces these 44 million uninsured Americans every day. And what we have proposed as Democrats here today, and I know my colleague from Ohio went into it a little bit, were three pieces of legislation which, again, are not going to cover all those 44 million uninsured but probably would cover the majority of them. And one of them, as I said, was the bill called the Small Business Health Insurance Act, which creates a 50 percent tax credit to help small businesses with the costs of health care, but I wanted to mention the other two. The second one is the Family Care Act, which essentially expands Medicaid and S-CHIP to provide affordable coverage to about 7.5 million working parents.

What we found a few years ago when we studied the 40 million uninsured was that the biggest group of uninsured were kids, and the second largest were the near elderly, those between 55 and 65 that were not eligible for Medicare, and then the third, of course, were the parents of the kids. So we tried through, as I call it, piecemeal legislation to address those problems. And then we did pass it. It was a Democratic initiative, but we did get enough Republicans; so we passed the Family Care or the S-CHIP, which gave money back to the States to provide for health insurance for kids. What this bill does that was introduced today, this Democratic initiative, the Family Care Act, basically expands Medicaid and S-CHIP to provide coverage for the parents of those kids, the 7.5 million people.

And then the third piece of legislation is the Medicare Early Access Act that provides coverage to 3.5 million people who are over the age of 55, but not yet eligible for Medicare, by allowing them to purchase Medicare coverage. These are the second largest group of uninsured, the near elderly. What happens is that when someone gets, say, 10 years prior to that, 65, when they are eligible for Medicare, they are often in a situation where they may be a spouse of a husband who may have died because he is older. I am assuming the woman is still alive, but it could be either way. Then the other thing is that a lot of people at the age of 55 will sometimes lose their job or they will be in a position where they have an early retirement and they may think they have health care coverage, and then they do not have it or they lose it. So that is definitely a very vulnerable group, and they could be added to the Medicare program by simply paying a premium. It was estimated, I think, a few years ago, when President Clinton was in office, that it would be something like $350. I guess it was probably a month, I would imagine, $350 a month. Some people may not have been able to afford that, but it would have been an option.

So these are ways, as I said, that we can expand health coverage and cover the majority of the uninsured without having to go to the national health insurance. Again, although I would like to see national health insurance, the Democrats have a consensus that this is a way to address the problem through this, as I call, piecemeal legislation that would provide significant coverage for most of the uninsured.

Ms. BALDWIN. Mr. Speaker, I thank the gentleman for his comments.

I have several additional letters from constituents that really, I think, emphasize the crisis that we are in right now, and their voices are so powerful in this debate. This is ultimately what is going to make the difference in this debate, what will ultimately bring us to pass effective legislation, not just things with feel-good titles to them. And their voices are very powerful in this debate.

One letter, Norm from Mazomanie, Wisconsin, Norm writes: "I had short-term coverage through COBRA, but that was cut short when my last employer reorganized. With that change came a loss of coverage, without notice. For some this would be a case of purchasing private coverage. For me it was a crisis as my medical records include treatment for skin cancer, angioplasty with two stents in my heart, and one episode of a transient ischemic attack (ministroke). I was lucky in all three cases as early detection and proper treatment left me able to work without limit and able to carry on life normally. However, it also made me uninsurable. I am grateful for living in Wisconsin as I was able to secure coverage through the Wisconsin Health Insurance Risk Sharing Plan. The coverage is expensive and has a high deductible. It is, in fact, best described as an asset insurance rather than health insurance.

"My bottom line is that if one can get the insurance, many can ill afford it. And if they can afford it, it commands such a large portion of the budget for a retiree or unemployed person that it is often a choice of insurance or having access to other normal things as well.

"Would there have been any value in saying we have a medical coverage crisis in this country and it's not only for the homeless or indigent. It has arrived for the common man. There is no place to turn. We can fund billions to defeat Iraq and will spend billions more to repair that country. We give aid to half the world and spend billions on one questionable project or another. Yet we cannot seem to find a way to provide decent, affordable health care to those of us who have faithfully paid large portions of our income to the tax system. It is time for Congress to get off their figurative and collective behinds and address this issue." And that is what Norm writes.

Niki from Madison, Wisconsin says: "I'm fighting a battle right now just to get coverage. After a layoff 6 years ago, I had a year of COBRA and then found an agent and got insurance rather easily with a company the agent represented. That company" was bought by another company and now the new company "has decided to get out of the medical insurance business. My agent recommended switching companies and that's where the sledding has gotten tough.

One company "turned me down for a jammed little finger and removal of a benign growth and again on appeal, despite a letter from my doctor saying I have been a perfectly healthy person all my life with no predisposition to anything uninsurable," a second company asked "'Have you ever been turned down for insurance?' Well, yes, just last week, for a jammed little finger and removal of a benign growth." That company "gave me no specific reason for also turning me down. I have to make a request in writing to them for that information and then they won't send the information to me, only to the health provider of my choice.

"What really irks me is the years and years that I have never made a claim."

Along with these individuals, there are millions of Americans who are fortunate enough to find an insurer willing to cover them at an affordable price. But oftentimes the coverage turns out to be inadequate, and necessary medical procedures and treatments simply are not covered.

Jean from Stoughton, Wisconsin writes: "Please continue the fight for coverage for mental health with medical coverage. We know all too well the devastating sadness that we have endured having an immediate family member with a severe eating disorder complexed with Type I diabetes. We have fought with the insurance company for 3 years with little success. Twenty visits for mental health is all that is included with most medical plans, and this does nothing to address a severe eating disorder and very possible death being a fact at all times for our family. It takes no rocket scientist to understand that being put in the hospital every 3 weeks in intensive care for the last 3 years is not saving any money for the insurance company, and yet the company will not budge. They would rather let a patient die than to open up the door and give mental health access to get better and become healthy."

Barbara from Madison, Wisconsin writes: "In August, 1997, both my husband and my college-age child required major medical care. One had a disease of the kidneys and one suffered severe clinical depression. Both patients required emergency visits and extended treatment. Both patients were compliant and followed their doctor's treatment instructions. Both patients were covered under the same family policy, which had been in effect for over 25 years.

"But our insurance company paid his expenses at a rate twice as high as it paid hers, because he had kidney stones and her severe depression was 'mental illness.'

"My husband underwent three outpatient treatments to dissolve the stones, as well as the required X-rays, tests, and office visits. When these treatments failed, he underwent surgery to remove the kidney stones. He was not expected to remain in extreme pain for the next several months until the new calendar year came in order to have insurance coverage. He was not told that he had used up all of his allotted benefits.

"My daughter required an emergency room visit as the result of a depressive self-harm episode.

□ 2215

Since this was not a psychiatric visit, the insurance paid 75 percent of the cost to treat her. But when she required psychiatric hospitalization to prevent any more self-harm, the insurance paid only 44 percent. And since she has been faithful about seeing her psychiatrist regularly, her insurance would not pay anything towards future psychiatric visits because she had used up her allotted number of visits for the year. She was expected to wait several months for psychiatric care to be covered, even though she was in extreme emotional pain, since she had used her allotted number of psychiatric visits for that year. Even though she was dangerously suicidal, the insurance company would not cover her psychiatric treatment. Of course, if she had harmed herself and survived, the medical bills would have been covered. Needless to say, we are not willing to take a risk with our daughter's life, so we accumulated an exorbitant amount of medical bills.

"Was my husband's health of more value than my child's? Of course not. But our insurance company paid his expenses at a rate twice as high as hers. Justice demands parity in insurance."

Mr. Speaker, as Cover the Uninsured Week comes to a close, I am very grateful to know that I have colleagues here fighting tirelessly for a better answer to our health care crisis in this country.

Before I close, I yield additional time to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to thank my colleague for not only doing this special order, but also for having all those letters and comments from her constituents, because I think that is the best way to show what the problem is. It needs to be personalized, because it is real.

This is not just some abstract theory we are operating under here. These are real people who are suffering and talk to us and approach us. Many of them are not in a position to write a letter, because maybe they are not articulate enough. But they tell you when they see you on the street or they see you at a function that they are having tremendous problems. And they are fearful. They either have no insurance or they are fearful they will not have insurance or they are under-insured.

I just want to spend a few minutes talking a little more about these three bills that we Democrats introduced today that I think will go far towards providing insurance for the majority of those 44 million uninsured Americans.

The one I mentioned before is the Small Business Health Insurance Promotion Act. This addresses small businesses trying to provide insurance for their employees.

I will not again get into all of it, but basically what it does is to provide a tax credit to help defray the costs of health insurance and encourage more employers to offer health insurance. It is available to any small employer who has 2 to 50 employees who provides coverage through a qualified pooling arrangement and who offers coverage to all employees. It is available to any self-employed individual who gets coverage through a qualified pooling arrangement. The tax credit, as I said before, is equal to 50 percent of the employer's cost of health insurance coverage.

Small businesses and self-employed individuals receive the tax credit for 4 years at least, and participating employers who increase the number of employees to over 50 after qualifying for credit continue to receive the credit for another 4 years.

The bill provides additional economic stimulus even to small employers who currently offer coverage, so it is something that those who offer coverage can take advantage of, so they do not get into a situation where they have to drop the coverage.

The second bill I mentioned is the one with the near-elderly. Actually, when I described it before, I made it sound as if you were going to have to pay all the costs of the premium. In reality, that is not the case. There is actually a subsidy in the bill. But I would like to describe it a little bit.

It again applies to those from 55 to 64. Starting in January 2005, individuals in that age bracket who have no insurance under another public or group health plan are eligible to purchase Medicare as their health insurance. They receive the full range of Medicare benefits and they are not required to exhaust employer-based COBRA before choosing the Medicare buy-in.

The way it works is the premium is set by the Centers for Medicare and Medicaid Services, and enrollees receive a 75 percent refundable advanceable tax credit to offset the premiums. So, basically the participants are only personally responsible for a 25 percent share of the monthly premiums.

The third bill I am not going to get into, because I see one of our colleagues has arrived, but it is the one for the parents of the kids who now receive funding and coverage for their kids under the SCHIP program.

Ms. BALDWIN. Mr. Speaker, I would like to now yield time to my colleague the gentleman from Rhode Island. The gentleman has distinguished himself on this issue since he joined us here in Congress.

I yield to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I want to thank the gentlewoman from Wisconsin (Ms. BALDWIN) and others for their leadership in organizing this special order, especially also the gentleman from New Jersey (Mr. PALLONE). The two of you deserve a great deal of credit, and I thank you for your leadership.

America's health care delivery system, Mr. Speaker, is incredibly flawed and in crisis. As premiums for employer-sponsored insurance rapidly rise, employers are struggling to maintain the same level of benefits or are offering less coverage and fewer options, and in some cases they are being forced to drop coverage altogether.

Even worse, the number of small businesses offering health insurance to their employees is rapidly declining. Existing public programs meant to reach those without access to private insurance are strained and still do not reach everyone. The challenges of the current system are affecting the health security of every American. Meanwhile, as we learned this week, the number of uninsured Americans is rising.

Mr. Speaker, we depend on coverage from a very haphazard system. If you do not qualify for a public program and do not work for an employer who is able to offer comprehensive benefits, you do not have access to affordable group coverage.

I find it staggering that over 30 percent of uninsured Americans are working and making more than $50,000 per year. Most of these individuals who make too much money to qualify for Medicaid are willing to contribute a fair share of their own income to a health insurance plan, if only they had access to a reasonably priced private plan.

The fastest growing segment of the uninsured population is young adults. There are 8 million 18 to 24-year-old Americans without health insurance. We need to find a way to pull these people into the system, which is breaking under the strain of rising costs and an aging population.

Like my other colleagues here tonight, I am going to read a letter that I received earlier this year from a young man in my home State of Rhode Island.

Mr. Speaker, it reads: "I am a 28-year-old resident of Warwick. The cost of medical care is astronomical. I do not have a job which gives me coverage, so I was forced to pay over $400 a month to Blue Cross for my health coverage. Well, I am no longer able to afford that incredible price and they have dropped me. I then applied to the Department of Human Services in Buttonwoods for medical assistance, and I was rejected. They said my medical condition was not severe enough to warrant assistance.

"My medication and medical bills are far too expensive for me to afford more much longer. I live with my family and they have been giving me help, but it is an extreme strain. I have just recently gotten a job delivering papers, but that will not be much help.

"Are there any Federal programs which could help? Are there any State programs? There seems to be no information out there for people such as myself who are in desperate need of medical coverage. I can afford maybe $100 to $200 per month for coverage, but I do not know of any private companies in Rhode Island that provide that.

"I have heard of the Neighborhood Health Plan of Rhode Island and Right Aide, but they seemed designed for families and I was told initially I probably wouldn't qualify. What about singles such as myself?

"Do you or does anyone on my staff know how to help? Can you direct me to any government or private agencies, and can you tell me of any private health insurance companies in Rhode Island, aside from Blue Cross, that provide reasonably affordable health coverage? I have looked on the net, but most of what I see are scams and junk web sites.

"Also, I am a registered Democrat and I am aware of your work on health care, but I think that the U.S. Congress and our State could do a much better job at getting the uninsured more help and more information. Thank you."

Mr. Speaker, my constituent sees the value of health coverage and has expressed a willingness to contribute a fair amount of his salary towards the cost of his medical care. Yet, because he does not fit into one of the categories I described earlier, there are no affordable options available to him.

Mr. Speaker, this is morally and economically wrong. We must begin a meaningful dialogue about how to reach those who have been left out of our health care system.

I am presently at work on a health care proposal that will assure a system that can include people like my constituent. The plan that I am proposing, that I am working on, uses the Federal Health Employee Benefit Plan as a model and would make a major step forward in achieving health care for all.

Mr. Speaker, I look forward to working with my colleagues on this effort and other legislative initiatives that will extend the promise of health insurance for every American.

Mr. Speaker, again I want to thank my colleagues for organizing this special order on such a critically important issue at this time.

Ms. BALDWIN. Mr. Speaker, reclaiming my time, I thank the gentleman.

Mr. Speaker, I want to thank all of my colleagues who this evening amplified the voices of their constituents. The crisis is dire. I know that we are rededicating ourselves as Democrats, but also as Members of this body who have constituents in dire need, to work towards the day where there is no need to have a Cover the Uninsured Week because we found solutions, workable solutions, to this problem.

Again, I thank my colleagues who shared this hour.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise this evening to speak for a few moments about the almost 44 million Americans, including 8.5 million children, who are uninsured.

Mr. Speaker, this week is Cover the Uninsured Week. As part of an intense effort to highlight the state of the uninsured in this country, more than 800 national and local organizations are working together and holding events, including health and enrollment fairs for uninsured Americans and health coverage seminars for small business owners.

In a study released yesterday, the Kaiser Commission on Medicaid and the Uninsured estimates our Nation will spend $41 billion to care for the uninsured in 2004. Federal, State and local governments will bear as much as 85 percent of these costs according to the study.

This study comes on the heels of new research from the Robert Wood Johnson Foundation, the national sponsor of Cover the Uninsured Week, which found that 20 million working adults in the U.S. are uninsured.

In my home State of California, approximately 6.5 million State residents were uninsured for all or part of 2002. Mr. Speaker, the uninsured are not only the poor or unemployed. In California, 2.5 million working residents are uninsured. That's 16 percent of the working population.

According to the Kaiser Family Foundation, between 2000 and 2001, the number of the uninsured increased by 1.4 million, and low income Americans are the most likely to be uninsured.

Mr. Speaker, earlier this Congress, I introduced legislation, H.R. 1143, the Keep America Healthy Act. My bill amends title XIX of the Social Security Act (SSA) to permit States to expand Medicaid eligibility to uninsured, poor adults.

The eligibility is expanded through the creation of a new optional Medicaid eligibility group for individuals between the ages of 21 and 65 whose family income does not exceed a State-specified percentage of up to 200 percent of the applicable poverty line.

I believe that Congress must take steps to insure the health of all Americans. In addition, the working poor should be confident that unfortunate incidents would not affect their ability to provide for their families. These citizens are left vulnerable by the lack of Federal health care assistance available to them, and my bill seeks to fill that gap.

Mr. Speaker, we all are aware that there is a health care crisis in our Nation, and while there are no easy solutions, I ask my colleagues to support not only my legislation, but also the mission and goals of Cover the Insured Week.

Mr. RODRIGUEZ. Mr. Speaker, I rise today in observance of Cover the Uninsured Week.

Over 40 million people are walking the streets of America without the most basic of protections. A protection that you and I have, and one that has been afforded to our families. But for many working families, the prohibitive cost of health insurance puts it out of reach. And this can lead to tragic consequences. The uninsured are more likely to be in poor health, receive diagnoses too late, and use the emergency room for primary care.

Research also shows that being uninsured has a financial cost too. After jobs loss, being uninsured and getting sick is the most common reason people file for bankruptcy.

While the cost for solving the problem of the uninsured is high, the cost for ignoring this problem is even higher.

In Texas, a huge budget deficit led to drastic cuts in the CHIP program and optional Medicaid benefits. While some restorations were made, those cuts will undo any gains that Texas has made in the fight to increase access to care.

We must begin to thing of healthcare as an investment. It is an investment in our children, in our workforce and in creating a better quality of life that we all strive to achieve. Until we can guarantee coverage for all, then we must take measures to fill in the gaps.

Earlier today we heard spirited debate about the merits of Association Health Plans and revisited the debate on medical malpractice reform. But the bills that we considered would do little to address the problem of the uninsured.

In fact, the legislation could actually make people worse off as was the case with the Small Business Health Fairness Act, H.R. 4281. Under this plan, the CBO estimates that 80 percent of small businesses would see premium increases and as many as 100,000 of the sickest workers would lose coverage altogether. This is not the answer.

Instead, I urge my colleagues to cosponsor three bills that if enacted could provide help to over half the uninsured.

The Family Care Act will make it possible for the working parents of children who are enrolled in Medicaid or CHIP to also participate in the program. This bill will promote health for the entire family as people work their way up out of poverty.

Second, The Medicare Early Access Act is designed to assist uninsured people who are 55 and over, but not yet eligible for Medicare. The bill would allow this pool to purchase Medicare for a premium and a tax credit to help defray the cost of the premium.

Lastly, the Small Business health Insurance Promotion Act would provide tax credits to eligible small businesses, including the self-employed, to help secure affordable health insurance.

This week, Robert Wood Johnson Foundation released data showing that Texas has the highest rate of uninsured working adults at 27 percent. These are the folks that are out there working hard and paying taxes, but don't make enough to provide for their own benefits.

We must begin to tackle this problem by creating programs that will help small businesses offer health insurance to employees.

I would like to thank the Members who have worked tirelessly to promote and improve upon these bills, especially Representative DINGELL and Representative RANGEL. This three-pronged approach will help increase access to health insurance.

Again, I urge my colleagues to cosponsor these bills. Let's provide an answer to covering the uninsured.

PUTTING PEOPLE IN CHARGE OF THEIR OWN HEALTH CARE

The SPEAKER pro tempore (Mr. CHOCOLA). Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, I have had the opportunity for the last hour to listen to some of the rhetoric coming from the other side. I will just have to say we have heard a lot of stuff on the floor of this House today about health care and medical liability insurance.

My firm belief is we need choices and options for the uninsured. Unfortunately, the other side chooses to characterize that as a piecemeal approach, but I believe that is an approach that is working and will continue to work, if we will simply give it the chance to do so.

There are fundamental differences between the Democrat side and the Republican side of this House. The Democrats believe that the government should be in charge of all health care and mete it out as they see fit.

Mr. Speaker, I worked for over 20 years as a private practitioner, as a physician, back in Texas, and I will just tell you I cannot imagine giving up that control over that much of my life to the Federal Government. I would much rather see people own their health insurance, be in charge of their health care themselves. I believe if you put people in charge of their health care, they will ultimately make better health decisions, and they will certainly help keep the costs of delivery of health care down.

One of the really painful things that I had to listen to over this past hour was discussion of the initiatives that were passed on this House floor today, particularly medical liability reform and the Association Health Plans. Yes, those are Republican initiatives, and a Republican House has passed both of those initiatives, well over a year ago in the case of medical liability insurance, and last June for Association Health Plans.

But, unfortunately, 440 feet away from us, we cannot get that legislation taken up; not because our Republican colleagues are opposed to this legislation, but because of the arcane rules of the other body preventing that from even coming up to a vote on the other side. I think that is a shame.

Mr. Speaker, when the President came and addressed us in the State of the Union Address in January, he outlined three proposals that would help reduce the number of uninsured in this country. Remind you this was back in January, this was four months ago, so time is a-wasting.

What the President outlined, he said, "We already did Health Saving Accounts in the Medicare Modernization Act that I just signed into law last month. What I think we ought to do now is provide a full deductible for a catastrophic health insurance plan, so that someone could purchase that with before-tax dollars and put those contributions for the deductible into their Medical Savings Account and build wealth with that."

Mr. Speaker, I had a Medical Savings Account myself for 5 years before I came to Congress, and I will just tell you, that is a powerful way to build wealth in a savings account dedicated to your health care needs.

The President went on to talk about Association Health Plans. There is no aspect of Association Health Plans that involves cherry-picking. Far from it.

□ 2230

This allows a much larger group to capture the purchasing power of a large group and to disburse that purchasing power then amongst small businesses. I think that is an idea that only makes sense, and we ought to allow that to go forth. But unfortunately, again, the longest 440 feet in the world is the distances between the two Chambers here in this building.

Finally, Mr. Speaker, tax credits. I have no problem with tax credits. I believe they ought to be given to individuals and not small businesses. I believe if we provide small businesses the purchasing power of large corporations with association health plans, let us save the tax credits for the true working poor, those who otherwise would not be able to afford insurance, a prefund, if you will, that would occur at the beginning of every year to allow an individual to purchase health care or health insurance on their own, and that money would not be able to be used for any other purpose. It would not subsidize any other activity in that person's or that family's life, only expenditures for the purchase of health insurance.

Mr. Kondracke, who writes a column for Roll Call, not necessarily known as a friend of the President or a friend of the Republican Party, disparaged the President at the State of the Union address and said, my gosh, with these three proposals we would only cover about a quarter of the uninsured. Mr. Speaker, I maintain that if we have within our power, within our hands the power to cover one-quarter of the people who are right now in the ranks of the uninsured, today, without any heavy lifting, we ought to do so. I urge my colleagues on the other side to encourage their colleagues to help us get those three commonsense solutions passed.

Finally, I have just got to say a word about medical liability reform. No, it is not the cost of the doctors' liability insurance that is driving up the cost of health care. No one believes that to be true; no one has said that that is the cause of health care costs rising. It certainly can limit access, as doctors decide they cannot afford liability insurance and drop out of the market or move to a more favorable market, but that in and of itself is not going to be driving up the costs of the uninsured.

What drives up the cost of health care with the problems that we have with our medical justice system right now are the costs of defensive medicine. A patient comes into the emergency room, midnight on Friday night, the doctor is called in to see them: gosh, it is probably just a tension headache and I can treat that conservatively and send them on their way, but if I miss the opportunity to do the CAT scan and to diagnosis the more serious illness, I will have a hard time defending that in court. That drives the cost of health insurance up.

STEMMING UNCONTROLLED ILLEGAL IMMIGRATION

The SPEAKER pro tempore (Mr. CHOCOLA). Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. ROHRABACHER) is recognized for half the remaining time before midnight, which is approximately 44 minutes.

Mr. ROHRABACHER. Mr. Speaker, I rise to alert my colleagues to a vote that will be taken on the floor of this Congress next Tuesday. It is a vote that will mark a turning point for our country or will reflect a continued unwillingness by America's elected officials to do anything to protect us from the greatest threat to our national safety and well-being.

What am I talking about? Next Tuesday, there will be a vote on legislation that I have offered, H.R. 3722, which will attempt to protect us from a major decline in the quality of life and the quality of our health care due to the uncontrolled onslaught of illegal immigrants into our country and into our hospitals and emergency rooms. If left unchecked, illegal immigration will destroy the quality of life for many of our people.

It is unforgivable that government has refused to act when the evidence is clear: millions of people are being permitted to stay in our country illegally, and it is having a horrendous impact on the standard of living, safety, and quality of life of average Americans.

For tens of millions of Americans and legal residents, real wages have stagnated. The education of our children has been undermined, our health care resources depleted, and the safety of our streets and neighborhoods and, thus, the safety of our families compromised.

This is not a back-burner issue. It goes to the heart of what America will be like tomorrow and, in some cases, it deals with a crisis of today. Yet, elected officials have remained silent about illegal immigration. Why? The American people need to ask themselves that question, because it is clear that the overwhelming number of the American people are troubled and enormously concerned about this onslaught of this uncontrolled, massive flow of illegal immigration into the United States.

But why are our officials not acting? First and foremost, I believe that many elected officials have been intimidated from addressing this burning issue. When I say intimidation, what is that all about? Is that against the law? Well, no, one can be intimidated in a number of ways. I mean that our elected officials are afraid to address this issue because they are afraid to be called racists. They are afraid to be called hate-mongers.

Let me note for the record today that I have been called many names when addressing this issue, and I believe that I have love in my heart for all of, not just our fellow citizens and legal residents, but I have love in my heart for other people. People who are malicious, people who are doing ill and bad things to other people, of course we do not love them. But the vast majority of people, even illegal immigrants coming into this country are wonderful people, and I have nothing but love in my heart for those people. But that is not the question of the day. We can be very caring about the rest of the world, but that does not mean we do not recognize that we have limited resources and that we can deplete those resources to the point that it will be harmful to our own citizens if we do not act responsibly.

Furthermore, it is not hateful to use scarce resources to provide for one's family. If one is taking care of their family, if one works hard and has a certain amount of money, and even if there are needy people down the street, down the block, it is important to care for your family first. That does not mean you have any less love in your heart for your neighbors and the people down the street; but first and foremost, caring for your family is itself an act of charity and love.

I am committed to doing something about the threat of illegal immigration, not because I dislike people and certainly not because I dislike people from other countries. Most people who come here, as I say, even the ones who come here illegally, are wonderful people. But we cannot take care of all of the wonderful people in the world and expect that it will not hurt our fellow Americans, in the same way that we cannot, as individuals and as members of a family, give away all of the family's money to people down the street who might need some help and not expect if we give away too many of those resources for it not to have a horrible impact on our own family and, indeed, hurt our family. We Americans, of course, are very proud that our country represents every race and religion. So it would not be that we have in some way something against people who are coming here from another country. In fact, we are all descendant from people who originated in other parts of the world, with the exception perhaps of the American Indians. Yes, we are a nation of immigrants and we are proud of it. And we are proud also that our country today permits more legal immigration into our country than all the other countries of the world combined.

One million immigrants are permitted to come here every year, along with 400,000 refugees. With a population of 280 million people, we can expect that we will absorb this responsible number of immigrants. It has worked out for us well in the past, because the immigrants who come here legally need to be healthy, they need to be honest, and they need to be self-supporting; or they are not permitted to come here. We have no such controls on people who are coming here illegally, perhaps bringing diseases, perhaps criminal elements, perhaps terrorists.

Tonight, however, I want to draw the attention of my colleagues to the dire consequences of not stemming the uncontrolled flood of illegal immigrants into our country. One can be for a responsible and a sizable legal immigration without then compromising a position that puts one totally against a flood of illegals coming into our country, especially the uncontrolled flood of illegals that we have been seeing in the last decade. Millions of illegal newcomers are arriving in our communities. Every day, tens of thousands more of them arrive. If they are sick or they are criminals or they are terrorists, we do not know. This is a catastrophe in the making. It will lead eventually, if left uncontrolled, to a destruction of the American way of life, the very way of life that has attracted all of our forefathers and -mothers here and has attracted the legal immigrants who come to our shores legally and come with respect for our law.

The American people, they see what is happening. They can see what is happening in our cities and in our communities throughout the country. The American people see this, and they are seething with anger. Every poll shows that 60 to 70 percent of the American people are outraged that nothing is being done and their country is being taken away from them by an uncontrolled flow of people from other countries. Every time it comes to a vote, the American people express this cry for help to elected officials to do something about illegal immigration. Proposition 187 was the first time that that really came to a vote; and let me say, 10 years ago, no matter what people have heard about proposition 187, it passed in a landslide. It passed in a landslide when all of the major interest groups were against it, the major news media. All the name-calling you can possibly imagine was thrown at this little band of activists who put proposition 187 on the ballot. But even though an overwhelming number of voters voted for proposition 187, it was portrayed as some sort of a loss for the Republican Party, because Republicans by and large had supported and identified with proposition 187.

Let me note that there are people in this body, such as the gentleman from California (Mr. GALLEGLY), who represents many areas in which there are Americans of Mexican descent who represent a majority of areas in his district, but the gentleman from California (Mr. GALLEGLY) tells me that many of the cities where the majority of the population are legal immigrants and where Americans of Mexican descent hold a majority, that many of those communities voted by majority in favor of proposition 187.

Many people are afraid, even with that staring them in the face, the evidence that Mexican Americans, like everyone else, feel that their way of life is being threatened and their standard of living and their families are being threatened by illegal immigration. Many people still hesitate, thinking that they might be insulting our American citizens who happen to be of Mexican descent. Well, there is no Californian that does not respect our Mexican American and Hispanic fellow citizens and legal residents.

California is, by its very name and by the names of our cities and our streets and our culture, deeply influenced by the Hispanic culture and by the Mexican American culture that has been part of our State since before it was a State, and we are proud of that as Californians. We are proud of that. And yet many people are afraid to be called a racist. They are afraid to be called racist or hate-monger; they are afraid that that might make some people who are right down the street from us, our next-door neighbors or others, feel that we have something against them.

Well, turning one group of honest citizens against another in order to keep the flow of illegal immigration into our country has worked to intimidate people, but it is a dishonest tactic; and we will hear it over and over again. I would alert my colleagues and the American people to pay no attention. The real hate-mongers and the real people who are engaged with racism are the ones who would suggest that we cannot deal with problems like illegal immigration unless we can call each other names.

Well, I would suggest that today the situation has gone so far down the road toward disaster that we have got to come to grips with this illegal immigration flow, or there is going to be irreparable damage to our country and to our people.

□ 2245

What else, of course, has prevented us from dealing with illegal immigration? It is not just a fear of being called a name and racist, et cetera; although that is a powerful factor. There is another factor involved, and that is, there are some enormously powerful interest groups who believe they are benefiting from this massive flow of illegal immigration into this country.

Who am I referring to? I am referring to big business who want to ensure that they keep wages down and suppress wages, and I am talking about the liberal left wing of the Democratic party who believes that they will exploit illegal immigrants for their own electoral purposes, that they can politically exploit them.

So we have two groups of people who want to exploit illegal immigrants: big business and the liberal left wing of the Democratic party, both trying to exploit these helpless people who come to our shores.

These powerful forces obviously do not represent the interests of the American people. First of all, let us note this. It is estimated that if illegal immigration is unchecked, and everything else being equal, the population of our country will jump from 280 million people today to 420 million people just a few decades away. Is that in the interest of any American to have that kind of crowding, that type of incredible increase in the number of people that we have to deal with and the demand on our scarce resources? That is what will happen if we leave illegal immigration, with millions of people coming in every year, and let it go unchecked. If that is going to happen we are going to end up with a half a billion people here in the United States of America.

Why are we letting it happen? There has been a lot of other things happening, and people know this is attributed to this massive flow of illegals. Yet we continue to let those things happen. Wages, for example, are being held down. There is no doubt about it; there are some people who benefit from low wages, the people who own the companies, people who want servants, et cetera. But most people, most Americans, are damaged by the product of illegal immigration, and I might add this keeping down of wages is changing the demographics in our society, thus changing the American way of life.

Let me note, it is a big lie that illegal immigrants are only taking jobs that Americans will not do. No, that is the great lie that is being used to justify this influx into our country, which is bringing down the wages of all of our people. No, no. Americans will do just about any job, but they will not do it at the pay level certain people are offering those jobs at. The pay level in our country for certain jobs, yes, Americans will not take that, but if we did not flood our country with illegal immigrants, those jobs would have to pay more money to get them done.

A good example of this is a job that I held when I was in college. When I was in graduate school, I held the job of a janitor. Yes, I cleaned toilets, and there is nothing wrong with that type of work. In fact, it is very honorable work. Any work where you are taking care of your own needs and being self-sufficient is honest work and dignified work.

During this time period after I, of course, got done with that job, that was 30 years ago, the GNP of our country has dramatically increased. We have had a tremendous increase in the GNP of our country, in the wealth of our country. This is a much richer country now than it was when I was cleaning toilets as a janitor, but if you look to see what janitors are making today in real terms, in real money, they are making almost exactly the same pay as I made when I was working as a janitor.

So why is it that the country can be so much more prosperous, there is so much more wealth here but the people working in regular jobs and more lowly jobs are not making anymore money? Where is their share of the prosperity we have enjoyed?

Their share is being gobbled up at one end of the spectrum by wealthy people and being gobbled up by government, I might add, and bureaucracy, and who is not getting it are the average working American people.

They say, well, no one would have taken that job as a janitor now. Yes, they would have taken that job had we not had a major influx of illegals in to take this janitorial work. What would have happened? They would have had to pay someone, like myself when I was in college, more money to do that job, and then you can bet that somebody would have invented a janitor machine, a toilet cleaning machine that would have cleaned the potties, maybe 100 potties. A man or a woman might be earning $50,000 a year to do a janitorial job.

There is nothing wrong with paying someone those type of wages for that type of work. As I say, any honest work is dignity, and the law of supply and demand will determine how much wages are paid, but instead of having one man working a machine, working technology to keen up our buildings and our bathrooms, we instead have opted in the society to bring in illegal immigrants, give them the jobs, but there are now five or six of those people and they are living in substandard housing with families that are deprived and are bringing the standard of living of their neighborhood down. These are people who are not living the American dream but, instead, are living the type of nightmare that they left in their home countries where there are very poor people and very rich people.

So what we have done, instead of giving working people in America an avenue of earning enough money to buy their own home, we have created a new class of poor people. Is that working for the interest of the American people of our country? Is that what we want?

This is on top of, I might add, of course, the legal immigrants that we permit in, a million legal immigrants and 400,000 refugees every year.

Pressure is being felt throughout our society because of this massive flow of illegals into our country. I am suggesting millions of people are coming here every year illegally, and we are not doing anything about it, and the pressure is being felt. We can see it. The American people can see it. They can feel it, but nowhere is that more evident than in the providing of health care for our people.

Obviously we can feel it in other areas. We can feel it in the area of education. We have seen that in education, the quality of our education in California is going down. Everyone talks about class size in California. They are taking illegal immigrants out of the equation. In California, class size is not going up. You take the illegal immigrants out of the formula in California, education is doing very well, and our teachers would have time to teach our own students and give them a quality education; but no, we are permitting that to be eroded. For the average person out there who depends on educating their children in the public schools, we have permitted illegals to come in in order to help people who live in gated communities and send their kids to private schools. So education is being affected.

Our criminal justice system is being affected. We can see that throughout California as well, and health care is being affected.

Emergency health care is something that all of us depend on at one time or another. We just heard before us a few minutes ago by some of my Democratic colleagues talking about all these uninsured Americans, and there are uninsured Americans who do not have health care in this country. I have a piece of legislation aimed at trying to make sure that we do not put the status of illegal immigrants above our concerns for our own American citizens who do not have health care. My bill, H.R. 3722, will come to grips with an element that has just been put into our system unbeknownst to most American people.

What we did not know and what most people do not know is that a provision was slipped into the Medicare bill of a few months ago that passed through this House, and this provision established a $1 billion fund to compensate American hospitals for providing emergency health care to illegal immigrants. Let us make this clear: $1 billion of Federal money going to compensate hospitals for providing emergency care to illegals. Thus, we have officially opened the door to our own Treasury and to the taxpayers' money of providing services for illegal immigrants into our country.

We are providing this and it is $1 billion to start off with, and you can imagine that 10 years from now we are talking about 10s of billions of dollars, and we are talking about attracting more and more people here to the United States of America in order to get health care for their families.

We cannot spend money providing health care for people who come here illegally and not expect that we are not going to have even more people come here illegally to get that health care. It does not take a genius to figure that out. We have seen what has happened. We have seen this flow continue. We had an amnesty back in 1986. That amnesty was supposed to say there will be no amnesties after that. What happened? What happened was a dramatic increase in illegal immigration into our country.

The American Hospital Association reports that there were $21 billion in uncompensated health care services provided last year, and illegal aliens amount to 43 percent of those who do not have health insurance in this country. So 43 percent of all these people we are talking about that do not have health insurance are illegal immigrants. That is about $9 billion we are spending already for illegal alien health care. Yet we have established a fund that will provide health care for illegal immigrants' emergency health care.

What does that do? What does that mean? That means that we have created a perverse incentive for our hospitals to take care of the illegals who end up coming to their emergency center and treating the Americans and legal residents who come there, who do not have health insurance, as second class to the illegal immigrants. We have got the priorities totally backwards, but that message is not going to be lost on people overseas. They know they can come here and get that health care.

We all remember Jesica Santillan. She was an illegal alien who died after receiving not one, but two, heart and lung transplants in North Carolina. The Santillan family paid $5,000 to be smuggled across the border to get here to have care, care that they knew would take a long time to get if they could ever get it at all in Mexico.

There are American citizens who desperately need organs, and they are being knocked out of line by a family who broke the law to come here. Yes, that was a nice, little girl and that family's a very nice family. We hear stories in the newspaper every day about people who come here from China and elsewhere in order to get their families treated by America's health care providers. Yes, that touches your hearts, but let us be fair to the American people.

This is depleting our health care dollars that should be going to our own senior citizens. If we cannot provide medical care for our senior citizens, we cannot provide them medicines, how is it that we can provide $1 billion to treat illegal immigrants and then we are going to get more of them?

My bill will come to grips with this particular issue, H.R. 3722. It is meant to deal with this travesty. If passed, it will signal to the leadership that the American people no longer will stand for this type of providing services for illegal immigrants.

What does this bill do? It requires that hospitals ask questions that they are going to ask anyway. The hospitals are opposing my bill because they said it is going to add all kinds of questions that you have got to ask. No, I have got to tell you this. In order to get those funds to get compensated for treating those illegals, what we have got to do is ask questions anyway. My bill provides almost no extra paperwork. When you hear that argument, it is a lie.

□ 2300

What we have done is we have asked for a photo to be taken or a fingerprint, and one other question to be asked: Who was your last employer?

And I might add that my bill also says that if that last employer of this illegal who is now in the emergency room to get care, if he has not taken the due diligence to even make a telephone call to verify that this employee is here legally or not, and that system will be in place in 2005, well then that employer is required to pay the bill, not the taxpayers. The employer will pay that health care bill for being so arrogant as to try to hire a guy, probably not even paying his taxes and not giving him any health insurance.

So, number one, it suggests the hospitals have to take a minimum of attention to collect a fingerprint or a picture of this person, and enough information, as well as a few minor questions that they ask anyway, and that that information be provided to the Immigration and Naturalization Service and the Department of Homeland Security, and that we expedite deportation of that person who is here taking hundreds of thousands of dollars of health care away from our people.

If that person is here illegally, they should be deported; and that information should be available. But the hospitals are not required to do anything else than that which is minimal. It will not cost them time or money. And right now, by the way, these hospitals report abuse, spousal abuse, child abuse. That is all reported. They can do this. And, as I said, we require the employer then to pay for it if he has not taken due diligence.

Most importantly, this bill limits the amount of health care that we are going to provide illegal immigrants if they come to the emergency room and expect treatment. This is the all-important provision. Today, we have people coming from all over the world here illegally. They arrive at the emergency room and they say, you have got to take care of me. I just mentioned this young lady, this young girl from Mexico who we spent millions of dollars on, and then her family ended up suing the hospital for heart and lung transplants. No. Under my bill, the hospitals will not be required to do anything except treat anyone who comes in for a life-threatening condition.

If an illegal immigrant is there and they want to have leukemia treatments or treatments for genetic problems they have been carrying all their life, the hospital only has to treat that patient to the point that that patient then can get to an airport or get to a transportation system that will take them back to their home country to be treated for that disease there. That is where they should be treated, instead of having our hospitals being forced to pay hundreds of thousands of dollars for leukemia treatment, for example.

There was a fellow in my congressional district who came here from El Salvador, and he was dying of leukemia. He received $300,000 worth of treatment for leukemia. That $300,000 comes from the money available to take care of our children. It comes from the money that is available to take care of our seniors. Imagine, $300,000. It is a crime to permit someone who has come here to this country to deplete our resources like that.

Now, we are going to have a chance to vote on this next Tuesday; but it is not going to happen on its own, because H.R. 3722, which is the bill, is going to be the target of every interest group that you can imagine that wants to keep the flow of illegal immigration coming into this country. But the American people need to know that H.R. 3722, my bill, which will be on this floor next Tuesday, is going to be voted on. And the decision that is going to be made is the decision that we have limited health care dollars in this country; so are we going to spend them for illegal immigrants or are we going to try to get control of this situation so our health care dollars are going to our own legal residents and our U.S. citizens.

Is that hateful? Is that racist? Is that a horrible thing for people who care about other people to do? I say that that is the loving thing to do. I say that you can have love in your heart and try to be responsible. We know that if we try to do everything for everybody, we will end up not being able to do anything for anybody. We have seniors right now that cannot afford their medicines, yet we are talking about spending billions of dollars to take care of illegal immigrants.

Now, the only way that I got this vote to the floor, the only way that this bill, H.R. 3722, was permitted to come here to the floor for a vote was that they needed my vote. The leadership in the House needed my vote on the Medicare bill.

I voted for the Medicare bill because I felt that our health care had evolved now so that a lot of people who depended on operations and the type of things covered by Medicare in the past now took care of these problems by using pills and medicine. So we had to evolve so we could help people get those pills and medicine as they get to be older. Well, that bill only passed by one vote as it went through the House. And I voted for that and I am proud of that.

Then it went over to the Senate and that is where they stuck this provision in, this provision of a billion dollars, which is of course an installment. Ten years from now it will be $20 billion. We know that. So they stuck this provision in, and on the way back they did not have enough votes to pass the Medicare bill. That is why there is a miracle that is going to happen here next Tuesday.

They needed my vote in order to get the Medicare bill passed, and I said I cannot vote for this with this provision in here. I already voted for it when it was not in; I cannot vote with it in here. Unless it is mitigated, I cannot vote for this bill, and the bill was going to go down. The leadership said, what do you mean by mitigated. I said, I need to bring a bill to the floor that will undo the negative impact of the money that we are going to provide for illegal immigrants' health care in this bill. They said, you have a deal. We will let you bring this to the floor and the people of the United States will be able to hear the arguments and your colleagues will be able to vote up or down on the legislation that you have in mind.

That is how this bill came to the floor for a vote. The American people have to be involved in deciding this issue when this bill comes onto the floor on Tuesday. H.R. 3722 is very easy to understand. It means limited health care dollars are going to go to illegal immigrants, or it means that we are going to try in some way to restrict the use of our limited health care dollars in the servicing of illegal immigrants.

As I say, we have a situation in this bill that goes to the cost of illegal immigrants as well by making sure that our hospitals no longer feel compelled to provide extensive services, like cancer treatments and genetic engineering and bypasses and things to help people who are not in a life-threatening situation. We cannot afford to do that for illegal immigrants. We cannot afford to do it.

First of all, it is unfair to our own U.S. citizens to have a fund that will compensate hospitals for taking care of illegal aliens who do not have health care insurance, but then we are not doing that for our own citizens who do not have health care insurance. That is wrong. It is immoral, and it is wrong.

We need to make sure when the illegal immigrant is there that we do not end up spending massive amounts of money. The only money that should be spent is in case that person, his or her life is in danger at that moment. We cannot afford anything else. There are some people who believe that we can do everything for everybody. They never vote against any spending in this body. They vote for any new government program. I do not know how they can think they are being responsible, but they do.

I can tell you right now, we cannot be the HMO of the world. If we try to be the HMO of the world, and we attract people from all over the world, which we are doing now, and taking care of all their maladies and all their health care problems, we will be doing so at the expense of the American people.

Yes, illegal immigration is out of control. It is dramatically hurting our way of life. We have wages that have been kept down so some of our people cannot afford health insurance, and now we are taking care of illegals and not their health insurance. We have people now who come to this country and will work and not pay taxes, so that means they are not getting health insurance, they are not paying taxes, and that means doubly that we end up paying for their bill.

□ 2310

Who are we really subsidizing? We are subsidizing the employers of these people who are basically not only exploiting them, they are exploiting the taxpayers. The people are getting filthy rich by hiring people who have come here illegally and not providing them any health care and not having them pay taxes to make up for the services they are consuming here. This has to be stopped. It is bringing down the wages of our people and it is destroying the American way of life.

We cannot sustain millions of people coming into this country without harming our own people. Wake up, America. We can do something about this, but we have got to take a stand.

Next Tuesday, it will be very easy to understand, except there is going to be all kinds of rhetoric about the burden of paperwork that we are going to put on the hospitals. By the way, there is no burden of paperwork unless the hospital wants to be compensated. H.R. 3722 will not require the hospitals to do anything if they do not want the Federal dollars to compensate them for taking care of that illegal immigrant.

If they want to opt out, there is no burden. But if they want compensation, they are going to have to ask certain questions to prove this person was illegal to get compensation. My legislation requires a minimal amount, maybe an extra 30 seconds, enough to snap a Polaroid shot and ask who the former employer is. That is it. All they are doing is putting this information into a computer that is available to the Immigration and Naturalization Service, and then the legislation requires our government employees at the Immigration and Naturalization Service to look at that information and they will analyze it and they will begin deportation against an illegal immigrant.

Why should we do this? First, some will say it will mean more people are not getting treated in our society. There will be more sickness in our society.

Let me note that if Members want to see sick people coming to America, let everybody in the world know if you get to America, you are going to be treated. You are going to get free health care. They are going to bring their kids here with polio and everything else because they know their family will be treated in the United States of America. If we want to spread disease in our society, let us make our society the HMO of the world, and that is what we are doing here today.

No, this is not an imposition on the hospitals. They can opt out if they want. It is no more bother than what they are already doing. For example, child abuse cases go to the police. They make a report to the police; or some spousal abuse case, they do that already. No one is complaining about that. But let us compare what illegal immigration is doing to those situation.

This illegal immigrant from El Salvador who died with leukemia and taking with him $300,000 of U.S. tax dollars with him, how bad is that? Is that awful? The girl in North Carolina, we spent $5 million on her. Why is that bad?

Today if that guy would have lived and gone into a drugstore or liquor store and stolen a couple hundred bucks, he would be in jail. If one of our people, our citizens, goes into a store and robs it of a couple hundred dollars, that person is going to jail. But instead, we are taking people who have entered the United States illegally or have overstayed their visas and are just here illegally, and we are permitting them to consume hundreds of thousands of dollars, taken directly from our pockets; and the money available for providing services, we are permitting them to take this money. They are stealing from our society, but their accomplices are the people in our government who refuse to come to grips with this grave threat to our society.

We all know that we have a threat here to the institutions, our health institutions and to our schools. We also know that with illegal immigration out of control, we do not know if these people are terrorists, if terrorists are coming here. We have to come to grips with this.

We have to look in the mirror and say we are proud to be a country that is made up of every race and every religion. We are proud to be a Nation of immigrants. We are proud that we have more legal immigration in our society than any other country in the world, but we are not going to be browbeaten and called names in light of our generosity, simply for doing things that are responsible in protecting our own citizens and legal residents.

We have got to watch out for each other. We have to care for our other fellow Americans more than people who have come here illegally. If we do not, no one is going to stand in line and go through the process of legal immigration.

This is a situation that threatens our way of life. We have to proceed with love in our hearts, but we have to proceed with determination to turn the situation around. Next Tuesday, Members of Congress have got to know that their constituents will be judging them on their vote on H.R. 3722. No one should be fooled by any smoke that is blown into the air to try to confuse people on the issue. This is the issue of using scarce health dollars for illegal immigrants versus using those dollars for American citizens and legal residents.

People need to have their voice heard in Washington, D.C. Elected officials need to come to grips on this, and we need to have more votes on this than simply those votes that are required whenever there is some type of arrangement made because votes are needed on another piece of legislation.

There are good people on all sides of this issue. There are good people who are concerned about large numbers of illegals. We have 12 million illegals in this country, but we have to be more concerned with American citizens and legal residents.

IRAQ WATCH

The SPEAKER pro tempore (Mr. CHOCOLA). Under the Speaker's announced policy of January 7, 2003, the gentleman from Washington (Mr. INSLEE) is recognized until midnight.

Mr. INSLEE. Mr. Speaker, my colleagues and I tonight have come to the floor in a continued series of discussions that we have styled as the Iraq Watch. We, unfortunately, have had to be involved in this now for several months. We do so because we believe very strongly that this situation in Iraq is of such high challenge that the U.S. Congress owes an obligation to be involved in the tough decisionmaking and not just punt to the executive branch of the United States Government. We believe that there are some serious issues that need discussing, and we intend to do so tonight.

But before we get to some of the controversial issues that need discussion, I think it is important to note the unanimity that this country has and the total bipartisanship we have in three or four very central elements in this challenge pertaining to Iraq, and I want to list four of those.

First, all of us are dismayed and appalled at the savagery of the United States contractor who was executed in a horrendous act that Americans are seeing and hearing about on their television screens tonight. I think it is important for us to recognize the sense of outrage that we need to maintain as a healthy sense, and not to give it up and say it is another act of violence. We need to retain our sense of outrage at their behavior.

Second, we have a bipartisan consensus in this country that we are dismayed and disturbed by the occurrences in our prisoner of war camps. Today, as Members of Congress, we join in a bipartisan way, unfortunately, to review the incredibly disturbing still pictures and videotapes which still have not been released of some of the things that went on in the prison camps.

□ 2320

There is a bipartisan recognition that those actions damaged our potential success in Iraq and that we in a bipartisan way want to find a way to make sure that never happens again because we have too many challenges already in Iraq to add to those challenges by self-inflicted wounds. Third, we have a national consensus that extends our feeling of loss to many of the innocent Iraqis who have found themselves in harm's way as a result of this action. Fourth, and perhaps this is the most important for us to reiterate, in any discussion of Iraq, there is absolute unanimity across this country in expressing pride and respect for the heroism and the professionalism of our troops in the field in Iraq. No matter what we say tonight about the civilian leadership who unfortunately we believe have made some very grievous errors to our soldiers' disadvantage, it is very important to realize there is total consensus in this country and in the House of Representatives respecting the dedication of our troops, notwithstanding the difficulty in the command and control structure that happened in these prisons. Those are four points of consensus and unanimity that we have in this country that we intend to make sure we note.

With that, I would like to turn to some of the challenging things that we need to talk about tonight, if I may, if the gentlemen will give me a few moments. The unfortunate truth is, however, that the professionalism of our soldiers in the field, hundreds of thousands of whom are serving with distinction, has not been matched by some of the civilian decisionmakers pertaining to the Iraqi operation. There, unfortunately, have been a series of substantial errors which have posed challenges to us that now we have to dig ourselves out of. I want to mention 10 of those very quickly in summary form to set the framework for our discussion tonight. There are 10 serious mistakes, errors, of judgment and negligence that have been made by our civilian authorities in the executive branch of this government which are now putting us in a very, very deep hole, of what was already a challenging position. I will quickly summarize those 10 that we will discuss tonight.

First, the United States Government told the American people in unequivocal terms that there was, and I think I quote from the chief executive, no doubt but that Iraq possessed and was deploying some of the most lethal weapons systems devised by man before this war. That statement unfortunately has proved to be false. It is one that we should think seriously about as we move forward in Iraq.

Second, the executive branch and the civilian authorities of our Nation told the American people in unequivocal terms that there was a clear, convincing and cogent connection between Iraq and the heinous attack on our Nation of September 11. That assertion after months and over a year of digging has not turned out one solitary shred of evidence to substantiate that assertion; and as far as we know tonight, that assertion was false. Why is it important to recognize the falsity of those two assertions preceding this war? It is important to understand both the Iraqis' response and the world's response and now our difficulty in obtaining assistance for our troops in the field because the war started on two basic falsehoods, and this is a recognition that we have to have as we form a strategy to have success in Iraq.

The third issue. We were told in very clear terms and this Congress was told in many briefings that we would be welcomed as liberators, we would be welcomed with rose petals at our feet. The savagery that our men and women who are serving in Iraq have seen was hardly a sense of liberation. Why is this important? It is important because it explains some other failures by the civilian leadership in our Nation.

It explains the fourth failure, the failure to have adequate troops on the ground at the time the Iraqi Army collapsed. We had multiple truth-tellers who told the truth to the executive branch, what was needed in Iraq; and they have all been fired. General Shinseki told the President of the United States and the Secretary of Defense that we would need several hundred thousand troops on the ground to prevent Iraq becoming an infested place of looting and anarchy the day after the Iraqi Army collapsed. He was ignored and then fired.

General Zinni essentially said the same thing. He was ignored, then he was fired. We have seen this as a consistent pattern of truth-tellers about Iraq. When Joe Wilson blew the whistle on the falsehood we heard from that Speaker's rostrum during the State of the Union, his wife had her job diminished by secretly outing her as a member of the CIA. The sad fact is advice given to the civilian authority has not been followed.

The fifth error. We knew that to bring democracy to Iraq, we need to bring democracy to Iraq. The way to bring democracy to Iraq is to have elections. The first proconsul we had, Jay Garner, said, let's have early elections; we might get the Iraqis to buy into this system. He was fired. He was let go. The successful example in southern provinces of Iraq which has had successful elections is now not being followed, and we have no idea from the plan from the administration when that may occur. We need elections in Iraq.

The next error. We have failed wholly to build an international assistance for our troops. This needs to be an international responsibility. American taxpayers should not be the only ones footing the bill in Iraq. In fact, the rest of the world footed the bill for the first Persian Gulf War under the first President Bush. Now the American taxpayer is paying this almost lock, stock and barrel both in blood and in treasure.

The next error. We consciously sent, and when I say "we," I mean the executive branch in the United States, consciously sent American men and women into battle without armor. We knew we were sending people into the warren's den of RPGs, rocket-propelled grenades, improvised explosive devices; and we sent them in these little thin-skinned Humvees to drive around for a year and a half, and we have had over 700 lost Americans, many of whom because we did not have adequate armor in the field. Now, yesterday, when we went through the streets of Baghdad, we went in armored personnel carriers and we did not lose anyone, which are impervious to rocket-propelled grenades and a lot of IEDs. We ignored the clear advice that we needed a stronger, more well-armored force in Iraq, and we lost sons and daughters because of it. I will say a good thing for this administration, they are now finally beginning to rush to this battlefield as fast as they can the armor we need.

The next error we had, I think it is number seven, we did not even have body armor for these people. We did not have flak jackets.

Mr. STRICKLAND. Will my friend yield?

Mr. INSLEE. Briefly. Then I need to complete my two more.

Mr. STRICKLAND. May I, with kindness, challenge a statement my friend just made. My friend from Washington said the administration is rushing as quickly as they can to provide the armament our soldiers need. I think that is not the case. The only company that produces up-armored Humvees that the Pentagon does business with is an Ohio company from my State of Ohio. That company is located in Fairfield, Ohio. They are capable of producing up-armored Humvees at the number of about 500 per month. The Pentagon, although we desperately need them, is only buying about 300 a month. So even in this case, where they should be protecting our soldiers as quickly as possible, they are not doing what they could and should be doing and they are not doing it, certainly, as rapidly as possible.

So when it came to the body armor, and the President has actually accused his opponent for the Presidency, the Democratic nominee, of voting against body armor for our troops, I think they are talking about that $87 billion supplemental, the fact is that at the beginning of the war in Iraq, when our soldiers first went into that country, many of them went in without body armor to protect them. That was many months before we voted on that supplemental. Many months. It was the President, it was Mr. Rumsfeld, it was this administration, this Pentagon that sent our soldiers into harm's way without adequate body armor. It took them an entire year from March when the war started until March the following year before all of our soldiers were outfitted with this body armor. Even tonight as we sit here and stand here in the safety of this House Chamber, there are soldiers in Iraq who are driving around in Humvees that are not adequately armored, and this Pentagon is not solving that problem as quickly as they can. I thank my friend for yielding.

□ 2330

Mr. INSLEE. Mr. Speaker, I thank my friend for the calculated and exact improvement of my discussion.

Mr. STRICKLAND. It is a matter of life and death.

Mr. INSLEE. It is. And, Mr. Speaker, I thank the gentleman for leading on this issue about this flak jacket failure.

I do want to make the point, though, I think the administration has made some changes in its policy that are starting to move in the right direction, but they are a year, and we have suffered dramatically as a result of that. We welcome these changes that we are seeing now. Now the President says now he wants the U.N. to come in and help us. But frankly it is very difficult, after we stuck our finger in the eye of the rest of the world, to encourage people. But we want to encourage the administration to move.

And I will just mention two other things, and then I will yield to my colleagues. Two other areas: One, this administration has not proposed a single plan on how to pay for this war. Every single dollar that is being spent in this war is coming out of the backs and the futures of our children of deficit spending. We have a $500 billion deficit, and this President was not forthright enough with Americans to even put in his budget one dollar for the Iraq War, knowing that every dollar he put in the Iraq War would be additional deficit spending.

Winston Churchill said, "All I have to offer you is blood, sweat, toil, and tears." We cannot now just tell the people of America let us fight the Iraq War and then go shopping. We cannot simply have the only people sacrificing in America those in the frontlines of Iraq. This is a tough battle, and the President of the United States cannot fight it on the cheap. We need to face the difficulty in Iraq straightforward and have the tenth thing we need, and then I will yield.

We need something we have not had for 1½ years now. We need a plan for success in Iraq, and we still do not have one this late in the game. And the reason I say that is tonight, as we are sitting here, supposedly we are going to have a turnover to a sovereign government in Iraq on June 30 and no one has a clue who they will be, no one has a clue what they will do, and the sad fact is the only thing this Iraq group is going to do is issue library cards because, frankly, we are running Iraq because we are the only force that is capable of doing that right now. We need a plan. We need some fresh thinking. I have some thoughts I will describe a little later.

I yield to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman from Washington for his usual insightful review of the salient points.

I think we should welcome back the original founder of Iraq Watch. He has been unable to attend the last several conversations because of other business, but he is certainly welcome here tonight, and that is the gentleman from Pennsylvania (Mr. HOEFFEL).

The events of the past several weeks have obviously been very disturbing in terms of what has occurred in the prison facility, Abu Ghraib. And I think every American feels a sense of profound, profound shame, and there has been much talk and much criticism.

I found a story that was reported today in the Washington Times and the headline reads "Outrage Erodes Morale of Troops." And there were comments by some of our colleagues from the other side of the aisle. One was made by the gentleman from Texas (Mr. DELAY), the House majority leader, which I will not even address because the gentleman from Texas (Mr. DELAY) has a proclivity to make statements that some describe as over the top. But the gentleman from California (Mr. HUNTER), the Chairman of the House Committee on Armed Services, whom I think we all respect, the report stated that he blamed Democrats who have been harshly critical of the war effort for eroding troop morale. The quote is, "I'm concerned that a number of Members of Congress have lost their sense of balance. They think their role here is to bash the American military. It is demoralizing for the troops."

Clearly, it has never been the intention of any individual who serves in this House, be he or she Republican or Democrat, to erode morale or to bash the military. I do not think anyone in any way wishes to denigrate the commitment and the contribution and the manner with which our military overall has conducted itself. But at the same time I think that the chairman has it wrong. It is not Democrats. There are a number of Republicans, and he should be aware of that, that have criticized the so-called post-major combat phase of this adventure for some time now. One only has to watch and observe the Monday morning TV programs.

But the reality is that morale has been low among our military for some time, not because of criticism of the civilian leadership of the Pentagon, the Department of Defense, Mr. Rumsfeld, Mr. Wolfowitz, Mr. Feith, and including the Vice President of the United States, who is described in a recent book as suffering from war fever in terms of his obsession about invading Iraq. I think it is rather interesting that this poster I have here which is back in November 2003, a Newsweek cover that states "How Dick Cheney Sold the War." It is clearly true, given what we know now, that he had great influence in terms of advancing the military invasion of Iraq by the American military.

But now to go back to the morale issue, there was an interesting story, and maybe the chairman of the Committee on Armed Services is unaware of this, but it was reported last Sunday in the Washington Post, and the title is "Dissension Grows in Senior Ranks on War Strategy.

"Deep divisions are emerging at the top of the U.S. military over the course of the occupation of Iraq, with some senior officers beginning to say that the United States faces the prospect of casualty for years, without achieving its goal of establishing a free and democratic Iraq."

These are not Members of the Democratic Party in Congress. These are not Members of the Republican Party in Congress. This is senior military personnel.

"Army Major General Charles Swannack, Jr., the commander of the 82nd Airborne Division, who spent much of the year in western Iraq, said that he believes that at the tactical level at which fighting occurs, the U.S. military is still winning, but when asked whether he believes the United States is losing he said, 'I think strategically, we are.'

"Army Colonel Paul Hughes, who last year was the first director of strategic planning for the U.S. occupation authority in Baghdad, said he agrees with that view and noted that a pattern of winning battles while losing a war characterized the U.S. failure in Vietnam."

These are senior members of the military establishment in this country.

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This is not about partisanship. This is criticism coming from the military itself regarding the lack or the incompetence, if you will, of the civilian leadership that currently resides in the Department of Defense.

Colonel Hughes went on to note that he lost a brother in Vietnam. "I promised myself when I came on active duty that I would do everything in my power to prevent that sort of strategic loss from happening again. Here I am, 30 years later, thinking we will win every fight and lose the war because we don't understand the war we are in."

They are worried. This is the senior American military speaking. They are worried by evidence that the United States is losing ground with the Iraqi public.

Some officers say the place to begin restructuring U.S. policy is by ousting Defense Secretary Donald Rumsfeld, whom they see as responsible for a series of strategic and tactical blunders over the past year.

Several of those interviewed said a profound anger is building within the Army at Rumsfeld and those around him. A senior general at the Pentagon said he believes the United States is already on the road to defeat. His quote is, "It is doubtful we can go on much longer like this. The American people may not stand for it, and they should not." This is a senior general at the Pentagon.

I hope that the Republican chair of the Committee on Armed Services has an opportunity to read this particular report that was in the Washington Post last Sunday. He should not blame Democrats or any elected official for ever eroding the morale of the troops. We stand by the troops, but we do not stand by a policy that no one can understand.

As to who is to blame, this general pointed directly at Rumsfeld and Deputy Defense Secretary Paul Wolfowitz. "I do not believe," and this is his quote, "we had a clearly defined war strategy and end-state and exit strategy before we commenced our invasion."

Mr. INSLEE. Reclaiming my time, I just wanted to note, following the horrendous situations in our prison camps, a lot of folks thought the only reason people were calling for the Secretary of Defense's replacement was that problem. But that was only the straw that broke the camel's back. We had all these other 10 problems which I alluded to, all of which he was involved with. That is why many Members here believe that this Nation deserves better to serve our troops.

I would like to yield to the gentleman from Pennsylvania (Mr. HOEFFEL), the originator of this, who shows great leadership on being able to tackle these very great problems in Iraq.

Mr. HOEFFEL. Mr. Speaker, I compliment the gentleman on his 10 opinions that opened the Iraq Watch tonight. I think the gentleman is right on the money, and I appreciate his summarizing the problems that we face.

I want to thank the gentleman from Massachusetts (Mr. DELAHUNT), the new Chair of Iraq Watch, for his leadership and his stalwart support for what we are trying to do here.

The point that the gentleman from Massachusetts (Mr. DELAHUNT) makes is a very good one. There has been no criticism of the military in any of the comments that I have heard or read about in the papers. We are not criticizing the military. That is the one good thing about what is happening in Iraq, is the performance of our young men and women in uniform.

We are criticizing the civilian directors of the Defense Department. We are criticizing the administration, the policymakers, the politicians.

I think we should criticize not just Mr. Rumsfeld and Mr. Wolfowitz and Mr. Feith at the Department of Defense, but I would throw in George Tenet as well at the CIA. I do not think any President has ever received more bad information in our Nation's history than George Bush has received from George Tenet and Don Rumsfeld.

The information was wrong about weapons of mass destruction. I am summarizing what the gentleman from Washington (Mr. INSLEE) has already summarized. They were wrong about weapons of mass destruction. They were wrong that we could do this on the cheap. We did not send enough troops in to Iraq to stabilize the country, and General Shinseki was right and he was run out of the Army for telling the truth, that we needed several hundred thousand troops, not the 120,000 that Mr. Rumsfeld thought he could do this with.

If you will recall, in the spring of 2003 Mr. Rumsfeld said by August of 2003 we would only need 40,000 troops. There would be only 40,000 troops left four or five months after the invasion. Of course, in August of 2003 there were 120,000 troops. We are up to 135,000 troops now, and we still have not stabilized Iraq.

Look what that means. You cannot have reconstruction without security. You cannot have a transfer of government without security. You certainly cannot have elections without security. And we do not have security in Iraq. After all this time, we do not have stabilized conditions in Iraq.

Mr. DELAHUNT. If the gentleman will yield further, the much-heralded efforts to train Iraqis as far as police and a new Iraqi Army, you only have to go back two or three weeks to remember that headline that screamed out the new Iraq battalion would not accompany the U.S. Marines into combat in the City of Fallujah. So while the Secretary of Defense speaks about the training of some 70,000 personnel for security service, the truth is those that are adequately trained amount to only several thousand.

What we have here, what we have here is a failure of leadership, is a demonstration of incompetence unequaled in terms of my public life, and I have held elected office for some 30 years.

If you could bear with me for just one more moment, again, I want to come back to the military's perspective of the civilian leadership and what they are saying.

There was an editorial that appeared in the Army Times, the Marine Times, the Air Force Times and the Navy Times, and it was regarding the situation in the Iraqi prison. It is entitled "A Failure of Leadership At the Highest Levels."

I would remind those that are viewing our conversation this evening, this is not a partisan publication. This is a publication that covers the military that in many respects represents the majority view of the military in this country.

"Around the halls of the Pentagon, a term of caustic derision has emerged for the enlisted soldiers at the height of the furor over the prison scandal, 'the six morons who lost the war.' Indeed, the damage done to the U.S. military and the Nation as a whole by the horrifying photographs of U.S. soldiers abusing Iraqi detainees at the notorious prison is incalculable.

"But the folks in the Pentagon are talking about the wrong morons. There is no excuse for the behavior displayed by soldiers in the now infamous pictures, and an even more damning reported by Major General Anthony Taguba. Every soldier should be ashamed. But while responsibility begins with the six soldiers facing criminal charges, it extends all the way up the chain of command to the highest reaches of the military hierarchy and its civilian leadership.

"The entire affair is a failure of leadership, from start to finish. From the moment they are captured, prisoners are hooded, shackled and isolated. The message to the troops, anything goes. In addition to the scores of prisoners who were humiliated and demeaned, at least 14 have died in custody in Iraq and Afghanistan. The Army has ruled at least two of these are homicides. This is not the way a free people keeps its captives or wins the hearts and minds of a suspicious world.

☐ 2350

General Richard Myers, Chairman of the Joint Chiefs, also shares in the shame. Myers asked "60 Minutes" to hold off reporting news of the scandal because it could put U.S. troops at risk. But when the report was aired a week later, Myers still had not read Taguba's report which was completed in March. Secretary of Defense Donald Rumsfeld had also failed to read the report until the scandal broke in the media; but by then, of course, it was too late. The Army Times, the Marine Times, the Navy Times, and the Air Force Times are correct: it is a failure of leadership at the highest level.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield for just a moment, and then I want to yield to the gentleman from Pennsylvania (Mr. HOEFFEL). One of the unfortunate reasons there has been a failure here is that there is a persistent practice or habit in this administration to ignore a principle of leadership, which is to reward competence and to sanction incompetence, to reward those who are right and sanction those who are wrong, to reward those who tell the truth and sanction those who do less than that. And look what happens in this situation.

Let us compare those who were wrong to those who were right. Those who were right, General Shinseki, right about needing new troops, canned. General Zinni, who was right about needing more armor and troops, canned. Ambassador Joseph Wilson, by the way, stood up personally to Saddam Hussein and saved hundreds of American lives to get them out of Iraq before the first Persian Gulf War, this guy has guts; he told the truth and pointed out that what the President told the American people about buying uranium from Niger was a falsehood, he told the truth, and they tried to destroy his wife's career in the CIA.

So we have three truth-tellers, all of them who were punished by the executive branch of the United States.

Now, look at the other three people. George Tenet, CIA, who, if there was a more massive failure of information in American history next to calling Benedict Arnold a good American, I do not know what it was; still on the job, has not been sanctioned. He has not lost an hour of vacation time. He does not have a pink slip, does not have a slap on the wrist, said by the President to be doing a great job, when we started a war based on false information.

Donald Rumsfeld, the man who ignored General Shinseki, ignored General Zinni, ignored the intelligence from Ambassador Joe Wilson, involved in a war where we have incompetent planning, failure of planning, and we are now in a deep morass in Iraq, called by the Vice President, and I want to quote here almost, the greatest Secretary of Defense America has ever seen.

Mr. DELAHUNT. That is just an unbelievable statement.

Mr. INSLEE. We have a different opinion. This gentleman has not been sanctioned. This gentleman has not lost an hour of overtime.

Mr. DELAHUNT. And that is leadership.

Mr. INSLEE. And if I can remember who the third one is, if I can read my notes here that I wanted to talk about. Help me out, gentlemen. Who is the third one I was thinking about here? The list goes on and on.

Mr. DELAHUNT. What the gentleman is basically saying is that loyalty is prized above competence.

Mr. INSLEE. Mr. Speaker, I wanted to make sure that we include this gentleman in this discussion: Assistant Secretary Paul Wolfowitz told this Chamber on repeated occasions he was dead right sure, not only that we would be greeted as the great liberators of the Mideast, spreading democracy through the Mideast, not only that that would happen but, bonus time, I say to my colleagues, the Iraq oil fields would pay for this whole thing. American taxpayers would not have to put out a dime for this. He came and told us he knew this was going to happen, we would not have to do anything with taxes, taxpayers would not have to pay a dime. If there has been a greater failure of analysis, I do not know what it could possibly be.

Now, what has the President done to the man who totally misled the United States Congress? On both sides of the aisle, by the way, he told this to Republicans and Democrats. Nothing. So we have the three people who have gotten us into a war based on false information with lousy planning, with incompetent preparation for our troops, people losing their lives in Iraq who are greeted as the greatest civil servants in human history, and the three guys who told us the truth were fired, lost their jobs.

I yield to the gentleman from Pennsylvania.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman. If we just focus on the prison scandal for a minute and see the failures of leadership there, as the gentleman from Massachusetts (Mr. DELAHUNT) has been talking about, there are not enough prison guards assigned to Abu Ghraib or I am sure to the other prisons that were running as a result of the Iraq war. There simply are not enough guards assigned. Those guards are not properly trained. That is abundantly clear. They are not properly supervised, and there is no accountability up the chain of command.

So we start off with a disaster waiting to happen. Then what does Secretary of Defense Rumsfeld do? Well, he ignores the Red Cross, who, apparently, for over a year, has been complaining about conditions and abusive activities in our prisons. He fails to respond. He does not read the report in a timely fashion that is finally done by his subordinate, and he does not tell his President what is at stake. He even hangs his own President out to dry who is embarrassed by the disclosure of this information to the media, rather than in the normal chain of communication between cabinet Secretary and President.

One more failure. I think we ought to stop talking about resignation. I do not think Donald Rumsfeld should be allowed to resign. He should be fired for his failures to inform and properly advise the President. And the reality is, we cannot stay the course in Iraq. We have to change the course in Iraq. We cannot keep doing what we are doing, because we are failing, and we cannot achieve our goals of creating a stable and a peaceful country with a representative form of self-government. We cannot do that with the level of insecurity and instability in Iraq today. We have to get more troops in there. There ought to be international troops, NATO, Arab nations, Western European nations. They have a bigger stake in a stable Iraq than we do. But right now, 90 percent of the troops, 90 percent of the money is American; and it is not working. We have to change our course.

Mr. DELAHUNT. Mr. Speaker, it is really time to be honest with the American people. As David Kay said, who was sent and appointed by this administration to conduct a search for the weapons of mass destruction, came back, said there are none, and implored the President, it is time to come clean with the American people. Otherwise, he had grave concerns about our credibility all over the world.

It is like this administration is incapable, incapable of dealing with the truth. I do not think they intend to lie; I just do not think they can grasp reality. It is like again going back to the morale issue. In "Stars and Stripes," a magazine that is funded by the Pentagon, reported better than a year ago on the issue of morale of U.S. troops in Iraq: high-ranking visitors to the country, including Department of Defense and congressional officials, have said it is outstanding, but the "Stars and Stripes" itself, the magazine did a survey and concluded that some troops on the ground would beg to differ about what they call low morale on their part and on the part of their units.

So as a result, the Pentagon went and conducted a survey of troops, and it was reported again about a month ago in The Washington Post before the scandal broke out, and it concluded that a slim majority of Army soldiers in Iraq, 52 percent reported that their morale was low, and three-fourths of them said that they felt poorly led by their officers, according to a survey taken at the end of the summer and released yesterday by the Army.

Mr. INSLEE. Mr. Speaker, we have about 30 seconds, and I just wanted to wrap up and thank the gentleman for his work tonight. I just want to say one thing. One of the worst possible things that can happen to our soldiers is base the war on wishful thinking. And the failures we have been talking about tonight have largely occurred because of civilian decisionmakers who have based decisions on wishful thinking that are not in touch with the reality and the difficult situation in Iraq. We are very hopeful that this administration will start to recognize the challenges we have in Iraq and start listening to military advisers, rather than basing their decisions on the fantasy that they have that this can be done on the cheap. We have paid too dearly in blood for that misassessment, we have paid too dearly in treasure for that misassessment; and it is time for a fresh, new strategy in Iraq. Just sticking with the same old same old is a recipe for disaster.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McNULTY (at the request of Ms. PELOSI) for today before 2 p.m. on account of a family emergency.

Mr. SCOTT of Georgia (at the request of Ms. PELOSI) for today after 3 p.m. and May 13 on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. STENHOLM, for 5 minutes, today.

Mr. ALEXANDER, for 5 minutes, today.

Mr. DAVIS of Tennessee, for 5 minutes, today.

Mr. MATHESON, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. HOEFFEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

(The following Members (at the request of Mr. HENSARLING) to revise and extend their remarks and include extraneous material:)

Mr. GREEN of Wisconsin, for 5 minutes, May 13.

Mr. OSBORNE, for 5 minutes, May 13.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, May 13.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BURGESS, for 5 minutes, today.

ADJOURNMENT

Mr. INSLEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until tomorrow, Thursday, May 13, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8120. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Mississippi Sound, Pascagoula, MS [COTP Mobile-04-007] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8121. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Hathaway Highway 98 Bridge, Panama City, FL [COTP Mobile-04-008] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8122. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Bayou Teche, 2 miles south of the Nelson Bridge extending to 3 miles north of the Nelson Bridge, New Iberia, LA [COTP Morgan City-03-007] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8123. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Bayou Penchant, Amelia, LA [COTP Morgan City-03-008] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8124. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Houma Navigational Canal between the 2-Mile Board and the Cat Island Sea Buoy, Cocodrie, LA [COTP Morgan City-04-002] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8125. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; 50 feet North and South of the Burlington Northern Sante Fe (BNSF) Railroad Bridge, Morgan City Port Allen Landslide Route, Bayou Boeuf, Mile 1.5, Amelia, LA [COTP Morgan City-04-003] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8126. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ouachita River, Mile Marker 168.0 to 168.7, Monroe, LA [COTP New Orleans-03-030] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8127. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ouachita River, Mile Marker 109.70 to 110.20, Columbia, LA [COTP New Orleans-03-032] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8128. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River, Mile Marker 94.0 to 96.0, Above Head of Passes, New Orleans, LA [COTP New Orleans-03-033] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8129. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zones; Lower Mississippi River Mile Markers 89.0 to 103.0 and 229.0 to 235.0, Above Head of Passes, LA [COTP nEw Orleans-03-035] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8130. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Treasure Chest Casino, Lake Pontchartrain, Kenner, LA [COTP New Orleans-04-001] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8131. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; South Shore, Lake Pontchartrain, Metairie, LA [COTP New Orleans-04-002] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8132. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River, Mile 430.0 to Mile 0.0, Head of Passes, LA [COTP New Orleans-04-003] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8133. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River, Mile Marker 94.0 to 96.0, Above Head of Passes, New Orleans, LA [COTP New Orleans-04-004] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8134. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Inner Harbor Navigational Canal, New Orleans, LA [COTP New Orleans-04-005] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8135. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Krewe of Choctaw Boat Parade, Lower Mississippi River, Mile 94.8 to Mile 96.8, Above Head of Passes, New Orleans, LA [COTP New Orleans-04-006] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8136. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757-200 and -200CB Series Airplanes [Docket No. 2000-NM-404-AD; Amendment 39-13551; AD 2004-07-07] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8137. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-15 Airplane [Docket No. 2003-NM-31-AD; Amendment 39-13552; AD 2004-07-08] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8138. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-14, DC-9-15, DC-9-15F, DC-9-31, DC-9-32, DC-9-32 (VC-9C), DC-9-32F, DC-9-32F (C-9A, C-9B), CD-9-33F, DC-9-34, and DC-9-34F Airplanes; and Model DC-9-21, DC-9-41, and DC-9-51 Series Airplanes [Docket No. 2003-NM-58-AD; Amendment 39-13548; AD 2004-07-04] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8139. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AeroSpace Technologies of Australia Pty Ltd Airplanes [Docket No. 2000-CE-43-AD; Amendment 39-13536; AD 2004-06-10] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8140. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700& 701), and CL-600-2D24 (Regional Jet Series 900) Series Airplanes [Docket No. 2004-NM-41-AD; Amendment 39-13545; AD 2004-07-01] (RIN:

2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. House Concurrent Resolution 414. Resolution expressing the sense of the Congress that, as Congress recognizes the 50th anniversary of the Brown v. Board of Education decision, all Americans are encouraged to observe this anniversary with a commitment to continuing and building on the legacy of Brown (Rept. 108–485). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. McHUGH (for himself, Mr. Davis of Illinois, Mr. Tom Davis of Virginia, Mr. Waxman, Mrs. Miller of Michigan, Mr. Burton of Indiana, Mr. Schrock, Mr. Shays, Mr. Owens, Mrs. Maloney, Mr. Mica, Mr. LaTourette, Mr. Lewis of Kentucky, Mr. Platts, Mr. Cannon, Mr. Putnam, Mr. Duncan, Mr. Deal of Georgia, Ms. Watson, Mr. Lynch, Ms. Norton, Mr. Murphy, Mr. Turner of Ohio, Mr. Carter, Mrs. Blackburn, Mr. Tiberi, and Ms. Harris):

H.R. 4341. A bill to reform the postal laws of the United States; to the Committee on Government Reform.

By Mr. CHABOT (for himself, Mr. Royce, Mr. Shadegg, and Mr. Brady of Texas):

H.R. 4342. A bill to protect crime victims' rights; to the Committee on the Judiciary.

By Mr. NORWOOD (for himself, Mr. Sam Johnson of Texas, Mr. Ballenger, Mr. DeMint, Mr. Isakson, Mrs. Biggert, Mr. Keller, Mr. Wilson of South Carolina, Mr. Kline, Mr. Carter, Mrs. Musgrave, Mrs. Blackburn, Mr. Boehner, Mr. Akin, Mr. Bartlett of Maryland, Mr. Burton of Indiana, Mr. Coble, Mr. Deal of Georgia, Mr. Doolittle, Mr. Jones of North Carolina, Mr. King of Iowa, Mr. Kingston, Mr. Linder, Mr. Miller of Florida, Mr. Otter, Mr. Pence, Mr. Souder, Mr. Vitter, Mr. Barrett of South Carolina, Mr. Brown of South Carolina, Mr. Franks of Arizona, Mr. Garrett of New Jersey, and Mr. Burns):

H.R. 4343. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board; to the Committee on Education and the Workforce.

By Mr. FOLEY (for himself, Mr. Hastings of Florida, and Mr. Mario Diaz-Balart of Florida):

H.R. 4344. A bill to authorize water resources projects for Indian River Lagoon-South and Southern Golden Gates Estates, Collier County, in the State of Florida; to the Committee on Transportation and Infrastructure.

By Ms. GINNY BROWN-WAITE of Florida (for herself and Mrs. Davis of California):

H.R. 4345. A bill to amend title 38, United States Code, to increase the maximum amount of home loan guaranty available under the home loan guaranty program of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BISHOP of Georgia (for himself, Mr. Skelton, Mr. Evans, Mr. Edwards, and Mr. Murtha):

H.R. 4346. A bill to amend title 10, United States Code, to clarify requirements relating to predeployment and postdeployment medical exams of certain members of the Armed Forces; to the Committee on Armed Services.

By Mr. HYDE (for himself, Mr. Lampson, Mr. Lantos, Mr. Chabot, Mr. Greenwood, Mr. Houghton, Mr. McHugh, Mr. Wolf, Mr. Burton of Indiana, Ms. Harris, Mr. Foley, Mr. King of New York, Ms. Jackson-Lee of Texas, Mr. Green of Texas, Mr. Boehlert, Mr. Shimkus, Mr. Berman, Mr. Smith of New Jersey, Mr. Turner of Texas, Mr. Frost, Mr. Moran of Virginia, and Mr. Cardoza):

H.R. 4347. A bill to amend the International Child Abduction Remedies Act to provide that the National Center for Missing and Exploited Children and its employees, when carrying out activities delegated by the United States Central Authority under that Act, have the protections under the Federal Tort Claims Act, to amend title 28, United States Code, to give district courts of the United States jurisdiction over competing State custody determinations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on International Relations, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 4348. A bill to amend the Federal Credit Union Act to allow greater access to international remittance services, and for other purposes; to the Committee on Financial Services.

By Mr. BISHOP of New York (for himself and Mr. Israel):

H.R. 4349. A bill to reinstate Department of Energy Order No. 202-03-2; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Mr. Brown of Ohio, Mr. Rangel, Mr. Stark, Mr. Waxman, Ms. Pelosi, Mr. George Miller of California, Mr. Pallone, Mr. Abercrombie, Mr. Allen, Mr. Baca, Mr. Boucher, Mrs. Capps, Ms. Carson of Indiana, Mrs. Christensen, Mr. Crowley, Mr. Cummings, Mr. Davis of Florida, Ms. DeGette, Ms. DeLauro, Mr. Deutsch, Mr. Doyle, Mr. Emanuel, Mr. Engel, Ms. Eshoo, Mr. Evans, Mr. Filner, Mr. Frank of Massachusetts, Mr. Frost, Mr. Gephardt, Mr. Gonzalez, Mr. Gordon, Mr. Green of Texas, Mr. Grijalva, Mr. Hinchey, Mr. Hoeffel, Ms. Jackson-Lee of Texas, Mrs. Jones of Ohio, Mr. Kildee, Ms. Kilpatrick, Mr. Kind, Ms. Lee, Mr. Lynch, Ms. McCarthy of Missouri, Ms. McCollum, Mr. McDermott, Mr. McGovern, Mr. McNulty, Mr. Markey, Mr. Matsui, Mr. Meeks of New York, Mr. Menendez, Mr. Moore, Mr. Moran of Virginia, Mr. Nadler, Mrs. Napolitano, Mr. Pastor, Mr. Payne, Mr. Rodriguez, Ms. Roybal-Allard, Mr. Ruppersberger, Mr. Rush, Mr. Sandlin, Ms. Schakowsky, Mr. Scott of Virginia, Mr. Serrano, Ms. Slaughter, Ms. Solis, Mr. Strickland, Mr. Stupak, Mr. Tierney, Mr. Weiner, Mr. Wynn, Mr. Jackson of Illinois, Mr. Andrews, Mr. Levin, Mr. Kennedy of Rhode Island, Mr. Olver, Mr. Holt, Mr. Kleczka, Ms. Waters, Mr. Bishop of New York, Ms. Woolsey, Mrs. Davis of California, Mr. Ryan of Ohio, Mr. Van Hollen, Mr. Honda, Mr. Michaud, Mr. Alexander, Mr. Wexler, Ms. Linda T. Sánchez of California, Mr. Delahunt, Mr. Clay, Mr. Hoyer, and Mr. Kucinich):

H.R. 4350. A bill to amend titles XIX and XXI of the Social Security Act to provide for FamilyCare coverage for parents of enrolled children, and for other purposes; to the Committee on Energy and Commerce.

By Mr. EMANUEL:

H.R. 4351. A bill to amend the Internal Revenue Code of 1986 to restrict the use of abusive tax shelters; to the Committee on Ways and Means.

By Mr. EMANUEL (for himself, Mr. Brown of Ohio, Ms. Lee, Mr. Lantos, Mr. McGovern, Mr. Israel, Mr. Stark, Ms. Schakowsky, Ms. Hooley of Oregon, Mr. Grijalva, and Ms. DeLauro):

H.R. 4352. A bill to amend the Internal Revenue Code of 1986 to deny a deduction for the portion of employer-provided vacation flights in excess of the amount of such flights which is treated as employee compensation; to the Committee on Ways and Means.

By Mr. LaTOURETTE:

H.R. 4353. A bill to require the Secretary of Housing and Urban Development to provide tenant-based rental housing vouchers for certain residents of federally assisted housing; to the Committee on Financial Services.

By Mrs. MALONEY (for herself, Ms. Pryce of Ohio, Mr. Waxman, Mr. Grijalva, Mr. Serrano, Mrs. Jones of Ohio, Ms. Millender-McDonald, Ms. Baldwin, Ms. Carson of Indiana, Mr. George Miller of California, Ms. Roybal-Allard, Ms. Norton, Mrs. McCarthy of New York, Ms. Berkley, Ms. Lofgren, Mr. Frost, Mr. Gonzalez, Mr. Kildee, Ms. Slaughter, Ms. Schakowsky, Ms. DeLauro, Ms. Lee, Mr. Hinchey, Mr. Castle, Mr. Lantos, Mr. Owens, Mrs. Capito, Ms. Linda T. Sánchez of California, Mr. Brady of Pennsylvania, Mr. Van Hollen, Mr. Schiff, Mr. Crowley, Mr. Nethercutt, Mr. Ford, Mr. Hastings of Florida, Ms. Eshoo, Mr. Stark, Mr. Conyers, Ms. Waters, Mr. Towns, Ms. Bordallo, and Ms. Solis):

H.R. 4354. A bill to improve the health of women through the establishment of Offices of Women's Health within the Department of Health and Human Services; to the Committee on Energy and Commerce.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. Turner of Texas, Mr. Markey, Mr. Dicks, Ms. Harman, Mr. DeFazio, Mrs. Lowey, Mr. Andrews, Ms. McCarthy of Missouri, Ms. Jackson-Lee of Texas, Mrs. Christensen, Mr. Langevin, Mr. Meek of Florida, and Mr. Chandler):

H.R. 4355. A bill to strengthen port security by establishing an improved container security regime, to expand on the Maritime Transportation Security Act of 2002, to strengthen the Coast Guard port security mission, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDLIN (for himself, Ms. PELOSI, Mr. RANGEL, Mr. DINGELL, Mr. STARK, Mr. BROWN of Ohio, Mr. PALLONE, Mr. WAXMAN, Mr. HOYER, Mr. MENENDEZ, Mr. BERRY, Mr. GEORGE MILLER of California, Mr. GEPHARDT, Mr. ROSS, Mr. MATSUI, Mr. STENHOLM, Mr. LAMPSON, Mr. HOEFFEL, Mrs. JONES of Ohio, Mr. KILDEE, Mr. GRIJALVA, Mr. RUPPERSBERGER, Mr. MCDERMOTT, Mr. TOWNS, Ms. SLAUGHTER, Mr. GREEN of Texas, Mr. MARKEY, Mr. LYNCH, Mr. CROWLEY, Ms. MILLENDER-MCDONALD, Mr. BOUCHER, Mrs. CHRISTENSEN, Mr. JACKSON of Illinois, Ms. ROYBAL-ALLARD, Mr. RODRIGUEZ, Mr. NADLER, Mr. CONYERS, Ms. DELAURO, Ms. KILPATRICK, Mr. SERRANO, Ms. LEE, Mr. EVANS, Mr. TIERNEY, Mr. ISRAEL, Ms. MCCOLLUM, Mr. LANTOS, Mr. GUTIERREZ, Ms. WATERS, Mr. ALEXANDER, Ms. WOOLSEY, Mrs. DAVIS of California, Ms. JACKSON-LEE of Texas, Mrs. MCCARTHY of New York, Mr. HINCHEY, Mr. ABERCROMBIE, Mr. VAN HOLLEN, Mr. TURNER OF TEXAS, Ms. LINDA T. SÁNCHEZ of California, Mr. EMANUEL, Mr. MOORE, Ms. CARSON of Indiana, Mr. STUPAK, Mr. BISHOP of New York, Mr. CASE, Mr. WEINER, Ms. SCHAKOWSKY, Ms. SOLIS, Mr. FROST, Mr. WEXLER, Mr. HOLT, Mr. CUMMINGS, Mr. CARDOZA, Mr. BISHOP of Georgia, Mr. ENGEL, Mrs. CAPPS, Mr. HONDA, Mr. SCHIFF, Mr. MICHAUD, Mr. DELAHUNT, Mr. CHANDLER, Mr. CLAY, Mr. OLVER, Mr. REYES, Mr. SCOTT of Georgia, Mr. ORTIZ, Mr. CAPUANO, and Mr. ALLEN):

H.R. 4356. A bill to amend the Internal Revenue Code of 1986 to provide tax subsidies to encourage small employers to offer affordable health coverage to their employees through qualified health pooling arrangements, to encourage the establishment and operation of these arrangements, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. BROWN of Ohio, Mr. RANGEL, Mr. DINGELL, Mr. WAXMAN, Ms. PELOSI, Mr. GEORGE MILLER of California, Mr. PALLONE, Mr. ACKERMAN, Mr. ALEXANDER, Mr. ALLEN, Mr. BACA, Mr. BERRY, Mr. BISHOP of New York, Mr. BOUCHER, Mrs. CAPPS, Mr. CARDIN, Ms. CARSON of Indiana, Mr. CLAY, Mr. CROWLEY, Mrs. DAVIS of California, Ms. DELAURO, Mr. DELAHUNT, Mr. DEUTSCH, Mr. EMANUEL, Mr. ENGEL, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEPHARDT, Mr. GORDON, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLT, Mr. HOYER, Mr. JACKSON of Illinois, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KILDEE, Ms. KILPATRICK, Mr. KLECZKA, Mr. KUCINICH, Mr. LANTOS, Ms. JACKSON-LEE of Texas, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY, Mr. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. MICHAUD, Mr. NADLER, Mrs. NAPOLITANO, Mr. OLVER, Mr. OWENS, Mr. PASTOR, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. SANDERS, Mr. SANDLIN, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SLAUGHTER, Ms. SOLIS, Mr. STRICKLAND, Mr. STUPAK, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TOWNS, Mr. VAN HOLLEN, Ms. WATERS, Mr. WEINER, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 4357. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to provide access to Medicare benefits for individuals ages 55 to 65, to amend the Internal Revenue Code of 1986 to allow a refundable and advanceable credit against income tax for payment of such premiums, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCCARTHY of Missouri (for herself, Mr. SKELTON, Mr. BLUNT, Mr. MOORE, Mr. CLAY, Mr. GRAVES, Mrs. EMERSON, Mr. GEPHARDT, and Mr. AKIN):

H. Con. Res. 421. Concurrent resolution recognizing the Liberty Memorial Museum in Kansas City, Missouri, as "America's National World War I Museum", and for other purposes; to the Committee on Armed Services.

By Ms. MCCOLLUM:

H. Res. 639. A resolution condemning the abuse of Iraqi prisoners at Abu Ghraib prison, urging a full and complete investigation to ensure justice is served, and expressing support for all Americans serving nobly in Iraq; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BELL (for himself, Mr. MCDERMOTT, Ms. MILLENDER-MCDONALD, Mr. STARK, Mr. NADLER, Mr. GRIJALVA, Ms. WOOLSEY, Mr. BLUMENAUER, Ms. ESHOO, Mr. BERMAN, Mr. HOEFFEL, Ms. MCCOLLUM, Ms. KAPTUR, Mr. ACKERMAN, Mr. FARR, Mr. OBERSTAR, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. PAYNE, Ms. CORRINE BROWN of Florida, Mr. LANTOS, Ms. SCHAKOWSKY, Mr. DELAHUNT, Ms. LEE, Mr. MARKEY, Mr. FATTAH, Mr. VAN HOLLEN, Mr. SANDERS, Mr. OLVER, Mrs. MALONEY, Mr. MCGOVERN, Mr. STRICKLAND, Ms. WATSON, Mr. WAXMAN, Mr. BRADY of Pennsylvania, Ms. MAJETTE, Mr. WEXLER, and Mr. CONYERS):

H. Res. 640. A resolution of inquiry requesting that the Secretary of Defense transmit to the House of Representatives before the expiration of the 14-day period beginning on the date of the adoption of this resolution any picture, photograph, video, communication, or report produced in conjunction with any completed Department of Defense investigation conducted by Major General Antonio M. Taguba relating to allegations of torture or allegations of violations of the Geneva Conventions of 1949 at Abu Ghraib prison in Iraq or any completed Department of Defense investigation relating to the abuse or alleged abuse of a prisoner of war or detainee by any civilian contractor working in Iraq who is employed on behalf of the Department of Defense; to the Committee on Armed Services.

By Mr. PLATTS:

H. Res. 641. A resolution supporting the goals and ideals of Pancreatic Cancer Awareness Month; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. SNYDER.

H.R. 284: Mr. LATHAM.

H.R. 290: Mrs. BLACKBURN and Mr. HALL.

H.R. 434: Mr. BRADLEY of New Hampshire, Mr. JENKINS, and Mr. MORAN of Kansas.

H.R. 548: Mr. ABERCROMBIE.

H.R. 571: Mr. NETHERCUTT and Mr. PASTOR.

H.R. 573: Mr. CASE.

H.R. 594: Mrs. CHRISTENSEN, Mr. TANCREDO, Mr. REGULA, and Mrs. LOWEY.

H.R. 716: Mr. RODRIGUEZ.

H.R. 745: Mr. COOPER.

H.R. 781: Mr. PETERSON of Minnesota, Mr. MICHAUD, Mr. RAMSTAD, Mr. MCGOVERN, Mr. MEEHAN, and Mr. TIBERI.

H.R. 806: Mr. SERRANO.

H.R. 821: Mr. TIERNEY.

H.R. 839: Mr. SPRATT, Ms. BALDWIN, Ms. MAJETTE, Mr. PASTOR, Mr. SENSENBRENNER, Mr. KIND, Mr. JONES of North Carolina, Ms. ROS-LEHTINEN, Mr. BOUCHER, Mr. MCINTYRE, and Mr. OSBORNE.

H.R. 857: Mr. GILLMOR.

H.R. 970: Mr. LEWIS of Kentucky.

H.R. 976: Mr. SNYDER.

H.R. 1004: Mr. OLVER.

H.R. 1051: Mr. DEFAZIO.

H.R. 1083: Mr. ADERHOLT and Mr. NETHERCUTT.

H.R. 1120: Mr. GRIJALVA.

H.R. 1155: Mr. PETERSON of Minnesota, Mr. ANDREWS, Mr. BASS, Mr. BRADLEY of New Hampshire, and Mr. MICHAUD.

H.R. 1160: Mr. CAPUANO.

H.R. 1200: Mrs. JONES of Ohio.

H.R. 1205: Mr. WEINER, Mr. ORTIZ, Ms. CORRINE BROWN of Florida, Mr. LYNCH, and Mr. RUSH.

H.R. 1206: Mrs. MUSGRAVE.

H.R. 1222: Mr. ROGERS of Kentucky.

H.R. 1229: Mr. BISHOP of Utah and Mr. ISAKSON.

H.R. 1311: Mr. GALLEGLY, Mr. CLYBURN, Mr. ENGEL, Mr. DAVIS of Tennessee, Mr. BRADLEY of New Hampshire, and Mr. BARRETT of South Carolina.

H.R. 1359: Mr. STRICKLAND.

H.R. 1483: Mr. SERRANO.

H.R. 1567: Mr. MICA.

H.R. 1684: Mr. DAVIS of Florida, Mr. CASE, and Mr. HASTINGS of Florida.

H.R. 1700: Mr. WAMP, Mr. BURTON of Indiana, and Mr. HINCHEY.

H.R. 1734: Mr. LAMPSON, Mr. BOEHLERT, Mr. BARTLETT of Maryland, and Mr. BELL.

H.R. 1775: Mr. HOSTETTLER.

H.R. 1824: Mr. MCINTYRE and Mr. WELLER.

H.R. 1919: Mr. PALLONE, Mrs. MUSGRAVE, and Mr. GREENWOOD.

H.R. 2037: Ms. CORRINE BROWN of Florida.

H.R. 2042: Mr. MENENDEZ.

H.R. 2217: Mr. SERRANO.

H.R. 2379: Mr. HINOJOSA.

H.R. 2513: Mr. CHANDLER.

H.R. 2674: Mr. DOYLE, Mr. RODRIGUEZ, and Mr. GRIJALVA.

H.R. 2747: Mr. MOORE and Mr. NETHERCUTT.

H.R. 2900: Mr. BROWN of South Carolina.

H.R. 2950: Mrs. BONO, Mr. SESSIONS, and Mr. BOEHNER.

H.R. 2968: Mr. LAHOOD.

H.R. 3142: Mr. CONYERS.

H.R. 3178: Mr. UPTON, Mr. MILLER of Florida, and Mr. NADLER.

H.R. 3213: Mr. COLLINS.

H.R. 3340: Mr. HYDE, Mr. CRANE, and Mr. KIRK.

H.R. 3356: Mr. MILLER of Florida.

H.R. 3425: Mr. MATSUI.

H.R. 3441: Mr. WHITFIELD, Mr. WEXLER, Mr. TURNER of Texas, and Mr. WU.

H.R. 3458: Mr. SANDERS and Ms. NORTON.

H.R. 3473: Mr. SANDLIN and Mr. CASE.

H.R. 3476: Mr. BISHOP of New York and Mr. MEEHAN.

H.R. 3523: Mr. GREEN of Texas, Mr. STUPAK, and Mr. BRADY of Pennsylvania.

H.R. 3634: Mrs. MCCARTHY of New York, Mrs. CHRISTENSEN, Mr. MOLLOHAN, and Mr. GREEN of Texas.

H.R. 3660: Mr. RYAN of Ohio and Mr. ANDREWS.

H.R. 3705: Mr. FRANK of Massachusetts.

H.R. 3707: Mr. DOYLE, Mr. WOLF, Mrs. CAPPS, Mr. FARR, Mr. OBERSTAR, Mr. CARSON of Oklahoma, and Ms. CORRINE BROWN of Florida.

H.R. 3722: Mr. TANCREDO, Mr. JONES of North Carolina, and Mr. GARRETT of New Jersey.

H.R. 3729: Mrs. MCCARTHY of New York, Mr. MOORE, Mr. HOLDEN, Mr. ROTHMAN, Mr. NEAL of Massachusetts, Mr. LYNCH, Mr. WAMP, Mr. EHLERS, and Mr. BALLANCE.

H.R. 3763: Mr. UPTON and Mr. OSBORNE.

H.R. 3776: Mr. CARDIN.

H.R. 3802: Mr. HOLT, Mrs. JOHNSON of Connecticut, and Mr. BEREUTER.

H.R. 3831: Ms. WOOLSEY.

H.R. 3865: Mr. DEFAZIO.

H.R. 3884: Mr. RODRIGUEZ.

H.R. 3951: Mr. COSTELLO.

H.R. 3965: Mr. KUCINICH.

H.R. 4033: Mr. MILLER of North Carolina.

H.R. 4051: Mr. BOUCHER, Ms. LOFGREN, and Mr. BISHOP of New York.

H.R. 4056: Mr. BURGESS.

H.R. 4064: Mr. HEFLEY, Mr. HALL, Mr. RAMSTAD, Mr. BURTON of Indiana, Mr. JENKINS, and Mr. GUTKNECHT.

H.R. 4065: Mrs. MUSGRAVE.

H.R. 4082: Mr. FALEOMAVAEGA.

H.R. 4096: Mr. GREEN of Wisconsin and Ms. MILLENDER-MCDONALD.

H.R. 4103: Mr. WEINER.

H.R. 4111: Mr. PETERSON of Minnesota.

H.R. 4113: Mr. NETHERCUTT, Mr. OTTER, Mr. HOLT, and Mr. TERRY.

H.R. 4116: Mr. ABERCROMBIE.

H.R. 4130: Mr. GREENWOOD, Mr. BLUMENAUER, Mr. PRICE of North Carolina, and Mr. GRIJALVA.

H.R. 4143: Mr. RUPPERSBERGER.

H.R. 4175: Mr. FILNER, Mr. GUTIERREZ, Mr. HOLDEN, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, and Mr. RODRIGUEZ.

H.R. 4183: Mr. BOUCHER and Mr. SKELTON.

H.R. 4190: Mr. NEAL of Massachusetts.

H.R. 4207: Mr. ISRAEL, Mr. DOGGETT, and Mr. JACKSON of Illinois.

H.R. 4214: Mr. SHIMKUS, Mrs. MUSGRAVE, Mr. CRANE, Mr. BURR, Mr. FEENEY, Mr. RENZI, and Mr. GERLACH.

H.R. 4229: Mr. PALLONE, Ms. BORDALLO, Mr. WYNN, and Mr. BOUCHER.

H.R. 4249: Mr. SHERMAN, Mr. HONDA, Mr. LANTOS, Mr. MCDERMOTT, Mrs. TAUSCHER, Ms. LEE, Ms. ESHOO, and Mr. GRIJALVA.

H.R. 4275: Mrs. JO ANN DAVIS of Virginia, and Mr. KING of New York.

H.R. 4280: Mr. MANZULLO, and Mr. PLATTS.

H.J. Res. 28: Mr. FATTAH, Ms. KILPATRICK, Ms. NORTON, Mr. SCOTT of Virginia, Ms. WATERS, and Ms. MILLENDER-MCDONALD.

H.J. Res. 29: Mr. BISHOP of Georgia, Mr. SCOTT of Virginia, and Ms. WATERS.

H.J. Res. 30: Mr. BISHOP of Georgia, Mr. FATTAH, Mrs. JONES of Ohio, Ms. KILPATRICK, Ms. NORTON, Mr. SCOTT of Virginia, Ms. WATERS, and Ms. MILLENDER-MCDONALD.

H. Con. Res. 360: Mr. CAPUANO, Ms. LOFGREN, Mr. GRIJALVA, Mr. FROST, Mr. DAVIS of Alabama, Mr. FILNER, Mr. CUMMINGS, Mr. JACKSON of Illinois, Mr. PAYNE, Ms. KILPATRICK, Mr. BISHOP of Georgia, Mr. SCOTT of Georgia, Mr. WYNN, Mr. CLAY, Ms. WATSON, Mr. KENNEDY of Rhode Island, Mr. BALLANCE, Mr. CLYBURN, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MAJETTE, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. WATT, Mr. UPTON, Mr. HYDE, Mr. BRADY of Pennsylvania, Mr. MOORE, Mr. TURNER of Texas, Mr. SERRANO, and Mr. GUTIERREZ.

H. Con. Res. 378: Mr. BURR, Mr. BROWN of Ohio, Ms. BERKLEY, Ms. SOLIS, and Mr. PLATTS.

H. Con. Res. 384: Mr. WAXMAN.

H. Con. Res. 394: Mr. SCOTT of Virginia.

H. Con. Res. 414: Ms. PRYCE of Ohio.

H. Res. 466: Mr. PLATTS and Mr. PASTOR.

H. Res. 567: Mr. KILDEE, Mr. DAVIS of Tennessee, Mr. SCHIFF, Mr. CAMP, and Mr. SHAYS.

H. Res. 621: Mr. TURNER of Texas.

EXTENSIONS OF REMARKS

JAMES E. ROGERS IS HONORED BY THE GREATER CINCINNATI REGION OF THE NATIONAL CONFERENCE FOR COMMUNITY AND JUSTICE AT ITS 60TH ANNIVERSARY AWARDS DINNER

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. PORTMAN. Mr. Speaker, I rise today to recognize James E. Rogers, a friend, distinguished constituent and dedicated volunteer who will be honored for his service to our community at the Greater Cincinnati Region of the National Conference for Community and Justice's 60th Anniversary Awards Dinner (NCCJ) on May 27, 2004.

Jim has actively participated in many community organizations, and he has particular interest in education and the arts. He has been a member of the advisory board of the National Underground Railroad Freedom Center; the board of visitors of University of Kentucky College of Law; the Business Partnership Foundation of the University of Kentucky; the Corporate Council for the Hebrew Union College; Ohio State University's Ohio Business Advisory Council; and the Dan Beard Council of the Boy Scouts of America. He has also been a member of the board of the Cincinnati Children's Home.

Jim has served the Cincinnati Art Museum; the Cincinnati Arts Association; the Cincinnati Human Relations Commission; the National Conference of Christians and Jews; and the Cincinnati Music Festival Association. In addition, Jim has chaired the Greater Cincinnati and Northern Kentucky United Way Campaign; the Cincinnati Zoo Capital Campaign; and the Cincinnati Juvenile Diabetes Walk-a-thon.

Jim is Chairman, President and Chief Executive Officer of Cinergy Corporation, a Midwest leader in energy generation. Jim has served more than 30 years on the boards of Fortune 500 companies, including Fifth Third Bancorp and Duke Realty Corporation. He received his B.B.A. and J.D. degrees from the University of Kentucky, and was awarded an honorary Doctor of Laws degree from Indiana State University.

Jim also has a strong interest in public policy issues and served in government as Chief Trial Counsel at the Federal Energy Regulatory Commission (FERC). He is married to Mary Anne Rogers, has three children and four grandchildren.

All of us in Greater Cincinnati thank Jim for his service to our area and congratulate him on receiving this special honor from NCCJ.

CELEBRATING POLAND'S CONSTITUTION DAY

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. EMANUEL. Mr. Speaker, it is with great honor that I rise, on behalf of 111,000 of my constituents who are of Polish descent, to recognize the anniversary of the ratification of Poland's Constitution on May 3rd. We remember the men and women who first penned their historic constitution 219 years ago. We have another reason to celebrate as this year's anniversary will be the first since Poland has joined nine of its neighbors in achieving membership in the European Union.

In many ways, the foundation of Poland's constitution parallels our own, written only four years later. Following our model, the Polish Constitution of 1791 establishes three equal branches of government—a Legislative, an Executive, and a Judiciary Branch. It also promotes the philosophies of liberty, democracy, and religious freedom for all people. The constitution remains a landmark document that inspired generations of Poles through the turbulence of the eighteenth century, both World Wars and communist rule. Its longevity and survival exemplifies the strong democratic tradition and values of the Polish people.

Polish immigrants have imported these same traditions and values into the United States. Throughout our own history, Polish-American citizens have contributed to local communities. In the 5th district, from the lakefront to the western suburbs, the Polish-American community shares a leading role in business, fine arts, charity and many other forms of public service. The Polish-American influence has shaped the city of Chicago and our nation into the strong and vibrant communities they are today.

Mr. Speaker, Poland has stood shoulder-to-shoulder with the United States and its friendship has never wavered through the tumultuous events in our own history. Now is the time when we must return the favor by contributing to Poland's prosperity and security as it enters a new era as a full and respected member of the EU.

Poland's loyalty to the U.S. and its generous commitment of resources and manpower throughout the global war on terror and in the wars in Afghanistan and Iraq will never be forgotten by our grateful nation. Poland has repeatedly proven itself a steadfast ally from the beginning, sending more than 1,700 troops and special forces, second only to Great Britain, to help with Operation Iraqi Freedom and the reconstruction efforts.

Still, our Polish friends visiting their families in the United States are treated differently than other allies. Despite its proven loyalty and contributions to our security, Poles must still apply and pay for visas to enter the United States. That is why I have introduced H. Res. 601 in response to this discrepancy. My resolution calls upon the State Department to include Poland in the Visa Waiver Program. What better way to celebrate Poland's anniversary than to grant this waiver.

Mr. Speaker, the Polish Constitution is a symbol of pride and strength for Polish citizens throughout the world. I look forward to working with my colleagues and in support of Poland's efforts to flourish as an integral partner of the global economy and coalition against terror. Together we can continue to achieve the same principles of freedom and democracy that both our constitutions set forth over two centuries ago.

IN RECOGNITION OF DR. PHILIP C. HOPEWELL

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Ms. PELOSI. Mr. Speaker, I rise to congratulate my constituent, Philip C. Hopewell, MD. The American Lung Association has awarded Dr. Hopewell, a leader in the fight against tuberculosis, the Edward Livingston Trudeau Medal to recognize his lifelong contribution to the prevention diagnosis and treatment of lung disease.

In 1970, Dr. Hopewell took a brief sabbatical from his internal medicine residency program at the University of California San Francisco to work in war-torn Nigeria as a consultant to the Nigerian government on their tuberculosis control program. Dr. Hopewell's experience gave him first hand knowledge of the problems faced by developing countries in implementing effective tuberculosis control programs. More importantly, it gave Dr. Hopewell the belief that effective TB control programs can be established in the developing world.

Since 1971, Dr. Hopewell has shared his expertise in designing and implementing TB control programs. Most recently, Dr. Hopewell has worked as vice-chair of the Strategic and Technical Advisory Group for the World Health Organization (WHO) Stop TB Department. In his capacity at the WHO–STOP TB Partnership, Dr. Hopewell has provided technical expertise to developing nations around the globe on development and implementation of effective TB programs.

I first became aware of Dr. Hopewell's work about five years ago when we met to discuss increasing the U.S. committee to TB control at the U.S. Agency for International Development (USAID). At that time, the USAID contribution to international TB control was essentially zero. Dr. Hopewell made it clear to all who would listen that TB control programs can work in the developing world and it is in our

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

country's best interests to take an active role. Through Dr. Hopewell's work and the hard work of many others, the U.S. support for international TB control has grown. Yet there is more to be done, as Dr. Hopewell always reminds me.

While the world has benefited from Dr. Hopewell's work, he has not ignored the problem of TB at home in San Francisco. Dr. Hopewell became involved in the San Francisco tuberculosis control program through his supervision of a contract by which clinical services were provided to the Department of Public Health. The affiliation of an academic institution and an effective public health tuberculosis control program has provided and continues to provide important opportunities for training and research in many aspects of tuberculosis control. This combination forms the foundation of the Frances J. Curry National Tuberculosis Center, directed by Dr. Hopewell. The Curry Center is one of three CDC-funded model centers in the country.

Mr. Speaker, Dr. Hopewell is a teacher, a healer, a scientist and an international humanitarian. I join many throughout this country in recognizing and honoring Dr. Hopewell and his lifetime of achievement in the research, prevention and treatment of lung disease.

IN RECOGNITION OF WALTER CRONKITE RECEIVING THE HARRY S TRUMAN GOOD NEIGHBOR AWARD

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Ms. McCARTHY of Missouri. Mr. Speaker, I rise in recognition of Walter Cronkite, recipient of the 2004 Harry S Truman Good Neighbor Award. In 1953, longtime friends arranged an annual birthday luncheon for the then retired 33rd President of the United States, Harry S Truman. After his death in 1972, the birthday celebration was continued in his honor through a local foundation established to continue to pay tribute to his virtues of courage and leadership. Each year, the Harry S Truman Good Neighbor Award Foundation recognizes the national and international ideals of President Truman and preserves his memory by honoring such local individuals and encouraging young people to pursue international study.

This year, the foundation has selected Walter Cronkite to receive the prestigious Good Neighbor Award in recognition of his outstanding career in broadcasting. For more than 60 years Americans nightly received unbiased and factual national and international wisdom from the golden voice of Walter Cronkite. This Northwest Missourian brought us reports from the European theater in World War II and reported on the Nuremburg trials. His insights to the turbulent 60's awakened us to civil rights and human rights issues. He comforted us through the grief of three assassinations in that same decade, reporting the dreadful news to a shocked nation with his characteristic insight and somber vision. When President John F. Kennedy was struck down in November of 1963, followed by the murder of Rev. Martin Luther King, Jr. just before Palm Sunday in 1968, and then Sen. Robert Kennedy's killing on the eve of his California primary victory in June of the same year, the loss of these great leaders was all but unbearable, were it not for the constant and reassuring presence of Walter Cronkite, reaching out to us with straightforward and thoughtful news reporting.

Walter Cronkite became a war correspondent again in the late 60's when he reported to a divided country on Vietnam. Following the Tet offensive in January of 1968, often considered a turning point in the war, Cronkite visited the war torn country and called for diplomatic negotiations to end the stalemate. By then, the tide of public opinion had begun to turn against the war and President Lyndon B. Johnson announced that he would not seek reelection in March of that year. The decade ended on a high note, however, when the first manned spacecraft was sent to the moon and Walter Cronkite reported the launch with his infamous, "Go Baby, Go." On July 20, 1969, he shared the moon landing with an awestruck nation in what some called "Walter to Walter" coverage on CBS news. He provided continuous coverage for the almost 30 hours it took Apollo XI to complete its mission.

The 70's brought political scandal and Walter Cronkite reported to the nation with accuracy and balance from June 17, 1972, the morning after the Watergate break-in, through August 8, 1974, when Richard M. Nixon became the first President of the United States to resign from office because of scandal. Walter Cronkite's incredible career included interviews with international heads of state, while keeping the nation informed of world-wide events, as well as audiences with every U.S. president since Harry Truman. He officially retired in 1981, but we are grateful that he continues to work on documentaries and programs for broadcast on PBS and the Discovery and Learning Channels.

The news has become the information tool that informs, stimulates interest, evokes debate, and ultimately protects our democracy. Walter Cronkite's dedication to his professional career is exemplary for its objective reporting, credibility and his trademark delivery that has made an American icon.

President Truman's high regard of Walter Cronkite is reflected best in a letter to Mr. Raymond E. Dix, President of the Ohio Newspaper Association on January 1, 1966.

> DEAR MR. DIX: I was glad to have your letter informing me of the contemplated presentation of the Distinguished Service to Journalism Award to Walter Cronkite. I know of no one more worthy of being so honored by a jury of his peers. For one who has had some slight exposure to the press—the spoken and the written—with some misadventures and collisions along the way, I continue to have a healthy respect for that all important free institution.
>
> Here and there, over a span of time, some of the practitioners in that estate manage to rise to a special place of their own and become a force in their own right. Walter Cronkite looms large in that category and I always associate him with the quality of never failing credibility.
>
> Please give Walter my warm personal greetings.
>
> Sincerely yours,
>
> HARRY S TRUMAN.

Mr. Speaker, please join me in warm congratulations to our native son, Walter Cronkite, for receiving the Harry S. Truman Good Neighbor Award for his outstanding contribution to journalism and his "never failing credibility." As a role model, he has inspired individuals like me to fight the good fight for a just cause, secure in the knowledge that armed with the facts and the passion for what is right and just, one can make a difference in the lives of others. Thank you, Walter Cronkite. And that's the way it is, Mr. Speaker.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for a vote in this chamber on May 6, 2004. I would like the record to show that, had I been present, I would have voted "yea" on rollcall vote No. 152.

PERSONAL EXPLANATION

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. PETERSON of Pennsylvania. Mr. Speaker, on Thursday, May 6, 2004, I was unavoidably detained and missed House rollcall vote No. 152 on H. Con. Res. 398, a bill expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.

Had I been present, I would have voted "yea" on H. Con. Res. 398, and ask unanimous consent that this be reflected in the appropriate place in the RECORD.

IN SPECIAL RECOGNITION OF HOLGATE HIGH SCHOOL'S DIVISION IV STATE MEN'S BASKETBALL CHAMPIONSHIP

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. GILLMOR. Mr. Speaker, I would like to extend my heartfelt congratulations to Head Coach Paul Wayne and his Holgate men's basketball team on the winning of their first State Championship in high school basketball.

The Holgate High School men's basketball team has worked tirelessly in pursuit of excellence on the basketball court; and

The character and team-oriented attitude found on the Holgate men's basketball team enabled the Tigers to hold their championship game opponents to the lowest score in a state championship game since 1963; and

The Holgate men's basketball team held their tournament opponents to an average of 32 points per game and out-rebounded their championship game opponent 34–16; and

Holgate's State Championship in Division IV high school men's basketball was their first State title and their first state appearance in 51 years.

Mr. Speaker, Holgate High School finished the season with an outstanding 21–6 record, capped by the school's first State Championship in high school men's basketball. They embody all that is good about the young people we have in our great nation and I again congratulate them on an outstanding season on and off the basketball court.

HONORING REPRESENTATIVE CHARLES I. HUDSON

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. JOHN. Mr. Speaker, I rise today to celebrate the life of an extraordinary man who made a tremendous impact on my life and the lives of so many in Louisiana. State Representative Charles "Doc" Hudson, educator, statesman, businessman, husband, parent, pioneer, friend and mentor, passed away May 7, 2004, at the age of 72 in Opelousas, Louisiana.

Dr. Hudson began his life in public service as the first African-American elected to the Opelousas Board of Aldermen, where he served for ten years. He went on to become the first African-American to serve a four-year term as deputy secretary of the Louisiana Department of Transportation and the first African-American mayor protemp of Opelousas. In 1991, he became the first African-American from St. Landry Parish to be elected to the Louisiana House of Representatves, a position he held until his death.

However, it is impossible to describe Doc by simply enumerating the positions he held. Anyone who knew him knew of his zealous commitment to education. As an accomplished student himself, he valued knowledge more than anything. In 1999, he gained national prominence when he introduced a bill in the Louisiana Legislature requiring students to show respect to teachers and school personnel.

Doc himself was an incredible teacher. Having spent four years serving with him in the Louisiana Legislature, I can personally attest that he was a tremendous mentor for young politicians. He was never too busy to talk to someone, spend time with them, listen to their problems, and give them advice. I could always count on his honest opinion and he always kept his word.

Doc was also a steadfast supporter of his fellow public servants. When I hosted events in his area, Doc was always there; and while he fervently upheld his Democratic ideals, he never had a bad word to say against anyone of a different opinion.

With the passing of Dr. Hudson, Louisiana loses a civil rights pioneer and one of its strongest education advocates. I mourn the loss of my friend and am sorry for the legislators who will not be able to benefit from his guidance and wisdom. To his family, I express my most sincere condolences; and while so many are saddened by this tragic loss, I am confident that southwest Louisiana is a better place to live because of his influence and efforts. He will be remembered fondly by those who knew him.

TRIBUTE TO MAJOR GENERAL JOHN A. "ANDY" LOVE

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor the career of a truly extraordinary gentleman, Major General John A. "Andy" Love.

General Love has proudly served the United States and is retiring on May 21, 2004 to civilian life from a stellar 36 year career in the Colorado Air National Guard.

Andy Love earned his Bachelor of Arts degree in 1967 from Colorado College in Colorado Springs, Colorado in Political Science. After that, Andy joined the Colorado Air National Guard. He did undergraduate work in pilot training at Williams Air Force Base, in Arizona, where he earned his pilots wings and became a Squadron Fighter Pilot who has over 2,500 hours in the F100, A–7 and F–16.

Andy served in many capacities for many years at Buckley Air National Guard Base in Colorado and eventually became the Vice Commander of the 140th Fighter Wing, then on to Deputy Commander for Operations. Soon after that he became the Assistant Adjutant General to the Air National Guard unit at Buckley. In September 2000, Andy became the Assistant to the Commander of Air Force Space Command, which required a move from Buckley to Peterson Air Force Base in Colorado. In April 2003, General Love was promoted to the position from which he now retires as the Assistant, for National Guard Matters, to the Commander of NORAD/USNORTHCOM (North American Aerospace Defense Command/US Northern Command).

Major General Love has much to be proud of in his extensive military career, but also for the many awards and decorations he's received, including: Legion of Merit Award, Meritorious Service Medal, Air Force Commendation Medal, Air Force Outstanding Unit Award, Combat Readiness Medal, National Defense Service Medal, Air Force Longevity Service Award, Small Arms Expert Marksmanship Ribbon, Air Force Training Ribbon, Armed Forces Reserve Medal, Colorado Meritorious Service Medal, Active Service Ribbon, Foreign Deployment Service Ribbon, Colorado State Emergency Ribbon, Mobilization Support Ribbon, and Colorado Long Service Ribbon.

Mr. Speaker, I urge all of my fellow colleagues to join me in congratulating Major General John A. "Andy" Love on his successful military career, and thanking him for his years of service to a grateful Nation.

As an alumnus of Colorado State University myself, and now representing CSU in the United States Congress, I have had a determined interest in CSU's mission to benefit our great State. I am proud to know that the tradition and excellence synonymous to Colorado State University will be carried on through the dedicated work of Dr. Larry E. Penley.

TRIBUTE TO MS. PEG BOSTWICK

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to recognize the efforts of a constituent in Michigan's Eighth Congressional District, Ms. Peg Bostwick. Ms. Bostwick has served the State of Michigan for the past 15 years as the 404 Federal Program Coordinator for the Michigan Department of Environmental Quality (DEQ). During her time at the Michigan DEQ, Ms. Bostwick has been a tireless advocate for wetlands protection and funding for wetlands research.

On Thursday, May 20, 2004, Ms. Bostwick will be honored for her work by the Environmental Law Institute as a part of the 2004 Wetlands Awards. As the recipient of the award for State, Tribal and Local Development, Ms. Bostwick is being honored in Washington, DC for the outstanding work she has done on behalf of all of us in Michigan.

Peg Bostwick's work on behalf of the State of Michigan has been extensive. She is a knowledgeable leader on wetlands issues, working to ensure that science and government policy work together to promote a healthy environment. Mr. Speaker, Peg Bostwick has committed herself to bettering Michigan's environment. I can think of no greater compliment to her than to say that Michigan's environment is better off because of her efforts.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mrs. MALONEY. Mr. Speaker, on May 11, 2004, I was unavoidably detained and missed rollcall votes numbered 153 and 154. Rollcall vote 153 was on the motion to suspend the rules and pass H.R. 4299, a bill to designate the facility of the United States Postal Service located at 410 South Jackson Road in Edinburg, Texas, as the "Dr. Miguel A. Nevarez Post Office Building." Rollcall vote 154 was on the motion to suspend the rules and pass H. Res. 622, a resolution supporting the goals and ideals of Peace Officers Memorial Day.

Had I been present I would have voted "yea" on rollcall votes numbered 153 and 154.

IN SPECIAL RECOGNITION OF OTTAWA-GLANDORF HIGH SCHOOL'S DIVISION II STATE MEN'S BASKETBALL CHAMPIONSHIP

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. GILLMOR. Mr. Speaker, I would like to extend my heartfelt congratulations to Head

Coach David Sweet and his Ottawa-Glandorf men's basketball team on the winning of their first State Championship in high school basketball.

The Ottawa-Glandorf High School men's basketball team has worked tirelessly in pursuit of excellence on the basketball court.

The character and team-oriented attitude found on the Ottawa-Glandorf men's basketball team helped the Titans to win the state tournament final over a team with only one season loss.

The Ottawa-Glandorf Titans out-rebounded their opponents 45–25 and defeated them by 33 points in the state title game.

Mr. Speaker, Ottawa-Glandorf's State Championship in Division II high school men's basketball was a school-record twenty-seventh season victory and was their eighteenth consecutive victory.

The Ottawa-Glandorf High School finished the season with an outstanding 27–1 record, capped by the school's first State Championship in high school men's basketball. They embody everything that is good about our young people and I commend them on their outstanding performance on and off the basketball court this year.

HONORING JOHN E. DAILEY

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. JOHN. Mr. Speaker, I would like to take this opportunity to recognize an outstanding individual who has dedicated 40 years of his life to educating young people in Southwest Louisiana. At the end of this academic year, Mr. John E. Dailey will retire as principal of Notre Dame High School of Acadia Parish, my alma mater.

Mr. Dailey began his career in education at Notre Dame in 1964 and remained there until 1970 when he moved to Iota High School. During his time at Iota, Mr. Dailey was twice named Teacher and Coach of the Year, was a runner up in the Louisiana Principal of the Year process and oversaw vast improvements in the school's academic and athletic programs.

After over 20 years at Iota, Mr. Dailey returned to Notre Dame High School, where he would remain until his retirement this year. During his second tour at Notre Dame, Mr. Dailey oversaw a significant increase in enrollment, the addition of twelve classrooms, the implementation of an Agriscience Program, a rise in ACT scores to well above the national average, and nine State athletic championships and eight second place finishes. Mr. Dailey was also honored as the Administrator of the Year in the Diocese of Lafayette and recently inducted into the Notre Dame High School Shoe of Fame.

I rise today to honor Mr. Dailey because it is men and women like him that willingly take on the overwhelming job of preparing our youth for their entry into the professional world. Since 1964, Mr. Dailey has been making a difference in the lives of young people and Acadiana is grateful to all of the work that he has done. I know I am joined by many others when I tell Mr. Dailey congratulations and thank you.

COLORADO GREEN WINDFARM IN LAMAR

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mrs. MUSGRAVE. Mr. Speaker, wind energy is an inexhaustible, affordable and economically beneficial source of electricity, and is the Nation's fastest-growing new source of power. I am proud to salute the dedication on May 14 of the Colorado Green windfarm in Prowers County, near Lamar, in southeast Colorado. This dedication will take place in conjunction with Lamar's 118th birthday celebration, to be held on Saturday and Sunday, May 14 and 15, with the theme of "Winds of Progress Powering Our Future." The celebration is being sponsored by Lamar Chamber of Commerce, City of Lamar, Prowers County, Prowers County Development, Inc. and local business owners.

At 162 megawatts, Colorado Green is the Nation's fifth-largest windfarm, and provides enough power for approximately 52,000 homes at a price competitive with conventional fuels. The project was developed by GE Wind Energy and is co-owned by PPM Energy and Shell WindEnergy, which sell the wind power to Xcel Energy. It is the largest capital investment ever made in Prowers County, and it has already begun generating tremendous local economic benefits throughout the neighboring communities of Lamar and Springfield.

The economic benefits of the Colorado Green wind project include the creation of 10–15 new well-paying jobs at the site. During the height of construction, nearly 400 workers were employed, and these workers provided a sizable economic boost to local Lamar and Springfield businesses. For example, local motels had much higher occupancy than normal, and local restaurants and business experienced an upsurge of demand. The Texaco Food Mart in Lamar had to "bring in more help" in the early morning to deal with the added demand, and the Hay Stack Restaurant reported a 30 percent increase in business due to the windfarm construction.

I am inserting an article from the Lamar Daily News of October 29, 2003 that provides a first-hand illustration of the tremendous benefits that the Colorado Green wind project has brought to Lamar and the Prowers County area. This article, by reporter Virgil Cochran, shows the many economic benefits that wind development can bring to rural parts of our country.

With so much of rural America suffering economic doldrums, wind energy has helped Lamar regain its footing, and I look forward to more such development throughout rural Colorado—which has the nation's 11th-best wind energy resource—in the coming years.

Besides the formal dedication of the Colorado Green wind project on May 14, other activities scheduled in conjunction with Lamar's "Winds of Progress Powering Our Future" activities that weekend include a parade featuring a 113–foot GE wind turbine and free guided bus tours to see the new windfarm. There will also be a 5K Walk and Run, Antique Car and Truck Show, Ducky Derby, "Good Morning Lamar!" breakfast and a "Rock the Block" dance.

I congratulate Lamar as it dedicates the Colorado Green wind project and celebrates its 118th birthday on May 14 and 15.

[From the Lamar Daily News, Oct. 29, 2003]

WIND FARM CONSTRUCTION AN ECONOMIC BOON FOR COUNTY

(By Virgil Cochran)

LAMAR.—The Colorado Green Wind Farm now under construction in south central Prowers County has already had a strong economic impact to the area—helping at least some local businesses offset slow sales blamed on a drought and generally sluggish economy. The giant project, the largest single capital investment in the history of Prowers County, will also continue to benefit the county for decades, boosting the property tax base and adding some 12–15 new jobs.

For one couple, David and Aracelli Fernandez, who live near the former Pleasant Heights Church, just a stone's throw down the road from the project, the boom has already hit. David and Aracelli are producing burritos about as fast as they can make them and running two daily routes to provide the 200 to 300 workers on the job with some tasty nourishment.

"We'd starve to death if it weren't for that lady (Aracelli)," joked Chad-o Miller, a foreman with QCI erectors, which is installing the nearly 300-foot-tall turbines. Miller also predicted the workmen on the job will be sorely missed by the local grocery stores, motels, and restaurants when the project is complete.

David Fernandez told the Daily News Friday he and his wife have been selling an average of 400 burritos per day at $2 each. When we met up with Fernandez around noon Friday, he had three oversize coolers in the back of his pickup which he uses to keep the burritos warm, but all were empty. David had sold his load of burritos for the day, and was attempting a rendezvous with Aracelli to transfer some from her vehicle. It was essentially, a startup business for the Fernandez's, triggered solely by the wind farm.

"Most of our guys stay with Brad the Limo man," Miller said, referring to Brad Semmens of Country Acres Motel and RV Park. "We've been filling up his motel and RV Park and he's been great to us." And Semmens is far from the only motel owner in the area to benefit from the influx of construction workers.

Kenny Buxton of Wallace Gas and Oil said the project has also created a temporary boom in fuel and related sales, offsetting what was otherwise very sluggish business due to the downturn in agriculture. Buxton has been running fuel delivery trucks to the site for weeks, providing fuel and lubricants for dozens of vehicles and pieces of heavy equipment at the site.

It sometimes requires two truckloads per day to meet demand, Buxton said, noting there are all sorts of excavating equipment and specialized machinery from cranes to forklifts to which he supplies fuel. Since it is impractical to move the machinery to a fuel station, the construction companies rely almost completely on bulk fuel delivery to the site.

Sales tax receipts in the city have been on the slide for something over a year, running at times ten percent or more behind receipts for the same month of the previous year. But the most recent month for which sales tax data are available, the same month construction moved into full swing on the wind farm, shows sales tax receipts are up over 13 percent from the same month a year ago. While it is impossible to determine how much of that is attributable to the wind farm, many think the boom in local sales can be linked largely to the project.

Once the project is complete and is producing power, the property tax benefits will roll on for at least three decades. Although figures are only preliminary guesstimates, County Assessor Andy Wyatt projects it will produce around $764,000 per year in new revenue to the county, another $917,000 to the Re-2 School District general fund, $203,900 to the Re-2 bond fund, and some $189,000 to Prowers Medical Center.

Exactly how that will shake out is uncertain for several reasons, said Wyatt. First, the local mill levy to fund Re-2 is governed largely at the state level because of an equalization program in state education funding. It will, at least to some extent, lower the local mill levy taxpayers pay to fund schools, but the amount of reduction hasn't been determined.

Some of the funds the county collects could be limited as well, Wyatt said, because the county is subject to the Arveschoug-Bird Amendment which limits revenue increases to about 6 percent per year. But because much of the increase in the county's assessed valuation is from new construction, Wyatt said the county may have the option of keeping most of the money.

What the Prowers County Commissioners will decide to do with the approximately three-quarter of a million dollar annual tax windfall is not certain, but Wyatt said he thinks some of it should go to property tax relief by reducing of the mill levy for all taxpayers. He says that would help out businesses like Neoplan, making them more competitive. Since the wind farm is not located within Lamar City limits, however, the city will see little, if any direct benefit from property tax revenues.

What Wyatt calls the "windfarm windfall" won't take effect for another year, the beginning of 2005, but over the long haul, the $760,000 per year in property taxes paid to the county alone would inject some $22.9 million into the local economy over a 30-year period if the commissioners chose to collect all the new money and not reduce the property tax levy. Wyatt said property like the wind farm is assessed at the state level, and uses a formula which assures that renewable energy projects are taxed at the same rate of investment that would be spent on conventional power plants. Thus even though the wind farm sold for over $200 million, the state formula means it will be assessed at an approximately $100 million in actual value.

But that isn't the end of it. Construction is now under way on another major electrical power-related project about ten miles northeast of Lamar. Xcel Energy is installing an AC–DC power converter that will link electrical grids—a project estimated to be worth at least $25 million.

Wyatt estimates the county will net another $189,000 from the substation, while Re-2 will see tax revenue increases of $226,000 to its general fund and $50,000 to its bond repayment fund. PMC would net about $47,000. All those figures are, of course based on present mill levies, but could vary.

An engineer at the substation project north of Lamar said yesterday that the project is being built by a consortium of two companies, Beta Engineering of Pineville, Louisiana, and Siemens Transmission and Distribution of Raleigh, North Carolina. He said the project is expected to continue for about a year, and when complete, will link two of the nation's major power grids, converting electrical power from alternating to direct current, then back to alternating again. In the process, the station will also convert power from 230,000 volts to 345,000 volts so the power can be routed into long-distance transmission lines.

The project was mobilized about a week ago, and a subcontractor on the job, Cajun Construction of Baton Rouge, Louisiana, is already on the job beginning preliminary concrete work.

In additional to local job opportunities and increased sales by local businesses the projects have created and will continue to create, the two projects combined will provide an estimated $79 million in property tax receipts over a 30-year period, according to Wyatt's figures.

The project also paved the way for Lamar Light and Power and the Arkansas River Power Authority to own wind farms of its own. G.E. does not ordinarily sell only a handful of its 1.5 megawatt turbines—the largest in the wind power business—because of complications and expense with maintenance and warranties of the equipment. But since the wind farm was only a few miles down the road, ARPA and Lamar were able to capitalize on the event, along with 40-year lows in bond market interest, to install windfarms in Lamar and Springfield.

PERSONAL EXPLANATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. ROGERS of Michigan. Mr. Speaker, on the legislative day of Thursday, May 6, 2004, the House had a vote on H. Res. 402, a resolution urging the Lao People's Democratic Republic to provide unrestricted access to Laos for international election monitors and humanitarian aid workers. On House rollcall vote #149, I was unavoidably detained. Had I been present, I would have voted "yea."

HONORING ROSE LAMBERT, CHIEF AIDE TO SUPERVISOR HYLAND

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Ms. Rose Lambert for over 16 years of dedicated service to the Mount Vernon community.

Ms. Lambert has been a pivotal member of the Mount Vernon community for many years, both as an employee of the Mount Vernon District Supervisor and as an active citizen in her neighborhood. Until recently, Rose lived in the Mount Zephyr community where she was active in the Citizens' Association, acting as president a number of times.

In the Mount Vernon District Supervisor's Office, Ms. Lambert has played an important role in a number of high-profile issues, including the Woodrow Wilson Bridge Improvement Study, Richmond Highway Revitalization efforts, and recently, the campaign to save Mount Vernon Hospital.

Ms. Lambert is most well-known in the northern areas of the Mount Vernon District where she has worked tirelessly on many significant projects. She has been instrumental in the successful completion of many community improvement projects, including the Huntington, Mount Zephyr, Fairhaven, and New Alexandria communities. Ms. Lambert continues to push for projects that will improve the quality of life for Mount Vernon citizens.

As Hyland's Chief Aide, Ms. Lambert has been the lead point of contact for county staff, and has had the responsibility of attending the Board of Supervisors meeting in Fairfax. Furthermore, she has represented Supervisor Hyland at countless meetings and has played an active role in the Mount Vernon Council of Citizens Associations.

Mr. Speaker, in closing, I would like to extend my heartfelt thanks to Ms. Lambert for 16 years of service to Mount Vernon District. Her contributions and efforts are much appreciated and will be greatly missed. Her service is an exemplary example of an ideal citizen and model employee. I wish her the best of luck in all future endeavors.

IN SPECIAL RECOGNITION OF BLAKE KLINKSIEK ON HIS APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Blake Klinksiek of Perrysburg, Ohio, has been offered an appointment to attend the United States Air Force Academy.

Mr. Speaker, Blake's offer of appointment poises him to attend the United States Air Force Academy with the incoming cadet class of 2008. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Blake brings a special mix of leadership, service, and dedication to the incoming class of Air Force cadets. While attending Perrysburg High School, Blake has attained a grade point average of 3.308, which ranks 121st out of the 334 students in his class. During his time at Perrysburg High School, Blake has received several commendations for his superior scholastic efforts. During his first year, Blake was named to the Honor Roll and received High honors recognition due to his GPA of 3.9. His second year was again marked by his being named to the Honor Roll and receiving yet another Outstanding Academic Achievement Award. Blake was named a "Who's Who Among American High School Students" and maintained a high level of achievement throughout his tenure at Perrysburg High School.

Outside the classroom, Blake has distinguished himself as an excellent student-athlete and dedicated citizen of Perrysburg, Ohio. On the fields of friendly strife, Blake has participated in Varsity Track and Football. He was Captain of the football team as a sophomore and has lettered multiple times in track. In addition to his athletic accomplishments, Blake is an active member in his community by participating in Young Life, was a Youth Football Camp and YMCA Youth Camp counselor, and was an English interpreter for a visiting Spanish student.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Blake Klinksiek. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Blake will do very well during his career at Air Force and I wish him the very best in all of his future endeavors.

HONORING SHIRLEY COPELAND

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. STEARNS. Mr. Speaker, I would like to take this opportunity to honor a constituent of mine who received the 2004 Safety Education Hero Award from the Home Safety Council. Shirley Copeland, a safety educator from Alachua County, Florida, is this year's hero. The Safety Education Hero Award recognizes excellence in home safety education each year, and is presented for fire safety education that saves a life or avoids a disaster. The Home Safety Council in partnership with the Congressional Fire Services Institute (CFSI) and the National Fire Protection Association (NFPA) sponsor this distinction. Copeland conducted a fire safety lesson with the children at Terwilliger Elementary School as part of the Alachua County Fire Department's 2003 Fire Prevention Month outreach program. She used NFPA's Fire Prevention Week (FPW) campaign materials, "When Fire Strikes: Get Out! Stay Out!" During her presentation, Copeland explained the importance creating and practicing a family home fire escape plan, with an emphasis on conducting nighttime fire drills. Students received fire escape worksheets, which they took home to complete with their families.

Copeland's lessons made quite an impression on Paul Jones (age 11) and Paige Jones (age 10) who immediately shared Copeland's information with their mother. The family discussed the steps of their fire escape plan, including quickly exiting the home, calling 9–1–1 from a neighbor's home and meeting at a designated area. Remembering Copeland's message about the importance of nighttime fire drills, the siblings asked their mother to awaken them in the middle of the night to put their home fire escape plan into action.

Less than a month later on December 6, 2003, the family's preparation was put to the test. In the middle of the night as the family slept, sparks from the fireplace ignited a piece of furniture. Following the family's rehearsed escape plan, they swiftly fled to a neighbor's home, met at their designated meeting spot and dialed 9–1–1.

Brenda Proctor now attributes her family's safe escape to Shirley Copeland's informative and memorable teachings. Learning of the incident, Copeland visited the family at their temporary home where she made sure they had working smoke alarms and a new fire escape plan. Mr. Speaker, Ms. Copeland received the 2004 Safety Education Hero Award on May 5, 2004 from the Home Safety Council during the annual CFSI National Fire and Emergency Services Banquet here in Washington, DC. I had the honor of meeting Ms. Copeland and am proud that this hero will continue to work and promote fire safety in the 6th District of Florida.

C. DAVID SMITH, 2004 FAMILY PHYSICIAN OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. JEFF MILLER of Florida. Mr. Speaker, I rise today to congratulate Doctor C. David Smith for receiving the honor as Florida's 2004 Family Physician of the Year.

Dr. Smith has an extraordinary beginning to his career. He graduated second in his class from the University of Florida medical school in 1979. With a promising career in medicine, he began his residency at the University of South Alabama. However, in 1980 with not even a year of residency under his belt, he received word that his hometown hospital in Jay, Florida would close due to the lack of physician manpower and financial resources. Dr. David Smith followed his love of medicine and people and relocated back to his hometown, insuring that the hospital would continue to serve his neighbors in the rural community of less than 600.

During his 23-year tenure, Dr. Smith serves patients from his community and the surrounding area in his private practice, the emergency room, acute care center, hospital and nursing home. He is also the team physician for the local high school football team and even has time to make house calls.

Among his supporters, his patients offer the most passionate tributes. A community citizen whose family was comforted by Dr. Smith noted, "The community is blessed to have this man among us. If we could have a statue in Jay of a hero, it would be Dr. David Smith, physician extraordinaire, humanitarian by gift of God, and our beloved rural doctor."

Thanks to his leadership, intellect, and altruistic character, he revived the medical community and put rural hospital care in the medical spotlight. Jay Hospital and Northwest Florida communities are very fortunate to have such a distinguished family physician who has a genuine concern for people.

Mr. Speaker, on behalf of the United States Congress, I would like to congratulate and offer my sincere appreciation to Dr. C. David Smith for his service in the communities of Northwest Florida.

HONORING LIEUTENANT GENERAL PARKS' "GOLD LINE"

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. WILSON of South Carolina. Mr. Speaker, today I rise to pay tribute to Lieutenant General Garry L. Parks, the Deputy Commandant, Manpower and Reserve Affairs, soon to retire and return to private life after more than 35 years of proud service as a United States Marine. The departure of General Parks marks not merely the end of an illustrious career replete with many honors; it also marks the beginning of several initiatives that, by virtue of his strategic vision, will ensure the continued success of the Marine Corps into the 21st century.

A native of Huntingdon, Pennsylvania, General Parks graduated from the Citadel with a Bachelor of Science degree in 1969.

After completing The Basic School, he was assigned to the 1st Marine Division in the Republic of Vietnam, where he served with distinction in a variety of positions to include platoon commander and company executive officer with the 1st Reconnaissance Battalion. For his heroism under fire, General Parks was awarded the Bronze Star Medal with Combat "V". Next, General Parks served as a company commander with 2d Battalion, 3d Marines. General Parks' later assignments include Company Commander, Marine Corps Recruit Depot, Parris Island, South Carolina; the Infantry Officers Advanced Course, Fort Benning, Georgia, where he graduated on the Commandant's List; and company commander, 2d Battalion, 9th Marines, Okinawa, Japan.

General Parks was an honor graduate at Marine Corps Command and Staff College; Commanding Officer, Recruiting Station, Raleigh, North Carolina; and the Joint Program and Budget Coordination Officer in the Requirements and Programs Division, Headquarters, U.S. Marine Corps.

While assigned to the First Marine Division, General Parks served as Executive Officer, 5th Marines; Commanding officer, 2d Battalion, 5th Marines; and Commanding Officer, 9th Marines. While serving as Chief of Staff, Marine Forces Pacific, he was selected to Brigadier General. He next served as Commanding General, Marine Corps Recruit Depot/Western Recruiting Region; Deputy Director for Politico-Military Affairs on the Joint Staff; and Commanding General, Marine Corps Recruiting Command.

General Parks will continue to serve as the Deputy Commandant, Manpower and Reserve Affairs until his retirement in June 2004. While serving in this position he devoted his enormous personal energy into implementing manpower programs and policies to ensure the operating forces had the Marine Corps manpower required to succeed in Operation Enduring Freedom I and II, and Operation Iraqi

Freedom I and II and to also ensure that Marine families had the support they required during these most challenging times.

Throughout his career as a United States Marine, General Parks demonstrated uncompromising character, and a sincere, selfless sense of duty to his beloved Marine Corps and to the Nation. His powerful leadership inspired Marines to tremendous success no matter the task, and achieved results that will guarantee the United States' security into the future.

On behalf of my colleagues on both sides of the aisle, I would like to recognize General Parks' extraordinary accomplishments and his devoted service to the Nation. Congratulations to him, his wife Earlene, son Garry, and daughter Tammy on the completion of a long and distinguished career.

IN SPECIAL RECOGNITION OF DR. ROBERT MARTIN AND HIS INAUGURAL LEADERSHIP LECTURE AT THE HAYES PRESIDENTIAL CENTER

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding man, Dr. Robert Martin. This Friday, May 14, Dr. Martin will offer the first lecture at the Hayes Presidential Center's first annual "Hayes Lecture on Leadership." This is a momentous occasion and an exciting time at the Hayes Presidential Center, which was the first Presidential library in the United States.

In June 2001, Dr. Robert Sidney Martin was nominated by the President of the United States to be Director of the Institute of Museum and Library Services (IMLS); the U.S. Senate subsequently confirmed his nomination by unanimous consent. Dr. Martin is the first librarian to lead IMLS, formed in 1996.

Under Dr. Martin's leadership, IMLS launched a new grant program to recruit and educate the next generation of librarians. The program, announced by Mrs. Bush in January 2002, seeks to off-set a pending national shortage of librarians due to retirements. Dr. Martin acted as co-host to Mrs. Bush for two seminal White House conferences, one on school libraries and the other on libraries, museums, and lifelong learning. In 2004, Dr. Martin will make the inaugural grants for "Museums for America," to sustain heritage, support lifelong learning, and provide centers for community engagement.

A librarian, archivist, educator, and administrator, Dr. Martin was Professor and Interim Director of the School of Library and Information Studies at Texas Women's University prior to his appointment at IMLS. From 1995 to 1999, he was Director and Librarian of the Texas State Library and Archives Commission.

From 1985 until 1995, Dr. Martin was Associate Dean of Libraries for Special Collections at Louisiana State University. Before that, he worked in the archives and special collections at the University of Texas at Arlington and the University of Texas at Austin. He also taught at the University of Wisconsin at Madison.

He has authored and co-authored several scholarly treatises including two best-selling books, Maps of Texas and the Southwest, 1513–1900 (1984, 1999) and Contours of Discovery: Printed Maps Delineating the Texas and Southwestern Chapters of the Cartographic History of North America, 1513–1930 (1982). The books reflect another area of Dr. Martin's research interests and expertise: the history of the American southwest.

Dr. Martin has a Doctor of Philosophy degree in Library Science from the University of North Carolina at Chapel Hill, a Masters of Library Science from the University of North Texas, and a Bachelor of Arts degree in History from Rice University.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Dr. Robert Martin. Our Nation is served well by having such honorable and giving citizens, like Dr. Martin, who care about their well being and stability. We wish Dr. Martin well as he inaugurates the Hayes Presidential Center's first annual "Hayes Lecture on Leadership."

PERSONAL EXPLANATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Ms. MCCOLLUM. Mr. Speaker, due to an event in my Congressional District I was unable to vote on the following two bills:

Rollcall vote No. 151—H. Con. Res. 326, expressing the sense of Congress regarding the arbitrary detention of Dr. Wang Bingzhang by the Government of the People's Republic of China and urging his immediate release; and Rollcall vote No. 152—H. Con. Res. 398, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.

I support each of these resolutions and would have voted "Yea" for both had I been present. I ask unanimous consent that my statement be inserted into the RECORD at the appropriate place.

PERSONAL EXPLANATION

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. GREEN of Wisconsin. Mr. Speaker, due to weather related flight delays, I was absent for votes on Tuesday, May 11, 2004. As a result, I was not recorded for rollcall votes Nos. 153, 154 and 155. Had I been present, I would have voted "aye" on rollcall No. 153, "aye" on No. 154 and "aye" on No. 155.

TRIBUTE TO WEST POINT'S SERVICE AMERICA PROGRAM

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. SIMPSON. Mr. Speaker, recently I had the honor of visiting with the Corps of Cadets, faculty, and staff at the United States Military Academy. I am very grateful to Lieutenant General William Lennox, Jr., Superintendent; Colonel Russell Howard, Social Sciences Department Head; Colonel Robert Gordon III, Director, American Politics Program; and, of course, to the Cadets for having me.

In addition to being able to visit with cadets and their world-class faculty, I had the opportunity to learn of West Point's Service America Program. Serving one's nation can take many forms. I found it especially inspiring that as the West Point cadets, America's sons and daughters, are preparing to defend our freedoms, they have created still another way to serve our great nation.

Under the leadership of Colonel Gordon and many others, since 1997, cadets have been serving young people during the summer months through the Academy's Service America Program in Bremerton and Spokane, Washington; Chicago, Illinois; and Austin, Texas. The cadets have partnered with state and local AmeriCorps programs, America's Promise, the National Civilian Community Corps, and private foundations.

In the past six years, 161 cadets have participated in West Point's Service America Program. The cadets have spent almost 8,000 hours teaching children in the classroom and have tutored or mentored over 1,000 youngsters. Their total community service exceeds 20,000 volunteer hours. Cadets say Service America helps prepare them to become better officers. Cadets are refining their leadership skills through positions of authority in community projects, are working cooperatively with AmeriCorps volunteers in solving problems, and are mentoring young persons from diverse backgrounds and ages.

Mr. Speaker, I commend West Point and the cadets for their selfless service to our country, both on and off the battlefield. I knew that West Point was a national treasure long before I visited there. Now more than ever, I know why.

IN SPECIAL RECOGNITION OF NATALIE PHILLIPS ON HER APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young woman from Ohio's Fifth Congressional District. I am happy to announce that Natalie Phillips of Northwood, Ohio, has been offered an appointment to attend the United States Air Force Academy.

Mr. Speaker, Natalie's offer of appointment poises her to attend the United States Air Force Academy with the incoming cadet class of 2008. Attending one of our nation's military academies is an invaluable experience that offers a world-class education. and demands the very best that these young women and men have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Natalie brings a special mix of leadership, service, and dedication to the incoming class of Air Force Academy cadets. While attending Northwood High School, Natalie has attained a grade point average of 3.94, which ranks 2nd out of the 80 students in her class. During her time at Northwood High School, Natalie has received several commendations for her superior scholastic efforts. During her first year, Natalie was named to the High Honor Roll and received the Outstanding Academic Achievement Award. Her second year was again marked by her being named to the High Honor Roll along with being named a "Who's Who Among American High School Students." Natalie has maintained this high level of achievement throughout her tenure at Northwood High School.

Outside the classroom, Natalie has distinguished herself as an excellent student-athlete and dedicated citizen of Northwood, Ohio. Natalie has been very active on the Northwood High School Varsity golf team. She has served as team captain and has lettered multiple times. In addition to her athletic accomplishments, Natalie is an active member in her community by participating in the Spanish Club, Key Club and Student Council.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Natalie Phillips. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Natalie will do very well during her career at the Air Force Academy and I wish her the very best in all of her future endeavors.

IN TRIBUTE TO JACK BROOME AND JOHN W. BORCHARD, JR.

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to Jack Broome and John W. Borchard, Jr., the first recipients of the Catherine McAuley Lifetime Achievement Award presented by St. John's Regional Medical Center in Oxnard, California, and St. John's Pleasant Valley Hospital in Camarillo, California.

Catherine McAuley founded Sisters of Mercy in Dublin, Ireland, in the early 1800s, serving those who suffered from poverty, illness and a lack of education. In 1912, a small band of Sisters of Mercy began caring for the sick and suffering in Ventura County, California.

St. John's Regional Medical Center and St. John's Pleasant Valley Hospital are the modern-day manifestations of those early seeds.

The Catherine McAuley Lifetime Achievement Award pays tribute to members of the community for their contributions and volunteerism, commitment to society, and espousal of the charisma and values exemplified by Catherine McAuley.

Jack Broome and John W. Borchard, Jr., epitomize that charisma and those values.

Jack Broome was born in Chicago, but came to California early in his adult life to pursue farming opportunities in Ventura, Kern and Monterery counties. He is one of the key founders of Casa Pacifica and continues as a director. Jack currently serves on the University Board at Pepperdine University and the Board of Trustees of the House Ear Institute. He is chairman of the Ventura County Harbor Commission and the Pleasant Valley County Water District.

Jack's service to St. John's includes chairmanship of St. John's Regional Medical Center Foundation, director of the hospital board and longtime membership in The Humanitarians. He and his wife; Patricia, have three children and eight grandchildren.

John W. Borchard, Jr., was born at St. John's Hospital and raised on an Oxnard farm owned by his family in the 1860s. He left Ventura County long enough to graduate from the University of Notre Dame and serve a short stint at Eastman Kodak in New York before returning to his roots. John has had leadership roles on boards and committees of no less than 25 organizations. He served the Oxnard Elementary and High Schools, the City of Oxnard, the Oxnard Elks, lima bean and citrus cooperatives, and for 20 years served as a director on the Ventura County Farm Bureau. After 16 years, he recently retired his post as chairman of the Saticoy Lemon Association. During that time he also served on the Sunkist Growers, Inc., board, including 9 years on its executive board.

John has also served on the boards of St. John's Seminary and Seminary College in Camarillo.

John's service to St. John's began early, knocking on doors with his parents to raise money for the building. In 1968 he became a Humanitarian and served 7 years as chairman. He served as a trustee of St. John's Regional Medical Center Foundation through two building campaigns.

John and his wife, Nancy, have six children and 11 grandchildren.

Mr. Speaker, I know my colleagues will join me in congratulating Jack Broome and John W. Borchard, Jr., for earning this prestigious distinction and join the Foundations of St. John's Regional Medical Center and St. John's Pleasant Valley Hospital in honoring them for a lifetime of service to their community.

CONGRATULATING TOM KEATING ON BEING NAMED THE MINNESOTA TEACHER OF THE YEAR FOR 2004

HON. MARK. R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise to congratulate Tom Keating on being named the Minnesota Teacher of the Year for 2004. He received this award at a ceremony on Sunday, May 2, 2004, in front of his wife, Mary Sue, also a teacher, their four children and his friends and colleagues. This year, there were a record 150 nominees for the award, and Keating was selected from among 10 finalists.

Born in Minneapolis, he earned his Bachelor of Science degree in health and physical education from St. Cloud State University. He began his teaching career at Foley High School in 1971. In 1982, he joined the Monticello public schools teaching a variety of subjects. He has also developed his own programs, including S.U.P.E.R. (Students Using Peers to Educate Responsibly) and the school's youth service program. In 1990, he went back to school himself and received his M.A. in curriculum and instruction from the University of St. Thomas. He is now a multi-subject teacher at the Turning Point Alternative School in Monticello.

Mr. Speaker, it is teachers like Tom Keating that embody the commitment to students that all teachers strive to possess. His hard work and dedication to his students and his support for children that, in his words, are in danger of falling away, are just two of the reasons he deserved this important honor. I join his colleagues, friends, students, and all Minnesotans in congratulating him on his achievements.

HONORING THE LEGACY OF ROBERT PRUITTE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. GORDON. Mr. Speaker, I rise today to recognize the late Robert Pruitte, a good friend who always gave me useful advice. The Wilson County, Tennessee, resident was a pillar of strength in his community and an admired activist in the Democratic Party.

In honor of Robert and all he did for his community, the Wilson County Democratic Party is instituting an annual event in his memory called the "Robert Pruitte Democratic Celebration." The event will be used to raise funds for a scholarship in his name and to promote the Democratic Party. Robert would have been proud to know his name was associated with giving deserving children an opportunity to excel in higher education.

Robert worked four decades for TRW and was an international representative for the United Auto Workers. He worked hard for his company, the union he represented and the family he loved. And he was always willing to give time of himself to promote worthy causes in his community.

Robert was an honorable man with impeccable character and a thirst for life. He is sorely missed by all those who knew him. But his legacy will live on through this newly created event that aims to help children get a quality education and allow others to share in his political philosophy. Robert was truly the epitome of decency and dedication.

IN SPECIAL RECOGNITION OF CRAIG BAER ON HIS APPOINTMENT TO ATTEND UNITED STATES MILITARY ACADEMY AT WEST POINT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Craig Baer of Middle Point, Ohio, has been offered an appointment to attend the United States Military Academy at West Point.

Mr. Speaker, Craig's offer of appointment poises him to attend the United States Military Academy at West Point with the incoming cadet class of 2008. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Craig brings a special mix of leadership, service, and dedication to the incoming class of West Point cadets. While attending Lincolnview High School, Craig has attained a weighted grade point average of 4.021, which ranks 9th out of the 61 students in his class. During his time at Lincolnview High School, Craig has received several commendations for his superior scholastic efforts. During his first year, Craig was named to the Gold Honor Roll and received the World History GPA Award. His second year was again marked by his being named to the Gold Honor Roll along with being named a Northwest Conference Scholar athlete. Craig has maintained this high level of achievement throughout his tenure at Lincolnview High School.

Outside the classroom, Craig has distinguished himself as an excellent student-athlete and dedicated citizen of Middle Point, Ohio. On the fields of friendly strife, Craig has participated in Cross Country, Track and Basketball. He was Captain of the Basketball team as a freshman and has lettered in Track and Cross Country. In addition to his athletic accomplishments, Craig is an active member in his community by participating in Spanish Club, Student Council, was elected Junior Class President, and was named to the National Honor Society.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Craig Baer. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Craig will do very well during his career at West Point and I wish him the very best in all of his future endeavors.

A TRIBUTE TO MAGGIE STEWART FOR 50 YEARS OF COMMUNITY SERVICE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. LEWIS of California. Mr. Speaker, it gives me great pleasure today to pay tribute to a dear friend, Margaret Stewart of Upland, California, who has spent more than 50 years improving the lives of everyone around her as a selfless volunteer and inspirational community activist in San Bernardino County.

Born and raised in Ontario, CA, Margaret married citrus rancher Walter E. Stewart, and raised three daughters in and near their hometown. She began her civic volunteering in 1949 with the Upland Junior Welfare League, and has been seemingly working harder ever year since that time.

Maggie Stewart got her start in local politics in 1950, when she and Walt chartered the Chaffey District Young Republicans. That same year, they helped organize a sewer bond election, and two years later she helped organize a door-to-door campaign for a school bond election. Since that time, she has served as a campaign worker every 2 years for candidates for mayor, Assembly, Congress, governor and president.

Her stature within our local Republican Party has grown to such an extent that she is often identified as the driving force in keeping the party growing and strong. She has been a member of the California State central committee since 1980 and served twice as the chairman of the county Republican Party. She has been president of the local Republican Women and has served as a Regent for the National Federation of Republican Women. And she was a delegate to three Republican National Conventions.

Maggie has also spent nearly 50 years working with the Girl Scouts, representing U.S. Scouts in New Zealand, serving as Girl Scout Council president serving 26,000 Scouts, and organizing a national conference to help scouts learn public relations. She has been almost as active in the Parent-Teacher Association, serving as local president and in many other roles. The West End United Way presented Maggie with its leadership award for more than two decades of service in a variety of top positions.

Mr. Speaker, as you can imagine, Maggie Stewart's awards and public recognition are numerous and substantial. She has been Scout of the Year, Woman of the Year, Senior Citizen of the Year, and a Woman Achiever. She received many justly deserved awards in 1983 for co-chairing the year-and-a-half-long Centennial Celebration for the City of Ontario. For her latest tribute, she will be honored for 30 years of service to the San Antonio Community Hospital Auxiliary.

There is little doubt, Mr. Speaker, that Maggie Stewart is the epitome of social service and volunteer activism. She has registered thousands of new voters, contributed many thousands of hours of time, and helped create a real spirit of community in one of the fastest-growing areas of our nation. Please join me in saluting Maggie Stewart for her years of service, and wishing her well in all of her future endeavors.

HONORING TIMOTHY M. VETERE OF MORGANTOWN, WEST VIRGINIA

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. MOLLOHAN. Mr. Speaker, I am pleased to congratulate Mr. Timothy M. Vetere of Morgantown, West Virginia for his award-winning entry in the Veterans of Foreign Wars' Voice of Democracy contest. His script is entitled "My Commitment to America's Future." I submit for the RECORD the text of his entry and commend the VFW for making the Voice of Democracy scholarship program available to students across our Nation.

MY COMMITMENT TO AMERICA'S FUTURE

I was walking along the sidewalk downtown one day and I passed by a large storefront window and caught a quick glimpse of myself. I have to admit that the first thing I thought was, "Hey, I look pretty good." I even stopped to take a second look. And as I stared into my gorgeous baby-blue eyes, I began to realize that my reflection was superimposed on an American flag, which was hanging in the display case.

As I looked closer, I realized that the edges were frayed and its colors faded and I thought, hmmm, I wonder how it got that worn? What stories would it have to tell if it could talk?

I began to envision it in battle somewhere or draping the coffin of a Vietnam War veteran, or, it looked pretty old, maybe even a World War II veteran. What if someone's grandfather had passed it down to his son and that man passed it to his son who was now honoring the memory of his grandpa by hanging that flag in his storefront window. Or did this flag fly outside of an elementary school where children of the 50s lined up in the courtyard to pledge their allegiance to the flag and sing "My Country 'Tis of Thee."

My eyes drifted to the 50 stars and I began to realize how hard each state must have fought to gain a spot on this symbol of American Unity.

As a person, I'm one among millions, but as an American I am an integral part of the greatest nation on earth. The stripes of the flag represent the purity in the American heart and sacrifices made by men just like me. I look back on the giants of history and feel my own insignificance. I am humbled knowing my own inability to measure up to their achievements.

I may never command American men in battle on foreign soil and, I pray to God I never command them on American soil. I may never land on the moon. I may never discover a cure for cancer. My name may never be used to inspire school-children to greater heights.

I may do nothing more than mean it when I say the pledge, sing the words of the National Anthem at a ball game, or feel the country's collective sadness when a soldier's flag-draped coffin is shown on the evening news.

But when I say the pledge maybe one other of my classmates may see my sincerity and share in it as well. When I sing the anthem at a ball game, those around me may hear

> the words clearly and be inspired to believe in the power behind the lyrics.
>
> I may never become a giant in American history, but if I can in some small way influence others to feel the love I feel for America . . . if I can live my life as an example of heartfelt patriotism . . .
>
> If I can raise my children with strong American values, then I will have made America stronger. When you are the one looking at your own reflection in a store window, or in a mirror, who will look back at you? Will you be able to say, "Yes, I am an American citizen."
>
> We are all united under the American flag and its symbolic colors. We can be separate individuals or we can work together to make America stronger, one citizen at a time.

REMEMBER AND HONOR LIEUTENANT COLONEL FRANK H. SIMONDS, SR., USMC (RET)

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. DOOLITTLE. Mr. Speaker, today I wish to remember and honor a loyal patriot, neighbor, and friend. Lieutenant Colonel Frank H. Simonds, Sr., USMC (Ret), of Oakton, Virginia. Following a lifetime of dedication and service to his family and our nation, LtCol Simonds passed away on March 31, 2004, at the age of 85.

Frank was born October 1, 1918, in Sparta, Illinois. His parents, Thomas and Zuma Etta Simonds, owned and operated a grocery store while raising a family of six boys and two girls.

Frank attended Sparta Township High School and, in 1941, graduated from the University of Illinois at Urbana-Champaign with a Bachelor of Science degree in Physical Education.

In August of that same year, he joined the United States Marine Corps. While in service, he flew the SBD, SB2C, F4U, F7F–3N, and the F9F–8P. Stationed in the Pacific Theater during World War II, he flew out of such places as Guadalcanal, Bougainville, and Munda while serving with VMSBs–144/454.

Mr. Speaker, Frank also served in the Korean War with VMF (N)'s–531/513. After the war, he flew VMCJ–3 in the late 1950's. He had over 5,000 flight hours and was the Commanding Officer of VMF (N)–513, VMCJ–3, MCAS–4 and MWSG–27. For his remarkable service to the United States, he received the Silver Star, Distinguished Flying Cross with Gold Star, and Air Medal with four gold stars before he retired from the Marine Corps in December 1966.

Upon retirement from the Marine Corps, Frank began a career with Control Data Corporation, where he worked from 1966 until his retirement in 1988. At the time of his retirement, he was the Eastern and Southeastern Regional Administration Manager and had enjoyed a 22-year career with the corporation.

He is survived by his lovely wife, Bobbie; his son, Lt. Col. Frank H. Simonds, Jr., USMC; his daughter, Kelley Simonds Hardison; his grandchildren, Michael, Lindsey and Hayley Hardison; his brother, Robert J. Simonds; and his sister, Millicent Simonds Bates.

Mr. Speaker, on a personal note, my family had the great opportunity of becoming acquainted with Frank and Bobbie when we moved to Oakton several years ago. More than just neighbors, they became very close friends. In fact, they even took on a role like unto family, and seemingly helped raise our son and daughter. For the blessing of having them come into our lives, we shall always be grateful.

Today, I join with Frank H. Simonds, Sr.'s family, friends, and community to commemorate his life of hard work, good citizenship, and family commitment. As his friend and neighbor, I will miss him. Yet, I am confident that Frank today is happy where he is, waiting for the eventual return of his loved ones.

RECOGNIZING CONTRIBUTIONS OF PEOPLE OF INDIAN ORIGIN TO UNITED STATES AND BENEFITS OF WORKING TOGETHER WITH INDIA

SPEECH OF

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. DEFAZIO. Mr. Speaker, I strongly support much of what H. Con. Res. 352 has to say about the valuable contributions people of Indian origin have made to the United States. As the resolution notes, people of Indian origin have made contributions in a wide variety of disciplines, including science, technology, the arts and public service.

However, I am concerned that H. Con. Res. 352 presents a uniformly positive view of U.S. trade relations with India that is unjustified. While the resolution mentions the export of U.S. goods to India, it fails to acknowledge the rampant export of American jobs to India.

U.S. trade policies, including our policies toward India, have failed American workers. The U.S. has lost millions of high-paying manufacturing jobs. Now, service sector jobs are increasingly shifting overseas. Around 400,000 service jobs, including 27,000 technology jobs, were siphoned off to India, China and other low-wage havens last year.

Morgan Stanley estimates the number of U.S. jobs exported to India will double to about 150,000 in the next three years. A University of California-Berkeley study found U.S. firms exported 30,000 service sector jobs to India while eliminating 226,000 jobs in the U.S.

It's not hard to see why: computer programming jobs in the U.S. that pay $60,000–$80,000 a year go for as little as $8,952 in China, $5,880 in India, or $5,000 in Russia.

The U.S. economy will never be on sound footing, and workers will never enjoy job security, as long as Congress and the Administration perpetuate the discredited dogma of "free" trade. The Bush Administration argues in its latest Economic Report of the President that, "When a good or service is produced more cheaply abroad, it makes more sense to import it than make or provide it domestically." I disagree with the Bush Administration's argument that "it makes more sense" to flood the U.S. market with goods and services from low-wage havens like India just because it's cheaper.

I am disappointed that H. Con. Res. 352 does not present a more balanced view of U.S. trade relations with India.

IN SPECIAL RECOGNITION OF JOSHUA BOWMAN ON HIS APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Joshua Bowman of Crestline, Ohio, has been offered an appointment to attend the United States Air Force Academy

Mr. Speaker, Joshua's offer of appointment poises him to attend the United States Air Force Academy with the incoming cadet class of 2008. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Joshua brings a special mix of leadership, service, and dedication to the incoming class of Air Force Academy cadets. While attending Crestline High School, Joshua has attained a grade point average of 4.0, which ranks first out of sixty-two students in his class. During his time at Crestline High School, Joshua has received several commendations for his superior scholastic efforts. During his first year, Joshua was named to the Honor Roll and received an Academic Team Award. His second year was again marked by his being named to the Honor Roll, receiving yet another Academic Team Award and also being named "Bulldog of the Month". Joshua maintained this high level achievement throughout his tenure at Crestline High School.

Outside the classroom, Joshua has distinguished himself as an excellent student-athlete and dedicated citizen of Crestline, Ohio. On the fields of friendly strife, Joshua has participated in Varsity Cross County, Varsity Basketball, and Varsity Baseball. He is a four-time Cross Country letter recipient. Joshua also received the "Middle of the Pack" award as well as the "2nd Man Coaches Award" during his participation in athletics at Crestline High School. In addition to his athletic accomplishments, Joshua is an active member in his community by participating in Key Club, National Honor Society, Teen Institute, Church youth group, and a local prayer group.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Joshua Bowman. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Joshua will do very well during his career at Air Force and I wish him the very best in all of his future endeavors.

RECOGNIZING ROCKWALL COUNTY LIBRARY'S READING FOR ADULTS PROGRAM

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. HALL. Mr. Speaker, I am honored today to recognize the Rockwall County Library's Reading for Adults program.

Three years ago, the library began a literacy program to help community adults develop essential skills through reading. The Reading for Adults program is affiliated with the "Dallas Reads" initiative and "Literacy Pro," a worldwide venture. What started with two students and five tutors has grown into a program that instructs 158 students and relies on the services of 75 volunteer tutors. Classes, which are held at the Rockwall County Library and in nearby Royse City, range from one-on-one instruction to small classes of 15–20 students.

The Reading for Adults program has already been a big success. Students have earned their GED and some have completed citizenship requirements. Students also report that they are able to function more effectively from day to day. For example, after working with tutors, parents can more clearly express their concerns to teachers and doctors. The program offers us a wonderful example of how innovative, caring, and committed people can help positively shape communities throughout America.

The Reading for Adults initiative relies on the generosity of the entire community. The Friends of the Library donate their time and money. The library also organizes an annual Rock and Read event to raise money to buy books and materials. Recently, IBM awarded the library four computers with sound recognition software to help students learn to speak and read. Without these valuable resources, programs like Reading for Adults simply wouldn't exist.

On behalf of the students, tutors, organizers, and community of Rockwall, I want to take this opportunity in the House of Representatives to salute the Reading for Adults program.

INTRODUCING THE MEDICARE EARLY ACCESS ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. STARK. Mr. Speaker, in honor of "Cover the Uninsured Week," I am pleased today to join with my colleague Rep. SHERROD BROWN and more than 80 additional cosponsors in introducing the "Medicare Early Access Act." This important legislation would provide an affordable health insurance option for the fastest growing segment of the nearly 44 million uninsured Americans—those ages 55–64.

In 2002, 43.6 million Americans were uninsured. There are many approaches to how we should address this growing problem. As most of my colleagues know, I am an advocate of a universal health care system in which each and every American would have health coverage. That is the most fair, affordable, and sustainable solution to our national health care needs.

However, that won't be accomplished overnight. In the meantime, there are steps that Congress can and should be taking to develop immediate, if smaller, steps to providing people affordable health insurance coverage options. One such step is to pass legislation that would provide certain groups of individuals the option of buying into Medicare—a program with a proven track record that works. That's exactly what the Medicare Early Access Act does for people age 55 through 64.

As we all know, the baby-boomers are quickly approaching retirement, and health insurance is a major concern. Unfortunately, retiree health benefits have vanished or are quickly disappearing, leaving people with few or no affordable coverage options. A recent employer survey suggests that only 38 percent of large employers offer any type of retiree health benefits. Other recent research shows that 10 percent of the largest employers terminated all subsidized health benefits for future retirees in 2003.

With shrinking retiree benefits and no affordable options available in the individual market, people age 55 through 64 are often uninsured or gravely underinsured. Besides the 3.5 million uninsured between ages 55–64, another 3 million are forced to buy inadequate, overpriced coverage in the individual market. Most near elderly cannot purchase individual coverage because age rating and other underwriting techniques result in excessive premiums. Those that are even offered coverage are often required to pay astronomical deductibles and co-pays, or are severely limited by pre-existing condition exclusions.

In 1965, Medicare was specifically designed to provide coverage for those the market would not insure. Today we have the opportunity to expand on the original purpose of Medicare by providing access to people the market does not adequately cover. The Medicare Early Access Act would reduce the number of uninsured, provide better coverage for the underinsured, and improve the health status of this vulnerable population without harming Medicare or other insurance markets.

That's why the Medicare Early Access Act makes so much sense. It would allow people in this cohort to buy into Medicare and enjoy the exact same benefits available to all other Medicare beneficiaries. Premiums for these new participants would be based on actuarial calculations of the cost of providing services to the population. There would be no effect on the Medicare trust fund because premiums will cover the entire cost of services provided.

To ensure premiums are affordable, the bill provides a 75 percent advanceable, refundable tax credit. Thus, participants would pay a monthly premium equal to 25 percent of the cost of the program—an amount similar to what employed individuals pay for their health benefits.

I am pleased to report that advocacy organizations representing consumers and seniors agree with us. The Medicare Early Access Act has been endorsed by The Leadership Council of Aging Organizations (LCAO) which is a coalition of national nonprofit organizations concerned with the well-being of America's older population and committed to representing their interests in the policy-making arena. I would like to thank the 27 members of the LCAO who signed a letter in support of the Medicare Early Access Act. The full text of their letter appears at the end of my statement.

In our quest to reduce the number of uninsured Americans, the Medicare Early Access Act, is a great start. This bill would provide affordable, comprehensive coverage to the most vulnerable uninsured who have few, if any, health insurance options in the current marketplace. The system necessary to implement this bill is already in place; all we have to do is agree the uninsured deserve viable coverage options. I look forward to working with my colleagues on both sides of the aisle to enact this proposal.

THE MEDICARE EARLY ACCESS ACT BILL SUMMARY

ELIGIBILITY

Starting January 2005, individuals age 55-64 who do not have access to coverage under another public or group health plan are eligible to purchase Medicare. Enrollees will receive the full range of Medicare benefits. Participants are not required to exhaust employer-based COBRA coverage before choosing the Medicare buy-in option. At age 65, buy-in participants move into regular Medicare.

In addition, because employers are dropping retiree health benefits at an alarming rate, early retirees who have access to retiree health coverage may also participate, and their employers can wrap around the Medicare benefit.

PREMIUMS

Enrollees must pay a premium to receive Medicare coverage. The premium will be set by the Centers for Medicare and Medicaid Services at the actuarial level necessary to cover the full cost of services provided to the buy-in population. The premium will be adjusted annually to ensure its accuracy.

TAX CREDIT

Program enrollees receive a 75 percent refundable, advanceable tax credit to offset premium costs. Thus, participants in the Medicare buy-in are only personally responsible for their 25 percent of the monthly premiums. The tax credit is modeled on the payment mechanism created by the Trade Adjustment Assistance (TAA) health care tax credit for displaced workers, which was enacted in 2002.

FINANCING

Premiums are deposited in a new Medicare Early Access Trust Fund. Participant premiums and tax credits are transferred to the Early Access Trust Fund to pay for Medicare services, ensuring this new program does not financially affect Medicare.

LEADERSHIP COUNCIL
OF AGING ORGANIZATIONS,
Washington, DC, May 5, 2004.

Hon. SHERROD BROWN,
Hon. PETE STARK,
Member of Congress,
Washington, DC.

DEAR REPRESENTATIVES BROWN AND STARK: The undersigned members of the Leadership Council of Aging Organizations (LCAO) strongly endorse the bill you proposed to help individuals age 55-64 years buy into the Medicare program at an affordable price.

Older Americans who are not yet eligible for Medicare have a difficult time finding affordable health care and in some cases may find that no insurer will cover them at a time in their life when they most need health insurance protection.

Your bill, which combines the efficiency of Medicare's mass market purchasing power with the affordability provided by refundable tax credits, effectively solves one of our nation's toughest uninsured problems.

We wish you success in this important legislative effort, and we will be happy to work with you and your co-sponsors in promoting its passage.

Sincerely,

AFSCME Retiree Program.
Alliance for Retired Americans.
American Association for International Aging.
American Association of Homes and Services for the Aging.
American Federation of Teachers Program on Retirement & Retirees.
American Foundation for the Blind.
American Public Health Association.
Association for Gerontology and Human Development in Historically Black Colleges and Universities.
Association of Jewish Aging Services of North America.
B'nai B'rith International.
Catholic Health Association.
FamiliesUSA.
Gray Panthers.
International Union, UAW.
National Asian Pacific Center on Aging.
National Association for Hispanic Elderly.
National Association of Professional Geriatric Care Managers.
National Association of Retired and Senior Volunteer Program Directors.
National Association of Retired Federal Employees.
National Association of Senior Companion Project Directors.
National Association of Social Workers.
National Caucus and Center on Black Aged.
National Committee to Preserve Social Security and Medicare.
National Indian Council on Aging.
National Senior Citizens Law Center.
OWL, the voice of midlife and older women.
Volunteers of America.

NEW YORK CITY WATERSHED PROTECTION PROGRAM REAUTHORIZATION

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. STUPAK. Mr. Speaker, I misspoke when on May 5, 2004, I identified perchlorate as the contaminant found at Camp Lejeune, North Carolina. The contaminants identified in the drinking water at Camp Lejeune were trichloroethylene and perchloroethylene.

THE PYRAMID OF REMEMBRANCE LIVING MEMORIAL

HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. LATOURETTE. Mr. Speaker, I was honored to visit Arlington National Cemetery this morning for the dedication ceremony for the Pyramid of Remembrance Living Memorial. It was a privilege to be in the company of a group of amazing young people from Painesville Township, OH, who have shown compassion and integrity beyond their years.

The idea for the Pyramid of Remembrance Living Memorial originated in a classroom at Riverside High School in Painesville Township, OH, and was sparked by the sight of a U.S. soldier being dragged through the streets of Mogadishu, Somalia. That horrible image was seared into our Nation's consciousness, and in the classroom of Dr. Mary Porter it spurred discussion of other worthy sacrifice that is regrettably overlooked.

The students decided then—more than a decade ago—that a memorial should be erected in our Nation's Capital to honor the forgotten ones—those killed in circumstances other than declared wars, including training accidents, humanitarian efforts, peacekeeping missions and terrorist attacks. The students envisioned a large memorial, possibly near the Mall, but ran into many stumbling blocks because such memorials must honor those who have died in declared conflicts.

They could have gutted the intention and heart of their memorial to make it fit the stringent confines of law, but the entire purpose of this endeavor was to honor those whose sacrifice doesn't fit in one tidy category. They persevered.

Twice, legislation I introduced to create the memorial was passed by the House of Representatives, but never with enough time left in a congressional session for the Senate to take it up. The students have been to Washington several times in the last decade, and have testified before both the House and Senate, and the National Capital Memorial Commission. They brought with them letters of support from former President Bush, former Secretary Cohen, and others. They were patient as one Congress faded away and another began, and held out hope each time Senator VOINOVICH and I introduced legislation—this might be the time we'd get it done.

At every turn and by everyone they encountered, the students were praised. "This is a wonderful idea, but . . ."

If you hear someone say, "This is a wonderful idea, but . . ." enough times, some might be inclined to give up and chalk it up as a great idea that was never actualized. Not this group.

Last summer, a last-ditch meeting was held in my office, and this time we had the ear of the Superintendent of Arlington National Cemetery, John C. Metzler, Jr. Superintendent Metzler was candid and told the Senator and me that we couldn't build a memorial of the scale the students wanted in Arlington due to limited burial space. In fact, he told us that if the memorial before us was one-inch larger we'd need an act of Congress to approve it. He offered an alternative to accomplish the students' noble goal.

Five years ago, Arlington discontinued its program of living memorials because there were already 174 such memorials throughout the cemetery. But Superintendent Metzler graciously made an exception for the students of Riverside High School so their dream could become a reality. I want to give special thanks to Superintendent Metzler and Arlington National Cemetery Historian Tom Sherlock for their unwavering efforts on behalf of the school.

Though some might argue that the living memorial we dedicated on this glorious May morning is not as grand in scale as the students initially envisioned, it is every bit as grand in purpose. Every person who visits Arlington National Cemetery from this day forward—more than four million people a year—can take comfort knowing that this living memorial will honor not only those killed in the terrorist attacks on the Pentagon and the USS *Cole*, but also those who lost their lives in Somalia, Bosnia, Kosovo and Panama; during the bombing of the Marine barracks in Beirut; during the failed rescue attempt of American hostages in Iran; and in the far too many deadly training accidents that occur on land, in air, and at sea, so that our forces can be ready for combat.

Throughout our land, our military bases are named for those who died so that our troops are ready for war. Kelly Air Force Base in San Antonio is named for Lt. George Kelly, the first Army pilot to lose his life piloting a military aircraft on May 10, 1911. Hill Air Force Base in Texas is named for Maj. Ployer "Pete" Hill, who was killed October 30, 1935, while test flying the first B–17 at Wright Field in Dayton. Even Wright-Patterson Air Force Base in my state of Ohio is similarly named. The Wright portion comes from the Wright Brothers, of course. The Patterson is 1st. Lt. Frank S. Patterson, who died in a training accident in Dayton on June 19, 1919, while testing newly installed machine guns in his plane.

Those who are honored by this living memorial have perished in non-declared war situations. The list is long and incomplete, and the sacrifice is often not given the recognition it deserves.

Earlier this year, I attended the funeral of Sean Landrus of Thompson, OH, a father of three who died in Iraq after major combat ended. In the month of April alone, more than 136 U.S. troops died in Iraq, nearly a year after the end of declared combat. At least 13 were teenagers.

Just two weeks ago, three soldiers from Ft. Bragg died when their Black Hawk helicopter crashed during a training exercise. One planned to retire in a few months, another had just married on Valentine's Day. One commander remarked: "To lose someone on a training flight as opposed to in combat makes no difference." He is right.

We should not judge or quantify the sacrifice of those who serve for and die for their country.

This morning, I was humbled that so many attended our dedication ceremony, including Senator VOINOVICH and his wife, Janet; Superintendent Metzler; Lt. Gen. Richard A. Cody;

Col. Ricky L. Rife; former Congressman Michael P. Flanagan; Col. Glenn Lackey; Lt. Col. Steve Geise; Dr. Mary Porter; and of course the nearly 60 guests from Riverside High School and Painesville Township.

I was also privileged to present the students with greetings from Secretary Anthony J. Principi of the Department of Veterans Affairs, Chairman DUNCAN HUNTER of the House Committee on Armed Services, and Vice President DICK CHENEY, who told the students: "The ranks of the United States military have been filled with men and women of honor who place duty and country above self-interest. Whenever a service member is killed, our country mourns its loss. We also rededicate ourselves to continuing the tasks to which they dedicated their lives—to the defense of our country and to the lasting security, and peace of the world. Thank you again for establishing this fine memorial. It will always stand as a fitting tribute to those who lost their lives while in the service of our great Nation."

I am incredibly proud of the students of Riverside High School for their idea and their tenacity, and their desire to share this memorial with the Nation. Visitors to Section 55 of Arlington National Cemetery will find a beautiful Southern Magnolia tree and a red granite base with a bronze marker. They will notice that many words are engraved on the marker, but not the name of Riverside High School.

The students' gesture to make the Pyramid of Remembrance Living Memorial a gift from America's youth is incredibly selfless, thoughtful and mature. On behalf of all Americans, I thank you and honor you.

HONORING MARINE LANCE CORPORAL PHILLIP E. FRANK

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. HYDE. Mr. Speaker, I rise today to pay tribute to the ultimate sacrifice of Marine Lance Corporal Phillip E. Frank, of Elk Grove Village, Illinois. He died April 8, 2004 of gunshot wounds sustained during combat operations in the Al Anbar Province of Iraq in support of Operation Iraqi Freedom.

Corporal Frank dedicated his young life at the age of 20 to the service of our country and restoring peace. Our deepest sympathies go to his wife, Keri Johnson Frank; his parents, Roy and Georgette Frank; his sister Cyndi; and other family, friends and community members who mourn his loss.

Lance Cpl. Frank was assigned to the 2nd Battalion, 1st Marine Regiment, Regimental Combat Team 1, 1st Marine Division, I Marine Expeditionary Force, based in Camp Pendleton, California. He was a recipient of the National Defense Medal.

Lance Cpl. Frank was born on July 5, 1983, and grew up in Cliffwood Beach, New Jersey.

ELECTIONS IN PUNJAB MAY 10—THIS IS AN OPPORTUNITY TO CLAIM FREEDOM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. TOWNS. Mr. Speaker, India is undergoing a cycle of elections. Unlike this country, India does not hold the elections on a single day but over a period of time. I guess it's difficult to hold elections on one day when you have a billion people.

Elections in Punjab have been scheduled for May 10. Recently, the Council of Khalistan put out an open letter to the people of Punjab urging them to use these elections to bring about independence for the Sikh homeland, Punjab, Khalistan.

It looks like the elections will result in a hung Parliament. The militantly Hindu nationalist Bharatiya Janata Party (BJP), which has been leading the government, seems to have lost some ground. A coalition government will need to be formed.

That brings substantial power to the regional parties in the various states and regions of the country. These parties could well control who runs the Indian government. The Council of Khalistan called on these regional parties to band together in a "freedom bloc" to unite for freedom and self-determination for all of the minorities of South Asia.

The open letter notes that both the BJP and the rival Congress Party are dangerous to the freedom of the Sikhs and other minorities, and the regional Akali Dal is in coalition with the BJP. The Akali leaders invited the Congress Party government of Indira Gandhi to invade the Golden Temple, the seat of the Sikh religion, and they surrendered quickly when the attack came.

This letter points out these and other reasons why it is important to use these elections as a springboard to achieve freedom for Khalistan and the other nations seeking to free themselves of Indian rule.

Mr. Speaker, we all know the brutality of India's suppression of these freedom movements. They have murdered over 250,000 Sikhs since 1984, over 85,000 Kashmiri Muslims, over 300,000 Christians in Nagaland, and tens of thousands of other minorities. Now, according to the Tribune of Chandigarh, the Indian government is demanding that the government of Punjab pay them back for the costs accrued in suppressing the Sikhs.

This is outrageous, Mr. Speaker. As the beacon of freedom, the United States must be strong against this kind of repression. We should stop all American aid to India until it stops the repression and allows all people within its borders to enjoy their most basic human rights fully. And we should put this Congress on record as supporting self-determination for the Sikhs of Khalistan, the Muslims of Kashmir, the Christians of Nagaland, and all the other people seeking freedom from India's brutal rule.

The right to self-determination is the essence of democracy, Mr. Speaker. The lack of self-determination and the repression show that India's claim to be a democracy is fake. It is time for us to take a stand on behalf of freedom for all.

Mr. Speaker, I would like to insert the Council of Khalistan's open letter into the RECORD at this time.

OPEN LETTER TO THE SIKH NATION,

April 27, 2004.

Elections in Punjab have been set for May 10. Elections under the Indian Constitution will not free the Sikh Nation. Use this opportunity, however, to elect committed, hottest Sikhs who are committed to freeing Khalistan to Parliament.

These elections will certainly result in a hung Parliament. No party is capable of putting together the national majority needed to control Parliament on its own. A coalition government will be formed. The regional parties will be very important in deciding who will control the government. This gives the regional parties and the regions they represent enormous power. We must use this power to our benefit. It is time for the regional parties to form a "freedom bloc" to work together for freedom for Khalistan, Kashmir, Nagaland, and all the minority nations seeking their freedom from India's brutal rule. We agree with L.K. Advani when he said, "When Kashmir goes, India goes." By securing freedom for any of the captive nations of South Asia, we bring about freedom for all of us. Working together in a common, unified effort will hasten that day for everyone.

Congress and the BJP are both the enemies of the Sikh Nation. They both watch out for the interests of the Hindu majority at the expense of the Sikh Nation and other minorities. The BJP has murdered Muslims in Gujarat, in Kashmir, and elsewhere and Christians in Nagaland and throughout India. They have forcibly reconverted Christians back to Hinduism. They preach Hindutva (total Hindu control of the culture and society) and openly preach that if you live in India, you must either be Hindu or be subservient to Hinduism.

The Congress Party attacked the Golden Temple, the most sacred shrine of the Sikh Nation, 125 other Gurdwaras throughout Punjab. Over 20,000 Sikhs were murdered in those attacks, known as Operation Bluestar, including Sant Jamail Singh Bhindranwale, General Shabeg Singh, Bhai Amrik Singh, and over 100 Sikh religious students ages 8–13 who were taken out into the courtyard and shot. The BJP congratulated Indira Gandhi on the attack and said it should have been done earlier.

These attacks accelerated the Sikh independence movement and deepened the desire for independence in the hearts of Sikhs, a fire that burns brightly in the hearts of the Sikh Nation to this day. Sant Bhindranwale said that the attack on the Golden Temple would "lay the foundation stone of Khalistan" and he was right. Late in 2003, former Member of Parliament Atinder Pal Singh organized a seminar on Khalistan at Baba Makhan Shah Labana Hall, Sector 30, Chandigarh. This shows that the flame of freedom is still burning in the hearts of Sikhs. Sikhs can never forgive or forget the Indian government's military attack on the Golden Temple. It is time to take action to free our homeland.

The Badal Akalis are totally controlled by their coalition partners, the BJP. Chief Minister Captain Anarinder Singh is in bed with the Congress Party. He honored the former Chief Minister, Beant Singh, who is responsible for the mass murder of hundreds of thousands of Sildis and gave over 41,000 cash bounties to police officials for Killing Sikhs.

Neither will protect the interests of the Sikh Nation. They have undermined Sikh character and Sikh values. Simply by joining the Congress Party, Captain Amarinder Singh is undermining Sikh values. Badal, Tobra, and Longowal said that India would have to get to the Golden Temple by rolling tanks over their dead bodies, then quickly surrendered. The Alkalis invited the Indian Army to the Golden Temple to murder Sant Bhindranwale, General Shabeg Singh, Bhai Amrik Singh, and so many other committed Sikhs.

Do not support Badal or the Alkalis. The Badal government was the most corrupt government in the history of Punjab. They sold jobs for a fixed fee. They came up with a new, dignified term for bribery: "fee for service." If you didn't pay the fee, you didn't get the service. Badal's wife was so experienced that she could pick up a bag of money and tell how much money was in it. Parkash Singh Badal was a disaster for Puniab and a disgrace to the Sikh Nation. Yet the Akali Dal continues to support Badal, even though he was prosecuted and jailed for his corruption. What has happened to the character of the present-day Alkalis? They are defaming the name of the pre-partition pious Akalis who suffered and sacrificed for the cause of the Khalsa Panth.

Not even a singe Akali protested the unprecedented corruption of Badal. According to India-West, the Punjab Vigilance Bureau carried out raids on Badal's properties for several months and filed a charge-sheet in a local court charging Mr. Badal with siphoning off Rs. 784 million, the equivalent of $17 million in U.S. money, during his five years as chief minister. The article says that Mr. Badal and his family hold assets of Rs. 4326 crores (nearly $1 billion), most of which are located outside India. Half the population of India lives below the international poverty line. About 40 percent live on less than $2 per day.

Lalit Mansingh, the outgoing Indian Ambassador to the United States, has said, "There is no India without Sikhs and no Sikhs without India." He is wrong. The Sikh Nation has survived perfectly fine without India. Before there was an India, Sikhs flourished. The Sikhs ruled Punjab as an independent country from 1710 to 1716 and again from 1765 to 1849. Sikhs stopped the invasion from the West, annexed Kashmir from the Afghans, and occupied Kabul for a short period.

Remember the words of Professor Darshan Singh, former Jathedar of the Akal Takht, during the celebration of Guru Nanak's birthday: "If a Sikh is not a Khalistani, he is not a Sikh." He was only reiterating the Guru's blessing, "In Grieb Sikhin Ko Deon Patshahi." The time to achieve our independence is now.

The opportunity these elections provide must be used to liberate our homeland, Khalistan, from Indian oppression. We must choose leaders who will work for freedom for the Sikh Nation. Remember, you get what you vote for. Always remember our heritage: Raj Kare Ga Khalsa; Khalsa Bagi Yan Badshah. Freedom for Khalistan is very close. Let us take this opportunity to make it happen.

Panth Da Sewadar,
DR. GURMIT SINGH AULAKH,
President, Council of Khalistan.

REMEMBERING DR. JAMES E. HAYES

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. HALL of Texas. Mr. Speaker, I am honored today to pay tribute to an esteemed physician and administrator from the Fourth Congressional District of Texas, Dr. James E. Hayes, who died recently at the young age of 49 of multiple myeloma. Dr. Hayes was nationally renowned as an effective and innovative emergency room physician and administrator during his twenty-two year career.

Jim Hayes was born in Sherman, Texas, and graduated from Whitesboro High School in 1972 and Grayson County College in 1973. He received his bachelor's degree from Texas Tech University in 1976, graduating summa cum laude, and received his medical degree from Southwestern Medical School 4 years later.

Jim dedicated his career to serving the healthcare needs of the citizens of North Texas. He began as a staff emergency physician in 1981 at Methodist Medical Center, where he was named associate medical director of emergency services. In 1991, while at Methodist, he was named medical director for CareFlite Dallas.

He left Methodist in 1992 to become chairman of the emergency medicine division of the department of surgery at UT Southwestern. At the same time he served as director of the Poison Control Center and director of emergency services at Parkland Memorial Hospital. In 1997, in recognition of his years of outstanding leadership and service, he was named to the Riggs Family Chair in Emergency Medicine at UT Southwestern.

In 1999 Jim joined EMCare, a Dallas-based emergency department management company, as the chief of medical affairs and served in that capacity until September, 2003, when he left EMCare for medical reasons. In October, as a testament to his many contributions to his profession, he received the James D. Mills Award for Outstanding Contributions to Emergency Medicine from the American College of Emergency Physicians.

Dr. Jim Hayes will be long remembered as a dedicated physician, talented administrator and emergency room innovator. The citizens of North Texas have lost a valuable asset and a good friend, and we send our heartfelt condolences to his family—mother, Helen Acker Hayes of Whitesboro; brother, Bill Hayes of Whitesboro; and sister, Diane Hayes Gibson of Sherman.

I have lost a great personal friend—one I could always rely on for advice and direction regarding any pending health issues. He was a kind and valuable friend—and the world is better off because he walked this way. Jim had unquestioned ethics, determined loyalty to his patients, and was pure class in all of his dealings with those of us who loved and admired him.

Mr. Speaker, as we adjourn today, I want to take this opportunity in the House of Representatives to pay our respects to this dedicated physician, esteemed citizen and my good friend—Dr. James E. Hayes.

HONORING JOHN JERMANIS, SAN LEANDRO CITY MANAGER EXTRAORDINAIRE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. STARK. Mr. Speaker, I rise today to pay tribute to John Jermanis, City Manager of San Leandro, California. This year, John is marking 35 years of outstanding service in municipal government.

John was born and raised in Berkeley, California. He attended Berkeley High School, received his bachelor's degree in business administration from San Francisco State University, and has done graduate studies in public administration with California State University Hayward.

He began his municipal government service in 1969 as an accountant with the city of Livermore. In 1971, John was hired by the city of San Leandro as assistant Finance Director and has been with the city for 33 years. In 1982, he became the City's Finance Director, and in 1977, he was appointed by the City Council as City Manager.

John has a proven track record with the city of San Leandro that is hard to beat. His professionalism, intellect, and commitment to the city are exemplary. He is focused on making sure San Leandro stays on sound fiscal footing and is responsive to the needs of its citizens.

His colleagues know John Jermanis as City Manager Extraordinaire. This is a fitting description of his talent and a tribute to his expertise in city management.

SUPPORTING THE GOALS AND IDEALS OF PEACE OFFICERS MEMORIAL DAY

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. STUPAK. Mr. Speaker, today the House of Representatives will overwhelmingly support H. Res. 622, a resolution that pays tribute to Peace Officers Memorial Day, which takes place on May 15th, and honors those law enforcement officers who have died or become disabled in the line of duty. As a former officer with the Michigan State Police and Escanaba City Police Department as well as founder and co-chair of the Law Enforcement Caucus, I am a proud co-sponsor of this Resolution and want to thank my colleague Mr. HEFLEY for cosponsoring it again this year.

Since September 11, 2001, many in this Nation and this Congress have come to recognize the importance of the sacrifices made by our law enforcement officers. Every day these men and women protect and serve, often putting their own lives at risk.

Peace Officers Memorial Day brings us together in honoring the sacrifice our Nation's law enforcement and public safety officers make to our communities and our Nation every day.

This sacrifice was all too clearly demonstrated in Detroit, Michigan this year. Jennifer Fettig, a 26-year-old Detroit Police Officer and her 21-year-old partner, were killed in February during a traffic stop. This tragic killing illustrates the danger our law enforcement officers face daily not only during crisis situations, but while performing routine duties.

I think it is important as we discuss and pass this resolution that we must also resolve to provide our public safety officers the resources they need to meet the daily challenges of their jobs—especially at a time when we have placed greater demands on them to fight and prevent terrorist threats. We can do that by fully funding important grant programs such as COPS, Byrne, and LLEBG.

That also includes providing assistance to help regional law enforcement and first responders talk to each other in times of emergency. My bill, H.R. 3370, The Public Safety interoperability Act, would provide grants to local law enforcement agencies to modernize their communication systems and become interoperable. These are the kinds of resources and tools I'm talking about. We need to do everything possible to ensure that our law enforcement officers are fully interoperable.

I am hopeful that my colleagues will follow up on their support of this resolution, and continue our commitment to law enforcement by supporting these important funding needs. It is the least we can do for those who put their lives on the line for us every day.

RECOGNIZING WILLIAM "BILL" DONOVAN FOR 25 YEARS OF SERVICE WITH NAFCU

HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. LATOURETTE. Mr. Speaker, it is with great pleasure that I rise today to recognize my friend and a true public servant William "Bill" Donovan for 25 years of service here in Washington with the National Association of Federal Credit Unions (NAFCU). I know that many of my colleagues here today—both past and present—have had the opportunity to meet and work with Bill, and I hope they have enjoyed that opportunity as much as I.

Bill currently serves as the Senior Vice President and General Counsel for NAFCU. I came to know Bill early in my career as he and I and my colleague from Pennsylvania, Mr. KANJORSKI, worked for the passage of the Credit Union Membership Access Act in 1998. Following the passage of that historic legislation, Bill delivered a picture to my office with my head mounted on Mount Rushmore. Looking back at those years, it should have been Bill's head mounted on Mount Rushmore instead of mine, as no one was more instrumental in making sure that legislation passed than Bill Donovan.

In his 25 years of service to NAFCU, Mr. Donovan has been a tireless advocate and a leading voice for the credit union community on Capitol Hill. Just as amazing as his work for NAFCU is his commitment to family-life outside of work. Mr. Donovan and his wife Donna have seven children, and he has remained an active member of his church for many years.

I congratulate Bill on all of his fine work throughout his illustrious 25 years at NAFCU. I have enjoyed working with him on issues that are important to the credit union community, and I look forward to continuing to do so in the future. Congratulations on your 25th Anniversary at NAFCU, Mr. Donovan.

HONORING U.S. ARMY PRIVATE FIRST CLASS SHAWN C. EDWARDS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. HYDE. Mr. Speaker, I rise today to pay tribute to U.S. Army Private First Class Shawn C. Edwards, of Bensenville, Illinois. PFC Edwards was killed on April 23, 2004 when his convoy hit a roadside bomb in Samarra, Iraq. He had been serving in Iraq since February.

PFC Edwards was a junior in high school when he made the adult decision to enlist in the U.S. Army. He told his father he could use the discipline, and he didn't want his family worrying about paying for his education. He began his service after graduating from York Community High School in Elmhurst in 2002. He was assigned to the 121st Signal Battalion, Ist Infantry Division, based in Kitzingen, Germany. Like many of our soldiers, PFC Edwards had plans for the time when he would come back home. He was going to return to college. He loved computers and tinkering, and demonstrated his expertise in electronics during his brief Army service. At the time of his death, he was setting up cellular communication networks in support of Operation Iraqi Freedom.

PFC Edwards carried on a proud family tradition when he enlisted in the military. His father is a veteran of the Vietnam War, and his grandfather served in World War II.

PFC Edwards was only a young man of 20 when he made the ultimate sacrifice in service to his country. Our deepest sympathies go to his beloved family—his mother Elizabeth, his father Glen, and his sister Robin—as well as to his other family and friends. The entire community joins in mourning Shawn's loss.

We honor the memory of PFC Shawn C. Edwards and the dedication and bravery with which he served our nation and the people of Iraq.

OXYCONTIN IS ADDICTIVE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. TOWNS. Mr. Speaker, I rise today to address a long-standing and unfortunately ever growing problem affecting our society, prescription drug abuse and addiction. Specifically, I would like to discuss the scourge that has been caused by the prescription drug OxyContin. OxyContin has caused countless deaths from overdose and toxicity. Equally important, however, OxyContin has caused thousands of individuals lawfully prescribed the drug to become addicted, causing a wide variety of destructiveness and in many instances ruining the lives of innocent people.

OxyContin is a schedule II narcotic pain medication as defined by the Controlled Substances Act. This is the most dangerous designation of legal, as opposed to illegal, prescription drugs under the Controlled Substances Act of 1970. It is in the same class as morphine. Unfortunately for the American public, the manufacturers and distributors of OxyContin have made concerted, intentional efforts to make this dangerous drug anything but "controlled".

Purdue Pharma is the manufacturer of OxyContin. This drug was promoted with the assistance of Abbott Laboratories. Over the last 6 years OxyContin has amassed sales of more than ten billion dollars as a result of an overly aggressive, inappropriate and, unfortunately for our citizens, highly effective marketing plan.

This drug was marketed to a broad range of physicians who, according to Purdue Pharma's own internal documents, were uneducated or at least undereducated on the use of opioids like oxycodone and morphine. Family practitioners in rural areas, gynecologists, sports medicine practitioners and even dentists were instructed by Purdue and Abbott representatives that they could prescribe this morphine-like drug for even moderate pain without the slightest concern of addiction. They were told to prescribe the drug in very high doses so long as the pain persisted. The most widely prescribed dose of OxyContin contains 20 milligrams of oxycodone. Taking one pill of 20 mg OxyContin would be the equivalent of taking 4 Percocets, a very strong narcotic pain medication, as well. The marketing plan and the assertions about the safety of the drug were based on false information. OxyContin can be addictive to prescription patients.

In fact, countless numbers of innocent pain patients have become addicted to OxyContin. They were told both by the company and unwitting physicians that this drug was not addictive. That was not true. There is no support for the theory that the OxyContin is not addictive. Moreover, the manufacturers and promoters of this dangerous drug have conspicuously failed to study the addictiveness of this drug over the last 6, very prosperous years. It is only logical that the results of those studies would only undermine their very persuasive sales claims that this drug was not addictive.

Purdue will most certainly tout their concern for the pain patient, claiming that their drug provides pain relief to the masses of unfortunate sufferers of chronic pain. I am not persuaded nor will I be deceived by this argument. I am truly concerned for the pain patient. It is not my purpose to take good medications away from pain patients, but it is also not my intent to permit American companies to mislead the pain patients as to the safety and effectiveness of pain medication. Misinformation about the addictiveness of this drug did not help the pain patient. Instead, it took advantage of the very condition that this drug was supposed to help.

I call upon Congress to convene hearings on the question of how this public health menace came to be, who is responsible, what was told to the American public and to healthcare professionals by the manufacturer, and what we, the Congress, can do to prevent tragedies like this from repeating themselves in the future.

A RENEWED CALL FOR MINING LAW REFORM

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. RAHALL. Mr. Speaker, an article on the front page of the May 11, 2004, Washington Post entitled, "All Quiet On the House Side," by Charles Babington, contrasts "the burgeoning scandal over U.S. treatment of Iraqi prisoners and persistent concerns about the economy and the deficit" with the seemingly limitless lack of concern for meaningful action here in the House on any significant issue. This comes as no surprise to me or, evidently, Mr. Babington.

"The House's lean schedule is no accident. GOP leaders who set the agenda and floor schedule say they achieved most of their top priorities last year and are content to rest on their laurels through the election."

For this reason, a great number of important issues lay by the wayside, collecting dust, while we convene in brief, three-day sessions to tackle the not-so-weighty issues of naming federal post offices, or designating days, weeks, or months to such non-controversial subjects such as "Financial Integrity."

A perfect example of an opportunity squandered by the Republican leadership is the total lack of attention being given to the need to reform this country's antiquated mining laws.

As many of my colleagues know, I have fought to reform the General Mining Law of 1872 for the past 17 years, and along with Representatives Shays and Inslee, continue to work on behalf of the taxpayer to ensure proper reimbursement for the natural riches mining companies extract from our public lands for the cost of a fast-food cheeseburger. Our bill, H.R. 2141, deserves consideration by the House Resources Committee, yet no hearings have been scheduled.

This is not going unnoticed by the public. On Monday, May 10, 2004, the Environmental Working Group released a new interactive report, located at www.ewg.org/mining, that shows how international and domestic mining companies have taken control of 9.3 million acres of public western lands under the archaic Mining Law of 1872. On the day following its release, three Western newspapers ran articles focused on local problems resulting from the mining industry's control of Western public lands:

"Group raises red flag over old mining law" by Michael Doyle, Modesto Bee.

"Once public land goes private" by Robert McClure, The Seattle Times.

"Bargain-priced mining claims abound in West, figures show. Report: 5.6 million acres staked out under 1872 law" by Mike Soraghan, The Denver Post.

H.R. 2141 does not deal with coal, or oil and gas. These energy minerals, if located on Federal lands, are leased by the government, and a royalty is charged. Further, Mining Law reform does not deal with private lands. The scope of the Mining Law of 1872 and legislation to reform it is limited to hardrock minerals such as gold, silver, lead and zinc on Federal lands in the Western States.

H.R. 2141 would prohibit the continued giveaway of public lands. It would require that a holding fee be paid for the use of the land, and that a royalty be paid on the production of valuable minerals extracted from these Federal lands. And, it would require industry to comply with some basic reclamation standards.

The American public deserves a fair return from the gold, silver and other hardrock minerals produced from public lands and the hard rock mining industry should be required to meet the same environmental standards that all other extractive industries meet. As our distinguished Minority Whip, Rep. Steny Hoyer, noted on the floor today, "Our constituents did not send us here to pretend to legislate. They sent us here to solve problems and fulfill our duty."

It is time, well past time, that Congress replace the 1872 Mining Law with one that reflects our values and goals. Please contact the Resources Committee Democratic staff if you would like to co-sponsor this important legislation.

RECOGNIZING CONTRIBUTIONS OF PEOPLE OF INDIAN ORIGIN TO UNITED STATES AND BENEFITS OF WORKING TOGETHER WITH INDIA

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mrs. MALONEY. Mr. Speaker, as a cosponsor of H. Con. Res. 352, I strongly support this resolution which honors the contributions of people of Indian origin to the United States and declares that Congress is committed to working together with India to promote peace, prosperity, and freedom among all countries.

As the largest democracy in the world, India has shown a genuine commitment to improving its economic ties to the United States, and the U.S. and India have formally committed to work together to build peace and security in South Asia, increase bilateral trade and investment, meet global environmental challenges, fight disease, and eradicate poverty.

There is no doubt that the close relationship between the U.S. and India is crucial to world stability and to the economic futures of both countries. India's long-term economic potential is tremendous, and the U.S. is already its largest trading and investment partner.

I am hopeful that we will foster an even closer relationship in the coming years by working together to tackle new and existing challenges.

CELEBRATING GIRLS INCORPORATED OF THE ISLAND CITY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. STARK. Mr. Speaker, I rise today to recognize the 40th Anniversary of Girls Incorporated of the Island City in Alameda, California. Girls, Inc. of the Island City held a successful 5th Annual Celebration of Excellence luncheon on May 1, 2004, in conjunction with their milestone anniversary.

Forty years ago, a group of Alameda citizens established a program for girls which was incorporated as Alameda Girl's Club, Inc. Kaye van Valkenberg, served as its first Board President (1964–1967) and together with other local civic leaders inspired what is now called Girls Ihc. of the Island City. Over 300 girls currently participate in Girls Inc. of the Island City programs.

The mission of the organization is to inspire all girls to be strong, smart and bold through innovative programs, activities, and advocacy. The goal of its Activity Centers is to provide quality services to children and families, to encourage and support children's growth, and assist families to meet economic needs and family goals.

Girls Inc. of the Island City is a local member organization of the national Girls Inc. organization offering programs focused on helping girls of all races, ethnicity, economic and social backgrounds avoid violence, drug addiction, and teen pregnancy; teaching girls literacy in economics and the media; and encouraging girls to pursue careers in math, science and technology, and become community leaders.

Six program areas—careers, and life planning; health and sexuality, leadership and community action, sports and adventure; self-reliance and life skills; and culture and heritage are the foundation of Girls, Inc. of the Island City.

Girls, Inc. of Island City continues to inspire all girls to be strong, smart and bold and to have confidence and be safe in the world. I applaud its forty years of exemplary service and join the city of Alameda in appreciation for this organization's efforts to make a positive difference in the lives of girls.

REMEMBERING BILLIE ERLINE THORNTON

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. HALL of Texas. Mr. Speaker, today I would like to honor a dedicated and successful woman from Van Alstyne, Texas—Billie Erline Thornton, who passed away on March 17, 2004.

Billie was a successful businesswoman. After graduating from Anna High School and attending Draughn's Business College, she worked for the First National Bank in Dallas and the First National Bank in Anna. She finished her career as the manager of the Hurricane Creek Country Club, where she worked for nineteen years.

While she was a dedicated businesswoman, she was also a devoted wife, mother, and grandmother. She was married to her husband, Bob Thornton, for fifty-eight years and she helped raise their three daughters. She is survived by her husband, her daughters and their husbands, Sheryl and Walt Priest of North Little Rock, Arkansas, Brenda and Wayne Baggett of Friendswood, Texas, and Linda and David Wood of Van Alstyne, Texas. She was also the proud grandmother of Brian Priest and his wife Amanda, Stewart Priest, Emily Baggett and her husband James, Trevor Wood, and Tyler Wood. She also had one great-grandchild, Gabriella Hess. Her son, Bryan Norwood Thornton, preceded her in death, as did her parents, Bernie Reed and Effie Smith Bryan, one sister, Jimmie Wolfenson, and one brother, Richard Bryan.

Billie's warm smile and good heart will be missed throughout the community of Van Alstyne. On behalf of her family and friends, I want to take this opportunity in the House of Representatives to pay our last respects to this beloved woman—Billie Erline Thornton.

COMMEMORATING THE RETIREMENT OF LEMUEL M. PROCTOR, CHIEF OPERATING OFFICER, WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, 2004

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. WYNN. Mr. Speaker, I would like to take a moment to recognize a man who has demonstrated that one person can make a difference in the lives of millions of people. If you are proud of the Metrorail system, you can thank Lemuel M. Proctor, who is the Chief Operating Officer for Rail Service at the Washington Metropolitan Area Transit Authority (WMATA). Today, I honor the almost-thirty years of service that Mr. Proctor has given to millions of citizens of Maryland and the Washington region.

A lifelong resident of Mitchellville, Mr. Proctor received his education and training in Prince George's County schools and the U.S. Air Force. From his modest beginnings as an electrical mechanic in 1974, Mr. Proctor steadily rose through the ranks to become one of the highest-ranking African-American executives at WMATA.

Mr. Proctor's credibility with rank and file employees has been critical to his success, particularly on September 11, 2001. On that day, Mr. Proctor had just overseen a busy morning rush hour, and many operators were returning to their home bases. After the morning's terrorist attacks, Mr. Proctor's task was to convince railcar operators to turn their trains around and transport passengers home safely. Mr. Proctor ensured that his employees had protective gear and sent them out to the system, where they performed their duties without hesitation. On that day, Metrorail transported passengers into and out of the region on back-to-back rush hours without incident.

With his energy and intelligence, Lem Proctor could have been a success in any line of work he desired. With the world at his feet, Mr. Proctor chose to make public service his vocation, and for that, we should all be grateful. I wish him the very best in his new endeavors.

IN HONOR OF CUYAHOGA SPECIAL EDUCATION SERVICE CENTER'S 30TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Cuyahoga Special Education Service Center (CSESC), as they enter into their thirtieth year of services and support focused on thousands of children with special needs and their families residing throughout Cuyahoga County. The staff of CSESC has provided priceless educational tools to enhance learning and discovery for countless children—enhancing their hopes and creating new dreams.

CSESC offers a variety of programs and services to more than 23,000 children and youth with disabilities throughout Cuyahoga County. The mission of CSESC is to provide outstanding educational opportunities for all children with disabilities aged 3–21, to elevate the academic achievement of these children, and to ultimately dissolve the divide that separates these special children from the mainstream. Moreover, this vital support serves to enrich every facet within the life of a child who faces these challenges on a daily basis.

From birth through adulthood CSESC offers comprehensive programs focused on the individual needs of every child and her family. Some of the main services provided by the compassionate professionals at CSESC include instruction in Assistive Technology, Early Childhood Services, Vocational Services, Professional Development, Family Services and Consultation/Assessment Services.

Mr. Speaker and Colleagues, please join me in honor and recognition of the Thirtieth Anniversary of the Cuyahoga Special Education Service Center. This exemplary organization has uplifted the lives of thousands of children—from toddlers to young adults, who reflect courage, grace, brilliance and tenacity despite their personal challenges. The level of commitment from the staff at CSESC is equaled only to that of these children and their families—a commitment to hope, to dream, to believe, to achieve—to make a positive difference within our corner of the world and beyond.

A VISION FOR GENERATIONS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to three generations of the Abelson/Lasker families and Dr. Emil and Mrs. Erika Jacoby. All of these remarkable people will be honored at a special Adat Ari El dinner on May 16, 2004, appropriately themed, "A Vision for Generations."

Irv and Marcia Abelson, their children, and now their grandchildren have assumed key leadership positions and worked hard to build, support and improve Adat An El and the Jewish community. They have also provided critical support for a myriad of Jewish institutions both in Los Angeles and around the world, including Camp Ramah, the University of Judaism (UJ), the New Community Jewish High School, L.A. Hebrew High School, Heschel Day School, the Jewish Theological Seminary, the Women's League for Conservative Judaism, the Masorti Foundation for Conservative Judaism in Israel and the Bureau of Jewish Education.

Both Marcia and Irv have proven to be an indispensable part of the Adat Ari El community in so many ways. In addition to serving as Adat Ari El's Sisterhood President, Marcia worked with members of the Torah Fund for the Jewish Theological Seminary and the UJ.

Their daughter Jill was the second woman to ever become President of Adat Ari El. She was Vice President and Chairperson at the University of Judaism and served on various UJ committees for many years. Her husband, Marty Lasker, blows shofar—not an easy task—every year for the High Holy Days. He serves on several important Boards for organizations such as the New Community Jewish High School, Hebrew High School and Adat Ari El. My family and I are proud to call ourselves neighbors and friends of Jill and Marty.

The Laskers' children, Zachary and Jodi, continue in their parents' and grandparents' tradition of involvement and service. Zachary starred in several United Synagogue Youth (USY) plays and was President of the USY Chapter while in high school. Jodi worked at the Temple and was a USY Director during high school. Zachary has a masters degree in education from the UJ and Jodi holds an MBA and masters degree in education from the University. Both Zachary and Jodi have worked at Camp Ramah in California for many years in a variety of leadership positions. Currently Zachary is the assistant director for the camp and Jodi teaches at the Heschel Middle School in Northridge.

The Humanitarian Award recipients, Emil and Erika Jacoby, have also made invaluable contributions to Adat Ari El and are role models for all of us. Dr. Emil Jacoby worked in the Underground during WWII to help save Jews in Nazi-occupied countries. After the war he helped relocate displaced Jews to Israel. For many years he headed the Temple's religious school and served as Head of the Bureau of Jewish Education. He has a doctorate in education from the Jewish Theological Seminary, and was director of education for 16 years at Camp Ramah during the summer months and was also an adjunct professor at the Teachers Institute at the UJ.

Erika Jacoby taught in Adat Ari El's nursery school and served on many synagogue committees. She chaired the Holocaust Remembrance Committee which resulted in the dedication of a Holocaust Memorial Pillar. Erika also gives generously of her time and energy to speak with school children about her experience as a Holocaust survivor.

Mr. Speaker, I ask my distinguished colleagues to join me in saluting these incredibly accomplished and impressive people who have demonstrated an outstanding commitment to Adat Ari El and a longtime commitment to public service.

PERSONAL EXPLANATION

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. DAVIS of Tennessee. Mr. Speaker, on rollcall No. 154, on agreeing to H. Res. 622—Supporting the goals and ideals of Peace Officers Memorial Day, I was present on the House floor but failed to vote. Had I voted, I would have voted "yes."

50TH ANNIVERSARY OF BROWN v. BOARD OF EDUCATION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Ms. NORTON. Mr. Speaker, on May 17, 2004, the Library of Congress will celebrate the 50th anniversary of the Supreme Court's landmark decision, Brown v. Board of Education. This celebration will include an exhibit as well as a panel discussion on school integration. In conjunction with this celebration the Library's Leadership Development Program class of 2003–2004 sponsored a poster contest in the District of Columbia Public Schools. Children in three grade categories, grades 3–4, 5–6, and 7–8, were asked to submit posters which expressed the theme, "How has the case changed our schools?" The three winners of the poster contest are: Maria Oliva, age 9, Shepherd Elementary School, Teacher: Dee Dee Chambliss; Canaisha Vaughn, age 11, Hamilton Center, Teacher: Leslie Milofsky; and Nathan Johnson, age 13, Kramer Middle School, Teacher: Mary Jackson.

Congratulations to these three winners and to all students who participated in celebrating the 50th anniversary of Brown v. Board of Education.

CONGRATULATING MR. ROBERT J. ANADELL ON HIS RETIREMENT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and honor that I congratulate Mr. Robert J. Anadell on his retirement from the International Brotherhood of Electrical Workers Local 697. Bob has spent nearly 40 years dedicating his life to the interests of Local 697 as well as his community in Northwest Indiana. His career at Local 697 has allowed him the opportunity to touch the lives of numerous people. In honor of his gracious service to Local 697 as well as his community, there will be a celebration of his accomplishments on June 4, 2004, at the Avalon Manor Banquet Hall in Merrillville, Indiana.

Bob Anadell has accomplished many visionary goals throughout his career. Before joining Local 697 as a Journeyman Electrician in 1972, Bob admirably served in the United States Army during the Vietnam War until his Honorable discharge in 1968. After becoming a Journeyman Electrician, Bob faithfully served Local 697 on the Anprenticeship Committee and Executive Board. He served as President of Local 697 from 1985–1991 and again in 1993, and he also served as the Business Manager/Financial Secretary from 1966–2004.

Not only has Bob Anadell had many positive accomplishments throughout his career at Local 697, he has also actively contributed to his community through participation in various programs aimed at improving opportunities for the people of Northwest Indiana. He has been a powerful member of the Northwest Indiana Building Trades, Secretary Treasurer of the IBEW State Conference, Vice-President of the Indiana State AFL—CIO, Trustee of the Lake Area United Way, Board of Directors of Trade Winds, Member of the Lake County Integrated Services Delivery Board, Chairman of the Board of Directors, Investment Committee, and Executive Committee of the Legacy Foundation, as well as Co-Chairman of the Heroes Committee of the American Red Cross.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty by its tradesmen. Bob Anadell is an outstanding example of the quintessential tradesman. He has mastered his trade and has consistently performed at the highest level throughout his career. Bob has demonstrated his loyalty by his outstanding service to Local 697 and his community through his hard work and self-sacrifice.

Mr. Speaker, Bob Anadell has given his time and efforts selflessly to the people of Northwest Indiana throughout his years of service. He has taught every member of Local 697 and his community the true meaning of service to all members of the Northwest Indiana community. I respectfully ask that you and my other distinguished colleagues join me in congratulating Mr. Bob Anadell for his outstanding contributions to Indiana's First Congressional District. I am proud to commend him for his lifetime of service and dedication.

RECOGNIZING CONTRIBUTIONS OF PEOPLE OF INDIAN ORIGIN TO UNITED STATES AND BENEFITS OF WORKING TOGETHER WITH INDIA

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. EMANUEL. Mr. Speaker, today I rise in strong support of H. Con. Res. 352, honoring the contributions of Indian-Americans and the people of India to the United States. This important resolution recognizes the benefits of our two nations working together towards our common goals of promoting peace, prosperity, and freedom among all countries of the world.

I am proud to count among my friends and neighbors many people of Indian origin, and I have seen first-hand the contributions they have made to the well-being and prosperity of our community. Indeed, the Fifth District of Illinois is enriched by the presence of longtime residents and recent immigrants from India, who have contributed their talents and energy to small business development, health care, science and the fine arts. Through their hard work and commitment to public service, our Indian neighbors have proven that America is made stronger by the contribution of its immigrant communities.

I am also pleased to recognize the continuing and growing friendship between the nations of India and the United States. India is the most populous democratic country in the world and has historically been a steadfast ally and loyal friend of the United States. We have benefited from our close and mutual friendship with India, through cooperation on security, trade and technological advancements which improve lives in both countries and help promote safety throughout the world.

With this bipartisan resolution, the American people recognize that we will be more effective and successful with India as a strategic partner in achieving our mutual objectives to promote democracy, combat terrorism, pursue nuclear non-proliferation, strengthen the global economy and trade, and slow the spread of HIV/AIDS.

Mr. Speaker, I thank the gentlelady from California for introducing this concurrent resolution, and I urge my colleagues to support it, as well as to continue all of our efforts to promote peace and cooperation between these two great nations.

MILLER MOTION TO INSTRUCT CONFEREES ON FY04 LABOR—HHS BILL, H.R. 2660

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Ms. WOOLSEY. Mr. Speaker, I support the Miller motion to instruct conferees because it ensures that those making as little as $23,660 a year are able to retain the overtime privileges they currently receive.

Mr. Speaker, I was a human resources professional for 10 years in a manufacturing human resources company, and then for 10 years I had my own company, advising high tech companies on their personnel policies and practices, including wage and salary structures. I know a thing or two about work structures.

Under the new overtime rules a "Team Leader" would be ineligible for overtime. I'm going to tell you what a team leader is: First of all, a team leader is not a professional that has a whole group of professional people working as a team negotiating for some grand project in some community. That team leader is a professional period, not a person paid on an hourly rate or a salaried nonexempt person.

In reality a team leader is a senior employee who has the background and the experience to earn the top of their pay rate. And because they've been around, because they know something, they've been asked to show more junior workers how to do the work, and to give them confidence and to give them guidance.

But they're doing the work right alongside of the worker they are mentoring. Today this person earns the top of their pay grade plus overtime. Under the new rules, without that overtime, that "Team Leader" is probably going to earn less than the person that they're working and guiding. The person the "Team Leader" guides will still qualify for overtime for the same hours worked.

So what are we talking about here? We're talking about people at the top of their pay grade getting less because they happen to have institutional knowledge, even though they are doing the same job. And I just don't see how anybody here in this Chamber believes that any new rules that impact workers like these are good for most Americans.

These rules help big business plain and simple, such as the newspaper publishers who were standing up and cheering Secretary Chao when she announced how these rules would allow them to stop paying overtime to journalists. They knew they were going to save money, lots of money.

Well, a rule that works for a handful of business owners and against most of the workers can't be the rule that works for the people of this country. That's why I urge my colleagues to support the Miller motion to instruct conferees and prevent our hard working Americans from losing the overtime they have come to depend on.

RECOGNIZING THE VETERANS WHO SERVED DURING WORLD WAR II, THE AMERICANS WHO SUPPORTED THE WAR, AND CELEBRATING THE COMPLETION OF THE NATIONAL WORLD WAR II MEMORIAL

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of House Resolution 409, recognizing with humble gratitude the more than sixteen million veterans who served in the U.S. Armed Forces during World War II, and all the Americans of that generation who supported the war effort at home. This resolution further celebrates the completion of the National World War II Memorial on the National Mall.

After years of devotion by numerous veterans, politicians, architects, actors, corporations, schools, and other individuals, the dedication of the National World War II Memorial serves as an honorable way to recognize the veterans and citizens who sacrificed so much for the cause of human freedom.

This extraordinary memorial at the heart of our Nation's Capital is a fitting reminder to us all that some of the most valorous and courageous moments in our history occurred when our Nation was unified in defense of liberty and democracy against the forces of fascism and barbarity.

I shudder to reflect on where our world might be without the exceptional courage and dignity displayed by the members of the U.S. Armed Forces in World War II. These veterans took it upon themselves to place their bodies in harm's way to defend against an evil that threatened not just our Nation, but all the world's nations. The men who stormed the beaches of Normandy, who flew hair-raising missions over Berlin, who fought beneath the surface of the ocean, and who weathered the Battle of the Bulge displayed the kind of selflessness that should be an inspiration to all who stand up against tyranny and aggression.

Mr. Speaker, World War II was won not just by soldiers alone but also by the nation that supported them. In the theater of war, men and women served as doctors, nurses, journalists, photographers, suppliers, drivers, and many other roles in direct support of the combat troops. Here at home, millions of women took to the factories to produce the material and machinery so vital to winning: planes, jeeps, ships, guns, radios, and thousands of other products used everyday by the troops in the field.

The new National World War II Memorial is an important and invaluable dedication to the men and women of the United States who stood up to the forces of tyranny and oppression. Their courage, dignity, valor, and sacrifice will inspire future generations to reflect on the meaning of our Nation and on the meaning of the values we hold so dear.

I urge my colleagues to give their full support to the passage of this legislation.

HONORING COMMANDER CHARLES L. STUPPARD, UNITED STATES NAVY AND THE OFFICERS, CHIEF PETTY OFFICERS, AND CREW OF THE USS "ARLEIGH BURKE" (DDG 51)

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. DAVIS of Illinois. Mr. Speaker, I would like to take this opportunity to congratulate Commander Charles L. Stuppard, United States Navy and the officers, Chief Petty Officers, and crew of the USS *Arleigh Burke* (DDG 51). USS *Arleigh Burke* was commissioned in Norfolk, Virginia, on July 4, 1991. She is the first of the most powerful and survivable class of destroyers ever put to sea. She possesses the AEGIS Weapons System with ultifunction radar, capable of detecting and tracking hundreds of targets simultaneously while conducting multiple engagements.

On March 5, 2004, in Norfolk, Virginia, Commander Charles L. Stuppard became the 9th Commanding Officer of this powerful navy vessel. Commander Stuppard graduated from Cornell University in 1982 with a bachelor of science degree in mechanical and aerospace engineering. He worked for 3 years as a Design and Test Engineer for Fairchild Republic Corporation in the A–10A, T–46 and SF–340 Aircraft programs. In 1985 he joined the Navy as an aviation officer candidate. After commissioning and flight training, Commander Stuppard switched to Surface Warfare.

Commander Stuppard served successively on board the following ships, September 1987 to July 1990, as Boilers Officer and Advanced Combat Direction Systems/Computers Officer, USS *Biddle* (CG 34) in Norfolk, Virginia; November 1990 to May 1993, as Electronics Readiness Officer/Combat Systems Officer, USS *Reeves* (CG 24) in Pearl Harbor, Hawaii; January 1993 to September 1994, as Combat Systems Officer, USS *Sides* (FFG 14) in San Diego, California; April 1995 to September 1997, as commissioning Combat Systems Officer, USS *Gonzalez* (DDG 66) in Bath, Maine and Norfolk, Virginia. From September 1997 to November 1998, Commander Stuppard attended the Naval War College in Newport, Rhode Island where he earned a Masters degree in National Security and Strategic Studies. Afterwards, he served as Executive Officer of USS *Nicholas* (FFG 47) in Norfolk, Virginia.

After a 3-year tour of duty in the Pentagon as an Action Officer and then as an Executive Assistant to the Deputy Director for European Politico-Military Affairs, the Joint Staff Directorate of Strategic Plans and Policy, Commander Stuppard was selected as the Commanding Officer of the USS *Arleigh Burke* (DDG 51). Commander Stuppard's accomplishments and achievements are truly outstanding and serve as an example to all men throughout the country. Commander Stuppard is a fine citizen and an outstanding American. I congratulate Commander Stuppard and the crew of the *Arleigh Burke* for such a superb assignment.

HONORING LAW ENFORCEMENT OFFICERS

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. ALEXANDER. Mr. Speaker, I rise today in the spirit of National Police Week to honor the 870,000 law enforcement officers who enforce our laws by risking their lives, and to remember the 145 officers who sacrificed their lives for our defense in 2003.

This week, law enforcement officers will gather with the families of officers killed in the line of duty to honor the commitment of our Nation's police forces and to remember those they have lost. Just as our soldiers are called to protect our interests overseas, we depend on our police forces to protect our freedoms, secure our communities and keep us safe and free from fear.

In this Chamber, we debate and pass laws to govern our country, to provide for the safety of our citizens. The laws we make are ineffectual without the selfless dedication of our police forces. Throughout history, these men and women have demonstrated strength and valor in protection and service on every level from local to national. From the routine task of guarding our neighborhoods to answering the call from terror on September 11, it is obvious that these men and women are heroes everyday.

It is with sadness that I recognize two heroes from my district. Patrolman First Class David Ezernack and Patrolman Jeremy Carruth were serving a routine search warrant on February 20, 2003, an attempted arrest that wounded three officers and cost Patrolmen Ezernack and Carruth their lives. Their families and friends, and several officers of the Alexandria Police Department, are in Washington this week to participate in the Candlelight Vigil and to see the names of these two officers unveiled at the National Law Enforcement Officers Memorial. We will never adequately express our gratitude, and our sympathies, to the sacrifice of these two officers.

I stand in this Chamber grateful to all law enforcement officers, but also to give special recognition to officers who are especially challenged, serving in our Nation's rural areas. Though violent crime rates are lower in rural areas, these incidences are not decreasing over the years as rapidly as violent crime rates in urban areas. Most of the victims of violent crimes in rural areas are assaulted in their own homes, by people they know—friends, neighbors, family members—a setting more prevalent than in large cities. David Ezernack and Jeremy Carruth served a rural area, and their beat was no less dangerous than a street in a large city.

Congress has continued to afford law enforcement officers with advancements in resources, such as bulletproof vests and enhanced technology. We must continue our commitment to providing our police forces with the best training and protection, and recognize the additional resources that may be necessary for the security of rural areas.

This week, let us extend to these men and women our profound gratitude, for their exhibitions of bravery and the sacrifices they are called to make, and our sympathies to their families. As these noble men and women sacrifice for a pledge to protect and to serve, it is our duty to honor them, past, present and future, to the highest degree.

IN RECOGNITION OF SISTER MARY PAUL JANCHILL, D.S.W.

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Ms. VELÁZQUEZ. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to recognize the achievements of Sister Mary Paul Janchill, D.S.W., a tireless advocate for the rights of children and families, and one of the cofounders of the Center for Family Life in Sunset Park, Brooklyn.

For more than 50 years, Sister Mary Paul has been a pioneer and influential leader in child welfare. Sunset Park is a diverse, low-income neighborhood in Brooklyn, and almost a third of the population there is under the age of 18. Sister Mary Paul, a long-time advocate and leader in the fight for the rights of children and families, took her passion and strength, and cofounded the Center for Family Life.

Over the past 25 years, Sister Mary Paul has continued her work and dedication to meeting the needs of families that live in the financially distressed area of Sunset Park through her work at the center. She has continued the fight for low-income children and teenagers, especially those who are at risk of being swept into the social welfare system. The Center for Family Life offers services and advocacy to its clients, and already has two films, one of which received a 2003 Academy Award, that are based on its dedication and commitment to the community.

Sister Mary Paul, among her endless positive contributions, helped to modify the evaluation processes used by child welfare agencies and the family court system. She encourages people to view troubled teens as works in progress. Sister Mary Paul truly changes lives—individuals who have completed their programs later find themselves in leadership positions throughout the community. Her work is priceless, and is constantly felt by the significant number of youth, and families, that she reaches out to each and everyday.

Therefore, Mr. Speaker, I rise today to honor Sister Mary Paul Janchill, and join with my colleagues in the House of Representatives to recognize her extraordinary work in helping New York City's less privileged children and families.

ATTACHÉ SHOW CHOIR OF CLINTON HIGH SCHOOL

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to commend and congratulate the Clinton High School Attaché Show Choir upon completing its outstanding 2004 competition season.

The Clinton High School Attaché Show Choir was formed in September 1980, by Winona Costello. Since 1992, Attaché has been led and directed by David and Mary Fehr; the instrumental pit under the direction of Robert Allen; the crew under the direction of Wesley Quick.

Attaché was named Grand Champion of the Benton Community High School "Touch of Class" competition held in Van Horne, Iowa on February 14, 2004. Attaché also received the Best Vocals, Best Choreography, Most Creative Show, and Best Male (Trey Finch) and Female (Jan Jefcoat) Soloist awards. Dexter Bishop was named the outstanding performer from Attaché.

Attaché was named Grand Champion of the Homewood High School "South Central Classic" competition held in Homewood, Alabama on February 21, 2004. Attaché also received the Best Vocals, Best Choreography, and Best Overall Effect awards. Attaché was named Grand Champion of the Mixed Show Choir at the MIC Choral Competition held at North Central High School in Indianapolis, Indiana on March 20, 2004. Attaché also received the Best Vocals and Best Choreography awards.

Attaché was honored to be selected as the host choir for the Show Choir Nationals Competition held March 27, 2004, at the Grand Ole Opry in Nashville, Tennessee. The 2004 Senior Class of Attaché is undefeated, having earned Grand Champion honors at every competition at which they competed during their three years of performing.

It is with great pride that we recognize the contributions of this national and internationally known musical group which has brought honor and acclaim to Clinton High School, the Clinton community, and to the State of Mississippi.

TRIBUTE TO NEW HAMPSHIRE'S "WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION" AWARD WINNING TEAM

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. BASS. Mr. Speaker, I rise to recognize a group of students and their teacher from Nashua High School South. After months of studying and hard fought competitions, this group proudly represented New Hampshire in the national finals of the "We the People: The Citizen and the Constitution" competition.

The students demonstrated their understanding of the Constitution before simulated congressional committees made up of constitutional scholars, lawyers, journalists, and government leaders. Their comprehension and knowledge of the founding principals our country is established upon earned the team a Unit Award for expertise in the "Extension of the Bill of Rights."

I ask that my colleagues join me in recognizing these exceptional students from New Hampshire along with the more than 1,250 other high school students that also participated in the national finals. I proudly submit the members of the team for listing in the CONGRESSIONAL RECORD.

Daniel Aldrich, Rhiannon Campbell, Byron Chicklis, Aaron Chilelli, Keith Crouse, Nathan Domingues, Charles Dowdell, Amanda A. Duquette, Timothy E. Gilpatrick, Tara Goulet, Melissa Hodges, Eileen Hynes, James Kaklamanos, and Erik Kiser.

Cassandra Loftus, Gregory M. McDonald, Christie McHugh, Peter McNamee, Caitlin Meagher, Catherine Ngo, Michelle Potter, Adam Rheault, Michael Snelgrove, Philip Trzcinski, Matthew Van Wagner, Erin Lynne Walford, and Tarin LaFrance, Teacher.

IN HONOR OF WILLIAM I. "IRVIN" WARREN

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. ETHERIDGE. Mr. Speaker, I rise today to pay tribute to one of North Carolina's leading citizens, Mr. William I. "Irvin" Warren of the Harnett County community of Dunn.

Tomorrow evening, I will have the honor of presenting to Irvin the Distinguished Service Award from the Occoneechee Council of the Boy Scouts of America. The award is to be presented in recognition of his "Exemplary Public Service and Lifelong Fidelity to the Scouting Creed of Service to the Community." As a longtime leader of the Occoneechee Council, I can think of no individual more deserving of this award.

William I. Warren was born on June 2, 1942 in Sampson County, North Carolina, and like me, worked on his family tobacco farm growing up. He graduated from the Sampson County public schools and East Carolina University where he earned his bachelor's degree in education in 1964. He went on to get his master's degree at North Carolina State University, in my Congressional District, where he taught for 6 years.

In 1975, Mr. Warren took his life savings of $14,000 and founded Warren Oil Company, Inc., where he sold motor oils packaged in his name. Mr. Warren is now Chief Operating Officer of Warren Oil, having led the company for 29 years. The company, which formerly was housed in 5,000 feet of rental space, now owns and occupies more than one million square feet of warehouse space, storing more than fifty million gallons of oil. Currently, Warren Oil Company has locations in North Carolina, Alabama, Arkansas, Illinois, Pennsylvania and Texas and employs more than four hundred and fifty workers. Throughout the course of his career, Mr. Warren has increased the size of this local business from a small community business to the largest independent oil company in North America. Warren Oil Company, Inc. currently owns twenty U.S. registered trademarks and exports to more than twenty countries worldwide.

Throughout his successful career in business, William Warren has served our community in numerous capacities. He has served on the boards of the Betsey Johnson Regional Hospital, Dunn Area Chamber of Commerce, Standard Bank & Trust Company, Harnett County Industrial Development and the New Century Bank. He has been a member of the Masonic Lodge and Shrine Club for more than 30 years and is past Chairman of the Board of Directors for Divine Street United Methodist Church. As a community activist myself for more than thirty years, I know that whenever a good cause needs support, the first thought on folks' minds is, "Call Irv."

A proud family man, William I. Warren has two children, Wendy and Bill, five grandchildren, Reed, Colby, Jaimmy Warren, Morgan Spell and Benjamin Spell. The Warren Oil Company is truly a family business. Finally, Mr. Speaker, as the father of an Eagle Scout, it gives me great pleasure to present Boy Scouts of America's Distinguished Service Award to William I. "Irvin" Warren. And on behalf of the Congress of the United States and the people of North Carolina, let me offer my friend our heartfelt gratitude.

IN SUPPORT OF OUR TROOPS

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Ms. HARRIS. Mr. Speaker, I rise today to reaffirm my support for the best-trained, best-skilled, and most courageous men and women on the face of the earth as they risk everything for the cause of freedom in Iraq and Afghanistan.

Tragically, the brutality and depravity of a small handful of soldiers toward Iraqi prisoners threatens to soil the incredible humanity that our military has displayed during the war and its aftermath. At risk to their own safety, nearly all of our troops have striven to protect Iraqi lives to the greatest extent possible.

While we must harshly and unambiguously condemn the sickening abuse perpetrated by a miniscule number of individuals as criminal and un-American, we must not permit the heinous acts of a few to taint the selfless and honorable service of so many.

Their heroic efforts have unquestionably made America safer. They have liberated nearly 50 million people from the oppression and despair that breeds terrorists, and they are fighting valiantly to create the freedom and hope that defeats terrorists.

God bless our troops and God bless the United States of America.

HONORING THE CENTER FOR COUNSELING AT GARDEN CITY HOSPITAL

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. MCCOTTER. Mr. Speaker, I rise today to pay tribute to the Garden City Hospital's Center for Counseling upon the center's 30th anniversary.

In 1974, the vision of former Garden City Hospital President and CEO Allan Breakie led to the development of counseling services which responded to an identified community need and also served as a resource for the medical staff of the hospital. Initially, the focus was on providing treatment for the chemically dependent patient in an inpatient setting.

Under the leadership of Dr. Phil O'Dwyer, the Center expanded into the treatment of eating disorders and a broader range of mental health issues. The Center received national attention when its Patient-Treatment matching system was described as a "model for the nation" in the 1990 Institute of Medicine (IOM) Report to Congress.

In recent years, services for children and adolescents were added, in response to the growing national concern with teen problems. In 2002, the Michigan Health and Hospital Association awarded the Center for Counseling its prestigious Patric Ludwig award for innovative community programming for adolescents.

Today, the Center has an experienced staff which includes a Board Certified psychiatrist, doctoral and masters level psychologists, clinical social workers and professional counselors.

Over the past 30 years, more than 8,000 patients and their families have benefited from the treatment services of the Center for Counseling. Countless numbers have benefited from the prevention and education efforts undertaken through seminars, public presentations, and TV and radio appearances.

Mr. Speaker, on behalf of Congress, the 8,000 patients, and family members, I would like to thank the Center for Counseling at the Garden City Hospital for their 30 years of service to the community.

RECOGNIZING OUTSTANDING TEACHERS IN BURR RIDGE, IL

HON. JUDY BIGGERT

OF ILLNOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mrs. BIGGERT. Mr. Speaker, I rise today to honor five outstanding teachers in my district: Virginia Bojan, Cate Nufer, Beverly Oliveri, Nancy Taylor, and Patricia Trudicks.

Virginia Bojan, a language arts and science teacher at Elm Elementary School in Burr Ridge, is retiring after 33 years of dedicated teaching. She is well respected among her peers for her excellent teaching methods and pleasant demeanor. Her students also love and respect her. It is obvious that Mrs. Bojan loves teaching, and this love is reflected in her devotion to her students. She will most certainly be missed.

Elm Elementary School also will be losing Cate Nufer, who is retiring after 36 years. Ms. Nufer is a talented teacher who is recognized for her leadership in the areas of writing and social studies. Her students have consistently excelled on all state tests. She has made a positive impact on hundreds of students in both their academic and personal development.

Beverly Oliveri is also retiring after 34 years of teaching and directing curriculum for School District 181 in Burr Ridge. Her work in mathematics led to a revision in curriculum to improve the way math is taught in the district. Her students always look forward to her unique style of story telling as a teaching method. Her love of life and of teaching is evident to all who encounter her.

Nancy Taylor is retiring after 34 years teaching language arts and mathematics. She has contributed to both the academic and social development of hundreds of children throughout her career. Her students thrive on her soft-spoken, gentle approach that helps her students. Her care and understanding of each child as an individual will be remembered.

Last but most certainly not least, Patricia Trudicks is retiring after 36 years of dedicated teaching. Ms. Trudicks is recognized in District 181 for her leadership in developing the Media Resource Center, which has become the hub of the school. It is continually updated to reflect the season, upcoming holidays and community events, and ongoing teaching units and student interests. Ms. Trudicks has shown how to make the library an exciting place for students and to encourage them to learn through the resources it provides. Her ability to provide children with hands-on experiences they will not forget has been greatly respected and will be deeply missed.

Mr. Speaker, it is my distinct privilege to honor these five teachers for their countless hours of hard work and dedication. They have positively impacted the lives of thousands of children, and their contributions to education will be recognized for many years to come. Teaching may be the most difficult profession, and these five outstanding educators are among the best. I know the students, parents and faculty of Elm Elementary are sad to see them retire, but join me in offering these outstanding teachers our heartfelt thanks and congratulations.

RECOGNIZING THE VETERANS WHO SERVED DURING WORLD WAR II, THE AMERICANS WHO SUPPORTED THE WAR, AND CELEBRATING THE COMPLETION OF THE NATIONAL WORLD WAR II MEMORIAL

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to recognize the brave men and women who served our nation during World War II and to wholeheartedly support H. Con. Res. 409. The National World War II Memorial will be officially dedicated on May 29 to honor the 16,000,000 veterans who served in the United States Armed Forces duirng World War II and the millions of Americans who supported the war effort on the home front. Even today, we deeply appreciate the great service and sacrifice that those men and women gave in defense of our nation and the world.

The soldiers of World War II fought against unimaginable tyranny. They gave their blood, sweat, tears, and for many, their lives, to protect and preserve the American way of life. Veterans who served our country in World War II deserve a tribute to illustrate their valor and courage. The National World War II Memorial is a fitting and lasting tribute and only a down-payment to a debt we can never repay in full.

But to truly honor this nation's Greatest Generation, we must do more than just offer kind words and lasting memorials. It's time for Congress to live up to its promise to care for their health and well-being. It is time that we start adequately funding our veterans' health care system.

Today, only 1 in 4 World War II veterans are still surviving. Every day, 1,100 more die. Those surviving veterans are aging and their medical needs are increasing. It is a great dishonor to turn our back on those veterans; it is a great dishonor to make those men and women wait for needed health care and an even greater dishonor to turn them away from Veterans' Administration facilities.

There is a growing crisis in veterans' medical care: more than 30,000 veterans are waiting six months or more for an appointment at Veterans' Administration hospitals. Some are even dying before they see a doctor. In his 2005 budget, the President recommended a less than 2 percent increase in funding for veterans' medical care—not even enough to cover the cost of inflation. The President's budget also slashes $294 million in funding for long-term care for America's veterans, which will reduce the number of patients treated by more than 8,000. That is not acceptable.

While the House-passed budget does provide $1.2 billion above the President's wholly inadequate budget request, it is still $1.3 billion below the amount of funding suggested on a bipartisan basis by the House Veterans' Affairs Committee and $2 billion below the amount recommended by the Independent Budget. The House-passed budget will not give the VA the resources it needs to reduce the backlog of patients or improve the quality of care. It will not end the Survivor Benefit Penalty or end the disability tax for the two-thirds of disabled veterans whose pension and disability payments are still offset. It will not give our World War II veterans the care they deserve. Democrats have offered a plan that will give veterans the care they deserve.

I urge my Colleagues to join me in honoring the sacrifice of World War II veterans by voting for this resolution. I also urge us to further honor those brave men and women by committing enough funding to meet their needs.

HONORING FALLEN LAW ENFORCEMENT HEROES

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to all the true heroes—our law enforcement officers—who have made the supreme sacrifice in service to their community so that all of us can live in peace and safety.

Supporting law enforcement is very important to me because of my service as a law enforcement officer before coming to Congress in 1988. I am also a member of the House Law Enforcement Caucus.

As we reflect on our fallen heroes, it is important to focus on providing the necessary funding and support to these individuals to combat the growing challenges they face. It is the least we can do for those who put their lives on the line every day.

Since September 11, 2001, many in this nation and this Congress have a deeper appreciation for the importance of the sacrifices made by our law enforcement officers. Every day, hundreds of thousands of men and women protect and serve, often putting their own lives at risk. In honor of these dedicated law enforcement officers who have given their lives or have become disabled in the performance of duty, Mr. Speaker, I ask my colleagues to join me in recognizing and paying respect to our fallen heroes.

HONORING REVEREND DOCTOR ROBIN G. MURRAY

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to commend and honor the Reverend Doctor Robin G. Murray of Spring Hill in my Fifth Congressional District of Florida. After thirty-five years as an Episcopalian minister, Reverend Murray is retiring in Spring Hill.

Reverend Murray was one of the first people I met when I moved to Florida. His friendship and civic-mindedness motivated me to become involved in the Hernando County Legislature, and he has been an inspiration ever since.

A loving husband, father of three, and grandfather of two, Reverend Murray has an endless, mile-wide humanitarian streak of dedication to his family and community. His devotion improves the lives of everyone he meets. He is district governor of Spring Hill Rotary and a true civic leader who I am proud and fortunate to call my constituent.

It is my honor and pleasure to recognize Reverend Robin G. Murray on the floor of this chamber today.

Mr. Speaker, I yield back the balance of my time.

SUPPORTING FRIEDREICH'S ATAXIA AWARENESS DAY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. ANDREWS. Mr. Speaker, I rise today in support of Friedreich's Ataxia Awareness Day, which is recognized each year on the third Saturday in May.

Friedreich's ataxia is a life-shortening neurological disorder that is usually diagnosed in childhood. It causes muscle weakness and loss of coordination in the arms and legs; impairment of vision, hearing and speech; scoliosis, diabetes; and a life-threatening heart condition. Most patients need a wheelchair full-time by their twenties. Life expectancy is reduced to early adulthood. There is currently no effective treatment or cure for Friedreich's ataxia.

Although there is no effective treatment or cure available, Friedreich's ataxia patients and families have more and more reason for real hope. An extraordinary explosion of research insights has followed the identification of the Friedreich's ataxia gene in 1996. Since that discovery, research scientists have learned a great deal about the disorder. We now know what defects in the gene cause the disease, what protein the gene is supposed to produce, what that protein is supposed to accomplish, and why a shortage of the protein results in the cell death that leads to the disease symptoms. Investigators are increasingly optimistic that they are drawing closer to understanding more fully the causes of Friedreich's ataxia and to developing effective treatments. In fact, they have recently declared that, "in Friedreich's ataxia, we have entered the treatment era."

At the National Institutes of Health and around the world, clinical trials for Friedreich's ataxia are being conducted on drugs that hold real promise. Growing cooperation among organizations supporting the research and the multidisciplinary efforts of thousands of scientists and health care professionals provide powerful evidence of the increasing hope and determination to conquer Friedreich's ataxia. There is also a growing conviction that treatments can and will be developed for this disease and that the resulting insights will be broadly applicable across a wide range of neurological disorders such as Parkinson's, Huntington's and Alzheimer's.

On the third Saturday of May, events will be held across our country to increase public awareness of Friedreich's ataxia and to raise funds to support the research that promises treatments for this disease. I applaud the Friedreich's Ataxia Research Alliance (FARA) for its contributions to these efforts and ask my colleagues to join me in recognizing May 15, 2004, as Friedreich's Ataxia Awareness Day to show our concern for all those families affected by this disorder and to express our support and encouragement for their efforts to achieve treatments and a cure. Thank you, Mr. Speaker.

MOTION TO TABLE THE MILLER MOTION TO INSTRUCT ON H.R. 2660

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. NUSSLE. Mr. Speaker, as those who have followed previous debates on the administration's proposed overtime rule changes may know, my position is clear. I have voted a number of times to uphold overtime protection for workers in Iowa and across the United States. In the future, I will continue my commitment to Iowa's workers.

However, today's motion to instruct introduced by the gentleman from California, Mr. MILLER, is nothing more than.a twisted procedural gimmick. The ridiculous motion would instruct conferees to act on a bill that was signed into law months ago. There are no conferees to instruct.

I will keep standing up for Iowa's working families as we consider this matter in the future, but those debates should be real and meaningful. As such I will vote yes on the motion to table.

CELEBRATING THE LIFE OF MILDRED "MILLIE" JEFFREY

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Ms. KILPATRICK. Mr. Speaker, I rise today to honor the life of Mildred "Millie" Jeffrey, a strong leader, community activist and protector of our United States Constitution. Millie passed away on Wednesday, March 24, 2004.

Through seven decades of social activism, Millie Jeffrey demonstrated how one individual can influence the battle for social justice by empowering victims of exploitation and discrimination to fight for equality and opportunity.

Millie was on the Board of Governors at Wayne State University, and she was the Director of the United Auto Workers (UAW) Consumer Affairs Department. Millie served with dedication and brought to her endeavors a brimming optimism. Millie was a mentor for legions of women and men in the labor, civil rights, women's rights, and peace movements. She is most remembered for her humor, passion for life, and her goodwill that will be remembered for generations to come.

Millie once said; "You never win freedom permanently. You have to win it time after time; whether it's union rights, civil rights, or equality for women." In the words of Michigan's Governor Jennifer Granholm, "The greatest honor we can pay her, is to recommit to working for fairness and justice for all of our citizens today and everyday."

Everyone knew that if they wanted to hear true wisdom one would have to talk to Millie. She helped pave the way for women in politics everywhere. With her long list of accomplishments and accolades she became an icon of modern politics. On August 9, 2000 President Clinton awarded Millie the Medal of Freedom, the highest civilian award bestowed by the United States Government, for her selfless acts for peace. When awarding her the Presidential Medal of Freedom, President Bill Clinton said, "She may be small in stature and humble in manner, but she is very strong.

Mr. Speaker, in closing, I would like to pay tribute to the life and work of "Millie" Jeffrey and express my deepest condolences to her family and to all who knew, loved, and were touched by her life.

ADDRESS OF SECRETARY OF STATE COLIN POWELL AT THE BERLIN CONFERENCE ON ANTI-SEMITISM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. LANTOS. Mr. Speaker, at the Conference on Anti-Semitism of the Organization for Security and Cooperation in Europe (OSCE) held in Berlin on April 28th, our very distinguished Secretary of State Colin Powell headed the United States delegation. It was my advice that the Secretary personally lead the American delegation to this conference because his presence would give the issue of European anti-Semitism the high-level attention it needs and deserves.

Today, Europe faces a disturbing rise in anti-Semitic rhetoric and anti-Semitic violence. I recently attended the inauguration of a new Holocaust museum in my native Hungary. Two days earlier, Hungarian police arrested a man plotting to blow it up. The decision to target a Holocaust memorial reveals the profound connection between the great nightmare of the mid-twentieth century and the racist threats that Jews around the world continue to face today.

Because of this intolerance, I co-founded the Congressional Task Force Against Anti-Semitism with a bipartisan number of Members of Congress. This organization is devoted to raising awareness and fighting the sickness of anti-Semitism wherever and whenever it occurs. On behalf of the Task Force, I would like to thank and commend Secretary Powell for his efforts at the Berlin Conference.

Mr. Speaker, as usual, Secretary Powell's remarks are eloquent and powerful, and they contain the wisdom of a man who has fought bigotry and racism himself during a lifetime of service to our nation. His emphatic reminder that "political disagreements do not justify physical assaults against Jews in our streets" is particularly welcome.

Mr. Speaker, I ask unanimous consent that the full text of Secretary Powell's address to the Berlin Conference against anti-Semitism be placed in the RECORD, and I urge all of our colleagues to give the Secretary's excellent speech their thoughtful attention.

REMARKS AT THE CONFERENCE ON ANTI-SEMITISM OF THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

Thank you very much, Mr. Moderator, Chairman Passy, Minister Fischer, Fellow Ministers and Delegates, Ladies and Gentlemen. It is a great pleasure for me to be here representing President Bush and the people of the United States.

Chairman Passy, let me thank you for your leadership in planning and organizing this important conference on anti-Semitism. I also wish to extend my sincere appreciation to the German Government and to my good friend Joschka Fischer for hosting our gathering and for taking a strong stand against this age-old yet active and evolving form of intolerance. And let me take this occasion to honor President Rau, not just for opening the conference, but also for his leadership against anti-Semitism and on so many other compelling moral issues during his 52 years of distinguished public service to Germany and to the world.

Berlin is a fitting backdrop for our meeting. The firestorm of anti-Semitic hatred that was the Holocaust was set here in Berlin. The Holocaust was no ordinary conflagration, but a colossal act of arson, unprecedented in scale with the annihilation of a people as its purpose. Six million Jews and millions of other men, women and children perished in the flames of fascism. European civilization as we thought we knew it was rent asunder.

Yet, it was also here in Berlin that a new, democratic Germany rose from the ashes of the Second World War. And in this city, a new Europe, whole and free, was born after the fall of that other great tyranny of the 20th century: communism.

Now, in the opening decade of the 21st century, we, 55 democratic nations of Europe, Eurasia and America, have come to Berlin to stamp out the new fires of anti-Semitism within our societies, and to kindle lights of tolerance so that future generations will never know the unspeakable horrors that hatred can unleash.

When President Bush visited the Auschwitz death camp last year he renewed the United States' commitment to oppose anti-

Semitism with these words: "This site is a sobering reminder that when we find anti-Semitism, whether it be in Europe, in America or anywhere else, mankind must come together to fight such dark impulses."

Today, we confront the ugly reality that anti-Semitism is not just a fact of history, but a current event.

At a planning session for this conference, Benjamin Meed, the President of the American Gathering of Holocaust Survivors, said "Sixty years after the Holocaust I never thought that I would be invited to a meeting on anti-Semitism in Europe."; Indeed.

We are appalled that in recent years the incidence of anti-Semitic hate crimes has been on the increase within our community of democratic nations. All of us recognize that we must take decisive measures to reverse this disturbing trend.

Our states must work together with nongovernmental organizations, religious leaders and other respected figures within our societies to combat anti-Semitism by word and deed. We need to work in close partnership to create a culture of social tolerance and civic courage, in which anti-Semitism and other forms of racial and religious hatred are met with the active resistance of our citizens, authorities and political leaders.

We must send the clear message far and wide that anti-Semitism is always wrong and it is always dangerous.

We must send the clear message that anti-Semitic hate crimes are exactly that: crimes, and that these crimes will be aggressively prosecuted.

We must not permit anti-Semitic crimes to be shrugged off as inevitable side effects of inter-ethnic conflicts. Political disagreements do not justify physical assaults against Jews in our streets, the destruction of Jewish schools, or the desecration of synagogues and cemeteries. There is no justification for anti-Semitism.

It is not anti-Semitic to criticize the policies of the state of Israel. But the line is crossed when Israel or its leaders are demonized or vilified, for example by the use of Nazi symbols and racist caricatures.

We must send the clear message to extremists of the political right and the political left alike that all those who use hate as a rallying cry dishonor themselves and dishonor their cause in the process.

Regrettably, my country has its share of anti-Semites and skinheads and other assorted racists, bigots and extremists, who feed on fear and ignorance and prey on the vulnerable.

As a nation of many united as one, we are determined to speak out and take action at home and abroad against anti-Semitism and other forms of intolerance and to promote the rights of persons belonging to minorities. As President Bush has said: "America stands for the non-negotiable demands of human dignity."

Fortunately the overwhelming majority of Americans are repelled by these hate-mongers and reject their vicious ways, their vicious views, their vicious attitudes. Overwhelmingly the American people embrace diversity as a national asset and tolerance is embraced as a civic virtue. Our laws and our leaders reflect those enlightened sentiments.

Not only do we believe that combating hatred is the right thing to do, we think that promoting tolerance is essential to building a democratic, prosperous and peaceful world. Hatred is a destroyer, not a builder. People consumed by hate cannot construct a better future for themselves or for their children.

So much of the misery and instability around the world today is caused or exacerbated by ethnic and religious intolerance, whether it's central Africa or the Middle East, Northern Ireland or Cyprus, Kosovo or Darfur. The distance from prejudice to violence, intolerance to atrocity, can be perilously short. The lessons of the Holocaust are timeless and urgent. In this new century, it is more important than ever for our leaders and citizens to counter anti-Semitism and other forms of hatred whenever and wherever they meet them.

It is especially important that we instill in our children values and behaviors that can avert new calamities. The sixteen-nation Task Force for International Cooperation on Holocaust Education, Remembrance and Research has done a great deal already to increase understanding among young people of the Holocaust and its enduring lessons. And we welcome the growing interest on the part of other countries to join that Task Force.

Tolerance, like hatred, is a learned behavior passed from one generation to the next unless the new generation is educated differently. Let tolerance be our legacy. May future generations of schoolchildren read that in the early decades of the 21st century, mankind finally consigned anti-Semitism to history, never to darken the world again.

The United States delegation, led by former New York City Mayor Ed Koch, is here to listen. They're here to learn and to share best practices against anti-Semitism. We will have the benefit of Mayor Koch's direct experience dealing with hate crimes in the world's most ethnically diverse metropolis in my hometown, New York City. Our delegation also draws expertise from Members of our Congress and from close partnership with non-governmental leaders doing pioneering work in the tolerance field.

The exchange of insights and ideas among our delegations here in Berlin should form a solid basis for practical action by each of our nations. There is much yet that we can do in key areas of law enforcement, legislation and education to follow up on the decisions we took last December in Maastricht.

That's why I'm pleased that last week the Permanent Council of the Organization for Security and Cooperation in Europe committed all of our 55 states to take further concrete actions against anti-Semitism. The OSCE's Office for Democratic Institutions and Human Rights in Warsaw will play a central role. This office now has a clear mandate to work with member states to collect hate crimes statistics, to track anti-Semitic incidents and to report publicly on these matters. The office also will help states develop national legislation against hate crimes and promote tolerance through education. And I know that in the course of your deliberations here other ideas will arise as to how we can put action behind our words, and whether we have institutionalized these actions in a proper way.

So, my friends, here in Berlin, the 55 democratic nations of the Organization for Security and Cooperation in Europe have come together and will stand together and we will declare with one voice: "Anti-Semitism shall have no place among us. Hate shall find no home within a Europe whole, free and at peace." Thank you, Mr. Moderator.

UPON RETIREMENT OF DR. RONALD L. FEIST

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. DOOLITTLE. Mr. Speaker, today I wish to express warm thanks, congratulations, and best wishes to Dr. Ronald L. Feist upon his retirement as the superintendent of the Eureka Union School District, in Placer County, CA. Ron has done an outstanding job and deserves the appreciation of students, parents, and the general public in the community he has served so well for 22 years.

Ron grew up on a farm in Minnesota, where almost no one in his family had previously attended college and most only completed the eighth grade before turning to farming. However, following the example and encouragement of many fine teachers and coaches, Ron opted to set a new precedent for his family by accepting an academic scholarship and competing in basketball at the college level.

In 1965, Ron earned a bachelor of arts degree in Chemistry/Physics from Macalester College in St. Paul, Minnesota. Four years later, he completed a master of arts degree in the same field from Fisk University in Nashville, TN. Subsequently, he earned an Administrative Credential from California State University, Fullerton, in 1972 and a Doctorate of Education in Education Administration from Nova University in Fort Lauderdale, Florida, in 1978.

Ron stayed the course by becoming a coach and science teacher himself, first in his native State, then in Glendora, CA, before accepting administrative duties at Pamona Unified School District and Napa Valley School District. Then in 1977, he came to South Placer County as the principal of Oakmont High School.

In 1982, Ron launched his 22-year tenure as the superintendent of the Eureka Union School District. When he took over, the district had only two and a half schools, 1,100 students, and negative finances. Today, as a result of his leadership, it boasts nine highly acclaimed schools, 4,250 students, and a sound financial condition, despite the difficult challenges facing state and local governments in California. Moreover, student achievement, as measured in test scores and parent satisfaction, is very high. I think it is also remarkable to note that, while heading such a successful district, Ron continued to teach school finance and law part-time at the University of LaVerne from 1988 through 2001.

Mr. Speaker, several prestigious honors have highlighted Dr. Feist's 38-year career as an educator. For example, he was the Napa County Teacher of the Year in 1974–75; in 1988, he was named the Placer County Distinguished School Administrator; in 1990–91, he was recognized as the Placer County Administrator of the Year; and in 2001–02, he was named Region 2 Superintendent of the Year. He also received the Napa Parent Teacher Association Distinguished Service Award in 1977 and the Oakmont Parents Club Outstanding Service Award in 1980.

Ron functions as the vice president of the Nevada/Placer County School Insurance

Board and on the Placer/Nevada County Special Education Executive Committee. Additionally, he represented ten counties in Northern California for two years on the State Superintendency Committee of the Association of California School Administrators.

Mr. Speaker, beyond his role with the school district, Ron has been an invaluable member of the local community, having served on many boards and committees. He is the past president of the Granite Bay Chamber of Commerce, Roseville and Granite Bay Kiwanis Clubs, and Sierra Family Services, as well as past chairman of the Granite Bay Municipal Advisory Committee.

However, despite all the acclaim he has received professionally and civically, Ron's greatest success has occurred in the home. He and his wife of 42 years, Diane, raised three children Troy, Amy, and Heidi. In retirement, Ron looks forward to spending more time with his family, especially his nine grandchildren—Alexa, Hunter, Bryce, Jordan, Brennan, Hannah, Whitney, Devin, and Baron.

Ron will also have more time now to dedicate to his many interests, including golf, traveling, reading, cardio-training, and weight lifting. Nevertheless, it will be hard to keep him away from public education completely. He plans to do some consulting for school districts in the areas of finance and facilities.

Mr. Speaker, on behalf of the many people whom he has touched over the years, I thank Dr. Ron Feist for his service and wish him well in his future endeavors.

PERSONAL EXPLANATION

HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. FLAKE. Mr. Speaker, today I voted "no" on final passage of H.R. 4280, the Help Efficient, Accessible, Low Cost, Timely Healthcare (HEALTH) Act of 2004.

This is not the first time I have had to make this difficult vote. On March 13, 2003, I voted against H.R. 5, which contained nearly identical language to H.R. 2480. Both in 2003 and today, I have heard arguments as to why the Federal Government should act and why this proposed reform is badly needed. Hearing these arguments on many occasions has not made it any less difficult to vote against this bill, but I am not convinced that the Federal Government should preempt State law in this area.

Those supporting this bill have made some compelling arguments as to why Congress should step in and institute these reforms. They cite the national nature of insurance plans, whereby a doctor in Arizona might have to pay more for malpractice insurance due to an over-the-top jury award in Florida. They also note that, as doctors close up shop or stop providing high-risk care in specialties such as emergency medicine and obstetrics and gynecology, patients are forced to cross State lines in order to seek out treatment. We have all watched with dismay as hospitals have been forced to shut their doors and doctors have opted to treat patients without malpractice insurance due to the high costs of premiums. Certainly, the trial attorneys who line their pockets with egregious fees aren't suffering as a result of the mess they've made with unscrupulous lawsuits. These arguments only underscore an already evident need for the States to pursue medical malpractice reforms. However, as one who believes firmly in federalism, I am wary of supporting legislation that would, in effect, preempt other States' constitutions.

For example, California instituted real medical malpractice reform 25 years ago, which H.R. 4280 seeks to emulate. However, if the final version of H.R. 4280 differs from California's reform, then their system may ultimately be usurped by the new Federal authority created by this legislation. Punishing California's sensible reforms would be a terrible outcome.

The natural evolution of health care delivery suggest that a Federal solution such as H.R. 4280 may one day be necessary. But right now it's up to the States to begin that process, and I am already a part of those efforts in Arizona. The States should follow California's example, which has been an undeniable success over the past 25 years.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 13, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 17

2 p.m.
Aging
To hold hearings to examine how the Equal Employment Opportunity Commission's recent rule affects retiree health benefits.
SD–628

MAY 18

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold an oversight hearing to examine the Federal Aviation Administration.
SR–253

Foreign Relations
To hold hearings to examine the way ahead in Iraq.
SD–419

10 a.m.
Banking, Housing, and Urban Affairs
To hold an oversight hearing to examine the Terrorism Risk Insurance Program.
SD–538

Energy and Natural Resources
To hold hearings to examine implications of a recent change in reporting of small business contracts by the Department of Energy.
SD–366

Health, Education, Labor, and Pensions
Substance Abuse and Mental Health Services Subcommittee
To hold hearings to examine proposed legislation authorizing funds for the Substance Abuse and Mental Health Services Administration.
SD–430

Aging
To hold hearings to examine social security reform issues, and comparing the U.S. social security system with other nations'.
SD–628

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2005 for HIV/AIDS programs and research.
SD–124

Judiciary
To hold hearings to examine preserving traditional marriage, focusing on states' perspective.
SD–226

2 p.m.
Judiciary
To hold hearings to examine the threat of animal and eco-terrorism.
SD–226

MAY 19

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 900, to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the pertinent irrigation districts, S. 1876, to authorize the Secretary of the Interior to convey certain lands and facilities of the Provo River Project, S. 1957, to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, S. 2304 and H.R. 3209, bills to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project, S. 2243, to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska, H.R. 1648, to authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuma Project, California, to the Carpinteria Valley Water District and the Montecito Water District, and H.R. 1732, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the

Williamson County, Texas, Water Recycling and Reuse Project.

SD–366

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine personal gain relating to a transition from public sector to private sector.

SR–253

Foreign Relations

To continue hearings to examine the way ahead in Iraq.

SD–419

10 a.m.

Banking, Housing, and Urban Affairs

To hold an oversight hearing to examine the International Monetary Fund and World Bank.

SD–538

Indian Affairs

Business meeting to consider pending calendar business; to be followed by a hearing to examine S. 1696, to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes.

SR–485

11:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

2:30 p.m.

Aging

To hold hearings to examine Health Savings Accounts and the New Medicare Law, focusing on the future of health care.

SD–628

MAY 20

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine SPAM.

SR–253

Indian Affairs

To hold hearings to examine S. 2382, to establish grant programs for the development of telecommunications capacities in Indian country.

SR–485

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine prescription drug reimportation.

SD–430

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 1672, to expand the Timucuan Ecological and Historic Preserve, Florida, S. 1789 and H.R. 1616, bills to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, S. 1808, to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities, S. 2167, to establish the Lewis and Clark National Historical Park in the States of Washington and Oregon, and S. 2173, to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

SD–366

JUNE 2

9:30 a.m.

Foreign Relations

To hold hearings to examine the greater Middle East initiative.

SD–419

SEPTEMBER 21

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.

345 CHOB

CANCELLATIONS

MAY 19

9:30 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider pending calendar items.

SD–430

SENATE—*Thursday, May 13, 2004*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

The PRESIDING OFFICER. Today's prayer will be offered by guest Chaplain Dr. Kathryn Towne, of Lakewood, CO.

PRAYER

The guest Chaplain offered the following prayer:

Our great and mighty God, today I ask that You be present, O God of Wisdom, and direct the counsel of this Honorable assembly. Enable them to settle things on the best and purest foundation. Make them strong to do the work at hand and to heed Your will. They are empowered to serve the people of the United States. Enable them to do so with great assurance that You are directing them.

"Righteousness exalts a nation." May righteousness inspire every thought, word, and action of this Senate. Their task is great. Thank You for their diligence and long hours given in the endeavor to keep this Nation the greatest on Earth. Truly "Blessed is the nation whose God is the Lord." We are a blessed nation indeed. Thank You, Our Lord. In Your Name I pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 13, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today following my remarks and any remarks from the Democratic leader, we will have a period of morning business for up to 60 minutes. The order provides for the first 30 minutes to be controlled by the minority and the second 30 minutes to be controlled by the majority.

Following the 60-minute period, we will resume consideration of S. 1248, the IDEA—Individuals with Disabilities Education Act—reauthorization bill. Yesterday we made very good progress on the bill and we now have an agreement to finish the bill early this afternoon.

We do have one final outstanding issue on paper reduction, and we should then vote on final passage of the bill. I anticipate passage will occur somewhere between 11:30 and 12:30 today.

I do want to congratulate both managers on their hard work on this very important piece of legislation. I thank them for allowing us to proceed through the legislation under a unanimous consent agreement.

Later today I will also be discussing Executive Calendar nominations with the Democratic leader. I hope to begin scheduling consideration of those nominations, including the judicial nominees. We will have more to say on the nomination schedule later today.

Finally, I want to remind everyone that next week we will be considering the Department of Defense authorization bill. Senators can expect busy sessions throughout the week, including votes on Monday. That will be late Monday afternoon.

RECOGNITION OF THE ASSISTANT MINORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant minority leader is recognized.

Mr. REID. If I may make a comment to the majority leader, we have been told this morning Senator BINGAMAN will not offer a second-degree amendment to the Santorum amendment; therefore, the managers will accept the Santorum amendment. So I think all we have left on the IDEA bill is final passage.

Senator KENNEDY is the godfather to his niece or nephew—I really don't remember who it is—but Caroline's child was confirmed and he will not be able to be here until around 11:30 today, so the majority leader should keep that in mind. If we will vote 12:15 or 12:20, if that meets the majority leader's plans, Senator KENNEDY would like to speak before final passage, and, as I indicated, he will not be here until 11:30.

Mr. FRIST. Through the Chair, we are aware of Senator KENNEDY's plans and we will do everything we can to accommodate all Senators. We have a number of people who have engagements this morning and this afternoon, and we will do our best. I think that is consistent, having this vote in the hour we so designated.

PRISONER ABUSE SCANDAL

Mr. FRIST. Mr. President, I want to comment briefly on two other issues. One has to do with the event yesterday, which was very tough for many of us, and that was the opportunity to review the photos related to the prisoner abuse scandal.

I thank the Department of Defense for their responsiveness so as to give everyone in this body the opportunity to view those pictures. As has been said by so many, the photos are appalling and offensive to America's sense of humanity. Many of the images we saw were consistent with those that have already appeared in the press. They are pictures and images of abusive behavior. There were a lot of photos. Others do not show prisoner abuse but do expose the character of those under investigation.

The new material supports my belief that we must act swiftly and we must fully investigate the incidents of this prisoner abuse at Abu Ghraib prison to assure that justice is served. It is the mark of America, and that mark will be demonstrated by this swift justice. We must find out who is responsible for the abuses that occurred and hold them accountable. And indeed we will.

At the same time, we must all remember to separate this incident from the outstanding, remarkable work so many thousands and thousands and thousands of our brothers and sisters and men and women and children are carrying out in uniform right now in Iraq and indeed in Afghanistan and around the world. It is tremendous work, fighting for the liberty and the democracy we all cherish. It is truly disheartening to see that the actions of a few—a few—have really tarnished the reputations and professionalism of our Nation's Armed Forces. So let's never ever forget the tremendous work the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

men and women in uniform are doing for us right now, each and every day, and today.

I am pleased to learn Secretary of Defense Rumsfeld and General Myers have traveled to Baghdad to get a better sense of what is happening on the ground in Iraq and to ensure corrective actions are being taken to prevent such prisoner abuse from ever happening again. I think it is important that they are there to boost the morale of the thousands of American troops who are serving so nobly and courageously in Iraq. This is the right and proper thing for our Nation's senior defense civilian and senior military leader to be doing.

I do again want to assure our colleagues that the American people expect, and the Senate will deliver by having its committees of jurisdiction continue their inquiries into this matter and work diligently with the executive branch to ensure that justice prevails and that such acts never ever occur again.

HEALTH CARE

Mr. FRIST. Mr. President, on a final issue, I want to comment on an issue that is dear to my heart. It stems from the fact that if you have health insurance in this country today you do better than if you don't. This week is a week that addresses the issues of the uninsured, both in this body, in the Congress, in the executive branch—indeed, all over the country.

Last October I appointed a task force on health care costs and the uninsured, and earlier this week the task force, led by our distinguished colleague, Senator JUDD GREGG, unveiled its recommendations. I thank Senator GREGG for his tremendous work and each of the team members for the work they put in, both studying this issue and then fashioning a plan and proposal in a document which helps all of us in this body understand but also gives us a direction to address this huge problem.

Helping the uninsured gain more access to affordable, quality health care is one of the most critical and the most complex and most fundamental challenges in domestic policy that face us today.

Under Senator GREGG's leadership, the task force has developed a detailed, pragmatic, and systematic way of addressing this issue.

They cast a wide net to gather input from a broad range of resources. Their recommendations offer a serious and substantial framework to tackle what to many people seems to be an intractable problem of uninsurance in America.

The first thing is so obvious when you look at what the task force presented. The uninsured is not just a single sector. It is not just a piece of pie on a pie chart. It is a very complex group. It is a diverse mix. They include the chronically uninsured poor, the working uninsured, college students, and other young, healthy adults who simply choose not to get health care insurance. That complexity explains why it is impossible to have a one-size-that-fits-all approach, and, thus, the task force has drafted distinct recommendations for each of these different cohorts.

America offers the best health care in the world. We have the very best trained physicians, the very best trained nurses, top researchers, top medical research, and topnotch medical research facilities in the country doing the very best research with vast numbers of new and improved medical technology and prescription drugs. But in spite of the very best of health care, we have these chasms, these huge gaps, with the uninsured.

We have worked hard to find definitive solutions in the past. But still the number of uninsured in this country continues to climb. Forty-three million people are uninsured. Of those, 21 million people are without insurance for a year or more.

We have this coupled or working in parallel with the spiraling upward health care costs. For the second straight year, health care spending grew significantly faster than the rate of growth of the gross domestic product by a whopping $1.6 trillion. The cost is caused by a whole range of factors.

We have improvements in technology, which we understand. We have frivolous lawsuits. Many doctors are having to conduct and practice defensive medicine where they overprescribe in terms of diagnostic tests, really just to protect themselves in the event there is an overly aggressive lawyer who is going to be going after them.

The liability insurance rates continue to rise. With these increased premiums, doctors pay as much as $400,000 for liability insurance such as a neurosurgeon, even if he has never been sued before in the past. It ultimately simply has to get passed on to the system itself, and that drives up everybody's health care costs.

We have medical information gaps that cause costly insufficiencies today. A lot of times doctors don't have access to up-to-date information on patients who come into the emergency room because the record for that patient may be at another hospital or in another town or in the basement of that hospital.

We can address that by improving our information technology and investing appropriately in electronic medical records.

Individuals don't have the same tax advantages if they are out working by themselves than they do if they are working with a large company. That inequity of the individual market has consequences that affect the uninsured in a way that is detrimental. Health care is expensive for small companies today.

There are initiatives we can take in this body to address the fact that small companies' access is really disproportionate in providing health care, in part, because of the types of packages that are available to them and, in part, because of the tax treatment.

We have to find a way to address this escalating cost at the same time we are addressing the issue of the uninsured. The task force materials will be shared with our caucus, and hopefully a number of these issues will be addressed and debated and brought to the floor in the appropriate form so we can really accomplish reducing the number of uninsured in this country.

I close by once again thanking Senator GREGG and the members of the task force. Their recommendations are enlightening and they are promising. They give us a great template from which to operate as we go forward.

I am optimistic that by working together in this body we can produce good ideas, we can significantly increase the number of Americans covered, and we can keep health care in America moving forward.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

THANKING ARMY RESERVE LT. JEFF ALLEN

Mr. DASCHLE. Mr. President, tomorrow is a very special day for two little twin brothers in Rapid City, South Dakota. Ethan and Abraham Allen turn 2 tomorrow. Among the people who will be there to celebrate with them is their father, Lt. Jeff Allen.

Lt. Allen came closer than he likes to think to not seeing his sons' birthday. On April 6, he was in a convoy near Mosul, traveling south through Iraq, when a homemade bomb exploded under his Humvee. The explosion filled the calves on both of Lt. Allen's legs with shrapnel. His right ear drum was shattered, the retina in his right eye was torn, and he suffered serious lacerations on his face. He had been in Iraq for just under a month.

Like more than 40 percent of the American troops in Iraq today, Lt. Allen is a reservist. He is a nurse anesthetist with the Army Reserve's 348th Combat Support unit. When he is not on active duty, he works at Rapid City Regional Hospital. Like so many others civilian and military—he was in Iraq trying to save lives.

Before he arrived home on Monday night, Lt. Allen spent a month at Brooks Army Medical Center in San

Antonio, where he underwent three surgeries, including skin grafts to his legs. He's likely to need more surgery, but doctors are hopeful about his recovery. He and his wife, Andrea, have been married for 6 years. He has been in the Army Reserve for 5 years.

At the beginning of our life as a nation, Thomas Paine said, "If there must be trouble, let it be in my day, that my children may have peace." America is fortunate today that we still have people, like Lt. Jeff Allen, who are willing to sacrifice so much and risk their lives so that their children will know peace. As he and his wife prepare to celebrate their sons' birthdays, we thank Lt. Allen and wish him a full and speedy recovery.

SPURRING AN ECONOMIC RECOVERY IN RURAL AMERICA

Mr. DASCHLE. Mr. President, last month the Department of Commerce reported that my home State of South Dakota had the Nation's second-highest rate of growth in per-capita personal income during 2003.

This surely comes as welcome news to many South Dakotans who have struggled to make ends meet during our Nation's recent economic downturn.

But now is not the time for us to congratulate ourselves. Too many Americans still can't find work. Too many Americans still don't have health insurance. And of those lucky enough to have health insurance, too many Americans can barely afford it.

Last Thursday, Alan Greenspan warned that rising deficits threaten the long-term stability of our economy and he is right.

We need sound fiscal policies that preserve and protect the health of our economy. We must do everything we can to ensure that the economic recovery finally takes hold, and that the benefits of the recovery extend to all Americans, not just to a privileged few.

Unfortunately, even after last year's encouraging growth in personal income, South Dakotans still tend to earn far less than the national average, and the same is true for many other rural States in our region.

Even worse, average income figures conceal wide disparities in wealth between those at the top and those at the bottom even within our States. Sadly, rates of poverty in many parts of rural America are worse than we find in countries we often consider to be "developing." This is a quiet national crisis that we must address.

To reduce the prosperity gap between rural States and the rest of the Nation, Congress has created a variety of Federal programs designed specifically to promote rural economic development.

Unfortunately, the administration proposes to cut many of these programs, despite the positive results they have achieved. Instead of pulling the rug out from under those who need our help the most, we should be supporting programs that provide a helping hand to farmers, ranchers, and small businesspeople in rural areas.

With our help, they can bring the benefits of economic recovery to more Americans than ever before.

Small businesses are the backbone of this economy. According to the Small Business Administration, or SBA, businesses with 500 or fewer employees are responsible for roughly three-quarters of net job creation in this country. In my State, and in many other rural States, this figure is even higher.

According to the FDIC the 7(a) program is one of the single largest sources of long-term capital to small businesses in this country. By providing lenders a guarantee against default by small borrowers, it provides capital to those borrowers on more favorable terms than they could get anywhere else.

This is not a big-government handout, as some might be tempted to claim. It is a helping hand from the government to the invisible hand of the market.

So I was disappointed in January when the SBA was forced to temporarily suspend its most successful small business loan program, the 7(a) Loan Guarantee Program, because the Bush administration failed to support sufficient operating funds.

Unfortunately, this is the most recent manifestation of the administration's history of underfunding successful small business programs. According to the FDIC, the 7(a) program is one of the single largest sources of long-term capital to small businesses in the country.

By providing lenders a guarantee against default by small borrowers, it provides capital to those borrowers on more favorable terms than they get anywhere else. This is not a big government handout as some might be tempted to claim. It is a helping hand from the government to the invisible hand of the market. With the funds acquired through the 7(a) program, small businesspeople are free to expand their operations as they see fit, and their positive record of job creation shows plainly that they know how to do so effectively.

For all of its rhetoric about supporting small business, how much did the Bush administration devote to this key program in the proposed budget for the upcoming year?

Not one dollar. The administration actually proposes to eliminate the funding for the 7(a) program—in effect, doing away with the single most helpful nudge the Government can provide to these businesses. In my view, this is not the way to boost job creation.

The abandonment of the 7(a) program is not an isolated case. It is part of a larger pattern of cuts to programs that always have assisted small business especially.

Consider the SBA's Microloan Program. Under this program, the SBA provides funds to qualified nonprofit organizations which then make up loans of up to $35,000 to new and existing small business. According to the SBA, the average loan is around $10,500. The nonprofit lenders that participate in the program also provide management and technical assistance to borrowers to ensure that they have the skills necessary to succeed. Since the Microloan Program was established in 1992, it has facilitated more than 12,500 loans with $102 billion. Despite the fact that the borrowers who benefit from this program tend to have relatively low credit ratings which makes them unattractive to commercial lenders, the program has had only one loss to date. Few government programs can match that record of success. And few provide as much value to able entrepreneurs. Regrettably, the administration has proposed eliminating this program, as well.

Another critical area that has been shortchanged is the small business outreach in Indian country. Native Americans continue to suffer from rates of unemployment far greater than those that existed in America even during the Great Depression. Part of this problem stems from the lack of an active small business community in much of Indian country and a lack of resources to help stimulate the creation of such a community.

Years of experience with efforts to reduce poverty in Indian country have taught us that market-based, business-oriented approaches hold the greatest promise for success. But the market will not eliminate poverty on its own in Indian country. The neglect by the Federal Government has gone on far too long. The poverty is too extreme, too deep rooted.

We need special outreach efforts dedicated to bringing new business skills and financial resources to Native-American communities. But these efforts have fallen victim to the administration's budget priorities. For the second year in a row, the administration has proposed to eliminate all funding for Native-American business outreach.

The list of small business programs on the chopping block is too long to mention here. Cumulatively, the SBA has already seen its resources reduced by this administration by 25 percent, giving it the unfortunate distinction of being the most cut of all 26 Federal agencies. This, to me, does not demonstrate a commitment to economic development in job creation. We need to restore adequate funding to the SBA.

While the SBA's budget has suffered the deepest cuts under the administration, it is not the only agency that has seen its small business and rural development programs cut. The Treasury Department oversees a fund that provides capital to community development financial institutions, or CDFIs. These are specialized private sector institutions that provide financial products and services to people and communities underserved by traditional financial markets.

The Treasury Department estimates that every dollar it invests in a CDFI leverages 12 non-Federal or private sector dollars.

There are 13 CDFIs in South Dakota, and they do enormous good. The Lakota Fund is one that operates on the Pine Ridge Indian Reservation. The two counties that make up the reservation are the twenty-sixth and second poorest counties in America. Few areas need economic development as badly as Pine Ridge.

When the Lakota Fund began lending in 1986, there were 40 businesses on the reservation, and most of them were owned by nontribal members. Today, thanks in large measure to the financial and technical assistance delivered by the Lakota Fund, Pine Ridge has nearly 100 businesses, and many of them are owned by members of the Oglala Sioux Tribe.

If the more than 800 CDFIs around the United States had more funds to lend, there is no telling how much good they could achieve. But instead of helping CDFIs meet the growing demand for their services, the administration has underfunded them dramatically. This year, like last year, it requested only three-fifths of what the CDFIs received in 2002.

The President's proposed budget cuts also provide cuts in the 2002 Farm Bill. Democrats worked alongside Republicans to establish new initiatives under the Department of Agriculture to bring new jobs and opportunities to rural communities. When the President signed the Farm Bill into law, many people believed those programs would become a reality. I believed the President when he expressed his support for those programs with the stroke of his pen. But since then, many of these programs have languished due to inaction or even opposition by the White House.

From my State and several neighboring States, including Iowa, Minnesota, Nebraska, and North Dakota, the establishment of a Northern Great Plains Regional Authority was one of the most exciting features of the Farm Bill. This authority was modeled on the successful Appalachian Regional Commission, which demonstrated the power of a regional approach to economic development.

Unfortunately, nearly 3 years after its creation, the Northern Great Plains Regional Authority has yet to fulfill even a fraction of its promise, in large part because the administration has not fulfilled the responsibilities to the Authority. The administration failed to appoint Federal and tribal cochairs to lead the Authority, and it has failed to support any funding for the Authority's activities.

Other programs in the Farm Bill are also neglected. The Rural Business Investment Program, which is supposed to provide millions of dollars to private companies willing to invest and leverage that money in rural areas, has not been implemented even though the Farm Bill was enacted over 2 years ago.

The same goes for the Rural Strategic Investment Program which was designed to help rural areas develop plans to attract new investment.

And the list of underfunded programs goes on and on. They include cuts to firefighter assistance grants, coupled with proposed changes in the eligibility criteria to favor urban areas; cuts in assistance for rural hospitals, where costs are rising fast—many rural hospitals are already in danger of having to close their doors; cuts to USDA community facility loans, which help finance construction of fire halls, clinics, daycare centers, senior centers, and critical community facilities; cuts to rural housing loans; cuts to rural electric contribution and telecommunication programs.

It is hard to understand how we can slash and eliminate programs that are designed specifically to strengthen the economy of rural America and then claim to be champions of rural communities and small business.

Unfortunately, the President's two-word solution to the economic struggles of rural America is the same two-word answer he offers on virtually every other problem: tax cuts. In the face of exploding deficits and rising health care costs that threaten the long-term sustainability of our economy, the President continues to insist on the wrong kinds of tax cuts.

Many of us support tax cuts if they are smart, if they are targeted, if they are fair, if they are affordable. The right kinds of tax cuts can help stimulate the economy during times of economic distress.

That is why some of us introduced S. 2245 to create a small business health tax credit that would reduce the burden of health costs on small business and enable them to retain and hire more workers. That is also why we worked to reach a compromise on the estate tax that would exempt all but the very richest Americans and fully exempt farms, ranches, and small businesses that parents pass on to their children.

But tax cuts cannot be our only weapon in the battle against rural poverty. Independent analysis shows the vast majority of small businesses receive little or no benefit from the President's tax cuts.

And let us not forget that these cuts have a cost, or as Chairman Greenspan put it, "The free lunch has still to be invented."

In order to help finance his tax cuts, the President has proposed cutting or eliminating program after program designed to help small business and residents of rural America.

If the choice is between ruinously expensive tax cuts that overwhelmingly benefit the wealthiest Americans and proven, cost-effective, and desperately needed economic development programs for rural America, I think the answer should be clear. We should stick with what works. We should invest in the targeted, proven solutions we know will bring new prosperity to Main Street, not just to Wall Street.

We need to continue to support programs designed to improve the quality of life in rural America, and we need to uphold our common commitment to ensuring that those programs succeed.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

The Senator from Alaska.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I ask unanimous consent that I be recognized to speak in morning business, to be followed by Senator MURKOWSKI, provided that following our remarks, the Democratic time be extended by an equal amount of time that we use.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, I would just like to say to my Democratic colleagues, the reason we are doing this is because this involves the death of a police officer, and they have to leave very soon. So I apologize to my friend. We were supposed to get the first half hour of morning business, but we understand and acknowledge the tragedy in the State of Alaska.

Mr. President, on behalf of Senator DASCHLE, I extend 5 minutes of our morning business time to Senator KOHL, 15 minutes to Senator CORZINE, and 10 minutes to Senator BOXER.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the distinguished deputy minority leader. The family of our lost officer is in attendance, and I did wish to speak at this time.

TRIBUTE TO OFFICER JOHN WATSON

Mr. STEVENS. Mr. President, I was deeply saddened last Christmas evening to learn that Alaska had lost a true hero. Officer John Watson, an 18-year veteran of the police force, was the Kenai Police Department's longest-serving officer. He served with distinction, earning numerous commendations and citations throughout his career. He was a dedicated public servant, taken from us in the line of duty. He will be missed by his family, friends, and the community he served.

The stories I have heard since his passing have demonstrated his strength of character and his impact on the community.

Nearly 2,000 peace officers, emergency personnel, State officials, and community members remembered Officer Watson at a service held in his honor. I think John's pastor said it best when he remembered Officer Watson as someone who "throughout his life walked the talk, protecting and serving."

Officer Watson is the first Kenai police officer to be taken from us in the line of duty. Understandably, our community has been stunned by this loss. But it is my hope we can reflect upon John's life and renew our commitment to the causes he defined and that defined him: particularly, his dedication to public service and his willingness to help his fellow citizens. That will be a most fitting tribute to the life he spent protecting others, if we remember him in that way.

I extend my deepest sympathies to John's wife Kathy, his daughter, and six stepchildren. They have been, and will continue to be, in our thoughts and prayers, and in all Alaskans' prayers, since he has passed.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, this evening, in a candlelight vigil at the National Law Enforcement Officers' Memorial on Judiciary Square, thousands of law enforcement officers from all corners of our Nation will come together. Many will be accompanied by their spouses, some by their children. Law enforcement is truly a family business.

Tonight, we will come together to honor 362 heroes whose names were inscribed on that marble wall last month. These heroes are law enforcement officers who have lost their lives in the line of duty. Mr. President, 145 of those officers lost their lives just last year.

I rise this morning to pay tribute to the men and women whose names are inscribed on that wall. I rise to lend my support to their survivors and to their colleagues.

The 362 individuals we will honor tonight were each distinct individuals. Together, they represent all of the diversity that is America. Together, they shared a commitment to service that is central to the tradition of American law enforcement.

This commitment to service means spending Christmas Day in the patrol car instead of with family. It means working on your spouse's birthday, checking on the welfare of others.

The officer's name is John Patrick Watson. On Christmas Day, 2003, he went to work, leaving behind his beloved wife Kathy on her birthday, to do the job he loved, which was protecting the people of Kenai, AK. That had been his job for 18 years.

That Christmas night, answering a call for a "welfare check," Officer Watson would become the first member of the Kenai Police Department to lose his life in the line of duty.

Officer Watson was shot to death with his own weapon, allegedly by the individual on whose welfare he was checking.

The individuals who will be remembered this evening at the memorial are regarded as heroes, not for the way they died but for the way they lived. So let us not dwell on how Officer Watson lost his life but on the way he lived it.

During the memorial services in the city of Kenai, Chief Chuck Kopp recounted another call, 3 years earlier, which began with the words: "My name is Officer Watson and I am here to help."

Officer Watson was responding to aid a woman who almost died from a sleeping pill overdose. The woman, writing after Officer Watson's tragic death, stated that she did not remember much of what had occurred that night, but the peace she felt as his unshaken voice reached her is something she will never forget.

The woman whose life Officer Watson saved, ironically, never had an opportunity to thank him during his lifetime. In a letter that was read during Officer Watson's memorial service, the woman wrote:

> Please know that with every breath I take, I thank you. . . . I will make every day count. Your time and energy were not wasted.

I never had the opportunity to meet Officer John Watson. It is troubling to me that in spite of his many good works, only in death have his many contributions been recognized on the Senate floor.

So to Kathy, to John's children, and to the members of his family in Michigan, I say that John Watson's time and energy were certainly not wasted. He trained nearly every member of the Kenai Police Department. He was a pillar of the community, devoted to his church and to God, a bear of a man with a smile for everyone.

John Watson was an Alaskan by choice rather than by birth, but he will remain forever in our hearts as a true Alaskan hero. For in valor, there is hope.

I thank the Presiding Officer and yield the floor.

The PRESIDENT pro tempore. The Senator from Wisconsin is recognized for 5 minutes under the previous order.

COVER THE UNINSURED WEEK

Mr. KOHL. Mr. President, today I rise to address the growing problem of the uninsured in America. This week is Cover the Uninsured Week. It is not only appropriate but necessary that we take this time to acknowledge the tragedy of American families living without health insurance, and often, as a result, without adequate health care. Solving this problem is going to take a lot more than talk; it is going to take decisive action by the Congress and, very importantly, by the administration.

The number of Americans without health insurance continues to grow. In 2002, 15 percent of our population—over 43 million Americans—were uninsured. Since the year 2000, 3.8 million more Americans have become uninsured. While Wisconsin is doing better than the national average, we still had nearly 474,000 people uninsured in 2002—almost 10 percent of our population.

More than half of the nonelderly uninsured are full-time workers or their spouses and children. It makes no sense to blame this staggering figure just on business. Good businesspeople want to provide health insurance to their employees. They know the value of a workforce that is receiving necessary preventive health care. They know the bottom-line productivity losses that occur when workers have to struggle with the costs of a serious illness in their families, and they are, in great part, family members themselves, often relying on the same insurance coverages as their employees, never wanting to see someone they work with suffer because they cannot afford adequate health care.

Businesses want to offer solid, affordable health insurance to their employees, but it is getting harder to find every year.

As premiums increase at double-digit rates every year, employers are forced to drop coverage or pass on more costs to their workers in the form of higher cost sharing, deductibles, and copays. Too often employees' wage increases are more than consumed by the higher health care costs they face.

This crisis affects everyone. A recent study by the Kaiser Commission estimates the United States could spend

$41 billion for uncompensated care for the uninsured in 2004. Eighty-five percent of that will be paid by Federal, State, and local governments using taxpayer funds. This issue has reached a crisis point. Yet it has been 8 years since Congress enacted meaningful health insurance reform. Further, this is not a partisan crisis. It is a national crisis. It will take a national solution, bipartisan and resolute, ambitious and courageous. That means we will need to reorder pet projects and other priorities in order to devote significant new resources to covering the uninsured. That means we need to give up political rivalries and partisanship in order to consider any good idea, regardless from which side of the aisle it comes. It means we need decisive leadership and commitment from the top; namely, from the President himself.

So far we haven't seen much of that. The proposals the President has put forward would barely scratch the surface and some would create more problems than they solve. With over 43 million Americans uninsured, less than 3 million will be covered by his proposals, and they offer nothing to stem the rising health care cost problems we face. The American people deserve a more serious effort.

When the President makes something a priority, we see action. When the President wanted tax cuts, he pushed two massive bills through Congress. When the President wanted authorization for war in Iraq, he successfully argued long and hard, not only here but all over the world, for the authority he needed. If the President wants to make the uninsured a priority, he has the influence, the control, and the position to make it happen.

I know there is no silver bullet for dealing with the cost of health care. It will take a variety of solutions to expand coverage to the uninsured and help reign in the skyrocketing cost of health care. And it will take a combination of market and government-based solutions. We should look at proposals like tax credits to help small businesses afford health insurance, expansion of Government programs that work, like Medicaid and the State Children's Health Insurance Program, increased funding for community health centers, encouraging more purchasing pools, and the greater use of technology to improve quality and cut costs.

Whatever the combinations are, it is time to have this debate. This administration needs to step up and provide leadership. We cannot ignore the crisis or wish it away. We cannot waste more time on sound-bite solutions that do nothing to solve the problem. We need to fight the plague of the uninsured the way we have fought other threats to our way of life and our basic values. This fight we desperately need to win.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from New Jersey.

Mr. CORZINE. Madam President, I compliment the Senator from Wisconsin for his remarks. I will be giving a similar presentation, but I think there is not a more important domestic issue, one that is impacting the quality of life for middle-income and moderate-income Americans more than almost anything in their private financial affairs. Obviously, it is having a major impact on business and the quality of our economy. I don't think there is a more important issue for us to debate and to achieve those necessary elements that will change the terms and conditions so we can address the 44 million uninsured, but also provide the kind of underlying support for the quality of life for Americans we have come to expect. This is the priority domestic issue.

I compliment the distinguished Senator for his remarks. I hope I can be as eloquent.

I do want to make sure I speak out on this issue. I have been talking consistently about the state of our economy, particularly the squeeze middle-class Americans have. Health care costs are absolutely at the top of that list, but we see it in tuition costs at colleges and universities, property taxes, gasoline prices, and energy prices. There are a number of things that are impinging the ability of middle-income and moderate-income families to navigate the American economy. But none of those is more troubling than both the access and the affordability of health care.

Today there are roughly 44 million Americans without health coverage. Those who do have health coverage are seeing increases in their costs. Particularly those who are part of group programs see that costs rise exponentially. We are seeing that carry through into the challenges in our budgetary policies in Washington with regard to Medicare and Medicaid. Costs are truly phenomenal.

The average cost of a family health insurance policy today is roughly $10,000 a year. A study released this week by the Kerry campaign shows there has been a $2,700 increase in the average annual family premium per year over the last 3 years for those who have insurance, 4 times the rate at which family income has grown in the last 4 years.

I have to say this is a particularly troubling issue for those folks in the State of New Jersey, because we have had the highest rate of premium increase of any State in the Nation. I am hearing a lot of complaints back home. This is unsustainable and needs to be addressed. For the Senate, representing the people of our States, to not have a serious debate about the uninsured, with all of the pressures on the middle class, is hard for me to understand.

We used to take for granted that if you had a good job, guaranteed health benefits came along with the job. This is not the way it is today. In fact, you would usually be able to count on those health insurance benefits through retirement. That is no longer a certainty. Employers, on the other hand, have seen their costs rising 10 or 15 percent. We have a chart that shows how, over the period of time from 1996 to 2003, we have seen a surge in health care costs. For the third year in a row we have had double-digit increases in the cost of premiums for health care insurance. When employers have seen their costs rise, they have taken an obvious strategic step and shifted the cost to their employees, eliminated coverage for retirees, or eliminated coverage altogether for employees, or had all kinds of cost-sharing arrangements. It is amazing how the burden has shifted increasingly to working families.

Eighty-one percent of the uninsured, those 44 million, are actually people who are working. A lot of times you think it is folks who are unemployed or somehow are not connected to the economy. Eighty-one percent of the uninsured are in working families, people who have jobs.

Competitive pressure among employers to drop coverage is growing because it is such an important cost element in their overall means of doing business. We have to take steps to address the health care coverage and affordability crisis. Fewer and fewer people can afford to maintain the coverage they have; fewer and fewer businesses can afford to. It is time we actually get on with it.

To give you one example, the average annual premium for a standard plan for a healthy, nonsmoking 25-year-old in New Jersey is almost $5,000.

That is the average—$5,000 for a single individual. Just to contrast that with some of the initiatives we see out of the administration, which I find remarkably unacceptable and limited to addressing this problem, President Bush has proposed giving a $1,000 to $3,000 tax credit to low to moderate income-tax paying individuals and families. A $1,000 tax credit for a single individual earning $15,000 a year would leave that single 25-year-old I just mentioned paying 30 percent of the gross income to purchase coverage.

How does that work? What kind of help is that? A $5,000 premium, you get a $1,000 tax credit, and you make $10,000, $15,000, $20,000, and 30 percent of the income pays for coverage. This is the kind of problem with which individuals are dealing. You can do that across the income and age spectrum, and it is an enormous issue.

The President's tax credit proposal simply falls far short of offering the whole health care coverage for 44 million Americans. In fact, an independent study by Ken Thorpe of Emory University finds that the President's proposal would provide coverage to only 2.1 million of that 44 million uninsured. That is over 10 years, by the way. So we are making no dent whatsoever. It would not even cover the 3.8 million who lost coverage since President Bush came into office.

Furthermore, the CBO determined the President's associated health plan proposal would actually increase health care premiums for a majority of employees working in small firms and would cause about 10,000 individuals to lose their coverage. So the second element of the President's proposal, beyond the tax credit, is going to actually increase the uninsured and increase premiums. It is hard to see how that will be helpful in this overall health care crisis.

We could begin to address these difficult issues by acting on health care in the way that a number of people put forward and, most particularly, Senator KERRY has put forward. His plan would reduce health care costs for those with health insurance and expand coverage to 27 million Americans who currently lack it. Senator KERRY's commonsense proposal builds on existing successful health care programs such as SCHIP, State Children's Health Insurance Program; mandates coverage for all children; and provides incentives to States to expand coverage to uninsured adults. The Kerry plan would not only expand access to health coverage, it would reduce premiums by about 10 percent for those with insurance. He does this by making the Federal Government a secondary insurer, whenever an individual's health care costs exceed $50,000 in a year. So it is a catastrophic backstop that the Federal Government takes up and covers 75 percent of those costs above that level. It would reduce costs by 10 percent for everybody who has insurance. It is a very simple but important concept to add to the expansion of coverage the Senator has talked about.

We can provide coverage to more than half of those currently uninsured through these steps. I think we must take those programs and even expand them to make sure everybody has coverage. Expanding health coverage is not cheap, but the cost of refusing to expand access to health insurance is enormous as well, and it affects every one of us. We all pay more for health care because hospitals and other providers are forced to increase prices to compensate for those without coverage who use the services. They are mandated to do that at hospitals. We all pay higher State and local taxes to compensate providers who provide precare to those without coverage. We all know that. Emergency rooms, charity care—all of those places where we build up these costs. It is important that we understand the cost-benefit of actually having health insurance programs that work to take care of that and to eliminate some of those costs.

According to the Kaiser Commission on Medicaid and the Uninsured, we spent $41 billion in this Nation last year for uncompensated care for the uninsured. We hear about it from our hospitals, local providers. They give out care, and the total is $41 billion, according to the Kaiser Commission. The annual cost, by the way, of that program I just talked about with the Kerry proposal is $35 billion. So you have a cost-benefit tradeoff. If you could take care of the uninsured, you could take a big bite out of that $41 billion of uncompensated care. We would have to spend the money. Some folks would say we don't have the budget room. We don't have the budget room to pay for the $41 billion that we have. I think we can make major inroads if we work on it.

There are savings to be had if we are prepared to do it. I think making sure that we move on to preventive care, in conjunction with health care access, will make a huge difference in making sure that people deal with diabetes before it is chronic and critical, deal with hypertension before it is chronic and critical. All of these things will make a huge difference. People will deal with these in the normal course of preventive care as opposed to emergency or critical or chronic problems.

Madam President, there is a lot to be dealt with on this topic of access to health care in this country. We need to have that debate. Senator KERRY has laid down an incredibly important proposal—one that is self-financed by the costs that it would defray from the unreimbursed costs going through the system. We need to address these 44 million Americans and address the pressure that middle-class, moderate Americans are feeling every day as they see this 13-percent increase in health care.

I hope we can have a real debate on this floor so that we can move forward to take care of those 44 million uninsured and not have proposals that are dead on arrival, that have no real impact, maybe addressing 2 million of the 44 million and not even dealing with the numbers that are increasing. As we sit here and talk about it today, 3.8 million new Americans have gone on the uninsured rolls since this administration has been in office. We need to address that problem and the other 40 million that are without health insurance. There are proposals that make sense. It is time to address it. I hope we can have that debate.

I yield the floor.

Mrs. BOXER. Madam President, how much time do we have remaining?

The PRESIDING OFFICER. There is 17 minutes remaining on your side.

Mrs. BOXER. Madam President, I come to the floor, first of all, to thank my colleagues for pointing out what is happening in every State in America today. People are struggling to get health care. My mother used to say, "If you have your health, you have everything." I thought, as a child, what does she mean? Now, as I get older, I realize she is right because when your family gets stricken with a disease, with a problem that makes them hurt and unproductive, your world really falls apart.

So, clearly, health care is a very big issue as we go into this election season. It should be a big issue every day here. We don't see the majority bringing up any kind of legislation to make life easier for people, in terms of their health care. We cannot even get enough votes to extend unemployment compensation for people who have been unemployed. So it is something for the people of America to think about.

HONORING OUR ARMED FORCES

Mrs. BOXER. Madam President, since the war in Iraq, I have been coming to the floor to pay tribute to fallen soldiers, heroes from my State. Today, I do that. Unfortunately, there are well over a hundred gone in our State. Today, I want to pay tribute to the 10 young Americans killed since April 26. All of them are either from California or based in California.

SSG Abraham D. Penamedina, age 32, died April 27 when his patrol came under sniper fire in Baghdad. He was from Los Angeles.

LCpl Aaron Austin, age 21, died April 26, due to hostile fire in Al Anbar Province. He was assigned to Camp Pendleton.

SGT Adam Estep, age 23, died April 21, when a rocket-propelled grenade hit his patrol in Baghdad. He was from Campbell, CA.

SPC James Beckstrand, age 27, was from Escondido, CA. He died in Baghdad while part of a dismounted improvised explosive device sweep patrol when a vehicle approached his unit and the driver detonated a bomb.

SPC Trevor Wine, age 22, died May 1, from injuries sustained on April 30, when his convoy vehicle hit an improvised explosive device in Tikrit. He was from Orange, CA.

SPC Ramon Ojeda, age 22, died May 1, when his convoy was attacked in Al Amarah. He was from Ramona, CA.

PFC Lyndon Marcus, Jr., age 21, was from Long Beach, CA. He died May 3, in Balad, Iraq, when his military vehicle rolled over into a canal.

SGT Marvin Sprayberry III, age 21, died May 3, in Balad, Iraq, when his military vehicle rolled over into a canal. He was from Tehachapi, CA.

Cpl Jeffrey Green, age 20, was assigned to Camp Pendleton, CA. He was found deceased on May 5, in the Euphrates River in Al Anbar Province. The cause of his death is under investigation.

Cpl Dustin Schrage, age 20, was found deceased on May 6, in Al Anbar Province. The cause of his death is under investigation. He was from Camp Pendleton, CA.

Madam President, 172 soldiers, who were either from California or based in California, have been killed by serving their country in Iraq. I pray for these young Americans. I pray for their families. I pray for their friends.

My heart goes out to all of our soldiers, to all of them. It is because of my love for them and the country's love for them as they face danger at every turn that I call on this administration to finally get a doable, believable, well-thought-out plan and exit strategy for our troops.

From day 1, we really scorned the international community. The coalition the President talks about, when we really look at the numbers, we are still carrying the burden of well over 90 percent, probably 95 percent, both in the number of troops there and in the cost to our taxpayers, which is ever increasing.

Our troops were told they would be liberators, not occupiers. It has not gone the way they were promised. Even their stays in Iraq have been extended and extended. They are exhausted.

I was pleased that my amendment to repay counties and cities that are paying the full salaries of guardsmen and reservists—at least reimburse them for 50 percent of the cost—was adopted.

Because, in my opinion, this administration never had a plan from day 1, except for a brilliant military strategy which worked very well in the invasion part of this war, I believe our troops are in grave danger. Because nothing was expected to happen to them that has happened to them, they did not even have the equipment, they did not even have the training they needed. They are underequipped, they are ill trained, and that leads me to the prison scandal.

I saw those photos yesterday, and I still cannot get them out of my mind. I did not see them all because I physically and mentally could not see any more of them, about 15 minutes' worth of the photos.

What has made our country great has been our constant and consistent support for human rights. What has made our country great has been our respect for humanity. We have been a beacon of hope, not a beacon of fear, in the world. People have always looked up to America. We have been mighty, we have been strong, and we have been firm. Nobody is as strong as we are. No one can touch us militarily. That is clear.

We have never, ever had a scandal like this where our people who say they were under direct orders did such despicable, brutal, terrifying acts against other human beings. People say there are despicable acts happening on so many sides, and they are so right. There are acts that are beyond description, such as what happened to young Mr. Berg and Danny Pearl. Does it make us any stronger, any more a leader to turn our backs on years of human rights, years of Geneva Conventions? Does it make us better? Does it make us stronger? Or does it make us more like them, those who have no respect for humanity?

This is America. When I was a little girl, my parents said: We are different than everyone else. If someone hurts us, we will fight back, but we will do it within the context of humanity.

Those acts that I saw against other human beings—some women, some who were never even charged with anything but were just being detained—the most horrendous sexual humiliation and, in some cases, attacks, I can tell you, most of us would have fainted if it was done to us, fainted rather than be conscious, rather than be knowing, rather than be debased. Most of us would want to be dead.

Our President must take responsibility. He is the Commander in Chief. President Truman did not say, "The buck stops anywhere else." It stops at the desk of the President. He is the head of the military.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mrs. BOXER. I ask for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, landing on a carrier in good times is understandable. Many Presidents have done that. Unfortunately, for this one, he had a sign that said "Mission Accomplished," and that was not to be. I understand wanting to land on a carrier in dress in good times.

By the way, that was a moment when the whole world was with us, and he could have again engaged the international community, but he said no. They did not support us in the invasion, and they were not going to have any of the contracts. It was going to be kept for the people in this country, the Halliburtons, essentially. No, we could not share the glory of the moment—a horrific mistake, I think, when history is written.

I do not fault a President for landing on a carrier in good times. I do not fault a President—all of them have done it—for marching in parades with the heroes, the people who chose to fight for their country. Every one of us loves to stand for them, every one of us feels stronger, every one of us feels taller, every one of us feels proud. I do not fault the President for wanting to stand next to heroes, many of whom signed up. I do not blame him. But when things go wrong, that is the time when a real leader steps forward. A real leader would stop his ordinary schedule. A real leader would not be climbing into a campaign bus. This is my opinion, and this is my country, and this is what I think. A real leader, when faced with a crisis such as this, would stop everything.

We do not know how far up this goes. Today I read Secretary Rumsfeld told the committee he felt the rules of the prison were fine. After I came out of seeing those photographs, I said to myself and then I verbalized it to some of my colleagues, I do not want those photos seen by anyone in this country who has a pulse and a heart, but I have changed my mind.

If Secretary Rumsfeld says he thought the rules in the prison were fine, then I want the people of America to see what happened under the rules of those prisons. We cannot baby the people. We must allow them to see what has happened.

It is a sad day in America when I am in a car with my 9-year-old grandson and I have to turn the radio off of even a music station because I fear they might have a news break and he is going to hear something that is going to make him frightened.

It is a hard time for our country, but we have had these hard times before. We have had the hard times domestically. We have had the hard times during war. After 9/11, I think the heart of this country was broken. We are facing a new enemy. It is going to be a long-term battle. I gave the President full authority to go get those people, the al-Qaida. Instead of doing that, he made a u-turn and went into Iraq with no plan, and we are paying a price.

Those young people who are saying they were not trained, we will find out if that is a fact, but these are tough times. The thing that keeps me going is the greatness of the American people, the wisdom of the American people, the strength of our Constitution and our ability to face these things head on. That is where I will close today.

The American people need to see the truth. They are told by Secretary Rumsfeld that what went on in that prison, that the rules of engagement in that prison, were fine with him.

I want to clarify that. He did not say what went on in the prison was fine with him. He said the rules that governed the prison were fine with him. What I am saying is those rules that allowed this behavior, one prisoner being pulled by a belt over and over again, his head slammed against a steel door, his hands behind his back, others being forced into positions that I will not describe, being harmed in the most vulnerable ways imaginable. No, I did not want people to see it, but now I fear they must see it.

All the talk about the privacy of the people, absolutely if they see it they cannot see faces. That is for sure.

I did not expect to be here today even talking about this. I came to talk about another subject, but when I heard the Secretary of Defense defend the rules of that prison I felt I had to come and tell the people of this country, and the good people of my State who have sent me here twice, I think they need to see it for themselves.

Do not take my word for it. Do not take the word of another Senator who says, oh, God, they are making such a fuss over this; what is all the outrage about. That is another reason they should see the pictures. Do not believe me. Do not believe that other Senator. Believe your eyes, believe what you see.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

50TH ANNIVERSARY OF BROWN VERSUS BOARD OF EDUCATION

Mr. BROWNBACK. Madam President, it gives me great pleasure to join with my colleagues today and talk about something that happened 50 years ago, which has been a difficult and important journey that we have been on. On May 17, 1954, Dwight Eisenhower was President of the United States and the Supreme Court of the United States issued an opinion that changed the country. It was Brown v. the Board of Education. The Brown was the Reverend Oliver Brown of Topeka, KS, my hometown.

The case of Brown v. the Board of Education was the case that ended segregation in our schools and in our society. It was really the beginning legal case that moved that forward.

On Monday, we will dedicate in Topeka, KS, the school that was the basis for the complaint. It is the Monroe School. It will be dedicated as a national historical site, a national park. The President will be there. A number of different dignitaries will be there to celebrate and say where we have been over the last 50 years after we ended segregation in this country in 1954 and where we are going.

It is going to be a beautiful occasion. It is a momentous occasion. It is an important occasion. We have been on a journey during that period of time of the 50 years. It has been a rocky road since that time period. It was certainly difficult before that time period. It has not always been going in the right direction, but at the end of the day we have been going in the overall right direction.

We are on a journey. What is the destination? Well, I think the best place to look is to Martin Luther King's words. He said:

> The end is reconciliation; the end is redemption; the end is the creation of the beloved community.

These are words of the Reverend Dr. Martin Luther King spoken on December 3, 1956, after the completion of the Montgomery bus boycott. These words symbolize the goal of this great Nation, a goal that is echoed throughout our history: The end is reconciliation; the end is redemption; the end is the creation of the beloved community.

In this quote, Dr. King, who was and remains a prophet to the Nation, is speaking of a time in which all people in the United States will be able to live together harmoniously, reconciled with one another and with God, as one people under God.

Today we look back on the history of our Nation and take note of how far we have come as a people. We are reminded that we owe a great debt to those who have fought valiantly for the freedoms we easily take for granted.

On the eve of the 50th anniversary of this case, it is fitting that today the Senate takes time to honor the Brown case, the Brown family, which is one of the greatest civil rights cases in our Nation's history and one that changed the way in which we view equality under the law in our society. More than any other case, Brown sets this Nation on a path of ensuring freedom and equality in America.

The United States is a nation that symbolizes the essence of freedom, equality, and democracy. These principles are embedded in the documents that established this country. Yet as a young nation, America had not yet bestowed these ideals upon African Americans who resided in this country. Though progress was made after the Civil War, America had yet to realize her true potential as a nation built on freedom and equality for all. It was not until the landmark Supreme Court decision of Brown was rendered that our country was ushered into a symbol of freedom and democracy of what Dr. King did so eloquently describe as the beloved community.

May 17, 2004, marks the 50th anniversary of the Brown decision which effectively ended school segregation in America. However, the history of desegregation of our public school system started before Brown in such cases as Murray v. Maryland and Sweatt v. Painter. It was the Brown case that caught fire and changed the course of American history in the way in which we view equality in the eyes of the law.

Before Brown, many States in this country held and enforced racially segregated laws which was an atrocious practice. Many individuals cited the 1896 Plessy v. Ferguson case, and I note that while the Court got it right in Brown, the Court has gotten it wrong in the last two. Courts are not infallible institutions. They are made of people such as we are. They make good decisions and they make bad situations. They made a bad decision in Plessy that was the law of the land for 50 years after it—a little more than 50 years. They made a bad decision in the Dred Scott decision—the Fugitive Slave Act that was applicable across the land until, really, the Civil War. They make good decisions and they make bad decisions.

The Plessy case, which was a bad decision, sanctioned the separate but equal doctrine as the grounds for keeping school segregation legal.

During that time, there were court cases that challenged this separate but equal doctrine because the schools for African American children were substandard facilities with out-of-date textbooks and often no basic school supplies. In fact, in Kansas, alone, there were 11 school integration cases dating from 1881 to 1949, prior to Brown.

By 1950, African-American parents began to renew their efforts to challenge State laws that only permitted their children to attend certain schools, and as a result, they organized through the National Association for the Advancement of Colored People the NAACP, an organization founded in 1909 to address the issue of the unequal and discriminatory treatment experienced by African Americans throughout the country.

It was at this time that Rev. Oliver L. Brown, a citizen of Topeka, Kansas became part of the NAACP strategy to file suit against various school boards on behalf of African American parents and their children. This effort was led first by Charles Houston and later by Thurgood Marshall.

On February 28, 1951, Rev. Brown, along with 13 parents and 20 children, filed a lawsuit against the Topeka School Board on behalf of his 7-year-old daughter, Linda.

Like other young African Americans, Linda had to cross a set of railroad tracks and board a bus that took her to the "colored" school on the opposite side of the city from where she lived—even though a school for white children was located only a few blocks from her home.

The case was taken to the District Court of Kansas, but the ruling was not beneficial to Rev. Brown and the others. The court admitted that segregated schools gave African American children a feeling of inferiority, but felt that they must uphold the decisions of Plessy vs. Ferguson, which stated that separate but equal is still equal, and subsequently, ruled in favor of the Board of Education.

On October 1, 1951, Rev. Brown's team appealed the case to the Supreme Court, where the Brown case was combined with other NAACP cases from Delaware, South Carolina, Virginia, and Washington, DC, which was later, heard separately. These combined cases became known as Oliver L. Brown et al. v. the Board of Education of Topeka, et al.

There were many notable African Americans who helped to bring these cases to the United States Supreme

Court; however, none so famous as Supreme Court Justice Thurgood Marshall, who valiantly defended the rights of not only Linda Brown and the other defendants in the case, but of an entire race of individuals who were treated as second class citizens.

During the course of the trial, Thurgood Marshall used expert witnesses in child psychology and referenced the detrimental impact that segregation in our Nation's School System had on African American children.

He also referenced the cases of Sweatt v. Painter, and McLaurin v. Oklahoma, both of which made a lot of progress in the desegregation of colleges and universities when the court ruled that the restrictions of African Americans actually hinder their learning.

He argued that younger children were equally hindered by segregation, and therefore there was no logical argument that could justify ruling against segregation in higher learning, and uphold the Plessy v. Ferguson case when referring to elementary and secondary schools.

On May 17, 1954, the Supreme Court rendered its decision to rule racial segregation in schools unconstitutional. Further, the Supreme Court found the "separate but equal" doctrine to be in violation of the 14th amendment of the United States Constitution, which states, among other things, that:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

When the court ruled, in 1954, that school segregation laws were unconstitutional, the Supreme Court demolished the legal foundation on which racial segregation stood. The court's opinion, written and delivered by Chief Justice Earl Warren, also served as a stirring moral indictment of racial segregation, and an eloquent challenge to America to cast off its prejudices and extend its promises of life, liberty, and the pursuit of happiness to all citizens, regardless of race or color.

Today, I am proud to join with my colleagues in the U.S. Senate to honor this magnificent case in our Nation's history.

I am encouraged that with this case, this Nation was able to move one step closer to that "beloved community" Dr. King referenced, where redemption through reconciliation can occur. Therefore, the importance of this case does not solely reside in the law, but equally sheds light on our responsibility to humanity and upon our ability to reconcile our differences, with one another and through that process seek redemption, and achieve the creation of the "beloved community."

As we celebrate Brown today and next week, we are one step closer to that goal for our country and I invite our Nation to join with us in celebrating this magnificent case that stirred a Nation's consciousness and was the basis for shattering segregation in our society.

I yield the floor.

Mr. ROBERTS. Mr. President, from Civil War to the war against racism, Kansas has been a battleground in the fight for equality. Oliver Brown was a soldier in this struggle, as he courageously fought to prove that separate among the people of this great Nation is not equal.

The watershed case that bears his name stands for all time as an important victory in the civil rights movement. On Monday, May 17, 2004, we will celebrate the 50th anniversary of this momentous decision. And in Topeka, KS, we will gather to dedicate Monroe Elementary School as the Brown v. Topeka Board of Education National Historic site. This new addition to the National Park Service will afford us the proper setting to fully reflect on what this decision has meant to our Nation, and will provide future visitors with a more complete understanding of how Linda Brown's struggle changed the course of our Nation's history.

The Monroe Elementary School, purchased in 1877 by the Topeka Board of Education, was one of the four segregated elementary schools for African American children in Topeka. The current building is actually the third Monroe school to stand there, built in 1926.

Monroe was a good school, built by the same architect who built other schools in Topeka, including those reserved for white children. And the teachers were well-trained, many of whom had advanced degrees. This wasn't a case of substandard facilities, or a lack of educational opportunities for Linda Brown and her classmates. This was simply injustice under the law, and the need to right a grievous wrong.

The Brown Foundation, under the leadership of Cheryl Brown Henderson, has worked diligently to preserve the bricks and mortar that were a part of this historic case. Far more than just a building, however, this site represents the genesis of the movement to strike down our Nation's segregationist policy.

Thanks to his daughter Cheryl's efforts, and those of countless others, Monroe Elementary was designated a National Historic Landmark in 1991. I, along with Senator Robert J. Dole and Senator Nancy Landon Kassebaum, am proud to have supported legislation creating the Brown v. Board of Education National Historic site, which was signed into law by President George Bush in 1992.

As stated in the legislation, the purposes of this important site are:

> To preserve, protect, and interpret the places that contributed materially to the landmark U.S. Supreme Court decision which ended segregation in public education, to interpret the role of the Brown case in the civil rights movement, and to assist in the preservation and interpretation of related resources within the city of Topeka that further the understanding of the civil rights movement.

That bill challenged us to properly commemorate and interpret this history, and ensure that the story of Linda Brown and the thousands of other children who were denied access to white elementary schools is told. This new site has met every expectation of ours, and pays proper tribute to the struggle for civil rights. As we dedicate the Brown v. Board of Education National Historic site, what was once a building designed to educate a few, now stands ready to educate us all.

The PRESIDING OFFICER. The Senator from Missouri.

IRAQ

Mr. BOND. Madam President, I came to speak on other matters, but I thought it would be helpful to straighten out some things, where maybe those who are watching or who have heard might have a misapprehension as to the position that the Secretary of Defense has taken.

The Secretary of Defense and the Chairman of the Joint Chiefs of Staff are in Baghdad today. I have heard it said that the Secretary defended the rules of engagement for the Abu Ghraib prison, with possibly a misunderstanding that he approved or somehow condoned what went on and what has been revealed in the shocking photos of abuse we have seen.

Let's be clear on one thing. The rules of engagement are very clear, and the rules of engagement do not permit or tolerate the kind of abuses we have seen depicted in the Abu Ghraib prison. This is a real difference between a free, democratic country with respect for human rights observing the Geneva Convention, and those who do not. It has been stated on the Senate floor that we are no better than the Saddam Hussein government that was running the prisons. That is an unnecessary slanderous attack on the men and women of the military who do believe, by and large—99.999 percent—in the standards we set.

The difference in our country is that when we see these evidences of abuse we move to do something about them. Investigations began in January. The first criminal indictments were handed down near the end of March. We are proceeding with the prosecution of those who have been shown to be engaged, and we will follow that up the chain of command if somebody gave orders that were interpreted to permit this kind of behavior. This is a real difference—and I think it is important for Americans and people throughout the world to realize that there is a difference.

It was said earlier this morning that the President took a U-turn away from dealing with terrorism and went into Iraq. Let me remind my colleagues and the people of the United States that, after viewing the intelligence, 77 Senators said we need to do something about Iraq because it is a dangerous country, harboring terrorists. We didn't take a U-turn. We went into Iraq because it was one of the great dangers to the world, in terms of harboring terrorists.

David Kay, who was leading the Iraqi Survey Group, made many inspections over there. He didn't find large caches of weapons of mass destruction. Nobody said we would. What he did say when he came back was the situation in Iraq was far more dangerous than we even knew because terrorist gangs were roaming Iraq. Iraq had produced and used chemical or biological weapons on its own people and on the Iranians, and this was a dangerous territory. We have seen in recent days how dangerous it has become because of al-Zarqawi, a colleague-in-arms of Osama bin Laden, set up 2 to 3 years ago, and Ansar al-Islam, which is the deadly, vicious terrorist organization that beheaded Nicholas Berg.

If the world needs to know the difference, the difference is when there are abuses such as putting a chain around the neck of an Iraqi prisoner, we are going to prosecute people. In Iraq, al-Zarqawi can cut the head off an innocent American hostage and I have yet to hear any outcry or outrage from the people in that region. There is a real difference.

But we ought to be worried about young people hearing about hostages—innocent hostages—being beheaded. Daniel Pearl of the Wall Street Journal was beheaded.

These are the people we are dealing with. This is why this matter is important. This battle is not won. It is going to be a battle not of months, maybe not even of years, and maybe decades. But the world is going to be safer, and we are going to be safer in the United States if we can continue the battle President Bush has laid out to carry the war on terrorism to those countries that harbor terrorists.

IDEA

Mr. BOND. Madam President, I came here to recognize and commend the great work of Senator GREGG and Senator KENNEDY on crafting an IDEA bill. They produced a solid, thoughtful, bipartisan bill which protects the educational rights of children with special needs while at the same time making IDEA more workable for parents, teachers, school administrators, and school districts.

I think we all agree IDEA was a great idea. It helped open doors for many children with special needs since it was enacted in 1975. Yet there is no question that significant problems exist.

As I traveled through Missouri and talked with educators, teachers, administrators, parents, and school board members, I heard all kinds of problems with IDEA. Over the years, these teachers, principals, and administrators in Missouri have told me IDEA has become a morass of rules, of regulations and litigation that truly limit access and in some instances actually hinder learning—not just for children with disabilities but for all children. That is simply not acceptable.

Educators are struggling under a crushing procedural and paperwork burden imposed by IDEA, contributing to what is becoming a chronic shortage of quality teachers in special education in Missouri and nationwide. Special education teachers are leaving the profession—not out of frustration with the children whom they are there to serve, but out of frustration with the overwhelming and unnecessary paperwork and the regulatory burdens they face. Without a qualified teacher, a child with a disability cannot receive a free, appropriate public education.

Most special educators report they have to spend 20 to 50 percent of their time on paperwork. More time spent on paperwork is less time spent with students or preparing lesson plans for students. It is as simple as that. We cannot continue to let IDEA interfere with the time educators can devote to the children they serve because we all know a misdirected focus on paperwork, on procedures, and on bureaucracy frustrates teachers and fails to give children the education they need.

In addition, over the years IDEA has encouraged and fostered adversarial relationships between school districts, staff, and parents. Time, money, and resources exhausted in costly litigation would be far better spent on instruction for children. Taking limited dollars away from children with disabilities and redirecting them to attorneys to fight long and costly battles is simply counterproductive. It does not help the education of our children—all children, special children and other children in the schools.

These are a few of the concerns I have heard from Missouri educators over the years. But the thing I like about Missouri educators is they don't simply tell me what the problem is; they show me how to fix it. Maybe that is one of the reasons they call Missouri the "Show Me" State.

The Missouri School Board Association's Special Education Advocacy Council, working in partnership with the Missouri Council of Administrators of Special Education, developed a list of thoughtful, solid, and detailed recommendations to improve IDEA and inject a little bit of good old-fashioned commonsense reform to IDEA.

In fact, the Missouri Special Education Advocacy Council examined the IDEA statute line by line and told me exactly where and how we improve the statute by refocusing special education on educating children with special needs rather than simply complying with a system of complex regulations and mountains of paperwork and red tape.

I am pleased many of the recommendations made by MSBA's Special Education Advocacy Council have been incorporated in S. 1248. The numerous paperwork and regulatory reforms in the bill will go a long way to free special educators' time to spend with their students and in preparing effective instruction plans. In addition, this bill contains many provisions to reduce litigation and restore trust between parents and school districts.

I thank both Senator GREGG and Senator KENNEDY for including these critical reforms in the Senate bill. This bill will improve and strengthen IDEA and extend the promise of quality education for a new generation of children with special needs.

I urge my colleagues to support this bill.

There is one other thing I want to address. I want to talk a minute about funding IDEA. We heard a lot of talk yesterday about the broken promises. The authorization for IDEA said the Federal Government is going to provide 40 percent of the cost of IDEA. Over 19 years, funding for IDEA has increased from $251,000 in 1977 to $2.3 billion in 1996.

Our side took control of Congress in 1995, and over the course of that time period, the Republican Congress has increased funding for IDEA by 224 percent since 1996. That was done through the appropriations process.

If the President's budget is enacted, it will have increased funding for IDEA by 376 percent. The average per-pupil expenditure has increased from 7 percent to almost 20 percent. If you include the President's budget request for this year, IDEA funding since 2001 will have increased $4.7 billion—75 percent in this President's budget.

In comparison, in the 1980s IDEA was one of the spending appropriations categories that did not increase. In fact, in many of those years the Federal Government covered less than the States' average per-pupil expenditure for children with disabilities than it had the year before. I am proud of our leadership in this Congress which has made steady progress toward finally trying to reach the 40-percent level authorized in 1975. We have made great strides toward fulfilling the commitment. I know the people in education are very appreciative of those increases.

BROWN v. BOARD OF EDUCATION

Mr. BOND. Madam President, let me join with my colleague from Kansas in celebrating and congratulating the educational institutions of this country in implementing the Brown v. Board of Education decision that is now celebrating a major historical birthday.

We have come a long way. I was in school back in those days before Brown v. Board of Education. I can tell you it has not been an easy struggle.

President Dwight Eisenhower called up the military to go into Little Rock to integrate the schools. Battle after battle was fought.

Fifteen years later, I had the honor of serving the chief judge of the Fifth Circuit Court of Appeals in Atlanta, GA, one of President Eisenhower's appointees who fought the battle to carry out the civil rights reforms that had been ordered by the courts and enacted into law.

This has been a long and tortuous journey. We have made great progress. There is still a way to go. But I think we all can take pride in the fact that as a result of Brown v. Board of Education and legislation passed by this body and implemented by the courts, we have made progress that was long overdue and should be warmly welcomed by all Americans of every race, creed, and color.

I thank the Chair. I yield the floor.

Mr. GREGG. Mr. President, what is the regular order?

The PRESIDING OFFICER. There are 5 minutes on the Democrat side and 1 minute on the Republican side in morning business.

Mr. GREGG. I ask unanimous consent that we proceed to the pending legislation.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1248, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1248) to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

Pending:

Gregg (for Santorum) amendment No. 3149, to provide for a paperwork reduction demonstration.

AMENDMENT NO. 3150

Mr. GREGG. Senator KENNEDY and I have a number of technical and conforming amendments that have been cleared on both sides of the aisle and put into a managers' package. Therefore, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself and Mr. KENNEDY, proposes an amendment numbered 3150.

Mr. GREGG. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a manager's amendment)

On page 382, line 21, strike "or the post-surgical" and all that follows through page 383, line 2, and insert "or the replacement of such device.".

On page 398, line 21, strike "or the post-surgical" and all that follows through page 399, line 2, and insert "or the replacement of such device.".

On page 408, between lines 11 and 12, insert the following:

"SEC. 610. FREELY ASSOCIATED STATES.

"The Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall continue to be eligible for competitive grants administered by the Secretary under this Act to the extent that such grants continue to be available to States and local educational agencies under this Act.

On page 451, line 19, strike the comma after "consult".

On page 453, line 25, strike "affirmations" and insert "affirmation".

On page 503, line 2, strike "educational".

On page 503, line 11, strike "educational".

On page 504, line 9, strike "educational".

On page 504, line 21, strike "educational".

On page 509, line 24, strike "prereferral".

On page 515, strike lines 10 through 15, and insert the following:

"(ii) are provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide or administer;".

On page 553, lines 13 and 14, strike "*statute of limitations*" and insert "*timeline*".

On page 553, line 14, strike "statute of limitations" and insert "timeline".

On page 615, line 13, insert "and supervised" after "appropriately trained".

On page 664, lines 11 and 12, strike "administrators, principals, and teachers" and insert "personnel".

On page 669, line 10, strike "and" after the semicolon.

On page 669, line 17, strike the period and insert "; and".

On page 669, between lines 17 and 18, insert the following:

"(C) encourage collaborative and consultative models of providing early intervention, special education, and related services.

On page 671, line 8, strike "and administrators" and insert ", administrators, and, in appropriate cases, related services personnel".

On page 672, line 11, strike "providing" and insert "provide".

On page 672, line 14, strike "and" after the semicolon.

On page 672, line 17, strike the period and insert "; and".

On page 672, between lines 17 and 18, insert the following:

"(D) Train early intervention, preschool, and related services providers, and other relevant school personnel, in conducting effective individualized family service plan (IFSP) meetings.

On page 702, line 24, insert "early childhood providers," after "ability of".

On page 702, line 25, insert "related services personnel," after "administrators,".

On page 720, lines 5 and 6, strike "alternate" and insert "alternative".

On page 720, lines 22 and 23, strike "*Students With Significant Disabilities*" and insert "*Students Who Are Held to Alternate Achievement Standards*".

On page 721, strike lines 1 through 3, and insert the following:

"(1) the criteria that States use to determine—

"(A) eligibility for alternate assessments; and

"(B) the number and type of children who take those assessments and are held accountable to alternate achievement standards;

On page 721, strike lines 6 through 8, and insert the following:

"(3) the alignment of alternate assessments and alternative achievement standards to State academic content standards in reading, mathematics, and science; and

On page 753, line 16, insert "(as appropriate when vocational goals are discussed)" after "participation".

On page 756, line 6, insert "vocational" after "school".

On page 756, line 7, insert "vocational" after "school".

On page 764, line 13, strike "(C)" and insert "(A)".

On page 766, after line 20, insert the following:

SEC. 302. NATIONAL BOARD FOR EDUCATION SCIENCES.

Section 116(c)(9) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9516(c)(9)) is amended by striking the third sentence and inserting the following: "Meetings of the Board are subject to section 552b of title 5, United States Code (commonly referred to as the Government in the Sunshine Act).".

SEC. 303. REGIONAL ADVISORY COMMITTEES.

Section 206(d)(3) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9605(d)(3)) is amended by striking "Academy" and inserting "Institute".

On page 777, after line 15, insert the following:

TITLE —MISCELLANEOUS

SEC. 01. GAO REVIEW OF CHILD MEDICATION USAGE.

(a) Review.—The Comptroller General shall conduct a review of—

(1) the extent to which personnel in schools actively influence parents in pursuing a diagnosis of attention deficit disorder and attention deficit hyperactivity disorder;

(2) the policies and procedures among public schools in allowing school personnel to distribute controlled substances; and

(3) the extent to which school personnel have required a child to obtain a prescription for substances covered by section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) to treat attention deficit disorder, attention deficit hyperactivity disorder, or other attention deficit-related illnesses or disorders, in order to attend school or be evaluated for services under the Individuals with Disabilities Education Act.

(b) Report.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to

Congress a report that contains the results of the review under subsection (a).

Mr. GREGG. I ask unanimous consent that the Senate consider and agree to amendment No. 3150.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3150) was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. A very brief word on the technical amendment, the managers' amendment. We give assurance to all of our colleagues that it is a technical amendment. All the matters that are in that managers' amendment are directly related to provisions in the legislation. I give the assurance to our colleagues that is the nature and description of the managers' amendment, and we appreciate their willingness to accept it.

We have several of our colleagues on their way over who wish to address the Senate on this issue. Then we will hopefully move along to final passage somewhere in the noon area.

Mr. GREGG. Mr. President, for Members' information, we expect to have a vote on final passage around 12:10. In fact, we may have a unanimous consent, although I will withhold that for a moment.

I ask unanimous consent that the time between now and 12:10 be equally divided between the sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that once Senator SANTORUM's amendment is modified and we agree to it, at 12:10 today the Senate proceed to a vote on passage of H.R. 1350, with all provisions of the original agreement in place, and I ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. I yield the floor.

STAY PUT RULE

Mr. MCCAIN. I would like to commend the bill managers for reaching a bipartisan compromise on this important issue. Recognizing the substantial challenges the current law has posed to many schools and school districts, this bill seeks to strike a very difficult balance between the interests of disabled children and their families and the schools and school districts. However, despite the substantial improvements this legislation makes over current law, issues of concern remain among a number of interested parties, including education groups in Arizona.

I am also concerned about some of the unintended consequences that have arisen as a result of the Federal restrictions placed on school districts concerning the manner in which they are allowed to discipline students with special needs. For example, an Arizona school district recently identified a number of students involved in the sale and distribution of illegal drugs on school property, a very serious incident that placed the other students and the teachers at that school at great risk. All of the students involved in the incident were expelled, with the exception of one student who has a mild disability.

I recognize the Senator from New Hampshire already has worked to include language in this bill to reverse the "stay put rule," which schools, school districts, and the Arizona Superintendent of Education, Tom Horne, have expressed substantial frustration over. I want to commend the sponsor's efforts and hope to work with him to ensure that schools are not prevented from taking action to discipline children as appropriate, including those enrolled in IDEA. I know this issue is also of concern to my colleague from Arizona.

Mr. KYL. I would also like to congratulate the senior Senator from New Hampshire for his success in getting this legislation this far through hard work and bipartisanship. We recognize that securing consensus necessitated compromise on a position we all share: that schools should be able to maintain a single standard for discipline. Like Senator MCCAIN, I am very pleased that this legislation repeals the "stay-put rule," a major priority of Superintendent Horne and other education leaders in our state.

Mr. MCCAIN. I thank the Senator. IDEA is centered on an individualized approach to educating children with special needs. Disciplining those students whose actions endanger other students and faculty also should be done on an individual basis—a one size-fits-all Federal approach to discipline disregards the individual nature of the actions of the students involved, and is not the best approach.

Another issue that concerns schools and administrators in Arizona is Section 616, regarding monitoring, technical assistance, and enforcement. It would allow the Secretary of Education to refer a case to the Department of Justice if the Secretary determines the State has shown a "significant lack of progress" or is in "substantial noncompliance" or "egregious noncompliance" with IDEA. Schools from across Arizona are concerned that the language in this bill is too vague and could lead to excessively burdensome litigation if a State is labeled to be "significantly noncompliant" or "egregiously noncompliant."

Mr. KYL. I certainly understand the concern that this provision could have unintended consequences. I hope that in conference this language can be clarified to focus on the achievement of outcomes through the development of a sound remedial plan, overseen by the Department of Education. Many of us have expressed concern over the cumbersome litigation sometimes associated with IDEA. This language could make the status quo worse—tying up critical personnel and diverting scarce resources, without ensuring positive outcomes.

Mr. MCCAIN. I have also heard substantial concern from groups in Arizona regarding language that may compel states to pay for lawsuits against State or local education entities. I know these concerns also have been expressed to my colleague from Arizona.

Mr. KYL. The Chairman of the Committee on Health, Education, Labor and Pensions, perhaps drawing on his experience as a Governor, has been eloquent in detailing the burdens this Federal statute has placed on States. I trust that as the final bill language is crafted, he and his colleagues will be striving to ensure that the need to provide parents with appropriate mechanisms for vindicating their due process rights will be balanced appropriately against the imperative not to impose excessive new burdens on state governments.

Mr. GREGG. I understand your concerns and will take them to conference.

Mr. MCCAIN. I thank the sponsor of this important legislation and greatly appreciate his willingness to ensure that these important issues are addressed as this measure continues through the legislative process.

Mrs. LINCOLN. Mr. President, first I commend my colleagues on the Senate Health, Education, Labor, and Pensions Committee for all of your hard work on this important piece of legislation and for bringing a bipartisan bill before the full Senate.

When the Individuals with Disabilities in Education Act, or IDEA, was enacted in 1975 it brought with it the promise that children with disabilities would have access to the same quality education as nondisabled students. Over the last 30 years, IDEA has advanced the inclusion of students with disabilities into general education classrooms and has given nearly 6 million students nationwide access to services that address their special needs.

When Congress passed IDEA nearly 30 years ago, they committed to providing states with 40 percent of the funding necessary to implement this law. Much to my dismay, Congress has failed our schools and the students they serve by providing them with a meager 19 percent of the funding as of fiscal year 2004. It was my hope that this current reauthorization would include mandatory full funding for IDEA because I believe that schools have waited long enough for the Federal Government to fulfill the promise made to them so many years ago.

I was proud to support an amendment proposed by my colleague from Iowa yesterday, which would have provided mandatory full funding of IDEA. Unfortunately, the amendment failed by a small margin. I supported another amendment, however, offered by my colleague from New Hampshire to provide full discretionary funding for IDEA, which passed the Senate. I am proud that the Senate made full funding for IDEA a priority, and I look forward to working with my colleagues throughout the appropriations process to make full funding a reality.

There are several important aspects of this bill, which will improve the educational experience of students, parents, and teachers. I am pleased that this bill will reduce the paperwork burden on teachers. I have heard from many special education teachers in my State of Arkansas that spend an inordinate amount of time on paperwork and this legislation would provide them with welcome relief so that they can focus on student performance.

This bill will also streamline discipline procedures, which I believe will make schools safer and provide school administrators with increased flexibility. Additionally, it will improve parental involvement by creating parent and community information centers with the objective of encouraging parents and schools to work together and resolve disputes in a smooth and efficient way. I am also pleased that this bill provides more resources to schools to better train teachers and parents. This provision is of particular importance to Arkansas where school districts are trying to give financial assistance to teachers for continuing education but are struggling because they face tough budget times.

I would also like to reinforce that every single child's learning experience is impacted by their community and school environment. Let us not forget that children with disabilities contribute an extraordinary amount to that learning environment. Students with disabilities deserve every opportunity to achieve educational success so that they can take on productive jobs and lead independent lives. IDEA is a critical law in ensuring that these opportunities are available, and I believe the bill before the Senate today will help educators, parents, and students achieve success in the classroom and beyond.

Mr. CRAIG. Mr. President, regulations applying IDEA are complex, and I applaud the work of my colleagues in trying to make these regulations a little easier for students, parents, and schools. This bill is a clear signal that the Senate is concerned about the welfare of our children with special needs.

S. 1248 helps our students by providing early access to services and support while working to reduce the misidentification of nondisabled children. This bill aims to make things easier for parents by allowing parents and schools to make changes to a student's individualized education plan, IEP, without calling an entire IEP meeting. S. 1248 should also help to relieve the burden on schools that are often associated with special education regulations. It includes provisions to improve discipline and school safety, reduce paperwork, and simplify funding for grants to State agencies.

Mr. President, as you know, when IDEA was signed into law, Congress committed to contribute up to 40 percent of the costs associated with special education. We have failed miserably in this. One important provision in this bill is a plan to authorize the Congress to fund its 40 percent portion completely by the year 2011. I am pleased to report our success in the Senate and pledge my commitment to seeing the Federal Government contributes its full share.

Mr. HATCH. Mr. President, I rise today to express my support for S. 1248, the IDEA Reauthorization Act.

A concerned Utah parent called one of the school districts yesterday to ask for help. Her son is being released from a 24-hour mental health facility. He is not ready for a regular class setting, but there isn't room for him to be accommodated in a self-contained setting even though that school district is trying to provide a quality education for all students, including those with special needs.

"We love them, even though sometimes they burn us out," said one of our outstanding (and overworked) special education teachers. She is dedicated to these children who are guaranteed an education under IDEA, the Individuals with Disabilities in Education Act.

All students identified for special education present unique challenges. There are students with specific learning disabilities that are mild to moderate. Of these, many will be successfully educated and have futures filled with higher education or specialized technical training, careers, and families. Even many of the students with profound, significant disabilities will become wage earners, thanks to a great nation that understands and upholds the right of all students to an education. Utah is particularly successful with those students because of strong family and community-based support. Though they may never be able to live in complete independence, they realize an excellent measure of accomplishment and contribution.

Of major concern are students such as the young teen who just walked out the front door of the mental health facility. He is among a growing number of students with severe emotional problems. Their disabilities may prevent them from becoming wage earners, good parents, and responsible citizens. Many will end up in prison. Unfortunately, there is a lot of lost potential here. But they will not be lost if we can tap into their potential.

With this important reauthorization, I have had the benefit of input from various groups and individuals, including my own Disability Advisory Committee in Utah, made up of State and local officials and representatives from organizations specializing in disability advocacy. The Utah State Legislature has been in the forefront of the debate about the Federal funding of education as they continue to take the responsibility of providing an education to every child in my State.

Funding special education is an important priority. I believe that the Federal Government's responsibility is to do its utmost, through the appropriations process, to direct funds to the States, who are certainly in the best position to decide how best to utilize these funds. Although appropriations for IDEA part B grants to states have increased significantly over the last 9 years, funding still falls short of the amount that would be necessary to provide maximum grants to all States.

I agree that we need to put IDEA on the path of full funding with the goal of reaching the Federal Government's promise of 40 percent. While funding since 1996 has quadrupled, we are only halfway there. For this reason, I supported Chairman JUDD GREGG's funding amendment, passed by a vote of 96–1 yesterday, that sets increasing discretionary authorizations for special education grants to States so that Congress will be on track to meet 100 percent of the full funding commitment by 2011.

I am heartened that we have the support of the appropriators to reach the commitment. I am satisfied that the President will keep education as one of his highest priorities. Be assured that I will be keeping a watchful eye on this funding as we review it every year. If we fall short, I will be prepared to revisit this issue. It is not fair for States and localities to be saddled with Federal mandates they can ill afford. Congress should live up to its commitment, which I believe we have with passage of the Gregg amendment and assurances of our appropriators.

While I am on the topic of the unwise burdens the Federal Government imposes on States, I would be remiss if I did not emphasize the tremendous costs of overregulation. Paperwork saps valuable time away from educators and diverts their number one focus: educating Utah's students. Senator RICK SANTORUM's amendment will give States the opportunity to reduce paperwork burdens associated with IDEA requirements and increase the resources available for improving results for children with disabilities. That is why I strongly support it.

Indeed, reduction in paperwork is also a priority for the teachers. We need to encourage individuals to become qualified special education teachers. Take for example Utah—which is unquestionably a great place to live. Even there, it is difficult to find teachers to fill these crucial positions. It is even more difficult in rural districts.

I am confident that under IDEA reauthorization, we can address these deficiencies by reducing paperwork, providing resources for recruitment of new teachers and for training, and making classrooms safer.

The IDEA reauthorization, albeit imperfect, provides a pathway to success for our greatest asset: all of America's children.

Mr. DODD. Mr. President, I rise today in support of the legislation before us to reauthorize the Individuals with Disabilities Education Act—IDEA. I want to start by thanking my fellow committee members and their staff for all of their hard work in putting together the bipartisan legislation we are considering today. While we may still have some disagreements about the bill, getting to this point in a bipartisan way is no small achievement, and I know we are all better for it.

Today, nothing pleases me more than to introduce, with my many of my colleagues, the Individuals with Disabilities Education Improvement Act of 2003. This bill will ensure that students with disabilities get the services they are entitled to while providing school systems with a greater degree of flexibility in implementing the law.

The Individuals with Disabilities Education Improvement Act of 2003 emphasizes accountability and improved results, improves monitoring and enforcement of the law, and works to reduce litigation by providing new opportunities for parents and schools to address concerns and disputes. The bill reduces paperwork by streamlining State and local paperwork requirements and clarifying that no information is required in an individualized education plan—IEP—beyond what Federal law requires. Like No Child Left Behind, this bill increases and improves opportunities for parental involvement and supports teachers in becoming "highly qualified" to do their jobs.

The Individuals with Disabilities Education Improvement Act provides earlier access to services and supports for infants, toddlers and preschoolers with disabilities. It also properly puts added emphasis on transition services so that special education students leave the system ready to be full productive citizens, whether they choose to go on to college or a job.

These are the things that the Senate bill does. Sadly, there is one glaring provision missing. This bill does not contain a provision to provide mandatory full-funding of IDEA; A provision that my colleagues Senator HARKIN and HAGEL tried to get incorporated into the bill yesterday.

Almost 30 years ago, Congress passed the Individuals with Disabilities Education Act to help States provide all children with disabilities with a free, appropriate public education in the least restrictive environment possible. Since that time, this law has made an incredible difference in the lives of millions of American children and their families.

When we passed the law, we not only promised to bring special education students into the regular school system, we made a commitment to cover 40 percent of the State cost of servicing students with special needs over time. Thirty years later, we have yet to make good on this commitment. Today the Federal Government supports just over 18 percent of the cost of the program. That is not even half of the 40 percent we promised 29 years ago.

In order to rectify this situation, Senators HARKIN and HAGEL put together an amendment mandating full funding of the Individuals with Disabilities Education Act. This amendment failed yesterday 56–41. This saddens and frustrates me. Had it passed, I believe this amendment would have proven to have been the most important provision in this bill.

States and municipalities are bearing more than their share of responsibility for meeting disabled students' needs. In Connecticut, the State typically covers 32 percent of the costs of special education, local school districts cover 61 percent of the costs of special education, and the Federal Government covers only 7 percent.

Certainly States and municipalities are paying more than their share of special education costs. They need our help. Senator HARKIN's and HAGEL's amendment provided an opportunity to give them the help that they need.

Only mandatory full-funding of IDEA would demonstrate this body's commitment to universal access to education for all children, while helping entire communities ease their tax burden. As I have said before, I cannot accept the argument that because our economy is faltering, or we are a Nation at war, we cannot provide our children and their families with the critical educational resources they need. Investment in education is no less important in a weak economy or while our Nation is at war.

Education needs to be viewed as a national priority. In fact, education is the key to a healthy democracy, and absolutely essential to our long-term national and economic security.

Like Senators HARKIN and HAGEL, I support the idea of mandatory full-funding because it is good for students, families, schools, municipalities, states and the average American taxpayer. The funding fight on IDEA has been a long one over the years and I believe that schools have already waited to long.

Fundamentally, this is a good bill—one that will help guarantee the full potential of all our children while assisting school districts in their efforts to deliver special education services in an efficient manner. That is why I will support the underlying bill. Thank you.

● Mr. COLEMAN. Mr. President, I strongly support the Individuals with Disabilities Education Act—IDEA—reauthorization legislation that the Senate is considering today. I want to note for the record that I would have voted for this important legislation but for a death in the family that required me to be home.

First of all, I commend Chairman JUDD GREGG and Senator TED KENNEDY for working in a bipartisan manner to craft this important reform legislation. Children with disabilities ought to have the same access to a quality education as any other student. Since its enactment in 1975, IDEA has helped do this by ensuring that children with disabilities have access to a quality education. S. 1248 will make needed improvements to IDEA by improving services for these children, expanding parental involvement, and providing much needed support for special education teachers.

Under current law, IDEA's complicated regulations have detracted from the success of the program. For too long, IDEA has focused on the process rather than the outcome. That is why I support simplifying the law's burdensome due-process requirements, which have created excessive amounts of paperwork for teachers. This duplicative paperwork has taken teachers' valuable time away from teaching in the classroom, and sometimes has even driven special education teachers out of the classroom. I believe that this legislation will reduce the paperwork burden for teachers and thus allow teachers to do their job—teaching children.

This legislation also helps reduce misidentification of non-disabled children. Misidentification of special education students has fueled growing IDEA cost. S. 1248 provides reform by allowing for the development of new approaches to determine whether students have specific learning disabilities by clarifying that schools are not limited to using IQ-achievement tests and by providing funds for training school personnel to prevent over-identification and misidentification of children.

I am, however, disappointed by the failure to pass an important amendment, which I co-authored. This amendment would have provided for annual increases in IDEA funding of $2.2 billion, allowing the program to reach full federal funding levels by 2011. When IDEA was enacted in 1975, the Federal Government promised to pay 40 percent of the costs of educating children with disabilities. Currently, however, the Federal Government contributes only 19 percent, placing an unfair and serious financial burden on States and local school districts. Due to Congress' failure to fully fund IDEA, school districts, especially those in rural areas, are forced to take funds from their general budgets to operate special education programs. As a result, schools have been forced to cut important educational programs and delay infrastructure improvements. I have met with teachers and students from rural Minnesota and know how tight school budgets there are already. This amendment would have brought much needed fiscal relief to Minnesota schools.

But, I do commend my Republican colleagues and the President for their support of IDEA funding. The most dramatic increases in IDEA funding have all occurred under Republican control of Congress and, in recent years, a Republican White House. Since FY 2001, IDEA funding will have increased by $4.7 billion or 75 percent. The Republican Congress has already increased funding for IDEA by 224 percent since 1996. If the President's FY 05 budget is enacted, it will have increased by 376 percent. I encourage my colleagues to support increased funding so that we keep our promise to fully fund IDEA.●

Ms. MIKULSKI. Mr. President, I will vote for the IDEA Improvement Act to reauthorize special education—even though I am disappointed that the Senate didn't pass the Harkin-Hagel full-funding amendment. This is a down payment. There are some good policy changes in this bill, and I think we should move the reauthorization process forward. But I will continue to fight for full funding of special education. It is the single most important thing we can do for children.

I am going to vote for this bill because it takes some big steps forward, and it is a good compromise. As a member of the HELP Committee, I am proud to say that we reached bipartisan agreements on some very complicated policy issues. It simplifies complicated rules and procedures and makes it easier for schools and parents to navigate—not litigate. And it allows schools to help students who need special attention, but not necessarily special education. I have talked to Marylanders about this. The women of Delta Sigma Theta Sorority see their children being racially sidelined—pushed into special education, when what they really need is special attention. I am so pleased that we are doing something in this bill to stop racial sidelining.

Yet, I have some concerns about the bill. My biggest concern is that this bill doesn't fully fund special education. I have heard from teachers, principals, and school superintendents who want to know where the resources will come from. This year, the Bush budget provides a $1 billion increase for special ed. That may sound like a lot, but at that pace, we will never reach full funding. The Federal Government is supposed to pay 40 percent of the cost of special education. Yet, it has never paid more than 19 percent. In Maryland, the Federal Government only pays an average of 11 percent. That means local districts must make up the difference by skimping on special ed, by cutting from other education programs, or by raising taxes.

I don't want to force States and local school districts to forage for funds, cut back on teacher training, or delay school repairs because the Federal Government has failed to live up to its commitment to special education. Full funding would free up money in local budgets for hiring more teachers, buying new textbooks and technology, and repairing old school buildings. It would give teachers the training and support they need. It would help students with disabilities and their families by providing enough funding for special education programs so parents can have one less thing to worry about, and students get the opportunities they deserve.

Everywhere I go in Maryland, I hear about special education. I hear about it in urban, rural, and suburban communities; from Democrats and Republicans; and from parents and teachers. They tell me that the Federal Government is not living up to its promise, that special education costs about 18% of the average school budget, that schools are suffering, and that parents are worried.

Parents of children with special needs are under a lot of stress. They are worried about their jobs. They are terrified of losing their healthcare when costs keep ballooning. Many are holding down more than one job just to make ends meet. Or they are trying to find daycare for their kids, and elder care for their own parents. They are racing from carpools to work and back again. The Federal Government shouldn't add to their worries by not living up to its obligations. With the Federal Government not paying its share of special ed, these parents have real questions in their minds: Will my child have a good teacher? Will the classes have up-to-date textbooks? Will they be learning what they need to know?

Parents of disabled children face such a tough burden already. Caring for a child with special needs can be exhausting. School should not be one of the many things they worry about—particularly when the laws are already on the books to guarantee their child a public school education. The bottom line is the Federal Government is shortchanging these parents by not paying its share of special ed costs.

I have heard from parents. They have other concerns, too, besides the money. They are concerned that this bill rolls back the guarantee of a quality education, by getting rid of short-term goals on education plans and scaling back safeguards. I agree that we need to simplify this law to make it easier for schools and parents to navigate. I am glad that this bill makes some crucial improvements. Yet, I want to do what is best for families and schools. Ninety percent of school districts are out of compliance with the Federal law. I know schools and teachers want to do what is best for students with special needs—and if they had the resources, they would. But we need to protect the rights of families to fight for what is best for their children—for the times when the school falls short. Instead of rolling back protections for students, we should provide the resources so that schools can give students the services they need to succeed with their classmates in public schools.

Special education has made such a huge difference in the lives of students with disabilities. I will vote for this bill because it is so important to reauthorize special education. But I will keep fighting for full funding because I don't want special education to be a hollow promise.

Mr. SMITH. Mr. President, I rise today to commend my colleagues on the passage of the Individuals with Disabilities Education Improvement Act, to reauthorize programs under the Individuals with Disability Education Act—IDEA.

In 1975, Congress enacted legislation to help States meet their obligation to provide education to all American children including those with disabilities. Children, regardless of their disability, deserve and ought to receive a quality education. IDEA assists States in meeting this goal by providing important federal funds.

In 2002, approximately 6.5 million children with disabilities benefitted from IDEA. Nevertheless, much work remains for Congress to fulfill its promise of fully funding 40 percent of the estimated implementation costs. With passage of this important legislation, we have advanced yet another step toward meeting the needs of America's children with disabilities.

As I travel across Oregon and talk to school administrators about the challenges they face, they routinely tell me about the financial burden of IDEA. They also tell me of their firm belief in the spirit of this legislation and want to provide the best education possible for their special needs students. This requires adequate Federal funding.

For many years, Congress did not fulfill its promise, with significant consequences to schools and students across the country. IDEA spending was one of the few appropriations that did not grow during the 1980s. In fact, in some cases, the Federal government actually covered less of the States' average per pupil expenditure than the previous year.

What many may not realize is that when we provide funding for students with special needs, we benefit all students. Across the Nation, and particularly in Oregon, States are struggling to provide funding for our schools. When schools are forced to make up the Federal portion of IDEA funds, they are forced to take funding from other important education programs. When we fulfill our cost sharing commitment to IDEA programs, there are more dollars available for teacher training, new books, and computers for all students. In effect, schools are forced to choose some students over others, and it is a choice they should not have to make.

I am proud to report that IDEA funding is back on track—and has increased by almost 225 percent since 1996. If the President's budget is approved this year, funding for IDEA will have increased by almost 400 percent. This clearly demonstrates both Congress' and the President's continued commitment toward full funding.

For children with disabilities, IDEA has opened the door to greater educational opportunities. It has served as the cornerstone for greater participation in our society for people with disabilities. The only way to ensure that our promise to provide every opportunity for students with disabilities, and help them achieve their full potential, is to give our schools the dollars they need. I look forward to President Bush signing this legislation into law.

Mr. DOMENICI. Mr. President, today I rise in support of final passage of the Individuals with Disabilities Education Improvement Act, IDEA. I would like to thank the leadership for their hard work on this issue and for making it a priority. This legislation is critical for children with disabilities.

We have a special responsibility to vulnerable populations such as disabled children. We must ensure that all children, including those with special needs, are given the best education possible. By reauthorizing this law today, educational opportunities and outcomes for children with disabilities have been strengthened greatly. We have established high expectations for real educational results for disabled children.

The purpose of the Individuals with Disabilities Education Act is to ensure that all children with disabilities have available to them a free appropriate public education that includes special education and related services to meet their unique needs. More than two decades ago, when I was just in my first term as a Senator, we said to our schools, "When it comes to disabled children, exclusion from public education is unacceptable." But the Federal Government has never paid its proper share of the cost of the special education mandate it imposed on States and schools.

With the reauthorization of IDEA today, the Senate has reaffirmed its funding commitment to children with disabilities. But more than just increasing the funding for this program, the Senate has ensured better results for students with special needs, reduced the paperwork burden for teachers and school officials, and maximized parental involvement and choice.

Prior to the passage of IDEA in 1975, many students with disabilities were provided an inadequate education or none at all. Our society has made great advancements in the way that we deal with the disabled. We have finally realized that disabled children need better results, and that parents need better information and options.

The IDEA reauthorization signals another important step for education reform in the United States. This law will undoubtedly improve academic results for children with disabilities, and it is for this reason that I am supporting this legislation. I would also ask that the leadership on both sides continue to work together to get this bill to the President. Unnecessary delay could disrupt the delivery of important legislative gains for children with special needs and the school districts that provide their educational opportunities.

Mr. SCHUMER. Mr. President, I just want to take a few minutes to express my deep disappointment that the Senate has once again failed to keep our promises to adequately fund our schools. The Senate's inability to pass the Harkin-Hagel amendment yesterday is an outrage. The amendment would have put us on a 6-year track to finally fulfill the Federal Government's promise to fully fund the Individuals with Disabilities Act—a promise made to our schoolchildren and our local districts 30 years ago.

The key with the Harkin-Hagel amendment—which I was very proud to cosponsor—was that it made the funding mandatory. It would have finally mandated that within 6 years, the Government fulfill its promise to cover 40 percent of the costs of educating special needs children in this country. Nationally, at current spending levels, the Federal Government only covers about 19 percent of the costs—and in New York, the figures are much lower than that. Some districts in New York spend nearly one-fifth of their overall school budgets providing quality special education programs. Yet for many districts, Federal funding only covers 8 or 9 percent of these costs.

I have talked to school superintendents all over the State about the budget crunches they are in—crunches that are exacerbated by the economy, tight State budgets, and year after year of being shortchanged by the Federal Government. Last month, the Campaign for Fiscal Equity in New York reported that New York State will need $9.5 billion more for education funding over the next 4 years, but it has not yet been revealed where that money will come from. Schools across the State are struggling to balance their budgets—and are often forced to raise local property taxes to fund the Federal mandates we place on them.

The administration's proposal would increase IDEA funding by only $1 billion this year. At that rate of increase, we won't reach full funding until 2028—50 years after we promised it to our districts. Under the administration's budget, New York State will receive approximately $729 million in fiscal year 2005 funding. If we were at full funding, New York would be getting $1.49 billion next year. Under the Harkin-Hagel amendment, New York could expect $807 million in fiscal year 2005, and steady, solid increases in the subsequent 5 years to get the State to the full amount.

My office did an analysis, using data from the Congressional Research Service, the National Education Association, and the Department of Education, comparing the administration's fiscal year 2005 funding proposal to what various regions of the State would be receiving in 2005 under full funding. The shortfalls were shocking:

New York City will be shortchanged $303 million under the administration's budget. Under full funding, they could expect $565 million, but they are only going to get $262 million.

Schools in Western New York, which includes Buffalo, will be shortchanged $58 million. They should be getting $108 million, but will only see $50 million.

In Central New York, the region which includes Syracuse and the surrounding counties, schools will be shortchanged $43 million. They will get $37 million instead of $80 million.

In the Lower Hudson Valley, just north of the city, schools will get $45 million instead of $96 million.

Schools in the Rochester/Finger Lakes region will get $43 million instead of $93 million.

Schools in the Southern Tier of the State will be shortchanged $13 million. They will see $11 million instead of the $24 million they were promised by Congress in 1975.

The Senate had a real opportunity yesterday to make a difference in the lives of the families we are here to protect and represent. But I am ashamed that only 56 of us stepped up to the plate. For all the rhetoric we have heard over the last several years about the importance of making a true commitment to our kids, it is nothing more than schoolyard banter if we don't fund our promises.

We can make no better investment than providing a high-quality education for all of our kids—ensuring they have access to the best teachers, cutting-edge curricula and books, and access to the special services they need to learn, advance and become productive members of society.

Yesterday we had a chance to make it right. Our schools simply asked for the funding they were promised to provide kids with the services they need, and 41 Members of this body said no. We will be back. We will keep coming back, and we will keep fighting the fight until our kids and our schools get what they were promised and what they deserve.

Mr. ENSIGN. Mr. President, I believe that this legislation is the next step toward ensuring that all children with disabilities receive the education and services they deserve. I am pleased to lend my support to the passage of S. 1248, the Individuals with Disabilities Education Improvement Act of 2003. This legislation has been carefully crafted to balance the concerns and wishes of students, parents, teachers, principals, and superintendents.

As a new member to the Health. Education, Labor and Pensions Committee, it has been a pleasure to be involved in this reauthorization from the very beginning. I have worked hard to ensure that the needs of the children, parents, teachers, and administrators in my home State of Nevada have been met. I have heard from Nevadans the problems they face when dealing with the complexities of IDEA and believe this bill addresses many, if not all, of their concerns.

During one of my rural tours, I had the opportunity to stop in Minden, NV, which is located in the Douglas County School District. As part of my time there, I went to a school to meet with parents, teachers, students, and the superintendent of the school district. While many topics and issues were discussed during that time, the one that has stuck out the most in my mind is IDEA. The superintendent told me stories and gave examples of the difficult time he and his staff have had in dealing with the complexities of IDEA, especially the regulations related to discipline. It finally got so bad the Nevada State Department of Education had to put out a handbook to describe the regulations.

Just recently, the superintendent for Washoe County School District was in town, and he shared with me many issues of importance for his schools, including funding for IDEA. He told me that while additional funding for No Child Left Behind programs would be nice, funding for IDEA was much more important to the financial well-being of his district. We talked about the recent press regarding charges that No Child Left Behind is an unfunded mandate, but he replied that there is no greater unfunded mandate and burden on the financial state of districts than IDEA.

It is with these experiences in mind that I come to the floor today to discuss S. 1248, the Individuals with Disabilities Education Improvement Act of 2003. I am particularly pleased to see that this legislation focuses on the goal of improving the academic achievement and long-term goals of these students rather than burdensome administrative checklists. In 1954, the United States Congress made it clear that "all children" included racial minorities, and in 1975 we expanded this to include children with disabilities by ensuring that all children receive a free and appropriate public education. This legislation complements the work done with the No Child Left Behind Act, and helps ensure that no child is left behind.

Unfortunately, the focus of IDEA has moved away from providing students with disabilities a quality education and towards ensuring that teachers, schools, and districts are simply in compliance with the law. The current accountability provisions in IDEA focus more on compliance in terms of paperwork and lawsuits, rather than on student performance and outcomes. I believe that S. 1248 changes the direction that IDEA is moving by simplifying the paperwork requirements, giving States greater flexibility, and making the process of disciplining students with individualized education plans, commonly known as IEPs, easier.

Changes contained in S. 1248 will simplify the IEP process for parents and teachers, while maintaining the flexibility both parties need to include additional information, outcomes, and goals for individual students. The IEP process had become a burdensome and time-consuming endeavor for all parties that often produced little for the child involved. Rather than focusing on short-term objectives for every child, the Senate bill requires that IEPs contain only long-term goals and objectives that are focused on the child's academic achievement and functional performance goals for the school year. This change recognizes that not all children will make great strides on the academic side of the equation, but may excel in their functional achievements. I know that some parents in Nevada have expressed concern over this change, but I believe this will be more beneficial to individual children by eliminating a one-size-fits-all approach for IEPs.

Another area of great concern to parents, teachers, and administrators has been the discipline provisions contained in IDEA. The Senate version simplifies the framework for schools to administer IDEA but also ensures the rights and the safety of all children. In Nevada I have heard from numerous school principals, superintendents, and teachers about the difficulties they have when it comes to disciplining a disabled student. They have complained not only about the dual-discipline system created by IDEA but also about the incredibly complex rules and regulations they must follow if a disabled student does violate school rules. The Senate language will allow schools to suspend a child with a disability who violates a code of conduct and withhold services during the suspension. Schools would be allowed to discipline a child with a disability in the same manner as a child without a disability for school code violations so long as the violation was not related to the child's disability. An agreement has also been reached with regards to offenses related to weapons and drugs for children with disabilities. While this language is a great improvement on current law, I still have concerns about the complexity of these provisions and the continued burden faced by teachers and principals in completing paperwork and fighting lawsuits related to discipline.

That said, this legislation also makes great strides in other areas, such as providing special education teachers the initial training they need and the ongoing educational support and assistance required in the classroom every day. Parents will no longer be faced with reams of paper every time they go to a meeting with their child's teacher. Children will be taught by highly qualified teachers and receive the services they need to succeed in school. Students will also be provided with important transition services as they leave high school and enter either the workforce or postsecondary education opportunities.

I have heard from many parents in Nevada who believe their child's teachers and principals are overburdened with paperwork related to their child's education. They also have felt bombarded with notices explaining to them their right to sue school districts if they do not believe their son or daughter has received the services necessary for he or she to succeed. This legislation, I believe, strikes that delicate balance between parents who believe they are getting too much information and those who believe they are not getting enough. I am always careful not to have too great an impact on the important relationship between a parent and a teacher from Washington, DC.

The issue of Federal funding for IDEA has been an issue of huge concern not only to my constituents, but to every school district in the country.

Every school district in Nevada has contacted me with a very legitimate concern in that the Federal Government has never lived up to the promise it made in 1975 to provide 40 percent of the excess cost to educate a child with a disability. Currently, the Government is providing funding that pays for about 20 percent of the excess cost to educate children with disabilities. I completely agree that the Federal Government must live up to its promise to provide this crucial funding to our schools. IDEA is truly an unfunded mandate. However, I believe we must continue to fund these programs on the discretionary side of the budget and not move funding to the mandatory side of the budget. Moving funding to the mandatory side of the budget places it in the same category as Medicare and Social Security and above other education programs. I do not believe it is right to make IDEA an entitlement and elevate it above other, equally important, Federal education programs.

Not only would IDEA funding be placed in a higher category than other education programs, but moving funding to the mandatory side of the budget has the potential to increase the deficit. We cannot afford to continue deficit spending and place the burden of our unrestricted spending on the backs of our children. I believe we must work to make IDEA funding a true priority both during the budget process and the appropriations process. We should work to increase funding at large levels every year to reach the 40-percent marker.

In addition, funding for IDEA has substantially increased over the past 4 years. In fact, assuming the President's $1 billion increase for this year is approved, funding has increased by $4.7 billion, or 75 percent, since 2001. Since 1996, when Republican's took over control of Congress, funding for IDEA has increased by 224 percent, yes, 224 percent. If the President's $1 billion increase is approved for this year, funding will have increased by 376 percent in less than 10 years. Nevada has seen funding nearly double in the past 4 years. Since 2001, funding has increased by 84 percent, one of the largest increases in the country. While I recognize we are only at half of our promised level of funding, it is clear that Congress is making great strides to living up to its promise.

I hope we can continue the great progress we have made on this important legislation and appoint conferees to work out our differences with the House-passed legislation. This issue is too important to fall victim to partisan politics. We cannot allow children with disabilities to be held hostage because of the partisan atmosphere of the Senate.

Finally, I thank both Senator GREGG and Senator KENNEDY for their hard work on this legislation and dedication to this important issue. I look forward to working with both of them on future reauthorizations in the HELP Committee this year.

Mr. PRYOR. Mr. President, I rise today to commend my colleagues, the senior Senator from Massachusetts, Mr. KENNEDY, and the senior Senator from New Hampshire, Mr. GREGG, for their work on a very important piece of legislation that is so vital to many parents, teachers, school administrators, and most importantly, children in the State of Arkansas and across this country. It is especially important that on issues such as this we have bipartisan cooperation, and I thank my colleagues for ensuring that cooperation and the quick action we have seen on the Individuals with Disabilities Education Act yesterday and today.

I have heard from many of my constituents about IDEA, and they have expressed a wide range of concerns about various aspects of the legislation, from discipline, to due process, to funding, to individualized education programs. And we all know that no one got everything they wanted from this reauthorization. But that is the nature of compromise. That is the nature of legislating in this body. It is my hope that we can find more opportunities to work in the bipartisan manner that Senator KENNEDY and Senator GREGG demonstrated in managing this bill.

Just to remind my colleagues, though I know they do not need reminding, because so many of them hear the same concerns I do from their home States, we cannot overstate how important IDEA is to so many and how it touches the lives of our children every day. I would like to relate the comments of one of my constituents, Tracey Smith, of Springdale, AR.

Ms. Smith's son, Kyle, is an 8-year-old who has been the beneficiary of IDEA since 2000. Kyle's family moved from Texas to Arkansas during the middle of a school year, and Ms. Smith called me to talk about how IDEA has helped Kyle and to talk about some of her concerns with the pending reauthorization. She stressed how important yearly IEPs were for her son and how short-term goals were so vital to her son's long-term achievement. It is important that IEPs continue to be revisited on a yearly basis, and I am encouraged that we have managed to ensure this important aspect of special education will remain in the Senate legislation.

Furthermore, Ms. Smith was nervous that people in Washington, who do not experience on a day-to-day basis the trials parents and children have to face, would not understand how changes we make affect their daily lives. IDEA has provided much-needed flexibility for parents, and this legislation continues in that manner. As Ms. Smith told me:

> As a parent I appreciate and value the freedom that IDEA gives parents and educators to address an individual child's needs.

And that is what this is about, individual children and individual parents. It is about addressing their educational needs and concerns, addressing their daily struggles in the hopes that we can make their lives a little more normal, even if it is only for 1 day. I admire parents like Tracey Smith, and I commend her for having the courage to remind us of the effect we have on persons we may not always know.

I know there will be many issues related to civil rights, discipline, due process, and highly qualified teachers to address in the conference with the House of Representatives. I hope they are resolved in the same bipartisan manner in which this bill was crafted in the Senate and with parents and children in mind. We have worked hard to ensure civil rights protections for children and parents, and I hope they are not diminished. We have worked hard to craft discipline provisions that protect all of our children while understanding disabled children have special needs, and I hope we can continue to ensure the safety of our schools. We have worked hard to include protections for due process, and I hope any differences are resolved to ensure parents know and understand their rights under the law without giving unfair advantage to any one party. We have worked hard to make sure our children have proper instruction, and I hope we continue to ensure proper instruction without discouraging individuals from entering the field of special education. Most of all, I hope we have a finished product that all parents, educators, and, most importantly, children can benefit from.

This is a bipartisan bill, and I am pleased with the progress we have made in the past couple of days in regards to funding, ensuring services to our military families and homeless and foster children, and reducing burdensome paperwork for our teachers. I am, however, disappointed that we failed to make full funding mandatory. Senators HARKIN and HAGEL have worked very hard to ensure the Federal Government lives up to the promises we made to our disabled children, parents, and schools almost 30 years ago. I was very pleased to join in that worthy cause, and I will continue to work with my friends on both sides of the aisle until we meet our commitments. As we in this body are all aware, funding is not always the answer, and it is never the only answer. But many times we see that inadequately funding the mandates we force on States and local districts are such a large piece of the puzzle. We cannot honestly say we are doing all we can to advance education for disabled children unless we meet those funding commitments. It doesn't do us any good to educate some and leave others behind. Instead of providing opportunity for many of our children, we are closing doors to them. Instead of educating and instructing future productive citizens, we are, in some cases, neglecting those who will become dependent on Government and those who will live a life of despair.

I believe fully funding IDEA is not just a commitment we have made, but also an investment in our children. By appropriating the necessary funds to fully fund IDEA, we can provide our teachers the tools and resources they need to do what they do best—educate all of our children to the extent that they not only participate in but contribute to society. It is an investment we should and we can afford to make. Several of my colleagues made the point that by making full funding mandatory, Congress would somehow lose the ability to revisit and change the adjustments we have made in this legislation. I disagree. I would ask my colleagues, when has Congress failed to address problematic aspects of any piece of legislation when it was so warranted? When has the Congress given up oversight of any area of responsibility? I would venture to guess that mandatory funding of IDEA would not prevent this body from revisiting IDEA if and when it becomes necessary.

We have made progress toward living up to our commitments in recent years. We should be proud of that progress. In fact, when IDEA was brought into existence in 1975, Congress funded less than 7 percent of the excess costs to schools for special education. In 2004, we funded close to 19 percent of excess costs. We have made progress, no one denies that, but as the Senator from Iowa, Mr. HARKIN, so eloquently pointed out: We should not be concerned with what we have done. We should be concerned with what we will do now to reach our commitments. I commend this body for realizing we need to do more for special education. But if we continue to make piecemeal increases in IDEA, we will never reach full funding under current law. I hope in the coming months and years we can make progress toward fulfilling the 40 percent commitment. We can do better. We can do more. And I commend and thank my colleagues on both sides of the aisle for their leadership and commitment to this issue.

Mr. DURBIN. Mr. President, in 1975, Congress made the historic decision to require all public schools to accept and educate children with disabilities in the least restrictive environment. That law still serves as the basis for the Individuals with Disabilities Education Act.

As part of the original law, Congress acknowledged that the Federal Government would need to contribute 40 percent of the extra costs of educating students with disabilities. Sadly, we do not seem to have a very good track record. Today—30 years after that critically important legislation was enacted—the Federal Government pays less than 20 percent of the additional cost.

I commend my colleagues, Senators HAGEL and HARKIN, for offering the amendment to move the Federal share to 40 percent over 6 years. This amendment is an appropriate and overdue response to our schools who are living up to their end of the bargain, and I was pleased to support it. Unfortunately, the amendment failed by a slim margin.

National organizations—ranging from teachers' groups to the disability rights movement to education advocacy groups—have urged this body to support the Hagel-Harkin amendment. There is broad and deep recognition that mandatory full funding is the right thing to do and that this is the right time to do it. Our schools need this funding.

I got a letter this week from the Superintendent of the Orion Community Unit Schools asking me to support IDEA. He says, "Please understand that reauthorization is imperative for the financial stability of the public schools in Illinois." The Orion school district is in the top 5 percent of Illinois schools academically. It has cut its budget each of the last 2 years by 3.4 percent. And yet Orion has been placed on the financial early warning list.

Two years ago, this Congress enacted the No Child Left Behind Act. The purpose of that law is to close the achievement gap. For too many of our children, especially those who have disabilities, we had become complacent about lowered expectations. I voted for that law because I believe every child, including those with disabilities, can succeed.

But lower teacher ratios, qualified teachers, specialists, tutoring, early intervention—all of these proven means to improved academic achievement require resources. It is hard for me to understand how we can say that we as a nation expect 100 percent proficiency in basic academic skills, but we can not afford to fully fund No Child Left Behind. We expect all but the most severely cognitively disabled students to meet Adequate Yearly Progress, but we cannot afford to fully fund IDEA. We expect our schools and teachers to work effectively with children who face every adversity, but we can't afford to provide federal education funding at promised levels. Meanwhile we find somehow that we can afford to hand out tax breaks to the wealthiest and most advantaged among us.

Congress meant what it said in 1975 with the enactment of IDEA. Children with disabilities have the right to a free and appropriate education. And we meant what we said in 2001. Every child is expected to learn. Both laws affirm that access to a quality education is a civil right in this country.

I am disappointed that we were not able to pass the Hagel-Harkin amendment. But I strongly support the underlying bill. This reauthorization will do much for students with disabilities, their families, and the schools they learn in. But it is up to the Congress of 2004 to fulfill the promise of the Congress of 1974. It is time for this body to put its money where its mouth is.

Mrs. CLINTON. Mr. President, I am proud to be a cosponsor of S. 1248, and would like to thank Chairman GREGG and Senator KENNEDY for working in such a cooperative and bipartisan way on this important legislation.

I strongly believe in every child's right to a free, appropriate public education, and I appreciate the leadership you both have shown in working to ensure that this reauthorization bill protects that right. I believe the bill before us today is better than the House bill due largely to your commitment.

This bill ensures that children with special needs receive a free, appropriate public education while supporting teachers and other school staff, strengthening monitoring and enforcement, involving parents more thoroughly in the education of their children, resolving disputes equitably, and improving the transition between school and beyond.

I am particularly pleased that this bill includes several provisions that I supported. The first I sponsored with Senator SESSIONS, and it is embodied in S. 1321. This provision will channel $25 million directly to local school districts to help children with emotional and behavioral disabilities. This program will support investments in positive behavioral supports, whole school interventions, and improve the quality of interim alternative educational settings. These funds will help schools invest in professional development, provide for early interventions, and fund whole-school interventions that train school administrators, support staff, and parents to help students with disabilities succeed.

This bill also includes provisions of the Personnel Excellence for Children with Disabilities Act, which I was proud to cosponsor. This act creates two new grant programs to support personnel preparation—one to help schools recruit and retain new special education teachers, and another to better prepare general education teachers to work with children with special needs.

New York faces a major shortage of qualified special education teachers, and I believe it is critical to dedicate resources to recruiting, retaining, and providing ongoing professional development for all teachers—general education and special education. These funds will go a long way to achieving this goal.

In addition, I am pleased that the Senate adopted an amendment that I offered yesterday to include the Department of Education as a key partner in the planning and execution of the National Children's Study. This study will be the most comprehensive examination of children's health ever conducted in this country. It is critical that schools, where children spend more time than anywhere other than their homes, be included in this analysis. By including the Department of Education we will gain valuable insight into the role that environmental factors play in contributing to developmental disabilities.

While I am so pleased with all of the provisions I have mentioned, I am deeply disappointed that Senator HARKIN's amendment to provide mandatory full funding for IDEA failed yesterday. This amendment has strong bi-partisan support, thanks to the leadership of Senator HAGEL on the Republican side, and it represents the only true mechanism to ensure that Congress keeps the promise it made in 1975. Back then, Congress vowed to provide 40 percent of the cost of educating children with special needs. To date, we have never even come close. By relying on discretionary funding we are virtually guaranteeing that we will never achieve the 40 percent threshold. And it is our children and local taxpayers who pay the price. So I will continue to work with Senator HARKIN, Senator HAGEL, Senator KENNEDY and my other colleagues to ensure that one day we achieve the victory we were not able to yesterday.

In one of my first experiences out of school, I was tasked by the Children's Defense Fund with reconciling census data with school enrollment. This project developed out of a realization that many children who were living in a given community were not enrolled in school. As I went door to door and talked to the families, I quickly realized that the children left out were the ones with special needs.

The Individuals with Disabilities Education Act of 1975 fixed that problem. It promised every child—regardless of their needs—a free, appropriate public education. Today, we are strengthening that law and, more importantly, that promise.

As a Senator from New York, I continue to hear stories about how critical IDEA is for children with disabilities. One parent recently came to my office to visit with his son who suffered brain trauma and now has cerebral palsy and other developmental disabilities. Kevin attends elementary school in the Port Washington School District in Long Island. Because of his special needs, he receives daily one-on-one instruction from a licensed teacher's assistant, 10 hours of speech therapy and three sessions of occupational therapy each week. This investment would have been unheard of 30 years ago. But today, Kevin is able to keep up with his courses in a mainstream 5th grade classroom setting. His success is possible because of IDEA and Kevin is on course to successfully pass the 5th grade and graduate into 6th.

Kevin's story should remind us all why this bill is so important. Simply put, it ensures that both teachers and parents have the tools they need to help children with disabilities succeed. So I urge all of my colleagues to join me in supporting S. 1248. And as this bill moves forward I hope my colleagues will continue to maintain the best interest of our children and uphold the spirit and intent of the original law.

Mr. DASCHLE. Mr. President, by reauthorizing IDEA, the Individuals with Disabilities Education Act, today, the Senate reaffirms America's commitment to ensure that every child is given the opportunity to develop his other God-given talents and abilities to their fullest potential.

I commend our colleagues, Senator GREGG and Senator KENNEDY, for their diligence and bipartisan leadership. This bill demonstrates that the Senate can indeed do good and important work when both sides are willing to listen to each other and make principled compromises.

IDEA is more than simply an education program; it is one of our Nation's most important civil rights programs. Because of this law, America now provides real educational opportunities for children who, in an earlier time, might never even have attended a school.

It is not only the children who benefit; all Americans benefit when we develop the potential of every American.

This bill strengthens America's commitment to ensure that every student has access to a free and appropriate education. It holds accountable for helping each child achieve his or her potential at the same time it reduces the paperwork burden on schools and increases local flexibility.

This bill makes it easier for parents to participate in their children's education and improves the process for resolving disputes.

It provides resources to make sure that special education teachers and other personnel are well trained and well supported.

It strengthens early intervention and preschool services, to make sure that children with disabilities get the best possible start in school. It also creates a stronger bridge between high school and post-secondary education or employment, to help young people with disabilities become full contributing members of American society.

We know that schools often face challenges in meeting IDEA's requirements. We also know that man parents of children with disabilities consider the law complicated, and they sometimes don't know where to turn for help. It is my hope that improvements in this bill will make the law easier to understand and follow for everyone involved—parents, teachers and school administrators. I also hope that Democrats and Republicans will continue to work together to make additional improvements and changes in the future.

But even the best laws cannot work if they are not funded. I am greatly disappointed that our Republican colleagues have refused to adequately fund this law.

It has been 29 years since the Federal Government promised to provide 40 percent of the cost of special education in America, yet we still provide only 19 percent of those costs. But schools have to provide the services—even if Congress doesn't provide the funds. This places tremendous pressure on local school districts to shortchange other education programs, and can create unnecessary tensions between families of children with special needs, and other families.

The bipartisan Harkin-Hagel amendment would have guaranteed full funding for IDEA. When we first considered that idea, the Republican leadership told us, "That's a great idea—but first we have to reform the program." So we worked with our colleagues to make those reforms. Yet most of our Republican colleagues still refused to support full funding.

Unfortunately, the Republicans' idea of meeting us halfway seems to be to create a program but not fund it—to pass an authorization bill but then refuse to pay for it. They would rather spend the money on more tax breaks for millionaires. I think that is a shame. I urge the President and our Republican colleagues to reconsider their priorities and work with us in good faith to honor the Federal Government's promise to provide 40 percent of all special education funding. As I have said before, real reforms require real resources.

I have spoken with many teachers and parents in South Dakota who tell me that, in an ideal world, every child would have an individual education plan. Every child has strengths and abilities, just as every child faces challenges. And every child benefits when the adults in his or her life work together to develop those strengths and abilities, and help them deal with their challenges. This bill provides a blueprint to make sure that young people in greatest need of such individualized attention and instruction get those opportunities. It is a bipartisan victory for those children, their families, and all Americans.

There are significant differences between the House and Senate bills that will need to be resolved if Congress is to complete action on this legislation. Senator KENNEDY has informed me that he hopes to work out a preconference agreement on several key issues. I will support him in this effort and look forward to working with the majority leader to make progress on this important legislative issue.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

Today, the Senate moves a large step closer to guaranteeing that children with disabilities can obtain the education they need in order to reach their full potential. Today is a victory for disabled children, a victory for the parents of these children, and a victory for our country. Today we renew our commitment to the education of every child in the nation.

We know that disabled does not mean unable. Children with disabilities have the same dreams as every other child in America—to grow up and lead a happy and productive life. We know that IDEA helps them fulfill that dream.

IDEA says children cannot be cast aside or locked away just because they have a disability. Those days are gone in America—hopefully forever.

Children with disabilities have rights like every other child in America, including the right to join other children in public schools so they can learn and prepare themselves for the future.

This law is about disabled children and their rights. It is about their hope and dream of living independent and productive lives. It is about parents who love their children and fight for them every day against a world that's too often inflexible and unwilling to help them meet their children's needs. It is about teachers who see the potential in a disabled child, but don't have the support or training they need to keep it alive.

That is what this law is about. It is our statement as a nation that these children matter and that we will do our part to help their parents and teachers and communities meet their education goals. That is why the government should make an iron-clad commitment to provide the resources for special education. That is why it is important to develop a solid education plan for each child, to chart the progress, and to hold schools accountable when they fall short. It sounds like No Child Left Behind, and it is—"No Child" means "No Disabled Child too."

Later this month, we observe the 50th anniversary of the Supreme Court's historic decision in Brown v. the Board of Education, which struck down school segregation by race and said that all children have equal access to education under the Constitution. But it was not until the passage of the Education for the Handicapped Act in 1975 that the Brown decision had real meaning for children with disabilities.

Only then did we finally end school segregation by disability, and open the doors of public schools to disabled children. Only then did the nation's four million disabled children begin to have the same opportunities as other children to develop their talents, share their gifts, and lead productive lives.

We must never go back to the days when disabled children were excluded from public education, when few if any preschool children with disabilities received services, and when the disabled were passed off to institutions and substandard schools where they were out of sight and out of mind.

We've made tremendous progress since those dark days. Today, six and a half million children with disabilities receive special education services. Almost all of them—96 percent—are learning alongside their non-disabled peers. The number of young children with early development problems who receive childhood services has tripled since 1975.

The opportunities for further progress are boundless. We know far more about disability today than a quarter century ago. We understand the various disabilities of children, and how to help them all to learn and achieve. We are learning more each day about the enabling power of technology to help disabled children lead independent lives—it lets them communicate, explore the world on the Internet, move in ways we couldn't have imagined 5 years ago, much less in 1975 when the law was first enacted.

This legislation builds on the enormous progress we have already made by recognizing that in several key areas, we must do better.

We must do better in bringing the law's promise to all disabled students in all schools. That means fully enforcing the law in every school district in the country.

A GAO analysis of compliance shows that from educational services to transition support, students are not getting what they are entitled to.

Even when noncompliance is identified, the Federal response is intolerably slow. Some States violated the law for more than a decade before the Department of Education intervened.

This failure has real world consequences for real children struggling to get an education. I have with me today almost 2,000 letters from parents across the Nation whose disabled children have been denied their educational rights under IDEA.

This legislation will improve enforcement of IDEA at every level. It requires a State-Federal partnership to design a better monitoring system to hold States more accountable.

We must also improve services for children nearing graduation, so they can leave school with the skills and continuing support they need to succeed. For persons with disabilities, the adult world offers little help to meet the challenges of daily life.

It is vital for these steps to be taken in school, so that all children with disabilities can be reached before they enter the job market and the confusing maze of adult services.

At best, only a little over half of students leaving special education have jobs or are continuing their education 5 years later. Often, they are transferred into the welfare system, with no recognition of their potential.

Our bill places a major focus on early planning for that all-important transition, and better coordination with other Federal programs such as vocational rehabilitation and our Ticket to Work program, to link students to more options and maximize prospects for their independence. Welfare can't be the only option for students with disabilities when they graduate from school.

Finally, we must do more to help special education teachers—to recruit them, to train them, and to support them in this challenging field. They are the men and women we depend on everyday to stand up and say to our children: You can do it. You can succeed.

We also help special education teachers by reducing the unnecessary paperwork that distracts teachers from focusing on students. It creates better ways for parents, teachers, and school administrators to work together to meet children's needs without resorting to litigation, and provides more flexibility to parents to develop their child's education program by teleconferencing and video conferencing.

The legislation authorizes new funds to improve the quality of alternative placements, and to provide better behavioral supports through whole school interventions.

The legislation provides more flexibility for schools to discipline students, with safeguards so that discipline is not used as an excuse to halt educational services, and is not used to exclude or segregate disabled children because of the failure of the school to provide for the educational needs of the child.

Our ultimate goal should be to support disabled children, not punish them for what they can't control.

I thank the many persons who have brought us successfully to this day.

First and foremost, I commend the thousands of parents who met with Members and staff, sent letters, made a phone call, and participated in other ways in making this legislation possible. They have been citizen leaders at their very best, and have opened our eyes to their cause and let us into their lives, and we are proud of all they have accomplished.

Here in the Senate, I commend Chairman GREGG for his leadership on this legislation over the years, and for all he has done to bring this important reauthorization before the Senate. All of us are grateful to Annie White on his staff as well, for her dedication to making this bipartisan process work—and work, and work, and work.

I commend the majority leader for scheduling the consideration of this legislation as soon as it was ready for action by the full Senate. Because of his willingness to act so quickly, we have a realistic opportunity to enact this important legislation into law this year. I also commend the distinguished minority leader for making consideration of this legislation possible and for his leadership on this and so many other issues of importance to the Nation and giving it the priority he has.

I also commend Senator SESSIONS and John Little with his staff for their bipartisan effort in dealing with the discipline issue, which has needlessly plagued the debate on IDEA for so long.

Senator CLINTON deserves great credit for her work to ensure that new funds are provided to improve the quality of alternative student placements, to provide more effective behavioral supports for students, and to see that all schools are safe schools.

Senator HARKIN is always at the forefront of the movement for equal rights for all persons with disabilities, including children, and he has led the effort for full funding of IDEA.

Mr. President, I yield myself 4 more minutes.

Senator DODD and Senator JEFFORDS worked effectively on this legislation to improve early childhood programs. They have been two pioneers in the development of the legislation since the very beginning, and they have been absolutely tireless in pursuing positive, constructive, responsive changes in these programs. They are both leaders on children's programs in the Senate.

Senator REED improved the training and recruitment of special education teachers. Senator BINGAMAN fought for strong enforcement of civil rights protections for every disabled student. Senator MIKULSKI strengthened support for students making the transition from schools to careers. Senator MURRAY improved the provisions on enforcement and the monitoring of the law and for caring for those children who are moving, who are in transition.

I commend as well, the many members of our staffs, who have worked long and hard and well for the past 2 years. Our thanks go to Bethany Little, formerly with Senator MURRAY's staff; Jamie Fasteau, with Senator MURRAY's staff; Carmel Martin, formerly with Senator BINGAMAN's staff; Michael Yudin, with Senator BINGAMAN; Catherine Brown, with Senator CLINTON; Justin King, with Senator JEFFORDS; Mary Giliberti and Eric Fatemi, with Senator HARKIN; Rebecca Litt, with Senator MIKULSKI; Elyse Wasch, with Senator REED; Maryellen McGuire, with Senator DODD; Denzie McGoire and Bill Lucia, with Senator GREGG; Todd Haiken, with Senator BINGAMAN; and Denis Borum, formerly with Senator REED.

Our thanks also go out to the hundreds of disability and education advocates across the country who worked so hard on this legislation.

I especially thank Jeremy Buzzell, Michael Dannenberg, Charlotte Burrows, Jim Manley, Jane Oates, Roberto Rodriguez, Kent Mitchell, Danica Petroshius and Michael Myers on my staff for their skillful work and dedication, and above all Connie Garner for all she has done for children with disabilities and their families and for never letting us forget what this debate and this law is really about.

This bill represents our best bipartisan effort, and I look forward to its immediate and imminent passage and strong support from both sides of the aisle. As we move forward today to reconcile our differences with the House of Representatives, I hope we retain that same bipartisan spirit and quickly resolve our differences in this Congress and have this signed into law to benefit the children, the parents, and our country.

Mr. President, I reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, first, I thank the Senator from Massachusetts for his help, assistance, and tireless effort in making sure this bill moved forward, and in an extremely constructive way. We have had considerable success in this committee in passing out of the committee a number of major pieces of legislation that have been bipartisan. Even in this time, as we head into a Presidential election, when there is a bit of tension and some slowdown in legislative activity due to the differences of opinion, which are being highlighted both substantively and politically, we have been able to make progress not only on special education but on other bills, such as the pension bill, which we passed and, hopefully fairly soon, on the bioshield bill, which is a critical piece of legislation. And that is in the last couple months.

The special education bill is one this committee has attended to over the years and has tried to improve. It is a very intense piece of legislation in the sense that the parents and children who are affected by it are immediately impacted by everything we do. Clearly, the school systems, which try to respond to the needs of these children, and often have very complicated and difficult issues to resolve, are also immediately impacted.

Therefore, I am glad we have been able to reach what is clearly a bipartisan and very positive and aggressive bill in moving forward on the issue of giving special needs children adequate education and appropriate education, to which they have a right and which, obviously, we all want to accomplish.

The bill has received strong support from across the board. It is supported by the Council of Chief State School Officers, the American Association of School Administrators, Great City Schools, the National Association of State Directors of Special Education, the Council for Exceptional Children, the National Center for Learning Disabilities, the Association for the Education and Rehabilitation of the Blind and Visually Impaired.

I think it is important to note those different groups that represent different constituencies because sometimes there is tension between those groups as to how special needs children should be addressed and how they should be educated.

As Senator KENNEDY has so effectively highlighted, the bill creates a number of initiatives with which we are trying to address improvement of the educational system as it reaches out to these children. The first area that is the most fundamental area of change is what the children are learning. Unfortunately, the present law that has evolved over time has become an inputs exercise. In fact, there are something like 819 items which must be checked off in every school district for every child relative to the special needs of that child and how they are educated. We came to the conclusion that this was not getting to the bottom line.

The bottom line is, are these children learning? Is their life improving? Are they being given the tools they need in order to participate in society? The bill moves significantly from being an inputs-tested bill to being an outputs-tested bill, to looking at improvement in academic results as being the primary mode under which we evaluate whether the bill is working relative to the children it is supposed to impact.

Secondly, it is the teacher who is the key player in this effort. Teachers who undertake teaching special needs children are extraordinary people. They are giving of themselves in an immense way. I had the chance, when I headed up a center that dealt with children who had severe disabilities, to constantly be amazed at the commitment of these individuals who are basically, 24 hours a day—at least in our institution—trying to assist the children as they work through their personal problems but also work toward learning more. What we have tried to do is give teachers some new tools and relieve them of some of the bureaucratic burden. That is especially important.

It is estimated that the average special needs teacher may spend as much as a day and a half each week just doing paperwork. We tried to reduce that and give the teachers the professional support they need and the assistance to make sure they are qualified to deal with these children who have very complex and difficult issues.

Thirdly, we attempt to facilitate a better relationship between parents and the schools. Unfortunately, there is a natural tension. It has developed over time. Sometimes it becomes quite aggravated. It not only goes to the schools, it goes to the parents of other children in the school and the property-tax payers in the community. There is no reason a parent of a special needs child should find themselves in a confrontational situation as they try to get what is the appropriate education for their children. We have developed a whole series of initiatives to try to, for better or worse, create dispute resolution in a more comfortable manner rather than a confrontational and litigious manner. This is important to the parent and to the school system. It will mean resources, instead of being focused on hiring attorneys and confrontation in the courtroom or confrontation in a formal legal setting, can be focused on actually educating the child in the classroom. That is the bottom line.

Fourth, the bill gives schools the tools they need to ensure that all the children are safe. As Senator KENNEDY mentioned, discipline has always been a very difficult issue relative to IDEA, relative to special needs children. Disruption in the classroom is one of the primary concerns you hear when talking with teachers and faculty in relation to how special needs children are handled and dealt with in the classroom. In this bill we try to address that. We have made significant progress.

I need to especially point out the work of Senator SESSIONS who focused on this issue, and in a very constructive way moved the process forward, so we have an excellent piece of legislation in this area.

Lastly, we do have, as part of the amendments which passed yesterday, a glide path to full funding under the discretionary accounts, which is the proper way it should be done. In the history of dramatic increases in funding in this account, as was mentioned by Senator BOND, a 376-percent increase is the fastest growing funding increase of any spending item in the Federal budget on a percentage basis over the last few years. The commitment is there and now the authorization is locked in to get us to full funding in 6 to 7 years.

This is a good piece of legislation. I expect it to receive very strong support. It didn't come about through luck and just out of the blue. It came about because a lot of people spent a lot of time over a significant period in constructing it and listening and bringing the people who were involved to the table to discuss it.

I especially thank some of those folks because most of this work is done by our staff, and they do an extraordinary job. Let me mention a couple. Senator KENNEDY has mentioned them also on his side of the aisle.

Specifically with Senator SESSIONS, there was John Little of his staff who worked so hard on the discipline issue. Senator ALEXANDER and his staff: Kristin Bannerman, worked very hard on providing State and school districts greater flexibility. Of course, from Senator KENNEDY and his staff there is Michael Myers, who is staff director, and Connie Garner, who was already mentioned, who has been a major player. And Jeremy Buzzell, we very much appreciate his effort.

On my staff, I have some extraordinary people who have done incredible work and deserve a great amount of accolades for this bill getting to this point: Annie White, who is truly a specialist in this area; Denzel McGuire, an extraordinary leader on all educational issues; and Bill Lucia, who is equally strong on these issues. I have had the very good fortune to have an exceptional staff—and, of course, my staff director Sharon Soderstrom, who does an exceptional job on all issues. We are very lucky to have these folks working for us.

As a result of their efforts, we have been able to produce what I believe is an exceptional and a positive work product which is consistent with the efforts of this committee generally, as I mentioned.

I thought I might read some of the things we have been able to pass out of this committee this year, this Congress, to reflect on how constructive we have been, even in a time of some considerable partisanship. We have done the genetics nondiscrimination bill; the generics drug bill, which reduces the cost of generics; special education; the community services block grant; the Workforce Investment Act, if we can get that to conference; we have the trauma care bill; the medical devices bill; the child abuse prevention and treatment bill; the childcare block grant; the Smallpox Emergency Personnel Protection Act; pediatric drug research authority; Organ Donation and Recovery Act; and the Birth Defects Act. That is just a few of the pieces of legislation we have been able to produce out of this committee in a bipartisan effort.

I certainly appreciate the assistance of Senator KENNEDY undertaking and accomplishing this very strong record.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 16 minutes.

Mr. KENNEDY. Mr. President, I yield myself 3 minutes. We have other speakers coming, but I want to read into the RECORD what difference this law has made, which really tells the story.

This is a letter from Lyssa Bookman from Galloway, OH. This is a letter we received, actually, a few weeks ago. I pointed out earlier that we have over 3,000 letters on this legislation, very thoughtful letters, enormously compelling, extremely moving; in many instances, inspiring. I will just read from this letter:

> IDEA is necessary for all children. My personal experience started long before my daughter was of school age. She was diagnosed with Leukemia at nine months old. Due to her treatments she has long-term cognitive side effects. I have had to beg to get any services for her. I have never had to hire an attorney but have had to tell the building principal and superintendent of schools that they left me with no choice but to file suit against the district of the IDEA laws. As soon as I mentioned it I had what I was after. All my daughter needs is extra time to complete tests and assignments. If the law was not in place, I would not have a leg to stand on and my daughter would have been miserable in school. Homeschooling would have been my only option. She is now a fifth grade student in a gifted class with a 504 plan giving the slight modification of extra time. Without IDEA, she would not be able to handle the pressures placed on a gifted student. Learning disabilities and giftedness can go hand in hand and with IDEA the giftedness can shine and the disability overcome. IDEA gives the disabled child that chance to shine and takes one worry out of the parents' minds. Thank you for your efforts for the kids. They are the future.

I have another letter from Cathie Davis of Tennessee. She writes:

> We moved to Monroe County, Tennessee where we will remain until Angel graduates high school. Angel was the first hearing impaired special needs student to enter their school system and they have gone above and beyond to see to it that Angel receives the best education possible. They provided her with an interpreter, Joyce Boyles who has been with her since the second grade. Mrs. Boyles put together a group they call singing hands as a way of teaching the other students how to communicate with Angel as opposed to only teaching Angel to communicate with them. These students (all hearing) along with Angel have been invited to perform at many events throughout the State of Tennessee, signing the words to songs such as "I'm Proud to be an American" by Lee Greenwood. Angel has made all "A's" and "B's" on the sliding grade scale and as of this year, without the aid of any Special Ed classes and on a regular grading scale, she has maintained a "C" average.

Mr. President, this is the kind of mail we have received. There are others, obviously, who have not had as much success under the old bill. We tried to address those issues in the current legislation.

Here is another parent who wrote. Her name is Denice Cronin, from Houston, TX. She wrote:

> IDEA gave me the rights to ask for testing outside of the school by an unbiased professional, paid for by the school. Based on these findings, the school adjusted their style of

> teaching and Bonnie again excelled. I still had to seek outside teachings to ensure her success. The Texas Reading Institute of Texas saved my daughter's sanity, as well as my son's.
>
> Today, she is a healthy 7th grade A-B student, still classified as learning disabled. She attends, completes and excels in the "normal" classroom. She even passes the TAKs instead of taking the "alternative testing." Should she run into a setback, we have the rights and laws in place, due to IDEA, to protect and ensure she continues to receive a "fair and complete education".

In the past, these children were stored away in back rooms, even if they were lucky enough to get into the school some years ago. We mentioned several who have been able to benefit from the bill. We are convinced that with the changes we have made in the legislation, many more families will be able to do so as well.

Mr. President, I withhold the remainder of my time and suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I understand the Senator from Pennsylvania is expected momentarily. Let me read a hopeful letter from Carolyn Wright, from Spokane, WA, which we received earlier this year:

> My son, Aaron, attends his neighborhood elementary school. He is in the same first-grade class as the boy who lives next door. Sometimes after school Aaron and the neighbor boy play together. They play Nintendo, sometimes "boxing," or they play catch.
>
> None of that is unusual except that Aaron has Down Syndrome. If it weren't for the Individuals with Disabilities Education Act (IDEA) Aaron would not be in class with his neighbor. He would not get his chance to hold the flag during the Pledge of Allegiance. He would not have the opportunity to tell his friends that he has a cat or to learn that "Joey" has a dog. IDEA has helped Aaron be a part of his school community.
>
> Math is a difficult subject for Aaron so he has a different curriculum than other first graders and he is taught in the special education classroom along with other students who struggle with math. However, Aaron likes to read so he joins the first-grade reading group to improve his reading skills. Each area of Aaron's curriculum has been addressed so that he is in the least restrictive environment possible that will facilitate his learning.
>
> Whenever Aaron's Individualized Education Plan (IEP) needs revision, my husband and I are included in the discussion with the multi-disciplinary team. Placement options are discussed along with specific skill areas that need to be addressed, keeping in mind Aaron's position as a member of the community as well as his place in school. As part of the IEP team we determine what curriculum will best meet Aaron's needs.
>
> We are very grateful to have IDEA. Because of IDEA Aaron is a member of his neighborhood community and he is learning the skills he needs to be independent. He may never be able to live entirely independently but he will have a job and he will contribute to society.

That is what this legislation is all about, Mr. President. We wish Aaron great luck. We believe there are many other "Aarons" in the country who will continue to benefit. We hope to do it in a better way.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3149, AS MODIFIED

Mr. SANTORUM. Mr. President, I send a modification to amendment No. 3149 to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 3149), as modified, is as follows:

Amend section 609 of the Individuals with Disabilities Education Act, as amended by section 101 of the bill, to read as follows:

"SEC. 609. PAPERWORK REDUCTION.

"(a) REPORT TO CONGRESS.—The Comptroller General shall conduct a review of Federal, State, and local requirements relating to the education of children with disabilities to determine which requirements result in excessive paperwork completion burdens for teachers, related services providers, and school administrators, and shall report to Congress not later than 18 months after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003 regarding such review along with strategic proposals for reducing the paperwork burdens on teachers.

"(b) PAPERWORK REDUCTION DEMONSTRATION.—

"(1) PILOT PROGRAM.—

"(A) PURPOSE.—The purpose of this subsection is to provide an opportunity for States to identify ways to reduce paperwork burdens and other administrative duties that are directly associated with the requirements of this Act, in order to increase the time and resources available for instruction and other activities aimed at improving educational and functional results for children with disabilities.

"(B) AUTHORIZATION.—

"(i) IN GENERAL.—In order to carry out the purpose of this subsection, the Secretary is authorized to grant waivers of statutory requirements of, or regulatory requirements relating to, this part for a period of time not to exceed 4 years with respect to not more than 15 States based on proposals submitted by States to reduce excessive paperwork and noninstructional time burdens that do not assist in improving educational and functional results for children with disabilities.

"(ii) EXCEPTION.—The Secretary shall not waive any statutory requirements of, or regulatory requirements relating to, applicable civil rights requirements.

"(iii) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

"(I) affect the right of a child with a disability to receive a free appropriate public education under this part; and

"(II) permit a State or local educational agency to waive procedural safeguards under section 615.

"(C) PROPOSAL.—

"(i) IN GENERAL.—A State desiring to participate in the program under this subsection shall submit a proposal to the Secretary at such time and in such manner as the Secretary may reasonably require.

"(ii) CONTENT.—The proposal shall include—

"(I) a list of any statutory requirements of, or regulatory requirements relating to, this part that the State desires the Secretary to waive or change, in whole or in part; and

"(II) a list of any State requirements that the State proposes to waive or change, in whole or in part, to carry out a waiver granted to the State by the Secretary.

"(D) TERMINATION OF WAIVER.—The Secretary shall terminate a State's waiver under this subsection if the Secretary determines that the State—

"(i) has failed to make satisfactory progress in meeting the indicators described in section 616; or

"(ii) has failed to appropriately implement its waiver.

"(2) REPORT.—Beginning 2 years after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003, the Secretary shall include in the annual report to Congress submitted pursuant to section 426 of the Department of Education Organization Act information related to the effectiveness of waivers granted under paragraph (1), including any specific recommendations for broader implementation of such waivers, in—

"(A) reducing—

"(i) the paperwork burden on teachers, principals, administrators, and related service providers; and

"(ii) noninstructional time spent by teachers in complying with this part;

"(B) enhancing longer-term educational planning;

"(C) improving positive outcomes for children with disabilities;

"(D) promoting collaboration between IEP Team members; and

"(E) ensuring satisfaction of family members.

Mr. SANTORUM. I thank the Chair.

I ask unanimous consent that Senator THOMAS be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I first and foremost thank Senator GREGG and Senator KENNEDY for their willingness to work with me on this amendment. This is an amendment that comes from the many visits I had in public schools across Pennsylvania where I heard from special education teachers, in particular, and administrators about the enormous amount of paperwork that special education teachers have to deal with and how it is a point of great dissatisfaction among those teachers, as well as a factor in what they believe is limiting their time and limiting the quality of the education children who are covered under IDEA receive. As a result, I wanted to create an opportunity for States to, through a pilot, do some innovation and, working with the Department of Education, try to reduce the amount of paperwork our teachers have to go through.

This is a serious problem in trying to recruit and retain special education teachers. In fact, the most recent figure I have is that in the 1999–2000 school year, there were 12,000 special education openings. The principal reason for that was the enormous paperwork burden, the frustration that comes with having to deal with the "bureaucracy" and "redtape," as it has been put to me on more than one occasion. These positions, for the most part, were left vacant or filled by substitutes who did not have the qualifications necessary to teach these students who have special needs.

I suggest we are trying to address a problem that is out there, not trying to limit the quality of the education of children with special needs, but actually getting more qualified teachers into the classrooms to deal with this population that does have extraordinary needs, in some cases, but without the extraordinary amount of paperwork that comes with meeting those needs.

We have worked closely with the NEA. In fact, the NEA has endorsed this amendment. They say:

> Paperwork reduction in IDEA is one of the highest priorities of our members. We commend you for your acknowledgment that excessive paperwork not only takes valuable instruction time away from students, but is a critical component of the retention crisis we face in the field of special education.

This is an important issue for teachers and should be an important issue for those parents and children in the special education system.

This is a way to keep qualified teachers, to have them spend more quality time and better time with children in the classroom. What we have done is set up a pilot program. The pilot program, under the modification I just sent to the desk, is for 15 States. The goal is to increase instructional time and to improve the results of children with special needs.

Again, the idea here is to create an opportunity for innovation, an opportunity for States to not waive any provisions of this act. Particularly I know the concern Senator KENNEDY and many have that the Secretary of Education cannot waive in a request from the States any applicable civil rights requirements. I had some parents meet with me last week, and they were very concerned about this amendment and how it would affect their child and their ability to get what was entitled to them as far as education under IDEA.

Let me make it clear: Nothing in this demonstration can create a waiver of any applicable civil rights requirements, and nothing in this demonstration will affect the right of a child with a disability to receive free appropriate public education. That, to me, is something at the heart, something I know the parents want and, obviously, the NEA should be concerned about it, as I am sure they are. I want to make it clear that what we are talking about is things that do not really add to the bottom line: quality of kids' education.

I am excited that Senator KENNEDY and Senator GREGG have agreed. I understand the House has a similar amendment to this amendment that has a 10-State demonstration project. We have talked with the House, with Senator KENNEDY, and Senator GREGG. I think we have an agreement that this 15-State demonstration is a good number and is a number we can all agree will stay in conference.

This program will be part of this new authorization and will create an opportunity for States—I am certainly hopeful that Pennsylvania will be one of the States that will be participating in this demonstration—to be innovative to improve the quality of education for children with disabilities and be a plus for them as well as teachers and school districts as a whole.

I yield the floor.

Mr. GREGG. Mr. President, reducing the paperwork burdens within IDEA is one of the Senate's top priorities in reauthorizing this important law.

We want to empower teachers to spend more time with their students in the classroom, rather than spending endless hours filling out forms that do not lead to a better education for students.

This bill already contains a number of excellent provisions aimed at cutting down on unnecessary paperwork for both teachers and parents. For instance, S. 1248 streamlines state and local requirements to ensure that paperwork focuses on improved educational and functional results for children with disabilities.

It clarifies that no information is required in an IEP beyond what Federal law requires.

It eliminates the requirements that IEPs must include benchmarks and short-term objectives that generate more paperwork, but requires a description of how progress is measured, including quarterly reports to parents.

It reduces the number of times that procedural safeguards notices must be sent out to parents to once per year, unless their parent registers a complaint or requests a copy.

It ensures that State regulations are consistent with IDEA and that any state-imposed requirements or paperwork reporting are clearly identified to local educational agencies.

And it requires the Secretary to develop model forms, review paperwork requirements and provide Congress with proposals to reduce the paperwork burden on teachers.

This is a great start on reducing paperwork for teachers, parents, and administrators.

However, we need to do more.

The amount of paperwork special education teachers are required to complete is burdensome, takes valuable time away from the classroom, and undermines the goal of providing the best quality education possible to all children.

Let me give you some statistics to illustrate this problem.

According to a recent study by the Council for Exceptional Children, a majority of special educators estimate that they spend a day or more each week on paperwork, and 83 percent report spending half to one and a half days per week in IEP-related meetings.

Special education teachers spend an average of 5 hours per week on paperwork, compared to general education teachers who spend an average of 2 hours per week on paperwork. The average length of an individualized education program, or IEP, one of the biggest sources of paperwork, is between 8 and 16 pages. Fifty-three percent of special education teachers report that, to a great extent, their routine duties and paperwork interfere with their interaction with their students.

Special educators spend more time on paperwork than grading papers, communicating with parents, sharing expertise with colleagues, supervising paraprofessionals and attending individualized education program meetings combined.

While special educators spend the majority of their time on paperwork filling out compliance and documentation-related paperwork, general educators spend most of their time completing instructionally relevant paperwork such as tracking students' academic progress across the curriculum.

With these overwhelming paperwork burdens on teachers, we need to ask ourselves what kind of effect they are having on our special education system.

Special education teachers feel excessive paperwork interferes with their ability to serve children with disabilities more effectively. The study of personnel needs in special education, SPENSE, sponsored by OSEP reveals that special education teachers often cite required forms and administrative paperwork as an area of dissatisfaction with their working conditions.

The excessive amount of paperwork currently inherent in the process overwhelms and burdens teachers, robbing them of time to educate their students. It also makes it more difficult for school districts to retain and recruit highly qualified special education teachers.

Studies from the Department of Education show that the nation is facing a significant shortage of special education teachers, and many special educators leaving the field cite the burden of unnecessary paperwork as one of the primary reasons for their departure.

Simply put, teachers, schools, local educational agencies, and States should be relieved of irrelevant and unnecessary paperwork burdens that do not lead to improved educational outcomes for children with disabilities.

Therefore, I support the amendment of the Senator from Pennsylvania, which authorizes a pilot program allowing States to demonstrate innovative and creative measures to reduce the paperwork burden.

The Secretary of Education would be authorized to grant waivers of paperwork requirements to 15 States based on proposals submitted by States for reducing paperwork.

The goal is to increase instructional time and resources and improve results for students with disabilities.

This pilot program is not meant to decrease any of the rights children have under the Act, but is intended to allow those States who choose to participate to think creatively and innovatively about how to best meet the demands of the Act while reducing the paperwork burden so school personnel can focus on educating children with disabilities.

In fact, we clearly state that the Secretary of Education may not waive any applicable civil rights requirements or procedural safeguards under Section 615, and nothing in the demo will affect the right of a child with a disability to receive a free appropriate public education, FAPE.

The amendment also includes a rigorous reporting requirement to ensure that the Secretary reports to Congress about the success of this program in reducing unnecessary paperwork while preserving the rights of children served under the Act.

The National Education Association, made up of 2.7 million teachers, supports this amendment. The NEA says that paperwork reduction in IDEA is one of the highest priorities of its members.

I urge my colleagues to pass this amendment, so that our Nation's teachers can spend more time on providing high quality education services to our Nation's children with disabilities—rather than on filling out mounds of unnecessary paperwork.

Mr. BINGAMAN. Mr. President, I am very pleased that Senator SANTORUM and I were able to reach agreement on this amendment. The Paperwork Reduction Demo would provide up to 15 States with the opportunity to develop innovative methods of reducing burdensome paperwork so that teachers can spend more time teaching and improving educational and functional outcomes for children with disabilities. At the same time, it protects a child's right to a free appropriate public education, and the procedural safeguards necessary to ensure this right.

IDEA is sometimes seen as a controversial piece of legislation. It is a unique blend of civil rights law and State grant program, and as a result, often pits the constitutional rights of children with disabilities to a free appropriate public education against the flexibility teachers need to teach. I believe this amendment strikes a good, fair balance.

As we reauthorize IDEA, it is important to note that next week, this country will be celebrating 50 years of public school desegregation. In the landmark decision of Brown v. Board of Education, Chief Justice Warren wrote that "in the field of public education, the doctrine of 'separate but equal' has no place." This decision literally opened the doors of our public schools to all children, regardless of race.

The doors to a public education, however, did not open quite so quickly for children with disabilities. Twenty years after the decision in Brown, children with disabilities were still being segregated.

In the 1970s schools in America educated only one in five students with disabilities. More than 1 million students were excluded from public schools, and another 3.5 million did not receive appropriate services. Many States had laws excluding certain students, including those who were blind, deaf, or labeled. "emotionally disturbed" or "mentally retarded." The likelihood of exclusive was significantly greater for children with disabilities living in low-income, ethnic and racial minority, or rural communities.

Parents, however, began asserting their children's rights to attend public schools, using the same equal protection arguments used on behalf of the African American children in Brown: the 14th amendment of the U.S. Constitution guarantees their children and equal protection under the law. Congress responded, and in 1975, enacted the Education for All Handicapped Children Act, now known as IDEA.

Recognizing the Constitution's guarantee of equal protection under the law, Congress created the statutory right to a free appropriate public education in the least restrictive environment.

I believe we all recognize the challenges of providing teachers with enough flexibility so they can do their job while ensuring that the constitutional protections afforded to children with disabilities remain intact.

We also must continue to hold our States accountable for educational outcomes of our children. I think this amendment meets that challenge, and I am pleased to support it.

I think the underlying bill, S. 1248, also achieves the goal of balancing the interests of our teachers and schools with the interests of improving achievement for and protecting the right of children with disabilities and their families.

This bill makes it simpler for teachers and schools to teach children with disabilities in many ways. For example, the bill: simplifies the discipline provisions and makes it easier for schools to administer the law; provides new opportunities for schools and parents to resolve disputes equitably; substantially reduces paperwork in many ways, including, of course, by allowing a number of States to waive paperwork burdens in accordance with this amendment; increases local flexibility and control of resources by allowing school districts that are in compliance with the law to use from 8 percent up to 25 percent of their Federal funds for local priorities; and authorizes local school districts to use up to 15 percent of their Federal IDEA funds to support students without disabilities in grades K–12 who require additional academic and behavioral supports to succeed in the general education curriculum.

The bill also makes significant improvements for children and their families. For example, it; emphasizes the goal of improving academic achievement and functional performance within a child's IEP; ensures that children with disabilities are included in the accountability requirements of No Child Left Behind provides the Secretary of Education and the States with greater authority and tools to implement, monitor, and enforce the law; provides resources to States to support teacher preparation and professional development program; improves parental involvement; improves transition services to help students begin planning for life after high school; provides earlier access to services; improves early intervention and preschool programs; and ensures positive behavioral interventions and supports are in place for a child whose behavior impedes the child's ability to learn.

We must ensure that children with disabilities have access to, and succeed in, the general education curriculum. I am disappointed that this body did not approve full funding of IDEA, but I believe this bill goes a long way in providing the tools, resources, and the flexibility to achieve this goal. I am pleased to support this bill and this amendment.

Mr. KENNEDY. Mr. President, I rise today in support of this amendment because it will give States the flexibility they need to reduce special education paperwork.

We have heard from many teachers that they must take too much time out of their busy days to complete IDEA paperwork requirements. Teachers would rather spend that time in the classroom teaching their students.

We have heard these concerns loud and clear, and we have responded with changes to make things easier for both parents and teachers. This bill reduces paperwork and meetings by: Streamlining educational planning and procedural requirements; simplifying the Federal application process; encouraging the use of technology; clarifying that no paperwork is required beyond what is in the Federal law; and requiring the Department of Education to develop model forms.

These changes will go a long way to simplifying the work of special education teachers and giving them more time to do what they do best—teach children. These changes will also make it possible for more parents to participate in their child's education.

This amendment will give a limited number of States the opportunity to do even more to address paperwork by giving them flexibility to waive paperwork requirements. But today the Senate needs to make it absolutely clear that this flexibility does not include waiving Civil Rights protections for disabled students.

Civil Rights are the very heart of the IDEA. The right to go to a public school, the right to learn alongside one's peers, the right to an appropriate education, and the right to due process, are fundamental to this law and we cannot allow waivers to trade these rights in exchange for less paperwork.

In July 2002, President Bush's Commission on Excellence in Special Education gave Congress and the President its recommendations for improving results for disabled students. This commission offered many suggestions for reducing paperwork in special education and allowing these waivers was one of them.

But the chair of the President's commission was absolutely clear that paperwork reduction should not threaten civil rights. Listen to what the chair, Governor Terry Branstad of Iowa, had to say when he testified before the House on the IDEA and the commission's report:

> ". . . [A]s we are trying to reduce the paperwork, streamline it, and make it more efficient, we . . . want to . . . protect their civil rights."

We must ensure that States live up to the full intent of the commission's recommendation—to balance paperwork reduction with civil rights protections.

The chair of the President's commission is not alone in his concern for protecting civil rights while reducing paperwork. The National Council on Disability—the Federal agency responsible for advising President and Congress on issues affecting the disabled—says that, if not done carefully, waivers may have unintended consequences. According to the National Council on Disability:

> Waivers threaten educational quality because instruction and achievement are measured by documenting progress.
>
> Waivers threaten civil rights because compliance with the law must be documented.

Let me first speak to the issue of paperwork and educational quality. Ask any teacher how he or she begins the day before the students arrive. They begin by reviewing a lesson plan that sets the goals for the day and describes how those goals will be reached. They develop tests for their students to see if they are meeting those goals. These lesson plans, goals, and tests are based on a thoughtful and comprehensive curriculum. This is all paperwork—paperwork that is necessary to ensure quality instruction for every student.

Quality instruction for disabled students is no different. Special education paperwork ensures that schools think carefully about how best to educate a disabled student, then document their plan, and then document progress. Does any of that paperwork sound unnecessary?

If States interpret these waivers as a license to set aside these important pieces of a disabled child's education, we have completely undermined the focus on academic and functional achievement in this bill.

Just like the National Council on Disability, I also have expressed my great concern about protecting civil rights if States are given too much flexibility. In my opening statement, I addressed the issue of noncompliance with this law. All across this country, nearly 30 years after this law was first passed, many disabled children still are denied their right to a public education. Year after year, the majority of States fail to implement the IDEA and are found out of compliance with its most basic requirements.

Reports from the Department of Education show just how rampant noncompliance with the IDEA is. From 2000 to 2003: 76 percent of States did not appropriately resolve complaints; 71 percent of States lacked effective systems to monitor and enforce the law; 71 percent of States did not educated disabled children with their peers; and 65 percent of States did not appropriately prepare students for post-school employment and independent living.

These States already blatantly disregard the requirements of the IDEA. Imagine what would happen if these States are given waivers without the clear limitations set forth in this amendment, if they could feel free to waive any requirement in the name of paperwork reduction. The impact of unlimited paperwork waivers on disabled students in States like these could be devastating.

Even with detailed requirements for education plans and other paperwork under current law, look at what is happening to disabled children all across the nation.

The Richer family from Oregon writes that their school made the decision to shorten their son's school day by 3 hours—without asking the parents first. The same school district completed their son's education plan and assigned him to a classroom without including his parents in the decision.

The Johnson family from new Jersey writes that it took 18 months to get an appropriate educational plan written for their child, and the school still will not provide the speech therapy and counseling services written on that plan.

These are true stories, just like the hundreds of other true stories that parents have sent to me. This is why it must be made absolutely clear that these waivers are not a free pass out of accountability or a way to erode individualized education plans that are the cornerstone of the IDEA.

Look at any other field—the legal field, the medical field, or business. In these fields, if it wasn't documented, it wasn't done. Insurers don't pay doctors when they don't document the care they provided. Clients don't pay lawyers if they do not document the hours spent on a case. And businesses don't provide their services without a contract. In every part of life, documentation is the way we guarantee that people did what they promised to do. It is not too much to ask that schools do the same so we can be sure they are complying with the law and giving every disabled child an appropriate education.

I know that we demand a lot of our teachers. We ask them to not only educate our children to become productive citizens, but also to be counselors, mentors, and role models. And, yes, we ask them to do paperwork on top of that.

Should the Senate do everything it can to make it easier for special education teachers to focus on the needs of students instead of focusing on paperwork? Absolutely—but not at the cost of educational accountability and civil rights for students with disabilities. Not if it undermines the foundations of the IDEA. Without the limitations set forth in this amendment, waivers may have the unintended consequence of allowing States to experiment with the civil rights of millions of disabled students for years to come.

I do not object to giving States the chance to creatively address the issue of paperwork. This amendment offers States an exciting opportunity to make sure that teachers have more time to plan, take professional development courses, or provide extra help to students. Giving teachers more time means giving them a chance to do what they love most: focus on the needs of students.

But the needs of disabled students cannot be met without first guaranteeing that they have the full protection of the law. This amendment provides that guarantee, while still encouraging paperwork reduction, and I urge my colleagues to support it.

Mr. President, I thank the Senator from Pennsylvania for offering the amendment that will reduce the paperwork for teachers and also ensure the protection of the rights of disabled children.

This amendment draws a clear line between unnecessary paperwork about the process and necessary documentation and ensuring every disabled child's right to a free and appropriate public education.

The Senator from Pennsylvania has made it clear that States will not be allowed to waive the civil rights of disabled students or waive procedural safeguards guaranteed under law.

This is a good amendment. It balances the needs of both the teachers and students. I thank him for his work on this amendment and also for his accommodation and willingness to work this out. It has been very helpful.

I will wait for my colleague, the chairman, before urging the adoption of the amendment, but I expect it will be done momentarily.

I suggest the absence of a quorum, with the time to be evenly divided.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I have been informed by Senator GREGG's staff that he does not seek any time.

Mr. President, I urge the adoption of my amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3149, as modified.

The amendment (No. 3149), as modified, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 6 minutes 6 seconds on the majority side and 5 minutes on the minority side.

Mr. KENNEDY. I will be glad to yield the 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. DAYTON. Mr. President, I thank the Senator from Massachusetts. He has been such a dedicated champion for the needs of special education throughout the country for all these years. I wish his dedication was reflected fully in this legislation on which we are going to be voting shortly.

In an era when we are talking so much about accountability in education, the teachers, administrators, and local school boards throughout our country who are supposed to be accountable for results, for "making acceptable progress" and improving student test scores, we, too, in the Senate have a role and responsibility to aid and assist them in making that progress.

I regrettably believe this legislation falls seriously short of our responsibility to them and to the students they are helping and supporting and without our full involvement and aid are less likely to succeed.

In this important area of special education, we in the Senate, the Congress, and the Federal Government have very special responsibilities because it was Congress who established these rights for every American child to a quality public education a quarter century ago and mandated every school district with the responsibility to provide it.

I was not here when that legislation passed, but its language implied that schools would be reluctant, perhaps even resistant, to assume their responsibilities. That was over a quarter century ago.

I speak from my personal knowledge about Minnesota, and I assume it is true throughout our country, our public schools, our teachers, administrators, support personnel, and policymakers are the legislation's allies. In Minnesota, our educators are fully committed and deeply dedicated to providing the best possible special education to every student with special needs and in fact every student who comes through their doors. They are doing so, as I have personally witnessed in hundreds of special education classes throughout Minnesota, with amazing skills, heart-warming personal devotion and often extraordinary success. They are doing so increasingly in spite of, not because of, the Senate.

This legislation fails our responsibility to the students of this Nation with special needs, to their dedication and to their cause, which is our cause. Yesterday an amendment failed which would have fulfilled in 6 years a promise the U.S. Congress made over a quarter century ago when it passed the initial legislation to fund 40 percent of the costs of special education.

In the year 2001, when we had all of these surpluses we were told would exist throughout the decade, the Senate did pass such an amendment, but the House of Representatives and the administration refused to accept it and so it was not put into that law.

I have tried 5 times in the last 3 years, with amendments, to have us realize our long-broken promise in 1 year, in a succeeding fiscal year, and those amendments have failed.

I was shocked and appalled that this body rejected Senator HARKIN's amendment to bring us up to that promised 40-percent level in 6 years. Today it is less than half of that promise. That cost Minnesota schools $250 million a year. That is money that is badly needed to fulfill their responsibilities to children with special needs and it is money then that often has to be taken out of regular school programs because they have a legal responsibility and liability to provide those special education services. So it means all of the students in Minnesota get shortchanged because this Senate will not keep its promise. The majority decided to provide an additional $39 billion over the next 10 years in tax advantages to companies for their foreign operations, tax preferences to expand their foreign businesses and take more jobs away from the United States and put them overseas. That was deemed worthy of $39 billion.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DAYTON. I ask unanimous consent for an additional 2 minutes to conclude my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. Mr. President, at that same time, where there is $39 billion around somewhere for giant corporations and wealthy investors who do not need it, there is not a willingness to provide even in 6 years the promised 40-percent level for students with special needs. It is not that we do not have the money; we do not have the right priorities; we do not have the will. It is terribly unfair for us to be telling the school districts they have to run tests every year and include children with special needs and be measured and publicized and in some cases publicly embarrassed because they are not making acceptable progress toward goals that have been established when we do not provide the money to enable them to do it. Shame on us, not them. It is irresponsible and it is inexcusable. This money is badly needed in Minnesota, and I assume elsewhere in the country.

In terms of reform, the paperwork that burdens the reporting requirements is driving Minnesota teachers out of special education and out of the classroom entirely. Those who remain spend less than half of their time actually working with students because they are so busy filling out the forms the Federal Government has imposed on them, as well as some by the State and the school districts for sure. I commend Senator SANTORUM for offering a pilot program for 15 States, but it is the job of the Senate to determine those reforms. I have heard for over 3 years the reason we are not providing money for special education is because we have to "reform it first". So now we are passing a bill that has minimal reforms and a pilot program and no additional money.

I think it is a terrible disservice to No Child Left Behind, which is being proven once again to be a nice phrase but with no real meaning or commitment behind it. I think we will regret that.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Who yields time?

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I yield back the balance of our time and I ask unanimous consent that we proceed to the bill.

The PRESIDING OFFICER. All time having been yielded back, under the previous order the committee substitute amendment, as amended, is agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Committee on Health, Education, Labor and Pensions is discharged from further consideration of H.R. 1350 and the Senate will proceed to its consideration.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken and the text of S. 1248, as amended, is inserted in lieu thereof.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. Under the previous order, the question is, Shall the bill, H.R. 1350, as amended, pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Minnesota (Mr. COLEMAN) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—95

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—3

Jeffords
Leahy
Stabenow

NOT VOTING—2

Coleman
Kerry

The bill H.R. 1350, as amended, was passed, as follows:

H.R. 1350

Resolved, That the bill from the House of Representatives (H.R. 1350) entitled "An Act to reauthorize the Individuals with Disabilities Education Act, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Individuals with Disabilities Education Improvement Act of 2004".

SEC. 2. ORGANIZATION OF THE ACT.

This Act is organized into the following titles:

TITLE I—AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

TITLE II—AMENDMENTS TO THE REHABILITATION ACT OF 1973

TITLE III—NATIONAL CENTER FOR SPECIAL EDUCATION RESEARCH

TITLE IV—COMMISSION ON UNIVERSAL DESIGN AND THE ACCESSIBILITY OF CURRICULUM AND INSTRUCTIONAL MATERIALS

TITLE V—MISCELLANEOUS

TITLE I—AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

SEC. 101. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Parts A through D of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) are amended to read as follows:

"PART A—GENERAL PROVISIONS

"SEC. 601. SHORT TITLE; TABLE OF CONTENTS; FINDINGS; PURPOSES.

"(a) SHORT TITLE.—This Act may be cited as the 'Individuals with Disabilities Education Act'.

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"PART A—GENERAL PROVISIONS

"Sec. 601. Short title; table of contents; findings; purposes.
"Sec. 602. Definitions.
"Sec. 603. Office of Special Education Programs.
"Sec. 604. Abrogation of State sovereign immunity.
"Sec. 605. Acquisition of equipment; construction or alteration of facilities.
"Sec. 606. Employment of individuals with disabilities.
"Sec. 607. Requirements for prescribing regulations.
"Sec. 608. State administration.
"Sec. 609. Paperwork reduction.
"Sec. 610. Freely associated States.

"PART B—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES

"Sec. 611. Authorization; allotment; use of funds; authorization of appropriations.
"Sec. 612. State eligibility.
"Sec. 613. Local educational agency eligibility.
"Sec. 614. Evaluations, eligibility determinations, individualized education programs, and educational placements.
"Sec. 615. Procedural safeguards.
"Sec. 616. Monitoring, technical assistance, and enforcement.
"Sec. 617. Administration.
"Sec. 618. Program information.
"Sec. 619. Preschool grants.

"PART C—INFANTS AND TODDLERS WITH DISABILITIES

"Sec. 631. Findings and policy.
"Sec. 632. Definitions.
"Sec. 633. General authority.
"Sec. 634. Eligibility.
"Sec. 635. Requirements for statewide system.
"Sec. 636. Individualized family service plan.
"Sec. 637. State application and assurances.
"Sec. 638. Uses of funds.
"Sec. 639. Procedural safeguards.
"Sec. 640. Payor of last resort.
"Sec. 641. State Interagency Coordinating Council.
"Sec. 642. Federal administration.
"Sec. 643. Allocation of funds.
"Sec. 644. Authorization of appropriations.

"PART D—NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES

"Sec. 650. Findings.

"SUBPART 1—STATE PERSONNEL PREPARATION AND PROFESSIONAL DEVELOPMENT GRANTS

"Sec. 651. Purpose; definition; program authority.
"Sec. 652. Eligibility and collaborative process.
"Sec. 653. Applications.
"Sec. 654. Use of funds.
"Sec. 655. Authorization of appropriations.

"SUBPART 2—SCIENTIFICALLY BASED RESEARCH, TECHNICAL ASSISTANCE, MODEL DEMONSTRATION PROJECTS, AND DISSEMINATION OF INFORMATION

"Sec. 660. Purpose.
"Sec. 661. Administrative provisions.
"Sec. 662. Research coordination to improve results for children with disabilities.
"Sec. 663. Technical assistance, demonstration projects, dissemination of information, and implementation of scientifically based research.
"Sec. 664. Personnel development to improve services and results for children with disabilities.
"Sec. 665. Studies and evaluations.

"SUBPART 3—SUPPORTS TO IMPROVE RESULTS FOR CHILDREN WITH DISABILITIES

"Sec. 670. Purposes.
"Sec. 671. Parent training and information centers.
"Sec. 672. Community parent resource centers.
"Sec. 673. Technical assistance for parent training and information centers.
"Sec. 674. Technology development, demonstration, and utilization; and media services.
"Sec. 675. Accessibility of instructional materials.
"Sec. 676. Authorization of appropriations.

"SUBPART 4—INTERIM ALTERNATIVE EDUCATIONAL SETTINGS, BEHAVIORAL SUPPORTS, AND WHOLE SCHOOL INTERVENTIONS

"Sec. 681. Purpose.
"Sec. 682. Definition of eligible entity.
"Sec. 683. Program authorized.
"Sec. 684. Program evaluations.
"Sec. 685. Authorization of appropriations.

"(c) FINDINGS.—Congress finds the following:

"(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.

"(2) Before the date of the enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94–142), the educational needs of millions of children with disabilities were not being fully met because—

"(A) the children did not receive appropriate educational services;

"(B) the children were excluded entirely from the public school system and from being educated with their peers;

"(C) undiagnosed disabilities prevented the children from having a successful educational experience; or

"(D) a lack of adequate resources within the public school system forced families to find services outside the public school system.

"(3) Since the enactment and implementation of the Education for All Handicapped Children Act of 1975, this Act has been successful in ensuring children with disabilities and the families of such children access to a free appropriate public education and in improving educational results for children with disabilities.

"(4) However, the implementation of this Act has been impeded by low expectations, and an insufficient focus on applying replicable research on proven methods of teaching and learning for children with disabilities.

"(5) Over 25 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by—

"(A) having high expectations for such children and ensuring their access to the general education curriculum in the regular classroom to the maximum extent possible in order to—

"(i) meet developmental goals and, to the maximum extent possible, the challenging expectations that have been established for all children; and

"(ii) be prepared to lead productive and independent adult lives, to the maximum extent possible;

"(B) strengthening the role and responsibility of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children at school and at home;

"(C) coordinating this Act with other local, educational service agency, State, and Federal school improvement efforts, including improvement efforts under the Elementary and Secondary Education Act of 1965, in order to ensure that such children benefit from such efforts and that special education can become a service for such children rather than a place where they are sent;

"(D) providing appropriate special education and related services, and aids and supports in the regular classroom, to such children, whenever appropriate;

"(E) supporting high-quality, intensive preservice preparation and professional development for all personnel who work with children with disabilities in order to ensure that such personnel have the skills and knowledge necessary to improve the academic achievement and functional performance of children with disabilities, including the use of scientifically based instructional practices, to the maximum extent possible;

"(F) providing incentives for whole-school approaches, scientifically based early reading programs, positive behavioral interventions and supports, and prereferral interventions to reduce the need to label children as disabled in order to address their learning and behavioral needs;

"(G) focusing resources on teaching and learning while reducing paperwork and requirements that do not assist in improving educational results; and

"(H) supporting the development and use of technology, including assistive technology devices and assistive technology services, to maximize accessibility for children with disabilities.

"(6) While States, local educational agencies, and educational service agencies are primarily responsible for providing an education for all children with disabilities, it is in the national interest that the Federal Government have a supporting role in assisting State and local efforts to educate children with disabilities in order to improve results for such children and to ensure equal protection of the law.

"(7) A more equitable allocation of resources is essential for the Federal Government to meet its responsibility to provide an equal educational opportunity for all individuals.

"(8) Parents and schools should be given expanded opportunities to resolve their disagreements in positive and constructive ways.

"(9) Teachers, schools, local educational agencies, and States should be relieved of irrelevant and unnecessary paperwork burdens that do not lead to improved educational outcomes.

"(10)(A) The Federal Government must be responsive to the growing needs of an increasingly more diverse society.

"(B) America's ethnic profile is rapidly changing. In the year 2000, 1 of every 3 persons in the United States was a member of a minority group or was limited English proficient.

"(C) Minority children comprise an increasing percentage of public school students.

"(D) With such changing demographics, recruitment efforts for special education personnel should focus on increasing the participation of minorities in the teaching profession.

"(11)(A) The limited English proficient population is the fastest growing in our Nation, and the growth is occurring in many parts of our Nation.

"(B) Studies have documented apparent discrepancies in the levels of referral and placement of limited English proficient children in special education.

"(C) This poses a special challenge for special education in the referral of, assessment of, and services for, our Nation's students from non-English language backgrounds.

"(12)(A) Greater efforts are needed to prevent the intensification of problems connected with mislabeling and high dropout rates among minority children with disabilities.

"(B) More minority children continue to be served in special education than would be expected from the percentage of minority students in the general school population.

"(C) African-American children are identified as having mental retardation and emotional disturbance at rates greater than their white counterparts.

"(D) In the 1998–1999 school year, African-American children represented just 14.8 percent of the population aged 6 through 21, but comprised 20.2 percent of all children with disabilities.

"(E) Studies have found that schools with predominately Caucasian students and teachers have placed disproportionately high numbers of their minority students into special education.

"(13)(A) As the number of minority students in special education increases, the number of minority teachers and related services personnel produced in colleges and universities continues to decrease.

"(B) The opportunity for minority individuals, organizations, and Historically Black Colleges and Universities to participate fully in awards for grants and contracts, boards of organizations receiving funds under this Act, and peer review panels, and in the training of professionals in the area of special education is essential if we are to obtain greater success in the education of minority children with disabilities.

"(14) As the graduation rates for children with disabilities continue to climb, providing effective transition services to promote successful post-school employment or education is an important measure of accountability for children with disabilities.

"(d) PURPOSES.—The purposes of this title are—

"(1)(A) to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment, further education, and independent living;

"(B) to ensure that the rights of children with disabilities and parents of such children are protected; and

"(C) to assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities;

"(2) to assist States in the implementation of a Statewide, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families;

"(3) to ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting systemic-change activities; coordinated research and personnel preparation; coordinated technical assistance, dissemination, and support; and technology development and media services; and

"(4) to assess, and ensure the effectiveness of, efforts to educate children with disabilities.

"SEC. 602. DEFINITIONS.

"Except as otherwise provided, as used in this Act:

"(1) ASSISTIVE TECHNOLOGY DEVICE.—The term 'assistive technology device' means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the repalcement of such device.

"(2) ASSISTIVE TECHNOLOGY SERVICE.—The term 'assistive technology service' means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

"(A) the evaluation of the needs of such child, including a functional evaluation of the child in the child's customary environment;

"(B) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by such child;

"(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;

"(D) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

"(E) training or technical assistance for such child, or, where appropriate, the family of such child; and

"(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of such child.

"(3) CHILD WITH A DISABILITY.—

"(A) IN GENERAL.—The term 'child with a disability' means a child—

"(i) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (hereinafter referred to as 'emotional disturbance'), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and

"(ii) who, by reason thereof, needs special education and related services.

"(B) CHILD AGED 3 THROUGH 9.—The term 'child with a disability' for a child aged 3 through 9 (or any subset of that age range, including ages 3 through 5), may, at the discretion of the State and the local educational agency, include a child—

"(i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in 1 or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and

"(ii) who, by reason thereof, needs special education and related services.

"(4) CORE ACADEMIC SUBJECT.—The term 'core academic subject' has the meaning given the term in section 9101(11) of the Elementary and Secondary Education Act of 1965.

"(5) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency'—

"(A) means a regional public multiservice agency—

"(i) authorized by State law to develop, manage, and provide services or programs to local educational agencies; and

"(ii) recognized as an administrative agency for purposes of the provision of special education and related services provided within public elementary schools and secondary schools of the State; and

"(B) includes any other public institution or agency having administrative control and direction over a public elementary school or secondary school.

"(6) ELEMENTARY SCHOOL.—The term 'elementary school' means a nonprofit institutional day or residential school that provides elementary education, as determined under State law.

"(7) EQUIPMENT.—The term 'equipment' includes—

"(A) machinery, utilities, and built-in equipment, and any necessary enclosures or structures to house such machinery, utilities, or equipment; and

"(B) all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture; printed, published, and audio-visual instructional materials; telecommunications, sensory, and other technological aids and devices; and books, periodicals, documents, and other related materials.

"(8) EXCESS COSTS.—The term 'excess costs' means those costs that are in excess of the average annual per-student expenditure in a local educational agency during the preceding school year for an elementary school or secondary school student, as may be appropriate, and which shall be computed after deducting—

"(A) amounts received—

"(i) under part B of this title;

"(ii) under part A of title I of the Elementary and Secondary Education Act of 1965; and

"(iii) under parts A and B of title III of that Act; and

"(B) any State or local funds expended for programs that would qualify for assistance under any of those parts.

"(9) FREE APPROPRIATE PUBLIC EDUCATION.—The term 'free appropriate public education' means special education and related services that—

"(A) have been provided at public expense, under public supervision and direction, and without charge;

"(B) meet the standards of the State educational agency;

"(C) include an appropriate preschool, elementary school, or secondary school education in the State involved; and

"(D) are provided in conformity with the individualized education program required under section 614(d).

"(10) HIGHLY QUALIFIED.—The term 'highly qualified' means the following:

"(A) ALL SPECIAL EDUCATION TEACHERS.—When used with respect to any public elementary school or secondary school special education teacher teaching in a State, means that the teacher holds at least a bachelor's degree and that—

"(i) the teacher has obtained full State certification as a special education teacher through a State-approved special education teacher preparation program (including certification obtained through alternative routes to certification) or other comparably rigorous methods, or passed the State teacher special education licensing examination, and holds a license to teach in the State as a special education teacher, except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State's public charter school law;

"(ii) the teacher has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

"(iii) the teacher demonstrates knowledge of special education and the teaching skills necessary to teach children with disabilities.

"(B) NEW ELEMENTARY SCHOOL SPECIAL EDUCATION TEACHERS.—When used with respect to a special education elementary school teacher who is new to the profession, means that the teacher demonstrated, by passing a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-required certification or licensing test or tests in reading, writing, mathematics, and other areas of the basic elementary school curriculum).

"(C) NEW MIDDLE SCHOOL AND SECONDARY SCHOOL SPECIAL EDUCATION TEACHERS.—When used with respect to a special education middle school or secondary school teacher who is new to the profession, means that the teacher has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by—

"(i) passing a rigorous State academic subject test in each of the academic subjects in which the teacher teaches (which may consist of a passing level of performance on a State-required certification or licensing test or tests in each of the academic subjects in which the teacher teaches); or

"(ii) successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing.

"(D) VETERAN SPECIAL EDUCATION TEACHERS.—When used with respect to an elementary school, middle school, or secondary school special education teacher who is not new to the profession, means that the teacher has—

"(i) met the applicable standard in subparagraph (B) or (C), which includes an option for a test; or

"(ii) has demonstrated competence in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation for special education teachers that—

"(I) is set by the State for both grade-appropriate academic subject matter knowledge and special education teaching skills;

"(II) is aligned with challenging State academic content and student academic achievement standards and developed in consultation with special education teachers, core content specialists, teachers, principals, and school administrators;

"(III) provides objective, coherent information about the teachers' attainment of knowledge of core content knowledge in the academic subjects in which a teacher teaches;

"(IV) is applied uniformly to all special education teachers who teach in the same academic subject and the same grade level throughout the State;

"(V) takes into consideration, but is not based primarily on, the time the teacher has been teaching in the academic subject;

"(VI) is made available to the public on request; and

"(VII) may involve multiple objective measures of teacher competency.

"(E) TEACHERS PROVIDING CONSULTATIVE SERVICES.—

"(i) IN GENERAL.—Notwithstanding subparagraphs (B) through (D), when used with respect to a special education teacher who provides only consultative services to a highly qualified regular education teacher (as the term highly qualified is defined in section 9101(23) of the Elementary and Secondary Education Act of 1965), means that the teacher meets the requirements of subparagraph (A).

"(ii) CONSULTATIVE SERVICES.—As used in clause (i), the term 'consultative services' means services that adjust the learning environment, modify instructional methods, adapt curricula, use positive behavior supports and interventions, and select and implement appropriate accommodations to meet the needs of individual children.

"(F) EXCEPTION.—Notwithstanding subparagraphs (B) through (D), when used with respect to a special education teacher who teaches more than 1 subject, primarily to middle school and secondary school-aged children with significant cognitive disabilities, means that the teacher has demonstrated subject knowledge and teaching skills in reading, mathematics, and other areas of the basic elementary school curriculum by—

"(i) passing a rigorous State test (which may consist of passing a State-required certification or licensing test or tests in those areas); or

"(ii) demonstrating competency in all the academic subjects in which the teacher teaches, based on a high objective uniform State standard as described in subparagraph (D)(ii).

"(11) INDIAN.—The term 'Indian' means an individual who is a member of an Indian tribe.

"(12) INDIAN TRIBE.—The term 'Indian tribe' means any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaska Native village or regional village corporation (as defined in or established under the Alaska Native Claims Settlement Act).

"(13) INDIVIDUALIZED EDUCATION PROGRAM.—The term 'individualized education program' or 'IEP' means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with section 614(d).

"(14) INDIVIDUALIZED FAMILY SERVICE PLAN.—The term 'individualized family service plan' has the meaning given such term in section 636.

"(15) INFANT OR TODDLER WITH A DISABILITY.—The term 'infant or toddler with a disability' has the meaning given such term in section 632.

"(16) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education'—

"(A) has the meaning given such term in section 101 (a) and (b) of the Higher Education Act of 1965; and

"(B) also includes any community college receiving funding from the Secretary of the Interior under the Tribally Controlled College or University Assistance Act of 1978.

"(17) LIMITED ENGLISH PROFICIENT.—The term 'limited English proficient' has the meaning given the term in section 9101(25) of the Elementary and Secondary Education Act of 1965.

"(18) LOCAL EDUCATIONAL AGENCY.—

"(A) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools or secondary schools.

"(B) The term includes—

"(i) an educational service agency, as defined in paragraph (5); and

"(ii) any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

"(C) The term includes an elementary school or secondary school funded by the Bureau of Indian Affairs, but only to the extent that such inclusion makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

"(19) NATIVE LANGUAGE.—The term 'native language', when used with respect to an individual of limited English proficiency, means the language normally used by the individual, or in the case of a child, the language normally used by the parents of the child.

"(20) NONPROFIT.—The term 'nonprofit', as applied to a school, agency, organization, or institution, means a school, agency, organization, or institution owned and operated by 1 or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(21) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(22) PARENT.—

"(A) IN GENERAL.—The term 'parent'—

"(i) means—

"(I) a natural or adoptive parent of a child;

"(II) a guardian (but not the State if the child is a ward of the State);

"(III) an individual acting in the place of a natural or adoptive parent, including a grandparent, stepparent, or other relative with whom the child lives or an individual who is legally responsible for the child's welfare; or

"(IV) except as used in sections 615(b)(2) and 639(a)(5), an individual assigned under either of those sections to be a surrogate parent; and

"(ii) in the case of a homeless child who is not in the physical custody of a parent or guardian, includes a related or unrelated adult with whom the child is living or other adult jointly designated by the child and the local educational agency liaison for homeless children and youths (designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act), in addition to other individuals permitted by law.

"(B) FOSTER PARENT.—Unless State law prohibits a foster parent from acting as a parent, the term 'parent' includes a foster parent if—

"(i) the natural or adoptive parents' authority to make educational decisions on the child's behalf has been extinguished under State law; and

"(ii) the foster parent—

"(I) has an ongoing, long-term parental relationship with the child;

"(II) is willing to make the educational decisions required of parents under this Act; and

"(III) has no interest that would conflict with the interests of the child.

"(23) PARENT ORGANIZATION.—The term 'parent organization' has the meaning given such term in section 671(g).

"(24) PARENT TRAINING AND INFORMATION CENTER.—The term 'parent training and information center' means a center assisted under section 671 or 672.

"(25) RELATED SERVICES.—The term 'related services' means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school health services, counseling services, including rehabilitation counseling, orientation and mobility services, travel training instruction, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children. The term does not include a medical device that is surgically implanted, or the replacement of such device.

"(26) SECONDARY SCHOOL.—The term 'secondary school' means a nonprofit institutional day or residential school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12.

"(27) SECRETARY.—The term 'Secretary' means the Secretary of Education.

"(28) SPECIAL EDUCATION.—The term 'special education' means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including—

"(A) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

"(B) instruction in physical education.

"(29) SPECIFIC LEARNING DISABILITY.—

"(A) IN GENERAL.—The term 'specific learning disability' means a disorder in 1 or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

"(B) DISORDERS INCLUDED.—Such term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

"(C) DISORDERS NOT INCLUDED.—Such term does not include a learning problem that is primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

"(30) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

"(31) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary schools and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

"(32) SUPPLEMENTARY AIDS AND SERVICES.—The term 'supplementary aids and services' means aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with section 612(a)(5).

"(33) TRANSITION SERVICES.—The term 'transition services' means a coordinated set of activities for a child with a disability (as defined in paragraph (3)(A)) that—

"(A) is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

"(B) is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and

"(C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

"(34) CHILD WITH A DISABILITY IN A MILITARY FAMILY.—The term 'child with a disability in a military family' means a child with a disability who has a parent who is a member of the Armed Forces, including a member of the National Guard or Reserves.

"(35) HOMELESS CHILDREN.—The term 'homeless children' has the meaning given the term 'homeless children and youths' in section 725 of the McKinney-Vento Homeless Assistance Act.

"(36) WARD OF THE STATE.—The term 'ward of the State' means a child who, as defined by the State where the child resides, is a foster child, a ward of the State or is in the custody of a public child welfare agency.

"SEC. 603. OFFICE OF SPECIAL EDUCATION PROGRAMS.

"(a) ESTABLISHMENT.—There shall be, within the Office of Special Education and Rehabilitative Services in the Department of Education, an Office of Special Education Programs, which shall be the principal agency in such Department for administering and carrying out this Act and other programs and activities concerning the education of children with disabilities.

"(b) DIRECTOR.—The Office established under subsection (a) shall be headed by a Director who shall be selected by the Secretary and shall report directly to the Assistant Secretary for Special Education and Rehabilitative Services.

"(c) Voluntary and Uncompensated Services.—Notwithstanding section 1342 of title 31, United States Code, the Secretary is authorized to accept voluntary and uncompensated services in furtherance of the purposes of this Act.

"SEC. 604. ABROGATION OF STATE SOVEREIGN IMMUNITY.

"(a) In General.—A State shall not be immune under the 11th amendment to the Constitution of the United States from suit in Federal court for a violation of this Act.

"(b) Remedies.—In a suit against a State for a violation of this Act, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as those remedies are available for such a violation in the suit against any public entity other than a State.

"(c) Effective Date.—Subsections (a) and (b) apply with respect to violations that occur in whole or part after the date of enactment of the Education of the Handicapped Act Amendments of 1990.

"SEC. 605. ACQUISITION OF EQUIPMENT; CONSTRUCTION OR ALTERATION OF FACILITIES.

"(a) In General.—If the Secretary determines that a program authorized under this Act will be improved by permitting program funds to be used to acquire appropriate equipment, or to construct new facilities or alter existing facilities, the Secretary is authorized to allow the use of those funds for those purposes.

"(b) Compliance With Certain Regulations.—Any construction of new facilities or alteration of existing facilities under subsection (a) shall comply with the requirements of—

"(1) appendix A of part 36 of title 28, Code of Federal Regulations (commonly known as the 'Americans with Disabilities Accessibility Guidelines for Buildings and Facilities'); or

"(2) appendix A of subpart 101–19.6 of title 41, Code of Federal Regulations (commonly known as the 'Uniform Federal Accessibility Standards').

"SEC. 606. EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.

"The Secretary shall ensure that each recipient of assistance under this Act makes positive efforts to employ and advance in employment qualified individuals with disabilities in programs assisted under this Act.

"SEC. 607. REQUIREMENTS FOR PRESCRIBING REGULATIONS.

"(a) In General.—In carrying out the provisions of this Act, the Secretary shall issue regulations under this Act only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements of this Act.

"(b) Protections Provided to Children.—The Secretary may not implement, or publish in final form, any regulation prescribed pursuant to this Act that—

"(1) violates or contradicts any provision of this Act; and

"(2) procedurally or substantively lessens the protections provided to children with disabilities under this Act, as embodied in regulations in effect on July 20, 1983 (particularly as such protections related to parental consent to initial evaluation or initial placement in special education, least restrictive environment, related services, timelines, attendance of evaluation personnel at individualized education program meetings, or qualifications of personnel), except to the extent that such regulation reflects the clear and unequivocal intent of the Congress in legislation.

"(c) Public Comment Period.—The Secretary shall provide a public comment period of not more than 90 days on any regulation proposed under part B or part C of this Act on which an opportunity for public comment is otherwise required by law.

"(d) Policy Letters and Statements.—The Secretary may not issue policy letters or other statements (including letters or statements regarding issues of national significance) that—

"(1) violate or contradict any provision of this Act; or

"(2) establish a rule that is required for compliance with, and eligibility under, this Act without following the requirements of section 553 of title 5, United States Code.

"(e) Explanation and Assurances.—Any written response by the Secretary under subsection (d) regarding a policy, question, or interpretation under part B of this Act shall include an explanation in the written response that—

"(1) such response is provided as informal guidance and is not legally binding;

"(2) when required, such response is issued in compliance with the requirements of section 553 of title 5, United States Code; and

"(3) such response represents the interpretation by the Department of Education of the applicable statutory or regulatory requirements in the context of the specific facts presented.

"(f) Correspondence From Department of Education Describing Interpretations of This Act.—

"(1) In general.—The Secretary shall, on a quarterly basis, publish in the Federal Register, and widely disseminate to interested entities through various additional forms of communication, a list of correspondence from the Department of Education received by individuals during the previous quarter that describes the interpretations of the Department of Education of this Act or the regulations implemented pursuant to this Act.

"(2) Additional information.—For each item of correspondence published in a list under paragraph (1), the Secretary shall—

"(A) identify the topic addressed by the correspondence and shall include such other summary information as the Secretary determines to be appropriate; and

"(B) ensure that all such correspondence is issued, where applicable, in compliance with the requirements of section 553 of title 5, United States Code.

"SEC. 608. STATE ADMINISTRATION.

"(a) Rulemaking.—Each State that receives funds under this Act shall—

"(1) ensure that any State rules, regulations, and policies relating to this Act conform to the purposes of this Act; and

"(2) identify in writing to its local educational agencies and the Secretary any such rule, regulation, or policy as a State-imposed requirement that is not required by this Act and Federal regulations.

"(b) Support and Facilitation.—State rules, regulations, and policies under this Act shall support and facilitate local educational agency and school-level systemic reform designed to enable children with disabilities to meet the challenging State student academic achievement standards.

"SEC. 609. PAPERWORK REDUCTION.

"(a) Report to Congress.—The Comptroller General shall conduct a review of Federal, State, and local requirements relating to the education of children with disabilities to determine which requirements result in excessive paperwork completion burdens for teachers, related services providers, and school administrators, and shall report to Congress not later than 18 months after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003 regarding such review along with strategic proposals for reducing the paperwork burdens on teachers.

"(b) Paperwork Reduction Demonstration.—

"(1) Pilot program.—

"(A) Purpose.—The purpose of this subsection is to provide an opportunity for States to identify ways to reduce paperwork burdens and other administrative duties that are directly associated with the requirements of this Act, in order to increase the time and resources available for instruction and other activities aimed at improving educational and functional results for children with disabilities.

"(B) Authorization.—

"(i) In general.—In order to carry out the purpose of this subsection, the Secretary is authorized to grant waivers of statutory requirements of, or regulatory requirements relating to, this part for a period of time not to exceed 4 years with respect to not more than 15 States based on proposals submitted by States to reduce excessive paperwork and noninstructional time burdens that do not assist in improving educational and functional results for children with disabilities.

"(ii) Exception.—The Secretary shall not waive any statutory requirements of, or regulatory requirements relating to, applicable civil rights requirements.

"(iii) Rule of construction.—Nothing in this subsection shall be construed to—

"(I) affect the right of a child with a disability to receive a free appropriate public education under this part; and

"(II) permit a State or local educational agency to waive procedural safeguards under section 615.

"(C) Proposal.—

"(i) In general.—A State desiring to participate in the program under this subsection shall submit a proposal to the Secretary at such time and in such manner as the Secretary may reasonably require.

"(ii) Content.—The proposal shall include—

"(I) a list of any statutory requirements of, or regulatory requirements relating to, this part that the State desires the Secretary to waive or change, in whole or in part; and

"(II) a list of any State requirements that the State proposes to waive or change, in whole or in part, to carry out a waiver granted to the State by the Secretary.

"(D) Termination of waiver.—The Secretary shall terminate a State's waiver under this subsection if the Secretary determines that the State—

"(i) has failed to make satisfactory progress in meeting the indicators described in section 616; or

"(ii) has failed to appropriately implement its waiver.

"(2) Report.—Beginning 2 years after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003, the Secretary shall include in the annual report to Congress submitted pursuant to section 426 of the Department of Education Organization Act information related to the effectiveness of waivers granted under paragraph (1), including any specific recommendations for broader implementation of such waivers, in—

"(A) reducing—

"(i) the paperwork burden on teachers, principals, administrators, and related service providers; and

"(ii) noninstructional time spent by teachers in complying with this part;

"(B) enhancing longer-term educational planning;

"(C) improving positive outcomes for children with disabilities;

"(D) promoting collaboration between IEP Team members; and

"(E) ensuring satisfaction of family members.

"SEC. 610. FREELY ASSOCIATED STATES.

"The Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall continue to be eligible for competitive grants administered by the Secretary under this Act to the extent that such grants continue to be available to States and local educational agencies under this Act.

"PART B—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES

"SEC. 611. AUTHORIZATION; ALLOTMENT; USE OF FUNDS; AUTHORIZATION OF APPROPRIATIONS.

"(a) Grants to States.—

"(1) Purpose of grants.—The Secretary shall make grants to States and the outlying areas, and provide funds to the Secretary of the Interior, to assist them to provide special education and related services to children with disabilities in accordance with this part.

"(2) Maximum amount.—The maximum amount available for awarding grants under this section for any fiscal year is—

"(A) the total number of children with disabilities in the 2002–2003 school year in the States who received special education and related services and who were—

"(i) aged 3 through 5, if the State was eligible for a grant under section 619; and

"(ii) aged 6 through 21; multiplied by

"(B) 40 percent of the average per-pupil expenditure in public elementary schools and secondary schools in the United States; adjusted by;

"(C) the rate of change in the sum of—

"(i) 85 percent of the change in the nationwide total of the population described in subsection (d)(3)(A)(i)(II); and

"(ii) 15 percent of the change in the nationwide total of the population described in subsection (d)(3)(A)(i)(III).

"(b) Outlying Areas and Freely Associated States.—

"(1) Funds reserved.—From the amount appropriated for any fiscal year under subsection (i), the Secretary shall reserve not more than 1 percent, which shall be used—

"(A) to provide assistance to the outlying areas in accordance with their respective populations of individuals aged 3 through 21; and

"(B) to provide each freely associated State a grant in the amount that such freely associated State received for fiscal year 2003 under this part, but only if the freely associated State meets the applicable requirements of this part, as well as the requirements of section 611(b)(2)(C) as such section was in effect on the day before the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004.

"(2) Special rule.—The provisions of Public Law 95–134, permitting the consolidation of grants by the outlying areas, shall not apply to funds provided to the outlying areas or the freely associated States under this section.

"(3) Definition.—As used in this subsection, the term 'freely associated States' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(c) Secretary of the Interior.—From the amount appropriated for any fiscal year under subsection (i), the Secretary shall reserve 1.226 percent to provide assistance to the Secretary of the Interior in accordance with subsection (i).

"(d) Allocations to States.—

"(1) In general.—After reserving funds for studies and evaluations under section 665, and for payments to the outlying areas, the freely associated States, and the Secretary of the Interior under subsections (b) and (c) for a fiscal year, the Secretary shall allocate the remaining amount among the States in accordance with this subsection.

"(2) Special rule for use of fiscal year 1999 amount.—If a State received any funds under this section for fiscal year 1999 on the basis of children aged 3 through 5, but does not make a free appropriate public education available to all children with disabilities aged 3 through 5 in the State in any subsequent fiscal year, the Secretary shall compute the State's amount for fiscal year 1999, solely for the purpose of calculating the State's allocation in that subsequent year under paragraph (3) or (4), by subtracting the amount allocated to the State for fiscal year 1999 on the basis of those children.

"(3) Increase in funds.—If the amount available for allocations to States under paragraph (1) for a fiscal year is equal to or greater than the amount allocated to the States under this paragraph for the preceding fiscal year, those allocations shall be calculated as follows:

"(A) Allocation of increase.—

"(i) In general.—Except as provided in subparagraph (B), the Secretary shall allocate for the fiscal year—

"(I) to each State the amount the State received under this section for fiscal year 1999;

"(II) 85 percent of any remaining funds to States on the basis of the States' relative populations of children aged 3 through 21 who are of the same age as children with disabilities for whom the State ensures the availability of a free appropriate public education under this part; and

"(III) 15 percent of those remaining funds to States on the basis of the States' relative populations of children described in subclause (II) who are living in poverty.

"(ii) Data.—For the purpose of making grants under this paragraph, the Secretary shall use the most recent population data, including data on children living in poverty, that are available and satisfactory to the Secretary.

"(B) Limitations.—Notwithstanding subparagraph (A), allocations under this paragraph shall be subject to the following:

"(i) Preceding year allocation.—No State's allocation shall be less than its allocation under this section for the preceding fiscal year.

"(ii) Minimum.—No State's allocation shall be less than the greatest of—

"(I) the sum of—

"(aa) the amount the State received under this section for fiscal year 1999; and

"(bb) ⅓ of 1 percent of the amount by which the amount appropriated under subsection (i) for the fiscal year exceeds the amount appropriated for this section for fiscal year 1999;

"(II) the sum of—

"(aa) the amount the State received under this section for the preceding fiscal year; and

"(bb) that amount multiplied by the percentage by which the increase in the funds appropriated for this section from the preceding fiscal year exceeds 1.5 percent; or

"(III) the sum of—

"(aa) the amount the State received under this section for the preceding fiscal year; and

"(bb) that amount multiplied by 90 percent of the percentage increase in the amount appropriated for this section from the preceding fiscal year.

"(iii) Maximum.—Notwithstanding clause (ii), no State's allocation under this paragraph shall exceed the sum of—

"(I) the amount the State received under this section for the preceding fiscal year; and

"(II) that amount multiplied by the sum of 1.5 percent and the percentage increase in the amount appropriated under this section from the preceding fiscal year.

"(C) Ratable reduction.—If the amount available for allocations under this paragraph is insufficient to pay those allocations in full, those allocations shall be ratably reduced, subject to subparagraph (B)(i).

"(4) Decrease in funds.—If the amount available for allocations to States under paragraph (1) for a fiscal year is less than the amount allocated to the States under this section for the preceding fiscal year, those allocations shall be calculated as follows:

"(A) Amounts greater than fiscal year 1999 allocations.—If the amount available for allocations is greater than the amount allocated to the States for fiscal year 1999, each State shall be allocated the sum of—

"(i) the amount the State received under this section for fiscal year 1999; and

"(ii) an amount that bears the same relation to any remaining funds as the increase the State received under this section for the preceding fiscal year over fiscal year 1999 bears to the total of all such increases for all States.

"(B) Amounts equal to or less than fiscal year 1999 allocations.—

"(i) In general.—If the amount available for allocations under this paragraph is equal to or less than the amount allocated to the States for fiscal year 1999, each State shall be allocated the amount the State received for fiscal year 1999.

"(ii) Ratable reduction.—If the amount available for allocations under this paragraph is insufficient to make the allocations described in clause (i), those allocations shall be ratably reduced.

"(e) State-Level Activities.—

"(1) State administration.—

"(A) In general.—For the purpose of administering this part, including paragraph (3), section 619, and the coordination of activities under this part with, and providing technical assistance to, other programs that provide services to children with disabilities—

"(i) each State may reserve not more than the maximum amount the State was eligible to reserve for State administration for fiscal year 2003 or $800,000 (adjusted by the cumulative rate of inflation since fiscal year 2003 as measured by the percentage increase, if any, in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor), whichever is greater; and

"(ii) each outlying area may reserve not more than 5 percent of the amount the outlying area receives under subsection (b) for any fiscal year or $35,000, whichever is greater.

"(B) Part C.—Funds reserved under subparagraph (A) may be used for the administration of part C, if the State educational agency is the lead agency for the State under that part.

"(C) Certification.—Prior to expenditure of funds under this paragraph, the State shall certify to the Secretary that the arrangements to establish responsibility for services pursuant to section 612(a)(12)(A) are current as of the date of submission of the certification.

"(2) Other state-level activities.—

"(A) State-level activities.—

"(i) In general.—For the purpose of carrying out State-level activities, each State may reserve for each of the fiscal years 2004 and 2005, not more than 10 percent of the amount that remains after subtracting the amount reserved under paragraph (1) from the amount of the State's allocation under subsection (d) for fiscal years 2004 and 2005, respectively. For fiscal years 2006, 2007, 2008, and 2009, the State may reserve the maximum amount the State was eligible to reserve under the preceding sentence for fiscal year 2005 (adjusted by the cumulative rate of inflation since fiscal year 2005 as measured by the percentage increase, if any, in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor).

"(ii) Small state adjustment.—Notwithstanding clause (i), in the case of a State for which the maximum amount reserved for State administration under paragraph (1) is not greater than $800,000 (as adjusted pursuant to paragraph (1)(A)(i)), the State may reserve for the

purpose of carrying out State-level activities for each of the fiscal years 2004 and 2005, not more than 12 percent of the amount that remains after subtracting the amount reserved under paragraph (1) from the amount of the State's allocation under subsection (d) for fiscal years 2004 and 2005, respectively. For each of the fiscal years 2006, 2007, 2008, and 2009, each such State may reserve for such purpose the maximum amount the State was eligible to reserve under the preceding sentence for fiscal year 2005 (adjusted by the cumulative rate of inflation since fiscal year 2005 as measured by the percentage increase, if any, in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor).

"(B) REQUIRED ACTIVITIES.—Funds reserved under subparagraph (A) shall be used to carry out the following activities:

"(i) For monitoring, enforcement and complaint investigation.

"(ii) To establish and implement the mediation, processes required by section 615(e)(1), including providing for the costs of mediators and support personnel;

"(iii) To support the State protection and advocacy system to advise and assist parents in the areas of—

"(I) dispute resolution and due process;

"(II) voluntary mediation; and

"(III) the opportunity to resolve complaints.

"(C) AUTHORIZED ACTIVITIES.—Funds reserved under subparagraph (A) may be used to carry out the following activities:

"(i) For support and direct services, including technical assistance, personnel preparation, and professional development and training.

"(ii) To support paperwork reduction activities, including expanding the use of technology in the IEP process.

"(iii) To assist local educational agencies in providing positive behavioral interventions and supports and mental health services for children with disabilities.

"(iv) To improve the use of technology in the classroom by children with disabilities to enhance learning.

"(v) To support the development and use of technology, including universally designed technologies and assistive technology devices, to maximize accessibility to the general curriculum for children with disabilities.

"(vi) Development and implementation of transition programs, including coordination of services with agencies involved in supporting the transition of students with disabilities to post-secondary activities.

"(vii) To assist local educational agencies in meeting personnel shortages.

"(viii) To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.

"(ix) Alternative programming for children who have been expelled from school, and services for children in correctional facilities, children enrolled in State-operated or State-supported schools, and children in charter schools.

"(x) To support the development and provision of appropriate accommodations for children with disabilities, or the development and provision of alternate assessments that are valid and reliable for assessing the performance of children with disabilities, in accordance with sections 1111(b) and 6111 of the Elementary and Secondary Education Act of 1965.

"(3) LOCAL EDUCATIONAL AGENCY RISK POOL.—

"(A) IN GENERAL.—For the purpose of assisting local educational agencies (and charter schools that are local educational agencies) in addressing the needs of high-need children and the unanticipated enrollment of other children eligible for services under this part, each State shall reserve for each of the fiscal years 2004 through 2009, 2 percent of the amount that remains after subtracting the amount reserved under paragraph (1) from the amount of the State's allocation under subsection (d) for each of the fiscal years 2004 through 2009, respectively, to—

"(i) establish a high-cost fund; and

"(ii) make disbursements from the high-cost fund to local educational agencies in accordance with this paragraph.

"(B) REQUIRED DISBURSEMENTS FROM THE FUND.—

"(i) IN GENERAL.—Each State educational agency shall make disbursements from the fund established under subparagraph (A) to local educational agencies to pay the percentage, described in subparagraph (D), of the costs of providing a free appropriate public education to high-need children.

"(ii) SPECIAL RULE.—If funds reserved for a fiscal year under subparagraph (A) are insufficient to pay the percentage described in subparagraph (D) to assist all the local educational agencies having applications approved under subparagraph (C), then the State educational agency shall ratably reduce the amount paid to each local educational agency that receives a disbursement for that fiscal year.

"(C) APPLICATION.—A local educational agency that desires a disbursement under this subsection shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include assurances that funds provided under this paragraph shall not be used to pay costs that otherwise would be reimbursable as medical assistance for a child with a disability under the State medicaid program under title XIX of the Social Security Act.

"(D) DISBURSEMENTS.—

"(i) IN GENERAL.—A State educational agency shall make a disbursement to a local educational agency that submits an application under subparagraph (C) in an amount that is equal to 75 percent of the costs that are in excess of 4 times the average per-pupil expenditure in the United States or in the State where the child resides (whichever average per-pupil expenditure is lower) associated with educating each high need child served by such local educational agency in a fiscal year for whom such agency desires a disbursement.

"(ii) APPROPRIATE COSTS.—The costs associated with educating a high need child under clause (i) are only those costs associated with providing direct special education and related services to such child that are identified in such child's appropriately developed IEP.

"(E) LEGAL FEES.—The disbursements under subparagraph (D) shall not support legal fees, court costs, or other costs associated with a cause of action brought on behalf of such child to ensure a free appropriate public education for such child.

"(F) PERMISSIBLE DISBURSEMENTS FROM REMAINING FUNDS.—A State educational agency may make disbursements to local educational agencies from any funds that are remaining in the high cost fund after making the required disbursements under subparagraph (D) for a fiscal year for the following purposes:

"(i) To pay the costs associated with serving children with disabilities who moved into the areas served by such local agencies after the budget for the following school year had been finalized to assist the local educational agencies in providing a free appropriate public education for such children in such year.

"(ii) To compensate local educational agencies for extraordinary costs, as determined by the State, of any children eligible for services under this part due to—

"(I) unexpected enrollment or placement of children eligible for services under this part; or

"(II) a significant underestimate of the average cost of providing services to children eligible for services under this part.

"(G) REMAINING FUNDS.—Funds reserved under subparagraph (A) in any fiscal year but not expended in that fiscal year pursuant to subparagraph (D) or subparagraph (F) shall—

"(i) be allocated to local educational agencies pursuant to subparagraphs (D) or (F) for the next fiscal year; or

"(ii) be allocated to local educational agencies in the same manner as funds are allocated to local educational agencies under subsection (f).

"(H) ASSURANCE OF A FREE APPROPRIATE PUBLIC EDUCATION.—Nothing in this section shall be construed—

"(i) to limit or condition the right of a child with a disability who is assisted under this part to receive a free appropriate public education pursuant to section 612(a)(1) in a least restrictive environment pursuant to section 612(a)(5); or

"(ii) to authorize a State educational agency or local educational agency to indicate a limit on what is expected to be spent on the education of a child with a disability.

"(I) MEDICAID SERVICES NOT AFFECTED.—Disbursements provided under this subsection shall not be used to pay costs that otherwise would be reimbursable as medical assistance for a child with a disability under the State medicaid program under title XIX of the Social Security Act.

"(J) DEFINITIONS.—In this paragraph:

"(i) AVERAGE PER-PUPIL EXPENDITURE.—The term 'average per-pupil expenditure' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(ii) HIGH-NEED CHILD.—The term 'high-need', when used with respect to a child with a disability, means a child with a disability for whom a free appropriate public education in a fiscal year costs more than 4 times the average per-pupil expenditure for such fiscal year.

"(K) SPECIAL RULE FOR RISK POOL AND HIGH-NEED ASSISTANCE PROGRAMS IN EFFECT AS OF JANUARY 1, 2003.—Notwithstanding the provisions of subparagraphs (A) through (J), a State may use funds reserved pursuant to this paragraph for administering and implementing a placement-neutral cost-sharing and reimbursement program of high-need, low-incidence, emergency, catastrophic, or extraordinary aid to local educational agencies that provides services to students eligible under this part based on eligibility criteria for such programs that were operative on January 1, 2003.

"(4) INAPPLICABILITY OF CERTAIN PROHIBITIONS.—A State may use funds the State reserves under paragraphs (1), (2), and (3) without regard to—

"(A) the prohibition on commingling of funds in section 612(a)(17)(B); and

"(B) the prohibition on supplanting other funds in section 612(a)(17)(C).

"(5) REPORT ON USE OF FUNDS.—As part of the information required to be submitted to the Secretary under section 612, each State shall annually describe how amounts under this section—

"(A) will be used to meet the requirements of this Act; and

"(B) will be allocated among the activities described in this section to meet State priorities based on input from local educational agencies.

"(6) FLEXIBILITY IN USING FUNDS FOR PART C.—Any State eligible to receive a grant under section 619 may use funds made available under paragraph (1)(A), subsection (f)(3), or section 619(f)(5) to develop and implement a State policy jointly with the lead agency under part C and the State educational agency to provide early intervention services (which shall include an educational component that promotes school

readiness and incorporates pre-literacy, language, and numeracy skills) in accordance with part C to children with disabilities who are eligible for services under section 619 and who previously received services under part C until such children enter, or are eligible under State law to enter, kindergarten.

"(f) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

"(1) SUBGRANTS REQUIRED.—Each State that receives a grant under this section for any fiscal year shall distribute any funds the State does not reserve under subsection (e) to local educational agencies (including public charter schools that operate as local educational agencies) in the State that have established their eligibility under section 613 for use in accordance with this part.

"(2) PROCEDURE FOR ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

"(A) PROCEDURE.—For each fiscal year for which funds are allocated to States under subsection (d), each State shall allocate funds under paragraph (1) as follows:

"(i) BASE PAYMENTS.—The State shall first award each local educational agency described in paragraph (1) the amount the local educational agency would have received under this section for fiscal year 1999, if the State had distributed 75 percent of its grant for that year under section 611(d) as section 611(d) was then in effect.

"(ii) ALLOCATION OF REMAINING FUNDS.—After making allocations under clause (i), the State shall—

"(I) allocate 85 percent of any remaining funds to those local educational agencies on the basis of the relative numbers of children enrolled in public and private elementary schools and secondary schools within the local educational agency's jurisdiction; and

"(II) allocate 15 percent of those remaining funds to those local educational agencies in accordance with their relative numbers of children living in poverty, as determined by the State educational agency.

"(3) REALLOCATION OF FUNDS.—If a State educational agency determines that a local educational agency is adequately providing a free appropriate public education to all children with disabilities residing in the area served by that local educational agency with State and local funds, the State educational agency may reallocate any portion of the funds under this part that are not needed by that local educational agency to provide a free appropriate public education to other local educational agencies in the State that are not adequately providing special education and related services to all children with disabilities residing in the areas served by those other local educational agencies.

"(g) DEFINITIONS.—For the purpose of this section—

"(1) the term 'average per-pupil expenditure in public elementary schools and secondary schools in the United States' means—

"(A) without regard to the source of funds—

"(i) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the 50 States and the District of Columbia; plus

"(ii) any direct expenditures by the State for the operation of those local educational agencies; divided by

"(B) the aggregate number of children in average daily attendance to whom those local educational agencies provided free public education during that preceding year; and

"(2) the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(h) USE OF AMOUNTS BY SECRETARY OF THE INTERIOR.—

"(1) PROVISION OF AMOUNTS FOR ASSISTANCE.—

"(A) IN GENERAL.—The Secretary of Education shall provide amounts to the Secretary of the Interior to meet the need for assistance for the education of children with disabilities on reservations aged 5 through 21 who are enrolled in elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior. The amount of such payment for any fiscal year shall be equal to 80 percent of the amount allotted under subsection (c) for that fiscal year.

"(B) CALCULATION OF NUMBER OF CHILDREN.—In the case of Indian students aged 3 through 5 who are enrolled in programs affiliated with the Bureau of Indian Affairs (hereafter in this subsection referred to as 'BIA') schools, and that are required by the States in which such schools are located to attain or maintain State accreditation, and which schools had such accreditation prior to the date of enactment of the Individuals with Disabilities Education Act Amendments of 1991, the school shall be allowed to count those children for the purpose of distribution of the funds provided under this paragraph to the Secretary of the Interior. The Secretary of the Interior shall be responsible for meeting all of the requirements of this part for these children, in accordance with paragraph (2).

"(C) ADDITIONAL REQUIREMENT.—With respect to all other children aged 3 through 21 on reservations, the State educational agency shall be responsible for ensuring that all of the requirements of this part are implemented.

"(2) SUBMISSION OF INFORMATION.—The Secretary of Education may provide the Secretary of the Interior amounts under paragraph (1) for a fiscal year only if the Secretary of the Interior submits to the Secretary of Education information that—

"(A) demonstrates that the Department of the Interior meets the appropriate requirements, as determined by the Secretary of Education, of sections 612 (including monitoring and evaluation activities) and 613;

"(B) includes a description of how the Secretary of the Interior will coordinate the provision of services under this part with local educational agencies, tribes and tribal organizations, and other private and Federal service providers;

"(C) includes an assurance that there are public hearings, adequate notice of such hearings, and an opportunity for comment afforded to members of tribes, tribal governing bodies, and affected local school boards before the adoption of the policies, programs, and procedures described in subparagraph (A);

"(D) includes an assurance that the Secretary of the Interior will provide such information as the Secretary of Education may require to comply with section 618;

"(E) includes an assurance that the Secretary of the Interior and the Secretary of Health and Human Services have entered into a memorandum of agreement, to be provided to the Secretary of Education, for the coordination of services, resources, and personnel between their respective Federal, State, and local offices and with State and local educational agencies and other entities to facilitate the provision of services to Indian children with disabilities residing on or near reservations (such agreement shall provide for the apportionment of responsibilities and costs including, but not limited to, child find, evaluation, diagnosis, remediation or therapeutic measures, and (where appropriate) equipment and medical or personal supplies as needed for a child to remain in school or a program); and

"(F) includes an assurance that the Department of the Interior will cooperate with the Department of Education in its exercise of monitoring and oversight of this application, and any agreements entered into between the Secretary of the Interior and other entities under this part, and will fulfill its duties under this part.

"(3) APPLICABILITY.—Section 616(a) shall apply to the information described in this paragraph.

"(4) PAYMENTS FOR EDUCATION AND SERVICES FOR INDIAN CHILDREN WITH DISABILITIES AGED 3 THROUGH 5.—

"(A) IN GENERAL.—With funds appropriated under subsection (i), the Secretary of Education shall make payments to the Secretary of the Interior to be distributed to tribes or tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act) or consortia of the above to provide for the coordination of assistance for special education and related services for children with disabilities aged 3 through 5 on reservations served by elementary schools and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payments under subparagraph (B) for any fiscal year shall be equal to 20 percent of the amount allotted under subsection (c).

"(B) DISTRIBUTION OF FUNDS.—The Secretary of the Interior shall distribute the total amount of the payment under subparagraph (A) by allocating to each tribe or tribal organization an amount based on the number of children with disabilities ages 3 through 5 residing on reservations as reported annually, divided by the total of those children served by all tribes or tribal organizations.

"(C) SUBMISSION OF INFORMATION.—To receive a payment under this paragraph, the tribe or tribal organization shall submit such figures to the Secretary of the Interior as required to determine the amounts to be allocated under subparagraph (B). This information shall be compiled and submitted to the Secretary of Education.

"(D) USE OF FUNDS.—The funds received by a tribe or tribal organization shall be used to assist in child find, screening, and other procedures for the early identification of children aged 3 through 5, parent training, and the provision of direct services. These activities may be carried out directly or through contracts or cooperative agreements with the BIA, local educational agencies, and other public or private nonprofit organizations. The tribe or tribal organization is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

"(E) BIENNIAL REPORT.—To be eligible to receive a grant pursuant to subparagraph (A), the tribe or tribal organization shall provide to the Secretary of the Interior a biennial report of activities undertaken under this paragraph, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year, and the estimated number of children needing services during the 2 years following the year in which the report is made. The Secretary of the Interior shall include a summary of this information on a biennial basis in the report to the Secretary of Education required under this subsection. The Secretary of Education may require any additional information from the Secretary of the Interior.

"(F) PROHIBITIONS.—None of the funds allocated under this paragraph may be used by the Secretary of the Interior for administrative purposes, including child count and the provision of technical assistance.

"(5) PLAN FOR COORDINATION OF SERVICES.—The Secretary of the Interior shall develop and implement a plan for the coordination of services for all Indian children with disabilities residing on reservations covered under this Act. Such plan shall provide for the coordination of services benefiting these children from whatever source, including tribes, the Indian Health Service, other BIA divisions, and other Federal agencies. In developing the plan, the Secretary of the Interior shall consult with all interested and involved parties. The plan shall be based on the needs of the children and the system best suited for meeting those needs, and may involve the establishment of cooperative agreements between the BIA, other Federal agencies, and other entities. The plan shall also be distributed upon request to States, State and local educational agencies, and other agencies providing services to infants, toddlers, and children with disabilities, to tribes, and to other interested parties.

"(6) ESTABLISHMENT OF ADVISORY BOARD.—To meet the requirements of section 612(a)(20), the Secretary of the Interior shall establish, under the BIA, an advisory board composed of individuals involved in or concerned with the education and provision of services to Indian infants, toddlers, children, and youth with disabilities, including Indians with disabilities, Indian parents or guardians of such children, teachers, service providers, State and local educational officials, representatives of tribes or tribal organizations, representatives from State Interagency Coordinating Councils under section 641 in States having reservations, and other members representing the various divisions and entities of the BIA. The chairperson shall be selected by the Secretary of the Interior. The advisory board shall—

"(A) assist in the coordination of services within the BIA and with other local, State, and Federal agencies in the provision of education for infants, toddlers, and children with disabilities;

"(B) advise and assist the Secretary of the Interior in the performance of the Secretary's responsibilities described in this subsection;

"(C) develop and recommend policies concerning effective inter- and intra-agency collaboration, including modifications to regulations, and the elimination of barriers to inter- and intra-agency programs and activities;

"(D) provide assistance and disseminate information on best practices, effective program coordination strategies, and recommendations for improved educational programming for Indian infants, toddlers, and children with disabilities; and

"(E) provide assistance in the preparation of information required under paragraph (2)(D).

"(7) ANNUAL REPORTS.—

"(A) IN GENERAL.—The advisory board established under paragraph (6) shall prepare and submit to the Secretary of the Interior and to Congress an annual report containing a description of the activities of the advisory board for the preceding year.

"(B) AVAILABILITY.—The Secretary of the Interior shall make available to the Secretary of Education the report described in subparagraph (A).

"(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated—

"(1) $12,358,376,571 for fiscal year 2005;
"(2) $14,648,647,143 for fiscal year 2006;
"(3) $16,938,917,714 for fiscal year 2007;
"(4) $19,229,188,286 for fiscal year 2008;
"(5) $21,519,458,857 for fiscal year 2009;
"(6) $23,809,729,429 for fiscal year 2010;
"(7) $26,100,000,000 for fiscal year 2011; and
"(8) such sums as may be necessary for fiscal year 2012 and each succeeding fiscal year.

"SEC. 612. STATE ELIGIBILITY.

"(a) IN GENERAL.—A State is eligible for assistance under this part for a fiscal year if the State submits a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meets each of the following conditions:

"(1) FREE APPROPRIATE PUBLIC EDUCATION.—

"(A) IN GENERAL.—A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school.

"(B) LIMITATION.—The obligation to make a free appropriate public education available to all children with disabilities does not apply with respect to children—

"(i) aged 3 through 5 and 18 through 21 in a State to the extent that its application to those children would be inconsistent with State law or practice, or the order of any court, respecting the provision of public education to children in those age ranges; and

"(ii) aged 18 through 21 to the extent that State law does not require that special education and related services under this part be provided to children with disabilities who, in the educational placement prior to their incarceration in an adult correctional facility—

"(I) were not actually identified as being a child with a disability under section 602(3); or

"(II) did not have an individualized education program under this part.

"(C) STATE FLEXIBILITY.—A State that provides early intervention services in accordance with part C to a child who is eligible for services under section 619, is not required to provide such child with a free appropriate public education.

"(2) FULL EDUCATIONAL OPPORTUNITY GOAL.—The State has established a goal of providing full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal.

"(3) CHILD FIND.—

"(A) IN GENERAL.—All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

"(B) CONSTRUCTION.—Nothing in this Act requires that children be classified by their disability so long as each child who has a disability listed in section 602 and who, by reason of that disability, needs special education and related services is regarded as a child with a disability under this part.

"(4) INDIVIDUALIZED EDUCATION PROGRAM.—An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with section 614(d).

"(5) LEAST RESTRICTIVE ENVIRONMENT.—

"(A) IN GENERAL.—To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

"(B) ADDITIONAL REQUIREMENT.—

"(i) IN GENERAL.—A State funding mechanism shall not result in placements that violate the requirements of subparagraph (A), and a State shall not use a funding mechanism by which the State distributes funds on the basis of the type of setting in which a child is served that will result in the failure to provide a child with a disability a free appropriate public education according to the unique needs of the child as described in the child's IEP.

"(ii) ASSURANCE.—If the State does not have policies and procedures to ensure compliance with clause (i), the State shall provide the Secretary an assurance that the State will revise the funding mechanism as soon as feasible to ensure that such mechanism does not result in such placements.

"(6) PROCEDURAL SAFEGUARDS.—

"(A) IN GENERAL.—Children with disabilities and their parents are afforded the procedural safeguards required by section 615.

"(B) ADDITIONAL PROCEDURAL SAFEGUARDS.—Procedures to ensure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of children with disabilities will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.

"(7) EVALUATION.—Children with disabilities are evaluated in accordance with subsections (a) and (b) of section 614.

"(8) CONFIDENTIALITY.—Agencies in the State comply with section 617(c) (relating to the confidentiality of records and information).

"(9) TRANSITION FROM PART C TO PRESCHOOL PROGRAMS.—Children participating in early-intervention programs assisted under part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(8). By the third birthday of such a child, an individualized education program or, if consistent with sections 614(d)(2)(B) and 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10).

"(10) CHILDREN IN PRIVATE SCHOOLS.—

"(A) CHILDREN ENROLLED IN PRIVATE SCHOOLS BY THEIR PARENTS.—

"(i) IN GENERAL.—To the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary schools and secondary schools in the school district served by a local educational agency, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the following requirements, unless the Secretary has arranged for services to those children under subsection (f):

"(I) Amounts to be expended for the provision of those services (including direct services to parentally placed children) by the local educational agency shall be equal to a proportionate amount of Federal funds made available under this part.

"(II) Such services may be provided to children with disabilities on the premises of private, including religious, schools, to the extent consistent with law.

"(III) Each local educational agency shall maintain in its records and provide to the State educational agency the number of children evaluated under this paragraph, the number of children determined to be children with disabilities, and the number of children served under this subsection.

"(ii) CHILD-FIND REQUIREMENT.—

"(I) IN GENERAL.—The requirements of paragraph (3) of this subsection (relating to child find) shall apply with respect to children with disabilities in the State who are enrolled in private, including religious, elementary schools and secondary schools. Such child find process shall be conducted in a comparable time period as for other students attending public schools in the local educational agency.

"(II) EQUITABLE PARTICIPATION.—The child find process shall be designed to ensure the equitable participation of parentally placed private school children and an accurate count of such children.

"(III) ACTIVITIES.—In carrying out this clause, the local educational agency, or where applicable, the State educational agency, shall undertake activities similar to those activities undertaken for its public school children.

"(IV) COST.—The cost of carrying out this clause, including individual evaluations, may not be considered in determining whether a local education agency has met its obligations under clause (i).

"(iii) CONSULTATION.—To ensure timely and meaningful consultation, a local educational agency, or where appropriate, a State educational agency, shall consult with representatives of children with disabilities who are parentally placed in private schools, during the design and development of special education and related services for these children, including consultation regarding—

"(I) the child find process and how parentally placed private school children suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process;

"(II) the determination of the proportionate share of Federal funds available to serve parentally placed private school children with disabilities under this paragraph, including the determination of how the proportionate share of those funds were calculated;

"(III) the consultation process among the school district, private school officials, and parents of parentally placed private school children with disabilities, including how such process will operate throughout the school year to ensure that parentally placed children with disabilities identified through the child find process can meaningfully participate in special education and related services;

"(IV) how, where, and by whom special education and related services will be provided for parentally placed private school children, including a discussion of alternate service delivery mechanisms, how such services will be apportioned if funds are insufficient to serve all children, and how and when these decisions will be made; and

"(V) how, if the local educational agency disagrees with the views of the private school officials on the provision of services through a contract, the local educational agency shall provide to the private school officials a written explanation of the reasons why the local educational agency chose not to provide services through a contract.

"(iv) WRITTEN AFFIRMATION.—When timely and meaningful consultation as required by this section has occurred, the local educational agency shall obtain a written affirmation signed by the representatives of participating private schools, and if such officials do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation of the consultation process to the State educational agency.

"(v) COMPLIANCE.—

"(I) IN GENERAL.—A private school official shall have the right to complain to the State educational agency that the local educational agency did not engage in consultation that was meaningful and timely, or did not give due consideration to the views of the private school official.

"(II) PROCEDURE.—If the private school official wishes to complain, the official shall provide the basis of the noncompliance with this section by the local educational agency to the State educational agency, and the local educational agency shall forward the appropriate documentation to the State educational agency. If the private school official is dissatisfied with the decision of the State educational agency, such official may complain to the Secretary by providing the basis of the noncompliance with this section by the local educational agency to the Secretary, and the State educational agency shall forward the appropriate documentation to the Secretary.

"(vi) PROVISION OF EQUITABLE SERVICES.—

"(I) DIRECT SERVICES.—To the extent practicable, the local educational agency shall provide direct services to children with disabilities parentally placed in private schools.

"(II) DIRECTLY OR THROUGH CONTRACTS.—A public agency may provide special education and related services directly or through contracts with public and private agencies, organizations, and institutions.

"(III) SECULAR, NEUTRAL, NONIDEOLOGICAL.—Special education and related services provided to children with disabilities attending private schools, including materials and equipment, shall be secular, neutral, and nonideological.

"(vii) PUBLIC CONTROL OF FUNDS.—The control of funds used to provide special education and related services under this section, and title to materials, equipment, and property purchased with those funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer the funds and property.

"(B) CHILDREN PLACED IN, OR REFERRED TO, PRIVATE SCHOOLS BY PUBLIC AGENCIES.—

"(i) IN GENERAL.—Children with disabilities in private schools and facilities are provided special education and related services, in accordance with an individualized education program, at no cost to their parents, if such children are placed in, or referred to, such schools or facilities by the State or appropriate local educational agency as the means of carrying out the requirements of this part or any other applicable law requiring the provision of special education and related services to all children with disabilities within such State.

"(ii) STANDARDS.—In all cases described in clause (i), the State educational agency shall determine whether such schools and facilities meet standards that apply to State and local educational agencies and that children so served have all the rights the children would have if served by such agencies.

"(C) PAYMENT FOR EDUCATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS WITHOUT CONSENT OF OR REFERRAL BY THE PUBLIC AGENCY.—

"(i) IN GENERAL.—Subject to subparagraph (A), this part does not require a local educational agency to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if that agency made a free appropriate public education available to the child and the parents elected to place the child in such private school or facility.

"(ii) REIMBURSEMENT FOR PRIVATE SCHOOL PLACEMENT.—If the parents of a child with a disability, who previously received special education and related services under the authority of a public agency, enroll the child in a private elementary school or secondary school without the consent of or referral by the public agency, a court or a hearing officer may require the agency to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the agency had not made a free appropriate public education available to the child in a timely manner prior to that enrollment.

"(iii) LIMITATION ON REIMBURSEMENT.—The cost of reimbursement described in clause (ii) may be reduced or denied—

"(I) if—

"(aa) at the most recent IEP meeting that the parents attended prior to removal of the child from the public school, the parents did not inform the IEP Team that they were rejecting the placement proposed by the public agency to provide a free appropriate public education to their child, including stating their concerns and their intent to enroll their child in a private school at public expense; or

"(bb) 10 business days (including any holidays that occur on a business day) prior to the removal of the child from the public school, the parents did not give written notice to the public agency of the information described in division (aa);

"(II) if, prior to the parents' removal of the child from the public school, the public agency informed the parents, through the notice requirements described in section 615(b)(3), of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the child available for such evaluation; or

"(III) upon a judicial finding of unreasonableness with respect to actions taken by the parents.

"(iv) EXCEPTION.—Notwithstanding the notice requirement in clause (iii)(I), the cost of reimbursement—

"(I) shall not be reduced or denied for failure to provide such notice if—

"(aa) the school prevented the parent from providing such notice; or

"(bb) the parents had not received notice, pursuant to section 615, of the notice requirement in clause (iii)(I); and

"(II) may, in the discretion of a court or a hearing officer, not be reduced or denied for failure to provide such notice if—

"(aa) the parent is illiterate and cannot write in English; or

"(bb) compliance with clause (iii)(I) would likely have resulted in physical or serious emotional harm to the child.

"(11) STATE EDUCATIONAL AGENCY RESPONSIBLE FOR GENERAL SUPERVISION.—

"(A) IN GENERAL.—The State educational agency is responsible for ensuring that—

"(i) the requirements of this part are met; and

"(ii) all educational programs for children with disabilities in the State, including all such programs administered by any other State or local agency—

"(I) are under the general supervision of individuals in the State who are responsible for educational programs for children with disabilities; and

"(II) meet the educational standards of the State educational agency.

"(B) LIMITATION.—Subparagraph (A) shall not limit the responsibility of agencies in the State other than the State educational agency to provide, or pay for some or all of the costs of, a free appropriate public education for any child with a disability in the State.

"(C) EXCEPTION.—Notwithstanding subparagraphs (A) and (B), the Governor (or another individual pursuant to State law), consistent with State law, may assign to any public agency in the State the responsibility of ensuring that the requirements of this part are met with respect to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons.

"(12) OBLIGATIONS RELATED TO AND METHODS OF ENSURING SERVICES.—

"(A) ESTABLISHING RESPONSIBILITY FOR SERVICES.—The Chief Executive Officer of a State or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in subparagraph (B) and the State educational agency, in order to ensure that all services described in subparagraph (B)(i) that are needed to ensure a free appropriate public education are provided, including the provision of such services during the pendency of any dispute under clause (iii). Such agreement or mechanism shall include the following:

"(i) AGENCY FINANCIAL RESPONSIBILITY.—An identification of, or a method for defining, the financial responsibility of each agency for providing services described in subparagraph (B)(i) to ensure a free appropriate public education to children with disabilities, provided that the financial responsibility of each public agency described in subparagraph (B), including the State Medicaid agency and other public insurers of children with disabilities, shall precede the financial responsibility of the local educational agency (or the State agency responsible for developing the child's IEP).

"(ii) CONDITIONS AND TERMS OF REIMBURSEMENT.—The conditions, terms, and procedures under which a local educational agency shall be reimbursed by other agencies.

"(iii) INTERAGENCY DISPUTES.—Procedures for resolving interagency disputes (including procedures under which local educational agencies may initiate proceedings) under the agreement or other mechanism to secure reimbursement from other agencies or otherwise implement the provisions of the agreement or mechanism.

"(iv) COORDINATION OF SERVICES PROCEDURES.—Policies and procedures for agencies to determine and identify the interagency coordination responsibilities of each agency to promote the coordination and timely and appropriate delivery of services described in subparagraph (B)(i).

"(B) OBLIGATION OF PUBLIC AGENCY.—

"(i) IN GENERAL.—If any public agency other than an educational agency is otherwise obligated under Federal or State law, or assigned responsibility under State policy pursuant to subparagraph (A), to provide or pay for any services that are also considered special education or related services (such as, but not limited to, services described in section 602(1) relating to assistive technology devices, 602(2) relating to assistive technology services, 602(25) relating to related services, 602(32) relating to supplementary aids and services, and 602(33) relating to transition services) that are necessary for ensuring a free appropriate public education to children with disabilities within the State, such public agency shall fulfill that obligation or responsibility, either directly or through contract or other arrangement pursuant to subparagraph (A) or an agreement pursuant to subparagraph (C).

"(ii) REIMBURSEMENT FOR SERVICES BY PUBLIC AGENCY.—If a public agency other than an educational agency fails to provide or pay for special education and related services described in clause (i), the local educational agency (or State agency responsible for developing the child's IEP) shall provide or pay for such services to the child. Such local educational agency or State agency is authorized to claim reimbursement for the services from the public agency that failed to provide or pay for such services and such public agency shall reimburse the local educational agency or State agency pursuant to the terms of the interagency agreement or other mechanism described in subparagraph (A)(i) according to the procedures established in such agreement pursuant to subparagraph (A)(ii).

"(C) SPECIAL RULE.—The requirements of subparagraph (A) may be met through—

"(i) State statute or regulation;

"(ii) signed agreements between respective agency officials that clearly identify the responsibilities of each agency relating to the provision of services; or

"(iii) other appropriate written methods as determined by the Chief Executive Officer of the State or designee of the officer and approved by the Secretary.

"(13) PROCEDURAL REQUIREMENTS RELATING TO LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing.

"(14) PERSONNEL STANDARDS.—

"(A) IN GENERAL.—The State educational agency has established and maintains standards to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.

"(B) RELATED SERVICES PERSONNEL AND PARAPROFESSIONALS.—The standards under subparagraph (A) include standards for related services personnel and paraprofessionals that—

"(i) are consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services;

"(ii) ensure that related services personnel who deliver services in their discipline or profession meet the requirements of clause (i) and have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

"(iii) allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services under this part to children with disabilities.

"(C) STANDARDS FOR SPECIAL EDUCATION TEACHERS.—

"(i) IN GENERAL.—The standards described in subparagraph (A) shall ensure that each person employed as a special education teacher in the State who teaches in an elementary, middle, or secondary school is highly qualified not later than the end of the 2006–2007 school year.

"(ii) COMPLIANCE.—Notwithstanding paragraphs (2) and (3) of section 1119(a) of the Elementary and Secondary Education Act of 1965, for purposes of determining compliance with such paragraphs—

"(I) the Secretary, the State educational agency, and local educational agencies shall apply the definition of highly qualified in section 602(10) to special education teachers; and

"(II) the State shall ensure that all special education teachers teaching in core academic subjects within the State are highly qualified (as defined in section 602(10)) not later than the end of the 2006–2007 school year.

"(iii) PARENTS' RIGHT TO KNOW.—In carrying out section 1111(h)(6) of the Elementary and Secondary Education Act of 1965 with respect to special education teachers, a local educational agency shall—

"(I) include in a response to a request under such section any additional information needed to demonstrate that the teacher meets the applicable requirements of section 602(10) relating to certification or licensure as a special education teacher; and

"(II) apply the definition of highly qualified in section 602(10) in carrying out section 1111(h)(6)(B)(ii).

"(D) POLICY.—In implementing this section, a State shall adopt a policy that includes a requirement that local educational agencies in the State take measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education and related services under this part to children with disabilities.

"(E) RULE OF CONSTRUCTION.—Notwithstanding any other individual right of action that a parent or student may maintain under this part, nothing in this subsection shall be construed to create a right of action on behalf of an individual student for the failure of a particular State educational agency or local educational agency staff person to be highly qualified, or to prevent a parent from filing a complaint about staff qualifications with the State educational agency as provided for under this part.

"(15) PERFORMANCE GOALS AND INDICATORS.—The State—

"(A) has established goals for the performance of children with disabilities in the State that—

"(i) promote the purposes of this Act, as stated in section 601(d);

"(ii) are the same as the State's definition of adequate yearly progress, including the State's objectives for progress by children with disabilities, under section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965;

"(iii) address graduation rates and drop out rates, as well as such other factors as the State may determine; and

"(iv) are consistent, to the extent appropriate, with any other goals and standards for children established by the State;

"(B) has established performance indicators the State will use to assess progress toward achieving the goals described in subparagraph (A), including measurable annual objectives for progress by children with disabilities under section 1111(b)(2)(C)(v)(II)(cc) of the Elementary and Secondary Education Act of 1965; and

"(C) will annually report to the Secretary and the public on the progress of the State, and of children with disabilities in the State, toward meeting the goals established under subparagraph (A).

"(16) PARTICIPATION IN ASSESSMENTS.—

"(A) IN GENERAL.— All children with disabilities are included in all general State and districtwide assessment programs and accountability systems, including assessments and accountability systems described under section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations, alternate assessments where necessary, and as indicated in their respective individualized education programs.

"(B) ACCOMMODATION GUIDELINES.—The State (or, in the case of a districtwide assessment, the local educational agency) has developed guidelines for the provision of appropriate accommodations.

"(C) ALTERNATE ASSESSMENTS.—

"(i) IN GENERAL.—The State (or, in the case of a districtwide assessment, the local educational agency) has developed and implemented guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in regular assessments under subparagraph (B) as indicated in their respective individualized education programs.

"(ii) REQUIREMENTS FOR ALTERNATE ASSESSMENTS.—The guidelines under clause (i) shall provide for alternate assessments that—

"(I) are aligned with the State's challenging academic content and academic achievement standards; and

"(II) if the State has adopted alternate academic achievement standards permitted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, measure the *achievement of children with disabilities against those standards.*

"(iii) CONDUCT OF ALTERNATIVE ASSESSMENTS.—The State conducts the alternate assessments described in this subparagraph.

"(D) REPORTS.—The State educational agency (or, in the case of a districtwide assessment, the local educational agency) makes available to the public, and reports to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the following:

"(i) The number of children with disabilities participating in regular assessments, and the number of those children who were provided accommodations in order to participate in those assessments.

"(ii) The number of children with disabilities participating in alternate assessments described in subparagraph (C)(ii)(I).

"(iii) The number of children with disabilities participating in alternate assessments described in subparagraph (C)(ii)(II).

"(iv) The performance of children with disabilities on regular assessments and on alternate assessments (if the number of children with disabilities participating in those assessments is sufficient to yield statistically reliable information and reporting that information will not reveal personally identifiable information about an individual student), compared with the achievement of all children, including children with disabilities, on those assessments.

"(E) UNIVERSAL DESIGN.—The State educational agency (or, in the case of a districtwide assessment, the local educational agency) shall, to the extent feasible, use universal design principles in developing and administering any assessments under this paragraph.

"(17) SUPPLEMENTATION OF STATE, LOCAL, AND OTHER FEDERAL FUNDS.—

"(A) EXPENDITURES.—Funds paid to a State under this part will be expended in accordance with all the provisions of this part.

"(B) PROHIBITION AGAINST COMMINGLING.—Funds paid to a State under this part will not be commingled with State funds.

"(C) PROHIBITION AGAINST SUPPLANTATION AND CONDITIONS FOR WAIVER BY SECRETARY.—Except as provided in section 613, funds paid to a State under this part will be used to supplement the level of Federal, State, and local funds (including funds that are not under the direct control of State or local educational agencies) expended for special education and related services provided to children with disabilities under this part and in no case to supplant such Federal, State, and local funds, except that, where the State provides clear and convincing evidence that all children with disabilities have available to them a free appropriate public education, the Secretary may waive, in whole or in part, the requirements of this subparagraph if the Secretary concurs with the evidence provided by the State.

"(18) MAINTENANCE OF STATE FINANCIAL SUPPORT.—

"(A) IN GENERAL.—The State does not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year.

"(B) REDUCTION OF FUNDS FOR FAILURE TO MAINTAIN SUPPORT.—The Secretary shall reduce the allocation of funds under section 611 for any fiscal year following the fiscal year in which the State fails to comply with the requirement of subparagraph (A) by the same amount by which the State fails to meet the requirement.

"(C) WAIVERS FOR EXCEPTIONAL OR UNCONTROLLABLE CIRCUMSTANCES.—The Secretary may waive the requirement of subparagraph (A) for a State, for 1 fiscal year at a time, if the Secretary determines that—

"(i) granting a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State; or

"(ii) the State meets the standard in paragraph (17)(C) for a waiver of the requirement to supplement, and not to supplant, funds received under this part.

"(D) SUBSEQUENT YEARS.—If, for any year, a State fails to meet the requirement of subparagraph (A), including any year for which the State is granted a waiver under subparagraph (C), the financial support required of the State in future years under subparagraph (A) shall be the amount that would have been required in the absence of that failure and not the reduced level of the State's support.

"(19) PUBLIC PARTICIPATION.—Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities.

"(20) STATE ADVISORY PANEL.—

"(A) IN GENERAL.—The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.

"(B) MEMBERSHIP.—Such advisory panel shall consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, that is representative of the State population and that is composed of individuals involved in, or concerned with, the education of children with disabilities, including—

"(i) parents of children with disabilities ages birth through 26, including not less than 1 foster parent of a child with disabilities who is a ward of the State, not less than 1 grandparent or other relative who is acting in the place of a natural or adoptive parent, and not less than 1 representative of children with disabilities in military families;

"(ii) individuals with disabilities;

"(iii) teachers;

"(iv) representatives of institutions of higher education that prepare special education and related services personnel;

"(v) State and local education officials, including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act;

"(vi) administrators of programs for children with disabilities;

"(vii) representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;

"(viii) representatives of private schools and public charter schools;

"(ix) at least 1 representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities; and

"(x) representatives from the State juvenile and adult corrections agencies.

"(xi) representatives from the State child welfare agency; and

"(xii) a representative of wards of the State who are in foster care, such as an attorney for children in foster care, a guardian ad litem, a court appointed special advocate, or a judge.

"(C) SPECIAL RULE.—A majority of the members of the panel shall be individuals with disabilities ages birth through 26 or parents of such individuals.

"(D) DUTIES.—The advisory panel shall—

"(i) advise the State educational agency of unmet needs within the State in the education of children with disabilities;

"(ii) comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;

"(iii) advise the State educational agency in developing evaluations and reporting on data to the Secretary under section 618;

"(iv) advise the State educational agency in developing corrective action plans to address findings identified in Federal monitoring reports under this part; and

"(v) advise the State educational agency in developing and implementing policies relating to the coordination of services for children with disabilities.

"(21) SUSPENSION AND EXPULSION RATES.—

"(A) IN GENERAL.—The State educational agency examines data to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities—

"(i) among local educational agencies in the State; or

"(ii) compared to such rates for nondisabled children within such agencies.

"(B) REVIEW AND REVISION OF POLICIES.—If such discrepancies are occurring, the State educational agency reviews and, if appropriate, revises (or requires the affected State or local educational agency to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards, to ensure that such policies, procedures, and practices comply with this Act.

"(22) ACCESS TO INSTRUCTIONAL MATERIALS.—

"(A) IN GENERAL.—The State adopts the national Instructional Materials Accessibility Standard described in section 675(a) for the purposes of providing instructional materials to blind persons or other persons with print disabilities in a timely manner after the publication of the standard in the Federal Register.

"(B) PREPARATION AND DELIVERY OF FILES.—Not later than 2 years after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004, a State educational agency, as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials, enters into a written contract with the publisher of the print instructional materials to—

"(i) prepare, and on or before delivery of the print instructional materials, provide to the National Instructional Materials Access Center, established pursuant to section 675(b), electronic files containing the contents of the print instructional materials using the Instructional Materials Accessibility Standard; or

"(ii) purchase instructional materials from a publisher that are produced in or may be rendered in the specialized formats described in section 675(a)(4)(C).

"(C) ASSISTIVE TECHNOLOGY.—In carrying out subparagraph (B), the State educational agency, to the maximum extent possible, shall work collaboratively with the State agency responsible for assistive technology programs.

"(b) STATE EDUCATIONAL AGENCY AS PROVIDER OF FREE APPROPRIATE PUBLIC EDUCATION OR DIRECT SERVICES.—If the State educational agency provides free appropriate public education to children with disabilities, or provides direct services to such children, such agency—

"(1) shall comply with any additional requirements of section 613(a), as if such agency were a local educational agency; and

"(2) may use amounts that are otherwise available to such agency under this part to serve those children without regard to section 613(a)(2)(A)(i) (relating to excess costs).

"(c) EXCEPTION FOR PRIOR STATE PLANS.—

"(1) IN GENERAL.—If a State has on file with the Secretary policies and procedures that demonstrate that such State meets any requirement of subsection (a), including any policies and procedures filed under this part as in effect before the effective date of the Individuals with Disabilities Education Improvement Act of 2004, the Secretary shall consider such State to have met such requirement for purposes of receiving a grant under this part.

"(2) MODIFICATIONS MADE BY STATE.—Subject to paragraph (3), an application submitted by a State in accordance with this section shall remain in effect until the State submits to the Secretary such modifications as the State determines necessary. This section shall apply to a modification to an application to the same extent and in the same manner as this section applies to the original plan.

"(3) MODIFICATIONS REQUIRED BY THE SECRETARY.—If, after the effective date of the Individuals with Disabilities Education Improvement Act of 2004, the provisions of this Act are amended (or the regulations developed to carry out this Act are amended), there is a new interpretation of this Act by a Federal court or a State's highest court, or there is an official finding of noncompliance with Federal law or regulations, then the Secretary may require a State to modify its application only to the extent necessary to ensure the State's compliance with this part.

"(d) APPROVAL BY THE SECRETARY.—

"(1) IN GENERAL.—If the Secretary determines that a State is eligible to receive a grant under this part, the Secretary shall notify the State of that determination.

"(2) NOTICE AND HEARING.—The Secretary shall not make a final determination that a State is not eligible to receive a grant under this part until after providing the State—

"(A) with reasonable notice; and

"(B) with an opportunity for a hearing.

"(e) ASSISTANCE UNDER OTHER FEDERAL PROGRAMS.—Nothing in this title permits a State to reduce medical and other assistance available, or to alter eligibility, under titles V and XIX of the Social Security Act with respect to the provision of a free appropriate public education for children with disabilities in the State.

"(f) BY-PASS FOR CHILDREN IN PRIVATE SCHOOLS.—

"(1) IN GENERAL.—If, on the date of enactment of the Education of the Handicapped Act Amendments of 1983, a State educational agency was prohibited by law from providing for the equitable participation in special programs of children with disabilities enrolled in private elementary schools and secondary schools as required by subsection (a)(10)(A), or if the Secretary determines that a State educational agency, local educational agency, or other entity has substantially failed or is unwilling to provide for such equitable participation, then the Secretary shall, notwithstanding such provision of law, arrange for the provision of services to such children through arrangements which shall be subject to the requirements of such subsection.

"(2) PAYMENTS.—

"(A) DETERMINATION OF AMOUNTS.—If the Secretary arranges for services pursuant to this subsection, the Secretary, after consultation with the appropriate public and private school officials, shall pay to the provider of such services for a fiscal year an amount per child that does not exceed the amount determined by dividing—

"(i) the total amount received by the State under this part for such fiscal year; by

"(ii) the number of children with disabilities served in the prior year, as reported to the Secretary by the State under section 618.

"(B) WITHHOLDING OF CERTAIN AMOUNTS.—Pending final resolution of any investigation or complaint that may result in a determination under this subsection, the Secretary may withhold from the allocation of the affected State educational agency the amount the Secretary estimates will be necessary to pay the cost of services described in subparagraph (A).

"(C) PERIOD OF PAYMENTS.—The period under which payments are made under subparagraph (A) shall continue until the Secretary determines that there will no longer be any failure or inability on the part of the State educational agency to meet the requirements of subsection (a)(10)(A).

"(3) NOTICE AND HEARING.—

"(A) IN GENERAL.—The Secretary shall not take any final action under this subsection until the State educational agency affected by such action has had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why such action should not be taken.

"(B) REVIEW OF ACTION.—If a State educational agency is dissatisfied with the Secretary's final action after a proceeding under subparagraph (A), such agency may, not later than 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based the Secretary's action, as provided in section 2112 of title 28, United States Code.

"(C) REVIEW OF FINDINGS OF FACT.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(D) JURISDICTION OF COURT OF APPEALS; REVIEW BY UNITED STATES SUPREME COURT.—Upon the filing of a petition under subparagraph (B), the United States court of appeals shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"SEC. 613. LOCAL EDUCATIONAL AGENCY ELIGIBILITY.

"(a) IN GENERAL.—A local educational agency is eligible for assistance under this part for a fiscal year if such agency submits a plan that provides assurances to the State educational agency that the local educational agency meets each of the following conditions:

"(1) CONSISTENCY WITH STATE POLICIES.—The local educational agency, in providing for the education of children with disabilities within its jurisdiction, has in effect policies, procedures, and programs that are consistent with the State policies and procedures established under section 612.

"(2) USE OF AMOUNTS.—

"(A) IN GENERAL.—Amounts provided to the local educational agency under this part shall be expended in accordance with the applicable provisions of this part and—

"(i) shall be used only to pay the excess costs of providing special education and related services to children with disabilities;

"(ii) shall be used to supplement State, local, and other Federal funds and not to supplant such funds; and

"(iii) shall not be used, except as provided in subparagraphs (B) and (C), to reduce the level of expenditures for the education of children with disabilities made by the local educational agency from local funds below the level of those expenditures for the preceding fiscal year.

"(B) EXCEPTION.—Notwithstanding the restriction in subparagraph (A)(iii), a local educational agency may reduce the level of expenditures where such reduction is attributable to—

"(i) the voluntary departure, by retirement or otherwise, or departure for just cause, of special education personnel;

"(ii) a decrease in the enrollment of children with disabilities;

"(iii) the termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the State educational agency, because the child—

"(I) has left the jurisdiction of the agency;

"(II) has reached the age at which the obligation of the agency to provide a free appropriate public education to the child has terminated; or

"(III) no longer needs such program of special education; or

"(iv) the termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

"(C) TREATMENT OF FEDERAL FUNDS IN CERTAIN FISCAL YEARS.—

"(i) 8 PERCENT RULE.—Notwithstanding clauses (ii) and (iii) of subparagraph (A), a local educational agency may treat as local funds, for the purposes of such clauses, not more than 8 percent of the amount of funds the local educational agency receives under this part.

"(ii) 40 PERCENT RULE.—Notwithstanding clauses (ii) and (iii) of subparagraph (A), for any fiscal year for which States are allocated the maximum amount of grants pursuant to section 611(a)(2), a local educational agency may treat as local funds, for the purposes of such clauses, not more than 40 percent of the amount of funds the local educational agency receives under this part, subject to clause (iv).

"(iii) EARLY INTERVENING SERVICES.—

"(I) 8 PERCENT RULE.—If a local educational agency exercises authority pursuant to clause (i), the 8 percent funds shall be counted toward the percentage and amount of funds that may be used to provide early intervening educational services pursuant to subsection (f).

"(II) 40 PERCENT RULE.—If a local educational agency exercises authority pursuant to clause (ii), the local educational agency shall use an amount of the 40 percent funds from clause (ii) that represents 15 percent of the total amount of funds the local educational agency receives under this part, to provide early intervening educational services pursuant to subsection (f).

"(iv) SPECIAL RULE.—Funds treated as local funds pursuant to clause (i) or (ii) may be considered non-Federal or local funds for the purposes of—

"(I) clauses (ii) and (iii) of subparagraph (A); and

"(II) the provision of the local share of costs for title XIX of the Social Security Act.

"(v) REPORT.—For each fiscal year in which a local educational agency exercises its authority pursuant to this subparagraph and treats Federal funds as local funds, the local educational agency shall report to the State educational agency the amount of funds so treated and the activities that were funded with such funds.

"(D) SCHOOLWIDE PROGRAMS UNDER TITLE I OF THE ESEA.—Notwithstanding subparagraph (A) or any other provision of this part, a local educational agency may use funds received under this part for any fiscal year to carry out a schoolwide program under section 1114 of the

Elementary and Secondary Education Act of 1965, except that the amount so used in any such program shall not exceed—

"(i) the number of children with disabilities participating in the schoolwide program; multiplied by

"(ii)(I) the amount received by the local educational agency under this part for that fiscal year; divided by

"(II) the number of children with disabilities in the jurisdiction of that agency.

"(3) PERSONNEL DEVELOPMENT.—The local educational agency shall ensure that all personnel necessary to carry out this part are appropriately and adequately prepared, consistent with the requirements of section 612(a)(14) of this Act and section 2122 of the Elementary and Secondary Education Act of 1965.

"(4) PERMISSIVE USE OF FUNDS.—

"(A) USES.—Notwithstanding paragraph (2)(A) or section 612(a)(17)(B) (relating to commingled funds), funds provided to the local educational agency under this part may be used for the following activities:

"(i) SERVICES AND AIDS THAT ALSO BENEFIT NONDISABLED CHILDREN.—For the costs of special education and related services, and supplementary aids and services, provided in a regular class or other education-related setting to a child with a disability in accordance with the individualized education program of the child, even if 1 or more nondisabled children benefit from such services.

"(ii) EARLY INTERVENING SERVICES.—To develop and implement coordinated, early intervening educational services in accordance with subsection (f).

"(B) ADMINISTRATIVE CASE MANAGEMENT.—A local educational agency may use funds received under this part to purchase appropriate technology for recordkeeping, data collection, and related case management activities of teachers and related services personnel providing services described in the individualized education program of children with disabilities, that is needed for the implementation of such case management activities.

"(5) TREATMENT OF CHARTER SCHOOLS AND THEIR STUDENTS.—In carrying out this part with respect to charter schools that are public schools of the local educational agency, the local educational agency—

"(A) serves children with disabilities attending those charter schools in the same manner as the local educational agency serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the local educational agency has a policy or practice of providing such services on the site to its other public schools; and

"(B) provides funds under this part to those charter schools on the same basis, including proportional distribution based on relative enrollment of children with disabilities, and at the same time, as the local educational agency distributes State, local, or a combination of State and local, funds to those charter schools under the State's charter school law.

"(6) PURCHASE OF INSTRUCTIONAL MATERIALS.—Not later than 2 years after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004, a local educational agency, when purchasing print instructional materials, acquires these instructional materials in the same manner as a State educational agency described in section 612(a)(22).

"(7) INFORMATION FOR STATE EDUCATIONAL AGENCY.—The local educational agency shall provide the State educational agency with information necessary to enable the State educational agency to carry out its duties under this part, including, with respect to paragraphs (15) and (16) of section 612(a), information relating to the performance of children with disabilities participating in programs carried out under this part.

"(8) PUBLIC INFORMATION.—The local educational agency shall make available to parents of children with disabilities and to the general public all documents relating to the eligibility of such agency under this part.

"(9) RECORDS REGARDING MIGRATORY CHILDREN WITH DISABILITIES.—The local educational agency shall cooperate in the Secretary's efforts under section 1308 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6398) to ensure the linkage of records pertaining to migratory children with a disability for the purpose of electronically exchanging, among the States, health and educational information regarding such children.

"(b) EXCEPTION FOR PRIOR LOCAL PLANS.—

"(1) IN GENERAL.—If a local educational agency or State agency has on file with the State educational agency policies and procedures that demonstrate that such local educational agency, or such State agency, as the case may be, meets any requirement of subsection (a), including any policies and procedures filed under this part as in effect before the effective date of the Individuals with Disabilities Education Improvement Act of 2004, the State educational agency shall consider such local educational agency or State agency, as the case may be, to have met such requirement for purposes of receiving assistance under this part.

"(2) MODIFICATION MADE BY LOCAL EDUCATIONAL AGENCY.—Subject to paragraph (3), an application submitted by a local educational agency in accordance with this section shall remain in effect until the local educational agency submits to the State educational agency such modifications as the local educational agency determines necessary.

"(3) MODIFICATIONS REQUIRED BY STATE EDUCATIONAL AGENCY.—If, after the effective date of the Individuals with Disabilities Education Improvement Act of 2004, the provisions of this Act are amended (or the regulations developed to carry out this Act are amended), there is a new interpretation of this Act by Federal or State courts, or there is an official finding of noncompliance with Federal or State law or regulations, then the State educational agency may require a local educational agency to modify its application only to the extent necessary to ensure the local educational agency's compliance with this part or State law.

"(c) NOTIFICATION OF LOCAL EDUCATIONAL AGENCY OR STATE AGENCY IN CASE OF INELIGIBILITY.—If the State educational agency determines that a local educational agency or State agency is not eligible under this section, then the State educational agency shall notify the local educational agency or State agency, as the case may be, of that determination and shall provide such local educational agency or State agency with reasonable notice and an opportunity for a hearing.

"(d) LOCAL EDUCATIONAL AGENCY COMPLIANCE.—

"(1) IN GENERAL.—If the State educational agency, after reasonable notice and an opportunity for a hearing, finds that a local educational agency or State agency that has been determined to be eligible under this section is failing to comply with any requirement described in subsection (a), the State educational agency shall reduce or shall not provide any further payments to the local educational agency or State agency until the State educational agency is satisfied that the local educational agency or State agency, as the case may be, is complying with that requirement.

"(2) ADDITIONAL REQUIREMENT.—Any State agency or local educational agency in receipt of a notice described in paragraph (1) shall, by means of public notice, take such measures as may be necessary to bring the pendency of an action pursuant to this subsection to the attention of the public within the jurisdiction of such agency.

"(3) CONSIDERATION.—In carrying out its responsibilities under paragraph (1), the State educational agency shall consider any decision made in a hearing held under section 615 that is adverse to the local educational agency or State agency involved in that decision.

"(e) JOINT ESTABLISHMENT OF ELIGIBILITY.—

"(1) JOINT ESTABLISHMENT.—

"(A) IN GENERAL.—A State educational agency may require a local educational agency to establish its eligibility jointly with another local educational agency if the State educational agency determines that the local educational agency will be ineligible under this section because the local educational agency will not be able to establish and maintain programs of sufficient size and scope to effectively meet the needs of children with disabilities.

"(B) CHARTER SCHOOL EXCEPTION.—A State educational agency may not require a charter school that is a local educational agency to jointly establish its eligibility under subparagraph (A) unless the charter school is explicitly permitted to do so under the State's charter school law.

"(2) AMOUNT OF PAYMENTS.—If a State educational agency requires the joint establishment of eligibility under paragraph (1), the total amount of funds made available to the affected local educational agencies shall be equal to the sum of the payments that each such local educational agency would have received under section 611(f) if such agencies were eligible for such payments.

"(3) REQUIREMENTS.—Local educational agencies that establish joint eligibility under this subsection shall—

"(A) adopt policies and procedures that are consistent with the State's policies and procedures under section 612(a); and

"(B) be jointly responsible for implementing programs that receive assistance under this part.

"(4) REQUIREMENTS FOR EDUCATIONAL SERVICE AGENCIES.—

"(A) IN GENERAL.—If an educational service agency is required by State law to carry out programs under this part, the joint responsibilities given to local educational agencies under this subsection shall—

"(i) not apply to the administration and disbursement of any payments received by that educational service agency; and

"(ii) be carried out only by that educational service agency.

"(B) ADDITIONAL REQUIREMENT.—Notwithstanding any other provision of this subsection, an educational service agency shall provide for the education of children with disabilities in the least restrictive environment, as required by section 612(a)(5).

"(f) EARLY INTERVENING SERVICES.—

"(1) IN GENERAL.—A local educational agency may not use more than 15 percent of the amount such agency receives under this part for any fiscal year, less any amount treated as local funds pursuant to subsection (a)(2)(C), if any, in combination with other amounts (which may include amounts other than education funds), to develop and implement coordinated, early intervening services, which may include interagency financing structures, for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade 3) who do not meet the definition of a child with a disability under section 602(3) but who need additional academic and behavioral support to succeed in a general education environment.

“(2) ACTIVITIES.—In implementing coordinated, early intervening services under this subsection, a local educational agency may carry out activities that include—

“(A) professional development (which may be provided by entities other than local educational agencies) for teachers and other school staff to enable such personnel to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software;

“(B) providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction; and

“(C) developing and implementing interagency financing structures for the provision of such services and supports.

“(3) CONSTRUCTION.—Nothing in this subsection shall be construed to either limit or create a right to a free appropriate public education under this part.

“(4) REPORTING.—Each local educational agency that develops and maintains coordinated, early intervening services with funds made available for this subsection, shall annually report to the State educational agency on—

“(A) the number of children served under this subsection; and

“(B) the number of children served under this subsection who are subsequently referred to special education.

“(5) COORDINATION WITH CERTAIN PROJECTS UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Funds made available to carry out this subsection may be used to carry out coordinated, early intervening services aligned with activities funded by, and carried out under, the Elementary and Secondary Education Act of 1965 if such funds are used to supplement, and not supplant, funds made available under the Elementary and Secondary Education Act of 1965 for the activities and services assisted under this subsection.

“(6) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004, the Comptroller General shall conduct a study on the types of services provided to children served under this subsection, and shall submit a report to Congress regarding the study.

“(g) DIRECT SERVICES BY THE STATE EDUCATIONAL AGENCY.—

“(1) IN GENERAL.—A State educational agency shall use the payments that would otherwise have been available to a local educational agency or to a State agency to provide special education and related services directly to children with disabilities residing in the area served by that local educational agency, or for whom that State agency is responsible, if the State educational agency determines that the local educational agency or State agency, as the case may be—

“(A) has not provided the information needed to establish the eligibility of such agency under this section;

“(B) is unable to establish and maintain programs of free appropriate public education that meet the requirements of subsection (a);

“(C) is unable or unwilling to be consolidated with 1 or more local educational agencies in order to establish and maintain such programs; or

“(D) has 1 or more children with disabilities who can best be served by a regional or State program or service delivery system designed to meet the needs of such children.

“(2) MANNER AND LOCATION OF EDUCATION AND SERVICES.—The State educational agency may provide special education and related services under paragraph (1) in such manner and at such locations (including regional or State centers) as the State agency considers appropriate. Such education and services shall be provided in accordance with this part.

“(h) STATE AGENCY ELIGIBILITY.—Any State agency that desires to receive a subgrant for any fiscal year under section 611(f) shall demonstrate to the satisfaction of the State educational agency that—

“(1) all children with disabilities who are participating in programs and projects funded under this part receive a free appropriate public education, and that those children and their parents are provided all the rights and procedural safeguards described in this part; and

“(2) the agency meets such other conditions of this section as the Secretary determines to be appropriate.

“(i) DISCIPLINARY INFORMATION.—The State may require that a local educational agency include in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child and transmit such statement to the same extent that such disciplinary information is included in, and transmitted with, the student records of nondisabled children. The statement may include a description of any behavior engaged in by the child that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the child and other individuals involved with the child. If the State adopts such a policy, and the child transfers from 1 school to another, the transmission of any of the child's records shall include both the child's current individualized education program and any such statement of current or previous disciplinary action that has been taken against the child.

“(j) STATE AGENCY FLEXIBILITY.—

“(1) TREATMENT OF FEDERAL FUNDS IN CERTAIN FISCAL YEARS.—If a State educational agency pays or reimburses local educational agencies within the State for not less than 80 percent of the non-Federal share of the costs of special education and related services, or the State is the sole provider of free appropriate public education or direct services pursuant to section 612(b), then the State educational agency, notwithstanding sections 612(a) (17) and (18) and 612(b), may treat funds allocated pursuant to section 611 as general funds available to support the educational purposes described in paragraph (2) (A) and (B).

“(2) CONDITIONS.—A State educational agency may use funds in accordance with paragraph (1) subject to the following conditions:

“(A) 8 PERCENT RULE.—A State educational agency may treat not more than 8 percent of the funds the State educational agency receives under this part as general funds to support any educational purpose described in the Elementary and Secondary Education Act of 1965, needs-based student or teacher higher education programs, or the non-Federal share of costs of title XIX of the Social Security Act.

“(B) 40 PERCENT RULE.—For any fiscal year for which States are allocated the maximum amount of grants pursuant to section 611(a)(2), a State educational agency may treat not more than 40 percent of the amount of funds the State educational agency receives under this part as general funds to support any educational purpose described in the Elementary and Secondary Education Act of 1965, needs-based student or teacher higher education programs, or the non-Federal share of costs of title XIX of the Social Security Act, subject to subparagraph (C).

“(C) REQUIREMENT.—A State educational agency may exercise its authority pursuant to subparagraph (B) only if the State educational agency uses an amount of the 40 percent funds from subparagraph (B) that represents 15 percent of the total amount of funds the State educational agency receives under this part, to provide, or to pay or reimburse local educational agencies for providing, early intervening services pursuant to subsection (f).

“(2) PROHIBITION.—Notwithstanding subsection (a), if the Secretary determines that a State educational agency is unable to establish, maintain, or oversee programs of free appropriate public education that meet the requirements of this part, then the Secretary shall prohibit the State educational agency from treating funds allocated under this part as general funds pursuant to paragraph (1).

“(3) REPORT.—For each fiscal year for which a State educational agency exercises its authority pursuant to paragraph (1) and treats Federal funds as general funds, the State educational agency shall report to the Secretary the amount of funds so treated and the activities that were funded with such funds.

“SEC. 614. EVALUATIONS, ELIGIBILITY DETERMINATIONS, INDIVIDUALIZED EDUCATION PROGRAMS, AND EDUCATIONAL PLACEMENTS.

“(a) EVALUATIONS AND REEVALUATIONS.—

“(1) INITIAL EVALUATIONS.—

“(A) IN GENERAL.—A State educational agency, other State agency, or local educational agency shall conduct a full and individual initial evaluation in accordance with this paragraph and subsection (b), before the initial provision of special education and related services to a child with a disability under this part.

“(B) REQUEST FOR INITIAL EVALUATION.—Consistent with subparagraph (D), either a parent of a child, or a State educational agency, other State agency, or local educational agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.

“(C) PROCEDURES.—Such initial evaluation shall consist of procedures—

“(i) to determine whether a child is a child with a disability (as defined in section 602(3)) within 60 days of receiving parental consent for the evaluation, or, if the State has established a timeframe within which the evaluation must be conducted, within such timeframe; and

“(ii) to determine the educational needs of such child.

“(D) PARENTAL CONSENT.—

“(i) IN GENERAL.—The agency proposing to conduct an initial evaluation to determine if the child qualifies as a child with a disability as defined in section 602(3) (A) or (B) shall obtain an informed consent from the parent of such child before the evaluation is conducted. Parental consent for evaluation shall not be construed as consent for placement for receipt of special education and related services.

“(ii) REFUSAL.—If the parents of such child refuse consent for the evaluation, the agency may continue to pursue an evaluation by utilizing the mediation and due process procedures under section 615, except to the extent inconsistent with State law relating to parental consent.

“(iii) REFUSAL OR FAILURE TO CONSENT.—If the parent of a child does not provide informed consent to the receipt of special education and related services, or the parent fails to respond to a request to provide the consent, the local educational agency shall not be considered to be in violation of the requirement to make available a free appropriate public education to the child for the failure to provide the special education and related services for which the local educational agency requests such informed consent.

“(iv) EXCEPTION FOR WARDS OF THE STATE.—The agency shall not be required to obtain an informed consent from the parents of a child for an initial evaluation to determine whether the child is a child with a disability if such child is a ward of the State and is not residing with the child's parent and consent has been given by an

individual who has appropriate knowledge of the child's educational needs, including the judge appointed to the child's case or the child's attorney, guardian ad litem, or court appointed special advocate.

"(2) REEVALUATIONS.—

"(A) IN GENERAL.—A local educational agency shall ensure that a reevaluation of each child with a disability is conducted in accordance with subsections (b) and (c)—

"(i) if the local educational agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or

"(ii) if the child's parents or teacher requests a reevaluation.

"(B) LIMITATION.—A reevaluation conducted under subparagraph (A) shall occur—

"(i) not more than once a year, unless the parent and the local educational agency agree otherwise; and

"(ii) at least once every 3 years, unless the parent and the local educational agency agree that a reevaluation is unnecessary.

"(b) EVALUATION PROCEDURES.—

"(1) NOTICE.—The local educational agency shall provide notice to the parents of a child with a disability, in accordance with subsections (b)(3), (b)(4), and (c) of section 615, that describes any evaluation procedures such agency proposes to conduct.

"(2) CONDUCT OF EVALUATION.—In conducting the evaluation, the local educational agency shall—

"(A) use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent, that may assist in determining—

"(i) whether the child is a child with a disability; and

"(ii) the content of the child's individualized education program, including information related to enabling the child to be involved in and progress in the general curriculum, or for preschool children, to participate in appropriate activities;

"(B) not use any single procedure, measure, or assessment as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and

"(C) use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

"(3) ADDITIONAL REQUIREMENTS.—Each local educational agency shall ensure that—

"(A) tests and other evaluation materials used to assess a child under this section—

"(i) are selected and administered so as not to be discriminatory on a racial or cultural basis;

"(ii) are provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide or administer;".

"(iii) are used for purposes for which the assessments or measures are valid and reliable;

"(iv) are administered by trained and knowledgeable personnel; and

"(v) are administered in accordance with any instructions provided by the producer of such tests;

"(B) the child is assessed in all areas of suspected disability; and

"(C) assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.

"(D) assessments of children with disabilities, including homeless children with disabilities, children with disabilities who are wards of the State, and children with disabilities in military families, who transfer from 1 school district to another school district in the same academic year, are—

"(i) coordinated with such children's prior and subsequent schools as necessary to ensure timely completion of full evaluations; and

"(ii) completed within time limits—

"(I) established for all students by Federal law or State plans; and

"(II) that computes the commencement of time from the date on which such children are first referred for assessments in any local educational agency.

"(4) DETERMINATION OF ELIGIBILITY.—Upon completion of administration of tests and other evaluation materials—

"(A) the determination of whether the child is a child with a disability as defined in section 602(3) shall be made by a team of qualified professionals and the parent of the child in accordance with paragraph (5); and

"(B) a copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent.

"(5) SPECIAL RULE FOR ELIGIBILITY DETERMINATION.—In making a determination of eligibility under paragraph (4)(A), a child shall not be determined to be a child with a disability if the determinant factor for such determination is—

"(A) lack of scientifically based instruction in reading;

"(B) lack of instruction in mathematics; or

"(C) limited English proficiency.

"(6) SPECIFIC LEARNING DISABILITIES.—

"(A) IN GENERAL.—Notwithstanding section 607(b), when determining whether a child has a specific learning disability as defined in section 602(29), a local educational agency shall not be required to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning.

"(B) ADDITIONAL AUTHORITY.—In determining whether a child has a specific learning disability, a local educational agency may use a process that determines if the child responds to scientific, research-based intervention as a part of the evaluation procedures described in paragraphs (2) and (3).

"(c) ADDITIONAL REQUIREMENTS FOR EVALUATION AND REEVALUATIONS.—

"(1) REVIEW OF EXISTING EVALUATION DATA.—As part of an initial evaluation (if appropriate) and as part of any reevaluation under this section, the IEP Team described in subsection (d)(1)(B) and other qualified professionals, as appropriate, shall—

"(A) review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based assessments, and observations, and teacher and related services providers observations; and

"(B) on the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine—

"(i) whether the child has a particular category of disability, as described in section 602(3), or, in case of a reevaluation of a child, whether the child continues to have such a disability;

"(ii) the present levels of performance and educational needs of the child;

"(iii) whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and

"(iv) whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the individualized education program of the child and to participate, as appropriate, in the general curriculum.

"(2) SOURCE OF DATA.—The local educational agency shall administer such tests and other evaluation materials and procedures as may be needed to produce the data identified by the IEP Team under paragraph (1)(B).

"(3) PARENTAL CONSENT.—Each local educational agency shall obtain informed parental consent, in accordance with subsection (a)(1)(D), prior to conducting any reevaluation of a child with a disability, except that such informed parental consent need not be obtained if the local educational agency can demonstrate that the local educational agency had taken reasonable measures to obtain such consent and the child's parent has failed to respond.

"(4) REQUIREMENTS IF ADDITIONAL DATA ARE NOT NEEDED.—If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child is or continues to be a child with a disability, the local educational agency—

"(A) shall notify the child's parents of—

"(i) that determination and the reasons for the determination; and

"(ii) the right of such parents to request an assessment to determine whether the child is or continues to be a child with a disability; and

"(B) shall not be required to conduct such an assessment unless requested by the child's parents.

"(5) EVALUATIONS BEFORE CHANGE IN ELIGIBILITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a local educational agency shall evaluate a child with a disability in accordance with this section before determining that the child is no longer a child with a disability.

"(B) EXCEPTION.—

"(i) IN GENERAL.—The evaluation described in subparagraph (A) shall not be required before the termination of a child's eligibility under this part due to graduation from secondary school with a regular diploma, or to exceeding the age eligibility for a free appropriate public education under State law.

"(ii) SUMMARY OF PERFORMANCE.—For a child whose eligibility under this part terminates under circumstances described in clause (i), a local educational agency shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

"(d) INDIVIDUALIZED EDUCATION PROGRAMS.—

"(1) DEFINITIONS.—As used in this title:

"(A) INDIVIDUALIZED EDUCATION PROGRAM.—

"(i) IN GENERAL.—The term 'individualized education program' or 'IEP' means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this section and that includes—

"(I) a statement of the child's present levels of academic achievement and functional performance, including—

"(aa) how the child's disability affects the child's involvement and progress in the general curriculum; or

"(bb) for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

"(II) a statement of measurable annual goals, including academic and functional goals, designed to—

"(aa) meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general curriculum; and

"(bb) meet each of the child's other educational needs that result from the child's disability;

“(III) a description of how the child's progress toward meeting the annual goals described in subclause (II) will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;

“(IV) a statement of the special education and related services, and supplementary aids and services, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child—

“(aa) to advance appropriately toward attaining the annual goals;

“(bb) to be involved in and make progress in the general curriculum in accordance with subclause (I) and to participate in extracurricular and other nonacademic activities; and

“(cc) to be educated and participate with other children with disabilities and nondisabled children in the activities described in this paragraph;

“(V) an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in subclause (IV)(cc);

“(VI)(aa) a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and districtwide assessments consistent with section 612(a)(16)(A); and

“(bb) if the IEP Team determines that the child shall take an alternate assessment on a particular State or districtwide assessment of student achievement, a statement of why—

“(AA) the child cannot participate in the regular assessment; and

“(BB) the particular alternate assessment selected is appropriate for the child;

“(VII) the projected date for the beginning of the services and modifications described in subclause (IV), and the anticipated frequency, location, and duration of those services and modifications; and

“(VIII) beginning not later than the first IEP to be in effect when the child is 14, and updated annually thereafter—

“(aa) appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills;

“(bb) the transition services (including courses of study) needed by the child to reach those goals, including services to be provided by other agencies when needed; and

“(cc) beginning at least 1 year before the child reaches the age of majority under State law, a statement that the child has been informed of the child's rights under this title, if any, that will transfer to the child on reaching the age of majority under section 615(m).

“(ii) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require—

“(I) that additional information be included in a child's IEP beyond what is explicitly required in this section; and

“(II) the IEP Team to include information under 1 component of a child's IEP that is already contained under another component of such IEP.

“(B) INDIVIDUALIZED EDUCATION PROGRAM TEAM.—The term ‘individualized education program team’ or ‘IEP Team’ means a group of individuals composed of—

“(i) the parents of a child with a disability;

“(ii) at least 1 regular education teacher of such child (if the child is, or may be, participating in the regular education environment);

“(iii) at least 1 special education teacher, or where appropriate, at least 1 special education provider of such child;

“(iv) a representative of the local educational agency who—

“(I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

“(II) is knowledgeable about the general curriculum; and

“(III) is knowledgeable about the availability of resources of the local educational agency;

“(v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);

“(vi) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

“(vii) whenever appropriate, the child with a disability.

“(viii) if the child is a ward of the State, another individual with appropriate knowledge of the child's educational needs, such as a foster parent, a relative with whom the child lives who acts as a parent to the child, an attorney for the child, a guardian ad litem, a court appointed special advocate, a judge, or an education surrogate.

“(C) IEP TEAM ATTENDANCE.—

“(i) ATTENDANCE NOT NECESSARY.—A member of the IEP Team shall not be required to attend an IEP meeting, in whole or in part, if that member, the parent of a child with a disability, and the local educational agency agree that the attendance of such member is not necessary because no modification to the member's area of the curriculum or related services is being modified or discussed in the meeting.

“(ii) EXCUSAL.—A member of the IEP Team may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if—

“(I) that member, the parent, and the local educational agency consent to the excusal; and

“(II) the member submits input into the development of the IEP prior to the meeting.

“(iii) WRITTEN AGREEMENT AND CONSENT REQUIRED.—A parent's agreement under clause (i) and consent under clause (ii) shall be in writing.

“(2) REQUIREMENT THAT PROGRAM BE IN EFFECT.—

“(A) IN GENERAL.—At the beginning of each school year, each local educational agency, State educational agency, or other State agency, as the case may be, shall have in effect, for each child with a disability in its jurisdiction, an individualized education program, as defined in paragraph (1)(A).

“(B) PROGRAM FOR CHILD AGED 3 THROUGH 5.—In the case of a child with a disability aged 3 through 5 (or, at the discretion of the State educational agency, a 2-year-old child with a disability who will turn age 3 during the school year), an individualized family service plan that contains the material described in section 636, and that is developed in accordance with this section, may serve as the IEP of the child if using that plan as the IEP is—

“(i) consistent with State policy; and

“(ii) agreed to by the agency and the child's parents.

“(C) PROGRAM FOR CHILDREN WHO TRANSFER SCHOOL DISTRICTS.—

“(i) IN GENERAL.—In the case of a child with a disability, including a homeless child with a disability, a child with a disability who is a ward of the State, or a child with a disability in a military family, who transfers school districts within the same academic year, who enrolls in a new school and who had an IEP that was in effect in the same or another State, the local educational agency, State educational agency, or other State agency, as the case may be, shall immediately provide such child with a free appropriate public education, including comparable services identified in the previously held IEP and in consultation with the parents until such time as the local educational agency, State educational agency, or other State agency, as the case may be, adopts the previously held IEP or develops, adopts, and implements a new IEP that is consistent with Federal and State law.

“(ii) TRANSMITTAL OF RECORDS.—To facilitate the transition for a child described in clause (i), the new school in which the child enrolls shall immediately request the child's records from the previous schools in which the child was enrolled and the previous schools in which the child was enrolled shall immediately transmit to the new school, upon such request, the IEP and supporting documents and any other records relating to the provision of special education or related services to the child.

“(3) DEVELOPMENT OF IEP.—

“(A) IN GENERAL.—In developing each child's IEP, the IEP Team, subject to subparagraph (C), shall consider—

“(i) the strengths of the child;

“(ii) the concerns of the parents for enhancing the education of their child;

“(iii) the results of the initial evaluation or most recent evaluation of the child; and

“(iv) the academic, developmental, and functional needs of the child.

“(B) CONSIDERATION OF SPECIAL FACTORS.—The IEP Team shall—

“(i) in the case of a child whose behavior impedes the child's learning or that of others, provide for positive behavioral interventions and supports, and other strategies to address that behavior;

“(ii) in the case of a child with limited English proficiency, consider the language needs of the child as such needs relate to the child's IEP;

“(iii) in the case of a child who is blind or visually impaired—

“(I) provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child; and

“(II) consider, when appropriate, instructional services related to functional performance skills, orientation and mobility, and skills in the use of assistive technology devices, including low vision devices;

“(iv) consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and

“(v) consider whether the child requires assistive technology devices and services.

“(C) REQUIREMENT WITH RESPECT TO REGULAR EDUCATION TEACHER.—A regular education teacher of the child, as a member of the IEP Team shall, to the extent appropriate, participate in the development of the IEP of the child, including the determination of appropriate positive behavioral interventions and supports, and other strategies, and the determination of supplementary aids and services, program modifications, and support for school personnel consistent with paragraph (1)(A)(i)(IV).

“(D) AGREEMENT.—In making changes to a child's IEP after the annual IEP meeting for a

school year, the parent of a child with a disability and the local educational agency may agree not to convene an IEP meeting for the purposes of making such changes, and instead may develop a written document to amend or modify the child's current IEP.

"(E) CONSOLIDATION OF IEP TEAM MEETINGS.—To the extent possible, the local educational agency shall encourage the consolidation of reevaluations of a child with IEP Team meetings for the child.

"(4) REVIEW AND REVISION OF IEP.—

"(A) IN GENERAL.—The local educational agency shall ensure that, subject to subparagraph (B), the IEP Team—

"(i) reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and

"(ii) revise the IEP as appropriate to address—

"(I) any lack of expected progress toward the annual goals and in the general curriculum, where appropriate;

"(II) the results of any reevaluation conducted under this section;

"(III) information about the child provided to, or by, the parents, as described in subsection (c)(1)(B);

"(IV) the child's anticipated needs; or

"(V) other matters.

"(B) REQUIREMENT WITH RESPECT TO REGULAR EDUCATION TEACHER.—A regular education teacher of the child, as a member of the IEP Team, shall, consistent with paragraph (1)(C), participate in the review and revision of the IEP of the child.

"(5) THREE-YEAR IEP.—

"(A) DEVELOPMENT OF 3-YEAR IEP.—The local educational agency may offer a child with a disability who has reached the age of 18, the option of developing a comprehensive 3-year IEP. With the consent of the parent, when appropriate, the IEP Team shall develop an IEP, as described in paragraphs (1) and (3), that is designed to serve the child for the final 3-year transition period, which includes a statement of—

"(i) measurable goals that will enable the child to be involved in and make progress in the general education curriculum and that will meet the child's transitional and postsecondary needs that result from the child's disability; and

"(ii) measurable annual goals for measuring progress toward meeting the postsecondary goals described in clause (i). .

"(B) REVIEW AND REVISION OF 3-YEAR IEP.—

"(i) REQUIREMENT.—Each year the local educational agency shall ensure that the IEP Team—

"(I) provides an annual review of the child's IEP to determine the child's current levels of progress and determine whether the annual goals for the child are being achieved; and

"(II) revises the IEP, as appropriate, to enable the child to continue to meet the measurable transition goals set out in the IEP.

"(ii) COMPREHENSIVE REVIEW.—If the review under clause (i) determines that the child is not making sufficient progress toward the goals described in subparagraph (A), the local educational agency shall ensure that the IEP Team provides a review, within 30 calendar days, of the IEP under paragraph (4).

"(iii) PREFERENCE.—At the request of the child, or when appropriate, the parent, the IEP Team shall conduct a review of the child's 3-year IEP under paragraph (4) rather than an annual review under subparagraph (B)(i).

"(6) FAILURE TO MEET TRANSITION OBJECTIVES.—If a participating agency, other than the local educational agency, fails to provide the transition services described in the IEP in accordance with paragraph (1)(A)(i)(VIII), the local educational agency shall reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in that program.

"(7) CHILDREN WITH DISABILITIES IN ADULT PRISONS.—

"(A) IN GENERAL.—The following requirements shall not apply to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons:

"(i) The requirements contained in section 612(a)(16) and paragraph (1)(A)(i)(V) (relating to participation of children with disabilities in general assessments).

"(ii) The requirements of items (aa) and (bb) of paragraph (1)(A)(i)(VIII) (relating to transition planning and transition services), do not apply with respect to such children whose eligibility under this part will end, because of their age, before they will be released from prison.

"(B) ADDITIONAL REQUIREMENT.—If a child with a disability is convicted as an adult under State law and incarcerated in an adult prison, the child's IEP Team may modify the child's IEP or placement notwithstanding the requirements of sections 612(a)(5)(A) and 614(d)(1)(A) if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

"(e) EDUCATIONAL PLACEMENTS.—Each local educational agency or State educational agency shall ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child. Decisions regarding the educational placement of a child with a disability who is a homeless child shall comply with the requirements described under section 722(g)(3) of the McKinney-Vento Homeless Assistance Act.

"(f) ALTERNATIVE MEANS OF MEETING PARTICIPATION.—When conducting IEP Team meetings and placement meetings pursuant to this section, the parent of a child with a disability and a local educational agency may agree to use alternative means of meeting participation, such as video conferences and conference calls.

"SEC. 615. PROCEDURAL SAFEGUARDS.

"(a) ESTABLISHMENT OF PROCEDURES.—Any State educational agency, State agency, or local educational agency that receives assistance under this part shall establish and maintain procedures in accordance with this section to ensure that children with disabilities, including children with disabilities who are wards of the State, and their parents are guaranteed procedural safeguards with respect to the provision of free appropriate public education by such agencies.

"(b) TYPES OF PROCEDURES.—The procedures required by this section shall include—

"(1) an opportunity for the parents of a child with a disability to examine all records relating to such child and to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child, and to obtain an independent educational evaluation of the child;

"(2) procedures to protect the rights of the child whenever the parents of the child are not known, the agency cannot, after reasonable efforts, locate the parents, the child is a ward of the State, or the child is a homeless child who is not in the physical custody of a parent or guardian including the assignment of an individual (who shall not be an employee of the State educational agency, the local educational agency, or any other agency that is involved in the education or care of the child) to act as a surrogate for the parents in accordance with subsection (o);

"(3) written prior notice to the parents of the child, in accordance with subsection (c)(1), whenever the local educational agency—

"(A) proposes to initiate or change; or

"(B) refuses to initiate or change,

the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child;

"(4) procedures designed to ensure that the notice required by paragraph (3) is in the native language of the parents, unless it clearly is not feasible to do so;

"(5) an opportunity for mediation in accordance with subsection (e);

"(6) an opportunity for either party to present complaints with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child;

"(7)(A) procedures that require either party, or the attorney representing a party, to provide due process complaint notice in accordance with subsection (c)(2) (which shall remain confidential)—

"(i) to the other party, in the complaint filed under paragraph (6), and forward a copy of such notice to the State educational agency; and

"(ii) that shall include—

"(I) the name of the child, the address of the residence of the child (or available contact information in the case of a homeless child), and the name of the school the child is attending;

"(II) in the case of a homeless child or youth (within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), available contact information for the child and the name of the school the child is attending;

"(III) a description of the nature of the problem of the child relating to such proposed initiation or change, including facts relating to such problem; and

"(IV) a proposed resolution of the problem to the extent known and available to the party at the time; and

"(B) a requirement that a party may not have a due process hearing until the party, or the attorney representing the party, files a notice that meets the requirements of subparagraph (A)(ii);

"(8) a requirement that the local educational agency shall send a prior written notice pursuant to subsection (c)(1) in response to a parent's due process complaint notice under paragraph (7) if the local educational agency has not sent such a prior written notice to the parent regarding the subject matter contained in the parent's due process complaint notice; and

"(9) procedures that require the State educational agency to develop a model form to assist parents in filing a complaint and due process complaint notice in accordance with paragraphs (6) and (7), respectively.

"(10) procedures to protect the rights of the child whenever the child is a ward of the State, including procedures that preserve the rights of the natural or adoptive parent to make the decisions required of parents under this Act (unless such rights have been extinguished under State law) but that permit a child who is represented in juvenile court by an attorney, guardian ad litem, or another individual, to have such attorney, guardian ad litem, or other individual present in any meetings, mediation proceedings, or hearings provided under this Act.

"(c) NOTIFICATION REQUIREMENTS.—

"(1) CONTENT OF PRIOR WRITTEN NOTICE.—The prior written notice of the local educational agency required by subsection (b)(3) shall include—

"(A) a description of the action proposed or refused by the agency;

"(B) an explanation of why the agency proposes or refuses to take the action;

"(C) a description of any other options that the agency considered and the reasons why those options were rejected;

"(D) a description of each evaluation procedure, test, record, or report the agency used as a basis for the proposed or refused action;

"(E) a description of any other factors that are relevant to the agency's proposal or refusal;

"(F) a statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and

"(G) sources for parents to contact to obtain assistance in understanding the provisions of this part.

"(2) DUE PROCESS COMPLAINT NOTICE.—

"(A) IN GENERAL.—The due process complaint notice required under subsection (b)(7)(A) shall be deemed to be sufficient unless the party receiving the notice notifies the hearing officer and the other party in writing that the receiving party believes the notice has not met the requirements of that subsection.

"(B) TIMING.—The party sending a hearing officer notification under subparagraph (A) shall send the notification within 20 days of receiving the complaint.

"(C) DETERMINATION.—Within 5 days of receipt of the notification provided under subparagraph (B), the hearing officer shall make a determination on the face of the notice of whether the notification meets the requirements of subsection (b)(7)(A), and shall immediately notify both parties in writing of such determination.

"(D) PARENT'S AMENDED NOTICE OF COMPLAINT.—

"(i) IN GENERAL.—A parent may amend the parent's due process complaint notice only if—

"(I) the public agency consents in writing to such amendment and is given the opportunity to resolve the complaint through a meeting held pursuant to subsection (f)(1)(B); or

"(II) the hearing officer grants permission, but may do so only before a due process hearing occurs.

"(ii) APPLICABLE TIMELINE.—The applicable timeline for a due process hearing under this part shall recommence at the time the party files an amended notice.

"(d) PROCEDURAL SAFEGUARDS NOTICE.—

"(1) IN GENERAL.—A copy of the procedural safeguards available to the parents of a child with a disability shall be given to the parents only 1 time a year, except that a copy also shall be given to the parents—

"(A) upon initial referral or parental request for evaluation;

"(B) upon registration of a complaint under subsection (b)(6); and

"(C) upon request by a parent.

"(2) CONTENTS.—The procedural safeguards notice shall include a full explanation of the procedural safeguards, written in the native language of the parents, unless it clearly is not feasible to do so, and written in an easily understandable manner, available under this section and under regulations promulgated by the Secretary relating to—

"(A) independent educational evaluation;

"(B) prior written notice;

"(C) parental consent;

"(D) access to educational records;

"(E) the opportunity to present and resolve complaints, including—

"(i) the time period in which to make a complaint;

"(ii) the opportunity for the agency to resolve the complaint; and

"(iii) the availability of mediation;

"(F) the child's placement during pendency of due process proceedings;

"(G) procedures for students who are subject to placement in an interim alternative educational setting;

"(H) requirements for unilateral placement by parents of children in private schools at public expense;

"(I) due process hearings, including requirements for disclosure of evaluation results and recommendations;

"(J) State-level appeals (if applicable in that State);

"(K) civil actions, including the time period in which to file such actions; and

"(L) attorney's fees.

"(e) MEDIATION.—

"(1) IN GENERAL.—Any State educational agency or local educational agency that receives assistance under this part shall ensure that procedures are established and implemented to allow parties to disputes involving any matter, including matters arising prior to the filing of a complaint pursuant to subsection (b)(6), to resolve such disputes through a mediation process.

"(2) REQUIREMENTS.—Such procedures shall meet the following requirements:

"(A) The procedures shall ensure that the mediation process—

"(i) is voluntary on the part of the parties;

"(ii) is not used to deny or delay a parent's right to a due process hearing under subsection (f), or to deny any other rights afforded under this part; and

"(iii) is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

"(B) OPPORTUNITY TO MEET WITH A DISINTERESTED PARTY.—A local educational agency or a State agency may establish procedures to offer to parents and schools who choose not to use the mediation process, an opportunity to meet, at a time and location convenient to the parents, with a disinterested party who is under contract with—

"(i) a parent training and information center or community parent resource center in the State established under section 671 or 672; or

"(ii) an appropriate alternative dispute resolution entity,

to encourage the use, and explain the benefits, of the mediation process to the parents.

"(C) LIST OF QUALIFIED MEDIATORS.—The State shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services.

"(D) COSTS.—The State shall bear the cost of the mediation process, including the costs of meetings described in subparagraph (B).

"(E) SCHEDULING AND LOCATION.—Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

"(F) WRITTEN MEDIATION AGREEMENT.—An agreement reached by the parties to the dispute in the mediation process shall be set forth in a written mediation agreement that is enforceable in any State court of competent jurisdiction or in a district court of the United States.

"(G) MEDIATION DISCUSSIONS.—Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings, and the parties to the mediation process may be required to sign a confidentiality pledge prior to the commencement of such process.

"(f) IMPARTIAL DUE PROCESS HEARING.—

"(1) IN GENERAL.—

"(A) HEARING.—Whenever a complaint has been received under subsection (b)(6) or (k), the parents or the local educational agency involved in such complaint shall have an opportunity for an impartial due process hearing, which shall be conducted by the State educational agency or by the local educational agency, as determined by State law or by the State educational agency.

"(B) OPPORTUNITY TO RESOLVE COMPLAINT.—

"(i) PRELIMINARY MEETING.—Prior to the opportunity for an impartial due process hearing under subparagraph (A), the local educational agency shall convene a meeting with the parents and the IEP Team—

"(I) within 15 days of receiving notice of the parents' complaint;

"(II) which shall include a representative of the public agency who has decisionmaking authority on behalf of such agency;

"(III) which may not include an attorney of the local educational agency unless the parent is accompanied by an attorney; and

"(IV) where the parents of the child discuss their complaint, and the specific issues that form the basis of the complaint, and the local educational agency is provided the opportunity to resolve the complaint,

unless the parents and the local educational agency agree in writing to waive such meeting, or agree to use the mediation process described in subsection (e).

"(ii) HEARING.—If the local educational agency has not resolved the complaint to the satisfaction of the parents within 15 days of the receipt of the complaint, the due process hearing may occur, and all of the applicable timelines for a due process hearing under this part shall commence.

"(iii) WRITTEN SETTLEMENT AGREEMENT.—In the case that an agreement is reached to resolve the complaint at such meeting, the agreement shall be set forth in a written settlement agreement that is—

"(I) signed by both the parent and a representative of the public agency who has decisionmaking authority on behalf of such agency; and

"(II) enforceable in any State court of competent jurisdiction or in a district court of the United States.

"(2) DISCLOSURE OF EVALUATIONS AND RECOMMENDATIONS.—

"(A) IN GENERAL.—Not less than 5 business days prior to a hearing conducted pursuant to paragraph (1), each party shall disclose to all other parties all evaluations completed by that date, and recommendations based on the offering party's evaluations, that the party intends to use at the hearing.

"(B) FAILURE TO DISCLOSE.—A hearing officer may bar any party that fails to comply with subparagraph (A) from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

"(3) LIMITATIONS ON HEARING.—

"(A) PERSON CONDUCTING HEARING.—A hearing officer conducting a hearing pursuant to paragraph (1)(A) shall, at a minimum—

"(i) not be—

"(I) an employee of the State educational agency or the local educational agency involved in the education or care of the child; or

"(II) a person having a personal or professional interest that conflicts with the person's objectivity in the hearing;

"(ii) possess a fundamental understanding of this Act, Federal and State regulations pertaining to this Act, and interpretations of this Act by State and Federal courts;

"(iii) possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and

"(iv) possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice.

"(B) SUBJECT MATTER OF HEARING.—The party requesting the due process hearing shall not be allowed to raise issues at the due process hearing that were not raised in the notice filed under subsection (b)(7), unless the other party agrees otherwise.

"(C) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude a parent

from filing a separate due process complaint on an issue separate from a due process complaint already filed.

"(D) TIMELINE FOR REQUESTING HEARING.—A parent or public agency shall request an impartial due process hearing within 2 years of the date the parent or public agency knew or should have known about the alleged action that forms the basis of the complaint, or, if the State has an explicit time limitation for requesting such a hearing under this part, in such time as the State law allows.

"(E) EXCEPTION TO THE TIMELINE.—The timeline described in subparagraph (D) shall not apply if the parent was prevented from requesting the hearing due to—

"(i) failure of the local educational agency to provide prior written or procedural safeguards notices;

"(ii) false representations that the local educational agency was attempting to resolve the problem forming the basis of the complaint; or

"(iii) the local educational agency's withholding of information from parents.

"(F) DECISION OF HEARING OFFICER.—

"(i) IN GENERAL.—Subject to clause (ii), a decision made by a hearing officer shall be made on substantive grounds based on a determination of whether the child received a free appropriate public education.

"(ii) PROCEDURAL ISSUES.—In matters alleging a procedural violation, a hearing officer may find that a child did not receive a free appropriate public education only if the procedural inadequacies—

"(I) compromised the child's right to an appropriate public education;

"(II) seriously hampered the parents' opportunity to participate in the process; or

"(III) caused a deprivation of educational benefits.

"(iii) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to preclude a hearing officer from ordering a local educational agency to comply with procedural requirements under this section.

"(G) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the right of a parent to file a complaint with the State educational agency.

"(g) APPEAL.—If the hearing required by subsection (f) is conducted by a local educational agency, any party aggrieved by the findings and decision rendered in such a hearing may appeal such findings and decision to the State educational agency. Such State educational agency shall conduct an impartial review of such decision. The officer conducting such review shall make an independent decision upon completion of such review.

"(h) SAFEGUARDS.—Any party to a hearing conducted pursuant to subsection (f) or (k), or an appeal conducted pursuant to subsection (g), shall be accorded—

"(1) the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;

"(2) the right to present evidence and confront, cross-examine, and compel the attendance of witnesses;

"(3) the right to a written, or, at the option of the parents, electronic verbatim record of such hearing; and

"(4) the right to a written, or, at the option of the parents, electronic findings of fact and decisions, which findings and decisions—

"(A) shall be made available to the public consistent with the requirements of section 617(b) (relating to the confidentiality of data, information, and records); and

"(B) shall be transmitted to the advisory panel established pursuant to section 612(a)(20).

"(i) ADMINISTRATIVE PROCEDURES.—

"(1) IN GENERAL.—

"(A) DECISION MADE IN HEARING.—A decision made in a hearing conducted pursuant to subsection (f) or (k) shall be final, except that any party involved in such hearing may appeal such decision under the provisions of subsection (g) and paragraph (2).

"(B) DECISION MADE AT APPEAL.—A decision made under subsection (g) shall be final, except that any party may bring an action under paragraph (2).

"(2) RIGHT TO BRING CIVIL ACTION.—

"(A) IN GENERAL.—Any party aggrieved by the findings and decision made under subsection (f) or (k) who does not have the right to an appeal under subsection (g), and any party aggrieved by the findings and decision under this subsection, shall have the right to bring a civil action with respect to the complaint presented pursuant to this section, which action may be brought in any State court of competent jurisdiction or in a district court of the United States, without regard to the amount in controversy.

"(B) LIMITATION.—The party bringing the action shall have 90 days from the date of the decision of the hearing officer to bring such an action, or, if the State has an explicit time limitation for bringing such action under this part, in such time as the State law allows.

"(C) ADDITIONAL REQUIREMENTS.—In any action brought under this paragraph, the court—

"(i) shall receive the records of the administrative proceedings;

"(ii) shall hear additional evidence at the request of a party; and

"(iii) basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

"(3) JURISDICTION OF DISTRICT COURTS; ATTORNEYS' FEES.—

"(A) IN GENERAL.—The district courts of the United States shall have jurisdiction of actions brought under this section without regard to the amount in controversy.

"(B) AWARD OF ATTORNEYS' FEES.—

"(i) IN GENERAL.—In any action or proceeding brought under this section, the court, in its discretion, may award reasonable attorneys' fees as part of the costs—

"(I) to a prevailing party who is the parent of a child with a disability;

"(II) to a prevailing party who is a State educational agency or local educational agency against the attorney of a parent who files a complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of a parent who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or

"(III) to a State educational agency or local educational agency against the attorney of a parent, or against the parent, if the parent's complaint or subsequent cause of action was presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

"(ii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to affect section 432 of the District of Columbia Appropriations Act, 2004.

"(C) DETERMINATION OF AMOUNT OF ATTORNEYS' FEES.—Fees awarded under this paragraph shall be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded under this subsection.

"(D) PROHIBITION OF ATTORNEYS' FEES AND RELATED COSTS FOR CERTAIN SERVICES.—

"(i) IN GENERAL.—Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding under this section for services performed subsequent to the time of a written offer of settlement to a parent if—

"(I) the offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than 10 days before the proceeding begins;

"(II) the offer is not accepted within 10 days; and

"(III) the court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement.

"(ii) IEP TEAM MEETINGS.—Attorneys' fees may not be awarded relating to any meeting of the IEP Team unless such meeting is convened as a result of an administrative proceeding or judicial action, or, at the discretion of the State, for a mediation described in subsection (e).

"(iii) OPPORTUNITY TO RESOLVE COMPLAINTS.—A meeting conducted pursuant to subsection (f)(1)(B)(i) shall not be considered—

"(I) a meeting convened as a result of an administrative hearing or judicial action; or

"(II) an administrative hearing or judicial action for purposes of this paragraph.

"(E) EXCEPTION TO PROHIBITION ON ATTORNEYS' FEES AND RELATED COSTS.—Notwithstanding subparagraph (D), an award of attorneys' fees and related costs may be made to a parent who is the prevailing party and who was substantially justified in rejecting the settlement offer.

"(F) REDUCTION IN AMOUNT OF ATTORNEYS' FEES.—Except as provided in subparagraph (G), whenever the court finds that—

"(i) the parent, or the parent's attorney, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy;

"(ii) the amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience;

"(iii) the time spent and legal services furnished were excessive considering the nature of the action or proceeding; or

"(iv) the attorney representing the parent did not provide to the local educational agency the appropriate information in the notice of the complaint described in subsection (b)(7)(A),

the court shall reduce, accordingly, the amount of the attorneys' fees awarded under this section.

"(G) EXCEPTION TO REDUCTION IN AMOUNT OF ATTORNEYS' FEES.—The provisions of subparagraph (F) shall not apply in any action or proceeding if the court finds that the State or local educational agency unreasonably protracted the final resolution of the action or proceeding or there was a violation of this section.

"(4) PARENTS REPRESENTING THEIR CHILDREN IN COURT.—Subject to subsection (m), and notwithstanding any other provision of Federal law regarding attorney representation (including the Federal Rules of Civil Procedure), a parent of a child with a disability may represent the child in any action under this part in Federal or State court, without the assistance of an attorney.

"(j) MAINTENANCE OF CURRENT EDUCATIONAL PLACEMENT.—Except as provided in subsection (k)(4), during the pendency of any proceedings conducted pursuant to this section, unless the State or local educational agency and the parents otherwise agree, the child shall remain in the then-current educational placement of such child, or, if applying for initial admission to a public school, shall, with the consent of the parents, be placed in the public school program until all such proceedings have been completed.

"(k) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—

"(1) AUTHORITY OF SCHOOL PERSONNEL.—

"(A) IN GENERAL.—School personnel under this section may order a change in the placement of a child with a disability who violates a code of student conduct to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives are applied to children without disabilities).

"(B) ADDITIONAL AUTHORITY.—If school personnel seek to order a change in placement that would exceed 10 school days and the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability pursuant to subparagraph (C), the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which the procedures would be applied to children without disabilities, except as provided in section 612(a)(1).

"(C) MANIFESTATION DETERMINATION.—

"(i) IN GENERAL.—Except as provided in subparagraphs (A) and (D), within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the IEP Team shall review all relevant information in the student's file, any information provided by the parents, and teacher observations, to determine—

"(I) if the conduct in question was the result of the child's disability; or

"(II) if the conduct in question resulted from the failure to implement the IEP or to implement behavioral interventions as required by section 614(d)(3)(B)(i).

"(ii) MANIFESTATION.—If the IEP Team determines that either subclause (I) or (II) of clause (i) is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

"(D) SPECIAL CIRCUMSTANCES.—In cases where a child—

"(i) carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency; or

"(ii) knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school or a school function under the jurisdiction of a State or local educational agency; or

"(iii) has committed serious bodily injury upon another person while at school or at a school function under the jurisdiction of a State or local educational agency,

school personnel may remove a student to an interim alternative educational setting for not more than 45 school days, without regard to whether the behavior is determined to be a manifestation of the child's disability.

"(E) NOTIFICATION.—Not later than the date on which the decision to take disciplinary action is made, the local educational agency shall notify the parents of that decision, and of all procedural safeguards accorded under this section.

"(F) SERVICES.—A child with a disability who is removed from the child's current placement under subparagraph (B) or (D) shall—

"(i) continue to receive educational services pursuant to section 612(a)(1), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and

"(ii) receive behavioral intervention services as described in section 614(d)(3)(B)(i), and a functional behavioral assessment (but only if the local educational agency did not conduct such an assessment before the violation occurred), designed to address the behavior violation so that the violation does not recur.

"(2) DETERMINATION OF SETTING.—The alternative educational setting shall be determined by the IEP Team.

"(3) APPEAL.—

"(A) IN GENERAL.—The parent of a child with a disability who disagrees with any decision regarding disciplinary action, placement, or the manifestation determination under this subsection, or a local educational agency that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request a hearing.

"(B) AUTHORITY OF HEARING OFFICER.—

"(i) IN GENERAL.—If a parent of a child with a disability disagrees with a decision as described in subparagraph (A), the hearing officer may determine whether the decision regarding such action was appropriate.

"(ii) CHANGE OF PLACEMENT ORDER.—A hearing officer under this section may order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

"(4) PLACEMENT DURING APPEALS.—When a parent requests a hearing regarding a disciplinary procedure described in paragraph (1)(B) or challenges the interim alternative educational setting or manifestation determination—

"(A) the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in paragraph (1)(B), whichever occurs first, unless the parent and the State or local educational agency agree otherwise; and

"(B) the State or local educational agency shall arrange for an expedited hearing, which shall occur within 20 school days of the date the hearing is requested.

"(5) PROTECTIONS FOR CHILDREN NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES.—

"(A) IN GENERAL.—A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violates a code of student conduct, may assert any of the protections provided for in this part if the local educational agency had knowledge (as determined in accordance with this paragraph) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

"(B) BASIS OF KNOWLEDGE.—A local educational agency shall be deemed to have knowledge that a child is a child with a disability if, before the behavior that precipitated the disciplinary action occurred—

"(i) the parent of the child has expressed concern in writing (unless the parent is illiterate or has a disability that prevents compliance with the requirements contained in this clause) to personnel of the appropriate educational agency that the child is in need of special education and related services;

"(ii) the parent of the child has requested an evaluation of the child pursuant to section 614;

"(iii) the teacher of the child, or other personnel of the local educational agency, has expressed concern about a pattern of behavior demonstrated by the child, to the director of special education of such agency or to other administrative personnel of the agency; or

"(iv) the child has engaged in a pattern of behavior that should have alerted personnel of the local educational agency that the child may be in need of special education and related services.

"(C) EXCEPTION.—A local educational agency shall not be deemed to have knowledge that the child has a disability if the parent of the child has not agreed to allow an evaluation of the child pursuant to section 614.

"(D) CONDITIONS THAT APPLY IF NO BASIS OF KNOWLEDGE.—

"(i) IN GENERAL.—If a local educational agency does not have knowledge that a child is a child with a disability (in accordance with subparagraph (B) or (C)) prior to taking disciplinary measures against the child, the child may be subjected to disciplinary measures applied to children without disabilities who engaged in comparable behaviors consistent with clause (ii).

"(ii) LIMITATIONS.—If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under paragraph (1), the evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with this part, except that, pending the results of the evaluation, the child shall remain in the educational placement determined by school authorities.

"(6) REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES.—

"(A) CONSTRUCTION.—Nothing in this part shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

"(B) TRANSMITTAL OF RECORDS.—An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.

"(7) DEFINITIONS.—For purposes of this subsection, the following definitions apply:

"(A) CONTROLLED SUBSTANCE.—The term 'controlled substance' means a drug or other substance identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

"(B) ILLEGAL DRUG.—The term 'illegal drug' means a controlled substance but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

"(C) WEAPON.—The term 'weapon' has the meaning given the term 'dangerous weapon' under section 930(g)(2) of title 18, United States Code.

"(D) SERIOUS BODILY INJURY.—The term 'serious bodily injury' has the meaning given the term 'serious bodily injury' under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

"(l) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to restrict or limit the rights, procedures, and remedies available under the Constitution, the Americans with Disabilities Act of 1990, title V of the Rehabilitation Act of 1973, or other Federal laws protecting the rights of children with disabilities, or under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act or parts B and E of title IV of the Social Security Act, except that before the filing of a civil action under such laws seeking relief that is also available under this part, the procedures under subsections (f) and (g) shall be exhausted to the same extent as would be required had the action been brought under this part.

"(m) TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY.—

"(1) IN GENERAL.—A State that receives amounts from a grant under this part may provide that, when a child with a disability reaches the age of majority under State law (except for a child with a disability who has been determined to be incompetent under State law)—

"(A) the public agency shall provide any notice required by this section to both the individual and the parents;

"(B) all other rights accorded to parents under this part transfer to the child;

"(C) the agency shall notify the individual and the parents of the transfer of rights; and

"(D) all rights accorded to parents under this part transfer to children who are incarcerated in an adult or juvenile Federal, State, or local correctional institution.

"(2) SPECIAL RULE.—If, under State law, a child with a disability who has reached the age of majority under State law, who has not been determined to be incompetent, but who is determined not to have the ability to provide informed consent with respect to the educational program of the child, the State shall establish procedures for appointing the parent of the child, or if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of eligibility of the child under this part.

"(n) E-MAIL.—A parent of a child with a disability may elect to receive notices required under this section by e-mail communication, if the public agency makes such option available.

"(o) SURROGATE PARENT.—

"(1) ASSIGNMENT.—The assignment of a surrogate under subsection (b)(2) shall take place not more than 30 days after either of the following takes place:

"(A) The child is referred to the local educational agency for an initial evaluation to determine if the child is a child with a disability.

"(B) There is a determination made by the agency that the child needs a surrogate parent because the child's parent cannot be identified, the child becomes a ward of the State, or, despite reasonable efforts to do so, the agency cannot discover the whereabouts of the parent of the child.

"(2) REQUIREMENTS OF SURROGATE.—An individual may not be assigned to act as a surrogate for the parents under subsection (b)(2) unless the individual—

"(A) signs a written form agreeing to make the educational decisions required of parents under this Act;

"(B)(i) has the knowledge and skills necessary to ensure adequate representation of the child; or

"(ii) agrees to be trained as an educational surrogate; and

"(C) has no interests that would conflict with the interests of the child.

"(3) FOSTER PARENT AS SURROGATE.—A foster parent of a child may be assigned to act as a surrogate for the parents of such child under subsection (b)(2) if the foster parent—

"(A) has an ongoing, long-term parental relationship with the child;

"(B) agrees to make the educational decisions required of parents under this Act;

"(C) agrees to be trained as an educational surrogate; and

"(D) has no interest that would conflict with the interests of the child.

"SEC. 616. MONITORING, TECHNICAL ASSISTANCE, AND ENFORCEMENT.

"(a) FEDERAL AND STATE MONITORING.—

"(1) IN GENERAL.—The Secretary shall—

"(A) monitor implementation of this Act through—

"(i) oversight of the States' exercise of general supervision, as required in section 612(a)(11); and

"(ii) the system of indicators, described in subsection (b)(2); and

"(B) enforce this Act in accordance with subsection (c); and

"(C) require States to monitor implementation of this Act by local educational agencies and enforce this Act in accordance with paragraph (3) of this subsection and subsection (c).

"(2) FOCUSED MONITORING.—The primary focus of Federal and State monitoring activities described in paragraph (1) shall be on improving educational results and functional outcomes for all children with disabilities, while ensuring compliance with program requirements, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.

"(3) MONITORING PRIORITIES.—The Secretary shall monitor, and shall require States to monitor, the following priority areas:

"(A) Provision of a free appropriate public education in the least restrictive environment.

"(B) Provision of transition services, as defined in section 602(33).

"(C) State exercise of general supervisory authority, including the effective use of complaint resolution and mediation.

"(D) Overrepresentation of racial and ethnic groups in special education and related services, to the extent the overrepresentation is the result of inappropriate policies, procedures, and practices.

"(4) PERMISSIVE AREAS OF REVIEW.—The Secretary may examine other relevant information and data, including data provided by States under section 618, and data from the State's compliance plan under subsection (b)(2)(C).

"(b) INDICATORS.—

"(1) SYSTEM.—The Secretary shall implement and administer a system of required indicators as described in paragraph (2) that measures the progress of States in improving their performance under this Act.

"(2) INDICATORS.—

"(A) IN GENERAL.—Using the performance indicators established by States under section 612(a)(15), the Secretary shall review—

"(i) the performance of children with disabilities in the State on assessments, including alternate assessments, dropout rates, and graduation rates, which for purposes of this paragraph means the number and percentage of students with disabilities who graduate with a regular diploma within the number of years specified in a student's IEP; and

"(ii) the performance of children with disabilities in the State on assessments, including alternate assessments, dropout rates, and graduation rates, as compared to the performance and rates for all children.

"(B) SECRETARY'S ASSESSMENT.—Based on that review and a review of the State's compliance plan under subparagraph (C), the Secretary shall assess the State's progress in improving educational results for children with disabilities.

"(C) STATE COMPLIANCE PLAN.—Not later than 1 year after the date of the enactment of the Individuals with Disabilities Education Improvement Act of 2004, each State shall have in place a compliance plan developed in collaboration with the Secretary. Each State's compliance plan shall—

"(i) include benchmarks to measure continuous progress on the priority areas described in subsection (a)(3);

"(ii) describe strategies the State will use to achieve the benchmarks; and

"(iii) be approved by the Secretary.

"(D) PUBLIC REPORTING AND PRIVACY.—

"(i) IN GENERAL.—After the Secretary approves a State's compliance plan under subparagraph (C), the State shall use the benchmarks in the plan and the indicators described in this subsection to analyze the progress of each local educational agency in the State on those benchmarks and indicators.

"(ii) REPORT.—The State shall report annually to the public on each local educational agency's progress under clause (i), except where doing so would result in the disclosure of personally identifiable information about individual children or where the available data is insufficient to yield statistically reliable information.

"(3) DATA COLLECTION AND ANALYSIS.—The Secretary shall—

"(A) review the data collection and analysis capacity of States to ensure that data and information determined necessary for implementation of this subsection is collected, analyzed, and accurately reported to the Secretary; and

"(B) provide technical assistance to improve the capacity of States to meet these data collection requirements.

"(c) COMPLIANCE AND ENFORCEMENT.—

"(1) IN GENERAL.—The Secretary shall examine relevant State information and data annually, to determine whether the State is making satisfactory progress toward improving educational results for children with disabilities using the indicators described in subsection (b)(2)(A) and the benchmarks established in the State compliance plan under subsection (b)(2)(C), and is in compliance with the provisions of this Act.

"(2) LACK OF SATISFACTORY PROGRESS BY A STATE.—

"(A) IN GENERAL.—If after examining data, as provided in subsection (b)(2) (A) and (C), the Secretary determines that a State failed to make satisfactory progress in meeting the indicators described in subsection (b)(2)(A) or has failed to meet the benchmarks described in subsection (b)(2)(C) for 2 consecutive years after the State has developed its compliance plan, the Secretary shall notify the State that the State has failed to make satisfactory progress, and shall take 1 or more of the following actions:

"(i) Direct the use of State level funds for technical assistance, services, or other expenditures to ensure that the State resolves the area or areas of unsatisfactory progress.

"(ii) Withhold not less than 20, but not more than 50, percent of the State's funds for State administration and activities for the fiscal year under section 611(e), after providing the State the opportunity to show cause why the withholding should not occur, until the Secretary determines that sufficient progress has been made in improving educational results for children with disabilities.

"(B) ADDITIONAL SECRETARIAL ACTION.—If, at the end of the 5th year after the Secretary has approved the compliance plan that the State has developed under subsection (b)(2)(C), the Secretary determines that a State failed to meet the benchmarks in the State compliance plan and make satisfactory progress in improving educational results for children with disabilities pursuant to the indicators described in subsection (b)(2)(A), the Secretary shall take 1 or more of the following actions:

"(i) Seek to recover funds under section 452 of the General Education Provisions Act.

"(ii) After providing reasonable notice and an opportunity for a hearing to the State educational agency involved, withhold, in whole or in part, any further payments to the State under this part pursuant to subsection (c)(5).

"(iii) After providing reasonable notice and an opportunity for a hearing to the State educational agency involved, refer the matter for appropriate enforcement action, which may include referral to the Department of Justice.

"(iv) Pending the outcome of any hearing to withhold payments under clause (ii), the Secretary may suspend payments to a recipient, *suspend the authority of the recipient to obligate Federal funds, or both, after such recipient has been given reasonable notice and an opportunity to show cause why future payments or authority to obligate Federal funds should not be suspended.*

“(C) SUBSTANTIAL NONCOMPLIANCE.—Notwithstanding subparagraph (B), at any time that the Secretary determines that a State is not in substantial compliance with any provision of this part or that there is a substantial failure to comply with any condition of a local agency's or State agency's eligibility under this part, the Secretary shall take 1 or more of the following actions:

“(i) Request that the State prepare a corrective action plan or improvement plan if the Secretary determines that the State should be able to correct the problem within 1 year.

“(ii) Identify the State as a high-risk grantee and impose special conditions on the State's grant under this part.

“(iii) Require the State to enter into a compliance agreement under section 457 of the General Education Provisions Act, if the Secretary has reason to believe that the State cannot correct the problem within 1 year.

“(iv) Recovery of funds under section 452 of the General Education Provisions Act.

“(v) After providing reasonable notice and an opportunity for a hearing to the State educational agency involved, withhold, in whole or in part, any further payments to the State under this part.

“(vi) After providing reasonable notice and an opportunity for a hearing to the State educational agency involved, refer the matter for appropriate enforcement action, which may include referral to the Department of Justice.

“(vii) Pending the outcome of any hearing to withhold payments under clause (v), the Secretary may suspend payments to a recipient, suspend the authority of the recipient to obligate Federal funds, or both, after such recipient has been given reasonable notice and an opportunity to show cause why future payments or authority to obligate Federal funds should not be suspended.

“(3) EGREGIOUS NONCOMPLIANCE.—At any time that the Secretary determines that a State is in egregious noncompliance or is willfully disregarding the provisions of this Act, the Secretary shall take such additional enforcement actions as the Secretary determines to be appropriate from among those actions specified in paragraph (2)(C), and, additionally, may impose 1 or more of the following sanctions upon that State:

“(A) Institute a cease and desist action under section 456 of the General Education Provisions Act.

“(B) Refer the case to the Office of the Inspector General.

“(4) REPORT TO CONGRESS.—The Secretary shall report to Congress within 30 days of taking enforcement action pursuant to paragraph (2) (B) or (C), or (3), on the specific action taken and the reasons why enforcement action was taken.

“(5) NATURE OF WITHHOLDING.—If the Secretary withholds further payments under paragraphs (2)(B)(ii) and (2)(C)(v), the Secretary may determine that such withholding will be limited to programs or projects, or portions thereof, affected by the failure, or that the State educational agency shall not make further payments under this part to specified local educational agencies or State agencies affected by the failure. Until the Secretary is satisfied that there is no longer any failure to make satisfactory progress as specified in paragraph (2)(B), or to comply with the provisions of this part, as specified in paragraph (2)(C), payments to the State under this part shall be withheld in whole or in part, or payments by the State educational agency under this part shall be limited to local educational agencies and State agencies whose actions did not cause or were not involved in the failure, as the case may be. Any State educational agency, State agency, or local educational agency that has received notice under paragraph (2)(B) or (2)(C) shall, by means of a public notice, take such measures as may be necessary to bring the pendency of an action pursuant to this subsection to the attention of the public within the jurisdiction of such agency.

“(6) JUDICIAL REVIEW.—

“(A) IN GENERAL.—If any State is dissatisfied with the Secretary's final action with respect to the eligibility of the State under section 612, such State may, not later than 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings upon which the Secretary's action was based, as provided in section 2112 of title 28, United States Code.

“(B) JURISDICTION; REVIEW BY UNITED STATES SUPREME COURT.—Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

“(C) STANDARD OF REVIEW.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

“(d) DIVIDED STATE AGENCY RESPONSIBILITY.—For purposes of this section, where responsibility for ensuring that the requirements of this part are met with respect to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons is assigned to a public agency other than the State educational agency pursuant to section 612(a)(11)(C), the Secretary, in instances where the Secretary finds that the failure to comply substantially with the provisions of this part are related to a failure by the public agency, shall take appropriate corrective action to ensure compliance with this part, except that—

“(1) any reduction or withholding of payments to the State shall be proportionate to the total funds allotted under section 611 to the State as the number of eligible children with disabilities in adult prisons under the supervision of the other public agency is proportionate to the number of eligible individuals with disabilities in the State under the supervision of the State educational agency; and

“(2) any withholding of funds under paragraph (1) shall be limited to the specific agency responsible for the failure to comply with this part.

“(e) STATE AND LOCAL MONITORING.—

“(1) IN GENERAL.—The State educational agency shall monitor and enforce implementation of this Act, implement a system of monitoring the benchmarks in the State's compliance plan under subsection (b)(2)(C), and require local educational agencies to monitor and enforce implementation of this Act.

“(2) ADDITIONAL ENFORCEMENT OPTIONS.—If a State educational agency determines that a local educational agency is not meeting the requirements of this part, including the benchmarks in the State's compliance plan, the State educational agency shall prohibit the local educational agency from treating funds received under this part as local funds under section 613(a)(2)(C) for any fiscal year.

“SEC. 617. ADMINISTRATION.

“(a) RESPONSIBILITIES OF SECRETARY.—The Secretary shall—

“(1) cooperate with, and (directly or by grant or contract) furnish technical assistance necessary to, a State in matters relating to—

“(A) the education of children with disabilities; and

“(B) carrying out this part; and

“(2) provide short-term training programs and institutes.

“(b) CONFIDENTIALITY.—The Secretary shall take appropriate action, in accordance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g), to assure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary and by State and local educational agencies pursuant to this part.

“(c) PERSONNEL.—The Secretary is authorized to hire qualified personnel necessary to carry out the Secretary's duties under subsection (a) and under sections 618, 661, and 664, without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates, except that not more than 20 such personnel shall be employed at any 1 time.

“(d) MODEL FORMS.—Not later than the date that the Secretary publishes final regulations under this Act, to implement amendments made by the Individuals with Disabilities Education Improvement Act of 2004, the Secretary shall publish and disseminate widely to States, local educational agencies, and parent and community training and information centers—

“(1) a model IEP form;

“(2) a model individualized family service plan (IFSP) form;

“(3) a model form of the notice of procedural safeguards described in section 615(d); and

“(4) a model form of the prior written notice described in section 615 (b)(3) and (c)(1) that is consistent with the requirements of this part and is sufficient to meet such requirements.

“SEC. 618. PROGRAM INFORMATION.

“(a) IN GENERAL.—Each State that receives assistance under this part, and the Secretary of the Interior, shall provide data each year to the Secretary of Education and the public on—

“(1)(A) the number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who are receiving a free appropriate public education;

“(B) the number and percentage of children with disabilities, by race, gender, and ethnicity, who are receiving early intervention services;

“(C) the number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who are participating in regular education;

“(D) the number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who are in separate classes, separate schools or facilities, or public or private residential facilities;

“(E) the number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who, for each year of age from age 14 through 21, stopped receiving special education and related services because of program

completion (including graduation with a regular secondary school diploma), or other reasons, and the reasons why those children stopped receiving special education and related services;

"(F) the number and percentage of children with disabilities, by race, gender, and ethnicity, who, from birth through age 2, stopped receiving early intervention services because of program completion or for other reasons;

"(G)(i) the number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who are removed to an interim alternative educational setting under section 615(k)(1);

"(ii) the acts or items precipitating those removals; and

"(iii) the number of children with disabilities who are subject to long-term suspensions or expulsions;

"(H) the incidence and duration of disciplinary actions by race, ethnicity, limited English proficiency status, gender, and disability category, of children with disabilities, including suspensions of 1 day or more;

"(I) the number and percentage of children with disabilities who are removed to alternative educational settings or expelled as compared to children without disabilities who are removed to alternative educational settings or expelled;

"(J) the number of due process complaints filed under section 615 and the number of hearings conducted;

"(K) the number of hearings requested under section 615(k) and the number of changes in placements ordered as a result of those hearings;

"(L) the number of hearings requested under section 615(k)(3)(B)(ii) and the number of changes in placements ordered as a result of those hearings; and

"(M) the number of mediations held and the number of settlement agreements reached through such mediations;

"(2) the number and percentage of infants and toddlers, by race, and ethnicity, who are at risk of having substantial developmental delays (as defined in section 632), and who are receiving early intervention services under part C; and

"(3) any other information that may be required by the Secretary.

"(b) DATA REPORTING.—The data described in subsection (a) shall be reported by each State at the school district and State level in a manner that does not result in the disclosure of data identifiable to individual children.

"(c) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to States to ensure compliance with the data collection and reporting requirements under this Act.

"(d) DISPROPORTIONALITY.—

"(1) IN GENERAL.—Each State that receives assistance under this part, and the Secretary of the Interior, shall provide for the collection and examination of data to determine if significant disproportionality based on race is occurring in the State with respect to—

"(A) the identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3);

"(B) the placement in particular educational settings of such children; and

"(C) the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

"(2) REVIEW AND REVISION OF POLICIES, PRACTICES, AND PROCEDURES.—In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of such children, in accordance with paragraph (1), the State or the Secretary of the Interior, as the case may be, shall provide for the review and, if appropriate, revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of this Act.

"SEC. 619. PRESCHOOL GRANTS.

"(a) IN GENERAL.—The Secretary shall provide grants under this section to assist States to provide special education and related services, in accordance with this part—

"(1) to children with disabilities aged 3 through 5, inclusive; and

"(2) at the State's discretion, to 2-year-old children with disabilities who will turn 3 during the school year.

"(b) ELIGIBILITY.—A State shall be eligible for a grant under this section if such State—

"(1) is eligible under section 612 to receive a grant under this part; and

"(2) makes a free appropriate public education available to all children with disabilities, aged 3 through 5, residing in the State.

"(c) ALLOCATIONS TO STATES.—

"(1) IN GENERAL.—The Secretary shall allocate the amount made available to carry out this section for a fiscal year among the States in accordance with paragraph (2) or (3), as the case may be.

"(2) INCREASE IN FUNDS.—If the amount available for allocations to States under paragraph (1) is equal to or greater than the amount allocated to the States under this section for the preceding fiscal year, those allocations shall be calculated as follows:

"(A) ALLOCATION.—

"(i) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall—

"(I) allocate to each State the amount the State received under this section for fiscal year 1997;

"(II) allocate 85 percent of any remaining funds to States on the basis of the States' relative populations of children aged 3 through 5; and

"(III) allocate 15 percent of those remaining funds to States on the basis of the States' relative populations of all children aged 3 through 5 who are living in poverty.

"(ii) DATA.—For the purpose of making grants under this paragraph, the Secretary shall use the most recent population data, including data on children living in poverty, that are available and satisfactory to the Secretary.

"(B) LIMITATIONS.—Notwithstanding subparagraph (A), allocations under this paragraph shall be subject to the following:

"(i) PRECEDING YEARS.—No State's allocation shall be less than its allocation under this section for the preceding fiscal year.

"(ii) MINIMUM.—No State's allocation shall be less than the greatest of—

"(I) the sum of—

"(aa) the amount the State received under this section for fiscal year 1997; and

"(bb) ⅓ of 1 percent of the amount by which the amount appropriated under subsection (j) for the fiscal year exceeds the amount appropriated for this section for fiscal year 1997;

"(II) the sum of—

"(aa) the amount the State received under this section for the preceding fiscal year; and

"(bb) that amount multiplied by the percentage by which the increase in the funds appropriated under this section from the preceding fiscal year exceeds 1.5 percent; or

"(III) the sum of—

"(aa) the amount the State received under this section for the preceding fiscal year; and

"(bb) that amount multiplied by 90 percent of the percentage increase in the amount appropriated under this section from the preceding fiscal year.

"(iii) MAXIMUM.—Notwithstanding clause (ii), no State's allocation under this paragraph shall exceed the sum of—

"(I) the amount the State received under this section for the preceding fiscal year; and

"(II) that amount multiplied by the sum of 1.5 percent and the percentage increase in the amount appropriated under this section from the preceding fiscal year.

"(C) RATABLE REDUCTIONS.—If the amount available for allocations under this paragraph is insufficient to pay those allocations in full, those allocations shall be ratably reduced, subject to subparagraph (B)(i).

"(3) DECREASE IN FUNDS.—If the amount available for allocations to States under paragraph (1) is less than the amount allocated to the States under this section for the preceding fiscal year, those allocations shall be calculated as follows:

"(A) ALLOCATIONS.—If the amount available for allocations is greater than the amount allocated to the States for fiscal year 1997, each State shall be allocated the sum of—

"(i) the amount the State received under this section for fiscal year 1997; and

"(ii) an amount that bears the same relation to any remaining funds as the increase the State received under this section for the preceding fiscal year over fiscal year 1997 bears to the total of all such increases for all States.

"(B) If the amount available for allocations under this paragraph is equal to or less than the amount allocated under this section to the States for fiscal year 1997, each State shall be allocated the amount the State received for that year, ratably reduced, if necessary.

"(d) RESERVATION FOR STATE ACTIVITIES.—

"(1) IN GENERAL.—Each State may reserve not more than the amount described in paragraph (2) for administration and other State-level activities in accordance with subsections (e) and (f).

"(2) AMOUNT DESCRIBED.—For each fiscal year, the Secretary shall determine and report to the State educational agency an amount that is 25 percent of the amount the State received under this section for fiscal year 1997, cumulatively adjusted by the Secretary for each succeeding fiscal year by the lesser of—

"(A) the percentage increase, if any, from the preceding fiscal year in the State's allocation under this section; or

"(B) the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

"(e) STATE ADMINISTRATION.—

"(1) IN GENERAL.—For the purpose of administering this section (including the coordination of activities under this part with, and providing technical assistance to, other programs that provide services to children with disabilities) a State may use not more than 20 percent of the maximum amount the State may reserve under subsection (d) for any fiscal year.

"(2) ADMINISTRATION OF PART C.—Funds described in paragraph (1) may also be used for the administration of part C of this Act, if the State educational agency is the lead agency for the State under that part.

"(f) OTHER STATE-LEVEL ACTIVITIES.—Each State shall use any funds the State reserves under subsection (d) and does not use for administration under subsection (e)—

"(1) for support services (including establishing and implementing the mediation process required by section 615(e)), which may benefit children with disabilities younger than 3 or older than 5 as long as those services also benefit children with disabilities aged 3 through 5;

"(2) for direct services for children eligible for services under this section;

"(3) for activities at the State and local levels to meet the performance goals established by the State under section 612(a)(15);

"(4) to supplement other funds used to develop and implement a statewide coordinated services system designed to improve results for children and families, including children with disabilities and their families, but not more than 1 percent of the amount received by the State under this section for a fiscal year; or

"(5) to provide early intervention services (which shall include an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills) in accordance with part C to children with disabilities who are eligible for services under this section and who previously received services under part C until such children enter, or are eligible under State law to enter, kindergarten.

"(g) Subgrants to Local Educational Agencies.—

"(1) Subgrants required.—Each State that receives a grant under this section for any fiscal year shall distribute all of the grant funds that the State does not reserve under subsection (d) to local educational agencies in the State that have established their eligibility under section 613, as follows:

"(A) Base payments.—The State shall first award each local educational agency described in paragraph (1) the amount that agency would have received under this section for fiscal year 1997 if the State had distributed 75 percent of its grant for that year under section 619(c)(3), as such section was then in effect.

"(B) Allocation of remaining funds.—After making allocations under subparagraph (A), the State shall—

"(i) allocate 85 percent of any remaining funds to those local educational agencies on the basis of the relative numbers of children enrolled in public and private elementary schools and secondary schools within the local educational agency's jurisdiction; and

"(ii) allocate 15 percent of those remaining funds to those local educational agencies in accordance with their relative numbers of children living in poverty, as determined by the State educational agency.

"(2) Reallocation of funds.—If a State educational agency determines that a local educational agency is adequately providing a free appropriate public education to all children with disabilities aged 3 through 5 residing in the area served by that agency with State and local funds, the State educational agency may reallocate any portion of the funds under this section that are not needed by that local educational agency to provide a free appropriate public education to other local educational agencies in the State that are not adequately providing special education and related services to all children with disabilities aged 3 through 5 residing in the areas the other local educational agencies serve.

"(h) Part C Inapplicable.—Part C of this Act does not apply to any child with a disability receiving a free appropriate public education, in accordance with this part, with funds received under this section.

"(i) Definition.—For the purpose of this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(j) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary.

"PART C—INFANTS AND TODDLERS WITH DISABILITIES

"SEC. 631. FINDINGS AND POLICY.

"(a) Findings.—Congress finds that there is an urgent and substantial need—

"(1) to enhance the development of infants and toddlers with disabilities, to minimize their potential for developmental delay, and to recognize the significant brain development which occurs during a child's first 3 years of life;

"(2) to reduce the educational costs to our society, including our Nation's schools, by minimizing the need for special education and related services after infants and toddlers with disabilities reach school age;

"(3) to maximize the potential for individuals with disabilities to live independently in society;

"(4) to enhance the capacity of families to meet the special needs of their infants and toddlers with disabilities; and

"(5) to enhance the capacity of State and local agencies and service providers to identify, evaluate, and meet the needs of all children, particularly minority, low-income, inner city, and rural children, and infants and toddlers in foster care.

"(b) Policy.—It is the policy of the United States to provide financial assistance to States—

"(1) to develop and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency system that provides early intervention services for infants and toddlers with disabilities and their families;

"(2) to facilitate the coordination of payment for early intervention services from Federal, State, local, and private sources (including public and private insurance coverage);

"(3) to enhance State capacity to provide high quality early intervention services and expand and improve existing early intervention services being provided to infants and toddlers with disabilities and their families; and

"(4) to encourage States to expand opportunities for children under 3 years of age who would be at risk of having substantial developmental delay if they did not receive early intervention services.

"SEC. 632. DEFINITIONS.

"As used in this part:

"(1) At-risk infant or toddler.—The term 'at-risk infant or toddler' means an individual under 3 years of age who would be at risk of experiencing a substantial developmental delay if early intervention services were not provided to the individual.

"(2) Council.—The term 'council' means a State interagency coordinating council established under section 641.

"(3) Developmental delay.—The term 'developmental delay', when used with respect to an individual residing in a State, has the meaning given such term by the State under section 635(a)(1).

"(4) Early intervention services.—The term 'early intervention services' means developmental services that—

"(A) are provided under public supervision;

"(B) are provided at no cost except where Federal or State law provides for a system of payments by families, including a schedule of sliding fees;

"(C) are designed to meet the developmental needs of an infant or toddler with a disability in any 1 or more of the following areas:

"(i) physical development;

"(ii) cognitive development;

"(iii) communication development;

"(iv) social or emotional development; or

"(v) adaptive development;

"(D) meet the standards of the State in which the services are provided, including the requirements of this part;

"(E) include—

"(i) family training, counseling, and home visits;

"(ii) special instruction;

"(iii) speech-language pathology and audiology services, and sign language and cued language services;

"(iv) occupational therapy;

"(v) physical therapy;

"(vi) psychological services;

"(vii) service coordination services;

"(viii) medical services only for diagnostic or evaluation purposes;

"(ix) early identification, screening, and assessment services;

"(x) health services necessary to enable the infant or toddler to benefit from the other early intervention services;

"(xi) social work services;

"(xii) vision services;

"(xiii) assistive technology devices and assistive technology services; and

"(xiv) transportation and related costs that are necessary to enable an infant or toddler and the infant's or toddler's family to receive another service described in this paragraph;

"(F) are provided by qualified personnel, including—

"(i) special educators;

"(ii) speech-language pathologists and audiologists;

"(iii) teachers of the deaf;

"(iv) occupational therapists;

"(v) physical therapists;

"(vi) psychologists;

"(vii) social workers;

"(viii) nurses;

"(ix) nutritionists;

"(x) family therapists;

"(xi) orientation and mobility specialists;

"(xii) vision specialists, including opthamologists and optometrists; and

"(xiii) pediatricians and other physicians;

"(G) to the maximum extent appropriate, are provided in natural environments, including the home, and community settings in which children without disabilities participate; and

"(H) are provided in conformity with an individualized family service plan adopted in accordance with section 636.

"(5) Infant or toddler with a disability.—The term 'infant or toddler with a disability'—

"(A) means an individual under 3 years of age who needs early intervention services because the individual—

"(i) is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in 1 or more of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development; or

"(ii) has a diagnosed physical or mental condition which has a high probability of resulting in developmental delay; and

"(B) may also include, at a State's discretion—

"(i) at-risk infants and toddlers; and

"(ii) children with disabilities who are eligible for services under section 619 and who previously received services under this part until such children enter, or are eligible under State law to enter, kindergarten.

"SEC. 633. GENERAL AUTHORITY.

"The Secretary shall, in accordance with this part, make grants to States (from their allotments under section 643) to assist each State to maintain and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency system to provide early intervention services for infants and toddlers with disabilities and their families.

"SEC. 634. ELIGIBILITY.

"In order to be eligible for a grant under section 633, a State shall demonstrate to the Secretary that the State—

"(1) has adopted a policy that appropriate early intervention services are available to all infants and toddlers with disabilities in the State and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State, infants or toddlers with disabilities who are homeless children, infants or toddlers with disabilities who are wards of the State, and infants or toddlers with disabilities who have a parent who is a member of the Armed Forces, including a member of the National Guard or Reserves; and

"(2) has in effect a statewide system that meets the requirements of section 635.

"SEC. 635. REQUIREMENTS FOR STATEWIDE SYSTEM.

"(a) IN GENERAL.—A statewide system described in section 633 shall include, at a minimum, the following components:

"(1) A definition of the term 'developmental delay' that—

"(A) will be used by the State in carrying out programs under this part; and

"(B) covers, at a minimum, all infants and toddlers with—

"(i) a developmental delay of 35 percent or more in 1 of the developmental areas described in section 632(5)(A)(i); or

"(ii) a developmental delay of 25 percent or more in 2 or more of the developmental areas described in section 632(5)(A)(i).

"(2) A State policy that is in effect and that ensures that appropriate early intervention services are available to all infants and toddlers with disabilities and their families, including Indian infants and toddlers and their families residing on a reservation geographically located in the State.

"(3) A timely, comprehensive, multidisciplinary evaluation of the functioning of each infant or toddler with a disability in the State, and a family-directed identification of the needs of each family of such an infant or toddler, to appropriately assist in the development of the infant or toddler.

"(4) For each infant or toddler with a disability in the State, an individualized family service plan in accordance with section 636, including service coordination services in accordance with such service plan.

"(5) A comprehensive child find system, consistent with part B, including a system for making referrals to service providers that includes timelines and provides for participation by primary referral sources.

"(6) A public awareness program focusing on early identification of infants and toddlers with disabilities, including the preparation and dissemination by the lead agency designated or established under paragraph (10) to all primary referral sources, especially hospitals, physicians, homeless family shelters, medicaid and State child health insurance program enrollment offices, health and mental health clinics, public schools in low-income areas serving low-income children, staff in State and local child welfare agencies, judges, and base commanders or their designees, of information for parents on the availability of early intervention services, and procedures for determining the extent to which such sources disseminate such information to parents of infants and toddlers.

"(7) A central directory that includes information on early intervention services, resources, and experts available in the State and research and demonstration projects being conducted in the State.

"(8) A comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources with respect to the basic components of early intervention services available in the State, which comprehensive system may include—

"(A) implementing innovative strategies and activities for the recruitment and retention of early education service providers;

"(B) promoting the preparation of early intervention providers who are fully and appropriately qualified to provide early intervention services under this part;

"(C) training personnel to work in rural and inner-city areas; and

"(D) training personnel to coordinate transition services for infants and toddlers served under this part from an early intervention program under this part to preschool or other appropriate services.

"(9) Policies and procedures relating to the establishment and maintenance of standards to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including the establishment and maintenance of standards which are consistent with any State-approved or recognized certification, licensing, registration, or other comparable requirements which apply to the area in which such personnel are providing early intervention services, except that nothing in this part (including this paragraph) shall be construed to prohibit the use of paraprofessionals and assistants who are appropriately trained and supervised in accordance with State law, regulation, or written policy, to assist in the provision of early intervention services under this part to infants and toddlers with disabilities.

"(10) A single line of responsibility in a lead agency designated or established by the Governor for carrying out—

"(A) the general administration and supervision of programs and activities receiving assistance under section 633, and the monitoring of programs and activities used by the State to carry out this part, whether or not such programs or activities are receiving assistance made available under section 633, to ensure that the State complies with this part;

"(B) the identification and coordination of all available resources within the State from Federal, State, local, and private sources;

"(C) the assignment of financial responsibility in accordance with section 637(a)(2) to the appropriate agencies;

"(D) the development of procedures to ensure that services are provided to infants and toddlers with disabilities and their families under this part in a timely manner pending the resolution of any disputes among public agencies or service providers;

"(E) the resolution of intra- and interagency disputes; and

"(F) the entry into formal interagency agreements that define the financial responsibility of each agency for paying for early intervention services (consistent with State law) and procedures for resolving disputes and that include all additional components necessary to ensure meaningful cooperation and coordination.

"(11) A policy pertaining to the contracting or making of other arrangements with service providers to provide early intervention services in the State, consistent with the provisions of this part, including the contents of the application used and the conditions of the contract or other arrangements.

"(12) A procedure for securing timely reimbursements of funds used under this part in accordance with section 640(a).

"(13) Procedural safeguards with respect to programs under this part, as required by section 639.

"(14) A system for compiling data requested by the Secretary under section 618 that relates to this part.

"(15) A State interagency coordinating council that meets the requirements of section 641.

"(16) Policies and procedures to ensure that, consistent with section 636(d)(5) to the maximum extent appropriate, early intervention services are provided in natural environments unless a specific outcome cannot be met satisfactorily for the infant or toddler in a natural environment.

"(17) A procedure to ensure that early intervention services and evaluations are available to infants or toddlers with disabilities who are—

"(A) homeless children; and

"(B) wards of the State or in foster care, or both.

"(b) FLEXIBILITY TO SERVE CHILDREN 3 YEARS OF AGE TO UNDER 6 YEARS OF AGE.—

"(1) IN GENERAL.—A statewide system described in section 633 may include a State policy, developed and implemented jointly by the lead agency and the State educational agency, under which parents of children with disabilities who are eligible for services under section 619 and previously received services under this part, may choose the continuation of early intervention services (which shall include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills) for such children under this part until such children enter, or are eligible under State law to enter, kindergarten.

"(2) REQUIREMENTS.—If a statewide system includes a State policy described in paragraph (1), the statewide system shall ensure—

"(A) that parents of infants or toddlers with disabilities (as defined in section 632(5)(A)) provide informed written consent to the State, before such infants and toddlers reach 3 years of age, as to whether such parents intend to choose the continuation of early intervention services pursuant to this subsection for such infants or toddlers;

"(B) that the State policy will not affect the right of any child served pursuant to this subsection to instead receive a free appropriate public education under part B;

"(C) that parents of children served pursuant to this subsection are provided with annual notice—

"(i) of such parents' right to elect services pursuant to this subsection or under part B; and

"(ii) fully explaining the differences between receiving services pursuant to this subsection and receiving services under part B, including—

"(I) the types of services available under both provisions;

"(II) applicable procedural safeguards under both provisions, including due-process protections and mediation or other dispute resolution options; and

"(III) the possible costs, if any (including any fees to be charged to families as described in section 632(4)(B)) to parents under both provisions;

"(D) that the conference under section 637(a)(9)(A)(ii)(II), the review under section 637(a)(9)(B), and the establishment of a transition plan under section 637(a)(9)(C) occur not less than 90 days (and at the discretion of the parties to the conference, not more than 9 months) before each of the following:

"(i) the time the child will first be eligible for services under part B, including under section 619; and

"(ii) if the child is receiving services in accordance with this subsection, the time the child will no longer receive those services;

"(E) the continuance of all early intervention services outlined in the child's individualized family service plan under section 636 while any eligibility determination is being made for services under this subsection;

"(F) that services provided pursuant to this subsection include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills and are provided in accordance with an individualized family service plan under section 636; and

"(G) the referral for evaluation for early intervention services of a child below the age of 3 who experiences a substantiated case of exposure to violence or trauma.

"(3) REPORTING REQUIREMENT.—If a statewide system includes a State policy described in paragraph (1), the State shall submit to the Secretary, in the State's report under section 637(b)(4)(A), a report on—

"(A) the percentage of children with disabilities who are eligible for services under section 619 but whose parents choose for such children to continue to receive early intervention services under this part; and

"(B) the number of children who are eligible for services under section 619 who instead continue to receive early intervention services under this part.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require a provider of services under this part to provide a child served under this part with a free appropriate public education.

"(5) AVAILABLE FUNDS.—If a statewide system includes a State policy described in paragraph (1), the policy shall describe the funds (including an identification as Federal, State, or local funds) that will be used to ensure that the option described in paragraph (1) is available to eligible children and families who provide the consent described in paragraph (2)(A), including fees to be charged to families as described in section 632(4)(B).

"(c) CONSTRUCTION.—Nothing in subsection (a)(5) shall be construed to alter the responsibility of a State under title XIX of the Social Security Act with respect to early and periodic screening, diagnostic, and treatment services (as defined in section 1905(r) of such Act).

"SEC. 636. INDIVIDUALIZED FAMILY SERVICE PLAN.

"(a) ASSESSMENT AND PROGRAM DEVELOPMENT.—A statewide system described in section 633 shall provide, at a minimum, for each infant or toddler with a disability, and the infant's or toddler's family, to receive—

"(1) a multidisciplinary assessment of the unique strengths and needs of the infant or toddler and the identification of services appropriate to meet such needs;

"(2) a family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler; and

"(3) a written individualized family service plan developed by a multidisciplinary team, including the parents, as required by subsection (e), including a description of the appropriate transition services for the child.

"(b) PERIODIC REVIEW.—The individualized family service plan shall be evaluated once a year and the family shall be provided a review of the plan at 6-month intervals (or more often where appropriate based on infant or toddler and family needs).

"(c) PROMPTNESS AFTER ASSESSMENT.—The individualized family service plan shall be developed within a reasonable time after the assessment required by subsection (a)(1) is completed. With the parents' consent, early intervention services may commence prior to the completion of the assessment.

"(d) CONTENT OF PLAN.—The individualized family service plan shall be in writing and contain—

"(1) a statement of the infant's or toddler's present levels of physical development, cognitive development, communication development, social or emotional development, and adaptive development, based on objective criteria;

"(2) a statement of the family's resources, priorities, and concerns relating to enhancing the development of the family's infant or toddler with a disability;

"(3) a statement of the measurable outcomes expected to be achieved for the infant or toddler and the family, including, as appropriate, preliteracy and language skills, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the outcomes is being made and whether modifications or revisions of the outcomes or services are necessary;

"(4) a statement of specific early intervention services necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, and method of delivering services;

"(5) a statement of the natural environments in which early intervention services will appropriately be provided, including a justification of the extent, if any, to which the services will not be provided in a natural environment;

"(6) the projected dates for initiation of services and the anticipated length, duration, and frequency of the services;

"(7) the identification of the service coordinator from the profession most immediately relevant to the infant's or toddler's or family's needs (or who is otherwise qualified to carry out all applicable responsibilities under this part) who will be responsible for the implementation of the plan and coordination with other agencies and persons, including transition services; and

"(8) the steps to be taken to support the transition of the toddler with a disability to preschool or other appropriate services.

"(e) PARENTAL CONSENT.—The contents of the individualized family service plan shall be fully explained to the parents and informed written consent from the parents shall be obtained prior to the provision of early intervention services described in such plan. If the parents do not provide consent with respect to a particular early intervention service, then only the early intervention services to which consent is obtained shall be provided.

"SEC. 637. STATE APPLICATION AND ASSURANCES.

"(a) APPLICATION.—A State desiring to receive a grant under section 633 shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. The application shall contain—

"(1) a designation of the lead agency in the State that will be responsible for the administration of funds provided under section 633;

"(2) a certification to the Secretary that the arrangements to establish financial responsibility for services provided under this part pursuant to section 640(b) are current as of the date of submission of the certification;

"(3) information demonstrating eligibility of the State under section 634, including—

"(A) information demonstrating to the Secretary's satisfaction that the State has in effect the statewide system required by section 633; and

"(B) a description of services to be provided to infants and toddlers with disabilities and their families through the system;

"(4) if the State provides services to at-risk infants and toddlers through the system, a description of such services;

"(5) a description of the uses for which funds will be expended in accordance with this part;

"(6) a description of the State policies and procedures that require the referral for evaluation for early intervention services of a child under the age of 3 who—

"(A) is involved in a substantiated case of child abuse or neglect; or

"(B) is identified as affected by illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure;

"(7) a description of the procedure used to ensure that resources are made available under this part for all geographic areas within the State;

"(8) a description of State policies and procedures that ensure that, prior to the adoption by the State of any other policy or procedure necessary to meet the requirements of this part, there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of infants and toddlers with disabilities;

"(9) a description of the policies and procedures to be used—

"(A) to ensure a smooth transition for toddlers receiving early intervention services under this part (and children receiving those services under section 635(b)) to preschool, other appropriate services, or exiting the program, including a description of how—

"(i) the families of such toddlers and children will be included in the transition plans required by subparagraph (C); and

"(ii) the lead agency designated or established under section 635(a)(10) will—

"(I) notify the local educational agency for the area in which such a child resides that the child will shortly reach the age of eligibility for preschool services under part B, as determined in accordance with State law;

"(II) in the case of a child who may be eligible for such preschool services, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency at least 90 days (and at the discretion of all such parties, not more than 9 months) before the child is eligible for the preschool services, to discuss any such services that the child may receive; and

"(III) in the case of a child who may not be eligible for such preschool services, with the approval of the family, make reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for children who are not eligible for preschool services under part B, to discuss the appropriate services that the child may receive;

"(B) to review the child's program options for the period from the child's third birthday through the remainder of the school year; and

"(C) to establish a transition plan, including, as appropriate, steps to exit from the program; and

"(10) such other information and assurances as the Secretary may reasonably require.

"(11) a description of policies and procedures to ensure that infants or toddlers with disabilities who are homeless children and their families and infants or toddlers with disabilities who are wards of the State have access to multidisciplinary evaluations and early intervention services.

"(b) ASSURANCES.—The application described in subsection (a)—

"(1) shall provide satisfactory assurance that Federal funds made available under section 643 to the State will be expended in accordance with this part;

"(2) shall contain an assurance that the State will comply with the requirements of section 640;

"(3) shall provide satisfactory assurance that the control of funds provided under section 643, and title to property derived from those funds, will be in a public agency for the uses and purposes provided in this part and that a public agency will administer such funds and property;

"(4) shall provide for—

"(A) making such reports in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this part; and

"(B) keeping such reports and affording such access to the reports as the Secretary may find necessary to ensure the correctness and verification of the reports and proper disbursement of Federal funds under this part;

"(5) provide satisfactory assurance that Federal funds made available under section 643 to the State—

"(A) will not be commingled with State funds; and

"(B) will be used so as to supplement the level of State and local funds expended for infants and toddlers with disabilities and their families and in no case to supplant those State and local funds;

"(6) shall provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to ensure proper disbursement of, and accounting

for. Federal funds paid under section 643 to the State;

"(7) shall provide satisfactory assurance that policies and procedures have been adopted to ensure meaningful involvement of underserved groups, including minority, low-income, homeless, and rural families and children with disabilities who are wards of the State, in the planning and implementation of all the requirements of this part; and

"(8) shall contain such other information and assurances as the Secretary may reasonably require by regulation.

"(c) STANDARD FOR DISAPPROVAL OF APPLICATION.—The Secretary may not disapprove such an application unless the Secretary determines, after notice and opportunity for a hearing, that the application fails to comply with the requirements of this section.

"(d) SUBSEQUENT STATE APPLICATION.—If a State has on file with the Secretary a policy, procedure, or assurance that demonstrates that the State meets a requirement of this section, including any policy or procedure filed under part C, as in effect before the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004, the Secretary shall consider the State to have met the requirement for purposes of receiving a grant under this part.

"(e) MODIFICATION OF APPLICATION.—An application submitted by a State in accordance with this section shall remain in effect until the State submits to the Secretary such modifications as the State determines necessary. This section shall apply to a modification of an application to the same extent and in the same manner as this section applies to the original application.

"(f) MODIFICATIONS REQUIRED BY THE SECRETARY.—The Secretary may require a State to modify its application under this section, but only to the extent necessary to ensure the State's compliance with this part, if—

"(1) an amendment is made to this Act, or a Federal regulation issued under this Act;

"(2) a new interpretation of this Act is made by a Federal court or the State's highest court; or

"(3) an official finding of noncompliance with Federal law or regulations is made with respect to the State.

"SEC. 638. USES OF FUNDS.

"In addition to using funds provided under section 633 to maintain and implement the statewide system required by such section, a State may use such funds—

"(1) for direct early intervention services for infants and toddlers with disabilities, and their families, under this part that are not otherwise funded through other public or private sources;

"(2) to expand and improve on services for infants and toddlers and their families under this part that are otherwise available;

"(3) to provide a free appropriate public education, in accordance with part B, to children with disabilities from their third birthday to the beginning of the following school year;

"(4) with the written consent of the parents, to continue to provide early intervention services under this part to children with disabilities from their 3rd birthday to the beginning of the following school year, in lieu of a free appropriate public education provided in accordance with part B; and

"(5) in any State that does not provide services for at-risk infants and toddlers under section 637(a)(4), to strengthen the statewide system by initiating, expanding, or improving collaborative efforts related to at-risk infants and toddlers, including establishing linkages with appropriate public or private community-based organizations, services, and personnel for the purposes of—

"(A) identifying and evaluating at-risk infants and toddlers;

"(B) making referrals of the infants and toddlers identified and evaluated under subparagraph (A); and

"(C) conducting periodic follow-up on each such referral to determine if the status of the infant or toddler involved has changed with respect to the eligibility of the infant or toddler for services under this part.

"SEC. 639. PROCEDURAL SAFEGUARDS.

"(a) MINIMUM PROCEDURES.—The procedural safeguards required to be included in a statewide system under section 635(a)(13) shall provide, at a minimum, the following:

"(1) The timely administrative resolution of complaints by parents. Any party aggrieved by the findings and decision regarding an administrative complaint shall have the right to bring a civil action with respect to the complaint in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. In any action brought under this paragraph, the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and, basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

"(2) The right to confidentiality of personally identifiable information, including the right of parents to written notice of and written consent to the exchange of such information among agencies consistent with Federal and State law.

"(3) The right of the parents to determine whether they, their infant or toddler, or other family members will accept or decline any early intervention service under this part in accordance with State law without jeopardizing other early intervention services under this part.

"(4) The opportunity for parents to examine records relating to assessment, screening, eligibility determinations, and the development and implementation of the individualized family service plan.

"(5) Procedures to protect the rights of the infant or toddler whenever the parents of the infant or toddler are not known or cannot be found or the infant or toddler is a ward of the State, including the assignment of an individual (who shall not be an employee of the State lead agency, or other State agency, and who shall not be any person, or any employee of a person, providing early intervention services to the infant or toddler or any family member of the infant or toddler) to act as a surrogate for the parents.

"(6) Written prior notice to the parents of the infant or toddler with a disability whenever the State agency or service provider proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or placement of the infant or toddler with a disability, or the provision of appropriate early intervention services to the infant or toddler.

"(7) Procedures designed to ensure that the notice required by paragraph (6) fully informs the parents, in the parents' native language, unless it clearly is not feasible to do so, of all procedures available pursuant to this section.

"(8) The right of parents to use mediation in accordance with section 615, except that—

"(A) any reference in the section to a State educational agency shall be considered to be a reference to a State's lead agency established or designated under section 635(a)(10);

"(B) any reference in the section to a local educational agency shall be considered to be a reference to a local service provider or the State's lead agency under this part, as the case may be; and

"(C) any reference in the section to the provision of free appropriate public education to children with disabilities shall be considered to be a reference to the provision of appropriate early intervention services to infants and toddlers with disabilities.

"(b) SERVICES DURING PENDENCY OF PROCEEDINGS.—During the pendency of any proceeding or action involving a complaint by the parents of an infant or toddler with a disability, unless the State agency and the parents otherwise agree, the infant or toddler shall continue to receive the appropriate early intervention services currently being provided or, if applying for initial services, shall receive the services not in dispute.

"SEC. 640. PAYOR OF LAST RESORT.

"(a) NONSUBSTITUTION.—Funds provided under section 643 may not be used to satisfy a financial commitment for services that would have been paid for from another public or private source, including any medical program administered by the Secretary of Defense, but for the enactment of this part, except that whenever considered necessary to prevent a delay in the receipt of appropriate early intervention services by an infant, toddler, or family in a timely fashion, funds provided under section 643 may be used to pay the provider of services pending reimbursement from the agency that has ultimate responsibility for the payment.

"(b) OBLIGATIONS RELATED TO AND METHODS OF ENSURING SERVICES.—

"(1) ESTABLISHING FINANCIAL RESPONSIBILITY FOR SERVICES.—

"(A) IN GENERAL.—The Chief Executive Officer of a State or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency and the State educational agency, in order to ensure—

"(i) the provision of, and financial responsibility for, services provided under this part; and

"(ii) such services are consistent with the requirements of section 635 and the State's application pursuant to section 637, including the provision of such services during the pendency of any dispute.

"(B) CONSISTENCY BETWEEN AGREEMENTS OR MECHANISMS UNDER PARTS B AND D.—The Chief Executive Officer of a State or designee of the officer shall ensure that the terms and conditions of such agreement or mechanism are consistent with the terms and conditions of the State's agreement or mechanism under section 612(a)(12).

"(2) REIMBURSEMENT FOR SERVICES BY PUBLIC AGENCY.—

"(A) IN GENERAL.—If a public agency other than an educational agency fails to provide or pay for the services pursuant to an agreement required under paragraph (1) the local educational agency or State agency (as determined by the Chief Executive Officer or designee) shall provide or pay for the provision of such services to the child.

"(B) REIMBURSEMENT.—Such local educational agency or State agency is authorized to claim reimbursement for the services from the public agency that failed to provide or pay for such services and such public agency shall reimburse the local educational agency or State agency pursuant to the terms of the interagency agreement or other mechanism required under paragraph (1).

"(3) SPECIAL RULE.—The requirements of paragraph (1) may be met through—

"(A) State statute or regulation;

"(B) signed agreements between respective agency officials that clearly identify the responsibilities of each agency relating to the provision of services; or

"(C) other appropriate written methods as determined by the Chief Executive Officer of the State or designee of the officer and approved by the Secretary through the review and approval of the State's application pursuant to section 637.

"(c) REDUCTION OF OTHER BENEFITS.—Nothing in this part shall be construed to permit the State to reduce medical or other assistance available or to alter eligibility under title V of the Social Security Act (relating to maternal and child health) or title XIX of the Social Security Act (relating to Medicaid for infants or toddlers with disabilities) within the State.

"SEC. 641. STATE INTERAGENCY COORDINATING COUNCIL.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—A State that desires to receive financial assistance under this part shall establish a State interagency coordinating council.

"(2) APPOINTMENT.—The council shall be appointed by the Governor. In making appointments to the council, the Governor shall ensure that the membership of the council reasonably represents the population of the State.

"(3) CHAIRPERSON.—The Governor shall designate a member of the council to serve as the chairperson of the council, or shall require the council to so designate such a member. Any member of the council who is a representative of the lead agency designated under section 635(a)(10) may not serve as the chairperson of the council.

"(b) COMPOSITION.—

"(1) IN GENERAL.—The council shall be composed as follows:

"(A) PARENTS.—At least 20 percent of the members shall be parents of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities. At least 1 such member shall be a parent of an infant or toddler with a disability or a child with a disability aged 6 or younger, not less than one other member shall be a foster parent of a child with a disability, not less than one other member shall be a grandparent or other relative acting in the place of a natural or adoptive parent of a child with a disability, and not less than 1 other member shall be a representative of children with disabilities in military families.

"(B) SERVICE PROVIDERS.—At least 20 percent of the members shall be public or private providers of early intervention services.

"(C) STATE LEGISLATURE.—At least 1 member shall be from the State legislature.

"(D) PERSONNEL PREPARATION.—At least 1 member shall be involved in personnel preparation.

"(E) AGENCY FOR EARLY INTERVENTION SERVICES.—At least 1 member shall be from each of the State agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families and shall have sufficient authority to engage in policy planning and implementation on behalf of such agencies.

"(F) AGENCY FOR PRESCHOOL SERVICES.—At least 1 member shall be from the State educational agency responsible for preschool services to children with disabilities and shall have sufficient authority to engage in policy planning and implementation on behalf of such agency.

"(G) STATE MEDICAID AGENCY.—At least 1 member shall be from the agency responsible for the State medicaid program.

"(H) HEAD START AGENCY.—At least 1 representative from a Head Start agency or program in the State.

"(I) CHILD CARE AGENCY.—At least 1 representative from a State agency responsible for child care.

"(J) AGENCY FOR HEALTH INSURANCE.—At least 1 member shall be from the agency responsible for the State regulation of health insurance.

"(K) OFFICE OF THE COORDINATOR OF EDUCATION OF HOMELESS CHILDREN AND YOUTH.—Not less than 1 representative designated by the Office of Coordinator for Education of Homeless Children and Youths.

"(L) STATE CHILD WELFARE AGENCY.—Not less than 1 representative from the State child welfare agency responsible for foster care.

"(M) REPRESENTATIVE OF FOSTER CHILDREN.—Not less than 1 individual who represents the interests of children in foster care and understands such children's education needs, such as an attorney for children in foster care, a guardian ad litem, a court appointed special advocate, a judge, or an education surrogate for children in foster care.

"(2) OTHER MEMBERS.—The council may include other members selected by the Governor, including a representative from the Bureau of Indian Affairs, or where there is no BIA-operated or BIA-funded school, from the Indian Health Service or the tribe or tribal council.

"(c) MEETINGS.—The council shall meet at least quarterly and in such places as the council determines necessary. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

"(d) MANAGEMENT AUTHORITY.—Subject to the approval of the Governor, the council may prepare and approve a budget using funds under this part to conduct hearings and forums, to reimburse members of the council for reasonable and necessary expenses for attending council meetings and performing council duties (including child care for parent representatives), to pay compensation to a member of the council if the member is not employed or must forfeit wages from other employment when performing official council business, to hire staff, and to obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions under this part.

"(e) FUNCTIONS OF COUNCIL.—

"(1) DUTIES.—The council shall—

"(A) advise and assist the lead agency designated or established under section 635(a)(10) in the performance of the responsibilities set forth in such section, particularly the identification of the sources of fiscal and other support for services for early intervention programs, assignment of financial responsibility to the appropriate agency, and the promotion of the interagency agreements;

"(B) advise and assist the lead agency in the preparation of applications and amendments thereto;

"(C) advise and assist the State educational agency regarding the transition of toddlers with disabilities to preschool and other appropriate services; and

"(D) prepare and submit an annual report to the Governor and to the Secretary on the status of early intervention programs for infants and toddlers with disabilities and their families operated within the State.

"(2) AUTHORIZED ACTIVITY.—The council may advise and assist the lead agency and the State educational agency regarding the provision of appropriate services for children from birth through age 5. The council may advise appropriate agencies in the State with respect to the integration of services for infants and toddlers with disabilities and at-risk infants and toddlers and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services in the State.

"(f) CONFLICT OF INTEREST.—No member of the council shall cast a vote on any matter that is likely to provide a direct financial benefit to that member or otherwise give the appearance of a conflict of interest under State law.

"SEC. 642. FEDERAL ADMINISTRATION.

"Sections 616, 617, and 618 shall, to the extent not inconsistent with this part, apply to the program authorized by this part, except that—

"(1) any reference in such sections to a State educational agency shall be considered to be a reference to a State's lead agency established or designated under section 635(a)(10);

"(2) any reference in such sections to a local educational agency, educational service agency, or a State agency shall be considered to be a reference to an early intervention service provider under this part; and

"(3) any reference to the education of children with disabilities or the education of all children with disabilities shall be considered to be a reference to the provision of appropriate early intervention services to infants and toddlers with disabilities.

"SEC. 643. ALLOCATION OF FUNDS.

"(a) RESERVATION OF FUNDS FOR OUTLYING AREAS.—

"(1) IN GENERAL.—From the sums appropriated to carry out this part for any fiscal year, the Secretary may reserve not more than 1 percent for payments to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands in accordance with their respective needs.

"(2) CONSOLIDATION OF FUNDS.—The provisions of Public Law 95–134, permitting the consolidation of grants to the outlying areas, shall not apply to funds those areas receive under this part.

"(b) PAYMENTS TO INDIANS.—

"(1) IN GENERAL.—The Secretary shall, subject to this subsection, make payments to the Secretary of the Interior to be distributed to tribes, tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act), or consortia of the above entities for the coordination of assistance in the provision of early intervention services by the States to infants and toddlers with disabilities and their families on reservations served by elementary schools and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payment for any fiscal year shall be 1.25 percent of the aggregate of the amount available to all States under this part for such fiscal year.

"(2) ALLOCATION.—For each fiscal year, the Secretary of the Interior shall distribute the entire payment received under paragraph (1) by providing to each tribe, tribal organization, or consortium an amount based on the number of infants and toddlers residing on the reservation, as determined annually, divided by the total of such children served by all tribes, tribal organizations, or consortia.

"(3) INFORMATION.—To receive a payment under this subsection, the tribe, tribal organization, or consortium shall submit such information to the Secretary of the Interior as is needed to determine the amounts to be distributed under paragraph (2).

"(4) USE OF FUNDS.—The funds received by a tribe, tribal organization, or consortium shall be used to assist States in child find, screening, and other procedures for the early identification of Indian children under 3 years of age and for parent training. Such funds may also be used to provide early intervention services in accordance with this part. Such activities may be carried out directly or through contracts or cooperative agreements with the BIA, local educational agencies, and other public or private nonprofit organizations. The tribe, tribal organization, or consortium is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

"(5) REPORTS.—To be eligible to receive a grant under paragraph (2), a tribe, tribal organization, or consortium shall make a biennial report to the Secretary of the Interior of activities undertaken under this subsection, including *the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year, and the estimated number of children needing services during the 2 years following the year in which the report is made. The Secretary of the Interior shall include a summary of this information on a biennial basis to the Secretary of Education along with such other information as required under section 611(h)(3)(E). The Secretary of Education may require any additional information from the Secretary of the Interior.*

"(6) PROHIBITED USES OF FUNDS.—None of the funds under this subsection may be used by the Secretary of the Interior for administrative purposes, including child count, and the provision of technical assistance.

"(c) STATE ALLOTMENTS.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), from the funds remaining for each fiscal year after the reservation and payments under subsections (a), (b), and (e), the Secretary shall first allot to each State an amount that bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States.

"(2) MINIMUM ALLOTMENTS.—Except as provided in paragraph (3), no State shall receive an amount under this section for any fiscal year that is less than the greater of—

"(A) ½ of 1 percent of the remaining amount described in paragraph (1); or

"(B) $500,000.

"(3) RATABLE REDUCTION.—

"(A) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under this subsection for such year, the Secretary shall ratably reduce the allotments to such States for such year.

"(B) ADDITIONAL FUNDS.—If additional funds become available for making payments under this subsection for a fiscal year, allotments that were reduced under subparagraph (A) shall be increased on the same basis the allotments were reduced.

"(4) DEFINITIONS.—For the purpose of this subsection—

"(A) the terms 'infants' and 'toddlers' mean children under 3 years of age; and

"(B) the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(d) REALLOTMENT OF FUNDS.—If a State elects not to receive its allotment under subsection (c), the Secretary shall reallot, among the remaining States, amounts from such State in accordance with such subsection.

"(e) RESERVATION FOR STATE BONUS GRANTS.—The Secretary shall reserve 10 percent of the amount by which the amount appropriated under section 644 for any fiscal year exceeds $434,159,000 to make allotments to States that are carrying out the policy described in section 635(b), in accordance with the formula described in subsection (c)(1) without regard to subsections (c) (2) and (3).

"SEC. 644. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2009.

"PART D—NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES

"SEC. 650. FINDINGS.

"Congress finds the following:

"(1) The Federal Government has an ongoing obligation to support activities that contribute to positive results for children with disabilities, enabling them to lead productive and independent adult lives.

"(2) Systemic change benefiting all students, including children with disabilities, requires the involvement of States, local educational agencies, parents, individuals with disabilities and their families, teachers and other service providers, and other interested individuals and organizations to develop and implement comprehensive strategies that improve educational results for children with disabilities.

"(3) State educational agencies, in partnership with local educational agencies, parents of children with disabilities, and other individuals and organizations, are in the best position to improve education for children with disabilities and to address their special needs.

"(4) An effective educational system serving students with disabilities should—

"(A) maintain high academic achievement standards and clear performance goals for children with disabilities, consistent with the standards and expectations for all students in the educational system, and provide for appropriate and effective strategies and methods to ensure that all children with disabilities have the opportunity to achieve those standards and goals;

"(B) clearly define, in objective, measurable terms, the school and post-school results that children with disabilities are expected to achieve; and

"(C) promote transition services and coordinate State and local education, social, health, mental health, and other services, in addressing the full range of student needs, particularly the needs of children with disabilities who need significant levels of support to participate and learn in school and the community.

"(5) The availability of an adequate number of qualified personnel is critical to serve effectively children with disabilities, to assume leadership positions in administration and direct services, to provide teacher training, and to conduct high quality research to improve special education.

"(6) High quality, comprehensive professional development programs are essential to ensure that the persons responsible for the education or transition of children with disabilities possess the skills and knowledge necessary to address the educational and related needs of those children.

"(7) Models of professional development should be scientifically based and reflect successful practices, including strategies for recruiting, preparing, and retaining personnel.

"(8) Continued support is essential for the development and maintenance of a coordinated and high quality program of research to inform successful teaching practices and model curricula for educating children with disabilities.

"(9) A comprehensive research agenda should be established and pursued to promote the highest quality and rigor in special education research, and to address the full range of issues facing children with disabilities, parents of children with disabilities, school personnel, and others.

"(10) Training, technical assistance, support, and dissemination activities are necessary to ensure that parts B and C are fully implemented and achieve high quality early intervention, educational, and transitional results for children with disabilities and their families.

"(11) Parents, teachers, administrators, and related services personnel need technical assistance and information in a timely, coordinated, and accessible manner in order to improve early intervention, educational, and transitional services and results at the State and local levels for children with disabilities and their families.

"(12) Parent training and information activities assist parents of a child with a disability in dealing with the multiple pressures of parenting such a child and are of particular importance in—

"(A) playing a vital role in creating and preserving constructive relationships between parents of children with disabilities and schools by facilitating open communication between the parents and schools; encouraging dispute resolution at the earliest possible point in time; and discouraging the escalation of an adversarial process between the parents and schools;

"(B) ensuring the involvement of parents in planning and decisionmaking with respect to early intervention, educational, and transitional services;

"(C) achieving high quality early intervention, educational, and transitional results for children with disabilities;

"(D) providing such parents information on their rights, protections, and responsibilities under this Act to ensure improved early intervention, educational, and transitional results for children with disabilities;

"(E) assisting such parents in the development of skills to participate effectively in the education and development of their children and in the transitions described in section 673(b)(6);

"(F) supporting the roles of such parents as participants within partnerships seeking to improve early intervention, educational, and transitional services and results for children with disabilities and their families; and

"(G) supporting such parents who may have limited access to services and supports, due to economic, cultural, or linguistic barriers.

"(13) Support is needed to improve technological resources and integrate technology, including universally designed technologies, into the lives of children with disabilities, parents of children with disabilities, school personnel, and others through curricula, services, and assistive technologies.

"Subpart 1—State Personnel Preparation and Professional Development Grants

"SEC. 651. PURPOSE; DEFINITION; PROGRAM AUTHORITY.

."(a) PURPOSE.—The purpose of this subpart is to assist State educational agencies in reforming and improving their systems for personnel preparation and professional development in early intervention, educational, and transition services in order to improve results for children with disabilities.

"(b) DEFINITION.—In this subpart, the term 'personnel' means special education teachers, regular education teachers, principals, administrators, related services personnel, paraprofessionals, and early intervention personnel serving infants, toddlers, preschoolers, or children with disabilities, except where a particular category of personnel, such as related services personnel, is identified.

"(c) COMPETITIVE GRANTS.—

"(1) IN GENERAL.—Except as provided in subsection (d), for any fiscal year for which the amount appropriated under section 655, that remains after the Secretary reserves funds under subsection (e) for the fiscal year, is less than $100,000,000, the Secretary shall award grants, on a competitive basis, to State educational agencies to carry out the activities described in the State plan submitted under section 653.

"(2) PRIORITY.—In awarding grants under paragraph (1), the Secretary may give priority to State educational agencies that—

"(A) are in States with the greatest personnel shortages; or

"(B) demonstrate the greatest difficulty meeting the requirements of section 612(a)(14).

"(3) MINIMUM.—The Secretary shall make a grant to each State educational agency selected under paragraph (1) in an amount for each fiscal year that is—

"(A) not less than $500,000, nor more than $4,000,000, in the case of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

"(B) not less than $80,000 in the case of an outlying area.

"(4) Increases.—The Secretary may increase the amounts under in paragraph (3) to account for inflation.

"(5) Factors.—The Secretary shall set the amount of each grant under paragraph (1) after considering—

"(A) the amount of funds available for making the grants;

"(B) the relative population of the State or outlying area;

"(C) the types of activities proposed by the State or outlying area;

"(D) the alignment of proposed activities with section 612(a)(14);

"(E) the alignment of proposed activities with the State plans and applications submitted under sections 1111 and 2112, respectively, of the Elementary and Secondary Education Act of 1965; and

"(F) the use, as appropriate, of scientifically based activities.

"(d) Formula Grants.—

"(1) In general.—Except as provided in paragraphs (2) and (3), for the first fiscal year for which the amount appropriated under section 655, that remains after the Secretary reserves funds under subsection (e) for the fiscal year, is equal to or greater than $100,000,000, and for each fiscal year thereafter, the Secretary shall allot to each State educational agency, whose application meets the requirements of this subpart, an amount that bears the same relation to the amount appropriated as the amount the State received under section 611(d) for that fiscal year bears to the amount of funds received by all States (whose applications meet the requirements of this subpart) under section 611(d) for that fiscal year.

"(2) Minimum allotments for states that received competitive grants.—

"(A) In general.—The amount allotted under this subsection to any State that received a competitive multi-year grant under subsection (c) for which the grant period has not expired shall be at least the amount specified for that fiscal year in the State's grant award document under that subsection.

"(B) Special rule.—Each such State shall use the minimum amount described in subparagraph (A) for the activities described in its competitive grant award document for that year, unless the Secretary approves a request from the State to spend the funds on other activities.

"(3) Minimum allotment.—The amount of any State educational agency's allotment under this subsection for any fiscal year shall not be less than—

"(A) the greater of $500,000 or ½ of 1 percent of the total amount available under this subsection for that year, in the case of each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

"(B) $80,000, in the case of an outlying area.

"(e) Continuation Awards.—

"(1) In general.—Notwithstanding any other provision of this subpart, from funds appropriated under section 655 for each fiscal year, the Secretary shall reserve the amount that is necessary to make a continuation award to any State (at the request of the State) that received a multi-year award under this part (as this part was in effect on the day before the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004), to enable the State to carry out activities in accordance with the terms of the multi-year award.

"(2) Prohibition.—A State that receives a continuation award under paragraph (1) for any fiscal year may not receive any other award under this subpart for that fiscal year.

"SEC. 652. ELIGIBILITY AND COLLABORATIVE PROCESS.

"(a) Eligible Applicants.—A State educational agency may apply for a grant under this subpart for a grant period of not less than 1 year and not more than 5 years.

"(b) Partners.—

"(1) In general.—In order to be considered for a grant under this subpart, a State educational agency shall establish a partnership with local educational agencies and other State agencies involved in, or concerned with, the education of children with disabilities, including institutions of higher education and the State agencies responsible for administering part C, child care, and vocational rehabilitation programs.

"(2) Other partners.—In order to be considered for a grant under this subpart, a State educational agency shall work in partnership with other persons and organizations involved in, and concerned with, the education of children with disabilities, which may include—

"(A) the Governor;

"(B) parents of children with disabilities ages birth through 26;

"(C) parents of nondisabled children ages birth through 26;

"(D) individuals with disabilities;

"(E) parent training and information centers or community parent resource centers funded under sections 671 and 672, respectively;

"(F) community based and other nonprofit organizations involved in the education and employment of individuals with disabilities;

"(G) personnel as defined in section 651(b);

"(H) the State advisory panel established under part B;

"(I) the State interagency coordinating council established under part C;

"(J) individuals knowledgeable about vocational education;

"(K) the State agency for higher education;

"(L) public agencies with jurisdiction in the areas of health, mental health, social services, and juvenile justice;

"(M) other providers of professional development that work with infants, toddlers, preschoolers, and children with disabilities; and

"(N) other individuals.

"(3) Required partner.—If State law assigns responsibility for teacher preparation and certification to an individual, entity, or agency other than the State educational agency, the State educational agency shall—

"(A) include that individual, entity, or agency as a partner in the partnership under this subsection; and

"(B) ensure that any activities the State will carry out under this subpart that are within that partner's jurisdiction (which may include activities described in section 654(b)) are carried out by that partner.

"SEC. 653. APPLICATIONS.

"(a) In General.—

"(1) Submission.—A State educational agency that desires to receive a grant under this subpart shall submit to the Secretary an application at such time, in such manner, and including such information as the Secretary may require.

"(2) State plan.—The application shall include a plan that identifies and addresses the State and local needs for the personnel preparation and professional development of personnel, as well as individuals who provide direct supplementary aids and services to children with disabilities, and that—

"(A) is designed to enable the State to meet the requirements of section 612(a)(14) and section 635(a) (8) and (9);

"(B) is based on an assessment of State and local needs that identifies critical aspects and areas in need of improvement related to the preparation, ongoing training, and professional development of personnel that serve infants, toddlers, preschoolers, and children with disabilities within the State, including—

"(i) current and anticipated personnel vacancies and shortages; and

"(ii) the number of preservice programs; and

"(C) is integrated and aligned, to the maximum extent possible, with State plans and activities under the Elementary and Secondary Education Act of 1965, the Rehabilitation Act of 1973, and the Higher Education Act of 1965.

"(3) Requirement.—The State application shall contain an assurance that the State educational agency will carry out each of the strategies described in subsection (b)(4).

"(b) Elements of State Personnel Preparation and Professional Development Plan.—Each professional development plan under subsection (a)(2) shall—

"(1) describe a partnership agreement that is in effect for the period of the grant, which agreement shall specify—

"(A) the nature and extent of the partnership described in section 652(b) and the respective roles of each member of the partnership, including the partner described in section 652(b)(3) if applicable; and

"(B) how the State will work with other persons and organizations involved in, and concerned with, the education of children with disabilities, including the respective roles of each of the persons and organizations;

"(2) describe how the strategies and activities described in paragraph (4) will be coordinated with other public resources (including part B and part C funds retained for use at the State level for personnel and professional development purposes) and private resources;

"(3) describe how the State will align its professional development plan under this subpart with the plan and application submitted under sections 1111 and 2112, respectively, of the Elementary and Secondary Education Act of 1965;

"(4) describe what strategies the State will use to address the professional development and personnel needs identified under subsection (a)(2) and how those strategies will be implemented, including—

"(A) a description of the preservice and inservice programs and activities to be supported under this subpart that will provide personnel with the knowledge and skills to meet the needs of, and improve the performance and achievement of, infants, toddlers, preschoolers, and children with disabilities; and

"(B) how such strategies shall be integrated, to the maximum extent possible, with other activities supported by grants funded under this part, including those under section 664;

"(5) provide an assurance that the State will provide technical assistance to local educational agencies to improve the quality of professional development available to meet the needs of personnel who serve children with disabilities;

"(6) provide an assurance that the State will provide technical assistance to entities that provide services to infants and toddlers with disabilities to improve the quality of professional development available to meet the needs of personnel serving such children;

"(7) describe how the State will recruit and retain highly qualified teachers and other qualified personnel in geographic areas of greatest need;

"(8) describe the steps the State will take to ensure that poor and minority children are not taught at higher rates by teachers who are not highly qualified; and

"(9) describe how the State will assess, on a regular basis, the extent to which the strategies implemented under this subpart have been effective in meeting the performance goals described in section 612(a)(15).

"(c) Peer Review.—

"(1) In general.—The Secretary shall use a panel of experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications for grants under section 651(c)(1).

"(2) COMPOSITION OF PANEL.—A majority of a panel described in paragraph (1) shall be composed of individuals who are not employees of the Federal Government.

"(3) PAYMENT OF FEES AND EXPENSES OF CERTAIN MEMBERS.—The Secretary may use available funds appropriated to carry out this subpart to pay the expenses and fees of panel members who are not employees of the Federal Government.

"(d) REPORTING PROCEDURES.—Each State educational agency that receives a grant under this subpart shall submit annual performance reports to the Secretary. The reports shall describe the progress of the State in implementing its plan and analyze the effectiveness of the State's activities under this subpart.

"SEC. 654. USE OF FUNDS.

"(a) PROFESSIONAL DEVELOPMENT ACTIVITIES.—A State educational agency that receives a grant under this subpart shall use the grant funds to support activities in accordance with the State's plan described in section 653, including 1 or more of the following:

"(1) Carrying out programs that provide support to both special education and regular education teachers of children with disabilities and principals, such as programs that—

"(A) provide teacher mentoring, team teaching, reduced class schedules and case loads, and intensive professional development;

"(B) use standards or assessments for guiding beginning teachers that are consistent with challenging State student academic achievement and functional standards and with the requirements for professional development as defined in section 9101(34) of the Elementary and Secondary Education Act of 1965; and

"(C) encourage collaborative and consultative models of providing early intervention, special education, and related services.

"(2) Encouraging and supporting the training of special education and regular education teachers and administrators to effectively use and integrate technology—

"(A) into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability;

"(B) to enhance learning by children with disabilities; and

"(C) to effectively communicate with parents.

"(3) Providing professional development activities that—

"(A) improve the knowledge of special education and regular education teachers concerning—

"(i) the academic and developmental or functional needs of students with disabilities; or

"(ii) effective instructional strategies, methods, and skills, and the use of State academic content standards and student academic achievement and functional standards, and State assessments, to improve teaching practices and student academic achievement;

"(B) improve the knowledge of special education and regular education teachers and principals and, in appropriate cases, paraprofessionals, concerning effective instructional practices and that—

"(i) provide training in how to teach and address the needs of children with different learning styles and children with limited English proficiency;

"(ii) involve collaborative groups of teachers, administrators, and, in appropriate cases, related services personnel;

"(iii) provide training in methods of—

"(I) positive behavioral interventions and supports to improve student behavior in the classroom;

"(II) scientifically based reading instruction, including early literacy instruction;

"(III) early and appropriate interventions to identify and help children with disabilities;

"(IV) effective instruction for children with low incidence disabilities;

"(V) successful transitioning to postsecondary opportunities; and

"(VI) using classroom-based techniques to assist children prior to referral for special education;

"(iv) provide training to enable personnel to work with and involve parents in their child's education, including parents of low income and limited English proficient children with disabilities;

"(v) provide training for special education personnel and regular education personnel in planning, developing, and implementing effective and appropriate IEPs; and

"(vi) provide training to meet the needs of students with significant health, mobility, or behavioral needs prior to serving such students;

"(C) train administrators, principals, and other relevant school personnel in conducting effective IEP meetings; and

"(D) Train early intervention, preschool, and related services providers, and other relevant school personnel, in conducting effective individualized family service plan (IFSP) meetings.

"(4) Developing and implementing initiatives to promote the recruitment and retention of highly qualified special education teachers, particularly initiatives that have been proven effective in recruitment and retaining highly qualified teachers, including programs that provide—

"(A) teacher mentoring from exemplary special education teachers, principals, or superintendents;

"(B) induction and support for special education teachers during their first 3 years of employment as teachers; or

"(C) incentives, including financial incentives, to retain special education teachers who have a record of success in helping students with disabilities.

"(5) Carrying out programs and activities that are designed to improve the quality of personnel who serve children with disabilities, such as—

"(A) innovative professional development programs (which may be provided through partnerships that include institutions of higher education), including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy, which professional development shall be consistent with the definition of professional development in section 9101(34) of the Elementary and Secondary Education Act of 1965; and

"(B) the development and use of proven, cost effective strategies for the implementation of professional development activities, such as through the use of technology and distance learning.

"(6) Carrying out programs and activities that are designed to improve the quality of early intervention personnel, including paraprofessionals and primary referral sources, such as—

"(A) professional development programs to improve the delivery of early intervention services;

"(B) initiatives to promote the recruitment and retention of early intervention personnel; and

"(C) interagency activities to ensure that personnel are adequately prepared and trained.

"(b) OTHER ACTIVITIES.—A State educational agency that receives a grant under this subpart shall use the grant funds to support activities in accordance with the State's plan described in section 653, including 1 or more of the following:

"(1) Reforming special education and regular education teacher certification (including recertification) or licensing requirements to ensure that—

"(A) special education and regular education teachers have—

"(i) the training and information necessary to address the full range of needs of children with disabilities across disability categories; and

"(ii) the necessary subject matter knowledge and teaching skills in the academic subjects that they teach;

"(B) special education and regular education teacher certification (including recertification) or licensing requirements are aligned with challenging State academic content standards; and

"(C) special education and regular education teachers have the subject matter knowledge and teaching skills, including technology literacy, necessary to help students with disabilities meet challenging State student academic achievement and functional standards.

"(2) Programs that establish, expand, or improve alternative routes for State certification of special education teachers for highly qualified individuals with a baccalaureate or master's degree, including mid-career professionals from other occupations, paraprofessionals, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective special education teachers.

"(3) Teacher advancement initiatives for special education teachers that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.

"(4) Developing and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified special education teachers.

"(5) Reforming tenure systems, implementing teacher testing for subject matter knowledge, and implementing teacher testing for State certification or licensing, consistent with title II of the Higher Education Act of 1965.

"(6) Funding projects to promote reciprocity of teacher certification or licensing between or among States for special education teachers, except that no reciprocity agreement developed under this paragraph or developed using funds provided under this subpart may lead to the weakening of any State teaching certification or licensing requirement.

"(7) Developing or assisting local educational agencies to serve children with disabilities through the development and use of proven, innovative strategies to deliver intensive professional development programs that are both cost effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.

"(8) Developing, or assisting local educational agencies in developing, merit based performance systems, and strategies that provide differential and bonus pay for special education teachers.

"(9) Supporting activities that ensure that teachers are able to use challenging State academic content standards and student academic and functional achievement standards, and State assessments for all children with disabilities, to improve instructional practices and improve the academic achievement of children with disabilities.

"(10) When applicable, coordinating with, and expanding centers established under, section 2113(c)(18) of the Elementary and Secondary Education Act of 1965 to benefit special education teachers.

"(c) CONTRACTS AND SUBGRANTS.—Each such State educational agency—

"(1) shall award contracts or subgrants to local educational agencies, institutions of higher education, parent training and information centers, or community parent resource centers, as appropriate, to carry out its State plan under this subpart; and

"(2) may award contracts and subgrants to other public and private entities, including the *lead agency under part C, to carry out such plan.*

"(d) Use of Funds for Professional Development.—A State educational agency that receives a grant under this subpart shall use—

"(1) not less than 75 percent of the funds the State educational agency receives under the grant for any fiscal year for activities under subsection (a); and

"(2) not more than 25 percent of the funds the State educational agency receives under the grant for any fiscal year for activities under subsection (b).

"(e) Grants to Outlying Areas.—Public Law 95–134, permitting the consolidation of grants to the outlying areas, shall not apply to funds received under this subpart.

"SEC. 655. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart such sums as may be necessary for each of the fiscal years 2004 through 2009.''

"Subpart 2—Scientifically Based Research, Technical Assistance, Model Demonstration Projects, and Dissemination of Information

"SEC. 660. PURPOSE.

"The purpose of this subpart is—

"(1) to provide Federal funding for scientifically based research, technical assistance, model demonstration projects, and information dissemination to improve early intervention, educational, and transitional results for children with disabilities; and

"(2) to assist State educational agencies and local educational agencies in improving their education systems.

"SEC. 661. ADMINISTRATIVE PROVISIONS.

"(a) Comprehensive Plan.—

"(1) In general.—After receiving input from interested individuals with relevant expertise, the Secretary shall develop and implement a comprehensive plan for activities carried out under this subpart (other than activities assisted under section 665 and subpart 3) in order to enhance the provision of early intervention, educational, related and transitional services to children with disabilities under parts B and C. The plan shall be coordinated with the plan developed pursuant to section 177(c) of the Education Sciences Reform Act of 2002 and shall include mechanisms to address early intervention, educational, related service and transitional needs identified by State educational agencies in applications submitted for State Personnel and Professional Development grants under subpart 1 and for grants under this subpart.

"(2) Public comment.—The Secretary shall provide a public comment period of at least 60 days on the plan.

"(3) Distribution of funds.—In implementing the plan, the Secretary shall, to the extent appropriate, ensure that funds are awarded to recipients under this subpart, subpart 3, and subpart 4 to carry out activities that benefit, directly or indirectly, children with the full range of disabilities and of all ages.

"(4) Reports to congress.—The Secretary shall annually report to Congress on the Secretary's activities under this subpart, subpart 3, and subpart 4, including an initial report not later than 12 months after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004.

"(b) Eligible Applicants.—

"(1) In general.—Except as otherwise provided in this subpart, the following entities are eligible to apply for a grant, contract, or cooperative agreement under this subpart:

"(A) A State educational agency.

"(B) A local educational agency.

"(C) A public charter school that is a local educational agency under State law.

"(D) An institution of higher education.

"(E) Any other public agency.

"(F) A private nonprofit organization.

"(G) An outlying area.

"(H) An Indian tribe or a tribal organization (as defined under section 4 of the Indian Self-Determination and Education Assistance Act).

"(I) A for-profit organization.

"(2) Special rule.—The Secretary may limit the entities eligible for an award of a grant, contract, or cooperative agreement to 1 or more categories of eligible entities described in paragraph (1).

"(c) Special Populations.—

"(1) Application requirement.—In making an award of a grant, contract, or cooperative agreement under this subpart, subpart 3, and subpart 4, the Secretary shall, as appropriate, require an applicant to meet the criteria set forth by the Secretary under this subpart and demonstrate how the applicant will address the needs of children with disabilities from minority backgrounds.

"(2) Outreach and technical assistance.—Notwithstanding any other provision of this Act, the Secretary shall reserve at least 1 percent of the total amount of funds made available to carry out this subpart, subpart 3, or subpart 4 for 1 or both of the following activities:

"(A) To provide outreach and technical assistance to Historically Black Colleges and Universities, and to institutions of higher education with minority enrollments of at least 25 percent, to promote the participation of such colleges, universities, and institutions in activities under this subpart.

"(B) To enable Historically Black Colleges and Universities, and the institutions described in subparagraph (A), to assist other colleges, universities, institutions, and agencies in improving educational and transitional results for children with disabilities.

"(d) Priorities.—The Secretary, in making an award of a grant, contract, or cooperative agreement under this subpart, subpart 3, or subpart 4, may, without regard to the rulemaking procedures under section 553(a) of title 5, United States Code, limit competitions to, or otherwise give priority to—

"(1) projects that address 1 or more—

"(A) age ranges;

"(B) disabilities;

"(C) school grades;

"(D) types of educational placements or early intervention environments;

"(E) types of services;

"(F) content areas, such as reading; or

"(G) effective strategies for helping children with disabilities learn appropriate behavior in the school and other community based educational settings;

"(2) projects that address the needs of children based on the severity or incidence of their disability;

"(3) projects that address the needs of—

"(A) low achieving students;

"(B) underserved populations;

"(C) children from low income families;

"(D) limited English proficient children;

"(E) unserved and underserved areas;

"(F) rural or urban areas;

"(G) children whose behavior interferes with their learning and socialization;

"(H) children with reading difficulties;

"(I) children in charter schools; or

"(J) children who are gifted and talented;

"(K) children with disabilities served by local educational agencies that receive payments under title VIII of the Elementary and Secondary Education Act of 1965;

"(L) children with disabilities who are homeless children or children with disabilities who are wards of the State;

"(4) projects to reduce inappropriate identification of children as children with disabilities, particularly among minority children;

"(5) projects that are carried out in particular areas of the country, to ensure broad geographic coverage;

"(6) projects that promote the development and use of universally designed technologies, assistive technology devices, and assistive technology services to maximize children with disabilities' access to and participation in the general education curriculum;

"(7) any activity that is authorized in this subpart or subpart 3; and

"(8) projects that provide training in educational advocacy to individuals with responsibility for the needs of wards of the State, including foster parents, grandparents and other relatives acting in the place of a natural or adoptive parent, attorneys for children in foster care, guardians ad litem, court appointed special advocates, judges, education surrogates, and children's caseworkers.

"(e) Applicant and Recipient Responsibilities.—

"(1) Development and assessment of projects.—The Secretary shall require that an applicant for, and a recipient of, a grant, contract, or cooperative agreement for a project under this subpart, subpart 3, or subpart 4—

"(A) involve individuals with disabilities or parents of individuals with disabilities ages birth through 26 in planning, implementing, and evaluating the project; and

"(B) where appropriate, determine whether the project has any potential for replication and adoption by other entities.

"(2) Additional responsibilities.—The Secretary may require a recipient of a grant, contract, or cooperative agreement under this subpart, subpart 3, or subpart 4 to—

"(A) share in the cost of the project;

"(B) prepare any findings and products from the project in formats that are useful for specific audiences, including parents, administrators, teachers, early intervention personnel, related services personnel, and individuals with disabilities;

"(C) disseminate such findings and products; and

"(D) collaborate with other such recipients in carrying out subparagraphs (B) and (C).

"(f) Application Management.—

"(1) Standing panel.—

"(A) In general.—The Secretary shall establish and use a standing panel of experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications under this subpart (other than applications for assistance under section 665), subpart 3, and subpart 4 that, individually, request more than $75,000 per year in Federal financial assistance.

"(B) Membership.—The standing panel shall include, at a minimum—

"(i) individuals who are representatives of institutions of higher education that plan, develop, and carry out high quality programs of personnel preparation;

"(ii) individuals who design and carry out scientifically based research targeted to the improvement of special education programs and services;

"(iii) individuals who have recognized experience and knowledge necessary to integrate and apply scientifically based research findings to improve educational and transitional results for children with disabilities;

"(iv) individuals who administer programs at the State or local level in which children with disabilities participate;

"(v) individuals who prepare parents of children with disabilities to participate in making decisions about the education of their children;

"(vi) individuals who establish policies that affect the delivery of services to children with disabilities;

"(vii) parents of children with disabilities ages birth through 26 who are benefiting, or have

benefited, from coordinated research, personnel preparation, and technical assistance; and

"(viii) individuals with disabilities.

"(C) TERM.—Unless approved by the Secretary due to extenuating circumstances related to shortages of experts in a particular area of expertise or for a specific competition, no individual shall serve on the standing panel for more than 3 consecutive years.

"(2) PEER REVIEW PANELS FOR PARTICULAR COMPETITIONS.—

"(A) COMPOSITION.—The Secretary shall ensure that each sub panel selected from the standing panel that reviews applications under this subpart (other than section 665), subpart 3, and subpart 4 includes—

"(i) individuals with knowledge and expertise on the issues addressed by the activities authorized by the relevant subpart; and

"(ii) to the extent practicable, parents of children with disabilities ages birth through 26, individuals with disabilities, and persons from diverse backgrounds.

"(B) FEDERAL EMPLOYMENT LIMITATION.—A majority of the individuals on each sub panel that reviews an application under this subpart (other than an application under section 665), subpart 3, and subpart 4 shall be individuals who are not employees of the Federal Government.

"(3) USE OF DISCRETIONARY FUNDS FOR ADMINISTRATIVE PURPOSES.—

"(A) EXPENSES AND FEES OF NON-FEDERAL PANEL MEMBERS.—The Secretary may use funds made available under this subpart, subpart 3, and subpart 4 to pay the expenses and fees of the panel members who are not officers or employees of the Federal Government.

"(B) ADMINISTRATIVE SUPPORT.—The Secretary may use not more than 1 percent of the funds made available to carry out this subpart, subpart 3, or subpart 4 to pay non-Federal entities for administrative support related to management of applications submitted under this subpart.

"(4) AVAILABILITY OF CERTAIN PRODUCTS.—The Secretary shall ensure that recipients of grants, cooperative agreements, or contracts under this subpart, subpart 3, and subpart 4 make available in formats that are accessible to individuals with disabilities any products developed under such grants, cooperative agreements, or contracts that the recipient is making available to the public.

"(g) PROGRAM EVALUATION.—The Secretary may use funds made available to carry out this subpart, subpart 3, and subpart 4 to evaluate activities carried out under this subpart.

"(h) MINIMUM FUNDING REQUIRED.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall ensure that, for each fiscal year, at least the following amounts are provided under this subpart and subpart 3 to address the following needs:

"(A) $12,832,000 to address the educational, related services, transitional, and early intervention needs of children with deaf-blindness.

"(B) $4,000,000 to address the postsecondary, vocational, technical, continuing, and adult education needs of individuals with deafness.

"(C) $4,000,000 to address the educational, related services, and transitional needs of children with an emotional disturbance and those who are at risk of developing an emotional disturbance.

"(2) RATABLE REDUCTION.—If the total amount appropriated to carry out this subpart, subpart 3, and part E of the Education Sciences Reform Act of 2002 for any fiscal year is less than $130,000,000, the amounts listed in paragraph (1) shall be ratably reduced.

"(i) ELIGIBILITY FOR FINANCIAL ASSISTANCE.—No State or local educational agency, or other public institution or agency, may receive a grant or enter into a contract or cooperative agreement under this subpart that relates exclusively to programs, projects, and activities pertaining to children aged 3 through 5, inclusive, unless the State is eligible to receive a grant under section 619(b).

"SEC. 662. RESEARCH COORDINATION TO IMPROVE RESULTS FOR CHILDREN WITH DISABILITIES.

"The Secretary shall coordinate research carried out under this subpart with research carried out under part E of the Education Sciences Reform Act of 2002.

"SEC. 663. TECHNICAL ASSISTANCE, DEMONSTRATION PROJECTS, DISSEMINATION OF INFORMATION, AND IMPLEMENTATION OF SCIENTIFICALLY BASED RESEARCH.

"(a) IN GENERAL.—From amounts made available under section 675, the Secretary, on a competitive basis, shall award grants to, or enter into contracts or cooperative agreements with, eligible entities to provide technical assistance, carry out model demonstration projects, disseminate useful information, and implement activities that are supported by scientifically based research.

"(b) REQUIRED ACTIVITIES.—The Secretary shall support activities to improve services provided under this Act, including the practices of professionals and others involved in providing such services to children with disabilities, that promote academic achievement and functional performance to improve educational results and functional outcomes for children with disabilities through—

"(1) implementing effective strategies that are conducive to learning and for addressing inappropriate behavior of students with disabilities in schools, including strategies to prevent children with emotional and behavioral problems from developing emotional disturbances that require the provision of special education and related services;

"(2) improving the alignment, compatibility, and development of valid and reliable assessment methods, including alternate assessment methods and evaluation methods, for assessing adequately yearly progress as described in section 1111(b)(2) of the Elementary and Secondary Education Act of 1965;

"(3) providing information to both regular education teachers and special education teachers to address the different learning styles and disabilities of students;

"(4) disseminating information on innovative, effective, and efficient curricula, materials (including those that are universally designed), instructional approaches, and strategies that—

"(A) support effective transitions between educational settings or from school to post-school settings;

"(B) support effective inclusion of students with disabilities in general education settings, especially students with low-incidence disabilities; and

"(C) improve educational and transitional results at all levels of the educational system in which the activities are carried out and, in particular, that improve the progress of children with disabilities, as measured by assessments within the general education curriculum involved; and

"(5) demonstrating and applying scientifically-based findings to facilitate systematic changes related to the provision of services to children with disabilities.

"(c) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this section include activities to improve services provided under this Act, including the practices of professionals and others involved in providing such services to children with disabilities, that promote increased academic achievement and enhanced functional outcomes for children with disabilities through—

"(1) supporting and promoting the coordination of early intervention, education, and transitional services for children with disabilities with services provided by health, rehabilitation, and social service agencies;

"(2) promoting improved alignment and compatibility of general and special education reforms concerned with curriculum and instructional reform, and evaluating of such reforms;

"(3) enabling professionals, parents of children with disabilities, and other persons, to learn about, and implement, the findings of scientifically based research and effective practices relating to the provision of services to children with disabilities;

"(4) disseminating information relating to successful approaches to overcoming systemic barriers to the effective and efficient delivery of early intervention, educational, and transitional services, to personnel who provide services to children with disabilities;

"(5) assisting States and local educational agencies with the process of planning systemic changes that will promote improved early intervention, educational, and transitional results for children with disabilities;

"(6) promoting change through a multi-State or regional framework that benefits States, local educational agencies, and other participants in partnerships that are in the process of achieving systemic change;

"(7) focusing on the needs and issues that are specific to a population of children with disabilities, such as providing single-State and multi-State technical assistance and in-service training—

"(A) to schools and agencies serving deaf-blind children and their families;

"(B) to programs and agencies serving other groups of children with low-incidence disabilities and their families;

"(C) to address the postsecondary education needs of individuals who are deaf or hard-of-hearing; and

"(D) to schools and personnel providing special education and related services for children with autism spectrum disorders;

"(8) demonstrating models of personnel preparation to ensure appropriate placements and services for all students with disabilities and to reduce disproportionality in eligibility, placement, and disciplinary actions for minority and limited English proficient children: and

"(9) disseminating information on how to reduce racial and ethnic disproportionalities.

"(d) BALANCE AMONG DISABILITIES AND AGE RANGES.—In carrying out this section, the Secretary shall ensure that there is an appropriate balance across all age ranges and disabilities.

"(e) LINKING STATES TO INFORMATION SOURCES.—In carrying out this section, the Secretary may support projects that link States to technical assistance resources, including special education and general education resources, and may make research and related products available through libraries, electronic networks, parent training projects, and other information sources.

"(f) APPLICATIONS.—

"(1) IN GENERAL.—An eligible entity that desires to receive a grant, or to enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) CONTENTS.—The Secretary may, as appropriate, require eligible entities to demonstrate that the projects described in their applications are supported by scientifically based research that has been carried out in conjunction with the standards for the conduct and evaluation of all research and development established by the National Center for Education Research under sections 133 and 134 of the Education Sciences Reform Act of 2002.

"(3) Priority.—As appropriate, the Secretary shall give priority to applications that propose to serve teachers and school personnel directly in the school environment or that strengthen State and local agency capacity to improve instructional practices of personnel to improve educational results for children with disabilities in the school environment.

"SEC. 664. PERSONNEL DEVELOPMENT TO IMPROVE SERVICES AND RESULTS FOR CHILDREN WITH DISABILITIES.

"(a) In General.—The Secretary, on a competitive basis, shall award grants to, or enter into contracts or cooperative agreements with, eligible entities for 1 or more of the following:

"(1) To help address the needs identified in the State plan described in section 653(a)(2) for highly qualified personnel, as defined in section 651(b), to work with infants, toddlers, or children with disabilities, consistent with the standards described in section 612(a)(14).

"(2) To ensure that those personnel have the necessary skills and knowledge, derived from practices that have been determined, through scientifically based research, to be successful in serving those children.

"(3) To encourage increased focus on academics and core content areas in special education personnel preparation programs.

"(4) To ensure that regular education teachers have the necessary skills and knowledge to provide instruction to students with disabilities in the regular education classroom.

"(5) To ensure that all special education teachers are highly qualified.

"(6) To ensure that preservice and in-service personnel preparation programs include training in—

"(A) the use of new technologies;

"(B) the area of early intervention, educational, and transition services;

"(C) effectively involving parents; and

"(D) positive behavioral supports.

"(7) To provide high-quality professional development for principals, superintendents, and other administrators, including training in—

"(A) instructional leadership;

"(B) behavioral supports in the school and classroom;

"(C) paperwork reduction;

"(D) promoting improved collaboration between special education and general education teachers;

"(E) assessment and accountability;

"(F) ensuring effective learning environments; and

"(G) fostering positive relationships with parents.

"(b) Personnel Development; Authorized Activities.—

"(1) In general.—In carrying out this section, the Secretary shall support activities to prepare personnel, including activities for the preparation of personnel who will serve children with high-incidence and low-incidence disabilities, consistent with the objectives described in subsection (a).

"(2) Authorized activities.—Activities that may be carried out under this subsection include the following:

"(A) Supporting collaborative personnel preparation activities undertaken by institutions of higher education, local educational agencies, and other local entities—

"(i) to improve and reform their existing programs, to support effective existing programs, to support the development of new programs, and to prepare teachers, principals, administrators, and related services personnel—

"(I) to meet the diverse needs of children with disabilities for early intervention, educational, and transitional services; and

"(II) to work collaboratively in regular classroom settings; and

"(ii) to incorporate best practices and scientifically based research about preparing personnel—

"(I) so the personnel will have the knowledge and skills to improve educational results for children with disabilities; and

"(II) to implement effective teaching strategies and interventions to prevent the misidentification, overidentification, or underidentification of children as having a disability, especially minority and limited English proficient children.

"(B) Developing, evaluating, and disseminating innovative models for the recruitment, induction, retention, and assessment of highly qualified teachers to reduce teachers shortages.

"(C) Providing continuous personnel preparation, training, and professional development designed to provide support and ensure retention of teachers and personnel who teach and provide related services to children with disabilities.

"(D) Developing and improving programs for paraprofessionals to become special education teachers, related services personnel, and early intervention personnel, including interdisciplinary training to enable the paraprofessionals to improve early intervention, educational, and transitional results for children with disabilities.

"(E) Demonstrating models for the preparation of, and interdisciplinary training of, early intervention, special education, and general education personnel, to enable the personnel to acquire the collaboration skills necessary to work within teams and to improve results for children with disabilities, particularly within the general education curriculum.

"(F) Promoting effective parental involvement practices to enable the personnel to work with parents and involve parents in the education of such parents' children.

"(G) Promoting the transferability, across State and local jurisdictions, of licensure and certification of teachers, principals, and administrators working with such children.

"(H) Developing and disseminating models that prepare teachers with strategies, including positive behavioral interventions, for addressing the conduct of children with disabilities that impedes their learning and that of others in the classroom.

"(I) Developing and improving programs to enhance the ability of early childhood providers, general education teachers, principals, school administrators, related services personnel, and school board members to improve results for children with disabilities.

"(J) Supporting institutions of higher education with minority enrollments of at least 25 percent for the purpose of preparing personnel to work with children with disabilities.

"(K) Preparing personnel to work in high need elementary schools and secondary schools, including urban schools, rural schools, and schools operated by an entity described in section 7113(d)(1)(A)(ii) of the Elementary and Secondary Education Act of 1965, and schools that serve high numbers or percentages of limited English proficient children.

"(L) Developing, evaluating, and disseminating innovative models for the recruitment, induction, retention, and assessment of new, highly qualified teachers, especially from groups that are underrepresented in the teaching profession, including individuals with disabilities.

"(M) Developing and improving programs to train special education teachers to develop an expertise in autism spectrum disorders.

"(c) Low Incidence Disabilities; Authorized Activities.—

"(1) In general.—In carrying out this section, the Secretary shall support activities, consistent with the objectives described in subsection (a), that benefit children with low incidence disabilities.

"(2) Authorized activities.—Activities that may be carried out under this subsection include activities such as the following:

"(A) Preparing persons who—

"(i) have prior training in educational and other related service fields; and

"(ii) are studying to obtain degrees, certificates, or licensure that will enable the persons to assist children with low incidence disabilities to achieve the objectives set out in their individualized education programs described in section 614(d), or to assist infants and toddlers with low incidence disabilities to achieve the outcomes described in their individualized family service plans described in section 636.

"(B) Providing personnel from various disciplines with interdisciplinary training that will contribute to improvement in early intervention, educational, and transitional results for children with low incidence disabilities.

"(C) Preparing personnel in the innovative uses and application of technology, including universally designed technologies, assistive technology devices, and assistive technology services—

"(i) to enhance learning by children with low incidence disabilities through early intervention, educational, and transitional services; and

"(ii) to improve communication with parents.

"(D) Preparing personnel who provide services to visually impaired or blind children to teach and use Braille in the provision of services to such children.

"(E) Preparing personnel to be qualified educational interpreters, to assist children with low incidence disabilities, particularly deaf and hard of hearing children in school and school related activities, and deaf and hard of hearing infants and toddlers and preschool children in early intervention and preschool programs.

"(F) Preparing personnel who provide services to children with significant cognitive disabilities and children with multiple disabilities.

"(3) Definition.—As used in this section, the term 'low incidence disability' means—

"(A) a visual or hearing impairment, or simultaneous visual and hearing impairments;

"(B) a significant cognitive impairment; or

"(C) any impairment for which a small number of personnel with highly specialized skills and knowledge are needed in order for children with that impairment to receive early intervention services or a free appropriate public education.

"(4) Selection of recipients.—In selecting recipients under this subsection, the Secretary may give preference to eligible entities submitting applications that include 1 or more of the following:

"(A) A proposal to prepare personnel in more than 1 low incidence disability, such as deafness and blindness.

"(B) A demonstration of an effective collaboration with an eligible entity and a local educational agency that promotes recruitment and subsequent retention of highly qualified personnel to serve children with disabilities.

"(5) Preparation in use of braille.—The Secretary shall ensure that all recipients of assistance under this subsection who will use that assistance to prepare personnel to provide services to visually impaired or blind children that can appropriately be provided in Braille will prepare those individuals to provide those services in Braille.

"(d) Leadership Preparation; Authorized Activities.—

"(1) In general.—In carrying out this section, the Secretary shall support leadership preparation activities that are consistent with the objectives described in subsection (a).

"(2) Authorized activities.—Activities that may be carried out under this subsection include activities such as the following:

"(A) Preparing personnel at the graduate, doctoral, and postdoctoral levels of training to administer, enhance, or provide services to improve results for children with disabilities.

"(B) Providing interdisciplinary training for various types of leadership personnel, including teacher preparation faculty, administrators, researchers, supervisors, principals, related services personnel, and other persons whose work affects early intervention, educational, and transitional services for children with disabilities.

"(e) ENHANCED SUPPORT AND TRAINING FOR BEGINNING SPECIAL EDUCATORS; AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—In carrying out this section, the Secretary shall support personnel preparation activities that are consistent with the objectives described in subsection (a).

"(2) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this subsection include—

"(A) enhancing and restructuring an existing program or developing a preservice teacher education program, to prepare special education teachers, at colleges or departments of education within the institution of higher education, by incorporating an additional 5th year clinical learning opportunity, field experience, or supervised practicum into a program of preparation and coursework for special education teachers; or

"(B) Creating or supporting professional development schools that provide—

"(i) high quality mentoring and induction opportunities with ongoing support for beginning special education teachers; or

"(ii) inservice professional development to veteran special education teachers through the ongoing exchange of information and instructional strategies.

"(3) ELIGIBLE PARTNERSHIPS.—Eligible recipients of assistance under this subsection are partnerships—

"(A) that shall consist of—

"(i) 1 or more institutions of higher education with special education personnel preparation programs; and

"(ii) 1 or more local educational agencies; and

"(iii) in the case of activities assisted under paragraph (2)(B), an elementary school or secondary school; and

"(B) that may include other entities eligible for assistance under this part, such as a State educational agency.

"(4) PRIORITY.—In awarding grants or entering into contracts or cooperative agreements under this subsection, the Secretary shall give priority to partnerships that include local educational agencies that serve—

"(A) high numbers or percentages of low-income students; or

"(B) schools that have failed to make adequate yearly progress toward enabling children with disabilities to meet academic achievement standards.

"(f) TRAINING TO SUPPORT GENERAL EDUCATORS; AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—In carrying out this section, the Secretary shall support personnel preparation activities that are consistent with the objectives described in subsection (a).

"(2) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this subsection include—

"(A) high quality professional development for general educators that develops the knowledge and skills, and enhances the ability, of general educators to—

"(i) use classroom-based techniques to identify students who may be eligible for special education services, and deliver instruction in a way that meets the individualized needs of children with disabilities through appropriate supports, accommodations, and curriculum modifications;

"(ii) use classroom-based techniques, such as scientifically based reading instruction;

"(iii) work collaboratively with special education teachers and related services personnel;

"(iv) implement strategies, such as positive behavioral interventions—

"(I) to address the behavior of children with disabilities that impedes the learning of such children and others; or

"(II) to prevent children from being misidentified as children with disabilities;

"(v) prepare children with disabilities to participate in statewide assessments (with or without accommodations) and alternate assessments, as appropriate;

"(vi) develop effective practices for ensuring that all children with disabilities are a part of all accountability systems under the Elementary and Secondary Education Act of 1965;

"(vii) work with and involve parents of children with disabilities in their child's education;

"(viii) understand how to effectively construct IEPs, participate in IEP meetings, and implement IEPs; and

"(ix) in the case of principals and superintendents, be instructional leaders and promote improved collaboration between general educators, special education teachers, and related services personnel; and

"(B) release and planning time for the activities described in this subsection.

"(3) ELIGIBLE PARTNERSHIPS.—Eligible recipients of assistance under this subsection are partnerships—

"(A) that consist of—

"(i) 1 or more institutions of higher education with special education personnel preparation programs; and

"(ii) 1 or more local educational agencies; and

"(B) that may include other entities eligible for assistance under this part, such as a State educational agency.

"(g) APPLICATIONS.—

"(1) IN GENERAL.—Any eligible entity that desires to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) IDENTIFIED STATE NEEDS.—

"(A) REQUIREMENT TO ADDRESS IDENTIFIED NEEDS.—Any application under subsection (b), (c), (d), (e), or (f) shall include information demonstrating to the satisfaction of the Secretary that the activities described in the application will address needs identified by the State or States the applicant proposes to serve, consistent with the needs identified in the State plan described in section 653(a)(2).

"(B) COOPERATION WITH STATE EDUCATIONAL AGENCIES.—Any applicant that is not a local educational agency or a State educational agency shall include in the application information demonstrating to the satisfaction of the Secretary that the applicant and 1 or more State educational agencies or local educational agencies have engaged in a cooperative effort to carry out and monitor the project to be assisted.

"(3) ACCEPTANCE BY STATES OF PERSONNEL PREPARATION REQUIREMENTS.—The Secretary may require applicants to provide assurances from 1 or more States that such States intend to accept successful completion of the proposed personnel preparation program as meeting State personnel standards for serving children with disabilities or serving infants and toddlers with disabilities.

"(h) SELECTION OF RECIPIENTS.—

"(1) IMPACT OF PROJECT.—In selecting award recipients under this section, the Secretary shall consider the impact of the proposed project described in the application in meeting the need for personnel identified by the States.

"(2) REQUIREMENT FOR APPLICANTS TO MEET STATE AND PROFESSIONAL STANDARDS.—The Secretary shall make grants and enter into contracts and cooperative agreements under this section only to eligible applicants that meet State and professionally recognized standards for the preparation of special education and related services personnel, if the purpose of the project is to assist personnel in obtaining degrees.

"(3) PREFERENCES.—In selecting recipients under this section, the Secretary may give preference to institutions of higher education that are—

"(A) educating regular education personnel to meet the needs of children with disabilities in integrated settings;

"(B) educating special education personnel to work in collaboration with regular educators in integrated settings; and

"(C) successfully recruiting and preparing individuals with disabilities and individuals from groups that are underrepresented in the profession for which the institution of higher education is preparing individuals.

"(i) SERVICE OBLIGATION.—Each application for funds under subsections (b), (c), (d), and (e) shall include an assurance that the applicant will ensure that individuals who receive assistance under the proposed project will subsequently provide special education and related services to children with disabilities for a period of 1 year for every year for which assistance was received, or repay all or part of the cost of that assistance, in accordance with regulations issued by the Secretary.

"(j) SCHOLARSHIPS.—The Secretary may include funds for scholarships, with necessary stipends and allowances, in awards under subsections (b), (c), (d), and (e).

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2004 through 2009.

"SEC. 665. STUDIES AND EVALUATIONS.

"(a) STUDIES AND EVALUATIONS.—

"(1) DELEGATION.—The Secretary shall delegate to the Director of the Institute for Education Sciences responsibility to carry out this section, other than subsections (d) and (f).

"(2) ASSESSMENT.—The Secretary shall, directly or through grants, contracts, or cooperative agreements awarded on a competitive basis, assess the progress in the implementation of this Act, including the effectiveness of State and local efforts to provide—

"(A) a free appropriate public education to children with disabilities; and

"(B) early intervention services to infants and toddlers with disabilities, and infants and toddlers who would be at risk of having substantial developmental delays if early intervention services were not provided to them.

"(b) NATIONAL ASSESSMENT.—

"(1) IN GENERAL.—The Secretary shall carry out a national assessment of activities carried out with Federal funds under this Act in order—

"(A) to determine the effectiveness of this Act in achieving its purposes;

"(B) to provide timely information to the President, Congress, the States, local educational agencies, and the public on how to implement this Act more effectively; and

"(C) to provide the President and Congress with information that will be useful in developing legislation to achieve the purposes of this Act more effectively.

"(2) CONSULTATION.—The Secretary shall plan, review, and conduct the national assessment under this subsection in consultation with researchers, State practitioners, local practitioners, parents of children with disabilities, and other appropriate individuals.

"(3) SCOPE OF ASSESSMENT.—The national assessment shall assess the—

"(A) implementation of programs assisted under this Act and the impact of those programs

on addressing the developmental, educational, and transitional needs of, and improving the academic achievement and functional outcomes of, children with disabilities to enable the children to reach challenging developmental goals and challenging State academic content standards based on State academic assessments, including alternate assessments;

''(B) types of programs and services that have demonstrated the greatest likelihood of helping students reach the challenging State academic content standards and developmental goals;

''(C) implementation of the personnel preparation and professional development activities assisted under this Act and the impact on instruction, student academic achievement, and teacher qualifications to enhance the ability of special education teachers and regular education teachers to improve results for children with disabilities; and

''(D) effectiveness of schools, local educational agencies, States, and other recipients of assistance under this Act, in achieving the purposes of this Act in—

''(i) improving the academic achievement of children with disabilities and their performance on regular statewide assessments, and the performance of children with disabilities on alternate assessments;

''(ii) improving the participation rate of children with disabilities in the general education curriculum;

''(iii) improving the transitions of children with disabilities at natural transition points;

''(iv) placing and serving children with disabilities, including minority children, in the least restrictive environment appropriate;

''(v) preventing children with disabilities, especially children with emotional disturbances and specific learning disabilities, from dropping out of school;

''(vi) addressing the reading and literacy needs of children with disabilities;

''(vii) coordinating services provided under this Act with each other, with other educational and pupil services (including preschool services), and with health and social services funded from other sources;

''(viii) improving the participation of parents of children with disabilities in the education of their children;

''(ix) resolving disagreements between education personnel and parents through alternative dispute resolution activities including mediation; and

''(x) reducing the misidentification of children, especially minority and limited English proficient children.

''(4) INTERIM AND FINAL REPORTS.—The Secretary shall submit to the President and Congress—

''(A) an interim report that summarizes the preliminary findings of the national assessment not later than 3 years after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004; and

''(B) a final report of the findings of the assessment not later than 5 years after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004.

''(c) STUDY ON ENSURING ACCOUNTABILITY FOR STUDENTS WHO ARE HELD TO ALTERNATIVE ACHIVEMENT STANDARDS.—The Secretary shall carry out a national study or studies to examine—

''(1) the criteria that States use to determine—

''(A) eligibility for alternate assessments; and

''(B) the number and type of children who take those assessments and are held accountable to alternate achievement standards;

''(2) the validity and reliability of alternate assessment instruments and procedures;

''(3) the alignment of alternate assessments and alternative achievement standards to State academic content standards in reading, mathematics, and science; and

''(4) the use and effectiveness of alternate assessments in appropriately measuring student progress and outcomes specific to individualized instructional need.

''(d) ANNUAL REPORT.—The Secretary shall provide an annual report to Congress that—

''(1) summarizes the research conducted under section 662;

''(2) analyzes and summarizes the data reported by the States and the Secretary of the Interior under section 618;

''(3) summarizes the studies and evaluations conducted under this section and the timeline for their completion;

''(4) describes the extent and progress of the national assessment; and

''(5) describes the findings and determinations resulting from reviews of State implementation of this Act.

''(e) AUTHORIZED ACTIVITIES.—In carrying out this section, the Secretary may support objective studies, evaluations, and assessments, including studies that—

''(1) analyze measurable impact, outcomes, and results achieved by State educational agencies and local educational agencies through their activities to reform policies, procedures, and practices designed to improve educational and transitional services and results for children with disabilities;

''(2) analyze State and local needs for professional development, parent training, and other appropriate activities that can reduce the need for disciplinary actions involving children with disabilities;

''(3) assess educational and transitional services and results for children with disabilities from minority backgrounds, including—

''(A) data on—

''(i) the number of minority children who are referred for special education evaluation;

''(ii) the number of minority children who are receiving special education and related services and their educational or other service placement;

''(iii) the number of minority children who graduated from secondary programs with a regular diploma in the standard number of years; and

''(iv) the number of minority children who drop out of the educational system; and

''(B) the performance of children with disabilities from minority backgrounds on State assessments and other performance indicators established for all students;

''(4) measure educational and transitional services and results of children with disabilities served under this Act, including longitudinal studies that—

''(A) examine educational and transitional services and results for children with disabilities who are 3 through 17 years of age and are receiving special education and related services under this Act, using a national, representative sample of distinct age cohorts and disability categories; and

''(B) examine educational results, transition services, postsecondary placement, and employment status of individuals with disabilities, 18 through 21 years of age, who are receiving or have received special education and related services under this Act; and

''(5) identify and report on the placement of children with disabilities by disability category.

''(f) STUDY.—The Secretary shall study, and report to Congress regarding, the extent to which States adopt policies described in section 635(b)(1) and on the effects of those policies.

''(g) RESERVATION FOR STUDIES AND EVALUATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of this Act, the Secretary may reserve not more than 1/2 of 1 percent of the amount appropriated under parts B and C for each fiscal year to carry out this section, of which not more than $3,000,000 shall be available to carry out subsection (c).

''(2) MAXIMUM AMOUNT.—The maximum amount the Secretary may reserve under paragraph (1) for any fiscal year is $40,000,000, increased by the cumulative rate of inflation since fiscal year 2003.

"Subpart 3—Supports To Improve Results for Children With Disabilities

"SEC. 670. PURPOSES.

''The purposes of this subpart are to ensure that—

''(1) children with disabilities and their parents receive training and information on their rights, responsibilities, and protections under this Act, in order to develop the skills necessary to cooperatively and effectively participate in planning and decision making relating to early intervention, educational, and transitional services;

''(2) parents, teachers, administrators, early intervention personnel, related services personnel, and transition personnel receive coordinated and accessible technical assistance and information to assist them in improving early intervention, educational, and transitional services and results for children with disabilities and their families; and

''(3) appropriate technology and media are researched, developed, and demonstrated, to improve and implement early intervention, educational, and transitional services and results for children with disabilities and their families.

"SEC. 671. PARENT TRAINING AND INFORMATION CENTERS.

''(a) PROGRAM AUTHORIZED.—The Secretary may award grants to, and enter into contracts and cooperative agreements with, parent organizations to support parent training and information centers to carry out activities under this section.

''(b) REQUIRED ACTIVITIES.—Each parent training and information center that receives assistance under this section shall—

''(1) provide training and information that meets the needs of parents of children with disabilities living in the area served by the center, particularly underserved parents and parents of children who may be inappropriately identified, to enable their children with disabilities to—

''(A) meet developmental and functional goals, and challenging academic achievement goals that have been established for all children; and

''(B) be prepared to lead productive independent adult lives, to the maximum extent possible;

''(2) serve the parents of infants, toddlers, and children with the full range of disabilities described in section 602(3);

''(3) assist parents to—

''(A) better understand the nature of their children's disabilities and their educational, developmental, and transitional needs;

''(B) communicate effectively and work collaboratively with personnel responsible for providing special education, early intervention services, transition services, and related services;

''(C) participate in decisionmaking processes and the development of individualized education programs under part B and individualized family service plans under part C;

''(D) obtain appropriate information about the range, type, and quality of options, programs, services, technologies, and research based practices and interventions, and resources available to assist children with disabilities and their families in school and at home;

''(E) understand the provisions of this Act for the education of, and the provision of early *intervention services to, children with disabilities; and*

"(F) participate in school reform activities;

"(4) in States where the State elects to contract with the parent training and information center, contract with State educational agencies to provide, consistent with subparagraphs (B) and (D) of section 615(e)(2), individuals who meet with parents to explain the mediation process to the parents;

"(5) assist parents in resolving disputes in the most expeditious and effective way possible, including encouraging the use, and explaining the benefits, of alternative methods of dispute resolution, such as the mediation process described in section 615(e);

"(6) assist parents and students with disabilities to understand their rights and responsibilities under this Act, including those under section 615(m) on the student's reaching the age of majority;

"(7) assist parents to understand the availability of, and how to effectively use, procedural safeguards under this Act;

"(8) assist parents in understanding, preparing for, and participating in, the process described in section 615(f)(1)(B);

"(9) establish cooperative partnerships with community parent resource centers funded under section 672;

"(10) network with appropriate clearinghouses, including organizations conducting national dissemination activities under section 663, and with other national, State, and local organizations and agencies, such as protection and advocacy agencies, that serve parents and families of children with the full range of disabilities described in section 602(3); and

"(11) annually report to the Secretary on—

"(A) the number and demographics of parents to whom the center provided information and training in the most recently concluded fiscal year;

"(B) the effectiveness of strategies used to reach and serve parents, including underserved parents of children with disabilities; and

"(C) the number of parents served who have resolved disputes through alternative methods of dispute resolution.

"(c) OPTIONAL ACTIVITIES.—A parent training and information center that receives assistance under this section may provide information to teachers and other professionals to assist the teachers and professionals in improving results for children with disabilities.

"(d) APPLICATION REQUIREMENTS.—Each application for assistance under this section shall identify with specificity the special efforts that the parent organization will undertake—

"(1) to ensure that the needs for training and information of underserved parents of children with disabilities in the area to be served are effectively met; and

"(2) to work with community based organizations.

"(e) DISTRIBUTION OF FUNDS.—

"(1) IN GENERAL.—The Secretary shall—

"(A) make at least 1 award to a parent organization in each State for a parent training and information center which is designated as the statewide parent training and information center; or

"(B) in the case of a large State, make awards to multiple parent training and information centers, but only if the centers demonstrate that coordinated services and supports will occur among the multiple centers.

"(2) SELECTION REQUIREMENT.—The Secretary shall select among applications submitted by parent organizations in a State in a manner that ensures the most effective assistance to parents, including parents in urban and rural areas, in the State.

"(f) QUARTERLY REVIEW.—

"(1) MEETINGS.—The board of directors of each parent organization that receives an award under this section shall meet at least once in each calendar quarter to review the activities for which the award was made.

"(2) CONTINUATION AWARD.—When an organization requests a continuation award under this section, the board of directors shall submit to the Secretary a written review of the parent training and information program conducted by the organization during the preceding fiscal year.

"(g) DEFINITION OF PARENT ORGANIZATION.—As used in this section, the term 'parent organization' means a private nonprofit organization (other than an institution of higher education) that—

"(1) has a board of directors—

"(A) the majority of whom are parents of children with disabilities ages birth through 26;

"(B) that includes—

"(i) individuals working in the fields of special education, related services, and early intervention; and

"(ii) individuals with disabilities;

"(C) the parent and professional members of which are broadly representative of the population to be served; and

"(2) has as its mission serving families of children and youth with disabilities who—

"(A) are ages birth through 26; and

"(B) have the full range of disabilities described in section 602(3).

"SEC. 672. COMMUNITY PARENT RESOURCE CENTERS.

"(a) IN GENERAL.—The Secretary may award grants to, and enter into contracts and cooperative agreements with, local parent organizations to support parent training and information centers that will help ensure that underserved parents of children with disabilities, including low income parents, parents of children with limited English proficiency, and parents with disabilities, have the training and information the parents need to enable the parents to participate effectively in helping their children with disabilities—

"(1) to meet developmental and functional goals, and challenging academic achievement goals that have been established for all children; and

"(2) to be prepared to lead productive independent adult lives, to the maximum extent possible.

"(b) REQUIRED ACTIVITIES.—Each community parent resource center assisted under this section shall—

"(1) provide training and information that meets the training and information needs of parents of children with disabilities proposed to be served by the grant, contract, or cooperative agreement;

"(2) carry out the activities required of parent training and information centers under paragraphs (2) through (9) of section 671(b);

"(3) establish cooperative partnerships with the parent training and information centers funded under section 671; and

"(4) be designed to meet the specific needs of families who experience significant isolation from available sources of information and support.

"(c) DEFINITION.—As used in this section, the term 'local parent organization' means a parent organization, as defined in section 671(g), that—

"(1) has a board of directors the majority of whom are parents of children with disabilities ages birth through 26 from the community to be served; and

"(2) has as its mission serving parents of children with disabilities who—

"(A) are ages birth through 26; and

"(B) have the full range of disabilities described in section 602(3).

"SEC. 673. TECHNICAL ASSISTANCE FOR PARENT TRAINING AND INFORMATION CENTERS.

"(a) IN GENERAL.—The Secretary may make an award to 1 parent organization (as defined in section 671(g)) that receives assistance under section 671 to enable the parent organization to provide technical assistance for developing, assisting, and coordinating parent training and information programs carried out by parent training and information centers receiving assistance under sections 671 and 672.

"(b) AUTHORIZED ACTIVITIES.—The Secretary may provide technical assistance to a parent training and information center under this section in areas such as—

"(1) effective national coordination of parent training efforts, which includes encouraging collaborative efforts among award recipients under sections 671 and 672;

"(2) dissemination of information, scientifically based research, and research based practices and interventions;

"(3) promotion of the use of technology, including universally designed technologies, assistive technology devices, and assistive technology services;

"(4) reaching underserved populations;

"(5) including children with disabilities in general education programs;

"(6) facilitation of transitions from—

"(A) early intervention services to preschool;

"(B) preschool to elementary school;

"(C) elementary school to secondary school; and

"(D) secondary school to postsecondary environments; and

"(7) promotion of alternative methods of dispute resolution, including mediation.

"(c) REGIONAL PARENT CENTERS.—The recipient of the award described in section 673(a) shall establish no fewer than 4 regional centers from the parent training and information centers and community parent resource centers receiving assistance under sections 671 and 672 for the purpose of carrying out the authorized activities described in subsection (b). These regional centers shall be selected on the basis of the center's—

"(1) willingness to be a regional parent center;

"(2) demonstrated expertise in the delivery of required parent training and information center activities described in section 671(b);

"(3) demonstrated capacity to deliver the authorized activities described in subsection (b);

"(4) history of collaboration with other parent training and information centers, community parent resource centers, regional resource centers, clearinghouses, and other projects; and

"(5) geographic location.

"(d) COLLABORATION WITH THE RESOURCE CENTERS.—The recipient of the award described in subsection (a), in conjunction with the regional parent centers described in subsection (c), shall develop collaborative agreements with the geographically appropriate Regional Resource Center to further parent and professional collaboration.

"SEC. 674. TECHNOLOGY DEVELOPMENT, DEMONSTRATION, AND UTILIZATION; AND MEDIA SERVICES.

"(a) IN GENERAL.—The Secretary, on a competitive basis, shall award grants to, and enter into contracts and cooperative agreements with, eligible entities to support activities described in subsections (b) and (c).

"(b) TECHNOLOGY DEVELOPMENT, DEMONSTRATION, AND USE.—

"(1) IN GENERAL.—In carrying out this section, the Secretary shall support activities to promote the development, demonstration, and use of technology.

"(2) AUTHORIZED ACTIVITIES.—The following activities may be carried out under this subsection:

"(A) Conducting research on and promoting the demonstration and use of innovative, emerging, and universally designed technologies for children with disabilities, by improving the transfer of technology from research and development to practice.

"(B) Supporting research, development, and dissemination of technology with universal design features, so that the technology is accessible to the broadest range of individuals with disabilities without further modification or adaptation.

"(C) Demonstrating the use of systems to provide parents and teachers with information and training concerning early diagnosis of, intervention for, and effective teaching strategies for, young children with reading disabilities.

"(D) Supporting the use of Internet-based communications for students with cognitive disabilities in order to maximize their academic and functional skills.

"(c) EDUCATIONAL MEDIA SERVICES; OPTIONAL ACTIVITIES.—

"(1) IN GENERAL.—In carrying out this section, the Secretary shall support—

"(A) educational media activities that are designed to be of educational value in the classroom setting to children with disabilities;

"(B) providing video description, open captioning, or closed captioning, that is appropriate for use in the classroom setting, of—

"(i) television programs;

"(ii) videos;

"(iii) other materials, including programs and materials associated with new and emerging technologies, such as CDs, DVDs, video streaming, and other forms of multimedia; or

"(iv) news (but only until September 30, 2006);

"(C) distributing materials described in subparagraphs (A) and (B) through such mechanisms as a loan service; and

"(D) providing free educational materials, including textbooks, in accessible media for visually impaired and print disabled students in elementary schools and secondary schools.

"(2) LIMITATION.—The video description, open captioning, or closed captioning described in paragraph (1)(B) shall only be provided when the description or captioning has not been previously provided by the producer or distributor, or has not been fully funded by other sources.

"(d) APPLICATIONS.—Any eligible entity that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2004 through 2009.

"SEC. 675. ACCESSIBILITY OF INSTRUCTIONAL MATERIALS.

"(a) INSTRUCTIONAL MATERIALS ACCESSIBILITY STANDARD.—

"(1) ACCESSIBILITY STANDARD.—Not later than 180 days after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004, the Secretary shall, by rulemaking, promulgate an Instructional Materials Accessibility Standard which shall constitute the technical standards to be used by publishers for the preparation of electronic files for States under section 612(a)(22).

"(2) RELATIONSHIP TO OTHER LAWS.—For purposes of this section:

"(A) AUTHORIZED ENTITY.—Notwithstanding the provisions of section 106 of title 17, United States Code, it is not an infringement of copyright for an authorized entity to reproduce or to distribute copies of the electronic files described in section 612(a)(22)(B), containing the contents of the print instructional materials using the Instructional Materials Accessibility Standard, if such copies are used solely for reproduction or distribution of the contents of such print instructional materials in specialized formats designed exclusively for use by the blind or other persons with print disabilities.

"(B) PUBLISHER.—Notwithstanding the provisions of section of 106 of title 17, United States Code, it is not an infringement of copyright for a publisher to create and distribute copies of the electronic files described in section 612(a)(22)(B), containing the contents of the print instructional materials using the Instructional Material Accessibility Standard, if such copies are used solely for reproduction or distribution of the contents of such print instructional materials in specialized formats designed exclusively for use by the blind or other persons with print disabilities.

"(C) COPIES.—Copies of the electronic files containing the contents of the print instructional materials using the Instructional Materials Accessibility Standard shall be made in compliance with the provisions of section 121(b) of title 17, United States Code, regarding the reproduction and distribution of copyrighted print instructional materials in specialized formats.

"(3) DEFINITIONS.—In this section:

"(A) INSTRUCTIONAL MATERIALS ACCESSIBILITY STANDARD.—The term 'Instructional Materials Accessibility Standard' means the technical standards described in paragraph (2), to be used in the preparation of electronic files suitable and used solely for efficient conversion into specialized formats.

"(B) BLIND OR OTHER PERSONS WITH PRINT DISABILITIES.—The term 'blind or other persons with print disabilities' means children served under this Act and who may qualify in accordance with the Act entitled "An Act to provide books for the adult blind", approved March 3, 1931 (2 U.S.C. 135a; 46 Stat. 1487) to receive books and other publications produced in specialized formats.

"(C) SPECIALIZED FORMATS.—The term 'specialized formats' has the meaning given the term in section 121(c)(3) of title 17, United States Code, and for the purposes of this section, includes synthesized speech, digital audio, and large print.

"(D) PRINT INSTRUCTIONAL MATERIALS.—The term 'print instructional materials' means printed textbooks and related printed core materials that are written and published primarily for use in elementary school and secondary school instruction and are required by a State educational agency or local educational agency for use by pupils in the classroom.

"(E) AUTHORIZED ENTITY.—The term 'authorized entity' has the meaning given the term in section 121(c)(1) of title 17, United States Code.

"(4) APPLICABILITY.—This section shall apply to print instructional materials published and copyrighted after the date on which the final rule establishing the Instructional Materials Accessibility Standard is published in the Federal Register.

"(b) NATIONAL INSTRUCTIONAL MATERIALS ACCESS CENTER.—

"(1) ESTABLISHMENT.—Not later than 2 years after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004, the Secretary shall establish a center, to be known as the National Instructional Materials Access Center, which shall coordinate the acquisition and distribution of print instructional materials prepared in the Instructional Materials Accessibility Standard described in subsection (a)(2).

"(2) RESPONSIBILITIES.—The duties of the National Instructional Materials Access Center are the following:

"(A) To receive and maintain a catalog of print instructional materials made available under section 612(a)(22) and section 613(a)(6).

"(B) To provide authorized entities with access to such print instructional materials, free of charge, in accordance with such terms and procedures as the National Instructional Materials Access Center may prescribe.

"(C) To develop, adopt, and publish procedures to protect against copyright infringement and otherwise to administratively assure compliance with title 17, United States Code, with respect to the print instructional materials provided under section 612(a)(22) and section 613(a)(6).

"(3) CONTRACT AUTHORIZED.—To assist in carrying out paragraph (1), the Secretary shall award, on a competitive basis, a contract renewable on a biennial basis with a nonprofit organization, or with a consortium of such organizations, determined by the Secretary to be best qualified to carry out the responsibilities described in paragraph (2). The contractor shall report directly to the Assistant Secretary for Special Education and Rehabilitative Services.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary.

"SEC. 676. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out sections 671, 672, 673, and 663 such sums as may be necessary for each of the fiscal years 2004 through 2009.

"Subpart 4—Interim Alternative Educational Settings, Behavioral Supports, and Whole School Interventions

"SEC. 681. PURPOSE.

"The purpose of this subpart is to authorize resources to foster a safe learning environment that supports academic achievement for all students by improving the quality of interim alternative educational settings, providing more behavioral supports in schools, and supporting whole school interventions.

"SEC. 682. DEFINITION OF ELIGIBLE ENTITY.

"In this subpart, the term 'eligible entity' means—

"(1) a local educational agency; or

"(2) a consortium consisting of a local educational agency and 1 or more of the following entities:

"(A) another local educational agency;

"(B) a community-based organization with a demonstrated record of effectiveness in helping children with disabilities who have behavioral challenges succeed;

"(C) an institution of higher education;

"(D) a mental health provider; or

"(E) an educational service agency.

"SEC. 683. PROGRAM AUTHORIZED.

"The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities—

"(1) to establish or expand behavioral supports and whole school behavioral interventions by providing for effective, research-based practices, including—

"(A) comprehensive, early screening efforts for students at risk for emotional and behavioral difficulties;

"(B) training for school staff on early identification, prereferral, and referral procedures;

"(C) training for administrators, teachers, related services personnel, behavioral specialists, and other school staff in whole school positive behavioral interventions and supports, behavioral intervention planning, and classroom and student management techniques;

"(D) joint training for administrators, parents, teachers, related services personnel, behavioral specialists, and other school staff on effective strategies for positive behavioral interventions and behavior management strategies that focus on the prevention of behavior problems;

"(E) developing or implementing specific curricula, programs, or interventions aimed at addressing behavioral problems;

"(F) stronger linkages between school-based services and community-based resources, such as community mental health and primary care providers; or

"(G) using behavioral specialists, related services personnel, and other staff necessary to implement behavioral supports; or

"(2) to improve interim alternative educational settings by—

"(A) improving the training of administrators, teachers, related services personnel, behavioral specialists, and other school staff (including ongoing mentoring of new teachers);

"(B) attracting and retaining a high quality, diverse staff;

"(C) providing for on-site counseling services;

"(D) using research-based interventions, curriculum, and practices;

"(E) allowing students to use instructional technology that provides individualized instruction;

"(F) ensuring that the services are fully consistent with the goals of the individual student's IEP;

"(G) promoting effective case management and collaboration among parents, teachers, physicians, related services personnel, behavioral specialists, principals, administrators, and other school staff;

"(H) promoting interagency coordination and coordinated service delivery among schools, juvenile courts, child welfare agencies, community mental health providers, primary care providers, public recreation agencies, and community-based organizations; or

"(I) providing for behavioral specialists to help students transitioning from interim alternative educational settings reintegrate into their regular classrooms.

"SEC. 684. PROGRAM EVALUATIONS.

"(a) REPORT AND EVALUATION.—Each eligible entity receiving a grant under this subpart shall prepare and submit annually to the Secretary a report on the outcomes of the activities assisted under the grant.

"(b) BEST PRACTICES ON WEBSITE.—The Secretary shall make available on the Department's website information for parents, teachers, and school administrators on best practices for interim alternative educational settings, behavior supports, and whole school intervention.

"SEC. 685. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart $50,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

TITLE II—AMENDMENTS TO THE REHABILITATION ACT OF 1973

SEC. 201. FINDINGS.

Section 2(a) of the Rehabilitation Act of 1973 (29 U.S.C. 701(a)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(7) there is a substantial need to improve and expand services for students with disabilities under this Act.".

SEC. 202. DEFINITIONS.

Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) is amended—

(1) by redesignating paragraphs (35) through (39) as paragraphs (36), (37), (38), (40), and (41), respectively;

(2) in subparagraph (A)(ii) of paragraph (36) (as redesignated in paragraph (1)), by striking "paragraph (36)(C)" and inserting "paragraph (37)(C)";

(3) by inserting after paragraph (34) the following:

"(35)(A) The term 'student with a disability' means an individual with a disability who—

"(i) is not younger than 14 and not older than 21;

"(ii) has been determined to be eligible under section 102(a) for assistance under this title; and

"(iii)(I) is eligible for, and is receiving, special education under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); or

"(II) is an individual with a disability, for purposes of section 504.

"(B) The term 'students with disabilities' means more than 1 student with a disability."; and

(4) by inserting after paragraph (38) the following:

"(39) The term 'transition services expansion year' means—

"(A) the first fiscal year for which the amount appropriated under section 100(b) exceeds the amount appropriated under section 100(b) for fiscal year 2004 by not less than $100,000,000; and

"(B) each fiscal year subsequent to that first fiscal year.".

SEC. 203. STATE PLAN.

(a) ASSESSMENT AND STRATEGIES.—Section 101(a)(15) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(15)) is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (II), by striking "and" at the end;

(B) in subclause (III), by adding "and" at the end; and

(C) by adding at the end the following:

"(IV) in a transition services expansion year, students with disabilities, including their need for transition services;"; and

(2) in subparagraph (D)—

(A) by redesignating clauses (iii), (iv), and (v) as clauses (iv), (v), and (vi), respectively; and

(B) by inserting after clause (ii) the following:

"(iii) in a transition services expansion year, the methods to be used to improve and expand vocational rehabilitation services for students with disabilities, including the coordination of services designed to facilitate the transition of such students from the receipt of educational services in school to the receipt of vocational rehabilitation services under this title or to postsecondary education or employment;".

(b) SERVICES FOR STUDENTS WITH DISABILITIES.—Section 101(a) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)) is amended by adding at the end the following:

"(25) SERVICES FOR STUDENTS WITH DISABILITIES.—The State plan for a transition services expansion year shall provide an assurance satisfactory to the Secretary that the State—

"(A) has developed and implemented strategies to address the needs identified in the assessment described in paragraph (15), and achieve the goals and priorities identified by the State, to improve and expand vocational rehabilitation services for students with disabilities on a statewide basis in accordance with paragraph (15); and

"(B) from funds reserved under section 110A, shall carry out programs or activities designed to improve and expand vocational rehabilitation services for students with disabilities that—

"(i) facilitate the transition of the students with disabilities from the receipt of educational services in school, to the receipt of vocational rehabilitation services under this title, including, at a minimum, those services specified in the interagency agreement required in paragraph (11)(D);

"(ii) improve the achievement of post-school goals of students with disabilities, including improving the achievement through participation (as appropriate when vocational goals are discussed) in meetings regarding individualized education programs developed under section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414);

"(iii) provide vocational guidance, career exploration services, and job search skills and strategies and technical assistance to students with disabilities;

"(iv) support the provision of training and technical assistance to State and local educational agency and designated State agency personnel responsible for the planning and provision of services to students with disabilities; and

"(v) support outreach activities to students with disabilities who are eligible for, and need, services under this title.".

SEC. 204. SCOPE OF SERVICES.

Section 103 of the Rehabilitation Act of 1973 (29 U.S.C. 723) is amended—

(1) in subsection (a), by striking paragraph (15) and inserting the following:

"(15) transition services for students with disabilities, that facilitate the achievement of the employment outcome identified in the individualized plan for employment, including, in a transition services expansion year, services described in clauses (i) through (iii) of section 101(a)(25)(B);"; and

(2) in subsection (b), by striking paragraph (6) and inserting the following:

"(6)(A)(i) Consultation and technical assistance services to assist State and local educational agencies in planning for the transition of students with disabilities from school to post-school activities, including employment.

"(ii) In a transition services expansion year, training and technical assistance described in section 101(a)(25)(B)(iv).

"(B) In a transition services expansion year, services for groups of individuals with disabilities who meet the requirements of clauses (i) and (iii) of section 7(35)(A), including services described in clauses (i), (ii), (iii), and (v) of section 101(a)(25)(B), to assist in the transition from school to post-school activities.".

SEC. 205. STANDARDS AND INDICATORS.

Section 106(a) of the Rehabilitation Act of 1973 (29 U.S.C. 726(a)) is amended by striking paragraph (1)(C) and all that follows through paragraph (2) and inserting the following:

"(2) MEASURES.—The standards and indicators shall include outcome and related measures of program performance that—

"(A) facilitate the accomplishment of the purpose and policy of this title;

"(B) to the maximum extent practicable, are consistent with the core indicators of performance, and corresponding State adjusted levels of performance, established under section 136(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(b)); and

"(C) include measures of the program's performance with respect to the transition to post-school vocational activities, and achievement of the post-school vocational goals, of students with disabilities served under the program.".

SEC. 206. RESERVATION FOR EXPANDED TRANSITION SERVICES.

The Rehabilitation Act of 1973 is amended by inserting after section 110 (29 U.S.C. 730) the following:

"SEC. 110A. RESERVATION FOR EXPANDED TRANSITION SERVICES.

"(a) RESERVATION.—From the State allotment under section 110 in a transition services expansion year, each State shall reserve an amount calculated by the Commissioner under subsection (b) to carry out programs and activities under sections 101(a)(25)(B) and 103(b)(6).

"(b) CALCULATION.—The Commissioner shall calculate the amount to be reserved for such programs and activities for a fiscal year by each State by multiplying $50,000,000 by the percentage determined by dividing—

"(1) the amount allotted to that State under section 110 for the prior fiscal year; by

"(2) the total amount allotted to all States under section 110 for that prior fiscal year.".

SEC. 207. CONFORMING AMENDMENT.

Section 1(b) of the Rehabilitation Act of 1973 is amended by inserting after the item relating to section 110 the following:

"Sec. 110A. Reservation for expanded transition services.".

TITLE III—NATIONAL CENTER FOR SPECIAL EDUCATION RESEARCH

SEC. 301. NATIONAL CENTER FOR SPECIAL EDUCATION RESEARCH.

(a) Amendment.—The Education Sciences Reform Act of 2002 (20 U.S.C. 9501 et seq.) is amended—

(1) by redesignating part E as part F; and

(2) by inserting after part D the following:

"PART E—NATIONAL CENTER FOR SPECIAL EDUCATION RESEARCH

"SEC. 175. ESTABLISHMENT.

"(a) Establishment.—There is established in the Institute a National Center for Special Education Research.

"(b) Mission.—The mission of the National Center for Special Education Research (in this part referred to as the 'Special Education Research Center') is—

"(1) to sponsor research to expand knowledge and understanding of the needs of infants, toddlers, and children with disabilities in order to improve the developmental, educational, and transitional results of such individuals;

"(2) to sponsor research to improve services provided under, and support the implementation of, the Individuals with Disabilities Education Act; and

"(3) to evaluate the implementation and effectiveness of the Individuals with Disabilities Education Act in coordination with the National Center for Education Evaluation and Regional Assistance.

"(c) Applicability of Education Sciences Reform Act of 2002.—Parts A and F, and the standards for peer review of applications and for the conduct and evaluation of research under sections 133(a) and 134, respectively, shall apply to the Secretary, the Director, and the Commissioner in carrying out this part.

"SEC. 176. COMMISSIONER FOR SPECIAL EDUCATION RESEARCH.

"The Special Education Research Center shall be headed by a Commissioner for Special Education Research (in this part referred to as 'the Special Education Research Commissioner') who shall have substantial knowledge of the Special Education Research Center's activities, including a high level of expertise in the fields of research, research management, and the education of children with disabilities.

"SEC. 177. DUTIES.

"(a) General Duties.—The Special Education Research Center shall carry out research activities under this part consistent with the mission described in section 175(b), such as activities that—

"(1) improve services provided under the Individuals with Disabilities Education Act in order to improve—

"(A) academic achievement, functional outcomes, and educational results for children with disabilities; and

"(B) developmental outcomes for infants and toddlers;

"(2) identify scientifically based educational practices that support learning and improve academic achievement, functional outcomes, and educational results for all students with disabilities;

"(3) examine the special needs of preschool aged children, infants, and toddlers with disabilities, including factors that may result in developmental delays;

"(4) identify scientifically based related services and interventions that promote participation and progress in the general education curriculum and general education settings;

"(5) improve the alignment, compatibility, and development of valid and reliable assessments, including alternate assessments, as required by section 1111(b) of the Elementary and Secondary Education Act of 1965;

"(6) examine State content standards and alternate assessments for students with significant cognitive impairment in terms of academic achievement, individualized instructional need, appropriate education settings, and improved post-school results;

"(7) examine the educational, developmental, and transitional needs of children with high incidence and low incidence disabilities;

"(8) examine the extent to which overidentification and underidentification of children with disabilities occurs, and the causes thereof;

"(9) improve reading and literacy skills of children with disabilities;

"(10) examine and improve secondary and postsecondary education and transitional outcomes and results for children with disabilities;

"(11) examine methods of early intervention for children with disabilities, including children with multiple or complex developmental delays;

"(12) examine and incorporate universal design concepts in the development of standards, assessments, curricula, and instructional methods as a method to improve educational and transitional results for children with disabilities;

"(13) improve the preparation of personnel, including early intervention personnel, who provide educational and related services to children with disabilities to increase the academic achievement and functional performance of students with disabilities;

"(14) examine the excess costs of educating a child with a disability and expenses associated with high cost special education and related services;

"(15) help parents improve educational results for their children, particularly related to transition issues; and

"(16) address the unique needs of children with significant cognitive disabilities.

"(b) Standards.—The Commissioner of Special Education Research shall ensure that activities assisted under this section—

"(1) conform to high standards of quality, integrity, accuracy, validity, and reliability;

"(2) are carried out in conjunction with the standards for the conduct and evaluation of all research and development established by the National Center for Education Research; and

"(3) are objective, secular, neutral, and nonideological, and are free of partisan political influence, and racial, cultural, gender, regional, or disability bias.

"(c) Plan.—The Commissioner of Special Education Research shall propose to the Director a research plan, developed in collaboration with the Assistant Secretary for Special Education and Rehabilitative Services, that—

"(1) is consistent with the priorities and mission of the Institute and the mission of the Special Education Research Center;

"(2) is carried out, updated, and modified, as appropriate;

"(3) is consistent with the purpose of the Individuals with Disabilities Education Act;

"(4) contains an appropriate balance across all age ranges and types of children with disabilities;

"(5) provides for research that is objective and uses measurable indicators to assess its progress and results;

"(6) is coordinated with the comprehensive plan developed under section 661 of the Individuals with Disabilities Education Act; and

"(7) provides that the research conducted under part D of the Individuals with Disabilities Education Act is relevant to special education practice and policy.

"(d) Grants, Contracts, and Cooperative Agreements.—In carrying out the duties under this section, the Director may award grants to, or enter into contracts or cooperative agreements with, eligible entities.

"(e) Applications.—An eligible entity that wishes to receive a grant, or enter into a contract or cooperative agreement, under this part shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

"(f) Dissemination.—The Special Education Research Center shall—

"(1) synthesize and disseminate, through the National Center for Education Evaluation and Regional Assistance, the findings and results of special education research conducted or supported by the Special Education Research Center; and

"(2) assist the Director in the preparation of a biennial report, as described in section 119.

"(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2004 through 2009.".

(b) Conforming Amendments.—

(1) Education Sciences Reform Act of 2002.—The Education Sciences Reform Act of 2002 (20 U.S.C. 9501 et seq.) is amended—

(A) in section 111(b)(1)(A) (20 U.S.C. 9511(b)(1)(A)), by inserting "and special education" after "early childhood education".

(B) in section 111(c)(3) (20 U.S.C. 9511(c)(3))—

(i) in subparagraph (B), by striking "and" after the semicolon;

(ii) in subparagraph (C), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(D) the National Center for Special Education Research (as described in part E).";

(C) in section 115(a) (20 U.S.C. 9515(a)), by striking "including those" and all that follows through "such as" and inserting "including those associated with the goals and requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), such as"; and

(D) in section 116(c)(4)(A)(ii) (20 U.S.C. 9516(c)(4)(A)(ii) is amended by inserting "special education experts," after "early childhood experts,".

(2) Elementary and Secondary Education Act of 1965.—Section 1117(a)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6317(a)(3)) is amended by striking "part E" and inserting "part D".

(c) Transition Provisions.—

(1) Orderly Transition.—Notwithstanding any other provision of law, the Secretary of Education shall take such steps as are necessary to provide for the orderly transition to, and implementation of, part E of the Education Science Reform Act of 2002, as enacted by subsection (a), from research activities carried out under section 672 of the Individuals with Disabilities Education Act (as such section was in effect on the day before the date of enactment of this Act).

(2) Continuation of Awards.—The Secretary of Education shall continue research awards made under section 672 of the Individuals with Disabilities Education Act (as such section was in effect on the day before the date of enactment of this Act) that are in effect on the day before the date of enactment of this Act in accordance with the terms of those awards.

(d) Effective Dates.—Notwithstanding any other provision of law—

(1) the amendments made by subsections (a) and (b) of this section shall take effect on October 1, 2004; and

(2) section 672 of the Individuals with Disabilities Education Act (as such section was in effect on the day before the date of enactment of

this Act) shall remain in effect through September 30, 2004.

SEC. 302. NATIONAL BOARD FOR EDUCATION SCIENCES.

Section 116(c)(9) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9516(c)(9)) is amended by striking the third sentence and inserting the following: "Meetings of the Board are subject to section 552b of title 5, United States Code (commonly referred to as the Government in the Sunshine Act).".

SEC. 303. REGIONAL ADVISORY COMMITTEES.

Section 206(d)(3) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9605(d)(3)) is amended by striking "Academy" and inserting "Institute".

TITLE IV—COMMISSION ON UNIVERSAL DESIGN AND THE ACCESSIBILITY OF CURRICULUM AND INSTRUCTIONAL MATERIALS

SEC. 401. COMMISSION ON UNIVERSAL DESIGN AND THE ACCESSIBILITY OF CURRICULUM AND INSTRUCTIONAL MATERIALS.

(a) ESTABLISHMENT AND PURPOSE.—

(1) ESTABLISHMENT.—There is established a Commission (hereafter in this section referred to as the "Commission") to study, evaluate, and make appropriate recommendations to the Congress and to the Secretary on universal design and accessibility of curriculum and instructional materials for use by all children, with a particular focus on children with disabilities, in elementary schools and secondary schools.

(2) PURPOSE.—The purpose of the Commission is—

(A) to survey the issues related to improving access to curriculum and instructional materials for children with disabilities, with and without assistive technologies;

(B) to study the benefits, current or potential costs, and challenges of developing and implementing a standard definition of the term universal design as a means to achieve accessibility of curriculum and instructional materials, and as the Commission determines necessary, to recommend a definition for the term universal design, or other terms, taking into consideration educational objectives, investment of resources, state of technology, and effect on development of curriculum and instructional materials;

(C) to examine issues related to the need for and current availability and accessibility of curriculum and instructional materials for use in elementary schools and secondary schools by children with disabilities, gaps in or conflicts among relevant technical standards, educational quality, availability of instructional materials, technical standards, intellectual property rights, and the economic and technical feasibility of implementing any recommended definitions; and

(D) to provide the Congress and the Secretary, not later than 24 months after the date of enactment of this Act, the report described in subsection (d).

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 21 members, of which—

(A) 3 members shall be appointed by the Majority Leader of the Senate;

(B) 2 members shall be appointed by the Minority Leader of the Senate;

(C) 3 members shall be appointed by the Speaker of the House of Representatives;

(D) 2 members shall be appointed by the Minority Leader of the House;

(E) 8 members shall be appointed by the Secretary including representatives of States, local educational agencies, publishers of instructional material, individuals with disabilities, technical standard setting bodies, and authorized entities as defined in section 121(c)(1) of title 17, United States Code; and

(F) 3 members shall be appointed by the Registrar of Copyrights.

(2) EXPERTISE OF COMMISSIONERS.—All members of the Commission shall be individuals who have been appointed on the basis of technical qualifications, professional expertise, and demonstrated knowledge and shall include at least 4 representatives of each of the following:

(A) publishers of instructional materials, including of textbooks, software, and other print, electronic, or digital curricular materials;

(B) elementary and secondary education, including teachers, special educators, and State and local education officials or administrators;

(C) researchers in the fields of disabilities, technology, and accessible media;

(D) experts in intellectual property rights; and

(E) advocates of children with disabilities, including parents of blind, visually impaired, deaf, hearing impaired, physically challenged, cognitively impaired, or learning disabled, or representatives of organizations that advocate for such children.

(3) DATE.—The appointment of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(4) PERIOD OF APPOINTMENT AND VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(5) INITIAL MEETING.—Not later than 45 days after the date on which all members of the Commission have been appointed, the Commission shall hold the Commission's first meeting.

(6) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(7) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(8) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a chairperson and vice chairperson from among the members of the Commission.

(c) DUTIES OF THE COMMISSION.—The Commission shall study and make recommendations to Congress and the Secretary regarding—

(1) the purposes of the Commission described in subsection (a)(2);

(2) priority topics for additional research;

(3) the availability and accessibility of curricula and instructional materials, including print, software, CD–ROM, video, and Internet, for use in elementary schools and secondary schools by children with disabilities, including—

(A) the numbers of affected children with disabilities, by grade, age, and type of disability;

(B) the technical and other means by which such materials are made accessible, such as assistive technologies, electronic versions, large print, closed captioning, video description, and Braille, and any conflicts between relevant technical standards by which instructional materials are made accessible;

(C) the steps taken by State and local educational agencies to support accessibility, including through State adoption and procurement policies, the acquisition and integration of assistive technology, and any State and local requirements or standards;

(D) timeliness of receipt of such materials by children with disabilities; and

(E) continued barriers to access to such materials; and

(4) the potential and likely effects of providing accessible or universally designed materials for all students in elementary schools and secondary schools, with a particular focus on children with disabilities, including—

(A) an analysis of the current and potential costs to develop and provide accessible instructional materials, with and without specialized formats, to publishers, States, local educational agencies, schools, and others, broken down by—

(i) type of disability, including physical, sensory, and cognitive disability;

(ii) type of instructional materials, including by grade and by basal and supplemental materials; and

(iii) type of media, including print, electronic, software, web-based, audio, and video; and

(B) an analysis of the effects of any recommended definitions regarding—

(i) the availability and quality of instructional materials for nondisabled students, and innovation in the development and delivery of these materials;

(ii) State learning content standards that are media-, skill-, or pedagogically-based and may therefore be compromised;

(iii) prices of instructional materials and the impact of the definitions on State and local budgets; and

(iv) intellectual property rights in connection with the development, distribution, and use of curriculum and instructional materials.

(d) PUBLIC HEARINGS.—As part of the study conducted under this subsection, the Commission shall hold public hearings, including through the use of the Internet or other technologies, for the purposes referred to in subsection (a).

(e) REPORT.—

(1) INTERIM REPORT.—Not later than 12 months after the establishment of the Commission, the Commission shall provide to the Secretary and Congress an interim report on the Commission's activities during the Commission's first year and any preliminary findings.

(2) FINAL REPORT.—Not later than 24 months after the establishment of the Commission, the Commission shall submit a report to the Secretary and Congress that shall contain—

(A) recommendations determined necessary regarding definitions of the terms described in subsection (a)(2)(B);

(B) recommendations for additional research; and

(C) a detailed statement of the findings and conclusions of the Commission resulting from the study of the issues identified in subsection (a)(2)(C).

(f) POWERS OF THE COMMISSION.—

(1) AUTHORITY OF COMMISSION.—The Commission may hold such hearings, convene and act at such times and places, take such testimony, and receive such evidence, as the Commission considers necessary to carry out the responsibilities of the Commission.

(2) USE OF MAIL.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(3) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(4) COMPENSATION.—Except as provided in paragraph (5), each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(5) PER DIEM.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(6) EMPLOYMENT AND COMPENSATION OF EMPLOYEES.—Except as otherwise provided in this section and consistent with section 3161 of title 5, United States Code, the Chairperson may appoint, fix the compensation of, and terminate an

executive director and such additional employees as may be necessary to enable the Commission to perform the Commission's duties.

(7) DETAILING OF FEDERAL EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(8) TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(g) TERMINATION OF THE COMMISSION.—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits its final report under subsection (e)(2).

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There are authorized to be appropriated $750,000 for fiscal year 2004, and such sums as necessary for fiscal year 2005 to carry out the provisions of this section.

(2) AVAILABILITY.—Any sums appropriated under the authorization contained in this subsection shall remain available, without fiscal year limitation, until expended.

TITLE V—MISCELLANEOUS

SEC. 501. AMENDMENT TO CHILDREN'S HEALTH ACT OF 2000.

Section 1004 of the Children's Health Act of 2000 (42 U.S.C. 285g note) is amended—

(1) in subsection (b), by striking "Agency" and inserting "Agency, and the Department of Education"; and

(2) in subsection (c)—

(A) in paragraph (2), by striking "and" after the semicolon;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) be conducted in compliance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g), including the requirement of prior parental consent for the disclosure of any education records, except without the use of authority or exceptions granted to authorized representatives of the Secretary of Education for the evaluation of Federally-supported education programs or in connection with the enforcement of the Federal legal requirements that relate to such programs.".

SEC. 502. GAO REVIEW OF CHILD MEDICATION USAGE.

(a) REVIEW.—The Comptroller General shall conduct a review of—

(1) the extent to which personnel in schools actively influence parents in pursuing a diagnosis of attention deficit disorder and attention deficit hyperactivity disorder;

(2) the policies and procedures among public schools in allowing school personnel to distribute controlled substances; and

(3) the extent to which school personnel have required a child to obtain a prescription for substances covered by section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) to treat attention deficit disorder, attention deficit hyperactivity disorder, or other attention deficit-related illnesses or disorders, in order to attend school or be evaluated for services under the Individuals with Disabilities Education Act.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress a report that contains the results of the review under subsection (a).

Mr. KENNEDY. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE SPECIAL EDUCATION REAUTHORIZATION BILL

Mrs. FEINSTEIN. Mr. President, I would like to take a few minutes today to talk about the special education reauthorization bill, S. 1248, that was passed on the Senate floor today.

I start by thanking Senators GREGG and KENNEDY, in particular, for their hard work in crafting this bill over the course of the last two Congresses. This reauthorization process has truly been a bipartisan effort and is an example of what happens when partisan differences are set aside to work toward common goals. There are few more appropriate issues on which to work together than ensuring all children, regardless of their lot in life, are guaranteed an education that suits their needs.

I support this bill because it is a step in the right direction. It is not perfect, but it reaches a fair compromise by giving States and schools greater administrative and fiscal flexibility, while continuing to provide parents with disabled children the assurances that their children will continue to get an appropriate education.

This bill focuses on two main concepts: aligning special education law with No Child Left Behind and ensuring greater mechanisms are in place to allow disabled students to transition into mainstream society after high school graduation.

No Child Left Behind requires States and school districts to ensure that all students are learning and are reaching their highest potential. Special education students should not be left out of these accountability mechanisms. They should have the same level of support and guidance as nondisabled students, and have the same opportunities to enter the workforce and continue their education after high school. The goal of this reauthorization bill was to put provisions in place to allow teachers and parents to plan early for special education students to make a life for themselves after graduation.

I believe it is going to really help my State and other States around the country by giving teachers more guidance and support to do their jobs, and giving parents greater involvement in how their children are educated. I also hope that it will help identify children early—as infants and toddlers—so that they can receive the services they need before it is necessary for them to enter a special education classroom.

One notable provision that the Senate attached to this bill on the floor this week is a mechanism to guide Congress toward meeting its commitment to provide States with 40 percent of the excess costs associated with educating students with special needs.

Although the original special education law, which was passed in 1975, gave States assurances that the Federal Government would reimburse States for the cost of educating special education students, Congress has never come close to meeting its goal.

Today, for instance, States are receiving about 19 percent or $10 billion in Federal funding to be used for educating special needs children. And while Congress has worked hard over the last 7 years to make greater investments in special education, States continue to struggle to educate special needs students because of how costly it is to teach them.

The amendment offered by Senator GREGG and supported by myself and 95 other Senators sets up a timeline by which Congress will move toward its goal of funding 40 percent of the cost of special education. Every year, from now until 2011, Congress can use its discretion to appropriate up to $2 billion each year for special education.

This new funding mechanism will mean States could see their Federal share of special education funds double over the course of the next 6 years.

In California, where State schools educate 11 percent—or roughly 675,000 students—of the Nation's special education K through 12 population, school districts will receive $1.7 billion in Federal dollars this year. In spite of the large amount of funding the State receives, I am told that they have been forced to transfer billions of dollars annually from general education to special education due to Congress' failure to keep its promise to fully fund special education.

An increase in the Federal funding commitment will mean that California could receive up to $2.7 billion a year in special education funding by 2011 and will no longer have to shuffle money from their general education budgets to underwrite the cost of educating special needs students.

So this funding promise will make a huge difference to States and school districts and one that I was happy to support. Schools will now have predictable special education funding that they can count on when balancing their budgets and planning for future years.

I also urge the Senate's support, in conference, of a provision adopted by the House which would require that increases in Federal funding above fiscal year 2003 levels be directly allocated to the local level. This would ensure that all IDEA funding gets down to our school districts that are responsible for providing quality education to children with disabilities.

In California, this provision is critical in meeting the Federal responsibilities to assist all students with disabilities, including the thousands of students with physical and mental disabilities served by the State's large county education offices, such as Los Angeles, San Francisco, and San Diego, that are tasked with educating the State's vast majority of special needs children.

So I am satisfied that this bill will meet the needs of both school districts and parents. I hope it will help give students the tools they need to become productive citizens, teachers more flexibility to do their jobs, parents greater ability to work with schools to ensure that their children are getting the services to which they are entitled, and States the funding and oversight necessary to make sure that education for disabled students is as seamless as for nondisabled students. I am pleased to support it.

The PRESIDING OFFICER. The Senator from Kentucky.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

ORDER OF BUSINESS

Mr. REID. Mr. President, while the distinguished majority whip is on the floor, Senator BINGAMAN has been working for more than a year on a medal that would go to those military men and women who participated in Afghanistan and Iraq. That matter has passed the House of Representatives without a single dissenting vote. Senator BINGAMAN has informed me he has spoken to Senator WARNER, and Senator WARNER believes this matter should come up at the earliest possible date.

In short, we hope we can get to this important piece of legislation today. We could do it very quickly. There would be very short speeches. I bet we could do it in an hour evenly divided. There would be no one against it, but both sides could speak in favor of this legislation. It would pass without a dissenting vote.

I think it would send a tremendous message to the fighting men and women in Afghanistan and Iraq that they would receive a medal for their participation in those conflicts in those two countries.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I respond by saying we are working that issue on this side of the aisle and hope to have a response to the Senator's request shortly.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

50-YEAR ANNIVERSARY OF BROWN v. BOARD OF EDUCATION

Mr. SPECTER. Madam President, I have sought recognition to comment on two subjects this afternoon. First, this is the 50-year anniversary of the historic decision in Brown v. Board of Education where the Supreme Court of the United States ruled that separate but equal education facilities violated the U.S. Constitution and ordered the integration of schools in the United States.

That is historic because for the first time it gave real meaning to equality and the equal protection of the law clause of the 14th amendment.

Prior to Brown v. Board of Education, segregation had been the rule of the day. The 14th amendment, incorporating the equal protection clause and due process of law, was enacted in 1868. At that time, the galleries of the Senate were segregated, and the manager of the 14th amendment in the House of Representatives, in commenting about what equal protection meant, did not mean that the races would share accommodations together. Then in the celebrated case of Plessy v. Ferguson decided by the Supreme Court of the United States in 1896, an 8-to-1 decision, the Supreme Court decided that the equal protection clause was satisfied if the facilities were equal even though they were separate. That remained the law of the land for the next 58 years until 1954 with Brown v. Board of Education.

The decisions in this field are the best examples of the vitality of the U.S. Constitution and the way the Constitution reflects the fundamental values of a society, which have changed in the course of time. Justice Cardoza, in the celebrated case of Palko v. Connecticut, articulated the changing constitutional doctrine when he talked about the fundamental values of our society.

There are still some who contend that original intent is the only way to interpret the U.S. Constitution. In the first place, it is very hard to divine what the intent was of the Founding Fathers in 1787 when the Constitution was signed, even more difficult to figure out the intent of the ratifiers of the U.S. Constitution; and then when there is the equal protection clause, there is no doubt that the intent of those who spoke to equal protection was not to have integration. When the fundamental values of our society changed in the intervening years, the Supreme Court of the United States recognized that and interpreted the Constitution and equality and equal protection in a very different way.

When I was in the Philadelphia District Attorney's Office, I saw firsthand the changing values that led to new and different constitutional doctrines. The case of Mapp v. Ohio decided in 1961 started a cavalcade or an avalanche of Supreme Court decisions which changed the constitutional law of defendants' rights.

In Wolf v. Colorado in 1949, the Supreme Court of the United States said that the due process clause of the 14th amendment did not incorporate the fourth amendment prohibition against search and seizure.

Back in 1916, in Weeks v. The United States, the Supreme Court ruled that evidence obtained by an unreasonable search and seizure could not be introduced in a criminal prosecution. But that was not applicable to the States until the U.S. Supreme Court broadened what due process meant and said the fourth amendment prohibition against unreasonable search and seizure was a fundamental value in our society and it applied to State prosecutions as well.

I recall one case that came up in the Philadelphia criminal court not long thereafter where the defense advanced the concept of unreasonable search and seizure and cited Mapp v. Ohio, and the Philadelphia judge said, well, that is a Ohio case, and disregarded the constitutional law. He later found out that Ohio cases were binding in Pennsylvania when they are decided by the Supreme Court of the United States.

Mapp v. Ohio was then followed by a case involving a right to counsel, and it was decided that there was a constitutional right to counsel. Justice Black said that anyone who was hauled into court had a right to counsel in a State prosecution.

Then the Escobedo v. Illinois case in 1964 concluded that a defendant was entitled to certain warnings, and Miranda v. Arizona in 1966 expanded that doctrine.

In my tenure in the Philadelphia District Attorney's Office I saw firsthand on an ongoing basis the prosecutor's job being made more complicated, but understandably so, and in the long trail of history, decisions which improved the quality of our civilization so that due process of law had broader concepts.

The principal case in the field continues to be Brown v. Board of Education, and it is time to reminisce a bit, time to focus. There is still a great deal more to be done on equality in our society. If we take a look at the statistics of earnings of African Americans versus Caucasians—way down. If we take a look at the earning opportunities for women, the glass ceiling still prevails. There is decided improvement in the Senate. When I was elected, only Senator Nancy Kassebaum of Kansas had been in this Chamber as a woman, and Senator Paula Hawkins was elected in 1980 as the second woman. Now the number is 14 and growing. The Senate is a better place for the additional women whom we have. At the top of the list is the distinguished Presiding Officer—or near the top of the list, or tied for the top of the list; I do not want to get into too many comparisons—the distinguished Senator from Alaska, LISA MURKOWSKI.

THE FAIRNESS IN ASBESTOS INJURY RESOLUTION ACT

Mr. SPECTER. I have also sought recognition to comment about the status of pending asbestos legislation under S. 2290, the Fairness in Asbestos Injury Resolution Act. The Judiciary Committee passed out of committee a bill in July of last year, largely along party lines, which I supported because I thought it important to move the legislation forward even though I had grave reservations about the quality of the bill.

There was no doubt that there was an urgent need for Federal legislation on this subject because some 70 corporations have gone bankrupt, thousands of individuals who have been exposed to asbestos have deadly diseases, mesothelioma and other ailments, and were not being compensated because their employers, potential defendants, were bankrupt. I enlisted the aid—he is still a very young man, although a senior judge—of the former chief judge for the Court of Appeals for the Third Circuit, Edward Becker, who is now a senior judge, having taken that status in May of last year, and I asked him to assist in trying to resolve many of the problems in the asbestos issue. For 2 days in August of last year he and I met in his chambers with representatives of the manufacturers, the insurers, the reinsurers, the AFL–CIO, and the trial lawyers, trying to work through many of the problems. On many intervening days since last August, he and I have met with those parties in my conference room, trying to work out many of the complex issues.

These efforts were recognized by the majority leader, Senator FRIST, and the leader of the Democrats, Senator DASCHLE, who asked Judge Becker to take on formal status as a mediator. He has spent many hours, many days working under the auspices of the leaders.

Right now, the efforts to find a legislative solution have been held in abeyance because of the differences between the manufacturers, insurers, and reinsurers on one side, and the stakeholders, representing the injured parties, the AFL–CIO, and the trial lawyers, on the other, as to what the amount of the trust fund ought to be.

The concept of a trust fund is an outstanding idea. Senator HATCH, the chairman of the Judiciary Committee, deserves great credit for moving the legislation in the direction of a trust fund with a schedule of payments analogous to workmen's compensation so the cases would not have to go through the litigation process. But a fund would be established to pay them once their damages were determined; credit also to Senator LEAHY, the ranking member, and credit also to members of the Judiciary Committee and the leadership, Senator FRIST and Senator DASCHLE, and many others.

I asked Judge Becker to submit a memorandum summarizing where the issue stood, which at an appropriate time I will ask to have printed in the RECORD. Judge Becker's memorandum notes:

> ... . the achievements on an administrative structure for processing claims, and on provisions for judicial review.

And, further:

> . . . other significant matters such as the definition of exigent claims, timing of payments, and . . . some consensus on certain concepts such as the anatomy of the "start up". . . .

There was:

> . . . a much clearer understanding [as a result of these mediation efforts] on the troublesome issue of projecting disease incidence . . . and claim filings over the next [many] years.

Judge Becker noted that:

> . . . there are still some loose ends to be tied down, especially on the issue of distribution of non-cancer asbestos claimants with increasing degrees of lung impairment claims . . .

And noted further:

> . . . a significant breakthrough on the related issue of partial "sunset". . . .

And then itemized some of the issues which have yet to be resolved:

> Treatment of pending claims and bankruptcies; subrogation of workers compensation payments; and the venue of any revision to the tort system as a vehicle for "sunset". . . .

As noted, these mediation efforts have achieved a great deal. Much of the controversy has been resolved and many of the other issues, although not resolved, have seen very substantial progress.

There is a considerable difference, as noted, as to what the fund ought to be with the insurers, reinsurers, and manufacturers on one side and the injured workers represented by the AFL–CIO and the trial lawyers on the other side. Judge Becker notes in his memorandum he is duty-bound not to make a disclosure as where the parties stand, but also noted there have already been disclosures by the parties. So it is not really a secret matter. But I will respect the confidentiality the leaders asked for, and not talk about that.

I think maybe a certain hiatus in the negotiations would be appropriate. Judge Becker concluded his intensive 6 days of mediation last week. I have been talking to the parties on both sides and it is my hope to reconvene the mediation process.

If the matter goes back to committee, it will not have the input from all of the stakeholders which is so important and so vital in understanding all the issues and trying to come to agreement. The parties may be motivated by reconstituting negotiations because of their desire to find a way to have agreement as opposed to having the Senate impose decisions that are not agreed to by the parties.

I think it would be unfortunate if the Senate imposed the judgment as to where we stand on these complex issues because I think they require a lot more detail and a lot more study than the Judiciary Committee can give them. It is a much better forum to have the parties continue to work. As to the amount of money, it is my hope there will be flexibility on all sides.

We ought not to consider this as a matter for extracting the last dollar one way or another because there are so many thousands of injured workers who have mesothelioma, which is deadly, who are not being compensated because their companies are bankrupt. There are some 70 companies in bankruptcy. It would be an enormous help to the economy if there could be a resolution of this very troublesome problem.

I ask unanimous consent the full text of Judge Becker's memorandum to me, dated May 11, be printed in the RECORD following my comments.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM

Date: May 11, 2004.
To: Senator Arlen Specter.
From: Judge Edward R. Becker.
Re: Pending Asbestos Legislation S. 2290 (Fairness in Asbestos Injury Resolution Act; Status Report on Mediation).

You have asked that I update my previous evaluation of the status of the efforts to achieve a consensus among the manufacturers and other defendant companies, the insurers, the reinsurers, organized labor, and the trial lawyers, i.e., the stakeholders concerned with S. 2290, so as to facilitate consideration of the legislation by the Senate and make possible its ultimate passage in a form satisfactory to the stakeholders and the Senate. I am pleased to do so.

You and I began the mediation process in the summer of 2003, and intensified it in the early months of 2004, leading to significant agreement among the stakeholders on a number of major issues, most notably on an administrative structure for processing claims, and on provisions for judicial review. We also achieved agreement on a number of other significant matters such as the definition of exigent claims, the timing of payments, and we reached some consensus on certain concepts such as the anatomy of the "start up", though details remained to be worked out.

As you know, I have just concluded six days of intensive mediation under the auspices of Majority Leader Frist, and Minority Leader Daschle, focused on the critical issues of claims values, projections, and the overall funding necessary to sustain a viable National Trust. These sessions were attended by the top representatives of all the stakeholders, including a large cadre of CEO's and corporate general counsels. This process served a number of highly useful purposes. At the threshold, as the result of a session attended by four leading experts, we came to a much clearer understanding of the troublesome issue of projecting disease incidence and, more importantly, claim filings over the next forty to fifty years. There are still some loose ends to be tied down, especially on the issue of distribution of non-cancer asbestosis claimants with increasing degrees of lung impairment claims (S. 2290 levels III, IV and V), but in other respects we have a good handle on the issues. While the confidentiality attendant to the mediation process cautions me against memorializing the details of the parties' positions on claim values, projections, and the size of the fund, I can fairly state that major progress was made in all these areas. There was also a significant breakthrough on the related issue of partial "sunset" of claims by lung cancer victims with significant asbestos exposure, but without x-ray evidence of pleural thickening or asbestosis, if and when these claims exceed an agreed upon number. . . . In short, the parties are significantly closer than they had been before. Additionally, on the vital issue of the size of the up-front funding (during the first 5 years of the fund), major strides have also been made.

While there is still a good deal of distance between the positions of the stakeholders on these matters, I am optimistic that, with further discussions with the right intermediary, the gap might be closed. Such a "gap closure" would not, I must add, seal a consensus in the absence of agreement on a number of other issues of great importance to the parties, most of which are inextricably intertwined with the financial issues just described. The most important items on this list are: (1) treatment of pending claims and bankruptcies; (2) subrogation of workers' compensation payments; and (3) the venue of any revision to the tort system as a vehicle for "sunset" in the event that the fund becomes insufficient to make the required payments to victims. But if the claims values, projections and funding issues can be resolved, I believe that these latter issues would fall into place.

I am encouraged by the joint statement made today by Senator Frist and Senator Daschle that they "are committed to working together to determine whether a compromise can be reached that would provide sufficient payments to asbestos victims and certainty to companies."

Mr. SPECTER. In the absence of any Senator on the floor seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPUTING AND SCIENCE

Mr. ALEXANDER. Madam President, yesterday Secretary Abraham of the Department of Energy announced that Oak Ridge National Laboratory in my home State of Tennessee was selected the winner of the Department of Energy's competition to develop a leadership class computational facility.

To put that in plain English, that means the Oak Ridge Laboratory, being one of the most famous names in science in the world, will lead an effort that includes many of the brightest minds in our country to try to regain leadership in high-speed and advanced computing for the United States of America.

Oak Ridge, because of this competition, will receive $25 million in funding from the Department of Energy this year for developing this leadership class facility, and the Department has requested an additional $25 million for this activity for next year.

Secretary Abraham's decision will put the United States back in the leadership position in high-performance computing by supporting the development of a 50-teraflop high-end computing facility capable of performing 50 trillion calculations per second.

Why is that important to us? It will permit us in this country to address many scientific problems. For example, we have great debates in this Chamber about global warming and climate change. We base a lot of important policy decisions about clean air regulations—decisions that cost us money—on what is happening in the Earth's climate. This high-end, advanced computing will help us simulate the Earth's climate and have better science upon which to make our policy decisions about global warming.

High-performance computing is also required to model and simulate the plasma phenomena to examine whether fusion power can become a reality. We have enormous debates, and we have not resolved the energy picture. If fusion were an option, we would have a completely different energy picture in the world today because it would offer the promise of virtually no-cost or low-cost energy for people all around the world. Nanoscience has the possibility of revolutionizing chemistry and materials sciences. Yet the full benefit of nanoscience may not be achieved without detailed simulation of quantum interactions.

Advanced manufacturing: We have great debates in this Chamber about how to keep our manufacturing jobs from moving overseas. One way to do that is to lower manufacturing costs and advance our technology, and we should be able to do that. Having advanced computing would help us do it.

I was in Japan about a month ago. One of my purposes for going there was to get a briefing on what Japan calls the Earth Simulator. The Earth Simulator is Japan's high-speed, advanced computing technology. It is currently 2.5 times more powerful than anything else in the world. It has held this distinction for 2 years. The United States is not No. 1 in advanced computing; Japan is. Two years is a very long time to hold the top spot in the computing field.

We are very fortunate Japan is one of the strongest allies we have on this Earth. With our scientists working with Japan's scientists, we will have an opportunity to learn more about climate together and more about manufacturing together.

But the United States needs to be first in high-speed advanced computing. It is one of the critical science fields in which we need to be the world's leader. This is because high-performance computing produces scientific discoveries which were once thought only possible through experimentation.

In other words, instead of actually doing the scientific experiments, we simulate those experiments with high-speed, advanced computers and are able to do calculations scientists once thought never would be possible.

The $25 million in funding that was announced yesterday will put the Oak Ridge National Laboratory and all of its associates at laboratories and universities around America working together on a path to deliver a supercomputer with a sustained performance of 50 trillion calculations per second.

With the Secretary's announcement, the Cray computer will be expanded to exceed sustained performance of the Earth Simulator.

In other words, what is happening in Oak Ridge, if we stay on this path, will put us ahead of Japan's Earth Simulator, and the performance of this Cray architecture at Oak Ridge will be evaluated by the Oak Ridge scientists on a host of problems, including climate science, materials science, chemistry, astrophysics, and fusion. The decision by the Secretary is very timely.

Recently, on May 3, the New York Times published a front-page article stating the United States is losing its dominance in the sciences. This article basically points out the foreign advances in basic science rival or exceed those of U.S. scientists. Japan's Earth Simulator was one of the best examples of our loss of scientific leadership.

The article stated impacts of the advances in other countries can be seen by the increases in U.S. patents that are held by foreign companies, and the dominance of foreign scientists in publishing articles in the physical sciences and the reduction in the number of U.S. recipients of Nobel Prizes. These changes need to be understood.

Since World War II, at least half our jobs in the United States of America have come because of advances in science and technology. We are entering an even more competitive era. We are entering it at a time—I was thinking about this while I was in Japan—

when our country and Japan, those two countries, have 43 to 45 percent of all the gross domestic product in the world. We are 5 percent of the people in the world, and we have a third of the dollars. Add Japan to that, and we are 43 to 45 percent; those two countries have 43 to 45 percent of the dollars.

We are not going to keep our standard of living even in a world that grows greatly in wealth unless we have some secret weapon. That secret weapon has to be brainpower, computer power, and scientific power. Our secret weapons are our national laboratories and our great research universities. That has been true before and it is true for the future.

Some have suggested the current administration, the Bush administration, has neglected basic research. I think we need to put this in context. The Bush administration and this Congress have followed through with the effort to double the funding for the National Institutes of Health. The NIH budget increased nearly 44 percent from 2000 to 2003.

Furthermore, since coming into office, President Bush has significantly increased funding for the National Science Foundation. That science budget increased by a factor of nearly 27 percent in the last 3 years. But despite these accomplishments by the Bush administration and by this Congress and the previous Congress, the physical sciences and engineering fields historically have been neglected. This systemic neglect has occurred for more than a decade.

The Department of Energy's Office of Sciences is the largest supporter of basic research in physical sciences and engineering.

While this office and its predecessor are responsible for many of our scientific advances, including significant contributions to mapping the human genome, the office has largely been neglected over the last 10 years. In fact, when adjusting for inflation, the Office of Science received more funding in 1992 than it has in any other year over the past 12 years. The most significant decline in funding for the Office of Science occurred during the Clinton administration.

So let's spread the blame all around, and let's spread the credit, too. We have done a good job in funding the health sciences. We have done a good job at the National Science Foundation. We have done a poor job on the physical sciences. Our future depends on the physical sciences just as much, maybe more, than it does on the other sciences.

Our great research universities, our national laboratories, and our industry leaders have urged the funding for the physical sciences and that engineering be brought to parity with that of the life and medical sciences. The President's Council of Advisors on Science and Technology made the same recommendation last year.

Some argue we cannot expect to be the leader in every field. That is correct, but we need to be among the world leaders in most fields and need to lead in some fields. One of those critical fields is high-performance computers. Computing is seen by many as the third pillar of science—right after theory and experimentation. Secretary Abraham's announcement is the first step in developing and sustaining our Nation's leadership in high-performance computers.

I have sponsored the High-End Computing Revitalization Act of 2004 along with Senator BINGAMAN. This would authorize the Secretary to carry out research and development to keep our Nation on the forefront of high-performance computing. The act authorizes the Energy Secretary to establish scientific computing facilities and would authorize a minimum of $100 million per year for 5 years to establish these facilities. It would authorize the Secretary to establish a high-end software development center and would authorize a minimum of $10 million a year for 5 years for this activity. If we want to regain the lead in high-speed computing, high-performance computing, this is what we must do. We know exactly how to do it. We have the laboratories to do it. We have the research universities to do it. Oak Ridge has now been selected as the coordinator of that effort. If we fund it, we will regain it. It is up to us to do it.

I have also sponsored the Energy and Scientific Research Investment Act of 2003 with Senators LEVIN, WARNER, and BINGAMAN. This would essentially double funding for the Department of Energy Office of Science to keep our Nation among the leaders of science. The authorizations for this bill became part of the Energy bill.

We must act to put our Nation back at the forefront of science. We have a lot of discussions in the Senate. Most of them have to do with our high standard of living. They take for granted the fact that we live in an increasingly well-educated world and that most of our ability to maintain that standard of living has to do with whether we have good schools, whether we have great universities, and whether we have great energy laboratories.

We talk about outsourcing. In Europe, the outsourcing they talk about is the outsourcing of brains being attracted by our universities and our national laboratories. Mr. Schroeder in Germany and Mr. Blair in Great Britain are challenging their higher education system because they are falling behind our higher education system.

Our research universities and our national laboratories are our secret weapons for our national defense, for our standard of living, and for our improved health care. They have been for 50 years, and they will be in the future.

I am delighted to see the Secretary of Energy has made his decision to center an attempt to regain the lead for the United States in advanced computing facilities by focusing that effort at Oak Ridge. However, I hope this Congress on both sides of the aisle will now begin to pay attention to proper funding of the physical science over the next 5 years. We should double it, as we have doubled funding for the health sciences. If we do so, it is the surest path to maintaining our standard of living, our national defense and our health care.

I ask unanimous consent the article from the New York Times to which I refer from Monday, May 3, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES IS LOSING ITS DOMINANCE IN THE SCIENCES

(By William J. Broad)

The United States has started to lose its worldwide dominance in critical areas of science and innovation, according to federal and private experts who point to strong evidence like prizes awarded to Americans and the number of papers in major professional journals.

Foreign advances in basic science now often rival or even exceed America's, apparently with little public awareness of the trend or its implications for jobs, industry, national security or the vigor of the nation's intellectual and cultural life.

"The rest of the world is catching up," said John E. Jankowski, a senior analyst at the National Science Foundation, the federal agency that tracks science trends. "Science excellence is no longer the domain of just the U.S."

Even analysts worried by the trend concede that an expansion of the world's brain trust, with new approaches, could invigorate the fight against disease, develop new sources of energy and wrestle with knotty environmental problems. But profits from the breakthroughs are likely to stay overseas, and this country will face competition for things like hiring scientific talent and getting space to showcase its work in top journals.

One area of international competition involves patents. Americans still win large numbers of them, but the percentage is falling as foreigners, especially Asians, have become more active and in some fields have seized the innovation lead. The United States' share of its own industrial patents has fallen steadily over the decades and now stands at 52 percent.

A more concrete decline can be seen in published research. Physical Review, a series of top physics journals, recently tracked a reversal in which American papers, in two decades, fell from the most to a minority. Last year the total was just 29 percent, down from 61 percent in 1983.

China, said Martin Blume, the journals' editor, has surged ahead by submitting more than 1,000 papers a year. "Other scientific publishers are seeing the same kind of thing," he added.

Another downturn centers on the Nobel Prizes, an icon of scientific excellence. Traditionally, the United States, powered by heavy federal investments in basic research, the kind that pursues fundamental questions of nature, dominated the awards.

But the American share, after peaking from the 1960's through the 1990's, has fallen in the 2000's to about half, 51 percent. The rest went to Britain, Japan, Russia, Germany, Sweden, Switzerland and New Zealand.

"We are in a new world, and it's increasingly going to be dominated by countries other than the United States," Denis Simon, dean of management and technology at the Rensselaer Polytechnic Institute, recently said at a scientific meeting in Washington.

Europe and Asia are ascendant, analysts say, even if their achievements go unnoticed in the United States. In March, for example, European scientists announced that one of their planetary probes had detected methane in the atmosphere of Mars—a possible sign that alien microbes live beneath the planet's surface. The finding made headlines from Paris to Melbourne. But most Americans, bombarded with images from American's own rovers successfully exploring the red planet, missed the foreign news.

More aggressively, Europe is seeking to dominate particle physics by building the world's most powerful atom smasher, set for its debut in 2007. Its circular tunnel is 17 miles around.

Science analysts say Asia's push for excellence promises to be even more challenging.

"It's unbelievable," Diana Hicks, chairwoman of the school of public policy at the Georgia Institute of Technology, said of Asia's growth in science and technical innovation. "It's amazing to see these output numbers of papers and patents going up so fast."

Analysts say comparative American declines are an inevitable result of rising standards of living around the globe.

"It's all in the ebb and flow of globalization," said Jack Fritz, a senior officer at the National Academy of Engineering, an advisory body to the federal government. He called the declines "the next big thing we will have to adjust to."

The rapidly changing American status has not gone unnoticed by politicians, with Democrats on the attack and the White House on the defensive.

"We stand at a pivotal moment," TOM DASCHLE, the Senate Democratic leader, recently said at a policy forum in Washington at the American Association for the Advancement of Science, the nation's top general science group. "For all our past successes, there are disturbing signs that America's dominant position in the scientific world is being shaken."

Mr. DASCHLE accused the Bush administration of weakening the nation's science base by failing to provide enough money for cutting-edge research.

The president's science adviser, John H. Marburger III, who attended the forum, strongly denied that charge, saying in an interview that overall research budgets during the Bush administration have soared to record highs and that the science establishment is strong.

"The sky is not falling on science," Dr. Marburger said. "Maybe there are some clouds—no, things that need attention." Any problems, he added, are within the power of the United States to deal with in a way that maintains the vitality of the research enterprise.

Analysts say Mr. Daschle and Dr. Marburger can both supply data that supports their positions.

A major question, they add, is whether big spending automatically translates into big rewards, as it did in the past. During the cold war, the government pumped more than $1 trillion into research, with a wealth of benefits including lasers, longer life expectancies, men on the Moon and the prestige of many Nobel Prizes.

Today, federal research budgets are still at record highs; this year more than $126 billion has been allocated to research. Moreover American industry makes extensive use of federal research in producing its innovations and adds its own vast sums of money, the combination dwarfing that of any other nation or bloc.

But the edifice is less formidable than it seems in part because of the nation's costly and unique military role. This year, financing for military research hit $66 billion, higher in fixed dollars than in the cold war and far higher than in any other country.

For all the spending, the United States began to experience a number of scientific declines in the 1990's, boom years for the nation's overall economy.

For instance, scientific papers by Americans peaked in 1992 and then fell roughly 10 percent, the National Science Foundation reports. Why? Many analysts point to rising foreign competition, as does the European Commission, which also monitors global science trends. In a study last year, the commission said Europe surpassed the United States in the mid-1990's as the world's largest producer of scientific literature.

Dr. Hicks of Georgia Tech said that American scientists, when top journals reject their papers, usually have no idea that rising foreign competition may be to blame.

On another front, the numbers of new doctorates in the sciences peaked in 1998 and then fell 5 percent the next year, a loss of more than 1,300 new scientists, according to the foundation.

A minor exodus also hit one of the hidden strengths of American science: vast ranks of bright foreigners. In a significant shift of demographics, they began to leave in what experts call a reverse brain drain. After peaking in the mid-1990's, the number of doctoral students from China, India and Taiwan with plans to stay in the United States began to fall by the hundreds, according to the foundation.

These declines are important, analysts say, because new scientific knowledge is an engine of the American economy and technical innovation, its influence evident in everything from potent drugs to fast computer chips.

Patents are a main way that companies and inventors reap commercial rewards from their ideas and stay competitive in the marketplace while improving the lives of millions.

Foreigners outside the United States are playing an increasingly important role in these expressions of industrial creativity. In a recent study, CHI Research, a consulting firm in Haddon Heights, NJ., found that researchers in Japan, Taiwan and South Korea now account for more than a quarter of all United States industrial patents awarded each year, generating revenue for their own countries and limiting it in the United States.

Moreover, their growth rates are rapid. Between 1980 and 2003, South Korea went from 0 to 2 percent of the total, Taiwan from 0 to 3 percent and Japan from 12 to 21 percent.

"It's not just lots of patents," Francis Narin, CHI's president, said of the Asian rise. "It's lots of good patents that have a high impact," as measured by how often subsequent patents cite them.

Recently, Dr. Narin added, both Taiwan and Singapore surged ahead of the United States in the overall number of citations. Singapore's patents include ones in chemicals, semi-conductors, electronics and industrial tools.

China represents the next wave, experts agree, its scientific rise still too fresh to show up in most statistics but already apparent. Dr. Simon of Rensselaer said that about 400 foreign companies had recently set up research centers in China, with General Electric, for instance, doing important work there on medical scanners, which means fewer skilled jobs in America.

Ross Armbrecht, president of the Industrial Research Institute, a non-profit group in Washington that represents large American companies, said businesses were going to China not just because of low costs but to take advantage of China's growing scientific excellence.

"It's frightening," Dr. Armbrecht said. "But you've got to go where the horses are." An eventual danger, he added, is the slow loss of intellectual property as local professionals start their own businesses with what they have learned from American companies.

For the United States, future trends look challenging, many analysts say.

In a report last month, the American Association for the Advancement of Science said the Bush administration, to live up to its pledge to halve the nation's budget deficit in the next five years, would cut research financing at 21 of 24 federal agencies—all those that do or finance science except those involved in space and national and domestic security.

More troubling to some experts is the likelihood of an accelerating loss of quality scientists. Applications from foreign graduate students to research universities are down by a quarter, experts say, partly because of the federal government's tightening of visas after the 2001 terrorist attacks.

Shirley Ann Jackson, president of the American Association for the Advancement of Science, told the recent forum audience that the drop in foreign students, the apparently declining interest of young Americans in science careers and the aging of the technical work force were, taken together, a perilous combination of developments.

"Who," she asked, "will do the science of this millennium?"

Several private groups, including the Council on Competitiveness, an organization in Washington that seeks policies to promote industrial vigor, have begun to agitate for wide debate and action.

"Many other countries have realized that science and technology are key to economic growth and prosperity," said Jennifer Bond, the council's vice president for international affairs. "They're catching up to us," she said, warning Americans not to "rest on our laurels."

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, I ask unanimous consent I be allowed to extend my remarks of 20 minutes as in morning business.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

BROWN v. BOARD OF EDUCATION

Mr. HOLLINGS. Mr. President, right to the point. A lot of exercises are going on with respect to Brown v. Board of Education. Most of the comments, of course, are lamenting the fact we have not proceeded too far, or sufficiently, with respect to the integration of public education in America.

That misses the point. The point is this decision itself more or less removed the lid off the punch bowl of segregation and allowed all Americans, regardless of race, creed, or color, to become, for the first time, full Americans, full citizens. Yes, if you please, Rosa Parks could know, in not moving from that front seat in the bus, down in Montgomery in 1955 after the 1954 Brown decision, that she was a full citizen, she was a full American. That in and of itself is the real significance of this history-making decision in the last century. It certainly is the most significant judicial decision of that century in that it amended the Constitution and gave us pride, all of us, in full citizenship in this land.

I rise because of the emphasis nationally with respect to the Brown case, while the truth is the leading case was from the State of South Carolina. In December of 1952, the arguments before the U.S. Supreme Court, let the record show that Thurgood Marshall, chief counsel for the NAACP, did not argue the Brown case; he argued the Briggs v. Elliott case of South Carolina. This is not to take in any sense away from the Kansas situation, but everyone should realize the State of Kansas had only a 7-percent minority population. People did not understand that. There was a law to the effect that all cities in excess of 15,000 population could either opt for segregated schools or for integrated schools. Under that particular law, it more or less devolved down to where the elementary schools were segregated and the secondary schools were integrated. But it was not a matter of societal significance—so much so that, in essence, the State of Kansas had already decided not even to argue the case before the Supreme Court. They were going to just submit it on written briefs.

I speak advisedly. I was not the lawyer in the Briggs v. Elliott case. I was admitted to practice before the U.S. Supreme Court when we made our arguments in December 1952. I was sent at the last minute by Governor James Francis Byrnes, who formally occupied this desk as a Senator, as did John C. Calhoun, and Governor Byrnes said: Fritz, you wrote that 3-percent sales tax for the schools that we enacted in 1951 under his leadership. He said: You know all the elements of the equalization of the teachers' pay, the transportation, and the construction of public schools in South Carolina. You know that issue of separate but equal, how we equalized everything and what we had done to the extent of over 3-percent sales tax to finance it and everything else, so it was real and not just what we intended. He said: You have to go up there with Robert McC. Figg, the active counsel at the local level in Briggs against Elliot, and with John W. Davis, former Solicitor General, candidate for President in 1924. According to Governor Byrnes, a former associate justice who sat on the Supreme Court, the constitutional mind of the legal profession is John W. Davis of West Virginia. I have called him and he is going to make the arguments pro bono for the State of South Carolina that he believes so vehemently in Plessy vs. Ferguson, the 1896 decision of the Supreme Court that enunciated the separate but equal doctrine. That was my participation.

Let me go back to the earliest part because that is the real significance of this change in our culture, society, and Constitution.

It was back in 1947 that a group in Summerton, SC, which is in Clarendon County, and had gotten together an old, discarded bus. Levi Pearson was the principal mechanic. He fixed the engine and got that bus all ready to go. They went to the school board for a little gasoline money. The school board said: No, we are not giving you any gasoline money. They said: Well, you have it for the White children. They have the money. We have to walk to the Scotts Branch School—which was a 9-mile walk for some of them—down a dirt road.

We get this big yellow bus full of White children passing us in the dust or in the rain—whichever of the two. They said: And we just fixed up the bus. It won't cost you anything.

They said: No. You folks don't pay taxes and we don't have any money for gasoline for you to have a ride to school.

When you hear this, you begin to understand the significance of the change in our society and what we call equal rights under the law. That is somewhere along the ceiling up here.

So Pearson got together with Rev. Joseph De Laine. Reverend De Laine was an AME preacher and also a schoolteacher, and later a superintendent. They went up to Columbia and they got the case going. On a technicality, if you please—they found out the plaintiff in the case lived just over the line. His children were attending school in the district where the case was brought, but on a technical thing they had it thrown out. They could always find something to prohibit any kind of relief for the African Americans at that particular time.

So Reverend De Laine went and talked, in Columbia, to James M. Hinton, the NAACP director. He said: Look, Reverend, if you go down to Summerton and you get 20 plaintiffs, I can get that lawyer Marshall, up there in Washington, DC, to bring a class action.

So Reverend De Laine came back down to Summerton, got the 20 parents, and some 46 children, and that gives the genesis of the famous "Summerton 66." Anywhere you talk, in the African-American community in America, they know of that "Summerton 66." Mind you me, this started 8 years before Rosa Parks.

Incidentally, and I am grateful to the Senate, they unanimously endorsed the Congressional Gold Medal for Levi Pearson, for Harry and Eliza Briggs, as well as for Rev. Joseph De Laine. That is one of the reasons why this afternoon, when we are not too busy, I am speaking. I had intended to speak on Monday, which is May 17, the actual 50-year anniversary of Brown v. Board of Education, but I have to be at an event in South Carolina. I do not know that I will get back in time.

But be that as it may, it is important that the record be made about these valiant Americans who changed history.

When they got there, sure enough, Thurgood Marshall took up the case. Then, as the expression goes, all hell broke loose. I could go into the details, but that is why I speak without notes. I could tell you just when and where and how Reverend De Laine's home was shot, and later it was burned. He escaped to a church down in Lake City some 35 miles away, where, again, his church was burned and he escaped with his life, never to return to the State of South Carolina. They held a warrant out on him for 45 years. He had fired back at the car the first time when they shot his home in order to identify the car, but he never got a chance. They held on to the warrant on him for some 45 years.

Harry Briggs, the plaintiff, he ran a filling station there in Summerton. Nobody would buy gas from him anymore. He escaped down to Florida to make a living with his wife. Others who were just dirt farmers there could not, all of a sudden, buy seed to plant. They lost their livelihoods and everything of that kind.

I could go down throughout the years. They stuck with it for a good 5- or 6-year period, until that decision was made. Every pressure in the Lord's world was made to try to threaten, coerce, and make them remove their names from that particular petition. But the famous "Summerton 66"—the 20 parents and 46 kids—stuck with it, and they made history.

When I came to Washington, it was on a Saturday morning. Robert McC. Figg, a distinguished lawyer—a Columbia University law graduate—had handled the case at the local level under Judge Waring in the Fourth Circuit Court of Appeals. We came up, obviously, on the appeal of the NAACP and Thurgood Marshall. We got here on a Saturday morning. You will begin to understand what we learned, to our shock, that our Briggs v. Elliott case, the lead case, all of a sudden had been set aside, and the lead case was made Brown v. the Board of Education in Topeka. Roy Wilkins was a friend of the

Solicitor General, and they moved the case up because they knew that Kansas was not really disturbed and did not have a strong case one way or the other; it could care less. That was proved by that they were not going to even send an attorney to argue the case.

I will never forget, on a Saturday afternoon and evening, Governor Byrnes was on the line with the Governor of Kansas, finally persuading him to send someone. Late on Sunday evening they sent Paul Wilson—an Assistant Attorney General. They did not send the Attorney General or anybody to handle it; they sent the Assistant Attorney General, and we helped brief him over at the Wardman Park.

But I am getting ahead of my story. This morning I noticed in the Washington Post a Brown v. Board of Education decision whereby it is quoted that Thurgood Marshall thought that once they had won on May 17, 1954, there would be complete integration within 5 years. Absolutely wrong. False. I know, and the reason I know is because we were at Union Station here in the District. We were having breakfast—that is Dean Figg, who was later the dean of our law school—Dean Figg and myself. And in walked Mr. Marshall. He sat down and they began to exchange stories. Incidentally, they had the highest respect for each other. They got along. I will never forget when they were hanging a portrait of Jimmy Byrnes over in the Supreme Court, and Figg came in the doorway and Associate Justice Marshall hugged him and almost lifted him off the floor. And all the other Justices wondered what in the world was going on. They thought the world of each other.

Thurgood Marshall turned and said: Now, Bob, let's assume I have won the case. How long do you think before there will be any real integration?

And I will never forget it. Figg said: Thurgood, you are not going to like my answer, but it is going to be a good 25 years before there is any real integration.

Marshall looked at him and said: No, you're wrong. It will be nearer 50 years.

And here we are today, 50 years later, where the Scott's Branch School in the Briggs v. Elliott case is still 95-percent segregated. When that decision came out on May 17, we had 16 private schools in my little State of South Carolina. Now we have 372 private schools. Do you know why charter schools, tax credits, all that there malarkey is coming along? That is the drive to finance segregation. That is all it is. And they all know it. But you don't see that printed.

We ought to test this to see how the schools can work.

I wish they would go back to Horace Mann, when the greatness of America was public education, where all people of all classes and creeds were all put together, and they came and studied and graduated together and became one strong society. That is why I cosponsored the draft, yes, on the inequality of those who have to serve, but more than anything else, the strength of the draft itself in the building of America.

There was another story that some will say is not politically correct, but I will never forget Marshall turned to Figg, and he said: By the way, Bob, you know—at that time they were referred to not as African Americans—that Negro family in Cicero, they are having near riots and everything else like that. So he said: Do you know what I had to do? I had to go down to Springfield and see Governor Adlai Stevenson. I got Governor Stevenson to send that family back to Mississippi for safekeeping. And he said: But for Heaven's sake, don't tell anybody that. That will ruin me.

I said: Thurgood, don't tell anybody I am eating breakfast with you. I will never get elected to another office.

I was a young Speaker pro tempore back over 50 years ago in 1952. Now we Democrats are begging to eat breakfast with African Americans, but not then. Oh, no. You folks in this Chamber have to understand the changes that have come about over America.

But be that as it may, when we left that morning after breakfast, we found out that they had moved that case up for known reasons, and we had to fight all weekend to get Wilson. And Wilson teed off on Monday morning as the first argument in Brown against the board. He literally shocked the other side because he made a splendid argument. There were 3 days of arguments.

Fred Vinson was the Chief Justice at the time. All of the lawyers were talking about the value of association under the Vinson decision of Sweatt v. Painter and making appeals, knowing that the court would once again confirm Plessy v. Ferguson.

Governor Byrnes, incidentally, told me: Don't worry about that case. I have talked to some friends up there.

He wouldn't want to say he talked to the Court. He said: I talked to some friends, and we will win that case. And there is no question that they probably would have.

But what happened was that a few months later, Chief Justice Vinson passed away and Earl Warren was appointed Chief Justice. That changed history because Warren said: Come back and don't argue.

So Warren made us come back, reargue not separate but equal, but the fundamental that segregation in and of itself was unconstitutional.

So we went back and we reargued that case. On May 17, a unanimous court decision came down which changed America. There is no question in my mind that was for the good. I had my doubts at that particular time. Still as a young southern politician, I said: Good gosh, how are we going to do this?

Well, it is very interesting. Thurgood Marshall, Bob Figg, Roy Wilkins, the NAACP lawyers, they all got together. And the Court, on May 17, said: desegregate with all deliberate speed. So Wilkins and Marshall had agreed to this—they said what we will do is the first year we will integrate the first grade. The second year we will integrate the first grade again, and of course the second grade is already integrated, then on up the line over a 12-year period, and we will have, with all deliberate speed, all the elementary grades integrated, beginning with the little ones playing together.

That was Marshall's answer to Felix Frankfurter when Frankfurter asked him: What happens when you have won your case? What happens?

He said: Well, the little children, if Your Honor please, who play together and go off to separate schools will come back and play together, and they will have freedom of choice. They can go to whatever school they want. What we are trying to remove is the State-imposed separation of race in public education.

Our Constitution and the law of South Carolina, unlike Kansas, which was local option, our Constitution and law required separate but equal.

We had it all worked out until the lawyer up in New York for the NAACP said: No, sir. We are not going to be given our constitutional rights on the installment plan.

And the rest is history. We had the white citizens councils on the one hand. We had Martin Luther King, Jr., and burn baby burn on the other hand. And we literally had some 20 years—Malcolm X and everything else of that kind—of trauma, upset, burning here in Washington. I will never forget the riots in 1968. It has been quite a history over that period of time.

What has happened is not integrated public education. That is agreed to. But it really made legitimate Rosa Parks and everybody else coming south, the freedom riders and everything else like that. For the first time officially everyone became a full citizen under the Constitution and under the law in America on May 17, 1954.

So we made a lot of progress in the United States since that time. It was done through the valiant effort of the Summerton 66 that literally lost their lives—one was attributed to having lost his life as a result of the discord. But whatever it might be, Reverend De Laine could not return to South Carolina. The United States Senate and the House of Representatives unanimously have agreed now to present them the Congressional Gold Medal.

It had been my hope that next Monday afternoon, May 17, we would have a ceremony in the Rotunda, but we will look forward to the time later this year when we can honor Reverend De Laine, Harry and Eliza Briggs, and Levi Pearson, who really understood the Constitution in America better than this particular Senator, who at that time was only a fledgling Democratic politician. That is the history. I will be glad to go into it sometime with my colleagues about some of the arguments made.

I yield the floor.

Mr. REID. Mr. President, did I hear the Senator say that the first arguments took 3 days?

Mr. HOLLINGS. Three days, yes.

Mr. REID. Now, in the Supreme Court, if you get an hour, you are lucky.

Mr. HOLLINGS. That is right, it took 3 days. I will never forget, Henry Fonda was over at the National Theater, and I was sitting right inside the rail with John W. Davis and Mr. Briggs right at the table, and I got Fonda to sit up there with me during the 3 days. He didn't leave. He wanted to hear all the arguments. That was in December of 1952.

Mr. REID. Mr. President, I say to the Senator, what a great history lesson we had today. We have only heard a short bit of the knowledge of the Senator from South Carolina. The Senator from South Carolina was one of the originals who decided things were not the way they should be in the South. He has been able to work through the process and stand for what he believed, and because of this, the people of South Carolina have elected him time after time. It is obvious why. He is a man who is a World War II combat veteran, someone we admire so much. We are all disappointed that he has indicated he is not going to seek reelection. It is a disappointment to me.

I cannot express in words what a role model he has been for me. Not only can he stand and speak, as he did today, about the most serious subjects that face the world, but he has one of the best senses of humor of anyone I have dealt with.

Mr. HOLLINGS. I thank the distinguished Senator.

AWARDING MEDALS TO SERVICE MEMBERS

Mr. REID. Mr. President, we don't have anybody from the majority in the Chamber. I want to reiterate what I said earlier in the day. We are basically in morning business today. There is no legislative business on the floor. Senator BINGAMAN—I am speaking for him and for everyone on this side of the aisle—badly wants to do Calendar No. 507, H.R. 3104 on the Calendar of Business, which is a piece of legislation to provide for the establishment of separate campaign medals to be awarded to members of the uniformed services who participated in Operation Enduring Freedom in Afghanistan and members of the uniformed services who participated in Operation Iraqi Freedom, of course, in Iraq. I cannot imagine why we cannot do this bill, which passed the House unanimously.

I hear on the other side that "we are trying to clear it." What in the world does that mean? Is somebody opposing bringing this bill to the floor? The problem we have is that the day is winding down. As we all know, people have things to do in their States and around the country. They are going to be leaving. If we don't get something within the next 35 minutes or so, there won't be enough Senators here to allow a vote to take place.

So, again, I say to the majority, why can we not do this piece of legislation? It is something Senator BINGAMAN has worked on for more than a year. It is important legislation, something we should do. I am terribly disappointed that I am told they are trying to clear it. I don't understand what that means. Clear what? Is someone going to vote against medals for people who participated in those two theaters of war? Is it just because it is Senator BINGAMAN's idea. I don't know what it is. I hope we get real and move forward on this legislation. I apologize for making my friends wait.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

(The remarks of Mr. PRYOR pertaining to the submission of S. 2419 are printed in today's RECORD under "Statements on Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Georgia.

MORE OUTRAGED BY THE OUTRAGE

Mr. MILLER. Mr. President, here we go again, rushing to give aid and comfort to our enemies—pushing, pulling, shoving, and leaping over one another to assign blame and point the finger at "America the terrible," lining up in long lines at the microphones to offer apologies to those poor, pitiful Iraqi prisoners.

Of course, I do not condone all the things that went on in that prison, but I for one refuse to join in this national act of contrition over it. Those who are wringing their hands and shouting so loudly for heads to roll over this seem to have conveniently overlooked the fact that someone's head has rolled, that of another innocent American brutally murdered by terrorists.

Why is it there is more indignation over a photo of a prisoner with underwear on his head than over the video of a young American with no head at all? Why is it some in this country still do not get it, that we are at war, a war against terrorists who are plotting to kill us every day, terrorists who will murder Americans at any time, anyplace, any chance they get.

Yet here we are, America on its knees in front of our enemy, begging for their forgiveness over the mistreatment of prisoners, showing our enemy and the world once again how easily America can get sidetracked, how easily America can turn against itself.

Yes, a handful of soldiers went too far with their interrogation. Clearly some of them were not properly trained to handle such duty, but the way to deal with this is with swift and sure punishment and immediate and better training.

There also needs to be more careful screening of who it is we put in these kinds of sensitive situations—and no one wants to hear this, and I am reluctant to say it, but there should also be some serious questioning of having male and female soldiers serving side by side in these kinds of military missions. Instead, I worry that the HWA, the "hand wringers of America," will add to their membership and continue to bash our country ad nauseam and, in doing so, hand over more innocent Americans to the enemy on a silver platter.

So I stand with Senator INHOFE of Oklahoma who stated that he is more outraged by the outrage than by the treatment of those prisoners. More outraged by the outrage, that is a good way of putting it. That is exactly how this Senator from Georgia feels.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

HONORING OUR SERVICE MEN AND WOMEN

Mr. BINGAMAN. Mr. President, I rise to express my strong hope that we can get agreement today to move ahead with H.R. 3104 and pass that legislation before we adjourn this week. This is legislation which has passed the House unanimously and has come over to the Senate. In my opinion, this should now pass the Senate and go to the President for signature. This is legislation that would honor those service men and women in Iraq and in Afghanistan who have served their country there or continue to serve there.

Obviously, over the last couple of weeks the reputation of our military has been stained by the horrific events at Abu Ghraib prison and every level of our military has been affected by the actions of the few who have been identified. I think all of us are looking to see the extent of the problem. All of us are anxious to ensure the problem does not continue in the future.

At this point, it is important to recognize and honor the thousands of fighting men and women who serve this Nation every day with commitment, courage, integrity, and professionalism both in Iraq and in Afghanistan.

That is the purpose of the legislation I am urging us to bring up and to pass today. We have a Senate version of this same bill that has been introduced. It has 24 cosponsors. I have introduced this legislation with Senators LUGAR and LOTT, LANDRIEU, INHOFE, GREGG, JOHNSON, ROCKEFELLER, PRYOR, REID, DASCHLE, LINCOLN, BOXER, DURBIN, BIDEN, AKAKA, EDWARDS, KERRY, CLINTON, BAYH, FEINGOLD, NELSON, CONRAD, KENNEDY, STABENOW, and DOLE. So this is a broadly supported piece of legislation on both sides of the political aisle.

I particularly want to thank the chairman of the Armed Services Committee, Senator WARNER, for his support of this important measure.

This has been a dangerous and a brutal period for our troops in Iraq in particular, but also in Afghanistan. There have been nearly 3,000 Americans injured in these 2 conflicts in recent months. More than a year after the initial Iraq invasion, the administration has announced plans to maintain a force of at least 135,000 troops in Iraq through next year, through 2005.

We will have many debates as we proceed with the Defense authorization bill next week and then later with the Defense appropriations bill, on the right level of funding, on how quickly to proceed with funding. President Bush has recently asked for another $25 billion to be included in the defense budget for the operations in Iraq and I know there will be discussion about whether that is the appropriate amount. But clearly the liberation of Iraq is turning out to be the most significant military occupation and reconstruction effort this country has engaged in since World War II. We must not underestimate the importance of the work that is involved here. I think it is important that we recognize those whose lives are on the line to accomplish this very difficult task.

Let me talk a minute about what is at stake in this legislation. The Defense Department has decided in their view what is appropriate is to award to the brave men and women who are serving in those two conflicts the Global War on Terrorism Expeditionary Medal and no other medal. This is despite the fact the Global War on Terrorism Medal is meant for any individual who served overseas during this war on terror and may have come within a few hundred miles of a combat zone. The dangers of serving in Iraq and in Afghanistan are far greater. Therefore, along with my colleagues, I propose to correct what I considered a mistake by authorizing that we issue the Iraq and Afghanistan Liberation Medals in addition to the Global War on Terrorism Expeditionary Medal.

When the President was defending Secretary Rumsfeld earlier this week, he noted Secretary Rumsfeld was involved in leading the military in "two wars." If the President is willing to acknowledge the fact we are engaged in two wars, then his decision about how to award medals should be consistent with that. The policy we are currently following, that the Pentagon is currently following, is not consistent with that.

While some of us in this body have not shared the administration's view on the wisdom of going to war in Iraq, we are united when it comes to supporting our troops. These young men and women from Active Duty, from National Guard, and from Reserves are all volunteers. They exemplify the very essence of what it means to be a patriot. We believe what they are doing in Iraq and what they are doing in Afghanistan today differs from military expeditionary activity such as peacekeeping operations or enforcement of no-fly zones.

They continue to serve even though they do not know when they will return home to their family, to their friends. They continue to serve despite the constant threat which they face to their own lives and the tremendous hardship many of them face.

There is a difference between an expeditionary medal and a campaign medal and it is a well-recognized difference that goes back throughout our military history. We only need to look at an excerpt from U.S. Army Qualifications for the Armed Forces Expeditionary Medal and the Kosovo Campaign Medal. In order to receive the Armed Forces Expeditionary Medal, you did not need to go to war; you only needed to be "placed in such a position that in the opinion of the Joint Chiefs of Staff, hostile action by foreign Armed Forces was imminent even though it does not materialize."

However, to earn the Kosovo Campaign Medal, the standard was higher. A military member was required to:

> Be engaged in actual combat or duty that is equally hazardous as combat duty, during the Operation with armed opposition, regardless of time in the Area of Engagement. Or while participating in the Operation regardless of time [the service member] is wounded or injured or requires medical evacuation from the Area of Engagement.

Many within the military agree there is a difference. According to the Army Times, and let me quote their statement, they say:

> Campaign medals help to establish immediate rapport with individuals checking into a unit.

An expeditionary medal like the Global War on Terrorism Medal does not necessarily denote the individual with that medal has ever been involved in combat. A campaign medal is designed to recognize military personnel who have risked their lives in combat.

Campaign medals matter. Let me give another quotation here.

> When a marine shows up at a new duty station, commanders look first at his decorations and physical fitness score, the first to see where he has been, the second to see if he can hang [tough]. They know what you have done and how serious you are. . . . If you are a good marine, people are going to award you when it comes time. . . .

That is the statement of a sergeant, as quoted in the Army Times.

In my view it is time we agreed with the rank and file in the military, recognize the sacrifice of our young men and women who are fighting to assist in Iraq, including great Americans such as Army SP Joseph Hudson from my home State, from Alamogordo, NM, who was held as a prisoner of war. The Nation was captivated as we watched Specialist Hudson several months ago being interrogated by the enemy. Asked to divulge his military occupation, Specialist Hudson stared defiantly into the camera and said, "I follow orders."

Those of us whose sons and daughters were united in worrying about Specialist Hudson's family—and the entire Nation rejoiced when he was liberated—that same circumstance has played out with regard to many other men and women who have served and are continuing to serve our Nation in those conflicts.

We have also asked a great deal from the Reserve and National Guard forces in our States. The reconstruction of Iraq would not be possible without the commitment and sacrifice of the 170,000 guard and reservists currently on active duty.

In my view it is absolutely essential we go ahead and act on this legislation. I know there may be some who say this legislation has been incorporated, or the same provisions have been incorporated in the Defense authorization bill which will be considered on the Senate floor next week, and therefore we need not take action today. The problem with dealing with it on the Defense authorization bill as part of the Defense authorization bill is all of us who have been around the Senate know that bill will not get to the President's desk for signature until late this summer or maybe fall. What I am urging is we take the bill the House has passed unanimously, without a dissenting vote, we pass that same legislation, and send it to the President for signature, so these two campaign medals, one for Iraq and one for Afghanistan, can begin to be awarded to these brave men and women.

I hope we can get the needed clearance on the Republican side. All Democratic Senators have agreed to this course of action so we can bring up this legislation and pass it.

I am informed there is objection at this point; at least clearance has not been achieved. I hope that can be remedied and we can act on this bill before we leave town this week.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I inquire, is there currently business before the Senate?

The PRESIDING OFFICER. The Senate is in morning business with a 10-minute time limit.

U.S. ENERGY MARKET

Mr. CRAIG. Mr. President, I come to the Senate floor once again today, as I have on three different occasions over the last 2 weeks, to visit with my colleagues about the State of the U.S. energy market and what is happening out there that I am afraid some of my colleagues are not yet understanding in a way that will cause them to act to help us shape a national energy policy for our country.

When I was on the floor of the Senate 2 weeks ago, I mentioned that gas at the pump in California had hit $2.25 a gallon. A few days later, I announced that gas had hit $2.50 a gallon in the State of California. Yesterday, gas hit over $3 a gallon in the Los Angeles market—a historic high not only for this Nation but most assuredly for the State of California. In our State of Idaho—I say "our" State because my colleague, MIKE CRAPO, is presiding at this moment—in some instances, gas has gone over $2 per gallon. For those of us who travel the miles across Idaho to get from one small community to another, that begins to have a very real impact upon the ability of our citizens to simply move across the State of Idaho, let alone those businesses and industries that use large volumes of chemicals, gasoline, and diesel for the conduct of their businesses.

So while I was accused by some of our folks on the other side of being a little bit too much of an alarmist a week ago in speaking about this, I will simply hold my tone down today. But I have to think that the average consumer who swiped his credit card with a $50 limit and found out that before he could get his SUV filled, he had ran out the limit of the credit card and had to swipe it one more time because the gas pump shut down got a very rude awakening this week in the Los Angeles basin.

Who ever thought it would cost $45 or $50 to fuel your automobile? That is what it is costing today. I said a couple weeks ago that the average citizen this fiscal year would spend $300 to $500 just for gasoline than a year ago. I need to update that a little bit. Now we are up to about $560 instead of $400. That has happened just within the course of a week and a half. Yet, the Senate still cannot get its act together. It cannot produce a national energy policy that we have been debating and refining in this Chamber and in the appropriate committees for the last 5 years. Somehow it just isn't quite perfect.

In the course of those years, we quit producing as a country. We kept demanding and growing, and our growth, in large part, is based on surplus energy that was built into our system over the last two decades. But as our economy comes back on line, that surplus is gone.

Let's remember what happened at the last peak of an economic cycle in the State of California, when the State of California went dark, and businesses and industries had to curtail production because they didn't have electricity—or very little—or it wasn't reliable or stable. Have we done anything to correct that, to create sustainability and reliability in the system?

The answer is that we have not done anything. We have debated it loudly and clearly, but we really could not get our political act together to solve the problem in California and the region. We have not drilled any more oil wells in the United States. We have not been allowed to drill where we think there are literally billions of barrels of oil in Alaska because somebody said it might damage the environment. Yet we have already proved by drilling in Alaska that proper procedure in the 1970s didn't damage the environment. Our abilities now, in 2004, are so much enhanced that we know we will not damage the environment. But it became the clarion call of the environmental movement in this country not to touch ANWR. So, politically, we did not; we could not. The votes simply were not here to do it.

What would happen today if ANWR were developed and the production was on line, even though it wasn't pumping at the moment? We could say to OPEC, to other countries around the world, that we are going to turn the valve of ANWR on and flow the oil through the pipeline of Valdez and fill our tankers and bring them down to Anacortes, WA, and to the refineries of California, and begin to refine the oil of Alaska.

I bet OPEC would scratch its head and say: Maybe we better change our ways a little bit. Maybe getting $30 to $35 a barrel is not realistic because we forced the United States to be less reliant on us and more reliable on themselves. It is called fungibility in the oil market.

We cannot do that today because politically we have not been allowed to do the right kind of exploration and environmentally sound development in Alaska.

We are hoping this economy keeps going, keeps growing, keeps rebounding the way it currently is, but what is putting a phenomenal amount of pressure on it at this moment in the form of greater input costs into almost every aspect of the economy is the cost of energy, whether it is the average home and consumer or whether it is our farmers in the State of Idaho who this past February, when they sat down with their banker to develop their line of credit for the year, penciled in an energy cost and a fertilizer cost, little knowing what they penciled in was 30 to 40 percent inadequate from what it was actually going to cost them. They have today found out their fertilizer costs doubled. Why? Because phosphate is made from natural gas, natural gas processes, and natural gas went from $2.50 a million cubic feet to $6.50 to $7 a million cubic feet, and the cost of fertilizer went through the roof.

So fertilizer got applied less in some areas and where it did not get applied, the farmer rolled the dice and gambled, hoping somehow the value of the crop produced would increase 25, 30, or 40 percent, which, of course, won't happen. That is agriculture alone.

What about the chemical industry? What about those kinds of industries up and down the east coast of America that produce the chemicals for this country? Many of them have already shut down, and they have taken their production to Europe. It has cost us thousands of jobs.

I must tell those men and women who are out of work: Why don't you pick up the phone and call your Senators and ask your Senators how they voted on the Energy bill, and if they voted no, why did that vote cost you your job because the cost of energy went through the roof and your company had to shut down. That is, in part, the reality America is facing today.

While all of us are excited about the growth of the economy and the thousands of new jobs that are being created at this moment, there is a cloud hanging over Wall Street and the investment community. They openly say that cloud is the unpredictable high cost of energy and the impact it will have on certain segments of the economy that are highly dependent upon it.

What did we do when we crafted S. 2095? We built a broad-based, incentivized bill that said we ought to be producing in all segments of the energy market. It was not selective. It said America would grow and America would prosper with an abundance of energy at a reasonable price that was reliable and available. Therefore, our bill, S. 2095, encouraged domestic oil production, encouraged the development of more natural gas, encouraged the building of necessary infrastructure, such as the Alaska natural gas pipeline. Oh, I didn't tell you? We are pumping trillions of cubic feet of gas back into the ground in Alaska as we speak from the currently developed oilfields. Why? Because we cannot get it to the lower 48. We produce it, it comes up, we segregate it from the oil, we put the oil in the pipeline, and we pump the gas back into the ground.

So we said: Why don't we build a pipeline? And industry said: Because it is so expensive, we cannot afford to build it unless you give us certain consideration. This week we gave them that consideration. We gave them the tax incentives to build the pipeline to bring the gas to the lower 48 to supply our business and industry, to bring down the cost of fertilizer, and S. 2095 did just that. It encouraged and incentivized the building of a natural gas pipeline out of Alaska.

Our Senate bill encouraged use of renewable fuels, such as ethanol. It encouraged more renewable energy. Wind—you bet we are all for wind and more of it as a generating source for electricity and photovoltaics, energy cells, taking the energy of the Sun. This bill promotes that where it can fit and does work. We have strengthened the future of nuclear energy as an option by, again, trying to incentivize getting into what we call generation 4 reactor development.

Our State of Idaho might well be the place where a prototype is built. This week in the State of Idaho, five representatives from five different nations around the world visited our national laboratory as the site where a new reactor prototype will be built, called generation 4. It is a high-pressure reactor, safe to operate, that can produce a phenomenal abundance of nonemitting electricity and even hydrogen for a hydrogen economy and a hydrogen fuel cell transportation market. That is in S. 2095. That is part of what we have been working on.

Clean coal technology, that phenomenal energy resource of the Senator from Kentucky, who is sitting here beside me at the moment, could be used without the risk of pollution.

There is hydrogen promotion, hydrogen fuel cell development, and I spoke of the generation 4 reactor and the production of hydrogen. Of course, there is conversation, using energy more wisely so we use less, research and development in new technologies, mandatory reliability rules for the electrical grid that moves our electricity across the country, the promotion of advancement and the expansion of that grid. That is the full package.

It is also very interesting that when George Bush was President-elect George Bush, before he had taken the oath of office, I will not forget meeting with him for the first time just down the hall from the Senate Chamber in the office of the majority leader of the Senate. He said: My most important priority beyond education, the economy, and tax cuts to get the economy going again will be a national energy policy.

At that time, he said: I will task the Vice President to put the best minds in the country together and make recommendations to you, the Congress, to develop a national energy policy based on what we see is necessary in the market. Our President did that.

It is interesting that a lot of people criticized him for it: Gee, who was that who was meeting with you? Did they meet behind closed doors? What did they recommend? And all of that.

They recommended a first-class list of things to do and what I have mentioned. What is embodied in S. 2095 is, in large part, what the President of the United States recommended to us as a national energy policy.

Why isn't it law? Why hasn't this country turned toward producing energy instead of simply consuming and being more reliant on a foreign producer than a U.S. producer? Because this Senate could not get its act together. It is not big oil you ought to be blaming anymore, it is big Government and big politics. It is the politics of energy, it is the politics of the environment, and it is the denial of the responsibility that every Senator in this body has to the home folks, to the consumer, to the producer, to the farmer, to working men and women who are now paying more for energy than at any other time in this Nation's history.

If you don't think $3 a gallon for gas at the pump in the L.A. basin does not have an impact on the economy of this country, then think again. If you think $2 a gallon for gas at the pump in Idaho today does not have an impact on the consumer, does not have an impact on the farmer, the producer, the working men and women, then think again.

Our economy is a whole. It is just as I said, and if that average working family has to spend $400, $500, $600 or more or $1,000 or more a year on energy, that is $1,000 less they have to put food on their table, buy clothes for their kids, or even go out in the evening and have a dinner.

It is that extra income that rolls across America that makes this country and this economy as strong as it is. When it is going to an OPEC nation to pay for the oil for the gas or the oil we burn here instead of going to our own producers, somehow that just is not right. But that is exactly what we are doing today, and we are doing it for one simple reason alone: Because politically we could not function. Politically we did not get our act together.

Many of us tried. We produced a bipartisan bill, but it was not quite perfect for some. Now the tragedy of that story is that the American consumer pays an unprecedented price. That is the bad news.

There is a glimmer of good news. In a bill that we passed this week, we passed a piece of this energy bill. We passed the tax incentives. A couple of Senators came to the floor and said: Oh, all that money is just being given to big oil, which is a big rich industry and shame on you for doing that.

Do my colleagues know what the rate of return on investment in the oil industry was last year? Mr. President, 6.3 percent. Banking was 19.5 percent. Starbucks was 8 percent. In other words, it was more profitable last year to invest in a Starbucks coffee shop than to invest in a major oil company. Why? Cost of production, Federal regulations, Clean Air Act, all of those Government hurdles that the oil industry has to jump over that cost hundreds of millions of dollars to bring a new refinery online or to bring a new oilfield into production.

So good money just does not go there when money can go elsewhere with less risk to make greater return. That is what we passed this week. With the tenacity of the leadership, we got it through. That is a piece of a total picture of getting this country back into the business of producing.

Somebody said, well, we could tap SPR, the Strategic Petroleum Reserve, the salt domes down in the south where we store crude oil in the case of an emergency. So if we tap those, then we would have more oil and therefore more gas and the gas at the pump would cost less.

What they did not say is that was the strategy that Bill Clinton used during a period of high gas prices and it changed the price at the pump by one cent. The reason it changed the price at the pump by only one cent is because our refinery capacity in this country is so limited today.

Twenty years ago, we had 324 gas and oil refineries in this country. Today, we have 135 or 140. It was not cost effective to retrofit them and rebuild them to meet the standards of the Clean Air Act. They simply tore them down and they went away. So with our gas and oil refineries operating at 95- to 98-percent capacity, as we speak at this moment, adding more total supply does not change the equation.

Well, would you leverage down the Saudis and OPEC? Probably not that much, because they know that ultimately we will have to come back to buy oil from them because we are not producing it for ourselves.

So before we adjourn this final session of the 108th Congress, whether it occurs in late September or early October, there is one thing we ought to do, and that is we ought to pass a national energy policy for this country. It is written. It is refined. It has been through conference. It is laying at the desk of the Senate, ready for an up-or-down vote. It is that simple.

It will not change gas at the pump overnight, but it will set us on a path of conserving, of producing, and of creating new technologies, alternatives, and fuel sources that are clean and nonemitting. Most importantly, it will say to the American consumer that the Senate of the United States on energy, for the first time, acted responsibly; instead of kowtowing to an environmental community or to another community of interests, it put it all together, it did the right things, and S. 2095 does, in my opinion, all of the right things and it puts us on a path of getting back to the business of producing, being more self-reliant on our own ability, less reliant and less dependent on nations elsewhere in the world that have become the primary producers of crude oil for the whole of the world.

That is the mission we ought to be about, but somehow politically we just cannot get there. So pick up your phone, call your Senator. I have called mine. I am talking to my Senator, who is the Presiding Officer. He and I agree that it is time this country get back into the business of producing energy, and it is important that the Senate respond.

I have one request of my colleagues this weekend when they are home. Take your car out, drive up to a gas pump at the local service station and fill it up and watch the face of the gas pump. Then watch your wallet because, if the tank is empty and you are filling it, it will drain your wallet, as it is draining the wallets of the working men and women of America.

Shame on us for having allowed that to happen, but it is this Senate and its inability to get a policy together that has in large part caused the problem our consumers now face.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM of Florida. I thank the Chair.

(The remarks of Mr. GRAHAM of Florida pertaining to the introduction of S. 2420 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAHAM of Florida. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

IRAQ

Mr. LAUTENBERG. Mr. President, all of us in the Senate, and in the Government generally, are terribly upset with the events of these last days and weeks because the shock and awe that we all experienced in the beginning days has been diminished when compared to what we are seeing now.

Now we are seeing the ultimate degradation of human conduct. Unfortunately, some part of it comes from us, from Americans. We are embarrassed, apologetic, humiliated by what we have seen.

I, like all of my colleagues, had a chance to view the pictures the Pentagon sent to Congress yesterday. They were sick, perverted images from the Abu Ghraib prison. Shameful, perverted, degraded images that made Members feel ill. But we could tell from the images there were many soldiers present at these scenes. This was not a soldier or two; there were many. The photographs demonstrated complete disintegration of discipline. Unfortunately, while it would be a lot easier if this were just the case of a few bad apples, it indicates a breakdown in leadership.

I am a World War II veteran. I experienced the stress of being in a combat zone. I understand the psychological wear and tear. I also know it is the responsibility of a soldier's leaders all the way to the top of the chain of command to supervise, to manage as best they can the conduct of the troops.

Regarding the current case of prison abuse, it is premature to rush to court-martial individual soldiers before all of the facts are known. I understand the administration seeks a public, visible court-martial trial to demonstrate the United States commitment to justice, but before we simply lay all the blame on the soldiers at the bottom of the chain of command, we need to understand where the directives were and what they were when they came down from the top. How clear is it now that well-dressed men in charge have let the soldiers in uniform down?

The top civilian leadership at the Pentagon has failed. In my view, replacing Secretary Rumsfeld will change little at the Pentagon if his discredited team of advisers remain in their high-level position. A series of bad decisions by the top civilian leadership at the Pentagon has severely undermined our operations in Iraq. In my view, the Pentagon's trio of civilian leaders needs to be replaced. I am speaking specifically of the Secretary of Defense, Donald Rumsfeld, Deputy Secretary Paul Wolfowitz, and the Under Secretary for Policy, Douglas Feith. All three of those officials ought to be replaced. They all work very closely together, and I am sure not one, not even the Secretary himself, made all of the decisions. The trio's poor planning and miscalculations have undermined the troops serving on the ground in Iraq.

We are proud of those who have served so generously and nobly. That does not mean we cannot have some bad actors, but it also does not mean those at the top are free of responsibility. Their negligence regarding reports of prisoner abuses which were alleged to take place as early as last October is the last straw in a record of missteps and miscalculations that have compromised the safety and effectiveness of our military operations.

These civilian leaders have dismissed the views of people in uniform numerous times. For example, in early 2003, Four Star General Eric Shinseki disagreed with Secretary Rumsfeld's plans for a light battlefield force for Iraq. He said—and it was a courageous statement—that at least 300,000 troops would be needed during the war, particularly in the aftermath of the war. Now we know that General Shinseki was right. The security situation in Iraq is deteriorating in exactly the way he said it would if there were not enough troops.

So how was General Shinseki handled by the trio of civilian leaders at the Pentagon? He was fired. Fired for telling the truth. It tells us something about the character of those decisionmakers who said, no, no, we can get this done in much easier fashion. He was fired for knowing what he was talking about.

That is just one of the many miscalculations and mistakes made by this trio at the Pentagon. Despite the urging of the Joint Chiefs of Staff not to do so, the Pentagon civilian leadership disbanded the Iraqi army after the invasion. We left 400,000 armed and trained Iraqis unemployed—I am not trying to give them jobs—and resentful, and now these men are contributing significantly to the massive security problems American troops are facing.

The civilian leadership at the Pentagon also ignored postwar plans drawn up by the Army War College and the State Department Future of Iraq Project, which predicted most of the security and infrastructure problems that America faced in the early days of the Iraq occupation.

We have heard plenty of speeches from Secretary Rumsfeld and Deputy Secretary Wolfowitz and Under Secretary Feith. They talk tough about supporting the soldiers, sailors, marines, air men and women, but in reality they fail to provide adequately for our U.S. commanders as they requested in Iraq such things as sufficient interceptor body armor or adequate protection from Humvees.

I learned that on my trip to Iraq last month when I asked a young soldier—a captain, as a matter of fact—what it was he needed to better conduct his soldiers in our Army there. He said: Senator, the flak jacket you are wearing is the latest. It is the most protective. I don't understand, he said to me, why we do not have them when I have seen those in the coalition wearing those vests.

He said to me: You see this rifle? This big, heavy rifle is bigger than the one I carried in World War II; I carried a carbine. He said: There are better weapons out there with better sighting mechanisms, lighter to carry. He said: We do not have them, and I don't understand why, Senator. He said: We have seen those in coalition hands.

Recently, Acting Secretary of the Army Les Brownlee and Army Chief of Staff GEN Peter Schoomaker recently told Congress that the Army currently only has 2,000 armored Humvees even though it needs at least 5,000 to adequately protect our troops. And the sight of those vehicles burning leaves out what happened to those people who were in those vehicles.

When asked why the Army did not have enough of these vehicles, General Schoomaker said the Pentagon policymakers had not foreseen the need for these standard fighting vehicles.

Despite their academic credentials, Wolfowitz and Feith horribly misjudged the post-invasion situation in Iraq, and it has cost American lives.

Under Secretary Feith dismissed all dissent to his view that U.S. forces would be greeted as liberators and quickly win the lasting gratitude of the Iraqi people. Despite the current quagmire, he continues to cling to his delusional view of the situation.

In addition, before the invasion, these civilian leaders also told the American people that Iraq would pay for its own reconstruction through oil revenues. As we now know, not only has that not happened, but U.S. taxpayers are paying virtually all of the costs of the reconstruction of Iraq.

We cannot pass a highway bill in this Congress for America, but we are unloading U.S. taxpayer dollars to rebuild Iraq's highway system. Why do we have to go to our taxpayers over and over again for billions of dollars for Iraq? Why does the President need to take another $25 billion that could be used for Medicare, education, and American highway construction?

The reason is the administration marginalized the international community before the war, and Pentagon civilian leaders refused to cede any control of post-invasion Iraq to the international community. As a result, we have paid more than 80 percent of all of the reconstruction funds in Iraq.

I want to make it perfectly clear, I do not think we can cut and run. I think we have a responsibility there that we have developed through our own decisionmaking and through the fate that war has brought us. So I do not say cut and run. But I do say it would help us an awful lot if we were not, at this point in time, arguing to give people who have been successful in business or in life greater tax breaks when we desperately need the money.

Furthermore, there is little hope that European allies or international donors will cough up the over $30 billion that Iraq still needs for rebuilding, according to World Bank estimates.

U.S. taxpayers will have shelled out almost $200 billion by the end of 2004. As a result of this unilateralism, we barely cobbled together a meager coalition of the willing, but our men and women make up over 87 percent of the troops fighting in Iraq.

Secretary Rumsfeld, Deputy Secretary Wolfowitz, and Under Secretary Feith all have to be replaced. We need new leadership at the Pentagon, leadership that will listen to the military experts, leadership that will not cling to discredited ideologies.

Perhaps the best illustration of the ineptitude of this team was their gross underestimate of the length of the Iraqi operation. They created false hopes for troops and their families, especially the reservists, many of whom are now facing more than a year's worth of duty away from their homes, away from the ability to pay their mortgages, away from the comfort children need from a father. They created the false hopes, especially of the reservists, who expected much shorter battlefield tours of duty.

In February 2003, Secretary Rumsfeld said the war "could last six days, six weeks." And he said: "I doubt [that it could last] six months."

It is well over a year from the beginning of this war, and now our own generals are publicly questioning whether we can win. We have to win. We have no choice. But in order to win, we have to make sure our troops have the tools to do the job with, and that we have sufficient help from other places. We have to make sure we pursue that mission.

I am not sure the current Pentagon team has the ability to direct our needs now. We need new leadership. Secretary Rumsfeld, Deputy Secretary Wolfowitz, and Under Secretary Feith need to resign. And if they do not do so, then the President would be wise to ask them to go.

I yield the floor.

AAA AWARD WINNERS

Mr. DASCHLE. Mr. President, I am proud to announce to the Senate today the names of the young men and women who were selected to receive special awards from the American Automobile Association. Eight safety patrollers will receive the 2004 AAA School Safety Patrol Lifesaving Medal Award, the highest honor given to members of the school safety patrol. Another safety patroller will receive the special honor of the AAA National Patroller of the Year. They will receive their awards this weekend and I want to say how proud we are of them.

There are roughly 500,000 members of the AAA School Safety Patrol in this country, helping in over 50,000 schools. Every day, these young people ensure that their peers arrive safely at school in the morning, and back home in the afternoon.

Most of the time, they accomplish their jobs uneventfully. But on occasion, these volunteers must make split-second decisions, placing themselves in harm's way to save the lives of others. The heroic actions of this year's recipients exemplify this selflessness.

The first AAA Lifesaving Medal recipient comes from Centereach, NY. His name is Shawn Rooney.

On the afternoon of November 18, 2003, Shawn, age 13, was on patrol in front of St. Joseph School. A 9-year old boy, Zachary Chase, ran into the street to catch up with his class as a mini school bus was approaching. Shawn noticed that Zachary was in danger, grabbed his backpack, and pulled him back. Zachary was only one step away from the front of the bus.

This year's second AAA Lifesaving Medal honoree comes from Manassas, VA.

Josh Wampler, age 11, of Weems Elementary School, was approaching his bus stop on October 9, 2003, when he heard a woman yelling to a young body. Josh saw that a 3-year-old, Isaac, was standing in the middle of the street as a car was approaching. Josh carefully checked the traffic and met Isaac in the middle of the street. The driver of the car saw the patroller and child and was able to stop in time. Josh escorted Isaac safely to the side of the road and out of harm's way.

The next AAA Lifesaving Medal winner comes from Bristow, VA.

On the afternoon of October 14, 2003, Andrew Deem, age 11, was at his patrol station at Bristow Run Elementary School, when he saw a 2-year-old, Anthony D'Areagelis, walking with his mother. His mother was pushing a small child in a stroller, and Anthony ran away from his mother, down a hill, and into the busy street. Andrew quickly saw that Anthony was in danger, grabbed him, and brought him back to safety. Andrew also stopped Anthony's mother from running out into the street after her child.

The fourth AAA Lifesaving Medal recipient is also a student at Bristow Run Elementary School in Bristow, VA.

On October 14, 2003, John Hickey, age 10, witnessed the event that took place with Patroller Andrew Deem. As Mrs. D'Areagelis ran after her 2-year-old, Anthony, the stroller that she had been pushing with Patrick D'Areagelis aboard began rolling into the street. John Hickey acted quickly and placed his foot into the street to stop the stroller from rolling any further. As he did this, an SUV drove by at a considerable speed, grazed Anderw's shoe, and did not stop.

The next AAA Lifesaving Medal honoree comes from Culpepper, VA.

Vincent Verardo, age 10, is a patroller at Epiphany Catholic School. On a morning in April, 2003, Vincent was at his patrol station in the school's parking lot, when he saw 4-year-old Paul Thomas run back to his car to retrieve something he had left behind.

Paul ran in front of a car leaving its parking space, and Vincent quickly ran to the car, took Paul by the arm, and brought him back to safety. The driver of the car attested that they had not seen the 4-year-old until Vincent was present.

The sixth AAA Lifesaving Medal winner is from Harrah, WA.

Martay Gunnier, of Harrah Elementary School, was at her post on the afternoon of October 28, 2003, when she saw Raymond James, age 7, run out into the street to meet his mother on the other side without stopping to wait for a clear crossing. Martay acted quickly by taking Raymond by the arm and pulling him back to safety and out of the way of two oncoming vehicles.

This year's seventh AAA Lifesaving Medal recipient is from Milwaukee, WI.

Michael Chobanian, age 13, is a student at James Fennimore Cooper Elementary School. Michael was at his post on December 3, 2003, when he saw a 6-year-old, Chantal Hill, approach the street. Michael told her not to cross it, but she did not hear him and darted out into the street just as a parked car pulled away from the curb and began approaching quickly. Michael realized that the driver of the moving vehicle would not be able to see Chantal because their view was blocked by another parked car. He quickly yelled, "Watch out!" and reached to pull her out of the path of the moving car. The driver of the car swept by and slowed farther down the street, after realizing what could have happened.

The eighth AAA Lifesaving Medal winner is from Akron, OH.

On the morning of October 23, 2003, Robert H. Clement, age 10, was at his post at Pfeiffer Elementary, when he saw Aidan Robertson, a 2-year-old, slip away from his mother and run out into the street. Robert immediately dropped his patrol flag and ran into the street to help Aidan. Robert returned Aidan to his mother after narrowly escaping oncoming traffic by an estimated margin of only 4 feet.

In addition to honoring safety patrollers with the Lifesaving Medal Award, AAA also recognizes the School Safety Patroller of the Year. This award is presented to patrollers who perform duties above and beyond their normal responsibilities and demonstrate outstanding leadership, dependability, and academic strength.

This year, the Safety Patroller of the Year is Katie Wright, age 11, a safety patroller at Randolph Howell Elementary School in Columbia, TN.

Katie was selected because of her leadership abilities, academic achievement, and involvement in numerous school and civic activities. Katie wrote an essay on her school safety patrol experience and said, "Safety Patrol has provided me with several qualities that have helped me in becoming a leader." Among the qualities she mentions are patience, compassion, self-respect, charisma, responsibility, and self-discipline.

She and all of the other AAA winners deserve our thanks and admiration.

On behalf of the Senate, I extend congratulations and thanks to these young men and women. They are assets to their communities, and their families and neighbors should be very proud of their courage and dedication.

I would also like to recognize the American Automobile Association for providing the supplies and training necessary to keep the safety patrol on duty nationwide.

Since the 1920s, AAA clubs across the country have sponsored student safety patrols to guide and protect younger classmates against traffic accidents. Easily recognizable by their fluorescent orange safety belts and shoulder straps, safety patrol members represent the very best of their schools and communities. Experts credit school safety patrol programs with helping to lower the number of traffic accidents and fatalities involving young children.

We owe AAA our gratitude for their tireless efforts to ensure that our Nation's children arrive to and from school safely and soundly. And we owe our thanks to these exceptional young men and women for their selfless actions. The discipline and courage they display deserves the praise and recognition of their schools, their communities, and the Nation.

BURMA

Mr. McCONNELL. Mr. President, I want to take a brief moment to update my colleagues on the situation in Burma.

In short: there has been no progress: Burmese democracy leader Aung San Suu Kyi remains under house arrest; 1,300 prisoners of conscience remain in Burmese jails—with others threatened by arrest for speaking out against the convention; and the SPDC nightmare of rape and repression continues unabated in Burma.

I expect that the junta may again release Suu Kyi in the houses leading up to the State Peace and Development Council, SPDC, orchestrated May 17 constitutional convention charade. The world must hold the applause.

The generals in Rangoon need to do much more to prove they are serious about reconciliation than staging bad political theater in which they control every line and cue.

What should the SPDC do? First, release all political prisoners including those rounded up in the anticipation of the convention. Second, permit the NLD to operate freely, including immediately reopening all party offices. Third, allow NLD members to meet with ethnic leaders without threats of harassment, imprisonment or worse. Finally, provide the international press with unfettered access to Burmese democrats, throughout the country.

While the NLD will decide whether or not to attend the constitutional charade, the international community bears the responsibility to condemn a fundamentally flawed process that offers little in the way of transition to democracy. I remain deeply concerned that the regime has not rescinded their order which imposes lengthy prison sentences on anyone who speaks out against the national convention. What more evidence of a Potemkin village is needed?

As we think about Burma, it is important to consider the comments of Tashika Elbegdorj, former Mongolian Prime Minister, who wrote in a recent op-ed on Burma:

> That the regime attempts to justify its behavior by talking about "managed democracy" and the "Asian way to democracy" is an outrage. The fact that Burma's regional neighbors look the other way while making pretenses about "internal affairs" is a stain on all Asians, and this must change.

Tashika Elbegdorj speaks the truth and I commend his interest in the struggle of freedom for Burma. I encourage other democrats in the region to find their voices in support of Suu Kyi and the NLD in the days, weeks, and months to come.

I close by highlighting yesterday's Baltimore Sun editorial on Burma entitled "Window Dressing" that encouraged the U.S. Senate to ". . . act quickly to renew import sanctions. . . . And this time sanctions must be followed by a U.S. diplomatic campaign—with the generals, their Southeast Asian apologists and the U.N. Security Council—that will be more strongly focused on forcing the junta to begin sharing power. Ms. Suu Kyi has deservedly gained world renown as a symbol of the Burmese quest for freedom, but she is also just one of 50 million people who remain under this regime's lock and key."

The Sun editors got it right: the Senate must act quickly to pass S.J. Res. 36, which renews import sanctions against Burma. By doing so, we send a clear message that America continues to stand with the people of Burma. It is my hope that we can get agreement to consider and pass this resolution before the May recess.

I ask unanimous consent that the former Prime Minister's op-ed, which appeared in The Nation, an English-language newspaper in Thailand, and the Baltimore Sun editorial be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, May 12, 2004]

WINDOW DRESSING

On Monday, 14 years after a pack of generals stole control of Myanmar from a legally elected democracy party, the still-ruling military junta will convene a national constitutional convention to which it has invited its long-suppressed opponents. In advance, the National League for Democracy, which won those last parliamentary elections in 1990, has been allowed to reopen an office. And there's mounting anticipation that its leader, Nobel laureate Aung San Suu Kyi, will be released from house arrest to participate in the national political conference.

If this sounds all too familiar, it should. Those concerned with the brutal suppression of freedom in the national once known as Burma have been down this road before—in 1996 and, more recently, last year, when the indomitable Ms. Suu Kyi and her supporters, briefly free to speak out, came under violent ambush leading to her last rearrest. Her release now—it would be her third since her first arrest in 1989—would be welcome, but it also would impart credibility to a political process that Sen. Mitch McConnell has aptly denounced as "window dressing."

All but a few of the more than 1,000 convention delegates are said to be hand-picked supporters of the generals. Even as the illegal regime talks of a new road map to resolving this long standoff with the NLD, 1,300 political prisoners remain jailed, and in recent weeks more dissidents reportedly have been receiving long sentences. Ms. Suu Kyi's party is in a tough spot: It can boycott the convention as a sham and be accused by the regime of being noncooperative, or it can legitimize a sham. Either way, the Yangon generals again seem to be stringing along the world.

All this speaks to the need for the U.S. Senate to act quickly to renew import sanctions placed on Myanmarese goods after Ms. Suu Kyi was rearrested last year. And this time, sanctions must be followed by a U.S. diplomatic campaign—with the generals, their Southeast Asian apologists and the U.N. Security Council—that will be more strongly focused on forcing the junta to begin sharing power.

Ms. Suu Kyi has deservedly gained world renown as a symbol of the Burmese quest for freedom, but she also is just one of 50 million people who remain under this regime's lock and key.

[From the Nation]

NOW IS THE TIME FOR ACTION ON BURMA

(By Tashika Elbegdorj)

Nobody should be clinking champagne glasses over the recent announcement that Burma's National League for Democracy (NLD), led by Aung San Suu Kyi, has tentatively accepted an invitation to attend the national convention being organized by the ruling State Peace and Development Council (SPDC). If this is to be a credible process, the regime must first meet a number of reasonable demands by the NLD—something the ruling junta has never done in the past. Now is the time to step up pressure on Rangoon to ensure the NLD's demands are met and to prevent another attempt by the SPDC to place a veneer of democracy over their brutal rule.

Beginning a so-called process of national reconciliation and charting a way out of Burma's political impasse without the full participation of Suu Kyi and the NLD (as a party and not as individuals) is destined to failure. The legitimacy of the NLD cannot be denied. The Burmese people overwhelmingly elected NLD candidates in 1990 to represent them in parliamentary elections the SPDC refuses to recognize.

Few regimes in the world are as repugnant as the SPDC led by Senior General Than Shwe. Human rights reports and documentation by international organizations such as the United Nations have catalogued a long series of horrors the ruling regime inflicts on its people. For example, the SPDC demands forced labor from its citizens, uses rape as a weapon of fear and intimidation against ethnic groups, fills its jails with political prisoners and torture and summary executions are common. In one of the greatest crimes against our youth, Human Rights Watch reports that nearly 70,000 child soldiers, some as young as 11, have been dragooned into the Burma army.

That the regime attempts to justify its behavior by talking about "managed democracy" and the "Asian way to democracy" is an outrage. The fact that Burma's regional neighbors look the other way while making pretenses about "internal affairs" is a stain on all Asians—and this must change.

The SPDC's national convention continues a process begun in 1995 to guarantee a future constitution that cements the military's role in power. Statements by senior SPDC officials that this convention will pick up where the last one left off demonstrates a striking lack of sincerely and strongly indicates that this exercise has nothing to do with democracy and everything to do with dictatorship.

The Burmese people are not the only victims of the regime. Burma's neighbors also suffer. In Thailand, the junta's actions have forced tens of thousands of refugees across the Thai-Burma border. Methamphetimines, or *ya ba* as it is known locally, wash into Thailand from Burma, saddling Thai social services with skyrocketing addiction rates and increased crime. China is battling an HIV-AIDS epidemic that has its roots in Burma's opium smuggling. Regionally, Association of Southeast Asian Nations (Asean), who have long provided Burma's generals with political cover, are forced to pick up the tab for the regime's behavior. Meetings with the U.S. and EU officials that should be focused on enhancing economic, security and social ties are instead devoted to explaining the outrageous actions of a brutal regime. This tension is a drag on the region.

It is time for Asian governments to realize that it is time to get tough with Burma's thugs. After expending considerable political capital and prestige, Prime Minister Thaksin Shinawatra received a slap in the face when the junta refused to participate in a second meeting of the Bangkok Process, a mechanism he put in place to allow the regime to brief the international community on its road map to democracy and national convention.

Thaksin has bent over backwards to curry favor with Burma's generals by cracking down on Burmese refugees and democracy activists promoting non-violence in their opposition to the SPDC. Thaksin should communicate strongly to the regime that they will not find solace or cover with his government. Allowing Burmese democracy activists to meet and organize in Thailand would serve to demonstrate his commitment to freedom in Thailand as well as sending a strong signal to the regime that their actions are unacceptable and their support waning. Asean could take the step of suspending Burma's membership in the regional grouping putting the SPDC on notice they are unwilling to foot the rising political and financial bill for the regime's acts of violence and abuse.

A peaceful Burma holds the promise of returning refugees, addressing narcotics smuggling, and investing in a social infrastructure that can unleash the talents and potential of the people. This will create a huge new economic market for Asean and be a catalyst for further development in an environment of peace and stability. None of this will exist under the SPDC.

It is testimony to the bravery of the Burmese people that despite the regime's oppression and terror they are unable to subdue the country's democracy movement. The strength of the movement lies in its legitimacy and the demand by the country for governance derived from the will of the people. It is long past time for Asian governments to hear their call and take the actions necessary for a peaceful transition of power that can begin to heal this torn land.

MURDER OF NICHOLAS BERG

Mr. FEINGOLD. Mr. President, I join my colleagues and the American people in expressing outrage at the vicious murder of American citizen Nicholas Berg in Iraq. I extend my sincere sympathy to Mr. Berg's family and friends, who have had to confront a terrible loss in the context of a barbaric public display.

No one should be misled by the claims of the terrorists responsible for this atrocity. They purport to be retaliating for the abuse of Iraqi prisoners by American soldiers. But this is a lie. These people seek to kill us and kill our children because that is at the core of their agenda, because they derive power from inspiring fear and horror. They do not need a pretext for their brutality.

We express our disgust at the scandalous treatment of Iraqi prisoners because our country stands for basic principles, for the rule of law, for the dignity of the individual. We hold ourselves to high standards, and generations of Americans have shed blood to protect those standards and uphold our principles. We do not call for an investigation of these prisoner abuses in the hopes of placating terrorists. We call for an investigation and for full accountability because that is the right thing to do.

And in the broader fight against terrorism, we speak, wisely, of the need to win hearts and minds in the Arab and Muslim worlds, where millions of good and decent people question American intentions and actions. We insist, quite rightly, that the basic norms and standards of conduct embodied in the Geneva Convention not be undermined, because those same Conventions protect our own troops when they are in harm's way. But our efforts are not aimed to influence the behavior of terrorists. No one has any illusions about the nature of these people. We will not change their minds, or win their hearts, or convince them to uphold basic standards in their conduct. One has only to recall the horror of September 11, or consider the murder of Nicholas Berg, to be certain about that.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On April 6, 2000, in Ashland, OR, Michael Susee was charged with intimidation and assault for allegedly attacking three gay men while yelling antigay remarks.

Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. By passing this legislation and changing current law, we can change hearts and minds as well.

PEACE OFFICERS MEMORIAL DAY AND NATIONAL POLICE WEEK

Mr. DOMENICI. Mr. President, I rise today to remember and pay tribute to those from my home State who have made the ultimate sacrifice in the line of duty. I sincerely believe we must never forget those who have given their lives to protect us all.

Each and every day, law enforcement officers risk themselves to protect the rights and freedoms we enjoy as citizens of this great country. Their commitment and sacrifice make our streets and homes safer, our communities stronger, and keep our families secure.

On October 1, 1962, President John F. Kennedy signed Public Law 87–726, proclaiming May 15 of each year as Peace Officers Memorial Day and the calendar week of each year during which May 15 occurs as National Police Week. The week is a time to honor Federal, State and municipal officers who have been killed or disabled in the line of duty. This law was amended by the 103rd Congress as part of the Violent Crime Control and Law Enforcement Act in 1994 to order the United States flag on all government buildings displayed at half-staff on May 15.

Since the turn of the last century, more than 60 law enforcement officers have been killed in the line of duty in New Mexico ten since 1996. I would like to bring special attention to two events in particular, while realizing that all are nonetheless significant. One occurred long ago, and the second just this past year.

The first took place the year prior to my election to this body. On the night of November 8, 1971, New Mexico State Police Officer Robert Rosenbloom was gunned down after he stopped a vehicle on Interstate 40 west of Albuquerque. Three murder suspects—Charles Hill, Ralph Lawrence Goodwin, and Michael Robert Finney—fled to Albuquerque. On November 27, they forced an Albuquerque tow truck operator at gunpoint to drive them to the runway of Albuquerque International Airport. Once there, the hijackers seized control of a commercial jet and forced the pilot to fly to Havana, Cuba.

Under the protection of Fidel Castro, they have avoided American justice. It has been reported that one suspect died in Cuba; however, there are still outstanding warrants for all three suspects. These men have been given asylum in Cuba and we continue to seek the extradition of these men for trial. Today, I renew my call for Cuba and Fidel Castro to return these fugitives. This shall also serve notice that those of us from New Mexico have not forgotten, and we will forever hold out desire for due justice.

I would also like to remember Patrick K. Hardesty. Patrick grew up in Artesia, NM, where he established himself as a talented musician and Eagle Scout. In fact, he was one of my military academy nominees years ago. While making a career in the U.S. Marine Corps and Reserve, Patrick earned a college degree and joined the Tucson, AZ police force after retiring from the military. On May 26, 2003, about this time last year, he was brutally shot and killed while investigating a minor hit-and-run in midtown Tucson.

I take this opportunity to pay tribute to the unselfish dedication of Robert Rosenbloom and Patrick Hardesty, and all the brave men and women who have devoted their lives to public protection and service.

We remember their dedication to protect and serve, and the tragic price they paid for that devotion. We also remember the families of these two officers and the sacrifices they have incurred because of a deep-seated commitment to duty and public service. All of us from New Mexico owe a debt of gratitude to each and every officer who has lost their lives in the line of duty.

We would do well to remember to express our gratitude to the officers who continue to serve us day to day. The men and women of law enforcement, through their service, are most worthy of our thanks and highest respect. To all who have paid the ultimate price and to those who continue to serve, may we forever be grateful and never take for granted what you do. You have my utmost admiration.

IN COMMEMORATION OF POLICE WEEK

Mr. BIDEN. Mr. President, I rise to pay tribute to the 145 law enforcement officers who gave their lives in service to their communities last year. They are true heroes, and their families are owed our gratitude.

This is National Police Week. Tonight, the National Law Enforcement Officers Memorial Fund will host the 16th Annual Candlelight Vigil on the grounds of the National Law Enforcement Memorial here in Washington. Three hundred and sixty-two names will be added to the memorial tonight—145 officers who were killed in 2003, and 217 who were lost in prior years. Saturday, the Fraternal Order of Police will host the National Peace Officers' Memorial Day Service on the West Front of the Capitol. Together, these two events, along with other events throughout the city this week, should make us all pause and give thanks to police officers throughout the Nation who protect our communities against crime and terrorism.

We lost fewer officers in the line of duty last year than we have in years past, and the total is well below the 230 officers killed in 2001, when we lost 72 officers on September 11 alone. But the numbers of lost officers is still far too high. On average, one out of every 9 officers is assaulted per year, one out of every 25 is injured, and one out of every 4,400 is killed in the line of duty annually. Police risk their own lives in our service each and every day, and we should keep these sobering statistics in mind every week, not just during police week.

Law enforcement is an inherently dangerous undertaking, and police officers have become our front lines in the war on terror. I fear we are underfunding their efforts as we reorient Federal assistance to local law enforcement post 9/11, but that is a conversation for another day. Today, and this entire week, we give police officers our thanks, we remember those that paid the ultimate price while serving our communities, and we give comfort to the loved ones they have left behind.

Mr. KOHL. Mr. President, I rise to recognize nine extraordinary individuals from my home State of Wisconsin. Each of them dedicated, and ultimately sacrificed, their lives to protect their fellow citizens.

On Thursday, May 13, 2004, a candlelight vigil will be held at the National Law Enforcement Officers Memorial to add 362 more names to the memorial. Each day, law enforcement officers risk life and limb to serve the public. On average, 167 officers are killed each year in the line of duty. This memorial is a lasting tribute to these courageous individuals.

Nine of the names being added today belong to law enforcement officers who served throughout the State of Wisconsin. For the sacrifices they have made on our behalf, the citizens of Wisconsin owe these brave individuals and their families a debt that can never be repaid. I would like to honor them by placing their names in the RECORD, along with the date of their untimely passing.

They are: Harry O. Harris of St. Croix County—6/18/1904; Richard Meyer of Winnebago County—11/13/2003; Roland

Silas Payne of Wisconsin Rapids—11/10/1939; Roy Sampson of La Crosse County—9/24/1952; Matt Schumacher of the Wisconsin Department of the Treasury—9/22/1934; Michael Eron Shannon of Adams County—3/7/2003; Charles Snover of Waukesha County—7/28/1935; Curtis Owen Starry of Viroqua—3/13/1953; and Bruce Allen Williams of Green Lake County—10/19/2003.

Every day, public safety officers around the country put themselves in harm's way to make our communities safer. It is important that we honor their dedication and commitment to making our country and our communities a better place in which to live. That is particularly true of those who have lost their lives in the line of duty, but it is also true of those who take that risk day after day. For their commitment and dedication to their profession, we are forever in their debt.

TO AUTHORIZE SEPARATE MEDALS FOR THE IRAQ AND AFGHAN MILITARY CAMPAIGNS

Mrs. LINCOLN. Mr. President. I rise in strong support of the legislation we are seeking an agreement to consider that would honor the service of our men and women in uniform who are defending our freedom honorably in Iraq and Afghanistan. This legislation would award separate campaign medals to members of the Armed Forces who participate in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom.

The bill passed the House of Representatives unanimously in March and was reported by the Senate Armed Services Committee earlier this week. I am proud to have worked with my colleague, Senator JEFF BINGAMAN, and others on a companion bill in the Senate.

I know after talking with service men and women from Arkansas that this is an important effort which will allow us to properly honor and recognize the individual sacrifice of those who put their lives on the line so far away from home to defend the freedom we cherish as Americans.

In an effort to demonstrate support for our men and women in the military, I am circulating a Soldiers Bill of Rights petition in Arkansas to demonstrate to my colleagues in Washington how important it is to honor the sacrifice of our veterans and their families. This legislation is one of ten priorities I have included in my Soldiers Bill of Rights and I hope we can pass this bill in the immediate future.

I close my remarks by commending my colleague, Congressman VIC SNYDER, who led this effort in the House. VIC is a good friend and a Vietnam Veteran, and I am very proud of his leadership on this issue on behalf of the constituents we represent in Arkansas.

GASOLINE FREE MARKET COMPETITION ACT

Mr. FEINGOLD. Mr. President, I would like to express my support as a cosponsor for S. 1737, the Gasoline Free Market Competition Act. Over the past few months, oil prices have skyrocketed $40 per barrel, the highest price since 1990. High gasoline prices are inextricably linked to high crude oil prices. And these high oil and gas prices hurt Americans across the Nation and from all walks of life. Farmers, teachers, and small business owners across the country and in Wisconsin in particular are getting hit hard by these outrageous costs.

The statistics are staggering. For gasoline, the increases in crude oil prices have resulted in an average national price of $1.96 per gallon. In Wisconsin, the current average price for a gallon of self-service regular unleaded gasoline in Wisconsin is $1.821, according to AAA's Fuel Gauge Report. The current average is 7.1 cents higher than a month ago at this time and 23.6 cents higher than a year ago at this time. These are the highest gas prices we have seen in 13 years.

Unfortunately, under current law, the Department of Energy can conduct investigations into gasoline prices, but it does have the power to enforce the law or sanction companies for price manipulation. On the other hand, the Federal Trade Commission, FTC, does have the power to protect consumers from gas price manipulation. The FTC is supposed to promote competition and free markets, but all too often, the FTC has not actively overseen energy markets to prevent price fixing and market manipulation.

Congress needs to direct the FTC to eliminate anticompetitive practices that currently cause a chokehold on the competitiveness of independent gas distributors and gas station owners. That is why I am supporting the Gasoline Free Market Competition Act, S. 1737. This legislation would modernize antitrust law to prohibit antiompetitive practices by single companies in the concentrated gasoline markets. The gasoline market in Wisconsin and at least 27 other States are now considered to be "tight oligopolies" with four companies controlling more than 60 percent of the gasoline supplies. We need to ensure that these concentrated markets are not subject to manipulation.

S. 1737 would address two major problems tied to gasoline price-fixing called "redlining" and "zone pricing." In tightly concentrated markets, numerous studies have found oil company practices are driving independent wholesalers and dealers out of the market. One anticompetitive practice is called "redlining," which limits where independent distributors can sell their gasoline. As a result, independent stations must buy their gasoline directly from the oil company, usually at a higher price than the company's own brand-name stations pay. With these higher costs, the independent station cannot compete. Investigations have also found large consolidated oil companies control not just the buying choices of local gas stations, but also the selling prices of gasoline distributors. This anti-competitive practice is called zone pricing. The company bases prices not on the cost of producing gasoline, but on the maximum a neighborhood will pay.

The Gasoline Free Market Competition Act, S. 1737, will do three things to address this problem. First, the bill would establish "consumer watch zones" for concentrated gasoline markets like Wisconsin. Where a few companies control a large part of the market, they can manipulate supplies and restrict competition with ease. Therefore, the FTC should watch consolidated markets more carefully.

The Gasoline Free Market Competition Act also shifts the burden of proof for price-fixing. If the FTC finds that an oil company is employing anticompetitive practices in a consumer watch zone, the company should have to prove it is not hurting consumers. Redlining and zone pricing would be presumptively illegal. Oil companies that engage in anticompetitive practices that manipulate supply or limit competition would have to prove these practices do not hurt consumers.

Finally, the act gives the FTC clear "cease and desist" authority to stop price-fixing. In consumer watch zones, the FTC could issue "cease and desist" orders to companies participating in these anticompetitive practices, forcing them to stop gouging consumers. The Congress needs to act now to ensure that anticompetitive practices do not lead to further gas price increases, as many energy analyst are predicting.

ADDITIONAL STATEMENTS

TRIBUTE TO MATTHEW ROSS

• Mr. NELSON of Florida. Mr. President, I rise to commend an outstanding young Floridian. Matthew Ross is an 11-year-old who has overcome tough circumstances and has succeeded. He recently won the prestigious national award, the Temple Grandin Award, for achievement in autism, became the first autistic child to serve as a page in the Florida House of Representatives and won the Special Olympics District Tournament Golfing Regionals in his area. What a year.

I had the privilege of meeting Matt recently. I was impressed by his polite demeanor and his interest in special education issues.

A little over a year ago, Matt was in special education classes because by his own words, he had "trouble with the way my brain processes information." He had been diagnosed with Asperger's Syndrome and, earlier, his mother had even considered placing him in a group home. But, now just some 12–13 months later he has blossomed. He is no longer in special education classes, and as I understand it has political aspirations. I give high praise to his mother, Susan Ross, who has steadfastly stood by Matt and made it possible for him to succeed.

I wish Matt all the luck and blessings in the world. Keep it up, Matt.•

RECOGNIZING THE 50TH ANNIVERSARY OF THE ASIA FOUNDATION

• Mrs. FEINSTEIN. Mr. President, I rise today to recognize the Asia Foundation, a private, nonprofit organization based in San Francisco, CA, which is celebrating its 50th anniversary in 2004.

The Asia Foundation is a national asset that has contributed in significant ways to the mutual interests of the people of Asia and the United States for a half century.

Through its programs, the foundation has been instrumental at key moments in these five eventful decades. Early in its life, the foundation contributed to democracy, freedom, peace and constructive relations in post-World War II Asia. Since then, the foundation has invested in Asia's future leaders, built the capacity of democratic institutions, provided support to civil society groups, promoted the rights of women and created opportunities for economic growth and development.

Today, the foundation is contributing to new initiatives in the region, building new governance and opportunity in Afghanistan, for instance, through support to the Constitutional Loya Jirga, helping new democratic institutions in Indonesia and programs with moderate Muslim leaders, and continuing to support human rights and prospects for reform in Cambodia, Nepal, and throughout Asia.

Through its 17 field offices in Asia, the Asia Foundation has made its positive mark. The foundation identifies and supports reform-minded people at every level of society, from presidents and parliamentarians, to grassroots nongovernmental leaders. The foundation has supported educational institutions and libraries, legislatures and judiciaries, civil society and the media, all with the aim of improving the lives and helping to meet the aspirations of the people of Asia.

In every corner of Asia, the foundation's impact is felt through the fellowships it has provided to thousands of Asia's leaders since its founding, the new government and nongovernmental institutions it has supported and the new ideas it has fostered to meet the challenges facing Asia today. In so doing, the Asia Foundation represents America at its best: a private organization working in partnership with government, advancing mutual interests of the U.S. and Asia in supporting vibrant democracies, open economies, and peaceful relations.

As the United States addresses new challenges and opportunities in U.S.-Asian relations, we celebrate the Asia Foundation's history of achievement, and look forward to its continued contributions to the region in the future.•

IN RECOGNITION OF MARY CONNELLY KEGELMAN, NATIONAL AND DELAWARE MOTHER OF THE YEAR

• Mr. CARPER. Mr. President, I rise today to recognize Mary Connelly Kegelman, recipient of the Delaware Mother of the Year and the National Mother of the Year awards. Mary has dedicated her life to raising her 10 children and to the thousands of school children whose lives she has touched.

Mary was born in Massachusetts in 1930. She received her Bachelor's degree in chemistry from Elms College in Massachusetts and went on to Fordham University in New York for her Master's degree in physical chemistry. It was during graduate school that she met her husband, Matthew. The two were married on October 12, 1953, in Massachusetts in front of their loved ones.

Shortly after graduation, Matthew was offered a job at the DuPont Company. The newlyweds moved to Delaware and have lived here for over 50 years. They have 10 children—John, Matthew, Jerry, Joseph, Thomas, Mary, Christine, Bernadette, James and Daniel, and 18 grandchildren.

Mary began teaching algebra part time at Ursuline Academy in Wilmington, DE in 1973. While her children were in middle school at Immaculate Heart of Mary, she saw a great need for algebra education. Two of her children were in seventh and eighth grade, and were not being taught algebra. Mary knew they were capable of learning it. She talked to the school, and began volunteering one day a week to teach algebra to the top students in the class. One day turned into two days, and soon thereafter, the school asked her to come aboard full time to teach and to start the advanced math program at Immaculate Heart of Mary. With the help and cooperation of students, teachers, administrators and faculty, the curriculum developed into a top-notch program, with each of the top 15 students in grades 6, 7 and 8 participating.

It was after a lifetime of dedication to her family and students that Mary was recognized for her selfless devotion. American Mothers Inc., a nonprofit group that promotes motherhood and family, awarded Mary with the Delaware Mother of the Year and the National Mother of the Year honors. The State award was presented to Mary in April, and the national award was announced in early May. Mary was honored for reading favorite bedtime stories, helping with homework and offering friendship when it was needed most. Those who know Mary describe her as embodying the spirit of what motherhood is supposed to be—nurturing, but strong.

Mary is an amazing woman. She has been committed to her family, her students, and her community. Even to this day, she spends several hours a week tutoring students who need help in math. She has helped shape the lives of thousands in the halls of the institutions she served, and in the hearts of those who have been lucky enough to call her their friend. I rise today to honor and thank Mary for her selfless dedication to the betterment of others. She is a remarkable woman and a testament to the community she represents.•

WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION NATIONAL COMPETITION

• Mr. GRASSLEY. Mr. President, I would like to congratulate the students from Central Academy in Des Moines, IA, who participated in the "We the People: The Citizen and the Constitution" national finals in Washington, D.C. The annual competition is the culmination of the students' extensive study of the American system of constitutional democracy. The team from Central Academy won the State competition, earning the honor of representing Iowa in the national finals on May 1–3. I am proud to say that performance of the Central Academy students in the national finals earned them the Regional Award for the central states, which is given to the best non-finalist team in each region. I offer my sincere congratulations to these exemplary students.

I had the opportunity to meet with these students when they were in Washington. They are a remarkable group of politically engaged young people and I am proud to have had them representing Iowa during the national competition.

The "We the People: The Citizen and the Constitution" program, run by the Center for Civic Education with the help of Federal funding, provides an outstanding curriculum that promotes civic competence and responsibility among elementary and secondary students. Students take away a solid understanding of the origin of American constitutional democracy as well as the contemporary relevance and application of our founding documents and ideals. In short, the We the People program produces better citizens.

In closing, I would like to personally recognize the Central Academy students who participated in this program, Oliver Borzo, Andrew Dahm, Andrew Eilts, Becki Gell, Andrew Greiner, Sean Noonan, Carole Peterson, Paige Richards, Maura Walsh, Shannon Wenck, Emma White, Molly White, Christopher Woods, Ru-Huey Yen, Ru-Shyan Yen and their teacher, Michael Schaffer. They can all be very proud of their knowledge and accomplishments. I would also like to recognize the "We the People" district coordinator, Ivette Bender, and the State coordinator for Iowa, Linda Martin, for all their work in getting an Iowa team to the national finals.•

IN SUPPORT OF LES BROWNLEE, ACTING SECRETARY OF THE ARMY

• Mr. SHELBY. Mr. President, I rise today to praise the Acting Secretary of the Army, Les Brownlee, for his wonderful leadership and great job he has done under very difficult circumstances as the Army copes with the stresses of heavy involvement in the Global War on Terrorism, especially in Afghanistan and Iraq, and as he juggles many demands and complex priorities as the Army continues to transform.

Acting Secretary Brownlee is indeed a highly distinguished public servant who has performed with great humility, energy and passion on behalf of all our active and reserve soldiers and their families. I was particularly impressed with the article "Army of One" by Katherine McIntire Peters which appeared in the latest edition of Government Executive magazine and believe that every member should take time to read it. I ask that this article be printed in the RECORD in its entirety.

The article follows.

ARMY OF ONE

Acting Secretary Les Brownlee once again leads troops through tumultuous times. On Christmas Eve 2001, Undersecretary of the Army Less Brownlee took an Air Force C–130 transport plane to Baghram Air Base in Afghanistan, where about 200 soldiers were battling al Qaeda and the terrorist organization's Taliban sponsors. It was a dangerous flight. To reduce their chances of drawing enemy fire, the pilots landed at night, with their lights extinguished. Brownlee spent the evening and following day meeting with soldiers, listening to their experiences and offering encouragement and praise for their service. He had been in office less than two months when he made the Christmas visit, but it established a pattern. With little fanfare and no press attention, Brownlee has spent every holiday since then in the field with soldiers.

Brownlee's boss at the time, Army Secretary Thomas White, was the public face of the Army, testifying before Congress and participating in Pentagon press briefings with Defense Secretary Donald Rumsfeld, while Brownlee was quietly managing an expanding portfolio of responsibilities. In March 2002, Brownlee was made acting assistant secretary of the Army for civil works, taking on oversight responsibility for the Army Corps of Engineers, a position that would last until this past August, when President Bush appointed John Paul Woodley to the job. In the meantime, Rumsfeld fired White last April and Brownlee became acting Army secretary. For four months last year, Brownlee simultaneously held the positions of Army secretary. For four months last year, Brownlee simultaneously held the positions of Army secretary, undersecretary and director of civil works. During this time, the Army went to war in Iraq and began the biggest civil works project since World War II—the $18 billion program for rebuilding Iraq. Despite his enormous role in what is arguably one of the most profound shifts in U.S. military posture, Brownlee has received very little media attention, a fact that clearly suits him. "He's a humble and completely dedicated man," says John Hamre, deputy Defense secretary during the Clinton administration and a former colleague of Brownlee's when both worked on the Senate Armed Services Committee, Brownlee for Republicans and Hamre for Democrats. "He does not seek press. He refused to let me have a dinner in his honor when he became undersecretary. He just said, 'I don't think that's right.' Les is one of my best friends, and I said 'Les, please, this is for you,' and he said, 'Please don't do it. I know how much you care,'" Hamre recalls. "He completely wants to dissolve his own personal identity into the good of the Army," Hamre says. "Without question, he is one of the finest people I've ever worked with."

A 'GET-IT-DONE FELLOW'

If a Hollywood producer were casting a film about the Army, the service secretary might very well look like Brownlee. In an interview in March he appeared tanned and fit, handsome, square-jawed, blue-eyed, silver-haired. He wore a navy suit, a white shirt French cuffs and a red, white and blue tie, the uniform of official Washington, but for the Silver Star pin in his lapel, a hard-earned award for valorous conduct on the battlefield nearly four decades ago. Brownlee earned two Silver Stars in Vietnam, along with three Bronze Stars and a Purple Heart. He may look like a politician or a banker, but he is a soldier's soldier. Brownlee's bearing is formal and gentlemanly and he speaks in a measured, low voice. After introducing himself at the beginning of an interview, his first comment is: "I've never really done this before." A press hound he is not. Brownlee's résumé is remarkably suited to his responsibilities. A highly decorated infantry company commander in Vietnam, he served a full career in the Army before retiring as a colonel in 1984, after serving as executive officer to James Ambrose, one of the most dynamic Army undersecretaries in modern history. "I though he was a real comer and a very effective fellow," recalls Ambrose. "I think of Brownlee as a superb organizer—a get-it-done fellow."

After leaving the Army, Brownlee went to work on the staff of Sen. JOHN WARNER, R–VA., a stalwart on the Senate Armed Services Committee. Three years later, Brownlee joined the committee staff, where he worked for 14 years, several years as staff director under the late Sen. Strom Thurmond, the committee chairman whose failing health greatly impaired his participation in Senate business. "Les single-handedly ensured the authorization bills were produced in some very difficult years," recalls Hamre. "Had it not been for Les to hold the committee together and move those bills forward . . . there were a couple of years we weren't going to have authorization bills. Les made it happen.

While working for the Senate, Brownlee oversaw some of the most profound changes in military posture since the Korean War. He was a major player in decisions surrounding the reduction in military forces and the cancellation of major weapons programs following the end of the Cold War, and he played a key role in establishing requirements aimed at helping the services navigate the strategically messy decade of the 1990s.

In the summer of 2001, Bush administration officials asked Brownlee if he would take the job as Army undersecretary. He was still mulling it over on the morning of Sept. 11, when he turned on the television in his Senate office in time to watch terrorists fly a second plane into the World Trade Center towers in New York. A short while later he spoke to his son, A U.S. attorney in Roanoke, VA., who told him: "You know you have to take the job now." "I knew he was right," says Brownlee.

SHUNNING PERKS

To get to Brownlee's Pentagon office a visitor must walk past an empty suite of offices designed for the Army secretary. When he became acting secretary a year ago, Brownlee declined to move into the secretary's spacious third-floor suite. Nor would he let his staff change the nameplate on his office door to reflect his position. "The morning I signed the papers to become acting secretary I told my staff I would not be using the secretary's office, I would not use the secretary's car and I did not want my picture up on the wall [with other Army secretaries]. I assumed there would be a nominee. It didn't seem appropriate [to assume the perks of office]. It's a personal thing," he says, when asked about it.

Last July, months after Brownlee assumed the job of acting secretary, Bush nominated Air Force Secretary James Roche to become Army secretary. Some observers saw the move as another sign of Rumsfeld's widely reported discontent with the Army. Almost immediately, Roche's nomination ran into trouble in the Senate, where members have questioned both his role in promoting a controversial deal to lease air tankers from Boeing and his handling of sexual assault cases at the Air Force Academy. Last month, after it became clear the Senate would not move on the nomination, Roche withdrew his name from consideration.

Whether Brownlee or anyone else will be nominated for the Army secretary's position is a topic of speculation at the Pentagon, but in a contentious election year, many are doubtful. "I don't think it really matters," says one senior Army officer who asked not to be identified. "Brownlee is a workhorse. Soldiers respect him and he knows how the Hill works. He's doing the job far more effectively than many of his predecessors who didn't have 'acting' in front of their titles." Brownlee typically works 15 hours a day, six days a week. He says his expectations for the job were largely formed by his work for Ambrose. "He had an enormous appetite for work. The first day I worked for him he came out of his office around 8:30 p.m. and apologized because he was leaving early. The next day we started at 4 a.m." Brownlee's hours are marginally better. One of his staff officers complains that working for Brownlee is like being on a deployment—he rarely sees his family. When asked what he thinks of Brownlee, he says, "I think the world of him."

SHAPED BY COMBAT

As a child growing up during World War II, Brownlee was fascinated by military history. Although no one in his family had served in the military—his father, an explosives expert, ran a bomb plant in West Texas during the war—Brownlee was drawn to service. He attended the University of Wyoming, a land-grant school where ROTC was compulsory. Brownlee enrolled in the Air Force ROTC program, but failed to pass the flight physical, so he switched to the Army ROTC program. He was commissioned as a lieutenant in the infantry in 1962 and in July 1965, he was a distinguished honor graduate of the intensely competitive U.S. Army Ranger Course. By year's end he was part of the 173rd Airborne Brigade, the first major ground unit to enter Vietnam.

"As a soldier, there's one thing worse than going to war—that's not going to war," he says. He wondered if he had what it took to lead men in battle. The rifle company commander got his chance soon enough after deploying to Vietnam. "As we came under fire the first time I heard this steady, commanding voice, and I found it very reassuring. Then I realized it was my voice. It was very strange," he recalls.

The July 18, 1966, orders for his first Silver Star award give some measure of his experience in Vietnam. The award reads, in part: "With complete disregard for his safety, Captain Brownlee dragged his fellow officer to the rear. While performing this heroic action he was seriously wounded in the arm and leg by intense hostile fire. Demonstrating outstanding courage and stamina, he continued to move his wounded comrade and lead his men to the rear. Though seriously wounded, Captain Brownlee refused evacuation until all the others wounded had been evacuated and an attempt at recovering missing equipment had been made."

Pat Towell, the senior defense reporter at Congressional Quarterly for 25 years and now a visiting fellow at the Center for Strategic and Budgetary Assessments, says Brownlee brings a personal credibility to the job that is important. "The [Army] is under a lot of stress. I think it's especially important for the institution that [soldiers] have the reassurance that the civilian who represents them in the leadership is one of them," Towell says.

Arnold Punaro, who was the Democratic staff director on the Armed Services Committee during the time Brownlee was Republican staff director, says, "One of Les' strengths was that he always worked issues from what was in the interest of a strong national defense and the country and not from a partisan angle." A retired major general in the Marine Corps Reserve, Punaro adds, "He's a true leader. I say that from having worked with him when he was still in uniform."

Punaro says that when Brownlee worked in the Senate, he came up with an important plan, called the Soldier Marine Initiative, to get better fighting equipment to soldiers and Marines. "We were always buying big airplanes and big ships and big submarines, and Les was asking 'What are we doing for the foot soldiers?' He was instrumental in improving body armor for troops and improving the helmet and head protection. He was in the minority at the time. That initiative stuck and has produced a tremendous amount of good for the soldiers and Marines."

The improvements in body armor Brownlee championed while in the Senate proved so successful in saving lives in Iraq and Afghanistan that the Army in recent months faced a public maelstrom, forcing the service to field the protective gear more quickly and broadly than it had earlier planned. Brownlee recently visited an armor manufacturing plant to press managers to further ramp up production. According to one person who was at the meeting, Brownlee left no doubt about his seriousness that the production schedule would have to improve dramatically. "If it involves force protection, then do it with the utmost urgency," Brownlee says. "If you only get it out there one day early, you still might save a life," he says.

"Here's a guy that goes almost every day to visit troops at Walter Reed [Army Medical Center in Washington]," says Punaro. "I don't think many people know that about Les, and Les wouldn't want anybody to know about it. But this is a guy who cares deeply about men and women in uniform and their families. It's not just something that happened since he became acting secretary."●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:36 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 352. Concurrent resolution recognizing the contributions of people of Indian origin to the United States and the benefits of working together with India towards promoting peace, prosperity, and freedom among all countries of the world.

H. Con. Res. 378. Concurrent resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thaddeus Nguyen Van Ly, and for other purposes.

H. Con. Res. 409. Concurrent resolution recognizing with humble gratitude the more than 16,000,000 veterans who served in the United States Armed Forces during World War II and the Americans who supported the war effort on the home front and celebrating the completion of the National World II Memorial on the National Mall in the District of Columbia.

MEASURES REFERRED

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 352. Concurrent resolution recognizing the contributions of people of Indian origin to the United States and the benefits of working together with India towards promoting peace, prosperity, and freedom among all countries of the world; to the Committee on Foreign Relations.

H. Con. Res. 378. Concurrent resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thaddeus Nguyen Van Ly, and for other purposes; to the Committee on Foreign Relations.

H. Con. Res. 409. Concurrent resolution recognizing with humble gratitude the more than 16,000,000 veterans who served in the United States Armed Forces during World War II and the Americans who supported the war effort on the home front and celebrating the completion of the National World War II Memorial on the National Mall in the District of Columbia; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7555. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–7556. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–7557. A communication from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting, pursuant to law, a report relative to the position of Assistant Secretary for Installations and Environment, Department of the Army; to the Committee on Armed Services.

EC–7558. A communication from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting, pursuant to law, the report of a designation of acting officer for the position of Deputy Under Secretary of Defense for Logistics and Materiel Readiness, Department of Defense, to the Committee on Armed Services.

EC–7559. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of Defense, Comptroller, Department of Defense, to the Committee on Armed Services.

EC–7560. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination rejected, withdrawn, or returned for the position of Deputy Under Secretary of Assistant Secretary of the Army for Installations and Environment, Department of Defense, to the Committee on Armed Services.

EC–7561. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Secretary of Defense for Networks and Information Integration, Department of Defense, to the Committee on Armed Services.

EC–7562. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report of the increased cost of the

Joint Strike Fighter Program; to the Committee on Armed Services.

EC–7563. A communication from the Principal Deputy for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the closure of the commissary located on Naval Station Roosevelt Roads, Puerto Rico; to the Committee on Armed Services.

EC–7564. A communication from the Director for Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report relative to the rotation of PFIAB Administrative Assistant; to the Committee on Armed Services.

EC–7566. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, the Department's 2003 inventory of activities that are not inherently governmental functions; to the Committee on Armed Services.

EC–7567. A communication from the Director, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the details of the Office's 2004 Compensation Plan; to the Committee on Banking, Housing, and Urban Affairs.

EC–7568. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, a report relative to accessibility for people with disabilities in the Information Age; to the Committee on the Judiciary.

EC–7569. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the Annual Report to Congress pursuant to The College Scholarship Fraud Prevention Act of 2000; to the Committee on the Judiciary.

EC–7570. A communication from the Chief Executive Officer, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the Federal Prison Industries Fiscal Year 2003 Management Report and Independent Financial Audit; to the Committee on the Judiciary.

EC–7571. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Foreign Intelligence Act of 1978; to the Committee on the Judiciary.

EC–7572. A communication from the Vice Chairs, United States Sentencing Commission, transmitting, pursuant to law, the Commission's amendments to the federal sentencing guidelines, policy statements, and official commentary; to the Committee on the Judiciary.

EC–7573. A communication from the Director of Engineering, Maintenance, and Operations, American Battle Monuments Commission, transmitting, pursuant to law, a report relative to the Freedom of Information Act for Fiscal Year 2003; to the Committee on the Judiciary.

EC–7574. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, twelve recommendations for legislative action; to the Committee on Rules and Administration.

EC–7575. A communication from the Office of Regulation, Policy, and Management, Board of Veterans' Appeals, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Board of Veterans' Appeals: Rules of Practice—Notice of Procedures Relating to Withdrawl of Services by a Representative" (RIN2900–AL45) received on May 10, 2004; to the Committee on Veterans' Affairs.

EC–7656. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, the Fiscal Year 2003 Defense Environmental Restoration Program report; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, with amendments:

S. 2238. A bill to amend the National Flood Insurance Act of 1968 to reduce loses to properties for which repetitive flood insurance claim payments have been made (Rept. No. 108–262).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1164. A bill to provide for the development and coordination of a comprehensive and integrated United States research program that assists the people of the United States and the world to understand, assess, and predict human-induced and natural processes of abrupt climate change (Rept. No. 108–263).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1721. A bill to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, and for other purposes (Rept. No. 108–264).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 331. A resolution designating June 2004 as "National Safety Month".

From the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1609. A bill to make aliens ineligible to receive visas and exclude aliens from admission into the United States for nonpayment of child support.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. WARNER for the Committee on Armed Services. Army nomination of Maj. Gen. David H. Petraeus.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 2415. A bill to designate the facility of the United States Postal Service located at 4141 Postmark Drive, Anchorage, Alaska, as the 'Robert J. Opinsky Post Office Building'; to the Committee on Governmental Affairs.

By Mr. NELSON of Florida:

S. 2416. A bill to ensure that advertising campaigns paid for by the Federal Government are unbiased, and for other purposes; to the Committee on Governmental Affairs.

By Mr. COLEMAN:

S. 2417. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish care for newborn children of women veterans receiving maternity care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CAMPBELL:

S. 2418. A bill to amend chapter 83 and 84 of title 5, United States Code, to authorize payments to certain trusts under the Social Security Act, and for other purposes; to the Committee on Governmental Affairs.

By Mr. PRYOR (for himself and Mr. BAUCUS):

S. 2419. A bill to amend the Internal Revenue Code of 1986 to provide additional relief for members of the Armed Forces and their families; to the Committee on Finance.

By Mr. GRAHAM of Florida:

S. 2420. A bill to amend title XXI of the Social Security Act to make all uninsured children eligible for the State children's health insurance program, to encourage States to increase the number of children enrolled in the medicaid and State children's health insurance programs by simplifying the enrollment and renewal procedures for those programs, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY:

S. 2421. A bill to modernize the health care system through the use of information technology and to reduce costs, improve quality, and provide a new focus on prevention with respect to health care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself and Mr. CONRAD):

S. 2422. A bill to amend the Internal Revenue Code of 1986 to allow certain modifications to be made to qualified mortgages held by a REMIC or a grantor trust; to the Committee on Finance.

By Mr. DAYTON:

S. 2423. A bill to repeal the reduction in the tax rate for the top tax bracket and to express the sense of the Senate that revenue savings from the repeal should be used to improve benefits under the Montgomery GI Bill by $6,000,000,000 over 10 years, to fund Federal Pell grants at the full amounts authorized for fiscal year 2004, and to double the fiscal year 2004 funding for Perkins loans, Federal work-study programs, and Federal supplemental educational opportunity grants (SEOG); to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORZINE (for himself, Mr. MCCAIN, Mr. FEINGOLD, Mr. CORNYN, Mr. LEAHY, Mr. BINGAMAN, and Mr. LIEBERMAN):

S. Res. 360. A resolution expressing the sense of the Senate that legislative information shall be publicly available through the Internet; to the Committee on Rules and Administration.

By Mr. CHAMBLISS:

S. Res. 361. A resolution supporting the goals of National Marina Day and urging marinas to continue providing environmentally friendly gateways to boating; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM of Florida (for himself, Mr. SPECTER, Mr. EDWARDS, Mr. LEVIN, Mr. REED, Mr. FEINGOLD, Ms.

Murkowski, Ms. Cantwell, Mrs. Murray, Mr. Conrad, Mr. Biden, Mr. Corzine, Mr. Daschle, Ms. Stabenow, Mr. Nelson of Florida, Mrs. Hutchison, Mr. Graham of South Carolina, Mr. Talent, Ms. Snowe, Mr. Lugar, Mr. Santorum, Mr. Schumer, Mr. Bond, Mr. Voinovich, Mr. Miller, Mr. Inouye, Ms. Landrieu, Mr. Stevens, Mr. Fitzgerald, Mr. Campbell, Mr. Breaux, Mr. Leahy, Mr. Dayton, Mr. Dorgan, Mr. Coleman, Mrs. Dole, Mr. Alexander, Mr. Lautenberg, Mr. Rockefeller, Mr. Crapo, Mr. Bayh, Mr. Burns, Mr. Jeffords, Mr. Reid, Mr. Sessions, Mr. Kerry, Mr. Sarbanes, Mr. Cornyn, Ms. Collins, Mr. Wyden, Mr. Thomas, Mr. Craig, Mr. Bunning, Mr. Kennedy, Mr. Kohl, Mr. Warner, Mr. DeWine, Mr. Johnson, Mr. Brownback, Ms. Mikulski, Mr. Nelson of Nebraska, Mr. Harkin, Mr. Akaka, Mr. Hagel, Mr. Chafee, Mr. Hatch, Mrs. Boxer, Mrs. Clinton, Mr. Gregg, Mr. Shelby, Mr. Baucus, Mr. Durbin, Mr. McCain, Mr. Chambliss, Mr. Hollings, Mr. Lieberman, Mr. Smith, Mr. Sununu, Mr. Nickles, Mr. McConnell, Mr. Inhofe, Mr. Ensign, Mr. Carper, Mr. Bingaman, Mr. Dodd, Mr. Domenici, Mr. Grassley, Mr. Enzi, Mr. Kyl, Mr. Allen, Mrs. Lincoln, and Mr. Allard):

S. Res. 362. A resolution expressing the sense of the Senate on the dedication of the National World War II Memorial on May 29, 2004, in recognition of the duty, sacrifices, and valor of the members of the Armed Forces of the United States who served in World War II; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 253

At the request of Mr. Campbell, the name of the Senator from Vermont (Mr. Jeffords) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 884

At the request of Mr. Daschle, his name was added as a cosponsor of S. 884, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 983

At the request of Mr. Chafee, the name of the Senator from North Dakota (Mr. Conrad) was added as a cosponsor of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1292

At the request of Ms. Landrieu, the name of the Senator from Illinois (Mr. Fitzgerald) was added as a cosponsor of S. 1292, a bill to establish a servitude and emancipation archival research clearinghouse in the National Archives.

S. 1368

At the request of Mr. Levin, the names of the Senator from Maine (Ms. Collins) and the Senator from North Carolina (Mrs. Dole) were added as cosponsors of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1645

At the request of Mr. Craig, the name of the Senator from Delaware (Mr. Carper) was added as a cosponsor of S. 1645, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 1902

At the request of Mr. Reed, the names of the Senator from Mississippi (Mr. Cochran) and the Senator from North Dakota (Mr. Conrad) were added as cosponsors of S. 1902, a bill to establish a National Commission on Digestive Diseases.

S. 2032

At the request of Mrs. Boxer, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 2032, a bill to provide assistance and security for women and children in Afghanistan and for other purposes.

S. 2049

At the request of Mr. Specter, the name of the Senator from Ohio (Mr. DeWine) was added as a cosponsor of S. 2049, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to reauthorize collection of reclamation fees, revise the abandoned mine reclamation program, promote remining, authorize the Office of Surface Mining to collect the black lung excise tax, and make sundry other changes.

S. 2059

At the request of Mr. Fitzgerald, the name of the Senator from Arizona (Mr. McCain) was added as a cosponsor of S. 2059, a bill to improve the governance and regulation of mutual funds under the securities laws, and for other purposes.

S. 2099

At the request of Mr. Miller, the name of the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. 2099, a bill to amend title 38, United States Code, to provide entitlement to educational assistance under the Montgomery GI Bill for members of the Selected Reserve who aggregate more than 2 years of active duty service in any five year period, and for other purposes.

S. 2100

At the request of Mr. Miller, the name of the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. 2100, a bill to amend title 10 United States Code, to increase the amounts of educational assistance for members of the Selected Reserve, and for other purposes.

S. 2158

At the request of Ms. Collins, the name of the Senator from Mississippi (Mr. Lott) was added as a cosponsor of S. 2158, a bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

S. 2249

At the request of Ms. Collins, the name of the Senator from Ohio (Mr. Voinovich) was added as a cosponsor of S. 2249, a bill to amend the Stewart. B. McKinney Homeless Assistance Act to provide for emergency food and shelter.

S. 2351

At the request of Ms. Collins, the names of the Senator from Minnesota (Mr. Coleman) and the Senator from Arkansas (Mr. Pryor) were added as cosponsors of S. 2351, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes.

S. 2363

At the request of Mr. Hatch, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

S. 2365

At the request of Mr. Coleman, the name of the Senator from Michigan (Mr. Levin) was added as a cosponsor of S. 2365, a bill to ensure that the total amount of funds awarded to a State under part A of title I of the Elementary and Secondary Act of 1965 for fiscal year 2004 is not less than the total amount of funds awarded to the State under such part for fiscal year 2003.

S. 2393

At the request of Mr. Hollings, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of S. 2393, a bill to improve aviation security.

S. CON. RES. 81

At the request of Mrs. Feinstein, the name of the Senator from Ohio (Mr.

DEWINE) was added as a cosponsor of S. Con. Res. 81, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

S. RES. 357

At the request of Mr. CAMPBELL, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 357, a resolution designating the week of August 8 through August 14, 2004, as "National Health Center Week".

S. RES. 358

At the request of Mr. DASCHLE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 358, a resolution expressing the sense of the Senate that no later than December 31, 2006, legislation should be enacted to provide every individual in the United States with the opportunity to purchase health insurance coverage that is the same as, or is better than, the health insurance coverage available to members of Congress, at the same or lower rates.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 2415. A bill to designate the facility of the United States Postal Service located at 4141 Postmark Drive, Anchorage, Alaska, as the "Robert J. Opinsky Post Office Building," to the Committee on Governmental Affairs.

Mr. STEVENS. Mr. President, I send to the desk legislation to designate the U.S. Post Office located at 4141 Postmark Drive in Anchorage, Alaska after Robert J. Opinsky.

Bob Opinsky started his career with the Postal Service in 1956 as a $1.50-an-hour temporary clerk. Through hard work and dedication, he was able to work up the ranks of the Postal Service and become the District Manager of the Postal Service in Alaska.

During his 41 years with the Postal Service, Bob has proven his commitment to the Postal Service. In 1964 when the great earthquake hit Alaska, the local roads were torn apart and homes and buildings were destroyed. In addition, the earthquake created a large hole in the Anchorage post office building. However, despite the conditions of the Anchorage post office and roads, Bob Opinsky went to work on the Monday morning following the Friday quake.

Bob Opinsky introduced innovative methods to run the Postal Service. Under Bob's leadership in 1996, the Postal Service was awarded the Green Star Award; an award given in honor of environmental responsibility. The Postal Service in Alaska recycled more than 725,000 pounds of mixed paper and 100,000 pounds of cardboard. Not only was the Anchorage recycling program environmentally friendly, the Postal Service's efforts reduced their annual disposal cost by about $34,000.

After 41 years of employment with the Postal Service, Bob Opinsky retired from his District Manager position in 1996. Bob has poured his heart and soul into the Postal Service. It is only fitting we honor his commitment to the Postal Service by dedicating a post office in Anchorage, Alaska after him.

By Mr. COLEMAN:

S. 2417. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish care for newborn children of women veterans receiving maternity care, and for other purposes; to the Committee on Veterans' Affairs.

Mr. COLEMAN. Mr. President, the Veterans Administration has taken remarkable strides over the years to adapt to the increasing number of women veterans using VA facilities. As of 2002, there were approximately 1.5 million women in the Armed Forces and 20,000 of these women are from Minnesota. Many of these soldiers want to start families when they return home and will need to use their VA healthcare coverage for obstetrics care.

Currently, a woman can use her VA coverage for prenatal care, delivery and postnatal care. The VA will enter into a contract with a hospital to provide these services, but the VA cannot provide any coverage for the baby after it is born. The baby is uninsured until a hospital social worker or the parents can arrange for private healthcare coverage, or in most cases, for the baby to receive Medicaid assistance. This period of time, which in some cases can reach 2 weeks, is very stressful for all the parties involved.

Today, I have introduced a bill that will allow the VA to provide coverage for veterans' babies for up to 14 days after delivery in a VA hospital or VA contract facility. This will help care for these children during the time needed to secure long-term coverage outside of the VA system.

This bill will also make it easier for the VA to find willing hospitals. Today, many hospitals are reluctant to offer services to an insured mother and an uninsured baby. If both the mother and the baby were covered by the VA, hospitals in the veterans' local community would be more likely to accommodate them. Finally, I am hopeful that over time this legislation will save money for VA by eliminating extra surcharges and fees to hospitals which currently cover their liability for delivering an uninsured baby.

I firmly believe that veterans who have gone through the traumatic experiences of war should not have to worry about the health of their newborn babies because of bureaucratic glitches in the system. This bill will cut the red tape surrounding the delivery rooms and ease the burden on our veterans who want nothing more than to bring children into the free society which they helped protect and defend.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CARE FOR NEWBORN CHILDREN OF WOMEN VETERANS RECEIVING MATERNITY CARE.

(a) AUTHORITY TO FURNISH.—Subchapter VIII of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 1786. Care for newborn children of women veterans receiving maternity care

"The Secretary may furnish care to a newborn child of a woman veteran who is receiving maternity care furnished by the Department for up to 14 days after the birth of the child if the veteran delivered the child in a Department facility or in a non-Department facility pursuant to a Department contract for the delivery services.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by adding at the end following new item:

"1786. Care for newborn children of women veterans receiving maternity care.".

By Mr. CAMPBELL:

S. 2418. A bill to amend chapters 83 and 84 of title 5, United States Code, to authorize payments to certain trusts under the Social Security Act, and for other purposes; to the Committee on Governmental Affairs.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF CERTAIN PAYMENTS UNDER THE CIVIL SERVICE RETIREMENT SYSTEM AND THE FEDERAL EMPLOYEES RETIREMENT SYSTEM TO CERTAIN TRUSTS UNDER THE SOCIAL SECURITY ACT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) PAYMENTS.—Section 8345(e) of title 5, United States Code, is amended—

(A) by inserting "(1)" after "(e)"; and

(B) by adding at the end the following:

"(2)(A) In this paragraph, the terms 'dependent' and 'child' have the meanings given under section 8441 (3) and (4), respectively.

"(B) Payment due a minor, or an individual mentally incompetent or under other legal disability may be made to a trustee under a trust meeting the requirements of subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4) (A) or (C)), if—

"(i) in the case of a minor, the minor is—

"(I) a child of the person upon whom the benefit for payment due is based; or

"(II) a dependent (who is a child) of the person upon whom the benefit for payment due is based; or

"(ii) in the case of an individual mentally incompetent or under legal disability—

"(I) the incompetency or disability occurred during the period that the individual was a child or a dependent (who was a child) of the person upon whom the benefit for payment due is based; and

"(II) that incompetency or disability has been continuous since that occurrence through the date of the payment due.".

(2) ASSIGNABILITY OF PAYMENTS.—Section 8346(a) of title 5, United States Code, is amended—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following:

"(2)(A) In this paragraph, the terms 'dependent' and 'child' have the meanings given under section 8441 (3) and (4), respectively.

"(B) Except as provided under paragraph (1), money payable under this subchapter to a minor or an individual mentally incompetent or under other legal disability is not assignable, either in law or equity, except to a trustee under a trust meeting the requirements of subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4) (A) or (C)), if—

"(i) in the case of a minor, the minor is—

"(I) a child of the person upon whom the benefit for the money payable is based; or

"(II) a dependent (who is a child) of the person upon whom the benefit for the money payable is based; or

"(ii) in the case of an individual mentally incompetent or under legal disability—

"(I) the incompetency or disability occurred during the period that the individual was a child or a dependent (who was a child) of the person upon whom the benefit for the money payable is based; and

"(II) that incompetency or disability has been continuous since that occurrence through the date of the payment of the money.".

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

(1) PAYMENTS.—Section 8466(c) of title 5, United States Code, is amended—

(A) by inserting "(1)" after "(c)"; and

(B) by adding at the end the following:

"(2)(A) In this paragraph, the terms 'dependent' and 'child' have the meanings given under section 8441 (3) and (4), respectively.

"(B) Payment due a minor, or an individual mentally incompetent or under other legal disability may be made to a trustee under a trust meeting the requirements of subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4) (A) or (C)), if—

"(i) in the case of a minor, the minor is—

"(I) a child of the person upon whom the benefit for payment due is based; or

"(II) a dependent (who is a child) of the person upon whom the benefit for payment due is based; or

"(ii) in the case of an individual mentally incompetent or under legal disability—

"(I) the incompetency or disability occurred during the period that the individual was a child or a dependent (who was a child) of the person upon whom the benefit for payment due is based; and

"(II) that incompetency or disability has been continuous since that occurrence through the date of the payment due.".

(2) ASSIGNABILITY OF PAYMENTS.—Section 8470(a) of title 5, United States Code, is amended—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following:

"(2)(A) In this paragraph, the terms 'dependent' and 'child' have the meanings given under section 8441 (3) and (4), respectively.

"(B) Except as provided under paragraph (1), an amount payable under subchapter II, IV, or V to a minor or an individual mentally incompetent or under other legal disability is not assignable, either in law or equity, except to a trustee under a trust meeting the requirements of subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4) (A) or (C)), if—

"(i) in the case of a minor, the minor is—

"(I) a child of the person upon whom the benefit for the amount payable is based; or

"(II) a dependent (who is a child) of the person upon whom the benefit for the amount payable is based; or

"(ii) in the case of an individual mentally incompetent or under legal disability—

"(I) the incompetency or disability occurred during the period that the individual was a child or a dependent (who was a child) of the person upon whom the benefit for the amount payable is based; and

"(II) that incompetency or disability has been continuous since that occurrence through the date of the payment of the amount.".

By Mr. PRYOR (for himself and Mr. BAUCUS):

S. 2419. A bill to amend the Internal Revenue Code of 1986 to provide additional relief for membes of the Armed Forces and their families; to the Committee on Finance.

Mr. PRYOR. Mr. President, our men and women serving in the military are the defenders of freedom and security around the world. The special role they play demands that they be "on call" to serve our Nation at points all over the globe.

The unique nature of their job has resulted in a unique and, I must say, very complex compensation package. The various types of compensation and benefits oftentimes create an especially difficult burden, especially when it comes to filing their tax return.

Through the years, Congress has periodically passed laws that recognize the special needs of our military and to lessen administrative burdens on them.

During consideration of such a bill last year, I approached the distinguished chairman of the Senate Finance Committee, Senator CHUCK GRASSLEY, and ranking member of that committee, Senator MAX BAUCUS, and asked them to join me in an effort to get a fresh look at the overall picture of how the Tax Code treats our military.

I was pleased when they agreed to join me in this work, and I was delighted to jointly request an expedited study by the GAO. It has been an honor to work with them and their staffs throughout this process, and I believe our work will produce good things for our military.

Yesterday, GAO released a report as a result of our request. The report raises many interesting findings, but there is one especially important issue that demands our immediate attention. Mr. President, I want to discuss the problem identified by GAO, and then I will introduce a bill to correct the inequity that has been documented.

The problem identified by GAO is the result of complex interactions between the combat zone exclusion under section 112 of the Internal Revenue Code and the earned-income tax credit and the child tax credit.

Under the combat pay exclusion, a very important benefit provided by Congress, military pay earned—including basic pay, bonuses, special pay and allowances—is excluded from taxable income while members of the military are serving in a designated combat zone.

That is right, Uncle Sam doesn't impose taxes on military pay for those serving our country in combat zones—and rightfully so.

However, income excluded under the combat pay provision is also excluded from income for the purpose of computing the earned-income tax credit and the child care credit.

As a result of this, thousands of men and women serving in combat, in places such as Iraq, Afghanistan, and other places around the globe, will see a reduction or elimination of their earned-income tax credit or the child tax credit and, in effect, because of how these interact, will lose money. In other words, the Tax Code has the impact of penalizing them because they are serving in combat zones. That is the opposite effect intended by Congress.

The GAO report characterizes this result as an "unintended consequence." I call it a wrong, and I urge my colleagues to join me in fixing this glitch as soon as possible.

The urgency of this situation is highlighted especially when you focus on those of our troops which this affects.

We are talking about troops who tend to be in combat for more than 6 months, who are not making much money, who have families to provide for and have little or no savings or little or no spouse income.

I am going to repeat that. We are talking about a clear wrong in the Tax Code that takes money away from men and women serving this Nation heroically and in dangerous places such as Iraq and Afghanistan.

The GAO analysis suggests the amount of the tax benefit loss enlisted personnel could face is up to $4,500 and $3,200 for officers. This is real money, make-or-break money, to many of these families who are already under an enormous amount of stress. This money will make a real difference and we need to get about the business of fixing this problem as soon as possible.

To correct the unfairness of current law, I am introducing the Tax Relief for Americans in Combat Act. The bill allows men and women in uniform serving in combat to include combat pay for the purpose of calculating their earned income tax credit and their child tax credit benefits. In other words, they will be able to continue receiving their rightful combat pay exclusions while having the ability to take full advantage of other tax credits. I urge my colleagues to join me in this effort. It will make a real difference for thousands of military families across the Nation.

I thank Liz Liebschultz and Christy Mistr of the Finance Committee staff for their advice and counsel in helping me sort through this matter in generating this GAO report. They did the work in drafting the provisions of this bill to make sure these provisions could be adopted by the Senate as soon as possible.

Also I want to recognize the GAO team which put this report together, because they did a lot of work on this: Jim White, Derek Stewart, Lori Atkinson, Jennifer Gravelle, John Pendleton, Sonja Ware, and James Wozny. They did a great job in preparing this report and I appreciate their hard work.

While we found this tax breakdown in the GAO report, there is also a lot of good news in the report regarding the compensation of our military personnel and I hope my colleagues will take time to review what the GAO says in all the information provided.

During a time of war, I do not want to lose sight that the Senate Armed Services Committee chairman, Senator JOHN WARNER of Virginia, and the ranking member, Senator CARL LEVIN of Michigan, are taking care of our troops financially.

One thing we talked about in the Armed Services Committee is recruiting and retention. Are we going to be able to meet those two objectives for our military? Well, I think today with this bill we can send a clear message to our youth and our enlisted personnel that a military career is an amazing option, and the compensation is such that it can compete with the private sector.

There is a real problem with our Tax Code that needs to be fixed immediately and the good news is, it can be. The bill corrects a problem and lets our troops risking life and limb know while they are away fighting for us, fighting for freedom and democracy, we will be in the Senate fighting for them and fighting for their families.

I urge my colleagues to consider this legislation and also to consider cosponsoring this bill with me.

I ask unanimous consent that a GAO summary, and the text of the bill, be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the Record, as follows:

GENERAL ACCOUNTING OFFICE,
Washington, DC, May 7, 2004

Subject: Military Personnel: Active Duty Compensation and Its Tax Treatment.

Hon. CHARLES E. GRASSLEY,
Chairman,
Hon. MAX S. BAUCUS,
Ranking Minority Member, Committee on Finance, U.S. Senate,
Hon. MARK PRYOR,
U.S. Senate.

The Department of Defense's (DOD) total military compensation package for active duty members consists of both cash and noncash benefits. Since the late 1990s, Congress and the DOD have increased military cash compensation by increasing basic pay and allowances for housing, among other things. Military members also receive tax breaks, which are a part of their cash compensation. Moreover, active duty personnel are offered substantial noncash benefits, such as retirement, health care, commissaries, and childcare. In some cases, these noncash benefits exceed those available to private-sector personnel. DOD relies heavily on noncash benefits because it views benefits as critical to morale, retention, and the quality of life for service members and their families.

To better understand the military compensation system, you asked us to provide you information on active duty military compensation and its tax treatment. At the outset of this engagement, we agreed to keep you periodically informed of the status of our work. In January 2004, we briefed your staff on our preliminary observations. Because our work identified that the combat zone tax exclusion could impact some service members, you asked us to focus our work on military cash compensation and to do additional work to estimate the effect of the combat zone tax exclusion on service members' compensation. We provided your staff subsequent briefings that estimated the effect of the combat zone exclusion. As requested, we have updated and combined the briefings for this report to (1) summarize active duty cash compensation and describe how military compensation varies at different career points for officers and enlisted members; (2) explain how military pay is taxed and any special tax treatment of military compensation; (3) estimate the effects of interactions between the combat zone exclusion and certain tax credits on military members' compensation; and (4) describe the benefits DOD provides active duty members as well as specific programs available to members that encourage wealth building (see enclosure I). To provide a rough estimate of the number of service members in 2003 who suffered a net tax loss because of the interactions between serving in a combat zone and certain tax credits, we used aggregate data compiled by the Defense Manpower Data Center on the number of members who served in a combat zone in 2003 and aggregate data on the percentage of spouses not in the workforce from the 2002 Active Duty Survey. We believe that the data is sufficiently reliable to estimate within a broad range the number of people affected. We conducted our review from October 2003 through April 2004 in accordance with generally accepted government auditing standards.

RESULTS IN BRIEF

The foundation of military cash compensation is what the DOD calls regular military compensation—the sum of basic pay, nontaxable allowances for housing and subsistence, and the associated federal tax savings. Some members also receive additional cash compensation in the form of special pays, incentives, and other allowances. In total, there are over 50 of these pays, incentives, and allowances, ranging from reenlistment bonuses to clothing allowances and family separation allowances. The annual amounts of these pays, incentives, and allowances range from a few hundred dollars to thousands of dollars, and some of these are also nontaxable. In general, regular military compensation progresses steadily with pay grade and years of service. For example, a junior enlisted member with 3 years of service might earn around $40,000 in cash compensation, while a senior officer with 22 years of service could earn cash compensation of about $130,000.

Military service brings with it significant tax advantages. Basic pay and most other pays are generally subject to federal income tax; however, certain allowances are not taxed, such as the basic allowances for housing and subsistence. DOD considers the federal tax advantage as the additional income military members would have to earn in order to receive their current take-home pay if their allowances for housing and subsistence were taxable. In fact, DOD views the federal tax advantage as part of service members' cash compensation when it compares military pay with civilian pay. In addition, pay earned—including basic pay, bonuses, special pays, and allowances—while members are serving in one of the 15 designated combat zones is excluded from taxes.

The complex interactions between the combat zone exclusion and certain tax credits (principally the Earned Income Tax Credit and the Additional Child Tax Credit) appear to be creating unintended consequences. Specifically, some low-income- earning service members who serve in a combat zone are worse off for tax purposes, while some higher-income-earning members are better off because they become eligible for a tax credit that is normally targeted to low-income workers. Low-income members with children qualify for refundable tax credits that can not only offset all of their tax liability but can also leave them with payments from the government. The combat zone exclusion can actually cause a reduction or elimination of these payments to some service members. For example, over certain income ranges the amount of Earned Income Tax Credit that a taxpayer earns increases as his or her income increases. Service in a combat zone reduces the amount of earned income that a member reports for tax purposes and, thus, can reduce or eliminate the refunded portion of the member's credit. These members actually suffer a net loss in tax benefits because they receive no offsetting advantage from the exclusion. Our analysis suggests that some of the roughly 430,000 members serving in a combat zone in 2003—between 5,000 and 10,000 members in one-earner households—suffered a net loss of tax benefits. Data limitations make it difficult to produce a comprehensive estimate of the number of members who suffered a net loss of tax benefits. In particular, it is more difficult to make a reliable estimate of the number of members with working spouses who had net losses of tax benefits. However, we believe that number is not likely to be much higher than several thousand and could be less than that. Additionally, the number of members losing tax benefits could be larger in 2004 depending on the how many service members are in a combat zone and how long they are there. The amount of the tax benefit loss varies considerably, with a maximum of about $4,500 or $3,200, for enlisted and officer members, respectively. In general, the members losing tax benefits tend to be those who are serving in a combat zone longer than 6 months; who are in the lower pay grades; who are married with children; and who have little to no investment or spousal income. On the other hand, some other low-income members earned larger earned income tax credits by serving in a combat zone than they otherwise would have. Moreover, it appears that a large number of service members who had incomes exceeding the normal upper limit for Earned Income Tax Credit eligibility and who served in a combat zone for at least 6 months could become eligible to receive that credit as a result of this income exclusion. DOD is aware of service members who are disadvantaged and advantaged by these tax provisions, and it is seeking remedies that would require changing the rules of the tax credits so that income earned in a combat zone would not be excluded when calculating eligibility for the tax credits.

Benefits are a substantial portion of noncash military compensation. DOD offers a wide range of benefits to active duty members, including health care, retirement, education assistance, and installation-based benefits—that is, services found on military installations, such as commissaries and child care. While the value of benefits to members varies depending on the members' needs, the cost to provide such benefits is substantial. Some of the benefits DOD provides encourage wealth building over a service member's career. Military retirement—a lifetime annuity generally provided to members who serve 20 years or more—is one of the primary wealth-building programs available to military members. However, DOD estimates that less than half of officers and only about 15 percent of enlisted members will become eligible for retirement. In addition, other savings programs are offered, such as the Thrift Savings Plan and the Savings Deposit Program. Since 2001, service members can contribute a percentage of their basic pay, before taxes, to be invested in one or more of the specific funds offered through the Thrift Savings Plan; about 21 percent of the active duty military participate. Service members deployed to a combat zone or other qualified areas can contribute to the Savings Deposit Program, earning a guaranteed 10 percent interest on their investment. However, less than 1 percent of the active duty force participates. Service members may also be eligible to participate in the Department of Veterans Affairs no-money down, mortgage-backed loan program. Moreover, military members can take advantage of a number of wealth-building tax provisions available to citizens, such as deductions for mortgage interest and tax credits for elective retirement accounts contributions.

Matter for Congressional Consideration

If the Congress wishes to remedy the unintended tax consequences associated with the combat zone exclusion, it should consider revising the rules of the Earned Income Tax Credit and the Additional Child Tax Credit with respect to income earned in a combat zone.

Scope and Methodology

Our audit work focused on military cash compensation and its tax treatment for active duty service members. To summarize the components of active duty military members' compensation, we reviewed policies, publications, and regulations governing military compensation. We interviewed officials from the Office of the Secretary of Defense and the Defense Manpower Data Center. We compiled 2003 data for basic pay tables, basic allowances for housing and subsistence rates, special pay amounts, incentive pay amounts, and allowance pay amounts. To describe how military compensation varies at different career points for officers and enlisted members, we created notional junior and senior enlisted service members and officers. We assigned these hypothetical service members typical years of service for their pay grades, locations across the United States, numbers of dependents, and special pays typical of their pay grades and locations. We discussed our examples with officials from the Office of the Under Secretary of Defense for Personnel and Readiness to ensure that our profiles were reasonable. We identified benefits offered to active duty military members and some associated values by reviewing past GAO reports, DOD documents, and the fiscal year 2002 DOD Actuarial Valuation Report.

To explain how military pay is taxed and any special tax treatment of military compensation, we reviewed DOD policies and regulations and the Internal Revenue Services' 2003 Armed Forces Tax Guide publication. To estimate the federal tax advantage of the exclusion of the housing and subsistence allowances from taxation, we estimated the tax liability for hypothetical members according to current tax rules as if the members' housing and subsistence allowances were taxable. We present the pre-tax value of this tax advantage—that is, the additional income the members would have to earn in order to receive their current take home pay if their allowances were taxable.

To estimate certain effects of the combat zone exclusion on military members' taxes, we estimated the number of members negatively affected and the number who may become eligible for Earned Income Tax Credit by the combat zone tax exclusion. For more detailed information on how we estimated the combat zone effect, see enclosure II.

To describe programs available to members that encourage wealth building, we reviewed documents and interviewed officials from the Office of the Secretary of Defense and the Department of Veterans Affairs. In addition, we also reviewed other documents to identify tax provisions that encourage wealth building for citizens.

Agency Comments

In providing oral comments on a draft of this report, DOD representatives from the Office of the Under Secretary of Defense for Personnel and Readiness stated that they generally concurred with the content of the report. Technical comments were incorporated as appropriate. DOD officials told us that they have been seeking to remedy the unintended tax consequence related to the combat zone tax exclusion. We also received comments on the tax-related sections of our draft from Internal Revenue Service (IRS). In providing oral comments, IRS representatives from the Office of the Commissioner, Wage and Investment Division and the Office of Legislative Affairs said that the IRS could administer a change in law that would include combat pay in earned income for purposes of computing eligibility for the Earned Income Tax Credit. Since earned income used for computing Earned Income Tax Credit is not reported anywhere on the IRS form 1040 or Schedule EIC, IRS would modify the Earned Income Tax Credit worksheets and related instructions to account for the combat zone pay. In addition, they would work with DOD to develop a process for identifying and processing returns from taxpayers who would be affected by this provision. The representatives noted that, although at the outset the process would likely be primarily manual, IRS would explore options for automation. The IRS officials also provided technical comments relating to the child tax credit, which we incorporated as appropriate, and made the point that changes to the treatment of income earned in a combat zone for the purposes of the two credits could affect other tax benefits, such as the dependent care credit and the exclusion for employer-provided benefits under a dependent care assistance program, depending on the specific wording of the changes. We also spoke to the Department of Treasury staff about the tax-related sections of our briefing documents and incorporated their technical comments as appropriate.

As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from its issue date. At that time, we will send copies of this report to the Secretary of Defense and the Commissioner of the Internal Revenue Service. We will also make copies available to appropriate congressional committees and to other interested parties on request. In addition, the report will be available at no charge on our Web site at http://www.gao.gov.

If you or your staff have any questions about this report, please contact Derek Stewart, (202) 512-5559, or James White, (202) 512-5594, or e-mail them at stewartd@gao.gov or whitej@gao.gov, respectively. Key contributors to this report were Lori Atkinson, Jennifer Gravelle, John Pendleton, Sonja Ware, and James Wozny.

Derek B. Stewart,
Director, Defense Capabilities and Management.
James R. White,
Director, Strategic Issues.

S. 2419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tax Relief for Americans in Combat Act".

SEC. 2. EARNED INCOME INCLUDES COMBAT PAY.

(a) Child Tax Credit.—Section 24(d)(1) of the Internal Revenue Code of 1986 (relating to portion of credit refundable) is amended by adding at the end the following new sentence: "For purposes of subparagraph (B), any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.".

(b) Earned Income Tax Credit.—Subparagraph (B) of section 32(c)(2) of the Internal Revenue Code of 1986 (relating to earned income) is amended—

(1) by striking "and" at the end of clause (iv),

(2) by striking the period at the end of clause (v) and inserting ", and", and

(3) by adding at the end the following:

"(vi) any amount excluded from gross income by reason of section 112 shall be treated as earned income.

Any taxpayer may elect to not apply clause (vi) with respect to any taxable year ending after the date of the enactment of such clause and before 2005.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

Mr. BAUCUS. Mr. President, I rise today to join my good friend from Arkansas, Senator PRYOR, in introducing the Tax Relief for Americans in Combat Act. I applaud Senator PRYOR for his commitment to our Armed Forces. The study and the bill that he has unveiled today provide just one example of that commitment.

Last year, Senator PRYOR asked me to join him in requesting a study on the compensation received by our military personnel, and the tax treatment of this compensation. This study has been completed. Many of the results are encouraging. But the study reveals one significant glitch in the tax law that is hurting many of our low-income military personnel.

For the most part, the compensation packages received by our military personnel are competitive with the private sector. And the Tax Code provides many incentives for military service. But as the GAO study reveals, some low-income military personnel are losing out because they have been called to serve in a combat zone.

Now this just does not make sense. Why would we penalize those military personnel who are serving our country in Afghanistan, Iraq, and elsewhere around the world?

Let me explain. Under current law, compensation earned by military personnel while they are serving in a combat zone is exempt from income tax. This provides most military personnel in these areas with a very significant tax benefit. Because of a glitch in the tax law, however, certain individuals may actually end up losing money because of this exemption.

This is because the law is preventing them from receiving the Earned Income Tax Credit and Refundable Child Tax Credit that they would otherwise been entitled to. These credits are based on earned income, and the law says that combat zone income does not qualify as earned income. GAO has found that as many as 10,000 men and women serving in combat will see a reduction or elimination of their EITC or child credit, they will, in effect, lose money.

This bill would fix that glitch in the law, and provide these individuals with the tax credits to which they are entitled.

Our brave men and women in the Armed Forces put their lives on the line for our Nation every day. It is the least we can do to ensure that they are being properly compensated and receiving all the tax benefits that are due to them under the law. Given the ongoing conflict in Iraq and the war on terrorism, it is more important than ever that we vigilantly oversee the tax system to ensure that our troops are being treated fairly.

I applaud Senator PRYOR for taking the lead. I am proud to join him in introducing legislation to correct these errors and ensure our service men and women receive the proper level of tax relief they deserve. Serving our country is one of the most honorable services a citizen can provide. Now it is up to us to provide them with the tax compensation they are due.

I hope that the Senate will take up and pass this bill at the earliest appropriate time, and make sure that our men and women in uniform receive the tax relief to which they are entitled.

By Mr. GRAHAM of Florida:

S. 2420. A bill to amend title XXI of the Social Security Act to make all uninsured children eligible for the State children's health insurance program, to encourage States to increase the number of children enrolled in the Medicaid and State children's health insurance programs by simplifying the enrollment and renewal procedures for those programs, and for other purposes; to the Committee on Finance.

Mr. GRAHAM of Florida. Mr. President, I rise to introduce the State Children's Health Insurance Program, SCHIP, Expansion Act of 2004. This Congress passed the Children's Health Insurance Program in the late 1990s. It has been a great success. There are 5 million American children today who have quality medical insurance because of this program; without this program there would be another 5 million Americans uninsured.

The expansion of this legislation in 2004 would allow States to expand health coverage under the SCHIP program to all uninsured children, regardless of their family income. It would also provide critical funding for this important program.

This week is Cover the Uninsured Week. This is a collaborative effort of the Robert Wood Johnson Foundation and many other organizations highlighting the vast number of uninsured in this country and the need to find a solution.

Yesterday, I introduced legislation with Senators DASCHLE and KENNEDY which will call for the Nation to cover all Americans by the year 2006. The goal of universal coverage is one that I believe every Member of this Senate shares. Based on the experience of the last decade, it is my judgment that the road to achieving that goal of full coverage begins with a first step. We have not taken a significant first step on the road to closing the gap now in over 5 years. In that 5-year period, we have seen a dramatic increase in the number of uninsured Americans, including uninsured children.

We could take that first step by providing health coverage for all children. That step will be a large one.

Today, there are an estimated 9 million American children under the age of 19 who are uninsured for their health care. Over 640,000 of those children live in my home State of Florida. There are other large groups of uninsured Americans, however, and one might ask, why pick out children from this large group of uninsured Americans? The goal is to cover all Americans. The reality is the effort to accomplish that objective in one giant step has proven to be without success. Uninsured children, in my judgment, represent the group that we should start with, for the following reasons.

We know this about uninsured children: They are four times more likely to delay seeking care than insured children, and they are five times more likely than insured children to use an emergency room for regular medical care. Lack of timely treatment can turn a simple health problem into a serious childhood illness. Covering children is cost effective, and more important, it improves the lives of children. It can, in fact, save the lives of children. Let me give two common examples.

Ear infections are a very common affliction of young children and easily treated with an inexpensive antibiotic. However, if that ear infection is not diagnosed and not treated, the infection can mature into deafness and learning disabilities. What happens when an unvaccinated child is struck with bacterial meningitis? Failure to diagnose and treat this contagious disease with an antibiotic can lead to brain damage, even to death.

Our Nation's publicly funded health programs play a critical role in providing access to care in order to prevent such occurrences. As I said in the beginning, SCHIP has made an enormous difference in the health and lives of over 5 million American children, many of whom are from working families.

We know 8 out of 10 of the currently uninsured Americans come from a family in which one or both parents are working.

Despite the success of SCHIP, States have taken to such tactics as capping enrollment and placing limits on eligibility and benefits. I am sorry to have to report some of the things that have happened in my State, not because they are peculiar, but because they are increasingly representative of what is happening in States across America.

Until recently, Florida had amassed a waiting list of children who were eligible for the SCHIP program but who were not being served, primarily because of limitations on State funds to match the Federal funds. We had a waiting list of nearly 100,000 Florida children. Although most of these children have since been temporarily enrolled, the Florida SCHIP program has eliminated all outreach activities; that is, those activities that had informed families about the availability of these programs have been eliminated. Florida has also restricted eligibility for children in families whose employers offer any kind of dependent coverage, regardless of its cost.

If there is one thing we know, it is that one of the factors that is fueling the increase in the numbers of uninsured Americans is that even when employers provide at least the appearance of health insurance coverage but that coverage is so expensive that it amounts to more than 5, sometimes almost 10 percent of that family's income, and as available as it may appear, in real economic terms it is not available. Yet in my State, I am sad to report that a child who has fallen into that circumstance will not any longer be considered eligible for the SCHIP program.

Florida has eliminated its SCHIP waiting list. No one in the future will ever say that Florida has nearly 100,000 children who are eligible for but not receiving SCHIP coverage because there will not be any list of children who are waiting for their opportunity to be covered. This is a means by which knowledge of the number of uninsured children who are denied access to the program will be denied to the people of Florida, as will, therefore, their ability to influence public policy to increase the health care coverage of the children of Florida.

What would the legislation I introduce today do to address these problems? First, it would allow States to expand health coverage to uninsured children, regardless of the income, so that no child goes without necessary care.

Second, it would provide Federal financial support to assure the long-term stability of the SCHIP program. To meet congressional budget limits, Federal funding for SCHIP declined by over $1 billion a year, beginning in the fiscal year 2002, and running through the current fiscal year of 2004. That reduction, which is referred to as the CHIP dip, has brought the Federal funds available for children's health insurance from $4 billion annually down to $3 billion.

The consequence of this is that many States which had a fully operational SCHIP program—that is, they were using the full amount of the pre-2002 Federal funds—are now facing another component of their fiscal crisis.

The SCHIP Expansion Act would restore Federal funding allotments to their pre-2002 level, assurance that States could continue to cover more uninsured children.

The legislation would also invest additional resources in SCHIP, allowing States that are currently using all of their Federal funds to expand their programs, providing relief to many States that anticipate a shortage of funding in the near future.

The Center on Budget and Policy Priorities estimates that by 2007, on the current course, 39 States will have spent their entire funding allotments. Additional funds are necessary to allow these States to continue to reach new currently uncovered, uninsured children. Many of our uninsured children are, in fact, already eligible for coverage under SCHIP, but where you have limitations in Federal or State funds, they are not enrolled. Effective outreach and streamlined enrollment are keys to improving coverage.

SCHIP expansion will help States cover more children by increasing funds for outreach in States. That will simplify the enrollment process.

Finally, this legislation will prohibit States that have not exhausted all available Federal funds from capping enrollment in their SCHIP program. Where enrollment is capped, children are put on a waiting list—if the State has not done what Florida has done, which is to eliminate the waiting list, and they will go without coverage. Without coverage, their parents must choose between paying for rent and paying for medicine for their sick children.

Have we not reached a sad state of affairs in this Nation when many of our elder citizens have to make a choice between paying for prescription drugs or eating a nutritious meal three times a day, and that many of our parents of young children who are sick and without medical insurance must make a choice between paying the rent or paying for the medicine for their child?

My bill assures no family faces such a choice as a result of an arbitrary enrollment tax. States which choose to participate in SCHIP must be willing to participate fully and cover as many children as they can with the funds they have available. There is no reason in a nation of unsurpassed wealth and of unsurpassed medical talent that any child should be without health insurance coverage.

Investment in proven effective public programs is imperative.

Although our overall goal is universal coverage, assuring that all children have access to quality health care is a crucial first step. In my opinion, steps 2 and 3 should be to cover the working poor and the early retirees. These steps won't achieve the goal of full coverage even in conjunction with the full coverage of children, but they will significantly close the gap of those Americans today who are without health coverage.

The SCHIP expansion program represents a serious and long overdue commitment to expanding coverage for the most vulnerable in our society, our young boys and girls. This measure has the support of the Children's Defense Fund, Catholic Charities USA, the Association of Maternal and Child Health Programs, and Families USA.

I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASSOCIATION OF MATERNAL AND
CHILD HEALTH PROGRAMS,
Washington, DC, May 13, 2004.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: The Association of Maternal and Child Health Programs (AMCHP) supports your efforts to ensure that children have access to health care coverage through the State Children's Health Insurance Program (SCHIP). All children deserve quality health care.

The SCHIP Expansion Act of 2004 highlights the vital importance of the SCHIP program in assuring the health of our nation's children. The bill provides states with financial incentives to continue to expand the number of children covered by SCHIP. At the same time, the bill prevents states from rolling back coverage by capping enrollment.

AMCHP is a national, nonprofit organization that represents state public health leaders administering family health programs. These family health programs serve over 27 million, children and youth, including almost 18 million children. Our members serve insured, underinsured, and uninsured women, children and their families.

Thank you again for your leadership on this important issue and we look forward to working with you to address the needs of the 8 million uninsured children in this country.

Sincerely,

DEBORAH DIETRICH,
Director, Center for Policy and Advocacy.

Mr. GRAHAM of Florida. I call upon this Congress to act and to act this year to pass this important legislation, and to remove from the rolls of the uninsured for health coverage Americans, at least those most fragile and vulnerable, those we love the most, our children.

By Mr. KENNEDY:

S. 2421. A bill to modernize the health care system through the use of information technology and to reduce costs, improve quality, and provide a new focus on prevention with respect to health care; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, the Health Care Modernization, Cost Reduction, and Quality Improvement Act addresses three serious and related problems in our health care system that affect every American family: Health care costs are too high and are rising too rapidly. The quality of care received by too many patients is well below the standard that we are capable of achieving. In fact, the gap between the care we actually provide and the care we should be providing is so great that the prestigious Institute of Medicine has referred to it as a "quality chasm." Our system lavishes funds on sickness care and neglects the health promotion and disease prevention activities that are the most effective ways of reducing health costs and assuring good health for as many of our people as possible.

The legislation we are introducing is an effective way to modernize and improve the health care system, by using modern information technology, by paying for value and results and not simply for procedures performed or patients admitted to hospitals, and by focusing on improving quality and preventing disease.

Controlling the soaring cost of health care is essential. In the year 2000, health insurance premiums grew 8 percent—two and a half times the cost of living. In 2001, premiums went up 11 percent—six times the Consumer Price Index. They went up 13 percent in 2002, and 14 percent in 2003—almost eight times the cost of living increase. By any standard, increases like that are unsustainable.

We have to bring these costs under control—but there is a right way and a wrong way to do it. Arbitrary cutbacks for hard-pressed hospitals and physicians are the wrong remedy.

With emergency rooms bursting at the seams, nursing shortages threatening the quality of care, and physicians forced to spend less time with more patients, we have an obligation to all our health providers as well. They're the backbone of our health care system, and we have an obligation to help them provide the quality care that every patient deserves.

Fortunately, the right way to control costs is also the right way to achieve higher quality care. It's based on an emerging consensus of health experts and practitioners. It involves four fundamental principles—using information technology, paying for results, improving quality, and investing in prevention.

The gap is vast and growing between information technology and the current practice of medicine. Health care in America is the best in the world, but it is also one of the least efficient industries in America. We spend a staggering $480 billion a year on administration alone—more than 30 cents of every dollar spent on care. Over a quarter of all personnel in the health care system today are performing administrative tasks, not providing care.

The potential savings through modern technology are immense. Transactions in health care cost $12 to $25 apiece. Brokers and bankers used to have similar costs, but now, a transaction in these industries costs less than one cent.

Information technology can also improve the quality of care, at the same time it reduces costs. Automated patient record-keeping can help bring real coordination to what is often a frighteningly fragmented health care system.

Today, for one in five patients with significant health problems, various health professionals order duplicate tests and procedures. One in four patients arrive for a doctor's appointment and find that needed test results or records are not available. Information technology can end this waste of time and resources and also prevent the errors that reduce quality. Automated prescribing, for example, has reduced errors by 95 percent, and reduced hospital costs by an amazing 13 percent. It's time to end the disconnect between modern health care and modern information technology, and the savings will be immense.

The gap between the best standard of care and the care that too many patients receive is staggering. A quarter of all breast cancer patients receive substandard care. A third of all patients diagnosed with high blood pressure receive substandard care. Half of asthma patients receive substandard care. Sixty percent of patients with pneumonia receive substandard care. Almost 80 percent of patients with a hip fracture receive substandard care.

The Midwest Business Group on Health estimates that poor quality care costs employers $2,000 a worker every year. Improving quality can cut costs dramatically. But more important, it can reduce unnecessary suffering. For patients and their families, good quality care can truly mean the difference between life and death, and between disability and health.

One of the highest barriers to improving the quality of care is the backward incentive system embedded in the way we pay for care. We need to start rewarding the quality care by paying for results, and not just for the number of procedures performed or the number of hospital admissions. Too often, the incentives today are geared to doing more—not doing better. It makes no sense that doing better today can actually result in even greater financial hardship for health care institutions. If hospitals organize patient-tracking, home visits, and patient education to improve care for chronic diseases, they can reduce hospitalization dramatically. But the hospitals won't get paid much, if anything, for these improvements—and they will no longer receive the large reimbursements they would otherwise receive for inpatient care. Use of doctors specially trained to manage hospital intensive care units has been shown to reduce costs and improve outcomes. But fewer days in the ICU mean lower revenues for hospitals. That's wrong, and we need to correct it.

Hospitals in Boston have already negotiated terms with insurers under which they are paid for results, rather than days of care. Some business associations, such as the Leapfrog Group, have begun to make quality standards a condition for participation in their insurance plans. the Department of Health and Human Services is testing the use of incentive payments to hospitals that meet specific quality standards. These steps are hopeful, but we need to make payment for results the rule, rather than the exception, in all aspects of our health care system.

Another key step is to assure that the typical standard of care comes much closer to the best standard of care. We need to do far more to see that what we know how to do for patients is actually what is done.

Opportunities are immense for improvements by targeting specific diseases that have high incidence, high costs, and high impact on individuals and families. Diabetes, for example, afflicts 17 million Americans. Patients with the disease account for one in ten dollars of overall health expenditures and one in four dollars of expenditures by Medicare. By using proven methods of prevention and treatment, we can save 10 million Americans from diabetes-related amputations, disability, or blindness during their lives—and save more than 50 billion dollars a year as well.

Stroke is another example of the huge gap between what we could do and what we actually do. Stroke is the third leading cause of death and one of the major causes of disability. It strikes nearly 750,000 Americans each year. The economic cost is also staggering. The United States spends almost $50 billion a year in caring for persons who have suffered a stroke. Appropriate, timely intervention with clot-dissolving drugs has been shown to reduce disability and death by 55 percent but only three percent of patients receive the needed treatment.

Chronic illnesses are major costs in the current system. Medicare beneficiaries with three or more chronic conditions account for almost 90 percent of Medicare spending. Well-organized care for patients with chronic conditions such as congestive heart failure, diabetes, asthma, and depression produce significant reductions in costs and significant improvements in outcomes. But only a fraction of patients with chronic conditions have the opportunity to benefit from such treatment.

Finally, to cut costs and promote quality, we can do much more to stop illness before it starts. Health promotion and disease prevention must be central to our health system as hospital and physician care. Four hundred thousand Americans require medical treatment every year for diseases that are fully preventable by vaccination. Lack of exercise and poor diet cost almost $80 billion a year because of increased heart disease, cancer, and diabetes.

The legislation being introduced today is a recipe for a peaceful revolution in the way health care in the United States is delivered. Building on a growing expert consensus, it provides a blueprint for a better health care system that will be lower in cost, higher in quality, and more closely oriented toward prevention.

To assure that modern information technology will be fully utilized in health care, the legislation sets a goal of full implementation of a broad-based system of electronic medical records and automated bill-paying. It authorizes grants, loans and loan guarantees for health providers to install and implement clinical information systems that meet national technical standards for parameters such as security and interoperability.

The bill also offers larger reimbursements for providers who implement these types of information systems. Over a period of time, it reduces payments for large health care facilities that fail to do so. The legislation also encourages the use of information technology to reduce the administrative costs, by requiring insurance companies to adopt the same types of computerized transaction-processing systems that are the norm in other industries.

In these ways, the legislation begins the needed effort to enable the health care system to become a system that pays for value, rather than solely for procedures performed or illnesses treated. The Secretary of HHS is required to set quality standards for providers of services. Public and private payers will be required, through their reimbursement procedures, to reward the attainment of these quality standards, and are permitted to reduce reimbursements to providers who fail to meet the standards.

When a provider of services believes it can provide higher quality care at lower cost, but feels that existing reimbursement procedures will not fairly recognize these innovations, payers are required to enter into good faith negotiations with providers to reach agreement on an alternative payment system. The legislation also has special provisions for payment for chronic care services in recognition of the special role of coordination of care, patient education, tracking, and follow-up in achieving quality care for individuals with chronic diseases.

Finally, the legislation contains a number of important initiatives to improve the quality of care and strengthen health promotion and disease prevention. These include the establishment of a National Quality Council, and specific initiatives on diabetes, stroke, arthritis, nutrition, exercise, adult oral health, adult immunizations, and the provision of culturally and linguistically appropriate care for patients whose primary language is not English.

America's health care system cannot continue to lurch from crisis to crisis. Our people deserve affordable care, and when illness strikes, they deserve the best care our system can provide. This legislation lays out a number of important steps to achieve this objective, and I look forward to working with my colleagues in Congress and the broader health community to achieve the important goals we share.

By Mr. SMITH (for himself and Mr. CONRAD):

S. 2422. A bill to amend the Internal Revenue Code of 1986 to allow certain modifications to be made to qualified mortgages held by a REMIC or a grantor trust; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce the Real Estate Mortgage Investment Conduit Modernization Act. I am pleased to join my colleague and friend, Senator CONRAD, in introducing this legislation to accelerate economic growth for every American community.

A Real Estate Mortgage Investment Conduit (REMIC) is a tax vehicle created by Congress in 1986 to support the housing market and investment in real estate by making it simpler to issue real estate-backed securities.

By pooling real estate loans into mortgage backed securities, REMICs offer residential and commercial real estate borrowers access to large pools of capital that would not otherwise be available. REMICs allow commercial banks and other lenders to sell their loans in the capital markets, thus freeing up assets for additional lending and investments. Because they contribute to the efficiency and liquidity of the U.S. real estate markets, REMICs help to minimize the costs of residential and commercial real estate borrowing and to spur real estate development and rehabilitation.

REMICs play a critical role in providing capital for residential and commercial mortgages. As of September 30, 2003, the value of single-family, multifamily and commercial-mortgage backed REMICs outstanding was over $1.2 trillion. While the current volume of REMIC transactions reflects their important role in this market, certain changes to the tax code will eliminate impediments and unleash even greater potential. Current rules that govern REMICs often prevent many common loan modifications that facilitate loan administration and ensure repayment of investors.

The legislation that created REMICs has not been updated in nearly 20 years. Our legislation will update the REMIC provisions of the tax code. These proposed changes are simple, non-controversial, and will greatly enhance the ability of commercial real estate interests to obtain capital for financing new construction projects.

These changes would ultimately benefit the entire real estate community, including local real estate owners, builders, construction managers, the engineering, architectural and interior design firms that provide real estate services, as well as firms that offer services to support real estate sales. The changes would accelerate the creation of jobs and economic activity throughout the U.S., and would have a positive effect on federal and state tax revenues. By encouraging property renovations and expansions, these changes would strengthen the local property tax base in towns and cities across America.

We urge our colleagues to work with us to enact this legislation to spur economic and employment growth in real estate, the construction trades, and the building materials industry.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN MODIFICATIONS PERMITTED TO QUALIFIED MORTGAGES HELD BY A REMIC OR A GRANTOR TRUSTS.

(a) QUALIFIED MORTGAGES HELD BY A REMIC.—

(1) IN GENERAL.—Paragraph (3) of section 860G(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(C) QUALIFIED MODIFICATIONS.—

“(i) IN GENERAL.—An obligation shall not fail to be treated as a qualified mortgage solely because of a qualified modification of such obligation.

“(ii) QUALIFIED MODIFICATION.—For purposes of this section, the term ‘qualified modification’ means, with respect to any obligation, any amendment, waiver, or other modification which is treated as a disposition of such obligation under section 1001 if such amendment, waiver or other modification does not—

“(I) extend the final maturity date of the obligation,

“(II) increase the outstanding principal balance under the obligation (other than the capitalization of accrued, unpaid interest),

“(III) result in a release of an interest in real property securing the obligation such that the obligation is not principally secured by an interest in real property (determined after giving effect to the release), or

“(IV) result in an instrument or property right which is not debt for Federal income tax purposes.

“(iii) DEFAULTS.—Under regulations prescribed by the Secretary, any amendment, waiver, or other modification of an obligation which is in default or with respect to which default is reasonably foreseeable may be treated as a qualified modification for purposes of this section.

“(iv) DEFEASANCE WITH GOVERNMENT SECURITIES.—The requirements of clause (ii)(III) shall be treated as satisfied if, after the release described in such clause, the obligation is principally secured by Government securities and the amendment, waiver, or other modification to such obligation satisfies such requirements as the Secretary may prescribe.”.

(2) EXCEPTION FROM PROHIBITED TRANSACTION RULES.—Subparagraph (A) of section

860F(a)(2) of such Code is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following new clause:

"(v) a qualified modification (as defined in section 860G(a)(3)(C)).".

(3) CONFORMING AMENDMENTS.—

(A) Section 860G(a)(3) of such Code is amended—

(i) by redesignating clauses (i) and (ii) of subparagraph (A) as subclauses (I) and (II), respectively,

(ii) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively,

(iii) by striking "The term" and inserting the following:

"(A) IN GENERAL.—The term", and

(iv) by striking "For purposes of subparagraph (A)" and inserting the following:

"(B) TENANT-STOCKHOLDERS OF COOPERATIVE HOUSING CORPORATIONS.—For purposes of subparagraph (A)(i)".

(B) Section 860G(a)(3)(A)(iv) of such Code (as redesignated by subparagraph (A)) is amended—

(i) by striking "clauses (i) and (ii) of subparagraph (A)" and inserting "subclauses (I) and (II) of clause (i)", and

(ii) by striking "subparagraph (A) (without regard to such clauses)" and inserting "clause (i) (without regard to such subclauses)".

(b) QUALIFIED MORTGAGES HELD BY A GRANTOR TRUST.—Section 672 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(g) SPECIAL RULE FOR CERTAIN INVESTMENT TRUSTS.—A grantor shall not fail to be treated as the owner of any portion of a trust under this subpart solely because such portion includes one or more obligations with respect to which a qualified modification (within the meaning of section 860G(a)(3)(C)) has been, or may be, made under the terms of such trust.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amendments, waivers, and other modifications made after the date of the enactment of this Act.

Mr. CONRAD. Mr. President, I am happy to join my friend and Finance Committee colleague, Mr. SMITH, to introduce The Real Estate Mortgage Investment Conduit Modernization Act. This is a measure that will help expand access to capital for real estate investment across the nation and especially in rural areas like my home State of North Dakota.

Growth in the commercial real estate market over the last decade has been fueled, in part, by a strong and growing secondary market for commercial mortgages. That market is structured through real estate mortgage investment conduits (REMICs). Created by Congress in 1986, REMICs are critically important to U.S. real estate finance, providing new capital and expanded access to that capital. They have proven to be a cost-effective method for the private sector to create pools of capital that are made available across the nation.

It is time to modernize the REMIC law because many borrowers have been stymied in attempts to make improvements to the mortgaged properties. For example, if a property is in a REMIC, the property owner is effectively precluded from adding a parking garage to an existing building. That is because the 1986 tax rules treat that improvement as a collateral modification triggering a deemed exchange of a new loan for the old loan thereby violating REMIC regulations.

Unlike home mortgages, which are rarely modified, commercial loans require flexibility in dealing with changing circumstances in order to support the borrower's ongoing business property. The bill we are introducing today will add this needed flexibility to the tax code, increasing the ability of property owners to invest in improvements.

I urge our colleagues to help us harness the full potential of mortgage-backed securities to provide improved access to capital to America's businesses—big and small. Please join us in working to enact the Real Estate Mortgage Investment Conduit Modernization Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 360—EXPRESSING THE SENSE OF THE SENATE THAT LEGISLATIVE INFORMATION SHALL BE PUBLICLY AVAILABLE THROUGH THE INTERNET

Mr. CORZINE (for himself, Mr. McCAIN, Mr. FEINGOLD, Mr. CORNYN, Mr. LEAHY, Mr. BINGAMAN, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 360

Whereas an open and free exchange of information about the legislative process is critical to ensuring the success and health of a democracy;

Whereas the public should have easy and timely electronic access to public records of Congress;

Whereas congressional documents that are placed in the Congressional Record are made available to the public electronically by the Superintendent of Documents of the Government Printing Office, under the direction of the Public Printer, but it is often difficult and time-consuming for the public to access and locate such documents;

Whereas many official congressional documents are not placed in the Congressional Record and are unavailable electronically to the public; and

Whereas the current system for electronic public access to legislative information and legislative resources, as maintained by the Library of Congress, could be improved, and should be continuously upgraded to keep pace with advances in website technology: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Library of Congress shall continue to provide and maintain a website for public access to legislative documents;

(2) the website shall provide access to as much information about current and historical legislative documents as is reasonably practicable;

(3) the Library of Congress shall provide sufficient financial and personnel resources to maintain the website at modern standards of accessibility and usability; and

(4) offices and personnel that develop and maintain congressional documents shall cooperate to the maximum extent practicable with the Library of Congress to ensure that the Library of Congress website has full and prompt access to all publicly available congressional documents.

Mr. CORZINE. Mr. President, today, along with Senators McCAIN, FEINGOLD, CORNYN, LEAHY, and BINGAMAN, I am submitting a resolution designed to make it easier for the American people to get information about Congress from the Internet.

Almost 10 years ago, the Library of Congress started the THOMAS website, which was one of the first electronic references for the public to get up-to-date information about legislation. The Library did a tremendous job getting THOMAS ready, and I commend their hard work in maintaining it over the past 10 years. However, THOMAS recently has begun to show its age. Although there have been some improvements over time, the Library has been unable to devote the resources necessary to keep THOMAS up to the level the public expects for today's websites. One reason is that the Library has never been formally told by either Chamber of Congress that it has a responsibility to maintain a website for public access to legislative information.

In contrast, the Congressional Research Service was given a mandate to maintain a legislative information website for Members of Congress and their staffs in the 1997 Legislative Branch Appropriations conference report. The Legislative Information System that Congress uses is vastly superior to THOMAS, both in terms of functionality and ease of use. For example, LIS users are able to search across multiple Congresses to find information about bills; THOMAS users must search each Congress individually. In LIS, links to committee reports, if available, are provided along with the basic information about a bill. In THOMAS, a user must make a separate search to find the report. In LIS, the names of bill sponsors can be clicked on to find other bills sponsored by that Member; that feature is not available in THOMAS. And anyone who has used both LIS and THOMAS has seen that the LIS site is much more attractive and usable, and has benefited from continual improvements that have not been matched on THOMAS. When it comes to obtaining the public legislative information of Congress, there should not be such a significant difference between what we use and what the public uses.

Obviously, the American people have the right to see all the public documents of Congress. And, if we are to be true to our nation's democratic values, this information should be as easy to find as possible. It is not sufficient that those who are truly interested can make the extra effort necessary to find what they need; we should be encouraging people to become interested. Americans should be able to easily go to the Internet and get legislative information directly from Congress, instead of having to rely on what they see and hear from others. We can facilitate this by creating a visually appealing, helpful, useful, and accessible public portal to the United States Congress.

Although THOMAS was a good start, it badly needs to be improved. This resolution will tell the Library of Congress that the Senate is paying attention, and that we will insist on that improvement.

I urge my colleagues to support this resolution and help ensure we have a public legislative information website we can be proud of.

Mr. LEAHY. Mr. President, government transparency is fundamental to democracy. This well-known truism is a staple of every sermon about democracy. We sometimes take it for granted, but we shouldn't—especially today. For one thing, the world is watching if and how we practice what we preach. For another, during this most partisan of political times, it is essential that citizens be able to judge us not only on what we say, but on what we do.

Therefore, I am particularly pleased to join today with Senators CORZINE, CORNYN, FEINGOLD, BINGAMAN and LIEBERMAN to submit a resolution that will provide citizens with expanded and more easily accessible information about legislation and the legislative process.

In particular, we are calling on the Library of Congress to improve its public website, called "THOMAS," in order to provide as much legislative information as is reasonably practical. In addition, because Internet technology continues to advance so rapidly, we are asking the Library to maintain THOMAS in a manner that reflects current standards of accessibility and usability.

In December of 2003, together with Senator CORZINE and others, I wrote to Dr. James Billington, the Librarian of Congress, and asked him to redesign THOMAS to provide, as much as possible, information to the general public that is already available to congressional staff through the congressional Legislative Information System. Dr. Billington and his staff agreed to work with us to improve THOMAS, and the resolution we introduce today is a result of this constructive process. I would like to thank Dr. Billington and his staff for their cooperation and their appreciation of the importance of this effort.

The Library of Congress has a well-known and well-deserved reputation as a source of reliable, unbiased, and comprehensive information. Our resolution will harness the power of the Information Age to allow citizens to see more public records of the Senate in their official form, in context, and without editorial comment.

The taxpayers of this country, who pay millions of dollars a year to fund the Library of Congress, as well as to fund Congress itself, deserve speedy access to this public information. They have a right to see that their money is being spent well. As Thomas Jefferson wrote, "Information is the currency of democracy."

SENATE RESOLUTION 361—SUPPORTING THE GOALS OF NATIONAL MARINA DAY AND URGING MARINAS TO CONTINUE PROVIDING ENVIRONMENTALLY FRIENDLY GATEWAYS TO BOATING

Mr. CHAMBLISS submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 361

Whereas the people of the United States highly value their recreational time and their ability to access the waterways of the United States, one of the Nation's greatest natural resources;

Whereas in 1928, the National Association of Engine and Boat Manufacturers first used the word "marina" to describe a recreational boating facility;

Whereas the United States is home to more than 12,000 marinas that contribute substantially to local communities by providing safe and reliable gateways to boating;

Whereas the marinas of the United States serve as stewards of the environment and actively seek to protect the waterways that surround them for the enjoyment of this generation and generations to come;

Whereas the marinas of the United States provide communities and visitors with a place where friends and families, united by a passion for the water, can come together for recreation, rest, and relaxation; and

Whereas the Marina Operators Association of America has designated August 14, 2004, as "National Marina Day" to increase awareness among citizens, policymakers, and elected officials about the many contributions that marinas make to communities: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of National Marina Day; and

(2) urges that the marinas of the United States continue to provide environmentally friendly gateways to boating for the people of the United States.

Mr. CHAMBLISS. Mr. President, I rise today to submit legislation designating August 14, 2004, as National Marina Day to honor America's marinas for their many contributions to local communities. This year's celebration will be held in Georgia on Lake Sidney Lanier, one of the largest U.S. Army Corps of Engineer lakes in the nation, and home to 10 marinas. National Marina Day was created by the Marine Operators Association of America to educate civic leaders, government leaders, and the public about the important role that the marina industry plays in cities and towns across America as family-friendly gateways to boating and outdoor recreation.

Georgia's Lake Lanier consists of 39,000 acres of water and 692 miles of shoreline. The lake was originally authorized by the United States Congress in 1946 for the purposes of power production, flood control, downstream navigation, and fish and wildlife management. Over the years, recreation has become a major factor in the lake's attraction to 8 million visitors each year. According to a recent study commissioned by the Metro Atlanta Marine Trade Association, Lake Lanier generates nearly $5.5 billion in annual economic impact from jobs created on and around the lake, restaurants, hotels and resorts, camping and recreation, real estate sales, boat and marine dealers, and marinas.

National Marina Day will be held for the third year in a row, is set to have its most successful year yet, in no small part by the tireless work of the President of the Marina Operators of Lake Lanier, Kirby Cay Scheimann, State Representative Stacy Reece of Gainesville, Georgia, the President of the Marina Operators Association of America, Bill Anderson, and the President of the International Marina Institute, Gregg Kenney. I am grateful for all the hard work that everyone involved has contributed to making National Marina Day a huge success.

SENATE RESOLUTION 362—EXPRESSING THE SENSE OF THE SENATE ON THE DEDICATION OF THE NATIONAL WORLD WAR II MEMORIAL ON MAY 29, 2004, IN RECOGNITION OF THE DUTY, SACRIFICES, AND VALOR OF THE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES WHO SERVED IN WORLD WAR II

Mr. GRAHAM of Florida (for himself, Mr. SPECTER, Mr. EDWARDS, Mr. LEVIN, Mr. REED, Mr. FEINGOLD, Ms. MURKOWSKI, Ms. CANTWELL, Mrs. MURRAY, Mr. CONRAD, Mr. BIDEN, Mr. CORZINE, Mr. DASCHLE, Ms. STABENOW, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. GRAHAM of South Carolina, Mr. TALENT, Ms. SNOWE, Mr. LUGAR, Mr. SANTORUM, Mr. SCHUMER, Mr. BOND, Mr. VOINOVICH, Mr. MILLER, Mr. INOUYE, Ms. LANDRIEU, Mr. STEVENS, Mr. FITZGERALD, Mr. CAMPBELL, Mr. BREAUX, Mr. LEAHY, Mr. DAYTON, Mr. DORGAN, Mr. COLEMAN, Mrs. DOLE, Mr. ALEXANDER, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. CRAPO, Mr. BAYH, Mr. BURNS, Mr. JEFFORDS, Mr. REID, Mr. SESSIONS, Mr. KERRY, Mr. SARBANES, Mr. CORNYN, Ms. COLLINS, Mr. WYDEN, Mr. THOMAS, Mr. CRAIG, Mr. BUNNING, Mr. KENNEDY, Mr. KOHL, Mr. WARNER, Mr. DEWINE, Mr. JOHNSON, Mr. BROWNBACK, Ms. MIKULSKI, Mr.

NELSON of Nebraska, Mr. HARKIN, Mr. AKAKA, Mr. HAGEL, Mr. CHAFEE, Mr. HATCH, Mrs. BOXER, Mrs. CLINTON, Mr. GREGG, Mr. SHELBY, Mr. BAUCUS, Mr. DURBIN, Mr. MCCAIN, Mr. CHAMBLISS, Mr. HOLLINGS, Mr. LIEBERMAN, Mr. SMITH, Mr. SUNUNU, Mr. NICKLES, Mr. MCCONNELL, Mr. INHOFE, Mr. ENSIGN, Mr. CARPER, Mr. BINGAMAN, Mr. DODD, Mr. DOMENICI, Mr. GRASSLEY, Mr. ENZI, Mr. KYL, Mr. ALLEN, Mrs. LINCOLN, and Mr. ALLARD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 362

Whereas the National World War II Memorial is being dedicated on Saturday, May 29, 2004, on the National Mall in Washington, District of Columbia;

Whereas the National World War II Memorial, a monument of granite and bronze, has a fitting location on the National Mall situated between the Washington Monument and the Lincoln Memorial and flanked by memorials dedicated to the members of the Armed Forces of the United States who served and died in the Korean War and in the Vietnam era;

Whereas the National World War II Memorial is dedicated to the more than 16,000,000 individuals from the 48 States, the District of Columbia, and the territories and possession of the United States who served in the Army, Army Air Force, Navy, Marine Corps, Coast Guard, and Merchant Marine in World War II;

Whereas on May 29, 2004, hundreds of thousands of veterans, and their families and friends, from across the United States will gather on the National Mall to join in the dedication of the National World War II Memorial and to pay homage to the memory of the more than 400,000 members of the Armed Forces of the United States who died while serving during World War II and the more than 10,000,000 veterans of the Armed Forces of the United States in World War II who have died since the end of World War II;

Whereas on May 29, 2004, the Nation will pay tribute to all the members of the Armed Forces of the United States who served in World War II;

Whereas on May 29, 2004, the Nation will remember the duty, sacrifices, and valor of the members of the Armed Forces of the United States who served on land and sea and in the air in the more than 89 campaigns conducted in the European and Pacific theaters of operations in World War II;

Whereas on May 29, 2004, the Nation will acknowledge that the men and women who served in the Armed Forces of the United States in World War II came from all the States, the District of Columbia, and all the territories and possessions of the United States and represented men and women of all races, religions, ethnic groups, professions, educational attainments, and backgrounds, all united in the goal of serving their Country and preserving freedom; and

Whereas construction of the National World War II Memorial would not have possible without the donations of hundreds of thousands of individual Americans, as well as corporations, foundations, veterans groups, professional and fraternal organizations, communities, and schools, who all acknowledged that a memorial should be constructed in the National Capital to recognize and pay tribute to the duty, sacrifices, and valor of all the members of the Armed Forces of the United States who served in World War II: Now, therefore be it

Resolved, That it is the sense of the Senate—

(1) to express the grateful thanks of the Nation to the more than 16,000,000 individuals who served in the Army, Army Air Force, Navy, Marine Corps, Coast Guard, and Merchant Marine in World War II and to the millions of Americans on the home front who contributed to the war effort during World War II; and

(2) to recognize the dedication of the National World War II Memorial on the National Mall in Washington, District of Columbia, on May 29, 2004, as an occasion to acknowledge and pay tribute to the duty, sacrifices, and valor of all the members of the Armed Forces of the United States who served in World War II, a group known collectively as the "Greatest Generation".

Mr. GRAHAM. Mr. President, on Saturday, May 29th, we will dedicate a national memorial to the more than 16 million men and women who served from December 1940 to August 1945 in our Army, Army Air Force, Navy, Marine Corps, Coast Guard and Merchant Marines, as well as the 400,000 men and women who gave their lives during World War II.

The memorial is a fitting tribute to all who served and contributed to the war effort at home and abroad. When visitors enter the memorial, they are greeted with an inscription that puts the memorial, its placement on the National Mall and its importance to our nation into perspective: "Here in the presence of Washington and Lincoln, one the 18th century father and the other the 19th century preserver of our nation, we honor those 20th century Americans who took up the struggle during the Second World War and made the sacrifices to perpetuate the gift of our forefathers entrusted to us: a nation conceived in liberty and justice."

The memorial, composed of bronze and granite, has a memorial plaza and a rainbow pool as its main features. These features symbolize the totality of the war effort, both at home and overseas. Its two arches depict the two theaters of the war—the Atlantic and the Pacific. The fifty-six pillars represent every state and territory that committed men and women to the effort. A "freedom wall" with 4,000 sculpted gold stars commemorates the more than 400,000 Americans who died while serving in the armed forces during the war.

I hope that for generations to come, this memorial, will etch into the collective memory of all Americans who visit the sense of duty, patriotism, valor and sacrifice of the millions of citizens—men and women, from all walks of life, from America's farms and cities, made up of all races, religions and ethnicities—who served and who answered their nation's call in a time of great need.

This memorial is truly a shrine to democracy. World War II was a test of our Nation's democracy, against the forces of fascism and totalitarianism, which threatened to engulf the globe. Americans combated this evil as citizens of the world's bastion of democracy. It is only fitting that around each memorial flagpole—flying the symbol of a free and democratic people—is inscribed, "Americans came to liberate, not to conquer, to restore freedom and to end tyranny."

America's spirit was captured by President Franklin Roosevelt when he said of his countrymen, "They have given their sons to the military services. They have stoked the furnaces and hurried the factory wheels. They have made the planes and welded the tanks, riveted the ships and rolled the shells." It was through the collective contribution of millions of Americans that victory was ultimately achieved.

At war's end, General Douglas McArthur said it best when accepting the surrender of the Japanese in Tokyo Bay, "Today the guns are silent. The great tragedy has ended. A great victory has been won. The skies no longer rain death—the seas bear only commerce—men everywhere walk upright in the sunlight. The entire world is quietly at peace."

I hope that when Americans visit this memorial and pay tribute to the millions of veterans who served to preserve our freedom, they will realize there was a time when the mission was clear, the cause was just and righteous and Americans were united in their quest for victory. As a nation, we honor the memory of ordinary Americans who were asked by their country to perform extraordinary feats, rose to the challenge and will forever be remembered.

I urge my colleagues to support this resolution, that would resolve it to be the sense of the Senate to express the grateful thanks of the nation to the more than 16 million veterans who served in the Army, Army Air Force, Navy, Marine Corps, Coast Guard and Merchant Marine in World War II and to the millions of Americans on the home front who contributed to the war effort during World War II and to recognize the dedication of the National World War II Memorial on the National Mall in Washington, the District of Columbia, on May 29, 2004, as an occasion to acknowledge and pay tribute to the duty, sacrifices and valor of all members of the Armed Forces of the United States who served in World War II, a group known collectively as the "Greatest Generation."

AMENDMENTS SUBMITTED AND PROPOSED

SA 3150. Mr. GREGG (for himself and Mr. KENNEDY) proposed an amendment to the bill S. 1248, to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

TEXT OF AMENDMENTS

SA 3150. Mr. GREGG (for himself and Mr. KENNEDY) proposed an amendment to the bill S. 1248, to reauthorize the Individuals with Disabilities Education Act, and for other purposes: as follows:

On page 382, line 21, strike "or the post-surgical" and all that follows through page 383, line 2, and insert "or the replacement of such device.".

On page 398, line 21, strike "or the post-surgical" and all that follows through page 399, line 2, and insert "or the replacement of such device.".

On page 408, between lines 11 and 12, insert the following:

"SEC. 610. FREELY ASSOCIATED STATES.

"The Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall continue to be eligible for competitive grants administered by the Secretary under this Act to the extent that such grants continue to be available to States and local educational agencies under this Act.

On page 451, line 19, strike the comma after "consult".

On page 453, line 25, strike "affirmations" and insert "affirmation".

On page 503, line 2, strike "educational".

On page 503, line 11, strike "educational".

On page 504, line 9, strike "educational".

On page 504, line 21, strike "educational".

On page 509, line 24, strike "prereferral".

On page 515, strike lines 10 through 15, and insert the following:

"(ii) are provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide or administer;".

On page 553, lines 13 and 14, strike "*STATUTE OF LIMITATIONS*" and insert "*TIMELINE*".

On page 553, line 14, strike "statute of limitations" and insert "timeline".

On page 615, line 13, insert "and supervised" after "appropriately trained".

On page 664, lines 11 and 12, strike "administrators, principals, and teachers" and insert "personnel".

On page 669, line 10, strike "and" after the semicolon.

On page 669, line 17, strike the period and insert "; and".

On page 669, between lines 17 and 18, insert the following:

"(C) encourage collaborative and consultative models of providing early intervention, special education, and related services.

On page 671, line 8, strike "and administrators" and insert ", administrators, and, in appropriate cases, related services personnel".

On page 672, line 11, strike "providing" and insert "provide".

On page 672, line 14, strike "and" after the semicolon.

On page 672, line 17, strike the period and insert "; and".

On page 672, between lines 17 and 18, insert the following:

"(D) Train early intervention, preschool, and related services providers, and other relevant school personnel, in conducting effective individualized family service plan (IFSP) meetings.

On page 702, line 24, insert "early childhood providers," after "ability of".

On page 702, line 25, insert "related services personnel," after "administrators,".

On page 720, lines 5 and 6, strike "alternate" and insert "alternative".

On page 720, lines 22 and 23, strike "*STUDENTS WITH SIGNIFICANT DISABILITIES*" and insert "*STUDENTS WHO ARE HELD TO ALTERNATE ACHIEVEMENT STANDARDS*".

On page 721, strike lines 1 through 3, and insert the following:

"(1) the criteria that States use to determine—

"(A) eligibility for alternate assessments; and

"(B) the number and type of children who take those assessments and are held accountable to alternate achievement standards;

On page 721, strike lines 6 through 8, and insert the following:

"(3) the alignment of alternate assessments and alternative achievement standards to State academic content standards in reading, mathematics, and science; and

On page 753, line 16, insert "(as appropriate when vocational goals are discussed)" after "participation".

On page 756, line 6, insert "vocational" after "school".

On page 756, line 7, insert "vocational" after "school".

On page 764, line 13, strike "(C)" and insert "(A)".

On page 766, after line 20, insert the following:

SEC. 302. NATIONAL BOARD FOR EDUCATION SCIENCES.

Section 116(c)(9) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9516(c)(9)) is amended by striking the third sentence and inserting the following: "Meetings of the Board are subject to section 552b of title 5, United States Code (commonly referred to as the Government in the Sunshine Act).".

SEC. 303. REGIONAL ADVISORY COMMITTEES.

Section 206(d)(3) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9605(d)(3)) is amended by striking "Academy" and inserting "Institute".

On page 777, after line 15, insert the following:

TITLE —MISCELLANEOUS

SEC. 01. GAO REVIEW OF CHILD MEDICATION USAGE.

(a) REVIEW.—The Comptroller General shall conduct a review of—

(1) the extent to which personnel in schools actively influence parents in pursuing a diagnosis of attention deficit disorder and attention deficit hyperactivity disorder;

(2) the policies and procedures among public schools in allowing school personnel to distribute controlled substances; and

(3) the extent to which school personnel have required a child to obtain a prescription for substances covered by section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) to treat attention deficit disorder, attention deficit hyperactivity disorder, or other attention deficit-related illnesses or disorders, in order to attend school or be evaluated for services under the Individuals with Disabilities Education Act.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress a report that contains the results of the review under subsection (a).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session the Senate on Thursday, May 13, 2004. The purpose of this hearing will be to conduct a review of the Commodity Futures Trading Commission regulatory issues. Dr. James E. Newsome, Chairman of the Commodity Futures Trading Commission, will testify before the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on May 13, 2004, at 9:30 a.m., in open session to receive testimony on the contingency reserve fund request for fiscal year 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 13, 2004 at 9:30 a.m. to hold a hearing on Combating Corruption in the Multilateral Development Banks.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 13, 2003 at 2:30 p.m. to hold a hearing on Challenges and Accomplishments as the European Union and the United States Promote Trade and Tourism in a Terrorism Environment.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 13, 2004, at 10 a.m. in Dirksen Senate Building Room 226.

Agenda

I. Nominations

Henry W. Saad to be U.S. Circuit Judge for the Sixth Circuit.

II. Legislation

S. 1735, Gang Prevention and Effective Deterrence Act of 2003 (Hatch, Feinstein, Grassley, Graham, Chambliss, Cornyn, Schumer).

S. 1933, Enhancing Federal Obscenity Reporting and Copyright Enforcement (ENFORCE) Act of 2003 (Hatch, Feinstein, Cornyn).

S. 1635, A bill to amend the Immigration and Nationality Act to ensure the integrity of the L–1 visa for intracompany transferees (Chambliss).

S. 1609, Parental Responsibility Obligations Met through Immigration System Enforcement (PROMISE) Act (Hatch, Cornyn).

S. 1129, Unaccompanied Alien Child Protection Act of 2003 (Feinstein, DeWine, Feingold, Kennedy, Leahy, Specter, Edwards, Durbin, Kohl, Schumer).

S. 2013, Satellite Home Viewer Extension Act of 2004 (Hatch, Leahy, DeWine, Kohl).

S. Res. 331, A resolution designating June 2004 as "National Safety Month". (Fitzgerald, Feinstein, DeWine).

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in Room 628 of the Dirksen Senate Office Building, Thursday, May 13, 2004, from 10 a.m. to 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 13, 2004 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families, be authorized to meet for a hearing on Parents Raising Children: Premature Babies during the session of the Senate on Thursday, May 13, 2004, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS AND PROPERTY RIGHTS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet to conduct a markup on Thursday, May 13, 2004, at 9:30 a.m., in the Dirksen Senate Building, Room 226.

Agenda

Bill

S.J. Res. 23, A joint resolution proposing an amendment to the Constitution of the United States providing for the event that one-fourth of the Members of either the House of Representatives or the Senate are killed or incapacitated. [Cornyn/Chambliss].

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on May 13, 2004, at 2:30 p.m., in open session to receive testimony on acquisition policy issues in review of the defense authorization request for fiscal year 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space be authorized to meet on Thursday, May 13, 2004, at 2:30 p.m. on Social Science Data on the Impact of Marriage and Divorce on Children.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Tim Valentine of my staff be allowed on the floor during these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 2400

Mr. FRIST. Mr. President, I ask unanimous consent that on Monday, May 17, at 2:30 p.m., the Senate proceed to the consideration of calendar No. 503, S. 2400, the Department of Defense authorization bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 3104

Mr. FRIST. Mr. President, I ask unanimous consent that on Tuesday, May 18, at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the consideration of calendar No. 507, H.R. 3104; provided that there be 20 minutes of debate equally divided between- the chairman and ranking member of the Armed Services Committee or their designees, with no amendments in order. I further ask consent that following the use or yielding back of the time the bill be read the third time and the Senate proceed to a vote on passage, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, MAY 14, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, May 14. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will be in a period for the transaction of morning business throughout the day. There will be no rollcall votes tomorrow. As I mentioned, we will begin consideration of the Department of Defense authorization bill next week. Members should expect the next rollcall vote on Monday at approximately 5:30 p.m. The chairman and ranking member will be here Monday to work through amendments, and they have indicated they will be prepared for a vote on an amendment at 5:30 p.m.

We are also working on an agreement for consideration of the bioshield bill. We hope we will be able to lock in an agreement for that bill's consideration on Monday, and I will provide an update on that effort during tomorrow's session. We would debate that bill on Monday and have the vote on passage on Tuesday.

Also, as a reminder, we reached an agreement on the bill related to campaign medals for Operation Enduring Freedom and Operation Iraqi Freedom. That bill will be completed during Tuesday's session.

We are also expecting to begin consideration of some of the available judicial nominations that are on the Executive Calendar. Discussions are still underway as to how best to proceed to those nominations, and we will have more to say on this tomorrow.

I also congratulate Senator JUDD GREGG and the ranking member for passage of the IDEA reauthorization 95 to 3. It is a very important bill. We were able to deal with that bill in a very short period of time and in a very orderly way. I appreciate them bringing that to conclusion today.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:22 p.m., adjourned until Friday, May 14, 2004, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 13, 2004:

EXPORT-IMPORT BANK OF THE UNITED STATES

LINDA MYSLIWY CONLIN, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2007, VICE APRIL H. FOLEY, TO

WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF TRANSPORTATION

LINDA MORRISON COMBS, OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE DONNA R. MCLEAN, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

THE JUDICIARY

JOHN O. COLVIN, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS. (REAPPOINTMENT)

DEPARTMENT OF STATE

CYNTHIA G. EFIRD, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ANGOLA.

TOM C. KOROLOGOS, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM.

DEPARTMENT OF EDUCATION

EUGENE HICKOK, OF PENNSYLVANIA, TO BE DEPUTY SECRETARY OF EDUCATION, VICE WILLIAM D. HANSEN, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

EDWARD R. MCPHERSON, OF TEXAS, TO BE UNDER SECRETARY OF EDUCATION, VICE EUGENE HICKOK, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) STEVEN L. ENEWOLD, 1316

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JEFFREY A. BROOKS, 5383

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) STANLEY D. BOZIN, 5487
REAR ADM. (LH) CHARLES T. BUSH, 7136
REAR ADM. (LH) JEFFREY B. CASSIAS, 7214
REAR ADM. (LH) WILLIAM D. CROWDER, 9877
REAR ADM. (LH) RICHARD K. GALLAGHER, 9308
REAR ADM. (LH) DAVID A. GOVE, 5823
REAR ADM. (LH) TIMOTHY L. HEELY, 5830
REAR ADM. (LH) GARY R. JONES, 3181
REAR ADM. (LH) JAMES D. KELLY, 3504
REAR ADM. (LH) THOMAS J. KILCLINE JR., 3174
REAR ADM. (LH) SAMUEL J. LOCKLEAR III, 1250
REAR ADM. (LH) JOSEPH MAGUIRE, 0399
REAR ADM. (LH) ROBERT T. MOELLER, 1217
REAR ADM. (LH) ROBERT D. REILLY JR., 8553
REAR ADM. (LH) JACOB L. SHUFORD, 7889
REAR ADM. (LH) PAUL S. STANLEY, 7882
REAR ADM. (LH) MILES B. WACHENDORF, 0963
REAR ADM. (LH) PATRICK M. WALSH, 1107

HOUSE OF REPRESENTATIVES—*Thursday, May 13, 2004*

The House met at 10 a.m.

The Reverend Dr. Larry D. Pickens, Senior Pastor, First United Methodist Church, Elgin, Illinois, offered the following prayer:

Gracious and loving God, we enter this day sensing Your awesome presence and capacity. Give these public servants the vision, wisdom, and courage to carry out their legislative and leadership responsibilities.

We pray for the will to create "Beloved Community," where we all become brothers and sisters, working to create a world that is free from violence, hatred, and hopelessness. Grant Your Spirit upon this body, that each person realizes that he or she is an instrument of Your love and compassion.

We celebrate the architects of this Nation's Constitution, and the way in which we are gifted to merge our voices together around the concern for justice, holiness, and equity across the land.

We pray for this Nation and its people. Use each one of us to accomplish the Prophet Micah's challenge to walk, act, and love with humility, justice, and kindness.

This is our prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. SANDLIN) come forward and lead the House in the Pledge of Allegiance.

Mr. SANDLIN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 388. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

H. Con. Res. 389. Concurrent resolution authorizing the use of the Capitol Grounds for the D.C. Special Olympics Law Enforcement Torch Run.

The message also announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 107. Concurrent resolution recognizing the significance of the 30th anniversary of the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program, and reaffirming the commitment of Congress to support the use of science in governmental decisionmaking through such program.

S. Con. Res. 108. Concurrent resolution supporting the goals and ideals of Tinnitus Awareness Week.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 10 one-minutes on each side.

HONORING SISTER JEANNE O'LAUGHLIN

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to salute a dear friend who I love and who my entire community loves, Sister Jeanne O'Laughlin, president of Miami's Barry University. It has been a privilege to be able to work with Sister Jeanne. It has been one of the truly wonderful things I have been able to do in Congress.

You see, Mr. Speaker, Sister Jeanne is so special, it is difficult to choose only a few words to describe her. Talent, imagination, compassion, faith, perseverance, sense of humor, devotion, integrity, charisma, success, all those realities about Sister Jeanne are evident. But the meaning of one word outweighs all others in regard to her, one word describes her best, "love."

Thank you, Jeanne O'Laughlin, for loving your family, your neighbors, your community, for loving us all. Thank you for having put your love into action in your life and with your entire life.

AN ARROGANT ADMINISTRATION

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I see in the morning papers that the Republicans have a problem with Senator KERRY's characterization of this administration as arrogant in its foreign policy.

Arrogance. What do you call it when they ignore their economic advisers that tell them the real cost of the war will be $200 billion, and not a couple of billion paid for by the Iraqis?

Arrogance. What do you call it when they ignore their military advisers on the number of troops that will be necessary, not only to win the war, but to keep the peace and protect our troops from harm?

Arrogance. What do you call it when they send their troops into combat without the proper equipment to protects those troops, such as bulletproof vests and armored Humvees, and still have not done it today?

Arrogance. What do you call it when they ignore the advice of the State Department that we have to have international support for the war and international participation in the keeping of the peace? We had neither.

Arrogance. What do you call it when they rush to war, and the Pentagon says that rush to war prevented us from being able to protect our soldiers in a proper way, and now one out of four casualties is because we were improperly prepared to keep the peace?

Arrogance. That is what you call it.

CREATING AND KEEPING JOBS IN AMERICA

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, one of the most important domestic issues facing us and our children and grandchildren is America's ability to compete in the world market.

Over the last generation, Congress has passed laws and legislation, perhaps with good intentions, but with disastrous consequences, in the form of regulations and policies. These regulations and policies have made it difficult to stay competitive. We have divided the challenges into eight categories; and for a period of 8 weeks on the floor of the United States House, we will debate and vote on measures to change the system and make America more able to compete globally. Our goal is more high-quality, high-paying jobs. We call it Careers For the 21st Century.

The eight issues are lowering the rising cost of health care; cutting bureaucratic red tape; lifelong learning for a skilled work force; applying fair trade policies; tax relief and simplification for reducing the burden on tax preparation; energy policy that will create 700,000 jobs; research and development initiatives; and ending lawsuit abuse.

Real solutions for real problems, so that American working families can make their dreams come true.

GETTING ALL AMERICANS AFFORDABLE HEALTH COVERAGE

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I would like to bring to this body's attention an editorial that was in the Houston Chronicle just a week or so ago by Dr. John Stobo, who is the president of the University of Texas Medical Branch in Galveston, Texas.

Dr. Stobo talks of a 43-year-old emergency room patient with shortness of breath who had already had a doctor's visit where x-rays had been ordered. She could not get the x-rays because she could not afford them, did not have the health insurance, and her employer, a small business owner, did not provide it.

She could not afford a second doctor's visit and is now diagnosed, when she made it to the emergency room, with lung cancer. Since she saw the doctor, the cancer spread aggressively; but if she had had that x-ray 9 months earlier, her prognosis might have been more positive.

It is an absolute moral scandal that Dr. Stobo's patient, along with 43 million hard-working Americans, people with jobs, have no health insurance.

A study by respected analysts Jack Handley and John Holahan estimates that basic health insurance for all uninsured Americans would cost $69 billion a year if typical of the sort now held by middle- and low-income Americans.

We will consider legislation next week that will change this. Let us get all Americans affordable health insurance.

OLD BACKPACK 4 IRAQ PROGRAM

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.).

Mr. WILSON of South Carolina. Mr. Speaker, Americans are rightfully confident that the prison abusers are a tiny few of the over 300,000 American troops who have served in the war on terror to protect American families.

A more representative symbol of our troops' efforts is the Old Backpack 4 Iraq Program of the 3–178 Field Artillery Battalion of the South Carolina Army National Guard led by Lt. Col. Mark King currently deployed in Iraq. They are collecting used and new backpacks containing school supplies to be provided to Iraqi children.

The backpacks can be loaded with pencils, pens, notebooks, crayons, rulers, construction paper, a small teddy bear, shampoo, toothpaste, toothbrush, BAND-AIDS, soap, wash cloth, and a towel.

I urge my colleagues to assist in this collection and bring backpacks to the Second Congressional District offices in Washington, West Columbia and Beaufort, along with offices of the Lexington County Chronicle. The first load must be completed by Thursday, May 21, so I can personally take them with me on a delegation to Iraq the next day. We will continue to collect them in the future.

In conclusion, God bless our troops, and we will never forget September 11.

ASK QUESTIONS OR STUPID THINGS HAPPEN

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, Chairman GRASSLEY from the other body said, "We Republicans have never quite reached the level of competent oversight that the Democrats developed. We tried to emphasize legislating and we have delegated so much authority to the executive branch of government and we ought to devote more time to oversight than we do."

This Congress in the last 43 days has been in session 14 days. What have we done with our time? We have named 11 post offices, recognized the Garden Club of America, recognized the importance of music education, authorized the use of the Capitol grounds for the Soap Box Derby.

What has happened to our troops? 175 have died in the last 43 days, bringing the total in Iraq to 775.

While we name post offices and recognize sports teams, our constituents are asking questions of how we got in a war without an exit strategy, and for what purpose did we miscalculate and how did we miscalculate our entry into that war.

And this week, how are we handling controversies in Iraq? We are going home a day early. President Kennedy once said, "To govern is to choose." We can name post offices, or we can ask questions, and even this Congress might try to do both.

JOBS AND TAX RELIEF

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last month our economy created 288,000 jobs; 867,000 jobs have been created this year alone. Manufacturing employment is up, weekly jobless claims are at their lowest since October of 2000, our economy is on the rebound, and we have tax relief to thank for that. It is proof that when working families keep more of their own money, it works.

Today, we are going to act to prevent a tax increase. Current law says that the 10 percent tax bracket which was created in the 2001 jobs plan will expire. If that happens, 73 million working people will pay higher taxes next year, with an average tax increase of $2,400 in the next decade.

Today, we will see who in this House wants to prevent this tax increase. Working families need every penny we can let them keep.

SUPPORT BIPARTISAN TOBACCO BUYOUT LEGISLATION

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, for the past several years, I have worked with a bipartisan coalition of Members to pass critical tobacco buyout legislation on behalf of American tobacco farmers. Unfortunately, the House Republican leadership has opposed us at every turn.

This week, Senator JOHN KERRY announced his support for tobacco buyout legislation. His support stands in stark contrast to comments made last week by President Bush, who dismissed the crisis facing tobacco farm families by saying the current tobacco system does not need to be changed.

Since 1997, tobacco farmers have seen their income cut by over half. Thousands of farm families have been forced out of business. The entire economic background of rural southeast America has been crippled, yet the President says nothing needs to be changed.

Senator KERRY supports a buyout to revitalize our corner of rural America. A buyout would create tens of thousands of jobs in rural America, which are desperately needed.

Time is running out for our tobacco farmers. I call on the Republican leadership in the House and the Congress to follow Senator KERRY's leadership and pass the bipartisan tobacco buyout and restore hope to tobacco country.

REFORMING CIVIL JUSTICE SYSTEM IN REGARD TO MEDICAL LIABILITY

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, yesterday on the floor of this House, we passed legislation that will once again reform the civil justice system in regards to medical liability. Then the question came up last night during the hours of debate on this House as to how in the world is that going to lower the cost of health insurance for the uninsured.

Well, true enough, lowering the cost of liability insurance will not have a direct effect upon the cost of providing insurance for the uninsured, but certainly removing the embedded cost of the civil justice system and the embedded cost of defensive medicine from the medical justice system will go a great way towards alleviating the crisis in the cost of medical insurance.

It is estimated from a study done in 1996 that $50 billion a year could be saved in the Medicare program if doctors were not practicing defensive medicine.

The fact of the matter remains, Mr. Speaker, we passed that bill in the House, it is awaiting action on the other side of the Capitol, we have a President right now who will sign that bill, and I think that is an important part for the American people to bear in mind.

STOP CALLING THOSE WHO ASK QUESTIONS UNPATRIOTIC

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, a quote: "I cannot support a failed foreign policy. History teaches us that it is often easier to make war than peace. This administration is just learning that lesson right now. The President began this mission with very vague objectives and lots of unanswered questions. There is no timetable, there is no legitimate definition of victory, there is no contingency plan for mission creep, there is no clear funding program, there is no agenda to bolster our overextended military, there is no explanation defining what vital national interests are at stake."

Who said that? Not a Democrat, but the majority leader, the gentleman from Texas (Mr. DELAY), said that on March 28 of 1999.

□ 1015

I say, end calling those people who ask questions unpatriotic. Read your own history. Read your own legacy. This is a disgrace, what you did in 1999, and then you accuse us when we ask a question. Read your own literature.

TRIBUTE TO JEREMIAH KIRK JOHNSON

(Mr. BISHOP of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BISHOP of Utah. Today, a special service will be held at the National Peace Officers Memorial to honor those whose devotion resulted in the ultimate expression of Christ-like love: They sacrificed their lives for others.

Mr. Speaker, I rise today to pay special tribute to one who gave his life in the service of others. Jeremiah Kirk Johnson, who died in a tragic traffic accident while on duty for the Emery County Sheriff's Department, exemplifies the life of service which I wish to honor.

A devoted husband and father, he spent every spare moment around his children because of his great love for them. At the time of his death, he had been promoted to deputy sheriff in Emery County, and was instrumental in helping to set up the drug court which had the effect of getting drug offenders off the street. He was a giant of a man, yet gentle.

Jeremiah will be missed a lot. He cannot be replaced, but his example can be honored.

He was a model U.S. citizen. He devoted his life to service of our country, and he will be forever remembered as a hero, a son, a husband, and a father.

COVER THE UNINSURED AND SUPPORT KIND SUBSTITUTE

(Mr. ROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSS. Mr. Speaker, as the Congress and the country mark Cover the Uninsured Week, I add my voice to those who are ready to do something meaningful about the problem of the uninsured.

Nearly 80 percent of the uninsured are the working poor, and often work in small businesses. They have jobs and are trying to do the right thing, but they cannot afford an insurance policy for themselves or for their families.

My colleagues on the other side of the aisle claim that association health plans are the answer, but more than 500 organizations representing millions of people oppose these plans, association health plans, because they know that they will compound the problem by creating an unlevel playing field that will likely lead to cherry-picking, adverse selection, and yes, increased costs for sicker individuals.

I urge my colleagues to support the Kind substitute, which will provide a tax credit to businesses that will pay for 50 percent of the premium for health insurance for their employees.

OFFICERS IN CHARGE IN IRAQ FAILED IN THEIR DUTY

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, as a Member of Congress, as a West Point graduate, and as a lieutenant colonel in the Army Reserves, I am saddened by recent revelations at Abu Ghraib Prison. I am sad and disappointed and feel personally attacked by an organization I hold in high esteem.

The Chaplain said today in his prayer that we seek justice, equity, and freedom. In this case, we failed.

A commander is responsible for all his unit does and fails to do. This is a basic creed of the United States Army.

As the criminal proceedings unfold and those involved receive the consequences of their actions, some officers in charge need to stand up and say, I was in command, and I failed.

IRAQ IMAGES

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, the ship of state sails without a rudder.

Increasingly, the world sees our presence in Iraq as an occupation, not a liberation. Any talk of democracy has been replaced with images of brute and brutal force.

The President talks about a superb Cabinet Secretary, but America and the world reel in horror and shame over what was done in the name of defending our country.

If only the administration had paid attention. The Red Cross knew, but the administration would not listen. American leadership and credibility have cratered deeper and deeper, yet the administration remains deaf to what happened and the need to act.

The administration heaps praise on one of its own, even as it seeks to silence the images. They sent him to Iraq, I guess, to get him out of town, but the images have stirred the world. As it has for so long, the world looks to America again today. But today, the world looks with eyes averted, because the images that today define America in no way resemble America.

HONORING MONSIGNOR JOHN O'DONNELL ON HIS GOLDEN JUBILEE

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor Monsignor John O'Donnell of Immaculate Conception Church in Fort Smith, Arkansas. Monsignor O'Donnell is celebrating his Golden Jubilee this year, which marks his 50th year in the priesthood.

Born in Philadelphia in 1928, Monsignor O'Donnell was ordained on May 27, 1954. He is a man who is known for his faith, service, and dedication to his neighbors. It seems that everyone at Immaculate Conception has a story about how Monsignor O'Donnell has touched their lives.

Immaculate Conception is the most diverse Catholic church in Fort Smith. It is the perfect fit for Monsignor O'Donnell, who constantly highlights and celebrates the diversity of the parish.

Mr. Speaker, Monsignor O'Donnell has influenced the lives of countless Arkansans. I thank Monsignor O'Donnell for his 50 years of service and being an inspiration to all of us.

WORKING TOGETHER ON TOP PRIORITIES FOR AMERICA

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, this morning we can refer to two pictures on the front of the Washington Post that show: the perplexity of General Taguba who tried to tell the truth, and the collapse of young Nick Berg's father when he heard of the tragedy that occurred. All of this falls at the feet of our administration, regardless of one taking a trip or not.

We need a full investigation which will include the Committee on the Judiciary, and we need it now. The American people and their values are owed this responsibility.

Let me change for a moment, Mr. Speaker, and talk about H.R. 4107, involving our firefighters, and say that this is a good first start, this bill, but we must make sure that the fire grant stays at the U.S. Fire Administration, and we must also recognize that firefighters have the rights of meeting and conferring and collective bargaining, and that should not diminish their service to the community. We welcome the volunteer fire agencies, but we also recognize that fire departments should control the work and the hours of their fire personnel so that all might be safe.

Let us work together to make H.R. 4107 a better bill, and let us have investigations so that the American people can have the answers on Iraq.

IN HONOR OF DAN PARKER

(Mr. BROWN of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of South Carolina. Mr. Speaker, last Friday, a constituent of mine, Mr. Daniel Parker, was struck down during his service in Iraq.

Mr. Parker, a dedicated Halliburton employee and retired teacher at a Border Patrol Academy in Charleston, was en route to Baghdad International Airport in a military convoy when an improvised explosive detonated near his vehicle.

Dan, a veteran of two tours in Vietnam, selflessly braved the perilous environment of a war zone and helped establish a peaceful and productive democracy in the Middle East. Civilian workers like Dan are the unsung heroes in pursuit of stability in Iraq.

With the deaths this past week of Dan and other civilians, we have been tragically exposed to the deadly hazards that these courageous American employees encounter during their daily work abroad.

Working alongside coalition troops and the Iraqi people, civilian contractors work tirelessly to improve the quality of life of strangers by helping to provide the simple resources that we in America most often take for granted: electric power, clean water, and public schools.

Dan Parker was an innocent victim of the treacherous conditions that Americans continue to endure in Iraq. His sacrifice and the sacrifice of others like him will not soon be forgotten.

My thoughts and prayers are with Dan and his family.

FAILURE OF CONGRESSIONAL OVERSIGHT

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, I am pleased that in 5 minutes, the House Committee on International Relations is going to have a hearing about the post-Iraq situation. Since there are only 48 days left until the transfer of power, it is about time. Sadly, it is about 2 years late. It is an example of the sorry declining of congressional oversight and leadership of what was supposed to be a co-equal branch of government. The abuse of Iraqis never convicted of anything is just the latest example of that failure.

While some would claim that asking hard questions is an example of lack of support for our troops, the real lack of support for our troops is not giving them adequate water, and food, proper equipment, to say nothing of the relief of adequate support for troops on the ground and relief to rotate them home.

To the shame of this congressional leadership, we have failed to do our job as congressional watchdogs and policymakers. It has created problems for our troops in Iraq, it has created problems for the Iraqi people, and for the American public.

SINS OF A FEW MUST NOT TARNISH GOOD WORK OF MANY

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Mr. Speaker, I rise today for two reasons. One, of course, is to acknowledge the misconduct of a few American soldiers in the Iraqi prison, conduct we all abhor. Unfortunately, war is an ugly thing, and there will always be egregious behavior under the expediency of war.

But, Mr. Speaker, my other purpose is to implore that we do not forget the nobility and heroism with which our soldiers serve this country. Millions and millions of Iraqis have been liberated from a murdering, raping dictator, thanks to American soldiers. We cannot let the sins of a few tarnish the good work of the many.

Despite the current negative attention, we will not lose faith in the rightness of our purpose or the ability of our troops to be victorious.

CONGRESS SHOULD PASS 5 MEANINGFUL INITIATIVES FOR AMERICA

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, working families continue to suffer under the oppressive policies of the Republican-controlled White House and Congress. With a new low in cynicism, Republicans have made a mockery of the suffering of the jobless.

The Republican unit of dirty tricks, deceitful slogans, and tricky titles has launched a new HOW initiative; Hire Our Workers, they call it. But Republicans refuse to support any of the actions that will relieve the suffering of working families.

Instead of bombarding the Nation with new rope-a-dope slogans, Republicans should just do the right thing and support five basic actions: extend Federal unemployment benefits; end the current tax incentives for shipping jobs overseas; raise the minimum wage from $5.15 an hour to at least $7 an hour; enact a robust highway bill to create 1.8 million good-paying jobs; and invest more resources in key education and job training programs.

Stop swindling the poor with words. Pass these five initiatives without further delay.

HONORING SISTER JEANNE O'LAUGHLIN

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, today I rise to honor one of south Florida's most beloved treasures and one of our Nation's most outspoken advocates on behalf of higher education, Sister Jeanne O'Laughlin, retiring President of Barry University.

When Sister Jeanne became President in 1981, Barry University was a struggling college of 2,000 students. Since then, she has raised over $170 million and has transformed Barry into a thriving university, serving more than 8,500 students.

But for the record, Sister Jeanne impacted much on my life and I want to recognize it here today.

Mr. Speaker, Sister Jeanne and I are both lung cancer survivors.

Having gone through diagnosis and treatment before me, sister Jeanne's model of resolve and optimism has brought me through some of my darkest days. Today I thank Sister Jeanne O'Laughlin for her many gifts to south Florida over the years and for her personal gift to me at my time of crisis.

Mr. Speaker, we look forward to many wonderful things to come from Sister Jeanne as she moves to the next phase of her unending quest to make the world a smarter and more loving place for all of us.

EXPRESSING SENSE OF CONGRESS THAT ALL AMERICANS OBSERVE THE 50TH ANNIVERSARY OF BROWN v. BOARD OF EDUCATION WITH A COMMITMENT TO CONTINUING AND BUILDING ON THE LEGACY OF BROWN

Mr. SENSENBRENNER. Mr. Speaker, pursuant to the previous order of the House, I call up the concurrent resolution (H. Con. Res. 414) expressing the sense of the Congress that, as Congress recognizes the 50th anniversary of the Brown v. Board of Education decision, all Americans are encouraged to observe this anniversary with a commitment to continuing and building on the legacy of Brown, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The text of H. Con. Res. 414 is as follows:

H. CON. RES. 414

Whereas on May 17, 1954, the United States Supreme Court announced in Brown v. Board of Education (347 U.S. 483) that, "in the field of education, the doctrine of 'separate but equal' has no place";

Whereas the Brown decision overturned the precedent set in 1896 in Plessy v. Ferguson (163 U.S. 537), which had declared "separate but equal facilities" constitutional and allowed the continued segregation of public schools in the United States on the basis of race;

Whereas the Brown decision recognized as a matter of law that the segregation of public schools deprived students of the equal protection of the laws under the Fourteenth Amendment to the Constitution of the United States;

Whereas the Brown decision stood as a victory for plaintiff Linda Brown, an African American third grader who had been denied admission to an all white public school in Topeka, Kansas;

Whereas the Brown decision stood as a victory for those plaintiffs similarly situated to Linda Brown in the cases that were consolidated with Brown, which included Briggs v. Elliot (103 F. Supp. 920), Davis v. County School Board (103 F. Supp. 337), and Gephardt v. Belton (91 A.2d 137);

Whereas the Brown decision stood as a victory for those that had successfully dismantled school segregation years before Brown through legal challenges such as Westminster School District v. Mendez (161 F.2d 774), which ended segregation in schools in Orange County, California;

Whereas the Brown decision stands among all civil rights cases as a symbol of the Federal Government's commitment to fulfill the promise of equality;

Whereas the Brown decision helped lead to the repeal of "Jim Crow" laws and the elimination of many of the severe restrictions placed on the freedom of African Americans;

Whereas the Brown decision helped lead to the enactment of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, religion, or national origin in workplaces and public establishments that have a connection to interstate commerce or are supported by the State;

Whereas the Brown decision helped lead to the enactment of the Voting Rights Act of 1965 which promotes every American's right to participate in the political process;

Whereas the Brown decision helped lead to the enactment of the Fair Housing Act of 1968 that prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-relating transactions, on the basis of race, color, national origin, religion, sex, familial status, or disability; and

Whereas in 2004, the year marking the 50th anniversary of the Brown decision, inequalities evidenced at the time of such decision have not been completely eradicated: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes and celebrates the 50th anniversary of the Brown v. Board of Education decision;

(2) encourages all Americans to recognize and celebrate the 50th anniversary of the Brown v. Board of Education decision; and

(3) renews its commitment to continuing and building on the legacy of Brown with a pledge to acknowledge and address the modern day disparities that remain.

The SPEAKER pro tempore (Mr. OSE). The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 15 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

□ 1030

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 414, currently under consideration.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support today of House Concurrent Resolution 414, which recognizes the 50th anniversary of the U.S. Supreme Court's decision in Brown v. Board of Education and calls on Americans to observe this anniversary with a commitment to continuing and building on the legacy of Brown.

In 1896, the Supreme Court decided Plessy v. Ferguson, which held that separate but equal public facilities were lawful. This decision paved the way for the systematic segregation of America based on race. In the wake of that decision, State legislatures felt vindicated passing a number of laws, including the infamous Jim Crow laws, which ensured that the right to equal protection of the laws was a right in name only for African Americans and other minorities.

Many fought for years to try and reverse this pattern of discrimination. Some met with limited success, such as Gonzalo and Felicitas Mendez, who in 1947 prevailed in their efforts to allow students of Mexican ancestry to attend the same California public elementary schools as attended by white children, but it was not until Oliver Brown and his brave fellow plaintiffs from Kansas, Virginia, South Carolina, and Delaware successfully challenged the school segregation policies in those States that this pattern of inequality began to change for all persons.

As Chief Justice Earl Warren, who had recently been appointed to the Supreme Court by President Eisenhower, stated for a unanimous majority, "We conclude that in the field of public education the doctrine of 'separate but equal' has no place."

In the 50 years since the Brown decision, much has changed in this country. Brown provided the spark for the Eisenhower administration to push through the 1957 and 1960 Civil Rights Acts. These acts, in turn, provided the blueprint for the passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

All of these acts served to further dismantle the barriers to equality that African Americans and other members of minority groups had faced in the decades after Plessy. It is for this reason that Congress, and indeed, all Americans, should celebrate the anniversary of Brown and take this opportunity to reflect anew on the importance of equality in society.

I would like to commend the gentleman from Michigan (Ranking Member CONYERS) for introducing this resolution and would also like to thank the gentleman from New Jersey (Mr. PAYNE), the gentleman from Kansas (Mr. RYUN), the gentlewoman from California (Ms. LORETTA SANCHEZ), and the gentleman from California (Mr. COX) for their own resolution which helped inform the measure we have before us today. I am pleased to note that most of the leadership of both parties have signed on as cosponsors of this resolution, and I urge all my colleagues to join me in supporting it.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is indeed a historic moment in the history of this country and in the Congress as well.

I begin by really lifting up the name of the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), who, with me, was able to get a unanimous resolution on this matter celebrating Brown v. the Board from the Committee on the Judiciary. I sincerely thank him.

I have two colleagues that I want to mention because they had resolutions that we worked into ours, and we came up with one. The first was the gentlewoman from California (Ms. LORETTA SANCHEZ), who brought to our committee's attention that in California they had worked out, in effect, a Brown v. Board-type solution even before the Brown decision, and we will hear from her later on this matter.

The other person was the gentleman from New Jersey (Mr. PAYNE), who is on the floor now, who had an important resolution as a ranking member of the Committee on Education and the Workforce. His interests on this were very large, and we were able to all work these regulations out.

What is the significance of Brown? It reversed an 1896 decision, Plessy v. Ferguson, which indicated that under the 14th amendment separate and equal was acceptable. Of course, there is very little in real-time that separate can be equal, but that was the law up until 1954 when a unanimous Supreme Court decision changed it.

But the Brown decision went further. It was a decision about education; but thanks to the civil rights movement, Dr. King, Rosa Parks and even our own gentleman from Georgia (Mr. LEWIS) in the Congress, it was expanded to cover all forms of social life in the country.

Finally, this resolution seeks to renew our commitment. Everything is not okay, as our colleagues all know and as this resolution which we are to support makes clear. So I am very happy to be with all of my colleagues today.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. RYUN), who represents Topeka, Kansas, that led the way to get the Brown decision decided by the Supreme Court.

Mr. RYUN of Kansas. Mr. Speaker, I thank the gentleman for the time.

Mr. Speaker, I rise to honor the 50th anniversary of the Supreme Court decision of Brown v. Board of Education, the landmark case that desegregated schools in America. This Monday, May 17, 2004, I will be pleased to welcome people from across this Nation to my district for a celebration of this anniversary.

On Monday, we will look back over 50 years of work to bring equality to America, specifically to our public education system.

May 17 will also mark the culmination of an effort I began 3 years ago to honor the 50th anniversary of Brown v. the Board. In the 107th Congress, I was privileged to author legislation to establish a Federal commission tasked with educating the public about this decision. With the help of my colleagues in Congress, the commission became a reality and has played a vital role in planning for next week's anniversary.

Recently, I was also pleased to draft language calling on Congress to honor the anniversary of Brown v. Board. I am grateful that the resolution we consider today accomplishes this goal, and I am pleased to lend it my support.

I would like to thank the Brown Foundation, located in Topeka, Kansas, for its leadership in helping America remember its struggle for equality. I want to specifically thank Cheryl Brown Henderson for her undying dedication to this issue. Cheryl's assistance has been invaluable, and I am grateful for her contributions.

President Bush's presence in Topeka on Monday will lend national significance to this occasion and also indicates his ongoing commitment to the ideals embodied in Brown v. Board. I am grateful for the President's support, and I look forward to welcoming him to Kansas.

Finally, I encourage all Americans to take this opportunity to rededicate themselves to the ideals set forth in our Constitution that all men are created equal; that they are endowed by our Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness.

Mr. Speaker, I thank my colleague for the opportunity to highlight this monumental anniversary on the floor. I thank the chairman for his work, and I urge my colleagues to lend their support to this measure.

The SPEAKER pro tempore. Does the gentleman from New Jersey (Mr. PAYNE) seek to control the time?

Mr. PAYNE. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey will control the time.

There was no objection.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me commend the gentleman from Wisconsin (Mr. SENSENBRENNER) for bringing this resolution and certainly the gentleman from Michigan (Ranking Member CONYERS), who is a living history of what is great about this country with his own history in the House of Representatives, being the second-longest-serving Member here.

Mr. Speaker, I rise today to express my strong support for H. Con. Res. 414, a resolution which urges Congress to renew its commitment to continuing and building on the legacy of Brown v. the Board of Education.

This month marks the 50th anniversary of the landmark Brown v. the Board of Education decision, declaring segregation of public schools unconstitutional. The chain of events began in Topeka, Kansas, where an African American third grader by the name of Linda Brown had to walk 1 mile through a railroad switchyard to get to her segregated elementary school, even though a white school was only seven blocks away.

Linda's father, Oliver Brown, tried to enroll her in the white elementary school, but the principal refused to admit her. Mr. Brown, along with other parents, went to the Topeka NAACP, filing a request for an injunction that would forbid the segregation of Topeka's public schools. In the initial trial, the court sided with the Board of Education saying that the precedent of Plessy v. Ferguson, passed in 1896, allowed separate but equal school systems.

Led by Thurgood Marshall, who later, of course, became the first African American to serve on the United States Supreme Court, the case was brought before the Nation's highest Court. At first, in 1952, the Supreme Court sent the case back to a lower court. The case came back to the High Court in 1953 and was heard along with others from South Carolina, Virginia, Delaware, and the District of Columbia.

Interestingly, in September of 1953, with the courts seemingly split, and the cases sent back down, the cases were in jeopardy; but what happened was that Chief Justice Fred Vinson died in his sleep. President Eisenhower, therefore, nominated a new Supreme Court Justice, the Republican Governor of California, Earl Warren. It was under Earl Warren's leadership that he brought the Court together; and he persuaded the Court, after the persuasive arguments of Brown v. the Board of Education, to have a unanimous decision. He wanted no dissent, and a unanimous decision was given by the Supreme Court under the leadership of Earl Warren. It surprised many Americans, but he lived up to that great title.

So separate but equal was thrown out, and Thurgood Marshall's argument that the 14th amendment equal protection clause precluded States from imposing distinctions based on race had prevailed.

So I conclude, I believe that Brown v. the Board of Education was one of the most significant cases regarding segregation. The Brown case provided momentum for increased civil rights advocacy and legislation, opening equal opportunity to education to all in our society and then to other public accommodations.

However, we should remember that Brown was neither the beginning nor the end of the struggle for justice and equality. Today, equal education opportunities for all children are still a dream for many. In both the North and South, segregation has been thrown into reverse gear with 70 percent of the Nation's African American students in predominantly minority schools, and so I urge my colleagues to support H. Con. Res. 414, which commemorates the historic Brown v. the Board of Education decision and encourage Congress to continue to build on the legacy of Brown.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for the time.

Let me congratulate the gentleman from Michigan (Mr. CONYERS), the ranking member, and the chairman of the full Committee on the Judiciary for this joining together of a unanimous consent order to bring this historic civil rights resolution to the floor of the House. This is historic; and allow me to thank the gentleman from New Jersey (Mr. PAYNE) for not only his knowledge but also the work he has done on the Committee on Education and the Workforce in trying to implement the Brown decision; and my good friend and colleague the gentlewoman from California (Ms. LORETTA SANCHEZ) for working and informing us and adding to the history of the Brown decision as it relates to California and our many friends around the Nation.

I am proud to be an original cosponsor, and I stand to acknowledge that Brown did open the door. As was stated in Grotter v. Bollinger: "We have repeatedly acknowledged the overriding importance of preparing students for work and citizenship, describing education as pivotal to 'sustaining our political and cultural heritage' with a fundamental role in maintaining the fabric of society."

Why the case was so important is because the Court in Brown said this Court has long recognized that education is the very foundation of good citizenship and, might I say, opportunity.

So, as the Grotter case concluded, we still recognize even with Brown that in this Nation race unfortunately still matters.

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And so it is imperative that all of the Nation on May 17, 2004, lift up the song of Brown v. Board of Education to be able to announce, if you will, the vitality of that case and yet where we have to go.

It is important to note that after Brown, there is still work. Even with the Civil Rights Acts of 1964 and 1965, we must in fact follow through on getting rid of the alternative schools, poor test scores in the minority community, and poor physical conditions of those schools.

As Dr. Martin Luther King said, "There are at least three basic reasons why segregation is evil. The first reason is that segregation inevitably makes for inequality. There was a time that we attempted to live with segregation. There was always a strict enforcement of the separate, without the slightest intention to abide by the equal."

But even so, we must promote equality. I thank Dr. Martin Luther King and for all those who worked so hard, and I give thanks to the decision rendered in Brown v. Board of Education.

Mr. Speaker, let me begin to honor a great decision out of the highest Court in the land with an excerpt from its progeny, the 2003 decision of Grotter v. Bollinger:

> We have repeatedly acknowledged the overriding importance of preparing students for work and citizenship, describing education as pivotal to "sustaining our political and cultural heritage" with a fundamental role in maintaining the fabric of society. *Plyler* v. *Doe*, 457 U.S. 202, 221 (1982). This Court has long recognized that "education . . . is the very foundation of good citizenship." *Brown* v. *Board of Education*, 347 U.S. 483, 493 (1954). For this reason, the diffusion of knowledge and opportunity through public institutions of higher education must be accessible to all individuals regardless of race or ethnicity. Effective participation by members of all racial and ethnic groups in the civic life of our Nation is essential if the dream of one Nation, indivisible, is to be realized. . . . diminishing the force of such stereotypes is both a crucial part of the Law School's mission, and one that it cannot accomplish with only token numbers of minority students. Just as growing up in a particular region or having particular professional experiences is likely to affect an individual's views, so too is one's own, unique experience of being a racial minority in a society, like our own, *in which race unfortunately still matters.* (emphasis added)

It is with great pride and hope that I rise in support of H. Con. Res. 414 to recognize the 50th anniversary of a historic piece of jurisprudence in the name of education, civil rights, human rights, democracy, and diversity. Yesterday, in a markup of the Full Committee on the Judiciary, we voted 27 yeas and 0 nays—unanimously to report this resolution out favorably and to move to conference, and I would expect to see the same kind of alliance at the full House scale, the Senate scale, the joint conferee scale, and on a worldwide scale to pay tribute to the spirit of a decision that changed the structure and focus of U.S. education and began the process of meeting the challenges and opportunities of equal opportunity and a quality education for all students.

I joined the distinguished Ranking Member from Michigan as an original co-sponsor of this important resolution celebrating the 50th anniversary of some of the most profound and meaningful jurisprudence in the history of the United States. On May 17, 1954, Brown v. Board of Education of Topeka Kansas reversed Plessy v. Ferguson, which established the "separate but equal" doctrine that stamped African Americans with a badge of inferiority as articulated by Judge John Marshall Harlan, the lone dissenter in that case.

With the Brown decision, the meaning of "equal protection of the laws" took on real meaning for African Americans and other minorities. It fueled the momentum of the Civil Rights Movement that spurred America's realization of change.

I take a special interest in supporting Brown and its progeny both in the courtroom and out on the battlefields of society. We should all recall the recent threat to affirmative action that was. defeated in Grutter v. Bollinger. It is shameful that almost a century from the great decision, the principles of equality were again challenged by way of college admissions criteria. It is shameful that the Board of Regents at Texas A&M University chose to abandon the jurisprudence of Brown and Bollinger and refused to utilize affirmative action to repair its significantly disparate racial student body ratio—this fall, it was 82% white, 2% black, 9% Hispanic, and 3% Asian-American.

At Prairie View A&M University, a District Attorney challenges students' right to vote in a local primary election based on domicile. Ultimately, the student body, Waller County activists, elected officials, educators, spiritual leaders, and many other supporters were successful in bringing about a settlement offered by the challengers. Nevertheless, from that experience, we learned that this Nation is still a long way from where it should be in terms of providing equal opportunity and access to education, voting rights, and civil rights.

The sentiment and mentality that threaten to erode our progress are not always as clear as at Prairie View or in a blatantly anti-affirmative action admissions policy. Socioeconomic status plays a role in rendering meaningless the promise of Brown v. Board of Education. When children are poor, expectations are lower. Unfortunately, if your mother or father works in the sweatshops in East Harlem or picks broccoli in Northern California, you are likely receiving a sub-standard and slower-paced education. Teachers have a duty to show these children that their neighborhoods do not define who they are and what their futures hold.

On the third anniversary, Dr. Martin Luther King, Jr. made one of his first important addresses to discuss the implications of the Supreme Court's decision in Brown. He referred to that decision as "simple, eloquent and unequivocal" and a "joyous daybreak to end the long night of enforced segregation." At that address, Dr. King said the following profound words:

> There are at least three basic reasons by segregation is evil. The first reason is that segregation inevitably makes for inequality. There was a time that we attempted to live with segregation. . . . there was always a strict enforcement of the separate without the slightest intention to abide by the equal. . . .
>
> But even if it had been possible to provide the Negro with equal facilities in terms of external construction and quantitative distribution we would have still confronted inequality . . . in the sense that they would not have had the opportunity of communicating with all children. You see, equality is not only a matter of mathematics and geometry, but it's a matter of psychology. . . . The doctrine of separate but equal can never be. . . .
>
> But not only that, segregation is evil because it scars the soul of both the segregated and the segregator. . . . It gives the segregated a false sense of inferiority and it

> gives the segregator a false sense of superiority. . . . It does something to the soul. . . .
>
> Then there is a third reason why segregation is evil. That is because it ends up depersonalizing the segregated. . . . The segregated becomes merely a thing to be used, not a person to be respected. He is merely a depersonalized cog in a vast economic machine. And this is why segregation is utterly evil and utterly un-Christian. It substitutes an "I/It" relationship for the "I/Thou" relationship.

We should be moving ahead instead of backward. Mr. Speaker, as Dr. King said of the great decision that we now honor, I challenge this nation to also be unequivocal about committing to equality. I support the Ranking Member's resolution and encourage the Members of this Committee to do the same.

Mr. PAYNE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I commend the gentleman from Michigan (Mr. CONYERS) and the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER) for bringing to the floor this important resolution recognizing and celebrating the 50th anniversary of Brown v. Board of Education, and I am pleased to be an original cosponsor of this resolution.

Mr. Speaker, it is important to note that this resolution calls upon Congress to do more than just noting the historical significance of the 50th anniversary of the Brown decision. It asks Congress to renew its commitment to continue building on the legacy of Brown with a pledge to acknowledge and address the modern-day disparities that perpetuate a separate but unequal society.

Yet while we celebrate the Brown I decision, we must candidly discuss the many challenges that remain in the quest to achieve equal opportunity for all Americans. Professor Charles Ogletree of the Harvard Law School has written a very powerful book on the legacy of the Brown decision, entitled "All Deliberate Speeds: Reflections on the First Half-Century of Brown v. Board of Education." Professor Ogletree reminds us the second Brown case, decided on December 31, 1955, was every bit as important as the first Brown case, which was decided on May 17, 1954.

While the first case contains the powerful language that we all know, declaring that separate but equal educational facilities were inherently unequal and no longer had a place in American society, in the Brown II decision the Court called for school desegregation to proceed, and I quote, "with all deliberate speed." Mr. Speaker, deliberate means slow, and, unfortunately, while we surely are making progress, the last 50 years of history demonstrates that our progress toward a color-blind, racially equal society has been slow indeed.

Mr. Speaker, let me briefly quote Professor Ogletree's powerful words. He said, and I quote, "Brown v. Board of Education was important because it ended legal segregation. However, the Court's decision, though unanimous, contained a critical compromise which undermined the broad purposes of the campaign to end racial segregation immediately and comprehensively."

Mr. PAYNE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I thank the gentleman from Wisconsin for introducing this resolution, and, in particular, I want to thank my friend, the gentleman from Michigan (Mr. CONYERS) for including in this important bill a reference to Mendez v. Westminster.

I rise today in support of this resolution recognizing the importance of Brown v. Board of Education. But Brown v. Board of Education was actually built on a few important cases, one of which is the Mendez v. Westminster, which happened, if you can believe this, in Orange County, California.

In 1945, Felicitas Mendez took her child, Silvia, and her niece and her nephew down the block to the local school to enroll them. The niece and the nephew were lighter skinned; they could go to that school. She was told that her own daughter, who was darker skinned, would have to go across town to the Mexican school. Felicitas Mendez was a Puerto Rican.

The Mexican school took the Asians and the blacks and all the other darkskinned people, like Mexicans and Puerto Ricans. Well, Gonzalo and Felicitas Mendez decided to fight that, and they filed a lawsuit, along with four other families, against Westminster, Anaheim, Santa Ana, and El Modena districts, seeking an injunction against all schools in Orange County.

On February 18, 1946, Mendez v. Westminster was decided in favor of the Mendez family, and on April 14, 1947, the Ninth Circuit Court of Appeals ruled in favor of the Mendez family's case. It was the first case in Federal Court of the doctrine of separate but equal, naming it unconstitutional. California Governor Earl Warren signed desegregation of California, 8 years ahead of the rest of the Nation.

Of course, 8 years later Thurgood Marshall would use that case as he argued Brown v. Board of Education, and Warren sat on that Supreme Court. The bravery and the dedication of Gonzalo and Felicitas Mendez opened the doors for better education to all children in the United States, and I thank this Congress for acknowledging how important Brown v. Board of Education is.

Mr. PAYNE. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

The SPEAKER pro tempore (Mr. OSE). The gentleman from New Jersey has 2 minutes remaining.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

The SPEAKER pro tempore. The gentleman from New Jersey yields 2 minutes and the gentleman from Wisconsin yields 1 minute.

The gentlewoman from the District of Columbia is recognized for 3 minutes.

Ms. NORTON. Mr. Speaker, I thank the chairman of the full committee for his generosity, and I thank him for his leadership, and I thank the ranking member, the gentleman from Michigan (Mr. CONYERS) as well for his leadership on this important issue. I also thank the gentleman from New Jersey (Mr. PAYNE) for his leadership on education issues in our Congress.

I think it is fair to say that the Brown decision is the most important court decision in American history. The decision saved our country from catastrophic racial division that could have come to race war rather than to a nonviolent revolution led by Dr. Martin Luther King that began with the peaceful overthrow of legal discrimination with Brown v. Board of Education.

Most shamefully, our country tolerated segregated schools here in the Nation's Capital as well. I attended those segregated schools. We pay tribute and I offer my personal thanks to the plaintiffs in Bolden v. Sharp, the decision which was one of the cases that went to the Supreme Court grouped together under Brown v. Board of Education.

But, Mr. Speaker, Brown is much larger than school desegregation, as large a mission as that decision took on. After Brown, public funding of segregated policies or programs became constitutionally untenable. Brown did more than we had the right to expect from any one court decision, but Brown could not prevent resegregation through white flight, or discriminatory housing. Brown could not fund our Nation's schools. And Brown cannot raise test scores of children.

On this 50th anniversary, let us remember that Brown did its job, and it left the Congress and the American people with work still to do.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, if one looks back at the history of the consideration of civil rights bills in the Congress, the Civil Rights Act of 1957, the Civil Rights Act of 1960, the Civil Rights Act of 1964, the Voting Rights Act 1 year later, and the Fair Housing Act of 1968, these were all passed due to bipartisan support on the floor of the House and the Senate and bipartisan cooperation with whichever administration was in office at the time, the Eisenhower administration, the Kennedy administration, or the Johnson administration.

This resolution is in the spirit of bipartisanship because there is no difference between Republicans and

Democrats, historically, as well as today, in their commitment to equal rights for all Americans.

The Constitution is color-blind. We should not discriminate based upon race, creed, color, national origin, gender or disability, and those are the types of protections that this Congress, through bipartisan effort, was able to enact into law, but more importantly to get the American public, even those who held out almost to the bitter end, to support today.

And that is why America is so much different than countries in the rest of the world, because we faced up to our discriminatory history, and we were able to overcome that first legally, but the hearts of America followed the law in this case.

Yes, there is more work to do. Nobody argues that point. But the framework that provided the tremendous progress that has been made in the last 50 years since the landmark decision of Brown v. Board of Education has been because people of differing political ideologies and people of differing political party affiliations have gotten together.

We can make that progress in the next 50 years, like we did in the last, if that type of bipartisan cooperation continues. This is a bipartisan resolution, and I am happy, on behalf of the majority party on the Committee on the Judiciary, to bring this resolution to the floor, a resolution that has been offered by our ranking minority party member. It is a good resolution, and it ought to be approved unanimously.

Mrs. JONES of Ohio. Mr. Speaker, I rise today to celebrate the upcoming 50th anniversary of Brown v. Board of Education. It was 50 years ago that the Supreme Court unanimously decreed segregated public schools unconstitutional. The effects of that decision live on in myriad ways, and yet, in much of America, equality and integration remain ideals rather than realities.

In 1954 the U.S. Supreme Court stated that separate is inherently unequal. The Court concluded, "that in the field of public education, the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal." The Court found that the evils of racial segregation affected students' motivation and retarded educational and mental development.

Education is a right, not a privilege. The Court wrote: ". . . it is doubtful that any child may reasonably be expected to succeed in life if he (or she) is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms."

In the 11th Congressional District of Ohio, Barbara Byrd-Bennett, CEO of the Cleveland Municipal School District continues this legacy Brown v. Board of Education, championing the rights of our young people and working to ensure that they are afforded the best education possible. Six years ago, in 1998, the Cleveland Municipal School District ranked last among Ohio school systems, and was placed in academic emergency status. Under the direction of Ms. Byrd-Bennett the Cleveland Municipal School District now stands as one of Ohio's "most improved school districts."

Under Ms. Byrd-Bennett's leadership academic successes are clear:

Reading scores have increased by more than 30 percent;

Children have breakfast and lunch at school at no cost, and over 93 percent are immunized;

Graduation rates have increased by 10 percent and 74 percent of last year's graduates went on to college;

Suspensions are down nearly 45 percent, expulsions are down 9 percent and assaults on students are down 13 percent;

Fourth and 6th grade reading results were up 19 percent and 28 percent, respectively, in 1 academic year; and

Only 22 percent of 4th grade students passed the State reading test in 1998 compared to 59 percent passed, in 2003, an increase of 37 percent from 5 years ago. Reading performance at the 6th grade has improved by 32 percent.

I believe that education is the key to success. I am working on behalf of all the constituents of the 11th Congressional District in Ohio to make sure that public education remains the number one issue in America. I want for those who have a desire to go to college to be prepared and equipped with the tools necessary for success.

While highlighting successes and recognizing achievements, we must also focus on current realities to further aid us in shaping national education priorities. According to the National Education Association:

Poor and minority children risk doing poorly in school. Contributing factors include: rigorous curriculum, teacher preparation/experience/attendance, class size, technology-assisted instruction, school safety, parent participation, student mobility, birth weight, lead poisoning, and nutrition;

In 1994, 31 percent of black, 24 percent of Hispanic, and 35 percent of American Indian high school graduates took remedial courses, compared to 15 percent of whites and Asians;

Few minorities have access to or are enrolled in Advanced Placement courses;

Student achievement gap still wide; and

Only 5 percent of African American 4th grade students and 4 percent of 8th grade students met national proficiency standards in 1996.

In addition, under the Bush budget $9.4 billion less for education than was promised in the No Child Left Behind Act; this means that 2.4 million children will not get the help with reading and math they were promised. Under the Bush budget 56,000 teachers won't get trained and 1.3 million children won't get the after school programs they were promised.

According to the National Education Association, the budget eliminates funds for 38 programs, including dropout prevention and gifted and talented education, and once again fails to increase Pell Grants for our Nation's poorest college students. Yet, incredibly, the President wants $50 million for a national experiment with school vouchers, which take away much needed resources from public schools, and trillions more in tax cuts continue to flow to the wealthy.

According to Barbara Bowman, professor of early childhood education at the Erikson Institute, "We're still quite a long way from a concerted national effort. What Brown did was make for a concerted national effort, but it required people to change. We haven't gotten that kind of centering of interest right now."

America's public schools are dealing with a level of linguistic and cultural diversity unknown 50 years ago, when the Supreme Court outlawed school segregation in its Brown v. Board of Education decision of May 17, 1954.

Today, public schools struggling to fulfill the spirit of the Brown decision, equal access to educational opportunity for all now we have a task made more complex and difficult by an ever-growing number of students who aren't even native English speakers.

In this information-based economy, the stakes are increasingly high for those who don't get the education they need—potentially hundreds of thousands of dollars in earning power over the course of a lifetime, middle class vs. minimum wage.

According to the National Center for Education Statistics, more than 3.7 million public school students were offered English language learner services in the 2001–2002 academic year.

Segregated housing patterns make racially mixed schools a rarity. New York City schools, for example, have grown more segregated over the last decades. And with de facto segregation comes separate and unequal education.

Cheryl Brown Henderson, one of the children who helped desegregate public schools, brought her message to Cleveland earlier this month. Brown says over the years she's watched schools become more integrated but feels we're not there yet. "The country is far more inclusive than it has ever been and obviously we have some unfinished business to do because not all of our schools are functioning as they should be; not all our communities are as open and inviting as they should be."

We have come a long way; however, we still have a long way to go.

Today I rise to celebrate the anniversary of Brown v. Board of Education. I am proud to be an American. I saluted African Americans like Barbara Byrd-Bennett who believed in the fight for justice, believed in their dreams for equality and continue to pave the way for a better tomorrow.

Mr. CUMMINGS. Mr. Speaker, I rise in support of H. Con. Res. 414, a resolution celebrating the 50th anniversary of the Brown. v. Board of Education Supreme Court decision, brought to the floor by my very good friend; a pioneer for civil rights in this House and the ranking member of the House Judiciary Committee, Representative JOHN CONYERS. Mr. CONYERS, I thank you for your continued leadership on issues that affect the center of people's lives.

May 17, 2004 marks the 50th anniversary of the U.S. Supreme Court decision that unanimously held that racial segregation of public schools violated the 14th amendment. The legacy of the Brown decision lives on throughout the Nation, and I, as well as million of Americans throughout the country, are the direct beneficiaries of this monumental court decision.

In the early 1950's, racial segregation in public schools was the norm across America. But in 1954, the United States Supreme Court affirmed that separate facilities are indeed inherently unequal. The court determined that the segregation in public schools based solely upon race deprives minority children of equal opportunity. As such, the Court concluded that in the field of public education, the doctrine of "separate but equal" has no place.

Mr. Speaker, as we celebrate the 50th anniversary of this historic groundbreaking case it is incumbent upon us to reflect and assess where we stand today. As students of history know, we study the past in order to learn about the present and build a better future.

However, for many Americans Brown's promises to seem unfulfilled. America's schools remain imperiled by segregation. Poor children living in disadvantaged urban communities of color overwhelmingly attend re-segregated schools, as more affluent white families have departed for the suburbs. Methods of school funding virtually assure that wealthy district will offer superior educational opportunities. In addition, the one compelling pledge that this administration has made to raise standards in our schools, the No Child Left Behind Act, remains under funded to the tune of $9 billion.

Mr. Speaker, we must not allow this nation to return to a time before Brown. The lesson of Brown is that segregation clearly does not work. I encourage my colleagues to use this opportunity to renew their commitment to eradicating all vestiges of segregation by voicing their support for H. Con. Res. 414.

Furthermore, I call upon my colleagues and the administration to fully fund the No Child Left Behind Act. Unless we ensure that every child in this nation receives an equitable and quality education, this Nation's children will be suffocated once again by the legacy that segregation has left behind in our schools.

Mr. PAUL. Mr. Speaker, I rise to explain my objection to H. Con. Res. 414, the resolution commending the anniversary of the decision in Brown v. Board of Education and related cases. While I certainly agree with the expression of abhorrence at the very idea of forced segregation I cannot, without reservation, simply support the content in the resolution.

The "whereas clauses" of this resolution venture far beyond the basis of Brown and praise various federal legislative acts such as the Fair Housing Act of 1968, the Civil Rights Act of 1964 and the Voting Rights Act of 1965. This final Act was particularly pernicious because it was not applied across the board, but targeted only at certain areas of the country. As such, it violates the spirit of the very equal protection it claims to promote. Moreover, we certainly should ask what constitutional authority lies behind the passage of such legislation.

The history of racism, segregation and inferior facilities that led to Brown cannot be ignored, and should not pass from our condemnation. Still, thinking people must consider the old adage that "two wrongs do not make a right." Simply, the affects of Brown have been, at best, mixed. As this anniversary has approached there have been a large number of events and articles in the media to celebrate the decision and analyze its impact. Most people, regardless of their opinion of the decision, seem to be aware that it has not achieved its goals.

In many places in our country the public school system continues to fail many American children, particularly those in the inner city. Research shows that our schools are more segregated than at any point from the 1960s. Some of this is undoubtedly due to the affects of the Brown decision. Do we really mean to celebrate the failures of forced busing? Forced integration largely led to white flight from the cities, thus making society even more segregated. Where children used to go to different schools but meet each other at the little league field, after Brown these people would now live in different cities or different counties. Thus, forced integration led only to even more segregation. A recent Washington Post article about McKinley High School makes this very point. Worse still, prior to this re-segregation racial violence was often prevalent.

We need also to think about whether sacrificing quality education on the altar of equality is not a terrible mistake, especially as it applies to the opportunities available to those who are historically and economically disadvantaged. For example, research has shown that separating children on the basis of gender enhances academic performance. Attempts to have such schools have been struck down by the courts on the basis of Brown. Just last night Fox News reported the academic successes at schools separating children based on gender, as approved by this body is the so-called "No Child Left Behind Act." Yet the National Organization of Women continues to oppose this policy on the basis of Brown's "separate is inherently not equal" edict, despite the statistically evident positive impact this policy has had on the achievement of female students in mathematics and science classes.

Mr. Speaker, in short forced integration and enforced equality are inimical to liberty; while they may be less abhorrent than forced segregation they are nonetheless as likely to lead to resentment and are demonstrably as unworkable and hence ineffective.

While I completely celebrate the end of forced segregation that Brown helped to bring about, I cannot unreservedly support this resolution as currently worded.

Mr. BOEHNER. Mr. Speaker, I rise today to commemorate the 50th anniversary of the U.S. Supreme Court's Brown v. Board of Education decision and to draw a parallel from this historic ruling to the landmark No Child Left Behind education reform law.

The words penned by Chief Justice Earl Warren on May 17, 1954 still ring true today and provide a clear roadmap for improving America's public education system in the future. Fifty years ago, Mr. Warren wrote:

> In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

By striking down the doctrine of "separate but equal" as unconstitutional, the Brown decision flung open wide the doors of public education for all children, regardless of their color or back ground. It ensured every child a seat in an integrated classroom. It guaranteed access to an equal education for everyone. No longer could students be refused an opportunity to receive a quality education simply because the color of their skin.

Two years ago, Congress—in a bipartisan vote—enacted that No Child Left Behind Act as the logical step to improving education for all students. We promised to increase federal education funding while demanding high standards and accountability for all students. As a result of the law, parents are receiving more information than ever before about the quality of their local schools and are realizing new opportunities to improve their children's education.

What was once an unattainable dream for so many parents stuck on the wrong side of the tracks has now become a reality. Parents with children trapped in underperforming schools may now transfer them to better performing schools.

A report released yesterday by the Citizens' Commission on Civil Rights found that the No Child Left Behind Act is already creating new educational opportunities for minority students. According to the Commission's report, at least 70,000 students in 47 states are benefiting for the law's school choice provision.

The Commission understands—just as Congress did—the importance of providing parents new options to improve their children's education. They also understand how added school choice options will help the whole education system get better, not worse.

The Commission's findings are fortified by a recent Chicago Sun-Times analysis showing that of the students who were allowed to transfer to a better performing school under NCLB made greater strides on state-designed reading and math tests than students in their former school. The paper also determined that other students' scores did not drop as a result of the incoming students, as many education reform opponents predicted would happen.

However, these are not the only signs of No Child Left Behind's early success. Students are showing considerable improvement in the nation's largest urban schools. A recent report by the Council of Great City Schools attributed much of this improvement to the No Child Left Behind Act.

Earlier this week, Florida and Michigan reported decreases in the achievement gap between African-American students and their Caucasian peers.

There is still much work to do before America fully realizes the dream of the Brown v. Board of Education decision, but we are on the right track. By holding the line against education reform opponents and allowing states and school districts to implement the full scope of No Child Left Behind's reforms, we will ensure a higher level of student academic performance than we have ever achieved.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today as we celebrate the 50th Anniversary of Brown v. Topeka Board of Education. African Americans and other minorities have been affected tremendously by this landmark decision and have benefited from it over several decades. We would like to think that our country now benefits from the inclusion of having a more enriched and diverse classroom, workplace, and community. We now have more black doctors, lawyers, Members of Congress, CEOs, scientists, astronauts, teachers and the list continues.

There is no doubt Brown represents the power and potential of masses united in struggle for justice and equality. The larger question before us today is, has Brown achieved its goal of equality in education and educational opportunity for African Americans? The sad answer, after so many decades of struggle, remains: No.

When compared to their White counterparts, African American children were three times as likely to be labeled mentally retarded or emotionally disturbed. The number of African Americans attending graduate, medical or dental school slowly has been declining. There are more black males in our prison than in our institutions of higher education.

Although there are 39 African American Members of Congress in the House of Representatives, there is not one black man or woman serving in the U.S. Senate. Out of our 50 states that make up our great Nation—not one has a black man or woman at the top as Governor.

Mr. Speaker, data from the 2000 census makes it clear that the ridged lines of ethnic and racial segregation persist across the entire country. This year is not only a celebration of the step forward in freeing the minds of African-American children but a reflection that in 50 years we have failed as a Nation to provide equal education and opportunities to minority children in our country. After 50 years of "separate but equal" being ruled unconstitutional, it is evident it still exists in our schools and communities today.

Mr. RUSH. Mr. Speaker, today I rise to commemorate the 50th year anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka. The Nation's highest court spoke almost half a century ago, but it seems that we have not received the message.

Mr. Speaker, I believe segregation has taken on a new face. It is now a matter of access to quality education; it is now a matter of accountability to our children for the unfulfilled promises made 50 years ago; and it is now a matter of addressing disparities in school funding formulas.

In my own State of Illinois, a black child is about 50 times more likely than a white child to attend one of Illinois' worst-of-the-worst "academic watch" schools. That number for white children is less than one percent.

I stand in strong support of this important resolution, because I believe a stronger America is an educated America. And I believe the only way to continue the legacy of Brown is to engage in an honest discussion about the current state of public schools in America. Then and only then we will be able to address the change promised by the legacy of Brown. Mr. Speaker, segregation was and still is present in our schools today.

Mr. CASTLE. Mr. Speaker, as an original cosponsor of H. Con. Res. 414, it gives me great pleasure to support this important resolution today.

On Monday we celebrate the 50th anniversary of Brown v. Board of Education, which found that, "in the field of education, the doctrine of 'separate but equal' has no place," thus guaranteeing every American student a seat in the classroom. Truly a landmark decision, Brown did not end in the classroom. It helped pave the way for the enactment of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

Enactment of the No Child Left Behind Act, built upon the educational progress made in Brown by ensuring every student will not only have access, but will also receive a quality education. While progress has been made since the Brown decision, a huge gap still remains when it comes to ensuring all children actually learn. Significant academic achievement gaps between disadvantaged students and their more affluent peers still exist in key subjects such as reading and math. In effect, we have allowed a two-tiered educational system—one with low expectations for poor or minority students and high expectations for others.

Nationally, the achievement gap between African-American and Caucasian fourth-graders in reading is 28 percentage points. The achievement gap between Hispanic and Caucasian fourth-graders is 29 percentage points. We have allowed ourselves to believe that some children are simply beyond our reach, and, as a result, this Nation has suffered.

Not unlike Brown, No Child Left Behind is rooted in the belief that all students—regardless of race, background, income, geography, or disability—can learn, and must be given the chance to do so.

No Child Left Behind has its skeptics, and change is never easy. Despite complaints, all parties involved are answering to the requirements of No Child Left Behind. States, school districts, teachers, parents and without doubt the students are meeting the rigors of the law. This response shows that we all are dedicated and believe in the goals of the law.

We are already seeing positive results. According to a 2004 study by the Council of Great City Schools, the achievement gap is narrowing in both reading and math between African-American and Caucasian and Hispanic and Caucasian students in our Nation's inner-city schools—and they attribute the positive change in part to No Child Left Behind.

I am honored to be a cosponsor of this resolution, encourage us all to celebrate the anniversary of Brown, and reflect on how far we have come in ensuring educational access. We must also recognize that the job is not done; we must see to it that all children are learning. No Child Left Behind is a step in this direction and we must stay the course.

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased today to support this resolution encouraging all Americans to observe the anniversary of Brown v. Board of Education with a commitment to continuing and building on its legacy.

Brown v. Board of Education is one of the most important decisions our Supreme Court has ever made. It's important to celebrate the progress that has been made over the past 50 years in eliminating discrimination and inferior education for low-income and minority children—but it's also important to take a good, hard look at how far we still have to go.

Sadly, we are still light years away from providing the equal education envisioned by Thurgood Marshall and Earl Warren. Today, as in 1954, the quality of a child's education is still all too often linked to the color of his or her skin.

Just as the United States has the best health care in the world for those who can afford it, we have one of the best public education systems in the world if you happen to grow up in a predominantly white or wealthy community. But what if you don't?

If you are one of the millions of children who attend predominantly minority schools, our society continues to fail you. And that shortchanges not only the children, but the future of this nation.

It is shameful that poor and minority children are often assigned to less-challenging classes and less qualified teachers. The best teachers are often across town, a virtual world away from the students who need them desperately.

Black students are assigned disproportionately to special education, and low-income students are less than half as likely to be assigned to "college prep" courses. Overcrowded classrooms and dilapidated school buildings also send a powerful message to poor and minority students about what is expected of them.

Just yesterday, a judge with a sense of history in Kansas reminded us of the importance of school equity by ordering schools closed for not adequately serving the needs of poor, minority, disabled and non-English speaking children.

This lack of access to an equal education affects academic achievement. Seventy-four percent of white 4th graders read well, nearly twice the rate of the black classmates; and their Latino and Native American classmates are only slightly better. It is a national shame that half a century after this Nation committed itself to equality in education, fewer than half of minority children can read proficiently.

And that failure plays out in high school graduations. When millions of students get their diplomas a few weeks from now, only about half the minority children who began high school will graduate. That is an unacceptable rate of failure that in most cases, dooms those young people to a life of second class opportunities. That was not the lesson of Brown v. Board of Education.

It was to end that two-class education system once and for all that we passed No Child Left Behind three years ago, to end the racial and economic disparities that divide our schools and divide our country.

The No Child Left Behind law—if fully funded—would put a qualified teacher in every classroom. If all students were assigned highly qualified teachers for 5 years, evidence shows that test-score gaps separating poor and middle-class students would disappear. Not just narrow, but disappear.

But the President has turned his back on this law and underfunded it by nearly $27 billion. And our children are paying the price for yet another dream deferred.

The foundation of the civil rights struggle of 2004—as in 1954—is in the classroom. Civil rights pioneer Dr. Dorothy Height said it well: "The surest path to success is through education."

Like Dr. Height, we must keep fighting and keep fighting so that 50 years from now—when our grandchildren celebrate the 100th anniversary of Brown—they will be able to point with pride to an education system that lives up to the ideals of Brown v. Board of Education once and for all.

Mr. VITTER. Mr. Speaker, I rise today to celebrate the 50th anniversary of the Brown v. Board of Education Supreme Court decision. On May 17, 1954, Supreme Court Chief Justice Earl Warren announced the Court's unanimous decision that ended the legal racial segregation in our Nation's public schools.

Without the courage and determination of the families that made up the 5 cases under Brown and the team of attorneys from the National Association for the Advancement of Colored People (NAACP), our Nation's public schools would have continued to operate under the "separate but equal" doctrine.

All parents want to ensure their children are safe, happy and healthy. They also want to give them the opportunities that were not afforded to them. Access to safe public schools that have the necessary resources for their children to succeed later on in life is important to every parent, regardless of race, color or creed. As a proud father of 4 children, I recognize the link between education, good paying jobs, and securing our children's future in the 21st century.

I have long been an advocate for education in my State. I know the importance of providing our public schools with the necessary technology improvements that will help children compete in the 21st century. I continue to believe that if children are given the necessary tools to succeed, they will succeed beyond their wildest dreams.

I congratulate the children, parents, and the NAACP attorneys who pursued this case for their role in ensuring all children have the right to receive a quality education. Thank you for pursuing and believing in your fundamental rights under the Constitution, which guarantees every citizen the right to the pursuit of happiness, liberty, and equal opportunity.

Mr. TOWNS. Mr. Speaker, I rise today to acknowledge the 50th Anniversary of the Supreme Court's courageous decision in Brown vs. the Board of Education.

I want to take this opportunity to pay tribute to the team of lawyers from the NAACP Legal Defense Fund, led by Thurgood Marshall who had the courage to pursue this case. I want to thank the legal scholars and strategists at Howard University School of Law, led by Charles Hamilton Houston, who had the intellect to map out this winning strategy. I want to thank the sociologists and psychologists, led by Kenneth and Mamie Clark who undertook the challenge of gathering evidence of the harm done to African American children when society branded them with a mark of inferiority. And I want to thank the parents and students who risked homes, livelihoods, and underwent physical threats and harassment to be a part of this lawsuit. Fifty years after Brown, this country owes a debt of gratitude to each of these people who played a part in bringing about the end of legal segregation based on race. In the face of violence, intimidation and governmental resistance, they pressed forward to move this country closer to the realization of its stated creed—freedom, equality and justice for all.

Yet 50 years later, we know that the work they started is not finished. We must remember that their goal was not only to end legal segregation of the public schools, but to assure that a quality public education is available for all children. We are still involved in that struggle. On this anniversary of Brown, many will point to the fact that many schools are still segregated and are rapidly re-segregating. I join them in these concerns.

As people talk about the Brown decision, many will talk about the meaning of the decision and others will talk about the promise the decision represented. The theoretical underpinning of Brown was that public schools must be supported adequately. The lawyers in Brown wanted to dismantle segregation for many worthwhile reasons. But they also wanted to emphasize that as practiced, separate was inherently unequal. While we have legally abolished the separateness required before Brown, we have not yet addressed the problem of equality of funding.

We are still operating state-based educational systems in which schools attended by racial minorities receive less money that those located in primarily white areas. This inequality in funding must be abolished to complete the mission of Brown. We must focus on the perpetual under-funding of inner-city schools. We must recognized that the achievement gap is inextricably linked to the economic gap. Low-performing schools are almost always situated in communities that are pockets of poverty. We must realize the importance of teacher and administration accountability but not forget that Congressional accountability requires that we make school funding a priority. Congress must assure that there is adequate money for school construction to reduce class size and purchase educational materials. We must ensure that teachers are paid for the professional and important job that they do. And finally, we must provide funding which allows local communities to build a supportive infrastructure that values the role of education in the community.

To me, the message of the Brown decision was simple—education is a vehicle of upward mobility. If we have heard Brown's message, we must fulfill its promise—that every child can succeed, if given the opportunity of a quality public education. We still have not fulfilled the promise. Therefore, Mr. Speaker, I suggest that we in this House dedicate ourselves to hear the message of Brown and fulfill its promise by working to provide the opportunity for a quality public education for all of America's children.

Mr. SCOTT of Virginia. Mr. Speaker, as the Representative for Virginia's Third Congressional District, and the state's first and only Black Congressional Representative since Reconstruction, I take personal pride in celebrating the 50th Anniversary of the landmark decision in Brown v. Board of Education. Virginia played a prominent role in the case. The Davis v. Prince Edward County Public Schools case, one of the cases decided with Brown, was a Virginia case. Also, two of the nation's premier constitutional lawyers in the Brown case came from Virginia. Attorney Oliver Hill, who continues to fight for equal justice for all, and the late Judge Spottswood Robinson, argued the case on behalf of the student plaintiffs in the Davis case.

In the Brown decision, the United States Supreme Court unanimously struck down the legal and moral footing of racially segregated public education in this country. The decision overturned Plessy v. Ferguson, an 1896 case which held that a state could maintain "separate but equal" public accommodations based on race. When Homer Adolph Plessy, who was one-eighth Black, entered a railroad car reserved by law for whites, he was arrested. He challenged the constitutionality of the law, but the Supreme Court, by a vote of seven to one, found it valid. Although Plessy concerned public accommodations, the policy rationale was applicable to public education, as well. Indeed, the court opined on that point as follows:

> [W]e cannot say that a law which authorizes or even requires the separation of the two races in public conveyances is unreasonable, or more obnoxious to the fourteenth amendment than the acts of congress (sic) requiring separate schools for colored children in the District of Columbia, the constitutionality of which does not seem to have been questioned . . .

Justice John Marshall Harlan was the lone dissenter in the 7 to 1 decision. He wrote an opinion containing the following:

> The destinies of the two races in this country are indissolubly linked together, and the interests of both require that the common government of all shall not permit the seeds of race hate to be planted under the sanction of law. What can more certainly arouse race hate, what more certainly create and perpetuate a feeling of distrust between these races, than state enactments which in fact proceed on the ground that colored citizens are so inferior and degraded that they cannot be allowed to sit in public coaches occupied by white citizens? That, as all will admit, is the real meaning of such legislation as was enacted in Louisiana . . . The thin disguise of "equal" accommodations for passengers in railroad coaches will not mislead anyone, or atone for the wrong this day done.

In overturning Plessy, the Brown Court not only confirmed Justice Harlan's "thin disguise" dissenting opinion in Plessy, but also held that even if the tangible features of a segregated public education system were equal, a constitutional violation would still exist. The reasoning of the Court then is still valid today:

> Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principle instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.
>
> We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

The Court then discussed the impact segregation has on minority children:

> To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their heart and minds in a way unlikely ever to be undone. The effect of this separation on their educational opportunities was well stated by a finding in the Kansas case by a court which nevertheless felt compelled to rule against the Negro plaintiffs: "Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the negro (sic) group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to retard the educational and mental development of negro (sic) children and to deprive them of some of the benefits they would receive in a [racially] integrated school system."

Unfortunately, Virginia led the resistance to the Brown decision. Ironically Virginia used language in the Brown decision as legal grounds for its resistance actions:

> Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

Virginia reasoned that it could avoid integrating its schools by not having any schools at all. As a result, Prince Edward County closed its schools for several years, Norfolk, Front Royal and Charlottesville also closed some of their schools.

We overcame "massive resistance" and, today, Prince Edward County has one of the most integrated public school systems anywhere. Yet, five decades after Brown, a recent study by the Harvard Civil Rights Project revealed that many students in this country still attend schools and classes that are virtually segregated. So, while we have desegregated public schools, we have not achieved the integration that Dr. Martin Luther King, Jr., envisioned when he dreamed of the day "little black boys and girls will be able to join hands with little white boys and white girls and walk together as sisters and brothers". In fact, the Harvard study data indicates that 70 percent of African American children attend schools that are predominately African American, about the same level as in 1968 when Dr. King died.

So, the struggle for equal educational opportunity continues. The promise of equal educational opportunity envisioned by the Brown decision remains unfulfilled. For example, equal educational opportunity does not occur when one jurisdiction spends substantially more per student than an adjacent jurisdiction because of the relative differences in wealth between the two. Unequal funding resources also results in unequal educational opportunity when you consider studies that show that one half of low income students who are qualified to attend college do not attend because they can't afford to. Another example of the educational inequality is the current debate over publicly financed school vouchers which will provide educational opportunities to a privileged handful, but deprive public schools of desperately needed resources. Also in this vein is the inappropriate use of "high stakes" tests, many of which are culturally biased and, therefore, diminish opportunities for some students based on their ethnicity.

A final important equal opportunity issue in education is the current attack on civil rights in the Head Start program. A slim majority of the members of the U.S. House of Representatives recently voted to weaken the 40-year ban on discrimination in hiring in the Head Start program.

Obviously, we have work to do to complete the promise of the Brown decision and Dr. King's dream for our nation. The upcoming celebration of the 50th anniversary of the decision offers us an opportunity to rededicate ourselves to achieving these lofty ideals.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of Wednesday, May 12, 2004, the concurrent resolution is considered as having been read for amendment and the previous question is ordered.

The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion are postponed.

PERMANENT EXTENSION OF 10-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET

Mr. RYAN of Wisconsin. Mr. Speaker, pursuant to House Resolution 637, I call up the bill (H.R. 4275) to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate bracket, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 637, the bill is considered as having been read for amendment.

The text of H.R. 4275 is as follows:

H.R. 4275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF 10-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET.

(a) IN GENERAL.—Clause (i) of section 1(i)(1)(B) of the Internal Revenue Code of 1986 (relating to the initial bracket amount) is amended to read as follows:

"(i) $14,000 in the case of subsection (a),".

(b) INFLATION ADJUSTMENT BEGINNING IN 2004.—Section 1(i)(1)(C) of such Code (relating to inflation adjustment) is amended to read as follows:

"(C) INFLATION ADJUSTMENT.—In prescribing the tables under subsection (f) which apply with respect to taxable years beginning in calendar years after 2003—

"(i) the cost-of-living adjustment used in making adjustments to the initial bracket amount shall be determined under subsection (f)(3) by substituting '2002' for '1992' in subparagraph (B) thereof, and

"(ii) such adjustment shall not apply to the amount referred to in subparagraph (B)(iii).

If any amount after adjustment under the preceding sentence is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 2. REPEAL OF SUNSET.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to—

(1) paragraph (1) of section 1(i) of the Internal Revenue Code of 1986, and

(2) the amendments made by paragraphs (1) and (7) of section 101(c) of such Act.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment printed in House Report 108–483, if offered by the gentleman from New York (Mr. RANGEL), or his designee, which shall be considered read and shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Wisconsin (Mr. RYAN) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House can make the 10-percent bracket permanent for working Americans by passing this legislation, H.R. 4275. The 10-percent bracket was created in the Economic Growth and Tax Relief Reconciliation Act of 2001. It has provided substantial tax relief for low-income workers by taxing the first $14,000 of married couples and $7,000 for singles at a 10-percent rate instead of a 15-percent rate. This tax relief was accelerated last year in last year's Jobs and Growth Tax Relief Reconciliation Act. H.R. 4275 would make this tax relief permanent.

If Congress fails to act to pass this legislation, Americans will see their taxes increase starting next year. Without action, the size of the 10-percent bracket will automatically shrink next year, so that more income will be taxed at a higher rate. In fact, the 10-percent bracket will vanish altogether after the year 2010 unless we act today to make it permanent.

□ 1100

If H.R. 4275 is not enacted, 73 million tax filers will see a tax increase starting next year. The effect will be particularly acute after 2010 when 123 million tax filers will see an average annual tax increase of $500.

It is worth noting that more than 20 million of these returns are low-income taxpayers and families who have all of their income taxed at this lower 10 percent rate. The public deserves a solid, dependable Tax Code that provides incentives and lets working people keep their money for their own needs. The 10 percent bracket provides such an incentive, one we can and should make permanent by passing this legislation.

Mr. Speaker, it is important that people know what taxes they are going to face in the future. By having all of these uncertainties in the Tax Code, not knowing whether you are going to be in the 10 percent bracket next year, the 15 tax percent bracket next year, it makes it difficult to budget for the future.

We are talking about the taxpayers who can least afford to have a big tax increase going from 10 percent to 15 percent on their incomes next year, let alone not having the knowledge of knowing whether or not this is going to happen. It is very important, Mr. Speaker, that families know what lies ahead, that businesses know what lies ahead, and let us all remember that two-thirds of businesses in America file their taxes as if they were individuals, not as corporations, but as pass-through entities where they file on the individual rate. Making sure that small businesses, which produce 70 percent of the jobs we have in this country and low-income taxpayers know what lies ahead in the Tax Code is very important to make sure that we sustain the economic recovery we are now engaged in.

Mr. Speaker, largely because of the tax cuts that this bill enacted, largely because of the full implementation of the tax rate reductions that occurred just this last July, our economy has taken off. Just since last August, this economy, by the most conservative estimate, has produced 1.1 million jobs. In fact, since January 1 of this year, this economy, by this most conservative payroll estimate, has produced 881,000 jobs. This is no longer a jobless recovery; this is a recovery that is producing good jobs.

Even the manufacturing sector, which is so near and dear to my heart because it is such a big issue in Wisconsin, is producing jobs. The reason we are producing jobs in this economy is because people get to keep more of their own money to spend as they see fit. Businesses are reinvesting, rehiring people. The economy is working, and we cannot snuff out this economic recovery by yanking out the tax relief that was so instrumental in getting us onto the path of growth that we are on today. That is why I urge passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BECERRA. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means, for the managing of the time on this side of the aisle.

The SPEAKER pro tempore (Mr. LINDER). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BECERRA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have before us another proposal which in this case I think every single Member of Congress would like to step up to the plate and say we need to do something like this. We have a tax system where oftentimes folks who work very hard, those who are striving and obtaining middle-class status, sometimes find they are paying more taxes than people earning 10, 20, 100 times what they are. That seems very unfair, and it is very unfair.

When we have a tax proposal which actually reduces taxes by starting at the bottom, by taking the lowest tax rate and giving a tax break there, you guarantee giving a tax cut to everyone, not just those who are very wealthy, but those who are middle income and those who are of modest income. If you start at the bottom tax bracket, everyone will fall into that bracket, whether rich or poor.

So when we look at this particular proposal we have before us, H.R. 4275, from the onset we want to say, let us do something like this because it helps all of America. And so we should be able to say let us do this because it helps all of America. The difficulty is while we should do something like this, this bill, H.R. 4275, does not help all of America.

What is worse is if I can tell Members that those who are not helped are those in the middle of America, Members would be most surprised. Members would think perhaps it does not help everyone because we avoid giving the very wealthy, who got tremendous tax relief from previous tax bills that the President proposed, it would be unfair to pile on top of the more than $130,000 in tax cuts they have received in the last couple of years even additional sums; but that is not the case.

The folks who are losing here, and there are millions who would lose, are folks who make between $50,000 and $100,000. In other words, the one-fifth of America that most of us consider middle class is the group of Americans that are going to suffer, millions of them. Within the next 5 or so years, some 33 millions of those households that earn between $55,000 and $100,000 are the households that are not going to get to benefit from this particular tax cut proposal. As unfair as that sounds, that is the reality.

There are ways to cure it, and on this side of the aisle there will be a substitute proposal presented which ensures that every single taxpaying family, including those between $50,000 and $100,000 would qualify for the tax reduction in this particular proposal. It is a simple amendment, it just needs to be paid for; and we have come up with a way to pay for it which is not just fair but fiscally responsible.

Mr. Speaker, we have a proposal here that on its face can be sold to the American public, but in reality and in its implementation, not only is it unfair because it leaves out a good portion of middle America, at the same time it does nothing to cure what is going to haunt the rest of America for many, many years, and that is this growing deficit that we have in our Federal budget.

This year we are being told we will have a budget deficit exceeding perhaps $400 billion. That is more than $1,000 for every man, woman, and child in this country. Think of it as a birth tax. Any child born today automatically is born with that family owing the Federal Government as a result of President Bush's budget for this year over $1,000 to the Federal Government, just on bearing that child.

This proposal, which will cost billions of dollars, and as I said, it has no legitimate purpose behind it to help reduce the taxes for all Americans, if we do the right thing, is not bad because you are reducing taxes on one end, but if you are just raising them somewhere else, you are not getting much of a benefit. We will have an opportunity to get into this later.

I applaud the gentleman from Wisconsin (Mr. RYAN) for his efforts to try to move this forward. I would hope at the end of the day we realize we have not just an opportunity to reduce taxes for all Americans, but we have a way to do it so that the implementation really will reach all Americans, not just some; and we will do it in a fiscally responsible way by paying for the costs of this, rather than add to the costs of the national debt and the growing Federal deficit that we have today.

Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just mention very briefly, the gentleman who just spoke is from California, and the taxpayers just in the State of California who are now only paying that 10 percent bracket, there are 2,605,960 taxpayers in the State of California alone who would experience a huge tax increase relative to their tax burden next year if this legislation is not passed. In fact, there are over 12 million taxpayers in California alone that would experience higher taxes next year if this does not pass.

So each of us represents people who are struggling to make ends meet who are at the bottom rung of the economic ladder who are staying just afloat and paying taxes at that 10 percent bracket who are making $16,000 or less as a couple. Those are the people that we want to help, and we want them to get on the upper trajectory of prosperity. The last thing we want to do is hit them with a big tax increase. If we fail to pass this bill, that is exactly what will happen.

Mr. BECERRA. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I do not disagree with some of what the gentleman just said, but the gentleman has to read the whole book to understand, not just look at certain chapters in the book. What the gentleman from Wisconsin (Mr. RYAN) has excluded from his reading of the book is that we have something approaching 13 million households in America today, today, that by the time they file their taxes for next year will not qualify for the benefits in this proposal. That is 13 million, and that is because of the AMT, the alternative minimum tax.

Remember back in the 1970s, early 1980s when we heard stories of the multibillion dollar corporations, the multimillionaires who at the end of the day when they filed their taxes would pay zero in taxes where the average American was having to give Uncle Sam some money?

Well, there was a law passed to make sure that everyone, not just middle class, but even the super rich and megawealthy corporations paid some taxes. That was the alternative minimum tax legislation. But we have seen incomes creep up some, we have seen inflation creep up some; and as a result, the alternative minimum tax has seen more people creep up into its brackets and now qualify to have to pay taxes under the alternative minimum tax.

There are 13 million households who next year when paying their taxes will not benefit from this proposal because they will fall under the AMT. And by 2010, in 5½ years, we will have 33 million households that will have crept up into the AMT world. Therefore, while they may get a tax break under this proposal at first, when they have to switch over to do their calculation for their taxes under the AMT, they will get nothing. This bill does nothing to cure that. The Democratic substitute does.

We do not think it is fair to sell this as a tax cut for everyone when, indeed, middle-class America is the one that is losing out the most, and all at the expense of growing the size of the national debt. Let us be fiscally responsible and let us be fair. We have a way to do that. We would hope our colleagues on the other side of the aisle would join in that effort.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, on May 5, 2004, the House voted 333–89 to extend the exemption amounts for the AMT, to index them for inflation; and I think the gentleman from California (Mr. BECERRA) voted for the AMT relief bill. We passed the bill, making sure that we can go study the problem and figure out how to comprehensively fix it.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. SESSIONS), a member of the Committee on Rules.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman for not only ensuring the success of this bill but also properly arguing the merits of the 10-Percent Tax Bracket Permanent Extension bill, H.R. 4275. Today we are on the floor to talk about part of what is a vision that our President has and the Republican Party has for taxpayers in this country. Before the year 2000, from 1986 to 2000, there was a 15 percent tax bracket, the lowest tax bracket for Americans in this country.

President Bush challenged this Congress to do something better, to do better for the middle class in this country and those wage earners in the bottom tax brackets. I believe we responded in kind with the tax cuts that we provided this President that he asked this Congress to do. I think we did the right thing.

The fact of the matter is that under our own rules and regulations of getting bills done, including working with the other body, we could not make this permanent.

□ 1115

We are here today to say to the American public, to say to taxpayers, we need to make this permanent. This is about making the 10 percent tax bracket permanent so that we do not have a tax increase to the 15 percent. The people who will gain and benefit most from this wonderful action will be those people who are brand new, starting up in their lives, perhaps, men and women who have a big dream. Perhaps they have just come to this country. Perhaps they are young people who are starting their families. We need to make sure that we do not overtax them.

That is why the gentleman from Wisconsin is on the floor today. That is why the gentleman from Wisconsin, representing the Committee on Ways and Means and their great chairman, the gentleman from California, are on the floor today, to say we think this message that our President, George W. Bush began, that this Congress has agreed with, that the American people needs, that the Republican Party is here asking for again, is important. It is important that we have permanent extension, that we say we are not going to fight this battle again, that those taxpayers deserve a low tax rate. They need to pay in their fair share, and we believe that fair share should be 10 percent.

I believe in what we are doing. I would ask for all my colleagues to support H.R. 4275.

Mr. BECERRA. Mr. Speaker, I yield myself 1 minute to respond to something my friend from Wisconsin mentioned, that last week we passed legislation from this House that would take care of the Alternative Minimum Tax problem. Again, that is one chapter in another book. What he does not mention is the other chapters in the book say that that was relief for 1 year. So all those millions of Americans, the 13 million Americans of the 100 million Americans who are Tax filers would for 1 year, if that legislation takes effect, be saved. But in 2006, 2007, 2008, it jumps right back up.

What the gentleman does not say is that the reason we are in this fix to begin with is because the other side of the aisle, as is proposed in these bills, is not willing to put forth a permanent reduction right away because of the cost. So we are coming back every year doing this piecemeal because it seems to cost less, and the American public does not realize what the ultimate cost of this is. But you can only fool the American public so long.

Let us do things right, be fiscally responsible, and do it fairly. We do not mind doing it. Let us just be fiscally responsible and fair about it instead of cloaking this behind some device and some statement.

Mr. Speaker, I yield 5½ minutes to the gentleman from Washington (Mr. MCDERMOTT), a member of the committee.

Mr. MCDERMOTT. Mr. Speaker, let us be honest about what is going on out here today. It is Thursday. We are going home. They have got a fund-raiser tonight. The Republicans wanted to hang around for that. We have got to have something to put in the Saturday news that will kind of blot out what is happening in Iraq. So let us get this tax bill out here. We load up the cannon and we will get the rubber-stamp Congress in here and they will go bam-bam, and whatever the President says. You know, I think if the President said, I want the Republicans to come and stand on their head in the aisles, they would be down here in droves. This Congress is not thinking.

Mr. Speaker, I submit for printing in the CONGRESSIONAL RECORD an article entitled "All Quiet on the House Side" from the Washington Post of May 11. That article goes on to lay out what this Congress has not done. Thirty-five of our people were killed in Iraq last week. Many more were injured. People have seen these pictures of abuse. They have been looking at it all. And what did the House do? Well, we named some post offices. That seemed pretty important. Last week, the Nation learned that the Federal debt reached an all-time high of $7.13 trillion. What did we do? Well, we said they could use the Capitol grounds to have the soapbox derby. That was a very important way we responded to that. Yesterday the Bush Department of Commerce announced that our trade deficit and the amount of money that this Nation borrows from foreigners to pay for our imports, from the Chinese to the Saudis, hit an all-time high. We are in the debt of the Chinese and the Saudis. Just do not ever forget that, because that is what we are doing. You are paying your taxes so we can pay interest on debt that we borrowed from the Saudis and the Chinese.

If you read some of the books around town, the President is probably going to call the Prince of Saudi Arabia and ask him to produce some more oil so we can lower the price. That is, if you believe Bob Woodward's book. Secondly, the majority leader has dismissed the idea of any kind of investigation. And, third, despite the record-high budget and trade deficit, they come out here asking for more tax cuts that will disproportionately help the wealthy.

When this passes today, there will be 225 Republicans or 300 Republicans, or whatever, I do not know how many, they will all be out here going home with their press release under their arm saying, I helped you. What they do not tell people is what this means in terms of long-term debt. They are going to say, well, but this is for the middle class. The amount of money that goes to the middle class is less than goes to the people on the top of the pyramid. This is not a tax cut for the middle class. It is really a tax cut for the people on the top, and there was no way to exclude the middle class so they had to get a few of the drippings off the edge of the table.

My colleagues remember that story about Lazarus the beggar who was sitting on the floor, waiting for some crumbs to fall off the table. That is the middle class of this country according to this President. He ought to read that story about Lazarus. There is a real message there that I think gets lost in this whole process.

In today's clips, you will also find a quote from our chairman, excuse me, our ranking member for the moment, who said, "We don't want our grandkids to pay higher taxes tomorrow to pay for our tax cuts today. So all we are saying is don't take credit for extending the tax cuts on the one hand while you're breaking your promise to balance the budget for your children."

Nobody looking at what is going on in the world today could possibly say you know where you are going. You made these tax cuts in the first place when you were going downhill 100 miles an hour and you said, oh, if we cut the taxes, it will be all better. The proof is going to be in the pudding on election day. The fact is that on election day, you are going to find out whether all your hot air that you have blown into the economy really turns out to be real or not.

In February, you created 21,000 jobs. We have got to remember that it takes 250,000 jobs every month to keep up with the increase in population in this country. If you do not create 250,000 jobs, you are not even keeping up with the problem. They created 21,000 jobs. All government jobs, by the way. Not a single private sector. Then they came to March. This was their big winner, 308,000 jobs. Well, that is about keeping up. Then the next month they came up with 280-something thousand and, my goodness, they kept up one more month. But they have done nothing about the 2.25 million jobs that they lost over the last 3 years. They have also produced the highest long-term unemployment rate since the Second World War and they want to make another tax cut today.

There is an old country saying that some of the people probably know about: When you find yourself in a hole, the first thing is, stop digging. The Republicans believe that the faster you dig, the better you are going to get out of the hole. We had to dig you out in 1993 under Mr. Clinton. We dug you out and you just went back to get your shovel and start digging a hole again. Please stop digging.

Mr. Speaker, I include the following article from the Washington Post:

[From the Washington Post, May 11, 2004]

All Quiet On the House Side

DEMOCRATS SAY GOP IS EVADING DEBATE

(By Charles Babington)

The week of April 26 was eventful and troubling for the nation, yet curiously brief and serene for the House of Representatives. Thirty-five U.S. servicemen were killed in Iraq. CBS aired shocking photos of Americans abusing prisoners near Baghdad. The federal debt reached an all-time high, more than $7.13 trillion.

In the House, meanwhile, members returned to Washington on Tuesday of that week for three quick, unanimous votes at nightfall. They renamed a post office in Rhode Island, honored the founder of the Lions Clubs, and supported "the goals and ideals of Financial Literacy Month."

The next day, Wednesday, was a bit busier. After naming a Miami courthouse for a dead judge, House members debated how to extend the popular repeal of the tax code's "marriage penalty." The only real issue was whether to pass the Democratic or Republican version. The GOP plan prevailed, 323 to 95.

After two days and one night of desultory activity—roughly their average workweek this year—House members packed up and rushed home to their districts. Despite the burgeoning scandal over U.S. treatment of Iraqi prisoners and persistent concerns about the economy and the deficit, the House has been keeping bankers' hours.

The House's lean schedule is no accident. GOP leaders who set the agenda and floor schedule say they achieved most of their top priorities last year—including enactment of a Medicare prescription drug bill and the third round of President Bush's tax cuts—and are content to rest on their laurels through the election. While other House priorities are stuck in the Senate, House Republicans believe they have the best of all worlds: They can take credit for the enacted legislation and blame Senate Democrats for bottling up the rest of their agenda.

"Last year we sent a lot of legislation to the Senate, and we don't want to overload them," House Majority Leader Tom DeLay (R-Tex) told reporters last week. "They're already overloaded. . . . We need to be here passing good legislation, doing the people's work and not doing a bunch of make-work."

House Democrats see a more cynical motive. The GOP majority, they say, wants a complacent Congress that will raise few questions about the Bush administration, despite the international uproar over the prison abuse scandal in Iraq and recent damaging revelations about Bush's decision to go to war.

"Given all the issues and problems the country faces, it's scandalous that we're only coming in to work three days a week, and even then most of the time we're renaming post offices," said Rep. Chris Van Hollen (D-Md.). "This is a deliberate effort to keep Congress out of town, keep us from asking questions."

House Minority Leader Nancy Pelosi (D-Calif.) noted that senators held three committee hearings on the prison abuses before House leaders summoned Defense Secretary Donald H. Rumsfeld to the Armed Services Committee last Friday—a day that the Senate was meeting but the House was not. DeLay dismissed the idea of a full-fledged congressional investigation, which he likened to "saying we need an investigation every time there's police brutality on the street."

Pelosi complained: "Americans are out of work. Our troops are in danger in Iraq. Our reputation is in shreds throughout the world. And we're leaving early afternoon on Thursday."

She also said, "The House of Representatives has demonstrated that it is nothing more than a rubber stamp for the administration."

Stephen Hess, a senior fellow at the Brookings Institution, contends that the House's anemic work schedule is symptomatic of the larger problem of political gridlock. He said lawmakers are "probably realistic in saying, 'We're not spending much time here because we know that nothing would get done.'" He added, however, that "if they stuck around and talked to each other, maybe they could figure something out."

Last week's House action was typical in many ways. It featured bitterly partisan arguments over the Iraq war, in the House chamber and in dueling news conferences. But the main bills approved were a resolution condemning the prison abuses and a long-expected one-year extension of a provision to protect millions of Americans from the alternative minimum tax—a temporary measure that postpones difficult decisions about a major looming problem.

The week of April 19 was similar. The House held three votes Tuesday night, all unanimous and all renaming post offices. On Wednesday, members quickly passed five bills without debate, under "suspension" rules. The one drawing the most opposition—14 nay votes—endorsed research and development into "green chemistry."

Thursday was that week's busiest day, as Republicans and Democrats vigorously debated a "continuity of government" bill, meant to ensure that Congress could function if many lawmakers perished in a terrorist attack. The measure, which passed 306 to 97, would require states to hold special elections within 45 days if at least 100 House members were killed. As usual, members had Monday, Friday and most of Tuesday free of Washington-based duties.

Meanwhile, the U.S. military campaign in Iraq had one of its bloodiest weeks ever. Shells killed 22 Iraqi prisoners near Baghdad one day, and suicide bomb blasts killed 68 people in Basra—many of them children—the next. Violence in the besieged city of Fallujah continued, and 14 U.S. servicemen were killed during the week.

The week before that, the House was in recess, as it plans to be the week of May 24, the week of June 28, the six weeks starting July 26, and all of October, November and December.

John Feehery, spokesman for Speaker J. Dennis Hastert (R-Ill.), defended the House's accomplishments and pace. "Last year we sent a lot of things over to the Senate, and they're sitting in Tom Daschle's back pocket," he said, referring to the Senate minority leader, from South Dakota. Those bills include tort reform to curb medical malpractice suits, energy legislation, and welfare reauthorization.

This year, Feehery said, "we've passed a lean budget" for fiscal 2005. "We're working very hard to keep the president's tax cuts in place. We're monitoring the situation in Iraq" and will appropriate extra funds as needed. House committees, he said, "have done a lot of oversight on the Iraq war," primarily aimed at seeing that money is well spent.

The House does not need showy inquiries in front of cameras to fulfill its watchdog obligations, Feehery said. "Our oversight is not politically motivated, which probably frustrates the Democrats," he said. "It's motivated by better governance."

Rep. Rahm Emanuel (D-Ill.), a top adviser in the Clinton White House, is unconvinced.

"We can name post offices," Emanuel said, "or we can ask the hard questions about the direction of our nation."

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 2 minutes to respond. There is a lot to respond to there, though. I do not know if I have enough time to respond to all of what my friend from Washington just said. I think that it would be good to have a little economic refresher course here for some of the Members of Congress.

I just want to point out a couple of things. Number one, the soapbox derby resolution was brought by the minority whip from the other side. But, number two, I think the Member from Washington ignored a lot of good things we just did in the last week here in Congress. Today we have the association health plans bill on the floor, helping small businesses, individuals, pool together to buy their health insurance in collective nationwide buying pools to get down the cost of health insurance. Yesterday we passed the FSA rollover to help bring down the cost of health insurance and we passed medical liability reform to help bring down the cost of health insurance.

So this Congress is obviously performing. I think he may have glossed over a lot of the accomplishments. In fact, we have 87 very important, substantive bills sitting over on the doorstep of the other body waiting for action because we have outproduced and outperformed the other body on legislation.

One final point is the unemployment rate that we are experiencing in America today is lower than the average unemployment rate of the nineties, the eighties, and the seventies; 1.1 million jobs have been created, good jobs, not all good jobs but many good jobs since August. This economy is pulling out of the recession it had experienced a year ago. This economy is producing jobs. We still, yes, have a way to go; but the point of the story is when you take a look at the fact that just this year, in the last 10 months since last July, we have had lower tax rates in America. Because of that, we actually have more revenues coming into the Federal Government.

But to make the point clear, last year where we had higher tax rates on the American taxpayer, we brought in less money to the Federal Government. This year with lower tax rates, where we have more economic activity, more people keeping what they earn and a lower tax rate, we are actually bringing in more revenue to the Federal Government. We believe the way to fixing our problems is jobs and by giving people a chance to upgrade their lifestyles and get jobs in the economy, we will have more tax revenue, rather than increasing taxes and increasing spending. That is not our philosophy.

Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me this time. I took particular interest in listening to the gentleman from Washington when he said how the Democrats in 1993 dug us out of a hole. I would have to remind the gentleman that his party was running the Congress for decades before that. There is not one dollar that this government spends that is not directly appropriated or approved by this House, right here, where revenue and spending bills must start and end. So I would suggest that he take a lesson in constitutional law and check his history when he starts doing this.

Then he says how they claim to have dug us out, with the largest tax increase in history. That is the way we balanced the budget. That is a fact of history. I think we should certainly take notice of that. As the gentleman from Wisconsin correctly pointed out, these tax decreases that we have on the books right now, one of which we are talking about sunsetting now, that we want to erase the sunset on, has been the economic stimulus that has been the engine that has led to this great recovery. We were headed towards perhaps what would have been a very deep recession and if it were not for the Bush tax cuts, we would have bottomed out and still be struggling at the bottom of the hole that he is referring to.

What have the tax decreases done? These tax cuts have given economic stimulus that has increased employment in this country. The unemployment rate has dropped tremendously, far beyond the expectations, I think, of either political party. What has done this? Economic growth has done this. To raise taxes or allow them to go up is trying to say that a store that is charging too much for goods is going to get more revenue by increasing the cost of its products. That does not happen. You slow down sales. When we increase taxes, or allow them to increase, economic growth is stifled. Unemployment goes up, economic growth is slowed, and this is a fact of life. What we need to do is to be sure that we do not go back to the lower rate at the 15 percent level, that we get rid of the sunset provision and provide that this 10 percent bracket is going to remain in effect.

This is tremendously important. It affects so many millions of taxpayers in my own State of Florida and it has a great economic effect in all the congressional districts. I urge the passage of this resolution.

□ 1130

Mr. BECERRA. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. NEAL), a member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, I want to thank the gentleman from California (Mr. BECERRA) for yielding me this time.

Mr. Speaker, before I speak specifically to the issue here, let me offer an opinion just briefly based upon what the gentleman from Florida just said. We have got to pay for this war in Iraq. There ought to be some truth to what we do here. After this election, regardless of who is selected as the next President, it is going to cost another $100 billion at least. That will be pushed off until after the election. So last year it was $60 billion. Earlier this year it was $87 billion. Now as part of the rollout, it is $25 billion. We all know that number is too low. $1 billion a week for Iraq and now more than $1 billion a month for Afghanistan. 135,000 troops in Iraq. They need equipment. We are going to have to increase that base at some point.

The answer here is this: we are going to fight two wars with three tax cuts, and the markets are reflecting it. I appreciate the analogy that was drawn by the gentleman about raising prices, but we are engaged in two wars across the ocean. The Republican Party in American history used to take fiscal prudence as the cornerstone of their existence. Today they take the position that we can cut taxes time and again because at some point we are not going to have to pay.

We are going to have to pay for these two wars, and rather than taking the response that we have in this institution week after week of just simply saying we are going to have another tax cut, there ought to be some truth to what it is that we attempt to do here.

In addition, it is an honor to be on the Committee on Ways and Means in this institution. It is really an honor. Why can these bills not come to the committee to be vetted the way they are supposed to be? Why are these bills brought to the floor around one of the prestigious committees in the Congress? I ask the appropriators who are watching in their offices now what they would do if legislation was brought to the floor that had not been vetted in their subcommittees or that had not been brought to the floor and discussed in the full committee before being brought to the floor in this institution for a vote. They would reject it. They would be up in arms.

In addition, the other phenomenon that we have witnessed here, Mr. Speaker, which is equally troubling, is that Members who do not even belong to the committee are now brought to the floor for this instantaneous solution to help them through the election cycle. That is not the way that committee is supposed to be run. The people on both sides are well regarded by other Members of this institution, and yet we move right around the process.

The substitute bills that have been offered by the Democratic minority in this House have been fiscally responsible. We would ask that these opportunities be put in place for us to discuss these bills in the committee where they are supposed to be discussed. That is what the Committee on Ways and Means does. And yet they are brought to the floor so that we can get ourselves through the next election cycle. It is an ill considered way to bring legislation to this floor, but most importantly, given the financial realities of Iraq and Afghanistan, it is irresponsible to do what we are doing now week after week.

I would remind people even with this legislation that is on the floor today, very simply, one third of the people through the clawback provisions of the Alternative Minimum Tax will not see any tax relief despite what they are saying today. We have got to deal with that alternative minimum tax issue; and the tax cuts they put in place week after week now, without a lot of thought incidentally, do not speak to the heart of the issue of Alternative Minimum Tax. It costs $600 billion to fix. Let us fix that and give middle-income taxpayers the relief that they need.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me this time.

We are going to do something good today. One of the speakers earlier said the House had not been doing anything. We are going to do something today.

Mr. Speaker, I rise today in full support of H.R. 4275, which preserves the 10 percent tax bracket. The tax cuts proposed by President Bush and passed in the Congress in 2001 created a new tax bracket at a low 10 percent rate to help lower the burden on working Americans. Because of this tax relief, the first $14,000 of taxable income is now taxed at 10 percent instead of 15 percent, a significant savings to the American worker.

If Congress fails to act, the 10 percent bracket will shrink by $2,000 next year and will completely disappear by 2011, resulting in 22 million low-income workers being pushed to a higher tax bracket, and 73 million working people paying higher taxes as early as next year.

The Joint Committee on Taxation estimates that H.R. 4275 will provide $218 billion in tax relief over 10 years and will save the average taxpayer more than $2,400 during the next decade.

Mr. Speaker, the bottom line is very simple. If Congress fails to pass this legislation today, we are raising taxes on low-income, hard-working people. That just does not make common sense. I know in South Carolina they know that they can spend their money better than we can. Let us give them back their money. Let us allow them to spend it. And I urge my colleagues to vote in favor of H.R. 4275.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. I thank the gentleman for yielding me this time.

Mr. Speaker, this legislation is about one thing, allowing hard-working Americans to keep more of what they earn. It is not complicated. As the previous speaker noted, this bill provides a lower rate on the first $7,000 on taxable income for single filers and the first $14,000 earned by joint filers. That affects nearly every American. It is an enormous benefit to low- and middle-income taxpayers. In my State alone, the 10 percent bracket has helped over one million people.

In this institution, Mr. Speaker, we hear time and time again about how we need to provide tax relief for all Americans, not just the wealthiest; for all working families, not just corporate CEOs. This is it. This is our chance. By passing this bill, we will help keep lower taxes for millions of working families, families who are saving for school, families who are looking to buy a home, families who are planning for their retirement, families who are looking just to make ends meet. Today we give them a chance. We work to lift their lives. We work to allow them to keep more of what they earn. We allow them a greater chance at the American dream. That is what it is all about. So when we hear the other side say time and time again that the Republican Party is only concerned about the wealthiest, today is the test. Today is the chance that we have to help all working Americans, all working families. We allow them to keep more of what they earn. Let us see who stands up for hard-working families, and let us see who does not.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank my colleague for yielding me this time, who is truly a leader in this House on the issue of tax relief for hard-working Americans.

We are talking taxes today and this week. And because the Republicans are the majority here, we are talking tax relief, not tax increases; and the taxpayers need to be thinking about that. If the Democrats were running the show, we would be talking tax and spend and higher taxes. Republicans believe that the taxpayers ought to be keeping more of those hard-earned dollars. And we face a lot of opposition to that here in Washington. Too many times we have got liberals who would rather spend their money for them, and then they want to take the credit for it. It was President Bush and the Republican Congress who enacted historic tax relief that is fueling tremendous job growth in this country. We have created over 1 million jobs since last August; and there were a lot of naysayers that said it will never happen, it will never happen. One million jobs since August.

H.R. 4275 is a critical piece of legislation for 24 million lower-income Americans. If we do not pass this, their taxes are going to increase by 50 percent. We do not believe government is why America is strong. We think it is because of the people. It is Americans that make this country great, Americans that are making economic choices for themselves and their families, not having a government program taking away their checkbook. That is the Republican philosophy. We have led on this issue, and we are continuing to work to lower personal income tax brackets.

Time and again the American people are choosing to send Republicans to Washington because they want tax relief. I have said it in the past. Democrats only talk about tax relief in election years. Republicans talk about tax relief every year.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 2¾ minutes to the esteemed gentleman from Illinois (Mr. CRANE), a high-ranking member of the Committee on Ways and Means.

Mr. CRANE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, in 2001 we passed the first Bush tax cut, which I am proud to say created the new 10 percent tax bracket. Before this legislation was passed, the lowest tax rate was 15 percent; and without immediate legislative action, 73 million hard-working American taxpayers, including 22 million low-income taxpayers, will see their taxes increase next year. In 2004 the 10 percent rate applies to the first $7,000 of tax-paying citizens' taxable income for single taxpayers and $14,000 for joint filers. However, beginning in 2005 through 2007, the 10 percent tax rate will shrink and apply only to the first $6,000 in taxable income for single filers and $12,000 for joint filers. In 2011 the 10 percent bracket will disappear all together. We cannot allow any of this to happen.

The legislation before us today maintains the size of the 10 percent bracket at $7,000 for singles and $14,000 for married couples. H.R. 4275 also makes permanent the 10 percent tax bracket and indexes the income limits for inflation. Once enacted, it will save the average American taxpayer more than $2,400 over the next 10 years. Who will benefit from this? 73 million American taxpayers, including 22 million low-income taxpayers, small business owners and their employees, hard-working Americans who through no fault of their own are about to be hit with a tax increase.

Mr. Speaker, a vote against this legislation is a vote to increase taxes on those who can least afford it.

I commend the gentleman from Texas (Mr. SESSIONS) for his leadership role in ensuring that this does not occur, and I urge my colleagues on both sides of the aisle to support this legislation, the passage of which will be of great benefit to our citizens.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in strong support of H.R. 4275 because I know how important this bill is to our recovering economy to nearly 73 million of America's hard-working families. This Congress must act now to extend and to make permanent the 10 percent tax bracket.

Last year, the President signed the Jobs and Growth Tax Act into law. Our ailing economy needed bold and decisive action; and this plan was precisely that, the right recipe at the right time. Since the law went into effect last June, the economy has expanded at an average quarterly rate of 5.5 percent.

This bill accelerated the reduction of individual tax rates and allowed for the expansion of the 10 percent bracket, which grows the paychecks of all Americans. An increase in disposable income, or simply put, more money in the pockets of all Americans, has contributed to a growth in consumer spending. This is critical to my district in South Carolina because it helps tourists from all over America visit our coastal areas and spend money to enjoy our attractions and Southern hospitality. And this is happening all over America.

Benefits of the Jobs and Growth Tax Act are long term as well. In addition to the short-term boost from the passage of this bill, making all of the tax cuts permanent will lead to a significant increase in investments, job creation, and wages paid to workers. In fact, more than 1.1 million jobs have been created nationwide since last August. For all of these reasons, I cannot overestimate how important it is for Congress to permanently provide the tax relief that the 10 percent bracket affords.

I thank the gentleman from Texas (Mr. SESSIONS) for taking the lead on this critical piece of legislature and the House leadership for continuing to make permanent tax relief a priority for this Congress. With the economy finally starting to rebound, now is not the time to raise taxes on the American people. I am proud that we have made great progress in this area, but I realize we have much work left to do.

I urge all of my colleagues to support H.R. 4275 and to continue to fight for hard-working American taxpayers.

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Mr. BECERRA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I said before, there is the kernel of a very good idea in this legislation, and I believe that both sides have tried to extract the good idea from the proposal before us today. The difficulty is, as you ask any farmer, it takes time and it takes money and it takes a lot of sweat to have anything grow.

No one in America should believe that we can pass legislation that will cost more than $200 billion and not have it take some sweat and some cost for America. Money does not grow on trees. There is a cost involved. It is a worthwhile idea, because this is a tax cut that everyone can agree to, because it starts from the bottom and everyone would get it, if you corrected the AMT, which, unfortunately, this legislation does not do.

So while there is the kernel of a good idea, it is destroyed by the reluctance or the unwillingness to do what is right, and that is to take care of the 33 million Americans by 2010, in 5½ years, who will fall into the Alternative Minimum Tax and will see any savings from this particular tax cut washed out when they have to file their taxes using the Alternative Minimum Tax.

Secondly, when you are facing mounting deficits, the largest this country has ever seen, and you are starting to now see the consequences of it, you have to reflect back on the term used in the late 90s, early 2000, when we talked about this "irrational exuberance" of the stock market, where you kept seeing the stock market just rise and rise and rise, and people could not make sense of it. But everyone kept buying and buying and buying, because that is where we were headed.

All of a sudden the floor dropped out from under us, and people paid the price. Talk to the employees from Enron, who saw their company go bankrupt and saw their entire pension savings washed away not only because of Enron's corruption, but because of the drop in the stock market.

That irrational exuberance is now driving much of what we have seen on the floor this year. A quick example: this year alone in this House we have passed out, and I will say to all of America, I did not vote for these measures, not because I did not want to, but because I did not think it would be fiscally responsible, we passed marriage penalty tax relief, a kernel of a good idea, unpaid for, over $100 billion; the extension that my colleague from Wisconsin mentioned of AMT relief for 1 year only that will cost close to $18 billion to make sure those Americans don't fall into the AMT. Good, but only 1 year.

Three, a flexible spending plan that was on the floor yesterday for debate, which is, again, a good idea, to allow Americans who have health care costs to be able to have a pot of money that they can extend over to the next year if they did not use it up. A great idea. Cost, close to $10 billion, unpaid for.

Extension of the 10 percent tax bracket that we are debating today, about $220 billion, unpaid for.

The child tax credit extension done a few weeks back, again a good idea for families that have children. $161 billion, unpaid for.

Total, more than $500 billion this year alone in unpaid-for tax cuts, most of which have a good idea behind them. To add to the $400 billion-plus deficit for this year alone, which adds to, as you heard my colleague from Massachusetts mention earlier, the more than $3 trillion debt that the Nation owes as a whole.

Irrational exuberance? Take a look at today's paper, business section: "U.S. trade deficit grows unchecked. $47 billion gap in the month of March."

We are on track to have a more than $500 billion trade deficit with other countries. We are going to owe, at the end of this year, just for this year, to foreign interests, more than $500 billion. What they are going to do with those securities they get, that promissory note from us in its place, we do not know. If they dump it all of a sudden, we are in real trouble.

What else should we know? Gasoline prices. Gasoline prices a year ago were 50 cents less per gallon. If you are the average American, that means it has added about $50 a month in your gasoline bill. That is about $600 a year more in gasoline this year you will be paying.

On top of everything I have said before, the $400 billion-plus deficit for this year, that adds more than $1,000 for every man, woman and child. I will call it the birth tax. The $50 a month that you pay, call it a $600 birth tax, because if you have a child, let us put the debt on that child for the gasoline; and on top of that, there is $500 billion more that this House just passed, and, by the way, the Senate has not done it, because they know better, that would be added.

Before you know it, you have got to conclude that this is irrational exuberance. Let us get real. Great ideas. Every single time these proposals have come up, the Democratic alternative has said okay, good ideas; but let us pay for them where we can. Where we cannot, let us pare them down, because we cannot continue to sell the American public a bill of goods.

Someone will pay for this. Good ideas. We would all love to be there. If we had real discussions in committee, we could have hashed this out and come up with a bipartisan bill. But we bypass the committee process. Again, America does not know that. We are coming to the floor without having discussed this in committee. That is okay. That is the way it is going to work. We will live with that. But do not let the American public believe you can do this stuff and pluck it off trees and pay for it.

Let us do it the right way. Let us be fiscally responsible. Let us be fair. Make sure that those from the President's previous tax cuts of a couple of years ago, who received $130,000 in benefits if you were a millionaire in tax cuts, pay their fair share. If a guy in Iraq, one of our soldiers, a man or woman, can sacrifice a little bit, and probably not take advantage of any of these benefits, then certainly those folks who are the millionaires, who are taking home the lion's share of all of these tax cuts, can sacrifice a bit to help us pay.

That is what we do. We have a proposal that would say take the one-fifth of 1 percent wealthiest to help pay for this, for all Americans. We think you can do it. Sure, it hits millionaires; but it helps middle-class Americans. It is fiscally responsible, fair, and something that would get a bipartisan vote that could get signed by the President.

Mr. Speaker, we are going, I guess, to continue to do this in the House and not watch the Senate do any of this whatsoever; and we are going to end again this year without having given people what they keep thinking we are going to give them, and that is what I think damages this institution overall as a whole.

Let us move forward in a bipartisan fashion. We can do it, because there is a kernel of a good idea in these proposals. But we can be fiscally responsible and fair at the same time.

Mr. Speaker, I yield back the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, since we are going into the debate on the substitute, I will not take too long to close, although I think some of what the gentleman from California just said bears some responding to.

I think this debate has done a pretty good job of showing those who are viewing it the differences, the differences between the two parties here on the floor, the differences between the two approaches to fiscal responsibility, between two philosophies.

What you just heard the gentleman from California say is we have recklessly cut taxes by $500 billion over the next decade. It is important to put that in context.

Mr. Speaker, this Federal Government will spend about $2.7 trillion this year. Off the top of my head, we will be spending, with taxes coming in, about $29 trillion over that 10-year period. So we are proposing to allow the American taxpayer to keep about $500 billion out of that $29 trillion of their money we are about to spend.

It kind of comes down to this, Mr. Speaker, two points. Number one, we believe the best way to get ahold of our fiscal problems, to reduce our deficit, is to hold the line on spending and cut spending and grow the economy. The budget resolution we brought to the floor just a month or so ago was a resolution that froze spending and actually reduced spending in critical areas so we can get a handle on our Nation's finances. The other side did not vote for that budget agreement.

We also need to recognize the fact that when you cut taxes, economic growth occurs from that. One of the great stories being told right now, the success that we see in the data from this new economic recovery that is producing all these jobs, is the fact that this year, with the lower tax rates we are paying, we are getting more revenues coming in to the Federal Government.

What we see is that when you cut taxes on entrepreneurs, when you cut taxes on families, when you cut taxes on investors, they engage in more economic activity, they create jobs, and people go from being unemployed and collecting unemployment to going and working and paying taxes. That is what is happening today. That is a recipe for success.

We do not want to squelch this economic recovery. We do not want to raise taxes on people. We want to keep taxes low, watch our spending and reduce spending, and help people get work, so when they go to work they can provide for their families, and, yes, pay taxes, so that we can get the revenues we need to reduce and eliminate our deficit. That is the approach we are advocating.

What is the other side's approach? What is the substitute they are about to bring to the table? More tax increases. Okay, you can cut taxes to these people over here on the right hand, but we have to raise taxes to these people on the left. Net tax increases.

It is a fundamental difference in philosophy. Whereas they believe we have to keep taxes high and higher, that the emphasis should not be on spending, but we should raise more taxes, we believe the emphasis should always be on recognizing the fact that the taxes that this country collects is not our money, but the money of the American person, the man and woman in the marketplace, who is working hard to provide for their family, who is creating jobs, who is sweating and working every single day. It is their money, not ours.

So we do not believe philosophically, that is the root of what we believe in, that we should just cavalierly take more and more and more money out of a person's paycheck, out of their wallet. We believe they should keep more of what they earn.

What is so great about that philosophy is it is also good economic policy, and we are seeing that. We are actually getting more revenues because of lower taxes. How about that? And the good news is, this can be bipartisan. When John Kennedy did this, it worked. When Ronald Reagan did this, it worked. This has been done by Republicans and Democrats coming together in the past. When Reagan did it, it was because of good Democrats working with Jack Kemp and Bill Roth in the Congress to reduce tax rates on the American families. What happened? Economic growth was encouraged, tax rates went down and revenues went up.

This does work. It is working right now. What we are seeing in this debate is a difference in philosophies.

Mr. Speaker, I want to conclude by saying one thing. If a Member of Congress comes to the floor today and votes against this bill, they are voting to increase taxes on 23 million low-income workers. They are voting to increase taxes on 23 million low-income workers by one-third, to raise their taxes by one-third. They are also voting to increase taxes on 80 million taxpayers across the country.

It is a very clear vote. If you vote for this bill, you preserve these tax cuts. If you vote against this bill, you are going to raise taxes on 23 million low-income earners, the least of whom among us should be facing this kind of a tax increase.

Mr. BLUMENAUER. Mr. Speaker, last week, Federal Reserve Chairman Alan Greenspan delivered a warning that "the free lunch has still to be invented." He was referring to the soaring Federal budget deficits that are adding hundreds of billions of dollars to our $7 trillion debt. These budget deficits are threatening economic growth and increasing interest rates in the short-run, and risk the solvency of Social Security and Medicare in the long-run. This bill is not a free lunch. In fact, it will cost $218 billion over the next 10 years.

Instead of passing legislation with any degree of fiscal responsibility, the Republican leadership is passing the buck, trillions of them, onto our children and grandchildren. Middle-class tax cuts are important in addressing tax fairness, of which our current system is increasingly in dire need of help. The Democratic substitute, which I support, provides middle-class tax relief and protects against the egregious impact of the Alternative Minimum Tax, without adding to the Federal budget deficit and burdening future generations.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand against H.R. 4275, which would permanently extend the 10-percent individual income tax rate bracket. I stand against this measure not because it reduces taxes, but because it continues the use of irresponsible fiscal policies. A tax that is made permanent today with no clear and effective offsets will leave this Nation in trouble for the future.

Our Nation faces a staggering deficit with record low revenues coming in to the Federal Government. These conditions have left significant needs for education, health care, fire and police protection, and many other services. The deficit this year is expected to exceed last year's record deficit by at least $60 billion and to total at least $2 trillion over the coming decade. America simply cannot afford more unpaid-for tax cuts.

Given this situation, we must act now to protect our Nation's public investments and long-term economic future. By failing to offset its $218 billion cost, H.R. 4275 would further drain Federal coffers of revenue needed to meet our Nation's shared priorities. Moreover, increasing already large deficits will undermine long-term economic growth and diminish the quality of life for future generations of Americans who will face higher interest rates and who will have to bear the burden of the debt incurred today.

At this uncertain time of continuing unknown costs of war in Iraq and its aftermath, and with an aging population about to strain Social Security and Medicare resources, it is reckless to enact permanent unpaid-for tax cuts. Our Nation faces a long-term gap between revenues and obligations, and soon Congress and the American people will have to make hard decisions about how to meet our competing priorities. Given this reality, we should not make permanent changes to the tax code that will further reduce revenues for decades to come.

I want to reiterate that the most disturbing aspect of irresponsible fiscal policies are the soaring deficits that will result from these policies. This administration has tried to say that deficits don't matter; we know that is simply not true. History has proven that chronic deficits threaten our economic strength by crowding out private investment, driving up interest rates, and slowing economic growth. Indeed foreign investment in the United States has dried up because foreign investors have no confidence in the Bush economic agenda. This Administration's irresponsible budget policies have turned a surplus into a large deficit that is choking off growth in the American economy.

President Bush likes to say his policies are geared towards tax cuts for all Americans. In fact the average American won't receive a substantial tax cut, but will instead be hit with a tax hike in the form of an evergrowing deficit. A large deficit means taxpayers have to shoulder the costs of paying the interest on this new national debt. The end result will be a debt tax on the great majority of Americans. This will be a tax on lower- and middle-class Americans; it will be a tax on our heroic war veterans; it will be a tax on the elderly and, most unfortunately, it will be a tax on our children. The truly sad part of these policies is that, while they are bad for America today, they are even worse for future generations of American taxpayers.

Mr. STARK. Mr. Speaker, I rise today to oppose H.R. 4275, the reckless Republican bill permanently extending the 10 percent individual income tax bracket, and in support of the Democratic substitute that provides real, fiscally sound relief for middle-class families who deserve it most.

Expanding and extending the 10 percent tax bracket is a great benefit to many low-income Americans. But, let's not forget that this bill also benefits the wealthy who get more of their income taxed at a lower rate as well.

Low- and middle-income Americans deserve this tax break. But, the Republicans are unwilling to pay for it, leaving a $200 billion hole in lost revenue. Even worse, when this proposal is added to the other tax bills that have recently passed or are being proposed, the price tag is over $500 billion in new debt thrown on the backs of our children and grandchildren.

The Republican plan is also flatly unfair to a lot of taxpayers because it refuses to spread benefits out equally. Just last week, the Republicans passed a one-year patch for the Alternative Minimum Tax (AMT) that helps the wealthy but fails to protect lower-income families while driving the country further into debt. Unfortunately, the Republicans' bill today does not apply to anyone who pays the AMT, which means a full one-third of all taxpayers cannot benefit from this tax cut at all. Some deal if you ask me.

In contrast, the Democratic substitute is fair, fiscally responsible and a whole lot better for most American families. Our bill extends the 10 percent bracket expansion, but it does so while requiring that Congress find a responsible way to pay for this change to the tax code in order to make it permanent. To finance the immediate costs of this change, the substitute requires the wealthiest Americans—those earning over $1,000,000 annually—to give back a small portion of the huge Bush tax cuts. Finally, the substitute applies this tax cut equally to all taxpayers by ensuring even those paying the AMT get the benefits of the expanded 10 percent bracket.

I urge my colleagues to vote against the unfair, fiscally irresponsible Republican proposal and support the Democratic substitute, which provides equal relief for all taxpayers without burdening our children and grandchildren with billions of dollars in new debt.

Mr. KIND. Mr. Speaker, I strongly support providing tax relief to middle-income Americans by extending the 10 percent tax bracket expansion that is scheduled to expire next year.

Without action, the current amount of income subject to the 10 percent tax bracket will decrease by $1,000 for individual filers and $2,000 for couples as required under the 2003 tax cut package. While the majority of the 2003 tax proposal that passed the House was fiscally irresponsible and designed to benefit only the wealthiest of Americans, its provision expanding the 10 percent tax bracket to benefit more middle-income taxpayers had bipartisan agreement. The legislation before us today and the substitute offered by Congressman Tanner will permanently extend the current income levels falling under the 10 percent tax bracket.

As we extend the 10 percent tax bracket expansion, we need to act in a fiscally responsible manner. It is unfair to Americans today, and especially the next generation, to delude ourselves by thinking the record budget deficits facing our Nation, estimated by the White House at over $500 billion this year alone, will simply go away.

As a member of the House Budget Committee, I supported a budget resolution that would have extended the 10 percent tax bracket expansion while still reducing the deficit. This approach requires tough choices, prioritization, and a bipartisan commitment to helping working families. With the House-Senate conference committee still negotiating the budget resolution for fiscal year 2005, I remain hopeful that we will be able to provide Americans continued tax relief today without raising the debt burden on our children's generation.

The substitute offered today by Representative TANNER is a more responsible bill that will provide relief to millions of families while not increasing the budget deficit. By adding a rate adjustment of 1.9 percentage points of the tax cuts for households making over $1 million, the Tanner substitute provides a reasonable offset to benefit more American families without burdening our children with added debt that they will have to pay off. Further the Tanner substitute also completely protects against these tax cuts being taken back by the Alternative Minimum Tax, and provides incentive to address mounting Federal deficits by making permanency of this tax provision contingent on a balanced budget in 2014. This is a superior approach, helps more Americans, and ensures most middle income taxpayers will not have to worry about a tax increase related to the 10 percent bracket in the near future.

Mr. Speaker, it is important that we act today to ensure average-income Americans will not unfairly jump into a higher tax bracket in 2005. However, I believe we can and must provide this relief in a fiscally responsible manner that will not burden future generations of Americans. Just as it was true last week when we passed legislation permanently repealing the marriage penalty tax, our work is far from over in helping working families face the challenge of today's economy. We must come together in a bipartisan manner to craft a fiscally responsible budget resolution.

Mr. RUPPERSBERGER. Mr. Speaker, I rise in opposition of this amendment today. I agree extending the 10 percent tax bracket is necessary and lawmakers should pass legislation to make it permanent. Substantively, I agree with this.

I disagree, however, with the impact this bill will have on our already dire fiscal reality. We need to have responsible fiscal management in this country—beginning with a sound and comprehensive budget. All bills that follow should incorporate the same fiscal responsibility, whether that bill cuts taxes or authorizes spending.

This bill has a $218 billion price tag, which will have to be borrowed on top of the $280 billion we have already borrowed this year. I am extremely concerned about our levels of borrowing, most of which comes from foreign governments.

The Treasury Department states that major foreign holdings of U.S. Treasury securities equal $1.6 trillion. Mainland China and Hong Kong alone hold $206 billion of U.S. debt. Japan has $607 billion in holdings. With China's purchases of U.S. government securities exploding by more than 105 percent since January 2001, it is clear that foreign investments in the U.S. are financing our budget deficits. That means foreign investors, not U.S. residents, will be the beneficiaries of the interest paid by us, our children and our grandchildren.

The Washington Post recently quoted a former official of the People's Bank of China as saying, "The U.S. dollar is now at the mercy of Asian governments." This is simply wrong and we need to stop it now. If we do not, future generations will be burdened with higher taxes and greater debt. They will have to pay off the structural deficits and interest costs we are accumulating today.

The only way to stop this now is to stop deficit spending. That is why I supported the substitute bill that would have provided tax relief that was paid for and did not add to our historical $7.1 trillion Federal debt.

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise in support of H.R. 4275, which will permanently create a low 10-percent rate to reduce the tax burden on 73 million working Americans.

The fact of the matter is if Congress does not act this year, taxpayers will feel the burden of a significant tax increase.

The creation of the 10-percent tax bracket in 2001 has boosted the take-home pay for more than 733,000 working New Jerseyans. This legislation puts a halt to expiration of the 10-percent tax bracket and more importantly prevents 24 million low-income workers from being pushed into a higher tax bracket, and ultimately being forced to pay more in taxes.

In 2001, tax relief legislation passed by Congress and signed into law by President Bush created a new tax bracket at a low 10-percent rate. Because of this significant tax relief, the $14,000 of taxable income for couples and $7,000 for singles tax filers is taxed as 10 percent instead of 15 percent.

Without enactment of this legislation, in 2005, the 10-percent bracket will shrink by $2,000 for couples and $1,000 for singles and will ultimately disappear in 2011.

That is why I urge my colleagues to join me in supporting H.R. 4275 and to continue building on our ongoing efforts to provide tax relief for all hard working Americans.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). All time for debate on the bill has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. TANNER

Mr. TANNER. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. TANNER:

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF 10-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET.

(a) IN GENERAL.—Clause (i) of section 1(i)(1)(B) of the Internal Revenue Code of 1986 (relating to the initial bracket amount) is amended to read as follows:

"(i) $14,000 in the case of subsection (a),".

(b) INFLATION ADJUSTMENT BEGINNING IN 2004.—Section 1(i)(1)(C) of such Code (relating to inflation adjustment) is amended to read as follows:

"(C) INFLATION ADJUSTMENT.—In prescribing the tables under subsection (f) which apply with respect to taxable years beginning in calendar years after 2003—

"(i) the cost-of-living adjustment used in making adjustments to the initial bracket amount shall be determined under subsection (f)(3) by substituting '2002' for '1992' in subparagraph (B) thereof, and

"(ii) such adjustment shall not apply to the amount referred to in subparagraph (B)(iii).

If any amount after adjustment under the preceding sentence is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

(d) REPEAL OF SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to—

(1) paragraph (1) of section 1(i) of the Internal Revenue Code of 1986, and

(2) the amendments made by paragraphs (1) and (7) of section 101(c) of such Act.

SEC. 2. BENEFITS OF ACT NOT DENIED BY REASON OF ALTERNATIVE MINIMUM TAX.

(a) MINIMUM TAX.—The amount of the minimum tax imposed by section 55 of the Internal Revenue Code of 1986 shall be determined as if section 1 of this Act had not been enacted.

(b) CREDITS.—In applying section 26(a)(1) of such Code, the amount referred to in subparagraph (B) thereof shall be reduced (but not below zero) by the amount of the reduction in the taxpayer's regular tax liability by reason of section 1 of this Act.

SEC. 3. BENEFITS EXTENSION NOT TO INCREASE FEDERAL BUDGET DEFICIT.

(a) IN GENERAL.—Section 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(j) ADDITIONAL TAX ON HIGH INCOME TAXPAYERS.—In the case of taxable years beginning in calendar year 2005, 2006, 2007, 2008, 2009, or 2010, the amount determined under subsection (a), (b), (c), or (d), as the case may be, shall be increased by 1.9 percent of so much of adjusted gross income as exceeds $1,000,000 in the case of individuals to whom subsection (a) applies ($500,000 in any other case)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 4. REQUIREMENT THAT CONGRESS BALANCE BUDGET.

(a) IN GENERAL.—Notwithstanding the provisions of section 1 of this Act and any other provision of law, title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall take effect in the form as originally enacted unless Congress meets the requirements of subsection (b).

(b) REQUIREMENTS.—Congress meets the requirements of this subsection if—

(1) before September 1, 2010, Congress has enacted comprehensive Federal budget legislation, and

(2) the Director of the Office of Management and Budget certifies in September of 2010 that such legislation—

(A) will result in a balanced Federal budget by fiscal year 2014, determined by taking into account the costs of the foregoing provisions of this Act and without taking into account the receipts and disbursements of the Social Security and Medicare Trust Funds, and

(B) will permit the general fund of the Treasury to repay amounts previously borrowed from the Social Security and Medicare Trust Funds without requiring large foreign central bank purchases.

The SPEAKER pro tempore. Pursuant to House Resolution 637, the gentleman from Tennessee (Mr. TANNER) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Democratic substitute recognizes the good public policy behind extending the 10 percent bracket. We believe that. But we also believe, unlike the majority, that it is irresponsible to do so by borrowing another $218 billion.

Let me talk a minute about why we say that. I do not believe that people in this country know exactly how fast the balance sheet of our Nation is deteriorating. I do not believe people in this country have focused on or realize what has happened over the last 36 months or so. I am going to try to lay that out today in this debate.

Mr. Speaker, we now owe collectively, all 290 million of us, over $7 trillion. We have borrowed an additional $280 billion so far this year. The majority approach is to borrow another $218 billion today with the passage of this bill.

The gentleman just said if you do not vote for this bill, you are going to raise taxes on 23 million people. If you do vote for the bill, you are going to raise taxes on 290 million people, because every American in this land is responsible for the mortgages that have been placed on our country over the last 36 months.

□ 1200

Mr. Speaker, it is heartbreaking to see the financial integrity of our country compromised like it has been. I would just like to know how far we are willing to go to sign the names of these young people that are sitting around here on this board today with a green light as a mortgage, a further mortgage on our country. I want the people of this country to realize that right now we owe collectively, in hard money, about $4 trillion. Foreign interests now own 37 percent of that debt. Mainland China alone holds over $200 billion. It is now the second largest buyer of our debt, exceeded only by the Japanese, who hold over $600 billion.

Secretary Snow was before the Committee on Ways and Means some time ago and I asked him the question, how do you characterize interest? He said, it is an obligation of this country. It must be paid. It must be paid off the top.

Mr. Speaker, when we are borrowing this kind of money and it is being financed by foreign interests, right now, we have awakened to suddenly realize that the biggest foreign aid package in this Congress is interest checks that we are sending to foreign countries. Not only are we doing that, but we are leveraging our country to people who may not see eye to eye with us on how the world ought to be.

Anyway, getting back to Mr. Snow, I asked him, what about interest? He said, it has to be paid. It has to be paid off the top. I said, it has to be paid first. He said, let me just say this: As a percentage of GDP, gross domestic product, this is not out of line historically.

The problem that he did not tell us is, when it was this far out of line before, it was Americans that were buying the bills, notes, and bonds. It was not the Saudis, the Japanese, the Chinese. We can go down the line. I have the list here.

How much we owe right now: Japan, $607 billion; China, $145 billion; plus Hong Kong, another 60 billion; so over $200 billion. The U.K., $137 billion; Taiwan, $50 billion; Germany, $45 billion; OPEC, OPEC, $43 billion; Switzerland, $41 billion; Korea, $37 billion; Mexico, $32 billion; Luxembourg, $26 billion; Canada, $25 billion; Singapore, and the list goes on and on.

This Congress and this administration is hocking our country to foreign investors.

Let me say that again, because I do not think people realize and understand what is happening here. Since 2002, the debt ceiling has had to be raised $450 billion. In July of 2002, a $980 billion increase the last Fourth of July, that is $1.4 trillion so far. Do my colleagues know what that means? That means every day since George Bush took office, when we have had a one-party government, White House, Senate and House, the Republicans have borrowed $1.1 billion a day, every day.

Now, we, all of us, have to pay interest on that, and anybody who is within the sound of my voice under 50 years of age ought to be so concerned about this that they would write or call or do something. Because we are literally squandering the wealth of this country by not paying for tax cuts and increasing spending on the war, and mentioning the war, the only people being asked to sacrifice anything right now are the men and women in uniform and their families. None of the rest of us are being asked to sacrifice anything to defeat the war on terrorism. In fact, we are told to take a tax cut if you are my age, and if things get bad enough, go shopping. This is the Alice in Wonderland that is going on here.

This bill is a good idea, but it is just a symptom of a far greater problem, and that is the breathtaking, breathtaking fiscal irresponsibility that is going on here in this town.

Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I rise in opposition to the substitute

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Wisconsin (Mr. RYAN) is recognized for 30 minutes.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to point out something in the substitute which I am not sure has really been brought to the attention or brought to rise here in this particular debate, and that is on the fourth page of the substitute. I will read starting at line 3: "Congress meets the requirements of this subsection," and that it is talking about the deduction, "if before September 1, 2010, Congress has enacted comprehensive Federal budget legislation; and, 2, the Director of the Office of Management and Budget certifies in September of 2010 that such legislation will result in a balanced Federal budget by fiscal year 2014, determined by taking into account the cost of the foregoing provisions of this Act and without taking into account the receipts and disbursements of the Social Security and Medicare Trust Funds."

And then B, "will permit the general fund of the Treasury to repay amounts previously borrowed from Social Security and Medicare Trust Funds without requiring large Federal foreign Central Bank purchases."

Now, I am not sure exactly what they are getting to on this, but if they think that the Congress is going to have to pay back all of the money that it has borrowed from Social Security and put cash into that particular fund, in other words, by putting cash in the Social Security fund in place of the Treasury bills, I do not know where in the world they think they are going to get that much money. And they also are going to have to change the law regarding Social Security, because Social Security is required to pay that cash into the general fund and to replace it with Treasury bills, and this particular legislation does not change that provision.

But most of all, and I think the most damaging thing here which this Congress should be very jealously protecting, and that is the legislative authority under the Constitution given to this particular body. If this bill were passed, and if Members vote for this bill, they are saying the Office of Management and Budget is going to be the crossing guard that is going to prevent legislation going forward unless they say it is fine and they can certify that the budget is going to be balanced.

A balanced budget is a good thing, but delegating legislative authority to unelected officials, bureaucrats within the Federal Government, is a huge mistake, and it is something that we should do in a bipartisan way, and that is jealously guard what our responsibility is under the Constitution. I do not know of any other place that we have delegated such authority.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I think the gentleman certainly makes a point that we do not want to delegate to the executive branch. I think the gentleman makes a good point: We ought not to delegate.

Mr. SHAW. Mr. Speaker, I thank the gentleman. I should probably reclaim my time at this particular point.

Mr. HOYER. Of course, the gentleman knows something else is coming.

Mr. SHAW. I know the gentleman is setting me up.

Mr. HOYER. My good friend knows me well.

The fact of the matter is we have been debating for some time the way we can internally, Congress can control this spending, and reaching what the gentleman says is a good thing, a balanced budget. And that, of course, is doing what we did all through the 1990s: applying the pay-as-you-go provision to both revenues and taxes, which is the discipline that this body placed on itself so we did not have to rely on the executive branch.

Mr. SHAW. Mr. Speaker, reclaiming my time, I do not believe that the pay-go is looking towards the Office of Management and Budget as having to certify things before we do it.

Mr. HOYER. Absolutely, that is my point. And if the gentleman would support pay-as-you-go, perhaps we would not have to look to other ways to try to get to balance.

Mr. SHAW. Mr. Speaker, I can see both sides of pay-go, but I cannot see both sides of delegating legislative authority to the executive branch no matter who controls the executive branch.

Mr. TANNER. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me 1 minute.

The gentleman from Tennessee called it Alice in Wonderland. I, a few minutes ago, called it irrational exuberance. And when we look at the bottom-line facts, not what projections are, because, by the way, 3 years ago it was projected that we would have a $5.6 trillion surplus, not deficits. When we look at the bottom-line facts, we are in some real trouble. Interest rates, which is really the determiner of whether or not Americans have more money in their pocket or not, have gone up in the last 2 months alone about a point, 1 percentage rate.

What does that mean? Well, if you have a mortgage of about $200,000, 30-year rate, fixed, not flexible and not one that goes up and down, you are probably going to pay about, on that $200,000 mortgage, you are going to pay about $120 more per month now. That means at the end of the year, you are some $1,500 more out of pocket, and over the life of that 30-year loan, about $43,000. That is the cost of seeing an economy that is not fiscally righting.

Finally, one last point. That same business section page that said, "U.S. trade deficit grows unchecked" has an interesting story at the bottom part: "MCI awards $8.1 million severance." A gentleman who worked for 7 months for MCI WorldCom, which was in bankruptcy, was paid $8.1 million plus $400,000 more for vacation and so forth, severance, paid for 7 months work at the same time they are planning to announce that they are planning to trim their workforce by 12,000 people. Irrational exuberance.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just bring three points up in respect to this substitute. Number one, my colleague from Florida sort of outlined the convoluted payfor in this bill which will render this tax cut temporary, not permanent, by giving the decision whether or not to keep this tax cut permanent to some accountants at the Office of Management and Budget, to in 2010 speculate what is going to happen in 2014 to make sure that the tax cut becomes permanent. This is another way of saying this is a temporary tax cut, meaning they are going to increase this 10 percent bracket again.

The second point I think is important to make, they try to pay for their substitute with a tax increase. Now, what they will tell us is it is a tax increase on rich people, individuals making over 500 grand, couples making over $1 million. What they will not tell us, Mr. Speaker, is that half of those filers are small businesses. Half of those people are subchapter S corporations, partnerships, small businesses.

Mr. Speaker, small businesses create 70 percent of our jobs. Before the tax cuts that just passed last July, in this country we were taxing small businesses at a higher tax rate than we taxed the largest corporations of America. We finally now are in a fair, level playing field where we tax small businesses at the same tax rate that we tax large corporations. But they want to undo that.

They want small businesses, small mom-and-pop businesses who bring in revenues of $1 million or more, who maybe have 2 employees, 10 employees, 50 employees, to pay a higher tax rate than IBM, than Exxon, than Global Crossing, or WorldCom. That is wrong. I think that is unjust and unfair, yet they want to return to the days of taxing small businesses at higher tax rates than large corporations.

The third point is the way that they structure their Alternative Minimum Tax relief. Now, this is an issue where I think and hope we can get good bipartisanship support to fix this problem. We hear from both sides of the aisle that AMT is a problem and we have to fix it. Just last week we passed a bill to make sure that no new people fell into the trap of the AMT while we figure out at the Treasury Department and here in Congress how to really fix this mess, and I hope that we really do have bipartisan support to fix this mess.

But the way they structure it in this bill means that taxpayers are going to have to calculate their taxes three times in order to navigate their way out of the Alternative Minimum Tax. The Alternative Minimum Tax brings a lot of complexity to the Tax Code for taxpayers. This substitute makes it more complex, more difficult to comply with. That is not the right direction, so I urge a no vote on this substitute.

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield to the gentleman from Maryland (Mr. HOYER), I would like to say as far as the delegation to OMB, that was done under pay-go, it is a way of scoring, and if we do not have any other, I guess, arguments against the merits of the bill, they bring up procedural matters. I understand that.

I would also like to say, with the rate adjustment that we have in our bill, only 165,000 returns out of 32.8 million small business returns would be affected. That is less than one-half of 1 percent.

Mr. Speaker, I yield 7 minutes to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time. I really could take 30 minutes to try to correct what the gentleman from Wisconsin has been saying.

First of all, he is a very bright young man. I like him. And it is your money, he says. Now, that is the mantra, and that mantra I have heard for 20-plus years. And, of course, it is your money. And by the way, it is my money, too. I pay more taxes effectively than the Vice President of the United States, who made almost 10 times as much as I make, but I am not poor-mouthing that. And, by the way, the gentleman talks about these large corporations. They do not really care what the rate is because, as we notice, I say to the gentleman, 60 percent of them do not pay any taxes because of their preference items.

□ 1215

An aside that the Republican majority has made the Tax Code extraordinarily more complicated over the last 3½ years, extraordinarily more complicated over the last 3½ years, let me call to my friend, the gentleman from Wisconsin (Mr. RYAN), some facts.

A, Mr. Armey said you own this town. You have the President, you have the Senate, you have the House. Now, I have been here a lot longer than the gentleman from Wisconsin (Mr. RYAN).

He talks about debt. Under Ronald Reagan, we raised the debt level 17 times. Under George Bush, the first, in 4 years we raised the debt limit 10 times. Under this President, we have raised the debt limit by $1.5 trillion over 3 years. Over 8 years, under President Clinton we raised the debt limit five times for $1.58 trillion. The difference, however, is that under Ronald Reagan and George Bush, the first, we added about $2 trillion to the debt. Under this President, we have added about $1.5 trillion to the debt, and under Bill Clinton, over 8 years, less debt and net $79 billion worth of debt, not trillions, net. Why? Because for 4 years of the last 4 years of the Clinton administration we created surpluses.

Secondly, the gentleman and all the Republicans talk about it is spending that is the problem. The gentleman from Wisconsin (Mr. RYAN) says that spending is the problem. I would like to have the gentleman's attention because I know he is going to find these figures very edifying and interesting because he talked about spending, that is a legitimate issue to raise; and I want to call the gentleman's attention to the administration's budget numbers.

We have it from 1962 to today. Under Ronald Reagan's Presidency, a, we spent 22.5 percent of GDP on average, some years higher, some years a little lower, under Ronald Reagan, never below 21 percent. Let me remind my colleagues that not a penny was spent in America during Ronald Reagan's term of office without his signature, not one. We never overrode a veto. The Democrats never imposed spending that the President did not sign off, not once. So we understand nondefense discretionary spending was 3.4 percent under Ronald Reagan.

Under George Bush, the first, it was 21.9 percent of GDP. Again, he never had a bill veto overridden stopping spending. He signed every nickel of that expenditure, 3.3 percent on nondefense discretionary spending.

Under George Bush, the second, we have done 19.85, almost 20 percent, and 3.5 percent, Dick Armey, they control this town, 3.5 percent of that was on nondefense discretionary spending. I will tell my friend from Wisconsin this fact is going to amaze him. We spent less GDP under Clinton for 8 years and we spent less on discretionary spending, less on discretionary spending, and I heard the gentlewoman from Tennessee about an hour ago saying we have created 1 million jobs since last August. We created 23 million jobs in 8 years or about 4 million a year on average under Bill Clinton.

So, when we are talking about the facts, we ought to know the facts because the facts belie what the gentleman from Wisconsin is proposing. That is why we are here, because we believe my colleagues' policy is not only fiscally wrong but it is also immoral. My friends on the Republican side want to create the impression that they are the only ones who support this 10 percent bracket. They are not. We want to make it permanent, but we do not want to impose a tax.

He talked about various people who are going to get tax increases. Under their bill, 290 million Americans are going to get a tax increase, but guess what. They will not get it immediately. We are going to delay it a little bit, not only past the next election but maybe past a couple of elections after that. Why? Because interest rates are going to go up, taxes are going to go up to pay the interest on this debt that my colleagues are creating, over $200 billion of additional debt in this bill alone.

That is all we are saying. We are for this policy. We are for keeping this 10 percent bracket. We want to assist those at the bottom rungs in our society, build themselves up, grow their families, have a better opportunity to pay for the education of their children and their mortgage payments and buy their cars and have a better quality of life. We want that, but we do not want to give them a bill for it 10 years from now that says guess what, you have got a big interest that you have got to pay.

I would urge my colleagues to look at the facts. Look at what we did under a piece of legislation passed in 1993, one passed in 1990 and, yes, one passed in a bipartisan way in 1997, which led to the creation of surpluses.

Let me close by this, and I do not have as much time as I would like, but Chairman Greenspan said just the other day, who is not a Democrat, "Our fiscal prospects are, in my judgment, a significant obstacle to long-term stability because the budget deficit is not readily subject to correction by market forces that stabilize other imbalances. The free lunch has still to be invented."

Vote for this substitute. My colleagues will vote for the policy and responsible fiscal policy at the same time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 30 seconds.

I will not go through tit for tat on all of that. Only to say that now that our Chairman Greenspan was invoked, he also said in that same speech that the first thing we should do is make these tax cuts permanent because they really help achieve the economic recovery we have underway right now.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT), the majority whip.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding me the time, and I am pleased to follow my good friend, the gentleman from Maryland (Mr. HOYER), to the floor to debate this issue. I am predicting that when we get to the vote on the bill that the gentleman from Wisconsin (Mr. RYAN) has been talking about on the floor today that the vote will be overwhelming.

I heard the word "immoral" used as it related to this proposal. I did not quite understand that; but however my colleagues want to characterize this proposal, in the final vote today, I think that the vote will be overwhelming, and we will make this 10 percent bracket a permanent part of the Tax Code.

It is an important addition to the Tax Code. I personally am of the view that we make a mistake when we eliminate people totally from tax responsibility, and we should look for ways not to eliminate people from the tax rolls, but to make that tax burden for all Americans as small as we possibly can. It is better you value what you pay for. We have all been part of that talking about how we are going to eliminate people totally from the tax rolls. This really allows more people to pay taxes, but to pay at a lower level.

When we reach the point in this country when we have more people who do not pay taxes than people who do pay taxes, and we are pretty close to that number right now, we really begin to change the debate on taxing and spending policies because not even a majority are paying taxes. I think it is a good idea to have this smaller bracket, to have it a permanent part of the introduction of the Tax Code. I would not even mind to see if we had a bracket just a little bit smaller than this one eventually, and so I do hope we make it permanent there.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, because I understand what the gentleman is saying, I think it is important to note that every working person in America pays taxes. We call it FICA tax, and 50 percent of Americans pay more FICA tax than they do, but we are using, as the gentleman knows, part of their taxes because there is a surplus in the Social Security account for general expenditures. So in that sense, the overwhelming majority of employees are paying.

Mr. BLUNT. Mr. Speaker, people who are working pay into those funds, that is a good point; and I am pleased that my friend made it.

At the same time, it does not minimize my point that those people who only pay into the Social Security fund do not have the same stake in the income tax system and how it works than people who do not. I am glad to see us making it more possible for people to have a smaller tax burden at the lower levels of people who pay taxes in the country. I think that is a good thing.

I think the 10 percent bracket and making this 10 percent bracket a permanent part of the tax structure is not only what we should do but what the House will vote to do today. I would like to see that happen on the other side of the building as well, and we will encourage that by sending this legislation over.

The 10 percent bracket in the substitute does have conditions still in it and because of those conditions is not as permanent as the proposal that we have before us in the main bill. Because of this 10 percent bracket, if we did away with the 10 percent bracket, 73 million working Americans would pay higher taxes next year than they paid this year because we would not have the 10 percent bracket available then next year. Seventy-three million Americans would pay higher taxes because of that.

Unless the House acts, 22 million lower-income workers would be pushed from the 10 percent bracket into the 15 percent bracket. We do not want to see that happen.

This is an important step in the right direction. I urge my colleagues not only to defeat the substitute, which does not accept the permanency of this important addition to our tax policies, but to vote for the bill.

Mr. TANNER. Mr. Speaker, before I yield to the gentleman from Texas, I would just like to say it does make it permanent, but there are conditions.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. STENHOLM), my friend.

Mr. STENHOLM. Mr. Speaker, I thank my friend for yielding me the time, and this debate is not about whether we should provide tax relief to middle-class families. Every Member of this body supports that general principle.

The debate, though, is whether we should do so with borrowed money on top of the $7.1 trillion that we already owe. I personally do not believe we should pay for tax cuts by borrowing money against our children's future. That is why I support the Tanner substitute, which will extend the 10 percent tax bracket without increasing the deficit.

This debate today is really about PAYGO, and I appreciate the fact the majority side does not want to go back to pay-as-you-go. They have made that very, very clear; and I am sorry that the majority whip left the floor because I was a little disappointed in some of what he was saying last week when we had a little change of vote by a few folks on the pay-as-you-go, and it was inferred to the majority side, those who have been voting with us on pay-as-you-go, that this bill and the same one we will vote on in a few minutes or later today on pay-as-you-go was different than that that was paid in 1997.

It is not different, and in fact, today once again the majority will make it very clear that they do not wish to go to pay-as-you-go government, that they are perfectly willing to borrow any amount of money, any amount of money in order to continue to implement their economic game plan, which I will submit is not working, and it will only take a year or two before it will be proven, when we will see the largest tax increases in the history of our country being implemented, called the debt tax because we cannot borrow $8 trillion and not have somebody pay for it; and 4 percent interest on $8 trillion is $320 billion, and a 1 percent increase in any 1 year will increase the debt tax by $80 billion.

My colleagues can keep wishing that away and they can keep coming up with red herrings like the three reasons why my colleagues should oppose this, and my good friend who has been here for the same 25 years I have been from Florida brings up OMB. He knows that that is standard language that we use, they use, constantly use. It has always been used that way.

Let us assume for just a moment he is right and you will come back and say, no, that is not right. I would share with the gentleman talking about AMT relief, I believe we can find a way to have bipartisan cooperation to fix that. We can have bipartisan agreement on how to fix the OMB and delegating our authority from this body.

What it seems we cannot fix, though, is pay-as-you-go. There seems to be some reluctance in this body. It used to be my colleagues voted with me on this issue. In fact, it took Democrats to pass it because there were not enough Republicans when all of them were voting for pay-as-you-go to pass anything, and some of us were voting with my colleagues or they with us, and we got it done. What was the result? A balanced budget for our country, and all of the sudden that balanced budget is gone out the window.

The Tanner substitute says we are not opposed to cutting taxes.

□ 1230

We are not increasing taxes with this amendment. That is a red herring, and folks on this side know better than to stand on this floor and say that it is.

What the underlying bill that everybody is going to vote for theoretically, I wish they were not, I wish they would vote for the substitute because it is a better bill. It does exactly what we want done. The only thing it does not do is borrow another $50 billion. Now, I think we have an obligation to ensure that future generations will be able to meet our commitments to Social Security and Medicare before we lock in reductions on revenue. My friends on the other side do not believe that anymore, and that is fine. That is a legitimate political position, and you are taking it over and over and over again. Fine. Just assume the responsibility for that.

The Tanner substitute tells the President and the Congress we have to start making some tough choices. You bring up a tax cut a week. You make these statements, send out these press releases, et cetera. That is wonderful. But the baby boomers are out there. They are about to begin retiring, reaching age 62 in 2008. And to lock in the lack of revenue to cover the obligations for them is not a good decision in my book.

Let me remind everyone, we are fighting a war, a war that has already cost us $150 billion and is costing another $4 billion a month, and we come to this body and we argue about how much we are going to reduce the amount of money that we have available to see that the troops gets the material, the protection, the armaments that they need to fight the war. We argue about how we are going to reduce that amount of money and shortchange them.

This is an amazing place, Mr. Speaker. Amazing how individuals can vote one way 4 or 5 years ago and vote another way today and explain it both ways. But that is exactly what the majority, all of the majority that were here in 1997, are doing. And by opposing the Tanner substitute, you are really opposing pay as you go.

I urge a vote for the Tanner substitute, and I will be one of those opposing borrowing another $50 billion without applying pay as you go.

Mr. TANNER. Mr. Speaker, I yield myself such time as I may consume.

What this debate is all about is the financial balance sheet of our country. As I said in my opening statement, this bill is just a symptom of a far greater problem.

I really, honestly do not believe the people of this country realize when bills like this are passed, unpaid for, all of those green lights that go up there are in effect putting a $218 billion, in this case, mortgage, another mortgage on our country in all of their names; because these Members who are going to vote for it are not going to pay it, and I think that is wrong.

But it goes beyond that. It is now a national security matter, as I discussed earlier. When one realizes that 70 percent of the deficit, $370 billion deficit last year, was financed by foreign interests, they are gaining leverage every day on this country.

My grandfather told me one time, he said, John, it is easier to foreclose a man's house than it is to shoot your way in the front door. Now, you think about that. China is not always going to see the world the same as we do. Neither are the Japanese. Neither are any of these other countries around the world, because they have their own interests that they must see to. And when we are depending on foreign interests to finance record deficits, we are acting irresponsibly when it comes to the national security of this country. I firmly believe that. That is number one.

Number two, again, I do not think people understand that since President Bush took office, and we have had virtually a one-party government in this country, they have borrowed $1.1 billion every day. Now, if one were running a private enterprise like that, the stockholders would fire them, or they would be in Chapter 11 bankruptcy. The only difference is, with government, we can continue to borrow on the good faith and credit of the American economy.

But let me get back to this foreign thing, because I think that really is something that people can understand. Did you realize that a former official of the People's Bank of China, the country's central bank in Beijing, and now an economist in Hong Kong was recently quoted in the Washington Post as saying the U.S. dollar is now at the mercy of Asian governments? In the London Financial Times I read where Europe is incredibly worried about the fiscal irresponsibility of our country.

I just did some figuring. Just so far this year we have already written interest checks of over $100 billion, just in the first 7 months. That is $14 billion in interest a month this year. Said another way, we are spending $475 million a day on interest, every day. Since we started this debate a while ago, we have since spent $20 million in the last hour on interest. That is $330,000 a minute or $5,550 a second that we are spending on interest for which this country gets no health care, no education, no military, no anything that will enable private enterprise to grow, flourish and create jobs.

They say, well, you know, if we can just keep cutting taxes, the economy is going to grow. Under that theory, if you abolished all taxes, the country would be filthy rich. Somebody has to pay at some point a minimum level of taxes to buy aircraft carriers, to buy tanks, to buy body armor. I think the gentleman from Texas (Mr. STENHOLM) said the free lunch is still being invented, and one cannot continue to reduce revenue, increase spending, borrow it all, and not expect to see a financial Armageddon down the line. How far down the line, I do not know. I know this: It is much closer today than it was when I got here 16 years ago.

And I know this: that the Chinese particularly will not continue to buy our paper at a relatively low rate of return, to hold their yen, their currency, artificially low so they can kill us on the trade deficit. I know that that will not continue forever. And I know that sometime in the future, whether it is OPEC, Asia, or whomever, they are not going to view the world the same way we do. And by our actions here today, and again this is just a symptom of a far greater problem, by our utter refusal to ask Americans to either cut back or to pay for what we are getting, we are putting this country in real, clear and present danger with this foreign holding business.

I do not know how else to put it. I must tell you, this is not going to go away, and it is going to get worse with every passing day because we are now paying interest on interest. There is not a reputable economist that I know that does not say that our country is now in a structural deficit. This is not cyclical, where we have a recession. We are now in a structural deficit. The budget they presented, is $500 billion in the red this year, and they say, well, we are going to cut that in half in 5 years. But they borrow another trillion dollars under their game plan, which is the best they can do. At 5 percent, another trillion dollars is a tax increase on 290 million people of $50 billion a year every year.

Now, that is just on 1 trillion. They have already run through that, and now almost at $1.5 trillion at $1.1 billion a day. This is financial madness. And so when my friends complain about spending, the Republicans have controlled the House for the last 9½ years. The Democrats have not spent one thin dime. We do not have the votes to spend any money. We cannot spend any money, we do not control anything, the Committee on Appropriations, nothing. So when my colleagues talk about spending, I suggest they look in the mirror. You guys are the ones spending all the money. We do not have the votes.

So I just tell you, Mr. Speaker, our country is engaged in a death spiral financially. If we were in an airplane, unless we did something different, we are going to hit the ground. We cannot continue to do this. This bill may be good intentioned, but this substitute says, look, we have to pay for it. We have asked the top .02 percent of the people in this country to help us do that. I do not think that is too much to ask.

I had a friend who had an eighth-grade education. He was an old World War II guy who went out on his own and he made it big. I asked him one time, I said, John, what do you want to do in your life? He said I have two goals, two financial goals. I said, what are they? He said, the first one is I want to owe the bank $5 million. I said, that is crazy, man. He said, no, it is not, because if they will let me have $5 million, that means they think I have got 10. And he said, the other thing I want to do is I want to pay $1 million a year in income tax, because that means I made 3. And if this country allowed me, with an eighth-grade education to make $3 million a year, you bet I will be glad to pay a million for that privilege of living in this great land that I have known and I want to leave to my children.

What we are doing now is doing violence to what that man was willing to do coming out of World War II with an eighth-grade education. I just beg and implore people to think about this and let us see if we cannot work somehow together. I know you are going to mortgage the country for another $218 billion in a minute, but surely we can do better than this. This is an outrage to the future of this country and it is an outrage to those who came before us.

Mr. Speaker, I yield back the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume to close.

Well, where to begin? Well, we have seen a lot of revisionist history practiced on the floor today during this debate. I think it is important to look at what this country has faced in the last few years.

What happened to this country? Well, in 2001 the President was sworn into office and we were going into a recession. What we found on September 11 of 2001 was that we were on the precipice of going into a recession. It looked inevitable that we were going to have a recession, but maybe we were going to pull out of it. But 9/11 put us into that recession.

We went into a recession where our revenues to this country dive-bombed. But what happened after that? Then we found some people were crooked in the boardrooms of America, and we had corporate scandal after corporate scandal after corporate scandal. And what happened? We went deeper into recession and our revenues plummeted. Because we saw that Americans' faith in the corporations of America, because of the Enron scandal, the Global Crossing scandal, and the WorldCom scandal, shook the foundation of our enterprise system.

What happened also at that time? Well, Mr. Speaker, we were engaged in war in response to 9/11. We had to spend more money because we had a war in Afghanistan, we had a Department of Homeland Security to try to make ourselves harder targets to hit, to play better defense in the war on terrorism. That costs money. The fundamental and first responsibility of the Federal Government is to protect the safety and security of the American people. In post 9/11 government, that means we had to spend more money on security.

So, yes, spending went up. Spending went up, I would argue, for a very important reason. And, you know what? Revenues went down. They went down because we went into a recession, we got deeper into a recession with 9/11, and we got still lower revenues and a worse recession because of these corporate scandals.

But the great story in all of this, Mr. Speaker, is the incredible resiliency of the American worker, of the American citizen, of the American economy. The American economy is rebounding from all of that. Most times in America you get hit with one of these calamities, a war, an act of terrorism, or a recession, but they happened all at the same time in this country. And what is so wonderful about this is how well we have responded to it.

Now, yes, spending went up, the debt obviously went up, and revenues went down. But the good story in all of this, Mr. Speaker, is that in large part because of the tax cuts that passed, that helped ignite this economic recovery, and we are working and growing ourselves out of this. Now, we have many problems that clearly need solving. We are still involved in a war and we see that on other TV sets every day. We still have a lot of people who need work. But it is a wonderful thing that more than a million people found work since last August. It is even better that about 300,000 people found work last month.

☐ 1245

Mr. Speaker, we still have challenges, and that is why we are seeing what is coming to the floor this week, all of these pieces of legislation to try and get this economy back on its feet, to get people their jobs back.

One of the things we are focusing on just this week and the next 7 weeks in the House of Representatives is to do things to make it so we are more competitive in the global economy. We look at what it takes to get jobs in this economy. How do we bring the lagging manufacturing sector back on its feet? When we look at the problems facing the competitiveness of the American company, we look at the problems facing the competitiveness of the American worker, taxes, number one; health care costs, number two; regulatory costs; litigation costs with lawsuits; and energy costs.

What is this Congress doing? Well, we had a comprehensive energy policy brought through the House of Representatives to bring down the cost of energy and make us less dependent on foreign sources of energy: filibustered in the other body. Regulatory reform, we are bringing a whole week's worth of legislation down to the floor in a matter of days to work on reducing the cost of regulations. Tort reform, we have passed tort reform bill after tort reform bill after tort reform bill. Class action reform, medical liability reform, all being filibustered in the other body.

What are we doing about taxes? This is an area where this Congress has produced because we have been able to get these bills passed through the other body and signed into law by the President. So we see this recovery under way.

One of the areas where this recovery has really rebound is in small businesses. As I mentioned earlier, small businesses create 70 percent of the jobs we have in America. Small manufacturers in America today pay higher taxes than our competitors overseas, especially China and India. We have to make our small manufacturers more competitive.

What this substitute does is it takes away the very policy that is igniting this economic recovery. It puts taxes on small businesses. More importantly, if we fail to pass this underlying legislation, it will put higher taxes on low-income workers. I mentioned earlier that over half of all taxpayers hit by the surtax in the Tanner substitute are small businesses. I misspoke. Seventy-five percent of all taxpayers hit by this surtax report small business income, sole proprietorships, partnerships, men and women in America who are putting their own capital at risk to start a small business, to hire people and bring them back to work. That is the engine of economic growth that is fueling this recovery.

Why on Earth we want to hit these people, the creators of jobs in America, with a new high tax to try to pay for a temporary tax cut which we are making permanent in the base bill is beyond me.

Now, it is important that Members note the differences in philosophy here. By raising taxes, as a vote against this bill will do, takes the pressure off the need to reduce spending. If we always go for the old answer of let us just raise taxes, let us allow taxes to go back up, raise taxes on small businesses, that will bring in more revenue to the government, possibly. Possibly.

But what it for sure will do is take pressure off the Congress and our Federal Government to cut spending. We want to cut spending. I think the gentleman from Tennessee (Mr. TANNER) was right when he said we could have done a better job over the last 8 to 9 years in cutting spending. I very much agree with that. I think we can do a better job; but what is also important to say, which was left out, over these 8 or 9 years, in passing the spending bills we have passed in this Congress, they have always done so by defeating higher spending increases that have been proposed time after time from the other side of the aisle.

So, Mr. Speaker, what this is about is ensuring the recovery continues, making sure that 23 million low-income Americans and 73 million taxpayers do not see a big tax increase next year. What this is about is making sure that the pressure is put on Congress in the right way, not raising taxes, but keeping taxes low and cutting spending. That is the emphasis that is placed in this bill. That is what we are voting for here.

I urge my colleagues to vote "no" against the Tanner tax increase substitute and vote "yes" for the base bill so that 23 million low-income Americans can see this tax relief in reality for the rest of their lives and so that the rest can make sure they are not going to wake up next year with a big tax increase.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am deeply disturbed by the fact that once again this body is forced to engage in a debate on the merits of a truly irresponsible fiscal policy. No doubt that this debate will go back and forth between those who will demand tax cuts and those who will be against them, but one fact is undisputable, if we adopt H.R. 4275 in its original form then our national deficit will grown even larger. Maybe the Members on the other side of the aisle can live with an enormous national deficit that grows larger by the day, but I surely cannot.

This is why I am in full support of the Rangel Substitute which offers a responsible way to extend the 10-percent individual income tax rate bracket. Under the Rangel Substitute, these middle-class tax cuts actually benefit the middle class. I know it might shock my colleagues on the other side of the aisle that there could be tax cuts that might actually help Americans who are not in the top 1 percent of income earners. I'm sure we will hear the argument that the richest of Americans need tax cuts because they are the ones who will invest back in America, but I have yet to see the logic come to fruition. What I see is a deficit that is expected to exceed last year's record deficit by at least $60 billion—and to total at least $2 trillion over the coming decade—and yet here we are again on the floor of this legislative body on the verge of passing even more tax cuts that have no offset. H.R. 4275 in its original form will add another $218 billion that will have to be paid for by future generations. I'm sure the millionaires of today will enjoy their additional tax cuts, I'm sure they'll spend their savings wisely, but meanwhile their good fortune is coming at the expense of a future generation of Americans, many of whom are not even born yet. The good fortune that American millionaires enjoy today will be a burden on those yet unborn Americans in the form of exponentially higher taxes and higher interest rates. This phantom menace that will burden future Americans can truly be called a "birth tax." My colleagues from the other side of the aisle can talk for days about the unfairness of higher taxes for today's millionaires, but all the talking in the world can not change the fact that this irresponsible tax policy is most unfair to those Americans who don't yet even have a voice to make their opposition known.

There is no doubt that the proponents of H.R. 4275 will make the argument that this legislation will put more money back in the pockets of hard working Americans, but the truth is far from their tired rhetoric. The truth of H.R. 4275 in its original form is that it excludes far more average Americans than it actually helps. This proposed legislation denies the tax cut to any household on the Alternative Minimum Tax (AMT). There will be 33 million households by 2010 that will be on the AMT, those 33 million households make up one-third of all taxpayers and they would receive absolutely no benefit from this proposal. By 2010, almost half of AMT taxpayers would be households in the $50,000 to $100,000 gross income range. Now I ask, does this sound like legislation that truly benefits America's middle class? Too many average Americans are not seeing a benefit; instead they are being fed a steady diet of misinformation and irresponsible policies. The Rangel substitute addresses all these loopholes that allows so many Americans to fall through the cracks and not receive real tax relief.

The Rangel Substitute is the only legislation currently on the floor that offers the full and true version of the 10-percent bracket and it does so while still being fiscally responsible. Plain and simple, the Rangel Substitute is the only legislation that will actually help middle-class Americans as the sponsors of H.R. 4275 purport to do. I am certain my colleagues from the other side of the aisle will vote against the Rangel Substitute because God forbid that Americans who are millionaires might get a few thousand dollars less in tax cuts in order to help other Americans who actually need a tax cut. That's where the crux of this debate on taxes is, Republicans will talk endlessly on the need for tax cuts that benefit the richest Americans and the richest businesses, but I can not argue against that more strenuously. Lower and middle-class Americans need a tax cut, America's small businesses need and deserve a tax cut. The truly sad fact is that we can provide this relief to Americans who need it and we can do it without handcuffing future generations with a large national deficit, but the majority party in this body refuses to accept that solution. The Rangel Substitute puts money back in the pockets of middle-class Americans by making a minute adjustment to the tax rate for households that earn over $1 million a year. This rate adjustment leaves these millionaire households with annual tax cuts which will still well exceed $100,000 per year. How much more money do millionaires need? Meanwhile, lower and middle class Americans are struggling to both make a living and have savings for the future, maybe to buy a home or to send their children to college. This gross inequity in our current tax structure between millionaires and average Americans is just appalling. I urge all my colleagues to vote for the Rangel Substitute and I appeal to the Members on the other side of the aisle, that if you really care for average Americans as you say you do, then the only sensible option you have is to vote the Rangel Substitute. Extending tax relief for middle-class Americans is an admirable goal, but creating irresponsible legislation like H.R. 4275 is not.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate on the amendment has expired.

Pursuant to House Resolution 637, the previous question is ordered on the bill and on the amendment offered by the gentleman from Tennessee (Mr. TANNER).

The question is on the amendment in the nature of a substitute offered by the gentleman from Tennessee (Mr. TANNER).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. TANNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 190, nays 227, not voting 16, as follows:

[Roll No. 169]

YEAS—190

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—227

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hooley (OR)
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—16

Blunt
Capito
Deal (GA)
DeMint
Filner
Goss
Hulshof
Israel
Lewis (GA)
Majette
Quinn
Reyes
Scott (GA)
Shadegg
Tauzin
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1312

Mr. FARR and Mr. PAYNE changed their vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 169, I was attending to official business in my congressional district, and I missed the vote. Had I been present, I would have voted "aye."

Stated against:

Mr. GOSS. Mr. Speaker, on rollcall No. 169, Tanner amendment in nature of substitute, had I been present, I would have voted "no."

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RYAN of Wisconsin. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage will be followed by a 5-minute vote on the motion to instruct conferees on Senate Concurrent Resolution 95.

The vote was taken by electronic device, and there were—ayes 344, noes 76, not voting 13, as follows:

[Roll No. 170]

AYES—344

Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker

Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—76

Abercrombie
Andrews
Ballance
Becerra
Berry
Blumenauer
Brady (PA)
Capps
Carson (IN)
Conyers
Cooper
Cummings
Davis (FL)
Davis (IL)
DeGette
Dicks
Dingell
Doggett
Doyle
Emanuel
Fattah
Frank (MA)
Grijalva
Hastings (FL)
Hill
Hinchey
Holt
Houghton
Hoyer
Inslee
Jackson (IL)
Jefferson
Kanjorski
Kucinich
Larsen (WA)
Lee
McCarthy (MO)
McDermott
McGovern
Menendez
Mollohan
Murtha
Napolitano
Neal (MA)
Pallone
Pascrell
Pastor
Payne
Pelosi
Rangel
Roybal-Allard
Ruppersberger
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Scott (VA)
Serrano
Sherman
Smith (WA)
Solis
Stark
Stenholm
Tanner
Taylor (MS)
Thompson (CA)
Tierney
Towns
Turner (TX)
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Wexler
Woolsey

NOT VOTING—13

Deal (GA)
DeMint
Filner
Goss
Hulshof
Israel
Lewis (GA)
Majette
Quinn
Reyes
Scott (GA)
Shadegg
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1330

Ms. WATERS, Ms. LINDA T. SÁNCHEZ of California, Ms. MCCARTHY of Missouri, and Mr. CUMMINGS changed their vote from "aye" to "no."

Mr. RUSH and Mr. WELLER changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GOSS. Mr. Speaker, on rollcall No. 170, final passage of H.R. 4275, had I been present, I would have voted "aye."

Mr. FILNER. Mr. Speaker, on rollcall No. 170, I was attending to official business in my congressional district, and I missed the vote. Had I been present, I would have voted "aye."

GENERAL LEAVE

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 4275.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON S. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on Senate Concurrent Resolution 95.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from North Dakota (Mr. POMEROY) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 207, nays 211, not voting 15, as follows:

[Roll No. 171]

YEAS—207

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin

Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—211

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (NY)
Kingston
Kirk
Kline
Knollenberg
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Deal (GA)
DeMint
Filner
Goode
Hulshof
Israel
King (IA)
Lewis (GA)
Majette
Murtha
Quinn
Reyes
Scott (GA)
Shadegg
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1341

Mr. GILCHREST changed his vote from "yea" to "nay."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 171, I was attending to official business in my Congressional District, and I missed the vote. Had I been present, I would have voted "aye."

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 2432, PAPERWORK AND REGULATORY IMPROVEMENTS ACT OF 2003; H.R. 2728, OCCUPATIONAL SAFETY AND HEALTH SMALL BUSINESS DAY IN COURT ACT OF 2004; H.R. 2729, OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION EFFICIENCY ACT OF 2004; H.R. 2730, OCCUPATIONAL SAFETY AND HEALTH INDEPENDENT REVIEW OF OSHA CITATIONS ACT OF 2004; AND H.R. 2731, OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE ACT OF 2004

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of May 17 to grant a rule which could limit the amendment process for floor consideration of one or more of the following: H.R. 2432, Paperwork and Regulatory Improvements Act of 2003; H.R. 2728, Occupational Safety and Health Small Business Day in Court Act of 2004; H.R. 2729, Occupational Safety and Health Review Commission Efficiency Act of 2004; H.R. 2730, Occupational Safety and Health Independent Review of OSHA Citations Act of 2004; and H.R. 2731, Occupational Safety and Health Small Employer Access to Justice Act of 2004.

Mr. Speaker, any Member wishing to offer an amendment to any of these bills should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 11 a.m. on Monday, May 17, 2004.

Members should draft their amendments to the text of H.R. 2432 as reported by the Committee on Government Reform on May 12, which is expected to be filed on Friday, May 14. Members are also advised that the text of H.R. 2432 should be available for their review on the Web site of the Committee on Government Reform and the Committee on Rules today, Thursday, May 13, 2004.

Members should draft their amendments to the texts of H.R. 2728, H.R. 2729, H.R. 2730, and H.R. 2731 as reported by the Committee on Education and the Workforce on May 5, 2004, which will be filed momentarily. Members are also advised that the text of these bills should be available for their review on the Web sites of the Committee on Education and the Workforce and the Committee on Rules today, Thursday, May 13, 2004.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

SMALL BUSINESS HEALTH FAIRNESS ACT OF 2004

Mr. BOEHNER. Mr. Speaker, pursuant to House Resolution 638, I call up the bill (H.R. 4281) to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to H. Res. 638, the bill is considered read for amendment.

The text of H.R. 4281 is as follows:

H.R. 4281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Health Fairness Act of 2004".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Rules governing association health plans.
Sec. 3. Clarification of treatment of single employer arrangements.
Sec. 4. Enforcement provisions relating to association health plans.
Sec. 5. Cooperation between Federal and State authorities.
Sec. 6. Effective date and transitional and other rules.

SEC. 2. RULES GOVERNING ASSOCIATION HEALTH PLANS.

(a) IN GENERAL.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding after part 7 the following new part:

"PART 8—RULES GOVERNING ASSOCIATION HEALTH PLANS

"SEC. 801. ASSOCIATION HEALTH PLANS.

"(a) IN GENERAL.—For purposes of this part, the term 'association health plan' means a group health plan whose sponsor is (or is deemed under this part to be) described in subsection (b).

"(b) SPONSORSHIP.—The sponsor of a group health plan is described in this subsection if such sponsor—

“(1) is organized and maintained in good faith, with a constitution and bylaws specifically stating its purpose and providing for periodic meetings on at least an annual basis, as a bona fide trade association, a bona fide industry association (including a rural electric cooperative association or a rural telephone cooperative association), a bona fide professional association, or a bona fide chamber of commerce (or similar bona fide business association, including a corporation or similar organization that operates on a cooperative basis (within the meaning of section 1381 of the Internal Revenue Code of 1986)), for substantial purposes other than that of obtaining or providing medical care;

“(2) is established as a permanent entity which receives the active support of its members and requires for membership payment on a periodic basis of dues or payments necessary to maintain eligibility for membership in the sponsor; and

“(3) does not condition membership, such dues or payments, or coverage under the plan on the basis of health status-related factors with respect to the employees of its members (or affiliated members), or the dependents of such employees, and does not condition such dues or payments on the basis of group health plan participation.

Any sponsor consisting of an association of entities which meet the requirements of paragraphs (1), (2), and (3) shall be deemed to be a sponsor described in this subsection.

“SEC. 802. CERTIFICATION OF ASSOCIATION HEALTH PLANS.

“(a) In General.—The applicable authority shall prescribe by regulation a procedure under which, subject to subsection (b), the applicable authority shall certify association health plans which apply for certification as meeting the requirements of this part.

“(b) Standards.—Under the procedure prescribed pursuant to subsection (a), in the case of an association health plan that provides at least one benefit option which does not consist of health insurance coverage, the applicable authority shall certify such plan as meeting the requirements of this part only if the applicable authority is satisfied that the applicable requirements of this part are met (or, upon the date on which the plan is to commence operations, will be met) with respect to the plan.

“(c) Requirements Applicable to Certified Plans.—An association health plan with respect to which certification under this part is in effect shall meet the applicable requirements of this part, effective on the date of certification (or, if later, on the date on which the plan is to commence operations).

“(d) Requirements for Continued Certification.—The applicable authority may provide by regulation for continued certification of association health plans under this part.

“(e) Class Certification for Fully Insured Plans.—The applicable authority shall establish a class certification procedure for association health plans under which all benefits consist of health insurance coverage. Under such procedure, the applicable authority shall provide for the granting of certification under this part to the plans in each class of such association health plans upon appropriate filing under such procedure in connection with plans in such class and payment of the prescribed fee under section 807(a).

“(f) Certification of Self-Insured Association Health Plans.—An association health plan which offers one or more benefit options which do not consist of health insurance coverage may be certified under this part only if such plan consists of any of the following:

“(1) a plan which offered such coverage on the date of the enactment of the Small Business Health Fairness Act of 2004,

“(2) a plan under which the sponsor does not restrict membership to one or more trades and businesses or industries and whose eligible participating employers represent a broad cross-section of trades and businesses or industries, or

“(3) a plan whose eligible participating employers represent one or more trades or businesses, or one or more industries, consisting of any of the following: agriculture; equipment and automobile dealerships; barbering and cosmetology; certified public accounting practices; child care; construction; dance, theatrical and orchestra productions; disinfecting and pest control; financial services; fishing; foodservice establishments; hospitals; labor organizations; logging; manufacturing (metals); mining; medical and dental practices; medical laboratories; professional consulting services; sanitary services; transportation (local and freight); warehousing; wholesaling/distributing; or any other trade or business or industry which has been indicated as having average or above-average risk or health claims experience by reason of State rate filings, denials of coverage, proposed premium rate levels, or other means demonstrated by such plan in accordance with regulations.

“SEC. 803. REQUIREMENTS RELATING TO SPONSORS AND BOARDS OF TRUSTEES.

“(a) Sponsor.—The requirements of this subsection are met with respect to an association health plan if the sponsor has met (or is deemed under this part to have met) the requirements of section 801(b) for a continuous period of not less than 3 years ending with the date of the application for certification under this part.

“(b) Board of Trustees.—The requirements of this subsection are met with respect to an association health plan if the following requirements are met:

“(1) Fiscal control.—The plan is operated, pursuant to a trust agreement, by a board of trustees which has complete fiscal control over the plan and which is responsible for all operations of the plan.

“(2) Rules of operation and financial controls.—The board of trustees has in effect rules of operation and financial controls, based on a 3-year plan of operation, adequate to carry out the terms of the plan and to meet all requirements of this title applicable to the plan.

“(3) Rules governing relationship to participating employers and to contractors.—

“(A) Board membership.—

“(i) In general.—Except as provided in clauses (ii) and (iii), the members of the board of trustees are individuals selected from individuals who are the owners, officers, directors, or employees of the participating employers or who are partners in the participating employers and actively participate in the business.

“(ii) Limitation.—

“(I) General rule.—Except as provided in subclauses (II) and (III), no such member is an owner, officer, director, or employee of, or partner in, a contract administrator or other service provider to the plan.

“(II) Limited exception for providers of services solely on behalf of the sponsor.—Officers or employees of a sponsor which is a service provider (other than a contract administrator) to the plan may be members of the board if they constitute not more than 25 percent of the membership of the board and they do not provide services to the plan other than on behalf of the sponsor.

“(III) Treatment of providers of medical care.—In the case of a sponsor which is an association whose membership consists primarily of providers of medical care, subclause (I) shall not apply in the case of any service provider described in subclause (I) who is a provider of medical care under the plan.

“(iii) Certain plans excluded.—Clause (i) shall not apply to an association health plan which is in existence on the date of the enactment of the Small Business Health Fairness Act of 2004.

“(B) Sole authority.—The board has sole authority under the plan to approve applications for participation in the plan and to contract with a service provider to administer the day-to-day affairs of the plan.

“(c) Treatment of Franchise Networks.—In the case of a group health plan which is established and maintained by a franchiser for a franchise network consisting of its franchisees—

“(1) the requirements of subsection (a) and section 801(a) shall be deemed met if such requirements would otherwise be met if the franchiser were deemed to be the sponsor referred to in section 801(b), such network were deemed to be an association described in section 801(b), and each franchisee were deemed to be a member (of the association and the sponsor) referred to in section 801(b); and

“(2) the requirements of section 804(a)(1) shall be deemed met.

The Secretary may by regulation define for purposes of this subsection the terms ‘franchiser’, ‘franchise network’, and ‘franchisee’.

“SEC. 804. PARTICIPATION AND COVERAGE REQUIREMENTS.

“(a) Covered Employers and Individuals.—The requirements of this subsection are met with respect to an association health plan if, under the terms of the plan—

“(1) each participating employer must be—

“(A) a member of the sponsor,

“(B) the sponsor, or

“(C) an affiliated member of the sponsor with respect to which the requirements of subsection (b) are met,

except that, in the case of a sponsor which is a professional association or other individual-based association, if at least one of the officers, directors, or employees of an employer, or at least one of the individuals who are partners in an employer and who actively participates in the business, is a member or such an affiliated member of the sponsor, participating employers may also include such employer; and

“(2) all individuals commencing coverage under the plan after certification under this part must be—

“(A) active or retired owners (including self-employed individuals), officers, directors, or employees of, or partners in, participating employers; or

“(B) the beneficiaries of individuals described in subparagraph (A).

“(b) Coverage of Previously Uninsured Employees.—In the case of an association health plan in existence on the date of the enactment of the Small Business Health Fairness Act of 2004, an affiliated member of the sponsor of the plan may be offered coverage under the plan as a participating employer only if—

“(1) the affiliated member was an affiliated member on the date of certification under this part; or

“(2) during the 12-month period preceding the date of the offering of such coverage, the affiliated member has not maintained or contributed to a group health plan with respect to any of its employees who would otherwise be eligible to participate in such association health plan.

“(c) Individual Market Unaffected.—The requirements of this subsection are met with respect to an association health plan if, under the terms of the plan, no participating employer may provide health insurance coverage in the individual market for any employee not covered under the plan which is similar to the coverage contemporaneously provided to employees of the employer under the plan, if such exclusion of the employee from coverage under the plan is based on a health status-related factor with respect to the employee and such employee would, but for such exclusion on such basis, be eligible for coverage under the plan.

“(d) Prohibition of Discrimination Against Employers and Employees Eligible to Participate.—The requirements of this subsection are met with respect to an association health plan if—

“(1) under the terms of the plan, all employers meeting the preceding requirements of this section are eligible to qualify as participating employers for all geographically available coverage options, unless, in the case of any such employer, participation or contribution requirements of the type referred to in section 2711 of the Public Health Service Act are not met;

“(2) upon request, any employer eligible to participate is furnished information regarding all coverage options available under the plan; and

“(3) the applicable requirements of sections 701, 702, and 703 are met with respect to the plan.

“SEC. 805. OTHER REQUIREMENTS RELATING TO PLAN DOCUMENTS, CONTRIBUTION RATES, AND BENEFIT OPTIONS.

“(a) In General.—The requirements of this section are met with respect to an association health plan if the following requirements are met:

“(1) Contents of governing instruments.—The instruments governing the plan include a written instrument, meeting the requirements of an instrument required under section 402(a)(1), which—

“(A) provides that the board of trustees serves as the named fiduciary required for plans under section 402(a)(1) and serves in the capacity of a plan administrator (referred to in section 3(16)(A));

“(B) provides that the sponsor of the plan is to serve as plan sponsor (referred to in section 3(16)(B)); and

“(C) incorporates the requirements of section 806.

“(2) Contribution rates must be nondiscriminatory.—

“(A) The contribution rates for any participating small employer do not vary on the basis of any health status-related factor in relation to employees of such employer or their beneficiaries and do not vary on the basis of the type of business or industry in which such employer is engaged.

“(B) Nothing in this title or any other provision of law shall be construed to preclude an association health plan, or a health insurance issuer offering health insurance coverage in connection with an association health plan, from—

“(i) setting contribution rates based on the claims experience of the plan; or

“(ii) varying contribution rates for small employers in a State to the extent that such rates could vary using the same methodology employed in such State for regulating premium rates in the small group market with respect to health insurance coverage offered in connection with bona fide associations (within the meaning of section 2791(d)(3) of the Public Health Service Act),

subject to the requirements of section 702(b) relating to contribution rates.

“(3) Floor for number of covered individuals with respect to certain plans.—If any benefit option under the plan does not consist of health insurance coverage, the plan has as of the beginning of the plan year not fewer than 1,000 participants and beneficiaries.

“(4) Marketing requirements.—

“(A) In general.—If a benefit option which consists of health insurance coverage is offered under the plan, State-licensed insurance agents shall be used to distribute to small employers coverage which does not consist of health insurance coverage in a manner comparable to the manner in which such agents are used to distribute health insurance coverage.

“(B) State-licensed insurance agents.—For purposes of subparagraph (A), the term ‘State-licensed insurance agents’ means one or more agents who are licensed in a State and are subject to the laws of such State relating to licensure, qualification, testing, examination, and continuing education of persons authorized to offer, sell, or solicit health insurance coverage in such State.

“(5) Regulatory requirements.—Such other requirements as the applicable authority determines are necessary to carry out the purposes of this part, which shall be prescribed by the applicable authority by regulation.

“(b) Ability of Association Health Plans to Design Benefit Options.—Subject to section 514(d), nothing in this part or any provision of State law (as defined in section 514(c)(1)) shall be construed to preclude an association health plan, or a health insurance issuer offering health insurance coverage in connection with an association health plan, from exercising its sole discretion in selecting the specific items and services consisting of medical care to be included as benefits under such plan or coverage, except (subject to section 514) in the case of (1) any law to the extent that it is not preempted under section 731(a)(1) with respect to matters governed by section 711, 712, or 713, or (2) any law of the State with which filing and approval of a policy type offered by the plan was initially obtained to the extent that such law prohibits an exclusion of a specific disease from such coverage.

“SEC. 806. MAINTENANCE OF RESERVES AND PROVISIONS FOR SOLVENCY FOR PLANS PROVIDING HEALTH BENEFITS IN ADDITION TO HEALTH INSURANCE COVERAGE.

“(a) In General.—The requirements of this section are met with respect to an association health plan if—

“(1) the benefits under the plan consist solely of health insurance coverage; or

“(2) if the plan provides any additional benefit options which do not consist of health insurance coverage, the plan—

“(A) establishes and maintains reserves with respect to such additional benefit options, in amounts recommended by the qualified actuary, consisting of—

“(i) a reserve sufficient for unearned contributions;

“(ii) a reserve sufficient for benefit liabilities which have been incurred, which have not been satisfied, and for which risk of loss has not yet been transferred, and for expected administrative costs with respect to such benefit liabilities;

“(iii) a reserve sufficient for any other obligations of the plan; and

“(iv) a reserve sufficient for a margin of error and other fluctuations, taking into account the specific circumstances of the plan; and

“(B) establishes and maintains aggregate and specific excess /stop loss insurance and solvency indemnification, with respect to such additional benefit options for which risk of loss has not yet been transferred, as follows:

“(i) The plan shall secure aggregate excess /stop loss insurance for the plan with an attachment point which is not greater than 125 percent of expected gross annual claims. The applicable authority may by regulation provide for upward adjustments in the amount of such percentage in specified circumstances in which the plan specifically provides for and maintains reserves in excess of the amounts required under subparagraph (A).

“(ii) The plan shall secure specific excess /stop loss insurance for the plan with an attachment point which is at least equal to an amount recommended by the plan's qualified actuary. The applicable authority may by regulation provide for adjustments in the amount of such insurance in specified circumstances in which the plan specifically provides for and maintains reserves in excess of the amounts required under subparagraph (A).

“(iii) The plan shall secure indemnification insurance for any claims which the plan is unable to satisfy by reason of a plan termination.

Any person issuing to a plan insurance described in clause (i), (ii), or (iii) of subparagraph (B) shall notify the Secretary of any failure of premium payment meriting cancellation of the policy prior to undertaking such a cancellation. Any regulations prescribed by the applicable authority pursuant to clause (i) or (ii) of subparagraph (B) may allow for such adjustments in the required levels of excess /stop loss insurance as the qualified actuary may recommend, taking into account the specific circumstances of the plan.

“(b) Minimum Surplus in Addition to Claims Reserves.—In the case of any association health plan described in subsection (a)(2), the requirements of this subsection are met if the plan establishes and maintains surplus in an amount at least equal to—

“(1) $500,000, or

“(2) such greater amount (but not greater than $2,000,000) as may be set forth in regulations prescribed by the applicable authority, considering the level of aggregate and specific excess /stop loss insurance provided with respect to such plan and other factors related to solvency risk, such as the plan's projected levels of participation or claims, the nature of the plan's liabilities, and the types of assets available to assure that such liabilities are met.

“(c) Additional Requirements.—In the case of any association health plan described in subsection (a)(2), the applicable authority may provide such additional requirements relating to reserves, excess /stop loss insurance, and indemnification insurance as the applicable authority considers appropriate. Such requirements may be provided by regulation with respect to any such plan or any class of such plans.

“(d) Adjustments for Excess /Stop Loss Insurance.—The applicable authority may provide for adjustments to the levels of reserves otherwise required under subsections (a) and (b) with respect to any plan or class of plans to take into account excess /stop loss insurance provided with respect to such plan or plans.

"(e) Alternative Means of Compliance.—The applicable authority may permit an association health plan described in subsection (a)(2) to substitute, for all or part of the requirements of this section (except subsection (a)(2)(B)(iii)), such security, guarantee, hold-harmless arrangement, or other financial arrangement as the applicable authority determines to be adequate to enable the plan to fully meet all its financial obligations on a timely basis and is otherwise no less protective of the interests of participants and beneficiaries than the requirements for which it is substituted. The applicable authority may take into account, for purposes of this subsection, evidence provided by the plan or sponsor which demonstrates an assumption of liability with respect to the plan. Such evidence may be in the form of a contract of indemnification, lien, bonding, insurance, letter of credit, recourse under applicable terms of the plan in the form of assessments of participating employers, security, or other financial arrangement.

"(f) Measures to Ensure Continued Payment of Benefits by Certain Plans in Distress.—

"(1) Payments by certain plans to association health plan fund.—

"(A) In general.—In the case of an association health plan described in subsection (a)(2), the requirements of this subsection are met if the plan makes payments into the Association Health Plan Fund under this subparagraph when they are due. Such payments shall consist of annual payments in the amount of $5,000, and, in addition to such annual payments, such supplemental payments as the Secretary may determine to be necessary under paragraph (2). Payments under this paragraph are payable to the Fund at the time determined by the Secretary. Initial payments are due in advance of certification under this part. Payments shall continue to accrue until a plan's assets are distributed pursuant to a termination procedure.

"(B) Penalties for failure to make payments.—If any payment is not made by a plan when it is due, a late payment charge of not more than 100 percent of the payment which was not timely paid shall be payable by the plan to the Fund.

"(C) Continued duty of the Secretary.—The Secretary shall not cease to carry out the provisions of paragraph (2) on account of the failure of a plan to pay any payment when due.

"(2) Payments by Secretary to continue excess /stop loss insurance coverage and indemnification insurance coverage for certain plans.—In any case in which the applicable authority determines that there is, or that there is reason to believe that there will be: (A) a failure to take necessary corrective actions under section 809(a) with respect to an association health plan described in subsection (a)(2); or (B) a termination of such a plan under section 809(b) or 810(b)(8) (and, if the applicable authority is not the Secretary, certifies such determination to the Secretary), the Secretary shall determine the amounts necessary to make payments to an insurer (designated by the Secretary) to maintain in force excess /stop loss insurance coverage or indemnification insurance coverage for such plan, if the Secretary determines that there is a reasonable expectation that, without such payments, claims would not be satisfied by reason of termination of such coverage. The Secretary shall, to the extent provided in advance in appropriation Acts, pay such amounts so determined to the insurer designated by the Secretary.

"(3) Association health plan fund.—

"(A) In general.—There is established on the books of the Treasury a fund to be known as the 'Association Health Plan Fund'. The Fund shall be available for making payments pursuant to paragraph (2). The Fund shall be credited with payments received pursuant to paragraph (1)(A), penalties received pursuant to paragraph (1)(B); and earnings on investments of amounts of the Fund under subparagraph (B).

"(B) Investment.—Whenever the Secretary determines that the moneys of the fund are in excess of current needs, the Secretary may request the investment of such amounts as the Secretary determines advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

"(g) Excess /Stop Loss Insurance.—For purposes of this section—

"(1) Aggregate excess /stop loss insurance.—The term 'aggregate excess /stop loss insurance' means, in connection with an association health plan, a contract—

"(A) under which an insurer (meeting such minimum standards as the applicable authority may prescribe by regulation) provides for payment to the plan with respect to aggregate claims under the plan in excess of an amount or amounts specified in such contract;

"(B) which is guaranteed renewable; and

"(C) which allows for payment of premiums by any third party on behalf of the insured plan.

"(2) Specific excess /stop loss insurance.—The term 'specific excess /stop loss insurance' means, in connection with an association health plan, a contract—

"(A) under which an insurer (meeting such minimum standards as the applicable authority may prescribe by regulation) provides for payment to the plan with respect to claims under the plan in connection with a covered individual in excess of an amount or amounts specified in such contract in connection with such covered individual;

"(B) which is guaranteed renewable; and

"(C) which allows for payment of premiums by any third party on behalf of the insured plan.

"(h) Indemnification Insurance.—For purposes of this section, the term 'indemnification insurance' means, in connection with an association health plan, a contract—

"(1) under which an insurer (meeting such minimum standards as the applicable authority may prescribe by regulation) provides for payment to the plan with respect to claims under the plan which the plan is unable to satisfy by reason of a termination pursuant to section 809(b) (relating to mandatory termination);

"(2) which is guaranteed renewable and noncancellable for any reason (except as the applicable authority may prescribe by regulation); and

"(3) which allows for payment of premiums by any third party on behalf of the insured plan.

"(i) Reserves.—For purposes of this section, the term 'reserves' means, in connection with an association health plan, plan assets which meet the fiduciary standards under part 4 and such additional requirements regarding liquidity as the applicable authority may prescribe by regulation.

"(j) Solvency Standards Working Group.—

"(1) In general.—Within 90 days after the date of the enactment of the Small Business Health Fairness Act of 2004, the applicable authority shall establish a Solvency Standards Working Group. In prescribing the initial regulations under this section, the applicable authority shall take into account the recommendations of such Working Group.

"(2) Membership.—The Working Group shall consist of not more than 15 members appointed by the applicable authority. The applicable authority shall include among persons invited to membership on the Working Group at least one of each of the following:

"(A) a representative of the National Association of Insurance Commissioners;

"(B) a representative of the American Academy of Actuaries;

"(C) a representative of the State governments, or their interests;

"(D) a representative of existing self-insured arrangements, or their interests;

"(E) a representative of associations of the type referred to in section 801(b)(1), or their interests; and

"(F) a representative of multiemployer plans that are group health plans, or their interests.

"SEC. 807. REQUIREMENTS FOR APPLICATION AND RELATED REQUIREMENTS.

"(a) Filing Fee.—Under the procedure prescribed pursuant to section 802(a), an association health plan shall pay to the applicable authority at the time of filing an application for certification under this part a filing fee in the amount of $5,000, which shall be available in the case of the Secretary, to the extent provided in appropriation Acts, for the sole purpose of administering the certification procedures applicable with respect to association health plans.

"(b) Information to Be Included in Application for Certification.—An application for certification under this part meets the requirements of this section only if it includes, in a manner and form which shall be prescribed by the applicable authority by regulation, at least the following information:

"(1) Identifying information.—The names and addresses of—

"(A) the sponsor; and

"(B) the members of the board of trustees of the plan.

"(2) States in which plan intends to do business.—The States in which participants and beneficiaries under the plan are to be located and the number of them expected to be located in each such State.

"(3) Bonding requirements.—Evidence provided by the board of trustees that the bonding requirements of section 412 will be met as of the date of the application or (if later) commencement of operations.

"(4) Plan documents.—A copy of the documents governing the plan (including any bylaws and trust agreements), the summary plan description, and other material describing the benefits that will be provided to participants and beneficiaries under the plan.

"(5) Agreements with service providers.—A copy of any agreements between the plan and contract administrators and other service providers.

"(6) Funding report.—In the case of association health plans providing benefits options in addition to health insurance coverage, a report setting forth information with respect to such additional benefit options determined as of a date within the 120-day period ending with the date of the application, including the following:

"(A) RESERVES.—A statement, certified by the board of trustees of the plan, and a statement of actuarial opinion, signed by a qualified actuary, that all applicable requirements of section 806 are or will be met in accordance with regulations which the applicable authority shall prescribe.

"(B) ADEQUACY OF CONTRIBUTION RATES.—A statement of actuarial opinion, signed by a qualified actuary, which sets forth a description of the extent to which contribution rates are adequate to provide for the payment of all obligations and the maintenance of required reserves under the plan for the 12-month period beginning with such date within such 120-day period, taking into account the expected coverage and experience of the plan. If the contribution rates are not fully adequate, the statement of actuarial opinion shall indicate the extent to which the rates are inadequate and the changes needed to ensure adequacy.

"(C) CURRENT AND PROJECTED VALUE OF ASSETS AND LIABILITIES.—A statement of actuarial opinion signed by a qualified actuary, which sets forth the current value of the assets and liabilities accumulated under the plan and a projection of the assets, liabilities, income, and expenses of the plan for the 12-month period referred to in subparagraph (B). The income statement shall identify separately the plan's administrative expenses and claims.

"(D) COSTS OF COVERAGE TO BE CHARGED AND OTHER EXPENSES.—A statement of the costs of coverage to be charged, including an itemization of amounts for administration, reserves, and other expenses associated with the operation of the plan.

"(E) OTHER INFORMATION.—Any other information as may be determined by the applicable authority, by regulation, as necessary to carry out the purposes of this part.

"(c) FILING NOTICE OF CERTIFICATION WITH STATES.—A certification granted under this part to an association health plan shall not be effective unless written notice of such certification is filed with the applicable State authority of each State in which at least 25 percent of the participants and beneficiaries under the plan are located. For purposes of this subsection, an individual shall be considered to be located in the State in which a known address of such individual is located or in which such individual is employed.

"(d) NOTICE OF MATERIAL CHANGES.—In the case of any association health plan certified under this part, descriptions of material changes in any information which was required to be submitted with the application for the certification under this part shall be filed in such form and manner as shall be prescribed by the applicable authority by regulation. The applicable authority may require by regulation prior notice of material changes with respect to specified matters which might serve as the basis for suspension or revocation of the certification.

"(e) REPORTING REQUIREMENTS FOR CERTAIN ASSOCIATION HEALTH PLANS.—An association health plan certified under this part which provides benefit options in addition to health insurance coverage for such plan year shall meet the requirements of section 103 by filing an annual report under such section which shall include information described in subsection (b)(6) with respect to the plan year and, notwithstanding section 104(a)(1)(A), shall be filed with the applicable authority not later than 90 days after the close of the plan year (or on such later date as may be prescribed by the applicable authority). The applicable authority may require by regulation such interim reports as it considers appropriate.

"(f) ENGAGEMENT OF QUALIFIED ACTUARY.—The board of trustees of each association health plan which provides benefits options in addition to health insurance coverage and which is applying for certification under this part or is certified under this part shall engage, on behalf of all participants and beneficiaries, a qualified actuary who shall be responsible for the preparation of the materials comprising information necessary to be submitted by a qualified actuary under this part. The qualified actuary shall utilize such assumptions and techniques as are necessary to enable such actuary to form an opinion as to whether the contents of the matters reported under this part—

"(1) are in the aggregate reasonably related to the experience of the plan and to reasonable expectations; and

"(2) represent such actuary's best estimate of anticipated experience under the plan.

The opinion by the qualified actuary shall be made with respect to, and shall be made a part of, the annual report.

"SEC. 808. NOTICE REQUIREMENTS FOR VOLUNTARY TERMINATION.

"Except as provided in section 809(b), an association health plan which is or has been certified under this part may terminate (upon or at any time after cessation of accruals in benefit liabilities) only if the board of trustees, not less than 60 days before the proposed termination date—

"(1) provides to the participants and beneficiaries a written notice of intent to terminate stating that such termination is intended and the proposed termination date;

"(2) develops a plan for winding up the affairs of the plan in connection with such termination in a manner which will result in timely payment of all benefits for which the plan is obligated; and

"(3) submits such plan in writing to the applicable authority.

Actions required under this section shall be taken in such form and manner as may be prescribed by the applicable authority by regulation.

"SEC. 809. CORRECTIVE ACTIONS AND MANDATORY TERMINATION.

"(a) ACTIONS TO AVOID DEPLETION OF RESERVES.—An association health plan which is certified under this part and which provides benefits other than health insurance coverage shall continue to meet the requirements of section 806, irrespective of whether such certification continues in effect. The board of trustees of such plan shall determine quarterly whether the requirements of section 806 are met. In any case in which the board determines that there is reason to believe that there is or will be a failure to meet such requirements, or the applicable authority makes such a determination and so notifies the board, the board shall immediately notify the qualified actuary engaged by the plan, and such actuary shall, not later than the end of the next following month, make such recommendations to the board for corrective action as the actuary determines necessary to ensure compliance with section 806. Not later than 30 days after receiving from the actuary recommendations for corrective actions, the board shall notify the applicable authority (in such form and manner as the applicable authority may prescribe by regulation) of such recommendations of the actuary for corrective action, together with a description of the actions (if any) that the board has taken or plans to take in response to such recommendations. The board shall thereafter report to the applicable authority, in such form and frequency as the applicable authority may specify to the board, regarding corrective action taken by the board until the requirements of section 806 are met.

"(b) MANDATORY TERMINATION.—In any case in which—

"(1) the applicable authority has been notified under subsection (a) (or by an issuer of excess /stop loss insurance or indemnity insurance pursuant to section 806(a)) of a failure of an association health plan which is or has been certified under this part and is described in section 806(a)(2) to meet the requirements of section 806 and has not been notified by the board of trustees of the plan that corrective action has restored compliance with such requirements; and

"(2) the applicable authority determines that there is a reasonable expectation that the plan will continue to fail to meet the requirements of section 806,

the board of trustees of the plan shall, at the direction of the applicable authority, terminate the plan and, in the course of the termination, take such actions as the applicable authority may require, including satisfying any claims referred to in section 806(a)(2)(B)(iii) and recovering for the plan any liability under subsection (a)(2)(B)(iii) or (e) of section 806, as necessary to ensure that the affairs of the plan will be, to the maximum extent possible, wound up in a manner which will result in timely provision of all benefits for which the plan is obligated.

"SEC. 810. TRUSTEESHIP BY THE SECRETARY OF INSOLVENT ASSOCIATION HEALTH PLANS PROVIDING HEALTH BENEFITS IN ADDITION TO HEALTH INSURANCE COVERAGE.

"(a) APPOINTMENT OF SECRETARY AS TRUSTEE FOR INSOLVENT PLANS.—Whenever the Secretary determines that an association health plan which is or has been certified under this part and which is described in section 806(a)(2) will be unable to provide benefits when due or is otherwise in a financially hazardous condition, as shall be defined by the Secretary by regulation, the Secretary shall, upon notice to the plan, apply to the appropriate United States district court for appointment of the Secretary as trustee to administer the plan for the duration of the insolvency. The plan may appear as a party and other interested persons may intervene in the proceedings at the discretion of the court. The court shall appoint such Secretary trustee if the court determines that the trusteeship is necessary to protect the interests of the participants and beneficiaries or providers of medical care or to avoid any unreasonable deterioration of the financial condition of the plan. The trusteeship of such Secretary shall continue until the conditions described in the first sentence of this subsection are remedied or the plan is terminated.

"(b) POWERS AS TRUSTEE.—The Secretary, upon appointment as trustee under subsection (a), shall have the power—

"(1) to do any act authorized by the plan, this title, or other applicable provisions of law to be done by the plan administrator or any trustee of the plan;

"(2) to require the transfer of all (or any part) of the assets and records of the plan to the Secretary as trustee;

"(3) to invest any assets of the plan which the Secretary holds in accordance with the provisions of the plan, regulations prescribed by the Secretary, and applicable provisions of law;

"(4) to require the sponsor, the plan administrator, any participating employer, and any employee organization representing plan participants to furnish any information with respect to the plan which the Secretary as trustee may reasonably need in order to administer the plan;

“(5) to collect for the plan any amounts due the plan and to recover reasonable expenses of the trusteeship;

“(6) to commence, prosecute, or defend on behalf of the plan any suit or proceeding involving the plan;

“(7) to issue, publish, or file such notices, statements, and reports as may be required by the Secretary by regulation or required by any order of the court;

“(8) to terminate the plan (or provide for its termination in accordance with section 809(b)) and liquidate the plan assets, to restore the plan to the responsibility of the sponsor, or to continue the trusteeship;

“(9) to provide for the enrollment of plan participants and beneficiaries under appropriate coverage options; and

“(10) to do such other acts as may be necessary to comply with this title or any order of the court and to protect the interests of plan participants and beneficiaries and providers of medical care.

“(c) NOTICE OF APPOINTMENT.—As soon as practicable after the Secretary's appointment as trustee, the Secretary shall give notice of such appointment to—

“(1) the sponsor and plan administrator;

“(2) each participant;

“(3) each participating employer; and

“(4) if applicable, each employee organization which, for purposes of collective bargaining, represents plan participants.

“(d) ADDITIONAL DUTIES.—Except to the extent inconsistent with the provisions of this title, or as may be otherwise ordered by the court, the Secretary, upon appointment as trustee under this section, shall be subject to the same duties as those of a trustee under section 704 of title 11, United States Code, and shall have the duties of a fiduciary for purposes of this title.

“(e) OTHER PROCEEDINGS.—An application by the Secretary under this subsection may be filed notwithstanding the pendency in the same or any other court of any bankruptcy, mortgage foreclosure, or equity receivership proceeding, or any proceeding to reorganize, conserve, or liquidate such plan or its property, or any proceeding to enforce a lien against property of the plan.

“(f) JURISDICTION OF COURT.—

“(1) IN GENERAL.—Upon the filing of an application for the appointment as trustee or the issuance of a decree under this section, the court to which the application is made shall have exclusive jurisdiction of the plan involved and its property wherever located with the powers, to the extent consistent with the purposes of this section, of a court of the United States having jurisdiction over cases under chapter 11 of title 11, United States Code. Pending an adjudication under this section such court shall stay, and upon appointment by it of the Secretary as trustee, such court shall continue the stay of, any pending mortgage foreclosure, equity receivership, or other proceeding to reorganize, conserve, or liquidate the plan, the sponsor, or property of such plan or sponsor, and any other suit against any receiver, conservator, or trustee of the plan, the sponsor, or property of the plan or sponsor. Pending such adjudication and upon the appointment by it of the Secretary as trustee, the court may stay any proceeding to enforce a lien against property of the plan or the sponsor or any other suit against the plan or the sponsor.

“(2) VENUE.—An action under this section may be brought in the judicial district where the sponsor or the plan administrator resides or does business or where any asset of the plan is situated. A district court in which such action is brought may issue process with respect to such action in any other judicial district.

“(g) PERSONNEL.—In accordance with regulations which shall be prescribed by the Secretary, the Secretary shall appoint, retain, and compensate accountants, actuaries, and other professional service personnel as may be necessary in connection with the Secretary's service as trustee under this section.

“SEC. 811. STATE ASSESSMENT AUTHORITY.

“(a) IN GENERAL.—Notwithstanding section 514, a State may impose by law a contribution tax on an association health plan described in section 806(a)(2), if the plan commenced operations in such State after the date of the enactment of the Small Business Health Fairness Act of 2004.

“(b) CONTRIBUTION TAX.—For purposes of this section, the term ‘contribution tax’ imposed by a State on an association health plan means any tax imposed by such State if—

“(1) such tax is computed by applying a rate to the amount of premiums or contributions, with respect to individuals covered under the plan who are residents of such State, which are received by the plan from participating employers located in such State or from such individuals;

“(2) the rate of such tax does not exceed the rate of any tax imposed by such State on premiums or contributions received by insurers or health maintenance organizations for health insurance coverage offered in such State in connection with a group health plan;

“(3) such tax is otherwise nondiscriminatory; and

“(4) the amount of any such tax assessed on the plan is reduced by the amount of any tax or assessment otherwise imposed by the State on premiums, contributions, or both received by insurers or health maintenance organizations for health insurance coverage, aggregate excess /stop loss insurance (as defined in section 806(g)(1)), specific excess /stop loss insurance (as defined in section 806(g)(2)), other insurance related to the provision of medical care under the plan, or any combination thereof provided by such insurers or health maintenance organizations in such State in connection with such plan.

“SEC. 812. DEFINITIONS AND RULES OF CONSTRUCTION.

“(a) DEFINITIONS.—For purposes of this part—

“(1) GROUP HEALTH PLAN.—The term ‘group health plan’ has the meaning provided in section 733(a)(1) (after applying subsection (b) of this section).

“(2) MEDICAL CARE.—The term ‘medical care’ has the meaning provided in section 733(a)(2).

“(3) HEALTH INSURANCE COVERAGE.—The term ‘health insurance coverage’ has the meaning provided in section 733(b)(1).

“(4) HEALTH INSURANCE ISSUER.—The term ‘health insurance issuer’ has the meaning provided in section 733(b)(2).

“(5) APPLICABLE AUTHORITY.—The term ‘applicable authority’ means the Secretary, except that, in connection with any exercise of the Secretary's authority regarding which the Secretary is required under section 506(d) to consult with a State, such term means the Secretary, in consultation with such State.

“(6) HEALTH STATUS-RELATED FACTOR.—The term ‘health status-related factor’ has the meaning provided in section 733(d)(2).

“(7) INDIVIDUAL MARKET.—

“(A) IN GENERAL.—The term ‘individual market’ means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

“(B) TREATMENT OF VERY SMALL GROUPS.—

“(i) IN GENERAL.—Subject to clause (ii), such term includes coverage offered in connection with a group health plan that has fewer than 2 participants as current employees or participants described in section 732(d)(3) on the first day of the plan year.

“(ii) STATE EXCEPTION.—Clause (i) shall not apply in the case of health insurance coverage offered in a State if such State regulates the coverage described in such clause in the same manner and to the same extent as coverage in the small group market (as defined in section 2791(e)(5) of the Public Health Service Act) is regulated by such State.

“(8) PARTICIPATING EMPLOYER.—The term ‘participating employer’ means, in connection with an association health plan, any employer, if any individual who is an employee of such employer, a partner in such employer, or a self-employed individual who is such employer (or any dependent, as defined under the terms of the plan, of such individual) is or was covered under such plan in connection with the status of such individual as such an employee, partner, or self-employed individual in relation to the plan.

“(9) APPLICABLE STATE AUTHORITY.—The term ‘applicable State authority’ means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of title XXVII of the Public Health Service Act for the State involved with respect to such issuer.

“(10) QUALIFIED ACTUARY.—The term ‘qualified actuary’ means an individual who is a member of the American Academy of Actuaries.

“(11) AFFILIATED MEMBER.—The term ‘affiliated member’ means, in connection with a sponsor—

“(A) a person who is otherwise eligible to be a member of the sponsor but who elects an affiliated status with the sponsor,

“(B) in the case of a sponsor with members which consist of associations, a person who is a member of any such association and elects an affiliated status with the sponsor, or

“(C) in the case of an association health plan in existence on the date of the enactment of the Small Business Health Fairness Act of 2004, a person eligible to be a member of the sponsor or one of its member associations.

“(12) LARGE EMPLOYER.—The term ‘large employer’ means, in connection with a group health plan with respect to a plan year, an employer who employed an average of at least 51 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year.

“(13) SMALL EMPLOYER.—The term ‘small employer’ means, in connection with a group health plan with respect to a plan year, an employer who is not a large employer.

“(b) RULES OF CONSTRUCTION.—

“(1) EMPLOYERS AND EMPLOYEES.—For purposes of determining whether a plan, fund, or program is an employee welfare benefit plan which is an association health plan, and for purposes of applying this title in connection with such plan, fund, or program so determined to be such an employee welfare benefit plan—

"(A) in the case of a partnership, the term 'employer' (as defined in section 3(5)) includes the partnership in relation to the partners, and the term 'employee' (as defined in section 3(6)) includes any partner in relation to the partnership; and

"(B) in the case of a self-employed individual, the term 'employer' (as defined in section 3(5)) and the term 'employee' (as defined in section 3(6)) shall include such individual.

"(2) PLANS, FUNDS, AND PROGRAMS TREATED AS EMPLOYEE WELFARE BENEFIT PLANS.—In the case of any plan, fund, or program which was established or is maintained for the purpose of providing medical care (through the purchase of insurance or otherwise) for employees (or their dependents) covered thereunder and which demonstrates to the Secretary that all requirements for certification under this part would be met with respect to such plan, fund, or program if such plan, fund, or program were a group health plan, such plan, fund, or program shall be treated for purposes of this title as an employee welfare benefit plan on and after the date of such demonstration.".

(b) CONFORMING AMENDMENTS TO PREEMPTION RULES.—

(1) Section 514(b)(6) of such Act (29 U.S.C. 1144(b)(6)) is amended by adding at the end the following new subparagraph:

"(E) The preceding subparagraphs of this paragraph do not apply with respect to any State law in the case of an association health plan which is certified under part 8.".

(2) Section 514 of such Act (29 U.S.C. 1144) is amended—

(A) in subsection (b)(4), by striking "Subsection (a)" and inserting "Subsections (a) and (d)";

(B) in subsection (b)(5), by striking "subsection (a)" in subparagraph (A) and inserting "subsection (a) of this section and subsections (a)(2)(B) and (b) of section 805", and by striking "subsection (a)" in subparagraph (B) and inserting "subsection (a) of this section or subsection (a)(2)(B) or (b) of section 805";

(C) by redesignating subsection (d) as subsection (e); and

(D) by inserting after subsection (c) the following new subsection:

"(d)(1) Except as provided in subsection (b)(4), the provisions of this title shall supersede any and all State laws insofar as they may now or hereafter preclude, or have the effect of precluding, a health insurance issuer from offering health insurance coverage in connection with an association health plan which is certified under part 8.

"(2) Except as provided in paragraphs (4) and (5) of subsection (b) of this section—

"(A) In any case in which health insurance coverage of any policy type is offered under an association health plan certified under part 8 to a participating employer operating in such State, the provisions of this title shall supersede any and all laws of such State insofar as they may preclude a health insurance issuer from offering health insurance coverage of the same policy type to other employers operating in the State which are eligible for coverage under such association health plan, whether or not such other employers are participating employers in such plan.

"(B) In any case in which health insurance coverage of any policy type is offered in a State under an association health plan certified under part 8 and the filing, with the applicable State authority (as defined in section 812(a)(9)), of the policy form in connection with such policy type is approved by such State authority, the provisions of this title shall supersede any and all laws of any other State in which health insurance coverage of such type is offered, insofar as they may preclude, upon the filing in the same form and manner of such policy form with the applicable State authority in such other State, the approval of the filing in such other State.

"(3) Nothing in subsection (b)(6)(E) or the preceding provisions of this subsection shall be construed, with respect to health insurance issuers or health insurance coverage, to supersede or impair the law of any State—

"(A) providing solvency standards or similar standards regarding the adequacy of insurer capital, surplus, reserves, or contributions, or

"(B) relating to prompt payment of claims.

"(4) For additional provisions relating to association health plans, see subsections (a)(2)(B) and (b) of section 805.

"(5) For purposes of this subsection, the term 'association health plan' has the meaning provided in section 801(a), and the terms 'health insurance coverage', 'participating employer', and 'health insurance issuer' have the meanings provided such terms in section 812, respectively.".

(3) Section 514(b)(6)(A) of such Act (29 U.S.C. 1144(b)(6)(A)) is amended—

(A) in clause (i)(II), by striking "and" at the end;

(B) in clause (ii), by inserting "and which does not provide medical care (within the meaning of section 733(a)(2))," after "arrangement,", and by striking "title." and inserting "title, and"; and

(C) by adding at the end the following new clause:

"(iii) subject to subparagraph (E), in the case of any other employee welfare benefit plan which is a multiple employer welfare arrangement and which provides medical care (within the meaning of section 733(a)(2)), any law of any State which regulates insurance may apply.".

(4) Section 514(e) of such Act (as redesignated by paragraph (2)(C)) is amended—

(A) by striking "Nothing" and inserting "(1) Except as provided in paragraph (2), nothing"; and

(B) by adding at the end the following new paragraph:

"(2) Nothing in any other provision of law enacted on or after the date of the enactment of the Small Business Health Fairness Act of 2004 shall be construed to alter, amend, modify, invalidate, impair, or supersede any provision of this title, except by specific cross-reference to the affected section.".

(c) PLAN SPONSOR.—Section 3(16)(B) of such Act (29 U.S.C. 102(16)(B)) is amended by adding at the end the following new sentence: "Such term also includes a person serving as the sponsor of an association health plan under part 8.".

(d) DISCLOSURE OF SOLVENCY PROTECTIONS RELATED TO SELF-INSURED AND FULLY INSURED OPTIONS UNDER ASSOCIATION HEALTH PLANS.—Section 102(b) of such Act (29 U.S.C. 102(b)) is amended by adding at the end the following: "An association health plan shall include in its summary plan description, in connection with each benefit option, a description of the form of solvency or guarantee fund protection secured pursuant to this Act or applicable State law, if any.".

(e) SAVINGS CLAUSE.—Section 731(c) of such Act is amended by inserting "or part 8" after "this part".

(f) REPORT TO THE CONGRESS REGARDING CERTIFICATION OF SELF-INSURED ASSOCIATION HEALTH PLANS.—Not later than January 1, 2009, the Secretary of Labor shall report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate the effect association health plans have had, if any, on reducing the number of uninsured individuals.

(g) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 734 the following new items:

"PART 8—RULES GOVERNING ASSOCIATION HEALTH PLANS

"801. Association health plans.
"802. Certification of association health plans.
"803. Requirements relating to sponsors and boards of trustees.
"804. Participation and coverage requirements.
"805. Other requirements relating to plan documents, contribution rates, and benefit options.
"806. Maintenance of reserves and provisions for solvency for plans providing health benefits in addition to health insurance coverage.
"807. Requirements for application and related requirements.
"808. Notice requirements for voluntary termination.
"809. Corrective actions and mandatory termination.
"810. Trusteeship by the Secretary of insolvent association health plans providing health benefits in addition to health insurance coverage.
"811. State assessment authority.
"812. Definitions and rules of construction.".

SEC. 3. CLARIFICATION OF TREATMENT OF SINGLE EMPLOYER ARRANGEMENTS.

Section 3(40)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(40)(B)) is amended—

(1) in clause (i), by inserting after "control group," the following: "except that, in any case in which the benefit referred to in subparagraph (A) consists of medical care (as defined in section 812(a)(2)), two or more trades or businesses, whether or not incorporated, shall be deemed a single employer for any plan year of such plan, or any fiscal year of such other arrangement, if such trades or businesses are within the same control group during such year or at any time during the preceding 1-year period,";

(2) in clause (iii), by striking "(iii) the determination" and inserting the following:

"(iii)(I) in any case in which the benefit referred to in subparagraph (A) consists of medical care (as defined in section 812(a)(2)), the determination of whether a trade or business is under 'common control' with another trade or business shall be determined under regulations of the Secretary applying principles consistent and coextensive with the principles applied in determining whether employees of two or more trades or businesses are treated as employed by a single employer under section 4001(b), except that, for purposes of this paragraph, an interest of greater than 25 percent may not be required as the minimum interest necessary for common control, or

"(II) in any other case, the determination";

(3) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and

(4) by inserting after clause (iii) the following new clause:

"(iv) in any case in which the benefit referred to in subparagraph (A) consists of medical care (as defined in section 812(a)(2)), in determining, after the application of clause (i), whether benefits are provided to employees of two or more employers, the arrangement shall be treated as having only one participating employer if, after the application of clause (i), the number of individuals who are employees and former employees of any one participating employer and who are covered under the arrangement is greater than 75 percent of the aggregate number of all individuals who are employees or former employees of participating employers and who are covered under the arrangement.".

SEC. 4. ENFORCEMENT PROVISIONS RELATING TO ASSOCIATION HEALTH PLANS.

(a) Criminal Penalties for Certain Willful Misrepresentations.—Section 501 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131) is amended—

(1) by inserting "(a)" after "Sec. 501."; and

(2) by adding at the end the following new subsection:

"(b) Any person who willfully falsely represents, to any employee, any employee's beneficiary, any employer, the Secretary, or any State, a plan or other arrangement established or maintained for the purpose of offering or providing any benefit described in section 3(1) to employees or their beneficiaries as—

"(1) being an association health plan which has been certified under part 8;

"(2) having been established or maintained under or pursuant to one or more collective bargaining agreements which are reached pursuant to collective bargaining described in section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) or paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152, paragraph Fourth) or which are reached pursuant to labor-management negotiations under similar provisions of State public employee relations laws; or

"(3) being a plan or arrangement described in section 3(40)(A)(i),

shall, upon conviction, be imprisoned not more than 5 years, be fined under title 18, United States Code, or both.".

(b) Cease Activities Orders.—Section 502 of such Act (29 U.S.C. 1132) is amended by adding at the end the following new subsection:

"(n) Association Health Plan Cease and Desist Orders.—

"(1) In general.—Subject to paragraph (2), upon application by the Secretary showing the operation, promotion, or marketing of an association health plan (or similar arrangement providing benefits consisting of medical care (as defined in section 733(a)(2))) that—

"(A) is not certified under part 8, is subject under section 514(b)(6) to the insurance laws of any State in which the plan or arrangement offers or provides benefits, and is not licensed, registered, or otherwise approved under the insurance laws of such State; or

"(B) is an association health plan certified under part 8 and is not operating in accordance with the requirements under part 8 for such certification,

a district court of the United States shall enter an order requiring that the plan or arrangement cease activities.

"(2) Exception.—Paragraph (1) shall not apply in the case of an association health plan or other arrangement if the plan or arrangement shows that—

"(A) all benefits under it referred to in paragraph (1) consist of health insurance coverage; and

"(B) with respect to each State in which the plan or arrangement offers or provides benefits, the plan or arrangement is operating in accordance with applicable State laws that are not superseded under section 514.

"(3) Additional equitable relief.—The court may grant such additional equitable relief, including any relief available under this title, as it deems necessary to protect the interests of the public and of persons having claims for benefits against the plan.".

(c) Responsibility for Claims Procedure.—Section 503 of such Act (29 U.S.C. 1133) is amended by inserting "(a) In General.—" before "In accordance", and by adding at the end the following new subsection:

"(b) Association Health Plans.—The terms of each association health plan which is or has been certified under part 8 shall require the board of trustees or the named fiduciary (as applicable) to ensure that the requirements of this section are met in connection with claims filed under the plan.".

SEC. 5. COOPERATION BETWEEN FEDERAL AND STATE AUTHORITIES.

Section 506 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by adding at the end the following new subsection:

"(d) Consultation With States With Respect to Association Health Plans.—

"(1) Agreements with states.—The Secretary shall consult with the State recognized under paragraph (2) with respect to an association health plan regarding the exercise of—

"(A) the Secretary's authority under sections 502 and 504 to enforce the requirements for certification under part 8; and

"(B) the Secretary's authority to certify association health plans under part 8 in accordance with regulations of the Secretary applicable to certification under part 8.

"(2) Recognition of primary domicile state.—In carrying out paragraph (1), the Secretary shall ensure that only one State will be recognized, with respect to any particular association health plan, as the State with which consultation is required. In carrying out this paragraph—

"(A) in the case of a plan which provides health insurance coverage (as defined in section 812(a)(3)), such State shall be the State with which filing and approval of a policy type offered by the plan was initially obtained, and

"(B) in any other case, the Secretary shall take into account the places of residence of the participants and beneficiaries under the plan and the State in which the trust is maintained.".

SEC. 6. EFFECTIVE DATE AND TRANSITIONAL AND OTHER RULES.

(a) Effective Date.—The amendments made by this Act shall take effect one year after the date of the enactment of this Act. The Secretary of Labor shall first issue all regulations necessary to carry out the amendments made by this Act within one year after the date of the enactment of this Act.

(b) Treatment of Certain Existing Health Benefits Programs.—

(1) In general.—In any case in which, as of the date of the enactment of this Act, an arrangement is maintained in a State for the purpose of providing benefits consisting of medical care for the employees and beneficiaries of its participating employers, at least 200 participating employers make contributions to such arrangement, such arrangement has been in existence for at least 10 years, and such arrangement is licensed under the laws of one or more States to provide such benefits to its participating employers, upon the filing with the applicable authority (as defined in section 812(a)(5) of the Employee Retirement Income Security Act of 1974 (as amended by this subtitle)) by the arrangement of an application for certification of the arrangement under part 8 of subtitle B of title I of such Act—

(A) such arrangement shall be deemed to be a group health plan for purposes of title I of such Act;

(B) the requirements of sections 801(a) and 803(a) of the Employee Retirement Income Security Act of 1974 shall be deemed met with respect to such arrangement;

(C) the requirements of section 803(b) of such Act shall be deemed met, if the arrangement is operated by a board of directors which—

(i) is elected by the participating employers, with each employer having one vote; and

(ii) has complete fiscal control over the arrangement and which is responsible for all operations of the arrangement;

(D) the requirements of section 804(a) of such Act shall be deemed met with respect to such arrangement; and

(E) the arrangement may be certified by any applicable authority with respect to its operations in any State only if it operates in such State on the date of certification.

The provisions of this subsection shall cease to apply with respect to any such arrangement at such time after the date of the enactment of this Act as the applicable requirements of this subsection are not met with respect to such arrangement.

(2) Definitions.—For purposes of this subsection, the terms "group health plan", "medical care", and "participating employer" shall have the meanings provided in section 812 of the Employee Retirement Income Security Act of 1974, except that the reference in paragraph (7) of such section to an "association health plan" shall be deemed a reference to an arrangement referred to in this subsection.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment printed in part B of House Report 108-484, if offered by the gentleman from Wisconsin (Mr. Kind), or his designee, which shall be considered read, and shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Ohio (Mr. Boehner) and the gentleman from New Jersey (Mr. Andrews) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from Ohio (Mr. Boehner).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4281.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the most pressing crisis we face in health care today is the number of Americans who lack basic health insurance benefits. It is a problem that can be illustrated by just a few numbers, so let us look at the facts.

The number of uninsured Americans today stands at 43.6 million. This problem is not going to go away, and I think we have a responsibility to confront it.

With health care costs continuing to rise sharply across the country, more and more employers and workers are sharing the burden of increased health care premiums. Employer-based health insurance premiums jumped by 15 percent on average in 2003, the largest increase in a decade; and, for many small employers, those increases were far larger.

The second number is 60, which represents the percentage of these uninsured working Americans who either work for a small business or are dependent upon someone who does. Many of these Americans work for small employers who cannot afford to purchase quality health insurance benefits for their workers.

Notably, the Census Bureau statistics show that employer-sponsored health coverage has declined because small businesses with less than 25 workers have been forced to drop coverage because of the rising cost of health insurance.

□ 1345

The next number is $130 billion. Yes, that is right, $130 billion which represents the annual cost to the citizens of our country of the poor health and premature deaths of individuals without health insurance, according to a study released last year by the Institute of Medicine.

The implications of these numbers I think are tragic. Clearly, we need to focus on providing affordable health care to the uninsured, as well as to ensure employers who provide health benefits to their employees are not forced to drop their coverage because of rising premiums and high administrative costs.

The Small Business Health Fairness Act which we bring to the floor today responds to this problem and can help reduce the high cost of health insurance for small businesses and uninsured workers. By creating association health plans, which would strictly be regulated by the Labor Department, small businesses could pool their resources and increase their bargaining power with benefit providers, which would allow them to negotiate better rates and purchase quality health care for their employees at a lower cost.

President Bush addressed this point directly last year during a speech at the Women's Entrepreneurship Summit, and he said, "Small businesses will be able to pool together and spread their risk across a large employee base. It makes no sense in America to isolate small businesses as little health care islands unto themselves. We must have association health plans."

Well, the President is right, and we should help level this playing field so that small businesses can offer high-quality coverage to their employees.

Americans overwhelmingly agree with President Bush that AHPs are the right approach to helping the uninsured. A recent poll conducted in March reveals that 93 percent of Americans support association health plans as a way of providing access to affordable care for American workers who lack coverage. Media reports from the last few days reveal how large corporations are now starting to band together to provide health care insurance to their part-time workers. Do not small businesses and their workers deserve this same opportunity?

Importantly, the bill gives AHPs freedom from costly State mandates because small businesses deserve to be treated in the same fashion as large corporations and unions who receive the same type of an exemption. Clearly, these mandates are useless to families who have no health coverage in the first place. And if you do not have health coverage, State mandates requiring health mandates and specific benefits do you and your family no good at all. This measure includes, I believe, strong safeguards to protect workers.

Despite the bipartisan nature of this bill, some misinformation has been spread and I would like to correct it. This measure protects against cherry-picking because we make clear that AHPs must comply with the 1996 Health Insurance Portability and Accountability Act which prohibits group health plans from excluding or charging a higher rate to high-risk individuals with high claims experience. Under our bill, sick or high-risk groups or individuals cannot be denied coverage. In addition, AHPs cannot charge higher rates for employers with sicker individuals within the plan except to the extent already allowed by State law, based on where the employer is located.

The bill also contains strict requirements under which only bona fide professional and trade organizations can sponsor an association health plan and, therefore, does not allow "sham association plans" set up by health insurance companies. These organizations must be established for purposes other than providing health insurance and they have to be in business for at least 3 years.

Now, some may ask why we need to pass this bill again, especially after it passed with significant bipartisan support last year. We are here today because we want to remind the American people and uninsured working families that we are here working on their behalf. We have a bipartisan solution to help address the problem of the uninsured, and passing this bill again demonstrates our commitment to helping Americans without health insurance. The next step is for the other body across the Capitol to begin to deal with this bill in a serious way. On Tuesday of this week, the Senate Task Force on the Uninsured included association health plans amongst its proposals to address the needs of uninsured working Americans, so we remain hopeful.

We in Congress, I think, have a responsibility to deal with the problems of small businesses who cannot afford to provide health insurance because of skyrocketing health care costs and being stuck in small State insurance pools.

The United States economy is improving, and more and more employers are hiring workers each month. Last Friday, the Labor Department reported that 1.1 million new jobs have been created over the last 8 months, including 625,000 new net jobs over the last 2 months alone. We want to make sure that those new workers have opportunity to receive quality health insurance through their employer, and we believe that this bill can help make that happen.

Mr. Speaker, I reserve the balance of my time.

Mr. ANDREWS. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER), the Democratic leader of our committee.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time and I thank him for all of his leadership on this legislation.

I was wondering why we were here today, but I guess we are here today to demonstrate that we are working on behalf of the American people. It is an interesting definition of work, that we are going to repeat something that we have already done earlier in the year that has already been completed, but we are going to go through it again, so you think we are working for you. I thought they called that featherbedding or something in the old days, when you looked like you were working but you were not working.

But anyway, what is interesting here is that once again we see the Republicans offering another piece of legislation that just continues an assault on middle-income Americans. They did it with overtime pay: cut it, will not let us consider it; comp time, ended; unemployment insurance assistance, terminated; job training, slashed; negotiations for cheaper prescription drugs, prohibited. When is it the middle class is going to get to win one with this Republican leadership in the Congress?

Now we come to this health care plan which is to basically give an offer to people of health care that is unregulated, that is opposed by all of the State Attorneys General and the National Governors Association and so many others who have experience with these plans in trying to make sure that people are not cheated out of the money that they pay and the benefits that are offered.

But they are not going to allow us to have the amendments that would substantially change this bill, because they do not want to vote on those amendments. They do not want to vote on amendments that would improve this legislation. That is unfortunate, because as they do continue their assault on the middle class, at least those of us 206 Members on the Democratic side ought to be able to reflect the voices of the people that we represent. We ought to be able to offer the amendments to provide for their protection and for their expanded health care, but that is not the way they run the House nowadays. Nowadays you either have to take their idea or no idea. And that is just unacceptable when we are considering a problem as complicated and with the absolute sense of urgency that the Nation has about health care.

So this is very unfortunate, that we would take these 4 hours that we will probably consume on this legislation and simply go through a charade that was already acted out in the House of Representatives last year in this Congress. The Senate can consider it anytime they want. But we are going to go through this charade rather than allowing amendments that could be offered to substantially improve this legislation, amendments much like the effort we made yesterday on overtime, to offer a chance to vote on overtime, we would prevail on a bipartisan basis, but the Republicans are so concerned that they would rather choke off the debate and not allow those amendments to take place.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON), the chairman of the Subcommittee on Employer-Employee Relations.

Mr. SAM JOHNSON of Texas. Mr. Speaker, as the House moves forward with its competitiveness agenda to make America's businesses more attractive and efficient, it is imperative that we help the backbone of our economy: small business.

Health care costs are rising at a rate of 15 percent annually, and double that for many small businesses. What is astounding is that according to the Congressional Budget Office, for each percentage point rise in health insurance costs, the number of uninsured increases by 300,000. That is a terrible ratio.

Since this trend shows no sign of slowing, it means we need to act now. By allowing small businesses to band together in trade associations, this bill will give small businesses access to more affordable health care, give them freedom from costly State-mandated benefit requirements, and lower their administrative costs by as much as 30 percent.

Some critics of the bill say there will be a loss in consumer protection because AHPs exempt small business from burdensome State mandates such as covering in vitro fertilization. Obviously, these mandates just cost the States more money. Large employers and unions have been exempt from State mandates since 1974, and they continue to offer fantastic coverage to working families. We ought to act now to help small businesses enjoy that same privilege or they will not be able to offer any health coverage to employees and their family members.

In my home State of Texas, a shocking 27 percent of all employed or self-employed adults are uninsured, according to a recent study. The facts are clear and the facts demand action.

An overwhelming majority of small businesses agree that AHPs are the right solution. This bill has the support of NFIB, the Associated Builders and Contractors, the U.S. Chamber of Commerce, and many others. I would like to be sure and thank my good friend, the gentleman from Ohio (Mr. BOEHNER), and other cosponsors of this legislation: the gentleman from Georgia (Mr. BURNS), the gentlewoman from New York (Ms. VELÁZQUEZ), and the gentleman from California (Mr. DOOLEY). They have shown their commitment to small business employees and their families by supporting this legislation, and I commend them for it.

This bill gets to the heart of health care reform. Let us just do it.

Mr. ANDREWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this bill. My friend, the chairman, went through a series of numbers about this bill a few minutes ago, and I would respectfully suggest that he got some numbers wrong.

I think the most important numbers about this bill are 1 million, zero, and 50. There will be an addition of 1 million people to the roll of the uninsured should this bill become law, and here is why. The chairman argues that the provisions of this bill would limit the ability of association health plans to choose only the youngest and the most healthy would be affected. I think the evidence is strongly to the contrary. I think there are loopholes in this law that are wide enough to drive an ambulance through that would allow association health plans to refuse to insure, or raise the premiums to insure people who are older or more infirm.

Mercer & Associates, a respected, nonpartisan study group on health care is the source of this number. They believe that when we add up the number of people who will gain health insurance as a result of AHPs and we subtract from that that number of people who will lose health insurance because of rising premiums in plans that are more traditional, that we will add 1 million people to the ranks of the uninsured.

The second number is zero. That is the number of consumer protections that the law will guarantee if this bill became law. Legislators across this country, Republican and Democrat, have fought for the right of women to have guaranteed mammograms and OB–GYN care, the right of people dealing with the difficulties of substance abuse or mental health problems to have guaranteed coverage, the right of couples who wish to have children to have infertility coverage, the rights for diabetic care, for mental health care. These are rights that people have fought for and won in State legislatures across the country. Every single one of those protections is repealed should this bill become law. There will be zero consumer protections guaranteed to our constituents should this happen.

□ 1400

The final number that we should take into consideration is 50 because that is the number of State Attorneys General who oppose this bill. That is the number of insurance commissioners, Republican and Democrat, who oppose this bill. The National Governors Association, Republicans, Democrats and Independents across the country oppose this bill.

Mr. Speaker, it is customary on the floor of the House for us to have our partisan differences, that happens; but do not listen to the partisan differences here. Listen to the experts of both parties who spent their careers out in the several States regulating health care. Republican Governors and Democratic Governors, Republican Attorneys General and Democratic Attorneys General, Republican insurance commissioners and Democratic insurance commissioners oppose this bill because it opens the door for the possibility of fraud and loss in these plans.

There is a better way; and later this afternoon my friend, the gentleman from Wisconsin (Mr. KIND), and I will be offering a plan which truly will reduce premiums for small businesses, which truly will expand health care opportunities for the uninsured and will do so without risking or jeopardizing the important protections that people presently enjoy under the law.

I would urge my colleagues to oppose this bill, to support our substitute.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Hickory, North Carolina (Mr. BALLENGER), a senior member of our committee.

Mr. BALLENGER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am a small business owner, and I know the burden that rising health care costs are having on small companies across America. My health insurance costs in my company have skyrocketed over the past few years, and I know that other small U.S. firms are experiencing the same burden. In my particular case, over the last 10 years my sales have doubled, but my health care costs have gone up by 450 percent.

When I first started my business, we could cover the full cost of an employee's medical insurance; but even with growing sales, we have not been able to keep pace with the ever-increasing cost of medical premiums, and I hear this same story over and over again from other small business owners in my district.

Like me, most employers care deeply about their employees and want to give them access to quality health care. Unfortunately, soaring costs have forced many small businesses to shift their health insurance costs to the employees, to drop health care coverage or to close up shop altogether.

Considering that more than half of the uninsured are small business employees and their dependents, this is nothing short of a tragedy. We must act to help small businesses which are at the mercy of the insurance companies. They simply do not have the bargaining power or resources needed to get the best deal.

That is why I am a strong supporter of the Small Business Health Fairness Act. This bill allows small businesses to pool their resources into association health plans, giving them purchasing clout and power to do what they do not have today. AHPs will allow small businesses to negotiate better rates and purchase better plans at a lower cost. It is good for small employers. It is good for employees.

Now, we know the problem of the uninsured will not got away with this bill, but it will help small employers and millions of their employees and their dependents to gain access to quality care; and it may help prevent some companies from dropping their health care plans altogether.

I strongly urge my colleagues to support this employer- and employee-friendly bill, and I thank the gentleman for yielding me the time.

Mr. ANDREWS. Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland (Mr. VAN HOLLEN), one of our Members who has extensive experience as a State legislator in achievement in this area.

Mr. VAN HOLLEN. Mr. Speaker, I thank my colleague for yielding me the time, and I want to thank him for all his work on this issue.

As the chairman of the committee said at the beginning of his remarks, we have 43.6 million Americans who have no health insurance today. Now, the Congressional Budget Office tells us that the associated health plan approach might cover 550,000 of them, less than 1 percent of the insured. If that were the end of the story, we might say, okay, does not do much, but it is better than nothing.

The problem is it is not better than nothing because it violates the first principle in medicine, which is first do no harm, because the Congressional Budget Office also tells us that 7.9 million Americans who currently are covered will get worse coverage or pay more as a result of the actions taken in this bill.

Mercer Consultants has said that 1 million Americans will lose their coverage. Do the math. Clearly, it is a lousy bargain. Much more harm, very, very little benefit, and that is because associated health plans, by design, eliminate many of the protections that are currently provided through State legislatures around the country for our consumers: basic commonsense rules of the road, like the right to external review if a person's insurance claim is denied; direct access for women to OB/GYNs; access to emergency room treatment; a prohibition against gag orders on doctors. In fact, these basic patient protections are so fundamental, they have been adopted in a bipartisan manner by this House before. When this House passed a Patients' Bill of Rights, it was going to apply those rights to ERISA plans and the other plans. Why not do the same thing today?

Well, my colleague, the gentleman from Massachusetts (Mr. TIERNEY), and I just the other day went to the Committee on Rules and said let us have an amendment here on the floor of the House that guarantees those patients the same protections this House, in a bipartisan manner, guaranteed them a number of years ago. We were not even allowed a vote on that very simple amendment. Why is the other side afraid of a vote on providing patients the very same rights that this House has already provided those patients?

Let me just say that if my colleagues ask State legislators and Governors from around this country whether they are for or against this, we have heard the National Governors Association is against this. In fact, my Governor, the Governor of the State of Maryland, a Republican Governor, one of our former colleagues, Governor Ehrlich, has written to the Maryland congressional delegation and said please do not pass this bill because it will interfere with a primary piece of legislation that was passed in the State of Maryland to provide for small group insurance benefits, and small employers throughout the State of Maryland are taking advantage of it. This would undercut it.

There is a better alternative. We are going to be debating that later. We are not saying we do not have any proposal out here. We have a much better proposal.

I urge my colleagues to reject this idea and later adopt the substitute.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1 minute to my colleague, the gentleman from Ohio (Mr. GILLMOR).

Mr. GILLMOR. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, I rise in support of H.R. 4281. This bill will open the door to nearly 41 million Americans that are currently without health care coverage. Providing small businesses with an opportunity to offer their employees affordable health care access is essential in promoting not only the physical health of the American workforce but also the overall economic health of the United States.

The American economy has always been driven by the entrepreneurial nature of its citizens, and blocking access to affordable health care will only suffocate growth within the small business sector of our economy. Recently, I had the honor of addressing a group of small business owners from my northwest Ohio district at an NFIB regional luncheon, and the most common concern I heard from them was their inability to secure affordable health care for themselves and their employees.

This piece of legislation provides a real solution to one of the major problems plaguing our business and health care industries, and I urge its support.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Would Members please remove their electronic devices from the floor or turn them off.

Mr. ANDREWS. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL), the senior Member and the dean of the House of Representatives, my very dear friend.

Mr. DINGELL. Mr. Speaker, I rise in opposition to the legislation and to applaud the efforts of my good friend and colleague from New Jersey and his opposition to it.

This legislation is bad. It is going to encourage cherry-picking and cream-skimming. It is going to create a bunch of plans that are going to be exempt from State regulation. It is going to actually reduce the quality of care available, the quality of health insurance available, and also the amount of insurance available and the people who will be covered.

More than 1,000 organizations oppose AHPs: the National Governors, Republicans and Democrats alike; the National Association of Insurance Commissioners who say that it is going to encourage cherry-picking and cream-skimming; the National Association of Attorneys General, Republicans and Democrats alike; the American Academy of Pediatrics; the Consumers Union; and Families USA, plus many others.

What it is going to do is to actually undermine the current employer-sponsored market. As I mentioned, it will encourage cherry-picking of healthier and younger populations because they will be permitted to cover specific types of employers and thus establish a special new, separate market and will be a market where it will not cover many people, who will find that the difficulties in procuring insurance will be more difficult because of this.

The Congressional Budget Office tells us that AHPs will cut benefits for 8 million Americans who now have coverage. That alone is argument enough to defeat this legislation. Additionally, CBO determined that AHPs will only increase enrollment in employer-sponsored coverage by 330,000 people.

A Mercer study commissioned by the National Small Business Association found that AHPs would cause the uninsured to grow by better than 1 million. That, again, should be warning enough.

At a time when 43 million of our people are uninsured, AHPs will simply move us backwards. I urge us to defeat this legislation. It is bad. It is not in the interest of the country. Everybody who is responsible for dealing with insurance has said this is bad legislation. Reject it.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

With all due respect to my good friend from Michigan, I think what we see here at the central issue of this debate is a basic distrust of the private sector. Now, two-thirds of the American people get their health insurance through their employer. We have an employer-based system in America, and it has worked very well; and some of the best coverage and the most high-quality health plans are offered by employers to their employees.

Today, both employers, and increasingly employees, are paying for the cost of those plans. What we are attempting to do here is to give small businesses who do not have big purchasing power in the marketplace the ability to join together and to offer the same kinds of plans that large companies and unions offer to their employees and members, give those small employers and their employees the same opportunity.

Plain and simple.

Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Tennessee (Mrs. Blackburn), a member of the committee.

Mrs. BLACKBURN. Mr. Speaker, I thank the chairman for his excellent work on this issue for our Nation's small businesses.

We know that those small businesses fuel this economic growth in our country, and we appreciate their efforts; and we know that our small business employees are being burdened paying on average 17 percent more for their health benefits than their counterparts at large companies.

I recently held a small business health care roundtable in my district and talked with these small business employers about their desire to make better health benefits available to their employees and still stay competitive. This legislation is an opportunity that Congress has to help bring about that affordable health care to millions of employees.

AHPs would save the typical small business owner between 15 and 30 percent on health insurance and help make that coverage available. As our chairman said, too often regulations and mandates add to the cost burden.

Current law exempts large employers and unions from State mandates so that they are able to offer quality benefits across State lines. The Small Business Health Fairness Act will give that same opportunity to our small businesses in this country.

This is a benefit that will help them to be competitive in the world market. It is bipartisan legislation. It passed overwhelmingly last year, and I urge all of my colleagues to support this commonsense legislation for our Nation's small businesses.

Mr. ANDREWS. Mr. Speaker, I yield myself 15 seconds.

My friend said that the opposition is evidence of distrust of the private sector. It is odd, because 66 local chambers of commerce have mounted an objection to the bill and the Republican Governors Association. I guess they share our distrust for the private sector.

Mr. Speaker, I am submitting a list of over 1,050 organizations that oppose this bill for the Record.

Organizations and Public Officials Opposed to Federal AHP Legislation, April 23, 2004

Over 1,050 Organizations Have Expressed Opposition:

STATE OFFICIALS

National Groups

National Governors Association
Republican Governors Association
Democratic Governors Association
Attorneys General Representing 41 States
National Association of Insurance Commissioners
National Association of State Mental Health Program Directors
National Conference of Insurance Legislators
National Conference of State Legislatures

CHAMBERS OF COMMERCE

Albuquerque (NM) Chamber
Arapahoe Chamber of Commerce (Nebraska)
Ashland Chamber of Commerce (Nebraska)
Black Chamber of Commerce of Greater Kansas City
Blanding Chamber of Commerce (Utah)
Bloomfield Chamber of Commerce (Nebraska)
Boise Metro Chamber of Commerce (Idaho)
Boston Chamber
Broken Bow Chamber of Commerce (Nebraska)
Buffalo-Niagara Partnership (New York)
Carey Area Chamber of Commerce (Ohio)
Cherry Creek Chamber (Colorado)
Colorado Black Chamber of Commerce
Colorado Hispanic Chamber of Commerce
Council of Smaller Enterprises/Greater Cleveland Growth Association (COSE)
Denver Metro
Detroit
Draper Chamber of Commerce (Utah)
Duchesne Chamber of Commerce (Utah)
Evans Chamber of Commerce (Colorado)
Florence, Colorado
Grand Raids Area Chamber of Commerce
Greater Akron Chamber (Ohio)
Greater Cincinnati Chamber
Greater Columbus Chamber (Ohio)
Greater Des Moines Partnership (Iowa)
Greater Indianapolis Chamber (Indiana)
Greater Louisville, Inc. (Louisville, Kentucky Chamber of Commerce)
Greater Manchester, New Hampshire
Greater North Dakota Association
Greater Seattle Chamber
Heber Valley Economic Development (Utah)
Herington Chamber of Commerce (Kansas)
Hiawatha Chamber of Commerce (Kansas)
Holton Area Chamber of Commerce (Kansas)
Lake City Chamber of Commerce (Colorado)
Lansing Regional Chamber (Michigan)
Lehi Chamber of Commerce (Utah)
Merrimack Valley Chamber of Commerce
Metro Jackson, Mississippi
Michigan Chamber of Commerce
Midvale Chamber of Commerce (Utah)
New Hampshire Business and Industry Association
North Central Massachusetts Chamber of Commerce
North Park Chamber (Colorado)
Northern Kentucky Chamber of Commerce
Northern Ohio Chamber of Commerce
Oklahoma City
Oklahoma State
Oregon Association of Industries (Oregon State Chamber of Commerce)
Palisade Chamber (Colorado)
Paola Chamber of Commerce (Kansas)
Ravenna Area Chamber of Commerce (Ohio)
Salem Economic Development (Utah)
Saratoga County Chamber of Commerce (New York)
Spanish Fork Area Chamber of Commerce (Utah)
Springfield Chamber of Commerce (Colorado)
Springville Area Chamber of Commerce (Utah)
Tacoma-Pierce County Chamber of Commerce
Toledo Area Chamber of Commerce
Tulsa, Oklahoma
Washington State (Association of Washington Business)
West Jordan Chamber (Utah)
Woodson County Chamber of Commerce (Kansas)
Worland Chamber of Commerce (Wyoming)
Youngstown-Warren Chamber (Ohio)

FARM BUREAUS:

Alabama Farmers Association (ALFA)
Mississippi Farm Bureau
Tennessee Farm Bureau Federation—Tennessee Rural Health
Virginia Farm Bureau

SMALL BUSINESS ASSOCIATIONS

Alaska Coalition of Small Business
Arizona Small Business Association
4D Industries (Oregon)
Indiana Association of Community and Economic Development
Indiana Manufacturers' Association
Fargo-Moorhead Homebuilders' Association
Ohio/Kentucky Concrete Pavement Association
National Small Business Association (Represents over 150,000 small businesses nationwide)
New England Council
New Hampshire Business Council
New Hampshire High Tech Council

Oregon Business Alliance
Professional Musicians Of Arizona
Rhode Island Small Business Association
SMC Business Councils (Pennsylvania)
Santaquin Economic Development Agency (Utah)
Small Business Association of Michigan
Utah Small Business Development Center—Utah Valley State College

LABOR UNIONS

AFL-CIO—American Federation of Labor and Congress of Industrial Organizations

With additional letters from: Alabama AFL-CIO, Alaska AFL-CIO, Arkansas AFL-CIO, Arizona AFL-CIO, California AFL-CIO, Indiana AFL-CIO, Kansas AFL-CIO, Louisiana AFL-CIO, Maine AFL-CIO, Minnesota AFL-CIO, Missouri AFL-CIO, Montana State AFL-CIO, Nebraska AFL-CIO, Nevada State AFL-CIO, New Mexico Federation of Labor, North Carolina State AFL-CIO, Northern Nevada Central Labor Council, Nevada State AFL-CIO, District 2, Ohio AFL-CIO, Oregon AFL-CIO, Rhode Island AFL-CIO, Southern Nevada Central Labor Council, Nevada State AFL-CIO, District 3, Tennessee Labor Council, Utah State AFL-CIO, Virginia AFL-CIO, Washington State Labor Council

Alabama Education Retirees Association
Alabama Retired State Employees Association
Alabama Teacher's Union (AEA)
American Federation of State, County and Municipal Employees (AFSCME)

With additional letters from: Alabama, Colorado, Indiana, Kansas Council 72 (Local 1715—Chapter 3371), Louisiana AFSCME Council 17, Nebraska, New Mexico, Ohio AFSCME United, AFSCME Local 4, AFSCME Council 8, Ohio Local 11 OCSEA, AFSCME Local 11, Rhode Island Council 94, Utah Local 1004, Virginia Local 27

American Federation of Teachers (AFT)

With additional letters from: Albuquerque, New Mexico Federation of Teachers, Arkansas Federation of Teachers, Colorado Federation of Teachers, Kansas Southwest and Mountain States Region for the AFT, Louisiana Federation of Teachers, Oregon Federation of Teachers, Rapides (Louisiana), Utah American Federation of Teachers

Atlanta Labor Council
Boilermaker's Lodge 101 (Colorado)
Cement Masons Local 577 (Colorado)
Central Georgia Federation of Trades and Labor Council
Colorado Federation of Public Employees
International Brotherhood of Electrical Workers (IBEW)

With additional letters from: Cleveland, Ohio Local 1377, Dayton, Ohio Local 82, Kansas Local 304, Milan, Ohio Local 1194, Oak Harbor, Ohio Local 1432, Ohio Local 2331, Oregon

International Union, United Auto Workers (UAW)

With additional letters from: Indiana UAW—Region 3 (Indiana and Kentucky), Kansas Local 31

International Union of Bricklayers and Allied Craftworkers
Kansas Association of Public Employees
Kansas Postal Workers Union
Labor Federation of Central Kansas
Laborers' International Union—Local 149—Aurora, Illinois
Maine Teacher's Union/Maine Educational Association
Middle Georgia Central Labor Council
Missouri Steelworkers Union
Montana Progressive Labor Caucus
National Education Association—Rhode Island
Nebraska State Education Association
Ocean State Action (AFT—Rhode Island)
Ohio AFSCME Retiree Chapter 1184
Ohio Association of Public School Employees
Oregon Federation of Nurses
Paper Allied-Industrial, Chemical and Energy Workers International Union (PACE)
Providence (Rhode Island) Central Federation of Labor
Service Employees International Union (SEIU)

With additional letters from: Alabama, Arkansas, Colorado, Georgia, Local 1985, Kansas, Missouri, Local 2000, New Hampshire, Local 1984, Ohio, District 1199, Oregon, Local 503, Rhode Island, Washington

Shipbuilders and Boilermakers International Union—Virginia Chapter
Teamsters Union—Maine
Teamsters' 190—Montana
Teamsters Local 407—Ohio
United Food and Commercial Workers Union—Nebraska (Local 22)
United Food and Commercial Workers Union—Washington
United Teachers of Wichita, Kansas
United Transportation Union—Louisiana

CONSUMER/ADVOCACY GROUPS

National Groups

Alliance for Children and Families
American Agricultural Movement, Inc.
American Association of Pastoral Counselors
American Association of People with Disabilities
American Association of University Women—Oregon Chapter
American Cancer Society
American Congress of Community Supports and Employment Services
American Corn Growers Association
American Diabetes Association

With additional letters from: Alabama Chapter, Arkansas Chapter, Central Ohio Chapter, Cleveland Ohio Chapter, Colorado Chapter, Indiana Chapter, Kansas Chapter, Louisiana Chapter, Maine Chapter, Minnesota Chapter, Montana Chapter, Nebraska Chapter, Nevada Chapter, New Hampshire Chapter, New Mexico Chapter, North Carolina Chapter, Northeast Ohio Chapter, Oregon Chapter, Utah Chapter, Seattle, Washington Chapter, Southwest Ohio & Northern Kentucky Chapter, Washington Chapter

American Family Foundation
American Homeowners Grassroots Alliance
Americans for a Balanced Budget
Anxiety Disorders Association of America
Association for the Advancement of Psychology
Bazelon Center for Mental Health Law
Center on Disability and Health
Child Welfare League of America
Children & Adults with Attention-Deficit/Hyperactivity Disorder

With additional letters from: Ohio Chapter

Children's Defense Fund—With additional letters from: Ohio Chapter
Coalition Against Insurance Fraud
Consumer Federation of America
Consumers Union
Depression and Bipolar Support Alliance

With additional letters from: Depression and Bi-Polar Support Alliance of Ohio, Depression and Bi-Polar Support Alliance of Columbus, Ohio, Depression and Bi-Polar Support Alliance of Dayton, Ohio, Depression and Bi-Polar Support Alliance of Medina, Ohio

Families USA
Federation of Families for Children's Mental Health
Federation of Southern Cooperatives
Friends Committee on National Legislation
International Certification and Reciprocity Consortium
League of United Latin American Citizens (LULAC)—With additional letters from: Arkansas Chapter
Maternal and Child Health Coalition for Healthy Families
National Alliance for the Mentally Ill

With additional letters from: Arkansas Chapter, Colorado Chapter, Georgia Chapter, Kansas Chapter, Louisiana Chapter, Maine Chapter, Montana Chapter, Nebraska Chapter, New Hampshire Chapter, New Mexico Chapter, North Carolina Chapter.

Ohio Chapter: Allen, Auglaize & Hardin Counties, Adams County, Butler County, Clark County, Clermont County, Cleveland Metro, Fairfield County, Franklin County, Licking County, Logan & Champaign County, Richland County, Ross/Pickaway Counties, Seneca, Sandusky and Wyandot Counties, Stark County, Warren County.

Oregon Chapter, Rhode Island Chapter, St. Louis Chapter, Utah Chapter, Washington Chapter

National Association for Children's Behavioral Health
National Association for Rural Mental Health
National Association for the Advancement of Colored People (NAACP) North Carolina Chapter
National Association of Anorexia Nervosa and Associated Disorders
National Association of Farmer Elected Committees
National Association of Protection and Advocacy Systems
National Coalition for the Homeless
National Council of La Raza
National Farmers Organization
National Foundation for Depressive Illness
National Mental Health Association

With additional letters from: California Chapter, Colorado Chapter, Franklin County (Ohio), Georgia Chapter, Greater St. Louis Chapter (Missouri), Illinois Chapter, Indiana Chapter, Knox County (Ohio), Licking County (Ohio), Louisiana Chapter, Lucas County (Ohio), Miami County (Ohio), Minnesota Chapter, Montana Chapter, New Mexico Chapter, Nebraska Chapter, North Carolina, Oregon Chapter (Mental Health Association of Oregon—MHAO), Ottawa County (Ohio), Stillwater-Sweetgrass Counties (Montana), Summit County (Ohio), Union County (Ohio), Utah Chapter, Wyoming Chapter

National Partnership for Women & Families
National Patient Advocate Foundation
Planned Parenthood Federation of America
Research Institute for Independent Living
Soybean Producers of America
Suicide Prevention Action Network
Tourette Syndrome Association
United Cerebral Palsy Association
USAction
Women Involved in Farm Economics

Local Groups

9 to 5 National Working Women's Association (Colorado)
AIDS Alliance Service (North Carolina)
AIDS Prevention ACTION Network (California)
AIDS Project Rhode Island
AIDS Response Seacoast—New Hampshire
AIDS Survival Project (Georgia)
ARC of Alabama
ARC of Colorado

ARC of Indiana
ARC of Norfolk, Nebraska
ARC of Ohio
ARC of Oregon
ARC of Utah
Access Utah Network
Adoption Options (Colorado)
Advocacy Coalition of Seniors and People with Disabilities (Oregon)
Alabama Council on Substance Abuse
Alabama Watch
Alaskans for Tax Reform
Alliance Against Family Violence (Kansas)
Allies With Families (Utah)
American Agricultural Movement of Arkansas, Inc.
American Association of University Women—Oregon Chapter
American Lung Association—Alaska Chapter
American Lung Association—Colorado Chapter
Arkansas Interfaith Conference
Arizona Association of Community Mental Health Centers
Assistive Technology Through Action in Indiana (ATTAIN)
Association of Community Organizations for Reform Now (California)
Bethpage Omaha (Nebraska)
Best Buddies International—Indiana Chapter
Big Brother and Big Sister—Illinois
Bosom Buddies of Georgia, Inc.
Brain Injury Association of Colorado
Brain Injury Association of Utah
Buckeye Art Therapy Association of Ohio
California Coalition for Mental Health
California Pan-Ethnic Health Network
Campaign for Better Health Care (Illinois)
Campaign for Health Security (Oregon)
Cancer World (Oregon)
Catholic Charities of Colorado
Catholic Charities of Colorado Springs
Catholic Charities of Omaha, Nebraska
Catholic Charities Pueblo (Colorado)
Catholic Community Services of Utah
Catholic Conference of Kentucky
Center for Policy Analysis (California)
Central Ohio Diabetes Association
Centro Legal (Minnesota Minority Support Group)
Child Connect (Nebraska)
Children's Defense Fund—Ohio Chapter
Children's Diabetes Foundation—Denver Chapter
Children's First of Oregon
Citizen Action of Arizona
Citizen Action of Illinois
Citizen Action of New York
Citizen Action Network of Iowa
Coalition for Accountable Government (Utah)
Coalition for Independence (Kansas)
Coalition of New Hampshire Taxpayers
Colorado Classified School Employees Association
Colorado Forum on Community
Colorado Developmental Disabilities Planning Council
Colorado Programs for Children with Disabilities
Colorado Progress Coalition
Colorado Women's Agenda
Columbus Ohio Chapter of N.O.W.
Community Action Directors of Oregon
Community Connection (Utah)
Community Connections (Nebraska)
Community Harvest Food Bank of Northeast Indiana
Community Humanitarian Resource Center (Nebraska)
Community Pharmacists of Indiana
Community Support Services (Oregon)
Concerned Christian Americans—Illinois
Congress of California Seniors
Connecticut Citizen Action Group
Damien Center—Indiana
Day At A Time Club (Colorado)
Denver, Adams and Arapahoe County (CO) CARES
Diocese of Salt Lake City (Utah)
Durango Ltd. (Illinois)
Eagle Forum (Illinois)
East Liverpool (Ohio) Breast Cancer Support Group
Ecumenical Ministries of Oregon
El Comite—Colorado
Electric League (Missouri)
EMPOWER Colorado
Families First (Georgia)
Family Planning Association of Maine
Family Planning Association of Northeast Ohio
Family Ties Adoption Center of Colorado
Federation of Families for Children's Mental Health—Colorado
Future Coalition (Ohio)
Gathering Place (Nebraska)
Georgia Abortion and Reproductive Rights Action League (GARAL)
Georgia Rural—Urban Summit
Georgia Watch
Georgians for Healthcare
Good Faith Fund (Arkansas)
Granite State Independent Living Foundation (New Hampshire)
Gray Panthers California
Gray Panthers of Oregon
Gray Panthers of Rhode Island
Health Action New Mexico
Health Care for All (Massachusetts)
Health Law Advocates (Massachusetts)
Healthy Kids Learn Better (Oregon)
Healthy Mothers/Healthy Babies (Montana)
Helena Indian Alliance—Montana
Hispanic Community Center (Nebraska)
Hispanic Contractors Association (Colorado)
Human Services Coalition of Oregon
Illinois Caucus for Adolescent Health
Indiana Association of Area Agencies on Aging
Indiana Central Association of Diabetes Educators (ICADE)
Indiana Coalition on Housing and Homeless Issues
Indiana Pharmacy Alliance
Individual and Family Counseling—Illinois
Insure the Uninsured Project (California)
Interfaith Service Bureau (California)
Iowa Christian Coalition
Jewish Community Relations Council—Indiana
Kansas Alcohol & Drug Services Providers Association
Kansas Association of Middle School Administrators
Kansas United School Administrators
Kentuckians for Health Care Reform
Kentucky Minority Farmers Association
Latin American Research and Service Agency (Colorado)
Louisiana Maternal and Children's Health Coalition
Maine Consumers for Affordable Healthcare
Maine Women's Lobby
Maine Women's Policy Center
Mental Health Consumer Advocates of Rhode Island
MESA (Moving to End Sexual Assault) Administrative Office (Colorado)
Minnesota AIDS Project
Minnesota Lawsuit Abuse Watch (M-LAW)
Minnesota State Council on Disability
Montana Children's Initiative
Montana Coalition for Competitive Choices
Montana Council for Families
Montana March of Dimes
Montana NARAL
Montana Peoples Action
Montana Senior Citizens Association
Montana's Child Project
Multiple Sclerosis Society of Indiana
Mutual Ground—Illinois
National Barter and Commodity Association (Formerly the Colorado Citizens for an Alternative Tax System)
National Kidney Foundation of Georgia
Navajo County Arizona Special Public Health District
Nebraska Arthritis Foundation
Nebraska Tax Research Council
Nebraskans for Equal Taxation
Neighborhood Activists Inter-Linked Empowerment Movement (NAILEM)—Arizona
Nevada Alliance for Retired Americans
Nevada Cancer Institute
Nevada Diabetes Assocaition for Children and Adults
Nevadans for Affordable Health Care
New Mexico Voices for Children (formerly—New Mexico Advocates for Children and Families)
New Mexico Teen Pregnancy Coalition
New Hampshire Commission on the Status of Women
New Hampshire Developmental Disabilities Commission
New Hampshire for Health Care
Noble/ARC of Central Indiana
Noble/ARC of Greater Indianapolis
North Carolina Committee to Defend Healthcare
Ohio AIDS Coalition
Ohio Advocates for Mental Health
Ohio Association of Mental Retardation
Ohio Citizen Advocates for Chemical Dependency, Prevention and Treatment
Ohioans for Diabetes Control
Oregon Alliance of Retired Americans
Oregon Association of Retired Persons (AARP Chapter)
Oregon Council of Senior Citizens
Oregon Disabilities Commission
Oregon Health Action Campaign
Oregon Heart and Lung Association
Oregon Law Center
Oregon Special Concerns Ministry
Oregonians for Health Security
Paola Foster Grandparent Program (Kansas)
People First of Nebraska
People Living Through Cancer—New Mexico
Planned Parenthood of Alaska
Planned Parenthood of Georgia
Planned Parenthood of Greater Indiana
Planned Parenthood of Mid/East Tennessee
Planned Parenthood of Northern New England
Precita Park Democratic Club (California)
Protectmontanakids.org
Pulaski County Democratic Women (Arkansas)
Pulaski County Young Democrats (Arkansas)
Quality Care for Children (Georgia)
Redemptorist Social Services Center (Missouri)
Religious Action Center of Reform Judaism
Rhode Island Kids Count
Rhode Island Poverty Institute
Rhode Island Public Health Association
Safe Kids—Safe Communities—Montana
Self-Determination Resources (Oregon)
Small Business Lobby (Virginia)
Special Concerns Ministry (Oregon)
Sudden Arrhythmia Death Syndrome (Utah)
Support Oregon Services Alliance
Tennessee Association of Alcohol and Drug Abuse Services
United Cerebral Palsy Association—Colorado
United Cerebral Palsy Association—Nebraska
United Cerebral Palsy Association—Utah

United Seniors of Oregon
Universal Health Care Action Network of Ohio
University Village Association (Illinois)
Utah Association of Counties
Utah Center for Persons With Disabilities
Utah Coalition Against Sexual Assault
Utah Hispanic Advisory Council
Utah State University
Victim Assistance Team of Grand County Colorado
Virginia Coalition of Police and Deputy Sheriffs
Washington Citizen Action
Wisconsin Citizen Action
Wisdom of Wellness Foundation (Georgia)
WISE Foundation (Tennessee)
Women's Association of Northshore Democrats—Louisiana
Women's Policy Group (Georgia)
Women's Rights Organization (Oregon)
Working for Equality and Economic Liberation (WEEL)—Montana

PHYSICIAN GROUPS

National Groups

American Academy of Child and Adolescent Psychiatry
American Academy of Neurology
American Academy of Pediatrics

With additional letters from: Alabama Chapter, Illinois Chapter, Indiana Chapter, Iowa Chapter, Louisiana Chapter, Minnesota Chapter, Montana Chapter, Nebraska Chapter, New Hampshire Chapter, New Mexico Chapter, Ohio Chapter, Oregon Chapter, Rhode Island Chapter, Tennessee Chapter, Utah Chapter

American Association for Geriatric Psychiatry
American College of Foot & Ankle Surgeons
American Psychiatric Association

With additional letters from: Colorado Chapter, Kansas Chapter, Louisiana Chapter, New Hampshire Chapter, New Mexico Chapter, Ohio Chapter, Tennessee Chapter, Utah Chapter

National Alliance of Medical Researchers and Teaching Physicians
National Hispanic Medical Association
Pediatrix Medical Group
The Society for Maternal Fetal Medicine

Local Groups

Alabama Academy of Family Physicians
Alabama Medical Association
American Academy of Physicians—Nebraska Chapter
American College of Cardiology—Alabama Chapter
American College of Emergency Physicians—Alabama Chapter
American College of Surgeons—Rhode Island Chapter
Arkansas Medical Society
Bellevue Pediatric Center (Nebraska)
Bennett Breast Cancer Center (Maine)
Colorado Medical Society
Family Medicine Specialists of St. George (Utah)
Internal Medicine and Pediatric Medicine (Utah)
Missouri State Medical Association
Nebraska Academy of Family Physicians
Nebraska Academy of Physicians
Nebraska Medical Association
New Hampshire Health Care Association
New Mexico Medical Society
Rhode Island Medical Association
Rhode Island Neurological Society
Rose Breast Center (Colorado)
Utah Optometric Physicians
Utah Valley Pediatrics
Virginia Medical Society
Washington Healthcare Forum

PROVIDER GROUPS

National Groups

American Association for Marriage and Family Therapy
American Association for Psychosocial Rehabilitation
American Association on Mental Retardation
American Chiropractic Association

With additional letters from: Alabama Chapter, Arkansas Chapter, Indiana Chapter, Kansas Chapter, Kentucky Chapter, Louisiana Chapter, Maine Chapter, Minnesota Chapter, Montana Chapter, New Hampshire Chapter, New Mexico Chapter, North Carolina Chapter, Oregon Chapter, Rhode Island Chapter, Tennessee Chapter, Washington Chapter

American College of Nurse-Midwives
American Counseling Association
American Group Psychotherapy Association
American Mental Health Counselors Association
American Nurses Association

With additional letters from: Alabama Chapter, Arkansas Chapter, California Chapter, Colorado Chapter, Illinois Chapter, Kansas Chapter, Maine Chapter, Minnesota Chapter, Montana Chapter, Nebraska Chapter, Nevada Chapter, New Hampshire Chapter, New Mexico Chapter, Ohio Chapter, Oregon Chapter, Rhode Island Chapter, Tennessee Chapter, Utah Chapter, Virginia Chapter, Wyoming Chapter

American Optometric Association

With additional letters from: Alabama Chapter, Arizona Chapter, Arkansas Chapter, Indiana Chapter, Iowa Chapter, Kentucky Chapter, Louisiana Chapter, Montana Chapter, Nebraska Chapter, Nevada Chapter, New Hampshire Chapter, New Mexico Chapter, Tennessee Chapter, Utah Chapter, Virginia Chapter, Wyoming Chapter

American Podiatric Medical Association
American Psychiatric Nurses Association
American Psychological Association

With additional letters from: Arkansas Chapter, Colorado Chapter, Illinois Chapter, Indiana Chapter, Iowa Chapter, Kansas Chapter, Kentucky Chapter, Louisiana Chapter, Minnesota Chapter, Montana Chapter, Nebraska Chapter, Nevada Chapter, North Carolina Chapter, Ohio Chapter, Oregon Chapter, Rhode Island Chapter, Tennessee Chapter, Utah Chapter, Wyoming Chapter

American Psychotherapy Association
American Society of Clinical Psychopharmacology, Inc.
Association for Ambulatory Behavioral Healthcare
Association of Women's Health, Obstetrics and Neonatal Nurses
Clinical Social Work Federation
Employee Assistance Professionals Association
Federation of Behavioral, Psychological and Cognitive Sciences
National Association of County Behavioral Health Directors
National Association of School Psychologists
National Association of Social Workers

With additional letters from: Alabama Chapter, Arkansas Chapter, Iowa Chapter, Kansas Chapter, Louisiana Chapter, Maine Chapter, Nebraska Chapter, New Hampshire Chapter, New Mexico Chapter, North Carolina Chapter, Ohio Chapter, Rhode Island Chapter, Utah Chapter

National Council for Community Behavioral Healthcare

Local Groups

AAC Association (Nebraska)
Access Utah Network
Act Now Counseling (Utah)
Action Counseling (Colorado)
Acupuncture Association of Colorado
Acupuncture Association of Utah
Acupuncture Association of Washington
Addiction and Behavioral Health Center (Nebraska)
Advance Women's Health Care (Utah)
Advantage Eye Care (Utah)
AIM Institute (Nebraska)
Affiliates in Psychology (Nebraska)
Alabama Association of Home Health Agencies
Alabama Association of State & Provincial Psychology Boards
Alabama Council for Community Mental Health Boards
Alabama Family Practitioners Rural Health
Alaska Ophthalmological Society
Alegent Health Psychiatric (Nebraska)
Alternative Health Center (Utah)
Alternative Pathways (Colorado)
Alzheimer's Association of Oregon and Greater Idaho
Alzheimer's Association of Utah
American Society of Addictive Medicine—Kansas Chapter
American Society of Addictive Medicine—Utah Chapter
Andrus Vision Center (Utah)
Arden Courts (Illinois)
Arkansas Association for Marriage and Family Therapy
Arkansas Chiropractic Legislative Council
Arkansas Independent Living Council
Arkansas Mental Health Counselors Association
Aspen Therapy (Utah)
Association of Community Service Agencies (California)
Association of Oregon Community Mental Health Programs
Association of School Based Health Centers (Oregon)
Asthma and Allergy Clinic (Utah)
Autism Coalition of Indiana
Autism Society of Arkansas
Autism Society of Nebraska
Autism Society of Ohio
Avenues to New Horizons (Nebraska)
Avera St. Anthony's Hospital (Nebraska)
A.W.A.R.E. Inc. (Mental Health Provider—Montana)
Bear River Medical Arts (Utah)
Bear River Mental Health Services (Utah)
Beaver Valley Hospital (Utah)
Behavioral Health Specialists (Nebraska)
Bergan Mercy Child Development Center (Nebraska)
Berner Eye Clinic (Utah)
Black River Mental Health Services (Utah)
Blue Valley Mental Health Center (Nebraska)
Boulder County Partners (Colorado)
Boulder Valley Women's Health Center (Colorado)
Broadway Counseling Services (Colorado)
Bungalow Care Center (Utah)
California Council of Community Mental Health Agencies
California Society for Clinical Social Work
Care Oregon
Cedar Springs Behavioral Health (Colorado)
Centennial Mental Health Center (Colorado)
Center for Counseling and Consultation (Kansas)
Center for Human Development (Kansas)
Center for Independent Living (Kansas)
Center for Psychological Services (Nebraska)
Central District Health Center (Nebraska)
Central Iowa Psychological Services

Central Kansas Psychological
Children and Adults with Attention Deficit/Hyperactivity Disorder (Ohio)
Chiropractic and Spinal Rehabilitation (Colorado)
City of Geneva Mental Health Board (Illinois)
Clarian Health (Methodist Hospital, Indiana University Hospital, Riley's Children's Hospital) (Indiana)
Collidge Mental Health Center (Nebraska)
Colorado Association of Surgical Technicians
Colorado Dental Association
Colorado Health and Hospital Association
Colorado Osteopathic Society
Colorado Podiatric Medical Society
Community Adolescent Counseling (Colorado)
Community Access Services (Oregon)
Community Counseling Center of Fox Valley (Illinois)
Community Nursing Services (Utah)
Community Pharmacists of Indiana
Community Providers Association of Oregon
Conway Regional Health Systems (Arkansas)
Council of Volunteers and Organizations for Hoosiers with Disabilities (Indiana)
Council on Substance Abuse (Alabama)
Counseling Associates (Utah)
Counseling Center for the Rockies (Colorado)
Coventry Group (Kansas)
Crawford County Health Department (Kansas)
Danville Services Corporation (Utah)
Delta Resource Independent Living Center (Arkansas)
Denver Naturopathic Clinic—Colorado
DPF Counseling Services (Kansas)
Dignity Health & Home Care (Utah)
Direct Benefits (Minnesota)
Elgin Mental Health Facility (Illinois)
Family Counseling Service of Aurora, Illinois
Family Life Center (Kansas)
Family Medicine Specialists of St. George (Utah)
Fetzer OB-GYN (Illinois)
First Call For Help (Nebraska)
First Plan in Two Harbors (Minnesota)
Fore Chiropractic Clinic (Kansas)
Four Corners Community Behavioral Health (Utah)
Four County Mental Health Center (Kansas)
Franklin County Memorial Hospital (Nebraska)
Full Circle Alternative Center (Colorado)
Gabriel Chiropractic Office (Colorado)
Geneva Mental Health (Illinois)
Gordon Memorial Hospital (Nebraska)
Greenwood Health Center (Utah)
Gynecology, Obstetrics & Infertility (Colorado)
Healthy Mothers—Healthy Babies (Montana)
Heartland Counseling and Consulting (Nebraska)
Higgins Center for Natural Health (Colorado)
Highland Family Eye Care (Utah)
Highland Ridge Hospital (Utah)
Holladay Family and Child Guidance Clinic (Utah)
Home Health Services and Staffing Association of New Jersey
Hutchinson Psychological & Family Services (Kansas)
Idaho Hospital Association
Independent Living Resource Center (New Mexico)
Indiana Association of Rehabilitation Facilities
Indiana Pharmacy Alliance
Institute for Alcohol Awareness (Fort Collins, Colorado)
Institute for Alcohol Awareness (Greeley, Colorado)
Intermountain Health Care (Utah)
Intermountain Health Care Diabetes Education (Utah)
Iowa Breast Cancer Education-Action (IBCE)
Iowa Dental Association
Iowa Podiatric Medical Society
Jane Phillips Nowata Health Center (Oklahoma)
Johnson County Hospital (Nebraska)
Josephine County Mental Health (Oregon)
Kane County Hospital (Utah)
KANZA—Mental Health and Guidance Center (Kansas)
Kelly Roybal-Sanchez Pediatric Clinic (Colorado)
Kentucky Dental Association
Kentucky Mental Health Coalition
Lane Independent Living Alliance (Oregon)
Larimer Center for Mental Health (Colorado)
Legislative Coalition of Virginia Nurses
Leo Pocha Clinic (Montana)
Leukemia Lymphoma Society of Oregon
LifeWise Health Plan of Oregon
Lincoln/Lancaster County Human Services Federation (Nebraska)
Longmont Psychiatric Associates (Colorado)
Louisiana Academy of Medical Psychologists
Louisiana Association of Ambulatory Healthcare
Louisiana Association for the Advancement of Psychology
Louisiana Healthcare Commission
Louisiana Mental Health Consortium
LTC Resolutions (Indiana)
Maine Association of Mental Health Services
Maine Association of Substance Abuse Programs
Maine Nurse Practitioners Association
Medical Weight Management (California)
Melham Medical Center (Nebraska)
Mental Health and Guidance Center (Kansas)
Mental Health Associates (Kansas)
Mental Health Care Associates (Nebraska)
Mental Health Corporation (Colorado)
Mental Health Liaison Group
Mesability (Colorado)
Metro Chiropractic (Nebraska)
Midwest Parkinson's Awareness of Northeast Ohio
Minnesota Association of Community Mental Health Programs
Minnesota Council of Health Plans
Missouri Ambulance Association
Montana Academy of Ophthalmology
Montana Academy of Otolaryngology
Montana Association of Ambulatory Surgery Centers
Montana Association of Independent Disability Services
Montana Council of Community Mental Health Centers
Montana Podiatric Medical Association
Nebraska Chiropractic Physicians Association
Nebraska Dental Association
Nebraska Health Care Association
Nebraska Methodist Hospital
Neighborhood Health Plan of Rhode Island
Nemaha County Breast Cancer Support Group (Nebraska)
Nevada Dental Hygienists Association
New Hampshire Mental Health Coalition
New Hampshire Mental Health Counselors Association
New Hampshire Pastoral Psychotherapists Association
New Mexico Podiatric Medical Association
New West Health Services (Montana)
Niobrara Valley Hospital (Nebraska)
Norfolk Psychological Service (Nebraska)
Northstar Mental Health Services (Nebraska)
Northwest Alzheimer's Association (Nebraska)
Norton Health Care (Kentucky)
Nurse Practitioners of Oregon
Ogallala Counseling Center (Nebraska)
Ohio Ambulatory Behavioral Healthcare Association
Ohio Association of Women's Health, Obstetrics and Neonatal Nurses
Ohio Clinical Social Work Society
Ohio Counseling Association
Ohio Council of Behavioral Healthcare Providers
Ohio Dietetic Association
Old Mill Counseling (Nebraska)
Omni Behavioral Health (Nebraska)
One Source (Nevada)
Oregon Advocates for the Mentally Ill
Oregon Association of Physicians' Assistants
Oregon Centers for Mental Health and Addiction
Oregon Dental Association
Oregon Health Sciences University
Oregon Optometric Physicians Association
Oregon State Denturists' Association
Oriental Medical Association of New Mexico
Palmer Chiropractic College (Iowa)
Park City Family Health and Urgent Care Center (Utah)
Parkview Medical Center Department of Pathology (Colorado)
Pediatric Pathways (Colorado)
Phelps Memorial Health Center (Nebraska)
Phoenix Rising Center (Utah)
Polk County Mental Health (Oregon)
Professional Christian Counseling Services (Nebraska)
Providence Medical Center (Nebraska)
Pueblo Women's Center—Obstetrics and Gynecology (Colorado)
Rainbow Center (Nebraska)
Region VI Behavioral Healthcare (Nebraska)
Rhode Island Association of Health Centers
Rhode Island Autism Project
Rhode Island Council of Community Mental Health Organizations
Rhode Island Dental Society
Richard H. Young Hospital (Nebraska)
River Park Psychology Services (Kansas)
Riverton Eye Care (Utah)
Rock County Hospital (Nebraska)
Rural Counties Program, Spanish Peaks Mental Health Center (Colorado)
Rural Health Management (Utah)
Rural Hospital Coalition (Louisiana)
Saint Francis Memorial Hospital (Nebraska)
Sanpete Valley Hospital (Utah)
Saunders County (Nebraska) Health Services
Serenity Place (Nebraska)
Shopko Eyecare Center
Southwest Kansas Independent Living Resources Center
Southwest Utah Community Health Center
Spa Area Independent Living Services (Arkansas)
St. Mary's Health Network—Oregon
Stoney Ridge Day Treatment Center (Nebraska)
Sundance Women's Healthcare (Utah)
Sweetgrass-Stillwater Mental Health Association (Montana)
Swope Parkway Health Center (Missouri)
Tennessee Academy of Ophthalmology
The Home Team of Kansas
The Psychology Clinic (Louisiana)
Three Rivers Independent Living (Kansas)
Topeka Independent Living Resource Center (Kansas)
Town Center Chiropractic (Montana)
Tri-County Hospital (Nebraska)
Tri-County Mental Health Services—Maine
Tulane University Health Sciences Center (Louisiana)
United Healthcare—Alabama
Utah Society of Pathologists
Valley Community Clinic (California)

Valley Counseling Services (Ohio)
Valley County Hospital (Nebraska)
Valley View Medical Center (Utah)
Van WYK Family Chiropractic Center (Colorado)
Virginia Academy of School Psychologists
Virginia Association of Community Services Boards
Virginia Association of Free Clinics
Virginia Association of Hospices
Vision Health Center (Utah)
Wasatch Canyon Mental Health (Utah)
Washington Massage Therapy Association
West Holt Memorial Hospital (Nebraska)
Wills Chiropractic Clinic (Nebraska)
Willowbrook Mental Health Center (Nebraska)
Wiseman Chiropractic Wellness Center (Nebraska)
Workman Chiropractic Clinic (Nebraska)
Wyoming Counseling Association

HEALTH INSURANCE TRADE ASSOCIATIONS

Alabama Associated Life Insurance Companies
America's Health Insurance Plans (AHIP)

With additional letters from: Alabama Association of Health Plans, California Association of Health Plans, Georgia Association of Health Plans, Indiana Association of Health Plans, Kansas Association of Health Plans, Kentucky Association of Health Plans, Nebraska Association of Health Plans, Nevada Association of Health Plans, New Jersey Association of Health Plans, North Carolina Association of Health Plans, Ohio Association of Health Plans, Virginia Association of Health Plans, Association of Washington Healthcare Plans, American Managed Behavioral Healthcare Association, American Republic Insurance Company (Iowa)

Association of Health Insurance Advisors/National Association of Insurance and Financial Advisors

With additional letters from: Indiana Chapter, Maine Chapter, Nebraska Chapter, Ohio Chapter, Utah Chapter

Blue Cross and Blue Shield Association
Delta Dental Plans Association

With additional letters from: Delta Dental Plan of Arkansas, Delta Dental Plan of Indiana, Delta Dental Plan of Iowa, Delta Dental Plan of Kentucky, Delta Dental Plan of Minnesota, Delta Dental Plan of New Mexico, Delta Dental Plan of North Carolina, Delta Dental Plan of Virginia

Christiana Care Health Plans
Cimarron Healthcare (New Mexico)
Federation of Iowa Insurers
Health Net (Oregon)
Louisiana Pest Control Insurance Company (LIPCA)
Lovelace Health Systems (New Mexico)
Magellan Health Services
National Association of Health Underwriters

With additional letters from: Alabama Chapter, Arkansas Chapter, Central Arkansas Chapter, Georgia Chapter, Indiana Chapter, Maine Chapter, Minnesota Chapter, Nevada Chapter, New Hampshire, New Mexico Chapter, North Carolina Chapter, Ohio Chapter, Oregon Chapter, Rhode Island Chapter, Virginia Chapter

Nebraska Association of Professional Insurance Agents
Nevada Hometown Health
NevadaCare
PacifiCare of Nevada
Principal Financial Group—with additional letters from: Iowa Office
Sierra Health Services (Nevada)
Tufts Health Plan

Mr. Speaker, I yield such time as he might consume to the gentleman from New Jersey (Mr. HOLT).

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Mr. HOLT. Mr. Speaker, I rise in opposition to this bill and in support of the substitute that the gentleman from Wisconsin (Mr. KIND) and the gentleman from New Jersey (Mr. ANDREWS) will be submitting.

Mr. ANDREWS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ), for whom I have the most profound respect, the ranking Democrat member of the Committee on Small Business.

Ms. VELAZQUEZ. Mr. Speaker, I thank the gentleman from New Jersey (Mr. ANDREWS) for yielding me this time.

Today, we should be focusing on helping small businesses address the health care problems they face. Instead, our debate is not about policy but about politics. The House has already passed this once, and it is a bit early for summer reruns. It is a good bill with broad bipartisan support. Passing it twice will not change that.

As we move forward, small businesses are facing a real health care crisis. Small firms that can afford health insurance are seeing costs rise by nearly 20 percent every single year, and many small businesses do not even have health insurance.

This is a good bill. It has strong solvency requirements and safeguards to ensure there will be no cherrypicking of healthy employees.

Critics of this legislation will cite an outdated study that examines legislation far different than the bill before us today. This has the same validity as saying Columbus should never have sailed to the New World because previous studies had shown the world was flat.

Association health plans will give small businesses the same advantages that corporate America and unions already have. I always say, if it is good enough for IBM, GM, and Lockheed Martin, it is good enough for small businesses.

But we should stop playing politics with small business. If the Bush administration was truly committed to small businesses, association health plans would already be law.

Today's debate is not going to help small businesses lower their health care costs, it is not going to help them cope with the constant fear of being just one illness away from bankruptcy. It is about time small businesses were able to afford quality health care. That is why I will encourage my Democrat colleagues to support this proposal and show as a party that we are bigger than this political gamesmanship.

I call on the Republican leadership in the Senate and President Bush to make this bill a priority and pass it. I urge a "yes" vote.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, today I rise in strong support of association health plans. As we have heard, small businesses pay 17 percent more for their health care than employees of large companies. In a State like West Virginia, where over 90 percent of our business is small business, this is impossible for our small business owners.

Over 44 million Americans, sadly, are without health insurance, and more than 60 percent of those are employed by a small business. The high costs small businesses have to bear to provide health care, for what in many cases are just a few employees, prohibits owners from providing affordable health insurance and losing employees at the same time.

Through a trade association, like the National Federation of Independent Businesses, small businesses would be allowed to band together, pool their resources, drive down health care costs and gain buying power.

Nondiscrimination provisions in the legislation ensure health coverage will be offered to those who need it most, and solvency requirements will make sure that the health plans have the financial resources on hand to cover their employees' needs.

Mr. Speaker, during a roundtable I had several weeks ago with small business owners in my district, everyone was concerned about offering health care coverage. Small business owners want to be able to afford this, not only for them as owners but also for their employees.

This House has passed this association health plan legislation before. Workers need health care coverage, their children need health care coverage, and small business owners want to offer health care coverage. I urge my colleagues to support association health plans.

Mr. TIERNEY. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, the so-called Small Business Health Fairness Act is a bill that is attractive to a few but it is sufficient for none, and it seems to be harmful for everyone else. While there are employers, workers and family members who do depend on health insurance, what they really need is solutions that are going to work for everybody and not just some empty promises.

The Congressional Budget Office did an estimate on this proposed bill and estimated that approximately 4.6 million people might obtain some coverage through these proposed associated health plans but only about 330,000 of those people would be new customers.

The fact of the matter is that there is not going to be the dramatic savings that is proposed here. That simply will not materialize. The Congressional Budget Office found that these AHP premiums would only be marginally less than the traditional health care plans. In fact, the Mercer Consulting STUDY that was done for the National Small Business Association found that premiums would increase by 23 percent for those outside the AHP market. It also found there would be an increase in the number of uninsured workers in small firms, an increase of a million people, as a result of this being implemented.

The fact of the matter is that Americans would also lose their right to vital medical coverage, like OB-GYN and pediatrician services, cervical, colon, mammography and prostrate cancer screening, maternity benefits, well-care child services, and diabetes treatment.

When we had witnesses testifying at the committee hearing, Mr. Speaker, we specifically asked the small business witness whether that is what she wanted to have happen to her company. And her testimony indicated clearly she did not, and she did not understand that was going to be the result of this bill passing.

This bill is going to disallow a lot of State protections, and almost all the States have in protections for people under this bill. This House voted for a Federal Patients' Bill of Rights that would have recognized States' protections that are in place for insurance programs. Almost every single Member on both sides of the aisle voted for that legislation; yet this piece of legislation, the AHP bill, would peel that away and take away the State protections for all those things that people in small business want.

As a person in a small business and representing a number of small businesses for over 22 years, I can tell you small business employers do not want an inferior policy for their employees.

With respect to the question one of our colleagues on the other side raised about the distrust of the private sector, we are all very much in favor of the private sector, but most people are in favor of it being a balanced situation in this country. We understand unless there is some reasonable regulation, some private industries will go too far in one direction, as has happened in the past with programs similar to this, the so-called MEWAs that existed at one time that were replete with fraud, corruption, and solvency problems.

This is a situation that has to be corrected. We cannot allow it to happen again here, and there is evidence in recent times that that is exactly what would happen with this bill.

Mr. Speaker, small business owners and their employees deserve protections. They deserve to go to the emergency room. Women small business owners deserve to go to gynecologists without referral from another doctor. Why should we treat small business owners and employees like second-class citizens by giving them second-class health care? Instead of extending the patient protections to all Americans, this bill would roll back the limited protections that exist today.

I think if we speak plainly, Mr. Speaker, this bill eliminates the State regulation of AHPs and is in fact an anti-patients' bill of rights. For this reason and the other reasons I have mentioned, and others have said, and the fact that over a thousand different organizations oppose this bill, including the National Governors Association, the Republican Governors Association, 41 State attorneys general, the National Small Business Administration, the National Association of Insurance Commissioners, as well as a dozen other groups of labor business and consumer groups, I believe this is not a good bill for small business, it is not a good bill for the employees of small businesses. We can do better and we should.

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding me this time.

It is interesting to note the gentleman just said, why should small businesses be treated as second class citizens. The fact of the matter is, they are already treated as second-class citizens because they do not have and cannot afford to have health insurance for their employees. Sixty percent of the 44 million uninsured people in America work in small businesses.

Now, there is something very interesting happening in this debate, and I want to lay it on the line. All the people who are against this bill have health insurance. Yes, the unions and the governors, be they Democrat or Republican, and all the other folks who are saying this is a bad bill, have health insurance. On the other side, the folks who want this bill, are small business owners, 12 million of them, who cannot afford to provide health insurance for their employees. Why should they not have an opportunity to pool together to gain the leverage that would enable them to provide affordable health insurance?

Now, you hear people saying the benefits are too skimpy and you do not have the State mandated benefits and all these other things. Those benefits are fine, and I have supported them. But the fact of the matter is if you do not have any health insurance, then the benefits and the protections and the consumerism and all that does not mean a thing because you do not have any health insurance.

Number one, why not let the employees make the decision? If the benefits are too skimpy, the employees will not buy them. On the other hand, if a basic plan enables you to see a doctor or save money on going to a doctor, that is a good thing and people will buy it.

The second item I might mention, large corporations that self-insure and unions that cross States lines do not have to adhere to these mandates that people are saying is so important. So what is the difference? It seems to me that if we do not want to treat folks as second-class citizens, let small businesses have the same benefits that big corporations and unions currently enjoy.

Now, the other item you will hear about is cherrypicking. There are provisions in this bill to prevent cherrypicking. You will hear about solvency problems. There are provisions in the bill to ensure that the solvency is the same as the solvency for other insurance companies.

Now, who gets insured? You have heard, well, people will lose insurance, insurance rates will rise. CONSAD Research Institute conducted a study that concluded that 8.5 million more Americans, uninsured workers, would have access to insurance under this bill.

Now, this bill is not a panacea. It is not perfect. But it is a step forward that will enable us to insure the group of people who do not have insurance. Instead of listening to all the thousands and hundreds of groups that they are saying are against this bill, but who for some reason have insurance, let us provide a benefit to the uninsured small businessperson, give them the opportunity to have associated health plans and move towards insuring the uninsured.

This is National Insure the Uninsured Week, not National Let Us Talk About Insuring the Uninsured Week. The thing that we can do that would do the most good is to pass this bill and move toward insuring the uninsured.

Mr. ANDREWS. Mr. Speaker, may I inquire as to how much time is remaining on our side?

The SPEAKER pro tempore. The gentleman from New Jersey has 12¾ minutes remaining, and the gentleman from Ohio has 10 minutes remaining.

Mr. ANDREWS. Mr. Speaker, I yield myself 30 seconds.

My friend from Maryland, whom I respect very much, when they talk about the number of people who would gain insurance with AHPs, the Congressional Budget Office drew the conclusion that the vast majority of members of AHPs would not be newly-insured people. They would be people shifted from existing plans into the AHPs.

I think the better authority is that one million people, net, one million more people would be uninsured as a result of this bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN) a member of the Committee on Energy and Commerce.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time and for his leadership on health care issues.

In my home State of Ohio, we have a successful multi-employer health insurance program sponsored by the Council of Smaller Enterprises, or COSE. Some 14,000 businesses participate. For 30 years, Ohio's COSE has been negotiating with commercial insurers to offer small businesses coverage and rates usually reserved for the largest companies. Each year, COSE members collectively save almost $50 million in health insurance premiums.

Unlike the association plans envisioned under 4281, COSE works within the framework of State insurance law. That means COSE is not subject to the scams, to the insolvencies, to the indiscriminatory coverage schemes that are the hallmark of association plans. This bill puts Ohio COSE at risk.

It is like a poker game. If one person is playing by the rules and the other is cheating, the cheater will probably win. Now the stakes are even higher. Not only is health coverage at risk for those who play by the rules, but the gains are short-lived for those who do not.

Companies that join an association health plan may see favorable premiums one year and be priced out of coverage the next. Their employees may or may not be covered for needed health care and claims may or may not be paid. It is simply a crap shoot.

The American Academy of Actuaries has no stake in the outcome of this debate. Private insurers hire actuaries to calculate premiums. Here is what the Academy has to say about this bill. "This bill will likely have unintended negative consequences." The Academy says "AHPs produce fragmentation of the market," as we have heard over and over and over today. They say, "AHPs are likely to lead to cherry-picking, to adverse selection, and to increased costs for sicker individuals."

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The academy says that AHPs create an unlevel playing field, there have been many examples of AHP-like organizations becoming insolvent, and that the anticipated expense reductions are simply unlikely to materialize. Even though 44 million Americans are uninsured, the Republican majority has no intention of seriously considering proposals to expand access to health insurance.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Let me remind all of my colleagues that we are talking about 44 million Americans who have no health insurance. They get to the doctor, albeit very late, they get to the hospitals, albeit very late, they die sooner, and they have higher health care costs that we all who have health insurance pay for. It all ends up in the size of our bill.

But the bigger disgrace is that there are 44 million Americans who have no health insurance, no preventive care; and we are attempting to do something about it. The gentleman from Ohio (Mr. BROWN) denigrated these interstate plans as scams that could go corrupt. Let me see. If I recall, we have companies like General Electric which have employees in virtually every State. They have a plan under the Employee Retirement Income Security Act. How about the Teamsters? I would say the Teamsters have plans that cover virtually every State.

Why would we not allow small employers that belong to the NFIB, belong to the U.S. Chamber of Commerce, belong to the Electrical Contractors Association, why would we not let them come together to form the same kinds of health insurance plans that large companies and unions offer from coast to coast? What do we have to fear? What do we have to fear in trying to help 44 million Americans have a chance at good health insurance?

Mr. ANDREWS. Mr. Speaker, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Speaker, I assume the gentleman's question was not rhetorical. What we have to fear, we should listen to the advice of attorneys general and Governors and insurance commissioners from around the country who say we have to fear this: we have to fear a poorly regulated or unregulated structure that is not properly accountable under fiduciary standards and has no experience in running insurance companies, which is why they oppose the bill.

Mr. BOEHNER. Mr. Speaker, reclaiming my time, those regulatory requirements are not on the GEs that we talked about, they are not on the Teamsters, they are not on other big employer or union plans. They are governed under a Federal statute called ERISA that has worked very well to insure and provide the basis for health insurance in America, and we ought to trust small businesses that would join these associations and give them the same rights that big companies and unions have.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Ohio (Mr. BOEHNER) for yielding me this time.

I want to talk about this as a former insurance agent. I sold property and casualty insurance to small businesses all over Georgia before I came to Congress. I was not in the health care business, but quite frequently my clients would come to me and say, Can you help us with health care? Can you point us in the right direction? So I have some knowledge of it on the ground from the perspective of a pet store, a barber shop, a brick mason, small employers with 5 to 15 people.

What their problem is, they have been priced out of the health care business because we insist through state-mandated benefit that they have to buy a Cadillac insurance plan. They cannot buy a stripped down Toyota; they have to buy the Cadillac with all of the options. That is what we are doing. Because of that, that brick mason with seven employees says to his employees, We cannot do health care any more. If your wife or somebody in your family cannot put you on as a dependent, you do not have any health care.

What this plan does is it gets uninsured employees back in the business of health insurance, those employees who are making too much money for Medicaid, for example, and workers comp is only going to cover them on the job. This gives them access to the health care. It makes it affordable because that brick mason, that pet store, that barber shop can combine with other similar businesses all around the country, and they can go into the marketplace with the economy of scale, the buying clout which the GEs and big unions have, and then they can have affordable health care. It gives relief from some of these mandated benefits. A mandated benefit is not necessarily bad; but if you require someone to have pediatric shots, nobody is going to say that is a bad idea, it makes sense, but it might not apply to you or you might want to assume that risk or cost yourself.

We are saying to these employers and employees you have no option, you have to buy this because we are the government and we know what is best for you. This gives them a commonsense approach, a great compromise so they can afford health care again. I urge my colleagues to support this bipartisan legislation.

Mr. ANDREWS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH), another voice who joins the coalition of AFL–CIO, 66 chambers of commerce and the National Governors Association, a gentleman who has brought great honor to this House during his Presidential campaign.

Mr. KUCINICH. Mr. Speaker, when a doctor prescribes a path of care that does not work out, patients are always advised to get a second opinion, so I want to offer a second opinion in answer to the gentleman from Ohio (Mr. BOEHNER).

This bill would increase the number of uninsured. It would increase costs. It would increase discrimination against older workers, and it would remove patient protections. Despite the widespread agreement on the need to provide more health care coverage, decrease cost and improve care, this bill moves in the opposite direction. Instead of improving access to health care, this legislation would worsen access.

Approximately 1 million people would lose their insurance coverage if this bill is enacted. Instead of reducing premium costs, this bill would increase premiums for 20 million small business workers. Instead of making coverage more equitable, AHPs would lead to discrimination against older workers who would have a much more difficult time getting coverage. Instead of increasing patient protections, this bill would remove them. State patient protection laws would be effectively waived for AHPs, leaving patients without the ability to enforce protections for basic benefits, like emergency medical services and access to specialists.

The Hippocratic Oath says "Above all, do no harm." This bill takes a bad health care situation in this country and makes it worse, which is not what the people ought to expect from this Congress. I urge the Congress to reject the underlying bill and at some point in the future we are going to have to answer the issue of universal, single-payer, not-for-profit health care so we do not look at these kinds of phony, stopgap measures.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

I remind my colleagues one more time that we are talking about trying to assist 44 million Americans who have no health insurance. This may not be the perfect product, it may not be the perfect package, but for the life of me, I cannot understand why people do not want to come to the plate and try to do something to help these Americans who do not have access to affordable health insurance.

Maybe the answer is what we just heard from my good friend and colleague, a member of the committee from the other end of the great State of Ohio who wants a single-payer national health plan. I think most Americans looked up in the mid-1990s when this idea was floating around and said, Oh, no. No, no, I like my health insurance. I like going to the doctor I choose. I do not need the government running my health insurance plan.

Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Speaker, today the House has a chance to help small business with their number one concern: health care. Many Members are already aware of this, but 25 million small business owners, their families and employees currently do not have health insurance. It is simply too expensive. We have a system in our country today that puts small business on one playing field and big business on another, and that is not acceptable. Small business is the driving force of our economy, the number one job creator in the Nation, and the backbone of our local communities.

H.R. 4281, the Small Business Health Fairness Act, puts small business and big business on a level playing field. It gives small business the capability of buying health insurance at the same cost and with the same rules that big business plays by. I think it is time we gave our small businesses a helping hand.

I am confident that we will pass legislation to create association health plans today, and I encourage all of my colleagues to support it; but it is time for the other body to act and pass the Small Business Health Fairness Act. The time has come to address this problem, and the entire Congress should support this legislation.

Mr. ANDREWS. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, we certainly take up the challenge to present a better idea, which the gentleman from Wisconsin (Mr. KIND) and I will be doing in a few minutes under the alternative. We understand that the American Academy of Actuaries, a group with no vested interest in this debate, has concluded that 1 million people will be added to the roles of the uninsured by this bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I rise in opposition to this bill. I do it as the son of a pediatrician and the brother of an oncologist. I appreciate that the Congress today and the Senate, the other body, is having a debate about health care. Senator KERRY is out presenting his health care plan; the only person lacking a health care plan in this debate, after 3 years in office, is the President of the United States.

The Institute of Medicine estimates that 18,000 Americans die prematurely because of not having health care. This is not just a problem of the poor. The fastest growing group of working uninsured in this country are people earning up to $50,000 a year. Kaiser Family Foundation found that the system, the insurance system, literally pays somewhere close to $125 billion to cover the uninsured who do not receive health care. All of us who have health care pay an uninsured premium in our health care cost for those who show up at hospitals without health insurance, getting critical care rather than preventive care.

Even as we spend more money than any other industrialized nation on health care, we have 44 million uninsured, of whom 33 million work and 10 million are children.

To address the needs, we can do better than the bill which experts say will damage, rather than benefit, the insurance market. We can do better than a bill that takes away important insurance requirements like cancer screenings and other critical preventive care rather than relying on the emergency care which is what the uninsured patient receives today.

This bill would actually increase the uninsured premium all of us pay who have health insurance by putting additional strains on the insurance system and increasing premiums for many Americans. In 2000, the health costs for a family of four was $6,500. Today it is $9,000. It is going up exponentially by a third. Nobody has gotten an increase in salary by a third. What is the driving force behind that inflationary fact in health care insurance premiums? The uninsured who show up at hospitals. Hospitals recoup the cost by passing it on, which raises premiums.

Mr. Speaker, I urge my colleagues to reject this bill and pass the substitute which will help small businesses provide health insurance, reduce the number of uninsured while reducing the premiums the rest of us pay.

Mr. ANDREWS. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY), who had a career in State government in insurance regulation and, frankly, I think knows more about this subject than any other Member of the House.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me this time and commend the gentleman as well as the chairman for what is a very interesting debate with some technical sophistication on the business of how we expand health insurance in the small business environment.

Let me begin by explaining briefly how purchase decisions work in a small business, unlike General Electric. General Electric has a human resources department. They have actuaries on contract. They can thoroughly do due diligence on any health insurance program they are evaluating for their employees.

Our Own Hardware store in Valley City, North Dakota, my hometown, is quite different. There is one business proprietor, may a half a dozen or a dozen employees, and when he sits down to visit with a person promoting a health insurance program, he does not have an ability to evaluate the rating scheme. He does not have an ability to assess the adequacy of the fairness of the medical underwriting. That Our Own Hardware store does not have the ability to determine whether the company is solvent and reserving adequately to pay future claims, the Our Own Hardware does not have to do that because when they sell health insurance now, it is regulated. We have a State insurance department that does that. That used to be my job. And the State insurance commissioners across this country are in their offices every day making certain that the presentations to the Our Own Hardware stores represents a product that is going to be there when they need it.

When we buy insurance, we pay premiums today with the hope of getting the claim paid tomorrow, and that means we have to have a reliable entity on the other end. That is what regulation brings us.

☐ 1445

The bill before us would depart from that. They would basically substantially do away with State solvency checks, with the State regulation on underwriting criteria, with the assessment of whether or not the rating is fair. I believe there would be very, very damaging results. In order to bring the cost of insurance down, we have seen self-regulated companies like the AHPs try to cheat on the business of paying claims. They do not have the capital to pay the claims when the claims come due. In fact, the most recent version of the AHPs that have been out there, these MEWAs, the insurance commissioners tell us they left more than 400,000 people holding the bag with medical claims but no insurance company to pay them.

The majority talks a lot about trying to get coverage to those who do not have it. You sure do not want to give people the illusion of coverage that is not real because they count on that company in paying the claim. And what we see with these self-regulated outfit's, when you need them, they are not there. They have taken your money and they have left. So not only does it fail in a meaningful way to get coverage to those who need it, it undercuts the coverage of those who already have insurance. In fact, the estimate from the actuarial firm that a million would lose their coverage is yet another solid reason why we should not take this path and adopt the AHPs.

Vote "no" on this measure.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

With all due respect to my good friend from North Dakota who is one of the real experts on insurance and pension matters in the House, he is a former State insurance regulator, we have heard this claim that Governors, State insurance regulators and attorneys general are opposed to this bill. Of course they are. Every State, we know what they want to do. They want to regulate, regulate, regulate, regulate.

Let us go back to the example. The Procter & Gambles, the GEs, the Teamsters, they are not regulating those plans. They have got some of the best benefits that they offer to their employees. Let us go back to your example of the dry cleaner. The dry cleaner does not have the actuary. He has got the regulator, the attorney general. What if all those dry cleaners in a State, the State of North Dakota, or all those dry cleaners from around the country in their national association came together and formed an association health care plan? Those employees at that local dry cleaner would have better benefits at more competitive prices than they could ever get in a State insurance risk pool.

What do we have to fear from giving those small employers and, more importantly, their employees the chance to come together to have the same kind of a plan that big companies and unions have today?

Mr. Speaker, I reserve the balance of my time.

Mr. ANDREWS. Mr. Speaker I yield myself the balance of my time.

I agree completely with the chairman that the number one issue on the health care agenda of this country is finding insurance for the 43, 44 million uninsured. I agree with him completely that it is a worthy project for this House to pursue. Long overdue. Usually it does not persuade me when you submit a list of people who are against a bill or for a bill, because I think each one of us has the obligation to make our own judgment about these matters, as each one of us should here.

At this point in the RECORD, by the way, I include the Mercer study to which I referred, the actuarial study to which I referred, and the letter from the Congressional Budget Office to which I referred.

[Prepared for: National Small Business United, June 2003]

IMPACT OF ASSOCIATION HEALTH PLAN LEGISLATION ON PREMIUMS AND COVERAGE FOR SMALL EMPLOYERS

(By Beth Fritchen, FSA, MAAA; and Karen Bender, FCA, ASA, MAAA, Mercer Risk, Finance & Insurance)

EXECUTIVE SUMMARY

National Small Business United (NSBU) engaged Mercer Risk, Finance & Insurance (Mercer) to analyze the "Small Business Health Fairness Act of 2003" (H.R. 660 and S. 545). This legislation would encourage the formation of federally certified Association Health Plans (AHPs) by exempting these plans from various state laws that govern health insurance sold to small employers today.

Proponents of H.R. 660 and S. 545 argue that federally certified AHPs would expand access to affordable health insurance for small employers and reduce the number of uninsured. Opponents believe the legislation would have the exact opposite effect—that is, it would cause premiums to rise and the number of uninsured to increase.

Mercer developed an actuarial model to assess how this legislation would affect premiums for small firms that purchase state-regulated coverage and firms that enroll in AHPs over a four year period as well as the impact on the number of uninsured.

The analysis concludes that federal AHP legislation would not alleviate the health insurance cost pressures faced by small employers. Rather, the proposed AHP legislation would have a detrimental impact on small employer premiums, especially for firms with high-cost workers, and would cause a significant number of small employers to drop coverage, thereby increasing the nation's uninsured population.

In brief, we found that once federal AHP legislation was fully implemented:

Health insurance costs would increase significantly for small businesses in the state-regulated insurance market. Health insurance premiums would increase by 23% for small employers that continued to purchase state-regulated coverage This increase would result from AHPs' ability to attract healthier-than-average firms out of the state-regulated market. AHPs' exemption from mandated benefits would allow them to tailor products attractive to healthier populations. Moreover, exemption from sate limits on premiums and marketing standards would allow AHPs to enroll healthier-than-average groups and encourage firms with high cost workers to switch back to the state-regulated market.

As AHPs attract small employers whose perceived health status is good, firms with greater expected health care utilization would remain in the state-regulated market, where they have the protection of mandated benefits and other requirements. The resulting outflow of low-cost groups from the state-regulated market and the remaining concentration of high-cost groups would start an adverse selection spiral that would accelerate premium increases for employers in the state-regulated market.

AHP legislation would increase, not decrease, the number of uninsured. The number of uninsured would increase by over 1 million as a result of coverage losses among workers in small firms and their dependents. As premiums for small employers in the sate-regulated market increased, some firms would drop coverage and not switch to an AHP. Coverage declines would also result when groups covered by AHPs drop their coverage when their rates increase because someone in the group gets sick. While some of these groups would switch back to the state-regulated market, others would drop coverage entirely.

Federal AHPs would gain a pricing advantage through risk-selection, not greater administrative efficiency. The modeling predicts that after four years premiums for AHPs would average 10% below that of the existing small group market. However, we expect these price reductions to result from favorable risk selection and exclusion of benefits rather than improved purchasing efficiency or lower administrative costs. AHPs could use a variety of techniques to select healthier-than-average firms—techniques available to AHPs because the legislation preempts key provisions of state law designed to prevent risk selection.

Specifically, under H.R. 660 and S. 545 AHPs could: charge firms with high-cost workers much higher premiums than permitted under state law; experience rate each association based on the risk of only their members; and offer pared-down products without benefits that would be needed or desired by higher-risk small employers. Together, these strategies would allow AHPs to offer the most attractive rates to healthy groups and avoid the cross-subsidies that state small employer health insurance reforms require.

Federal AHPs would insure the healthiest small employers. The modeling estimates that the average morbidity (a measure of whether a firm is "sick" or "healthy") of firms enrolling in AHPs would be 21% lower than the average morbidity of small employers in the market today. Further, as higher-cost small employers dropped coverage in response to rate increases resulting from the movement of healthy employers out of the state-regulated market, the average morbidity of the uninsured population would increase by 12.3%. AHPs would appeal most to firms with younger workers given the close correlation between age and health status.

Small employers would face higher premiums overall. Average small employer premiums (considering both cost increases for the state-regulated market and premium reductions for AHPs) would increase by 6%. Average premiums would increase because the size of the average premium increase for the population remaining in the state-regulated market (23%) would outweigh the smaller average premium decrease for those covered by AHPs (10%).

These results indicate that AHP legislation is not a solution to rising health care costs for small employers. While some firms obtaining coverage through AHPs may see lower premiums, firms with higher-cost employees would see their premiums increase. Overall, small employers would pay higher premiums and the uninsured population would increase if this legislation were enacted.

Association Health Plan Bills Need Changes: Actuaries Find AHP Legislation Flawed

In a letter to members of Congress, the nonpartisan American Academy of Actuaries identified several serious concerns with the Small Business Health Fairness Act of 2003 (H.R. 660 and S. 545). The bills would amend the Employee Retirement Income Security Act to allow trade, industry, professional and similar associations to be sponsors of health insurance plans for their members. The Academy offered to work with proponents of the bills, which bill sponsors hope will expand the availability, affordability, and accessibility of health insurance coverage.

Karen Bender, M.A.A.A., chairperson of the Association Health Plan Work Group, said that while the legislation has merit and is well intentioned, "we have serious concerns about some of the bills' provisions. As written, the bills are flawed and need significant rewriting to be actuarially sound and protect consumers."

Some of the concerns that the group has with the legislation are:

Risk of Insolvency—The proposed rules governing the minimum surplus requirements for an AHP does not account for the growth of the AHP. Similar organizations have become insolvent in the past. In response, most states enacted solvency standards. To maintain the benefit of such standards to consumers, the surplus standards should be similar to the minimum requirements for Health Risk-Based Capital developed by the National Association of Insurance Commissioners. The legislation also relies on reinsurance vehicles that do not currently exist in the market.

Unclear Regulatory Authority—AHP government regulation is not clearly defined in the law. Consumers, AHPs, and regulators may have no place to go for redress and guidance without clear regulatory authority.

Unlevel Playing Field—The consequences of different rules for AHPs vs. state-regulated plans fragments the market, producing an unlevel playing field in insurance coverage that will lead to cherry-picking, adverse selection, and increased costs for some individuals.

The House Committee on Education and the Workforce is considering the House bill, and the Senate bill has yet to be scheduled for committee consideration. For a copy of the letter, go to the Academy website at www.actuary.org, or call Tracey Young at 202-785-7872.

AMERICAN ACADEMY OF ACTUARIES,
April 28, 2003.

Hon. JOHN A. BOEHNER,
Chairman, House Committee on Education and the Workforce, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE BOEHNER: This letter presents the comments of the American Academy of Actuaries Association Health Plan Work Group regarding the Small Business Health Fairness Act of 2003 (H.R. 660 and S. 545). As you know, these bills would amend ERISA to establish a new "Part 8—Rules Governing Association Health Plans."

H.R. 660 and S. 545 are designed to expand access to affordable health insurance by promoting the use of Association Health Plans (AHPs). We support efforts to increase the availability, affordability, and accessibility of health insurance. While the goals of the legislation are laudable, the bills do not address the core problem, which is the high cost of health care. As currently written, the bills will likely have unintended negative consequences that would hinder the intent of the legislation.

Members of the American Academy of Actuaries are available to assist Congress in developing solutions to address the issue of small-employer health insurance reform.

EXECUTIVE SUMMARY

Some of the unintended negative consequences of the legislation and our related concerns are as follows:

Unlevel Playing Field: The consequences of different rules for AHPs versus state-regulated insured plans is a fragmentation of the market resulting from an unlevel playing field. This is likely to lead to cherry-picking, adverse selection, and increased costs for sicker individuals.

Risk of Insolvency: The proposed rules governing the minimum surplus requirements for AHPs do not account for the growth of the AHP. Historically, there have been many examples of AHP-like organizations becoming insolvent. Following such events, most states enacted solvency standards. To maintain the benefit of these standards to consumers, the surplus standards should be similar to the minimum requirements for Health Risk-Based Capital (RBC) developed by the National Association of Insurance Commissioners (NAIC). Also, the bills at issue rely on affordable reinsurance vehicles that do not currently exist in today's marketplace.

Unclear Regulatory Authority: Governmental authority for regulating AHPs should be clearly specified. Absent this clarification, it is likely that nobody will be regulating AHPs or that there will be conflicting regulation. When regulatory authority is unclear, consumers have no place to turn for redress.

Unclear State Assessment Authority: The authority to levy assessments will depend on what governmental body has regulatory authority over AHPs. It should be clear what states are allowed to do with assessments generated by AHPs.

Actuarial Certification: The definition of a "qualified actuary" should require membership in the American Academy of Actuaries and should specify that the individual must have pertinent health actuarial expertise.

Other Concerns: Anticipated expense reductions are unlikely to materialize.

ISSUES CONTRIBUTING TO AN UNLEVEL PLAYING FIELD AND SUBSEQUENT DESTABILIZATION OF THE SMALL-GROUP MARKET

Allowable Rating Practice Differences Contribute to an Unlevel Playing Field

Section 805(a)(2) requires that contribution rates must be nondiscriminatory with regard to individual participants. It also states that contribution rates for any participating small employer must not vary on the basis of any health status-related factor or the small employer's type of business or industry.

However, the term "contribution rates" is not defined. Clarification of whether this refers to a contribution by an individual within a small employer group or the rate an individual employer within an AHP pays is necessary. If this is intended to eliminate the possibility of varying rates for individual small employers by health status, there is a conflict in the language of the paragraphs that follow. The language states that nothing in the bill shall be construed to preclude an AHP from varying contribution rates for small employers to the extent allowed under the state for regulating small group insurance rates. Later in the legislation, it allows an AHP to choose a single state as its "applicable authority" and it need only follow the rating rules of that state for the nationwide plan. If an AHP chooses a state that has no restrictions on small group rates, it seems the limitation on varying contribution rates by health status is not enforceable, thereby resulting in cherry-picking.

This provision would permit an AHP to be exempt from small-group rating laws, which have been enacted by many states. The AHP could charge small employers with less healthy employees a higher rate than would be permitted for health insurers operating under the small-employer rating restrictions. The result would be that small employers whose employees are greater health risks are more likely to obtain coverage from the private health insurance market, where rates are limited, than through AHPs, who may not have the same limitations. State small group legislation sought to eliminate this sort of selection in the market by requiring health insurers to put all their small groups in one pool and to limit the premium charged to one employer relative to another. Introducing AHPs that are not required to adhere to the same rating rules brings selection back into the market. The consequence will be that the rates for the two pools will diverge, causing further instability in an already fragile market.

Lower Solvency Standards Contribute to an Unlevel Playing Field.—State-regulated, non-AHP insured plans are subject to state solvency regulation. Ongoing surplus requirements are normally met by risk or profit charges within the premiums or contributions. While this may result in short-term premium savings for the AHPs, the inadequate contributions to surplus likely will contribute to AHP insolvencies, resulting in consumers and providers being responsible for unpaid claims.

Benefit Differences Contribute to an Unlevel Playing Field.—AHP groups, according to the bills, will be exempt from state mandated benefits. Healthier groups are less likely to utilize mandates and, therefore are more likely to choose AHP coverage, while groups with higher health risks and higher utilization of these mandated services are more likely to remain in the traditional insured market, thus widening the gap between the two markets. Currently, both high and low utilizers are in the same insured pool and the cost for mandates is spread across a larger pool for a small incremental cost. Splitting the required mandates by market will lower the cost for some, but raise the incremental cost for others.

In summary, market destabilization is a likely result of the proposed AHP legislation, as currently written, because of the disparity in allowable rating practices and solvency standards, which would be compounded by benefit differentials. The only way to maintain a level playing field is to have a common set of rating rules and consumer protection laws for every entity, whether it is an insurance company, health maintenance organization (HMO), or a self-funded AHP.

SOLVENCY STANDARDS

Solvency standards should include both claim reserves and surplus requirements. The description of claim reserve requirements for AHPs in Section 806 of the bills seems adequate. The proposed rules governing AHPs should include ongoing requirements that are similar to the minimum requirements for Health Risk-Based Capital (RBC) developed by the National Association of Insurance Commissioners (NAIC). The start-up capital included in Section 806(b), "Minimum Surplus in Addition to Claims Reserves," does not adjust for future inflation or size of the AHP. Many states had similar minimum surplus requirements that became inadequate until they made legislative changes to increase minimums for inflation.

However, capital requirements also need to increase with the growth of AHP claim volume. Recognizing that capital requirements need to be tied to the size and risk profile of risk-bearing entities, states are now implementing the NAIC Health RBC formula. Under the Health RBC Underwriting Risk Factor, an approximation of surplus for many entities would be a minimum of eight percent to 10 percent of the total projected claims for the AHP during the year following the evaluation of such claims. The minimum surplus is adjusted to reflect the purchase of stop-loss reinsurance and other types of reinsurance.

While the requirements for claim reserves, surplus, and other factors may be adequate for the start-up phase of an AHP, they appear inadequate if the total annual claims volume of the AHP exceeds $5 million to $10 million (5,000 to 10,000 individuals). As the AHP gets larger, the total surplus requirement for solvency rises with claim volume. AHPs that provide coverage for employers in higher-risk industries may have even larger surplus requirements. Such employers may not have higher initial claims, but due to higher employee turnover they may have higher claims in future years, necessitating larger surplus requirements.

ACTUARIAL CERTIFICATION

Section 806 of the bills provides for the certification of AHP solvency by a "qualified actuary." The work group wishes to stress the importance of defining that term as "an individual who is a member of the American Academy of Actuaries," and they further recommend that the definition be strengthened by requiring pertinent health actuarial expertise.

It is important that the definition of a "qualified actuary" should be "an individual who is a member of the American Academy of Actuaries." As the U.S.-based organization with primary responsibility for promoting actuarial professionalism, the Academy staffs and supports the Actuarial Standards Board (which promulgates actuarial standards of practice), the Committee on Qualifications (which develops qualification standards), and the Joint Committee on the Code of Professional Conduct (which develops and maintains standards of conduct for actuaries).

The Academy also staffs and supports the Actuarial Board for Counseling and Discipline (ABCD), which provides confidential guidance to actuaries on how to maintain high professional standards in their practices and investigates complaints that may be brought against them. Academy members who fail to comply with applicable professional standards are subject to public discipline up to and including expulsion from membership. Academy membership thus brings with it the obligation to comply with high standards of qualification, conduct, and practice, and we believe Academy members will satisfy that obligation when making the solvency certification required by Section 806.

Actuaries who are not members of the Academy, or one of the other U.S.-based actuarial organizations, are not subject to the professional standards and discipline process just described. Therefore, in a situation where a non-member actuary had issued a flawed certification of an AHP's solvency, the Academy would be unable to help monitor the situation.

APPLICABLE AUTHORITY

Section 812(a)(5) provides a definition for "applicable authority" that allows the U.S. Department of Labor (DOL) to delegate responsibility to enforce federal standards for AHPs to states in certain instances. However, this authority is not universal. The section provides for situations in which there is "joint authority," presumably between the state and federal levels. There are also situations in which the DOL has sole authority over an AHP and state jurisdiction is preempted.

These provisions create confusion about which regulatory entity has responsibility for oversight of the various functions of AHPs. We make note of the bills' recognition of the value of the expertise and resources currently in place at the state level. However, we are concerned that the current language will create situations similar to previously proposed legislation on Multiple Employer Welfare Arrangements (MEWAs) in which the scope of regulatory responsibility over such plans was unclear. As an example, Section 802 of the bills gives certification authority to the secretary of labor. It may be difficult for an individual department of insurance to monitor the certification status of AHPs operating within their state. It is crucial that the oversight responsibility regarding solvency standards be clear to avoid situations where AHPs fail because of confusion regarding what entity is to be monitoring and taking action when necessary.

There are a number of specific questions not answered by this language in the bills. For example, does the current language enable individual states to require AHPs operating within their boundaries to abide by all existing insurance regulations, including small-group rating laws and mandated benefits? Or is the scope of states' responsibilities limited to verifying the solvency of an AHP? Can the states require AHPs to meet minimum solvency standards required for insurance companies if those requirements are more stringent than those described in these bills? Thus, it is not clear that states would be willing to effectively regulate these entities if the exemptions are viewed as contrary to the intent of the state legislature.

Section 813(b)(2)(D) establishes that each AHP can identify a single state to act as its "applicable authority." This section further provides that the laws of this single state "supersede any and all laws of any other State in which health insurance coverage of such type is offered." Many states have devoted much time and many resources to developing requirements pertaining to rating, benefit coverage, and consumer disclosures that they believe serve the best interests of their citizens. However, this section would exempt AHPs from having to abide by these laws if the AHP has elected a different state to act as its "applicable authority." This could result in AHPs "shopping" for the state perceived to have the least oversight, effectively negating the existing health insurance laws in most states. In some states with small employer regulations that significantly increase the cost of health insurance, all of the small employers could migrate to AHPs, resulting in federalization of the state's small group market.

In addition to rating and benefit regulations, provider and claim payment laws add further complexity to this issue. These include, but are not limited to: any willing provider laws, prompt payment rules, privacy and patient protection laws, and regulations regarding assignment of claims.

The work group is concerned that by dividing the oversight responsibilities between the state and federal governments, confusion will result regarding which entity has authority over which function. The end result could be either overregulation to the point that AHPs cannot operate, or underregulation. When regulatory authority is unclear, consumers have no place to turn for redress.

STATE ASSESSMENT AUTHORITY

Section 811 of the legislation allows states to impose assessments on AHPs based on the amount of premiums or contributions received from employers and employees who make up the plan. Many states use assessments to subsidize "high-risk" pools for uninsured individuals. However, it is questionable whether a state would have the authority to levy such assessments if it defers to the DOL to regulate its AHPs or if a multistate AHP is domiciled in another state's jurisdiction.

The states also may have problems enforcing the provision, given the requirement that such assessment "is otherwise nondiscriminatory . . . ." Section 811 provides that the rate of the assessment cannot exceed premium taxes paid by health insurers or HMOs. In most states, HMOs are not taxed or pay a lower tax than health insurance companies. AHPs might argue that imposing an assessment based on the premium tax rate applied to a health insurer would be discriminatory if a lower rate or no premium tax was applied to HMOs. The work group recommends that the legislation clearly delineate where assessment authority will be placed, at the state or federal level, and what the provisions of the assessments will be.

OTHER CONCERNS

Expense reductions are not likely to materialize. Administratively, each employer group will require the same amount of underwriting, enrollment, mailings, and customer support as they currently do in the small group insurance market. It is unlikely that the AHPs will have more buying power than the insurers that represent small employers today.

CONCLUSION

The work group supports efforts to expand access to health insurance. However, H.R. 660 and S. 545 can have many unintended negative consequences. These include: An unlevel playing field, leading to market destabilization and higher rates for sicker individuals;

potential AHP insolvencies, resulting in unpaid claims for consumers and providers; unclear regulatory responsibility; unclear directives relating to assessments; and a promise of expense reductions that are unlikely to materialize.

Again, members of the American Academy of Actuaries are available to assist Congress in developing solutions to address the issue of small-employer health insurance reform. If you or your staff would like additional information or assistance, please feel free to contact Holly Kwiatkowski, the Academy's senior health policy analyst (federal), by phone at (202) 223-8196 or by e-mail at kwiatkowski@actuary.org.

Sincerely,

KAREN BENDER,
Chairperson.

Other Academy members contributing to this letter are: Michael S. Abroe, FSA, MAAA; David J. Bahn, FSA, MAAA; Jennifer J. Brinker, FSA, MAAA; Michael L. Burks, MAAA; James E. Drennan, FSA, MAAA, FCA; Richard M. Niemiec, MAAA; Donna C. Novak, ASA, MAAA, FCA; John R. Parsons, MAAA, FCA; John J. Schubert, ASA, MAAA, FCA; David A. Shea, Jr., FSA, MAAA; Mark Wernicke, FSA, MAAA; and Jerome Winkelstein, FSA, MAAA.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 18, 2003.

Hon. GEORGE MILLER,
Senior Democratic Member, Committee on Education and the Workforce,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN: This letter responds to your request of June 17, 2003, for additional information on CBO's estimate of the impact of H.R. 660 on enrollment in the health insurance markets for small employers and self-employed workers. We expect that the effects of the bill would be fully reflected in those markets by 2008, and all of the following numbers refer to that year.

Under current law, CBO estimates that approximately 30.1 million people will be enrolled in health insurance offered by plans in the state-regulated small group insurance market. Under the bill, CBO estimates that combined enrollment in state-regulated plans and association health plans (AHPs) would rise by about 550,000 people to a total of 30.7 million people. Of this, approximately 23.2 million people would retain coverage in the state-regulated market. About 7.5 million people would be enrolled in AHPs, including the additional 550,000 people who would not have been covered by any small-employer plan under current law, and 6.9 million people who would have been covered in the state-regulated market.

The same considerations apply to self-employed people. We estimate that approximately 4.7 million people will be enrolled in state-regulated coverage purchased by self-employed workers under current law. Under H.R. 660, CBO estimates that combined enrollment through state-regulated insurers and AHPs would rise by about 70,000 people to 4.8 million people. Of this, approximately 3.8 million people would retain state-regulated coverage. About 1.0 million people would obtain coverage through AHPs, including the additional 70,000 people who would not have been insured under current law, and 0.9 million people who would have been covered in the state-regulated market.

If you would like additional information on this estimate, the CBO staff contact is Stuart Hagen, who can be reached at 225-2644.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

There is a reason that it is not just Democratic Governors but Republican Governors who object to this bill. There is a reason why Democratic and Republican attorneys general object to this bill, why Democratic insurance commissioners and Republican insurance commissioners object to this bill. It does not work. What it does is offer a Faustian bargain, where people give up their guaranteed protection for breast cancer screenings, care for OB-GYN services, care for diabetics. They give that up. They leave it to the whim of the insurance industry. What they get for it is not lower premiums and more people insured, but you get more uninsured.

The actuaries have concluded that 1 million people will be added to the rolls of the uninsured by this bill. Outside experts who do not favor either side in a partisan sense have concluded that 1 million persons will be added to the ranks of the uninsured by this bill. The insurance commissioners, the attorneys general and the Governors of both parties throughout the country do not object to this bill because they have some turf desire to regulate. They object to this bill because it presents an unworkable situation where insurance companies will fail, where creditors will not be paid, where people depending upon insurance will not be insured, and we will have the chaos that we had some years ago under the multiple employer welfare associations.

There is a better way to cover the uninsured. We will debate that better way in just a few minutes in the substitute that the gentleman from Wisconsin and I are putting forward. But we should not add to the ranks of the uninsured. It is our responsibility to offer a better alternative, and we do. But it is the responsibility of this entire House to join with Governors of both parties, 66 chambers of commerce, the National Association of Health Underwriters who perhaps best understand this, insurance regulators, attorneys general, and not turn to a gimmicky, insufficient solution to this problem. I urge defeat of the legislation.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of my time.

We often have debates here in Congress about public policy and how to change public policy. Many times the debates, once they get here, the perfect becomes the enemy of the good. We do not claim that the underlying bill is going to cover all of the uninsured and eliminate that problem, but we do think it is a giant step forward in helping the uninsured get access to high-quality health insurance at affordable prices.

Even the flawed study that my colleague has pointed to on a number of occasions, the CBO study which was flawed in a number of areas, says that 330,000 of the uninsured will in fact get health insurance. I think the number is far, far higher than that. I think we are talking about millions of Americans will have a chance at good health insurance. But let us say it is only 330,000, 330,000 families that would get coverage under this bill. I think that is a good step in the right direction.

Let me take an example of how this would work. Let us take a Realtor. We all know Realtors work all over the country. They are independent contractors. They have their own business. In many cases they are not employees of the firm that they work for, but they have to go buy an individual policy or family policy in a State insurance pool, the most expensive way to buy health insurance in America. In the case of Realtors, you could take the Ohio Association of Realtors, New Jersey Association of Realtors, maybe the National Association of Realtors, could put together a plan of maybe 5 or 6 choices, maybe 10 choices for their members all over the country. I will guarantee that those Realtors would have much better health insurance policies than they have today and the cost of that policy will be far more competitive than what they are paying in these State insurance pools.

This is a very good opportunity to help many small employers and their employees all across the country. We should not miss this opportunity.

Mr. CANTOR. Mr. Speaker, I rise today in support of three important initiatives we took this week to meet the uninsured crisis head-on and to address the rising costs of health care.

We have a crisis on our hands—over 40 million Americans are without health insurance. In addition, it is becoming increasingly difficult to not only obtain affordable health coverage, but to keep it—especially for America's small businesses.

According to the Associated Builders and Contractors, over 60 percent of the Nation's uninsured are small business employees. Small businesses are the backbone of our economy. We must ensure that we create an environment that allows these businesses access to affordable health care. If we do not address the issue, we will see more and more small businesses stop growing or close their doors. It is imperative, therefore, that we pass legislation creating Association Health Plans and legislation that allows families to roll-over money year-to-year from their Flexible Spending Accounts or into new Health Savings Accounts.

These two pieces of legislation will dramatically improve our Nation's health care climate, especially for small businesses. More individuals and their employers will be able to afford health care; and in turn, we will see the health of Americans improve and the costs of health care decline.

The third piece of legislation addresses America's medical liability crisis. Physicians in

Virginia and across the country are being forced to close their doors due to the astronomically rising costs of medical malpractice premiums.

On February 4, 2004, as many as 1,500 physicians from all over my State marched on the Virginia Capitol to make the case for common-sense medical liability from reform in the State legislature. Led by the Medical Society of Virginia, Virginia's White Coat Day march on Richmond was designed to educate state lawmakers on how doctors' skyrocketing malpractice insurance is limiting patients' access to medical care. Outrageous runaway jury awards are causing malpractice premiums to rise uncontrollably,and many doctors are being forced to raise prices or shut their doors. These higher costs are then passed on to working families and small businesses.

Not only should the Virginia legislature address this issue, but we as a Congress need to do the same. We need to take President Bush's lead in ending the jackpot payouts that our legal system encourages.

Mr. Speaker, we must pass these common sense reforms into law in order to help our Nation's uninsured and address the rising costs of health care. These are issues we cannot afford to ignore.

Mr. BLUMENAUER. Mr. Speaker, one of the most frustrating aspects of the way we run Congress today is an interest in scoring political points as opposed to solving problems. Nowhere is that more in evidence than the symbolic political acts surrounding healthcare this week in the House of Representatives.

We are in the midst of a healthcare crisis for the uninsured, for small businesses, and for practitioners. There is a complicated, interconnected fabric that provides healthcare in this country that includes insurance companies, HMO's, public agencies, Federal Government programs and the institutions that represent and train medical professionals. Advocacy groups, legal experts and consumers all have legitimate interests and something to say.

Sadly, the Republican leadership in the House of Representatives continues to be more interested in scoring political points than solving problems. Simply recycling the same flawed legislation, is clearly far less than our best effort and stands little likelihood of passage to the Senate, where similar legislation continues to languish.

These bills would undermine our efforts by insuring only the healthiest and wealthiest, leaving 511,00 uninsured Oregonians and tens of millions of Americans behind. Furthermore, the Association Health Plans proposals would exempt state solvency requirements, leaving the consumers at a significant risk.

If we were able to openly debate these proposals on the floor I know that the healthcare community would be well served because the majority of Congress does not want to short change it or our citizens. Most in Congress do not want to artificially restrict payments and are sincerely interested in making sure that Federal policy does not create or enhance abusive or distorted behaviors.

The most dramatic example would be fixing flawed funding. There is a gusher of money going to items far less important, far less essential to the American public, such as the unaffordable, unnecessary additional tax benefits to those who need help the least. It is time for the vast array of interests represented by the healthcare community and the people vitally dependent upon it to insist that the Republican Leadership stop the games. Everyone should commit to full, fair, honest debate in a more open legislative process. This is the only way we will enact cost effective legislation, and stop the funding abuses. We must stop holding legislation hostage, to another political agenda. I will continue to work with my healthcare community at home along with national groups and organizations to produce the type of process, discussion and legislation Americans critically deserve.

Mr. SANDLIN. Mr. Speaker, with nearly 44 million Americans lacking basic health care coverage, it is time to take action. Today, in a disingenuous public attempt to respond to the crisis of the uninsured, the Republican leadership has decided to spend the valuable time and limited resources of the American taxpayers debating Association Health Plan (AHP) legislation that has already been voted on in the 108th Congress.

The absolute irony, of course, is that instead of strengthening the health of our nation, AHPs will increase the ranks of the uninsured, increase the health insurance costs for small businesses that don't participate in AHPs and destroy consumer protections currently safeguarded by state regulations. Clearly, this is not sound policy.

Why are AHPs so bad? The creation of Association Health Plans will destabilize health insurance markets by forcing the state-regulated market and national AHP market to compete with each other. Few will benefit and most will suffer from this damaging division. Small businesses who choose to stay in the safer, state-regulated health insurance market will see their health insurance premiums skyrocket by 23 percent. The reality is that AHPs can offer lower premiums mainly because they offer fewer benefits—which is attractive to people in good health. With the AHPs siphoning off healther people into their market, state-regulated insurers will be responsible for covering a larger proportion of people with higher health care costs. Rather than risk being spread out and absorbed by many, it is divided, thereby threatening the solvency and accessibility of the state-regulated insurance businesses.

Mr. Speaker, it is clear that Association Health Plans hurt American workers and their families. The lower costs available to small businesses opting into AHPs are simply not worth it when you consider the damaging strings attached. This legislation allows AHPs to pre-empt over 1,000 important state laws that States enacted to protect the basic health care needs of our communities. These laws include critically necessary benefits like mammographies, diabetes care, well-child visits, mental health services, and direct access to OB/GYN and pediatricians. Pre-empting state laws also allows AHPs to redline and re-underwrite insurance for higher risk people, allowing discrimination against consumers and causing insurance premiums to rise.

Employees will be further compromised by the lack of rights afforded to them under their AHP policies. If consumers are denied important healthcare treatment, they will not be allowed an independent external review and/or Consumer Ombudsmen program as state consumer-protection laws regulate. Further, there are very weak protections against insolvency under the AHP program which means small employers, American workers and their families may be burdened with millions of dollars of unpaid claims, which is exactly what health insurance is supposed to insure against.

Finally, Mr. Speaker, it is worth noting that a recent study by Mercer and the National Small Business Association concluded that AHPs would swell the ranks of the uninsured to rise by more than one million people—an increase of 8.5 percent. This is because as premiums for small business employers in the state-regulated market increase, some firms would drop coverage. Further, businesses covered by AHPs might have to drop coverage if they are forced to pay new, higher premiums if someone in their group gets sick.

Mr. Speaker, it's hard to imagine why anyone would vote for such a flawed piece of legislation that would be devastating to American families. Sadly, the answer is clear: The Wall Street Journal recently said that a major business trade organization stands to reap more than $100 million of annual revenue by selling AHP policies if H.R. 4281 is passed. Mr. Speaker, our constituents deserve better than this.

The fact is that there are clear alternatives. Yesterday, I introduced H.R. 4356, the Small Business Health Insurance Promotion Act. This legislation will provide immediate, concrete relief by securing affordable health insurance coverage for millions of self-insured individuals and employees of small businesses.

Mr. Speaker, as an incentive to provide coverage, the Small Business Health Insurance Promotion Act would make small businesses or self-employed individuals eligible to receive a 50 percent tax credit for four years to defray the cost of health insurance. The bill would also authorize funding to create state and national multi-insurer pools to provide comprehensive and affordable health insurance choices to small employers and the self-employed. Regardless of whether a business elected to enter the state or national pool consumers would be guaranteed quality coverage—coverage in each pool must be substantially similar to health benefits coverage offered in any of the four largest health plans in the Federal Employees Health Benefit Program (FEHBP). In this legislation, unlike in AHPs, important consumer protections would be safeguarded, the same coverage available to Members of Congress and other federal employees.

Forget the gimmick. Rather than offering up stale legislation which will hurt—not help—the health of our nation, let's take real action and pass sound coverage policies. Pass the Kind substitute, and take up the Small Business Health Insurance Promotion Act, as well as other new Democratic initiatives like the FamilyCare Act and the Medicare Early Access Act. Together these initiatives could provide health coverage to more than one-half of the 44 million uninsured Americans. Our American families deserve no less.

Mr. STARK. Mr. Speaker, I rise today to oppose H.R. 4281, the "Small Business Health

Fairness Act of 2004." This bill would hurt small businesses and patients by increasing the costs of health insurance and the number of uninsured.

If my comments today sound familiar, it is because they are almost exactly the same arguments I made last June, when this exact same bill passed the House. It was a bad idea then, and it is an even worse idea today. During this "Cover the Uninsured Week" the Republicans suggest association health plans can cover millions of uninsured Americans. In reality H.R. 4281 would actually add to the nearly 44 million uninsured in this country. This warmed over re-vote is a waste of time and taxpayer resources, and has nothing to do with providing affordable healthcare options to our citizens.

According to recent studies, association health plans would actually increase costs for most small businesses and their employees. Our own Congressional Budget Office has estimated that over 80 percent of small businesses would see increased premium costs under H.R. 4281. Those small employers that currently offer traditional, state-regulated health insurance would see their premiums increase by 23 percent on average. Premiums will increase because AHPs will offer only bare-bones coverage, attracting the healthiest individuals, leaving traditional health insurance plans with the sickest and most expensive patients. This shift would penalize businesses with sicker employees, and make health insurance even more unaffordable for those who need it most.

I am glad to see my Republican friends are concerned about the 43.6 million people in this country who lack health insurance. However, AHPs are not a real solution, and will actually add 1 million people to the continuously growing number of uninsured. As traditional health insurance becomes increasingly expensive, more and more businesses would have no choice but to drop health insurance for their employees, leaving these individuals with little or no opportunity to purchase health coverage.

Not only will this bill increase the number of uninsured, it will blatantly discriminate against small businesses with sicker employees—often those businesses with lower-income and minority workers. Because H.R. 4281 would allow AHPs to avoid state laws against cherry picking, these plans would only offer insurance to small businesses with the healthiest employees. Any premium reductions touted by the bill sponsors—at most a modest 10 percent reduction—would be a direct result of cherry-picking and reduced benefits, not greater efficiency. As healthy people move into AHP's skeletal coverage, sicker people are left without health insurance, increasing the morbidity of the uninsured population by over 12 percent.

Small businesses will not be able to provide more affordable health insurance to their employees under this bill. Although proponents claim that AHPs would give small-employers bargaining power to purchase affordable health insurance, most states already have laws in place that allow for group purchasing arrangements. This bill would harm existing State laws and usurp the traditional role of States to regulate small-employer health insurance.

This bill would also preempt key State provisions that protect millions of insured Americans. For example, many States regulate insurance premiums to prevent insurers from discriminating against the sick. But under this bill, AHPs could offer extremely-low "teasers" rates, and then rapidly increase premiums if the enrollee becomes sick. Many small businesses would find these high rates unaffordable, and would be forced to drop coverage. Furthermore, nearly all States have enacted external review laws, which allow patients to have an independent doctor review a claim that has been denied by the insurer. Patients who join AFPs would lose this right.

Additionally, this legislation would be a setback to government efforts to reign in fraud and abuse. Association health plan exemptions in this bill are nearly identical to those Congress grated to multiple employer welfare arrangements (MEWAs) in the 1970s, which led to widespread fraud and abuse. These exemptions allowed MEWAs to rack up $123 million in unpaid healthcare bills, and prompted the Department of Labor to open 90 fraud and abuse investigations. Congress recognized and corrected this problem, but now my Republican colleagues are ignoring the lessons of the past and are headed right back down the same dangerous road with AHPs.

Finally, this bill would exempt AHPs from state-required benefits, which have helped to ensure that millions of Americans get access to necessary healthcare services. These benefits include mammography screenings, maternity care, well-child care, and prompt payment rules. In my State, California, employees who join AHPs could also lose access to certain emergency services, direct access to OB/GYNs, mental health parity, and other important benefits.

The Democratic substitute offered today by Representatives ANDREWS and KIND is a real solution for providing small-businesses access to affordable health insurance. Using the $50 billion President Bush included in his FY04 budget for the uninsured, this proposal would allow small businesses to buy-into a small employer health benefits plan (SEHBP). Republicans have been stammering for years about giving people the same insurance options as members of Congress and this substitute would do just that. The SEHBP would be substantially similar to the Federal Employers Health Benefits Plan (FEHBP) and millions of uninsured would finally have the same options we have as Members of Congress.

This association health plan bill is bad for patients, bad for small businesses, and bad for states. It is opposed by over 1,000 organizations, including the National Governors Association, local Chambers of Commerce, small business associations, physician organizations, labor unions, and healthcare coalitions. H.R. 4281 would increase premiums, increase the number of uninsured, lead to massive fraud, and remove key state patient protections. I urge my colleagues to reject this legislation.

Mr. JONES of Ohio. Mr. Speaker, I rise today in support of Small Businesses, and I am an advocate of Small Businesses providing quality health insurance to the men, and women, and the families of those who work for them. But, because I oppose H.R. 4281 that does not make me anti-Small Business, just like opposing the war in Iraq does not make one unpatriotic. What it makes me is an advocate for the truth and the facts. And the fact is that these association health plans would be exempt from almost all state consumer protection laws regarding benefits, premiums, and solvency. States are generally the primary regulators of health insurers, and assure appropriate access to health care, and protect against fraudulent marketing schemes. It is no wonder the National Governors Association, the National Conference of State Legislature, and Consumer Unions oppose this legislation. This initiative would allow Associated Health Plans to engage in the cherry picking of the healthiest population nationwide. In Ohio, AHPs would not be required to provide basic mammography screening, direct access to OB–GYN's, mental health services, alcoholism treatment, and vital primary health care. In addition to not providing particular types of services, there would be no limitation on how frequently AHPs could increase an employee's premium to continue coverage. AHPs could then also vary their rates for older or sicker members of their plans. Establishing association health plans will not significantly reduce the number of uninsured Americans. The Congressional Budget Office estimates that while 4.8 million Americans would join association health plans; only 330,000 of them would come form the ranks of those currently uninsured. The remaining 4.5 million would simply switch from an existing health plan to an association health plan. These plans would discriminate against older and sicker Americans, putting an extra burden on those who rely on health plans, and forcing the state to provide coverage for those who may not otherwise find an AHP. I believe governmental authority for regulating AHPs should be clearly specified. Absent this clarification, it is likely that no one will be regulating AHPs, or there will be conflicting regulation. When regulatory authority is unclear, consumers have no place to turn for redress. If is for these reasons that I support Small Business and oppose this bill.

Mrs. BIGGERT. Mr. Speaker, I rise today in support of H.R. 4281, the Small Business Health Fairness Act.

Sixty percent of those who are uninsured are employed. Their employers either cannot afford to offer health insurance, or the premiums are so high, employees cannot afford to pay their share.

When small companies are allowed to band together, they can take advantage of the same economies of scale that large companies have enjoyed for years. The costs of insurance are spread out over a larger pool of individuals. By spreading the cost of insurance among a larger number of employees, we make health insurance affordable for working families.

The Congressional Budget Office has estimated that small businesses that participate in AHPs will save an average of 9 to 25 percent of their healthcare costs. CBO also concluded that AHP legislation would cover up to 2 million uninsured American workers, with no cost to the government.

It is simply not fair that individuals who work for a small business do not have the same access to healthcare that they would if they worked for a large corporation. I am proud to support this fair, common-sense bill and I urge my colleagues to do the same.

Mr. RUPPERSBERGER. Mr. Speaker, I rise in opposition to this bill because it will negatively impact my home state of Maryland. To paraphrase what was in Governor Ehrlich's letter to Chairman BOEHNER, this legislation will undue what the state of Maryland has worked so hard on for the past 10 years.

The rising cost of health care is a concern for all Americans. We need to find ways to make sure that we help people reduce their healthcare cost. We need to find a way to provide insurance for the 44 million Americans without any coverage at all.

Association Health Plans has many benefits such as allowing a group of shared interest businesses and individuals to purchase health insurance at a group rate. However, what we should be working toward is a solution where everyone benefits. One of my concerns with Association Health Plans is one I also have with the prescription drug bill that is law. My concern is that AHP's will be able to skim off the healthiest individuals leaving those most in need without coverage. Also, the legislation would allow the AHP's to not comply with state health mandates.

I would be more supportive of tax credits for businesses to purchase health insurance and also allow for states to establish insurance pools ,like we have in Maryland. Again, we need to make sure the states and businesses have the tools to address this issue. We cannot have a forced federal mandate that will hurt what the state of Maryland has already done.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate on the bill has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. KIND

Mr. KIND. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Part B amendment in the nature of a substitute printed in House Report 108-484 offered by Mr. KIND:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Small Employer Health Benefits Program Act of 2004”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Establishment of Small Employer Health Benefits Program (SEHBP).

“PART 8—SMALL EMPLOYER HEALTH BENEFITS PROGRAM

“Sec. 801. Establishment of program.
“Sec. 802. Contracts with qualifying insurers.
“Sec. 803. Additional conditions.
“Sec. 804. Dissemination of information.
“Sec. 805. Subsidies.
“Sec. 806. Authorization of appropriations.

SEC. 2. ESTABLISHMENT OF SMALL EMPLOYER HEALTH BENEFITS PROGRAM (SEHBP).

(a) IN GENERAL.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding after part 7 the following new part:

“PART 8—SMALL EMPLOYER HEALTH BENEFITS PROGRAM (SEHBP)

“SEC. 801. ESTABLISHMENT OF PROGRAM.

“(a) IN GENERAL.—The Secretary shall establish, in accordance, with this part, a program under which—

“(1) qualifying small employers (as defined in subsection (b)) are provided access to qualifying health insurance coverage (as defined in subsection (c)) for their employees, and

“(2) such employees may elect alternative forms of coverage offered by various health insurance issuers.

“(b) QUALIFYING SMALL EMPLOYER DEFINED; OTHER DEFINITIONS.—For purposes of this part:

“(1) QUALIFYING SMALL EMPLOYER.—

“(A) IN GENERAL.—The term ‘qualifying small employer’ means a small employer (as defined in paragraph (2)) that—

“(i) elects to offer health insurance coverage provided under this part to each employee who has been employed by that employer for 3 months or longer; and

“(ii) elects, with respect to an employee electing coverage under qualified health insurance coverage, to pay at least 50 percent of the total premium for qualifiing health insurance coverage provided under this part.

“(B) ELECTIONS.—Elections under sub paragraph (A) may be filed with the Secretary during the 180-day period beginning with the first enrollment period occurring under section 803 and during open enrollment periods occurring thereafter under such section. Such elections shall be filed in such form and manner as shall be prescribed by the Secretary.

“(C) PART-TIME EMPLOYMENT.—Under regulations of the Secretary, in the case of an employee serving in a position in which service is customarily less than 1,500 hours per year, the reference in subparagraph (A) (ii) to ‘50 percent’ shall be deemed a percentage reduced to a percentage that bears the same ratio to 50 percent as the number of hours of service per year customarily in such position bears to 1,500.

“(2) SMALL EMPLOYER.—The term ‘small employer’ means, with respect to a year under the program, an employer who employed an average of fewer than 100 employees on business days during the preceding calendar year and who employs at least 1 employee on the first day of such year under the program.

“(3) SEHBP.—The term ‘SEHBP’ means the small employer health benefits program provided under this part.

“(c) QUALIFYING HEALTH INSURANCE COVERAGE.—For purposes of this part, the term ‘qualifying health insurance coverage’ means health insurance coverage that meets the following requirements:

“(1) The coverage is offered by a health insurance issuer.

“(2) The benefits under such coverage are equivalent to or greater than the lower level of benefits provided under the service benefit plan described in section 8903(1) of title 5, United States Code.

“(3) The coverage includes, with respect to an employee that elects coverage, coverage of the same dependents that would be covered if the coverage were offered under FEHBP.

“(4) (A) Subject to subparagraph (B), there is no underwriting, through a preexisting condition limitation, differential benefits, or different premium levels, or otherwise, with respect to such coverage for covered employees or their dependents.

“(B) The premiums charged for such coverage are community-rated for employees within any State and may vary only—

“(i) by individual or family enrollment, and

“(ii) to the extent permitted under the laws of such State relating to health insurance coverage offered in the small group market, on the basis of geography.

“(d) OTHER TERMS.—

“(1) HEALTH INSURANCE COVERAGE; HEALTH INSURANCE ISSUER; HEALTH STATUS-RELATED FACTOR.—The terms ‘health insurance coverage’, ‘health insurance issuer’, ‘health status-related factor’ have the meanings provided such terms in section 733.

“(2) SMALL GROUP MARKET.—The term ‘small group market’ has the meaning provided such term in section 2791(e)(5) of the Public Health Service Act (42 U.S.C. 300gg-91(e)(5)).

“(3) FEHBP.—The term ‘FEHBP’ means the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code.

“(e) TREATMENT OF PARTNERSHIPS AND SELF-EMPLOYED INDIVIDUALS.—For purposes of this part, and for purposes of applying section 3 to this part and to part 5 as it applies to this part, in any case in which qualifying health insurance coverage is, or is to be, provided under a plan, fund, or program to individuals covered thereunder—

“(1) if such plan, fund, or program is maintained by a partnership, the term ‘employer’ (as defined in section 3(5)) includes the partnership in relation to the partners, and the term ‘employee’ (as defined in section 3(6)) includes any partner in relation to the partnership; and

“(2) if such plan, fund, or program is maintained by a self-employed individual, the term ‘employer’ (as defined in section 3(5)) and the term ‘employee’ (as defined in section 3(6)) shall include such individual.

“SEC. 802. CONTRACTS WITH QUALIFYING INSURERS.

“(a) IN GENERAL.—The Secretary shall enter into contracts with health insurance issuers for the offering of qualifying health insurance coverage under this part in the States in such manner as to offer coverage to employees of employers that elect to offer coverage under this part. Nothing in this part shall be construed as requiring the Secretary to enter into arrangements with all such issuers seeking to offer qualifying health insurance coverage in a State.

“(b) CONTINUED REGULATION.—Nothing in this part shall be construed as preempting State laws applicable to health insurance issuers that offer coverage under this part in such State.

“(c) COORDINATION WITH STATE INSURANCE COMMISSIONERS.—The Secretary shall coordinate with the insurance commissioners for the various States in establishing a process for handling and resolving any complaints relating to health insurance coverage offered under this part, to the extent necessary to augment processes otherwise available under State law.

“SEC. 803. ADDITIONAL CONDITIONS.

“(a) LIMITATION ON ENROLLMENT PERIODS.—The Secretary may limit the periods of times during which employees may elect coverage offered under this part, but such election shall be consistent with the elections permitted for employees under FEHBP and shall provide for at least annual open enrollment periods and enrollment at the time of initial eligibility to enroll and upon appropriate changes in family circumstances.

“(b) AUTHORIZING USE OF STATES IN MAKING ARRANGEMENTS FOR COVERAGE.—In lieu of the coverage otherwise arranged by the Secretary under this part, the Secretary may enter an arrangement with a State under which a State arranges for the provision of qualifying health insurance coverage to qualifying small employers in such manner as the Secretary would otherwise arrange for such coverage.

“(c) USE OF FEHBP MODEL.—The Secretary shall carry out the SEHBP using the model of the FEHBP to the extent practicable and consistent with the provisions of this part, and, in carrying out such model, the Secretary shall, to the maximum extent practicable, negotiate the most affordable and substantial coverage possible for small employers.

“SEC. 804. DISSEMINATION OF INFORMATION.

“The Secretary shall widely disseminate information about SEHBP through the media, the Internet, public service announcements, and other employer and employee directed communications.

“SEC. 805. SUBSIDIES.

“(a) EMPLOYER SUBSIDIES.—

“(1) ENROLLMENT DISCOUNT.—

“(A) IN GENERAL.—In the case of a qualifying small employer who is eligible under subparagraph (B), the portion of the total premium for coverage otherwise payable by such employer under this part shall be reduced by 5 percent. Such reduction shall not cause an increase in the portion of the total premium payable by employees.

“(B) EMPLOYERS ELIGIBLE FOR DISCOUNTS.—A qualifying small employer is eligible under this subparagraph if such employer employed an average of fewer than 25 employees on business days during the preceding calendar year.

“(2) EMPLOYER PREMIUM SUBSIDY.—

“(A) IN GENERAL.—The Secretary shall provide to qualifying small employers who. are eligible under subparagraph (C) and who elect to offer health insurance coverage under this part a subsidy for premiums paid by the employer for coverage of employees whose individual income (as determined by the Secretary) is at or below 200 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section) for an individual.

“(B) SUBSIDY SCALED ACCORDING TO SIZE OF EMPLOYER.—The subsidy provided under subparagraph (A) shall be designed so that the subsidy equals, for any calendar year—

“(i) 50 percent of the portion of the premium payable by the employer for the coverage, in the case of eligible qualifyng small employers who employ an average of fewer than 11 employees on business days during the preceding calendar year;

“(ii) 35 percent of the portion of the premium payable by the employer for the coverage, in the case of eligible qualifying small employers who employ an average of more than 10 employees but fewer than 26 employees on business days during the preceding calendar year; and

“(iii) 25 percent of the portion of the premium payable by the employer for the coverage, in the case of eligible qualifying small employers who employ an average of more than 25 employees but fewer than 51 employees on business days during the preceding calendar year.

“(C) EMPLOYERS ELIGIBLE FOR PREMIUM SUBSIDY.—A qualifying small employer is eligible under this subparagraph if such employer employed an average of fewer than 50 employees on business days during the preceding calendar year.

“(b) EMPLOYEE SUBSIDIES.—

“(1) IN GENERAL.—The Secretary shall provide subsidies to employees of qualifying small employers in any case in which the family income of the employee (as determined by the Secretary) is at or below 200 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section) for a family of the size involved.

“(2) AMOUNT OF SUBSIDY.—Such subsidies shall be in an amount equal to the excess of the portion of the total premium for coverage otherwise payable by the employee under this part for any period, over 5 percent of the family income (as determined under paragraph (1) (A)) of the employee for such period.

“(3) COORDINATION OF SUBSIDIES.—Notwithstanding paragraph (1), under regulations of the Secretary, an employee may be entitled to subsidies under this subsection for any period only if such employee is not eligible for subsidies for such period under any Federal or State health insurance subsidy program (including a program under title V, XIX, or XXI of the Social Security Act). For purposes of this paragraph, an employee is ‘eligible’ for a subsidy under a program if such employee is entitled to such subsidy or would, upon filing application therefore, be entitled to such subsidy.

“(4) AUTHORITY TO EXPAND ELIGIBILITY.—The Secretary may, to the extent of available funding, provide for expansion of the subsidy program under this subsection to employees whose family income (as defined by the Secretary) is at or below 300 percent of the poverty line (as determined under paragraph (1)).

“(c) LIMITATIONS.—For purposes of this section—

“(1) RESTRICTIONS ON TREATMENT OF EMPLOYMENT RELATIONSHIP.—Section 801(e) shall not apply.

“(2) REQUIREMENT OF MULTIPLE EMPLOYEES.—A small employer shall not be treated as a qualifying small employer with respect to an applicable year unless the employer employs at least 2 employees on the first day of such year.

“(d) PROCEDURES.—The Secretary shall establish by regulation applications, methods, and procedures for carrying out this section, including measures to ascertain or confirm levels of income.

“SEC. 806. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated, for the period beginning with fiscal year 2005 and ending with fiscal year 2014, $50,000,000,000 to carry out this part, including the establishment of subsidies under section 805.”.

(b) REPORT ON OFFERING NATIONAL HEALTH PLANS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Labor shall report to Congress the Secretary's recommendations regarding the feasibility of offering national health plans under part 8 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 734 the following new items:

“PART 8—SMALL EMPLOYER HEALTH BENEFITS PROGRAM (SEHBP)

“Sec. 801. Establishment of program.
“Sec. 802. Contracts with qualifying insurers.
“Sec. 803. Additional conditions.
“Sec. 804. Dissemination of information.
“Sec. 805. Subsidies.
“Sec. 806. Authorization of appropriations.”.

The SPEAKER pro tempore. Pursuant to House Resolution 638, the gentleman from Wisconsin (Mr. KIND) and the gentleman from Ohio (Mr. BOEHNER) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all I want to recognize the gentleman from New Jersey for the fine work and the leadership that he has shown on such an important issue. This is an important issue.

It has been said that the definition of insanity is doing the same thing over and over again without any change in the result. Yet that is what we have been having this week in Congress, bills that have already been debated and deliberated upon and voted upon last year coming back again for another kick at the can, which is fine. In an issue as important as this, I think it is important for the Congress to take a moment and start talking about the plight of small businesses and family farmers across the country who are suffering under rising health care costs and fearful of the inability of being able to provide coverage for their families or their employees because of the cost of insurance today.

This is such a fundamental and crucial issue if we want to be serious about economic growth, if we want to be concerned about the 43-million-plus uninsured that exist in this country. As I travel through my congressional district in western Wisconsin meeting with small business owners and their employees, meeting with family farmers, the number one, chief concern that they continuously raise is the expensive health care and accessing the quality system that exists in this country right now on an affordable basis.

It is a travesty that 20 percent of my dairy farmers in Wisconsin have no health coverage at all for themselves or their families, one of the more dangerous occupations in the entire country. It is a travesty that as I talk to small business owners who would like nothing better than to provide some health coverage for their employees, tell me that they cannot because they cannot afford it. In a country as great and as powerful and as wealthy as ours, we have got to do better and we have to get serious.

What we are about to talk about in the remaining minutes of the duration of this debate is there is a better way. The gentleman from New Jersey and I have drafted a substitute to what is being offered before the House today. It is one based in common sense, in reality in regards to what will work and what will not, what will extend coverage to the uninsured and what will not; what will bring more affordability to the health care system, to these small business owners, their employees and to our family farmers, and what will not.

Our bill is very simple. It is based on the Federal Employee Health Plan. It does establish national purchasing pools but it goes through State-licensed insurers so we do not have Federal preemption of State law over such crucial areas as cancer screening, whether it is mammograms, breast cancer, cervical cancer screenings, whether it is emergency care or maternity care, issues that the States have wrestled with with themselves and found it important enough to pass law on a State-to-State basis to provide coverage for these important services. And also to cover autism health care. I am proud that the State of Wisconsin is one of 17 that does mandate the coverage of autism health care for our citizens in the State, one that is exploding right now and very expensive for society. Health care experts and those affected by autism, those families of autistic children, realize that the key to effective treatment is early identification. If we allow this AHP plan to pass, which preempts State law, that says, hey, insurers, you don't have to provide coverage even though the State of Wisconsin says this is the right policy to do, it is only going to exacerbate the system in this country in regard to effective autistic treatment for children in our communities.

That is what this debate is all about. It is a very simple, commonsense approach to dealing with what is a national crisis and, I view, a national emergency.

Rather than offering a piece of legislation where the American Academy of Actuaries, where Mercer has released a study indicating that it would increase rather than decrease the rolls of the uninsured by 1 million people, our substitute version that provides national purchasing options, that provides subsidy payments to employers with 50 or fewer employees in order to keep those health care premiums down and our ability to potentially extend health care coverage to the 43 million uninsured to an additional 33 million Americans, we think this is the best approach to take. This is not an issue about who supports small business or family farmers more or who is more concerned about the plight of the uninsured. This is about what will work and what will not work. That is why we have the National Governors Association, the Republican and Democratic Governors Association, the National Association of Attorneys General and Insurance Commissioners, over 1,000 organizations including 66 chambers of commerce who are saying that the majority AHP plan will not work. Not because they desire some power grab and to maintain their own State regulations, but because it is based on reality and an independent and objective study of what will and what will not work.

That is why I would hope that my colleagues, before they ultimately make up their mind and cast their vote today, that they have a chance to quickly look at the actuary study, to quickly look at the Mercer study and to pause before we embark upon a road that could potentially lead to another million uninsured in our society. Enough is enough.

□ 1500

We need to be going in the opposite direction rather than where I fear the AHP bill would go. The substitute that the gentleman from New Jersey (Mr. ANDREWS) and I are offering offers that hope and that potential to achieve that, and I would encourage my colleagues to support the substitute, vote "no" on the AHP bill, and let us move forward together on something that has the potential of working very well for small businesses and family farmers throughout the country.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE), one of the active members of our committee.

Mr. OSBORNE. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I represent a district that is entirely rural and has nothing but small businesses in it. The number one complaint that I hear is about the cost of health insurance. These businesses employ more employees than all of the other industries in the country. They are the driving force behind it; and more and more of these individuals, as has been mentioned in the previous debate, are simply having to reduce or eliminate their health care coverage because it is going up 15, 20 percent every year and they simply cannot afford it.

I would like to give one personal example. I have a son-in-law who is managing a small franchise company, has 130 franchises in roughly 30, 40 States, and he says that this is the number one priority they have as far as health insurance, that if they could have an association of health plans, this would certainly cut their costs and enable them to maintain their health insurance at the present level.

So I realize that there are some problems with some of the States; but from my perspective and from what I have heard, I would say this is certainly a good bill. I appreciate the authors of the substitute. I think they are thoughtful people. I am sure they have done a good job at doing their homework, but at this point I would certainly have to oppose the substitute and support the underlying bill.

Mr. KIND. Mr. Speaker, I yield 3 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), a true champion of small business owners and their employees.

Mrs. CHRISTENSEN. I thank the gentleman for yielding me this time.

Mr. Speaker, this is Insure the Uninsured Week, and for me as a physician and Chair of the Health Brain Trust of the Congressional Black Caucus, ensuring health coverage to everyone is a priority every day.

And so I want to be very clear that I rise in strong support of providing small businesses and their employees access to high-quality health insurance that is truly affordable. That is why I oppose H.R. 4281, the Association Health Plan bill, and support the Kind-Andrews substitute.

We in the minority caucuses have spent a great deal of time looking at the issue of insurance, of how we can allow small business associations to come together to pool their purchasing power to buy quality health coverage at the lowest possible cost. We examined the AHPs. I did not originally sign on to the bill, but after a closer look at what it would do and as a physician who understands how important it is to do no harm, I removed my name from what I consider a harmful bill.

In H.R. 4281, the base bill, AHPs would be exempt from State insurance regulations and consumer protections. They would increase health care costs for most small business employees, cause premiums to rise for those outside of the AHP market, and eventually not lower, but increase, the number of uninsured in small business firms.

While AHP supporters will insist that this will not happen, by removing these important protections, the major harm this bill can do is too great a risk to take. We are talking about workers' health; we are talking about their lives. There is a better way to provide this insurance which will not harm, and that is the Kind-Andrews substitute. It would establish an employer health benefit plan similar to the Federal employees' health benefits, which would contract with state-licensed health insurers to offer an insurance package for employees of businesses of fewer than 100 employees.

Unlike the underlying bill, this better Democratic substitute will keep these small employer plans subject to State health insurance and consumer regulations and protections. It would provide small businesses and their employees access to high-quality health coverage; and by ensuring that the risk is spread, that everyone is included, not keeping sicker employees out, it keeps it truly affordable.

As a member of the Committee on Small Business since coming to this Congress, I am for helping small businesses. This substitute does that. H.R. 4281 will not.

I urge my colleagues to join the more than 150 organizations, including all of the prominent civil rights organizations, in opposing H.R. 4281. Instead, I urge them to vote for the Kind-Andrews substitute. Let us make sure we cover this important group who are over 60 percent of all the uninsured; and above all, let us do no harm.

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I would like to commend the gentleman from Ohio (Chairman BOEHNER) for his hard work on this very important legislation.

I rise in support of this commonsense legislation which will deliver quality health care to millions of Oklahomans. One of the greatest challenges the State of Oklahoma faces is our uninsured population. With 650,000 uninsured, Oklahoma ranks fourth in the number of uninsured across the country. This is a shocking statistic, an unacceptable situation; and today I am proud to take action to fix this problem.

Association Health Plans will allow small businesses to group together with their national trade associations to utilize their collective buying power when dealing with large insurance companies. AHPs will bring quality health care to Oklahomans covering specific diseases, maternal and newborn hospitalization, and mental health. With the enactment of this legislation, up to 8.5 million uninsured Americans will gain coverage immediately.

Nationwide, 44 million Americans are uninsured; and 60 percent of those uninsured are employed by small businesses who will benefit. AHPs will cut an average of 13 percent, up to 25 percent, off insurance premiums.

This is smart legislation that will bring better health care to American families. It is time that 5th Avenue benefits find their way to shops on Main Street. I urge my colleagues to support this legislation.

Mr. KIND. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. ROSS), an expert in the health care field and one who does not want to embark upon a course of adding an additional 1 million people to the uninsured ranks.

Mr. ROSS. Mr. Speaker, in America we have 44 million people today without health insurance. We are the only industrialized nation in the world where people go without health insurance. And who are they? It is the folks that are trying to do the right thing and work. Unfortunately, they are working jobs with no benefits.

Nearly 80 percent of the uninsured are the working poor and often work in small businesses. They have jobs and are trying to do the right thing, but cannot afford a policy, an insurance policy, for themselves or for their families.

Each weekend as I go back home to Arkansas, I meet more and more small business owners, and I understand this because my wife and I are small business owners. We provide health insurance for our employees back home. And just as it is for us, I learn it is for so many small business owners across this Nation. They are struggling to be able to continue to afford the premiums, not only for their employees but for themselves as well.

Association Health Plans, quite frankly, are not the answer. It would do little to help the 44 million uninsured Americans. In fact, Mercer Consulting analyzed the Association Health Plans proposal and found that the number of the uninsured would increase by over 1 million as a result of coverage losses among workers in small firms and their dependents.

I support the Kind substitute that truly addresses the problem of the uninsured in this country. It is fully paid for. It will not preempt State law, and it offers meaningful and immediate help to small businesses.

The substitute legislation would create a Small Employer Health Benefits Plan similar to the Federal Employee Health Benefit Plan and would offer coverage to all small businesses with fewer than 100 workers.

This legislation works with existing State laws and does not preempt State laws regarding health care coverage. Also, this legislation goes far beyond vague words and empty promises and actually commits Federal funds to aid small businesses in offering insurance to its employees by offering to help subsidize the cost of insurance for small businesses to the tune of 50 percent of the cost of the premiums.

I urge my colleagues to support the Kind substitute and oppose H.R. 4281.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

I believe that the underlying bill does, in fact, address the needs of many of our uninsured, and I am concerned about the substitute that we have before us. And I know that the gentleman from Wisconsin (Mr. KIND) and the gentleman from New Jersey (Mr. ANDREWS), my good friends from the committee, have worked hard on this. But I have to take issue with the comment that was just said that this commits the Congress to spend money. It does not.

There is a $50 billion price tag on the substitute that we have before us, and all we do here is authorize it. It still has to go through the entire appropriation process, no guarantee that it is going to be appropriated; but even more troubling is that the substitute that is being offered would allow the Secretary of Labor to set up this national risk pool, but they would still be subject to every state-mandated benefit in each of the States, over 1,500 state-mandated benefits from one coast to the next. And on top of that, even if the Congress were to appropriate the money and the Secretary were to set up the plan, employers would still have to pay 50 percent of the premium cost, and they would have to cover every employee who was there as little as 3 months.

If we begin to look at how this plan would work, I think that the Members will find that it would actually be cheaper for those companies to get health insurance in their own States without this national bureaucracy.

But even more disturbingly, when we look at this substitute, it will not cover any of the self-employed individuals across the country, and whether they be Realtors, whether they be salesmen of some sort, small business people who operate by themselves, the self-employed, no coverage under this plan. Unlike under the underlying plan where if these self-employed people belong to some association, some State association, national association, local association, they would, in fact, be able to work through their associations to get high-quality coverage at competitive prices.

There has been a lot said about who is supporting the underlying bill and who is opposing the underlying bill. I have got pages and pages here of national associations and State associations that are supporting the underlying bipartisan bill. And I would remind my colleagues that this is the fourth time we have had this bill on the floor in the last 8 years, still waiting for the other body to deal with it. All three times previously that this bill has been on the floor, it has passed with broad bipartisan majorities, and I would suspect today we will see the same benefit.

Mr. Speaker, I include in the RECORD the list of companies and associations that are supporting the underlying bill.

GROUPS SUPPORTING AHPS

Adhesive and Sealant Council
Air Conditioning Contractors of America
American Alliance of Service Providers
American Association of Advertising Agencies
American Association of Engineering Societies
American Association of Small Property Owners
American Composites Manufacturers Association
American Concrete Pumping Association
American Council of Engineering Companies
American Disc Jockey Association
American Electronics Association
American Furniture Manufacturers Association
American Institute of Chemical Engineers
American International Automobile Dealers Association
American Hotel and Lodging Association
American Lighting Association
American Nursery and Landscape Association
American Rental Association
American Road and Transportation Builders Association
American Small Businesses Association

American Society of Association Executives
American Society of Civil Engineers
American Society of Home Inspectors
American Society of Mechanical Engineers, Board on Member Interests & Development
American Textile Machinery Association
American Veterinary Medical Association
American Wholesale Marketers Association
AOMALLIANCE
Archery Trade Association
Associated Builders and Contractors
Associated General Contractors of America
Associated Prevailing Wage Contractors, Inc.
Association for Manufacturing Technology
Association of California Water Agencies
Association of Equipment Manufacturers
Association of Independent Maryland Schools
Association of Ship Brokers and Agents
Association of Suppliers to the Paper Industry
Automotive Aftermarket Industry Association
Automotive Aftermarket Association Southeast
Automotive Service Association
Automotive Undercar Trade Organization
Automotive Wholesalers Association of New England
Automotive Wholesalers Association of Texas
California Motor Car Dealers Association
California Society of CPAs
California/Nevada Automotive Wholesalers Association
Center for New Black Leadership
Central Service Association
Chesapeake Automotive Business Association
Cleveland Automobile Dealers Association
Club Managers Association of America
Christian Schools International
Coca Cola Bottlers Association
Communicating for Agriculture
Consumer Specialty Products Association
Deep South Equipment Dealers Association
Electronics Representatives Association Insurance Trust
Far West Equipment Dealers Association
Farm Equipment Manufacturers Association
Financial Executives International
Financial Planning Association
First Health Group Corporation
Food Marketing Institute
GrassRoots Impact
Hearth, Patio and Barbecue Association
Hispanic Business Roundtable
Independent Electrical Contractors
Independent Office Products & Furniture Dealers Association
Independent Stationers, Inc.
Institute of Electrical and Electronics Engineers—United States of America
International Association of Professional Event Photographers
International Foodservice Distributors Association
International Franchise Association
Iowa Automobile Dealers Association
Iowa-Nebraska Equipment Dealers Association
The Latino Coalition
Mason Contractors Association
Material Handling Equipment Distributors Association (MHEDA)
Metal Manufacturers' Education and Training Alliance
Midwest Automotive Industry Association
Midwest Equipment Dealers Association
NAMM, the International Music Products Association
National Association for the Self-Employed
National Association of Chemical Distributors
National Association of Community Health Centers
National Association of Convenience Stores
National Association of Home Builders
National Association of Manufacturers
National Association of Plumbing-Heating-Cooling Contractors
National Association of Realtors
National Association of Theatre Owners
National Association of Wholesaler-Distributors
National Association of Women Business Owners
National Automobile Dealers Association
National Black Chamber of Commerce
National Burglar and Fire Alarm Association
National Cattlemen's Beef Association
National Club Association
National Concrete Masonry Association
National Council of Agricultural Employers
National Federation of Independent Business
National Franchisee Association
National Funeral Directors Association
National Lumber and Building Material Dealers Association
National Newspaper Association
National Office Products Alliance
National Paint and Coating Association
National Portable Storage Association
National Precast Concrete Association
National Rental Association
National Retail Federation
National Restaurant Association
National Roofing Contractors Association
National Spa and Pool Institute
National Society of Accountants
National Society of Professional Engineers
National Sporting Goods Association
National Tile Contractors Association
National Tooling & Machining Association
National Utility Contractors Association
Nebraska New Car and Truck Dealers Association
New Mexico Automotive Parts and Service Association
New York State Automotive Aftermarket Association
North American Die Casting Association
North American Equipment Dealers Association
North American Retail Dealers Association
North Dakota Automobile and Implement Dealers Association
Northeastern Retail Lumber Association
Office Furniture Dealers Alliance
Ohio Valley Automotive Aftermarket Association
Outdoor Industry Association
Piano Technicians Guild
Precision Machine Products Association
Precision Metalforming Association
Printing Industries of America
Printing Industries of Maryland
Process Equipment Manufacturers' Association
Professional Golfers' Association of America
Professional Photographers of America
Retailers Bakery Association
Service Station Dealers of America and Allied Trades
Self Insurance Institute of America
Small Business Survival Committee
Specialty Equipment Market Association (SEMA)
Society of American Florists
Society of the Plastics Industry
Society of Professional Benefit Administrators
Southern Equipment Dealers Association
Southeastern Equipment Dealers Association
Southeastern Farm Equipment Dealers Association
Southwestern Association
Snack Food Association
Student Photographic Society
Textile Rental Services Association of America
The Association Healthcare Coalition
Timber Operators Council Management Services
Timber Products Manufacturers Association
Tire Industry Association
U.S. Chamber of Commerce
U.S. Hispanic Chamber of Commerce
U.S. Pan Asian America Chamber of Commerce
Vermont Automobile Dealers Association
Virginia Bankers Association
Washington Area New Automobile Dealers Association
Western Growers Association
Women Impacting Public Policy
Wisconsin Automobile & Truck Dealers Association

Mr. Speaker, I reserve the balance of my time.

Mr. KIND. Mr. Speaker, I yield myself 30 seconds.

With all due respect to the chairman of our committee, and I have great respect and admiration for him and I think he is well motivated with this underlying bill, but our bill does, in fact, cover self-employed. Under the definition of what constitutes an employer, an individual who is self-employed would also be covered. So I just wanted to clarify the record in that regard.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS), the co-author of our substitute bill before us.

□ 1515

Mr. ANDREWS. Mr. Speaker, I would like to begin by thanking my coauthor, the gentleman from Wisconsin (Mr. KIND), for what has now been more than a year of hard work on this effort, a very practical, commonsense solution that would not have been possible without him; and I thank him for his effort.

It is important to understand how this proposal works. If a small employer, and we define that as an employer with 100 or fewer employees, chooses, only if he or she chooses, they may enroll their employees in a plan that would operate similarly to the Federal Employees Health Benefit Plan. It would create the largest purchasing pool of small businesses ever in the history of the country. It would achieve the economies of scale that the majority attempts to achieve in the underlying bill. But there are some important differences.

The first difference is that we believe our plan would in fact save money for that employer. In my home State, a small business pays about $12,000 or $13,000 a year to insure an employee and his or her family. The average cost under the Federal Employees Health Benefit Plan is slightly over $9,000. We believe a similar price reduction would occur by the option of joining this plan.

Secondly, under our plan, for very small employers, those with 25 and under, they would receive a 5 percent premium discount. That is to say, their premium would only be 95 percent of the premium paid by the others in the pool.

Thirdly, very small employers with a lot of low-income employees, those who are most likely to be uninsured, are offered additional subsidies that are drawn from the budget resolution passed by the majority. This fits within the majority's budget resolution.

So the first important difference is our version, our plan, would add to the rolls of the insured rather than subtracting from it the way the majority's plan would.

Second, under our plan, none of the protections that people enjoy, the right to a mammogram, the right to women's health services, the right to mental health services, guaranteed under State laws around the country, none of those rights would be lost or forfeited under our plan.

Third, the risks of insolvency, unpaid creditors, uninsured insurers that the majority's plan proposes, would be avoided here, because you would have a large plan under the regulatory jurisdiction of the Federal Government that would be solvent and would be prepared to meet its obligations because it is properly regulated.

This is a commonsense idea. We believe in pooling as well. Frankly, I think that the majority has half of a good idea. The idea of permitting small employers to pool their employees to get a better deal from the health insurance marketplace is a very good idea. The problem is that the majority's plan also includes the repeal and forfeiture of protections like mammogram coverage, like diabetic care, like women's health services; and that is both unnecessary and undesirable.

Second, the majority's plan does not include any subsidies or special incentives for small business. A lot of small businesses in my State, even if you dropped the price of the coverage from $12,000 to $11,000 or $10,000, could still not afford it. It does not do them any good.

Our plan, unlike the majority plan, puts some subsidy into this in the form of premium discounts for very small employers and even deeper discounts for small employers who hire many, many lower-compensated employees.

We have said a lot of critical things about the majority's plan because we believe they are right; but we also understand, Mr. Speaker, it is our responsibility to put forward a positive alternative. The work that the gentleman from Wisconsin (Mr. KIND) has done, that I am proud to join in, is such a positive alternative. It would offer real benefits in a meaningful way for the small business community of the country.

I would urge my colleagues to vote for its adoption.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, let us put some competition into the marketplace. We just have a proposal now that says we will have a government-subsidized program, and we all know where that will take us. The taxpayers will pay and pay.

Here is the problem: 50 percent of America has one insurer. That means you have a monopoly, and that is where we are getting 20, 30, and 40 percent increases annually, and businesses are straining. But when you only have one insurer, the new pharmacy plan, we have guaranteed everybody two. But in health care, over half of America have one.

Associated Health Plans would, I think, change the marketplace dramatically, because you would bring lots of competition to the marketplace. The monopolies would no longer rule. A lot of other companies that are not monopolies do not want health care either. Why? It is going to be competition. Whenever America is successful, we bring competition into the marketplace.

Yes, those monopolies are leaving community rating; yes, they are cherry-picking today. And State mandates are part of the problem, because 50 States have different mandates and we guarantee everybody gets a Cadillac plan. That means a lot of people cannot afford a plan at all, because you only can deliver a Cadillac plan. That is the system we have.

In rural areas, where monopolies exist, businesses, individuals and governments pay measurably more for health insurance than neighboring counties. In my district, I have school districts and counties who will pay $650 for a family plan. Two counties away they pay $1,100 for the same insurance coverage under the current system. Why? Because there is no competition there.

Now, the hospitals, the doctors and providers under these monopolies get paid less too, because they have no bargaining power with the big insurance giants that are the monopolies.

The current system will change dramatically with Associated Health Plans, because, for the first time, all parts of America will have many people who they can purchase insurance from. Yes, maybe if I am a restaurateur, I will be part of a national restaurant association who has a plan tailored for restaurants.

I was a supermarket operator for 26 years. I probably, if I were back in that business, would have a plan that works well for super markets. But when you put them all in the same box, you put all kinds of employers in the same box, as we currently do with State mandates.

Let us give our businesses and our government service agencies choices. Let us give them Associated Health Plans, not another government-subsidized program. But let us turn the competitiveness of American ingenuity, and we will solve the uninsured problem in this country.

Mr. KIND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, this debate really is about two very distinct and different options: one that, again, through independent analysis and review, indicates could lead to an increase of 1 million more uninsured in this country, as opposed to the substitute that the gentleman from New Jersey (Mr. ANDREWS) and I are offering today; one that is based on reality and supported by a host of organizations throughout the Nation, including the Governors Association, the Attorneys General, and the insurance commissioners, those who work with this on a day-to-day basis and see the real impact it is having on real people in their individual States.

Our plan is simple. It also talks about establishing a national purchasing pool, but one working with state-licensed insurers, so we do not preempt State law and the judgment being made by State legislatures and local decisionmakers on what is or is not appropriate health care coverage in that particular State.

I am proud of many of the coverages that the State of Wisconsin has chosen to include under the State regulations. I am also proud of the fact that the State legislature and Governor are signing into law and setting up model programs of this purchasing pool concept in Wisconsin, allowing small business owners and family farmers to join cooperatives with a menu of health options, but under State regulation, not exempting them and not preempting what the State has already done.

I have a feeling that that is going to work, and work very well, if the demand that exists from back home is any indication of the desire to enter into these pilot programs.

That is the identical version that the gentleman from New Jersey (Mr. ANDREWS) and I are offering and talking about today, allowing this purchasing pool concept to go forward under State law, so that important health care services and screening does not get preempted and lead to a diminution in the quality of care that citizens in States have come to expect and desire.

Why is this important? 44 million uninsured is a travesty and a blemish on our national character. It gets to the real root and basis of us and what we are all about as a Nation. Being able to access quality and affordable health care is something that affects all of us, from businesses large and small, from individuals to small business owners, to farmers, to us here in Congress; and the fear we see in constituents' eyes back home when they know they do not have health coverage for their families and their children, it is real.

And when they do not have coverage and they do get sick or they do get hurt, they still are able to access the health care system, just through more expensive means, typically through the emergency door. And those costs then are shifted on to private plans that do have coverage, which contributes to the rising premium expenses that are sweeping the Nation today.

So I think it is in our fundamental national interest to do what we can to make sure that the 43 million or 44 million currently uninsured receive coverage, so we have better preventive care up front, so the children of our Nation have a way to access the health care system, which can save us money and pay dividends in the long run.

I think this is an objective that we share in a bipartisan fashion, but it is one that I think can better be achieved through the Kind-Andrews substitute.

It is paid for within the budget resolution that the majority party has passed in this session of Congress. It does offer premium support payments to employees with 50 or fewer employees, because the gentleman from New Jersey (Mr. ANDREWS) is correct, even if we have some savings in premium expenses, your average small business employer probably is still prohibited from being able to access an insurance pool and being able to pick up the expense and providing coverage for their employees.

We are saying we can do better by offering them some of this premium price assistance to make it more affordable and to create the incentives so we have small business owners who I believe want desperately to be able to provide coverage, to be in a position to better afford that type of coverage.

This is what we need to try to achieve. This should be a dream we all hold in this Congress. Because unless and until we fix this fundamental flaw in the health care system in our country, we are not going to see the robust job growth that we desperately need today. We are not going to see businesses, either large or small, anxious for additional hires for fear of incurring the additional health care expense. I think it is one of the reasons why we have not seen the explosion of job growth over the last couple of years, even though the administration has been fond of pointing to expanding economic conditions in this country. It is the health care system, and it needs to be addressed.

I think we desperately need to do it, and I think we have the opportunity today to make a significant step in that direction.

I would encourage my colleagues to vote "no" on the majority Associated Health Plan and support a real plan that can work for real Americans, the Kind-Andrews substitute.

Mr. Speaker, I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have great respect for my two committee colleagues, the gentleman from Wisconsin (Mr. KIND) and the gentleman from New Jersey (Mr. ANDREWS), and their thoughtful approach to bringing their substitute to the floor.

As the gentleman from Wisconsin (Mr. KIND) pointed out, there are some similarities here. We both create large pools of small employers in order to increase their purchasing power so that they can go into the marketplace like a large company or union and get as good a quality plan at a competitive price. But once you get beyond the big picture, that we are creating large pools in both the substitute and the underlying bill, there are a few differences.

The first difference I would say is that the underlying bill allows the private sector to create those large pools. Whether they be State associations, national associations, whatever, they will in fact create their own pools, while the substitute offered by the gentleman from Wisconsin (Mr. KIND) and the gentleman from New Jersey (Mr. ANDREWS) has the government creating this large pool.

Now, we all know when the government gets involved, it is just a matter of time before the government begins to believe, well, we have this large pool, we have got employers signed up in it, maybe we ought to require them to do X or Y or Z. I do not think anyone wants to take that risk.

Secondly, I would point out that the substitute pool will cost $50 billion of taxpayer funds in order to set up and to provide subsidies, while the underlying bill has no Federal taxpayer money involved in it in any way, shape, or form.

I am a big believer that we need to do something to reach out to help the uninsured gain better access to high-quality, affordable health insurance. I think the underlying bill does it. It has passed on a broad bipartisan basis on a number of occasions here in the House. I urge my colleagues here today to reject the Kind-Andrews substitute and support the underlying bill.

Mr. HOLT. Mr. Speaker, I rise in support of the substitute legislation offered by Mr. KIND and Mr. ANDREWS and in opposition to H.R. 4281.

Across this great nation, over 40 million people continue to lack adequate health insurance coverage. This is a problem that merits immediate Congressional action.

Moreover, small businesses across my district in central New Jersey come to me all the time, telling me how difficult it is to continue providing health care to their employees. I am glad that so many of them believe in providing good benefits to their workers, but I know they are really hurting.

Unfortunately, the House leadership is more interested in scoring political points than in helping small businesses continue to provide quality health care for their employees. The very fact that we are poised to pass a bill that is virtually identical to what we did here last June is a clear indication that we are here to play partisan games, not to find a real solution.

I hope my colleagues do not believe the hype we're hearing today. H.R. 4281 is not a realistic way to help small businesses with their health care costs.

It looks like a good idea at first glance. Under this bill, small businesses could join together to form "associations" that will leverage their collective buying power to get lower-cost health insurance for their employees.

I certainly support the concept of companies working together collectively to control costs. It's an idea that has worked within individual states.

That is why I urge my colleagues to vote for the Kind-Andrews substitute. This legislation commits actual federal funds—the $50 billion allocated in the budget—to form Small Employer Health Benefit plans similar to our oft-cited Federal Employee Health Benefit plans. This would create a realistic, workable way for small businesses to use their collective buying power to lower costs and increase coverage.

Kind-Andrews would expand coverage for the uninsured and will help small businesses deal with the rising costs of insuring their employees. Moreover, it is fully paid for and will not preempt state law, maintaining the kind of minimum benefit levels that ensure quality coverage for beneficiaries and their dependents.

H.R. 4281, on the other hand, expands ERISA to preempt state law. States have traditionally taken the lead on insurance regulation, and they have implemented rules to protect beneficiaries and ensure minimum coverage levels. This bill would allow AHPs to avoid all of these regulations.

Most states require that any health plan cover some basic items such as mammograms, contraception, prostate cancer screenings, and many mental health services. H.R. 4281 would allow "associations" to avoid having to offer these basic benefits, to the detriment of policyholders.

For example, under this bill, I could create a plan that covers nothing but ingrown toenail surgery. It would certainly be the cheapest plan out there, but how much would it actually help beneficiaries?

Several of my colleagues and I tried to amend H.R. 660, the first iteration of the bill before us, in both subcommittee and full committee to ensure that AHPs would indeed have minimum benefit requirements. I offered one amendment requiring parity between physical and mental health benefits and another requiring coverage for oral contraception. Despite the fact that these common-sense minimum requirements are law in a number of states, my amendments were shot down by the majority.

So we're still left with a bill that brings a real possibility of the creation of comically inadequate health plans, which is rather disturbing.

What's even more alarming is the effect that this legislation will have on the overall health care environment.

The danger is, of course, cherry-picking. While AHPs may work well to help insure generally healthy, young people, the sickest of our population—those most in need of health care coverage—will be left with higher premiums. What kind of an effect will this have on our current health care environment? Could this actually take us farther away from covering the uninsured in this country? One study, in fact, said that AHPs would actually cause premiums to rise for the vast majority of small businesses and their employees.

Here's another important question. Exactly how many of the uninsured would get coverage from these new types of AHPs? CBO has estimated that about 8.5 million people might get coverage through the types of plans proposed under H.R. 4281. That sounds pretty good—until you realize that only 620,000 of them would come from the ranks of the uninsured, while the other 7.9 million would be in firms switching from traditional coverage. That means we'd be extending coverage to a miniscule fraction of the uninsured in this country.

The bottom line is that more than forty million Americans lack health insurance—a serious crisis that needs to be addressed. But H.R. 4281 won't do much good, and could very well make a bad situation even worse.

I urge my colleagues to oppose H.R. 4281 and vote for the Kind-Andrews substitute.

Ms. WOOLSEY. Mr. Speaker, as we once again celebrate Cover the Uninsured Week, I rise to support a sensible legislative proposal that will do just that: Cover the Uninsured.

I know that I've heard from constituents who wish they had the opportunity to purchase the same kind of high quality health insurance that we enjoy as Federal Employees. And they are right. The Federal Employee Health Benefits Program is an excellent model for effective health care coverage.

That's why I rise to proudly support the Kind-Andrews Substitute, which would give small businesses and their employees the opportunity to purchase coverage similar to ours.

The Small Employer Health Benefits Program created by this substitute would not ask employees to sacrifice the guaranteed coverage and protections provided by State law. Small businesses and their employees would have real health coverage that provides them with access to the care they need—not sham insurance that serves only those who are healthy.

We've talked a great deal about how to expand health coverage to the uninsured this week, and I urge my colleagues to support their words with action by supporting this sensible substitute.

Mr. BOEHNER. Mr. Speaker, I yield back the balance of my time.

□ 1530

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 638, the previous question is ordered on the bill and on the amendment by the gentleman from Wisconsin (Mr. KIND).

The question is on the amendment in the nature of a substitute offered by the gentleman from Wisconsin (Mr. KIND).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. KIND. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 193, nays 224, not voting 16, as follows:

[Roll No. 172]

YEAS—193

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—224

Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Aderholt
Deal (GA)
DeGette
DeMint
Filner
Ford
Hulshof
Israel
Majette
McInnis
Nethercutt
Reyes
Scott (GA)
Shadegg
Shimkus
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1554

Ms. VELÁZQUEZ and Mr. SAXTON changed their vote from "yea" to "nay."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 172, I was attending to official business in my Congressional District, and I missed the vote. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MRS. MCCARTHY OF NEW YORK

Mrs. MCCARTHY of New York. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. MCCARTHY of New York. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. MCCARTHY of New York moves to recommit the bill H.R. 4281 to the Committee on Education and the Workforce with instructions to report the same back to the House forthwith with the following amendment:

Page 13, insert after line 7 the following:

"(e) PROTECTION OF EXISTING GROUP HEALTH PLAN COVERAGE.—

"(1) IN GENERAL.—The requirements of this section are not met with respect to an association health plan if—

"(A) during the 1-year period preceding the date of the enactment of the Small Business Health Fairness Act of 2004, any participating employer of the plan maintained another group health plan providing a type of coverage described in paragraph (2), and

"(B) such association health plan does not provide such type of coverage.

"(2) TYPES OF COVERAGE.—A type of coverage is described in this paragraph if it consists of—

"(A) coverage for breast cancer screening and tests recommended by a physician,

"(B) coverage for the expenses of pregnancy and childbirth,

"(C) coverage for well child care, or

"(D) direct access to those obstetric or gynecological services which are provided by the plan.

"(3) PREDECESSORS AND CONTROLLED GROUPS.—For purposes of this subsection, a predecessor of an employer or any member of the employer's controlled group shall be treated as the employer. For purposes of this paragraph, the term 'controlled group' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.

Mrs. MCCARTHY of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The SPEAKER pro tempore. The gentlewoman is recognized for 5 minutes on her motion.

Mrs. MCCARTHY of New York. Mr. Speaker, this motion to recommit is very simple. The motion ensures that the bill does not preempt State regulations regarding coverage for breast cancer, pregnancy and childbirth, and well-child OB/GYN services.

Mr. Speaker, this bill, the National Republican Governors Association, the Democratic Governors Association, they are all against it. Forty-one State Attorneys General are against it. There is a reason for that, going back many years ago, when the insurance companies were not giving health care insurance to those that would carry it.

Mr. Speaker, this bill undermines health care legislation in 48 States, including New York. As patients and advocates across the Nation quickly discovered that their basic health care needs were not being served by their insurance companies, they demanded the State step in and protect them.

Mr. Speaker, 48 States responded overwhelmingly and gave basic health care to their citizens. Today, we are undermining the State's efforts. Today, we are saying that basic health care does not matter.

As a nurse, my policy is "first do no harm." Mr. Speaker, this bill does harm to millions of patients across the country. Mr. Speaker, a reduction in health insurance in any form is a reduction in health care. It is just that simple.

Almost every State has recognized the need to cut down the cost of health care and still provide basic health care to their citizens. The States know that without guaranteeing basic health care patients will not get the health care they desperately need. They will only seek help when they are very sick, thus requiring much more expensive medical care for their diseases, putting their lives and the lives of their children at risk.

Let us just look at what it would mean for breast cancer, which is so high in New York State.

According to the American Cancer Society, over 211,000 new cases of breast cancer will be diagnosed in the United States this year. In my State of New York, there will be 2,000 new cases of breast cancer diagnosed alone. Breast cancer is a fatal, but eminently treatable, disease. However, early detection is the key to proper treatment of the disease.

Mammogram screenings are essential for the early detection of cancer. Timely screening can prevent approximately 15 to 30 percent of all deaths from breast cancer among women over the age of 40. Currently, New York and 48 States require insurance companies to cover mammogram screenings. However, under this bill associated health plans would be exempt from having to provide this critical benefit. This amendment would at least prevent a reduction of health care services to those who already have this benefit.

Preserving the coverage of mammogram screenings will help save the lives of our wives, our mothers, and their daughters. I urge all of my colleagues to vote "no," and as I said earlier, the National Association of Governors, Democratic Governors, Republican Governors are against this legislation.

Mr. Speaker, I yield the balance of my time to my colleague, the gentlewoman from Wisconsin (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, I am pleased to join the gentlewoman from New York (Mrs. MCCARTHY) in offering this motion to recommit.

To protect the health benefits that women and children currently have today, we must not allow association health plans to deny necessary care for women and their children.

This motion to recommit stops association health plans from refusing to cover state-mandated health benefits for well-child care visits and maternity coverage or other types of care that is vital to our families. Children deserve a healthy start in life.

In Minnesota and 30 other States, children are guaranteed regular visits to their pediatricians to get the necessary care they deserve. Well-child care ensures that children get the vaccinations and immunizations that they need to protect themselves from preventable diseases like measles and mumps.

Regular doctor visits for newborns are absolutely critical. Thirty-three children are born every day with severe hearing loss. If caught early through preventative doctor visits, we can make a positive difference in the lives of our children, and we can save future dollars spent on special education.

Having early access to adequate health care can prevent illness, identify disabilities and reduce future health costs.

The motion we are offering ensures that families who have health coverage that protects the health of women and children today will not lose it tomorrow.

Today, we should be considering legislation to ensure quality comprehensive health care for our Nation's working families, not cutting basic benefits.

I urge my colleagues to support the motion to recommit and to protect important State laws that protect the health of women and children.

□ 1600

Mr. BOEHNER. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, AHPs that would self-insure are exempted from State insurance mandates exactly like large company plans and union plans all over the country. We all know that health insurance mandates drive up the cost of health insurance. When the cost of health insurance goes up for small employers, it is their employees who lose coverage.

The underlying bill attempts to help the 44 million Americans who do not have health insurance have a better chance of getting health insurance. And small employers, just because of their size, should not be denied the right to group together to get a better-quality product at a more competitive price for their employees.

I urge my colleagues to reject the motion to recommit, the same motion to recommit this House rejected last year, and to support the underlying bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mrs. McCARTHY of New York. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on the question of passage, if ordered, the motion to suspend the rules and pass House Joint Resolution 91, and adoption of House Concurrent Resolution 414.

The vote was taken by electronic device, and there were—ayes 196, noes 218, not voting 19, as follows:

[Roll No. 173]

AYES—196

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—218

Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Aderholt
Deal (GA)
DeGette
DeMint
Filner
Granger
Hulshof
Israel
Linder
Majette
McInnis
Meehan
Nethercutt
Reyes
Scott (GA)
Shadegg
Shimkus
Smith (MI)
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1620

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 173, I was attending to official business in my Congressional District, and I missed the vote. Had I been present, I would have voted "aye".

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CARDIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 252, nays 162, answered "present" 1, not voting 18, as follows:

[Roll No. 174]

YEAS—252

Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)

Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery

McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce

Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—162

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Chandler
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo

Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Gephardt
Gordon
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch

Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo

Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter

Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)

Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

ANSWERED "PRESENT"—1

Norwood

NOT VOTING—18

Aderholt
Deal (GA)
DeGette
DeMint
Filner
Granger

Hulshof
Israel
Majette
McInnis
Meehan
Nethercutt

Reyes
Scott (GA)
Shadegg
Shimkus
Smith (MI)
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1629

Mr. LEVIN, Mr. MOLLOHAN and Ms. KAPTUR changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 174, I was attending to official business in my Congressional District, and I missed the vote. Had I been present, I would have voted "no".

The SPEAKER pro tempore. Pursuant to section 4 of House Resolution 638, the text of H.R. 4280 and H.R. 4281 will be appended to the engrossment of H.R. 4279; and H.R. 4280 and H.R. 4281 shall be laid on the table.

RECOGNIZING THE 60TH ANNIVERSARY OF THE SERVICEMEN'S READJUSTMENT ACT OF 1944

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the joint resolution, H.J. Res. 91.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the joint resolution, H.J. Res. 91, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 24, as follows:

[Roll No. 175]

YEAS—409

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus

Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)

Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert

Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah

Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)

Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel

Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—24

Aderholt
Berman
Cummings
Deal (GA)
DeGette
DeMint
Diaz-Balart, M.
Filner
Granger
Green (TX)
Hulshof
Israel
Linder
Majette
McInnis
Meehan
Nethercutt
Reyes
Rodriguez
Scott (GA)
Shadegg
Shimkus
Smith (MI)
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1636

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 175, I was attending to official business in my Congressional District, and I missed the vote. Had I been present, I would have voted "yea."

EXPRESSING SENSE OF CONGRESS THAT ALL AMERICANS OBSERVE THE 50TH ANNIVERSARY OF BROWN v. BOARD OF EDUCATION WITH A COMMITMENT TO CONTINUING AND BUILDING ON THE LEGACY OF BROWN

The SPEAKER pro tempore. The pending business is the question on the concurrent resolution, H. Con. Res. 414, on which further proceedings were postponed earlier today.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the concurrent resolution on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 1, not voting 26, as follows:

[Roll No. 176]

YEAS—406

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—26

Aderholt
Berman
Deal (GA)
DeGette
DeMint
Doolittle
Filner
Granger
Green (TX)
Hulshof
Israel
Jones (OH)
Linder
Majette
McInnis
Meehan
Nethercutt
Reyes
Rodriguez
Sanders
Scott (GA)
Shadegg
Shimkus
Smith (MI)
Stearns
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1643

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 176, I was attending to official business in my Congressional District, and I missed the vote. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 4200, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of May 17 to grant a rule which could limit the amendment process for floor consideration of H.R. 4200, the National Defense Authorization Act For Fiscal Year 2005. The Committee on Armed Services ordered the bill reported yesterday, May 12, and is expected to file its report in the House tomorrow, May 14.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in Room H-312 of the Capitol by 5 p.m. on Monday, May 17.

Members should draft their amendments to the text of the bill as reported by the Committee on Armed Services which should be available tomorrow for their review on the Web site of both the Committee on Armed Services and the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to the distinguished majority leader for the purposes of informing us of the schedule for the week to come.

Mr. DELAY. Mr. Speaker, I thank the gentleman from Maryland for yielding to me.

Mr. Speaker, I would like to make all the Members aware that the House has completed voting for the day and the week.

Regarding next week's schedule, the House will convene on Monday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of this week. Any votes called on these measures will be rolled until 6:30 p.m.

For Tuesday and the balance of the week, we may consider additional legislation under suspension of the rules. We also plan to consider several bills that would amend the Occupational Safety and Health Act of 1970: H.R. 2728, the Small Business Day in Court Act; H.R. 2729, the Review Commission Efficiency Act; H.R. 2730, the Independent Review of OSHA Citations Act; and H.R. 2731, the Small Employer Access to Justice Act. In addition, we expect to consider H.R. 2432, the Paperwork and Regulatory Improvements Act; and H.R. 4200, the National Defense Authorization Act For Fiscal Year 2005.

Finally, I would like to make all Members aware that we plan to consider H.R. 4359, the Child Credit Preservation and Expansion Act, which would make the full $1,000 per child credit permanent and expand the number of families eligible for the credit.

I will be happy to answer any questions the gentleman may have.

Mr. HOYER. On the last issue, the Child Credit Preservation and Expansion Act to which the gentleman referred, and he indicates that it will expand the number of families eligible for the credit, we had discussed this last week. Am I correct in presuming that that means that those under $26,000 will be covered as well as those over $26,000. As was the case with the Senate amendment that came over to the House?

Mr. DELAY. I really hesitate to comment on what the content of the bill will be as we bring it to the floor next week. My understanding, as I have been advised, is the child tax credit that was to be given in 2006 will be accelerated to 2005, so that should cover the gentleman's concerns.

□ 1645

Mr. HOYER. Mr. Speaker, reclaiming my time, if it does we will be pleased, and I presume the Senate would be ready to approve that, assuming that it is paid for.

Under the procedures of these bills, in terms of the OSHA legislation and the paperwork reduction, can the gentleman tell us under what procedures they will be considered, and will substitute amendments be allowed?

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's yielding.

The chairman of the Committee on Rules has just made announcements for the four OSHA bills, the regulatory accounting bill, and I believe the DOD authorization bill. So on these I believe the Committee on Rules is inclined to make multiple amendments in order for those bills.

Mr. HOYER. I am sorry. Declined or inclined?

Mr. DELAY. Inclined.

Mr. HOYER. I thank the gentleman. I was not quite sure whether it was an "in" or a "de."

Mr. DELAY. Mr. Speaker, will the House be in order? The gentleman cannot hear.

Mr. HOYER. The articulation I missed. That was the problem.

With respect to the budget, do we expect to see a budget next week? It is not on the list, and I know we have been waiting with bated breath for many weeks now for the budget, as has the leader. Can the leader comment on the status of the budget?

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I know the gentleman has been waiting with bated breath, and I know he checks every day to see the status of the budget, and I appreciate his concern for getting this budget to the floor. I wish I had more news than I did last week. There continues to be discussions between the two bodies, and I hope and expect to have a conference report ready for the House to consider sometime next week.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information. Clearly, all of us know that the pay-as-you-go provision has been apparently the stumbling block in the reaching of an agreement between the two Houses. There was, as I understand it, our expectation was that there would be a freestanding bill coming to the floor on the pay-go issue. Can the leader tell us whether that is still contemplated or whether we might see that at any time in the near future?

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's yielding. Yes, we do have a bill that was marked up in the Committee on the Budget that we are looking forward to considering in the near future. There has been a lot of discussion about that bill. The process by which we would consider it has been widely discussed. However, I believe that the chairman of the Committee on the Budget would prefer to wait until the budget resolution conference report has been completed and passed before we consider that bill. So it is very difficult for me to give the gentleman any sort of time frame, but as soon as the budget is passed, I think we can anticipate within a matter of weeks the Budget Enforcement Act coming to the floor.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

If one assumes that perhaps we do not adopt a budget resolution, would it still be the intent of the majority to bring forth an enforcement bill, the one that has been considered in committee, or is it a condition for that bill coming to the floor that the budget pass?

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's yielding. I just speak for this gentleman that I would like to see a Budget Enforcement Act come to this floor. I think it is vitally needed for fiscal discipline in this Congress, and I would anticipate, whether the budget passes or not, that we would see a budget enforcement bill come to the floor.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information. I share his view on that issue that whether or not we have a budget or not, the enforcement bill ought to come to the floor.

Can I ask him another question about that particular bill? Would the gentleman know or be inclined to assure us that we would have an alternative? As he knows, the dispute on the pay-as-you-go is whether it affects taxes as well as spending. We believe that is a very substantive issue that ought to be considered and voted upon by all the Members. Would the majority leader be inclined to ensure that that alternative will be in order for us to offer at the time, if it is not included in the bill that is reported out of committee, at the time it is considered on the floor?

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's yielding to me.

I think it is way too early in the process on this particular bill to be talking about even process or amendments or substitutes or even trying to speculate what the Committee on Rules would do. We do not even know what form the bill would come out of the Committee on Rules at this particular time. There is a lot of work that is being done on the bill. But I can assure the gentleman that we would give his side of the aisle every consideration for amendments and/or substitutes to this very important bill.

Mr. HOYER. Mr. Speaker, I thank the leader for that representation.

Lastly, Mr. Speaker, we passed some weeks ago the transportation reauthorization bill. I think both sides feel that is a critical piece of legislation. We have noted that there seems to be some disagreement between the White House and the House and the Senate on this piece of legislation, but we are very concerned that it has not moved forward. We believe that this is, as the gentleman knows, the single most important piece of jobs legislation that we have under consideration by this Congress. And I am wondering if he can give us some thought as to when that bill may come to the floor and under what form it will come to the floor. We would very much like to see it on the floor, and we think, frankly, that given the votes on the bill as it passed the House, with well over 300 voting for it and with a very substantial vote in the other body, that clearly we have the votes to pass a bill, whether it is at 275, 318, or, frankly, the gentleman from Alaska's (Mr. YOUNG) 375.

But I would like to have some information because we think this is, and I know the gentleman does as well, a very critical piece of legislation which is now 6 months, 7 months, 8 months, I guess, past the date that we hoped to pass it on and we are in 60-day extensions, which we have a very distinguished Governor on the floor. I do not know whether I am in order by saying this, but I am going to say it anyway. I want to acknowledge the presence of our former colleague, Governor Ehrlich, on the floor, but I know he is very concerned about it because he and I have worked on a lot of transportation issues in our State, and I am sure that as soon as we finish the colloquy, he would like to talk to the gentleman about this bill.

I yield to the gentleman on his response to where the bill is.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's yielding to me. And I am looking forward to talking to the Governor of Maryland, a former very distinguished member of this body, Bob Ehrlich. He is a very close friend of ours, and we are very glad to see him, but he also knows the rules of the House, that one cannot lobby on the floor House, because he served here.

As to the highway bill, the gentleman is very correct. This is a very important jobs bill. It is very important to all of us here in the House. It is very important to us because it is not just the most important jobs piece of legislation, it is a vital part of our economic agenda, along with tax relief and our 21st century careers initiative and competitiveness packages and all the other things that we are trying to do, energy bills. So we really want to see this bill, and we want to see it enacted into law. We are having a little trouble with the other body. The other body has repeatedly asked to go to conference. Unfortunately, there is a group over there that will not let them go to conference, and we are having a difficult time in the other body going to conference. We can always go to conference here, but we would like to see the Senate go to conference first so that we can get the process moving.

Mr. HOYER. Mr. Speaker, reclaiming my time, I appreciate the leader's observation. It is my understanding that the Senate, certainly on the minority side, will agree to go to conference as soon as we are given a number as to what we are going to conference. My understanding is, however, that the gentleman's side of the aisle cannot agree with the White House on what that number ought to be. So in fairness, there seems to be a disagreement on the number that the President will sign, and, I think accurately, that is the reason for the hold-up because I think, frankly, the Senate could agree to the 318 and I would hope we can agree to the 318. I would be for a higher number personally, but I would hope that we could agree to that. The problem is, I understand, the executive does not.

But I would suggest to the leader, with all due respect, that this body can and should act independently and send the legislation that it deems to be appropriate and if the executive disagrees, he has the option of vetoing that bill and sending it back to the House. As one of the Senators on the gentleman's side of the aisle observed, that is the way the process is supposed to work. And I would think, because we share the view that this is very important, we believe it is a jobs bill, that we could pass a bill relatively easily with overwhelming votes and certainly votes significant enough to show the President that at least two-thirds of the Members of this body and the other body believe it is an appropriate bill to pass forthwith.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. His understanding may be a little late because as of almost over a week now, both the Republicans in the House and the Republicans in the Senate have given up trying to come up with a number agreed to by the President and have decided to go to conference. The minority on the Senate side has been informed of that fact. We are ready to go to conference to work out whatever the number may be within conference, to work out all the other disagreements between the two bodies, and they are ready to go to conference. I do not want to speak for the other body, but it is the minority that is refusing to allow the majority over there to go to conference.

Mr. HOYER. Mr. Speaker, reclaiming my time, quoting the majority leader of last week, I do not see it that way. Clearly, as the gentleman has just pointed out, there is not agreement. I think we could get agreement if we could allow the minority to have some sense that they knew the parameters of where we were going, and I think that is all the minority is asking for. I think that is a fair request. But in any event, I think we ought to move this bill, and the gentleman's side is in charge and we would hope that would happen.

Mr. DELAY. If the gentleman would yield, we can move this bill and move to conference as quickly as we want to. Unfortunately, in the other body, the minority wants certain concessions before they even go to conference. The reason for conference is everybody getting in a room between the two bodies and work out their differences, not make side deals or those kinds of deals outside the conference before they allow their body to go to conference. So when the minority decides to go to conference over in the Senate, we will go to conference and we will have a highway bill.

Mr. HOYER. Reclaiming my time, I want the leader to know how happy I am to hear that that is the purpose of conferences and that nobody would want to reach outside deals outside of the configuration of a conference. He will recall, I think, we had months of discussion about the prescription drug conference to which no Democrats on this side were invited. That is the concern. Mr. DASCHLE was not invited. Mr. REID was not invited. Other Members were not invited. There were a couple of people who participated. But that is our concern. We could go back and forth.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, on that point I would just say this is a different issue. Both Democrats and Republicans want this highway bill, and in the case of the Medicare bill that the gentleman describes, the names that he listed, none of those names wanted the Medicare bill.

Mr. HOYER. Reclaiming my time just for a minute for accuracy's sake, all of them wanted a Medicare prescription bill. They wanted a different kind of bill. That is what he says conference is trying to iron out. That is my point. I think he makes it.

Mr. DELAY. They wanted a bill that was impossible to pass, and there was no use in wasting our time.

Mr. HOYER. As was yours almost, as I recall.

Mr. DELAY. Ours passed.

Mr. HOYER. The hope is that we will, in fact, move this piece of legislation and that there will be a bipartisan attempt made to move this legislation which is critical to our country, and a bipartisan agreement would be reached, as the leader points out, with the minority, giving them confidence that they will play a full role in the conference. I am hopeful that that happens.

I thank the gentleman for his observations.

□ 1700

ADJOURNMENT TO MONDAY, MAY 17, 2004, AND HOUR OF MEETING ON TUESDAY, MAY 18, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, May 17, 2004, for morning hour debate and further, when the House adjourns on that day, it adjourn to meet at 9 a.m. Tuesday, May 18, for morning hour debate as though after May 31, 2004, thereafter to resume its session at 10 a.m.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF MEMBERS TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 276h, the order of the House of December 8, 2003, and clause 10 of rule I, the Chair announces the Speaker's appointment of the following Members of the House to the Mexico-United States Interparliamentary Group:

Mr. KOLBE, Arizona, Chairman

Mr. BALLENGER, North Carolina, Vice Chairman

Mr. DREIER, California

Mr. BARTON, Texas

Mr. MANZULLO, Illinois

Mr. WELLER, Illinois

Mr. STENHOLM, Texas

ADVICE FOR WHITE HOUSE ON CREATING JOBS

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, last week, President Bush came to Ohio, my home State, to try to defend his economic policies, a State that has lost 222,000 jobs since he took office. One out of every six manufacturing jobs in the State has disappeared since he took office. We have lost almost 200 jobs every single day of the Bush administration.

Yet the President's answer, again and again and again, is more tax cuts for the wealthiest people in this country, with the hopes that maybe it will trickle down and provide a few jobs, which it has not, and more NAFTA-like trade agreements, which continue to hemorrhage jobs, continue to shift jobs overseas.

The White House, instead of those two failed attempts at creating jobs and building our economy, the White House should support extending unemployment benefits to those 50,000 Ohioans who have seen their benefits expire, should pass Crane-Rangel legislation, bipartisan legislation that will give incentives for American companies to manufacture in this country, instead of giving incentives, as the Bush administration does, to the largest companies in the country that continue to export jobs overseas.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ORGANIZING THE UNITED STATES GOVERNMENT TO HANDLE POST-CONFLICT AND STABILITY OPERATIONS

The SPEAKER pro tempore (Mr. CHOCOLA). Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, even as jubilant Berliners chipped away at the Berlin Wall 15 years ago, many Americans saw the end of the Cold War as an opportunity for the United States to cut its military forces, reduce the number of American troops deployed overseas and divert the monies saved, the so-called peace dividend, to address priorities here at home.

In the wake of the heady days of November 1989, few American policymakers were concerned about the civil war that was raging in Afghanistan, which the Soviet Army had quit 9 months earlier. As the Soviet armor rumbled north across the Afghan border, we closed the book on our deep involvement in the landlocked South Asian state.

Humanitarian and demining aid still flowed to Kabul, but the United States effectively left the heavily armed warring factions to battle each other, setting the stage for the rise of the Taliban. Eleven years later, on September 11, we paid dearly for our reluctance to get involved in helping to bring peace to Afghanistan and to stabilize and disarm the warring factors in the aftermath of the Soviet departure from the country.

Much of this failure can be attributed to an aversion to the kind of post-conflict nation-building operation that might have created a different Afghanistan in the 1990s. These operations are expensive, they are dangerous, they require an extended commitment of our national resources and our attention, and they impose a heavy burden on the military.

Throughout the 1990s, the United States took on other post-conflict reconstruction and stability operations in Somalia, Haiti, the Balkans, Northern Iraq, and East Timor.

More recently and most significantly, the invasions of Afghanistan and Iraq have compelled the United States to shoulder much of the burden for two enormously complex post-conflict operations. Despite our experiences in the 1990s and the crucial importance of the effort to stabilize Iraq and Afghanistan, these most recent efforts have been improvised affairs, led by the Department of Defense, which has pieced together personnel and expertise across the U.S. Government.

Our experience in Iraq and Afghanistan, and indeed that of the 1990s and the past 15 years, has made clear that this Nation needs a centralized civilian capability to plan for and to respond to post-conflict situations and other complex contingencies.

Last fall, Senators RICHARD LUGAR and JOSEPH BIDEN assembled an extraordinary bipartisan group of experts from inside and outside the government to study how best to reorganize the foreign affairs agencies to improve our ability to meet the challenges of the post-conflict operations.

Drawing on the discussions with these experts and administration officials, Senators LUGAR and BIDEN introduced the Stabilization and Reconstruction Civilian Management Act of 2004. In introducing the bill, Senator LUGAR said that it was his intention "not to critique past practices, but rather to improve our stabilization and reconstruction capability for the future."

In that spirit, my colleague, the gentleman from Connecticut (Mr. SHAYS), and I recently introduced H.R. 3996, which is the House companion to the Lugar-Biden legislation. This bill will establish a Stabilization and Reconstruction Coordinating Committee, chaired by the National Security Advisor.

It will authorize the creation of an office within the State Department to coordinate the civilian component of stabilization and reconstruction missions.

It will authorize the Secretary of State to create a Response Readiness Corps, with both an active duty and reserve component that can be called upon to respond to emerging international crises.

It will have the Foreign Service Institute, the National Defense University, and the Army War College establish an education and training curriculum to meet the challenges of post-conflict and reconstruction operations.

This bill is an important first step in reconfiguring the U.S. Government to strengthen our ability to deal with complex emergencies overseas. It will institutionalize the expertise we have acquired in the past 15 years at great cost in blood and treasure, so that we do not have to learn and re-learn how to do these operations each time we are forced to undertake them.

Finally, and most important, it will shift much of the burden for the planning and execution of these missions from the military to the civilian side of our government.

LOWERING COSTS BY ALLOWING REIMPORTATION OF PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, last week, prescription discount drug cards became available under Medicare. Should America's seniors and disabled Americans take a look at the new discount cards? Absolutely. Are discount cards a substitute for giving Americans access to safe, effective and affordable drugs? Absolutely not.

Some seniors and disabled Americans will probably save some money with the discount cards, but some cards may not cover the drugs that you use, and which drugs they cover and how big their discounts are may change once a week without notice, even though every senior will have to keep the same card the whole year. Even if your card covers your medicine, it may mean little, because the drug companies have already jacked the prices up 15, 20, or 25 percent.

President Bush and the FDA and our government allowed drug prices to go up 20 or 25 or 30 percent a year, yet then they say we are going to give a drug discount of 5, 10, or 15 percent. What a deal. At least it is a good deal for the drug companies, if not America's seniors.

What to do instead is to allow reimportation; allow American wholesalers, American drug retailers to go in the world market and buy their prescription drugs from countries which actually do something to bring down drug prices.

Last year, a solid, bipartisan majority in this House passed a solid drug importation bill issuing a declaration of independence from the drug industry. But President Bush said no and the Republican leadership said no.

Last month, a bipartisan coalition introduced a comprehensive bill that could win an importation vote in the other body, but President Bush said no, and again the Republican leadership said no.

The Bush administration, the FDA, and opponents of free markets in medicine say importation is unsafe. They have claimed that drugs sold in Canada and France and Germany, Israel, and Japan are not safe. Yet have we ever read a story about a Canadian or a French person or a German or a Japanese or an Israeli dropping dead in the streets of their countries because a drug is contaminated? Of course not. Those countries have FDAs similar to ours to protect the safety of their drugs.

Seniors in Ohio and throughout the country, in spite of the Bush administration claiming these drugs are unsafe on behalf of the drug industry, in spite of the FDA saying these drugs are unsafe, again on behalf of the prescription drug industry, seniors understand from personal experience that medicine sold in Canadian pharmacist is the same effective medicine sold here. It just happens to be one-third, one-half, one-fourth, sometimes, the price.

Now, the Bush administration and opponents of free markets in medicine say U.S. prices are high because other countries have forced the drug companies to sell the drugs for less there. They actually argue that if they can get drug prices higher in Australia and France and Germany that then the drug makers will just drop the price to Americans.

In fact, the Bush administration is putting pressure on the Australian Government through the negotiation of a trade agreement for the Australians to raise the prices they are paying to these drug companies for their drugs, with the implicit understanding, if you believe this, that the U.S. drug companies will voluntarily lower their prices.

Johns Hopkins University health economist Gerald Anderson told the Wall Street Journal last week, Say that you are the Pfizer CEO, and you go to your board and say, guess what? We just got a great deal in Australia on our drugs, so we are going to lower our prices in the U.S. You would be fired if you were the CEO of Pfizer and said that. Of course they are not going to do that.

These are giant multinational corporations whose profit margins dwarf the profit margins of any other industry in America. Drug companies in 2001 earned profit margins of 18 percent, three times the profit margins of other Fortune 500 companies. This has been the most profitable industry in America for 20 years running, with the lowest tax rates. They are companies that clearly have had taxpayers in this country do a lot of their research and development, yet they continue to charge Americans more than any other country in the world.

The reason for that is that the U.S. Congress and the U.S. President has simply stood by and let the drug companies continue to raise prices. It might have something to do with the fact that the drug industry gives George Bush millions of dollars for his campaign. The word on the street in Washington is that President Bush will get $100 million from the drug industry for his reelection.

My Republican friends on the other side of the aisle, especially their leadership, have raised millions of dollars from the drug industry. As a result, the drug industry and the insurance industry wrote the Medicare bill. That is why the Medicare bill simply will not work the way that it should, that is why drug profits continued to go up, that is why seniors continue to pay two and three and four times what they do in Canada.

We have got to break the leash and the connection between the drug industry and the Republican Party and President Bush.

EXPLAINING THE OIL FOR FOOD SCANDAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Wisconsin. Mr. Speaker, Americans are just beginning to read and hear of something called the Oil for Food scandal. Well, what does that mean? What does that term mean? And, more importantly, why should Americans care?

Well, Mr. Speaker, for just a few minutes, I would like to try to answer those questions.

Over a dozen years ago, Mr. Speaker, right after Saddam Hussein invaded Kuwait, the world moved quickly to impose sweeping international sanctions on Iraq. Those sanctions were designed to force Saddam Hussein to leave Kuwait and to follow international law on matters ranging from human rights to supporting terrorism to ending any pursuit of weapons of mass destruction.

Because our beef was with Saddam Hussein and his evil regime and not with the Iraqi people, the Oil for Food program was created. It was established as a humanitarian way through the United Nations to try to offer some relief to the Iraqi people. It was intended to allow the Iraqi Government to sell limited quantities of oil, so long as the proceeds were used to purchase food, medicine, and other essentials for the Iraqi people.

□ 1715

As I said, it was a humanitarian, compassionate gesture.

Now there is a scandal. There is a scandal, Mr. Speaker, because of growing evidence of the Oil For Food program was not only mismanaged, but used by Saddam Hussein for diabolical purposes. Some say the program is twisted by mismanagement. Some say it was twisted by corruption and greed. Still others say that it was twisted by an anti-American agenda and bias.

So what happened that is so scandalous? Well, for one thing, Saddam Hussein used money, lots and lots of money, to buy things other than necessities for the Iraqi people. Not just small things like alcohol and cigarettes, but he used over $2 billion to build palaces, monuments to himself and his evil regime. Even worse, he used some of that money to build his weapons and to launch his weapons program. This was money that would have gone to his people. Instead, this money went to perpetuate his evil regime and his lifestyle.

Secondly, because of alleged mismanagement and corruption within this U.N. program, billions of dollars that were procured are now missing. This was money that should be in the hands of the Iraqi people. Now more than ever, at the very time they need money for reconstruction, money to get back on their feet, money to build new schools, money to get ahead and build a brighter future, that money, $10 billion worth, that money is gone.

Finally, and worst of all, some of this Oil For Food money was used by Saddam Hussein to pay off his cronies, allegedly to buy influence around the world, perhaps even in the United Nations itself, and to thwart the economic sanctions and diplomacy that we all hoped and prayed would avoid war. Lord forbid that this last point is true, because if it is true, if in fact some of this money was used to buy influence in the United Nations and other countries, it means that some of this money, it means that the Oil For Food program, it means that individuals within the United Nations and the international community, that their actions thwarted diplomacy and prevented sanctions from happening. And because diplomacy and sanctions failed, we went to war. And that means, Mr. Speaker, something that we all dearly hope is not true; that means that this corruption of this program led to the loss of American lives.

Mr. Speaker, this scandal involves billions of dollars, it involves mismanagement, it involves corruption, it involves illegal activity, and it may involve the kind of activity that costs lives, has lengthened this conflict, and perhaps even led to war.

Mr. Speaker, in the coming weeks, I and a number of other members of committees like the Committee on International Relations will come to this floor to ask publicly some important questions of the United Nations to try to get some answers, to learn more about the Oil For Food program, to find out whether there was, in fact, the corruption that we fear, and to try to get some answers. The American people deserve answers. The families of servicemen deserve answers. All of us deserve answers.

As I have said, I dearly hope that what we have read and what we have heard is not true, because if it is, as William Safire of the New York Times has said, it would make it the most far-reaching political and financial scandal in history.

FOREST SERVICE UNDERFUNDED TO FIGHT FOREST FIRES IN 2004

The SPEAKER pro tempore (Mr. CHOCOLA). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, today, the Committee on Resources held a hearing on the coming fire season in the West. Officials of the Bush administration predicted that arguably, this could be the worst fire season in the Nation's history. So far, so good. They are looking out for our resources, our communities, our people.

Unfortunately, they went on to say that because the President shorted the budget and the Congress agreed with the President, that there is only about half the money in that budget that they expect they are going to need to fight the fires this year. Last year, a pretty bad fire season, but not the worst in history, the Forest Service ran out of money in August. Now, they cannot stop fighting the fires, so what do they do? Well, they go out and rob other Forest Service programs that are already underfunded. Over the last few years, they have gone and canceled fuel reduction contracts; that is, preventing the intensity or the possibility or probability of future fires through thinning and other activities, they actually would rob that program to pay for fighting this year's fires. But they do not learn their lesson.

Over the last 5 years, the average spent to fight fires by the Federal agencies has been $1.2 billion. So what did the President ask for and the Republican Congress give him in this year's budget? Mr. Speaker, $600 million, one-half of that amount. We are going into the worst fire year in history with less than one-half of the 5-year average. Even worse, just a few days ago, the Bush administration grounded all the tanker planes, because they cannot coordinate between the FAA and the BLM and the Forest Service and they cannot work out some paperwork on certifying whether or not these planes are safe or not. So our first line of defense, the heaviest line of defense we have, that which I know has saved the lives of firefighters and has saved homes and communities, is grounded.

Fourteen months ago I anticipated this problem and wrote to the Forest Service and they said, oh, do not worry, we have a plan. Their plan is a whole bunch of small planes and helicopters and yes, they can perform a valuable function, but they cannot get very quickly to distant fires, they cannot drop the huge loads that are sometimes needed to save a fire crew or stop a fire from breaching a hill and going down into a community or engulfing a house. We will not have that tool this year, because they did not plan.

Now they say, well, they are trying to figure out where they might borrow the money to fight the fires. Might borrow the money. That means going back and decimating already underfunded programs in the Forest Service, maybe fuel reduction again, recreation most probably, capital investment improvements, all sorts of things that are detrimental to the resource and the public lands.

I have a novel idea. Why do they not instead be honest about how much money they need and come to the Congress from the White House with the President's support and ask for what they think they will need to fight this year's fires? Ask for another $600 million. Yes, it is a lot of money, but we cannot ignore this problem. We could better prepare if they knew they had the money on hand. Instead of people scrambling around the Forest Service looking for other budgets to rob, they could be training more initial attack teams.

We got a report on the Biscuit Fire, a huge fire in southern Oregon a couple of years ago, which says there were no initial attack teams available. It is reported by some observers from California that the big southern branch of that fire was isolated to a couple of trees on one ridge on the first day. Now, if we had been able to get an initial attack team in there, but again, because of underfunding they were not available for days, we might have been able to prevent the whole southern branch of that cataclysmic fire.

So what is going to happen this year? They proudly say, well, they get 98 percent of those sorts of things. That is true. But if the 2 percent of the ones that they do not get, or even the 1 percent, are huge destructive fires that destroy resources, that destroy communities, that maybe even take lives, then is that not kind of a faulty way to save money? They say, well, we do not want all of those young people sitting around waiting for the initial attack teams; that would cost hundreds of thousands of dollars.

Well, it cost $200 million to fight that fire. So we could have spent a couple of thousand dollars to have young people trained. If there really are not any fires going on, let us put them out there and do some trail maintenance or something else; they can certainly do that work too if that is what we are paying them for. But when the fires are already starting to burn, to have them ready to go at a moment's notice is crucial and critical and could stop and prevent a huge catastrophic loss of resource, loss of life, loss of property.

That is a good Federal investment. I do not begrudge paying those young men and women who are going to risk their lives for a little bit of down time when we are going to use them sometimes 3, 4, 5, 6 days straight a week or 2 later.

So I find that this administration is just being so shortsighted. They can see the problem: The most catastrophic predicted fire in history, they grounded the tanker planes, asked for and got only half the money they think they are going to need; we will lack the initial attack teams and a whole host of other things we need to do. We are going to short the communities for their fire prevention programs, their cooperative fire management and other things where we help communities fireproof themselves and homeowners with a little bit of Federal matching money and assistance.

What is wrong with this administration? Why will they not ask for the money they need to protect our people, our communities, our resources?

SITUATION IRAQ: HAVING FAITH IN A SUCCESSFUL OUTCOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, I spent most of my life in a competitive environment and, during that time, I tried to understand why some organizations are successful and why some fail and some win and some lose. It seems to me that in a competitive endeavor that three principles were critical.

Number one, unity of purpose; everyone having a common goal and pulling together. Number 2, the willingness to pay a greater price than the opposition; to sacrifice, to suffer, if necessary. And number 3, having confidence in a successful outcome to believe in the organization.

I believe that these principles are generally time-tested and proven. It seems to me that some of these principles might apply to our struggle in Iraq.

Recently I have heard some comments that the war is unwinnable. This is troubling, because it seems to me that words matter. Such statements are often self-fulfilling prophecies, because if you think you cannot, if you say you cannot, you probably cannot.

So what if a football coach or a coach of any kind told his team that they probably could not win? They probably would not win. What if Washington told his troops at Valley Forge that they could not win? It probably would have made a big difference in the final outcome. What if Lincoln had said after Antietam, where 26,000 casualties occurred in one day, the bloodiest single day in our history, if he had said, it is over, we cannot win? What if MacArthur had said this: Instead of saying he was going to return, what if he had said he was going to quit and go home? Or what if Eisenhower had said during the Battle of the Bulge that he could not be successful either?

Recently a Member of Congress came up to me and asked me this. He said, what is the exit strategy? I guess the way the question was phrased, it was how do we get out of this and somehow save face? How do we gracefully depart? I guess I did not have a good answer for him. As a matter of fact, I was puzzled because I had not really thought of that kind of an exit. I thought the exit strategy was to win. I did not know we had another exit strategy. The exit strategy, as I understand, was to displace the Taliban in Afghanistan, Saddam Hussein in Iraq, set up a representative government in both countries, train and equip each country's police and military to provide stability, and then leave. The rest of it, I believe, is up to the Afghan and Iraqi people. Much of this has been done already. It is certainly not completed, and certainly it is a difficult conflict and there is a lot yet to be done.

When I was in the Middle East not long ago, a young Reserve captain had been in Iraq for a nearly a year, and he said this: It is important that the American people not lose patience. I believe that is very true. He said this: He said, it is better to fight al Qaeda here in the Middle East than it is at home. He was proud of what he had accomplished over there militarily, in terms of the infrastructure, the water, the electricity, oil production, hospitals, schools, children being vaccinated, provisional governments being established.

So if we declare defeat, and if we say we cannot win, and if we say we have to pull out, it will do this: number one, we will dishonor the 750-plus soldiers who have died already, and their families.

□ 1730

Number two, we will sentence thousands of Iraqis who have helped in the reconstruction to death. They will not have much chance, and this is the one thing they are most fearful of.

Number three, we will have shown terrorists everywhere around the world that we lack the will, we lack the courage to see this through. In other words, we will put a huge bulls-eye on our back.

So we all say on this floor time after time we support our troops; but, and I would say this, telling them that the war is unwinnable, engaging in partisan wrangling is not supporting our troops. It is critical that Members of this body stand united, stand committed and stay the course.

EXCHANGE OF SPECIAL ORDER TIME

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to take the gentleman from California's (Mr. GEORGE MILLER) time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

THE PRESIDENT'S NEW PR OFFENSIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, the President's new PR offensive in Iraq is offensive. The President sent Secretary Rumsfeld to Iraq. He should have sent him to see the Red Cross instead.

This administration remains in denial over the prisoner abuses in Iraq.

They think creating a photo op in Iraq will somehow divert attention from the photos that shock the world. Justice is not a PR stunt in Iraq.

The responsibility is not a sound bite from Secretary Rumsfeld telling Americans from Iraq that he is in charge. Accountability is not a mug shot from the prison where policies that shame America spun out of control.

Mr. President, this is a crisis of worldwide scope. Landing on an aircraft, Mr. Speaker, will not help. Standing your guy up in Iraq will not help. Pretending it will go away will not help. Put away the banner, Mr. President, because America is in the midst of a crisis.

We are just beginning to comprehend the magnitude of the abuse at one prison in Iraq, and we are beginning to hear of abuses that may have taken place elsewhere. This PR stunt will be seen around the world as just that, and it will only make matters worse.

Restoring America's credibility in the world will take America confronting this awful thing. The people mugging for the camera are the people who ought to be at the center of a complete and impartial investigation. Anything less will be a cover-up plan in plain sight.

The world simply will not allow it. Every day the questions and comments worldwide get just tougher and tougher.

From the Gulf News, today's editorial is entitled "Inside Afghan's Prisons, U.S. Abuses are Shrouded in Mystery."

Singapore's Straits Times newspaper carries the commentary today entitled "Torture and the Politics of Ambiguity."

I will insert these newspaper articles into the RECORD at this point.

[From the Straits Times, May 13, 2004]

TORTURE AND THE POLITICS OF AMBIGUITY

(By Michael Manning)

Each new revelation of physical abuse, maltreatment and sexual humiliation of Iraqi prisoners by American and British soldiers shocks international public opinion, leaving officials to scramble desperately to contain the damage.

United States Secretary of Defense Donald Rumsfeld warns that more documentary evidence of wrongdoing at Abu Ghraib prison lies in store, evidently in the preemptive hope that the outrages stopped there.

As a former US military intelligence interrogator, I am convinced that the images from Abu Ghraib are just the beginning. The wanton cruelty there is all too clearly symptomatic of a systemic failure.

But what system failed? Was it a failure of discipline and training—the result of sending inexperienced and unworldly reservists into poor conditions, abruptly extending their deployments and then leaving them understaffed in the face of a growing influx of captured insurgents? Or did the pattern of abuse amount to so many orders from superiors to "soften up" prisoners for interrogation?

The answer is, most likely, both and neither.

Ultimately, what gives rise to abuses such as occurred at Abu Ghraib is a policy of deliberate ambiguity concerning how to handle detainees. The pressure in a war setting to get information that could save lives is immense. But senior political and military officials—particularly in democracies—prefer to avoid any association with torture.

Ambiguity is thus a political strategy that encourages the spread of implicit, informal rules of behavior, thereby shifting accountability onto the lowest ranking, least powerful and most expendable soldiers.

I completed the US Army's three-month basic interrogation course in the late 1980s. It was rigorous—only seven of 33 students finished it—as it required mastering the technical minutiae of collecting, cross-checking, standardising and reporting enormous masses of information.

But the curriculum was much less meticulous concerning interrogation techniques. An interrogation, we were instructed, should begin with polite, direct questioning, because a certain number of detainees simply want to unburden themselves. If more persuasion was needed, we could offer rewards for cooperation—anything from cigarettes to political asylum.

Beyond this, we were taught that we could "apply pressure." The term was never defined in any formal setting, but the concept was not difficult to decipher. As US Army General Antonio Taguba's report on the abuses at Abu Ghraib put it, the "guard force" was "actively engaged in setting the conditions for successful exploitation of the internees."

This obvious violation of the Army's rule prohibiting participation by military police in interrogation sessions does not surprise me. I was never taught that military police came under a separate chain of command. On the contrary, between classes, during breaks in field training and in other informal settings, some of our instructors let it be known through insinuation and innuendo that we could have the guards beat uncooperative subjects.

This was never said in the classroom, but it was made clear the role of military police was to serve the interrogators, for an interrogator's effectiveness depends on convincing the detained of his omnipotence.

The hidden rules of the game came closest to being officially acknowledged during two weeks of simulated interrogations towards the end of the training course. These sessions involved only a student interrogator, and instructor in the role of the detainee and a video camera.

When, during a simulation, I asked an imaginary guard to take away the detainee's chair, the instructor feigned being removed violently. When I told the non-existent guard to hit the detainee, the instructor played along. All of us knew that a failed interrogation could mean being dropped from the course. I was not dropped; I finished first in my class.

For those who benefit from the politics of ambiguity, international law is an indispensable prop. In his recent US Senate testimony, Mr. Rumsfeld claimed that the military police at Abu Ghraib were instructed to abide by the Geneva conventions.

So was I. Throughout my training as an interrogator, the admonition to follow the Geneva conventions accompanied virtually every discussion of "applying pressure." Unfortunately, like "applying pressure," the Geneva conventions were never defined. We never studied them, nor were we given a copy to read, much less tested on their contents. For many of us, the conventions were at best a dimly remembered cliche from war movies that meant, "don't do bad stuff."

Again, the tacit rules said otherwise. One instructor joked that although the Geneva conventions barred firing a 50-caliber machine gun at an enemy soldier, we could aim at his helmet or backpack, since these were "equipment." Others shared anecdotes about torturing detainees.

Whether such talk was true is irrelevant. We were being conditioned to believe that the official rules set no clear limits, and that we could therefore set the limits wherever we liked.

In the end, the politics of ambiguity may fail Mr. Rumsfeld; all those high-resolution photographs from Abu Ghraib are anything but ambiguous. If similarly shameful disclosures multiply, as I believe they will, let us at least hope that official apologies and condemnations may finally give way to wider, more genuine accountability and reform.

[From the Gulf News, May 13, 2004]

FARHAN BOKHARI: INSIDE AFGHAN PRISONS, US ABUSES ARE SHROUDED IN MYSTERY

The scandalous treatment of Iraqi prisoners by United States military personnel and the series of condemnations surrounding key US officials, most notably Defense Secretary Donald Rumsfeld, are too significant to be ignored easily. But one essential danger flowing from recent revelations surrounding the actions of American military personnel in Iraq is that similar mistreatment of prisoners in US custody in Afghanistan could have occurred on the same proportion. And perhaps this was easily overlooked.

The bottom line remains that the world's so-called sole superpower, eager to sermonise the rest of the world over principles of democracy and basic human values, now finds itself confronting fundamentally tough questions over the very same values—which have theoretically stood at the heart of its policymaking.

How can the US lead the world if its actions cause more inhumanity than the protection of humanity? There are no easy answers to that fundamentally significant question. To make matters worse, a number of Afghan and Pakistani families related to the fighters nabbed during the Afghan war and subsequently taken to Guantanamo Bay, are completely in the dark about the fate of their near and dear ones.

The fate of the prisoners captured by the US in Afghanistan will not only continue to haunt the region surrounding the central Asian country but indeed the rest of the world. Vociferous criticism of US treatment of Iraqi prisoners is only gathering fresh momentum.

For many critics, no amount of denunciation of Washington's policies can ever compensate for the suffering endured by a large number of victims, thanks to the failure in enforcing stringent codes of conduct. The fallout from the Iraqi prisoners issue across the Muslim world will also carry its reverberations to Afghanistan, where many Afghans remain skeptical about Washington's ability to give their country a new lease of life. For such sceptics, the Iraqi prisoners issue triggers a two pronged painful question.

On the one hand, this controversy raises the issue of the treatment of Afghan prisoners, whose fate remains hidden from the world.

It is only the word of the US military and other authorities which suggests that living conditions for Afghan prisoners remain acceptable. But there's absolutely no way to independently verify such claims.

On the other hand, the Iraqi prisoners' issue reinforces not only the message that the US remains—fundamentally—a country which is hostile towards the Muslim world, but also one whose actions only aggravate global crises rather than provide solutions for them. At a global level, the fallout from the Iraqi prisoners issue would be hard to pacify without a clear-cut demonstration of political consequences through steps such as US President Bush asking Rumsfeld to step down.

Without a clear message which suggests that this case has sparked enough urgency in Washington that heads are beginning to roll, the bitterness across the Muslim world will not even begin to pacify.

On the ground, in a country like Afghanistan, there's a great urgency to quickly establish new parameters to ensure transparency surrounding prisoners in different jails, be they those in the custody of the US or those being held by one of its allies. Apart from taking such vital measures regarding the treatment of prisoners in Afghanistan, Washington also needs to move decisively towards beginning to resolve the issue of prisoners incarcerated in Guantanamo Bay.

Simultaneously, Washington's determination to build a new political order in Afghanistan dominated by its handpicked leaders also needs to be fundamentally reviewed.

While there may not appear to be any direct clash between the prisoners issue and the political future of Afghanistan, the two issues are not entirely unconnected. For many sceptics who look upon the US as an invading power, both trends appear driven by the determination to enforce brute authority. The prisoners on their own, suspected to be living in sub-human conditions, may not be able to challenge Washington's military authority. But there are many others who would continue to be bitter about the US, drawing inspiration from Washington's controversial action.

Through time, such bitterness and anger will only translate into hostility towards the US. To make matters worse in Afghanistan, Washington's failure to pour billions of dollars once expected by most Afghans will only begin to lay the basis for frustration with the US as a problem solver. Tragically though, Afghanistan may be fated to live through one of its worst periods of recurring turmoil between now and the end of the year, ahead of the US presidential elections.

In its zeal to quickly solve the security problems central to Afghanistan's past profile as a terrorist state, the US military, with or without Washington's tacit direction, may well intensify its search for so-called terrorists.

In doing so, its likely to run up against one wall or another.

Perhaps, the search for terrorists may intensify the urgency to step up the so-called interrogations of prisoners caught in the Afghan war.

The worst in the saga surrounding prisoners in the US military's captivity may not be over yet.

The BBC asked viewers and listeners to comment. From South Africa came this: "The U.S. Secretary of Shame should just do the honorable thing and resign."

From Switzerland: "Rumsfeld is the apex of an arrogant military lobby in the U.S., a bunch of people who have no concern for human rights, freedom, liberty and moral values which were seen as the inseparable ideology of the United States."

From England: "Bush's administration has brought anarchy not democracy."

In Iraq today, Secretary Rumsfeld called himself a survivor as he spoke to the soldiers. This is the typical administration technique. Say something over and over and over and hope the people will begin to believe it. Fly a banner, take a picture, hope it all goes away.

The Secretary of War should have been talking about how America's credibility can survive this administration. Secretary Rumsfeld should have been talking about how America's leadership can survive the neo-cons. The Secretary should have been talking about how our men and women in Iraq can survive the new dangers they face.

It is too much to ask, I know. The PR machine cannot grasp anything as obvious as worldwide outrage. They call it a focus group. Meanwhile, they will do everything possible to prop up Rumsfeld, even as he comes to symbolize a disastrous foreign policy.

Today, Secretary Rumsfeld runs the DOD, but it no longer stands for the Department of Defense. Under this administration, under this Secretary, DOD has come to mean "divert or deny." The world sees it. The world knows it. The administration just does not get it yet. November 2 is coming.

EXCHANGE OF SPECIAL ORDER TIME

Mr. TIAHRT. Mr. Speaker, I ask unanimous consent to take the 5 minutes of the gentleman from Michigan (Mr. MCCOTTER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

IT IS TIME TO CHANGE THE STATUS QUO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, over the last generation, Congress has acted with good intentions; but it has resulted in bad consequences. We have developed, through policy here on the floor of the House over the past generation, policies that have driven jobs offshore. We have forced costs on employers that they are unable to control, and they do not even get a vote, and the result, a loss of jobs and a loss of the American dream for those who want those jobs and a successful career.

I was speaking recently with the CEO of Raytheon Corporation in Wichita, Kansas; and we were talking about a wire harness shop. He had worked with his machinists union and tried to develop a way to keep that shop within the Raytheon Corporation. He realized after several tries that even if wages were at zero he would still be forced to move these jobs overseas in order to remain competitive. The reason these costs were driving jobs overseas was not because of the wages. It was because of the higher cost imposed by Congress over the last generation through their policies.

I spoke with the CEO of Convergy. He told me that it was about the same to build a building in New Delhi or in Manila or in Wichita, Kansas. Overhead, in other words, is about the same around the globe.

So if it is not wages and it is not overhead, Mr. Speaker, what is it that is driving up costs that CEOs have no control over and is forcing our jobs overseas? Well, we have looked at these costs, and we have decided it is time to change this environment that is keeping jobs from coming back to America. It is time we changed the status quo.

We found out that these costs can be divided into eight separate categories, and we have developed eight issues; and for this week and the seven weeks that follow, we are going to attempt to change that environment, and I believe the change is coming.

The first of these issues is health care security. These are costs that are driven by an increase of regulation, increase of lawsuits, increase of mismanagement from the Federal level; and the result has been a 12 percent increase in the growth of health care costs just this past year. This is now the sixth year where we have had double-digit growth in health care costs, and it has forced health care costs to double since 1999.

It has raised the number of uninsured in America. So this week, we passed association health plans which allowed associations to gather together and lower their health care costs by bargaining with a larger number of people.

We passed flexible savings accounts so that employees could save money for health care costs and become more involved in health care decisions and shop around for health care services, reducing the cost and increasing the number of people on the insured rolls.

We also limited medical malpractice costs by medical malpractice reform. That alone will increase the number of insured by almost 4 million Americans.

We also found out there is a second issue, and one we are going to be addressing next week is the costs that are associated with bureaucratic red tape. We are going to try to reduce the amount of bureaucratic red tape next week by dealing with OSHA, but we know now from reports from the National Association of Manufacturers that 12 percent of the cost of any manufactured item in America is due to the cost of paperwork compliance.

The Kansas Hospital Association has told me that for every hour of health care they provide, they also have to have an hour to just comply with the paperwork. An hour of health care now equals an hour of paperwork compliance. If we could reduce that to just half, we would make our companies more competitive. That alone would help us bring jobs back to America.

Our energy policy needs to be addressed. We now are facing $2 gasoline in America, much of it driven by boutique gasolines demanded by the EPA. Blends that are designed for winter and summer in our limited number of refineries and limited number of pipelines cause temporary shortages and drive gas up. We should pass the energy bill that addresses and encourages ethanol and biodiesels, renewable resources that cannot only help lower the cost of energy but also raise the cost of commodities for farmers.

We also need to produce more energy. If we could pass the energy bill, it would create 700,000 jobs in America. Our tax policy needs to be addressed, but it is buried into the cost of our products. The loaf of bread that costs a dollar is increased by 2 cents just by taxes.

We also need to address lifelong learning, trade policy and litigation reform. We can change the status of these, status quo and bring jobs home.

HEALTH CARE SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROYCE) is recognized for 5 minutes.

Mr. ROYCE. Mr. Speaker, there really is a medical liability crisis in this country. Americans realize there is an urgent problem, but I think many are unsure of how to solve that problem.

In my view, they need to look no farther than California for an answer as to what to do about this medical liability crisis, because in the early 1970s in California we faced a medical liability crisis very similar to the one that is spreading across the Nation now; and at that time, Governor Jerry Brown teamed up with members in the State Senate and members in the State Assembly and passed the Medical Injury Compensation Reform Act, which is referred to as MICRA.

As health care costs hammer our citizens and limit the jobs available, it is imperative that the Nation follow California's example and bring structure and stability to the medical liability system.

I say that because Californians enjoy a very secure competitive liability system. MICRA limited noneconomic damages to those injured, while ensuring full compensation for lost wages and for medical costs. Doctors have the benefit of some of the lowest medical liability premiums in the Nation. Since MICRA was enacted, medical liability premiums across this Nation have increased by 750 percent. In California, the increase is less than half that number, less than half the Nation's average. That means that we are doing something right, and let me give my colleagues some other facts.

Disputes in California are settled 26 percent faster, and health care costs are 6 percent lower. That saves the patients in our State $6 billion per year, and I think it speaks volumes as to our system's capabilities.

Yesterday, the House passed H.R. 4280, and by doing so we took the California model, and we applied it to the entire Nation. This is about commonsense reform, reform we know will work because we have tried it.

Health care costs have skyrocketed over the last decade. Advanced medical technology, advanced therapy, increased use of prescription drugs, all of these paired with inadequate cost containment have led to runaway prices; but, Mr. Speaker, I do not think we want to stand for this. I do not think my colleagues want to stand for this. It is not acceptable to stand by and watch our constituents unfairly carry the burden of a lacking system.

Systems like MICRA allow for patients to recover from their health care costs. State hospital associations estimate that every hour of care requires an hour of paperwork. One hour of doctor-to-patient care surely does not require the cost of that hour plus an additional hour of an administrator filling out forms. It is inefficient, it is clumsy; and thankfully we will no longer stand for it because by a 30-plus margin we have moved in a strong, bipartisan way to take our country towards medical liability improvement.

Employers, large and small, have struggled to keep their businesses up to the phenomenal speeds set by racing costs.

□ 1745

Finally, we have introduced a way for businesses to provide health coverage because they care about their employees, without compromising the integrity of their businesses and products that they produce.

Mr. Speaker, I thank my colleagues for passing this much-needed legislation to preserve access to quality health care costs, not just for Californians, but now for all Americans. We passed this legislation yesterday, the bill is currently pending in the Senate. It is my hope that the Senate will act expeditiously so that we can get this legislation to the President's desk quickly.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CHOCOLA). The Chair will remind all Members to refrain from improper references to the Senate.

CASTRO CLOSES DOLLAR STORES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to discuss a disturbing chain of events on the Island of Cuba this week. On Tuesday, Cubans awoke to find the Island's dollar stores, stores that accept U.S. dollars and provide Cubans with basic hygiene and food items, were closed.

The Castro government called this a reaction to new sanctions placed on Cuba by the U.S. Castro said that this was because of new limits being placed on remittances given to Cubans from their families in the U.S. Cubans were not given a date or time when the stores would reopen, simply left to read signs posted on the front door that read "closed until further notice."

Mr. Speaker, to explain to the average American what these stores mean to the Cuban people, a monthly ration covers eight eggs, about a pint of cooking oil, six pounds of rice, a half pound of ground meat/soy mixture, and other goods each month. Everything else has to be purchased for higher prices at either state-run stores, in pesos, or the dollar stores, in dollars, obviously.

Essentially, the Cubans are being told by Castro that the closings were the result of a new American policy, keeping Castro clear of any responsibility in the matter. So, not surprisingly, there was a run on basic necessities at the state-run stores. Mind you, the state-run stores carry bare minimum products. Even still, Cubans rushed to buy up shampoo and dishwashing detergent, worried that "closed until further notice" could mean closed for weeks, months, or even years to come.

Castro has since realized the error in his plans. News was released this afternoon that the dollar stores were suddenly reopened this morning, and the Castro regime is now saying that the stores were simply closed for inventory and to allow for price increases. So now the Cubans have regained access to the goods they need, but now they will have to pay higher prices, a difficult prospect when even doctors only make an average monthly salary of $25.

Mr. Speaker, this is one more example of Castro's attempt to impose sanctions on the Cuban people, all while blaming the United States and essentially playing the martyr. This should be an example to all of my colleagues on why we need to continue the embargo. Opening our markets to a regime that uses its people as economic and political pawns and has no interest in a market economy, rather, works only to funnel money into the government and its wealthy leaders, is not an example of an honest business partner.

This, Mr. Speaker, is how Castro treats the average Cuban citizen. Let us not forget the countless situations Castro has committed against pro-democracy forces, throwing pro-democracy advocates in prison or independent journalists, many of whom have been jailed in the last year.

So I simply ask my colleagues to join with me and take notice of what happened with these dollar stores as an example of how Castro treats his people. And I think it also should make us reconsider whether we want American companies doing business with this kind of a regime. I do not think we should.

DESPITE THE WRONGS OF A FEW, THE MISSION IN IRAQ MUST CONTINUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I, along with many of my colleagues, had the opportunity to view the photographs of the prisoner abuses in Iraq this past week, and I have had many of my constituents calling me and questioning me about these issues. I certainly agree with all of those who express outrage to see this kind of abuse going on, perpetrated by Americans. However, I disagree strongly with many of those who look at these recent developments and assert we should never have gone into Iraq in the first place, considering these great problems that are developing over there.

I continue to feel very strongly the President did the right thing in using force against Iraq, and that Iraq was a serious threat from a terrorist perspective. And I think Tony Blair expressed this most clearly and most succinctly when he addressed the House of Representatives and the Senate in joint session right in this very Chamber. The reason we went into Iraq was because if you ever had the joining of weapons of mass destruction with the terrorist elements of al Qaeda, instead of 3,000 dead, as we had on September 11, we could have 30,000 or 300,000 killed.

We went into Iraq for the right reasons. And to those who would say that the war in Iraq is unwinnable, I would assert that we have won the war in Iraq. The challenge that we face today is winning the peace. And clearly winning that peace is critically important.

By taking the war against terror into the Middle East, there are many of our detractors, supporters of totalitarian regimes in that part of the world who would like to see us fail in establishing democracy in Iraq and would like to see some sort of totalitarian regime reemerge in that country.

I will say this. If we cut and run as some people are proposing, there will be tens of thousands of Iraqis who will die unnecessarily. I was in Iraq in November of last year, and many Iraqis are cooperating with us. They want to see a democratic institution established that can govern their country, and many of those people will be imprisoned, tortured, and executed if we see a regime resume in Iraq similar to Saddam Hussein's regime.

Now, many are questioning as to how this could have happened and are raising questions about Americans' character. How could it be that Americans are guilty of these kinds of terrible things? And, indeed, many of our detractors in the Middle East are trying to assert that we are no different from Saddam and his henchmen in that they torture people, and here we were, torturing people.

I think if we look at the brutal execution that we saw recently where an American was executed in front of video cameras, we can clearly see there is a difference between us and them.

The American people are rightly outraged, and they demand these abuses stop and that investigations be conducted. Well, in reality, the U.S. military responded appropriately months ago when they recognized this problem. Investigations have been underway for a while, and the abuses stopped long ago. Indeed, all we are seeing right now is a media and public reaction because the photographs were made available.

The American people are good people, the American people are a moral people, and we are reacting appropriately. The perpetrators of these deeds will be brought to justice. Indeed, as I understand it, court marshals are underway almost now as we speak. The real question is why could a small few be driven to such terrible deeds? And that is a legitimate question for us to ask.

Clearly, one important thing is a breakdown of command and control of authority, and we need to seriously investigate what happened here with the brigade commanders and the company commanders. How did we have breakdowns in our military intelligence operations where standard Geneva Conventions were ignored? But those investigations were underway, and we will find out. And that is how America is different. That will play out in the eyes of the public.

To compare the United States to Saddam Hussein and his brutal regime, where this was business as usual, indeed it was official policy of the regime, is just totally inaccurate and totally distorted.

What struck me most about viewing these photos was the simple fact that many of these photos were pornographic. How could it come to pass that American servicemen and women are perpetrating these kinds of acts and recording them all on camera? Certainly we need to ask those questions in this country today. But I do not think we can escape asking the question of whether or not this is an impact of all the availability of pornography in our Nation.

Mr. Speaker, we have too much pornography in this country, and this body needs to act more and our court system needs to act more to try to stop it. We need to ask the questions of how could a small few carry out such morally reprehensible deeds.

SMART SECURITY AND ACCOUNTABILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the administration's war in Iraq has failed. It has failed to make the world safer from terrorism. And, actually, it has made the world less safe and more susceptible to acts of terror. Who should be held accountable for this mess?

The war is not going well. Over 740 brave American soldiers have already lost their lives as a result of this deadly conflict, not to mention the innocent Iraqi civilians who have been killed and the thousands of troops injured.

The Pentagon just released a report that 18,000 American troops have been evacuated from Iraq for medical reasons. That is 18,000, or one-seventh of the number currently stationed in Iraq. This speaks to a systematic failure of leadership, Mr. Speaker. And, sadly, examples of this failure are widespread and easily recalled: the failure to secure Iraq's borders; the failure to prevent postwar looting; and the failure to provide the security necessary for reconstruction.

In fact, the recent abuse of POWs at the Abu Ghraib Prison is yet another example of failed leadership by the Bush administration. But one of the most shameful aspects of our involvement in Iraq, our greatest failure of all, I believe, is the failure to adequately provide our soldiers with the equipment, the guidance, and the leadership they need to ensure their survival and their success in Iraq.

We failed to immediately provide our soldiers with the essential survivor tools, body armor capable of stopping bullets, armor for tanks that would help prevent the destruction of U.S. military convoys, and the necessary water equipment to keep them hydrated in the desert heat. This issue is one that should have been accounted for during the planning phases of the war, not as an afterthought when our troops were in harm's way, already halfway around the world.

In fact, this protective equipment has not been fully provided yet, after Congress approved $155 billion in supplemental spending bills last year. I ask again, who should be held accountable for this mess? Should it be Secretary of Defense Donald Rumsfeld, who President Bush claimed was doing a superb job, and who Vice President CHENEY, in a recent statement, called the best Secretary of Defense in our Nation's history? If Donald Rumsfeld is doing a superb job, then I really want to know what is a bad job.

For his consistent failure to adequately plan for the war in Iraq and the postwar phase, during which the lives of far more American soldiers have been lost than during the war effort itself, Donald Rumsfeld should resign his post with the best interest of this Nation in mind.

We must also take heed of the quote made famous by President Harry S. Truman: "The buck stops here." President Bush would be well served to embrace this policy, a policy which served President Truman and our Nation well during an earlier war.

To prevent a similar situation, I have introduced legislation to create a SMART security platform for the 21st century, H. Con. Res. 392. SMART stands for Sensible Multilateral American Response to Terrorism. SMART treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships. It controls the spread of weapons of mass destruction with a renewed commitment to nonproliferation, and it aggressively invests in the development of impoverished nations, with an emphasis on women's health and education.

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The Bush doctrine of unilateralism has been tried and it has failed. It is time for a new national security strategy based on America's commitment to peace and freedom, our compassion for the people of the world, and our capacity for multilateral leadership. Let us be smart about our future. SMART security is tough, SMART security is pragmatic and patriotic, and it will keep America safe.

ILLEGAL IMMIGRANT EMERGENCY HEALTH CARE

The SPEAKER pro tempore (Mr. CHOCOLA). Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, let me note that this President is taking care of the business of our national security; and, yes, it is a tough and hard job to do, and it is a job that requires tenacity and character. Our President is providing that leadership. He is not cutting and running. He is not trying to claim that the responsibilities for defending our country should be put off on the United Nations or other organizations.

In fact, if we have to rely on the United Nations for our national defense, as seems to be the Democratic plan, that means that the Communist Chinese and the security council would have veto power over anything done to protect the United States of America. I do not think we want to do that.

I think our President and Secretary Rumsfeld deserve a recommendation for their courage and willingness to stick out a situation until the victory is won, otherwise there would never have been any victories by American forces anywhere.

Tonight, however, I am here to talk about another threat to our national security, and that is the threat of an uncontrolled flow of illegal immigration into our country. On Tuesday, H.R. 3722, that is a piece of legislation that I wrote, will be voted on here on the floor, probably Tuesday. It is designed to control the flow of illegal immigration into our hospitals that is destroying health care in so many of our States. This legislation, H.R. 3722, sets the parameters for the use of a $1 billion fund for illegal alien emergency health care that was allocated in the Medicare bill that passed Congress a few months ago.

If we do not act, this billion dollar fund will create a perverse priority at America's emergency hospitals throughout our country, that is, we will be using this billion dollars to reimburse the hospitals for taking care of illegal immigrants in the emergency rooms, but not for American citizens; illegal immigrants then whose emergency health care costs will be covered by a Federal grant, and will be given priority over uninsured U.S. citizens and legal residents. This is as perverse a priority as I have ever seen. What is wrong with this picture? We have to act to stop that.

We are literally telling our legal citizens and legal residents to sit in a line while illegal immigrants will be taken care of. My legislation, H.R. 3722, will rein in the cost of illegal immigration on our health care in several ways. Number one, it is minimal in paperwork. It is being charged that my bill will create new paperwork. That is a bogus charge. If anyone wants this billion dollars in funds, they will have to fill out the paperwork anyway. Hospitals that are going to get reimbursed for illegal immigration health care are going to have to fill out a couple of forms, not by my bill, but in order to get that money. My bill simply says that information has to be available to the INS and the INS should start proceedings against an illegal alien to get him out of the country if he is sucking up dollars in our health care system that should go to American citizens. It also requires the hospital to take a Polaroid picture or get a fingerprint and ask the illegal who his employer is.

The reason we ask who his employer is is because H.R. 3722 says that if the last employer of that illegal immigrant has not provided health care insurance, it is not the taxpayers who should be paying for the health care of that illegal immigrant; it is that employer. If we cannot show that he has done due diligence, the employer, in trying to find out that he is hiring an illegal immigrant, they will have to pay for that.

H.R. 3722 also sets a limit on health care treatment requirements on illegal immigrants. Only in life-threatening situations do our hospitals have to give treatment to illegal immigrants. Today we see billions of dollars, heart transplants, 12-month long treatments for leukemia, all of these things, we are talking about billions of dollars are being spent for the health care of illegal immigrants. Genetic problems that they brought into the country with them, that is coming right out of the money that is available to take care of our senior citizens and take care of our own young people.

It is a sin that we are letting that go on. My bill takes care of that. It takes care of the mandate on our hospitals saying they have to treat anybody who comes in their door. We only have to treat them if their life is in danger at that moment, otherwise they get sent back to their native country where they can pay for their health care.

This legislation is being attacked from all sides by bogus arguments. Remember, it does not create new paperwork. This bill will be voted on on the floor next week. Everyone needs to hear from their constituents about whether we believe our limited health care dollars should be going to pay for the health care of illegal immigrants. If you think that the money, the limited money we have available to take care of your family should be spent on someone who has come here illegally, then you need to look at who is voting against my bill. But if you think we should make sure that our limited health dollars are put to use for our own citizens and legal residents, then make sure your Congressperson knows, and my colleagues should know that their constituents support the idea of making sure that our limited resources help our own citizens and legal residents, immigrants who have come here legally, rather than being used by people who thumb their nose at our law and come here anyway.

Limited health care dollars should be used for our own people rather than providing unlimited care for illegal immigrants. That is the issue of H.R. 3722. We will vote on it next week. If you agree with me that this money and these resources are important for the health of our senior citizens and for the health of our young people and should not be dissipated on trying to make America an HMO for the whole world, then please make sure that my colleagues understand how their constituents feel on this issue.

I believe my colleagues should be judged on whether or not they are concerned about illegal immigration and they are protecting the interests of our citizens and legal residents by this vote, H.R. 3722. No matter what type of smoke can be blown in the air to try to confuse the issue, it is clear: limited dollars should go to legal immigrants and citizens. I ask my colleagues to seriously consider the consequences of letting this flow of illegal immigration dissipate all of our money available to us to take care of our seniors in the future.

PRISON INVESTIGATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the gentleman has presented an opportunity for us to have a vigorous debate next week on the issue dealing with health care for all of us who are in need of health care, and my challenge on the question of separating out individuals who are called illegal immigrants yet paying taxes and hard working is that any failure in the health care system in our communities impacts all of us. So I know we will have a vigorous debate on that question.

Mr. Speaker, I rise today because we have had a momentous week; and I think it is appropriate as we conclude our week here, as we head home to our districts, to pay honor to the many men and women on the front lines of law enforcement; and I work with the law enforcement in my community on a regular basis. We pay tribute to those who have lost their lives defending us domestically and the families of those, the survivors of those who lost their lives. Let me first of all conclude this week by acknowledging that this is the week that we honor law enforcement across the Nation.

I want to thank them for their service, including, of course, the Capitol Police and police that guard this city, and also those who work throughout the Nation.

The week is momentous because for some reason or other when we try to do our duty here in this Congress, we hear the ire and the voices of politicalization, partisanship and accusations. Some begin to go off of the margin and talk about campaign contributions, things that I myself would chastise and suggest is not the basic crux of why we have asked for extensive investigations on the last week's activities.

It also pains me to note that a Member of the other body would even participate in a hearing to begin to suggest that he is overwhelmed, if you will, with the constant statements of outrage about the abuse of prisoners because he wants to equate the idea of terrorism and what has happened in battle and it is no worse than the fact that Americans are there trying to do good, and of course citing terrible incidents that have occurred against American citizens and wanting to downplay what has now occurred and what the world has now seen as to the abuse of prisoners in Iraq.

I say to that individual that you are not contributing to what America is all about, and that is although we hear many voices and the talk shows are raging, fueling the fires of course of dissent, I know that the bulk of Americans agree that what happened in Iraq in that prison was not American, it was not in compliance with the Geneva Conventions, it was not moral, it was not spiritual, it was not kind, it was not befitting of how America has come to be known in this world. We are promoters of life over death, and we are promoters of peace over war.

So, Mr. Speaker, I come today to be able to clarify, if I might, what we should be doing. I certainly cannot comment as to the credibility of the visit of Secretary Rumsfeld to Iraq because I have not yet been briefed; but if it is to provide a rally, cheerleader-type atmosphere, then it is inappropriate. If it is to reaffirm good soldiers, certainly we must do that because I applaud them as well. But I believe Secretary Rumsfeld needs to come home, and I have already expressed my opinion of his need to resign or be terminated.

But I believe the administration has a duty to go forward with a full investigation into the matter dealing with the prisoner.

Lastly, we must have a complete investigation into the use of women in combat and the sexual promiscuity that is going on, the increased incidence of rape of female combat persons in Iraq, and the question of whether or not nudity and other sexual abuse is proliferating throughout the United States military. I want a full investigation, and I believe we can do no less than to undo what has been done to ruin the reputation of Americans and others.

CONGRESS IS NOT A RUBBER STAMP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, today the Committee on International Relations had a hearing on the Iraq transition. Actually, it was not so much a hearing as a briefing. While interesting, the real need for the Committee on International Relations and other committees of appropriate jurisdiction is policy development and oversight. I hoped ours would be the first in a series of oversight on the war in Iraq and the war on terrorism.

Deferring to the administration might have been understandable, if questionable, in the aftermath of September 11, but certainly not today. Congress cannot afford to be a rubber stamp, nor can we continue to rely on the media to embarrass us to action.

□ 1815

Had we held today's hearing 2 years ago, Iraq, our troops, the world and American taxpayers would be better off today. We would have clarified that the challenge was never to win the battle and remove Saddam Hussein. That was a given, once the might of the United States was unleashed. The real challenge was winning the peace. For that, sadly, the leadership of the United States was unprepared.

I will in the course of the official record submit questions for response from the Department of Defense and the Department of State, issues like the status of the new United Nations Security Council resolution, or getting the international donors to deliver the $2 billion in outstanding pledges, and whether the United States is going to shortchange Iraq's needs after the transition to sovereignty like we have in Afghanistan.

The most important question, however, for us as a committee and for individual Members of Congress is to see if we can play a role in improving this situation. Can we help the President, who is unable to think of any mistakes, understand, admit and even be candid about where he and his team have fallen short of the mark? Can we provide to the American public real budget numbers as we clearly see now a $300 billion price tag emerging?

The public demands an open and honest budget process. Can committees make it easier to get rid of the architects of this failed policy? Can we help place less emphasis on the shadowy military contractors and more emphasis on working through the nongovernmental organization community? I would note as an example the Mercy Corps operation, extraordinarily cost efficient and extremely effective in working with foreign nationals in trouble spots around the world. To the extent that we continue to use military contractors, can we in Congress rethink how it happens, clear up the ambiguities in law and policy and to have, finally, rigorous standards for performance and cost accountability? Can we help the administration avoid using artificial deadlines for key governance decisions based on our political calendar in the United States? Can we help train attention on the real threat, after all, which is global terror? Can we focus our resources and attention away from things that are, if not positively loopy, at least very low priority, like national missile defense, to have priority placed on homeland security and finishing the job in Afghanistan?

It is time for this Congress to act like a coequal branch of government.

Had we been doing that since September 11, we would have saved money, saved lives and enhanced our legitimacy and effectiveness around the world. Indeed, that world, Iraq and our troops all need us to do our job. Even the administration, while it may not recognize it, will be better off if Congress does its job.

Today Secretary Grossman said that he appreciated references about American staying power in Iraq. I would say that the real key to staying power is the trust and confidence of the American people. The administration's performance and inability to acknowledge its mistakes is undercutting the confidence of the people I represent and the people I meet from around the country. I hope our International Relations Committee and other relevant committees in Congress do their job to help rebuild the confidence, so badly shaken, of the American people.

ABUSE OF IRAQI PRISONERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Mr. Speaker, we are all deeply troubled by the graphic pictures which show U.S. military service members humiliating, torturing and sexually abusing Iraqi prisoners. The reports that U.S. military police and intelligence personnel violated the most basic standards of moral conduct in addition to the established tenets of the Geneva Convention relative to the treatment of prisoners of war have ignited outrage within this country and throughout the rest of the world. This situation has tarnished America's reputation as a guardian of individual civil liberties and as a protector of human rights. While the vast majority of our soldiers are doing their duty with dignity and with honor, the grotesque abuses of Iraqi prisoners are truly un-American. They go against everything our country stands for and holds dear. The images of these abuses are also a major setback in our war against terrorism. Our standing in the Arab world has been seriously undermined as a result of what happened at Abu Ghraib.

As a member of the Defense Appropriations Subcommittee, I have listened to the testimony and heard the explanations of the highest Pentagon leadership as to the abuses of Iraqi prisoners, but I am not convinced that these abuses are an isolated incident involving a few military members. The likelihood is that the lack of supervision that allowed them to occur may in fact be systemic, at least in some parts of the military intelligence and military police commands.

This crisis must be immediately dealt with through a full-fledged investigation into the breakdown of military regulations and the possibility of widespread prison abuse. Furthermore, the individuals responsible for perpetrating the abuses as well as their commanding officers must be held accountable for criminal wrongdoing. I do believe that accountability, however, should extend considerably beyond the prosecution of a handful of aberrant military personnel, private contractors and their supervisors. Responsibility starts at the top.

With the existence of additional photos and videos of Iraqi detainees still unreleased, it is likely that this crisis will not soon go away. The transfer of Iraqi sovereignty is set to occur on June 30. The Bush administration must drastically repair our standing in Iraq as well as with the rest of the world before we can responsibly extricate ourselves from this foreign policy blunder.

I emphasize foreign policy as opposed to military policy. Our military accomplished their objective nearly flawlessly by liberating the Iraqi people from Saddam Hussein's tyranny. But they were not prepared to be long-term occupiers. That should never be their role nor our national mission. The lack of a realistic exit strategy is one of the reasons that I so strongly opposed this preemptive and unilateral invasion.

Mr. Speaker, our mission in Iraq is at a crossroads. Our soldiers are struggling to complete their missions without the proper training or resources or support. The barbaric murder of Nicholas Berg clearly demonstrates the depth of the resistance we face. The murder of Nicholas Berg was a monstrous act for which there is no justification. Our thoughts and our prayers are with his family. America's soldiers, in fact, are serving with honor. We stand behind our courageous men and women in uniform who are bearing the burden for this military action in Iraq, and we are deeply grateful for their patriotism, their courage and their sacrifice. But the security situation in Iraq has deteriorated rather than improved. Last month, we lost more soldiers in one month than at any time since the war began.

Mr. Speaker, our military was sent into battle without the right equipment or the necessary support. Helicopter pilots have flown battlefield missions without the best available antimissile systems. According to a DOD commission report, roughly one-fourth of coalition deaths have occurred as a result of attacks on unarmored vehicles, because we do not have enough armored vehicles to go around. And our failure to forge a true coalition has forced thousands in the National Guard and Reserves to be away from their families and from their jobs for more than a year with no end in sight.

Mr. Speaker, a failure to condemn what is wrong is a failure to recognize what is right. Recently, a former leader of the 372nd Military Police Company stated that minimizing the conduct of these MPs that were responsible for the prison abuse by comparing it to the reckless and violent acts of the Iraqi insurgents is wholly beside the point. We must compare our actions to those of the men and women who have honorably served this country. We have to stand up for our standard of decency that we have set for the rest of the world and stand up to the enemies of freedom.

SUDAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PAYNE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PAYNE. Mr. Speaker, I want to take time this evening to talk about a very serious situation occurring in Africa as we speak, a situation of ethnic cleansing in Darfur, Sudan, and Sudan's vicious campaign of terror which it is raining on its people.

Mr. Speaker, in June 2001, I came to this floor to speak about slavery and genocide perpetrated against the people of southern Sudan. I said then that innocent civilians are the victims in this war. We are well aware of the number of people killed, maimed, displaced and enslaved during that terrible conflict, which still goes on. Yet we as members of the international community failed to do the right thing, to end the suffering. In the north-south conflict, more than 2 million people perished and an estimated 5 million people have been displaced during the 40 years of this dread conflict. It is the same government that terrorized, enslaved and killed innocent civilians in the southern Sudan and the Nuba that is now yet again engaged in a terror campaign in Darfur in western Sudan.

When we thought that things were going well with the Sudan Peace Act and that negotiations between the Government of Sudan and the SPLM, Dr. John Garang's forces, and that there had been efforts in time and energy put in by negotiators, then we see that this pariah government in Khartoum simply cannot help itself and now have unleashed the same reign of terror now on the west which it had done in the south. The National Islamic Front government is solely responsible for the current atrocities in Darfur. In just the last 12 months, the National Islamic Front government of Sudan and its allied militia, the Janjaweed, displaced more than 1 million people, forced over 110,000 people into Chad, and killed more than 10,000 innocent civilians. Government troops and their allied militia raped, tortured, maimed and burned entire villages in a deliberate and systematic manner to cleanse the area of African Muslims.

Up to now, the conflict was supposed to be between the Arab north trying to push Shiria and Islamic government onto the people of the south who were Christians and animists, and it was then supposed to be a war that lines were drawn by virtue of religion, which is also a horrible thing to do. However, the new battle is that the people in the west are also Islamic. They are Muslims. The excuse of religious differences does not hold water, although it never should have been raised in the first place. And so now you have the Islamic government of Khartoum attacking, maiming, killing, raping, burning villages of other Islamic people in the west.

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What are the differences in these? They are all the same religion. But there is a marked difference. Because the Arab Muslims of the north are different than the African black Muslims in the west, and so it cannot be religious cleansing. It has to only be ethnic cleansing where black followers of Islam are being systematically pushed out and ethnically cleansed by the Arab Government of Sudan. So regardless of what we do in the next several months, more people will die from disease and hunger. Why? Because we have a genocidal government bent on destruction and mayhem.

Mr. Speaker, this is the same government that gave sanctuary to Osama bin Laden from 1991 to 1996, allowing him to build his terror network worldwide. The bombings of our embassies in Nairobi, Kenya, and Dar es Salaam in Tanzania was planned right there in Sudan by al Qaeda forces of Osama bin Laden, harbored and protected by the Government of Sudan, allowed to strengthen himself and to develop a worldwide network as he recruited people to be a part of his al Qaeda network. Other terrorists acts are also linked to Osama bin Laden because there were a number of terrorist acts that were going on at that time.

Mr. Speaker, what is stunning to me is that not a single senior official has been removed from power in the Government of Sudan or has gone to jail because of involvement in or support of terrorist activities. It is important to recall that the Government of Sudan's involvement in international terrorism goes back over a decade. Sudanese officials were involved directly or indirectly in the first World Trade bombing in 1993 in New York. The mastermind of the 1993 bombing, Shiekh Abdel Rahman, who was sentenced to life in 1995, received his visa in Khartoum, Sudan, and reportedly was a guest of a senior Sudanese government official for several weeks. Of the 15 men indicted for the terror act, five are Sudanese nationalists. These Sudanese nationalists have strong ties with Sudanese diplomats stationed at the time in New York in the Sudanese embassy at the United Nations.

Mr. Speaker, in 1995 members of an Egyptian terrorist group tried to assassinate President Hosni Mubarak of Egypt while he was in Ethiopia for an OAU, Organization of African Unity, summit. The 11-man assassination team that had been given safe haven in Sudan so that they could prepare for this attempted assassination were there, and their plans to kill the Egyptian President were created and planned there. The weapons used in the assassination attempt were reportedly flown into Ethiopia by Sudan Airways. The passports used by assassins were also prepared in Khartoum, according to a United Nations report.

Why is this relevant to Darfur? It is relevant because there is a clear pattern of behavior by this regime targeting civilians, engaging in terrorist acts and clear patterns of lies and deception. Ethnic cleansing in Darfur occurred while the government was still negotiating with the SPLM in Kenya, negotiating for a peace between the north and the south but still doing the damage to the west as if this act could be disassociated with acceptance of Sudan after peace between the north and the south could be attained. In fact, the mastermind of the Darfur atrocities is the chief government negotiator and First Vice President Taha.

Mr. Speaker, it is important for us to remember that in 1994 the international community watched with utter indifference when 1 million Rwandanese were hacked to death in 100 days. The genocide in Darfur occurred while the international community was commemorating the 10th anniversary of the Rwandan genocide. We failed to learn from Rwanda, and we are unlikely to learn from Darfur. The similarities between the Rwandan genocide and Darfur are stunning. In Rwanda the former government of Rwanda and the Rwandan Patriotic Front rebels were negotiating while plans for genocide were underway.

In Sudan, the government was negotiating with the SPLM while its troops were engaged in ethnic cleansing in Darfur. The inaction by the international community in Darfur was in large part due to protecting the ongoing peace process between the government and the SPLM. So as we watched 10 years ago when the world looked the other way, when the word "genocide" would not be used, when we had repeated letters and calls and television appearances to our government at that time and to those who would listen, we saw that the world turned its back.

And as I continue, I see the chairman of the Congressional Black Caucus, who has come in. The chairman of the Congressional Black Caucus has been doing an outstanding job on all fronts, today commemorating the Brown v. The Board of Education 50 years after, many programs that are to improve the quality of life for all Americans in this country and, in particular, those who are the least among us, those who need the most help, those who are most fragile, and those are people in our rural areas around the country and in our urban centers.

I yield to the gentleman from the State of Maryland (Mr. CUMMINGS), the chairman of the Congressional Black Caucus.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for yielding to me, and I want to thank the gentleman for his constant vigilance. I have often said that the gentleman from New Jersey, is one who understands the dreams of so many around the world and he makes their dreams his dreams, and we know that he represents his district extremely well in New Jersey; but we also know that he spends a significant amount of time trying to address problems all over the world, sometimes taking up the time that he would normally spend with his family and vacation time, going to Africa, trying to resolve differences between various peoples, trying to make sure that children and others are fed, trying to make sure that peace is brought to that land.

So we take a moment, I take my moment here, to salute him and to thank him for his leadership. I think that when history is written and the history of Africa is written, it would have to have the gentleman from New Jersey's (Mr. PAYNE) name written there in a lot of places because he certainly has touched so many people and so many people who will probably never say thank you, so many people who will not even know that he has touched their lives. But as I have said about him so often, sometimes we are unapplauded, unappreciated, unseen, and unnoticed. And I just want him to know on behalf of all those that he has touched that I take this moment to salute him.

Mr. Speaker, I want to rise this evening with my fellow members on the Congressional Black Caucus to shed a light on the horrific humanitarian crisis that the gentleman from New Jersey (Mr. PAYNE) has been talking about which is taking place in Sudan.

Mr. Speaker, although most people are probably unable to locate this country on the map, everyone should care about the ethnic cleansing that has dislocated over 1 million Sudanese, killed thousands of Africans, and is literally starving men, women, and children to death. Essentially, the Arab Muslim government in Sudan is condoning and even promoting the murder and displacement of the native Black African Sudanese. As I speak, the Sudanese Government is supporting armed militias that are raiding villages, raping women, and literally killing everyone in sight. The basis of the blood shed in Darfur, a region of Sudan, is one that has been repeated time and time again throughout history. Clearly, at the root of this ethnic cleansing lies the stubborn existence of intolerance and prejudice. When will we, as a global community, learn that we promote bigotry at our own peril?

Mr. Speaker, the conflict in Sudan is further complicated by the fact that those who survive the attacks of these militiamen are fleeing over the border into the country of Chad. Women, children, and fathers are being forced to leave their homes and to move to refugee camps where there are no doctors, no permanent shelter, and no food.

It is a travesty of humanity, Mr. Speaker, that children in these camps are dying of preventable diseases or, worse yet, diseases like diarrhea and malnutrition that can easily be cured with a little food and a little water.

Mr. Speaker, it is important for the American people to understand that what is taking place in this often-neglected corner of the world is moving closer and closer towards being described as a genocide.

It is quite ironic that this year marked the 10th anniversary of the tragic genocide that took place in Rwanda. The world stood idly by as the Rwandan Tutsis and Hutus massacred one another openly in the streets. The world stood idle as the Germans attempted to exterminate the Jews in the Holocaust. And the world stood idle as Europeans enslaved Africans and ravaged their society. In hindsight, we look at these atrocities and wonder how would silence prevail in the presence of human suffering.

Mr. Speaker, I beg the world community to please let this not be one of those situations that we reflect upon years from now and say we should have done more, we could have done more. Let us all work together to stop the suffering now. If not, we will be raising a world of children who will grow insensitive and immune to human tragedy. They will view murder as an everyday occurrence and joyously welcome death as an end to suffering.

Mr. Speaker, just last week the Congressional Black Caucus had a very substantive and productive meeting with Secretary of State Colin Powell. During our meeting, the gentleman from New Jersey (Mr. PAYNE) asked the Secretary about the United States's efforts to end the crisis in Darfur. Secretary Powell assured the entire caucus that the State Department was working to bring peace to the region and was actively engaged in resolving the crisis. But, Mr. Speaker, so long as people continue to die and children lack the hydration in their bodies to shed tears, whatever we are doing is simply not enough; and we must work faster.

It is incumbent upon the United States as a global leader to lead a massive humanitarian intervention similar to the intervention in Congo in 1994 and Somalia in 1992.

And for those watching in the world community, I call on the Government of Sudan to immediately stop the bloodshed, stop supporting the janjaweed militias, and enforce the cease-fire in Darfur that was reached last month.

Mr. Speaker, all too often it is easy for us to distance ourselves from the plight of people thousands of miles away. But just as the pictures of the abused Iraqi prisoners struck a chord of disgust and anguish in all of us, we should all be outraged and horrified by what is taking place in Darfur.

Just picture, Mr. Speaker, thousands of Sudanese fleeing to Chad, a country with only 271 doctors to serve 9 million people. Imagine the grief and sorrow they must feel daily at the memory of their children, grandmothers, and husbands that were killed by the janjaweed militias or left behind in villages that they will never see again.

Mr. Speaker, if you could, feel their hunger pain and hear the cries of the parents who look for food for their children in vain. Although we may not have seen physical pictures of what is taking place in Darfur, as humans we should be able to relate to the pain of the Sudanese refugees nonetheless. Let us all work together to transfer our empathy into action and end this crisis now. Our humanity depends on it.

As I close, I would also like to encourage our newspaper editors, television producers, and friends in the media to shine a bright light on this horrific situation.

□ 1845

Put it on your front pages. Lead with it on your news shows. Talk about it on your talk radio shows. We need everybody to join in this effort.

Mr. PAYNE. Mr. Speaker, reclaiming my time, I thank the gentleman very much. Let me thank him for his compliment and for his very thoughtful presentation. As I have indicated, the gentleman has really been a beacon of light for the Congressional Black Caucus, and we follow his leadership with pride and with dignity for the justice that he has laid out for this Nation.

I would like to yield to the gentlewoman from Texas (Ms. JACKSON-LEE), a person who has fought for justice, not only here in the U.S. and in her State of Texas and Houston, but has traveled throughout the world; whether it is Iraqi women that she is fighting for, or the rights of African women to have property rights and to have the rights of what women throughout the world are looking for, but also on general issues of just humanitarian importance.

With that, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think this is one of the more important Special Orders that we have had an opportunity to participate in, and it is because of the gentleman's vision we have been called to the floor to really stop, if you will, the ethnic cleansing and the horrific results of what appears to be, again, a tragedy in the works of an enormous magnitude.

Let me add my appreciation that has been rendered by the gentleman from Maryland (Chairman CUMMINGS) to thank the gentleman for really having the focus on the continent of Africa, along with many, many other issues dealing with the need for humanitarian relief and focus.

I think it is important to note, for this body to be aware, of the pivotal road the gentleman played relating to Eritrea and Ethiopia, we had an opportunity to discuss that just a few days ago, and as well for this body to know of the very vital role that the gentleman plays with the United Nations.

I have heard extensive discussions on this floor about the United Nations, some of it worthy of repeating, much of it not; and I think what the gentleman has been able to do for this Congress is to be a bridge to the United Nations.

We spent, as the gentleman can recall, Friday at the United Nations, and I think if I could deviate for a moment, because I want to encourage the United Nations, as the gentleman did, to get involved in Sudan. I believe it is imperative.

As I recall, one of the ranking members of the United Nations hierarchy was being dispatched as we spoke to the Sudan to try to engage, because, as the gentleman knows, it was noted they were not there as maybe they should be. The gentleman was there to press the point that they should be there.

But I also know we discussed the Oil for Food program, and I just think for a moment it is important to note that the United Nations is likewise ashamed or concerned about what that program turned into. I think this body needs to be aware that they are doing their own investigation, and the gentleman is pressing them to get to the truth of this program. But I would hope that we would not discard the United Nations for an effort that other nations supported, and that maybe we should just reconsider the value of sanctions, as they have asked us to work with them on, that they be pointed toward the government, and not so much toward the people.

But the reason why the gentleman has brought us here today, and the reason why I thank the gentleman from Maryland (Chairman CUMMINGS), and as well as the gentleman noted the fact, that he has not only been given to great leadership, but he has focused the caucus on international issues. We just cannot live in this country without being focused on international issues.

So I want to remind our colleagues why the gentleman's message is so important today, because I will say to the gentleman that I believe I will always, always be reminded of Rwanda. I will never, never forget Rwanda. I think this Nation and this world will never live Rwanda down.

We are grateful for some of the progress that the state of Rwanda is now making. But seeing some of the victims, survivors of that purge, ethnic cleansing, that conflict that seemed to be submerged, and then as our eyes began to open, and I will not say, I am not castigating, I know there were many pressing the point, and we know the Congressional Black Caucus went on record and literally asked this Nation to take a stand. And I would imagine that those in power at the time will even tell you they are remorseful of what happened and that they did not act soon. Because 1 million-plus, and I would almost say we do not have the final count, we do not know how many died. We know it is claimed to have been 1 million, and we realize that it is still a fragile situation. But the world did not act, and 1 million people were killed.

But I think as the gentleman has described and as the chairman has described, one really needs to know what bludgeoning and mutilation and raping, pillaging villages and scattering innocent children, and hunger, devastation, is all about, and disease taking hold. Or people coming into villages and seeing piles and piles of bodies that have to ultimately be burned because you cannot bury them. That is what Rwanda was all about.

The gentleman knows that we did not stop a moment when they came to us on the Kosovo situation, the ethnic cleansing. We rallied everyone. And many of us went to Albania and Kosovo and saw the refugee camps. But we acted; NATO acted. But we did not act in Rwanda.

I know that we could have the same occurrence in Sudan. It only takes a blink of an eye. We could have this situation implode on us. I know it is happening in the gentleman's community. I know many in the Christian faith have been talking about Sudan and have been talking being about this from a Christian-Muslim perspective, and the Christians are being the ones attacked. We have now gotten to the point where it is dividing the country by way of North-South, or black Africa versus the Muslims and Arabs.

I know my good friends in the Arab community, in fact I have spoken to President Bouteflika, and I know the gentleman indicated he worked hard on other issues with him, Ethiopia, Eritrea. But he considers himself part of Africa, and Algeria is part of Africa; and he wants this cohesiveness with the continent. He does not want Arabs and black Africans or sub-Saharan Africa and Northern Africa. He wants the new Africa.

What we must say to the Sudanese leaders in government now, and what I have heard the gentleman say, how they can distinguish themselves, it is not the government, it is somebody else.

Well, my friends, as we have come to understand in Iraq, it is not somebody else; it is the government of the United States that has to be responsible for the abuse of prisoners in Iraq. It is the government of the United States that has to be responsible for the status of Iraq right now. And it is the government in Sudan that has to take responsibility.

I will join the gentleman, whether it is quietly or whether it is pronounced, to encourage our brothers and sisters who are leaders in Africa to be able to embrace the tragedy that is occurring, and that is the fact, as has been noted, 15,000 or more may be on the border at Chad now, and there may be more coming. Disease is rampant. There are not enough doctors to be able to take care of the diseased persons. Babies are dying for lack of nutrition and water. We have villages that are burning as we speak. I imagine people are being killed along the way and cannot be buried.

That creates disease. Farmers are losing their equipment, whether it is a hoe or an animal that is starving, so they cannot produce food; and they cannot eat food because the animals they eat are being killed.

I cannot imagine that we could sit by again to have someone tell us next week or in June or in the fall or next year that more than 1 million were killed in this battle.

To be honest, I am going to be like most Americans. I do not know what they are fighting about. I find it despicable. But I do know that they are living in a land area that all of them, both Arabs and black Africans, have a stake in. They are stakeholders. They all have claimed the Sudan as their area, and it is now a state.

So it seems to me they would find a way, that the government finds a way, to create the safety for all of the people, no matter whether they desire to be called an Arab or whether they desire to be called Sudanese or a black African.

I would simply ask that this not be forgotten. I spoke today earlier about our plight in Iraq; and, of course, we know that the important thing to do is to heal this and fix it, and this Congress has to fix it.

I believe they should fix it through the gentleman's committee, the Committee on International Relations, through the Committee on the Judiciary, through the Permanent Select Committee on Intelligence. I believe no investigation is too many investigations, because it is not fixed.

As we have to fix that problem and investigate those charges and not diminish nudity and abuse as "it is not that bad" and discount the rapes that are going on in Iraq of military women, discount the sexual abuse that was showing and glaring in that video and those pictures, we cannot allow the world, nor can America disown what is happening in Sudan.

I would like to join the gentleman in his plea to the leaders of this continent, and I would like to applaud the gentleman for bringing this to the attention of Secretary of State Powell, just as we brought to his attention the plight of Haitians. The one thing that the Congressional Black Caucus has been unified on at all occasions is the humanitarian aid and relief to people who are dying and starving.

So our Members should be reminded by this Special Order and the gentleman's leadership, and we join in that leadership to include Haiti and humanitarian aid that is needed, and to stop the killing that is going on there and, if you will, the disenfranchising of the Lavalas Party and whatever the confusion is, where one is in and one is out. We are looking for democracy, where all are in and all have a chance to participate and elect a duly elected government.

What we want in the Sudan, first of all, is to stop the killing, to allow people to stay within the borders of their nation, to be able to have the villagers go back to their villages, and have the government of Sudan take responsibility to save their lives.

I thank the gentleman for allowing me to join him. I was so distraught on what is happening in Sudan and with the backdrop of what I will never forget, Rwanda, that I believe we are compelled, we are actually compelled to act. The gentleman is a leader in that.

Would the gentleman mind me taking a moment of personal privilege not directly on this topic, and to thank him for his leadership on the Committee on Education and the Workforce as we moved the Brown v. Board of Education resolution along with yourself, the gentleman from Michigan (Mr. CONYERS), and the gentlewoman from California (Ms. LORETTA SANCHEZ).

Maybe it sounds disconnected, but Brown has been described as many things. I guess it is symbolic that separate and equal cannot stand. It is separate and unequal. But I think its key element is that of activism and being active.

Though it was a domestic issue of acting to provide quality in education, the message we are giving tonight is that we must act; it is imperative that we act. I join the gentleman in acting, and I thank him for his leadership.

Mr. PAYNE. Mr. Speaker, reclaiming my time, let me take this opportunity to thank the gentlewoman for her very profound remarks. It is connected. I think that all that we do is connected. I think that the gentlewoman's wisdom and her interest, her knowledge, is certainly a great tribute to us here in the halls of Congress.

□ 1900

The thoroughness of the gentlewoman's evaluations are always appreciated. The gentlewoman is absolutely right. President Bouteflika said that we are part of Africa, we are not North Africa. But the Europeans decided to divide Africa. They said Africa was not one continent. You had North Africa and you had sub-Saharan Africa.

So it is one continent. We have two countries, major countries in the Western Hemisphere, we have Canada and we have the United States, but no one has separated the continent artificially. It is all North America. Africa is North Africa, a separate place, and when I was a kid it was Asia Minor, but they decided to call that the Middle East now, I guess. So we have to try to keep up with those who try to define us.

We should not let other people define us, just as today they say liberals are bad. They are the ones who are what our country should not be about. I am proud to be a liberal. I think that is what made our country strong and great. I think a liberal is a person who worries about their neighbor, wants a strong defense, wants to provide for the common defense, but also to promote the general welfare. And so until we allow ourselves to not categorize ourselves, we have to stand tall.

So once again, let me thank the gentlewoman for her remarks.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman will yield for a moment again, I mentioned, and I know that the gentleman has heard from them, because I believe they have been engaged in this over the years, the Christian community. They have done missionary work, they have been promoting Christianity in Sudan, and that certainly has rocked some of the order, but they have every right to be there, and they are Republicans and Democrats.

Mr. PAYNE. That is right.

Ms. JACKSON-LEE of Texas. This is, I think what the gentleman is saying, a bipartisan issue. This is an issue that draws on the very heartstrings of this Congress. I believe the gentleman has a resolution, if I am not mistaken, that would call on this Congress to go on record. I enthusiastically support it. But it should be moved to the front of the line, and to be assured, if my memory serves me. I am not sure if we have already passed it, but I think not.

Mr. PAYNE. No, we have not.

Ms. JACKSON-LEE of Texas. So I am making the statement today that we need to move this to the front of the line, because I am told as we visit with heads of State on these issues, when that vote comes through, we can be assured that through electronic media, electronic dissemination, it is known, and it gives a resounding sound that we are paying attention to that issue. And I cannot imagine, just as the Brown v. Board of Education resolution was offered today, in looking to Monday, the 50th anniversary, because of the immediacy of it, we had the kindness of the leadership of this House to debate this and have a unanimous voice to support this legislation. I cannot imagine that we would have anyone turned away, or turn away from; all we need is to go to the floor and say Rwanda, because there are many who are now wishing that we had acted in the manner that would have caused a pause in the slaughter that was going on.

I deviate for one moment, because both of us were smiling; we both met Mr. Stokes who, I am going back to the Brown v. Board of Education, and this is a gentleman who came out of Prince Edward County in Virginia, and was an actual student who organized to say that separate and unequal is certainly not tolerable. We find now that he has come full circle to say that the people who were shut out of school did not even get their education. He is an activist again. He is rising again to activate for those students who were cut out of school from 1959 to 1964 for them to be able to go back to school.

I just want to note that I will ask the gentleman to join me on a resolution that is going to applaud that work and try to assist them in getting that kind of help in Virginia, to be able to have those throngs of individuals go back into school and get their degree. I only cite him because I was so moved by his testimony and his statement, but he was being active.

Mr. PAYNE. That is right.

Ms. JACKSON-LEE of Texas. What we need now by this body beyond this Special Order is an immediate action. I have seen a lot of bills come to suspension, and I believe the gentleman's resolution warrants the waiving of regular order. I am not sure if the gentleman has had hearings yet, I do not want to step on toes, but if not, I would almost say that both of the gentleman's chairpersons would welcome the moving of this document if the gentleman suggested that that is the appropriate way to proceed, and certainly we would follow the gentleman's leadership. But this is a crisis of great moment, and I hope they will listen to the gentleman and listen as we have spoken tonight to try to save the lives of Sudan.

I thank the gentleman for yielding to me; I just wanted to make mention of the work that the gentleman has done.

Mr. PAYNE. Again, Mr. Speaker, I appreciate the gentlewoman's remarks. It is something that has been overlooked for 5 years, that people in Prince George's County were unable to go to school from 1959 to 1964 when the public schools were privatized and black children just had no school to go to for 5 years.

Mr. Speaker, as we continue to focus on the problem, these atrocities were well documented. Just recently a United Nations Human Rights Commission concluded just a few days ago, I heard the report at the Security Council on Friday where this report was given, and I too have to say that without the United Nations I think that this world would be in a much worse place. I hear people trivialize the United Nations. I hear people talk about the fact that they are not needed. I think that it shows the ignorance of many of the Members of this House that have no clue as to the tremendous asset that the United Nations has provided. They pushed inoculations worldwide, they have seen polio almost eradicated through cooperation. We have seen all kinds of health issues taken away. We have seen peace in many, many countries by virtue of the United Nations stepping in, whether it was Sierra Leone and whether it was Liberia, whether it was with the United Nations and NATO in Kosovo, whether it was in East Timor, the country that Indonesia was going to take after the Portuguese released it. It is so many, many places, and I wish that one day we could have a 101 course to many of the Members who just trivialize the United Nations, to really find out what they have done. I think that many of them would be amazed and shocked at how much a better world this is today because the United Nations exists. If not, we would have total anarchy around the world, and at least we have a place where debates can go on and peacekeepers can go out and humanitarians go out. I just cannot for the life of me understand about this trashing of the United Nations. But we have a long way to go in education.

I would like to also say that some of my friends on the other side, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from New Jersey (Mr. SMITH) have all been supportive on the Sudan issue, California (Mr. ROYCE) and Senator BROWNBACK and Senator FRIST. So many have said that this is an issue that we need to take heed of. So it is a bipartisan issue.

But as I was indicating, a recent report by the United Nations Human Rights Commission concluded that the mission was able to identify disturbing patterns of massive human rights violations in Darfur, many of which constitute war crimes and/or crimes against humanity. According to information collected from refugees, it appears that there is a reign of terror in Darfur, the following elements of which should be highlighted.

A, repeated attacks on civilians by the Government of Sudan military and its proxy militia forces, with a view of their displacement. The use of systematic and discriminate aerial bombing and ground attacks on unarmed civilians. And the only planes that are in Sudan are controlled by the Government of Sudan, and they have done systematic bombing. The use of disproportionate force by the government of Sudan and also the Janjaweed force, that the Janjaweed have operated with total impunity. They can just move wherever they want without the government doing anything; actually, even in close coordination with the forces of the Government of Sudan.

The Government of Sudan has said we have nothing to do with it, but their planes dropped the bombs, the weapons come from the Government of Sudan, and they are in close proximity with the Janjaweed who are the militia groups that are terrorizing the people.

The attacks appear to have been ethnically based, with the groups targeted being essentially the following tribes of African origin: The Zaghawa, the Masaalit and the Furs. Men and young boys appear to have been particularly targeted in ground attacks.

The pattern of attacks on civilians, including rapes, pillage, including of livestock, destruction of property, including water supplies. And in May, 2004, the acting High Commissioner reported that attacks against civilians involved the destruction of property, often through burning, as well as the destruction of central supplies such as flour, millet, and other crops. The report stated that a disturbing pattern of disregard for basic principles of human rights and humanitarian law is taking place in Darfur by the armed forces of Sudan and by its proxy militia known as the Janjaweed.

According to Human Rights Watch, the government and its Janjaweed allies have killed thousands of Fur, Masaalit, and Zaghawa, often in cold blood, raped women, destroyed villages. Foodstocks and other supplies essential to the civilian population have been destroyed. They have driven more than 1 million civilians, mostly farmers, into camps and settlements in Darfur where they live on the very edge of survival, hostile to the Janjaweed abuses. More than 110,000 others have fled to neighboring Chad, but the vast majority of war victims remain trapped in Darfur.

Mr. Speaker, we have lost tens of thousands of civilians already and many more will die in the coming months. We must do everything possible to save lives and bring justice to those responsible for the atrocities in Darfur. The United States must lead a massive international intervention in Darfur before it is too late. We should utilize all available means to deliver much-needed humanitarian assistance in Darfur.

Mr. Speaker, we must also hold those responsible accountable. An international tribunal for Darfur must be created. In the meantime, the Bush administration must impose targeted sanctions, including travel ban and freezing of assets against individuals responsible for Darfur's atrocities. Targeted sanctions will punish those directly responsible by avoiding collective punishment.

Mr. Speaker, based on the extensive research and consultation with government officials and regional actors, we have been able to put together a list of individuals directly responsible for the atrocities in Darfur, and this was done by very careful investigation right there on the ground.

These individuals directly responsible for the atrocities include, in the first category, top Government of Sudan officials who are supervising and controlling Janjaweed activities and operations, including the following: Ali Osman Taha, First Vice President; Major General Salah Abdalla Ghosh, Director General, Government of Sudan security; Dr. Nafie Ali Nafie, former external Intelligence Chief; Major General Al Tayeb Mohanmed Hheir, Presidential Security Advisor; Abdalhamid Musa Kasha, Minister of Commerce; Abdalrahim Mohammed Hussein, Minister of Interior; Major General Adam Hamid Musa, State Governor, southern Darfur; Brigadier Mohamed Ahmed Ali, Riot Police Director, led police attacks on internally displaced persons at Mayo Camp right out in Khartoum in mid-March; Mohamed Yousef Abdala, Humanitarian Affairs State Minister; Abdalla Safi el Nur, Cabinet Minister and General Coordinator of Janjaweed.

In the category right below that is the Command Coordination and Command Council of the Janjaweed.

□ 1915

Lieutenant Colonel Sukeirtalah, leader of Janjaweed-Geneina; Ahmed Mohammed Harun, commander, State Minister of Interior; Osman yusif Kibir, State governor Darfur; El Tahir Hassan Abbud, NCP; Mohammed Salih Al Sunusi Baraka, member of the National Assembly; Mohammed Yusif El Tileit, Western Darfur State minister; Major General Hussein Abdalla Jibril, member of the National Assembly.

Right in the field command in the third category: Brigadier Musa Hilal; Brigadier Hamid Dhawai; Brigadier Abdal Wahid, Kabkabiya sector; Brigadier Mohammed Ibrahim Ginesto; Major Hussein Tangos; Major Omer Baabas.

I believe that these people should be investigated by a tribunal because there are thousands of refugees who have nowhere to go now but to live in makeshift huts. They have no health care. Children are dying of diarrhea and malnutrition, and U.S. officials are desperately trying to solidify a cease-fire to get aid to these people, and they are very inaccessible.

In several weeks, the rainy season will come the early part of June and flood much of the area, making humanitarian delivery nearly impossible. Children are dying already and will continue to die of preventable causes, like diarrhea for lack of water and health care.

One hundred thousand have gone to Chad. The whole country of Chad has 271 doctors for a population of approximately 9 million people. So they are in no shape to be giving assistance, medical assistance to these influx of refugees. In the north there is not even a doctor or a nurse, just one medical technician who is only qualified to hand out basic drugs.

The International Red Cross said there is severe malnutrition, but the newly set-up health facility is at least 5 hours' drive from the nearest facility to get materials and medicines to the people.

These people say that they had a decent life in Darfur until the Arab Sudanese Government went to war against this region's indigenous African people. It is mentioned that Sudanese aircraft bombed the village and then the militias came on horseback to burn down houses and commit atrocities and human rights abuses.

Rape is being used as a weapon of war, where women and young girls are brutally targeted.

Every week, many people continue to cross the border to Chad because they are fleeing the campaign of ethnic cleansing conducted by the Sudanese Army and its marauding militia called the janjaweed.

Thousands of Sudanese villagers have been killed according to American and other human rights officials. Hundreds of thousands more lives hang in the balance.

Darfur is not accessible to outsiders. We have seen some pictures that show burned-down villages by overhead aircraft that have been taken; and so, once again, the U.N. is ready to go in. The U.N. must be sure that they take all means necessary to attempt to get to these very fragile people.

So as I conclude, I hope that the world is listening. I hope that we can get our media, our newspapers to focus in on the problem in Darfur. We often see the press cover problems in Europe. As we said, in Bosnia and Kosovo we saw NATO and many people come to their defense. However, in Rwanda 10 years ago, with close to a million people dying from genocide, we all looked the other way, and now in Darfur.

Is the life of a black person in Sudan or in Rwanda any less than a European life or an Asian life? Of course, we all know that the question is no. We are all made in the image and likeness of God. We are all one people. We are all one in this life that God has given to us, and we all deserve the right to freedom, justice, equality.

So as I conclude, I would like to thank those Members that came down to express their thoughts. I will continue to talk about the atrocities in Sudan until we get the proper response by our country and by countries around the world. It is a tragedy in front of us, and we should do everything within our power to see that it ends.

HUMAN RIGHTS VIOLATIONS

The SPEAKER pro tempore (Mr. CHOCOLA). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Mexico (Mr. PEARCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PEARCE. Mr. Speaker, I would like to visit tonight and talk about Iraq and perceptions about Iraq; but before I start, I would like to commend the gentleman from New Jersey (Mr. PAYNE) for bringing to the floor this subject of the human rights violations, the countless deaths in the Sudan and other African countries.

Mr. Speaker, I am going to draw conclusions that may differ from my colleagues, but I would explain to this House that his perceptions and my perceptions about what is going on in Africa are very similar, and I appreciate his heartfelt contending on behalf of them.

Mr. Speaker, I looked at the photographs that America has been looking at and saw the expanded group of photos, and they were startling and disappointing. America and the President have apologized, but the silence that comes from the rest of the world over the beheading of Nick Berg parallels the silence that I hear from the rest of the world about the Sudan and about Rwanda.

Mr. Speaker, it was not the newspapers that first drew my attention to Rwanda years ago. It was my pastor at a local church speaking up about the killings of hundreds of thousands in that country.

I was in Vietnam in the 1970s, 1971, 1972, part of 1973 and part of 1974; and we were aware of some of the things that were going on in Cambodia then and later, but the world was silent; and I share with my colleagues, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Maryland (Mr. CUMMINGS) and the gentlewoman from Texas (Ms. JACKSON-LEE), the concern that no one speaks, that our press holds its force silent.

Mr. Speaker, weekly I have my secretary print out a Web site called the Voice of the Martyrs that explains killings daily around the world unjustly and in the dark of the night simply because someone has the power to kill and torture and maim without consequence. Mr. Speaker, we must lend our voices to those injustices because the people who will suffer the most are going to be the least among us.

The powerful, the rich, no matter what country, they will always have their way. They will always have the representation, but the last great hope for humanity is in this country where the rule of law stands and where our Constitution gives rights because the guaranteeing of those rights, the guaranteeing of those rights encourages those without political power and those without family connections, and so I thank the gentleman for his comments tonight.

The examples of terrorism that exist around the world at this time and in the past will cause us to blanch in horror. The risks to humanity are extreme. The financial devastation is great.

In Lebanon, the trading and banking center of the Middle East was destroyed by the PLO and Hezbollah with Iranian and Syrian funding and support.

Terrorism has caused difficulties in El Salvador. It has been the victim of Farabundo Marti National Liberation terrorists for over a decade and a half. The FMNL and their allies the PLO, Black September, the Red Brigades and the terrorists worldwide bombed thousands of buses and bridges, assassinated mayors, elected officials and burned villages. They placed landmines in coffee plantations so women and children workers would hopefully not go to work. When they did, their limbs were blown off.

In Afghanistan, the country was destroyed by the Taliban and al Qaeda. Killings and tortures were daily, routine tools of governance.

This is what terror brings to us. Mr. Speaker, this is the reason that I commit myself to a fight against the war on terror because it is the weak, it is the powerless and the innocent who suffer most from terror.

There are those who say that it is simply the United States policies that caused 9/11; and yet to the people who say that it was the United States policies who caused the extremists to attack our World Trade Centers, I ask them what is the policy in Sri Lanka that causes the attack of terrorists? What is the policy in the Philippines and Indonesia that caused terrorist bombings?

Mr. Speaker, we need to remember at this point exactly why we are in the war on terror. It is because of the terrorism. It is because of the output and the effects of terrorism. It is because in this country on 9/11 soccer moms became security moms. Soccer moms began to wonder how safe their children were at school.

Mr. Speaker, families everywhere, whether it is Iraq, Sudan, Rwanda, Chad, Cambodia, families everywhere have a similar hope. They hope that their children will grow up and receive an education, that they will grow up and receive an education in safety knowing that their security is assured.

Mr. Speaker, 9/11 for America changed that fact, but terrorism had taken away the security of much of the world previously. Mr. Speaker, it is my contention that you cannot have freedom, liberty and security at the same time as you have tyranny and terrorism. That, Mr. Speaker, is the reason that we are fighting this war on terror, in my opinion.

For those who wonder exactly what the connection is between Iraq and the war on terror, we are just now learning from Jordan that al Qaeda terrorists planned to use chemical weapons to blow up the U.S. embassy. They were trained in Iraq before we liberated the country last year.

Mr. Speaker, Jay Epstein of The New Republic wrote this week of new and convincing evidence that Mohammed Atta did, in fact, meet with a senior Iraqi intelligence agent in Prague in 2001.

We are fighting the war secondly, Mr. Speaker, because of the consequences of Iraq's continued use of deceit and denial to hide weapons that risk the entire world, but especially the rhetoric and intentions were directed at the United States.

□ 1930

It is not the policy of this country to wait until the first attack of weapons of mass destruction before we take the necessary steps to stop their proliferation.

Mr. Speaker, when I was in Iraq last year, Mr. Kay explained to us that they had found 35 fermenters, fermenters having two types of activities associated with them: first, the making of biological weapons; and second, the making of chemical weapons. Mr. Kay stated at that point that though they did not have the weapons in their hands at that point, they were within 2 weeks at any point they would want to start making significant weapons.

Thirdly, our critics should look at root causes to understand why we are fighting this war on terror. The entire effort to liberate Iraq and Afghanistan has been to show a different and new future to the Middle East, a future that contains the promise of at least the beginnings of democracy rather than the awful choice between living under a dictatorship or joining the Jihad.

A fourth reason we are fighting the war on terror, Mr. Speaker, is the recognition that 23 other countries have realized we must fight terrorism. Our allies in this coalition, 23 nations, have sent over 25,000 soldiers to help stabilize Iraq in order to allow self-governance to emerge. They have helped us construct schools and telecommunications. Lives have been given by Polish soldiers defending and protecting southern Iraq, in charge of multinational forces working closely with pro-democratic Iraqi forces. British soldiers have defended and protected

Basra and Um Qasr. El Salvador soldiers fought and repulsed Sadr terrorists in southern Iraq just a few weeks ago. The Jordanians run the hospitals in Fallujah. Peshmerga Kurds protect and build in northern Iraq. Our Japanese friends have helped in telecommunications and in reconstruction.

It seems as though people in this city tend to forget why we are fighting the war on terror and they tend to believe that this war is like maybe an intramural conflict, a game of tag. Mr. Speaker, the stakes are far higher than that. The stakes literally seem at this moment to be whether the world will remain free or come under the awful persecutions we find in the Sudan, in Rwanda; that we found in Bosnia and Kosovo. The future of the world is hanging in the balance, Mr. Speaker.

Mr. Speaker, I am joined tonight by my colleague, the gentleman from South Carolina (Mr. BARRETT), and I want to yield the floor to him. I appreciate his participation.

Mr. BARRETT of South Carolina. Mr. Speaker, I thank the gentleman from New Mexico for yielding to me and I thank him for all his work.

You know, when he was talking about being in Washington, sometimes, coming from South Carolina and being in Washington, it seems like a millions miles away from home. Things get convoluted, things get confused, and so many times this town has a different idea about what is going on in the world or what has happened. This past week, Mr. Speaker, I got a letter from Brandon Browlee. Now, Brandon is a fourth grader at Laurens Academy in Laurens, South Carolina, and I want to share this letter with you. I want you just to take a second and listen to this.

This is Brandon talking: When I grow up I'm going to be a South Carolina Law Enforcement Division agent, a SLED agent, and a fighter pilot. I want to be a SLED agent when I'm not at war. I don't care if I die fighting for my country. My family will miss me, but at least I will die with honor and I'm protecting my country. I will send letters every day and we will stay healthy. I will always keep a picture of my family in my jet. I promise to take everybody for a ride, if I can. I will always wear a cross necklace, keep a pocket Bible by my side, and I will send letters to my wife, and she will read them to all of you.

Out of the mouth of babes, I guess we should say. Crystal clear, if you ask me. Crystal clear.

The last couple of weeks have been very trying times. We are dealing with things up here that are taking away our focus, taking away our guidance. This thing is bigger than any scandal could ever possibly be, Mr. Speaker. We are talking about 130,000-plus men and women that are fighting for democracy, fighting for freedom, and fighting for the security of this Nation every day. They are fighting for a way of life and they are fighting for everything that we know in South Carolina to be near and dear to us, and I think about it every day.

I think about my two sons. I have a son that is 14½ and a son that is 12. And if my boys Jeb and Ross are like their father and like their uncle, and like their grandfather and their grandfather's brothers, and like their grandmother's brothers, they will fight. They will wear the uniform and they will sacrifice everything they have to keep this country safe and strong. I think about it every day.

But as sure as I am standing here, as sure as I am in Washington, D.C. and standing in this room, in this hall tonight, if we do not defeat this enemy in the streets of Baghdad, in the streets of Mosul, in the streets of Tikrit, in Afghanistan and wherever, we will fight this enemy in the streets of Atlanta, Georgia, and Chicago, and San Francisco, and Columbia, South Carolina, and Washington, D.C.

When I was in the service, I had the honor of presenting one of my best friend's wives with the flag of this country. Lynn Dial died in a helicopter accident. And I will never look a husband, a wife, a son, or a daughter in the face and tell them that I did not do everything I could possibly do to keep this country safe and strong, to keep their loved ones safe and strong.

Make no mistake about it, we are going to win this war. And make no mistake about it, we will do everything within our power to keep our country safe and strong. That is what this letter that Brandon wrote did for me. It caused me to refocus. It caused me to understand exactly what is going on and exactly what the stakes are. They could never be higher, and the consequences could never be greater.

I want to thank Brandon, and I want to thank the men and women serving our country today that are giving their all; that are giving in many cases their lives for everything we know and love.

Mr. Speaker, I thank the gentleman from New Mexico for this opportunity and I thank him for his fight. And I want him to know that there are a lot of us out there that are by your side and that will help you every step of the way.

Mr. PEARCE. Mr. Speaker, I thank the gentleman from South Carolina (Mr. BARRETT). He is one of the distinguished colleagues in the freshman class, and I am always pleased to hear his heartfelt conviction as he speaks.

My colleague talked about the fact that we will win this fight. And, Mr. Speaker, there are successes we should be proud of that indicate that we are doing what we set out to do. The American people will not always hear these on the evening news or read them in the newspaper. In fact, Mr. Speaker, when I went to Iraq, when I walked among the young people, our young men and women soldiers, the most frequent question, and not just young soldiers from New Mexico, but as I walked through the assembled dining halls three different days at noon and in the evening, Mr. Speaker, the continuing question, to which I had no answer, was why do my parents not hear the good things we are doing in Iraq on the evening news?

Mr. Speaker, it is the same silence that affects the media that we were talking about earlier, the refusal to carry the actions of astonishing bravery, courage, compassion, valor, and sometimes just the plain steel nerve to be in that foreign land, fighting for a foreign people, and shedding American blood so that Iraqis can be free. Mr. Speaker, that is noble and we are doing an honorable task.

One of the signs of success that I look at, Mr. Speaker, is that we have not been struck since our original attack on 9/11. The second component of success is that the Taliban has been uprooted and moved out of Afghanistan. The al Qaeda is on the move and has stopped training the thousands of terrorists in the training camp that they had set up in Afghanistan. The funding mechanism for the war on terror that existed in Saudi Arabia has been dismantled, Mr. Speaker. Saddam Hussein sits in a jail cell, as do over 40 of his top regime leaders.

But, Mr. Speaker, one of the successes that I count great is that our friends in Pakistan have picked up the sword against terrorists. They were fighting on one side of the Pakistani border and U.S. troops were on the Afghanistan side of the border and were pinching rebels and terrorists in between us. Mr. Speaker, it is that willingness of other nations in that region that represents some of the most amazing turnarounds in this war on terror.

There are many countries who would expel the terrorists, but they just could not do it by themselves. They did not have the funds or the military strength or the military might, and our participation has given them the will and the way to fight their own war on terror.

Worldwide we are seeing more terror cells interrupted by international law enforcement. Our human information is getting better in this war on terror. Because of an election years ago, we made the decision to take our spying operatives out of the cells and simply rely on eavesdropping and electronic methods of information gathering. But those information-gathering techniques that were stopped under a previous administration led to our blindness, so that we could not know that were going to be hit on 9/11.

Mr. Speaker, that reemergence of human intelligence is one of the most significant things in our finding different weapons in Iraq. Mr. Kay said that many of the scientists said, you will not find weapons of mass destruction until we, until we the Iraqis, are ready for you to find them. It was through their efforts that we did find the 35 fermenters that we have found.

Mr. Speaker, another great success is the fact that Libya simply walked to the table and said we want to give up our weapons of mass destruction; we have them and we want to give them up. Since then, Libya has been removed from the list of state sponsors of terrorism. Members of this House visited Libya, led by my friend, the gentleman from Pennsylvania (Mr. WELDON), a senior member of the House Committee on Armed Services. They listened to Qadhafi himself detail Lybia's long and ugly support for international terrorism, and now that has ended.

☐ 1945

Mr. Speaker, some claim that Libya was already prepared to do this, but I say nonsense. Just days prior to the beginning of the war to liberate Iraq, Mr. Qaddafi initiated negotiations; but only after those pictures of the capture of Saddam Hussein were shown worldwide did Mr. Qaddafi agree to the deal, all of his weapons gone, lock, stock and barrel. As supporters of terrorism, Libya, Afghanistan and Iraq are no more. As developers of weapons of mass destruction, they are no more.

Mr. Speaker, we have positive effects inside Iraq that affect the social systems, for providing medical care and rebuilding schools; children are kicking soccer balls, and kids are spending time with organs. Our troops are building new and better societies in Iraq and Afghanistan. The immediate and long-term benefits for a more peaceful region and a more peaceful world are immeasurable.

More than 250 Iraqi students and teachers welcomed soldiers at the grand opening of the Al-Walid Elementary School in Baghdad recently. The opening is the result of several months of work by soldiers from the 4th Battalion, the 1st Field Artillery Regiment, the 3rd Brigade Combat Team, the 1st Armored Division, and the 409th Civil Affairs Battalion, an Army Reserve unit from Abilene, Texas. Repairing the schools is a big part of our responsibility because these children will become the future of Iraq. Their attitudes control the future.

Mr. Speaker, our troops have not stopped here. The soldiers understand that you can see the future of Iraq through the eyes of its children. The most recent project for the 105th Forward Support Battalion, headquartered in Germany, was giving away 150 soccer balls to local kids in Baghdad. Soldiers of the 101st Airborne Division have been working to not only make Iraq secure, but have been putting time and effort into helping towns and villages with their Operation Helping Hands program. With the Operation Helping Hands, soldiers donate their own money, and many of them are financially strapped providing for their needs in Iraq as well as the needs back home for their family, but they have been donating their own money to help provide families with food and health care necessities. Brigades Commander Ben Hodges came up with the idea of helping the poor families in the area. They have collected several thousand dollars which goes a long way toward helping many Iraqi families.

These compassionate troops are helping Iraqi families in a way that they have never been helped before. Soldiers are often out in Iraqi communities providing medical care and humanitarian assistance. A small, impoverished village about 10 miles from Baghdad was recently paid a visit from the Medical Civic Action Program. The program sends doctors and medics to provide free medical care on a regular basis. Because of conditions under Saddam Hussein, soldiers are treating diseases we rarely see here at home: tuberculosis, hepatitis, and polio.

Mr. Speaker, we should be proud of our troops for fighting for women's rights. For the first time in history, women in Mosul, Iraq, were able to join the rest of the world in celebrating International Women's Day. That day recognizes coordinated efforts of women everywhere for equal rights and political and economic equality. The state of the woman in Iraq was in horrible condition prior to our arrival. Eighty-eight percent of women could not read. Today, 77 percent of all school-age girls are in school. The People's Assembly Building was rededicated as a center for Iraqi women. The center will serve as a meeting place for all women of Iraq where they can share ideas, offer training, coordinate communication, and build a safer homeland.

In Mosul, Iraqi police say they are grateful to soldiers from the U.S. Army's 503rd Military Police Battalion for their assistance in rebuilding police stations. Coalition forces helped to renovate several police stations which enable the Iraqi police officers to protect their fellow citizens. In the past year, 4,570 police, correction specialists, and firefighters from the Ninevah Province have completed this training. They are better prepared to maintain security for the people of Iraq because of the training the coalition forces have provided.

Iraqi security forces continue to take huge steps along with the political process. Less than a year ago, the Department of Border Enforcement was created consisting of the border police, immigration inspections, and civil customs inspection stations. Today there are more than 82,000 border policemen and nearly 9,000 border enforcement agents operating along a 3,600 kilometer border. Coalition forces are actively involved in border security operations. In addition to conducting joint patrols with the Iraqi border police, coalition forces routinely visit border posts and continue to train and mentor the Iraqi border patrol officers.

More than 11,000 experienced policemen who have completed the transition integration program have learned democratic principles and values, basic fundamentals of policing, policies and standards for conduct, law and order, and their responsibilities to their communities. There are more than 1,600 policemen who have trained from scratch in an 8-week training program. In early March, 450 additional policemen graduated from the first class of the 8-week Baghdad Public Safety Academy. Another 1,500 new policemen will graduate in April. Two academies are expected to have more 2,100 new professional policemen by the end of 2004.

The new Iraqi Army is growing. In early March, more than 1,000 recruits of the 4th Battalion graduated from the 9-week basic training program.

These are amazing stories. These are the stories of the Americans that I know. There are hundreds, perhaps thousands more.

I am proud of our soldiers and want to say thank you. These are not the stories that you will hear on the news or in the newspapers, nor will you hear them many times during this election year; but I would like at this moment to say thank you to the young men and women in Iraq who are fighting for the freedom of a foreign land.

One story that is told from Iraq, a U.S. soldier recently evaluated an Iraqi woman, Farha Abed Saad, for medical treatment after she had been harmed by Iraqi thugs who wished to rob Iraqis of their right to freedom. Her comments say it well, "Thank God you have come here to Iraq to make us free," said Mrs. Saad, kissing a soldier's hand. "When I see you, I see my own sons. Thank you, thank you."

Mr. Speaker, compassion is a common language. Compassion is what we are showing to the people in Iraq when we fight side by side with them.

Mr. Speaker, we have other advances in this war on terror and in the social setup in Iraq. Already the transition to Iraqis is beginning. People are talking about the end of June, but this week the transition began with the transition of the Ministry of Agriculture and the Ministry of Culture, both responsibilities being moved across to Iraqi civilians.

Mr. Speaker, the oil in Iraq has begun to flow again. It is moving through pipelines that we have found damaged and we as coalition forces have repaired. Because of that flow of oil and because of U.S. reconstruction of oil facilities, over $8 billion, almost $9 billion is in the bank now in trust for the Iraqis. It is being used to fund the operation of their government.

Mr. Speaker, you will not hear that story either as we read the evening news because it seems that the news does not want to report the positive and the progress that we have seen in Iraq.

Mr. Speaker, we heard eloquent points from a gentleman on the floor earlier this evening. The gentleman from Nebraska (Mr. OSBORNE) spoke about the fact that in any contest some people will win and some will lose. Then he gave the four points that create the winners, that help determine the winners. Mr. Speaker, when the gentleman from Nebraska (Mr. OSBORNE) speaks about winning, I listen. The gentleman from Nebraska coached the 1994 national champions and came back the next year in 1995 and coached the same Nebraska Cornhuskers to another national championship. And then he took a year off and came back in 1997 to win his third national championship.

Mr. Speaker, when this gentleman speaks about winning, I believe he knows what he is talking about; and he says for us to win in Iraq will require the same elements as to win in any other situation. It will require a unity of purpose. Secondly, it will require sacrifice; the willingness to pay a greater price than the competition often determines the winner.

Third, we must have confidence in a successful outcome.

Fourth, there must be a bond among the team, a caring, a respect, a love among the group.

Mr. Speaker, when we begin to talk so violently in this Nation and to politicize the war, we begin to undermine the unity of purpose, the willingness to pay a greater price, we undermine the confidence and the successful outcome, and we begin to damage that bond that needs to exist among the group members if an effort is to be a winning effort.

Mr. Speaker, as I listened to the many complaints and to the calls for resignations, my mind goes back to World War II. I just cannot imagine what it would have been like in World War II after Pearl Harbor if we had gone through the same sort of questions from the press and from the political parties. Can Members imagine Mr. Roosevelt taking time off from the war to come in and speak about why Pearl Harbor was allowed to be attacked? There are many in this Nation who felt that the attack was known to be coming, and yet both sides for the good of the moment said we will let those questions go because we have got a greater enemy here.

I cannot imagine the consequences if we had chosen at that moment to pull the President in front of a commission and ask him to explain and justify every action. I cannot imagine, Mr. Speaker, asking the President at that point in the conflict in the first year or even 2 years, what is your exit strategy? Our exit strategy then is like our exit strategy now: it is to defeat the enemy.

Mr. Speaker, if we are going to win this war on terror, it is going to take valor, valor like that of Pat Tillman who gave up a lucrative career in pro football to serve his country, and he paid the ultimate price.

□ 2000

It is going to take sacrifice like a young woman helicopter pilot from my district who died in a night helicopter crash in Afghanistan, or like the young man from Lovington, New Mexico, just 18 miles from my hometown, who paid the ultimate sacrifice and was just recently laid to rest.

Mr. Speaker, as I talked to his mother, she explained that he never liked school much, he did not like to read, he did not like to study, but when he got involved as a gunner in the military, he found an understanding of what he thought he was about and he began to read constantly, read his operational manuals, to work to improve his capabilities.

Mr. Speaker, it will take those kinds of sacrifices. Freedom is not free. It takes tremendous sacrifice. It will take courage to win this war on terror. It is going to be a long fight and it will take commitment. It will take commitment from the young men and women who are required to go. It will take commitment from their families. It will take commitment from political leaders who are required to vote to fund the efforts.

If we are going to cut and run now, Mr. Speaker, we can be sure that we will not win this war on terror. We can also be sure that the security moms will have been concerned justly. It is our obligation to see that we fight the war on terror outside this country's borders, that we take the fight to them and we take the desire away from them, take the desire away from them that makes them want to strike us.

We have had losses and they cannot be minimized. The loss of a single life is too many. But far more of the enemy have paid the full price than of our young men and women. We owe it to the people of this country and to the free people of the entire world to stand our ground and to fight and to have the resolute intent to see that this war on terror is won.

Mr. Speaker, I cast my lot on the side of the people who will fight this war and who will see that liberty triumphs over tyranny and over terrorism.

TRIBUTE TO POLICE OFFICERS DURING NATIONAL LAW ENFORCEMENT WEEK

The SPEAKER pro tempore (Mr. CHOCOLA). Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. STUPAK) is recognized for 60 minutes.

Mr. STUPAK. Mr. Speaker, I would like to address a couple of issues tonight, but first would like to start with National Law Enforcement Week. This week Congress has paid tribute to our law enforcement officers and first responders who so bravely protect and serve, often putting their own lives at risk. On September 11, 2001, many in this Nation and this Congress have come to recognize the importance of the sacrifices made by our law enforcement officers. As a former police officer and a Michigan State Police trooper as well as founder of the Law Enforcement Caucus and cochair of this caucus, this week has significant meaning to me. The focus of this important week will take place tonight at 8 o'clock, actually right about now, when this Nation pauses to add the names of the officers who have been killed in the line of duty. The addition of the officers' names to the memorial is one way our Nation can commemorate its fallen heroes who have died in the line of duty. This week allows peace officers and their families to gather together in one place and to honor those who have lost their lives.

According to the National Law Enforcement Officers Memorial Fund, more than 16,000 Federal, State and local law enforcement men and women in the United States have been killed in the line of duty. In 2003, this past year, there have been 145 fallen officers and unfortunately in 2004, 53 officers have already died. The kind of sacrifice made by our law enforcement officers was all too clearly demonstrated in Detroit, Michigan, this year. Jennifer Fettig, a 26-year-old Detroit police officer, and her 21-year-old partner, Matthew Bowens, were killed during a routine traffic stop. For me, this terrible tragedy came close to home. Jennifer grew up in my district, in the Petosky area, and I have met with her family. This tragic killing illustrates the dangers our law enforcement officers face, not only during crisis situations but while performing routine duties.

That is why it is especially important this special week that we not only recognize the dedication of those officers but also commit to providing our law enforcement officers the resources they need to meet the daily challenges of their jobs, particularly at a time when we place greater demands upon them to fight and prevent terrorism here and in America.

As a Nation we can provide these resources only by fully funding important law enforcement programs that allow our local agencies to buy essential protective gear, hire the officers they need and obtain the resources they need to make themselves and our communities safe.

Congress can provide these resources through grants, especially the Community Oriented Policing Services, or COPS, and its universal hiring program. This program was so successful that it helped put 100,000 police officers on the street under President Clinton. It is critical that Congress continue to fully fund this program. Unfortunately, President Bush's budget devastates the COPS program, providing only $97 million, a $659 million cut below last year's level. That is a more than 75 percent cut in this amount.

The President's budget also zeroes out the Edward Byrne Memorial State grant program. This program provides funding for 19 different programs, from counterdrug initiatives in rural communities to providing jailers for the local jail inmates.

The budget also eliminates local law enforcement block grants which provide direct grants to local agencies for hiring and training of new officers and vital crime fighting initiatives.

The President's budget cuts are simply unacceptable. It is my hope that Congress restores the cuts that the President has proposed in these valuable law enforcement programs.

Congress also needs to provide assistance to help regional law enforcement and first responders talk to each other in times of emergency. Police officers right now with their radios cannot talk to each other. They do not have what we call interoperability. My bill, H.R. 3370, the Public Safety Interoperability Act, would provide grants to local law enforcement agencies to modernize their communication systems and become interoperable. Interoperability of an officer's communications system would allow different public safety agencies in different jurisdictions to communicate with each other in times of crisis.

Currently, firefighters and law enforcement officials may not be able to communicate with each other even if they work in the same jurisdiction. The tragic events of September 11 illustrate why it is so important that our law enforcement officers are fully interoperable. Three hundred forty-three firefighters and 72 law enforcement officers lost their lives in the World Trade Center on September 11. When our first responders are confronted with an emergency situation, it is absolutely necessary that they are able to communicate with one another so they can fully assess the situation and determine how best to handle it. These are the kind of resources and tools our responders need.

Unfortunately on September 11 as one of the World Trade Centers collapsed, firefighters were stuck in the other World Trade Center and they had no way to tell them to exit the building because it was collapsing. Many of these firefighters did not have to die if they only would have had equipment, radios, that they could talk to each other. We need to do everything possible to ensure that our law enforcement officers that play an integral role in our Nation's antiterrorism efforts are fully interoperable.

I am also very concerned about the homeland security funding needs of our local agencies. The question I am often asked back home in northern Michigan is where is the funding? On January 22 of this year, the Conference of Mayors corroborated this sentiment when it released its second homeland security monitoring survey. According to this survey, 76 percent of the cities have not received any money from the largest homeland security program designated to assist first responders such as firefighters and police officers. Changes are obviously needed in the capital outlay process so homeland security money can get to our first responders in an efficient and timely manner. We need also to make sure that our first responders are informed about this process so they can receive this crucial funding in a timely manner.

Moreover, the State must have the ability to directly release funds to the locals instead of reimbursing them only after they have already spent the money. It really does not make sense that cities are required to pay up front for the costs of updating their emergency service and funding their homeland security needs and then hope to be reimbursed at a later date.

Not only do we need to get money out to our first responders but we need to fully fund these programs. The State homeland security grant program was funded at $1.7 billion in fiscal year 2004 but unfortunately, once again, the President's budget request slashes the program to $700 million. That is more than a 50 percent cut. Overall, the President's budget would reduce first responder assistance by more than 14.5 percent from the original $4.18 billion that Congress appropriated in fiscal year 2004 to $3.75 billion in fiscal year 2005.

We also need to ensure that programs like Thin Blue Line of Michigan are fully funded. The Thin Blue Line is a nonprofit, volunteer organization that assists and supports families of injured or deceased officers. The Thin Blue Line began in Michigan and is now beginning to expand throughout the Nation. Thin Blue Line volunteers assist families when applying for benefits, counseling, and answer their questions during the most difficult of circumstances. These officers have made the ultimate sacrifice in the line of duty and their families deserve to be honored, respected, and supported in any way we can.

I am hopeful that we can continue to show our commitment to law enforcement by supporting their important funding needs, including showing our full support for the National Law Enforcement Officers Memorial. It is the least we can do for those who put their lives on the line for us each and every day.

The gentleman from Maryland (Mr. HOYER) could not be here tonight because unfortunately he is at a memorial service for a State trooper who was just killed in Maryland. The gentleman from Maryland asked me to read his statement into the RECORD. At this time I will do so.

"The 958,000 Americans who make up the Nation's Federal, State and local police forces live the true meaning of duty, sacrifice and honor each day. They routinely put their lives on the line to enforce the laws that govern our society. Officers keep the streets safe, they pursue those who would steal from our homes and businesses and protect us from those who would prey on our children and our elderly.

"Tonight we especially remember Maryland State Trooper Anthony Jones who was killed this week while on duty assisting another trooper. Trooper First Class Jones every day exemplified the service and sacrifice that we honor this week. As the recipient of awards for his valor and bravery and as the anticipated recipient of the "Top Cop" award from the College Park Barracks this month, Trooper Jones demonstrated a commitment to public service and a sincere desire to protecting and serving our community.

"Trooper First Class Jones joined the State police after retiring from the United States Air Force in 1998. He spent his entire police career working as a road patrol trooper. He was on patrol duty early Sunday morning when he stopped shortly after 2 a.m. to assist another trooper working at the scene of a single-vehicle crash in Prince George's County.

"Investigators said Jones crossed the four-lane highway on foot to remove a tire that was part of the accident debris and was making his way back across the road, using a flashlight to warn oncoming traffic, when he was struck and killed.

"Every day, law enforcement officers like Trooper Jones risk their lives in dangerous situations on our highways and roads to protect the citizens who travel along our roadways. This week we join together in commemorating Trooper Jones and all of the law enforcement officers whose brave deeds led them to make the ultimate sacrifice, or left them disabled.

"Trooper Jones is the 39th Maryland trooper to die in the line of duty. This week we say a special prayer for the 145 Federal, State and local law enforcement officers who were killed in the line of duty just last year. The Joneses and all of the families and loved ones of fallen officers must know that a grateful Nation mourns their loss and shares their pain.

"As we pay tribute to law enforcement officials who have fallen in the line of duty, we especially honor Trooper First Class Jones. His service to our country and to his community will long be remembered with the utmost gratitude and respect.

□ 2015

"Although we do not often thank them for it, officers like Trooper Jones help protect our most cherished rights as laid out by Thomas Jefferson in the Declaration of Independence: The right to life, liberty, and the pursuit of happiness. We owe these fine and hardworking people a great deal for their contribution to our freedom and security.

"The words of John F. Kennedy strike a cord this week," when he said, "'a Nation reveals itself not only by the men it produces but also by the men it honors and the men it remembers.' As these valiant men and women died because they made it their duty to protect and serve, it is our duty to honor and remember them for their selfless contribution to our communities."

That concludes the gentleman from Maryland's (Mr. HOYER) statement.

Mr. Speaker, while I have a little more time left, I want to talk about law enforcement. But this week, as was alluded to earlier by some other Special Orders and statements tonight, we had the prison abuse in Iraq, and the gentleman from Texas (Mr. DELAY), majority leader, when asked if we could do some investigation, he responded by saying " . . . a full-fledged congressional investigation, that's like saying we need an investigation every time there's police brutality on the street." So is the majority actually trying to imply that police brutality is common practice in our country and that reports of such abuse should not be investigated?

I have a big problem with such an inference like that. As I said, I am a former police officer of 12 years, and I am highly offended by such an assault on our country's peace officers.

Let me tell my colleagues what is going on here. The Republican leadership appear to have zero interest in getting to the bottom of this matter to determine the extent of the prison abuse in Iraq and who was involved, including contractors, military intelligence, military police, and higher-ups at the Pentagon who still refuse to take responsibility.

Just today, the Washington Post reported there is an estimated tens of thousands of contractors in Iraq, which amounts to 10 percent of the total personnel there.

As I said last week, once again I call on the House Committee on Government Reform to hold hearings into the government-paid contractors in Iraq who may have played a role in the actions at Abu Ghraib prison. We have a crisis on our hands that needs accountability and leadership to fix it.

The first thing President Bush should do is admit they made a mistake at the beginning of this war and apologize to the American people and the international community. This was simply a war of choice, not of necessity. Second, I believe the President needs to fully reach out to the international community to get them involved in the peacekeeping and rebuilding of Iraq and its new leadership so we can quickly bring our troops home. Third, we need to do more to protect our troops, provide them with the equipment they need and proper training and leadership.

Instead, all we have seen has been finger-pointing and denial that anything is wrong, from the systemic prison abuse to the false information on the weapons of mass destruction that was used to declare war in the first place.

I think the American people and our troops deserve better than that. They deserve the truth and, as I said, real leadership to get the job done and bring our men and women safely home.

Some may accuse me or my Democratic colleagues of being unpatriotic and saying that we are using the war as a political tool. My patriotism to this country and the American troops means it is my responsibility to ask the tough questions of the military and of the Bush administration on their actions in general regarding this war. If we do not ask the tough questions, who will?

We need to hold our government officials accountable, and that is going to have to mean more than court-martialing a handful of military police officers. The President needs to fire the Secretary of Defense, Mr. Rumsfeld.

It seems very clear that these are not isolated incidents of abuse by a handful of military soldiers, but actually a systemic pattern of behavior and treatment that I believe was encouraged from the top on down.

We need to get to the bottom of the situation and show the American citizens and, just as important, the international community that such actions will not be tolerated and that these actions are not the values of the America that I know and her people. The abuse and torture that occurred at Abu Ghraib prison has undermined America's credibility and the U.S. effort to bring peace, stability, and freedom to Iraq.

The damage inflicted upon the United States' reputation will take years, if not decades, to repair. Today the Secretary of Defense acknowledged that much, as he was quoted in the Associated Press article today saying that these incidents "sullied the reputation of our country." Yet despite this acknowledgement, he still refuses to take responsibility and to step down. So I once again call on President Bush to immediately take action to help restore our credibility and he should start by firing the Secretary of Defense.

Mr. Speaker, just one more thing I would like to discuss before I leave the floor tonight. Twice this week my Republican colleagues had the opportunity to ensure overtime protection for millions of hardworking Americans, including first responders, emergency medical personnel, police and fire agencies and officers. And twice this week they chose to deny workers the overtime they deserve. The other body already did their part and passed legislation to block the new overtime regulations the Bush administration is planning to implement that robs millions of workers of their hard-earned overtime pay. The regulation is antiworker, it is antifamily, and it is bad economic policy.

I hope that before the Memorial Day recess, which will be in the next week or 2, that the House will pass similar legislation to block these proposed cuts in overtime to hardworking Americans throughout this country.

HORSE SLAUGHTER PREVENTION

The SPEAKER pro tempore (Mr. PEARCE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 60 minutes.

Mr. WHITFIELD. Mr. Speaker, any visitor to the Kentucky Horse Park in Lexington, Kentucky, upon leaving that park, would have to be impressed with its tranquility, with its beauty, and really with the inspiration of the place. Kentuckians are particularly impressed with the Horse Park because it pays tribute to an animal which has meant so much to our State in the past, which means a lot to our State today, and will mean a great deal to our State tomorrow. As a matter of fact, the economic impact of the horse industry in the State of Kentucky is equal to $3.4 billion a year and the horse industry provides 52,000 direct and indirect jobs in Kentucky. And, of course, Kentucky is very proud of the fact that they produce 29 percent of all the thoroughbreds born in North America.

Two weeks ago we had the 130th running of the Kentucky Derby in Louisville, Kentucky. It is on the first Saturday of May in each year. Two weeks later, which happens to be this coming Saturday, will be the 129th running of the Preakness over in Maryland, and then soon after that will be the running of the Belmont Stakes up in New York. And that is referred to as the Triple Crown in the racing industry.

I happened to have been at the Kentucky Derby on the first Saturday in

May, and there was, of course, great excitement when the chestnut horse Smarty Jones won the Derby and the Chapman family, the owners of that horse, and the trainer and all of the supporters and even the Governor of Kentucky who is a former Member of this House, Ernie Fletcher, there in the winners circle, and they were all excited and enthusiastic. And I know the winner of the Preakness on this coming Saturday will see the same excitement and enthusiasm and great joy.

But I also want to talk about another side of the horse industry tonight, and I would like to go back to 1986 when another beautiful chestnut horse named Ferdinand won the Derby in 1986. The owners of Ferdinand were Howard Keck and his wife, of California. The trainer was Charlie Whittingham. And the jockey was Bill Shoemaker, a famous jockey that, by the way, this House passed a resolution in his honor less than 2 months ago.

When Ferdinand was retired, he at that time was the fourth-most money winner of all time in the United States. He had over $3.8 million in earnings. And upon the death of Howard Keck, Ferdinand was sent to Japan. He was purchased by the J.S. Company, was sent to Arrow Stud Farm on the Island of Hokkaido, Japan. And the family of Howard Keck, specifically his daughter-in-law Dessie Keck and her son Brighton and her daughter Charisse, made an effort to bring Ferdinand back. They wanted to locate Ferdinand in Japan and bring him back to their ranch in California. And after a while, after searching and talking to Japanese officials in the Jockey Club of Japan and others, it came to light that Ferdinand, the winner of the 1986 Kentucky Derby, the winner of the 1987 Breeders Cup, Horse of the Year in 1987, had been slaughtered in Japan. Arrow Stud Farm evidently either sold, gave to a horse trader in Japan named Watanabe, and either with their knowledge or without their knowledge, Ferdinand, this spectacular horse, was slaughtered.

That could have been a very sad ending to a story, and it certainly made the press throughout the world. It was covered in practically every newspaper in the world about what happened to Ferdinand. But there has been some good that has come from it, because as a result of the death of Ferdinand, it has come to the attention of the American people that horses are still being slaughtered in the U.S. for human consumption; not human consumption in America but human consumption in Europe, even though horses have never been a part of the food chain in America.

And I go back to that Horse Park in Lexington, Kentucky, and there is an inscription there and it says "Civilization was built on the back of a horse." And in the history of our country, pioneers, riding horses, horses pulling wagons of material, pulling stage coaches, pulling covered wagons, horses have been a part of our civilization, in racing, entertaining us, work on ranches, dressage. In all sorts of ways they have been a partner with man, and they have never been a part of the food chain in America.

And yet today there are two plants in the United States that are still slaughtering horses for human consumption. One of them is owned by a French family in Kaufman, Texas, and the other is owned by a Belgian family outside of Fort Worth, Texas.

It is interesting that probably the biggest horse race in this country is the thoroughbred world championship referred to as the Breeders Cup, and the Breeders Cup will be held in Texas on October 30 of this year. In fact, it is going to be held at Lone Star Park in the heart of the Dallas/Fort Worth Metroplex, as I said, on Saturday, October 30.

And I happen to have a letter that was written to members of the Texas Delegation from the founder of the Breeders Cup who happens to live in Kentucky. His name is John Gaines. He is a renowned horse breeder, businessman, community leader, and when we think about people in the thoroughbred industry, there are very few people with greater respect than John Gaines. But in this letter that he wrote to the members of the Texas Delegation he said, "As the founder of the Breeders Cup World Thoroughbred Championship, which will be held at Lone Star Park in the heart of the Dallas/Fort Worth Metroplex on Saturday, October 30, 2004, I am appalled that a Belgian company will be slaughtering horses a few miles from this world-class event."

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Horses are being slaughtered, as I said, in only two places in the United States, and both facilities are in Texas. The Belgian facility is located outside of Fort Worth, and a French company is slaughtering horses in Kaufman, Texas. These two facilities are slaughtering approximately 45,000 horses a year for human consumption in Europe. As you know, horses have never been a part of the food chain in America.

Less than 2 years ago, U.S. Senator JOHN CORNYN, while Attorney General of Texas, rendered a legal opinion that it was a criminal offense under section 149.002 of the Texas Agriculture Code for a person to sell horse meat as food for human consumption or to possess horse meat for the purpose of selling it as food for human consumption. So the Attorney General of Texas announced in a legal opinion that it was a violation of criminal law, it was a crime, to slaughter horses in Texas or possess them for slaughter. And yet horses are still being slaughtered in Texas today.

Now, the gentleman from New York (Mr. SWEENEY) and the gentleman from South Carolina (Mr. SPRATT) have introduced House Resolution 857 in the United States Congress to prohibit the slaughter of horses for human consumption or to transport horses for the purpose of slaughter for human consumption. This legislation, as of today, although not all cosponsors are reflected on the record yet because they have not had time to get their names, but commitments are there; but as of today we have 230 cosponsors of this legislation in the House of Representatives.

Anyone familiar with the House knows that if you get a bill to the floor, it only takes 218 to pass it. So we have enough cosponsors on this bill right now in the House to pass it and prohibit the slaughter of horses for human consumption. But we have a few problems as well, and before I talk about those, I want to mention that this same legislation has been introduced in the U.S. Senate. It was introduced about 8 days ago, and it already has seven cosponsors on the U.S. Senate side.

The legislation was introduced there by Senator JOHN ENSIGN of Nevada, who happens to be a veterinarian, and Senator MARY LANDRIEU of Louisiana.

One would think that since horses have never been a part of the food chain in America, that they have the history with helping to build our civilization, that there would not be any opposition to this bill. That is true, there is not a lot of public opposition to it; but there are a lot of people in the back room, in the dark of night, opposing the bill.

One of the organizations, the leadership, I must say, which is opposing this bill, is the American Quarter Horse Association of Amarillo, Texas. I say leadership of the American Quarter Horse Association because those of us involved in this effort, and, as I said, there are now over 230 Members of the House, have received lots of letters from quarter horse owners around the country who support this legislation. Even the American Quarter Horse Association says, oh, well, we do not support the slaughter of horses, but we are concerned that there is not a place in America to take care of all these horses if we do not slaughter them, and we are so concerned that they will be abused and mistreated and maybe even abandoned that they probably would be better off slaughtered than to let that happen to them.

Well, I can tell you that I do not agree with that argument; and most of the cosponsors of this bill, in fact, I would say all of them, do not agree with that argument. And why do we not agree with it? We do not agree with it because we know there are in excess of 200 entities around America, farms in America, in which rescues are being made of horses, where unwanted horses are being taken in.

Another interesting argument of the American Quarter Horse Association is they say, well, we do not want them abandoned, we do not want them mistreated, so we are opposing this bill because we are afraid they will be abandoned and mistreated. But they also say to us privately, your bill does not regulate these 204 entities out there who are taking these horses in that are unwanted. Yet that same group makes it very clear that they do not want any government intervention involved in anything that they do.

So I find that argument not particularly strong, because these farms that are out there are raising money privately to take care of these horses so that they do not have to go to slaughter.

So we have over 200 farms out across the country that are taking these horses in, and the Blood Horse Magazine, which is the official magazine of the thoroughbred industry, recently devoted an entire magazine talking about the proliferation of groups who are taking these horses in.

I might also add that each year in America there are about 600,000 horses that die, and those horses are disposed of in a lot of different ways. They do not go to slaughter. They are either euthanized by their owner, they are given to a renderer, or the owner shoots them for whatever reason. But that is the important part of this legislation, H.R. 857; it does not in any way interfere with an individual owner of a horse doing whatever he wants to with that horse. It simply says they cannot be slaughtered.

Now, why are we so emphatic about that? I have already pointed out that horses have never been part of the food chain in America. The only people benefiting from this are a French family and a Belgian family exporting this meat to Europe.

But one thing that is important to understand is that there are so-called self-described "killer buyers" around the country who go to auctions. They will pay a couple of hundred dollars for horses, and then they put them in double-decker trailer trucks, and they ship them all the way to Texas.

The interesting thing about this transportation is that the Department of Agriculture's own regulations state, we know that horses are transported in double-decker trailers, and some of them are going to be killed, some of them are going to be injured, many of them are going to arrive in Texas in very bad condition, because we are going to allow them to be transported up to 28 to 30 hours without food, water or exercise. Any commercial transporter of horses will tell you they should not be moved over 6 or 7 hours without food, water and exercise.

Now, the Department of Agriculture regulations also state that we are allowing them to be moved in double-decker trailers, even though we know that those on the top do not have enough room to stand up completely. But we are going to allow it because individuals have made economic investment in these trailers. So, despite the injury to the horse, we are going to allow it.

Then these same regulations allow stallions to be put with other stallions, to be put with mares, to be put with foals, all in one. And anybody in the horse industry knows that stallions have to always be separated, and they certainly should not be put with foals, they should not be put with mares, and they most certainly should not be put with other stallions, because they fight.

So we have these horses being purchased by killer buyers, transported up to 30 hours, and many times longer than 30 hours, without food, water or exercise, in cramped trailers, fighting each other, kicking each other, biting each other, killing each other, all the way to Texas. So that is another reason that we want to stop this process.

In addition to that, anyone that has actually seen the slaughter cannot help but be disgusted with the way it is done, because a captive bolt is used, in which the horse's head is really not restrained, and it is administered by untrained or unprofessional people. These horses have to be shot three or four times, frequently.

I do not want to describe the scene, because it would make most people sick to see these animals being jolted, falling down, trying to get up.

So it is an inhumane practice, it is against Texas State law, yet this French family and this Belgian family have filed a lawsuit in Federal Court, and they have got it tied up in court. That is another reason we decided to introduce this legislation is to help Texas enforce its own law.

So we find ourselves with a situation of the Texas legislature saying you cannot slaughter horses in Texas, it is against our agricultural code and it is a crime, and yet it is being done today.

One other group that I would like to point out, at least the political arm of this group, which has expressed its opposition to H.R. 857, is the American Equine Practitioners. Their president is from Lexington, Kentucky, and he is a veterinarian. He has made the statement that using the captive bolt is a humane way to kill a horse.

But we went over to the Senate and we had a meeting with Senator JOHN ENSIGN, who is also a veterinarian. After hearing the debate, Mr. ENSIGN decided he was going to introduce legislation to prohibit the slaughter or transportation of horses to slaughter. So he is supporting H.R. 857.

I might add, we have veterinarians from all over the country, we have veterinarians from all over the country who are writing in in support of this legislation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CHOCOLA). Except as provided in clause 1(b) of rule XVII, the gentleman will refrain from referencing individual Senators.

Mr. WHITFIELD. I thank the Speaker.

So we have veterinarians from all over the country that are writing in in support of this legislation. We have the owners of quarter horses writing in supporting this legislation, and we have their political arm opposed to it, but they do not like to talk about it publicly.

So in conclusion tonight, I simply would like to make this statement: We are continuing our efforts to obtain cosponsors of this legislation. I am quite confident we are going to eventually attain the number of 260 to 270 cosponsors. We are already at 230, and we have not made that big of an effort yet. We are hoping that when we get up to that number that the committee that has jurisdiction over this bill will allow it out.

But I think it is important that we have this debate because it is the first time that I am aware of that we have had a debate in the United States Congress on whether or not we should allow foreign companies to slaughter our horses to export to Europe for human consumption, in a nonhumane way, I might add.

Now, Matthew Scully is a former literary agent of the National Review and a part-time speech writer for President Bush; and he recently wrote a book entitled "Dominion." In this book, Mr. Scully made some statements that I think all of us would benefit from just thinking about.

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In his book, Mr. Scully affirms and I want to emphasize that word, "affirms," man's dominion over animals. But he also reminds us of our responsibility to animals.

To quote Mr. Scully, "The care of animals bring with it often complicated problems of economics, ecology, and science. But above all, it confronts us with questions of conscience. Many seem to have lost all sense of restraint toward animals, an understanding of natural boundaries, a respect for them as creatures with needs and wants and a place and purpose of their own. Too often, too casually, we assume that our interests always come first, and if it is profitable or if it is expedient, that is all we need to know. But sometimes we are called to treat animals with kindness, not because they have rights, not because they have power, not because they have any claim of equality, but in a sense because they do not have any of those things, because animals stand unequal and powerless before us.

It is true that the welfare of animals is not high on most people's priority list, and it maybe should not be. "But kindness to animals is among the humbler duties of human charity, though for just that reason it is among the more easily neglected. And it is true that there will always be enough injustice and human suffering in the world, and we are reminded of it every day, to make the wrong done to animals seem small and insignificant.

And perhaps, Mr. Speaker, perhaps that is part of the animals' role among us, simply to awaken humility and compassion in human beings. We have the power, we have the rights, and we have dominion over animals. That is precisely why I believe that the bill of the gentleman from New York (Mr. SWEENEY), H.R. 857, is so important to our country. I look forward to this debate.

In closing, I am reminded of a comment made by my friend Russell Williams, who owns one of the biggest standardbred farms in Pennsylvania. He said, the slaughter of horses in H.R. 857 is not so much about horses, but it is more about us as people.

So I hope that the Members of this body will give some thought to this legislation. It has great momentum. It is moving on the other side of the Capitol in the Senate, and we have every expectation and hope that we can pass it and stop this sad part of our history as it relates to animals.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ISRAEL (at the request of Ms. PELOSI) for today on account of family illness.

Mr. SHADEGG (at the request of Mr. DELAY) for today and the balance of the week on account of attending his daughter's graduation from the University of Southern California.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:

Mr. SCHIFF, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. MORAN of Virginia, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

The following Members (at the request of Mr. GREEN of Wisconsin) to revise and extend their remarks and include extraneous material:

Mr. ROYCE, for 5 minutes, today.

Mr. BURNS, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, May 20.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 108. Concurrent resolution supporting the goals and ideals of Tinnitus Awareness Week; to the Committee on Energy and Commerce.

ADJOURNMENT

Mr. WHITFIELD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 49 minutes p.m.), under its previous order, the House adjourned until Monday, May 17, 2004, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8141. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pyraflufen-ethyl; Pesticide Tolerance [OPP-2004-0094; FRL-7358-2] received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8142. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Harpin Protein; Exemption from the Requirement of a Tolerance [OPP-2004-0097; FRL-7356-5] received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8143. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Rhamnolipid Biosurfactant; Exemption from the Requirement of a Tolerance; Technical Correction [OPP-2003-0281; FRL-7356-2] received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8144. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General William J. Begert III, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

8145. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Ronald T. Kadish, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8146. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills [OAR-2002-0045, FRL-7657-2] (RIN: 2060-AK53) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8147. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Motor Vehicle and Engine Compliance Program Fees for: Light-Duty Vehicles; Light-Duty Trucks; Heavy-Duty Vehicles and Engines; Nonroad Engines; and Motorcycles [OAR-2003-09; FRL-7656-9] (RIN: 2060-AJ62) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8148. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Imlpementation Plans; Wisconsin: Kewaunee County Ozone Maintenance Plan Update [WI119-01a; FRL-7657-6] received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8149. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Sulfur Dioxide Attainment Demonstration for the City of Weirton Including Clay and Butler Magisterial Districts in Hancock County [WV065-6034a; FRL-7653-8] received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8150. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of South Dakota; Revisions to the Administrative Rules of South Dakota and New Source Performance Standards Delegation [SIP NO. SD-001-0017a; FRL-7652-3] received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8151. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of Turkey (Transmittal No. 03-04), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

8152. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

8153. A letter from the Deputy Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on International Relations.

8154. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8155. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8156. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8157. A letter from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8158. A letter from the Office of the General Counsel, Selective Service System, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8159. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Community Purchase [Docket No. 030922237-4111-02; I.D.082503D] (RIN: 0648-AQ98) received May 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8160. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-Pelagic Trawl Gear in the Red King Crab Savings Subarea [Docket No. 031124287-4060-02; I.D.042204A] received May 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8161. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Recordkeeping and Reporting [Docket No. 031016262-4107-02; I.D.100603E] (RIN: 0648-AR08) received May 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8162. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Recordkeeping and Reporting Requirements; Regulatory Amendment to Modify Seafood Dealer Reporting Requirements [DOcket No. 040109009-4085-02; I.D. 121803D] (RIN: 0648-AR79) received May 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8163. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Spiny Dogfish Fishery [Docket No. 040311088-4119-02; I.D.030104A] (RIN: 0648-AQ81) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8164. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Tilefish Fishery; Reinstatement of Permit Requirements for the Tilefish Fishery [Docket No. 040122024-4105-02; I.D.010904A] (RIN: 0648-AR75) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8165. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone (EEZ) Off the Coast of Alaska; Recordkeeping and Reporting [Docket No. 040115020-4124-02; I.D.010204B] (RIN: 0648-AR07) received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 2729. A bill to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission; with an amendment (Rept. 108–486). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 2728. A bill to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration; with an amendment (Rept. 108–487). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 2730. A bill to amend the Occupational Safety and Health Act of 1970 to provide for an independent review of citations issued by the Occupational Safety and Health Administration, with an amendment; referred to the Committee on Judiciary for a period ending not later than May 17, 2004, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 108–488, Pt. 1). Ordered to be printed.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 2731. A bill to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to very small employers when they prevail in litigation prompted by the issuance of citations by the Occupational Safety and Health Administration, with an amendment; referred to the Committee on Judiciary for a period ending not later than May 17, 2004, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 108–489, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KNOLLENBERG (for himself and Mr. GREEN of Wisconsin):

H.R. 4358. A bill to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks; to the Committee on the Judiciary.

By Mr. PORTER (for himself, Mr. BLUNT, Mr. CANTOR, Mr. OTTER, Mr. CRANE, Mr. PICKERING, Mr. BROWN of South Carolina, Mr. SIMPSON, Mr. KINGSTON, Mr. BAKER, Mr. BURNS, Mr. WICKER, Mr. HAYWORTH, Mrs. MYRICK, Mr. FOSSELLA, Mr. ROGERS of Alabama, Mr. ISTOOK, Mr. SCHROCK, Mr. MARIO DIAZ-BALART of Florida, Mr. KIRK, Mr. MURPHY, Mr. SENSENBRENNER, Mr. BARRETT of South Carolina, Mr. WELDON of Florida, Mr. BACHUS, Mr. GIBBONS, Mr. SIMMONS, Mr. AKIN, Mr. SHIMKUS, Mr. ROGERS of Michigan, Mr. WILSON of South Carolina, Mr. DEMINT, Mr. KING of Iowa, Ms. HART, Mrs. CAPITO, Mr. RYUN of Kansas, Mr. SESSIONS, Mr. BEAUPREZ, Mrs. MILLER of Michigan, Mr. GINGREY, Mr. GILCHREST, Mr. DOOLITTLE, Mr. DUNCAN, Mrs. JO ANN DAVIS of Virginia, Mr. SMITH of New Jersey, Mr. CAMP, Mr. TIBERI, Mr. GILLMOR, Mr. FORBES, Mr. SOUDER, Mr. FRELINGHUYSEN, Ms. PRYCE of Ohio, Mr. OSE, and Mr. MANZULLO):

H.R. 4359. A bill to amend the Internal Revenue Code of 1986 to increase the child tax credit; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 4360. A bill to provide for continuing Federal reimbursement of emergency health services furnished to illegal aliens through foreign aid funds; to the Committee on International Relations, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON (for herself, Mr. TURNER of Texas, Ms. LORETTA SANCHEZ of California, Mr. MARKEY, Mr. DICKS, Mr. FRANK of Massachusetts, Ms. HARMAN, Ms. SLAUGHTER, Mr. DEFAZIO, Mr. ANDREWS, Ms. LOFGREN, Ms. MCCARTHY of Missouri, Ms. JACKSON-LEE of Texas, Mr. PASCRELL, Mrs. CHRISTENSEN, Mr. ETHERIDGE, Mr. LUCAS of Kentucky, Mr. LANGEVIN, Mr. MEEK of Florida, Mr. CHANDLER, Mrs. MALONEY, and Mr. MATSUI):

H.R. 4361. A bill to provide for the security of public transportation systems in the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Washington:

H.R. 4362. A bill to authorize the Secretary of the Interior to accept a parcel of Federal land in the State of Washington in trust for the Nisqually Tribe, to ensure that the acceptance of such land does not adversely affect the Bonneville Power Administration, and for other purposes; to the Committee on Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Wisconsin (for himself, Mr. Ford, Mr. Ney, Mr. Kennedy of Minnesota, and Mr. Lucas of Kentucky):

H.R. 4363. A bill to facilitate self-help housing homeownership opportunities; to the Committee on Financial Services.

By Mr. HYDE:

H.R. 4364. A bill to amend the Foreign Assistance Act of 1961 to require the governments of low income oil-producing countries to meet certain requirements relating to their oil revenues in order to be eligible to receive United States economic assistance; to the Committee on International Relations, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOGGETT (for himself, Mr. Shays, Mr. Leach, Mr. Andrews, Mr. Blumenauer, Mr. Cooper, Mr. Markey, Mr. Schiff, Mr. Emanuel, Mr. Grijalva, Mr. Taylor of Mississippi, Mr. Moran of Virginia, Mr. Kucinich, Mr. McGovern, Mr. Sanders, Ms. DeLauro, Ms. Lee, Mr. Tierney, Mr. McDermott, and Mr. Stark):

H.R. 4365. A bill to amend the Internal Revenue Code of 1986 to eliminate the inflation adjustment of the phaseout of the credit for producing fuel from a nonconventional source and to repeal the extension of the credit for facilities producing synthetic fuels from coal; to the Committee on Ways and Means.

By Mr. MARKEY:

H.R. 4366. A bill to prohibit the transfer of personal information to any person outside the United States, without notice and consent, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MATHESON:

H.R. 4367. A bill to amend title 38, United States Code, to provide entitlement to educational assistance under the Montgomery GI Bill for members of the Selected Reserve who aggregate more than 2 years of active duty service in any five year period, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON (for himself and Mr. Young of Alaska):

H.R. 4368. A bill to transfer the National Oceanic and Atmospheric Administration to the Department of the Interior; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHIMKUS (for himself, Mr. Thompson of California, Mr. Hunter, and Mr. Skelton):

H.R. 4369. A bill to amend title 10, United States Code, to require the Secretary of the Army to establish a combat service recognition ribbon, similar to the Navy Combat Action Ribbon, to recognize participation in combat by members of the Army, regardless of branch; to the Committee on Armed Services.

By Mr. McGOVERN (for himself, Mrs. Emerson, Mr. Lantos, Mr. Wolf, Mr. Bereuter, Mr. Houghton, Mr. Payne, Mr. Wexler, Mr. Delahunt, Ms. Lee, Mr. Crowley, Ms. McCollum, Ms. Kaptur, Mr. Hoeffel, Mr. Blumenauer, Mr. Otter, Mr. Kind, Mr. Leach, Mr. Faleomavaega, Mr. Moore, and Mr. Moran of Kansas):

H. Con. Res. 422. Concurrent resolution concerning the importance of the distribution of food in schools to hungry or malnourished children around the world; to the Committee on International Relations.

By Ms. KAPTUR:

H. Con. Res. 423. Concurrent resolution authorizing the use of the Capitol Grounds for activities associated with the dedication of the National World War II Memorial; to the Committee on Transportation and Infrastructure.

By Mr. SHADEGG:

H. Con. Res. 424. Concurrent resolution honoring past and current members of the Armed Forces of the United States and encouraging Americans to wear red poppies on Memorial Day; to the Committee on Armed Services.

By Mr. SMITH of New Jersey (for himself and Mr. Cardin):

H. Con. Res. 425. Concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence; to the Committee on International Relations.

By Mr. WEXLER (for himself, Mr. Brown of Ohio, Mr. Rohrabacher, and Mr. Chabot):

H. Con. Res. 426. Concurrent resolution supporting the goals and ideals of Taiwanese-American Heritage Week; to the Committee on International Relations.

By Mr. PRICE of North Carolina (for himself, Mr. Bereuter, and Mr. Frost):

H. Res. 642. A resolution providing for the establishment of a commission in the House of Representatives to assist parliaments in emerging democracies; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

325. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to H.P. 1461 Joint Resolution memorializing the Congress of the United States to continue its support and advocacy for the military bases in Maine; to the Committee on Armed Services.

326. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 102 memorializing the United States Congress to investigate and determine why the cost of motor fuel is so high and climbing; to the Committee on Energy and Commerce.

327. Also, a memorial of the Legislature of the State of Florida, relative to House Memorial No. 25 memorializing the United States Congress to pass legislation to change the existing formula for the distribution of Medicaid funds from a formula based on per capita income to one based on total taxable resources and the poverty rate; to the Committee on Energy and Commerce.

328. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 447 memorializing the government of the Russian Federation and the Russian oil company LUKoil to open up its drilling site in the Baltic Sea, known as D-6, off the coast of Lithuania for inspection by international organizations and Lithuanian authorities; and memorializing the government officials, the judiciary, and the media in Lithuania to address the current political crisis surrounding the office of the President in Lithuania in a forthright and transparent manner; to the Committee on International Relations.

329. Also, a memorial of the Legislature of the State of Florida, relative to House Memorial No. 335 memorializing the United States Congress to enact a proposed amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. Simmons, Mr. Porter, Mr. Davis of Alabama, Mr. Bishop of New York, and Mr. Miller of Florida.

H.R. 107: Mr. McDermott, Mr. Abercrombie, and Mr. Rahall.

H.R. 111: Mr. Porter.

H.R. 504: Mr. Van Hollen.

H.R. 614: Mr. Miller of Florida.

H.R. 677: Mr. Dooley of California and Mr. Van Hollen.

H.R. 713: Mr. Cummings and Mr. Ruppersberger.

H.R. 767: Mr. McHugh.

H.R. 779: Ms. Lee, Mr. Case, Ms. Eshoo, Mr. Kucinich, and Mr. Moran of Virginia.

H.R. 791: Mr. Weller.

H.R. 813: Ms. Linda T. Sánchez of California.

H.R. 814: Mr. Ruppersberger.

H.R. 833: Mr. Tiberi and Ms. Ginny Brown-Waite of Florida.

H.R. 834: Mr. Thornberry.

H.R. 847: Mr. Grijalva.

H.R. 857: Mr. Strickland.

H.R. 879: Mr. Acevedo-Vilá.

H.R. 947: Mr. Chandler.

H.R. 1043: Ms. Slaughter and Mr. Rush.

H.R. 1057: Mr. Moore.

H.R. 1083: Mr. Bonner.

H.R. 1084: Mr. Goodlatte.

H.R. 1155: Mr. Nethercutt.

H.R. 1214: Mr. Souder.

H.R. 1305: Mr. Hoekstra and Mr. Pickering.

H.R. 1306: Mr. Ballance.

H.R. 1555: Mrs. Capps, Mr. Conyers, Mr. Filner, Mr. Sabo, Mr. Taylor of Mississippi, and Ms. Waters.

H.R. 1575: Mr. Sensenbrenner.

H.R. 1634: Mr. Kind.

H.R. 1653: Mrs. Wilson of New Mexico.

H.R. 1728: Mr. Rahall.

H.R. 1775: Mr. Goode.

H.R. 1778: Mr. Herger.

H.R. 1811: Mr. Turner of Texas.

H.R. 1861: Mr. McGovern.

H.R. 1884: Mr. LaTourette, Mr. Taylor of North Carolina, and Mr. Ballance.

H.R. 1935: Mr. Kildee.

H.R. 1998: Ms. Eddie Bernice Johnson of Texas and Mr. Quinn.

H.R. 2023: Mr. Wamp.

H.R. 2151: Mr. Wolf.

H.R. 2157: Ms. Bordallo.

H.R. 2182: Mr. Kildee, Mr. Ehlers, Mrs. Miller of Michigan, and Mr. Stupak.

H.R. 2217: Mr. Grijalva.

H.R. 2262: Mr. Bishop of New York.

H.R. 2263: Mr. Weller.

H.R. 2274: Ms. Linda T. Sánchez of California.

H.R. 2284: Mr. Sandlin.

H.R. 2387: Mr. Cooper.

H.R. 2402: Mr. Hoeffel and Ms. Jackson-Lee of Texas.

H.R. 2680: Mr. Bishop of New York, Mr. Levin, Mrs. Maloney, Mr. Kanjorski, and Ms. Linda T. Sánchez of California.

H.R. 2699: Mr. Whitfield, Mr. Matheson, Ms. Harris, Mr. Collins, Mrs. Myrick, Mr. Crane, and Mr. Radanovich.

H.R. 2735: Mr. Lantos and Mr. Strickland.

H.R. 2823: Mr. Moore.

H.R. 2850: Mr. Cardoza.

H.R. 2871: Mr. Blumenauer, Mr. Hinojosa, and Ms. Berkley.

H.R. 2885: Mr. Cramer and Mr. Ferguson.

H.R. 2897: Mr. Filner, Mr. Meeks of New York, and Mr. Rush.

H.R. 2959: Mr. Menendez, Mr. Moran of Virginia, Mr. Olver, Mrs. Musgrave, Mr. Clay, Mr. Deal of Georgia, Mr. Burr, Mr. Becerra, Mr. Boswell, Mr. Bishop of New York, Ms. McCollum, Mr. Smith of Washington, Mrs. McCarthy of New York, and Mr. Larsen of Washington.

H.R. 2997: Mr. Gillmor and Mr. Smith of Washington.

H.R. 3000: Ms. Millender-McDonald and Mr. Grijalva.

H.R. 3005: Ms. McCollum.

H.R. 3015: Mr. Terry.

H.R. 3049: Mr. Pallone.

H.R. 3069: Mr. McCotter, Mr. Tancredo, Mr. Jones of North Carolina, and Mr. Shimkus.

H.R. 3085: Mr. Filner.

H.R. 3103: Mr. Rogers of Michigan.

H.R. 3111: Mr. Larson of Connecticut, Mr. Olver, Mr. Conyers, Mr. Boozman, Mr. Nethercutt, and Mr. Cooper.

H.R. 3165: Mr. Miller of Florida, Mr. Green of Wisconsin, and Ms. Ros-Lehtinen.

H.R. 3193: Mr. Rogers of Kentucky.

H.R. 3194: Mr. Jenkins.

H.R. 3204: Mrs. Emerson, Mr. Goode, Mr. Gutknecht, Mr. Gary G. Miller of California, Mr. Shimkus, Mr. Smith of Michigan, Mr. Tiahrt, Ms. Majette, Mr. Abercrombie, Mr. Baca, Ms. Baldwin, Mr. Ballance, Mr. Berman, Mr. Bishop of New York, Ms. Corrine Brown of Florida, Mr. Brown of Ohio, Ms. Carson of Indiana, Mr. Clay, Mr. Clyburn, Mr. Costello, Mr. Cummings, Mr. Davis of Alabama, Mr. Davis of Illinois, Mr. Davis of Florida, Mr. Delahunt, Mr. Emanuel, Mr. Engel, Mr. Etheridge, Mr. Evans, Mr. Faleomavaega, Mr. Gordon, Mr. Green of Texas, Mr. Hastings of Florida, Mr. Hinchey, Mr. Honda, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Mrs. Jones of Ohio, Ms. Kilpatrick, Mr. Kleczka, Mr. Lantos, Ms. Lee, Mr. Lewis of Georgia, Mr. Lipinski, Mrs. Lowey, Ms. McCarthy of Missouri, Ms. McCollum, Mr. McNulty, Mr. Meehan, Mr. Meek of Florida, Mr. Meeks of New York, Mr. Menendez, Ms. Millender-McDonald, Mr. Mollohan, Mr. Moran of Virginia, Mrs. Napolitano, Mr. Neal of Massachusetts, Mr. Oberstar, Mr. Ortiz, Mr. Owens, Mr. Pascrell, Mr. Price of North Carolina, Mr. Rahall, Mr. Rangel, Mr. Rodriguez, Mr. Rothman, Mr. Ruppersberger, Mr. Rush, Ms. Linda T. Sánchez of California, Ms. Loretta Sanchez of California, Mr. Sanders, Mr. Sandlin, Ms. Schakowsky, Mr. Scott of Georgia, Mr. Scott of Virginia, Mr. Serrano, Mr. Skelton, Ms. Slaughter, Ms. Solis, Mr. Stupak, Mr. Thompson of Mississippi, Mr. Tierney, Mr. Towns, Ms. Velázquez, Ms. Watson, Mr. Watt, Ms. Woolsey, and Mr. Wynn.

H.R. 3242: Ms. Ros-Lehtinen, Ms. Ginny Brown-Waite of Florida, Mr. Matsui, Ms. Hooley of Oregon, Mr. Price of North Carolina, Mr. Platts, Mr. Gordon, and Ms. Lee.

H.R. 3244: Mr. Delahunt.

H.R. 3274: Mr. Isakson.

H.R. 3318: Mr. Linda T. Sánchez of California.

H.R. 3339: Mr. Larson of Connecticut.

H.R. 3367: Mr. LaHood.

H.R. 3386: Mr. Grijalva.

H.R. 3412: Mr. Leach and Mr. Sensenbrenner.

H.R. 3459: Mr. Berman and Mr. McNulty.

H.R. 3474: Mr. Green of Wisconsin and Ms. Eshoo.

H.R. 3479: Mr. Acevedo-Vilá, Mrs. Christensen, Mr. Faleomavaega, and Mr. Ortiz.

H.R. 3482: Mr. Udall of Colorado.

H.R. 3558: Ms. Jackson-Lee of Texas.

H.R. 3615: Ms. DeLauro, Mr. Doyle, and Mr. Kildee.

H.R. 3676: Mr. Neal of Massachusetts, Mr. Costello, and Mr. Platts.

H.R. 3716: Mr. Bradley of New Hampshire, Mr. Jones of North Carolina, and Mr. Ruppersberger.

H.R. 3756: Mr. Hill, Mr. Foley, and Mrs. Emerson.

H.R. 3777: Mr. Moran of Kansas.

H.R. 3780: Mr. Davis of Illinois.

H.R. 3785: Mr. Davis of Florida, Mr. Foley, Ms. Ros-Lehtinen, Mr. Lincoln Diaz-Balart of Florida, Mr. Shaw, Mr. Hastings of Florida, Mr. Weldon of Florida, Ms. Ginny Brown-Waite of Florida, Mr. Putnam, Mr. Miller of Florida, Mr. Boyd, Mr. Bilirakis, Ms. Harris, Mr. Keller, Mr. Deutsch, Mr. Wexler, and Mr. Meek of Florida.

H.R. 3801: Mr. Collins and Mr. McCotter.

H.R. 3815: Mr. Tierney and Mr. Pastor.

H.R. 3840: Mr. Hastings of Washington.

H.R. 3858: Mr. Smith of Washington, Mr. Menendez, Mr. Hastings of Washington, and Mr. Baird.

H.R. 3881: Mr. Ackerman, Mr. Chandler, and Mr. Turner of Texas.

H.R. 3888: Mr. Chandler.

H.R. 3889: Mr. Stark.

H.R. 3903: Mr. Miller of North Carolina.

H.R. 3924: Mr. Davis of Illinois.

H.R. 3927: Mr. Costello.

H.R. 3952: Mr. Otter.

H.R. 3960: Mr. Case.

H.R. 3965: Mr. Rangel and Mr. Platts.

H.R. 3981: Mr. Brown of South Carolina.

H.R. 4011: Mrs. JoAnn Davis of Virginia, Mr. Grijalva, and Mr. Wexler.

H.R. 4016: Mr. Clay, Mr. Chandler, and Mr. Bachus.

H.R. 4026: Mr. Larsen of Washington and Mr. Turner of Texas.

H.R. 4035: Ms. Baldwin.

H.R. 4048: Mr. Akin, Mr. Ross, Mr. Boucher, Mr. Boozman, Mr. Hensarling, Mr. Bishop of Utah, Mr. McCotter, Mr. Peterson of Minnesota, and Mr. Barrett of South Carolina.

H.R. 4057: Mr. Greenwood.

H.R. 4072: Mr. Meeks of New York.

H.R. 4101: Mr. Markey.

H.R. 4107: Ms. Slaughter, Ms. Loretta Sanchez of California, Mr. Lynch, Mr. Holden, Mr. Abercrombie, Mr. Neal of Massachusetts, Mr. Lampson, Mr. Langevin, Mr. Pallone, Mr. Acevedo-Vilá, Ms. Hooley of Oregon, Mr. Kildee, Mr. Berman, Mr. Davis of Tennessee, Mr. McDermott, Mr. LoBiondo, Mrs. Jo Ann Davis of Virginia, Mr. Saxton, Mr. Delahunt, Mr. Frank of Massachusetts, Mr. Brady of Pennsylvania, Mr. Frost, and Mr. Shays.

H.R. 4111: Mr. Chandler.

H.R. 4116: Mr. Greenwood, Mr. Rahall, Mr. Lantos, Mr. Latham, Mr. Kind, Mr. McGovern, Mr. Rothman, Mr. Tierney, Mr. Marshall, Mr. Boyd, Mr. Stark, Mr. Doggett, Mr. Neal of Massachusetts, Mr. Kleczka, Mr. Hinchey, Mrs. Capps, Mr. Lewis of Georgia, Ms. Lofgren, Mr. Jackson of Illinois, Mr. Baca, Mr. Bell, Mr. Baird, Mr. Udall of New Mexico, Mrs. McCarthy of New York, Mr. Holden, Mr. Kanjorski, Mr. Fattah, Mr. Doyle, Mr. Olver, Mr. Murtha, Mr. Michaud, Mr. Capuano, Mr. Stupak, Mr. Larson of Connecticut, Mr. Brown of Ohio, Mrs. Jones of Ohio, Mr. Ryan of Ohio, Mr. Chandler, Mr. Etheridge, and Mrs. Sessions.

H.R. 4126: Mr. Cantor, Mr. Peterson of Minnesota, Mr. Bishop of Utah, Mr. Ramstad, Mr. Culberson, Mr. Ross, Mr. Ryun of Kansas, Mr. Akin, Mr. Hall, and Mr. Doolittle.

H.R. 4156: Mr. Rogers of Kentucky.

H.R. 4169: Mr. Garrett of New Jersey, Mr. Wamp, and Mrs. Kelly.

H.R. 4177: Mr. Wu and Mr. Kind.

H.R. 4180: Mr. Rangel.

H.R. 4203: Mr. Marshall and Mr. Upton.

H.R. 4217: Mr. DeMint, Mr. Bradley of New Hampshire, Mr. Moran of Virginia, Mr. Collins, and Mr. Pickering.

H.R. 4230: Mr. Moran of Virginia, Mr. Wynn, Mr. Berman, Ms. Schakowsky, Mr. Rothman, Mr. Wexler, Mrs. McCarthy of New York, and Mr. Hoeffel.

H.R. 4234: Mr. Rangel, Ms. Lofgren, Mr. McNulty, Mr. Kucinich, Mr. Johnson of Illinois, and Mr. John.

H.R. 4236: Mr. Bishop of New York.

H.R. 4237: Mr. Bishop of New York.

H.R. 4239: Mr. Ney.

H.R. 4260: Ms. Watson, Mr. Brady of Pennsylvania, and Mr. Grijalva.

H.R. 4262: Mr. Honda and Mr. Lantos.

H.R. 4263: Mr. Meehan, Mr. Langevin, Mr. Allen, Mr. Hinchey, Mr. Wu, Mrs. Capps, Mr. Lipinski, Ms. Lee, Mr. Brady of Pennsylvania, Mr. Larsen of Washington, Mr. Etheridge, Mr. Baca, Mr. Costello, Mr. Brown of Ohio, Mr. Clay, Mr. Baird, Ms. Hooley of Oregon, Mr. Emanuel, Ms. Kaptur, Mr. Fattah, Mr. Gutierrez, Mr. Abercrombie, Mr. Kildee, Mrs. McCarthy of New York, Ms. Carson of Indiana, Mr. Peterson of Minnesota, Ms. Millender-McDonald, Mr. Ryan of Ohio, Mr. Udall of Colorado, Mr. Rodriquez, Ms. Velázquez, Mr. Gephardt, Mr. Hinojosa, Mr. Ackerman, Mr. Kanjorsi, Mr. Ford, Mr. Miller of North Carolina, Mr. Stark, Mr. Matheson, Mr. Berman, Ms. Linda T. Sánchez of California, Mr. Rangel, Mr. Bishop of Georgia, Mr. Michaud, Mr. Schiff, Mr. Van Hollen, Mrs. Davis of California, and Ms. Woolsey.

H.R. 4276: Mr. Davis of Tennessee, Mr. Peterson of Minnesota, Mr. Stenholm, and Mr. Ross.

H.R. 4290: Ms. Slaughter.

H.R. 4325: Mr. Stark.

H.R. 4333: Ms. Linda T. Sánchez of California and Mr. Frost.

H.R. 4346: Ms. Lee, Mr. Lewis of Georgia, Mr. Rush, Mr. McGovern, Mr. Brady of Pennsylvania, Mr. Grijalva, Mr. Reyes, Mr. McDermott, Mr. Schiff, Mr. Towns, and Mr. Etheridge.

H.R. 4356: Mr. Hinojosa, Mr. Berman, Ms. Baldwin, Mr. McNulty, and Mr. Baca.

H.J. Res. 94: Mr. Tancredo, Mr. Peterson of Minnesota, and Mrs. Jo Ann Davis of Virginia.

H.J. Res. 95: Mr. Allen, Mr. Baird, Mrs. Maloney, Ms. DeLauro, Mr. Van Hollen, and Mr. Sanders.

H. Con. Res. 257: Mr. DOYLE and Ms. LEE.

H. Con. Res. 318: Mr. GREEN of Wisconsin.

H. Con. Res. 366: Mr. MEEKS of New York.

H. Con. Res. 375: Mr. SCHROCK and Mr. WAXMAN.

H. Con. Res. 391: Ms. DELAURO.

H. Con. Res. 392: Mr. NEAL of Massachusetts and Mrs. NAPOLITANO.

H. Con. Res. 399: Mr. SNYDER, Ms. NORTON, Ms. SCHAKOWSKY, and Ms. MCCOLLUM.

H. Con. Res. 403: Mr. HINCHEY, Mr. MICHAUD, Mr. VISCLOSKY, Mrs. MALONEY, and Ms. ROS-LEHTINEN.

H. Con. Res. 421: Mr. HULSHOF.

H. Res. 129: Mr. DAVIS of Illinois.

H. Res. 550: Mr. PEARCE.

H. Res. 556: Mr. MARKEY.

H. Res. 621: Mr. FROST.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6, by Mr. TURNER of Texas on House Resolution 523: Jim Matheson and Anna G. Eshoo.

SENATE—*Friday, May 14, 2004*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN CORNYN, a Senator from the State of Texas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious and sovereign God who has carried us from the day of our birth, thank You for Your willingness to use us for Your unfolding plan. You are the blessed controller of all things. Thank You also for Your gracious intentions to bless us, to give us a future and a hope. Help us to remember that in everything You are working for the good of those who love You and are called according to Your purposes.

Guide our Senators today in each decision that they may be faithful to their calling to be guardians of freedom. Make even their disadvantages become but a backdrop for the movement of Your loving designs. Give each of us faith to look beyond the trials of the present and to know that neither life nor death can separate us from Your love. We pray this in Your awesome Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN CORNYN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The bill clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 14, 2004.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN CORNYN, a Senator from the State of Texas, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. CORNYN thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

SCHEDULE

Mr. SUNUNU. Mr. President, I ask unanimous consent to claim leadership time on behalf of the leadership for the following announcement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from New Hampshire.

Mr. SUNUNU. Today we will be in session for a period for morning business. We do not expect a lengthy session today. As the majority leader announced last night, no rollcall votes will occur today. This morning we are working on a couple of agreements, including a consent for the consideration of the bioshield bill. We hope to consider that bill on Monday, with a vote on passage of the bill occurring on Tuesday. Also, as a reminder to my colleagues, the next rollcall vote will occur on Monday afternoon.

Under the order from last night, we will begin the Department of Defense authorization bill on Monday at 2:30. Chairman WARNER is working with Senator LEVIN to consider amendments during Monday's session, and we expect to have an amendment scheduled for a vote Monday afternoon at approximately 5:30.

Next week, all Senators can anticipate a busy week as we continue consideration of defense authorization, the bioshield bill, the medals legislation, a number of nominations, and other items that can be cleared. Senators should adjust their schedules accordingly to prepare for full sessions throughout the week.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The Senator from Hawaii.

THE UNINSURED

Mr. AKAKA. Mr. President, I rise today to address a growing problem in my home State of Hawaii and the Nation, individuals that do not have health insurance. The total number of uninsured people in the United States reached 43.6 million in 2002. Since 2000, the total number of uninsured has increased by 3.8 million. In the State of Hawaii, it is estimated that there are approximately 120,000 people who do not have health insurance.

The uninsured delay seeking medical treatment, which is likely to lead to more significant and more costly problems later on than if they had sought earlier, preventative treatment or proper disease management. Health insurance is essential to making sure that individuals can access health care services and properly manage their chronic diseases, such as diabetes. A tremendous amount of needless pain and suffering can be eliminated by ensuring that health insurance is universally available.

Everyone should have access to affordable health insurance. We must expand Medicaid and the State Children's Health Insurance Program, SCHIP, to provide essential access to health care for more people. In addition, we must take steps to help rein in health care costs in an attempt to keep coverage affordable. Providing additional resources for disease management programs and primary health care services will lead to long-term savings and benefits. Also, meaningful prescription drug patent law reforms need to be made to ensure that generic drugs can be brought to market in a timely manner.

We are also obligated to help provide support to health care providers that provide uncompensated care for the uninsured. In Hawaii, it is estimated that hospitals lost $95 million for uncompensated care in 2002. However, while other states benefit from Medicaid disproportionate share hospital, DSH, payments designed to provide additional support to hospitals that treat large numbers of Medicaid and uninsured patients, Hawaii is left out of this important program.

The Balanced Budget Act of 1997, BBA, created specific DSH allotments for each state based on each of their actual DSH expenditures for fiscal year 1995. In 1994, the State of Hawaii implemented the QUEST demonstration program that was designed to reduce the number of uninsured and improve access to health care. The prior Medicaid DSH program was incorporated into QUEST. As a result of the demonstration program, Hawaii did not have DSH expenditures in 1995 and was not provided a DSH allotment.

The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 made further changes to the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

DSH program, which included the establishment of a floor for DSH allotments. However, States without allotments were again left out. Other States that have obtained waivers similar to Hawaii's have retained their DSH allotments. Only two States, Hawaii and Tennessee, do not have DSH allotments. I was disappointed that language similar to an amendment that I had offered, which was accepted as part of the manager's package for the Senate's prescription drug bill was not included in the conference report for H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003. The language that was finally included prevents Hawaii from obtaining its DSH allotment as long as the QUEST program remains in place.

Medicaid DSH funding is needed because our hospitals in Hawaii are struggling to meet the elevated demands placed upon them by the increasing number of uninsured people. DSH payments will help Hawaii hospitals meet the rising health care needs of our communities and reinforce our health care safety net. All 50 States need to have access to Medicaid DSH support.

While Hawaii continues to be denied this assistance, many States fail to fully utilize their DSH allotments. For fiscal year 1999, more than $1.2 billion was returned to the Treasury because States failed to draw down their full Medicaid DSH allotments. More than $800 million was returned to the Treasury for fiscal year 2000. It is unfair that while certain States are declining to use their full allocation, States with no or small allotments are being denied the use of these resources. A viable option to provide relief for Hawaii and other low-DSH States is to redistribute funding that other States have returned to the Treasury. It is not fair that States that either lack any DSH funding or have low-DSH allotments cannot have an opportunity to apply for these excess funds to help bolster their public health safety net.

I appreciate all of the work done by my colleague from New Mexico, Senator BINGAMAN, to help provide relief to low-DSH States. I look forward to continuing to work with my colleagues to help restore Medicaid DSH payments to Hawaii. Also, we must continue our efforts to improve access to health care so that everyone can obtain affordable, comprehensive, and quality health care coverage.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, this week our country observes National Police Week, a time to honor the men and women who put their lives on the line every day to bring peace—and peace of mind—to America's cities, towns, and neighborhoods.

Tomorrw, Police Week culminates in Peace Officers Memorial Day, when we pay special honor to those officers who gave their lives in he line of duty.

This memorial has a long history. In 1789, a U.S. Marshal named Robert Forsyth was shot and killed in the line of duty.

Since then, over 14,000 law enforcement officers have given their lives to protect the liberties upon which America was founded.

Police officers have always served as the first line of protection for our communities. But 3 years ago, on September 11, our Nation gained a new appreciation both for the dangers they face and for the courage they routinely exhibit.

We owe our police officers a debt of gratitude that is immeasurable and unending.

Every year we honor those that lost their lives in the line of duty and carve their names into the Police Memorial so that future generations will know who they are, and that they lived, and died, as heroes.

This year, one of South Dakota's heroes will be honored and remembered.

Deputy Bill Davis joined the Moody County Sheriff's Office in 1982, where he served as deputy sheriff for 21 years.

Like so many of our officers, Deputy Davis's service to his community was bigger than his badge.

Bill Davis was a veteran of the U.S. Navy and the National Guard.

He embodied the values of community service and civic duty throughout his life. Last November, while investigating a car accident, Deputy Davis was struck by a car and killed.

As we commemorate the heroism of Deputy Bill Davis, and all those who lost their lives in the line of duty, we cannot help but acknowledge the risks undertaken each and every day by America's police officers.

Our police officers do not ask for reward or recognition, merely the tools they need to do their job. And in return for all they have given us, we have an obligation to ensure they have every available resource necessary to keep our neighborhoods safe.

Over the past year, I have spent a lot of time meeting with South Dakota's police officers, asking about the specific challenges they face, and what we can do here in the Senate to support them.

The most pressing issue for our Nation's law enforcement is the added responsibility and burden of being first responders in the event of terrorist attack. The complexity of this new role requires training and tools that no small local police department could be expected to have on its own.

That is why I am pleased that South Dakota recently received $15 million in grants from the Department of Homeland Security to pay for new counterterrorism training and technologies.

In addition, dozens of our local police and sheriffs' departments received Federal grants last year for first responder training and equipment, such as bulletproof vests.

I was pleased that because of the great work being done in my State, we were able to ensure that the South Dakota Police Chiefs and Sheriffs Associations received $1.5 million in Federal funding in 2003, and an additional $250,000 in 2004.

Rural communities, such as those in South Dakota, have a number of unique law enforcement challenges, as well.

People in rural areas face the same problems of gangs and drugs as their urban counterparts, but with fewer officers and across broader geographic areas. Methamphetamine production and use, for example, is a growing concern for South Dakota's communities and families. Because the ingredients and the equipment used to produce methamphetamines are so inexpensive and readily available, the drug can be produced in homes.

Over the past several years, methamphetamine labs have proliferated throughout South Dakota, and law enforcement has struggled to keep up with its troubling growth.

To help law enforcement combat the spread of methamphetamine and other challenges, I have introduced the Rural Safety Act, which would authorize grants to establish methamphetamine prevention and treatment pilot programs in rural areas, and provide additional financial support to local law enforcement.

In addition, I have recently joined with Senator JOHNSON in cosponsoring the Federal Emergency Meth Lab Cleanup Funding Act of 2004, which helps our local law enforcement and communities with the contamination left behind by meth labs.

For all the work we are doing to support our police, this weeks reminds us that we are asking them to do more with less.

Unfortunately, under the administration's Fiscal Year 2004 budget, funding for several important programs related to State and local law enforcement are drastically reduced. Of particular concern is the administration's cut to the COPS program.

Since 1994, South Dakota has received $43.7 million from the COPS program for much-needed training, equipment, and new police officers, including officers for the Spearfish, Custer, Huron, and Tripp police and sheriff departments.

In the finest tradition of community policing, these officers are out in our neighborhoods, working with schools, churches, and businesses to find new ways to make our streets safer.

Over the past 10 years, COPS is responsible for putting more than 100,000 new police officers on the streets throughout our country and was pivotal in the historic reductions in crime we saw during the 1990s.

But despite its ongoing success, the COPS budget has been targeted for cuts by this administration every year—in fact, last year the administration proposed eliminating COPS altogether.

For FY 2005, the administration has proposed a staggering 86 percent cut for the COPS program—from $703 million to only $44 million.

More than ever, we depend upon our police officers' ability to protect our communities from combating terrorism, to protecting our citizens from the dangers of drug abuse, to helping young people stay clear of trouble.

State, local, and tribal law enforcement officers are contributing on a daily basis to the effort to make our Nation safer and more secure. We have a responsibility to provide them the support they need.

This week, we honor officers, such as Deputy Bill Davis who have made the ultimate sacrifice for our communities and for our safety.

The debt we owe them can never be repaid.

But this week, and every week, we have an obligation to commit ourselves to ensuring that the priorities of America's police men and women are at the very top of our agenda.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

SAME-SEX MARRIAGE

Mr. CORNYN. Mr. President, on May 17th, this Monday, the State of Massachusetts will begin to issue marriage licenses to same-gender couples so they may marry. This rather surprising development, particularly for those who have not been following the events in Massachusetts over the last few months, is not the result of the vote of the people of Massachusetts. Once a court decision—which I will speak more about in a moment—was handed down, which compelled State officials and local officials to issue these licenses to same-gender couples, there was an attempt made to amend the Massachusetts Constitution. The first step in a three-step process has been accomplished and if that constitutional amendment is ultimately passed in 2006, it will ban same-sex couples from marrying.

But because of the structure of the constitutional amendment process in Massachusetts, the court order takes effect Monday, May 17th. Essentially the people of Massachusetts are left out of governing themselves. They have been subjected to a court edict and their views considered irrelevant.

When we held the first of three Judiciary subcommittee hearings on this issue last September, that was before the Massachusetts Supreme Court had made this ruling. It was a 4-3 decision, holding that the Massachusetts Constitution barred any restriction on marriage license issuance to exclusively one man and one woman.

The issue that we raised last September was, Is the Federal Defense of Marriage Act in jeopardy? We had witnesses on both sides, some of whom concluded yes, it was, and some who concluded no, it probably was not. I suggest the passage of time has proved the accuracy of the prediction of those who said yes, it is in jeopardy—that their views seem to be correct, while those who say no, it is not, appear to be wrong.

Because the Massachusetts Supreme Court is the only state supreme court in the Nation that has ruled marriage licenses must be issued to same-sex couples, there are many people, many well-intentioned people who say this is a local issue, and others—perhaps not being as informed as they might be about constitutional law—say this is surely only going to be confined to one State. They say that this is an issue that ought to be handled on a State-by-State basis and requires no action by the Federal Government or by our elected officials in Congress.

I submit the evidence is becoming increasingly clear this is not a local phenomenon, nor is this a matter that can be addressed on a State-by-State basis. This is a national issue that requires a national response.

As we all recall, shortly after the decision in Massachusetts, the mayor and other officials in the city of San Francisco began issuing marriage licenses to same-sex couples in that city—not just people who lived in that city but people who traveled to that State from other States. The New York Times has reported in at least 46 cases out of those several thousand illegal marriages, that took place in defiance of California State law—there is the potential now for lawsuits in 46 states filed by those individuals who were married in San Francisco who then moved back to their State of residence. In all but four states, the seeds are there for lawsuits to be filed by couples demanding that the court compel their State to recognize the validity of same-sex marriage.

In addition, there are lawsuits that are pending now in Nebraska, in Utah, and most recently in Florida, asking the court to hold as a matter of Federal constitutional law that restrictions on marriage only as between a man and a woman violate the Federal Constitution.

It is important to look back at what the first signal was that traditional marriage was in jeopardy when it came to the courts. It goes back to a decision made by the U.S. Supreme Court in a case called Lawrence v. Texas. This was a case that struck down the anti-sodomy provisions of Texas law. The most remarkable thing about that decision is not the result, it was how the Court got to that result. Indeed, as many predicted, the Court overruled the decision in Bowers v. Hardwick, which upheld the anti-sodomy law of Georgia years ago. But in this case, the Court not only struck it down on an equal protection basis—Justice Kennedy, writing for the Court, created a new constitutional right: To be free in one's intimate sexual and personal relationships, such that he held the Constitution now prohibited any sort of restriction by legislation or by official policy on those intimate relationships between adults.

Indeed it was predicted at that time, I believe it was Justice Scalia in dissent, who said this was the first step toward a ban on traditional marriage. Lawrence v. Texas was a Federal constitutional decision that was one of the bases upon which the Massachusetts Supreme Court interpreted its State constitution to require same-sex marriage in that State, a rather ominous succession of events. It is an ominous situation for those of us who support traditional marriage and believe it is important to our society and to our children.

Now, there are those who want to say this debate that has ensued over same-sex marriage is designed to be hurtful or harmful to those who might take advantage of the opportunity to marry same-sex couples. I want to make clear that is not true. I believe that Americans instinctively believe in two fundamental propositions: First, we believe in the essential worth and dignity of every human being. Yet at the same time, we also believe in the importance of traditional marriage.

It is no accident that it was not until 224 years after the Massachusetts Constitution was written and ratified, in 1780, that an activist supreme court mandated same-sex marriage in Massachusetts, contrary to the wishes and the will of the people of that State. As I say, now this is not just a local issue, nor a State issue; indeed, this is a Federal issue, requiring a Federal national response.

So in all sincerity, I reiterate that those of us who argue in favor of a remedy to ensure the protection of traditional marriage do not do that with an intent to disparage anyone personally. But we do believe that traditional marriage is a positive good for our society, as the most stabilizing and positive influence on family life in this country, as well as being in the best interests of children.

The fundamental question we are going to have to address, sooner or later, is who will define marriage in the United States? Will it be the American people, or will it be activist judges who are reading a newly found right into a Constitution that for the last 200 or more years has not included that right, or at least it was a right that went undiscovered by activist judges prior to this time? Put another way, the question is, are the deeply held convictions of the American people when it comes to the importance of traditional marriage irrelevant?

I suggest to you the answer is no—unless, of course, we are giving up, after all this time, on what Lincoln called "government of the people, by the people, and for the people."

So the question is, what do we do? What do the overwhelming majority of the people in the United States of America do, those who believe in the fundamental importance of traditional marriage for the stability of families and for the best interests of our children? What are we to do to respond?

Well, the majority of States have responded but I would suggest to you in a way that does not protect them anymore when it comes to the definition of traditional marriage. And that is, a majority of the States, back in the middle of the 1990s, passed what are called defense of marriage acts, which defined marriage as exclusively an institution between one man and one woman.

Congress itself, as a matter of Federal policy, passed the Federal Defense of Marriage Act in 1996. Overwhelming bipartisan majorities in the House and the Senate voted to pass the Defense of Marriage Act. But it is that very statute, that very law, that very expression of the national will that has now been challenged most recently in a Florida Federal district court, claiming that the Federal Defense of Marriage Act violates the U.S. Constitution as interpreted by the U.S. Supreme Court in Lawrence v. Texas.

The only response I know of, to judges who are basically making the law up as they go along, or trying to write their own personal or social agenda into the Constitution and to deny the American people the fundamental right of self-government, is a constitutional amendment. I know—and we all know—the American people have been historically reluctant to amend our Constitution. In fact, it has only happened 27 times in our history. But it is important to recognize, at the same time, that there is written into that very same Constitution a mechanism, under article V, which allows two-thirds of the U.S. Congress to vote on an amendment, which is then ratified by three-quarters of the States. This allows the American people to retain their fundamental right to determine what kind of nation America is and what kind of nation it will become, even against a judiciary run amok.

There are those I respect a great deal in this body and elsewhere who would suggest that the Constitution is sacrosanct. Indeed, we put our hand on the Bible and we pledged to uphold the Constitution and laws of the United States when we were sworn into this body. But I submit that we take an oath to the whole Constitution, not just part of it, including article V, which provides a procedure for amendment so that the Constitution can continue to reflect the will of the American people.

I suggest to you that the Constitution is not a holy covenant to be interpreted or amended by nine high priests on the U.S. Supreme Court. These judges do not have the exclusive rights to the Constitution. We, the American people, do. And sometimes—and this may very well be one of those times—it may be necessary for the American people to reclaim their right to determine what kind of nation we are and what kind of nation we will become, particularly when it comes to an issue as fundamental as traditional marriage. If, out of ignorance or apathy, we sacrifice our right to self-government, we have allowed the very nature of our Nation to be altered, and that would be very tragic indeed.

So I say in conclusion: this is a very serious matter. It ought to be discussed rationally and seriously in a dignified and civil manner, with enmity toward none, but with a desire on the part of the American people, who believe in the importance of traditional marriage and its benefit to our society—we ought not to be afraid to stand up and say so. Nor should we be deterred by those who might be less civil, be less dignified and less temperate in their remarks. Indeed, we know that can occur.

But it is my hope that as we go forward, and particularly as we mark this watershed event in America's history on Monday, May 17, with the issuance of marriage licenses to same-sex couples in Massachusetts by virtue of court edict and not a vote of the people. This is a matter that will not go away, and ultimately the American people will insist that we deal with it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, first, I commend the Senator from Texas for a fine statement. I note that his coming to the Senate and joining the Judiciary Committee has been a tremendous asset for that committee. His leadership of the subcommittee which he chairs and the serious and complete way in which he addresses issues has really helped us to tackle some of these very difficult issues. I appreciate his leadership very much.

Mr. President, I ask unanimous consent to speak for 20 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRISONER ABUSE IN IRAQ

Mr. KYL. Mr. President, I want to talk about the prisoner abuse in Iraq and how it ties into the conduct of our war there to ensure that we can prevail in this struggle in which we have engaged. I want to begin by talking about a New York Times newspaper article this morning which I think puts into better perspective the nature of the offense that has been committed in that prison and then move to a discussion of how our troops are trained to conduct investigations at a military installation in Arizona, my State, and conclude with remarks that were offered this morning in an op-ed piece by Charles Krauthammer that I think puts all of this into a perspective that we would do well to pay some attention to.

Let's begin with the last 10 or 12 days of discussion about what occurred in the prison in Iraq and how that has affected public opinion about the morality of our effort there. There has been a lot of speculation. I have urged colleagues and others to avoid speculating until the reports are in, until the facts are before us, because speculation cannot only lead to wrong conclusions, it can actually damage our position around the world.

Some seem all too anxious to prove that what happened there had to be the result of orders from higher-ups, that it just couldn't possibly have been the actions of a few soldiers acting in a very wrong way; it had to come from higher-ups.

It is possible there were some orders from higher-ups that had an effect, but sometimes there seems to be almost a desire, a hope that we will find it was the orders from somebody higher up, and the political implications of that are obvious.

I have seen speculation that because families and friends of some of these soldiers, understandably, were in disbelief that their friend or child could have done this without being ordered to do so, that, therefore, is proof the order had to come from above.

It is not proof. The defense is understandable. It may or may not be true. But what is becoming a little bit more clear is that, despite the number of photographs, these incidents appear to have been isolated, to have occurred on few occasions in one place by a very few people without having been ordered from above.

This is the point of a New York Times article of today, "U.S. Soldier Paints Scene of Eager Mayhem" at Iraqi prison. It is the story of the statement given to investigators by SPC Jeremy C. Sivits who is under court-martial. The statement was released by a lawyer for another soldier. That is how the New York Times acquired it.

The sense of the story is that Specialist Sivits described a scene of misconduct by a few of his colleagues:

> . . . not authorized by anyone in the chain of command and with no connection to any interrogations.

Of course, we have seen a lot of speculation that it must have been ordered, it must have been in connection with softening up the prisoners. The first clear word of what happened by someone who was willing to talk to investigators and admit his own culpability in the process suggests that is not true. Let me continue to quote:

> The soldiers knew that what they had done was wrong, Specialist Sivits told investigators, at least enough to instruct him not to tell anyone what he had seen. Specialist Sivits was asked if the abuse would have happened if someone in the chain of command was present. "Hell no," he replied, adding: "Because our command would have slammed us. They believe in doing the right thing. If they saw what was going on, there would be hell to pay.

The story goes on to note that this activity occurred at least in his presence apparently only on two occasions, most of it on one particular evening, and that at one point a sergeant heard the commotion and looked down to see what was going on and yelled at them in anger to knock it off. The story obviously concludes that this is, according to this specialist, a case of bad behavior by a few people who obviously had inadequate supervision but who were not doing this to soften up prisoners or doing it at the command of anyone. And, indeed, they knew if their commanders found out there would be "hell to pay."

This is important because if it is true, what it demonstrates is that what we have been saying all along is right. America does not conduct its interrogations this way. It does not contain and handle prisoners this way. This conduct was an aberration. It will not be tolerated. The guilty will be forced to pay, and we will try to understand what is necessary to implement to see that it doesn't happen again.

Secondly, if in fact this is correct, as the New York Times has reported, it is not just these people who will pay but their immediate superiors who allowed them to conduct this activity. Because even though those superiors may not have known about it or certainly participated in it, they created the circumstance under which this could occur. They bear some responsibility as well.

What about the interrogation techniques? There has been a lot of speculation about that. First, the official U.S. Government policy, the official Defense Department policy, is that the laws of the Geneva Conventions will apply in Iraq, period. There is no exception for really bad guys. There is no exception in order to extract information. Some confusion exists because of the fact that the Geneva Conventions don't apply to a group such as al-Qaida. That is a fact. It is not something subjective.

The reason is because by the very terms of the Geneva Conventions, they apply in cases where countries have signed the conventions, and they apply to situations in which you have an army, a military force that wears uniforms, that does not conduct activities against civilians. In the case of the al-Qaida, none of those conditions applies. Technically the laws of the Geneva Conventions do not apply to al-Qaida. That is a true statement. Because people have made that point, there has been then a leap to the conclusion that, therefore, the U.S. Government is mistreating al-Qaida. But that is not true.

Our policy is that notwithstanding the fact the Geneva Conventions don't apply to al-Qaida detainees, the humane treatment called for in the Geneva Conventions will still be the rule, the law, the order of the day for our handling of those prisoners so that the same kind of treatment that is required by the Geneva Conventions will even be applied to people who are not technically entitled to the protection. That is our official U.S. policy.

It is trained at Fort Huachuca, an Army base in southern Arizona, which has a mission, among other things, to train interrogation and collection of intelligence.

Let me read a couple of items from an article from the Tucson Citizen of May 13.

I ask unanimous consent to print in the RECORD a May 14 article from the New York Times, a May 13 article from the Tucson Citizen, and an article to which I will refer, an op-ed piece by Charles Krauthammer, dated May 14, from the Washington Post.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The New York Times, May 14, 2004]

U.S. SOLDIER PAINTS A SCENE OF EAGER MAYHEM AT IRAQI PRISON

(By Kate Zernike)

When a fresh crop of detainees arrived at Abu Ghraib prison one night in late October, their jailers set upon them.

The soldiers pulled seven Iraqi detainees from their cells, "tossed them in the middle of the floor" and then one soldier ran across the room and lunged into the pile of detainees, according to sworn statements given to investigators by one of the soldiers now charged with abuse. He did it again, jumping into the group like it was a pile of autumn leaves, and another soldier called for others to join in. The detainees were ordered to strip and masturbate, their heads covered with plastic sandbags. One soldier stomped on their fingers and toes.

"Graner put the detainee's head into a cradle position with Graner's arm, and Graner punched the detainee with a lot of force, in the temple," Specialist Jeremy C. Sivits said in his statements to investigators, referring to another soldier charged, Specialist Charles A. Graner Jr. "Graner punched the detainee with a closed fist so hard in the temple that it knocked the detainee unconscious."

"He was joking, laughing," Specialist Sivits said. "Like he was enjoying it."

"He went over to the pile of detainees that were still clothed and he put his knees on them and had his picture taken," Specialist Sivits said. "I took this photo."

Specialist Sivits's two statements, given to investigators in January and released by a lawyer for another soldier on Thursday, recount the evening's activities in graphic but unemotional language, portraying a night of gratuitous and random violence. Lawyers for the soldiers have explained the abuse captured in hundreds of photographs now at the center of the Abu Ghraib scandal by saying the soldiers were operating on the orders of military intelligence in an effort to get detainees to talk.

Last night, lawyers for the other charged soldiers repeated that. They said that in a bid for leniency, Specialist Sivits, 24, the first to be court-martialed, is expected to plead guilty on Wednesday and testify against the others.

But Specialist Sivits described a scene of twisted joviality not authorized by anyone in the chain of command and with no connection to any interrogations.

"She was laughing at the different stuff they were having the detainees do," Specialist Sivits said, describing Pfc. Lynndie R. England, another soldier charged.

The soldiers knew that what they had done was wrong, Specialist Sivits told investigators, at least enough to instruct him not to tell anyone what he had seen. Specialist Sivits was asked if the abuse would have happened if someone in the chain of command was present. "Hell no," he replied, adding: "Because our command would have slammed us. They believe in doing the right thing. If they saw what was going on, there would be hell to pay."

The evening began with Staff Sgt. Ivan L. Frederick II casually telling Specialist Sivits to join him where the detainees were held. They escorted the detainees from their holding cells and piled them up. "Graner told Specialist Wisdom to come in and 'get him some.' Meaning to come in and be part of whatever was going to happen,"

Specialist Sivits told investigators, referring to Specialist Matthew Wisdom.

"A couple of the detainees kind of made an ahh sound as if this hurt them or caused them some type of pain when Davis would land on them," he said. Sergeant Javal C. Davis responded by stepping on their fingers or toes, Specialist Sivits said, and the detainees screamed.

The platoon sergeant standing on a tier above the room heard the screams and yelled down at Sergeant Davis to stop, surprising the other soldiers with the anger in his command, Specialist Sivits said. But within two minutes, the platoon sergeant left, and the soldiers resumed the abuse.

"Next Graner and Frederick had the detainees strip," Specialist Sivits said. "Graner was the one who told them to strip in Arabic language." The detainees hesitated. Specialist Graner and Sergeant Frederick took them aside and instructed them again. Specialist Graner told them to sit.

"I do not know what provoked Graner," Specialist Sivits said, "but Graner knelt down to one of the detainees that was nude and had the sandbag over his head" and punched the detainee unconscious.

"I walked over to see if the detainee was still alive," Specialist Sivits said. "I could tell the detainee was unconscious, because his eyes were closed and he was not moving, but I could see his chest rise and fall, so I knew he was still alive."

Specialist Graner said little. He had wounded his hand. "Damn, that hurt," Specialist Sivits quoted him as saying. After about two minutes, Specialist Sivits said, the detainee moved, "like he was coming to." Specialist Graner walked over to pose with the pile of detainees.

Sergeant Frederick was standing in front of another detainee. "For no reason, Frederick punched the detainee in the chest," Specialist Sivits said. "The detainee took a real deep breath and kind of squatted down. The detainee said he could not breathe. They called for a medic to come down, to try and get the detainee to breathe right. Frederick said he thought he put the detainee in cardiac arrest."

Specialist Graner, meanwhile, was having the other detainees make a tower, all of them in a kneeling position like a formation of cheerleaders.

"Frederick and Graner then tried to get several of the inmates to masturbate themselves," Specialist Sivits recounted.

"Staff Sergeant Frederick would take the hand of the detainee and put it on the detainee's penis, and make the detainee's hand go back and forth, as if masturbating. He did this to about three of the detainees before one of them did it right."

After five minutes, they told him to stop. Specialist Graner then had them pose against the wall, and made one kneel in front of the other, Specialist Sivits said, "So that from behind the detainee that was kneeling, it would look like the detainee kneeling had the penis of the detainee standing in his mouth, but he did not."

Specialist Sabrina Harman and Private England "would stand in front of the detainees and England and Harman would put their thumbs up and have the pictures taken."

Asked why the event took place, Specialist Sivits replied: "I do not know. I do not know if someone had a bad day or not. It was a normal day for me, aside from the stuff I told you about."

Asked to describe Sergeant Frederick's attitude, he replied, "Same as ever, mellow." Specialist Harman, he said, looked somewhat disgusted, but laughed, too, and so did Specialist Sivits, in his own account.

"What part did you think then was funny?" investigators asked. He replied, "the tower thing."

The evening was not an isolated case of violence, Specialist Sivits said. He described another night when a dog was set upon a detainee, and another when a detainee was handcuffed to a bed.

"Graner was in the room with him," he said. "This detainee had wounds on his legs from where he had been shot with the buckshot." Specialist Graner, he said, would "strike the detainee with a half baseball swing, and hit the wounds of the detainee. There is no doubt that this hurt the detainee because he would scream he got hit. The detainee would beg Graner to stop by saying 'Mister, Mister, please stop,' or words to that effect."

"I think at one time Graner said in a baby type voice, 'Ah, does that hurt?'" Specialist Sivits added.

Guy L. Womack, a lawyer for Specialist Graner, said he had not seen the statement from Specialist Sivits but doubted that his client would have hit a detainee.

"I don't think he was that kind of guy," Mr. Womack said. "He would have done it if he was ordered to do it." He said that military intelligence soldiers were in one of the graphic photographs, indicating that they were aware of what was going on.

"Sivits, as you know, has entered a plea agreement with the government, getting lenient treatment for testifying against other people," Mr. Womack said, "and by definition if he doesn't say something negative about other people he would not get his deal."

Similarly, a lawyer for Sergeant Frederick dismissed the statement. "Sivits is a rollover guilty plea, and that may provide comfort to some," said the lawyer, Gary Myers. "But it has no impact upon the defense of any other case because it has nothing whatsoever to do with the guilt or innocence of my client."

Specialist Sivits's lawyer has not responded to requests for comments.

As for Specialist Sivits, investigators asked him in his statements whether he thought any of the incidents were wrong. "All of them were," he replied.

Why did he not report the incidents? He replied: "I was asked not to, and I try to be friends with everyone. I see now where trying to be friends with everyone can cost you."

"I was in the wrong when the above incidents happened," he said. "I should have said something."

[From the Tucson Citizen, Thursday, May 13, 2004]

ABUSE DISGUSTS FORT'S INTERROGATORS

TRAINEES TAUGHT RIGHT WAY TO MAKE SUBJECTS TALK; STUDENTS LEARN HOW TO PLAY ON FEARS WITHOUT VIOLENCE

(By C.T. Revere)

The abuse of Iraqi detainees at Abu Ghraib prison violated all training standards for Army interrogators and has commanders and students at Fort Huachuca angry and fearful of potential repercussions.

"It's anathema. It's not what we train. It's not our values," said Maj. Gen. James Marks, commanding general of the U.S. Army Intelligence Center. "I can't fathom who would do that . . . I'm disgusted by it. Those aren't interrogation techniques. That's a bunch of rogue soldiers conducting evil acts."

Many at Fort Huachuca, home of the 111th Military Intelligence Brigade, which includes the training programs for interrogators and counterintelligence agents, say the actions of a few soldiers at Abu Ghraib have cast a pall on the Army's intelligence-gathering community.

"Here we are, training hard and preparing ourselves, when something like that happens," said Pfc. Ryan Johnson, 30, who will complete Human Intelligence Collector training in less than two weeks. "It's a few individuals who have taken it upon themselves to act outside of what they've been trained to do. It reflects on the rest of us that are training to do the right thing. I was disgusted with the way they conducted themselves."

In response to the abuse, officials at Fort Huachuca opened their classrooms and training grounds to news media yesterday to show how the ever-growing population of interrogators is trained.

"We do not authorize any form of hands-on in terms of our use of interrogation techniques," Marks said. "We try to play on their existing fears, but it is not allowed to put hands on during an interrogation. The only time you put hands on is when you are physically moving them from one place to another."

Methods such as sleep deprivation, forcing detainees to stand in one position for prolonged periods and physical assaults of any kind are not part of the curriculum at Fort Huachuca, Marks said.

"We train soldiers to do what's right. Our Army is values-based," he said.

Soldiers training to become interrogators complete an intensive course that runs for 16 weeks and four days and teaches 14 methods for interrogating "in accordance with the Geneva Conventions," said Joel Krasnosky, a retired Army interrogator who is the chief of the Human Intelligence Collector Course.

The first approach is to ask direct questions intended to glean the information being sought, he said.

If that fails, interrogators can offer incentives for information, appeal to emotions such as love of country or hate for groups or ideas, intensifying or reducing fear, appealing to pride or ego or convincing the person under interrogation that there is simply no point to resisting.

Another approach calls for giving the impression that the interrogators knows more than he or she does, sometimes by using a "prop" dossier or file. Another tactic is to insist the source has been identified as someone else they'd rather not be.

Repeating the same question over and over can break down a source, as can constantly interrupting the person or simply sitting silently and waiting them out.

Once any of the approaches gets a source talking, interrogators go back to direct questioning to get the information they want, said Master Sgt. Steven Bohn, senior enlisted instructor and a veteran interrogator.

"Ninety-nine percent of the time that is the most effective approach," Bohn said. "You've got to get that information. You beat around the bush all day long. That's what we do. But then you've always got to go back to the direct approach."

All interrogations take place with a security guard present, typically a member of the military police, Marks said. Oftentimes, a contract interpreter is also present, but he or she never participates in the questioning, he said.

"They are a device through which an interrogator can get to the person he is interrogating. We're not necessarily as good as the guy we're trying to interrogate. We admit that," he said.

Adherence to the military doctrine known as "The Law of War" prevents soldiers from crossing the line even in trying circumstances, Marks said.

"The training has got to step in so that the soldier doesn't even put his finger on the line," he said. "It's not just physical courage. It's moral courage."

Better examples of military training are the two noncommissioned officers, both trained at Fort Huachuca, who developed the intelligence that led to the capture of Saddam Hussein, Marks said.

While physical abuse and deprivation are not part of the training for interrogators, they must take measures to obtain information that is intended to save lives, he said.

"I want them to be tired. I want them to be afraid of me," he said. "When they breathe, I want them to think the interrogator gave them the right to expand their lungs. When the interrogator enters that room, I want him to think, 'Oh, my God. What's going to happen next?' And I haven't touched him."

[From the Washington Post, May 14, 2004]

THE ABU GHRAIB PANIC

(By Charles Krauthammer)

Democrats calling for Donald Rumsfeld's resignation invoke the principle of ministerial responsibility: a Cabinet secretary must take ultimate responsibility for what happens on his watch. Interesting idea. Where was it in 1993 when the attorney general of the United States ordered the attack on the Branch Davidian compound in Waco, which ended in the deaths of 76 people?

Janet Reno went to Capitol Hill and said, "It was my decision, and I take responsibility." This was met with approving swoons and applause. Was she made to resign? No. And remember: This was over an action that did not just happen on her watch but that she orderd—an action that resulted in the deaths of, among others, more than 20 children.

Given the fact that when they were in power Democrats had little use for the notion of ministerial responsibility, their sudden discovery of it over Abu Ghraib suggests that this has little to do with principle.

This is, of course, about politics. And for the administration, the politics are simple: Cabinet members are there to serve the president, and if they become a political liability, they should fall on their sword for the greater good of the administration.

If that were the case here, I am sure that Rumsfeld, who does not need this or any job, would resign. He should not. Throwing Rumsfeld to the baying hounds would only increase their appetite.

Remember that when the scandal broke, there was lots of murmuring among the chattering classes about the inadequacy of the president's initial response because, for all his remorseful groveling on al-Hurra and al-Arabiya, he had not invoked the magic phrase: I'm sorry. So what happened when, shortly after, in the presence of King Abdullah of Jordan, he explicitly apologized? "They've Apologized. Now What?" (headline, New York Times, the very next Sunday.)

In the Rumsfeld case, the "Now What?" is obvious. Democrats will pocket the resignation, call it an admission of not just ministerial responsibility but material responsibility at the highest levels of the administration, and use that to further attack the president.

In any case, the whole Rumsfeld debate is a sideshow. For partisans it is a convenient way to get at the president. And for those who have no partisan agenda but are shocked by the Abu Ghraib pictures, it is a way to try to do something, anything, to deal with the moral panic that has set in about the whole Iraq enterprise.

This panic is everywhere and now includes many who have been longtime supporters of the war. The panic is unseemly. The pictures are shocking and the practices appalling. But how do the actions of a few depraved soldier among 135,000 negate the moral purpose of the entire enterprise—which has not only liberated 25 million people from 25 years of genocidal dictatorship but has included a nationwide reconstruction punctuated by hundreds, thousands, of individual acts of beneficence and kindness by American soldiers?

We are obsessing about the wrong question. It is not: Is our purpose in Iraq morally sound? Of course it is. The question today, as from the beginning, remains: Is that purpose achievable?

Doability does not hinge on the pictures from Abu Ghraib. It hinges on what happens on the ground with the insurgencies. The greater general uprising that last month's panic-mongers had predicted has not occurred. The Sadr insurgency appears to be waning. Senior Shiite clerics, local leaders and demonstrators in the streets of Najaf have told Moqtada Sadr to get out of town. Meanwhile, his militia is being systematically taken down by the U.S. military.

As for Fallujah, we have decided that trying to fully eradicate Sunni resistance is too costly in U.S. lives. Moreover, this ultimately is not our job but one for the 85 percent of Iraqis who are not Sunni Arabs—the Shiites and Kurds who will inherit the new Iraq. We have thus chosen an interim arrangement of local self-rule in the Sunni hotbeds. And if that gets us through the transition of power to moderate Iraqis, fine.

This seems entirely lost on the many politicians and commentators who have simply lost their bearings in the Abu Ghraib panic. The prize in Iraq is not praise for America from the Arab street nor goodwill from al-Jazeera. We did not have these before Abu Ghraib. We will not have these after Abu Ghraib. The prize is a decent, representative, democratizing Iraq that abandons the pan-Arab fantasies and cruelties of Saddam Hussein's regime.

That remains doable. What will make it undoable is the panic at home.

Mr. KYL. The Tucson Citizen's article in part reads as follows:

> The abuse of Iraqi detainees at Abu Ghraib prison violated all training standards for Army interrogators and has commanders and students at Fort Huachuca angry and fearful of potential repercussions. "It's anathema. It's not what we train. It's not our values," said Maj. Gen. James Marks, commanding general of the U.S. Army Intelligence Center. "I can't fathom who would do that . . . I'm disgusted by it. Those aren't interrogation techniques. That's a bunch of rogue soldiers conducting evil acts."

Just a couple other sentences from the article:

> Many at Fort Huachuca, home of the 111th Military Intelligence Brigade which includes the training programs for interrogators and counterintelligence agents, say the actions of a few soldiers at Abu Ghraib have cast a pall on the Army's intelligence-gathering community.

It goes on to note that "it reflects on the rest of us that are training to do the right thing." And just one other quotation from General Marks:

> We do not authorize any form of hands-on in terms of use of our interrogation techniques.

The article goes on to talk about precisely what kind of interrogation is permitted, what the techniques are to get information. But it makes it very clear none of the things that have been depicted in these photographs are even remotely authorized.

So it actually ties in with the article from the New York Times that this could not have been done by military intelligence to gather information from these prisoners. That is an important point because some have begun to question the morality of our involvement in Iraq and the mission which so many of our young soldiers have put their lives on the line to achieve, and now several hundred have died to achieve.

One of our colleagues made the point this prison had done horrible things under the regime of Saddam Hussein, and now it was open under new management, namely the U.S. Government.

I find that statement to be deplorable because it suggests a moral equivalency between what the U.S. stands for and has done and what Saddam Hussein has done in that same prison. We have heard about and seen some evidence, and I believe there will be additional evidence coming out that reveals what Saddam Hussein did to people in that prison—the torture, the rape, the murder—absolutely despicable actions that have absolutely no comparative value to what occurred—if on more than a couple of occasions—by a handful of American soldiers who did wrong and who will be punished for doing wrong.

The difference between our morality and the morality of Saddam Hussein is it was his intention to inflict this kind of despicable horror, and the magnitude of it was horrific, whereas in the United States, we stand for exactly the opposite. We will punish those who conducted this kind of activity and we will make it clear that is not our standard. Again, the moral equivalency is so utterly lacking it is amazing to me anybody would even try to make that connection. This is especially sad in the week in which Nick Berg's death was brought home to us in such a graphic way by the same kind of terrorists who held sway in Iraq under Saddam Hussein.

This is the kind of enemy we are fighting. It requires us to take stock about what we need to do as policymakers in discussing this publicly, because the message we send to the world, to terrorists, and to the Iraqis in particular, is going to play a large role in how people view our effort and, therefore, whether it can succeed in the long run.

If our leaders are criticizing our effort as an immoral effort, as nothing more than a continuation of what Saddam Hussein was doing, then it is doubtful our effort can succeed. Americans must stand up for what is right in this country and what they know our country to be, and we must make it crystal clear to the rest of the world we have a moral purpose, that we do have a commitment to the rule of law, and anything that goes outside of that rule of law will be dealt with appropriately. That is the difference between our society and the society we replaced in Iraq.

That is very critical for us to discuss and to not have our leaders undercutting us and, therefore, calling into question the legitimacy not only of the mission but of the activities of our soldiers and others fighting this war.

The third article I would like to discuss is an op-ed, actually, entitled "The Abu Ghraib Panic," May 14, Washington Post, by Charles Krauthammer. As usual, it takes a person such as Charles Krauthammer to put this into perspective. He always comes to the rescue when policymakers and pundits and others begin to fly off on tangents that miss the point, that begin to take us down the wrong path in terms of a logical analysis of what is going on. He tends to bring us back to the central point we need to consider and discuss and the policy that needs to be carried out.

His op-ed today brings us back to the central point by beginning with the discussion of those who have called for the resignation of the Secretary of Defense. He points out this exercise is what he calls "ministerial responsibility"—the notion that, in some parliamentary governments, if something goes wrong down below, the leader of that particular department resigns, or offers his resignation, in order to demonstrate the responsibility of the government. He points out that is not a doctrine that has held in the United States, where there is no responsibility of the individual involved.

Indeed, he points out even when there is responsibility for the individual—the higher up individual—and that individual takes responsibility, it has not been the case in this country to call for the resignation of the individual.

The example he gives is the one of former Attorney General of the United States Janet Reno, who not only was on duty when the Branch Davidian compound in Waco was attacked by American forces in 1993 but ended in the deaths of 76 people. She not only was on duty, but she ordered the attack, which resulted in, among other things, the death of 20 children. That was an awful event. She took responsibility for it. She said, "It was my decision and I take responsibility." There was much applause for her willingness to do that. But she didn't resign. She was not asked to resign. She was not fired by the President, notwithstanding her direct responsibility for what had occurred.

Compare that to the case today with Secretary Rumsfeld, who, by all accounts, has done a tremendous job at the Department of Defense. He has successfully executed two wars. He is trying to transform our military. He is now involved in an effort to ensure the security of Iraq so power can be turned over on June 30; and a handful of soldiers, at a very low level, in a prison in Iraq commit crimes against prisoners somehow becomes his direct responsibility, such that he has to actually resign from his position in order, somehow, to demonstrate the morality of our position there.

He doesn't have to do that because it was not his responsibility. He was responsible for saying the laws of the Geneva Conventions apply. He was trying to make sure everybody under his command was doing their duty. In no way will it ever come to pass that responsibility, in terms of culpability for this action, went very far up the chain. As a result, it is more a frustration that some people don't know anything else to do that they call for his resignation. Of course, there is a political component, too. The President's enemies use this as a way to get at him. One can expect that in a political environment. But it has severe consequences when people around the rest of the world begin to think this is the opinion not only of key policymakers in America but represents a policy that should be carried out by our Government and, if it is not, somehow our Government is very wrong. So there are consequences of the people who discuss this in that light.

As Charles Krauthammer points out, that has never been the standard in the U.S. If you look to the case of Janet Reno, where there really was culpability, and yet she wasn't fired, or she did not resign, you can see this could be, in the case of many people, a political exercise rather than an exercise in responsible criticism.

The point Krauthammer tried to make here is this whole business about Secretary Rumsfeld is a sideshow, in any event, and that what is happening is some Americans who are not adequately grounded in what this country is all about, what the war is about, are beginning to panic. Let me quote something and then wonder aloud. He says:

> The panic is unseemly. The pictures are shocking and the practices appalling. But how do the actions of a few depraved soldiers among 135,000 negate the moral purpose of the entire enterprise—which has not only liberated 25 million people from 25 years of genocidal dictatorship, but has included a nationwide reconstruction punctuated by hundreds, thousands, of individual acts of beneficence and kindness by American soldiers?

Indeed, this panic, I believe, is due, among other things, to the fact that America has enjoyed such success and has had to sacrifice so little in recent time that Americans unfamiliar with the sacrifices and the moral purposes of previous engagements, such as World War I and World War II in particular, and Korea and Vietnam, unfamiliar with the horror of war and the requirement of a citizenry to back their fighters with steadfastness and courage and support, rather than panic at the first sign that something is going wrong.

This panic is due to a citizenry today that may not have been adequately educated to the fundamental purposes of why we are there—and to the extent that is the policymakers' fault, I will take responsibility for that as well—and perhaps are insufficiently grounded in the kind of conflicts we have fought in the past and why it was so important for the citizens in doing their part to support the effort and not panic at the first sign that something was going wrong.

I think of D-Day, the anniversary of which is coming up soon, and the terrible decision General Eisenhower had to make with the weather forecast suggesting a very difficult crossing of the channel, the predictions of German fortifications having been weakened being wrong so that when our troops hit the beaches, they were cut down by withering fire, the great number of casualties at Omaha Beach and all the rest where we thought it was going to go better than it did, and second-guessing of our generals all the way up to General Eisenhower would certainly have been warranted. But the American people did not do that, and the British people did not do that.

Winston Churchill, Franklin Roosevelt, and other leaders rallied the American people and the British people, the allies, to support the cause, notwithstanding the number of casualties that were occurring, notwithstanding the fact that efforts were going wrong.

This is what President Bush has tried repeatedly to do, to say: Look, we knew when we went into this it would be difficult, it would be costly, it would take a long time. I remember his State of the Union Address in which he said that, and it has been repeated many times since.

I think one thing we all appreciate about President Bush is that he does have a resoluteness, a willingness to make tough decisions and then the courage to stand by them. But we Americans have to back him in that. You cannot panic when the going gets tough. And in war, sometimes the going does get tough.

This is a case where it was due to our own fault. Some of our own soldiers did something very wrong, and we have to deal with that. But that is not a reason to panic and believe that the effort in which the other 135,000 are engaged is wrong or is falling apart and cannot be achieved.

It is rather a time for us to go back to our moorings, what Americans believe in and what we understand was the purpose of this effort, and do what we can do in this effort, which is to support the effort, to support the decisionmakers, to support the Commander in Chief and, most of all, to support the troops.

I think of Pat Tillman, who played football in my home State, who decided to forego a lucrative football contract with the Arizona Cardinals because he wanted to do his part in this effort. He went to Iraq and then went to Afghanistan and was killed there. He did his part. The challenge to us is, what can we do? We cannot go over there and fight, but we can sure do something to support those who are doing the fighting. I do not mean we cannot question. That is our job. We do not just meekly go along with what everybody says about this, but we can certainly not do anything to undercut the effort of those putting their lives on the line. That is what we can do. That is our part. And it starts with not panicking, as Charles Krauthammer said.

Things go wrong in war. They went wrong in every war we fought. We practically got pushed off the Korean peninsula in the Korean war. Then General MacArthur, in a brilliant move in Inchon, landed behind enemy lines, drove the enemy back, and did what Americans always do in the end: We succeed when we do not panic.

I suggest to those who are wringing their hands today about what is going on in Iraq to just take a deep breath, stiffen your spine, and remember what this country has gone through in its great history. We have sacrificed a lot and it has been for good, moral purpose, and such is the case in Iraq.

Let me quote again from the Krauthammer op-ed:

> We are obsessing about the wrong question. It is not: Is our purpose in Iraq morally sound? Of course it is. The question today, as from the beginning, remains: Is that purpose achievable?

Then he goes on to say this:

> Doability does not hinge on the pictures from Abu Ghraib. It hinges on what happens on the ground with the insurgencies. The greater general uprising that last month's panic-mongers had predicted has not occurred. The Sadr insurgency appears to be waning. Senior Shiite clerics, local leaders and demonstrators in the streets of Najaf have told Moqtada Sadr to get out of town. Meanwhile, his militia is being systematically taken down by the U.S. military.
>
> As for Fallujah, we have decided that trying to fully eradicate Sunni resistance is too costly in U.S. lives. Moreover, this ultimately is not our job but one for the 85 percent of Iraqis who are not Sunni Arabs—the Shiites and Kurds who will inherit the new Iraq. We have thus chosen an interim arrangement of local self-rule in the Sunni hotbeds. And if that gets us through the transition of power to moderate Iraqis, fine.
>
> This seems entirely lost on the many politicians and commentators who have simply loss their bearings in the Abu Ghraib panic. The prize in Iraq is not praise for America from the Arab street nor goodwill from al-Jazeera. We did not have these before Abu Ghraib. We will not have these after Abu Ghraib. The prize is a decent, representative, democratizing Iraq that abandoned the pan-Arab fantasies and cruelties of Saddam Hussein's regime.
>
> That remains doable. What will make it undoable is the panic at home.

As I said, as usual, he is right on target.

So what does that teach us? Getting back to the beginning of the discussion of the Secretary of Defense and his responsibility, let's be careful of the message we send to the rest of the world. Some of my colleagues have said the Secretary must resign because we need to send a message to the Arab world. What message is it? That we are sorry? We have sent that message. That we take responsibility? We have already taken responsibility.

I think it sends a message of weakness. Remember what the mantra of Osama bin Laden is—that there are weak horses and strong horses, and the world will respect the strong horse. He believes he is the strong horse, that we are the weak horse. He cites over and over Lebanon, Somalia, Vietnam, and he believes that Iraq falls into the same category; that if his al-Qaida and their allies in Iraq can continue to inflict casualties on us, if we continue to have self-doubt, disunity, undercut our leadership, panic over what a few of our soldiers did in the prison, in the long run he will prevail because he is the strong horse and we are the weak horse. That is his entire philosophy, and it motivates a lot of people in that part of the world who hate us.

The way to defeat that philosophy is to be the strong horse because of our morality as well as our military power, because of what we stand for in terms of returning freedom to people who did not have it, and because we do not mean to gain anything personally from it except an additional degree of security from terrorists.

Mr. President, what we say matters. We need to conduct the debate and, indeed, a debate is entirely appropriate, but we need to conduct the debate in a way that will not undercut the effort of those who are putting their lives on the line. Sometimes even words in this Chamber go over the top. Sometimes words of my colleagues go over the top.

Certainly, there are many outside of this Chamber who reveal a panic of the kind that Charles Krauthammer has written about, which will undercut our ability to carry out our mission, and that, at the end of the day, is the important point.

So I urge my colleagues and all others who are discussing this issue to try to conduct the debate and discussion in a serious, responsible way that does not undercut the efforts of our leaders and our troops on the ground. If we do that, then we will have done our part in achieving victory. We will have been responsible. We will not have undercut the effort, and I think we will have distinguished ourselves in the one way that we can act to achieve victory.

Teddy Roosevelt made a comment that kind of wrapped up what he did in life with all of the actions in which he engaged. Somebody asked him a question about his life and he said: I just have appreciated the opportunity that I have had to work on work worth doing.

What we are doing today is work worth doing. We need to remember that, be supportive of it, and be supportive of those we have asked to do the work.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senator is correct.

TRANSPORTATION FUNDING

Mr. DAYTON. Mr. President, this week brought the disturbing news that the Senate, the House, and the White House might not be able to agree on a new transportation funding bill, that we would have to set it aside then until next year to be acted upon. That would be disastrous for my home State of Minnesota, and I suspect for many of the States my colleagues represent.

Traffic congestion in our main metropolitan areas in Minnesota has worsened at alarming rates during the past decade. The deterioration of our roads, highways, and bridges throughout greater Minnesota, more rural areas of our State, has also reached crisis levels. More and more of our highways have become unsafe due to this deterioration and congestion.

More motorists are dying, being injured or maimed as a result. Business owners and farmers find that transporting their goods and products to market takes longer and is more costly. Some of the seasonal national weight restrictions force major employers such as Polaris, Artic Cat, and Marvin Windows, which are located in northwestern Minnesota, to have to reroute their trucks, adding time, expense, and unreliability that become major drawbacks to operating a business in Minnesota.

Businesses executives, their employees and their families, have to take longer to drive to and from work, school, and weekend cabins, and they are less safe in doing so. Every day and night, many thousands of Minnesotans endure these delays and disruptions. They are angry and frustrated, and they rightfully want their Government to act on their behalf now. They have paid and they will continue to pay their Federal gasoline tax dollars into the highway trust fund, and they want that money fully expended on vitally needed highway improvement projects starting now.

Our Senate bill, the one we passed some time ago, responded to their needs. Our bill increased the highway and transit funding significantly over the next 6 years compared to the last 6 years. For my State of Minnesota, the increase is 81 percent, thanks to the overall increase which was passed with bipartisan support at the committee and the full Senate level, and with special appreciation to Senator GRASSLEY of Iowa, the chairman of the Senate Finance Committee, for correcting the ethanol penalty which was penalizing Minnesota and other States that placed a mandate on ethanol consumption as part of every gallon of gasoline.

Senator COLEMAN, my colleague from Minnesota, and I worked together to keep these provisions benefiting Minnesota in the Senate bill. Unfortunately, the House scaled back their overall bill from what even most of their Members wanted themselves, at the insistence of the White House. But the President said even that reduced level in the House bill is too high, and the Senate's version is too high a figure. In fact, the President set a level of funding that is $60 billion less than in our Senate bill. That is $10 billion a year less for highway and other transit projects throughout America.

We are told that every $1 billion of spending on transportation projects creates 47,500 jobs. So $10 billion a year less spending means 475,000 fewer jobs this summer, next summer, and throughout the next 6 years—475,000 jobs, American jobs, jobs that we could be putting into place right now. People in my State and your State would be going to work right now to perform vitally needed infrastructure improvement projects with dollars that have already been committed and received and are set aside for this purpose. Why doesn't that matter to the White House? Why can't we act as we should anyway to move this matter forward?

The President has his rightful prerogative to veto a bill with which he does not agree. I am told by the manager of the bill in the Senate that he believes we have the votes to override that veto because these projects are so important to so many Members, and rightfully so. He believes the House has the necessary votes to override a Presidential veto because the projects in the bill are vitally important to their districts. That is the way the system is supposed to work. If the President vetoes, we can attempt to override so the public interest is served.

From what I am reading this week, the majority leader and the Speaker of the House have said they will not take the conference committee report, the final legislation, to the White House if the President is going to veto it. That means the President can dictate to the Congress the level of funding he will accept, and we have no choice but either to agree to that reduced level or to set the bill aside until next year.

That is not the way the process is supposed to work, if we believe in something—and we do. I commend Senator INHOFE, the manager of the bill, who has been tenacious and terrific at standing up for the needs of, I am sure, the State of Oklahoma, but also reflective of the urgent needs in my State of Minnesota and elsewhere, and saying this is the right thing to do.

On paper this may look like it is some kind of brand new fiscal responsibility that we certainly have not seen from the White House in the last 3½ years, with budget deficits extending now as far as the eye can see at record levels. But this is the wrong bill to sort of suddenly get fiscal religion and go on to make a spectacle of because these are capital expenditures that are going to benefit our country for an extended period of time, and as business owners, farm owners, homeowners know, the proper reason to go into debt is for capital expenditures for long-term improvements. If you are going to be fiscally prudent, then you pay cash for current consumption.

We have it backward. We are creating enormous deficits based on current consumption, and then when we get to a bill where we should legitimately be incurring debt, if we need to, for long-term capital expenditures, we are going in the other direction—for politics, for reelection politics, not for the public interest. We know that. I bet the Speaker knows that. Certainly the members in his caucus know that.

We need to stand up and speak out and insist that our voices be heard, that our proffer of responsibilities in this body on behalf of the people of our States be exercised. Our leader and the House leader should take this bill to conference and protect all the projects that are of concern to myself and members of my caucus—as the projects of importance to the members of the majority caucus will be, I am sure, protected, as they should be, just as is the tradition in the House. Writing those into the actual House bill will, I am told, ensure they will be protected, honored, for both the Republican and Democratic Members. That is the way the system has worked, I am told, in the past.

Frankly, I think we should dispense with all of those earmarked projects which benefit some States far more than others—more than my State—because of the way the memberships on committees and seniority falls, but that is a discussion for another day.

Given that is the system we have, I certainly understand why I and my colleagues on this side of the aisle need to and should have the right to assurances that our projects are going to be treated as they have been in the past and not just discarded in the committee, as so many of our amendments and proposals have been in other legislation earlier this year and last year.

But that is something that can readily be resolved. That is a very minor consideration compared to what, I am told, is the real obstacle right now, and that is to get the leadership of the Senate and the House to be willing to take a bill to the President that we say is the right thing to do. We know what that is. It is what our Senate bill provided overall and for our respective States. It is a fiscally responsible bill because it uses every dollar in the highway trust fund over the next 6 years—not more than that, not less than that. We know our States need those expenditures.

Let the President veto the bill if that is his decision. Then let's override it here and in the House and then it becomes law. Then those 475,000 Americans who are either drawing unemployment benefits—or many of them, I believe, have probably exhausted their unemployment benefits; just this week we found the Senate unwilling to provide an extension of those benefits—can go back to work in construction jobs and related jobs.

This bill more than anything we have done in tax adjustments will put Americans to work—now, this summer, right away—when they need work. We can't turn our back on that opportunity and that responsibility. Let's make the system work the way it is supposed to work. Let's pass this bill. Let's get it to the White House. Let's take it back and do what is necessary to make it law.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The time of the Senator has expired. The Senator from Rhode Island.

DEATH OF HOPE HARRIS

Mr. CHAFEE. Mr. President, it is with great sadness that I speak about a true friend and colleague. For 26 years, Hope Harris served the people of Rhode Island as a member of my staff, and prior to that, on the staff of my late father, Senator John H. Chafee. Hope Harris was known to thousands of Rhode Islanders who have visited and telephoned their Senator as the sympathetic and trustworthy professional answering the phone and the door at the front desk in their Senator's Providence office. She was without peer in her ability to convey, in a brief encounter, that the mission of the Senator's State operation is to help people in any way possible. On May 12, Hope died after a difficult struggle with cancer.

Hope's impact on my ability to represent the people of Rhode Island cannot be overstated. Her impact was felt by every anxious senior citizen who experienced a problem with Social Security, by every parent calling to plan a family trip to Washington, every young idealist determined to save the world, and every beleaguered citizen convinced that the government is after them. When they called or visited my office seeking help—an answer or action or reassurance—Hope was the first person they encountered in their quest. In the space between saying, "Good morning, Senator CHAFEE's office," and hitting the "transfer" button, Hope put people at ease, instilled calm, became a friend.

People were not numbers to Hope; they were souls in search of a connection, one that maybe Hope could help them find. One of her greatest gifts was her ability to see the humanity of all people, regardless of social station, political power, religion, or race. In that, she remains an example for us all. Thanks to Hope's extraordinary ability to convey that human connection, Rhode Islanders knew that our office was a welcoming and responsive place.

Hope remained optimistic and of good cheer regardless of what was going on in her personal life. In 2001, she lost her husband. And she has faced, and lost, a daunting battle with cancer. Through it all, Hope demonstrated the highest level of dedication to her job, never betraying to any individual constituent that they were anything but the center of her universe.

Hope was involved in many volunteer organizations throughout the course of her career. She was most recently active with the AIDS Project of Rhode Island and she cherished her involvement with the First Pentecostal Church and the Congdon Street Baptist Church.

In 2003, Hope celebrated her 25th year as a Senate employee. And just recently, on May 3, 2004, Hope was the proud recipient of the Federal Employee of the Year Award by the Rhode Island Association of Federal Employees. This honor was richly deserved. All of the Chafee family and the myriad of people who have been touched by the life of Hope Harris will miss her joy for living. She was the heart and soul of our Providence office.

I ask unanimous consent to have printed in the RECORD a copy of an article that appeared in the Providence Journal on March 11, 2004, that speaks to the true essence of Hope Harris.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Providence Journal, Mar. 11, 2004]

ON THE JOB: HOPE HARRIS, CHAFEE AIDE

(By M. Charles Bakst)

Hope Harris, 72, the receptionist in Sen. Lincoln Chafee's Providence office, likes looking out from her desk at 170 Westminster St. The view from this 11th floor aerie is striking and she says, "It gives you a sense of being close to the Lord."

Harris's is the voice you are likeliest to have heard if you've phoned the Chafee shop during the last quarter century. For most of that span, of course, the senator was John Chafee, Lincoln's late father.

Harris is enthusiastic, pleasant, and at peace. She has an advanced case of cancer that has spread from her liver to her breast area. She comes in now only four days a week; if she tires, she goes home. I find it remarkable that she works at all, but Harris says, "I love what I'm doing."

Barbara Berke, a Harris pal and former colleague says, "She's happy and she wants to make the world happy."

Chafee marvels at Harris's patience in fielding constituent calls. "People like to tee off, they like to vent, and sometimes they go over the top," he says.

How ironic that some people don't realize Harris is black.

A man phoned to grouse about Jesse Jackson. Harris, no Jackson fan, said she wouldn't argue. But the man said, "I wish they's put him on a boat and send him back to Africa—and all the rest of them, too." Harris said, "Well, I didn't do anything. I don't want to go to Africa. I don't know anybody there." The man laughed and said he didn't mean her. By the end of the conversation, Harris says, they were friends.

Once a man who'd called for years came in to meet her. "He looked at me. He said, 'Are you Hope?' I said, 'Yeah.' He said, 'You're black!' I said, 'I know. What should I do?' He said, 'Oh, nothing, it's all right.' "

Harris hears from people with immigration problems, or folks looking for a job reference, or who think Republican Chafee should bolt parties, or who are lonely, or who have strong views on abortion—including backers of legislation outlawing a form of late-term abortion and who talk about fetuses having their brains sucked out. "They want me to get the willies," she says. (Like Chafee, she opposes such bans.)

Harris adds, "Everybody that calls here is somebody important to me because they're a voter. . . . When they are abusive, when I'm through with them, they're nice. They calm down. John Chafee said, 'Hope can tame the wildest beast.' "

State Rep. Maxine Bradford Shavers, D-Newport, Harris's sister-in-law says the key to understanding her is that "she's a Christian."

While Chafee press aide Debbie Rich, who is Jewish, sits by and listens. Harris defines "Christian" this way: "It means that Debbie and I have the same blood running through our veins. If Debbie bleeds, I get the Band-Aid. If I bleed, Debbie gets the Band-Aid. If I know you're hurting, I will get you water. I love you with all of my heart and I love everybody."

As Harris, who was raised a Baptist, mulls her cancer, she says her life is in God's hands and she has no fear. She knows who she wants to speak at her funeral, which will be at Beneficent Congregational Church, more spacious than the Providence Church of God where she currently worships. She has picked out some hymns, including "How Great Thou Art."

When I talk of death, I say someone has died. But you might hear Harris say "passed." She explains, "It means they go from one degree of grace to another. They pass over." Though her body will return to dust, "My spirit will soar."

She declares, "In my heart, I just look to the heavens and I think, 'My God! Some day I'll see Him face to face.' "

Mr. CHAFEE. Mr. President, I yield the floor.

NATIONAL POLICE WEEK

Mr. LEVIN. Mr. President, this week our Nation's police officers gathered in Washington, DC to commemorate National Police Week. The week long tribute to our Nation's Federal, State, and local police officers honors those who have died in the line of duty and those who continue to serve and protect us at great personal risk everyday.

The first National Police Week was celebrated in 1962 when President John F. Kennedy signed an Executive Order designating May 15 as Peace Officers Memorial Day and the week in which that date falls as "Police Week." Every year since, tens of thousands of Federal, State and local police officers have come to Washington to honor those that have made the ultimate sacrifice.

In addition to a number of other events, police officers join for a candle light vigil at the National Law Enforcement Officers Memorial. The first memorial service took place on May 15, 1982. On that date, approximately 125 police officers assembled in the Senate park to honor the law enforcement officers who had been killed that year. Over the past 22 years, over 3,000 law enforcement officers from around the country have been so honored.

Today, there are approximately 870,000 sworn law enforcement officers serving in the United States. Over the past 10 years, a total of 1,658 law enforcement officers have died in the line of duty, of which 145 were killed in 2003. Over the course of this week all 145 of these officers have been honored and tonight their names will be added to National Law Enforcement Officers Memorial.

One way we can further honor the sacrifices of these brave men and women is to pass sensible gun safety legislation. A number of my colleagues, with my support, have sought to do just that. That is why I cosponsored the Gun Show Background Check Act introduced by Senator REED. I support that bill because I believe it is an important tool to help to prevent guns from getting into the hands of criminals. This bill simply applies existing law governing background checks to persons buying guns at gun shows. It is supported by a variety of law enforcement organizations including the International Association of Chiefs of Police, Major Cities Chiefs of Police, National Black Police Association, Police Foundation and National Troopers Coalition.

The law enforcement community has also asked Congress to reauthorize the 1994 Assault Weapons Ban. The 1994 law banned a list of 19 specific weapons, as well as a number of other weapons incorporating certain design characteristics such as pistol grips, folding stocks, bayonet mounts, and flash suppressors. The assault weapons ban also prohibited the manufacture of semiautomatic weapons that incorporate at least two of these military features and which accept a detachable magazine. This law is scheduled to expire on September 13, 2004.

I support the efforts of the law enforcement community who are calling for legislation extending the law. In 1994, I voted for the assault weapons ban and, last month, I joined a bipartisan majority of the Senate in voting to extend the assault weapons ban for 10 years.

Law enforcement support for the assault weapons ban is broad. It includes the International Association of Chiefs of Police, the Major Cities Chiefs Association, the Police Foundation, the Police Executive Research Forum, the International Brotherhood of Police Officers, the National Association of School Resource Officers, the National Fraternal Order of Police, National Organization of Black Law Enforcement Executives, the Hispanic American Police Command Officers Association, and the National Black Police Association. I hope the Senate will stand with our Nation's law enforcement community and support these important pieces of gun safety legislation.

I know all of my colleagues join me in remembering those who have served and continue to serve in our Nation's law enforcement community and thanking them for their sacrifices.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. SARBANES. This week, beginning May 9th, we celebrate National Police Week, culminating in Peace Officers' Memorial Day on May 15th. It is a time for us to remember the dedicated men and women who put their lives on the line every day to make our communities safer.

In 1962, President John F. Kennedy designated May 15th as Peace Officers' Memorial Day, and the week in which May 15th falls as National Police Week. During this week, tens of thousands of law enforcement officers from around the world converge on Washington, DC to participate in activities highlighting the importance of law enforcement to citizens' daily lives.

This past year, 154 police officers were killed in the line of duty. That is 154 fathers, mothers, brothers, sisters, daughters, and sons who did not go home to the families waiting for them at the end of the workday. Since the National Law Enforcement Officers Memorial Fund started keeping such statistics, 16,500 police officers have been killed in the line of duty. In my home State of Maryland, we have lost a total of 246 police officers. On average, one law enforcement officer is killed somewhere in America every 53 hours. The risk encountered by those law enforcement officers serving in communities throughout this country—men and women who get up every morning to go to work knowing it is entirely possible they will not come home at the end of the day—is enormous. Such commitment deserves more than one week to appreciate.

We spend a lot of time, especially in this day and age, as we should, worrying about and praying for the nearly 150,000 young men and women serving in our armed services in Iraq and Afghanistan. At the same time, I believe it is important to reflect on the 870,000 men and women serving in law enforcement who protect our homeland day in and day out. These are the police officers who ensure that our children get to school safely, that our roads are safe from the dangers of speeding or drunk drivers, that ensure our neighborhoods are protected from the violence associated with gangs and drugs, and that come to our aid when tragedy strikes.

I want to make mention of a few poignant examples of the risk that those involved in this profession face every day. Maryland State Police Trooper First-Class Anthony Jones was killed last week when a drunk driver struck him while he was fulfilling his duty seeking to help another trooper respond to a car accident. Trooper Jones left behind a wife and two daughters.

Then there is Detective Thomas Newman of the Baltimore City Police Department who was shot to death in 2002 in retaliation for his testifying against a man who had shot another police officer in 2001. Detective Newman was ambushed by three assailants who continued to fire at him even after he fell to the ground.

Also deserving of our thoughts and prayers this week are the families of Prince George's County Sheriffs Deputies Elizabeth Magruder and James Arnaud. The two were shot and killed while serving a court order for an emergency psychiatric evaluation on a man in Prince George's County. Magruder left behind a husband and four-year-old son while Arnaud left behind a wife, son, daughter and grandchildren.

These are just a few examples of the brave men and women who put their lives on the line so that all of us can sleep more soundly at night. The sacrifices they and their families have made are too numerous to count and to deep for words to express. But at least during this National Police Week, we are able to take a moment to appreciate their efforts and the efforts of their colleagues that are still serving. As St. John said, "No one has greater love than this, to lay down one's life for one's friends."•

ADDITIONAL STATEMENTS

LOCAL LAW ENFORCEMENT ACT OF 2003

• Mr. SMITH. Mr. President, I wish to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

Edgar Garzon, 35, died three weeks after he was attacked when leaving a gay bar in Jackson Heights, NY, on August 14, 2001. Garzon suffered a skull fracture in the attack and died at Elmhurst General Hospital. Garzon had just left Friends Tavern when two men in a red car exchanged words with him and followed him toward his home. At the intersection, the suspects got out of their car, pounded Garzon with either a baseball bat or lead pipe, then fled with his wallet.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.•

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CRAIG, from the Special Committee on Aging:

Special Report entitled "Developments in Aging: 2001 and 2002, Volume 1 and Volume 2" (Rept. N. 108–265).

Mr. GRASSLEY, from the Committee on Finance, without amendment:

S. 2424. An original bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect the retirement security of American workers by ensuring that pension assets are adequately diversified and by providing workers with adequate access to, and information about, their pension plans, and for other purposes (Rept. No. 108–266)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY:

S. 2424. An original bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect the retirement security of American workers by ensuring that pension assets are adequately diversified and by providing workers with adequate access to, and information about, their pension plans, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. COCHRAN (for himself and Mr. BYRD):

S. 2425. A bill to amend the Tariff Act of 1930 to allow for improved administration of new shipper administrative reviews; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COLEMAN (for himself and Mr. DAYTON):

S. Res. 363. A resolution designating October 16, 2004, as "World Food Prize Day"; considered and agreed to.

ADDITONAL COSPONSORS

S. 1301

At the request of Mr. DEWINE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1301, a bill to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

S. RES. 362

At the request of Mr. GRAHAM of Florida, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. Res. 362, a resolution expressing the sense of the Senate on the dedication of the National World War II Memorial on May 29, 2004, in recognition of the duty, sacrifices, and valor of the members of the Armed Forces of the United States who served in World War II.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COCHRAN (for himself and Mr. BYRD):

S. 2425. A bill to amend the Tariff Act of 1930 to allow for improved administration of new shipper administrative reviews; to the Committee on Finance.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "New Shipper Review Amendment Act of 2004".

SEC. 2. REPEAL OF NEW SHIPPER BONDING PRIVILEGES.

Section 751(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(2)(B)) is amended—

(1) by striking clause (iii); and

(2) by redesignating clause (iv) as clause (iii).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 363—DESIGNATING OCTOBER 16, 2004, AS "WORLD FOOD PRIZE DAY"

Mr. COLEMAN (for himself and Mr. DAYTON) submitted the following resolution; which was considered and agreed to:

S. RES. 363

Whereas Dr. Norman E. Borlaug founded the World Food Prize Foundation, an organization that honors people who have improved the quantity and quality of food worldwide;

Whereas Dr. Borlaug received his bachelor of science degree in forestry and his master's and doctorate degrees in plant pathology from the University of Minnesota;

Whereas Dr. Borlaug has received over 35 honorary doctorate degrees from institutions in the United States and abroad;

Whereas Dr. Borlaug is hailed as the "Father of the Green Revolution" for developing strains of high-yield, disease-resistant wheat that have increased food production and helped feed the hungry;

Whereas Dr. Borlaug received the Nobel Peace Prize in 1970 for expanding food production, reversing food shortages in India and Pakistan, and feeding hundreds of millions of people throughout the world;

Whereas Dr. Borlaug received the National Academy of Science's highest honor, the Public Welfare Medal, in 2002 for his work to fight hunger; and

Whereas Dr. Borlaug is believed to have saved more lives than any other person who has ever lived, thanks to his decades-long crusade to deliver millions from starvation and human suffering: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 16, 2004, as "World Food Prize Day"; and

(2) commends the contributions made to the disciplines of agriculture and science toward the goal of eliminating world hunger.

JUDICIAL NOMINATIONS

Mr. KYL. Mr. President, on behalf of the leader, I announce that discussions are continuing to find a way to work through the judicial nominations that are pending on the Executive Calendar. We had hoped to begin scheduling the noncontroversial judges for votes by the full Senate. At this time, there are still objections to scheduling these votes and, therefore, it will be necessary to file cloture on one of these nominations today.

Having said that, the majority leader is still hopeful that an agreement can be reached and that this cloture vote will not be necessary.

EXECUTIVE SESSION

NOMINATION OF MARCIA G. COOKE, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

Mr. KYL. So, Mr. President, on behalf of the leader, I now move to proceed to executive session for the consideration of Calendar No. 606, Marcia Cooke.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Without objection, it is so ordered. The motion is agreed to.

The clerk will report the nomination.

The assistant journal clerk read the nomination of Marcia G. Cooke, of Florida, to be United States District Judge for the Southern District of Florida.

CLOTURE MOTION

Mr. KYL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant journal clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on Executive Calendar No. 606, the nomination of Marcia Cooke.

Bill Frist, Orrin Hatch, John Ensign, Gordon Smith, Mike Crapo, Thad Cochran, James Inhofe, Richard Shelby, Saxby Chambliss, Lindsay Graham of South Carolina, Chuck Hagel, Arlen Specter, George Allen, Jeff Sessions, John Cornyn, Charles Grassley, Mitch McConnell.

Mr. KYL. Mr. President, I ask unanimous consent that this vote occur at 2:15 p.m., on Tuesday, May 18, and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. KYL. Mr. President, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

WORLD FOOD PRIZE DAY

Mr. KYL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 363 which was submitted earlier today by Senators COLEMAN and DAYTON.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant journal clerk read as follows:

A resolution (S. Res. 363) designating October 16, 2004, as "World Food Prize Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. KYL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 363) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 363

Whereas Dr. Norman E. Borlaug founded the World Food Prize Foundation, an organization that honors people who have improved the quantity and quality of food worldwide;

Whereas Dr. Borlaug received his bachelor of science degree in forestry and his master's and doctorate degrees in plant pathology from the University of Minnesota;

Whereas Dr. Borlaug has received over 35 honorary doctorate degrees from institutions in the United States and abroad;

Whereas Dr. Borlaug is hailed as the "Father of the Green Revolution" for developing strains of high-yield, disease-resistant wheat that have increased food production and helped feed the hungry;

Whereas Dr. Borlaug received the Nobel Peace Prize in 1970 for expanding food production, reversing food shortages in India and Pakistan, and feeding hundreds of millions of people throughout the world;

Whereas Dr. Borlaug received the National Academy of Science's highest honor, the Public Welfare Medal, in 2002 for his work to fight hunger; and

Whereas Dr. Borlaug is believed to have saved more lives than any other person who has ever lived, thanks to his decades-long crusade to deliver millions from starvation and human suffering: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 16, 2004, as "World Food Prize Day"; and

(2) commends the contributions made to the disciplines of agriculture and science toward the goal of eliminating world hunger.

ORDERS FOR MONDAY, MAY 17, 2004

Mr. KYL. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 noon on Monday, May 17; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 2:30 p.m., with the time equally divided between the two leaders or their designees; provided that at 2:30 p.m., the Senate begin consideration of Calendar No. 503, S. 2400, the Department of Defense authorization bill, as provided under the previous order.

The PRESIDING OFFICER. Is there objection? The Senator from Nevada.

Mr. REID. Mr. President, I will not object, but I do want to make a statement before the Senate adjourns for the day. The two leaders have been working the last several days to come up with some way to dispose of judges who are on the Executive Calendar. We believe we have done a credible job as a Senate. We have approved 173 judges. There have been five turned down by the minority. We now have the lowest vacancy rate in some 14 years.

There are two problems with going forward. Of course, I don't think it is any secret President Bush has defied the Senate with recess appointments. So we have to have some finality there as to what he is going to do in the future. The other problem is the judges we voted on multiple times before. There has to be some consideration to those issues and how we deal with them. I think with the conversations going on between the two leaders we should be able to do that. I am confident and hopeful we will not need the cloture vote set for Tuesday.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I thank the Senator from Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. KYL. Mr. President, Monday the Senate will be in a period of morning business until 2:30 p.m. At 2:30 p.m., the Senate will begin consideration of the Defense authorization bill. The chairman and ranking member of the Armed Services Committee will be here on Monday to begin working through amendments to the bill. Chairman WARNER and Senator LEVIN have indicated they will have an amendment to be voted on at approximately 5:30 on Monday. Therefore, the next rollcall vote will be at 5:30 on Monday afternoon.

It is the leader's intention to complete action on this bill next week. Therefore, Senators who wish to offer an amendment are encouraged to contact the bill managers as soon as possible so they can schedule floor time for consideration of amendments.

Also on Monday we are hoping to consider the bioshield legislation under an agreement. Senators GREGG and KENNEDY will be here and available to begin consideration of that bill shortly after noon, if that agreement is reached. If we are able to consider the bioshield legislation on Monday, we would delay passage of the bill until Tuesday.

Moments ago cloture was filed on the nomination of Marcia Cooke to be a district judge for the Southern District of Florida. If necessary, the cloture vote on the Cooke nomination will occur on Tuesday, May 18 at 2:15 p.m. In addition, yesterday we locked in a short time agreement on H.R. 3104, providing medals to our soldiers participating in Operating Enduring Freedom and Operation Iraqi Freedom. The vote on passage of this bill will occur on Tuesday as well.

We have a very busy agenda for the next week, and the majority leader encourages all Members to plan for votes throughout the week.

ADJOURNMENT UNTIL MONDAY, MAY 17, 2004

Mr. KYL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:50 a.m., adjourned until Monday, May 17, 2004, at 12 noon.

EXTENSIONS OF REMARKS

THE INTRODUCTION OF THE SMALL BUSINESS HEALTH INSURANCE PROMOTION ACT

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. SANDLIN. Mr. Speaker, with nearly 44 million Americans lacking basic health care coverage, it is time to take action. Health care is a basic necessity—not a luxury—for all Americans.

The House Republicans claim to be concerned about the uninsured, but actions speak louder than words. Consider what they've passed this year. Their budget resolution decimates Medicaid and the State Children's Health Insurance Program (SCHIP). The Republican budget requires a $2.2 billion cut in Medicaid funding, which will compromise the well-being of over 500 million children, their parents, seniors, and disabled individuals. This comes at a time when States are already in fiscal crisis, resulting in nearly every State cutting their own Medicaid program by slashing eligibility, cutting benefits, raising co-payments and reducing provider payments.

Republicans have also tried to allow $1 billion in SCHIP funding to expire on September 30, despite the critical need to provide health care coverage to needy children. Earlier Federal and State cuts to Medicaid and SCHIP have already caused irreparable harm to families in Texas. Since SCHIP cuts in Texas took effect last September 1, 2003, enrollment for kids has dropped from over 507,000 children to 377,051. For those children fortunate enough to retain some health coverage, they have had to endure the loss of all dental, vision, and hospice benefits.

How is this acceptable? How can we tolerate cuts that will compound this problem?

Mr. Speaker, it is a commonly held misconception that people without health insurance are people who don't work. Nationwide, more than eight in ten of the nearly 44 million uninsured persons in 2003 lived in families where the head of the family worked. In fact, in most States today, a significant portion of the workforce is without insurance.

Too many hard-working, tax-paying American lack even the most basic health insurance coverage. It is time to move beyond the rhetoric and take action.

My home State of Texas actually leads the nation with 27 percent of our employed or self-employed workers without health insurance. This can be partially attributed to the fact that many of those uninsured are working in small businesses. In 2000 more than 17 percent of the labor force in Texas worked for businesses with 20 or fewer employees. The prohibitive expense of health insurance is a barrier to most small employers offering health coverage. The United States Chamber of Commerce recently estimated that it costs small businesses approximately $9,000 a year to provide health insurance for each employee.

Mr. Speaker, join with 87 of my colleagues today in offering legislation that will provide immediate, concrete relief by introducing the Small Business Health Insurance Promotion Act today. This legislation will help secure affordable coverage for millions of self-insured individuals and employees of small businesses.

As an incentive to provide coverage, the Small Business Health Insurance Promotion Act would make small businesses or self-employed individuals eligible to receive a 50 percent tax credit for four years to defray the cost of health insurance. The bill would also authorize funding to create state and national multi-insurer pools to provide comprehensive and affordable health insurance choices to small employers and the self-employed.

To receive the tax credit, participating employers must offer all of their employees coverage through either the qualified state or national health insurance pools. These purchasing pools would ensure comprehensive and affordable health insurance. Participants would receive a choice of plans virtually identical to those available to Members of Congress and other Federal employees.

I also join my fellow democratic colleagues today in introducing the FamilyCare Act and the Medicare Early Access Act. The former builds upon the Medicaid and SCHIP programs by providing new funding to cover working parents. This legislation is expected to cover over 7.5 million low-income parents as well as improve coverage of children. The Medicare Early Access Act addresses the serious problem faced by the many retirees who lose or do not have health coverage in retirement but are not yet eligible for Medicare. This legislation will allow uninsured people between the ages of 55 and 64 to purchase Medicare. Enrollees will be given a 75 percent refundable, advanceable tax credit which will make it affordable. This legislation could result in coverage of 3.5 million previously uninsured people.

There are grave consequences for families without health insurance. People without coverage are less likely to get important preventive care and therefore are concomitantly more likely to suffer from serious health complications as problems go untreated. It also harms our economy. Sick people are not productive people. It makes sense to fortify the health of our nation.

The Small Business Health Insurance Promotion Act, FamilyCare Act and Medicare Early Access Act that we are introducing today offer real solutions to real problems. Together these initiatives could provide health coverage to more than ½ of the 44 million uninsured Americans. They represent a great step in the right direction that I am proud to be a part of.

SUPPORTING THE GOALS AND IDEALS OF PEACE OFFICERS MEMORIAL DAY

SPEECH OF

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H. Res. 622, supporting the goals and ideals of Peace Officers Memorial Day and urge my colleagues to support its adoption.

Pursuant to a joint resolution approved October 1, 1962, Congress authorized and requested the President to designate May 15 of each year as "Peace Officers Memorial Day" and the week in which it falls as "Police Week."

In this regard, I applaud my colleagues JOEL HEFLEY, TOM DAVIS, HENRY WAXMAN and BART STUPAK, a former Peace Officer himself, for sponsoring H. Res. 622 to further encourage the observance of a day of remembrance for the more than, 1600 Federal, State, and local peace officers who were killed or disabled in the line of duty in past 10 years.

Mr. Speaker, Police Memorial Day 2004 will be a particularly sad one for my constituents in the Virgin Islands and me because of the passing of Virgin Police Officer Cuthbert Chapman who was shot several times on April 17 as he tried to stop a robbery.

Officer Chapman, also known as "Chappy," "Kimba" and "Cutty," was remembered as a soft-spoken and kind-hearted friend who was always willing to give a helping hand. He was a 12-year veteran on the force. He joined the police department on June 15, 1992, and was assigned to the Bicycle Patrol Unit at Wilbur Francis Command in Frederiksted. Chapman also served in various units and bureaus in the department.

As we remember and pay tribute to Officer Chapman, I must also mention and recognize some of the other Peace Officers, including Randy Stevens, Steven Hodge, Richard Callwood, Dexter Mardenborough, Wilbur Francis, Allen William, and Patrick Sweeney, who lost their lives striving to keep the streets and communities of the Virgin Islands safe.

Mr. Speaker, it is fitting that we acknowledge and commend the courage and dedication shown by all Peace Officers who have given their lives for their fellow citizens. I urge my colleagues to support this resolution.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

FEDERAL FUNDING FOR POLICE OFFICERS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. ENGEL. Mr. Speaker, I rise to speak today regarding my grave concerns about funding for our Nation's police, firefighters, and emergency medical personnel.

This week is National Police Week—a time we set aside to remember and honor the brave men and women protecting our streets and communities.

I would like to note that the names of nine New York police officers who are being added to National Law Enforcement Officers Memorial at a candlelight vigil on Thursday, May 13, 2004. These police officers fell as far back as 1906 and as recently as last year. They are:

1. Rodney J. Andrews, Detective, New York City, New York.
2. Michael F. Brophy, Sergeant, City of Utica, New York.
3. James Ivan Broughton, Police Officer, Middletown, New York.
4. Jeffry Todd Edelson, Sergeant, New York State Police.
5. Neil A. Forster, Police Officer, New York City, New York.
6. James Verneuil Nemorin, Detective, New York City, New York.
7. Fred Preston, Police Officer, Patchogue, New York.
8. Glenn Matthew Searles, Deputy Sheriff, Onondaga County, New York.
9. George A. Stillwell, Deputy Sheriff, Suffolk County, New York

We here in Congress do many things to honor our police officers. Just this term, I authored legislation to name a Post Office in my district for Edward O'Grady, Waverly Brown and Peter Paige. Twenty-three years ago an armed gang attempted to rob a Brinks Armored Truck in the middle of the day at a crowded mall and these three brave souls fell in the line of duty. But, Congress has another important job to do when honoring our "finest." We have a responsibility to provide funding to help our police—and in fact all first responders—do their jobs.

The President shares this responsibility. Yet, his budget for fiscal year 2005 is woefully inadequate. A few simple figures:

Provides only $97 million for COPS, a $659 million cut below the 2004 enacted level—and in FY04 COPS was funded at $748 million;

Totally eliminates the Byrne formula and discretionary grants, yet in FY04 formula grants were funded at $495 million and discretionary grants were funded at $208 million; and

Also it eliminates Local Law Enforcement Block Grant grants, which were funded at $223 million in FY04.

As a New Yorker who was watching from my home in the Bronx on September 11—watching as the greatest attack on U.S. civilians was ever undertaken—I am greatly disappointed by the President's poor request. As a New Yorker who watched the greatest act of heroism I can remember—hundreds of firefighters and police officers running into the World Trade Center as they burned, I am saddened by the President' weak request. As a New Yorker who watched in abject horror as the towers fell, killing thousands, including hundreds of firefighters and police, I am angered by the President's insufficient request.

Later, I learned that a police helicopter was circling the Trade Center site and could tell the second tower would soon fall. Yet, the police could not warn the firefighters inside because they used a different radio system. I pledged to myself and my constituents that I would do everything I could to make sure this never happened again. Thus, I joined my colleagues, Mr. FOSSELLA and Mr. STUPAK, in authoring legislation to provide funding to our states and localities to purchase interoperable radio equipment. H.R. 3370, the Public Safety Interoperability Implementation Act would use proceeds from spectrum auctions to help our police and firefighters and EMS personnel.

I urge my other colleagues to join us in this effort.

I also urge my colleagues to join me and the other speakers here tonight in fighting for the funding needed to make our districts safer.

* * *

IN RECOGNITION OF REV. DR. LARRY PICKENS

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. HASTERT. Mr. Speaker, I rise today to honor our guest chaplain, Rev. Dr. Larry D. Pickens, a well-known pastor in my Congressional district. Currently senior pastor at First United Methodist Church in Elgin, Illinois, Rev. Pickens recently was named top staff executive of the United Methodist Commission on Christian Unity and Interreligious Affairs. In this role, Rev. Pickens will direct the Methodists' relations with other churches and work to build unity among the denomination's 8.3 million members.

A former pastor in inner-city congregations in Chicago for fifteen years, Rev. Pickens has also served as a delegate to a "people-to-people" seminar on the legal system of South Africa. Within the church, Rev. Pickens has spent the last four years as a member of the Judicial Council, giving him a better understanding of church governance.

Admitted to both the Illinois Bar and the South Carolina Bar, Rev. Pickens holds a J.D. degree from DePaul University College of Law. He also holds degrees from Chicago Theological Seminary, Garrett-Evangelical Theological Seminary, and North Park University.

We are honored to have Rev. Pickens with us this morning. His involvement in his community and his new role in seeking unity among all denominations underscores his devotion to doing God's work for the betterment of humanity.

Thank you, Rev. Pickens, for being here this morning to open the United States House of Representatives and for your continued service and dedication.

PAYING TRIBUTE TO SHAWN MITCHELL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Shawn Mitchell and thank him for his extraordinary contributions to the State of Colorado as a member of the Colorado General Assembly. As a three-term member of the State House of Representatives, he will be remembered as a legislator with the utmost dedication and talent, and will continue to be known as a leader in the community. As he moves on in his career, let it be known that I, along with the people of Colorado, are eternally grateful for all that he has accomplished in his tenure in the Colorado House of Representatives.

One of Colorado's top lawyers, Shawn was elected to serve the people of District 33, representing parts of Adams, Boulder, Broomfield, and Weld Counties in 1998. During this last term he chaired the Information and Technology Committee, and served on the State, Veterans, and Military Affairs Committee. While serving as a legislator, Shawn has maintained a private law practice in the Denver area, and has previously served as Special Counsel to former Colorado Attorney General Gale Norton, now our Secretary of the Interior. His civic involvement includes serving as president of the Colorado Chapter of the Federalist Society, and three years on the Denver Rocky Mountain News Board of Editorial Contributors.

Mr. Speaker, it is clear that State Representative Shawn Mitchell has ceaselessly dedicated his time and efforts to serving his district and the people of Colorado in the Colorado General Assembly. I am honored to bring his hard work and commitment to the attention of this body of Congress and this nation today. Thank you for all your service, Shawn, and I wish you and your wife Yvette all the best in your future endeavors.

* * *

RECOGNIZING E. ROBERT STEPHENS

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. GERLACH. Mr. Speaker, I rise today to recognize Mr. E. Robert "Bob" Stephens for volunteering his services for 31 years to the East Norriton Fire Engine Company.

Bob Stephens is a citizen who has dedicated much of his life to helping people. He has done so through his extensive volunteer work at the East Norriton Fire Company. Bob joined the East Norriton Fire Company in 1973 and is still an active member today.

One year after Bob joined the East Norriton Fire Engine Company, he was put on the Drivers List. In 1976, he was promoted to Assistant Chief Engineer and held that position until 1986. Later that same year, Bob was again promoted, this time as Chief Engineer of the

East Norriton Fire Engine Company. In 1980, eight years after he joined the East Norriton Fire Engine Company, Bob was awarded Life Membership.

During his service, Bob made many significant contributions to the Fire Company and to the community. Bob attended as many county and state fire schools as he could in order to learn as much as possible about his volunteer work. As a ranking member of the Fire Company, Bob served on many different committees where he was able to use the expertise gained in the fire schools to better the Fire Company in which he volunteered. Bob actively served on the banquet, building, truck, and uniform committees and later became a member of the East Norriton Fire Engine Company's Board of Trustees.

Bob has also been the recipient of numerous awards from the East Norriton Fire Engine Company. Bob was the three-time recipient of the President's Award, a recipient of the Chief Engineer's Award, and a two-time recipient of the Fire Fighter of the Year Award.

Mr. Speaker, I ask that my colleagues join me today to recognize Robert Stephens's dedication to volunteer work and the East Norriton Fire Engine Company and the contributions he has made to the East Norriton community and the Commonwealth of Pennsylvania.

REGARDING H.R. 4280, THE H.E.A.L.T.H ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. UDALL of Colorado. Mr. Speaker, I'm holding my nose and voting against H.R. 4280, which would limit medical malpractice awards. I am not pleased that we are voting on this bill again, since an identical bill is languishing over in the Senate and I doubt that by passing it today we will jolt the Senate into moving on the bill. I think the vote today has more to do with politics than with policy.

I think we're beating a dead horse. Both sides have dug in and aren't willing to compromise. In the meantime, we aren't doing anything to reform our medical liability system and we aren't doing anything to make health care more affordable and accessible for Americans. Our system is inherently adversarial and we've continued this fingerpointing game and done nothing to improve patient safety and health care access, which is what we're really talking about here.

I think we need a system that is non-punitive and encourages openness and improvement so that doctors can report medical errors without fear of being sued. This will help us understand medical errors and improve procedures and patient safety. Fewer medical errors will result in fewer medical malpractice suits, which in turn will help keep malpractice insurance rates and health care premiums down. That's why I voted for H.R. 663, the Patient Safety and Quality Improvement Act, which would create a voluntary medical error reporting system under which patient safety organizations would receive, on a confidential basis, and analyze information on reported errors. They would then be expected to develop and disseminate evidence-based information to help providers implement changes in practice patterns that help to prevent future medical errors. In addition to this legislation, I think we should explore ideas like alternate dispute resolution, no-fault systems, and medical courts.

I also want to make it clear that I am not opposed to capping damages because I think it helps keep health care costs down and keeps doctors accessible, like in my home State of Colorado where we have caps. However, I think H.R. 4280 sets low and arbitrary limits on damages, which will hurt those at the bottom of the income scale the most. Also, I don't think we should be shielding large and powerful HMOs and drug companies from liability.

Mr. Speaker, ultimately this issue is about health care access and patient safety. If we aren't going to compromise, I hope we'd start thinking outside the box on how to end the logjam on tort reform. I offer these ideas as a way to get there, because we aren't going to get there from where we are today.

RECOGNIZING ASIAN AMERICAN HERITAGE MONTH

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Ms. SOLIS. Mr. Speaker, I rise today to honor and recognize the month of May as Asian Pacific American Heritage Month and to pay tribute to the 120,000 individuals of Asian descent I represent in California's 32nd Congressional District. I am fortunate to represent an ethnically diverse district that has experienced first hand the economic and cultural contributions of the Asian Pacific American community.

Although less than 4 percent of the U.S. population is Asian, I am proud that 19 percent of the congressional district I represent is of Asian descent. Some cities in my congressional district have a well-established Asian Pacific American community. Monterey Park, for example, is home to a vibrant Asian American community and has a City Council that is majority Asian. Other cities in the congressional district I represent, like West Covina, have experienced an increase in their Asian population in more recent times. From 1980 to the present, West Covina's Asian Pacific American population has grown from 4 percent to 23 percent.

Asian Pacific Americans bring diversity to our community and also contribute to our economy and to our advancement as a nation. Asian Pacific Americans have made vast contributions in the fields of medicine, technology, and agriculture that benefit all Americans. Furthermore, throughout times of heightened national security, Asian Pacific Americans have fought to protect democracy in every war since the Civil War. For example, despite the disturbing racism toward Japanese Americans during World War II, Japanese Americans volunteered to serve in the armed forces as part of the 442nd Infantry Regimental Combat Team. The 442nd Regimental Combat Team remains the most decorated unit in U.S. military history. Not only did these Japanese servicemen show their loyalty to the United States, but they also earned more than 18,000 individual decorations in less than 2 years. These noble service members deserve our recognition.

In closing, I would like to commend organizations in California's 32nd Congressional District that exemplify and promote Asian diversity during Asian American Heritage Month.

A TRIBUTE TO JOAN PETERSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Joan Peterson in recognition of her substantial contributions to her community.

Upon gazing on their beautiful baby girl, parents Emily Cole and John Stafford named her Joan, celebrating the namesake of both grandmothers.

Joan spent her early years of elementary education at Clio Public School where her grandmother, Joan Guice taught first grade, her mother taught 10th grade and her grandfather Professor Charles Guice served as principal for 50 years. Her latter years were spent at St. Joseph Catholic School where she graduated 8th Grade. Upon completing elementary school, she attended Holy Rosary High School in Lafayette, Louisiana and graduated with honors.

Joan attended college at Tuskegee University with a major in Nursing Education. However, when her mother moved the family to Brooklyn, New York, she enrolled at Medgar Evers College and completed her education in Business Management. She later attended New York University and received a certificate as an Administrative Assistant.

Joan worked with the United Negro College Fund as an Employee Associate where she began to develop a format that would bring together all graduates of other black colleges to participate in a job market. This has now evolved as a site on the Internet for job placements.

Joan later met and married hometown friend, David Peterson, Jr. From their union, two children, Danielle and David Peterson III, were born. The children attended St. Paul Community Christian School where Joan became very involved in her children's education and participated in all fundraising activities. When the children transferred to P.S. 308, Joan continued to be active and was the Financial Secretary for the P.T.A. until her daughter Danielle graduated. Joan joined the Concerned Women of Brooklyn in which she is still an active member. In 1997, Joan's husband became ill and passed away. Subsequently, Joan bought a house and moved to Bedford-Stuyvesant, where she immediately joined the Block Association where she now serves as Financial Secretary.

Joan presently works for the Health and Hospital Corporation as a Senior Systems Analyst. In her sixteen years of service, she has worked in several areas, Office of Affiliations, Construction Management, Kings County Reconstruction Project, Elmhurst Modernization Project, Accounting Department and presently she is in the Receiving Department at Queens Hospital.

As a recipient of several awards as an Outstanding Leader in her community and school, Joan is interested in developing a program that would address young males, ages 10–18 years. Joan is a member of St. Paul Community Baptist Church, where Rev. Johnny Ray Youngblood is the senior pastor.

Mr. Speaker, Joan Peterson has actively participated in improving her community through various volunteer positions. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

TRIBUTE TO THE 21ST SPACE WING GUARDIAN CHALLENGE 2004

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor the 21st Space Wing at Peterson Air Force Base in Colorado.

The 21st Space Wing, under the Command of Brigadier General Richard Webber, also under Air Force Space Commander General Lance W. Lord, recently participated as champions in the 37th annual Guardian Challenge competition and won the coveted Aldridge Trophy for Best Space Operations

Guardian Challenge is the only national competition for Air Force Space Command professionals and has a history of competitions dating back to 1967. It allows nearly 200 best-of-the-best competitors from various Air Force Space Wing Teams around the nation to test their skills against each other in tough competition and rigorous evaluation. The competition helps them better perform their missions by increasing their overall capabilities. Teams qualify by competing at their home stations against difficult criteria set in a competitive environment. By qualifying, teams compete at the national Guardian Challenge competition where they demonstrate their capabilities. In this case, Team 21 from Peterson Air Force Base came home with high honors, securing the coveted Aldridge Trophy, which is awarded to the Best Space Operations Wing.

I extend congratulations to the top-notch competitors in Guardian Challenge who earned the Aldridge Trophy for the 21st Space Wing. From Space Operations this includes: Captain Michael Bruno, Crew Commander, Technical Sergeant Kenneth DeFeo, Space Operator, Captain Jennifer Berger, Crew Commander, Staff Sergeant Robert Widrick, Crew Chief, Airman First Class Jennifer McCord, Space Console Operator, Flight Lieutenant Jay Garratt, Crew Commander, Flight Sergeant Ken Callaghan, Space Operator, Sergeant Stewart Williamson, Operations Team Trainer, Corporal Andrew Leckie, Space Operator, Corporal Gary Wright, Space Operator, SAC Kristopher Cochrane, Space Operator. From Communications: Staff Sergeant David Kisner and Senior Airman Jon McCullar, both Communications competition. From Security Forces competition: Staff Sergeant Duane Blackmon, Staff Sergeant Jon Scott, Airman First Class Steven Israel, Airman First Class Thanongsack Phanda and Staff Sergeant Matthew Tussey.

In addition, I extend special congratulations to Staff Sergeant Matthew Tussey of 137th Space Warning Squadron, Air National Guard in Greeley, for earning the Top Gun Trophy and medal for overall best marksman in all of Air Force Space Command.

I would also like to honor the entire Team 21 Wing Staff: Command Chief Master Sergeant for the 21st Space Wing, Vance Clarke; Colonel Gary Pond, 21st Maintenance Group Commander; Lieutenant Colonel Bryant Anderson, 21st Operations Group Deputy Commander; Colonel Al Kemmet, Jr., 21st Space Wing Guardian Challenge Project Officer; Staff Sergeant Jason Hand who was "Iron Mike"—the Team Mascot; Major Matthew Carroll, Guardian Challenge Project Officer Advance Team; Mr. Dick DuBose and Mr. Mel Thiel, both Guardian Challenge Advance Team and Technical Sergeant Roger Kelley, Transportation Support.

Mr. Speaker, I take great pleasure today in congratulating the 21st Space Wing for their outstanding achievements in this year's Guardian Challenge. They are true professionals in our United States Air Force and are part of the best space and missile team in the world.

IN RECOGNITION OF INDIANA STATE TROOPER SCOTT PATRICK DURING NATIONAL POLICE MEMORIAL WEEK

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Ms. CARSON of Indiana. Mr. Speaker, in recognition of National Police Memorial Week and the ultimate sacrifices given by police officers across the nation, I wish to recognize the service and memory of Indiana State Trooper Scott Patrick.

Trooper Scott Patrick, a three-year veteran of the department, was shot by a driver he had stopped to help on an exit ramp of Interstate 80/94 in Gary, IN. He died December 22, 2003 at the age of 27.

Trooper Patrick's name and service will be among 362 fallen officers, killed in the line of duty in the past year and added to the National Police Memorial here in Washington during National Police Memorial Week.

Our mere words, even our sincere thanks cannot add to the life of this young husband, father, son and brother. Trooper Patrick has paid the ultimate sacrifice in service to the people of Indiana.

We can ensure the life and sacrifice of every officer slain in the line of duty is never forgotten. We can try to assure the survivors that his sacrifice was not in vain, and we must do what we can as citizens to increase the public's appreciation for law enforcement, especially the dangers faced on our behalf to protect us.

To the Patrick family, grateful Hoosiers and a grateful nation say thank you.

PAYING TRIBUTE TO SUZANNE WILLIAMS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Suzanne Williams and thank her for her extraordinary contributions to the State of Colorado as a member of the Colorado General Assembly. As a four-term member of the State House of Representatives, she will always be remembered as a dedicated public servant and leader of the community. As she moves on in her career, let it be known that I, along with the people of Colorado, are eternally grateful for all that she has accomplished in her tenure in the Colorado House of Representatives.

Representing Arapahoe and Denver counties for District 41, Suzanne has worked in neighborhood schools for twenty-two years as a special education teacher. Suzanne's intimate knowledge with education has served her well as a member of the Education Committee, sponsoring legislation to implement funding for full-day kindergarten in low-performing school districts. Other legislation Suzanne has sponsored includes the Child Care Loan Forgiveness Program that assists childcare professionals in attending community college to gain more skills, and the American Indian Scholars license plate, which established a scholarship fund for Colorado American Indians to attend a college or university within the state.

Suzanne's efforts to better her community include extensive involvement with civic organizations. She currently sits on the Colorado Special Education Advisory Board and the Colorado Medicare Consortium, and she has served on the board of directors for Aurora Sister Cities, D.A.R.E. Colorado and the United Cerebral Palsy Association. The Colorado Chapter of American Mothers, Inc, recognized her outstanding commitment to community service in 1996 when she received the Colorado Mother of the Year Award.

Mr. Speaker, it is quite clear that State Representative Suzanne Williams is a person who has demonstrated an exceptional level of dedication and commitment to her life long pursuit of public service. It is her incredible devotion along with her passion for contributing towards the betterment of her community and the State of Colorado that I wish to bring before this body of Congress and this nation. It is my distinct pleasure to honor Suzanne here today, and wish her and her husband Ed all the best in their future endeavors.

RECOGNIZING GORSKI CONSTRUCTION COMPANY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. GERLACH. Mr. Speaker, I rise today to recognize the Gorski Construction Company as it celebrates 50 years of excellence in the construction industry.

Caesar J. Gorski, Sr. started the Gorski Construction Company in 1954 with a $75 surplus pickup truck from Peco Energy Company and carpentry and masonry tools that he had gathered during a four-year apprenticeship with Mecca Construction. In the beginning, Gorski constructed stone chimneys and repaired barns. From 1954 until 1974, Gorski Construction built three to four custom homes each year. In the late 1960s, Gorski Construction took on the new task of building commercial properties.

Gorski Construction earned a first-place award from Associated Builders and Contractors for the design and construction of the Gorski headquarters building. The 16,200 square-foot, two-story brick building won the "Excellence in Construction" Eagle award for pre-engineered buildings costing less than 2 million dollars. The $1,640,000 building was built in 7 months and was occupied in November 2002. The Company uses the corporate headquarters to showcase their construction prowess for prospective clients.

In 2003, the Company completed three major construction projects with a 17-person crew and several subcontractors. For example, they designed and built the $3.5 million, 30,000 square foot food processing facility for Don's Salads in Skippack Township, Montgomery County, Pennsylvania. Gorski Construction also built the $1.4 fire station for Goodwill Fire Company in West Chester, Pennsylvania. The Company also completed a five-bedroom, 6,000 square foot Mediterranean style home in Limerick Township, Montgomery County, Pennsylvania.

This year, Gorski Construction is working on a 22-acre extension to the Iron Bridge Corporate Center that will be finished by summer 2004. The Company is also renovating the St. John's Lutheran Church in Hamburg, Pennsylvania with new hardwood floors and more seating for its choir. The $300,000 project will be completed in late August 2004.

When Caesar J. Gorski, Sr. founded his company in May 1954, he quickly gained a reputation as a creative builder who took great pride in his craftsmanship. Over the past 50 years, Gorski Construction has grown into a nationally recognized design and construction firm that has extensive experience in industrial, institutional, and commercial construction.

Mr. Speaker, I ask that my colleagues join me today in recognizing Gorski Construction Company for its innovative vision, exemplary craftsmanship and contributions made to the quality of life of the citizens of Southeastern Pennsylvania.

HONORING THE BLUE RIVER RESTORATION PROJECT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor the coalition that has dedicated years of energy to restoring Colorado's Lower Blue River for the community, the economy and the environment.

One of the most cherished aspects of Colorado life is the access to pristine views and the wide variety of outdoor activities. Summit County provides both, sitting in the heart of Colorado's mountain country. With scenic mountains, majestic forests, and wild rivers, this region is world-renowned for its remarkable vistas and outdoor activities.

For decades the Blue River was designated a Gold Medal fishery. However, in recent years the Blue River in Summit County has been impacted by nearby historic mining activities and other development, as well as years of drought. The river became so shallow below the Dillon Dam that native fish species were unable to live in this river's habitat. This not only damaged the various fish, it also hurt the local fishing industry which relies so heavily on vacationing anglers.

Facing a major environmental and financial problem, a diverse group of citizen groups united behind the idea of restoring the Blue River to its original state. Among these groups were Trout Unlimited, the Town of Silverthorne, the Northwest Colorado Council of Governments, the Colorado Division of Wildlife, Summit County, the United States Forest Service, and the National Forest Foundation. These groups worked together to raise the money to return the river to its natural width, thus restoring the riparian habitat. Moreover these enhancements have helped bring the community together and have proven to be a model for similar restoration projects.

The restoration has been a tremendous success. Mr. Andy Gentry, president of the local Trout Unlimited chapter, received a national award recognizing his role in the project. The American Public Works Association selected the project as one of the most outstanding projects in the nation.

In addition to the national recognition and appreciation, the most rewarding aspect of the restoration project was returning the Blue River to its natural beauty. Anglers can now fish for trout in its sparkling waters. Hikers can walk the trails adjacent to the river and take in the wonderful views.

Mr. Speaker, the Blue River Restoration Project is a shining example of collaborative and successful outdoor public works projects. It is a model for future projects and proves that groups of concerned citizens can cooperate to improve the environment and enhance the quality of life in their communities. This is especially important as hunting and fishing activities significantly contribute to the health of Colorado's economy—as well as the health of the environment.

I have attached a newspaper story about this accomplishment.

[From the Summit Daily, May 2, 2004]

RESTORATION NAMED 'EXEMPLARY PROJECT'

(By Christine McManus)

SILVERTHORNE.—After receiving a third award for their Blue River restoration efforts, local Trout Unlimited members are looking for other stream beds in the county to improve for fish habitat.

The most recent accolade for the Blue River project came April 17 when the Colorado Trout Unlimited (TU) honored the local Gore Range Anglers chapter of TU and its partners with the Exemplary Project Award.

"The one constant about trout is they like to live in beautiful places. Summit County fits that perfectly," said Andy Gentry, president of the local chapter.

Trout Unlimited and its partners worked together to narrow the channel of the Blue River.

With declining stream flows during the ongoing drought, and only minimal releases from the Dillon Reservoir Dam, the 120-foot wide channel below the dam provided water too shallow for fish to survive.

The restoration project generally narrowed the channel to 30 feet wide.

The project preserved the Gold Medal status of the fishery, as declared by the Colorado Division of Wildlife on 13 rivers in the state.

The Exemplary Project Award from Colorado Trout Unlimited recognizes outstanding projects that have a significant impact on coldwater fisheries.

The award also recognizes successful partnerships between Trout Unlimited and other local and state groups, local governments and/or state and federal agencies.

Partners who worked on the Blue River restoration included the town of Silverthorne, the Northwest Colorado Council of Governments (NWCCOG), the National Forest Foundation, the Colorado Division of Wildlife, the U.S. Forest Service and Summit County.

Gentry said the project would not have been done without all the partners.

"The Blue River Restoration Project has made a significant impact on the county and the fishery," said Kevin Batchelder, Silverthorne town manager.

"This project really showed how many different government entities, nonprofit organizations and local organizations can work together to make a lasting impact on their community."

Trout Unlimited and NWCCOG hope to work with other local governments and nonprofit organizations on additional river restoration projects, said Gentry and Liz Finn, NWCCOG assistant executive director.

The chapter is putting together a list of river restoration projects they would like to explore this summer.

The Upper Blue River, the Tenmile Creek, Swan River drainage and Lower Blue River are being considered, Gentry said.

"Hopefully other Summit County governmental entities and groups find projects for Trout Unlimited to be involved in as well," Gentry said.

In January, the Colorado Chapter of the American Public Works Association selected the project for the Project of the Year Award in the Utility Drainage and Environmental in the Small Communities category.

In September 2003, Gentry won the National Trout Unlimited Distinguished Service Award for his efforts with the Blue River Restoration Project.

RECOGNIZING THE INAUGURATION OF THE RICARDO MONTALBÁN THEATRE

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Ms. SOLIS. Mr. Speaker, I rise to recognize the Nosotros organization and the Ricardo Montalbán Foundation for their exceptional leadership in creating and inaugurating the Ricardo Montalbán Theatre in Hollywood, California.

Over 33 years ago, the legendary film and television actor Ricardo Montalbán had a vision for a place where Latino artists, and those in support of Latino artistry, could unite and work towards the common goal of "improving the image of Latinos in the entertainment industry." Today, we are able to see Mr. Montalbán's dream come true via his Nosotros organization and its partner, the Ricardo Montalbán Foundation.

After years of hard work and tireless leadership, tonight's opening of the Ricardo Montalbán Theatre will historically mark the inauguration of the first major theatrical venue of its size in our country to be founded and named after a Latino artist. For generations to come, the Montalbán Theatre will operate and present performances that will encompass the same ideals that its founders held nearly 34 years ago.

As reflected through its mission statement, the Ricardo Montalbán Theatre will produce, present and support exceptional world-class theatre that examines issues of common concern for all people, as seen through the lens of the Latino experience. By offering theatre in an accessible and state-of-the-art facility that emphasizes artistic partnerships and community participation, it will also aim to establish a genuine cultural center for Los Angeles, and contribute to the development of a new vision for the American theatre.

We are fortunate to have passionate and exceptional leaders like Ricardo Montalbán, who has dedicated his career to improving the image of Latinos—both in front and behind the camera. I commend his leadership for expanding Latino employment opportunities in the entertainment industry; for training Latinos to become better actors and industry professionals; and, most notably, for reaching out to the community and encouraging talented young people to enter the entertainment profession.

I wish Ricardo Montalbán, the leadership of the Nosotros organization and the Ricardo Montalbán Foundation continued success in their future professional and artistic endeavors. They exemplify excellence in American leadership today.

A TRIBUTE TO OJEDA HALL-PHILLIPS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Ojeda Hall-Phillips in recognition of her dedication to increasing economic opportunities for women and minorities in her community.

Ojeda Hall-Phillips is the Deputy Director of the Local Development Corporation of East New York, a 25-year old community economic development, not-for-profit corporation dedicated to developing business, job and housing opportunities for the residents of East Brooklyn and the surrounding areas. A strategist and planner, Ojeda runs the Brooklyn Enterprise Center at the Local Development Corporation of East New York whose mission is to build economic independence among women and minorities through enterprise formation and expansion and skills development, with special emphasis on low-income African Americans and Latinos in East Brooklyn. She previously served as an associate in the strategic planning departments of the investment banking firms of Salomon Smith Barney and JP Morgan.

Also an entrepreneur, Ojeda is the Associate Publisher of Glory Magazine, a lifestyle magazine that empowers African American Christian women to live out their faith in everyday life from fitness, health, beauty, and fashion to money management, spiritual growth, parenting, and relationships. She has been a contributing writer for Heart & Soul Magazine, writing articles focusing on repairing credit and managing finances.

A member of the Board of Deaconesses of the Brown Memorial Baptist Church, she became head of Spiritual Ministries for the Women's Ministry Institute at Brown Memorial Baptist Church in 2002. She co-leads the Women's Bible Studies and the First Friday Women's Revival Series.

She currently serves on the Boards of Directors for: Groundwork Inc, a youth development program to support young people living in high poverty urban communities to develop their strengths, skills, talents and competencies through effective experiential learning and work programs with special emphasis on youth in East New York; the New York City Financial Network Action Consortium, an initiative to build better community development credit unions in New York City; Opportunities for a Better Tomorrow, a job readiness program providing training and employment for hard to employ youth and adults in Brooklyn and; the Association of Women's Business Centers which develop and strengthen a global network of women's business centers to advance the growth and success of women business owners.

Ms. Hall-Phillips earned a bachelors degree in government from Harvard University and is currently pursuing a Master of Divinity degree from the Drew Theological School in Madison, NJ. She is the winner of Drew University's Lawrence E. Toombs Prize in Old Testament History, F.B. Yetter Prize in Old Testament Studies; and the Patricia Wickham Prize in Feminist Scholarship and Spirituality and Social Justice Award. She is married to Minister Samuel Phillips III, Associate Minister of the Brown Memorial Baptist Church. Ojeda and her husband live in the Bedford Stuyvesant section of Brooklyn.

Mr. Speaker, Ojeda Hall-Phillips has dedicated her life through professional and volunteer efforts to increasing economic opportunity for all. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

TRIBUTE TO MAJOR GENERAL JOHN A. "ANDY" LOVE

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor the career of a truly extraordinary gentleman, Major General John A. "Andy" Love.

General Love has proudly served the United States and is retiring on May 21, 2004 to civilian life from a stellar 36 year career in the Colorado Air National Guard.

Andy Love earned his Bachelor of Arts degree in 1967 from Colorado College in Colorado Springs, Colorado in Political Science. After that, Andy joined the Colorado Air National Guard. He did undergraduate work in pilot training at Williams Air Force Base, in Arizona, where he earned his pilots wings and became a Squadron Fighter Pilot who has over 2500 hours in the F100, A–7 and F–16.

Andy served in many capacities for many years at Buckley Air National Guard Base in Colorado and eventually became the Vice Commander of the 140th Fighter Wing, then on to Deputy Commander for Operations. Soon after that he became the Assistant Adjutant General to the Air National Guard unit at Buckley. In September 2000, Andy became the Assistant to the Commander of Air Force Space Command, which required a move from Buckley to Peterson Air Force Base in Colorado. In April 2003, General Love was promoted to the position from which he now retires as the Assistant, for National Guard Matters, to the Commander of NORAD/USNORTHCOM (North American Aerospace Defense Command/US Northern Command).

Major General Love has much to be proud of in his extensive military career, but also for the many awards and decorations he's received, including: Legion of Merit Award, Meritorious Service Medal, Air Force Commendation Medal, Air Force Outstanding Unit Award, Combat Readiness Medal, National Defense Service Medal, Air Force Longevity Service Award, Small Arms Expert Marksmanship Ribbon, Air Force Training Ribbon, Armed Forces Reserve Medal, Colorado Meritorious Service Medal, Active Service Ribbon, Foreign Deployment Service Ribbon, Colorado State Emergency Ribbon, Mobilization Support Ribbon, and Colorado Long Service Ribbon.

Mr. Speaker, I urge all of my fellow colleagues to join me in congratulating Major General John A. "Andy" Love on his successful military career, and thanking him for his years of service to a grateful nation.

AWARDING OF AN HONORARY DOCTORATE DEGREE TO SISTER FRANCESCA THOMPSON FROM THE CHRISTIAN THEOLOGICAL SEMINARY, INDIANAPOLIS, IN

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Ms. CARSON of Indiana. Mr. Speaker, I rise today in recognition of Sister Francesca Thompson, O.S.F., Sisters of St. Francis, Oldenburg, Indiana.

Sister Thompson, born in Los Angeles, CA, received her B.A. in English from Marian College, Indianapolis, IN. She earned a Masters of Education degree with a concentration in Communication Arts from Xavier University, Cincinnati, OH. Later, Sister Thompson earned a Ph.D. in Theatre/Speech at the University of Michigan, Ann Arbor, MI.

Her 50 years of teaching experience include St. Joseph Elementary School of Cincinnati, OH; High School English and Speech at the Academy of the Immaculate Conception, Oldenburg, Indiana; Theatre, Speech and Black Studies at Marian College in Indianapolis, IN; a Teaching Fellow in Acting at the University of Michigan; Assistant to the Dean, Associate Professor African-American Studies, and the Department of Communications at Fordham University, Bronx, New York and Assistant Dean and Director of Multi-Cultural Programs at Fordham University, Bronx, New York.

Sister Thompson's publications include her Dissertation: The Lafayette Players, 1915–1932. History of the First Black Dramatic Stock Company in the United States; Twice Called: Autobiographies of Seventeen Convert Sisters; (one chapter): Notable Women in American Theatre; Black Women in America, historical encyclopedia; Families: Black and Catholic, United States Catholic Conference, Department of Education; and Oscar Micheaux and His Circle.

Her background experience in directing include such classics as: "Midsummer's Night Dream", "Hotel Paradiso", "In White America", "As You Like It", "Ten Angry Women", and "The Dutchman" and encompasses original plays entitled "Rag Dolly", "The Inside Story", "Remember When", "Precious Dear's Magic Christmas" and Happiness Is".

Her organizations are the National Black Federal Theatre Board; Jesuit commission on Minority Affairs; National board of Operation P.U.S.H., and the Broadway Tony Board.

Sister Thompson is an accomplished lecturer and public speaker in the areas of Theatre, African American Studies, Communication, the Black Family and Ministering the Black Community.

Mr. Speaker: I echo the thoughts of behalf of many former students, friends and colleagues whose lives have been touched by Sister Thompson.

Finally, throughout her illustrious career, Sister Thompson has shared her many gifts and talents in many places and with many people. It is the sharing of her gifts that makes her a genuine treasure. Mr. Speaker I have enclosed a copy of the extensive résumé of Sister Frances Thompson.

RÉSUMÉ

Sister Francesca Thompson, O.S.F., Dean's Office—McGinley Center #211, Fordham University at Rose Hill, Bronx, New York.

Birthplace: Los Angeles, California, Sisters of St. Francis, Oldenburg, Indiana.

EDUCATIONAL HISTORY

B.A. English—Marian College, Indianapolis, Indiana.

M. of Ed. Concentration in Communication Arts—Xavier University, Cincinnati, Ohio.

Ph.D. Theatre/Speech—University of Michigan, Ann Arbor, Michigan.

TEACHING EXPERIENCE

1954–1961: Taught grades two through eight: St. Joseph Elementary School, Cincinnati, Ohio.

1961–1967: High School English and Speech: Academy of the Immaculate Conception, Oldenburg, Indiana.

1967–1982: Theatre, Speech, Black Studies: Marian College, Indianapolis, Indiana.

1969–1971: Leave of absence to complete Ph.D., Teaching Fellow, Acting: University of Michigan, Ann Arbor, Michigan.

1974–1982: Chairperson Department Theatre/Speech: Marian College, Indianapolis, Indiana.

1982–1999: Assistant to the Dean, Associate Professor African-American Studies, and Associate Professor in Department of Communications: Fordham University, Bronx, New York.

1999– : Assistant Dean/Director Multi-Cultural Programs, Associate Professor in Department of Communication, and Associate Professor of African American Studies: Fordham University, Bronx, New York.

CLASSES TAUGHT, COLLEGE LEVEL

Acting Technique, Advanced Acting, Problems in Acting, Oral Interpretation, Introduction to Theatre, Theatre Criticism, Theatre History, Survey of Dramatic Literature, Black Literature, Black Drama, Directing, Speech, Teaching Speech on the Secondary Level (Class for Education Majors), Conflicts and Choices—20th Century Drama, Tension Between God and Man Found in Dramatic Literature, Shades of Values: Themes in Black and White Drama, Beginning Acting.

PUBLICATIONS

Dissertation: The Lafayette Players, 1915–1932. (History of the First Black Dramatic Stock Company in the United States).

Twice Called: Autobiographies of Seventeen Convert Sisters, (one chapter): Bruce Publishing Company, Milwaukee, Wisconsin, 1959.

Contributor: Black World, Freeing the Spirit America, U.S. Catholic, Black Masks (theater magazine), magazines.

The Theatre of Black Americans, Vol. 11, ed. Dr. Erroll Hill, Chapter 1, "The Lafayette Players. New York: Prentice-Hall, 1980.

Families: Black and Catholic, ed. Sr. Thea Bowman, FSPA. Washington, D.C.: United States Catholic Conference, Department of Education, 1985.

Notable Women in American Theatre, Vol. 1, ed. Dr. Alice Robinson. New York: Greenwood Press, 1989.

Black Women in America: Historical Encyclopedia, ed. Darlene C. Hine. New York: Carlson Publishing, 1993.

Oscar Micheaux and His Circle, ed. Bowser, Gaines, Musser. Bloomington, IN, Indiana University Press, 2001.

BACKGROUND EXPERIENCE

Directing: This Bird of Dawning, Dutchman, The Miser, The Silver Cord, And We Own The Night, At Liberty, Midsummer's Night Dream, Hotel Paradiso, In White America, As You Like It, Ten Angry Women, The Effect of Gamma Rays on Man-In-The-Moon Marigolds, I Never Saw Another Butterfly, River of My Song, Belle of Amherst, Black Vignettes (an original musicale) and numerous Children's Theatre productions.

Original plays: Rag Dolly, The Inside Story, Precious Dear's Magic Christmas, Remember When, Happiness Is . . . .

AWARDS AND GRANTS

Nominated for Outstanding Teaching Fellow of the Year at the University of Michigan at Ann Arbor.

Special "Sojourner Truth Award" given by the members of the Union for Black Identity—Marian College, Indianapolis, Indiana.

Brotherhood Award—awarded by the National Conference of Christians and Jews.

Outstanding Alumni Award—Marian College, Indianapolis, Indiana.

Key to the City, Mayoral Award—Clarksdale, Mississippi.

Indianapolis Education Association's Dr. Martin Luther King Human Rights Award.

New York State English Council Award for Teacher of Excellence in Drama.

Sister Francesca Thompson Scholarship Endowment established by the Sisters of St. Francis Oldenburg, Indiana Justice and Peace Committee.

Teacher of the Year Award—Fordham University, Bronx, New York.

Pierre Toussaint Award for Outstanding Contributions to the Black Catholic Community.

International Black Women's Conference: A. Nomsa John—Inspiration Award.

National Catholic Education Association: A. Koob National Award for Outstanding Contribution to Catholic Education.

Honorary Degree: Doctor of Humane Letters, LeMoyne College, Syracuse, New York, May 1996.

Selected as one of 25 of "The Most Influential Individuals in Catholic Education Over the Past 25 Years." Award presented by the Peter Li Education Group under the auspices of the National Catholic Education Association—Minneapolis, Minnesota.

Presenter of Commencement address and Honorary Degree recipient—Marian College, Indianapolis, Indiana, May, 1997.

Received the degree of Doctor of Fine Arts, from St. Michael's College, Winooski Park, Colchester, Vermont—May 1997.

Received Outstanding Alumnus of the Year Award from the Department of Theatre, University of Michigan, Ann Arbor, Michigan (Ph.D., 1972).

Honorary Degree: Doctor of Fine Arts, Fordham University, May 2002.

Outstanding Sagamore Award—Given by the Governor of Indiana for Superlative Service to the Governor and the State.

ORGANIZATIONS

The Armstead-Johnson Foundation for Theatre Research, New York, New York (Executive Board Member).

Martin Luther King, Jr. Fellow (Executive Board Member).

National Board of Operation P.U.S.H.

Jesuit Commission on Minority Affairs.

Former Board of Trustees, St. Michael College, Winsooki, Vermont.

National Black Federal Theatre Board.

Broadway Tony Board.

PARTIAL LIST OF LECTURE SITES

John Carroll University, Cleveland, Ohio.

Miami University, Oxford, Ohio.

Indiana University.

Purdue University.

University of Michigan, Ann Arbor, Michigan.

University of Missouri, Kansas City, Missouri.

Notre Dame University.

Rochester University of Theology.

Mt. St. Joseph International Theological Institute, Cincinnati, Ohio.

M.L.A. Conference, Chicago, Illinois.

American Theatre Conference, Milwaukee, Wisconsin.

Trinity Baptist Church, Los Angeles, California.

Conference on Black Women; Indianapolis, Indiana.

Canaan Baptist Church, New York, New York.

First Nazarene Baptist Church, Camden, New Jersey.

Antioch Baptist Church, Seattle, Washington.

Metropolitan Baptist Church, Washington, D.C.

P.U.S.H. National Convention, New Orleans, Louisiana

Conference on Ministry to Blacks in Higher Education, Daytona Beach, Florida.

National Black Progressive Baptist Conference, Chicago, Illinois.

National Black Pastor's Conference, Detroit, Michigan, 1979.

National Black Pastor's Conference, Chicago, Illinois, 1980.

15 talks in Oakland, California, "Scholar in Residence" for the Public Secondary Schools.

Tri-State (Ohio, Illinois, Indiana) National Conference for Hospital Administrators and Staff.

Brown University, Providence, Rhode Island.

National Vocation Conference, Milwaukee, Wisconsin.

National Conference on Peace and Justice, New York, New York.

Network of Black Career Women, New York and Cincinnati, Ohio.

N.A.A.C.P. Regional Conference, Michigan.

Conference on Ministering in the Black Community, Adrian, Michigan.

Urban Education In-service Program, Cleveland, Ohio.

Black Urban Child Conference, Archdiocese of Chicago, Chicago, Illinois.

Conference on Catechetics for the Black Community, School Office Archdiocese of Washington, Washington, D.C.

Black Catholic Conference, New York, New York.

LCWR Conference, Kansas City, Missouri.

Molloy College, Rockville Centre Diocesan Office, Rockville Centre, New York.

Union Theological Seminary, New York, New York.

St. Paul Community Baptist Church, Brooklyn, New York.

Fordham Prep, New York, New York.

National Progressive Baptist Women's Luncheon, Brooklyn, New York.

Faculty In-Service Lecture, Rice High School, New York, New York.

Office of Black Ministry, Awards Banquet, New Haven, Connecticut.

St. Augustine's Anglican Church, New York, New York.

St. Charles Lawanga National Institute for Black Seminarians (Faculty), Chicago, Illinois.

National Catholic Educator's Association; St. Louis, Missouri.

Claremont School of Theology, Commencement Address, Los Angeles, California.

Black American Law Student Association, Fordham University, Bronx, New York.

C.S.J. International Conference, East St. Louis, Illinois.

Conference for Inner-City Teachers, Boston, MA.

N.A.A.C.P. Awards Banquet, East St. Louis, Illinois.

National Conference of Black Criminal Justice Employees, St. Louis, Missouri.

African-American Catholic Catechetical Conference, Los Angeles, California.

National Black Theatre Program Conference, Baltimore, Maryland.

National Black Catholic Conference, Keynote Address, Washington, D.C.

Presenter BLACK SPIRITUALITY RETREAT, Bay St. Louis, Mississippi.

BLACK EXPO, Indianapolis, Indiana.

National LCWR Conference, St. Paul, Minnesota.

National "Future of the Church" Conference, Washington. D.C.

National Black Clergy and Black Religious Conference, Indianapolis, Indiana.

Future of the Church Conference—Washington, D.C.

Saint Meinrad Seminary.

Pacific Coast Religion Congress—Keynote Address, Los Angeles, California.

Institute for Black Catholic Studies—Xavier University; New, Orleans, Louisiana.

Black Catholic Congress—Keynote Address, Atlanta, Georgia.

Inner-City Teacher's Conference, Oakland, California.

Black History Month Celebration, Museum of Natural History, New York, New York.

Symposium on Black Performance, Columbia University, New York, New York.

North American Conference on Incultration in the Church, Rome, Italy.

Archdiocese of Chicago, Illinois—City-Wide Black Catholic Revival.

Martin Luther King, Jr. Celebration—St. Francis, New York, New York.

Black History Month Celebration—San Francisco, California.

Peace and Justice Center Lecture Series—Cincinnati, Ohio.

New York Archdiocesan Institute for Elementary and Secondary Teachers, New York, New York.

Major Superiors of Religious Men Conference, San Antonio, Texas.

Archdiocesan Afro-American Theology Conference, Los Angeles, California.

"100 Years of Catholic Social Thought"; International Conference, San Francisco, California.

National Association of Anglican Women, Washington, D.C.

National Black Theatre Conference, Winston Salem, North Carolina.

International Black Women's Conference, New Jersey.

Inter-faith Celebration of Martin L. King, Jr. Day, Angelican Cathedral, Garden City, New York.

National Catholic Educational Conference, St. Louis, Missouri.

AEEE National Conference, San Juan, Puerto Rico.

Inter Faith Ecumenical Service to Initiate: Stop the Violence Week, Temple Emmanu-El, New York, New York.

Conference on BLACKS IN SILENT FILMS—Yale University, New Haven, Connecticut.

The International Chapter Convocation of the FMM Congregation—Boston, Massachusetts—December 1996.

National Black Catholic Congress, Covington, KY. Keynote, 1999.

National Black Theatre Conference, Winston Salem, N.C., 2001.

International Silent Film Festival: Le Giornate Del Cinema Muto, Sacile, Italy, Guest and Speaker for the Festival.

National Black Catholic Congress, Chicago, Illinois, 2002.

Keynote Speaker for the 100th Anniversary Celebration for the oldest Black Catholic Church in Indianapolis, IN—Holy Angels Parish.

Scholarship Fund Raiser for the University of Michigan Theatre Department, Ann Arbor, MI.

Black History Month speaker for St. Paul of the Ship Wrecked—San Francisco, CA.

PAYING TRIBUTE TO FRANK WEDDIG

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Frank Weddig and thank him for his dedication and service to the Colorado General Assembly as a member of both the State Senate and House of Representatives. Frank has brought an outstanding level of energy and integrity to the Colorado General Assembly throughout his years of public service, and as he celebrates his retirement, let it be known that he leaves behind a great legacy of commitment to the people of Colorado.

Representing the people of Arapahoe County in District 36, Frank was elected in 2000 based on his fair and balanced approach to government and his previous political experience. In 1977, he was appointed to the Aurora Parks and Recreation Board; in 1979, he was named to the Aurora Planning and Zoning Commission; and from 1981 to 1994 served on the Aurora City Council. In 1994, he received an appointment to the State Senate and was subsequently reelected in 1996, before running for the State House of Representatives in 2000. During his tenure in the General Assembly Frank has worked hard to improve education and promote fiscal responsibility. During his last term, he sat on the Local Government Committee and the State, Veterans, and Military Affairs Committee.

Mr. Speaker, I am honored to pay tribute before this body of Congress and this nation to State Representative Frank Weddig for his selfless efforts of public service during his tenure in the Colorado General Assembly. The level of integrity and honesty he has displayed while serving his district and the people of Colorado has earned the respect and admiration of his peers. I would like to extend my congratulations to Frank on his retirement and wish him and his wife Pat all the best in their future endeavors.

TRIBUTE TO COL. CELIA Y. BRAMBLE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Col. Celia Y. Bramble in recognition of her dedication to the work of Kings County Hospital in Brooklyn.

Celia Y. Bramble is currently an Associate Executive Director for Training and Organizational Development at Kings County Hospital Center. She began her career at Kings County Hospital in 1967 after migrating from St. Vincent and the Grenadines. She moved up the ranks from Staff Nurse and Head Nurse to administrative positions through academic achievement, clinical competence and dedication.

In her current role, Celia has overall responsibility for planning, coordinating and developing educational programs for professional and support staff within the Central Brooklyn Family Health Network. This includes overseeing over 40 training initiatives managed by Community Health Partnership funds. One of her greatest rewards is to see support staff, who she has coached and mentored, become practical and registered nurses. One of her major achievements is the 100 percent success rate that she has had in preparing students to take the New York State Board for Nursing examination.

Ms. Bramble is also responsible for coordinating clinical experience for students in 14 programs of nursing. She serves on the advisory board of 7 of these programs. In her role as board member, she provides guidance to faculty to include the need for curriculum changes to support current trends in nursing, so that new graduates can successfully make the transition from student to practitioner. Some of her recommendations resulted in programs of nursing adding Cultural Diversity, Pain Management and Introduction to Nursing Management to the curriculum.

Ms. Bramble received her undergraduate degree from CW Post College, Long Island University; a Master of Arts in Teaching in Nursing and a Masters in Education from Columbia University. She also holds a Certification in Nursing Education and Staff Development from the American Nurses Credentialing Center. Among her professional awards are the New York State Nurses Association Nursing Education Award and the Health and Hospitals Corporation Multicultural Award for developing programs to promote tolerance for a culturally diverse workforce.

Ms. Bramble's accomplishments extend far beyond her professional affiliations. In 1981, she was commissioned as a Captain in the United States Army Reserve. Over the years, her devotion to duty, clinical skills and leadership qualities elevated her to the rank of Colonel. Her distinguished military career included assignments in various military hospitals in peacetime and wartime. Her last assignment was Commander of the 344th Combat Support Hospital at Fort Hamilton, New York, until she retired as a Colonel in April 2003. Her military honors include: The Legion of Merit award, the Army Commendation Medal with Four Oak Leaf Clusters, the Army Achievement Medal with Two Oak Leaf Clusters, numerous Certificates of Achievement and Letters of Commendation.

Mr. Speaker, Col. Celia Bramble has dedicated her life to providing quality healthcare to both civilians and military personnel. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. CARTER. Mr. Speaker, on May 11, 2004, during rollcall vote Nos. 153, 154 and 155 I was unavoidably detained. If I had been present, I would have voted "yea" on rollcall vote Nos. 153, 154 and 155.

TRIBUTE TO JOSEPH YANKOSKI—A LEGACY OF PUBLIC SERVICE, CIVIC AND HUMANITARIAN EFFORTS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today with great sadness and tremendous gratitude to honor the life of my good friend, Joseph Yankoski, a generous and dedicated community leader who will be greatly missed in Delaware County, Pennsylvania. As his family, friends and neighbors mourn the passing of Joe Yankoski, I want to take a few moments to remember his work and the difference he made in the community he served so faithfully.

For many years, Joe served as executive director of employment and training for Delaware County. As Joe led the agency through a time of transition and expansion, he was known for his straightforwardness and positive outlook in seeking solutions to assure that residents receive the training they need to find employment or to advance their careers. His inspirational leadership had a profound effect on helping people to better their lives. Even after his retirement, Joe continued to assist others as a consultant to the Delaware County Workforce. His life was centered around service to others.

Adding to his already extraordinary list of accomplishments in the community, Joe plunged himself into other areas of community service and involvement. He was a member of the American Legion Post 227, the advisory council for the County Office of Services for the Aging, an officer with the American Association of Retired Persons, a member of the Delaware County Retirees, the Veterans of Foreign Wars and the Navy League.

The example of Joe Yankoski's citizenship and dedication to duty will be his enduring legacy. Representative of the sacrifices of this great country is the proud and gallant record of his service in the United States Navy during World War II and the Korean War. He served on the USS *North Carolina,* USS *Catoctin* and the USS *Des Moines.*

Mr. Speaker, I ask my colleagues to join me in remembering, a dedicated community leader and friend to many in the 7th Congressional District. I wish Joe's wife of 52 years, Nancy and family, my heartfelt condolences and may they find comfort in knowing that the many people he affected deeply value his dedication and generosity and the example of his life and work.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. KOLBE. Mr. Speaker, yesterday I missed the vote on Agreeing to the Amendment to the Stark of California Substitute Amendment to H.R. 4279, to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements (No. 161). I intended to vote "no."

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. GALLEGLY. Mr. Speaker, on May 12, I was unable to vote on ordering the previous question on H. Res. 637, providing for the consideration of H.R. 4275 (rollcall 156); and on ordering the previous question on H. Res. 638, providing for the consideration of H.R. 4279, H.R. 4280 and H.R. 4281 (rollcall 157). Had I been present, I would have voted "yes" on both measures.

PAYING TRIBUTE TO NANCY SPENCE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Nancy Spence and thank her for her extraordinary contributions to the State of Colorado as a member of the Colorado General Assembly. As a three-term member of the State House of Representatives, she will be remembered as a legislator with the utmost dedication and talent, and will continue to be known as a leader in the community. Let it be known that I, along with the people of Colorado, are eternally grateful for all that she has accomplished in her tenure in the Colorado House of Representatives.

Representing the people of Arapahoe County in District 39, Nancy was first elected in 1998 after serving many years on the Cherry Creek School Board of Education. Nancy has used this background effectively in the State House, championing public education reform as the Chair on the Education Committee. She also has worked hard for a fiscally responsible government to reduce taxes for small business and the people of Colorado, and served on the Transportation and Energy Committee. Nancy's excellent legislative record has garnered her numerous awards, including the 2003 Student Voice Award by the Colorado Student Association for Higher Education, the 2002 and 2003 Guardian of Small Business award by the National Federation of Independent Business, and the 2002 President's

Award from the University of Colorado School of Dentistry.

Nancy's efforts to better her community include extensive involvement with civic organizations. She is a lifetime member of the Cherry Creek Valley Historical Society; member of the Colorado Commission on Higher Education, member of the WICHE Legislative Committee, and is a past member of the Governor's Blue Ribbon Task Force on Higher Education.

Mr. Speaker, it is quite clear that State Representative Nancy Spence is a person who has demonstrated an exceptional level of dedication and commitment to her life long pursuit of public service. It is her incredible devotion along with her passion for contributing towards the betterment of her community and the State of Colorado that I wish to bring before this body of Congress and this nation. It is my distinct pleasure to honor Nancy here today, and wish her and her husband Peter all the best in their future endeavors.

A TRIBUTE TO EVA COOPER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Eva Cooper in recognition of her nursing services to the Brooklyn community.

Eva Cooper has worked at Brooklyn Jewish Hospital and Interfaith Medical Center for over 37 years. Eva is currently the Nurse Manager of four Ambulatory Care sites and the PCAP (Prenatal Care Assistance Program) Coordinator for the Medical Center. She began her career in health care as a Licensed Practical Nurse on a busy 40-bed surgical unit. Eva would always make every effort to give the highest level of patient care. On several occasions, when semi-private rooms were available some patients preferred to remain on the unit, because they were so pleased with the care they were given.

Upon receiving her diploma from the Brooklyn Jewish School of Nursing, Eva began working in the Neonatal Intensive Care Unit as a Staff Nurse. During her tenure on the unit she was promoted to Assistant Head Nurse in 1988 and to Manager in 1992. Eva was the Chairperson of the Baby Alumni Celebration for 3 years, which focused on the accomplishments of the NICU (Neonatal Intensive Care Unit) graduates. When the St. Johns Episcopal Hospital and Brooklyn Jewish Hospital merged in 1983, Eva organized the smooth transition of the NICU.

In 1995, Eva was offered an opportunity to become the Nurse Manager of Ambulatory Care Services of the hospital-based Pediatric and OB/GYN Clinic and two community-based clinic sites. Eva regularly participates in community health fairs, stressing the importance of regular visits to the doctor, balanced nutrition and regular exercise. She spearheads the Reach Out and Read Program at Interfaith Medical Center. The Reach Out and Read Program is a national literacy program that advocates the distribution of books to all children, ages 6 months to 5 years, at each well-child visit. She organizes many events including Easter basket celebrations, Halloween parties and Christmas parties.

As the PCAP Coordinator, Eva advocates for the prenatal patients of Bedford-Stuyvesant and Crown Heights. The program provides insurance coverage for women, who are uninsured or underinsured, during their pregnancy and post-partum visits. Eva also organizes the Ambulatory Care Services quarterly Prenatal Open House Tours, which allows patients to view the Maternal Child Unit and introduces the staff responsible for patient care.

Eva has been recognized for her leadership abilities and unselfish commitment to patient care on numerous occasions: Nurse of the Year—1988, IMC Women's Auxiliary Recognition Award—1998, and Manager of the Year—2002. She is a member of several community organizations including Brooklyn Perinatal Network, Caribbean Women's Association and the Fulton Street Merchant's Association.

Eva earned a Bachelor of Science Degree in Nursing from Medgar Evers College, and a Masters Degree in Health Services Administration from Central Michigan University. Eva currently attends Self-Realization Fellowship Church in New York.

Mr. Speaker, Eva Cooper has dedicated her life to providing quality nursing services to the people of Brooklyn. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. BARRETT of South Carolina. Mr. Speaker, it has come to my attention that I am recorded as "not voting" on May 6, 2004 on rollcall #149.

I ask that the RECORD reflect that had my vote been recorded, I would have voted "yes" on rollcall #149 (to suspend the rules and pass H. Res. 402, regarding the urgent need for freedom, democratic reform, and international monitoring of elections, human rights, and religious liberty in the Lao People's Democratic Republic).

TRIBUTE TO MARC M. SELTZER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to a good friend and remarkable man, Marc M. Seltzer, who is being honored on May 13th at ORT's 2004 Jurisprudence Award Dinner. Marc has made outstanding contributions in the legal field, has written extensively, and is a widely recognized expert on especially complex litigation.

Marc is a native Californian, who received his bachelor's degree from the University of California at Berkeley and his law degree from UCLA. Upon graduating from law school, he became a Deputy Attorney General for the State of California. After several years, he went into private practice and ultimately joined Jack Corinblit and Martin Shapero, forming the firm Corinblit, Shapero, and Seltzer, which later became Corinblit and Seltzer. They blazed an impressive legal trail which included a massive equity funding securities litigation case. Marc also served as the sole lead counsel for the plaintiff in one of the largest and most elaborate west coast securities fraud cases—the ZZZZ Best securities fraud case.

In 1998, Jack Corinblit retired and Marc joined forces with long-time friends and colleagues to become the resident managing partner of the newly opened Los Angeles office of Susman Godfrey L.L.P. In only a few years, the office became one of the leading litigation firms in Los Angeles.

In addition to his extensive legal accomplishments, Marc has served in a plethora of civic and professional organizations. He served as President of the Legal Aid Foundation of Los Angeles in 2002 and is currently the Vice President of the Ninth Judicial Circuit Historical Society. He is also vice chairman of the Executive Committee of the Antitrust and Unfair Competition Law Section of the State Bar of California; a member of the Board of Directors of the National Equal Justice Library; and a trustee of the Lawyers Committee for Civil Rights Under Law. He has also served as chairman of the Dean's Circle at UCLA School of Law.

Marc is married to the Honorable Christina A. Snyder, United States District Judge for the Central District of California. Together, this distinguished couple has given unstintingly of their time and resources to improve their profession and their community.

Mr. Speaker and distinguished colleagues, I ask you to join me in saluting Marc M. Seltzer and congratulating him as he receives this richly deserved honor.

CONGRATULATING "BATTLE OF THE BOOKS" PARTICIPANTS FROM CAMDEN COUNTY, NEW JERSEY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. ANDREWS. Mr. Speaker, I rise today to recognize and congratulate the fifth and sixth grade students and teachers in Camden County, NJ who participated in the Second Annual Battle of the Books. Battle of the Books is a nationwide program designed to foster and encourage a devotion to reading. Through this program, librarians and reading teachers select several books that each participating student is then required to read. Each week students meet to discuss the material they read and, in early spring, a competition is held to test the knowledge that the students have amassed as a result of their voracious reading.

The Battle of the Books is a worthwhile program which greatly enhances the educational experiences of all who choose to participate. I ask that my colleagues join me in commending all of the participating students (including my daughter, Jacquelyn) for their devotion to reading, as well as the teachers and advisors for all that they do to educate our nation's youth.

Participants were, from Atlantic Avenue School in Haddon Heights, NJ: Jacquelyn Andrews, Ben Huber, Kate Quinn, Michael Wasienko, and Samantha Wentz. From Bell Oaks School in Bellmawr, NJ: Ryan Campanella, Courtney Clark, Valentina Covalenco, Robert O'Donnell, Vidhi Patel and Ryan Carney. From Glenview Avenue School in Haddon Heights, NJ: Jason Jenson, Zachary Andrews, Matthew Capula, Robbie Migliaccio, Christopher McKane, and Nick Sabota. From Kershaw School in Mount Ephraim, NJ: Kristina Marioni, Joe Benigno, Ben Donia, Nicole Fisher, Jessica Lanchang, Nicole West, Chris Fehr, Melissa Jost, Rhea Keith, Amanda Monteleone, Brianna Ingram, and Sarah Myers. From Pine Hill Middle School in Pine Hill, NJ: Shelby Cubbler, Chris Harris, Kori Lok, Emily Oriente, Monica Thompson, and Jackie Springer. From Seventh Avenue School in Haddon Heights, NJ: Beth Packi, Matthew Deeney, Rebbecca Baron, Megan Hall, Marc Delmonico, and Nathaniel Harshaw. From Mary Volz School in Runnemede, NJ: Michael Bieg, Carly Drebit, Sean Fredhoff, Brian Kissam, Andrea Lowe, Rachel McKelvy, Michael Cook, Andrea Farino, Jennifer Koss, Amanda McAnally, Brianna Rodriguez, and Evan Prims. From Woodland School in Barrington, NJ: Jill Costello, Alexa Diedrich, Alyssa Jarmusik, Megan Roney, Amanda Woodward, Tyler Franceschini, Edwin Gross, Donny Lang, Mike Muniz, Erik Tate, and Matt Waite. And, from Yellin School in Stratford, NJ: Amanda Hubler, Jeffrey Abbott, Jesse Debes, Sarah Price, Rachel Overpeck, David Calber, Katie Keen, Maryann Baxler, Joshua Forrest, Katelyn Sullivan, Vincent Carpinelli, and Ryan Cooper. The librarians and reading teachers who served as advisors for the students were Mrs. Nancy Healy, Mrs. Jo Ann Burns, Ms. Nancy Clark, Mrs. Susie Leon, Mrs. Susan Mosebrook, Mrs. Diane Drayer Beler, Mrs. Sue Milon, Mrs. Julie LaRubbio, and Mrs. Debbie Reinholt.

TRIBUTE TO THE TOWN OF ORANGE IN RECOGNITION OF THE 70TH ANNIVERSARY OF THE ORANGE PEACE STATUE

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. OLVER. Mr. Speaker, I rise today to recognize the spirit and civic pride that the Town of Orange, Massachusetts and its residents have demonstrated over the past 70 years towards the care and preservation of the bronze Peace Statue by Joseph Pollia.

The 12-foot high "peace statue" stands in a small park in the center of Orange. Designed by Joseph Pollia in 1934, this sculpture received national attention when it was dedicated as a memorial to veterans of World War I. First Lady Eleanor Roosevelt sent a letter commemorating the event and coverage of the statue appeared in the Christian Science Monitor.

The statue addresses the need for world peace through its inscription "It Shall Not Be Again" and is said to be the only "peace statue" of its kind. It depicts a doughboy just returning from the war torn fields of France. He is seated on a stump and beside him stands a 10-year old American schoolboy carrying a book. The statue, which weighs 1,120 pounds, was installed on two granite blocks.

Seventy years ago today this statue was unveiled as a memorial to the brave men of Orange who gave their lives to protect our country. It has also served as a beautiful reminder that peace is an alternative to war. The sculpture's inscription, "It Shall Not Be Again", could not be more timely as the nation once again honors the memory of young men and women who have given the greatest sacrifice to protect our nation and its citizens. In honor of our nation's veterans, I again ask that we recognize the national significance of this statue and thank the people of Orange, Massachusetts for keeping it safe for future generations to enjoy.

HONORING CORRECTIONS OFFICER CHRIS WILSON AND SERGEANT JOSEPH DeMATTEO

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. HOLT. Mr. Speaker, as we celebrate National Police Week, I would like to recognize the bravery of two law enforcement officers from my district whose heroic acts were honored this week by Corrections USA, a leading national voice for correctional officers.

It is said that correctional officers "patrol law enforcement's toughest beat," and nothing could be truer. Everyday, these officers work to keep violent felons behind bars and put their lives at risk to ensure that our families can feel safe in our homes and on our streets. The work they do is critical to the safety of our communities, and their sacrifices exemplify the spirit of public service.

Far too often these sacrifices go unnoticed, but on Monday May 10th, Corrections U.S.A. honored some of these extraordinary public servants at their Medal of Valor Awards Ceremony. Each of the award recipients went beyond the call of duty, putting their lives in jeopardy in order to save the life of another. They all responded admirably to the crises they faced, and demonstrated the true strength of their character. I was pleased and honored to joins Corrections USA in recognizing the courage of these fine officers, and would like to take this opportunity to share the stories of two of my constituents who were honored at this event.

On July 16, 2003, Corrections Officer Chris Wilson quickly came to the aid of one of his colleagues at the Middlesex County Adult Correction Center in North Brunswick, New Jersey, saving him from a severe beating at the hands of an inmate. Mr. Wilson immediately responded to fellow Officer Tim Morris's distress call and found him being attacked by an inmate. Mr. Wilson restrained the inmate and spared Mr. Morris from further injury. Officer Wilson received a Gold Medal of Valor for stopping this brutal attack.

Sergeant Joseph DeMatteo, a 22-year veteran of the Middlesex County Adult Correction Center, demonstrated his strength of character by assisting victims of a car accident he witnessed on his way to work. On July 23, 2003, Sergeant DeMatteo saw an SUV flipping over a small car, and quickly rushed to the scene to help. Because of his experience as a volunteer fire fighter and first aid responder, he assisted the driver in the first car, who was pinned from the chest down under the car's motor. When he noticed flames in the second car, Sergeant DeMatteo left the first driver in the care of another individual assisting at the scene and rushed to the other car. Sergeant DeMatteo and another individual were able to break the windows of the car and move the injured driver to a safe spot on the grass. Once the driver was stabilized, Sergeant DeMatteo went back to the other driver that was still trapped in his car. He stayed with the driver and helped keep him calm until emergency workers arrived to release him. Sergeant DeMatteo received the Life Saving Award for his efforts.

I commend the bravery of these individuals and extend my heartfelt gratitude to correctional officers across the country for their service to our communities.

PERSONAL EXPLANATION

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. LEWIS of Kentucky. Mr. Speaker, I was absent from the House on Thursday, May 6th, due to an unavoidable commitment. Had I been present, I would have voted the following way; rollcall vote 147, H. Res. 628, providing for consideration of the resolution (H. Res. 627) "yea"; rollcall vote 148, H.R. 2443, the Coast Guard and Maritime Transportation Act of 2003 "yea"; and rollcall vote 149, H. Res. 402, expressing the sense of the House of Representatives regarding the urgent need for freedom, democratic reform, and international monitoring of elections, human rights, and religious liberty in the Lao People's Democratic Republic "yea."

On rollcall vote 150, H. Res. 627, deploring the abuse of persons in the United States custody in Iraq, regardless of the circumstances of their detention, urging the Secretary of the Army to bring to swift justice any member of the Armed Forces who has violated the Uniform Code of Military Justice, expressing the deep appreciation of the Nation to the courageous and honorable members of the Armed Forces who have selflessly served, or are currently serving, in Operation Iraqi Freedom, and for other purposes "yea."

On rollcall vote 151, H. Con. Res. 326, expressing the sense of Congress regarding the arbitrary detention of Dr. Wang Bingzhang by the Government of the People's Republic of

China and urging his immediate release "yea"; and rollcall vote 152, H. Res. 398, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons "yea."

PAYING TRIBUTE TO TOM WIENS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Tom Wiens, and thank him for his extraordinary contributions to the State of Colorado as a member of the Colorado General Assembly. Elected to serve the people of District 45 in 2002, he will be remembered as a legislator with the utmost dedication and talent, and will continue to be known as a leader in the community. As he moves on in his career, let it be known that I, along with people of Colorado, are eternally grateful for all that he has accomplished in his tenure in the Colorado House of Representatives.

A businessman and rancher, Tom grew up on his family's historic ranch where they raise hay and cattle, and breed champion cutting horses. During his time at the State House, he has served on the Business Affairs and Labor Committee, and the Agriculture, Livestock, and Natural Resources Committee. His work as a legislator garnered him the Freshman Legislator of the Year award in 2003 by the Independent Bankers of Colorado, and the Colorado Fire Chiefs Association made him an honorary member.

While Tom has effectively served the people of Douglas and Teller Counties in the General Assembly, he has stayed an active participant in the community. He serves on the Board of Directors for the Children's Hospital Research Foundation, and is a member of the National Western Stock Show and Rodeo Association. He is involved with parent organizations at Douglas County High School and Larkspur Elementary, works with several faith-based community outreach programs, and is a member of Cherry Hills Community Church. He also has served as a volunteer police chaplain and is a former Director of the Colorado Ski Museum and Hall of Fame.

Mr. Speaker, it is clear that State Representative Tom Wiens has ceaselessly dedicated his time and efforts to serving his district and the people of Colorado. It is his incredible devotion along with his passion for contributing towards the betterment of his community and the State of Colorado that I wish to bring before this body of Congress and this nation. It is my distinct pleasure to recognize Tom here today, and wish him and his wife Diana all the best in their future endeavors.

A TRIBUTE TO IFE-S. CHARLES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Ife-S. Charles in recognition of her commitment to community empowerment.

Ife-S. Charles was born in Trinidad, West Indies and immigrated to the Prospect Heights neighborhood of Brooklyn, New York 30 plus years ago. She attended Holy Spirit Junior High School, Brooklyn Technical High School in Fort Greene and later went on to earn a degree in Human Services. Ife currently resides in the community of Crown Heights with her daughter.

She is a New York State Certified Mediator specializing in Community, Family and Parent Teen Mediation. She is the Deputy Director at the Crown Heights Community Mediation Center (CHCMC) located on Kingston Avenue in Crown Heights. Her job at CHCMC gives her the opportunity to work with youth and families in her neighborhood. She works closely with the 71st and 77th Precinct Youth and Community Affairs Officers, where she conducts Conflict Resolution Workshops at Empowerment Programs offered by the precincts. She has trained youths in peer mediation and conflict resolution. She is the Director of the 77th Community Task Force which is an effort to enhance community and police relationships.

Ife subscribes to her own E3 philosophy: Enlight; Enrich and Effect. This is a philosophy that she uses in her work with the community and youth. Her attraction to community work is part of who she is which is why she enjoys serving as a motivational speaker at local churches and community centers. Ife can be seen speaking to the young women and men of the community where she gives them words of encouragement or directs them to organizations for their own self-improvement. On any given day you can find Ife in her office with a group of young people talking about life issues and ways of dealing with such issues. For those not attending school, she works diligently at finding them placements in GED and/or job training programs. She further supports the youth in her community by attending open school meetings with teachers, and by enrolling some in karate school, often negotiating fees with the Sensei so that "her children", as she frequently calls them, will have a place to go and not get caught up in what the streets do not have to offer.

Ife credits her love for the work that she does to her Creator and her daughter Jahdai. She is also inspired by her son, Malchijah, who departed this life several years ago.

Mr. Speaker, Ife Charles has dedicated her life to the betterment of her community. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

A TRIBUTE TO NINA COAKE FOR 55 YEARS OF FOSTER PARENTING

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. LEWIS of California. Mr. Speaker, I am honored today to pay tribute to Nina Coake of San Bernardino County, California, who has been mother to 1,152 children over the past 50 years, and helped create one of the most successful foster parent systems in the Nation along the way.

Nina and Vernon Coake took in their first two foster children in 1943, and then in 1945 built a 10–room home to provide care to many more abused, neglected and drug-addicted children. She cared for as many as six at a time constantly until she retired at age 81.

Foster parents are special people, Mr. Speaker. The Coakes told the county's Child Protective Services that they would take in children at any hour of the day, any day of the week. They understood that watching over these troubled children requires constant vigilance and love. Many have been abandoned, molested or physically abused, and it takes an exceptional person to find a way to make these young people understand that someone cares for them.

The Coakes opened the first shelter care home in 1976, and their work ultimately allowed the county to close its dependency lockup section at juvenile hall. In 1996, Nina Coake began caring for medically fragile infants and small children, taking in severely drug-exposed and abused infants and seeing them through drug withdrawal episodes and healing broken bones.

Nina Coake has been a leader in foster parent groups, serving as president of the San Bernardino County Foster Parent Association for 10 years, and in a variety of statewide roles, ultimately becoming president of the California State Foster Parent Association for four years.

She was a leader in convincing the county to require 20 hours of foster parent training—more than twice the State-mandated 8 hours. She has presented numerous workshops at local colleges, as well as 25 statewide training conferences—including chairman of three statewide meetings. Two years ago, she was the primary foster parent representative in a statewide group that helped redesign the California Child Welfare System.

Mr. Speaker, Nina Coake was named Loma Linda University Medical Center's Hometown Hero in 2001, and on May 18 this year will be celebrate at a county luncheon in her honor. Please join me in thanking her for all her years of loving dedication to the children most at need in our society, and wish her well in her future endeavors.

PERSONAL EXPLANATION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. HYDE. Mr. Speaker, on the afternoon of May 12, 2004, I was absent for several votes because President Bush requested my presence at the White House for an extremely important meeting about the situation in Iraq and other national security issues.

I regret that I missed the votes. However, had I been present, I would have voted:

Vote No. 165, Motion to Recommit With Instructions—H.R. 4280 "nay."

Vote No. 166, Final Passage of H.R. 4280, "yea."

Vote No. 167, H. Con. Res. 378, "yea."

Vote No. 168, H. Con. Res. 409, "yea."

THE STOP COUNTERFEITING IN MANUFACTURED GOODS ACT

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. KNOLLENBERG. Mr. Speaker, today I am introducing legislation—the Stop Counterfeiting in Manufactured Goods Act—that addresses the mounting problem of counterfeit manufactured products. I hope my colleagues will join me in passing this bill at the earliest opportunity.

The size and scope of counterfeit manufactured goods around the world is growing every day. In fact, the International Chamber of Commerce estimates that seven percent of the world's trade is in counterfeit goods and that the counterfeit market is worth $350 billion.

Not only are these counterfeit goods a documented health and safety risk for consumers here and abroad, but these counterfeit goods also impact our economy by stealing sales from legitimate American manufacturers and costing Americans high-paying manufacturing jobs.

In fact, the U.S. Customs Service has estimated previously that counterfeiting has resulted in the loss of 750,000 jobs and costs the United States around $200 billion annually. Counterfeit automobile parts alone cost that industry over $12 billion. It is estimated that if these losses were eliminated, the auto industry could hire 200,000 additional workers.

The plight of manufacturers in this country has received a great deal of attention in recent months, and rightfully so. The plight is real.

Manufacturers in this country are the most efficient and technologically advanced in the world, but they face many challenges. In the face of massive global competition, the biggest problems facing manufacturers are the costs they can't directly control, and harm the environment in which they compete. As policy makers, I believe we should focus on improving that environment, and cracking down on those companies who break the rules in the United States and abroad is one way that should garner strong bipartisan support.

The Stop Counterfeiting in Manufactured Goods Act does this by strengthening the federal trademark law used to prosecute counterfeiters. It has three key provisions.

First, the bill provides for the mandatory destruction of the equipment used to manufacture and package counterfeit goods. Under current law, counterfeiters can have their illegal goods seized, but retain the equipment they used to make them. I think we can all agree that we should not leave counterfeiters in business, and this provision will help us in that effort.

Second, the bill clarifies that Title 18, Section 2320, prohibits trafficking in counterfeit labels, patches, and medallions that are unattached to any goods. Sophisticated counterfeiters have sold counterfeit versions of the trademarks themselves in the form of patch sets or medallions that can later be attached to generic merchandises and given the appearance of a genuine product. This is counterfeiting and should not stand.

Finally, the bill offers greater protection for "famous" marks by removing the requirement that the spurious trademark be used in connection with goods or services identical to those for which the spurious mark is already registered.

One important example of why this last provision is necessary is the famous Nike "swoosh." Nike had never intended to enter the sports watch market, so it did not register its trademark for sports watches. A counterfeiter took advantage of this loophole by selling sports watches bearing a counterfeit Nike "swoosh" because that trademark was so popular. Nike was forced to add sports watches to its trademark registry because it had no recourse under the law to stop the counterfeiter. The bill closes that loophole.

The Stop Counterfeiting in Manufactured Goods Act will have a positive impact here in the United States, but its reach can be global. Counterfeit manufactured goods are a worldwide problem and we will need the cooperation of our trading partners to effectively fight counterfeiters. With these provisions in law, our trade negotiators will be able to seek stronger anti-counterfeiting provisions in bilateral and international agreements with trading partners, with these improvements as the basis for asking other countries to enact similar changes.

I thank Congressman MARK GREEN of Wisconsin for joining as an original co-sponsor of this legislation. I encourage all my colleagues to join us in cracking down on the counterfeit goods that threaten public safety, steal sales from legitimate manufacturers, and cost American jobs.

I look forward to working with my colleagues to pass this legislation into law.

TRIBUTE TO PHILIP G. GROSE, JR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to an outstanding public servant from the State of South Carolina, a dear friend, and former colleague, Philip G. Grose, Jr. Phil is officially retiring from State Government as Director of the South Carolina Executive Institute after serving in various state government capacities for 36 years. His extraordinary leadership and service deserve recognition.

Phil is a native of Greenville, South Carolina, but he left his home state to earn a Bachelor of Arts degree in English at Washington and Lee University in Lexington, Virginia. His first professional job was as a staff writer and sports reporter for the Charlotte Observer in 1960. He went on to hone his writing and investigative skills as a reporter for Broadcasting magazine in New York, but returned to his native state to accept a position at The State newspaper in Columbia. There he served as Sports Writer and Business Editor, before finding his niche as Government Affairs Editor. That assignment helped Phil marry his love of politics to his skill of writing, and would unwittingly launch his second career in government.

In 1967, Governor Robert E. McNair recognized Phil's expertise and invited him to join the Governor's staff as News Secretary and Research Assistant. His adeptness and understanding both government and the media insured Phil's success in this role.

In 1967, John Carl West succeeded Bob McNair as Governor and invited Phil to serve in the new administration as Executive Assistant for Public Affairs. It was while Phil was preparing to serve in this capacity that he and I first met, when after some cajoling from him I accepted an invitation from Governor West to join his staff and was placed under Phil's tutelage. Phil shared his enormous talents and his enthusiasm was infectious. He merged efficiency and effectiveness in a manner I had not seen before, and made government work fun and productive. I learned a great deal from him and developed a great deal of admiration and respect for him.

Because of his tremendous abilities, Phil was elevated through a number of increasingly important positions in state government after Governor West tenure as Governor ended in 1975. Phil served as Executive Assistant to the President of the University of South Carolina, Chief Deputy Commissioner for the South Carolina Department of Social Services, Director of the South Carolina State Reorganization Commission, and Assistant Executive Director of the State Budget and Control Board.

In 1989, Phil was tapped to serve as the Director of the Executive Institute, where he leads statewide executive education programs for public sector leaders. He also manages the South Carolina Center for Excellence and the Budget and Control Board's training center.

Phil Grose is married to the former Virginia Maxwell. They have a daughter, Patricia Grose Williams, a son-in-law John D. Williams, and two grandsons, Harrison Philip Williams and David McCully Williams, all of Starnberg, Germany. Phil and his wife have both had very distinguished careers, and my wife Emily have enjoyed being a part of their professional and personal lives. Although Phil has decided it is time to retire from his official role as a public servant, I know he will never relinquish his role of serving the public.

Mr. Speaker, I invite you and the members of this august body to join me in commending Phil Grose on his compassion, his intelligence, his unflagging sense of humor, and his uncompromising dedication to his home state. His name may not be well known, but his words and phrases broadly read and widely quoted. His work is evident throughout South Carolina state government, and serves as an inspiration to many of us who currently serve. The impact of his service will be felt by future generations of public servants, and I am proud to have him as a friend and to honor him today.

ROBERT L. HABUSH TO BE HONORED BY THE AMERICAN JEWISH COMMITTEE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. KLECZKA. Mr. Speaker, on Monday, May 24, 2004, the American Jewish Committee's Milwaukee Chapter will proudly honor my friend, Robert L. Habush, as the Community Service Human Relations Award Recipient.

Every year the Chapter acknowledges one member of its association that has distinguished him or herself as an outstanding example of service and leadership to the Jewish community and the city as a whole. Bob is continually identified as a philanthropist who donates substantial time, talents, and financial resources to the people of Milwaukee.

In Wisconsin academic circles, Bob has strived to ensure that Wisconsin's future lawyers carry on his legacy of excellence. From lecturing at Marquette University and the University of Wisconsin, to writing instruction texts on litigation techniques, and providing funding for scholarships and clinics, he has moved to improve the state of legal education in Wisconsin.

A litigator for 42 years, Attorney Habush has been named as Best Trial Lawyer of the Year for the Wisconsin Academy of Trial Lawyers and one of the Best Lawyers in America by the Association of Trial Lawyers of America (ATLA), and served as the President of the Wisconsin Academy of Trial Lawyers and President of the ATLA.

Bob has also been a dedicated friend to the Milwaukee Jewish Community. Not only has he donated his legal expertise to the Jewish Community Center legal team on a pro bono basis, but his fiscal gifts have made it possible for the Jewish Family Services to create of the JFS Robert and Mimi Habush Family Center, the administrative offices and counseling facilities for the organization. The Habush family has also donated an eight family apartment building as an independent housing facility for local residents with special needs.

Robert Habush is the embodiment of Albert Einstein's quote, "It is every man's obligation to put back into the world at least the equivalent of what he takes out of it." Bob has continued to be an inspiration to others on what difference one individual can make on the behalf of many and is a deserving recipient of this great honor.

PAYING TRIBUTE TO GREGG RIPPY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Gregg Rippy and thank him for his extraordinary contributions to the State of Colorado as a member of the Colorado General Assembly. Appointed to fill District 57's vacated seat in September of 2000, and subsequently elected for two more terms, Gregg will always be remembered as a dedicated public servant and leader of the community. As Gregg moves on in his career, let it be known that I, along with the people of Colorado, are eternally grateful for all that he has accomplished in his tenure in the Colorado House of Representatives.

A fourth generation Coloradan, Gregg has worked in the family construction business started by his grandfather since age fourteen. He began his political career on the Glenwood Springs Planning and Zoning Commission in 1992, and has served as secretary and treasurer for Garfield County's Republican Party. Due to legislative redistricting in 2001, Gregg became the incumbent for District 61, serving Eagle, Garfield, Gunnison, Hinsdale, and Pitkin counties, and was reelected for the 2003–2004 term. For this last term Gregg has chaired the Local Government Committee and served on the Agriculture, Livestock, and Natural Resources Committee.

Gregg has garnered numerous awards for his outstanding record as a legislator. In 2003, the National Association of Home Builders named him State Official of the Year. He also received the Excellence in Leadership award and the Defender of the American Dream award from the Colorado Association of Home Builders, and the Legislator of the Year award from the National Association of Industrial and Office Properties. Some of Gregg's extensive community involvement includes holding several degrees in the Masonic Lodge, and he is a charter member and ex-president of the Glenwood Springs Sunrise Rotary.

Mr. Speaker, it is clear that State Representative Gregg Rippy has ceaselessly dedicated his time and efforts to serving his district and the people of Colorado in the Colorado General Assembly. I am honored to bring his hard work and commitment to the attention of this body of Congress and this nation today. Thank you for all your service Gregg and I wish you and your wife Marilee all the best in your future endeavors.

A TRIBUTE TO PRISCILLA MADDOX

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Priscilla Maddox in recognition of her entrepreneurial accomplishments as well as her contribution to dietary and health sciences fields.

Priscilla Maddox is part owner, and cofounder of Kitchen for Hire, a commercial kitchen for caterers and others who do large volume food preparation. A unique concept, Kitchen for Hire has been established since September 2000 in Brooklyn, New York.

Priscilla began her career at Sydenham Hospital, New York, where she worked for 10 years as head of the Microbiology Department. She then moved on to the Marcus Garvey Nursing Home in Brooklyn where she served as Infection Control Coordinator for six years. In 1983, Priscilla headed the Isabella Geriatric Center in New York City as a Licensed Nursing Home Administrator. After retiring from the Center, Priscilla became self-employed and ran PMM Enterprises for six years. In 2001, Priscilla became an instructor at Medgar Evers College, where she presently conducts Continuing Education Classes, including Cooking for Diabetics.

A holder of many licenses and certificates, Priscilla possesses a Food Handler's License from the City of New York Department of Health, a Commercial Cooking and Catering Certificate, Better Process Control School, Cornell University Food Processing Extension; Nursing Home Administrator's License, New York State Department of Health; Health Care Risk Management, Institute of Medical Law/American Institute of Medical Law, Inc. which was approved by the State of Florida Department of Insurance.

Priscilla works with a number of community-based organizations. She is a member of the National Register of Who's Who 2004 and the Women's Chefs & Restaurateurs. She is also a member of the Caribbean American Chamber of Commerce (CACCI); the Brooklyn Chamber of Commerce; Community Board #8 in Brooklyn, NY; the Washington Avenue Merchants Association (WAMA); the Non-Profit Risk Management Institutes in Washington, DC; the Renaissance Health Care Network Auxiliary at Harlem Hospital. In addition, Priscilla works with the Isabella Nursing Home Corporation and the advisory board of Visions Services for the Blind and Visually Impaired.

Priscilla has been at the forefront of many continuing education programs including those sponsored by American Association of Homes & Services of the Aging, NY and WIBO, Workshop in Business Opportunities. She recently received a citation at the 13th Luncheon and Awards Ceremony for "Visions: Services for the Blind and Visually Impaired" from Brooklyn Borough President, Marty Markowitz,

Priscilla is a graduate of Pace University. She received her Masters in Health Service Administration from the New School for Social Research in New York. She has also received additional education on Care for the Elderly in the Orient sponsored by the University of California in Los Angeles Gerontological Society of America.

Mr. Speaker, Priscilla Maddox has made several and varied contributions to her community including service to the elderly, business development, and sponsoring continuing education programs. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

COMMENDING WALDO "WALLY" SMEBY, 2004 IOWA SMALL BUSINESSMAN OF THE YEAR

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. LATHAM. Mr. Speaker, I rise today to recognize an accomplished small businessman from my Congressional District. Waldo

"Wally" Smeby, President of Metalcraft, Inc. in Mason City, Iowa was recognized by the U.S. Small Business Administration as the Iowa Small Business Person of the Year. Next week Mr. Smeby will join other accomplished small business people in Orlando, Florida as the Small Business Administration will award the National Small Business Person of the Year.

Wally is well deserving of this recognition.

Wally first joined Metalcraft as an assistant controller in 1959, and in the true spirit of the American Dream, began working his way up. He went on to become controller, sales and marketing director, general manager, and finally company president from 1988–1993. In 1993, after the passing of founders of the company, Wally purchased the company.

His entrepreneurial achievements have established Metalcraft with worldwide sales of over $7 million and 70 employees. The majority of the growth and success the company has enjoyed has come while Wally was in a leadership position.

Wally's dedication and work provides benefits to the entire country. Small businesses are the engine of the American economy, as they represent 99.7 percent of all employers.

As his Congressman, and fellow small businessman, I join with all Iowans in wishing Wally the best of luck next week. And, I thank him for the work he has done for his community, his state, and his country.

TRIBUTE TO THE PHYSICIANS, CONSULTING PHYSICIANS AND EMPLOYEES OF STONEWALL JACKSON HOSPITAL

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. GOODLATTE. Mr. Speaker, it is with great honor that I recognize Stonewall Jackson Hospital and the over thirty physicians, more than 80 consulting physicians and 200 dedicated employees who provide the warm professionalism and the personal touch that patients have come to expect from their local hospital.

Stonewall Jackson Hospital is located in the historic city of Lexington, Virginia and they are celebrating their fiftieth anniversary in the same location.

Since this week is National Hospital and Healthcare week, I think it is only fitting to recognize the important contributions that Stonewall Jackson Hospital and their employees have made to our community.

Stonewall Jackson Hospital (SJH) is the primary healthcare provider, serving the communities of Lexington, Buena Vista and the surrounding Rockbridge County. Stonewall Jackson Hospital is a non-profit, critical access hospital dedicated to quality care and patient comfort.

Stonewall Jackson Hospital began in 1907 with the dedication of a group of local women—The United Daughters of the Confederacy—and the financial and logistical support of the local community.

Mary Anna Morrison Jackson, widow of Thomas "Stonewall" Jackson wanted to start a nursing home for older ladies. This was an effort to preserve the only home "Stonewall" had ever owned; it was being considered for demolition and replacement with a community building. The United Daughters of the Confederacy (UDC), looking for a fitting memorial for T.J. Jackson, approached Mrs. Jackson in 1901 about buying the home for use as a hospital. Mrs. Jackson consented and Stonewall Jackson Memorial Hospital officially opened in 1907. The UDC held a "shower" to provide linens and pantry items to the new hospital.

For the next fifty years the women of the UDC financed, supported, and managed the affairs of the hospital. It was a struggle for the hospital to survive. At this time, doctors made house calls. No one went to the hospital for treatment unless they were very seriously ill. Hospitals were thought to be for the insane and the desperately ill only. In the first five years of operation, Stonewall Jackson Hospital saw only 26 patients.

The increase of knowledge pertaining to infection and the growth of the community, eventually prompted doctors to centralize their services at the hospital, requiring patients to come to them, rather than the other way around.

Commitment and support through the last century allowed the hospital to grow, expand, and move to its current location. In 1954, Stonewall Jackson Hospital moved across town to its present site. An enhanced structure was completed on the same site in 2002.

The recently completed, state-of-the-art medical facility blends modern technology with comfort, cutting-edge equipment with small-town hospitality. Stonewall Jackson Hospital truly redefines healthcare in the community.

OFFICER JOHN PATRICK WATSON—ALASKAN HERO

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. YOUNG of Alaska. Mr. Speaker, today I rise to pay tribute to the men and women in blue who have given the ultimate sacrifice. Every year, thousands of law enforcement officers from all corners of our Nation come together to hold a candlelight vigil at the National Law Enforcement Officers' Memorial at Judiciary Square. Spouses, children and even those who just want to say thank you come together to honor the over 16,000 heroes whose names have been inscribed on that marble wall. These heroes are law enforcement officers who lost their lives in the line of duty.

Today, I pay my respects to these heroes and to share the sorrow as we remember and honor them for their unselfish commitment to protect and serve. We honor their lives and all they have done to make our streets a safer place for us to live.

Last year, 145 law enforcement officers gave their lives in the line of duty. Today, I would like to recognize and honor a fellow Alaskan: Officer John Patrick Watson, who gave his life Christmas Evening, 2003 while responding to a possible domestic dispute call. Officer Watson, an eighteen-year veteran of the force and resident of Kenai, Alaska was shot to death with his own weapon, allegedly by one of the individuals on whose welfare he was checking. Officer Watson is the first member of the Kenai Police Department to lose his life in the line of duty but his loss was not in vain. He will be remembered for his commitment to his job, his friends and most of all his family. He along with the other fallen members of the law enforcement community share a special bond with one another. They will be regarded as heroes, a bond they will share for eternity. It is only fitting that we celebrate their lives not for the way they died, but for the way they lived.

Officer John Patrick Watson went to work on Christmas Day as a hero and that is the way he will always be remembered. I pray for his wife Kathy, his daughter, six stepchildren and his family in Michigan. Officer Watson is a true Alaskan Hero.

CONGRATULATING MONSIGNOR CONSTANTINE SICONOLFI HONORED FOR THE 2004 AMERICANISM AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. KANJORSKI. Mr. Speaker, today I call the attention of the House of Representatives to Monsignor Constantine Siconolfi as he is honored by Amos Lodge No. 136 of B'nai B'rith with the 2004 Americanism Award at the 52nd annual awards dinner this Sunday at the Jewish Community Center in Scranton, Pennsylvania.

Monsignor Siconolfi has dedicated his life to ministry in Northeastern Pennsylvania. Ordained in 1959, he was an assistant pastor at St. Patrick's in Milford, St. Cecelia's in Exeter and Holy Family in Scranton. In 1970, he was appointed as the Diocese of Scranton's director of ecumenism and human affairs, director of Catholic cemeteries, rector of Villa St. Joseph in Dunmore and director of the Campaign for Human Development.

Monsignor Siconolfi also served as the Bishop's Representative to the Pennsylvania Conference on Inter-Church Cooperation and to the Community Action Department of the Pennsylvania Catholic Conference. In 1985, Monsignor was named pastor of Holy Family Church in Scranton.

Monsignor Siconolfi founded and continues to serve as executive director of St. Francis of Assisi Kitchen, which has served free daily meals to the needy of our area since 1978. Monsignor Siconolfi has been involved in a variety of other community and civic activities. He founded the Scranton-Lackawanna Labor Management Committee and the Marion Center for Women. He has served as director of the Scranton-Lackawanna Human Development Agency, Scranton Neighbors Inc., the Alcohol and Drug Abuse Council and Meals on Wheels of Lackawanna County. He continues to serve on the boards of the Mayor's Human Relations Commission, UNICO, the Columbus Day Association and La Festa Italiana.

It is an honor and a privilege for me to represent this remarkable gentleman who gives of himself so freely. Mr. Speaker, today I ask you and my esteemed colleagues to join me in congratulating Monsignor Siconolfi on receiving this great honor.

TRIBUTE TO MR. WILLIAM SCHATZ OF CLEVELAND, OH, PRESIDENT OF THE ASSOCIATION OF METROPOLITAN SEWERAGE AGENCIES

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mrs. JONES of Ohio. Mr. Speaker, I rise today in honor of Mr. William B. Schatz, General Counsel of the Northeast Ohio Regional Sewer District (NEORSD), in Cleveland, Ohio. Mr. Schatz serves as the district's representative to the Association of Metropolitan Sewerage Agencies (AMSA). On May 24, 2004, the members of AMSA elected Mr. Schatz to be the president of the Association stemming from his exemplary commitment and dedication to a clean-water community.

AMSA's mission is to effectively maintain a strong leadership role in the development and implementation of scientifically sound, cost-effective, and environmentally friendly policies for the protection of the health of the public and the environment. In May of 2004, AMSA celebrated 34 years of service to the clean-water community and the nation.

Mr. Schatz has served with distinction at NEORSD from 1979 and for over 20 years has been a leader in the water quality arena working on many projects on behalf of the district and AMSA. His distinguished background includes service as the ad hoc legal advisor to the Ohio Association of Metropolitan Wastewater Agencies, as a member of the Advisory Board of the National Enforcement Training Institute, and as a member of EPA's Quality Review Committee on grant audits. Mr. Schatz has served in several capacities with AMSA, including chairing the Legal Affairs Committee, Water Infrastructure Funding Task Force, Joint AMSA-AMWA Insurance Committee, as well as serving on AMSA's Board of Directors.

Mr. Schatz was instrumental in establishing NEORSD as a leading agency in the wastewater industry and in helping to guide its capital programs. Mr. Schatz has also had an influential voice in convincing Congress to fund the conversion of NEORSD's physical chemical Westerley Plant to a conventional biological process. Mr. Schatz has also played an important role in helping shape critical national policy issues on infrastructure funding, enforcement, and construction grant audit appeals.

Cleveland, Ohio is honored to be the home to Mr. Schatz. It is no secret that he is a man who, day in and day out, goes above and beyond the call of duty. He is to be commended for his extraordinary efforts on behalf of the Northeast Ohio Regional Sewer District and on his election to lead the Association of Metropolitan Sewerage Agencies.

PAYING TRIBUTE TO JOHN OIEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to John Oien of Delta, Colorado for his outstanding career in the U.S. Forest Service and to congratulate him on his recent retirement. Over his thirty-seven year career, John helped preserve the beauty of the national forests in Colorado and other Western states, while making them more accessible for the public to enjoy. His service to this nation is commendable and worthy of recognition by this body of Congress and this nation.

John graduated from California Polytechnic State University with a degree in environmental design while working for the Forest Service in the Angeles National Forest. Following his graduation, he worked in National Forests in California, Nevada, and Idaho focusing on the planning of recreational areas. In 1979, John arrived in Delta, Colorado, where he began to work on the Grand Mesa, Uncompahgre, and Gunnison National Forests. He has also done scenery management work on the Grand Mesa Scenic Byway and the San Juan Skyway, and worked with the Western Colorado Interpretive Association to allow the public to better understand the many qualities of the national forests.

Mr. Speaker, it is clear that John Oien has been an invaluable resource for the State of Colorado and to our National Forest System. His selfless dedication to preserving a priceless part of America's landscape is worthy of acknowledgment before this body of Congress and this nation today. Thanks, John, for all your hard work, and I wish you and your wife, Jenifer, all the best in your well-deserved retirement.

A TRIBUTE TO LISA DAVIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Lisa Davis in recognition of her commitment to public service and help of those in greatest need.

Lisa is the third of four children born to Blackwood and Eliza Davis. She is proud to have grown up in Crown Heights and is now a longtime resident of Bedford-Stuyvesant.

A graduate of Ohio University, with a Bachelor of Science in Recreational Therapy, Lisa sought employment with the New York City Housing Authority as a Youth Community Center Director upon her return to Brooklyn. After 4 years, she left the Authority to work as a case manager for the Bureau of Child Welfare. Shortly afterward, she became a New York State Parole Officer, assigned to a special unit named S.H.O.C.K. This program managed only parolees younger than 22 years old and convicted of a drug-related crime. After several years of providing her services to the city and State, she left the public sector for 7 years to assist with the management of the family business.

Five years ago, Lisa returned to the NYC Housing Authority as a Community Coordinator for Brooklyn South and quickly advanced to the position of Citywide Program Manager. She was soon promoted to Senior Program Manager.

As Senior Program Manager, she develops, implements, manages and evaluates youth and senior center programs throughout the borough. Lisa is the creator of NYC Housing Authority Kids Walk, which is approaching its third event year. She is putting forth a great deal of effort to connect health care services to the Brooklyn Housing Developments, Brookdale University Hospital, adolescent obesity program, Fit for Life; SUNY Downstate Hospital, Asthma Mobile Unit and the Arthur Ashe Institute for Urban Health.

Lisa has also committed herself to a number of volunteer activities. Currently, her highest priority is PowerPlay NYC Inc, which empowers young women through play.

Lisa's mantra of "Not everyone thinks like me, and that's okay," has allowed her to have a successful professional life as well as a fulfilling personal life.

Mr. Speaker, Lisa Davis has dedicated virtually all her professional life to improving the lives of young adults and seniors in need. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

PERSONAL EXPLANATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mrs. LOWEY. Mr. Speaker, during an absence yesterday, I regrettably missed rollcall votes 165–168. Had I been present, I would have voted in the following manner: rollcall No. 165, "yea;" rollcall No. 166, "no;" rollcall No. 167, "yea;" and rollcall No. 168, "yea."

IN RECOGNITION OF THE GIRL SCOUT RESEARCH INSTITUTE'S PUBLICATION OF "FEELING SAFE: WHAT GIRLS SAY"

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to address an issue that is of concern to every member of this body and every citizen of our Nation. That issue is the safety of our children.

Recently, the Washington Post featured an article describing the findings of a national survey conducted by researchers from Duke University and the nonprofit Foundation for Child Development. The title of the article tells the story of their results; "Baby Steps Made in the Well-Being of Children." The good news it shares is that children and teens are safer today than they have been in the past 30 years—less likely to commit or be victims of crime, to become young parents, and less likely to smoke, drink or use drugs.

This is good news indeed, but as we all know, there is a difference between being safe and feeling safe. We can understand this distinction because we all experience some anxiety when the threat level moves from yellow to orange or when we become aware of terrorist acts. As adults, we work to manage our reactions to these incidents. Likewise, our children struggle daily with feelings of safety that impact their quality of life.

The Girl Scouts of the United States of America is an esteemed organization, founded in the State of Georgia in 1912 and chartered by the U.S. Congress in 1950. Throughout its history, the Girl Scouts have worked to improve the lives of young women through traditional scouting and other educational programs. Now the Girl Scout Research Institute has produced a report titled "Feeling Safe: What Girls Say" based on original research. Through this publication, young women speak to us about what factors in their homes, schools and communities cause them to feel safe or unsafe and talk about their strategies for coping with such feelings.

For example, the report reveals that while physical safety is a key concern for urban and suburban girls, girls who live in rural communities are concerned about emotional safety, specifically about being teased. This finding supports the incorporation of anti-bullying and conflict resolution programs into our public schools. Feeling Safe also emphasizes that families and supportive friends can help girls strategize about ways to increase their feelings of safety and by so doing, become more empowered. This finding supports what we have already learned about the important role volunteer mentors can play in a young person's life.

I would like to commend the Girl Scouts of America for this research and the production of a user-friendly report that can be a guide for local, State and Federal policy makers. I recommend it to each of my colleagues and hereby pledge my continued support for this exemplary organization that has made all the difference in the lives of so many girls.

MILLER MOTION TO INSTRUCT CONFEREES ON OVERTIME

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of the Miller Motion on Overtime which would instruct conferees to adopt provisions to prohibit overtime cuts, while allowing the administration to improve overtime rules. I am proud that in my home State of Illinois on March 31, the State House and Senate passed legislation that made Illinois the first State in the country to exempt the State from the changes to overtime pay rules. This legislation was signed into law by our former House colleague, Governor Blagojevich.

This legislation will preserve overtime compensation for 375,000 workers in Illinois. Unfortunately, not every State will be able to pass legislation to protect their workers. The Department of Labor's new regulations will cut the pay and lengthen the hours for workers making as little as $23,660. This would mean a pay cut for middle-income Americans, when millions depend on overtime pay to make ends meet at a time when the median income has declined with an increase in cost for education, child care, basic health care, health insurance, heating and cooling and gasoline.

In 2000, overtime pay accounted for about 25 percent of the income of employees who worked overtime. With the new regulation middle-income workers making between $23,660 and $100,000 will lose their overtime—this includes our police, fire fighters, day care workers, chefs, plumbers, electricians, nurses, and journalists. With over 60 percent of women with children under the age of two being part of the workforce, nursery and pre-school teachers are playing more important roles in our children's lives. As the work day extends for parents, so does the work day for nursery and pre-school teachers. The average pay for these teachers is $8 an hour, with many working 10 hours a day. Yet they will no longer qualify for overtime.

An average police officer starting salary is around $40,000. They protect us, keep us safe, walk the streets—put their lives on the line. After September 11th, our Nation became more grateful and devoted more respect to our officers and first responders. Yet we now want to take overtime away from them which could be used to benefit our economy and the lives of their families. There are already some police departments that do not pay overtime but offer comp time. Although, comp time is nice—with heightened security alerts and the need for more police on our streets, many do not get the opportunity to use this comp time when they would like. Instead, many police officers retire 20–30 years later receiving a check for their unused comp time.

Mr. Speaker, we can not turn our backs on our working Americans. Without overtime, many will have to struggle to maintain their current way of living. I am not just prolabor, I am proud to be pro-family. And I know that these new regulations would be destructive to our working families. These regulations mean more work hours, less time with families, and even worse, less job creation.

The Illinois State Government understands. Our other body, the United States Senate understands—now the House needs to realize the importance of these new regulations. I ask my colleagues to support this motion.

HONORING BARBARA NOEL

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Barbara Noel, a Santa Ana High School teacher, who was recently honored with the Bravo Award.

The Bravo Award was established in 1983 by the Music Center Education Division to recognize teachers for creativity and innovation in Arts education. Three Bravo Awards are handed out each year: one to a school, one to an arts specialist, and one to a general classroom teacher.

Barbara is only the second dance teacher in 22 years to win this prestigious award and I am very excited for her. I wish to thank her for innovation and dedication in teaching the arts to our school children.

PAYING TRIBUTE TO ED WARD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise to pay tribute to the life and memory of Edwin "Ed" Ward of Durango, Colorado who passed away recently at the age of eighty-nine. Ed lived a full life as a devoted family man and beloved member of his community. As his family mourns his loss, I believe it is appropriate to remember Ed and the many contributions he made to his community and state.

Born and raised in Delta, Colorado, Ed spent twenty-three years working with power companies helping to maintain the generating stations and their infrastructure in Western Colorado. Ed represented his fellow employees as an elected union representative for Local 57 of the International Brotherhood of Electrical Workers. Upon his retirement in 1976, Ed dedicated his efforts to numerous civic organizations in his Durango community. He was active in the Animas Valley Grange, Pomona Grange, and Durango Elks Lodge. He also served for ten years on the board of directors of Animas Water Company, and on the board of the Animas Mosquito Control District Board. Ed was also a member of the La Plata County Fair Board and the Fair Grounds Commission.

Mr. Speaker, we are all terribly saddened by the loss of Edwin Ward, and I am deeply honored to bring his life to the attention of this body of Congress and this nation. My heart goes out to his family during this difficult time of bereavement.

TRIBUTE TO DR. LINDA BRADY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Dr. Linda Brady in recognition of her commitment to the provision of healthcare services to the people of Brooklyn.

Dr. Linda Brady is a physician executive with extensive clinical and healthcare management experience. She was appointed President & CEO of Kingsbrook Jewish Medical Center in 1999, and has been associated with the hospital for 19 years. She previously served as the Hospital's Medical Director as well as the Director of the Department of Neurology & Psychiatry. Dr. Brady was the guiding force behind the development of the Geriatric Psychiatry Inpatient Unit, which has received considerable praise for the highly professional and compassionate care rendered in the treatment of older adults with psychiatric disorders.

Dr. Brady served as the Associate Medical Director of Psychiatric Emergency Services at Kings County Hospital from 1980 to 1993. A cum laude graduate of Barnard College, Dr. Brady received her medical degree from the New York University School of Medicine and completed her psychiatric residency at the Albert Einstein College of Medicine, Bronx Municipal Hospital Center. She is a Board Certified Psychiatrist with added qualifications in Geriatric Psychiatry and an Assistant Clinical Professor in the Department of Psychiatry at SUNY Health Sciences Center of Brooklyn. Dr. Brady is a member of the American Psychiatric Association, the American College of Physician Executives, and the American College of Healthcare Executives.

Dr. Brady has received numerous awards for community service from various elected officials and Community Based Organizations, including the Bikur Cholim of Crown Heights, the Caribbean Women's Health Association, the Boy Scouts of America and the Caribbean American Chamber of Commerce & Industry. She pledges that Kingsbrook Jewish Medical Center will continue to forge ties to the culturally diverse community in which it is located and will remain a vital part of the healthcare delivery system in Brooklyn.

Mr. Speaker, Dr. Linda Brady has dedicated her life to improving mental health services for the residents of Brooklyn. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable health professional.

RECOGNIZE HEIDI CAPRARO

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. ROGERS of Michigan. Mr. Speaker, I rise to recognize Heidi Capraro, of Hillside Middle School in Northville, who was chosen as Michigan's Teacher of the Year for 2004–2005. Mrs. Capraro has shown extraordinary commitment to her students and her profession over the past 14 years.

Mrs. Capraro's enthusiasm and patience have made her a favorite among her students, and a well-respected teacher among her peers. She is an engaging instructor known for incorporating hands-on learning as a key element of her science curricula. Her willingness to devote extra time and attention to her classes repeatedly leads to academic and personal successes among her pupils.

In addition to being a conscientious and competent educator, Mrs. Capraro is a dedicated mentor and role model for the students of Hillside Middle School. She is held in high esteem not only among her colleagues, but by parents and students as well, and her influence carries on long after her students leave the sixth grade.

On behalf of my constituents of Michigan's Eighth Congressional District, I ask my colleagues to join with me in recognizing Heidi Capraro for this well-deserved honor, Michigan's Teacher of the Year.

THANKING MS. JANET CONRAD FOR HER SERVICE TO THE HOUSE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. NEY. Mr. Speaker, on the occasion of her retirement in May 2004, we rise to thank Ms. Janet Conrad for 30 years of outstanding service to the U.S. House of Representatives. Janet began her career at the House working as a Junior Communications Terminal Operator and for the past 30 years has served this great institution as a valuable employee at House Information Resources (HIR) within the Office of the Chief Administrative Officer (CAO).

While at HIR, Janet held many positions of increasing responsibility, requiring her to learn new and evolving computer technologies. Initially, Janet worked in the Bill Status Office providing the status of bills in the legislative process to both the American public and the House community.

In the early 1980s, when the House began using personal computers, Janet began working in the User Assistance Office. There she continuously expanded her technical expertise to help House staff in their use of personal computers and a wide range of desktop software. Over time she began supporting increasingly complex hardware and software technology projects to include evaluating software, configuration of network servers, and development of applications and databases for Member, Committee, and House Support Offices.

Since 2000, Janet has been an invaluable member of HIR's Information Management directorate where she had primary responsibility for the Customer Tracking System (CTS). CTS is used by the CAO to collect, record and report customer service delivery information. Janet has been very customer oriented, displayed great passion for her work and has maintained excellent relationships with her customers.

On behalf of the entire House community, we extend congratulations to Janet for her many years of dedication and outstanding contributions to the U.S. House of Representatives. We wish Janet many wonderful years in fulfilling her retirement dreams.

RESUMING EDUCATION AFTER DEFENSE SERVICE (READS) ACT

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. MATHESON. Mr. Speaker, tonight I am introducing legislation to assist a number of soldiers across the nation, based on stories I heard from Reservists in my home state of Utah. These Reservists served honorably in U.S. operations in Afghanistan over the past few years. Over two separate activations, they served 24 months on active duty in the Marine Corps. When they finally returned home, it was to find out that they fell under a loophole within the Montgomery GI Bill. They were ineligible for educational benefits for Reservists, because while they served the requisite 24 months on active duty, their service was not consecutive.

I think that at a time when our nation and our military is increasingly relying upon Reservist contributions for extended periods of time, Reservists have certainly earned the same educational benefits that they would be entitled to if their service had been for 24 straight months.

As a result, my legislation will change the criteria for Montgomery GI Bill eligibility to include at least 2 years of cumulative active duty service over a period of 5 continuous years. It will apply to Reservists activated between 9/11 and the end of 2006, in order to accommodate those who are serving honorably in Afghanistan and Iraq.

I truly thank the Marine Corps Reservists of Fox Company for bringing this issue to my attention, and for their service to this great Nation.

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. GONZALEZ. Mr. Speaker, on rollcall no. 153, 154, 155, I was not present due to inclement weather in Texas which delayed my arrival in Washington. Had I been present. I would have voted "yea."

PAYING TRIBUTE TO JACK SELWAY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. McINNIS. Mr. Speaker, it is my honor to rise before this body of Congress and this nation to pay tribute to Jack Selway for his admirable service and dedication to his Pueblo, Colorado community. I would also like to congratulate him on receiving the 2004 Robert Hawkins award by the Mental Health Association of Pueblo. The award is named in honor of Robert Hawkins who served as Superintendent of the Colorado Mental Health Institute-Pueblo, and is presented to an individual who has made an outstanding contribution in heightening the awareness of mental health in the Pueblo area. This award is a well-deserved testament to his achievements.

Jack and Victoria Rosser co-founded the Mental Health Association of Pueblo in 1999 with the purpose of trying to eliminate the stigma of mental illness and to increase patient access to treatment through education, advocacy, and research development. A public relations professional, Jack is a well-known and dedicated member of the community. He has emceed numerous public events, including the ceremonies for the 2000 convention of the Congressional Medal of Honor Society held in Pueblo, where he performed our National Anthem. Jack also is a member of The Greater Pueblo Chamber of Commerce and The Pueblo Economic Development Corporation. He is a member of the Rotary Club of Pueblo Number 43, and has established an organization that is collecting the history of the first 100 years of Rotary International. In addition to cofounding the Mental Health Association of Pueblo, he founded the local chapter of the Depressive and Manic Depressive Association of Pueblo, and created a website with information on mental health resources.

Mr. Speaker, it is clear that Jack Selway has a strong commitment to the community of Pueblo and to improving the quality of mental health care in the Pueblo area. His efforts to strengthen his community are truly remarkable, and his receiving the 2004 Robert Hawkins Award is a well-deserved testament to his tireless efforts. It is my privilege to recognize the accomplishments and service of Jack Selway before this body of Congress and this nation. I sincerely thank him for his service and wish him the best in his future endeavors.

A TRIBUTE TO SHEILA PEMBERTON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Sheila Pemberton in recognition of her contributions to her community and dedication to providing quality health care to all people.

As a young adult growing up in St. Vincent and the Grenadines, it was always Sheila Pemberton's dream to pursue a career in nursing which would enable her to serve humanity. In her nursing career, which spanned over 40 years, Sheila has always advocated for her clients to receive quality health care. As a young nurse, Sheila joined a small, elite group of Public Health Nurses within the City of New York Department of Health.

As a Public Health Nurse, Sheila worked in various capacities in the Bedford Stuyvesant community. She was passionate about the quality of care provided to both adults and children. She worked in child health clinics, which covered a wide range of health problems and was truly an advocate for children. As a School Nurse, she worked tirelessly with children from elementary to high school in both public and parochial schools. During her tenure she interacted with students, parents and teachers to promote health in the community with emphasis on the family as a unit. She is a strong voice for the physically and mentally challenged and whenever there is a call for help, Sheila will answer it.

She is a lifelong member of Chi Eta Sorority, Theta Chi Chapter. From her inception in this sorority, Soror Pemberton, as she is called, has lived up to the motto "Service for Humanity." She works diligently to carry out the goals of the sorority and always makes herself available to provide assistance in any capacity.

Sheila is an ardent member of her church and has served as co-chairperson of the health organization. These activities include organizing health fairs, visiting the sick, shut-ins, accompanying patients to the doctor and providing childcare on occasions for parents.

She has always advocated for the helpless, less fortunate and at present, she advocates for a physically challenged individual who lives in a special residence. She visits him on a regular basis and attends meetings on his behalf.

Ms. Pemberton has been recognized with many awards for her extensive and varied experiences, including: certificates of achievement and recognition from the NYC Department of Health for 25–30 years of service; a Proclamation from the Office of the Mayor, City of New York; the Bureau of School Children and Adolescents for Contributions to the Bureau; District 21 Board of Education for Staff Development; and for participating in the Developmental/Delayed and Disability in Children program in New York City. Many sorority honors have also been bestowed on Sheila including: The Marguerite Creth Jackson Sisterhood Award for Service for Humanity of Chi Eta Phi Sorority; for Outstanding Co-chairperson of the Hospitality Committee of Chi Eta Phi Sorority in 1990; and for serving as Dean of Pledge Chi Chapter June 1992 to June 1997.

Mr. Speaker, Sheila Pemberton has dedicated her life to providing quality health care to her community. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

FINANCIAL DISCLOSURE

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. SENSENBRENNER. Mr. Speaker, through the following statement, I am making my financial net worth as of March 31, 2004, a matter of public record. I have filed similar statements for each of the 25 preceding years I have served in the Congress.

ASSETS—REAL PROPERTY

Single family residence at 609 Ft. Williams Parkway, City of Alexandria, Virginia, at assessed valuation. (Assessed at $1,134,600). Ratio of assessed to market value: 100% (Unencumbered)	$1,134,600
Condominium at N76 W14726 North Point Drive, Village of Menomonee Falls, Waukesha County, Wisconsin, at assessor's estimated market value. (Unencumbered)	117,400
Undivided 25/44ths interest in single family residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, Wisconsin, at 25/44ths of assessor's estimated market value of $1,072,000	609,090.90
Total Real Property	1,861,090.90

Common and preferred stock	No. of shares	$ per share	Value
Abbott Laboratories, Inc.	12200	41.10	$501,420.00
Agere Systems Class B	184	3.12	574.08
Allstate Corporation	370	45.46	16,820.20
American Telephone & Telegraph	275.973	19.57	5,400.79
AT&T Wireless	414	13.61	5,634.54
Bank One Corp	3439	54.52	187,494.28
Bell South Corp	1367.1389	27.69	37,856.08
Benton County Mining Company	333	0.00	0.00
BP PLC	3604	51.20	184,524.80
Centerpoint Energy	300	11.43	3,429.00
Chenequa Country Club Realty Co	1	0.00	0.00
Comcast	423	28.76	12,165.48
Covanta Energy	910	0.00	0.00
Darden Restaurants, Inc	1440	24.79	35,697.60
Delphi Automotive	212	9.96	2,111.52
Dunn & Bradstreet, Inc	2500	53.50	133,750.00
E.I. DuPont de Nemours Corp	1200	42.22	50,664.00
Eastman Chemical Co	270	42.68	11,523.60
Eastman Kodak	1080	26.17	28,263.60
El Paso Energy	150	7.11	1,066.50
Exxon Mobil Corp	9728	41.59	404,587.52
Gartner Group	651	11.65	7,584.15
General Electric Co	15600	30.52	476,112.00
General Mills, Inc	2280	46.68	106,430.40
General Motors Corp	304	47.10	14,318.40
Halliburton Company	2000	30.39	60,780.00
Highlands Insurance Group, Inc	100	0.00	0.00
Hospira	1220	38.44	46,899.24
Imation Corp	99	37.62	3,724.38
IMS Health	5000	23.26	116,300.00
Kellogg Corp	3200	39.24	125,568.00
Kimberly-Clark Corp	17678	63.10	1,115,481.80
Lucent Technologies	696	4.11	2,860.56
Merck & Co., Inc	34078	44.19	1,505,906.82
3M Company	2000	81.87	163,740.00
Medco Health	4109	34.00	139,706.00
Monsanto Corporation	8360	36.67	306,561.20
Moody's	2500	70.80	177,000.00
Morgan Stanley/Dean Whitter	312	57.30	17,877.60
NCR Corp	34	44.06	1,498.04
Newell Rubbermaid	1676	23.20	38,883.20
One Group Prime Money Market Fund			76,453.23
Pactiv Corp	200	22.25	4,450.00
PG&E Corp	175	28.97	5,069.75
Pfizer	22211	35.05	778,495.55
Piper Jaffrey	30	54.15	1,624.50
Qwest	571	4.21	2,403.91
Reliant Energy	300	8.21	2,463.00
RH Donnelly Corp	500	30.25	15,125.00
Sandusky Voting Trust	26	85.00	2,210.00
SBC Communications	2476.783	24.54	60,780.25
Sears Roebuck & Co	200	42.96	8,592.00
Solutia	1672	0.39	652.08
Tenneco Automotive	182	12.69	2,309.58
Texas Genco	15	35.75	536.25
Unisys, Inc	167	14.28	2,384.76
US Bank Corp	3081	24.54	75,607.74
Verizon (Bell Atlantic)	1201.8641	36.54	43,916.11
Vodaphone Airtouch	370	23.90	8,843.00
Weenergies (Wisconsin Energy)	1022	32.15	32,857.30
Total common and preferred stocks and bonds			7,174,989.40

Life insurance policies	Face $	Surrender $
Northwestern Mutual #4378000	12,000.00	60,909.81
Northwestern Mutual #4574061	30,000.00	146,261.80
Massachusetts Mutual #4116575	10,000.00	9,915.21
Massachusetts Mutual #4228344	100,000.00	238,456.61
Old Line Life Ins. #5–1607059L	175,000.00	37,495.60
Total life insurance policies		493,039.03

Bank & savings & loan accounts	Balance
Bank One, Milwaukee, N.A., checking account	$52,566.71
Bank One, Milwaukee, N.A., preferred savings	4,986.23
M&I Lake Country Bank, Hartland, WI, checking account	14,099.41
M&I Lake Country Bank, Hartland, WI, savings	362.83
Burke & Herbert Bank, Alexandria, VA, checking account	2,844.90
Firstar, FSB, Butler, WI, IRA accounts	91,813.72
Total bank & savings & loan accounts	166,673.80

Miscellaneous	Value
1994 Cadillac Deville—retail value	$5,423.00
1989 Cadillac Fleetwood—retail value	2,980.00

Miscellaneous	Value
1996 Buick Regal—retail value	4,660.00
1991 Buick Century automobile—retail value	2,243.00
Office furniture & equipment (estimated)	1,000.00
Furniture, clothing & personal property (estimated)	170,000.00
Stamp collection (estimated)	75,000.00
Interest in Wisconsin retirement fund	276,690.49
Deposits in Congressional Retirement Fund	153,052.77
Deposits in Federal Thrift Savings Plan	186,207.69
Traveller's checks	7,418.96
17 ft. Boston Whaler boat & 70 hp Johnson outboard motor (estimated)	7,500.00
Total miscellaneous	$892,175.91

Total Assets: $10,587,969.04.

Liabilities: None.

Net Worth: $10,587,969.04.

Statement of 2003 taxes paid

Federal income tax	$79,221.00
Wisconsin income tax	26,049.00
Menomonee Falls, WI property tax	2,097.00
Chenequa, WI property tax	20,175.00
Alexandria, VA property tax	9,977.00

I further declare that I am trustee of a trust established under the will of my late father, Frank James Sensenbrenner, Sr., for the benefit of my sister, Margaret A. Sensenbrenner, and of my two sons, F. James Sensenbrenner, III, and Robert Alan Sensenbrenner. I am further the direct beneficiary of six trusts, but have no control over the assets of either trust. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of each son.

Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other state or foreign country.

RECOGNIZING CHRIS HAUCK, PRESIDENT AND CEO OF SUNFLOWER ELECTRIC POWER CORPORATION

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. MORAN of Kansas. Mr. Speaker, I rise today to pay tribute to an outstanding businessman, and a man who is proud to be a "Kansan by choice," Chris Hauck.

On June 1, Chris will retire from his position as president and CEO of Sunflower Electric Power Corporation in Hays, Kansas. His retirement feels like the end of an era, but if I know Chris, it is only the beginning of a whole new chapter in his life, a chapter that will be full of time spent with loved ones, and time given to the community.

Although Chris is not a native Kansan, he soon realized that Hays is a place where he could raise his family, be active in the community, and put his business talents to good use. I have known Chris Hauck since his arrival in Hays. As soon as he took charge, Chris began leading Sunflower Electric into a new era of financial success. Through an intensive reorganization of the company's debt structure and an aggressive marketing campaign, Sunflower Electric has seen a 152 percent increase in sales to member electric systems.

Chris has been active in his industry, aside from his formal duties at Sunflower Electric. He is a past president of the Western Fuels Association, and is still a member of its board of directors. He is also a past president of the Greening Earth Society. Chris co-founded the Western Power Producers, a regional coalition of western cooperative utilities, and served as its president for a time. He has also been involved in both the MOKAN and Southwest Power Pools, and the National G & T Manager's Association Technical Advisory Committee.

This man's influence and expertise has influenced his industry on the global level as well. Chris served on the National Rural Electric Cooperative Association's Global Climate Task Force. During his time on the task force, Chris was part of a committee that, in 1993, influenced the United National Intergovernmental Panel on Climate Change.

Apart from his professional life, Chris is deeply involved in prison ministry. He travels weekly to Ellsworth Correctional Facility along with his wife, Rita. Rita and Chris recruit inmates to participate in the Prison Fellowship Ministries' Inner Change Freedom Initiative. The Haucks believe wholeheartedly in the prison ministry, and I commend them for their devotion to bringing God's word to the inmates in Ellsworth.

Not only has Chris brought Sunflower Electric to new heights, and not only has he spent countless hours giving the gift of faith to Kansas inmates, but Chris Hauck is also a great family man. Chris and Rita are the proud parents of two remarkable sons, Les and Christian. Both of these young men are graduates of the United States Air Force Academy. Les, now a captain, has returned from the Persian Gulf and continues to serve his country at Luke Air Force Base in Arizona as an F–16 instructor pilot. Christian, a first lieutenant, is based in Atlanta, Georgia. In addition to serving as a hospital facilities engineer, Christian plays on the United States Combined Armed Forces Rugby Team. Later this year. Chris will be joining his son, and the team, to travel with them as a videographer.

Chris Hauck has been many things to many people. At one time, he was a big-city guy. Now, he is a self-proclaimed "Kansan by choice." In his words, Kansans, "have much to be thankful for, and little to complain about." I know I am certainly thankful for Chris—for his contributions to the western Kansas economy, for his commitment to ministering, and for his friendship. Thank you, Chris, for your service. I wish you all the best in your retirement.

CONGRATULATING CLARK METAL PRODUCTS COMPANY ON ITS 50TH ANNIVERSARY AND THANKING THE COMPANY FOR ITS CONTRIBUTIONS TO THE COMMUNITY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate Clark Metal Products Co. on its 50th Anniversary and to thank the company for its numerous contributions to the community.

Now a third generation family business, Clark Metal Products Co. has maintained a strong commitment to improving the quality and integrity of its product while exceeding the expectations of its customers. The company was founded by J.W. Clark, Sr. in 1954 upon the principle of providing efficient, top quality work at a reasonable cost, and the progress that it has made in the past fifty years confirms the company's dedication to this principle. Since that date, the company has expanded its capabilities and heightened its goals tremendously as it strives to become a world-class organization.

In the last fifty years the company has come closer to reaching this goal. Clark Metal Products Co. was recently named to the Pittsburgh Technology Council's Tech 50 list, which is comprised of the 50 best technology-related companies in the Pittsburgh region. Centrally located in the heart of the northeast, the company has been able to continue a steady growth rate since its inception.

As one of Pennsylvania's leading technology companies, Clark Metal Products Co. offers complete fabrication services such as, CNC punching and laser cutting, CNC forming, CNC machining, MIG and TIG welding, paint and powder coating, silk screening and mechanical assembly. Regardless of the task at hand, the experience and expertise of each and every employee guarantees every project to be completed with the best possible results.

For its incomparable generosity, service to the community, and unabated commitment to excellence, Clark Metal Products Co. deserves the highest recognition. The company continues to grow and maintain a high level of quality, providing an example that all businesses should follow. I congratulate the Clark Metal Products Co. on its 50th Anniversary and eagerly await its future progress.

PERSONAL EXPLANATION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. DEMINT. Mr. Speaker, I was absent during roll call votes 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, and 168. Had I been present, I would have voted "yea" on roll call votes 156, 157, 158, 159, 160, 163, 164, 166, 167, and 168. I would have voted "nay" on roll call votes 161, 162, and 165.

RECOGNIZING THE VERMONT SUPERINTENDENTS ASSOCIATION'S SCHOOL ENERGY MANAGEMENT PROGRAM

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. SANDERS. Mr. Speaker, I wanted to share with you some information regarding an outstanding program in my State that helps schools save hundreds of thousands of dollars annually in energy costs, while dramatically reducing greenhouse gas emissions and other environmental pollutants.

Since 1993, the Vermont Superintendents Association's School Energy Management Program has assisted Vermont schools with the implementation of cost-effective energy choices and efficiency measures.

Energy cost savings realized by the more than 125 public and private schools which the School Energy Management Program has assisted now exceed an estimated $950,000 annually. A significant proportion of these annual savings is due to the 23 public schools which utilize biomass wood chips for all or part of their heating requirements.

The concept of the School Energy Management Program was developed by the Vermont Department of Public Service in 1993 and the Vermont Superintendents Association agreed to host the program. The program is supported by the Federal Government via various grant funds; the Vermont Department of Public Service; the Vermont Department of Forests, Parks and Recreation; the Vermont Department of Education; Efficiency Vermont, the statewide electric efficiency utility; the Montpelier-based Biomass Energy Resource Center; the Vermont Department of Health; the Vermont School Boards Insurance Trust's School Management Resource Center; the state's electric and natural gas utilities; and private architectural and engineering firms.

Participation in the program is voluntary and core consulting and assessment services of the School Energy Management Program have traditionally been provided to schools at no direct cost to Vermont school district taxpayers and with no compensation or "shared savings" demands. The program takes pride in "saving real taxpayers real money" for the long term, while improving the educational environment for Vermont students and saving energy.

The program works to accomplish on-site energy assessments and provide energy conservation consulting services to schools. The program's work is not limited to one energy source or type. It includes: biomass heating, including ongoing support to the 23 Vermont public schools which now utilize biomass wood chip heating systems; electric energy efficiency; advice concerning electric, natural gas, propane, and fuel oil water and space heating fuel choices; and school kitchen equipment efficiency.

One of the program's most remarkable components is the development of wood chip heating systems, an environmentally sound energy choice saving money for Vermont schools and Vermont taxpayers. These systems provide many benefits to Vermont schools and set an excellent example for schools and public buildings in Vermont and across the country.

Wood chip heating can provide significant cost savings to many schools: Vermont schools currently save over $366,000 in fuel costs annually by utilizing wood chip heat.

More than 10 percent of public school students in Vermont currently attend wood heated schools and in Vermont there are now 23 public schools which use wood chips for heat and two more schools will start using wood chips for heat in late 2004.

Wood chips are a renewable source of energy, currently saving Vermont schools over 720,000 gallons of fossil fuel annually by utilizing wood chip heat.

Wood chip utilization recycles carbon that already exists in the natural carbon cycle; therefore no new carbon dioxide is added to the atmosphere from this biomass energy source.

Wood chips are supplied from Vermont and the adjacent region; hence money spent on wood chips stays in the local economy and supports jobs in the area's forest products industry.

For buildings 50,000 sq. ft. and larger, fuel cost savings likely more than offset capital financing costs combined with additional maintenance staff time requirements; hence, in many cases, a system can "pay for itself" in 5 to 10 years.

I enthusiastically commend the Vermont Superintendents Association's School Energy Management Program for setting an excellent example for school systems and other public and private facilities throughout Vermont and across the country. Mr. Speaker, it is my intention to introduce legislation to encourage schools across the country to take advantage of their innovative, environmentally sound and cost-effective heating and energy solutions. It is imperative that American schools save money on energy costs for their taxpayers, help improve environmental conditions related to heat and energy production, and help support their local job markets in the process.

TRIBUTE TO HENNA WHITE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Henna White in recognition of her work to heal divisions and solve problems within her community and among families in Brooklyn.

Henna attained national recognition for her work in inter-group relations, which began in the wake of the Crown Heights disturbances in 1991. She is a South African who grew up during the turbulent years of apartheid and was instrumental in forming "Mothers to Mothers," a dialogue group composed of Jewish and African-American women who meet regularly to learn about and from each other. She has received a number of awards for her intergroup activities and she continues to work with communities and groups to help foster harmony.

Henna has also been at the forefront of issues dealing with domestic violence. She is a well-known speaker on the topics of domestic violence and women's issues and has organized conferences, forums and educators' workshops. She created Brairot, a batterer's intervention and counseling group for Orthodox Jewish males as well as a sex offenders program designed to meet the specific religious and cultural needs of sexual offenders. She has been the guiding force in helping communities break through the denial and realize the tragic effect of domestic violence on families.

After reading about the tragedies of newborn babies being left in dumpsters, Henna created a program called Baby Safe Haven. Baby Safe Haven gives new mothers the opportunity to anonymously leave a newborn at a safe place such as a hospital or a firehouse, keeping the baby safe and giving the mother immunity from prosecution.

Approximately 7 years ago in the aftermath of Yitzhak Rabin's assassination and in response to the rhetoric that divided the Jewish people, Henna founded the Jewish Women's Dialogue under the auspices of the American Jewish Committee. The Dialogue is a group of approximately 30 women from all walks of life with differing and opposing religious views who have learned to listen and talk to each other. The women have created a foundation of trust based on shared beliefs about their differences while maintaining a level of understanding and respect for each other. This organization is now being replicated throughout the New York Jewish community as well as in Boston and Washington.

In her professional life, Henna works for the Brooklyn District Attorney's Office as Community Liaison for District Attorney Hynes. She serves as the Chairman of the Board of Kingsbrook Hospital. She is the first woman to chair the Board of Directors and has been spearheading many programs that educate women when it comes to health related issues.

Her work with youth and families is recognized throughout New York, especially in the areas of teens at-risk and drug addiction. Henna is also the President of the Jewish Community Council of Canarsie and a board member of the American Jewish Committee. Henna is a Chassidic Lubavitch woman born in South Africa who now resides in Canarsie, Brooklyn with her husband, Asher, and their four children.

Mr. Speaker, Henna White has helped solve some of the most difficult and private issues facing families across Brooklyn. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

HONORING REV. C.W. NEWSOME ON HIS RETIREMENT AND RECOGNIZING THE 85TH ANNIVERSARY OF THE NORTH RICHMOND MISSIONARY BAPTIST CHURCH

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, it is my privilege to rise today before my colleagues in Congress and this great Nation to honor a wonderful friend and true warrior in my district upon his retirement after serving 38 years as a pastor in Richmond, California.

Rev. C. W. Newsome, pastor of the historic North Richmond Missionary Baptist Church in the humble community of North Richmond, California, is a steward in the fight for social justice and economic equality. He has dedicated his life to the service of God, extended the doors of his church to provide economic and educational opportunities to the residents of Richmond, and bravely supported our country during World War II.

I am also proud to join the rest of our community in recognizing this year the 85th anniversary of the establishment of his church.

I can remember as a child attending events in North Richmond with my father, the late California State Senator George Miller, Jr., that a young Rev. Newsome would hoist me up on his shoulders to enable me to have a broader vision of my surroundings. More than 25 years later, in the 1970s, I stood shoulder-to-shoulder with Rev. Newsome and other African American faith and labor leaders on the steps of the Social Security building in Richmond. We assembled to protest discriminatory employment practices against African American workers by companies receiving Federal contracts, and I supported their demands that the Nixon Administration pay African American laborers 2 weeks in back pay owed to them for work that they performed on the Federal building project.

Acting as spokesman for the African American carpenters, Rev. Newsome was successful in receiving $18 million for the workers. In September 1975, I proudly stood at the side of Rev. Newsome as we attended the opening ceremony for the newly constructed Frank Hagel Social Security Administration building on Nevin Street in Richmond.

Prior to his path in the ministry, C.W. Newsome proudly served in the segregated United States military where he fought for equality at home and freedom abroad. When World War II began in 1937, there were fewer than 5,000 black enlisted men in the United States army. In 1943, Rev. Newsome joined more than a million black men who had voluntarily enlisted in all branches of the armed forces to join in our country's war against Nazi fascism in Europe. While serving in the U.S. Marine Corps, he sustained an injury and was honorably discharged.

Despite widespread opposition to hiring African American and women workers in the civilian defense industry, Rev. Newsome answered President Franklin Roosevelt's call for civilians to join the country's effort to produce large numbers of "Liberty Ships" and "Victory Ships" for the war industry.

He and millions of other African Americans migrated westward to California to find work in the shipyards. In 1944, Rev. Newsome settled in Richmond and worked as a clipper in the Kaiser Shipyard. His job was to groove steel for welding so that ships could withstand storms on harsh seas. The national westward migration of African Americans from the south to work in the shipyards during War II, and the contributions made by Rev. Newsome and other migrants, including thousands of women laborers, helped establish California as one of the leading industrial hubs in the world, and their efforts helped Richmond to become part of what is known today as the Rosie the Riveter National Historical Park.

Rev. Newsome received his Associate of Arts degree from Contra Costa College in San Pablo, California, and later completed studies at the University of California, Berkeley, Center for Drug and Alcohol Abuse. He studied theology at Bishop College in Dallas, Texas, and he earned his doctorate degree from Reeds Christian College—Western Theology Seminary in Los Angeles, California.

In 1954, Rev. Newsome served as organizing pastor of Holy Jerusalem Missionary Baptist Church in Richmond and he later headed Community Baptist Church in Santa Rosa. In 1975, Rev. Newsome was recognized by then California State Senator James Mills for his studies and contributions in Christian education.

Rev. Newsome's relationship with the North Richmond Missionary Baptist Church formally began in 1966 when he became the church's interim pastor under the direction of the late Rev. F.W. Watkins. After Rev. Watkins' unfortunate passing, Rev. Newsome assumed the pastorship of the church and has served at its helm for 38 years. While assuming his responsibilities as pastor of North Richmond Missionary Baptist Church, Rev. Newsome also worked as a custodian in the Richmond public schools until 1967.

While working in the schools, Rev. Newsome witnessed first-hand how illegal drugs were being brought into high schools and the devastating effect that drugs were having on young people and their families. He understood that drugs and poverty were obstacles to learning for many children attending public schools in Richmond. Therefore, Rev. Newsome began a mission to keep students safe by fighting to close school campuses to drug dealers, and, in 1977, he successfully convinced the Richmond school district and the community to designate Kennedy High School as a closed campus.

For his valiant leadership on behalf of Richmond's children, he was named "Man of the Year" by the Richmond Unified School District.

Rev. Newsome's church has a proud and long history that I also rise to honor. Back in 1921, a small group of parishioners laid the cornerstone for what was to become the very first "Negro Baptist Church" in Contra Costa County. Today, North Richmond Missionary Baptist Church is a lighthouse for residents living in the City of Richmond as well as the unincorporated community of North Richmond. Rev. Newsome opened the doors of his church to the community in many ways. Under the leadership of Rev. Newsome, North Richmond Missionary Baptist Church has amply opened its doors to serve the community.

Identifying the need to provide job training to residents in North Richmond, an economically depressed community, the church opened the North Richmond Career Center. The church served as a national model by providing residents with job skills and successfully putting over 200 young people into meaningful jobs. Several years ago, Rev. Newsome and his congregation helped to establish the North Richmond Clinic and the North Richmond Senior Apartments. Recently, church leaders are working with other faith-based groups to end blight by constructing affordable housing for low-income residents living in North Richmond and other areas of the City of Richmond.

Rev. C.W. Newsome's wife, Alice, serves as first-lady of North Richmond Missionary Baptist Church and is a great member of our community. Rev. Newsome is a loving husband and father and a beacon in our community.

Mr. Speaker, it is my honor and my privilege to call him a friend and a colleague in our shared struggles on behalf of the people of North Richmond and Richmond. I rise to show my respect and offer my heartfelt appreciation to the Rev. C.W. Newsome for his lifetime of service to the ministry, to our community, and to our Nation, and to recognize the 85th anniversary of the remarkable community church in which he has served, the North Richmond Missionary Baptist Church.

HONORING DR. YOSEF A.A. BEN-JOCHANNAN: A PIONEER OF BLACK HISTORY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. RANGEL. Mr. Speaker, I rise today to honor Dr. Yosef A.A. Ben-Jochannan: professor, author, and educator of black history to troubled children. I would like to ask the members of the House to join in paying respect to an outstanding intellectual.

Educated in Puerto Rico, Cuba, and Spain, "Dr. Ben" as he is affectionately called, is a true scholar, earning doctoral degrees in Cultural Anthropology and Moorish History. He is not only a historian but also a trained lawyer, engineer, and Egyptologist. Dr. Ben has been devoted to the exploration of ancient African civilizations and the emphasis of Egypt's importance towards the understanding of religion and African history. He moved to Harlem in 1942 and later began teaching troubled children at Harlem Prep about black history. He has also served as a professor in Cornell University's African Studies and Research Center. Since 1941 Dr. Ben has visited Egypt twice a year and hosted more than 30 educational tours of Egypt focusing on the roots of ancient Nile civilizations and religions. At 85 years old, he has published 42 books, one being the world renowned "The Black Man of the Nile and His Family".

Dr. Ben's scholarly work in the illumination of Africa's role in present "Western" religions has broken new ground for historians. His exceptional educating and tours have inspired many. His work in Harlem has especially touched me and it is with great admiration that I and other Members of Congress shall look upon this brave innovator of African historiography.

TRIBUTE TO MR. GABRIEL L.I. BEVILACQUA

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the accomplishments and contributions of Mr. Gabriel Bevilacqua, Chancellor of the Philadelphia Bar Association. It is a privilege to recognize an individual that strives to ensure that Philadelphia is always at its best.

Mr. Bevilacqua is a member of the litigation team for Saul Ewing, LLP as well as an involved leader of numerous professional and civic organizations. Mr. Bevilacqua has held various leadership positions that include being

Chair of the firm's Health Law Litigation Committee, serving 7 years as a member of the Philadelphia Bar Association's Board of Governors, and serving as the Bar Association's Treasurer and Assistant Treasurer. He currently serves as a Trustee for the Philadelphia Bar Foundation and is a respected former President of the foundation.

Mr. Bevilacqua has remained active outside of the professional arena by being an active member of the Nazareth Hospital Board of Trustees, and by serving on the Board of Directors for Nazareth Hospital, St. Mary's Hospital, and Holy Redeemer Hospital Home Health Agency. Gabriel Bevilacqua was selected as "Pennsylvania Super Lawyer" by Philadelphia Magazine for 2004 for successfully upholding a professional and personal commitment to the Greater Philadelphia area.

It is my honor to recognize a person whose dedication to the community has enriched the lives of countless individuals in both my district and the state of Pennsylvania. I hope that all of my distinguished colleagues will join me and his family in honoring Mr. Gabriel Bevilacqua.

RECOGNIZING THE CONCERNS OF POLICE SURVIVORS, INC.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. SKELTON. Mr. Speaker, let me take this means to recognize Concerns of Police Survivors, Inc. The organization, which provides support and encouragement to families of law enforcement officers who have given their lives, observes its 20th anniversary on May 14. The organization, also known as COPS, has grown into an international nonprofit organization comprised of 13,000 families in the United States, with an affiliate in the United Kingdom.

The genesis of COPS occurred in 1983, when ten survivors of fallen officers gathered to talk about the difficulties they faced when their loved ones were killed. Within a year they decided there was a need for a support organization that could understand the trauma inflicted on surviving families and agencies when an officer was killed in the line of duty.

COPS was officially organized on May 14, 1984, with 110 police survivors attending the first National Police Survivors' Conference in Washington, DC. It organized independently from other police organizations in order to allow members to reach out to any survivor regardless of their loved one's police organization affiliation.

COPS sponsors weekend retreats for surviving spouses, parents, adult children, siblings, and in-laws. The organization also hosts a week-long summer camp and a weekend wilderness experience in the Colorado Rockies for surviving children. With funding from the Department of Justice, COPS presents training that teaches officers how to help surviving families, affected co-workers, and communities deal with the tragedy of line-of-duty deaths.

Mr. Speaker, COPS is providing an important service to those families and coworkers of officers who have lost their lives. From humble beginnings in a basement office to a brand new facility in Camdenton, Missouri, COPS has brought healing and support to those who have lost a friend or loved one. I know my fellow Members will join with me in thanking members of this organization for their work and dedication.

FREEDOM FOR NELSON MOLINÉ ESPINO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Nelson Moliné Espino, a prisoner of conscience in totalitarian Cuba.

Mr. Moliné Espino is a pro-democracy activist working for freedom for the people of Cuba. He is the President of the Confederation of Democratic Workers of Cuba and a member of the 30 November party. Mr. Moliné Espino has dedicated his energy and talents to liberating the oppressed people of Cuba from the tyrannical regime.

As a leader in the struggle for freedom and human rights for the people of Cuba, Mr. Moliné Espino has been a constant target for the dictator's thugs. According to Amnesty International, he has been harassed for his activities, called into a police station, and threatened with arrest if he did not abandon his struggle for human rights and workers rights.

Because of his belief in freedom, Mr. Moliné Espino was arrested as part of the tyrant's vicious crackdown on peaceful pro-democracy activists in March 2003. On March 20, he was detained and his home was searched. Eventually Mr. Moliné Espino was "indicted" on charges that he had mixed with people dedicated to "subversive" activity. After a sham trial, he was sentenced to 20 years in the totalitarian gulag.

Mr. Moliné Espino is languishing in the inhuman squalor of Castro's totalitarian gulag. According to reports, since his trial in April 2003, he has again been "tried and sentenced" to an additional year on charges of "disrespect". Let us be clear, Mr. Moliné Espino is locked in the grotesque inferno of totalitarian repression simply because he believes in democracy and human rights.

Mr. Speaker, it is unconscionable that peaceful pro-democracy activists are locked in a diabolical gulag 90 miles from our shore. My Colleagues, we must demand the immediate release of Nelson Moliné Espino and every prisoner of conscience in totalitarian Cuba.

RECOGNIZING "COVER THE UNINSURED WEEK"

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to recognize May 10–16 as "Cover the Uninsured Week." This is an important opportunity to put the spotlight on those individuals without access to coverage as well as those with inadequate coverage. Over 44 million people—15% of the U.S. population—lack health insurance coverage of any kind over the entire year. It has been said many times, but it must be said yet again—the United States is the only industrialized nation which fails to provide universal health care to its people. I hope the "Cover the Uninsured Week" will not just stimulate discussion, but action, so that soon that statement will no longer be true.

Individuals without health insurance are more likely than insured Americans to postpone health care, not getting the care they need and not filling prescriptions. Access to health insurance also has a major impact on the financial well-being of families—over a third of the uninsured had a serious problem paying medical bills in the past year and nearly a quarter was contacted by a collection agency. The alarming fact is that this disturbing trend is only worsening. Throughout most of the 1990s, the number of uninsured has been steadily increasing by about 1 million people every year. This problem persists despite the fact that a recent Kaiser Family Foundation poll found that 78 percent of all Americans believe that the government has a responsibility to expand health insurance coverage to more Americans. This strong sense of national support for expanding health care to the uninsured is a mandate to the government to act now on this urgent problem that is profoundly affecting the ability of Americans to live healthy and productive lives.

The lack of affordable health care and the national epidemic of the uninsured is not a problem with a single face. The uninsured are a diverse group of people—they are young professionals, small business owners, laborers and service employees. They are children, parents, and the near elderly. Any working person in this country can end up being uninsured at some point in their life. Today, I would like to look beyond the numbers and present before you snapshots of two people from my state of Illinois who are living without insurance.

Jocelyn Graf of Oak Park, Illinois had to give up her health insurance when she started her own small English language training business and discovered that she could not afford the insurance plans available on the market. Jocelyn has received discounted medical care with assistance from the Campaign for Better Health Care. Jocelyn explained that she has been willing to risk living without insurance because she is young and healthy, but the lack of coverage would have been harder to deal with if she had ongoing health needs or was injured.

Uyles Singleton of Chicago, Illinois worked for an envelope manufacturing company for 35 years. When the company went out of business last July, Uyles had only one month's notice his employer coverage insurance, which provided him and his wife access to medical care. Uyles quickly discovered that he could not afford to pay the exorbitantly high insurance premiums and now has to pay for all of his medical and prescription drug expenses out-of-pocket. Uyles pays $300 a month for his monthly medications to treat a chronic condition and can no longer afford to visit his regular primary care physician. In February, Uyles went to Cook County Hospital after separating his shoulder where he was x-rayed, but was not treated because he was unable to pay for the costs of care.

Unfortunately, the problem runs much deeper than just the uninsured. Perhaps the sleeping giant of our health care coverage crisis is the population of Americans who are underinsured and lack access to urgent and necessary care. If you have a chronic medical condition and your employer changes health insurance providers or you change jobs and your new policy does not cover a preexisting condition, then you or your family may experience a serious gap in coverage. If you are in need of mental health coverage that your insurance does not cover, you will be unable to access appropriate care. And if you are self-employed or unemployed for even a small stretch of time, you may find yourself priced out of the health insurance market or paying high premiums for an insurance policy that may only cover catastrophic costs. Even temporary gaps in coverage affect the health and financial stability of the so-called "insured population." A 2002 Kaiser Foundation study found that 38 percent of insured individuals report that they or their families experienced at least one problem accessing medical services in the past year, nearly one-fifth (18 percent) reported that they postponed seeking medical care and 15 percent had a problem paying medical bills.

These numbers have real meaning to the people I represent. I have been contacted by a constituent who, although being insured, suffers from breast cancer, a condition not covered by her insurance provider. The very expensive cost of fighting this disease falls squarely on her shoulders with no help from her insurer. I am greatly troubled by the many constituents that I have heard from who struggle to pay the high premiums for their insurance, only to have to ration the medical care they need for themselves and their children because of deductibles that reach $5,000. Insurance available in today's market is clearly not a full-proof guarantee that people can access the care they need. Given the very thin line distinguishing the underinsured from the uninsured, Congress needs to act to guarantee comprehensive, quality care for both the uninsured and the badly insured.

Any of us could become uninsured and face similar problems in obtaining medical care. Action on this critical issue is long since overdue. I urge my colleagues in Congress to not delay. We must act to make health care a right entitled to each and every single American.

CONGRATULATING THE STUDENTS OF HALF HOLLOW HILLS EAST HIGH SCHOOL

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. ISRAEL. Mr. Speaker, I rise today to congratulate the students from Half Hollow Hills East High School in Dix Hills, New York for their hard work in the "We the People: The Citizen and the Constitution" national finals.

The students, Carolyn Abott, Emily Chin, Samuel Dixon, George Duroseau, Jason Feinstein, Steven Frank, Antonia Fthenakis, Carrie Gerber, Qais Ghafary, Hannah Goldsmith, Bruce Halperin, Emily Kratter, Sami Rashid, Dan Rogove, Jessica Rosenbaum, Gayle Rudofsky, Lauren Shikowitz, Ricki Silvernman, Rohini Singh, Caryn Teitelbaum, Shara Venezia-Wallerstein, Jason Vinokur, Nicole Weinstock, Joshua Wolinsky, and Joseph Wolken, led by their teacher Scott Edwards, demonstrated a remarkable understanding of the fundamental ideals and values of American constitutional government.

It is truly an honor to call these outstanding young Americans my constituents. Their success in this competition is also a testament to the exceptional teachers at Half Hollow Hills East High School and elsewhere on Long Island.

I offer my congratulations on their hard-won honorable mention and commend these students on their dedication to the study of the Constitution and the Bill of Rights.

HONORING OAKLAND ARD

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Mr. Oakland Ard, who is being awarded the "Here's looking at you award."

Mr. Ard was born in Sampson, Alabama on September 17, 1925. Mr. Ard left Alabama for Florida on his twenty-fifth birthday.

He was employed by the Port St. Joe Paper Company from 1950 to 1952 and went on to work for Saint Regis Paper Company in Jacksonville, Florida between 1953 and 1957.

In 1957, Mr. Ard moved to Jay, Florida and began working at the Container Corporation in Brewton, Alabama.

Mr. Ard has been a great provider for his community by serving on the Jay Hospital Board of Trustees for four years, the ARC Board of Directors in Santa Rosa County for six years, SRC Chamber of Commerce for nine years. He is currently serving on the Committee's of Government and Military Affairs and the Board of Directors for SHIP.

Mr. Ard has generously volunteered his time with the Jay First Baptist Church in any needed capacity that involves helping his church or people in need. He has been a member of the Jay First Baptist Church for forty years.

Mr. Ard's unselfish deeds of giving his time to help others have made him a well-known and well-loved man throughout his community.

Mr. Ard and his lovely wife Marian have two sons, Freddy and Ronnie, four grandsons and one great grand daughter.

On behalf of the United States Congress, I would like to recognize this special person for the example he has set in his community. I offer my sincere thanks for all that he has done for Northwest Florida and this great nation.

PROCLAMATION FROM MOUNT PLEASANT PRIMITIVE BAPTIST CHURCH GRAVE DEDICATION CEREMONY

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. COLLINS. Mr. Speaker, I would like to share with my colleagues a proclamation that was read at a grave dedication ceremony at the Mount Pleasant Primitive Baptist Church in Jones County, Georgia. This proclamation honors a patriot of the American Revolutionary War, Private Reuben McLeroy, an ancestor of one of my constituents, Mr. Travis Ellis of Hampton, Georgia. I would like to thank Mr. Ellis and the members of the Georgia Society of Sons of the American Revolution for honoring the life of Private McLeroy and keeping the memory alive of the patriots of the Revolutionary War who achieved our independence and fought for the freedoms we enjoy today as American citizens.

REUBEN MCLEROY, A PROCLAMATION

Whereas, The Lyman Hall, Ocmulgee, and Piedmont Chapters of the Georgia Society Sons of the American Revolution conducted on April 24, 2004 a dedication of the grave marker commemorating the service of Revolutionary war patriot, Private Reuben McLeroy, and

Whereas, Reuben McLeroy married Christiana Johnson in April 1776 and lived in Wake County, North Carolina at the commencement of the Revolution. Reuben would enlist in the North Carolina Militia and serve gallantly for the duration of the war. Reuben's unit would participate in the Battle of Eutaw Springs and perform beyond expectations. It was at Eutaw Springs that the outnumbered colonists would defeat the enemy and end the British stronghold in the south.

Whereas, By the end of the Revolutionary War, Reuben McLeroy and family would migrate to Wilkes County, Georgia. When the county was later subdivided into several counties it was in Clarke County that Reuben was ordained as a Baptist preacher in September 1804 at the Mars Hill Baptist Church. Reuben would then move his family to Jones County, Georgia in 1810 and serve the Walnut Creek Baptist Church until his death on February 12, 1820.

Whereas, I recognize and extend my appreciation to the Sons of the American Revolution, Lyman Hall, Ocmulgee, and Piedmont Chapters, for their efforts to provide historical and educational knowledge and to perpetuate the memory of the men who, by their services and sacrifices during the War of the American Revolution, achieved the independence of the American people; now

Therefore: As the Representative for the Eighth District of Georgia in the U.S. House of Representatives, I do hereby recognize the selfless sacrifice made by Patriot Reuben McLeroy as well as all others who with their courage and valor fulfilled a nations quest for Liberty. I hereby confirm the dedication of a grave marker for Private Reuben McLeroy and call this observance to the attention of our citizens.

IN RECOGNITION OF SGT. S.J. TESKE AND THE MEN AND WOMEN OF THE U.S. MILITARY

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. SHAW. Mr. Speaker, I rise today to recognize the men and women of the United States armed services currently serving in the theaters of Afghanistan and Iraq. These men and women, from a diverse, cross-section of America perform their duties with pride and deep patriotism. Our solders remain committed to fulfilling a democratic Iraq where men, women and children can freely live without fear of a dictatorial regime and the suppression of individual freedoms. The successes that liberated Afghanistan from the Taliban and Iraq from Saddam Hussein resulted from the commitment, skill and expertise our solders displayed on the battlefield.

Mr. Speaker, I recently spoke to Sargent S.J. Teske of Boca Raton. Sgt. Teske is a member of the U.S. Marine Corps and has recently been deployed to the Iraq region. Following my conversation, I was presented with a letter written by this brave American. I ask unanimous consent to include Sgt. Teske's letter in to the CONGRESSIONAL RECORD.

May God bless Sgt. Teske and the men and women of our armed forces.

A LETTER FROM ONE OF OUR TROOPS

APRIL 5, 2004.

TO WHOM IT MAY CONCERN: This afternoon I received a phone call from my brother requesting me to write a letter about how I felt about being deployed to Iraq. A relatively easy task to which I replied, "No problem, you will have it tonight." I debated as to whether I should give a generic, political or military answer or one that came from my heart. Needless to say, last night came and went.

I lay in bed looking at my fiancé fast asleep and our darling 1 year old lab curled up next to me, thinking about the weeks that lie ahead and how few I have left prior to my departure. Visions of the good-byes I would soon have to make to my parents, brothers, sisters, fiancé and friends ran through my mind and my eyes quickly swelled with tears. I thought about my 10 year high school reunion that I would miss in November, Christmas, birthdays, my best friend's wedding, dropping out of school, taking a $30,000 salary cut and how my fiancé and family would have to take on so many responsibilities. Then the thoughts about why I had joined the Marine Corps 9.5 years ago came to mind, the blood, sweat, tears and pain throughout those years I put my body through to become one of "The Few". As my mind recaptured all of these memories and the soon approaching anxieties I decided that this is my answer to that question:

I feel that it is my responsibility to deploy to Iraq and partake in Operation Iraqi Freedom, not just as a responsibility to my troops and the Marine Corps, but to our Country. Freedom is not free. The fatigues I wear do not represent the United States Marine Corps; they represent all who have given their lives before me so I could have the opportunity to wear them. I belong to a brotherhood of individuals who are willing to sacrifice the most priceless gift, so others can know how amazing the meaning of Freedom really is. It is a responsibility and an obligation to a commitment made so many years ago that I still today continue to choose to be apart of. I find pleasure in the simple things in life and the things you cannot buy or put a price tag on, it is these things we most often take for granted, and the cost of maintaining and defending them is Freedom—this is my job and my motivation.

I certainly don't benefit from monetary remunerations, our accommodations most often are made of the ground we walk on and the MREs we eat would not be considered as edible staples by most people's standards. The luxury of a shower or a cold glass of water are things that are most often, taken for granted, still I believe that our rewards are much greater. When I see innocent children laughing on their way to school, not worrying about the brutalities of war, destruction or hatred, my heart smiles. Sunday mornings sitting in the pew at church I understand what the definition of Freedom really is. Our Flag flying so proudly above every building stands for everything we are defending. To have the opportunity to continue my education, have a career, a home, vehicles and a family—that "wows" me. Our country is so spectacular, so beautiful, so amazing, so incredible and so untainted compared to that of not only my destination, but also so many others. I am proud to be a part of a mission that will make a difference not only in our generation, but our world. I have Faith that we will endure, and we will succeed in this war on terror. For me, there is an Honor and Pride that goes along with that.

I find strength in knowing that I am a part of an organization that is determined to end terrorism and overwhelmed with the confidence within us that we will succeed. Our Nation or any other Nation should never again have to feel the agony we felt on September 11th. I believe in God, our Marine Corps and our Country. Conclusively, what I feel about being deployed to Iraq and the sacrifices that will go along with it, is that I am proud to defend a Flag whose colors will never run, a military that will never falter and proud to serve such an amazing Nation. God Bless America and Semper Fidelis.

SJ TESKE, SGT USMC

HYBRID CARS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. SCHIFF. Mr. Speaker, rising global temperatures. Dangerously polluted air. A hamstrung foreign policy. Our dependence on fossil fuels contributes to countless problems, and California is on the frontline of many of them.

The first step out of this morass may be hybrid cars. With double the gas mileage of standard cars and far lower tailpipe emissions, they could dramatically reduce our unsustainable levels of energy consumption. I believe we should do everything possible to encourage hybrid use, which is why I support recent efforts to let hybrid drivers use the carpool lane regardless of the number of passengers in the car. A pending bill in the California legislature institutes a pilot program along these lines: 70,000 permits for hybrid users to access the lane, with a review of the program once 50,000 permits have been distributed.

Federal law currently prohibits such a program, but the transportation bill working its way through Congress removes this ban and allows local jurisdictions to decide the issue for themselves. I support this change as a sensible and flexible way to encourage hybrid use. In fact, the House version of the bill originally required that hybrids be charged a toll to use the lane, a provision I considered unnecessary and heavy-handed. I proposed an amendment to remove this requirement, and guided this amendment to House passage.

The strongest criticism of this proposed change is that it will lead to overcrowded carpool lanes. We should take this concern seriously, since the carpool lane was created as much to relieve traffic congestion as to improve air quality. But there are a number of reasons to think this problem will not materialize or will be manageable if it does.

First, hybrids account for less than one half of one percent of new cars sold today. While it is true that car makers will soon be expanding their hybrid product lines considerably, it is estimated that hybrid cars will still amount to less than five percent of new car sales by 2013. Many of these cars will be hybrid sport utility vehicles that will not meet the Federal transportation bill's strict fuel efficiency standard for access to the carpool lane.

For that matter, Caltrans has estimated that carpool lanes around the state are at two-thirds of their maximum capacity. There is room for adding hybrid cars.

Of course, the goal is to encourage widespread adoption of hybrid technology. In some sense, we should hope that the lane will become more crowded, because it will be a sign that the incentive is working. That is why a flexible solution is essential. Local jurisdictions should monitor their own carpool lanes and impose restrictions as needed. The California bill perfectly embodies this approach: rather than diving in head first, the proposed program tests the waters with a limited number of permits.

Some have argued that once the lane is open to hybrid drivers they will not submit to new restrictions, even if a crowded carpool lane makes such restrictions necessary. This naturally assumes that access to a clogged carpool lane is worth fighting for. More important, it suggests an approach to governing that would limit us from trying new ideas; we must not avoid taking action for fear of our own success.

Allowing hybrids in the carpool lane is a bipartisan, problem-solving move toward cleaner air, and it will cost taxpayers little or nothing to implement. We should proceed forward in a cautious way, understanding that other goals are at stake but that freeing ourselves from the straightjacket of fossil fuels is worth the effort.

RHODE ISLAND'S SENIORS CENTERS

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. KENNEDY of Rhode Island. Mr. Speaker, almost 60 years ago, the nation's first senior center opened in New York, marking the beginning of the senior center movement. Today, almost 10 million older Americans participate in senior centers across the country. In my district alone, the First District of Rhode Island, we are fortunate to have 24 senior centers. I visit these centers often, and when I do, I am continually impressed by the dedicated directors and staff who work to make these facilities welcoming to all members of the community.

This week is National Senior Center Week, and the theme is "Senior Centers on the Move!" I cannot think of a better phrase to describe the seniors in Rhode Island. Senior centers give them the opportunity to get out of the house to attend exercise classes, computer seminars, dances, Feng Shui demonstrations, and hundreds of other activities. Some senior centers even sponsor overnight trips to neighboring cities. Many centers promote health and wellness beyond exercise classes, by bringing physicians and nurses to the centers for office hours. By hosting seminars on healthy living and the management of chronic illnesses, like diabetes, these centers are enhancing the lives of seniors and their families.

Rhode Island's seniors centers, and the centers around the Nation, are one stop centers for seniors and their families to get the care they need, both physically and emotionally. Whether you go to get your blood pressure checked, take an exercise class, or meet a neighbor for lunch, the senior center's staff welcomes you like family. I would like to congratulate Rhode Island's senior centers, and all senior centers, on National Senior Centers Week, and their directors and staff who work to bring the most up-to-date activities to the seniors community. The commitment of the directors and staff is commendable and I would like to take this opportunity to thank them for their dedication and for working to sustain the heart of our communities.

I would like to recognize the following Senior Center Directors in the First District of Rhode Island:

Debra Diniz, Barrington Senior Center;

Rita Ayers-Gaulin, Bristol Senior Center; Mary Luz, YMCA Community Center; Lori Gagnon, Cumberland Senior Center; Bob Rock, East Providence Senior Center; Charlotte Richardson, Jamestown Senior Center; Lois Durkin, Lincoln Senior Center; Marjory O'Toole, Little Compton Community Center; Arlene Kaull, Middletown Senior Center; David Dean, Edward King House.

Pauline Moye', Florence Cray Center; Amanda Leinhos, Martin Luther King, Jr. Center; Karen Testa, Salvatore Mancini Center; Joan Crawley, Leon Mathieu Center; Cynthia Koniecki, Portsmouth Senior Center; John Deluca, Davinci Center; Jessica Haley, Hamilton House; Sue Robbio, Jewish Senior Agency; Everret Cavalho, Mt. Hope Center; Lori Silvia, Fox Point Senior Center; Marilyn Heller, Smithfield Senior Center; Janice Gomes, Tiverton Senior Center; Elizabeth Hogue, Warren Senior Center; and Jill Anderson, Woonsocket Senior Center.

CO-SPONSORSHIP OF H.R. 4061

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Ms. LEE. Mr. Speaker, I rise today in regards to H.R. 4061, the Assistance for Orphans and Vulnerable Children Act of 2004, which passed the House International Relations Committee by unanimous consent on March 31st.

Last week the International Relations Committee filed House Report 108–479.

Because House rules prohibit the addition of additional co-sponsors to a bill once the committee report has been filed, I am not able to formally add another Member of Congress as a co-sponsor of this legislation.

I ask that the record show that Mr. TERRY of Nebraska is in support of my bill and should be considered by this body as a co-sponsor of H.R. 4061.

CONGRATULATING MR. AND MRS. ALMON LONG ON THE HAPPY OCCASION OF THEIR 50TH WEDDING ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Mr. and Mrs. Almon J. Long of Larksville, Pennsylvania, as the happy couple celebrates the joyous occasion of their 50th Wedding Anniversary today.

My good friend Al Long is a retired grocery business owner who served in the Army. As a veteran, he has long been a strong advocate of veterans' rights. When I need to know what is important to our veterans, it comforts me to know that I can always count on Al to air the concerns of Northeastern Pennsylvania's veterans. When the Wilkes-Barre VA Medical Center was in danger of being closed, Al headed up the local effort to save the facility, including helping to round up more than 30,000 signatures that I personally delivered to the Secretary of Veterans Affairs.

Al has held several offices within the Pennsylvania Department of Veterans of Foreign Wars of the United States, including State Commander for the organization. Al currently serves as the State Legislative Chairman.

Cora Long is a retired garment worker who remains active in the VFW Post 283 in Kingston.

The couple has three children, Linda Colianni of Larksville; Lori Schmidt of Wapwallopen; and Allan Long of Ashley. The couple also enjoys their three wonderful grandchildren, Vinny, Michael and Courtney. They also enjoy time with their pug, Rudy.

The Longs were married in the First Evangelical United Brethren Church with the Rev. Warren Loesch officiating. Cora's attendants included the late Joyce Shewan, Marilyn Valent Duda, the late Mrs. Ronald Williams and Patricia Swiderski. Al's groomsmen were William Rehn Jr., the late Edwards Shewan, the late Michael Figler, Arthur Rehn, the late John Lockman and William Young.

Cora Long is the daughter of the late William and Ruth Rehn of Wilkes-Barre. Al is the son of the late Mary Gregory of Larksville.

The couple will be honored at a party on Saturday, May 15, 2004, at Saint Ignatius Church in Kingston.

Mr. Speaker, it is an honor and privilege to stand here today and pay tribute to the Longs, a loving couple who has played such a vital role in ensuring veterans' rights and who stand as pillars of their community.

HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTHCARE (HEALTH) ACT OF 2004

SPEECH OF

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. RUPPERSBERGER. Mr. Speaker, I rise in opposition to this bill because we should not impose a one size fits all solution to the problem. We need to bring the patients, doctors and insurance companies to the table to address this problem as a whole and not just target one factor in the rising cost of malpractice.

Medical malpractice is an issue of concern and we need to look at ways of addressing the real issues. We need to look at patient safety. We need to look at ways of helping doctors that have been negatively impacted and we need to find ways to stop frivolous law suits. With these underlying problems is a one size fits all answer a solution. Will this address doctors and patients needs? Will this ensure that patients receive the care they need and will doctors be able to provide the appropriate care to heal our sick?

I do strongly believe that a factor that has been left out of this debate is the insurance companies. What role do they play and what information do they provide and is it accurate? Are these companies playing on the fear of doctors and patients to increase their premiums? We cannot continue down this path without addressing this issue. We must have an open debate where all the major players are involved and we do not pit doctors versus patients. If this problem persists and we start to lose doctors we must force all these players to the table to rectify the problem.

We are fortunate in the state of Maryland to have caps. These caps have done a good job in keeping the health care standards in the state so high. Anything we work in Congress should allow for the states to address their individual needs. Maryland is best suited to address the needs of the doctors and patients in our state. We do not need a forced federal one-size fits all solution for our state. We need an open dialogue.

HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTHCARE (HEALTH) ACT OF 2004

SPEECH OF

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. MARKEY. Mr. Speaker, this bill claims to be a cure for the high cost of insurance premiums paid by doctors. But it's really just what the insurance companies ordered.

It's a public policy placebo that doesn't relieve the sting doctors are feeling from sky-high insurance premiums. It only offers the illusion of relief, while pumping cash into the bottom line of the insurance companies.

Capping damages may save insurance companies money when their policyholders are sued, but the bill doesn't require insurers to pass along one cent of savings to doctors in the form of lower medical liability premiums.

Last year, when H.R. 5, the so-called "HEALTH" Act, was considered in the Energy and Commerce Committee, I offered an amendment to ensure that any savings from the bill's caps on damages for patient pain and suffering would be passed along to doctors in the form of reductions in their liability insurance premiums. This would directly protect innocent doctors from the impact of rising insurance rates brought about by negligence, while increasing the likelihood that consumers would see some benefit from caps. The Republican side defeated my amendment.

I asked the Rules Committee to make my amendment in order so that we could have a full and open debate on it during Floor consideration, but the Republicans refused to make my amendment in order.

This year, the Republican Majority went one step further—not only did Republicans refuse to make my amendment in order, they completed bypassed the Committee process altogether, ramming this bill right to the House Floor without any hearings and without any opportunity to amend it in Committee.

The amendment I offered last year in Committee established the "missing link" in this bill between liability caps and lower premiums for physicians. It would have balanced the competing interests in a way that would allow some progress on this issue. But balance does not seem to be what the Republican leadership is looking for. Instead, they bring forward a bill that no one can amend at all and which blames rising premiums on the victims of medical errors by capping their damages for pain and suffering, while completely ignoring the effect that insurers' own bad business decisions have on the high cost of premiums.

Such a slanted, one-dimensional view of the problem is bad for doctors and bad for patients. Without any guarantee that savings from the bill's cap on damages will go to doctors—not the insurance industry—this bill deserves to be defeated. Someday, we will see a majority in this Congress that is willing to go to bat for consumers and doctors alike to reduce the soaring cost of providing good medicine, instead of handing out "discount cards" that are becoming a license to raise prices across the board. Sadly, that day has not yet arrived.

I urge my colleagues to reject this harmful bill. Put the interests of physicians and patients above insurance company profiteering. Vote "No" on H.R. 4280.

* * *

DEPLORING ABUSE OF PERSONS IN UNITED STATES CUSTODY IN IRAQ

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. HASTINGS of Florida. Mr. Speaker, I thank my colleague and good friend, the gentleman from Massachusetts for yielding me this time. At seven in the morning today, he and I, and the other members of the Committee on Rules, met to discuss this resolution.

Once again, the Republican majority has determined to use the Committee on Rules to frustrate the democratic procedures.

Once again. the Republican Party has stifled debate and offered a closed rule.

As America commits itself to promoting Democracy in Iraq, the Republican majority in the House of Representatives, for partisan purposes, refused to allow an open debate on this most important issue.

It is as if the Republican majority starts and ends every Congressional session, which is broadcast live by C–SPAN, by saying, "Please do not try this at home." Today, again, they set exactly the wrong example of how to proceed democratically.

I condemn these horrible acts, and would have supported a resolution that properly and sincerely addressed the horrors that took place in Iraq. I believe that such a resolution could have come to the House floor under unanimous consent, and would have enjoyed full bipartisan support.

Now, it is important for us to recognize that the American military has no peers. It is also important for us to recognize that the absolute, overwhelming, great majority of the men and women in the military are not the kind of people that are now being investigated, and are not the kind of people that would commit these abuses.

I, for once, will not allow the offensive acts of a few to stain the service of more than 300,000 American men and women who have risked their lives for freedom. Our military has worked too hard and accomplished too much to be stained by the actions of a few.

That said, in a society committed to civil and human rights like ours, there is no place for the sorts of atrocities that occurred in Iraq. No American would allow for this kind of conduct. Everyone feels awful that this occurred and deplores the abuses of persons in America's custody in Iraq.

However, this resolution does not say what I think it should say. It condemns the abuse, but presents unacceptable omissions and inexcusable political provisions. Therefore, the resolution needs to be amended.

First, I would have supported a resolution that condemned the abuses and sought accountability because I believe this to be a time for remorse and self-criticism.

We are a Nation used to pointing the finger elsewhere; now, the fingers of the international public are pointing—rightfully so—back at us. Therefore, we must harshly and steadfastly deal with these atrocities and hold responsible all those that have contributed to the abuses. I trust that we can do this together with our friends and allies, taking advantage of such international organizations as the United Nations and the Organization for Cooperation and Security in Europe that have experience and knowledge on how to fight and prevent human rights violations worldwide.

But, this resolution instead tries to change the subject and avoid the problems by bragging about the removal of Saddam Hussein. This is not a time to spin the bad news or play politics. And, this resolution is not the proper place to defend the mistaken decision of going to war in Iraq. I refuse to belatedly vote for the war in Iraq under the guise of a dishonest and untruthful title.

Second, I would have supported a resolution that made accountable all those whom, regardless of rank or party loyalty, contributed to a culture that condones human rights abuses. Ultimately, what happened in Iraq and its aftermath has been a failure of leadership of the Commander in Chief, and a failure of leadership of the Department of Defense from Secretary Rumsfeld, and the resolution should have pointed this out.

More courageous leaders would have recognized their responsibility, faced up to the situation, and said, "the buck stops here." But, instead, those in the Bush Administration failed to do their jobs and give straight answers. And, the resolution of the Republican Congressional majority has been drafted to absolve the leadership of any blame.

We must take a good and hard look at the Bush Administration. I trust that justice and accountability will come for those who perpetrated abuse of Iraqi detainees, and those in the chain of command who failed to act upon learning of these appalling acts.

Third, I would have supported a resolution that loudly and strongly decried the fact that for too long the information regarding the abuses in Iraqi prisons was in the hands of military higher-ups who did not deem the oversight responsibilities of Congress important enough for them to bring the matter forward. Congress was not notified of the problems at Abu Ghraib prison, even though the Department of Defense had a report outlining the conditions there at least 3 months ago.

To conclude, it is unfortunate that this matter does not come to the floor under unanimous consent. It does have, as I pointed out this morning, a few flaws that could easily have been corrected had the majority determined that it was proper to do so.

I take this opportunity to apologize not only to the detainees but also to all others who likely feel that America has lost its moral authority.

Had this resolution been true to its title, "Deploring the Abuse of Persons in United States Custody in Iraq," I would vote in favor of it. However, for the above-mentioned reasons, I cannot support the legislation in question. I will vote nay as a patriot, and a human rights defender.

I oppose this resolution in its present form.

MIDDLE-CLASS ALTERNATIVE MINIMUM TAX RELIEF ACT OF 2004

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Ms. McCOLLUM. Mr. Speaker, I rise today on behalf of the more than 2 million taxpayers who are unfairly burdened by the alternative minimum tax.

The AMT was originally designed in 1969 to ensure that the wealthiest Americans would still pay a fair share of taxes. The AMT now burdens many middle income Americans in what was once envisioned as an alternative minimum tax has now become more of a mandatory maximum tax.

The AMT is not a technicality of significance to only a few bureaucrats and the tax lawyers. It is not a mere glitch, the repair of which would only help a handful of wealthy individuals. It is a system that affects 2.4 million families this year. By 2010, 30 million Anrencans will be faced with minimum tax liability.

Unfortunately, under the Republican bill today, AMT exemption would only be raised to $40,250 for single taxpayers and $58,000 for married couple filing jointly in 2005. This would still leave 1 million families paying the AMT. Unlike other tax cuts being forced through by Republicans, this will only be a temporary 1-year fix. The Congressional Budget Office estimates that a true fix of the AMT would cost $376 billion over 10 years. But Republicans have refused to pull back their tax cuts for the wealthy, which have created a $3 trillion deficit, in order to pay for this essential middle class tax relief.

I ask unanimous consent to insert into the record an editorial from the May 10, 2004 Los Angeles Times highlighting the budget gimmicks being used to disguise the cost of AMT and other tax cuts.

Today Democrats bring to the House floor a true solution to the AMT problem. The Democratic substitute completely exempts married couple families with incomes under $250,000 from the alternative minimum tax, providing tax relief to more than 10 million families.

The Democratic plan is fully paid for by cracking down on corporate tax shelters. Nearly two-thirds of corporations paid no tax at all in 2000 and this is an important step to ensuring that corporations pay their fair share while relieving middle class families from the unfair burden of the alternative minimum tax.

It is important that we act today to ensure average income Americans will not unfairly face the alternative minimum tax in 2005. However, I believe we should provide this relief in a fiscally responsible manner that will not burden future generations of Americans. I urge my colleagues in joining me today in support of real AMT relief.

[From the Los Angeles Times, May 10, 2004]

PRESTO!—IT'S DEFICIT MAGIC

Federal Reserve Chairman Alan Greenspan is increasingly testy about the perils of the federal budget deficit, warning Congress and the Bush administration last week that it poses "a significant obstacle to long-term stability." The higher the debt goes, the more the threat of inflation increases. That forces the Federal Reserve to raise interest rates, slowing economic growth. Friday's sunny job creation figures, though good news, also intensify pressure to raise rates.

The Congressional Budget Office projects a deficit of $477 billion for 2004—and by 2013, a recent average college graduate will shoulder $51,520 of the total national debt. The new $25 billion request by the White House to underwrite the Iraq occupation will be on top of those projections. But Congress continues living in a fiscal house of mirrors, using gimmickry to disguise the cost of current and proposed tax cuts.

The mischief begins with the one-year curb on the so-called alternative minimum tax that the House approved Wednesday. If enacted, it will shield about 9 million individuals and families at a cost of $17.8 billion to the Treasury. The AMT is a parallel tax system originally designed to prevent the wealthy from avoiding all income taxes. But because it was not indexed for inflation, middle-class taxpayers are falling within its limits. Indexing the tax makes sense, but not on top of the more reckless cuts already passed.

Now Congress seeks to have it both ways by relying on one-year extensions. It pretends at budget time that hundreds of billions of AMT dollars will be available over the next decade. Then it can turn around and extend AMT relief for another year.

The "marriage penalty" produces another sleight of hand. A tax code quirk often penalizes married couples when both spouses work. Once again, relief is good in theory but lawmakers aren't honest about lost revenue. By pretending the AMT will be in effect, they assume for budgeting purposes that about half of the tax cuts the AMT is intended to provide for married couples will be canceled out. Dizzying as well as deceptive.

The congressional Joint Committee on Taxation estimates that if, as is likely, the AMT is curbed each year, the bill the House passed April 28 for marriage relief would cost $204 billion over 10 years, not $105 billion.

If Congress rolled back the parts of the tax cuts that benefit the most wealthy, changes to the AMT and marriage penalty could be considered, but cuts already enacted reduce federal taxes of households with incomes above $1 million an average of $123,600 in 2004. Over the next decade, interest payments on tax-cut debt will amount to all that the government spends on the departments of Education, Homeland Security, Interior, Justice and State.

The longer that lawmakers budget by fakery, the more they will inundate future generations with trillions in debt. Whom will those generations blame?

PROVIDING FOR CONSIDERATION OF H.R. 4279, PROVIDING FOR DISPOSITION OF UNUSED HEALTH BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS; H.R. 4280, HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTHCARE (HEALTH) ACT OF 2004; AND H.R. 4281, SMALL BUSINESS HEALTH FAIRNESS ACT OF 2004

SPEECH OF

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. RUPPERSBERGER. Mr. Speaker, the rising cost of health care is running out of control. With these flexible savings accounts it allows employers to pay for health care not covered by their health plans. It is only right that left over funds be rolled over into next years accounts. I support this bill to help people pay for their health care coverage.

PROVIDING FOR CONSIDERATION OF H.R. 4275, PERMANENT EXTENSION OF 10-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET

SPEECH OF

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. LINDER. Mr. Speaker, I rise in support of this modified, closed rule, and thank my friend and colleague from the Rules Committee, Mr. SESSIONS, for yielding me this time.

Mr. Speaker, this is a fair and traditional rule for legislation that amends the Internal Revenue Code, and I am pleased that the House will have the opportunity to consider the merits of the underlying legislation, H.R. 4275, as well as an amendment in the nature of a substitute from the Ranking Member of the Ways and Means Committee, Mr. RANGEL.

Mr. Speaker, this rule before the House, H. Res. 637, will give Members of the House an opportunity to consider legislation that will spur economic growth and save taxpayers money by providing tax relief for working Americans.

I also want to commend Mr. SESSIONS, my friend and colleague on the Rules Committee, for introducing this important legislation. H.R. 4275 would permanently preserve the 10-percent income tax bracket, which was created in the 2001 Bush tax cut in order to reduce the burden on working Americans. As a result of this tax relief, currently, the first $7,000 of individuals and $14,000 of couples' taxable income is taxed at 10-percent instead of 15-percent.

If we fail to enact H.R. 4275, tax brackets will revert to their pre-2001 levels at the end of this year. For example, the ten percent bracket's income limits would return to $6,000 for individuals and $12,000 for couples in 2005, causing 73 million working Americans to pay higher taxes next year.

Additionally, the ten percent bracket would disappear completely after 2010, and taxpayers could face an average tax increase of $2,400 over the next decade.

Lastly, over 24 million low-income workers will be pushed into a higher tax bracket. Therefore, compared to 2004 levels, many individuals and businesses will face higher federal taxes if we fail to enact H.R. 4275.

Mr. Speaker, I urge my colleagues to join me in supporting this rule so that we may proceed to debate the underlying legislation.

SUPPORTING THE GOALS AND IDEALS OF THE PEACE OFFICERS MEMORIAL DAY

SPEECH OF

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. MATHESON. Mr. Speaker, this week, we honor the dedicated service of law enforcement officers across America as law enforcement officers and their families will participate in the 16th Annual Candlelight Vigil at the National Law Enforcement Officers Memorial located in Washington, DC and other events that recognize and honor the work and sacrifice of officers throughout the country. The memorial is a monument of remembrance that has the names of 14,000 law enforcement officers killed in the line of duty engraved on its surface.

In my home state of Utah, we are particularly fortunate to have a number of dedicated individuals working to protect our citizens.

These days, we all tend to focus on the armed forces, which are obviously a critical element of national defense. But it is also important to remember those on the front lines here at home. Local law enforcement officers need Congress' help to ensure that our streets stay safe for law-abiding citizens. That's why I support both the COPS grants and Byrne grants. I think that one of the best things the federal government can do for local law enforcement is to provide the tools for police officers to best carry our their duties.

Every single day, acts of heroism and valor are performed by police officers across our nation. We have made tremendous progress in terms of crime prevention and crime solving, but we need to remember that there are only so many available law enforcement officers at a given time. As our society grows, the demands placed on these individuals have also increased tremendously.

The falling crime rate has largely benefited urban and suburban areas, so it is important to remember our rural constituencies also need our help in fighting crime. Officer safety and the ability to investigate major crimes are often compromised by a lack of resources in rural areas. One of the local police chiefs in a small town in my district recently told me that his main concern at home is not Al Qaeda infiltrating the town—it's making sure that the middle school down the streets is drug free and safe.

I truly thank the members of law enforcement across this nation for their service and I commit to working in support of both homeland security and domestic security.

RECOGNIZING AND HONORING THE TENTH ANNIVERSARY OF THE VIETNAM HUMAN RIGHTS DAY

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H. Res. 613, recognizing Vietnam Human Rights Day. This resolution marks the tenth anniversary of the day the Manifesto of the Nonviolent Movement for Human Rights in Vietnam was announced. This landmark document was written in 1994 by the great human rights leader Dr. Nguyen Dan Que, who called for an end to human rights violations in Vietnam.

Dr. Que is one of the most prominent advocates for democracy, freedom and human rights in Vietnam. He has remained in Vietnam since 1975, after the fall of Saigon and the departure of the last American troops. Even in the face of significant peril, Dr. Que defied the communist regime by speaking out in defense of human dignity and the rights of all Vietnamese people. He has been imprisoned intermittently for the past 20 years, and remains under constant supervision and subject to frequent harassment by the Socialist Republic of Vietnam. He continues his struggle in order to focus the world's attention to the thousands of his countrymen and fellow dissidents who are also harassed, tortured or imprisoned for openly criticizing the government.

One such dissident is Father Thaddeus Nguyen Ly, a Roman Catholic priest who was invited to testify before the United States Commission on International Religious Freedom in 2001. Although he was denied permission to leave his country to testify in person, his statement cited several specific actions taken by the Government of Vietnam that violated religious freedom and which he described as "extremely cruel." He called for a "non violent and persistent campaign" to achieve full religious freedom for all people in Vietnam.

The Vietnamese government imprisoned Father Ly on the basis of that testimony. He was branded a traitor for "slandering" the Communist party, and "distorting" the religious policy of the government. Father Ly was arrested and tried without the benefit of counsel. In a trial that lasted only a single day, he was convicted of all charges and sentenced to fifteen years in prison and an additional five years of administrative probation. Father Ly's nephews were also imprisoned, further demonstrating this case of egregious oppression of human rights and its devastating impact on Father Ly's family.

Mr. Speaker, it has been ten years since the United States ended its trade embargo with Vietnam and normalized relations with Hanoi under the policy known as "constructive engagement," which has proven effective with our previously closed societies in which human rights violations were prevalent. While the U.S. continues to open diplomatic relations with Vietnam, we must continue to advance constructive engagement to ensure a more open, democratic and prosperous Vietnamese society. It is our responsibility to promote greater freedom of speech and religion and greater respect for basic human rights in Vietnam.

Mr. Speaker, human rights shall always remain a firm pillar of U.S. foreign policy. Accordingly, I thank the gentleman from Virginia for introducing this important resolution and I urge my colleagues to support it.

RECOGNIZING THE VETERANS WHO SERVED DURING WORLD WAR II, THE AMERICANS WHO SUPPORTED THE WAR, AND CELEBRATING THE COMPLETION OF THE NATIONAL WORLD WAR II MEMORIAL

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. KIND. Mr. Speaker, I rise in support of H. Con. Res. 409, which recognizes the 16,000,000 Americans who served in the armed forces during World War II and the millions more who supported them at home. As the dedication of the National World War II Memorial and the 60th anniversary of D-Day approach, our country will rightfully be thinking of those Americans who bravely gave or risked their lives to a great cause.

I remain in awe of this generation, of men who accepted the call to travel around the world to spend years fighting in the Asian and Pacific theaters, and of women who kept the country running by assuming jobs in factories, growing victory gardens, and serving overseas in the Women's Army Auxiliary Corps and other capacities.

It has been my good fortune to spend some time with veterans and their families in my home district of western Wisconsin, and I always enjoy hearing their stories of wartime. In fact, it was the experience of listening to my uncle, a World War II veteran, that inspired me to introduce legislation creating The Veterans Oral History Project. Almost four years after becoming public law, the Veterans History Project at the Library of Congress has collected 16,000 stories and is working at a feverish pace to collect more everyday. This living legacy is testament to the millions of Americans who sacrificed so much during World War II.

Now, almost 60 years after the end of the war, a monument has at last been built in our nation's capital that pays tribute to the generation that fought and won World War II. The monument, set in the middle of the National Mall between the Lincoln Memorial and Washington Monument, will remind all visitors to the city that World War II was the defining event of the 20th Century and the seminal point for what is often and aptly called "the Greatest Generation."

THE HUMANITARIAN CRISIS IN SUDAN

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to speak about the ongoing humanitarian crisis in Sudan today.

Sudan is the ninth largest country in the world and Africa's largest. The wars of Sudan have killed more people than in Kosovo, Bosnia, Rwanda and Somalia combined, most of them civilians. For the best part of 50 years, peace has eluded the people of Southern Sudan.

Southern Sudan has not only been neglected by Northern Sudan, it has also been neglected by the world.

It is estimated that more than 3 million people have been uprooted from their homes and the numbers of dead are unknown.

Destruction of homes, huts, crops and agricultural areas, wells, shops and entire villages are systematically taking place. Women report that they would be kidnapped and raped if they went any further than one and one-half kilometers away from their camp to collect wood or to tend to their vegetables.

These actions have resulted in a dire human rights and humanitarian crisis.

Neighboring governments have generously received Sudanese refugees. It is estimated that over 110,000 Sudanese refugees are in Chad; 223,000 are in Uganda; 88,000 are in Ethiopia; 69,000 in Democratic Republic of the Congo and 60,000 are in Kenya.

Women arrive in refugee camps already greatly traumatized by hardship and loss. They may have walked for months through hostile territory, living on wild fruits and drinking water from puddles. Often the weaker members of their family, particularly, their children, have died along the way.

In a Kenyan refugee camp, a Southern Sudanese woman says, "We flee the Sudan and our problems follow us. The security is fine but it's an alien environment—hot and windy, no grass or rain or water. We get homesick for familiar surroundings. Most people who came here have died even though there's a hospital. The place where they bury people is full. Now they have started another one."

Mr. Speaker, the United States must do everything in its power to encourage the government of the Sudan to end this abuse.

Although this current conflict was initiated by rebel forces, the government of the Sudan has a legal responsibility to protect all its citizens and uphold the law.

We must act immediately to prevent the recurrence of the human rights that have already taken place and act swiftly to restore the Southern Sudanese's survival, security and human dignity. In doing so, we not only honor them, we bring honor to America.

RECOGNIZING DR. LEE L. HUNTSMAN

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. McDERMOTT. Mr. Speaker, I rise today to recognize Dr. Lee L. Huntsman, who will soon complete his term as president of the University of Washington. I want to acknowledge his service to the State of Washington, to the students, faculty and staff of the University, and to the Nation.

Research universities like the University of Washington are essential to the economic, cultural and educational vitality of the United States. The University of Washington is unquestionably one of the great research and educational institutions in this country. The University of Washington plays a key role in carrying out the scientific and research agenda set by Congress. Over the last 8 years Dr. Huntsman has provided key leadership as provost and president, helping the UW establish itself as one of the most innovative and entrepreneurial universities in America.

Dr. Huntsman took the helm of this great educational enterprise and helped to move it forward. His integrity, intellect and incisive thinking have given the Regents an opportunity to continue their work and have enlightened and inspired the efforts of the entire community of the University of Washington. We are grateful to Dr. Huntsman for answering the call to public service and for doing so in such a principled and congenial way.

INTRODUCTION—WEATHER AND OCEANS RESOURCES REALIGNMENT ACT

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. SAXTON. Mr. Speaker, I am pleased to be here today to introduce an important piece of conservation legislation, the Weather and Oceans Resources Realignment Act. This bill will transfer the National Oceanic and Atmospheric Administration to the Department of the Interior.

An issue to which I have devoted a great deal of time and one that I feel is very important is the protection of the diverse range of fish stocks that inhabit our world's oceans, many of which are very close to disappearing forever. The National Marine Fisheries Service, the agency tasked with the protection of these species has failed to do so. I have never been able to comprehend why the National Oceanic and Atmospheric Administration (NOAA) is housed within the Department of Commerce, which has nothing to do with the protection of our natural resources. For this reason, I have introduced this legislation, which simply moves NOAA to a more appropriate agency, Interior.

Given the release of now three studies essentially stating that what I have been talking about is likely to happen, I am more convinced than ever that we need to take aggressive action immediately. Many of our oceans' fish stocks are now reportedly 90 percent depleted, meaning only 10 percent of the stocks that once existed remain. And many of these stocks are in grave danger of extinction if we proceed down the same path we are on now—that is, continue to study these stocks and do little to mitigate the damage that has already been done.

The U.S. Commission on Ocean Policy, created from my Oceans Act of 2000, released it's report in April of this year, with many of the same findings. We need to take immediate aggressive steps to prevent the disappearance of these fish species, before it's too late. These studies should be a wake-up call that the process through which our world's fisheries is managed is broken and needs to be fixed.

The National Marine Fisheries Service has demonstrated repeatedly they are incapable of doing the job they have been tasked with as the primary federal agency responsible for monitoring and protecting our Nation's fisheries. To place them within the Department of the Interior would serve to strengthen the two agencies goals of resources conservation.

This is an issue that resonates with anyone who has ever been to the beach in States like New Jersey, or watched a television program involving the deep blue sea. And given that 50 percent of the population of the United States lives within 100 miles of a coast, there are many who are personally affected by this issue. We have a unique opportunity to do something amazing and I think we owe it these wonderful resources that are our oceans to do all we can to bring them back to a healthy and sustainable level, for future generations.

HONORING LULA BELL HOUSTON

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. SPRATT. Mr. Speaker, I rise to congratulate Lula Bell Houston of Davidson, North Carolina. Ms. Houston retired in May 2004 from Davidson College, my alma mater, after 57 years of service in the college laundry. The significance of this milestone in the Davidson community is matched only by the devotion that Ms. Houston has brought to her job everyday for over half a century.

Born in 1923 (just three years after the current laundry building was constructed), Ms. Houston worked for a year in Davidson's dining service from 1943–44. She spent the next few years raising a family, but returned in 1947 to work at the college laundry. She has been there ever since, waking up every weekday morning at 4:15 a.m., to ensure that she would be there for the 6:30 a.m. start of the work day. Ms. Houston originally took the job as a means of supporting herself and her two young children after her first husband left them, but the students have kept her here long after her children have grown up and had kids of their own.

The biggest legacy that Ms. Houston leaves the college and the town of Davidson is her warm personality and loving nature. She was always ready with a hug and a smile to all who came to drop off their laundry. Student after student shared stories and memories about Ms. Houston and all spoke of the genuine love in her voice when she greets them and how she has been like a grandmother to them all. The college has figured that she has cared for the laundry of all but 1,226 of the college's 19,731 living alumni—a lot of surrogate grandchildren.

Davidson College honored Ms. Houston in the best way possible, naming the laundry building after her. The Town of Davidson commemorated that sunny day of April 29, 2004 by declaring it "Lula Bell Houston Day." At Spring Convocation the day before, the Omicron Delta Kappa honorary leadership fraternity presented Ms. Houston with its Staff Appreciation Award, and in 2002, the SAE fraternity presented Ms. Houston with $500, a dozen roses, and a trophy recognizing her as "The Spirit of Davidson."

As an article featured on the college's website puts it, "Few retirees in local history have been so royally heralded." Ms. Houston deserves every bit of that recognition for her long and tireless service to the college and her part in the lives of thousands of Davidson students over the years. I join my fellow Davidson alumni and other members of the Davidson community past and present in commending Ms. Lula Bell Houston and celebrating her achievement.

I submit for the RECORD a news article with more about Ms. Houston.

[From the Davidson, Apr. 30, 2004]

CAMPUS HONORS RETIREMENT OF "SPIRIT OF DAVIDSON" IN LAUNDRY'S NEW NAME

(By Leslie Hempson)

As if fifty-seven years of work weren't enough, in a sense Lula Bell Houston will never leave her job now. That's because the college on Thursday afternoon affixed her name forever to the laundry building, naming it in her honor.

Hundreds of well-wishers turned out to honor the eighty-year-old Houston at her retirement party, and cheered when President Robert Vagt made the surprise announcement of the building's new name. In praising her loyalty to Davidson and irrepressible good cheer, Vagt called her "a biological mother to four children, but a mom to all who needed her."

"This is a grand moment in the history of Davidson College," he said.

When asked to respond, Houston could find few words. "What can I say? What can I say?" she asked. "I just want to thank everyone for being here, for letting me see your beautiful faces. I love all of you."

Few retirees in local history have been so royally heralded. In a whirlwind twenty-four hours that capped her long career sorting student clothes and folding sheets, President Vagt also read a proclamation from the Town of Davidson declaring "Lula Bell Houston Day," and the student membership of the Omicron Delta Kappa honorary campus leadership fraternity presented her with its Staff Appreciation Award at Spring Convocation.

Alumni and current students turned out at the retirement party to honor the woman who greeted them with a smile on their regular trips to the laundry. Joey Harris '02, former student body president, took a day off his job in a Congressional office and drove from Washington to attend. "I couldn't miss it," he said. "Ms. Lula Bell has been a good friend over the years, and we still keep in touch. There's no other place I'd rather be right now than here."

McKinley Glover '04 said, "I've known Ms. Houston since I was a freshman, and she's always shown a genuine interest in people's feelings. She's about the sweetest lady I've ever met."

Born in 1923, Houston worked for year in Davidson's dining service in 1943–44. She spent the next few years in New York City and Washington, but The Lula Bell Houston Laundry has been her home-away-from-home since 1948. She has cared for the clothing of all but 1,226 of the college's 19,731 living alumni. Even more valuable than her laundry services, Houston has bestowed grace and affection on students, offering them that same comfort of being in a home-away-from-home.

A retirement tribute to her stated, "Lula Bell has been greeting anyone and everyone with a warm smile and a kind word and a hug. Students drop off their dirty clothes, and leave with their spirits lifted and a reminder that there's more to life than their next test or paper. They know someone is working tirelessly and without complaint to take care of them, someone who doesn't care what their grades are, whether or not they won their last game, or how their love life is going. They know Miss Lula Bell's unconditional love."

One former Davidson student, lonely and discouraged far away from his home in Nicaragua, wrote her a letter thanking her for her kindness. Even though he graduated years ago, he still keeps in touch, and called her a few weeks ago to wish her a happy Easter.

Another former student, Matthew Arbuckle '02, organized his SAE fraternity brothers two years ago to show their appreciation by giving her $500, a dozen roses and a trophy recognizing her as "The Spirit of Davidson." That trophy is proudly displayed in front of the cubby in which she keeps her keys and papers, next to a few small seashells and a list of laundry employees that dates back to the 1950s.

What few students know is that Houston's work has provided a refuge in a life that has not been easy.

Houston began working in a time when racial discrimination was still prevalent in the South, and a black woman had very limited job prospects. After her first husband left her in 1947, she took the $12 a week job at the laundry to support herself and two young children. Houston had watched her mother, Rosa Potts, provide for a family without the help of a husband, and knew what to do. Her mother had risen at the crack of dawn to milk the cow, clean the house, and prepare breakfast for her two children before going off to a day job. Houston was determined to work just as hard.

She has always waked at 4:15 and arrived at the laundry by 6 a.m., assuring that she would be on time for the 6:30 a.m. start of the work day. When her children were young, she brought them to the laundry with her. They played amidst the washers and driers with children of other workers until it was time to go home. Davidson's laundry has always encouraged that feeling of family, and Houston's association with generations of students has reinforced it. "The sense of being family makes the time fly by," she said. "My family gets bigger with the bunches of clothes coming in. Students come in with smiles on their faces and hope in their eyes."

In 1959 she married Arthur Houston, with whom she raised two more children. She continued to work at the laundry, and he worked at two jobs, until 1988 when Arthur died of a heart attack. She has suffered more losses recently, with the death of a brother from Lou Gehrig's Disease five or six years ago, and the death of her mother three years ago.

It was hard for Houston to keep going after the deaths of her brother and mother, but work has always been a salve for her wounds. She likes the predictability of her laundry duties, her co-workers, and the students. Church, and particularly church music, has also been a constant solace. She has been a member of Gethsemane Baptist Church for seventy-eight years, attending services and Sunday school every weekend, and spending three hours on Saturday mornings practicing with the church choir. In addition to the choir, she is a member of the Gethsemane Baptist Church Gospel Singers, a group that performs at churches all across the region and has even appeared on television a couple of times.

Houston said her immediate plans for retirement are to finish thoroughly cleaning her house. She said she might also take a little break to visit relatives in Las Vegas and Baltimore, and maybe take a trip back to New York. She has also always wanted to learn how to play the piano.

Co-workers have been urging her to retire for years. They tell her to hurry up and leave so that she'll have a chance to enjoy some of her life before it's too late. But even as she planned her retirement, Houston was already talking about returning to work part-time at the laundry. She insists, "I am enjoying what I'm doing. I am enjoying my life."

THE HUMANITARIAN CRISIS IN SUDAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. RANGEL. Mr. Speaker, the humanitarian crisis in Sudan must not be overshadowed by current world events. We must address the ethnic cleansing and refugee situation with urgency, not just with words but with action. There is a moral obligation to pressure the Sudanese government to end the atrocities in western Sudan and ensure adequate humanitarian aid reaches the refugees in Chad. As the world remembers the 10th anniversary of the genocide in Rwanda, we cannot allow this to happen again.

HONORING THE SERVICE AND LEGACY OF BARBARA KENNELLY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. LARSON of Connecticut. Mr. Speaker, next Monday the Post Office on Weston Street in Hartford, CT will be renamed in honor of one of Connecticut's most dedicated public servants, Barbara Kennelly. This gesture is a small but lasting tribute to an extraordinary woman who has fully devoted herself to the cause of public service for her city, her state, and her nation.

Considering her roots, Barbara's twenty three years of service to Connecticut should come as no surprise. Born Barbara Ann Bailey, she grew up in one of Connecticut's most well-known and influential families. Her father, John Bailey, was chairman of the state Democratic Party, and later served as Chairman of the Democratic National Committee under Presidents Kennedy and Johnson. Her mother was active in democratic state politics and her brother served as the chief state attorney for Connecticut. She grew up surrounded by those who dedicated their lives to public service, and Barbara learned well from their example.

Following in her family's footsteps, Barbara was elected to the Hartford City Council in 1975. After serving four years on the council, Barbara was elected Secretary of the State of Connecticut. Continuing her service on behalf of the people of her beloved state, she was elected to Congress in a special election in 1982.

On her arrival in Washington, Barbara quickly rose through the ranks and earned the respect of members from both sides of the aisle. Her seventeen-year record in the House clearly reflects her strong commitment to the needs of working families in Connecticut and the nation. She fought hard for legislation to enforce child support collection, provide tax credits to the working poor and extend health care coverage to uninsured children. While known for her willingness to compromise, she never forgot the needs of the people she represented.

During her time in Congress, Barbara broke the ground that finally brought women into the House leadership. Clearly demonstrating a capacity for pragmatic and dynamic leadership, Barbara was appointed as the third woman in history to serve on the House Ways and Means Committee and the first woman to chair a subcommittee of the House Intelligence Committee. In August 1991, Barbara served as Chief Deputy Majority Whip under Speaker Tom Foley, a post in which she served until her election as Vice Chair of the Democratic Caucus in 1994. With her historic ascension to this post, her colleagues made Barbara the chamber's fourth highest-ranking member, and the first and only woman at that time in the elected leadership.

Again heeding the call to serve the people of Connecticut, Barbara accepted the Democratic gubernatorial nomination in 1998. Although her run for the governorship was unsuccessful, Barbara was not only to simply fade away into the background.

Reflecting her service as Ranking Democrat on the Social Security subcommittee, President Clinton appointed her Associate Commissioner of the Social Security Administration in 1999. Today, she works tirelessly on behalf of our nation's seniors as President of the National Committee to Preserve Social Security and Medicare.

I am truly honored to present the district she so ably served for seventeen years. While Barbara's legacy is so much larger than the bricks and mortar of a post office, it is a lasting tribute to a woman who dedicated her life in service of the people of Connecticut for nearly a quarter of a century.

Barbara's is a presence sorely missed in this chamber, and I urge my colleagues to join me in recognizing the legacy and ongoing service of this truly extraordinary public servant.

RECOGNITION OF MR. EDWARD REILLY, JR. AND HIS SERVICE TO THE NEPTUNE TOWNSHIP DEMOCRATIC ORGANIZATION

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. PALLONE. Mr. Speaker, it is with great pride that I rise today to honor an exemplary individual, as well as a dear friend, Mr. Edward Reilly, Jr., It seems only fitting that Mr. Reilly be honored by the Neptune Township Democratic Organization, in recognition of his many years of selfless dedication to family and community.

In 1964, Edward and his loving wife Betty became Monmouth County Democratic Committeepersons or District Leaders. Today, eight U.S. Presidents later, Edward continues to serve, having taken on the additional responsibility of Neptune Township Democratic Municipal Chairman. Edward and Betty are also the proud parents of 10 children.

A recipient of a Purple Heart and various other awards for his bravery and service in the U.S. Army during World War II, Edward Reilly has applied that same level of commitment to his local community. He has been involved in the legal profession for many years, serving as counsel to the Neptune Township Committee, and Assistant County Counsel for the Country of Monmouth. In addition, he is a past commander of the American Legion in Newark.

Mr. Speaker, Edward Reilly's entire life has been dedicated to the democratic process and serving this Nation and his community with honor and dignity. I would like to ask my colleagues to join me in honoring a good friend and a respected public servant.

SENATE—*Monday, May 17, 2004*

The Senate met at 12 noon and was called to order by the Honorable ELIZABETH DOLE, a Senator from the State of North Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Holy God, who takes our guilt away, You are the chief justice of the universe. Thank You that we can do nothing to earn Your forgiveness, so that we need not sink into regrets, shame, and excuses. You have buried our transgressions in the sea of forgetfulness. Wrap us with a robe of righteousness, as a bridegroom dresses for his wedding and as a bride is adorned with jewels. Help us to show our gratitude for our salvation by living for You.

Enable our Senators today to contribute to peace in our world. As they are empowered by You, the Prince of Peace, help these dedicated lawmakers to make Your work their work. Bless our pages who face the challenges of exams. Hasten the day when Your purposes will be done on Earth, even as they are done in heaven. We pray this in Your holy Name.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable ELIZABETH DOLE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 17, 2004.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ELIZABETH DOLE, a Senator from the State of North Carolina, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mrs. DOLE thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

SCHEDULE

Mr. McCONNELL. Madam President, today the Senate will be in a period of morning business until 2:30. At 2:30, the Senate will begin consideration of the Department of Defense authorization bill. The Chairman and ranking member of the Armed Services Committee will be here to begin working through amendments to that bill. Chairman WARNER and Senator LEVIN have indicated they will have an amendment ready to be voted on around 5:30. This will be the first vote of the day.

It is the majority leader's intention to complete action on the bill by the end of the week. Senators who wish to offer an amendment are encouraged to contact the bill managers as soon as possible so they can schedule floor time for the amendment's consideration. The leader stated that late night sessions are expected this week and Members should plan their schedules accordingly.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 2:30 p.m., with the time equally divided between the two leaders or their designees.

The Senator from Kentucky is recognized.

50TH ANNIVERSARY OF BROWN VS. BOARD OF EDUCATION OF TOPEKA

Mr. McCONNELL. Madam President, I rise this morning to mark the 50th Anniversary of the Supreme Court's historic decision in the case of Brown vs. Board of Education of Topeka.

As I stand at my desk on the Senate floor, my eyes are often drawn to the inscription etched in marble directly above the rostrum.

The inscription reads, "E Pluribus Unum." Translated into English, this means, "out of many, one." The founding fathers selected "E Pluribus Unum" to signify the union of our thirteen original colonies into a single cohesive nation—the United States of America. They understood that America's future success, and indeed our strength, would be enhanced through this union.

As our Nation grew in size, population, and diversity, our national motto took on greater meaning.

Today, "E Pluribus Unum" reminds us that America is home to a collection of individuals of all races, creeds, and backgrounds. These individuals together make up America's strength and majesty.

I do not believe the architects of this hallowed chamber etched these words into such a prominent place by accident. As you know, Senate rules require every Senator to engage in debate—no matter how heated or contentious—through the presiding officer. These three words, "E Pluribus Unum," inscribed directly above the presiding officer serve to remind us that regardless of the differences that may divide this body on a given day, we will emerge united as a Senate and united as a Nation.

As columnist George Will noted, we are "a nation defined by our unum, not our pluribus."

Yet, tragically, for much of our Nation's history, millions of African-Americans were excluded from fully participating in our democracy—first by slavery, and later through a system of State-sponsored segregation.

This system of legalized segregation was sanctioned by the Supreme Court case Plessy vs. Ferguson and its doctrine allowing for "separate, but equal" public accommodations, including schools.

It is with some pride that I note that a Kentuckian, Associate Justice John Marshall Harlan, was the lone dissenting voice on the Court in the Plessy case. In his stinging dissent, Justice Harlan argued:

> Our Constitution is color blind and neither knows nor tolerates classes among citizens . . . the destinies of the two races are indissolubly linked together, and the interests of both require the common government of all shall not permit the seeds of race hate to be planted under the sanction of the law.

Justice Harlan also noted, "the judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the Dred Scott case"—referring to the case right before the Civil War.

Justice Harlan's words proved prophetic as more and more Americans grew to understand that a nation forcibly separated by law could never fully realize its destiny as a beacon of freedom, nor truly live up to its motto, "E Pluribus Unum."

By denying African-American children the equal opportunity to attend the same schools as their fellow citizens, States denied these children the opportunity to fully participate economically, socially, or politically in our society as adults.

Fifty years ago this morning, the Supreme Court agreed when it ruled in favor of the plaintiffs in Brown vs. Board of Education of Topeka. Simply, yet eloquently, a unanimous Supreme Court found, "We conclude that in the field of public education the doctrine 'separate but equal' has no place. Separate educational facilities are inherently unequal." The Court later directed the States to move forward with desegregation "with all deliberate speed."

In 1954, Kentucky had already begun taking the first small steps towards integrating the State's schools. While the State's elementary and secondary schools remained segregated in 1954, Kentucky had begun chipping away at our state's infamous 1904 "Day Law," which mandated racial segregation in public education.

On the day following the decision, the Louisville Courier-Journal noted, "The Supreme Court, in a decision marked by reason and restraint, has enunciated a doctrine of morality."

Madam President, it is fitting and appropriate that we mark the 50th Anniversary of the Brown decision. However, we must also understand that while Brown opened the schoolhouse doors to all children, it could not guarantee that every child, regardless of race, receives a high quality education.

That task has been left to the generations that have followed.

In the years since, educators have documented an unsettling and persistent achievement gap between minority and non-minority students. A similar gap exists between poor and non-poor students.

For example, in my home state of Kentucky minority students are much less likely to read proficiently at grade level than their non-minority counterparts. Similar results have been documented nationally.

For decades, the Federal Government spent countless billions with the goal of eliminating the achievement gap but without demanding any real accountability for improving results. Since no results were demanded, none were forthcoming.

From 1965 to 2001, the Federal Government spent more than $150 billion to address the achievement gap. Total education spending doubled during that period from 1965 to 2001, even after accounting for inflation. Yet during most of this period, reading and math scores remained flat. If funding were the problem, we would have solved the achievement gap years ago.

During this period too many Americans came to accept the achievement gap as the inevitable result of a student's environment or believe the erroneous claim that a certain percentage of students will not ever be able to meet even basic standards in reading and math. All too often, schools just passed these students along from grade to grade through social promotion policies. While the schools may not have failed students on their report cards, they failed to prepare them for life's challenges.

In his 2000 Presidential campaign, then-Governor Bush described this mistaken attitude as "the soft bigotry of low expectations." Following his election, the President moved quickly with leaders in both parties to attack the achievement gap and enact the No Child Left Behind law.

This historic legislation is grounded in the simple principle that every child can learn and that no child should be left behind. It recognizes the fundamental importance of reading for all children. As the President has explained, "Literacy is liberation. . . . The ability to read is what turns a child into a student. First we learn to read, and then we read to learn."

The law sets high standards for all groups of students, and then holds schools accountable for improving academic achievement across the board. For the first time, the No Child Left Behind Act requires States to examine not only an entire school's progress but also the progress of subgroups of students within a school to make sure we do not give up on any child, regardless of their color, language, or economic circumstance.

If any of these subgroups is not meeting the school's goal of adequate yearly progress, then the whole school has failed to meet its goals. The days of spending and education without accountability are over. Setting high standards for all our students is critical to ensuring that every single child receives an equal opportunity for a quality education.

In writing for the unanimous court in the Brown decision, Chief Justice Warren noted:

> In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.

Those words were never more accurate than they are today. While we mark the 50th anniversary of the historic Brown decision to opening America's schools to all children, we must also remember that ensuring every child receives a quality education is the ongoing responsibility for each generation of leaders that follows.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. THOMAS. I thank the Chair. Madam President, I certainly agree with my friend from Kentucky that there is nothing more important than for us to ensure that our education system is accountable, is working well, and is fair to all students.

CONFERENCING THE HIGHWAY BILL

Mr. THOMAS. Madam President, I wish to take a moment to talk about another topic that I think affects us all. I just came back from my home in Wyoming. I heard a great deal of conversation about highways and the highway bill and the fact that we have not yet been able to pass a highway bill, both in the House and the Senate, and get together. The highway bill, of course, under which we have lived for the last 6 years, has expired, and we are doing a month or two extension of time. The fact is, that does not work very well. With some issues I suppose we could continue to do extensions. Building highways and upgrading highways is all done by contracts. The people responsible for highways need to know what their resources are going to be into the future so they can make those long-term decisions for highway construction contracts. We are unable to do that now.

The highway bill is one of the issues before us that is time imperative. The Environment and Public Works Committee, of which I am a member, has the primary responsibility for putting out a highway bill. We worked on it for a long time. We brought a bill to the floor, and it was passed by this body. It is a very good bill. It is a larger bill than the one that passed out of the House, and it expends more money than the bill from the White House. The fact is, it is based on the money that is available, that is paid in taxes for highways.

We find ourselves in a strange situation. One of the issues about which all of us continue to be concerned, with a good deal of success, I might add, is working on creating jobs. There is no short-term passage of any bill that would provide more jobs than the highway bill, and these are contracting jobs, of course, in the private sector. It would be helpful for us in terms of getting those jobs in place.

The other is infrastructure. Again, there is nothing more important to the overall economy. Think about what it means in each of our lives, whether it is simply driving home, whether it is the business you are in, whether it is moving products all around the country. All we do is impacted by transportation and by highways.

It seems that this issue of highways is more imperative than most anything before us, and yet we have not been able to move it and get it out where it belongs—out to the States.

I am becoming more and more concerned about the fact that the Federal Government is getting itself involved in a lot of issues that should not be the focus or the role of the Federal Government. I am going to start pressing to see if we cannot develop a criteria as to what the role of the Federal Government ought to be. That is sort of what the Constitution does, but we stretched it out. In fact, I am gathering up a list to talk about one of these days of all the various funding programs in the Federal Government. All of us will be amazed when we see the numbers and the size of the book involved in listing all those programs.

Nothing could be more a function of the Federal Government, since the Federal Government charges a tax on every gallon of gas that we buy, than building an infrastructure system across the country, much of it Federal interstate highways. It is clearly a role for the Federal Government and one for which we are responsible.

As we do that, we need to allow the priorities to be set by the States. I do not agree with the House procedure of assigning all the different specialities before it goes out of here, but rather we ought to decide the formula for the allocation among the States and let the States then set their priorities, along with the Federal Government on Federal highways.

Obviously, highway systems perhaps in some ways are more important in rural States, such as Wyoming where we have one of the lower populations but have more road miles than any other State. So highways become very important. In other words, when those of us who work in Washington, DC, have to face the traffic, that becomes very important as well. In different ways, all of these needs are out there. We have an opportunity to do a great deal. We have the bill ready to go, but we cannot get the bill to conference so that we can begin to work out our differences.

As I mentioned, there are differences among the Senate, the House, and the White House, but that is not the first time that has ever happened. There is a system for putting that together. The system is a conference committee.

We cannot seem to get the contractors. The State workers and local governments deserve to be able to move forward and deserve to have a final bill out so those decisions and that movement can be made and so those jobs can be created and our system can be strengthened.

The conferees need to be appointed so we can get on the bill. That is all that is necessary now. I know some of us would like to have things differently. Naturally, there are disagreements on bills of this kind, particularly when getting into formulas for the distribution of dollars, but that is true with almost everything and that is what conference committees are for.

So we can move forward with that. The benefits that could come from it are second to none.

Pretty clearly, we have to continue to have improvements in the system. We find ourselves with more congestion. As time goes on, we will find ourselves with more safety problems. We need to do these things, as well as stimulate the economy.

So we need this bill. We need it for safety. We need it for the country. We need it for the energy. We need it to be able to conserve energy by having more efficient highways. We need to move forward on a number of the things that are there.

Unfortunately, we have some obstruction going on on the floor. Much of it has to do with seeking to make a point about the election that is coming up. Obviously, caring about elections and politics is not a brandnew thing, but we ought not to have obstruction to moving forward with a system that has been in place for years, a system that does work, a system that does reconcile differences which we always have.

We are held up on the energy policy, one that is very important to us. We are held up on class action reform. We are held up on asbestos legislation. We are held up on the approval of qualified judges. We are held up on medical liability protection. All of these issues are so very important. So it really hits home to us when we find ourselves in this situation.

As we go about talking to people at home, health care insurance, medical liability being part of that, is one of the issues we hear about, as well as the idea of improving education and highways. Those are the issues in which people are interested.

So I urge that we move forward with the system. We have done the work we have to do. In order to get it completed, we have to move on to a conference. We have to move on to reconciliation with the House and with the White House. It is just the system. There is just no reason to hold it up. We need to move forward, and we need to move forward quickly. So I hope we can do that.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TALENT). The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. TALENT. Mr. President, I ask unanimous consent that the time spent in the previous quorum call be charged equally to both sides, and all other quorum calls during today's morning business period be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Missouri.

BROWN v. BOARD OF EDUCATION

Mr. TALENT. Mr. President, I wish to take a few moments today—at least a few moments are justified—in offering some words to help the Nation celebrate the Brown v. Board of Education decision that occurred 50 years ago. It is a good thing we remember and honor that decision. That case was the culmination of a strategy by the NAACP and others that attacked racial segregation at its heart and, by the way, also a decision that redeemed the Supreme Court's record in cases of this kind because we should not forget the Court had earlier placed its imprimatur on slavery in 1856 in the Dred Scott decision and had subsequently placed its imprimatur on the Jim Crow decision in Plessy v. Ferguson in 1896. It was, indeed, time in 1954 for the Supreme Court to stand up for the Constitution and live up to the promises of the Declaration of Independence, specifically the promise that all of us are created equal, at least in this sense: that we are equal in our right to enjoy the inalienable rights that Almighty God gives us simply by virtue of the fact that we are people and have human dignity.

The history of the United States is, in one sense, a history of a progressive realization of that promise that in fact had been made in theory in the Declaration and also an understanding by the American people that unless that promise is realized and enjoyed by everybody, it is secure for nobody. Brown v. Board of Education was a milestone in that realization.

I do want to make the point that the Supreme Court's decision in Brown was not an isolated act of courage by nine Justices, although it was certainly a courageous decision. It was, as I said before, the culmination of a strategy by the NAACP, but also years of advocacy by that group and other groups around the country and thousands of Americans on their own who refused to accept the assumptions underlying racial segregation and, indeed, refused to let the American people go on year after year quietly and in an unthinking way accepting those assumptions.

That activity by thousands and thousands of people in protests, in op-ed pieces, in books they wrote, in appearances on mass media, and just the way they conducted their day-to-day lives changed public opinion, by no means entirely in 1954 but enough so that the Brown v. Board of Education decision became possible, in a way that it would not have been possible—clearly was not possible in 1934 or even 1944.

The same Supreme Court, staffed by the same nine Justices, would not and did not issue a decision such as Brown v. Board of Education 20 years earlier or 10 years earlier because those people had not yet done enough of their work to move enough of the American people toward the right conclusion that that decision became possible.

In that sense, I suggest that people such as Jackie Robinson and others around the country probably did more to desegregate the schools than the Supreme Court did in Brown v. Board of Education, and certainly people such as Rosa Parks and Dr. Martin Luther King did more to ensure the implementation in practice of the Brown v. Board of Education than the Federal courts did.

I want to dedicate this day on which we justly celebrate the decision to the thousands of people, some who are recorded in history and some who have remained anonymous, who made that decision possible and helped correct a tremendous injustice and redeem America's honor before the bar of history.

The Supreme Court, in Brown v. Board of Education, changed laws, and that is hard, as we know in the Senate.

Those other folks, in standing up for the rights of their fellow citizens, changed hearts, and that is even more difficult.

Ms. MIKULSKI. Mr. President, today I rise to commemorate the 50th Anniversary of Brown v. Board of Education. Today, we celebrate the historic and unanimous Supreme Court decision that called for an end to racial segregation in schools throughout the nation. And as we honor those individuals who risked so much to challenge discrimination and establish a constitutional right to an equal education, I am filled with both hope and promise. Hope that the legacy of Brown will endure. Hope that equality and opportunity will soon be the reality for millions of school children who today still face segregation and inequality in their schools. And the promise that today we will renew our commitment to achieving the goal of equality that began 50 years ago with the Brown decision.

I am so proud to honor today the important role that the great state of Maryland played in this history of Brown. Maryland is the birthplace of Thurgood Marshall, the architect of the blueprint to end racial segregation in education. Thurgood Marshall grew up and attended racially segregated schools in Baltimore, he knew the impact of segregation first hand, and he took the fight for racial justice all the way to the Supreme Court. His thoughtful and strategic legal arguments were instrumental in knocking down racial segregation in our country. Maryland is also the home of the National Association for the Advancement of Colored People. Founded in 1909, the NAACP successfully fought to integrate the University of Maryland in 1935 and its leaders painstakingly planned and organized the challenge to racial segregation in public schools.

Brown marks a momentous beginning in American history. For the first time, the Supreme Court recognized a constitutional right to an equal public education for all students. And for the first time, the Supreme Court recognized that separate can never be equal. Brown is the foundation on the road to dismantling segregation in our society. The fight for equality started with the schools and progressed through the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Fair Housing Act of 1968—all critical steps to rid the nation of segregation and disparities it fostered. Yet 50 years later we're still a long way from the promise of Brown v. Board of Education—equality in public education and opportunity for all students.

Why was the Brown decision so important? Because the Supreme Court said that regardless of race, color, creed or ethnicity education "is a right which must be made available to all students." The Brown Court took the unprecedented step of examining how African-American children were being educated and the environments that they were learning in. And for the first time the Court used social science research to show that learning is compromised by segregation—and as a result Black students were receiving inferior educations. It was clear that poor schools, which invariably lacked resources, resulted in a lower quality of education for Black students than their white counterparts. Most importantly, the Brown decision, with a mighty hand, challenged Americans to confront the discrimination, segregation and inequality that existed in schools and in their communities.

Today, I urge Americans to renew that challenge. We must address the growing disparities in our schools and the re-segregation of students of color in our classrooms. Even a quick glance at our Nation's schools, including schools in Maryland, shows that the promise of Brown has not been realized. We know that students are still segregated—and that schools still are not equal. Students of color and poor students are more likely to be in overcrowded schools, without enough books and computers, in buildings that are often literally falling apart. They are often sidelined into special education classes—when what they really need is special attention.

I don't want the quality of education to depend on a family's income or the location they live in. As the Brown Court understood, having adequate resources and decent facilities matters. We need to make sure we have a public school system that works. That means smaller classes, a good teacher in every classroom, and making sure schools have resources to meet special needs—like bilingual education and special education. We need to keep fighting against the soft bigotry of low expectation.

Today, as we commemorate the Brown decision and the progress that has been made in the past 50 years, we renew our commitment to increase diversity and provide educational opportunities for all children regardless of race, ethnicity, socioeconomic status. We must stand up for what America stands for: opportunity, equality, and empowerment. We must make sure there is no discrimination of any kind, anywhere in the United States of America—whether it is the old fashioned kind or the new fashioned kind. That means saying no to continued racial discrimination in education, and saying no to racial sidelining: pushing children of color into special education. Brown established education as a right to all students. We must continue to fight to protect that right, to make sure that the promise of an equal education is, in fact, a reality for all school children.

Ms. STABENOW. Mr. President, 50 years ago, a third grade girl named Linda walked a full mile each way to school, crossing through a dangerous railroad switchyard to do it. Only five blocks from her home was a very nice local school, but when her father petitioned for her admission, he was denied.

Why?

Because she was not white.

Fortunately, her father would not give up, and because of his tenacity, 50 years later, we can celebrate the landmark decision of Brown v. the Topeka Board of Education.

Since Thurgood Marshall argued his most important case involving over 200 plaintiffs in front of the same bench that he would later sit on, we have made great strides.

We have done away with the ridiculous idea that separate could ever be equal. We have legalized desegregation. Colleges and universities are becoming increasingly more diverse as parents who did not attend college are now able to send their children to institutions of higher education.

But there is so much more still to do. Until children of all backgrounds receive the same quality of teaching, have access to the same quality of learning resources, and graduate from high school and secondary education at the same rate, our work is not finished.

Despite the Supreme Court's declaration in that landmark decision that education "is a right which must be made available to all on equal terms," our country still remains far from providing an equal education to all.

Fortunately, I know we have the ability to change this and to ensure all children a first-rate education. We are the greatest and richest country in the world. We have the ability to make sure that our elementary and secondary schools are the best in the world.

We also need to make sure the doors to higher education remain open for all. We have the best universities and colleges in the world, and students from all over the globe dream about attending college in the U.S.

The result of the University of Michigan case went a long way towards keeping the hope of higher education open to all Americans. While the Brown case defined our parents' era, the current generation's battle is to move beyond the legalization of desegregation and make sure it actually happens, with the help of affirmative action.

I am pleased the Supreme Court upheld the efforts of the University of Michigan to promote diversity in university admissions. Education is the most effective tool and the critical first step to empowerment. Education is the tool that allows students to comprehend the world around them, and provides them the know-how to provide themselves with a superior quality of life.

We need to keep it going. Marian Wright Edelman, founder of the Children's Defense Fund and the first woman admitted to the Mississippi bar, once remarked, "A lot of people are waiting for Martin Luther King or Mahatma Gandhi to come back—but they are gone. We are it. It is up to us. It is up to you."

She is right. It is up to us to continue Dr. King's, Mr. Brown's, and everyone's journey for full equality.

Mrs. MURRAY. Mr. President, today marks the anniversary of one of the most important milestones in American history. Fifty years ago today, on May 17, 1954, the United States Supreme Court ruled unanimously in Brown v. Board of Education that separate was not equal in our schools.

This landmark ruling established the principle of equality in our laws and launched a national wave of racial integration and progress toward racial equality. We are all familiar with the laws that have been erased from the books, mandating separate and inferior facilities, services and treatment for African Americans. Americans can be proud that we have made progress against the evils of segregation. Today African Americans can live in any neighborhood they want, send their children to integrated schools, eat, drink, read, sleep, travel and enjoy recreation and entertainment in all the places every other American can.

These changes mark major progress, but the road to equality has never been quick or easy. James McClinton, the new African American mayor of Topeka, KS where the Brown case originated, was quoted recently in the Washington Post noting that the legacy of the decision is both fragile and incomplete. Just a year after the Brown decision, the Supreme Court issued another case known as Brown II, which led many school districts to drag their feet for years before integrating. We all remember when President Eisenhower had to send the military to Central High School to protect its first African American students, and the sacrifices African American students made to attend formerly all-white colleges and universities. The truth is, we still have a long way to go. Today is a day to celebrate the progress we have made, and the breakthrough Brown v. Board represented for racial and educational equality in America. But we cannot afford to just rest on our accomplishments since 1954. We must also look forward to 2054, and ask ourselves what opportunities we want our children and grandchildren to have then, and what they need us to do now to achieve those goals.

In 2004, African American students—as well as their counterparts in the Hispanic and Native American communities—are not performing as well as white students in our schools. I want to cite some statistics to paint a clear picture of what is going on in our schools. We first must wake up to the established, continuing and disturbing trend of resegregation. Studies have found that our schools have reached their peak of integration and now may be moving back to becoming resegregated. As we commemorate the Brown decision, we cannot afford to ignore this continued segregation. The National Assessment of Educational Progress found that while 74 percent of white fourth-grade students were good readers, barely half that many—39 percent of black fourth-graders earned the same designation. We have school buildings in disrepair and overcrowded classrooms, which not only makes teaching difficult, but sends minority and low-income students a powerful message that we do not value them or their education. Minority students are also much more likely to be in special or remedial education. In 1994, 31 percent of African American, 24 percent of Hispanic and 35 percent of Native American high school graduates took remedial classes, while only 15 percent of white and Asian American high school graduates did. Minority students make up 40 percent of our school-age population but just 14 percent of their teachers are minorities. According to the Leadership Conference on Civil Rights, white students are significantly more likely to have access to advanced academic programs than minority children and children with disabilities in the same school district, regardless of how wealthy or poor the district is. Our national high school graduation rate is an inadequate 69 percent, but when you dig deeper you learn that we are graduating barely half our minority students in this country—just 53 percent of Hispanic students, 51 percent of Native American students, and 50 percent of African American students.

It should surprise no one that if minority students don't perform well in high school, they will perform less well in college. As of 1999, white students were literally twice as likely as Hispanic and African American students to earn a Bachelor's degree. Both minority groups are underrepresented on America's college campuses. Not only is there a racial achievement gap, but that gap has actually widened in the last generation. In the 28 years from 1971 to 1999, the proportion of white high school students who earned at least a Bachelor's degree increased 13 points, to 36 percent. The proportion for African American students increased 5 points to 17 percent, and the share of Hispanic students rose 4 points to 14 percent. Imagine the larger social and economic consequences of these populations not going to or graduating from college, especially when our racial diversity is growing rapidly. We all know that you will earn a lot more money if you have a Bachelor's degree, and that American economic competitiveness in a globalizing economy depends on high-skill, high-wage jobs. We need to keep up our efforts to make sure that the color of someone's skin does not determine their opportunity to succeed.

If we are to ensure that children of color have an equal opportunity to go to college, get their degree and achieve the American dream, we must address the academic deficiencies in our high schools. Roughly half our minority students are graduating from high school, which means that nearly half are also dropping out. The No Child Left Behind Act, which I supported, requires for the first time that much of the academic achievement data we collect on our schools be separated, disaggregated, by race, students with disabilities, limited English proficiency, and students from low-income families. This step forward is critical to track achievement gaps and their trends over time. Disaggregated data is an important tool we need to target assistance and resources to reduce and eliminate racial achievement gaps. Yet currently the Department of Education is not requiring disaggregation of data on dropouts. This information is critical if we really want to reduce dropout rates and improve graduation rates for all students. I strongly urge Secretary Paige and the Department of Education to report disaggregation of dropout data.

We also know from numerous studies that the gaps between test scores of low-income and middle-income students could be eliminated if all students had highly qualified teachers. If fully funded, the No Child Left Behind Act would put highly qualified teachers in all our classrooms, but, unfortunately, an amendment I offered on the budget resolution earlier this year to fully fund the Act, failed on a party-line vote. But even when No Child Left Behind is fully funded, as I hope it is next year, our work will still not be done with regards to our high schools.

That is why last summer I introduced S.1554, the Pathways for All Students to Succeed—PASS, Act. The PASS Act seeks to eliminate dropout, achievement and graduation gaps among our high school students. The PASS Act does three things. First, it will help students learn to read and write by providing $1 billion to help schools hire literacy coaches. Second, my bill ensures students are taking the classes and getting the support they need to finish school. It provides $2 billion for academic and career counselors to ensure students have a personalized plan for completing high school and going on to college. Finally, my bill provides extra help to schools that need it most. It provides $500 million in grants to help improve low-performing schools improve. I hope that the Senate will pass this bill this year.

The Brown v. Board decision was a momentous achievement for our Nation, and I am honored to mark its 50th anniversary today. At the same time, we must take the momentum of this celebration to fulfill the promise of Brown by ensuring that all our children have access to the highest quality education worthy of our great Nation.

Mr. GRAHAM of South Carolina. Mr. President, I rise today in honor of the fiftieth anniversary of the Supreme Court decision of Brown v. Board of Education which declared separate but equal unconstitutional. I believe that ensuring that our public schools are open to everyone is a great equalizer in America.

I will soon be turning 49, and I know that having an integrated school system has enriched my generation by allowing all of us in South Carolina to learn, socialize, and compete together in a public school setting.

The brave men and women who fought to end the segregation of public schools have done a great service to South Carolina and our nation. It is appropriate they be honored accordingly and all of us should commit ourselves to build upon their legacy.

I join you and my colleagues in the U.S. Senate in commemorating this historic decision.

Mr. LUGAR. Mr. President, today marks the 50th anniversary of Brown vs. Board of Education, a U.S. Supreme Court landmark decision that sent shockwaves through the educational establishment. For the first time, the highest court in the country decided that "separate educational facilities are inherently unequal" and a violation of the 14th Amendment.

Before Brown vs. Board of Education, Indianapolis Public Schools had been forced by State law to scrap separate black and white schools. That change, however, did not necessarily result in integrated classrooms. Segregated communities left most of our schools racially homogeneous.

It was in this environment that I was elected to the Indianapolis Public School Board in 1964. Like much of the country, Indianapolis was experiencing the civil rights movement, and the Indianapolis Public Schools were in the middle of it all.

Our meetings were picketed and protested, and citizens staged "sit-ins" at the downtown headquarters. The U.S. Supreme Court had ruled on May 17, 1954, that separate but equal could not stand; yet in the 10 years that followed, IPS had not done much to integrate its schools.

To further the discussion, and to seek input on what would later become known as the Shortridge Plan; I held neighborhood meetings in school buildings around Indianapolis to discuss ideas for peacefully integrating the city schools. At one such meeting on the near Westside, participants literally picked up the furniture and threw it at each other. The police had to be called to restore order.

Later, the Shortridge Plan was adopted by the board, but not enthusiastically. Under the Shortridge Plan, IPS was to establish a college preparatory high school that would voluntarily draw the best and the brightest from all over Indianapolis, regardless of race. Some board members, and the community at large, saw this step as far too disruptive. Those individuals felt that the school board should not be involved in matters of race and sociology.

The plan worked because young Hoosiers responded. Before the plan was implemented, Shortridge was 90 percent African American, 10 percent Caucasian. The racial makeup of the applicants to the first entering class under the new plan was astounding: 53 percent Caucasian, 47 percent African American. In a year, the school became a national example of how young African American and Caucasian students could through their own individual choices come together to learn and study.

Unfortunately, in my second year of service on the board, polarization set in. A majority of the Board no longer felt that we should be involved in questions of race. In an election for president of the board, I lost 4–3. The issue of race, however, could not be avoided. Years later, the Federal courts implemented an involuntary busing system that forced our schools to seek some racial balance.

Brown vs. Board of Education set us, and the rest of the Nation, on an important path. While the Court opinion outlawed the notion of "separate but equal," it persuaded us to address the larger issue of living together as one society. Brown v. Board of Education helped us to become a better Nation. But we still have much work to do.

Today, we face a different type of segregation; namely, the gap between those who receive a quality education and those who do not. The gap in reading achievement between blacks and whites is staggering nationally. It is 28 percentage points at the 4th-grade level. The gap in reading achievement between Hispanics and whites is also alarming nationally, 29 percentage points at the 4th-grade level. We are experiencing two education systems—separate and unequal. This is unacceptable.

The Federal Government's first major entry into public education was in 1965 when the Elementary and Secondary Education Act was passed to provide Federal aid to school districts with large percentages of children in poverty. The intent was to help level the playing field—to give extra aid to those children most in need. Despite a discretionary funding amount of $55.6 billion in fiscal year 2004, increased from $35.6 billion in 2000, achievement gaps have remained wide.

To help close these gaps and to help ensure that all children have an equal opportunity to learn, Congress and the Administration worked together to pass the No Child Left Behind education reform act in 2002.

Under No Child Left Behind, States must describe how they will close the achievement gap and make sure that all students, including those who are physically disadvantaged, achieve academic proficiency. In addition, they must produce annual State and school district report cards that inform parents and communities about State and school progress. Schools that do not make progress must provide supplemental services, such as free tutoring or after-school assistance. If corrective actions do not yield adequate progress after 5 years, schools must make dramatic changes in the management.

The idea is not to establish Federal control over the schools, but simply to push States and local school districts to take a hard look at each school's strong and weak points.

In many schools, an overall high performance has often hidden a weak performance by some student sub-groups. Because of this dynamic, the act requires that each sub-group be reported separately. Overlooking the fact that only one in six African Americans graduate with proficient reading skills is simply not acceptable.

Some have complained about the increased focus on school testing. But if we want each child to earn a meaningful high school degree, testing in lower grades is an important tool to reveal the strengths and weaknesses of each school. Testing allows schools to learn which students need help and what subjects must be taught better.

We all have the same goal—to improve our schools. All students must have the opportunity to get ahead, regardless of race or residence. On May 17, 1954, the U.S. Supreme Court unanimously declared that separate but equal could not stand as the law of the land. It is our job—50 years later—to make sure that we are faithful to this principle of equal opportunity. The success of all of our children and the economic future of our country depend on our determination.

Mr. FEINGOLD. Mr. President, I speak today on the 50th anniversary of the U.S. Supreme Court's landmark decision, Brown v. Board of Education. I join with all Americans in celebrating this decision, which, in many ways, inspired the modern civil rights movement.

In Brown, the Supreme Court upheld the right of all children to an equal education in our public schools. In its unanimous opinion, the Court stated "[w]e conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal." With these historic words, the doors of public schools were required to be opened to all children, regardless of their race, and efforts to end segregation in other aspects of American society gained momentum.

The slow integration of our public schools has been a difficult and sometimes painful process, with some clinging to any mechanism by which this process could be slowed or circumvented. The promise of children of all races and backgrounds coming together to study and to prepare for their futures has too often been clouded by the prejudices of adults. And while great strides have been made in the last 50 years, much work remains to be done to ensure that the phrase "separate but equal" is at long last relegated to the history books.

One of the most serious challenges facing public schools today is the No Child Left Behind, NCLB, Act, which includes a Federal testing mandate that has become an added burden for students and school districts.

Wisconsinites are concerned about this additional layer of testing for many reasons, including the cost of developing and implementing these tests, the loss of teaching time every year to prepare for and take the tests, and the extra pressure that the tests will place on students, teachers, schools, and school districts.

Instead of piling more tests on public school students, concerned parents, teachers and school administrators want to know when the Federal Government is going to provide the funding it promised for education programs. While I have worked with many of my colleagues in the Senate to provide more of this funding, Congress still falls far short of providing the resources that students need. And schools are left to face mandate after mandate without the funding that they need to carry those mandates out.

No Child Left Behind not only adds to that list of Federal mandates, it also can impose harsh sanctions on schools that do not meet yearly goals, even though the programs that would help students and schools to meet those goals are not fully funded. Lagging test scores at a given school may mean that the school is labeled as "failing," which can have serious, negative consequences for a school that may already be struggling.

I support a bill introduced by my colleague Senator DURBIN, which takes a different approach to the issue. This legislation seeks to ensure that schools get the funding they need to implement the mounting Federal mandates they face. The bill sets a minimum amount of funding that the Federal Government must provide for the Title I program, which supports programs for low-income and disadvantaged students. If a school doesn't get the minimum funding, it shouldn't be subject to the penalties that schools can receive under the NCLB law, and the Durbin bill would exempt schools from sanctions in any year that Title I is not funded at this minimum level.

As we saw when nationwide test results came in last fall, the legacy of Brown will not be fulfilled until we can close the gap on the racial disparities that persist in test results and also in graduation rates. Nor will education truly be equal for all students as long as we underfund special education programs and other programs critical to supporting students who are struggling to succeed in the classroom.

If lagging test scores prove that too many children are being left behind, the answer isn't to label them as failures. We must give those students the resources they need to succeed in school. Congress and the administration must do more to ensure that schools have the resources to help these students catch up with their peers before students are required to take additional annual tests required under the No Child Left Behind Act—tests that will have serious consequences for their schools. The legacy of the Brown decision is an education for all children on "equal terms." Either we ensure that great legacy, or we fail the children who need our support the most.

The decision in Brown was one step in the continuing journey to America that Dr. Martin Luther King, Jr., dreamed would be "a nation where [his children] will not be judged by the color of their skin but by the content of their character." A few years after the Brown decision, Congress began to do its part to combat inequality. It passed civil rights laws ensuring the right to vote to all Americans, banning discrimination in employment based on race, ethnicity, religion, national origin or gender, and prohibiting discrimination in public and private housing.

Our Nation has come a long way since 1954, but we still have work to do. Congress and the administration have a particular responsibility to advance the cause of freedom, justice, and equality for all Americans. Congress and the President can demonstrate their support for freedom and justice by supporting civil rights initiatives that have been ignored for far too long.

Perhaps no issue on this agenda is more urgent than racial profiling. Racial profiling is the insidious practice by which some law enforcement agents stop African Americans, Latinos, Asian Americans, Arab Americans and others simply because of their race, ethnicity, or national origin. Reports in states from New Jersey to Florida, and Maryland to Texas all show that African Americans, Hispanics, and members of other minority groups are being stopped by some police at rates far in excess of their share of the population and the rate at which they engage in criminal conduct.

I might add that the urgency for banning racial profiling is compounded by concerns post-September 11 that racial profiling—instead of good police work and following up on legitimate leads—is being used more frequently against Arabs, Muslims, or Americans perceived to be Arab or Muslim.

President Bush pledged to end racial profiling over 3 years ago during his first address to a joint session of Congress. Attorney General John Ashcroft also has acknowledged the damage caused by racial profiling and called for an end to the practice. It is time for the administration to move this effort forward.

Representative JOHN CONYERS, the distinguished ranking member of the House Judiciary Committee, and I have reintroduced our bill, the End Racial Profiling Act. Our bill bans racial profiling and requires Federal, State, and local law enforcement agencies to take steps to prevent the practice. This bill should be one of the top agenda items this Congress and the Administration should follow through on its promise to address this issue.

The vast majority of law enforcement agents fulfill their duties professionally and without bias and we are all indebted to them for their courage and dedication. Racial profiling is ineffective and undermines their efforts to serve and protect all Americans.

In addition to passing the End Racial Profiling Act, Congress and the President should also address a range of civil rights-related issues in this Congress—from education, to welfare, to a fair wage for an honest day's work, to improving our criminal justice system.

Congress should do more to ensure that federally funded programs comply with civil rights and other laws. In particular, we must improve the Federal welfare law to require that each State's program treats all applicants and clients fairly. While Congress rightly encouraged state-level innovation with the 1996 welfare law, we should use the pending reauthorization of that law as an opportunity to ensure that all State plans conform to uniform Federal fair treatment and due process protections for all applicants and clients.

Congress should ensure that all Americans get a fair wage for an honest day's work. Too often, parents work double shifts or more than one job for low wages in order to make ends meet and to provide the basic necessities for their families. We must at last increase the Federal minimum wage. We must work to close the wage gap between women and men.

Congress should also take action to ensure fairness and justice in the administration of the death penalty. We know that the administration of the death penalty at the Federal and State levels is flawed. With over 100 innocent people on death row later exonerated in the modern death penalty era, any reasonable person can see that the current system risks executing the innocent. That is why Congress should pass the National Death Penalty Moratorium Act. Congress and the President should support a moratorium on executions while a national, blue ribbon commission reviews the fairness of the administration of the death penalty.

Congress can also do more to protect hardworking Americans from discrimination in the workplace. We should pass the Employment Non-Discrimination Act. I have been pleased to join my colleague Senator KENNEDY in sponsoring this important bill that will ensure that Americans are not discriminated against by employers based on their sexual orientation. It is time that we take this step on behalf of equal opportunity and equal rights.

Congress should also take another step to ensure that all Americans have the right to vote and to be represented in their Congress. We meet today in a jurisdiction where over a half a million people are denied the right to fully participate in their Government. The majority of the people in this jurisdiction, the District of Columbia, are African American. Shutting them out of our Government is a continuing moral stain on our nation that must be addressed. We should take action on legislation sponsored by Senator LIEBERMAN and myself, under DC Delegate Eleanor Holmes Norton's leadership, to grant full congressional representation for the District of Columbia.

Congress and the administration must take concrete steps to protect Americans' civil rights.

As Dr. King said, "This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy."

Mr. President, let us make real the promises of democracy and of Brown—a nation with liberty, justice, and equality for all. Let's begin that work in this Congress, in this body, and let's begin now.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that I be allowed to speak for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Thank you, Mr. President.

PELL GRANTS FOR KIDS

Mr. ALEXANDER. Mr. President, a half century after Brown v. Board of Education, education on equal terms still eludes too many African-American schoolchildren. Secretary of Education Rod Paige has called America's persistent racial achievement gap "the civil rights issue of our time."

By the 12th grade, only one in six Black students and one in five Hispanic students are reading at their grade level. Math scores are equally as disturbing. Only 3 percent of Blacks and 4 percent of Hispanics test at proficient levels by their senior year. By another standard, about 60 percent of African-American children read at or below basic level at the end of the fourth grade while 75 percent of White students read at basic or above at the end of the fourth grade.

There is still a huge achievement gap among African-American children and White children. The No Child Left Behind Act's system of standards and accountability is creating a foundation for closing the gap. But funding disparities between rich and poor—too often minority children attend poorer schools—school districts remain a stubborn contributor to inequality. Between 1996 and 2000, poor students fell further behind their wealthier peers in seven out of nine key indicators, including reading, math, and science.

These outcomes cry out for a different model, one that helps address funding and equality without raising property taxes; that introduces entrepreneurship and choice into a system of monopolies; and that offers school districts more Federal dollars to implement the requirements of No Child Left Behind with fewer strings—in other words, more Federal dollars, fewer Federal strings, and more parental say over how the Federal dollars are spent.

Does this sound too good to be true? I would suggest it is not. Look no further than our Nation's best-in-the-world higher educational system. There we find the Pell Grant Program, which has diversified and strengthened America's colleges and universities by applying the principles of autonomy and competition. This year, $13 billion in Pell grants and work study and $42 billion in student loans will follow America's students to the colleges of their choice. This is in sharp contrast to the local monopolies we have created in kindergarten through the 12th grade education, where dollars flow directly to schools with little or no say from parents.

That is why I have proposed Pell Grants for Kids, an annual $500 scholarship that would follow every middle- and low-income child to the school or other accredited academic program of his or her parent's choosing. These are new Federal dollars, so no district would see a cut in its share of Washington's $35 billion annual appropriations for K through 12, and increases in funding for students with disabilities would continue. Armed with new purchasing power, parents could directly support their school's priorities, or they could pay for tutoring, for lessons and other services on the private market. Parents in affluent school districts do this all the time. Pell Grants for Kids would give less wealthy families the same opportunities—an example of such a family are the Holidays in Nashville, TN.

Raymon Holiday is a sixth grader who recently won the American Lung Association of Tennessee's clean air poster contest. I was there when he won the 10-speed bicycle you get for winning this poster competition. I met his father, an art major, and his grandfather, a retired art teacher. They told me his great-grandfather was a musician. So you can see where Raymon Holiday gets his instincts. His grandfather, the retired art teacher, lamented to me that art classes are usually the first to go when school budgets are cut. With Pell Grants for Kids, a typical middle school of 600 students where Raymon might be 1 of 500 middle- or low-income students who qualify to receive a $500 Pell Grant. His middle school would see a $250,000 increase in funding. Raymon would be assured of art lessons.

The Pell grant model also encourages great American entrepreneurship. Enterprising principals, like Raymon's principal, might design programs to attract parental investment: advanced math classes, writing workshops, afterschool programs, English lessons—whatever is lacking due to funding constraints.

Surveys continue to show that while Americans are concerned with the state of public education, most support their own child's public school.

Herman Smith, superintendent of schools in Bryan, TX, would welcome the $6 million that would accompany 13,500 eligible Bryan students—90 percent of his district. Bryan is right next door to College Station, home of Texas A&M where, according to Smith, their budget cuts are larger than Bryan dreams of spending for new programs and personnel. Property values there are double those in Bryan, as is the per-pupil expenditure. Not surprisingly, Bryan's population is almost half African American or Latino, while College Station is three-quarters white.

With 30 million American schoolchildren eligible for Pell Grants for Kids, my fellow fiscal conservatives are probably raising an eyebrow. But please listen. Every year, Congress appropriates increases in funding for kindergarten through the 12th grade. What I am offering here is a plan to earmark most of these new dollars—aside from increases for spending for children with disabilities—for parents to spend on educational programs of their choice. Otherwise, we will continue to invest in the same bureaucracies that have disappointed poor and minority families for too long.

Pell Grants for Kids could be implemented gradually, starting with kindergarten and first grade at an initial cost of $2.5 billion. If the program had been in place during President Bush's first 2 years in office, the extra $4.5 billion spent on K-through-12 education—again, not counting another $3 billion for children with disabilities—would have created $500 scholarships for all 9 million middle- and low-income students through the third grade.

We have had 50 years to deliver an American education on equal terms to all students. But a baffling commitment to the status quo has prevented us from living up to Brown's noble legacy. This anniversary presents the perfect opportunity to inaugurate a new era, one that uses the strategy that helped to create the best colleges to help create the best schools. Let us start with Pell Grants for Kids and move on from there "with all deliberate speed."

I would like to make two or three additional remarks about Pell Grants for Kids.

As I mentioned, the idea is a pretty simple one—significantly new Federal dollars, fewer Federal strings, and more say by parents about how the money is spent.

To give you an idea of how much money that would be, I have taken a quick look in my home State of Tennessee. Tennessee has 938,000 students in kindergarten through the 12th grade. Pell Grants for Kids would be eligible to all those students who are from families below the state median income. The state median income for a family of four in Tennessee is about $56,000. So for families who have an income of $56,000 or below, each of their children would have a $500 scholarship that would follow that child to the school or other approved academic program of their parents' choice. We estimate about 60 percent of all of Tennessee students would be eligible for a $500 Pell grant. In some of the rural counties where there are a great many poor children, it might be 90 percent of the students. In other counties—Davidson, Maryville, Oak Ridge—it might be a smaller percentage.

But all in all, there should be about 562,000 students in Tennessee who would be eligible. This would bring an additional $281 million to Tennessee for K–12 education, and parents would have a say over how that money is spent.

Often when this issue comes up and we talk about spending more Federal dollars for local schools, the Senators on my side of the aisle get a little hot under the collar. We do not want to spend any more Federal money for local schools. On the other hand, when we say let's give the parents more say on how the money is spent, the collars get a little hot on the other side of the aisle because they are reluctant to give parents more choice.

This is a conflict of principles. It is the principle of equal opportunity—giving parents more choices. But there is another valid principle on the other side. It is called E pluris unum. We have public schools, common schools, to teach our common culture, and we do not want to harm them. It is a proper debate in this body to say let's ask questions if we are giving parents more say, more choices. Will that harm our common schools? And there is a proper way to ask in this Senate: Can we wisely spend that much more money? This is quite a bit more money. Fully funded Pell grants for kids programs would cost 15 billion in new Federal dollars a year. It would add about $500 to the $600 we now spend on each of the children in America today from the Federal Government. Only about 7 or 8 percent of the dollars we spend on children comes from the Federal Government. So it would be about a 70-percent increase in Federal funding for every middle- or low-income child fully funded.

We are proposing to do this over a long period of time. Basically, to add to the new money that we would appropriate every year for K–12, and give most of that to Pell grants for kids. This would create more equality in funding for poor districts. It would especially help African-American and minority kids. It would provide extra dollars to implement the standards of No Child Left Behind, and it would introduce for the first time into our K–12 system the principle that has created the best colleges in the world, the idea of letting money follow students to the institution of their choice.

Over the next several weeks, I will be discussing this with individual Senators. I have not prepared a piece of legislation yet because I don't want to stand up and say: Here it is, take it or leave it. Let's say one team says no choice and one team says no money, then we are back where we were. I am looking for ways to advance the debate. I don't believe we are going to be spending much more money through the Federal Government in the same way we are doing it today. A lot of Senators, and I am one of them, do not want to spend more Federal dollars through programs that have lots of Federal controls. We have seen the limit of command and control from Washington, DC, with No Child Left Behind. That program will work. But I don't believe we can expect to give many more orders from Washington to make schools in Schenectady, Nashville, and Anniston, AL, and Sacramento, better. That has to happen in local communities.

The right strategy is significantly new Federal dollars with fewer Federal strings and more parental say about how those dollars are spent. This does not have to be a Republican versus Democrat idea. I am not the author of this idea.

In 1947, the GI bill for veterans was enacted. Since that time, Federal dollars have followed students to the colleges of their choice. Today, 60 percent of America's college students have a Federal grant or loan that follows them to the college of their choice.

When I was president of the University of Tennessee, it never occurred to me to say to the Congress: I hope you do not appropriate any money for children to go to Howard University or Notre Dame or Brigham Young or Vanderbilt or Morehouse or the University of Alabama. We give people choices. Or put it another way, in my neck of the woods we told everyone where they had to go to college. We said, Senator SESSIONS, you have to go to the University of Tennessee. We said to young LAMAR ALEXANDER: You have to go to University of Alabama. Civil wars have been fought over such things.

That is exactly what we do in K–12. We give people choice and have created the best colleges in the world. We give them no choices and we have schools that we wish were better. So the idea would be to try what worked for colleges here in K–12.

I said I was not the only one to think of this. There was the GI bill for veterans—that was bipartisan—after World War II, maybe the best piece of social legislation we ever passed in the history of our country.

In 1968, Ted Sizer, perhaps the most renowned educator in America today, proposed a poor children's bill of rights, $5,000 for every poor child to go to any school of their choice, an LBJ power-of-the-people, liberal, Democratic idea at the time. In 1970, President Nixon proposed, basically, giving grants to poor children to choose among all schools. The man who wrote that speech for President Nixon was a man named Pat Moynihan. He was a U.S. Senator. In 1979, he and Senator Ribicoff, two Democrats, introduced essentially exactly the idea I am proposing today. In fact, in 1979 Senator Ribicoff and Senator Moynihan proposed amending the Federal Pell Grant Act and simply applying it to elementary and secondary students.

At that time, when the Pell grant was $200 to $1,800, a third grader could get a Pell grant, or if you were a high school student and you were poor, you could get a Pell grant.

Senator Moynihan said to this body in 1979:

> Precisely the same reason ought to apply to elementary and secondary schooling—if, that is, we are serious about education and pluralism and providing educational choice to low- and middle-income families similar to those routinely available to upper income families.
>
> This was the impulse behind the basic educational opportunity grants program as enacted by Congress in 1972.

He was talking about Pell grants.

> It was the impulse by the Presidential message to Congress which I drafted in 1970 which proposed such a program. It is the impulse to provide equality of educational opportunity to every American, and it is as legitimate and important an impulse at the primary and secondary school level as it is at the college level.

I am going to strongly urge my colleagues not to make a reflexive reaction to this idea because, on the one hand, it has too much money, or on the other hand, it has some choice. Think back over our history and think of our future and realize we have the best colleges and we do not have the best schools. Why don't we use the formula that created the best colleges to help create the best schools?

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks Senator Moynihan's statement in the Senate in 1980, and following Senator Moynihan's remarks, an article which I wrote for the publication Education Next, which is being published this week, entitled "Putting Parents in Charge."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. ALEXANDER. This article goes into some detail about the Pell grants for kids proposal.

I look forward over the next several weeks to working with my colleagues, accepting their ideas and suggestions about how we improve our schools.

In June sometime I hope to introduce a piece of legislation, hopefully with a bipartisan group of Senators. In July, Senator GREGG and I have already discussed a hearing which we will have in the Health, Education, Labor, and Pensions Committee. And then perhaps next year, the President of the United States might want to make this a part of his budget.

I believe it is time in this country to recognize we need to give poor and middle-income parents more of the same choices of educational opportunities wealthier families have, that we may be able to do this without harming our public schools. We have had, since World War II, scholarships that have followed students to the educational institutions of their choice, and they have done nothing but help to create opportunity and create the best system of colleges and universities in the world. I think we ought to use the same idea to try to create the best schools in the world.

EXHIBIT 1

Mr. MOYNIHAN. Mr. President, I am today introducing a bill to make basic educational opportunity grants available to needy elementary and secondary school students. This complements the tuition tax credit bill that we recently introduced and in no way substitutes for it. Just as I believe that both need-based grant aid and tuition tax credits should be available to assist with the costs of college education, so also should the two alternatives be available for needy students with tuition costs at the elementary and secondary level.

As amended by the Middle Income Student Assistance Act of 1978, the basic grants program covers students from families with income up to $25,000; the grants range from $200, for students near the upper end of that scale, to $1,800 for students from very low-income families. Many students are not eligible for grant aid, and for them we have proposed tax credits. Some students would be eligible for grant aid, and they will presumably choose the one that suits them best. This will not necessarily be the form that produces the most assistance; for some, the simplicity of the tax credit may make it more attractive than the complex forms required to apply for a basic grant, particularly where the respective amounts of aid are not much different. Others, particularly the neediest, will plainly fare better under the grant program. But there is no redundancy or overlap between the two forms of aid: The tax credit would be available only for tuition which the student or his family actually pays; insofar as a basic grant (or other aid) covers tuition expenses, those expenses would not be eligible for a tax credit.

Precisely the same reasoning ought apply to elementary and secondary schooling—if, that is, we are serious about educational pluralism and about providing educational choices to low- and middle-income families that are similar to those routinely available to upper income families.

This was the impulse behind the basic educational opportunity grants program as enacted by Congress in 1972. It was the impulse behind the Presidential message to Congress that I drafted in 1970 which proposed such a program. It is the impulse to provide equality of educational opportunity to every American, and it is as legitimate and important an impulse at the primary and secondary school level as it is at the college level.

The basic grants program, and the other major student aid programs authorized under title IV of the Higher Education Act, will expire during the 96th Congress, and one of our important responsibilities in the next 18 months is to reform and extend them. I shall have more to say on that subject on other occasions. But it is none too early to introduce the idea that one reform that must be seriously considered is the inclusion of needy elementary and secondary school students.

It will doubtless be argued by some that this legislation is unconstitutional, inasmuch as many students with tuition costs at the elementary and secondary level are enrolled in church-related schools. I see no distinction of constitutional significance between the aid we already provide to students in church-related colleges and that which I propose to provide at the primary and secondary level, but I do not assert that the Supreme Court will necessarily agree with me. As with tuition tax credits, however, this question can only be resolved by the Supreme Court, and that can only happen if the authorizing legislation is passed by the Congress.

[From Education Next, Summer, 2004]

PUTTING PARENTS IN CHARGE

(By Lamar Alexander)

In 1990, as the new president of the University of Tennessee, I was trying to understand what had made American colleges and universities the best in the world. I asked David Gardner, then the president of the University of California, why his university has such a tradition of excellence. "First, " he said, "autonomy." The California constitution created four branches of government, with the university being the fourth. The legislature basically turns over money to us without many rules about how to spend it.

"The second is excellence. We were fortunate, at our beginning, to have a corps of faculty dedicated to high standards. That tradition has continued. And third, generous amounts of federal—and state—money have followed students to the schools of their choice. That has increased opportunity for those who couldn't afford college, created choices that made good fits between the student and the school, and stimulated competition that encouraged excellent programs."

Autonomy. High standards. Government dollars following students to the schools of their choice. That was the formula for the GI Bill, passed by Congress in 1944. The program gave World War II veterans scholarships redeemable at any accredited institution, public or private. Those veterans who didn't hold a diploma could even use the scholarships at Catholic high schools. With these scholarships came few federal rules, thus preserving the universities' autonomy. And by allowing students to choose their college, the GI Bill encouraged excellence and discouraged weak programs.

Not all university leaders welcomed the program. "It will crate a hobo's jungle," warned legendary University of Chicago president Robert Hutchins. Instead, the GI Bill became the most successful piece of social legislation Congress ever enacted. It became the model for the federal grants and loans that today follow 58 percent of America's college students to the schools of their choice. In 1972, when Congress debated whether future federal funding for higher education should go directly to institutions or be channeled through students, the model of the GI Bill helped carry the day for the latter approach, which was surely the right one. Pell Grants (named for Sen. Claiborne Pell, D-R.I.), Stafford Loans, and other forms of financial assistance to students followed. This year the federal government will spend nearly $17 billion on grants and work-study programs and will provide an additional $52 billion in student loans.

Rarely has the federal taxpayer gotten so much bang for the buck. These federal vouchers trained the "greatest generation" and made it possible for a greater percentage of Americans to continue into higher education than in any other country. At the time of the GI Bill's passage in 1944, only about 6 percent of Americans held a four-year college degree. Today that figure stands at 26 percent.

Moreover, these scholarships have strengthened public institutions. At the end of World War II, 50 percent of American college students were attending public institutions. Today 76 percent choose to attend public colleges and universities. So many foreign students want to attend American university that some institutions impose caps in order to make room for lower-achieving homegrown students. British prime minister Tony Blair is overhauling his nation's system of higher education because he sees a growing gap between the quality of American and British universities. Likewise, former Brazilian president Fernando Henrique Cardoso recently told a small group of U.S. senators that the most important thing he would remember about his residency at the Library of Congress is "the uniqueness, strength, and autonomy of the American university."

Meanwhile, federal support for elementary and secondary education has taken just the opposite approach—with opposite results. Instead of allowing tax dollars to follow students to the schools of their parents' choice, the federal government gives $35 billion directly to the schools themselves (or to the states, which then give it to schools). In addition, thousands of pages of federal and state regulations govern how these funds are spent, thereby diminishing each school's autonomy. Measured by student learning, rarely has the taxpayer gotten so little bang for so many bucks. In 1999, 8th-grade students in this country were ranked 19th in math and 18th in science compared with 38 other industrialized nations. The National Assessment of Educational Progress, known as the nation's report card, shows other alarming trends. For example, between 1996 and 2000, the gap between affluent and poorer U.S. students actually widened in seven out of nine key indicators—like reading, math, and science. Two out of every three African-American and Hispanic 4th graders could barely read. Seventy percent of children in high-poverty schools scored below even the most basic level of reading.

ENHANCING LOCAL CONTROL

It is time to try a different funding approach, and Pell Grants, the college scholarships offered to low-income students, provide a useful model. Congress should enact "Pell Grants for Kids," which would provide a $500 scholarship to each middle- and low-income child in America. Children could use these scholarships at any public or private school or for any educational program, such as private tutoring. Homeschooled children would also be eligible for the scholarship, as long as the money was spent on an accredited educational program. Overall, the grant would be available to about 60 percent of America's 50 million primary and secondary school students, those whose families earn $53,000 or less. It would put the parents of approximately 30 million children directly into the education marketplace, each of them armed with a $500 grant, thereby encouraging choice and competition.

This idea has a distinguished lineage. In the late 1960s, Theodore Sizer, then at the Harvard Graduate School of Education, proposed a "Poor Children's Bill of Rights" that would have supplied scholarships of $5,000 per child to the poorest half of children in the United States, for use at any accredited school, public or private. In 1992, while I was serving as secretary of education under President George H.W. Bush, the president asked Congress to appropriate a half billion dollars to create a pilot "GI Bill for Kids." The program would have awarded $1,000 scholarships to 500,000 children in states and cities that wanted to try the idea, but the Democrat-controlled Congress refused to enact it.

The most important point to make here is that most of this new scholarship money is likely to be used at the public schools that nine out of ten students now attend. I believe parents are likely either to give the money to their school to meet its general needs or to seek the school's advice on how best to spend the money to help their child. Surveys show that while many Americans are discouraged about the state of education generally, most parents support their own child's public school. Parents in affluent school districts regularly augment their schools' budgets with contributions for extra programs, particularly in the arts. Pell Grants for Kids would give children of low- and middle-income parents the same opportunity.

Pell Grants for Kids would provide more federal dollars for schools while also encouraging more local control—I mean more control by parents and teachers—over how that money is spent. Once parents make the decision about where the $500 will be spent, the principal and teachers in that school or program decide how it will be spent. For example, in a public middle school with 600 students, if two-thirds of the children are eligible for the grant, that's $200,000 in new federal dollars each year following those children to that school. This would be manna from heaven for schools, many of which engage in time-consuming charity sales to net $500 or $1,000 for needed programs and projects. Enterprising principals surely would design programs to attract parents' investment—perhaps an after-school program, an extra math teacher, or an intensive language course. And if they didn't, parents would have the option to spend the money on another accredited educational program that suited their child's needs, such as tutoring.

Aside from stimulating competition, these new federal funds would help to narrow the gaps in spending between wealthy and poor districts and make more real the promise that no child will be left behind. For example, in Bryan, Texas, property values average about $128,000 per student. Next door is College Station, home of Texas A&M University, where property values are $305,000 per student. As a result, College Station is able to collect far more in property taxes and its schools thus spend twice as much per student as those in Bryan. Last year Herman Smith, superintendent of schools in Bryan, told me, "College Station is talking about cuts in programs and personnel that we could only dream of."

About 90 percent of Bryan's 13,500 students would be eligible for the $500 Pell Grants for Kids, putting more than $6 million in new federal dollars into the hands of Bryan parents. They could then provide more funds to Bryan's public schools, as is likely, or use the scholarship to help pay for enrichment programs or private school tuition. Bryan would still have fewer dollars to spend than College Station, but the gap would narrow.

OVERCOMING OBJECTIONS

Let's consider some questions and criticisms that might accompany the Pell Grant for Kids proposal:

In a time of tight budgets, can the nation afford to offer $500 scholarships to 30 million schoolchildren? If it were enacted today, Pell Grants for Kids would cost $15 billion a year. A number of measures could be taken to ease the burden. First, implement the program gradually, providing $500 scholarships only to kindergarten and 1st graders in the initial year. This would cost just $2 billion. Second, over the next several years, devote most of the new appropriations for K–12 education (not related to children with disabilities) to Pell Grants for Kids. Done this way, it would not take many years to fully fund the scholarships while staying within a reasonable budget. For instance, if Congress had allocated two-thirds of all new federal spending (non-disability related) on K–12 education since 1992 to this program, $10 billion would have been available for scholarships this year—enough to provide full $500 scholarships to all middle- and low-income children in kindergarten through the 8th grade.

Or consider this: In just the first two years of the current administration, Congress appropriated $4.5 billion in new dollars for K–12 education (not counting another $3 billion more for children with disabilities). That $4.5 billion would have been enough to fully fund $500 scholarships for all nine million low- and middle-income children in kindergarten through 3rd grade.

Aren't K–12 schools and colleges so different that the Pell Grant analogy is invalid? It is true that schools and colleges sometimes emphasize different public purposes. For example, schools are asked to teach children what it means to be an American, to inculcate moral values, and to make up for poor parenting. Universities have research and public service missions that schools don't share. But the core mission of both schools and colleges is the same: teaching and learning. Most high schools teach some college courses. Most community colleges teach some high-school students. That is why it is so odd that the way the federal government funds K–12 education is so different from the way it funds colleges.

Aren't you overlooking some real problems that colleges have? No doubt universities have significant problems. Some college students don't pay back their loans. Some for-profit institutions are shams. Some courses are weird. Some tenured faculty members are worthless. In the context of rising tuition costs, there is too little interest in creating a less leisurely university calendar, in proposals such as requiring professors to work over the summer. Such abuses are the price of institutional autonomy and choice. Overall, however, American colleges and universities are by far the best in the world—and therefore useful models for how to improve our other educational institutions.

Can we trust middle- and low-income parents to spend $500 wisely on their child's education? I would remind those who make this condescending argument that Congress currently appropriates $8 billion each year to provide childcare vouchers to 2.3 million low-income parents. These parents may use the voucher at any licensed center, public, private, or religious. Likewise, 9.5 million low-income students may spend their federal student aid dollars at any accredited college. If Congress trusts low-income citizens to choose childcare and higher education providers for themselves, why not trust them to spend $500 on K–12 education programming for their children? In addition, because of our experience using established accrediting agencies to monitor Pell Grants for colleges, it should be relatively easy to create a similar system to make sure that Pell Grants for Kids are not spent on fly-by-night operations.

Will more federal funding mean more federal control over education? Pell Grants for Kids would actually reduce federal control over education. The current funding process dictates how federal dollars are to be spent and imposes heavy regulations on local schools. Letting federal dollars follow children to the school of their parents' choice would put control back into the hands of parents and teachers.

Would Pell Grants for Kids violate the principle of separation of church and state? Federal grants have followed students to parochial colleges since World War II and to parochial daycare centers since 1990.

Will giving individual schools so much autonomy leave some mired in mediocrity? Autonomy need not mean a lack of accountability. The No Child Left Behind Act requires states to establish tough academic standards and to measure students' and schools' performance on an annual basis. With these accountability systems in place, the argument for choice is that much stronger. Parents will have the knowledge of school performance to make informed choices about where to spend their new federal dollars. For this reason, students who decide to use their $500 scholarships at private schools would still be required to participate in their state's testing program.

Why not let all Title I money follow children to the schools of their choice? For now, I believe a gradual approach is warranted. The nation should begin by letting parents control how most, not all, of newly appropriated federal dollars for K–12 education are spent. Let's monitor parents' spending patterns and school performance for a while and then evaluate whether to expand the program.

But private school tuition costs far more than $500. Correct. So those who worry that vouchers will hurt public schools should relax. But six hundred parents armed with $500 each can exercise $300,000 in consumer power at a public middle school. Five hundred dollars can also help pay for language lessons or remedial help. At Puente Learning Center in South Los Angeles, Sister Jennie Lechtenberg teaches students of all ages English and clerical skills at an average cost to the center of $500 per year.

TOWARD BETTER SCHOOLS

Of course by themselves Pell Grants for Kids would not create the best schools in the world. As David Gardner said, it took autonomy and high standards in addition to generous funding following students to schools of their choice to help create the finest university system in the world. To increase schools' autonomy, Congress should provide generous support to the charter school movement, offer waivers from federal rules to successful school districts, and use its oversight power to simplify federal laws and regulations. To help schools aspire to the excellence most colleges enjoy, Congress needs to give schools more flexibility in administering the mandates of No Child Left Behind. To make it easier for schools to pay teachers more for teaching well, just as colleges do, Congress should encourage the National Board for Professional Teaching Standards and other efforts to reward outstanding teachers. These organizations, in turn, must make the measure of students' progress a key ingredient in a teacher's evaluation.

It is a mistake to expect that merely switching to the higher education model for funding is all Congress needs to do to help transform public schools. To help children arrive at school ready to learn, Congress should heed President Bush's challenge to strengthen Head Start by improving coordination, emphasizing cognitive skills, increasing accountability, and involving governors. So that state and local governments can remain financially sound enough to support good schools, Congress should keep its promise to end unfunded federal mandates. So that children can learn what it means to be an American, Congress should help states put the teaching of American history and civics back in its rightful place in school curricula.

Finally, no plan for better schools is complete without better parenting. In his research James Coleman found that, until a child is 14, parents are twice as important as school for the child's learning. Yet the United States has gone from a society that values the job of being a parent to one that has been waging a war on parents. Liberal divorce laws and the diminished importance of marriage, higher taxes, poor schools, trash on television, unsafe streets, uncontrolled illegal drugs, and inflexible work arrangements have all made it harder for parents raising children. No part of American society has paid a higher price for this than our schools. Giving every middle- and low-income child a $500 scholarship to help encourage choice within education is a start, but only a start, toward putting government and society squarely on the side of parents raising children.

Nonetheless, enacting Pell Grants for Kids should be the next central thrust of federal efforts to improve the nation's schools. For the past half century, the United States has actively supported the expansion and improvement of higher education through a generous funding system that encourages autonomy, choice, and competition. Our institutions of higher education have helped produce the research that has been responsible for creating half our new jobs since World War II. They have sculpted an educated leadership and citizenry that have made our democracy work and made it possible to defend our freedoms. It is past time to take the formula that has worked so well to help create the best colleges in the world and use it to help create the best schools for our children.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I express my appreciation to Senator ALEXANDER of Tennessee for his wise remarks. Listening to the Senator, it reminded me of that advertisement: When E.F. Hutton speaks, you should listen. When Senator ALEXANDER talks on education, we ought to listen, and, indeed, when he speaks on a lot of subjects. He has served as Secretary of Education for the United States. He has been the president of the University of Tennessee. He has also been the Governor of Tennessee who had to run their school systems. He brings tremendous wisdom and experience and insight to this issue.

It must be our goal to improve the quality of education for children in America today. We have to work on that issue. We are not where we ought to be. There is too much inequality today.

I also think about Brown v. Board of Education, as we celebrate that historic decision today, and that Senator ALEXANDER clerked for Judge John Minor Wisdom, one of the judges who is famous in the old Fifth Circuit for enforcing Brown v. Board of Education.

Brown v. Board of Education had more impact than most decisions have ever had from the Supreme Court. As a young student in school, I rode a bus every day 15 miles to school. As we went north on the road to my school, we would pass a bus with African American children heading south. So the white kids went to the school up in the northern end of town, and we would pass one another. I went further than I should have traveled to get to school, and they went further than they should have traveled to get to their school.

In addition, the schools of the African-American community were not as good, and their schoolbuses were not as good, for the most part, either. It was not an equal system.

The Supreme Court of the United States considered the issue in 1954, and they evaluated what was happening. They said the laws of the United States should treat people equally, and that it is not equal treatment to say to a person: You cannot go to this school, although you may live quite close to it, simply because of the color of your skin. We had grown up with that situation. People did not give it much thought. They accepted it as the way things were. The Supreme Court ruled differently, and people complained about it. Some even said it was activism and the Supreme Court was overreaching. But if you read the Constitution and the law, it seems to me the Supreme Court at that point was not an activist court, it was not an overreaching court; it was a court founded on law, and they went back and read the plain language of the Constitution, and they said this process of denying one person the right to attend a school simply because of the color of their skin violated our Constitution. I think that was a plain ruling, a fair ruling, and a good ruling.

I know we are about to take up the defense bill in a few minutes, but I would say this: Things have changed in many different ways. My two daughters grew up in Mobile, AL, not too far from Murphy High School. Murphy is one of the oldest, largest schools in Mobile. The Mobile County school system is a very large system. I believe they have 60,000 students. It is a great historic school. Fifty years ago, it was an all-white school. There were all-African-American schools in the community. They have, as a result of Brown, integrated the school system. My daughters went to that school, and the racial mix was almost exactly 50–50. They enjoyed their time at Murphy High School. It is an excellent high school. In fact, I remember Secretary Bill Bennett, when he was Secretary of Education, came down and gave them a blue-ribbon, topflight national school award for the excellence in education there. They loved that school. They had friends who were White, friends who were African American, friends who were Asian, and friends who were from India. They were all in that school system. They benefited from that experience and did well as a result of it.

I believe the decision was beneficial legally. I believe the decision was beneficial for the children. It made a statement, with crystal clarity, that people could not be denied the right to public activities simply because of the color of their skin.

That is an important principle in this country. We were very slow to recognize it. The South was openly segregated in so many different ways, and this decision broke it down. It took many years before the decision would be fully implemented, but it has been implemented, and much good has come from it.

President Bush has said in his philosophy of education that we must not let children fall behind. He has used the phrase "the soft bigotry of low expectations." What he means is, if our children are going to a public school that is doing pretty well, and they are doing fine, and minority students are going to a school that is not doing so well, we should not have the attitude, well, we are not too concerned about that.

In fact, more dangerous than that is a philosophy that we have low expectations, and we are not going to demand the same quality in all school systems in America. That is not acceptable. Our children can learn. All children of all races can learn. We need to challenge all students to be their very best. We cannot allow children to fall behind. We need to identify children who are falling behind early.

If you love children, if you care about the poor, if you care about minority students, and you want them to succeed, you will find out how they are doing. That is why the President said we want to test. The Government plan of No Child Left Behind is not to test to punish or to put down a child; it is to find out how they are doing in school. If they are falling behind, we need to intervene promptly and quickly to lift them up so they can reach their fullest potential.

Secretary Rod Paige, our Secretary of Education today, is an experienced educator who was the dean of a school and was the superintendent of the huge school system in Houston, TX—he has said by the time children get to the ninth grade, if they are not up to speed, if they are substantially behind in reading and math and cannot compete, that is when they drop out.

So the President's legislation—what we worked on—is designed to find out much earlier if children are falling behind, to give them that intensive support and extra resources necessary to have them catch up so they will no longer be behind, so when they get to the 8th grade, the 9th grade, or the 10th grade, they will be able to function and do high school work and go on and complete their degree and be successful in the world rather than becoming frustrated or becoming a discipline problem, and maybe even dropping out of school because they know they are so far behind they cannot keep up.

That is what we focused on when we crafted the No Child Left Behind Act. That is ultimately one of the keys to American movement in this new century; and that is, are our children reaching their highest possible level of achievement. The more children who achieve their highest and greatest potential, the greater the benefit will be for our country.

I see my time is up. We are about ready to go to the defense bill. I again express my appreciation to Senator ALEXANDER for his insights and commitment to education. There is much we can do to make our system better.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 2400, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2400) to authorize appropriations for fiscal year 2005 for military activities in the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

Mr. WARNER. Mr. President, in connection with the work on this bill, which is scheduled for this week, Senator LEVIN and I ask unanimous consent that the staff members of the committee on the Armed Services, those names appearing on the list which is attached to this request, be extended the privilege of the floor during consideration of S. 2400, the National Defense Authorization Act for fiscal year 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

Judith A. Ansley, Richard D. DeBobes, Charles W. Alsup, Michael N. Berger, June M. Borawski, Leah C. Brewer, Alison E. Brill, Jennifer D. Cave, L. David Cherington, Christine E. Cowart, Daniel J. Cox, Jr., Madelyn R. Creedon, Kenneth M. Crosswait, Marie Fabrizio Dickinson, Regina A. Dubey, and Gabriella Eisen.

Evelyn N. Farkas, Richard W. Fieldhouse, Andrew W. Florell, Brian R. Green, Creighton Greene, William C. Greenwalt, Jeremy L. Hekhuis, Bridget W. Higgins, Ambrose R. Hock, Gary J. Howard, Jennifer Key, Gregory T. Kiley, Maren R. Leed, Gerald J. Leeling, and Peter K. Levine.

Thomas L. MacKenzie, Sara R. Mareno, Michael J. McCord, Elaine A. McCusker, William G.P. Monahan, Lucian L. Niemeyer, Cindy Pearson, Paula J. Philbin, Lynn F. Rusten, Arun A. Seraphin, Joseph T. Sixeas, Scott W. Stucky, Diana G. Tabler, Richard F. Walsh, Bridget E. Ward, Nicholas W. West, and Pendred K. Wilson.

Mr. WARNER. Mr. President, it is my privilege to again address the Senate on this bill, which I commend the Committee on the Armed Services for marking up in a record period of time. I first wish to thank my distinguished colleague, these now 26 years working together, the senior Senator from Michigan, Mr. LEVIN, and his staff who worked very diligently, such that the two of us together, with the tremendous support of each and every member of the Armed Services Committee, were able to proceed through the year with our series of hearings and to do a very thorough and expeditious markup.

So we bring to the floor the National Defense Authorization Act for fiscal year 2005 for the Senate's consideration. This bill was unanimously reported out of committee on May 6. I believe it is a testament to the strong support of our men and women in uniform by the Senate if adopted.

As we begin debate on this bill today, over 300,000 soldiers, sailors, airmen, and marines, Active and Reserve, and countless civilians are serving bravely around the world, including the Persian Gulf region, Iraq, and Afghanistan, in the cause of freedom. All Americans are proud of what the U.S. Armed Forces and their coalition partners have accomplished thus far in Iraq and in the global war on terrorism. We are ever mindful that the defense of our homeland begins on the distant battlefields of the world.

As we begin this debate, we must pause to remember that military success is not achieved without significant sacrifice. We, the members of the committee—indeed, all Members of the Senate—extend our sympathies to the families and the loved ones of those who sacrificed their lives or were injured in operations to make America and the world safer. We will forever honor their service.

The military successes in Operation Enduring Freedom and Operation Iraqi Freedom are a testament to the dedication and professionalism of the U.S. Armed Forces and to the support and sacrifice of their families. It is also a tribute to American technology and ingenuity. The U.S. military is the most capable military force in the world today, a model of excellence, and the standard by which others are to be measured.

As I have said repeatedly over the past few weeks, the horrific evidence of abuse of Iraqi prisoners perpetrated by a small number—and I repeat, thus far to the comparison of the totality of our Armed Forces, a very small number of our Armed Forces—together with a number of civilian contractors, is an aberration, a total departure from the high standards and the professionalism that we have in our U.S. military. That series of incidents must never be permitted to happen again.

I am very proud of what the Committee on the Armed Services has done thus far by way of its oversight responsibilities of this tragic situation, and we will continue, in consultation with my distinguished ranking member and all the members of the committee, to pursue the facts.

These incidents are counter to every human value that every American has been taught. It is counter to what this country stands for, and it is counter to what the U.S. Armed Forces are fighting to protect. These acts of a few in some respect diminish us all. Nonetheless, we must not permit these acts to tarnish the honor of the many dedicated men and women in the Armed Forces, the 99.99 percent who are vigilantly upholding the values for which this country stands, and who are doing a great mission, wherever it is in the world, often at high personal risk.

With Senate passage of the bill before us, we have the opportunity to send a strong message of support to our men and women in uniform. The bill contains much deserved pay raises and benefits for our military personnel and their families, much needed increases in family housing, and quality-of-life projects on military installations, as well as prudent investments in the equipment and technology our military needs to address future threats. I urge my colleagues to debate this bill in a constructive spirit and to support its rapid adoption.

The President's budget for defense for fiscal year 2005 continues a momentum of recent years in providing real increases in defense spending to combat terrorism and secure the homeland, to enhance the quality of life of our military personnel and their families, and to modernize and transform the U.S. Armed Forces to meet current and future threats.

The bill before us provides $422.2 billion for the Department of Defense and the defense programs of the Department of Energy, an increase of $20.9 billion, or 3.4 percent in real terms, over the amount authorized in fiscal year 2004.

This bill reflects six priorities we established to guide our work on the National Defense Authorization Act for fiscal year 2005.

First, our committee wanted to provide our men and women in uniform with the resources, training, and technology and equipment they need.

Second, enhance stability of the Department of Defense to fulfill its homeland defense responsibilities.

Third, continue to improve the quality of life for the men and women of the Armed Forces—Active, Reserve, Guard, and Retired—and their families.

May I say at this point, having had many an association with the Armed Forces—and I use that term collectively to include the Guard and Reserve—they have performed magnificently, the Guard and Reserve, and have earned the respect of the regular forces who look upon them now as coequal partners.

Fourth, sustain the readiness of our Armed Forces to conduct a full spectrum of military operations against current and anticipated threats.

Fifth, support efforts to develop the innovative capabilities necessary to modernize and transform the Armed Forces.

And sixth, continue active oversight of Department programs and operations, particularly in the areas of acquisition reform and contract management, to ensure proper stewardship of the taxpayers' hard-earned dollars.

The committee's first priority was to provide the Department of Defense with the resources it needs to combat terrorism and win the war on global terrorism. This bill authorizes a temporary increase in the active-duty end strength of the Army of up to 30,000 soldiers from the 2005 through 2009 fiscal years. This authorization is consistent with the manpower plans of the Army.

In addition, the bill authorizes an increase of almost $1.2 billion over the budget request for programs to help our troops in the field. Funding highlights include, for the Army: $1.2 billion for helicopters to support Army aviation and modernization, in order to get needed airlift and attack helicopters to troops in the field; $272.2 million for aircraft survivability equipment to ensure all aircraft used in combat operations have the best possible protection; $905 million to continue procuring the Stryker armored vehicles that are already proving valuable in military operations in Iraq; and almost $1.1 billion for up-armored HMMWVs, including an increase of $925 million to accelerate procurement of up-armored HMMWVs, as well as add-on ballistic armor for medium and heavy trucks, to protect our troops on patrol in hostile environments.

To improve the ability of special operations forces, a major component of the war on terror, the bill authorizes an increase of $65.4 million above the President's budget request to accelerate the availability of important new capabilities.

For naval forces, the bill authorizes an increase of $150 million to accelerate fielding of an amphibious assault ship that will greatly improve the mobility and lethality of the U.S. Marine Corps operations, increases the amount requested for amphibious assault vehicles by $23.2 million, and it adds almost $50 million for personal protection equipment for the Army, Navy, Air Force, and Marines.

Overall, the bill adds over $600 million for force protection gear and combat clothing, such as improved body armor, to meet urgent requirements of the Armed Forces. The committee fully supports the budget request of $2.9 billion for C–17 new aircraft, to add to the existing fleet which is performing magnificently all over the world. This will improve the global mobility of our U.S. forces.

To enhance the Department's homeland defense capabilities, the bill fully supports the President's budget request of $8 billion and authorizes an additional $46.9 million for seven additional weapons of mass destruction civil support teams. With this increase, the committee has reached the goal of funding 55 teams which will support local and regional first responders in every State and territory of the United States. May I add, our committee has had a long history of strong support for this program and increases the budget amounts each of the fiscal years to make certain that all 50 States are given this capability.

In addition, the committee has added an additional $33.9 million for innovative technologies to combat terrorism and defeat emerging asymmetric threats, and $26.5 million for the development of chemical and biological agent detection and protection technologies. To protect America from ballistic missile threats, the bill authorizes $10.2 billion for missile defense.

This bill continues our commitment to improve the quality of life of our men and women in uniform, and their families, by authorizing a 3.5-percent across-the-board pay raise for all uniformed service personnel, as well as increases in housing allowances that will eliminate average out-of-pocket expenses for off-base housing for service members. The bill authorizes a permanent increase in the monthly family separation allowance from $100 per month to $250 per month, and a permanent increase, from $150 a month to $225 a month, for special pay for duty subject to hostile fires or imminent danger. The bill also supports the initiatives taken by the Department to increase the pay of troops whose tours of duty have been extended for more than 12 months in the Iraq theater.

In a significant health care initiative for members of the Reserves and National Guard, this bill authorizes permanent increases in coverage before and after mobilization, and a new health care option which would make TRICARE coverage available to all members of the Select Reserve and their families, in an affordable way. I urge my colleagues to support this innovative approach to enhancing health care benefits for members of the Reserve and National Guard and their families.

The administration requested $9.4 billion for military construction and family housing. The bill before the Senate includes an overall increase of $342.4 million in military construction, including increases of more than $100 million in critical unfunded projects identified by the military services, and an additional $172 million to fund improvements to the facilities supporting our National Guard and Reserve Forces.

Over the past several years, the Armed Services Committee has worked with the Department of Defense to ensure that necessary modernization, transformation, and long-range research are maintained, even in times of high operational tempo.

This bill continues support for these transformational activities, for example, by authorizing $131.1 million for tactical UAVs that have proven so valuable in recent military operations, an increase to $30.6 million above the budget request; and more than $11 billion for cutting-edge science and technology programs, an increase of $445 million above the budget request. These increases are in the critical areas of force protection equipment and devices, counterterrorism technologies, information assurance unmanned systems, and training innovations for the future defense force.

With our Armed Forces deployed on distant battlefields and countless others standing watch at home, we are committed to providing the resources needed for the men and women of the Armed Forces, and their families. The Congress's past support for increased defense spending has proven to be a wise investment. There is no greater evidence than the successes witnessed on the battlefields, where the courage of our men and women are displayed in Afghanistan and Iraq, and elsewhere in the world.

This National Defense Authorization Act for the year 2005 builds on the advances made in recent years. I urge my colleagues to join me and send a strong message of bipartisan support for our troops at home and abroad. We honor your service. We stand with you now and we will stand with you always in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I join with our chairman of the Senate Armed Services Committee, Mr. WARNER, in bringing S. 2400, the National Defense Authorization Act for fiscal year 2005 to the Senate floor. This bill is the product of 45 hearings, 3 days of markup, and countless hours of hard work by the members and the staff of the Armed Services Committee.

Throughout this process, Senator WARNER has led the committee with his usual fairness and graciousness. There was a unanimous vote of our members in support of this bill, which is a tribute to the able leadership of my dear friend and the balanced approach which Senator WARNER takes always in matters under consideration by our committee. He chairs this committee in the finest tradition of the Senate Armed Services Committee, and I commend him for it. I wish every Senator could see him in action as he chairs our committee.

Senator WARNER has balanced the committee's legislative and oversight responsibilities over the last several weeks so there has been an additional challenge that Senator WARNER has had to face as we have worked to report out this bill while at the same time beginning vital oversight over the abuses of Iraqi detainees at Abu Ghraib prison. Without delaying the markup schedule, Senator WARNER promptly scheduled a series of briefings and hearings on the prison abuse issue, with more to come. That means more work for all of us, for our staff, but it was the right and the necessary thing to do.

Senator WARNER has an equal determination, which I join, to have a comprehensive and prompt, hopefully, series of hearings into all aspects of this issue.

The bill reported by the Senate Armed Services Committee will promote the national defense, improve the quality of life of our men and women in uniform, and make the investments we need to meet the challenges of the 21st century.

First and foremost, the bill before us continues the increases in compensation and quality of life that our service men and women and their families deserve as they face the hardships imposed by continuing military operations around the world. For instance, the bill authorizes a 3.5-percent increase across the board for military personnel in terms of their pay, and it authorizes a permanent increase in the rate of special pay for duties subject to hostile fire and imminent danger. We authorize a permanent increase in the rate of family separation allowance.

The bill authorizes a new benefit option under TRICARE which makes available for the first time an opportunity for all members of the selected Reserve and their families to participate in TRICARE. The bill authorizes an increase of $400 million over the President's budget request for enhanced health benefits for reservists.

Second, the bill would make key investments that are needed to help address the challenges our military faces today and will continue to face in the future. I am particularly pleased that the bill would add $900 million to the President's budget to fund additional up-armored Humvees and add-on ballistic protection to provide force protection for our soldiers in Iraq and Afghanistan. The bill adds $600 million to the President's budget for additional force protection gear and combat clothing for service members. Our bill adds $450 million to the President's budget for advanced research that will help enhance force protection, combat terrorism, and counter the threat of proliferation of weapons of mass destruction. The bill adds $47 million to the President's budget to field an additional seven weapons of mass destruction civil support teams, which fulfills a requirement established in last year's bill.

Third, our bill contains a number of important provisions designed to improve the efficiency and the transparency of the operation of the Department of Defense. For instance, the bill would direct the Secretary of Defense to develop comprehensive DOD policy and procedures for the prevention of and response to incidents of sexual assault involving military members. The bill requires the Secretary to take specific steps to improve the management and oversight of contractors performing security, intelligence, law enforcement, and criminal justice functions in Iraq and other areas where U.S. forces are engaged in military operations. The bill establishes a commission on the National Guard and Reserve which will study the roles and missions of the Reserve components, and the bill strengthens the framework for oversight for addressing the Department's continuing financial management problems.

Finally, the bill before us appropriately does not include two particularly troublesome legislative proposals. It does not include a provision that would delay or water down the base closure process. The committee continues to support the senior military and civilian leadership of the Department of Defense in concluding that another round of base closures is critical to meeting our future national security needs, and the bill does not include proposals advanced by the administration that would exempt certain military activities from key environmental requirements, including the Clean Air Act, the Resource Conservation and Recovery Act, and the Superfund law.

There are, of course, provisions in this bill on which there are disagreements, as we would expect. I would like to mention a few areas in which I have serious concerns. I am disappointed that the bill, like the President's initial budget submission, fails to provide the money that we all know will be needed to support our day-to-day military operations in Iraq and Afghanistan. From the beginning of this year, the administration insisted that because we do not yet know the exact cost of our operations in Iraq and Afghanistan next year, that it would be premature to include any cost for those operations in the budget. The exact costs of a military operation, or even the normal operations of the Department of Defense, for that matter, are never known. That is not an adequate reason for not submitting a budget, and it is an inadequate reason for failing to include in that budget costs that we believe can be reasonably estimated and that we believe will be incurred in the next fiscal year.

If Congress does not act to provide substantial funding for ongoing military operations this year, there is a significant risk that the military services will find themselves in serious financial difficulty earlier next year. The Pentagon has some flexibility to move funds to pay for ongoing operations, but shifting funds away from other priorities can only take the military so far. That is why the Senate Budget Committee included $30 billion for ongoing military operations in the Senate budget resolution earlier this year, and that is why the administration finally has acknowledged the problem, a week and a half ago, and agreed to submit a proposal for a $25 billion budget amendment. This money is needed to support our troops in the field, and they deserve more than just an IOU.

I commend our chairman for holding a hearing in this matter. I think it was a very useful hearing. There was almost a consensus in our committee, or close to it, that there should be an amendment which would be offered, hopefully on this bill, which would provide the funds that are necessary for our troops for the operations we know will be taking place next year but to do it in a responsible manner where the Congress carries out its role of being a check and a balance on the executive branch and not just issuing a blank check. The chairman's initiative in holding this hearing and having the witnesses there who were called I believe will lead to the proper resolution of this matter—hopefully in an amendment that everybody can support.

Mr. WARNER. Mr. President, if the Senator will yield?

Mr. LEVIN. I am happy to.

Mr. WARNER. I thank him for his full cooperation. We are now studying a draft by which the two of us would put forward to the committee a suggested amendment on this full amount of $25 billion.

Mr. LEVIN. I thank the chairman. We are indeed doing that.

Another thing the bill does that it should not do, in my judgment, is to provide more than $10 billion for missile defense, including more than a half billion dollars for additional interceptors, without imposing basic "fly before you buy" requirements on the program.

In the course of the markup, an amendment was offered that would have required the missile defense program to comply with the same operational testing requirements that are applicable to other acquisition programs of the Department of Defense. It was defeated. Another amendment was offered that would have cut the funding for the production of additional interceptors or to fence that funding, restrict that funding until operational testing and evaluation of these interceptors is completed. That amendment was also defeated, as was the first, on a closely divided vote.

It is unfortunate that the administration is so insistent on deploying a missile defense system as soon as possible that it is unwilling to comply with even the most basic operational test and evaluation requirements. If we want a missile defense that works rather than one that sits on the ground and soaks up money, we should not shy away from realistic testing requirements. The law and common sense require realistic testing requirements. Right now, they are not going to be followed.

Another problem: The bill contains full funding of $27 million for the robust nuclear earth penetrator and the advanced nuclear weapons concept initiative, an increase of over $7.5 million authorized for these programs last year. The administration's budget for the outyear reflects a commitment to developing an earth penetrator, which is likely to cost on the order of $1 billion to produce and deploy. The bill also includes $9 million—a 50-percent increase over fiscal year 2004—for the advanced nuclear weapons concepts initiative to look at new options for nuclear weapons.

By pursuing this earth penetrator and the new nuclear weapons concepts, the administration continues to send the wrong message about weapons proliferation. At a time when the United States is trying to dissuade other countries from going forward with nuclear weapons development—we oppose North Korea's pulling out of the nuclear nonproliferation treaty, and we are spending over $1 billion to prevent the spread of nuclear weapons material and technology—these actions that are proposed by the administration send a terrible message.

We are telling others not to go down the road to more and more nuclear weapons. But instead of being a leader in the effort to prevent the proliferation of nuclear weapons, we are recklessly driving down that same road. In short, the United States is following a policy we would not tolerate and do not accept in others.

I hope the Senate will reverse the administration's proposals as leaving us and the world less secure and more likely to face the proliferation of nuclear weapons, and the proliferation of those weapons is the greatest threat we face.

Finally, the bill contains two troubling provisions that would erode more than 30 years of congressional policy relative to high-level radioactive waste. These provisions were adopted on closely divided votes. One provision provides that the Department of Energy will have virtually unchecked discretion to reclassify or decree that high-level radioactive waste in South Carolina is not high-level radioactive waste. This ability to reclassify the waste opens the door to the Department of Energy to leave high-level radioactive waste in the ground in South Carolina and could lead to the same result in other States. That is because the second provision I referred to would require the States of Idaho and Washington to acquiesce in the Department of Energy's desire to reclassify high-level radioactive waste as they want to do in South Carolina before Idaho and Washington could continue to receive money to pump liquid high-level radioactive waste out of the tanks that are present in those States.

Taken together, these two provisions begin to undo years of effort to make sure high-level radioactive waste will be disposed of safely to protect the public and the environment. It is disingenuous to pretend that high-level radioactive waste is anything other than high-level radioactive waste. The cavalier treatment of high-level radioactive waste could pose a very real risk environment to the health of our citizens down the line.

As we begin consideration of this bill, the men and women of our Armed Forces—both Active and Reserve—remain deployed in harm's way in many areas of the globe and are being subjected to almost daily arms attacks in Iraq and Afghanistan. We join together—every Member of this body—in standing behind our troops and expressing pride in their extraordinary accomplishments on the battlefield. This bill will help provide them with the equipment they need and the compensation and benefits they deserve.

Let me again conclude by thanking Senator WARNER for the leadership he has shown in bringing this bill to the floor, and I know we look forward to receiving amendments and considering amendments on this bill as the week progresses.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we welcome other Senators coming to the floor and discussing this bill. The bill is now open for amendment. We anticipate the senior Senator from Texas will come forward shortly with a very important amendment which is subject to leadership concurrence and which could be the subject of the vote that is now, according to leadership, scheduled for around 5:30. Senator HUTCHISON will probably be on the floor shortly after 4 o'clock to discuss that.

As we commence the floor debate this afternoon, I think we are obligated to bring to the attention of the American public who haven't already heard it the disturbing news about a threat posed to our forces in the Iraqi region. Indeed, it could be elsewhere in the world but for the moment in this particular region; that is, the use of a weapon which would fall within the definition of a weapon of mass destruction and used in Iraq on Saturday.

News reports from Baghdad, confirmed by the Iraqi Survey Group—as you know, that is a group which was specifically tasked by the Secretary of Defense and specifically budgeted by the Congress of the United States to work on weapons of mass destruction issues. The report today, confirmed by the Iraqi Survey Group, indicated that on Saturday a roadside bomb was implanted on the road by terrorists who obviously attempted to use an artillery shell filled with deadly Sarin gas as an improvised explosive device. They are referred to as IEDs. This shell had no distinctive marks. Fortunately, the device only partially operated. There was an explosion, but fortunately only a small amount of the deadly nerve gas agent was produced by the explosion.

Two U.S. demolition experts were treated for exposure to Sarin, and the reports are they are, fortunately, recovering.

It is important to note, however, that this was an Iraqi military round. In other words, it was apparently identified clearly as one made some years before or sometime before our invasion. Its origin is unclear. What is clear is it was part of the Iraqi military arsenal that was not declared as required by the United Nations inspectors and that regime when they were operating in that region.

We all know Saddam Hussein's regime had chemical weapons in the early 1990s. We also know his regime continued the aggressive development activities on chemical and biological weapons. David Kay confirmed that as he reported to the Congress. Under the terms of the 1991 gulf war cease-fire, some chemical weapons were destroyed but tons of chemical and biological agents remain unaccounted for as to whether they were destroyed or are still in existence. Apparently, Iraq did have undeclared weapons as well.

The discovery of this weapon is troubling and begs the question: How many more chemical weapons—weapons of potential mass destruction—are in Iraq and could fall into the hands of terrorists and other antagonists to the coalition forces named to bring freedom to the people of Iraq? Where are these various caches of weapons hidden? The question must be answered. It is the reason the important work of the Iraq Survey Group must go on.

It has certainly been my opinion throughout that weapons of mass destruction materials and technology is the greatest threat to our Nation, and indeed all nations in the free world today. But materials or technology in the hands of terrorists could bring unimaginable destruction.

Winning the global war on terrorism depends on stopping this proliferation. We have taken an important step forward in Afghanistan and an important step forward in Iraq.

I hope that rapid passage of this bill will send a strong message because it reinforces our efforts worldwide to interdict weapons of mass destruction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, let me say that the remarks of the distinguished chairman of the Armed Services Committee, the senior Senator from Virginia, are indeed disturbing because it would be the first evidence in this conflict that the chemical weapons Saddam Hussein once had and which we had no evidence of destruction might now be surfacing and might be used against our troops. It is, as he said, important that we continue to pursue this. We hope it is a single event rather than something that will repeat itself. But in any event, it brings home the seriousness of the proposition.

I commend him for not only bringing it to our attention today but also for the work he and the committee have put into bringing this Defense authorization bill to the floor.

It is a difficult time. We are not only focusing on the multiyear transition of our force structure but also the bringing of new technology to our military in an evolutionary way at the same time we are trying to provide the resources necessary to fight the war in Iraq and Afghanistan and other resources for the war on terror and building up our intelligence capabilities through the Defense Intelligence Organization and others.

This is a very complicated and difficult time in defense planning. The bill the committee has put together is a very well-structured and a very forward-leaning bill, as well as a bill that takes care of the troops who are being put in harm's way today. I commend the chairman and members of the committee for the fine product they have put before us.

I will speak today primarily about one aspect. It is not the war on terror but rather the way in which at least an element of high technology is being integrated into our forces to meet a different kind of challenge. It illustrates the fact that at the same time we are fighting this war on terror and the action in Iraq, we also have to think about the other challenges we are going to be facing in the future and be prepared to deal with them at that time.

It is unfortunate but true that the sophisticated weapon systems that are available to our troops today were on the drawing boards maybe 20 years ago and did not go into production until a few years ago because of all of the work that has to go into their development and their testing and their ultimate deployment. We do not have the ability to simply snap our fingers when we need a new weapons system and bring it online immediately. It takes years of work to get it to that point.

A good example is, and a system we had to rely on to some extent in the first gulf war, in the area of missile defense. Missile defense has been with us ever since the pronouncement of President Reagan in his great announcement in the early 1980s that with the advent of ballistic missiles, a genie that would never be put back into the bottle, we were going to have to develop effective defenses against them or they would be the weapon of choice in the future for the delivery of high explosive but potentially nuclear weaponry, as well as chemical or biological weaponry. As a result, President Reagan embarked upon a scientific venture to find a way to intercept missiles. There was a great deal of research that went into this. Frankly, we came close during the end of the Reagan administration and first part of the first Bush administration of actually being able to deploy missile defenses.

But one of the arguments opponents always made was more testing was necessary and we should not actually go to the deployment of the system until we could better prove it could defeat any conceivable threat. At the time, the potential enemy was the Soviet Union. The Soviet Union did, indeed, have a sophisticated intercontinental ballistic missile system, one that required us not only to defeat a rudimentary kind of missile but one that might have decoys, that might have other kinds of penetration aids, ways defensively to throw our interceptor missiles off course.

So there was always a game being played between perfection being the enemy of the good versus actually getting something deployed that would take care of most of the threat. At the end of the day, there was not sufficient support in the Congress to actually deploy a system, as a result of which a great deal of time and money was spent on ballistic missiles but nothing was ever produced.

Along came the Clinton administration. The Clinton administration also understood that especially with the rise of the threat from North Korea, Iran, and China, as well as the leftover threat from the Soviet Union, but in a much more benign setting now that Russia was emerging as the power out of the ashes of the Soviet Union, there was still going to be a need to deploy some kind of system. As a result, the Clinton administration decided upon a ground-based system of 100 interceptors primarily potentially at a site partially, at least, in Alaska that would be our basic way of beginning to deal with ballistic missile threat.

Even the Clinton administration understood this was not the be-all and end-all. This would not necessarily be the end of the development of ballistic missile interceptors because as the offense became more sophisticated, so, too, the defense would have to become more sophisticated. But it was a way to begin the deployment and deal with the threat from a rogue nation, a nation like North Korea or Iran, for example, which would not have the sophisticated penetration aids of a nation like the Soviet Union.

The question then came when the second Bush administration came to power, would it be possible for us to move away from the constraints of the ballistic missile treaty, the ABM treaty, to actually think about deploying more sophisticated and capable systems that were not permitted under the ABM treaty. It was agreed with the Russians that a new treaty would replace the ABM treaty, a treaty which would permit both countries to get rid of most of their offensive weapons, their nuclear weaponry, and much of this was to be delivered on top of ballistic missiles, as a result of which the means for delivery of those nuclear weapons would be eliminated as well as the nuclear weaponry itself.

That decision was made and an agreement was entered into between the United States and Russia, and as a result, the United States began to think about a more creative way to actually deploy a rudimentary missile defense system. By then, the threat from Russia had eroded and we saw primarily the threat from the so-called axis-of-evil countries as the one we were going to have to deal with.

The decision was made, since we wanted to put something into place quickly, that what we would do is combine the initial deployment of the system with continued testing so we would actually have a test bed available to us to provide the real conditions for a real test; have a real missile defense system in place to actually do the testing that would be the most sophisticated and end part of the testing program.

We went through a series of tests that were highly scripted, that told us what we needed to know about the component parts of the system, and it was time to put it in operational mode to test it in that mode.

GEN Ron Kadish, the general in charge of the Ballistic Missile Defense Organization, put it very interestingly:

> The criticism we get is that we are not operationally testing the system before we put it in place. My response to that, which people don't seem to want to accept, is you can't operational test the system until you put it in place.

Of course, General Kadish is exactly right. You can only do so much hypothetical testing. There is a point at which you need to put it in place so you can go forward with the operational testing. This was the concept the Bush administration decided to pursue.

It is strange that very concept now is being criticized and presumably will be the subject of amendments that will be offered in the Senate to take away from funding for the ballistic missile defense system. It will generally contend that more testing is required; that in effect we need to test this until we are absolutely certain it can do everything it needs against every potential adversary without question, by which time many years will have passed, much more money will have been spent, and we still will not have anything to show.

It might be interesting to note that during the first gulf war we were actually exposed to the rationale for proceeding as we are proceeding with the missile defense system. At that time, Saddam Hussein launched Scud missiles at Saudi Arabia, at Kuwait, at the U.S. forces there, at the country of Israel, and there was no missile defense system in place at that time. The Israelis did not have the Arrow missile which they now have and which we hope will provide an effective missile defense system against something like the Scud missile for the state of Israel. What we had was an anti-aircraft missile called the Patriot. It was a very capable system. But we needed something to defend against the Scuds.

Very hurriedly we sent to the theater batteries of Patriot missiles. Literally, on the way, as they were being prepared for transit and in transit and as they were being set up, we were adjusting the computer components, the radar connections and tracking systems and the like, to try to make these Patriot systems more robust, more capable, faster acting, more discerning, so they might actually hit a ballistic missile rather than an airplane, which is what they were designed to be against in the first instance.

Lo and behold, it turned out through the ingenuity of people literally on the ground, the Patriot missile system was made to be somewhat effective against some of these Scud missiles. Certainly not as effective as a finely developed missile defense system would have been, but the point was we made do with what we had because we did not have a choice. We were in the middle of a conflict and we had to come up with some way to defend our troops and defend our friends.

Lest my colleagues forget, remember, the single largest number of casualties in the first gulf war against Americans, 28 were killed when a Scud missile hit an Air Force base with American airmen and others present. It demonstrates you cannot wait until you have the perfect system. When you are in a conflict with people and they are working as fast as they can, it helps to have something ready to go even if it is not perfect.

That was the reasoning behind the Bush administration's decision to move forward with the development of the system and not wait until every conceivable aspect of testing could be done, but to actually get it up to the point where it could be deployed for operational testing, and at that point we would be able to literally kill two birds with one stone.

We would not only have an operational test bed capable of continuing to perform the tests necessary, but we would also have an operational capability of some robustness, probably not enough to defeat a Russian missile, should one be launched by accident, for example, but certainly one that might be sufficient to take out a North Korean missile.

The thinking was that not only would you serve these two purposes, but you would also serve another very important purpose; and that was to discourage the countries that were beginning to proliferate weapons of mass destruction, and the missiles to deliver them, from developing these missile systems because of the notion that whatever they did, however much effort and time and money they put into it, we would have a way of defeating it, so it would not be worth their while—in effect, a deterrent, to say: The United States will not permit you to have an effective missile against us, so do not bother to try to develop and deploy it.

We believe that could be important because of some things I will say in a moment relating to the exchange of information between countries such as China and Pakistan and North Korea and Iran and other countries that began to proliferate components and technology for the trading of these missiles. So the threat would not be just from one country but would be from several countries. We have to nip this in the bud, and developing a good missile defense would be one way to do that.

So from the original notion, which, as I said, was to have 20 missiles in combination between a site in California and a site in Alaska, to the development of another 10, which would be put in Alaska, and then another 10, following that, at a site to be determined—and this is the so-called missiles numbered 31 through 40. These are not yet funded. They are part of a long leadtime funding that is the subject of this bill and which might be the subject of an amendment.

Let me go back and put all this into perspective. The Defense bill itself is just a little over $10 billion for ballistic missile defense research and development. It is key to the development and deployment of this capability about which I have been speaking. The threat from ballistic missiles is not waning; it is growing.

Today there are nearly three dozen countries, according to our intelligence, that have or are developing ballistic missiles of increasing range and sophistication. It includes the two remaining "access of evil" members, Iran and North Korea, as well as their fellow terrorist regime Syria.

Some of the latest developments, which unless indicated otherwise, are all taken from the DCI's most recent semiannual "Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Conventional Munitions," are as follows:

First, North Korea: It continues its development of long-range missiles. Its Taepo Dong 2 missile, which is capable of reaching the United States with a nuclear weapon-sized payload, may now be ready for flight testing. So this is not a hypothetical threat.

The Channel NewsAsia reported earlier this month that Pyongyang is nearing formal deployment of the Taepo Dong 2 and is now gearing up to test engines for the missile.

Recent press accounts have also raised the possibility that North Korea is working on new intermediate-range ballistic missiles. According to a May 6 Los Angeles Times article, the South Korean press has reported that two new missile bases are under construction in North Korea. These bases would reportedly be used for a new missile capable of reaching U.S. bases in Guam and possibly Hawaii.

North Korea not only presents a problem because of its own capabilities but also because of its proliferation of ballistic missiles and related technologies to potential adversaries of the United States.

According to the DCI report:

> Throughout the first half of 2003, North Korea continued to export significant ballistic missile-related equipment, components, materials and technical expertise to the Middle East, South Asia, and North Africa.

Recent press reports indicate that Kim Jong Il has been negotiating with the Iranian regime on the sale of the long-range Taepo Dong 2.

Iran: The DCI report says:

> Ballistic missile-related cooperation from entities in the former Soviet Union, North Korea, and China over the years has helped Iran move toward its goal of becoming self-sufficient in the production of ballistic missiles.

Iran's ballistic missile inventory is among the largest in the Middle East.

Last June, Iran made some significant advances in its program, conducting a successful test of the 800-mile-range Shahab-3 missile. If operational, this weapon could alter the strategic balance in the Middle East, placing Israel and U.S. bases in Turkey within Iran's reach. Iran is also seeking to produce a 1,200-mile Shahab-4 missile.

According to CIA Director George Tenet's recent testimony to the Senate Intelligence Committee, Iran, as North Korea, has been willing to supply missile-related technology to countries of concern.

The PRC, the People's Republic of China: In addition to the threat posed by the development of ballistic missiles by terrorist-sponsored regimes that I have noted, we should not forget about the improving capabilities, as well as the WMD and ballistic missile proliferation, of the People's Republic of China.

The intelligence community's most recent report on foreign ballistic missile development assessed that China could begin deploying its 5,000-mile-range DF-31 missile during the first half of this decade. China's even longer range ballistic missile, the DF-41, could be deployed in the latter half of the decade. I remind my colleagues this is now 2004.

China also has approximately 500 shorter range missiles aimed at Taiwan.

According to an article in today's Washington Post, the Chinese Government warned Taiwan's President to pull back from "a dangerous lurch toward independence"—their words—"or face"—and I am again quoting their word—"destruction."

Given that warning, as well as numerous others like it, the United States should take very seriously not only the missile threat posed to Taiwan but also that posed to the United States.

Finally, despite relatively new missile-related export regulations, Chinese entities continued, during the first half of 2003, to work with Pakistan and Iran on ballistic missile projects. Additionally, during that same time, Chinese firms continued to provide materials or assistance to the ballistic missile programs in Iran and North Korea.

So you see a combination of countries willing to work with each other toward the development of these missiles, all of which could be threatening to the United States and our interests.

So what will missile defense deployment accomplish? Well, as I said, both defense and deterrence.

Deployment of the layered missile defense system will permit the United States freedom of action by eliminating the possibility that we would be susceptible to nuclear blackmail by a country such as North Korea.

Missile defense will also reduce the incentives for proliferation by devaluing offensive missiles. If a rogue actor views missiles as less likely to be effective because of our defenses, he will also be less inclined to spend as much time or money trying to acquire them.

Finally, missile defenses, in a worst case scenario, will save Americans lives.

This is worth doing. I would like to quote again General Kadish, who made this point earlier this year. He said:

> We should not choose to be vulnerable. We have proven that from a technological standpoint and a practical standpoint we can intercept ballistic warheads in flight. And to say now that we can technologically defend ourselves and then choose not to is, in my view, a recipe for failure.

The first obligation we have as legislators, as opinion leaders, as leaders in this country, is to ensure the defense of the United States of America and American citizens. We have to do that with the development of ballistic missile defenses because it is the one threat that exists against us which we do not yet have a capability of defeating. But we are on the verge of deploying that capability. We have to proceed with it and not retrench under the rubric of "more testing is necessary."

There are challenges. The ideological opposition to missile defense, unfortunately, still exists. Last year was the first year that the President's overall request for missile defense was met. In the previous years it had not been. In fiscal year 2003, ballistic missile defense research and development had been reduced by $80 million, and the year before that by $530 million.

In addition to that, restrictive language has been adopted by this body, creating a false choice between two alternatives, which I will speak to in a moment.

Last year's authorization for the fiscal year 2003 Defense authorization bill required the administration to decide whether $814 million would be spent on missile defense or terrorism. This was money that the administration had requested for its missile defense organization, and it was spent on that. But the President, in effect, was faced with a false choice. Which one, in effect, critics were asking, was more important? Of course, the bottom line is, they are both important. In the United States, we have the capability of doing both. Indeed, we have no choice but to do both. In fact, we have no choice but to do several things in this defense budget. You cannot decide that one is more important than the other and, therefore, you have to forego spending on one for the benefit of the other, if you have the capability of funding them all. So missile defense versus the war on terror would, indeed, be a false choice.

It is clear that we have needs in Iraq and Afghanistan and the war on terror, but we don't have the luxury of confronting those needs while at the same time overlooking or ignoring the ballistic missile threat from a country such as North Korea or Iran. I ask my friends, who were so shocked that something like 9/11 could happen, what their response would be if one of those missiles were launched against the United States, if we had no defense against them landing on one of our cities. I would hope those who have been opposing the deployment of missile defenses would acknowledge responsibility in that environment.

Let me respond to one potential amendment that might come up and then conclude my remarks. I have talked about the fact that there may be an effort to cut money from the Missile Defense Program to fund some other program such as armor for Humvees or vests for our soldiers or something of that sort. All of these things are being fielded as quickly as we can field them, as my colleagues well appreciate. In other words, diverting money now from missile defense to more body armor or armor for Humvees won't speed up 1 minute the deployment of that particular defensive equipment in Iraq.

For whatever reasons, there will be an effort to take money from the ballistic missile program and apply to it those kinds of programs, I suppose, because they would presumably have a great deal of public support. I reiterate, those programs are totally funded today and are being provided, and we do not need to take money from the ballistic missile defense program as part of this Defense authorization bill.

The funding that is provided in the bill will allow the construction and implementation of the ballistic missile defense test bed that will be used to conduct more realistic system-wide tests at the same time that it provides a near-concurrent initial operational capability in case of an attack. As I said, it is consistent with President Clinton's proposal for national missile defense that planned to deploy 100 ground-based interceptors. This will provide for the addition to the initial 20 interceptors at Fort Greely and Vandenberg Air Force Base, of 20 additional ground-based interceptors at Fort Greely, at sea, and perhaps even at some overseas location to be determined.

The budget request specifically in the chairman's bill makes a downpayment on the ground-based interceptors Nos. 21 through 40. It is the long lead funding to provide: No. 1, additional test articles necessary to conduct planned future integrated flight tests—and I pause here to say, for those critics who say we need more testing, this is the money for the testing; so if you vote to cut this money, you are actually cutting the money for more testing; No. 2, an expanded interceptor inventory to address estimated growth in foreign ballistic missile threats; No. 3, maintain steady industrial base production lines for the interceptors and kill vehicles in the event an expanded inventory is deemed necessary; and, No. 4, ground-site preparation activities for interceptors Nos. 21 through 30.

Any cuts to the ground-based missile defense deployment that is contemplated will cripple effective deployment of the initial test bed system that itself will allow for more realistic testing.

So if you accept the notion of and assumption inherent in capabilities-based acquisition and spiral development, then criticisms about insufficient testing before initial deployment of this ballistic missile system are simply invalid.

I commend the chairman and the committee for their great work in bringing this bill to the floor and finally funding our missile defense system so that we can not only continue the testing that is so important, but also at the same time provide some initial capability should we need that capability.

I hope my colleagues will join together, support the chairman, support the committee, support the President in what he is trying to do, and not engage in a thousand cuts that could end up crippling this program yet once again, getting us to the point of deployment but no further than that point.

I urge my colleagues to support the chairman and the committee and defeat such amendments.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank our distinguished colleague from Arizona. He has been in the very forefront of these issues regarding missile defense for many years. He has spent much of his time, and he speaks of his knowledge. I assure him that our committee, in the course of its markup, stood steadfast on these issues. I am hopeful we can continue to do so in the event such amendments as the Senator from Arizona contemplated would be brought to the floor. We would hope that he would find time to engage with us in support of the mark as it now stands.

Earlier today the distinguished Senator from New Jersey advised the managers of the bill that he has an amendment. I also see the distinguished Senator from Maine. I would think as a matter of comity, we would hear from our distinguished colleague from New Jersey. It is my understanding that the managers of the bill will make a request that this matter be laid aside, after, in fact, he offers the amendment. The bill is open for amendment. The parliamentary situation affords the Senator from New Jersey this opportunity, and we welcome amendments being brought up. We anticipate a second amendment to be brought forward this afternoon. So at some point, there will be a vote, but that is subject to the leadership. I also have just seen the amendment. We will need time on both sides to study it. I anticipate we will ask the Senator to lay it aside at the conclusion of his remarks. Then the distinguished Senator from Maine would be recognized next.

I yield the floor.

AMENDMENT NO. 3151

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the manager of the bill for his courtesy and understand that when my remarks are finished, a request will be made to lay the amendment aside. For now, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG} proposes an amendment numbered 3151.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 184, between lines 16 and 17, insert the following:

Subtitle F—Provisions Relating To Certain Sanctions

SEC. 856. CLARIFICATION OF CERTAIN SANCTIONS.

(a) In General.—

(1) Clarification of certain actions under IEEPA.—In any case in which the President takes action under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to a foreign country, or persons dealing with or associated with that foreign government, as a result of a determination by the Secretary of State that the government has repeatedly provided support for acts of international terrorism, such action shall apply to a United States person or other person as defined in paragraph (2).

(2) Definitions.—In this section:

(A) Person.—The term "person" means an individual, partnership, corporation, or other form of association, including any government or agency thereof.

(B) United States person.—The term "United States person" means—

(i) any resident or national (other than an individual resident outside the United States and employed by other than a United States person); and

(ii) any domestic concern (including any permanent domestic establishment of any foreign concern) or any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern, which is controlled in fact by such domestic concern.

(C) Controlled.—The term "is controlled" means—

(i) in the case of a corporation, holds at least 50 percent (by vote or value) of the capital structure of the corporation; and

(ii) in the case of any other kind of legal entity, holds interests representing at least 50 percent of the capital structure of the entity.

(b) Applicability.—

(1) In general.—In any case in which the President has taken action under the International Emergency Economic Powers Act and such action is in effect on the date of enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the

government or person identified by such action within 90 days after the date of enactment of this Act.

(2) ACTIONS AFTER DATE OF ENACTMENT.—In any case in which the President takes action under the International Emergency Economic Powers Act on or after the date of enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of such action.

SEC. 857. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

(a) NOTIFICATION REQUIREMENT.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

"SEC. 42. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

"The Director of the Office of Foreign Assets Control shall notify Congress upon the termination of any investigation by the Office of Foreign Assets Control of the Department of the Treasury if any sanction is imposed by the Director of such office as a result of the investigation.".

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

"Sec. 42. Notification of Congress of termination of investigation by Office of Foreign Assets Control.".

Mr. LAUTENBERG. Mr. President, I rise today to introduce an amendment that is vital to the purpose of this Defense authorization bill. This bill supports our men and women who are on the front lines of the war on terrorism throughout the world. They are paying a terrific price. They are doing it bravely and courageously. We want to make sure there are no opportunities to circumvent rules that would permit any business to go on with terrorist countries.

My amendment focuses on a key component of the war on terror; that is, to deny terrorists funding and support. My amendment will close a loophole that allows U.S. companies to do business with terror-sponsoring nations such as Iran. Senators FEINSTEIN, CLINTON, CORZINE, and FEINGOLD are cosponsors of the amendment.

As my colleagues know—and we just heard from the Senator from Arizona about his concern with the behavior of some of the rogue nations, including Iran, who are planning terrible things in their public statements for the United States—American companies are supposed to be prohibited from doing business with Iran. But by creating shell companies as foreign subsidiaries, these companies are making a mockery of our sanctions laws and providing revenue for the financing of terrorist acts. It is wrong. It has to stop, and this amendment would do just that.

Immediately after the attacks of September 11, 2001, President Bush told the world, "You are either with us or against us." Pretty clear. That same message should apply to people in our own country, including those in our corporate world.

We know many companies find tax loopholes or regulatory loopholes they exploit from time to time. But in this case, we found U.S. companies exploiting loopholes so they could do business with terrorists.

President Bush also said, "Money is the lifeblood of terrorist operations." He is right.

If U.S. companies do business with rogue states like Iran, they are generating revenue for those who supply money and other resources to terrorists. They are also sending a message to these countries that they are not really isolated, as they should be, and that the United States, in some form, finds their behavior acceptable.

We have passed laws, such as the International Emergency Economic Powers Act, which make it clear U.S. companies must not do business with terrorist states. The vast majority of American companies abide by that law. However, a few companies have exploited a loophole that allows them to do business with Iran and other rogue nations.

If we look at this chart, we see the structure or format that permits this to happen. Once they form a subsidiary company that doesn't have the same restrictions on doing business with Iran we have, that money can be earned, revenues can be generated that help these countries, help Hezbollah and Hamas, and they brag about it constantly.

This placard demonstrates how companies utilize this loophole.

U.S. companies often have several subsidiaries. Most American companies and their subsidiaries do not cross the lines that prevent business with terrorist states. But some do, and here is how they do it.

Some U.S. companies set up a foreign subsidiary for the specific purpose of gaining revenues from terrorist states. The reason is the sanctions laws prohibit the parent company and its foreign branches from doing business with terrorist states. Foreign subsidiaries, however, are not mentioned in the law. This omission has not gone unnoticed by corporate lawyers. It has been identified as a major loophole that allows companies to do business with rogue states.

We know a few American companies are using this loophole to do business with the Iranian Government. This is the same Iranian Government President Bush said is part of the axis of evil. This is the same Iranian Government that directly funds organizations like Hamas, Hezbollah, and Islamic Jihad—all terrorist organizations, according to the State Department.

Now, for a moment, I ask my colleagues to look at the young faces in this photograph. One of these young women is Sara Duker, a young woman who lived in New Jersey until her death. The other is Abigail Litle. Sara was a constituent of mine. She was a 22-year-old from the town of Teaneck, NJ; a summa cum laude graduate of Barnard College. Sara was killed with her fiance when the bus she was riding in Jerusalem was blown up in 1996 by Hamas. Hamas receives funding and support from the Iranian Government. Iranian terrorists caused the deaths of many American citizens abroad, including the 240 Marines who were brutally murdered in their sleep in 1983 in Beirut. They also took the lives of these two young American women, Sara Duker and 14-year-old Abigail Litle.

Iran sponsors terrorism. The terror they help fund has killed hundreds of Americans. Yet American companies—it is hard to believe this—are flaunting the law in order to do business with the Iranian Government. It is wrong, but it is not technically illegal yet. This amendment would change that.

I say to my colleagues this is a loophole we must close. We have to tell both our friends and those who continue to sponsor terrorism we are serious in our efforts to battle this evil.

It is inexcusable for American companies to engage in any business practice that provides revenues or profits to terrorism. We have to stop them. We have a chance to do that today with this amendment.

The bottom line is big businesses, even those with financial ties to top members of our Government, do not get a free pass in this war on terrorism. No one in America wants to give these countries any advantage they could restrict them from.

I urge my colleagues to support the amendment, close the terror-funding loophole, pass this legislation, and send out the message we are against any help for terrorist nations that might occur.

I understand the request I agreed to earlier is to permit another amendment to be considered. I will honor that commitment, and I want to make sure we have an understanding that at an appropriate time we will have a discussion and further review of my amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank the distinguished colleague from New Jersey. I want to confer with the distinguished ranking member, who will soon be back. In the meantime, if it is agreeable with the Senator, we will lay his amendment aside. I so request that.

The PRESIDING OFFICER. The amendment will be laid aside.

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise today in support of the fiscal year 2005 National Defense Authorization Act. As a member of the Senate Armed Services Committee, I especially commend the able leadership of our chairman, Senator JOHN WARNER. Under his leadership and that of the distinguished ranking member, Senator LEVIN, the Senate Armed Services Committee has delivered to the full Senate a vital piece of legislation for our security now and in the years to come.

This legislation provides vital resources for the men and women in our military, resources they require in defending our Nation and in carrying out the operations overseas.

I am proud that the legislation before us builds on the efforts we have made in previous years to ensure that our troops are the best paid, the best trained, and best equipped in the world. It includes, for example, a 3.5-percent across-the-board pay raise for military personnel. It authorizes the permanent increase in the rate of family separation allowances from $100 per month to $250 per month. It also authorizes a permanent increase in the rate of special pay for duties subject to hostile fire or imminent danger from $150 per month to $225 per month. These provisions, in a small way, help to recognize the sacrifices of those who are deployed in Afghanistan and Iraq.

One of the greatest obligations we have is to provide the best protection possible to our troops who are being sent into harm's way. Therefore, the committee added $425 million for additional force protection equipment, such as up-armored Humvees, ballistic equipment kits to fortify Humvees, and combat clothing for service members, such as body armor.

With 60 percent of its National Guard personnel deployed, Maine has the second highest deployed ratio in the Nation. There is only one other State that has deployed more of its National Guard than the State of Maine. I am very grateful for the service of our Guard and Reserve members, but I am also very concerned about the heavy burden we are imposing on our Guard members and reservists, their families, and their employers.

Many of my colleagues know of the experience, for example, of one of the military police companies from Maine which was on its way home on Easter weekend when it received orders to extend its deployment and return to Kuwait and Iraq. This news was demoralizing for some of the soldiers in this unit who had already been in Iraq for more than a year, and it was devastating to the family members who were ready to welcome them home on Easter Sunday.

Thankfully, this bill begins to address the many significant contributions and sacrifices being made by our guardsmen and reservists in the global war on terrorism. It authorizes a new benefit option under the military health care program known as TRICARE.

TRICARE Reserve Select would be offered for the first time to members of the selected Reserve and Guard and their families who could participate in TRICARE for a premium. It authorizes more than $400 million above the President's budget request for enhanced health benefits for reservists, which will improve mobilization readiness and ensure the continuity of health care services.

The legislation focuses on other areas in need of reform as well. Earlier this year, the committee held a hearing on sexual assaults in the military. We heard very disturbing testimony about sexual assaults and the inadequate response to victims. This legislation directs the Secretary of Defense to develop a comprehensive policy and procedures for the prevention of and response to incidents of sexual assault involving military members.

As a member of the Seapower Subcommittee under the able chairmanship of Senator JIM TALENT, I am particularly pleased that this authorization bill provides significant funding for our naval forces. We continue to marvel at the capabilities and the commitment of our Navy. At the start of Operation Iraqi Freedom, for example, 70 percent of our surface fleet and 50 percent of our submarine fleet were deployed in Iraq, the highest deployment rate since World War II.

This Defense authorization includes $6.7 billion for the procurement of seven ships. These include three DDG–51 Arleigh Burke class destroyers, two of which will be constructed at the famous Bath Iron Works in Maine. While this shipbuilding budget represents considerable progress, I want to note for my colleagues that we need to be vigilant about the number of ships we are building to ensure that our fleet can meet our national security requirements.

Our Navy now has fewer than 300 ships, and the current rate of production, unfortunately, will not allow that number to increase. This could place our shipbuilding industrial base at risk. To avoid that unacceptable outcome, the Senate Armed Services Committee added report language at my request that directs the Navy to take all actions necessary to ensure the viability of the second shipyard—that is Bath Iron Works—in order to maintain a healthy and competitive industrial base.

We have a responsibility to ensure that our Navy is well prepared to fight today and tomorrow. Part of that involves designing and developing the next generation of ships. The last three destroyers of the Arleigh Burke class are funded in this fiscal year 2005 Defense authorization. They will be followed by a new class of destroyers, a destroyer designed to meet the challenges of the 21st century, the DDX. One of the two builders of the DDX, I am proud to say, is Bath Iron Works in the State of Maine.

I am pleased to state to the distinguished Presiding Officer, my colleagues, the citizens of Maine, and the fine employees of Bath Iron Works that this bill represents important progress in securing the future of our Navy and the future of Bath Iron Works. It will help to preserve America's proud maritime tradition and our shipbuilding industrial base.

I have been extremely concerned about the fiscal year 2006 gap in the production of surface combatants in the administration's proposed budget. If permitted, this would be the first time in 20 years that no surface combatant would be built.

Moreover, the Navy's analysis of the impact on the industrial base indicates that if the DDX schedule were to slip, the shipyard that is scheduled to build the follow ship—in this case Bath Iron Works—could experience significant workload issues.

Fortunately, there is good news in this bill. I have worked very hard with my colleagues on the Armed Services Committee in an effort to maintain some stability in the shipbuilding industrial base. At my request, the committee added $99.4 million to begin the construction of a second DDX to be built in Bath in fiscal year 2006, thus accelerating the start of construction by 1 year and helping to partially fill that very dangerous gap in our shipbuilding budget. This funding will help to ensure a more stable workload for Bath Iron Works and, thus, to preserve the skilled workers essential to our national security.

We only have two shipyards left that now build surface combatant ships. We need to make sure that we sustain the highly skilled workforce in both of those yards so that we have a competitive environment for the Navy.

This bill has a number of other very important provisions for new weapon platforms and systems. It also recognizes that our Nation cannot maintain its technological superiority over potential adversaries without investing in emerging capabilities.

The legislation authorizes $11 billion for the Defense Science and Technology Program, including an additional $450 million for transformational basic and applied research activities, bringing the Department closer to its goal of investing 3 percent of its budget in such programs.

Finally, I am also very pleased that this legislation includes provisions that I authored allocating $3 million to establish a U.S. Army Center of Excellence at the University of Maine. I know from my conversations with

Army officials and generals that they are very excited about the possibility of a Center on Advanced Structures and Composites in construction. The center will focus on addressing the Army's needs in fundamental and applied research related to the use of advanced composite materials and structures.

These are a few of the reasons why this Senate should strongly support the fiscal year 2005 National Defense Authorization Act.

I again want to commend the chairman and ranking member of the committee for their hard work, working with all of us on the committee, as well as with the administration and one another, in bringing forward this vital legislation.

I yield the floor.

Mr. WARNER. Mr. President, I wish to thank our distinguished colleague from Maine for all of her hard work on the Armed Services Committee. I very much enjoyed her strong remarks in support of this bill.

I believe the distinguished Senator from Texas is now ready to present an amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. LEVIN. Mr. President, will the Senator yield while I add my thanks to the Senator from Maine for the contribution she makes to the committee. She highlighted a number of initiatives she has undertaken on the committee. In addition to those very strong efforts on the part of the Senator from Maine, she has been such a major contributor in the strength of the committee over the years that I wanted to acknowledge that along with our chairman of the committee.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3152

Mrs. HUTCHISON. Mr. President, I am going to offer an amendment, but I first want to commend the committee for producing a very good bill. I cannot think of anything more important while our troops are in harm's way. We see on television and read in the newspapers every day about what our troops are doing for our country. Now they know they are going to be fully funded. The priorities in this bill are the right priorities.

I commend the distinguished chairman, the Senator from Virginia, and the distinguished ranking member, the Senator from Michigan, for producing this bill. Sometimes producing this bill has been very difficult, but it looks as though the committee came together knowing how important this was for our military to see that it would not be minor skirmishes that would submarine this very important legislation. So I commend the committee.

I say on a couple of points with which I am particularly involved that I think the committee has done a terrific job. First, I am chairman of the Military Construction Subcommittee, which is part of the Appropriations Committee. The administration requested approximately $9.5 billion for military construction and family housing, and the committee went up to $9.82 billion, increasing the administration's request, because family housing is so very important right now.

We are beginning to give a better quality of life to all of our military personnel. Whether they are single and live in barracks or whether they have family housing requirements, they are getting better quality. I am very pleased about that, and particularly that the committee also fully funded all of the requirements of the very critical military construction of the Department of Defense for overseas locations.

As we look at our military construction budget, we are making sure the military construction we do overseas, not counting in our combat zones, but in places where we have facilities, that we are focusing now on only putting money in facilities we know are going to endure. Part of the overseas basing commission Senator FEINSTEIN and I passed, along with the help of the authorization committee, to assure that we look at all of those bases, that we not put one military construction dollar where we do not know absolutely that is going to be an enduring facility so our taxpayers know we are not going to be building some big cafeteria, fitness center, or headquarters in a place we are going to abandon in the next 2 to 3 years. So we are trying to spend wisely and the authorization committee did an excellent job of funding the military construction authorization, working with our subcommittee that will be appropriating funds.

The second area they should be commended for addressing is our military compensation. Certainly increasing our military pay by 3.5 percent, which the President requested, it will be fully funded and assure everyone in the military. Then adding to the combat pay and adding to the separation allowance, these are very important items to increase the quality of life for those serving our country today, and their families.

It was mentioned earlier by the Senator from Maine that there should be an addressing of the issue of sexual assault in our military. It is important that there will be a comprehensive policy and procedure for prevention and response to incidents of sexual assault involving military members. It is required that that be done in the next year. I am very pleased the committee chose to do this because we have been reading disturbing reports about this subject. All of us are concerned that our young women who agree to serve in our military and who are performing so well be able to serve knowing they will be protected from any kind of physical assault.

Last, I want to mention the Joint Strike Fighter, which is a very important future fighter airplane I am very excited about and have been involved in as it has evolved from the drawing board. It will be made in Texas, so I am more familiar with it. I am very pleased the committee chose to fully fund the research, development, and testing of future fighter planes that will give us the total dominance of the air in future years. I think the committee did an outstanding job.

Before I go to my amendment, there is one area I also want to bring up with the chairman. I would like to try to come up with an appropriate amendment, working with the committee, that deals with reaching the cap on privatized housing for our military personnel. We have been able to do so much more by having an association with private housing builders and contractors. We could never, ever have put the housing we have on the ground if we had had to fully fund this from our Department of Defense funds.

We have been able to have partnerships with private companies where they would do the building and we would lease back those facilities through the years. We have been able to increase the quality of housing in that respect. We are soon going to reach the $850 million cap. We were very concerned we would be bumping against that, and stopped some of the projects that are on the drawing boards today, projects our military personnel have looked forward to coming to fruition, places like Fort Hood where we have severe housing shortages.

The military personnel have been relying on the family housing projects that have been built by private companies and now we are looking at hitting that cap and not being able to go forward with those projects. I would like to ask the distinguished chairman of the committee if he would work with me and see if we could come up with some appropriate language that would raise that cap maybe by $300 million, $400 million, or $500 million, so we would not have any danger of bumping against the cap before we have the opportunity to address it in the next authorization appropriations bill.

I ask the distinguished chairman if this is also a concern of his and if he would try to work with me, if there is an amendment we could offer together or somehow assure that we will not stop the planning that is going on now for some very important military housing projects.

Mr. WARNER. I thank the distinguished Senator for her inquiry. I will give her assurance that we will take it into consideration. For the moment, though, we are on this amendment. To my understanding it is now pending at the desk?

Mrs. HUTCHISON. I was going to send my amendment to the desk, and I am now prepared to do that.

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 3152.

Mrs. HUTCHISON. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize medical and dental care for cadets and midshipmen, and to authorize disability benefits for cadets and midshipmen of the service academies)

On page 147, after line 21, insert the following:

SEC. 717. ELIGIBILITY OF CADETS AND MIDSHIPMEN FOR MEDICAL AND DENTAL CARE AND DISABILITY BENEFITS.

(a) MEDICAL AND DENTAL CARE.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074a the following new section:

"§ 1074b. Medical and dental care: cadets and midshipmen

"(a) ELIGIBILITY.—Under joint regulations prescribed by the administering Secretaries, the following persons are, except as provided in subsection (c), entitled to the benefits described in subsection (b):

"(1) A cadet at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy, and a midshipman at the United States Naval Academy, who incurs or aggravates an injury, illness, or disease in the line of duty.

"(2) Each member of, and each designated applicant for membership in, the Senior Reserve Officers' Training Corps who incurs or aggravates an injury, illness, or disease in the line of duty while performing duties under section 2109 of this title.

"(b) BENEFITS.—A person eligible for benefits in subsection (a) for an injury, illness, or disease is entitled to—

"(1) the medical and dental care under this chapter that is appropriate for the treatment of the injury, illness, or disease until the injury, illness, disease, or any resulting disability cannot be materially improved by further hospitalization or treatment; and

"(2) meals during hospitalization.

"(c) EXCEPTION.—A person is not entitled to benefits under subsection (b) for an injury, illness, or disease, or the aggravation of an injury, illness, or disease that is a result of the gross negligence or the misconduct of that person.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074a the following new item:

"1074b. Medical and dental care: cadets and midshipmen of the service academies.".

(b) ELIGIBILITY OF ACADEMY CADETS AND MIDSHIPMEN FOR DISABILITY RETIRED PAY.—(1)(A) Section 1217 of title 10, United States Code, is amended to read as follows:

"§ 1217. Cadets, midshipmen, and aviation cadets: applicability of chapter

"(a) This chapter applies to cadets at the United States Military Academy, the United States Air Force Academy, and the United States Coast Guard Academy and midshipmen of the United States Naval Academy.

"(b) Monthly cadet pay and monthly midshipman pay under section 203(c) of title 37 shall be considered to be basic pay for purposes of this chapter and the computation of retired pay and severance and separation pay to which entitlement is established under this chapter.".

(B) The item related to section 1217 in the table of sections at the beginning of chapter 61 of such title is amended to read as follows:

"1217. Cadets, midshipmen, and aviation cadets: applicability of chapter.".

(2) The amendments made by paragraph (1) shall take effect on October 1, 2004.

Mrs. HUTCHISON. Mr. President, this amendment attempts to solve a problem facing not this generation of military leadership but our future generation of military leadership.

Current law established in the Career Compensation Act of 1949 denies cadets and midshipmen the disability benefits that would be provided to any other member of the Armed Forces, especially when they are injured in the line of duty. With respect to health benefits, cadets and midshipmen who are separated for medical disability after being injured during military training now face unnecessary and unfair burdens in maintaining the continuity of their health care.

In addition, Reserve Officer Training Corps, ROTC cadets are in many cases required to pay for their own medical care after being injured during military training. Even though ROTC cadets are covered under the Office of Workers Compensation within the Department of Labor, medical care providers, many of whom have not been compensated for their prior work, decline to treat ROTC patients unless they use private medical insurance.

This is not something that we should allow to remain a problem. In 2001, when I became aware of the plight of some seriously disabled cadets and midshipmen from the service academies, I asked for a study. These cadets were discharged from the Armed Forces without any entitlement to future medical care or disability benefits. In each of these cases, the cadets and midshipmen had been injured in the line of duty.

I asked for a report, and the Department of Defense did find that the ROTC also had examples of how the health care system, which currently operates under the Department of Labor, does not adequately serve these former cadets whose care was under their charge.

In one case, a ROTC cadet received dental injuries during training at the Fort Lewis advanced camp for the U.S. Army. As a result of his injuries, he received emergency medical treatment at Fort Lewis but required followup treatment at a civilian treatment facility. The only dentist who would see the cadet treated him and received $13 on the $1,200 bill that was submitted. The dentist attempted to work in conjunction with the cadet and the ROTC unit for nearly a year to receive full payment for his work, and he never did.

So the amendment I offer today would include academy cadets and midshipmen in the military disability discharge and retirement system so that they can also receive necessary health and dental benefits, and for ROTC cadets it would transfer responsibility for medical claims from the Department of Labor to the Department of Defense, authorizing the use of supplemental health care programs in the TRICARE management agency. While no additional benefits would be provided to ROTC participants, the change would ensure a better quality of health care.

This amendment is fair to academy cadets, midshipmen, and ROTC cadets who are injured while in the performance of military training. It would provide health and disability benefits to those who currently receive none if they are midshipmen and academy cadets. It also ensures a credible health care system widely accepted by health care providers for those currently covered under the less effective OWC program.

The Congressional Budget Office and Department of Defense estimate these changes will cost approximately $460,000 a year. So this is a very small amount of money required to provide care for those who are in training to serve our country.

The bottom line is these ROTC cadets who are injured in military training would be able to receive health care if they need it as a followup, after the emergency treatment from that training accident. This provides that they can go from the Department of Labor to the Department of Defense to receive better quality and more experienced health care coverage.

Regarding those midshipmen and cadets in our military academies, it would allow those who have to be severed from the academies because of their injuries, because they are no longer physically able to become members of the armed services, if they are injured in military training, that they would be able to receive the health care and the disability payments to which they would be entitled. It would go to the Veterans Affairs Department for them to determine what kind of disability and how much of a disability, just as those in the armed services do today. I think it is the fair thing.

It is the result of a study that I requested. So I believe it is my responsibility to try to correct the problems that were found in the study and treat these young ROTC cadets and those wonderful young people who are in our military academies and in the Naval Academy and Coast Guard—that they would also be able to receive health care if they are injured and would be able to receive a disability payment if they are severed from the academy.

I ask at the appropriate time I have a vote on my amendment.

Mr. WARNER. Shall we ask for the yeas and nays?

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, so I understand it, I would like to hear again from the distinguished proponent of the amendment. Clearly, the midshipmen at the Naval Academy, cadets at West Point and the Air Force Academy, get very clear treatment. I want to clarify exactly what the college ROTC, NROTC, Air Force ROTC—what is it they get? Is it less than the midshipmen?

Mrs. HUTCHISON. Yes. First, let me say with regard to the academy——

Mr. WARNER. This bill goes a long way to improve it, as I read it. I want to make it clear. I don't want to raise expectations too high.

Mrs. HUTCHISON. Let me say, as regards the academy members first——

Mr. WARNER. The three service academies.

Mrs. HUTCHISON. Of course they get health care—treatment for their injury. But assume their injury then keeps them from being able to stay at the academy; they have to be let go because they no longer can perform the physical functions. Then they go into the private sector and their health care continuity would be assured under this amendment as they would get a small disability as well because they were in training.

ROTC, today, does give health care benefits if they are injured in training, but it is under the Department of Labor, and it is under workers' compensation. There has been a dissatisfaction with the kind of treatment they have been able to receive, and the Department of Labor and workers' compensation doesn't have the same understanding of a military injury. All we are doing—and this costs absolutely nothing—we are just transferring the benefit from the Department of Labor to the Department of Defense so these young people would be able to get continued health care for whatever their injury was when it was in the line of duty.

Mr. WARNER. Mr. President, I think that is exceedingly helpful. I commend the distinguished Senator. My notes show she started back in 2001 on this issue, and at that time we reached a consensus that we would let the Department of Defense issue a report. That comprehensive report was issued the 1st of May in 2003.

Again, I thank the Senator for bringing it to the Senate's attention. I urge all Senators to support this amendment.

Mrs. HUTCHISON. I thank the chairman. I appreciate that very much. I appreciate very much the ability to work with his staff and with the minority staff as well to assure that we were doing exactly what we wanted to do in the narrow area to which this corresponds. I thank the chairman and look forward to having a favorable vote on my amendment.

Mr. WARNER. Mr. President, I thank our distinguished colleague.

I would like to say a few additional words, but I will defer to our distinguished colleague from Michigan if he would like to speak.

Mr. LEVIN. Mr. President, I commend the Senator from Texas for her leadership. She has been very patient and has allowed us to be very thorough. As a result, I think the amendment which she sponsors is very valid, and not only will pass overwhelmingly, hopefully for the good it does, but also will make it through conference. I commend her for her tenacity on this issue. I hope it is successful. It fills some gaps which need to be filled.

Mrs. HUTCHISON. Mr. President, I very much appreciate the remarks of the distinguished Senator from Michigan. I also commend the distinguished Senator from Michigan as well as the distinguished chairman of the committee for producing an excellent bill.

Mr. WARNER. Mr. President, I have gone through the report in support of this amendment issued by the Department of Defense. I find the history very interesting. There are four academies because the Coast Guard is very much included.

Until the enactment of the Career Compensation Act of 1949, disability retirement was a prerequisite of commissioned officer services. The most significant reform of the provisions of this legislation was the inclusion of enlisted personnel within the group eligible for benefits. Prior to 1949, cadets and midshipmen, as well as the enlisted personnel in the Armed Forces, were denied disability benefits. It is amazing to think back about how that could have been possible.

There is no record of cadet disability being seriously considered until the review of pay and benefits that led to the Career Compensation Act of 1949. At that time, however, it is clear that Congress established a policy that exists today. During the hearings on H.R. 5007, which became the act of 1949, the following colloquy occurred before the Senate Armed Services Committee.

Senator Baldwin asked:

> On page 63, in the provisions of the law as written here, with reference to retirement for disability, does service at the Coast Guard Academy, Annapolis, and West Point—is that included in the period of service?
>
> Admiral FECHTELER. Now——
>
> The CHAIRMAN. Suppose a man is disabled while he is at the Naval Academy or the Coast Guard Academy or at West Point; suppose he breaks his leg in such a fashion that he cannot walk well any more, and you gentlemen decide that he is unfit? What happens to him if he is in one of the three academices?
>
> Admiral FECHTELER. He is just discharged.
>
> The CHAIRMAN. Does he get any severance pay?
>
> Admiral FECHTELER. No, Sir.
>
> The CHAIRMAN. He is just out of luck?
>
> Admiral FECHTELER. That is right.
>
> The CHAIRMAN. Through no fault of his own, while actively engaged in the curriculum prescribed for these men?
>
> Admiral FECHTELER. He still gets nothing.
>
> Senator BALDWIN. I would hate to see a good back for the Navy going around an Army end for a touchdown, break his leg and come to such an end.
>
> Senator CHAPMAN. That is the present law?
>
> Admiral FECHTELER. That would continue under this.
>
> The CHAIRMAN. That is an interesting observation, nevertheless.

For some reason, they went ahead and exempted these young men, the midshipmen in the ROTC. And now, many years later, the Senator from Texas very wisely has corrected our predecessors, I say to Senator LEVIN, who allowed this to slip these many years. I think it is an interesting chapter in history.

Mr. President, on behalf of the leadership, I ask unanimous consent that at 5:30 today the Senate proceed to a vote in relation to the Hutchison amendment with no amendments in order to the amendment prior to the vote; I further ask unanimous consent that the time until 5:30 be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I see no Senator at this time seeking recognition. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I ask unanimous consent to speak up to 17 minutes as in morning business provided that the time be charged against the Republican-controlled time.

The PRESIDING OFFICER. Without objection, it is so ordered.

BROWN V. BOARD OF EDUCATION

Mr. ALLEN. Mr. President, I rise today to commemorate the 50th anniversary of the U.S. Supreme Court ruling in Brown v. Topeka Board of Education.

I wish to take this opportunity to honor two outstanding Virginians who played key roles in this historic decision. Those two men are Spottswood W. Robinson III and Oliver W. Hill.

It is hard to imagine that only fifty years ago separate but equal under the 1896 Supreme Court decision, Plessy v. Ferguson, was allowed to be the law of the land in the United States. It is hard to imagine that not so long ago, in many States, Black children and White children were forbidden from learning in the same classroom or even the same school. It is regretful to think that only fifty years ago there were still those who believed people should be judged by the color of their skin rather than the content of their character.

In the historic Supreme Court decision of Brown v. Board of Education, the highest court in the United States ruled unanimously that "separate but equal" education facilities for African-American children were a violation of the United States Constitution. This single decision opened the door for equal treatment of all Americans, regardless of race; an idea enshrined in the spirit of our Constitution, but, at the time, not properly reflected in our laws.

Eight year-old Linda Brown surely did not know how historic her actions would be—she simply wanted to attend the nearby school with her friends. But instead, she was forced to attend a "separate" facility with Topeka's other African-American children.

Chief Justice Earl Warren's decision for the Court was eloquent:

> Today, education is perhaps the most important function of State and local governments. . . . It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. The Court concluded that "in the field of public education, the doctrine of 'separate but equal' has no place; separate educational facilities are inherently unequal.

So here we are on the occasion of the 50th anniversary of the Court's decision and I would like to honor these two great Virginians, Judge Spottswood Robinson III and Mr. Oliver W. Hill. Both of these valiant gentlemen devoted their lives, energy, and resources to ensure that all Americans are afforded an equal opportunity in every aspect of American life.

My predecessor, as Governor of the Commonwealth of Virginia, the Honorable L. Douglas Wilder, rightfully described Judge Spottswood Robinson as "one of those unsung and little noticed giants" of the civil rights movement. Born in Richmond, VA, on July 26, 1918, to a middle-class African-American family known for its presence in the business community, Spottswood Robinson learned from his father and his grandfather that honesty and hard work lead to success.

Spottswood Robinson was an academic leader at segregated Armstrong High School, excelled as an undergraduate at Virginia Union University, a historically Black college and Howard University, another historically Black college. He graduated from the Howard School of Law in 1937.

One might ask, "why did he go to Howard University? Howard University is in Washington, DC." The sad fact was, he could not get a legal education in his home Commonwealth of Virginia. There were no legal or law opportunities for Blacks in Virginia. At Howard, though, he excelled and scored the highest scholastic average ever achieved at the school. He later stated that "one of the things drilled into my head was . . . this legal education that you are getting is not just for you, it was for everybody. So when you leave here, you want to put it to good use."

Spottswood Robinson certainly did put his knowledge to good use. Spottswood Robinson was considered the architect of the legal plans to overcome the closing of public schools in Prince Edward County, VA. He also used his knowledge to lay the groundwork for the monumental case of Morgan v. Commonwealth of Virginia. In this case involving segregation on the Greyhound buslines, Robinson advocated a unique legal proposition that segregation imposed by the Greyhound Bus Company violated the Commerce Clause of the Constitution which was a departure from the legal theory that the 14th amendment due process clause would be invoked. His deft use of the Commerce Clause gave the Civil Rights cause a historic success.

After Judge Spottswood Robinson gave up his law practice in 1960, he was asked to be the Dean of the Howard University School of Law. In 1964, President John F. Kennedy selected Judge Robinson to be the first African American to be appointed to the U.S. District Court for the District of Columbia. In 1966, Judge Robinson became the first African American to be appointed to the U.S. Court of Appeals for the District of Columbia Circuit when he was appointed by then-President Johnson. On May 7, 1981, Judge Robinson became the first African American to serve as chief judge of the Circuit Court of District of Columbia. He retired in 1992 and he died in 1998 at the age of 82 in his Richmond, Virginia home.

Another key Virginian in the civil rights movement was Oliver W. Hill. His life story is one of endless pursuit of justice and fairness. Mr. Hill was also born in Richmond, VA, in 1907. From the start, Mr. Oliver Hill epitomized excellence in all endeavors. He also attended Howard University where he received his undergraduate and law degrees, graduating second only to the future Supreme Court Justice, Thurgood Marshall. In 1948, Mr. HILL was elected the first African-American member of the Richmond City Council since reconstruction.

As part of the NAACP Legal Defense Fund, these two gentlemen, Spottswood Robinson and Oliver Hill, played instrumental roles in litigating cases that resulted in the Supreme Court's decision in Brown v. Board of Education. They were the two key litigators for the Virginia portion of this case which was styled Davis v. County School Board of Prince Edward County. They joined other civil rights attorneys Justice Thurgood Marshall and Mr. Jack Greenberg in representing those who firmly believed that "Separate but Equal" was not the American way.

The historic efforts of these men positively changed our nation. In 1999, the United States Congress recognized Oliver Hill's efforts by awarding him the Nation's highest civilian honor, the Presidential Medal of Freedom. Mr. Hill's medal reads:

> A courageous civil rights advocate, Oliver Hill has devoted his life to building a more just and inclusive America. As a trial lawyer, he won landmark cases that secured equal rights for African-Americans in education, employment, housing, voting and jury selection. Successfully litigating one of the school desegregation cases later decided by the Supreme Court in Brown v. Board of Education, he played a key role in overturning the "separate but equal" doctrine.

In addition to being awarded the prestigious Presidential Medal of Freedom, Mr. Hill's efforts have been recognized by organizations and institutions in Virginia and across the nation. In 1983, students at my alma mater, the University of Virginia, founded the Oliver W. Hill Black Pre-Law Association. In 1992, Mr. Hill was honored with Dominion Power's "Strong Men and Women" award. Each year the Virginia State Conference of the NAACP awards the "Oliver W. Hill Freedom Fighter Award" to an outstanding civil rights advocate. In 2001, the American College of Trial Lawyers presented Mr. Hill with the "Award for Courageous Advocacy." Each year the Old Dominion Bar Association awards the Oliver W. Hill Scholarship to outstanding Virginians entering Virginia law schools. A bronze bust of Mr. Hill is proudly displayed at the Black History Museum and Cultural Center of Virginia.

As with Spottswood Robinson, these honors and eminent awards were rightly bestowed on a man who exemplified character and perseverance in the face of adversity and injustice.

Mr. President, our Nation has progressed in large part due to brave, tenacious and brilliant individuals like Spottswood Robinson and Oliver Hill. I believe that I speak for the entire nation in saying to Oliver Hill and the family of Judge Spottswood Robinson, how grateful we are for their commitment to the American ideals of equality, fairness and justice.

As we commemorate the 50th anniversary of this historic decision, we must always remember that our Nation was founded upon the idea and proposition that "all men are created equal," and we must ensure that our Nation's policies properly reflect this commitment to equality of opportunity "regardless of one's race, ethnicity, gender or religious beliefs."

"For his unyielding efforts to improve the lives of his fellow Americans and his unwavering dedication to justice for all, our Nation honors Oliver Hill."

In addition to being awarded the prestigious Presidential Medal of Freedom, Mr. Hill's efforts have been recognized by organizations and institutions in Virginia and across our Nation.

In 1983, students at my alma mater, the University of Virginia, founded the Oliver W. Hill Black Pre-Law Association.

In 1992, Mr. Hill was honored with Dominion Power's Strong Men and Women award. Each year, the Virginia State Conference of the NAACP awards the Oliver W. Hill Freedom Fighter Award to an outstanding civil rights advocate.

In 2001, the American College of Trial Lawyers presented Mr. Hill with the Award for Courageous Advocacy.

Each year, the Old Dominion Bar Association awards the Oliver W. Hill Scholarship to outstanding Virginians entering Virginia law schools.

A bronze bust, in fact, of Oliver Hill is proudly displayed at the Black History Museum and Cultural Center of Virginia.

As with Spottswood Robinson, these honors and eminent awards were rightly bestowed on a man who exemplified character and perseverance in the face of adversity and injustice.

Our Nation has progressed in large part due to brave, tenacious, brilliant, and principled individuals like Spottswood Robinson and Oliver Hill.

I believe I speak for the entire Nation in saying to Oliver Hill and to the family of Judge Spottswood Robinson how grateful we are for their commitment to the American ideals of equality, fairness, and justice.

As we commemorate the 50th anniversary of this historic decision, we must always remember our Nation was founded upon the idea and proposition that "all men are created equal," and we must ensure that our Nation's policies properly reflect this commitment to equality of opportunity regardless of one's race, ethnicity, gender, or religious beliefs.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business and the time be charged to our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPENSATION FOR NEGRO LEAGUE BASEBALL PLAYERS

Mr. NELSON of Florida. Mr. President, on the occasion of the 50th anniversary of Brown v. Topeka Board of Education, I am happy to announce to the Senate I have come from Tampa, FL, where I made an announcement of some significance today. Seated with two Negro League ballplayers—a pitcher from the Kansas City Monarchs, Bob Mitchell, and a pitcher from the Indianapolis Clowns, Mr. Maddox—we were happy to announce, with a representative of Commissioner Bud Selig present, the first compensation for the Negro League players who were kept out of the Major Leagues, because segregation did not end with Jackie Robinson breaking the color barrier in 1947. Indeed, Major League Baseball was not integrated until the late 1950s.

When Commissioner Selig, in 1997, decided to do something about the inequity of the Negro League players never having been compensated—but the criteria was based on the principle they would be compensated if they had played in the Negro Leagues before 1947 and in the Majors after—today the principle was established by Major League Baseball that, in fact, the Majors were not integrated until the late 1950s. The compensation plan we announced will be for the Negro Leaguers who still played the same amount of time—4 years—but played 4 years in the Majors before the end of the 1958 season. Therefore, they, too, will be compensated.

Why is this important? It is important because of the sad fact of our Nation's history of segregation. There was tremendous talent in the Negro Leagues. We know of those such as Hank Aaron who came out of the Negro Leagues, and Jackie Robinson, the first to come out of the Negro Leagues into the Majors. We know of the home-run king, Hank Aaron, and what all he has meant to the game. But there were many other players who had fantastic talent but who were never able to break into the Major Leagues after Jackie Robinson because of the color barrier.

So with this announcement today, it is giving new life to those players who are now quite elderly. Also, Major League Baseball has been kind enough to recognize there will be a survivor benefit since many of these players are now getting on to the age of the twilight of their lives. For the period of time in which this compensation is available, it will also be available to their surviving spouse.

It has been such a privilege, and it is interesting, one of the great joys of public service is sometimes you are in the right place at the right time. I found myself in that position, having been elected to the Senate in the 2000 election. In 2001, I got a letter from Mr. Mitchell. He was asking for help, so we went to work on it. I met with him and a group of a half dozen of the old Negro League players. I told them I was going to go to work on this issue. And I say that with a great sense of personal satisfaction of knowing sometimes you are in the right place at the right time, to kind of move the ball along toward progress.

I have given several speeches on the floor of this Senate. I have brought it up in several committee hearings, more recent of which was about 2 months ago, with Commissioner Selig sitting there, of where we could discuss Major League Baseball's intent to provide for this compensation.

So one thing after another, with a lot of people working together, this is a happy day. I say it is coincidental, but it is a significant coincidence that it happens on the day of the 50th anniversary of the Brown v. Board of Education landmark Supreme Court decision.

As I have met with these baseball players who played in the old Negro Leagues, I have asked them: How good were you? And I would talk to the shortstops, but it was most revealing when I would talk to the pitchers, just like Mr. Mitchell and Mr. Maddox, who stood up with me today in making this announcement in Tampa. I asked: How good were you? They would look at me, and that big smile would break out on their face, and they would say: Senator, listen, we would smoke 'em. They couldn't hold a candle to us.

And I would say: Give me an example. And they would say: Today, they pitch four, five, maybe six innings. We would pitch nine straight innings, and we would still have the reserve to keep going.

Finally, what a happy day this is for a lot of them who are now eligible to receive this compensation. What a happy day it is for me and my staff, who have worked so hard people over the past 3 years. What a happy day it is for Commissioner Bud Selig, who has wanted to do the right thing because he knew it was the right thing.

I am glad to bring a little bit of good news to this august body of which I am very privileged to be a Member.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). Who yields time?

The Senator from Virginia.

Mr. WARNER. Mr. President, at this time I see no one on either side of the aisle seeking recognition. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 3152, offered by the Senator from Texas, Mrs. HUTCHISON.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Kansas (Mr. BROWNBACK), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Nevada (Mr. ENSIGN), the Senator from Tennessee (Mr. FRIST), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Kansas (Mr. ROBERTS) are necessarily absent.

I further announce that if present and voting the Senator from Kansas (Mr. BROWNBACK), the Senator from Kansas (Mr. ROBERTS), and the Senator from Oklahoma (Mr. INHOFE) would each vote "yea."

Ms. MIKULSKI. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Ms. BOXER), the Senator from New Jersey (Mr. CORZINE), the Senator from South Dakota (Mr. DASCHLE), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Georgia (Mr. MILLER), the Senator from Nevada (Mr. REID), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Ms. BOXER), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Michigan (Ms. STABENOW) would each vote "yea."

The PRESIDING OFFICER (Mr. FITZGERALD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 0, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—82

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bond
Breaux
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—18

Biden
Bingaman
Boxer
Brownback
Chambliss
Corzine
Daschle
Ensign
Frist
Inhofe
Inouye
Jeffords
Kerry
Miller
Murkowski
Reid
Roberts
Stabenow

The amendment (No. 3152) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURBIN. Mr. President, the Senator from South Dakota, Mr. DASCHLE, has advised me that his flight to Washington was delayed due to weather conditions. His flight was scheduled to arrive earlier this afternoon, but the delay resulted in his unavoidable absence during the previous vote on the Hutchison amendment. Senator DASCHLE has advised me that had he been here he would have voted "yea."

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On October 10, 2003, Bart Browne approached several men congregating outside an Albany, NY, gay bar. It is alleged that Browne hated gays and thus felt justified in sucker-punching one of the gay men in the face. The force of the single strike broke the 28-year-old victim's jaw, caused a permanent loss of feeling in his left cheek and eradicated the sense of smell in that nostril, prosecutors said. Fearing further assaults for being gay, according to prosecutors, the victim moved away from the area. Browne faces a hate crimes sentence of up to 4 years in state prison.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

CONFLICT IN DARFUR, SUDAN

Mr. DURBIN. Mr. President, I rise today to call attention to the devastating conflict in the Darfur region of Western Sudan. Over the past 14 months more than 1 million people have been displaced by the scorched earth campaign waged by the Sudanese armed forces and 'janjaweed' militia. The number of refugees grows daily. The situation is hardly improving, despite recent attention.

I am pleased that earlier this month the Senate was able to agree to S. Con. Res. 99, which condemns the Government of the Republic of Sudan for its participation and complicity in the attacks against innocent civilians in the Darfur region. But I must caution my colleagues that we cannot consider this matter over and dealt with. We must keep abreast of ongoing developments in Darfur and continue to look for ways to bring an end to the conflict.

With that goal in mind, I would like to draw to the attention of my colleagues an enlightening article by Laurie Garrett, published in the May 10 edition of the Los Angeles Times. The op-ed focuses on possible consequences of the Darfur conflict which have largely been overlooked. Ms. Garrett explains that along with the horrid campaign of rape and murder perpetrated by the militia, those rapists and murderers are likely spreading disease among their victims and themselves.

When Ms. Garrett speaks of disease, she does not mean the common cold. She is talking about the most vicious and deadly infections known to man. Darfur is located in a region of Africa believed to be the origin of diseases like HIV, ebola, and West Nile virus, to name only a few. The reason we know the names of these diseases is not because they stayed confined to remote villages and tribes of Africa. These are diseases which grew rampant and spread across deserts and oceans to reach the farthest outposts of our Nation and the rest of the world.

While some may have difficulty imagining the horrors of a conflict far away in a remote part of Sudan, it is much easier to imagine consequences on our home soil. The possibility is very real that the rape campaign in Darfur could take a disease, previously confined to a single remote village, and spread it throughout the militia, their victims, and the rest of the world. This is a possibility which should not be ignored.

Along with many of my colleagues, I have worked very hard to combat the global epidemic of AIDS and will continue to do so until we have conquered that horrible disease. Laurie Garrett's warning is that our AIDS effort is not enough. We must do everything we can to prevent another AIDS or another West Nile from ravaging people around the world. Bringing a swift end to the conflict in Sudan will reduce the chance of a new and devastating infection being introduced into the international population.

I praise Ms. Garrett for bringing attention to the role of disease in the Darfur conflict and I hope that her article serves as yet another reminder that we must continue to push for peace in Sudan.

I ask unanimous consent that Laurie Garrett's op-ed in the May 10 edition of the Los Angeles Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, May 10, 2004]

THE MICROBES OF MAYHEM

(By Laurie Garrett)

As the horrors of Sudan's ethnic conflict mount, opportunities for pathogenic microbes—germs that could threaten people all over the world—rise in tandem. War and disease are often a matched set in Africa, with terrifying results: If the fighting doesn't kill you, disease very well could. And without outside help to stop the cycle, the devastating results will only spread.

In the Darfur region of western Sudan, an estimated 1 million ethnic-African Sudanese are refugees, the targets of government troops and horseback janjaweed militia—ethnic Arabs—who are torching and raping their way across hundreds of miles of poor farmland.

It is almost impossible to overstate how remote this region is. Permission to legally visit the area is rarely granted by the Sudanese government. So scientists know very little about the area's plants and animals, much less its microbes. But what they can surmise is frightening.

Darfur is just 500 miles north of N'zara, where scientists believe the often lethal West Nile virus (which has now spread to nearly every state in the United States) resides. In 1976, N'zara also was the site of a major outbreak of the deadly Ebola virus. And across Sudan's southern border, Uganda is believed to be ground zero for the global AIDS epidemic. The circumstances of West Nile's spread remain a mystery, but the Ebola outbreak and the AIDS epidemic owe a great deal to the treacherous mixing of war, refugees and microbes.

In 1976, an international team of scientists was in Yambuku, Zaire, doing battle with the world's first known epidemic of Ebola, a virus that causes uncontrollable bleeding. Ebola was rare, to say the least, so the scientists were stunned to hear rumors of another outbreak in N'zara.

American disease detective Dr. Joe McCormick drove a Land Rover across more than 400 miles of unmarked terrain to confirm the outbreak. To this day, however, scientists have no idea exactly how Ebola emerged in N'zara, or whether the virus normally inhabits the area. But they do know that ethnic warfare was underway in the region.

Most likely, infected animals—bats, perhaps—had taken up residence inside buildings in the area, probably as a result of human encroachment into the animals' normal habitat and changes in local weather patterns. It is believed that starving local residents hunted and ate infected animals, and once humans were infected, Ebola spread swiftly, thanks to the dire conditions in the region's war-torn hospitals and clinics, where needles were reused and sterile techniques were virtually unheard of.

As for HIV, it also can be traced to the 1970s and another ethnic-cleansing campaign in the same region of Africa. Ugandan strongman Idi Amin set his soldiers against tribes in the Rakai district, with rape as a primary weapon. When the conflict spilled over into Tanzania, so did the rape, and when Tanzania's army repulsed Amin's forces, it carried out its own campaign of rape in turn. As it happened, however, another form of revenge spread along with the rape: HIV.

The genetic history of HIV shows that the virus made its first leap to our species from a primate—probably a chimpanzee—some seven decades ago. But in traditional village settings across Africa, the virus did not readily spread, and less than 1% of any society is thought to have been infected before the mid-1970s. It took a catastrophic event, like Amin's brutal campaign, to amplify the rare virus into a pandemic.

Today, as then, a chief horror of the Darfur campaign is the militias' raping of women and girls. They brand their victims' foreheads so that all will know that the women and their potential offspring are tainted. Nobody knows how prevalent HIV is in the Darfur region (Khartoum has never allowed surveys of the area). In the Muslim north, surveys of pregnant women four years ago revealed that 3% of them were HIV-positive; a N'zara-area survey found infection rates twice as high. It isn't unreasonable to suspect that the current Darfur "ethnic cleansing" campaign is spreading the disease, not only among the people of Darfur and their janjaweed rapists but also among refugees in camps in neighboring Chad. It is equally reasonable to posit that some other previously obscure sexually transmitted disease could be amplified to epidemic proportions via the bodies of the women of Darfur.

And there is yet another chapter in the region's disease history that has a bearing on what's happening in Darfur. Ten years ago, the world stood by as hundreds of thousands were murdered in Rwanda and thousands more died in the refugee camps. Initially, overwhelmed local medical workers believed that the disease causing many of the deaths was cholera. But it wasn't chiefly cholera that ravaged the refugee camps; it was shigella, bacteria that cause dysentery. Amid the ongoing violence and the chaos of the camps, black market antibiotics were taken indiscriminately. Instead of curing the bacteria, the uncontrolled use of antibiotics created a brand new fully drug-resistant strain that still plagues Africa.

Surely it is in our collective interest, in light of this sorry history, to pay heed to those who implore us to save Darfur, to stop the rape, to resettle the refugees, to end the chaos that breeds disease. Even if we cannot find Sudan on a map or have no room left in our hearts to bear witness to another war, we surely understand that deadly microbes are our problem, as well as theirs.

IN SUPPORT OF S. 2420

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent that the following letters in relation to the May 13, 2004 introduction of the SCHIP Expansion Act, S. 2420, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

CHILDREN'S DEFENSE FUND,
Washington, DC, May 13, 2004.

The Hon. BOB GRAHAM,
Senate Hart Office Building 524, Washington, DC.

DEAR SENATOR GRAHAM: The Children's Defense Fund shares your goal of strengthening the State Children's Health Insurance program (SCHIP). The SCHIP program provided coverage to 5.8 million children in 2003, but the latest data indicate that there are still approximately 8-9 million uninsured children, the majority of whom are currently eligible for Medicaid or SCHIP.

To cover these eligible, uninsured children states will need to further simplify their Medicaid and SCHIP enrollment and especially retention processes. They will also need additional federal resources. The SCHIP Expansion Act of 2004 would provide $18 billion in additional federal SCHIP funds and would also encourage states to adopt important Medicaid and SCHIP improvements such as continuous eligibility and passive renewal. In addition, your bill would, appropriately, prevent states with unspent federal SCHIP funds from capping or freezing program enrollment.

We look forward to working with you to enact legislation that will provide strong incentives for states to elect currently available options to streamline Medicaid and SCHIP enrollment and retention, and will discourage states from restricting enrollment in the SCHIP program.

Thank you for your leadership on this important issue.

Sincerely,

EMIL PARKER,
Director of Health, Children's Defense Fund.

CATHOLIC CHARITIES USA,
Alexandria, VA, May 13, 2004.

DEAR SENATOR GRAHAM: As a strong supporter of Medicaid and the State Children's Health Insurance Program (SCHIP), Catholic Charities USA would like to express our support for the SCHIP Expansion Act of 2004. We thank you for sponsoring this vital piece of legislation that we believe represents a critical step in providing coverage to all uninsured children.

We are especially pleased that the SCHIP Expansion Act of 2004 directly addresses the problem of health care access that millions of uninsured children face by providing new state options to expand SCHIP to all uninsured children regardless of income. This legislation will help ensure children's access to primary and preventive health care, enabling them to grow up healthy and participate in their communities.

We also support the provisions in the SCHIP Expansion Act of 2004 that would provide a higher federal SCHIP match to those states who streamline the enrollment process by implementing presumptive eligibility, twelve-month continuous enrollment, elimination of the asset test, and passive renewal. These simplification measures will allow families to gain quicker access to the health care they need.

In addition, we are pleased that this legislation restores federal funding allotments to pre-2002 SCHIP funding levels, which will enable states to continue to enroll and cover even more uninsured children.

Catholic Charities agencies work nationally and at the state level to ensure as many eligible children as possible are enrolled in Medicaid and SCHIP. We believe that it is critically important to ensure that poor and low-income children and families have access to the health care they so vitally need.

We thank you for introducing this legislation as we believe it represents an important step towards reducing the number of uninsured children in country and reducing the barriers to health care that many families face.

Sincerely,

SHARON DALY,
Vice President, Social Policy.

ADDITIONAL STATEMENTS

COASTAL WETLANDS EROSION IN LOUISIANA

• Mr. JEFFORDS. Mr. President, I thank the children of the Terrebonne Parish School System in Houma, LA, for writing to me about the dire effects of coastal erosion on their State. As part of the Houma-Terrebonne Chamber of Commerce's Save Our Soil Campaign, students from the Terrebonne Parish are writing letters to important State and Federal officials regarding the coastal land loss crisis in Louisiana. I truly appreciate their efforts and will do my part to support restoration in all of our Nation's coastal States.

Coastal erosion is an urgent problem in the United States, costing hundreds of millions of dollars a year, including damage caused by storms and flooding, costs of erosion prevention, and expenses to dredge channels and harbors. In Louisiana alone, wetland loss could cost the Nation $36.6 billion. The Atlantic and Gulf coasts account for 45 percent of the U.S. coastline and they are home to 63 percent of the structures within 500 feet of the shoreline. According to the Federal Emergency Management Agency, FEMA, the Nation's highest average erosion rates—up to 6 feet or more per year—occur along the Gulf of Mexico coastline, while the average erosion rate on the Atlantic coast is about 2 to 3 feet per year. A hurricane or other major storm can cause the coast to erode 100 feet or more in a single day.

This rate of erosion is unacceptable. As the Terrebonne students know, wetlands and barrier islands provide natural protection from strong winds and hurricanes. Coastal zones are ecologically significant, providing safe and healthy habitat for an abundance of migratory birds and other wildlife. Our Nation's commercial and recreational fisheries are dependent on the many species of fish and other aquatic organisms that spawn and nest in this delicate web of marshes, wetlands, and estuaries.

It is my sincere hope that through the Water Resources Development Act we will be able to conserve our remaining wetlands and restore many acres of precious coastline in Louisiana. I am grateful to the citizens of Terrebonne Parish for educating their children and fighting for the coastal restoration of Louisiana. We cannot stand to lose more of this previous natural resource.●

MESSAGES FROM THE PRESIDENT

Mesages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—PM 77

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice, stating that the Burma emergency is to continue beyond May 20, 2004, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on May 19, 2003.

The crisis between the United States and Burma, constituted by the actions and policies of the Government of Burma, including its policies of committing large-scale repression of the democratic opposition in Burma that led to the declaration of a national emergency on May 20, 1997, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 17, 2004.*

MESSAGE FROM THE HOUSE

At 1:39 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4275. An act to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate bracket.

H.R. 4279. An act to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system, and to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small business with respect to medical care for their employees.

H.J. Res. 91 Joint resolution recognizing the 60th anniversary of the Servicemen's Readjustment Act of 1944.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 414. Concurrent resolution expressing the sense of the Congress that, as Congress recognizes the 50th anniversary of the Brown v. Board of Education decision, all Americans are encouraged to observe this anniversary with a commitment to continuing and building on the legacy of Brown.

The message further announced that pursuant to 22 U.S.C. 276h, the order of the House of December 8, 2003, and clause 10 of rule I, the Speaker appoints the following Members of the House of Representatives to the Mexico-United States Interparliamentary Group: Mr. KOLBE of Arizona, Chairman, Mr. BALLENGER of North Carolina, Vice Chairman, Mr. DREIER of California, Mr. BARTON of Texas, Mr. MANZULLO of Illinois, Mr. WELLER of Illinois, and, Mr. STENHOLM of Texas.

MEASURES REFERRED

The following joint resolution was read the first and the second times by unanimous consent, and referred as indicated:

H.J. Res. 91. Joint resolution recognizing the 60th anniversary of the Servicemen's Readjustment Act of 1944; to the Committee on the Judiciary.

The following concurrent resolution was read the first and the second times by unanimous consent, and referred as indicated:

H. Con. Res. 414. Concurrent resolution expressing the sense of the Congress that, as Congress recognizes the 50th anniversary of the Brown v. Board of Education decision, all Americans are encouraged to observe this anniversary with a commitment to continuing and building on the legacy of Brown; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 4275. An act to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate bracket.

PETITIONS AND MEMORIALS

POM-433. A joint resolution adopted by the House of Representatives of the Legislature of the State of Maine relative to the Farm-to-Cafeteria Projects Act; to the Committee on Agriculture, Nutrition, and Forestry.

JOINT RESOLUTION

Whereas, in the past 30 years childhood obesity rates in the United States have doubled in our children and tripled in our adolescents due to poor eating habits, and obesity can contribute to increased likelihood of developing diabetes, high blood pressure, high blood cholesterol and clogging of the arteries; and

Whereas, school cafeterias serve millions of children breakfast, snacks and lunch every day and struggle to maintain services in light of diminished budgets at the local, state and federal levels; and

Whereas, in May of 2003, the Economic Research Service of the United States Department of Agriculture released an evaluation of the Fruit and Vegetable Pilot Program, which, according to the report, worked to change immediately children's fruit and vegetable consumption, improve children's health, create a healthier school environment and supply a positive model for children's diets; and

Whereas, agriculture sustains rural communities, protects open space, creates scenic vistas and protects water recharge areas; and

Whereas, the northeastern states have a traditional system of small and midsized producers of agricultural products located close to the towns, villages and urban centers where the majority of the 58 million consumers reside;

Whereas, programs that link local farms to school cafeterias are reconnecting urban American with local agriculture in every state where they operate and providing a unique opportunity to make local agriculture relevant to the majority of the American population that now resides in urban and suburban

Resolved, That We, your Memorialists, respectfully urge passage of the Farm-to-Cafeteria Projects Act and any other legislation that will accomplish these goals: to assist schools in purchasing locally grown food, to provide more healthy and fresh foods for schoolchildren, to educate children and their families about the foods that are grown in their own communities and to expand market opportunities for local farms, ensuring that regional agriculture continue to be viable and available to provide a safe, secure food supply to all consumers; and be it further

Resolved, That suitable copies of this resolution, duly authenticate by the Secretary of State, be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of Agriculture and the Northeast States Association for Agricultural Stewardship and to each Member of the Maine Congressional Delegation.

POM-434. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Kentucky relative to First Lieutenant Garlin Murl Conner; to the Committee on Armed Services.

CONCURRENT RESOLUTION

Whereas, Lieutenant Garlin Murl Conner was a native of Clinton County, Kentucky, who served with distinction and valor in the United States Army during World War II; and

Whereas, Kentucky Congressman Ed Whitfield introduced H.R. 327 to the 108th Congress to bestow this highly deserved honor on Lieutenant Garlin Murl Conner; and

Whereas, Lieutenant Garlin Murl Conner is Kentucky's most decorated war hero, who served on the front lines for over eight hundred days in eight major campaigns; he was wounded seven times but returned to combat and continued to fight on the front lines after each wound; and

Whereas, during World War II, over forty 3rd Division soldiers received Medals of Honor, more than any other Division; however, Lieutenant Garlin Murl Conner was not awarded the medal of Honor due to an oversight and failure to process the paperwork;

Whereas, Lieutenant Conner served in the 3rd infantry Division with Audie L. Murphy, America's most decorated hero of all wars; as compared to Audie L. Murphy, Lieutenant Conner was awarded more Silver Stars for acts of valor, fought in more campaigns, served on the front lines longer, and was wounded more times; he was awarded many honors including the Distinguished Service Cross, the Silver Star with three Oak Leaf Clusters, the Bronze Star, the Purple Heart with six Oak Leaf Clusters, and other medals; and

Whereas, on June 20, 1945, Lieutenant Conner was awarded the Croix de Guerre, the French Medal of Honor, that was also awarded to Sergeant Alvin C. York, America's most decorated World War I soldier, who was a friend of Lieutenant Conner and lived a few miles from Lieutenant Conner's home on the Kentucky-Tennessee border; and

Whereas, Major General Lloyd B. Ramsey (Ret.), who was Lieutenant Conner's battalion commander during combat in World War II, is still living and has signed the necessary documents for awarding the Medal of Honor to Lieutenant Conner; in 1945, Major General Ramsey wrote that Lieutenant Conner was "one of the outstanding soldiers of this war, if not the outstanding. . . . I've never seen a man with as much courage and ability as he has"; and

Whereas, Stephen Ambrose, America's foremost World War II historian, founder of the D-Day Museum in New Orleans, Louisiana, and author of many books, wrote on November 11, 2000, "I am in complete support of the effort to make Lieutenant Garlin M. Conner a Medal of Honor recipient. What Lieutenant Conner did in stopping the German assault near Houssen, France in January 1945 was far above the call of duty. I've met and talked at length with many Medal of Honor recipients and am sure they would all agree that Lieutenant Conner more than deserves the honor of joining them"; and

Whereas, on April 3, 2001, 3rd Infantry Division leaders named the new EAGLE BASE in Bosnia-Herzegovina after Lieutenant Conner because of his gallantry in World War II and because "It's a company-grade forward operating base named after a soldier with a company-grade rank"; and

Whereas, Richard Chilton, a former Green Beret from Genoa City, Wisconsin, has been on a mission since 1996 to have the Medal of Honor awarded to Lieutenant Conner; his research has documented the Lieutenant Conner is one of the great combat heroes of World War II, equal in every way to Audie L. Murphy; Chilton has made presentations to dozens of schools about Lieutenant Conner's war record and has copies of over 2,500 letters written by students to President George W. Bush requesting the Medal of Honor be awarded; after reviewing Chilton's information, a host of former war veterans have written Congress requesting passage of H.R. 327 to award the Medal of Honor to one of America's greatest citizen soldiers, Lieutenant Garlin Murl Conner: Now, therefore, be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. The General Assembly of the Commonwealth of Kentucky urges the House Armed Services Committee as well as the entire United States Congress to adopt H.R. 327 awarding a Medal of Honor posthumously to First Lieutenant Garlin Murl Conner.

Section 2. The Clerk of the House of Representatives shall send a copy of this Resolution to: Congressman Duncan Hunter, Chairman of the Armed Services Committee; the Clerk of the House of Representatives of the United States; the Clerk of the Senate of the United States; each member of the Kentucky Congressional Delegation; and to the widow of 1st Lieutenant Garlin Murl Conner, Mrs. Pauline W. Conner, Route 1, Box 208, Albany, Kentucky 42602.

POM-435. A joint resolution adopted by the Legislature of the State of Maine relative to military bases in Maine; to the Committee on Armed Services.

JOINT RESOLUTION

Whereas, within the year, Secretary of Defense Donald Rumsfeld, through the Base Realignment and Closure (BRAC) Commission, will make recommendations about which military installations are to be considered for closure in cost-cutting measures for the military and has indicated that reductions may total 25% or an estimated 100 bases; and

Whereas, the State of Maine has 3 distinct and important military installations that are potentially at risk for closure: the naval shipyard in Kittery, the Naval Air Station Brunswick and the Naval Computer and Telecommunications Area Master Station, Atlantic Cutler Detachment; and

Whereas, the naval shipyard in Kittery is one of only 4 public shipyards in the Nation, is vital to our maritime strength and is of major importance to 2 states' local economies; and

Whereas, Naval Air Station Brunswick is the only fully capable air base in the northeastern United States, does not encroach on the civilian community and has plenty of space for expansion, even for housing other branches of the military. Naval Air Station Brunswick is on the coast, and aircraft can take off and land without flying over major centers of population; and

Whereas, the Cutler detachment's primary mission is Very Low Frequency communications with submarines in the Atlantic Ocean and Mediterranean Sea; the installation has the most powerful radio transmitter in the world and is staffed with 84 civilian service workers, who ensure the signal stays in the wind to the submarine fleet; and

Whereas, the people of the State of Maine have long been at the forefront of our Nation's defense, are first to join and send troops in any conflict and have a strong tradition of support and appreciation for the bases within our borders; now, therefore, be it

Resolved, That We, your Memorialists, take this opportunity to convey our appreciation for the advocacy and support for our 3 basses that the Congress of the United States and the Maine Congressional Delegation have provided over the years, and we strongly urge the Congress of the United States to consider the importance of these installations in this time of war on terrorism and the vital need to protect our Nation; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

POM–436. A resolution adopted by the Legislature of the State of Maine relative to emergency responders; to the Committee on Banking, Housing, and Urban Affairs:

JOINT RESOLUTION

Whereas, after September 11, 2001, the Federal Emergency Management Agency, under the Department of Homeland Security, administered grants to assist local fire departments and emergency responders across the Nation with necessary funds to upgrade and prepare; and

Whereas, last year, Maine emergency responders received $10.3 million in grants and hundreds of thousands of dollars have been provided to 23 Maine communities for their fire departments, which have purchased new protective fire-fighting clothing, training programs and materials, air compressors, vehicles and computers; and

Whereas, the current proposed federal budget calls for a reduction in funding of the grants from $750 million to $500 million, which will adversely affect communities throughout the State at a time when fire departments are still greatly in need of support; and

Whereas, these proposed cuts come at a time when safety and security concerns in Maine and in the Nation are still at a very high level, and the proposed cuts come at a time when we should be remaining vigilant in preparing for emergencies; now, therefore, be it

Resolved, That We, your Memorialists, urge the President of the United States and the Congress to work together on this budget and to not cut the Federal Emergency Management Agency's funding source; and be it further

Resolved, That We, your Memorialists, urge the President of the United States and the Congress to work together to help ensure that the emergency responders in the State of Maine and throughout the Nation are fully equipped, trained and funded and ready to face all emergencies; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate and the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

POM–437. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to DNA identification information; to the Commission on the Judiciary.

HOUSE RESOLUTION NO. 585

Whereas, DNA technology is increasingly vital to ensuring accuracy and fairness in the criminal justice system; and

Whereas, In the late 1980s the Federal Government laid the groundwork for a system of national, state and local DNA databases for the storage and exchange of DNA profiles, known as the Combined DNA Index System (CODIS); and

Whereas, CODIS maintains DNA profiles in a three-tiered distributed database which is available to law enforcement agencies across the country for law enforce purposes; and

Whereas, In order to take advantage of the investigative potential of CODIS, in the late 1980s and early 1990s states began passing laws requiring offenders convicted of certain offenses to provide DNA samples; and

Whereas, Currently all 50 states and the Federal Government have laws requiring DNA samples to be collected from specified categories of offenders; and

Whereas, The statute governing the national DNA index currently authorizes the inclusion in the index of profiles of "persons convicted of crimes," which is narrower than the scope of DNA collection under existing legal authorities in most jurisdictions within the United States, including the Commonwealth of Pennsylvania; and

Whereas, As a result of the narrow Federal statutory language, states cannot enter into the national DNA index all the information they collect from their investigations, including DNA information from specified categories of adjudicated juvenile delinquents; and

Whereas, As a further result of the narrow Federal statutory language, the Commonwealth of Pennsylvania cannot enter certain DNA information that may lead to capture or exoneration for crimes such as murder and rape; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United States to amend 42 U.S.C. §14132(a)(1) to allow the inclusion in CODIS of DNA profiles of "other persons, whose DNA samples are collected under applicable legal authorities"; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of the Pennsylvania congressional delegation.

POM–438. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Kentucky relative to the Lewis and Clark National Historic Trail; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, in 1803, President Thomas Jefferson gained approval to form an expeditionary group to explore the Western territory of the United States; and

Whereas, the "Corps of Discovery," led by Meriwether Lewis and William Clark, embarked upon its epic adventure in April, 1805, which at its conclusion returned invaluable information relative to the peoples, wildlife, flora, and geography of the Western territory; and

Whereas, 2003 marked the bicentennial celebration of the embarkation of the Lewis and Clark Expedition; and

Whereas, Congress has seen fit to create the Lewis and Clark National Historic Trail; and

Whereas, H.R. 2327 introduced by United States Representative Goode and S. 2018 introduced by United States Senator BUNNING, now pending in the 108th Congress of the United States, seek to extend the boundaries of the Lewis and Clark National Historic Trail; and

Whereas, the extension of the Lewis and Clark National Historic Trail would make the trail the largest in the national parks system; and

Whereas, an extended Lewis and Clark National Historic Trail would serve to continue the celebration of the Lewis and Clark bicentennial celebration; and

Whereas, the extension of the Lewis and Clark National Historic Trail would provide enhanced educational possibilities for all; and

Whereas, the extension of the Lewis and Clark National Historic Trail would generate an increase in tourism and tourism revenue in the states where the trail runs; and

Whereas, the proposed extension of the Lewis and Clark National Historic Trail would include specific sites in the Commonwealth of Kentucky: Now, therefore, be it

Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

Section 1. The Senate hereby acknowledge the historical importance of the Lewis and Clark National Historic Trail and encourages each and every member of the respective chambers of the Congress of the United States to cosponsor H.R. 2327 and S. 2018 of the 108th Congress of the United States to extend the length of the trail.

Section 2. The Senate encourages the subsequent passage of H.R. 2327 and S. 2018 of the 108th Congress of the United States.

Section 3. The Clerk of the Senate is directed to transmit a copy of this Resolution to Jeff Trandahl, Clerk of the House of Representatives, United States Capitol, Room H154, Washington, D.C. 20515–6601 and to Emily Reynolds, Secretary of the Senate, United States Senate, Washington, D.C. 20510, for distribution to the members of the United States Senate and the United States Senate, respectively.

POM–439. a resolution adopted by the House of Representatives of the Legislature of the State of New Hampshire relative to a comprehensive energy plan; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 24

Whereas, a comprehensive plan for energy independence is a vital component of the United States' national security strategy; and

Whereas, it is prudent for both national security and environmental concerns to promote energy independence for our country, and promote efficiency and conservation to develop cleaner technologies; now, therefore, be it

Resolved by the House of Representatives, That the New Hampshire house of representatives urges the President of the United States and the Congress of the United States to develop and work to implement a comprehensive plan to promote these states' goals; and

That this plan should include a plan to modernize our electricity system, promote conservation, and improve the United States' air quality; and

That this plan should promote economic incentives for the utilization of renewable energy sources; and

That this plan should promote increased energy production at home so the United States is less dependent on foreign oil; and

That this plan should promote the development of alternative energy technologies, such as hybrid, hydrogen, electric or natural gas powered vehicles; and

That copies of this resolution be forwarded by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the United

States Secretary of Energy and the New Hampshire congressional delegation.

POM–440. A resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the State Waste Empowerment and Enforcement Provision Act of 2003; to the Committee on Environment and Public Works.

Senate Joint Resolution No. 79

Whereas, recent reports issued by the Department of Environmental Quality reveal that Virginia is currently the second largest importer of municipal solid waste from other states, second only to Pennsylvania, and is currently importing approximately 5.5 million tons annually of municipal solid waste from other states; and

Whereas, the amount of municipal solid waste being imported into Virginia is expected to increase in the coming years due to the closure of the Fresh Kills Landfill in New York and increased volumes from other states; and

Whereas, the importation of significant amounts of municipal solid waste from other states is prematurely exhausting Virginia's limited landfill capacity; and

Whereas, the negative impact of truck, rail, and barge traffic and litter, odors, and noise associated with waste imports occurs at the location of final disposal and along waste transportation routes, and current landfill technology has the potential to fail, leading to long-term cleanup and other associated costs; and

Whereas, under current federal law, Virginia cannot regulate the amount of solid waste brought into the Commonwealth each year; and

Whereas, the importation of significant amounts of municipal solid waste from other states is inconsistent with Virginia's efforts to promote the Commonwealth as a national and international destination for tourism and high-tech economic development; and

Whereas, the Commerce Clause of the United States Constitution and its interpretation and application by the United States Supreme Court and other federal courts regarding interstate solid waste transportation has left Virginia and other states with limited alternatives to regulate, limit, or prohibit the importation of municipal solid waste; and

Whereas, the General Assembly of Virginia believes that state and local governments should be given more authority to control the importation of municipal solid waste into their jurisdictions; and

Whereas, although state laws governing the importation of municipal solid waste have been ruled to violate the Commerce Clause of the United States Constitution, the enactment of the State Waste Empowerment and Enforcement Provision Act of 2003 would protect states from constitutional challenges to common sense regulation of trash haulers, and empower states to require inspectors at landfills, incinerators, and transfer stations that accept out-of-state municipal solid waste; and

Whereas, it is the consensus of the General Assembly of Virginia that state and local governments should be given more authority to limit, reduce, and control the importation of solid waste into their jurisdictions through several provisions, including percentage caps, calendar year freezes, the regulation and restriction of certain modes of transportation, the requirement of state inspectors at facilities handling out-of-state waste, and the assessment of fees for the receipt or disposal of out-of-state municipal solid waste that are different than fees assessed for the receipt or disposal of municipal solid waste generated within the Commonwealth; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the Congress of the United States be urged to enact the State Waste Empowerment and Enforcement Provision Act of 2003 (HR 1123). The Congress is urged to authorize local and state governments to regulate the importation of municipal solid waste into their respective jurisdictions; and, be it

Resolved further, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–441. A resolution adopted by the Board of the Town of New Castle of the State of New York relative to the Indian Point Nuclear Plants; to the Committee on Environment and Public Works.

POM–442. A resolution adopted by the Senate of the Legislature of the State of Hawaii to prices of prescription drugs; to the Committee on Finance.

Senate Resolution No. 24

Whereas, the Medicare Drug Benefit law recently enacted by Congress and signed into law by the President prohibits the government from negotiating prescription drug prices with the manufacturers; and

Whereas, the pharmaceutical companies have been negotiating with other governments such as Canada and Mexico, offering citizens of those countries substantial discounts on prescription drugs, while still generating profits from the discounted prices; and

Whereas, news articles have documented that many Americans travel to Canada to purchase their prescription drugs; and

Whereas, there is a growing momentum to allow individuals, as well as state and local governments, to lower health care costs by purchasing prescription drugs from Canada; and

Whereas, allowing the American government to negotiate prescription drug prices would reduce their costs, as since our purchasing power covers approximately 270 million Americans, which is the largest economy in the world, our government can negotiate lower prices than Canada and other countries and pass on the savings to our citizens; and

Whereas, all Americans will be the beneficiaries of discounted prescription drugs, especially those who need prescription drugs for serious health conditions, all group prescription drug programs provided by employers and union agreements, and the state and federal programs that provide prescription drugs to veterans, Medicaid recipients, and others who qualify for government supported programs; and

Whereas, substantial savings can be used for other healthcare needs or expenses and reducing co-payments; and

Whereas, every other developed country has the power to negotiate the costs of prescription drugs: Now, therefore, be it

Resolved by the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, That the President and Congress are urged to repeal the restriction on government to negotiate reductions in prescription drug prices with manufacturers; and be it

Further resolved, That certified copies of this Resolution be transmitted to the President of the United States, the Speaker of the House of Representatives of the United States, the President of the Senate of the United States, and the members of Hawaii's Congressional delegation.

POM–443. A resolution adopted by the House of Representatives of the Legislature of the State of Florida relative to the distribution of Medicaid funds; to the Committee on Finance.

House Memorial No. 25

Whereas, Florida is the fourth most populous state, with 16.4 million residents, and

Whereas, more than 2 million Floridians live in poverty and approximately 2.8 million Floridians have no health insurance whatsoever, and

Whereas, it is a moral incumbency that every Floridian have access to quality, affordable health care, and

Whereas, impoverished Floridians have more difficulty securing quality, affordable health care, especially if they are uninsured, and

Whereas, Florida participates in the Federal Government's Medicaid program to support those impoverished citizens and ensure their access to health care, and

Whereas, when Medicaid was created in 1965, one of its purposes was to reduce the differences among the states regarding their respective abilities to fund medical services for the impoverished, and

Whereas, federal funds for Medicaid are distributed to the states based on a funding formula that uses per capita income as a key indicator of a state's ability to support its impoverished population, and

Whereas, numerous reports from the United States General Accounting Office dating back to the early 1980s demonstrate that per capita income is a poor indicator of a state's funding ability, and

Whereas, the use of per capita income assumes that states with lower per capita incomes have higher rates of poverty, which is a false assumption based on data from the United States Census of 2000, and

Whereas, the funding formula does not account for states' respective populations in poverty, the wealth distribution of larger states, or the costs to serve Medicaid populations in respective states, and

Whereas, the use of per capita income in the funding formula fails to accurately reflect the needs of the more populous states, and

Whereas, the use of a state's total taxable resources in the formula, as recommended by the General Accounting Office, would result in Florida receiving hundreds of millions of dollars more of federal funds in distribution, which amounts to its fair share, and

Whereas, according to the 2002 financial data of the Agency for Health Care Administration, uncompensated care in Florida's hospitals is growing at the rate of 12 to 13 percent per year, Medicaid caseloads grew almost 7 percent in the last fiscal year, and the costs of the Medicaid program continue to grow at an alarming rate, and

Whereas, because of the poor reimbursement rates offered to Florida's physicians due to the disparity created by the funding formula, many doctors have limited their provision of services for Medicaid patients and some have stopped treating Medicaid patients altogether, and

Whereas, this decline in the number of physicians who will treat Medicaid patients threatens the quality and availability of health care to impoverished Floridians: Now, therefore, be it

Resolved by the Legislature of the State of Florida, That the Congress of the United States is requested to pass legislation to change the existing formula for the distribution of Medicaid funds from a formula based on per capita income to one based on total taxable resources and the poverty rate, thereby providing a more equitable distribution of Medicaid funds to the states and bringing the Medicaid program closer to compliance with its stated legislative goal; and be it

Further resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. NELSON of Nebraska (for himself and Ms. COLLINS):

S. 2426. A bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the medicare program for clinical laboratory tests furnished by critical access hospitals; to the Committee on Finance.

By Mr. FEINGOLD:

S. 2427. A bill to amend title 10, United States Code, to improve transition assistance provided for members of the armed forces being discharged, released from active duty, or retired, and for other purposes; to the Committee on Armed Services.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. REED, Mr. BINGAMAN, Mrs. CLINTON, Mr. SARBANES, Mr. REID, Mr. AKAKA, Mr. JOHNSON, Ms. STABENOW, Mr. CORZINE, Mr. LAUTENBERG, and Mr. DURBIN):

S. 2428. A bill to provide for educational opportunities for all students in State public school systems, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for Mr. DASCHLE (for himself and Mr. JOHNSON)):

S. 2429. A bill to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUYE (for himself, Mr. HARKIN, and Mr. WARNER):

S. Con. Res. 109. A concurrent resolution commending the United States Institute of Peace on the occasion of its 20th anniversary and recognizing the Institute for its contribution to international conflict resolution; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. Con. Res. 110. A concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence; to the Committee on Foreign Relations.

By Mr. LUGAR (for himself and Mr. FEINGOLD):

S. Con. Res. 111. A concurrent resolution expressing the sense of the Congress that a commemorative stamp should be issued in honor of the centennial anniversary of Rotary International and its work to eradicate polio; to the Committee on Governmental Affairs.

ADDITIONAL COSPONSORS

S. 540

At the request of Mr. INHOFE, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 540, a bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of the service of those Native Americans to the United States.

S. 641

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 641, a bill to amend title 10, United States Code, to support the Federal Excess Personal Property program of the Forest Service by making it a priority of the Department of Defense to transfer to the Forest Service excess personal property of the Department of Defense that is suitable to be loaned to rural fire departments.

S. 1063

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1063, a bill to amend the Public Health Service Act to authorize the Commissioner of Food and Drugs to conduct oversight of any entity engaged in the recovery, screening, testing, processing, storage, or distribution of human tissue or human tissue-based products.

S. 1368

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1614

At the request of Ms. CANTWELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1614, a bill to designate a portion of White Salmon River as a component of the National Wild and Scenic Rivers System.

S. 1630

At the request of Mrs. CLINTON, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral services, and for other purposes.

S. 1666

At the request of Mr. COCHRAN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1666, a bill to amend the Public Health Service Act to establish comprehensive State diabetes control and prevention programs, and for other purposes.

S. 1733

At the request of Mr. KOHL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1733, a bill to authorize the Attorney General to award grants to States to develop and implement State court interpreter programs.

S. 1957

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1957, a bill to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes.

S. 2175

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2175, a bill to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, and for other purposes.

S. 2179

At the request of Mr. BROWNBACK, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2179, a bill to posthumously award a Congressional Gold Medal to the Reverend Oliver L. Brown.

S. 2249

At the request of Mr. LIEBERMAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2249, a bill to amend the Stewart. B. McKinney Homeless Assistance Act to provide for emergency food and shelter.

S. 2262

At the request of Mr. BINGAMAN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2262, a bill to provide for the establishment of campaign medals to be awarded to members of the Armed Forces who participate in Operation Enduring Freedom or Operation Iraqi Freedom.

S. 2324

At the request of Mr. CHAMBLISS, the names of the Senator from Nevada (Mr. REID) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2324, a bill to extend the deadline on the use of technology standards for the passports of visa waiver participants.

S. 2336

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2336, a bill to expand access to preventive health care services and education programs that help reduce unintended pregnancy, reduce infection with sexually transmitted disease, and reduce the number of abortions.

S. 2363

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

S. 2406

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2406, a bill to promote the reliability of the electric transmission grid through the Cross-Sound Cable.

S. CON. RES. 81

At the request of Mrs. FEINSTEIN, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. Con. Res. 81, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

S. CON. RES. 103

At the request of Mr. WARNER, his name was added as a cosponsor of S. Con. Res. 103, a concurrent resolution honoring the contribution of the women, symbolized by "Rosie the Riveter", who served on the homefront during World War II, and for other purposes.

S. RES. 317

At the request of Mr. HAGEL, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. Res. 317, a resolution recognizing the importance of increasing awareness of autism spectrum disorders, supporting programs for increased research and improved treatment of autism, and improving training and support for individuals with autism and those who care for individuals with autism.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON of Nebraska (for himself and Ms. COLLINS):

S. 2426. A bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the medicare program for clinical laboratory tests furnished by critical access hospitals; to the Committee on Finance.

Mr. NELSON of Nebraska. Mr. President, today I introduce legislation that will overturn a new regulation that is putting critical access hospitals (CAH) at risk by arbitrarily lowering the Medicare reimbursement for laboratory services. Sixty rural hospitals in Nebraska will be negatively impacted unless this legislation is reversed.

This legislation would repeal a Center for Medicare and Medicaid Services' (CMS) regulation that would prohibit critical access hospitals from being reimbursed at-cost for laboratory services, unless patients are "physically present in a critical access hospital" when laboratory specimens are collected. Many CAHs provide laboratory services in rural health clinics (RHCs) and nursing homes in smaller, neighboring communities, as well as in home-health settings; however, the elimination of cost-based reimbursements may make it prohibitive for them to continue offering off-site laboratory testing. In short, under the new regulation, lab services would not be reimbursed by CMS unless the patient is at the facility where testing will occur.

This change jeopardizes rural Americans' access to care by imposing an additional burden on the frail elderly by requiring them to visit the hospital to get simple lab tests done. The additional time and expense incurred by the patient is unnecessary if the CAH is willing and able to conduct tests at the point of patient care and transport it back to the hospital for analysis.

Congress created the CAH program in 1997 to ensure that those in isolated, rural communities have access to health care. To protect the viability of these hospitals, often a community's only source of vital health care services, Congress established cost-based reimbursement for Medicare inpatient and outpatient services—regardless of where the services are provided. The new regulation would fundamentally alter this well-established practice.

We have tried to work with CMS to change the rule. In November of 2003, I was joined by 28 Senators in a bipartisan letter to the Administrator of CMS asking for his assistance in constructing a rule that does not penalize CAHs for offering off-site laboratory services. Unfortunately, CMS responded that the rule would stay intact.

I am pleased to be joined in this effort by Senator SUSAN COLLINS. Senator COLLINS has been a strong advocate for rural health care, and I look forward to working together on this legislation.

The Nebraska critical access hospitals affected by the regulation are:

Harlan County Health System in Alma, Fillmore County Hospital in Geneva, Pawnee County Memorial Hospital in Pawnee City, Niobrara Valley Hospital Corporation in Lynch, Thayer County Health Services in Hebron, Kimball County Hospital in Kimball, Kearney County Health Services/Hospital in Minden, Saunders County Health Services in Wahoo, Henderson Health Care Services in Henderson, Community Memorial Hospital in Syracuse, Garden County Hospital & Nursing Home in Oshkosh, Franklin County Memorial Hospital in Franklin, Genoa Community Hospital in Genoa.

Gothenburg Memorial Hospital in Gothenburg, Annie Jeffrey Memorial County Health Center in Osceola, Brodstone Memorial Nuckolls County Hospital in Superior, Webster County Community Hospital in Red Cloud, Tilden Community Hospital in Tilden, Morrill County Community Hospital in Bridgeport, Jefferson Community Health Center in Fairbury, Memorial Hospital in Aurora, Oakland Memorial Hospital in Oakland, St. Francis Memorial Hospital in West Point.

Alegent Health Memorial Hospital in Schuyler, Nemaha County Hospital in Auburn, Brown County Hospital in Ainsworth, Antelope Memorial Hospital in Neligh, Cozad Community Hospital in Cozad, Litzenberg Memorial County Hospital in Central City, Avera St. Anthony's Hospital in O'Neill, Warren Memorial Hospital in Friend, Creighton Area Health Services in Creighton, Butler County Health Care Center in David City, Rock County Hospital in Bassett, Boone County Health Center in Albion, Callaway District Hospital in Callaway, York General Hospital in York.

Howard County Community Hospital in St. Paul, Memorial Hospital CAH in Seward, Dundy County Hospital in Benkelman, Chadron Community Hospital Health Services in Chadron, St. Mary's Hospital in Nebraska City, West Holt Memorial Hospital in Atkinson, Cherry County Hospital in Valentine, Providence Medical Center in Wayne, Plainview Public Hospital in Plainview, Osmond General Hospital in Osmond, Tri Valley Health System in Cambridge, Pender Community Hospital in Pender.

Johnson County Hospital in Tecumseh, Chase County Community Hospital in Imperial, Community Medical Center in Falls City, Valley County Hospital in Ord, Crete Area Medical Center in Crete, Ogallala Community Hospital in Ogallala, Perkins County Health Services in Grant, Memorial Health Center in Sidney, Gordon Memorial Hospital District in Gordon, Memorial Community Hospital in Blair, Box Butte General Hospital in Alliance.

By Mr. FEINGOLD:

S. 2427. A bill to amend title 10, United States Code, to improve transition assistance provided for members of the armed forces being discharged, release from active duty, or retired, and for other purposes; to the Committee on Armed Services.

Mr. FEINGOLD. Mr. President, today I am introducing legislation that will enhance and strengthen transition services that are provided to our military personnel.

This past weekend, people around our country honored our military personnel by marking Armed Forces Day. That day was even more poignant this year as we recognize the service and sacrifice of the thousands of brave men and women who are currently in harm's way in Iraq, Afghanistan, and elsewhere around the globe. These men and women serve with distinction and honor, and we owe them our heartfelt gratitude.

We also owe them our best effort to ensure that they receive the benefits to which their service in our Armed Forces has entitled them. I have heard time and again from military personnel and veterans who are frustrated with the system by which they apply for benefits or appeal claims for benefits. I have long been concerned that tens of thousands of our veterans are unaware of Federal health care and other benefits for which they may be eligible, and I have undertaken numerous legislative and oversight efforts to ensure that the Department of Veterans Affairs makes outreach to our veterans and their families a priority. Our brave veterans have earned these benefits, and VA outreach regarding health care and other benefits is especially important as we welcome home a new generation of veterans who are serving in Iraq and in the fight against terrorism. Our veterans and their families have made great personal sacrifices to protect our freedoms. We owe them a great debt of gratitude. Making sure that our veterans know about the benefits that they have earned is an important first step in starting to repay this debt.

While we should do more to support our veterans, we must also ensure that the men and women who are currently serving in our Armed Forces receive adequate pay and benefits, as well as services that help them to make the transition from active duty to civilian life. I am concerned that we are not doing enough to support our men and women in uniform as they prepare to retire or otherwise separate from the service or, in the case of members of our National Guard and Reserve, to demobilize from active duty assignments and return to their civilian lives while staying in the military or preparing to separate from the military. We must ensure that their service and sacrifice, which is much lauded during times of conflict, is not forgotten once the battles have ended and our troops have come home.

My bill, the Veterans Enhanced Transition Services Act (VETS Act), will help to ensure that all military personnel have access to the same transition services as they prepare to leave the military to reenter civilian life, or, in the case of members of the National Guard and Reserve, as they prepare to demobilize from active duty assignments and return to their civilian lives and jobs or education while remaining in the military.

I have heard from a number of Wisconsinites and military and veterans service organizations that our men and women in uniform do not all have access to the same transition counseling and medical services as they are demobilizing from service in Iraq, Afghanistan, and elsewhere. I have long been concerned about reports of uneven provision of services from base to base and from service to service. All of our men and women in uniform have pledged to serve our country, and all of them, at the very least, deserve to have access to the same services in return.

My bill will help to ensure that all military personnel receive the same services by making a number of improvements to the existing Transition Assistance Program/Disabled Transition Assistance Program (TAP/DTAP) and to the Benefits Delivery at Discharge program, by improving the process by which military personnel who are being demobilized or discharged receive medical examinations and mental health assessments, and by ensuring that military and veterans service organizations and state departments of veterans affairs are able to play an active role in assisting military personnel with the difficult decisions that are often involved in the process of discharging or demobilizing.

Under current law, the Department of Defense, together with the Departments of Veterans Affairs (VA) and Labor, provide pre-separation counseling for military personnel who are preparing to leave the service. This counseling provides service members with valuable information about benefits that they have earned through their service to our country such as education benefits through the GI Bill and health care and other benefits through the VA. Personnel also learn about programs such as Troops to Teachers and have access to employment assistance for themselves and, where appropriate, their spouses.

My bill would ensure that members of demobilizing National Guard and Reserve personnel are able to participate in this important counseling prior to being demobilized. In addition, my bill would require state-based follow-up within 180 of demobilization to give demobilized personnel the opportunity to follow up on any questions or concerns that they may have during a regular unit training period. Currently, most of the responsibility for getting information about benefits and programs falls on the military personnel. The Department of Defense should make every effort to ensure that all members participate in this important program, and that is what my bill would do.

My bill would help to improve the uniformity of services provided to personnel by directing the Secretary of Defense to ensure that consistent Transition Assistance Program/Disabled Transition Assistance Program briefings occur across the services and at all demobilization/discharge locations and to ensure that there are programs that are directed to the specific needs of active duty and National Guard and Reserve personnel as appropriate. It also includes a provision to ensure that personnel who are on the temporary disability retired list and who are being retired or discharged from alternate locations will have access to transition services at a location that is reasonably convenient to them.

In addition, my bill would enhance the information that is presented to members by requiring that pre-separation counseling include the provision of information regarding certification and licensing requirements in civilian occupations and information on identifying military occupations that have civilian counterparts.

In response to concerns I have heard from a number of my constituents, the bill also directs the Secretaries of Defense and Labor to jointly explore ways in which DoD training and certification standards could be coordinated with state laws relating to the training and certification standards for corresponding civilian occupations.

Participation in pre-separation counseling through a TAP/DTAP program is a valuable tool for personnel as they transition back to civilian life. My bill is in no way intended to lengthen the time that military personnel spend away from their families or to provide them with information that is not relevant to their civilian lives or that they otherwise do not need. In order to ensure that this information remains a valuable tool and does not become a burden to demobilizing members of the National Guard and Reserve who experience multiple deployments for active duty assignments, my bill clarifies that participation in the Department of Labor's transitional services employment will not be required if a member has previously participated in the program or if a member will be returning to school or to a job that he or she held before being called to active duty.

My bill would make similar improvements to the joint DoD-VA Benefits Delivery at Discharge program, which assists personnel in applying for VA disability benefits before they are discharged from the military, to cover all discharging military installations and military hospitals to ensure that all personnel with service-connected disabilities have the same opportunity to receive this important service. This very successful program has helped to cut the red tape and to speed the processing time for many veterans who are entitled to VA disability benefits.

I have long been concerned about the immediate and long-term health effects that military deployments have on our men and women in uniform. I regret that, too often, the burden of responsibility for proving that a condition is related to military service falls on the personnel themselves. Our men and women in uniform deserve the benefit of the doubt, and should not have to fight the Department of Defense or the VA for benefits that they have earned through their service to our nation.

For example, since coming to the Senate in 1993, I have worked to focus attention on the health effects that are being experienced by military personnel who served in the Persian Gulf War. More than ten years after the end of the Gulf War, we still don't know why so many veterans of that conflict are experiencing medical problems. Of the nearly 700,000 U.S. military personnel who served in the Persian Gulf War in 1990 and 1991, more than 100,000 have suffered from an array of symptoms that have become known as Gulf War Syndrome. Military personnel who are currently deployed to the region face many of the same conditions that existed in the early 1990s. I have repeatedly pressed the Departments of Defense and Veterans Affairs to work to unlock the mystery of this illness and to study the role that exposure to depleted uranium may play in this condition. We owe it to these personnel to find these answers, and to ensure that those who are currently serving in the Persian Gulf region are adequately protected from the many possible causes of Gulf War Syndrome.

Part of this process is to ensure that the Department of Defense carries out its responsibility to provide post-deployment physicals for military personnel. I am deeply concerned about stories of personnel who are experiencing long delays as they wait for their post-deployment physicals and who end up choosing not to have these important physicals in order to get home to their families that much sooner. I am equally concerned about reports that some personnel who did not receive such a physical—either by their own choice or because such a physical was not available—are now having trouble as they apply for benefits for a service-connected condition.

For these reasons, my bill would require that the Department of Defense abide by current law and provide post-demobilization physicals to all military personnel, and would prohibit any waiver of these physicals. I firmly believe, as do the military and veterans groups that support my bill, that our men and women in uniform are entitled to a prompt, high quality physical examination as part of the demobilization process. These individuals have voluntarily put themselves into harm's way for our benefit. We should ensure that the Department of Defense makes every effort to determine whether they have experienced—or could experience—any health effects as a result of their service.

In light of concerns raised by many that each service and each installation uses a different process for demobilization physicals, my bill would require the Secretary of Defense to set minimum standards for these important medical examinations and to ensure that these standards are applied uniformly at all installations and by all branches of the Armed Forces.

My bill also would strengthen current law by ensuring that these medical examinations also include a mental health screening and assessment. Our men and women in uniform serve in difficult circumstances far from home, and too many of them witness or experience violence and horrific situations that most of us cannot even begin to imagine. These men and women, many of whom are just out of high school or college when they sign up, may suffer long-term mental and physical fallout from their experiences and may feel reluctant to seek counseling or other assistance to deal with their experiences.

My bill would improve mental health services for demobilizing military personnel by requiring that the content and standards for the mental health screening and assessment that are developed by the Secretary include content and standards for screening acute and delayed onset post-traumatic stress disorder (PTSD), and, specifically, questions to identify all stressors experienced by military personnel that have the potential to lead to PTSD. Some Wisconsinites have told me that they are concerned that the multiple deployments of our National Guard and Reserve could lead to chronic PTSD, which could have its roots in an experience from a previous deployment and which could come to the surface by a triggering event that is experienced on a current deployment. The same is true for full-time military personnel who have served in a variety of places over their careers.

We can and should do more to ensure that the mental health of our men and women in uniform is a top priority, and that the stigma that is too often attached to seeking assistance is ended. One step in this process is to ensure that personnel who have symptoms of PTSD and related illnesses have access to appropriate clinical services, either through DoD or through the VA, which is required in my bill.

My legislation also requires the Secretaries of Defense and Veterans Affairs to report to Congress on planning for identification, intervention, and treatment of personnel with PTSD and related conditions and for appropriate training of DoD, military, and VA personnel with respect to PTSD and related conditions.

My bill will also ensure that the DoD and the VA take appropriate actions to ensure that personnel receive appropriate follow-up care for any other physical or mental conditions that are found—or suspected to have been found—as a result of a post-deployment medical examination, including care and treatment at a DoD or VA facility and any other care, treatment, or services that are required.

In addition, in order to ensure that all military personnel who are eligible for medical benefits for the VA learn about and receive them, my bill requires that, as part of the demobilization process, assistance be provided to eligible members to enroll in the VA health care system.

My bill also requires that the medical records of all separating service members be transmitted to the VA and that DoD and the VA conduct a study on how to improve coordination and cooperation between the two Departments to support the provision of benefits to members and veterans, including: compatibility of health care filing systems, consistency of claims forms, consistency of medical examination forms, and creating shared electronic database with appropriate privacy protections.

My bill would also make improvements to the DoD demobilization and discharge processes by ensuring that members of military and veterans service organizations (MSOs and VSOs) are able to counsel personnel on options for benefits and other important questions. The demobilization and discharge process presents our service members with a sometimes confusing and often overwhelming amount of information and paperwork that must be digested and sometimes signed in a very short period of time. My bill would authorize a "veteran to veteran" counseling program that will give military personnel the opportunity to speak with fellow veterans who have been through this process and who may be able to offer important advice about benefits and other choices that military personnel have to make.

Under current law, the Secretary of Defense may make use of the services provided by MSOs and VSOs as part of the transition process. But these groups tell me that they are not always allowed access to transition briefings that are conducted for our personnel. In order to help facilitate the new veteran-to-veteran program, my bill would require the Secretary to ensure that representatives of MSOs, VSOs, and state departments of veterans affairs are invited to participate in all TAP/DTAP and BDD programs. In addition, my bill requires that these dedicated veterans, who give so much of their time and of themselves to serving their fellow veterans and their families, are able to gain access to military installations, military hospitals, and VA hospitals in order to provide this important service. By and large, Mr. President, these groups are able to speak with our military personnel at hospitals and other facilities. But I am disturbed by reports that some of these groups were having a hard time gaining access to these facilities in order to visit with our troops. For that reason, I have included this access requirement in my bill.

I want to stress that my bill in no way requires military personnel to speak with members of MSOs or VSOs if they do not wish to do so. It merely ensures that our men and women in uniform have this option.

Finally, my bill would authorize the Secretary of Defense to create a program to help military personnel get college credit for applicable military training. The Wisconsin State Department of Veterans Affairs has such a program, called the Academic Credit for Military Experience (ACME) program. The National Veterans Training Institute cites ACME as a national model for helping veterans to obtain college credit for training that they received while in the military. Such a program would help our veterans to maximize their GI Bill benefits, to avoid taking classes that repeat their military training, and to earn their degrees that much faster.

I am pleased that this legislation is supported by a wide range of groups that are dedicated to serving our men and women in uniform and veterans and their families. These groups include: the American Legion, the Enlisted Association of the National Guard of the United States; the Paralyzed Veterans of America; the Reserve Officers Association; the Veterans of Foreign Wars; the Wisconsin Department of Veterans Affairs, the Wisconsin National Guard; the American Legion, Department of Wisconsin; Disabled American Veterans, Department of Wisconsin; the Wisconsin Paralyzed Veterans of America; the Veterans of Foreign Wars, Department of Wisconsin; and the Wisconsin State Council, Vietnam Veterans of America.

I ask unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Enhanced Transition Services Act of 2004".

SEC. 2. IMPROVED ADMINISTRATION OF TRANSITIONAL ASSISTANCE PROGRAMS.

(a) TRANSMITTAL OF MEDICAL RECORDS OF ALL MEMBERS SEPARATING FROM ACTIVE DUTY TO DEPARTMENT OF VETERANS AFFAIRS.—Chapter 58 of title 10, United States Code, is amended—

(1) by inserting before subsection (c) of section 1142 the following:

"§ 1142a. Members separating from active duty: transmittal of medical records to Department of Veterans Affairs";

(2) by striking "(c) TRANSMITTAL OF MEDICAL INFORMATION TO DEPARTMENT OF VETERANS AFFAIRS.—"; and

(3) by striking "a member being medically separated or being retired under chapter 61 of this title" and inserting "each member who is entitled to counseling and other services under section 1142 of this title".

(b) PRESEPARATION COUNSELING.—(1) Subsection (a) of section 1142 of title 10, United States Code, is amended—

(A) in paragraph (1), by striking "shall provide for individual separation counseling" and inserting "shall provide individual separation counseling";

(B) by redesignating paragraph (4) as paragraph (6); and

(C) by inserting after paragraph (3) the following new paragraphs:

"(4) For members of the reserve components being separated from service on active duty for a period of more than 30 days, the Secretary concerned shall require that preseparation counseling under this section be provided to all such members (including officers) before the members are separated.

"(5) The Secretary concerned shall ensure that commanders of members entitled to services under this section authorize the members to obtain such services during duty time.".

(2) Subsection (b)(4) of such section 1142 is amended by striking "(4) Information concerning" and inserting the following:

"(4) Provide information on civilian occupations and related assistance programs, including information about—

"(A) certification and licensure requirements that are applicable to civilian occupations;

"(B) civilian occupations that correspond to military occupational specialties; and

"(C)".

(3) Section 1142 of such title is further amended by adding at the end the following new subsections:

"(c) ADDITIONAL REQUIREMENTS.—(1) The Secretary concerned shall ensure that—

"(A) preseparation counseling under this section includes material that is specifically relevant to the needs of persons being separated from active duty by discharge from a regular component of the armed forces and the needs of members of the reserve components being separated from active duty;

"(B) the locations at which preseparation counseling is presented to eligible personnel include—

"(i) inpatient medical care facilities of the uniformed services where such personnel are receiving inpatient care; and

"(ii) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, a location reasonably convenient to the member.

"(C) the scope and content of the material presented in preseparation counseling at each location under this section are consistent with the scope and content of the material presented in the preseparation counseling at the other locations under this section; and

"(D) followup counseling is provided for each member of the reserve components described in subparagraph (A) not later than 180 days after separation from active duty.

"(2) The Secretary concerned shall, on a continuing basis, update the content of the materials used by the National Veterans Training Institute and such officials' other activities that provide direct training support to personnel who provide preseparation counseling under this section.

"(d) NATIONAL GUARD MEMBERS ON DUTY IN STATE STATUS.—(1) Members of the National Guard being separated from long-term duty to which ordered under section 502(f) of title 32 shall also be provided preseparation counseling under this section to the same extent that members of the reserve components being discharged or released from active duty are provided preseparation counseling under this section.

"(2) The Secretary of Defense shall prescribe in regulations the standards for determining long-term duty for the purposes of paragraph (1).".

(4)(A) The heading for section 1142 of such title is amended to read as follows:

"§ 1142. Members separating from active duty: preseparation counseling".

(B) The table of sections at the beginning of chapter 58 of such title is amended by striking the item relating to section 1142 and inserting the following new items:

"1142. Members separating from active duty: preseparation counseling.

"1142a. Members separating from active duty: transmittal of medical records to Department of Veterans Affairs.".

(c) DEPARTMENT OF LABOR TRANSITIONAL SERVICES PROGRAM.—(1) Subsection (c) of section 1144 of title 10, United States Code, is amended to read as follows:

"(c) PARTICIPATION.—(1) Subject to paragraph (2), the Secretary of Defense and the Secretary of Homeland Security shall require participation by members of the armed forces eligible for assistance under the program carried out under this section.

"(2) The Secretary of Defense and the Secretary of Homeland Security need not require, but shall encourage and otherwise promote, participation in the program by the following members of the armed forces described in paragraph (1):

"(A) Each member who has previously participated in the program.

"(B) Each member who, upon discharge or release from active duty, is returning to—

"(i) a position of employment previously held by such member; or

"(ii) pursuit of an academic degree or other educational or occupational training objective that the member was pursuing when called or ordered to such active duty.".

(2) Subsection (a)(1) of such section is amended by striking "paragraph (4)(A)" in the second sentence and inserting "paragraph (6)(A)".

(d) STUDY ON COORDINATION OF JOB TRAINING AND CERTIFICATION STANDARDS.—The Secretary of Defense and the Secretary of Labor shall jointly carry out a study to determine ways to coordinate the standards applied by the Armed Forces for the training and certification of members of the Armed Forces in military occupational specialties with the standards that apply under State laws to the training and certification of persons in corresponding civilian occupations.

SEC. 3. BENEFITS DELIVERY DISCHARGE PROGRAM.

(a) ACCESSIBILITY OF INFORMATION.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1154. Requirements applicable to all benefits delivery at discharge programs

"(a) LOCATIONS.—The Secretary of Defense, the Secretary of Homeland Security, and the

Secretary of Veterans Affairs shall ensure that the benefits delivery at discharge programs for members of the armed forces are provided—

“(1) at each installation and inpatient medical care facility of the uniformed services at which personnel eligible for assistance under the programs are discharged from the armed forces; and

“(2) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, at a location reasonably convenient to the member.

“(b) PARTICIPATION OF MILITARY AND VETERANS' SERVICE ORGANIZATIONS.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall ensure that representatives of military and veterans' service organizations and representatives of veterans' services agencies of States are invited to participate in the benefits delivery at discharge programs at the locations where assistance under the programs is provided.

“(c) BENEFITS DELIVERY AT DISCHARGE PROGRAMS DEFINED.—In this section, the term ‘benefits delivery at discharge programs’ means the programs under sections 1142 and 1144 of this title and any similar programs administered by, in conjunction with, or in consultation with the Secretary of Defense or the Secretary of a military department.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1154. Requirements applicable to all benefits delivery at discharge programs.”.

SEC. 4. POST-DEPLOYMENT MEDICAL ASSESSMENT AND SERVICES.

(a) IMPROVEMENT OF MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS.—Section 1074f of title 10, United States Code, is amended—

(1) in subsection (b), by striking “(including an assessment of mental health” and inserting “(which shall include mental health screening and assessment”;

(2) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (b) the following new subsections:

“(c) MEDICAL EXAMINATIONS.—(1) The Secretary of Defense shall prescribe the minimum content and standards that apply for the medical examinations required under this section. The Secretary shall ensure that the content and standards prescribed under the preceding sentence are applied uniformly at all installations and medical facilities of the armed forces where medical examinations required under this section are performed for members of the armed forces returning from a deployment as described in subsection (a).

“(2) The content and standards prescribed under paragraph (1) for mental health screening and assessment shall include content and standards for screening acute post-traumatic stress disorder and delayed onset post-traumatic stress disorder, and shall specifically include questions to identify all stressors experienced by members that have the potential to lead to post-traumatic stress disorder.

“(3) An examination consisting solely or primarily of an assessment questionnaire completed by a member does not meet the requirements of this subsection for a medical examination and does not meet the requirements of this section for an assessment.

“(4) An examination of a member required under this section may not be waived by the Secretary (or any official exercising the Secretary's authority under this section) or by the member.

“(d) FOLLOWUP SERVICES.—(1) The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall ensure that appropriate actions are taken to assist a member who, as a result of a medical examination carried out under the system established under this section, is identified or suspected as having an illness (including any mental health condition) or injury.

“(2) Assistance required to be provided a member under paragraph (1) includes the following:

“(A) Care and treatment and other services that the Secretary of Defense or the Secretary of Veterans Affairs may provide such member under any other provision of law, as follows:

“(i) Clinical services, including counseling and treatment for post-traumatic stress disorder and other mental health conditions.

“(ii) Any other care, treatment, and services.

“(B) Assistance to enroll in the Department of Veterans Affairs health care system for health care benefits for which the member is eligible under laws administered by the Secretary of Veterans Affairs.”.

(b) REPORT ON PTSD CASES.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the services provided members and former members of the Armed Forces who experience post-traumatic stress disorder (and related conditions) associated with service in the Armed Forces.

(2) The report under paragraph (1) shall include a discussion of the policies, plans, and procedures of the Department of Defense and the Department of Veterans Affairs for—

(A) the identification of cases of persons experiencing post-traumatic stress disorder or related conditions, intervention in such cases, and treatment of such persons; and

(B) the training of Department of Defense personnel and Department of Veterans Affairs personnel regarding such disorder and conditions.

(c) STUDY ON DOD-VA COORDINATION AND COOPERATION.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly carry out a study to identify ways to improve the coordination and cooperation between the two departments to support the provision of veterans' benefits to members and former members of the Armed Forces who have been deployed as described in section 1074f(a) of title 10, United States Code, as well as to other members and former members of the Armed Forces.

(2) The study under paragraph (1) shall, at a minimum, address the following matters:

(A) Compatibility of health care filing systems.

(B) Consistency of claims forms.

(C) Consistency of medical examination forms.

(D) Shared electronic database with appropriate privacy protections.

SEC. 5. ACCESS OF MILITARY AND VETERANS SERVICE AGENCIES AND ORGANIZATIONS.

(a) DEPARTMENT OF DEFENSE.—(1) Chapter 58 of title 10, United States Code, as amended by section 3(a), is further amended by adding at the end the following new section:

“§ 1155. Veteran-to-veteran preseparation counseling

“(a) COOPERATION REQUIRED.—The Secretary of Defense shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to provide preseparation counseling and services to members of the armed forces who are scheduled, or are in the process of being scheduled, for discharge, release from active duty, or retirement.

“(b) ELEMENTS OF PROGRAM.—The program under this section shall include the following elements:

“(1) Invitation to representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to participate in the preseparation counseling and other assistance briefings provided to members under the programs carried out under sections 1142 and 1144 of this title.

“(2) Support for the outreach programs of such organizations and agencies by providing the organizations and agencies with the names and addresses of members of the armed forces described in subsection (a), including, in particular, members who are being separated from active duty upon return from a deployment in support of a contingency operation.

“(c) LOCATIONS.—The program under this section shall provide for access to members—

“(1) at each installation of the armed forces;

“(2) at each inpatient medical care facility of the uniformed services administered under chapter 55 of this title; and

“(3) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, at a location reasonably convenient to the member.

“(d) WAIVER OF ACCESS RESTRICTIONS.—To carry out elements of the program under subsection (b), the Secretary of Defense may waive the applicable provisions of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note) to the extent necessary to ensure that representatives of military and veterans' service organizations and representatives of veterans' services agencies of States have access to members and former members of the uniformed services in medical treatment facilities of the uniformed services.

“(e) CONSENT OF MEMBERS REQUIRED.—Access to a member of the armed forces under the program under this section is subject to the consent of the member.”.

(2) The table of sections at the beginning of such chapter, as amended by section 3(b), is amended by adding at the end the following new item:

“1155. Veteran-to-veteran preseparation counseling.”.

(b) DEPARTMENT OF VETERANS AFFAIRS.—(1) Subchapter I of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 1709. Veteran-to-veteran counseling

“(a) COOPERATION REQUIRED.—The Secretary shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to veterans furnished care and services under this chapter to provide information and counseling to such veterans on the care and services authorized by this chapter and on other benefits and services available under the laws administered by the Secretary.

“(b) FACILITIES COVERED.—The program under this section shall provide for access to veterans described in subsection (a) at each facility of the Department or non-Department facility at which the Secretary furnishes care and services under this chapter.

"(c) WAIVER OF ACCESS RESTRICTIONS.—To carry out the program under this section, the Secretary may waive the applicable provisions of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) to the extent necessary to ensure that representatives of military and veterans' service organizations and representatives of veterans' services agencies of States have access to veterans described in subsection (a) at the facilities referred to in subsection (b).

"(d) CONSENT OF VETERANS REQUIRED.—Access to a veteran under the program under this section is subject to the consent of the veteran.".

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 1708 the following new item:

"Veteran-to-veteran counseling.".

SEC. 6. COLLEGE CREDIT FOR SERVICE IN ARMED FORCES.

(a) REQUIREMENT FOR PROGRAM.—Chapter 58 of title 10, United States Code, as amended by section 5(a), is further amended by adding at the end the following new section:

"§1156. College credit for training in the armed forces

"The Secretary of Defense shall carry out a program to assist members of the armed forces being discharged, released from active duty, or retired to obtain college credit for training received as a member of the armed forces.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 5(a)(2), is amended by adding at the end the following new item:

"1156. College credit for training in the armed forces.".

By Mr. DODD (for himself, Mr. KENNEDY, Mr. REED, Mr. BINGAMAN, Mrs. CLINTON, Mr. SARBANES, Mr. REID, Mr. AKAKA, Mr. JOHNSON, Ms. STABENOW, Mr. CORZINE, Mr. LAUTENBERG, and Mr. DURBIN):

S. 2428. A bill to provide for educational opportunities for all students in State public school systems, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today with Senators KENNEDY, REED, BINGAMAN, CLINTON, SARBANES, REID, AKAKA, JOHNSON, STABENOW, CORZINE, LAUTENBERG and DURBIN to introduce the "Student Bill of Rights." This bill is critical to ensuring that every child in America receives the educational opportunity that is the foundation of America's promise of equal opportunity for all.

The Student Bill of Rights attempts to ensure that every American child has an equal opportunity to receive a good education—including, highly qualified teachers, challenging curricula, small classes, current textbooks, quality libraries, and up-to-date technology—to all students in all schools in a State. Current law requires that schools within the same district provide comparable educational services. This bill would extend that basic protection to the State level by requiring comparability across school districts. And, this bill would help ensure that States comply with State or Federal court orders concerning the fairness of their public school systems.

Fifty years ago, Brown vs. Board of Education struck down segregation in law. Fifty years later, we know that just because there is no segregation in law does not mean that it does not persist in fact. Fifty years after Brown v. Board of Education, our education system remains largely separate and unequal.

All too often, whether an American child is taught by a high quality teacher in a small class, has access to the best courses and instructional materials, goes to school in a new, modern building, and otherwise benefits from educational resources that have been shown to be essential to a quality education, still depends on where the child's family can afford to live. In fact, the United States ranks last among developed countries in the difference in the quality of schools available to wealthy and low-income children. This is simply unacceptable, and it is why the Student Bill of Rights is so important to our children's ability to achieve academically, to gain the skills they need to be responsible, participating citizens in our diverse democracy, and to compete and succeed in the global economy.

Of course, factors besides resources are also important to academic achievement—supportive parents, motivated peers, and positive role models in the community, just to name a few. But at the same time, we also know that adequate resources are vital to providing students with the opportunity to receive a solid education.

This bill does not represent a radical notion. Last Congress, 42 Senators and 183 Representatives voted for similar legislation that Mr. FATTAH offered in the other body and I offered here in the Senate. A radical notion is the idea that a country founded on the principle of equal opportunity for all can continue to accept an educational system that provides real educational opportunity for just a select few.

When he signed the No Child Left Behind Act two years ago, President Bush promised that the Federal Government would make sure schools have the resources necessary to meet the new law's requirements. This year alone, the President's budget resolution underfunds the law by $9.4 billion. The President's budget also fails to fully funding the Federal Government's commitment to special education—leaving families and local communities struggling to make up the difference. We will never close the achievement gap as long as our nation's most disadvantaged students in the neediest schools are forced to make do with far less than other students. The Federal Government needs to become a more equal partner in funding education.

States need to do more, too. At the federal level we have created programs to help ensure that students from low-income communities start school healthy and ready to learn and to succeed in school once they get there. Programs such as Head Start, the School Lunch Program, The Children's Health Insurance Program and Title I, all assist in meeting the needs of low-income kids from their very first days.

In the end, this bill is about the simple fact that the quality of a child's education should not be determined by their zip code. The Student Bill of Rights will help ensure that each and every child's school has the resources to provide them with a decent education, and in turn, an equal opportunity for a successful future.

I urge my colleagues to join me in supporting the Student Bill of Rights, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Bill of Rights".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings and purposes.

TITLE I—EDUCATIONAL OPPORTUNITY IN STATE PUBLIC SCHOOL SYSTEMS

Subtitle A—Access to Educational Opportunity

Sec. 101. State public school systems.
Sec. 102. Fundamentals of educational opportunity.

Subtitle B—State Accountability

Sec. 111. State accountability plan.
Sec. 112. Consequences of failure to meet requirements.

Subtitle C—Report to Congress and the Public

Sec. 121. Annual report on State public school systems.

Subtitle D—Remedy

Sec. 131. Civil action for enforcement.

TITLE II—EFFECTS OF EDUCATIONAL DISPARITIES ON ECONOMIC GROWTH AND NATIONAL DEFENSE

Sec. 201. Effects on economic growth and productivity.
Sec. 202. Effects on national defense.

TITLE III—GENERAL PROVISIONS

Sec. 301. Definitions.
Sec. 302. Rulemaking.
Sec. 303. Construction.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) A high-quality, highly competitive education for all students is imperative for the economic growth and productivity of the United States, for its effective national defense, and to achieve the historical aspiration to be one Nation of equal citizens. It is therefore necessary and proper to overcome the nationwide phenomenon of State public school systems that do not meet the requirements of section 101(a), in which high-quality public schools typically serve high-income communities and poor-quality schools typically serve low-income, urban, rural, and minority communities.

(2) There exists in the States a significant educational opportunity gap for low-income, urban, rural, and minority students characterized by the following:

(A) Continuing disparities within States in students' access to the fundamentals of educational opportunity described in section 102.

(B) Highly differential educational expenditures (adjusted for cost and need) among school districts within States.

(C) Radically differential educational achievement among students in school districts within States as measured by the following:

(i) Achievement in mathematics, reading or language arts, and science on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) and on the National Assessment of Educational Progress.

(ii) Advanced placement courses taken.

(iii) SAT and ACT test scores.

(iv) Dropout rates and graduation rates.

(v) College-going and college-completion rates.

(vi) Job placement and retention rates and indices of job quality.

(3) As a consequence of this educational opportunity gap, the quality of a child's education depends largely upon where the child's family can afford to live, and the detriments of lower quality education are imposed particularly on—

(A) children from low-income families;

(B) children living in urban and rural areas; and

(C) minority children.

(4) Since 1785, Congress, exercising the power to admit new States under section 3 of article IV of the Constitution (and previously, the Congress of the Confederation of States under the Articles of Confederation), has imposed upon every State, as a fundamental condition of the State's admission, that the State provide for the establishment and maintenance of systems of public schools open to all children in such State.

(5) Over the years since the landmark ruling in Brown v. Board of Education, 347 U.S. 483, 493 (1954), when a unanimous Supreme Court held that "the opportunity of an education . . ., where the State has undertaken to provide it, is a right which must be made available to all on equal terms", courts in 44 States have heard challenges to the establishment, maintenance, and operation of State public school systems that are separate and not educationally adequate.

(6) In 1970, the Presidential Commission on School Finance found that significant disparities in the distribution of educational resources existed among school districts within States because the States relied too significantly on local district financing for educational revenues, and that reforms in systems of school financing would increase the Nation's ability to serve the educational needs of all children.

(7) In 1999, the National Research Council of the National Academy of Sciences published a report entitled "Making Money Matter, Financing America's Schools", which found that the concept of funding adequacy, which moves beyond the more traditional concepts of finance equity to focus attention on the sufficiency of funding for desired educational outcomes, is an important step in developing a fair and productive educational system.

(8) In 2001, the Executive Order establishing the President's Commission on Educational Resource Equity declared, "A quality education is essential to the success of every child in the 21st century and to the continued strength and prosperity of our Nation. . . . [L]ong-standing gaps in access to educational resources exist, including disparities based on race and ethnicity." (Exec. Order No. 13190, 66 Fed. Reg. 5424 (2001))

(9) According to the Secretary of Education, as stated in a letter (with enclosures) from the Secretary to States dated January 19, 2001—

(A) racial and ethnic minorities continue to suffer from lack of access to educational resources, including "experienced and qualified teachers, adequate facilities, and instructional programs and support, including technology, as well as . . . the funding necessary to secure these resources"; and

(B) these inadequacies are "particularly acute in high-poverty schools, including urban schools, where many students of color are isolated and where the effect of the resource gaps may be cumulative. In other words, students who need the most may often receive the least, and these students often are students of color.".

(10) In the amendments made by the No Child Left Behind Act of 2001, Congress—

(A)(i) required each State to establish standards and assessments in mathematics, reading or language arts, and science; and

(ii) required schools to ensure that all students are proficient in mathematics, reading or language arts, and science not later than 12 years after the end of the 2001–2002 school year, and held schools accountable for the students' progress; and

(B) required each State to describe how the State will help local educational agencies and schools to develop the capacity to improve student academic achievement.

(11) The standards and accountability movement will succeed only if, in addition to standards and accountability, all schools have access to the educational resources necessary to enable students to achieve.

(12) Raising standards without ensuring access to educational resources may in fact exacerbate achievement gaps and set children up for failure.

(13) According to the World Economic Forum's Global Competitiveness Report 2001–2002, the United States ranks last among developed countries in the difference in the quality of schools available to rich and poor children.

(14) The persistence of pervasive inadequacies in the quality of education provided by State public school systems effectively deprives millions of children throughout the United States of the opportunity for an education adequate to enable the children to—

(A) acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice;

(B) meet challenging student academic achievement standards; and

(C) be able to compete and succeed in a global economy.

(15) Each State government has ultimate authority to determine every important aspect and priority of the public school system that provides elementary and secondary education to children in the State, including whether students throughout the State have access to the fundamentals of educational opportunity described in section 102.

(16) Because a well educated populace is critical to the Nation's political and economic well-being and national security, the Federal Government has a substantial interest in ensuring that States provide a high-quality education by ensuring that all students have access to the fundamentals of educational opportunity described in section 102 to enable the students to succeed academically and in life.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To further the goals of the Elementary and Secondary Education Act of 1965 (as amended by the No Child Left Behind Act of 2001), by holding States accountable for providing all students with access to the fundamentals of educational opportunity described in section 102.

(2) To ensure that all students in public elementary schools and secondary schools receive educational opportunities that enable such students to—

(A) acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice;

(B) meet challenging student academic achievement standards; and

(C) be able to compete and succeed in a global economy.

(3) To end the pervasive pattern of States maintaining public school systems that do not meet the requirements of section 101(a).

TITLE I—EDUCATIONAL OPPORTUNITY IN STATE PUBLIC SCHOOL SYSTEMS

Subtitle A—Access to Educational Opportunity

SEC. 101. STATE PUBLIC SCHOOL SYSTEMS.

(a) REQUIREMENTS.—Each State receiving Federal financial assistance for elementary or secondary education shall ensure that the State's public school system provides all students within the State with an education that enables the students to acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice, to meet challenging student academic achievement standards, and to be able to compete and succeed in a global economy, through—

(1) the provision of fundamentals of educational opportunity described in section 102, at adequate or ideal levels as defined by the State under section 111(a)(1)(A) to students at each public elementary school and secondary school in the State;

(2) the provision of educational services in school districts that receive funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) that are, taken as a whole, at least comparable to educational services provided in school districts not receiving such funds; and

(3) compliance with any final Federal or State court order in any matter concerning the adequacy or equitableness of the State's public school system.

(b) DETERMINATIONS CONCERNING STATE PUBLIC SCHOOL SYSTEMS.—Not later than October 1 of each year, the Secretary shall determine whether each State maintains a public school system that meets the requirements of subsection (a). The Secretary may make a determination that a State public school system does not meet such requirements only after providing notice and an opportunity for a hearing.

(c) PUBLICATION.—The Secretary shall publish and make available to the general public (including by means of the Internet) the determinations made under subsection (b).

SEC. 102. FUNDAMENTALS OF EDUCATIONAL OPPORTUNITY.

The fundamentals of educational opportunity are the following:

(1) HIGHLY QUALIFIED TEACHERS, PRINCIPALS, AND ACADEMIC SUPPORT PERSONNEL.—

(A) HIGHLY QUALIFIED TEACHERS.—Instruction from highly qualified teachers in core academic subjects.

(B) HIGHLY QUALIFIED PRINCIPALS.—Leadership, management, and guidance from principals who meet State certification standards.

(C) HIGHLY QUALIFIED ACADEMIC SUPPORT PERSONNEL.—Necessary additional academic support in reading or language arts, mathematics, and other core academic subjects from personnel who meet applicable State standards.

(2) RIGOROUS ACADEMIC STANDARDS, CURRICULA, AND METHODS OF INSTRUCTION.—Rigorous academic standards, curricula, and methods of instruction, as measured by the extent to which each school district succeeds in providing high-quality academic standards, curricula, and methods of instruction to students in each public elementary school and secondary school within the district.

(3) SMALL CLASS SIZES.—Small class sizes, as measured by—

(A) the average class size and the range of class sizes; and

(B) the percentage of classes with 17 or fewer students.

(4) TEXTBOOKS, INSTRUCTIONAL MATERIALS, AND SUPPLIES.—Textbooks, instructional materials, and supplies, as measured by—

(A) the average age and quality of textbooks, instructional materials, and supplies used in core academic subjects; and

(B) the percentage of students who begin the school year with school-issued textbooks, instructional materials, and supplies.

(5) LIBRARY RESOURCES.—Library resources, as measured by—

(A) the size and qualifications of the library's staff, including whether the library is staffed by a full-time librarian certified under applicable State standards;

(B) the size (relative to the number of students) and quality (including age) of the library's collection of books and periodicals; and

(C) the library's hours of operation.

(6) SCHOOL FACILITIES AND COMPUTER TECHNOLOGY.—

(A) QUALITY SCHOOL FACILITIES.—Quality school facilities, as measured by—

(i) the physical condition of school buildings and major school building features;

(ii) environmental conditions in school buildings; and

(iii) the quality of instructional space.

(B) COMPUTER TECHNOLOGY.—Computer technology, as measured by—

(i) the ratio of computers to students;

(ii) the quality of computers and software available to students;

(iii) Internet access;

(iv) the quality of system maintenance and technical assistance for the computers; and

(v) the number of computer laboratory courses taught by qualified computer instructors.

(7) QUALITY GUIDANCE COUNSELING.—Qualified guidance counselors, as measured by the ratio of students to qualified guidance counselors who have been certified under an applicable State or national program.

Subtitle B—State Accountability

SEC. 111. STATE ACCOUNTABILITY PLAN.

(a) GENERAL PLAN.—

(1) CONTENTS.—Each State receiving Federal financial assistance for elementary and secondary education shall annually submit to the Secretary a plan, developed by the State educational agency, in consultation with local educational agencies, teachers, principals, pupil services personnel, administrators, other staff, and parents, that contains the following:

(A) A description of 2 levels of high access (adequate and ideal) to each of the fundamentals of educational opportunity described in section 102 that measure how well the State, through school districts, public elementary schools, and public secondary schools, is achieving the purposes of this Act by providing children with the resources they need to succeed academically and in life.

(B) A description of a third level of access (basic) to each of the fundamentals of educational opportunity described in section 102 that measures how well the State, through school districts, public elementary schools, and public secondary schools, is achieving the purposes of this Act by providing children with the resources they need to succeed academically and in life.

(C) A description of the level of access of each school district, public elementary school, and public secondary school in the State to each of the fundamentals of educational opportunity described in section 102, including identification of any such schools that lack high access (as described in subparagraph (A)) to any of the fundamentals.

(D) An estimate of the additional cost, if any, of ensuring that the system meets the requirements of section 101(a).

(E) Information stating the percentage of students in each school district, public elementary school, and public secondary school in the State that are proficient in mathematics, reading or language arts, and science, as measured through assessments administered as described in section 1111(b)(3)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(v)).

(F) Information stating whether each school district, public elementary school, and public secondary school in the State is making adequate yearly progress, as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)).

(G)(i) For each school district, public elementary school, and public secondary school in the State, information stating—

(I) the number and percentage of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(II) the number and percentage of students described in section 1111(b)(3)(C)(xiii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(xiii)).

(ii) For each such school district, information stating whether the district is an urban, mixed, or rural district (as defined by the National Center for Education Statistics).

(2) LEVELS OF ACCESS.—For purposes of the plan submitted under paragraph (1)—

(A) in defining basic, adequate, and ideal levels of access to each of the fundamentals of educational opportunity, each State shall consider, in addition to the factors described in section 102, the access available to students in the highest-achieving decile of public elementary schools and secondary schools, the unique needs of low-income, urban and rural, and minority students, and other educationally appropriate factors; and

(B) the levels of access described in subparagraphs (A) and (B) of paragraph (1) shall be aligned with the challenging academic content standards, challenging student academic achievement standards, and high-quality academic assessments required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(3) INFORMATION.—The State shall annually disseminate to parents, in an understandable and uniform format, the descriptions, estimate, and information described in paragraph (1).

(b) ACCOUNTABILITY AND REMEDIATION.—

(1) ACCOUNTABILITY.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(1), the plan submitted under subsection (a)(1) shall—

(A) demonstrate that the State has developed and is implementing a single, statewide State accountability system that will be effective in ensuring that the State makes adequate yearly progress under this Act (as defined by the State in a manner that annually reduces the number of public elementary schools and secondary schools in the State without high access (as described in subsection (a)(1)(A)) to each of the fundamentals of educational opportunity described in section 102);

(B) demonstrate, based on the levels of access described in paragraph (1) what constitutes adequate yearly progress of the State under this Act toward providing all students with high access to the fundamentals of educational opportunity described in section 102; and

(C) ensure—

(i) the establishment of a timeline for that adequate yearly progress that includes interim yearly goals for the reduction of the number of public elementary schools and secondary schools in the State without high access to each of the fundamentals of educational opportunity described in section 102; and

(ii) that not later than 12 years after the end of the 2001–2002 school year, each public elementary or secondary school in the State shall have high access to each of the fundamentals of educational opportunity described in section 102.

(2) REMEDIATION.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(2), not later than 1 year after the Secretary makes the determination, the State shall include in the plan submitted under subsection (a)(1) a strategy to remediate the conditions that caused the Secretary to make such determination, not later than the end of the second school year beginning after submission of the plan.

(c) AMENDMENTS.—A State may amend the plan submitted under subsection (a)(1) to improve the plan or to take into account significantly changed circumstances.

(d) DISAPPROVAL.—The Secretary may disapprove the plan submitted under subsection (a)(1) (or an amendment to such a plan) if the Secretary determines, after notice and opportunity for hearing, that the plan (or amendment) is inadequate to meet the requirements described in subsections (a) and (b).

(e) WAIVER.—

(1) IN GENERAL.—A State may request, and the Secretary may grant, a waiver of the requirements of subsections (a) and (b) for 1 year for exceptional circumstances, such as a precipitous decrease in State revenues, or another circumstance that the Secretary determines to be exceptional, that prevents a State from complying with the requirements of subsections (a) and (b).

(2) CONTENTS OF WAIVER REQUEST.—A State that requests a waiver under paragraph (1) shall include in the request—

(A) a description of the exceptional circumstance that prevents the State from complying with the requirements of subsections (a) and (b); and

(B) a plan that details the manner in which the State will comply with such requirements by the end of the waiver period.

SEC. 112. CONSEQUENCES OF FAILURE TO MEET REQUIREMENTS.

(a) INTERIM YEARLY GOALS.—

(1) IN GENERAL.—For a fiscal year and a State described in section 111(b)(1), the Secretary shall withhold from the State 2.75 percent of funds otherwise available to the State for the administration of Federal elementary and secondary education programs, for each covered goal that the Secretary determines the State is not meeting during that year.

(2) DEFINITION.—In this subsection, the term "covered goal", used with respect to a fiscal year, means an interim yearly goal described in section 111(b)(1)(C)(i) that is applicable to that year or a prior fiscal year.

(b) CONSEQUENCES OF NONREMEDIATION.—Notwithstanding any other provision of law, if the Secretary determines that a State required to include a strategy under section 111(b)(2) continues to maintain a public school system that does not meet the requirements of section 101(a)(2) at the end of the second school year described in section 111(b)(2), the Secretary shall withhold from the State not more than 33⅓ percent of funds otherwise available to the State for the administration of Federal elementary and secondary education programs until the Secretary determines that the State maintains a public school system that meets the requirements of section 101(a)(2).

(c) CONSEQUENCES OF NONCOMPLIANCE WITH COURT ORDERS.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(3), the Secretary shall withhold from the State not more than 33⅓ percent of funds otherwise available to the State for the administration of Federal elementary and secondary education programs.

(d) DISPOSITION OF FUNDS WITHHELD.—

(1) DETERMINATION.—Not later than 1 year after the Secretary withholds funds from a State under this section, the Secretary shall determine whether the State has corrected the condition that led to the withholding.

(2) DISPOSITION.—

(A) CORRECTION.—If the Secretary determines under paragraph (1), that the State has corrected the condition that led to the withholding, the Secretary shall make the withheld funds available to the State to use for the original purpose of the funds during 1 or more fiscal years specified by the Secretary.

(B) NONCORRECTION.—If the Secretary determines under paragraph (1), that the State has not corrected the condition that led to the withholding, the Secretary shall allocate the withheld funds to public school districts, public elementary schools, or public secondary schools in the State that are most adversely affected by the condition that led to the withholding, to enable the districts or schools to correct the condition during 1 or more fiscal years specified by the Secretary.

(3) AVAILABILITY.—Amounts made available or allocated under subparagraph (A) or (B) of paragraph (2) shall remain available during the fiscal years specified by the Secretary under that subparagraph.

Subtitle C—Report to Congress and the Public

SEC. 121. ANNUAL REPORT ON STATE PUBLIC SCHOOL SYSTEMS.

(a) ANNUAL REPORT TO CONGRESS.—Not later than October 1 of each year, beginning the year after completion of the first full school year after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes a full and complete analysis of the public school system of each State.

(b) CONTENTS OF REPORT.—The analysis conducted under subsection (a) shall include the following:

(1) PUBLIC SCHOOL SYSTEM INFORMATION.—The following information related to the public school system of each State:

(A) The number of school districts, public elementary schools, public secondary schools, and students in the system.

(B)(i) For each such school district and school—

(I) information stating the number and percentage of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(II) the number and percentage of students, disaggregated by groups described in section 1111(b)(3)(C)(xiii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(xiii)).

(ii) For each such district, information stating whether the district is an urban, mixed, or rural district (as defined by the National Center for Education Statistics).

(C) The average per-pupil expenditure (both in actual dollars and adjusted for cost and need) for the State and for each school district in the State.

(D) Each school district's decile ranking as measured by achievement in mathematics, reading or language arts, and science on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) and on the National Assessment of Educational Progress.

(E) For each school district, public elementary school, and public secondary school—

(i) the level of access (as described in section 111(a)(1)) to each of the fundamentals of educational opportunity described in section 102;

(ii) the percentage of students that are proficient in mathematics, reading or language arts, and science, as measured through assessments administered as described in section 1111(b)(3)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(v)); and

(iii) whether the school district or school is making adequate yearly progress—

(I) as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); and

(II) as defined by the State under section 111(b)(1)(A).

(F) For each State, the number of public elementary schools and secondary schools that lack, and names of each such school that lacks, high access (as described in section 111(a)(1)(A)) to any of the fundamentals of educational opportunity described in section 102.

(G) For the year covered by the report, a summary of any changes in the data required in subparagraphs (A) through (F) for each of the preceding 3 years (which may be based on such data as are available, for the first 3 reports submitted under subsection (a)).

(H) Such other information as the Secretary considers useful and appropriate.

(2) STATE ACTIONS.—For each State that the Secretary determines under section 101(b) maintains a public school system that fails to meet the requirements of section 101(a), a detailed description and evaluation of the success of any actions taken by the State, and measures proposed to be taken by the State, to meet the requirements.

(3) STATE PLANS.—A copy of each State's most recent plan submitted under section 111(a)(1).

(4) RELATIONSHIP BETWEEN COMPLIANCE AND ACHIEVEMENT.—An analysis of the relationship between meeting the requirements of section 101(a) and improving student academic achievement, as measured on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(c) SCOPE OF REPORT.—The report required under subsection (a) shall cover the school year ending in the calendar year in which the report is required to be submitted.

(d) SUBMISSION OF DATA TO SECRETARY.—Each State receiving Federal financial assistance for elementary and secondary education shall submit to the Secretary, at such time and in such manner as the Secretary may reasonably require, such data as the Secretary determines to be necessary to make a determination under section 101(b) and to submit the report under this section. Such data shall include the information used to measure the State's success in providing the fundamentals of educational opportunity described in section 102.

(e) FAILURE TO SUBMIT DATA.—If a State fails to submit the data that the Secretary determines to be necessary to make a determination under section 101(b) regarding whether the State maintains a public school system that meets the requirements of section 101(a)—

(1) such State's public school system shall be deemed not to have met the applicable requirements until the State submits such data and the Secretary is able to make such determination under section 101(b); and

(2) the Secretary shall provide, to the extent practicable, the analysis required in subsection (a) for the State based on the best data available to the Secretary.

(f) PUBLICATION.—The Secretary shall publish and make available to the general public (including by means of the Internet) the report required under subsection (a).

Subtitle D—Remedy

SEC. 131. CIVIL ACTION FOR ENFORCEMENT.

A student or parent of a student aggrieved by a violation of this Act may bring a civil action against the appropriate official in an appropriate Federal district court seeking declaratory or injunctive relief to enforce the requirements of this Act, together with reasonable attorney's fees and the costs of the action.

TITLE II—EFFECTS OF EDUCATIONAL DISPARITIES ON ECONOMIC GROWTH AND NATIONAL DEFENSE

SEC. 201. EFFECTS ON ECONOMIC GROWTH AND PRODUCTIVITY.

(a) STUDY.—The Commissioner for Education Statistics, in consultation with the Secretary of Commerce, Secretary of Labor, Secretary of the Treasury, and the National

Research Council of the National Academy of Sciences, shall conduct a comprehensive study concerning the effects on economic growth and productivity of ensuring that each State public school system meets the requirements of section 101(a). Such study shall include assessments of—

(1) the economic costs to the Nation resulting from the maintenance by States of public school systems that do not meet the requirements of section 101(a);

(2) the economic gains to be expected from States' compliance with the requirements of section 101(a); and

(3) the costs, if any, of ensuring that each State maintains a public school system that meets the requirements of section 101(a).

(b) Report to Congress.—Not later than 1 year after the date of enactment of this Act, the Commissioner for Education Statistics shall submit to Congress a final report detailing the results of the study required under subsection (a).

SEC. 202. EFFECTS ON NATIONAL DEFENSE.

(a) Study.—The Commissioner for Education Statistics, in consultation with the Secretary of Defense, shall conduct a comprehensive study concerning the effects on national defense of ensuring that each State public school system meets the requirements of section 101(a). Such study shall include assessments of—

(1) the detriments to national defense resulting from the maintenance by States of public school systems that do not meet the requirements of section 101(a), including the effects on—

(A) knowledge and skills necessary for the effective functioning of the Armed Forces;

(B) the costs to the Armed Forces of training; and

(C) efficiency resulting from the use of sophisticated equipment and information technology; and

(2) the gains to national defense to be expected from ensuring that each State public school system meets the requirements of section 101(a).

(b) Report to Congress.—Not later than 1 year after the date of enactment of this Act, the Commissioner for Education Statistics shall submit to Congress a final report detailing the results of the study required under subsection (a).

TITLE III—GENERAL PROVISIONS

SEC. 301. DEFINITIONS.

In this Act:

(1) Referenced terms.—The terms "elementary school", "secondary school", "local educational agency", "highly qualified", "core academic subjects", "parent", and "average per-pupil expenditure" have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) Federal elementary and secondary education programs.—The term "Federal elementary and secondary education programs" means programs providing Federal financial assistance for elementary or secondary education, other than programs under the following provisions of law:

(A) The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(B) Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.).

(C) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(D) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(3) Public school system.—The term "public school system" means a State's system of public elementary and secondary education.

(4) State.—The term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 302. RULEMAKING.

The Secretary may prescribe regulations to carry out this Act.

SEC. 303. CONSTRUCTION.

Nothing in this Act shall be construed to require a jurisdiction to increase its property tax or other tax rates or to redistribute revenues from such taxes.

By Mr. DURBIN (for Mr. Daschle (for himself and Mr. Johnson)):

S. 2429. A bill to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; to the Committee on Energy and Natural Resources.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record; as follows:

S. 2429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pactola Reservoir Reallocation Authorization Act of 2004".

SEC. 2. FINDINGS.

Congress finds that—

(1) it is appropriate to reallocate the costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; and

(2) section 302 of the Department of Energy Organization Act (42 U.S.C. 7152) prohibits such a reallocation of costs without congressional approval.

SEC. 3. REALLOCATION OF COSTS OF PACTOLA DAM AND RESERVOIR, SOUTH DAKOTA.

The Secretary of the Interior may, as provided in the contract of August 2001 entered into between Rapid City, South Dakota, and the Rapid Valley Conservancy District, reallocate, in a manner consistent with Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)), the construction costs of Pactola Dam and Reservoir, Rapid Valley Unit, Pick-Sloan Missouri Basin Program, South Dakota, from irrigation purposes to municipal, industrial, and fish and wildlife purposes.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 109—COMMENDING THE UNITED STATES INSTITUTE OF PEACE ON THE OCCASION OF ITS 20TH ANNIVERSARY AND RECOGNIZING THE INSTITUTE FOR ITS CONTRIBUTION TO INTERNATIONAL CONFLICT RESOLUTION

Mr. INOUYE (for himself, Mr. Harkin, and Mr. Warner) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. Con. Res. 109

Whereas the United States Institute of Peace (the Institute) was established by Congress in 1984 as an independent, nonpartisan Federal institution dedicated to the prevention, management, and peaceful resolution of international conflict;

Whereas the Institute fulfills its mandate from Congress through programs and projects that support peacemaking and the peaceful resolution of conflict abroad;

Whereas the Institute's broad congressional mandate has allowed the Institute to become a valued source of innovative ideas and practical policy analysis on peacemaking in zones of conflict around the world, thereby enhancing United States foreign policy;

Whereas the Institute is the result of long-term public interest and dedication from Senator Spark Matsunaga of Hawaii, Senator Jennings Randolph of West Virginia, Senator Mark Hatfield of Oregon, Senator Nancy Kassebaum of Kansas, Senator Claiborne Pell of Rhode Island, Representative Pat Williams of Montana, Representative Dante Fascell of Florida, Representative Dan Glickman of Kansas, Representative John Porter of Illinois, as well as Members of Congress today;

Whereas the Institute trains thousands of government officials, military and law enforcement personnel, humanitarian workers, and civic activists from the United States and abroad in the skills of professional peacemaking;

Whereas the Institute works to alleviate religious and ethnic strife through mediation, training programs, research, and opening of dialogue between and among religious factions;

Whereas the Institute promotes the development of the rule of law in post-conflict and transitional societies and provides assistance on constitution-drafting, judicial and police reform, law revision, and war crimes accountability;

Whereas the Institute examines the role of the media in international conflict including incitement and freedom of the press;

Whereas the Institute attracts new generations to the practice of peacemaking and has funded more than 150 graduate students as Peace Scholars specializing in the resolution and management of international conflict;

Whereas the Institute brings together practitioners and scholars from around the world as fellows in the distinguished Jennings Randolph Fellows Program to advance knowledge and to publish reports and books on topics related to the peaceful resolution of international conflict;

Whereas the Institute has trained hundreds of teachers and enhanced curricular materials related to international conflict, and has conducted educational seminars for thousands of educators at schools and universities around the country;

Whereas the Institute is strengthening curricula and instruction, from high school through graduate school, on the changing character of international conflict and nonviolent approaches to managing international disputes and has inspired the creation of dozens of courses and programs dedicated to these topics;

Whereas the Institute has made more than 1,500 grants totaling nearly $50,000,000 to individuals and nonprofit organizations in 48 States in support of educational, training, and research projects that have helped define and build the field of conflict prevention and conflict management in more than 64 foreign countries;

Whereas the Institute contributes to the advancement of conflict resolution education by awarding college scholarships to high school students through the annual National Peace Essay Contest, training and developing teaching guides for high school teachers, awarding grants to university students pursuing doctoral degrees in international conflict resolution, and awarding grants to universities and professors in the United States researching international conflict resolution;

Whereas the Institute works to bridge the divide with the Muslim world and facilitate cross cultural dialogue around the world, including in Russia and China;

Whereas the Institute's Balkans Initiative has made positive contributions to peacebuilding in that region including the facilitation of the Roundtable on Justice and Reconciliation in Bosnia and Herzegovina wherein key officials of the 3 ethnic groups—Croats, Serbs, and Muslims—came together to discuss war crimes;

Whereas the Institute has provided assistance to the Afghan judicial system by helping to locate, reproduce, translate, and distribute copies of Afghanistan's legal code, which was destroyed by the Taliban and facilitated discussions among the key institutions in the administration of criminal law and justice in Afghanistan;

Whereas the Institute assisted President Nelson Mandela with the development of South Africa's Truth and Reconciliation Commission that was instrumental in preventing post-apartheid bloodshed;

Whereas the Institute developed a detailed plan to handle accountability in the wake of the 1994 genocide in Rwanda, which became the basis for Rwandan Genocide Law, and assisted the Government of Rwanda in the implementation of the Law;

Whereas the Institute continues to work on the formation of a formal Israeli-Palestinian Joint Legal Committee to address legal issues and develop common approaches between the 2 different legal systems;

Whereas the Institute is committed to supporting religious coexistence and understanding in the Middle East, and elsewhere in the world;

Whereas the Institute has served as advisor and principal financial supporter of the Alexandria process, a group of prominent Muslim, Jewish, and Christian leaders from Israel, the Palestinian Authority, and Egypt, who in January 2002 produced the "Alexandria Declaration", a 7-point statement that calls, in the name of the 3 Abrahamic faiths, for the end to bloodshed in the Holy Land;

Whereas the Institute uses its convening power to bring together policymakers and experts on North Korea to discuss issues of security and proliferation on the Korean peninsula and develop policy recommendations;

Whereas the Institute is facilitating peace negotiations between the Government of the Philippines and the Moro Islamic Liberation Front—a Muslim insurgent group operating in the southern island of Mindanao;

Whereas the Institute is organizing programs in Iraq to strengthen the pillars of civil society and to contribute to stabilization and post-conflict peacebuilding, including training in conflict resolution for Iraqi security officials, orientation training for personnel from the United States, grantmaking to Iraqi organizations, collaboration with Iraqi universities, support for interethnic and interreligious dialogue, and assistance with rule of law issues; and

Whereas the Institute endeavors with the support of Congress in a public-private partnership to build a permanent headquarters on the National Mall as a working center on peace, education, training in conflict management skills, and the promotion of applied programs dedicated to resolution of international conflict: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the importance of the founding of the United States Institute of Peace (the Institute) as a national and international resource for peaceful conflict management and looks forward to continuing to gain from its knowledge, teaching, and practical applications of conflict management as a way to promote United States security and peace in the world;

(2) recognizes that the Institute has become an important national resource for educational, training, and applied programs in the prevention, management, and resolution of international conflict;

(3) acknowledges the Institute's contribution to building the Nation's capabilities for the prevention, management, and resolution of international conflict and the advancement of peace and conflict resolution education;

(4) expresses appreciation to the founding men and women of the Institute and the support from the people of the United States;

(5) congratulates the Institute on its 20th anniversary and on its achievements in fulfilling its mandate from Congress; and

(6) directs the Secretary of the Senate to make available an enrolled copy of this resolution to the Institute.

Mr. INOUYE. Mr. President, I rise to submit a resolution with my colleagues, Senators HARKIN and WARNER, commending the United States Institute of Peace on the occasion of its 20th anniversary and recognizing the Institute for its contribution to our Nation's capacity to manage international conflict by peaceful means. Since its founding by Congress, the Institute has been a pioneer in promoting the study and application of non-military approaches to the prevention, management, and resolution of conflict.

The Congress established the Institute as an independent, nonpartisan Federal institution dedicated to strengthening our national capabilities for conflict management and resolution. The resolution we are submitting today recognizes the importance of the Institute as a national and international resource for peaceful conflict management. It stresses that Congress looks forward to continuing to gain from the Institute's knowledge, teaching, and practical applications of conflict management as a way to promote the security interests of the United States and peace around the world. The resolution also expresses appreciation to the founding men and women of the Institute and support for the Institute from the American people. Finally, the resolution congratulates the Institute on its 20th anniversary and on its achievements in fulfilling its mandate from Congress.

Many in the Senate recall the personal dedication and efforts of our predecessors, led by Senators Spark Matsunaga and William Jennings Randolph who played essential roles in establishing the Institute. While Senator Matsunaga's bravery on the battlefield led to our country's awarding him a Bronze Star and two Purple Hearts, he was also a man who knew the importance of peace. In 1979 he set in motion many of the critical events that eventually led Congress to create the U.S. Institute of Peace. Senator Matsunaga's unyielding commitment to peace began long before he arrived in this chamber. In 1938, as a student at the University of Hawaii, he wrote an essay that included the sentence: "If we want peace we must educate people to want peace."

The founders of the Institute and the countless Americans who supported elevating the importance of peace education in our national dialogue would be proud of the way the Institute has grown and adapted to the ever-changing world. Today, the Institute is a national resource for education, professional training, and applied programs in peaceful conflict management and the practical application of conflict management strategies as a way to promote United States security and peace in the world.

Some of the vital work currently being undertaken by the Institute of Peace includes helping countries break out of cycles of violence and peacefully resolve their conflicts. At the same time, the Institute is educating new generations of Americans about novel approaches to conflict management, and enhancing curricular materials related to the changing character of international conflict and nonviolent approaches to resolving international disputes. Over the past twenty years, the Institute has used its knowledge and expertise to train American and foreign government officials, military and law enforcement personnel, humanitarian aid workers, and civic activists in the skills of professional peacemaking. It has awarded numerous grants and fellowships to individuals, universities, and non-governmental organizations of many nations to deepen the field of conflict resolution education and ensure its application to conflict situations abroad.

In its twenty year history, the Institute has played key roles in facilitating the management of critical conflict situations, such as assisting then President Nelson Mandela in the development of South Africa's Truth and Reconciliation Commission, and developing a detailed plan to handle accountability in the wake of the 1994 genocide in Rwanda, which became the basis for Rwandan Genocide Law. More recently, the Institute has taken an active role in facilitating peace processes in Bosnia, Kosovo, Macedonia, Afghanistan, and the Philippines. The Institute is using its expertise in Iraq in specialized areas where conflict resolution programs play a key role in stabilizing peace and nation building, such as training new ministries about conflict resolution techniques, working with the emerging judicial system to develop a reconciliation tribunal for former war criminals and human rights violators, facilitating inter-religious and inter-ethnic dialogue, and working with Iraqi universities to promote peace and conflict education. The Institute is also anticipating new opportunities for peace and conflict resolution activities on the Korean peninsula and in Sudan. In the years to come, Congress will be looking to the Institute to focus its skills and resources on peacemaking in the greater Middle East and throughout the Muslim world.

The Institute is a unique national treasure. We hope that our fellow Senators will join us in cosponsoring this resolution and stressing the United States commitment to peace.

SENATE CONCURRENT RESOLUTION 110—EXPRESSING THE SENSE OF CONGRESS IN SUPPORT OF THE ONGOING WORK OF THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE) IN COMBATING ANTI-SEMITISM, RACISM, XENOPHOBIA, DISCRIMINATION, INTOLERANCE, AND RELATED VIOLENCE

Mr. CAMPBELL submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 110

Whereas anti-Semitism is a unique evil and an affront to human rights that must be unequivocally condemned, and a phenomenon that, when left unchecked, has led to violence against members of the Jewish community and Jewish institutions;

Whereas racism, xenophobia, and discrimination are also pernicious ills that erode the dignity of the individual and such intolerance undermines the achievement and preservation of stable democratic societies;

Whereas to be effective in combating these phenomena, governments must respond to related violence while seeking to address the underlying sources of anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence through public denouncements by elected leaders, vigorous law enforcement, and education;

Whereas all Organization for Security and Cooperation in Europe (OSCE) participating states must confront acts of anti-Semitism and intolerance, and must deal effectively with acts of violence against Jews and Jewish cultural sites, as well as against ethnic and religious minority groups, in keeping with their OSCE commitments;

Whereas education is critical in overcoming intolerance and it is essential that those responsible for formulating education policy recognize the importance of teaching about the Holocaust and intolerance as a tool to fight anti-Semitism, racism, xenophobia, and discrimination among young people;

Whereas ensuring proper training of law enforcement officers and military forces is vital in keeping alive the memory of the Holocaust and to the importance of understanding and responding to incidents of anti-Semitism and intolerance;

Whereas OSCE participating states have repeatedly committed to condemn anti-Semitism and intolerance, foremost in the historic 1990 Copenhagen Concluding Document that, for the first time, declared "participating [s]tates clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-Semitism, xenophobia and discrimination against anyone," and stated their intent to "take effective measures . . . to provide protection against any acts that constitute incitement to violence against persons or groups based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-Semitism";

Whereas the OSCE Parliamentary Assembly has demonstrated leadership by unanimously passing resolutions at its annual sessions in 2002 and 2003 that condemn anti-Semitism, racial and ethnic hatred, xenophobia, and discrimination and call upon participating states to speak out against these acts and to ensure aggressive law enforcement by local and national authorities;

Whereas the 2002 Porto OSCE Ministerial Council Decision committed participating states to "take strong public positions against . . . manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism," specifically condemned the "recent increase in anti-Semitic incidents in the OSCE area, recognizing the role that the existence of anti-Semitism has played throughout history as a major threat to freedom," and urged for the "convening of separately designated human dimension events on issues addressed in this decision, including on the topics of anti-Semitism, discrimination and racism and xenophobia";

Whereas the 2003 OSCE Vienna conferences on anti-Semitism and racism, xenophobia, and discrimination were groundbreaking, as the OSCE and its participating states met to discuss ways to combat these destructive forces;

Whereas the 2003 Maastricht Ministerial Council approved follow-up OSCE conferences on anti-Semitism and on racism, xenophobia and discrimination, and encouraged "all participating [s]tates to collect and keep records on reliable information and statistics on hate crimes, including on forms of violent manifestations of racism, xenophobia, discrimination, and anti-Semitism," as well as to inform the OSCE Office of Democratic Institutions and Human Rights (ODIHR) "about existing legislation regarding crimes fueled by intolerance and discrimination";

Whereas at the 2004 OSCE Conference on Anti-Semitism, hosted in the German capital, the Bulgarian Chairman-in-Office issued the "Berlin Declaration" which stated unambiguously that "international developments or political issues, including those in Israel or elsewhere in the Middle East, never justify anti-Semitism";

Whereas the Berlin Declaration advances the process of monitoring of anti-Semitic crimes and hate crimes, as all OSCE participating states committed to "collect and maintain" statistics about these incidents and to forward that information to the ODIHR for compilation;

Whereas during the closing conference plenary, the German Foreign Minister and others highlighted the need to ensure all participating states follow through with their commitments and initiate efforts to track anti-Semitic crimes and hate crimes; and

Whereas the Government of Spain offered to hold a follow-up meeting in Cordoba in 2005 to review whether OSCE participating states are making every effort to fulfill their OSCE commitments regarding data collection on anti-Semitic crimes and hate crimes: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the United States Government and Congress should unequivocally condemn acts of anti-Semitism and intolerance whenever and wherever they occur;

(2) officials and elected leaders of all Organization for Security and Cooperation in Europe (OSCE) participating states, including all OSCE Mediterranean Partner for Cooperation countries, should also unequivocally condemn acts of anti-Semitism, racism, xenophobia, and discrimination whenever and wherever they occur;

(3) the participating states of the OSCE should be commended for supporting the Berlin Declaration and for working to bring increased attention to incidents of anti-Semitism and intolerance in the OSCE region;

(4) the United States Government, including Members of Congress, recognizing that the fundamental job of combating anti-Semitism and intolerance falls to governments, should work with other OSCE participating states and their parliaments to encourage the full compliance with OSCE commitments and, if necessary, urge the creation of legal mechanisms to combat and track acts of anti-Semitism and intolerance;

(5) all participating states, including the United States, should forward their respective laws and data on incidents of anti-Semitism and other hate crimes to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) for compilation and provide adequate resources for the completion of its duties;

(6) the United States should encourage the Bulgarian Chairman-in-Office, in consultation with the incoming Slovenian Chairman-in-Office, to consider appointing a high level "personal envoy" to ensure sustained attention with respect to fulfilling OSCE commitments on the reporting of anti-Semitic crimes;

(7) the United States should urge OSCE participating states that have not already done so to join the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research; and

(8) all OSCE participating states should renew and revitalize efforts to implement their existing commitments to fight anti-Semitism and intolerance, and keep sharp focus on these issues as part of the usual work of the OSCE Permanent Council, the Human Dimension Implementation Review Meeting, the Ministerial Council and summits.

Mr. CAMPBELL. Mr. President, I rise today to submit a resolution supporting the ongoing important work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance and related violence. As Co-Chairman of the Helsinki Commission, I remain concerned over manifestations of anti-

Semitism that prompted me to introduce S. Con. Res. 7, a bipartisan initiative that unanimously passed the Senate last May. That measure provided impetus to efforts to confront and combat anti-Semitic violence in the OSCE region, the subject of a May 2002 Helsinki Commission hearing.

The resolution I submit today is aimed at building upon these efforts. The OSCE and its participating States have done much to confront and combat the disease of anti-Semitism and intolerance, and I urge our government and all other OSCE countries to continue their efforts with vigor and determination. Much of what has been accomplished can be attributed to U.S. leadership, especially to the work of U.S. Ambassador to the OSCE, Stephan M. Minikes, and his team in Vienna.

Last month the OSCE convened an historic conference in Berlin focused on anti-Semitism and violence against Jews and Jewish institutions and tools to combat this age old problem. The U.S. delegation was represented at the highest level with the participation of Secretary of State Colin L. Powell. The conference brought together elected officials and NGOs from around the globe in common support of efforts to fight anti-Semitism.

The resolution I am submitting today follows up on several of the initiatives from Berlin. The conference was punctuated with the "Berlin Declaration," a statement given by the Bulgarian Chairman-in-Office, Foreign Minister Solomon Passy, during the closing plenary session. In addition to declaring that "international developments or political issues, including those in Israel or elsewhere in the Middle East, never justify anti-Semitism," the Declaration advanced efforts to monitor anti-Semitic crimes and hate crimes, as all OSCE participating States committed to "collect and maintain" statistics about these incidents and to forward that information to the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) for compilation. The resolution urges all participating States to ensure these promises are fulfilled, and calls upon the Bulgarian Chairman-in-Office to designate a "personal envoy" to monitor compliance with these commitments.

The resolution also speaks to the importance of confronting instances of racism, discrimination and xenophobia wherever it occurs. It is important to note that in September, the OSCE will convene a meeting on these matters, the Brussels Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination. This meeting is very important, as no OSCE participating State is immune from these evils.

As Co-Chairman of the Helsinki Commission, I have been impressed by the efforts of the OSCE and its participating States to address issues of anti-Semitism and intolerance. However, the time for words has passed, and I urge all OSCE countries, including the United States, to take real action. This resolution highlights several areas where steps can and should be taken. I urge bipartisan support and speedy passage of this measure.

SENATE CONCURRENT RESOLUTION 111—EXPRESSING THE SENSE OF THE CONGRESS THAT A COMMEMORATIVE STAMP SHOULD BE ISSUED IN HONOR OF THE CENTENNIAL ANNIVERSARY OF ROTARY INTERNATIONAL AND ITS WORK TO ERADICATE POLIO

Mr. LUGAR (for himself and Mr. FEINGOLD) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

Whereas Rotary International, founded on February 23, 1905, is a worldwide organization of business and professional leaders that provides humanitarian service, encourages high ethical standards in all vocations, and helps build goodwill and peace in the world;

Whereas approximately 1,200,000 Rotarians belong to more than 31,000 Rotary clubs located in 166 countries;

Whereas the Movement for Volunteer Community Service, initiated by Rotary, has been described as one of the major developments of the 20th century, and provides a formalized spirit of community voluntarism in the United States;

Whereas Rotarians are committed to the position that their efforts to provide educational opportunities and to meet basic human needs are essential steps to greater world understanding, goodwill, and peace;

Whereas Rotary's PolioPlus program to eradicate the dreaded disease of polio throughout the world has helped to vaccinate more than 2,000,000,000 children against the disease;

Whereas Rotary is the only nongovernmental organization working in partnership with the World Health Organization, UNICEF, and the Centers for Disease Control and Prevention to achieve the goal of the total eradication of polio by 2005;

Whereas the work of Rotary International in the eradication of polio is one of the finest humanitarian efforts by a nonprofit organization;

Whereas there are more than 7,500 Rotary clubs in the United States, with nearly 400,000 members, who voluntarily support thousands of humanitarian and educational projects to benefit our communities; and

Whereas Rotary International will celebrate its centennial anniversary in 2005: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) a commemorative postage stamp should be issued in honor of the centennial anniversary of Rotary International and its effort to eradicate polio;

(2) the Citizens' Stamp Advisory Committee of the United States Postal Service should recommend to the Postmaster General that such a stamp be issued; and

(3) the Rotary Clubs of the United States are to be commended for 100 years of volunteer service.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3151. Mr. LAUTENBERG proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

SA 3152. Mrs. HUTCHISON proposed an amendment to the bill S. 2400, supra.

SA 3153. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3154. Mr. FEINGOLD (for himself, Mrs. MURRAY, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3155. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3156. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3151. Mr. LAUTENBERG proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 184, between lines 16 and 17, insert the following:

Subtitle F—Provisions Relating To Certain Sanctions

SEC. 856. CLARIFICATION OF CERTAIN SANCTIONS.

(a) IN GENERAL.—

(1) CLARIFICATION OF CERTAIN ACTIONS UNDER IEEPA.—In any case in which the President takes action under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to a foreign country, or persons dealing with or associated with that foreign government, as a result of a determination by the Secretary of State that the government has repeatedly provided support for acts of international terrorism, such action shall apply to a United States person or other person as defined in paragraph (2).

(2) DEFINITIONS.—In this section:

(A) PERSON.—The term "person" means an individual, partnership, corporation, or other form of association, including any government or agency thereof.

(B) UNITED STATES PERSON.—The term "United States person" means—

(i) any resident or national (other than an individual resident outside the United States and employed by other than a United States person); and

(ii) any domestic concern (including any permanent domestic establishment of any foreign concern) or any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern, which is controlled in fact by such domestic concern.

(C) CONTROLLED.—The term "is controlled" means—

(i) in the case of a corporation, holds at least 50 percent (by vote or value) of the capital structure of the corporation; and

(ii) in the case of any other kind of legal entity, holds interests representing at least 50 percent of the capital structure of the entity.

(b) APPLICABILITY.—

(1) IN GENERAL.—In any case in which the President has taken action under the International Emergency Economic Powers Act and such action is in effect on the date of enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of enactment of this Act.

(2) ACTIONS AFTER DATE OF ENACTMENT.—In any case in which the President takes action under the International Emergency Economic Powers Act on or after the date of enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of such action.

SEC. 857. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

(a) NOTIFICATION REQUIREMENT.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

"SEC. 42. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

"The Director of the Office of Foreign Assets Control shall notify Congress upon the termination of any investigation by the Office of Foreign Assets Control of the Department of the Treasury if any sanction is imposed by the Director of such office as a result of the investigation.".

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

"Sec. 42. Notification of Congress of termination of investigation by Office of Foreign Assets Control.".

SA 3152. Mrs. HUTCHISON proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 147, after line 21, insert the following:

SEC. 717. ELIGIBILITY OF CADETS AND MIDSHIPMEN FOR MEDICAL AND DENTAL CARE AND DISABILITY BENEFITS.

(a) MEDICAL AND DENTAL CARE.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074a the following new section:

"§ 1074b. Medical and dental care: cadets and midshipmen

"(a) ELIGIBILITY.—Under joint regulations prescribed by the administering Secretaries, the following persons are, except as provided in subsection (c), entitled to the benefits described in subsection (b):

"(1) A cadet at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy, and a midshipman at the United States Naval Academy, who incurs or aggravates an injury, illness, or disease in the line of duty.

"(2) Each member of, and each designated applicant for membership in, the Senior Reserve Officers' Training Corps who incurs or aggravates an injury, illness, or disease in the line of duty while performing duties under section 2109 of this title.

"(b) BENEFITS.—A person eligible for benefits in subsection (a) for an injury, illness, or disease is entitled to—

"(1) the medical and dental care under this chapter that is appropriate for the treatment of the injury, illness, or disease until the injury, illness, disease, or any resulting disability cannot be materially improved by further hospitalization or treatment; and

"(2) meals during hospitalization.

"(c) EXCEPTION.—A person is not entitled to benefits under subsection (b) for an injury, illness, or disease, or the aggravation of an injury, illness, or disease that is a result of the gross negligence or the misconduct of that person.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074a the following new item:

"1074b. Medical and dental care: cadets and midshipmen of the service academies.".

(b) ELIGIBILITY OF ACADEMY CADETS AND MIDSHIPMEN FOR DISABILITY RETIRED PAY.—(1)(A) Section 1217 of title 10, United States Code, is amended to read as follows:

"§ 1217. Cadets, midshipmen, and aviation cadets: applicability of chapter

"(a) This chapter applies to cadets at the United States Military Academy, the United States Air Force Academy, and the United States Coast Guard Academy and midshipmen of the United States Naval Academy.

"(b) Monthly cadet pay and monthly midshipman pay under section 203(c) of title 37 shall be considered to be basic pay for purposes of this chapter and the computation of retired pay and severance and separation pay to which entitlement is established under this chapter.".

(B) The item related to section 1217 in the table of sections at the beginning of chapter 61 of such title is amended to read as follows:

"1217. Cadets, midshipmen, and aviation cadets: applicability of chapter.".

(2) The amendments made by paragraph (1) shall take effect on October 1, 2004.

SA 3153. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 58, after line 24, insert the following:

SEC. 364. CONSOLIDATION AND IMPROVEMENT OF AUTHORITIES FOR ARMY WORKING-CAPITAL FUNDED FACILITIES TO ENGAGE IN PUBLIC-PRIVATE PARTNERSHIPS.

(a) PUBLIC-PRIVATE PARTNERSHIPS AUTHORIZED.—Chapter 433 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4544. Army industrial facilities: public-private partnerships

"(a) PUBLIC-PRIVATE PARTNERSHIPS AUTHORIZED.—A working-capital funded Army industrial facility may enter into cooperative arrangements with non-Army entities to carry out military or commercial projects with the non-Army entities. A cooperative arrangement under this section shall be known as a 'public-private partnership'.

"(b) AUTHORIZED PARTNERSHIP ACTIVITIES.—A public-private partnership entered into by an Army industrial facility may provide for any of the following activities:

"(1) The sale of articles manufactured by the facility or services performed by the facility to persons outside the Department of Defense.

"(2) The performance of—

"(A) work by a non-Army entity at the facility; or

"(B) work for a non-Army entity by the facility.

"(3) The sharing of work by the facility and one or more non-Army entities.

"(4) The leasing, or use under a facilities use contract or otherwise, of the facility (including excess capacity) or equipment (including excess equipment) of the facility by a non-Army entity.

"(5) The preparation and submission of joint offers by the facility and one or more non-Army entities for competitive procurements entered into with a department or agency of the United States.

"(6) Any other cooperative effort by the facility and one or more non-Army entities that the Secretary of the Army determines appropriate, whether or not the effort is similar to an activity described in another paragraph of this subsection.

"(c) CONDITIONS FOR PUBLIC-PRIVATE PARTNERSHIPS.—An activity described in subsection (b) may be carried out as a public-private partnership at an Army industrial facility only under the following conditions:

"(1) In the case of an article to be manufactured or services to be performed by the facility, the articles can be substantially manufactured, or the services can be substantially performed, by the facility without subcontracting for more than incidental performance.

"(2) The activity does not interfere with performance of—

"(A) work by the facility for the Department of Defense; or

"(B) a military mission of the facility.

"(3) The activity meets one of the following objectives:

"(A) Maximize utilization of the capacity of the facility.

"(B) Reduction or elimination of the cost of ownership of the facility.

"(C) Reduction in the cost of manufacturing or maintaining Department of Defense products at the facility.

"(D) Preservation of skills or equipment related to a core competency of the facility.

"(4) The non-Army entity partner or purchaser agrees to hold harmless and indemnify the United States from any liability or claim for damages or injury to any person or property arising out of the activity, including any damages or injury arising out of a decision by the Secretary of the Army or the Secretary of Defense to suspend or terminate an activity, or any portion thereof, during a war or national emergency or to require the facility to perform other work or provide other services on a priority basis, except—

"(A) in any case of willful misconduct or gross negligence; or

"(B) in the case of a claim by a purchaser or articles or services under this section that damages or injury arose from the failure of the Government to comply with quality or cost performance requirements in the contract to carry out the activity.

"(d) Methods of Public-Private Partnerships.—To conduct an activity of a public-private partnership under this section, the approval authority described in subsection (f) for an Army industrial facility may, in the exercise of good business judgment—

"(1) provide a service or article without advertisement;

"(2) enter into a firm, fixed-price contract (or, if agreed to by the purchaser, a cost reimbursement contract) for a sale of articles or services or use of equipment or facilities;

"(3) enter into a multiyear partnership contract for a period not to exceed five years, unless a longer period is specifically authorized by law;

"(4) charge a partner, at a minimum, the variable costs, capital improvement costs, and equipment depreciation costs associated with providing the articles, services, equipment, or facilities;

"(5) authorize a partner to use incremental funding to pay for the articles, services, or use of equipment or facilities;

"(6) accept payment-in-kind; and

"(7) perform a reasonable amount of work in advance of receipt of payment.

"(e) Deposit of Proceeds.—The proceeds derived from sales of articles and services under this section shall be credited to the working-capital fund that incurs the costs of manufacturing the articles or performing the services. Notwithstanding section 3302(b) of title 31, a reasonable portion of the proceeds (from sources other than appropriated funds) derived from the sale of articles or services under this section may be retained in a separate account of the applicable fund to be available for paying design costs, planning costs, procurement costs, promotional or marketing costs, and other costs associated with articles and services sold. Amounts retained in such separate account shall remain available, without further appropriation, until expended. In addition, consideration for lease or facility use agreements may be accepted by the applicable fund of the facility concerned.

"(f) Approval of Sales.—The authority of an Army industrial facility to conduct a public-private partnership under this section shall be exercised at the level of the commander of the major subordinate command of the Army that has responsibility for the facility. The commander may approve such partnership on a case basis or a class basis.

"(g) Commercial Sales.—Except in the case of work performed for the Department of Defense, for a contract of the Department of Defense, for foreign military sales, or for authorized foreign direct commercial sales (defense articles or defense services sold to a foreign government or international organization under export controls), a sale of articles or services may be made under this section only if the approval authority described in subsection (f) determines that either—

"(1) the articles or services are not available from a commercial source located in the United States in the required quantity or quality, or within the time required; or

"(2) a commercial source has requested the articles be made or the services be performed by the facility.

"(h) Exclusion From Depot-Level Maintenance and Repair Percentage Limitation.—Amounts expended for depot-level maintenance and repair workload by non-Federal personnel at an Army industrial facility shall not be counted for purposes of applying the percentage limitation in section 2466(a) of this title if the personnel are provided by a non-Army entity pursuant to a public-private partnership established under this section.

"(i) Promotion of Use of Public-Private Partnerships.—The Secretary of the Army shall ensure that, in a solicitation for the award of a production or support contract for a major system, each person include in its offer a proposal to conduct a fair share, as determined by the Secretary, of the maintenance, repair, or sustainment work on the major system at an Army industrial facility pursuant to a public-private partnership established under this section.

"(j) Relationship to Other Laws.—(1) Nothing in this section shall be construed to affect the application of—

"(A) foreign military sales and the export controls provided for in sections 30 and 38 of the Arms Export Control Act (22 U.S.C. 2770 and 2778) to activities of a public-private partnership under this section; and

"(B) section 2667 of this title to leases of non-excess property in the administration of a public-private partnership under this section.

"(2) Section 2304e of this title does not apply in the case of a transaction entered into under the authority of this section for an activity of a public-private partnership.

"(3) Section 1341 of title 31 does not apply in the case of a transaction entered into under subsection (d)(7).

"(k) Definitions.—In this section:

"(1) The term 'Army industrial facility' includes an ammunition plant, an arsenal, a depot, and a manufacturing plant.

"(2) The term 'non-Army entity' includes the following:

"(A) An executive agency (other than the Department of the Army).

"(B) An entity in industry or commercial sales.

"(C) A State or political subdivision of a State.

"(D) An institution of higher education or vocational training institution.

"(3) The term 'incremental funding' means a series of partial payments that—

"(A) are made as the work on manufacture or articles is being performed or services are being performed or equipment or facilities are used, as the case may be; and

"(B) result in full payment being completed as the required work is being completed.

"(4) The term 'variable costs' means the costs that are expected to fluctuate directly with the volume of sales or services provided or the use of equipment or facilities.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4544. Army industrial facilities: public-private partnerships.".

SA 3154. Mr. FEINGOLD (for himself, Mrs. Murray, and Mr. Dayton) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 131, between lines 17 and 18, insert the following:

Subtitle F—Leave for Military Families

SEC. 661. SHORT TITLE.

This subtitle may be cited as the "Military Families Leave Act of 2004".

SEC. 662. GENERAL REQUIREMENTS FOR LEAVE.

(a) Entitlement to Leave.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) Entitlement to leave due to family member's active duty.—

"(A) In general.—Subject to section 103(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

"(i) on active duty in support of a contingency operation; or

"(ii) notified of an impending call or order to active duty in support of a contingency operation.

"(B) Conditions and time for taking leave.—An eligible employee shall be entitled to take leave under subparagraph (A)—

"(i) while the employee's spouse, son, daughter, or parent (referred to in the subparagraph as the 'family member') is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

"(ii) only for issues relating to or resulting from such family member's—

"(I) service on active duty in support of a contingency operation; and

"(II) if a member of a reserve component of the Armed Forces—

"(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

"(bb) service on active duty in support of such operation.

"(4) Limitation.—No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.".

(b) Schedule.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.".

(c) Substitution of Paid Leave.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting "or subsection (a)(3)" after "subsection (a)(1)".

(d) Notice.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

"(3) Notice for leave due to family member's active duty.—An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employer as is practicable.".

(e) Certification.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) Certification for Leave Due to Family Member's Active Duty.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.".

SEC. 663. LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) ENTITLEMENT TO LEAVE.—Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

"(3)(A) Subject to section 6383(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

"(i) on active duty in support of a contingency operation; or

"(ii) notified of an impending call or order to active duty in support of a contingency operation.

"(B) An eligible employee shall be entitled to take leave under subparagraph (A)—

"(i) while the employee's spouse, son, daughter, or parent (referred to in the subparagraph as the 'family member') is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

"(ii) only for issues relating to or resulting from such family member's—

"(I) service on active duty in support of a contingency operation; and

"(II) if a member of a reserve component of the Armed Forces—

"(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

"(bb) service on active duty in support of such operation.

"(4) No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.".

(b) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.".

(c) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by inserting "or subsection (a)(3)" after "subsection (a)(1)".

(d) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

"(3) An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employing agency as is practicable.".

(e) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.".

SA 3155. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 296, between lines 14 and 15, insert the following:

TITLE XIII—VETERANS' ENHANCED TRANSITION SERVICES

SEC. 1301. SHORT TITLE.

This title may be cited as the "Veterans' Enhanced Transition Services Act of 2004".

SEC. 1302. IMPROVED ADMINISTRATION OF TRANSITIONAL ASSISTANCE PROGRAMS.

(a) TRANSMITTAL OF MEDICAL RECORDS OF ALL MEMBERS SEPARATING FROM ACTIVE DUTY TO DEPARTMENT OF VETERANS AFFAIRS.—Chapter 58 of title 10, United States Code, is amended—

(1) by inserting before subsection (c) of section 1142 the following:

"§ 1142a. Members separating from active duty: transmittal of medical records to Department of Veterans Affairs";

(2) by striking "(c) TRANSMITTAL OF MEDICAL INFORMATION TO DEPARTMENT OF VETERANS AFFAIRS.—"; and

(3) by striking "a member being medically separated or being retired under chapter 61 of this title" and inserting "each member who is entitled to counseling and other services under section 1142 of this title".

(b) PRESEPARATION COUNSELING.—(1) Subsection (a) of section 1142 of title 10, United States Code, is amended—

(A) in paragraph (1), by striking "shall provide for individual separation counseling" and inserting "shall provide individual separation counseling";

(B) by redesignating paragraph (4) as paragraph (6); and

(C) by inserting after paragraph (3) the following new paragraphs:

"(4) For members of the reserve components being separated from service on active duty for a period of more than 30 days, the Secretary concerned shall require that preseparation counseling under this section be provided to all such members (including officers) before the members are separated.

"(5) The Secretary concerned shall ensure that commanders of members entitled to services under this section authorize the members to obtain such services during duty time.".

(2) Subsection (b)(4) of such section 1142 is amended by striking "(4) Information concerning" and inserting the following:

"(4) Provide information on civilian occupations and related assistance programs, including information about—

"(A) certification and licensure requirements that are applicable to civilian occupations;

"(B) civilian occupations that correspond to military occupational specialties; and

"(C)".

(3) Section 1142 of such title is further amended by adding at the end the following new subsections:

"(c) ADDITIONAL REQUIREMENTS.—(1) The Secretary concerned shall ensure that—

"(A) preseparation counseling under this section includes material that is specifically relevant to the needs of persons being separated from active duty by discharge from a regular component of the armed forces and the needs of members of the reserve components being separated from active duty;

"(B) the locations at which preseparation counseling is presented to eligible personnel include—

"(i) inpatient medical care facilities of the uniformed services where such personnel are receiving inpatient care; and

"(ii) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, a location reasonably convenient to the member.

"(C) the scope and content of the material presented in preseparation counseling at each location under this section are consistent with the scope and content of the material presented in the preseparation counseling at the other locations under this section; and

"(D) followup counseling is provided for each member of the reserve components described in subparagraph (A) not later than 180 days after separation from active duty.

"(2) The Secretary concerned shall, on a continuing basis, update the content of the materials used by the National Veterans Training Institute and such officials' other activities that provide direct training support to personnel who provide preseparation counseling under this section.

"(d) NATIONAL GUARD MEMBERS ON DUTY IN STATE STATUS.—(1) Members of the National Guard being separated from long-term duty to which ordered under section 502(f) of title 32 shall also be provided preseparation counseling under this section to the same extent that members of the reserve components being discharged or released from active duty are provided preseparation counseling under this section.

"(2) The Secretary of Defense shall prescribe in regulations the standards for determining long-term duty for the purposes of paragraph (1).".

(4)(A) The heading for section 1142 of such title is amended to read as follows:

"§ 1142. Members separating from active duty: preseparation counseling".

(B) The table of sections at the beginning of chapter 58 of such title is amended by striking the item relating to section 1142 and inserting the following new items:

"1142. Members separating from active duty: preseparation counseling.
"1142a. Members separating from active duty: transmittal of medical records to Department of Veterans Affairs.".

(c) DEPARTMENT OF LABOR TRANSITIONAL SERVICES PROGRAM.—(1) Subsection (c) of section 1144 of title 10, United States Code, is amended to read as follows:

"(c) PARTICIPATION.—(1) Subject to paragraph (2), the Secretary of Defense and the Secretary of Homeland Security shall require participation by members of the armed forces eligible for assistance under the program carried out under this section.

"(2) The Secretary of Defense and the Secretary of Homeland Security need not require, but shall encourage and otherwise promote, participation in the program by the following members of the armed forces described in paragraph (1):

"(A) Each member who has previously participated in the program.

"(B) Each member who, upon discharge or release from active duty, is returning to—

"(i) a position of employment previously held by such member; or

"(ii) pursuit of an academic degree or other educational or occupational training objective that the member was pursuing when called or ordered to such active duty.".

(2) Subsection (a)(1) of such section is amended by striking "paragraph (4)(A)" in the second sentence and inserting "paragraph (6)(A)".

(d) STUDY ON COORDINATION OF JOB TRAINING AND CERTIFICATION STANDARDS.—The Secretary of Defense and the Secretary of Labor shall jointly carry out a study to determine ways to coordinate the standards applied by the Armed Forces for the training and certification of members of the Armed Forces in military occupational specialties with the standards that apply under State laws to the training and certification of persons in corresponding civilian occupations.

SEC. 1303. BENEFITS DELIVERY DISCHARGE PROGRAM.

(a) Accessibility of Information.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

"§1154. Requirements applicable to all benefits delivery at discharge programs

"(a) Locations.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall ensure that the benefits delivery at discharge programs for members of the armed forces are provided—

"(1) at each installation and inpatient medical care facility of the uniformed services at which personnel eligible for assistance under the programs are discharged from the armed forces; and

"(2) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, at a location reasonably convenient to the member.

"(b) Participation of Military and Veterans' Service Organizations.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall ensure that representatives of military and veterans' service organizations and representatives of veterans' services agencies of States are invited to participate in the benefits delivery at discharge programs at the locations where assistance under the programs is provided.

"(c) Benefits Delivery at Discharge Programs Defined.—In this section, the term 'benefits delivery at discharge programs' means the programs under sections 1142 and 1144 of this title and any similar programs administered by, in conjunction with, or in consultation with the Secretary of Defense or the Secretary of a military department.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1154. Requirements applicable to all benefits delivery at discharge programs.".

SEC. 1304. POST-DEPLOYMENT MEDICAL ASSESSMENT AND SERVICES.

(a) Improvement of Medical Tracking System for Members Deployed Overseas.—Section 1074f of title 10, United States Code, is amended—

(1) in subsection (b), by striking "(including an assessment of mental health" and inserting "(which shall include mental health screening and assessment";

(2) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (b) the following new subsections:

"(c) Medical Examinations.—(1) The Secretary of Defense shall prescribe the minimum content and standards that apply for the medical examinations required under this section. The Secretary shall ensure that the content and standards prescribed under the preceding sentence are applied uniformly at all installations and medical facilities of the armed forces where medical examinations required under this section are performed for members of the armed forces returning from a deployment as described in subsection (a).

"(2) The content and standards prescribed under paragraph (1) for mental health screening and assessment shall include content and standards for screening acute post-traumatic stress disorder and delayed onset post-traumatic stress disorder, and shall specifically include questions to identify all stressors experienced by members that have the potential to lead to post-traumatic stress disorder.

"(3) An examination consisting solely or primarily of an assessment questionnaire completed by a member does not meet the requirements of this subsection for a medical examination and does not meet the requirements of this section for an assessment.

"(4) An examination of a member required under this section may not be waived by the Secretary (or any official exercising the Secretary's authority under this section) or by the member.

"(d) Followup Services.—(1) The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall ensure that appropriate actions are taken to assist a member who, as a result of a medical examination carried out under the system established under this section, is identified or suspected as having an illness (including any mental health condition) or injury.

"(2) Assistance required to be provided a member under paragraph (1) includes the following:

"(A) Care and treatment and other services that the Secretary of Defense or the Secretary of Veterans Affairs may provide such member under any other provision of law, as follows:

"(i) Clinical services, including counseling and treatment for post-traumatic stress disorder and other mental health conditions.

"(ii) Any other care, treatment, and services.

"(B) Assistance to enroll in the Department of Veterans Affairs health care system for health care benefits for which the member is eligible under laws administered by the Secretary of Veterans Affairs.".

(b) Report on PTSD Cases.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the services provided members and former members of the Armed Forces who experience post-traumatic stress disorder (and related conditions) associated with service in the Armed Forces.

(2) The report under paragraph (1) shall include a discussion of the policies, plans, and procedures of the Department of Defense and the Department of Veterans Affairs for—

(A) the identification of cases of persons experiencing post-traumatic stress disorder or related conditions, intervention in such cases, and treatment of such persons; and

(B) the training of Department of Defense personnel and Department of Veterans Affairs personnel regarding such disorder and conditions.

(c) Study on DoD-VA Coordination and Cooperation.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly carry out a study to identify ways to improve the coordination and cooperation between the two departments to support the provision of veterans' benefits to members and former members of the Armed Forces who have been deployed as described in section 1074f(a) of title 10, United States Code, as well as to other members and former members of the Armed Forces.

(2) The study under paragraph (1) shall, at a minimum, address the following matters:

(A) Compatibility of health care filing systems.

(B) Consistency of claims forms.

(C) Consistency of medical examination forms.

(D) Shared electronic database with appropriate privacy protections.

SEC. 1305. ACCESS OF MILITARY AND VETERANS SERVICE AGENCIES AND ORGANIZATIONS.

(a) Department of Defense.—(1) Chapter 58 of title 10, United States Code, as amended by section 1303(a), is further amended by adding at the end the following new section:

"§1155. Veteran-to-veteran preseparation counseling

"(a) Cooperation Required.—The Secretary of Defense shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to provide preseparation counseling and services to members of the armed forces who are scheduled, or are in the process of being scheduled, for discharge, release from active duty, or retirement.

"(b) Elements of Program.—The program under this section shall include the following elements:

"(1) Invitation to representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to participate in the preseparation counseling and other assistance briefings provided to members under the programs carried out under sections 1142 and 1144 of this title.

"(2) Support for the outreach programs of such organizations and agencies by providing the organizations and agencies with the names and addresses of members of the armed forces described in subsection (a), including, in particular, members who are being separated from active duty upon return from a deployment in support of a contingency operation.

"(c) Locations.—The program under this section shall provide for access to members—

"(1) at each installation of the armed forces;

"(2) at each inpatient medical care facility of the uniformed services administered under chapter 55 of this title; and

"(3) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, at a location reasonably convenient to the member.

"(d) Waiver of Access Restrictions.—To carry out elements of the program under subsection (b), the Secretary of Defense may waive the applicable provisions of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note) to the extent necessary to ensure that representatives of military and veterans' service organizations and representatives of veterans' services agencies of States have access to members and former members of the uniformed services in medical treatment facilities of the uniformed services.

"(e) Consent of Members Required.—Access to a member of the armed forces under the program under this section is subject to the consent of the member.".

(2) The table of sections at the beginning of such chapter, as amended by section 1303(b), is amended by adding at the end the following new item:

"1155. Veteran-to-veteran preseparation counseling.".

(b) Department of Veterans Affairs.—(1) Subchapter 1 of chapter 17 of title 38, United

States Code, is amended by adding at the end the following new section:

"§ 1709. Veteran-to-veteran counseling

"(a) Cooperation Required.—The Secretary shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to veterans furnished care and services under this chapter to provide information and counseling to such veterans on the care and services authorized by this chapter and on other benefits and services available under the laws administered by the Secretary.

"(b) Facilities Covered.—The program under this section shall provide for access to veterans described in subsection (a) at each facility of the Department or non-Department facility at which the Secretary furnishes care and services under this chapter.

"(c) Waiver of Access Restrictions.—To carry out the program under this section, the Secretary may waive the applicable provisions of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) to the extent necessary to ensure that representatives of military and veterans' service organizations and representatives of veterans' services agencies of States have access to veterans described in subsection (a) at the facilities referred to in subsection (b).

"(d) Consent of Veterans Required.—Access to a veteran under the program under this section is subject to the consent of the veteran.".

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 1708 the following new item:

"1709. Veteran-to-veteran counseling.".

SEC. 1306. COLLEGE CREDIT FOR SERVICE IN ARMED FORCES.

(a) Requirement for Program.—Chapter 58 of title 10, United States Code, as amended by section 1305(a), is further amended by adding at the end the following new section:

"§ 1156. College credit for training in the armed forces

"The Secretary of Defense shall carry out a program to assist members of the armed forces being discharged, released from active duty, or retired to obtain college credit for training received as a member of the armed forces.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter, as amended by section 1305(a)(2), is amended by adding at the end the following new item:

"1156. College credit for training in the armed forces.".

SA 3156. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 280, after line 22, insert the following:

SEC. 1068. POSTHUMOUS COMMISSION OF WILLIAM MITCHELL IN THE GRADE OF MAJOR GENERAL IN THE ARMY.

(a) Authority.—The President may issue posthumously a commission as major general, United States Army, in the name of the late William "Billy" Mitchell, formerly a colonel, United States Army, who resigned his commission on February 1, 1926.

(b) Date of Commission.—A commission issued under subsection (a) shall issue as of the date of the death of William Mitchell on February 19, 1936.

(c) Prohibition of Benefits.—No person is entitled to receive any bonus, gratuity, pay, allowance, or other financial benefit by reason of the enactment of this section.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, I announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a meeting on May 19, 2004 in SH–216 at 10:30 a.m. The purpose of this meeting will be to mark up legislation to reauthorize child nutrition programs.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGING

Mr. WARNER. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Monday, May 17, 2004 from 2 p.m.–5 p.m., in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Chistine Dodd, my staff member, be allowed the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that privilege of the floor be granted to Christopher Povak of Senator LIEBERMAN's staff during consideration of S. 2400.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that a member of Senator MCCAIN's staff, Mr. Frederick Latrash, be granted the privileges of the floor during consideration of S. 2400.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that Tranche Montague, from my staff, be granted the privileges of the floor during consideration of S. 2400.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, on behalf of Senator KENNEDY, I ask unanimous consent that Chris Alexander be granted floor privileges during the consideration of S. 2400.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, as if in morning business, I would like to turn to the Executive Calendar.

I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's calendar:

Calendar No. 692, the nomination of MG David H. Petraeus.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. David H. Petraeus, 1960

Mr. WARNER. Mr. President, for the benefit of all Members, I have known this fine officer for many years. He served a tour in Iraq with great distinction and returned. I think he then offered his services to go back over to help with the rebuilding of various sections of the Iraqi Army and offered other services to try to build up that nation's ability to defend itself internally as well as in many external affairs.

GENERAL PETRAEUS

● Mr. FRIST. Mr. President, I rise today to say a few words in support of my good friend, Major General David Petraeus. On May 4, the President nominated General Petraeus for appointment to the grade of lieutenant general and assignment as chief of the Office of Security Transition—Iraq.

As head of the Office of Security Transition, General Petraeus will be charged with demobilizing militias and organizing and training the Iraqi military, civil defense force, police, and protective services. His mission is a vital part of helping Iraqis come together as a nation.

General Petraeus embodies all the values of a true soldier serving his country. Leadership, bravery, duty, honor. Indeed, he is one of our most talented soldiers.

I first met General Petraeus in 1991, while I was serving as a heart surgeon at the Vanderbilt University Medical Center in Nashville. I got an afternoon call from the emergency room that a person with a gunshot wound was being rushed to the hospital. I knew the person had been shot in the chest and at close range with an M–16.

When General Petraeus arrived, he was bleeding faster than the blood could be replenished so I put in a chest tube and we headed to the operating room. On the way to the operating room, I remember explaining to him the risk of infection from the bullet. I didn't get more than halfway through my explanation before he responded with, "Doctor, let's go get this over with; you need to tell me nothing more."

Very few people would have been out of bed within 12 hours of surgery. But General Petraeus is a strong and determined man.

Anyone who has ever seen him with his soldiers can see his dedication and commitment to those he leads.

The record of the 101st Airborne and the leadership of General Petraeus speaks for itself.

Over a year ago, General Petraeus and the 101st Airborne Assault Division, along with the 160th SOAR and Fifth Special Operations Group, departed Fort Campbell for action in Iraq and to engage hostile forces in the War on Terror in Afghanistan. This past year the Screaming Eagles lived up to the division's motto of "rendezvous with destiny." They endured untold hardships, confronted incredible obstacles, and completed their mission with astounding results.

They began with a grueling and dangerous trek north from Kuwait in which they liberated countless Iraqis. Arriving in Northern Iraq on April 22, 2003, the division conducted the longest air assault in history, and quickly assumed responsibility for the ancient city of Mosul and the security of its citizens. Within 2 weeks of arriving in Mosul, the division rebuilt Khazir Bridge and facilitated the first free election in Iraq since the rise of the oppressive Baathists, allowing local leaders to elect the city's new mayor and regional governor.

In late July, acting on the word of a number of Iraqi citizens, the 101st was successful in locating Uday and Qusay Hussein. These two brutal thugs, along with their father, were symbols of an oppressive, evil regime that millions of Iraqis were forced to endure for decades.

Having successfully contained much of the remaining threat, the Screaming Eagles wasted no time in distinguishing themselves not only as liberators, but as partners in Iraq's reinvention. General Petraeus acted as a civil administrator by overseeing projects restoring electricity and water services, replenishing the area's supply of cooking oil, digging new wells, refurbishing over 500 schools, and building new health clinics. All of these projects were major successes.

I commend General Petraeus for his service and devotion to our Nation. I greatly respect his leadership. I applaud the good work that the 101st has been able to accomplish for the Iraqi people and in the war on terrorism. I can think of no better individual to take on this important and difficult duty. I urge my colleagues to approve General Petraeus' promotion to the rank of lieutenant general.●

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MEASURE PLACED ON THE CALENDAR—H.R. 4275

Mr. WARNER. Mr. President, under rule XIV, I understand that H.R. 4275 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4275) to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate, and for other purposes.

Mr. WARNER. I now ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read a second time on the next legislative day.

NATIONAL SAFETY MONTH

Mr. WARNER. Mr. President, I turn to calendar 512, S. Res. 331, National Safety Month.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 331) designating June 2004 as National Safety Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. I ask consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements related to the bill appear in the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 331) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 331

Whereas the mission of the National Safety Council is to educate and influence society to adopt safety, health, and environmental policies, practices, and procedures that prevent and mitigate human suffering and economic losses arising from preventable causes;

Whereas the National Safety Council works to protect lives and promote health with innovative programs;

Whereas the National Safety Council, founded in 1913, is celebrating its 91st anniversary in 2004 as the premier source of safety and health information, education, and training in the United States;

Whereas the National Safety Council was congressionally chartered in 1953, and is celebrating its 51st anniversary in 2004 as a congressionally chartered organization;

Whereas even with advancements in safety that create a safer environment for the people of the United States, such as new legislation and improvements in technology, the unintentional-injury death toll is still unacceptable;

Whereas citizens deserve a solution to nationwide safety and health threats;

Whereas such a solution requires the cooperation of all levels of government, as well as the general public;

Whereas the summer season, traditionally a time of increased unintentional-injury fatalities, is an appropriate time to focus attention on both the problem and the solution; and

Whereas the theme of "National Safety Month" for 2004 is "Crash-Free June", a national initiative intended to reduce motor vehicle crashes, which are the leading cause of injury death in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2004 as "National Safety Month"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities that promote acknowledgment, gratitude, and respect for the advances of the National Safety Council and its mission.

HONORING THE CONTRIBUTION OF WOMEN ON THE HOMEFRONT DURING WORLD WAR II

Mr. WARNER. Mr. President, I ask consent that the Health, Education, Labor, and Pensions Committee, be discharged from further action on S. Con. Res. 103 and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

The concurrent resolution (S. Con. Res. 103), honoring the contribution of the women, symbolized by "Rosie the Riveter," who served on the home-front during World War II, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WARNER. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 103) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 103

Whereas during World War II, 6,000,000 women stepped forward to work in homefront industries to produce the ships, planes, tanks, trucks, guns, and ammunition that were crucial to achieving an Allied victory;

Whereas women worked in homefront industries as welders, riveters, engineers, designers, and managers, and held other positions that had traditionally been held by men;

Whereas these women demonstrated great skill and dedication in the difficult and often dangerous jobs they held, which enabled them to produce urgently needed military equipment at recordbreaking speeds;

Whereas the need for labor in homefront industries during World War II opened new employment opportunities for women from all walks of life and dramatically increased gender and racial integration in the workplace;

Whereas the service of women on the homefront during World War II marked an unprecedented entry of women into jobs that had traditionally been held by men and created a lasting legacy of the ability of women to succeed in those jobs;

Whereas these women devoted their hearts and souls to their work to assure safety and success for their husbands, sons, and other loved ones on the battle front;

Whereas the needs of working mothers resulted in the creation of child care programs, leading to the lasting legacy of public acceptance of early child development and care outside the home;

Whereas the needs of women on the homefront led to employer-sponsored prepaid and preventative health care never before seen in the United States; and

Whereas in 2000, Congress recognized the significance to the Nation of the industrial achievements on the homefront during World War II and the legacy of the women who worked in those industries through the establishment of the Rosie the Riveter World War II Home Front National Historical Park in Richmond, California, as a unit of the National Park System: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the extraordinary contributions of the women whose dedicated service on the homefront during World War II was instrumental in achieving an Allied victory;

(2) recognizes the lasting legacy of equal employment opportunity and support for child care and health care that developed during the "Rosie the Riveter" era; and

(3) calls on the people of the United States to take the opportunity to study, reflect on, and celebrate the stories and accomplishments of women who served the Nation as "Rosies" during World War II.

Mr. WARNER. I ask unanimous consent that the Senator from Virginia be made a cosponsor of that resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, MAY 18, 2004

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m., Tuesday, May 18; I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee and the second 30 minutes under the control of the Democratic leader or his designee; provided that following morning business, the Senate begin consideration of H.R. 3104, providing medals for our service men and women as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I ask consent the Senate recess from 12:30 to 2:15 for the party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. Mr. President, tomorrow, following morning business, the Senate will begin consideration of the service medals legislation. Under the previous order, there will be a short period of debate prior to a vote on passage. If all time is used, that vote will occur at approximately 11:15 a.m. The vote on the service medals bill will be the first vote of the day.

The Senate will then resume consideration of the Department of Defense authorization bill. We are prepared to consider amendments and I encourage Senators to notify us of their intent to offer amendments so we can begin to schedule for their consideration. It is the leader's intention to complete action on this bill by the end of the week.

Following the party luncheons, the Senate is scheduled to proceed to a cloture vote on the nomination of Marcia Cooke to be a district judge for the Southern District of Florida. Discussions on the state of judicial nominations are ongoing, and it is possible we may not require this cloture vote.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. WARNER. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:13 p.m., adjourned until Tuesday, May 18, 2004, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate May 17, 2004:

THE JUDICIARY

MICHAEL H. SCHNEIDER, SR., OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS, VICE JOHN H. HANNAH, JR., DECEASED.

DEPARTMENT OF STATE

CHRISTOPHER WILLIAM DELL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

INTER-AMERICAN FOUNDATION

NADINE HOGAN, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING JUNE 26, 2008, VICE FRANK D. YTURRIA, TERM EXPIRED.

JACK VAUGHN, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2006, VICE PATRICIA HILL WILLIAMS, TERM EXPIRED.

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT

To be assistant surgeon

DANIEL MOLINA
JAMES D. WARNER

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be assistant surgeon

SONGHAI BARCLIFT
ANTHONY DUNNIGAN
DAISY ENG
RICHARD HEDLUND
MITCHELL MATHIS
MATTHEW OLNES
TOBE PROPST
GREGORY WOITTE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT

To be medical director

ALVIN ABRAMS
KELLY J. ACTON
ROBERT F. ANDA
JON K. ANDRUS
ROBERT J. BERRY
SUZANNE BINDER
EDWARD A. BRANN
RICHARD T. CALDWELL
VITO M. CASERTA
KENNETH G. CASTRO
ROBERT T. CHEN
THOMAS J. CREELMAN
JEFFREY A. CUTLER
DEAN F. EFFLER
DELORES A. ENDRES
RUTH A. ETZEL
MARIO E. FAJARDO
JOHN T. FRIEDRICH
HELENE D. GAYLE
THOMAS P. GROSS
DOUGLAS H. HAMILTON
HARRY W. HAVERKOS
BARBARA L. HERWALDT
SCOTT D. HOLMBERG
JOSEPH P. ISER
JOSEPH M. KACZMARCZYK
JONATHAN E. KAPLAN
CAROLYN V. LEE
SCOTT R. LILLIBRIDGE
NEIL J. MAKELA
THURMA MCCANN GOLDMAN
RICHARD J. MILLER
MELINDA MOORE
THOMAS R. NAVIN
RICHARD W. NISKA
STEPHEN M. OSTROFF
THOMAS A. PETERMAN
FRANK O. RICHARDS JR.
LAWRENCE D. ROBERTSON JR.
WILLIAM M. SAPPENFIELD
PAUL J. SELIGMAN
MARY K. SERDULA
PHILLIP L. SMITH
MICHAEL E. ST LOUIS
LOIS F. STEELE
RICHARD W. STEKETEE
ROBERT V. TAUXE
HUGH K. TYSON
WILLIAM C. VANDERWAGEN
DONNA L. VOGEL
RONALD J. WALDMAN
JOHN W. WARD
JAY D. WENGER
SCOTT F. WETTERHALL
STEFAN Z. WIKTOR
ALLEN J. WILCOX
LYNNE S. WILCOX
RAY YIP

To be senior surgeon

STEVEN B. AUERBACH
MARGARET C. BASH
RALPH T. BRYAN

JAY C. BUTLER
GEOFFREY M. CALVERT
RICHARD J. CALVERT
GRANT L. CAMPBELL
ARTURO H. CASTRO
DONALD W. CLARK
GEORGE A. CONWAY
ROBERT L. DANNER JR.
MARK E. DELOWERY
LUIS G. ESCOBEDO
ARTHUR J. FRENCH III
AURELIO GALATI
STEVEN K. GALSON
MARTA L. GWINN
DAVID M. HARLAN
GEORGE H. HAYS JR.
RICHARD L. HAYS
CLARE HELMINIAK
BRADLEY S. HERSH
PAUL J. HIGGINS
NOREEN A. HYNES
KATHLEEN L. IRWIN
WILLIAM J. KASSLER
VIRGINIA B. KOPELMAN
SANDRA L. KWEDER
EVE M. LACKRITZ
WILLIAM C. LEVINE
JAMES A. LEWIS
RONALD LIEBERMAN
BORIS D. LUSHNIAK
FRANK J. MAHONEY
WILLIAM J. MARX JR.
ELAINE MILLER
JOHN S. MORAN
PHUC NGUYEN-DINH
MANETTE T. MALACANE NIU
ELIZABETH ORTIZ-RIOS
BRADLEY A. PERKINS
ROGER D. PROCK
ROBERT E. QUICK III
STEPHEN J. RITH-NAJARIAN
EVELYN M. RODRIGUEZ
LISA S. ROSENBLUM
ANNE SCHUCHAT
STEVEN G. SCOTT
DONALD J. SHARP
SAM S. SHEKAR
MITCHELL SINGAL
LAURENCE M. SLUTSKER
DANIEL M. SOSIN
THOMAS K. STEMPEL
DAVID L. SWERDLOW
JORDAN W. TAPPERO
JACK A. TAYLOR
JUDITH THIERRY
THOMAS J. WALSH
WALTER W. WILLIAMS
JESSIE S. WING

To be surgeon

H. ALAN ARBUCKLE
SUSAN BLANK
KIM C. BROWNELL
D. W. CHEN
SCOTT F. DOWELL
ROSEMARIE HIRSCH
SARAH R. LINDE-FEUCHT
KAREN L. PARKO
MARY C. PORVAZNIK
STEVEN G. SCOTT
KENNETH SOWINSKI
STEVE J. TIERNEY

To be senior assistant surgeon

WILLIAM H. DUNN JR.
DIANA L. DUNNIGAN
DAVID R. GAHN
JOHN M. HARDIN
TANIA A. HURLBUTT
DOROTHY A. JENSEN
PAUL D. MAHER
MARIE A. RUSSELL
JOHN W. VANDERHOOF
JULIA C. WATKINS

To be dental director

VICTOR R. ALOS
MICHAEL J. ALPERT
WILLIAM D. BAILEY
BARBARA B. BEACH
ROBERT A. BEST
STEVEN M. BOE
FRED E. COY III
ALAN R. DEUBNER
M. ANN DRUM
WILLIAM E. EVANS
MICHAEL R. FOUNTAIN
RICHARD T. HIGHAM
BENJAMIN F. HOWARD
JAMES J. JAN
JAN T. JOSEPHSON
GARY J. KAPLOWITZ
JAMES M. LOGAN
MICHAEL L. MARK
RAY M. MCCULLOUGH
GENE J. MCELHINNEY
MARIAN P. MEHEGAN
ROBERT J. MORK
MARK E. NEHRING
STEVEN R. NEWMAN
MIGUEL RICO
JOHN L.M. ROBINSON
RAUL A. ROMAGUERA
ROBERT H. SELWITZ
JAMES E. SHEATS
SANDRA L. SHIRE
JEANINE R. TUCKER
BARRY H. WATERMAN
CLIFFORD D. WHITE
RICHARD H. WHITE
RUSSELL C. WILLIAMS JR.

To be senior dental surgeon

JEROME B. ALFORD
WILLIAM E. ATWOOD
RONALD E. BAJUSCAK
STEVEN J. BAUNE
THOMAS L. BERMEL
MITCHEL J. BERNSTEIN
SAMUEL L. BUNDRANT
APRIL C. BUTTS
ROBERT A. CABANAS
WILLIAM L. CANADA
ROGER L. CHO
DAVID L. CLEMENS
MICHAEL E. CRUTCHER
SCOTT K. DUBOIS
JEROME S. HOLBROOK
NORMAN W. JAMES
RODNEY F. KIRK
RAYMOND F. LALA
MARGARET L. LAMY
LAWRENCE B. LANE
JAMES E. LEONARD
TIMOTHY L. LOZON
NICHOLAS S. MAKRIDES
DAVID M. MCCOLLOUGH
STEVE J. MESCHER
LYNN G. PRICE
THOMAS A. REESE
JOSEPH P. ROSE JR.
RICHARD G. SCHRAGE
LEE S. SHACKELFORD
LARRY D. SHAPIRO
DARLENE A. SORRELL
SAUNDERS P. STEIMAN
ADELE M. UPCHURCH
MARK J. VANELLS
WALTON L. VANHOOSE
WILLIAM D. WOOD
JOHN T. ZIMMER

To be dental surgeon

THOMAS B. BREWER
ANITA L. BRIGHT
KATHERINE T. COTTON
GLEN A. EISENHUTH
STEVEN A. JOHNSON
RONALD D. SHEPHERD II

To be nurse director

MELISSA M. ADAMS
MICHAEL B. ANDERSON
BRUCE C. BAGGETT
MARTINA P. CALLAGHAN
MARTHA J. COURY
JANICE A. DRASS
SUSAN L. FIFER
KATHLEEN E. HASTINGS
NORMA J. HATOT
GALE L. HEAVNER
ROBERTA A. HOLDER-MOSLEY
MARY D. HUTTON
NANCY E. MILLER-KORTH
STEVEN E. NESSELER
DEBORAH L. PARHAM
MERIBETH M. REED
CRISTIN O. RODRIGUEZ
CAROL A. ROMANO
ANDREW C. STEVERMER
JOHN J. TUSKAN JR.
CHARLES R. VANANDEN III
KATHLEEN L. WALKER

To be senior nurse officer

MARY C. AOYAMA
FAY E. BAIER
WERNER H. BECKERHOFF JR.
LINDA S. BROPHY
MICHAEL D. BROWN
SHARLENE L. BRYANT
JOANN G. BURTON
JANICE M. CARICO
MARY CHAMBERS
MICHAEL W. CHANEY
BETTY L. CHERN-HUGHES
GAYLE N. CLARK
CLARA HENDERSON COBB
MARY P. COUIG
PETER L. CUEVA
DAVID A. FORSYTHE
DAVID P. FREETH
RUSSELL L. GREEN
KAREN D. HENCH
BYRON N. HOMER JR.
KIRK L. HOPINKA
BARBARA L. HSU-TRAWINSKI
ELLEN J. KING
ANN R. KNEBEL
KATHLEEN M. KOBUS
ARMANDO S. LEDESMA
CAROL L. LINDSEY
ROY C. LOPEZ
KITTY R. MACFARLANE
RUSS P. METLER
HELEN L. MYERS
MELVA V. OWENS
NANETTE H. PEPPER
BONITA S. PYLER
CAROLYN K. RILEY
DEBORAH C. ROMERO
CHERYL A. SEAMAN
NADINE M. SIMONS
CYNTHIA G. WARK
HARLEN D. WHITLING
ELLEN E. WOLF

To be nurse officer

VICTORIA L. ANDERSON
MARY L. ARNOLD
DOLORES J. ATKINSON
DEBORAH K. BURKYBILE
SANDRA A. CHATFIELD
MARY L. CLIFT
JOHN M. FRAMSTAD
BUCKY M. FROST
JOAN F. HUNTER
BRADLEY J. HUSBERG
LENORA B. JONES
LANCE L. POIRIER
TERRY L. PORTER
PRISCILLA J. POWERS
MARY F. ROSSI-COAJOU
SYLVIA TRENT-ADAMS
PAUL R. VARNEY
THERESA B. WADE

To be senior assistant nurse officer

DEBRA D. AYNES
AKILAH K. GREEN
MICHAEL J. LACKEY
JUDY L. PEARCE

To be engineer director

STEPHEN S. AOYAMA
GERALD V. BABIGIAN
CURTIS C. BOSSERT
DANIEL J. CARPENTER
KEVIN S. CHADWICK
JOSEPH C. COCALIS
JOHN T. COLLINS
THOMAS H. COOLIDGE
JOSE F. CUZME
JAMES A. DINOVO
ROBERT M. HAYES
WILLIAM A. HEITBRINK
WILLIAM B. KNIGHT
GARY A. MCFARLAND
RICHARD D. MELTON
DOUGLAS C. OTT
SVEN E. RODENBECK
CARL E. SULLENGER JR.
RODNEY VYFF
MARVIN WEBER
RANDY N. WILLARD
ROBERT C. WILLIAMS
KIM A. YALE

To be senior engineer officer

TIMOTHY G. AMSTUTZ
ROBERT E. BIDDLE
EZIO E. BORCHINI
THOMAS A. BURNS
RANDY J. CORRELL
KENNETH J. FISHER
STEVEN J. FORTHUN
KENNITH O. GREEN
DANIEL L. HEINTZMAN
DONALD J. HUTSON
PAUL A. JENSEN
CRAIG W. LARSON
KENNETH D. LINCH
KENNETH F. MARTINEZ
JEFFREY B. MASHBURN
DAVID I. MCDONNELL
ROBERT B. MCVICKER
RONALD L. MICKELSEN
RUSSEL D. PEDERSON
GEORGE D. PRINGLE JR.
JOHN P. RIEGEL
STEVEN H. RUBIN
ROGER G. SLAPE
GREGORY A. STEVENS
GEORGE W. STYER
RICHARD W. THAYER
KELLY R. TITENSOR
FRED E. WISEMAN JR.

To be engineer officer

SAMIE NIVER ALLEN
MATTHEW N. DIXON
GARY S. EARNEST
CHERYL FAIRFIELD ESTILL
RANDALL J. GARDNER
BRADLEY K. HARRIS
JAMES H. LUDINGTON
KENNETH R. MEAD
DANIEL D. REITZ
PAUL G. ROBINSON
ANTHONY T. ZIMMER

To be senior assistant engineer officer

MICHAEL S. COENE

NATHAN C. TATUM

To be scientist director

DAVID L. ASHLEY
ALEJO BORRERO-HERNANDE
LESLIE P. BOSS
WILLIAM G. BROGDON
DONALD H. BURR
SUSANNE M. CAVINESS
GREGORY M. CHRISTENSON
SUSAN M. CONRATH
ANN M. HARDY
GEORGE B. JONES
ALAN C. SCHROEDER
JOHN M. SPAULDING
CHING-LONG J. SUN
CHUNG-YUI B. TAI
ARMEN H. THOUMAIAN
RICHARD W. TRUMAN

To be senior scientist

MARY E. BIRCH
DEBRA G. DEBORD
LEMYRA M. DEBRUYN
JOHN A. ELLIOTT
MICHELE R. EVANS
ANNE T. FIDLER
BARRY S. FIELDS
G. SHAY FOUT
ANGELA M. GONZALEZ
DAVID HUSSONG
MAHENDRA H. KOTHARY
ROBERT W. LINKINS
WILLIAM G. LOTZ
JACQUELINE M. MULLER
CARL A. OHATA
MARK L. PARIS
ROGER R. ROSA
JOHN M. RUSSO
GLENN D. TODD
MILDRED M. WILLIAMS-JOHNSON

To be scientist

BRUCE H. GRANT
WILLIAM J. MURPHY
RICHARD P. TROIANO

To be sanitarian director

RANDY E. GRINNELL
JOHN J. HANLEY
RICHARD W. HARTLE
GREGORY M. HECK
GARY P. NOONAN
JON S. PEABODY
PAUL D. PRYOR
CHARLES D. STANLEY
JOHN A. STEWARD
RALPH T. TROUT

To be senior sanitarian

STEVEN M. BREITHAUPT
RICHARD W. DURRETT
RICHIE K. GRINNELL
CHARLES L. HIGGINS
BRUCE W. HILLS
BRENDA J. HOLMAN
KATHY L. MORRING
DAVID H. PEDERSEN
DOUGLAS C. PICKUP
CARL T. RYBAK
ALAN R. SCHROEDER
CRAIG A. SHEPHERD
JAMES S. SPAHR
PETER P. WALLIS

To be sanitarian

ERIC J. ESSWEIN
DEBRA M. FLAGG
MICHAEL P. KEIFFER
DIANA M. KUKLINSKI
JOE L. MALONEY
SUSAN D. MCCRACKEN
DAVID H. MCMAHON
DAVID M. MOSIER
DANIEL C. STRAUSBAUGH
KELLY M. TAYLOR

To be veterinary director

ROBERT J. CAROLAN
MARGUERITE PAPPAIOANOU
CYNTHIA L. POND
LINDA R. TOLLEFSON

To be senior veterinary officer

RICHARD F. CULLISON
JUDITH A. DAVIS
RONALD B. LANDY
DOUGLAS D. SHARPNACK
WILLIAM S. STOKES
AXEL V. WOLFF

To be veterinary officer

KRISTINE M. BISGARD
TRACEY C. BOURKE

To be pharmacist director

ELAINE G.E. ABRAHAM
RUSSELL E. ALGER
TIMOTHY W. AMES
JANET L. ANDERSON
JOHN T. BABB
ANTHONY J. BROOKS
JAMES P. COBB
PATRICK O. COX
ROGER D. EASTEP
BEVERLY J. FRIEDMAN
ROGER A. GOETSCH
ARDEN H. HANSON
PAUL L. HEPP
WILLIAM A. HESS
TRUMAN M. HORN
PAUL F. JAROSINSKI
ALLAN S. JIO
MAX LAGER
KEVIN M. LEMIEUX
RICHARD S. LIPOV
JON A. MCARTHUR
THOMAS J. MCGINNIS
YANA R. MILLE
JUSTINA A. MOLZON
THOMAS H. PEREZ
NICHOLAS P. PROVOST
DONOVAN J. SAUTER
CATHIE L. SCHUMAKER
LELAND R. STERN
GREGORY D. THOMAS
PAUL D. THOMAS
JAMES M. THOMPSON
THERESA A. TOIGO
CHARLES A. TRIMMER
NORMAN J. TURNER
DENNIS J. VETTESE
JEANNETTE Y. WICK
STEPHEN W. WICKIZER

To be senior pharmacist

RODNEY M. BAUER
GARY W. BLAIR
MICHAEL F. BRECKINRIDGE
RANDY W. BURDEN
GEORGE B. CARPENTER
MARK L. DEMONTIGNY
DARYL A. DEWOSKIN
JOHN A. ELTERMANN JR.
THOMAS J. FISCHBACH
PAUL D. GAILARD
CAROL E. GOODIN
MARIE B. GREENWOOD
JAMES R. HUNTER
ANTHONY R. KUYPER
ALVIN J. LEE
MICHAEL E. MARCARELLI
L. GLENN MASSIMILLA
JAMES C. MCCAIN
SHEILA M. OKEEFE
RICHARD R. POTTER
DANIEL P. RILEY
WILLIAM M. SINGLETON JR.
JAMES P. STABLES
JAMES P. STUMPFF
JOSLYN R. SWANN
TIMOTHY P. UTKE
CHARLES C. WATSON
JAMES W. WILSON III
CATHY PIERCE ZEHRUNG

To be pharmacist

ROBERT D. BRADY JR.
JOHN M. COLEMAN
WESLEY G. COX
DOUGLAS P. HEROLD
GRADY H. JAMES JR.
VALERIE E. JENSEN
NANCY E. LAWRENCE
JILL D. MAYES
SHARON J. MCCOY
PAUL J. NA
SHARON L. OESTEREICH
ROBERT G. PRATT
KURT M. RILEY
DONNA A. SHRINER
MATTHEW J. TAROSKY
LISA L. TONREY
JEFFREY W. WALLING
TRAVIS E. WATTS

To be senior assistant pharmacist

DAVID A. BATES
JAMES E. BRITTON JR.
STEVEN DITTERT
ELIZABETH A.D. GIRARD
DANA L. HALL
SHARON L. OESTEREICH
ERIC J. POLCZYNSKI

To be dietitian director

SHIRLEY BLAKELY
SANDRA D. ROBINSON
JANET M. TAYLOR

To be senior dietitian

KAREN M. BACHMAN-CARTER
TAMMY L. BROWN
LAURA A. MCNALLY
MIRANDA S. YANG-OSHIDA

To be dietitian

SILVIA BENINCASO
JULI M. HAWS
YOUNG S. SONG

To be therapist director

CHARLES L. MCGARVEY
MARIE A. SCHROEDER
THOMAS J. STOLUSKY

To be senior therapist

DOMINICK C. ARETINO
MARK W. DARDIS
MICHAEL P. FLYZIK
JOHN T. HURLEY
FRANCES M. OAKLEY
REBECCA A. PARKS

To be therapist

NANCY J. BALASH
BART E. DRINKARD
JESSIE WHITEHURST LIEF
JAMES W. STANDISH

To be senior assistant therapist

GRANT N. MEAD

To be health services director

ANNA J. ALBERT
TERRY L. BOLEN
PATRICIA E. BROOKS
HAMILTON L. BROWN
STEPHANIE D. BRYN
GUY E. BURROUGHS JR.
THOMAS F. CARRATO
ROBERT J. CARSON
VIVIAN T. CHEN
RAYMOND L. CLARK
CAROL A. COLEY
ROCHELLE E. CURTIS
ROBERT I. DAVIDSON
MICHAEL L. DAVIS
RONNIE L. DAVIS
CAROL A. DELANY
JEAN D. DOONG
JOHN D. DUPRE
JOHN M. GARBER
JAMES W. GARVIE
JESSE L. GLIDEWELL
TERENCE M. GRADY
NANCY A. HAZLETON
ELLEN M. HUTCHINS
KENT E. JAFFE
THOMAS M. JAKUB
GREG J. KULLMAN
DEBRA Y. LEWIS
HECTOR LOPEZ
ARNULFO MANANGAN
VON NAKAYAMA
MARTIN A. OBERLY
MARY S. PASTEL
CAROL REST-MINCBERG
JERRY L. SHERER
STEPHEN A. SOUZA
EDWIN S. SPIRER
WENDELL E. WAINWRIGHT
NANCY A. WILLIAMS

To be senior health services officer

VAL J. ALLEN
RONDA A. BALHAM
REGINA A. BRONSON
CHARLES J. BRYANT
NORMAN CAVANAUGH
RUST D. COREY
ELEANOR A. CROCKER
PETER A. DEMONTE JR.
MICHELE M. DOODY
EPIFANIO ELIZONDO
CLIFFORD D. EVANS
JOHN D. FUGATE JR.
JANET E. JOHNSON-LECLAIR
LAWRENCE E. KUCKEN
CHERYL A. LAPOINTE
STEVEN A. LEE
VIRGINIA M. MAHADY
ANN G. MAHONY
LLEWELLYN H. MASON JR.
LAWRENCE F. MAZZUCKELLI
LAWRENCE C. MCMURTRY
JAMES C. PORTT
JAMES M. RUCK
THOMAS R. TAHSUDA
ALBERT R. TALLANT
ROBERT G. TONSBERG
RICHARD C. VAUSE JR.
RICHARD C. WHITMIRE
WILHELMINA WILSON

To be health services officer

BRADLEY L. AUSTIN
CAROL E. AUTEN
JOSE H. BELARDO
PAMELA G. CONRAD
MICHAEL J. FLOOD
STEVE GURSKI III
MARK S. HOSS
R. ANDREW HUNT
RICHARD R. KAUFFMAN
DOREEN M. MELLING
NANCY A. NICHOLS
LARRY E. RICHARDSON

To be senior assistant health services officer

MONTA A. BREEDEN
ARIEL E. VIDALES

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. BRUCE A. CARLSON, 4082

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL W. WOOLEY, 9379

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. BENJAMIN S. GRIFFIN, 5044

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES F. AMOS, 1550

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. HENRY P. OSMAN, 9358

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JAMES M. ZORTMAN, 6747

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JAMES G. STAVRIDIS, 5127

CONFIRMATION

Executive nomination confirmed by the Senate May 17, 2004:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID H. PETRAEUS

HOUSE OF REPRESENTATIVES—*Monday, May 17, 2004*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 17, 2004.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER) for 5 minutes.

VOTE FOR H.R. 3722, UNDOCUMENTED ALIEN EMERGENCY MEDICAL ASSISTANCE AMENDMENTS OF 2004

Mr. ROHRABACHER. Mr. Speaker, today the American people should pay close attention to the debate when the House takes up H.R. 3722. If one is concerned about the flood of illegal immigrants pouring into our country, this is the debate to watch. And H.R. 3722 is the vote on which to judge your Member of Congress.

There has obviously been a conscious decision made by certain powerful people that massive immigration into the United States, legal or illegal, is good for America or at least good for certain friendly interest groups. This vote on H.R. 3722 is clear-cut. The American people can determine who is on their side and who will channel our scarce health care dollars to illegal immigrants, thus encouraging even more illegal immigration into our country.

H.R. 3722, which will come for debate here later today and will be voted on tomorrow, is designed to undo the harm done by an amendment that was slipped into the Medicare bill that was passed just a few months ago. That surprise and somewhat covert amendment established a $1 billion fund to reimburse American hospitals for the emergency care they provide illegal immigrants.

The perverse, unintended consequences of this are easy to predict. Americans and legal residents who lack health insurance will be sent to the back of the line when seeking help for a medical emergency because the hospitals will naturally give primary service to those illegal immigrants whose tab is being picked up by the Federal taxpayers. This is a travesty.

Anyone voting against H.R. 3722 is voting to put our kids, voting to put our seniors, at the end of a long waiting line moving the illegal immigrant to the front of the line. At this time when we cannot afford the money to pay for prescription drugs for our seniors, we are going to be spending $1 billion to treat people who have come here illegally.

Those against H.R. 3722 are voting to spend our limited health care money to make America the HMO of the world. And then they act surprised when even more tens of millions of illegals flood into our country.

Watch the vote on H.R. 3722. Listen to the arguments. The other side will claim that the legislation causes hospitals more paperwork. That is a bogus argument. However, the public will decide when they are listening to the debate whether they are hearing legitimate arguments or whether it is simply noise being generated to confuse people so they will not know who is ripping off their health care dollars and giving it to strangers.

The flood of illegal immigration has already had horrible impacts on our society, on working Americans and middle-class Americans in particular. Wages are being kept down. Our educational and criminal justice systems are deteriorating. And, yes, our health care system is failing.

A government's first responsibility is protecting our citizens and, yes, our legal residents, not to provide benefits and services to anyone in the rest of the world who can get here. Our responsibility is to the people of the United States and the legal residents here of the United States. Our responsibility is not to the rest of the world and to provide any benefits that we can't provide to our American people, to provide them to anyone in the world who can get here. That will break our bank. If we are going to try to do everything for everybody, we are not going to be able to do anything for anybody, even our own people.

H.R. 3722 is the litmus test. There is always a good sounding excuse for voting against any bill that tries to come up and tries to come to grips with the out-of-control flood of illegals coming into our country. But the issue is clear in H.R. 3722: Are America's limited health care dollars going to treat illegal immigrants rather than being used to treat our own people?

Members of Congress need to hear from their constituents. H.R. 3722 is a first good step in stemming the tide of illegal immigrants into our country. It will be debated here in just a few hours. America should pay attention.

UNDER REPUBLICAN LEADERSHIP CONGRESS IS A QUICKSAND OF IDEOLOGY AND INTRANSIGENCE

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Maryland (Mr. HOYER) is recognized during morning hour debates for 5 minutes.

Mr. HOYER. Mr. Speaker, in February, the former majority leader in this House, Dick Armey, stated the obvious: "I am sitting here and I am upset about the deficit, and I am upset about spending," said the former Republican leader. And he added, "There is no way I can pin that on the Democrats. Republicans own the town now."

Yes, they do, Mr. Speaker, the House, the Senate, and the White House. Yet, under Republican leadership this Congress has become a quicksand of ideology and intransigence that is swallowing up America's priorities and performing a disservice to the American people.

The annual budget is a blueprint of our Nation's priorities and values. But with a Memorial Day recess approaching and the April 15 budget deadline long passed, House Republicans have tied the process in knots.

They refuse to pay for tax cuts even as they have run up the largest budget deficit and deficits as far as the eye can see in American history.

Republicans' intraparty bickering continues to get in the way of other priorities. In addition to the budget, two job creation bills, a tax measure for domestic manufacturing called the FSC/ETI bill, and a major transportation bill have been stymied, held up, not moving since last year. The transportation bill could create millions of

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

jobs in a tough job market, and the FSC bill would end harmful European Union sanctions against struggling American manufacturers. Both of these bills could have been passed, should have been passed last year with broad support in both Houses of Congress. But with House Republicans it is my way or the highway.

Our friends on the other side of the aisle have even rejected progress on an issue that has broad bipartisan support, tax cuts for the middle-class and working families. They have done so not once, not twice, but three times in 3 weeks. And they are poised to do so for a fourth time this week.

By refusing to offset the cost of their tax bills, Republicans are not only endangering support for tax cuts which Members on both sides want to see become law, but also putting themselves on record in favor of placing an enormous debt tax on future generation of American children.

House Republican leaders may be content with inertia in the people's House. Democrats are not.

Last week the Washington Post shined a light on the Republican strategy of biding their time until the election. The Post story observed that, and I quote, "Despite the burgeoning scandal over U.S. treatment of Iraqi prisoners and persistent concerns about the economy and the deficit, the House has been keeping banking hours." Frankly, the bank would be bankrupt if it kept our hours.

In contrast to Republican leaders of the other body, House Republican leaders have refused to fully investigate the abuse of Iraqi prisoners. This is just the latest example of an abdication of this body's constitutional responsibility to oversee the executive branch.

Even a prominent Republican from the other body has said, and I quote, "We Republicans have never quite reached the level of competent oversight that the Democrats developed over their 40 years that they controlled Congress."

He continued, major Republican leader, "We tried to emphasize legislating and we have delegated so much authority to the executive branch of government and we ought to devote more time to oversight than we do."

This House must not abdicate its constitutional responsibility as an independent, coequal branch of government. Failure in this regard is not an option.

Failure is not an option in Iraq. And Democrats will support the funding necessary to support our troops and finish the job. But we want to see where that money is spent, how it is spent, and how effectively it is being used. But there is absolutely no question that Democrats as well as Republicans should want to hold this administration accountable for how it is spending tens of billions of taxpayer dollars in so many different areas.

As a senior member of the Committee on Appropriations, Mr. Speaker, I will continue my efforts to attach accountability to the billions of dollars being spent on the war in Iraq. There are no checks and no balances in Washington today. Right now we need to focus on the oversight responsibility that our Founding Fathers expected, particularly the people's House, to exercise.

I hope, Mr. Speaker, that notwithstanding the performance of the first 5 months, we will soon see such responsibility exercised.

SECRETARY RUMSFELD MUST GO

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Washington (Mr. McDERMOTT) is recognized during morning hour debates for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, what the administration said and did not say removes any doubt: Secretary Rumsfeld must go.

A Los Angeles Times story dated May 12, which I will enter into the RECORD, may prove to be the defining moment when the administration could no longer hide behind the PR spin because their own words were spinning out of control.

Not only did this administration fail to tell Congress about the prisoner abuse in Iraq, it also failed to tell the United States Supreme Court at a time and a place when it should have. On the very day that CBS News first broadcast pictures of prisoner abuse, the administration stood before the United States Supreme Court. The case involved the rights of prisoners at Guantanamo Bay.

The administration claims that prisoners held in Cuba are enemy combatants who can be held indefinitely without charges and without the protection of the Geneva Convention. The Deputy Solicitor General representing the United States invoked the "Trust us" defense in urging the Nation's highest court to side with the President.

The lawyer did not know about the abuses in Iraq and the photos, but his client, Rumsfeld's Department of War knew, and said nothing. The Supreme Court, like the rest of America, like the entire world, was kept in the dark.

On the very day that the prisoner abuse pictures were first shown, a lawyer for the administration stood before the Supreme Court and said only the executive branch should have the power to decide the fate of detainees.

In response to that line of reasoning, Justice Ruth Bader Ginsburg asked, "Suppose the executive says mild torture will help get a little information?" The question was asked with no knowledge that torture had been used in Iraq. What answer did the administration's lawyer give Justice Ginsburg? The Deputy Solicitor General told the court that abuses would be a crime.

The Supreme Court justice asked the attorney to elaborate on his remarks. The administration attorney said, quote, "Our executive does not commit such abuses." The administration's attorney added, and again I quote, "You have to recognize that in situations where there is a war, where the government is on war footing, then you have to trust the executive."

"Trust us." Well, Mr. Speaker, America did and look what happened. At last count 1,600 pictures of prisoner abuse have scarred the Nation and shocked the world. Instead of full disclosure, the administration remains in full denial. The President says the Secretary is doing a superb job. Superb job of what? Destroying our credibility overseas? Demoralizing the American people? Denying that soldiers follow orders?

The administration says, "Trust us," then blames a handful of low-ranking soldiers instead of looking up the chain of command, right up to the very top.

"Trust us." Well, Mr. Speaker, America did, and the administration sent soldiers off to war without adequate body armor.

"Trust us." Well, Mr. Speaker, America did, and the administration unilaterally told thousands of soldiers they were staying in Iraq instead of coming home as they were promised.

"Trust us." Mr. President, we did and look what happened.

We are fresh out of trust, Mr. Speaker, in America, and around the world. It is time for Rumsfeld to go before we try and hand off sovereignty to the Iraqis. They will never be able to deal with our Secretary of war because nobody trusts him.

Mr. Speaker, at this point I will insert into the RECORD the newspaper article I referred to earlier.

[From the Los Angeles Times, May 12, 2004]

ABUSE FLAP MAY RUIN BUSH TEAM'S "TRUST US" ARGUMENT ON DETAINEES

WASHINGTON.—The photos of abused Iraqi prisoners not only have shaken the Bush administration but also may have ruined its Supreme Court defense of its handling of terrorism suspects, some legal experts say.

"Their argument has been 'trust us,' and that argument has been deeply undermined," said Yale University professor Harold Koh, an international law specialist who served in the Clinton administration.

Before the court last month, the administration argued that the president and his military commanders have exclusive power to decide the fate of those captured in the war on terrorism.

The court has yet to rule.

Shortly after U.S. troops invaded Afghanistan, the administration declared that people captured there and shipped to Guantanomo Bay, Cuba, were not entitled to the protections of the Geneva Conventions: They were not prisoners of war but rather "unlawful enemy combatants," falling outside both international law and U.S. law.

International legal specialists criticized this decision to create "a law-free zone." The Supreme Court surprised the Bush administration by taking up the issue.

During arguments April 28, administration lawyers told the court that, in wartime, the federal courts have no power to hear claims from the imprisoned men. Only the executive branch should decide their fate.

"Suppose the executive says mild torture will help get information?" asked Justice Ruth Bader Ginsburg.

Committing such "an atrocity" against a prisoner would be a crime punishable by court-martial, replied Deputy Solicitor General Paul Clement.

When pressed further, he added, "our executive doesn't" commit such abuses. "You have to recognize that in situations where there is a war . . . you have to trust the executive."

That same evening, CBS aired the first photos of soldiers mistreating Iraqi prisoners. Two days later, the Supreme Court justices began working on their opinions in the case.

"In a close and difficult case like this, this could tip the scales," said Michael J. Glennon, an international law specialist at Tufts University. "The overriding issue in these cases has been to what extent can you trust the executive to police itself."

A former Bush administration lawyer who advised the White House on wartime issues said the Iraqi prison scandal should have no effect on the court's decision.

"It is a false analogy. These are two separate and different kinds of detainees," said John C. Yoo, a law professor.

SECRETARY OF DEFENSE DONALD RUMSFELD SHOULD RESIGN

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, over the weekend my hometown newspaper, the Asbury Park Press, ran an editorial calling on Secretary of Defense Donald Rumsfeld to resign. It was a stunning criticism from a newspaper that is not known to be partisan. And I would like to take this opportunity to simply read the editorial.

"The United States needs to send this message to the world. We remain a civilized Nation. We respect international law. We respect the dignity of all individuals. We will at all times abide by the Geneva Convention governing the humane conduct of prisoner of war and apply that standard to all detainees.

"We hold ourselves to the highest moral standards and will not tolerate those who do not. And we will hold our leaders accountable when our conduct falls short. That message should be accompanied by the resignation of Defense Secretary Donald Rumsfeld. If he is not asked to resign by President Bush, he should do the honorable thing and step down on his own.

"The case against Rumsfeld, who has overseen the conduct of the war in Iraq, transcends the prisoner abuses at Abu Ghraib, but the scandal is an important element of it. The photos and accounts of the treatment of Iraqi detainees at the hands of American soldiers have shocked and disgusted Americans and the world. They have brought the realities of war whose daily horrors have largely been kept from public view into the national consciousness. They have shown that we are not immune from committing evil acts.

"Over the past 2 years the International Red Cross, Human Rights Watch, and Amnesty International have all raised concerns about patterns of mistreatment of detainees by U.S. interrogators in Afghanistan, Iraq, and Guantanamo Bay. Rumsfeld's explanations for how the abuses were allowed to occur and how they escaped his attention for so long have not been convincing. Punishing only those directly responsible for the inhumane actions is not enough, not given the gravity of the offenses and the damage they have done to our Nation's reputation and our ability to win the war of ideas in the Arab world.

"There are many other reasons why it should be in America's best interest for Rumsfeld to step aside. As Defense Secretary he has mismanaged the war in Iraq every step of the way. He helped sell the idea that Saddam Hussein was working in concert with al Qaeda and posed a clear nuclear and biological threat to the United States. He ignored the advice of many of our long-standing allies and top Pentagon officials to continue what had been a successful strategy of isolating Saddam while continuing our search for weapons of mass destruction.

"Rumsfeld failed to anticipate the hostile reception we received following the 'liberation.' He miscalculated the troop strength needed to stabilize the country. He left Baghdad and other major cities unprotected from looters and thugs. He left museums, hospitals, government ministries and facilities essential to a functioning civil society unguarded. He failed to provide the necessary support and manpower and material for our military. And he allowed our military prisons to operate with inadequate staffing, training, and oversight.

"After the fall of Baghdad, instead of trying to internationalize the occupation and the rebuilding effort, Rumsfeld and other administration leaders chose to go it alone, putting virtually all the costs associated with the occupation, financial and human, on American soldiers.

"To date more than 770 American soldiers have died in Iraq. Another 4,100 have been wounded. We have committed more than $160 billion to the invasion, occupation, and reconstruction of Iraq. Estimates suggest the cost could easily reach $600 billion even if the June 30 deadline for handing over political control to the Iraqis is met—a dubious proposition.

"Our leaders in Washington need to send a clear message to the world that we have not abandoned our ideals. Rumsfeld's resignation would help underscore the point. More important, our leaders need to reinforce that message with the American people who are growing increasingly fearful that we have lost our way."

That is the end of the editorial, Mr. Speaker. I just want to say that I totally associate myself with the Asbury Park Press editorial. I think they are absolutely right. I do not think anybody has ever said it so well.

Mr. Speaker, I recently called on Secretary Rumsfeld to resign and I would urge my colleagues to do the same. Next, I would urge the President to take immediate steps to internationalize this conflict and build a strong coalition of partners in Iraq. The President should convene an immediate international summit on Iraq. The United States must go in with a plan that provides for new international arrangements to manage the political security and economic aspects of Iraq's transitions, and includes reorienting American policy to reflect those new international arrangements. We cannot simply continue to go it alone. We must internationalize this conflict. And I think that has also been a major part of what the Asbury Park Press says in this editorial.

THE WORK HABITS OF THE PRESIDENT

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Massachusetts (Mr. FRANK) is recognized during morning hour debates for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, before I begin on my text I want to just correct the minority whip, the Democratic whip. He is a man with whom I have a great deal of agreement. But I think he was wrong when he said the rigid ideology of the people in power today leads them to the view, my way or the highway.

I wish that were the case. Mr. Speaker, as you well know from your own committee position, the right wing ideology are on the point of saying, my way instead of the highway. Because so rigid are they in their right-wing ideology that we cannot even get a highway bill passed this year, as we certainly should, in the interest of the transportation needs of this country and the economy.

But I want to talk beyond that about the work habits of the President. It is clear that in addition to an excessively rigid ideology we have an administration which is not very competent in a lot of things. I do not think we have seen a more incompetently executed national security policy of a major sort than Iraq in our history.

And I wonder why we get such poor execution, even given that I disagree with some of the things they are trying to execute. Now it does become clear one of the problems may be the President's work habits.

On December 16 in an interview on ABC News with Diane Sawyer, the President boasted about how he does not need to read the newspapers or, presumably, watch television. He gets his information, he says, from members of his administration. When Diane Sawyer said, "Is it just hard to read constant criticism? He interjected, "Why even put up with it when you get the facts elsewhere? I am a lucky man," the President said. "I have got, it is not just Condi and Andy, it is all kinds of people in my administration who are charged with different responsibilities. And they come in and say this is what is happening, this is not what is happening."

Well, Mr. President, you are being ill served by this refusal to get independent sources of information. You got a lot of people who confuse what is happening with what is not happening, and sometimes they do not tell you anything.

Most recently we have the Secretary of Defense who forgot to tell you that we had a major debilitating problem coming up with regard to the mistreatment of prisoners. And he did not tell you that.

Last year, in what I think you consider to be, Mr. President, the single most important domestic accomplishment in the administration, did someone forget to tell you that the bill you were telling us was going to cost $400 billion over 10 years was, in fact, going to cost $540 billion and that all of the additional billion would go to the providers and none of it to the recipients? Did someone forget to tell the President or did the President forget to tell us?

Then, of course, we have the comment by CIA Director George Tenet who told the President apparently that it was a slam-dunk that there were weapons of mass destruction in Iraq. Well, once again, we have a case on a very important issue of the President and, to quote his words, all kinds of people in my administration were charged with different responsibilities and they would come in and say this is what is happening and this is not what is happening.

There is a serious problem, Mr. President. The time has come for the President of the United States to admit an error in this case. I know he does not like to do that, to admit that relying on Secretary Rumsfeld or CIA Director Tenet or Secretary Thompson or a whole range of other people to give him the information to brag about how he eschews independent, factual sources is a great mistake and may explain some of the serious mistakes this administration has made.

Old sayings sometimes can be overdone. Sometimes they have some truth. There is a saying that ignorance is bliss. Well, Mr. Speaker, there may be context in which ignorance is bliss, but the Presidency of the United States is not one of them.

The time has come for the President to acknowledge the fact that his method of getting information only from people within his own administration, who may have their own motives for misrepresenting or not giving him information that might be embarrassing to them, that that has broken down, and the time has come for the President to dip into the budget that he gets and buy a subscription to some newspapers and watch the TV news.

Mr. Speaker, I will insert into the RECORD at this point the excerpt from the interview with Diane Sawyer.

> DIANE SAWYER. First of all, I just want to ask about reading. Mr. President, you know that there was a great deal of reporting about the fact that you said, first of all, that you let Condoleezza Rice and Andrew Card give you a flavor of what's in the news.
>
> PRESIDENT BUSH. Yes.
>
> DIANE SAWYER. That you don't read the stories yourself.
>
> PRESIDENT BUSH. Yes. I get my news from people who don't editorialize. They give me the actual news, and it makes it easier to digest, on a daily basis, the facts.
>
> DIANE SAWYER. Is it just harder to read constant criticism or to read——
>
> PRESIDENT BUSH. Why even put up with it when you can get the facts elsewhere? I'm a lucky man. I've got, it's not just Condi and Andy, it's all kinds of people in my administration who are charged with different responsibilities, and they come in and say this is what's happening, this isn't what's happening.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members should bear in mind that remarks in debate should be addressed to the Chair and not to others as in the second person.

THE HOUSE SHOULD NOT PASS H.R. 3722, UNDOCUMENTED ALIEN EMERGENCY MEDICAL ASSISTANCE AMENDMENTS OF 2004

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentlewoman from California (Ms. SOLIS) is recognized during morning hour debates for 5 minutes.

Ms. SOLIS. Mr. Speaker, we heard earlier from the gentleman from California (Mr. ROHRABACHER) his sentiments regarding H.R. 3722. This item is on suspension and will be coming up before us. It is known as the Undocumented Alien Emergency Medical Assistance Amendments. That title is somewhat misleading because, in fact, what it requires is that our local hospitals turn into what I see as law enforcement agencies and INS agents, INS Immigration Service agents that would soon be asking people who may look or appear as though they are undocumented to provide some proof or verification that they are, in fact, full citizens of the United States.

We do not do that in our schools. Why do we have to do that in our hospitals, especially when people are already fearful of coming forward to, say, a local hospital and having to fill out forms and then being told that, well, you do not qualify because you are not a U.S. citizen or you are undocumented therefore we are going to call the INS or Homeland Security and deport you?

What kind of fear does that place in a community?

Well, I can tell you in a community like mine in Los Angeles, California, where the make-up of my district is largely Hispanic or Latino, that is not to say that they are all undocumented and that is not to say that they do not work and pay taxes; in fact, on the average I would say that the local immigrants in our communities pay about $1,300 in taxes. They do not get that money back in some cases because they may not be documented. We know that. That has been happening here in the U.S.

But they pay into our tax base system whether it is to go down and buy a gallon of gas at $2.40 or $2.50 a gallon now in Los Angeles, if they go down and buy goods at the market or Home Depot, they are paying sales tax. All that then goes into our piggy bank, so to speak, for the government. That money then is set aside for public health care institutions and private health care institutions.

I would like to tell you that in my district alone I received letters from some of our private for-profit hospitals that were adamantly opposed to this piece of legislation because they see it again as something that is going to provide another layer of bureaucracy. It will make them become INS agents. They will have to fingerprint, photograph, take digital photos and keep files for 5 years on anyone that they believe may be undocumented.

And I have to tell you that the kind of feeling that I get when I hear about this type of legislation is one that reminds me of what occurred in California back a few years ago. There was an initiative that was proposed by the governor then, Pete Wilson, Proposition 187, that would bar undocumented families and people, children, from going to school and also receiving health care assistance.

And what that means to many of us in our communities is if a child comes into a classroom and, say, may have an illness or disease, they are not going to be able to get treated. They are not going to be able to go down to the hospital and get immunized and they will not get the kind of treatment that right now they are able to get.

If they do not, what will happen is whatever contagious disease they might have is going to somehow not discriminate against the next student who sits next to him, whether you are a citizen or not, but, in fact, that disease will be spread.

Why is it that we want to move in a direction that would create more fear and anxiety in our communities when I think we have the current tools in place right now that were actually passed by this House that would provide sufficient services for people who need it?

And I just want to clarify one thing. There are many undocumented people in this country, they are not all Hispanic. Many come from Europe, many come from Canada, many come from Asian, Indonesian countries as well. And maybe we do not somehow feel that their presence is well known, but we know that they are there. They clean our houses, they sometimes even clean the hospitals that we go to, they pick our lettuce and our fruits that we eat on the table, they also serve as janitors in our office buildings. And some of them may even work here in Washington, D.C.

But they are people, and people have to be respected. And those people, like anyone else, come to this country believing that they have a dream that can be fulfilled here.

I do not think it is too much to ask for us to say that this law is a bad law, that it would, in fact, demoralize an entire community. I do not believe that the Bush administration is supportive of this piece of legislation because why would he at the beginning of the year say that he would want to open up discussions about immigration reform and allow for people who are currently here who are not documented be given work permits. Why would he open up that discussion and yet the same members of his party are saying no, cast those people out. They cost too much money, and they are, in fact, a burden on our public and private hospitals.

Well, I am here to tell you that there are 43 million people in the U.S. that we can account for that have no health insurance. The problems that we have with health care delivery and service does not have to be blamed on one group of people. And I am here to tell you that we need to oppose this piece of legislation, H.R. 3722, as it comes up today for a vote before the House.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 3 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Teacher of the ages and Eternal Guide to the leaders of nations, be ever present in the work of the House of Representatives this week. During this season of academic graduations across this country, we wish to express our gratitude to You for the academic freedom and educational resources that have been fostered by government, churches and local communities in the past. We pray that they continue to flourish and be supported to meet the needs of future generations and the demands of the times, especially in the fields of mathematics and the sciences.

Bless all the graduates of 2004. Grant them an atmosphere of security and peace so they may pursue careers that give you Glory. Provide them with opportunities for work and experiences which will draw upon their creativity and deepest commitments. Ground them in lasting values so they may stand the tests of life and one day graduate to Your eternal domain and give You glory forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. BURGESS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURGESS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 1350. An act to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

HOUSE-PASSED MEDICAL LIABILITY REFORM EXPECTED TO STALL IN OTHER BODY

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, last week in this House, we passed yet another version of the medical liability reform act in this Congress. We passed similar legislation in March 2003. That bill that we passed last year and likely the bill that we pass this year is going to stop dead on the other side of the Capitol and will not be enacted.

It is a shame, Mr. Speaker. Right now we have a President in the White House who has said he will sign this bill into law if it is given to him. We have a candidate running for the office of President who has either voted "no" or been absent when that vote has come up across the rotunda on the other side of the Capitol.

Mr. Speaker, this is important. I met with a group of doctors back in my district this weekend. There is no greater peril to our profession of medicine than the current medical justice system. The reforms that we have passed in this House closely mirror the Medical Injury Compensation Reform Act of 1975 passed in the State of California that has brought some semblance of sanity back to the medical justice system in that State. Residents of the other States, physicians in the other States, and their patients deserve no less.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

BEND PINE NURSERY LAND CONVEYANCE ACT AMENDMENT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3505) to amend the Bend Pine Nursery Land Conveyance Act to specify the recipients and consideration for conveyance of the Bend Pine Nursery, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF BEND PINE NURSERY LAND CONVEYANCE.

(a) DESIGNATION OF RECIPIENTS AND CONSIDERATION.—Section 3 of the Bend Pine Nursery Land Conveyance Act (Public Law 106–526; 114 Stat. 2512) is amended—

(1) in subsection (a), by striking paragraph (1) and redesignating paragraphs (2) through (7) as paragraphs (1) through (6), respectively;

(2) in subsection (e)—

(A) by striking "this section" both places it appears and inserting "subsection (a)";

(B) in paragraph (1), by striking "Subject to paragraph (3), the" and inserting "The"; and

(C) by striking paragraph (3); and

(3) by adding at the end the following new subsections:

"(g) CONVEYANCE OF BEND PINE NURSERY.—

"(1) CONVEYANCE TO PARK AND RECREATION DISTRICT.—Upon receipt of consideration in the amount of $3,505,676 from the Bend Metro Park and Recreation District in Deschutes County, Oregon, the Secretary shall convey to the Bend Metro Park and Recreation District all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 185 acres and containing the Bend Pine Nursery, as depicted on the site plan map entitled 'Bend Pine Nursery Administrative Site, May 13, 2004'.

"(2) USE OF CONVEYED PROPERTY.— Subject to subsection (h), the real property conveyed to the Bend Metro Park and Recreation District under paragraph (1) shall be used only for recreation purposes and may be developed for those purposes. If the Secretary determines that the real property subject to this condition is converted, in whole or in part, to non-recreational use, the Secretary shall require the Bend Metro Park and Recreation District to pay to the United States an amount equal to the fair market value of the property at the time of conversion, less the consideration paid under this paragraph.

"(h) RECONVEYANCE OF PORTION OF BEND PINE NURSERY.—

"(1) CONVEYANCE TO SCHOOL DISTRICT.—As soon as practicable after the receipt by the Bend Metro Park and Recreation District of the real property described in subsection (g)(1), the Bend Metro Park and Recreation District shall convey to the Administrative School District No. 1, Deschutes County, Oregon, without consideration, a parcel of real property located in the northwest corner of the real property described in such subsection and consisting of approximately 15 acres.

"(2) USE OF CONVEYED PROPERTY.—The deed of conveyance under paragraph (1) shall contain a covenant requiring that the real property conveyed to the School District be used only for educational purposes.".

(b) CONFORMING AMENDMENT.—Section 4(a) of such Act is amended by striking "section 3(a)" and inserting "section 3".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3505, introduced by the gentleman from Oregon (Mr. WALDEN), would amend the Bend Pine Nursery Land Conveyance Act to specify the recipients and consideration for conveyance of the Bend Pine Nursery, and for other purposes. This bill will bring closure to an administrative process that has already taken far too long to complete.

Specifically, the bill will convey 170 acres of the Bend Pine Nursery site to the Bend Metro Parks and Recreation District and would also convey an additional 15 acres to the Bend-La Pine School District to construct an elementary school. The bill also contains a reference to an updated Forest Service map at the request of the administration. I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleague has already explained the amendment. The legislation would benefit the Bend Metro Park and Recreation District, which has had a difficult time in purchasing excess Forest Service property in Bend, Oregon. The legislation includes provisions to ensure that the property to be conveyed will only be used for recreational purposes. The legislation also would provide property to the Administrative School District No. 1 in Deschutes County, Oregon.

The gentleman from Oregon (Mr. DEFAZIO) is also to be commended for his role in securing the passage of this legislation. We have no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 3505, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TIMUCUAN ECOLOGICAL AND HISTORIC PRESERVE BOUNDARY REVISION ACT OF 2004

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3768) to expand the Timucuan Ecological and Historic Preserve, Florida, as amended.

The Clerk read as follows:

H.R. 3768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Timucuan Ecological and Historic Preserve Boundary Revision Act of 2004".

SEC. 2. REVISION OF BOUNDARY OF TIMUCUAN ECOLOGICAL AND HISTORIC PRESERVE, FLORIDA.

Section 201(a) of Public Law 100–249 (16 U.S.C. 698n) is amended—

(1) by striking "(a) ESTABLISHMENT.—There is hereby" and inserting the following:

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is"; and

(2) by adding at the end the following:

"(2) MODIFICATION OF BOUNDARY.—

"(A) IN GENERAL.—In addition to the land described in paragraph (1), the Preserve shall include approximately 8.5 acres of land located in Nassau County, Florida, as generally depicted on the map entitled 'Timucuan Ecological and Historic Preserve American Beach Adjustment', numbered 006/80012 and dated June 2003.

"(B) DUTIES OF SECRETARY.—The Secretary of the Interior shall—

"(i) revise the boundaries of the Preserve so as to encompass the land described in subparagraph (A); and

"(ii) maintain the map described in subparagraph (A) on file and available for public inspection in the appropriate offices of the National Park Service.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3768, introduced by the gentleman from Florida (Mr. CRENSHAW) and amended by the Committee on Resources, would authorize the expansion of the Timucuan Ecological and Historic Preserve in the State of Florida by 8.5 acres. The additional land, much of it known as American Beach, would be donated by the Amelia Island Plantation Company. American Beach, established by Florida's first insurance company, the Afro-American Life Insurance Company, is the only remaining example of a beach resort established for use by African Americans during the divisive Jim Crow 1930s. In addition, the beach includes the Nana, the tallest natural dune on Amelia Island and habitat for the threatened loggerhead turtle.

Mr. Speaker, H.R. 3768, as amended, is supported by the majority and the minority of the committee, the Nassau County Board of Commissioners of Florida, and the administration. I urge adoption of this bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3768, as amended, is a small, noncontroversial measure. The legislation involves the inclusion of 8.5 acres of land within the Timucuan Ecological and Historic Preserve in northern Florida. This parcel of land, known as American Beach, has historical ties to the African American community, largely represented by the gentlewoman from Florida (Ms. CORRINE BROWN), which used the area for many years for recreational purposes. It is our understanding that this noncontroversial measure has the support of the local community and there are no objections from the National Park Service to the inclusion of this recreational and historical land within the preserve.

That being the case, Mr. Speaker, we support the passage of the legislation today.

Mr. Speaker, I reserve the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. CRENSHAW), who is the sponsor of this important legislation.

Mr. CRENSHAW. Mr. Speaker, I rise today in support of H.R. 3768. I introduced this bill to provide protection to a parcel of land that is located in a historic area of my district, an area called American Beach which has great national significance. This beautiful stretch of shoreline provides a great history and a great story.

Founded in the 1930s by A. L. Lewis, American Beach provided a sunny paradise for African Americans during a tumultuous time in American history. This area of Florida's northeastern shore attracted African Americans from all over the country, including heavyweight boxing champion Joe Lewis, entertainer Cab Calloway, and civil rights leader A. Philip Randolph. While this Nation was struggling to find equality within its shores, American Beach provided a relaxing, culturally unique spot for African Americans to gather along the ocean's edge. The significance of this site was recently recognized when the beach and 120 residential homes in the area were added to the National Registry of Historic Places. Additionally, in 1992 the Florida legislature named American Beach the first site on the Florida Black Heritage Trail.

In his recently released budget, President Bush provides resources for a new Preserve America program through the National Park Service. This initiative is designed to encourage heritage tourism throughout the country. Today this legislation answers the President's call without spending a single dime of taxpayers' money.

Last year, American Beach's neighbor, Amelia Island Plantation, made arrangements to donate 8.5 acres to the National Park Service. Unfortunately, the Park Service could not accept this generous gift because the acreage rests outside the boundaries of the Timucuan Ecological and Historic Preserve. And so what this legislation simply does, it allows the National Park Service to accept the historic site by simply modifying the boundaries of the preserve.

I support this addition to the Timucuan, and others like it, where willing property owners and the National Park Service can work together as stewards of our national treasures. I urge the adoption of this bill.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 3768, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

☐ 1415

NATIONAL WAR PERMANENT TRIBUTE HISTORICAL DATABASE ACT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2201) to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans.

The Clerk read as follows:

H.R. 2201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National War Permanent Tribute Historical Database Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) on November 13, 2000, Congress agreed to a resolution expressing the sense of Congress regarding the need for cataloging and maintaining public memorials;

(2) there are many thousands of public memorials and permanent tributes throughout the United States and abroad that commemorate military conflicts of the United States and the service of individuals in the Armed Forces;

(3) many of these memorials suffer from neglect and disrepair, and many have been relocated or stored in facilities where the memorials are unavailable to the public and subject to further neglect and damage; and

(4) there exists a need to collect and centralize information regarding the identification, location, and description of these memorials, as no such catalog is available to the public from either the Federal Government or any nongovernmental entity.

SEC. 3. ESTABLISHMENT OF DATABASE.

(a) ESTABLISHMENT.—In order to locate, identify, and catalog the many thousands of permanent tributes that commemorate the military conflicts of the United States, and the service and sacrifice of individuals in the Armed Forces of the United States, and to make such information readily available for the educational benefit of the public, the Secretary of the Interior, in consultation with the Secretary of Veterans' Affairs, may establish and maintain a database known as the National War Permanent Tribute Historical Database.

(b) CONTENT.—The database shall contain information on—

(1) the location, history, and background of the permanent tributes;

(2) photographs and other information to enhance the understanding of the permanent tributes;

(3) information about the veterans in whose honor the permanent tributes are dedicated; and

(4) any other information the Secretary considers appropriate and necessary.

(c) PUBLIC ACCESS.—The database shall be made accessible to the public, through the Internet or by other means, in a format that permits the public to submit information on permanent tributes for the purpose of updating and expanding the database.

(d) ASSISTANCE.—The Secretary of the Interior may seek the assistance of other Federal agencies and the States and their political subdivisions, tribal governments, public or private educational institutions, non-profit organizations, and individuals or other entities that the Secretary considers appropriate in carrying out this Act, and may enter into contracts and cooperative agreements to obtain information or services that assist in the development and implementation of the database.

(e) DEFINITION.—As used in this section, the term "permanent tribute" means any statue, structure, or other monument on public property commemorating the service of any person or persons in the Armed Forces.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of the Interior such sums as may be necessary to carry out this Act.

SEC. 5. REPORT.

Within 3 years after the date of enactment of this Act, the Secretary of the Interior shall transmit to the Congress a report assessing the efficacy and desirability of establishing a permanent fund within the Treasury for the repair, restoration, and maintenance of the memorials identified and catalogued under section 3. The report shall include recommended criteria regarding appropriate recipients of expenditures from such a fund as well as proposed funding mechanisms and any other information considered by the Secretary to be relevant.

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2201.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2201, introduced by the gentleman from Colorado (Mr. UDALL), would authorize the establishment of a national database for purposes of identifying, locating and cataloging the many public memorials and permanent tributes to America's veterans of armed service. Once completed, this database will provide our Nation with an excellent educational resource for future generations to learn about the contributions made by members of our Armed Forces. It will also serve as yet another reminder of the sacrifice so many Americans have given to defend our country and the freedoms that we hold so dear.

Mr. Speaker, H.R. 2201 is supported by the majority and minority of the committee, and I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2201 is a bipartisan measure introduced by my colleague, the gentleman from Colorado (Mr. UDALL), that will help further the commemoration of the service rendered in military conflicts throughout American history.

There are thousands of public memorials that commemorate military conflicts of the United States and the service of individuals of the U.S. Armed Forces. On November 13, 2000, Congress agreed to a resolution expressing the sense of Congress regarding the need for cataloging and maintaining public memorials.

As I said, there are many thousands of public memorials and permanent tributes throughout the United States, including in my district, the U.S. Virgin Islands, and abroad, that commemorate military conflicts of the United States and the service of individuals in the Armed Forces. Many of these memorials suffer from neglect and disrepair and many have been relocated or stored in facilities where the memorials are unavailable to the public and subject to further neglect and damage.

There also exists a need to collect and centralize information regarding the identification, location and description of these memorials, as no such catalog is available to the public from either the Federal Government or any nongovernmental agency.

By directing the establishment of a centralized database of these public memorials, H.R. 2201 will contribute to the increased recognition and understanding of the events and people involved in the defense of our country.

Mr. Speaker, I want to take this opportunity to commend the gentleman from Colorado (Mr. UDALL) for his initiative on this important matter. I wholeheartedly support this bipartisan measure and urge its adoption by the House today.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of H.R. 2201.

I want to thank Chairman POMBO and Ranking Member RAHALL as well as Subcommittee Chairman RADANOVICH and the gentlewoman from the Virgin Islands, Dr. CHRISTENSEN for their leadership in having the Resources Committee act so promptly on this bill. And I greatly appreciate the cooperation from the Veterans' Affairs Committee that has made it possible for the bill to come to the floor today.

Mr. Speaker, the purpose of the bill is to help the government and the public to keep track of the many important war memorials on public lands throughout our country.

It would also provide for a report to Congress to determine if there should be a permanent fund within the Treasury for the upkeep of these memorials.

These memorials remind us that the freedom we enjoy in the United States has not just been given to us—Americans have made great sacrifices, including their lives, to protect our way of life.

Unfortunately many of these memorials don't receive the care they deserve and have fallen into disrepair.

These memorials may not be as large as those on the National Mall or Arlington Nation Cemetery but they are just as important and should be taken care of.

In 2002, Congress agreed to a resolution expressing the need for cataloging and maintaining public memorials. The bill would follow through by taking the first step of cataloging our public war memorials.

By cataloging and reporting to Congress on the condition of all war memorials on public lands and by considering how to maintain them we make sure that our veterans are not forgotten.

Passage of this bill will be a step toward renewing our commitment to honor our Nation's veterans. I urge approval of the bill.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 2201.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

APPLAUDING THE MEN AND WOMEN WHO KEEP AMERICA MOVING AND RECOGNIZING NATIONAL TRANSPORTATION WEEK

Mr. PORTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 420) applauding the men and women who keep America moving and recognizing National Transportation Week.

The Clerk read as follows:

H. CON. RES. 420

Whereas the United States transportation system is an extensive, inter-related public and private network of roads, airports, railroads, transit routes, waterways, terminals, ports, and pipelines;

Whereas millions of people and businesses rely on this expanding system to get to work, embark on vacations, conduct business, and ship goods within the United States and abroad;

Whereas this system links regions and connects small and large cities and urban and rural areas;

Whereas transportation contributes to economic activity and to a nation's global competitiveness as a service, an industry, and an infrastructure;

Whereas the transportation sector accounts for 11 percent of the United States Gross Domestic Product;

Whereas the transportation sector employs over 11 million Americans;

Whereas the average household spends about 20 percent of its income on transportation, more than on any other expense except housing;

Whereas the President has proclaimed, by Executive Order, May 16 through May 22, 2004, as National Transportation Week;

Whereas Congress, by joint resolution approved May 16, 1957 (36 U.S.C. 120), designated the third Friday in May of each year as "National Defense Transportation Day" and, by joint resolution approved May 14, 1962 (36 U.S.C. 133), declared that the week during which that Friday falls be designated as "National Transportation Week"; and

Whereas National Transportation Week provides an opportunity for the transportation community to join together for greater awareness about the importance of transportation and for making youth aware of transportation-related careers: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the 108th Congress—

(1) applauds the men and women who keep America moving;

(2) recognizes National Transportation Week by supporting the goals of that Week; and

(3) urges all Americans to become more aware of the benefits and contributions of transportation to the United States economy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 420, introduced by the chairman of the Committee on Transportation and Infrastructure, the gentleman from Alaska (Mr. YOUNG), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), recognizes the week of May 16 through the 22 as National Transportation Week and applauds the men and women who keep America moving.

Every Member of this body is well aware of the importance and the significance of our Nation's transportation system and its direct impact on the lives of everyone. According to the Bureau of Transportation Statistics, the U.S. transportation system is composed of 46,747 miles of interstate highways, nearly 600 million airline passengers, 97,631 miles of class-one freight railroads, over 160,000 route-miles by bus, 26,000 miles of navigable waterways and over 69,000 miles of oil pipelines.

Mr. Speaker, our transportation system is so important to our Nation's economic activity and to our Nation's global competitiveness as a service, an industry and an infrastructure that it is more than appropriate that we recognize and applaud the men and women who keep America moving.

Our transportation sector accounts for 11 percent of the United States' gross domestic product and employs over 11 million Americans.

In my home State of Nevada, we are absolutely dependent on transportation for our economy. Tourism is the number one employer in my district, and the number one, two or three employer in every district in the country. Without the 30 million people who travel through McCarran International Airport each year, or the millions more who drive to Las Vegas and Laughlin down I-15 and US-95, we would not be experiencing the unprecedented growth in our community that we currently enjoy today.

I could go on, but I will conclude by saying I am encouraged every day by the new technologies that are constantly being developed to move us in ways that are faster, more efficient and environmentally sensitive. In Las Vegas, we are seeking to become the first community to deploy high-speed Maglev rail technology to better link us to southern California. We are also deploying Intelligent Transportation System technology known as the FAST system to warn us of traffic delays and Amber alerts.

Again, it is important that we recognize the significance and enormous contributions that transportation makes to our Nation's economy. I urge the adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 420, a resolution recognizing National Transportation Week and applauding the men and women who keep America moving.

Although Congress established National Transportation Week more than 40 years ago, this concurrent resolution provides an opportunity to acknowledge the great contribution of advances in transportation to our Nation's economic success and to salute the men and women who toil on a daily basis to improve America's mobility.

Our transportation investments have paid enormous dividends and enabled our Nation to become the premier economic power in the world. For instance, over the last 2 decades, spending for transportation and logistics fell from 16 percent of gross domestic product to less than 9 percent. We are moving more goods and more people far more efficiently than ever before. By reducing the portion of GDP that is dedicated to logistics, this 7 percent efficiency gain in our $10 trillion economy results in a savings of more than $700 billion per year.

It is this great American success story that this resolution recognizing National Transportation Week celebrates, and I urge Members to support the resolution.

But words without deeds are meaningless. The Committee on Transportation and Infrastructure on a bipartisan basis recognized that the beginning. Under the leadership of the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), they worked together to craft a bill that would invest $375 billion over 6 years to improve our highways, transit systems and safety programs, the very level of investment derived from the Department of Transportation's report on our highway and transit needs. Moreover, the investment would create and sustain up to 3.6 million family wage construction jobs, including 1.7 million new jobs.

Despite strong bipartisan support for this legislation in the House, the House Republican leadership, at the bidding of the White House, would not allow the committee to bring that bipartisan bill to the floor. Had the Bush administration not erected the roadblocks that prevented our bill from advancing through the legislative process, we could have celebrated National Transportation Week in a more meaningful way, pouring the concrete, laying the rail, and cutting the paychecks envisioned within the enactment of TEA-LU.

In an effort to move the bill forward, the Committee on Transportation and Infrastructure reluctantly reported and the House overwhelmingly passed a bill weeks ago with an investment level that is more than $100 billion less than our original bill, $100 billion less than what DOT's analysis shows is required to relieve congestion and improve the surface transportation system in our country.

But even the significantly smaller House bill, authorizing $283 billion and guaranteeing $275 billion is too high for the White House. The administration is still insisting that the total investment be no more than $256 billion over 6 years.

So, let me be clear on what the administration's bill provides: Not one more dollar for highway and transit infrastructure, not one new job. Compared to where we are today, the administration's bill provides no increase for highway funding and no increase for transit funding for the next 5 years, not a single additional dollar. As a result, not one additional job will be created by this zero-growth investment.

The administration's absolute insistence on flat-line investment for highway and transit infrastructure is unprecedented. In contrast, under TEA21, highway investment jumped from $21.5 billion in fiscal year 1998 to $31.6 billion in fiscal year 2003, a 47 percent increase. Transit investment grew even faster, from $4.6 billion in 1998 to $7.3 billion in fiscal year 2003, a 56 percent increase. Even under very difficult budget conditions in the early 1990s, under ISTEA, highway investment still managed to increase from $16.8 billion in 1992 to $18.3 billion in 1997, a 9 percent increase.

Under the President's bill, highway investment will have zero percent growth, from $33.6 billion in 2004 to $33.6 billion in 2009. Similarly, transit investment will have zero percent growth, from $7.2 billion in 2004 to $7.2 billion in fiscal year 2009. Moreover, the President's proposal will cut the guaranteed transit investment to $5.9 billion, an 18 percent cut from fiscal year 2003.

Mr. Speaker, this country has worked too hard to put the current transportation system in place to allow the administration and this Congress to squander previous investments made over generations and allow that system to deteriorate. As we celebrate National Transportation Week, let us move beyond the rhetoric of congressional resolutions to a bill that honors the work of generations of transportation workers and a system that must remain the envy of the world.

Mr. Speaker, I urge my colleagues to support H. Con. Res. 420.

Mr. PORTER. Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to take this opportunity, while discussing National Transportation Week, to personally thank the 11 million Americans in our Nation's transportation workforce, especially those in Texas and the Dallas-Fort Worth area, for their hard work. They literally keep America moving, and I am pleased that we can recognize them all today.

Mr. Speaker, moving people and goods quickly and efficiently is vital to keeping the United States globally competitive, and we need to break the impasse and complete a right-sized highways and transit bill. The needs are many, and many Americans need the work.

Not only must we adequately invest in our transportation systems, but we must also continue to invest in transportation workforce development. Today's youth in America will be constructing and operating our future transportation systems, and we must encourage imagination, innovation and interest in transportation.

Mr. Speaker, National Transportation Week could not have come at a better time. I urge the administration to allow us to proceed with a highways and transit bill that will create good jobs for Americans and provide resources to deal with the bottlenecks, crumbling bridges, the need for more light rail construction, intermodal terminals, trade corridors, transportation security, and safety programs.

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I would like to thank the gentleman from Alaska (Mr. YOUNG) and ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for being some of our Nation's biggest advocates for safe and efficient transportation systems. I look forward to continuing to work with them to address our Nation's infrastructure needs. I thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for leading this discussion.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a little more indepth history of the southern Nevada challenge in transportation, I think, today with Transportation Week it would be appropriated.

As you know, Nevada is one of the fastest growing States in the Union. We are growing at 5 to 7,000 people a month into the southern Nevada area. You can imagine the challenges that we have before us as a community that has almost doubled in the last 10 years, literally creating communities the size of 60 or 70,000 people every year.

Fortunately, over a decade ago, members of the Clark County Commission, local governments across the valley, decided to get together and create what is called the Regional Transportation Commission. The Regional Transportation Commission in concert with five local communities in southern Nevada worked together for the betterment and improvement of the southern Nevada area. As I mentioned, with the massive growth, the transportation needs are extreme. Fortunately, with the passage of this bill we will see additional funds to help us with this growth. And I applaud leadership and I applaud the chairman and the ranking member for their leadership.

Mr. CUMMINGS. Mr. Speaker, I rise to voice my support for H. Con. Res. 420, a bill that designates May 16–22, 2004 as National Transportation Week. Sponsored by the U.S. Department of Transportation, and more than 30 other transportation industry organizations, National Transportation Week is an opportunity to highlight the functions and accomplishments of the transportation industry.

There are nearly 4 million miles of roads in the United States. That's enough to circle the globe 16 times, travel round trip to the moon 8 times, or take 800 round trips between New York and Los Angeles. Since 1982 our population has grown almost 19 percent, the number of registered motor vehicles has increased 36 percent, and vehicle miles traveled has ballooned 72 percent. In spite of this growth, we have failed to keep pace with the increasing demands on highways and transit systems. Over the last 20 years we have added less than five percent to road capacity and even less to public transit.

Transportation is about people, and about providing them with the opportunity to lead safer, healthier, and more fulfilling lives. Moreover, our country's economic strength, our ability to improve productivity, and our capacity to create jobs are all dependent—to a great extent—on the health and vitality of our transportation system and its infrastructure. In 2003 the value of imported goods and goods designated for export that were carried on our Nation's transportation system amounted to nearly $2 trillion—that's $1,259 billion in imports and $724 billion in exports.

According to the Census Bureau and the U.S. Department of Transportation forecasts, by the year 2020: Annual vehicle miles traveled in the U.S. will increase 51 percent—from 2.8 trillion in 2000 to 4.2 trillion in 2020; the driving age population in the United States will increase 21 percent by 2020; and truck freight volumes will nearly double from 9 billion tons in 2000, to almost 17 billion tons in 2020.

I am stating these statistics because I am very concerned about the inadequate funding of our Nation's transportation system and this Committee's transportation bill. Without increased investment we will suffer both socially and economically. For every $1 billion invested in Federal highway and transit spending, 47,500 jobs are created or sustained. Our Nation's deteriorating infrastructure and congestion, along with safety and economic problems warrant our strong and immediate response. Hopefully, during National Transportation Week, by acknowledging how heavily we rely on our national transportation system and the essential role in plays in our social and economic health, we will agree on a funding figure that adequately supports our need to keep America moving.

Mr. PORTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 420.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. PORTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR ACTIVITIES ASSOCIATED WITH THE DEDICATION OF THE NATIONAL WORLD WAR II MEMORIAL

Mr. PORTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 423) authorizing the use of the Capitol Grounds for activities associated with the dedication of the National World War II Memorial.

The Clerk read as follows:

H. CON. RES. 423

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR NATIONAL WORLD WAR II MEMORIAL DEDICATION.

The Capitol Grounds may be used for a public event providing additional space in conjunction with the dedication of the National World War II Memorial on May 29, 2004, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Architect of the Capitol is authorized to erect on Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 5104(c); 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event to be carried out under this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 423, introduced by the gentlewoman from Ohio (Ms. KAPTUR), permits the use of the Capitol grounds for an overflow audience from the National World War II Memorial dedication ceremony.

This ceremony, which will occur at the National World War II Memorial, dedicates the memorial in honor of hundreds of thousands of men and women that gave their lives in the cause of freedom from 1941 through 1945.

Mr. Speaker, much has been said and written about the Greatest Generation, about the economy and country they built when they returned from the war. We are honored to have a number of those veterans serving in this body, and I am certainly personally grateful to have been able to work with each and every one of them. It is important that we as Congress do all we can to facilitate this very important ceremony, and this concurrent resolution will allow more veterans to participate, albeit from a distance.

In my home State of Nevada, we have one of the fastest-growing veteran populations in the Nation with an increase in 30 percent with the veteran population in the 1990s. More than 18 percent of the approximately 240,000 veterans living in Nevada served during World War II, and I am honored to support this resolution on their behalf.

I support this resolution and encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Nevada (Mr. PORTER). I rise in support of this resolution to authorize the use of the Capitol grounds for activities associated with the dedication of the World War II Memorial. The main dedication event is scheduled for Saturday, May 29, during the Memorial Day holiday weekend.

The resolution authorizes the use of the Capitol grounds for public events in conjunction with the dedication. In 1993, President Clinton signed PL 103–32 to authorize the construction of a memorial in Washington, D.C., to all the members of the armed services who served in World War II. In 1995, President Clinton dedicated the site on the Mall and the proposed design was unveiled at the White House in 1997.

The gentlewoman from Ohio (Ms. KAPTUR) is a leading advocate for the memorial and has been its staunch champion and sponsored this resolution.

Consistent with any event on the Capitol grounds, this event shall be free of charge and open to the public. To accommodate overflow visitors and participants, the Architect of the Capitol is authorized to set up a stage and any sound equipment that may be required for the event. Further, the Capitol Hill Police shall enforce the traditional restrictions on advertising on the Capitol grounds.

The dedication is an event long anticipated by World War II veterans and their families. I support the resolution and urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also would like to recognize my father who served in World War II, what a great tribute to him and his friends and all those other folks that served our country and paid the ultimate sacrifice, and to my uncle who was in Pearl Harbor on December 7, 1941.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for yielding me this time, and I thank our dear colleague from Nevada (Mr. PORTER) for allowing us this time on the floor. Also, to the gentleman from Illinois (Mr. HASTERT), I would like to thank him personally and to his able assistant, Ted Van Der Meid, for helping us move this legislation. I also want to thank the gentleman from the great State of Minnesota (Mr. OBERSTAR) for making this moment a reality.

I want to say, Mr. Speaker, thank you for the opportunity to bring to the floor H. Con. Res. 423, which authorizes the use of these Capitol grounds for activities associated with the dedication of the World War II Memorial on May 29, Memorial Day weekend, just a week from this Saturday.

Mr. Speaker, the dedication ceremony for the World War II Memorial will mark the beginning of the end of a 20-year journey. It will mark the recognition by this Nation that a grateful Nation does remember the most unselfish generation America has ever known. And when that memorial is dedicated between the Washington Monument, which marks the founding of our Republic in the 18th century, and the Lincoln Memorial, which acknowledges the preservation of this Union during the 19th century, this memorial will represent the fulcrum of the 20th century, that is the victory of liberty over tyranny in a just war.

The ceremony that will occur, including here on the Capitol grounds, will mark the culmination of a process that took form here in the people's House some 17 years ago when the original authorizing legislation that the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) referred to was first introduced by me. Many, many Members were a part of making this possible. It has taken 10 Congresses and three Presidents. And I want to place in the RECORD, if I might, the wonderful Members of this House who made this ceremony and this Memorial Day possible:

Congressman Sonny Montgomery, Mississippi, now retired; Congressman Bob Stump, Arizona, now passed; the gentleman from Illinois (Mr. EVANS), currently the ranking member on the Committee on Veterans' Affairs; Congressman Henry Gonzalez of Texas, now passed; Congressman Bill Clay of Missouri, retired; Congressman Esteban Torres of California, now retired; Congressman John Grotberg, the Speaker's predecessor of the great State of Illinois, now passed; and from the other body, in particular, Senator John Glenn, retired; and Senator Strom Thurmond, now passed.

I think people tend to forget that the World War II Memorial which opened to the public approximately 3 weeks ago to rave reviews was a House idea, a House initiative, a House effort that the House kept alive for 2 decades.

On Thursday we will have a ceremony here in Statuary Hall to honor the six World War II veterans who currently serve in our people's House. We will present at that time to them the two flags that were handmade in the Buckeye State, in the State of Ohio, as we give them over to the Nation. And I would like to say a special thank you to the gentleman from Michigan (Mr. DINGELL), the gentleman from Illinois (Mr. HYDE), the gentleman from Ohio (Mr. REGULA), the gentleman from New York (Mr. HOUGHTON), the gentleman from Texas (Mr. HALL), and the gentleman from Florida (Mr. BILIRAKIS).

The legislative history behind the World War II Memorial is replete with struggle and controversy and occasional disappointment, but in the end a great victory and a magnificent tribute. There were stops and starts along the way, and no one knows this better than I; but in the end nothing could stop this powerful idea that came from the Heartland of America, from the Buckeye State, from the heart of one veteran named Roger Durbin from Berkey, Ohio, population 265, Lucas County; It is and idea that came from the grassroots of America. It was so meritorious that it eventually arrived here in our Nation's Capital and now has full expression on our Mall of democracy.

As we prepare to formally dedicate the memorial on May 29, this resolution will facilitate the use of the Capitol grounds and facilities to honor the hundreds of thousands of World War II-generation members and their families and their children and their grandchildren, as we dedicate that sacred soil on the Mall between the Lincoln Memorial and the Washington Monument.

In our district, as in other districts around the country, plans are already under way by many veterans organizations including the American Legion for local celebrations to coincide with the May 29 dedication here in our Nation's Capital. There will be satellite uplinks from all of the celebrations here. In our home town of Toledo, Ohio, local organizers will hold a ceremony in Fifth Third Field, the city that is home to the Toledo Mud Hens baseball team. Plans are already underway. Our community will hold the largest parade our citizenry has ever seen.

In Vermilion, Ohio, the local funeral director, Judy Riddle, has helped organize an event for the World War II veterans in that community. And it is an understatement to say that the funeral directors in Ohio raised more money than any other State to help build this memorial. In Wellington, Ohio, a local school teacher, Calvin Woods, has organized a group of students and parents to visit the memorial next week. They will be honoring local World War II veterans on the 29th as well.

I can say this, that when Roger Durbin first walked up to me 17 years ago—God rest his soul, he passed in the year of 2000—this was his last dying wish that this memorial be completed. He did not ask for himself. His statement was, Congresswoman KAPTUR, why is there no World War II Memorial in Washington, D.C. where I can bring my grandchildren so they can understand the causes to which my life was dedicated?

So his desire was that our grandchildren, his grandchildren, America's grandchildren understand. It was rather coincidental, and some would say divine providence, that on the day that the plaza opened to the general public a few weeks ago, the very first group through that site was from Jones Junior High School from the county of Lucas, his home county; and that was not planned.

In fact, when Tim Russert was down there from NBC News, the children were all excited that they could see such a famous reporter. It was totally unplanned. I know Roger Durbin's hand was in that because he intended to be there for that dedication, and he always was dedicated to the future generations.

Thousands of veterans and their families are making their way already to Washington, D.C. to attend this ceremony here on our Nation's Mall. The logistical challenge is daunting. And of the hundreds of thousands of people on the National Mall, over half of them will be World War II veterans and their spouses, and almost all of them will be over 80 years of age.

We are planning a variety of events here in our congressional offices for that weekend. And we are very grateful that the Speaker has permitted the Capitol and its grounds to be open. Along with most Members' offices, our office in Washington will be open to our constituents.

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We are also working with the office of the gentleman from Ohio (Mr. STRICKLAND) to host Ohio's veterans at the American Legion Post 8 here on Capitol Hill, both on Saturday evening and Sunday morning. We are expecting several busloads of veterans just from northwest Ohio, and those are the ones that we actually know about. We know some of them, well, they are just going to drive with their grandkids in campers and show up, and we are ready for them.

This concurrent resolution is essentially a formality. But it is the precursor to Congress rolling out the red carpet for the greatest generation America has ever known—our World War II veterans and their families, and other members of the World War II generation who served on the home front, their friends and family members, and other Americans who will be in town for the Memorial Day weekend. It is going to be a very heart-rending weekend. We are looking forward to it with great anticipation.

If my colleagues have been down to the site already, they cannot come away with a dry eye. As veterans and their families, some in wheelchairs, some walking with canes, some just there to reflect, come and touch the marble stone where perhaps where they fought is engraved. I watched one man go up, just touch the words Okinawa and he just stood there. I met a Purple Heart standing there on the plaza , and he thanked me. I said, sir, I was not even born. This is for you, thank you, because America does remember.

I again want to deeply thank the office of the gentleman from Illinois (Speaker HASTERT); the minority leader's office, the gentlewoman from California (Ms. PELOSI); and both sides of the aisle of the Committee on Transportation and Infrastructure for their help with this concurrent resolution; and I urge its adoption.

God bless our veterans and God bless America. I thank the gentlewoman for the time.

Mr. OBERSTAR. Mr. Speaker, House Concurrent Resolution 423 authorizes the use of the Capitol Grounds for activities associated with the dedication of the World War II Memorial on the National Mall. I'm proud to support this resolution and to support the dedication of the memorial to honor the achievements and sacrifices of our "Greatest Generation."

In 1993, P.L. 103–32 authorized the construction of a memorial on Federal land in the District of Columbia to honor members of the armed services who served in World War II and to commemorate United States participation in that conflict. Further, the public law authorized the American Battle Monuments Commission to solicit and accept private contributions for the memorial. The formal dedication event for the memorial is scheduled for Saturday, May 29, 2004.

The Capitol Grounds will provide additional space for this event, and the Architect of the Capitol is authorized to set up on the Grounds sound devices, related structures, and equipment as may be required to bring the event to a larger audience. Consistent with all events on Capitol Ground, the Capitol Police will enforce the ban on sales, advertisements, displays, and solicitations.

The dedication will be open to the public and free of charge and is expected to draw many hundreds of thousands of visitors and participants to the Capitol. Use of the Capitol Grounds will enable our veterans and the general public to participate more fully in the day's activities and enjoy this much-deserved dedication.

I support the resolution and urge its adoption.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PORTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 423.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. PORTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 420 and H. Con. Res. 423.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

EXPANSION OF DESIGNATED RENEWAL COMMUNITY AREA BASED ON 2000 CENSUS DATA

Mr. HOUGHTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4193) to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data and to treat certain census tracts with low populations as low-income communities for purposes of the new markets tax credit.

The Clerk read as follows:

H.R. 4193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF DESIGNATED RENEWAL COMMUNITY AREA BASED ON 2000 CENSUS DATA.

(a) IN GENERAL.—Section 1400E of the Internal Revenue Code of 1986 (relating to designation of renewal communities) is amended by adding at the end the following new subsection:

"(g) EXPANSION OF DESIGNATED AREA BASED ON 2000 CENSUS.—

"(1) IN GENERAL.—At the request of all governments which nominated an area as a renewal community, the Secretary of Housing and Urban Development may expand the area of such community to include any census tract if—

"(A)(i) at the time such community was nominated, such community would have met the requirements of this section using 1990 census data even if such tract had been included in such community, and

"(ii) such tract has a poverty rate using 2000 census data which exceeds the poverty rate for such tract using 1990 census data, or

"(B)(i) such community would be described in subparagraph (A)(i) but for the failure to meet one or more of the requirements of paragraphs (2)(C)(i), (3)(C), and (3)(D) of subsection (c) using 1990 census data,

"(ii) such community, including such tract, has a population of not more than 200,000 using either 1990 census data or 2000 census data,

"(iii) such tract meets the requirement of subsection (c)(3)(C) using 2000 census data, and

"(iv) such tract meets the requirement of subparagraph (A)(ii).

"(2) EXCEPTION FOR CERTAIN CENSUS TRACTS WITH LOW POPULATION IN 1990.—In the case of any census tract which did not have a poverty rate determined by the Bureau of the Census using 1990 census data, paragraph (1)(B) shall be applied without regard to clause (iv) thereof.

"(3) SPECIAL RULE FOR CERTAIN CENSUS TRACTS WITH LOW POPULATION IN 2000.—At the request of all governments which nominated an area as a renewal community, the Secretary of Housing and Urban Development may expand the area of such community to include any census tract if—

"(A) either—

"(i) such tract has no population using 2000 census data, or

"(ii) no poverty rate for such tract is determined by the Bureau of the Census using 2000 census data,

"(B) such tract is one of general distress, and

"(C) such community, including such tract, meets the requirements of subparagraphs (A) and (B) of subsection (c)(2).

"(4) PERIOD IN EFFECT.—Any expansion under this subsection shall take effect as provided in subsection (b)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 101 of the Community Renewal Tax Relief Act of 2000.

SEC. 2. POPULATION CENSUS TRACTS WITH LOW POPULATIONS TREATED AS LOW-INCOME COMMUNITIES FOR PURPOSES OF NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Subsection (e) of section 45D of the Internal Revenue Code of 1986 (relating to low-income community) is amended by adding at the end the following new paragraph:

"(4) TRACTS WITH LOW POPULATION.—A population census tract with a population of less than 2,000 shall be treated as a low-income community for purposes of this section if such tract—

"(A) is within an empowerment zone, the designation of which is in effect under section 1391, and

"(B) is contiguous to one or more low-income communities (determined without regard to this paragraph).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to investments made after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. HOUGHTON) and the gentleman from Washington (Mr. MCDERMOTT) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge the House to pass H.R. 4193. This measure will allow communities benefiting from economic development tax incentives to use those incentives to the maximum extent they possibly can.

The purpose of H.R. 4193 is to increase the flexibility communities have to use both the Renewal Communities and the New Markets Tax Credit tax incentives.

The Community Renewal Tax Relief Act of 2000 authorized the Department of Housing and Urban Development to select, based on a highly competitive process, 40 distressed areas across the country as renewal communities. So, as renewal communities, these distressed areas are able to use tax incentives to promote economic development.

These incentives include: One, a zero percent rate for capital gains from the sale of qualifying assets; two, a 15 percent wage credit to employers for the first $10,000 of qualified wages; three, a commercial revitalization deduction; four, an additional $35,000 in section 179 expensing for qualified property; and last, expansion of the Work Opportunity Tax Credit.

Communities were initially selected based on the 1990 census data for population and poverty rates because this was the most current data available at the time. We now have up-to-date 2000 census data showing how the population has shifted and the population and poverty rates have moved. H.R. 4193 is going to allow a renewal community to include additional census tracts which have experienced rising poverty according to the 2000 and 2002 census.

The bill also updates the New Markets Tax Credit by helping more distressed, low-population communities become eligible for the credit's benefit. Today, the profile of these communities makes its hard for them to meet poverty and income tests. Without this adjustment, low-population and economically distressed areas within an Empowerment Zone's boundaries will not get the help they need to develop further.

The House has already acted by unanimous consent to update Renewal Communities with this new 2000 census data. So the addition of the New Markets Tax Credit provision improves the package and does not affect the Federal budget and has broad bipartisan support.

So I urge my colleagues, Mr. Speaker, to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from New York. His description of the bill is quite adequate, I think.

H.R. 4193 is basically a bill that was passed about 10 years ago, and the census data used at that point was the 1990 census. We now have the 2000 census, and this is simply making this bill work better. Communities like Yakima, Washington; Hamilton, Ohio; and Mobile, Alabama, will be among the many beneficiaries of this change in the law.

It is not a big law. We did not even bother having a hearing in the Committee on Ways and Means on it. So it must not be too big, and I urge the adoption of the bill.

Mr. QUINN. Mr. Speaker, I rise today in support of H.R. 4193.

Over the past decade, few areas of the country have faced the economic and fiscal challenges that my Western New York district has experienced. When a section of the City of Buffalo received a Renewal Community designation by the Department of Housing and Urban Development, I saw the possibility of an economic revival in my district.

When an area is designated as a Renewal Community, businesses located there become qualified to receive certain tax incentives such as zero-percent capital gains rate on qualified community assets held for five years; work opportunity credits; commercial revitalization deductions; additional Section 179 expensing and the Renewal Community Employment Credit that credits employers $1500 for each employee who both lives and works in the renewal area.

Because of these significant financial and tax incentives designed for low-income areas, the City of Buffalo has seen many improvements to the local economy. However, like many of the other Renewal Communities across the country, the standards HUD uses to designate renewal communities need to be modified and improved.

The original bill authorizing Renewal Communities, The Community Tax Reform Act of 2000, directs HUD to use poverty, unemployment and population levels based on 1990 census tract data to determine if a tract qualifies for a renewal community designation. To date, HUD has designated 40 Renewal Communities areas across the country using this outdated standard.

Section 1 of H.R. 4193 makes a simple change to these designation requirements by allowing HUD to enlarge a Renewal Community by adding census tracts using 2000 census tract data.

Given the enormous advantages for cities like Buffalo, it just makes sense for areas that continue to face decline to be eligible to use the most current census data available. This bill will provide for the expansion for Renewal Communities across the country so areas like Buffalo and Jamestown, N.Y. can finally realize economic success.

Mr. Speaker, thank you for bringing H.R. 4193 to the floor, and I urge all my colleagues to support this common sense, bipartisan legislation.

Ms. SLAUGHTER. Mr. Speaker, I rise in strong support of H.R. 4193, which the House is considering today under suspension of the rules.

I want to take a moment to recognize the work done by my colleague, Representative QUINN, who introduced the original bill, H.R. 840, which serves as a basis for H.R. 4193. I was proud to be an original cosponsor of the earlier bill, which would expand the areas of Renewal Communities based on more recent census information.

The Renewal Communities Initiative combines tax credits and other provisions designed to revive some of the nation's more impoverished distressed areas. These cities can take advantage of federal wage credits, tax deductions, capital gains exclusions, and bond financing to stimulate economic development and job growth. Each incentive is tailored to meet the particular needs of a business and offers a significant inducement for companies to locate and hire additional workers.

We have come close before to enacting this commonsense change, but this time we cannot fail.

This is too great an issue of importance to the country, and in particular, my district in Western New York.

Due to a loss of population in the 1990's, my area would greatly benefit from this change.

Out of five Renewal Communities designated in New York State, three are in my district: Buffalo, Niagara Falls, and Rochester.

According to Fannie Mae, this technical change would allow 14 more census tracts to qualify in Rochester, 16 more tracts in Buffalo-Lackawanna, and seven additional census tracts in Niagara Falls.

Each city in my district needs these incentives to expand jobs and promote business investment in our downtown areas. The statistics from my district paint the bleak picture.

The March 2004 employment figures released by the U.S. Department of Labor in late April revealed that the Buffalo-Niagara Falls market had the highest unemployment rate increase over the past year among all major metropolitan areas with one million or more residents.

According to the Bureau of Labor Statistics, Buffalo's unemployment rate in March was 7.4 percent, up 1.1 points from 6.3 percent a year ago. The number of unemployed was 42,000 this year. In March, Rochester's unemployment rate was 6.7 percent according, with 700 more area people employed in March than in February. However, that is still 4,400 fewer people than had jobs in March 2003.

Manufacturers have slashed about 4,600 jobs in the last year. The biggest dip was in jobs producing nondurable goods such as film—an 8.7 percent drop. This decease was mainly a result of Eastman Kodak Co.'s continued downsizing.

The Renewal communities program seeks to entice businesses to develop commercial property and hire local employees. I strongly believe that the federal government can be an important partner in local efforts to spur economic development. The program provides critical tools to help with that partnership.

The expansion of the Renewal Communities program would give these cities the necessary spark to reignite their economic engines. I strongly urge my colleagues to support H.R. 4193.

Mr. ISTOOK. Mr. Speaker, H.R. 4193 that we are considering today, while making some simple changes to the tax code, would provide considerable positive impact to our low-income and distressed areas for years to come. I strongly support this measure, which would inject much-needed wealth into low-income and poverty-stricken areas through the creation of jobs and opportunities, where few now exist.

I am grateful to the Majority Leader, to the Ways and Means Committee, to its Chairman (Mr. THOMAS) and to the gentleman from New York (Mr. HOUGHTON) for bringing H.R. 4193 to the House floor today. Scheduling conflicts prevented them from bringing it to the floor during the last 3 weeks as was originally planned, so it's important to act today. Avoiding delay is the reason for acting today even though I must be absent, due to my long-standing commitment to deliver the commencement address to the graduating class of Oklahoma State University in Oklahoma City. But I am confident H.R. 4193 will be approved without any need for my presence, and thanks to the help from these other Members.

I want to draw your attention to section 2 of the bill, which provides a much-needed correction to the tax code for dealing with what's called the New Markets Tax Credit. This credit is designed to encourage taxpayers to invest in economically-distressed communities that have been designated as Empowerment Zones. Unfortunately, the tax code as it currently stands actually precludes some of the worst hit areas from taking advantage of the New Markets Tax Credit, which we have the chance today to begin to rectify.

Empowerment Zones were created to rebuild communities in America's poverty-stricken areas through incentives that would entice businesses back to areas that experience high unemployment and shortages of affordable housing. In the words of HUD Secretary Mel Martinez, "This critical partnership between the public and private sectors will give local businesses in distressed neighborhoods an economic boost to help drive revitalization, provide jobs and ultimately build a foundation for stronger communities." Currently, there are 30 areas designated as Empowerment Zones, whose status provides the community with a framework of tax incentives and bond financing that offers a significant inducement for companies to locate in designated distressed areas and to hire additional workers.

The New Markets Tax Credit permits taxpayers to receive a credit against their Federal income taxes for making qualified investments in designated Empowerment Zones, which totals 39 percent of the cost of the investment over a 7-year period. Unfortunately, the current tax code contains a "Catch-22" regarding Empowerment Zones and the New Markets Tax Credit. The credit is administered according to the poverty level of each census tract in an Empowerment Zone. To be eligible for the credit, a census tract must have a 20 percent or greater poverty level assigned to it by the Census Bureau.

The "Catch-22" is that if a census tract has no assigned poverty level then it is not eligible for the credit. Such a case exists in two census tracts of the Oklahoma City Empowerment Zone because they either have no population or an extremely low population. These are census tracts 1027 and 1031.02, which contain large amounts of space with no residences, even though they are in an urban setting (which is not unusual for a city in America's west).

Although the rest of the Oklahoma City Empowerment Zone is New Markets Tax Credit eligible, the federal statute precludes these two census tracts from eligibility as they must have a 20 percent or greater poverty rate. That is an obvious impossibility when there is no population or such an extremely low population that the Census Bureau will not assign a poverty rate. Yet these two tracts face the same compelling economic needs as the rest of the Zone. These two census tracts are in essence donut holes within the Empowerment Zone. They are surrounded by other census tracts that do qualify for the New Markets Tax Credit. Omitting them from that program makes no sense; it is a bureaucratic accident that would defeat the program's purpose. But like a donut, they have none of the tasty dough that makes a donut appealing.

I have worked with the Department of Treasury to try to overcome this obstacle to New Markets Tax Credit eligibility, but existing Federal statute does not grant the Treasury Department the discretionary authority they need to correct the injustice. Therefore, a legislative fix is required. Section 2 corrects this problem by amending the tax code so that census tracts with a population of less than 2,000 are eligible for the NMTC. The 20 percent poverty criteria requirement is waived if the census tract is located in an Empowerment Zone and is contiguous to at least one other low-income community.

Downtown areas often serve as commercial, industrial, and office centers, which consequently have a limited residential population. Ironically, the lack of housing precludes these areas from tax incentives that would help inject affordable housing and energize their economies with activity for the very people these programs are trying to serve. The Oklahoma City Health Sciences Center area serves as one such example. This medical complex is adjacent to downtown Oklahoma City. It includes the Presbyterian Foundation and Research Park, the University of Oklahoma Health Center, and the Oklahoma Blood Institute among other health care providers. These, along with the Oklahoma Medical Research Foundation and the Children's Medical Research institute, are part of a rapidly-developing area of bio-medical research and treatment facilities that is removing blight and serving a wide ranging constituency. But because the census tract that it is located in, as of the

2000 census, had only 72 residents, it was excluded from this program. The Census Bureau will not publish poverty and income information for a census tract such as this, whose source population is so easily identifiable, thus the Health Sciences Center area has no assigned poverty rate and is not New Markets Tax Credit eligible. Enacting H.R. 4193 will encourage development of much-needed affordable housing in this area, and provide job opportunities that will benefit people of all income and skill levels anchored through the growing bio-medical industry.

Another example of a blighted project that would quickly benefit from passage of H.R. 4193 is the Skirvin Plaza Hotel, located in Oklahoma City's inner city. This beautiful 1910 building, which is an important example of early art deco design has been closed since 1988 and is awaiting a developer. Because its census tract has zero population, the hotel is not New Markets Tax Credit eligible. Although its revitalization would greatly contribute to the quality of life in downtown Oklahoma City through the jobs and economic activity that its reopening would bring. The simple fact that affordable housing does not exist in this census tract denies an estimated $9 million in equity that could otherwise be raised for restoring and reopening this now empty, abandoned hotel.

I have been advised that Oklahoma City is not alone in this situation. Chicago, Detroit, East St. Louis, and New York are also empowerment zone cities each containing census tracts with no population, for a total of 14 zero population tracts. I have to wonder how many other census tracts in empowerment zones also have extremely low populations. I cannot speak to the specifics of each city's case, but I know that Oklahoma City is not alone in its situation.

Although this legislation has particular importance to Oklahoma City, I believe that many federally-designated Empowerment Zones will benefit from its passage. I strongly encourage all members to vote yes for H.R. 4193.

Mr. MCDERMOTT. Mr. Speaker, I yield back the balance of my time.

Mr. HOUGHTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. HOUGHTON) that the House suspend the rules and pass the bill, H.R. 4193.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOUGHTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4193, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

UNDOCUMENTED ALIEN EMERGENCY MEDICAL ASSISTANCE AMENDMENTS OF 2004

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3722) to amend section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to impose conditions on Federal reimbursement of emergency health services furnished to undocumented aliens.

The Clerk read as follows:

H.R. 3722

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Undocumented Alien Emergency Medical Assistance Amendments of 2004".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The provision of medical care by public or private health care providers to undocumented aliens is appropriate only—

(A) to protect the health and safety of United States citizens;

(B) to save the life of an undocumented alien in a life-threatening medical emergency; and

(C) to stabilize an emergency medical condition so that an undocumented alien can be repatriated for medical treatment in the alien's own country.

(2) Federal reimbursement of emergency hospital services furnished to undocumented aliens should be conditioned upon obtaining sufficient information to promptly remove the aliens.

(3) Employers who employ undocumented aliens without completing employment authorization verification procedures should be held liable for uncompensated emergency services furnished to such aliens.

SEC. 3. CONDITIONS FOR RECEIPT OF FEDERAL ASSISTANCE FOR EMERGENCY SERVICES FOR UNDOCUMENTED ALIENS.

(a) IN GENERAL.—Section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is amended—

(1) in subsection (d)(1), by adding at the end the following new subparagraph:

"(C) APPLICATION OF REQUIREMENT.—Under such process, the Secretary shall not provide payment under subsection (c) to an eligible provider that is a hospital for eligible services for an alien described in subsection (c)(5)(A) unless the requirements of subsection (f) are met by that provider with respect to such alien.";

(2) in subsection (e)(2), by adding at the end the following new sentence: "Such term also includes, with respect to an undocumented alien described in subsection (c)(5)(A), costs for emergency medical transportation and evacuation incurred by a hospital in transferring and removing the alien to a foreign country for receipt of appropriate health care services."; and

(3) by adding at the end the following new subsection:

"(f) REQUIREMENT FOR COLLECTION OF IMMIGRATION-RELATED INFORMATION FOR UNDOCUMENTED ALIENS.—

"(1) IN GENERAL.—No payment may be made under subsection (c) to a hospital with respect to the provision of eligible services to an undocumented alien described in subsection (c)(5)(A) unless the following requirements are met:

"(A) The hospital has obtained in good faith from the alien (or a legal guardian or other representative on behalf of the alien) the following information in a document that is signed by the alien (or such guardian or representative) under oath or affirmation and that is in a form that includes a notice that fraudulent or false statements constitute a criminal act punishable under Federal law:

"(i) The citizenship of the alien.

"(ii) The immigration status of the alien.

"(iii) The address of the alien in the United States.

"(iv) Such personal or financial data regarding the alien as the hospital routinely requires of non-indigent patients, including information regarding health insurance.

"(v) Information on the identity of any current employer of the alien for whom the alien has executed an Internal Revenue Service Form W–4.

A hospital is not liable for the accuracy of the information provided under this subparagraph so long as it exercises reasonable care and good faith in obtaining the information.

"(B) The hospital obtains one or more identifiers for the alien and records such identifiers in a digital, electronic format specified by the Secretary in consultation with the Secretary of Homeland Security. Such format shall be compatible with at least one interoperable database maintained by the Secretary of Homeland Security for the purpose of verifying the identity and immigration status of aliens.

"(C) The hospital transmits to the Secretary of Homeland Security, in a digital, electronic format and manner specified by such Secretary, the information provided under subparagraph (A) and the identifier (or identifiers) obtained under subparagraph (B).

"(2) MAINTENANCE OF HOSPITAL RECORDS.—For a period of at least 5 years, a hospital referred to in paragraph (1) shall maintain the original documents described in paragraph (1)(A) on file and makes such documents available for examination by the Secretary and the Secretary of Homeland Security or their designees.

"(3) PROVISION OF TECHNICAL SUPPORT.—The Secretary of Homeland Security shall provide hospitals under this section with software, training, and technical support services, at no cost to the hospital, to assist and enable hospitals to comply with the requirements of paragraph (1).

"(4) PROMPT ACTION BY DHS.—The Secretary of Homeland Security shall take steps as may be necessary—

"(A) to obtain, process, and promptly review information transmitted under paragraph (1)(C);

"(B) to determine whether an alien for whom such information is transmitted is removable under any provision of Federal immigration law; and

"(C) to initiate removal proceedings under the relevant provisions of the Immigration and Nationality Act in the case of any such alien who is identified as being removable.

"(5) REMOVABILITY.—An undocumented alien who obtains eligible services through a hospital and does not provide for payment for such services and who fails to provide accurate information described in paragraph (1)(A) or an identifier (as defined in paragraph (6)) shall be treated as removable on the ground described in section 237(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(5)).

"(6) DEFINITION OF IDENTIFIER.—In this section, the term 'identifier' means a fingerprint or other biometric identifier as the Secretary of Homeland Security may require.

"(g) RESPONSIBILITY OF CERTAIN EMPLOYERS.—

"(1) IN GENERAL.—In the case of an employer of an undocumented alien worker described in paragraph (2) for whom payments are made to a hospital for eligible services under this section, subject to paragraph (3), the employer shall be liable to the Secretary for the amount of the payments so made.

"(2) UNDOCUMENTED ALIEN WORKER DEFINED.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'undocumented alien worker' means, with respect to an employer, an undocumented alien described in subsection (c)(5)(A)—

"(i) who is an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3));

"(ii) who has provided the employer with an Internal Revenue Service Form W–4; and

"(iii) with respect to whom neither the conditions described in subparagraph (B)(i) or the condition described in subparagraph (B)(ii) have been met.

"(B) CONDITIONS FOR EXEMPTION.—For purposes of subparagraph (A)(iii)—

"(i) FIRST SET OF CONDITIONS.—The conditions described in this clause for an employer and alien are the following:

"(I) The employer and alien have fully complied with all requirements of the employment verification system prescribed in section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)).

"(II) The employer has enrolled the alien in a State workmen's compensation plan.

"(III) The alien is enrolled under a health benefits plan or health insurance coverage that provides such level of coverage with respect to emergency medical and hospitalization benefits as the Secretary shall specify, in consultation with the Secretary of Homeland Security.

"(IV) The employer has assumed responsibility for any cost-sharing (including applicable deductibles and coinsurance) that applies to the alien.

"(ii) ALTERNATIVE CONDITION.—The condition described in this clause for an employer and alien are that the employer has verified the employment authorization of the alien through the voluntary basic employment verification pilot program under section 403(a) of the Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208), where available, or by any other means made available for such verification purposes by the Secretary of Homeland Security.

"(3) LIMITATION ON LIABILITY.—The liability of an employer under this subsection shall be limited to an employer that employs an undocumented alien worker at the time (as specified under rules of the Secretary of Homeland Security) the eligible services are provided for which payment may be made by the Secretary under this section.

"(h) LIMITATION ON CARE REQUIRED.—Notwithstanding any other provision of law (including section 1867 of the Social Security Act, 42 U.S.C. 1395dd), a hospital is not required to make available to an undocumented alien described in subsection (c)(5)(A) care or services if—

"(1) the alien may be transported to the alien's country of origin (as determined in accordance with rules of the Secretary of Homeland Security) without a significant likelihood of material deterioration of medical condition of the alien (or, in the case of an alien in active labor, of the child), within reasonable medical probability, resulting from the transfer of the alien from the hospital; or

"(2) the care—

"(A) involves organ transplantation or other extraordinary medical treatment (or other treatment the estimated cost of which exceeds $50,000); and

"(B) is for treatment of a condition that existed before the alien entered the United States or is not required as a direct and immediate result of an accident in the United States.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, shall issue interim regulations implementing the amendments made by subsection (a) no later than 60 days after the date of the enactment of this Act and shall permit a period of public notice and comment of at least 90 days.

(2) FINAL REGULATIONS.—The Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, shall issue final regulations implementing such amendments not later than one year after the date of publication of such interim regulations.

(d) ANNUAL REPORT ON IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, shall submit to the chairman and ranking minority member of the Judiciary and Appropriations Committees of the House of Representatives and the Senate, the Select Committee on Homeland Security of the House of Representatives, and the Senate Committee on Governmental Affairs an annual report on the implementation of section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, as amended by this section.

(2) ITEMS TO BE INCLUDED.—Each annual report under paragraph (1) shall include—

(A) a cost analysis of Federal expenditures under such section 1011;

(B) a description of the assistance provided to hospitals under subsection (f)(2) of such section;

(C) the number of undocumented aliens removed under subsection (f)(3) of such section; and

(D) amounts recovered from employers under subsection (g) of such section.

(e) FEASIBILITY OF EFFECTING TREATIES FOR INTERNATIONAL MEDICAL EVACUATION.—

(1) STUDY.—The Secretary of State shall conduct an analysis of the feasibility and appropriateness of the following:

(A) Negotiating with foreign states treaties under which such states provide payment for the cost of international medical evacuation for their nationals who require emergency health care in the United States and who do not otherwise have insurance or other coverage for the costs of such care.

(B) In the case of nationals of a foreign state for whom significant costs are incurred under section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 and for which state a treaty described in subparagraph (A) is not in effect, imposing a visa, port of entry, or similar surcharge the proceeds of which may be used towards such costs and towards the cost of international medical evacuation described in such clause.

(2) REPORT.—The Secretary of State shall submit to the committees described in subsection (d)(1) a report on the analysis under paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentlewoman from California (Ms. SOLIS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BARTON).

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3722.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. ROHRABACHER), the author of the pending legislation, be allowed to control debate on this bill on the majority side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ROHRABACHER. Mr. Speaker, I yield myself such time as I may consume.

Today, Congress has the opportunity to reassure the American people that there are elected representatives on their sides. No vote could be more indicative as to the priorities of a Member of Congress.

Is America to have a policy of unrestricted health care for illegal immigrants at the expense of American citizens and legal residents? That is the issue we are discussing today. Voting for H.R. 3722 means that my colleagues are not in favor of spending our limited health care dollars in an unrestricted way to give illegal aliens all the health care that they need in terms of today's standards.

Those Members of Congress voting against H.R. 3722 are draining limited health care dollars that should be going to our own citizens and legal residents.

H.R. 3722 would put some commonsense controls over the $1 billion fund that was created by a rider that was added onto the Medicare bill that passed just a few months ago.

What does H.R. 3722 do? One thing it does not do is add a burden of paperwork to the hospital emergency rooms, and that is a bogus argument. I would warn my fellow constituents that that lie has been spread around this body in order to get people to vote in the wrong way. It is a bogus argument.

To be reimbursed, the hospitals will be asking questions. To get part of that

$1 billion fund they will be asking questions anyway. This legislation does not add considerably to any major degree to those questions. It simply adds a following question: Who was the immigrant's last employer or his current employer? Plus, the hospital must then take a photo or a fingerprint, which may be required to get that fund money in the first place. This information would then be available to the Department of Homeland Security and the INS.

This legislation does not require any reporting by the hospitals or the doctors or anyone else to the Department of Homeland Security. That, too, is a bogus argument that is going around, only we will hear it in the debate, I am sure. The hospitals do no investigating, no reporting; they simply have the information that is given to them when the patient is put into the system and that is made available to government agencies. It is the government agencies, the Department of Homeland Security and INS, that do the investigating, that do the rest of the work. Do not fall for bogus arguments.

Our hospitals today feel compelled to provide extensive and even long-term treatment to illegal aliens. That is what our bill, H.R. 3722, does second. It makes sure that our hospitals are relieved of this enormous burden of trying to provide unlimited health care to any illegal that comes into an emergency room.

We have been giving heart bypasses, even transplants. A young girl from Mexico had $5 million worth of expenditures in heart transplants just a few months ago, and then when the transplant did not work, her family, who were here illegally and actually had emigrated here with a $5,000 fee to a coyote, then sued the hospital because the transplant did not work. Well, this cost us billions of dollars a year.

If someone has a genetic disease or something like that, our emergency rooms should not be treating this in the first place; and the fact is, this bill will alleviate that burden by saying that only if a person's life is imminently threatened by that malady do the hospitals have to focus on that and treat someone whose life is immediately being threatened rather than provide hundreds of thousands of dollars of long-term cancer care, genetic problems, et cetera.

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This alone will save billions of dollars that should be going to the American people. The doctor will only determine how much treatment is necessary to get this person to a transportation source that will get them back to their home country so their home country can pay for the health care costs, rather than our senior citizens and our young people being deprived of the resources for their health care.

Number three. If it is a life-threatening emergency, the illegal alien will be treated. There is no doubt about that. This bill does not change that. But if he has no insurance, the alien's employer or former employer will be given the bill. Businessmen will be given the bill if they hire illegal immigrants who end up draining away our health care dollars. This makes all the sense in the world.

Now, the businessmen are coming out against this, saying how can we judge? In 2005, there is a system already being worked on and being established that with one phone call they will be able to determine if they are hiring an illegal immigrant. If a businessman has not made that phone call and has hired someone without checking it out, then he will pay for the health care costs rather than having the taxpayer pay for it.

We will hear a lot of people trying to tell us there are a lot of other things in this bill that are not. But it comes down to this: Whose side are we on? Do we care about our own senior citizens more than we care about strangers from overseas? Do we care more about our own people than we care about strangers from overseas?

If we keep trying to provide everything for everybody, our system is going to break down, and it is doing so right now in California. I would urge my colleagues to support 3722 and prove to their constituents just whose side they are on. We could have corrected this a long time ago, but we hear people all the time, and we will hear it today, with every excuse for not doing something. But the fact is some people in our country are benefiting from illegal immigration. They are very powerful. But it is hurting American citizens, and this bill tries to put a stop to that, or at least turn that situation around today with H.R. 3722.

Mr. Speaker, I reserve the balance of my time.

Ms. SOLIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentlewoman from California for yielding me this time, and I rise in opposition to H.R. 3722.

Mr. Speaker, if enacted, The Undocumented Alien Emergency Medical Assistance Amendments will turn our hospital caregivers into "de facto" border patrol agents for the Federal government. The measure would require hospitals to take biometric "identifiers"—fingerprints or digital photographs—of any patient whom they suspect of being an illegal immigrant and send that information to the Department of Homeland Security (DHS), in order to receive funding for the uncompensated costs of providing emergency care to undocumented immigrants. Hospitals are already understaffed and they do not have the resources needed to collect this information while trying to administer emergency care.

This bill would discourage illegal aliens from seeking treatment for possibly contagious diseases for fear of being deported. In close-knit communities, such as many border areas, disease can spread quickly. This would lead to a potential health crisis in areas throughout the country—especially the southwest.

Illegal immigrants are in the United States as a direct result of the government's inability to control our borders, and our hospitals are bearing the brunt by not being reimbursed. Controlling immigration is a Federal responsibility—not the responsibility of doctors and nurses trying to administer care. Border Patrol agents are not taking illegal immigrants into custody who need medical treatment to avoid paying for the care. Federal agencies should be responsible for what is a Federal problem.

The Emergency Medical Treatment and Active Labor Act (EMTALA) requires hospitals to provide emergency care to anyone who comes to their emergency rooms, without regard to race, creed, color, financial ability to pay, citizenship, or immigration status. H.R. 3722 goes directly against EMTALA by forcing hospitals to guess which patients they believe are illegal immigrants, take down information about their immigration status, employer and address, and report to the Department of Homeland Security. It would burden hospital workers with a staggering amount of administrative work and subject them to charges of discrimination for singling out certain individuals for identification.

The Centers for Medicare and Medicaid Services is creating regulations to keep hospitals accountable for how they are reimbursed for treating illegal aliens. Those regulations are due in September. Passing this legislation would directly preclude CMS—the agency that knows best how to handle this situation. If it is deemed these regulations are not adequate, we should revisit this debate.

Do not turn doctors and nurses into police officers. Oppose H.R. 3722.

Ms. SOLIS. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, I rise in strong opposition to H.R. 3722. I think this is one of the most outrageous pieces of legislation I have seen this year, and unfortunately I believe it is a misguided bill. I believe that this bill does not stand for all of those that we represent in our districts.

I understand that through the census count we account for everyone in our districts, and that goes for the gentleman from Orange County, California (Mr. ROHRABACHER), where I know he has an undisclosed number of people who may not be registered or accounted for; but he gets credit for that. Those numbers are put into place because we represent every single person, whether they are accounted for or not legally.

This bill goes in the wrong direction because it asks for our hospitals to become enforcers of immigration law. I cannot underscore how important it is to discuss this matter. Because as it is now, in California, we have already gone through the battle of 187 and trying to keep health care services and

English educational services for children. The courts found that unconstitutional. Do we have to go to battle again?

Why does this bill have to direct our resources that right now are so, so important for every single person in our districts and be used to ask our hospital administrators, doctors, nurses, aides, to now require to have 5 years' worth of records that they must maintain giving some kind of evidence that they serve people who may be undocumented? That, in and of itself, I would say is a waste of time and money, money that should be afforded to sick people.

What happens in a classroom when you have a sick child who may, under no fault of their own, be there and not be a U.S. citizen? When they go to kindergarten, there is nothing that says that the child next to them will not be infected by maybe a contagious disease that they have. Hopefully, that never happens; but the fact that they would be prevented from health care services, and just knowing the fear that that family would have to go through to enter into the doors of a hospital knowing somehow they may not come back; that somehow Homeland Security is going to be there to pick them up and ship them back. And what about a woman going through active labor? She will be deported, because under the gentleman's bill that is what it says. The bill goes in the wrong direction.

I am standing with people in my district. And, in fact, there are several hospitals in the gentleman's own district who are against the bill. Some of the hospitals in Orange County: Garden Grove Hospital Medical Center, Loma Linda University, Queen of Angels Hollywood Presbyterian Hospital, Scripps Mercy Hospital, Suburban Medical Center, Sutter Medical Center in Santa Rosa, and Western Medical Center in Santa Ana.

Throughout the State of California we are finding many of our friends, both in public and private sector hospitals, are against this bill. So I do not think we are standing alone here. I think we are standing very united that we see a very misguided bill, unfortunately, that is being presented to us today.

The Federation of American Hospitals, the American Hospital Association, the Catholic Health Association of the United States, and the National Association of Children's Hospitals are all in agreement that this bill goes in the wrong direction.

I would ask for Members to consider the people who are joining us today that are saying this is the wrong message. We all have an obligation, I believe, to provide under our own laws service to people who come to our hospitals. That is a given. We do that. And maybe it is an unfunded mandate, but it is one we all abide by. I do not think we are in a position to turn people away.

Mr. Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. CULBERSON). The gentleman from California (Mr. ROHRABACHER) has 14 minutes remaining, and the gentlewoman from California (Ms. SOLIS) has 16½ minutes remaining.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 30 seconds and just note that this fund of a billion dollars that was created that we now have to put some controls on, and that is what 3722 is trying to do, creates a perverse incentive. If we let this go through as it stands, what is going to happen is this: people who come to the emergency rooms who are American citizens or legal residents who have no insurance will be put behind and at the end of the line and the illegal immigrants will be put to the front of the line because the Federal Government is picking up the tab.

This is a perverse priority. We should be taking care of our own citizens before we take care of illegal aliens.

Mr. Speaker, I yield 1½ minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from California for bringing H.R. 3722 here before us and before the floor.

We have already a jobs magnet. The jobs magnet that is there is what draws so much illegal immigration into this country. The disincentive has not been put in place. This is not the first administration that has not aggressively enforced our immigration laws. This jobs magnet exists, and we have added to that a new magnet. The new magnet is called free health care for illegals, and then we tap into the American taxpayers.

Now, I hear my Democrat colleagues over on this side continually railing about overspending, overspending. This is overspending. And it is not just a billion dollars. That responsibility comes to $9 billion a year, and it is growing. So we add to the jobs magnet the free health care magnet.

And by the way, I want to point out that the system the gentleman from California (Mr. ROHRABACHER) addressed, where an employer has an ability now, and will have by December 31 everywhere in the country, to verify the hiring and the legal status of a prospective employee, is called the SAFE Act. It has been in six States now. I have run that system myself. It is Web-based, as well as a phone call, but Web-based, and it is as close to infallible as anything we can put out, and it is going to get better. Employers can guarantee that they are hiring legal employees.

We do not need to be subsidizing the health care for illegals. That is another way of subsidizing employers who are taking advantage of the cheaper labor that sets our hardworking Americans back and puts them in the unemployment lines. This is a national security issue, it is a national budget issue, it is a cultural continuity issue, and it is a commonsense issue.

I thank the gentleman from California for bringing the bill, and I enthusiastically support H.R. 3722.

Ms. SOLIS. Mr. Speaker, I yield 3 minutes and 20 seconds to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I rise in strong opposition to a fiscally irresponsible, unsafe, and discriminatory bill that is only on the House floor due to a back-room deal that was reached late at night to gain passage of the Republican Medicare prescription drug bill. That deal was reached at the expense of Americans of Hispanic descent and of other immigrant groups that are now legal and also U.S. citizens, as well as our Nation's health is disgraceful. We continue to see elements of the xenophobic face of the Republican Party.

What does this bill do? If you are rolled into an emergency room and you do not have insurance, then you are to be asked whether or not you are here legally in the United States. Now, I get rolled into an emergency room, Mr. MENENDEZ, or maybe someone who might even be described as more characteristically Hispanic, or maybe Asian, or some other group, and I do not happen to have insurance, as unfortunately 40 million Americans who are here as U.S. citizens do not have, and I get asked whether or not I am a citizen of the United States. That is shameful. You would not ask any other citizen that. But because I happen to have the misfortune of not having health insurance, you ask me. And of course those of us who look a certain way will for sure be asked.

And then what else do you do? While I am suffering, not only do you want that information, but then we are going to go through an Orwellian process of getting some type of digital electronic identifier of this U.S. citizen who does not have insurance but cannot prove that he is or is not a U.S. citizen lying there in that emergency room. That is what the bill of the gentleman from California (Mr. ROHRABACHER) does. Do not be deceived.

Now, I know he says there are a lot of lies going on about his bill. I guess the hospitals of the Nation are lying as well. Let me tell you what they say. Here is what the American Hospital Association said. It says,

> America's hospitals treat everyone who walks through their doors, and we are opposed to Mr. ROHRABACHER's bill because it is bad policy, bad policy for hospitals, nurses, doctors, and other health care personnel who work in hospitals, but most importantly it is bad policy for patients.

Rohrabacher's legislation is bad policy because it takes hospitals away from what we do best, caring for and healing our patients. The requirements for reimbursement under the legislation would turn hospital workers into border patrol agents. That is not our jobs. We are caregivers, not cops. And hospital caregivers are already burdened with paperwork which requires at least 30 minutes, often an hour for every patient. The additional burden of policing suspected undocumented immigrants would take health care workers away from their primary mission of healing and caring.

And not only that, it hurts everyone else waiting in that emergency room for care. Because as we are trying to get all this documentation, for which we give these hospitals no funding to do it, we are also taking away from the care of everyone else there, and we are allowing communicable diseases to spread in communities like that. That is outrageous.

This bill should be defeated. It is shameful that it is even on the House floor.

Mr. ROHRABACHER. Mr. Speaker, I yield myself such time as I may consume.

What is shameful is how shameful some of my colleagues are getting the facts totally wrong and do not know what they are talking about. Someone must have briefed them with the wrong information.

This bill does not require our hospitals to gather any significant more information. The information that is being gathered that my colleague is complaining about, what we just heard, the great condemnation of all the questions that must be asked and all the information that must be gathered from this U.S. citizen, who might be an illegal, is already required of the hospital in order to get the funding, the billion dollars, that was set aside for them. It is not required by my bill. It is required in order to get reimbursement.

My bill simply says that if they are going to ask those questions, and they are going to expect to get reimbursed, they also have to ask who the employer is and get a fingerprint or a picture, which they are probably going to have to get in order to be reimbursed in the first place. So the gentleman's complaints are not against 3722. His complaints are that the Federal Government is now going to have an unlimited reimbursement for illegal immigrants and they are going to ask some questions for it. Do not blame 3722.

And let me note this also: we have had an example given to us of an American citizen who is there, and he is being threatened because he has to answer whether or not he is an illegal immigrant or not. The greatest threat to the treatment of American citizens and legal residents is that we are going to spend all of our available health care dollars taking care of illegals who should not be getting that money. The greatest threat to our senior citizens, to our young people is that we have a limited amount of health care dollars and my colleagues want to spend it on people who have come here illegally.

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My colleague pointed out this will bring tens of millions of more people here and even a greater drain until the system breaks down.

The bottom line is the people who are in favor of spending our limited dollars on American citizens and a very doable system here that is no more complicated than what the hospitals are going to have to go through to get reimbursement in the first place should be voting in favor of H.R. 3722. If they want to spend their money on people who came here illegally, rather than our own citizens, waste those dollars, make sure more illegals get in, go ahead and vote against H.R. 3722.

Mr. Speaker, I reserve the balance of my time.

Ms. SOLIS. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I rise in opposition to this legislation. Seldom has this House had before it a more ill-considered proposal. This legislation purely and simply attempts to turn our frontline medical care providers into Border Patrol police.

Unlike what was just told us by the gentleman from California (Mr. ROHRABACHER), this is not their mission. They do not ask these questions now. It is not their professional responsibility. It is not the appropriate role for those committed to saving lives and protecting the health care of our communities.

What does society gain by forcing undocumented aliens to forgo emergency care because, as a practical matter, that will be the result if they are asked these questions on their immigration status? What benefit does it make for a woman in labor not to come in for medical care because she is fearing that she will be deported? And what does society gain by discouraging people with contagious conditions, who may put us all at risk, from going in and getting the diagnosis and treatment they need? Do we want someone who might have SARS to be afraid to go in for treatment?

We need to help our hospitals and emergency systems have the resources to treat all people who are eligible for those services. What we do not need to do is to stretch their resources further on a mission that is not theirs to fill. This is not an appropriate action for Americans or appropriate policy on health care for those in need. That is why all of the hospitals oppose this legislation.

I urge that we oppose this bill.

MAY 7, 2004.

DEAR MEMBER OF CONGRESS: We understand that the House of Representatives is expected to soon consider legislation (H.R. 3722) proposed by Representative Rohrabacher (R–CA). The undersigned organizations, representing America's hospitals and health systems, health care providers, and safety net systems, are united in our opposition to H.R. 3722, the "Undocumented Alien Emergency Medical Assistance Amendments of 2004," and urge you to oppose this legislation. We believe it will severely undermine Section 1011 of the Medicare Prescription Drug, improvement, and Modernization Act of 2003 (MMA) and create unnecessary barriers to life saving treatments at hospitals nationwide.

After months of careful deliberation by the Medicare conferees, the Congress and Administration included essential resources for hospitals providing life saving emergency are to undocumented aliens. The undersigned organizations deeply appreciated the inclusion of Section 1011 in MMA.

We are deeply concerned that H.R. 3722 would weaken Section 1011 by imposing new burdensome requirements on hospitals in order to receive any of the resources from Section 1011. In addition, H.R. 3722 would virtually ensure that illegal immigrants will avoid getting the appropriate and timely life saving health care they need, when they need it. H.R. 3722 could pose a significant public health threat for entire communities because the fear of deportation would inevitably preclude undocumented immigrants from seeking care for communicable disease until these individuals are extremely ill.

Hospitals provide care to anyone who walks through their doors,—regardless of race, ethnicity or citizenship status,—twenty-four hours each day, seven days a week. That is the role of community hospitals. Rep. Rohrabacher's legislation, however, seeks to create a new role for hospitals in their communities—that of border patrol agents. In order to qualify for Section 1011 funding, the Rohrabacher legislation would require that hospitals demand and upload personal data—including such "identifiers" as fingerprints and digital photographs—on undocumented aliens to an electronic database set up by the Department of Homeland Security (DHS) and the Department of Health and Human Services (HHS) for deportation purposes. Furthermore, the bill requires hospitals to retain original documents and data for a period of at least 5 years, thus imposing additional paperwork on an already overwhelmed system.

We do not believe this is in the best interest of the patients we serve and the nurses and physicians that provide emergency care. Today's health care delivery system in very fast-paced and in an emergency situation, the urgency of providing life-saving care takes precedence over anything else. Requiring hospitals to collect these data diverts us from doing our job of caring for patients. Hospitals do not have the expertise or the resources to interrogate and investigate patients in the pressured environment of an emergency.

We respectfully ask that you oppose this legislation should it come up for a vote.

Sincerely,

Federation of American Hospitals.

American Hospital Association.

National Association of Public Hospitals and Health Systems.

Association of American Medical Colleges.

Catholic Health Association of the United States.

National Association of Children's Hospitals.

VHA Inc.

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, May 13, 2004.
Hon. J. DENNIS HASTERT,
U.S. Capitol,
House of Representatives,
Washington, DC.

DEAR SPEAKER HASTERT: On behalf of the American Medical Association (AMA) and its physician and medical student members, I am writing in strong opposition to H.R. 3722, the "Undocumented Alien Emergency Medical Assistance Amendments of 2004" (Rohrabacher, R-CA). This bill would amend Section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) to impose conditions on Federal reimbursement of emergency health services furnished to undocumented individuals and require physicians and other health care providers to report undocumented patients to the Department of Homeland Security so that they could be deported.

This provision would effectively negate Section 1011 of the MMA which will provide funds to reimburse physicians and hospitals for treating undocumented individuals. The AMA has been working with the U.S.-Mexico Border Health Commission and state medical societies in Arizona, New Mexico, Texas, and California, as well as the Centers for Medicare and Medicaid Services, to determine the best way to implement Section 1011. Physicians in these states believe these funds are critically needed to provide necessary health services to undocumented individuals who cannot afford to pay their medical bills.

This bill would effectively turn physicians and other health care providers into border patrol agents. By requiring physicians to report patients and perhaps withhold necessary care, this bill would in effect require physicians to violate their Hippocratic Oath. Finally, by discouraging undocumented individuals from seeking medical care for problems that might cause harm to others, such as communicable diseases, this bill could have very negative effects on existing public health efforts.

The AMA urges you to oppose this bill when it is considered on the House floor.

Sincerely,
MICHAEL D. MAVES, MD, MBA,
Executive Vice President, CEO.

FAMILIESUSA,
Washington, DC, May 17, 2004.

DEAR MEMBER: On behalf of FamiliesUSA, the voice for America's health care consumers, I am urging you to reject the Undocumented Alien Emergency Medical Assistance Amendments of 2004, H.R. 3722. This bill would require hospitals to report to the Department of Homeland Security the name of any undocumented immigrant who receives care within two hours of their treatment. If adopted, this provision would have damaging effects on the care of all Americans, especially on the Hispanic population.

If they are faced with fear of deportation if they present at a hospital, undocumented immigrants who are in need of treatment may not seek it. As a result, health problems may go untreated, endangering the health of the individual, and also creating potentially serious public health problems. Confusion about the applicability of this proposal may deter even some legal immigrants from seeking treatment. What is more, our nation's hospitals and health care providers will be forced to divert their time and attention from saving lives to acting as immigration officials, resulting in diminished care in the hospitals.

We urge you to vote against this legislation which creates a public health danger.

Sincerely,
RON POLLACK,
Executive Director.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, again we hear this bogus argument that this bill is going to create more paperwork. The paperwork and the questions that we are talking about are required by hospitals who are going to be trying to get reimbursement through this billion dollar fund, which was snuck into the Medicare package with a back room deal, I might add. It is not required by my legislation; it is required to get reimbursement. If a hospital does not want to be reimbursed, they do not have to ask any questions, they can do whatever they want.

Let me note, all contagious diseases have been exempted by this legislation.

Ms. SOLIS. Mr. Speaker, I yield 20 seconds to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I want to repeat, my good friend from Long Beach and Orange, California, is absolutely incorrect. The hospitals do not have to ask this question of emergency care patients. We do not know what the emergency is when they come in, if it is a communicable disease that they are suffering from such as SARS. Hospitals do not ask this question. They give care to the patients.

Ms. SOLIS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, it is painful for me to rise in opposition to this legislation. The gentleman from California (Mr. ROHRABACHER) and I have worked together on immigration issues for years, and I will take a back seat to no one when it comes to the issue of protecting our borders. I have had legislation to dramatically increase the size of the Border Patrol, and I believe it is very important for us to deal with the issue of illegal immigration.

But I happen to have come to the conclusion, while I support the right to offer this legislation, I believe it is wrong, My concern is that it will send a message to many people who may not know that they have a contagious disease that the threat of deportation is on the horizon. Safety and security for the American people is our number one priority.

I strongly support anything that we are going to do to ensure that the American people are safe and secure, that we are able to protect our families. My concern is that someone who could conceivably see the threat of deportation as they go through this process, and when I think about the process of State and local governments shouldering the responsibility of having to deal with possible incarceration of these people, the cost is tremendous and the possibility of the spread of disease is very great.

I appreciate the fact that there is an exemption, but people may not know whether or not they have a contagious disease, and it is for that reason I think the right thing for us to do now is to oppose this legislation and work in a broad way to deal with the challenge of illegal immigration, which is a very serious and important one for us.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 30 seconds.

Let me note that if we really want to have the spread of disease in this country, let us set ourselves up as the HMO for the whole world. Let us make sure that everybody in the world knows that if they can get their kids to the United States, we will take care of them, and see how many diseases we are going to get.

That is what is happening in California right now. Diseases are beginning to materialize because people have brought their children and brought their seniors as well to come to the United States to be treated. We have got to end that syndrome because the money is coming directly from the health care dollars that should go to our own citizens, and it is luring more people with disease into our country.

This is a catastrophe. The best way to prevent it is to vote yes on H.R. 3722.

Mr. Speaker, I yield 3½ minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I rise to support H.R. 3722, and I would note if safety and security is the main concern of our country, then perhaps we ought to start at the borders and enforce the laws that we have on the books. Were we doing that, this legislation would not be needed.

Between 1990 and 2000, the number of illegal aliens in Georgia rose 300 percent. That was from 33,000 to 226,000 according to the U.S. Citizenship and Immigration Services. Nationwide, the estimates of how many illegal aliens live in our country range from 8 to 11 million, it sort of depends on who one talks to. Those that do work do not have health insurance, and technically the law forbids them access to Medicaid.

However, document fraud led many to question how many illegal aliens are fraudulently obtaining Medicaid today where we have a problem for our own citizens in every State having enough money to take care of Americans.

Last month, the Atlanta Business Chronicle reported that Grady Memorial Hospital in Atlanta is on the verge of closing its doors. Grady treats more illegal aliens than any other hospital in the State of Georgia. It only gets 7 percent of its revenues from patients with private insurance.

In 2002, the State of Georgia paid $58 million in emergency Medicaid reimbursements to hospitals that treated more than 15,200 illegal aliens, according to the Georgia Department of Community Health. About 75 percent of the funds went to pregnant women delivering babies. The total was a 33 percent increase from 2001 when the State paid $43.4 million for the care of 12,000 people.

Mr. Speaker, I will have to say, if we do not pass this bill, it is absolutely going to break our hospitals. We do have a billion dollars that was put into the Medicare bill for reimbursement to our hospitals for illegal alien care. That means, to obtain those dollars, and all hospitals, particularly rural, desperately need those dollars, hospitals have to ask the question: Are you or are you not a citizen? It is that simple.

I do not happen to think that we have a pot full of money that is so big that everybody can get everything that they want. We do not. I see it in Medicaid today for U.S. citizens. There is not enough money in there now. We have to be particular about how we spend that money. And first and foremost, it must be spent on the American citizen, not someone who started out the day breaking Federal law.

Mr. Speaker, we ought to be talking about that more than anything else. This Congress is responsible for that. We passed a law saying that people cannot sneak across our borders. If Members do not believe that ought to be the law, if they think that is not important, then stand up and repeal that and we will look at this whole scenario, including health care, in a different vein.

Ms. SOLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I submit for the RECORD letters from various hospitals and organizations in opposition to this bill.

MAY 13, 2004.

RE: H.R. 3722 (ROHRABACHER)—OPPOSE

DEAR CONGRESSWOMAN SOLIS: On behalf of Private Essential Access Community Hospitals, Inc. (PEACH, Inc.), representing 37 private safety net hospitals across California, I am writing to express our strong opposition to H.R. 3722 (Rohrabacher), which would require hospitals to document the immigration status of those seeking emergency care. We ask for your NO vote when this measure comes before the House this month.

In California and throughout the nation, private safety net hospitals are a vital segment of the safety net, providing critical health care services to diverse populations within their communities, including undocumented immigrants. PEACH hospitals consider it part of their mission to provide essential services to all who seek care regardless of any barrier, including ability to pay or immigration status.

We have two primary concerns about H.R. 3722. First and foremost, our hospitals are in the business, socially, morally and economically, of saving lives and protecting the health care of their communities. They are not in the business of serving as immigration officers. This is neither the role of hospitals nor an effective use of extremely limited hospital funds and staff time—particularly in an emergency department setting.

Second, we believe that H.R. 3722, rather than discouraging the tide of illegal immigration, would instead have a negative impact on public health care. Individuals who are in need of emergency care, including those with contagious conditions and/or who are seriously ill, would be forced to avoid treatment in order to avoid the threat of deportation. This would likely result in the spread of serious and contagious conditions to the greater community creating a health care epidemic as well as a secondary wave of patients needing costly emergency care.

PEACH appreciates the desire to stem illegal immigration, but H.R. 3722 sets a very dangerous precedent by using health care providers as adjunct Border Patrol. We urge you to defeat this ill-advised measure, and appreciate your consideration of the views of those who are on the front lines of health care every day.

Sincerely,

CATHERINE K. DOUGLAS,
President and CEO, PEACH, Inc.

On behalf of:

California Hospital Medical Center, Central Valley General Hospital, Citrus Valley Medical Center—Inter-Community Campus, City of Hope National Medical Center, College Hospital Cerritos, College Hospital Costa Mesa, Community Hospital of San Bernardino, Community and Mission Hospitals of Huntington Park, Daniel Freeman Memorial Hospital, Fountain Valley Regional Hospital and Medical Center.

MAY 7, 2004.

DEAR MEMBER OF CONGRESS: We understand that the House of Representatives is expected to soon consider legislation (H.R. 3722) proposed by Representative Rohrabacher (R–CA). The undersigned organizations, representing America's hospitals and health systems, health care providers, and safety net systems, are united in our opposition to H.R. 3722, the "Undocumented Alien Emergency Medical Assistance Amendments of 2004," and urge you to oppose this legislation. We believe it will severely undermine Section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) and create unnecessary barriers to life saving treatments at hospitals nationwide.

After months of careful deliberation by the Medicare conferees, the Congress and Administration included essential resources for hospitals providing life saving emergency care to undocumented aliens. The undersigned organizations deeply appreciated the inclusion of Section 1011 in MMA.

We are deeply concerned that H.R. 3722 would weaken Section 1011 by imposing new burdensome requirements on hospitals in order to receive any of the resources from Section 1011. In addition, H.R. 3722 would virtually ensure that illegal immigrants will avoid getting the appropriate and timely life saving health care they need, when they need it. H.R. 3722 could pose a significant public health threat for entire communities because the fear of deportation would inevitably preclude undocumented immigrants from seeking care for communicable diseases until these individuals are extremely ill.

Hospitals provide care to anyone who walks through their doors, regardless of race, ethnicity or citizenship status—twenty-four hours each day, seven days a week. That is the role of community hospitals. Rep. Rohrabacher's legislation, however, seeks to create a new role for hospitals in their communities—that of border patrol agents. In order to qualify for Section 1011 funding, the Rohrabacher legislation would require that hospitals demand and upload personal data—including such "identifiers" as fingerprints and digital photographs—on undocumented aliens to an electronic database set up by the Department of Homeland Security (DHS) and the Department of Heath and Human Services (HHS) for deportation purposes. Furthermore, the bill requires hospitals to retain original documents and data for a period of at least 5 years, thus imposing additional paperwork on an already overwhelmed system.

We do not believe this is in the best interest of the patients we serve and the nurses and physicians that provide emergency care. Today's health care delivery system is very fast-paced and in an emergency situation, the urgency of providing life-saving care take precedence over anything else. Requiring hospitals to collect these data diverts us from doing our job of caring for patients. Hospitals do not have the expertise or the resources to interrogate and investigate patients in the pressured environment of an emergency.

We respectfully ask that you oppose this legislation should it come up for a vote.

Sincerely,

Federation of American Hospitals.
American Hospital Association.
National Association of Public Hospitals and Health Systems.
Association of American Medical Colleges.
Catholic Health Association of the United States.
National Association of Children's Hospitals.
VHA Inc.

Ms. SOLIS. Mr. Speaker, I yield 1⅓ minutes to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I rise today in strong opposition to H.R. 3722, a bill that presents more questions than answers about providing efficient and effective health care treatment to undocumented immigrants.

I share the concern about lapses in our country's immigration program, and I support measures such as biometric visas and other advanced technologies to more accurately control who enters our country. However, I am very concerned about this particular legislation, as I fear that it will serve only to undermine the efficiency and effectiveness of our public health system with little benefit to our Border Protection Services.

Mr. Speaker, we are talking about health here. The reason that I hesitate to support H.R. 3722 is twofold. First, funding was included in last year's Medicare reform act for the simple purpose of assisting State and local health authorities to cover the cost of providing health services to illegal immigrants.

This provision demonstrates both our Nation's compassion by ensuring public health to all walks of life and also its commitment to providing our medical community with the necessary resources to do their jobs. Adding more regulatory and financial burdens, such as those outlined in H.R. 3722, will increase costs.

Secondly, I am concerned that immigration paperwork will either prevent or delay critical health care services to immigrants in general. Documentation can be dealt with after immediate medical procedures are rendered. Because of these concerns, I urge my colleagues not to support H.R. 3722.

Ms. SOLIS. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, we have been asked to vote on a lot of really bad ideas presented by the majority, but I have to say this is clearly one of the worst.

This bill, regardless what the gentleman says, would require doctors and nurses to be part of enforcing Federal immigration laws while threatening the health and well-being of our communities.

But do not take my word for it. The American Medical Association says "This bill would effectively turn physicians and other health care providers into Border Patrol agents. By requiring physicians to report patients and perhaps withhold necessary care, this bill would, in effect, require physicians to violate the Hippocratic Oath. Finally, by discouraging undocumented individuals from seeking medical care for problems that might cause harm to others, such as communicable diseases, this bill would have very negative effects on existing public health efforts."

I know the gentleman goes to great lengths to say what is not in his bill is not in his bill, but these are the experts that are required to actually carry out this law. This bill is so ill-advised, it could allow for a woman in active labor to be deported. That is not America.

We should vote "no" on the legislation.

□ 1530

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1 minute.

We keep hearing the bogus arguments. This requires the doctors to ask so many questions; we know now that is not true. Only the people who are trying to get reimbursed from that billion-dollar fund are going to ask the questions. This bill has minimal added questions. Two. Who is your employer and then taking a picture or getting a fingerprint which might be required in order to get reimbursed in the first place.

Do my colleagues on the other side of the aisle really believe in unlimited treatment for illegal immigrants without asking any questions? Is that what we are going to do? Who benefits from that? Certainly the illegal immigrant does and the tens of millions of other illegal immigrants who come into our country seeking health care, yes, they are going to benefit.

Who else benefits? The employer who does not want to offer health care to his employees. That is who benefits. That is who is being subsidized here. Behind the scenes when you get to the Chamber of Commerce and these other people opposing this, that is what their motive is. They do not want to offer health care to their employees. This gives the government the subsidy to subsidize them hiring people at below minimum wage level and, in fact, off the books at times. If you want to combat illegal immigration, this is the way to start; and it does not add any new paperwork or any new questions for the doctors.

Ms. SOLIS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SANCHEZ of California. Mr. Speaker, envision this: an undocumented immigrant or a legal permanent resident or even a U.S. citizen suffers severe abdominal pain and finds himself in the emergency room of a nearby hospital. The first order of business for the emergency physician, nurse, or whoever is attending the patient is not to ask them where it hurts and do a physical exam to see if their life is in imminent danger, but to ask their immigration status and get a sworn statement to that effect.

If that patient at that particular moment cannot prove their legal status, that same doctor must make the choice not to provide care to this person, or they must at least report them to the immigration officials before providing lifesaving treatment. I ask you, what kind of choice is that? What happens if that same immigrant decides not to seek care because of the potential consequences and what could become a burst appendix leads to infection, more expensive care or possibly even death? There is no humanity in the choice you are asking health care workers to make in this circumstance. They are no longer healers, but immigration law enforcers.

What is even more appalling is that the Republican leadership chooses to pursue this course of action to deal with this country's immigration problem rather than look at the comprehensive immigration reform measures that have been introduced in the House. If the Republicans are serious about reforming immigration, then take a look at the bill the Democrats introduced which would bring a sense of order and reason to the influx of immigrants into this country.

Let us not jeopardize our entire public health system in this misguided attempt to bring down health care costs and deport undocumented workers. This bill is an affront to our health care professionals and to the immigrant community in this country which would no longer be able to get care without presenting their green card first.

I urge a "no" vote on this legislation.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 30 seconds. This bill does not require the first order of business to ask questions. This bill says if you want to be reimbursed from that billion dollar fund, yes, you are going to have to ask some questions, anyway, and adds one other question: Who is your employer? It does not require the doctors to turn anybody into the INS, although we have heard that over and over again in this debate. It does not require that. It requires their files to be available to the INS and to the Department of Homeland Security. It is those agencies that then follow through. The doctors do not have to report anything. It just has to be available on a computer.

Communicable diseases, we keep talking about that, that also is wrong. The bill exempts communicable diseases. Let us talk about the real issue, illegal immigration. How many services are we going to give people until we get tens of millions of more immigrating into our country?

Ms. SOLIS. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise in strong opposition to H.R. 3722. I am appalled that the Republican majority would bring such a mean-spirited and discriminatory bill to the floor of this House for a vote. Under current law, hospitals can receive reimbursement for emergency services they provide to uninsured people, including immigrants. Our current law is a responsible public health and safety policy. It is humane. In this country, we do not deny emergency medical treatment because someone is poor, uninsured, or born in another country.

The proposed H.R. 3722 would turn hospital emergency rooms into immigration processing facilities or, worse, detention facilities. Hospitals would be required to collect sworn statements of citizenship from individuals suffering medical emergencies. Hospitals would have to collect fingerprints or other biometric identifiers of all emergency patients. Under this proposed H.R. 3722, they would have to submit the information to the Department of Homeland Security and store it for a minimum of 5 years.

It seems to me there are a few Republicans who want to make people afraid to go to the hospital. This legislation will have deadly results in many of our congressional districts, especially in my district, a border district. We have daily trade and commerce across the border. Businesses depend on it. Fear will keep people from seeking lifesaving medical treatment. I urge all my colleagues on both sides of the aisle to send a message to those who would sow fear and hate, by strongly opposing H.R. 3722.

Mr. ROHRABACHER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, we face a record national budget deficit in this country. We face a record national debt of over $7 trillion, which we cannot leave to our children. We face in Harris County, Texas, spending over $100 million a year providing health care to illegal aliens.

This bill that the gentleman from California has filed, which I strongly support, only requires hospitals that are seeking reimbursement from that billion dollars to identify whether the individual in question is a citizen or not. A hospital is not eligible to be reimbursed unless they are already treating somebody who is an alien.

The gentleman from California's bill, and I have read it very carefully, requires that this question be asked of everybody who is presented to a hospital for medical treatment if they are an alien. The gentleman from California's legislation is based on common sense. We must make sure that we balance the budget in this country. The budget deficit is now over $500 billion. Uncontrolled immigration is a national security issue. We must control our borders. It is a financial security issue for the sake of our kids and our grandchildren.

I think the gentleman from California has come forward with a commonsense proposal that we can move forward on to the Senate and that we could deal with in conference committee. If opponents of this bill have better ideas, let them offer them as amendments. I strongly support the legislation and encourage my colleagues to vote for this bill in the interest of national security and the financial security of the future of this Nation.

Ms. SOLIS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, our border communities face some tremendous health care challenges. This bill would simply add to their burdens. It seems to confuse TV shows, trying to merge "ER" with "NYPD Blue." It would involve our health care workers, our physicians, and instead of being physicians, it would turn them into Homeland Security deputies. When a doctor asks the nurse for a patient's vital signs, it ought not to mean fingerprints and a visa entry number.

Think of it. A parent who is rushing a child to the emergency room with an excessively high fever, with a rattlesnake bite, with an accidental-fall injury is thinking, "can I get my child to the doctor on time?", not "did I bring my employment history, my immigration status, my financial status?" Some of our border physicians face such immense burdens. That physician is thinking, "how can I take care and save the life and the future of this young person?" Involving doctors and nurses in the red tape of the federal bureaucracy jeopardizes all of us, because these viruses and bacteria are equal opportunity pathogens. Tuberculosis, typhus and hepatitis do not ask for your immigration status. All of us could be adversely affected if fear forces people not to seek treatment at a medical facility.

It is also important to consider that, finally, there is a small amount of relief for our border communities. Starr County, one of the poorest counties in the entire country, ought not to have to bear all of the cost of our federal immigration policy, nor should physicians in Mission or McAllen bear the entire cost of a policy that is federal in nature. Finally, there is some assistance on the way under legislation approved last year. Let us not destroy it with this bill. The Border Health Caucus has been leading the way in trying to find solutions to address the care of all the people in the border region.

As we discuss immigrants, some here see numbers, but these are real live human beings that face crisis every bit as real as that of someone like myself who has lived here forever. This is a chance for groups to come together to stop bad legislation and start us on the way to solving our health care problems along the border.

Ms. SOLIS. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in strong opposition to H.R. 3722. Hospitals, doctors, and nurses ought to be free to do the incredibly important jobs we all depend on them to do, that is, to save human life. Sadly, this bill would help prevent that. In turn, this bill will hurt patients.

On a recent New Year's Eve in a hospital in my district, an undocumented woman gave birth to a girl. That girl, by birth, is a U.S. citizen but her mother remains not. If this bill had been law, that mother would have likely faced deportation. If that mother were deported, in all likelihood her baby girl, a U.S. citizen, would have gone with her. In essence that baby girl, a U.S. citizen, would have been deported.

If this bill had been law when this mother went into labor, there is also a good chance that she would not have sought care at all. I ask you, if a pregnant woman is afraid to seek out care to help herself and her baby who, when born, will become a U.S. citizen, who suffers? If a person with a communicable disease does not seek treatment, who suffers? A communicable disease does not ask whether you are a U.S. citizen or not. If a person with a chronic ailment does not seek treatment until the condition worsens, requiring emergency care and taking up a scarce bed in the ER, who suffers?

The reality is that this bill endangers the health of the undocumented, and this bill endangers the health of the documented as well. I would have thought that the sponsor of this bill would have learned from the ill-fated proposition 187 in his home State of California that led to scares and communicable disease outbreaks throughout the entire population, especially school children, because some people were denied care.

I urge my colleagues to vote "no" on this bill.

Ms. SOLIS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, this is not the way to deal with immigration problems. I rise in strong opposition to H.R. 3722. As a matter of fact, I am surprised at the gentleman from California. Does he not understand that this would transform our health care personnel into the border patrol? This bill will have a disastrous impact on emergency care and community hospitals throughout America.

Mr. Speaker, hospitals, doctors, nurses, and health care personnel are trained to be caregivers, not adjuncts of immigration law enforcement. Do our health care personnel not have enough to do already without imposing this huge reporting burden on an already overextended health care system?

Mr. Speaker, forcing health care personnel to start taking fingerprints and snapping pictures of patients suspected of being undocumented when perhaps they need a blood transfusion or something to save their lives will cause people who urgently need medical care to refrain from seeking such care because they fear that they may die trying to get service or they will be deported. We all know that in health care an ounce of prevention is worth a pound of cure. When any persons delay their access to health care, their medical condition is much worse.

I would urge a "no" vote on this bill. It is unsound public policy. I am ashamed of it. Do not do it.

Ms. SOLIS. Mr. Speaker, I yield myself the balance of my time.

In closing, I urge all my colleagues to join the hospitals, doctors, nurses, business owners, women's groups, children advocates, civil rights organizations, and, yes, the U.S. Chamber of Commerce to stand strongly against this bill. We cannot let this bill be the message to send to the American people about what the U.S. Congress thinks about the role of hospitals. We cannot let this bill be the message we send to the American people about what we think about immigrants, hard-working, tax-paying immigrants who come to this country for a better life, just as my parents did some 50 years ago. In fact, the average immigrant contributes about $1,800 more in taxes annually than he or she receives in any form of benefit, because they do not collect. We can do better than this bill. I urge my colleagues to vote against H.R. 3722.

Mr. Speaker, I yield back the balance of my time.

□ 1545

Mr. ROHRABACHER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would ask my colleagues to seriously consider this vote, and I would remind them that there are people all over the United States, especially their constituents, who are looking at this vote as a determinant as to whether or not we believe that illegal immigration is something that should remain uncontrolled and should continue in the years ahead, or whether we should start doing something about it.

There is a seething among the American people, among the working class and middle-class people. They know that illegal immigration has had a horrible impact on their lives. It has brought down wages. We actually had a policy that permitted unlimited illegal immigration into our country, and because of that, working class people do not make as much money as they did before.

Now we have a situation where illegal immigrants who go for emergency treatment, we are being told that we have to give them unrestricted and unlimited treatment, health treatment, and it is going to be paid for by the Federal Government. But that is not true of U.S. citizens. What about those middle-class, working-class people? They are out of work; they do not have insurance.

In this situation today, we have created the perverse priority that our government is reimbursing hospitals and helping illegals, but we will not do it for our own citizens.

We have a horrible problem in this country with illegal immigration. It is hurting many people's lives. Yes, rich corporations in the Chamber of Commerce, they get to hire people who are not even paying taxes half the time. They do not have to provide health insurance anymore because there are all these illegals willing to work anyway. That is very damaging to the American people.

Also we are spending billions of dollars here already on cancer treatments, organ transplants and genetic problems. We are spending about $10 billion on this every year.

This legislation says the only free treatment that somebody gets at an emergency center, illegal or not illegal, is if their life is under a threatening situation. I think even that is very generous of us in the United States. Interestingly enough, if someone goes through the process of being a legal immigrant, they do not get their health care covered, they do not get it reimbursed by the Federal Government.

Mr. Speaker, unless H.R. 3722 passes, we have set up the priority of helping illegal immigrants. Do not think that will not attract tens of millions more illegal immigrants to this country who have diseases that need to be treated. That makes sense. Think about it. This is common sense.

The American people are waiting to see whether or not we are going to use our scarce health dollars to take care of our senior citizens, to take care of our own people, to take care of our own little kids, or whether we are going to attract tens of millions of new people here and give that money away to strangers.

This is not mean-spirited. This is down-in-your-heart. We love everyone in this country. We have a diverse country, every race and religion. It is that love for each other that keeps us together. We have to care more about our own people, and that is not mean spirited, than we do about people that come here illegally.

Mr. Speaker, I would ask my friends and colleagues to support H.R. 3722.

Mr. BACA. Mr. Speaker, I rise in strong opposition to H.R. 3722, the Undocumented Alien Medical Assistance Amendments of 2004.

The Medicare Prescription Drug Act that this Congress passed last year includes $1 billion to reimburse hospitals for their uncompensated care of undocumented immigrants. We included that funding because we recognized the strain hospitals experience in providing uncompensated emergency medical care to the uninsured. H.R. 3722 undoes this goodwill by requiring hospitals to enforce immigration law, refuse emergency medical treatment to immigrants, and have them deported.

Many American citizen and immigrant families who are living, working and paying taxes in the United States are unable to obtain health care coverage for themselves or their families. At a time when health care has become a national crisis due to the large number of uninsured, we need to take steps to heal more, not less.

Undocumented immigrants are not covered by employer health care plans, and they are systemically excluded from public health insurance programs such as Medicaid and SCHIP. We cannot encourage immigrants to refuse to seek medical care due to fear of deportation. It makes no sense. Do we want outbreaks of tuberculosis and other diseases and epidemics common in the developing world right here in America? That is likely to happen if immigrants are refused emergency medical care. This is why hospitals nationwide, the American Medical Association, and physicians of all types are urging this Congress to reject this attempt to inject an anti-immigrant agenda into the field of medicine. Besides public health, H.R. 3722 fails on a number of fronts.

For instance, it would force hospitals to choose which law they will violate—the one that requires them to provide medical assistance to anyone that requires it, or H.R. 3722 and its requirement that we even deport women while in labor.

The Emergency Medical Treatment and Active Labor Act requires that any patient, without regard to race, sex, creed, immigration status, or ability to pay, be given appropriate emergency care to stabilize his or her condition. This law is consistent with the Hipprocratic Oath, and is meant to ensure that no person in our country will be denied emergency medical care.

I cannot support legislation that could punish employers that unknowingly hire immigrants with fraudulent green cards by forcing them to pay the medical bills. There is no precedent for holding employers liable for injuries and illnesses that are not work-related. Also, I fear that employers will discourage their employees from seeking treatment for any illness.

Are we prepared to possibly read stories of immigrant laborers found injured or dead on sidewalks? It is not difficult to imagine immigrants being left behind by fearful employers trying to avoid the scrutiny of federal immigration enforcement officials.

Mr. Speaker, H.R. 3722 is a Pandora's box that our Nation cannot open. H.R. 3722 will endanger the health of everyone in America. It will force doctors to violate their oaths and the law, require hospitals to enforce immigration law, and it will encourage employers to force their immigrant laborers to never seek medical treatment.

I urge my colleagues to please oppose this misguided proposal.

Mr. STARK. Mr. Speaker, I rise in opposition to H.R. 3722, the Undocumented Alien Emergency Medical Assistance Amendments Act. This draconian bill would convert our nation's hospitals from health care providers to border patrol officers.

If enacted, it would seriously endanger the health and lives of immigrants who need emergency care—and jeopardize our nation's entire public health system in the process. This bill would deny critical federal reimbursement to hospitals for the emergency care of undocumented immigrants unless the hospital determined patients' immigration status and obtained employer information for transmission to the Department of Homeland Security for purposes of beginning deportation procedures for undocumented workers.

Today, the House Republicans are proving that President George Bush's promise to reform America's immigration system is not real and is nothing more than an election year ploy to gain votes from immigrants. If President Bush were concerned about the well-being of immigrants, he would publicly denounce this bill and would have made clear to the House Republican leadership that it did not deserve to see the light of day. He's done no such thing.

This bill also clearly demonstrates the Republican Leadership's willingness to sacrifice the health needs and safety of America's immigrants to ensure their large donors—the pharmaceutical companies and health insurance industry—get their billions of dollars in subsidies from the Medicare bill. HR 3722 is on the floor today because of a commitment the House Republican leadership made to the bill's author in exchange for his vote for the Republican Medicare bill when it narrowly passed the House last November. Its yet another example of the dirty dealing it took to get their Medicare bill through Congress.

If enacted, this policy would create a chilling effect in which both documented and undocumented workers would fear coming into hospitals for critical medical services. The result would be immigrants suffering from more serious health complications and eventually leading to the unnecessary deaths of many immigrants.

This bill would also threaten the public health of this nation. Since this bill would surely drive a significant proportion of this country's population away from seeking needed medical care, it would undermine our public health system's ability to track and prevent the spread of contagious disease. Clearly, such a change would impact health care beyond the immigrant community.

Instead of limiting health care, this Congress should be finding ways to expand health care to the 44 million Americans without health insurance. This bill would take us in the exact opposite direction. I urge my colleagues to vote against this bill and to protect our hospitals' abilities to continue to provide medical care to those who need it. To do otherwise is to endanger the health of us all.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to H.R. 3722, the "Undocumented Alien Emergency Medical Assistance Amendments of 2004." This bill would amend Section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 MMA. The purpose of Section 1011 of the MMA is to provide funds for reimbursing physicians and hospitals for treating undocumented individuals who cannot afford to pay their medical bills. H.R. 3722 would impose conditions on the Federal reimbursement of emergency health services furnished to these individuals, and it would require physicians and other health care providers to report the undocumented patients to the Department of Homeland Security so that they could be deported.

H.R. 3722 would require physicians and other health care providers to be part time border patrol agents. According to the American Medical Association AMA, by requiring physicians to report patients and perhaps withhold necessary care, this bill would in effect require physicians to violate their Hippocratic Oath. The AMA also has expressed concern over the fact that by discouraging undocumented individuals from seeking medical care for problems that might cause harm to others, such as communicable diseases, H.R. 3722 could have very negative effects on existing public health efforts.

I share the concerns of the AMA. The fear of deportation inevitably would preclude undocumented immigrants from seeking care for communicable diseases until they are extremely ill.

It is important to remember that community hospitals must provide care to anyone who walks through their doors, regardless of race, ethnicity or citizenship status, and they must do this twenty-four hours each day, seven days a week. In order to qualify for Section 1011 funding, the Rohrabacher legislation would require the hospitals also to demand and upload personal data. This would include the uploading of fingerprints and digital photographs for undocumented aliens to an electronic database set up by the Department of Homeland Security DHS for deportation purposes. Furthermore, the bill would require hospitals to retain original documents and data for a period of at least 5 years, thus imposing additional paperwork on an already overburdened system.

Today's health care delivery system is very fast-paced, and, in an emergency situation, the urgency of providing life-saving care takes precedence over anything else. Requiring hospitals to collect immigration data would divert time and attention from caring for patients. Hospitals do not have the expertise or the resources to interrogate and investigate patients in the pressured environment of an emergency room.

It also would divert funds that could be used to provide health care services for some of America's estimated 44 million uninsured patients. A substantial portion of these funds would have to be used to establish and implement an expensive new immigration enforcement program for our already underfunded, overburdened community hospitals.

More than 200 organizations are opposed to this bill, including the American Hospital Association, Federation of American Hospitals, National Association of Children's Hospitals, National Association of Public Hospitals and Health Systems, Catholic Health Association, Association of American Medical Colleges, National Immigration Forum, National Immigration Law Center, Leadership Conference on Civil Rights, National Council of La Raza, League of United Latin American Citizens, MALDEF, National Asian Pacific American Legal Consortium, Asian and Pacific Islander American Health Forum, Families USA, AFL-CIO and Catholic Charities.

This legislation would weaken federal Emergency Medical Treatment and Active Labor Act EMTALA obligations by redefining the circumstances under which hospitals are required to treat patients who are undocumented immigrants. Such a policy would create a dangerous situation for all patients because physicians would be required to impose differing standards of care based on whether they determine a patient to be in the country legally or not. By necessity, emergency department professionals must be afforded the latitude necessary to provide treatment based solely on which treatment is medically appropriate for the patient and without regard for immigration status.

It is in the best interests of all patients, documented and undocumented alike, that medical staff be permitted to focus their attention on caring for patients and providing necessary medical treatment rather than on assisting the federal government in enforcing the immigration laws of this country. I urge you therefore to vote against H.R. 3722, the "Undocumented Alien Emergency Medical Assistance Amendments of 2004."

Mr. ISSA. Mr. Speaker, I rise today to oppose H.R. 3722, the "Undocumented Alien Emergency Medical Assistance Amendments of 2004."

I commend the gentleman from California for his intent in introducing this legislation. It attempts to address legitimate concerns that exist about widespread illegal immigration and the cost of providing services to those aliens. This legislation requires hospital emergency rooms to collect citizenship, immigration status, financial data, and employer information from aliens seeking emergency care and transmit that information to the Department of Homeland Security in order to receive reimbursement for services. H.R. 3722 also requires an employer who knowingly employs an illegal alien to pay the cost of providing emergency care to the alien. As a representative of the same state as the gentleman from California, I understand the factors that led to him draft this legislation.

However, I am disturbed that this legislation has come to the floor of the House without proper consideration, that it has not been fully vetted through the Committee process. I am a member of the committee of jurisdiction, the Committee on Energy and Commerce, and this legislation has not had a hearing or a mark up before our committee. Before we make a change in the law, before we enact legislation that will impact the operation of every emergency room in America, I think we ought to have a thorough debate on the issue, hear from the doctors and hospital administrators and others who will be impacted by this legislation, and who will bear the burden of implementation.

I am opposing this legislation today, with the hopes that the gentleman will continue to pursue solutions to a serious problem, and that we would have an opportunity to hold hearings on this issue in the committees of jurisdiction and address it through the normal committee process. This will give us the opportunity to perfect legislation in order to make it fair and practical for hospital emergency rooms and the patients they serve.

I thank you for the opportunity to speak, applaud the good intentions of the gentleman from California, and respectfully urge my colleagues to vote "no" on this bill at this time.

Mr. FILNER. Mr. Speaker, our Nation is not healthy unless everyone is. I rise in strong opposition to the Undocumented Alien Emergency Medical Assistance Amendments.

It is true that hospitals in San Diego, Imperial County and throughout the border region need Federal assistance to pay for the uncompensated care they provide. Instead of debating H.R. 3722, however, I would prefer to debate and vote on my Pay Up! Act, H.R. 2848, aimed at offering full Federal reimbursement to hospitals for the service they provide to undocumented patents. My bill would not force nurses and doctors and other medical professionals to suddenly become de facto immigration officials.

Unfortunately, the dangerous legislation that we are considering today would do exactly that: it would deny Federal reimbursement to emergency health service providers unless they agree to also serve as immigration agents.

As California's Border Congressman, I can tell you this legislation would be a disaster for border communities. It would put an extra burden on our already overworked health care professionals, as they scramble to find the resources to collect and process patients' immigration information, biometric identifiers and financial data. This legislation will lead to fear and confusion among both documented and undocumented immigrant families, discouraging them from getting necessary medical attention for children, pregnant women, the elderly and others. In fact, this legislation could put everyone's health at risk. The University of California at San Diego Medical Center has warned that this bill "could undermine public health by deterring those with contagious diseases from seeking care."

This bill puts the lives of immigrants at risk. It puts our health care services at risk. It puts our public health at risk.

On behalf of California's border communities, I urge my colleagues to not force doctors to spend their time figuring out which patients are in good standing with our complex immigration laws. I urge my colleagues to not force immigrant families to skip treatment for life-threatening medical problems because they fear deportation. I urge my colleagues to vote "no" on the Undocumented Alien Emergency Medical Assistance Amendments.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong opposition to the Undocumented Alien Emergency Medical Assistance Amendments of 2004, H.R. 3722, because it will place a new burden on already struggling emergency health care systems nationwide and will deter immigrants and their family members from seeking much needed health services.

It is interesting to note that this month, at medical school graduations nationwide, a new community of physicians were called upon to take the Hippocratic Oath, which remains a sacredly held principle to the medical community today. Unfortunately H.R. 3722 would allow hospitals which receive federal funding to decide whether or not they would like to make emergency medical services available to certain immigrants, even if they are suffering from an emergency medical condition. This is a right that hospitals and other health care organizations do not want, as evidenced by the strong opposition of the American Hospital Association, the American Medical Association and countless other public health organizations. This seems to be in direct conflict of the Hippocratic Oath and will deny basic medical services to some of the most vulnerable of our society.

In Northern Virginia, which encompasses my congressional district, the INOVA Health System serves nearly 400,000 residents a year and has about 240,000 visitors to its emergency rooms alone. The emergency room personnel at INOVA hospitals are some of the same nurses and doctors who serve as our First Responders and were certainly heroic on September 11th in aiding the victims of the Pentagon attack.

Proponents of H.R. 3722 claim that this measure will help to lower the cost of health care in our country, but in reality, will do little to alleviate the growing cost of health care needs and will force hospitals to expand staff and technological resources to implement the reporting requirements such as obtaining signed statements relating to citizenship, immigration status, address, financial data and current employee status as well as purchase a digital electronic biometric identifier.

I am greatly disappointed that the House Republican Leadership would bring to the floor for a vote, a measure which strives to deny even basic health services to some of the most vulnerable in our society, while our military is working hard to establish health services for citizens in some of the most war-torn and poverty-ridden countries in the world. H.R. 3722 will do little to address the important issue of rising health care costs and its intent seems to have been influenced more by political considerations than sound policy. I urge all my colleagues from both sides of the aisle to vote against the Undocumented Alien Emergency Medical Assistance Amendments of 2004.

Mr. RUPPERSBERGER. Mr. Speaker, I rise in opposition to H.R. 3722 because this bill places an undue burden on our hospitals to be the judge and law enforcement officer for our country's immigration policies. I agree with the sponsor of this legislation that we need to stop illegal immigration but we need to do that by giving immigration officers more resources to find, detain, and deport illegal immigrants. We need to redouble our efforts on our borders and aggressively prevent illegal immigration, but should not shift the responsibility of enforcing our immigration policy onto our health care professionals.

The problem with this bill is that it targets the reimbursement of hospitals that provide care to injured or sick undocumented aliens. This legislation withholds reimbursements from hospitals that do not collect and share a person's immigration status, their citizenship, address, employment information, personal and financial data, health insurance information, and electronic version of their fingerprints that meet DHS standards. If they do not comply they do not get reimbursed. This means hospital personnel will have to spend time collecting information as opposed to treating the sick. More importantly, this places the burden on doctors to choose between treating a person and looking out for the financial security of the hospital. This is not a choice that a doctor should be forced to make.

Many businesses do their due diligence in determining and screening workers but they do not have all the resources to fully verify immigration status. This legislation forces those businesses to reimburse hospitals for care if the company unknowingly employs a worker without full immigration documentation or offer health insurance to all of their workers. We should not punish businesses that have tried and do not have the resources to verify the immigration status of their workers. We also cannot require businesses to provide health insurance. That is a business decision and should be left to them. Government should not be forcing the hand of business.

This legislation is opposed by the American Hospital Association, the American Medical Association, the U.S. Chamber of Commerce and the National Association for Manufacturing because this legislation does not address the real issue.

This legislation penalizes hospitals and businesses and is not a way to stop illegal immigration. This is a law enforcement problem not a medical problem. We need to step up our efforts to reduce illegal immigration by increasing our resources in the law enforcement community.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from California (Mr. ROHRABACHER) that the House suspend the rules and pass the bill, H.R. 3722.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. SOLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

CONDEMNING GOVERNMENT OF REPUBLIC OF SUDAN FOR ATTACKS AGAINST INNOCENT CIVILIANS IN IMPOVERISHED DARFUR REGION

Mr. GREEN of Wisconsin. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 403) condemning the Government of the Republic of the Sudan for its attacks against innocent civilians in the impoverished Darfur region of western Sudan, as amended.

The Clerk read as follows:

H. CON. RES. 403

Whereas, since early 2003, a conflict between forces of the Government of the Republic of the Sudan, including militia forces backed by the Government, and rebel forces in the impoverished Darfur region of western Sudan has resulted in attacks by ground and air forces of the Government of Sudan against innocent civilians and undefended villages in the region;

Whereas Sudanese Government forces and government supported militia forces have also engaged in the use of rape as a weapon of war, the abduction of children, the destruction of food and water sources, and the deliberate and systematic manipulation and denial of humanitarian assistance for the people of the Darfur region;

Whereas, on December 18, 2003, United Nations Undersecretary General for Humanitarian Affairs Jan Egeland declared that the Darfur region was probably "the world's worst humanitarian catastrophe", and in April 2004 reported to the United Nations Security Council that in Darfur, "a sequence of deliberate actions has been observed that seem aimed at achieving a specific objective: the forcible and long-term displacement of the targeted communities which may also be termed 'ethnic cleansing' ";

Whereas, on February 17, 2004, Amnesty International reported that it "continues to receive details of horrifying attacks against civilians in villages by government warplanes, soldiers, and pro-government militia";

Whereas, on February 18, 2004, United Nations Special Envoy for Humanitarian Affairs in Sudan Tom Eric Vraalsen declared, following a trip to the Darfur region, that "aid workers are unable to reach the vast majority [of the displaced]";

Whereas Doctors Without Borders, the Nobel Peace Prize-winning medical humanitarian relief organization and one of the few aid groups on the ground in the Darfur region, reported that the region is the scene of "catastrophic mortality rates";

Whereas, on April 20, the United Nations Office of the High Commissioner for Human Rights delayed the release of a report citing gross human rights abuses, crimes against humanity, and war crimes committed in Darfur in a bid to gain access to Sudan for investigators;

Whereas the Government of Sudan continues to deny humanitarian assistance for the people of the Darfur region by denying them unrestricted access to humanitarian aid organizations;

Whereas attacks on civilians in Darfur continue despite an April 8, 2004, temporary cease-fire agreement;

Whereas nearly 3,000,000 people affected by the conflict in the Darfur region have remained beyond the reach of aid agencies trying to provide essential humanitarian assistance, and United Nations aid agencies estimate that they have been able to reach only 15 percent of people in need and that more than 700,000 people have been displaced within Sudan in the past year; and

Whereas the United States delegation to the 60th Session of the United Nations Commission on Human Rights sponsored a resolution condemning the Government of Sudan for grave violations of human rights and humanitarian law occurring in the Darfur region: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) strongly condemns the Government of the Republic of the Sudan and militia groups supported by the Government of Sudan for attacks against innocent civilians in the impoverished Darfur region of western Sudan, in violation of Article 3 of the Geneva Conventions, done at Geneva August 12, 1949, and entered into force October 21, 1950, which specifically prohibit attacks on civilians, and demands that the Government of Sudan immediately take actions to cease these attacks;

(2) urges the Government of Sudan to immediately disarm and disband government supported militia groups;

(3) urges the Government of Sudan and all parties to honor commitments made in the cease-fire agreement of April 8, 2004;

(4) calls on the Government of Sudan to grant full, unconditional, and immediate access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, including protection officers, and an international monitoring team in compliance with the temporary cease-fire agreement that is based in Darfur and has the support of the United States and the European Union;

(5) encourages the Administrator of the United States Agency for International Development to work with donors to immediately deliver humanitarian assistance to Darfur, including the delivery of food by air if necessary;

(6) calls on the Secretary of State to develop a plan for further bilateral and multilateral action in the event the Government of Sudan fails to immediately undertake the actions called for in paragraph (3), including a plan to seek a Security Council resolution addressing the Darfur situation;

(7) deplores the inaction of some member states of the United Nations and the failure of the United Nations Human Rights Commission to take strong action with respect to the crisis in Darfur;

(8) urges the President to direct the United States Representative to the United Nations to—

(A) seek an official investigation by the United Nations to determine if crimes against humanity have been committed by the Government of Sudan and government-supported militia groups in the Darfur region; and

(B) work with the international community to ensure that the individuals responsible for crimes against humanity in Darfur are held accountable for their actions; and

(9) strongly urges the President to impose targeted sanctions, including a ban on travel to the United States and freezing of personal assets, against officials and other individuals of the Government of Sudan, as well as Janjaweed militia commanders, who are responsible for war crimes and crimes against humanity in the Darfur region.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. GREEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. GREEN).

GENERAL LEAVE

Mr. GREEN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 403, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. GREEN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Virginia (Mr. WOLF) for bringing House Concurrent Resolution 403, condemning the Government of Sudan for its attacks against innocent civilians in the impoverished Darfur region of western Sudan, before us today.

The crisis in Darfur has been described as one of the worst humanitarian catastrophes on the planet. Nearly 1 million people have been displaced, and anywhere between 10,000 and 30,000 people have been killed. The United States Agency for International Development estimates that another 350,000 civilians could die in the next 9 months as a result of the unfolding humanitarian crisis.

Backed by the Sudanese Government, Arabic-speaking militias, collectively known as the Janjaweed, have murdered, raped and pillaged with impunity. Hundreds of villages have been burned to the ground, crops have been razed and vital irrigation systems have been destroyed.

It is feared that the situation will only get worse. The rainy season has now arrived, making transport of food aid more difficult and more costly. If the refugees cannot return to their homes to plant crops soon, they will be completely dependent on food aid for the next 18 months. Outrageously, the Sudanese Government continues to frustrate efforts to deliver humanitarian assistance to the region.

Following a Security Council briefing earlier this month, the acting U.N. High Commissioner for Human Rights summarized the situation in Darfur by stating: "One, there is a reign of terror in this area. Two, there is a scorched earth policy. Three, there are repeated war crimes and crimes against humanity. And four, this is taking place before our very eyes."

Despite these facts and despite the best efforts by the administration, Sudan was given nothing more than a half-hearted slap on the wrist during the recently concluded 60th session of the U.N. Commission on Human Rights.

Adding insult to injury, Sudan was then reelected to serve on the Commission for another 2 years. The irony of the election of Sudan, one of the worst violators of human rights on the planet, to serve on the U.N. Commission for Human Rights, that irony should not be lost on anyone.

House Concurrent Resolution 403 strongly condemns the attack against innocent civilians by the Government of Sudan and government-supported militia groups. The resolution calls on the Government of Sudan to grant full and unconditional humanitarian access to the region and urges the government to disarm and disband the Janjaweed forces.

H. Con. Res. 403 recognizes the efforts of the United States delegation to the 60th session of the U.N. Human Rights Commission to address the crisis in Darfur, and deplores the inaction of other members.

The resolution also urges the United States Government to take specific steps to aid the refugees and to hold accountable those in the Government of Sudan who are responsible for these atrocities. Included among those recommended measures are an asset freeze and a travel ban for those who are responsible for what the administration and the U.N. have described as "ethnic cleansing."

Mr. Speaker, the Committee on Conscience of the U.S. Holocaust Memorial Museum has issued a "Genocide Alert" for Darfur. This crisis is the direct result of actions taken by the Government of Sudan. It is incumbent upon the Congress to condemn these actions and to urge the administration to take steps to aid the victims and punish those responsible for the atrocities.

Mr. Speaker, this is a bipartisan resolution which has been given full consideration during a hearing and markup by the Committee on International Relations on May 6 of this year, and I urge Members' support.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution.

Mr. Speaker, I first would like to commend my good friend and cochairman of the Congressional Human Rights Caucus, the gentleman from Virginia (Mr. WOLF), for introducing this critically important legislation. We are all deeply indebted to the gentleman from Virginia (Mr. WOLF) for speaking out for human rights in Sudan and, in fact, for human rights around the globe.

Mr. Speaker, just 2 weeks ago, we solemnly remembered the 10th anniversary of the Rwanda genocide, where the world stood by and allowed the slaughter of 1 million innocent people in 100 days. In the aftermath of that horror, the international community again pledged never again to stand by and allow an atrocity to emerge without taking preventive action.

Yet, as we speak, the Sudanese Government has mobilized its military forces and Arab militias, called the Janjaweed, to carry out a scorched earth policy of indiscriminate killing and the removal of non-Arab African civilians from their homes in Darfur in western Sudan. Both USAID and the United Nations have described these atrocities as ethnic cleansing, and the Committee on Conscience of our own Holocaust Memorial Museum has issued a genocide warning for Darfur.

Mr. Speaker, Khartoum and its brutal militias are systematically torturing, raping and killing thousands of innocent civilians, based solely on their identity. The Janjaweed, the Arab terrorists, have looted and burned villages and depopulated entire areas with impunity, in direct violation of international law.

We estimate that as many as 30,000 civilians may have been slaughtered and over 1 million driven off their land into unprotected camps for the internally displaced and refugee camps across the border in Chad. If we allow Khartoum to continue this mayhem, probably over 100,000 will die by the end of the year.

We cannot allow this to happen. Khartoum must be stopped. I am convinced, Mr. Speaker, that the only thing Bashir and his cronies understand and respond to is strength and the resolve of the international community, led by our own government.

Bashir and those responsible in his government, including his vice president, Ali Taha, are masters at manipulating the international community by holding hostage the prospects of humanitarian access in Darfur and the peace process in Kenya, while conducting a vicious campaign of terror against innocent civilians.

Khartoum has even treated with contempt our own government's efforts to bring humanitarian relief to the suffering people in Darfur by delaying visas to American disaster workers. Cynically and arrogantly, Khartoum stalls while innocent men, women and children suffer.

Mr. Speaker, in response to widespread global criticism, Bashir now has issued a presidential decree appointing a committee to investigate the egregious human rights violations carried out in Darfur by his own government and their Arab allies.

First, Khartoum deliberately designed a strategy to drive thousands of black Africans from their homes. In the process, Arab militias were directed to commit unspeakably horrible acts. Then, when the international community expresses outrage, the government that committed the crimes appoints a committee to investigate itself.

I find it ludicrous and absurd for us to continue to play along with Khartoum's game and to accept this blatant attempt to disavow knowledge of well-documented atrocities that Bashir and his people directed their armed forces and the Arab militias to commit.

Mr. Speaker, as we debate this resolution, Arab terrorists of the Janjaweed are killing men, kidnapping children, raping women and burning villages.

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There must be an urgency about our work in addressing this crisis: and Darfur, therefore, must assume the highest priority.

I challenge President Bush's Secretary of State Colin Powell and Kofi Anan, the Secretary General of the United Nations, to exercise their leadership and to stop this nightmare from continuing. I also challenge the European Union and the African Union. Appallingly, African nations recently ensured Sudan a seat on the U.N. Human Rights Commission in spite of its attack on the people of Darfur, motivated exclusively by sickening racism.

Mr. Speaker, I call upon President Bush to withhold any normalization of relations with the Sudan. We must demand of Khartoum an immediate cessation of violence in Darfur and the disarming of Arab terrorists according to the cease fire agreement they signed. Khartoum must allow protective units and humanitarian agencies full and immediate access to Darfur.

Khartoum also must address the legitimate grievances of those living under the tyranny of this regime. The United Nations Human Rights Commission must convene immediately on this crisis to shed light on the atrocities and to galvanize international support for the victims of Darfur.

In conclusion, Mr. Speaker, we must do what is necessary to end this conflict in Sudan and to bring security to the long suffering people of Darfur. If Khartoum continues its intransigence, the President should consider target sanctions against those responsible for these atrocities and undertake extraordinary measures to get food, medicine, clothing, and shelter to those in desperate need. Our credibility and our reputation as a humane Nation depend on this. We do not have the luxury of failure.

Mr. Speaker, I reserve the balance of my time.

Mr. GREEN of Wisconsin. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE), the distinguished chairman of the Subcommittee on Africa, who is a strong voice on this subject.

Mr. ROYCE. Mr. Speaker, I thank the gentleman for yielding me time.

I would like to begin by seconding the remarks by the ranking member of the Committee on International Relations, the gentleman from California (Mr. LANTOS). I believe, as he does, that the killing in western Sudan demands the world's attention. This resolution of which we are co-sponsors condemns Sudan's government for attacks against civilians in the Darfur region. As explained, the numbers here are very grim. Because the government's Scorched Earth policies have killed tens of thousands of people, have displaced as of today over one million human beings, many of them forced into neighboring Chad, hundreds of villages have been burned to the ground, those irrigation systems have been destroyed, and government-backed militias have committed widespread rapes; but beyond that, beyond that the victims of these rapes are often branded on the forehead, which is a rather unique proof of the intent of ethnic cleansing that is going on in these communities.

Denied access to this region by the government, I think we can only imagine the full extent of this relentless campaign which has the look of genocide against the people of Darfur. I believe the administration deserves credit for its sustained commitment to bringing peace to Sudan. Congress has backed its effort, including the Sudan Peace Act. The Subcommittee on Africa, which I chair, has closely followed negotiations between Khartoum and the SPLM.

But after several years, it is less and less likely that those negotiations will succeed. The administration's Sudan Peace Act, the report on that peace act of last month noted that, the bottom line, these talks had become stagnant. We need to keep in mind too that any agreement reached would face major challenges being implemented. Africa has seen many failed peace agreements. So Khartoum's true colors, I am afraid, are being shown in Darfur. At this point, for my part I would have little faith in any peace agreements it signs.

If we remain engaged in this peace process, though, Darfur must not be discounted. Darfur must be addressed. Last month, the Subcommittee on Africa held a hearing looking back on the Rwandan genocide. During the run-up to the killing of a million people, the United States and others were dulled to its warning signs because of the commitment to a doomed peace process. And I am afraid that that may be part of what we are witnessing here.

In Rwanda, like in Sudan today, the government denied its support for militias carrying out ethnic cleansing. It was very familiar to these, very close akin to this same circumstance we face here. Khartoum should know that peace agreement or not, there will be no normal relations with the United States as long as it is committing atrocities in Darfur. The administration brought Darfur to the world's attention at the United Nations Commission on Human Rights' annual session in Geneva. That its proposal to censure the Sudanese Government was widely rejected is yet more evidence that the commission is a very troubled institution. It also makes it harder to believe that other countries have much of a commitment to peace in Sudan.

Moving ahead, our assumption on Sudan that the international community will provide material support and be an honest broker if a peace agreement is signed should be rethought. I support this resolution; I urge its passage. And I would also like to commend the gentleman from Virginia (Mr. WOLF) for his dedication to this issue.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS), my good friend and our distinguished colleague.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the ranking member of the Committee on International Relations for yielding me time and also for his strong and eloquent statement in support of this resolution.

Mr. Speaker, I rise in strong support of H. Con. Res. 403. This bill sounds the alarm once again on genocide in Sudan. Since 1983, more than 2 million black civilians died during the civil war in the south of Sudan. That struggle was especially brutal for the civilian population: slave raids resulting in the enslavement of women and children, gang rape, ethnic cleansing, and the imposition of famine conditions for hundreds of thousands.

The people of Sudan are facing the same catastrophic situation once again. Since early 2003, conflict between the forces of the government of the Republic of Sudan and rebel forces in the impoverished Darfur region of western Sudan has resulted in attacks by Sudanese Government ground and air forces against innocent civilians and undefended villages in the region. This has led to the Sudanese Government forces engaging in the use of rape as a weapon of war, the abduction of children, the destruction of food and water sources, and the deliberate and systematic manipulation and denial of humanitarian assistance for the people of the Darfur region.

The United Nations and other aid agencies trying to provide essential humanitarian assistance have been able to reach only 15 percent of the people in need, denying nearly 3 million people in need. More than 100,000 Sudanese have fled the region and are now refugees in neighboring Chad.

These acts are clear violations of the Genocide Convention and are grave crimes against humanity. We cannot sit back and do nothing. We must speak out and act against these actions. We cannot afford to repeat the mistakes of the genocide in Rwanda where more than 800,000 Rwandans died while we along with the world watched and did little or nothing.

Mr. Speaker, we need to act now. The more time wasted by doing nothing, the more Sudanese people in the Darfur region will suffer, die, and be displaced from their homes.

I commend the gentleman from Virginia (Mr. WOLF) for introducing this resolution. I urge my colleagues to support it.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GREEN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as others have noted, we recently marked the anniversary of a terrible chapter in world history, the Rwandan genocide. The fact that we are here today speaking on Sudan really calls into question whether or not we have learned anything at all, whether the world has learned anything at all. These atrocities of which we speak are occurring now, before our eyes. There is no question; there is no doubt. We are all on notice. It was terrible enough that we did little then through the days of the Rwandan genocide. It will be all the worse if the world fails to act now.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of the resolution that is before us today on the suspension calendar concerning the current crisis in Sudan, South Africa. Our colleagues, Mr. WOLF and Mr. PAYNE, are to be commended for their leadership and efforts in drafting H. Con. Res. 403 and for their advocacy on the issues. Just as we have recently seen in Liberia and Haiti, we see in the Darfur region of Sudan—humanitarian priorities are being subordinated to political agendas.

What is most saddening and what inspires the most fear is the fact that this region is inflicting vulnerability upon itself in the wake of international terrorism. But then again, who needs a terrorist attack when your government is forcibly displacing and starving millions of its own civilians in the course of making political statements?

This situation has been described as "the worst humanitarian crisis in the world today" given the over one million people displaced since the fighting intensified in early 2003. I will cite the insightful words of my colleague from New Jersey, Mr. PAYNE when he addressed the House last Thursday on this issue:

> Mr. Speaker, it is important for us to remember that in 1994 the international community watched with utter indifference when 1 million Rwandanese were hacked to death in 100 days. The genocide in Darfur occurred while the international community was commemorating the 10th anniversary of the Rwandan genocide. We failed to learn from Rwanda, and we are likely to learn from Darfur. The similarities between the Rwandan genocide and Darfur are stunning. In Rwanda the former government of Rwanda and the Rwandan Patriotic Front rebels were negotiating while plans for genocide were underway.

The important thing to recognize in the words of this gentleman are that the "international community watched with utter indifference." H. Con. Res. 403 is but a beginning and a first step to the extent to which this nation and the nations of the international community must intervene in order to end the death, displacement, rape, and suffering.

Reuters, in an article dated April 19, 2004 noted that "international engagement with the crisis has been slow and ineffective" and that "Western governments have appeared reluctant to press the Sudanese government to fulfill its obligations" to international law, the principle of democracy, and to its own people.

Over 700,000 people have had to flee to urban centers in Darfur and there has been further displacement to various parts of Sudan, including Khartoum. Moreover, an additional 135,000 refugees have moved to Chad. Thousands of innocent civilians have died due to the violence, and many more are dying and will die due to conflict-related diseases. This situation is exacerbated when the government openly restricts relief efforts and when it allows supplies to be looted after distribution.

With respect to international law, the parties to this internal armed conflict have violated Common Article 3 of the 1949 Geneva Convention which prohibits attacks on civilians. The government of Sudan is bound by its own laws and international law to prosecute any party to the conflict guilty of committing abuses. Moreover, the government is responsible for proxy forces under its control.

The United States and members of the international community must intervene and at the very least, inflict pressure upon the Sudanese government to mitigate the violations of law. Allegations have been described as: ethnic cleansing, crimes against humanity, and genocide. In the case of armed conflict relative to international law, Sudan has failed in the following areas:

Distinction—the duty to distinguish between military and civilian targets;

Precaution—the duty to minimize incidental injury to civilians and damage to civilian property; and

Proportionality—any injury or damage must be proportionate to the concrete and direct military advantage anticipated.

Furthermore, Common Article 3 of the 1949 Geneva Convention squarely apply to this situation. Under the provisions of Article 3, basic civilian safeguards in civil conflicts must be provided.

Non-derogable provisions of the International Covenant on Civil and Political Rights of 1966 apply, i.e., the right to life.

Mr. Speaker, H. Con. Res. 403 articulates the fact that we recognize the wrongdoings that have been perpetrated by the Sudanese government. Our next step must be to commit to acting to and garnering support to applying pressure on the parties in the conflict to respect humanitarian and human rights law. They must be compelled, under rule of law, to protect civilians and to allow humanitarian aid to flow to those who are in dire need. This chaotic situation and lawlessness must end at once. I support this legislation, urge my colleagues to join me in so supporting, and move this Administration to take the next step in working to stop the violence and installing peace and the rule of law.

Mr. BACHUS. Mr. Speaker, I rise in support of H. Con. Res. 403. As one of the architects of the Sudan Peace Act signed by President Bush in October 2002, I am completely dismayed at the continuation and the possible repeat of another civil war in Sudan. Previously, countless Christians have been killed or starved to death simply because of their ethnicity and religious beliefs. Now in Dafur in the West, an area roughly the size of France, unlike the situation in the South, this is not Christian versus Muslims. It is genocide of black Africans by the Arabic government and Jangaweed (nomadic Arab tribesmen).

Today, the current humanitarian crisis in Sudan is considered one of the worst in decades. According to the World Food Program (WFP), the Sudanese, "are facing serious food and water shortages due to the combined disruptions of civil war and drought." In the West, hundreds of thousands of malnourished villagers, having been burned out of their homes in a systematic campaign of terror, are starving to death.

Foreign correspondents from major newspapers have reported at least 700,000 Dafur residents are living in camps or have fled to villages to stay with families or friends. Women, girls, students, and teachers are systematically beaten and gang-raped. One villager, as quoted this week in a London newspaper, gave this simple explanation, "We got harassed on a daily basis by people in uniform." Furthermore he said, "they (Jangaweed) used to be herders, we know who they are, but the government had guns and uniforms and told them to hurt the blacks." Despite millions of dollars of humanitarian aid from the United States, the Sudanese, particularly the black Africans in Dafur, continue to suffer.

The conflict between the government of Khartoum/Jangaweed and the black Africans in Dafur must be stopped. While I am pleased with the announcement that the State Department will be sending American aid experts to inspect the humanitarian needs, what we really need to be done is for the Administration to stop this genocide and begin negotiations as soon as possible to end this long-standing humanitarian crisis.

Mr. WOLF. Mr. Speaker, I commend the House, Chairman HYDE and International Relations Committee for bringing H. Con. Res. 403 to the floor quickly and I urge a unanimous vote for this important resolution.

The conflict in Sudan began early last year when the Government of Sudan began arming the Janjaweed militia to suppress local rebel groups. The Janjaweed, with the support of government troops began their reign of terror on the people of Darfur.

The result—ethnic cleansing and the death of thousands of innocent civilians. One million people are now displaced. Village after village attacked, looted and burned. The survivors bear scars of mutilation and rape. Schools filled with students have been attacked and the girls raped.

Thousands of survivors walk days, weeks and sometimes months in the unrelenting sun to seek safety in Chad. They are pursued by Janjaweed and often bombed as they languish on the border.

Hundreds of thousands of civilians are trapped in camps inside Darfur. Surrounded by militia and unable to leave to seek water or firewood. Families are forced to make life or death decisions on which family member will go to gather food and risk certain death.

People are living on top of each other in crowed camps. Disease and malnutrition are rampant. USAID now estimates that by fall the world will see catastrophic mortality rates from disease and starvation.

The world has finally found its voice as reports are trickling out describing the reality of Darfur. The headlines in major U.S. newspapers have read like a horror film:

"Sudan militiamen on horses uproot a million";

"Sudan's hellish humanitarian crisis";

"Sudan's Darfur is calm because there are no more villages to burn".

"Sudan starving Darfur refuges"

I would like to read an excerpt from the May 15 Economist:

> Her story is typical. . . . An air raid caught her unawares: as bombs fell, she ran around in confusion. When the bombers had completed their return pass, the horizon filled with dust, the ground shuddered, and a host of mounted militiamen charged through the village, killing all the young men they could find . . . her 18-month baby . . . killed by shrapnel. Two weeks later her oldest son, 15, was made to kneel in line with other young men before being shot in the back of the head. Her husband disappeared the same day.

But words are not enough. The international community has been reluctant to act.

Secretary General Kofi Annan should go to Darfur and stand with the persecuted.

I introduced this resolution so Members of Congress would have the opportunity to voice their support for the innocent people in Darfur.

This resolution strongly condemns the Government of Sudan and government-supported militia groups for attacks against innocent civilians, in violation of the Geneva Convention.

The Government of Sudan should immediately disarm the militia, and allow full unconditional humanitarian access to Darfur. The civilians who are languishing in camps should be provided immediate protection.

Why is the world slow to respond when atrocities are taking place before our eyes?

The world has said never again over and over again, yet when it is put to the test and charged with protecting humanity it continues to fail.

Why has the international community become content with the slaughter of innocent human beings?

When will the death of innocent human beings be too much for the world to bear?

We need to be bold and willing to condemn and shame countries that commit atrocities against their own citizens.

It is our moral responsibility to protect humanity and not sit idly by in the face of horror. Those of us in public office have the unique responsibility and the power of our voices to confront evil.

The world is a safer place when the world sides with the opposed.

Today, let our voices be raised for the innocent people of Darfur.

Mr. Speaker, I submit for the RECORD the full Economist story. I urge every Member to read the graphic detail of Khartoums destruction of innocent lives.

[From the Economist, May 15, 2004]

FLEEING THE HORSEMEN WHO KILL FOR KHARTOUM

Her children's bodies were rotting in the village wells, where Arab militiamen had thrown them to poison the water supply. But Kaltuma Hasala Adan did not flee her home. Leaving her crops and livestock would condemn the rest of the family to death, she reasoned. So she stayed put for four months, despite her government's strenuous efforts to terrorize her into flight.

Her story is typical of western Sudan's black Africans. Her village was first attacked in January. An air raid caught her unawares: as the bombs fell, she ran around in confusion. When the bombers had completed their return pass, the horizon filled with dust, the ground shuddered, and a host of mounted militiamen charged through the village, killing all the young men they could find. During that first attack, Kaltuma's 18-month baby, Ali, was killed by shrapnel. Two weeks later, her oldest son, Issa, 15, was made to kneel in line with other young men before being shot in the back of the head. Her husband disappeared the same day.

For four wretched months, Kaltuma lived with both ears strained for the faint drone of bombers, poised to dash with her three surviving children to a hiding place in a dry river bed. Then the janjaweed—an Arab militia that kills for the Sudanese government—rode up to finish the job. They razed her village entirely. She fled from the embers of her hut and trekked for four days through the desert. Across the border in Chad, she found sanctuary in the town of Tiné. Thousands of her neighbours were already there when she arrived.

The UN's humanitarian co-ordinator for Sudan, Mukesh Kapila, described what is going on in Darfur, an arid region of western Sudan, as "the worst humanitarian crisis in the world". Human Rights Watch, a lobby group, has accused Sudan's Arab-dominated government of crimes against humanity. The government is seeking to purge Darfur of black Africans, using methods as cruel as they are effective. Perhaps a million people have fled their homes. Officials deny ethnic cleansing, of course, but the refugees say they lie.

As Kaltuma tells her story, a crowd gathers to corroborate it. Osman Nurrudin Sadr says his whole family was killed. Khadija

Yacob Abdallah, a pretty 17-year-old, watched her parents die and was then gang-raped. All the refugees offer the same explanation. "They want to kill us because we are black," says one.

It is a little more complicated than that. Sudan, Africa's largest country, is the scene of two separate but related civil wars. One, between the north and south, pits the Arab, Islamist government against rebels who are mostly black African and non-Muslim. This war has been raging intermittently for half a century, but has come tantalizingly close to resolution in the past year: partly because of foreign pressure, especially from America, and partly because both sides, exhausted, wish to stop fighting and share Sudan's new-found oil wealth.

The other war, between the government and two rebel groups in Darfur, pits Muslim against Muslim. The divide in Darfur is ethnic, between Arabs and black Africans. This war flared up only last year. It was seen at first as a mere sideshow, but is now too vast and vile to be ignored.

CENTURIES OF SUFFERING

The south has been marginalized for centuries. Arab slavers used it as a hunting-ground for human booty, despite Anglo-Egyptian attempts to crush the trade in the 19th century. When independence came in 1956, southerners demanded autonomy. They were ignored, so they rebelled.

The war paused between 1972 and 1983, but then resumed. The government used scorched-earth tactics against the main rebel group, the Sudan People's Liberation Army (SPLA), bombing villages suspected of rebel sympathies, and arming and encouraging militias to kill and pillage in rebel-held areas. Slave raids continued, checked only by the absence of tarmac roads in the south.

Largely because it involved Muslims enslaving Christians, the war gripped the imagination of America's influential Christian lobby. In fact, only a minority of southern Sudanese are Christians; the rest are cheerfully polytheistic or animist. Nonetheless, America took an interest, which increased when the radical Islamist regime in Khartoum hosted Osama bin Laden in the early 1900s. In retaliation for al-Qaeda'a attacks on American embassies in Kenya and Tanzania in 1998, President Bill Clinton bombed a Sudanese factory he said was producing nerve gas, but which may have been making aspirin. The regime was already distancing itself from its international terrorist associates, a process swiftly accelerated by the American invasions of Afghanistan and Iraq.

Sudan's rulers rounded up terrorist suspects, shared intelligence and froze Mr. bin Laden's assets in Sudan, including a cannabis farm worked by child slaves who had apparently been brought from a Ugandan rebel group for one Kalashnikov each.

At the same time, the Sudanese government started to yield to American pressure to seek peace with the south. Negotiations have been tortuous, but Vice-President Ali Osman Taha keeps talking to John Garang, the SPLA leader. If the government shows bad faith, America threatens to choke it with sanctions and to bankroll the SPLA.

Since 2001 the two sides have hammered out a series of agreements that are supposed to culminate in a comprehensive peace. Last September they signed a security accord, mapping out how Khartoum will withdraw most of its troops from the south. This year has seen a written agreement on how to split the revenues from the oil that lies under Sudanese sand, and verbal agreements on power-sharing and the future of three contested areas. Some of these are on the northern side of the line (see map), but their inhabitants consider themselves southern.

For an interim period of six years, Sudan is to remain one country, with Omar al-Bashir, the current president, remaining in office, and with Mr. Garang, the rebel leader, as his deputy. Then there is to be a referendum in which southerners will be offered the choice of staying or seceding.

THE WEST BURNS

The trouble with this plan for a new Sudan is that it involves only the two main belligerents. Peaceful opposition groups have been left out. Since neither the government nor the SPLA is remotely democratic, many Sudanese seethe at the prospect of them divvying up the petrodollars. In Darfur, that rage has sparked mayhem.

Darfur has seen sporadic fighting for generations. As the desert has expanded, camel- and cattle-herding Arab nomads have bickered with black African farmers over dwindling supplies of water and pasture. Darfur's black tribes complain that, since the 1980s, they have been pushed out of government jobs in favor of Arabs. And the region has been flooded with weapons. Khartoum first armed the janjaweed so they could ride south and pillage SPLA territory. Arms from a long-running conflict between Chad and Libya seeped across the border into Darfur.

Last year, a new rebel group, the Sudan Liberation Army (SLA) appeared in Darfur and won a string of victories. Soon after, a second group sprang up, the Justice and Equality Movement (JEM). The government in Kartoum felt vulnerable. It was terrified that rebel successes in Darfur might inspire other marginalised groups in the north and east, especially since the SLA has links with a rebel group in the east.

The government struck back, not only against the rebels, but also against their ethnic kin. It unleashed the janjaweed. To swell the militia's ranks, Arab criminals were released from jail and given horses, $100 each and carte blanche to loot. (These ex-prisoners are labeled ta'ibeen, "those who have repented".)

The janjaweed have clattered into village after African village, torching the straw roofs of conical huts, killing young men who might join the rebels, raping women who might feed them, and stealing everything they can carry off. Sometimes they brand the hands of the women they rape, to make the stigma permanent. They have also torched dozens of mosques and torn up and defecated on copies of the Koran. Whatever inspires them, it is not Islam.

Their victims have no doubt that the janjaweed enjoy the state's blessing. When asked what gives them the right to stop blacks at road blocks, the militiamen reply: "We are the government." When pillaging, they are often supported by the air force and by the regular army. "First the planes come, then the janjaweed and finally government soldiers," says a refugee. "They are brothers united on a mission to kill."

It was a long time before the outside world took notice. At first, both America and the UN hesitated to make a fuss about Darfur for fear of derailing the north-south peace process. But in March, the UN's man on the spot started making comparisons with the Rwandan genocide of 1994. That was an exaggeration, but it prompted Washington to lean on Khartoum to end the ethnic cleansing. A ceasefire followed on April 8th, supposedly to help aid workers do their job, but was quickly broken.

Fighting and pillage continue, making it hard to feed the displaced. The UN does not want to get too close to the border—the janjaweed do not respect international boundaries—so it has moved 35,000 refugees deep into Chad. Tens of thousands remain stranded near the border. Those unfortunate enough to wind up in camps in Darfur have been deliberately starved by the janjaweed, according to the UN.

Brave charities such as Médecins Sans Frontières have ignored the occasional air raid to dole out medical supplies, feed the hungriest and vaccinate against a meningitis outbreak. Most refugees in Chad have depended on food and water from the locals who, though poor, are startlingly generous. Supplies are running out, however, and the UN mission is short of cash.

The rainy season is almost here, when the valleys will fill with water and it will be impossible to get the refugees into the half-empty camps that await them. UN lorries lie stranded because there is no money for fuel and the drivers, unpaid for six weeks, have gone on strike.

Over 10,000 newly arrived refugees around Bahai, north of Tiné, have been dismissed as "combatants"—though most are women, children or old men. For the UN, admitting that they are refugees would mean being obligated to look after them. "I'm trying to think of something the UN has done right here, but I'm struggling," says one aid worker with a sigh.

SPEARS AND PLOUGHSHARES

There is more to cheer about in southern Sudan. After years of enduring the same abuses now being lavished on Darfur, the south is relatively calm. In Rumbek, the largest town under SPLA control, where abandoned armoured cars rust outside buildings gutted by shelling, hardly any shrapnel has flown for two years.

Half-forgotten tribal traditions are being rediscovered. On a dusty football pitch known as Freedom Square, thousands of young Dinka men, coated with ash and clad in glamorous calfskin skirts, gather to elect a sub-chief. Not long ago such affairs were subdued, forced indoors by the fear of aerial bombardment. Now they are gleefully raucous.

War has left the south shattered. Most of the young warriors queuing behind their chosen candidates have known nothing else. There is no electricity or running water in the south, an area the size of France and Germany combined, and precious few schools, either. Southern children used to join either the rebels or government-backed militias. They grew up knowing how to march long distances on empty stomachs, but not how to read.

Peace, if it lasts, will offer southerners a chance to grow less poor. In one village, your correspondent saw a group of SPLA soldiers melting bullets to fashion spearheads for hunting gazelles. The same men were baffled, however, by a consignment of ploughshares, kindly donated by a western aid agency. Unsure what these strange objects were for, they beat them down to make stools.

Elsewhere, workers can be seen hacking through thorny scrub. They are clearing a path for a road, heading for a large rock in the wilderness known as Ramciel, or "the place where the rhinos meet". More accurately, it should be "where rhinos used to meet", as they were poached out of existence some time ago. It is here that the SPLA is thinking of building the south's principal city. Charles Deng, the assistant foreman, has big dreams for the place. "First we will finish the road," he says. "Then we will build skyscrapers and ponds, better than London or maybe even as good as Nairobi."

Not everyone welcomes progress. An SPLA commander in nearby Yirol murmured into his beer that he hoped the capital would be built elsewhere. "If they build it here then they will also build schools and our girls will be sent to those schools," he said. "You know what the means? Their bride price will fall. My daughters will be worthless to me."

THE END OF THE WAR, OR OF SUDAN?

A formal deal ending the war is expected in the next few weeks, possibly sooner. Since President George Bush is widely seen as the architect of peace, he is perhaps more popular in southern Sudan than anywhere else on earth. At the Rumbek sub-chief's election one young warrior called Thuapon leaps frenetically in the air, proudly waving a white Barbie-doll in a pink dress. "This is a new wife for President Bush. May God grant him many fertile women with firm bodies and an election victory without problems in Florida."

The main outstanding issue concerns the religious status of Khartoum. The government wants it to remain under sharia (Islamic law); the SPLA does not. Some fudge is surely possible. Observers are confident that a deal will be signed. "If Khartoum were to renege at this point, it would signal that this whole process was a charade from the beginning," says John Prendergast of the International Crisis Group, a campaigning think-tank.

The difficulty will lie in how the deal is implemented. Unsurprisingly, southerners do not trust the government. "They just want time to re-arm," says James Thucdong, an aspiring teacher in Rumbek. "We know this is just a peace of one or two years. They will never let us become independent." Mr. Thucdong could well be right. There is no provision yet for what will happen to revenues from Sudan's oilfields, which lie mostly in the south, should voters choose secession.

The two sides are unwilling to discuss this issue, but Khartoum would presumably never let the south go if that meant losing the petrodollars, too. "When preparations begin for the independence referendum, we are going to see major meddling by elements in Khartoum, aimed at creating chaos in the south and delaying [the] plebiscite," predicts Mr. Prendergast.

Another worry is that southerners are squabblesome. During the war, they spent as much time fighting each other as the government. Mr. Garang may still be the south's key leader, but his support for a united Sudan will irk secessionists, who are probably a majority in the south. Other ethnic groups resent the politically dominant Dinka people, and even the Dinka are divided.

Once a peace deal is signed, many of the 4m southerners living in squatter camps around the main cities of the north will probably decide to pick their way through minefields and make the long journey home. Tension over scarce natural resources seems likely. As if to confound the optimists, there has been a serious outbreak of fighting in the ancient Shilluk kingdom since March. At least 70,000 people have been driven from their homes after battles between militias loyal to Khartoum and the SPLA. As usual in Sudan, most of the casualties were civilians.

MANY VOICES, MANY FEARS

In Khartoum, the mood is apprehensive. The political elite is genuinely alarmed at what capitulation to southern demands might encourage. Says Ghazi Attabani, a former presidential adviser: "If the south were to secede, it would be catastrophic both for Sudan and for Africa. Secession would not be peaceful. Internal differences in the south would cause rifts which would make Rwanda seem like a picnic."

Because of stringent censorship and the physical difficulty of visiting Sudan's more troubled areas, ordinary northerners have only a rough idea of what is going on in their own country. Some are optimistic. "Of course the people can live together," says Ahmed Omar Othman, a shopkeeper. "Just look around Khartoum, we do already. Here, you will find a church next to a mosque—surely that [proves it]? The real problem is whether the politicians can work together."

The record of Sudanese politicians in this are is not good. Their preferred technique for holding this huge and multifarious country together—barbaric force—has been shown not to work. In Darfur, as Mr. Attabani admits, "There is no military solution." Arming gangsters such as the Janjaweek is easy; reining them in again may prove much harder. Says Sharif Harir, chief negotiator for the SLA rebels: "Even if Khartoum had the will to stop them, it probably doesnt' have the power."

Mr. OLVER. Mr. Speaker, I rise today in support of H. Con. Res. 403.

Sudan, geographically the largest country in Africa, has been ravaged by civil war for four decades. An estimated two million people have died over the past two decades due to war-related causes and famine, and millions have been displaced from their homes. According to the United Nations, an estimated three million people are in need of emergency food aid. Recently, violence has escalated in the Darfur region of the Western Sudan, where government-sponsored militias have been ruthlessly targeting various ethnic groups. Approximately one million civilians have been forced to flee their homes and are now either internally displaced or seeking refuge in neighboring Chad.

Sudanese government forces have overseen and directly participated in massacres, summary executions of civilians, burning of towns and villages, and the forcible depopulation of wide swathes of land long inhabited by the Fur, Masalit and Zaghawa ethnic groups.

For months, the Sudanese government has restricted international media access to Darfur and has limited reporting about the conflict in the national press. Recently, the government has allowed minimal access to the region for international humanitarian agencies but has still failed to provide the necessary protection and assistance to prevent a full-blown humanitarian crisis.

There can be no doubt about the Sudanese government's culpability in crimes against humanity in Darfur. With this resolution, Congress demands that the Sudanese government take immediate steps to reverse ethnic cleansing in Darfur before the situation there worsens and engulfs the entire region in conflict.

The gentleman from Virginia, Mr. WOLF, should be commended for keeping the events in Sudan on Congress' agenda and I urge Members to support his resolution.

Mr. GREEN of Wisconsin. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Wisconsin (Mr. GREEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 403, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PERMISSION FOR COMMITTEE ON GOVERNMENT REFORM TO FILE SUPPLEMENTAL REPORT ON H.R. 2432, PAPERWORK AND REGULATORY IMPROVEMENT ACT

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be permitted to file a supplemental report to accompany H.R. 2432, the Paperwork and Regulatory Improvement Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

OSCAR SCOTT WOODY POST OFFICE BUILDING

Mr. MURPHY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3740) to designate the facility of the United States Postal Service located at 223 South Main Street in Roxboro, North Carolina, as the "Oscar Scott Woody Post Office Building".

The Clerk read as follows:

H.R. 3740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OSCAR SCOTT WOODY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 223 South Main Street in Roxboro, North Carolina, shall be known and designated as the "Oscar Scott Woody Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Oscar Scott Woody Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. MURPHY) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY).

GENERAL LEAVE

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3740.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MURPHY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Government Reform, the House committee that has oversight responsibilities to the U.S. Postal Service, I am pleased to rise in support of H.R. 3740. This post office designation act honors Oscar Scott Woody, one of the postal service's little known heroes.

This legislation has been co-sponsored by the entire North Carolina congressional delegation.

Mr. Speaker, Oscar Scott Woody was among the 1,522 victims of the Titanic sinking in the early morning hours of April 15, 1912. Woody was a clerk of the U.S. Post Office Department, who lived in Clifton Springs, Virginia. He worked 15 years as a railroad mail clerk before joining the Postal Sea Service in 1910. Two years later, Woody was selected as one of five postal clerks to serve aboard the grand Titanic during its heavily anticipated maiden voyage.

While his invitation aboard the Titanic's ill-fated journey was professional in nature, he found time to celebrate his 44th birthday with his postal clerk colleagues on the night of April 14, 1912. That night, when the ship infamously crashed into an iceberg in the North Atlantic Ocean, Woody fled his party to salvage as much of the ship's mail as he could. Survivors of the Titanic's sinking reportedly last saw him desperately bagging up the mail in the ship's flooding post office.

Mr. Speaker, Oscar Scott Woody was born April 15, 1868 in Roxboro, North Carolina. I support this measure that names a post office after him in his hometown.

□ 1615

I want to recognize my esteemed colleague from North Carolina (Mr. MILLER) for his work on H.R. 3740.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as a member of the House Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 3740, legislation naming a postal facility in Roxboro, North Carolina, after Oscar Scott Woody. This measure, which was introduced by the gentleman from North Carolina (Mr. MILLER) on January 28, 2004, and unanimously reported by our committee on May 6, 2004, enjoys the support and cosponsorship of the North Carolina delegation.

Oscar Scott Woody was born on April 18, 1868, and lived in Fairfax County, Virginia. For 15 years, Mr. Woody worked as a railroad mail postal clerk, working the train route between Washington, D.C., and Greensboro, North Carolina.

In 1910, he was selected to serve with the Postal Sea Service. Two years later, Oscar was on the Titanic, serving with four other postal clerks.

According to news reports, Oscar Scott Woody was celebrating his 44th birthday aboard the great ship, the Titanic, when it began to sink. Survivors reported seeing Oscar and the other postal sea clerks trying to save the mail in the ship's post office.

Mr. Woody's body was later recovered, along with keys to the ship's mailboxes and "facing slips" which indicated the destination of the mail sack.

Mr. Speaker, once again we are witness to the hard work and dedication of postal employees, even in the face of death and disaster.

I commend my colleague for honoring postal sea clerk Oscar Scott Woody, and although the gentleman from North Carolina (Mr. MILLER) was unable to be here today, I know that he would be proud to see the passage of this bill, which names a postal facility after Mr. Woody.

Mr. Speaker, I do not believe that I have any other requests for time and urge its passage.

Mr. MILLER of North Carolina. Mr. Speaker, I am pleased to rise in support of this legislation to designate the Roxboro, NC Postal Service facility as the Oscar Scott Woody Post Office.

Oscar Scott Woody, a native of Roxboro, North Carolina, was a sea post clerk aboard the *Titanic.* Woody worked 15 years as a railroad mail clerk, spending most of the time on trains running between Washington and Greensboro, North Carolina. He was selected in 1910 to join the sea post service.

The *Titanic* was not only the largest and most luxurious ocean liner of her time, she was also a Royal Mail Steamer. With five sea post clerks, the *Titanic* set sail for New York with over six million pieces of mail on board. The clerks worked throughout the voyage, sorting mail in the ship's state-of-the-art mailroom.

Sea post clerks were highly skilled and respected postal workers who sorted, canceled, and re-distributed the mail in transit. Regarded as the best of the best, these men typically sorted over 60,000 letters a day, making few, if any, errors in the process. Their hard work and efficiency allowed the mail to be delivered immediately or forwarded directly to other destinations at the end of a voyage.

Mail was considered precious cargo and sea post clerks were expected to protect it at any cost.

On the evening of April 14, 1912, the sea post clerks took a break to celebrate Mr. Woody's forty-fourth birthday. During their celebration, the Titanic hit an iceberg. They returned to find the mail storage room, located in the forward hold that the iceberg had breeched, flooding with water. The clerks desperately tried to save 200 sacks of registered mail by dragging them to the upper decks. Oscar Scott Woody was last seen alive at work, sloshing through the waist high freezing water to save the mail.

None of the mail clerks survived. Oscar Scott Woody's body was recovered a week later and buried at sea.

An exhibit at the Person County Museum of History in North Carolina notes Oscar Scott Woody's place in history. Governor Mike Easley proclaimed November 24, 2003 as "Oscar Scott Woody Day" in North Carolina.

Recognition of Woody's heroic efforts is long overdue. It is certainly fitting to name a North Carolina Post Office after a North Carolinian who gave his life upholding his duties to the U.S. Postal Service. Not only does this legislation recognize a postal hero, it serves as a recognition of the contributions made by postal workers and sea post clerks throughout our nation's history.

Mr. Woody certainly displayed the qualities with which North Carolinians take pride. This account was published by the Roxboro Courier on April 24, 1912:

"Mr. Woody stuck by his post and went down with hundreds of brave men, who scorned to take the places by the law of the sea and of Tar Heel chivalry [that] went to women first . . . More than one North Carolinian today, when it was learned that the dead mail-clerk hailed from down home, expressed their satisfaction that North Carolina courage had not been found wanting in that fearful test."

On May 1, 1912, an article about Mr. Woody in the same paper was published under the headline, "Died like a North Carolinian."

Loyal to the last, Mr. Woody was a true Tar Heel. He stuck by his post like his heels were covered in tar and did his job on that frightful night, choosing duty over his life. On his birthday, he never wavered from his duty, and for that all Tar Heels take pride.

I hope all my colleagues will join me in honoring a man who truly gave his life for his work by naming the Roxboro postal facility the Oscar Scott Woody Post Office.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mr. MURPHY. Mr. Speaker, I urge passage of H.R. 3740, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Pennsylvania (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 3740.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MURPHY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

BOBBY MARSHALL GENTRY POST OFFICE BUILDING

Mr. MURPHY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4176) to designate the facility of the United States Postal Service located at 122 West Elwood Avenue in Raeford, North Carolina, as the "Bobby Marshall Gentry Post Office Building".

The Clerk read as follows:

H.R. 4176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BOBBY MARSHALL GENTRY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 122 West Elwood Avenue in Raeford, North Carolina, shall be known and designated as the "Bobby Marshall Gentry Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Bobby Marshall Gentry Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. MURPHY) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY).

GENERAL LEAVE

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4176, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MURPHY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 4176 designates the U.S. Postal Service facility located at 122 West Elwood Avenue in Raeford, North Carolina, as the "Bobby Marshall Gentry Post Office Building." Like H.R. 3740, this bill enjoys the cosponsorship of the entire North Carolina congressional delegation.

Mr. Speaker, I want to commend my distinguished colleague and friend from North Carolina (Mr. HAYES) for introducing H.R. 4176.

Mr. Speaker, I yield as much time as he may consume to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank my friend the gentleman from Pennsylvania (Mr. MURPHY) and my friend the gentleman from Illinois (Mr. DAVIS) for helping participate today.

I rise today urging my colleagues to support H.R. 4176, legislation that would name the main post office in Raeford, North Carolina, in honor of their long-time mayor and my good friend, Bobby Marshall Gentry. Many qualities Bobby Marshall Gentry had. The old saying is "They also serve who only stand and wait." Let me tell my colleagues for sure, Bobby Marshall Gentry never stood and never waited. He moved forward for his town, for his church, for his family, for his children.

Mr. Gentry was elected to the Raeford City Council in February of 1977 and proceeded to serve the city of Raeford, North Carolina, faithfully for 26 years. In March of 1990, Bob was appointed to the post of mayor after the death of then current mayor, J.K. McNeill. Bob was elected in his own right as Raeford's mayor in 1993 and reelected in 1997 and 2001. He served until his untimely death on October 29 of 2003. He served his country also as an Army veteran of the Korean War.

It is interesting to look at all the things that Mayor Gentry did, but one of his most proud accomplishments in those 26 years, only one time was there a tax increase. There were numerous tax decreases for which we all admired him.

Like most folks in Hoke County, I was shocked and saddened when I heard the news that Bob had died. Today I urge my colleagues to join me in remembering a great man who I am proud to have called my friend.

Mr. Speaker, Bob Gentry was a popular mayor. Folks in the community appreciated, admired and really liked him a lot. In fact, I do not think it is too much of a stretch to say that the Raeford community loved Mayor Gentry. Once, when asked why he ran for office, Bob replied as if it were just simple common sense, "I enjoyed it so much that I could not resist running again and again."

Bob was known for his ability to not only accomplish good things for Raeford, but he was able to genuinely have a good time serving and accomplishing these many ends.

Raeford, North Carolina, is a small town in my district, but this small-town mayor was a big-time leader who was constantly looking out for the town and the people. He passionately pursued economic development opportunities. Under his leadership, Raeford was put on track for the largest downtown development in Raeford's history. As a long-time and loyal employee of Burlington Mills for 17 years, he also owned his own small business. He was a contributor. He was a giver.

Mayor Gentry was appointed to the Lumber River Council of Governments board of directors in February of 1990. He served as chairman of this group for several terms and was known by his fellow board members as a leader who believed in starting on time, getting your work done and adjourning on time.

Bob greatly admired another great North Carolinian, former United States Senator Jesse Helms. He once said of Senator Helms, "His integrity is beyond reproach. When he thinks he is right, he will not compromise his position for political acceptance or gain. His morals are of the highest standards."

We were members of different political parties, but his admiration for Senator Helms and his befriending of me and shepherding me through the process showed clearly his focus was always people and not politics.

Mayor Gentry was a hardworking mayor. He left a legacy with his community. His vision for the future and his determination made Raeford a better place to live and work.

Mr. Speaker, in a small city like Raeford, you often see your friends and neighbors at the post office. It is the kind of place where people say hello and get caught up on what is happening around town. It is very fitting then that today the Raeford community joins me in support of naming the Raeford Post Office, a building at the center of the community, in honor of our former mayor Bob Gentry.

To his wife Eleanor, I had the privilege, Mr. Speaker, of attending the celebration of his life, the funeral service for him, and to Eleanor, there is a passage of scripture, "In my Father's House, there are many mansions. I have gone to prepare a place for you." Well, Bob Gentry is in heaven right now making sure that water and sewer are taken care of, that the lights are on, and preparing a place for Eleanor and his family and others.

To Marsha, Gary and Mark, his children; to his five grandchildren, Marshall, Lucas, Katie, Kelly and Liam, their grandfather was a wonderful man. He leaves many memories of a life well-lived, a good and faithful servant who has gone on before, who served in many, many ways.

Honesty, integrity, intense commitment, these are the qualities, among many, that signified our friend, Bobby Marshall Gentry.

I urge my colleagues to support this legislation and honor my friend, a fine public servant.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as a member of the House Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 4176, legislation naming a postal facility in Raeford, North Carolina, after Bobby Marshall Gentry. This measure, which was introduced by the gentleman from North Carolina (Mr. HAYES) on April 20, 2004, and unanimously reported by our committee on May 6, enjoys the support and cosponsorship of the entire North Carolina delegation.

Bobby Gentry, as we have heard, a lifelong resident of Raeford, was a businessman and long-time member of the political establishment in his community. He served on the Raeford City Council for 13 years, from 1977 to 1990, and was appointed mayor in 1990. He then went on to win three mayoral elections after that.

Sadly, on October 29, 2003, Mayor Gentry passed away of a heart attack. Earlier that day, he had played golf with friends and was out having dinner.

Mr. Speaker, as I understand it, the Raeford community, postmaster and mayor are all in support of this measure. I want to commend my friend the gentleman from North Carolina (Mr. HAYES) for introducing it, and I urge its passage.

I do not have any other speakers.

Mr. HAYES. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentleman from North Carolina.

Mr. HAYES. Mr. Speaker, I thank my friend for yielding.

Not everyone knows my friend, the gentleman from Illinois (Mr. DAVIS), did not spend his life in Chicago. He grew up in the rural south, and I bet he knew people like Bobby Gentry, the kind of folks you are glad to see on the streets. It particularly pleases me and the people in my community for the gentleman to stand in honoring the memory and life of a man who grew up in a rural farming community, but did many great things from that platform.

I thank the gentleman for his help and support.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman, and it is a pleasure to be here with my colleague.

Mr. Speaker, I yield back the balance of my time.

Mr. MURPHY. Mr. Speaker, I yield myself such time as I may consume.

I want to again acknowledge my colleague, the gentleman from North Carolina (Mr. HAYES), for his work on H.R. 4176 and the work of the gentleman from Illinois (Mr. DAVIS), and I urge all of the Members to support its passage.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 4176.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MURPHY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 29 minutes p.m.), the House stood in recess until approximately 6:30 p.m. today.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DUNCAN) at 6 o'clock and 30 minutes p.m.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–186)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice, stating that the Burma emergency is to continue beyond May 20, 2004, to the Federal Register for publication. The most recent notice continuing this emergency was published in the Federal Register on May 19, 2003.

The crisis between the United States and Burma, constituted by the actions and policies of the Government of Burma, including its policies of committing large-scale repression of the democratic opposition in Burma that led to the declaration of a national emergency on May 20, 1997, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 17, 2004.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H. Con. Res. 420, by the yeas and nays;

H. Con. Res. 423, by the yeas and nays; and

H. Con. Res. 403, by the yeas and nays.

The remaining votes will be taken on a later day.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

APPLAUDING THE MEN AND WOMEN WHO KEEP AMERICA MOVING AND RECOGNIZING NATIONAL TRANSPORTATION WEEK

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 420.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 420, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 360, nays 0, not voting 73, as follows:

[Roll No. 177]

YEAS—360

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger

Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—73

Allen
Andrews
Bachus
Becerra
Bell
Blumenauer
Brady (PA)
Brown, Corrine
Burr
Burton (IN)
Carson (IN)
Carson (OK)
Clay
Clyburn
Collins
Cummings
Davis (AL)
DeFazio
DeMint
English
Flake
Forbes
Fossella
Gephardt
Gingrey
Gutierrez
Gutknecht
Isakson
Istook
Jenkins
Johnson (IL)
Kilpatrick
Knollenberg
Kucinich
Leach
Lipinski
Lowey
Maloney
Meeks (NY)
Miller (NC)
Moore
Moran (KS)
Murtha
Neal (MA)
Ney
Oberstar
Owens
Payne
Peterson (PA)
Platts
Pomeroy
Price (NC)
Pryce (OH)
Rangel
Reyes
Rogers (MI)
Ros-Lehtinen
Rush
Ryun (KS)
Sanders
Shays
Slaughter
Smith (TX)
Sweeney
Tanner
Tauzin
Taylor (NC)
Tiahrt
Towns
Velázquez
Wamp
Weiner
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DUNCAN) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1857

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PLATTS. Mr. Speaker, on rollcall No. 177 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. JOHNSON of Illinois. Mr. Speaker, on rollcall No. 177 I was unavoidably detained. Had I been present, I would have voted "yea."

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR ACTIVITIES ASSOCIATED WITH THE DEDICATION OF THE NATIONAL WORLD WAR II MEMORIAL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 423.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 423, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 364, nays 0, not voting 69, as follows:

[Roll No. 178]

YEAS—364

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)

Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—69

Allen
Andrews
Bachus
Becerra
Bell
Blumenauer
Brady (PA)
Brown, Corrine
Burr
Burton (IN)
Carson (IN)
Carson (OK)
Clay
Clyburn
Collins
Cummings
Davis (AL)
DeFazio
DeMint
English
Flake
Forbes
Fossella
Gephardt
Gingrey
Gutierrez
Isakson
Istook
Jenkins
Kilpatrick
Knollenberg
Kucinich
Leach
Lipinski
Lowey
Meeks (NY)
Miller (NC)
Moore
Moran (KS)
Murtha
Neal (MA)
Ney
Oberstar
Owens
Payne
Peterson (PA)
Pomeroy
Price (NC)
Pryce (OH)
Rangel
Reyes
Rogers (MI)
Ros-Lehtinen
Rush
Ryun (KS)
Sanders
Shays
Slaughter
Smith (TX)
Sweeney
Tanner
Tauzin
Taylor (NC)
Tiahrt
Towns
Velázquez
Wamp
Weiner
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DUNCAN) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1905

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING GOVERNMENT OF REPUBLIC OF SUDAN FOR ATTACKS AGAINST INNOCENT CIVILIANS IN IMPOVERISHED DARFUR REGION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 403, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. GREEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 403, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 360, nays 1, not voting 72, as follows:

[Roll No. 179]

YEAS—360

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Kolbe
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—72

Allen
Andrews
Bachus
Becerra
Bell
Blumenauer
Brady (PA)
Brown, Corrine
Burr
Burton (IN)
Carson (IN)
Carson (OK)
Clay
Clyburn
Collins
Cummings
Davis (AL)
DeFazio
DeMint
English
Flake
Forbes
Fossella
Gephardt
Gingrey
Gutierrez
Hensarling
Isakson
Istook
Jenkins
Kilpatrick
Knollenberg
Kucinich
Lampson
Leach
Lipinski
Lowey
Meeks (NY)
Miller (NC)
Moore
Moran (KS)
Murtha
Neal (MA)
Ney
Northup
Oberstar
Owens
Oxley
Payne
Peterson (PA)
Pomeroy
Price (NC)
Pryce (OH)
Rangel
Reyes
Rogers (MI)
Rush
Ryun (KS)
Sanders
Shays
Slaughter
Smith (TX)
Sweeney
Tanner
Tauzin
Taylor (NC)
Tiahrt
Towns
Velázquez
Wamp
Weiner
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT) (during the vote). Members are advised there are 2 minutes remaining.

□ 1922

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, I was regrettably delayed in my return to Washington, DC and therefore unable to be on the House Floor for rollcall votes 177, 178, and 179. Had I been here I would have voted "yea" for rollcall vote 177, "yea" for rollcall vote 178, and "yea" for rollcall vote 179.

PERSONAL EXPLANATION

Mr. COLLINS. Mr. Speaker, I was not present for rollcall vote 177, Recognizing National Transportation Week; rollcall vote 178, Authorizing Capitol Grounds for the Dedication of WWII Memorial; rollcall vote 179, Condemning the Sudan for civilian attacks in the Darfur region.

Had I been present, I would have voted "yea" for rollcall votes 177, 178 and 179.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 177, 178, 179 due to bad weather, which delayed my flight. Had I been present, I would have voted “yea” on rollcall vote 177, 178, 179.

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, on Monday, May 17, 2004, I traveled to Topeka, Kansas, to celebrate the 50th anniversary of the historic Brown v. Board of Education ruling in which the United States Supreme Court determined that separating students by race was inherently unequal and unconstitutional.

During my absence, the House of Representatives considered H. Con. Res. 420, a Resolution recognizing National Transportation Week, H. Con. Res. 423, a Resolution authorizing use of the Capitol Grounds for the dedication of the World War II Memorial, and H. Con. Res. 403, a Resolution condemning the Sudan for civilian attacks in the Darfur region.

Had I been present, I would have voted “yes” on all three of the above referenced bills.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, personal reasons prevent me from being present for legislative business scheduled for today, Monday, May 17, 2004. Had I been present, I would have voted “yea” on H. Con. Res. 420, a resolution applauding the men and women who keep America moving and recognizing National Transportation Week (Rollcall No. 177); “yea” on H. Con. Res. 423, a resolution authorizing the use of the Capitol Grounds for activities associated with the dedication of the National World War II Memorial (Rollcall No. 178); and “yea” on H. Con. Res. 403, a resolution condemning the Government of the Republic of the Sudan for its attacks against innocent civilians in the impoverished Darfur region of western Sudan (Rollcall No. 179).

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2660, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2005.

The form of the motion is as follows:

> Mr. George Miller of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2660 be instructed to insist on reporting an amendment to prohibit the Department of Labor from using funds under the Act to implement any portion of a regulation that would make any employee ineligible for overtime pay who would otherwise qualify for overtime pay under regulations under section 13 of the Fair Labor Standards Act in effect September 3, 2003, except that nothing in the amendment shall affect the increased salary requirements provided in such regulations as specified in section 541 of title 29 of the Code of Federal Regulations, as promulgated on April 23, 2004.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON S. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005

Mr. STENHOLM. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on S. Con. Res. 95, Concurrent Resolution on the Budget for Fiscal Year 2005.

The form of the motion is as follows:

> Mr. Stenholm moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the concurrent resolution S. Con. Res. 95 be instructed, within the scope of the conference, to reject provisions that provide for an increase in the statutory debt limit.

CONGRATULATING SONIA GANDHI, INDIA'S NEW PRIME MINISTER

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, I rise to offer congratulations and best wishes to Sonia Gandhi, India's next Prime Minister.

India, the word's largest democracy, reminds us that people can change the course of their country without violence. In these troubled times, India has given us another valuable lesson. It is not the first time the world has looked to India and learned.

Another Gandhi changed his country and changed the world by relying on ideas instead of violence, by believing in people and the common good.

Mahatma Gandhi once said, “You must be the change you wish to see in the world.” How true those words are today.

The voices of a billion Indians have spoken, and India today stands tall in the international community. We look forward to working toward peace with the Indian people and their new Prime Minister.

THE PRESIDENT'S RECORD ON OFFSHORE OIL AND GAS DRILLING

(Mrs. CAPPS asked and was given permission to address the House for 1 minute.)

Mrs. CAPPS. Mr. Speaker, the President recently said that he unambiguously opposes oil and gas drilling off the coast of Florida, but 2 years ago, he proposed weakening the very law that Florida and California used to protect their valuable coastlines from new drilling.

Then the President threw his support behind an energy bill that undermines the bipartisan agreement against new drilling off Florida, California and other coastal States.

Now the President is considering a report from the National Petroleum Council, a group composed mainly of energy executives, which has recommended drilling off Florida, California and coastal States.

Mr. Speaker, these actions show how out of step the President's policies are with coastal communities. By contrast, Senator KERRY has a long record opposing offshore oil drilling.

He passed legislation to impose a moratorium on drilling in the Outer Continental Shelf, blocking oil and gas companies from drilling in environmentally sensitive areas; and he has sought long-term solutions that make sense for energy development and that balance environmental protection and economic growth.

Mr. Speaker, the President should be supporting policies to protect our valuable coastal communities. In short, he should be doing what Senator KERRY is doing.

OFF-SHORE OIL DRILLING

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I think most people recognize that California often leads the Nation in its efforts to protect the environment. It also leads the Nation as the most efficient user of energy.

There are few issues more unifying than the importance of protecting our coasts from the impacts of offshore oil drilling.

Time and again, local, State and Federal officials in both parties have supported a moratorium on offshore oil drilling. Yet, despite the campaign rhetoric claiming to oppose offshore drilling, this administration has attempted every backdoor route to weaken coastal protections. All we have to do is look at the energy bill and find numerous provisions supported by the administration that paved the way to drilling off the coast of California.

In fact, just this month Aera, a subsidiary of Shell/ExxonMobil, indicated it is moving forward with its intentions to develop several leases off the coast of Santa Barbara that are not subject to the drilling moratorium.

The President stepped in in the same situation in Florida and bought out those leases, Florida, a State where his brother is Governor, but he will not do this in California.

Further, the administration, through the energy bill, has repeatedly tried to weaken the State of California's ability to regulate the activities at the State level that might impact our coasts.

REPUBLICAN ENERGY BILL

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, the Republican energy bill includes dangerous provisions that would overturn longstanding moratoria on drilling in new areas of the Outer Continental Shelf and gut States' rights.

President Bush supports an inventory on the Outer Continental Shelf that would threaten the long-standing moratoria on new drilling in the OCS off the entire East Coast and lead to new drilling.

The inventory is unnecessary. The Minerals Management Service already conducts a survey every 5 years, the latest published in 2000. The assessment includes estimates of undiscovered oil and natural gas that is conventionally and economically recoverable.

The President should be seeking long-term solutions that make sense for energy development and that balance environmental protection and economic growth. Instead, he wants to gut the moratorium on oil and gas drilling in the Outer Continental Shelf and weaken States' rights under the Coastal Zone Management Act.

Mr. Speaker, States have used the Coastal Zone Management Act to protect their valuable coastlines from new offshore drilling. The President should be working to enforce our laws and not weaken them.

HONORING VONNY HILTON SWEENEY

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, I want to pay tribute to someone who has made celebrities while she stayed in the background. Her name is Vonny Hilton Sweeney.

She set high goals and obtained one of the most prestigious achievements by becoming the first black majorette while attending Brownsville High School in Pennsylvania. She was married to Howard James Sweeney and had one son. She worked at a community hospital in north Sacramento and received a B.A. in English and journalism from Sacramento State University. She was a contributing editor for the Sacramento Observer.

She moved to Los Angeles in 1966 to pursue her career in the entertainment industry where she was promotion coordinator for Sussex Records, vice president of promotion and publicity for Hugh Hefner's Playboy Records Company, and received her first gold record for the hit single "Falling In Love" recorded by Hamilton Joe-Frank and Reynolds. She was also a publicist for Janet DuBois and one of the first female managers for such acts.

She was the public directions director for over 25 years for James Brown entertainment including current editor of his Truth Magazine. As an icon in the James Brown organization, she was personally responsible for showcase venues worldwide, his biggest fan, as well as the dearest friend over many decades. In 1992, 1993 and 1994 she was listed in the "Who's Who" of entertainment.

As a mentor, one of her attributes was to become involved with other people's lives, and was instrumental in helping individuals achieve and reach their dreams. Her goal in life was to pursue the dreams and goals of others through her dedication and guidance in all aspects of the entertainment industry.

Vonny Hilton Sweeney was preceded in death by her loving parents James and Anna Rea Hilton and her brother James Thompson. She is survived by her son Howard James Sweeney, wife Jennifer, and granddaughter Jade Sweeney and step-grandson Justin McCarthy, brother Walter Thompson, his wife Jerri, sister Rose Alma King, sister Barbara Hilton Brown, her husband John L. plus numerous nieces, nephews and many friends.

□ 1930

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BARRETT of South Carolina). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SUPPORT THE ASSAULT WEAPONS BAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, I would like to remind everybody there are only 119 days before the assault weapons ban goes back on our streets. As the Million Mom March begins its Halt the Assault tour beginning tomorrow, I think it is important to remember the support the assault weapons ban has across this country.

I want to remind people that in California, KSBW television said recently, "We call on the Congress to keep assault weapons where they belong, with our military and with our police." On the other side of the country, the Worcester Telegraph and Herald says, "Banning assault weapons in no way limits individuals' ability to buy, own, or sell legitimate sporting firearms." In the South, the New Orleans editorialized, "There's no justification for legalizing the 19 military-style weapons covered by the ban." In the Midwest, the Springfield Illinois State Journal-Register wrote, "No reasonable gun owner should oppose the Federal assault weapons ban."

All across the country, the Nation's leading newspapers are reflecting the opinion of the American people. They want the assault weapons ban renewed. Strip away the rhetoric and the polls and the focus groups, and gun violence is about destroying lives. How many more lives will we destroy by putting assault weapons back on our streets?

Each week, I get up and I say to the American people, you can make a difference. Each week, I get up and remind people that we need to have the assault weapons ban renewed. September 13 is coming up soon.

When you start talking to our police officers across the country and how involved they are in this issue, people have to remember why we passed the assault weapons ban in the first place, because our police officers were being mowed down. Assault weapons were used in killings in our schools.

We can stop this, but we need the American people's help. You can make a difference. You can make a difference. I have always said one person can make a difference, because first it is one, and then two, and it multiplies across this Nation. But we need to hear your voices. We need to have you contact your Members of Congress, the Members of the Senate.

We need to hear your voices. That is the only way we are going to get that bill up here on the House floor. The President has promised to sign the bill if it gets on his desk. We have to make sure that the bill is passed here through the House. We know we can pass it in the Senate and have it put on the President's desk.

I personally believe it should be made permanent. I also believe that copycats of the guns that were used, say in the D.C. sniper shooting, which was the Bushmaster, should not be allowed to be copycat. I saw in the paper the other day that one of our gun manufacturers just got a very large contract for the military so that the people in Iraq, their soldiers, will have our guns. So I think we can see where the guns are going for war.

Let me remind people: AK-47s and Uzis, these are the guns you see every night on TV; these are the guns we see our young men and women use to go fight the war in Iraq. And that is where they belong, in a war, not on our streets. They should not be allowed on our streets. They should not be allowed in our communities. They certainly should not be allowed to be bought and sold by the drug gangs we have throughout this country today.

This is what we need to do. I am asking the American people for help. I will do my part here in Washington, but I need your voices across the country to make sure we have the bill come up for a vote. That will be your job: contact your representatives. Do your part. Do not always say, let them do it; you have to get involved in this issue.

MOMENTUM CONTINUES ON DRUG IMPORTATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I am not certain I can do this Special Order without my charts. It is different for me to be down here without charts, but I am going to talk about prescription drugs. And for those of us who believe that Americans ought to have access to world-class drugs at world-market prices, last week was a very good week.

In fact, let me just review some of the things that have happened just since May 4. On May 4, Health and Human Services Secretary Tommy Thompson said, "I think it is coming," referring to the legislation to legalize the importation of prescription drugs.

On May 5, the CEO of CVS Pharmacies, one of the largest in America, Tom Ryan, said, and I quote, "Millions of Americans have already opted to import drugs because they cannot afford not to. To do otherwise," referring to the importation legislation, "would be to ignore the millions of Americans who, as we speak, are forced to go outside our existing system, which is intended to ensure drug safety, in order to preserve their pocketbook." That is what Tom Ryan said, who as I say, is president and CEO of CVS Pharmacies.

On May 6, Walgreen's, their CEO, came out and said essentially the same thing. Through a written statement, they said, "If importation is legalized, we will actively participate in filling prescriptions for patients. It is a way to provide some relief to those we see every day in our pharmacies."

On May 9, the Chicago Tribune editorialized and said in their headline: "The Drug Import Juggernaut," and they highlighted the growing momentum for drug importation. They said in that editorial, and I quote, "Simply relying on the American consumers to pick up the slack is indefensible."

And on May 10, a Minnesota District Court judge granted our State Attorney General's request to compel GlaxoSmithKline to produce documents related to the company's efforts to cut off Canadian drug imports to the U.S. This is a landmark decision, and it is the first time a judge has stated, and I quote, "Not only drug importation is illegal."

Mr. Speaker, the momentum continues to grow to allow Americans to have access to world-class drugs at world-market prices. As I have said here many times with my charts, I think we as Americans live in a blessed country. We should be willing to pay our fair share for the prescription drugs which help save our lives. But it is really unfortunate that we are forced to subsidize countries around the world. I think we ought to pay our fair share, but we should not be forced to subsidize the starving Swiss.

And there are several other solutions people have proposed; but ultimately, I, like Ronald Reagan, believe markets are more powerful than armies. The time has come to open up those markets, allow Americans to have access to those drugs at world-market prices.

BROWN v. BOARD OF EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, I want to take a few moments to remember the 50th anniversary of the Supreme Court decision in Brown v. Board of Education. May 17, 1954, became a history-making day.

I was 14 years old, in the ninth grade, when the Brown decision was issued. I rode to school on a broken-down school bus. I was taught in a dilapidated schoolhouse. I had hand-me-down books and sat in an overcrowded classroom. When the word of the Brown decision reached me outside of Troy, Alabama, I thought the very next school year I would be able to attend an integrated school. But it did not happen for me. It did not happen for many African American children for many years to come.

Mr. Speaker, as you know, laws set the standard in America, but that is only one important part of the so-called contract in a democracy. Courts can hand down the law, but the people must be willing to abide by the law before it has power. So it took some time before school integration came to many parts of the American South. But the Brown decision was the first powerful step in the modern-day civil rights movement. It set the tone and laid the groundwork for what was to come. It said once and for all that segregation was dead. It said separate could never ever be equal.

So it was only a matter of time before the whole system of American apartheid would come to an end. But perhaps most important, Mr. Speaker, the Brown decision was an inspiration. It gave hope to so many throughout the South. It was the first time we had ever had an indication that anyone in the Federal Government knew about the injustice we suffered, and it was the first time we had ever heard any government agent agree that it was wrong.

The Brown decision strengthened the resolve of people already involved in the struggle for civil rights, and it encouraged hundreds and thousands of young people like me to believe a new day could come in America. And that is why the Brown decision is so important to remember.

Many people never dreamed that they would ever see the end of segregation, but the Brown decision helped them to see that a persistent call for justice in America can bring change. That is why we cannot give in, we cannot give up, and we cannot give out, Mr. Speaker, until the promise of the Brown decision is fully realized in America.

We have come a long way in 50 years, but we still have a great distance to go before we lay down the burden of race in America. But our struggle is more than one decision, more than one vote, one congressional term, or Presidential election. Ours is a struggle of a lifetime, and that is why we must not get lost in a sea of despair, Mr. Speaker. We must not lose faith in a dream of an integrated society promised by the Brown decision.

Here, in the United States Congress, we must hold fast to the struggle for peace, the struggle for equality, and the struggle for justice for all, until the dream of a truly interracial democracy is fully realized in America, until we see the dawn of the beloved community, a Nation at peace with itself.

We cannot be satisfied, we cannot rest until that day comes, until the true meaning of Brown is a living reality for all Americans.

PERSECUTION OF HINDUS IN BANGLADESH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to express my deep concern over the persecution of Hindus in Bangladesh. The coalition government of the Bangladesh Nationalist Party, BNP, which came to power on October 1, 2001, has initiated a violent campaign. And since the BNP's parliamentary victory nearly 3 years ago, a campaign of terrorism, murder, and religious cleansing has been unleashed on Hindus living in Bangladesh. I had written a letter to Bangladesh's Prime Minister Zia in 2002 about this violent persecution, but I have received no response to date; and it is a fact that unabashed violence has continued freely.

Although the latest wave of violence has been ensuing since the BNP took power in 2001, Hindus have been a disappearing minority in Bangladesh at the hands of Bangladeshi forces that have employed human rights abuses, atrocities, and ethno-religious cleansing tools. In 1941, Hindus comprised 28 percent of the population; but by 1991, the Hindu population dwindled to a meager 8 percent. A large part of this decrease in the Hindu population can be attributed to the 1971 genocide by the then-Muslim East Pakistan Party, whereby 2.5 million Hindus were murdered and 10 million Hindus fled to India as refugees.

Reminiscent of the Jewish Holocaust, Hindu homes were marked by a yellow H, which in fact guided the pillagers to their homes. Over the following 30 years, thousands of Hindu temples were destroyed, Hindus were systematically disenfranchised from holding political power, and prejudicial legislation ensured an unstable existence for Hindus. In fact, Islamic extremists have routinely dispossessed Hindus and, for that matter, Christians and Buddhists, of their ancestral properties and land, burned down their homes, and desecrated and razed temples, which has resulted in forcing many to flee as refugees.

Mr. Speaker, I have reviewed numerous reports that attest to the current violent persecution in Bangladesh. These reports have been written by the International Federation of Bangladeshi Hindus and Friends, Amnesty International, the U.S. State Department's Annual Report on International Religious Freedom, CNN, BBC, and multiple Bangladeshi newspapers that reflect the testimonies of the Hindu victims.

This campaign of minority cleansing in progress in Bangladesh has to be stopped. Since 1971, when Bangladesh was born as a secular democratic country out of Islamic Pakistan, all minority populations have declined, and this Islamization must be put to an end through the government's leadership. In an effort to uphold pluralistic democracy in Bangladesh and protection of Hindus and all minorities, the following must be implemented:

☐ 1945

First, restoration of secularism in the constitution of Bangladesh, as it existed in the first constitution of independent Bangladesh in 1972.

Second, passage of affirmative action and hate crime laws that acknowledge the minority communities of Bangladesh.

Third, production of a white paper on atrocities against the minorities over the years, and assurance that the perpetrators of the ongoing pogrom are brought to justice.

Fourth, repatriation of the refugees, displaced people, with full compensation to the victims.

Fifth, ending of oppression of journalists and writers who report minority and human rights violations.

Six, termination of the illegal torture in custody of members of secular parties.

And seventh, allowance of an independent commission to investigate the atrocities perpetrated against the minority groups.

Mr. Speaker, I hope that these goals can be achieved and the Government of Bangladesh can take the necessary steps to international human and civil rights.

REFLECTIONS ON BROWN v. BOARD OF EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HINOJOSA) is recognized for 5 minutes.

Mr. HINOJOSA. Mr. Speaker, today marks the 50th anniversary of the Supreme Court's landmark decision to end segregation as the law of the land. This day, in short, changed everything or almost everything in the field of race relations. This day was Monday, May 17, 1954.

Brown v. Board of Education of Topeka was about more than Topeka, Kansas. It was, in fact, a consolidation of five cases challenging segregation in public schools in the United States of America. The five cases had been heard by lower courts and had been appealed to the United States Supreme Court by attorneys representing black school children in South Carolina, Washington, D.C., Delaware, Virginia, and Topeka.

Today, we celebrate the fortitude, the integrity, and the conscience of those who stood up for American values, from the 1930s and 1940s with the Mexican neighbors in Lemon Grove and the Mendez family in Orange County, California, to the 1950s with the students of Robert Moton High School in Virginia, parents in Washington, D.C., Summerton, South Carolina, Delaware, and, yes, the Brown family of Topeka, Kansas.

In communities across the Nation, minority families united to make America's promise of equality apply to their children, too. Brown was a turning point in the battle for equal educational opportunities for all, but there is still a long way to go before we can declare victory.

Although the Supreme Court handed down its decision 50 years ago, we must not forget that Brown is not only a historical moment, but it is living law. We must rededicate ourselves to keeping the spirit of Brown alive in every State, every school district, and every school building in the country. More than 40 percent of the 1.8 million Hispanic students in Texas attend schools where they are the overwhelming majority. Texas is not the only State seeing this trend.

Across the United States, communities are increasingly isolated by race, ethnicity and socioeconomic status. Our schools reflect this isolation. Today, in 2004, Hispanic students attend the most segregated schools in the Nation.

Wealth is concentrated in certain communities and because of our system of funding schools with local property taxes, that wealth is also concentrated in certain schools. Nearly every State in the Union is engaged in court battles over school finance. It seems to me that equal opportunities and equal resources go hand in hand; do you not agree?

It is no coincidence that the Texas miracle in education followed the implementation of the so-called Robin Hood system of funding schools that moved resources from wealthier school districts to poorer ones.

In staying true to the spirit of the Brown decision, we must ensure that America's young people have equal opportunities and that the resources to achieve them are provided, no matter what the color of their skin, no matter what their ethnic background is, no matter if they are poor, and no matter where they live in the United States, whether it be in the metropolitan cities or rural areas.

Today, the unfortunate truth is, not only have we not fulfilled the dream of equal educational opportunities, but also many of our young people are not even in "separate but unequal schools." Many are completely separated from school altogether.

The graduation rate for African American and Hispanic students hovers at 50 percent. The Manhattan Institute reports that only 20 percent of the African American students and only 16 percent of Hispanic students leave high school prepared for college. The high school diploma is the minimum entry requirement for postsecondary education and being able to compete in the 21st century workplace. Yet half of our poor and minority students are being denied the basic ticket to a productive future. The spirit of Brown demands that we take immediate action to improve high schools and graduation rates.

We must focus on fundamentals. We must work to improve the basic literacy skills of our secondary school students.

We must support reforms, which have proven effective in improving educational outcomes at the secondary school level. More importantly, we must adequately fund these programs instead of penalizing schools that desperately need our help.

Finally, we must hold ourselves accountable for high school graduation rates. Representative SUSAN DAVIS and I have introduced H.R. 3085, the Graduation for All Act, and Senator PATTY MURRAY has introduced S. 1554, the Pathways for All Students to Succeed Act to support these kinds of reforms.

A coordinated national campaign to improve secondary schools is desperately needed. This campaign must leverage resources from all stakeholders: school districts, local governments, states, philanthropic organizations, corporation, community-based organizations, and the federal government. Together we will turn this around. Together we will make the promise of the Brown decision a reality for all of our young people. Our future depends on our success in achieving equal educational opportunities for all.

RECOGNIZING BROWN v. BOARD OF EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Delaware (Mr. CASTLE) is recognized for 60 minutes as the designee of the majority leader.

Mr. CASTLE. Mr. Speaker, I am very pleased to be able to be here to share some thoughts and share my time with the gentleman from Nebraska (Mr. OSBORNE) concerning Brown v. Board of Education, what it has meant to us as a country, what it has led to, and where we are today. And then I would like to take some time and tie it in with No Child Left Behind, which I think perhaps is the most significant measure we have taken since Brown v. Board of Education to truly educate all of the young people in the world today.

I think most of us recognize by now because of all of the news and publicity that Brown v. Board of Education was decided 50 years ago. A lot of people may not know all of the States involved, but one of them happened to be my State, Delaware. Kansas is most often cited, but it was a decision made in the State of Delaware that first said separate but equal, Plessy v. Ferguson should no longer be the law of the land, but indeed we had to have integration in our schools, not just separate but equal facilities; and quite frankly, most of the facilities were not equal anyhow.

From that went the Supreme Court decision argued by Thurgood Marshall and others in which the case of Brown v. Board of Education actually found that the doctrine of separate but equal was unconstitutional in the sense it did not give everyone equal opportunity, and came forward with the new policy of full integration for everybody.

At the time it caused, frankly, some upheaval. Some were disturbed about it. Others embraced it as a solution to a lot of societal and educational problems in the United States of America. But the bottom line was that it was the law of the land. The law of the land, however, does not necessarily mean that it was carried out in that way, because even though that was the way it was stated, there were only a minimal number of students that came forward, often with a lot of publicity, police sometimes accompanying them as they went into their schools. And, indeed, some took advantage of it, but many did not.

In Delaware, other things happened later in terms of desegregation suits, bussing issues, and eventually we got to the point of full integration in Delaware, so we became at one point the second most integrated State in the United States of America. Others struggled for a longer time.

There are pockets in this country where integration took place on a sound basis in terms of bringing our schools together, but it was soon realized that all of the goodwill from Brown v. Board of Education would not be realized in full, at least any time soon, so we struggled continuously in terms of educating our young people.

But something else happened which was very interesting. It was Brown v. Board of Education, decided 50 years ago, which really paved the way for a number of other acts which are of extraordinary importance to Americans today. One is the Civil Rights Act of 1964, and then shortly thereafter the Voting Rights Act of 1965, and the Fair Housing Act of 1968. These in combination with Brown v. Board of Education have helped to integrate America to a degree America had not been previously integrated. They are certainly landmark laws and have helped turn the tide of racism which existed in our country prior to that time.

The Supreme Court revisited the ruling in 1955 to resolve some of the difficulties that were involved. As we look back at that segment of what we have done and what we are doing in the year 2004, there is recognition of a couple of things. One is in the Brown v. Board of Education suit, we were dealing primarily with African Americans. In America today, we are dealing with a greater number of minorities than we were before, as well as a greater percentage of minorities, but particularly Hispanic Americans, some Asian Americans, and a whole variety of other minorities who become actual larger numbers in our school districts. So we deal with broader issues as we deal with the questions that were raised by Brown v. Board of Education.

I think there is also a greater realization, decade by decade, maybe not year by year, of the significance of education. As I go through my communities in Delaware, as other Members go through their communities, I think there is an understanding that you can tie education into economic opportunity in America. If we do that, the issue of race, the issues of gender and geographical location, poor income, backgrounds, the various things that have been a problem before seem to melt away if we can educate all of our young people.

I would say, in 2004, there is greater emphasis on educating each and every young person in our community than there has ever been before. So Brown v. Board of Education has not been perhaps the great success that everyone would have liked it to be. We recognize this anniversary; we do not really celebrate it because a celebration would involve pure integration and no problems, and there are still some problems, but it is of overwhelming importance in the history of the United States of America. It has been extremely positive in many ways, and all of us have a responsibility to try to continue it forward.

Mr. Speaker, I am going to yield to the gentleman from Nebraska (Mr. OSBORNE), but before I do that, I am going to come back and talk about No Child Left Behind because I am firmly convinced that the only act which has really made the kind of impact difference or can at least make an impact difference similar to what we had in Brown v. Board of Education is No Child Left Behind, and they are very closely tied together.

But I would like to yield to the gentleman from Nebraska (Mr. OSBORNE) who obviously, through his coaching career, has dealt with many, many young people in terms of their educational concerns, as well as being a distinguished member of the Committee on Education and the Workforce and the vice chairman of my Subcommittee on Education Reform where we deal with kindergarten through 12th grade education, and is someone who knows as much about education and as much about young people in this country as anyone I know.

□ 2000

Mr. OSBORNE. I certainly appreciate the gentleman's leadership on the subcommittee and in the area of education in general. As he mentioned, in the late 1800s, Plessy v. Ferguson set forth the separate but equal doctrine which really codified and legitimized segregation in the schools, and we ended up living with that for about 60 or 70 years. Of course, that was devastating to not only African Americans but all minority groups. The gentleman has done a good job of explaining Brown v. Board of Education in 1954, overturning the separate but equal ruling. Of course, this was a landmark decision that formally ended segregation in the schools.

Yet as the gentleman has also pointed out, inequities in education still remain over this last 50 years, and I guess we are today celebrating the 50th year anniversary of Brown v. Board of Education. Some groups in our schools are still achieving at much higher rates than others. Statistics indicate that in the fourth grade, Caucasian students are performing on achievement tests about 30 percent higher than African American and Hispanic students. This gap obviously is unacceptable. Some of these differences, I believe, are due to socioeconomic factors, but many are differences simply due to inequities and differences in the schooling and the schools that they are attending.

Since 1954, over 300 billion Federal dollars have been spent on education. With that type of expenditure, we would expect to see that achievement gap narrowing rather dramatically and probably disappearing. Yet the academic achievement gap is still persisting. Until just the last couple of years actually in many cases it has widened. Another inequity that I have noticed through my personal experience, the gentleman mentioned that I used to work on a college campus and I traveled throughout the country. I visited each year annually probably 60 or 70 high schools. Over 36 years in the coaching profession, I probably evaluated hundreds of transcripts. One of the disconcerting things that I ran into was that occasionally I would run across a transcript that by all measures and all standards looked pretty good. The young person graduated from high school, had the right courses, had reasonably good grades; and then you discover that that young person could not read or could not do basic math. Of course, this has become a major problem in terms of the well-being of our country.

Another problem that we ran into quite frequently was simply comparison with other nations. Within the last couple of years, I believe we have had some international tests. The United States ranks 19th out of 21 nations in advanced math and science. Of course, when you attempt to compete on the international scale, it is almost impossible to do well ranking in those areas. Alan Greenspan recently indicated in a hearing before the Committee on Education and the Workforce that we are not producing enough high school and college graduates with technical skills to fill the jobs that we have in this culture. As a result, we are having to import a fairly high number of people to fill these jobs.

All of these things, I think, have made, as the gentleman mentioned, the 2001 No Child Left Behind Act particularly important. Oftentimes we hear this referred to as the President's bill or a Republican bill. I would like to point out that this was a bipartisan bill. I believe that it passed the House with about 90 percent of the Members voting for the bill, and in the Senate it was just about the same way. This was certainly authored by both sides of the aisle.

As my colleague knows, a couple of the major provisions of the act that I think address some of the previously mentioned failings of our educational system are, first of all, accountability on the part of the students. Obviously, the testing in math and science, grades 3 through 8, is critical. It provides some standards, some evaluation because so often we found that students were simply being passed along because they were a certain age or had attended the grade before and had not really mastered the fundamentals. I guess again as a former coach, I knew that if you did not master the basics, the fundamentals, you were not going to go any higher. You were pretty limited in what you could account for.

Then also, of course, the parents many times were deceived because the child would simply be passed along. They would not realize really where that young person ranked in terms of his understanding of basic math and science. These schools also now, of course, are being held accountable. This has caused a great deal of anxiety and discomfort, as I am sure my colleague has heard and run into.

I think one thing that I would like to point out is that the bill does not label schools as failing. It simply says that those schools that are not performing in an adequate way will be given extra resources; and after 3 years of underperforming, a student may transfer from one school to another so they will not be trapped in an underperforming school. The State where I operate most of the time, out in a rural area with small towns, there really are not very many choices. You either are going to go to the local school or no other school at all. We find that most of those schools do a great job.

I would like to mention just three or four other things, and then I will turn it back over to the gentleman from Delaware. I think one element of No Child Left Behind that really addresses some of the issues in Brown v. Board of Education has to do with the disaggregation of statistics. We found that many schools on the face of it were doing quite well; and yet when you began to break it down, you began to realize that some of the subgroups, maybe those students who were disabled in some way, or maybe those students from different ethnic minorities, were really not making any progress, but there were enough students in the school that were scoring well to indicate that that school was doing well.

Under No Child Left Behind, the subgroups are required to make adequate progress as well. We think that this will really do some significant things in narrowing those achievement gaps.

Another misconception that I often run into as I travel my district regarding No Child Left Behind is that somehow the Federal Government is not doing an adequate job of funding. There is some debate in terms of the testing and all that type of thing as to whether it is adequately funded. The General Accounting Office indicates that it is. But still I think it is important that we point out that over the last 2 years since No Child Left Behind, the Federal funding has increased by $9.7 billion, which is a 35 percent increase. When you figure the cost of inflation is maybe 5 or 6 percent over that 2-year period, this is one of the largest bumps in education spending that we have seen in any 2-year period. We feel that certainly the funding has been very adequate.

I think one reason why so many people feel that the Federal Government is not holding their end up on this is that the States have lost so much funding and they have had to cut their spending on education; and even though the Federal Government is increasing, sometimes our increase is not as fast as the States are cutting. Greater flexibility, I think, is an important part of this bill.

Again, I will just address some rural issues which my colleague may not run into as much. We often find in small rural schools that they do not have grant writers, and whatever pots of money they access from the Federal Government are so small that they are hardly worth going after. In the No Child Left Behind Act, we are able to pool those moneys and use them in useful ways. That has been very helpful. We have also done some things where any school district with less than 600 students is able to qualify for an extra $20,000 to $40,000, which really has made a huge difference in those schools.

Then one thing that has been very important to me is the issue of mentoring, because we have seen so much more dysfunction over the years with our young people. When I first started coaching in 1962, I would say that maybe one out of every 10 young people was from a dysfunctional situation. When I ended up my coaching career in 1997, I would say that was pretty close to 50 percent. Roughly one-half of our young people grow up without both biological parents. As a result, many times schools are dealing with problems that parents at one time dealt with. If a child comes to school with a lot of unmet emotional needs, maybe he is being abused at home, maybe he is hungry, whatever, that child is not going to learn very well. We have found that it is very important that you provide a caring adult in that child's life. We have in No Child Left Behind provided some pretty significant resources for mentoring, including children of prisoners. Often a child of a prisoner, his main goal is to do hard time. That cycle has to be broken.

I guess the last comment that I would make is simply something that I think my colleague probably will flesh out a little bit in greater detail, simply that we are beginning to see the achievement gap narrowing a little bit, at least in some areas. That is in a relatively short period of time. That is encouraging. I think, as the gentleman has pointed out, there is definitely a link between the Brown v. Board of Education ruling 50 years ago and No Child Left Behind, which was passed in 2001. I think a lot of people may not make that link, but I think, as the gentleman said, that the No Child Left Behind legislation may be the most significant thing in terms of equality in our country since that ruling of Brown v. Board of Education.

I appreciate the gentleman having this Special Order tonight, and I thank him for giving me the opportunity to make a couple of comments.

Mr. CASTLE. Mr. Speaker, the gentleman's insight into this is as helpful as anybody I know in the entire Congress. His comments are highly appreciated. His continuing concern about the young people, the mentoring, the things that he cares so much about I think makes a huge difference in this country. We thank him for all his service.

I would like to just go back a little bit, Mr. Speaker, if I may. I was in

State government for a long time, being a State legislator and then a lieutenant governor and a Governor. I always found it was very hard to change education. Although I felt we really needed to change education, we needed to be more challenging in education, but there are those who felt that the status quo was the way to go. It was hard to get done. It was not Republican or Democrat. It was just very hard to deal with the subject matter of education.

I was invited in December of 2000 to go to Austin, Texas, to meet with the President-elect, who at that point had been declared the President-elect. I sat at a table with him. There were, I guess, four tables in the room and about 40 Members of the House and Senate or Members-to-be of the House and Senate. I remember that the gentleman from California (Mr. GEORGE MILLER) was there sitting right next to the President and others were there. During the election, I heard the promises about education, but I did not pay a lot of attention because it is an election, after all, on all sides. But when I sat there, I realized that here is an individual who really does care a lot about education and that maybe I better start listening to exactly and precisely what he was saying.

He started talking about No Child Left Behind. I cannot recall if it was called No Child Left Behind then, but he talked about lifting every student. My recollection from being in State government was that we could never lift every student. We could always prepare the students for the Ivy League schools, we could help some other students, but we never really helped those students who needed help the most. I always felt that we needed to do that in terms of early education, day care, Head Start. Now we have an Early Reading First program. You name it. Parents had to be more involved. A whole lot had to happen in early education. We needed full-day mandatory kindergarten if we could get it. We needed to give those kids that opportunity.

Frankly, it just simply was not happening, and it was a matter of great consternation to me. For the first time in a long time a light went off. I realized that what he is saying really makes some sense. We can really truly challenge in terms of what is happening in education. We had spent $300 billion on K-12 education since 1965. Yet there was just no really significant academic improvement in the achievement gaps between minorities, particularly African Americans and our Caucasian students and disadvantaged students and the affluent students in general just was not where it should be. We really had to do something about it. We had, frankly, in this country a two-tiered education system, and it is just simply not acceptable.

In fact, according to the most recent national data, by the time African American students reach eighth grade, only 12 percent can read proficiently and only 7 percent are proficient in math. Nationally, the achievement gap between Hispanic and Caucasian fourth graders is 29 percentage points. Those are deplorable statistics. They simply are unacceptable.

And No Child Left Behind came along. As the gentleman from Nebraska said, there are a lot of things in there that make a difference, but one of them is this, that is, that each individual would be put into a subgroup of one kind or another. If you have a subgroup of, in Delaware's case, 40; I think it is 35 in other States, individuals in that subgroup, be they low-income, African American, Hispanic American, learning disabilities, whatever it may be, that group is going to be rated on its testing. That school is indeed going to be rated as to making adequate yearly progress on the basis of each of those subgroups, and then the school district is going to be rated on all of the schools in that particular district.

□ 2015

So, as a result, you had a circumstance in which literally everybody was going to be looked at in terms of their educational process. It is obviously much more complicated than that, but that was the basic thesis behind this particular piece of legislation. Indeed, we passed it, as was indicated, by about 90 percent of the House and the Senate, Republicans and Democrats, because we all felt education had to be better.

Well, it has been in place now for a couple of academic years, and indeed there are those who probably were opposed to it to begin with who are still raising questions about, are we spending our money correctly, is there enough money here, is this too demanding on the students, can they take these tests, because it does demand standards and assessments, and that involves testing in grades 3 through 8 and once again after 8th grade, or is this more than these kids can handle, is this really working or not.

But every time I read one of these stories of criticism, Mr. Speaker, I also read about what the various schools are doing to give those kids a better opportunity, and I see hope in that. I see for the first time in many, many generations of educating in America, that we are paying as much attention to the lower income, neediest academic students as we are to everybody else, and we are making special exceptions, and we are looking at various ways in order to really help these children improve from an academic point of view.

So, for that reason, I believe this disaggregation of statistics, breaking it down into subgroups, has made a tremendous difference as far as education is concerned. Yes, there are skeptics, and, yes, it is not easy, and, yes, there are those who would like to overturn it, but the bottom line is, in the lives of some people, it is making a tremendous difference.

Now, as to some of the flexibility issues, as was touched on by the gentleman from Nebraska (Mr. OSBORNE), I would like to comment on two or three of those. In the past 6 months, the Department of Education has issued three different rulings that exhibit the inherent flexibility in No Child Left Behind, as well the Department's willingness to respond when warranted. I would just like to go over these, and they are right here alongside of me.

The first one says under No Child Left Behind being flexible, flexibility on testing students with disabilities. This gets a little bit complicated, but we have essentially opened up the percentage of students that would be exempted from taking the tests, and it is 1 percent, or 10 percent of the students with disabilities in the school, and then the schools can apply for even more if need be, on the basis that not all these kids are in a position to handle the tests. And that has got to be found as to the right chord, so we have the right answer with respect to that, and we will continue to work on that. But the Department has shown some great flexibility.

Second, in February, the Department announced a flexibility policy with respect to how limited English proficient students are included in the school's adequate yearly progress. Really, to make a long story short, we are basically allowing those students to stay in that category for 2 years, so that even after they learn English, it would count in the second year, as well, to help with the scores in that area.

Third, in March, the Department responded to concerns on how to define a highly qualified teacher, still ensuring that every child in America is taught by a teacher who is skilled in his or her subject.

Pretty simple stuff. You want the teachers to be able to teach these subjects that they have studied to the students, and that is basically what the law says. But it also recognizes when you get to certain rural areas and other parts of the country, they may not be able to find teachers who are that specialized, so we have made some exceptions as far as that is concerned.

Then, finally, in late March, the Department issued a flexibility policy for how schools calculate student participation rates, which had to be 95 percent, when determining adequate yearly progress, again liberalizing that slightly in order to meet what we have to do.

It is also important to understand that each State has submitted a plan. I am very proud of my State of Delaware. I think they have submitted both a good plan, and they are looking at revising the plan to improve it based on 1 year's experience.

That is exactly what should be done, because we do need to get all of this in sync between the Federal Government and the State governments with respect to the planning, if we are going to be able to move ahead.

So I feel that No Child Left Behind has been a tremendous adjunct to Brown v. Board of Education for all of these reasons.

The funding issues have been raised by a number of individuals, and I need to share some of that information here, Mr. Speaker, if I may, because, and the gentleman from Nebraska (Mr. OSBORNE) said this, the funding has been well done as far as the Federal Government is concerned. The problem lies more at the State and local levels, simply because they do not have the money they need at this point. I understand that. That will probably come back.

But this shows the funding for programs under the No Child Left Behind Act has an increase of 42.5 percent in 4 years. That is over 10 percent a year. Some States vary. My State happens to have a little more than that percentage, so it does vary a great deal.

According to the U.S. Department of Education, Federal funding for these programs encompassed by No Child Left Behind has risen from $17.4 billion in 2001 to $24.3 billion; $17.4 billion to $24.3, 2001 to 2004, which represents in excess of a 40 percent increase in just 3 years.

Included in this number is funding for Title I, which is a significant part of all of this. You can see by the red lines which we have here how much Title I has gone up since No Child Left Behind passed.

That is basically, for those who do not know, the funding for disadvantaged students and schools. That was increased by more than $650 million this year, for an increase of $3.5 billion, and we have been increasing that on a rapid basis over the past several years, knowing that that money is needed in order to implement No Child Left Behind.

The gentleman from Nebraska (Mr. OSBORNE) also pointed out that in certain circumstances, schools can qualify for extra funding. Indeed, if schools have not made adequate yearly progress, then they have the ability to have more flexibility in their Federal funding so they can take money from various other programs, although not Title I, but other programs and move it around, up to 50 percent, in order to help them with their programs as we move forward.

We are beginning to see results. Remember, it has only been in place for 2 academic years. According to a 2004 study by the Council of Great City Schools, the achievement gap is narrowing in both reading and math between African American and Caucasian, and Hispanic and Caucasian students in our Nation's inner-city schools, and they attributed the positive change, in part, to No Child Left Behind; and just last week, Florida and Michigan reported decreases in the achievement gap between African American students and their Caucasian peers.

This is an important day, and we should all honor the anniversary of Brown v. Board of Education and those that were so instrumental in the Brown movement. I have had an opportunity to meet many of them in the last year and to reflect with them on how far we have gone in ensuring educational access; and yet everyone says that we need to do more to ensure educational success, and that is something we do need to continue to work on.

But, indeed, the ball has started to roll. No Child Left Behind is the next step, which was absolutely essential if we are going to be able to make this work.

Now, for those who would argue that No Child Left Behind is not a step in the right direction, I would ask them to do a couple of things: One, I do not want to really argue with them. I want really for them to study No Child Left Behind, to truly understand what is in there and how they can work it to their advantage.

Secondly, to see what it can do to help a lot of children not being helped otherwise who, I think, for the first time ever, can be helped by No Child Left Behind, to study those individual schools, classrooms and school districts who have understood that and have made a difference as far as No Child Left Behind is concerned, and helping all of those kids, remember, in all those subject groups, particularly the lower-income kids; and then perhaps to look at the funding mechanisms and realize, gee, there is a heck of a lot more money going into education from the Federal Government level than we ever realized. Then they would realize that this truly is a step, is truly a giant step in the right direction, as far as education is concerned, and we must stay that course.

I think any attempts to change this system, to return to the old methodologies or the status quo, would be effectively preserving a system which has not worked as well as it should for all the young people of our country.

America today in 2004 is a true polyglot. We are indeed a country in which people have come in from a variety of other countries. They speak different languages, their color of skin can be different, their religions can be different, their educational opportunities historically in their families may be different.

But we have a responsibility to give them that opportunity in life, which has always been what we have done in America, and we needed to challenge education in order for that to happen. Indeed, I think that Brown v. Board of Education was a challenge, and a welcome challenge, but a new challenge was needed, and No Child Left Behind did that. And I believe it is in the interests of our young people, and I believe if we stay the course, if we do this properly, that we will again rise to the top, where we used to be on all educational standards in this world, and not just for those top students, but for each and every student in our schools in America.

So I urge all of us to pay a lot of attention to what we are doing on the Federal, State and local levels, and make absolutely sure we are doing all we can to help the children of America.

CELEBRATING THE DEDICATION OF THE NATIONAL WORLD WAR II MEMORIAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 60 minutes as the designee of the minority leader.

Ms. KAPTUR. Mr. Speaker, let me say what a rare privilege it is to come to the floor this evening to talk about this coming Memorial Day weekend, particularly on May 29 when we as a Nation will not only celebrate Memorial Day, but the dedication of the World War II Memorial on our Nation's Mall of Democracy.

This evening, I would like to talk a little bit about the history of that memorial, how it happened, and refer in particular to a brand new book that has just come out called "Their Last Battle," by Dr. Nicolaus Mills from Sarah Lawrence College, which so well documents the history of this memorial's construction.

When we think about the memorial, obviously it is to the most unselfish generation America has ever known. And if we think back to our own history, the location of this memorial at the center of our Mall of Democracy, between the Washington Monument, which represents the founding of our Republic and George Washington as our first President in the 18th century, and then on the other side, close to the Potomac River, the Lincoln Memorial, representing the preservation of our union in the 19th century and President Abraham Lincoln, and then this memorial, representing the most important achievement of the 20th century, the victory of liberty over tyranny in a just war.

The World War II generation is one that never asked for anything for itself. There are those that asked, well, why was a memorial not built before? It was simply because they would never ask anything for themselves. It was up to the baby-boom generation, people like myself, who were not even born during that period of time, to say, thank you, a grateful Nation remembers.

The sad part of this memorial's unveiling and formal dedication in about a week-and-a-half is that of the 16 million Americans who served, but 4 million are living. We have tried for so very long, 17 years, to make this memorial a reality, and this book describes the long legislative battle which began in this House for the memorial's construction. Indeed, the first 20 pages of "Their Last Battle" would be excellent reading for any history, civics or government class in our country; to understand how hard it is to do something so meritorious.

I would like to tell some of the true story tonight of what actually happened in achieving this great national monument. In Mr. Mills' book he says at the beginning of the preface, "For centuries to come, the National World War II Memorial, like the Washington Monument and the Lincoln Memorial, will be viewed as a symbol for who we are as a people."

Yes, it will help future generations place the 20th century in proper perspective, with the fulcrum of the 20th century being World War II, what preceded it and what followed it.

The United States, in experiencing the bombing of Pearl Harbor, was really unprepared for war. Our machine tool and steel industries at that point had been deteriorating, and America was not a country that sought to engage itself internationally during that period. But coming out of World War I and a peace treaty that was flawed, with no assistance for the vanquished nations that fell into economic chaos, World War II came slowly, but it resulted from extreme governments rising in places like Nazi Germany and Imperial Japan.

America preferred to remain isolated from the world, and received a rude awakening December 7, 1941. The mobilization that occurred during the last century was something the Nation had never experienced. Sixteen million Americans were called to duty, and that does not count those who served on the home front in war industries, in factories, like our own mother, Sherry Kaptur, who served at Champion Spark Plug making spark plugs that went up into the airplanes, and making sure that the workers in that plant made no mistakes, so that plug did not sputter and a plane would not come down unnecessarily in some far remote place around the world; like our father, Stephen, in the Willys Overland plant, making the Jeep that became known throughout the world during that war.

They were representative of the millions and millions of people that came together in this country, who helped to achieve an allied victory.

□ 2030

I remember growing up as a child and our uncles, Anthony Rogowski, who was a member of the Office of Strategic Services, the OSS, and the Army, flying behind and parachuting behind enemy lines in Burma, in India, in China, the war wounds he brought home with him, the malaria that he experienced throughout his life, being knifed in a fox hole. I remember as a little girl how much his hands would shake when he would get those attacks. And he would tell me, and I was so young and I did not really understand everything he said to me. I remember when he gave me his expert rifleman's pin and tried to understand what his stripes meant and what his promotion rank patches meant.

After his untimely death at age 57, I can remember looking at his flight jacket as an adult, and I thought how small it looks, because when I was a little girl he looked so big to me. And I remembered his valor and his patriotism. And our uncle Stanley Rogowski, I can remember him not talking about the war very much. I can remember him saying in December of 1944 how he ate frozen K rations in northern Europe after the Battle of the Bulge, having gone through that, climbing over the dead bodies over the cliffs of Dover and then moving into the campaign across northern Europe into Belgium, and ultimately moving down in the Push to Paris to free France.

It was not until a few months before his death in the early 1990s that he came to me in our kitchen at our family home in Ohio. He handed me a religious medallion, a scapular, and he said, Marcy, if anything happens to me, this has always been with me, just make sure I have it.

I kind of looked at him quizzically. I was in the Congress then. He seemed to be okay. He seemed to be doing well, but six months later he died. That was the Sacred Heart Medal he kept with him from the time he left the States as an infantry man in the U.S. Army until he died.

I mention those stories because back in 1987 when another Army veteran, Roger Durbin from the Buckeye State of Ohio, shouted across the room at me in a placed called Jerusalem Township, Ohio, where the annual Lucas County Township Trustees banquet was being held, their annual dinner. I was walking across the room, and I heard a voice say, Congresswoman KAPTUR, why is there no World War II memorial in Washington where I can take my grandchildren? I remember turning around saying, Who is talking to me? And I saw this man way across the room, and he had a grin on his face. His eyes were twinkling and he had gray hair, and he was standing very sturdily there. There were hundreds of people at this banquet, and they were all paying attention. And I said, Well, sir, I think there is a memorial. He goes, Oh, yeah, what is it? And I said, Well, sir, I think it is Iwo Jima. And he said to me, Wrong. That is to one service in one campaign. Congresswoman, there is no World War II memorial in Washington where I can bring my grandchildren.

I walked up to him and then began a very long friendship with Roger Durbin of Berkey, Ohio, population, I think it is about 265. And we began an effort over many, many years to build this memorial. I thought it would be easy. I am told by the historians at the Smithsonian that actually we have achieved the construction of this major memorial in much shorter time than the other memorials, the Lincoln Memorial, the Washington Monument, and many of the other monuments in this city.

This one is particularly significant in its placement and its meaning. I felt we could have gotten it completed by the 50th anniversary of allied victory, which would have been 1995. But by 1995 we had only achieved the passage of two related bills to create the memorial and to fund the first several million dollars of architectural and engineering plans through the sale of memorial coins. And I want to thank President George Herbert Walker Bush who signed the first bill for the memorial and President Bill Clinton who signed the second bill after three separate Congresses had labored to pass those pieces of legislation, and it was not easy.

There were many delays. There were many questions during that early period. And I want to place on the record this evening my deep appreciation to Congressman Sonny Montgomery of Mississippi who is retired now, but who helped us so much; Congressman Bob Stump of Arizona, who unfortunately passed recently. I also want to thank Congressman Bill Clay of Missouri, who has retired now; Congressman Henry Gonzales of Texas, who has passed. His son serves here from Texas, San Antonio. I want to thank Congressman Esteban Torres, who helped us a great deal on the banking committee in those days, helped pass those coin bills. And also from the other body, I want to thank Senator John Glenn, now retired; and Senator Strom Thurmond, who has passed.

There were so many people, so many people who helped us, as we struggled up hill to get the 218 signatures on both sides of the aisle; and we did try to make it a bipartisan effort. And I also want to thank all of those people in the agencies, in the American Battle Monuments Commission, the Department of Interior, Park Service, those who helped us move the idea to the point where we can now present to the Nation.

Being a Buckeye from the State of Ohio, we are particularly proud that this idea was Buckeye-born and Buckeye-led. And in about a week and a half it will be turned to the Nation for history. Now, Mr. Durbin never said to me, I want this for our generation. He only said, he said he wanted it for his grandchildren so he could bring them to a place and show them the causes for which he had fought, and what he and his wife, Mary, and what their lives had been about.

I thought it was very coincidental, and I said a little bit earlier today, somewhat providential that when the plaza at the memorial was opened a few weeks ago, the very first group through was an Ohio group of students from Jones Junior High School in Toledo, Ohio. They were there early in the morning, and the NBC camera crew with Tim Russert was down there on the site. That was totally unplanned. And I felt Roger's hand in all of that because he would always go out to the children as we were trying to raise money for the memorial, and we would talk to them at the schools, and they would collect pennies, and they would help contribute dollars to this memorial.

It has been so heartwarming to see the children of America appreciate what their great grandparents did; and that the real strength of this country is in our families, in our memories and what we bring here and we try to have into the fabric of America for the present and for the future; and surely this memorial does that.

There is a section of this book by Mr. Mills that says the following: "At the graveside of Roger Durbin that he had chosen for himself and his wife at Wolfinger Cemetery just a few miles from their home, Mr. Durbin would however leave behind a reminder of how he wanted to be remembered and how so much of what he did in the last decade of his life depended on memories that nothing could change. There at the Durbin graveside chiseled on a blue granite tombstone would be list rank, Tech 4 U.S. Army, his birth and death dates, April 18, 1920 to February 2, 2000; and the distinct lightening bolt and tank tread insignia of the Tenth Armored Tiger Division."

I can remember back in 1995, Veterans Day, when Roger and I stood on the site where the memorial will be dedicated and we broke ground. And we literally dedicated that site initially, and soil was brought from 16 U.S. cemeteries around the world plus Arlington and placed there. And a flag at that the time was hoisted and was ultimately folded, and President Clinton then presented the flag to Roger Durbin. And Roger turned from the crowd and he began to weep. And he said to his wife, Marion, Marion, I want to be buried with this flag.

And I can tell you for history's sake that Roger was buried with that flag in the year 2000. He had wanted nothing more than to be with us this coming Memorial Day weekend to see this actually happen and to see this dream come true for all of America's grandchildren. But he somehow knew at the end that he would not make it until this point.

He called me over to his house about 2 weeks before his death in the year of 2000, and he had a rendition of the memorial above his fireplace. He said, Marcy, come here. I want to show you something. He took me to another room, and he was suffering from pancreatic cancer at that time. And he took me into his private room and he showed me all the furniture that he and his wife, Marion, had inherited from their parents and grandparents, beautiful cherry furniture. Then he pulled from under the bed a big box. It was kind of like a foot locker, and he opened it up and he took out this scrapbook. He said, Marcy, I want you to know about this in case something happens. And I said, Roger, what is that exactly? I started paging through a carefully kept diary, page by page in see-through pages, plastic pages where each letter, each bill, each news story, each letter was catalogued and documented.

He was a letter carrier after coming home from the service, and it was meticulously kept. And I know what a treasury those scrapbooks are to the Nation. They really belong in the National Archives. But Roger did not want them to go astray or be misfiled or mishandled in any way. But what a patriot. And what a citizen. He understood the importance of history and of marking history and of explaining history. And he is someone whose education was stolen from him. He could have had a Ph.D., yet he was called off to war and he had to interrupt his life when he came back. Obviously, there were adjustment issues as any battle-scarred veteran well knows, but he did all of this.

This construction of the memorial became a last calling for him in the last years of his life. And I just feel so privileged as a member of the baby boom generation, knowing the history of our family and all of the people from our country knowing the sacrifices that they have made, to have been a part of this, to have been able to be a real representative which is the way that our government should work, to take this idea from the people, to bring it here, and to make it happen and to give it to the future.

When we think about the World War II generation and that war, its causes, a world that politically could no longer hold, an extremism rising from the chaos that World War I had bequeathed to the future, and no group of political leaders internationally able enough to put the pieces back together. And then this horrendous war in which 70 million military participated from all of the allied nations and 17 million people died, 17 million; 406,000 people from our country died.

At this memorial there is a wall of remembrance with gold stars representing each 100 that died. And when you look at the wall, those stars are then reflected in the fountain and pool. In essence, you see a reflection so each star really represents every 50 that died. And over 800,000 injured just in this country. Then when you think of those that perished globally, over 50 million people died.

Historians are just beginning to tell us that inside the Soviet Union under the horrendous dictatorship of Joseph Stalin, 50 million people died just there. So I think that the numbers will increase as history begins to accurately count as well as it can what happened. But any member of the World War II generation coming from that carnage tried to create a world different than the one that they had lived.

And I guess it is not surprising then that the North Atlantic Treaty Organization was set up, NATO, and became the most important military and strategic alliance globally, where the allied nations bound together in a real partnership and tried to keep the peace. And the major challenge that they faced after World War II was the Soviet Union under a very communist regime for many decades, which at the end of 50 years finally collapsed without a shot being fired because of the strength of NATO and their understanding of containment and of allied unity.

□ 2045

That was something that Mr. Durbin's generation gave to us; and then following World War II, unlike World War I, the Marshall Plan and George Marshall coming before a university audience and in a 12-minute speech, not a 25-minute or hour speech, a 12-minute speech declaring that there would be a Marshall Plan to rebuild the vanquished nations, unlike after World War I when the vanquished nations were left to fall and, from within that chaos, these extremist governments rising. So the Marshall Plan.

Then the importance of allied unity, a real alliance, a transatlantic alliance that has held until the present day, our great friends in Germany, in France, in all of Western Europe and the broadened alliance with the new nations, newly freed nations, Hungary, Poland and so forth.

Then the United Nations. Not a perfect creation, but a place where dialogue could occur in order that the carnage that Mr. Durbin and the World War II generation faced just might not happen again, trying to build the creation of the World Bank, world institutions to handle currency exchanges. They tried so hard to shape institutions so that what they had suffered would not be foisted on the world again. We have so much to learn from them.

So a week and a half from now, when we dedicate this memorial to the World War II generation and to all they built abroad and at home, we have so much to learn.

We think about the post-World War II era when they came back home and the GI bill created the financing for home ownership, and ordinary families were able to, for the first time, really own a piece of the rock; and in 1952, President Harry Truman integrating the military in deep appreciation to those citizens of color who had fought two wars during those World War II war years. They fought the military battle, but then they fought the social battle, the civil rights battle, to gain full recognition and full appreciation for their service to our country, which President Truman then finally acknowledged.

Women's rights growing out of the victory of World War II, women working in the plants, displacing those men who had been called to service, and women working outside the home becoming nationally accepted behavior, very different from before World War II. Women in the service, as well as women in the nursing corps, helping to establish a platform for themselves and be accepted in the world of employment in the way that they had never been before.

In Mr. Mills' book, in the very last chapter, and I would just like to end by reading this this evening, he says: "For an America that in the wake of the September 11 attacks has felt threatened to a degree unknown in this country since the bombing of Pearl Harbor, such homage is more than just a final tribute to a parting generation. It is also an act of self-preservation, a way of reminding ourselves of our ability as a Nation to come together in a crisis and, by extension, a way of linking ourselves with a generation that dealt successfully with years of crisis. 'Earn it,' says a dying John Miller, the Army captain played by Tom Hanks in "Saving Private Ryan," to the young Private Ryan, whom he and his squad have found at great cost to themselves so that Ryan may leave the war and return to his mother, who has already lost three sons in battle."

"Earn it," he says.

Fifty-nine years later, the National World War II Memorial has become one more way of "earning it," of acknowledging all that has been made possible by the sacrifices of the World War II generation. And on Memorial Day and the May 29 weekend, and in a ceremony to be held this Thursday here in the Capitol in Statuary Hall, there will be two handmade United States flags that have been made in the State of Ohio in our home district, the 9th Congressional District, and the headers on those flags read as follows: Made in Lucas County, Ohio, U.S.A. A grateful Nation remembers.

We have the letters of the two public laws that were passed in order to make the memorial a reality, and then there is the ruptured duck logo that every World War II veteran received upon discharge. The threads in the 17th star on that flag include threads from the sewing basket of Marian Durbin, the wife of Roger Durbin, as well as from our family, as well as from the home post of Roger Durbin, the Dean Post in Lucas County, Ohio, as well as from many of the women in the Embroidery Club of Northwest Ohio, whose parents participated in the war. That 17th star, because it is the Ohio star, is embossed just a bit, all according to regulation.

One of the flags, upon completion and having been flown over every county in the 9th District, was flown around the world to every cemetery where we have U.S. troops buried or commemorated as missing in action. The very last stop was Manila, Philippines, before it was brought back home here to Arlington and flown, and it will be here in the Capitol for this Thursday's ceremony.

The other flag remained stateside and worked its way to the Ohio State capitol and was flown over the capitol, and now has been brought here to the Nation's Capitol for official hoisting this Thursday.

When we do this, one of the flags will be flown in honor of our World War II veterans who are still serving in this Congress, including the gentleman from Michigan (Mr. DINGELL), whose seniority numbers one here in the House; the gentleman from New York (Mr. HOUGHTON); the gentleman from Illinois (Mr. HYDE); the gentleman from Texas (Mr. HALL); the gentleman from Ohio (Mr. REGULA); and I believe the gentleman from Florida (Mr. BILIRAKIS).

So we pay tribute to those among us, as well as to those who have passed in service to our Nation. We remember them all, and we thank all the World War II veterans.

We thank Senator Bob Dole who has chaired the fund-raising committee for this memorial, for championing these efforts so that the funds were raised privately. It is so important to remember that of all of the contributions, nearly $190 million has been raised mainly from private contributions, from individuals, from school children, from fraternal organizations, from veterans organizations.

Our States have contributed dollars to the construction of the memorial, many private companies, many small businesses. I think in the State of Ohio the largest association that made a contribution were funeral directors, the Funeral Directors Association of the State of Ohio. Across our country, including school children, thousands and thousands and thousands of children have made this memorial possible, and there can be no finer tribute to America's most unselfish and greatest generation than the love and remembrance of those grandchildren.

WORLD WAR II MEMORIAL

The SPEAKER pro tempore (Mr. BARRETT of South Carolina). Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, let me first identify myself with the remarks of the gentlewoman from Ohio (Ms. KAPTUR) whose very eloquent and heartfelt remarks certainly touched our hearts, and her actions and her activity and all of the diligence that she has put into this, and the hard work and commitment she has put into this project is to be commended. There are those of us that stand in awe of the gentlewoman from Ohio (Ms. KAPTUR) and all the work she has done for this generation.

I take it as a personal favor to my family that the gentlewoman from Ohio (Ms. KAPTUR) has been doing this because my father, of course, is part of that generation, and everything she said about those brave men and women applies to my father, who served in the Marine Corps during the Second World War and who left a poverty-stricken-type of family background in North Dakota to walk off, save the world, save the world from the dread and the tyranny of Japanese militarism and Naziism. Certainly this heroism is something that we owe such a great deal to.

So, Mr. Speaker, tonight first let me tip my hat to the gentlewoman from Ohio (Ms. KAPTUR) and those who put such a lot of work into this project.

ILLEGAL ALIEN INVASION

Mr. ROHRABACHER. Mr. Speaker, let me just note that the person who alerted me to the subject I will talk about tonight was a World War II veteran. His name was Frank Casado, a very proud Mexican American, who owned and built Lucy's Restaurant in Los Angeles. Frank later became very politically active. He was a Democrat, I might add, but he was a very close friend, and I would go to his restaurant as a young reporter and then as I worked in Ronald Reagan's staff in the White House; and Frank would always pull me aside and say, "Dana, you have got to do something about the illegal alien invasion of our country. You have got to do something about it." If there ever was an American of Mexican descent it was Frank Casado.

Frank joined the Navy in World War II, and he always prided himself that he had been on the boxing team and been one of the contenders of the championship of the fleet, and he was a very, very proud man. He was proud of his Mexican heritage as well, but he knew that the flood of illegal immigrants into our country was bound to bring us down, and if we can do anything to keep faith with those veterans who have sacrificed so much for our country over the years, it is that we should have the courage to face the issue of illegal immigration and to deal with it, to understand that those people who fought and died in World War II and have sacrificed over the years for our country to create this wonderful country of ours, they would be appalled to know that we are afraid to discuss the issue of illegal immigration, afraid to discuss the issue that perhaps is the greatest threat to America's well-being today, and that is an onslaught, an uncontrolled invasion of, yes, good people but people who will have a dramatic impact, negative impact on the American way of life. They did not give their lives in order to make sure that this country could be taken over by anyone who would thwart our laws and basically massively come into our country illegally.

We need to have the courage to face the issue. Frank Casado, as I said, first alerted me to how this major influx of illegal immigration was changing the nature of California as he knew it and as he grew up, because he was a native Californian. He was a man who grew up in Los Angeles and described for me how this massive influx of illegal immigrants was bringing down the people of his community. People who should have been on the upward path instead were being brought down by a flood, an uncontrolled flood of illegal immigration.

Let us keep faith with those people who defended this country and won our freedom and wanted us to live in a high standard of living and wanted our people to have a good country. Let us keep faith with them.

□ 2100

And certainly let us not do one thing, let us not permit the benefits that we give to illegal aliens to have a negative impact on these very same senior citizens, these very same soldiers, whether defeated Hitler or Tojo.

In fact, today we have a very limited amount of health care dollars. At a time when our economy is moving forward, but not as strong as it was, let us say 10 years ago, we need to make sure that every dollar counts. Because if a dollar is not spent most wisely, the people most affected will be our senior citizens and also will be our children. And so, today, I plead a case for these seniors and these children. Let us not dissipate the funds that are available to take care of our seniors and our children in order to provide services for illegal immigrants who have come here thumbing their nose at our law and blatantly and arrogantly breaking the law to come here.

And, yes, these are generally honest, good people, coming here to improve their lives, but we cannot afford to take care of all the good people of the world if it means, and it will mean this, that we will have to cut back on what we give to our own citizens.

I rise tonight to alert my colleagues to a vote that will be taken tomorrow on the floor of this Congress, a vote that will mark a turning point for our country or it will reflect a continued unwillingness by America's elected officials to do anything to protect us from what I am calling, what I believe to be the greatest threat to our national security and well-being.

Now, again, what am I talking about when I say that? Tomorrow morning, there will be a vote on legislation that I have offered, H.R. 3722, which will attempt to protect us from a major decline in our quality of life and a decline in quality, I might add, of the health care we have for our seniors and our children due to the uncontrolled onslaught of illegal immigrants into our country and into our hospitals and into our emergency rooms.

If left unchecked, illegal immigration will destroy everything which those World War II veterans were fighting for: a decent quality of life for our people, a government that is reflective of our values, and a country in which we can take care of those who are in need because they are people of our communities and of our States and of our country who have also served our country, whether they be Mexican Americans, like Frank Casado, or black Americans, or Caucasian Americans, or Asian Americans.

We have a country of rich diversity, but all of us need to stick together and care about each other more than we need to care about people who would come into our country illegally and dissipate the funds that are needed for these other Americans and even our own families to get the education and health care that they need.

It is unforgivable that our government has refused to act when the evidence is so clear. Millions of people are being permitted to get into our country and then to stay in our country illegally. And this is having an horrendous impact on our standard of living, on safety in our country, and on the quality of life of average Americans.

For tens of millions of Americans and local and legal residents, real wages have stagnated over the last 15 years. We have seen a major increase in our standard of living and in the statistics that indicate how much wealth our country is worth; yet we have a huge number of people, citizens and legal residents, who live here and have not seen their standard of living increase. In fact, they see all the time little indications that their quality of life is going down, whether it is the fact they cannot afford to buy tires for the family car, or their children cannot afford to buy a home, so they have to stay at home now because they cannot afford to get a house of their own, or the fact that their kids are not expecting really to have a good job. They see these indications that something is happening to our country, where the middle class and working class people are not living as well as they did before and, in fact, have been cut out of this huge increase in the wealth that has taken place in our society of these last 2 decades.

Well, the answer is very clear. The factor that is intervening is a massive flow of illegal immigration that is undercutting the ability of our own people to have good-paying jobs because we are holding wages down with an influx of illegal immigrants. And we are also taxing all of the services provided to our people, the people who have worked all their life to pay taxes; and sometimes, what is happening is, illegals will come into our country and they will not be paying taxes. They will work at jobs where taxes are not paid, and they will bring their families in to consume those benefits in education, health care, and otherwise that are meant for our own people.

Our education and the education of our children has been undermined. Real wages have stagnated. Our health care resources that are necessary to take care of the health of our people have been depleted and the safety of our streets and neighborhoods, and thus, yes, the safety of our families, has been compromised. This is not a back-burner issue. Illegal immigration and how we solve it, or if we ignore it, will determine what America is going to be like tomorrow.

This deals with a crisis of today. It seems to me that we have political people here whose only real goal is to prevent a crisis of the moment. Let us not have a crisis now; let us put that off. Well, I say, no, we need to deal with the threats to our country, just the way the gentlewoman from Ohio (Ms. KAPTUR) was speaking about the threats to the world and to our country that loomed there 50 years and 60 years ago when Hitler and Tojo threatened the world. That generation, the Greatest Generation, did not turn its back and simply say let us try to find a compromise and it will go away. They understood that unless something was done, unless the issue was looked at with courage and with conviction that the United States would cease to be the country that they had inherited from their families and their parents.

So, today, this attitude of elected officials that we should do anything to get away from confronting this issue, let us not have a crisis today, let us not have a confrontation on it today, this works totally contrary to the tradition that we have had that has kept our country free and prosperous. Elected officials have basically remained silent about illegal immigration. Every poll that I have seen, and I include the polls of Americans of Mexican descent, indicates that the vast majority of our people are angry and upset with the fact that illegal immigration is permitted to go uncontrolled and that illegal immigrants are pouring into our neighborhoods and destroying our way of life and the quality of life and the possibility for better jobs for a whole segment of our population. The American people are angry that their elected officials refuse to deal with this issue.

The American people need to ask themselves: Why is it, why is it that elected officials refuse to even think about confronting illegal immigration? Well, a large number of American people, as we know, are deeply troubled and enormously concerned about the onslaught of this massive flow of illegal immigration in the United States. So why are our officials not acting?

First and foremost, I believe that many elected officials have been intimidated from addressing this burning issue. Now, when I say intimidated, what does that mean? Today, in the debate on my bill, 3722, which we will talk about later, one of the Members came forward and said this represents mean-spiritedness. And, of course, that means racism. That is a little catch phrase for racism. And also I was pulled aside by several people after the debate, oh, you should not bring this up, because they think this is a racist attack.

Racism. The elected officials of the people of the United States are afraid to be called racist. They are afraid to be called mean spirited. Well, I can be intimidated in a number of ways, but I can tell you it means a gun or a knife. They can call me all the names they want, but I am confident in my own heart that I am dealing with this issue and other issues based on a love for humanity; and more than that, and I will admit this, a love for the people of the United States of America, in gratitude for the contributions and the sacrifices that people like those people in the Greatest Generation, people like my father and the others the gentlewoman from Ohio was talking about. The sacrifices they made give me strength and give me the willingness to know that I am trying to do things that are positive.

And I will not be intimidated because people are willing to call me, and try to use the tactic of calling me and others, a racist. I will tell you this, the label of racist and hatemonger has caused fear throughout Republican ranks. The liberal left knows this, and they constantly try to play that card. It is time for the American people to totally reject this type of racism in and of itself, the people who bring up racism in order to defend policies that should be discussed on the merit.

Unfortunately, as I say, when someone says you are a hatemonger, most Republicans just wither away because they are afraid to be called hatemongers. They basically know, as I do, that most illegal immigrants, if not all illegal immigrants, are wonderful people. Ninety-five percent, let us say, or ninety-nine percent of illegal immigrants who come to this country are wonderful people. But this is not a debate about whether illegal immigrants are themselves bad people. We can care about them. They are probably good people. And we can care about the rest of the world. But that does not mean that we have infinite resources here in the United States so that we can provide benefits and goods and services and a place to stay for anybody in the world who can make it to the United States.

If we try to do that, if we are cowed from discussing the issue because we are afraid to be called racist because we know we have to draw a line somewhere or it is bound to bring our people down, if we keep doing that, what is going to happen is that our citizens are going to experience a major decrease in their standard of living. A threshold will be reached and the American taxpayer will be spending more and more, and yet our citizens will actually be living lives that are not as high in quality and filled with opportunity as when the tax rates were even lower.

It is not hateful nor is it being racist to use scarce resources, like the amount of tax money we have, the amount of health care dollars we have, the amount of education dollars we have; it is not a racist thing to say we are going to provide for our own people first, realizing that our own people come from every race and every religion and every ethnic group. That is what makes us so proud to be Americans. But if we do not think of our own citizens first, then we have abandoned the one thing that ties our Nation together, and it is a feeling of love and solidarity with all other Americans.

Let me say that I believe even if we take this down to the family level, and we say some family that works hard, saves their money, and spends their money that they have saved on their own family, on their children and on perhaps their father and mother, are these people actually filled with hate, are they hatemongers, do they deserve to be called that simply because they refuse to spend money on the needy people down the street rather than on their children's education or health care? Well, I believe that it is not hateful. It is not negative to try to take care of your family first. And no one should apologize that that is the policy of our government or that that should be the policy of our government, which is what we are advocating today.

That does not mean you do not care about your neighbors or that you do not care about the neighbors down the street. But first and foremost caring for your family is in and of itself an act of charity and love. And let us never forget that charity begins at home. And for us to be giving away the limited dollars available for health care in this country to people who have come here illegally, and taking the money away from that pool of money that should be going to our own citizens, our own children, our own senior citizens, to that great generation that the gentlewoman from Ohio talked about it, is sinful. It is sinful for us to take it and give it to strangers, many of whom have never contributed anything to the country.

Now, yes, some illegal immigrants have contributed, but let me note that many illegal immigrants who come here do not work at jobs where they take the taxes out of their paychecks. Then they bring their families, and so their families are basically being taken care of by the taxes that come out of our pockets, that we gladly gave to take care of our own families and our own fellow citizens, but these other folks who have come here illegally often do not pay any taxes at all.

□ 2115

To make matters worse, the employer that employs them and gives them a job and then pays them under the table more often than not does not give them any health care benefits. Thus, they do not pay taxes, are taking away the benefits, the health care benefits, that should be going to our own people who are paying taxes.

I say this not because I dislike people, but because I do like people from other countries. Our greatest asset is that we are a country that is made up of people of every race and every religion. But I say this, every person who is an American and who is here and conducting him or herself in a legal way and trying to live their life as best they can, these people are part of our American family, and we need to care more about them than we do to take care of someone, even though he might be a good person, or the family that comes from China or Latin America, that we need to take care of our own people first. It has nothing to do with race.

The people that are involved in the United States of America, they are good Americans who come from every race and every religion, but we cannot take care of every wonderful person in the world. If we try to, we will hurt our fellow Americans. We cannot try to do everything for everybody, especially when we mean everybody in the world, and expect that we will be able to do anything for anybody, and that includes anybody in the United States, because our system will break down.

As Members hear this debate about illegal immigration, whenever we try to draw a line, the other side chastises us for it as if we are being mean-spirited. Where do they draw the line? The Members opposed to H.R. 3722 seem to believe we can give unrestricted and unlimited health care benefits to people who have come here illegally and it will not impact the American way of life or quality of life of our own American people. That seems the height of naivete.

But there are other Members who are not naive at all about this issue. While we are proud of Americans, of every race and religion, these other people have another motive on wanting to have illegal immigrants coming into our country, and it is not just to be benevolent.

But let me get to this issue and that is the idea, and we hear this because it is not just racism that is charged, but those of us who want to do something about illegal immigration, we are being charged with the idea that we are anti-immigrant. I believe around 15 percent of the population are immigrants. They are a sizable force in our communities, and they are doing great things for America, great things.

In fact, one of the things we can be most proud of in the United States is that we permit 1 million immigrants to come here every year, along with 400,000 refugees from many of the horrible spots around the world where people live in total desperation. With a population of 280 million people, I believe we can absorb 1 million immigrants a year along with 400,000 refugees. That is our contribution to the world.

That figure represents more legal immigration into our country than is permitted in all the other countries of the world combined. All of the other countries of the world combined do not permit a million immigrants into their country. But just in the United States, we permit a million people to come here, along with 400,000 refugees.

It has worked well for us because people who come here legally must be healthy, they cannot be bringing diseases into the country, they need to be honest, and they need to be self-supporting or they are not permitted to come in. That is a wonderful thing. I think legal immigration is something we can all be proud of because, of course, Americans are immigrants. We are a nation of immigrants, and proud of it.

In fact, every American immigrated here, and that includes Indian Americans who at one point emigrated from the Siberian tundra when there was some sort of ice bridge between Asia and the New World, so we are all immigrants here. But we have come here to prove that we can show people how to do things and have a better way of life. We did not come here, however, to take responsibility for the health care and the benefits for everyone in the world.

We have people now who are coming and swarming into the United States above and beyond that million people. There are probably 2 or 3 million illegal immigrants that are coming here every year, but that is just a guesstimate. They are coming here without control, so we have no idea whether they are criminals, whether they are bringing diseases to our country, and perhaps they might be terrorists. Perhaps they want to do us great harm because they identify with Islam or some other faith and hate the United States. Maybe they are coming in as illegal immigrants. We do not know. The fact is by bypassing the legal system, they have thumbed their nose at our law and they are putting us in jeopardy because we do not know.

I want to draw my colleagues' attention to the dire consequences of not stemming the uncontrolled flood of illegal immigrants into our country. Every day tens of thousands more illegals arrive in our country. If they are sick or criminals or they are terrorists, we do not know. This is a catastrophe in the making. It will lead eventually, if left uncontrolled, to a destruction of the American way of life or a major crisis in our country in which our people will suffer greatly.

The American people see what is happening. They know, they can see what is happening in our cities and in our communities throughout the country. The American people are seething with anger, and every poll suggests 60 to 80 percent of the American people are outraged that nothing is being done and their country is being taken away from them by an uncontrolled flow of illegal immigrants from other countries. Where is our courage? Where is our tenacity?

Yes, we stood up to the Japanese empire during World War II and the Nazis and the Communists after that, but now we are going to give our country away to other people who come here illegally thwarting our laws, thumbing their nose at our way of life in order to come here and consume the resources that have been put away by our mothers and fathers, and squander all of the institutions that we have invested in for our own children?

I think the World War II generation, and every time I have spoken to them, they are ashamed that we are not doing anything about illegal immigration, and they give the most support of any segment of our society in the demand to do something about illegal immigration.

Every time it comes to a vote, we can see that the American people do not like and are upset about illegal immigration, and they are upset that their elected officials are not doing anything. Elected officials are blowing smoke in the faces of their constituents. They are refusing to be honest about this issue, and we need to have an honest discussion between the elected officials of this country and the American people about illegal immigration.

There was a direct vote by the people about 10 years ago, Proposition 187, in California. Every news media was against it. The establishment of California was totally opposed to Proposition 187. It was going to lose. People were being attacked for being racist. And I know I was attacked as a racist skinhead for supporting Proposition 187. Although you could not tell it from the commentators who were saying what a great disaster it was for the Republican Party, no, Proposition 187 passed in a landslide, a landslide even though all of the major interest groups were against it and all of the major media were trying to bringing it down.

Even though an overwhelming number of voters voted for Proposition 187, it was portrayed immediately thereafter as a loss and something the Republican Party should really worry about. Let me note that 1994 was the biggest year for Republicans to gain seats than in any other election in my memory.

Let me also note, when we examine the issue of illegal immigrants, that Americans of Mexican American descent like my good friend Frank Casado, they are just like other Americans. They believe that illegal immigration is an evil that is doing great harm to our country, and about 50 percent of the Mexican Americans are with us when we want to make a stand because their children and their homes and their families are the ones suffering the most by the negative impact that goes on, economic impact and elsewhere, when our country ends up flooded by illegals.

So the Mexican American community, however, was told afterwards you have to be against 187. That was drummed into their heads. Even today, examine the polls. The majority of people who are Americans of Mexican descent, people who are citizens or who over the years came here legally, those people are with us. A majority of those people are with us.

Let me note that the gentleman from southern California (Mr. GALLEGLY) has told me over and over again how there are several cities in his congressional district where a majority of their citizens are Americans of Mexican descent, and he is very proud to tell me in those cities Proposition 187 got a very strong showing. It actually won a majority vote in several of those cities. Why is it then that we have conservatives and Republicans who are afraid to lead the charge on this issue and to discuss it openly and bring it up?

Again, they do not want to be called racist, and they do not want to insult their fellow citizens. They actually care about their fellow citizens of Mexican descent, and they are afraid they may be insulting these folks if they bring up the issue of illegal immigration. That is the guilt trip the news media is putting on these people.

Let me just say that Americans of Mexican descent are with us on this. They do not want their families to suffer from being unable to get higher wages for their children or income earners of their family, or education funds to be totally eaten up or health care funds being dissipated by people who have just come here, whether it is from Mexico or anywhere else. These are great Americans and these are Californians.

We Californians understand that. California is itself a name that suggests a past culture, what we think of as sort of a paradise in California.

□ 2130

It is a Hispanic culture. All of us are proud in California of this Mexican heritage. Before our State was a State, there was a proud Hispanic civilization there. California is based on a mythology of an island where there was always milk and honey, and the fruits were always ripe and ready to be eaten. It was a paradise on Earth. We know that. That came from a mythology that was written out in the Spanish language. We understand that, and we Californians are proud of that. We believe we live in that paradise. Yet we will lose paradise if we do not take those steps that are necessary to maintain the quality of life, not just for the upper middle class and the upper class but for all Californians. Illegal immigration is the greatest threat in California to the quality of life of every one of our citizens and legal residents.

Let me note, they know that we are not hatemongers because we are protecting them. We need to join an alliance of all Americans to solve this problem and to speak frankly about it and not worry about being called names. We Americans must stick together. It is our loyalty that creates one Nation, our loyalty to each other; and if we are going to permit half of our population to suffer because we are giving away the benefits that were paid for by tax dollars to people who have come here illegally at the expense of that other half of our Americans who live with us, then we are committing a very sinful act. We are not caring about our fellow Americans and we are showing our disrespect for them by not trying to ensure that someone from the outside, a stranger, does not come in and take away the health dollars and education dollars they need.

Turning one group of honest citizens against another group of honest citizens in order to keep the flow of illegal immigration into our country has worked to intimidate people, but it is a dishonest tactic. We will hear it over and over again. But I hope that the American people are beginning to fine-tune their hearing and their listening of these arguments so that when people start saying, this is mean-spirited, this is racist, that they will know that that person is insulting them and trying to get them not to look at the issue of the day. I would alert my colleagues and the American people to pay no attention when they are called names.

The real hatemongers and the racists are the ones who would turn Americans against Americans. They are the ones who do not care about us as a people. We care about each other, and let us demonstrate that. I would suggest today that America is so far down the road towards a disaster that we have got to come to grips with illegal immigration, or there is going to be irreparable damage to our country. Already many of our people are suffering, and sometimes they do not even understand why.

What else besides what I just described, this fear of being called a racist, prevents us from dealing with the illegal immigration issue? There is another factor involved. This is also a powerful factor, but it is not quite as visible as the one I just described. Everyone can see that people on the liberal left are calling other people names. They are calling them racist, et cetera. We can see this effort on the left side of the political spectrum to try to unleash and keep the flow of illegal immigrants coming to our country because they want to use them as pawns, political pawns.

But there is another very powerful factor involved and that is there are some enormously powerful and enormously wealthy forces in our society which are benefiting from the massive flow of illegals into our country. Who am I referring to? I am referring to Big Business. I am referring to corporations and Big Business and all those people who would make a profit by keeping wages down. Keeping wages down. That is what is going on. There are some powerful interests in America suppressing wages so that people who are in the middle class and lower middle class, working people, are finding themselves in a trap rather than finding their own standard of living increasing.

As I say, there is the liberal wing of the Democratic Party who wants to exploit illegal immigration for their own political purposes. They want to use them as pawns. Then we have Big Business in an unholy alliance with the liberal left of the Democratic Party. These people are trying to exploit helpless people who come to our shores, of course in order to make a bigger profit, so they will not have to give health care benefits, so they do not have to pay as much; and in fact, the wages of all their other employees are brought down because other employees know they can always hire some illegal immigrants from China or from Mexico or elsewhere to do these jobs if we will not do them for this minimal salary that they are offering.

These powerful forces obviously do not represent the interests of the American people. First of all, let us note this. It is estimated that if illegal immigration goes unchecked, everything else being equal, our population in our country will jump from 280 million people today to 420 million people just a few decades from now. 420 million people. Is that in the interest of the people of the United States? Is that the type of increase in the number of people that we feel comfortable with? Along with that, of course, with this huge increase in our population comes a huge increase in the demand on scarce resources, especially those scarce resources: places to live, good housing, good jobs, good health care, good education. If we let illegal immigration continue, we will have in the blink of an eye a half a billion people living in the United States. Is that what we want? Is that what the American people deserve?

If we leave illegal immigration unchecked, with millions of new people coming to this country illegally every year, if that continues, as I say, we are going to have teeming masses. We will have people who are trapped in situations that are totally inconsistent with the vision of the American dream that has motivated the American people for over 200 years now, the opportunity to dream of a place where people can uplift themselves with hard work, a place where every person willing to work can live a dignified life. If we continue to allow this to go unchecked, all of that will disappear. The American dream will disappear. It will disappear in a mass of faces, of people who are unhappy because they do not have the opportunity that their grandparents had. We will look into the faces of people who are angry. The level of hostility in our society will increase. The America that we know and love will cease to exist.

Were we meant to have an underclass of working people who have no hope for a better life? We are beginning to develop that now. We can see it. Because wages are being held down. There is no doubt about who benefits from low wages. The people who own companies, people who want servants, et cetera, these are people who benefit from illegal immigration. Let me add, there are a lot of upper middle income people, people let us say in the top 20 percent and upper income people who have benefited by illegal immigration. Those people should understand that their whole way of life would not exist if it was not for the people who went out and fought the wars and work hard every day and are honest citizens and are willing to stand up for the principles of America that we respect each other's private property and we respect their rights to live their lives.

These wealthy people would not have that if it was not for all these other Americans who were willing to sacrifice and they do not need as much.

They just need a clean and decent place to live. They need to know that their children are going to be educated. They need to have some hope in their lives. This will be taken from them unless we come to grips with a massive flow of people who are coming into this country from every corner of the world and consuming the seed corn necessary to plant the gardens which will give us the food and the benefits and the good life that the American people have worked so hard for.

My dad and mom came from very poverty stricken homes. I used to go there. My dad joined the Marines, but he was there for 20 years. We used to go back to North Dakota in the summers and sometimes in the winters and work on the farm. They were very poor farms. Those people knew that if they worked hard that America had a promise for them. But what about in the future where that promise does not exist because the education level for the children of working-class people, in California we see it, the education level is going down. It is not going down because of anything they have done. It has been going down because our State is being flooded with illegal immigrants, and their children are pouring into the school system, and they cannot even speak their own languages correctly; and thus the teachers are spending all of their time with problem students from other countries whose parents have never paid the price for the education system in the first place. So the working-class families, their children do not get the education they deserve. It is wrong. It is absolutely wrong. We have got to have the courage to face it.

What are we going to say, that every person in the world will be subsidized in their education and their health care and everything else by the American people? Where do you draw the line? If you disagree with what I just said, where do you draw the line? The other side has no answer for that at all except, you are a racist for bringing it up.

Let me note this: we are being told by those captains of industry who are now condemning any effort to try to get illegal immigration under control, we are told that illegal immigrants are taking jobs that Americans just will not take. That is why we have got to let them here, so they can take these jobs that no one else will take. That is not true. The fact is that that is no justification for allowing this massive influx into our country which is bringing down the wages of all of our people. I suggest that Americans are willing to do just about any job, but they are not willing to do any job at the pay level that is being offered.

Yes, if our country was not flooded with illegal immigrants, employers would have to pay more money for the jobs that they need to have done. That is okay. It is a good thing when you have an increasing standard of living or an increasing GNP that working people get their share and that you have higher incomes and that the people are able to own their own home and have a car and treat their kids out to dinner a couple of times a week. That is okay. But, instead, we are being told, oh, my, we would have to pay them so much money, it would make it impossible. Let us pay 25 cents more for a hamburger if it means that people who work in those shops giving us those hamburgers and that meat have a decent standard of living and can take care of their families.

A good example of what I am talking about and what has happened to our country when we are flooded with illegals who are now living in substandard housing with their whole families and it has sort of brought down the quality of life of whole areas in Southern California, let me mention this. When I went to graduate school, I worked at night as a janitor. Yes, I cleaned toilets and there was nothing wrong with that type of work. Every person who works and sustains himself or herself as an honorable job and as a dignified person, we honor them. When you are taking care of your own needs and you are self-sufficient, that is what it is all about and that is fine. It has been a long time since I was a janitor. I have to admit I was not a very good janitor, but I worked hard. If you look back, 30 years ago when I was a janitor, the gross domestic product of this country has dramatically increased in those 30 years. Yet the money that janitors make in real dollars is about the same. That is it. Our country has had a major increase in wealth, but the janitors make about the same money. It is because our country has been flooded by illegal immigrants who are willing to take those jobs. The people who run the building say, we could not afford to actually hire all these janitors if we had to pay them more money, the market value, without the illegal aliens there. All that would mean if they were paying more money to our own people to clean those toilets, there would be a toilet-cleaning machine and there would be a fellow there, a man or a woman, who could clean 10 times as many toilets with this technology and they would pay him $50,000, $60,000, maybe $70,000 a year. That is a good thing. That is fine.

But, instead, we have had a flood of illegal immigrants and instead of one American earning a decent standard of living and taking care of his family, we have got seven or so illegals who are living substandard, have brought their families in, they are all totally dependent on government benefits, and it is bringing down the quality of our neighborhoods, et cetera; and we have a teeming mass with no hope instead of an American, a proud American being able to take care of his own family and having a decent standard of living. That is what illegals have done to our society. It is a very sinister impact, but it has happened very slowly.

I had an L.A. Times reporter come to my house this weekend looking around, sifting through everything to find out if I had hired any illegals. I did not hire illegals to do my lawn work.

□ 2145

My wife, who just had triplets, as people know here, we did not hire a service unless that service agreed to guarantee that there would be no illegal immigrants in that service. So I try my best.

I try not to buy products from China, because I believe that China is a slave trade state. They use slave labor. But sometimes I end up buying Chinese things unknowingly, as much as I try not to, and I guess sometimes I buy a hamburger from an illegal immigrant.

But let me put it this way. This fellow came to me and said, "Who takes care of your lawn?" It just happens to be that the lady I rent from, and I rent a very modest house in Huntington Beach, her brother, who is a senior citizen and is retired now, takes care of the lawn. That is what he does on the side as a side job.

He said, "All over your neighborhood, your neighbors are using illegal immigrants to do their lawns. Is that bad?"

I said, well, it really is. I will tell you why it is bad. When I was a kid, I did the lawn work. I actually earned all of my spending money by cutting people's lawns, and a lot of my friends did, too.

I think it has a horrible impact on our society that the young people do not cut their own lawns now and earn their own spending money, but instead we let these slave-like laborers come in from different countries and do our lawn work for us. It would be better for our own children to earn their spending money than to pay someone else a pittance so they can live in destitution in our country and then live off of government benefits.

No, that is not the way to a better country. And we have had this impact, and it has been coming on and coming on, and we have not even noticed it, that our kids do not have the dignity now of earning their own spending money by cutting people's lawns.

So that is why we can be such a prosperous country right now, and there can be so much growth in the wealth that is available in our society, yet there is a whole group of people in our country who are being left out. The illegal immigrants are being left out, but so are those people whose wages are being impacted by the illegals' presence here, and it brings down those wages of our average working people. Their share is being gobbled up.

At one end of the spectrum you have got wealthy people. You have got wealthy people over here, they are gobbling that wealth that should go to the middle-class because they are hiring all the illegals and they do not have to pay as much. At the other end of the spectrum it is being gobbled up by bureaucracy and big government.

You have liberals and leftists basically advocating more and more government programs, and what they do, with more and more government programs, they have to tax you more. So what we are doing is taxing the lifeblood and the way of life out of our people in the middle-class, and we are, as well, keeping their wages down and destroying their way of life. They are being attacked by both sides of the political spectrum.

I would say that if it was not for the influx of illegal immigrants today, many of our college students would be out probably doing these jobs during the summer that they say we cannot get Americans to do. I think Americans will take these jobs, if they are given the right kind of pay incentives.

What we have now is a focus tonight on something that I wanted to bring up specifically about the bill that was debated today. My piece of legislation, H.R. 3722, was brought to the floor for a vote.

This piece of legislation is designed to come to grips with a new issue confronting us on illegal immigration, because something happened a few months ago that very few people saw. What I am talking about is the fact that in the Medicare bill, a bill that passed this House, I guess it was 4 or 5 months ago now, when it passed through the House there was not this provision. But when it came back from the Senate, a provision sort of secretly had been inserted by Senator KYL from Arizona. It was the creation of a $1 billion fund, a $1 billion fund that will be used to pay for the health care of illegal immigrants, a $1 billion for the emergency health care of illegal immigrants. It is the first time we actually have a budget item to legally pay for the services of an illegal immigrant.

What does that do? That means that $1 billion in this fund will go to emergency rooms who take care of illegal immigrants.

Well, what does that mean? That means that in the future, when this is being used, American citizens who do not have health care benefits, and a lot of them do not have health care benefits because the employers will hire illegals if someone demands a health care benefit, an insurance policy, health care insurance, so if they do not have health insurance and then they have to go to the doctor, to the emergency room, what happens? Unless we do something about it, we have set up a perverse priority.

What is going to happen is that the American citizens who do not have health insurance and the legal residents who do not have health insurance are going to be told to go to the back of the line, because we can get the money from the Federal Government to pay for the health care, the emergency health care, of illegals. We quite literally are taking care of foreigners who have come here illegally at the expense of the American people.

My legislation, H.R. 3722, will ensure that the money that we have, the health care that we have, will not be dissipated dramatically by illegals, because what it does is it states very clearly for the hospitals of America, if an illegal immigrant comes to your emergency room, you do not have to give them extensive treatment for diseases that are not at that moment life-threatening.

Thus, they will take care of an illegal whose life is being threatened, but they will not have to take care and spend $300,000 or $400,000 for cancer treatments, and this happens, for all types of transplants of organs, for hundreds of thousands and millions of dollars worth of health care that illegals are getting right now.

My bill says they do not have to do that. If they want to, they can, but they do not have to do it. This legislation is vital to make sure that the pool of money available to the American people for their health care goes to the American people and not to illegals.

It also says that if someone is illegal and they come in and they are an emergency and they are taken care at the hospital, when they are seeking compensation from the fund, they just have to make that same information that they are collecting in order to be compensated, they have to make that available in a computer for the Immigration and Naturalization Service and the Department of Homeland Security.

What we have heard again are bogus arguments this morning, over and over again, that this is going to increase the paperwork of doctors; it is going to make doctors policemen.

Not true. The bill we are talking about only says the information, that they will collect anyway in order to get compensated by this fund, must be made available to the INS and the Department of Homeland Security. They are not being turned in by anybody, it is just available. The other government agencies at that point have to take over. There is no reporting on the part of the doctors.

So we hear these bogus arguments over and over again, as if people are going to bring some type of contagious diseases into our country if we do not treat every illegal alien that comes into our emergency health care.

Let me note this: If you want to see diseases that will spread in our country being brought into our country from overseas, just make sure that everybody around the world knows that we are now paying for illegal aliens' health care in this country. No matter who gets into the hospital, they will be taken care of. They will bring communicable diseases from all over the world, and that is what is happening right now.

We need to instead come to grips with what my legislation does, that if someone is indeed here illegally and they are dissipating the use and the amount of money that is available for our own citizens or their health care, that illegal alien should be sent home. They should go home to their home country. That is what H.R. 3722 says. The information will be available to the Department of Homeland Security and the Immigration and Naturalization Service, and they will proceed from there.

This is not on the back of the doctors. The doctors are freed from responsibility on that, because they no longer have to treat anything, unless someone's life is threatened at that moment.

Let me add one other thing. If they do treat an illegal immigrant in an emergency situation, my bill insists that we go to the employer, because that is the only question that hospital has to ask, who is your employer? And if that employer has not done due diligence to see if he is hiring an illegal immigrant, that employer has to pay for the emergency health care costs of the illegal immigrant. Do you get that? The taxpayers are off the hook.

What has happened is, this bill, which would be an of incredible importance to the middle-class Americans, this bill, which strives to protect us from having our limited health care dollars being drained away by people who have come here illegally, this bill is being attacked by the Chamber of Commerce. It is being attacked by big business on one end, and being attacked by the liberal left organizations that control the Democratic Party on the other.

I suggest tomorrow the vote on H.R. 3722 is one to watch, and whose side you are on will be determined by how they vote on that issue.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4359, CHILD CREDIT PRESERVATION AND EXPANSION ACT OF 2004

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–496) on the resolution (H. Res. 644) providing for consideration of the bill (H.R. 4359) to amend the Internal Revenue Code of 1986 to increase the child tax credit, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2728, OCCUPATIONAL SAFETY AND HEALTH SMALL BUSINESS DAY IN COURT ACT OF 2004, H.R. 2729, OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION EFFICIENCY ACT OF 2004, H.R. 2730, OCCUPATIONAL SAFETY AND HEALTH INDEPENDENT REVIEW OF OSHA CITATIONS ACT OF 2004, H.R. 2731, OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE ACT OF 2004, AND H.R. 2432, PAPERWORK AND REGULATORY IMPROVEMENTS ACT OF 2004

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–497) on the resolution (H. Res. 645), providing for consideration of the bill (H.R. 2728) to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 2729) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission; for consideration of the bill (H.R. 2730) to amend the Occupational Safety and Health Act of 1970 to provide for an independent review of citations issued by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 2731) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to very small employers when they prevail in litigation prompted by the issuance of citations by the Occupational Safety and Health Administration; and for consideration of the bill (H.R. 2432) to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes, which was referred to the House Calendar and ordered to be printed.

IRAQ WATCH

The SPEAKER pro tempore (Mrs. BLACKBURN). Under the Speaker's announced policy of January 7, 2003, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 60 minutes.

Mr. DELAHUNT. Mr. Speaker, I will shortly be joined by my colleagues, who, on a weekly basis, have come to the floor of the House to discuss events occurring in the Middle East, specifically in Iraq and in Afghanistan. We have called ourselves the Iraq Watch, in an effort to have a conversation to illuminate and educate not just ourselves, but those who are interested, as I think most people are, in these particular matters.

It is clearly no secret, and it is a most disturbing situation, that we have a deteriorating situation in Iraq. One only has to remember the initial estimates of the cost that were put forth by the White House. I think the range that was suggested by the Deputy Secretary of Defense, Mr. Wolfowitz, was from $30 billion to $60 billion.

□ 2200

When the then-Chief Economic Adviser to President Bush, Larry Lindsay, indicated that in his judgment the range could be from $100 billion to $200 billion, he was eased out because there was a sense that that was not a realistic number. Now, of course, we are currently at the figure of $150 billion, and that does not include future estimates, which again according to recent reports just simply is for the military presence of American troops in support for other military personnel there. That is an additional 50 or $75 billion. And of course that does not include the cost of reconstruction, both for Iraq and for Afghanistan. But, obviously, most importantly is the loss of life, particularly American personnel, both military and civilian. The number now is well in excess of 700. That of course does not account for the men and women in our military who have been wounded.

Many Members of this body have been to Walter Reed Hospital and to Bethesda Naval Hospital and met with the men and women there who have suffered wounds, egregious wounds, that will clearly impact their future and will alter irrevocably the quality of life that they will enjoy for the rest of their lives.

I know that I have attended in my district the funerals of two young men, Sergeant Caldwell and Corporal Jeff Burgess, who gave their lives in Iraq. Furthermore, there was a universal echo of support and sympathy for the United States in the aftermath of our national tragedy on September 11. I think we all remember the headline in the French newspaper, Le Monde, that screamed, very poignantly and eloquently the day after 9–11, that "Today We Are All Americans."

It is clear that there was not just sympathy, but a commitment by countries all over the world to assist our efforts to end once and for all the scourge of global terrorism. Unfortunately, much of that international support has eroded. And now the motives of the United States are being called into question, and not just in the Mideast but all over the world.

There was a recent poll that was done by one of the premier polling groups in this country, the Zogby polling group, and it was conducted among the elite in Latin America, the economic elite which traditionally had been supportive of American policy. There was no attempt to interview or survey those that had traditionally been hostile to American interests or who have disagreed with our policies. What I find remarkable was that of the six countries that were surveyed, and they range from Argentina to Brazil to Venezuela to a Central American country, that the negative opinion of the United States Government, the negative opinion of the United States Government exceeded 87 percent. That is particularly disturbing, because I think we can all agree, Mr. Speaker, that we need the international community and its support if we are going to end terrorism. If we are going to protect our homeland, cooperation is absolutely essential. It is absolutely critical. But now American motives are suspect.

There was a recent poll that was done, it was done by the Pew Foundation and the numbers are startling. Majorities in seven nations believe that our intervention in Iraq was motivated by a desire to control Mideast oil. Clearly, there are few Americans that accept that premise. But when one reads the list of nations that believe that our intervention was based simply on the desire to control oil, we must acknowledge that we have a problem that has to be addressed. Let me just recite some of those numbers: 51 percent of the people in Russia believe that that was our primary motive; 58 percent of the people in France; 60 percent of the people in Germany; 54 percent of the people in Pakistan. In Turkey the number is 64 percent. In Jordan it was 71 percent. And yet we speak of a certain moral authority. But it has become clear that the world does not see us in that lens. They believe our motives are much more crass. And when these numbers are combined with comments and observations and revelations by senior administration officials, they are reinforced.

For those of you that have not had the opportunity to read "The Price of Loyalty," which is a book regarding the tenure of the former Secretary of Treasury, Paul O'Neill, let me commend that book to you; and I would specifically direct your attention to page 96 of that book. Because Secretary O'Neill, a traditional Republican widely regarded in business circles, someone who served his country in the Reagan administration and in Bush One, reveals an anecdote that I find disturbing. Let me read for a moment. O'Neill had seen "brewing a battle since the National Security Council meeting on January 30."

Let me interrupt the excerpt that I will quote to inform my colleagues and the viewing audience that this was 1 week after the inauguration after George W. Bush. One week. The anecdote itself that he reveals occurs February 27, less than maybe 5 weeks, after the President was inaugurated.

O'Neill: "It was Powell and his moderates at the State Department versus hardliners like Rumsfeld, CHENEY, and Wolfowitz who were already planning the next war in Iraq in the shape of a post-Saddam country."

Now, let us remember, this is before our national tragedy on 9-11, and this is not coming from outside. This is not an opinion being offered by a Member of the House. This is being offered by the former Secretary who was present at this particular meeting of the National Security Council on February 27, 2001.

"Documents were being prepared by the Defense Intelligence Agency," Rumsfeld's intelligence arm, "mapping Iraq's oil fields and exploration areas, and listing companies that might be interested in leveraging the precious asset." Obviously he means oil. "One document headed 'Foreign Suitors For Iraqi Oil Field Contracts' lists companies from 30 countries, their specialties, bidding histories and in some cases their particular areas of interests. An attached document maps Iraq with markings for supergiant oil fields, other oil fields earmarked for production-sharing while demarking the largely undeveloped southwest of the country into nine blocks to be designated for future exploration."

I guess this is a question that I would have for the President, for the Vice President, and for the Secretary of Defense: Why on February 27, months before the attack on the homeland, why was a map being presented at a National Security Council meeting divvying up the oil reserves of Iraq?

That, I daresay and will submit, is a question, Mr. Speaker, that should be answered by the Secretary, by the National Security Adviser, by the Vice President, and by the President. That is a question that cannot linger, that cannot go unanswered, particularly when a majority of people in countries that are our traditional allies have concluded that our main interest in Iraq is not to bring democracy, is not to save lives, but is to secure oil for our energy needs.

And, again, let me remind my friends who are here, I have been joined by my colleagues, the gentleman from Pennsylvania (Mr. HOEFFEL), the gentleman from Hawaii (Mr. ABERCROMBIE), and the ranking member on the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), let me remind ourselves that we are losing international support. And I am convinced that many of the questions that the rest of the world has is based on reports such as this and have a potential to undermine not just our credibility and our moral authority, but to undermine our national security if we are going to do something in terms of international terrorism.

□ 2215

Because if the world concludes, and if we do not respond that this is our motivation, they will turn their backs on us. When this is all combined with obviously many other issues that are out there, I dare say we have a serious problem.

Mr. CONYERS. Mr. Speaker, will the gentleman yield.

Mr. DELAHUNT. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentleman so much for allowing this intervention, and I begin by commending my colleagues from Pennsylvania and Hawaii and the gentleman from Massachusetts (Mr. DELAHUNT).

It is my intention to offer into this discussion The New Yorker article entitled The Gray Zone by Seymour Hersh, which raises one of these other incidents that the gentleman from Massachusetts (Mr. DELAHUNT) has referred to, and that is, the Abu Ghraib prison in Iraq and the ongoing furor that has taken place around the world.

I would like to ask my colleagues in the course of our discussion this evening whether they feel a need for an investigation conducted from the outside as the 9/11 Commission has, which it recently concluded, the Warren Commission in terms of the John F. Kennedy assassination, because this problem is beginning to tarnish our Nation's war against terrorism, and without a full and complete and impartial investigation, we will add another way of undermining our national moral authority.

I just wanted to point out that it is mentioned in this article that will be reprinted that, "Rumsfeld's goal was to get a capability in place to take on a high-value target, a standup group to hit quickly,' a former high-level intelligence official told me. 'He got all the agencies together, the CIA and the NSA, to get pre-approval in place. Just say the code word and go.' The operation had across-the-board approval from Rumsfeld and from Condoleeza Rice, the national security adviser. President Bush was informed of the existence of the program, the former intelligence official said."

Here, "Rumsfeld reacted in his usual direct fashion: he authorized the establishment of a highly secret program that was given blanket advance approval to kill or capture and, if possible, interrogate 'high value' targets in the Bush administration's war on terror."

The people, and I conclude with this, "the people assigned to the program worked by the book, the former intelligence official told me," this is Seymour Hersh. "They created code words, and recruited, after careful screening, highly trained commandos and operatives from America's elite forces, Navy SEALs, the Army's Delta Force, and the CIA's paramilitary experts. They also asked some basic questions: 'Do the people working the problem have to use aliases? Yes. Do we need dead drops for the mail? Yes.' No traceability and no budget. And some special-access programs are never fully briefed to Congress."

In other words, a deliberate development of a plan not only to commit these outrageous atrocities that have shocked the world but a way to avoid congressional scrutiny.

I will insert this article that I referred to earlier at this point in the RECORD.

[From The New Yorker, May 17, 2004]

THE GRAY ZONE

(By Seymour M. Hersh)

The roots of the Abu Ghraib prison scandal lie not in the criminal inclinations of a few Army reservists but in a decision, approved last year by Secretary of Defense Donald Rumsfeld, to expand a highly secret operation, which had been focussed on the hunt for Al Qaeda, to the interrogation of prisoners in Iraq. Rumsfeld's decision embittered the American intelligence community, damaged the effectiveness of élite combat units, and hurt America's prospects in the war on terror.

According to interviews with several past and present American intelligence officials, the Pentagon's operation, known inside the intelligence community by several code words, including Copper Green, encouraged physical coercion and sexual humiliation of Iraqi prisoners in an effort to generate more intelligence about the growing insurgency in Iraq. A senior C.I.A. official, in confirming the details of this account last week, said that the operation stemmed from Rumsfeld's long-standing desire to wrest control of America's clandestine and paramilitary operations from the C.I.A.

Rumsfeld, during appearances last week before Congress to testify about Abu Ghraib, was precluded by law from explicitly mentioning highly secret matters in an unclassified session. But he conveyed the message that he was telling the public all that he knew about the story. He said, "Any suggestion that there is not a full, deep awareness of what has happened, and the damage it has done, I think, would be a misunderstanding." The senior C.I.A. official, asked about Rumsfeld's testimony and that of Stephen Cambone, his Under-Secretary for Intelligence, said, "Some people think you can bullshit anyone."

The Abu Ghraib story began, in a sense, just weeks after the September 11, 2001, attacks, with the American bombing of Afghanistan. Almost from the start, the Administration's search for Al Qaeda members in the war zone, and its worldwide search for terrorists, came up against major command-and-control problems. For example, combat forces that had Al Qaeda targets in sight had to obtain legal clearance before firing on them. On October 7th, the night the bombing began, an unmanned Predator aircraft tracked an automobile convoy that, American intelligence believed, contained Mullah Mohammad Omar, the Taliban leader. A lawyer on duty at the United States Central Command headquarters, in Tampa, Florida, refused to authorize a strike. By the time an attack was approved, the target was out of reach. Rumsfeld was apoplectic over what he saw as a self-defeating hesitation to attack that was due to political correctness. One officer described him to me that fall as "kicking a lot of glass and breaking doors." In November, the Washington Post reported that, as many as ten times since early October, Air Force pilots believed they'd had senior Al Qaeda and Taliban members in their sights but had been unable to act in time because of legalistic hurdles. There were similar problems throughout the world, as American Special Forces units seeking to move quickly against suspected terrorist cells were compelled to get prior approval from local American ambassadors and brief their superiors in the chain of command.

Rumsfeld reacted in his usual direct fashion: he authorized the establishment of a highly secret program that was given blanket advance approval to kill or capture and, if possible, interrogate "high value" targets in the Bush Administration's war on terror. A special-access program, or SAP—subject to the Defense Department's most stringent level of security—was set up, with an office in a secure area of the Pentagon. The program would recruit operatives and acquire the necessary equipment, including aircraft, and would keep its activities under wraps. America's most successful intelligence operations during the Cold War had been SAPs, including the Navy's submarine penetration of underwater cables used by the Soviet high command and construction of the Air Force's stealth bomber. All the so-called "black" programs had one element in common: the Secretary of Defense, or his deputy, had to conclude that the normal military classification restraints did not provide enough security.

"Rumsfeld's goal was to get a capability in place to take on a high-value target—a standup group to hit quickly," a former high-level intelligence official told me. "He got all the agencies together—the C.I.A. and the N.S.A.—to get pre-approval in place. Just say the code word and go." The operation had across-the-board approval from Rumsfeld and from Condoleezza Rice, the national-security adviser. President Bush was informed of the existence of the program, the former intelligence official said.

The people assigned to the program worked by the book, the former intelligence official told me. They created code words, and recruited, after careful screening, highly trained commandos and operatives from America's elite forces—Navy SEALs, the Army's Delta Force, and the C.I.A.'s paramilitary experts. They also asked some basic questions: "Do the people working the problem have to use aliases? Yes. Do we need dead drops for the mail? Yes. No traceability and no budget. And some special-access programs are never fully briefed to Congress."

In theory, the operation enabled the Bush Administration to respond immediately to time-sensitive intelligence: commandos crossed borders without visas and could interrogate terrorism suspects deemed too important for transfer to the military's facilities at Guantánamo, Cuba. They carried out instant interrogations—using force if necessary—at secret C.I.A. detention centers scattered around the world. The intelligence would be relayed to the SAP command center in the Pentagon in real time, and sifted for those pieces of information critical to the "white," or overt, world.

Fewer than two hundred operatives and officials, including Rumsfeld and General Richard Myers, chairman of the Joint Chiefs of Staff, were "completely read into the program," the former intelligence official said. The goal was to keep the operation protected. "We're not going to read more people than necessary into our heart of darkness," he said. "The rules are 'Grab whom you must. Do what you want.'"

One Pentagon official who was deeply involved in the program was Stephen Cambone, who was named Under-Secretary of Defense for Intelligence in March, 2003. The office was new; it was created as part of Rumsfeld's reorganization of the Pentagon. Cambone was unpopular among military and civilian intelligence bureaucrats in the Pentagon, essentially because he had little experience in running intelligence programs, though in 1998 he had served as staff director for a committee, headed by Rumsfeld, that warned of an emerging ballistic-missile threat to the United States. He was known instead for his closeness to Rumsfeld. "Remember Henry II—'Who will rid me of this meddlesome priest?'" the senior C.I.A. official said to me, with a laugh, last week. "Whatever Rumsfeld whimsically says, Cambone will do ten times that much."

Cambone was a strong advocate for war against Iraq. He shared Rumsfeld's disdain for the analysis and assessments proffered by the C.I.A., viewing them as too cautious, and chafed, as did Rumsfeld, at the C.I.A.'s inability, before the Iraq war, to state conclusively that Saddam Hussein harbored weapons of mass destruction. Cambone's military assistant, Army Lieutenant General William G. (Jerry) Boykin, was also controversial. Last fall, he generated unwanted headlines after it was reported that, in a speech at an Oregon church, he equated the Muslim world with Satan.

Early in his tenure, Cambone provoked a bureaucratic battle within the Pentagon by insisting that he be given control of all special-access programs that were relevant to the war on terror. Those programs, which had been viewed by many in the Pentagon as sacrosanct, were monitored by Kenneth deGraffenreid, who had experience in counter-intelligence programs. Cambone got control, and deGraffenreid subsequently left the Pentagon. Asked for comment on this story, a Pentagon spokesman said, "I will not discuss any covert programs; however, Dr. Cambone did not assume his position as the Under-Secretary of Defense for Intelligence until March 7, 2003. and had no involvement in the decision-making process regarding interrogation procedures in Iraq or anywhere else."

In mid-2003, the special-access program was regarded in the Pentagon as one of the success stories of the war on terror. "It was an active program," the former intelligence official told me. "It's been the most important capability we have for dealing with an imminent threat. If we discover where Osama bin Laden is, we can get him. And we can remove an existing threat with a real capability to hit the United States—and do so without visibility." Some of its methods were troubling and could not bear close scrutiny, however.

By then, the war in Iraq had begun. The SAP was involved in some assignments in Iraq, the former official said. C.I.A. and other American Special Forces operatives secretly teamed up to hunt for Saddam Hussein and—without success—for Iraqi weapons of mass destruction. But they weren't able to stop the evolving insurgency.

In the first months after the fall of Baghdad, Rumsfeld and his aides still had a limited view of the insurgency, seeing it as little more than the work of Baathist "dead-enders," criminal gangs, and foreign terrorists who were Al Qaeda followers. The Administration measured its success in the war by how many of those on its list of the fifty-five most wanted members of the old regime—reproduced on playing cards—had been captured. Then, in August, 2003, terror bombings in Baghdad hit the Jordanian Embassy, killing nineteen people, and the United Nations headquarters, killing twenty-three people, including Sergio Vieira de Mello, the head of the U.N. mission. On August 25th, less than a week after the U.N. bombing, Rumsfeld acknowledged, in a talk before the Veterans of Foreign Wars, that "the dead-enders are still with us." He went on, "There are some today who are surprised that there are still pockets of resistance in Iraq, and they suggest that this represents some sort of failure on the part of the Coalition. But this is not the case." Rumsfeld compared the insurgents with those true believers who "fought on during and after the defeat of the Nazi regime in Germany." A few weeks later—and five months after the fall of Baghdad—the Defense Secretary declared, "It is, in my view, better to be dealing with terrorists in Iraq than in the United States."

Inside the Pentagon, there was a growing realization that the war was going badly. The increasingly beleaguered and baffled Army leadership was telling reporters that the insurgents consisted of five thousand Baathists loyal to Saddam Hussein. "When you understand that they're organized in a cellular structure," General Jon Abizaid, the head of the Central Command declared, "that . . . they have access to a lot of money and a lot of ammunition, you'll understand how dangerous they are."

The American military and intelligence communities were having little success in penetrating the insurgency. One internal report prepared for the U.S. military, made available to me, concluded that the insurgents' "strategic and operational intelligence has proven to be quite good." According to the study:

> Their ability to attack convoys, other vulnerable targets and particular individuals has been the result of painstaking surveillance and reconnaissance. Inside information has been passed on to insurgent cells about convoy/troop movements and daily habits of Iraqis working with coalition from within the Iraqi security services, primarily the Iraqi Police force which is rife with sympathy for the insurgents, Iraqi ministries and from within pro-insurgent individuals working with the CPA's so-called Green Zone.

The study concluded, "Politically, the U.S. has failed to date. Insurgencies can be fixed or ameliorated by dealing with what caused them in the first place. The disaster that is the reconstruction of Iraq has been the key cause of the insurgency. There is no legitimate government, and it behooves the Coalition Provisional Authority to absorb the sad but unvarnished fact that most Iraqis do not see the Governing Council"—the Iraqi body appointed by the C.P.A.—"as the legitimate authority. Indeed, they know that the true power is the CPA."

By the fall, a military analyst told me, the extent of the Pentagon's political and military misjudgments was clear. Donald Rumsfeld's "dead-enders" now included not only Baathists but many marginal figures as well—thugs and criminals who were among the tens of thousands of prisoners freed the previous fall by Saddam as part of a prewar general amnesty. Their desperation was not driving the insurgency; it simply made them easy recruits for those who were. The analyst said, "We'd killed and captured guys who had been given two or three hundred dollars to 'pray and spray'"—that is, shoot randomly and hope for the best. "They weren't really insurgents but down-and-outers who were paid by wealthy individuals sympathetic to the insurgency." In many cases, the paymasters were Sunnis who had been members of the Baath Party. The analyst said, that the insurgents "spent three of four months figuring out how we operated and developing their own countermeasures. If that meant putting up a hapless guy to go and attack a convoy and see how the American troops responded, they'd do it." Then, the analyst said."the clever ones began to get in on the action."

By contrast, according to the military report, the American and Coalition forces knew little about the insurgency: "Human intelligence is poor or lacking . . . due to the dearth of competence and expertise. . . . The intelligence effort is not coordinated since either too many groups are involved in gathering intelligence or the final product does not get to the troops in the field in a timely manner." The success of the war was at risk; something had to be done to change the dynamic.

The solution, endorsed by Rumsfeld and carried out by Stephen Cambone, was to get tough with those Iraqis in the Army prison system who were suspected of being insurgents. A key player was Major General Geoffrey Miller, the commander of the detention and interrogation center at Guantánamo, who had been summoned to Baghdad in late August to review prison interrogation procedures. The internal Army report on the abuse charges, written by Major General Antonio Taguba in February, revealed that Miller urged that the commanders in Baghdad change policy and place military intelligence in charge of the prison. The report quoted Miller as recommending that "detention operations must act as an enabler for interrogation."

Miller's concept, as it emerged in recent Senate hearings, was to "Gitmoize" the prison system in Iraq—to make it more focussed on interrogation. He also briefed military commanders in Iraq on the interrogation methods used in Cuba—methods that could, with special approval, include sleep deprivation, exposure to extremes of cold, and heat, and placing prisoners in "stress positions" for agonizing lengths of time. (The Bush Administration had unilaterally declared Al Qaeda and other captured members of international terrorist networks to be illegal combatants, and not eligible for the protection of the Geneva Conventions.)

Rumsfeld and Cambone went a step further, however: they expanded the scope of the SAP, bringing its unconventional methods to Abu Ghraib. The commandos were to operate in Iraq as they had in Afghanistan. The male prisoners could be treated roughly, and exposed to sexual humiliation.

"They weren't getting anything substantive from the detainees in Iraq," the former intelligence official told me. "No names. Nothing that they could hang their hat on. Cambone says, I've got to crack this thing and I'm tired of working through the normal chain of command. I've got this apparatus set up—the black special-access program—and I'm going in hot. So he pulls the switch, and the electricity begins flowing last summer. And it's working. We're getting a picture of the insurgency in Iraq and the intelligence is flowing into the white world. We're getting good stuff. But we've got more targets"—prisoners in Iraqi jails—"than people who can handle them."

Cambone then made another crucial decision, the former intelligence official told me: not only would he bring the SAP's rules into the prisons; he would bring some of the Army military-intelligence officers working inside the Iraqi prisons under the SAP's auspices. "So here are fundamentally good soldiers—military-intelligence guys—being told that no rules apply," the former official, who has extensive knowledge of the special-access programs, added. "And, as far as they're concerned, this is a covert operation, and it's to be kept within Defense Department channels."

The military-police prison guards, the former official said, included "recycled hillbillies from Cumberland, Maryland." He was referring to members of the 372nd Military Police Company. Seven members of the company are now facing charges for their role in the abuse at Abu Ghraib. "How are these guys from Cumberland going to know anything? The Army Reserve doesn't know what it's doing."

Who was in charge of Abu Ghraib—whether military police or military intelligence—was no longer the only question that mattered. Hard-core special operatives, some of them with aliases, were working in the prison. The military police assigned to guard the prisoners wore uniforms, but many others—military intelligence officers, contract interpreters, C.I.A. officers, and the men from the special-access program—wore civilian clothes. It was not clear who was who, even to Brigadier General Janis Karpinski, then the commander of the 800th Military Police Brigade, and the officer ostensibly in charge. "I thought most of the civilians there were interpreters, but there were some civilians that I didn't know," Karpinski told me. "I called them the disappearing ghosts. I'd seen them once in a while at Abu Ghraib and then I'd see them months later. They were nice—they'd always call out to me and say, 'Hey, remember me? How are you doing?'" The mysterious civilians, she said, were "always bringing in somebody for interrogation or waiting to collect somebody going out." Karpinski added that she had no idea who was operating in her prison system. (General Taguba found that Karpinski's leadership failures contributed to the abuses.)

By fall, according to the former intelligence official, the senior leadership of the C.I.A. had had enough. "They said, 'No way. We signed up for the core program in Afghanistan—pre-approved for operations against high-value terrorist targets—and now you want to use it for cabdrivers, brothers-in-law, and people pulled off the streets'"—the sort of prisoners who populate the Iraqi jails. "The C.I.A.'s legal people objected," and the agency ended its SAP involvement in Abu Ghraib, the former official said.

The C.I.A.'s complaints were echoed throughout the intelligence community. There was fear that the situation at Abu Ghraib would lead to the exposure of the secret SAP, and thereby bring an end to what had been, before Iraq, a valuable cover operation. "This was stupidity," a government consultant told me. "You're taking a program that was operating in the chaos of Afghanistan against Al Qaeda, a stateless terror group, and bringing it into a structured, traditional war zone. Sooner or later, the commandos would bump into the legal and moral procedures of a conventional war with an Army of a hundred and thirty-five thousand soldiers."

The former senior intelligence official blamed hubris for the Abu Ghraib disaster. "There's nothing more exhilarating for a pissant Pentagon civilian than dealing with an important national security issue without dealing with military planners, who are always worried about risk," he told me. "What could be more boring than needing the cooperation of logistical planners?" The only difficulty, the former official added, is that, "as soon as you enlarge the secret program beyond the oversight capability of experienced people, you lose control. We've never had a case where a special-access program went sour—and this goes back to the Cold War."

In a separate interview, a Pentagon consultant, who spent much of his career directly involved with special-access programs, spread the blame. "The White House subcontracted this to the Pentagon, and the Pentagon subcontracted it to Cambone," he said. "This is Cambone's deal, but Rumsfeld and Myers approved the program." When it came to the interrogation operation at Abu Ghraib, he said, Rumsfeld left the details to Cambone. Rumsfeld may not be personally culpable, the consultant added, "but he's responsible for the checks and balances. The issue is that, since 9/11, we've changed the rules on how we deal with terrorism, and created conditions where the ends justify the means."

Last week, statements made by one of the seven accused M.P.s, Specialist Jeremy Sivits, who is expected to plead guilty, were released. In them, he claimed that senior commanders in his unit would have stopped the abuse had they witnessed it. One of the questions that will be explored at any trial, however, it why a group of Army Reserve military policemen, most of them from small towns, tormented their prisoners as they did, in a manner that was especially humiliating for Iraqi men.

The notion that Arabs are particularly vulnerable to sexual humiliation became a talking point among pro-war Washington conservatives in the months before the March, 2003, invasion of Iraq. One book that was frequently cited was "The Arab Mind," a study of Arab culture and psychology, first published in 1973, by Raphael Patai, a cultural anthropologist who taught at, among other universities, Columbia and Princeton, and who died in 1996. The book includes a twenty-five-page chapter on Arabs and sex, depicting sex as a taboo vested with shame and repression. "The segregation of the sexes, the veiling of the women . . . and all the other minute rules that govern and restrict contact between men and women, have the effect of making sex a prime mental preoccupation in the Arab world," Patai wrote. Homosexual activity, "or any indication of homosexual leanings, as with all other expressions of sexuality, is never given any publicity. These are private affairs and remain in private." The Patai book, an academic told me, was "the bible of the neocons on Arab behavior." In their discussions, he said, two themes emerged—"one, that Arabs only understand force and, two, that the biggest weakness of Arabs is shame and humiliation."

The government consultant said that there may have been a serious goal, in the beginning, behind the sexual humiliation and the posed photographs. It was thought that some prisoners would do anything—including spying on their associates—to avoid dissemination of the shameful photos to family and friends. The government consultant said, "I was told that the purpose of the photographs was to create an army of informants, people you could insert back in the population." The idea was that they would be motivated by fear of exposure, and gather information about pending insurgency action, the consultant said. If so, it wasn't effective; the insurgency continued to grow.

"This shit has been brewing for months," the Pentagon consultant who has dealt with

SAPs told me. "You don't keep prisoners naked in their cell and then let them get bitten by dogs. This is sick." The consultant explained that he and his colleagues, all of whom had served for years on active duty in the military, had been appalled by the misuse of Army guard dogs inside Abu Ghraib. "We don't raise kids to do things like that. When you go after Mullah Omar, that's one thing. But when you give the authority to kids who don't know the rules, that's another."

In 2003, Rumsfeld's apparent disregard for the requirements of the Geneva Conventions while carrying out the war on terror had led a group of senior military legal officers from the Judge Advocate General's (JAG) Corps to pay two surprise visits within five months to Scott Horton, who was then chairman of the New York City Bar Association's Committee on International Human Rights. "They wanted us to challenge the Bush Administration about its standards for detentions and interrogation," Horton told me. "They were urging us to get involved and speak in a very loud voice. It came pretty much out the blue. The message was that conditions are ripe for abuse, and it's going to occur." The military officials were most alarmed about the growing use of civilian contractors in the interrogation process, Horton recalled. "They said there was an atmosphere of legal ambiguity being created as a result of a policy decision at the highest levels in the Pentagon. The JAG officers were being cut out of the policy formulation process." They told him that, with the war on terror, a fifty-year history of exemplary application of the Geneva Conventions had come to an end.

The abuses at Abu Ghraib were exposed on January 13th, when Joseph Darby, a young military policeman assigned to Abu Gharib, reported the wrongdoing to the Army's Criminal Investigations Division. He also turned over a CD full of photographs. Within three days, a report made its way to Donald Rumsfeld, who informed President Bush.

The inquiry presented a dilemma for the Pentagon. The C.I.D. had to be allowed to continue, the former intelligence official said. "You can't cover it up. You have to prosecute these guys for being off the reservation. But how do you prosecute them when they were covered by the special-access program? So you hope that maybe it'll go away." The Pentagon's attitude last January, he said, was "Somebody got caught with some photos. What's the big deal? Take care of it." Rumsfeld's explanation to the White House, the official added, was reassuring. "We've got a glitch in the program. We'll prosecute it.' The cover story was that some kids got out of control."

In their testimony before Congress last week, Rumsfeld and Cambone struggled to convince the legislators that Miller's visit to Baghdad in late August had nothing to do with the subsequent abuse. Cambone sought to assure the Senate Armed Services Committee that the interplay between Miller and Lieutenant General Ricardo Sanchez, the top U.S. commander in Iraq, had only a casual connection to his office. Miller's recommendations, Cambone said, were made to Sanchez. His own role, he said, was mainly to insure that the "flow of intelligence back to the commands" was "efficient and effective." He added that Miller's goal was "to provide a safe, secure and humane environment that supports the expeditious collection of intelligence."

It was a hard sell. Senator Hillary Clinton, Democrat of New York, posed the essential question facing the senators:

If, indeed General Miller was sent from Guantánamo to Iraq for the purpose of acquiring more actionable intelligence from detainees, then it is fair to conclude that the actions that are at point here in you report [on abuses at Abu Ghraib] are in some way connected to General Miller's arrival and his specific orders, however they were interpreted, by those MPs and the military intelligence that were involved. . . . Therefore, I for one don't believe I yet have adequate information from Mr. Cambone and the Defense Department as to exactly what General Miller's orders were . . . how he carried out those orders, and the connection between his arrival in the fall of '03 and the intensity of the abuses that occurred afterward.

Sometime before the Abu Ghraib abuses became public, the former intelligence official told me, Miller was "read in"—that is, briefed—on the special-access operation. In April, Miller returned to Baghdad to assume control of the Iraqi prisons; once the scandal hit, with its glaring headlines, General Sanchez presented him to the American and international media as the general who would clean up the Iraqi prison system and instill respect for the Geneva Conventions. "His job is to save what he can," the former official said. "He's there to protect the program while limiting any loss of core capability." As for Antonio Taguba, the former intelligence official added, "He goes into it not knowing shit. And then: "Holy cow! What's going on?

If General Miller had been summoned by Congress to testify, he, like Rumsfeld and Cambone, would not have been able to mention the special-access program. "If you give away the fact that a special-access program exists," the former intelligence official told me, "you blow the whole quick-reaction program."

One puzzling aspect of Rumsfeld's account of his initial reaction to news of the Abu Ghraib investigation was his lack of alarm and lack of curiosity. One factor may have been recent history: there had been many previous complaints of prisoner abuse from organizations like Human Rights Watch and the International Red Cross, and the Pentagon had weathered them with ease. Rumsfeld told the Senate Armed Services Committee that he had not been provided with details of alleged abuses until late March, when he read the specific charges. "You read it, as I say, it's-one thing. You see these photographs and it's just unbelievable. . . . It wasn't three-dimensional. It wasn't video. It wasn't color. it was quite a different thing." The former intelligence official said that in his view, Rumsfeld and other senior Pentagon officials had not studied the photographs because "they thought what was in there was permitted under the rules of engagement," as applied to the SAP. "The photos," he added, "turned out to be the result of the program run amok."

The former intelligence official made it clear that he was not alleging that Rumsfeld or General Myers knew that atrocities were committed. But, he said, "it was their permission granted to do the SAP, generically, and there was enough ambiguity, which permitted the abuses."

Thsi official went on, "The black guys"—those in the Pentagon's secret program—"say we've got to accept the prosecution. they're vaccinated from the reality." The SAP is still active, and "the United States is picking up guys for interrogation. The question is, how do they protect the quick-reaction force without blowing its cover?" The program was protected by the fact that no one on the outside was allowed to know of its existence. "If you even give a hint that you're aware of a black program that you're not read into, you lose your clearances," the former official said. "Nobody will talk. So the only people left to prosecute are those who are undefended—the poor kids at the end of the food chain."

The most vulnerable senior official is Cambone. "The Pentagon is trying now to protect Cambone, and doesn't know how to do it," the former intelligence official said.

Last week, the government consultant, who has close ties to many conservatives, defended the Administration's continued secrecy about the special-access program in Abu Ghraib.; "Why keep it black?" the consultant asked. "Because the process is unpleasant. It's like making sausage—you like the result but you don't want to know how it was made. Also, you don't want the Iraqi public, and the Arab world, to know. Remember, we went to Iraq to democratize the Middle East. The last thing you want to do is let the Arab world know how you treat Arab males in prison."

The former intelligence official told me he feared that one of the disastrous effects of the prison-abuse scandal would be the undermining of legitimate operations in the war on terror, which had already suffered from the draining of resources into Iraq. He portrayed Abu Ghraib as a "a tumor" on the war on terror. He said, "As long as it's benign and contained, the Pentagon can deal with the photo crisis without jeopardizing the secret program. As soon as it begins to grow, with nobody to diagnose it—it becomes a malignant tumor."

The Pentagon consultant made a similar point. Cambone and his superiors, the consultant said, "created the conditions that allowed transgressions to take place. And now we're going to end up with another Church Commission"—the 1975 Senate committee on intelligence, headed by Senator Frank Church, of Idaho, which investigated C.I.A. abuses during the previous two decades. Abu Ghraib had sent the message that the Pentagon leadership was unable to handle its discretionary power. "When the shit hits the fan, as it did on 9/11, how do you push the pedal?" the consultant asked. "You do it selectively and with intelligence."

"Congress is going to get to the bottom of this," the Pentagon consultant said. "You have to demonstrate that there are checks and balances in the system." He added, "When you live in a world of gray zones, you have to have very clear red lines.'"

Senator John McCain, of Arizona, said, "If this is true, it certainly increases the dimension of this issue and deserves significant scrutiny. I will do all possible to get to the bottom of this, and all other allegations."

"In an odd way," Kenneth Roth, the executive director of Human Rights Watch, said, "the sexual abuses at Abu Ghraib have become a diversion for the prisoner abuse and the violation of the Geneva Conventions that is authorized." Since September 11th, Roth added, the military has systematically used third-degree techniques around the world on detainees. "Some JAGS hate this and are horrified that the tolerance of mistreatment will come back and haunt us in the next war," Roth told me. "We're giving the world a ready-made excuse to ignore the Geneva Conventions. Rumsfeld has lowered the bar."

Mr. ABERCROMBIE. Mr. Speaker, would the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, the gentleman from Michigan gave a quote there concerning the briefing of Congress. Could the gentleman read that again and attribute where the source of that comment was? Was that an observation or was that a direct quote from someone? Perhaps he can read that text.

Mr. CONYERS. No. This was from the author of the article, Seymour Hersh, the part that determined that the existence of a program was to avoid traceability, to have no budget that was reportable. So we did not have anything to even oversight, and then also that they could avoid congressional scrutiny and a requirement or obligation for being briefed to Congress.

Mr. ABERCROMBIE. So we can make absolutely sure, this is Mr. Hersh reporting what information was coming to him, that that was the intent of this approach; is that correct?

Mr. CONYERS. Yes, but what I am trying to do is give us the basis of why there ought to be an investigation. I wish I could vet all of these statements, assertions, and I have as many questions as the gentleman probably does.

The problem is that we are now confronted with taking a few reservists and throwing them into a court-martial situation, when clearly this problem that has been exposed started with more than a few privates and corporals and sergeants, determining how they were going to commit these abuses; that this was sanctioned. This was planned, and I repeat again, the President was informed of the existence of the program, a former intelligence official talking to Seymour Hersh said.

This is an award-winning writer on the American government scene for many years. I need to know more, but I am certainly not going to walk away from this highly complex information that has been presented to us.

Mr. HOEFFEL. Mr. Speaker, would the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Pennsylvania.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for bringing the Seymour Hersh article to the attention of the House today. I read that this afternoon, and I agree with my colleague, the impact of that article clearly is this was a planned special operation that did not originate with the privates and the sergeants but at the highest levels of the Bush administration.

But the question I wanted to ask my colleague, what I got out of the article was that not only was this a very clear attempt, if the article is accurate, by the Bush administration to set up an intelligence-gathering mechanism and operation that would be free and clear of any congressional oversight, but that they were taking these procedures and methods from Afghanistan, where we were clearly fighting terrorists and had terrorists in custody, and were interrogating terrorists and where we had announced, rightly or wrongly, that the Geneva Conventions would not apply. Then we were taking these methods and procedures to a more traditional war zone in Iraq and applying them to the detainees in the Iraqi prisons, notably Abu Ghraib, where the detainees were a bunch of people off the street, street criminals, rock throwers, hoodlums, maybe some terrorists, but certainly a wide number of just disaffected Iraqis who got swept up by the police and by the Army in an urban setting that was a traditional war zone. Yet, here the American operation was using these same interrogation approaches that we have been using against known terrorists in a lawless situation in Afghanistan.

This seems to me to be the root of the problem. First off, there is clear accountability to the very top of the Defense Department and the White House, and every time those gentlemen talk about just a few bad apples, it sets my hackles on edge because clearly they are trying to avoid accountability and responsibility.

The fundamental error they made was, in my judgment, taking this from a terror interrogation into interrogation of street criminals and routine suspects that have so badly backfired on our image in Iraq.

So I wonder, does the gentleman read the article the same way as I do?

Mr. CONYERS. I do, because they said they were taking people walking off the streets, taxi drivers, in-laws of somebody who may be more seriously implicated, and that they were bringing in an expert from Guantanamo. They do not make them enemy combatants so that these folks have no rights under the Geneva Conventions whatsoever, and the whole thing reads like an absolute nightmare. They are naming names and they are naming strategies. This so-called, what do we call it, the secret access program.

Mr. HOEFFEL. Very aptly known as SAP, S-A-P.

Mr. DELAHUNT. Mr. Speaker, reclaiming my time for a moment, because I know we are joined by our friend, the gentleman from Washington (Mr. INSLEE), and again, I think we are coming back to an issue that has to be discussed here, and that is an issue of competence.

There is nobody in this chamber that is not committed to making every effort, every responsible effort to end the threat of terrorism, not just against the United States but all over the globe. What I think the world has concluded, as most Americans have concluded, is that the information that was provided to this administration indicating that there was weapons of mass destruction in Iraq and that there were linkages between Saddam Hussein and al Qaeda were absolutely false, absolutely false.

What we have learned is that much of this information was provided by an exiled group called the Iraqi National Congress, headed by this particular gentleman here with the sunglasses on whose name is Ahmed Chalabi, who for years was working to return to Iraq.

Mr. Chalabi is an interesting and controversial figure, of course, because during his exile he lived for a time in Jordan, and while he was there, he was charged with and accused and convicted of the crime of embezzlement in the amount of some $30 million. He was sentenced to a term of 22 years in prison. Somehow during his exile he became friendly with or developed relationships with Richard Pearl, who formerly served on the Defense Advisory Board, with the Vice President Mr. CHENEY, and with others in the so-called neo-conservative movement.

□ 2230

And they believed what he had to say. And it has been proven to be false.

And I thought what was particularly interesting was that this past weekend our Secretary of State, Colin Powell, made a statement, I think it was on "Meet the Press," that he now believes, and I am reading again from the New York Times dated today, that "he now believes that the Central Intelligence Agency was deliberately misled about evidence that Saddam Hussein was developing unconventional weapons."

Now, stop for a moment to think of this, that the Secretary of State, who made the presentation before the world at the United Nations, who built the case for this White House and for this President, now indicates that he was or the CIA was misled. The report goes on, "He hinted at widespread reports," this is Secretary Powell, "of fabrications by an engineer who provided much of the critical information about the so-called bioweapons labs. Intelligence officials have since found that the engineer was linked to the Iraqi National Congress, an exiled group that was pressing President Bush to unseat Mr. Hussein." This is a quote by the Secretary of State. "It turned out that the sourcing was inaccurate and wrong and, in some cases, deliberately misleading," Mr. Powell said in an interview broadcast from Jordan, "and for that I am disappointed and I regret it."

Mr. INSLEE. Mr. Speaker, if the gentleman will yield.

Mr. DELAHUNT. I yield.

Mr. INSLEE. Mr. Speaker, my constituents are tired of being suckered with false information that both precipitated and continue this war in Iraq, and they want some accountability of what happened with such a massive amount of misinformation given to the American people leading up to this war. They want accountability, and they deserve accountability.

We offered today an amendment to the defense authorizations bill to be considered this week that will give Americans some accountability on the source of this information, of Mr. Chalabi's rogue group, this alleged Iraqi National Congress. And there is nothing congressional about it. It is a bunch of folks that want to go back in and run Iraq and who convinced the neoconservatives who are behind this war that we would all be greeted with rose petals because Mr. Chalabi would be seen as the great savior of Iraq.

This great fantasy was bought hook, line and sinker by the President of the United States and the administration, and it was a fraud. And it is time for the American taxpayers to have accountability here.

Now, what I am told, and I want to make sure it is true, but I am told taxpayers are still paying this group, this group that gave us, apparently willfully, or potentially willfully, false information leading to this war. We are still paying $350,000 a month for their great services in Iraq. What did this group do for the American people? It got us into a war based on false administration they gave to the administration. The administration was all too happy to accept that there were weapons of mass destruction there; that there was a connection to 9-11 and that they would be greeted as liberators, the three legs of this stool, all of which were false. And we are still paying these people.

So we will offer an amendment, hopefully tomorrow it will be allowed, I hope the majority will allow it to be considered, which will cut that money off, assuming the things I have suggested are true; and I believe they are. So we need some accountability here of this group. We cannot continue it.

And I want to make sure people understand how dire this is and how hoodwinked this administration was. And, frankly, I think they were patsies for this group. We paid millions of dollars very shortly after the Iraqi Army collapsed to fly into Iraq, I am told like some 800 or 900 of the cohorts and the coconspirators, if I can use the pejorative term that I think is appropriate here, of Mr. Chalabi's. We flew them into Baghdad, and it was going to be the sort of great saviors flying in that would be the recipient of all these rose petals and would quickly reestablish them as the functioning government of Iraq.

Surprise. They were not really welcomed with open arms in Baghdad. Totally failed. Wasted our millions of dollars, and they are still taking money from the taxpayers. Now, here is one mistake, at least one mistake the administration ought to own up to and fix so we do not continue pouring money down a rat hole in Iraq with the Iraqi National Congress, which has not helped us one wit.

Because, frankly, what Iraq needs is a real congress which is elected by the Iraqi people. These guys who are under indictment in Jordan, you cannot parachute him in and expect him to be welcomed as the savior of Iraq.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman will yield on that point.

Mr. INSLEE. Let me say one more thing. We need elections sooner rather than later in Iraq to vest them with their own destiny, and I will offer an amendment to do that as well.

I yield to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, on that point, perhaps one of my esteemed colleagues could enlighten me as to the status of Mr. Chalabi and his brethren with respect to the sovereignty issue that is supposed to come to full fruition on June 30. I am unable to determine from my inquiries as to exactly where the United Nations representative, Mr. Chalabi, and Mr. Bremer cross paths.

And to the degree or extent that they are in contact with one another, let alone in league with one another, exactly what the elements of that sovereignty will be with respect to this Iraqi governing council and Mr. Chalabi. Do any of my colleagues have any information on that or is everybody as much in the dark as I believe the American people and the Iraqi people are?

Mr. DELAHUNT. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Well, I was just going to say that we have as much of a clue as the American officials in Iraq have, which is no clue at all. I do not think anybody has any idea what is going to happen on June 30.

Mr. ABERCROMBIE. Well, Mr. Speaker, may I ask the gentleman to take the time back on that point?

Mr. HOEFFEL. Sure.

Mr. ABERCROMBIE. I, unfortunately, believe that we probably have a pretty good idea what is going to happen at that point. I believe that the American Armed Forces will be set adrift on a desert sea of anxiety, insecurity, and ineptitude.

The gentleman from Massachusetts (Mr. DELAHUNT) has characterized the present situation with respect to our policy as one of rampant incompetence, but I think that it is unfortunately all too safe to say that that will manifest itself on June 30 with an utter incapacity to discern even momentarily what the military mission of the United States Armed Forces will be at that point, other than to try to survive the day, survive the week, survive the month, survive any stop-loss that the Secretary of Defense might impose on the troops there and then get home.

Mr. Speaker, I yield back to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Well, Mr. Speaker, I do not think we have the answers. But, again, let me go back to this issue of competence, because the President of the United States described the Secretary of Defense as a superb leader. I reject that description. I reject that description out of hand. One only has to see example after example, such as the relationship, and not just a single incident, with Mr. Chalabi. Clearly, the Kingdom of Jordan, which has been a steadfast ally of the United States, was insulted by the appointment of this individual, who is a convicted felon, to the Iraqi Governing Council.

King Abdulla of Jordan was here. I and several other members of the Committee on International Relations, I believe I was joined by my colleague here tonight, the gentleman from Pennsylvania (Mr. HOEFFEL), at a luncheon when I posed the question to the King, and congratulated him, by the way, for moving towards the democratization, if you will, of Jordan, whether he was ever consulted by Secretary Rumsfeld or by the President about the appointment of Mr. Chalabi. And he said, no, he was not even consulted. Yet here is an individual who established a bank, one of the largest banks in Jordan, then embezzled, according to the conviction, millions of dollars, causing the bank to collapse; and he then escaped from Jordan.

When asked just recently about Ahmed Chalabi potentially becoming the prime minister in the interim government, what King Abdulla said was, "He was not the ideal choice." I daresay that was extremely diplomatic.

But at the same time let me go and quote another individual who has earned the respect of Members of this body and the American people, David Kay. Remember David Kay? He was assigned the task by this President, by this Secretary of Defense to go find the weapons of mass destruction; and he came back and said there are no weapons of mass destruction, Mr. President, and testified before the United States Senate that we were all wrong. We were all wrong.

But, of course, this White House, Mr. Bush and Mr. CHENEY and Mr. Rumsfeld cannot acknowledge that they were wrong. They were wrong about the weapons of mass destruction. They were wrong about the links between al Qaeda and Saddam Hussein. And now we find ourselves in a quagmire.

But this is what Mr. Kay had to say, who, by the way, was one of the most hawkish members of the United Nations monitors that went out and that was part of that inspection team, and who actually supported the war. But here is what he had to say. He now believes the Western countries' intelligence agencies got it wrong for two reasons. He is referring to the weapons of mass destruction. First, they were manipulated by Ahmed Chalabi and other dissidents whose central interest was ousting Saddam.

Just mentioning the name of the Iraqi National Congress leader makes Kay laugh. There is a guy who is so transparent. Chalabi asked me once, and again this is Mr. Kay speaking, why are you so concerned about the weapons of mass destruction? No one cares about weapons of mass destruction. And when asked by Tom Brokaw was he embarrassed, no, his response was, we are heroes in error.

Well that error has cost the American taxpayers hundreds of billions of dollars, the lives of American young men and women, and the loss of American moral authority and prestige in the war. Mr. Chalabi, that is disgraceful. That is disgraceful.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman will yield.

Mr. DELAHUNT. I yield to the gentleman.

Mr. ABERCROMBIE. Perhaps it would be useful for us to note at this point that Mr. Chalabi does not occupy his position as a result of unilateral action on his part. Mr. Chalabi occupies this position because of the overt policies of this administration. The reason he is there, the reason that we are unable at this stage, at this stage, just prior to June 30, to say exactly what his position will be in the future is because he continues to receive the favor of this administration. He is there because Mr. Bush saw that he went there. He is there because he is supported to this day, to this moment by this administration.

Everything that has been said concerning him this evening is true. It is factual. It is contextual. We understand the meaning of what he said when he said we were heroes in error. And I happened to see that announcement; and let me tell my colleagues the words do not convey the sense of triumph, the sense of disdain, the condescending attitude or sense of his countenance when he pronounced those words. He was pleased with himself that he had been able to mislead the administration and that he was getting away with it.

It is one thing to deliberately mislead someone. They may not know what was going on. They may not know what happened. Maybe they should have known. Maybe they should have been paying more attention in the administration, but to give them the widest benefit of a doubt, perhaps they did not. But once someone announces to your face that you have been misled, and deliberately so, to continue to receive the favor of the person who made the appointment and allows it to continue, tells more about the person who does the appointing and ostensibly holds the power than it does about Mr. Chalabi.

□ 2245

Mr. DELAHUNT. Mr. Speaker, it can be summed up in one word, incompetence, and a lack of leadership and an inability to wage a war against terrorism that will succeed.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, just over a year ago at one of our first Iraq Watches, I recounted a visit that Mr. Chalabi paid to my office, as I think he did to most members of the Committee on International Relations in October 2002, just before the vote here in the House on the war authority on Iraq.

I talked to Mr. Chalabi for 10 or 15 minutes. He had an aide with him, and my chief of staff was with me. They left, and I turned to my aide and I said, That is the kind of man that my grandfather would have called a four-flusher. I do not think I have used that term since my grandfather died in the 1980s. I am not quite sure what it means. I think it must come from poker where a player has four cards for a flush, does not have the fifth, and you are all hot air and cannot be trusted and you are just a spin doctor.

That is exactly the impression that I got from Ahmed Chalabi that day, that he was spinning. He was spinning me, he was spinning the Congress, he was not a man of substance and not someone we should trust.

The sad fact is, as my colleagues have said here tonight, the administration trusted him. Paul Wolfowitz trusted him, Doug Faith, Donald Rumsfeld trusted him, and because those individuals trusted him, our President trusted him; and he is not worthy of our trust. As a matter of fact, I think we need to talk about all of this talk about resignations in the Department of Defense. I do not think we should allow those civilian authorities in the DOD the luxury of resigning. The President ought to fire them. He ought to fire Rumsfeld and Faith for the bad advice they have given him, for believing in people like Chalabi, for the lack of planning in Iraq, for sending troops over there without enough numbers, without the armored vehicles to keep them safe.

The failures of leadership in the Department of Defense are so great, including believing Chalabi, that the civilian leadership ought to go. While the President is at it, he ought to get rid of George Tenet for the bad intelligence regarding the failure of the weapons of mass destruction intelligence.

The only person that ought to resign in the administration is Colin Powell, because his advice is not being listened to, but that is another matter.

Mr. INSLEE. Mr. Speaker, I think the gentleman has put his finger on what we ought to call the Chalabi principle in the Bush administration. The Chalabi principle is this: If you tell the truth, you get fired by the President. If you tell a falsehood, you get promoted and praised.

That is a pretty strong statement, but let us look at the facts. General Shinseki told the truth. He said we are going to need several hundred thousand troops to prevent massive looting and anarchy after the army collapses, and it was true; so they canned him. General Zinni said the same thing; he gracefully was allowed to retire. Joe Wilson told the truth and pointed out that the President told a significant falsehood to the American people and Congress in the State of the Union address, asserting that Iraq was getting uranium to build a nuclear weapon. He told the truth and so the President's people punished Mr. Wilson's wife by outing her CIA employment, which should be a Federal crime.

So if you tell the truth in the Bush administration, you can canned, punished, and your wife's career gets destroyed. But if you tell a falsehood, like Mr. Chalabi's outfit who gave us repeated misinformation, according to the Secretary of State, you get praised, you get the President trying to get you an in in the new government in Iraq, and you get $350,000 a month of taxpayers' money, together with the millions of dollars we spent trying to parachute them into Baghdad to form a new government, which was an abject failure, you are praised.

If you are Paul Wolfowitz, who told the Congress that oil revenues would pay for this and we would be greeted with rose petals, you are praised by the President.

And if you are the Defense Secretary, if you are wrong about WMD, wrong about the connection with 9/11, wrong about the number of troops we need, and wrong about not having armor and how we are going to pay for it and how much it is going to cost, if you are wrong about not having early elections, the Vice President says you are the best Secretary of Defense America has ever had. This is the Chalabi principle. We need to break this.

This is one of the things wrong with our Iraqi policy. The people telling the truth are not listened to, and the people fouling up get promoted. That needs to change.

Mr. DELAHUNT. Mr. Speaker, what is interesting is that David Kay, highly respected, the man that was charged by this President, it did not take him too long to conclude that Mr. Chalabi was transparent, a manipulator, a con man, if you will.

In addition to all that the gentleman has said, do my colleagues remember when the President of the United States delivered the State of the Union address this year, in January of 2004, who was sitting up right there in the gallery in the Bush family box? Does the gentleman remember?

Mr. HOEFFEL. I remember. It was Mr. Chalabi.

Mr. DELAHUNT. It boggles the mind, it is such rank incompetence, it is such an inability to see reality, to be fooled. It is not incompetence, it is gross negligence. In some other forum it might almost be funny, but here it is so tragic because it is not just about this President and this Vice President, but it is about war and peace and the American people and how we are viewed in the world, and it is the blood of our children, and it is mortgaging our future.

We should walk away from Mr. Chalabi now and begin to restore the confidence of the world in our ability to match reality and our dreams and aspirations.

Mr. ABERCROMBIE. Mr. Speaker, I would suggest that these discussions that we have held and are holding weekly on the floor here are meant to communicate with our colleagues and with the American people. This is our forum to do it. I think those who may be observing our proceedings here today need to take up, if they believe what we have said tonight, the cause of having Mr. Bush remove his support from Mr. Chalabi.

I think people across the country have to ask their representatives, as well as communicate with the White House. They have to ask their Representatives and Senators, do you support this Chalabi administration and the Iraqi Governing Council? Do you support Mr. Chalabi being a part of this sovereignty movement after June 30? If you do, there have to be serious questions about your competence to be holding office and acting on our behalf.

This is a question that needs to be asked. Americans need not feel impotent, they need not feel they are merely observers of what other people are doing to you and doing to this country. You can demand of your elected Representatives and Senators, where do you stand on this Chalabi issue?

It is not a matter of getting an individual, I am sure we all agree. He is representative of a failure of leadership. His position in the Iraqi Governing Council is an insult to those people who have been wounded and who have been killed during this war. It is an insult to those of us who uphold genuine ideas about freedom and democracy and their spread. So long as this man is there, being the official representative of the United States to the Iraqi Governing Council, to that same degree will we be disenabled from achieving any of these goals, regardless of how one feels about going to war in Iraq or not.

This is what needs to be done. You have to demand of your representatives, where do you stand on this issue of his continued presence as being officially supported by the United States of America?

Mr. DELAHUNT. Let me reclaim my time for a moment. I think it is important for Americans to understand that during the course of this week, we will be debating a bill that is described as the defense reauthorization bill. It is our purpose collectively as members of this informal group that came to being as a result of the gentleman from Pennsylvania's brainstorm almost a year ago now, this informal group is going to make every single effort to eliminate the funding and the authority for the funding for the Iraqi National Congress that is receiving some $4 million a year, as the gentleman indicates. For what, we do not know. For bad information, for self-aggrandizement, for certainly not the best interests of the United States.

We again, as the gentleman suggests, recommend that anyone who is interested in this issue, that shares our concern and our belief that this is very much a linchpin to beginning to restore our international respect and support, to contact their Senators and their Representatives to assist in this effort, to read about, not just listen to our comments, but to become engaged, educate themselves as to the role of this individual in the course of the past several years and the consequences to the United States simply because there were people in this administration, so-called neoconservatives that were looking for a reason to go to war in Iraq long before our national tragedy of September 11.

Mr. ABERCROMBIE. This is why it is so important, and I want to make sure everyone understands. We can do this. We do have a bill coming up this week, and if we are able to get on the agenda on the floor, we can stop the support for this group. It is fundamental to advancing the genuine interests of the United States and reestablishing some semblance of a foundation on behalf of freedom that we stop Chalabi from being represented on the Governing Council, as having the support of the United States of America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. DEFAZIO (at the request of Ms. PELOSI) for today on account of official business in the district.

Ms. KILPATRICK (at the request of Ms. PELOSI) for today on account of personal business.

Ms. WOOLSEY (at the request of Ms. PELOSI) for today on account of medical reasons.

Mr. BACHUS (at the request of Mr. DELAY) for today on account of travel delay.

Mr. ENGLISH (at the request of Mr. DELAY) for today on account of travel delay.

Mr. LEACH (at the request of Mr. DELAY) for today and the balance of the week on account of leading an official United States delegation to Taiwan.

Mr. TAUZIN (at the request of Mr. DELAY) for today and the balance of the week on account of medical reasons.

Mr. TIAHRT (at the request of Mr. DELAY) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Mr. MEEKS of New York, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. AKIN) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today and May 18, 19, and 20.

Mr. HUNTER, for 5 minutes, today.

Mr. HENSARLING, for 5 minutes, May 19.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. PEARCE, for 5 minutes, May 19.

ADJOURNMENT

Mr. DELAHUNT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 18, 2004, at 9 a.m., for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the third quarter of 2003 and the first quarter of 2004, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Kay Granger	10/3	10/5	Canada		753.00						753.00
Commercial airfare							2,210.71				2,210.71
Hon. C.W. Bill Young	10/22	10/23	Spain		298.00		(3)				298.00
	10/23	10/28	Italy		614.00						614.00
David Jolly	10/22	10/23	Spain		298.00		(3)				298.00
	10/23	10/28	Italy		614.00		(3)				614.00
Hon. Jim Kolbe	11/8	11/10	Jordan (& Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Scott B. Gudes	11/8	11/10	Jordan (& Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
John Blazey	11/8	11/10	Jordan (& Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Hon. James P. Morgan	11/8	11/10	Jordan (& Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Hon. John E. Sweeney	11/8	11/10	Jordan (& Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Hon. Jo Ann Emerson	11/8	11/10	Jordan (& Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Hon. Dave Weldon	11/8	11/10	Jordan (& Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Hon. Charles H. Taylor	11/8	11/10	Jordan (& Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Hon. Tom Latham	11/8	11/10	Jordan (& Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Hon. Patrick J. Kennedy	11/8	11/10	Jordan (& Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Hon. David E. Price	11/8	11/10	Jordan (& Iraq)		476.00						476.00
	11/10	11/11	Syria		262.75						262.75
	11/11	11/12	Germany		241.00						241.00
Hon. David Hobson	11/15	11/17	Kuwait		804.00						804.00
Hon. Robert Aderholt	11/15	11/17	Kuwait		804.00						804.00
Hon. Steny Hoyer	11/15	11/17	Kuwait		804.00						804.00
Brian Potts	11/15	11/17	Kuwait		804.00						804.00
Sarah Young	11/13	11/16	Germany		300.00						300.00
	11/16	11/18	Italy		1,000.00						1,000.00
Commercial airfare							4,946.28				4,946.28
Hon. Frank Wolf	12/3	12/7	Jordan (& Iraq)		916.00						916.00
Commercial Transportation							6,945.52				6,945.52
John Shank	11/30	12/2	United Kingdom		842.00						842.00
	12/2	12/4	Bulgaria		530.00						530.00
	12/4	12/7	Italy		1,383.00						1,383.00
Commercial airfare							6,131.37				6,131.37
Beverly Aimaro Pheto	11/30	12/2	Hong Kong		822.00						822.00
	12/2	12/4	Thailand		456.00						456.00
	12/4	12/6	Singapore		512.00						512.00
Commercial airfare							7,311.93				7,311.93
Elizabeth A. Phillips	12/3	12/10	Italy		2,100.00						2,100.00
									681.81		681.81
Commercial airfare							5,796.22				5,796.22
Hon. Dave Weldon	11/30	12/2	Zambia		690.00						690.00
	12/2	12/3	Rwanda		201.00						201.00
	12/3	12/4	Kenya		295.00						295.00
Commercial Transportation							8,781.06				8,781.06
John Blazey	12/8	12/18	India		2,488.00						2,488.00
Commerical airfare							9,410.00				9,410.00
Hon. Jack Kingston	12/11	12/13	Kuwait (& Iraq)		804.00						804.00
	12/14	12/14	Germany		191.00						191.00
Committee total					31,080.00		51,533.09		681.81		83,294.90

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

BILL YOUNG, Chairman, May 13, 2004.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 5 AND DEC. 17, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mark Foley	12/5	12/7	Italy		872.00		3,612.41				4,484.41
Committee total											4,484.41

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL THOMAS, Chairman, Apr. 30, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. CHRIS CONNELLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 2 AND APR. 9, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Chris Connelly	4/3	4/6	Ireland		1,377.00						1,377.00
	4/6	4/9	Hungary	157,162.00	762.00						762.00
Committee total					2,139.00						2,139.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRIS CONNELLY, Apr. 26, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. ANDREW J. KEISER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 2 AND APR. 9, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Andrew J. Keiser	4/3	4/4	Qatar		148.00						148.00
	4/4	4/7	Jordan		714.00						714.00
	4/7	4/9	Hungary		508.00						508.00
Committee total					1,370.00						1,370.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ANDREW J. KEISER, Apr. 30, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. THOMAS G. DUNCAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 18 AND APR. 23, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Thomas G. Duncan	4/18	4/23	Mexico		1,690.00		2,300.19				3,990.19
Committee total					1,690.00		2,300.19				3,990.19

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

THOMAS G. DUNCAN, Apr. 29, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. FRED L. TURNER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 21 AND APR. 24, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Fred L. Turner	4/21	4/24	Denmark	DKK 5695.44	912.00					DKK 5695.44	912.00
Committee total					912.00						912.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FRED L. TURNER, Apr. 28, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE NATO PARLIAMENTARY ASSEMBLY MEETING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 13 AND FEB. 19, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Doug Bereuter	2/13	2/17	Belgium		1,660.00		(3)				
	2/17	2/19	France		920.00		[4]140.65				2,720.65
Hon. John Boozman	2/13	2/17	Belgium		1,660.00		(3)				
	2/17	2/19	France		920.00		(3)				2,580.00
Hon. Jo Ann Emerson	2/13	2/17	Belgium		1,660.00		(3)				
	2/17	2/19	France		920.00		(3)				2,580.00
Hon. Paul Gillmor	2/13	2/17	Belgium		1,660.00		(3)				
	2/17	2/19	France		920.00		(3)				2,580.00
Hon. Joel Hefley	2/13	2/17	Belgium		1,660.00		(3)				
	2/17	2/18	Germany		211.00		(3)				
	2/18	2/19	France		460.00		(3)				2,331.00
Hon. Peter King	2/13	2/17	Belgium		1,660.00		(3)				
	2/17	2/19	France		920.00		(3)				2,580.00
Hon. Dennis Moore	2/13	2/17	Belgium		1,660.00		(3)				
	2/17	2/19	France		920.00		(3)				2,580.00
Hon. John Tanner	2/13	2/17	Belgium		1,660.00		(3)				
	2/17	2/19	France		920.00		(3)				2,580.00
Hon. Ellen Tauscher	2/13	2/17	Belgium		1,660.00		(3)				
	2/17	2/19	France		920.00		(3)				2,580.00
Robin Evans	2/13	2/17	Belgium		1,660.00		(5)				
	2/17	2/19	France		920.00		2,989.37				5,569.37
Charles Johnson	2/13	2/17	Belgium		1,660.00		(5)				
	2/17	2/19	France		920.00		2,989.37				5,569.37
John Lis	2/13	2/17	Belgium		1,660.00		(5)				
	2/17	2/19	France		920.00		2,989.37				5,569.37

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE NATO PARLIAMENTARY ASSEMBLY MEETING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 13 AND FEB. 19, 2004—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Vince Morelli	2/14	2/17	Belgium		1,245.00						
	2/17	2/19	France		920.00		[6] 5,767.07				7,932.07
Susan Olson	2/13	2/17	Belgium		1,930.00						
	2/17	2/19	France		920.00		[6] 5,767.07				8,617.07
Marilyn Owen	2/13	2/17	Belgium		1,660.00		(5)				
	2/17	2/19	France		920.00		2,989.37				5,569.37
Mark Wellman	2/14	2/17	Belgium		1,245.00						
	2/17	2/19	France		920.00		[6] 5,767.07				7,932.07
Delegation Expenses:											
Representational Functions									5,044.44		5,044.44
Miscellaneous									286.74		286.74
Committee total					40,471.00		29,399.34		5,331.18		75,201.52

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] By train.
[5] Military and commercial air transportation.
[6] Commercial air transportation.

DOUGLAS BEREUTER, Apr. 22, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Bob Goodlatte	2/14	2/17	Denmark		939.00	(3)					939.00
	2/17	2/19	Ireland		962.00	(3)					962.00
	2/19	2/21	Norway		672.00	(3)					672.00
Hon. Frank Lucas	1/13	1/14	Marshall Islands		225.00	(3)					225.00
	1/14	1/15	Micronesia		325.00	(3)					325.00
Hon. Steve King	2/14	2/17	Denmark		939.00	(3)					939.00
	2/17	2/19	Ireland		962.00		1,104.80				2,066.80
Hon. Gil Gutknecht	2/15	2/16	Hungary		508.00		5,807.87				6,315.87
	2/17	2/18	Albania		603.00						603.80
	2/18	2/22	Germany		1,488.00						1,488.00
Shelley Husband	2/14	2/17	Denmark		939.00	(3)					939.00
	2/17	2/19	Ireland		962.00	(3)					962.00
	2/19	2/21	Norway		672.00	(3)					672.00
Lynn Gallagher	2/14	2/17	Denmark		939.00	(3)					939.00
	2/17	2/19	Ireland		962.00	(3)					962.00
	2/19	2/21	Norway		672.00	(3)					672.00
Brent Gattis	2/14	2/17	Denmark		939.00	(3)					939.00
	2/17	2/19	Ireland		962.00	(3)					962.00
	2/19	2/21	Norway		672.00	(3)					672.00
Jason Vaillancoort	2/14	2/17	Denmark		939.00	(3)					939.00
	2/17	2/19	Ireland		962.00	(3)					962.00
	2/19	2/21	Norway		672.00	(3)					672.00
Laverne Hubert	2/14	2/17	Denmark		939.00	(3)					939.00
	2/17	2/19	Ireland		962.00	(3)					962.00
	2/19	2/21	Norway		672.00	(3)					672.00
Committee total					20,488.00		6,912.67				27,400.67

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BOB GOODLATTE, Chairman, Apr. 21, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Valerie L. Baldwin	1/5	1/6	Germany		250.00						250.00
	1/6	1/8	Italy		664.00						664.00
	1/8	1/9	Tunisia		211.00						211.00
	1/9	1/11	Italy		1,440.00						1,440.00
Commercial airfare							5,169.40				5,169.40
Dale Oak	1/5	1/6	Greece		284.00						284.00
	1/6	1/8	Italy		960.00						960.00
	1/8	1/9	Tunisia		211.00						211.00
	1/9	1/12	Italy		1,144.00						1,144.00
Commercial airfare							4,865.46				4,865.46
John Scofield	1/5	1/6	Greece		284.00						284.00
	1/6	1/8	Italy		960.00						960.00
	1/8	1/9	Tunisia		211.00						211.00
	1/9	1/12	Italy		1,144.00						1,144.00
Commercial airfare							4,865.46				4,865.46
Mark Murray	1/9	1/12	Uganda		850.00						850.00
	1/12	1/18	Congo		1,000.00						1,000.00
Commercial airfare							8,350.43				8,350.43
Christine R. Kojac	1/13	1/15	Thailand		579.00						579.00
	1/15	1/18	Cambodia		933.00						933.00
	1/18	1/19	Singapore		512.00						512.00
Commercial airfare							5,610.41				5,610.41
John Blazey	1/10	1/13	Vietnam		579.00						579.00
	1/13	1/15	Thailand		464.00						464.00
	1/15	1/18	Cambodia		933.00						933.00
	1/18	1/19	Singapore		256.00						256.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Commercial airfare							9,544.15				9,544.15
Hon. David L. Hobson	1/12	1/14	Kuwait		1,056.00						1,056.00
	1/14	1/15	Kyrgystan		183.00						183.00
	1/15	1/16	Italy		334.00		(3)				334.00
Hon. John P. Murtha	1/12	1/14	Kuwait		1,056.00						1,056.00
	1/14	1/15	Kyrgystan		183.00						183.00
	1/15	1/16	Italy		334.00		(3)				334.00
Scott Lilly	1/12	1/14	Kuwait		1,056.00						1,056.00
	1/14	1/15	Kyrgystan		183.00						183.00
	1/15	1/16	Italy		334.00		(3)				334.00
David Morrison	1/12	1/14	Kuwait		1,056.00						1,056.00
	1/14	1/15	Kyrgystan		183.00						183.00
	1/15	1/16	Italy		334.00		(3)				334.00
Jeff Ashford	1/22	1/25	Italy		1,307.00						1,307.00
	1/25	1/27	Bulgaria		455.50						455.50
									105.00		105.00
Commercial airfare							5,888.30				5,888.30
Tom McLemore	1/22	1/25	Italy		1,307.00						1,307.00
	1/25	1/27	Bulgaria		455.50						455.50
									56.00		56.00
Commercial airfare							5,888.30				5,888.30
Tammy Hughes	1/22	1/25	Italy		1,307.00						1,307.00
	1/25	1/27	Bulgaria		455.50						455.50
									20.00		20.00
Commercial airfare							5,888.30				5,888.30
Hon. Mark Kirk	1/9	1/11	Pakistan		426.00						426.00
	1/11	1/13	Afghanistan		120.00						120.00
	1/13	1/17	India		594.00						594.00
									414.22		414.22
Commercial airfare							8,291.77				8,291.77
Loretta Beaumont	1/15	1/22	Mexico		1,200.00						1,200.00
									153.52		153.52
Commercial airfare							1,722.06				1,722.06
Alice Hogans	1/28	1/30	Jamaica		659.00						659.00
Commercial airfare							1,147.33				1,147.33
Hon. Roger Wicker	2/15	2/20	South Africa		1,220.00						1,220.00
	2/20	2/24	Tanzania		1,024.00						1,024.00
Commercial airfare							9,051.43				9,051.43
Hon. Jim Kolbe	2/15	2/16	Atlanta, GA		127.17						127.17
	2/17	2/20	South Africa		684.00						684.00
	2/20	2/24	Tanzania		1,024.00						1,024.00
Commercial airfare							9,285.38				9,285.38
Hon. Nita M. Lowey	2/15	2/20	South Africa		1,220.00						1,220.00
	2/20	2/24	Tanzania		1,024.00						1,024.00
Commercial airfare							8,860.93				8,860.93
Mark Murray	2/15	2/20	South Africa		1,220.00						1,220.00
	2/20	2/24	Tanzania		1,024.00						1,024.00
Commercial airfare							9,051.43				9,051.43
Maureen Holohan	2/13	2/21	New Zealand		2,208.00						2,208.00
Commercial airfare							6,997.50				6,997.50
Hon. Jim Kolbe	2/6	2/8	Germany		808.00		(3)				808.00
Hon. Mike Ringler	2/18	2/22	Liberia		950.00						950.00
Commercial airfare							8,980.98				8,980.98
Hon. John E. Sweeney	2/12	2/14	Italy		400.00						400.00
	2/15	2/16	Jordan		476.00		(4)				476.00
Part Commercial airfare							851.10				851.10
Hon. Joe Knollenberg	2/14	2/18	France		1,832.00						1,832.00
Commercial airfare							7,130.57				7,130.57
Hon. James T. Walsh	2/14	2/17	Denmark		939.00						939.00
	2/17	2/19	Ireland		962.00						962.00
	2/19	2/21	Norway		672.00						672.00
Loretta Beaumont[5]	2/20	2/21	Costa Rica		186.87						186.87
									26.00		26.00
							37.50				37.50
Hon. C.W. Bill Young	3/12	3/16	Italy		673.00		(3)				673.00
Douglas Gregory	3/12	3/16	Italy		673.00		(3)				673.00
David Jolly	3/12	3/16	Italy		673.00		(3)				673.00
Hon. Joseph K. Knollenberg	3/19	3/20	Jordan		174.00						174.00
	3/20	3/22	Kuwait		666.00						666.00
	3/22	3/23	Germany		366.00		(3)				366.00
Hon. Chet Edwards	3/19	3/20	Jordan		174.00						174.00
	3/20	3/22	Kuwait		666.00						666.00
	3/22	3/23	Germany		366.00		(3)				366.00
Hon. Roger Wicker	3/19	3/20	Jordan		174.00						174.00
	3/20	3/22	Kuwait		666.00						666.00
	3/22	3/23	Germany		366.00		(3)				366.00
Carol Murphy	3/19	3/20	Jordan		174.00						174.00
	3/20	3/22	Kuwait		666.00						666.00
	3/22	3/23	Germany		366.00		(3)				366.00
Walter Hearne	3/19	3/20	Jordan		174.00						174.00
	3/20	3/22	Kuwait		666.00						666.00
	3/22	3/23	Germany		366.00		(3)				366.00
Valerie Baldwin	3/19	3/20	Jordan		174.00						174.00
	3/20	3/22	Kuwait		666.00						666.00
	3/22	3/23	Germany		366.00		(3)				366.00
Tom Forhan	3/19	3/20	Jordan		174.00						174.00
	3/20	3/22	Kuwait		666.00						666.00
	3/22	3/23	Germany		366.00		(3)				366.00
Total					56,909.54		127,477.79		774.74		185,162.07
Thomas K. Baker	2/29	3/2	Costa Rica		406.50		3,271.94		216.55		3,894.99
	3/2	3/4	Colombia		350.00						350.00
	3/4	3/6	Mexico		576.00						576.00
Carroll L. Hauver	2/29	3/2	Costa Rica		406.50		3,271.94		189.24		3,867.68
	3/2	3/4	Colombia		350.00						350.00
	3/4	3/6	Mexico		576.00						576.00
Robert H. Pearre, Jr	2/29	3/2	Costa Rica		434.75		2,739.50		210.06		3,384.31
	3/2	3/4	Colombia		393.75						393.75
Committee totals					3,493.50		9,283.38		615.85		13,392.73

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Part military air transportation.
[5] In country for non-government paid conference; expenses paid for Costa Rica by Department of Interior.

BILL YOUNG, Chairman, Apr. 28, 2004

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Israel and the United Kingdom, Jan. 5–10, 2004:											
Hon. Jim Saxton	1/5	1/8	Israel		1,092.00						1,092.00
	1/8	1/10	United Kingdom		874.00						874.00
Commercial airfare							7,546.59				7,546.59
Hon. Jo Ann Davis	1/5	1/8	Israel		1,092.00						1,092.00
	1/8	1/10	United Kingdom		874.00						874.00
Commercial airfare							7,546.59				7,546.59
Hon. Michael Turner	1/5	1/8	Israel		1,092.00						1,092.00
	1/8	1/10	United Kingdom		874.00						874.00
Commercial airfare							7,546.59				7,546.59
Hon. Jim Cooper	1/5	1/8	Israel		1,092.00						1,092.00
	1/8	1/10	United Kingdom		874.00						874.00
Commercial airfare							7,546.59				7,546.59
Thomas E. Hawley	1/5	1/8	Israel		1,092.00						1,092.00
	1/8	1/10	United Kingdom		874.00						874.00
Commercial airfare							7,546.59				7,546.59
William H. Natter	1/5	1/8	Israel		1,092.00						1,092.00
	1/8	1/10	United Kingdom		874.00						874.00
Commercial airfare							7,546.59				7,546.59
Visit to Russia, Jan. 10–17, 2004:											
Erin C. Conaton	1/10	1/17	Russia		1,700.00						1,700.00
Commercial airfare							5,712.50				5,712.50
Visit to Kuwait, Iraq, Kyrgyzstan and Italy with Codel Hobson, Jan. 12–16, 2004:											
Hon. John B. Larson	1/12	1/14	Kuwait		804.00						804.00
	1/13	1/13	Iraq (day trip)								
	1/14	1/15	Kyrgyzstan		235.00						235.00
	1/15	1/16	Italy		367.00						367.00
Visit to Jordan, Iraq and Germany, Jan. 15–18, 2004:											
Hon. James R. Langevin	1/15	1/17	Jordan		476.00						476.00
	1/16	1/16	Iraq (day trip)								
	1/17	1/18	Germany		67.45						67.45
Mr. Richard I. Stark	1/15	1/17	Jordan		476.00						476.00
	1/16	1/16	Iraq (day trip)								
	1/17	1/18	Germany		94.78						94.78
Mr. Dudley L. Tademy	1/15	1/17	Jordan		476.00						476.00
	1/16	1/16	Iraq (day trip)								
	1/17	1/18	Germany		94.78						94.78
Visit to Libya, Kuwait, Iraq, Pakistan, Uzbekistan and Germany, Jan. 25–31, 2004:											
Hon. Curt Weldon	1/25	1/26	Libya		72.00						72.00
	1/27	1/28	Kuwait		804.00						804.00
	1/27	1/28	Iraq (day trips)								
	1/29	1/29	Pakistan		263.00						263.00
	1/29	1/30	Uzbekistan								
	1/30	1/31	Germany		200.00						200.00
Hon. Solomon P. Ortiz	1/25	1/26	Libya		72.00						72.00
	1/27	1/28	Kuwait		804.00						804.00
	1/27	1/28	Iraq (day trips)								
	1/29	1/29	Pakistan		263.00						263.00
	1/29	1/30	Uzbekistan								
	1/30	1/31	Germany		200.00						200.00
Hon. Candice S. Miller	1/25	1/26	Libya		72.00						72.00
	1/27	1/28	Kuwait		804.00						804.00
	1/27	1/28	Iraq (day trips)								
	1/29	1/29	Pakistan		263.00						263.00
	1/29	1/30	Uzbekistan								
	1/30	1/31	Germany		200.00						200.00
Hon. Steve Israel	1/26	1/29	Kuwait		1,206.00						1,206.00
	1/27	1/28	Iraq (day trips)		804.00						804.00
Commercial airfare							5,192.27				5,192.27
Hon. Rodney Alexander	1/25	1/26	Libya		72.00						72.00
	1/27	1/28	Kuwait		804.00						804.00
	1/27	1/28	Iraq (day trips)								
	1/29	1/29	Pakistan		263.00						263.00
	1/29	1/30	Uzbekistan								
	1/30	1/31	Germany		200.00						200.00
Douglas C. Roach	1/25	1/26	Libya		72.00						72.00
	1/27	1/28	Kuwait		804.00						804.00
	1/27	1/28	Iraq (day trips)								
	1/29	1/29	Pakistan		263.00						263.00
	1/29	1/30	Uzbekistan								
	1/30	1/31	Germany		200.00						200.00
Harald O. Stavenas	1/25	1/26	Libya		72.00						72.00
	1/27	1/28	Kuwait		804.00						804.00
	1/27	1/28	Iraq (day trips)								
	1/29	1/29	Pakistan		263.00						263.00
	1/29	1/30	Uzbekistan								
	1/30	1/31	Germany		200.00						200.00
Visit to Germany with Codel McCain, Feb. 6–8, 2004: Hon. Ellen O. Tauscher.	2/6	2/8	Germany		808.00						808.00
Visit to Kuwait, Iraq, and Germany, Feb. 6–9, 2004:											
Hon. Duncan Hunter	2/6	2/8	Kuwait		804.00						804.00
	2/7	2/8	Iraq (day trips)								
	2/8	2/9	Germany		189.00						189.00
Hon. Jim Saxton	2/6	2/8	Kuwait		804.00						804.00
	2/7	2/8	Iraq (day trips)								
	2/8	2/9	Germany		189.00						189.00
Hon. Silvestre Reyes	2/6	2/8	Kuwait		804.00						804.00
	2/7	2/8	Iraq (day trips)								
	2/8	2/9	Germany		189.00						189.00
Robert S. Rangel	2/6	2/8	Kuwait		804.00						804.00
	2/7	2/8	Iraq (day trips)								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	2/8	2/9	Germany		189.00						189.00
Robert L. Simmons	2/6	2/8	Kuwait		804.00						804.00
	2/7	2/8	Iraq (day trips)								
	2/8	2/9	Germany		189.00						189.00
Debra S. Wada	2/6	2/8	Kuwait		804.00						804.00
	2/7	2/8	Iraq (day trips)								
	2/8	2/9	Germany		189.00						189.00
Delegation expenses	2/6	2/8	Kuwait				237.24		1,734.22		1,971.46
Visit to Ecuador and Colombia, Feb. 14–18, 2004:											
Hon. Gene Taylor	2/14	2/16	Ecuador		409.00						409.00
	2/16	2/18	Colombia		675.00						675.00
Commercial airfare							2,130.50				2,130.50
William H. Natter	2/14	2/16	Ecuador		409.00						409.00
	2/16	2/18	Colombia		675.00						675.00
Commercial airfare							1,928.50				1,928.50
Visit to Qatar, Pakistan, Afghanistan and Kuwait, Feb. 16–20, 2004:											
Hon. John M. McHugh	1/16	2/17	Qatar		130.00						130.00
	2/17	2/19	Pakistan		526.00						526.00
	2/17	2/19	Afghanistan (day trips)								
	2/19	2/20	Kuwait		402.00						402.00
Commercial airfare							7,385.75				7,385.75
Visit to Libya, Mar. 1–3, 2004:											
Hon. Curt Weldon	3/1	3/3	Libya		373.00						373.00
Hon. Solomon P. Ortiz	3/1	3/3	Libya		373.00						373.00
Hon. Silvestre Reyes	3/1	3/3	Libya		373.00						373.00
Hon. Susan Davis	3/1	3/3	Libya		373.00						373.00
Douglas C. Roach	3/1	3/3	Libya		373.00						373.00
Harald O. Stavenas	3/1	3/3	Libya		373.00						373.00
Erin Conaton	3/1	3/3	Libya		373.00						373.00
Visit to Canada, Mar. 16, 2004:											
Robert S. Simmons	3/16	3/16	Canada		10.59						10.59
Commercial airfare							1,402.59				1,402.59
Committee total					39,244.60		69,268.89		1,734.22		110,247.71

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DUNCAN HUNTER, Chairman, Apr. 30, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Henry Brown	1/4	1/6	Jordan		467.00						
	1/6	1/9	Israel		724.00						
Hon. Dennis Moore	1/4	1/6	Jordan		467.00						
	1/6	1/9	Israel		724.00						
Sean Spicer	1/4	1/6	Jordan		467.00						
	1/6	1/9	Israel		724.00						
Committee totals					3,573.00						3,573.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JIM NUSSLE, Chairman, Apr. 29, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEE

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN BOEHNER, Chairman, May 3, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Nathan Deal	2/14	2/17	Denmark		939.00						939.00
	2/17	2/19	Ireland		962.00						962.00
	2/19	2/21	Norway		672.00						672.00
Hon. Darrell Issa	1/25	1/27	Libya		266.00						266.00
	1/26	1/27	Tunisia		211.00		3,387.60				3,598.60
Hon. Mike Ferguson	1/15	1/17	Jordan		476.00						476.00
	1/16	1/16	Iraq								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	1/17	1/18	Germany		94.78						94.78
Hon. James Greenwood	1/4	1/6	Jordan		467.00						467.00
	1/5	1/5	Iraq								
	1/6	1/9	Israel		724.00						724.00
James Barnette, Staff	1/13	1/17	England		1,748.00		5,872.53				7,620.53
Committee total					6,559.78		9,260.13				15,819.91

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOE BARTON.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Shelley Moore Capito	2/16	2/17	Kuwait		804.00		(3)				804.00
	2/19	2/20	Pakistan		526.00		(3)				526.00
Hon. Barbara Matthews	2/15	2/22	China		979.00		5,631.00		159.00		6,769.00
Committee total					2,309.00		5,631.00		159.00		8,099.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

MICHAEL G. OXLEY, Chairman, Apr. 30, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Mark Souder	1/25	1/26	Libya		72.00						
	1/27	1/28	Kuwait		804.00						
	1/27	1/28	Iraq								
	1/29	1/29	Pakistan		263.00						
	1/29	1/30	Uzbekistan								
	1/30	1/31	Germany		200.00						
Marc Wheat	1/27	1/28	Kuwait		804.00		3,680.28				
	1/27	1/28	Iraq								
	1/29	1/29	Pakistan		263.00						
	1/29	1/30	Uzbekistan								
	1/30	1/31	Germany		200.00						
Hon. Ron Lewis	2/6	2/8	Kuwait		804.00						
	2/8	2/9	Germany		189.00						
James Moore	2/14	2/19	Beijing		1,247.00		6,931.50				
David young	2/14	2/19	Beijing		1,247.00		6,931.50				
Hon. Chris Shays	1/4	1/6	Jordan		467.00						
	1/6	1/9	Israel		724.00						
Lawrence Halloran	1/4	1/6	Jordan		467.00						
	1/6	1/9	Israel		724.00						
Nicholas Palarino	1/4	1/6	Jordan		467.00						
	1/6	1/9	Israel		724.00						
Hon. Tom Davis	2/16	2/18	Kuwait		804.00						
	2/19	2/20	Pakistan		526.00						
Hon. Carolyn Maloney	2/16	2/18	Kuwait		804.00						
	2/19	2/20	Pakistan		526.00						
Hon. John Carter	2/16	2/18	Kuwait		804.00						
	2/19	2/20	Parkistan		526.00						
Hon. Chris Van Hollen	2/16	2/18	Kuwait		804.00						
	2/19	2/20	Pakistan		526.00						
John Cuaderes	2/16	2/18	Kuwait		804.00						
	2/19	2/20	Pakistan		526.00						
Ron Martinson	2/16	2/18	Kuwait		804.00						
	2/19	2/20	Pakistan		526.00						
David Rapallo	2/16	2/18	Kuwait		804.00						
	2/19	2/20	Pakistan		526.00						
Robert Borden	2/16	2/18	Kuwait		804.00						
	2/19	2/20	Pakistan		526.00						
David Young	1/11	1/13	Mexico		288.00		2,289.82				
	1/13	1/15	Costa Rico		450.00						
Michael Yeager	1/11	1/13	Mexico		288.00		2,284.32				
	1/13	1/15	Costa Rica		450.00						
Joshua Sharfstein	3/27	3/31	Botswana		570.85		2,701.88				
Committee total					22,352.85		24,819.30				47,172.15

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM DAVIS, Chairman, Apr. 30, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Abramowitz, David	1/5	1/7	Bahrain		176.00						176.00
	1/7	1/9	Qatar		348.00						348.00
	1/9	1/10	Kuwait		312.00						312.00
	1/10	1/14	Saudi Arabia		200.00						200.00
	1/5	1/14					[4]6,960.79				6,960.79
David Adams	1/5	1/7	Bahrain		236.00						236.00
	1/7	1/9	Qatar		368.00						368.00
	1/9	1/10	Kuwait		252.00						252.00
	1/10	1/14	Saudi Arabia		300.00						300.00
	1/5	1/14					[4]6,960.79				6,960.79
	2/13	2/15	Egypt		384.00						384.00
	2/15	2/19	Israel		1,148.00						1,148.00
	2/13	2/19					[4]6,254.67				6,254.67
Lara Alameh	1/5	1/7	Bahrain		336.00						336.00
	1/7	1/9	Qatar		368.00						368.00
	1/9	1/10	Kuwait		282.00						282.00
	1/10	1/14	Saudi Arabia		30.00						30.00
	1/5	1/14					[4]6,960.79				6,960.79
	2/13	2/15	Egypt		434.00						434.00
	2/15	2/21	Israel		1,248.00						1,248.00
	2/13	2/21					[4]6,254.67				6,254.67
Douglass Anderson	1/2	1/8	Vietnam		1,122.00						1,122.00
	1/8	1/11	Cambodia		675.00						675.00
	1/11	1/13	Thailand		109.00						109.00
	1/2	1/13					[4]6,757.26				6,757.26
Renee Austell	1/9	1/11	India		396.00						396.00
	1/11	1/14	Nepal		460.00						460.00
	1/15	1/17	Sri Lanka		319.00						319.00
	1/9	1/17					[4]7,709.28				7,709.29
Patrick Brennan	2/18	2/22	Panama		792.00		2,042.50				2,834.50
Hon. Dan Burton	2/27	3/1	Kuwait		1,206.00						1,206.00
	3/1	3/2	France		458.00		(3)				458.00
Malik Chaka	1/6	1/9	Guinea		426.00						426.00
	1/9	1/14	Liberia		786.00						786.00
	1/14	1/17	Ivory Coast		588.00						588.00
	1/6	1/17				[4]6,214.99					6,214.99
Joan Condon	1/6	1/9	Guinea		426.00						426.00
	1/9	1/14	Liberia		786.00						786.00
	1/14	1/17	Ivory Coast		588.00						588.00
	1/6	1/17					[4]6,214.99				6,214.99
David Fite	1/9	1/11	Pakistan		526.00						526.00
	1/13	1/14	United Arab Emirates		209.00						209.00
	1/9	1/14					[4]7,452.54				7,452.54
	2/15	2/16	United Kingdom		457.00						457.00
	2/16	2/18	France		816.00						816.00
	2/18	2/21	Austria		819.00						819.00
	2/15	2/21					[4]2,092.00				2,092.00
Hon. Jeff Flake	2/27	3/1	Kuwait		1,206.00						1,206.00
	3/1	3/2	France		458.00		(3)				458.00
Dan Freeman	2/28	3/5	Chile		780.00		5,801.42				6,581.42
Hon. Elton Gallegly	1/25	1/27	Tunisia		211.00		(3)				211.00
Kirsti Garlock	2/17	2/18	Ireland		431.00						431.00
	2/18	2/19	United Kingdom		259.00						259.00
	2/19	2/22	Italy		1,290.00						1,290.00
	2/17	2/22					[4]5,249.72				5,249.72
Kristen Gilley	1/9	1/11	India		396.00						396.00
	1/11	1/14	Nepal		383.00						383.00
	1/15	1/17	Sri Lanka		484.00						484.00
	1/9	1/17					[4]8,746.28				8,746.28
Dennis Halpin	1/10	1/13	Taiwan		834.00						834.00
	1/13	1/18	Japan		1,532.00						1,532.00
	1/10	1/18					[4]7,085.73				7,085.73
Hans Hogrefe	1/9	1/11	India		396.00						396.00
	1/11	1/14	Nepal		453.00						453.00
	1/15	1/18	Sri Lanka		489.13						489.13
	1/9	1/18					[4]7,666.55				7,666.55
Hon. Amo Houghton	2/15	2/18	France		1,374.00						1,374.00
Jonathan Katz	2/16	2/18	Belgium		784.00		5,701.05				6,485.05
	2/23	2/24	Netherlands		322.00		6,547.79				6,869.79
Kenneth Katzman	2/27	3/1	Kuwait		1,206.00						1,206.00
	3/1	3/2	France		458.00		(3)				458.00
David Killion	1/7	1/8	Thailand		182.00						182.00
	1/8	1/11	Cambodia		675.00						675.00
	1/11	1/14	Thailand		400.00						400.00
	1/14	1/18	Sri Lanka		504.00						504.00
	1/7	1/18					[4]8,564.89				8,564.89
Robert King	1/24	1/26	Libya		600.00						600.00
	1/26	1/27	Netherlands		300.00						300.00
	1/24	1/27					[4]8,595.85				8,595.85
Hon. Tom Lantos	1/24	1/26	Libya		600.00						600.00
	1/26	1/27	Netherlands		300.00						300.00
	1/24	1/27					[4]8,595.85				8,595.85
Hon. James Leach	1/25	1/28	Sweden		1,035.00						1,035.00
	1/28	1/31	Ireland		1,302.01						1,302.01
	1/25	1/31					[4]4,473.19				4,473.19
Jessica Lewis	2/16	2/18	Bolivia		196.00						196.00
	2/18	2/20	Venezuela		396.00						396.00
	2/16	2/20					[4]3,467.54				3,467.54
Caleb McCarry	2/16	2/18	Bolivia		216.00						216.00
	2/18	2/20	Venezuela		466.00						466.00
	2/16	2/20					[4]3,123.38				3,123.38
James McCormick	1//2	1/8	Vietnam		1,062.00						1,062.00
	1/8	1/11	Cambodia		655.00						655.00
	1/11	1/14	Thailand		400.00						400.00
	1/15	1/18	Sri Lanka		484.00						484.00
	1/2	1/18					[4]8,536.46				8,536.46
Hon. Thaddeus McCotter	3/1	3/3	Libya		340.00		(3)				340.00
John Mackey	1/9	1/11	Pakistan		526.00						526.00
	1/13	1/14	United Arab Emirates		209.00						209.00
	1/9	1/14					[4]7,452.54				7,452.54
	2/16	2/18	Ireland		431.00						431.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	2/18	2/19	United Kingdom		324.00						324.00
	2/19	2/22	Italy		1,290.00						1,290.00
	2/16	2/22					[4]5,249.72				5,249.72
	3/13	3/16	Austria		800.00		4,104.55				4,904.55
Alan Makovksy	1/5	1/7	Bahrain		176.00						176.00
	1/7	1/9	Qatar		368.00						368.00
	1/9	1/10	Kuwait		352.00						352.00
	1/10	1/14	Saudi Arabia		220.00						220.00
	1/5	1/14					[4]6,960.79				6,960.79
	1/24	1/26	Libya		200.00						200.00
	1/26	1/27	Netherlands		350.00						350.00
	1/24	1/27					[4]8,595.85				8,595.85
Richard Mereu	1/25	1/27	Tunisia		211.00		(3)				211.00
Paul Oostburg-Sanz	2/16	2/18	Bolivia		216.00						216.00
	2/18	2/20	Venezuela		466.00						466.00
	2/16	2/20					[4]3,724.38				3,725.38
Hon. Mike Pence	2/27	3/1	Kuwait		1,206.00		2,926.00				4,132.00
Patrick Prisco	2/18	2/20	Austria		546.00		4,563.80				5,109.80
Frank Record	1/24	1/26	Libya		130.00						130.00
	1/26	1/17	Netherlands		171.00						171.00
	1/24	1/27					[4]8,564.21				8,564.21
	2/14	2/22	China		1,717.00		7,060.50				8,777.50
Gregg Rickman	2/13	2/15	Egypt		391.00						391.00
	2/15	2/20	Israel		1,138.00						1,138.00
	2/13	2/20					[4]6,254.67				6,254.67
John Walker Roberts	1/2	1/8	Vietnam		1,122.00						1,122.00
	1/8	1/11	Cambodia		675.00						675.00
	1/2	1/11					[4]6,616.74				6,616.74
Rotem Roizman	2/17	2/18	Ireland		431.00						431.00
	2/18	2/19	United Kingdom		324.00						324.00
	2/19	2/22	Italy		1,290.00						1,290.00
	2/17	2/22					[4]5,138.00				5,138.00
Jonathan Scharfen	1/9	1/11	Pakistan		526.00						526.00
	1/13	1/14	United Arab Emirates		209.00						209.00
	1/9	1/14					[4]7,452.54				7,452.54
Doug Seay	2/15	2/16	United Kingdom		457.00						457.00
	2/16	2/18	France		816.00						816.00
	2/18	2/21	Austria		659.00						659.00
	2/15	2/21					[4]6,240.50				6,240.50
Hon. Nick Smith	3/1	3/3	Libya		373.00		(3)				373.00
Sam Stratman	2/27	3/1	Kuwait		1,036.00						1,036.00
	3/1	3/2	France		458.00		(3)				458.00
Sarah Tillemann	1/10	1/13	Taiwan		734.00						734.00
	1/13	1/18	Japan		1,483.00						1,483.00
	1/10	1/18					[4]7,085.73				7,085.73
Hillel Weinberg	1/11	1/14	Bangladesh		402.00						402.00
	1/14	1/18	India		922.00						922.00
	1/11	1/18					[4]7,901.72				7,901.72
Hillel Weinberg	2/27	3/1	Kuwait		1,056.00						1,056.00
	3/1	3/2	France		408.00		(3)				408.00
Hon. Gerald Weller	1/13	1/15	Dominican Republic		426.00		1,636.40				2,062.40
	2/15	2/17	Trinidad		234.00				[5]4,332.52		4,566.52
	2/17	2/19	Costa Rica		450.00						450.00
	2/19	2/22	Panama		519.00						519.00
	2/15	2/22					[4]3,131.60				3,131.60
Hon. Robert Wexler	2/16	2/18	Belgium		784.00		5,701.05				6,485.05
	2/23	2/24	Netherlands		322.00		6,547.79				6,869.79
Peter Yeo	1/2	1/8	Vietnam		1,122.00		6,335.74				7,457.74
	1/24	1/26	Libya		600.00						600.00
	1/26	1/27	Netherlands		300.00						300.00
	1/24	1/27					8,595.85				8,595.85
Committee total					71,821.14		301,871.64		[5]4,332.52		378,025.30

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

[4] Round trip airfare.

[5] Indicates Delegation costs.

HENRY HYDE, Chairman, Apr. 26, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 4 AND FEB. 21, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. F. James Sensenbrenner	1/4	1/13	China		2,341.00		5,236.36				7,577.36
Philip J. Kiko	1/4	1/13	China		2,341.00		5,236.36				7,577.36
George Fishman	2/15	2/22	Mexico		1,656.00		2,176.62				3,832.62
Brian Zimmer	2/15	2/22	Mexico		1,656.00		2,176.62				3,832.62
Stacey Dansky	2/15	2/22	Mexico		1,656.00		2,176.62				3,832.62
Danielle Brown	2/15	2/22	Mexico		1,656.00		2,176.62				3,832.62
Committee total					11,306.00		19,179.20				30,485.20

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

F. JAMES SENSENBRENNER, JR., Chairman, Apr. 21, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Richard Pombo	1/13	1/14	Marshall Islands		225.00		(3)				225.00
Hon. Madeleine Bordallo	1/13	1/14	Marshall Islands		225.00		(3)				225.00
Hon. Dennis Cardoza	1/13	1/14	Marshall Islands		225.00		(3)				225.00
Hon. Eni Faleomavaega	1/13	1/14	Marshall Islands		225.00		(3)				225.00
Hon. Jeff Flake	1/13	1/14	Marshall Islands		225.00		(3)				225.00
Hon. Frank Lucas	1/13	1/14	Marshall Islands		225.00		(3)				225.00
Hon. Denny Rehberg	1/13	1/14	Marshall Islands		225.00		(3)				225.00
Steve Ding	1/13	1/14	Marshall Islands		225.00		(3)				225.00
Tony Babauta	1/13	1/14	Marshall Islands		225.00		(3)				225.00
Chris Wallace	1/13	1/14	Marshall Islands		225.00		(3)				225.00
Lisa Wallace	1/13	1/14	Marshall Islands		225.00		(3)				225.00
Hon. Richard Pombo	1/14	1/15	Micronesia		325.00		(3)				325.00
Hon. Madeleine Bordallo	1/14	1/15	Micronesia		325.00		(3)				325.00
Hon. Dennis Cardoza	1/15	1/15	Micronesia		325.00		(3)				325.00
Hon. Eni Faleomavaega	1/14	1/15	Micronesia		325.00		(3)				325.00
Hon. Jeff Flake	1/14	1/15	Micronesia		325.00		(3)				325.00
Hon. Frank Lucas	1/14	1/15	Micronesia		325.00		(3)				325.00
Hon. Dennis Rehberg	1/14	1/15	Micronesia		325.00		(3)				325.00
Steve Ding	1/14	1/15	Micronesia		325.00		(3)				325.00
Tony Babauta	1/14	1/15	Micronesia		325.00		(3)				325.00
Chris Foster	1/14	1/15	Micronesia		325.00		(3)				325.00
Lisa Wallace	1/14	1/15	Micronesia		325.00		(3)				325.00
Todd Willens	3/15	3/19	Switzerland		1,212.00		5,743.79				6,955.79
Committee total					7,262.00		5,743.79				13,005.79

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

RICHARD POMBO, Chairman, Apr. 29, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Doc Hastings	3/19	3/20	Jordan		174.00		(3)				174.00
	3/20	3/23	Kuwait		666.00		(3)				666.00
	3/22	3/23	Germany		366.00		(3)				366.00
George Rogers	1/13	1/17	London		1,748.00		5,872.53				7,620.53
Ed Cassidy	1/13	1/17	London		1,748.00		5,872.53				7,620.53
Susan McAvoy	1/13	1/17	London		1,748.00		5,872.53				7,620.53
Committee totals					6,450.00		17,617.59				24,067.59

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military Air Transportation.

DAVID DREIER, Chairman, Apr. 27, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Ken Kellner	2/15	2/19	Latvia		949.50		2,229.20			(3)	3,178.70
Committee total					3,178.70						3,178.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] All funding for this trip was provided by the Department of Justice/OPDAT.

JOEL HEFLEY, Chairman, Apr. 27, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. John Duncan	1/22	1/24	Jordan		714.00		(3)				714.00
Hon. Jerry Costello	1/22	1/24	Jordan		714.00		(3)				714.00
Hon. Peter DeFazio	1/22	1/24	Jordan		714.00		(3)				714.00
Hon. Steve LaTourette	1/22	1/24	Jordan		714.00		(3)				714.00
Hon. John Boozman	1/22	1/24	Jordan		714.00		(3)				714.00
Hon. John Sullivan	1/22	1/24	Jordan		714.00		(3)				714.00
Jimmy Miller	1/22	1/24	Jordan		714.00		(3)				714.00
Susan Bodine	1/22	1/24	Jordan		714.00		(3)				714.00
John Cullather	1/22	1/24	Jordan		714.00		(3)				714.00
Hon. John Duncan	1/25	1/27	Morocco		753.00		(3)				753.00
Hon. Jerry Costello	1/25	1/27	Morocco		753.00		(3)				753.00
Hon. Peter DeFazio	1/25	1/27	Morocco		753.00		(3)				753.00
Hon. Steve LaTourette	1/25	1/27	Morocco		753.00		(3)				753.00
Hon. John Boozman	1/25	1/27	Morocco		753.00		(3)				753.00
Hon. John Sullivan	1/25	1/27	Morocco		753.00		(3)				753.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
John Miller	1/25	1/27	Morocco		753.00		(3)				753.00
Susan Bodine	1/25	1/27	Morocco		753.00		(3)				753.00
John Cullather	1/25	1/27	Morocco		753.00		(3)				753.00
John Pawlow	2/8	2/14	London		2,742.00		5,873.20				8,615.20
John Cullather	2/8	2/14	London		2,742.00		5,873.20				8,615.20
Hon. Mark Kennedy	2/14	2/16	Hungary		508.00		4,542.51				5,050.51
	2/17	2/17	Bosnia		151.00						151.00
	2/18	2/18	Albania		54.00						54.00
Hon. Jim Oberstar	2/14	2/15	Amsterdam		327.00						327.00
	2/16	2/19	Paris		1,374.00		2,972.18				4,346.18
Hon. Tom Petri	2/16	2/19	Paris		1,374.00		3,209.40				4,583.40
Hon. Michael Burgess	2/16	2/18	Kuwait		804.00		(3)				804.00
	2/19	2/20	Pakistan		526.00						526.00
Hon. Lincoln Davis	2/27	3/1	Kuwait		1,206.00		(3)				1,206.00
	3/1	3/2	France		458.00						458.00
Committee total					25,469.00		22,470.49				47,939.49

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DON YOUNG, Chairman, Apr. 29, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Wally Herger	2/14	2/17	Denmark		789.00		(3)				789.00
	2/17	2/17	Belgium				(3)				
	2/17	2/19	Ireland		862.00		(3)				862.00
	2/19	2/21	Norway		572.00		(3)				572.00
Hon. Nancy Johnson	2/14	2/18	France		2,317.00		1,075.09				3,392.09
Hon. J. D. Hayworth	3/19	3/20	Jordan		174.00		(3)				174.00
	3/20	3/22	Iraq/Kuwait		666.00		(3)				666.00
	3/22	3/23	Germany		366.00		(3)				366.00
Committee total					5,746.00		1,075.09				6,821.09

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL THOMAS, Chairman, Apr. 30, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. James Gibbons	1/6	1/8	Southeast Asia		358.00						
	1/8	1/10	Southeast Asia		735.00						
Commercial airfare							7,412.32				8,505.32
Brant Bassett	1/6	1/8	Southeast Asia		358.00						
			Southeast Asia		735.00						
Commercial airfare							9,095.78				10,188.78
Merrell Moorhead	1/6	1/8	Southeast Asia		358.00						
	1/8	1/10	Southeast Asia		735.00						
Commercial airfare							11,628.48				12,721.48
Michael Kostiw	1/6	1/8	Southeast Asia		358.00						
	1/8	1/10	Southeast Asia		735.00						
Commercial airfare							9,540.97				10,633.97
Patrick Murray	1/6	1/9	Central Europe		954.00						
Commercial airfare							4,203.00				5,157.00
Michael Fogarty	1/6	1/9	Central Europe		954.00						
Commercial airfare							6,261.13				7,215.13
Riley Perdue	1/8	1/15	Asia		2,240.00						
	1/15	1/17	Asia		734.00						
Commercial airfare							5,964.23				8,938.23
Michele Lang	1/8	1/11	Middle East		992.00		(3)				
	1/11	1/12	Middle East		130.75		(3)				
											1,122.75
Hon. Collin C. Peterson	1/9	1/19	Central & South America		2,312.000						
Commercial airfare							5,793.00				8,105.00
Patrick Murray	1/11	1/15	Europe		1,748.00						
Commercial airfare							5,870.95				7,618.95
Merrell Moorhead	1/11	1/15	Europe		1,748.00						
Commercial airfare							5,870.95				7,618.95
Robert Myhill	1/11	1/15	Europe		1,748.00						
Commercial airfare							5,870.95				7,618.95
Hon. Jane Harman	2/5	2/8	Europe		844.00		(3)				844.00
Hon. Sherwood Boehlert	2/13	2/14	Europe		209.00		(3)				
	2/14	2/16	Middle East		406.50		(3)				
	2/17	2/18	Middle East		333.00		(3)				
	2/18	2/18	Middle East		233.00		(3)				1,181.50
Hon. James Gibbons	2/13	2/14	Europe		209.00						
	2/14	2/16	Middle East		406.50						
Commercial airfare							5,053.95				5,669.45
Hon. Peter Hoekstra	2/13	2/14	Europe		209.00		(3)				
	2/14	2/16	Middle East		406.50		(3)				
	2/17	2/18	Middle East		333.00		(3)				948.50
Hon. Jane Harman	2/13	2/14	Middle East		209.00						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	2/14	2/16	Middle East		406.50						
	2/17	2/18	Middle East		333.00						
	2/18	2/18	Middle East		233.00						1,181.50
Hon. Dutch Ruppersberger	2/13	2/14	Middle East		209.00		(3)				
	2/14	2/16	Middle East		406.50		(3)				
	2/17	2/18	Middle East		333.00		(3)				
	2/18	2/18	Middle East		233.00		(3)				1,181.50
Michael Kostiw	2/13	2/14	Middle East		209.00		(3)				
	2/14	2/16	Middle East		406.50		(3)				
	2/17	2/18	Middle East		333.00		(3)				
	2/18	2/18	Middle East		233.00		(3)				1,181.50
Brant Bassett	2/13	2/14	Europe		209.00		(3)				
	2/14	2/16	Middle East		406.50		(3)				
	2/17	2/18	Middle East		333.00		(3)				
	2/18	2/18	Middle East		233.00		(3)				1,181.50
Michele Lang	2/13	2/14	Europe		209.00		(3)				
	2/14	2/16	Middle East		406.50		(3)				
	2/17	2/18	Middle East		333.00		(3)				
	2/18	2/18	Middle East		233.00		(3)				1,181.50
Kevin Schmidt	2/13	2/14	Europe		209.00		(3)				
	2/14	2/16	Middle East		406.50		(3)				
	2/17	2/18	Middle East		333.00		(3)				
	2/18	2/18	Middle East		233.00		(3)				1,181.50
John Keefe	2/13	2/14	Europe		209.00		(3)				
	2/14	2/16	Middle East		406.50		(3)				
	2/17	2/18	Middle East		333.00		(3)				
	2/18	2/18	Middle East		233.00		(3)				1,181.50
Suzanne Spaulding	2/13	2/14	Europe		209.00		(3)				
	2/14	2/16	Middle East		406.50		(3)				
	2/17	2/18	Middle East		333.00		(3)				
	2/18	2/18	Middle East		233.00		(3)				1,181.50
Hon. Mac Collins	2/22	2/28	Asia		1,109.00						
Commercial airfare							4,144.50				5,253.50
Brant Bassett	2/22	2/28	Asia		1,109.00						
Commercial airfare							4,959.50				6,068.50
Hon. Collin C. Peterson	2/15	2/21	Central America		1,908.00						
Commercial airfare							2,465.00				4,373.00
Patrick Murray	2/16	2/20	Europe		1,920.00						
Commercial airfare							6,413.15				8,333.15
Merrell Moorhead	2/16	2/20	Europe		1,920.00						
Commercial airfare							6,413.15				8,333.15
Brant Bassett	3/11	3/13	North America		676.00						
Commercial airfare							556.91				1,232.91
Kevin Schmidt	3/11	3/13	North America		676.00						
Commercial airfare							556.91				1,232.91
Patrick Murray	3/12	3/15	Europe		2,542.00						
Commercial airfare							5,604.01				8,146.01
Joseph Jakub	3/12	3/15	Europe		2,542.00						
Commercial airfare							5,604.01				8,146.01
Brant Bassett	3/24	3/26	Europe		752.00						
Commercial airfare							7,334.22				8,086.22
Committee total											129,234.96

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

PORTER GOSS, Chairman, May 5, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Christopher Cox	2/29	2/29	Cuba				(3)				
Hon. Jennifer Dunn	2/29	2/29	Cuba				(3)				
Hon. Sheila Jackson-Lee	2/29	2/29	Cuba				(3)				
Hon. Bennie Thompson	2/29	2/29	Cuba				(3)				
Hon. Donna Christensen	2/29	2/29	Cuba				(3)				
Hon. Bob Goodlatte	2/29	2/29	Cuba				(3)				
Hon. Eleanor Holmes Norton	2/29	2/29	Cuba				(3)				
John Gannon	2/29	2/29	Cuba				(3)				
Mandy Bowers	2/29	2/29	Cuba				(3)				
Josh Weersinghe	2/29	2/29	Cuba				(3)				
Julie Sund	2/29	2/29	Cuba				(3)				
Mark Magee	2/29	2/29	Cuba				(3)				
Scott Bates	2/29	2/29	Cuba				(3)				
Jason McNamara	2/29	2/29	Cuba				(3)				
Sue Ramanathan	2/29	2/29	Cuba				(3)				
Hon. Robert Andrews	1/3	1/6	Jordan		467.00		(3)				
	1/6	1/9	Israel		1,086.00		(3)				1,553.00
Committee total					1,553.00						1,553.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

CHRIS COX, Chairman, Apr. 20, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Michael Ochs		12/30	USA				6,770.00				6,770.00
	12/31	1/6	Georgia		1,019.00						1,019.00
	1/6	1/9	Azerbaijan		796.00						796.00
Janice Helwig		1/9	USA				5,572.00				5,572.00
	1/9	4/9	Austria		16,358.00						16,358.00
Knox Thames		2/8	USA				6,501.00				6,501.00
	2/9	2/11	Germany		595.00						595.00
Marlene Kaufmann		2/14	USA				6,434.00				6,434.00
	2/15	2/18	Ireland		1,443.00						1,443.00
	2/18	2/21	Austria		819.00						819.00
Elizabeth Pryor		2/17	USA				5,021.00				5,021.00
	2/18	2/22	Austria		435.00						435.00
	2/22	2/24	Belgium		531.00						531.00
Dorothy Douglas Taft		2/18	USA				(3)				
	2/19	2/20	Austria		398.00						398.00
	2/20	2/22	Greece		440.00						440.00
	2/22	2/23	Belgium		333.00						333.00
Hon. Christopher Smith		2/18	USA				(3)				
	2/19	2/20	Austria		546.00						546.00
	2/20	2/22	Greece		266.00						266.00
	2/22	2/23	Belgium		342.00						342.00
Hon. Benjamin Cardin		2/18	USA				(3)				
	2/19	2/20	Austria		546.00						546.00
	2/20	2/22	Greece		266.00						266.00
	2/22	2/23	Belgium		342.00						342.00
Hon. Alcee Hastings		2/17	USA				5,930.00				5,930.00
	2/18	2/21	Austria		819.00						819.00
Chadwick Gore		2/18	USA				(3)				
	2/19	2/20	Austria		475.00						475.00
	2/20	2/25	Greece		1,124.00		3,716.00				4,840.00
Elizabeth Pryor		2/28	USA				4,541.00				4,541.00
	2/29	3/3	France		1,145.00						1,145.00
	3/3	3/6	Belgium		754.00						754.00
	3/10	3/12	Austria		618.00						618.00
Maureen Walsh		3/2	USA				5,701.00				5,701.00
	3/3	3/6	Belgium		826.00						826.00
Ronald McNamara		3/23	USA				7,335.00				7,335.00
	3/24	3/29	Georgia		970.00						970.00
Michael Ochs		3/23	USA				7,424.00				7,424.00
	3/24	3/30	Georgia		1,087.00						1,087.00
	3/30	4/2	Azerbaijan		617.00						617.00
Committee total					38,057.00		60,798.00				98,855.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

CHRISTOPHER H. SMITH, Chairman, Apr. 29, 2004.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8166. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Procedures for Reestablishing a Region as Free of a Disease [Docket No. 02–001–2] (RIN: 0579–AB53) received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8167. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Highly Pathogenic Avian Influenza; Additional Restrictions [Docket No. 04–011–1] received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8168. A communication from the President of the United States, transmitting request for a FY 2005 budget amendment to establish a contingent emergency reserve fund to support operations in Iraq and Afghanistan; (H. Doc. No. 108–185); to the Committee on Appropriations and ordered to be printed.

8169. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting a report on activities and programs for countering proliferation and NBC terrorism, pursuant to Public Law 103–337, section 1503; to the Committee on Armed Services.

8170. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–D–7555] received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8171. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determinations—received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8172. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8173. A letter from the Director, FDIC Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Interim Capital Treatment of Consolidated Asset-Backed Commercial Paper Program Assets; Extension (RIN: 3064–AC74); Department of the Treasury, Office of of the Comptroller of the Currency [Docket No. 04-] (RIN: 1557–AC76); Federal Reserve System [Regulations H and Y; Docket No. R–1156]; Department of the Treasury, Office of Thrift Supervision [No. 2004-] (RIN: 1550–AB79) received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8174. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8175. A letter from the Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

8176. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kentucky Regulatory Program [KY–244–FOR] received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8177. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Federal Oil Valuation (RIN: 1010–AD04) received May 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports and committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following reports were filed on May 14, 2004]

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 2432. A bill to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes; with an amendment (Rept. 108–490 Pt. 1). Ordered to be printed.

Mr. HUNTER. Committee on Armed Services. H.R. 4200. A bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes; with amendments (Rept. 108–491). Referred to the Committee of the Whole House on the State of the Union.

[Filed on May 17, 2004]

Mr. TOM DAVIS of Virginia: Committee on Government Reform. Supplemental report on H.R. 2432. A bill to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes (Rept. 108–490, Pt. 2).

Mr. POMBO: Committee on Resources. H.R. 2201. A bill to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans (Rept. 108–492, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3768. A bill to expand the Timucuan Ecological and Historic Preserve, Florida; with an amendment (Rept. 108–493). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3505. A bill to amend the Bend Pine Nursery Land Conveyance Act to specify the recipients and consideration for conveyance of the Bend Pine Nursery, and for other purposes; with an amendment (Rept. 108–494). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 265. A bill to provide for an adjustment of the boundaries of Mount Rainier National Park, and for other purposes; with an amendment (Rept. 108–495). Referred to the Committee of the Whole House on the State of the Union.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 644. Resolution providing for consideration of the bill (H.R. 4359) to amend the Internal Revenue Code of 1986 to increase the child tax credit (Rept. 108–496). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 645. Resolution providing for consideration of the bill (H.R. 2728) to amend the Occupational Safety and Health Act of 1970 to provide for the adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 2729) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission; for consideration of the bill (H.R. 2730) to amend the Occupational Safety and Health Act of 1970 to provide for an independent review of citations issued by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 2731) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to very small employers when they prevail in litigation prompted by the issuance of citations by the Occupational Safety and Health Administration; and for consideration of the bill (H.R. 2432) to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes. (Rept. 108–497). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following action occurred on May 14, 2004]

Pursuant to clause 2 of rule XII the Committee on the Budget discharged from further consideration. H.R. 2432 referred to the Committee of the Whole House on the State of the Union.

[The following actions occurred on May 17, 2004]

Pursuant to clause 2 of rule XII the Committee on Veterans' Affairs discharged from further consideration. H.R. 2201 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration. H.R. 2730 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration. H.R. 2731 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on May 14, 2004]

H.R. 2432. Referral to the Committee on the Budget extended for a period ending not later than May 14, 2004.

[The following action occurred on May 17, 2004]

H.R. 2201. Referral to the Committee on Veterans' Affairs extended for a period ending not later than May 17, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PETRI (for himself and Mr. George Miller of California):

H.R. 4370. A bill to ensure that the Direct Loan Program is a competitive alternative to the Federal Family Education Loan Program for schools and students; to the Committee on Education and the Workforce.

By Mr. LaHOOD (for himself, Mr. Emanuel, Mr. Jefferson, Mr. LaTourette, Mr. Shimkus, Mr. Hinchey, Mrs. Jones of Ohio, Mr. Manzullo, and Mr. Quinn):

H.R. 4371. A bill to direct the Secretary of Commerce to make noninterest bearing loans to State and local governments solely for the purpose of funding capital projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CANTOR (for himself and Mr. Kennedy of Minnesota):

H.R. 4372. A bill to amend the Internal Revenue Code of 1986 to provide for the carryforward of $500 of unused benefits in cafeteria plans and flexible spending arrangements for dependent care assistance; to the Committee on Ways and Means.

By Mr. CAPUANO:

H.R. 4373. A bill to preserve the preeminence of the United States in scientific research by improving the Visas Mantis security check program through a reduction of processing times and improvement in efficiency under such program; to the Committee on the Judiciary.

By Mr. HINCHEY:

H.R. 4374. A bill to require Medicare providers to disclose publicly staffing and performance in order to promote improved consumer information and choice; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself and Mr. McHugh):

H.R. 4375. A bill to direct the Secretary of the Treasury to mint coins in commemoration of the battlefields of the Revolutionary War and the War of 1812, and for other purposes; to the Committee on Financial Services.

By Mrs. KELLY (for herself, Mrs. Johnson of Connecticut, Mr. Michaud, Ms. Slaughter, Ms. Majette, and Mr. Udall of New Mexico):

H.R. 4376. A bill to amend the Small Business Act to establish funding priorities for women's business centers for fiscal year 2004; to the Committee on Small Business.

By Mrs. MALONEY (for herself, Mr. Grijalva, Mr. Conyers, Mr. Jackson of Illinois, Mrs. Capps, Ms. Millender-McDonald, Mr. Lantos, Mr. Crowley, Ms. Jackson-Lee of Texas, Ms. Woolsey, Mr. Nadler, Mr. Filner, Ms. Schakowsky, Mr. Frank of Massachusetts, Ms. Lee, Ms. DeLauro, and Mr. Shays):

H.R. 4377. A bill to provide for the review by the Commissioner of Food and Drugs of the process by which the Food and Drug Administration made the decision not to approve the commercial distribution of the emergency-contraceptive drug Plan B as an over-the-counter drug, and for other purposes; to the Committee on Energy and Commerce.

By Ms. BALDWIN (for herself, Mr. McDermott, Mr. Conyers, Mr. Scott of Georgia, Mr. Brown of Ohio, Ms. Kaptur, Mr. Berman, Ms. Lofgren, Mr. Frost, Mr. Capuano, Ms. Lee, Mrs. Jones of Ohio, Mr. Grijalva, Mr. Kucinich, Mr. Rahall, Ms. Slaughter, Mr. Owens, Mr. Honda, Mr. Hoyer, Mr. Thompson of Mississippi, Ms. Jackson-Lee of Texas, Mr. Watt, and Mr. Sanders):

H. Con. Res. 427. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of Charles Hamilton Houston; to the Committee on Government Reform.

By Ms. HARMAN:

H. Con. Res. 428. Concurrent resolution recommending that Congress not provide funds for fiscal year 2005 for the deployment of ground-based, strategic, mid-course, ballistic missile defense system components that have not met operational testing requirements and, instead, provide needed funding for programs designed to keep America's ports secure from terrorist attacks; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANNON (for himself, Mr. MATHESON, Mr. FALEOMAVAEGA, Mr. FLAKE, Mr. BISHOP of Utah, and Mr. McKEON):

H. Res. 643. A resolution congratulating the Brigham Young University men's volleyball team for winning the 2004 National Collegiate Athletic Association Division I–II men's volleyball championship; to the Committee on Education and the Workforce.

By Ms. PRYCE of Ohio:

H. Res. 644. A resolution providing for consideration of the bill (H.R. 4359) to amend the Internal Revenue Code of 1986 to increase the child tax credit.

By Mr. SESSIONS:

H. Res. 645. A resolution providing for consideration of the bill (H.R. 2728) to amend the Occupational Safety and Health Act of 1970 to provide for the adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 2729) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission; for consideration of the bill (H.R. 2730) to amend the Occupational Safety and Health Act of 1970 to provide for an independent review of citations issued by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 2731) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to very small employers when they prevail in litigation prompted by the issuance of citations by the Occupational Safety and Health Administration; and for consideration of the bill (H.R. 2432) to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. ANDREWS.

H.R. 218: Mr. RUPPERSBERGER.

H.R. 236: Ms. PELOSI.

H.R. 577: Mr. RUSH.

H.R. 742: Mr. McDERMOTT.

H.R. 811: Mr. PICKERING.

H.R. 857: Mr. LAMPSON.

H.R. 972: Mr. LEACH.

H.R. 996: Mr. SHUSTER and Mr. LAMPSON.

H.R. 1043: Mr. HALL.

H.R. 1080: Mr. PETRI.

H.R. 1149: Ms. LOFGREN.

H.R. 1288: Ms. McCARTHY of Missouri.

H.R. 1565: Mr. STARK.

H.R. 1746: Ms. JACKSON-LEE of Texas, Mr. RUPPERSBERGER, Mr. DICKS, Mr. LUCAS of Kentucky, Mr. BECERRA, Mrs. KELLY, Mr. HONDA, Mr. WU, Mr. KING of Iowa, Mr. HEFLEY, and Mr. BOEHLERT.

H.R. 1812: Ms. WATSON and Mrs. DAVIS of California.

H.R. 2032: Mr. PASCRELL, Mr. MORAN of Virginia, and Mr. WELDON of Pennsylvania.

H.R. 2151: Mr. KING of New York.

H.R. 2258: Mrs. McCARTHY of New York.

H.R. 2527: Mr. CUMMINGS, Mr. KENNEDY of Rhode Island, Mr. DAVIS of Illinois, and Mr. ENGEL.

H.R. 2705: Mr. SHERWOOD.

H.R. 2880: Mr. OSBORNE.

H.R. 2901: Mr. TOWNS.

H.R. 2950: Mr. NEY, Mr. BELL, and Mr. ISAKSON.

H.R. 2983: Mr. PALLONE.

H.R. 3023: Mr. KILDEE.

H.R. 3085: Mr. PICKERING.

H.R. 3142: Mr. GOSS, Ms. BERKLEY, and Mr. MILLER of North Carolina.

H.R. 3165: Mr. ENGLISH.

H.R. 3178: Mr. BACHUS.

H.R. 3192: Ms. LOFGREN, Mr. BRADY of Pennsylvania, and Mr. BROWN of Ohio.

H.R. 3194: Mr. ADERHOLT, Mr. McGOVERN, Mr. SHUSTER, and Mr. MEEK of Florida.

H.R. 3340: Mr. HASTERT.

H.R. 3350: Mr. McGOVERN.

H.R. 3355: Mr. CASE.

H.R. 3438: Mr. CAMP.

H.R. 3458: Mr. BRADY of Pennsylvania.

H.R. 3459: Mr. OLVER.

H.R. 3460: Mr. FEENEY and Mr. SAXTON.

H.R. 3473: Mr. GOODLATTE.

H.R. 3474: Mr. DAVIS of Alabama.

H.R. 3476: Mr. PETERSON of Minnesota and Mr. LARSEN of Washington.

H.R. 3480: Mr. EMANUEL.

H.R. 3519: Ms. DeLAURO.

H.R. 3591: Mr. FORD.

H.R. 3593: Mr. DEUTSCH.

H.R. 3619: Ms. HARMAN, Mr. CRAMER, and Mr. MARSHALL.

H.R. 3684: Mr. MEEHAN and Mr. REGULA.

H.R. 3755: Mr. GONZALEZ, Mr. MANZULLO, Mr. REHBERG, Mr. PLATTS, and Ms. NORTON.

H.R. 3779: Ms. MAJETTE.

H.R. 3831: Mr. PRICE of North Carolina.

H.R. 3859: Mr. JOHN, Mr. TIERNEY, Mr. ANDREWS, Mr. HOLT, Mr. SANDERS, Mr. PASCRELL, Ms. LORETTA SANCHEZ of California and Ms. ESHOO.

H.R. 4023: Mr. BACA and Mr. CHANDLER.

H.R. 4026: Mr. ISRAEL and Mr. HULSHOF.

H.R. 4039: Mr. PLATTS and Mr. WYNN.

H.R. 4067: Mr. MARKEY and Mr. WEXLER.

H.R. 4104: Mr. BISHOP of Georgia.

H.R. 4116: Mr. SCHIFF, Mr. MOORE, Mr. KILDEE, Mr. BLUMENAUER, Mr. STENHOLM, Mr. DINGELL, Mr. BERRY, Mr. NADLER, Mr. SANDLIN, Mr. MATSUI, Mr. EDWARDS, Mr. SKELTON, Mr. HOYER, Mr. PAYNE, Mr. KENNEDY of Rhode Island, Mr. McDERMOTT, and Mr. FRANK of Massachusetts.

H.R. 4122: Mr. HINOJOSA.

H.R. 4150: Mr. KENNEDY of Minnesota and Mr. BILIRAKIS.

H.R. 4155: Mr. BOSWELL and Mr. ENGEL.

H.R. 4156: Mr. PETERSON of Minnesota and Mr. McHUGH.

H.R. 4169: Mr. LAMPSON, Ms. JACKSON-LEE of Texas, and Mr. PETERSON of Minnesota.

H.R. 4192: Mr. CLAY, Mr. PAYNE, Mr. CASE, Mr. ENGEL, and Mr. PALLONE.

H.R. 4205: Mr. RENZI.

H.R. 4233: Mr. MARKEY.

H.R. 4256: Mr. SCOTT of Virginia.

H.R. 4258: Mr. HOEFFEL, Mr. HOLT, Mr. FROST, Mr. MATSUI, and Ms. McCARTHY of Missouri.

H.R. 4260: Mr. McDERMOTT, Ms. McCOLLUM, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 4284: Mr. MURPHY, Mr. BEAUPREZ, Mr. EVERETT, Mr. BARRETT of South Carolina, and Mr. CULBERSON.

H.R. 4290: Mr. FILNER and Mr. GRIJALVA.

H.R. 4341: Mr. CLAY.

H.R. 4343: Mr. SULLIVAN.

H.R. 4346: Mr. OBEY, Mr. ENGEL, Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. EMANUEL, Mr. CONYERS, Mrs. MALONEY, Mr. WYNN, Mr. ACEVEDO-VILÁ, and Mr. ISRAEL.

H.R. 4356: Mr. McGOVERN.

H.R. 4359: Mr. BRADY of Texas, Mr. KNOLLENBERG, Mr. ENGLISH, Mr. McCOTTER, Mrs. BIGGERT, Mr. WOLF, and Mr. BOEHLERT.

H. Con. Res. 163: Mr. BERMAN and Mr. GUTIERREZ.

H. Con. Res. 261: Mr. CLYBURN, Ms. BALDWIN, and Mr. WYNN.

H. Con. Res. 298: Mr. ADERHOLT, Mr. DUNCAN, and Mr. HENSARLING.

H. Con. Res. 366: Ms. MAJETTE.

H. Con. Res. 390: Ms. DeLAURO, Mr. STUPAK, Mrs. KELLY, Mr. CULBERSON, Ms. McCARTHY of Missouri, Mr. LYNCH, Mr. BONNER, and Mr. BOYD.

H. Con. Res. 391: Mr. CHANDLER.

H. Con. Res. 403: Mr. MORAN of Virginia and Mr. BARRETT of South Carolina.

H. Con. Res. 413: Mr. RUPPERSBERGER, Mrs. CAPPS, Ms. SCHAKOWSKY, Mr. BURGESS, Mr. PEARCE, Mr. SCOTT of Georgia, Mr. UPTON, Mr. FRANK of Massachusetts, Mr. BEREUTER, Mr. VAN HOLLEN, Mr. CUNNINGHAM, Mr. BROWN of South Carolina, Mr. KNOLLENBERG, Ms. MAJETTE, Ms. HARRIS, Ms. KILPATRICK, Mr. FILNER, Mr. ROGERS of Alabama, Mr. BELL, Mr. SANDERS, Mr. BEAUPREZ, Ms. LOFGREN, Mrs. CHRISTENSEN, and Mr. FROST.

H. Res. 471: Mr. ENGEL.

H. Res. 550: Ms. McCARTHY of Missouri and Mr. DICKS.

H. Res. 640: Mr. GREEN of Texas and Ms. DeLAURO.

EXTENSIONS OF REMARKS

RECOGNIZING STACY RASTAUSKAS FOR HER WORK IN THE HOUSE REPUBLICAN CLOAKROOM

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. HASTERT. Mr. Speaker, all too often, the hard work of House staff goes unnoticed. Members of Congress thank their legislative staff when their bills pass the House, but rarely do they thank the people who make the House Floor run on a day to day basis. So today I rise to recognize someone who deserves the thanks of this entire institution: Stacy Rastauskas, the outgoing Assistant Floor Chief of the House Republican Cloakroom.

For 2 two years, Stacy has helped to run the House Floor from her desk in the Republican Cloakroom. She has been a source of invaluable information to all Members, a trusted colleague to countless House staff, and a mentor to our House pages. It is impossible to visit the Cloakroom without being on the receiving end of one of her brilliant smiles. In short, Stacy made the Cloakroom feel like home to us all.

Soon Stacy will be leaving to open a Washington office for Ohio State University. I cannot possibly thank her enough for the dedicated hours she spent as Assistant Floor Chief. It is with a heavy heart that we say goodbye and good luck. The Republican Cloakroom won't be the same without her.

A TRIBUTE TO JOSSIE B. LAWSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Jossie B. Lawson in recognition of her commitment to public service through her work in the Brooklyn District Attorney's Office and dedication to her community through volunteer efforts in her church.

Jossie B. Lawson was born in Brooklyn, New York on December 6, 1954. She is the proud mother of two talented daughters, Sareve C. Lawson and Alia H. Akili. Jossie is the product of the New York City public school system. After graduating from Performing Arts High School, she attended Hunter College. Her most recent academic achievement was the completion of the prestigious EEO Complaint Handling program at the Cornell University, School of Industrial and Labor Relations in 2001.

Shortly after receiving her certification in Paralegal Studies from Long Island University, Jossie was hired as a paralegal by the Brooklyn District Attorney's Office in 1983. She was later promoted to Administrative Manager in 1990, and again to her current position of EEO Coordinator by the current District Attorney Charles "Joe" Hynes in 1998. She is also responsible for facilitating the College Internship program in the agency and has represented the District Attorney's Office on the Board of Women's Advisors for the City of New York.

As a young adult, Jossie began working with the youth of her congregation, Zion Baptist Church where Dr. M. M. Peace is the pastor. She is a gifted singer and serves as a worship leader in her church. Her strong commitment to personal mentoring and use of her considerable skills as a life coach, has earned her the love and respect of many.

Jossie has given her time and support to countless individuals across the years. Her ability to motivate and encourage people coupled with her gift of helping others discover and nurture the gifts within themselves is why she is frequently invited to participate in workshops and motivational sessions. Jossie is a woman who will push you to excellence, pray you toward success and pull you with the strength of her belief in your potential. Many have been blessed by her guidance. She is truly a woman who makes a difference.

Mr. Speaker, Jossie B. Lawson has dedicated her life to her community through both her professional and her personal activities. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

PRESENTING A MEMORIAL TRIBUTE TO THE LIFE OF RAMON J. REEVEY

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Ms. MILLENDER-McDONALD. Mr. Speaker: Whereas, Congresswoman JUANITA MILLENDER-McDONALD recognizes the extraordinary spirit of this man, who after becoming a paraplegic went on to accomplish what others would consider impossible. He had started his career with the Federal government when tragedy struck in a car accident. But he was not deterred and as a paraplegic, he worked hard and received his Baccalaureate degree from Long Beach State University. He went on to receive his Master's degree in Hospital Administration from the University of California at Los Angeles; and

Whereas, Ramon J. Reevey distinguished himself to veterans and hospital administrations nationwide by demonstrating total commitment to the Department of Veterans Affairs. He understood the problems of patients in the Veterans hospitals. His empathy allowed him to manage the resources of the hospital to better provide needed care. His caring and positive attitude is reflected in his motto: "If you have happy employees, you have happy patients"; and

Whereas, Ramon J. Reevey throughout his career accomplished many goals, with the crown jewel of his career being the hosting of the 23rd National Veterans Wheelchair Games in July 2003, while heading up the VA Long Beach Healthcare System. He was also a competitive participant in the Games; and

Now therefore, be it resolved, that the dedication of this man to the welfare of the lives of our community is much appreciated.

TRIBUTE TO DR. MICHAEL LEMAY

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. BACA. Mr. Speaker, I rise to pay tribute to Dr. Michael Lemay, who is retiring from the California State University San Bernardino after 12 dedicated years of service to the university. Dr. Lemay is an individual of great distinction, and we join with family and friends in honoring his remarkable achievements and expressing pride in his work throughout the last dozen years.

Dr. Lemay has devoted his life to helping students through his chosen profession in education. His kindness and passionate spirit make him an incredible resource to the university and beloved community member.

For the past 12 years, Dr. Lemay has dedicated himself to Cal State San Bernardino, serving as Associate Dean, Assistant Dean, Department Chair, Academic Advisor, and Professor. In these capacities, he has been an integral contributor to the management and administration of the school, as well as a participant in developing the young minds of the future.

Through his participation in countless activities and committees, Dr. Lemay has exhibited kindness, love, humility, and a deep resolve to ameliorate all aspects of university life, so it is only appropriate that we thank him today. He has received the highest evaluation of his profession for integrity and performance, and has taken a proactive approach to leadership at Cal State San Bernardino.

I join today with family in friends in congratulating him for his 12 years of service. He is a symbol of all that is good in his profession and an inspiration to all that know him.

And so, Mr. Speaker, we salute Dr. Michael Lemay. We express admiration in his career and hope that others may recognize his good works in the community.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A TRIBUTE TO DR. HE-HON LAO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Dr. He-Hon Lao in recognition of her contribution to the field of medicine and her special role in helping to standardize the field of acupuncture in America.

Dr. Lao is a physician in Chinese medicine, a senior Acupuncturist and Herbalist, and the Founder and Director of New York Oriental HealthCare Center in Brooklyn. As a graduate of Shandong University of Medicine in 1968, she received her post-graduate training with herbal master Huang Siang-Zhou and acupuncture professor Jin Rui. She also served as Chief physician at the Red Cross Hospital under the Department of Complementary Medicine in Canton, China. While working at the Red Cross Hospital, she was one of the first physicians in China at that time to use Acupuncture and Chinese medicine in clinical research.

Inspired by the lack of standardization and regulation of the acupuncture profession, Dr. Lao joined the New York State Department of Education in January 1991 where she established a comprehensive educational requirement for licensing and code of ethics. She believes a profession without proper and rigorous training is not a profession. In addition, Dr. Lao set standards in the clinical experience of acupuncture with an emphasis on professional competency. In fact, the comprehensive practice of acupuncture today is a direct result of her advocacy.

As a physician, Dr. Lao has over 35 years experience of clinical practice and teaching in Acupuncture and Oriental Medicine. She has a long list of published works and is also a frequent lecturer on holistic medicine. Most of her lectures and seminars are professional development oriented for other doctors and healthcare professionals.

Currently, Dr. Lao works at Woodhull Hospital as a supervisory acupuncturist where she treats several thousand patients every year. She is in charge of supervising the acupuncture detoxification program which is an integral part of the treatment for chemically dependent patients. She finds her job very rewarding, especially when she sees a converted drug addict go to the podium and receive a graduation certificate from her hands. She has a similar impact on many other people's lives, and that is why she loves her job.

Mr. Speaker, Dr. He-Hon Lao has dedicated her life to easing patients' pain through the practice and development of acupuncture. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

PRESENTING A MEMORIAL TRIBUTE TO THE LIFE OF FRANCIS OLIVER ARNOLD

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Ms. MILLENDER-McDONALD. Mr. Speaker: Whereas, Congresswoman JUANITA MILLENDER-McDONALD recognizes the fine work of this man, who was born and raised in the city of Los Angeles, attended David Starr Jordan High School; became an entrepreneur starting and operating his own trucking company, while serving as an employee of the City of Los Angeles; later co-owning and operating Moe's Liquor Store in Compton successfully for nearly 20 years. He enjoyed listening to Jazz and traveling whenever possible. His loving wife, Evelyn, and his family will always cherish his love and devotion.

Now therefore, be it resolved, that the dedication of this man in enriching the lives of our community is much appreciated.

SMALL BUSINESS HEALTH FAIRNESS ACT OF 2004

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2004

Mr. BACA. Mr. Speaker, I rise in opposition of H.R. 4281 and the association health plans it creates.

This bill does nothing to help uninsured Americans, hurts those who enroll in the plans and will even cause healthcare costs to go up.

There are 44 million Americans who are uninsured in this country and this bill will not even help one percent of them. Not one percent!

A Congressional Budget Office study showed that only 360,000 uninsured Americans would join AHP's. There has to be a better way to help 44 million uninsured Americans.

What is just as bad is that AHP's will use loopholes to get around state health regulations. This will leave consumers who enroll in these plans without needed safeguards.

If an AHP denies someone a cancer treatment or diabetic supplies that person may not have the right to appeal the decision. Their health will suffer and they will be left with no options.

AHP's will enroll only the healthiest Americans. This will leave those other Americans, the ones who are sick and the ones who take prescription drugs, with fewer options.

According to the Congressional Budget Office up to 20 million Americans will face higher healthcare costs. 20 million!

Health insurers will give breaks to the AHP's and charge other consumers more.

These higher healthcare costs could cause up to 10,000 Americans to become uninsured.

There is a better way to help small businesses and the uninsured.

That is why I support the Democratic substitute to the AHP bill.

The substitute will provide small businesses and their employees with affordable quality health insurance. The plan is even similar to what the federal government offers its employees.

The substitute will protect patients by making sure the insurers are overseen by the states.

And finally this substitute will not raise the price of healthcare.

H.R. 4281 will not help small businesses or their employees.

By voting for the substitute we will help these businesses. We will help their employees and we will help all Americans have access to and afford health insurance.

TRIBUTE TO JULIE SPENCER

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Ms. BALDWIN. Mr. Speaker, I rise today to recognize one of my constituents, Julie Spencer, of Baraboo, Wisconsin. Julie was the fastest U.S. female in the 108th Boston Marathon. She finished 16th in a time of 2:56:39, her personal best. The Boston Marathon is a competitive international race, and it is an honor to recognize Julie Spencer for her great athletic achievement.

The Boston Marathon ranks only behind the Super Bowl as the largest single day sporting event in the world. Approximately 500,000 spectators line the streets of the 26.2 mile course. In this year's historic Boston Marathon the elite women runners started before the elite men runners for the first time in marathon history, giving Julie a truly unique Boston Marathon experience.

In addition to being a dedicated runner, Julie is a teacher at East Elementary School in Baraboo, Wisconsin. She uses her running expertise to help coach Baraboo High School's cross country team and track teams. By coaching, she shares and passes on her passion to the high school teams.

Obviously, it is an impressive feat to accomplish the 26.2 mile Boston Marathon on the fifth hottest day in the race's 108 year history, but to be the top female U.S finisher is worth the praise of all. It is my esteemed pleasure to contribute to the recognition of Julie Spencer's first place finish for the United States.

Mr. Speaker, Julie's friends and family have been quoted as saying, "We're so proud." I know Wisconsinites and runners across the world share this message and join me in recognizing her today.

TRIBUTE TO BONNIE GAINER

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. SANDERS. Mr. Speaker, I want to recognize today a woman who is, at one and the same time, exceptional and representative. Bonnie Gainer has served with great dedication as director of the Rutland County Women's Network. Originally the Battered Women's

Shelter, this organization has been a mainstay for women who seek counsel, help, and often a safe haven, from abusive relationships.

Bonnie Gainer is exceptional in both the depth of her commitment to women in need, and her ability to organize both staff and community so that those women can find the support and assistance that they all too often desperately require. But in another sense, she is representative: all across Rutland, all across Vermont, all across this nation, women respond and have been responding to the inhospitable condition in which too many of their sisters live.

Physical and mental abuse is, tragically, widespread in America. It is not limited to women, of course, but with Greater frequency than most can imagine wives, girlfriends and daughters find themselves trapped in difficult and dangerous relationships. It is both a point of pride—in the good work they do—and despair—that the number is so large—that I report that the Women's Network has sheltered women in Rutland for 1087 bed-nights in the past three months alone.

For a decade and a half Bonnie Gainer has led the effort to provide a haven and an alternative to women who are abused. She has been a bulwark in the community, a truly essential resource for hundreds and hundreds of women. She is a remarkable woman, and I salute her, and the many, many other women who support each other in times of desperate need.

H. CON. RES. 398: EXPRESSING THE CONCERN OF CONGRESS OVER IRAN'S DEVELOPMENT OF THE MEANS TO PRODUCE NUCLEAR WEAPONS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. PAUL. Mr. Speaker, I rise in strong opposition to this ill-conceived and ill-timed legislation. Let's not fool ourselves: this concurrent resolution leads us down the road to war against Iran. It creates a precedent for future escalation, as did similar legislation endorsing "regime change" in Iraq back in 1998.

I find it incomprehensible that as the failure of our Iraq policy becomes more evident—even to its most determined advocates—we here are approving the same kind of policy toward Iran. With Iraq becoming more of a problem daily, the solution as envisioned by this legislation is to look for yet another fight. And we should not fool ourselves: this legislation sets the stage for direct conflict with Iran. The resolution "calls upon all State Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), including the United States, to use all appropriate means to deter, dissuade, and prevent Iran from acquiring nuclear weapons . . ." Note the phrase "use all appropriate means."

Additionally, this legislation calls for yet more and stricter sanctions on Iran, including a demand that other countries also impose sanctions on Iran. As we know, sanctions are unmistakably a move toward war, particularly when, as in this legislation, a demand is made that the other nations of the world similarly isolate and blockade the country. Those who wish for a regime change in Iran should especially reject sanctions—just look at how our Cuba policy has allowed Fidel Castro to maintain his hold on power for decades. Sanctions do not hurt political leaders, as we know most recently from our sanctions against Iraq, but rather sow misery among the poorest and most vulnerable segments of society. Dictators do not go hungry when sanctions are imposed.

It is somewhat ironic that vie are again meddling in Iranian affairs. Students of history will recall that the U.S. government's ill-advised coup against Iranian leader Mohammed Mossadegh in 1953 and its subsequent installation of the Shah as the supreme ruler led to intense hatred of the United States and eventually to the radical Islamic revolution of 1979. One can only wonder what our relations would be with Iran if not for the decades of meddling in that country's internal affairs. We likely would not be considering resolutions such as this. Yet the solution to all the difficulties created by our meddling foreign policy always seems to be yet more meddling. Will Congress ever learn?

I urge my colleagues to reject this move toward war with Iran, to reject the failed policies of regime-change and nation-building, and to return to the wise and consistent policy of non-interventionism in the affairs of other sovereign nations.

SESQUICENTENNIAL OF THE SAUK CITY FIRE DEPARTMENT

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Ms. BALDWIN. Mr. Speaker, I rise today to recognize the Sesquicentennial of the Sauk City Fire Department. On May 23, the Sauk City Fire Department will celebrate its 150 years of service to community in a festival at the Saint Aloysius Church.

Sauk City was founded in 1854 as Wisconsin's first incorporated village. That same year a Sauk City merchant, J.J. Heller, had a small wooden fire engine built to protect his store from fire. Mr. Heller organized a meeting seeking assistance with the labor-intensive fire engine, making Sauk City home to Wisconsin's oldest volunteer fire department and oldest standing fire station.

During the 19th century, there was a great need for organized and responsive fire departments due to the fire prone stoves, lamps, and chimneys of that era. Furthermore, the business districts, composed of crowded rows of wooden buildings, were constantly at risk for a rapidly spreading fire. Sauk City was a pioneer for this region in stopping these devastating fires.

This is a wonderful success story about a community coming together to fill a need. In 1859, the fire department had a new locally made fire wagon. In order to raise money to purchase a bigger fire engine, the town and its several breweries organized a festival. The outpouring of support was so impressive at the first festival that it became a boisterous event. As the community grew and the technology advanced, the Sauk City Fire Department kept pace with new stations and fire engines. Today, the thirty-eight volunteer professional firefighters of the Sauk City Fire Department serve a 170 square mile area in south central Wisconsin.

While the sheer length of the Sauk City Fire Department's service to the community is worthy of praise, it boasts several other impressive qualities. The Sauk City Fire Department has done a remarkable job of restoring two of its locally manufactured fire engines from 1924 and 1928. It was also first fire department to use the two-toned Decot siren, which was created by Sauk City Fire Chief Ted Decot and became a nationwide commercial success.

Mr. Speaker, I join Fire Chief Michael Fehrenbach and all the residents of Sauk City in celebrating the Sauk City Fire Department's 150 years of service to the community.

HONORING THE LIFE OF ALAN ALBERTUS

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor the life of a true American. Alan Albertus was a man that served his country in the U.S. Air Force, as well as his community as an engineer. He was an outdoorsman who had few peers, respecting the land God had blessed us with while enjoying the challenges of Colorado's Rocky Mountains.

Alan gave much of his time to defending our constitutional right to bear arms, and often instructed young families on firearms safety, reloading, and firearms ballistics. He was active in politics—he organized rallies, celebrated the Bill of Rights, and was a delegate to conventions. Alan believed the best legacy he could leave to America was that of freedom, and he worked hard to preserve that freedom.

Most importantly, Alan Albertus served his family and his Lord and Savior, Jesus Christ. He will be missed.

A TRIBUTE TO MONICA GILL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Monica Gill, in recognition of her dedication to children and young adults as a teacher and social worker, as well as her accomplishments in the business world.

Monica is not afraid of anything that comes before her other than God as she has always had obstacles in her life that she had to overcome. Losing her mother at the early age of 13 set the precedent for a difficult road ahead. She attended the Spence School—High School, University of Nebraska—Omaha, University of Missouri, Kansas City and Hunter

College Graduate School of Social Work. Monica earned a BA in Journalism/International Studies, a M.S. in Urban Studies and 24 credits toward her Masters in Social Work, respectively. While obtaining her college degrees, she had three children: Joan, and twins, Imani and N'Namdi. At the same time, she would also work one or sometimes two jobs.

She began her career as a photographer/public relations assistant at Warner Communications. Next she went to Europe, where she assisted Air Force personnel with their college achievements in Europe. Monica returned to the states where she worked with the college administration preparing the paths for college graduates to successfully gain employment for one of the Fortune 500 companies. She would work one job during the day around her classes and on weekends, she worked with Cox Cable of Omaha in the production and programming department.

In 1983, she received a scholarship from the National Association of Black Journalists for an essay she wrote regarding the life of Malcolm X. That same year she received a broadcaster's award from KMTV–TV Omaha and an internship from KETV–TV as a weekend reporter. She moved to Kansas City and became an in-house writer for the Federal Reserve Bank District 10. Afterward, she worked for the Kansas City Conventions and Visitors Bureau and the Kansas City Globe (an African-American Daily). Her journalism and broadcasting career was booming, until the twins helped her change careers and she became a Language Arts Teacher for four years. The frustration of teaching children who were dirty and hungry led her to become a social worker and work to improve the lives of youth. After working as a social worker for more than 10 years, she realized her specialty was working with adolescents from 16–23 years old. She assisted over 200 youth to obtain housing, GEDs, employment and vocational training to better their lives. Finding services and advocating for the youth was a God-given vocation for her, which Monica had to recently give up due to surgical complications.

Monica is currently a real estate sales associate for Coldwell Banker-Five Star Realty and serves on the Bedford Stuyvesant Real Estate Board. She is on the Advisory Board for Building Blocks Child Care Center, Board Advisor for the NYS Office of Children and Family Services—Pyramid Reception Center, Bronx, and a consultant for the Caribbean Carnival Bands and Activities. Monica also attends Christian Cultural Center, which is pastored by the Rev. A.R. Bernard.

Mr. Speaker, Monica Gill has significantly improved her community through her work as a teacher, social worker, and now as an advisor to advocacy organizations. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

PRESENTING A TRIBUTE TO THE LIFE OF WILLIE PEARL ESTERS

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Ms. MILLENDER-McDONALD. Mr. Speaker:

Whereas, Willie Pearl Esters was born on April 22, 1915, in Scottsville, Louisiana, she was the third child of Charlie and Lucille Graham; and was affectionately called "Pearl". She spent her early life in Bossier City and Shreveport, Louisiana where she attended public schools; and

Whereas, Willie Pearl Esters accepted Jesus Christ at an early age and was baptized at the Bright Star Baptist Church in Scottsville, Louisiana. She met and married Herman T. Walker and to that union two daughters were born, Maxine W. and Joyce Ann Walker; and

Whereas, Willie Pearl Esters, in 1936 moved with her family to Los Angeles, California where she united with Bethlehem Baptist Church, later she joined New Hope Baptist Church where she taught Sunday School and was a member of Choir #2, and the Mission; and

Whereas, Willie Pearl Esters, in 1949 met the man who was to be her life-long spouse, Everson Boyd Esters, and after a brief courtship they were married and from this union was born a son Everson B. (Chuck) Esters; and

Whereas, Willie Pearl Esters was always looking out for the welfare of her children and left no stone unturned to expose them to the beauty of the arts, culture and the world of music. She would not settle for what was common, but she gave them her best in the hope that they would comprehend and excel. She surrounded them with a loving home and a rich family environment; and

Whereas, Willie Pearl Esters, with her family in God's hands, caught the fire of the holy spirit and followed her husband into the ministry. She grew a large circle of love by serving the needy and encouraging others to challenge what they weren't sure they could do. As a result, she developed a number of leaders and singers in the church, she expanded her circle and achieved State and national recognition for her voluminous work in service to others; and

Whereas, Willie Pearl Esters, after lengthy illness passed on, leaving us to humbly acknowledge the living legacy of her love of her husband, Everson B. Esters, her children, Maxine Swan, Joyce Walker and Chuck Esters and other relatives and friends. She will be missed in the lives of all those she has touched, and . . .

Now, therefore, be it Resolved, That Congresswoman JUANITA MILLENDER-McDONALD proudly recognizes this woman of faith, leadership, dedication, courage, persistence and wisdom and her distinguished service to her church and our community.

HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTH CARE (HEALTH) ACT OF 2004

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. BACA. Mr. Speaker, I rise in opposition to H.R. 4280. This bill gives us the wrong solution to a complex problem.

The bill will limit the rights of patients, it will harm low-income Americans and it will do nothing to lower the cost of health insurance.

This bill proposes to cap non-economic damages at $250,000. That is fine if a victim of poor medical care is a business executive, because they will receive economic damages as compensation. But what happens to the minimum wage worker or the stay-at-home mom? They rely on non-economic damages to receive adequate compensation.

This bill shows that the life of a wealthy American is worth more than that of a new immigrant working in a restaurant or a stay-at-home mother who raises her children.

We're all searching for a way to lower the cost of health insurance for all Americans. But this bill won't help. The Congressional Budget Office found that this bill won't do anything to help bring down the costs of health insurance.

Even if the cost of malpractice insurance goes down, those savings will not be passed along to Americans who try to purchase health insurance. They will still face the high cost of health insurance without any help.

This bill does not help patients and it does not help Americans. The Republicans have given us a bill that does nothing to solve the real problems with our healthcare system.

I oppose this bill because it does nothing to lower healthcare costs. And it does nothing to protect patients' rights.

TRIBUTE TO STATE REPRESENTATIVE DALE SHELTROWN

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. STUPAK. Mr. Speaker, I rise today to honor the career of an extraordinary public servant and community leader, State Representative Dale Sheltrown. Dale is currently serving his third and final term representing the 103rd District of the Michigan House, which includes Roscommon, Missaukee, Iosco and Ogemaw Counties. Dale's record of leadership in public office, business and his community stands as a shining example of a citizen legislator.

Dale Sheltrown was born on Election Day, November 5th, 1940, foretelling a lifelong commitment to public service and political leadership. His father, Ed Sheltrown, served for 35 years as Township Supervisor, and two of his five siblings are also elected officials.

Dale has been a lifelong resident of Ogemaw County, and after earning a Bachelor's of Science degree in Agriculture from

Michigan State University, he began his successful business career. From 1965 to 1974, Dale owned and operated his own dairy and beef farm. From 1974 to 1976, he was a sales manager at the John Deere dealership in West Branch, Michigan. Since 1976, Dale has been a partner with Century 21 Horizon Realty in West Branch.

Dale recognized long ago the importance of giving back to the community that had been so good to him. He was elected to serve on the Ogemaw County Board of Commissioners from 1974 to 1982 and from 1988 to 1998. From 1986 to 1988, he was the Township Supervisor and Assessor in Edwards Township, Ogemaw County, Michigan. Dale's dedication and leadership has also been recognized by his appointment to the Michigan State Commission on Aging from 1980 to 1990.

On November 3rd, 1998, Dale was elected to his first term in the Michigan House of Representatives. In the years since, he has served with distinction on the Agriculture and Resource Management Committee, the Outdoor Recreation and Conservation Committee, and the Agriculture Appropriations Subcommittee. Dale has spearheaded efforts in the Michigan House to control the Bovine Tuberculosis epidemic that has hurt so many farmers in Northeast Lower Michigan. He has also been a leader in the State's program to award high school diplomas to veterans of World War II and the Korean War.

Dale Sheltrown's exceptional life of public service and community leadership provides ample reason for this recognition, but Dale's commitment to his family is one of the things I respect most about him. Dale and his wife Lori have four grown children and four beautiful grandchildren that he never misses an opportunity to talk about. It is clear to me that whatever else Dale might be doing in his life, his family always comes first.

Mr. Speaker, Dale Sheltrown's commitment to his family, his community and the State of Michigan serves as an example to all of us, and I ask the House to join me in honoring him.

A TRIBUTE TO JASMINE EDWARDS, ESQ.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Jasmine Edwards in recognition of her commitment to serving families in need of assistance.

Born to Guyanese immigrants, Jasmine is a member of the first generation in her family to be born in the United States of America. Her mother emigrated to the U.S. as a registered nurse and later became a New York City school teacher. Her father, a former probation officer supervisor emigrated to the U.S. to attend the University of Connecticut. She recently became the seventh member in her family to become an attorney.

Jasmine is admitted to practice law in New York State and the United States District Courts. She is a member of the Association of Black Women Attorneys, Brooklyn Bar Association and the New York State Bar Association. She is also a licensed real estate broker and an instructor at the New York Paralegal School. Her law firm of Edwards & Greenidge is based in Bedford Stuyvesant, Brooklyn. Jasmine and her partner, both Guyanese-Americans, are committed to serving those in the community who desperately need legal advice.

After graduating from Temple University, she worked as a social worker. Jasmine provided services to families that had been accused of child abuse and/or neglect. Her goal was to assist parents in implementing alternative parenting skills. During her tenure at CUNY School of Law, Jasmine accepted an internship at the prestigious Federal Defenders Association of Philadelphia in the Habeas Corpus Unit. The objective of the Habeas Corpus Unit was to convince the appellate courts that certain convicted criminals should not be executed. While working as a researcher that summer, Jasmine discovered that over 80 percent of the persons on death row shared the same painful experiences when they were younger as those abused and neglected children, who were part of families that she once counseled as a social worker.

These experiences coupled with her desire to assist others inspired her to establish a law office in a neighborhood where many people are underserved. Jasmine's goal is to provide outstanding legal representation that is proactive as well as reactive.

Mr. Speaker, Jasmine Edwards has dedicated her life to helping those in need, as a social worker for abused and neglected children and now as an attorney for the underserved residents of Brooklyn. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

TRIBUTE TO THE SPRUCE CREEK ROD AND GUN CLUB

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. SHUSTER. Mr. Speaker, I rise today to extend my sincere congratulations to the Spruce Creek Rod and Gun Club for reaching its 100th anniversary.

Since 1904, the Spruce Creek Rod and Gun Club has never lost sight of its original purpose: to preserve Spruce Creek as a fishery. While maintaining its honorable traditions of conservation, the club in Huntingdon County has conquered numerous obstacles and received high acclaim for its perseverance.

Throughout the past century, the club has undergone a complete restoration, upon conclusion of which the building was placed on the National Registry of Historic Places in 1991. With the extraordinary vision of its past leaders, the club has been able to merge the old with the new by upholding its age-old traditions while improving the services available to members.

Due to its reputation for excellence, Spruce Creek has attracted such renowned leaders as Presidents Dwight D. Eisenhower and Jimmy Carter, Senator John Heinz, Vice President DICK CHENEY, and former Pennsylvania Governor Tom Ridge, to name a few.

The success of the club over the past one hundred years is a testament to the integrity with which the institution has been run. I would like to congratulate the Spruce Creek Rod and Gun Club on its 100th Anniversary. Thank you for upholding Pennsylvania's tradition of distinguished service to its citizens.

EXPRESSING SENSE OF CONGRESS THAT ALL AMERICANS OBSERVE THE 50TH ANNIVERSARY OF BROWN v. BOARD OF EDUCATION WITH A COMMITMENT TO CONTINUING AND BUILDING ON THE LEGACY OF BROWN

SPEECH OF

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. MORAN. Mr. Speaker, I rise today to recognize the 50th anniversary of the landmark Supreme Court decision in Brown versus the Topeka Board of Education.

In 1951, a door closed on Linda Brown when she was denied admission to an all-white public school in Topeka, Kansas. But on this day in 1954, a door opened for our nation. The Brown decision was the culmination of many desegregation cases. Previous court decisions had ruled that "separate but equal" was a valid policy.

By ruling in favor of Linda Brown, the Supreme Court helped America finally open its eyes and see that segregation is, in fact, wrong and does, in fact, perpetuate inequality. Through the plight of young Linda, a mere third-grader, Americans came to understand that separate is never equal.

While in law school, I was privileged to study under Paul Wilson. Earlier in his life. as a humor Kansas assistant attorney general, Professor Wilson was assigned to defend the Topeka Board of Education. He never suspected that he would end up arguing before the Supreme Court.

I would like to take a moment and pay tribute to Professor Wilson. His role in the Brown decision was a difficult one. He knew that segregation was wrong, but he was charged with the duty of defending the Topeka Board of Education. During his time at the University of Kansas, Professor Wilson wrote about the Brown decision and his recollections of that time period. In the classroom, he told my fellow students and me about his trip to Washington, D.C., and about being admitted to the Supreme Court bar. He said to us, "The decision issued in 1954 caused me, caused America, to realize that to argue the policy of separate but equal was to defend the indefensible." Professor Wilson's words, and the tales of experiences, have stayed with me.

We must never lose sight of the importance of Brown versus the Topeka Board of Education. This decision has set a higher standard for our schools and for our nation. Even today, disparities exist among groups of students, and we must continue working to ensure that all students are learning what they need to learn, and are receiving the kind of high-quality education they deserve.

As the father of two daughters, one in middle school and one in high school, I am thankful for the change that the Brown decision brought to the American education system and to our society. I am thankful that my daughters attend school in a country where all children are considered equal.

Our public schools today are rich in diversity because of the hard work of the NAACP, and the willingness of Linda Brown and her family to stand up for what is right. Because of the Brown decision, we are better able to foster understanding, tolerance, and morality in our young people.

I am proud to have been a part of establishing the Brown vs. Topeka 50th Anniversary Commission in 2001. Since its inception, the Commission has been preparing for this anniversary. Commission members have traveled all over the country, visiting the cities whose desegregation cases set the stage for Brown's success. The Commission has also encouraged many activities across the nation related to the anniversary, including an essay contest, a film and discussion series, and traveling museum exhibits.

I want to thank everyone who worked to make this anniversary so memorable and so historic. Cheryl Brown Henderson, daughter of the late Oliver Brown, has worked tirelessly, not only for this anniversary, but also for educational equity everywhere. As cofounder of the Brown Foundation for Educational Equity, Excellence and Research, Mrs. Brown Henderson has helped establish a living tribute to the plaintiffs and attorneys involved in the Brown case.

Today, President Bush visited Kansas for the first time. The President spoke this morning in Topeka at the dedication of the National Park Service's $11.3 million historic site in the Monroe School, the former all-black school that Linda Brown attended before the 1954 Supreme Court ruling. I want to thank President Bush and the city of Topeka for helping to make this anniversary worthy of the event it commemorates.

We cannot forget that our work is not yet done. We have celebrated and remembered, but we must do more. We must recommit ourselves to the philosophy behind the Brown decision—to the elimination of bias and the changing of society for the better. We must continue working to provide equal opportunities for all. We must make a fresh commitment to this Nation's children.

Colleagues, I trust we can be of one voice tonight. Let us join together in our celebration of the 50th anniversary of the Brown decision and in our renewed commitment to our children.

A TRIBUTE TO SANDRA DOCTOR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Sandra Doctor in recognition of her longstanding commitment and work for her immediate community, New York City and the State of New York.

Sandra is a woman of faith, hope and strength. A spiritual person, she is hardworking and cares deeply for her family and her fellow man. She tries to make a difference in the lives of others. She also has a passion for the arts, modern and praise dancing, and music. Sandra loves to read books as well.

Sandra was born and raised in Brooklyn, New York. She is the eldest daughter of Roy Lee and Mildred Miller. She has been a member of St. Paul Community Baptist Church for over 31 years and has served on the young adult usher board and now works with the Jewel Collective Women's Ministry.

Sandra attended Bay Ridge High School in Brooklyn and went on to pursue a Bachelors of Science degree in Business Management from the State University of New York College at Old Westbury in May 1986. After graduating from college she worked for the New York City Board of Education as a Purchasing Assistant. Two years later, she took a position with the NYC Human Resources Administration, Adult Protective Services, and has been there for the last 16 years. She has held many positions including Field Caseworker, Intake Caseworker, Unit Supervisor, Assistant to the Director, and is currently the Community Outreach Coordinator. Sandra is the liaison between APS and community based organizations, the Office of Health and Mental Health, the NYS Office of Fair Hearings and NYS Office of Mental Retardation and Developmental Disabilities.

She also worked weekends for two years at Clinton Housing Development Corp. as a counselor and front desk security. CHDC is a SRO that provides housing and social services to mentally ill, elderly and previously homeless adults. Currently Sandra attends Hunter College School of Social Work Management Development Program.

Sandra serves on many advisory boards; Manhattan Geriatric Committee, New York County Taskforce on Elder Abuse, Elder Mistreatment Committee, Living Alone Needing Care (LINC), and Mentally Ill Chemically and Alcohol Dependent (MICA).

She has been a member of the Women's Caucus for Congressman Ed Towns since 1998. She is also a member of the Rainbow PUSH Coalition, the Mayor's Taskforce and HRA Crisis and Disaster Team, where she has volunteered for the last five years. Sandra has received awards for the 911 Tragedy and the Citywide Y2K Operation. She has received emergency training through HRA Crisis and Disaster team and the American Red Cross.

Mr. Speaker, Sandra Doctor has dedicated her life to her community and her church through both her professional and personal life. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

PASTOR REVEREND MINGO HONORED BY THE CHRIST TEMPLE BAPTIST CHURCH FOR 13 YEARS OF EXTRAORDINARY SERVICE

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. PORTMAN. Mr. Speaker, I rise today to recognize Pastor Peterson Mingo, a friend and distinguished community leader, who celebrates his 13th Pastoral Anniversary this month with the Christ Temple Baptist Church located in the Evanston neighborhood of Cincinnati, Ohio.

Pastor Mingo was honored on Friday, May 14th for his distinguished service to Christ Temple Baptist Church and for his tireless efforts to improve the lives of young people in the Evanston neighborhood and throughout the entire inner city.

Pastor Mingo has dedicated his life to community service by fostering relationships and building partnerships throughout the city. Pastor Mingo founded the Evanston Youth Association, the Inner City Rites of Passage Program and the Evanston Bulldogs Youth Football team. He still manages to work with the Cincinnati Youth Street Worker Program during the day, and has a full time job at night.

For the past several years, I have had the honor of serving with Pastor Mingo on the board for a Coalition for a Drug-Free Greater Cincinnati. I am continually inspired by his dedication and commitment to providing drug free environments and healthy alternatives for our young people. Pastor Mingo also serves on the recruitment committee for the Life Center, and serves on the board of the Cincinnati Cooperative Church League.

Pastor Mingo is also dedicated to his family. He is the loving father to 11 children—eights sons and three daughters—and is a devoted husband to his wife, Regina.

All of us in Cincinnati thank Pastor Mingo for all he has done to make our community a better, safer place for our children to live and play, and we congratulate him on his Pastoral Anniversary.

CREDIT UNIONS, A VITAL AMERICAN INSTITUTION

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. SANDERS. Mr. Speaker, I want to talk today about an essential element in our national life, America's credit unions. They are one of the most vital, one of the most democratic, institutions in America, and yet time and again credit unions are overlooked and even ignored by the mainstream media. But I know, as tens of millions across the Nation know, that credit unions are healthy, thriving, and essential to the prosperity of the Nation and the well-being of millions of families.

The principle behind credit unions is simple. A group of people join together to pool some of their resources; in turn, those resources are available as low-cost loans to the members of the group. Without the need to make a profit, without heavy advertising costs, without huge bonus packages to corporate executives, credit unions can provide loans at rates lower than other financial institutions. And they also can provide loans to those who might otherwise be turned away from conventional banking institutions.

Credit unions are cooperatively owned by those who deposit money in them, not by 'investors' who want to make a profit from loaning money. They are democratic, owned and run by their members. And anyone who makes a deposit is a member.

Although the concept of coming together to pool resources dates back to ancient times, the modern credit union movement began in the mid-nineteenth century, when economic depression, massive crop failures, and especially harsh winters created horrendous conditions for rural and working people in Europe. The first credit union dates from 1850 in Germany. Quickly, the idea spread across Europe.

In 1901, in Quebec, the Canadian province neighboring my State of Vermont, the first credit union in North America was established by Alphonse Desjardins in a town called Levis. It was called La Caisse Populaire de Levis, and like its European counterparts it made credit available to all sorts of people who could not get loans from banks: small farmers, working families, and renters who had no collateral.

In 1908, inspired by that model, the first credit union in the United States was founded. Parishioners of St. Mary's Church in New Hampshire, Vermont's neighbor to the east, formed the first U.S. credit union, with help from Desjardins. (Today, St. Mary's Bank is still a credit union and still vital, with more than $450 million in assets.)

In 1909 Edward Filene, a progressive businessman whose department stores are still prominent in the Northeast—one is located in Burlington, Vermont—helped develop and enact the Massachusetts Credit Union Act. Many states followed Massachusetts in passing similar legislation. By 1930 there were 32 states with credit union laws, and there were a total of 1,100 credit unions nationwide.

The depression, of course, made credit more important than ever to hard-pressed working people. In 1934, the Congress passed the Federal Credit Union Act. When President Franklin Roosevelt signed the law in 1934, he said its purpose would be "to make more available to people of small means credit for provident purposes through a national system of cooperative credit."

Credit unions grew and flourished. By 1960 more than 6 million people were members at one or more of over 10,000 federal credit unions.

I was proud to be an original sponsor, and to work side-by-side with credit unions and their members during a long and contentious struggle in 1998. We were successful in that fight, and passed the law that preserved the right of consumers to join credit unions. So, credit union membership remained open to many millions of Americans.

Today, I am pleased to report, credit unions are stronger than ever, and serving more people than ever. There are over 12,000 credit unions in existence today. They have $316 billion in assets—and they serve 70 million people in our nation.

The credit union movement's long and great history of making credit available to people of small means has been based on the same central idea from the outset. Credit unions enable everyday people to band together for the common good, allowing them to make basic financial services available through not-for-profit and democratic means.

In our day, unhappily, tragically, the conditions that led to the beginning of the credit union movement in Germany more than a century-and-a-half ago still exist. Families, even with two and three workers in a household, even with people holding multiple jobs, often cannot pay their bills, their health care, their pharmaceutical costs.

Our economy is booming—but only for some. Corporate profits are up, productivity is up and stock prices are relatively high. The wealthiest people in our country have never had it so good. The richest one percent of our population now owns more wealth than the bottom 95 percent, and the typical CEO of a major corporation now earns over 300 times more than the average worker.

But workers across the country are often working longer hours for lower wages than they earned twenty-five years ago. Thirty percent of our workers earn poverty or near-poverty wages. In fact, low-wage American workers are now the lowest paid in the industrialized world. One out of every five children in America now lives in poverty, compared to one out of seven twenty-five years ago. Thirty-four million Americans live in hunger or in families so poor that parents skip meals so their children can eat.

Ordinary Americans are struggling. They need allies like the credit union movement.

Meanwhile, the for-profit financial services industry has left many ordinary Americans behind. Mergers have led to larger institutions serving higher-end customers, the loss of local ownership and control, less competition, higher fees, and the lack of life-line financial services to moderate- and low-income consumers.

There are 20 million American adults who do not have checking or savings accounts. Some have been priced out by high fees. Others simply can't get small loans from banks. When their cars break down, they borrow the money to fix them from wherever they can—like payday loans. Banks often think that the best way for working people to get a loan is to draw heavily on their credit cards—cards that often charge hefty monthly penalty fees on top of close to thirty percent interest rates!

So America's credit unions are just as vital today as they were when Desjardins helped organize that first credit union in New Hampshire.

Yet even though credit unions serve seventy million people—perhaps because they serve seventy million people—they are under attack by the for-profit financial establishment.

Today, huge corporate banks are hard at work lobbying Congress to tax credit unions. Unscrupulously, the banking lobby has even questioned the safety and soundness of credit unions. They hammer away and hammer away at their theme: "It is not fair that credit unions are not taxed. They get a federal subsidy." Yet it is the banks, with their multi-million dollar CEO's, their rising profits, and their rising ATM surcharges, that come before Congress to ask for huge bailouts for bad overseas investments. When the banks say that credit unions should pay a billion a year in taxes, they conveniently forget to mention that privately owned banks have received hundreds of billions in taxpayer support in the last fifteen years, ranging from outright bailouts of failed domestic banks to underwriting of their losses abroad.

Credit unions are tax exempt for good reasons, and not because anyone is doing them a special favor. Credit unions are tax-exempt because they are not-for-profit institutions. And under federal law, and rightly in my view, nonprofits are exempt from taxes: churches, hospitals, libraries, universities—and credit unions.

For almost all of the past century, credit unions brought people together, allowed them to share their resources, and served the financial needs of their members in good times and bad.

It is my belief that credit unions and their members have the potential to be an even more important economic, social and political force in our country in the decades ahead. In a nation facing forces that threaten to rip our economic well-being apart—downsizing, outsourcing, shipping jobs abroad—credit unions remind us that we can work together for the common good. They show us, day after day, that it is not necessary to incorporate the profit motive into every aspect of American life. In fact, credit unions show us how, if profits are not involved, people can come together to help themselves, sustain themselves, and create healthy communities.

I never make excuses for the fact that I am a strong supporter of credit unions. I want to see credit unions grow and flourish because I believe credit unions are good for the working people of Vermont and good for America.

A TRIBUTE TO JANET B. MUNROE ROUSSEAU

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Janet B. Munroe Rousseau in recognition of her dedication to her community and improving the lives of children.

Janet was born in Trinidad, West Indies. When she immigrated to the United States with her husband, she had already had a nursing degree. She started her nursing profession in England. However, Janet decided to broaden her scope of knowledge by completing the certification for the Nurse Midwifery Program (R.N, C.N.M.) at Downstate University in Brooklyn, New York. She is licensed to practice Midwifery by the New York State Education Department and the American College of Nurse Midwives. Janet also completed her Bachelor of Science degree in Community Health at St. Joseph's College while working full-time and presiding as Vice-President of the PTA at her daughter's elementary school.

Janet is a member of over ten professional affiliations within her nursing career including: the Nursing Admissions Committee, the Clinical Faculty of the College of Health Related Professions, and the Search Committee for the Chairperson of the Nurse-Midwifery Program, which is only given to those who are accomplished in their field.

During her career Janet has collaborated with other nursing professionals in formulating the first health fair for Central and East Flatbush area.

In addition to being a health care provider, Janet has been a member of the Sesame Flyers International Inc. since its inception in 1983. She has held numerous positions within this prestigious organization including Vice-President, Treasurer, Comptroller, Head of Social Affairs, Nutritionist for the Children's Saturday Program and now, a member of the Board of Directors. This community service organization is her second family. Janet devotes a lot of her spare time to making sure the group lives up to the motto, "Love a Kid Today and Everyday."

Janet is truly worthy to be honored as a "Woman Who Dares to Be Different." She is not only a daring woman, but she is also a dynamic wife, mother, grandmother, mother-in-law, sister, friend and well-rounded blessed person.

Mr. Speaker, Janet B. Munroe Rousseau has dedicated her life to strengthening her community as a health care provider and community activist. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

RECOGNIZING INDUSTRY EFFORTS TO FIGHT UNDERAGE DRINKING

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. BOEHNER. Mr. Speaker, I rise today during prom and graduation season to recognize The Century Council and the distilled spirits industry for their efforts to fight underage drinking this month and throughout the year.

As we focus on public health and safety issues during prom and graduation season, we must pay close attention to the challenges facing our nation's youth. While many youth under the age of 21 obey the minimum drinking age law and do not drink, other youth unfortunately make irresponsible decisions about beverage alcohol. The consequences can be tragic. In addition to countless non-fatal injuries, statistics from the National Highway Traffic Safety Administration show there were 516 alcohol-related traffic fatalities among youths under the age of 21 in May and June 2002.

The Century Council, funded by America's leading distillers to fight drunk driving and underage drinking, is kicking off its fifth annual National Prom and Graduation Safety Months Initiative consisting of a series of initiatives aimed at educating students, parents, educators and lawmakers throughout the upcoming months. This includes the nationwide distribution of prom and graduation safety kits and gubernatorial proclamations in more than 30 states.

The Council's programs have been implemented across the country in numerous public/private partnerships to educate parents, educators, youth, lawmakers, law enforcement, and community groups about the problem of underage drinking. The Council's programs are developed by experts to provide the public with educational tools and programs aimed at reducing underage drinking.

Mr. Speaker, I am pleased to join more than 30 governors from across the nation who have recognized the efforts of The Century Council in declaring May and June Prom and Graduation Safety Months.

REGARDING CO-SPONSORSHIP OF H.R. 4061

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Ms. LEE. Mr. Speaker, I rise today in regards to H.R. 4061, the Assistance for Orphans and Vulnerable Children Act of 2004, which passed the House International Relations Committee by unanimous consent on March 31th.

Last week the International Relations Committee filed House Report 108–479.

Because House rules prohibit the addition of additional co-sponsors to a bill once the committee report has been filed, I am not able to formally add another Member of Congress as a co-sponsor of this legislation.

I ask that the record show that Ms. Granger of Texas is in support of my bill and should be considered by this body as a co-sponsor of H.R. 4061.

CONGRATULATIONS TO BETHESDA-CHEVY CHASE HIGH SCHOOL

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. VAN HOLLEN. Mr. Speaker, I rise today to congratulate Bethesda-Chevy Chase High School BCC in my district for being named a GRAMMY Signature School by the GRAMMY Foundation. BCC is only one of 41 public high schools in the country to receive this prestigious award. The GRAMMY Foundation recognizes outstanding public high schools across the U.S. that demonstrate a commitment to music education.

I am proud that, even in the midst of budget cuts, faculty and staff at BCC have managed to maintain and develop its arts and music program. BCC has successfully used the arts to captivate and engage students in the process of learning. The arts help children develop discipline as well as problem solving and critical thinking skills which are invaluable for future endeavors.

I applaud BCC for its commitment to music education and for making a positive difference in the lives of young people.

PERSONAL EXPLANATION

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. NETHERCUTT. Mr. Speaker, on Thursday, May 13, I was unavoidably detained due to a prior obligation. Had I been present, I would have voted "no" on the following: Rollcall vote No. 172 on agreeing to the Kind substitute amendment to H.R. 4281, the Small Business Health Fairness Act of 2004; and rollcall vote No. 173 on the motion to recommit H.R. 4281, the Small Business Health Fairness Act of 2004.

I would have voted "yes" on the following: Rollcall vote No. 174 on passage of H.R. 4281, the Small Business Health Fairness Act of 2004; Rollcall vote No. 175 on the motion to suspend the rules and pass H.J. Res. 91, Recognizing the 60th anniversary of the Servicemen's Readjustment Act of 1944; and Rollcall vote No. 176 on agreeing to H. Con. Res. 414, Expressing the sense of Congress that, as Congress recognizes the 50th anniversary of the Brown v. Board of Education decision, all Americans are encouraged to observe this anniversary with a commitment to continuing and building on the legacy of Brown.

50TH ANNIVERSARY OF BROWN v. BOARD OF EDUCATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in honor of the 50th Anniversary of Brown v. Board of Education decision, which declared segregation of public schools illegal. The case was sparked by Linda Brown, a black girl denied admission into a white elementary public school in Topeka, Kansas. The NAACP took up her case, along with similar ones in Kansas, South Carolina, Virginia, and Delaware. All five cases were argued together in December, 1952 by Thurgood Marshall.

I am proud to stand here today in honor of one of our country's pioneers in the history of civil rights. Before serving 24 years as the first African-American on the United States Supreme Court, Thurgood Marshall served as legal director of the NAACP. Marshall was once asked for a definition of "equal" by Justice Frankfurter. He responded, "Equal means getting the same thing, at the same time, at the same place."

I am grateful to have contributed to the legacy of such a great American. As immediate past chair of the Congressional Black Caucus, I am pleased that the seed planted under my administration has now blossomed into a fruitful initiative.

Mr. Speaker, I would also like to thank all of my colleagues here in Washington, around this nation and Topeka, Kansas for commemorating this significant event, so fundamental to our societal growth. I am here today because I believe that education must be our number one national priority. In my almost thirty years as a legislator, I have fought to ensure that education is at the forefront of the legislative agenda.

The President has promised to "leave no child behind", unfortunately, the current administration is not getting the message. The President's budget falls $9.4 billion short of the funding commitment made in No Child Left Behind to K–12 education for Fiscal Year 2005. In my home State of Texas, the President's budget will impact math and reading programs for 205,157 children.

How can we ask educators to meet high standards at the same time we hand them a budget that forces class size increases, cuts in academic programs, and teacher layoffs? Demanding more but paying less does not work.

Other programs barely survive the budget chopping block—resources for teacher training, educational technology, after-school programs, and safe and drug-free schools are frozen; while for the second year in a row he allocates no money for school modernization.

Education is not a luxury item that can be trimmed when more enticing budget items beckon. It is an essential element that should be our highest national priority. Now is the time to increase education spending.

Mr. Speaker, I would like to close by asking my colleagues in the House of Representatives to join me in extending my appreciation to the legacy of Justice Thurgood Marshall, the Brown family, and all of the unsung heroes who worked so tirelessly for equality and justice in America's public institutions of learning.

RECOGNIZING THE 50TH ANNIVERSARY OF BROWN v. THE BOARD OF EDUCATION

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. MEEK of Florida. Mr. Speaker, today marks the 50th anniversary of the landmark civil rights ruling of Brown vs. The Board of Education. The plaintiffs in this case, led by Thurgood Marshall, argued that states did not have a valid reason to impose segregation, that racial segregation caused psychological damage, and that restrictions based on race or color violated the equal protection clause of the Fourteenth amendment. On May 17, 1954, the Supreme Court unanimously agreed.

Fifty years later, we must ask ourselves if the vision of equality sought by the plaintiffs in Brown has been realized. While today the legal battle against segregation is largely over, the struggle for equal opportunity continues. Gaps in academic achievement and outcomes separate white and minority students, and little has been done to address them. New data from the Urban Institute and the Harvard Civil Rights Project indicates that only about one-half of black and Hispanic students graduate from high school nationwide. The study also found that black students are over represented in special education programs and under represented in honors education programs.

Meaningful change in our public schools is needed, but the No Child Left Behind Act passed by Congress in 2001 is not the answer. Showcasing achievement gaps will only further erode support for our public schools and drive more students to private schools. A national mass exodus from our public schools, which has already occurred in some urban communities, would turn our public schools into classrooms of last resort and little hope.

The dream codified by Brown is alive, but we must continue to push for full equity and quality in education for all Americans. Today is an occasion to celebrate the progress made in the last 50 years, reflect on our progress thus far and recommit ourselves to the goal of equality that is the promise of our Constitution.

COMMEMORATING THE 50TH ANNIVERSARY OF BROWN v. THE BOARD OF EDUCATION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. MARKEY. Mr. Speaker, 50 years ago today, in the landmark Brown v. The Board of Education, Chief Justice Warren declared, unanimously, that "in the field of public education, the doctrine of 'separate but equal' has no place." Separate educational facilities are inherently unequal. The Brown decision promised that every child, regardless of the color of his or her skin, would have unequivocal access to quality education and an equal opportunity to pursue his/her dreams. Since that moment, our society has evolved to the point where the idea of intentionally separating students on the basis of on the color of their skin in the United States of America is appalling. However, while we should certainly celebrate the demise of overt official racism, we must also critically examine where we are at this historical moment, recognize the many challenges ahead and reaffirm our commitment to making Brown v. Board a reality.

In Massachusetts we tend to think about segregation and racial disparity as a southern phenomenon, alien to our abolitionist New England roots. But a recent study released by the Civil Rights Project at Harvard University found that the Metro-Boston area still remains a widely segregated society. In fact, 70 percent of white students attend suburban schools that are over 90 percent white, while more than 75 percent of black and Latino students attend schools in the inner city or in one of the urbanized satellite cities. The segregated schools of today are arguably no more equal than the segregated schools of the past. Students who attend high minority and high poverty schools are far less likely to graduate on time, be taught by a "highly qualified teacher" and apply to college, and are far more likely to drop out of school, score poorly on the SATs, and fail the MCAS.

I am proud of what has happened in my hometown, where Mayor Howard seized an opportunity to modernize the entire school system so that everybody in this diverse working-class community feels that people care about the education of Malden's children, regardless of race or income. Unfortunately, this is the exception, not the rule. Efforts at the national level to support such initiatives have been very uneven. The No Child Left Behind NCLB Act set lofty goals but is failing to provide the funding and the assistance needed to achieve those goals. President Bush's budget for next year failed to provide $9.4 billion of promised money to K–12 education, $7.2 billion of which was intended to help schools educate our country's most impoverished children. In order for our schools to make "adequate yearly progress," the President needs to provide "adequate yearly funding." Almost every day, I get calls from constituents, and communicate with teachers about the many problems with implementing standards without financial support.

Our work is clearly not done and there is too much at stake to leave the work unfinished. Education is not only a ladder of opportunity, but it is also an investment in our future. Our nation's security, economy, and place on the world stage depends on the success our educational system. Although children are only 24 percent of the population, they're 100 percent of our future and we cannot afford to provide any child with a substandard education.

50TH ANNIVERSARY OF BROWN v. BOARD OF EDUCATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. LANTOS. Mr. Speaker, today we mark the 50th anniversary of the Supreme Court's historic ruling in Brown v. Board of Education. This monumental decision effectively overturned the egregious standard of "separate but equal" and truly opened the schoolhouse doors for all children in America.

The decision was a watershed event in U.S. history. It represents the moment in time when the U.S. government no longer sanctioned discrimination against a person solely based on the color of their skin. Most importantly, the decision established the fundamental right of access, granting everyone the ability to gain an education and excel in America.

Mr. Speaker, even though this nation officially banished slavery and attempted to fully integrate the former slaves into society with the 13th, 14th and 15th amendments to the Constitution, equality did not come immediately. States enacted laws to circumvent the intention of these post-Civil War amendments. Then in 1896 the Supreme Court codified the usurpation of rights in the decision that allowed for "separate but equal" facilities for African Americans, in essence endorsing an official government policy of segregating black and white citizens.

Shortly after that shameful decision, the National Association for the Advancement of Colored People (NAACP) was founded and soon began its legacy of fighting legal battles that address social injustice. One of the most prominent lawyers from the NAACP legal team was a young man named Thurgood Marshall, who graduated first in his class from Howard University School of Law in 1933, and joined Julian Dugas, Charles Houston and Oliver

White Hill to advocate for the NAACP in the nation's courtrooms. After a series of legal successes, Thurgood Marshall scored one of the greatest legal victories when he and Charles Houston successfully argued Brown v. Board of Education before the Supreme Court in 1954.

The success of this case was enhanced by the Court's unanimous decision. This was largely thanks to Chief Justice Earl Warren, who recognized that proponents of segregation might see a divided decision as vulnerable to being revisited in later years. Furthermore the Chief Justice wisely recognized that failing to get the support of all the Justices would carry less weight with the Eisenhower Administration and the general public.

Mr. Speaker, despite the lofty promises of desegregating schools with all deliberate speed that the Supreme Court offered when it decided Brown v. Board of Education, some communities still suffer from de facto segregation.

Even more troubling are the disputes that still exist. Part of the problem stems from schools being largely based on housing patterns and funded by local property taxes. A school with a majority African American or Latino population, especially in large cities, is less likely to have proper textbooks, experienced and prepared teachers, and adequate classrooms of manageable size as a result of these funding imbalances. Unfortunately, this means these schools are often rated the worst and produce unprepared students, along with having high drop-out rates.

Students at these schools have limits placed on their access to a quality education. Mr. Speaker, we are all aware that students who go to impoverished schools are less likely to take college preparatory or advanced placement classes, and in the hyper-competitive world of college admissions the classes are mandatory to gain entrance. A quality education has the power to break the cycle of poverty that has plagued minority communities. We are the richest country in the history of the world, and it is unconscionable that schools are failing their students.

Mr. Speaker, as we stand in the shadow of this extraordinary decision half a century after it was made, we in Congress should recommit ourselves to the doctrine of Brown v. Board, which Chief Justice Warren stated so eloquently 50 years ago when he said, "We conclude that, in the field of public education, the doctrine of 'separate but equal' has no place."

IN HONOR OF MARK TOGNAZZINI

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. FARR. Mr. Speaker, I rise today to honor a public servant, Mark Tognazzini, of the highest caliber on his retirement from the posts of Agricultural Commissioner and Sealer of Weights and Measures for San Benito County, California. I wish to express my gratitude for his good work, and wish him well for the future.

Mark is a native of San Benito County, born and raised in Hollister. After attending local schools, he started working with the Agricultural Commissioner's office in 1963, and over time worked his way up through the ranks to become Commissioner in 1984. While in that position, Mark has worked on a local and regional level to promote good dialogue and relationships with the agricultural industry. His work continued State-wide as well and he was active in the California Agricultural Commissioners and Sealers Association, serving as both the Vice President and President of that group. His local work includes eight years as the Chairperson of the Agriculture/Horticulture Division of the San Benito County Fair and work with other county fairs in the area.

Mr. Speaker, Mark Tognazzini's career has spanned four decades and huge changes in the way California farmers operate and the government regulates. Throughout this time he has maintained good relationships with growers and residents, and has served the people of San Benito County and the State of California well. I am sure I join many others in wishing him all of the best for the future in his retirement.

ROSS OPPOSES ADMINISTRATION OVERTIME REGULATIONS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. ROSS. Mr. Speaker, on Wednesday, May 12, 2004, I missed a vote to table the Motion to Instruct Conferees on H.R. 2660, the Labor–HHS Appropriations Act of fiscal year 2004, offered by Representative GEORGE MILLER. Had I been present, I would have voted no on the motion to table.

Although the FY04 omnibus appropriations bill included the FY04 Labor-HHS Appropriations bill, technically, it is still in conference and motions to instruct are in order. By tabling this motion to instruct, it will injure the working men and women of Arkansas's Fourth Congressional District, and the nation who often depend on overtime pay to make ends meet. I support the Senate language to prohibit the use of funds to issue or enforce a regulation that would take overtime pay away from any employee who, under current regulations, is entitled to overtime pay.

On April 23, the Labor Department published a final overtime eligibility rule in the Federal Register that will take effect later this year. The final rule differs from the proposed rule in that it substantially expands the Fair Labor Standards Act's (FLSA) exemptions and threatens the overtime rights of millions of workers. For instance, the final rule greatly expands the exemption for administrative employees, thus creating loopholes for employers to potentially exploit hard working Americans. Additionally, the final rule expands the learned professional exemption to workers without college degrees and jeopardizes the overtime protection of blue collar workers considered "management."

Working families in the Fourth Congressional District of Arkansas depend on overtime pay to feed their families, make their mortgages, and contribute to this great society. Any action by our government to reduce this simple process in unconscionable.

It is for these reasons that had I been present, I would have voted no on the motion to table Representative GEORGE MILLER's Motion to Instruct Conferees on H.R. 2660.

CELEBRATING NATIONAL TRANSPORTATION WEEK

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. DAVIS of Tennessee. Mr. Speaker, the development of modern transportation infrastructure has changed the way Americans live, travel, and continues to be one of the driving factors in maintaining a strong economy. Since this is National Transportation Week I would like to recognize the significant contributions transportation infrastructure has made in districts like mine.

The 2004 American Almanac of Politics recently rated Tennessee's Fourth Congressional District as the fourth most rural in Congress. As a farm boy who grew up and lives in one of the most rural counties in the district I understand the importance of roads, and infrastructure. Many of the communities, towns and cities in my district, like many others, depend on these investments for their livelihood.

A Senate and House Conference Committee have been working with the Administration to find common ground in the highway reauthorization bill, commonly referred to as TEA–LU. The funding for this legislation has been set for a six year span. It is my strong belief, the investment in building and adding upon existing infrastructure will not only impact our grandchildren, but their children as well.

Thank you, Mr. Speaker, for allowing me to praise the work we have accomplished in strengthening our nation's roads, highways, national security, and economy.

PERSONAL EXPLANATION

HON. DENISE L. MAJETTE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Ms. MAJETTE. Mr. Speaker, I was unable to be in attendance for votes on May 13, 2004 due to a family commitment.

1. Had I been present, on rollcall No. 169, a substitute to H.R. 4275, I would have voted "aye."

2. On rollcall No. 170, H.R. 4275, to extend the 10-percent individual income tax rate bracket, I would have voted "nay."

3. On rollcall No. 171, a motion that the House instruct conferees on S. Con. Res. 95, I would voted "aye."

4. On rollcall No. 172, a substitute to H.R. 4281, the Small Business Health Fairness Act, I would have voted "aye."

5. On rollcall No. 173, a motion to recommit H.R. 4281, I would have voted "aye."

6. On rollcall No. 174, the Small Business Health Fairness Act, I would have voted "nay."

7. On rollcall No. 175, Recognizing the 60th anniversary of the Servicemen's Readjustment Act of 1944, I would have voted "aye."

8. Finally, on rollcall No. 176, Expressing the sense of the Congress that, as Congress recognizes the 50th anniversary of the Brown v. Board of Education decision, all Americans are encouraged to observe this anniversary with a commitment to continuing and building on the legacy of Brown, I would have voted "aye."

HONORING THE 50TH ANNIVERSARY OF BROWN v. TOPEKA BOARD OF EDUCATION

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. FARR. Mr. Speaker, it was 228 years ago that the Second Continental Congress affirmed that all men are created equal, as they declared their independence from England. Despite the grand idea of creating a better government that cherished equality and unalienable rights, the United States of America endorsed overt racial discrimination and exploitation for over 178 years.

It was only 50 years ago, in the Supreme Court ruling on Brown vs. Topeka Board of Education that our government took a big step towards correcting these wrongs and recognizing the full spirit of equality. This ruling reversed the Plessy vs. Ferguson case and established that, "separate educational facilities are inherently unequal." The Supreme Court's acknowledgment in Brown vs. Topeka Board of Education was a pivotal point in the rising civil rights movement that led to the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

Today, we celebrate the 50th anniversary of Brown vs. Topeka Board of Education. We also honor all the people, young and old, who bravely challenged the status quo and risked their own personal safety to fight for equality. It was their courage that spurred our country to become a better place and we will continue to recognize their important role in our history.

As we commemorate the achievement of the Brown decision, we must also recognize that this fight is not over. Across the country children of all races are being deprived of their fundamental right to an education. In California we see painful overcrowding in schools, creating conditions that are not conducive to learning. Without the critical skills provided by a good education, our children's futures are restricted. In the last several years we have seen a symbol of commitment to improving education in the enactment of the No Child Left Behind Law. This legislation sets high standards for the kind of achievement we would like to see from all of our children. However, this law fails to provide the resources and tools for states and localities to achieve these goals. Underperforming schools are punished instead of helped, and our children are once again denied their right to a good education.

The significance of Brown vs. Topeka Board of Education is too important for us to let it slip away. We must continue to dedicate ourselves to achieving equal rights and equal opportunity for all Americans.

IN MEMORY OF STAFF SERGEANT HESLEY BOX, JR.

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. ROSS. Mr. Speaker, I rise today to honor the life of Staff Sergeant Hesley Box, Jr., of Chidester, Arkansas, who died on May 6, 2004, fighting for his country. Hesley, just 24 years old, was part of the Arkansas National Guard, Bravo Company, 1st Battalion, 153rd Infantry, 39th Brigade Combat Team. I wish to recognize his life and achievements.

I am deeply saddened by the tragic loss Hesley Box, Jr. from Arkansas's 39th Brigade, who died while supporting Operation Iraqi Freedom. Hesley lost his life while making the ultimate sacrifice to serve our country, and I will be forever grateful to him for his courageous spirit.

Hesley gave his life to serve our country and will forever be remembered as a hero. My deepest condolences go out to his parents, Barbie and Hesley, his brother, Tarcus, his wife, Alexis, their daughter, TaDarius, and their son, Zacheas. I know Hesley was proud of his service to the U.S. Army and to our country. He will be missed by his family, fellow soldiers, and all those who knew him and counted him as a friend. I will continue to keep Hesley and his family in my thoughts and prayers.

HONORING MR. RICK CRANDALL FOR HIS OUTSTANDING PUBLIC SERVICE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Mr. Rick Crandall of Aurora, Colorado for his lifetime of achievement and service to his family, community, and country.

Mr. Crandall served his country honorably with the U.S. Air Force in Guam. Following his service, Mr. Crandall created the popular radio talk-show "The Breakfast Club" emphasizing the sacrifices made by American veterans. On his show, Rick interviews veterans about their experiences on and off the battlefield. The show made history in 2000 when he went "on the air" from the American Cemetery above Omaha Beach. Rick's radio venue has been warmly welcomed by the veteran community and he has received special recognitions from the American Legion and the Veterans of Foreign Wars for his work.

Mr. Crandall has been an outstanding advocate for several other causes as well. He holds annual charity events for the American Lung Association and the American Heart Association. He has also been helpful for community organizations like the Aurora Senior Center, Rainbow Bridge, and the Denver District Attorney's Office. Most notably, Rick hosts an annual golf tournament which raises funds for the local Meal on Wheels.

Rick Crandall has made service a life-long pursuit. His latest undertaking is the establishment of the Colorado Freedom Memorial in Aurora. This memorial honors the thousands of Coloradans who have given their lives serving in combat for the United States since the Spanish-American War. The Colorado Freedom Memorial is just in its introductory stages, so Mr. Crandall surely has a project to keep him active for years to come.

Mr. Speaker, it gives me great pleasure to honor a man who has given so much to so many. Rick has been an inspiration to our Nation's youth by promoting community service and activism. I urge my colleagues to join me in recognition of Rick Crandall and the commitment he has made to improving his community.

TRIBUTE TO MAEVA NEALE IN MEMORY OF A LEADER, ENVIRONMENTALIST, POET, SCHOLAR AND DOCTOR

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Ms. ESHOO. Mr. Speaker, I rise to honor my constituent Maeva Neale who passed away on May 8, 2004. She was a physician, leader, a poet, and a hero to those who lived in the coastside town of Pescadero, California. She lived a life filled with values, devoting herself to improving the lives of everyone around her.

Maeva Neale was born in Chicago, the daughter of a minister and Spanish teacher. She majored in Russian studies at Cornell University and was fluent in Swahili, Spanish, French, German, and Arabic. She began medical school at the University of Chicago and completed her studies at the University of California at San Francisco. In the spirit of her thirst for knowledge and adventure, she moved to Kenya for a decade where she practiced medicine and raised her two children, Ama and Geoffrey. Looking for new adventure, she then moved to Saudi Arabia for two years.

In 1989, our community was blessed with Maeva Neale's decision to move to Pescadero, where one of her first acts as a member of our community was to foil an attempt to drop sewage sludge above the ecologically vital coastal area of Pigeon Point. She spent ten years on the Pescadero Municipal Advisory Council, including one as the Chair, leading the drive to stop chemical spraying along Pescadero's roadways. She wrote volumes of beautiful poetry in several languages that were illustrated by local artists and was commended by President Clinton for her work on behalf of Russian children who were devastated by severe pollution.

Mr. Speaker, it is with a heavy heart that I rise to honor the life of Maeva Neale. She brought our community together, no matter how divergent its opinions. She was an artist and a healer, and always was an inspiration to me. I ask my colleagues to join me in honoring and remembering Maeva Neale for her extraordinary life of service to our community and humanity. We are better people because of her gentleness, her leadership and her incredible spirit.

IN HONOR OF BROWN v. BOARD OF EDUCATION

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to celebrate the 50th anniversary of the Supreme Court's landmark ruling in the case of Brown v. Board of Education. Fifty years ago today, Chief Justice Earl Warren announced that, under the Constitution, education is "a right which must be made available to all on equal terms." That ruling paved the way for the end of legal segregation; it affirmed the truth that we all knew in our hearts—that separate can never be equal.

In only 2,000 words, Chief Justice Warren changed the course of our nation for the better. It took the Chief Justice only a few minutes to read the ruling, but his words are still echoing in every classroom throughout the country. His words reverberated through the Supreme Court's marble halls and flowed into public school hallways. Those words continued to carry across the land by drawing power from the hope they gave to the people who heard them. They were a promise that every child would have the same opportunity to receive an education and, even more importantly, that every person would have the opportunity to shape and contribute to our society's future.

The Brown v. Board of Education ruling was a crucial step on our way to becoming a more just society. We still have a very long way to go, but we cannot let the length of the road ahead of us discourage us. The Brown v. Board of Education ruling put the power of the law behind the fight for racial equality. It was a legal ruling that did so much more than end legal segregation in schools; it promised all Americans the right to participate in the "American dream."

The National Association for the Advancement of Colored People (NAACP) carefully formed a strategy to boldly challenge the constitutionality of segregation. Linda Brown represented the millions of children suffering from the effects of segregation, and her father, Oliver Brown, represented the millions of parents who believed that their children deserved better. Civil rights advocates used the Supreme Court's ruling on education to challenge discrimination in transportation, voting practices, housing and other parts of our society. The effort to win legal rights also gave birth to Dr. Martin Luther King's powerful dream of an America where all people are free from the scars of discrimination.

Today, we celebrate the courage and conviction of those who stood up for their rights and helped to bring about the great victory of the Brown v. Board of Education decision. Today we also must join together to reaffirm our commitment to equality and to work so that all Americans have a real opportunity to reach their full potential. The goal of achieving equal opportunity requires us to continue to fight for justice and equality. It also requires that we expand opportunity by providing adequate funding for quality, public education; creating good jobs; ending health disparities; and guaranteeing full access to the ballot booth in practice as well as in theory.

Today, we have much to celebrate but we also have much left to achieve.

COMMEMORATING THE 50TH ANNIVERSARY OF BROWN v. BOARD OF EDUCATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mrs. BIGGERT. Mr. Speaker, today I rise to commemorate the 50th Anniversary of Brown versus the Board of Education. Fifty years ago, the Supreme Court ruled the doctrine of "separate but equal" unconstitutional, and the doors of education were opened to every child.

Sadly, although schools were open to every child, a tremendous learning gap opened up. Some students received a great education, while others—largely poor and minority—slipped through the cracks of the system. The achievement gap between African-American and Caucasian fourth-graders is 28 percentage points, and 29 points between Hispanic and Caucasian students.

This is not equal access to education.

The No Child Left Behind Act continues Brown's legacy. Under NCLB, every child, regardless of race or national origin, is given the same opportunity to learn. Schools are required to ensure that every child is learning. No longer can students shuffle through the system without learning. We are already seeing positive results. According to a 2004 study by the Council of Great City Schools, the achievement gap is narrowing between minority and Caucasian students in both reading and math. These results are due, in large part, to NCLB.

The No Child Left Behind Act is the second step of Brown. The ruling in Brown may have given students equal access to the classroom, but NCLB ensures that they are given equal access to an education in that classroom.

TRIBUTE TO NEIL BRADLEY

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mrs. MYRICK. Mr. Speaker, I rise today on behalf of the members of the Republican Study Committee (RSC) to express our sincere gratitude and best wishes to Neil Bradley. Neil, who has served as Executive Director of the RSC since January 2000, was recently asked by the House Majority Whip to serve as his Policy Director. As the members and staff of the RSC prepare to wish Neil well in his new position, we wanted to take a moment to reflect upon his outstanding service to our organization and to thank him for it.

For those who may be unaware, the Republican Study Committee is a group of Republicans organized for the purpose of advancing a conservative economic and social agenda in the House of Representatives. The group is dedicated to a limited government, a strong national defense, the protection of individual and property rights, and the preservation of traditional family values. Although these values are shared in the abstract by a majority of my colleagues, it is necessary that we measure what is produced through the deal-making and political give-and-take that permeates this institution against the ideals we were elected to uphold. The RSC plays an invaluable role in seeking to ensure that all legislation that moves through this body reflects and respects these fundamental values.

Over the past four and a half years, the RSC's efforts have been tremendously improved because of the service of Neil Bradley as the group's Executive Director. Neil is a committed and principled conservative. He is a tireless and effective advocate for the RSC's objectives. And, as anyone who has worked with or against him will readily acknowledge, Neil is a master of House procedure, especially the federal budget process. Mr. Speaker, Neil has served the RSC with integrity and distinction. We will miss him greatly, but are glad that he will be working for our shared values in a position of influence within the House Leadership.

As his friends and colleagues know, Neil's emails always conclude with some quotation from a famous conservative political thinker or office holder that is relevant to the policy fight of the day. Many of the quotes come from Neil's political hero, former President Ronald Reagan. I thought it would be fitting to close with some words from the great leader.

In 1989, in his farewell address to the Nation, Reagan said the following to the officials and staff that served in his Administration:

> [A]s I walk off into the city streets, a final word to the men and women of the Reagan revolution, the men and women across America who for 8 years did the work that brought America back. My friends: We did it. We weren't just marking time. We made a difference.

Mr. Speaker, Neil Bradley has spent 4 and a half years working passionately for the Republican Study Committee, for the House of Representatives, and for America. He was not just marking time. He made a difference.

On behalf of the RSC, I thank him for his service and wish him well in his new endeavor.

HONORING BROWN v. BOARD OF EDUCATION

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. DEUTSCH. Mr. Speaker, I rise today to commemorate the 50th Anniversary of Brown

v. Board of Education. This landmark victory in the effort to rid this nation of segregation continues to product national repercussions, and on this day I believe we must rededicate ourselves to the ideals that it proposes.

Mr. Speaker, many people consider Brown a failure. It is not universally accepted or practiced, and the victories of the civil rights movement have been overturned or forgotten in the subsequent years. Minority populations including black and Latino children continue to find themselves as this nation's lowest academic performers. Indeed, if Thurgood Marshall surveyed the racial landscape today, he may wonder if Brown had been overturned.

But these very real challenges must not let us forget the lasting lesson of Brown. For many black parents, integration was not the key issue as it was the recognition of the fact that unless their children went to school with the children of the whites who controlled the purse strings, their children's educational opportunities would likely be shortchanged.

Brown ultimately decrees that all children—black, white, Latino; Asian, Native American—are all equally deserving of a high quality education, and that we cannot allow superficial differences to dissuade us from this fact. We must provide our children the presumption of competence and the expectation of success. Our children must have an environment that nurtures aspiration, guardians who provide direction, and peers who provide support. If we are serious about realizing the promise of Brown, then we must challenge ourselves to deliver those things which they most desperately need.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 18, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 19

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine personal gain relating to a transition from public sector to private sector.

SR–253

Foreign Relations

To continue hearings to examine the way ahead in Iraq.

SD–419

10 a.m.

Banking, Housing, and Urban Affairs

To hold an oversight hearing to examine the International Monetary Fund and World Bank.

SD–538

Appropriations

District of Columbia Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2005 for the District of Columbia.

SD–138

Finance

To hold an oversight hearing to examine the Treasury Department and terrorism financing; to be followed by a hearing to examine the nominations of Juan Carlos Zarate, of California, to be an Assistant Secretary of the Treasury, and Stuart Levey, of Maryland, to be Under Secretary of the Treasury for Enforcement.

SD–215

Indian Affairs

Business meeting to consider S.J. Res. 37, to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian Tribes and offer an apology to all Native Peoples on behalf of the United States, and S. 2277, to amend the Act of November 2, 1966 (80 Stat. 1112), to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation.

SR–485

10:30 a.m.

Agriculture, Nutrition, and Forestry

Business meeting to markup an original bill to reauthorize child nutrition programs.

SH–216

11:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 900, to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the pertinent irrigation districts, S. 1876, to authorize the Secretary of the Interior to convey certain lands and facilities of the Provo River Project, S. 1957, to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, S. 2304 and H.R. 3209, bills to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project, S. 2243, to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska, H.R. 1648, to authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuma Project, California, to the Carpinteria Valley Water District and the Montecito Water District, and H.R. 1732, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Williamson County, Texas, Water Recycling and Reuse Project.

SD–366

Aging

To hold hearings to examine Health Savings Accounts and the New Medicare Law, focusing on the future of health care.

SD–628

MAY 20

9:30 a.m.

Environment and Public Works

Clean Air, Climate Change, and Nuclear Safety Subcommittee

To hold an oversight hearing to examine the Nuclear Regulatory Commission.

SD–406

Commerce, Science, and Transportation

To hold hearings to examine SPAM.

SR–253

Judiciary

Business meeting to consider pending calendar items; to be following immediately by oversight hearings to examine the FBI, terrorism, and other topics.

SD–226

10 a.m.

Banking, Housing, and Urban Affairs

To hold an oversight hearing to examine the Extended Custodial Inventory Program.

SD–538

Health, Education, Labor, and Pensions

To hold hearings to examine prescription drug reimportation.

SD–106

Indian Affairs

To hold hearings to examine S. 2382, to establish grant programs for the development of telecommunications capacities in Indian country.

SR–485

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 1672, to expand the Timucuan Ecological and Historic Preserve, Florida, S. 1789 and H.R. 1616, bills to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, S. 1808, to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities, S. 2167, to establish the Lewis and Clark National Historical Park in the States of Washington and Oregon, and S. 2173, to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

SD–366

JUNE 2

9:30 a.m.

Foreign Relations

To hold hearings to examine the greater Middle East initiative.

SD–419

SEPTEMBER 21

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.
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CANCELLATIONS

MAY 19

9:30 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar items.
SD–430

POSTPONEMENTS

MAY 20

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings to examine intellectual property.
SD–138